

Article 4

Standards for Specific Land Uses

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834.4.010 – Purpose of Article

This Article provides locational, site planning, developmental, and operational standards for land uses that are allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards) within individual or multiple zones. These uses require special standards to ensure their compatibility with adjacent land uses and to avoid problems for the community.

834.4.020 - Accessory Structures

- A. Purpose.** This Section specifies how property development standards are applied to different accessory structures based on the placement of the accessory structure on the subject property and its relationship to the primary structure.
- B. Standards.** Accessory structures shall be subject to all of the following requirements and limitations:
1. Where an accessory structure is part of, or joined to the primary structure by a common wall, or where any accessory structure has sleeping or living accommodations, the accessory structure shall be deemed a primary structure for purposes of applying the property development standards of this Zoning Ordinance.
 2. Where an accessory structure, either attached to or detached from the primary structure, is less than six feet from the primary structure, the accessory structure shall be deemed a primary structure for purposes of applying the property development standards of this Zoning Ordinance.
 3. Where an accessory structure is detached and separated from the primary structure by six feet or more, the accessory structure shall not be considered a primary structure for purposes of applying the property development standards of this Zoning Ordinance.
 4. Where an accessory structure is attached to the primary structure by a breezeway roof with an intervening space of six feet or more and where the space is open on at least two sides, the accessory structure shall not be considered a primary structure for purposes of applying the property development standards of this Zoning Ordinance.
- C. Special Setbacks.** See Section 822.3.100 setbacks for accessory structures.

834.4.025 – Agricultural Tourism

- A. Purpose.** This Section specifies businesses conducted on a working agri-business, agricultural, or horticultural operation for the purpose of enjoyment, involvement, and education of visitors and to generate supplemental farm income. The scope and duration of permitted activities are defined in Standards below

B. Standards. Agricultural tourism activities and uses that are clearly secondary and incidental to a working agricultural, horticultural or agri-business operation shall be permitted provided that all of the following standards are met:

1. Lighting:

- a.** All outdoor lighting shall be hooded and directed so as not to shine towards public roads or surrounding properties.

2. Traffic and Access:

- a.** The first 100 feet of the access driveway shall have a minimum width of 18 feet, and be improved with acceptable paving (asphalt, asphalt/concrete, gravel, etc.) or other materials deemed acceptable by the Director of the Department of Public Works and Planning; and
- b.** The agricultural tourism use does not generate more than 100 trips per day, or if, with acceptable ride sharing plan, trips will be reduced to no more than 100 trips per day; or
- c.** The agricultural tourism use is limited to no more than 30 days per year; the facility does not generate more than 150 trips per day, or up to 200 trips per day if deemed acceptable by the Director of the Department of Public Works and Planning. Acceptability will be based on distribution of trips throughout day (minimal peak hour traffic conflicts or activity concentration), and trip generation of primarily passenger vehicles.
- d.** Access to the site shall occur from a County-maintained public road and must be located within ¼ mile of a classified road as shown on the Transportation and Circulation Element of the General Plan unless deemed acceptable by the Director of the Department of Public Works and Planning. Acceptability of uses on local roads will be based on condition and adequacy of the road for the intended use, and anticipated truck or bus traffic generated as a result of either said use or allowable special events associated with said use.

3. Parking – General:

- a.** There shall be at least one off-street parking space for each two permanent employees, and
- b.** The provisions of Chapter 828.3 shall apply.

4. Parking – Special Events: Parking associated with all special event activities shall be provided on-site and improved with acceptable dust palliative and stabilized to reduce

- particulate emissions in accordance with all County and San Joaquin Valley Air Pollution Control District Standards.
5. Buffering - The following standards are applicable to properties within three hundred feet of an existing residence:
 - a. All lighting shall be setback a minimum of fifty (50) feet from the property line boundary; and
 - b. Hours of operation of an agricultural-tourism use shall be limited to the hours of 7:00 a.m. to 10:00 p.m.; and
 - c. All uses shall comply with the noise standards contained in Title 8, Section 40 of the County Ordinance Code.
 6. Special Events - Agricultural-tourism Special Events that are clearly secondary and incidental to the agricultural-tourism activity shall be permitted subject to the following:
 - a. Special and promotional events shall be limited to 25 events per year and last no longer than three consecutive days; and
 - b. Not exceed 150 people on a parcel of land 20-acres or larger in size; or
 - c. Not exceed 125 people on a parcel of land 15-19 acres in size; or
 - d. Not exceed 63 people on a parcel of land 10-14 acres in size.
 7. On-site and Off-site Improvements - To review the proposed project for conformance with the aforementioned standards, and to determine necessary on and off-site improvements, a Site Plan Review shall have been submitted for review and approval by the Director of the Department of Public Works and Planning in accordance with Chapter 854.5 (Site Plan Review) of the Fresno County Zoning Ordinance.

834.4.030 - Additional On-Site Dwellings

- A. **Purpose.** This Section provides standards for the development of additional on-site dwelling units (i.e., accessory dwelling units, second dwelling units, and accessory living quarters). Depending on the location and size of the unit, additional on-site dwellings are either allowed by right or are subject to Director Review and Approval.
- B. **Accessory Dwelling Units.** Accessory dwelling units shall be allowed in any zone in which they are listed as allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), provided the parcel does not contain a second unit or accessory living quarters, subject to all of the following conditions and as modified periodically by the State of California:

1. **Purpose.** The purpose of this Section is to provide regulations for the development of Accessory Dwelling Units and Junior Accessory Dwelling Units through a ministerial process consistent with Government Code Sections 65852.2 and 65852.22. Accessory Dwelling Units expand housing opportunities by increasing the number of housing units available within existing neighborhoods and provide housing generally at lower cost. This Section provides standards to minimize adverse impacts on the public health, safety, and general welfare that may be associated with Accessory Dwelling Units.
2. **Applicability.** Any construction, establishment, alteration, enlargement, or modification of an Accessory Dwelling Unit shall comply with the requirements of this Section and the County's Building Code. An Accessory Dwelling Unit or Junior Accessory Dwelling Unit that conforms to the standards of this Section shall not be:
 - a. Deemed to be inconsistent with the General Plan designation and zone for the parcel on which the Accessory Dwelling Unit or Junior Accessory Dwelling Unit is located.
 - b. Deemed to exceed the allowable density for the parcel on which the Accessory Dwelling Unit or Junior Accessory Dwelling Unit is located.
 - c. Considered in the application of any County ordinance, policy, or program to limit residential growth.
 - d. Required to correct a nonconforming zoning condition. This does not prevent the County from enforcing compliance with applicable building standards in compliance with Health and Safety Code Section 17980.12.
3. **Prohibited Areas/Sites.** Accessory dwelling units and junior accessory dwelling units shall be prohibited in the following areas:
 - a. Low Water Area, as depicted on County of Fresno Low Water Area Map; generally located east of the Friant-Kern Canal or west of Interstate 5.
 - b. Parcels less than two (2) acres with private well and septic system.
4. **Types.** An Accessory Dwelling Unit approved under this Section may be one of the following types:
 - a. **Attached.** An Accessory Dwelling Unit that is created in whole or in part from newly constructed space that is attached to the proposed or existing primary dwelling, such as through a shared wall, floor, or ceiling.
 - b. **Detached.** An Accessory Dwelling Unit that is created in whole or in part from newly constructed space that is detached or separated from the proposed or existing primary dwelling, including an existing stand-alone garage

converted into an Accessory Dwelling Unit. The detached Accessory Dwelling Unit shall be located on the same parcel as the proposed or existing primary dwelling.

c. Converted. An Accessory Dwelling Unit that meets the following requirements:

- (1)** Is entirely located within the proposed or existing primary dwelling or accessory structure, including but not limited to attached garages, storage areas, or similar uses; or an accessory structure including but not limited to studio, pool house, or other similar structure. Such conversion may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure if the expansion is for the sole purpose of accommodating ingress and egress to the converted structure.
 - i.** Is entirely located within a single-family detached primary dwelling and shall consist of the conversion of an existing bedroom.
 - ii.** Is less than 500 square feet.
 - iii.** Has independent exterior access from the primary dwelling.
 - iv.** Has sanitation facilities that are either shared with or separate from those of the primary dwelling.
 - v.** Includes an efficiency kitchen, which includes a cooking facility with appliances, food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- (2) Owner Occupancy Requirements.** Junior Accessory Dwelling Units shall be subject to an owner-occupancy requirement. A person with legal or equitable title to the property shall reside on the property in either the primary dwelling or Junior Accessory Dwelling Unit as that person's legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.
- (3) Deed Restriction.** Junior Accessory Dwelling Units shall be subject to an owner-occupancy requirement. A person with legal or equitable title to the property shall reside on the property in either the primary dwelling or Junior Accessory Dwelling Unit as that person's legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

- i.** Prior to issuance of a Building Permit for Junior Accessory Dwelling Unit, a deed restriction shall be recorded against the title of the property in the County Recorder's office and a copy filed with the Director. The deed restriction shall run with the land and bind all future owners. The form of the deed restriction will be provided by the County and shall provide that:

 - (a)** The Junior Accessory Dwelling Unit shall not be sold separately from the primary dwelling, except as may otherwise be permitted by State law.
 - (b)** The junior Accessory Dwelling Unit is restricted to the approved size and other attributes allowed by this Section.
 - (c)** The deed restriction runs with the land and shall be enforced against future property owners.
- ii.** The deed restriction may be removed if the owner eliminates the Junior Accessory Dwelling Unit, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the Junior Accessory Dwelling Unit has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the Junior Accessory Dwelling Unit has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Ordinance. If the Junior Accessory Dwelling Unit is not entirely physically removed but is only eliminated by virtue of having a necessary component of a Junior Accessory Dwelling Unit removed, the remaining structure and improvements shall otherwise comply with applicable provisions of this Ordinance.
- iii.** The deed restriction is enforceable by the Director or his or her designee for the benefit of the County. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the County is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the Accessory Dwelling Unit in violation of the recorded restrictions or abatement of the illegal unit.

5. Location and Number.

- a. An Accessory Dwelling Unit shall only be allowed on a parcel that is not in a prohibited location specified in Section 3 and is zoned to allow single-family or multi-family dwelling residential uses and includes a proposed or existing dwelling.
- b. **Single-Family Areas.** Accessory Dwelling Units are permitted in single-family areas as follows:
 - (1) **Single-Family Parcel.** Only one attached Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall be allowed on a parcel with a proposed or existing single-family dwelling on it, where the Accessory Dwelling Unit or Junior Accessory Dwelling Unit is:
 - i. Is either within the space of a proposed single-family dwelling, within the existing space of an existing single-family dwelling, or within the existing space of an accessory structure, plus up to 150 additional square feet if such expansion is for the sole purpose of accommodating ingress and egress to the converted structure;
 - ii. Has exterior access that is independent of that for the single-family dwelling; and
 - iii. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
 - (2) **Limited Detached.** One detached new construction Accessory Dwelling Unit shall be allowed on a parcel with a proposed or existing single-family dwelling, in addition to a Junior Accessory Dwelling Unit, if it meets all the following requirements:
 - i. Is detached from the primary dwelling;
 - ii. Is 800 square feet or smaller in size;
 - iii. Has a peak height above grade of 16 feet or less; and
 - iv. Has side and rear setbacks of at least four feet.
- c. **Limitation on Types and Number of Units.** In any single-family area, only the following combination of Accessory Dwelling Units may be provided on a single parcel:
 - (1) Detached Accessory Dwelling Unit and Junior Accessory Dwelling Unit
 - (2) Detached Accessory Dwelling Unit and Attached Accessory Dwelling Unit
- d. **Multi-Family Areas.** Accessory Dwelling Units are permitted in multi-

family areas as follows:

- (1) Converted Spaces within a Multi-Family Development.
 - i. Within any multi-family structure used exclusively for residential use, portions of such structures that are not used as livable space may be converted to Accessory Dwelling Units, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that any such space converted to an Accessory Dwelling Unit complies with minimum State building standards for dwellings.
 - ii. At least one Accessory Dwelling Unit shall be allowed within an existing multi-family structure as long as the total number of Accessory Dwelling Units within the structure does not exceed 25 percent of the existing units.
 - (2) Limited Attached. Up to two detached Accessory Dwelling Units shall be allowed on a parcel where a multi-family structure exists if each of the detached Accessory Dwelling Units meets all the following requirements:
 - i. Has side and rear setbacks of at least four feet; and
 - ii. Is 800 square feet or smaller in size.
- 6. Standards Applicable to All Accessory Dwelling Units. The following standards apply to all Accessory Dwelling Units and Junior Accessory Dwelling Units constructed on or moved to a new site and to the remodeling or rebuilding of existing single-family dwelling or multi-family structure to create an Accessory Dwelling Unit.**
- a. **Parcel Size and Width.** No minimum parcel size or parcel width shall apply for the construction of an Accessory Dwelling Unit.
 - b. **Access.** Every Accessory Dwelling Unit shall have direct exterior access independent of the exterior access of the primary dwelling.
 - c. **Fire Sprinklers.** Fire sprinklers are required in an Accessory Dwelling Unit if they are required in the primary dwelling.
 - d. **Permanent Foundations.**
 - (1) All Accessory Dwelling Units shall be permanently attached to a permanent foundation when installed or constructed in a residential zone district.
 - (2) A recreational vehicle, commercial coach, trailer, motor home, camper, camping trailer, or boat shall not be used as an Accessory Dwelling Unit.

- e. Nonconforming Conditions. The correction of nonconforming zoning conditions is not required in order to establish an Accessory Dwelling Unit on a parcel with a primary dwelling.
 - f. Design.
 - (1) Accessory Dwelling Units shall be designed and constructed to architecturally and aesthetically match the existing single-family dwelling in terms of exterior materials and colors, building elements, structure mass, and roof pitch, as well as any applicable design guidelines.
 - (2) Within any historic district zone or historic district overlay zone, the design of Accessory Dwelling Units shall be consistent with the design and development guidelines applicable to such zones.
 - (3) If the Accessory Dwelling Unit is a manufactured home, the manufactured home shall be erected and permanently attached on a permanent foundation and shall be made to match the primary dwelling in terms of architectural style, exterior materials and colors, and roof pitch.
 - g. No Separate Conveyance. An Accessory Dwelling Unit may be rented, but no Accessory Dwelling Unit, unless otherwise permitted by State law, may be sold or otherwise conveyed separately from the parcel and the primary dwelling in the case of a single-family parcel or from the parcel and all of the dwellings in the case of a multi-family parcel.
 - h. Rental Term. No Accessory Dwelling Unit may be rented for a term that is shorter than 30 days.
 - i. Impact Fees. No impact fees (including school fees) shall be charged to an Accessory Dwelling Unit that is less than 750 square feet in size. Any impact fee charged to an Accessory Dwelling Unit 750 square feet or greater shall be charged proportionately in relation to the square footage of the primary dwelling unit (e.g. the floor area of the primary dwelling, divided by the floor area of the Accessory Dwelling Unit, times the typical fee amount charged for a new dwelling. For the purposes of this paragraph, impact fees do not include any connection fee or capacity charge for water or sewer service.
- 7. Additional Standards Applicable to Attached and Detached Accessory Dwelling Units. The following standards apply only to attached and detached Accessory Dwelling Units.**
- a. Size.

- (1) Detached. May not exceed 850 square feet if it has fewer than two bedrooms or 1,000 square feet if it has two bedrooms. No more than two bedrooms are allowed. A detached ADU shall not exceed 50% of the floor area of the primary dwelling and have a maximum of 1,200 square feet.
 - (2) Attached. May not exceed 850 square feet if it has fewer than two bedrooms or 1,000 square feet if it has two bedrooms. No more than two bedrooms are allowed. An attached Accessory Dwelling Unit shall not exceed 50 percent of the floor area of the primary dwelling. An attached Accessory Dwelling Unit shall not exceed 50 percent of the floor area of the primary dwelling to a maximum of 1,200 square feet.
- b. Height.
 - (1) Single-Story Attached or Detached. A single-story attached or detached Accessory Dwelling Unit shall not exceed 16 feet in height above grade, measured to the peak of the structure.
 - (2) Two-Story. A detached Accessory Dwelling Unit that is constructed with a second story shall be permitted in the AE, AL, A-2, R-R, R-C and R-S zone districts not exceeding the maximum allowable structure height for the area in which it is located. Two-story attached Accessory Dwelling Units shall not exceed the height provisions as provided for in State Law.
- c. Passageways. No passageway, breezeway, or similar connection between structures on the parcel shall be required in conjunction with the construction of an Accessory Dwelling Unit.
- d. Utilities. Attached and detached Accessory Dwelling Units shall require new, separate utility connections directly between the Accessory Dwelling Unit and the utility provider.
- e. Parking.
 - (1) One off-street parking space is required for each attached and detached Accessory Dwelling Unit. The parking requirement for an attached or detached Accessory Dwelling Unit shall be in addition to the parking requirement for the existing residence on the property. This space may be provided as tandem parking, including on an existing driveway. No parking shall be permitted in the front yard other than on the paved driveway. Parking spaces may also be provided through a mechanical vehicle parking lift.
 - (2) No Replacement. When a garage, carport, or covered parking structure providing required parking for the primary residence or residences is demolished to allow for the construction of an Accessory Dwelling Unit or is converted to an Accessory Dwelling Unit, those parking spaces are not required to be replaced.
 - (3) Additional parking for the Accessory Dwelling Unit is not required in the following instances:
 - i. The Accessory Dwelling Unit is located within one-half mile walking distance of public transit, including transit

stations and bus stations.

- ii. The Accessory Dwelling Unit is located within a historic district.
- iii. The Accessory Dwelling Unit is part of the proposed or existing primary residence or an accessory structure.
- iv. When on-street parking permits are required but not offered to the occupant of the Accessory Dwelling Unit.
- v. When there is a designated car share vehicle parking space located within one block of the Accessory Dwelling Unit.

f. Permits.

- (1) Ministerial Accessory Dwelling Unit Permit. Prior to constructing any attached or detached Accessory Dwelling Unit, the property owner shall obtain a Building Permit from the County. The County shall issue the permit within 60 days from the date that the County received a completed application, unless:
 - i. the applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay,
 - ii. the County requires corrections to the Building Permit application, in which case the 60-day time period is tolled until the applicant resubmits a corrected application, or,
 - iii. the Building Permit application is submitted with a permit application to create a new single-family or multifamily dwelling on the

8. Standards Applicable to Converted Accessory Dwelling Units. The following standards apply only to converted Accessory Dwelling Units:

- (1) Setback. No setback is required for a legally existing structure that is converted to an Accessory Dwelling Unit.
- (2) Parking. No additional off-street parking is required for the converted Accessory Dwelling Unit, regardless of if a garage, carport, or covered parking structure is converted into an Accessory Dwelling Unit. If replacement parking is provided, the replacement spaces shall be located in any configuration on the same parcel as the Accessory Dwelling Unit and may include but is not limited to covered spaces, uncovered spaces, or tandem spaces. Replacement parking may only occur on driveways leading to a required parking space or in rear yard on a paved surface, provided such paved area can be easily accessed via the driveway or an alley. No parking shall be permitted in the front yard other than on the paved driveway. Parking spaces may also be provided through a mechanical vehicle parking lift.

- (3) **Building Permit.** The property owner shall obtain a valid Building Permit for the converted Accessory Dwelling Unit, subject to all the standard application and processing fees and procedures that apply to Building Permits generally.

9. Standards Applicable to Junior Accessory Dwelling Units. The following standards apply only to Junior Accessory Dwelling Units.

- (1) **Size.** The total area of floor space for a Junior Accessory Dwelling Unit shall not exceed 500 feet and shall not expand the size of an existing single-family dwelling by more than 150 square feet, provided such expansion is provided solely for the purpose of accommodating ingress and egress.
- (2) **Efficiency Kitchen.** A Junior Accessory Dwelling Unit shall include an efficiency kitchen, requiring and limited to the following components:
 - i. A sink with a maximum waste line drain of one-and-on-half inches.
 - ii. A cooking facility with appliances which do not require electrical service greater than one 120 volts or natural or propane gas.
 - iii. A food preparation counter or counters that total at least 15 square feet in area.
 - iv. Food storage cabinets that total at least 30 square feet of shelf space.
- (3) **Parking.** No additional off-street parking is required for the Junior Accessory Dwelling Unit.
- (4) **Permits.**
 - i. Ministerial Junior Accessory Dwelling Unit Permit. The property owner shall obtain a valid Building Permit for the Junior Accessory Dwelling Unit, subject to all standard application and processing fees and procedures that apply to Building Permit generally. The County shall issue a ministerial permit within 60 days from the date that the County received a completed application, unless either:
 - (a) The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
 - (b) The County requires corrections to the Building Permit application, in which case the 60-day time period is tolled

until the applicant resubmits a corrected application, or,

- (c) The application to create a Junior Accessory Dwelling Unit is submitted with a permit application to create a new single-family dwelling on the parcel. The County may delay acting on the permit application for the Junior Accessory Dwelling Unit until the County acts on the permit application to create the new single-family dwelling, but the application to create the Junior Accessory Dwelling Unit will still be considered ministerial without discretionary review or a hearing.

C. Second dwelling units (discretionary land use permit). Second dwelling units exceeding the location or size limitations of an Accessory Dwelling Unit shall be allowed in any zone in which they are listed as allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), provided the parcel does not contain an accessory housing unit or accessory living quarters, subject to all of the following conditions:

1. General provisions.

- a. A covenant running with the land between the County and the applicant shall be recorded with the County Recorder before the issuance of any Building Permits requiring that one of the dwelling units shall be occupied by an owner of record. If neither of the units is occupied by the property owner, the approval of the second dwelling unit shall terminate immediately and the unit shall not be rented, leased, or occupied as a separate dwelling.
- b. The second dwelling unit may be rented but shall not be sold separately from the primary dwelling unit.
- c. A dwelling unit shall exist on the site before a second dwelling unit may be authorized, unless detailed design data demonstrates that no adverse impacts to surrounding development will result from the waiver of this provision. The primary dwelling unit need not be the original structure on the site.
- d. All property development standards of the zone in which the property is located shall apply, except for the following additional off-street parking requirements: one uncovered parking space or one space in a garage or carport when the district

- e. requires covered parking and one additional parking space, either covered or uncovered. Both spaces shall be provided for the exclusive use of each dwelling unit. If uncovered, this parking space may be located in required setback areas, provided that the required findings can be made: the same number and type of parking that is required for the primary dwelling unit shall be required for the accessory housing unit. [NOTE: State-mandated second dwelling units require only one off-street space, covered or uncovered parking.]
 - f. A mobilehome as a second dwelling unit may be allowed only in zones where allowed as a primary dwelling unit. The provisions of Section 834.4.330 (Single Mobile Home Occupancy Standards) shall apply.
 - g. Adequate water and sewer facilities shall be provided as required by the Health Officer.
 - h. The second dwelling unit shall incorporate the following design features to ensure compatibility with surrounding residential development:
 - (1) **Roofing and siding materials that are visible from off-site shall be similar to or compatible with the primary dwelling unit and adjacent development.**
 - (2) **The applicant shall submit sufficient information to enable the Director to determine the impact to the neighborhood. This information may include but is not limited to a plot plan indicating the location of existing trees and landscaping, on-site and adjacent topographic features, and the location and use of on-site and adjacent structures. Conditions of approval to minimize identified impacts may be required.**
 - (3) **On parcels of land less than 12,500 square feet in area in the RA, R-1-A, R-1-AH, R-1-E, R-1-EH, R-1-B, R-1-C, and R-1 zones an attached second dwelling unit may be allowed up to 900 square feet in size.**
2. The following provisions shall apply in the AE, AL, RR, A1, and R-S zones and to parcels of land greater than 12,500 square feet in area in the RA, R-1-A, R-1-AH, R-1-E, R-1-EH, R-1-B, R-1-C, and R-1 zones:
- a. The second dwelling unit may be either attached to or detached from the primary dwelling unit.
 - b. The second dwelling unit shall not exceed 1,500 square feet in size.
3. The following provisions shall apply to parcels of land that are two acres in area or larger, and within the following zones: AE, AL, A2, RR, A-1, R-S, RA, R-1-A, R-1-AH, R-1-E, R-1-EH, R-1-B, R-1-C, and R-1 zones.

- a. The second dwelling unit may be either attached to or detached from the primary dwelling unit.
 - b. The second dwelling unit shall not exceed 2,000 square feet in size.
- D. Accessory Living Quarters.** Accessory Living Quarters are allowed in all Districts that allow a Single Family Residence, provided the parcel does not contain an Accessory Dwelling Unit or a Secondary Dwelling Unit. Accessory Living Quarters are allowed subject to the following standards:
 - 1. General provisions.
 - a. Accessory living quarters shall be located within an accessory building on the same premises with the primary residence.
 - b. The accessory living quarters shall not exceed 50% of the living area of the primary residence up to a maximum size of 1,200 square feet.
 - c. Occupancy of the accessory living quarters shall be limited to family members or temporary guests of the occupant of the primary residence.
 - d. The accessory living quarters shall not include a kitchen. A bar sink and an undercounter refrigerator are allowed, but no cooking devices are permitted.
 - e. The accessory living quarters shall not be rented separately from the primary residence.
 - f. A covenant, between the County and the property owner, specifying the limited use of this unit, shall be recorded with the County Recorder prior to the issuance of permits.

834.4.040 - Agricultural Commercial and Rural Commercial Centers

- A. Purpose.** These regulations are intended to provide the agricultural and rural residential communities with necessary services within commercial centers.
- B. Commission's and Board's actions.** The Commission's action on an Agricultural Commercial or Rural Commercial Center is final unless appealed to the Board.
- C. Standards.** The following standards apply to Agricultural Commercial and Rural Commercial Centers:
 - 1. The centers may consist of a single use or multiple uses.
 - 2. The location of the centers shall be on sites adequate in size to provide the necessary support services and facilities in compliance with health and safety regulations.

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3. The centers shall be designed and operated in a manner to protect the general public health, safety, and welfare.
- A. **Allowed commercial uses.** The following commercial uses shall be allowed subject to a Conditional Use Permit under the provisions of this Section. The procedure specified in Chapter 842.5 (Conditional Use Permits) shall apply.
1. **Agricultural Commercial Centers.**
- a. Agricultural employment offices.
 - b. Animal hospitals.
 - c. Antique sales.
 - d. Barber shops.
 - e. Bars.
 - f. Beauty shops.
 - g. Building materials sales.
 - h. Commercial grain elevators.
 - i. Communication equipment structures and offices.
 - j. Drug stores.
 - k. Farm equipment and machinery sales, rental, storage, and maintenance.
 - l. Farm labor contractor services.
 - m. Feed and farm supply sales.
 - n. Fertilizer sales (all sales and storage of fertilizer conducted within enclosed structures).
 - o. Flea markets, community auction and sales yards, auction houses, and swap meet activities.
 - p. Grocery stores.
 - q. Hardware stores.
 - r. Irrigation district administrative offices.
 - s. Liquefied petroleum gas storage and distribution, retail.

- t.** Mechanical car wash when operated incidental to and in conjunction with a vehicle service station.
- u.** Medical offices.
- v.** Nurseries.
- w.** One caretaker's residence per commercial use.
- x.** One family dwelling unit, other than caretaker's residence, and not more than one dwelling per parcel.
- y.** Permanent roadside stands for the sale of agricultural products.
- z.** Places of assembly.
- aa.** Private clubs and lodges.
- bb.** Public structures, yards, and fire stations.
- cc.** Real Estate offices.
- dd.** Repair garages.
- ee.** Restaurants.
- ff.** Signs, subject to the provisions of Chapter 830.3 (Signs).
- gg.** Structures not specifically regulated by Section 812.2.030 (Commercial Zone General Development Standards) over two stories or 35 feet in height.
- hh.** The maintenance and storage of trucks and trailers when the vehicles are devoted exclusively to the transportation of agricultural products, supplies and equipment.
- ii.** Variety stores.
- jj.** Vehicle parts sales (new).
- kk.** Vehicle service stations.
- ll.** Veterinarian offices.
- mm.** Video stores.
- nn.** Water well drilling services and/or pump installation services.

- oo.** Welding and blacksmith shops.
- pp.** Wholesale meat cutting and packing, provided there shall be no slaughtering, fat rendering, or smoke curing.

2. Rural Commercial Centers.

- a.** Animal hospitals.
- b.** Barber shops.
- c.** Beauty shops.
- d.** Caretaker's residence where developed as a portion of the commercial structures, or as a mobile home.
- e.** Day nursery - commercial or institutional.
- f.** Feed and farm supply sales (all sales and storage shall be conducted in an enclosed area).
- g.** Grocery stores.
- h.** Hardware stores.
- i.** Ice and food products dispensing machines.
- j.** Laundry, self-service.
- k.** Liquefied petroleum gas storage and distribution, retail.
- l.** Medical offices.
- m.** Newspaper stands.
- n.** Offices:
 - (1)** Administrative.
 - (2)** Medical.
 - (3)** Professional.
 - (4)** Veterinary.
- o.** Personal/Recreational Vehicle Storage facilities for those parcels located within the Sierra-North Regional Plan Area located proximate (within a ¼ mile) to two major roadways as so classified in the Circulation Element of

the General Plan.

- p. Places of assembly.
 - q. Plant nurseries and garden supply stores.
 - r. Restaurants (serving beer and wine with meals only).
 - s. Signs, subject to the provisions of Chapter 830.3 (Signs).
 - t. Temporary or permanent telephone booths.
 - u. Variety stores.
 - v. Vehicle service stations.
 - w. Walk-in, reach-in, cold storage boxes designed to hold refrigerated food and dairy products for sales upon the premises.
- B. Master plan.** A master plan showing the extent and character of the entire proposed planned commercial development including any residual parcel not proposed for commercial development shall be submitted. The master plan shall be submitted with the Conditional Use Permit application. The plan, or accompanying narrative, shall include sufficient information to determine that all requirements of this Zoning Ordinance have been met, including but not limited to the following:
- 1. Proposed uses.
 - 2. Proposed dwellings or caretaker's unit.
 - 3. Proposed Parcelization.
 - 4. Development phasing and timetable.
- C. Property development standards.**
- 1. **Agricultural Commercial Center.** The provisions of the "AC" zone, Section 812.2.030 (Commercial Zone General Development Standards) shall apply to all land and structures.
 - 2. **Rural Residential Commercial Center.** The provisions of the "RCC" zone, Section 812.2.030 (Commercial Zone General Development Standards) shall apply to all land and structures.

834.4.050 - Animal Keeping Standards

- A. Purpose.** This Section identifies the locations, types, and numbers of animals that may be kept, and the methods by which animals shall be kept, raised and maintained, under the

circumstances specified. The purpose of this Section is to ensure that the keeping, raising, and maintenance of animals do not create an adverse impact on adjacent properties by reason of bright lights, dust, fumes, insect infestations, noise, odor, or visual blight. Unless otherwise specified, the offspring of animals are allowed and shall not be counted until they are of weanable age. For the purpose of this Section, weanable age shall mean the following: for dogs and cats, this age shall be four months; for equines, this age shall be one year; for swine, this age shall be eight weeks; and for all other animals, the weanable ages for offspring shall be those ages determined by the Director in consultation with appropriate experts.

B. Standards by zone. The keeping of animals shall be subject to all of the following requirements:

1. “AE” Exclusive Agricultural Zone and “A-1” Agricultural Zone.

a. Uses allowed. The following uses shall be allowed in the “AE” and “A-1” zones:

- (1) Livestock of all kinds for lots greater than two acres in size, except as provided in Subparagraphs b. and c., below. For lots two acres or less in size, the animal keeping standards of the Rural Residential District shall apply.
- (2) Poultry for domestic use including the maintaining, breeding, and raising of poultry for FFA, 4 H, and similar organizations shall not to exceed 500 birds on lots greater than two acres in size. For lots two acres in size or less the provisions of Rural Residential domestic poultry standards shall apply. For lots less than one acre in size, the provisions of the R-1-A and R-1-AH Single Family Residential Zones domestic poultry standards shall apply. Commercial poultry facilities greater than 500 birds shall be subject to the provisions of Section 834.4.290 (Poultry Facility Standards). In all instances, the raising/keeping of roosters for fighting purposes is prohibited.
- (3) Apiaries and honey extraction plants subject to the provisions of Section 834.4.070 (Apiary Standards).
- (4) Breeding and personal kennels on parcels over five acres in size subject to the standards in Section 834.4.210. For parcels in the AE zone of five acres or less, see Subsection b. (Uses allowed subject to Director Review and Approval), below.
- (5) Pigs/swine for domestic use not to exceed four (4) animals.

b. Uses allowed subject to Director Review and Approval. The following uses shall be allowed subject to the provisions of Chapter 846.5 (Director’s Review and Approval) in the “AE” and “A-1” zones:

- (1) Breeding and personal kennels on parcels in the AE zone of five acres or less subject to the standards in Section 834.4.210 except the provisions for density.
- (2) Commercial specialty animal raising, including fish, fur-bearing animals, wild or undomesticated animals, amphibians, insects and birds for products, numerical increase, or, value increase.
- (3) Commercial cattle dairies and feedlot facilities, subject to the provisions of Section 834.4.110.
- (4) Poultry of all kinds, when not allowed by Subparagraph a.(2)., above. Raising/keeping of roosters for fighting purposes is prohibited.

c. **Uses allowed subject to Conditional Use Permit.** The following uses shall be allowed subject to the provisions of Chapter 842.5 (Conditional Use Permits) in the “AE” and “A-1” zones:

- (1) Commercial stock feeding yards and feed lots when not operated as a secondary occupation in connection with, or as part of, a bona fide agricultural operation.
- (2) Boarding and training kennels subject to the standards in Section 834.4.210 except the provisions for density.
- (3) Swine, sheep, or goat feed lots or yards.
- (4) Commercial cattle dairies and feedlot facilities, subject to the provisions of Section 834.4.110.

2. “AL” Limited Agricultural Zone.

a. **Uses allowed.** The following uses shall be allowed in the “AL” zone:

- (1) Livestock of all kinds for lots greater than two acres in size, except as provided in Subparagraphs b. and c., below. For lots two acres or less in size, the animal keeping standards of the Rural Residential District shall apply.
- (2) Rabbits and other similar small fur-bearing animals for domestic use.
- (3) Poultry for domestic use including the maintaining, breeding, and raising of poultry for FFA, 4 H, and similar organizations shall not to exceed 500 birds on lots greater than two acres in size. For lots two acres in size or less the provisions of Rural Residential domestic poultry standards shall apply. For lots less than one acre in size, the provisions of the R-1-A and R-1-AH Single Family Residential Zones domestic poultry standards shall apply. Commercial poultry facilities

greater than 500 birds shall be subject to the provisions of Section 834.4.290 (Poultry Facility Standards). In all instances, the raising/keeping of roosters for fighting purposes is prohibited.

- (4) Apiaries and honey extraction plants subject to the provisions of Section 834.4.070 (Apiary Standards).

b. Uses allowed subject to Director Review and Approval. The following uses shall be allowed subject to the provisions of Chapter 846.5 (Director's Review and Approval) in the "AL" zone:

- (1) Breeding and personal kennels subject to the standards in Section 834.4.210 except the provisions for density.

- (2) Commercial fish farms.

c. Uses allowed subject to Conditional Use Permit. The following uses shall be allowed subject to the provisions of Chapter 842.5 (Conditional Use Permits) in the "AL" zone:

- (1) Boarding and training kennels subject to the standards in Section 834.4.210 except the provisions for density.

3. "A-2" General Agricultural Zone.

a. Uses allowed. The following uses shall be allowed in the "A-2" zone:

- (1) Livestock of all kinds for lots greater than two acres in size, except as provided in Subparagraphs b. and c., below. For lots two acres or less in size, the animal keeping standards of the Rural Residential District shall apply.
- (2) Poultry for domestic use including the maintaining, breeding, and raising of poultry for FFA, 4 H, and similar organizations shall not to exceed 500 birds on lots greater than two acres in size. For lots two acres in size or less the provisions of Rural Residential domestic poultry standards shall apply. For lots less than one acre in size, the provisions of the R-1-A and R-1-AH Single Family Residential Zones domestic poultry standards shall apply. Commercial poultry facilities greater than 500 birds shall be subject to the provisions of Section 834.4.290 (Poultry Facility Standards). In all instances, the raising/keeping of roosters for fighting purposes is prohibited.
- (3) Apiaries and honey extraction plants subject to the provisions of Section 834.4.070 (Apiary Standards).

b. Uses allowed subject to Director Review and Approval. The following uses shall be allowed subject to the provisions of Chapter 846.5 (Director's

Review and Approval) in the “A-2” zone:

- (1) Personal kennels subject to the standards in Section 834.4.210 except the provisions for density.
 - (2) Poultry of all kinds, when not permitted by Subparagraph a.(2)., above. Raising/keeping of roosters for fighting purposes is prohibited.
- c. **Uses allowed subject to Conditional Use Permit.** The following uses shall be allowed subject to the provisions of Chapter 842.5 (Conditional Use Permits) in the “A-2” zone:
- (1) Commercial stables and riding academies.
 - (2) Commercial stock feeding yards and feed lots.
 - (3) Boarding, training and breeding kennels subject to the standards in Section 834.4.210 except the provisions for density.

4. “R-R” Rural Residential Zone.

a. **Uses allowed.** The following uses shall be allowed in the “R-R” zone:

- (1) Bovine animals, horses, sheep, and goats where the lot area is one acre or more and provided that the number thereof shall not exceed a number per each acre equal to four adult animals in any combination of the foregoing animals and their immature offspring with not more than three adult animals of a bovine or equine kind or combination thereof and their immature offspring or not more than six immature bovine or equine animals or combination thereof where no adult animals are kept per each acre. Where the lot is less than one acre in area, but 20,000 square feet or greater in area, horses may be maintained for personal use in a number not to exceed two animals with their offspring less than one year of age.
- (2) Dogs and cats as domestic pets only (limited to three or fewer animals four months of age or older).
- (3) The keeping of rabbits and other similar small furbearing animals for domestic use on a lot containing not less than one acre.
- (4) The maintaining, breeding, and raising of poultry for domestic use not to exceed 100 birds and the maintaining, breeding, and raising of poultry for FFA, 4-H and similar organizations. In no case shall the poultry facility be kept or maintained on a lot containing less than one acre. Raising/keeping of roosters for fighting purposes is prohibited.

- b. Uses allowed subject to Director Review and Approval.** The following uses shall be allowed subject to the provisions of Chapter 846.5 (Director's Review and Approval) in the "R-R" zone:

- (1) Apiaries subject to the provisions of Section 834.4.070 (Apiary Standards).
- (2) Personal kennels subject to the standards in Section 834.4.210 except the provisions for density.

- c. Uses allowed subject to Conditional Use Permit.** The following uses shall be allowed subject to the provisions of Chapter 842.5 (Conditional Use Permits) in the "R-R" zone:

- (1) Boarding, training, and breeding kennels subject to the standards in Section 834.4.210 except the provisions for density.
- (2) Commercial stables and riding academies.

5. "R-A" Single Family Residential-Agricultural Zone.

- a. Uses allowed.** The following uses shall be allowed in the "R-A" zone:

- (1) Bovine animals, horses, sheep, and goats where the lot area is 36,000 square feet or more and provided that the number thereof shall not exceed a number per each 36,000 square feet equal to four adult animals in any combination of the foregoing animals and their immature offspring with not more than three adult animals of a bovine or equine kind or combination thereof and their immature offspring or not more than six immature bovine or equine animals or combination thereof where no adult animals are kept per each 36,000 square feet.

- (2) Rabbits and other similar small fur-bearing animals for domestic or commercial use, provided that no commercial rabbitry or commercial fur-bearing animal pen or coop shall be kept or maintained upon a lot containing less than 36,000 square feet.

- (3) Poultry for domestic use including the maintaining, breeding, and raising of poultry for FFA, 4 H, and similar organizations shall not to exceed 500 birds on lots on lots greater than two acres in size.

For lots two acres in size or less the provisions of Rural Residential domestic poultry standards shall apply. For lots less than one acre in size, the provisions of the R-1-A and R-1-AH Single Family Residential Zones domestic poultry standards shall apply. Commercial poultry facilities greater than 500 birds shall be subject to the provisions of Section 834.4.290 (Poultry Facility Standards). In no case shall the poultry facility be kept or

maintained upon a lot containing less than 36,000 square feet. In all instances, the raising/keeping of roosters for fighting purposes is prohibited.

(4) Apiaries subject to the provisions of Section 834.4.070 (Apiary Standards).

(5) Dogs and cats as domestic pets only.

b. **Uses allowed subject to Director Review and Approval.** The following uses shall be allowed subject to the provisions of Chapter 846.5 (Director's Review and Approval) in the "R-A" zone:

(1) Poultry of all kinds, when not permitted by Subparagraph a.(4)., above.

6. "R-1-A" and "R-1-AH" Single Family Residential Zones.

a. **Uses allowed.** The following uses shall be allowed in the "R-1-A" and "R-1-AH" zones:

(1) Poultry raising (limited to hens only), rabbits, or similar small fur-bearing animals not to exceed 24 of any kind or combination thereof for domestic purposes only. Raising/keeping of roosters for fighting purposes is prohibited.

(2) Horses may be maintained for personal use in the "R-1-AH" zone upon an area not less than 20,000 square feet in area in a number not to exceed two animals, with their off-spring less than one year of age. An additional horse may be allowed for each additional 20,000 square feet of lot area, provided that the total number shall not in any case, exceed four horses.

7. "R-1-E" and "R-1-EH" Single Family Residential Estate Zones.

a. **Uses allowed.** The following uses shall be allowed in the "R-1-E" and "R-1-EH" zones:

(1) All uses permitted in the "R-1-A" zone, Subparagraph 6.a., above, and under the same restrictions, conditions and limitations as specified in Subparagraph 6.a., above.

(2) Horses may be maintained for personal use in the "R-1-EH" zone upon an area not less than 37,500 square feet in a number not to exceed two adult animals with their off-spring less than one year of age. An additional horse may be allowed for each additional 20,000 square feet of lot area, provided that the total number shall not, in any case, exceed four horses.

8. “C-M” Commercial and Light Manufacturing Zone.

- a. Uses allowed subject to Conditional Use Permit.** The following uses shall be allowed subject to the provisions of Chapter 842.5 (Conditional Use Permits) in the “C-M” zone:

- (1) Boarding and training, breeding and personal kennels subject to the standards in Section 834.4.210 except the provisions for density.

9. “R-S” Rural Settlement Zone.

- a. Uses allowed.** The following uses shall be allowed in the “R-S” zone:

- (1) Rabbits and other similar small fur-bearing animals for domestic use on a lot containing not less than 36,000 square feet.
- (2) Poultry for domestic use including the maintaining, breeding, and raising of poultry for FFA, 4 H, and similar organizations shall not to exceed 500 birds on lots greater than two acres in size. For lots two acres in size or less the provisions of Rural Residential domestic poultry standards shall apply. For lots less than one acre in size, the provisions of the R-1-A and R-1-AH Single Family Residential Zones domestic poultry standards shall apply. Commercial poultry facilities greater than 500 birds shall be subject to the provisions of Section 834.4.290 (Poultry Facility Standards). In no case shall the poultry facility be kept or maintained upon a lot containing less than 36,000 square feet. In all instances, the raising/keeping of roosters for fighting purposes is prohibited.
- (3) Bovine animals, horses, sheep, and goats for personal use where the lot area is 36,000 square feet or more. There shall not exceed for each 36,000 square feet of lot area, four adults in any combination of the foregoing animals and their offspring, except that not more than three adult animals of bovine or equine kind or combination thereof and their immature offspring shall be permitted for each 36,000 square feet of lot area.

- b. Uses allowed subject to Conditional Use Permit.** The following uses shall be allowed subject to the provisions of Chapter 842.5 (Conditional Use Permits) in the “R-R” zone:

- (1) Kennels, boarding and training subject to the standards in Section 834.4.210 except the provisions for density.

834.4.060 - Apartment Conversion Standards

- A. Purpose.** This Section specifies how the County shall accept and make final decisions on all Conditional Use Permit applications requesting the conversion of existing rental

apartment units (aka multi-family dwelling units) to condominium, stock cooperative, or community apartment forms of ownership property and the role of the Commission and Board in that decision-making process.

B. Definitions. For the purpose of this Section, the following terms shall have the following definitions.

1. **Children.** Persons under the age of 18 related by adoption, blood, or marriage to the head of the household.
2. **Comparable apartment unit.** A residential unit similar to another residential unit with respect to the number of bedrooms, bathrooms, square feet, and parking spaces.
3. **Community apartment project.** A form of ownership wherein individual buyers purchase an undivided interest in an apartment structure, including the underlying ground and common areas, as co-owners with other buyers and receive in return a right of exclusive occupancy to a particular unit.
4. **Condominium.** A form of ownership wherein individual buyers receive separate ownership of the airspace of a particular unit.
5. **Conversion.** The process of transforming existing rental apartment units under single ownership to a condominium, stock cooperative, or community apartment form of ownership.
6. **Disabled.** A person who suffers from a permanent physical or mental impairment which substantially limits one or more major life activities. Major life activities include hearing, seeing, speaking, breathing, working, learning, caring for oneself, and performing everyday manual tasks.
7. **Elderly.** A person of 62 years or older.
8. **Existing rental apartment unit.** An apartment unit which has been rented and occupied under a valid certificate of occupancy within the 180-day period immediately preceding the date that the application for conversion is filed with the County.
9. **Low-income persons.** Persons and families whose income does not exceed 80 percent of area median income, adjusted for family size by the State Department of Housing and Community Development in compliance with adjustment factors adopted and amended from time to time by the United States Department of Housing and Urban Development in compliance with Section 8 of the United States Housing Act of 1937.
10. **Newly constructed rental apartment unit.** An apartment unit for which a certificate of occupancy was issued within the 12-month period immediately preceding the date that the conversion application was filed with the County.

11. **Stock cooperative.** A corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferrable only concurrently with the transfer of share(s) of stock in the corporation held by the person having the right of occupancy.

C. Conversion limitations.

1. The conversion of existing rental apartment units (aka multi-family dwelling units) to condominium, stock cooperative, or community apartment forms of ownership shall be allowed subject to the limitation that for each rental apartment unit that may be converted, three comparable rental apartment units shall have been newly constructed in the same Community Plan Area within the 12-month period immediately preceding the filing of the application for conversion. Once a newly constructed rental apartment is used as the basis for a conversion by a city, it may not thereafter be used by the County as the basis of a different conversion.
2. Semiannually and 30 days before each established conversion hearing the percentage of existing rental apartment units located within the city and County for a Community Plan Area shall be determined using County land use information. These percentages shall be multiplied by the total number of newly constructed rental apartments within the Community Plan Area to determine an allocation for each jurisdiction. Each jurisdiction's allocation total shall be divided by the conversion limitation applicable in the jurisdiction to determine the maximum number of conversions which may occur.
3. The Director shall maintain a monthly survey for each Community Plan Area in the County, including areas located within incorporated cities, showing the number of rental apartment units newly constructed in the area within the preceding 12 months, including the number of bedrooms and the approximate size of each unit.

D. Notice of application for Conditional Use Permit.

1. The applicant of a Conditional Use Permit requesting conversion of existing rental apartment units to condominium, community apartment or stock cooperative forms of ownership shall submit, as part of the initial application, the names and mailing addresses of all residents of the apartment complex proposed for conversion as of the date the application for conversion was filed with the County.
2. The Director shall give written notice of all public hearings on the conversion application by first-class mail to the residents of the rental apartment complex proposed for conversion.
3. The applicant for conversion shall post, at conspicuous locations throughout the subject apartment complex, notice that an application for conversion to condominium, stock cooperative or community apartment forms of ownership has been filed with the Director. The notice shall state the date of application, the type of conversion

proposed, and the name and telephone number of the applicant's representative available to answer questions on the proposed conversion. The notices shall be posted not more than 24 hours after the filing of the application for conversion and shall remain posted until the date a final decision is made on the Conditional Use Permit. At least one notice shall be posted for each 10 rental units in the subject apartment complex.

- E. Conversion plan.** As part of the application for conversion of existing rental apartment units to condominium, stock cooperative, or community apartment forms of ownership, the applicant shall provide a conversion plan which specifies all of the following information:
1. The number of rental units in the complex proposed for conversion categorized by the number of bedrooms and the number of square feet in each unit.
 2. The most recent rental charge for each apartment category.
 3. The rental charge for each type of unit for the 12 months preceding the date the conversion application was filed.
 4. The number of elderly and disabled persons residing in the apartment complex as of the date of application and also as of 12 months before the date of application.
 5. The number of families with children living in the apartment complex as of the date of application and also as of 12 months before the date of application.
 6. The specific plans which the applicant has to assist the residents of the apartment complex in relocating to new housing.
 7. The specific plans which the applicant has to make available long-term leases to families with school age children, the elderly, or disabled residents of the apartment complex.
 8. If the conversion is proposed to be for "low-income persons," information relating to how the low-income conversion will be accomplished, and a description of the standards to be used by the applicant in determining the low-income status of potential purchasers.
 9. A proposed budget showing the maintenance and operational expenses of the subject apartment complex after conversion. The budget shall include all of the following items:
 - a. The estimated monthly cost of maintenance of landscaping, recreational facilities, and common driveways.
 - b. The estimated monthly cost of maintenance of structures, common mechanical and utility equipment, and any other common maintenance and operational costs to be shared by the owners.

- c. The approximate useful life of common mechanical and utility equipment, the estimated cost of replacement, and the proposed means of paying for replacement.
 - d. The total estimated monthly cost of maintenance, operation, and replacement to be assessed against individual owners.
- 10. An inspection report prepared by the Public Health Department showing whether and the extent to which the subject apartment complex conforms to the requirements of Chapter 15.32 (Substandard Housing and Unsafe Structures). The report shall be informational only and shall not constitute or imply any kind of warranty by the County on the condition or habitability of the apartment units. The applicant shall pay the full cost for the inspection and report.

F. Application.

- 1. **By whom.** Application for a Conditional Use Permit to convert existing rental apartment units to condominium, stock cooperative, or community apartment forms of ownership may be filed by the owner or leasee of the property for which the permit is sought or by the authorized representative of the owner or leasee.
- 2. **Form and content.** Application shall be made to the Commission on forms furnished by the Department and shall be full and complete, including data as may be prescribed by the Commission to assist in determining the validity of the request.
- 3. **Verification.**
 - a. The Director shall verify the accuracy and completeness of the application. The date of verification shall be noted on the application. Verification shall be made within 10 days of the filing of a complete application in compliance with Section 838.5.070 (Initial Application Review).
 - b. In cases where the Director considers the reasons and conditions as specified in the application not within the scope of the Conditional Use Permit procedure, the applicant shall be so informed. If the application is nevertheless filed and fees are accepted, the application shall be signed by the applicant to the effect that the applicant was so informed.
- 4. **Formal acceptance.** If the application is found to be accurate and complete, it shall be formally accepted. The date of formal acceptance shall be noted on the application. Acceptance of the application does not imply approval or that the Department will recommend approval.

- G. Filing fee.** The applicant for a Conditional Use Permit to convert existing rental apartments to condominium, stock cooperative, or community apartment form of ownership shall pay a fee in compliance with the Master Schedule of Fees for the purpose of defraying the costs incidental to the proceeding.

H. Department investigation. The Department shall investigate the facts bearing on the application.

I. Public hearings.

1. Notwithstanding any other provisions of this Zoning Ordinance to the contrary, the months of April and October of each year are established as the hearing dates for Commission consideration of Conditional Use Permit applications for the conversion of exiting rental apartment units to condominium, stock cooperative, or community apartment forms of ownership. The hearing dates shall be set to coincide with the first regularly scheduled meeting of the Commission for the months of April and October. The Director may, in the Director's discretion, schedule a special hearing during the months if the number of applications to be considered warrants the action.
2. All applications accepted for filing by the Department within the 180-day period immediately preceding each hearing date shall be set for hearing on the date. Applications accepted for filing within 15 days of the hearing date, however, shall be set for hearing on the next following hearing date.
3. Notice of the public hearing shall be sent by first-class mail to all owners of property located within a radius of 300 feet of the external boundaries of property described in the application, using for this purpose the last known name and address of the owners as are shown in the latest adopted tax roll of the County. Notice shall also be sent by first-class mail to the residents of the subject apartment complex as of the date the application was accepted for filing by the Department.
4. The notice shall state the time, place and date of the hearing and shall describe the subject matter of the application and the property to which it relates. Notices shall be mailed not less than 10 days before the date set for the hearing in compliance with Chapter 874.6 (Public Hearings).
5. Hearings may be continued from time to time until they are completed in compliance with Chapter 874.6 (Public Hearings).

J. Commission's action.

1. The Commission shall recommend to the Board the approval, approval with conditions, or denial of the application.
2. The Commission shall announce its Board recommendation by resolution within 10 days following the conclusion of the public hearings. The resolution shall be filed with the Clerk of the Board and mailed to the applicant at the address shown in the application.

K. Findings and conditions. In recommending approval of a Conditional Use Permit for conversion of existing rental apartment units to condominium, stock cooperative, or community apartment forms of ownership, the Commission shall first find all of the following:

1. The applicants or their predecessors in interest did not, within the 12-month period immediately preceding the filing of the application:
 - a. Discriminate in the rental of apartment units to the elderly, families with children, or handicapped persons for the purpose of facilitating the conversion; and
 - b. Impose rental increases on the tenants of the apartment complex for the purpose of removing the tenants from their apartments in order to facilitate the conversion;
2. The proposed conversion is consistent with policies and objectives of the General Plan; and
3. The conditions imposed are necessary to protect the public health, safety, and general welfare.
 - a. The conditions may include:
 - (1) Prohibiting discrimination in the sale of converted units to elderly and disabled persons or to families with school age children.
 - (2) Other conditions necessary to minimize the impacts of the conversion.
 - b. The conditions shall include:
 - (1) Incorporating the proposals included in the applicant's conversion plan relative to the payment of relocation assistance to each household which occupied a rental unit in the subject apartment complex as of the date the application for conversion was filed and which is not able to remain in the converted unit because of the conversion. In no event shall a Conditional Use Permit be approved without requiring a minimum relocation assistance payment equivalent to one month's rent to the households. The Conditional Use Permit shall establish the eligibility date for relocation assistance payments.
 - (2) Incorporating the proposals included in the applicant's conversion plan relative to long-term leases in favor of families with school age children, the elderly, and disabled residents of the apartment complex as of the date the conversion application was filed.

L. Conversion standards. In determining which applications for Conditional Use Permits to convert existing apartment units to condominium, stock cooperative, or community apartment forms of ownership will be approved, the Commission shall consider all of the

following factors:

1. Significant adverse impacts of the conversion on the elderly and disabled residents and families with school age children occupying the apartment complex;
2. The proposed budget submitted by the applicant;
3. The report submitted by the Public Health Department relative to compliance of the apartment complex with Chapter 15.32 (Substandard Housing and Unsafe Structures);
4. Whether the proposed conversion will be for low-income persons;
5. The availability of parking spaces within the complex area;
6. Proposals by the applicant to provide extended leases to the elderly, to families with school age children, and disabled residents of the apartment complex as of the date the application was filed;
7. Special amenities available in the complex which include but are not limited to: swimming pools, saunas, recreational areas, open space, and energy conservation measures;
8. Proposals by the applicant to provide relocation assistance to residents of the apartment complex; and
9. Persons who have constructed new apartments in the same Community Plan Area within the 12 months preceding the application period shall be offered preferential consideration.

M. Board's hearing.

1. All recommendations of the Commission on applications for Conditional Use Permits to convert existing rental apartments to condominium, stock cooperative, or community apartment forms of ownership shall automatically be forwarded to the Board for consideration, review, and action at a hearing to be set no later than 60 days after receipt of the Commission resolution recording its recommendation.
2. The hearing shall be de novo consideration of all the matters considered by the Commission.
3. The Board shall give notice in the same manner as prescribed for the Commission hearing.
4. The Board shall approve, approve with conditions, or deny the Conditional Use Permit application. It may add new conditions, delete, or modify any of the conditions recommended by the Commission. Its decision shall be made within 40 days following the close of the hearing. Hearings may be continued from time to time by the Board. A copy of the Board resolution shall be mailed to the applicant at the

address shown on the application.

5. The decision of the Board shall be final unless an appeal is filed with a court of competent jurisdiction within 15 days following the date that the resolution was mailed to the applicant.

834.4.070 - Apiary Standards

- A. **Purpose.** The purpose of this Section is to allow beekeeping in a manner that is respectful of the safety of persons that may be in close proximity to the apiary.
- B. **Standards.** Apiaries and honey extraction plants may be operated in any zone in which they are listed as allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards) subject to the following conditions:
 1. An adequate fresh water supply, of sufficient quantity and quality, shall be made available or exist naturally to prevent the bees from creating a nuisance around any public road, street or highway, residence or other occupied structure. If the County determines that a nuisance exists, then the beekeepers will be required to relocate the beehives in excess of the minimum setbacks established by this Section.
 2. When placed near public roads, bees being used for crop pollination may be placed, in groups not to exceed 20 hives spaced not less than 300 feet apart, 10 feet from the public road right-of-way or 20 feet from the edge of the pavement (which ever distance is furthest, in no case on the public road right-of-way) 10 days before, during and 10 days after the bloom period for almonds and plums during February and March. During crop pollination, no beehives may be placed less than 75 feet from any public road intersection.
 3. Beehives may not be placed less than 100 feet from any public road right-of-way, except as specified in Subparagraph 2., above.
 4. Beehives may not be placed less than 200 feet from any residence or other occupied structure other than that of the property owner or occupant of the property, except by written permission of the persons affected.
 5. Honey extraction plants may be allowed, provided that they be placed not less than 100 feet from any public road, street or highway, residence or other occupied structure other than that of the property owner or occupant of the property, except by written permission of the persons affected.

834.4.080 - Bars and Alcoholic Beverage Drinking Place Standards

- A. **Purpose.** This Section provides standards for bars and alcoholic beverage drinking places that are located within a bona fide restaurant. These standards do not apply to stand-alone bares and alcoholic beverage drinking places.
- B. **Standards.** Bars and alcoholic beverage drinking places that are carried on as a clearly

secondary operation in conjunction with a bona fide restaurant operation may be allowed in any zone in which they are listed as allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), subject to all of the following conditions:

1. The bar or alcoholic beverage drinking place shall be designed as an integrated part of the restaurant within which it is located.
2. The bar or alcoholic beverage drinking place shall be entered only from within the restaurant. There shall be no outside entrance to the bar or alcoholic beverage drinking place except for emergency use only.
3. The bar or alcoholic beverage drinking place shall be operated only during the hours that the restaurant is open for business.
4. The area of any bar or alcoholic beverage drinking place shall not constitute more than 25 percent of the total floor area of the restaurant dining room and bar or alcoholic beverage drinking place.
5. The bar or alcoholic beverage drinking place may not utilize outdoor advertising except in conjunction with the restaurant.

834.4.090 - Bed and Breakfast Inn Standards

- A. **Purpose.** The purpose of this Section is to regulate the establishment and operation of bed and breakfast facilities.
- B. **Standards.** Bed and breakfast operations may be operated in any zone in which a single-family residence is listed as allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), subject to all of the following standards:
 1. The bed and breakfast facility shall be operated by the owner/occupant of the property on which it is located.
 2. Guest occupancy of bed and breakfast facilities shall not exceed 30 consecutive days for each guest.
 3. The bed and breakfast activity may be conducted within a dwelling or an accessory structure involving a maximum of five bedrooms accommodating no more than 10 guests.
 4. Off-street parking for the bed and breakfast facility shall be in compliance with Section 828.3.040 (Number of Parking Spaces Required).
 5. Signs for the bed and breakfast facility shall be in compliance with Chapter 830.3 (Signs).
 6. The bed and breakfast facility shall be limited in employment to residents of the property and a maximum of two nonresident employees for the use.

7. Special and promotional events associated with the bed and breakfast use shall not be permitted.
8. Before establishment of any bed and breakfast operation, a site plan review application shall have been submitted to and approved by the Director in compliance with the provisions of Chapter 854.5 (Site Plan Review).
9. The applicant shall apply for and obtain a permit to operate a food facility from the Health Department, and shall comply with all applicable Health Department requirements. A permit, once issued, is nontransferable.

834.4.100 - Child Day Care Facility Standards

- A. **Purpose.** This Section provides locational and operational standards for the provision of child day care facilities, in compliance with State law.
- B. **Definitions.** For the purpose of this Section, the following terms shall have the following definitions.
 1. **Child day care centers.** A commercial or non-profit child day care facility not operated as a small or large family day care home. Includes infant centers, preschools, and extended day care facilities. These may be operated in conjunction with a business, school, or religious facility, or as an independent land use.
 2. **Child day care homes, large.** A child day care facility located in a single-family residence where an occupant of the residence provides care and supervision for nine to 14 children in compliance with Health and Safety Code Section 1597.465. Children under the age of 10 years who reside in the home count as children served by the day care facility.
 3. **Child day care homes, small.** A child day care facility located in a single-family residence where an occupant of the residence provides care and supervision for eight or fewer children in compliance with Health and Safety Code Section 1597.44. Children under the age of 10 years who reside in the home count as children served by the day care facility.
- C. **Standards.** These standards apply in addition to the other provisions of this Zoning Ordinance and requirements imposed by the California Department of Social Services. The establishment of a child day care facility shall be in compliance with Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), and the following criteria and standards:
 1. **Large child day care home.** A large child day care home shall be allowed subject to the provisions of a Director Review and Approval, Chapter 846.5, provided the proposal meets the following standards.
 - a. Compliance with all County restrictions and regulations on yards, building height, setback, and lot coverage standards in the zone in which the residence is

located;

- b.** The large child day care home shall be the principal residence of the child day care provider and the use shall be clearly incidental and secondary to the use of the property as a residence.
- c.** Is either situated on a lot zoned for single-family dwellings or for multi-family dwellings meets a minimum standard of 75 square feet of outdoor activity space for each child who is ambulatory. The outdoor area must be owned or leased by the applicant and cannot be shared with other property owners unless permission is granted by the joint owners. This space requirement can be waived if the applicant can demonstrate that there is a public park or other public open space area which is within one-quarter mile of the large day nursery;
- d.** Provides parking in accordance with Chapter 828.3 (Parking and Loading Standards);
- e.** Provides adequate access to the facility with minimal disruption to local traffic and circulation;
- f.** Locates all outdoor play equipment at least five feet from the adjacent property line.
- g.** Within urban residential areas, provides a minimum six-foot high solid wall or barrier to enclose all outdoor play areas.
- h.** Is located at least 800 feet from any other large child day care home or child day care center. However, the Director may allow the proposed large child day care home to be located closer than 800 feet if all of the following is first determined:

 - (1)** The closer location will not have an adverse effect on surrounding properties or on vehicular or pedestrian safety in the area;
 - (2)** The proposal for the closer location seeks by design and layout of the site, to minimize noise which may be a nuisance to neighbors; and
 - (3)** The proposal for the closer location does not materially reduce the privacy otherwise enjoyed by the residents of adjoining property.
- i.** Comply with Health and Safety Code 1597.46(d), including compliance with any Statewide standards that have or may hereafter be adopted by the State Fire Marshal specifically relating to the subject of fire and life safety in large family day care homes, including those standards currently specified in the California Building Code; and
- j.** Comply with any conditions imposed by the review authority deemed

necessary to satisfy the requirements of this Section.

2. **Child day care center.** Child day care centers shall regularly provide care, protection, and supervision of children in specified zones. The following provisions, in addition to the provisions of Subparagraph 1., above, shall apply to child day care centers:
 - a. Access shall be only from a collector or arterial street, or a local street if the street is developed primarily with businesses.
 - b. Play areas shall be separated from contiguous residential yards by a six-foot high solid masonry wall.
3. **Institutional child day care center.** Institutional child day care centers shall regularly provide care, protection, and supervision of children when operated in conjunction with and on the same site as a public or private school, place of assembly, or other institutional use which is allowed and established in the zone. Operation of an institutional child day care center shall be subject to approval of a Conditional Use Permit unless determined incidental to a larger use (e.g., a church) and thereby included in the land use permit used to address that use.

834.4.110 – Commercial Cattle Dairy/Feedlot Facility Standards

A. Purpose and intent.

1. The regulations established herein are intended to address the nuisance and environmental problems created from inappropriately located and operated dairy and feedlot facilities.
2. It is necessary that cattle dairy and feedlot facilities be designed to protect the health, safety, and general welfare of the community.
3. These regulations shall apply to all new dairy/feedlot facilities and to conversions and additions to existing dairy/feedlot facilities, with the exception of uses described in Subsection C, below.

B. Definitions. For the purpose of this Section, the following terms shall have the following definitions.

1. **Dairy/feedlot facility.** All barns, shade structures, pens, manure storage areas, corrals, and areas used in conjunction with dairy/feedlot facilities and which are on the same site as the dairy/feedlot operation. When measuring setbacks or required separations, measurements shall be taken from or between the closest of the above described facilities. Areas used for crop production or not otherwise used in the production of milk or cattle shall not be included for purposes of determining setbacks or required separations.

2. **Permitted prior to the adoption of this Ordinance.** Applies to facilities that have all the applicable permits from State agencies and Building Permits from the Department for all structures. A permitted commercial feedlot facility shall have all applicable permits and approval of a Conditional Use Permit.
 3. **Permitted after the adoption of this Ordinance.** Applies to facilities that have approval of the applicable discretionary permit, all applicable permits from State agencies, Building Permits from the Department for all structures, and compliance with all conditions and mitigation measures associated with the approval of the discretionary permit.
- C. **Exceptions.** These regulations shall apply to all new dairy/feedlot facilities and to conversions and additions to existing dairy/feedlot facilities, with the exception that they shall not apply to:
1. The raising or keeping of cattle for grazing or domestic use;
 2. Cattle for Future Farmers of America (FFA), 4H, and similar organizations;
 3. Natural births and attrition so long as that number does not exceed 15 percent of the baseline cattle, as identified by the Regional Water Quality Control Board; and
 4. The repair, maintenance, upgrading, and expansion of legally existing dairy/feedlot facilities provided the work does not increase the capacity of the facility by more than 50 cattle per year.
- D. **Regulations for the expansion of dairy/feedlot facilities permitted prior to the adoption of this Ordinance (October 23, 2007).**
1. **Procedure.** Additions to dairy/feedlot facilities permitted prior to the adoption of this Ordinance, which exceed the criteria listed above, shall be permitted subject to the provisions of Chapter 846.5 (Director's Review and Approval) and the standards outlined in Subparagraphs 2., 3., 4., and 5., below, provided that the expansion does not exceed a capacity of 500 cattle. For expansions that exceed a capacity of 500 cattle, the provisions of Chapter 842.5 (Conditional Use Permits) and the standards outlined in Subparagraphs 2., 3., 4., and 5., below shall apply.
 2. **Siting/development standards.**
 - a. Lagoons and retention ponds that contain wastewater shall maintain a minimum 50-foot separation from the ultimate public road right-of-way line. Conveyances that contain wastewater are exempt from this requirement.
 - b. All proposed confined animal units, and wastewater storage ponds, lagoons, retention ponds, and settling basins that contain wastewater shall be located a minimum of 100 feet from all existing wells.

- c. All proposed wells shall be located a minimum of 100 feet from confined animal units and wastewater storage ponds, lagoons, retention ponds and settling basins that contain wastewater.
 - d. Any development within a designated flood hazard area shall comply with Chapter 15.48 of the County Ordinance Code.
 - e. All proposals could be subject to additional development standards specified during the land use permitting process.
3. **Lagoon and retention pond requirements.** The applicant shall prepare and submit a construction and maintenance plan for any proposed lagoons and/or retention ponds. The construction and maintenance plan shall comply with the following:
- a. All proposed lagoons and retention ponds shall be lined in a manner that conforms to the California Code of Regulations, Title 27, Section 22562, together with additional requirements contained in Order No. R5-2007-0035 of the Central Valley Regional Water Quality Control Board, section B (General Specifications).
 - b. Plans for the design, structure, and maintenance of lagoons and retention ponds shall be designed and signed by a California registered civil engineer or a California registered engineering geologist and shall have a maintenance plan, approved by the Regional Water Quality Control Board.
 - c. All proposed lagoons and retention ponds shall have a marker on the inside slope which clearly indicates the design volume and the minimum freeboard necessary to allow for the 25-year, 24-hour rainfall event. A minimum of two feet of freeboard is required at all times for new and existing retention ponds.
 - d. A flow meter and associated plumbing shall be installed on the effluent line from the lagoon or retention pond.
 - e. All lagoons and retention ponds shall be surrounded by lanes at least 12 feet in width and nothing (e.g., trees, calf pens, hay stacks, silage, tires, or equipment) shall be placed in the area of the holding ponds that would prevent passage or use of vector control equipment.
 - f. Fencing, if proposed, shall be placed on the outside of the lane and gates shall be provided for vehicle access.
 - g. All wastewater system designs shall include a solids separation system. If separator ponds are the exclusive means of solids removal, then two or more solids separator ponds are required. These ponds shall not be greater than 60 feet in surface width.

- h.** Drainage lines shall not by-pass the separator ponds, except those that provide for normal corral run-off. All drain inlets must be sufficiently graded to prevent solids accumulation in the holding ponds.
 - i.** Floatage of any solid substance that could harbor immature mosquito species shall be kept out of all wastewater holding ponds.
 - j.** The owner shall be responsible for keeping vegetative growth from all areas of the wastewater and solids separation ponds. This includes access lanes, interior pond embankments, and any weed growth that might become established as floating mats on the pond surface.
 - k.** All proposed lagoons and retention ponds could be subject to additional requirements specified during the land use permitting process.
- 4. Federal and State regulations.**
 - a.** All proposals shall comply with the effluent limitations established by the Federal Clean Water Act and the terms of any applicable National Pollution Discharge Elimination System Permit.
 - b.** All proposals shall adhere to the provisions set under the California Code of Regulations, Title 27, Division 2, Chapter 7, Subchapter 2, Article 1 and the requirements set by the Regional Water Quality Control Board.
 - c.** All proposals shall comply with the rules and regulations of the San Joaquin Valley Air Pollution Control District (SJVAPCD).
 - d.** All proposals could be subject to additional Federal and State mandated regulations specified during the land use permitting process and/or regulations amended through State and Federal law.
- 5. Application requirements**
 - a.** An application packet for the Classified Conditional Use Permit shall be submitted in compliance with the requirements specified by the Department's Pre-application Review process, in addition to the following, that shall be included in the operational statement:
 - (1)** Number of cattle existing.
 - (2)** Maximum number of cattle proposed.
 - (3)** An emergency action plan covering: fire (including fuel storage), personal injury, and manure storage and handling.

- 8. Notice.** Public notice shall be provided in compliance with the provisions of State Law, County Procedures, and Chapter 846.5 (Director's Review and Approval) or Chapter 842.5 (Conditional Use Permits), whichever is applicable.
- E.** Regulations for new dairy/feedlot facilities and the expansion of dairy/feedlot facilities permitted after the adoption of this Ordinance (October 23, 2007).
- 1. Procedure.** New dairy/feedlot facilities and expansion of dairy/feedlot facilities permitted after the adoption of this Ordinance, which exceed the criteria listed in Subsection A, above, shall be permitted subject to the provisions of Chapter 846.5 (Director's Review and Approval) and the standards outlined in Subparagraphs 2., 3., 4., and 5., below, provided that the expansion does not exceed a capacity of 500 cattle. For proposals that exceed a capacity of 500 cattle, the provisions of Chapter 842.5 (Conditional Use Permits) and the standards outlined in Subparagraphs 2., 3., 4., and 5., below shall apply.
- 2. Siting/development standards.** The following requirements and all those listed in Subsection D, above, shall apply.
- a.** A dairy/feedlot facility shall not be permitted within one mile of a LAFCO-adopted city Sphere of Influence (SOI) boundary, or one-half mile from the nearest point of any unincorporated community plan boundary or Rural Settlement Area, or any residential zone district not within a city SOI.
 - b.** A dairy/feedlot facility shall not be permitted when 10 or more dwellings or a sensitive use (e.g., a school, public park, or hospital) are located within the identified wind shed area (See Diagram "A").
 - c.** A dairy/feedlot facility shall not be permitted when a dwelling other than one owned by the facility owner is located within the identified micro wind shed area (See Diagram "B").
 - d.** All dairy/feedlot facilities shall be set back a minimum of 2,500 feet from all waterways used for public drinking water.
 - e.** All dairy/feedlot facilities shall not be permitted within two miles of the Mendota Wildlife Area.
 - f.** A dairy/feedlot facility shall not be adjacent to parcels located in the Resource Conversation or Open Space zone districts.
 - g.** All dairy/feedlot facilities shall adhere to the applicable United States Department of Transportation (USDOT) separation requirements between confined livestock operations and airports.

Diagram A
Wind Shed Diagram

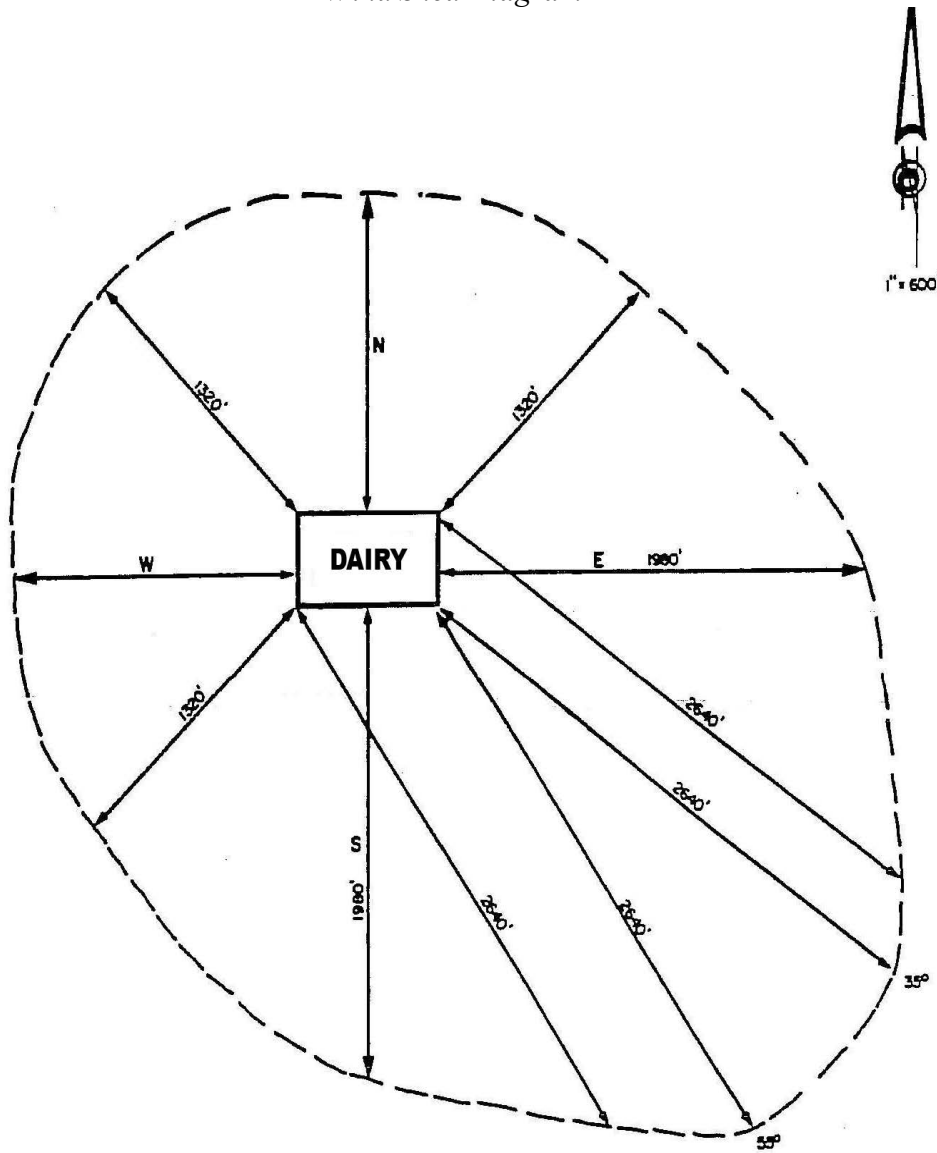
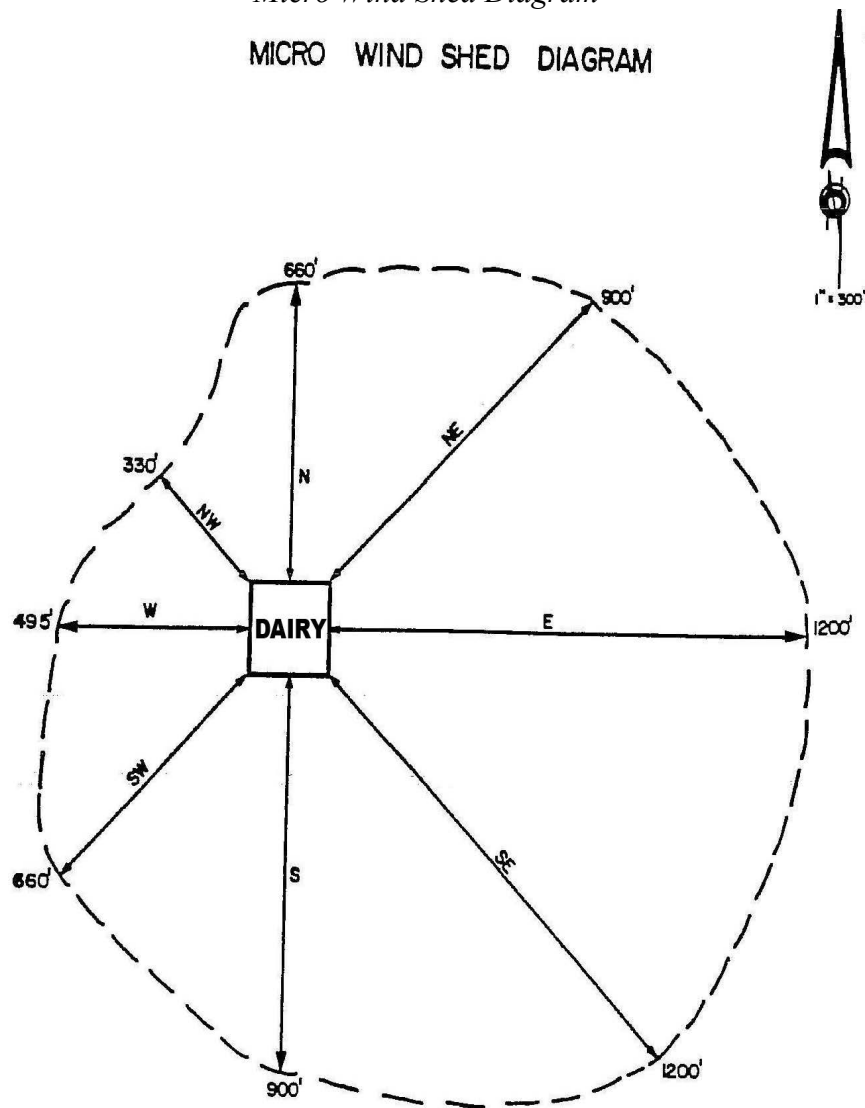


Diagram B
Micro Wind Shed Diagram
MICRO WIND SHED DIAGRAM



3. **Lagoon and retention pond requirements.** All requirements specified in Subsection D, Subparagraph 3., above, shall apply.
4. **Federal and State regulations.** All regulations specified in Subsection D, Subparagraph 4., shall apply.
5. **Application requirements.** The following requirements and all those specified in Subsection D, Subparagraph 5., shall apply.
 - a. The applicant shall prepare and submit a soil monitoring program. The soil monitoring program shall demonstrate compliance with the following:

- (1) Maps and drawings that identify the locations of soil sampling at existing or proposed uncovered animal housing (corrals/pens), manure storage areas, and cropland that will receive manure.
 - (2) A description of how representative soil samples will be collected from each location and at what depth.
 - (3) Specific constituents required for analysis, number of samples and sampling frequency. At a minimum, soil samples for cropland shall be sampled for ammonium, calcium, magnesium, potassium, sodium, nitrate, cation exchange capacity, percent base saturation, soluble salts, selenium, total Kjeldahl nitrogen, phosphorus and pH. At a minimum, soil samples for non-cropland shall be sampled for ammonium, nitrate, soluble salts, total Kjeldahl nitrogen and pH.
 - (4) Sampling shall follow EPA procedures and test methods for soil sampling and analysis.
 - (5) The time of year when sampling will take place and who is responsible for taking the samples shall be identified.
 - (6) Soil sample results, for the initial sampling, shall be submitted within 90 days of the start of operations at the site.
 - (7) Sampling techniques, equipment, sample preservation, analysis, the name of the laboratory and the name of the sampler shall be provided.
- b.** The applicant shall prepare and submit a groundwater monitoring program for review and approval by the California Regional Water Quality Control Board. The groundwater monitoring program shall demonstrate compliance with the criteria listed below:
- (1) A description of groundwater conditions beneath the site including expected depths to the shallow and deep groundwater, expected direction(s) of groundwater flow, and the source of groundwater information (irrigation/water district maps, measurements of on-site wells, and highest anticipated groundwater elevation.
 - (2) A map showing the location of all the proposed monitoring wells and existing on-site wells relative to operations. Provide a separate map showing wells within 1,000 feet of the site.
 - (3) Description of sampling techniques, equipment, sample preservation, analysis, the name of the laboratory, and the name of the sampler, shall be provided.
 - (4) Frequency of groundwater monitoring shall be quarterly and analyzed at a State-certified laboratory.

- (5) Groundwater sampling shall, at a minimum, include the following constituents: ammonium, calcium, potassium, magnesium, sodium, chloride, bicarbonate, selenium, nitrate, sulfate, ammonia, total dissolved solids, total Kjeldahl nitrogen and pH.
 - (6) A minimum of four monitoring wells shall be placed in the following location: up and down gradient of the settling basins and retention ponds, areas of high animal density (e.g., corrals and freestall bams) areas of potential contamination, and fields that are receiving wastewater irrigation. Monitoring wells shall be screened at the shallowest aquifer.
 - (7) Groundwater depth, groundwater elevation and direction of flow shall be determined.
 - (8) For new confined animal facilities, initial water samples shall be taken prior to the start of operation to establish background water quality information.
 - (9) Within 30 days after completion of the monitoring system, a report signed by a registered geologist or civil engineer must be submitted to the Regional Water Quality Control Board. The report shall include a map showing the location of all wells (including monitoring, domestic and irrigation wells) and all off site wells within 1,000 feet of the facility; well logs of the monitoring wells and on-site wells, if available; a description of how the wells were developed; the surveyed elevation of each monitoring well taken from a clearly marked and adequately described benchmark (including GPS coordinates); and lithologic logs, if available.
 - (10) In site-specific cases, where the water table is more than 100 feet below ground surface, the Regional Water Quality Control Board may allow soil monitoring to be substituted for groundwater monitoring.
 - a. All proposals could be subject to additional application requirements specified during the land use permitting process.
6. **Violations and penalties.** If the Director, based upon inspection, determines that the proposed expansion is not in compliance with this Section, the County shall follow the provisions of this Zoning Ordinance for revocation of the DRA or CUP, whichever applicable.
7. **Filing fee.** The applicant for a dairy/feedlot facilities permit shall pay the applicable application fee as prescribed in the Master Schedule of Fees for the purpose of defraying the costs involved in reviewing and processing the application.

- 8. Notice.** Public notice shall be provided in compliance with the provisions of State Law, County Procedures, and Chapter 846.5 (Director's Review and Approval) or Chapter 842.5 (Conditional Use Permits), whichever is applicable.

834.4.120 - Community Clean-Up Waste Drop-off Events -Temporary

- A. Purpose.** The purpose of this Section is to allow community clean-up events in a manner that minimizes impacts on surrounding properties.

- B. Definitions.** For the purpose of this Section, the following term shall have the following definition.

- 1. Community clean-up waste drop-off events.** A facility or event that is established to receive/collect non-hazardous waste (as defined under Title 22 of the California Code of Regulations) from the public as part of a County-sanctioned community clean-up event. These uses are temporary in nature (see Subparagraph C.3.).

- C. Standards.** Community clean-up events shall be permitted in all zones subject to approval of a Temporary Use Permit in compliance with Chapter 858.5 (Temporary Use Permits). All facilities shall comply with the following standards:

1. Traffic.

- a.** Customer attendance shall be limited to no more than 250 customers per day.
- b.** Customer's attendance shall be limited to no more than 25 customers per hour.
- c.** Parking and circulation for all vehicles associated with the event shall be accommodated completely on-site.

2. Location.

- a.** All operational components of the facility shall not be less than 150 feet from an existing residential unit.
- b.** Any site selected must be able to accommodate customer parking and queuing on-site in compliance with Subparagraph 1.c.
- c.** In potentially sensitive archeological/biological areas (generally foothill areas with species listed on the California Natural Diversity Database), any site selected shall be or must have been disturbed in the past (e.g., grading, development). No undisturbed sites shall be selected if located within potentially sensitive archeological/biological areas.

3. Hours/duration of operation.

- a. Hours of operation shall be limited to 6:00 a.m. to 8:00 p.m.
 - b. Customer drop-off shall be limited to the hours between 7:00 a.m. to 6:00 p.m.
 - c. In no case shall a drop-off event operate longer than four total days including site preparation and clean-up and a maximum of two days to receive customers.
 - d. All operations and events shall occur during daylight hours unless lighting is installed or available at the site. All lighting shall be installed/operated in compliance with Subparagraphs 8.a. through c.
- 4. **Maximum tonnage permitted.**
 - a. The maximum amount of waste received by the facility shall be no more than 15 tons per day; and
 - b. The Operator shall obtain an "Enforcement Agency Notification" from the State Local Enforcement Agency (Health Department).
- 5. **Storm-water drainage.** It shall be demonstrated to the County that storm-water shall be contained on-site or conveyed to an appropriate storm-water facility. A drainage plan may be required.
- 6. **Noise.** All facilities authorized shall comply with the noise standards contained in County Ordinance Code Chapter 8.40.
- 7. **Dust control.** For unpaved sites, a dust palliative shall be required as necessary to minimize dust impacts to adjacent sites.
- 8. **Lighting.**
 - a. Lighting shall be utilized during non-daylight hours as approved by the Health Department to ensure safety and to monitor the effectiveness of operations.
 - b. All lighting shall be directed downward and shall be hooded to minimize light and glare on adjacent parcels and roadways.
 - c. All proposed lighting shall be depicted on a site plan.
- 9. **Site restoration.** Within 24 hours of the completion of the event, the site shall be restored to its original condition (restoration shall occur within the total four-day event period specified Subparagraph 3.c. The operator shall be responsible for removing any illegally disposed solid waste at the site after the event.

- 10. Site Plan Review required.** To review the proposed project for compliance with the applicable standards, a Site Plan Review shall have been submitted and approved by the Director in compliance with the provisions of Chapter 854.5 (Site Plan Review).

834.4.130 - Drive-In, -Up, -Through, Kiosks and Mobile Food/Support Facilities and Units Support

- A. Purpose.** The purpose of this Section is to provide adequate waiting areas, restrooms, parking, and ingress and egress to the parking for drive-in, drive-up, and drive-through facilities, and mobile food facilities and mobile support units, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).
- B. Standards.**
- 1. Dairy drive-in.** Adequate ingress and egress and waiting areas shall be provided on the subject parcel. All activities other than actual delivery of the merchandise to the consumer shall be conducted within an entirely enclosed structure.
 - 2. Drive-through kiosks.** As defined in Article 7, facilities shall be limited to 350 square feet of building area and are retail facilities for the sale of items such as food and beverages for motorists. The sale of alcoholic beverages through a drive-through kiosk is prohibited.
 - 3. Drive-in movie.** Adequate waiting area, parking, and ingress and egress to the parking shall be provided on the subject parcel.
 - 3. Drive-in restaurant.** Adequate waiting area, parking, and ingress and egress to the parking shall be provided on the subject parcel.
 - 4. Mobile food facilities and mobile support units.** Adequate restroom facilities and parking, and ingress and egress to the parking shall be provided on the subject parcel.

834.4.130 - Emergency Shelter Standards

- A. Purpose.** This Section provides use and development regulations for emergency shelters in compliance with State law and as defined in Article 7 (Definitions). For property owners or developers seeking to establish an emergency shelter in the unincorporated areas of Fresno County, the emergency shelter facility shall comply with the standards listed in Section B below in compliance with Government Code Section 65583:
- B. Standards.** Emergency Shelters shall be allowed in the C-4 and C-M Zone Districts.
- 1.** In addition to the development standards in the underlying zone, the following standards apply to emergency shelters, where allowed, and each emergency shelter shall comply with the standards specified in this Section. In the event of conflict

between these standards and the underlying zone regulations, the provisions of this Section shall apply.

- a. The facility shall comply with applicable State and local standards and requirements and Federal, State, and local licensing requirements for any program's incidental to the emergency shelter.
- b. Physical characteristics including onsite waiting and intake area, security and lighting.
 - (1) The facility shall comply with applicable State and local uniform Housing and Building Code requirements and shall include a designated indoor onsite waiting and client intake area.
 - (2) The facility shall have on-site security during all hours when the shelter is open.
 - (3) Facilities shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall be directed away from residential areas and public streets.
 - (4) Facilities shall provide secure areas for personal property.
- c. **Maximum number of beds or persons.** Density for emergency shelters will be based on the residential density requirements of the C-4 (Central Trading) District which is one dwelling unit for each two thousand four hundred (2,175) square feet of lot area. When not developed in an individual dwelling unit format, emergency shelters shall not be subject to the underlying zone's maximum unit density standard, but the number of beds shall be limited to three times the maximum number of dwelling units which would otherwise be allowed, (three times one unit per 2,400 square feet of lot area) but shall not exceed 60 beds per shelter.
- d. **Length of Stay.** The maximum term of stay at an emergency shelter is 180 days within a consecutive 12-month period.
- e. **Sufficient parking.** The emergency shelter shall provide on-site parking at a rate of one space for each facility staff member, plus one space for each 10 beds/occupants allowed at the maximum capacity.
- f. **Management.** Emergency shelter management plans shall be prepared and submitted to the Fresno County Director of Public Works and Planning or an authorized designee.
 - (1) A written management plan is required for all emergency shelters.

- (2) The plan shall include provisions for on-site security including lighting, security cameras, knowledge/listing of available emergency service providers (Sheriff's Office, local fire department, and ambulance operators) and other measures as proposed by the operator to provide for adequate health and safety of both clients and management.
 - (3) The plan shall be submitted to the Director of Public Works and Planning or the Director's authorized designee before commencement of operations.
 - (4) The plan shall include a floor plan that demonstrates compliance with the physical standards of this Section.
 - (5) The operator of each emergency shelter shall submit an updated management plan to the Director of Public Works and Planning or the Director's authorized designee when it has been determined that operational modifications have occurred which warrant review.
 - (6) The Board of Supervisors may establish a fee by resolution to cover the administrative cost of review of the required management plan in compliance with the Master Schedule of Fees.
- g. Proximity.** Not more than one emergency shelter is permitted within a 300-foot radius from another emergency shelter.

834.4.130 - Farmworker Housing, Temporary

- A. Purpose.** This Section provides use and development regulations for Temporary Farmworker Housing in compliance with State law and as defined in Article 7 (Definitions).
- B. Standards.**
 1. Shall be allowed solely in the AE and AL Zone Districts.
 2. Shall consist of temporary residential accommodations (e.g., licensed recreational vehicles or travel trailers etc.) to provide for the shelter needs of individuals and families for short-term needs (not to exceed 90 consecutive days). Temporary housing in this manner must be sited on a bona fide commercial agricultural/farming operation (or off-site operations owned or managed by the same agricultural operation).
 3. Temporary Farmworker Housing are limited to twelve individual units at a density that meets the requirements of the Fresno County Local Area Management Plan (LAMP) for properties served by individual septic systems including any available variance provisions.

834.4.160 - Farmworker Housing Complexes

A. Purpose. This Section provides use and development regulations for Farmworker Housing Complexes in compliance with State law and as defined in Article 7 (Definitions). Employee housing for employees and their households consisting of up to thirty-six (36) beds in a group quarters or up to twelve (12) units or spaces designed for use by a single family or household shall be allowed subject to the provisions of this Section. Every person, or agent or officer thereof, constructing, operating, or maintaining a Farmworker Housing Complex shall comply with the requirements of this Section and all applicable health, safety and building codes and standards.

B. Standards.

1. A Farmworker Housing Complex shall be allowed as provided in Section 17021.8 of the Health and Safety Code, in any of the following zone districts that permit agricultural land uses: R-A, R-1-A, R-R, R-1-AH, R-1-E, R-1-EH, AE, AL, RE and O.
2. A Farmworker Housing Complex shall permit the occupancy of employees, regardless of the industry or work performed, where the housing accommodations qualify as employee housing as defined in Section 17008 of the California Health and Safety Code and shall also permit occupancy of employees and the employees' household.
3. A Farmworker Housing Complex provided by the employer and maintained in connection with the work or place where work is being performed must comply with all provisions of Section 17008(a) of the California Health and Safety Code.
4. A Farmworker Housing Complex not maintained in connection with any workplace and provided by someone other than an agricultural employer must comply with all provisions of Section 17008(b) of the California Health and Safety Code, except the requirement that the housing accommodations must be located in a rural area.
5. The minimum parcel size and number of units or beds to establish a Farmworker Housing Complex shall be as follows:

Table 1 – Section 834.4.160 Individual Units or Spaces	
Without Urban Services (Community Sewer and Water)	
Zone District	Number of Units/Spaces
R-A	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
R-R	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel

A-E	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
A-L	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
R-E	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
O	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
R-1-A	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
R-1-AH	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
R-1-E	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
R-1-EH	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
With Urban Services (Access to Community Sewer and Water)	
Zone District	Number of Units/Spaces
R-A	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot
R-R	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot
A-E	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot
A-L	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot
R-E	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot
O	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot
R-1-A	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot
R-1-AH	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot
R-1-E	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot
R-1-EH	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot

Table 2 – Section 834.4.160 Group Quarters without Urban Services (Community Water and Sewer)	
Without Urban Services (Community Sewer and Water)	
Zone District	Number of Units/Spaces

R-A	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
R-R	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
A-E	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
A-L	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
R-E	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
O	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
R-1-A	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
R-1-AH	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
R-1-E	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
R-1-EH	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
With Urban Services (Access to Community Sewer and Water)	
Zone District	Number of Units/Spaces
R-A	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot
R-R	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot
A-E	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot
A-L	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot

R-E	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot
O	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot
R-1-A	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot
R-1-AH	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot
R-1-E	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot
R-1-EH	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot

6. In addition to applicable state law regarding the operation and safety of employee housing Farmworker Housing Complexes must meet the following minimum County standards and as authorized by Section 17021.8(e) of the California Health and Safety Code:
- a. Building Height - The provisions of the underlying zone district shall apply.
 - b. Yards - The provisions of the underlying zone district shall apply.
 - c. Space Between Buildings - The provisions of the underlying zone district shall apply, except that no animal or fowl pen, coop, stable, barn or corral shall be located within forty (40) feet of any dwelling or other building used for human habitation.
 - d. Off-Street Parking for Farmworker Housing Complexes based on individual units (12 units maximum per ~~20-acre~~ parcel) - There shall be at least one (1) designated parking space for every dwelling unit. Spaces must be marked and maintained in a dust-free manner with surfacing such as gravel or other material as approved by the Director of the Department of Public Works and Planning. These spaces shall be on the same lot with the main building which they are intended to serve and located to the rear of the required front yard.
 - e. Off-Street Parking for Farmworker Housing Complexes based on dormitory beds (36 beds maximum per parcel) – The parking standards of 828.3.040 – Club; fraternity or sorority house; rooming or boarding house; or similar structure.

- f. All Farmworker Housing Complexes not connected to community sewer or water shall meet the minimum on-site County separation requirements for well and septic systems and the Fresno County adopted LAMP requirements including any available variance provisions.
 - g. All units constructed shall meet the minimum required building and safety code requirements.
- 7. Conversion - The housing units shall not be converted to any other use unless the conversion is approved by the County of Fresno. Any conversion shall be subject to the applicable zoning ordinance standards at the time of the conversion.
- 8. The Planning Commission may authorize additional beds or units or a combination of group quarters and Farmworker Dwelling Units beyond the limits set in this section through the conditional use permit process, based on the Commission's ability to making specific findings as outlined in Section 842.5.050.B (Required Findings – Conditional Use Permit).
- 9. Permanent units or spaces designed for use by a single family or household and Farmworker Housing Complexes require the completion of a Farmworker Housing verification form prior to building permit application submittal. The verification form shall include information regarding the housing type, number of dwelling units or beds, estimated length of occupancy, estimated maximum number of occupants, anticipated occupants' employment information, or other information that established that the accommodations are to be maintained in connection with any work or place where work is performed and proof that a permit to operate from the California Department of Housing and Community Development (HDC) has been obtained and maintained.
- 10. Permanent units or spaces designed for use by a single family or household and Farmworker Housing Complexes require the completion of a Farmworker Housing verification form prior to building permit application submittal. The verification form shall include information regarding the housing type, number of dwelling units or beds, estimated length of occupancy, estimated maximum number of occupants, anticipated occupants' employment information, or other information that established that the accommodations are to be maintained in connection with any work or place where work is performed and proof that a permit to operate from the California Department of Housing and Community Development (HDC) has been obtained and maintained.

C. Eligible Agricultural Employee Housing Development.

An Eligible Agricultural Employee Housing Development defined in and that satisfies the requirements of Section 17021.8 of the California Health and Safety Code, and as may be amended, is allowed in any of the following zone districts that permit agricultural land uses R-A, R-1-A, R-R, R-1-A, R-1-AH, R-1-E, R-1-EH, AE, AL, RE and O. An

Eligible Agricultural Employee Housing Development is subject to the minimum County standards identified in Section 834.4.160.B.5 above.

834.4.170 – Farmer’s Markets

- A. Purpose.** This Section provides use and development regulations for Farmer’s Markets as defined in Article 7 (Definitions) for sites which serve the community. Proposals shall have a limited operational time period and shall comply with the standards listed in Section B below.
- B. Standards.** Farmer’s Markets shall be allowed in the C-3, C-4 and C-6 Zone Districts as a permitted use and in the R-P Zone District with approval of a Director Review and Approval. All Farmer’s Markets shall be subject to the following standards:
1. Proposals for new Farmer’s Markets must be on an existing and developed commercial site and shall receive approval through a Site Plan Review per the requirements of Chapter 854.5.
 - a. An Operational Statement and Site Plan shall be submitted by the property owner or operator and the Farmers Market shall be operated in a manner consistent with the Operational Statement and Site Plan submitted.
 - b. The Farmers Market shall be operated by the property owner or an authorized operator identified in writing by the property owner.
 2. For products sold at Farmer’s Market events, only the producer or the producers’ parents, children, grandparents and grandchildren or a relative regularly residing in the producer’s household or an employee of the producer may sell products at the market.
 - a. An employee is any person employed by the producer at a regular salary or wage, on either a full or part time basis.
 - b. Proof of status of an employee is provided by an authorized agreement proving that the person selling is an employee of the Qualified Seller.
 - c. An employee may not sell for more than one Qualified Seller at a time.
 - d. A person who is reselling or for whom show compensation is primarily based on a commission on sales is not considered an employee.
 2. The sale and inventory of prepackaged food, provided that such food sales and inventory comply with the requirements of the Department Public Health, Environmental Health Division, and is from an “approved source” and is not a “potentially hazardous food” as defined by the California Health and Safety Code is permitted.

3. Nonagricultural product sales are the on-site sale of nonagricultural products (crafts, jewelry, etc.) produced on and off the property, where the total inventory and sales area for such products is limited to 10% of the total sales area.
4. Prior to operation, clearance from the local fire district must be obtained and provided to Fresno County Department of Public Works and Planning.
5. Portable restrooms and hand washing facilities shall be provided for every Farmers Market event.
6. All roadside parking areas shall be operated pursuant to General Parking Regulation as specified in the CA Vehicle Code. Specifically, parallel parking only (no diagonal or other non-parallel parking. No blocking driveways).
7. The operator and/or property owner shall provide adequate controls or measures to prevent dust, odor or light.

834.4.175 – Fireworks Stands, Temporary/Seasonal

- A. Purpose. This Section provides the allowable locations, zone districts and procedures for establishing seasonal fireworks stands in the unincorporated areas of Fresno County.
- B. Allowable locations and Zone Districts. Temporary seasonal fireworks stands are permitted in the following zone districts and locations.
 1. Commercial (C-1, C-2, C-3, C-4, C-6, CM, AC, RCC, etc.) Zone Districts.
 2. Industrial (M-1, M-2, M-3) Zone Districts.
 3. Professional Office (RP, CP) Districts.
 4. On any parcel that has an existing legal non-conforming retail use.
 5. On any parcel that has an approved CUP or DRA for a commercial use, or for a place of general public assemblage (i.e., church, club, school, Ag Commercial Center or Rural Commercial Center).
- C. Approval Procedures. The selling of safe and sane fireworks shall be permitted in compliance with County Ordinance Code Section 8.36 which includes procedures and conditions for issuance or denial, prohibition on violating permit conditions, prohibited locations, and duration of sales.

834.4.180 - Greenhouse Standards

- A. Purpose.** This Section provides property development standards for greenhouses.
- B. Greenhouse classified.** A greenhouse, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), shall be classified as a structure in determining the parcel coverage.
- C. Property development standards.** The property development standards of the zone shall apply if the structure exceeds the allowed fence height for the zone or if the structure exceeds 100 square feet in area.

834.4.190 - Home Occupation Standards

- A. Purpose and allowed uses.** The following uses and professions shall be classified as home occupations, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), provided they are not of an industrial nature, and when consistent with the Class I or Class II regulations specified in Subsections B. and C., below.
1. Artistic activities (e.g., artists' or sculptors' studios, ceramic workshops, photographic studios, and other similar uses).
 2. Professional occupations (e.g., doctors' or physical therapists' offices, counseling, writing, teaching, designing, inventing [including construction of prototypes], and other similar uses).
 3. General office uses (e.g., realtors, bookkeepers and accountants, contractors' offices, drafting services, telephone answering services, mail order distributorships, and other similar uses).
 4. Home crafts (e.g., model making, rug weaving, lapidary work, jewelry making, leather tooling, metal crafts, wood working, flower arranging, dressmakers, seamstresses, tailors, and other similar uses).
 5. Personal services (e.g., home beauty shops, barbers, color consultants, manicurists, and other similar uses).
 6. Bed and breakfast operations which exceed the limitations specified in Section 834.4.090 (Bed and Breakfast Inn Standards).
 7. Bakery and confectionery product operations, and other similar uses, for home delivery and distribution using delivery vehicles rated no greater than one ton.
- B. Home occupation, Class I.** Home occupations in compliance with the following regulations shall be allowed as accessory uses and no land use permit shall be required in order to establish and maintain the uses:

1. The home occupation shall be clearly incidental and secondary to the use of the site for residential purposes and shall be harmonious with the appearance and character of the surrounding area.
2. The activity may be conducted within a dwelling or attached garage, provided that no more than 50 percent of the combined floor area may be used in the conduct of the home occupation, including related interior or exterior storage and display areas.
3. The home occupation shall not cause the elimination of required off-street parking.
4. There shall be no feature of the dwelling, garage, or property, or any other visible evidence, including the display or storage of products, equipment, vehicles, or supplies, which would indicate the conduct of the home occupation from off the property, except display signs as specified in Subparagraph 6., below.
5. There shall be no sales of products or services on the premises.
6. Advertising display signs shall not be allowed, except as specified in Chapter 830.3 (Signs).
7. Only the residents of the dwelling shall be employed in the conduct of the home occupation.
8. Traffic shall not be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall not create a detrimental effect on the neighborhood and shall be met off-street and outside the front setback and the street side setback.
9. Deliveries from commercial suppliers may not be made more than once each week and the deliveries shall not restrict traffic circulation.
10. There shall be no use of equipment which requires an increase in public utility service or community facilities beyond that normal to the use of the property for residential purposes.
11. Equipment or process shall not be used which creates noise, vibration, electrical interference, glare, fumes, or odors detectable to the normal senses off the property, or which pose a threat to health or safety.

C. Home occupation, Class II. Home occupations in compliance with the following regulations shall be allowed as accessory uses when approved in compliance with the procedures specified in Chapter 846.5 (Director's Review and Approval):

1. The home occupation shall be clearly incidental and secondary to the use of the site for residential purposes and shall be harmonious with the appearance and character of the surrounding area.
2. The activity may be conducted within a dwelling, attached garage, or an accessory structure. The area used in the conduct of the home occupation, including related interior or exterior storage and display areas, shall be specified as a condition of the permit.
3. There shall be no feature of the dwelling, garage, accessory structure or property, or any other visible evidence, including the display or storage of products, equipment, vehicles, or supplies, which would indicate the conduct of the home occupation from off the property except signs as specified in Subparagraph 5., below.
4. The sale of products not produced on the premises shall be incidental to the sale of products produced or services rendered on the premises.
5. A name plate sign as specified in Chapter 830.3 (Signs).
6. The home occupation shall be limited in employment to residents of the property with one nonresident employee allowed for uses on parcels of less than five acres or two nonresident employees allowed for uses on parcels of five acres or larger.
7. Not more than 10 customers or clients shall come to the premises for service or products during any one day, nor shall the use create substantial additional traffic. Any need for parking generated by the conduct of the home occupation shall not create a detrimental effect on the neighborhood and shall be met off-street and outside the front setback and street side setback.
8. Equipment or processes shall not be used which creates excessive noise, vibration, electrical interference, glare, fumes or odors detrimental to the health, safety, peace, comfort and welfare of persons residing in the neighborhood.

834.4.200 - Interstate Freeway Interchange Commercial Development

A. Purpose. These regulations are established for the purpose of:

1. Providing for commercial services that cater primarily to the needs of long-distance freeway users;
2. Ensuring a full range of food, fuel, and lodging services designed as an integrated unit in a manner which provides the greatest convenience to the traveling public;
3. Providing agriculturally-related and value-added agricultural uses serving the needs of the freeway users and the agricultural community;

4. Ensuring architectural and landscape design that will result in an attractive appearance from the highway and a harmonious relationship among the various elements of the development and with the existing landscape; and
5. Protecting the public safety and investment by discouraging the placement of incompatible and hazardous uses around interstate freeway interchanges.

B. Designation of Major and Minor Commercial Centers. Designation of a Major or Minor Commercial Center shall occur through an amendment of the Zoning Ordinance. Commercial uses at interchanges shall be allowed at the following interchanges after a Conditional Use Permit and a Master Plan, as required by Subsection D., below, have been approved under the provisions of this Section.

1. Major Commercial Center.

- a. Panoche Road
- b. Dorris Avenue
- c. Jayne Avenue
- d. Manning Avenue

2. Minor Commercial Center.

- a. Nees Avenue
- b. Derrick Avenue
- c. Lassen Avenue

3. Allowed uses. The Conditional Use Permit procedure specified in Chapter 842.5 (Conditional Use Permits) shall apply. The following uses shall be allowed subject to Unclassified Conditional Use Permit.

- a. Major Commercial Centers.
 - (1) Agritourism.
 - (2) Camper and travel trailer park.
 - (3) Emergency medical facility.
 - (4) Employee housing.
 - (5) Grocery store.

- (6) Mechanical car wash.
- (7) Medical office/clinics
- (8) Motel.
- (9) Public use airport.
- (10) Repair garage.
- (11) Rest and picnic area.
- (12) Restaurant or café.
- (13) Service station.
- (14) Truck service and repair garage.
- (15) Value-added agricultural facilities and uses.
- (16) Variety stores.

b. Minor Commercial Centers.

- (1) Agritourism.
- (2) Camper and travel trailer park.
- (3) Emergency medical facility.
- (4) Grocery store.
- (5) Mechanical car wash.
- (6) Medical office/clinics
- (7) Motel.
- (8) Repair garage.
- (9) Rest and picnic area.
- (10) Restaurant or café.
- (11) Service station.

(12) Value-added agricultural facilities and uses.

(13) Variety stores.

C. Minimum services.

1. Initial development at any interchange shall include a service station. When more than one allowed use is planned for initial construction, the development shall include both a service station and a restaurant.
2. When the initial development at an interchange includes only a service station, any subsequent development shall first include a restaurant.
3. After a service station and restaurant have been constructed at an interchange, any use or combination of uses allowed by this Section may be constructed.

D. Master plan required. A master plan showing the extent and character of the entire proposed development, including the free-standing sign, shall be submitted. Only one master planned area shall be allowed at each quadrant of an interchange. The master planned areas may be expanded by including other properties where the proposed expansion results in a unified design reflecting the purpose and intent of this Section. The master plan shall be submitted with the Conditional Use Permit application. The plan, or accompanying narrative, shall include sufficient information to determine that all requirements of this Section have been met, including but not limited to the following:

1. Proposed uses.
2. Development standards showing setbacks and landscaping.
3. Heights of structures.
4. Architectural design or theme.
5. Development phasing.
6. Services and facilities supporting proposed uses.
7. Architectural design of free-standing sign.

E. Phased construction. The development may be constructed in phases under the following conditions:

1. Phased construction shall conform to the minimum services requirements of Subsection C. (Minimum services), above.

2. All phases shall be indicated on the master plan submitted with the Conditional Use Permit application and required by Subsection D. (Master plan required), above.
3. Each phase shall be subject to detailed site plan review under the provisions of Chapter 854.5 (Site Plan Review).

F. Development standards. In lieu of the zone-driven property development standards, the following development standards shall apply to all land and structures being developed under the provisions of this Section:

1. **Parcel area, dimensions, structure height, and setbacks.**
 - a. Parcel area and dimensions shall be adequate to provide for the development and provide safe and convenient access to the site without interfering with interchange traffic.
 - b. Structure height shall not create hazardous driving conditions as a result of glare or shadowing.
 - c. Access shall be designed to ensure safe and convenient traffic movement to and from the interchange area.
 - d. Setbacks shall be adequate in width and depth to provide for planned landscaping and to ensure safe sight distance for interchange traffic.
2. **Landscaping.** Landscaping shall be provided and maintained in compliance with Chapter 826.3 (Landscaping Standards). Plants and related materials shall be arranged in a manner which is consistent with and complementary to the building design and materials.
3. **Loading.** Off-street loading spaces shall be provided and maintained in compliance with Chapter 828.3 (Parking and Loading Standards).
4. **Off-street parking.** Off-street parking shall be provided in compliance with Chapter 828.3 (Parking and Loading Standards).
5. **Signs.** Signs shall be allowed in compliance with an approved sign program for each Master Plan Areas consistent with the regulations specified in Chapter 830.3 (Signs).

G. Site plan review.

1. Before any structure is erected or parcel created under the provisions of this Section, a site plan reflecting all conditions of approval shall have been submitted to and approved by the Director, in compliance with Chapter 854.5 (Site Plan Review).
2. The site plan shall encompass all of the area shown on the approved master plan.

834.4.210 – Kennel Standards (Dog and Cat Kennels)

- A. Purpose.** These regulations were developed to reduce neighborhood impacts and improve compatibility between kennels/rescue facilities and surrounding land uses.
- B. Standards.** The following standards shall apply for those facilities identified in Section 834.4.050 (Animal Keeping Standards)
1. Animal ratio shall be not more than four (4) adult animals per each thirty six thousand (36,000) square feet, or three (3) adult animals and their immature offspring per each thirty six thousand (36,000) square feet, or not more than six (6) immature offspring where no adult animals are kept per each thirty six thousand (36,000) square feet. This excludes dogs and cats kept as domestic pets only (limited to three (3) or fewer animals four (4) months of age or older).
 2. Six-foot chain link perimeter fencing with privacy screen/slats shall be installed.
 3. If animals are housed inside – adequate soundproofing shall be required.
 4. If animals are housed outside, each animal shall be housed in a separate kennel with privacy screening installed between kennels.
 5. A secondary fence shall be installed around kennel area(s).
 6. Lights shall be hooded and directed to the site.
 7. Night drop off is prohibited.
 8. The facility must be operated with on-site 24 hr. staffing/caretaker.

834.4.220 - Material Extraction Sites

- A. Purpose.**
1. This Section specifies regulations for conducting surface mining and reclamation in a manner consistent with California Surface Mining and Reclamation Act of 1975 (Public Resources Code Sections 2710 et seq.), as amended, hereinafter referred to as “SMARA”, Public Resources Code (PRC) Section 2207 (relating to annual reporting requirements), and State Mining and Geology Board (SMGB) Regulations (hereinafter referred to as “State Regulations”) for surface mining and reclamation practice (California Code of Regulations [CCR], Title 14, Division 2, Chapter 8, Subchapter 1, Sections 3500 et seq.).
 2. The regulations contained herein are created in Ordinance T-061-332 adopted 5-18- 99 and shall apply in all zones.

3. Mineral resources are valuable community assets which shall be safeguarded against preemption by competing or conflicting land uses. However, mineral deposits are frequently located in areas which are also suited for other types of development or are in areas characterized by significant natural resources. Care shall be taken to ensure that mineral resources are recovered efficiently and safely, with minimal disruption to surrounding land uses and environmental values, and that sites are reclaimed to a usable condition which is readily adaptable for alternative land uses.

B. Definitions. For the purpose of this Section, the following terms shall have the following definitions.

1. **Borrow pit.** The excavation created by the surface mining of rock, unconsolidated geologic deposits, or soil to provide material (borrow) for fill elsewhere.
2. **DOC.** The State Department of Conservation, the administrative department for the Surface Mining and Reclamation Act of 1975, as amended.
3. **DOC Director.** The Director of the State Department of Conservation.
4. **Idle.** A surface mining operation curtailed for a period of 12 months or more, by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.
5. **Mined lands.** The surface, subsurface, and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads associated with any area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.
6. **Mining waste.** The residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by, surface mining operations.
7. **Minerals.** Any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.
8. **Operator.** Any person who is engaged in surface mining operations, or who contracts with others to conduct operations, except a person who is engaged in surface mining operations as an employee with wages as sole compensation.

9. **Overburden.** Soil, rock, or other materials that lie above a natural mineral deposit or in between mineral deposits, before or after their removal by surface mining operations.
10. **Reclamation.** The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.
11. **Resoiling.** The process of artificially building or reconstructing a soil profile.
12. **SMARA.** The State Surface Mining and Reclamation Act of 1975, as amended.
13. **SMGB.** The State Mining and Geology Board. The SMGB oversees the administration and enforcement of SMARA.
14. **Streambed skimming.** The excavation of sand and gravel from streambed deposits above the mean summer water level or stream bottom, whichever is higher.
15. **Surface mining operation.** All, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, in place distillation or retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities, borrow pitting, streambed skimming, and segregation and stockpiling of mined materials and recovery of same. A surface mining operation may include the use of equipment, structures, and facilities as are necessary or convenient for the extraction, processing, storage, and transport of materials.

C. Uses allowed subject to Conditional Use Permit.

1. Surface mining operations, including the use of the equipment, structures, and facilities as are necessary or convenient for the extraction, processing, storage, and transport of materials, including but not limited to the following (except for those uses specifically exempted under Subsection D, below), shall first require the approval of a Conditional Use Permit in compliance with Chapter 842.5:
 - a. Sand and gravel separation plants;
 - b. Rock crushers;

- c. Concrete batch plants;
 - d. Asphalt batch plants; and
 - e. Rock, sand, and gravel trucking operations.
- 2. These uses shall be subject to all regulations of this Section and Chapter 842.5 (Conditional Use Permits) (including the public hearing as required under Chapter 842.5). Except as provided in this Section, no person shall conduct a surface mining operation unless a Conditional Use Permit, Mining and Reclamation Plan, and the Financial Assurances for reclamation have first been approved by the County.

D. Exemptions. This Section shall not apply to the following activities:

- 1. Excavation or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster;
- 2. On-site excavation and on-site earthmoving activities which are an integral and necessary part of a construction project which has been approved by the County and which are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site. Surplus materials shall not be exported from the site until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued;
- 3. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less;
- 4. Surface mining operations that are required by Federal law in order to protect a mining claim, if those operations are conducted solely for that purpose;
- 5. Emergency excavations or grading conducted by the State Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies;
- 6. Excavation or grading for the exclusive purpose of obtaining materials for roadbed construction and maintenance conducted in connection with timber operations or forest management on land owned by the same person or entity, where slope stability and erosion are controlled in compliance with the applicable performance standards of the State Reclamation Regulation Sections 3704(f) and 3706 (d) and, upon closure of the site, the person closing the site implements, where necessary, revegetation

measures and postclosure uses in consultation with the Department of Forestry and Fire Protection;

7. Excavation and grading that is conducted adjacent to timber operation or forest management roads and shall not apply to on-site excavation or grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavation for materials that are, or have been, sold for commercial purposes; or
8. Excavation, grading, or other earthmoving activities by the property owner or operator in an oil or gas field that are integral to, and necessary for, on-going operations for the extraction of oil or gas and no excavated materials are sold for commercial purposes.

E. Required submissions. The application for a Conditional Use Permit shall include a Mining and Reclamation Plan. The Plan shall encompass the entire property and shall be separated into phases of operation and reclamation. No phase shall exceed 80 acres. Reclamation of areas previously excavated by the operator in compliance with a nonconforming right or under a previous Conditional Use Permit will not be required unless the areas are proposed for fill or reworking to added depths. The Mining and Reclamation Plan shall include all of the following information and contain sufficient detail to enable the Commission to make the required finding in compliance with Subsection G., below:

1. Project information.

- a. The name and address of the operator and any person designated by the operator as an agent.
- b. The names and addresses of the owners of all surface interests and mineral interests in the lands.
- c. The size and legal description of the lands that will be affected by the surface mining operation including related processing and storage.
- d. A vicinity map.
- e. A map of the subject property including boundaries and topographic details of the land.
- f. Background information on the operator or company's experience with surface mining. (Optional)

2. Environmental data.

- a. A description of the environmental setting of the subject site and surrounding area, including:

- (1) Existing land use including location of all streams, roads, railroads, utility facilities, and structures within, or adjacent to the subject property.
 - (2) Vegetation types and condition.
 - (3) Soil types and condition.
 - (4) Groundwater elevation.
 - (5) Surface water characteristics.
 - (6) Other factors as may be required related to environmental impacts and their mitigation and reclamation.
- b. A geologic description, including the general geologic setting, a detailed description of the geology of the area in which surface mining is to be conducted including principal minerals or rocks present.
 - c. An estimate of the quantity and quality of groundwater and surface water present in the vicinity of the proposed operation.

3. Mining plan.

- a. A site plan which includes all of the following:
 - (1) Existing and proposed roads, including ingress-egress roads and on-site roads; proposed surface treatment and means to limit dust.
 - (2) Processing and storage areas including locations of equipment, structures, and facilities.
 - (3) Proposed setbacks, screening, fencing, gates, parking, and signs.
 - (4) Proposed phasing for the mining operation and reclamation work.
 - (5) Cross section (typical) defining planned slopes, extent of overburden, extent of sand and gravel deposits, and water table.
 - (6) Other data necessary to adequately review the proposal.
- b. A map showing routes between the property and the nearest arterial.
- c. A statement of anticipated quantity and type of minerals for which the surface mining operation is to be conducted.

- d.** A statement of operations including:
- (1)** Commencement date of operations.
 - (2)** Proposed hours and days of operation.
 - (3)** Anticipated duration of operations.
 - (4)** Maximum anticipated depth of the mining operation.
 - (5)** Proposed method of extraction and processing.
 - (6)** Proposed equipment.
 - (7)** Operating practices proposed to be used to minimize noise, vibration, and dust.
 - (8)** An estimate of the quantity and quality of water required by the proposed operation specifying proposed sources, conveyances, quantity and quality, and disposal methods of used and surplus water, and methods to be employed to prevent pollution of surface and/or groundwater.
 - (9)** Disposal methods for tailings or other wastes resulting from any aspect of the proposed operation.
 - (10)** For each standard identified in the Mining and Reclamation Standards (see Subsection I., below) the operator shall specify how the requirement will be addressed in the mining operation. The implementation proposal for each standard shall be site specific, measurable, and verifiable. The list will be the basis for compliance determinations during annual inspections. (The list may be combined with that required in Subparagraph 4.a.(8), below.)

4. Reclamation plan.

- a.** A description of planned reclamation of the subject site including the following:
- (1)** Description of the proposed use of the mined lands after reclamation.
 - (2)** Evidence that all owners of a possessory interest in the land have been notified of the proposed use.
 - (3)** Description of the manner in which reclamation, adequate for the proposed use will be accomplished, including the following:
 - (a)** The manner in which contaminants will be controlled and mining waste will be disposed.
 - (b)** The manner in which affected streambed channels and stream

banks will be rehabilitated to a condition minimizing erosion and sedimentation.

- (4) Time schedule for the completion of surface mining on each segment of the mined lands.
 - (5) The phasing plan for reclamation activities and schedule for completion.
 - (6) Statement of how reclamation of the site may affect future on-site mining and mining in the surrounding area.
 - (7) Measures proposed to protect public health and safety with consideration given to the degree and type of present and probable future exposure of the public to the site.
 - (8) For each standard identified in the Mining and Reclamation Standards (see Subsection I., below) the operator shall specify how the requirement will be addressed in the reclamation activity. The implementation proposal for each standard shall be site specific, measurable, and verifiable. The list will be the basis for compliance determinations during annual inspections. (The list may be combined with that required in Subparagraph 3.d.(10), above.)
 - (9) Type of Financial Assurances proposed.
 - (10) The disposition of any equipment or structures.
- b. A site plan showing the reclamation proposal including:
- (1) New contouring.
 - (2) Water features and methods planned to overcome stagnation.
 - (3) Vegetative planting.
 - (4) Access and treatment thereof.
 - (5) Phasing.
- c. A soil salvage plan and if proposed for refill, definition of refill material, and probable sources.

F. Processing of the Mining and Reclamation Plan. The Mining and Reclamation Plan shall be processed as a part of the Conditional Use Permit application in compliance with the provisions of Chapter 842.5 (Conditional Use Permits). The following provisions shall also apply to processing of the Mining and Reclamation Plan.

- 1. The following notices and requests for comments shall be given:

- a.** State Department of Conservation.

 - (1)** The Department shall notify the DOC Director of the acceptance of an application for a Conditional Use Permit and Mining and Reclamation Plan for a surface mining operation, or an amendment within 30 days of acceptance.
 - (2)** Before approval of the Mining and Reclamation Plan, an amendment, or Financial Assurances, the Department shall submit, by certified, return receipt requested mail to the DOC Director, the Mining and Reclamation Plan, information prepared in compliance with CEQA and any other pertinent information for use in the review of the Plan along with a certification from the Director that the Mining and Reclamation Plan is in compliance with the applicable requirements of Article 1 of the State Regulations, specified in Subsections E. and I. The DOC Director shall have 30 days from the receipt of the information in which to prepare written comments. The review period for Financial Assurances shall be 45 days. The Financial Assurances may be processed and reviewed separately but mining work shall not commence until all reviews are completed.
- b.** State Department of Transportation. Whenever a mining operation is proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and is within one mile, up or down-stream, of any State highway bridge, the Department shall notify Caltrans that the application has been received. Caltrans shall have not more than 45 days to review and comment on the proposed operation. The County may not issue nor renew a permit until a comment has been received or the 45-day review period has lapsed, whichever occurs first.
- 2.** The Department shall evaluate any written comments from the DOC Director and prepare a written response describing the disposition of the major issues raised. If the County's position is at variance with the DOC Director's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of the written comments and responses shall be forwarded to the operator/applicant.
- 3.** The Commission may not take action on the Conditional Use Permit and Mining and Reclamation Plan until the DOC Director's 30-day review period has ended and a written response to any comments has been prepared. In addition to the findings specified in Chapter 842.5, the Commission shall make a finding on the Mining and Reclamation Plan in compliance with Subsection F. The Conditional Use Permit approval shall be conditioned upon acceptance of Financial Assurances by the Director.
- 4.** Before any mining or reclamation activity is begun or any structure is erected, a site plan reflecting all conditions of approval shall have been submitted to and approved by the Director, in compliance with the provisions of Chapter 854.5 (Site Plan

Review). The site plan shall encompass all of the area shown on the approved Mining and Reclamation Plan.

5. The Director shall not approve the Site Plan Review application for the mining operation and the mining operation may not commence until the DOC Director's 45-day review period for Financial Assurances is complete, a written response has been prepared for any comments, and the Director has accepted the Financial Assurances.
6. Following the approval of the Conditional Use Permit, Mining and Reclamation Plan, and Financial Assurances, or any amendments, the Department shall forward a copy of the Conditional Use Permit for surface mining operations, the approved Mining and Reclamation Plan, and the approved Financial Assurances to the State Department of Conservation.
7. When a Reclamation Plan is processed without the need for a Conditional Use Permit (e.g., on Federal lands), the procedures of Chapter 842.5 (Conditional Use Permits), including a public hearing, shall apply.

G. Findings for approval. In addition to findings required by the Chapter 842.5 (Conditional Use Permits), the approval of a Conditional Use Permit for a surface mining operation shall be subject to the following finding: the Mining and Reclamation Plan has been reviewed for compliance with the Regulations for Surface Mining and Reclamation, Section 834.4.220 (Development of Material Extraction Sites), and meets the applicable requirements.

H. Financial assurances.

1. To ensure that reclamation will proceed in compliance with the approved Mining and Reclamation Plan, the County shall require, as a condition of approval, security which will be released upon satisfactory performance. The applicant may pose security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the County and the SMGB as specified in State regulations, and which the County reasonably determines are adequate to perform reclamation in compliance with the surface mining operation's approved Mining and Reclamation Plan. Financial Assurances shall be made payable to the County of Fresno and the State Department of Conservation.
2. Financial Assurances will be required to ensure compliance with elements of the Mining and Reclamation Plan, including but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability, erosion and drainage control, and disposal of hazardous materials.
3. Cost estimates for the Financial Assurances shall be submitted to the Department for review and approval before the operator securing Financial Assurances. The Director shall forward, by certified mail return receipt requested, a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If DOC does not

- comment within 45 days of receipt of these estimates, it shall be presumed that the cost estimates are adequate, unless the County has reason to determine that additional costs may be incurred. The Director shall then have the discretion to approve the Financial Assurances if it meets the requirements of this Section, SMARA, and State regulations.
4. The amount of the Financial Assurances shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved Mining and Reclamation Plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities in the upcoming year. Cost estimates shall be prepared by a California-registered professional engineer and/or other similarly licensed and qualified professional retained by the operator and approved by the Director. The estimated amount of the Financial Assurances shall be based on an analysis of physical activities necessary to implement the approved Mining and Reclamation Plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial Assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved Mining and Reclamation Plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of 10 percent shall be added to the cost of Financial Assurances.
 5. In projecting the costs of Financial Assurances, it shall be presumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the County or DOC may need to contract with a third party commercial company for reclamation of the site.
 6. The Financial Assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed including any maintenance required.
 7. The amount of Financial Assurances required of a surface mining operation for any 12 months shall be adjusted annually to account for new lands disturbed by the surface mining operation, inflation, and reclamation of lands accomplished in compliance with the approved Mining and Reclamation Plan. The Financial Assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the operator may not claim credit for reclamation scheduled for completion during the coming year. The updated cost estimates shall be considered during the Department's annual inspection and accepted thereafter if further adjustment is not required. Any required changes shall be completed and submitted within 30 days of notice from the County.
 8. Revisions to Financial Assurances shall be submitted to the Director for approval by July 1st each year. The Financial Assurances shall cover the cost of reclamation of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the Financial Assurances are not

required, the operator shall explain, in writing, why revisions are not required.

I. Mining and reclamation standards. The standards for surface mining operations and reclamation shall be as follows:

1. Extraction of material or overburden shall not be allowed within 25 feet of any property boundary nor within 50 feet of a boundary contiguous with a public road right-of-way or recorded residential subdivision.
2. Stockpiled soil or material shall not be placed closer than 25 feet from a property boundary.
3. Production from an open pit shall not create a slope steeper than 2:1 within 50 feet of a property boundary nor steeper than 1½:1 elsewhere on the property, except steeper slopes may be created in the conduct of extraction for limited periods of time before grading the slope to its reclamation configuration, and slopes of 1:1 may be maintained five feet below the lowest water table on the property, experienced in the preceding three years.
4. Security fencing four feet in height consisting of not less than three strands of barbed wire, or an approved equivalent, shall be placed along any property line abutting a public right-of-way and around any extraction area where slopes steeper than two feet horizontal to one-foot vertical are maintained. The interior fencing will not be required where exterior fencing surrounds the property.
5. Screening of the site shall be achieved by planting trees of a variety approved by the Director along all property lines adjacent to a public road right-of-way or a recorded residential subdivision. Adequate screening can generally be achieved with evergreen trees planted in two staggered rows, with 20 feet between the rows and between the trees in each row. As an alternative, oleanders or shrubs of a similar size and density may be planted in the same pattern at 10-foot intervals. The plant species and planting plan and timetable shall be designated in the Mining and Reclamation Plan. All required plants shall be maintained in a good horticultural manner. In areas where it is found that the planting of trees or shrubs will not achieve the desired screening effect due to soil conditions, the Director may approve an alternate method of screening consisting of meandering dirt berms of sufficient height to screen the site.
6. The first 100 feet of access road(s) intersecting with a County maintained road shall be surfaced in a manner approved by the Board and shall not exceed a two percent grade and shall have a width of not less than 24 feet.
7. Where an access road intersects a County maintained road, it shall be improved with a driveway approach constructed to County Standards.
8. All interior roads within the site shall be maintained so as to control the creation of dust.

9. Traffic control and warning signs shall be installed as required by the Commission at the intersection of all private roads with public roads. The placement, size, and wording of these signs shall be approved by the Director.
10. When the plan calls for resoiling, coarse hard mine waste shall be leveled and covered with a layer of finer material or weathered waste. A soil layer shall then be placed on this prepared surface. Surface mine operators who do not salvage soil during the initial operations shall attempt, where feasible, to upgrade remaining materials. The use of soil conditioners, mulches, or imported topsoil shall be considered where revegetation is part of the Mining and Reclamation Plan and where the measures appear necessary. It is not justified; however, to denude adjacent areas of their soil, for any denuded areas shall in turn be reclaimed.
11. The species selected for revegetation shall be those with good survival characteristics for the topography, resoiling characteristics, and climate of the mined area. The operator shall provide a schedule and methodology for monitoring vegetation and replacing vegetation should the Department determine that replacement is necessary.
12. Additional vegetative planting may be required in the interest of erosion control.
13. Grading and revegetation shall be designed to minimize erosion and to convey surface runoff to natural drainage courses or interior basins designed for water storage. Basins that will store water during periods of surface runoff shall be designed to prevent erosion of spillways when these basins have outlet to lower ground.
14. Stockpiles of overburden and minerals shall be managed to minimize water and wind erosion.
15. Erosion control facilities (e.g., settling basins, ditches, stream bank stabilization, and dikes) shall be constructed and maintained where necessary to control erosion.
16. Extraction operations adjacent to any flowing stream shall be separated from the stream by closed dikes. No extractions within the stream shall be allowed.
17. All water utilized in the plant operation shall be disposed of behind a closed dike so that it will not cause impairment of water in any stream.
18. Operations shall be conducted to substantially prevent siltation of groundwater recharge areas.
19. Settling ponds or basins shall be constructed to prevent potential sedimentation of streams at operations where they will provide a significant benefit to water quality.
20. Good operating practices shall at all times be utilized to minimize noise, vibration, dust, and unsightliness. In reviewing a proposal, the Commission shall consider:
 - a. The location of the processing plant.

- b.** The location where unused equipment will be stored.
 - c.** Proposals for the removal of all structures, metallic equipment, debris, or objects upon conclusion of the extraction operations.
- 21.** Operating hours may be limited to designated periods except during periods of public emergency affecting the health and welfare of the community requiring continuous operation.
- 22.** Any night lighting established on the property shall be arranged and controlled so as not to illuminate public rights-of-way or adjacent properties.
- 23.** Processing and storage yards shall be centrally located on the site, whenever possible.
- 24.** All surface mining operations and reclamation activities shall be conducted consistent with all policies of the General Plan's Noise Element.
- 25.** The Director shall consider the potentially adverse environmental effects of surface mining operations and shall generally require that:
 - a.** Disturbances of vegetation and overburden in advance of mining activities be minimized.
 - b.** Sufficient topsoil be saved to perform site reclamation in compliance with the Mining and Reclamation Plan.
 - c.** All reasonable and practical measures be taken to protect the habitat of fish and wildlife.
 - d.** Temporary stream or watershed diversion be restored.
 - e.** Permanent piles or dumps of mine waste rock and overburden be stabilized and not restrict the natural drainage without suitable provisions for diversion and toxic materials be removed or confined to control leaching.
- 26.** Reclamation of mined lands shall be implemented in compliance with the applicable performance standards specified in the State Regulations Sections 3703 et seq. pertaining to the subjects listed below:
 - a.** Wildlife habitat.
 - b.** Backfilling, regrading, slope stability, and recontouring.
 - c.** Revegetation.
 - d.** Drainage, diversion structures, waterways, and erosion control.
 - e.** Prime and other agricultural land reclamation.

- f. Structure and equipment removal.
- g. Stream protection including surface and groundwater.
- h. Topsoil salvage, maintenance, and redistribution.
- i. Tailing and mine waste management.
- j. Closure of surface openings.

(NOTE: The performance standards are detailed in the Department's application materials for Mining and Reclamation Plans.)

J. Exception to standards.

1. The approved Mining and Reclamation Plan shall be complied with. The Director may, upon written request, approve, subject to limitations imposed by other provisions of law or regulation, minor deviations that are determined not to be significant, will have no adverse effect upon nearby properties and will not constitute a nuisance. A minor deviation may include a change in the excavation phasing and subsequent reclamation phasing; the type of plant materials along the public right-of-way; or operational requirements. In no case will a minor deviation be approved that is in conflict with any condition of the approved Conditional Use Permit, or standard or condition of this Section, unless previously approved by the Commission or Board. Proposed revisions to setbacks, hours or days of operation, life of the permit or additional uses or activities are not to be considered minor deviations.
2. The Commission may grant an exception to any standard specified in this Section upon written request when the exception will not result in a hazardous condition; the cost of strict compliance would be unreasonable in view of all the circumstances; it is consistent with the planned or actual subsequent use(s) of the mining site; the replacement provision is no less stringent than the initial standard; and the exception will not adversely affect property or persons in the area. The request may be filed with the original or a subsequent application and shall include a complete statement of justification.

K. Special conditions.

1. Where the reclamation work on any phase is not completed within the time period specified in the approved Mining and Reclamation Plan or as extended by the Director, the County or its contractor may enter upon the operator's premises to perform the work and use the financial assurance security funds to pay for the associated costs of the work. In the event the operator fails to complete reclamation work as required in this Section and the security as specified in this Section is not sufficient for the cost of reclamation work, the operator shall then be liable to the County for the cost of any work required to be performed by the County in

- compliance with the Mining and Reclamation Plan. Where the County is authorized to enter upon property to cause work to be done, the Conditional Use Permit may be revoked by the Board upon 30 days written notice first being given to the operator.
2. Before the excavation of any material, the operator shall execute a recordable agreement, binding upon the operator's successors, heirs or assigns, covenanting to perform all reclamation in the manner specified by the approved Conditional Use Permit and Mining and Reclamation Plan. The responsible person(s) shall agree to pay all court costs, attorney fees and interest at the legal rate from the date on which the costs have been incurred and further shall waive any and all defenses, legal or equitable, if an action at law is instituted to enforce the provisions of the agreement. The owner(s) shall execute a recordable agreement, binding upon the owner's successors, heirs or assigns, which shall permit the County to enter upon the property to enforce completion of the Mining and Reclamation Plan.
 3. Reclamation work in any phase shall proceed in a manner which ensures that no excavated area within that phase is allowed to remain in an unreclaimed state for more than three years. Reclamation of any phase shall be completed within 12 months of commencing operation in any subsequent phase.

L. Interim Management Plan.

1. Within 90 days of a surface mining operation becoming idle, the operator shall submit to the Department a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of this Section and the conditions of the Conditional Use Permit for the site and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. Application shall be made for a modification of the Conditional Use Permit. The proposed IMP shall be processed as an amendment to the Mining and Reclamation Plan as specified in Subsection F., above, including the 30-day review by the DOC Director. IMPs shall not be considered a project for the purposes of environmental review.
2. The Financial Assurances for an idle operation shall be maintained as though the operation were active.
3. Within 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Director and the operator, the Commission shall review and approve or deny the IMP in compliance with this Section. If there are deficiencies in the Plan, the operator shall have 30 days, or a longer period mutually agreed upon by the operator and the Director, to submit a revised IMP. The Commission shall approve or deny the revised IMP within 60 days of receipt. If the Commission denies the revised IMP, the operator may appeal that action to the Board. The appeal hearing shall be scheduled within 45 days from the filing of appeal or a longer period if mutually agreed upon.
4. The IMP may remain in effect for a period not to exceed five years. At that time, upon application by the operator, the Commission may renew the IMP for another

period not to exceed five years if the operation is in full compliance with the IMP, or require the operator to commence reclamation in compliance with its approved Mining and Reclamation Plan.

M. Operator's annual report requirements.

1. The surface mining operator shall forward an annual surface mining report to the State Department of Conservation and to the Department on a date established by DOC, upon forms furnished by SMGB. The State's prescribed fees shall be forwarded to DOC with the annual report. A new mining operator shall file an initial surface mining report and applicable filing fee with DOC before commencement of operations or within 30 days of Site Plan Review approval, whichever is sooner. The DOC Director shall provide notification of receipt of the report and fee and shall also advise of any deficiencies in the report within 90 days of receipt of the report. The operator or agent shall have 30 days in which to submit a revised report.
2. The operator shall also submit annual adjustment information to the Department for updating of the Financial Assurances consistent with Subsection H., above. This is required before July 1st of each year.

N. Annual inspections and reports.

1. The Department shall conduct or cause an inspection of the surface mining operation within 180 days of receipt of the operator's annual report to determine whether the surface mining operation is in compliance with the approved Conditional Use Permit and Mining and Reclamation Plan, approved Financial Assurances, and State Regulations. At least one inspection shall be conducted in each calendar year. The inspections may be made by a State-registered geologist, State-registered civil engineer, State-licensed landscape architect, or State-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous 12 months, or other qualified specialists, as selected by the Director. The annual inspection shall be conducted using a form approved and provided by the SMGB. The Department shall submit the completed inspection form to the DOC Director within 30 days of the date of completion of the inspection along with a notice of completion of the inspection which contains statements on compliance with SMARA, any inconsistencies with SMARA and any pending action on the Mining and Reclamation Plan, amendments, or Financial Assurances. Copies shall also be sent to the operator. The operator shall be responsible for the reasonable cost of the inspection.
2. By July 1st of each year, the Department shall submit to the DOC Director a report on each active or idle mining operation. The report shall consist of a copy of any Conditional Use Permit or Mining and Reclamation Plan amendment, as applicable, or a statement that there have been no changes during the previous year.
3. The Department shall annually review and update, as necessary, the Financial Assurances of each surface mining operation based on annual adjustment data submitted by the operator in compliance with Subsection H., above.

O. Public records.

1. Mining and Reclamation Plans, reports, applications, and other documents submitted to the County are public records unless it can be demonstrated to the satisfaction of the County that the release of the information, or part thereof, would reveal production, reserves, or rate of depletion entitled to protection as proprietary information.
2. The County shall identify the propriety information as a separate part of each application.
3. A copy of all permits, Mining and Reclamation Plans, reports, applications, and other documents submitted in compliance with this Section, including proprietary information, shall be forwarded to the DOC by the Department. Proprietary information shall be made available to persons other than the DOC Director only when authorized by the mine operator and by the mine owner.

P. Violations and penalties.

1. If the Director, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this Section, the Conditional Use Permit and/or the Mining and Reclamation Plan, the County shall follow the procedures specified in SMARA (Public Resources Code, Sections 2774.1 and 2774.2) concerning violations and penalties, as well as those provisions of this Zoning Ordinance for revocation of the Conditional Use Permit which are not preempted by SMARA in compliance with Chapter 878.6 (Enforcement).
2. Failure of the County to comply with provisions of SMARA and the State Regulations may be grounds for the SMGB to take action to ensure compliance through administration of SMARA.

- Q. Fees.** The County may establish fees as it deems necessary to cover the reasonable costs incurred in implementing this Section and the State regulations, including but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement and compliance. The fees shall be paid by the operator, as required by the County at the time of filing of the Conditional Use Permit application, Mining and Reclamation Plan application, and at other times as are determined by the County to be appropriate in order to ensure that all reasonable costs of implementing this Section are borne by the mining operator in compliance with the Master Schedule of Fees.

834.4.230 - Meat Packing and Processing Standards

- A. Purpose.** Meat packing and processing where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), shall comply with the following standards of design and practice unless it is expressly provided otherwise.

B. Standards. The following development standards shall apply to all meat packing and processing operations:

1. Slaughtering shall be in a completely enclosed building.
2. Lard rendering facilities shall be within completely enclosed cookers.
3. Smoke curing shall be done within self-contained units with a recirculating system between the generator and smokehouse.

834.4.240 - Mobilehome Park Services

A. Purpose. Mobilehome park services, as that term is defined in Article 7 (Definitions) and where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), shall conform to the following standards and limitations. Services provided shall be:

1. Needed by the park residents and not otherwise available within one-quarter mile of the park access which is nearest the existing service at the time of the filing of the application.
2. Centrally located within the park and easily accessible to all residents.
3. Limited to the sale of convenience foods and sundries, barber and beauty services, and self-service laundries.
4. Not advertised in any manner except as provided for in Chapter 830.3 (Signs).
5. Located only in permanent structures.

B. Minimum park size. Mobilehome park services may be allowed only in parks with 15 acres or more of developed area.

C. Noticing procedures. Noticing procedures to be followed are specified in Chapter 846.5 (Director's Review and Approval).

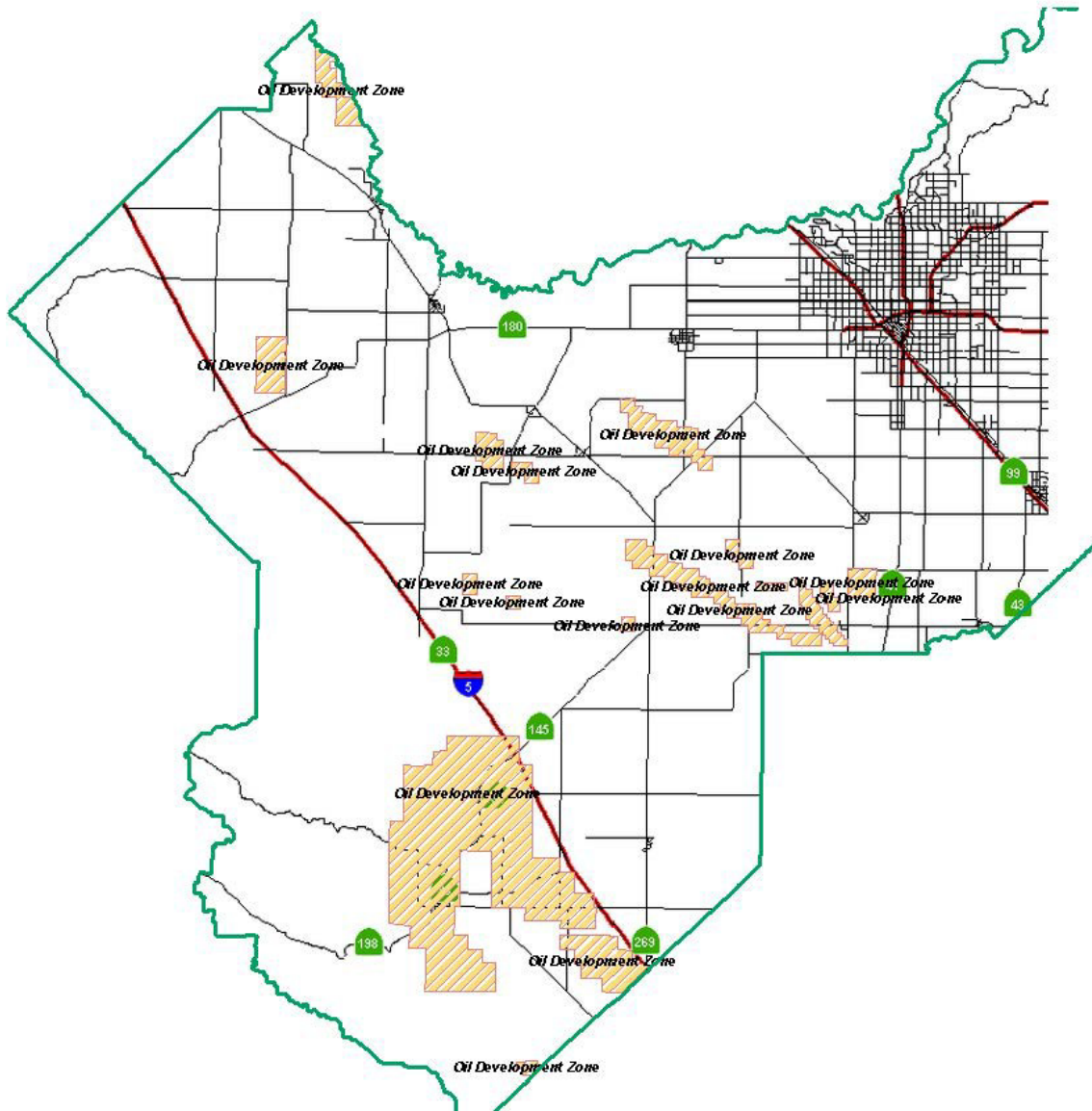
834.4.250 - Oil Drilling/Extraction Standards

A. Purpose and applicability.

1. These regulations are intended to provide for safe, economic exploration and recovery of oil, gas and other hydrocarbon resources; ensure the compatibility of oil and gas exploration, production, processing, transportation, and related facilities and activities with surrounding land uses; and ensure the restoration of the land upon termination of the activities to its primary land use as designated by the General Plan, and where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).
2. Policy OS.C.12 of the Oil and Gas subsection of the General Plan's Open Space

Conservation Element establishes three regulatory areas - nonurban, urban, and established oil and gas fields - which are referenced in this Section for the three categories of oil and gas development uses; oil and gas exploration, drilling, and production; oil and gas field operations; and oil and gas auxiliary operations (See Figure 4-1).

*Figure 4-1
Oil and Gas Regulatory Areas*



B. Uses allowed.

1. The following oil and gas exploration, drilling, and production activities within established oil and gas fields outside of urban areas excluding Section 29, Township 20 South, Range 15 East, M.D.B. & M: installation and use of equipment, structures, and facilities as are necessary or convenient for temporary drilling and pumping to determine the existence of oil and gas; the drilling and pumping of oil and gas wells

- for the purpose of obtaining oil and gas; oil drilling and producing operations customarily required or incidental to usual oil field practice; initial separation of oil, gas, and water and for the storage, handling, recycling, and transportation of oil, gas, and water related to the well site.
2. The following oil and gas field operations within established oil and gas fields: steam injection plants and other enhanced recovery facilities.
 3. Temporary mobile home occupancy and temporary offices during the drilling at an oil or gas well. A Certificate of Occupancy shall be issued for the mobile home occupancy and shall expire upon completion of the drilling of the oil or gas well.
- C. Uses allowed subject to Director's Review and Approval.** The following oil and gas field operations shall be allowed subject to the provisions of Chapter 846.5 (Director's Review and Approval) within established oil and gas fields: natural gas plants, oil reclamation plants, and liquefied petroleum gas storage.
- D. Uses allowed subject to Conditional Use Permit.** The regulations contained in Subparagraph 1, Subparagraph 2, and Subsections E and F, shall apply in all zones wherein a Conditional Use Permit (See Chapter 842.5 [Conditional Use Permits]) is required for oil and gas exploration, drilling, and production in nonurban and urban areas including Section 29, Township 20 South, Range 15 East, M.D.B. & M.
1. The following oil and gas exploration, drilling, and production within nonurban, urban areas and Section 29, Township 20 South, Range 15 East, M.D.B. & M: installation and use of equipment, structures, and facilities as are necessary for temporary drilling and pumping to determine the existence of oil and gas; the drilling and pumping of oil and gas wells for the purpose of obtaining oil and gas; and the initial separation of oil, gas, and water and for the storage, handling, recycling, and transportation of oil, gas, and water related to the well site. The Commission shall first find that the proposed site is the most satisfactory site for the use by the applicant and by the imposing of those conditions which are deemed necessary and will not be injurious or detrimental to the surrounding properties.
 2. Temporary mobile home occupancy and temporary offices during the drilling of an oil or gas well within nonurban and urban areas. A Certificate of Occupancy shall be issued for the use of the mobile home concurrent with the issuance of the permit for the drilling of the well. The time limit of the permit for the mobile home shall be the same as for the oil or gas well drilling operation.
 3. The following oil and gas field operations within established oil and gas fields: major petroleum transmission and trunk lines, tank farms, and pumping plant, which involve the transportation of oil and natural gas outside of established oil and gas fields.
 4. The following oil and gas field operations within urban areas: petroleum transmission and trunk lines along a railroad or other public rights-of-way.
 5. The following oil and gas field operations within urban areas: natural gas plants,

steam injection plants, and other enhanced recovery facilities.

6. The following oil and gas field operations within nonurban areas: natural gas plants, steam injection plants, other enhanced recovery facilities, oil reclamation plants, liquefied petroleum gas storage; and petroleum transmission and trunk lines, tank farms, and pumping plants, which involve the transportation of oil and natural gas outside of from established oil and gas fields.
 7. The following oil and gas auxiliary operations within established oil and gas fields: offices, shops, laboratories, work camp living facilities, storage yards and storage facilities, and oil well services.
 8. A parcel with a minimum of five acres created for pumping plants and in conjunction with oil well services in established oil and gas fields. The proposed five-acre minimum parcel areas shall be subject to Conditional Use Permit approval (See Chapter 842.5 [Conditional Use Permits]) and only in conjunction with an oil well service use and or pumping plants.
 9. The following oil and gas auxiliary operations within established oil and gas fields and nonurban areas: small oil refineries limited to the removal of entrained crude oil from natural gas; separation of crude oil into naphtha, kerosene, fuel oil, and diesel oil; blending of naphtha and kerosene to produce jet fuel and gasoline; and reforming of heavy naphtha in the presence of a catalyst to produce unleaded gasoline.
- E. Procedures.** The applicable provisions of Chapter 846.5 (Director's Review and Approval) and Chapter 842.5 (Conditional Use Permits), shall apply. The Director's Review and Approval and or Conditional Use Permit may be granted on an acreage basis as well as on a parcel basis.
- F. Voiding of permit.** A Director's Review and Approval or Conditional Use Permit may, after notice and hearing, be revoked in compliance with Section 878.6.060 (Revocation and Modifications) if:
1. Any imposed condition is violated;
 2. The drilling has not been commenced within 12 months unless it has been extended by the Director for a maximum of 12 months; or
 3. A well is deserted for more than two years.
- G. Existing oil and gas development authorized by Conditional Use Permit.**
1. The regulations contained in this Section (Oil Drilling/Extraction Standards) supersede a Blanket Conditional Use Permit adopted on June 20, 1950, and amended on July 28, 1953, by the Board establishing oil development zones within the County where permits for exploration and development of oil and gas deposits are not required, except as to facilities in existence or under construction before August 17, 1981.

2. All other previously granted Conditional Use Permits for oil and gas development uses remain in effect unless otherwise stipulated by other Zoning Ordinance regulations.

834.4.260 - Park Standards

A. Purpose and allowed uses.

1. Parks, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), may be developed with varying intensities depending upon location and intended use.
2. In no case shall uses separately identified in this Zoning Ordinance (e.g., golf courses, natatoriums, and racetracks) be considered inherently included in a park.
3. The uses may be developed in conjunction with a park when they are otherwise allowed by, and subject to the provisions of the zone in which they are located.
4. Parks in this context shall not include other uses identified as parks (e.g., trailer parks, travel trailer parks, recreational vehicle parks, swim parks, or amusement parks); however, camping areas within parks may include sites for recreational vehicles when the areas are incidental to the park use.

B. Prohibited uses. Activities conducted primarily or largely for the benefit of spectators (stadia) and activities appropriate to an amusement park shall be prohibited.

C. Park intensities. Parks shall be identified by the following intensity types (higher intensity parks shall include uses allowed in lower intensity parks):

1. **Low intensity parks.** Low intensity parks shall have no permanent facilities, except restrooms, and uses shall be limited to those in which users bring in and carry out all equipment (e.g., fishing and picnicking needs). Low intensity parks are intended to remain in a semi-natural state;
2. **Moderate intensity parks.** Moderate intensity parks may be allowed to develop with picnic facilities, paved trails and drives, playground equipment, game playing areas, and park administration and service structures and yards; and
3. **High intensity parks.** High intensity parks may be allowed to develop with bath houses, craft rooms, food preparation and food sales areas, general stores for use only by park users, marinas, night lighting, outdoor amplification, and stages and dance floors, and may include event uses provided the uses are for participatory fun and recreation.

834.4.270 – Personal/RV Storage.

A. Purpose and allowed uses.

1. Shall mean facilities that permit on-site personal storage, mini-storage and recreation vehicle storage and may include a caretaker's residence.
2. Shall be permitted in the AL Zone District only subject to the criteria in Section B below.

B. Location provisions/criteria.

1. Property must be within one-half mile of the adopted Sphere of Influence if the City of Clovis or the City of Fresno (Amended by Ord. T-103-386 adopted 2025-09-09).
2. Property must abut a major street.
3. Setback requirements shall be the same as Storage Yards as defined in the M-1 Zone District (See 814.2.030 Industrial Zone General Development Standards).
4. Setback shall include a twenty-foot minimum landscaped front yard.
5. Recreational vehicle parking shall be allowed on two-inch minimum thick gravel surface.
6. Open or enclosed carports shall be permitted.

834.4.280 - Planned Development General Standards

A. Purpose, intent, and implementation.

1. Planned Developments are intended to promote efficient use of the land through increased design flexibility and quality site planning.
2. The Planned Development concept allows departure from standard property development standards and regulations when development is planned as a unified, integrated whole and incorporates outstanding design features and amenities.
3. Planned Developments can provide for maximum effective density and improved aesthetics through increased flexibility in structure siting, creative use of permanent open space, and the preservation of significant natural features.
4. Implementation of a Planned Development requires the approval of a Conditional Use Permit in compliance with Chapter 842.5 (Conditional Use Permits).

B. Principles. Whenever property is proposed to be developed as a Planned Development, the following general principles shall apply, unless modified by specific criteria in Subsection C., below.

1. Planned Developments may include any combination of detached or attached dwelling units.
 2. Zone-driven property development standards, except as related to population density, may be modified or waived where it is determined that the modification or waiver will produce a more functional, enduring, and desirable environment, and no adverse impact to adjacent properties will result.
 3. Population density shall be calculated on gross acreage, less the area reserved for public streets.
 4. Community sewer and/or water shall be required for all Planned Developments in compliance with the County Code and when accommodated by General Plan Policy.
 5. The design of a Planned Development shall ensure compatibility and harmony with existing and planned uses on adjacent properties. Design elements to be considered include, but are not limited to, architecture, distance between structures, structure setbacks, structure height, off-street parking, open space, privacy, screening, and landscaping.
 6. Off-street parking facilities shall provide parking sufficient for occupants of the Planned Development and their guests or patrons, and shall be integrated into the development to minimize exposure and impact on neighboring development.
 7. The developer shall provide for perpetual maintenance of all common land and facilities under common ownership through means acceptable to the County.
 8. Conservation of natural site features (e.g., topography, vegetation, and water courses) shall be considered in project design.
 9. Energy conservation and utilization of renewable energy sources shall be given prominent consideration.
 10. Streets serving the Planned Development shall be adequate in terms of design, size, and construction to accommodate the traffic generated by the proposed project.
- C. Applicable criteria.** Whenever property is proposed to be developed utilizing one of the specific Planned Development options, the following criteria shall apply:
1. **Planned residential developments.**
 - a. Planned residential developments shall provide common open space free of structures, streets, driveways, or parking areas. The common open space shall be designed and located to be easily accessible to all the occupants of the development and usable for open space and recreational uses.

- b.** Planned residential developments greater than 20 acres in area may include:
- (1)** Commercial, educational, religious, and professional uses which are designed for exclusive use by the residents of the development. The elements shall be compatibly and harmoniously incorporated into the development and shall not be exposed to public view in a manner which attracts residents living outside of the planned residential development.
 - (2)** Mobilehome development, which shall be located and designed to be compatibly and harmoniously incorporated into the Planned Development.
- c.** Mobilehome planned residential developments may be allowed when developed in compliance with all of the following:
- (1)** The minimum development size shall be five acres; however, a smaller size may be allowed when developed as a portion of a larger development in compliance with Subparagraph 1.b., above.
 - (2)** Density of development shall be consistent with the General Plan; however, in no instance may the density exceed 2,400 square feet per unit.
 - (3)** Development shall be restricted to single-family mobilehomes.
 - (4)** Setbacks of the Trailer Park Residential Zone shall apply as prescribed in Section 810.2.030 (Residential Zone General Development Standards).
 - (5)** The Commission or the Board may require that mobilehomes be recessed where a determination is made that the condition is needed to ensure compatibility and harmony with existing and planned uses on adjacent properties. Where the finding is made, the following shall apply:
 - (a)** All mobilehomes shall be recessed below level grade to the extent that the floor elevation is no greater than 18 inches nor less than six inches above grade. The requirement may be modified if it is determined by the Director that a greater or lesser elevation is needed to protect the health, safety, and welfare of the occupants.
 - (b)** The area between the floor elevation and the ground shall be skirted or otherwise enclosed and properly sealed to preclude water from entering under the mobilehome.
 - (c)** Whenever the soil is excavated below a mobilehome, a retaining wall shall be installed extending six inches above grade.

- (j) Common use areas may be provided on parcels or in outlots within the Planned Development. Those portions of the common use area which are occupied by road and canal rights-of-way, reservations, or areas developed with structures, streets, tennis courts, parking lots, or other similar uses that are not of an open character, shall not be included in determining the maximum allowed density.
- (k) Outlots shall be held in equal shares of undivided interest among all parcel owners in the subdivision.
- (l) The developer shall provide for the perpetual maintenance of all common areas and facilities in a manner acceptable to the County. Permanent active and passive open space shall be considered as common area. Landscaping shall be drought-tolerant and shall comply with the provisions of Section 826.3.010 (Water Efficient Landscaping).

2. Planned office developments.

- a. Planned office developments may include the following office uses:
 - (1) Administrative.
 - (2) Business.
 - (3) General.
 - (4) Medical or Dental.
 - (5) Professional, other than Veterinarian.
- b. There shall be no residential uses, retail sales, storage of stock in trade or storage of equipment not used exclusively in the offices.
- c. The applicable zone-driven standards relating to structure height, off-street parking, and outdoor signs shall apply with the following modifications:
 - (1) Required parking stalls and improvements necessary for ingress and egress from the street may be located within the common open area, provided that 20 percent of the net area of the parcel is maintained as landscaped areas.
 - (2) One free standing sign for each Planned Development project shall be allowed, subject to zone-driven size requirements. The sign may be placed at any location on the original parcel and may contain the names of any office uses established on parcels created, in compliance with Chapter 830.3 (Signs).

- d. Layout of parking areas, service areas, entrances, exits, yards, courts and landscaping, and control of signs, lighting, noise, or other potentially adverse influences shall be so as to protect the residential character in an adjoining residential parcel.

3. Planned commercial developments.

- a. Uses within a planned commercial development shall be limited to those uses allowed in the underlying zone and shall be developed under a single theme with functional relationships to each other based on the needs of the surrounding community.
- b. Factual evidence shall be submitted showing how the use of alternative development standards will result in greater public benefit than would normally result from the use of the standards established in the underlying zone.
- c. A commercial development plan shall be prepared and shall contain all of the following information:
 - (1) Area, dimensions, and planned land use for each structure site.
 - (2) External and internal circulation and parking plan.
 - (3) Location and acreage of landscaping, natural open space, and recreation areas.
 - (4) Grading plan.
 - (5) Location of existing structures and development on adjacent parcels, to a minimum of 200 feet from the Plan boundary.
 - (6) Location of any existing or proposed bicycle, pedestrian, or equestrian trails.
 - (7) Location and treatment of significant cultural/scientific resources.
 - (8) Location of any significant vegetation and an indication of the resources to be altered and the resources to be preserved.
 - (9) Location and treatment of scenic roadways.
 - (10) A list of all pertinent programs, policies, and guidelines contained in the General Plan together with a description of how they are to be implemented by the Development Plan.
 - (11) Location and acreage of any proposed high-rise structure(s) higher than 35 feet.

(12) Water and energy conservation measures.

4. Planned industrial developments.

- a. Uses within a planned industrial development shall be limited to those uses allowed in the underlying zone and shall be developed under a single theme with functional relationships to each other based on the needs of the surrounding community.
- b. Factual evidence shall be submitted showing how the use of alternative development standards will result in greater public benefit than would normally result from the use of the standards established in the underlying zone.
- c. An industrial development plan shall be prepared and shall contain all of the following information:
 - (1) Area, dimensions, and planned land use for each structure site.
 - (2) External and internal circulation and parking plan.
 - (3) Location and acreage of landscaping, natural open space, and recreation areas.
 - (4) Grading plan.
 - (5) Location of existing structures and development on adjacent parcels, to a minimum of 200 feet from the Plan boundary.
 - (6) Location of any existing or proposed bicycle, pedestrian, or equestrian trails.
 - (7) Location of any significant vegetation and an indication of the resources to be altered and the resources to be preserved.
 - (8) Location and treatment of scenic roadways.
 - (9) A list of all pertinent programs, policies, and guidelines contained in the General Plan together with a description of how they are to be implemented by the Development Plan.
 - (10) Water and energy conservation measures.

834.4.290 - Poultry Facility Standards

A. Purpose and intent.

- 1. These regulations are intended to address the nuisance and environmental problems created by inappropriately located and operated poultry facilities, where allowed by

Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

2. It is necessary that poultry facilities be designed to protect the health, safety, and general welfare of the community.
3. These regulations shall apply to all new poultry facilities and to conversions and additions to existing poultry facilities, with the exception that they shall not apply to:
 - a. The raising or keeping of poultry for domestic use, (not to exceed 500 birds);
 - b. Poultry for FFA, 4H, and similar organizations;
 - c. The repair, maintenance, replacement, and upgrading of legally existing poultry facilities provided the work does not increase the capacity of the facility; and
 - d. The conversion of legally existing poultry facilities, except for the conversion to "eating egg producing" facilities or "pullets for eating egg production" facilities, provided there is no increase in size and number of structures.
 - e. In all instances, the raising/keeping of roosters for fighting purposes is prohibited.

B. Definitions. For the purpose of this Section, the following terms shall have the following definitions.

1. **Poultry facility.** Includes all coops, barns, pens, manure storage areas, and dead bird disposal areas used in conjunction with poultry production and which are on the same site as the poultry operation. When measuring setbacks or required separations, measurements shall be taken from or between the most proximate of the above described facilities. Areas used for crop production or not otherwise utilized in the production of poultry shall not be included for purposes of determining setbacks or required separations.
2. **Types of poultry facilities:**
 - a. **Unconfined.** Includes any poultry facility where birds are predominantly raised in open pens with or without shades and are subject to the elements.
 - b. **Semi-confined.** Includes any poultry facility where birds are raised within a fully enclosed climate-controlled structure part of the time, but also are released into open pens at intervals.
 - c. **Totally confined.** Refers to any poultry facility where all birds are raised within fully enclosed climate-controlled structures and where no open pens are utilized.
 - d. **Environmentally controlled.** Refers to a poultry facility that has solid side and end walls with all openings sealed, except for fan exits.

- e. **Eating egg producing.** Refers to a commercial egg production facility that produces eating eggs for human consumption.
- f. **Pullets for eating egg production.** Refers to a commercial pullet (young hen) production facility that produces pullets for eating egg producing facilities.

C. Procedures.

1. New poultry facilities, including conversions and additions to existing poultry facilities, shall be allowed by right subject to the standards and regulations specified in this Section.
2. New poultry facilities and additions to existing facilities which are unable to satisfy the siting standards specified in this Section may be allowed subject to the approval of a Director's Review and Approval in compliance with Chapter 846.5.

D. Siting standards.

1. A poultry facility, except an "Environmentally Controlled" facility, shall not be allowed when 10 or more dwellings or a sensitive use (e.g., school, public park, and hospital), are located within the windshed area (See Diagram "A").
2. A poultry facility shall not be allowed when a dwelling other than one owned by the poultry grower/owner is located within the micro windshed area (See Diagram "B"). The required separations specified in Diagram "B" may be reduced to one-half for "Environmentally Controlled" poultry facilities.
3. A poultry facility shall not be allowed when an established citrus or fruit orchard, vineyard, or vegetable farm are located within the windshed area (See Diagram "A"). The required separations are not required for "Environmentally Controlled" and "Totally Confined" poultry facilities.
4. All poultry facilities shall be set back a minimum of 50 feet from all property lines, ditches, canals, or other waterways, and 100 feet from all public roads.
5. A poultry facility shall be located at least two miles from any existing poultry facility, except for a poultry facility owned by the same grower. "Eating Egg Producing" facilities and "Pullets for Eating Egg Production" facilities shall be located at least five miles from any other poultry facility.

E. Management plan required.

1. The grower/owner shall prepare a management plan based on the "Management Guidelines for Poultry Facilities" describing the operational practices necessary to control nuisances (e.g., flies, feathers, dust, and odors).

2. This plan shall be reviewed and approved by the Health Department before the issuance of permits by either the Department or other divisions within the Public Works Department.

F. Application.

1. An application for a poultry facility shall be filed by the grower/owner, or the authorized representative of the grower/owner, on forms provided by the Department.
2. The application shall include full and complete information necessary for the County to evaluate the application for compliance with the standards and regulations specified in this Section.
3. The Director shall verify the accuracy and completeness of the application. Verification shall be made in compliance with Section 838.5.070 (Initial Application Review).

G. Filing fee. The applicant for a Poultry Facility Permit shall pay a fee in compliance with the Master Schedule of Fees for the purpose of defraying the costs involved in reviewing and processing the application.

H. Notice. Within 10 days after the issuance of a Poultry Facility Permit, the County shall send a notice to all property owners located within one-half mile of the proposed facility. The purpose of the notice is to inform the property owners that the County has issued a permit for a poultry facility. The notice shall include the name and telephone number of the poultry facility operator.

Diagram "A"
Wind Shed Diagram

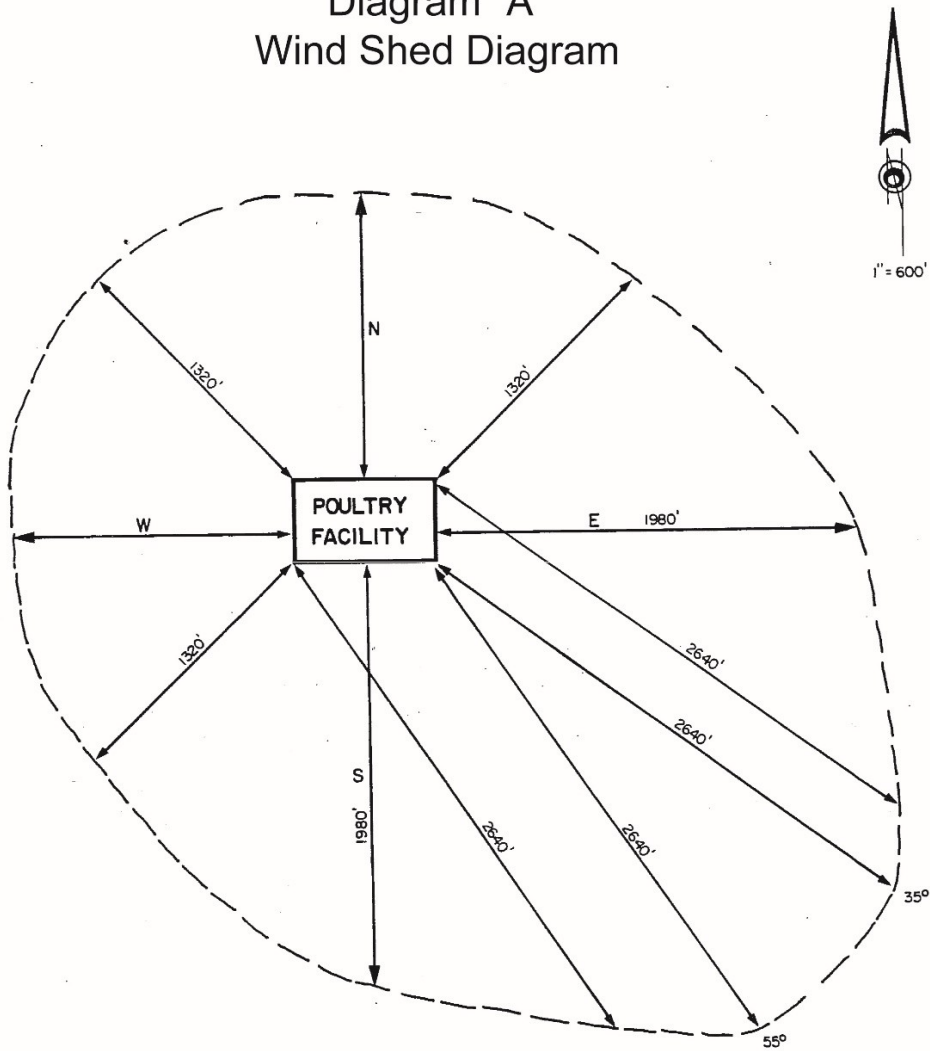
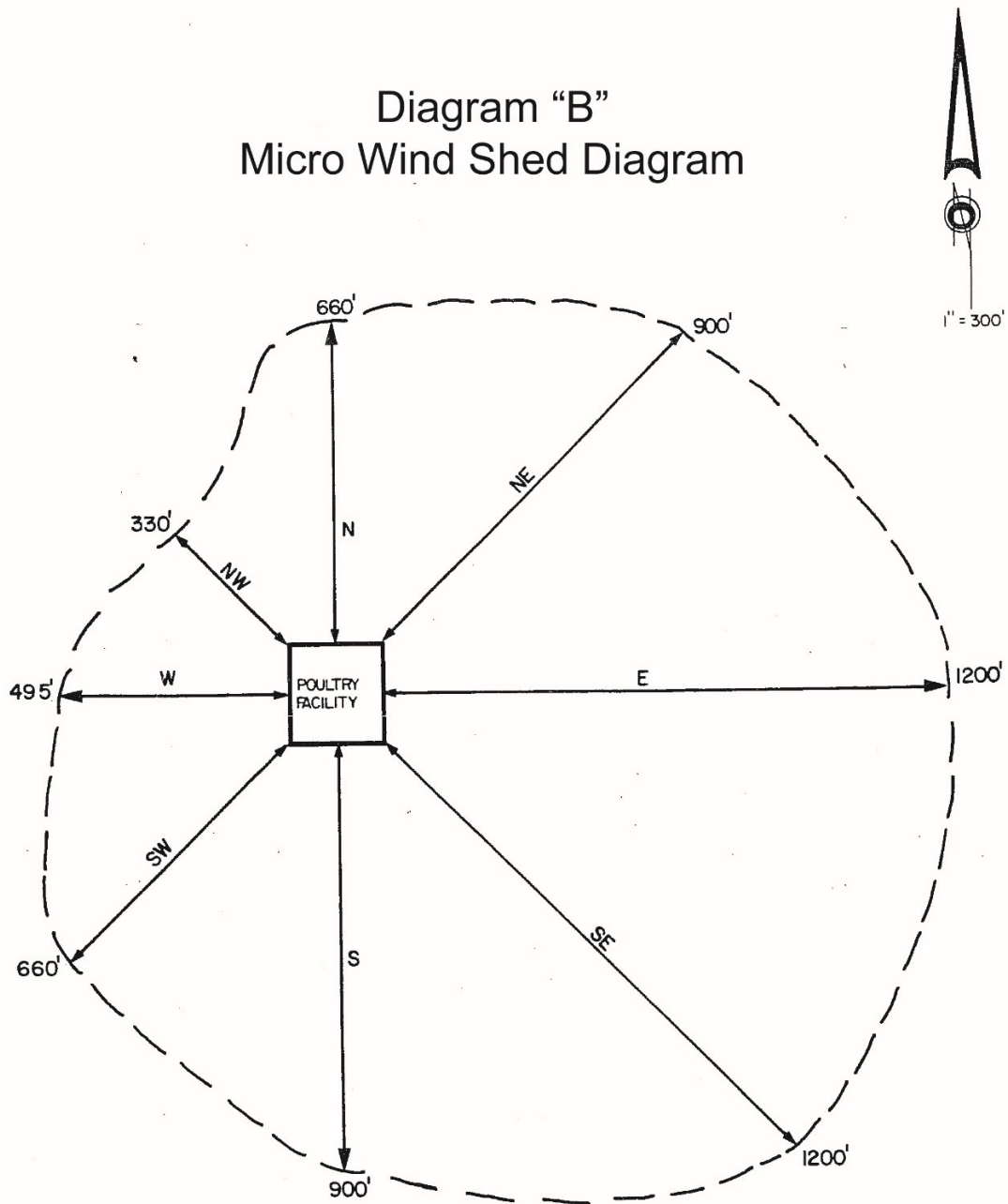


Diagram "B"
Micro Wind Shed Diagram



834.4.300 - Recycling Facility Standards

- A. Purpose.** This Section provides locational, developmental, and operational standards for recycling, collection, and processing facilities.
- B. Applicability.** Recycling collection and processing facilities shall comply with the following requirements, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).
- C. Permit requirements.** Each recycling, collection, and processing facilities facility shall comply with the permit requirements established by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).
- D. Reverse vending machines.** A reverse vending machine shall comply with all of the following standards.
1. A reverse vending machine shall be established in conjunction with a commercial, industrial, or public facility use that is in compliance with all applicable requirements of the County Code, including the County Fire Code, Uniform Building Code, and this Zoning Ordinance;
 2. The operator of the reverse vending machines and the operator of the primary use, on a daily basis, shall remove any and all recyclable materials or refuse which has accumulated or is deposited outside the reverse vending machines;
 3. Reverse vending machines located within the structure that accommodates the primary use of the site shall not require any permits under this Section;
 4. The Director may limit the hours of operation of a reverse vending machine to the hours of operation of the host primary use; and
 5. Facilities shall be clearly marked to identify the name and telephone number of the facility operator.
- E. Small collection facilities.** A small collection facility shall comply with all of the following standards.
1. The facility shall conform to all development regulations for the zone in which it is located;
 2. A small collection facility shall be established in conjunction with a commercial, industrial, or public facility use that is in compliance with all applicable requirements of the County Code, including the County Fire Code, Uniform Building Code, and this Zoning Ordinance;

3. Facilities shall be clearly marked to identify the name and telephone number of the facility operator;
4. The site shall be swept and maintained in a litter-free condition on a daily basis;
5. The noise level for the collection facility shall not at any time exceed 55 dBA as measured at the property line of any residentially zoned or residentially used property, and shall not otherwise exceed 65 dBA;
6. Use of the facility for collection or disposal of refuse or hazardous material is prohibited;
7. The facility shall be in operation only during the hours of operation of the primary use, unless permission is otherwise given by the operator of the primary use;
8. The facility shall conform to all development regulations for the zone in which it is located; and
9. The facility operator shall, on a daily basis, remove any and all recyclable materials or refuse which has accumulated or is deposited outside the containers, bins, or enclosures intended as receptacles for materials.

F. Large collection facilities. Large collection facilities shall comply with all of the following standards.

1. The facility shall be screened from the public right-of-way and adjacent properties zoned, planned, or used for residential purposes by operating in an enclosed structure; or shall be located within an area enclosed by an opaque fence at least six feet in height with landscaping;
2. Setbacks and landscape requirements shall be those provided for the applicable zone;
3. Materials stored outside shall be bailed, palletized, densified, or in sturdy containers maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage shall be in containers approved by the Fire District, California Department of Forestry and the County Public Health Department. No storage, excluding truck trailers and overseas containers, shall be visible above the height of the fencing;
4. The site shall be maintained free of litter and any other undesirable materials and shall be cleaned of loose debris on a daily basis;
5. Any containers provided for donation of recyclable materials shall be adequately screened from any property zoned or occupied for residential use and shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate

- materials collected, and shall be secure from unauthorized entry or removal of materials;
6. Unattended donation areas shall be kept free of litter and any other undesirable material and the containers shall be clearly marked to identify the type of material that may be deposited; the facility shall display a notice stating that no material shall be left outside the recycling containers;
 7. The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation. Identification and informational signs shall meet the standards of the zone. Directional signs, bearing no advertising message, may be installed with the approval of the Director, if necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way; and
 8. Facilities shall be clearly marked to identify the name and telephone number of the facility operator.
- G. Light and heavy processing facilities.** A light or heavy processing operation shall comply with all of the following standards.
1. The facility shall be screened from the public right-of-way and adjacent properties zoned, planned, or used for residential purposes by operating in an enclosed structure; or shall be located within an area enclosed by an opaque fence at least six feet in height with landscaping;
 2. Setbacks and landscape requirements shall be those provided for the applicable zone;
 3. Materials stored outside shall be bailed, palletized, densified, or in sturdy containers maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage shall be in containers approved by the Fire District, California Department of Forestry and the County Public Health Department. No storage, excluding truck trailers and overseas containers, shall be visible above the height of the fencing;
 4. The site shall be maintained free of litter and any other undesirable materials and shall be cleaned of loose debris on a daily basis;
 5. Any containers provided for donation of recyclable materials shall be adequately screened from any property zoned or occupied for residential use and shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials;
 6. Unattended donation areas shall be kept free of litter and any other undesirable material and the containers shall be clearly marked to identify the type of material

- that may be deposited; the facility shall display a notice stating that no material shall be left outside the recycling containers;
7. The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation. Identification and informational signs shall meet the standards of the zone. Directional signs, bearing no advertising message, may be installed with the approval of the Director, if necessary, to facilitate traffic circulation or if the facility is not visible from the public right-of-way; and
 8. Facilities shall be clearly marked to identify the name and telephone number of the facility operator.
 9. Processors shall operate in a wholly enclosed structure;
 10. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of source-separated recyclable materials and repairing of reusable materials and shall be no larger than 45,000 square feet and may not shred, compact, or bale ferrous metals other than food and beverage containers;
 11. Storage excluding truck trailers and overseas containers shall not be visible above the height of the fencing;
 12. The site shall be maintained free of litter and any other undesirable materials, shall be cleaned of loose debris on a daily basis, and shall be secured from unauthorized entry and removal of materials when attendants are not present;
 13. Parking space shall be provided on-site for the anticipated peak load of customers to circulate, park, and deposit recyclable materials.
 - a. If the facility is open to the public, space shall be provided for a minimum of 10 customers, except where the Director determines that a lesser amount is appropriate for surrounding business and public safety.
 - b. In addition to the parking required by Subparagraph 13. a., above, one parking space shall also be provided for each commercial vehicle operated by the processing center. Parking requirements shall otherwise be as mandated by the zone in which the facility is located.
 14. If the facility is located within 500 feet of property zoned, planned, or occupied for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m. The facility shall be administered by on-site personnel during the hours the facility is open; and
 15. Any containers provided for donation of recyclable materials shall be adequately screened from any property zoned or occupied for residential use and shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate

materials collected, and shall be secure from unauthorized entry or removal of materials.

834.4.310 - Rest Home Standards

A. Purpose. This Section provides operational standards for rest homes.

B. Standards.

1. There shall be only limited medical care not involving a physician residing on the premises of any rest home. Nurses and pharmacies exclusively for the patients may be allowed on-site. There shall be no surgery or other similar activities which are customarily provided in hospitals.
2. The population density standards of the zone in which the facility is proposed shall apply. For this purpose, the resident family and six persons residing in the facility shall be counted as one family in determining the required parcel area. One additional person may be permitted for each $\frac{1}{4}$ increment of parcel area exceeding the minimum parcel size. Exceptions: In any "A" Agricultural, or "RR" Rural Residential zone, the population density shall be one resident family and six persons for the first 36,000 square feet, than one additional person shall be allowed for each 9,000 square feet in parcel area above 36,000 square feet.
3. The maximum number of persons calculated above shall apply regardless of the number of the licensee's family, or persons employed as facility staff shall not be included in determining the number of residents.

834.4.320 - Schools, Motorcycle Safety and Training

A. Purpose. Private motorcycle safety/training schools subject to the following standards.

B. Standards.

1. The use shall be located no more than $\frac{1}{4}$ mile from an arterial public roadway as designated on the County's Transportation and Circulation Element.
2. The use shall be permitted on land designated for Foothill Rural Residential uses.
3. The use shall be a secondary use to the host parcel or host ownership.
4. The curriculums are consistent with Police Officers Standards and Training (POST).
5. No unsupervised riding or track activities shall be permitted.
6. Except for maintenance and related activities by the school operator, all activities are limited to enrolled students of the safety/training school.

7. To address the potential noise concerns, the proposal shall be reviewed by the County's Department of Public Health. Such review may require the need for a comprehensive noise study by a qualified noise consultant and may require the need for limit hours of operation.
 8. In a manner acceptable to the Director of Public Works and Planning, all equipment shall utilize the best available noise suppression technology.
 9. No track activity shall occur closer than 50 feet to any property line.
- C. Processing and Appeals.** All applications for motorcycle safety and training school projects as defined above and in Article 7 (Definitions) shall be subject to review by the Planning Commission and shall be appealable to the Board of Supervisors.

834.4.330 - Single Mobile Home Occupancy Standards

- A. Purpose.** The purpose of this Section is to provide standards for the installation of mobilehomes, not in mobilehome parks, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).
- B. Mobilehomes on a permanent foundation.** Mobilehomes certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401, et seq.) which are constructed and/or purchased after October, 1976, shall be allowed on an individual parcel in any zone where a single-family residential dwelling unit is allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), subject to all of the following requirements:
1. The mobilehome shall be placed on a permanent foundation system in compliance with Health and Safety Code Section 18551.
 2. The requirements of the applicable zone, including but not limited to those for Conditional Use Permits; parcel area, width and setbacks; and parking, as specified for single-family residential dwellings and other standards affecting single-family residential dwellings as specified in a planned development Conditional Use Permit or subdivision approval shall be adhered to.
 3. The mobilehome shall be subject to the provisions of Chapter 854.5 (Site Plan Review) for architectural review. Architectural features to be considered in the review for compatibility of uses shall include roof overhang, roofing materials, siding materials, and the associated parking structure, so long as the standards imposed are consistent with those imposed on conventional single-family dwelling units built on the site.
 4. At the discretion of the local legislative body, the city or county may preclude installation of a manufactured home in zones specified in this section if more than 10

years have elapsed between the date of manufacture of the manufactured home and the date of the application for the issuance of a permit to install the manufactured home in the affected zone. This is in concurrence with Government Code Section 65852.3(a)

- C. Mobilehomes not on a permanent foundation.** The following regulations shall apply to the occupancy of mobilehomes located outside of an approved mobilehome park and must be located on an approved tie-down system that are not located on a permanent foundation, as described in Subsection B., above, and are not used to house agricultural employees as specifically allowed by this Zoning Ordinance.

1. Regulations related to residential occupancy.

- a.** Occupancy shall be allowed in the "R-C", "A-1," "A-2," "AE," "AL," "C-M," "M-1," "M-2," "M-3," "R-E," "C-4," "C-6," "AC," "RCC," "R-R," "R-1," "R-1-A/R-1-AH", "RS" and "R-A zones as follows:

(1) A-1 zone.

- (a)** On parcels containing less than 100,000 square feet, occupancy shall be subject to review and approval in compliance with Chapter 846.5 (Director's Review and Approval).

- (b)** On parcels containing 100,000 square feet or more, occupancy shall be allowed by right.

(2) A-2, AE, and AL zones.

- (3) R-A zone.** Occupancy shall be allowed subject to review and approval in compliance with Chapter 846.5 (Director's Review and Approval), on parcels containing not less than 100,000 square feet. Occupancy shall be allowed for a maximum of five years from the date approval becomes final. A reapplication shall be allowed in compliance with Chapter 842.5 (Conditional Use Permits).

- (4) C-M, M-1, M-2, and M-3 zones.** Occupancy shall be restricted to a caretaker's use only in conjunction with an allowed use.

- (5) R-E zone.** Occupancy shall be restricted to a caretaker's use only in conjunction with allowed and developed recreation or commercial uses listed in Section 816.2.020 (Special Purpose Zone Land Uses and Permit Requirements), Subparagraph D.

(6) C-4 and RCC zones.

final. Reapplication shall be allowed in compliance with Chapter 846.5 (Director's Review and Approval).

(b) Mobilehomes approved under this provision shall be provided with water supply and sewage disposal from the systems utilized by the primary residence.

(2) Special Limitations. In the AE zone, mobile homes approved under this provision shall be allowed as second residences on parcels of less than five acres.

c. Except as noted, the property development standards of the subject zone shall apply.

2. **Development standards.** Each mobilehome shall be supplied water from a safe and potable water system, shall be connected to a private onsite wastewater disposal system or a public sewer if available and shall be connected to an independent power source providing service for the mobilehome.

3. **Mobilehome Occupancy Permit required.**

a. The occupancy of a mobilehome shall be subject to the issuance of a Mobile Home Occupancy Permit for a specified location.

b. In order to determine compliance, the Department shall require the submission of a plot plan. Failure to maintain occupancy as required by this Section shall automatically invalidate the permit, and occupancy of the mobilehome shall be terminated.

D. Regulations for nonresidential occupancy.

1. **Temporary occupancy.**

a. The temporary occupancy of a mobilehome shall be allowed in all zones in conjunction with public works projects carried out by or for a public agency.

b. The temporary occupancy of a mobilehome shall be allowed in the commercial and industrial zones in conjunction with an on-site construction project.

c. The temporary occupancy of a mobiletract office for nonresidential use shall be allowed in a subdivision being developed subject to the provisions of Chapter 854.5 (Site Plan Review).

d. The temporary occupancy of a mobilehome shall be subject to the issuance of a Mobile Home Temporary Occupancy Permit for a specified location and period of time.

- e. In order to determine compliance, the Department shall require the submission of a plot plan. Failure to maintain occupancy as required by this Section shall automatically invalidate the permit, and occupancy of the mobilehome shall be terminated
2. **Office use of a mobilehome.** Occupancy of a mobilehome unit designed for office use (nonresidential) shall be allowed in all zones where offices are otherwise allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), except the C-P and R-P zones, subject to the provisions of Chapter 854.5 (Site Plan Review).

834.4.340 – Single Room Occupancy

A. Purpose.

1. The purpose of this section is to regulate the development of reduced-size dwelling units, defined as single room occupancy (SRO) units, with limited parking requirements to provide housing opportunities for lower income individuals, persons with disabilities, and seniors.
2. SRO units are defined in Article 7 (Definitions). SRO regulations are considered to be in addition to the regulations of the underlying zoning districts where SRO development is permitted, and SROs must meet the current local standards for building safety.

- B. Standards.** SRO units may range in size depending on zone district. A “small SRO” (six or fewer units) is an allowed use in the R-2, R-2-A, R-3, R-3-A and R-4 multifamily residential zones and C-4 (Central Business District), subject to the same district requirements applicable to multifamily residential or apartment uses in that zoning district. A “large SRO” (seven or more units) is allowed with a conditional use permit in R-2, R-2-A, R-3, R-3-A and R-4 and C-4 zones. All SRO units must comply with the following minimum standards below.

1. The net area of an SRO unit may range from a minimum of 150 square feet to a maximum of 400 square feet.
2. Each unit shall accommodate a maximum of two persons.
3. **Laundry Facilities.** Laundry facilities that have a minimum of two washers and two dryers must be provided in a separate room. Additional washers and dryers must be provided for any development that has more than 20 units at the ratio of two washers and two dryers for every additional 20 units.
4. **Cleaning Supply Room.** A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO facility.

5. **Bathroom.** An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub or shower or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor.
 6. **Kitchen.** An SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator and stove, range top or oven. A partial kitchen is one that is missing at least one of the aforementioned appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen per floor.
 7. **Closet.** Each SRO unit shall have a separate closet.
 8. **Code Compliance.** SRO units shall comply with all requirements of the California Building Code. All units shall comply with all applicable accessibility and adaptability requirements. All common areas shall be fully accessible.
 9. **Security Lighting.** SROs must provide adequate exterior security lighting.
 10. **Parking.** Off-street parking for tenants shall be provided based upon a demonstrated need; however, the parking standard shall not require more parking than for other residential or commercial uses within the same zone. An SRO facility shall provide one parking space for each SRO unit, one parking space for the on-site manager where required, and one parking space for each additional employee. All parking shall be off-street and on-site.
- C. **Conversion of existing structures.** An existing structure may be converted to an SRO facility, consistent with the provisions of this section. Any such conversion must bring the entire structure up to current building code standards, including accessibility and adaptability standards, unless otherwise exempted by the Chief Building Official.
- D. **Facility Management.** SRO facilities shall be subject to the following management requirements listed below.
1. An SRO facility with more than 10 units shall provide on-site management. An SRO facility with 10 units or less may provide a management office on-site.
 2. **Tenancy.** Tenancy of SRO units shall not be for less than 30 days.
 3. Garbage disposal and receptacles shall be provided by the property owner. Garbage receptacles must be located on the lot or property in a manner that does not hinder access to any required off-street parking or loading spaces.

834.4.350 - Small Animal Veterinary Hospital or Clinic Standards**A. Purpose.**

1. The purpose of this Section is to provide standards for a completely enclosed structure designed, arranged, and intended to be used for the medical treatment and care incidental to small animals (e.g., dogs, cats, and other similar household pets), where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).
2. These facilities shall not include the medical treatment or care of bovine animals, horses, sheep, goats, or swine.

B. Standards. Small animal veterinary hospitals and clinics shall comply with all of the following standards.

1. The structure shall be designed and constructed so that sound emitted through exterior walls or roofs enclosing areas in which animals are kenneled or treated shall not exceed 65 decibels.
2. There shall be no incineration allowed on-site.

834.4.360 - Swimming Lesson Standards**A. Purpose.** The purpose of this Section is to provide standards for the teaching of swimming lessons in any zone where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).**B. Categories.** Swimming lessons shall be identified as one of the two categories indicated below.

1. **Swimming lessons - small group.** The teaching of four or less children per day or five or more children per day for a period not to exceed two continuous weeks in any year, subject to the maintenance of records for a period of not less than 12 months indicating the names of each person and the dates on which lessons were given and making these records available upon demand to authorized County personnel.
2. **Swimming lessons - large group.** The teaching of five or more children per day, subject to the maintenance of records for a period of not less than 12 months indicating the names of each person and the dates on which lessons were given and making the records available upon demand to authorized County personnel.

834.4.370 - Temporary Agricultural Produce Stands

- A. Purpose.** A temporary agricultural produce stand shall be used or shall be intended to be used only for the display and sale of seasonal agricultural or farming products, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).
- B. Standards for commercial zones.** Temporary agricultural produce stands in commercial zones shall be subject to all of the following requirements and limitations:
1. They shall be temporary and shall not exceed 400 square feet of display and storage area.
 2. Access adequate to ensure safe ingress and egress at the site during the period of temporary use shall be provided as determined by the Director.
 3. A minimum of two on-site parking spaces shall be provided with the parking and circulation areas to be treated in a manner to prevent raising dust or tracking debris onto the public right-of-way.
 4. Location shall be allowed only on unimproved parcels, on unimproved sites within partially developed centers; however, required parking may be located on a developed parking area which is excess to the parking required for the developed portion of the centers; and on vacant, but fully improved service station sites.

834.4.380 - Temporary Mill/Chipping Facilities

- A. Purpose.** Temporary Mill/Chipping, more broadly defined as temporary, portable sawmills and planing mills, and chipping and grinding operations shall be allowed as a matter of right in RC, TPZ and AE Zone Districts, provided that they comply with the requirements listed in Section B below.
- B. Standards for Temporary Mill/Chipping Facilities.**
1. **Operational Life.**
 - a. Temporary Mill/Chipping Facilities shall be allowed during any period of time when a resolution proclaiming a local state of emergency due to tree mortality and degraded forest conditions (“Proclamation”) approved by the Board of Supervisors is effective, plus an additional 180 days after the Proclamation expires, to allow for final processing, removal and site clearing.
 - b. Prior to commencement of operation of a Temporary Mill/Chipping Facility, the applicant and owner shall execute a written acknowledgement, in a form acceptable to the Director of the Department of Public Works and Planning, or designee, which specifies the limitation on the operational life of the Temporary Mill/Chipping Facility, as set forth in Subsection “a” above, and notifies the

applicant and owner that all equipment and material associated with the Temporary Mill/Chipping Facility shall be removed by the applicant and owner within 180 days of the termination of the Proclamation.

2. Removal of Temporary Mill/Chipping Facility.

Within not more than 180 days after the termination of a Proclamation, the applicant and owner shall remove all equipment and material associated with the Temporary Mill/Chipping Facility.

3. Parcel Size.

The minimum parcel size for these uses shall be 20 acres so as to provide for the following related activities: adequate setbacks, staging area for equipment and raw/finished materials, truck parking and circulation, and employee parking.

4. Wastewater.

Evidence submitted during the Site Plan Review process governed by Section 874 (hereafter referred to as “Site Plan Review”), shall establish that the proposed Temporary Mill/Chipping Facility would

- a. Discharge no industrial or process wastewater, or
- b. Have a will-serve commitment from a community sewer system (e.g., County Service Area, Water Works District, etc.), and will lawfully discharge wastewater to that community sewer system, or
- c. Lawfully discharge wastewater into a treatment and disposal facility that meets all applicable wastewater discharge requirements, or
- d. Discharge process wastewater, but obtain or possess a waiver of report of wastewater discharge or wastewater discharge requirements pursuant to California Water Code Section 13269, or
- e. Have wastewater removed from the site pursuant to a contract with a licensed/certified wastewater transport service for disposal at a licensed facility.

5. Air Pollution.

Evidence shall be submitted during the Site Plan Review, which establishes that:

- a. An air pollution “Authority to Construct” permit is not required from the San Joaquin Valley Air Pollution Control District (SJVAPCD), or
- b. Facility possesses an air pollution “Authority to Construct” permit.

- c. All Applicable SJVAPCD permits are obtained prior to operation via the required Site Plan Review.

6. Traffic.

Evidence shall be submitted during the Site Plan Review, which establishes that:

The facility does not generate more than 100 total trips per day, or that, with acceptable ride sharing plan, trips will be reduced to no more than 100 trips per day.

7. Fire Protection.

Evidence shall be submitted during the Site Plan Review, which establishes that the applicant has or will satisfy all applicable fire protection measures of the Fire District with jurisdiction over the parcel on which the Temporary Mill/Chipping Facility will be established.

8. Noise.

- a. Operating hours shall be limited between sunrise and sunset.
- b. Evidence shall be submitted during the Site Plan Review, which establishes that the Temporary Mill/Chipping Facility will not be located less than one-quarter mile from residential uses/structures unless it can be demonstrated to the satisfaction of the Director of the Department of Public Works and Planning, or designee, that measures will be implemented by the applicant that will address any potential noise concerns.

9. Site Plan Review Application Required/On-site and Off-site Improvements.

Prior to commencement of any operations of a Temporary Mill/Chipping Facility, a Site Plan Review Application shall have been submitted by the applicant and owner and approved by the Director of the Department of Public Works and Planning, pursuant to the provisions of Chapter 854.5.

834.4.390 - Value-Added Agricultural Uses

- A. **Purpose.** Value-added agricultural uses and facilities, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), shall meet the standards specified in this Section. Value added agricultural uses include the harvesting, curing, processing, packaging, packing, shipping and selling of agricultural products when such activity is carried on in conjunction with, or as part of, the same bona fide agricultural operation (product may be from on-site or off-site holdings when owned by the same entity as the facility) subject to the standards in Section B below. Activities that cannot meet the

standards in Section B, or are larger or broader in scope, shall be subject to the requirements of Section C.

B. Standards. Value-added agricultural uses and facilities shall be subject to the following standards:

1. Wastewater.

- a. The facility discharges no industrial or process wastewater;
- b. The facility has a will-serve commitment from a community sewer system;
- c. The facility lawfully discharges wastewater into a treatment and disposal facility that has waste discharge requirements; or
- d. The facility discharges process wastewater, but obtains or possesses a waiver of report of waste discharge or of waste discharge requirements in compliance with California Water Code Section 13269.

2. Location.

- a. The use is located outside the sphere of influence of a city; or
- b. If the use is located within a sphere of influence of a city, the city shall have provided a release to the County for the use.

3. Air pollution.

- a. An air pollution “Authority to Construct” permit is not required; or
- b. The facility possesses an air pollution “Authority to Construct” permit.

4. Traffic.

- a. The facility does not generate more than 100 total trips per day, or if, with acceptable ride sharing plan, trips will be reduced to no more than 100 trips per day.
- b. The facility is located within one-quarter mile of a classified road as shown on the Transportation & Circulation Element of the General Plan.

5. On-site and off-site improvements. To review the proposed project for compliance with the applicable standards, and to determine necessary on-site and off-site improvements, a Site Plan Review shall have been submitted and approved by the Director in compliance with the provisions of Chapter 854.5 (Site Plan Review).

6. Ancillary uses for value added uses approved with a Conditional Use Permit.

Value-added agricultural uses and facilities that are not authorized under the by-right value-added uses, and are subject to a Conditional Use Permit application, may also include ancillary uses and facilities that are operated in association with a value-added agricultural processing facility.

- C. Activities subject to a Conditional Use Permit.** Commercial establishments for the processing of agricultural products when said product is not operated in conjunction with, or as part of, the same bona fide agricultural operation, including agricultural cooperatives which receive agricultural products from parcels owned or operated by members (or on-members) of those cooperatives, shall be subject to both Chapter 854.5 (Site Plan Review) and Chapter 842.5 (Conditional Use Permits). This section shall also apply to those value-added agricultural uses and facilities that cannot meet the by-right value-added standards cited above in Section B.

834.4.400 - Walk-in, Reach-in, Cold Storage Box Standards

- A. Purpose.** Walk-in, reach-in, cold storage boxes designed to hold refrigerated food for sale upon, and to occupants of apartment complexes, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), shall be subject to all of the requirements of this Section.
- B. Standards.** Walk-in, reach-in, cold storage boxes shall be subject to all of the following requirements and limitations:
1. Advertising signs shall be prohibited.
 2. Cold storage boxes shall be completely screened from adjacent properties and public road rights-of-way.
 3. Lighting shall not be directed toward or illuminate any apartment unit, adjacent properties, or public or private road rights-of-way.
 4. The operation shall be limited to either the resident manager, property manager, or the property owner.

834.4.410 – Wineries, Breweries and Distilleries (Small) Standards for Agricultural and Rural Residential Districts

- A. Applicability.** The winery, brewery or distillery (small), where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), may not annually exceed two 'alambic' pot stills or process more than 100,000 gallons of wine or 3,225 barrels of beer per year for the purpose of producing distilled spirits.
- B. Standards.** Facilities shall be subject to all of the following requirements and limitations:

1. A minimum of 25 percent of the grapes, grains, hops or other fruit products fermented shall derive from the parcel(s) of land farmed and owned or leased by the operator. Compliance with this standard shall be based on a production factor of 750 gallons per acre.
2. Related activities may include, but are not limited to, crushing, fermenting, blending, aging, storage, bottling, disposal of wastewater and pumice, administrative office functions, warehousing operations, wholesale sales, retail sales, tasting facilities and related promotional events.

834.4.415 - Wineries, Distilleries and Breweries (Wholesale Limited, Micro and Minor) Standards

- A. **Applicability.** The winery, distillery or brewery (wholesale limited, micro and minor), where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), may be permitted subject to the standards listed below.
- B. **Standards.** Wholesale limited, micro and minor wineries, distilleries and breweries shall be subject to all of the following requirements and limitations:
 1. A wholesale limited winery, distillery or brewery shall mean an establishment used for the commercial purpose of processing grapes, grains, hops or other fruit products to produce wine, beer or similar spirits limited to 2,500 gallons production maximum annually (for beer 1,111 cases or 81 barrels annually) and off-site sale only. No customers on site and no tasting days or events allowed. Applicant must provide Letter of Exemption or demonstrate the winery has been issued Waste Discharge Requirements from the California Regional Water Quality Control Board.
 2. A micro winery, distillery or brewery shall mean an establishment used for the commercial purpose of processing grapes, grains, hops or other fruit products to produce wine, beer or similar spirits limited to 5,000 gallons production maximum annually (for beer 2,222 cases or 161 barrels annually), a minimum of twenty-five percent (25%) of the grapes, grains, hops or other fruit products used shall be grown on site, with a maximum of 50 public tasting days and 10 public tasting events allowed per year, 100 people per event maximum. Subject to Administrative Review (development and building standards), and Limited Site Plan Review (subject to Traffic Safety Guidelines) required. Applicant must provide Letter of Exemption or demonstrate the winery has been issued Waste Discharge Requirements from the California Regional Water Quality Control Board.
 3. A minor winery, distillery or brewery shall mean an establishment used for the commercial purpose of processing grapes, grains, hops or other fruit products to produce wine, beer or similar spirits limited to 10,000 gallons production maximum annually (for beer 4,444 cases or 323 barrels annually), a minimum of twenty-five percent (25%) of the grapes, grains, hops or other fruit products used shall be grown on site, with a maximum of 75 public tasting days and 15 public tasting events per

year, 150 trips per event maximum. Subject to Agricultural Tourism Standards unless superseded by these provisions, Limited Site Plan Review (subject to Traffic Safety Guidelines) required. Applicant must provide Letter of Exemption or demonstrate the winery has been issued Waste Discharge Requirements from the California Regional Water Quality Control Board.

C. Specific Standards Commercial District Micro and Minor Breweries.

1. Micro and minor breweries may be permitted in conjunction with a bar or restaurant subject to the provisions of Section 834.4.080 above.
2. Micro and minor breweries shall be licensed by the State of California Department of Alcohol and Beverage Control with a Type 23 Small Beer Manufacturer license (or current equivalent).
3. All production raw material (e.g. grains, hops, fruit, and other produce) may be brought from off site.

834.4.415.a - Specific Standards Microbreweries and Brew Pubs in Commercial Districts

- A. Applicability.** Microbreweries and Brew Pubs, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards), may be permitted subject to the standards listed below.
- B. Standards.** Microbreweries shall be subject to all of the following requirements and limitations:

1. Microbreweries and Brew Pubs may be permitted in conjunction with a bar or restaurant subject to the provisions listed below:

Annual Barrel* Production with Urban Services	Permitting Tier	Annual Barrel Production on Private Well and Sewage	Permitting Tier
5,000	P	1,000	P
10,000	D	5,000	D
15,000	C	10,000	C

2. Microbreweries shall be licensed by the State of California Department of Alcohol and Beverage Control with a Type 23 Small Beer Manufacturer license (or current equivalent).
3. Brew Pubs shall be licensed by the State of California Department of Alcohol and Beverage Control with a Type 75 Small Beer Manufacturer license (or current equivalent).

4. All production raw material (e.g., grains, hops, fruit, and other produce) may be brought from off site.

*A barrel of beer is equivalent to 31 liquid gallons.

834.4.420 - Wireless Telecommunication Facility Standards

- A. Applicability.** Wireless telecommunications facilities encompass a wide-range of potential uses and structural appearances including, but not solely exclusive of cellular telecommunications towers.
- B. Standards.** Standards will vary on zone district and type of use and are further-defined in subsection C below.
- C. Facility Types.**
 1. Ham radio towers subject to Section 846.5.020 (Unclassified Director's Review and Approval), which exceed the maximum building height allowed in the zone district.
 2. Microwave relay structures for the sole purpose of line-of-sight transmission of microwave data and not consisting of cellular transmission technology or serving as part of a cellular transmission network and which exceed the maximum building height allowed in the zone district. The increased height above the maximum height of the applicable zone district must occur as a function of the use. Such uses are subject to either Chapter 842.5 (Conditional Use Permits) or Chapter 846.5 (Director's Review and Approval).
 3. Radio or television antennas, towers and transmitters are for commercial and/or public communications and include antennas and transmitters for radio and television broadcasting and receiving stations and studios but would exclude cellular communications technology as the primary use or purpose of the structure. Such uses are subject to an Unclassified Conditional Use Permit (Section 842.5.020.B).
 4. Wireless cellular facilities subject to an Unclassified Conditional Use Permit (Section 842.5.020.B) such as cellular communications towers in which the increased height above the maximum height of the applicable zone district must occur as a function of the use. Such facilities shall be subject to the County's adopted Wireless Facility Guidelines as referenced in the Fresno County General Plan.
- E. Specific Exclusions.**

The above provisions exclude non-commercial antennas including radio and television antennas, and non-commercial satellite dishes that are permitted as an appurtenance to an approved and lawfully permitted structure unless expressly prohibited or only allowed with a discretionary land use permit by zone district.

834.4.430 - Multi-family Objective Design and Development Standards

- A. Purpose.** The purpose of this Section is to provide minimum design and development standards for multi-family dwellings. All multi-family dwelling shall comply with these standards to receive ministerial approval. Projects that meet all the following standards are not subject to discretionary review.
- B. Discretionary Review.** Multi-family dwelling projects that propose alternative development and design standards other than those specified above (834.4.430.A) shall require a discretionary approval.
- C. Objective Development Standards.**
- 1. Setbacks.** Front, rear and side setbacks shall comply with the base zone setback requirements (Chapter 810.2 – Residential Zones).
 - 2. Property Access.** There shall be vehicular access from a dedicated and improved street, easement, or alley to off-street parking areas.
 - 3. Street Frontage.** Every primary residential structure shall have frontage on a public street or an access-way which has been approved for residential access by the County.
 - 4. Structure Height.** Structure height shall comply with the base zone maximum allowable height.
 - 5. Mail and Package Delivery Location.** Mailboxes and package delivery areas shall be in locations that are visible by residents at the interior of a structure entrance, elevator lobby, or stairwell.
 - 6. Primary Entrances.** All primary structure entrances shall include dawn to dusk lighting for safety and security.
 - 7. Street-Facing Structures.**
 - a.** Structures at the street shall have a front entry oriented to the street.
 - b.** Primary entrances of street-facing structures shall include a functional porch or stoop. Porches and stoops shall be covered.
 - 8. Landscaping.** All onsite landscaping shall comply with the Landscaping Standards in Section 826.3 in Article 3.
 - 9. Parking and Circulation.**

- a. Parking Standards.** Parking standards shall comply with the parking regulations in Chapter 828.3 (Parking and Loading Standards).
 - b. Required Guest Parking.** A minimum of three guest parking spaces shall be provided for every six dwelling units.
- 10. Fences and Walls.** Allowable fences and walls materials shall comply with the regulations in Section 822.3.050 of Article 3 (Fences, Walls, and Hedges).
- 11. Exterior Lighting.** Parking areas and pedestrian pathways shall include lighting for safety and security. Lighting shall comply with the regulations in Section 820.3.080 of Article 3 (Exterior Light and Glare).
- 12. Solid Waste and Recycling Enclosures.** All solid waste and recycling enclosures shall comply with the Solid Waste/Recyclable Materials Storage regulations in Chapter 828.3 (Solid Waste/Recyclable Materials Storage).
- 13. Structure Identification.** Structure identification numbers shall be placed along pedestrian pathways and roads and shall be readable from a minimum distance of 60 feet (see Figure 4-2).

*Figure 4-2
Structure Identification*

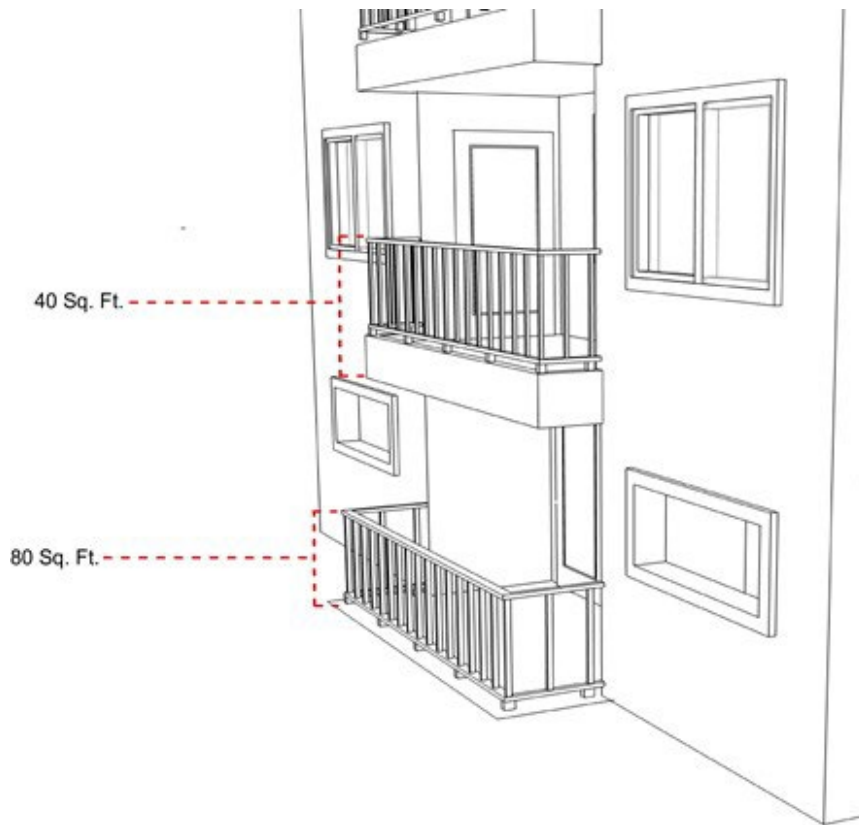


- 14. Signage and Information.** Signs shall comply with the Sign Standards in Chapter 830.3 (Signs) in Article 3. In addition, all directional signage and informational kiosks (i.e., site maps) shall be located at the entrances of individual structures and at convergences of main pedestrian pathways.

15. Private Open Space. The following standards apply to private open space and are illustrated in Figure 4-3 (Private Open Space).

- a. Ground Floor Units.** Each ground floor dwelling unit shall include a minimum of 80 square feet of private open space in the form of a covered or uncovered patio to allow for light, air, and privacy.
- b. Above Ground Floor Units.** Each above ground floor dwelling unit shall include a minimum of 40 square feet of private open space in the form of a terrace, balcony, or rooftop patio to allow for light, air, and privacy.

*Figure 4-3
Private Open Space*



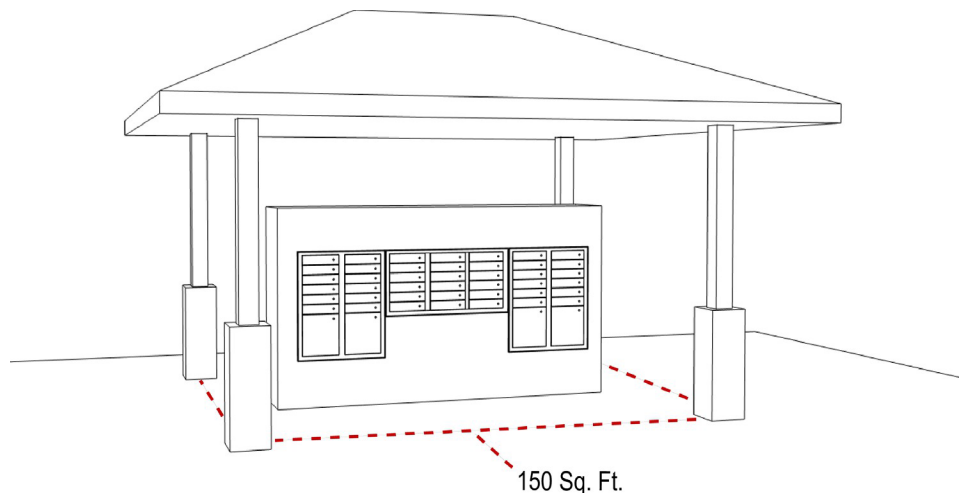
D. Objective Design Standards.

1. Color Palettes.

- a.** All structures shall incorporate a maximum of four colors, excluding a primary accent color and roof color.

- b. Each structure elevation for projects with two or more stories shall include two colors in the selected color palette.
 - c. Projects that include more than 30 dwelling units shall include at least two-color palettes, where no single-color palette shall be used on more than 50 percent of the dwelling units.
2. **Community Mailboxes.** For complexes comprising 100 units or more, common mailboxes shall be shaded by a permanent structure or overhang no larger than 150 square feet (see Figure 4-4). The permanent structure or overhang shall use the approved color palette for the overall project and include exterior lighting for nighttime safety.

*Figure 4-4
Community Mailboxes*



3. **Solid Waste and Recycling Enclosures.** Masonry walls and metal doors shall be painted in accordance with the approved color palette for the overall project.
4. **Roof Design and Materials.**
- a. Projects in excess of 30 units shall utilize design features such as offsets, balconies and projections.
 - b. Projects in excess of 30 units shall be encouraged to incorporate eaves, canopies, and awnings along south and west elevations.
 - c. Roof overhangs shall be a minimum of 12 inches.
 - d. Roof lines shall be articulated at least every 100 feet.
 - e. The following are allowable roofing materials (see Figure 4-5):

- (1) Non-reflective standing seam metal roofs in shades of tan, brown, and black;
- (2) Cool foam roofs (white);
- (3) Clay tile; and
- (4) Composition shingles.

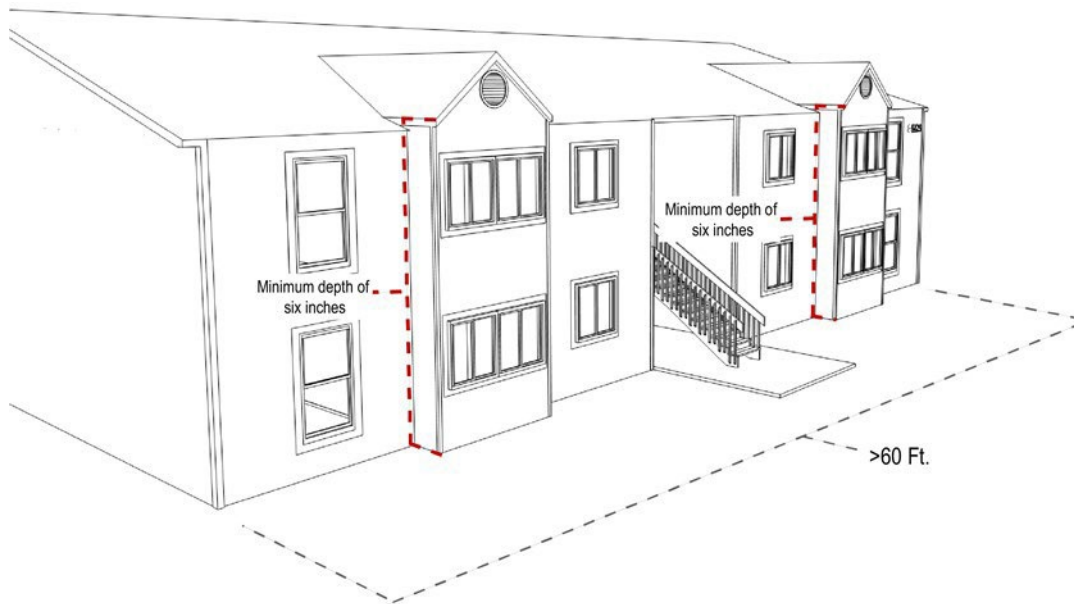
*Figure 4-5
Allowable Roof Materials*



5. Screening.

- a. All screening of ground-mounted and roof-mounted equipment with the exception of roof-mounted solar panels, shall be screened from view with landscaping, walls, and/or fences.
 - b. Developments shall be screened from adjacent commercial, industrial, or manufacturing/processing uses.
6. **Structure Massing.** Structures that have a length longer than 60 feet shall include facades with varying modulation with a minimum depth of one foot at intervals of no more than 40 feet. See Figure 4-6 (Structure Massing).

Figure 4-6
Structure Massing



7. Structure Materials and Elements. The following primary structure materials are prohibited:

- a. Vinyl or vinyl clad materials; and
- b. Unfinished galvanized metals.

834.4.440 - Millerton Specific Plan Tertiary-Treated Wastewater for Irrigation

- A. Applicability.** Landscaping, the raising of tree, vine, field, forage, and other plant life of all kinds, except mushroom growing, and Grazing shall be permitted within or adjacent to the Millerton Specific Plan Area when supplied or irrigated with a source of tertiary treated effluent.
- B. Standards.** Effluent must meet tertiary standards or higher as determined by the State of California. The procedure specified in Chapter 842.5 (Conditional Use Permits) shall apply.

834.4.450 - Commercial/Industrial/Warehousing Development Standards for Designated Uses

- A. Purpose.** This Section provides specific standards for designated commercial, industrial and warehouse uses to reduce conflict with neighboring land uses and communities.
- B. Standards.**

1. Screening shall comply with the standards of Article 3, Section 822.3.090.E and F
2. Landscaping shall comply with the standards of Article 3, Section 826.3.020.
3. Parking and loading shall comply with Article 3, Chapter 828.3 and Section 828.3.080.
4. Signs shall comply with the standards of Article 3, Section 830.3.111.

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