

DIVISION 8: APPLICATION REGULATIONS**CHAPTER 9-800****APPLICATION REGULATIONS: INTENT AND ORGANIZATION****Sections:**

- 9-800.1 Title and Intent.**
9-800.2 Organization.
9-800.3 Supplemental Information.

9-800.1 TITLE AND INTENT.

Division 8 constitutes the Application Regulations. The intent of this Division is to prescribe regulations for the various types of permit applications that may be processed under this Title.

(Ord. 3675)

9-800.2 ORGANIZATION.

Division 8 consists of the following chapters:

- (a) 9-800 Application Regulations: Intent and Organization;
- (b) 9-803 General Plan Amendments;
- (c) 9-804 Master Plans;
- (d) 9-805 Public Financing Plans;
- (e) 9-806 Specific Plans;
- (f) 9-809 Development Title Text Amendments;
- (g) 9-812 Zone Reclassifications;
- (h) 9-815 Special Purpose Plans;
- (i) 9-818 Site Approvals;
- (j) 9-821 Use Permits;
- (k) 9-824 Deviations;
- (l) 9-827 Variances;
- (m) 9-830 Second Unit Dwellings;
- (n) 9-833 Planned Development Zone;
- (o) 9-836 Dwelling Clusters;
- (p) 9-839 Home Occupation Permits;
- (q) 9-845 Evacuation Plans;
- (r) 9-848 Flood Variances;
- (s) 9-851 Agricultural Excavation Permits;
- (t) 9-854 Quarry Excavation Permits;
- (u) 9-857 Major Subdivisions;
- (v) 9-860 Minor Subdivisions;
- (w) 9-863 County-Initiated Mergers;
- (x) 9-866 Voluntary Mergers;
- (y) 9-869 Reversion to Acreage;
- (z) 9-872 Lot Line Adjustments;
- (AA) 9-875 Certificates of Compliance;
- (BB) 9-878 Revisions of Approved Actions;
- (CC) 9-881 Time Extensions;
- (DD) 9-884 Improvement Plans;

(EE) 9-890 Parcel Map Waivers; and
 (FF) 9-893 Mobile Home Permits.
 (Ord. 3675; 3756; Ord. 3843 § 17, 1995)

9-800.3 SUPPLEMENTAL INFORMATION.

In addition to the information contained in the permit application form, the review authority may require supplemental information in order to evaluate the land use impacts of a project. Supplemental information may take the form of a *marketing plan*. A *marketing plan* for wineries and wine cellars shall provide a checklist describing the winery or wine cellar operations and a narrative description of individual marketing events and special events.

(Ord. 4115 § 9, 2001)

CHAPTER 9-803

GENERAL PLAN AMENDMENTS

Sections:

- 9-803.1 Intent.**
- 9-803.2 Requirements for Application.**
- 9-803.3 Review Procedures.**
- 9-803.4 Approval.**

9-803.1 INTENT.

It is the intent of this Chapter to provide a method for amending the General Plan, as provided in the California Government Code.
(Ord. 3675)

9-803.2 REQUIREMENTS FOR APPLICATION.

Applications for General Plan Text Amendments may be initiated by any interested party. Applications shall be filed with the Community Development Department. A fee, as specified by resolution of the Board of Supervisors, shall be required.
(Ord. 3675)

9-803.3 REVIEW PROCEDURES.

General Plan Amendment Applications shall be reviewed using the Public Hearing Review Procedure in Chapter 9-220, with modifications as provided in this Section.

(a) **Planning Commission.** At the conclusion of the Public Hearing, the Planning Commission shall recommend approval of the application or deny the application.

(1) If the Planning Commission recommends approval, the application shall be reviewed by the Board of Supervisors.

(2) If the Planning Commission denies the General Plan Amendment Application, the action is final, unless appealed to the Board of Supervisors.

(b) **Board of Supervisors.** The Board of Supervisors shall hold a Public Hearing to take final action if the Planning Commission has recommended approval or if the Planning Commission's denial was appealed.
(Ord. 3675)

9-803.4 APPROVAL.

Prior to approving an application for a General Plan Amendment, the Planning Commission and Board of Supervisors shall determine that the internal consistency of the General Plan is maintained in the adoption of the Amendment.
(Ord. 3675)

CHAPTER 9-804

MASTER PLANS

Sections:

- 9-804.1 Intent.**
- 9-804.2 Requirements for Application.**
- 9-804.3 Review Procedures.**
- 9-804.4 Approval.**
- 9-804.5 Recovery of Costs.**

9-804.1 INTENT.

The intent of this Chapter is to provide for the adoption and amendment of Master Plans to facilitate implementation of the General Plan for new communities or substantial expansion of existing communities. The need for a Master Plan is defined by the policies or implementation measures of the General Plan.
(Ord. 3715)

9-804.2 REQUIREMENTS FOR APPLICATION.

Applications for Master Plans may be initiated by the Board of Supervisors, Planning Commission, Director of Community Development, or the property owner or his or her authorized agent. To initiate the application, the applicant shall file a request for a preapplication conference with the Community Development Department. The Master Plan or Master Plan Amendment may be prepared by the County, its consultant, or by the applicant, as determined by the Director. A fee, as specified by resolution of the Board of Supervisors, shall be required.
(Ord. 3715)

9-804.3 REVIEW PROCEDURES.

Master Plan applications shall be reviewed using the Public Hearing Review Procedure in Chapter 9-220, with modifications as provided in this Section.

(a) **Planning Commission.** At the conclusion of the Public Hearing the Planning Commission shall recommend approval of the application or deny the application.

(1) If the Planning Commission recommends approval, the application shall be reviewed by the Board of Supervisors.

(2) If the Planning Commission denies the Master Plan Application, the action is final, unless appealed to the Board of Supervisors.

(b) **Board of Supervisor.** The Board of Supervisors shall hold a Public Hearing to take final action if the Planning Commission has recommended approval or if the Planning Commission's denial was appealed.
(Ord. 3715)

9-804.4 APPROVAL.

Prior to approving an application for a Master Plan or a Master Plan Amendment, the Planning Commission and the Board of Supervisors shall determine that the Master Plan or the Master Plan Amendment is consistent with the General Plan and applicable Public Financing Plan. (Ord. 3715)

9-804.5 RECOVERY OF COSTS.

For a Master Plan or a Master Plan Amendment prepared at the County's expense, the Board of Supervisors may impose a Master Plan fee. The fee shall be applied to persons seeking approvals for development within the area covered by the Master Plan or Master Plan Amendment. The fee charged shall be a prorated amount determined on the basis of the amount of land proposed for development expressed as a percentage of the total land included in the applicable Master Plan or Master Plan Amendment. (Ord. 3715)

CHAPTER 9-805

PUBLIC FINANCING PLANS

Sections:

- 9-805.1 Intent.**
- 9-805.2 Requirements for Application.**
- 9-805.3 Review Procedures.**
- 9-805.4 Approval.**
- 9-805.5 Recovery of Costs.**

9-805.1 INTENT.

The intent of this Chapter is to provide for the adoption and amendment of Public Financing Plans to facilitate implementation of the General Plan for new communities or substantial expansion of existing communities. The need for a Public Financing Plan is defined by the policies or implementation measures of the General Plan. (Ord. 3715)

9-805.2 REQUIREMENTS FOR APPLICATION.

Applications for Public Financing Plans may be initiated by the Board of Supervisors, Planning Commission, Director of Community Development, or the property owner or his or her authorized agent. To initiate an application, the applicant shall file a request for a preapplication conference with the Community Development Department. The Public Financing Plan or the Public Financing Plan Amendment shall be prepared by the County or its consultant, with information provided by the applicant. A fee, as specified by resolution of the Board of Supervisors, shall be required. (Ord. 3715)

9-805.3 REVIEW PROCEDURES.

Public Financing Plan applications shall be reviewed using the Public Hearing Review Procedure in Chapter 9-220, with modifications as provided in this Section.

(a) **Planning Commission.** At the conclusion of the Public Hearing the Planning Commission shall recommend approval of the application or deny the application.

(1) If the Planning Commission recommends approval, the application shall be reviewed by the Board of Supervisors.

(2) If the Planning Commission denies the Public Financing Plan Application, the action is final, unless appealed to the Board of Supervisors.

(b) **Board of Supervisors.** The Board of Supervisors shall hold a Public Hearing to take final action if the Planning Commission has recommended approval or if the Planning Commission's denial was appealed. (Ord. 3715)

9-805.4 APPROVAL.

Prior to approving an application for a Public Financing Plan or a Public Financing Plan Amendment, the Planning Commission and the Board of Supervisors shall determine that the Public Financing Plan or the Public Financing Plan Amendment is consistent with the General Plan and applicable Master Plan. (Ord. 3715)

9-805.5 RECOVERY OF COSTS.

For a Public Financing Plan or a Public Financing Plan Amendment prepared at the County's expense, the Board of Supervisors may impose a Public Financing Plan fee. The fee shall be applied to persons seeking approvals for development within the area covered by the Public Financing Plan or Public Financing Plan Amendment. The fee charged shall be a prorated amount determined on the basis of the amount of land proposed for development expressed as a percentage of the total land included in the applicable Public Financing Plan or Public Financing Plan Amendment. (Ord. 3715)

CHAPTER 9-806

SPECIFIC PLANS

Sections:

- 9-806.1 Intent.**
- 9-806.2 Requirements for Application.**
- 9-806.3 Review Procedures.**
- 9-806.4 Approval.**
- 9-806.5 Recovery of Costs.**

9-806.1 INTENT.

The intent of this Chapter is to provide a method for adopting and amending Specific Plans, as provided in the California Government Code. (Ord. 3675)

9-806.2 REQUIREMENTS FOR APPLICATION.

Applications for Specific Plans or Specific Plan Amendments may be initiated by the Board of Supervisors, Planning Commission, Director of Community Development, or the property owner or the property owner's authorized agent. Applications shall be filed with the Community Development Department. A fee, as specified by resolution of the Board of Supervisors, shall be required. (Ord. 3675)

9-806.3 REVIEW PROCEDURES.

Specific Plan Applications shall be reviewed using the Public Hearing Review Procedure in Chapter 9-220, with modifications as provided in this Section.

(a) **Planning Commission.** At the conclusion of the Public Hearing, the Planning Commission shall recommend approval of the application or deny the application.

(1) If the Planning Commission recommends approval, the application shall be reviewed by the Board of Supervisors.

(2) If the Planning Commission denies the Specific Plan Application, the action is final, unless appealed to the Board of Supervisors.

(b) **Board of Supervisors.** The Board of Supervisors shall hold a Public Hearing to take final action if the Planning Commission has recommended approval or if the Planning Commission's denial was appealed. (Ord. 3675)

9-806.4 APPROVAL.

Prior to approving an application for a Specific Plan or a Specific Plan Amendment, the Planning Commission and the Board of Supervisors shall determine that the

Specific Plan or Specific Plan Amendment is consistent with the General Plan and any applicable Master Plan and Public Financing Plan.
(Ord. 3675, 3715)

9-806.5 RECOVERY OF COSTS.

For a Specific Plan or a Specific Plan Amendment prepared at the County's expense, the Board of Supervisors may impose a Specific Plan fee. The fee shall be applied to persons seeking approvals for development within the area covered by the Specific Plan or Specific Plan Amendment. The fee charged shall be a prorated amount determined on the basis of the amount of land proposed for development expressed as a percentage of the total land included in the applicable Specific Plan or Specific Plan Amendment.
(Ord. 3675)

CHAPTER 9-809

DEVELOPMENT TITLE TEXT AMENDMENTS

Sections:

9-809.1	Intent.
9-809.2	Requirements for Application.
9-809.3	Review Procedures.
9-809.4	Approval.

9-809.1 INTENT.

It is the intent of this Chapter to provide for the method to amend this Title, as provided in the California Government Code.
(Ord. 3675)

9-809.2 REQUIREMENTS FOR APPLICATION.

Applications for Text Amendments may be initiated by any interested party. Applications shall be filed with the Community Development Department. A fee, as specified by resolution of the Board of Supervisors, shall be required.
(Ord. 3675)

9-809.3 REVIEW PROCEDURES.

Text Amendment Applications shall be reviewed using the Public Hearing Review Procedure in Chapter 9-220, with modifications as provided in this Section.

(a) **Planning Commission.** At the conclusion of the Public Hearing, the Planning Commission shall recommend approval of the application or deny the application.

(1) If the Planning Commission recommends approval, the application shall be reviewed by the Board of Supervisor.

(2) If the Planning Commission denies the Text Amendment Application, the action is final, unless appealed to the Board of Supervisors.

(b) **Board of Supervisors.** The Board of Supervisors shall hold a Public Hearing to take final action if the Planning Commission has recommended approval or if the Planning Commission's denial is appealed.
(Ord. 3675)

9-809.4 APPROVAL.

Prior to approving an application for a Text Amendment, the Planning Commission and the Board of Supervisors shall determine that the proposed Text Amendment is consistent with the General Plan and any applicable Master Plan.
(Ord. 3675; Ord. 3832 § 18, 1995)

CHAPTER 9-812

ZONE RECLASSIFICATIONS

Sections:

- 9-812.1 Intent.**
- 9-812.2 Requirements for Application.**
- 9-812.3 Review Procedures.**
- 9-812.4 Approval.**
- 9-812.5 Conditional Zone Reclassification.**

9-812.1 INTENT.

It is the intent of this Chapter to provide a method for the reclassification of property from one zoning district to another, as provided in the California Government Code.

(Ord. 3675)

9-812.2 REQUIREMENTS FOR APPLICATION.

Applications for Zone Reclassification may be initiated by the Board of Supervisors, Planning Commission, Director of Community Development, or the property owner or the property owner's authorized agent. Applications shall be filed with the Community Development Department. A fee, as specified by resolution of the Board of Supervisors, shall be required.

(Ord. 3675)

9-812.3 REVIEW PROCEDURES.

Zone Reclassification Applications shall be reviewed using the Public Hearing Review Procedure in Chapter 9-220, with modifications as provided in this Section.

(a) **Planning Commission.** At the conclusion of the Public hearing, the Planning Commission shall recommend approval of the application or deny the application.

(1) If the Planning Commission recommends approval, the application shall be reviewed by the Board of Supervisors.

(2) If the Planning Commission denies the Zone Reclassification Application, the action is final, unless appealed to the Board of Supervisors.

(b) **Board of Supervisors.** The Board of Supervisors shall hold a Public Hearing to take final action if the Planning Commission has recommended approval or if the Planning Commission's denial was appealed.

(Ord. 3675)

9-812.4 APPROVAL.

Prior to approving an application for a Zone Reclassification, the Planning Commission and the Board of

Supervisors shall determine that all of the following are true:

(a) The proposed zone district is consistent with the General Plan, any applicable Master Plan, and any applicable Specific Plan; and

(b) The proposed zone district is reasonable and beneficial at the time.

(Ord. 3675, 3715)

9-812.5 CONDITIONAL ZONE RECLASSIFICATION.

In order to reflect local conditions, ensure compatibility of uses, protect the public health and safety, and otherwise implement the General Plan, reclassifications may be initiated in which only certain specified uses of the regulating zone are allowed. Such reclassifications shall be referred to as Conditional Zone Reclassifications.

(a) **Process.** Conditional Zone Reclassifications shall be subject to the same application requirements, the same review procedures, and the same determinations for approval as conventional reclassifications.

(b) **Designation.** Conditional Zone Reclassifications shall be shown on the zoning map by the zone designation, followed by the letter "S," followed by a number which references a table. The table may specify what uses or use types are allowed or prohibited and/or impose a higher level of review on any underlying projects than that normally required by the regulating zone. The table shall be maintained by the Director.

(c) **Removal of Conditional Zoning.** Upon completion of the terms and conditions of a Conditional Zone Reclassification, the Director may deem the terms and conditions of the Conditional Zone Reclassification fulfilled, if in the Director's judgement the following are true:

(1) The reason for approving the Conditional Zone Reclassification no longer exists,

(2) The compatibility of uses in the area is ensured,

(3) Public health and safety is protected, and

(4) The internal consistency of the General Plan is maintained.

If the Director determines the terms and conditions have been satisfied, the Conditional Zone designation shall be removed from the Zoning Map and any listing of Conditional Zone Reclassifications.

(Ord. 3675, 3739)

CHAPTER 9-815

SPECIAL PURPOSE PLANS

Sections:

9-815.1	Intent.
9-815.2	Typical Uses.
9-815.3	Requirements for Application.
9-815.4	Review Procedures.
9-815.5	Repealed by Ord. 3938.
9-815.6	Approval.
9-815.7	Contents.
9-815.8	Subsequent Applications.
9-815.9	Legal Effect of Adopted Plan.

9-815.1 INTENT.

The intent of this Chapter is to provide for the adoption and amendment of Special Purpose Plans to facilitate implementation of the General Plan in portions of communities or larger areas. A Special Purpose Plan shall be used to provide a greater level of detail and more specific guidance than is contained in the General Plan. The need for a Special Purpose Plan typically would be identified during a pre-application conference or by other procedures initiated by the County.

(Ord. 3675; Ord. 3938 § 7, 1997)

9-815.2 TYPICAL USES.

Typical uses for Special Purpose Plans shall include, but shall not be limited to, the following:

- (a) **Commercial Recreation and Freeway Service Uses.** Planning for areas designated as Commercial Recreation or Freeway Service in the General Plan;
- (b) **Utilities.** Planning for the provision or installation of utilities in specific areas;
- (c) **Roadways.** Establishing the location of roadways and roadway rights-of-way;
- (d) **Improvements.** Coordinating the provision of improvements such as noise barriers or fencing;
- (e) **Aesthetics.** Establishing aesthetic standards for specific areas; and
- (f) **Parking.** Providing comprehensive parking plans, consistent with Chapter 9-1015, for specific commercial areas.

(Ord. 3675)

9-815.3 REQUIREMENTS FOR APPLICATION.

Applications for Special Purpose Plans and Special Purpose Plan Amendments may be initiated by the Board of Supervisors, Planning Commission, Director of Community Development, or the property owner or his or her

authorized agent. Applications shall be filed with the Community Development Department; applications for Special Purpose Plans in Commercial Recreation and Freeway Commercial Zones shall be submitted at the same time as the application for a Zone Reclassification. A fee, as specified by resolution of the Board of Supervisors, shall be required.

(Ord. 3675, 3715; Ord. 3938 § 8, 1997)

9-815.4 REVIEW PROCEDURES.

Each Special Purpose Plan application shall be reviewed using the Public Hearing Review Procedure in Chapter 9-220, with modifications as provided in this Section.

(a) **Planning Commission.** At the conclusion of the Public Hearing, the Planning Commission shall recommend approval of the application or deny the application.

(1) If the Planning Commission recommends approval, the application shall be reviewed by the Board of Supervisors.

(2) If the Planning Commission denies the Special Purpose Plan Application, the action is final, unless appealed to the Board of Supervisors.

(b) **Board of Supervisors.** The Board of Supervisors shall hold a Public Hearing to take final action if the Planning Commission has recommended approval or if the Planning Commission's denial was appealed.

(Ord. 3675)

9-815.5 Repealed by Ord. 3938.

9-815.6 APPROVAL.

Prior to approving an application for a Special Purpose Plan or a Special Purpose Plan Amendment, the Board of Supervisors shall determine that the Special Purpose Plan or Special Purpose Plan Amendment is consistent with the General Plan, any applicable Master Plan, and any applicable Specific Plan.

(Ord. 3675, 3715; Ord. 3938 § 10, 1997)

9-815.7 CONTENTS.

All Special Purpose Plans shall contain a map of the area to be affected by the plan and text which describes the plans for said area. The level of detail may be specific or conceptual as appropriate. In addition, plans may include any or all of the following:

(a) **Land Use and Standards.** The location of, and standards for, land uses, structures, and facilities;

(b) **Transportation Standards.** The location of, and standards for, streets, roads, and other transportation facilities;

(c) **Improvements and Standards.** The phasing, financing, and location of, and standards for, sewage treatment, water, and storm drainage facilities or other improvements;

(d) **Natural Resource Standards.** Standards for the conservation, development, and use of natural resources; and

(e) **Environmental Impact Mitigation.** Standards and measures for mitigating environmental impacts of area development.

(Ord. 3675)

9-815.8 SUBSEQUENT APPLICATIONS.

(a) **Improvement Plan.** If the Director determines that the uses and issues of a proposed application were addressed in an existing Special Purpose Plan and there is no expansion to the area covered by the project, an Improvement Plan may be used for the subsequent application.

(b) **Expansion of Special Purpose Plans.** Expansion of a development, beyond the uses and issues addressed in an existing Special Purpose Plan, shall require an amended or new Special Purpose Plan.

(c) **Other Plans.** For uses requiring a Special Purpose Plan that have an existing permit, the existing permit is valid for the purpose for which it was issued. Any expansion of such use shall require a Special Purpose Plan.

(Ord. 3675, 3715; Ord. 3832 § 19, 1995)

9-815.9 LEGAL EFFECT OF ADOPTED PLAN.

All improvements and land uses shall be consistent with an adopted Special Purpose Plan. Once adopted, plans shall remain in effect until amended or rescinded by the Board of Supervisors.

(Ord. 3675)

CHAPTER 9-818

SITE APPROVALS

Sections:

- 9-818.1 Intent.**
- 9-818.2 Requirements for Application.**
- 9-818.3 Review Procedures.**
- 9-818.4 Development Requirements.**
- 9-818.5 Expansion of Existing Uses.**
- 9-818.6 Findings.**

9-818.1 INTENT.

It is the intent of this Chapter to provide a method for reviewing proposed uses which possess characteristics that require special appraisal in order to determine if the uses have the potential to adversely affect other land uses, transportation, or facilities in the vicinity. The Review Authority may require conditions of approval necessary to eliminate, or minimize to an acceptable level, any potentially adverse effects of a use.

(Ord. 3675)

9-818.2 REQUIREMENTS FOR APPLICATION.

Applications for Site Approvals may be initiated by the property owner or the property owner's authorized agent. Applications shall be filed with the Community Development Department. A request for Site Approval shall include a site plan which clearly delineates the location and characteristics of the proposed use. A fee, as specified by resolution of the Board of Supervisors, shall be required.

(Ord. 3675)

9-818.3 REVIEW PROCEDURES.

Site Approvals shall be reviewed by the Director using the Staff Review with Notice Procedure in Chapter 9-215.

(Ord. 3675)

9-818.4 DEVELOPMENT REQUIREMENTS.

Site Approvals approved under the provisions of this Chapter shall be subject to those conditions which ensure that the proposed use meets the requirements of the County and any additional conditions necessary to make the findings for approval. Unless otherwise specified, the use cannot be established until all conditions have been complied with.

(Ord. 3675)

9-818.5 EXPANSION OF EXISTING USES.

Existing uses subject to Site Approvals may be expanded pursuant to this Section.

(a) **Required Conditions.** In those instances involving uses that require and have Site Approval, the Director of Community Development may approve plans for the expansion or adjustment of an existing development when the expansion complies with all of the following conditions:

- (1) The building or use expansion is incidental to an existing use;
- (2) The building or use expansion does not result in a change of use;
- (3) No building expansion involves more than a twenty-five percent (25%) increase in floor area covered by existing structures associated with the use;
- (4) No use expansion involves more than a ten percent (10%) increase in the overall site area covered by the existing use;
- (5) The building or use expansion, in the opinion of the Director of Community Development, would not have a substantial, adverse effect on adjacent property; and
- (6) The building or use expansion complies with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency as determined by the Director of Community Development.

(b) **Conditions Not Met.** If a proposed expansion does not comply with the above conditions in Subsection (a), a new Site Approval shall be required.
(Ord. 3675)

9-818.6 FINDINGS.

Prior to approving an application for a Site Approval, the Review Authority shall find that all of the following are true:

- (a) **Consistency.** The proposed use is consistent with the goals, policies, standards, and maps of the General Plan, any applicable Master Plan, Specific Plan, and Special Purpose Plan, and any other applicable plan adopted by the County;
- (b) **Improvements.** Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, and the proposed improvements are properly related to existing and proposed roadways;
- (c) **Site Suitability.** The site is physically suitable for the type of development and for the intensity of development;
- (d) **Issuance Not Detrimental.** Issuance of the permit will not be significantly detrimental to the public

health, safety, or welfare, or be injurious to the property or improvements of adjacent properties; and

(e) **Compatibility.** The use is compatible with adjoining land uses.

(Ord. 3675, 3715)

CHAPTER 9-821**USE PERMITS****Sections:**

9-821.1	Intent.
9-821.2	Requirements for Application.
9-821.3	Review Procedures.
9-821.4	Development Requirements.
9-821.5	Expansion of an Existing Use.
9-821.6	Findings.
9-821.7	Findings for Specific Uses.

9-821.1 INTENT.

It is the intent of this Chapter to provide a method of reviewing proposed uses which possess characteristics that require special appraisal in order to determine if the uses have the potential to adversely affect other land uses, transportation, or facilities in the vicinity. The Review Authority may require conditions of approval necessary to eliminate, or minimize to an acceptable level, any potential adverse effects of the use.

(Ord. 3675)

9-821.2 REQUIREMENTS FOR APPLICATION.

Applications for Use Permits may be initiated by the property owner or the property owner's authorized agent. Applications shall be filed with the Community Development Department. A request for a Use Permit shall include a site plan which clearly delineates the location and characteristics of the proposed use. A fee, as specified by resolution of the Board of Supervisors, shall be required.

(Ord. 3675)

9-821.3 REVIEW PROCEDURES.

Use Permit Applications shall be reviewed by the Planning Commission using the Public Hearing Review Procedure in Chapter 9-220.

(Ord. 3675)

9-821.4 DEVELOPMENT REQUIREMENTS.

Use Permits approved under the provisions of this Chapter may be subject to any reasonable conditions necessary to meet the intent of this Chapter or make necessary findings. Unless otherwise specified, no use shall be established until all conditions have been complied with.

(Ord. 3675)

9-821.5 EXPANSION OF AN EXISTING USE.

Existing uses subject to a Use Permit may be expanded pursuant to this Section.

(a) **Required Conditions.** In those instances involving uses that require a Use Permit and a Use Permit has been approved, the Director of Community Development may approve plans for the expansion of the existing use when the expansion complies with all of the following conditions:

(1) The building or use expansion is incidental to the existing use;

(2) The building or use expansion does not result in a change of use;

(3) No building expansion involves more than a twenty-five (25) percent increase in floor area covered by existing structures associated with the use;

(4) No use expansion involves more than a ten (10) percent increase in the overall site area covered by the existing use;

(5) The building or use expansion, in the opinion of the Director of Community Development, would not have a substantial adverse effect on adjacent property; and

(6) The building or use expansion complies with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency as determined by the Director of Community Development.

(b) **Conditions Not Met.** If a proposed expansion does not comply with the above conditions in Subsection (a), a new Use Permit shall be required.

(Ord. 3675)

9-821.6 FINDINGS.

Prior to approving an application for a Use Permit, the Review Authority shall find that all of the following are true:

(a) **Consistency.** The proposed use is consistent with the goals, policies, standards, and maps of the General Plan; any applicable Master Plan, Specific Plan, and Special Purpose Plan; and any other applicable plan adopted by the County;

(b) **Improvements.** Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, and the proposed improvements are properly related to existing and proposed roadways;

(c) **Site Suitability.** The site is physically suitable for the type of development and for the intensity of development;

(d) **Issuance Not Detrimental.** Issuance of the permit will not be significantly detrimental to the public

health, safety, or welfare or be injurious to the property or improvements of adjacent properties; and

(e) **Compatibility.** The use is compatible with adjoining land use.

(Ord. 3675, 3715)

9-821.7 FINDINGS FOR SPECIFIC USES.

Prior to approval of a Use Permit for specific uses, the Review Authority shall make the following findings for that use:

(a) **Recreational Vehicle Parks.** The property is in a location which will either:

- (1) Serve users of existing freeways, or
- (2) Serve the users of an existing or proposed recreational area.

(Ord. 3675)

CHAPTER 9-824

DEVIATIONS

Sections:

9-824.1	Intent.
9-824.2	Permitted Zone and Permitted Modifications.
9-824.3	Requirements for Application.
9-824.4	Review Procedures.
9-824.5	Findings.

9-824.1 INTENT.

It is the intent of this Chapter to establish exceptions to the regulations of this Title which may be used to ensure that property, because of special circumstances such as size, shape, topography, location, or surroundings, shall be accorded privileges commonly enjoyed by the other properties in the same zone in the vicinity.

(Ord. 3675)

9-824.2 PERMITTED ZONE AND PERMITTED MODIFICATIONS.

Applications for Deviations may be accepted in all zones, unless otherwise specified. Applications for Deviations may be considered for the following modifications only:

(a) **Setback Requirements.** Setback requirements may be altered as follows:

- (1) Up to forty (40) percent of the front yard setback requirement, but not closer to the property line than fifteen (15) feet;
- (2) Up to forty (40) percent of the side yard setback requirement, but no closer to the property line than three (3) feet; or
- (3) Up to thirty (30) percent of the rear yard setback requirement, but no closer to the property line than ten (10) feet.

(b) **Area, Width, and Intensity Requirements.** Area, width, and intensity requirements may be altered as follows:

- (1) Up to thirty (30) percent of the area requirements for uses or use types; or
- (2) Up to ten (10) percent of the lot area, lot width, or intensity requirements.

(c) **Height Requirements.** Height requirements may be altered up to thirty (30) percent in excess of height limits, but not to exceed five (5) feet.

(Ord. 3675)

9-824.3 REQUIREMENTS FOR APPLICATION.

Applications for Deviations may be initiated by the property owner or the property owner's authorized agent. Applications shall be filed with the Community Development Department. A request for Deviation shall include a site plan which clearly delineates the location and extent of the regulation to be modified. A fee, as specified by resolution of the Board of Supervisors, shall be required.
(Ord. 3675)

9-824.4 REVIEW PROCEDURES.

Deviation Applications shall be reviewed by the Director using the Staff Review with Notice Procedure in Chapter 9-215.
(Ord. 3675)

9-824.5 FINDINGS.

Prior to approving an application for a Deviation, the Review Authority shall find that all of the following are true:

- (a) **Not Detrimental.** The granting of the Deviation will not be materially detrimental to other properties or land uses in the area;
- (b) **Exceptional Circumstances.** There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended uses that do not apply to other properties in the same zoning district in the vicinity;
- (c) **Denial of Privileges.** The strict application of the regulation deprives the property of privileges enjoyed by other properties in the vicinity; and
- (d) **Consistency.** The proposed use is consistent with the goals, policies, standards, and maps of the General Plan; any applicable Master Plan, Specific Plan, and Special Purpose Plan; and any other applicable plan adopted by the County.
(Ord. 3675, 3715)

CHAPTER 9-827

VARIANCES

Sections:

- 9-827.1 Intent.**
- 9-827.2 Permitted Zones.**
- 9-827.3 Requirements for Application.**
- 9-827.4 Review Procedures.**
- 9-827.5 Findings.**

9-827.1 INTENT.

It is the intent of this Chapter to provide a means of altering the requirements of this Title in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties in the vicinity and under identical zoning because of special circumstances applicable to the property involved.
(Ord. 3675)

9-827.2 PERMITTED ZONES.

Applications for Variances may be accepted in all zones, unless otherwise specified.
(Ord. 3675)

9-827.3 REQUIREMENTS FOR APPLICATION.

Applications for Variances may be initiated by the property owner or the owner's authorized agent. Applications shall be filed with the Community Development Department. A request for a Variance shall include a site plan which clearly delineates the location and extent of the regulation to be varied. A fee, as specified by resolution of the Board of Supervisors, shall be required.
(Ord. 3675)

9-827.4 REVIEW PROCEDURES.

Variance applications shall be reviewed by the Planning Commission using the Public Hearing Review Procedure in Chapter 9-220.
(Ord. 3675)

9-827.5 FINDINGS.

Prior to approving an application for a Variance, the Review Authority shall find that all of the following are true:

- (a) **Special Circumstances.** Because of the special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the regulation deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification;

(b) **No Special Privileges.** The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated; and

(c) **Use Authorized.** The Variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property. (Ord. 3675)

CHAPTER 9-830

SECOND UNIT DWELLINGS

Sections:

9-830.1	Intent.
9-830.2	Permitted Zones.
9-830.3	Requirements for Application.
9-830.4	Review Procedure.
9-830.5	Development Requirements.

9-830.1 INTENT.

The intent of this Chapter is to provide a method for increasing affordable housing opportunities. (Ord. 3675; 3756)

9-830.2 PERMITTED ZONES.

Second Unit Dwelling Permit applications may be accepted in any zone which allows a single-family dwelling as a permitted use. (Ord. 3675)

9-830.3 REQUIREMENTS FOR APPLICATION.

Applications for second unit dwellings may be initiated by the property owner or the property owner's authorized agent. Applications shall be filed with the Community Development Department. A fee, as specified by resolution of the Board of Supervisors, shall be required. All of the following minimum requirements shall be met when filing an application for a Second Unit Dwelling Permit:

(a) **Existing Residence.** There shall be no more than one (1) existing single-family dwelling on the property.

(b) **Owner Occupancy.** The owner of the property shall occupy either the existing single-family dwelling or the proposed second unit dwelling for a period exceeding ninety (90) days per year.

(c) **Number of Units.** There shall be no more than one (1) second unit dwelling per parcel. (Ord. 3675; 3756; 3788)

9-830.4 REVIEW PROCEDURE.

Second unit dwelling applications shall be reviewed by the Director using the Staff Review Procedure in Chapter 9-210. (Ord. 3675)

9-830.5 DEVELOPMENT REQUIREMENTS.

Any Second Unit Dwelling Permit approved under the provisions of this Chapter shall comply with the provisions of this Section.

(a) **Size of Unit.** The second unit dwelling shall conform to the following requirements:

(1) Except as provided in Subsection (a)(2), the second unit dwelling shall not exceed one thousand five hundred (1,500) square feet of floor area;

(2) In areas zoned AG, AL or AU, the second unit dwelling may exceed one thousand five hundred (1,500) square feet of floor area.

(b) **Setbacks.** The second unit dwelling shall comply with all yard requirements for an accessory building in the zone as well as the following requirements:

(1) Except as provided in Subsection (b)(2), the second unit dwelling shall not extend beyond the front of the primary single-family dwelling.

(2) In areas zoned AG, AL, AU, or R-R, the second unit dwelling, if not a mobile home, may extend beyond the front of the primary single-family dwelling, provided it does not extend into the front yard setback.

(3) For the purpose of this Section, the front of the primary single-family dwelling is defined as that part of the primary single-family dwelling that is nearest to the front yard setback.

(c) **Off-Street Parking.** Off-street parking shall be provided as required by Chapter 9-1015.

(d) **Common Driveway.** Except in agricultural zones, the second unit dwelling shall be accessed by a common driveway serving both the second unit dwelling and the existing or proposed single-family residence and having a single access point.

(e) **Compatibility.** The second unit dwelling shall be similar to, or compatible with, the existing single-family dwelling. The second unit dwelling shall be attached whenever possible, especially on parcels less than ten thousand (10,000) square feet.

(g) **Sewer and Water.**

(1) Both the proposed second unit dwelling and the existing single-family dwelling shall have sewage and water provisions in accordance with Chapters 9-1105 and 9-1120, respectively.

(2) In the R-R zone and in the A-U zone, the proposed second unit dwelling may be served by a private on-site wastewater disposal system, subject to the provisions of Section 9-1105.2 and Chapter 9-1110, provided the existing single-family dwelling is also served by a private on-site waste water disposal system. Otherwise, the

proposed second unit dwelling shall be served by a public wastewater disposal system.

(3) In the R-R zone and in the A-U zone, the proposed second unit dwelling may be served by an on-site well system, subject to the provisions of Section 9-1120.2 and Chapter 9-1115, provided the existing single-family dwelling is also served by an on-site well system. Otherwise, the proposed second unit dwelling shall be served by a public water system.

(h) **Other Codes.** The second unit dwelling shall conform with all the requirements of Public Health Services and the County that are applicable to residential units in the zone in which the property is located.

(i) **Requirements for Mobile Homes.** If the second unit dwelling is a mobile home, the following additional requirements shall apply:

(1) Additions. No permanent room additions shall be allowed, but patio covers constructed of the same materials as the mobile home shall be permitted; and

(2) Skirting. Skirting constructed of the same materials as the mobile home shall be installed.

(Ord. 3675; 3756; Ord. 3832 § 20, 1995; Ord. 3891 § 3, 1996; Ord. 3904 § 1, 1996; Ord. 4006 § 4, 1998; Ord. 4035 § 8, 1999; Ord. 4226 § 1 (part), 2004; Ord. 4368 §§ 22, 23, 2009)

CHAPTER 9-833

PLANNED DEVELOPMENT ZONE

Sections:

9-833.1	Intent.
9-833.2	Applicability.
9-833.3	Uses Permitted.
9-833.4	Requirements for Application.
9-833.5	Review Procedures.
9-833.6	Findings.
9-833.7	Effect of Approvals.
9-833.8	Time Limit on Approvals.
9-833.9	Amendments.
9-833.10	Safeguards.
9-833.11	Site Design Standards.

9-833.1 INTENT.

The intent of this Chapter is to permit greater flexibility and innovation in the design and processing of projects than would otherwise be allowed under conventional zoning regulations in order to:

(a) Encourage an efficient use of land, particularly for those parcels that are sufficiently unique in their physical characteristics or other circumstances to warrant special methods of development;

(b) Simplify the processing of proposed projects by providing a method of concurrent review of land use, subdivision, public improvements, and siting considerations;

(c) Allow mixed use projects, containing residential, commercial, and/or civic uses, that are desirable and compatible with surrounding uses;

(d) Lower project costs by permitting increases in density beyond those normally allowed for standard projects and by reducing the costs associated with road and utility networks;

(e) Encourage diversity in housing types, styles, and price ranges;

(f) Encourage the use of common open areas and the inclusion of other amenities in project design; and

(g) Provide for the development of sites while protecting open space resources.

(Ord. 3675)

9-833.2 APPLICABILITY.

The Planned Development (PD) zone may be applied to parcels carrying any General Plan designation, except the Commercial Recreation General Plan designation, and containing a minimum of four (4) contiguous acres. A PD zone may be applied to parcels containing less than four (4) contiguous acres, provided the applicant can show that

a PD zone established on such parcels would meet the intent and the provisions set forth in this Chapter.

(Ord. 3675)

9-833.3 USES PERMITTED.

The uses permitted in the PD zone shall be those uses approved by the Review Authority as part of the application approval process, provided such uses are consistent with General Plan policies.

(Ord. 3675)

9-833.4 REQUIREMENTS FOR APPLICATION.

A PD zone may be initiated by the property owner or by the property owner's authorized agent. Two (2) separate applications shall be submitted: a Phase I Application and a Phase II Application, unless the Director of Community Development determines that only one (1) application, a Phase II Application, is required. If the Director authorizes the filing of only a Phase II Application, the application shall contain all relevant information required for both the Phase I and Phase II Applications. A fee, as specified by resolution of the Board of Supervisors, shall be required.

(a) **Phase I Application, Contents.** The Phase I Application shall contain the following:

(1) A statement of the objectives to be achieved by the PD zone.

(2) A statement concerning the provision of required infrastructure services and utilities.

(A) The statement shall specify what infrastructure services and utilities will be needed by the planned development and what assurances will be made to secure their availability.

(B) The statement shall be based on a preliminary study of the systems required (e.g., storm drainage, sanitary sewer, water, electricity).

(3) A statement of the applicant's intentions regarding future sale or lease of all or portions of the property within the PD zone proposed for development.

(4) A statement concerning provisions for the preservation or maintenance of the portions of the planned development to be held in common ownership.

(5) A statement concerning protection of open space resources.

(6) A Conceptual Site Plan and supporting maps containing, if applicable, the following:

(A) Existing site conditions, including contours, vegetation, waterways, levees, and other natural and man-made features of the land;

(B) Proposed street layout; off-street parking areas, including estimates of the number of off-

street parking spaces; loading spaces; emergency access areas; points of access to public rights-of-way; pedestrian and bicycle ways; and transit facilities;

(C) Proposed land uses, including areas proposed to be dedicated or reserved as common open spaces or for public or semi-public uses, with estimates of the acreage for each type of land use and preliminary computations of residential density;

(D) Approximate arrangement of individual lots;

(E) Approximate location and arrangement of all structures or outlines of areas within which buildings or structures may be located;

(F) Preliminary elevations and/or perspective drawings of all proposed buildings or other structures;

(G) A general landscaping plan; and

(H) A general grading plan.

(7) Information on land adjacent to the proposed PD zone, indicating important relationships between the planned development and surrounding land uses, circulation systems, public facilities, and natural features;

(8) Such other information which may be required by the Director of Community Development to evaluate the character and impact of the proposed planned development.

(b) **Phase II Application, Contents.** The Phase II Application shall contain the following:

(1) A Detailed Site Plan containing, if applicable, the following:

(A) A detailed plan for vehicular circulation, bicycle and pedestrian ways, transit facilities, access, and off-street parking, including road alignments and widths, finished grades, and computations of off-street parking spaces;

(B) A detailed plan for infrastructure services and utilities, including the location and size of all utilities;

(C) A detailed land use plan, specifying the areas within the PD zone for single-family/multi-family dwellings, commercial uses, industrial uses, off-street parking, recreational facilities, open space, and other uses, with land use acreage and residential density computations;

(D) Arrangement and dimensions of individual lots;

(E) Location and type of all buildings and structures, including dimensions of setbacks and yard areas;

(F) A definitive landscaping plan, including a plan for automatic sprinklers; and

(G) Elevations and/or perspective drawings as submitted with the Phase I Application.

(2) A program for the installation and maintenance of parking areas, lighting, landscaping, infrastructure, utilities, and recreational facilities.

(3) A program for the preservation/maintenance of common open space areas.

(4) A program for the protection of open space resources.

(5) A tentative map for a minor or major subdivision filed concurrently with the Phase II Application, if the subject property is proposed to be divided.

(6) A development schedule indicating:

(A) The approximate date for the start of construction; and

(B) The phases, if any, in which the PD will be built and the approximate dates for the completion of each phase.

(c) **Professional Assistance.** Preparation of the Phase I Application and the Phase II Application shall require, at a minimum, the services of a registered civil engineer (or licensed land surveyor) and a licensed architect. Depending on the complexity of the planned development, the services of a qualified urban planner and a registered landscape architect may also be required by the Director of Community Development.

(d) **Site Design Standards.** The Conceptual Site Plan and the Detailed Site Plan shall be subject to the site design standards specified in Section 9-833.11.

(Ord. 3675)

9-833.5 REVIEW PROCEDURES.

Except as modified by this Section, Phase I and Phase II Applications for a PD zone shall be reviewed by the Planning Commission using the Public Hearing Review Procedure specified in Chapter 9-220.

(a) **Review of Phase I Applications.**

(1) If the Planning Commission recommends approval of the Phase I Application, the Board of Supervisors shall hold a public hearing to consider the Commission's recommendation.

(2) If the Planning Commission denies the Phase I Application, that action shall be final unless appealed to the Board of Supervisors.

(b) **Review of Phase II Applications.**

(1) If a Phase II Application is the only application required, the review of said application shall follow the same procedure as specified in Subsection (a).

(2) If a Phase I Application and a Phase II Application are both required, the Planning Commission shall either approve or deny the Phase II Application. If the Planning Commission denies the Phase II Application,

that action shall be final unless appealed to the Board of Supervisors.
(Ord. 3675)

9-833.6 FINDINGS.

In order to approve a Phase I Application, or a Phase II Application when said application is the only application required, the Review Authority shall determine that the following are true:

(a) The PD zone, together with the Conceptual Site Plan or Detailed Site Plan, is consistent with the General Plan, any application Master Plan, Specific Plan, and Special Purpose Plan for the area; and any other applicable plan adopted by the County; and the intent of this Chapter.

(b) The property is suitable for the planned development proposed.

(c) The planned development will provide a resource protection or an amenity, above and beyond normal expectations.

(d) The planned development will not have a significant adverse impact on surrounding properties or on external infrastructure, utility, and circulation systems on which the PD depends.

In order to approve a Phase II Application, when both a Phase I Application and Phase II Application are required, the Review Authority shall determine that the Phase II Application is in substantial conformity with the Phase I Application.
(Ord. 3675, 3715)

9-833.7 EFFECT OF APPROVALS.

If a Phase I Application, or a Phase II Application when that is the only application required, is approved by the Board of Supervisors, the zoning map of the County of San Joaquin shall be amended to show the boundaries of the newly created PD zone. The ordinance creating the PD zone shall also approve the Conceptual Site Plan or the Detailed Site Plan, if appropriate. Under no circumstances shall development of the subject property be allowed to proceed until after the Review Authority has approved the Phase II Application.
(Ord. 3675)

9-833.8 TIME LIMIT ON APPROVALS.

(a) Phase I Application.

Within one (1) year from the date of approval of a Phase I Application by the Board of Supervisors, the applicant shall submit a Phase II Application.

(1) The applicant may request an extension of the one (1) year time limit from the Board of Supervisors. Any request for extension shall be in writing, shall

demonstrate good cause, and shall be filed with the Community Development Department at least thirty (30) days prior to the expiration date.

(2) Failure to obtain an extension within the stated time period shall nullify the approval of the Conceptual Site Plan. Under such circumstances, the Community Development Department shall initiate proceedings to rezone the property affected by the PD zone back to the earlier zone designation.

(b) **Phase II Application.** Within three (3) years from the date of approval of a Phase II Application, the applicant shall have commenced construction in good faith.

(1) The applicant may request an extension of the three (3) year time limit from the Review Authority who approved the Phase II Application. The extension shall be for a period or periods not to exceed a total of three (3) years. Any request for an extension shall be in writing, shall demonstrate good cause, and shall be filed with the Community Development Department at least thirty (30) days prior to the expiration date.

(2) Failure to commence construction in good faith or to obtain an extension within the stated time period shall nullify the approval of the Detailed Site Plan. Under such circumstances, the Community Development Department shall initiate proceedings to rezone the property affected by the PD zone back to the earlier zone designation.
(Ord. 3675)

9-833.9 AMENDMENTS.

Any changes or amendments to the Detailed Site Plan approved by the Review Authority shall be subject to the following provisions:

(a) **Administrative Amendments.** Minor differences between the Detailed Site Plan and construction plans, minor circulation alignments, and changes in the size and siting of buildings and structures, landscape treatment, phasing, area and configuration of lots, and the like, may be authorized by the Director of Community Development if required by engineering or by other circumstances not foreseen at the time the Phase II Application was approved. Such administrative amendments shall not constitute subsequent discretionary approval subject to further CEQA review.

(b) **Nonadministrative Amendments.** Changes regarding use, overall configuration of land uses and circulation features, and number of lots and increases in overall density shall not be permitted. Such nonadministrative amendments may only be secured by submitting a new PD Application.
(Ord. 3675)

9-833.10 SAFEGUARDS.

A Phase II Application shall not be approved by the Review Authority unless the following safeguards have been secured:

(a) **Common Open Areas.** The applicant shall provide, or agree to provide, recorded land agreements, covenants, proprietary control, or other devices acceptable to the Review Authority to ensure maintenance and management of all common open areas and protection of all open space resources.

(b) **Public Facilities.** The applicant shall install all public facilities and improvements, both on-site and off-site, required by the Review Authority for the PD. An agreement to secure such performance shall be in such form and executed in such manner as required by the Director of Public Works and as approved by County Counsel.

(1) The agreement shall be secured by a cash deposit, bond, letter of credit, or by other arrangement acceptable to the Director of Public Works and County Counsel.

(2) The agreement may provide for improvements or facilities to be installed in units and include reasonable time limits placed upon any and all construction.

(c) **Other Facilities and Improvements.** The applicant shall install all facilities and improvements, indicated in the Detailed Site Plan, that are not to be publicly owned and operated. An agreement containing safeguards satisfactory to the Review Authority and County Counsel shall be executed to secure such performance.

(Ord. 3675)

9-833.11 SITE DESIGN STANDARDS.

The Conceptual Site Plan and the Detailed Site Plan shall, to the extent applicable, be subject to the following site design principles and standards:

(a) Common Open Space.

(1) Principles. Common open space shall be:

(A) Designed as an essential or major element of the project;

(B) Located to take advantage of and to help preserve existing natural amenities such as trees, topographic features, waterways, and views;

(C) Clustered generally to create larger scale open spaces, but used also to buffer incompatible uses and to provide corridors of space around and within developed areas to achieve a spacious character and convenient linkage to all parts of the PD;

(D) Conveniently situated for use by all residents, but primarily distributed so that the largest and

most usable areas are in closest proximity to the highest density and highest intensity portions of the PD; and

(E) Designed so that specific improvements, such as pools, play fields, court games, tot areas, and nature trails, are related to the general recreational needs of the residents or occupants of the PD.

(2) Standards.

(A) Common open areas shall compose a minimum of thirty (30) percent of the net land area of the PD; and

(B) Common open areas shall be consolidated in units of at least ten thousand (10,000) square feet in area if such areas contain recreational facilities.

(b) Private Open Space.

(1) Principle. Private open space shall be provided which is adequate in area and usable in shape.

(2) Standard. Private open space shall be at least four hundred (400) square feet in area for detached single-family dwellings; two hundred twenty-five (225) square feet in area for multi-family attached dwellings located on the ground floor; and sixty (60) square feet in balcony area for upper-story multi-family dwelling units.

(c) **Site and Structure Relationships.** The height, bulk, intensity, and setback requirements of structures are regulated inasmuch as they meet General Plan building intensity requirements and the following principles and standards:

(1) Principles. Buildings shall be:

(A) Arranged so that, in general, the highest density portions of the PD are closest to existing and anticipated centers of activity, major transportation routes, transit facilities, and other public facilities;

(B) Located in areas that permit optimum site utilization commensurate with the conservation of desirable topographic features;

(C) Situated to provide natural light and ventilation, to protect privacy, to ensure convenient access to and around each building, and to enhance solar access;

(D) Situated to assure a harmonious relationship with existing and anticipated land uses along peripheral boundaries;

(E) Arranged so that spaces between buildings vary in accordance with building size and use in order to achieve a desirable visual and social relationship;

(F) Arranged so that the distances between buildings and roads vary according to building size, use, and character of road traffic in order to provide a well planned streetscape and to assure protection from traffic noise and congestion;

- (G) Varied so that single-family dwellings avoid excessive repetition of identical floor plans;
 - (H) Situated so that single-family dwellings have staggered dwelling setbacks;
 - (I) Arranged so that each attached unit in multi-family structures is provided with its own identity and entry;
 - (J) Situated so that buildings (except single-family dwellings), open spaces, and parking areas are grouped in order to avoid the monotony of continuous rows of buildings and walls along a road;
 - (K) Located on lots with various width dimensions;
 - (L) Designed to incorporate in all building elevations the recesses, projections, and other features that provide rich shadow patterns and variety and visual relief;
 - (M) Arranged whenever possible to take advantage of views and vistas; and
 - (N) Sited and designed to provide a strong functional relationship to the site.
- (2) Standards.
- (A) For single-family dwellings, street-side building elevations on corner lots shall not exceed one (1) story in height. Split level units may be allowed, however, if the second story is stepped back from the street side yard;
 - (B) For single-family dwellings, a minimum number of floor plans (and elevations for each floor plan) shall be provided, as specified below:

No. of Dwellings	Minimum No. Elevations Per Floor Plan	
	Minimum No. Different Floor Plans	
10 or less	(Subject to Review Authority approval)	
11 - 25	2	3
26 - 50	3	3
51 - 75	3	4
76 - 100	4	4
100+	1 additional floor plan with 4 elevations for each additional 25 units over 100 units.	

- (C) For PDs containing commercial uses, buildings shall occupy no more than forty (40) percent of the net land area; and
 - (D) For buildings located along the boundaries of the PD, peripheral setbacks from said boundaries shall be no less than twenty (20) feet.
- (d) **Vehicular Circulation.**
- (1) Principles. The vehicular circulation system shall:
 - (A) Provide adequate vehicular access to and within the PD and facilitate transit use;
 - (B) Avoid adverse drainage conditions and grading, and conserve existing amenities of the site;
 - (C) Be integrated with the natural landscape;
 - (D) Accommodate water, sewer, electric, telephone, gas, cable TV, and drainage facilities whenever necessary;
 - (E) Be designed to discourage through traffic within the PD;
 - (F) Facilitate solar access by orienting roads along an east-west axis, except where such orientation is precluded by natural topography, resource protection, and drainage patterns;
 - (G) Be designed to minimize road and utility networks; and
 - (H) Reflect an informal street pattern with curvilinear or meandering roads, and cul-de-sacs.
 - (2) Standards.
 - (A) Unless otherwise specified, all roads within the PD, whether public or private, shall have a curb-to-curb pavement width of at least thirty-six (36) feet;

(B) Special road cross-sections with a curb-to-curb pavement width of less than thirty-six (36) feet may be permitted for private roads by the Review Authority, provided accessibility and vehicular maneuverability is at least equivalent to a standard road;

(C) The PD and each phase thereof shall have two (2) points of vehicular ingress and egress from surrounding roads, one (1) of which may be emergency only, except where this requirement is clearly unattainable because of topographical constraints; and

(D) All roads, whether public or private, shall be improved in accordance with the standards of the Department of Public Works.

(e) Pedestrian Circulation.

(1) Principles. The pedestrian circulation system shall be:

(A) Designed to provide safe and convenient access to dwellings, buildings, common open space, parking areas, recreational facilities, and other logical terminal points within the project;

(B) Designed to include off-street, shared pedestrian/bicycle paths where appropriate;

(C) Located and improved to protect the privacy of individual dwellings; and

(D) Interconnected with the pedestrian circulation system surrounding the project.

(2) Standards.

(A) The walking distance from a dwelling unit or a building to the required parking space or spaces which serve it shall not exceed two hundred (200) feet as measured along a defined walkway;

(B) The walking distance from dwelling units to guest parking spaces shall not exceed five hundred (500) feet as measured along defined walkways; and

(C) Sidewalks serving as pedestrian ways shall not be less than four (4) feet in width.

(f) Off-Street Parking.

(1) Principles. Off-street parking areas shall:

(A) Be adequate in terms of number of spaces to accommodate the needs of residents, guests, and occupants of the project; and

(B) Generally exceed the number of spaces required by Chapter 9-1015 (Parking and Loading) for specified uses to compensate for the reduction in on-street parking typically experienced with planned developments.

(2) Standards.

(A) The provisions of Chapter 9-1015 shall apply, except as modified by this Chapter;

(B) Two (2) parking spaces per dwelling unit shall be provided, unless otherwise allowed by the Review Authority;

(C) Guest parking areas shall be located no further than five hundred (500) feet from the dwelling units they are intended to serve; and

(D) Required off-street parking spaces shall be located no further than two hundred (200) feet from the dwelling units, buildings, or facilities they are intended to serve.

(g) Landscaping Plans.

(1) Principles. Landscaping plans shall:

(A) Include provisions to retain and preserve existing trees, waterways, and other desirable site features that enhance the planned development; and

(B) Include new plantings and fencing for privacy, shade, erosion control, screening, and variety.

(2) Standards.

(A) The provisions of Chapter 9-1020 (Landscaping Regulations) shall apply, except as modified by this Chapter;

(B) The extent and location of all plant materials and other landscape features shall be shown;

(C) The proposed treatment of all ground surfaces shall be indicated (e.g., paving, turf, gravel);

(D) A minimum of two (2) trees per dwelling unit shall be required, excluding street and erosion control trees;

(E) All trees shall be fifteen (15) gallons minimum in size, unless otherwise allowed by the Review Authority; and

(F) Fencing adjacent to major common open areas shall be open view type fencing (e.g., wrought iron) in order to increase visual open space perception.

(h) Residential Density.

(1) Principle. Density bonuses may be awarded to a PD, provided the PD meets the intent of this Chapter and conforms to General Plan policies.

(2) Standards. The PD shall not exceed the maximum allowable residential densities specified below by the Residential General Plan land use designation:

General Plan Designation	Standard Density	Maximum Density for Planned Development Zone	Maximum Density with Both PD and Density Bonuses
Rural Residential	1-5 du/5 ga	1.0 du/ga	1.0 du/ga
Very Low Density Residential	1-2 du/ga	2.5 du/ga	3.0 du/ga
Low Density Residential	2-6 du/ga	6.5 du/ga	8.0 du/ga
Medium Density Residential	6-10 du/ga	12.0 du/ga	15.0 du/ga
Medium-High Density Residential	10-15 du/ga	18.0 du/ga	22.5 du/ga
High Density Residential	15-40 du/ga	48.0 du/ga	60.0 du/ga

du/ga = dwelling units/gross acre.

(Ord. 3675)

CHAPTER 9-836

DWELLING CLUSTERS

Sections:

- 9-836.1 Intent.**
- 9-836.2 Permitted Zones.**
- 9-836.3 Requirements for Application.**
- 9-836.4 Review Procedures.**
- 9-836.5 Development Requirements.**
- 9-836.6 Findings.**

9-836.1 INTENT.

The intent of this Chapter is to allow for the placement of two (2) or more primary dwelling units, or two (2) or more structures containing dwelling units, on the same parcel, consistent with General Plan density requirements and policies, in order to achieve a more efficient use of land, provide a means of developing difficult sites, promote a more affordable living environment, and encourage the use of common open areas and other amenities in project design.
(Ord. 3675; Ord. 3910 § 1, 1997)

9-836.2 PERMITTED ZONES.

Dwelling Cluster Applications may be accepted in any zone that allows residential dwellings as a primary use.
(Ord. 3675; Ord. 3832 § 21, 1995)

9-836.3 REQUIREMENTS FOR APPLICATION.

Applications for Dwelling Clusters may be initiated by the property owner or the property owner's authorized agent. Applications shall be filed with the Community Development Department and shall include, but shall not be limited to, the following:

- (a) **Site Plan.** The application shall contain a site plan and supporting maps which clearly delineate the location and characteristics of the proposed use.
- (b) **Density.** The maximum number of dwelling units shall be consistent with the General Plan, and the dwelling unit type shall be consistent with that permitted by the regulating zone. The density of development shall be specified in the application.
- (c) **Nonconforming Uses.** There shall be no nonconforming uses on the property.
- (d) **Will Serve Letter.** In areas served by an existing public water system, a public storm drainage system, or a public wastewater treatment system, the application for a Dwelling Cluster shall only be accepted if the applicant provides a written statement to the County from the agency expected to provide the required service that the

agency will serve the proposed project and has, or will have, the capacity to provide such service.

(e) **Other Information.** Any other information deemed necessary by the Review Authority.

(f) **Fee.** A fee, as specified by resolution of the Board of Supervisors, shall be required.

(g) **Maximum Number of Units.** The maximum number of units allowed under this provision in the Agricultural zones is eight (8).
(Ord. 3675; Ord. 3910 §§ 2, 3, 1997)

9-836.4 REVIEW PROCEDURES.

The review procedure for Dwelling Cluster Applications shall be Staff Review, as specified in Chapter 9-210, for projects with four (4) or fewer dwelling units and Staff Review with Notice, as specified in Chapter 9-215, for projects with five (5) or more dwelling units.
(Ord. 3675)

9-836.5 DEVELOPMENT REQUIREMENTS.

The following development requirements shall apply to any Dwelling Cluster Application approved under the provisions of this Chapter:

- (a) **Yard Requirements.** The dwelling units, or the structures containing dwelling units, shall comply with all yard requirements for main structures prescribed by the regulating zone.
- (b) **Height Limits.** The maximum height of structures shall conform to the requirements of the regulating zone.
- (c) **Architectural Requirements.** The dwelling units or structures shall comply with the following architectural design requirements:
 - (1) Buildings shall be arranged so that each dwelling unit in multi-family structures is provided with its own identity and entry.
 - (2) Buildings shall be designed to incorporate in all building elevations the recesses, projections, building offsets, and other features that provide variety and visual relief.
 - (3) Private open space shall be at least: A) four hundred (400) square feet in area for detached single-family dwellings; B) two hundred twenty-five (225) square feet in area for dwelling units in multi-family structures located on the ground floor; and C) sixty (60) square feet in balcony area for upper story dwelling units in multifamily structures.
- (d) **Common Driveway.** Dwelling units shall be served by a common driveway having a single public road access point. Said driveway shall be constructed and available for use prior to occupancy of any units within the dwelling cluster.

(e) **Parking.** Off-street parking shall be provided at a rate of two (2) parking spaces per dwelling unit, one (1) of which shall be covered, unless the applicant demonstrates to the satisfaction of the Review Authority that a lower ratio is warranted based on the nature of the dwelling cluster project. Group parking areas may be allowed, provided they are located on the site and within one hundred and fifty (150) feet from the dwelling units they are intended to serve.

(f) **Water, Storm Drainage and Wastewater Treatment Facilities.** Within urban communities, both the existing and the proposed dwelling units of the dwelling cluster shall connect to a public water system, a public wastewater treatment system, and a drainage system that complies with provisions of Section 9-1135.3(b). For dwelling cluster projects proposed in rural communities, the infrastructure standards of Division 11 shall apply.

(g) **Landscaping.** All areas not used for buildings, structures, driveways, parking areas, agriculture, or recreational purposes shall be landscaped. Said landscaping shall be in accordance with the provisions of Chapter 9-1020 and as deemed appropriate by the Review Authority.

(h) **Other Codes.** All existing and proposed dwelling units or structures shall comply with all current building, safety, fire, and health codes of the County or special districts.

(Ord. 3675; Ord. 3832 § 22, 1995)

9-836.6 FINDINGS.

Prior to approving an application for a dwelling cluster for five (5) or more units, the Review Authority shall find that all of the following are true:

(a) The dwelling cluster proposed is consistent with the General Plan; any applicable Master Plan, Specific Plan, or Special Purpose Plan; and any other applicable plan adopted by the County which affects the property.

(b) The property involved is suitable for the dwelling cluster proposed.

(c) The dwelling cluster will not be significantly detrimental to the public health, safety, or welfare, or have a significant adverse impact on surrounding properties or on external infrastructure, utility, and circulation systems on which the dwelling cluster depends.

(Ord. 3675, 3715)

CHAPTER 9-839

HOME OCCUPATION PERMIT

Sections:

- 9-839.1 Intent.
- 9-839.2 Permitted Uses.
- 9-839.3 Requirements for Application.
- 9-839.4 Review Procedures.
- 9-839.5 Development Requirements.
- 9-839.6 Noncompliance with Development Requirements.
- 9-839.7 Prohibited Uses.
- 9-839.8 Renewal of Home Occupation Permit Without Penalty.

9-839.1 INTENT.

The intent of this Chapter is to provide for business uses in association with residences in cases where such uses will clearly not alter the character or appearance of the residential environment.

(Ord. 3675; Ord. 3932 § 2 (part), 1997)

9-839.2 PERMITTED USES.

Any business use that satisfies the requirements of Section 9-839.5 may be accepted as a home occupation, provided said business use is conducted within a legally established residence or within a building which is clearly accessory to a legally established residence.

(Ord. 3675; Ord. 3843 § 25, 1995; Ord. 3932 § 2 (part), 1997)

9-839.3 REQUIREMENTS FOR APPLICATION.

Applications for Home Occupation Permits may be initiated by the property owner or the property owner's authorized agent. Applications shall be filed with the Community Development Department. The property proposed to support the home occupation shall contain a minimum of one (1) dwelling unit. A fee, as specified by resolution of the Board of Supervisors, shall be required.

(Ord. 3675; Ord. 3932 § 2 (part), 1997)

9-839.4 REVIEW PROCEDURES.

For proposed home occupations which would not result in a change in the occupancy group of the structure, as defined by the Uniform Building Code, the review procedure for the Home Occupation Permit Application shall be the Staff Review Procedure in Chapter 9-210. For proposed home occupations which would result in a change in the occupancy group of the structure, or which would be required by State or Federal law to post business hours at the site of said home occupation and/or to be

accessible to the public, the review procedure for the Home Occupation Permit Application shall be the Staff Review with Notice Procedure in Chapter 9-215. (Ord. 3675; Ord. 3932 § 2 (part), 1997)

9-839.5 DEVELOPMENT REQUIREMENTS.

In order to reduce the impact of a home occupation business to the degree that its affect on the neighborhood is undetectable from normal and usual residential activity, Home Occupation Permits approved pursuant to this Chapter shall comply with the provisions of this Section:

(a) **Home Occupations Subject to the Staff Review Procedure.** Home Occupation Permit Applications that would not result in a change in the occupancy group of the structure as defined by the Uniform Building Code shall be subject to all of the following:

(1) **Appearance.** The appearance of the structure shall not be altered, nor shall the occupation within the residence be conducted, in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or signs, or by the emission of sounds, noises, or vibrations.

(2) **Employees.** All employees shall be members of the resident family and shall reside on the premises.

(3) **Sale of Merchandise.** There shall be no sale of merchandise on the premises, nor shall there be any customers or clients permitted on the premises.

(4) **Traffic.** Pedestrian and vehicular traffic will be limited to that normally associated with residential districts.

(5) **Commercial Vehicle.** The home occupation may involve the use of a commercial vehicle, not to exceed eleven thousand (11,000) pounds gross vehicle weight rating (GVWR), as defined in the California Vehicle Code, or a single-vehicle limousine service.

(6) **Size Limits.** Up to twenty-five (25) percent of the living space of the home or two hundred fifty (250) square feet, whichever is less, may be used for the home occupation and any related storage of materials and supplies.

(7) **Storage.** There shall be no outdoor storage of materials or equipment; no storage of toxic or hazardous materials, including ammunition and gunpowder, except for those amounts which would normally be permitted by the Uniform Building Code or specifically approved as to type by the Director; nor shall merchandise be visible from outside the home.

(8) **Location.** The home occupation shall be confined within a building. When conducted in a garage,

the home occupation shall not eliminate the use of the garage as a parking space for a car.

(9) **Use of Facilities and Utilities.** The use of utilities and community facilities shall be limited to that normally associated with the use of the property for residential purposes.

(10) **Advertising.** There shall be no public advertising which calls attention to the fact that the home is being used for business purposes. Telephone listings shall not contain the address of the home occupation business.

(11) **Electromagnetic Interference.** Electrical or mechanical equipment which creates audible interference in radio receivers or visual or audible interference in television receivers or causes fluctuations in line voltage outside the dwelling unit is prohibited.

(b) **Home Occupations Subject to the Staff Review with Notice Procedure.** Proposed home occupations which would result in a change in the occupancy group of the structure as defined by the Uniform Building Code, or which would be required by State or Federal law to post business hours at the site of said home occupation and/or to be accessible to the public, shall be subject to all of the requirements of Subsection (a), with the following modifications:

(1) **Size Limits.** The home occupation may be conducted in a building on the subject property that is accessory to the residence, provided said accessory building does not exceed four hundred (400) square feet of floor area.

(2) **Business Visitors/Clients.** Business visitors or clients shall be permitted on the subject property, provided the number of such visits does not exceed two (2) per day.

(3) **Approval by Fire Marshall.** The home occupation shall be subject to the approval of the Fire Marshall.

(Ord. 3675; Ord. 3932 § 2 (part), 1997; Ord. 4135 § 2, 2002)

9-839.6 NONCOMPLIANCE WITH DEVELOPMENT REQUIREMENTS.

The Review Authority may void any Home Occupation Permit for noncompliance with the development requirements set forth in approving the permit, and shall give notice of such action to the permittee, as provided in Chapter 9-230.

(Ord. 3675; Ord. 3932 § 2 (part), 1997)

9-839.7 PROHIBITED USES.

The following uses are expressly prohibited as home occupations:

(a) Taxicab, limousine, ambulance services, tow truck services or other services involving the on-call dispatching of a vehicle parked at the residence by radio, telephone, or other means;

(b) Storage, repair, or reconditioning of cars, boats, recreational vehicles, and other motorized vehicles;

(c) Storage, repair or reconditioning of major household appliances or other such large mechanical equipment on-site;

(d) Any use that is included in Group H Occupancies;

(e) Such other uses as determined by the Director to be incompatible with residences, residential uses, or the residential character of the neighborhood.

(Ord. 3932 § 2 (part), 1997)

9-839.8 RENEWAL OF HOME OCCUPATION PERMIT WITHOUT PENALTY.

A holder of a Home Occupation Permit who is in violation of the provisions under which it was originally issued may renew the Home Occupation Permit without penalty, provided the home occupation business is conducted in accordance with the provisions of this Chapter. The holder of such Home Occupation Permit shall have thirty (30) days from the date of receipt of written notification of required renewal by the County to renew said Home Occupation Permit.

(Ord. 3932 § 2 (part), 1997)

CHAPTER 9-845

EVACUATION PLANS

Sections:

- 9-845.1 Intent.**
- 9-845.2 Evacuation Plan Required.**
- 9-845.3 Review Procedure.**
- 9-845.4 Minimum Standards.**
- 9-845.5 Evacuation Plan Implementation.**
- 9-845.6 Exceptions and Alternatives to Preparing Evacuation Plans.**

9-845.1 INTENT.

The intent of this Chapter is to provide plans for the evacuation of recreational vehicle parks and mobile home parks during times of flood hazard.

(Ord. 3675)

9-845.2 EVACUATION PLAN REQUIRED.

An Evacuation Plan shall be required for all existing mobile home and recreational vehicle parks and shall be a condition of issuance of permits for all proposed mobile home and recreational vehicle parks located or proposed to be located within floodways or flood fringe areas. A fee, as specified by resolution of the Board of Supervisors, shall be required.

(Ord. 3675)

9-845.3 REVIEW PROCEDURE.

The agency conducting the Evacuation Plan review for recreational vehicle and mobile home parks shall be the San Joaquin County Office of Emergency Services. The review procedure for an Evacuation Plan shall be that set out in Chapter 9-210 of this Title.

(Ord. 3675; Ord. 3895 § 10, 1996)

9-845.4 MINIMUM STANDARDS.

At a minimum, Evacuation Plans shall meet the following standards:

(a) **Storage Sites.** No storage site for the storage of unoccupied mobile homes or recreation vehicles shall be in an area subject to flooding during a one hundred (100) year flood;

(b) **Risk Reduction.** The Evacuation Plan will operate to reduce damage to property and hazards to health and safety during floods;

(c) **Feasibility of Performance.** The Evacuation Plan shall be feasible of performance during a flood;

(d) **Clarity.** The criteria for initiating the Evacuation Plan shall be sufficiently clear to determine when the evacuation should occur; and

(e) **Timely Evacuation.** The criteria for initiating an evacuation shall allow for timely evacuation prior to inundation of the site.

(Ord. 3675)

(b) **Mobile Home Parks in Zone AO.** Mobile home parks in Flood Insurance Rate Map Zone AO with a flood depth of one (1) foot or less shall be exempt from the provisions of this Chapter.

(Ord. 3675)

9-845.5 EVACUATION PLAN IMPLEMENTATION.

The following provisions shall apply to all mobile home parks and recreational vehicle parks with approved Evacuation Plans:

(a) **Posting.** A copy of the summary of the Evacuation Plan shall be posted in a conspicuous place on the premises to be evacuated;

(b) **Impediments and Obstructions.** All impediments or obstructions to the evacuation routes shall be removed or relocated;

(c) **Changes.** A new Evacuation Plan must be approved for any change in an existing plan;

(d) **Implementation of Evacuation Plan.** When the criteria for evacuation occur, the Evacuation Plan shall be carried out as planned; and

(e) **Distribution of Evacuation Plan.** A copy of the approved Evacuation Plan shall be given to the following persons and kept on file for public review:

- (1) The Community Development Department;
- (2) The park owner;
- (3) The park manager;
- (4) The Director of the County Emergency Services Office; and
- (5) The County Flood Control Engineer.

(Ord. 3675)

9-845.6 EXCEPTIONS AND ALTERNATIVES TO PREPARING EVACUATION PLANS.

The requirements of this Chapter may be altered as follows:

(a) **Ground Anchors.** As an alternative to preparing an Evacuation Plan, owners of mobile home parks that were established before September 30, 1980, and that are outside of a floodway may require park residents to provide ground anchors to be used as tie downs to prevent movement and flotation of mobile homes during a flood. Park owners shall provide proof of compliance by residents with said requirements.

CHAPTER 9-848

FLOOD VARIANCE PROCEDURES*

Sections:

9-848.1	Nature of Flood Variances.
9-848.2	Conditions for Flood Variances.
9-848.3	Appeal Board.
9-848.4	Review Procedure.
9-848.5	Exceptions and Exclusions.
9-848.6	Findings.
9-848.7	Notice of Increased Risk.

9-848.1 NATURE OF FLOOD VARIANCES.

The issuance of a Flood Variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a Flood Variance.

The Flood Variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that Flood Variances pertain to a piece of property and are not personal in nature. A Flood Variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the Community Development Department and the Department of Public Works to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that Flood Variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if Flood Variances are strictly limited. Therefore, the Flood Variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a Flood Variance can be properly granted. The criteria

***Editor's note**—Ord. No. 4488, §2, adopted Oct. 11, 2016, changed the title of ch. 9-848 from "Flood variances" to read as herein set out.

are designed to screen-out those situations in which alternatives other than a Flood Variance are more appropriate.

(Ord. No. 4488, § 2, 10-11-2016)

Editor's note—Ord. No. 4488, §2, adopted Oct. 11, 2016, repealed the former § 9-848.1, and enacted a new § 9-848.1 as set out herein. The former § 9-848.1 pertained to intent and derived from Ord. 3675.

9-848.2 CONDITIONS FOR FLOOD VARIANCES.

A. Generally, Flood Variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Division 16 of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the Flood Variance increases.

B. Flood Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the Flood Variance is the minimum necessary to preserve the historic character and design of the structure.

C. Flood Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Flood Variances shall only be issued upon a determination that the Flood Variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of Flood Variances to an elevation requirement, this means the Community Development Department and the Department of Public Works need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the Community Development Department and the Department of Public Works believe will both provide relief and preserve the integrity of the local ordinance.

E. Any applicant to whom a Flood Variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a Flood Variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage, and

2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the San Joaquin County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

F. The Floodplain Administrator will maintain a record of all Flood Variance actions, including justification for their issuance, and report such Flood Variances issued in its biennial report submitted to the Federal Emergency Management Agency.

(Ord. No. 4488, § 2, 10-11-2016)

Editor's note—Ord. No. 4488, § 2, adopted Oct. 11, 2016, repealed the former § 9-848.2, and enacted a new § 9-848.2 as set out herein. The former § 9-848.2 pertained to permitted zones and derived from Ord. 3675.

9-848.3 APPEAL BOARD.

A. In passing upon requests for Flood Variances, the Community Development Department and the Department of Public Works shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and the:

1. Danger that materials may be swept onto other lands to the injury of others;

2. Danger of life and property due to flooding or erosion damage;

3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

4. Importance of the services provided by the proposed facility to the community;

5. Necessity to the facility of a waterfront location, where applicable;

6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. Compatibility of the proposed use with existing and anticipated development;

8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. Safety of access to the property in time of flood for ordinary and emergency vehicles;

10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

B. Flood Variances shall only be issued upon a:

1. Showing of good and sufficient cause;

2. Determination that failure to grant the Flood Variance would result in exceptional "hardship" to the applicant; and

3. Determination that the granting of a Flood Variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see "Public safety and nuisance"), cause "fraud and victimization" of the public, or conflict with existing local laws or ordinances.

C. Flood Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of 9-848.3A through 9-848.3D are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

D. Upon consideration of the factors of 9-848.2A and the purposes of this ordinance, the Community Development Department and the Department of Public Works may attach such conditions to the granting of Flood Variances as it deems necessary to further the purposes of this ordinance.

(Ord. No. 4488, § 2, 10-11-2016)

Editor's note—Ord. No. 4488, § 2, adopted Oct. 11, 2016, repealed the former § 9-848.3, and enacted a new § 9-848.3 as set out herein. The former § 9-848.3 pertained to requirements for application and derived from Ord. 3675.

9-848.4 REVIEW PROCEDURE.

The review procedure for a Flood Variance Application shall be a Public Hearing by the Planning Commission, as set forth in Chapter 9-220. (Ord. 3675)

9-848.5 EXCEPTIONS AND EXCLUSIONS.

The following provisions shall apply:

(a) Flood Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Chapter; and

(b) Flood Variances shall not be issued within a floodway if an increase in flood levels during the one hundred (100) year flood discharge would result. (Ord. 3675)

9-848.6 FINDINGS.

Prior to approving an application for a Flood Variance, the Review Authority shall find that all of the following are true:

(a) There is good and sufficient cause for the Flood Variance;

(b) Failure to grant the Flood Variance would result in exceptional hardship to the applicant;

(c) The Flood Variance will not result in increased flood heights, create additional threats to public safety, produce extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

(d) The Flood Variance is the minimum necessary, considering the flood hazard, to afford relief; and

(e) Granting of the Flood Variance will not constitute a grant of special privileges inconsistent with the limitations on similarly situated properties subject to the County's flood regulations. (Ord. 3675)

9-848.7 NOTICE OF INCREASED RISK.

Any applicant to whom a Flood Variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the regulatory flood elevation and that the cost

of insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. The notice shall be prepared by the Community Development Department and recorded by the office of the San Joaquin County Recorder in such a manner to make it appear in the chain of title of the affected parcel of land.

(Ord. 3675; Ord. 4149, § 2, 2002; Ord. 4153, § 2, 2002; Ord. 4211, § 2, 2004)

CHAPTER 9-851

AGRICULTURAL EXCAVATION PERMITS

Sections:

- 9-851.1 Intent.**
- 9-851.2 Permitted Zones.**
- 9-851.3 Requirements for Application.**
- 9-851.4 Review Procedures.**
- 9-851.5 Findings.**
- 9-851.6 Development Standards.**
- 9-851.7 Time Limit on Approvals.**
- 9-851.8 Expansion.**
- 9-851.9 Surface Mining and Reclamation Act.**

9-851.1 INTENT.

The intent of this Chapter is to provide a method for:

- (a) Allowing the removal of excess material from property in order to increase the property's agricultural potential, while protecting people, property, and the environment from impacts caused by the grading excavation; and
- (b) Ensuring the reclamation of excavation sites.
(Ord. 3675; Ord. 4241, § 2, 2005)

9-851.2 PERMITTED ZONES.

Applications for Agricultural Excavation Permits may be accepted in the following zones:

- (a) AL zone;
 - (b) AG zone;
 - (c) AU zone.
- (Ord. 3675; 3703)

9-851.3 REQUIREMENTS FOR APPLICATION.

An application for an Agricultural Excavation Permit shall include the following:

- (a) A Certified Grading Plan prepared by a registered civil engineer;
- (b) An Operational Statement;
- (c) A soils report, prepared by a soil scientist qualified to analyze agricultural soils, shall be required for all proposals where the topsoil is not proposed to be replaced;

(San Joaquin County Supp. No. 96, 12-16)

(d) An Excavation/Reclamation Plan and schedule prepared by a registered civil engineer;

(e) Proposed methods of financial guarantees of performance;

(f) An Erosion, Sediment and Pollution Control Plan to minimize impacts on waterways and/or roadways during excavation; and

(g) A fee as specified by resolution of the Board of Supervisors.
(Ord. 3675; Ord. 4241, § 3, 2005)

9-851.4 REVIEW PROCEDURES.

The review procedure for an Agricultural Excavation Permit Application shall be the Staff Review With Notice procedure, as set forth in Chapter 9-215.
(Ord. 3675)

9-851.5 FINDINGS.

Prior to approving an application for an Agricultural Excavation Permit, the Review Authority shall find all of the following true:

- (a) The amount of the material being removed is the least amount required to enhance the agricultural suitability of the property;
- (b) The excavation will not have a detrimental effect on any surrounding agricultural lands;
- (c) Issuance of the permit shall not be significantly detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity.
(Ord. 3675; Ord. 4241, § 4, 2005)

9-851.6 DEVELOPMENT STANDARDS.

Approved Agricultural Excavation Permits shall be subjected to the development standards specified in Chapter 9-1410.
(Ord. 3675)

9-851.7 TIME LIMIT ON APPROVALS.

If the excavation does not commence within eighteen (18) months after the date of approval of the Agricultural Excavation Permit, the permit shall lapse and become void.
(Ord. 3675)

9-851.8 EXPANSION.

A new Agricultural Excavation Permit shall not be required for the expansion of an existing or approved agricultural excavation, provided all of the following requirements are satisfied:

(a) Any proposed expansion(s) may involve no more than a ten percent (10%) increase in the overall site area covered by the existing or approved agricultural excavation;

(b) The proposed expansion, in the opinion of the Director, will not have a substantial, adverse effect on adjacent property or on significant biotic resources on the site;

(c) The proposed expansion will comply with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency; and

(d) An Improvement Plan pursuant to Chapter 9-884 is submitted to the County.

(Ord. 3832, § 23, 1995)

9-851.9 SURFACE MINING AND RECLAMATION ACT.

Approved Agricultural Excavation Permits shall be subject to the regulations adopted by the State Mining and Geology Board as authorized by the California Surface Mining and Reclamation Act (SMARA) of 1975 (Public Resource Code Section 2710 et seq.), as amended; Public Resource Code Section 2207; and the California Code of Regulations adopted pursuant thereto (Title 14, Section 3500 et seq.).

CHAPTER 9-854

QUARRY EXCAVATION PERMITS

Sections:

9-854.1	Intent.
9-854.2	Permitted Zones.
9-854.3	Requirements for Application.
9-854.4	Review Procedures.
9-854.5	Findings.
9-854.6	Development Standards.
9-854.7	Expansion of an Existing Quarry Excavation.
9-854.8	Surface Mining and Reclamation Act.

9-854.1 INTENT.

The intent of this Chapter is to provide a method for:

- (a) allowing the extraction of mineral resources, while at the same time protecting people, property, and the environment from potential hazards associated with excavations, and
 - (b) ensuring the reclamation of excavation sites.
- (Ord. 3675; 3715)

9-854.2 PERMITTED ZONES.

Quarry Excavation Permit Applications may be accepted in the following zones:

- (a) I-G Zone;
 - (b) C-R Zone;
 - (c) AG and AU Zones provided that:
 - (1) Areas for excavation are designated "Resource Conservation" on the County General Plan Map and the State Mines and Geology Board has identified the areas as construction aggregate deposits of regional significance;
 - (2) The portion of the property to be excavated contains substantial deposits of mineral resources, or a portion of a deposit of substantial mineral resources, or
 - (3) For areas zoned AG, the Farmland Mapping and Monitoring Program's soil classification for that portion of the property to be excavated is neither Prime Farmland, Farmland of Statewide Significance, nor Unique Farmland.
- (Ord. 3675; 3715)

9-854.3 REQUIREMENTS FOR APPLICATION.

An application for a Quarry Excavation Permit shall include the following:

- (a) A Site Plan prepared and stamped and signed by a registered civil engineer;

(b) An Excavation/Reclamation Plan and schedule prepared by a registered civil engineer;

(c) Proposed methods of financial guarantees of performance; and

(d) A fee as specified by resolution of the Board of Supervisors.

(Ord. 3675; 3715)

9-854.4 REVIEW PROCEDURES.

The review procedure for Quarry Excavation Permit Applications shall be the Public Hearing Procedure as specified in Chapter 9-220.

(Ord. 3675)

9-854.5 FINDINGS.

Prior to approving an application for a Quarry Excavation Permit, the Review Authority shall find that all of the following are true:

- (a) The proposal is for the removal of regionally significant or scarce deposits of mineral resources and not for the removal of prime farmland;
 - (b) The proposed reclamation of the property upon completion of the excavation will leave the property in a condition which will allow its reuse; and
 - (c) Issuance of the permit shall not be significantly detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity.
- (Ord. 3675; 3715)

9-854.6 DEVELOPMENT STANDARDS.

Approved Quarry Excavation Permits shall be subject to the development standards specified in Chapter 9-1415.

(Ord. 3675)

9-854.7 EXPANSION OF AN EXISTING QUARRY EXCAVATION.

Existing excavations subject to a Quarry Excavation Permit may be expanded pursuant to this Section.

(a) **Required Criteria.** In those instances involving excavations that require a Quarry Excavation Permit and a Quarry Excavation Permit has been approved, the Director of the Community Development Department may approve plans for the expansion of the existing permit when the expansion complies with all of the following criteria:

- (1) The excavation expansion is incidental to the existing excavation;
- (2) No building expansion involves more than a twenty-five (25) percent increase in floor area covered by existing structures associated with the excavation;
- (3) No use expansion involves more than an increase of twenty five (25) acres, or more than a ten

percent (10%) increase in the overall site area covered by the existing Quarry Excavation Permit, whichever is less;

(4) The excavation expansion, in the opinion of the Director of the Community Development Department, would not have a substantial adverse effect on significant biotic resources on the site;

(5) The excavation expansion, in the opinion of the Director of Community Development, would not have a substantial adverse effect on adjacent property;

(6) The excavation expansion complies with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency as determined by the Director of the Community Development Department; and

(7) An Improvement Plan is submitted pursuant to Chapter 9-884, Improvement Plans.

(b) **Criteria Not Met.** If a proposed expansion does not meet with the above criteria in Subsection (a), a new Quarry Excavation Permit shall be required. (Ord. 3715; Ord. 3832 § 24, 1995)

9-854.8 SURFACE MINING AND RECLAMATION ACT.

Approved Quarry Excavation Permits shall be subject to the regulations adopted by the State Mining and Geology Board as authorized by the California Surface Mining and Reclamation Act (SMARA) of 1975 (Public Resource Code Section 2710 et seq.), as amended; Public Resource Code Section 2207; and the California Code of Regulations adopted pursuant thereto (Title 14, Section 3500 et seq.).

(Ord. 3715, 3788)

CHAPTER 9-857

MAJOR SUBDIVISIONS

Sections:

- 9-857.1 Intent.**
- 9-857.2 Requirements for Application.**
- 9-857.3 Review Procedures.**
- 9-857.4 Findings.**
- 9-857.5 Expiration Date.**
- 9-857.6 Vested Rights.**

9-857.1 INTENT.

The intent of this Chapter is to provide a method for reviewing and approving Major Subdivision Applications. (Ord. 3675)

9-857.2 REQUIREMENTS FOR APPLICATION.

A Major Subdivision Application may be initiated by the property owner or the property owner's authorized agent. The application shall include a Tentative Map or, at the option of the applicant, a Vesting Tentative Map and other maps or documents required by the Review Authority. A fee, as specified by resolution of the Board of Supervisors, shall be required. (Ord. 3675)

9-857.3 REVIEW PROCEDURES.

Major Subdivision Applications shall be reviewed using the Public Hearing Procedure specified in Chapter 9-220, with the following modifications:

(a) **Action with no EIR.** If an Environmental Impact Report is not required, the final action on the application shall be rendered within fifty (50) calendar days after it is accepted as complete.

(b) **Action with EIR.** If an Environmental Impact Report is required, the final action shall be rendered within forty-five (45) calendar days after certification of the Environmental Impact Report.

(c) **Appeals.** Appeals of any Planning Commission decision shall be heard by the Board of Supervisors within thirty (30) calendar days, or any mutually agreed upon extension thereof, after the date of filing the appeal. A final decision shall be rendered within ten (10) calendar days, or any authorized extension thereof, after the conclusion of the hearing before the Board.

(d) **Notice of Hearing.** Notification of any public hearing shall include publication in a newspaper of general circulation within the County at least ten (10) days prior to the hearing.

(e) **Notice of Multiple Final Maps.** If the applicant intends to file multiple final maps, the applicant shall inform the Review Authority of such intention at the time of filing the Major Subdivision Application or prior to the public hearing on the Major Subdivision Application. (Ord. 3675)

9-857.4 FINDINGS.

Prior to approving an application for a Major Subdivision, the Review Authority shall find that all of the following are true:

(a) **Plan Consistency.** The proposed subdivision is consistent with the General Plan, any applicable Master Plan, Specific Plan, and Special Purpose Plan, and any other applicable plan adopted by the County.

(b) **Design or Improvement.** The design or improvement of the proposed subdivision is consistent with the General Plan and any applicable Specific Plan or Special Purpose Plan.

(c) **Type of Development.** The site is physically suitable for the type of development proposed.

(d) **Density of Development.** The site is physically suitable for the proposed density of development.

(e) **Fish or Wildlife.** Neither the design of the subdivision nor any proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) **Public Health.** The design of the subdivision or type of improvement is not likely to cause significant public health problems.

(g) **Access.** The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

(h) **Dedications.** Any land or improvement to be dedicated to the County or other public agency is consistent with the General Plan, any applicable Specific Plan and Special Purpose Plan, and any other applicable plan adopted by the County.

(i) **Energy.** The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision, as required by Government Code Section 66473.1.

(Ord. 3675, 3715; Ord. 3938 § 11, 1997)

9-857.5 EXPIRATION DATE.

A Major Subdivision Application which has been approved shall expire thirty-six (36) months after the date of its approval, unless otherwise specified in this Title. (Ord. 3675)

9-857.6 VESTED RIGHTS.

An approved Major Subdivision Application that includes a Vesting Tentative Map shall confer rights as set forth in this section.

(a) **Vested Rights.** The approval of the Major Subdivision Application shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Section 66498.1 of the Government Code.

(b) **Exceptions.** Notwithstanding Subsection (a), a permit, approval, extension, or entitlement may be conditioned or denied if either of the following is determined:

(1) Failure to do so would place the residents of the subdivision, the immediate community, or both in a condition dangerous to their health, safety, or both; or

(2) Condition or denial is required in order to comply with state or federal law.

(c) **Time Periods.** The vested rights referred to in Subsection (a) shall expire if a final map is not approved prior to the expiration of the approved Major Subdivision Application. If the final map is approved, vested rights shall continue as follows:

(1) Vested rights shall remain in effect for an initial time period of one (1) year. Where several final maps are recorded on various phases of a project covered by a single Vesting Tentative Map, this one (1) year initial time period shall begin for each phase when the final map for that phase is recorded. All of said final maps must be recorded within the time period set forth in Section 9-857.5, or the vested rights shall expire for those parcels for which final maps are not timely recorded.

(2) The one (1) year initial time period set forth in Subsection (c)(1) shall be automatically extended by any time used for processing a complete application for a grading permit, if one (1) is required, or for any required design or architectural review, if such processing exceeds thirty (30) days from the date a complete application is filed.

(3) If the subdivider submits a complete application for a building permit during the periods of time specified in Subsections (c)(1) and (c)(2) or during any approved time extensions of the initial one (1) year time period specified in Subsection (c)(1), the vested rights referred to in this section shall continue until the expiration of that building permit, or any extension of that building permit.

(d) **Subsequent Conditioning.** Consistent with Subsection (a), an approved or conditionally approved Vesting Tentative Map shall not limit the Review Authority

from imposing reasonable conditions on subsequent approvals or permits necessary for the development. (Ord. 3675)

**CHAPTER 9-860
MINOR SUBDIVISIONS**

Sections:

9-860.1	Intent.
9-860.2	Requirements for Application.
9-860.3	Review Procedures.
9-860.4	Findings.
9-860.5	Expiration Date.
9-860.6	Vested Rights.

9-860.1 INTENT.

The intent of this Chapter is to provide a method for reviewing and approving Minor Subdivision Applications. (Ord. 3675)

9-860.2 REQUIREMENTS FOR APPLICATION.

A Minor Subdivision Application may be initiated by the property owner or the property owner's authorized agent. The application shall include a Tentative Map or, at the option of the applicant, a Vesting Tentative Map and other maps or documents required by the Review Authority. A fee, as specified by resolution of the Board of Supervisors, shall be required. (Ord. 3675)

9-860.3 REVIEW PROCEDURES.

Minor Subdivision Applications shall be reviewed using the Staff Review With Notice procedure specified in Chapter 9-215, with the following modifications:

(a) **Action with No EIR.** If an Environmental Impact Report is not required, the final action on the application shall be rendered within fifty (50) calendar days after it is accepted as complete.

(b) **Action with EIR.** If an Environmental Impact Report is required, the final action shall be rendered within forty-five (45) calendar days after certification of the Environmental Impact Report.

(c) **Appeals.** Appeals of any decision shall be heard by the appropriate Review Authority within thirty (30) calendar days, or any mutually agreed upon extension thereof, after the date of filing the appeal. A final decision shall be rendered within ten (10) calendar days, or any authorized extension thereof, after the conclusion of the hearing.

(d) **Notice of Hearing.** Notification of any public hearing shall include publication in a newspaper of general circulation within the County at least ten (10) days prior to the hearing. (Ord. 3675)

9-860.4 FINDINGS.

Prior to approving an application for a Minor Subdivision, the Review Authority shall find that all of the following are true:

(a) **Plan Consistency.** The proposed subdivision is consistent with the General Plan, any applicable Master Plan, Specific Plan, and Special Purpose Plan and any other applicable plan adopted by the County.

(b) **Design or Improvement.** The design or improvement of the proposed subdivision is consistent with the General Plan and any applicable Specific Plan or Special Purpose Plan.

(c) **Type of Development.** The site is physically suitable for the type of development proposed.

(d) **Density of Development.** The site is physically suitable for the proposed density of development.

(e) **Fish or Wildlife.** Neither the design of the subdivision nor any proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) **Public Health.** The design of the subdivision or type of improvement is not likely to cause significant public health problems.

(g) **Access.** The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

(h) **Dedications.** Any land or improvement to be dedicated to the County or other public agency is consistent with the General Plan, any applicable Specific Plan and Special Purpose Plan, and any other applicable plan adopted by the County.

(i) **Energy.** The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision, as required by Government Code Section 66473.1.

(Ord. 3675; 3715; Ord. 3938 § 12, 1997)

9-860.5 EXPIRATION DATE.

A Minor Subdivision Application which has been approved or conditionally approved shall expire thirty-six (36) months after the date of its approval or conditional approval, unless otherwise specified in this Title.

(Ord. 3675)

9-860.6 VESTED RIGHTS.

An approved Minor Subdivision Application that includes a Vesting Tentative Map shall confer rights as set forth in this section.

(a) **Vested Rights.** The approval or conditional approval of the Minor Subdivision Application shall confer a vested right to proceed with development in substantial

compliance with the ordinances, policies, and standards described in Section 66498.1 of the Government Code.

(b) **Exceptions.** Notwithstanding Subsection (a), a permit, approval, extension, or entitlement may be conditioned or denied if either of the following is determined:

(1) Failure to do so would place the residents of the subdivision, the immediate community, or both in a condition dangerous to their health, safety, or both; or

(2) Condition or denial is required in order to comply with state or federal law.

(c) **Time Periods.** The vested rights referred to in Subsection (a) shall expire if a parcel map is not approved prior to the expiration of the approved Minor Subdivision Application. If the parcel map is approved, vested rights shall continue as follows:

(1) Vested rights shall remain in effect for an initial time period of one (1) year. A parcel map must be recorded within the time period set forth in Section 9-860.5, or the vested rights shall expire.

(2) The one (1) year initial time period set forth in Subsection (c)(1) shall be automatically extended by any time used for processing a complete application for a grading permit, if one is required, or for any required design or architectural review, if such processing exceeds thirty (30) days from the date a complete application is filed.

(3) If the subdivider submits a complete application for a building permit during the periods of time specified in Subsections (c)(1) and (c)(2) or during any approved time extensions of the initial one (1) year time period specified in Subsection (c)(1), the vested rights referred to in this section shall continue until the expiration of that building permit or any extension of that building permit.

(d) **Subsequent Conditioning.** Consistent with Subsection (a), an approved or conditionally approved Vesting Tentative Map shall not limit the Review Authority from imposing reasonable conditions on subsequent approvals or permits necessary for the development.

(Ord. 3675)

CHAPTER 9-863

COUNTY-INITIATED MERGERS

Sections:

- 9-863.1 Intent.**
- 9-863.2 Requirements for Application.**
- 9-863.3 Review Procedure.**

9-863.1 INTENT.

The intent of this Chapter is to provide a method for the County to initiate the merger of two or more existing, contiguous parcels or units of land under the same ownership in order to achieve orderly development, protect new development, and implement the policies of the General Plan.

(Ord. 3675)

9-863.2 REQUIREMENTS FOR APPLICATION.

Applications for County-Initiated Mergers may be initiated by the Board of Supervisors, the Planning Commission, or the Director of the Community Development Department. A County-Initiated Merger may proceed only if the parcels are under the same ownership, one (1) of the parcels or units has less area than the minimum parcel area or lot area required for new parcels or lots by the regulating zone, and if the requirements of Subsections (a) and (b) are satisfied.

(a) **Development.** At least one (1) of the affected parcels is: 1) undeveloped by any structure for which a building permit was issued, or for which a building permit was not required at the time of construction, 2) is developed only with an accessory structure or structures, or 3) is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.

(b) **Substandard Conditions.** With respect to any affected parcel, one (1) or more of the following conditions exists:

- (1) The parcel comprises less than five thousand (5,000) square feet in area at the time of the determination of merger;
- (2) The parcel was not created in compliance with applicable laws and ordinances in effect at the time of its creation;
- (3) The parcel does not meet current standards for sewage disposal and domestic water supply;
- (4) The parcel has no legal access which is adequate for vehicular and safety equipment access and maneuverability;

(5) Development of the parcel would create health or safety hazards;

(6) Existence of the parcel is inconsistent with the General Plan and any applicable Specific Plan or Special Purpose Plan, other than minimum lot size or density standards; or

(7) The parcel does not meet slope stability standards.

(c) **Ownership.** For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that the Notice of Intention to Determine Status is recorded pursuant to this Chapter.

(d) **Exceptions.** This section shall not apply if any of the conditions stated in Sections 66451.11(b)(A), (B), (C), or (D) of the Subdivision Map Act exist.

(e) **Fee.** A fee, as specified by resolution of the Board of Supervisors, shall be required.
(Ord. 3675)

9-863.3 REVIEW PROCEDURES.

County-Initiated Merger Applications shall be reviewed by the Review Authority, cited in Section 9-863.2, using the Staff Review With Notice procedure in Chapter 9-215, with the following modifications:

(a) **Notice of Intention to Determine Status.** Prior to recording a Notice of Merger, the Director of Community Development shall mail, by certified mail, a Notice of Intention to Determine Status to the current recorded owner of the property.

(1) The Notice of Intention to Determine Status shall state that the affected parcels may be merged pursuant to this Chapter and that the owner may request a hearing before the Director to present evidence that the property does not meet the criteria for merger.

(2) The Notice of Intention to Determine Status shall be filed for record with the County Recorder on the date the notice is mailed to the property owner.

(b) **Hearing.** The owner of the affected parcels may file a written request for a hearing to determine whether his parcels should or should not be merged. When a hearing is requested, the following procedures shall be followed:

(1) **Request for Hearing.** At any time within thirty (30) calendar days after the recording of the Notice of Intention to Determine Status, the owner of the affected property may file a written request for a hearing with the Community Development Department.

(2) **Scheduling of Hearing.** Upon receipt of the written request for a hearing, the Director shall set a time, date, and place for said hearing and notify the property owner of said information by certified mail. The hearing

shall be conducted not more than sixty (60) days following the filing of the property owner's request for hearing, or the hearing may be postponed or continued by mutual consent of the Director and the property owner.

(3) **Presentation of Evidence.** At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the requirements for merger specified in Section 9-863.2, Subsections (a) and (b).

(4) **Decision.** At the conclusion of the hearing, the Director shall make a determination that the parcels are to be merged or are not to be merged, based on the standards for merger specified in Section 9-863.2, Subsections (a) and (b). The owner shall be notified of the Director's determination.

(5) **Appeal.** The owner of the property may appeal the Director's determination pursuant to the procedures set forth in Chapter 9-215.

(c) **Notice of Merger.** If it is decided that the parcels are to be merged, the Director shall file a Notice of Merger with the County Recorder within the following time limits:

(1) Within thirty (30) days after the conclusion of the hearing specified by Subsection (b);

(2) Within thirty (30) days after the conclusion of the hearing convened as a result of the appeal specified in Subsection (b);

(3) Within ninety (90) days after the mailing of the Notice of Intention to Determine Status specified in Subsection (a) if the owner of the affected parcels has not filed a Request for Hearing within the time period specified in Subsection (b).

(d) **Release of Notice of Intention to Determine Status.** If it is decided that the parcels are not to be merged, the Director shall file a Release of Notice of Intention to Determine Status with the County Recorder and shall mail a clearance letter to the recorded owner of the affected parcels.

(Ord. 3675)

CHAPTER 9-866

VOLUNTARY MERGERS

Sections:

9-866.1	Intent.
9-866.2	Requirements for Application.
9-866.3	Review Procedure.
9-866.4	Development Requirements.

9-866.1 INTENT.

The intent of this Chapter is to provide for the owner-initiated merger of contiguous parcels under common ownership without reversion to acreage, pursuant to Section 66499.20 of the Government Code.

(Ord. 3675)

9-866.2 REQUIREMENTS FOR APPLICATION.

Applications for Voluntary Mergers may be initiated by the owner of record of the subject parcels or by the authorized agent of the owner of record. The application shall include such documents and information as required by the Review Authority. A fee, as specified by resolution of the Board of Supervisors, shall be required.

(Ord. 3675)

9-866.3 REVIEW PROCEDURE.

The review procedure for voluntary mergers shall be Staff Review as provided in Chapter 9-210. A Voluntary Merger may be approved if it is found that all of the properties involved in the merger are in common ownership.

(Ord. 3675)

9-866.4 DEVELOPMENT REQUIREMENTS.

Mergers approved under the provisions of this Chapter shall be subject only to those conditions which insure that the proposal meets the minimum area and width requirements of the regulating zone. All mergers shall be recorded with an instrument evidencing the merger.

(Ord. 3675)

CHAPTER 9-869
REVERSION TO ACREAGE

Sections:

- 9-869.1 Intent.**
- 9-869.2 Requirements for Application.**
- 9-869.3 Review Procedures.**
- 9-869.4 Findings.**
- 9-869.5 Conditions.**
- 9-869.6 Return of Fees and Deposits.**
- 9-869.7 Effect of Filing Final Map.**
- 9-869.8 Effect of Filing Parcel Map.**

9-869.1 INTENT.

The intent of this Chapter is to specify the procedures under which subdivided property may be reverted to acreage.
(Ord. 3675)

9-869.2 REQUIREMENTS FOR APPLICATION.

Applications for Reversion to Acreage may be initiated by petition of all of the owners of record of the subject parcels or by the owners' of record authorized agent, or by the Board of Supervisors in a resolution initiating such proceedings. The application shall include a tentative map, evidence of title to the real property, and such other information as may be required by the review authority. A fee, as specified by resolution of the Board of Supervisors, shall be required.
(Ord. 3675)

9-869.3 REVIEW PROCEDURES.

A Reversion to Acreage Application shall be reviewed using the Public Hearing Review Procedure as specified in Chapter 9-220, with modifications as provided in this Section.

(a) **Planning Commission.** At the conclusion of the Public Hearing, the Planning Commission shall recommend approval of the application or deny the application.

(1) If the Planning Commission recommends approval, the application shall be reviewed by the Board of Supervisors.

(2) If the Planning Commission denies the Reversion to Acreage Application, the action is final, unless appealed to the Board of Supervisors.

(b) **Board of Supervisors.** The Board of Supervisors shall hold a Public Hearing to take final action if the Planning Commission has recommended approval or if the Planning Commission's denial was appealed.
(Ord. 3675)

9-869.4 FINDINGS.

The Board may approve a Reversion to Acreage Application only if it finds that dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes, based upon the policies and designations in the General Plan, and either:

(a) **Consent.** All owners of an interest in the real property within the subdivision have consented to reversion;

(b) **Lack of Improvements.** None of the improvements required to be made have been made within two (2) years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or

(c) **Lack of Lot Sales.** No lots shown on the final or parcel map have been sold within five (5) years from the date such map was filed for record.
(Ord. 3675)

9-869.5 CONDITIONS.

The Board shall require as conditions of the reversion:

(a) **Dedications.** Dedications or offer to dedicate streets or easements; and

(b) **Retentions.** The retention of all or a portion of previously paid subdivision fees, deposits, or improvements securities if the same are necessary to accomplish any of the provisions of this Division.
(Ord. 3675)

9-869.6 RETURN OF FEES AND DEPOSITS.

Except as provided in Section 9-869.5, upon filing of the final map for Reversion of Acreage with the County Recorder, all fees and deposits shall be returned to the subdivider and all improvement securities shall be released by the Board.
(Ord. 3675)

9-869.7 EFFECT OF FILING FINAL MAP.

Reversion shall be effective upon the filing of the final map for record by the County Recorder. Upon filing, all dedications and offers of dedication not shown on the final map for reversion shall be of no further force and effect and shall be shown as such on the assessment roll.
(Ord. 3675)

9-869.8 EFFECT OF FILING PARCEL MAP.

If there are four (4) or fewer parcels under the same ownership to be reverted to acreage, the recording of a parcel map shall constitute a legal reversion to acreage of the land, abandonment of all streets and easements not shown on the parcel map, and a merger of the separate

parcels into one (1) parcel, and these shall be shown as such on the assessment roll.
(Ord. 3675)

CHAPTER 9-872

LOT LINE ADJUSTMENTS

Sections:

9-872.1	Intent.
9-872.2	Requirements for Application.
9-872.3	Review Procedures.
9-872.4	Development Requirements.

9-872.1 INTENT.

It is the intent of this Chapter to provide for a method of reviewing applications for lot line adjustments.
(Ord. 3675)

9-872.2 REQUIREMENTS FOR APPLICATION.

An application for a Lot Line Adjustment shall include a site plan and may be accepted only if the following apply:

(a) **Number of Lots.** The Lot Line Adjustment is between four (4) or fewer existing adjoining parcels and the application approval will not result in more lots than currently exist. Successive Lot Line Adjustments of adjoining parcels under the same ownership are prohibited. This limitation on Lot Line Adjustments does not apply to Lot Line Adjustments between different landowners who are adjusting common boundaries;

(b) **Encroachment.** The application approval will not result in an encroachment into, but not limited to, any public easement, right-of-way, required yard, or required areas for wells, septic tanks, or leach fields;

(c) **Frontage.** Parcels that have frontage on a County, city, or state maintained roadway must continue to have such frontage after the adjustment, unless the Review Authority determines that the use of a private right-of-way, in accordance with Section 9-1150.14, would create a better use of land that is consistent with this Title;

(d) **Public Services.** Public Services as addressed by Division 11 of this Title are provided to all parcels reduced to less than 2 acres;

(e) **Zoning Minimum.** All parcels shall conform to the zone minimum of the parcel area before and after adjustment, or at least not increase the number of existing, nonconforming parcels. Nonconforming parcels shall not be transferred from one zone classification to another zone classification;

(f) **Nonbuildable Parcels.** The lot line adjustment shall not result in any new nonbuildable parcels;

(g) **Yards and Lot Widths.** Adjusted parcels shall meet all minimum yard and lot width requirements, or at least not increase the degree of nonconformity; and

(h) **Other Requirements.** Building code requirements and all other requirements of the General Plan and zone in which the subject properties are located are met.

(i) **Fee.** A fee, as specified by resolution of the Board of Supervisors, shall be required.

Applications for lot line adjustments must meet all of the above criteria. Applications not meeting all of the above criteria shall be processed as either a Major Subdivision or a Minor Subdivision Application, depending on the number of parcels being adjusted.

(Ord. 3675; 3715; 3756; Ord. 4006 § 5, 1998; Ord. 4161 § 1, 2002)

9-872.3 REVIEW PROCEDURES.

The review procedure for a Lot Line Adjustment Application shall be the Staff Review Procedure as specified in Chapter 9-210.

(Ord. 3675)

9-872.4 DEVELOPMENT REQUIREMENTS.

Lot line adjustments approved under the provisions of this Chapter shall be reviewed only for conformity with General Plan, zoning and building regulations of the County. Only those conditions or exactions that are necessary to conform to said General Plan, zoning and building regulations; or to require the prepayment of real property taxes prior to the approval of the lot line adjustment; or to facilitate the relocation of existing utilities, infrastructure, or easements; may be imposed by the review authority. Approved lot line adjustments shall require the recording of a Notice of Lot Line Adjustment or a Record of Survey, if required by the Business and Professions Code.

(Ord. 3675; 3756; Ord. 4161 § 2, 2002)

CHAPTER 9-875

CERTIFICATES OF COMPLIANCE

Sections:

9-875.1	Intent.
9-875.2	Requirements for Application.
9-875.3	Review Process.
9-875.4	Determinations and Requirements for Issuance.
9-875.5	Documents Constituting Certificates of Compliance.
9-875.6	Real Property Approved for Development.
9-875.7	Development of Parcels.

9-875.1 INTENT.

The intent of this Chapter is to provide a method of reviewing requests to determine the compliance of property with the provisions of the Subdivision Map Act and this Title.

(Ord. 3675)

9-875.2 REQUIREMENTS FOR APPLICATION.

An Application for a Certificate of Compliance may be made by any person owning real property subject to the provisions of this Division or a vendee of such person pursuant to a contract of sale of such property. Applications for Certificates of Compliance shall include a site plan and any other maps or documents required by the Review Authority. A fee, as specified by resolution of the Board of Supervisors, shall be required.

(Ord. 3675)

9-875.3 REVIEW PROCEDURES.

The review procedure for a Certificate of Compliance shall be Staff Review as set forth in Chapter 9-210.

(Ord. 3675)

9-875.4 DETERMINATIONS AND REQUIREMENTS FOR ISSUANCE.

The Review Authority shall review the application for a Certificate of Compliance and shall make one of the following determinations based on that review:

(a) **Issuance.** If the parcel is found to comply with all provisions of the Subdivision Map Act and the County, a Certificate of Compliance shall be issued pursuant to Section 66499.35(a) of the Government Code; or

(b) **Conditional Issuance.** If the parcel does not comply with regulations in effect at the time of its creation or does not comply with current regulations, the

parcel shall be found not to comply with state and County regulations and a Conditional Certificate of Compliance which states the conditions required to bring the parcel into compliance shall be issued, pursuant to Section 66499.35(b) of the Government Code. Only conditions that would have been applicable at the time the applicant acquired his or her interest in the property may be imposed. Conditions may not exceed the requirements at the time the parcel was created. However, if an applicant was the owner of record at the time of the initial violation of the Subdivision Map Act or of local ordinances enacted pursuant to the Act, conditions may be imposed which are applicable to a current division of property. Fulfillment of all conditions shall be required prior to subsequent issuance of any permit or grant of approval for development of the property.
(Ord. 3675)

9-875.5 DOCUMENTS CONSTITUTING CERTIFICATES OF COMPLIANCE.

A recorded final map or parcel map shall constitute a Certificate of Compliance declaring all parcels described therein to be in compliance with state and County regulations.
(Ord. 3675)

9-875.6 REAL PROPERTY APPROVED FOR DEVELOPMENT.

A Certificate of Compliance shall be issued for any "real property which has been approved for development," as defined in Government Code Section 66499.34, upon request by the owner(s) of the real property or vendees of such owner(s) pursuant to a contract of sale of the property.
(Ord. 3675)

9-875.7 DEVELOPMENT OF PARCELS.

The granting of a Certificate of Compliance does not constitute a guarantee that the property may be built upon or developed.
(Ord. 3675)

CHAPTER 9-878

REVISIONS OF APPROVED ACTIONS

Sections:

9-878.1	Intent.
9-878.2	Requirements for Application.
9-878.3	Review Procedures.
9-878.4	Findings.
9-878.5	Inapplicability.

9-878.1 INTENT.

The intent of this Chapter is to provide a method for allowing amendments to recorded maps as provided for in Section 66472.1 of the Government Code and to conditions of approved applications.
(Ord. 3675)

9-878.2 REQUIREMENTS FOR APPLICATION.

Applications for Revisions of Approved Actions may be initiated by the property owner or by the property owner's authorized agent. The application shall include such documents and other information required by the Review Authority. A fee, as specified by resolution of the Board of Supervisors, shall be required.
(Ord. 3675)

9-878.3 REVIEW PROCEDURES.

Applications for Revisions of Approved Actions shall be reviewed by the Review Authority which imposed the condition to be considered for amendment. However, for requests to amend a parcel map or final map, the Review Authority shall be the Planning Commission. Applications shall be reviewed and acted upon using the review procedure specified below with modifications to said procedure as noted:

(a) **Minor Subdivision Applications.** For amendments to conditions of a Tentative Map or a Vesting Tentative Map of an approved Minor Subdivision Application, the review procedure shall be the Staff Review With Notice Procedure, as specified in Chapter 9-215.

(b) **Major Subdivision Applications.** For amendments to conditions of a Tentative Map or a Vesting Tentative Map of an approved Major Subdivision Application, the review procedure shall be the Public Hearing Review Procedure, as specified in Chapter 9-220.

(c) **Other Discretionary Applications.** For amendments to conditions of all other approved discretionary applications, the review procedure shall be the Staff Review With Notice Procedure.

(d) **Parcel Maps or Final Maps.** For amendments to a parcel map or a final map, the review procedure shall be the Public Hearing Review Procedure. The Review Authority shall confine its review to consideration of and action on the proposed amendment. (Ord. 3675)

9-878.4 FINDINGS.

Prior to approving an application for Revisions of Approved Actions, the Review Authority shall make the following findings:

(a) **Major or Minor Subdivisions.** For amendments to conditions of a Tentative Map or a Vesting Map of an approved Major or Minor Subdivision Application, the Review Authority shall find the following are true:

(1) There are changes in circumstances which make any or all of the conditions of the Tentative Map or the Vesting Tentative Map no longer appropriate or necessary; and

(2) The conditions of the Tentative Map or the Vesting Tentative Map shall conform to the provisions of Chapter 9-857, if a Major Subdivision, or to the provisions of Chapter 9-860, if a Minor Subdivision.

(b) **Other Discretionary Applications.** For amendments to conditions of all other approved discretionary applications, the Review Authority shall find that all the findings required for the discretionary application under consideration are true.

(c) **Parcel Maps or Final Maps.** For amendments to a parcel map or a final map, the Review Authority shall find that all of the following are true:

(1) There are changes in circumstances which make any or all of the conditions of such map no longer appropriate or necessary;

(2) The amendments do not impose any additional burden on the present fee owner of the property; and

(3) The amendments do not alter any right, title, or interest in the real property reflected on the recorded map.

(Ord. 3675)

9-878.5 INAPPLICABILITY.

This chapter shall not be applicable to amendments to the face of a Tentative Map or a Vesting Tentative Map of an approved Major or Minor Subdivision Application. For such changes, a new Major or Minor Subdivision Application shall be filed.

(Ord. 3675)

CHAPTER 9-881

TIME EXTENSIONS

Sections:

- 9-881.1 Intent.**
- 9-881.2 Requirements for Application.**
- 9-881.3 Review Procedures.**
- 9-881.4 Time Extensions.**

9-881.1 INTENT.

The intent of this Chapter is to provide a method for allowing time extensions for approved applications. (Ord. 3675)

9-881.2 REQUIREMENTS FOR APPLICATION.

Applications for Time Extensions may be initiated by the property owner or the property owner's authorized agent. The application shall include such documents and other information as required by the Review Authority. The Time Extension Application shall be submitted to the Community Development Department prior to the expiration date of the original development application. A fee, as specified by resolution of the Board of Supervisors, shall be required.

(Ord. 3675)

9-881.3 REVIEW PROCEDURES.

Applications for Time Extensions shall be reviewed and acted upon by the Review Authority that approved the original development application. Time Extension Applications shall be reviewed using the review procedure required for the original development application, except for the modifications specified below:

(a) **Major or Minor Subdivisions.** If an application for an extension of the expiration date of an approved Major or Minor Subdivision Application is denied by the Review Authority, the applicant may appeal the decision within fifteen (15) calendar days of the denial.

(b) **Vested Rights.** If an application for an extension of the expiration date of the vested rights in effect after the filing of a parcel map or final map is denied, the applicant may appeal the decision within fifteen (15) calendar days of the denial.

(Ord. 3675)

9-881.4 TIME EXTENSIONS.

(a) **Automatic Time Extension.** Upon receipt of an application for Time Extension from the landowner (or the landowner's successor in interest) submitted prior to the expiration of the landowner's approved development

application, an automatic extension of the expiration date of said development application shall be granted by the Director for a period of not to exceed sixty (60) days, or until the application for Time Extension is approved, conditionally approved, or denied, whichever occurs first. The period of said automatic time extension shall be deducted from the period for the normal Time Extension application that is subsequently submitted by the landowner for the development application.

(b) **Time Extensions for Major or Minor Subdivisions.** Time Extensions for Major or Minor Subdivision Applications may be granted as follows:

(1) An extension of the expiration of an approved Major or Minor Subdivision Application may be granted by the Review Authority for a period or periods not to exceed six (6) years. Upon receipt of an application for Time Extension, the approved Major or Minor Subdivision Application shall be automatically extended for sixty (60) days, or until the application for extension is approved, conditionally approved, or denied, whichever occurs first.

(2) An extension of the expiration date of the vested rights in effect after the filing of a parcel map or final map may be granted by the Review Authority for a period or periods not to exceed one (1) year.

(3) An extension of the expiration date of an approved Major or Minor Subdivision application may be granted by the Director for period of time during which a lawsuit, involving the approval or conditional approval of the tentative map, is or was pending in a court of competent jurisdiction. The application for Time Extension shall include documentation of the dates from when the lawsuit was filed with the court and when the case was dismissed or a final judgment rendered by the court.

(c) **Time Extensions for Other Development Applications.** Time Extensions for approved development applications may be granted by the Review Authority for a period or periods not to exceed one (1) year.

(Ord. 3675; Ord. 3891 § 4, 1996; Ord. 4035 § 9, 1999; Ord. 4368 § 24, 2009; Ord. No. 4399, § 8, 9-14-2010)

CHAPTER 9-884

IMPROVEMENT PLANS

Sections:

9-884.1	Intent.
9-884.2	Improvement Plan Requirements.
9-884.3	Review Procedures.
9-884.4	Development Requirements.
9-884.5	Expansion of an Existing Use.

9-884.1 INTENT.

It is the intent of this Chapter to provide a method for reviewing Improvement Plans for conformance with San Joaquin County Improvement Standards and conditions of approval for discretionary applications. (Ord. 3675)

9-884.2 IMPROVEMENT PLAN REQUIREMENTS.

Improvement Plans shall be prepared by a registered civil engineer, unless waived by the Director. Off-site and on-site improvements required by San Joaquin County Improvement Standards and conditions of approval for the application shall be incorporated into the Improvement Plans. The plans shall be reviewed and approved by the Director prior to the issuance of a building permit. A fee, as specified by resolution of the Board of Supervisors, shall be required. (Ord. 3675; 3697)

9-884.3 REVIEW PROCEDURES.

Improvement Plans shall be reviewed by the Director using the Staff Review Procedure as specified in Chapter 9-210. (Ord. 3675)

9-884.4 DEVELOPMENT REQUIREMENTS.

Improvement Plans prepared under the provisions of this Chapter shall incorporate the information required by the conditions of approval and ordinance requirements of San Joaquin County to insure that off-site and on-site infrastructure meets the minimum requirements of the County. Unless otherwise specified in this Title, the use cannot be established until all conditions of approval have been complied with. Im-

provement Plans approved under this Title are approved for a period of eighteen (18) months from the date of approval.
(Ord. 3675)

9-884.5 EXPANSION OF AN EXISTING USE.

(a) **Requirements.** In those instances involving a use that requires the preparation of Improvement Plans and the Improvement Plans have previously been approved, the Director may approve amendments to said Improvement Plans for the expansion or adjustment of an existing development if the expansion complies with all of the following requirements:

- (1) The existing Improvement Plans are adequate to determine the compliance of the proposed expansion with all required standards and conditions.
- (2) The building or use expansion is incidental to the existing use.
- (3) The building or use expansion does not result in a change of use.
- (4) The building expansion involves less than twenty-five percent (25%) increase in floor area covered by the existing structures associated with the use.
- (5) A use involves less than ten percent (10%) increase in the overall site area covered by the existing use.
- (6) The building or use expansion complies with the existing requirements of the agencies having jurisdiction and any other appropriate agencies as determined by the Director of the Community Development Department.

(b) **Requirements Not Met.** If the proposed expansion does not meet with the above requirements in Subparagraph (a), a new set of Improvement Plans shall be required.
(Ord. 3675)

CHAPTER 9-890

PARCEL MAP WAIVERS

Sections:

- 9-890.1 Intent.**
- 9-890.2 Requirements for Application.**
- 9-890.3 Review Procedures.**
- 9-890.4 Findings.**

9-890.1 INTENT.

It is the intent of this Chapter to provide a method for waiving a parcel map for a Minor Subdivision, as provided in the Subdivision Map Act Section 66428(a).
(Ord. 3675)

9-890.2 REQUIREMENTS FOR APPLICATION.

Applications for Parcel Map Waivers may be initiated by the property owner or the property owner's authorized agent. Applications shall be filed with the Community Development Department. A fee, as specified by resolution of the Board of Supervisors, shall be required.
(Ord. 3675)

9-890.3 REVIEW PROCEDURES.

Applications for Parcel Map Waivers shall be reviewed by the Director and County Surveyor using the Staff Review Procedure in Chapter 9-210 with the following modification: Denial of a Parcel Map Waiver Application may be appealed to the Planning Commission.
(Ord. 3675)

9-890.4 FINDINGS.

Prior to approving an application for a Parcel Map Waiver, the Review Authority shall find that all of the following are true:

- (a) **Conformity with Laws.** The proposed minor subdivision conforms with the Subdivision Map Act and this Title.
- (b) **Conformity with Regulations.** The proposed minor subdivision:
 - (1) conforms to state and County requirements as to area, improvement and design, and flood water drainage control;

- (2) has appropriate improved public roads available;
- (3) has adequate sanitary disposal facilities available; and
- (4) has adequate water supply available.

(c) **Environmental Effects.** The proposed minor subdivision will not have an adverse effect on the environment.

(d) **Conformity with General Plan.** The proposed minor subdivision conforms to the General Plan.

(e) **Change in Nonconformity.** The proposed minor subdivision conforms to this Title as amended, or no existing nonconformity with this Title will be increased.

(f) **Conformity with Other Ordinances.** The proposed minor subdivision conforms with all other County Ordinances.

(g) **Lack of Need.** A parcel map is not necessary to insure proper legal description of property, location of property lines, and monumenting of property lines.

(h) **Size.** The proposed minor subdivision shall result in all parcels being not less than forty (40) acres gross or a quarter of a quarter section.

(i) **Certificate of Compliance.** In all cases where a parcel map is waived, a Certificate of Compliance is required.

(j) **Facilities.** Appropriate improved public roads, adequate sanitary disposal facilities, and adequate water supplies are available.
(Ord. 3675)

CHAPTER 9-893

MOBILE HOME PERMITS

Sections:

- 9-893.1 Intent.**
- 9-893.2 Permitted Zones.**
- 9-893.3 Requirements for Application.**
- 9-893.4 Review Procedures.**
- 9-893.5 Development Requirements.**

9-893.1 INTENT.

The intent of this Chapter is to provide a method for the placement of mobile home(s) on individual lots. Uses approved under the provisions of this Chapter are to be considered transitory and are to be removed once the need for such a use no longer exists.
(Ord. 3675; Ord. 3832 § 25, 1995)

9-893.2 PERMITTED ZONES.

Mobile homes are permitted in the following zones:

- (a) Residential zones in accordance with Table 9-305.4;
- (b) Commercial zones in accordance with Table 9-405.4;
- (c) Industrial zones in accordance with Table 9-505.4;
- (d) Agricultural zones in accordance with Table 9-605.4; and
- (e) Other zones in accordance with Table 9-705.4.

(Ord. 3675; Ord. 3832 § 26, 1995)

9-893.3 REQUIREMENTS FOR APPLICATION.

Applications for Mobile Home Permits may be initiated by the property owner or the property owner's authorized agent. Applications shall be filed with the Community Development Department. A fee, as specified by resolution of the Board of Supervisors, shall be required. The following minimum requirements shall be met prior to filing an application for a Mobile Home Permit:

(a) **Permits for Temporary Mobile Homes:**

(1) The mobile home is to be used as a residence during the construction of a permanent dwelling on the same property, and it shall be removed when the building permit for the residence is finalized; and

(2) All required building, electrical, and plumbing permits shall be secured prior to the installation of the mobile home. All such permits shall remain in force as long as the mobile home remains on the property. These provisions can be waived for thirty (30) days, by the Director, for residences damaged by flood, fire, earthquake, or other natural disasters.

(b) **Permits for Caretaker Mobile Homes:**

(1) The mobile home shall be used only by an individual whose presence on the property is necessary to prevent vandalism, pilferage, damage, or destruction to property, structures, or equipment located on the same parcel; and

(2) The parcel may not contain another residence unless the property to be protected is isolated from that residence.

(Ord. 3675; Ord. 3832 § 27, 1995; Ord. No. 4385, § 16, 1-12-2010)

9-893.4 REVIEW PROCEDURES.

Applications for Mobile Home Permits shall be reviewed by the Director using the Staff Review Procedure in Chapter 9-210.

(Ord. 3675)

9-893.5 DEVELOPMENT REQUIREMENTS.

Any Mobile Home Permit approved under the provisions of this Chapter shall comply with the following provisions:

(a) **Yards.** The mobile home must meet the minimum yard requirements for a main structure specified by the zone in which it is located.

(b) **Additions.** No permanent room additions shall be allowed.

(c) **Skirting.** Skirting constructed of a suitable material shall be installed.

(d) **Rent.** Except for mobile homes used for farm employee housing or second unit dwellings, the mobile home shall not be rented or leased.

(e) **Rezoning and Annexations.** The mobile home shall be removed if the property is rezoned to a zone not allowing the use or if the property is annexed to a city and the city's zoning ordinance does not allow the use.

(f) **Off-Street Parking.** One (1) off-street parking space shall be provided for each mobile home. Parking shall comply with all requirements for parking specified in this Title.

(g) Repealed by Ord. 4006.

(h) **Construction Standards.** The mobile unit or mobile home shall be constructed to meet the minimum standards of the National Manufactured Housing Construction and Safety Act of 1974. Mobile homes built prior to September 15, 1971, shall require a preinspection.

(Ord. 3675; 3756; 3788; Ord. 4006 § 6, 1998)