

SUPPLEMENT NO. 100, (3-19)
INSERTION GUIDE
SAN JOAQUIN COUNTY DEVELOPMENT TITLE
Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4523, passed January 8, 2019.

NOTE—It should be noted that there were no changes to this
Development Title December 2018.

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SUPPLEMENT NO. 99, (1-19)
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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4518, passed October 9, 2018.

NOTE—It should be noted that there were no changes to this
Development Title December 2017 through May 2018.

Remove Old Pages

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4508, passed June 6, 2018.

NOTE—It should be noted that there were no changes to this
Development Title December 2017 through May 2018.

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INSTRUCTION SHEET—Cont'd.



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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4500, passed November 7, 2017.

NOTE—It should be noted that there were no changes to this Development Title December 2016 through March 2017.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4488, passed October 11, 2016.

NOTE—It should be noted that there were no changes to this Development Title in June or July 2016.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4486, passed September 13, 2016.

NOTE—It should be noted that there were no changes to this Development Title in June—August 2016.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4476, passed April 12, 2016.

NOTE—It should be noted that there were no changes to this Development Title in February and March 2016.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4472, passed January 26, 2016.

NOTE—It should be noted that there were no changes to this Development Title in November—February 2013/2015, and April—November 2015.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4443, passed October 8, 2013.

NOTE—It should be noted that there were no changes to this Development Title in January—June, and September 2013.

Remove Old Pages

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4427, passed December 11, 2012.

NOTE—It should be noted that there were no changes to this Development Title in December—November 2011/2012.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4420, passed December 13, 2011.

NOTE—It should be noted that there were no changes to this Development Title in September—November 2011.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4413, passed August 9, 2011.

NOTE—It should be noted that there were no changes to this Development Title in December—July 2010/2011.

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Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4404, passed December 14, 2010.

NOTE—It should be noted that there were no changes to this Development Title in October, November 2010.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4399, passed September 14, 2010.

NOTE—It should be noted that there were no changes to this Development Title in March—August 2010.

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SUPPLEMENT NO. 86
INSERTION GUIDE
SAN JOAQUIN COUNTY DEVELOPMENT TITLE

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4389, passed March 30, 2010.

NOTE—It should be noted that there were no changes to this Development Title in February 2010.

Remove Old Pages

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4385, passed January 12, 2010.

Remove Old Pages

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Update Sheet

SAN JOAQUIN COUNTY DEVELOPMENT TITLE

November, 2009

Monthly Update #84

No changes had been received at the time of publication.

The last ordinance codified is Ordinance 4368.

This Update Sheet should be retained in the front of the Code.

Update Sheet

SAN JOAQUIN COUNTY DEVELOPMENT TITLE

May, 2009

Monthly Update #83

**No changes had been received at the
time of publication.**

The last ordinance codified is Ordinance 4368.

This Update Sheet should be retained in the front of the code.

Update Sheet

SAN JOAQUIN COUNTY DEVELOPMENT TITLE

April, 2009

Monthly Update #82

**No changes had been received at the
time of publication.**

The last ordinance codified is Ordinance 4368.

This Update Sheet should be retained in the front of the code.

Title 9

DEVELOPMENT TITLE

OF

SAN JOAQUIN COUNTY, CALIFORNIA

**A Codification of the Development Title of
San Joaquin County, California**

**Beginning with Supp. No. 82,
Supplemented by Municipal Code Corporation**

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(San Joaquin County Supp. No. 95, 10-16)

PREFACE

The Development Title of San Joaquin County, California has been kept current since August 30, 1978 through regular supplementation by Matthew Bender & Company, Inc., Book Publishing Company's successor in interest.

Beginning with Supplement 82, Municipal Code Corporation will be keeping this code current by regular supplementation.

This supplement brings the Code up to date through Ordinance 4523, passed January 8, 2019.

Municipal Code Corporation

1700 Capital Circle SW

Tallahassee, FL 32310

800-262-2633

SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Includes." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omits."

In addition, by adding to this table with each supplement, users of this Development Title will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Date Adopted	Include/ Omit	Supp. No.
Supp. No. 87, 4-11			
4399	9-14-2010	Include	Supp. No. 87, 4-11
Supp. No. 88, 4-11			
4404	12-14-2010	Include	Supp. No. 88, 4-11
Supp. No. 89, 11-11			
4413	8- 9-2011	Include	Supp. No. 89, 11-11
Supp. No. 90, 4-12			
4419	12-13-2011	Include	Supp. No. 90, 4-12
4420	12-13-2011	Include	Supp. No. 90, 4-12
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4427	12-11-2012	Include	Supp. No. 91, 5-13
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4439	7-23-2013	Include	Supp. No. 92, 3-14
4440	8-13-2013	Include	Supp. No. 92, 3-14
4443	10- 8-2013	Include	Supp. No. 92, 3-14
Supp. No. 93, 3-16			
O-15-4460	3-10-2015	Include	Supp. No. 93, 3-16
4471	12-15-2015	Include	Supp. No. 93, 3-16
4472	1-26-2016	Include	Supp. No. 93, 3-16
Supp. No. 94, 5-16			
4476	4-12-2016	Include	Supp. No. 94, 5-16
Supp. No. 95, 10-16			
4478	5-24-2016	Omit	Supp. No. 95, 10-16
4486	9-13-2016	Include	Supp. No. 95, 10-16
Supp. No. 96, 12-16			
4487	8-23-2016	Include	Supp. No. 96, 12-16
4488	10-11-2016	Include	Supp. No. 96, 12-16
Supp. No. 97, 1-18			
4491	4-11-2017	Omit	Supp. No. 97, 1-17
4500	11- 7-2017	Include	Supp. No. 97, 1-17
Supp. No. 98, 7-18			
4501	12-12-2017	Include	Supp. No. 98, 7-18
4505	5- 8-2018	Omit	Supp. No. 98, 7-18

SUPPLEMENT HISTORY TABLE

Ord. No.	Date Adopted	Include/ Omit	Supp. No.
4508	6- 6-2018	Include	Supp. No. 98, 7-18
Supp. No. 99, 1-19			
4516	8-21-2018	Omit	Supp. No. 99, 1-19
4518 (replaced by 4523)	10- 9-2018	Include	Supp. No. 99, 1-19
4519	11- 6-2018	Omit	Supp. No. 99, 1-19
Supp. No. 100, 3-19			
4523	1- 8-2019	Include	Supp. No. 100, 3-19

Title 9

DEVELOPMENT TITLE

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- 9-105 Basic Provisions of Development Title**
- 9-110 Definitions**
- 9-115 Use Classification System**
- 9-120 Supplementary Regulations**
- 9-125 Cannabis Dispensary Regulations**

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- 9-205 Review Authorities**
- 9-210 Staff Review Procedure**
- 9-215 Staff Review with Notice Procedure**
- 9-220 Public Hearing Review Procedure**
- 9-225 Alteration Procedure**
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- 9-805 Public Financing Plans**
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9-881	Time Extensions
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9-890	Parcel Map Waivers
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9-1910	Abandoned Vehicles

Appendix 1. Mountain House Development Title

DIVISION 1. GENERAL PROVISIONS**CHAPTER 9-100****GENERAL PROVISIONS—INTENT AND ORGANIZATION****Sections:****9-100.1 Title and Intent.****9-100.2 Organization.****9-100.1 TITLE AND INTENT.**

Division 1 constitutes the General Provisions. The purpose of these provisions is to specify the title, purpose, basic structure, and applicability of this Title, and to require conformity thereto.

(Ord. 3675)

9-100.2 ORGANIZATION.

Division 1 consists of the following chapters:

(a) 9-100 General Provisions: Intent and Organization;

(b) 9-105 Basic Provisions of Development Title;

(c) 9-110 Definitions;

(d) 9-115 Use Classification System; and

(e) 9-120 Supplementary Regulations.

(Ord. 3675)

CHAPTER 9-105**BASIC PROVISIONS OF DEVELOPMENT TITLE****Sections:****9-105.1 Title—Reference.****9-105.2 Intent.****9-105.3 Purpose.****9-105.4 Authority.****9-105.5 Consistency of Development Title with General Plan.****9-105.6 Zoning Maps.****9-105.7 Minimum Requirements.****9-105.8 Interpretation, Constitutionality, and Severability.****9-105.9 Restrictions.****9-105.10 No Relief from Other Provisions.****9-105.11 Inapplicability of Formal Rules of Evidence.****9-105.12 Development Title Repeals Existing Ordinances.****9-105.13 Permits and Licenses to Comply with Title.****9-105.14 Applications Being Processed at the Time of Adoption of the Development Title.****9-105.1 TITLE—REFERENCE.**

The ordinance codified in this Title (Title 9) shall be known and cited as the "Development Title of San Joaquin County," the "Development Title" or the "Title." Reference to section numbers herein are to the sections of this Title.

(Ord. 3675)

9-105.2 INTENT.

This Title is intended to serve as the basis for all land use regulations adopted by San Joaquin County.

(Ord. 3675)

9-105.3 PURPOSE.

The purposes of this Title shall be to serve the public health, safety, and general welfare; to implement the San Joaquin County General Plan; and to achieve the following objectives:

(a) To encourage the most appropriate use of land and the harmonious relationship among land uses;

(b) To promote a safe and efficient traffic circulation system;

(c) To provide open spaces for light and air;

- (d) To prevent overcrowding of land and the undue concentration of population;
 - (e) To secure safety from fire and other dangers;
 - (f) To facilitate the provision of needed community facilities;
 - (g) To conserve and stabilize the value of property; and
 - (h) To conserve the County's natural beauty, to improve its appearance, and to enhance its physical character.
- (Ord. 3675)

9-105.4 AUTHORITY.

This Title is adopted pursuant to the following authorities:

- (a) Local Ordinances and Regulations, California Constitution, Article XI, Section 7.
 - (b) Planning and Land Use, California Government Code Title 7.
 - (c) Surface Mining and Reclamation Act of 1975, California Public Resource Code, Division 2, Chapter 9.
 - (d) California Environmental Quality Act, California Public Resource Code, Division 13.
 - (e) California Vehicle Code, Section 22660.
- (Ord. 3675)

9-105.5 CONSISTENCY OF DEVELOPMENT TITLE WITH GENERAL PLAN.

All actions, approvals, and procedures taken with respect to, or in accordance with, this Title shall be consistent with the San Joaquin County General Plan. In the event this Title becomes inconsistent with the San Joaquin General Plan by reason of the adoption of a new General Plan or by amendment of the existing General Plan or any of its elements, this Title shall be amended within a reasonable time so that it is consistent with the newly adopted General Plan or remains consistent with the existing General Plan as amended. Additionally, all Development Title amendments, beyond those previously described, shall be consistent with the San Joaquin County General Plan. The procedure for the amendment of this Title is contained in Chapter 9-809.

(Ord. 3675)

9-105.6 ZONING MAPS.

A series of zoning maps, to be known collectively as the "Zoning Map of the County of San Joaquin," shall be maintained by the Community Development Department.

- (a) **Contents.** The zoning maps shall show the designations and boundaries of each zone and shall show any base data that the Director of the Community Develop-

ment Department deems useful or that the Board of Supervisors directs;

- (b) **Revisions.** The Director shall revise the zoning maps to show amendments, including changes in designations, rezoning of property, and clarification of zone boundaries; and

- (c) **Incorporation.** The zoning maps and all notations, references, data, and other information contained therein are made a part of this Title by reference herein.

- (d) **Zone Boundaries.** Where uncertainty exists as to the boundaries of any zone shown on the zoning maps, the following rules shall apply:

- (1) Where zone boundaries are indicated as approximately following street and alley lines or lot line, such lines shall be construed to be the boundary of the said zone, and the following shall apply:

- (A) When two (2) zones are separated by a street or alley, the zone boundary shall be the centerline of the street or alley, unless otherwise specified, and

- (B) When a residential zone is separated from any other zone by a street or alley, the residential zone boundary shall include both sides of the street or alley.

- (2) Where any public street or alley is officially vacated or abandoned, the regulations applicable to abutting properties shall apply to the centerline of such vacated or abandoned street or alley;

- (3) Where any private right-of-way or easement of any railroad, canal, transportation, or public utility company is vacated or abandoned, the regulations applicable to abutting property shall apply to the centerline of such vacated or abandoned property;

- (4) For unsubdivided property, or in instances where a zone boundary divides a lot, the location of the zone boundary shall be determined by the Director unless the zone boundary is indicated by dimensions.

- (e) **Creation of New Zoning Districts.** The boundaries of the new zoning district shall be shown on the zoning map. The map together with all legends, symbols, notations, references, zoning district boundaries and other information on the map shall be incorporated into this Title by reference as though it were fully included.
- (Ord. 3675; 3715; Ord. 4106 § 2, 2001)

9-105.7 MINIMUM REQUIREMENTS.

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

(Ord. 3675)

**9-105.8 INTERPRETATION,
CONSTITUTIONALITY, AND
SEVERABILITY.**

(a) **Ambiguities.** Unless otherwise provided, any ambiguity concerning the content or application of this Title shall be resolved by the Director.

(b) **Invalidity.** If any section, subsection, sentence, clause, or phrase of this Title is for any reason held to be

unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Title. The Board declares that it would have passed this Title and every section, subsection, clause, and phrase thereof, notwithstanding that one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

(Ord. 3675)

9-105.9 RESTRICTIONS.

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

(Ord. 3675)

9-105.10 NO RELIEF FROM OTHER PROVISIONS.

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

(Ord. 3675)

9-105.11 INAPPLICABILITY OF FORMAL RULES OF EVIDENCE.

(a) Formal Rules of Evidence Do Not Apply.

Except as otherwise expressly provided in this Chapter, formal rules of evidence or procedure which must be followed in a court of record in this state shall not apply to hearings conducted pursuant to this Title.

(b) No Presumption Regarding Error. There shall be no presumption that error is prejudicial or that injury was done if error is shown.

(Ord. 3675)

9-105.12 DEVELOPMENT TITLE REPEALS EXISTING ORDINANCES.

The ordinance adopting this Title repeals Title 9 of the Ordinance Code of San Joaquin County, Ordinance No. 549, Ordinance No. 1862, Ordinance No. 441, Ordinance No. 3384, Ordinance No. 545, Ordinance No. 648, and Ordinance No. 3089. The adoption of the ordinance,

however, shall not affect or prevent any pending or future prosecution of, or action to abate, any existing violation of Title 9 of the Ordinance Code of San Joaquin County or any existing violation of the repealed ordinances listed in this section, if the violation is also a violation of the provisions of this ordinance.

(Ord. 3675)

9-105.13 PERMITS AND LICENSES TO COMPLY WITH TITLE.

All permits and licenses for the use or division of land or the construction, moving, or alteration of any building or structure issued by the County shall be subject to the following requirements:

(a) Issuance of Permit. All departments, officials, and employees of the County responsible for the issuance of such permit or license shall determine that the permit or license requested will not violate any of the provisions of this Title.

(b) Invalid Permit. Any permit or license issued by said departments, officials, or employees which is issued in violation of the provisions of this Title shall be null and void.

(c) Failure to Comply. Failure to comply with any conditions or requirements of such permit or license shall be considered a violation. Conviction of an infraction because of such failure to comply will render the permit or license void.

(d) Run With the Land. All development permits shall run with the land; permits are not tied to individuals, including those persons who applied for the permit or who owned the property at the time the permit was issued.

(Ord. 3675, 3756)

9-105.14 APPLICATIONS BEING PROCESSED AT THE TIME OF ADOPTION OF THE DEVELOPMENT TITLE.

The following applies to applications which were being processed at the time of the adoption of this Title and the General Plan 2010:

(a) Tentative Maps. If a tentative map was approved under the regulations of the previous Planning Title, final maps which are not consistent with the General Plan 2010 and Development Title may be filed within 36 months of the date of the approval of the tentative map.

(b) Other Applications. Applications filed with the San Joaquin County Community Development Department prior to the effective date of the General Plan 2010 and Development Title may be acted on under the prior

General Plan 1995 and Planning Title or the General Plan 2010 and Development Title, providing the application is acted on within ninety (90) days of adoption of the General Plan 2010.
(Ord. 3675)

CHAPTER 9-110

DEFINITIONS

Sections:

9-110.1	Intent.
9-110.2	Applicability.
9-110.3	Rules of Construction.
9-110.4	Definitions.

9-110.1 INTENT.

The provisions of Chapter 9-110 shall be known as the Definitions. The intent of this chapter is to promote consistency and precision in the interpretation of this Title.

(Ord. 3675)

9-110.2 APPLICABILITY.

The meaning and construction of words and phrases as set forth herein shall apply throughout this Title. If a word is not defined in this Title, the definition provided in the latest edition of the Uniform Building Code, as adopted by the County, shall be applicable. If said word is not defined in the latest edition of the Uniform Building Code, as adopted by the County, the definition provided in Webster's Third New International Dictionary shall be used.

(Ord. 3675)

9-110.3 RULES OF CONSTRUCTION.

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

(a) **Chapter and Section References.** "Chapter" means a chapter of the ordinance codified in this Title unless some other ordinance is specifically mentioned. "Section" means a section of the ordinance codified in this Title unless some other ordinance is specifically mentioned. "Subsection" means a subsection of the section in which the term occurs unless some other section is specifically mentioned.

(b) **Headings.** Section and subsection headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision of this Title.

(c) **Illustrations.** In case of any differences of meaning or implication between the text of any section or chapter and any illustration, the text shall control.

(d) **Gender.** The masculine gender includes the feminine and neuter.

(e) **Number.** The singular number includes the plural, and the plural the singular.

(f) **Tense.** The present tense includes the past and future tenses, and the future tense includes the present tense.

(g) **Oath and Affirmation.** "Oath" includes "affirmation".

(h) **Shall and May.** "Shall" is mandatory and "may" is permissive.

(i) **Signature or Subscription and Mark.** "Signature" or "subscription" includes "mark" when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two (2) witnesses so sign their own names thereto.

(j) **Statutory References.** Inclusion of Amendments and Additions. Whenever reference is made to any portion of the ordinance codified in this Title, or of any other ordinance of this County or of any law of this State, the reference applies to all amendments and additions now or hereafter made. (Ord. 3675)

9-110.4 DEFINITIONS.

Unless otherwise specified, the following definitions shall be applicable throughout this Title:

A-Weighted Sound Level. "A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighted filter network. Sounds measured with an A-weighted filter are abbreviated dBA or dB(A).

Abandoned Well. "Abandoned well" means a well whose use has been permanently discontinued or which is in such a state of disrepair that no water can be produced.

Abatement. "Abatement" means the correction or elimination of a violation of this Title.

Abatement, Involuntary. "Involuntary Abatement" means the correction or elimination of a use or condition of land constituting a violation of this Title by, under the direction of, or at the initial expense of the county.

Abatement, Subsequent. "Subsequent Abatement" means a second or subsequent determination of a violation of this Title within two (2) years from notification of violation of this Title on the same property.

Abatement, Voluntarily. "Voluntary Abatement" means the correction or elimination of a use or condition of land constituting a violation of this Title by the owner, other person in possession or control of the property, or designee after notification by the County that a violation of this Title exists and must be abated.

Abutting. "Abutting" means two (2) or more properties sharing a common boundary.

Access. "Access" means the right of an owner of land to go and return from his own land to a public road.

Access, Approved. "Approved access" means a way or means of approach to a parcel from either an abutting public road or from a private road, street, or right-of-way approved by the County.

Accessory. "Accessory" means a building or a use that is compatible with, and incidental or subordinate to, the main structure or the main use of the land and is located on the same lot. For the purposes of Chapter 9-848 and 9-1605 "Accessory structure" means a structure that is either: 1. Solely for the parking of no more than two (2) cars; or 2. A small, low-cost shed for limited storage, less than one hundred fifty (150) square feet and one thousand five hundred dollars (\$1,500.00) in value.

Accessory Use. "Accessory Use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

Access, Restricted. "Restricted access" means that the right of access to a parcel has been dedicated to the County and that, as a consequence, a property owner no longer has a right to go to and from his property over that right-of-way line.

Adjacent Land. "Adjacent land" means a lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land.

Adult Book Store. "Adult book store" means a retail establishment selling publications and other materials of a sexual nature. Such establishments exclude minors by reason of age.

Affordable Housing. "Affordable housing" means that housing which can be rented or purchased by those of moderate, low, and very low incomes as specified in the California Code of Regulations (Title 25, Sections 6922 and 6924).

Agency. "Agency" means a public entity empowered to provide those services necessary to support a particular development.

Aggregate Base. "Aggregate base" means a mixture of sand and crushed rocks up to three-quarters inch ($\frac{3}{4}$ ") in size. It is also known as AB or road base.

Agricultural Land, Nonprime. "Nonprime agricultural land" means land that is designated as "farmland of local importance, (sub-type grazing land)" by the State of California, Department of Conservation, Farmland Mapping and Monitoring Program.

Agricultural Land or Farmland. "Agricultural land or farmland" means those areas designated in the General Plan of, or zoned by, the County or any city for agricultural uses as of the effective date of this Chapter, unless a final approval for a non-agricultural use has been granted by the County or city. This includes land zoned by the County as Agricultural-Urban Reserve.

Agricultural Land, Prime. "Prime agricultural land" means land that is classified as either "prime farmland," "farmland of statewide importance, (sub-type non-grazing land)," "unique farmland," or "farmland of local importance" by the Farmland Mapping and Monitoring Program.

Agricultural Mitigation Land. "Agricultural mitigation land" means agricultural land encumbered by a farmland conservation easement or other farmland conservation mechanism acceptable to the County.

Agricultural Operation. "Agricultural operation" means any land-related activity on agriculturally zoned lands whose purpose is cultivating or raising plants or animals, or conserving or protecting lands for such purposes, and is not a surface mining or burrow pit operation.

Agricultural Products. "Agricultural products" means the item that results from any operation or process that changes the form, flavor or consistency of produce. Agricultural products include, but are not limited to, condiments, pies, candied or flavored nuts, wine, and pickled peppers.

Agricultural Storage Building. "Agricultural storage building" means a structure as defined in the Uniform Building Code as agricultural building.

Agricultural Store, Large. "Large agricultural store" means a food establishment, housed in a permanent structure, whose primary economic activity is the sale of produce directly to local consumers and to tourists. Secondary economic activity includes the sale of agricultural products, sundries, prepackaged food, bottled or canned beverages and freshly prepared food and beverages for consumption on-site.

Agricultural Store, Small. "Small agricultural store" means a food establishment, housed in a permanent structure, whose primary economic activity is the sale of produce directly to local consumers and to tourists. Secondary economic activity includes the sale of agricultural products, sundries, prepackaged food and bottled or canned beverages for off-site consumption.

Agricultural Technical Advisory Committee. "Agricultural Technical Advisory Committee" means a committee consisting of three (3) representatives appointed by the San Joaquin Farm Bureau Federation, three (3) representatives appointed by the Building Industry Association, and three (3) representatives appointed by the Board of Supervisors, in which the appointees from the San Joaquin Farm Bureau Federation and the Building Industry Association are ratified by the Board of Supervisors and in which a supermajority vote (i.e., a two-thirds ($\frac{2}{3}$) vote of its members) is a requirement for, and a decision by, the Agricultural Technical Advisory Committee.

Agriculture. "Agriculture" means the growing of crops for food or fiber and/or the raising of animals for commercial purposes.

Airport. "Airport" means any landing area, runway, airstrip, or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, helicopters, and balloons, including all necessary taxiways, aircraft storage and tiedown areas, hangars, and other necessary buildings and open spaces.

Airport Hazard. "Airport hazard" means any structure, tree, or use of land which obstructs the required air space, or is otherwise hazardous to the flight of aircraft in landing or taking off at an airport.

Airport Hazard Area. "Airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided in Division 16 of this Title.

Airport Imaginary Surface. "Airport imaginary surface" means those surfaces defined in Title 14, Subsection C of Part 77, of the Code of Federal Regulations, as amended.

Airport Reference Point. "Airport reference point" means the point established and designated as the approximate geographic center of the airport landing area.

Alley. "Alley" means a secondary means of access to property located at the rear or side of the property.

Alternative Surfacing Materials. "Alternative surfacing materials" mean parking lot surfacing materials other than asphalt concrete or portland cement concrete including but not limited to, brick or cut (cobble) stone, treated or untreated aggregate base, treated or untreated gravel, or spraying the existing surface with water or dust palliatives.

Ambient Noise Level. "Ambient noise level" means the background noise level always present when isolated, identifiable sources are absent.

Annular Space. "Annular space" means the space between two concentric well casings or between the casing and the wall of the drilled hole.

Antenna. "Antenna" means, when used in association with the terms wireless telecommunication facilities or supporting equipment, any system of poles, panels, rods, reflecting discs or similar devices that transmits or receives radio frequency signals for commercial, wireless telecommunication establishments.

Antiquated Subdivision. "Antiquated subdivision" means a subdivision that (1) was approved prior to October 1961, (2) is underdeveloped or only partially developed, and (3) could not be approved as a subdivision now because of more stringent or different requirements.

Apartment. "Apartment" means a room or suite of rooms in a multiple dwelling, designed for, intended for, and/or occupied by one (1) family.

Apartment House. "Apartment house" means a multiple dwelling with three (3) or more dwelling units.

Approval. "Approval" means favorable action on a map or development project, with or without conditions by the Review Authority, prior to the expiration date specified by ordinance. Previous favorable action on a map, development project, or time extension thereof which has expired does not constitute approval.

Aquifer. "Aquifer" means a geologic formation, group of formations, or part of a formation that is water bearing and which transmits water in sufficient quantity to supply springs and pumping wells.

Arcade. "Arcade" means any establishment operating or exhibiting more than five (5) amusement devices. An amusement device is a machine operated for the purpose of gaming as a contest of skill, or for amusement, and for which a fee is charged to play.

Area Facilities Plan. "Area Facilities Plan" means a plan adopted by the County Board of Supervisors which shows the infrastructure facilities to be constructed and the geographical area which will benefit from such facilities. The Area Facilities Plan will include a spread of the cost of the improvements to the various properties within the plan service area.

Area of Benefit. "Area of benefit" means a geographical area which is created to spread the cost of a service or improvement.

Area of Special Flood Hazard. "Area of special flood hazard" means an area having special flood hazards as identified by the Federal Emergency Management Agency, the Federal Insurance Administration, or the Floodplain Administrator.

(a) The areas of special flood hazard identified by the Federal Emergency Management Agency or the Federal Insurance Administrator are those areas indicated in a scientific and engineering report entitled "Flood Insurance Study for County of San Joaquin, November 1979," as amended, and shown on the accompanying Flood Insurance Rate Maps as Zones A, A0, A1-30, AE, A99, or AH, or on the Floodway Maps as floodways;

(b) The areas of special flood hazard identified by the Floodplain Administrator include those areas, not identified by the Federal Emergency Management Agency or the Federal Insurance Administration in Subsection (a), that the Floodplain Administrator considers a risk from flooding;

(c) The areas of special flood hazard are areas of floodway and flood fringe as defined in this Chapter.

Asphalt Concrete. "Asphalt concrete" means a commercially premixed surfacing material using a black, bituminous tar like binding agent that is placed on top of a base material such as aggregate base, sand or concrete. It is also known as AC, blacktop, paving or asphalt.

Auction Yard or Building. "Auction yard or building" means a building, lot, parcel, or other open space, either enclosed or unenclosed, in which there is offered for sale by auction any item of property.

Automotive Wrecking Yard. "Automotive wrecking yard" means any lot or portion of a lot used for the storage, salvaging, dismantling, or sale of two or more unregistered, inoperable motor vehicles.

Balloon. "Balloon" means a large airtight bag that rises into the air when filled with a gas which is lighter than air.

Banner. "Banner" means a sign constructed of light weight, non-rigid materials with no enclosing framework.

Base Flood. See "Flood, Base."

Basement. "Basement" means a story all or partly underground. A basement shall be counted as a story for purposes of height measurement if one-half (1/2) or more of its height is above grade.

Bay (in Truck Terminal Zone). "Bay (in Truck Terminal Zone)" means the location where one (1) trailer truck can back up to a dock.

Bedrock. "Bedrock" means the solid undisturbed rock in place either exposed at the ground surface or beneath surface deposits of loose rock or soil.

Bedroom. "Bedroom" means any room with a closet which meets the minimum Uniform Building Code requirements for egress, windows, and doorways.

Bench. "Bench" means a relatively level step excavated into sloping natural ground on which engineered fill or embankment fill is to be placed.

Billboard. See definition for "Off-Premises Sign."

Bikeway. "Bikeway" means an area, either within or outside the right-of-way of a dedicated street, where bicycle travel is the designated use. "Bikeway" includes bike paths and bike lanes.

Biomass Energy Production. "Biomass energy production" means the conversion of plant material or plant or animal waste to a useable source of energy for on-site use.

Block. "Block" means one (1) side of a street located between two (2) intersections.

Board of Supervisors or Board. "Board of Supervisors" or "Board" means the Board of Supervisors of San Joaquin County.

Boarding School. "Boarding school" means a school providing both lodging and meals for its pupils.

Boardinghouse. "Boardinghouse" means a dwelling with not more than five (5) guestrooms where, for compensation, meals are provided.

Boutique Sale. "Boutique sale" means the sale of handcrafted items from residential property.

Buffer. "Buffer," as it pertains to Chapter 9-1050, means land area used to visibly separate one (1) use from another or to shield or block noise, lights, or other nuisances.

Buffer Zone. "Buffer Zone" means an area of land surrounding a hazardous waste facility and on which certain land uses and activities are restricted to protect the public health and safety and the environment from existing or potential hazards caused by the migration of hazardous waste.

Building. "Building" means any structure used for or intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building, Accessory. "Accessory building" means a subordinate building which is an incidental and related use to that of the main building or main use of the land on the same lot.

Building Height. "Building height" means the vertical measure of a building from the average finished ground level of the building pad to the highest point of the roof.

Building Coverage. "Building coverage" means the amount of land covered or permitted to be covered by a building, usually measured in terms of percentage of a lot.

Building, Main. "Main building" means the building or one of the buildings housing a principal use on a lot.

Building Official. "Building Official" means the Deputy Director of Building Inspection of San Joaquin County, acting either directly or through his authorized deputies.

Building, Public. "Public building" means a building owned and operated by a public agency of the United States of America, the State of California, or any of their political subdivisions, districts, or municipal corporations.

Building, Quasi-public. "Quasi-public building" means any structure or building, other than a public building or a residence but including a public utility building or structure, which is exempt from property tax.

Building Site. "Building site" means the ground area occupied or to be occupied by a building or a group of buildings together with all open spaces required by this Title.

Carport. "Carport" means a private garage not completely enclosed by walls or doors.

Casing. "Casing" means a tubular retaining structure which is installed in the bore hole to maintain the well opening.

Cathodic Protection Well. "Cathodic protection well" means any artificial excavation constructed by any means for the purposes of installing equipment or facilities for the electrical protection of metallic equipment in contact with the ground (commonly referred to as cathodic protection).

Cemetery. "Cemetery" means land used or intended to be used for the burial of animal or human dead and which is dedicated for cemetery purposes, including columbaria, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Cesspool. "Cesspool" means an excavation into the earth which is used for the reception of sewage or drainage from plumbing fixtures, effluent from septic tanks, together with the water used in carriage of said sewage or drainage, but which does not have watertight walls and bottom.

Chip Seal. "Chip seal" means a layer of aggregate base covered by a layer of liquid asphalt topped with a layer of pea size gravel.

Civil Engineer. "Civil engineer" means a professional engineer registered as a civil engineer by the State of California.

Clearance. "Clearance" means the smallest vertical distance between grade and the lowest point of any sign, including any structure or framework and embellishments extending over the grade.

Club. "Club" means an association, whether incorporated or unincorporated, of persons organized for some common nonprofit purpose, not including a group organized solely or primarily to render a service customarily carried on as a business.

Collocation. "Collocation" means the sharing of a wireless telecommunications support structure between two (2) or more service providers.

Commercial Coach. "Commercial coach" means a structure transportable in one (1) or more sections, designed and equipped for human occupancy for industrial, professional, or commercial purposes; required to be moved under permit; and not intended to be used as a residence for human habitation.

Commercial Project. "Commercial project" means a development project which involves the distribution and sale or rental of goods and/or the provision of services.

Common Interest Development. "Common interest development" means any of the following:

- (1) A community apartment project (apartment).
- (2) A condominium project.
- (3) A planned development.
- (4) A stock cooperative.

Compaction. "Compaction" means the increase of density of a soil or rock fill by mechanical means.

Conditions of Overcrowding. "Conditions of overcrowding" means that the total enrollment of a school, including enrollment from proposed development, exceeds the capacity of such school as determined by the governing body of the district.

Condominium. "Condominium" means a subdivision as defined in Civil Code Section 1350.

Consistency. "Consistency" means conformity to.

Construction. "Construction" means the construction, erection, enlargement, alteration, conversion or movement of any building, structure or land, including scientific surveys.

Contamination. "Contamination" means an impairment of the quality of waters to a degree which creates a hazard to the public health through poisoning or the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of waste, whether or not water of the County is affected.

Contiguous. Except as modified by Chapter 9-863, "contiguous" means to be in actual contact, touching, bounded or traversed by, even though separated by roads, streets, easements, or railroad rights-of-way. In Chapter 9-863, "contiguous" means parcels or units of land which share a common boundary.

Contour. "Contour" means a line representing the configuration of the ground at a certain elevation.

Convalescent Home. See "Nursing Home."

Coop. "Coop" means a cage or pen for poultry or other fowl.

Corral. "Corral" means a space, other than a building, less than one (1) acre in area used for the confinement of animals.

County. "County" means the County of San Joaquin.

County Maintained Road. "County maintained road" means a road for which the County has accepted rights-of-way and maintenance responsibilities.

County Procedures. "County procedures" means any policies or procedures which have been adopted by the County.

County Standards. "County standards" means any improvement standards or design standards set forth in this Title or adopted by the County.

County Surveyor. "County Surveyor" means the Surveyor of San Joaquin County.

Court. "Court" means an open, unoccupied space, other than a yard, located on the same lot with a building or buildings and bounded on two (2) or more sides by such building or buildings.

Creamery. "Creamery" means a commercial establishment for the manufacture or processing of dairy products.

Cul-de-sac Street. "Cul-de-sac street" means a road open at one end only, with special provisions for turning around at the opposite end.

Custom Slaughtering. "Custom slaughtering" means an operation in which livestock is slaughtered and prepared for the owners of the livestock, for a fee, either at the site on which the livestock is raised or at an off-site facility for that purpose and involving the slaughtering of no more than sixty-five (65) animals per month.

Cut. See "Excavation."

Cutoff. "Cutoff" means the point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cutoff) at a specific angle above the ground.

Cutoff Angle. "Cutoff angle" means the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

Dairy. "Dairy" means any premises where milk is produced for sale or distribution and where two (2) or more cows or six (6) or more goats are in lactation.

Day/Night Average Sound Level (Ldn). "Day/night average sound level" or "Ldn" means the equivalent energy, or energy average, sound level during a twenty-four (24) hour day, obtained after the addition of ten (10) decibels to sound levels in the night after 10:00 p.m. and before 7:00 a.m., generally computed for annual average conditions.

Days. "Days" means calendar days.

Decibel (Db). "Decibel (Db)" means a unit for describing the amplitude of sound, equal to twenty (20) times the logarithm to the base of ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micronewtons per square meter.

Deferred Infrastructure Charge Agreement. "Deferred Infrastructure Charge Agreement" means a signed agreement between the County of San Joaquin and the owner of property, for which an Infrastructure Reimbursement Charge is payable, that establishes the conditions allowing an Infrastructure Reimbursement Charge payment deferral to a future time when a direct benefit is established.

Density Bonus. "Density bonus" means an increase in residential units over the maximum number of normally allowed units within a residential General Plan designation.

Department. "Department" means the San Joaquin County Community Development Department.

Depth of Excavation (cut). "Depth of excavation (cut)" means the vertical dimension from the exposed cut surface to the original ground surface.

Depth of Fill. "Depth of fill" means the vertical dimension from the exposed fill surface to the original ground surface.

Design. "Design" means standards related to the following:

- (a) Street alignments, grades, and widths;
- (b) Drainage and sanitary facilities, utilities, and flood control projects, including sizes, alignments, and grades thereof;
- (c) Location and size of all required easements and rights-of-way (existing or future);
- (d) Fire roads and firebreaks;
- (e) Lot size and configuration;
- (f) Access;
- (g) Grading;
- (h) Land to be dedicated for park or recreational purposes;
- (i) Land to be dedicated for public access to public resources; and
- (j) Such other specific physical requirements as may be necessary to ensure consistency with, or implementation of, the General Plan or an applicable Specific Plan or Special Purpose Plan.

Design Standards. "Design standards" means the design requirements established by the Board by resolution and applicable at the time of approval of a project.

Design Storm Runoff. "Design storm runoff" means the runoff produced by a theoretical design storm of a specified duration and a specified return frequency. The type of drainage facility being considered determines what return frequency storm applies, which is addressed in the San Joaquin County Improvement Standards.

Designated Fund. "Designated fund" means the named fund established for a specific Area Facilities Plan.

Destroyed Well. See "Well, Destroyed."

Detention Basin. "Detention basin" means a drainage basin which has the capacity to temporarily store storm water runoff and has outlet facilities capable of emptying the basin within a specified time into a terminal drain.

Developer. "Developer" means any person or persons, partnership, firm, corporation, or other business entity financially responsible for the work involved on a given project, either directly or through the services of any employee, agent, or independent contractor.

Development. "Development" means the division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of the land. For the purposes of Chapter 9-848 and 9-1605 "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Development Project. "Development project" means any project for which a discretionary permit is required, excluding General Plan amendments, ordinance text changes, rezonings, Specific Plans and Specific Plan amendments, and Special Purpose Plans and Special Purpose Plan amendments.

Dewatering Well. See "Well, Dewatering."

Direct Benefit. "Direct Benefit" means the condition that exists when the constructed Area Facilities Plan facilities are in place and available for a service connection or that the facilities are in place and provide storm drainage for an Area Facilities Plan area.

Director. "Director" means the Director of the San Joaquin County Community Development Department or his or her designee.

Director of Environmental Health. "Director of Environment Health" means the Director of the Environmental Health Division of San Joaquin County Public Health Services or the Director's designee.

Director of Public Works. "Director of Public Works" means the Director of the Department of Public Works of the County of San Joaquin or the Director's designee.

Discretionary Permit. "Discretionary permit" means any permit required before the development or use of real property can proceed, in which the Review Authority may approve, deny, or approve subject to conditions, said permit. Discretionary permits include, but are not limited to, Major and Minor Subdivisions, Use Permits, Variances, Zone Reclassifications, and Site Approvals.

Disposal. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land or water so that the waste or any constituent of the waste may enter the ground, be emitted into the air, or be discharged into any waters, including groundwater.

Distilled Spirits. "Distilled spirits" means an alcoholic beverage obtained by the distillation of fermented agricultural products, and includes alcohol for beverage use and includes, but is not limited to, vodka, tequila, whisky, rum, brandy, and gin, including all dilutions and mixtures thereof.

District. "District" means any special district empowered to operate and maintain water or wastewater infrastructure.

Dock, Private. "Private dock" means a dock or basin providing water dockage for small craft for use by only the property owner, adjacent property owners or club members.

Dock, Public. "Public dock" means a commercial boat launching facility such as dock, basin, piers or launching pad designed for loading and unloading recreational water craft. It is open to the public.

Domestic Water Well. See "Well, Domestic Water."

Drainage Facility. "Drainage facility" means any structure or feature, either natural or artificial, which causes or allows water to flow intermittently or continuously from one place to another and which lies partly or wholly along, within, or across any County highway or affects any County highway.

Drilled Well. See "Well, Drilled."

Drip Line. "Drip line" means an area delineated by projection of the periphery of the crown area of a tree down to the ground surface.

Dwelling. "Dwelling" means any building or portion thereof which contains one or more dwelling units.

Dwelling Cluster. "Dwelling cluster" means two (2) or more dwelling structures on a parcel of ground in single ownership, with frontage on a public street.

Dwelling, Multiple-Family. "Multiple-family dwelling" means a building arranged or designed to contain three (3) or more dwelling units.

Dwelling, Second Unit. "Second unit dwelling" means a detached or attached dwelling unit, located on the same parcel as another primary dwelling and subject to the requirements specified in Chapter 9-830.

Dwelling, Single-Family. "Single-family dwelling" means a building arranged or designed to contain one (1) dwelling unit, not including mobile homes that are not on permanent foundations.

Dwelling, Two-Family. "Two-family dwelling" means a building arranged or designed to contain two (2) dwelling units.

Dwelling Unit. "Dwelling unit" means any building or portion thereof containing living facilities, including provisions for sleeping, eating, cooking, and sanitation for no more than one family.

Easement. "Easement" means the right to use another's property. Easements are usually over a defined area and for a specific use such as public utilities, drainage facilities, roads, sewers, or access.

Eave. "Eave" means the projecting lower edges of a roof overhanging the wall of a building.

Educational Animal Project. "Educational animal project" means an animal husbandry activity which is under the supervision of an educationally oriented youth program or organization connected to a school or non-profit organization.

Embankment. See "Fill."

Emergency Work. "Emergency work" means the use of any machinery, equipment, vehicle, manpower or other activity in a short term effort to protect, or restore safe conditions in the community, or work by private or public utilities when restoring utility service.

Encroachment. "Encroachment" means the act of constructing, excavating, improving, or installing improvements within the County right-of-way. "Encroachment" also means the improvement, excavation, or facility constructed or installed within the County right-of-way.

Encroachment Permit. "Encroachment Permit" means a written permit issued by the Department of Public Works authorizing certain work within a publicly maintained right-of-way.

Enforcement Official. "Enforcement Official" means, the Director of the Community Development Department, the Director of the Environmental Health Department, the Agricultural Commissioner, or their deputy or employee, or any person authorized by law or ordinance.

Engineering Geologist. "Engineering Geologist" means a registered geologist certified as an Engineering Geologist by the State of California.

Engineering Geology. "Engineering geology" means the application of geologic knowledge in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

Engineering News Record Construction Cost Index. "Engineering News Record Construction Cost Index" means the twenty (20) city average cost index for materials and labor published in the Engineering News Record.

Environmental Constraints. "Environmental constraints" means environmental factors which limit or inhibit the potential for land development including, but not limited to, flood hazards, seismic hazards, air quality, and water supply.

Environmental Health Division. "Environmental Health Division" means a division of San Joaquin County Public Health Services.

Environmental Impact. "Environmental impact" means projected long-term or short-term effects (adverse or beneficial) which a development project or plan may have on the natural and built environment if the project is carried out.

Environmental Impact Report (EIR). "Environmental Impact Report (EIR)" means the public document used by the governmental agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid the possible environmental damage.

Equivalent Sound Level (Leq). "Equivalent sound level" or "Leq" means the sound level containing the same total energy as a time-varying sound level over a given sample period, typically computed for a one (1) hour sample period.

Erosion. "Erosion" means the wearing away and transportation of earth material as a result of the movement of wind, water, or ice.

Establishment. "Establishment" means a single, physical location at which economic activity occurs, such as a store, a factory or a farm.

Evacuation Plan. "Evacuation Plan" means a plan for the evacuation of mobile homes and recreational vehicles in existing mobile home parks, or for the evacuation of existing and proposed recreational vehicle parks, during time of flood hazards.

Excavation (Cut). "Excavation (cut)" means the removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic sub-

stances other than vegetation from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

Existing Manufactured Home Park or Subdivision. "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before October 3, 1980.

Existing Grade. See "Grade, Existing."

Exotic Animals. "Exotic animals" mean animals generally considered wild or not normally domesticated, including, but not necessarily limited to, chinchillas, foxes, wolves and wolf-dog hybrids, and game animals.

Expansion to an Existing Manufactured Home Park or Subdivision. "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Expansive Soil. "Expansive soil" means any soil which exhibits significant expansive properties as determined by a Geotechnical Engineer or the Building Inspector.

Extraction Well. "Extraction well" means a boring or well constructed for the purpose of extracting contaminants from the soil or ground water.

Family. "Family" means one (1) individual or more than one (1) individual related by blood or marriage or a group of not more than five (5) individuals not related by blood or marriage, excluding servants, living together in a dwelling unit.

Family Food Production. "Family food production" means the raising or keeping of small animals or fowl on the same lot as the primary residence of the family.

Family, Immediate. "Immediate family" means individuals related by blood, marriage, or adoption who personally or through a spouse are in a direct line of descent from another family member.

Farm Cooperative. "Farm cooperative" means a group of two (2) or more growers or producers who associate for the purpose of selling farm produce for the mutual benefit of its members.

Farm Employee Housing. "Farm employee housing" means any housing provided exclusively for temporary, seasonal, or permanent occupancy by agricultural employees and their immediate families, as defined in Section 1140.4 of the California Labor Code.

Farm Employee Housing, Large. "Large farm employee housing" means farm employee housing consisting of thirty-seven (37) or more beds in a group quarters used exclusively for farm employees, or thirteen (13) or more units or spaces designed for use by a single family or household.

Farm Employee Housing, Small. "Small farm employee housing" means farm employee housing consisting of no more than thirty-six (36) beds in a group quarters used exclusively for farm employees, or twelve (12) units or spaces designed for use by a single family or household.

Farm Employee Housing, Temporary. "Temporary farm employee housing" means farm employee housing used in conjunction with work performed on the site or on property owned or leased by the owner for no more than eight (8) weeks per year.

Farm Office. "Farm office" means a building or a portion of building used as the administrative or business center of an agricultural enterprise.

Farmland Conservation Easement. "Farmland conservation easement" means an easement over agricultural land for the purpose of restricting its use for the term set forth in the Chapter for primarily agricultural and agricultural-compatible uses.

Feedlot. "Feedlot" means a pen, corral, shelter, or other similar confinement used exclusively to fatten animals for market and in which supplemental feeding is provided.

Fence. "Fence" means a wall or barrier constructed of boards, masonry, wire, or any other material for the purpose of enclosing space or separating parcels of land. The term "fence" does not include retaining walls but does include fence gates and gateposts.

Fence, Open. "Open fence" means a fence constructed of materials which allow a clear view between the property that is fenced and a road or adjoining properties. Materials used to build an open fence may include wire, wood rails, chain link, and wrought iron.

Fill. "Fill" means the deposit of soil, rock, or other materials placed by man and includes the conditions resulting therefrom.

Final Grade. "Final grade" means the elevation of a property or portion thereof upon the completion of grading or excavation.

Final Map. "Final map" refers to the map or recording instrument for Major Subdivisions of land as described in Chapter 9-910. The final map must be in substantial compliance with the approved tentative map. A final map filed with the County Recorder may also be used to effect an approved tentative map for a Minor Subdivision at the option of either the subdivider or the County.

Findings. "Findings" means a set of conclusions required before specified permits or other entitlements may be granted by the Review Authority.

Finish Grade. "Finish grade" means the final elevation of the site after excavating or filling which conforms to the approved final grading plan. The finish grade is also the grade at the top of a paved surface.

Fireworks. "Fireworks" means and includes any combustible or explosive composition or any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, including fireworks classified by the Health and Safety Code as "dangerous fireworks". This definition does not include ammunition used for target shooting or hunting, nor does it include what is ordinarily known as cap pistol caps.

Firm Zone AH. "Firm Zone AH" means areas of one hundred (100) year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazards are determined.

Firm Zone AO. "Firm Zone AO" means areas of one hundred (100) year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazards are determined.

Flag. "Flag" means a piece of cloth or bunting, often attached to a staff, representing emblems of the USA, State of California, or civic, philanthropic, educational, or religious organizations, when not used for advertising.

Flag Lot. See "Lot, Flag."

Flea Market. "Flea market" means a building or portion of a building where individual market stalls or spaces are provided for persons to display, buy, sell, exchange, or deal in new or used goods.

Flood or Flooding. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas.

Flood, Base. "Base flood" means the flood having a one percent (1%) chance of being equalled or exceeded in any given year.

Flood, Fifty (50) Year. "Fifty (50) year flood" means the flood having a two percent (2%) chance of being equalled or exceeded in any given year.

Flood, One Hundred (100) Year. See "Flood, Base."

Flood Control Engineer. "Flood control engineer" means the engineer appointed by the Board of Supervisors to supervise and administer the San Joaquin County Flood Control and Water Conservation District, and shall be the Director of Public Works.

Flood Control Facilities. "Flood Control Facilities" means levees, dredger cuts, retention basins, dams, and flood channels.

Flood Elevation. "Flood elevation" means the elevation of the water surface of the one hundred (100) year flood shown on the Flood Insurance Maps or the elevation of flood water in an area having a one percent (1%) or greater probability of flood in any given year, as determined by the Floodplain Administrator.

Flood Fringe. "Flood fringe" means the area of the one hundred (100) year flood, exclusive of the floodway, as shown on the Flood Insurance Maps and any area determined by the Floodplain Administrator to have a one percent (1%) or greater probability of flood in any given year.

Flood Hazard. "Flood hazard" means the danger of damage to persons or property from overflow water resulting from a one hundred (100) year flood or from the accumulation or flow of water determined to be hazardous by the Floodplain Administrator.

Flood Height. "Flood height" means the depth of the floodwater during the one-hundred (100) year flood, computed as the difference between the elevation of the one-hundred (100) year floodwater surface and the elevation ground surface at a given point in the flooded area.

Flood Insurance Maps. "Flood Insurance Maps" means those maps submitted to the County by the Federal Emergency Management Agency as part of a report entitled "Flood Insurance Study for County of San Joaquin, November 1979," as amended and any

subsequent amendments and/or revisions. The maps include the Flood Insurance Rate Maps and the Floodway Maps.

Flood Insurance Rate Map or FIRM. "Flood Insurance Rate Map" or "FIRM" means the official map in which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the County. (e.g., AO, AH, etc.)

Flood Insurance Study. "Flood insurance study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water sur-

face elevations submitted to the County by the Federal Emergency Management Agency as part of a report entitled "Flood Insurance Study for County of San Joaquin, November 1979," as amended and any subsequent amendments and/or revisions.

Flood Variance. "Flood variance" means a grant of relief from the requirements of Chapter 9-1605 of this Title that permits construction in a manner that would otherwise be prohibited by said chapter. (See Section 9-848 for Flood Variance application.)

Floodplain Administrator. "Floodplain Administrator" means the person appointed by the Board of Supervisors to administer and implement the flood prevention provisions of this Title, as described in Division 16 of this Title.

Floodplain Encroachment Permit. "Floodplain Encroachment Permit" means a permit issued by the Department of Public Works for any project that would alter a watercourse.

Floodplain Management. "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage.

Floodproofing. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments which reduce or eliminate flood damage to properties, utilities, structures, and their contents.

Floodway. "Floodway" means:

- (1) the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the one-hundred (100) year flood without cumulatively increasing the water surface elevation more than one (1) foot;
- (2) the floodway shown on the Flood Insurance Maps;
- (3) the designated floodway of the State Reclamation Board, if the Flood Insurance Maps do not indicate the floodway;
- (4) the river or other watercourse itself, between its levees or banks, to the elevation of the one-hundred (100) year flood, if the Flood Insurance Maps do not indicate the floodway and the State Reclamation Board has not established a designated floodway; or
- (5) the channel necessary to carry a flood with a one percent (1%) or greater probability of occur-

ring in any given year established by the Floodplain Administrator, if the above criteria do not determine the floodway.

Floor Area. "Floor area" means the usable area of a building or portion thereof, under the horizontal projection of the roof or structural membrane, excluding garages, carports, porches, patios, courts and vent shafts.

Floor Area Ratio. "Floor area ratio" means the gross floor area of all buildings on a lot divided by the lot area.

Food Establishment. "Food establishment" means any location or portion thereof, any room or any building that is maintained, used or operated for the purpose of storing, preparing, packaging or otherwise handling food that is engaged in retail trade.

Food Preparation. "Food preparation" means packaging, processing, assembling, portioning or any operation which changes the form, flavor or consistency of food, but does not include the trimming of produce.

Freestanding Structure. "Freestanding structure" means a monopole, lattice tower, or other vertical support which is not a building, that is used for wireless telecommunication, or radio or television broadcasting.

Front Wall. "Front wall" means the nearest wall of a building or other structure to the street which the building faces, excluding cornices, canopies, eaves, or any other architectural embellishments that may extend beyond said front wall.

Frontage. "Frontage" means that side of a lot which abuts a public road, or waterway if so specified.

Frontage, Primary. "Primary frontage" means that side of a lot abutting a street where the main building entrance is located and in the general direction in which the principal building faces.

Frontage, Secondary. "Secondary frontage" means that side of a lot abutting a street which is to the side or in the opposite direction from which the principal building faces.

Frontage Road or Service Road. "Frontage road" or "service road" means a road immediately adjacent to a freeway, expressway, or arterial. The frontage road provides access to local properties that would otherwise front on the freeways, expressways, or arterials.

Garage, Private. "Private garage" means either (a) a building or portion of a building, not more than one thousand (1,000) square feet in area, in which motor vehicles or pleasure type vehicles used by the owners or

tenants of the building or buildings are stored or kept, or (b) a building or a portion of a building up to three thousand (3,000) square feet in area which meets the special area provisions for private garage contained in the latest edition of the Uniform Building Code as adopted by the County. The building shall be without separate gas and electrical services.

Garage, Public. "Public garage" means a building or portion thereof, other than a private garage, in which one or more vehicles are stored, repaired, or kept.

Garage Sale. "Garage sale" means the sale of household articles or personal possessions incidentally accumulated during normal and conforming residential use of the property on which the sale is held.

General Plan. "General Plan" means the official document consisting of maps and text adopted by the County as a policy guide to decisions pertaining to the physical development of the County. It is the County's statement of goals, policies, and actions necessary for orderly development and growth and thereby serves as a guide for many public decisions, especially land use changes, preparation of capital improvement programs, enactment of growth accommodation legislation, and imposition of impact fees.

Geophysical Well. See "Well, Geophysical."

Geotechnical Engineer. "Geotechnical engineer" means a civil engineer registered by the State of California who is qualified in the field of soil mechanics and soil engineering and has the authority to use the title "soil engineer."

Geotechnical Engineering. "Geotechnical engineering" means the application of the principles of soil mechanics in the investigation, evaluation, and design of civil works involving the use of earth materials and may include the inspection, testing, and construction thereof.

Grade. "Grade" means the elevation of a specified surface or the degree of rise or descent of a sloping surface.

Grade, Existing. "Existing grade" means the elevation of the ground surface at a given point prior to excavating or filling.

Grade, Natural. "Natural grade" means the elevation of the ground surface in its natural state, before man-made alterations.

Grading. "Grading" means any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition.

Grading Excavation. "Grading excavation" means the levelling or excavating of property where:

(1) the final grade has an average elevation equal to or greater than the natural grade, or

(2) the final grade has an average elevation equal to or greater than the existing grade, if the natural grade cannot be determined.

Grading Plan. "Grading Plan" means a plan prepared in accordance with Division 14 which shows excavation and reclamation work.

Grading Site. See "Site, Excavation or Grading."

Gravel. "Gravel" means various sizes of rock.

Grease Trap. "Grease trap" means a watertight receptacle which separates grease or oils from sewage prior to being discharged into a septic tank or other treatment facility which is installed under permit and inspection of the Environmental Health Division of Public Health Services.

Ground Water. "Ground water" means that part of the subsurface water which is in the zone of saturation.

Group Care Facility. "Group care facility" means a facility authorized, certified, or licensed by the State of California to provide nonmedical residential care and supervision on a twenty-four (24) hour a day basis to either mentally disordered or otherwise handicapped persons, to dependent and neglected children, or to aged individuals.

Group H Occupancies. "Group H Occupancies," as defined by the Uniform Building Code, mean buildings or structures, or portions thereof, that involve the manufacturing, processing, generation, or storage of materials that constitute a high fire, explosion, or health hazard, including semi-conductor fabrication.

Grout. "Grout" means a fluid mixture of cement or other approved material and water of a consistency that can be forced through a pipe and placed as required to form a watertight seal. Various additives, such as sand, bentonite, and hydrated lime, are used to meet certain requirements. For example, sand is added when a considerable volume of grout is needed.

Guesthouse. "Guesthouse" means a separate dwelling structure, not exceeding four hundred (400) square feet, located on a lot with one or more main dwelling structures, used for housing guests or servants, not containing kitchen facilities, and not rented, leased, or sold separately from the rental, lease, or sale of the main dwelling.

Habitat. "Habitat" means the natural environment of a plant or animal.

Hazardous Materials. "Hazardous materials" means any substance, waste, or material defined as an "extremely hazardous waste" or "hazardous waste" by Section 25115 or 25117 of the California Health and Safety Code, and any material listed or cited in Section 66680 of Title 22 of the California Administrative Code. As used herein, "hazardous material" shall also include any substance, waste or material which meets any of the following criteria:

(a) Toxic - capable of producing injury, illness, or damage to humans, livestock, or wildlife through ingestion, inhalation, or absorption through any body surface;

(b) Corrosive - capable of destroying by chemical action living tissue through contact;

(c) Irritants - capable of causing a local inflammatory reaction;

(d) Strong sensitizers - capable of causing allergic or hypersensitive reactions; or

(e) Flammable - capable of burning during normal handling and which may produce harmful gas or particles.

Hazardous Waste. "Hazardous waste" means any waste, or combination of wastes, as specified in Title 22 of the California Code of Regulations, which because of its quantity, concentration, physical, chemical, or infectious characteristics may either:

(a) Cause, or significantly contribute to, an increase in mortality or an increase in serious, irreversible, or incapacitating, reversible illness; or

(b) Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, disposed of, or otherwise managed. The term "hazardous waste" shall include extremely hazardous waste and acutely hazardous waste.

Hazardous Waste Facility. "Hazardous waste facility" means any structure, other appurtenance, improvements on the land, and all contiguous land used for the treatment, storage, disposal, resource recovery, transfer, or recycling of hazardous wastes. It may consist of one or more treatment, transfer, storage, resource recovery, disposal, or recycling hazardous waste management units, or combination of these units.

Health Officer. "Health Officer" means the Health Officer of San Joaquin County Public Health Services or his or her designee.

Heliport. "Heliport" means an area of land or water or a structural surface which is used, or intended for use, for the landing and takeoff of helicopters, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities.

Heritage Oak Tree. "Heritage oak tree" means a native oak tree that has a single trunk diameter of thirty-two (32) inches or greater measured at four and one-half (4 1/2) feet above the average ground elevation of the tree.

Highest Adjacent Grade. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.

Historic Resource. "Historic resource" means any object, building, structure, site, area, or place which is historically or archaeologically significant, or which is significant in the aesthetic, architectural, cultural, engineering, scientific, economic, agricultural, educational, social, political, or military annals of California, San Joaquin County, or local communities.

Historic District. "Historic district" means an integrated group of structures or an area which holds special historical interest or value.

Historic Structure. "Historic Structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

Historical Tree. "Historical tree" means any tree or group of trees given special recognition because of the size, age, location, or history. Designation of historical trees shall be made by the Planning Commission following a Public Hearing.

Historically Significant. "Historically significant" means any site, structure, or district which holds special historical interest or value as part of the culture or heritage characteristic of the nation, state, or county, including registered National or State Landmarks, items registered or eligible for listing on the National Register of Historical Places, and resources of local historical significance.

Hog Farm, Hog Farming. "Hog farm" or "hog farming" means the keeping or raising of six (6) or more swine.

Homeless Shelter. "Homeless shelter" means a public or private building which provides immediate, short-term shelter that may involve supplemental services.

Home Occupation. "Home occupation" means any occupation which is customarily or ordinarily conducted within a dwelling, is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the residential character or design of the dwelling.

Homeowner's Association. "Homeowner's association" means a community association, composed of individual owners of a development, which is created for the purpose of holding title to common property, managing and maintaining the common property, and/or enforcing certain covenants and restrictions for the overall benefit of its members.

Homesite Parcel. "Homesite parcel" means a parcel between two and five acres in size (ten acres for property under Williamson Act contract) which has been split from a parcel designated General Agriculture on the General Plan to serve as a building site for a home.

Hospital, Small Animal. "Small animal hospital" means any structure or facility used for treating, boarding, or otherwise caring for domesticated animals or birds commonly accepted as household pets.

Hotel. "Hotel" means a building containing guestrooms providing transient lodging accommodations for compensation.

Household, Low Income. "Low income household" means a household which meets the qualifications for Low Income Household as defined in Section 50079.5 of the Health and Safety Code.

Household, Medium Income. "Medium income household" means a household which meets the qualifications for Medium Income Household as defined in Section 50093 of the Health and Safety Code.

Household, Very Low Income. "Very low income household" means a household which meets the qualifications for Very Low Income Household as defined in Section 50105 of the Health and Safety Code.

Household Pets. "Household pets" means animals ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and birds.

Improvement Plans. "Improvement plans" means plans, profiles, specifications, and engineering estimates of improvement cost, and all necessary details of the improvement proposed for installation or modification.

Improvements. "Improvements" means additional roadway, drainage, water, and wastewater facilities required to adequately serve development projects.

(a) Roadway improvements may include, but are not limited to, grading, pavements, curbs and gutters, sidewalks, driveways, bridges, traffic signals, roadway lighting, signs, or roadway landscaping.

(b) Drainage improvements may include, but are not limited to, main pipelines, culverts, drainage inlets, connector pipes, manholes, channels, ponds, ditches, and appurtenances.

(c) Wastewater improvements may include, but are not limited to, wells, main pipelines, service laterals, manholes, cleanouts, and appurtenances.

(d) Water improvements may include, but are not limited to, main pipelines, service laterals, valves, meters, hydrants, and appurtenances.

"Improvements" also mean specific facilities whose installation is necessary or desirable to ensure conformity to, or implementation of, the County General Plan, Special Purpose Plan, or Specific Plans.

Impulsive Noise. "Impulsive noise" means noise of short duration, usually less than one (1) second, with an abrupt onset and rapid decay, such as the discharge of firearms.

Individual. "Individual" means a born human being.

Industry Event. "Industry event" is a regional event where the wineries and/or off-site wine cellars in the area are participating and includes the congregation of persons for the purpose of promoting and marketing wine, the wine industry, winery or off-site wine cellar. Industry events always include wine tasting and the sale

of wine. Adequate on-site parking accommodations are required. Industry event participation details shall be identified in a supplemental Marketing Calendar filed with the Department pursuant to Development Title Section 9-1075.9(c). Industry events shall be operated in conformance with all approved land use permits and Development Title Section 9-1075.9(l).

Industry, Extractive. "Extractive industry" means an industry which exploits mineral resources through the operation of facilities including, but not limited to, mines, quarries, and pits.

Industrial Project. "Industrial project" means a development project which involves the on-site production of goods or commodities and/or the processing of raw materials.

Infrastructure. "Infrastructure" means facilities and services needed to sustain industrial, residential, and commercial activities, including water, drainage, and sewer lines; streets and roads; communications; and public facilities.

Infrastructure Reimbursement Charge. "Infrastructure Reimbursement Charge" means the dollar amount set by the County for properties within the Area Facilities Plan service area as an apportioned share of the cost of Area Facilities Plan facilities.

Injection Well. See "Well, Injection."

Inoperative Vehicle. "Inoperative vehicle" means a vehicle that mechanically is incapable of being driven, including a vehicle which is missing any part essential for movement or where such essential parts are broken or defective; or a vehicle prohibited from being operated on a public street or highway pursuant to Sections 4000, 5202, 24002, or 40001 of the California Vehicle Code, concerning license plates, registration, equipment, safety and related matters.

Intensity, Building. See "Building Intensity."

Junkyard. "Junkyard" means the use of any lot, or portion of a lot, for the sale, storage, keeping, or abandonment of junk, including scrap metals or salvageable material, or for the dismantling, wrecking, or abandonment of automobiles or other vehicles.

Kennel. "Kennel" means a place where four (4) or more dogs, or four (4) or more cats, over four (4) months of age are kept for commercial or noncommercial purposes, but excludes animal control shelters operated by governmental agencies or to veterinary hospitals.

Keyway. "Keyway" means a special backfilled excavation which is constructed beneath the toe area of a planned fill slope on sloping ground to improve the stability of the slope.

Kitchen. "Kitchen" means any room, all or any part of which is designed or used for cooking and preparation of food.

L1 - L90. "L1 - L90" refers to statistical descriptors of noise: the noise level exceeded one percent to ninety percent (1% - 90%) of the time period.

Land Area, Net. "Net land area" means the gross lot area of a site, less the land area required for roads and off-street parking facilities.

Land Disposal Facility. "Land disposal facility," as specified in Chapter 9-1050, means a hazardous waste facility where hazardous waste is disposed on or under the land.

Land Leveling Operation. "Land leveling operation" means the physical movement of rock or soil which results in a change in the topography of the land.

Large-scale Accessory Winery Event. "Large-scale accessory winery event" is an event hosted by the on-site winery or off-site wine cellar and that includes the congregation of persons for the purpose of promoting and marketing wine, the wine industry, winery or off-site wine cellar. Large-scale accessory winery events may include but are not limited to: wine club activities and wine education seminars and always include wine tasting and the sale of wine. Large-scale accessory winery events exclude events where the facility is rented (or otherwise made available) to a second party. Large-scale accessory winery events shall have a maximum number of attendees equal to twice the number of permitted permanent on-site parking accommodations approved by a land use permit (2:1 ratio of attendees to permanent parking spaces). A maximum of ten (10) large-scale accessory winery events shall be permitted per calendar month. Marketing of wine as a large-scale accessory winery event may include food service and/or food and wine pairings provided all such food service is provided on a fixed cost basis and not in a way that is defined under the use type Eating Establishment, Convenience or Full Service pursuant to Development Title Section 9-115.425. Outdoor amplified sound may be conditionally permitted in compliance with Development Title Section 9-1075.9(f)(2). Large-scale accessory winery events shall be identified in a supplemental Marketing Calendar filed with the Department pursuant to

ant to Development Title Section 9-1075.9(c). Large-scale accessory winery events may be permitted in addition to small-scale accessory winery events. Large-scale winery events shall be operated in conformance with all approved land use permits and Development Title Section 9-1075.9(l).

Ldn. See the definition for "day/night average sound level (Ldn)."

Leq. See the definition for "equivalent sound level (Leq)."

Level. See "Land Leveling Operation."

Limited Retail Sales. "Limited retail sales" means the sale of items other than fresh produce and shell eggs. Limited retail sales areas are limited to one hundred fifty (150) square feet of the floor area for a small agricultural store and five hundred (500) square feet of floor area for a large agricultural store.

Loading Space. "Loading space" means an off-street space or berth used for loading or unloading commercial vehicles.

Lot. "Lot" means a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.

Lot, Corner. "Corner lot" means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed one hundred thirty-five (135) degrees.

Lot, Flag. "Flag lot" means an "L"-shaped or "T"-shaped lot in which one arm of the lot fronts on a public road and is used solely as a driveway.

Lot, Interior. "Interior lot" means a lot other than a corner lot.

Lot, Reverse Corner. "Reverse corner lot" means a corner lot in which the rear yard abuts the side yard of an interior lot.

Lot, Substandard. "Substandard lot" means a lot which fails to meet the area, width, infrastructure, or other characteristic(s) required by this Title or by the regulating zone in which said lot is located.

Lot, Through. "Through lot" means a lot having frontage on two (2) parallel or approximately parallel streets.

Lot Area. "Lot area" means the total horizontal area included within the property lines of a lot.

Lot Area, Gross. "Gross lot area" means the total lot or parcel area within the lot lines of a lot, including existing and/or proposed rights-of-way.

Lot Area, Net. "Net lot area" means the total lot or parcel area within the lot lines of a lot, excluding the land area required for roads and off-street parking facilities.

Lot Depth. "Lot depth" means the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

Lot Line. "Lot line" means a line of record bounding a lot which divides that lot from another lot or from a public or private street or any other public space.

Lot Line, Front. "Front lot line" means the lot line separating an interior lot from a street. For flag lots, the front lot line is defined as follows:

(a) Where a lot's driveway will not be needed to serve more than one parcel, "front lot line" means the lot line closest to the public street, excluding the lot lines defining the driveway;

(b) Where a lot's driveway may be needed as part of a future public road, "front lot line" means a line extended from the end of the driveway straight through the parcel which will be parallel to the rear lot line and nearest to the location of the proposed dwelling.

Lot Line, Rear. "Rear lot line" means the lot line opposite and most distant from the front lot line; or, in the case of triangular or otherwise irregularly shaped lots, a line of no less than ten (10) feet in length within the lot, parallel to and at a maximum distance from, the front lot line.

Lot Line, Side. "Side lot line" means any lot line other than a front or rear lot line.

Lot Line Adjustment. "Lot Line Adjustment" means a minor relocation of a property line between the existing parcels which would create no new parcels.

Lot Size. "Lot size" means the gross or net lot area calculated for a particular parcel. For parcels in agricultural zones, lot size means gross lot area. For parcels in all other zones, lot size means net lot area.

Lot Width. "Lot width" means the distance between the side lot lines, measured at such distance back from the front lot line as is required for the depth of the front yard.

Lowest Floor. "Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).

(a) An unfinished or flood resistant enclosure below the lowest floor that is useable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a

building's lowest floor, provided it conforms to applicable non-elevation design requirements, including but not limited to:

1. The wet floodproofing standard in Section 9-1605.12(d).
2. The anchoring standards in Section 9-1605.10.
3. The construction materials and methods standards in Section 9-1605.11.
4. The standards for utilities in Section 9-1605.13.

(b) For residential structures, all subgrade-enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

Luminaire. "Luminaire" means a complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Major Subdivision. "Major subdivision" means a subdivision of land creating five (5) or more parcels, five (5) or more condominiums, or a community apartment project containing five (5) or more units, unless otherwise excepted in the definition of a minor subdivision.

Manufactured Home. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use as a dwelling unit with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured Home Park or Subdivision. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Marina. "Marina" means a facility for storing, servicing, fueling, berthing, and securing pleasure boats and which may include eating, sleeping, and retail facilities for owners, crews, and guests.

Marketing Calendar. A document that identifies all events (Marketing, Large-scale and Small-scale Accessory, Wine Release and/or Industry) a winery or off-site wine cellar may have on-site. The details included in the Marketing Calendar shall include but are not limited to: dates of events, numbers of attendees, hours of events and whether outdoor amplified sound will be used.

Marketing Event. "Marketing event" means the congregation of persons for the purpose of promoting the wine industry and marketing wine. Marketing events always include wine tasting and the sale of wine, and may include the selling and serving of beer. Activities or events include but are not limited to: non-profit community fund raising, weddings, concerts, and/or any other event where the winery or off-site wine cellar facility is rented or otherwise made available to a second party and wine is served. Marketing events may include food service (but not in a way that is defined under the use type Eating Establishment, Convenience or Full Service pursuant to Development Title Section 9-115.425). Marketing events shall be identified in a supplemental Marketing Calendar filed with the Department pursuant to 9-1075.9(c). Marketing events shall be operated in conformance with all approved land use permits and Development Title Section 9-1075.9(l).

Maximum Demand. "Maximum demand" means the maximum momentary load placed on a water source, pump station, or distribution system. This demand is usually the maximum average load in one day (maximum day demand) or one hour (peak hour demand).

Maximum Sound Level (Lmax). "Maximum sound level" or "Lmax" means the maximum sound level recorded during a noise event.

Median. "Median" means that portion of a divided highway separating the traveled way for traffic in opposite directions. A median may be raised, landscaped, or painted.

Medical Marijuana Dispensary. "Medical Marijuana Dispensary" means any facility where medical marijuana is made available pursuant to Health and Safety Code Sections 11362.5 (The Compassionate Use Act of 1996) and Sections 11362.7 through 11362.83 (Medical Marijuana Program).

A medical marijuana dispensary shall not include the following uses, so long as such uses comply with this code, Health and Safety Code Section 11362.5, et seq., and other applicable law:

1. A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code.
2. A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code.

3. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code.

4. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code.

5. A hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

Merger. "Merger" means the process in which the County initiates an action to combine contiguous parcels or units of land under the same ownership, pursuant to Article 1.5 (commencing with Section 66451.10) of the Government Code and Chapter 9-863 of this Title.

Merger, Voluntary. "Voluntary merger" means the process in which an owner initiates an action to combine contiguous parcels of land owned by said owner, pursuant to Section 66499.20314 of the Government Code and Chapter 9-866 of this Title.

Mined Lands. "Mined lands" means the surface and subsurface of land and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private roads appurtenant to any such area; land excavations; soil, rock, liquid, vegetation, equipment, or other materials or property resulting from or displaced by surface mining operations; and areas in which structures, facilities, equipment, or other materials that are used in surface mining operations are located.

Mineral Resources. "Mineral resources" means any naturally occurring chemical element or compound, or group of elements and compounds, formed from inorganic processes and from organic and inorganic substances and present in sufficient quantities to permit commercial extraction. Included in this definition are peat, bituminous rock and aggregate minerals; excluded are geothermal resources, natural gas and petroleum.

Minimum Parcel Size. "Minimum parcel size" means the smallest unit of land permitted through subdivision within a zoning designation, as outlined in this Title.

Ministerial Permit. "Ministerial permit" means any permit required before the development or use of real property can proceed, in which the Review Authority is required to approve said permit if specified standards or requirements will be or have been met. Ministerial

permits include, but are not limited to, final subdivision maps, home occupation permits, encroachment permits, grading permits, and building permits.

Minor Subdivision. "Minor subdivision" means a subdivision of land where:

(a) The land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the legislative body; or

(b) Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a County maintained road, street, or highway; or

(c) The land consists of a parcel or parcels of land which have approved access to a public road, street, or highway and which compose part of a tract of land zoned for industrial or commercial development and which have the approval of the governing body as to street alignments and widths; or

(d) The subdivision would create four (4) parcels or less, or condominiums or community apartments containing four (4) units or less; or

(e) Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than a quarter of a quarter-section.

Mixed Use Development. "Mixed use development" means two or more uses that are integrated and developed under a coherent plan.

Mobile Home. See "Manufactured Home."

Mobile Home, Caretaker. "Caretaker mobile home" means a mobile home which is used to provide complete living facilities for 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.

Mobile Home, Temporary. "Temporary mobile home" means a mobile home which is to be used as a residence during the construction of a permanent dwelling on the same property, and which will be removed when the building permit for the residence is finalized.

Mobile Home Park. "Mobile home park" means any parcel of land composed of a lot or contiguous lots used, designed, or intended to accommodate more than four (4) mobile homes but which does not include labor camps and labor supply camps.

Mobile Home Site. "Mobile home site" means any portion of a mobile home park or recreational vehicle park designated or used for the occupancy of one (1) mobile home.

Mobile Home Space. "Mobile home space" means a space in a mobile home or recreational vehicle park, or a space for a caretaker mobile home or a farm labor mobile home, which is designed to be used for parking a mobile home on a temporary, semipermanent, or permanent basis.

Monitoring Well. See "Well, Monitoring."

Monumentation. "Monumentation" means a stone shaft or other object set in the earth to mark a boundary.

Motel. "Motel" means a hotel as defined in this Chapter.

Native Oak Tree. "Native oak tree" means a valley oak (*Quercus lobata*) with a trunk diameter of six (6) inches to less than thirty-two (32) inches for a single trunk tree, or a combined trunk diameter of eight (8) inches or greater for a multi-trunk tree, measured four and one-half (4½) feet above the average ground elevation of the tree; or an interior live oak (*Quercus wislizenii*), California live oak (*Quercus agrifolia*), or blue oak (*Quercus douglasii*) with a trunk diameter of four (4) inches to less than thirty-two (32) inches for a single trunk tree, or a combined trunk diameter of six (6) inches or greater for a multi-trunk tree, measured four and one-half (4½) feet above the average ground elevation of the tree.

Natural Bank. "Natural bank" means the bank of a waterway that does not have a levee or that has a levee which does not provide protection from a fifty (50) year flood.

New Construction. "New construction" means, for floodplain management purposes, structures for which the "start of construction" commenced on or after October 3, 1980 and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision. "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after October 3, 1980.

Noise Contour. "Noise contour" means a line passing through points where the same sound intensity level prevails. Contours form bands of varying width emanating from a noise source.

Noise-Sensitive Land Uses. "Noise-sensitive land uses" mean uses included under the following use types: Residential, Administrative Offices, Child Care Services—Child Care Centers, Community Assembly, Cultural and Library Services, Educational Services—General, Funeral and Interment Services—Undertaking, Lodging Services, Medical Services, Professional Services, Public Services, Recreation—Indoor Spectator, and Religious Assembly.

Nonconforming Structure. "Nonconforming structure" means a building or structure which was legal when brought into existence but which does not conform to the current height, setback, or building intensity requirements of the zone where it is located.

Nonconforming Use. "Nonconforming use" means a use which was legal when brought into existence but does not conform to the current uses allowed or to the performance standards of the zone where it is located.

Nuisance. Except as modified in Chapter 9-1110, "nuisance" means anything resulting from unreasonable or unlawful practices or from neglect which is or tends to be injurious to health, safety, or public welfare, or is so unsightly or offensive to the senses as to interfere with the comfortable enjoyment of life or property.

Nursing Home. "Nursing home" means a facility for the accommodation of convalescents or other persons who are not acutely ill or in need of hospital care, but who require skilled nursing care and related medical services, which is operated in conjunction with a hospital or in which such nursing care and medical services are prescribed by, or are performed under the general direction of, persons licensed to practice medicine or surgery in the State.

Official Notices. "Official notices" mean public notices and signs posted by public officers in performance of their duties.

On-Site Wastewater Disposal. See "Wastewater Disposal, On-site."

One Hundred (100) Year Flood. See "Flood, Base."

Open Space, Common. "Common open space" means the total land area within a Planned Development (PD), not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents or occupants of the PD.

Common open space includes swimming pools, putting greens, and other recreational-leisure facilities; areas of scenic or natural beauty and habitat areas; hiking, riding, or off-street bicycle trails; and landscaped areas adjacent to lands which are in excess of minimum required rights-of-way.

Open Space, Private. "Private open space" means the outdoor living area directly adjoining a dwelling unit or building which is intended for the private enjoyment of the residents or occupants of the dwelling unit or building and which is defined in such manner that its boundaries are evident.

Open Space, Public. "Public open space" means a continuous open space which is readily accessible to the public at all times and specifically designed for the use and enjoyment of the public.

Outdoor Activity Areas. "Outdoor activity areas" mean the outdoor recreation areas of noise-sensitive land uses. With respect to single-family dwellings, outdoor activity areas mean the rear yard, and/or side yard when the side yard is of a sufficient size to provide outdoor recreational opportunities, of said dwellings. With respect to multiple-family dwellings, outdoor activity areas mean the patios, balconies, common outdoor recreation areas, and swimming pool areas of said dwellings.

Outdoor Goods Display. "Outdoor goods display" means an outdoor display of the goods or merchandise of a commercial establishment.

Outdoor Storage. "Outdoor storage" means the keeping in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

Outstanding Payments. "Outstanding payments" means any moneys owed to the County by an applicant for past work performed by the County or by the County's consultant on a project submitted to the County for processing by said applicant.

Overburden. "Overburden" means all materials lying on top of mineral resources which must be removed in order to extract those resources.

Overflow Parking. "Overflow parking" means space that is temporarily used for parking or maneuvering purposes for an event or activity that is in addition to the minimum number of permanent parking spaces and/or maneuvering areas calculated based on use type pursuant to Table 9-1015.3(b).

Owner. "Owner" means the real party in interest in the property, or the holder of record title in the property.

Owner-Operator. "Owner-operator" means an individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest in property to exert direct control over its use, development, and day-to-day operations.

Parcel. See "Lot."

Parcel Map. "Parcel map" refers to the map and recording instrument for minor subdivisions of land and other subdivisions described in the Subdivision Map Act. The parcel map must reflect the design and conditions that were approved on the tentative map for minor subdivisions by the Director, Planning Commission, or Board of Supervisors.

Parking Attendant. "Parking attendant" means a person who is dedicated to managing and directing traffic during a marketing event, industry event, wine release event or accessory winery event at a winery or off-site wine cellar, to ensure there is no parking on highways, public or private streets, or neighboring properties. The parking attendant should also direct traffic off of the public or private roads and into an on-site parking space.

Parking Lot. "Parking lot" means an open area, other than a street, used for the parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

Parking Space or Stall. "Parking space" or "parking stall" means a space within a building, lot, or parking lot for the parking or storage of one (1) automobile.

Parkway. "Parkway" means the area adjoining the outer edge of the roadbed, extending to the right-of-way line in which sidewalks, plantings, utilities, bank slopes, and related facilities may be located.

Part-Width Road. See "Road, Part-Width."

Pasture. "Pasture" means a lot, or portion of a lot, greater than one (1) acre in area used for the grazing and confinement of animals.

Pedestrian Way. "Pedestrian way" means a right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind. A pedestrian way may be located within or outside of a street right-of-way, either at grade or grade separated from vehicular traffic.

Pen. "Pen" means a small enclosure for animals.

Permanent Parking. "Permanent parking", for the purposes of the Wineries and Related Facilities Chapter, means space that has been designated and improved to standards identified by an approved land use permit.

Permanent Residency. "Permanent residency" means a residence that is occupied for a period exceeding ninety (90) days.

Person. "Person" means any individual, firm, partnership, joint venture, association, concern, corporation, estate, trust, business trust, receiver, syndicate, group, or combination acting as a unit.

Pets. See "Household Pets."

Planned Development or PD. "Planned Development" or "PD" means the underlying project of a Planned Development zone, consisting of either residential uses or a combination of residential, commercial, and/or civic uses and associated ancillary uses and structures; situated on one or more contiguous parcels or noncontiguous parcels separated solely by a road or other right-of-way easement; and planned and developed as a unified project within a single development operation or series of development operations in accordance with a detailed site plan.

Planning Agency. "Planning Agency" means the Board of Supervisors, the Planning Commission, or the San Joaquin County Community Development Department.

Planning Commission. "Planning Commission" means the Planning Commission of San Joaquin County.

Pollution may include contamination.

Pollution, Water. "Water pollution" means an alteration of the quality of the waters by waste to a degree which unreasonably affects:

- (a) The value of such water for beneficial uses; or
- (b) Facilities which serve such beneficial uses.

Portland Cement Concrete. "Portland cement concrete" means a commercially premixed surfacing material using a cement powder and water binding agent that is poured on top of a base material such as aggregate base or sand.

Poultry Ranch or Farm. "Poultry ranch" or "poultry farm" means a farm for the keeping or raising of more than thirty-five (35) game fowl or poultry, or, with respect to ostriches or other ratites, a farm for the keeping or raising of seven (7) or more animals.

Prepackaged Food. "Prepackaged food" means any properly labeled food, prepackaged by the manufacturer to prevent any direct human contact with the food product.

Prime Agricultural Land. "Prime agricultural land" means land as defined in the Farmland Mapping and Monitoring Program upon completion of the maps for San Joaquin County. Until that time:

(a) Land best suited for producing food, feed, forage, fiber, and oilseed crops and which is available for these uses and has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops economically when treated and managed, including water management, according to modern farming methods; or

(b) When in reference to Williamson Act contracts, any land so termed and defined by Section 51201 of the Government Code.

Private Rights-of-Way. "Private rights-of-way" means any of the following:

(a) Any right-of-way which has been offered for dedication but which has not been accepted by the County.

(b) A legally established private easement for access.

(c) A navigable waterway.

(d) Roads shown on antiquated subdivision plats that are not County maintained roads.

(e) Public roads for which there are not legally established rights-of-way or easement.

Private Road. See "Road, Private."

Privy. "Privy" means a structure used as a toilet, all or a part of which is a vault or pit intended for the reception of human waste matter.

Privy, Pit. "Pit privy" means a privy which has an unlined hole to receive waste.

Privy, Vaulted. "Vaulted privy" means a privy which has a concrete-lined hole that prevents leaching of wastes into the surrounding areas.

Produce. "Produce" means shell eggs and any fruit or vegetable in its raw or natural state.

Produce Stand. "Produce stand" means a food establishment that sells only produce, cut flowers or shell eggs, or both, directly to the consumer. Produce stands must be located on property which is owned, rented, or leased to a grower, producer or a member of a farm cooperative.

Project Frontage. "Project frontage" means the developed portion of the property that fronts on an existing or planned public right-of-way.

Protected Zone. "Protected zone" means an area commencing at a point five (5) feet outside the drip line of a native oak tree or heritage tree and extending inward to the trunk of the tree.

Public. "Public" means that which is operated and/or maintained by governmental agency or by public utility.

Public Display of Fireworks. "Public display of fireworks" means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of dangerous fireworks as defined in Section 12505 of the Health and Safety Code. Examples include but are not limited to fireworks displays conducted at public venues, private venues, wineries, ballparks and schools.

Public Facilities. "Public facilities" means any facility operated by a public entity, including but not limited to the following:

(a) Public buildings, including schools and related facilities;

(b) Sewage collection, treatment, and disposal facilities;

(c) Facilities for the supply, storage, treatment, and distribution of nonagricultural water for municipal and industrial uses for meeting Title 22 of the California Administrative Code;

(d) Facilities for the collection and disposal of storm waters for drainage and/or flood control purposes;

(e) Facilities for the generation of electricity and the distribution of gas and electricity;

(f) Transportation and transit facilities including, but not limited to, streets, roads, ports, airports, and related facilities;

- (g) Parks and recreation facilities;
- (h) Police stations and fire stations; or
- (i) Hospitals.

Public Health Services. "Public Health Services" means the Public Health Services of San Joaquin County.

Public Nuisance. See "Nuisance."

Public Road. See "Road, Public."

Public Sanitary Sewer. "Public sanitary sewer" means any sewage disposal system operated and maintained by any municipality, district, or public corporation organized and existing under and by virtue of the laws of the State of California for the benefit of the public.

Public Water System. "Public water system" means any potable water supply system owned, operated, and maintained by a public agency, and approved by, or under the supervision of, a public health agency of the State of California or the County. This definition is for use in interpreting the provisions of this Title and is not intended to be the same as a "public water system" as defined by Title 22 of the California Administrative Code.

Qualified Historic Property. "Qualified historic property" means a privately owned property which is not exempt from property taxation, or site that is registered with either the federal National Register of Historic Places or the state's California Register of Historical Resources. A qualified historic property may also be a property designated by the State of California as a Historic Landmark or as a Point of Historic interest.

Qualifying Entity. "Qualifying Entity" means a non-profit public benefit 501(c)(3) corporation or other appropriate legal entity operating in San Joaquin County for the purpose of conserving and protecting land in agriculture, and approved for this purpose by the Board of Supervisors. The County may be designated as a Qualifying Entity.

Quarry Excavation. "Quarry excavation" means all, or part, of the process involved in the surface mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations shall include, but are not limited to:

- (a) Inplace distillation or retorting or leaching.
- (b) The production and disposal of mining waste.

Quarry, Idle. "Idle quarry" means a quarry whose excavation operations have been curtailed for a period of one (1) year or more by more than ninety (90) percent of the operation's previous maximum annual mineral production, with the intent to resume those quarry excavation operations at a future date.

RWQCB. "RWQCB" means the State Regional Water Quality Control Board for a region as specified in Section 13200 of the Porter-Cologne Water Quality Control Act.

Rainy Season. "Rainy season" means the period of the year during which there is a substantial risk of rainfall. For the purpose of Division 14, the rainy season is defined as from November 1 to April 15, inclusive.

Rare and Endangered Species. "Rare and endangered species" means a plant or animal species designated as rare, endangered, or threatened by the State Fish and Game Commission or the United States Department of Interior Fish and Wildlife Service.

Recharge Water Well. See "Well, Recharge Water."

Record Title Ownership. "Record title ownership" shall mean either fee title of record or, when a leasehold interest is to be divided, ownership of record of the leasehold interest.

Recreation. "Recreation" means any activity, voluntarily engaged in, which contributes to the physical, mental, or moral development of the individual or group participating therein, and includes any activity in the fields of music, drama, art, handicraft, science, literature, nature study, nature contacting, aquatic sports, and athletics, or any informal play incorporating any such activity.

Recreation, Commercial. "Commercial recreation" means any recreation area or facility that is under direct control of an individual, group, association, corporation, club, or fraternal organization and is open to the public.

Recreation, Private. "Private recreation" means any recreation area or facility operated and controlled by an association, corporation, or nonprofit group and limited to members or owners and their guests.

Recreation, Public. "Public recreation" means any recreation area or facility that is under direct control of a public authority.

Recreation Area. "Recreation area" means any land, water, or combination thereof used for purposes of recreation.

Recreation Facility. "Recreation facility" means any building, structure, development, or improvement constructed or used for recreational purposes, whether or not located in a recreation area.

Recreational Vehicle. "Recreational vehicle" means a motorhome, travel trailer, truck camper, camping trailer, boat or boat trailer with or without motive power, designed for human recreational use only, that meets all of the following criteria as defined by State Health and Safety Code Section 18010:

(a) It contains less than three hundred twenty (320) square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;

(b) It contains four hundred (400) square feet or less when measured at the largest horizontal projection;

(c) It is built on a single chassis;

(d) It is designed to be either self-propelled, truck-mounted or permanently towable by a light-duty truck; and

(e) It is designed primarily as a temporary living quarters for recreational, camping, travel, or seasonal use and not for use as a permanent dwelling.

Recreational Vehicle Park. "Recreational vehicle park" means any parcel of land composed of a lot or contiguous lots used, designed, or intended as a campground to accommodate more than four (4) recreational vehicles and/or mobile homes, not including labor camps and labor supply camps.

Recreational Vehicle Site. "Recreational vehicle site" means any portion of a mobile home park or recreational vehicle park designated or used for the occupancy of one (1) recreational vehicle.

Recycling. "Recycling" means the process by which waste products are reduced to raw materials and transformed into new and often different products. As it pertains to Chapter 9-1050 only, "recycling" means redirecting or utilizing a hazardous waste or substance from a hazardous waste, and includes recovery of resources from a hazardous waste.

Registered Environmental Health Specialist. "Registered Environmental Health Specialist" means the duly authorized representative of the Director of Public Health Services, working in the Division of Environ-

mental Health, registered with the State of California to investigate and abate various laws and ordinances related to public health and environmental quality.

Residence, Primary. "Primary residence" means a dwelling unit intended for occupancy by the owner or by members of the owner's family, excluding mobile homes, second unit dwellings, guest houses, and farm labor housing.

Residential. "Residential" means places where people live and sleep. The term includes, but is not limited to, single-family dwellings, apartments, institutions, mobile homes, group quarters, hotels and motels, convalescent hospitals, and rest homes.

Residential Development. "Residential development" means a development project containing residential dwellings, including mobile homes, consisting of one (1) or more dwelling units, or a subdivision for one (1) or more residential dwelling units.

Residual Repository. "Residual repository," as specified in Chapter 9-1050, means a hazardous waste disposal facility for collection of residuals from hazardous waste treatment facilities and other irreducible, stabilized, or detoxified hazardous wastes.

Resource Recovery. "Resource recovery" means the reclamation or salvage of wastes for reuse, conversion to energy, or recycling. Resource recovery does not include automotive wrecking yards or junkyards. As specified in Chapter 9-1050 only, "resource recovery" means the reuse or reclamation of any hazardous waste or any recyclable hazardous waste.

Restricted Access. See "Access, Restricted."

Retention Basin. "Retention basin" means a drainage pond with no outlet facilities for terminal drainage that is capable of storing the required stormwater runoff volume and is capable of emptying through percolation and evaporation over a specified time.

Review Authority. "Review Authority" means any of the following entities which are empowered to interpret, implement and enforce this Title:

- (a) Board of Supervisors;
- (b) Planning Commission;
- (c) Director of the Community Development Department; and
- (d) Community Development Department.

Ridge Line. "Ridge line" means the intersection of two roof surfaces forming the highest horizontal line of the roof.

Right-of-Way. "Right-of-way" means an easement for the use of roads, water and wastewater facilities, flood and drainage works, overhead and underground utilities, or any related improvements.

Riparian Corridor. "Riparian corridor" means a strip or generally contiguous area of riparian habitat.

Riparian Habitat. "Riparian habitat" means the banks and other terrestrial environs of fresh water bodies, watercourses, estuaries, and surface waters whose conditions provide soil moisture sufficiently in excess of that otherwise available through local precipitation to support the growth of mesic vegetation.

Riparian Woodland. "Riparian woodland" means a riparian habitat characterized by trees twenty (20) feet or taller that compose the dominant vegetation element of the plant community.

Road. "Road" includes streets and highways, both public and private. The terms streets, roads, roadways, and highways are used interchangeably. "Road" includes the roadbed, all slopes, shoulders, side ditches, curbs, gutters, sidewalks, and all other related facilities within the right-of-way.

Road, Part-Width. "Part-width road" means any street in which the improved width is less than the width necessary for a normal full-width street.

Road, Private. "Private road" means a roadway within a private development or planned development where the street improvements remain in private ownership.

Road, Public. "Public road" means any road which is open for unrestricted travel by the general public. A public road may or may not be dedicated to or maintained by the County.

Road System. "Road system" means the classification of streets and highways by their diverse functions and design. The following is a hierarchy of roads in the County.

(a) **Rural Road.** "Rural road" means a two-lane undivided road providing access to agricultural properties. A rural road may also serve as a route connecting rural communities with each other and the urban communities.

(b) **Rural Residential Road.** "Rural residential road" means a two-lane undivided road providing access to rural residential subdivision parcels.

(c) **Local Residential Road.** "Local residential road" means a two-lane undivided road providing

direct access to all abutting residential properties. The local residential road's primary purpose is to provide access to single-family lots.

(d) **Local Commercial/Industrial Road.** "Local commercial/industrial road" means a two-lane undivided road providing direct access to commercial and industrial properties. The local commercial/industrial road's primary purpose is to provide access to commercial and industrial lots.

(e) **Collector Road.** "Collector road" means a two-lane undivided road which funnels traffic from local residential, commercial, and industrial roads to arterial roads.

(f) **Minor Arterial.** "Minor arterial" means a four-lane undivided road with access limited to abutting commercial, industrial, and multi-family properties only. The minor arterial's primary purpose is to carry local and through traffic within urban communities.

(g) **Major Arterial.** "Major arterial" means a multi-lane divided road with major access to abutting property limited to major commercial and industrial developments. The arterial's primary purpose is to carry major through traffic within and between urban communities and provide access to expressways and freeways.

(h) **Expressway.** "Expressway" means a roadway which provides no direct access to abutting properties. The primary purpose of an expressway is to carry through traffic with minimum interference with adjacent development. Intersections are limited to freeways, major and minor arterials, and rural roads only. Intersections are usually no closer than one quarter mile.

(i) **Freeway.** "Freeway" means a multi-lane divided highway providing no access to adjoining property. Freeways are intended to accommodate high speed, high volume, long distance regional through traffic and traffic between urban areas. Freeways typically connect to the local road system at high volume interchanges with arterial roads in urban areas and with some rural roads in rural county areas.

Roadbed. "Roadbed" means that portion of the road between curb-faces or between the outside line of improved shoulders.

Salute fireworks. "Salute fireworks" means fireworks designed to produce an explosive sound as their

primary effect. Salutes include "aerial salutes" and "ground salutes" as defined in the California Fire Code as adopted by San Joaquin County.

Sanitary Landfill. "Sanitary landfill" means a disposal site employing an engineered method of disposal of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume practical, and applying cover material over all exposed wastes at the end of each operating day.

School Districts. "School districts" means all school districts located in whole or in part within the unincorporated areas of San Joaquin County.

Screening. "Screening" means a method of visually shielding or obscuring one (1) abutting or nearby structure from another by fencing, walls, berms, or densely planted vegetation.

Seal, Sanitary. "Sanitary seal" means a grout, mastic, or mechanical device used to make a watertight joint between the pump and casing or the concrete base.

Sediment. "Sediment" means any material transported or deposited by water, including soil debris or other foreign matter.

Seepage Pit or Vertical Drain. "Seepage pit" or "vertical drain" means one (1) or more pits extending into porous stratum, other than a subterranean water bearing stratum, and filled with washed rock, for the purpose of receiving waste water.

Seismic Test Well. See "Well, geophysical."

Semi-truck. "Semi-truck" means a vehicle designed to carry property, used in conjunction with a motor vehicle, and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle.

Senior Citizen. "Senior citizen" means a person at least sixty-two (62) years of age, or a person at least fifty-five (55) years of age who meets the qualifications found in Section 51.3 of the California Civil Code.

Septic System. "Septic system" means an on-site wastewater disposal system which utilizes a septic tank for wastewater processing and a subsurface drainage system for the disposal of treated effluent.

Septic Tank. "Septic tank" means a watertight receptacle which receives the discharge of a building drainage system or part thereof, designed and constructed to retain solids, digest organic matter through a period of

detention, and allow the liquids to discharge into the soil outside the tank through a sub-surface drainage system meeting the requirements of Division II.

Servants' Quarters. "Servants' quarters" means a dwelling unit intended for occupancy by a person employed as a household servant which is attached to the primary residence and does not exceed twenty-five (25) percent of the floor area of the primary residence.

Setback Line. "Setback line" means that line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

Sewage. See "Wastewater."

Sewer Well. See "Well, sewer."

Sign. "Sign" means any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising, directing attention, or identifying any establishment, product, goods, services, or entertainment.

Sign, Abandoned. "Abandoned sign" means a sign that:

- (a) is located on property which becomes vacant or unoccupied for a period of twelve (12) months; or
- (b) was erected for an occupant or business unrelated to the present occupant or business; or
- (c) relates to an event or purpose which no longer exists.

Sign Area. "Sign area" means the entire area within a single, continuous, rectangular perimeter enclosing the extreme limits of writing, representation, emblem, or figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from its surroundings. This excludes the necessary supports or up-rights on which such a sign is located.

Sign, Awning. "Awning sign" means a sign painted, printed, stenciled, sewn, or stained into the surface of an approved awning or canopy.

Sign, Clearance of. "Clearance of sign" means the smallest vertical distance between grade and the lowest point of any sign, including any structure or framework and embellishments extending over the grade.

Sign, Commemorative. "Commemorative sign" means a sign designed to recognize or observe a significant historical or memorial event.

Sign, Construction/Development. "Construction/development sign" means a sign to announce an intended or proposed future use of the site and to identify enterprises affiliated with the project site, such as architectural, engineering, or construction firms.

Sign Copy. "Sign copy" means words and symbols found on the sign surface, either in permanent, removable, or electronically changeable form.

Sign, Copy Area of. "Copy area of sign" means the area of the sign in which copy appears.

Sign, Freestanding. "Freestanding sign" means a sign in a fixed location which is self-supporting on the ground, and is in no part supported by a permanent structure (Includes pole signs and monument signs).

Sign, Height of. "Height of sign" means the vertical distance measured from the highest point of the sign to the grade immediately beneath the sign.

Sign, Illegal. "Illegal sign" means a sign that was installed contrary to the laws and ordinances in effect at the time of its installation; or that has been abandoned; or that is unsafe and poses a danger to the public or is a traffic hazard.

Sign, Indirectly Illuminated. "Indirectly illuminated sign" means a sign with an external light source which is separate from the sign face or cabinet, and is directed to shine solely on the sign.

Sign, Institutional/Public. "Institutional/public sign" means a sign erected and maintained by the city, county, state, or federal government for municipal and regulatory purposes, or to identify schools, hospitals, historical sites, public services, or other public institutions, or to identify public service events, such as festivals and spectacles.

Sign, Internally Illuminated. "Internally illuminated sign" means a sign with an internally concealed light source within the sign or sign structure.

Sign Maintenance. "Sign maintenance" means the normal care needed to keep a sign functional such as cleaning, painting, replacing or repairing parts or portions of a sign made unusable by ordinary wear, tear, or damage beyond the control of the owner, or the reprinting of existing copy in such a manner that does not alter the basic copy, design, or structure of the sign.

Sign, Master. "Master sign" means a sign which identifies the entire facility of a multi-tenant development project.

Sign, Monument. "Monument sign" means a sign anchored to and continuously attached at grade.

Sign, Nonconforming. "Nonconforming sign" means a sign which was validly installed under the ordinances and law in effect prior to the effective date of this Ordinance but which is in conflict with the provisions of Division 17.

Sign, Off-premises. "Off-premises sign" means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, On-premises. "On-premises sign" means a sign which directs attention to a business, community, service, or entertainment conducted, sold, or offered on the premises, or on property which is contiguous to the parcel which contains the business activity.

Sign, Pole. "Pole sign" means a sign that is mounted on a free-standing pole or other support so that the bottom edge of the sign face is at least five (5) feet above grade.

Sign, Political. "Political sign" means a sign used in connection with local, state, or national elections, campaigns, or referendums.

Sign, Portable. "Portable sign" means a sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

Sign, Produce. "Produce sign" means a sign associated with farm produce stands.

Sign, Projecting. "Projecting sign" means a sign which is attached to and projects from a building wall.

Sign, Real Estate. "Real estate sign" means a sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Sign, Residential Identification. "Residential identification sign" means a sign identifying a recognized subdivision, condominium complex, or other residential development.

Sign, Roof. "Roof sign" means a sign mounted or painted on a building roof or parapet, or which is wholly dependent on a building for support and which projects more than eighteen (18) inches above the roof eave.

Sign, Special Events/Holiday. "Special events/holiday sign" means a temporary sign announcing a special event associated with the premises, a community, or holiday.

Sign Structure. "Sign structure" means a structure specifically intended for supporting, bracing, or containing a sign.

Sign, Supplemental Tenant. "Supplemental tenant sign" means a projecting sign up to eight (8) square feet in sign area which hangs over pedestrian walkways and is designed to inform pedestrians of either a product sold or the tenant name of individual shops.

Sign, Tenant. "Tenant sign" means a sign larger than eight (8) square feet in sign area which identifies an individual tenant space in a multi-tenant development project.

Sign, Traffic. "Traffic sign" means a sign pertaining to official traffic control and safety.

Sign, Utility. "Utility sign" means a company sign identifying conduits, cables, danger, and/or providing service or safety information.

Sign, Wall. "Wall sign" means a sign painted on, or attached parallel to, a building wall.

Sign, Window. "Window sign" means a sign painted on or attached to a window and intended to be viewed principally from outside the business.

Single Tone Noise. "Single tone noise" means noise which is distinctly audible as a single pitch (frequency) or set of pitches as determined by a qualified acoustical consultant, or as defined by the "Model Community Noise Control Ordinance, California Department of Health, 1977."

Site, Excavation or Grading. "Excavation site" or "grading site" means any lot or parcel of land, or combination of contiguous lots or parcels of land, whether held separately or joined together in common ownership or occupancy, where grading is to be performed or has been performed.

Slope. "Slope" means an inclined ground surface, the inclination of which may be expressed as the ratio of horizontal distance to vertical distance.

Slope Stability. "Slope stability" means the maximum stable inclination of an unsupported slope under the most adverse conditions that it will likely experience, as determined by current engineering technology.

Slope Stability Standards. "Slope stability standards" means those standards that are necessary in order to ensure that a slope achieves slope stability.

Small Animal Farm. "Small animal farm" means a farm for the keeping or raising of over thirty-five (35) rabbits or other fur bearing animals of similar size at maturity.

Small-scale Accessory Winery Event. "Small-scale accessory winery event" is an event hosted by the on-site winery or off-site wine cellar and that includes the

congregation of persons for the purpose of promoting and marketing wine, the wine industry, winery or off-site wine cellar. Small-scale accessory winery events may include but are not limited to: wine club activities and wine education seminars and always include wine tasting and the sale of wine. Small-scale accessory winery events exclude events where the facility is rented (or otherwise made available) to a second party. Small-scale accessory winery events shall have a maximum of eighty (80) attendees per event, provided there are adequate on-site parking accommodations for attendees. A maximum of one (1) small-scale accessory winery event shall be permitted per day. Marketing of wine as a small-scale accessory winery event may include food service and/or food and wine pairings provided all such food service is provided on a fixed cost basis and not in a way that is defined under the use type Eating Establishment, Convenience or Full Service pursuant to Development Title Section 9-115.425. Outdoor amplified sound shall be prohibited at small-scale accessory winery events. Small-scale accessory winery events shall be identified in a supplemental Marketing Calendar filed with the Department pursuant to 9-1075.9(c). Small-scale accessory winery events shall be operated in conformance with all approved land use permits and Development Title Section 9-1075.9(l).

Snipe. "Snipe" means the triangular area formed at the intersection of two streets whose sides are equal distance from the intersection of the street lines.

Social Care Facility. "Social care facility" means a facility authorized, certified, or licensed by the State of California to provide nonmedical residential care and supervision to mentally disordered or otherwise handicapped persons, to dependent and neglected children, or to aged individuals (includes both group care facilities and child care centers).

Soil. "Soil" means all earth material of any origin that overlies bedrock and may include the decomposed zone of bedrock which can be excavated readily by mechanical equipment.

Soil Scientist. "Soil scientist" means a person having a minimum of thirty (30) semester hours or the equivalent in biological, physical, and earth sciences with a minimum of fifteen (15) semester hours in soils.

Solid Waste. "Solid waste" means any unwanted or discarded material, including garbage, with insufficient liquid content to be free flowing.

Solid Waste Facility. "Solid waste facility" means a disposal facility, disposal site, or solid waste transfer/processing station.

Source Capacity. "Source capacity" means the maximum amount of water that can be reliably provided by a water source. In most cases, the source capacity must be at least equal to the maximum day demand.

Special Flood Hazard Area. See "Area of Special Flood Hazard."

Special Indoor Event. "Special indoor event" means any temporary event or activity generally attracting large numbers of people, that is conducted within a structure, is subject to compliance with specific Uniform Building and Fire Code requirements, and is not already defined within a specified zone as an allowable "temporary" use activity. Included in this definition are Halloween haunted houses and home craft fairs. Excluded from this definition are marketing events. A maximum of either four (4) special indoor events or four (4) special outdoor events or four (4) of any combination of special indoor events and special outdoor events shall be permitted within a calendar year. Each special indoor event may not exceed a length of three (3) consecutive days.

Special Outdoor Event. "Special outdoor event" means any temporary event or activity generally attracting large numbers of people, requiring the importation of temporary facilities such as portable bleachers, food stands, and portable toilet facilities, conducted out-of-doors and not already defined within a specified zone as an allowable "temporary" activity. Excluded from this definition are parades, carnivals, circuses, and marketing events. A maximum of either four (4) special indoor events or four (4) special outdoor events or four (4) of any combination of special indoor events and special outdoor events shall be permitted within a calendar year. In the R-L (Low Density Residential) and R-M (Medium Density Residential) zones, an additional four (4) special outdoor events shall be permitted within a calendar year. Each special outdoor event may not exceed a length of three (3) consecutive days.

Specific Plan. "Specific plan" means a plan prepared pursuant to Government Code Section 65450 for the systematic implementation of the General Plan for all or part of the area covered by the General Plan.

Stable, Boarding. "Boarding stable" means a structure for the feeding, housing, and exercising of horses not owned by the owner of the premises.

Stable, Private. "Private stable" means a detached, accessory building for the keeping of horses owned by the occupants of the premises and operated other than for remuneration, hire, or sale.

Start of Construction. "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State. "State" means the State of California.

Statement of Expense. "Statement of Expense" is an itemized statement explaining all enforcement costs incurred by the Enforcement Official and any other County Department in abating any violation of this Title that the Enforcement Official seeks to recover.

Stationary Noise Source. "Stationary noise source" means any fixed or mobile noise source not preempted from local control by existing Federal or State regulations, including, but not necessarily limited to, industrial and commercial facilities, and vehicle movements on private property.

Stock Cooperative. "Stock cooperative" means a development in which a corporation is formed or availed of, primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, and all or substantially all of the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation.

Storage Building, Private. "Private storage building" means an accessory structure designed to permit the storage of personal goods and materials. This building shall not be used as a place of human habitation, or a place of employment, nor shall it be a place used by the public. Kitchen facilities, comfort heating and cooling, separate electrical services and multiple bathrooms are prohibited.

Storage Building, Public. "Public storage building" means a commercial facility open to the public whose buildings are designed to permit the storage of personal goods and materials, boats and recreational vehicles. Recreational vehicles and storage facilities shall not be used as a place of human habitation.

Storage Facility. "Storage facility," as it pertains to Chapter 9-1050, means a hazardous waste facility at which hazardous waste is contained for periods of time as specified in the State Health and Safety Code.

Stormwater Runoff. "Stormwater runoff" means water that results from precipitation which is not absorbed by the soil, evaporated into the atmosphere, or entrapped by ground surface depressions and vegetation, and which flows over the ground surface.

Story. "Story" means the space within the building included between the surface of any floor and the surface of the ceiling immediately above.

Story, Half. "Half story" means a story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds ($\frac{2}{3}$) of the floor immediately below it.

Street. See "Road."

Stub Street. "Stub street" means a street open at one (1) end only, without permanent provisions for turning around.

Structural Alteration. "Structural alteration" means any change in supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

Structure. "Structure" means any object constructed or installed by man having location upon, in, or under the ground, including, but not limited to, buildings, manufactured homes, fences over six (6) feet in height, towers, gas or liquid storage tanks, signs, smokestacks, and overhead transmission lines.

Subdivider. "Subdivider" means a person who proposes to divide, divides, or causes to be divided real property into a subdivision for himself, herself, or for

others. A consultant, engineer, or surveyor who does not hold title to the land is not considered a subdivider.

Subdivision. "Subdivision" means the division by any subdivider of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered as contiguous units even if separated by roads, streets, utility easements, or railroad rights-of-way. "Subdivision" includes a condominium project as defined in Section 1350 of the Civil Code, a community apartment project as defined in Section 11004 of the Business and Professions Code, or the conversion of five (5) or more existing dwelling units to a stock cooperative as defined in Section 11003.2 of the Business and Professions Code. A conveyance of land for rights-of-way to a governmental agency, public entity, public utility, or subsidiary of a public utility shall not be considered a division of land for purposes of computing the number of parcels. "Subdivision" does not include:

- (a) The leasing of agricultural land used for the cultivation of food or fiber or the grazing or pasturing of livestock;
- (b) The financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks, or recreational vehicle parks;
- (c) Mineral, oil, or gas leases;
- (d) Land dedicated for cemetery purposes under the Health and Safety Code of the State of California;
- (e) A lot line adjustment;
- (f) The financing or leasing of existing separate commercial or industrial buildings on a single parcel;
- (g) The financing or leasing of any parcel of land, or any portion, for the construction of commercial or industrial buildings on a single parcel, unless the project is not subject to review under other ordinances regulating design and improvements;

(h) The construction, financing, or leasing of units classified as second unit dwelling;

(i) Any separate assessment under Section 2188.7 of the California Revenue and Taxation Code for community apartment or cooperative housing projects;

(j) The conversion of a community apartment project to a condominium if the requirements of Sections 66412(g) and (h) of the California Government Code are met; or

(k) Leasing of, or grant of easement to, a parcel of land, or any portion or portions of land, for financing, erection, and sale or lease of a wind-powered electrical generation device.

Substantial Damage. "Substantial damage" means a damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Deposits. "Substantial deposits" of mineral resources means a deposit at the plant site of mineral resources with a minimum gross selling price value of at least five million dollars (\$5,000,000) in 1978 equivalent dollars.

Substantial Improvement. "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred.

(a) "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure; and

(b) "Substantial improvement" does not include improvement of a structure solely to comply with existing state or local health, sanitary, or safety code specifications, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Subsurface Boring. "Subsurface boring" means any subsurface soil boring that is drilled or driven for testing or logging strata or to obtain data from the underground.

Sundries. "Sundries" mean a limited number of frequently or recurrently needed items or services for the traveling public. Examples include, but are not limited to, maps, sunglasses, ice, canned drinks, sunscreen, first-aid items, hats and souvenirs.

Supporting Equipment. "Supporting equipment" means, when used in association with the terms wireless telecommunication antennas or wireless communication facilities, any electronic switching equipment, cabinet, or other equipment used for a wireless telecommunication and the ancillary building or buildings used to house said equipment.

Supportive Housing. "Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Consistent with Government Code Section 65583, supportive housing shall be permitted in all zones allowing residential uses, subject to the same permit requirements of other residential uses of the same type in the same zones.

Surface Water. "Surface water" includes but is not limited to rivers, creeks, sloughs, irrigation ditches, irrigation conduits, drainage ditches, and natural or unnatural impoundments.

Swine. "Swine" means a pig or a hog eight (8) weeks of age or older.

Target Population. "Target population" means persons with low incomes who have one (1) or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Tentative Map. "Tentative map" means a map submitted for approval as a Major Subdivision or Minor Subdivision.

Terminal Drainage or Terminal Drain. "Terminal drainage" or "terminal drain" means a storm drainage system or a portion thereof which conveys storm runoff into a terminal waterway.

Terminal Waterway. "Terminal waterway" means a natural or man-made channel which has the capacity to contain a fifty (50) year return frequency storm and which by gravity carries storm water ultimately to the ocean.

Terrace. "Terrace" means a relatively level step constructed in the face of a graded slope surface for drainage, maintenance, or other purposes.

Test Well. See "Well, Geophysical."

Topsoil. "Topsoil" means the upper part of the soil profile that is relatively rich in humus, known in agronomy as the A-horizon.

Towing Service. "Towing service" means a commercial service in which a truck is used to tow or transport another vehicle.

Transfer Station. "Transfer station," as specified in Chapter 9-1050, means any hazardous waste facility where hazardous wastes are loaded, unloaded, pumped, or packaged.

Transfer/Processing Station. "Transfer/processing station" means a facility utilized to receive solid wastes; to temporarily store, separate, convert, or otherwise process the materials in the solid wastes; or to transfer the solid wastes directly from smaller to larger vehicles for transport. Transfer/processing station does not include any facility whose principal function is to receive, store, separate, convert, or otherwise process manure, in accordance with State minimum standards; nor does it include any facility whose principal function is to receive, store, convert, or otherwise process wastes which have already been separated for reuse and are not intended for disposal.

Transit. "Transit" means public transportation.

Transitional Housing. "Transitional housing" means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six (6) months from the beginning of the assistance. Consistent with Government Code Section 65583, transitional housing shall be permitted in all zones allowing residential uses, subject to the same permit requirements of other residential uses of the same type in the same zones.

Transportation Noise Source. "Transportation noise source" means traffic on public roadways, railroad line operations and aircraft in flight.

Traveled-Way. "Traveled-way" means that portion of the road for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Treatment. "Treatment," as specified in Chapter 9-1050, means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste in order to neutralize such waste, to recover energy or material resources from the waste, or to render such waste nonhazardous or less hazardous; to make it safer to transport, store, or dispose of; or to make it amenable for recovery, amenable for storage, or reduced in volume.

Treatment Facility. "Treatment facility," as specified in Chapter 9-1050, means any facility at which hazardous waste is subjected to treatment or where a resource is recovered from a hazardous waste.

Tree. "Tree" means any object of natural growth having a woody stem or trunk.

Tributary Watershed. "Tributary watershed" means the entire area that contributes storm water runoff to a given point.

Truck. "Truck" means a motor vehicle designed or used for either: (1) the transportation of property; or (2) drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load so drawn.

Truck Parking. "Truck parking" means the parking, storing, or keeping of trucks, semi-trucks, truck trailers, or trailers. Excluded are the transferring, storing, assembling, or sorting of cargo.

Truck Terminal. "Truck terminal" means an area and buildings used by motor freight vehicles or trucks of common carriers for purposes of transferring, storing, assembling, and sorting cargo or for purposes of storing and maintaining the trucks used for such purposes on a regular basis.

Truck Trailer. "Truck trailer" means either: (1) a vehicle designed for carrying persons or property, used in conjunction with a motor vehicle, and constructed so that some part of its weight and that of its load rests upon, or is carried by, another vehicle; or (2) a vehicle designed to carry persons or property on its own structure and to be drawn by a motor vehicle which is constructed so that no part of its weight rest upon any other vehicle.

Uniform Plumbing Code. "Uniform Plumbing Code" means the current edition published by the International Association of Plumbing and Mechanical Officials.

Use. "Use" means the purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

Use, Accessory. "Accessory use" means a subordinate use customarily incidental to and located upon the same lot occupied by a main use.

Utility. "Utility" means electric, communication, natural gas, and cable television facilities including, but not limited to, poles, wires, transformers, conduits, conductors, guys, pipes, meters, vaults, and all necessary appurtenances. Utility may also mean the company owning these facilities.

Vapor Probe. "Vapor probe" means a device used to test or extract from the subsurface.

Variance. "Variance" means a permit granted to an applicant pursuant to Chapter 9-827, to allow the applicant's project to depart from the literal requirements of this Title.

Vehicle. "Vehicle" means a device by which any person or property may be propelled, moved, or drawn, not including a device drawn by human power or used exclusively upon stationary rails or tracks.

Vernal Pool. "Vernal pool" means a shallow depression in poorly drained soil that fills with water during rain, gradually shrinks in the spring, usually dries out in the summer, and often supports a unique population of organisms.

Vesting Tentative Map. "Vesting tentative map" means any tentative map that, when filed with the County, has conspicuously printed on its face the words "Vesting Tentative Map."

Vineyard. "Vineyard" means land that contains grapevines and is assessed as a commercial vineyard for tax purposes. The wine grape crop is capable of being harvested and then sold for processing.

Violation. "Violation" means, for floodplain management purposes, the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Title is presumed to be in violation until such time as that documentation is provided.

Waste. "Waste" means waste as defined in Section 13050 of the California Water Code. Waste includes sewage and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to and for purposes of disposal.

Waste Disposal Facilities. "Waste disposal facilities" means any and all facilities which are used or intended to be used for the transport, treatment, or disposal of wastewater.

Wastewater. "Wastewater" means any and all waste substances, liquid or solid, associated with human habitation, or which contains or may be contaminated with human or animal excreta or excrement, offal, or any feculent matter.

Wastewater Disposal, On-Site. "On-site wastewater disposal" means treatment and disposal of wastewater within the confines of the same parcel of land as the development. This may include a septic system or other acceptable treatment method.

Wastewater Disposal System. "Wastewater disposal system" means any and all portions of a facility which is used or intended to be used for the collection, transport, treatment, and disposal of wastewater.

Wastewater Treatment Plant. "Wastewater treatment plant" means those lands, structures, and equipment necessary for the processing and disposal of wastewater. It does not include a septic tank.

Water Main or Water Line. "Water main" or "water line" means the water supply pipe conveying potable water for public use.

Water Quality. "Water quality" means the chemical, physical, radiological, and biological characteristics of water with respect to its suitability for a particular purpose. The same water may be of good quality for one purpose or use, and bad or poor for another, depending upon its characteristics and the requirements for the particular use.

Water Source. "Water source" means either groundwater or surface water used to supply water.

Water System. "Water system" means all wells, pumps, tanks, filters, water treatment equipment, valves, water mains, water service lines, fire hydrants, fire hydrant piping, and all appurtenances to the system.

Watercourse. "Watercourse" means any natural or manmade channel flowing continuously or intermittently in a definite direction and course or used for the holding, delay, or storage of waters, and which functions at any time to convey or store stormwater runoff.

Watercourse, Major. "Major watercourse" means a watercourse which provides terminal drainage according to the County Flood Control Engineer.

Waterway. See "Watercourse."

Well. "Well" means a deep hole or shaft, dug or drilled.

Well, Abandoned. "Abandoned well" means a well whose use has been permanently discontinued or which is in such a state of disrepair that no water can be produced.

Well, Cathodic Protection. "Cathodic protection well" means any artificial excavation constructed by any means for the purposes of installing equipment or facilities.

Well, Destroyed. "Destroyed well" means a well that has been properly filled so that it cannot produce water nor act as a vertical conduit for the movement of ground water.

Well, Dewatering. "Dewatering well" means a well installed for the purpose of dewatering an excavation during construction or any other purpose to lower the water table.

Well, Domestic Water. "Domestic water well" means a water well that is used or intended to be used for domestic needs.

Well, Drilled. "Drilled well" means a well for which the hole is excavated by mechanical means such as the rotary or cable tool methods.

Well, Extraction. "Extraction well" means a boring or well constructed for the purpose of extracting contaminants from the soil or ground water.

Well, Geophysical. "Geophysical well" means a well used for testing or logging strata or to obtain data from the underground.

Well, Injection. "Injection well" means any bored, drilled, or driven shaft, dug pit, or hole in the ground into which waste or fluid is discharged, the depth of which is greater than the circumference of the shaft, pit, or hole, and any associated subsurface appurtenances.

Well, Monitoring. "Monitoring well" means a well constructed to monitor the ground water quality.

Well, Recharge Water. "Recharge water well" means any well constructed to introduce water into the underground as a means of replenishing ground water basins.

Well, Sewer. "Sewer well" means and includes all of the following:

(a) Any hole dug or drilled into the ground and intended for use as a water supply and which has been abandoned and is being used for the disposal of sewage; and

(b) Any hole dug or drilled into the ground and used or intended to be used for the disposal of sewage or wastewater and extending to or into a subterranean water bearing stratum that is used, may be used, or is suitable for a source of water supply for domestic purposes.

Well, Test. See "Well, Geophysical."

Well, Water. "Water well" means any artificial excavation constructed by any method for the purpose of extracting or recharging ground water or testing or logging of stratum to obtain data from the underground, not including the following:

(a) Wells, or geothermal wells constructed under jurisdiction of the Department of Conservation, State of California, except those wells converted to use as water wells;

(b) Wells used for the purpose of (1) dewatering excavation during construction, or (2) stabilizing hillsides or earth embankments.

Well Contractor. "Well contractor" means any person or company licensed by the State Contractors License Law, as provided in Division 3, Chapter 9, of the Business and Professional Code.

Well Pit. "Well pit" means an excavation in which the well head or top of well casing is installed below the ground surface.

Well Seismic Test. See "Well, Geophysical."

Windfarm. "Windfarm" means a facility which cultivates wind for the purposes of energy production.

Wind Turbine Generator, Commercial. "Commercial wind turbine generator" means a wind driven machine which converts the kinetic energy in the wind into electrical energy for the primary purpose of sale for off-site use or where the maximum energy output is twenty (20) kilowatts or more.

Wind Turbine Generator, Noncommercial. "Noncommercial wind turbine generator" means a wind driven machine which converts the kinetic energy in the wind into electrical energy for the primary purpose of on-site use and the incidental sale to an electric utility for off-site use.

Windmill. "Windmill" means a wind driven machine which converts the kinetic energy in the wind into mechanical energy for the purpose of on-site use.

Wine Cellar, Off-Site. "Wine cellar, off-site means a type of bonded premises that is located on a parcel or parcels of land under the same ownership with a vineyard, and where wine made from the grapes of the vineyard(s) is stored. A minimum of one (1) gross acre of grapes shall be grown on the site and used for production of wine sold at the off-site wine cellar. The stored wine is made at an off-site winery. Wine must be produced using grapes from the vineyard where the off-site wine cellar is located and be available for consumption prior to the off-site wine cellar hosting any marketing, accessory winery, wine release or industry event.

Wine Cellar, On-Site. "Wine cellar, on-site" means a type of bonded wine premises that is located on the same parcel or parcels of land as either the boutique, small, medium or large winery. Wine produced at the winery may be stored in the wine cellar.

Wine Premises, Bonded. "Bonded wine premises" means a place that is bonded by the Bureau of Alcohol, Tobacco and Firearms (ATF) where wine related production operations occur.

Wine-Related Production Operation. "Wine-related production operation" means any of the component activities and structures that are needed to produce a bottle of wine such as crushing, pressing, fermenting, clarifying, aging, bottling, labeling, storing and distribution.

Wine Release Event. "Wine release event" is an event hosted by the winery or off-site wine cellar that includes the congregation of persons for the purpose of releasing wines produced by the permitted facility and providing an opportunity for wine club members to pick up their wine. Wine release events may be open to the public and may occur a maximum of four (4) times per year. Each event may last up to two (2) consecutive days and shall have a maximum attendance of three-hundred (300) attendees at any given time, provided there are adequate on-site parking accommodations for attendees. Wine release events exclude events where the facility is rented (or otherwise made available to) a second party. Outdoor amplified sound may be permitted at wine release events, if the facility has been approved to have outdoor amplified sound. Wine release events may include food service (but not in a way that is

defined under the use type Eating Establishment, Convenience or Full Service pursuant to Development Title Section 9-115.425). Wine release events shall be identified in a supplemental Marketing Calendar filed with the Department pursuant to 9-1075.9(c). Wine release events shall be operated in conformance with all approved land use permits and Development Title Section 9-1075.9(l).

Wine Tasting Room. "Wine tasting room" means either an individual structure dedicated for the tasting of wine or an area within a multipurpose structure that is used for tasting wine and for retail sales of wine related products.

Winery. "Winery" means a type of bonded wine premises that is composed of an agricultural processing facility where the primary purpose is to produce wine on-site by fermenting grape juice that results in an alcoholic beverage that is ready for consumption. A winery shall include the following activities: crushing, fermenting, bottling, blending, and aging and may include the following activities and/or facilities: shipping, receiving, tasting room(s), laboratory equipment, maintenance facilities, conference room space, sales and administrative offices. Wineries have a current California Alcohol Beverage Control Winegrowers License and a bonded winery permit from the Bureau of Alcohol, Tobacco, Firearms, and Explosives. Bonded wineries may include an on-site wine cellar. Wine must be produced from the bonded wine premises and available for consumption prior to the winery hosting any marketing, accessory winery, wine release or industry events.

Winery, Large. "Large winery" means a winery that has a minimum production capacity of more than five hundred fifty-five (555) tons of grapes or approximately one hundred thousand (100,000) gallons of wine per year.

Winery, Medium. "Medium winery" means a winery that has a minimum production capacity of two hundred one (201) tons of grapes or approximately thirty-six thousand (36,000) gallons of wine and a maximum production capacity of five hundred fifty-five (555) tons of grapes or approximately ninety-nine thousand nine hundred ninety-nine (99,999) gallons of wine per year.

Winery, Small. "Small winery" means a winery that has a minimum production capacity of 1.1 tons of grapes or approximately two hundred one (201) gallons

of wine and a maximum production capacity of two hundred (200) tons of grapes or approximately thirty-six thousand (36,000) gallons of wine per year.

Winery Tours. "Winery tour" means any supervised visit at a winery facility for educational purposes. Winery tours may be held for private individuals, for employees, for members of the trade or for members of the public.

Wireless Telecommunication Facility. "Wireless telecommunication facility" means any unstaffed facility which is commercially licensed by the Federal Communications Commission and/or the Public Utilities Commission for the transmission and/or reception of microwave/radio signals. Included in this definition are facilities such as commercial radio-telephone towers, personal communication service towers, and commercial satellite and receiving dishes. Excluded from this definition are radio and television broadcasting towers.

Writing. "Writing" means any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by this Title, it shall be made in writing in the English language.

Yard. "Yard," except as otherwise provided in this Title, means an open space, other than a court, on a lot also occupied by a building. A yard is unoccupied and unobstructed from the ground upward and does not include any portion of any road, alley, or road right-of-way.

Yard, Front. "Front yard" means a yard extending across the front of the lot between the side lot lines, measured from the front lot line to a depth required by the zone in which the lot is situated.

Yard, Rear. "Rear yard" means a yard extending along the back of the lot between the side lot lines, measured from the rear lot line to a depth required by the zone in which the lot is situated.

Yard, Side. "Side yard" means a yard extending from the front yard to the rear yard, measured from the side lot line to a width required by the zone in which the lot is situated.

Yard, Street Side. "Street side yard" means a yard along a side street extending from the front yard to the rear yard, measured from the side lot line to a width required by the zone in which the lot is situated.

Zone. "Zone" means a portion of the unincorporated area of San Joaquin County which is specifically

designated in Divisions 3 through 7 of this Title, or on any map which is part of Divisions 3 through 7 of this Title, and given a zone name or number.

Zoning District. See "Zone."

(Ord. 3675, 3697, 3703, 3715, 3739, 3756, 3788; Ord. 3832, §§ 1, 2, 1995; Ord. 3843, § 11, 1995; Ord. 3931, § 1, 1997; Ord. 3932, § 1, 1997; Ord. 3937, § 1, 1997; Ord. 3938, § 1, 1997; Ord. 3971, § 1, 1998; Ord. 4035, § 1, 1999; Ord. 4036, § 1, 1999; Ord. 4047, § 2, 1999; Ord. 4059, § 2, 2000; Ord. 4070, § 2, 2000; Ord. 4101, § 2, 2001; Ord. 4106, § 1, 2001; Ord. 4115, § 1, 2001; Ord. 4133, § 1, 2001; Ord. 4149, § 1, 2002; Ord. 4153, § 1, 2002; Ord. 4211, § 1, 2004; Ord. 4225, § 1 (part), 2004; Ord. 4258, § 1, 2005; Ord. 4308, § 2, 2006; Ord. 4368, §§ 1, 2, 2009; Ord. No. 4385, § 1, 1-12-2010; Ord. No. 4413, § 2, 8-9-2011; Ord. No. 4443, § 1, 10-8-2013; Ord. No. 4471, § 2, 12-15-2015; Ord. No. 4476, § 1, 4-12-2016; Ord. No. 4486, § 1, 9-13-2016; Ord. No. 4487, § 1, 8-23-2016; Ord. No. 4488, § 1, 10-11-2016; Ord. No. 4508, § 1, 6-6-2018; Ord. No. 4523, § 1, 1-8-2019)

CHAPTER 9-115

USE CLASSIFICATION SYSTEM

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9-115.1 INTENT.

The intent of this Chapter is to classify uses according to a limited number of use types on the basis of common functional, product, or compatibility characteristics, thereby providing a basis for regulation of uses in accordance with criteria which are directly relevant to the public health, safety, and general welfare. These classifications shall apply throughout this Title. (Ord. 3675)

9-115.2 CLASSIFICATION RULES.

All uses shall be classified according to the use types described in this Chapter beginning with Section 9-115.100. The classifications shall comply with the provisions of this Section.

(a) **Types of Uses Regulated.** Only principal uses are included within the Use Classification System. Accessory uses and temporary uses are regulated by the use regulations for each zone district.

(b) **Typical Uses Within Use Types.** The description of the use types in this chapter often contain typical uses classified within that use type. These typical uses are examples and are not meant to include all uses that may properly be classified within the use type.

(c) **Classifying New Uses.** New uses shall be classified into use types based upon the description of the use types and upon characteristics similar to other uses already classified within the use type, subject to the applicable provisions of Subsection (d) of this Section.

(d) **Classifying Several Uses on the Same Parcel.** The principal uses conducted on a single parcel shall be classified separately.

(e) **Capitalization of Use Types.** The names of use types are capitalized throughout this Title. (Ord. 3675)

9-115.3 AUTHORITY AND RESPONSIBILITY.

The Director shall have the following authority and responsibilities with respect to the Use Classification System:

(a) **Classifying Uses.** The Director shall have the authority to classify uses according to use types or to determine that a use does not fit under any use type and, therefore, is not permitted.

(b) **List of Uses.** The Director shall develop and maintain an administrative list of common uses and the use types into which they are classified. (Ord. 3675)

9-115.4 PROCEDURE.

The classification of a use is an administrative decision without notice and hearing, except that an applicant can appeal the Director's decision pursuant to Section 9-215.12.

(Ord. 3675)

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

ARTICLE I. RESIDENTIAL USE TYPES**9-115.100 GENERAL DESCRIPTION OF RESIDENTIAL USE TYPES.**

Residential use types include the occupancy of living accommodations, but exclude those providing forced residence, such as asylums and prisons, and the Lodging Services use type.

(Ord. 3675)

9-115.105 FAMILY RESIDENTIAL.

The Family Residential use type refers to the occupancy of living quarters by one (1) or more families. The following are the categories of the Family Residential use type:

(a) **Single-Family.** The use of a parcel for only one (1) dwelling unit, not including a mobile home.

(b) **Two-Family.** The use of a parcel for two (2) dwelling units in a single structure.

(c) **Small Multifamily.** The use of a parcel for three (3) to nine (9) dwelling units within one (1) or more buildings.

(d) **Large Multifamily.** The use of a parcel for ten (10) or more dwelling units within one (1) or more buildings.

(Ord. 3675)

9-115.110 FARM EMPLOYEE HOUSING.

The following are the categories of the Farm Employee Housing use type:

Small Farm Employee Housing. Farm employee housing consisting of no more than thirty-six (36) beds in a group quarters used exclusively for farm employees, or twelve (12) units or spaces designed for use by a single family or household.

Large Farm Employee Housing. Farm employee housing consisting of thirty-seven (37) or more beds in a group quarters used exclusively for farm employees, or thirteen (13) or more units or spaces designed for use by a single family or household.

(Ord. 3675, 3788; Ord. No. 4385, § 2, 1-12-2010)

9-115.115 GROUP CARE.

The Group Care use type refers to facilities authorized, certified, or licensed by the State of California to provide nonmedical care and supervision to adults or to dependent and neglected children. Excluded are uses

classified under the Child Care Services use type. Typical uses include halfway houses, nursing homes, homes for the developmentally disabled or mentally disabled, homes for substance abusers, and adult day care facilities. The following are the categories of the Group Care use type:

(a) **Small.** Group care facility for six (6) or fewer people.

(b) **Large.** Group care facility providing twenty-four (24) hour a day care for seven (7) or more people.

(c) **Adult Day Care.** Group care facility providing less than twenty-four (24) hour a day care for seven (7) or less people.

(d) **Farm Related.** Group care facility on a farm, ranch, or camp setting wherein a bona fide commercial agricultural enterprise, animal husbandry, or farm-related vocational educational program, along with skills training and outdoor-oriented personal fitness training, are substantial elements of the program provided, and where the density for the facility is three (3) full-time residents for each five (5) acres. (Ord. 3675; Ord. 4368, § 3, 2009)

9-115.120 GROUP RESIDENTIAL.

The Group Residential use type refers to the occupancy of a dwelling unit with a common kitchen facility by a group of unrelated persons on a weekly or longer basis. Typical uses include boarding houses, sorority houses, and retirement homes. (Ord. 3675)

9-115.125 MOBILE HOME PARK.

The Mobile Home Park use type refers to a site accommodating two (2) or more mobilehomes which are not used to provide employee housing. (Ord. 3675)

9-115.135 EMERGENCY SHELTERS.

The Emergency Shelters use type refers to housing with minimal supportive services for homeless persons that is limited to occupancy of six (6) months or less by a homeless person.

(a) **Small.** Shelters for up to two (2) families or not more than five (5) adults.

(b) **Large.** Shelters for not more than forty (40) beds.

(Ord. 3675; Ord. No. 4471, §§ 3, 4, 12-15-2015)

Editor's note—Ord. No. 4471, §§ 3, 4, adopted Dec. 12, 2015, changed the title of § 9-115.135 from shelters to read as herein set out.

9-115.140 SINGLE-ROOM OCCUPANCY.

The Single-Room Occupancy (SRO) use type refers to any building containing five (5) or more guest rooms or units intended or designed to be used or occupied for sleeping purposes by residents, which is also the primary residence of those residents. The individual units may or may not lack either cooking facilities or individual sanitary facilities, or both. However, for purposes of this definition, an SRO facility does not include residential care homes, senior housing projects, rooming and boarding houses, hotels and motels, bed and breakfast lodging, extended care facilities, or hospitals.

(Ord. No. 4471, §§ 3, 5, 12-15-2015)

ARTICLE II. NON-RESIDENTIAL USE TYPES

9-115.300 GENERAL DESCRIPTION OF NON-RESIDENTIAL USE TYPES.

Non-Residential use types include commercial, agricultural, industrial, civic, and extractive uses. (Ord. 3675)

9-115.305 ADMINISTRATIVE OFFICES.

The Administrative Offices use type refers to offices of private sector firms or organizations which are used for the provision of executive, management, or administrative services and which do not serve walk-in customers or clients. Typical uses include corporation headquarters and administrative offices.

(Ord. 3675)

9-115.310 ADMINISTRATIVE SUPPORT SERVICES.

The Administrative Support Services use type refers to the sale, rental, or servicing of office-related equipment or the provisions of support services to businesses or other organizations, rather than to individuals. Typical uses include office supply stores, secretarial services, duplicating services, and data processing services. (Ord. 3675)

9-115.315 ADULT ENTERTAINMENT.

Adult Entertainment means any of the following:

(a) Any business where, as a substantial or significant course of conduct, explicit sexual materials are shown, displayed or exhibited on the premises to members of the public by means of any mechanical, lighting or electrical device whatsoever;

(b) Any business where, as a substantial or significant course of conduct, members of the public are entertained on the premises by or in the presence of one (1) or more entertainers or any other person:

(1) That engages in simulated explicit sexual conduct, or

(2) If, with respect to any such entertainer or person the following actual or simulated conditions exist:

A. The genitals or pubic region or any part thereof are visible.

B. All or any part of the cleavage of the buttocks is visible.

C. The female breast is visible below a point immediately above the top of the areola, or

D. The male genitals are in a discernibly turgid state even if completely and opaquely covered; or

(c) Any business that, as a substantial or significant course of conduct, sells, offers for sale, rents, exhibits, shows, or displays explicit sexual material in the form of a book, magazine, newspaper, pamphlet, film, video or any other form or medium or sexually oriented devices intended for use in relation to explicit sexual conduct.

A particular business at a particular location that receives in excess of twenty-five percent (25%) of its gross revenue directly or indirectly from, or devotes in excess of twenty-five percent (25%) of the stock on hand or the square footage of the business that is open to the public to the activities defined above, is presumed to be engaging in "a substantial or significant course of conduct" with respect to such activities.

Explicit Sexual Conduct means simulated, by person or inanimate object, sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, sexually oriented sadism or masochism, or excretory functions in conjunction with sexual activity, masturbation or lewd exhibition of the genitals, whether any of the above conduct is presented as being preformed

alone or between members of the same of opposite sex or between humans or animals, or any other act of sexual arousal involving physical contact with female breast or a person's genitals, pubic region, pubic hair, perineum, anus or anal region.

(Ord. 3675; Ord. 3877 § 3, 1996; Ord. 3878, § 3, 1996; Ord. 4355, § 1, 2008; Ord. No. 4389, § 1, 3-30-2010)

9-115.320 AERIAL SERVICES.

The Aerial Services use type refers to aerial services provided to agricultural operations and to businesses. The following are the categories of the Aerial Services use type:

(a) **Farm.** Establishments primarily providing aerial services to farms from airstrips or heliports and which are owned and operated for that purpose. Typical uses include aerial spraying and crop dusting services.

(b) **Heliport.** Establishments primarily providing aerial services to businesses other than farms from heliports owned and operated by said establishments. Typical uses include aerial photography and aerial geographical exploration services.
(Ord. 3675)

9-115.325 AGRICULTURAL ORGANIZATIONS.

The Agricultural Organizations use type refers to organizations operating on a membership basis to promote the interests of their members with respect to agricultural concerns. Typical uses include farm bureaus, farm granges, and growers' associations not engaged in contract buying or selling.
(Ord. 3675)

9-115.330 AGRICULTURAL PROCESSING.

The Agricultural Processing use type refers to the processing of foods and beverages from agricultural commodities. The following are the categories of the Agricultural Processing use types:

(a) **Preparation Services.** Establishments primarily engaged in performing limited processing on crops, subsequent to their harvest, with the intent of preparing them

for market or further processing. Typical uses include nut hulling and shelling, bean cleaning, corn shelling and sorting, and grading and packing of fruits and vegetables.

(b) **Food Manufacturing.** Establishments engaged in manufacturing or processing foods and beverages for consumption. Typical uses include canning of fruits and vegetables, slaughter houses, creameries, and manufacture of prepared meat products.

(Ord. 3675)

9-115.335 AGRICULTURAL SALES.

The Agricultural Sales use type refers to the sale of agricultural supplies such as feed, grain, and fertilizers, but excludes uses classified under the Produce Sales and Nursery Sales use types. The following are the categories of the Agricultural Sales use type:

(a) **Feed and Grain Sales.** The sale of feed and grain and the accessory sale of garden fertilizers and other chemicals sold in small quantities which are classified for home garden use. Typical uses include feed and grain stores.

(b) **Agricultural Chemical Sales.** The sale and on-site storage of agricultural chemicals and pesticides for farm production purposes. Typical uses include establishments engaged in the sale of fertilizers and pesticides.

(Ord. 3675)

9-115.340 AGRICULTURAL WAREHOUSING.

The Agricultural Warehousing use type refers to the storage of raw farm products on a fee or contract basis, including refrigerated storage. Typical uses include storage of grains, beans, meats, and cheese.

(Ord. 3675)

9-115.345 AGRICULTURAL WASTES.

The Agricultural Wastes use type refers to the storage, stockpiling, sacking, and sale of waste products and by-products from plant crops and animals, and organic materials, including composting operations, but excludes tallow rendering and similar uses requiring additional processing. Typical uses include establishments selling chicken manure, cattle manure, compost from urban yard refuse, or removed grapevines.

(Ord. 3675)

9-115.350 ANIMAL FEEDING AND SALES.

The Animal Feeding and Sales use type refers to temporary holding of livestock on a fee or contract basis in preparation for slaughter, market, shipping, or sales. Typical uses include livestock auction yards, stockyards, animal sales yards, and feedlots for cattle, hogs, or sheep.

(Ord. 3675)

9-115.355 ANIMAL RAISING.

The Animal Raising use type refers to the raising of animals, but excludes small animals commonly raised as pets. The following are the categories of the Animal Raising use type:

(a) **Exotic Animals.** Raising animals generally considered as wild or not normally domesticated. Typical uses include chinchilla farms, fox farms, and game farms.

(b) **General.** Raising animals for personal use, for animal products, or for commercial purposes, but excluding uses classified under other Animal Raising use types. Typical uses include farms or ranches raising cattle, horses, sheep and goats.

(c) **Hogs.** Raising hogs for breeding purposes or meat production in numbers large enough to constitute a hog farm.

(d) **Small Animals.** Raising small animals or poultry, in numbers large enough to constitute a small animal farm or poultry farm, or raising aquatic animals, for breeding purposes or for meat, fish, or egg production. Typical uses include chicken farms, turkey farms, duck farms, pigeon farms, fish and frog farms, fish hatcheries, and rabbit farms.

(e) **Family Food Production.** Raising animals for family food production.

(f) **Educational Animal Project.** Raising animals for an educational animal project.

(g) **Zoo.** Raising and maintaining a variety of animals, both wild and domestic, for purposes of exhibiting such animals to the public. Typical uses include zoos.

(h) **Petting Zoo.** Raising and maintaining a variety of domesticated animals for purposes of both exhibition to the public and direct contact by the public. Typical uses include petting zoos.

(Ord. 3675; 3756; Ord. 3832 § 3, 1995)

9-115.360 ANIMAL SPECIALTY SERVICES.

The Animal Specialty Services use type refers to establishments which provide spraying, cleaning, breeding, shearing, and veterinarian services to animals on a fee or contract basis. The following are the categories of the Animal Specialty Services use type:

(a) **Farm.** Establishments which primarily provide service to large animals raised for commercial purposes such as cattle and sheep, or for personal enjoyment such as horses. Typical uses include cattle spraying operations, sheep dipping and sheering services, and veterinary offices for livestock, with or without incidental veterinary services for pets.

(b) **Pet.** Establishments which provide cleaning, veterinarian, and training services to dogs, cats, and similar small animals. Typical uses include pet grooming

shops, pet clinics, dog and cat hospitals, and dog obedience training centers.

(c) **Kennels.** Establishments which provide boarding and breeding services to dogs and cats and similar small animals. Typical uses include dog kennels and pet motels.

(d) **Kennels, Small Breeding.** Establishments which raise and breed less than ten (10) dogs and cats for purposes of selling or exhibiting. Typical uses include small breeding kennels.

(Ord. 3675; 3756)

9-115.365 AUCTION SALES.

The Auction Sales use type refers to the sale of merchandise by auction, but excludes the sale of food products and animals. The following are the categories of the Auction Sales use type:

(a) **Indoor.** The indoor sale of merchandise by auction. Typical uses include antique and art auction houses.

(b) **Outdoor.** The outdoor sale of merchandise by auction.

(Ord. 3675)

9-115.370 AUTOMOTIVE SALES AND SERVICES.

The Automotive Sales and Services use type refers to establishments or places of business primarily engaged in automotive-related sales or services. The following are the categories of the Automotive Sales and Services use type:

(a) **Automotive Rentals.** Rental of automobiles and light trucks. Typical uses include car rental agencies.

(b) **Automotive Repairs, Light.** Repair services for automobiles and light trucks conducted within an enclosed building, and the sale, installation, and servicing of automobile equipment and parts. Typical uses include muffler shops, automobile repair garages, and automobile glass shops. Excluded are uses included under the Automotive Repairs, Heavy, category.

(c) **Automotive Repairs, Heavy.** Automotive body repair services, including painting of automobiles and light trucks. Typical uses include automotive body shops, collision shops, and paint shops.

(d) **Automotive Sales.** Sale, retail or wholesale, of automobiles, light trucks, and motorcycles, together with incidental automotive repairs and maintenance. Typical uses include automobile dealers.

(e) **Cleaning.** Washing and polishing of automobiles. Typical uses include car washes and auto detailers.

(f) **Inoperable Vehicle Storage.** Parking or storage of inoperable vehicles. Typical uses include vehicle storage yards and tow storage yards. Excluded are auto-

motive dismantling operations and uses classified under the Truck Services use type.

(g) **Operable Vehicle Storage.** Storage of operable vehicles, recreational vehicles and boat trailers, but excluding commercial parking lots. Typical uses include fleet storage lots and recreational vehicle storage lots.

(h) **Parking.** Parking of operable motor vehicles on a temporary basis within an off-street parking area with, or without, a fee. Typical uses include parking lots and garages.

(Ord. 3675)

9-115.375 BUILDING MAINTENANCE SERVICES.

The Building Maintenance Services use type refers to the provision of maintenance and custodial services. Typical uses include janitorial services and window cleaning services.

(Ord. 3675; 3697)

9-115.380 CHILD CARE SERVICES.

The Child Care Services use type refers to the care of children in a day-care facility, but excludes uses requiring overnight care. The following are categories of the Child Care Services use type:

(a) **Family Day Care Homes.** Child day-care services in a residence which provide care for fourteen (14) or fewer children, including children who reside at the residence. Typical uses include small family day care home and large family day care homes.

(b) **Child Care Centers.** Child day-care services for fifteen (15) or more children. Typical uses include child care centers, preschools, and day nurseries.

(Ord. 3675; Ord. 3936 § 1, 1997)

9-115.385 COMMUNICATION SERVICES.

The Communication Services use type refers to commercial establishments or facilities which primarily provide electronic communication of audio/visual information and/or entertainment via cable, microwave or radio frequency transmission. The following are the categories of the Communication Services use type:

(a) **Type I.** Communication Services which require the mounting of a wireless telecommunication facility on an existing building or structure. Typical uses include wireless telecommunication facilities for cellular radio mobile services, paging services, and personal communication services.

(b) **Type II.** Communication Services which require the construction of a new freestanding support structure for wireless telecommunication antennas and associated supporting equipment. Typical uses include wireless

telecommunication monopoles and lattice towers for cellular radio mobile services.

(c) **Type III.** Communication Services which require the construction of a new freestanding support structure for the purposes of radio or television broadcasting. Typical uses include radio and television broadcast towers.

(d) **Type IV.** Communication Services which require the regular day-to-day presence of personnel at a site to provide the service being offered. Typical uses include radio and television broadcasting studios, cable TV administrative offices, and telegraph message centers. (Ord. 3675; Ord. 3931 § 2, 1997)

9-115.390 COMMUNITY ASSEMBLY.

The Community Assembly use type refers to recreational, social, or multi-purpose uses within buildings. Typical uses include community centers, private clubs, and lodges. Excluded are uses included under the Recreation: Indoor Spectator sub-use type. (Ord. 3675)

9-115.395 CONSTRUCTION SALES.

The Construction Sales use type refers to the rental or sale of paint, fixtures, hardware, and other materials used in the construction of buildings, but excludes those establishments which rent out heavy equipment and are classified under the Equipment Sales use type. Typical uses include building materials stores and lumber yards. (Ord. 3675)

9-115.400 CONSTRUCTION SERVICES.

The Construction Services use type refers to the operation of a construction business, and the storage of equipment and material for said business other than at the construction site. The following are the categories of the Construction Services use type:

(a) **Light.** Construction services provided by general contractors and specialized trade contractors engaged in building construction. Typical uses include general contracting services for residential dwellings; plumbing, heating, electrical, and air conditioning contractors.

(b) **Heavy.** Construction services provided by general and special trade contractors engaged in heavy construction other than buildings. Typical uses include contractors engaged in highway and street construction; water, sewer, and pipeline construction; and bridge and tunnel construction. (Ord. 3675)

9-115.405 CROP PRODUCTION.

The Crop Production use type refers to growing plant

crops for commercial purposes. Typical uses include growing field crops, fruit or nut trees, and vineyards. (Ord. 3675)

9-115.410 CULTURAL AND LIBRARY SERVICES.

The Cultural and Library Services use type refers to activities involving private, nonprofit, museum-like preservation and exhibition of objects of permanent interest in the arts and sciences, and library collections of books, manuscripts, and similar materials for study and reading. Typical uses include museums, art galleries, and libraries. (Ord. 3675)

9-115.412 CUSTOM AGRICULTURAL MANUFACTURING.

The Custom Agricultural Manufacturing use type includes the manufacturing and repair of customized agricultural equipment where such equipment is primarily used to support the agricultural economy. Customized agricultural equipment includes specialty agricultural equipment which is not commonly available to farmers on the retail market. (Ord. 3911 § 1, 1997)

9-115.415 CUSTOM MANUFACTURING.

The Custom Manufacturing use type refers to the on-site production of goods by hand manufacturing or artistic endeavor which involves only the use of hand tools or small mechanical equipment, and the incidental sale of these goods directly to consumers. Typical uses include ceramic studios, candle making shops, and custom jewelry manufacturers. (Ord. 3675; 3703)

9-115.420 DAIRIES.

The Dairies use type refers to collecting milk from animals and temporarily storing the milk prior to selling it to a dairy processing plant. Typical uses include cow dairy farms and goat dairy farms. (Ord. 3675)

9-115.425 EATING ESTABLISHMENTS.

The Eating Establishments use type refers to the sale of prepared food and beverages for on-premises consumption, but excludes those uses classified under the Liquor Sales use type. The following are the categories of the Eating Establishments use type:

(a) **Convenience.** The preparation and retail sale of food and beverages that does not normally provide for ordering from tables. Typical uses include drive-in and fast-food restaurants, ice cream parlors, and delicatessens.

(b) **Full Service.** The sale of prepared food and beverages on the premises, which normally entails ordering of food and beverages from tables, and which may include sales of alcoholic beverages as an accessory or secondary service. Typical uses include full-service restaurants.
(Ord. 3675)

9-115.430 EDUCATIONAL SERVICES.

The Educational Services use type refers to the provision of educational services. The following are the categories of the Educational Services use type:

(a) **Commercial.** Educational services provided by private institutions or individuals with the primary purpose of preparing students for jobs in a trade or profession. Typical uses include business and vocational schools, music schools, and hair styling schools.

(b) **General.** Educational services that meet State requirements for primary, secondary, or higher education and that are owned and operated by private institutions or individuals. Typical uses include elementary, junior high, and senior high schools; boarding schools; and community colleges.
(Ord. 3675)

9-115.435 EQUIPMENT SALES AND REPAIR.

The Equipment Sales and Repair use type refers to the sale, rental, servicing, and/or repair of farm machinery, heavy equipment, aircraft, and a variety of leisure-oriented equipment. The following are the categories of the Equipment Sales and Repair use type:

(a) **Farm Machinery, Sales.** The sale, rental, and minor, incidental repair of farm machinery. Typical uses include tractor sales yard.

(b) **Farm Machinery, Repair.** The repair of farm implements and equipment. Typical uses include welding shops and tractor repair shops.

(c) **Heavy Equipment, Sales.** Sale of heavy construction equipment or major facility equipment like large-scale furnaces or boilers. Typical uses include crane or bulldozer sales yards.

(d) **Heavy Equipment, Repair.** Repair of heavy construction equipment or major facility equipment like large-scale furnaces or boilers. Typical uses include bulldozer or boiler repair shops.

(e) **Leisure.** Storage, sale/rental, servicing, and repair of boats, trailers, recreational vehicles, and mobile homes. Typical uses include recreational vehicle dealers, boat dealers, and mobile home dealers.

(f) **Aircraft.** Sale/rental, servicing, and repair of aircraft. Typical uses include aircraft dealers.
(Ord. 3675; Ord. 4013 § 1, 1999)

9-115.440 EXPLOSIVES HANDLING.

The Explosives Handling use type refers to the production, storage, and testing of explosives. Typical uses include chemical plants producing explosive chemicals and safe-haven truck terminals.
(Ord. 3675)

9-115.445 FARM SERVICES.

The Farm Services use type refers to administrative services, soil preparation services, and plant crop services, and the storage of farm equipment and material for said services, provided to farming operations on a fee or contract basis. Excluded are those uses classified under the Agricultural Processing use type. Typical uses include farm headquarters offices and contract harvesting done primarily by machine.
(Ord. 3675)

9-115.450 FUNERAL AND INTERMENT SERVICES.

The Funeral and Interment Services use type refers to the provision of services involving the care, preparation, or disposition of the dead. The following are the categories of the Funeral and Interment Services use type:

(a) **Cemeteries.** Services involving the keeping of bodies below ground on cemetery grounds and the incidental provision of interring, undertaking, and crematory services on said cemetery grounds.

(b) **Interring and Cremating.** Services involving the keeping of human bodies above ground and/or crematory services involving the reduction of the human body to ashes by burning. Typical uses include columbaria, mausoleums, cineraria, crematories, or crematoriums.

(c) **Undertaking.** Services involving the preparation of the dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.
(Ord. 3675)

9-115.455 GASOLINE SALES.

The Gasoline Sales use type refers to the retail sale of petroleum products from the premises of the establishment. The following are the categories of the Gasoline Sales use type:

(a) **Service.** Gasoline sales with incidental sale of tires, batteries, replacement items, lubricating services, and minor repair services. Typical uses include automobile service stations.

(b) **Combination.** Gasoline sales combined with the retail sales of other items provided for the convenience of the automotive traveler. Typical uses include convenience markets that also sell gasoline.
(Ord. 3675)

9-115.460 GENERAL INDUSTRIAL.

The General Industrial use type refers to the on-site production of goods other than those that are agricultural or extractive in nature, but excludes those uses classified under the Custom Manufacturing, the High Technology, and the Explosives Handling use types. The following are the categories of the General Industrial use type:

(a) **Limited.** Production processes which, by the nature of the activity performed and/or the scale of operation, can be located near residential or commercial uses with minimal impact to adjacent uses. Typical uses include apparel manufacturing, paper products manufacturing, and furniture production using already manufactured components.

(b) **Intermediate.** Production processes which can be located near residential or commercial uses only if special control measures are taken to mitigate the land use conflicts which can result from such operations. Typical uses include manufactured buildings prefabrication and small household appliance manufacturers.

(c) **Heavy.** Production processes which should not be located near residential or commercial uses due to the intensive nature of the industrial activity and/or its scale of operation. These uses may be located near other manufacturing uses exhibiting similar characteristics although special control measures may still be required of some extremely intensive operations to ensure compatibility with similar industrial uses. Typical uses include motor vehicle assembly, sawmills, textile dyeing, and leather tanning chemical production.
(Ord. 3675)

9-115.465 HAZARDOUS INDUSTRIAL.

The Hazardous Industrial use type refers to the production, storage, or testing of materials which are especially dangerous or hazardous, but excludes those uses classified under the Explosives Handling and General Industrial, Heavy, use types. Typical uses include toxic chemical production.
(Ord. 3675, 3739)

9-115.470 HIGH TECHNOLOGY INDUSTRY.

The High Technology Industry use type refers to the research, development, and controlled production of

high-technology electronic, industrial, or scientific products. Typical uses include biotechnology firms and computer component manufacturers.
(Ord. 3675)

9-115.475 LAUNDRY SERVICES.

The Laundry Services use type refers to the provision of commercial laundering, dry cleaning, or dyeing services other than those classified under Retail Sales and Services. Typical uses include laundry agencies, diaper services, and linen supply services.
(Ord. 3675)

9-115.478 Repealed by Ord. 4035.**9-115.480 LIQUOR SALES.**

The Liquor Sales use type refers to the retail sale of alcoholic beverages for consumption either on or off the premises of the establishment. This excludes uses classified under either the Retail Sales or Eating Establishments use types. The following are the categories of the Liquor Sales use type.

(a) **On-Premises.** On-premises sale and consumption of alcoholic beverages in a facility. Typical uses include comedy clubs, taverns, brew pubs, and cocktail lounges.

(b) **Off-Premises.** The retail sale of alcoholic beverages for off-premises consumption. Typical uses include liquor stores.
(Ord. 3675; Ord. 4368 § 4, 2009)

9-115.4825 LIMITED AGRICULTURAL RECYCLING.

The limited agricultural recycling use type is restricted exclusively to the recycling of materials generated from production of agricultural activities. Examples of such materials might be: plastic sheeting used for soil fumigation or covering of silage, plastic pipe used for irrigation systems, or similar products used in agriculture. Any such facilities shall be within five hundred (500) feet of a major arterial, or higher classification roadway.
(Ord. No. 3999, § 1, 10-27-1998)

9-115.485 LODGING SERVICES.

The Lodging Services use type refers to the provision of rental guest rooms on a less than weekly basis to

the general public, and the incidental sale of food, drink, and similar products and services intended for the convenience of guests. This use type excludes those uses classified under Group Residential. The following are the categories of the Lodging Services use type:

(a) **Bed and Breakfast.** Lodging facilities, other than a motel, that are provided in an existing dwelling structure and are located in areas designated as residential, commercial, agriculture, or mixed use on the General Plan 2010 map. Typical uses include bed and breakfast inns.

(b) **Motel.** Lodging facilities which are used primarily for the accommodation of automobile travelers and which are located in areas designated as a commercial or mixed use on the General Plan 2010 map. Typical uses include hotels, motels, and inns. (Ord. 3675)

9-115.490 MAJOR IMPACT SERVICES.

The Major Impact Services use type refers to land intensive activities that must be located away from residences or concentrations of people due to the magnitude or nature of the operation's impacts on the surrounding environment. Typical uses include airports, sanitary landfills, hazardous waste disposal sites, and correctional institutions. (Ord. 3675)

9-115.495 MEDICAL SERVICES.

The Medical Services use type refers to the provision of personal health services, ranging from prevention to diagnosis, treatment and rehabilitation, by physicians, dentists, nurses, and other health personnel, as well as the provision of medical testing and analysis services, but excludes uses classified under other nonresidential use types. Typical uses include medical offices, dental laboratories, health maintenance organizations, immediate care facilities, and sports medicine facilities. (Ord. 3675)

9-115.500 NURSERY SALES AND SERVICES.

The Nursery Sales and Services use type refers to the sale of plants and related nursery items and to the provision of nursery related services. The following are the categories of the Nursery Sales and Services use type:

(a) **Wholesale.** Wholesaling of plants and/or the incidental retail sales of plants. Typical uses include wholesale nurseries and commercial greenhouses.

(b) **Retail.** Retail sale of plants and flowers and related nursery items. Typical uses include retail nurseries and home garden stores.

(c) **Landscaping Services.** Services involving the installation or maintenance of plant and garden materials. Typical uses include tree trimming, sod laying, and lawn and garden maintenance. (Ord. 3675, 3697)

9-115.505 PERSONAL STORAGE.

The Personal Storage use type refers to commercial storage services, primarily for personal effects and household goods located within enclosed storage areas that have individual access. Workshops, hobby shops, manufacturing and commercial activities are prohibited within the rented or leased structures. Typical uses include mini-warehouses. (Ord. 3675; Ord. 4047 § 3, 1999)

9-115.510 PETROLEUM AND GAS EXTRACTION.

The Petroleum and Gas Extraction use type refers to the extraction of oil and natural gas from the ground and the temporary storage of oil at the well site. Typical uses include oil and gas wells. (Ord. 3675)

9-115.515 PRODUCE SALES.

The Produce Sales use type refers to the sale of produce and agricultural products, including shell eggs, as the primary economic activity of produce stands and agricultural stores. Excluded are uses classified under Agricultural Sales, Nursery Sales and Service and Retail Sales and Service use types. The full-service category under the Eating Establishment use type is also excluded. The following are the categories of the Produce Sales use type:

(a) **Produce Stand.** A food establishment for the sale of only produce, cut flowers, and/or shell eggs that are grown or raised in San Joaquin County. The maximum amount of time that a produce stand may operate shall not exceed one hundred eighty (180) days within a twelve (12) month period. The maximum area for a produce stand shall not exceed seven hundred (700) square feet.

(b) **Agricultural Store, Small.** A food establishment that is used for the sale of produce, agricul-

tural products, and limited retail merchandising. The maximum structure size of a small agricultural store shall be one thousand five hundred (1,500) square feet including a maximum of one hundred fifty (150) square feet of the floor area for limited retail sales.

(c) **Agricultural Store, Large.** A food establishment housed in a permanent structure that is used for the sale of produce, agricultural products, limited retail merchandising and food preparation. The structure size of a large agricultural store shall be more than one thousand five hundred (1,500) square feet including a maximum of five hundred (500) square feet of the floor area for limited retail sales and food service, i.e., customer seating. Food preparation areas, i.e., kitchens, shall not be counted as part of the retail sales area. (Ord. 3675; Ord. 4059, § 3, 2000)

9-115.520 PROFESSIONAL SERVICES.

The Professional Services use type refers to those establishments which provide professional services to individuals or businesses, but excludes offices not servicing walk-in customers which are classified under the Administrative Offices use type. Typical uses include law offices, banks, real estate offices, bail bonds, insurance offices, and architectural firms. (Ord. 3675)

9-115.525 PUBLIC SERVICES.

The Public Services use type refers to services provided by a public agency, public utility, quasi-public agency, or charitable organization, and to major health services provided by a public or private entity. Excluded from this use type are equipment storage and maintenance yards and uses classified under the Major Impact Services, Group Care, and Medical Services use types. The following are the categories of the Public Services use type:

(a) **Administrative.** Consulting, record keeping, clerical, or public contact services, that deal directly with citizens. Typical uses include governmental offices, charitable service organizations, and telephone business offices.

(b) **Essential.** Public services which have a substantial impact on the surrounding community but which may be conditionally permitted in a variety of zones for reasons of necessary location and/or commu-

nity-wide interest. Typical uses include police and fire stations, hospitals, post offices, libraries, and museums. (Ord. 3675)

9-115.530 QUARRY OPERATIONS.

The Quarry Operations use type refers to the extraction and processing of rocks and minerals from the ground, but excludes uses classified under the Petroleum and Gas Extraction use type. Typical uses include sand and gravel pits, metal mining, and coal mining. (Ord. 3675)

9-115.535 RECREATION.

The Recreation use type refers to sport, amusement, and leisure activities for adults and children. The following are the categories of the Recreation use type:

(a) **Campgrounds.** Areas and services for two or more campsites, accommodating either tents or camping vehicles, which are used by the general public as temporary living quarters for recreational purposes. Typical uses include recreational vehicle campgrounds and group tent campgrounds.

(b) **Indoor Participant.** Facilities for indoor participant sport activities. Typical uses include skating rinks, bowling alleys, billiard parlors, racquet clubs, and gymnasiums.

(c) **Indoor Spectator.** Indoor facilities for presenting cultural, entertainment, and athletic events to spectators or for social or fraternal gatherings. Typical uses include theaters and exhibition halls.

(d) **Marinas.** Docking, storage, rental, and repair of recreational and fishing boats. Typical uses include recreational boat marinas, boat rental establishments, and boat launch pads.

(e) **Outdoor Entertainment.** Facilities used for outdoor recreational activities and for presenting entertainment and athletic events to spectators. Typical uses include water slide facilities, amusement parks, open air theaters, and stadiums.

(f) **Outdoor Sports Clubs.** Sports clubs using open space or agricultural land for hunting, shooting, or fishing purposes. Typical uses include duck clubs, hunting clubs, skeet clubs, and rifle ranges.

(h) **Parks.** Outdoor areas used for recreational activities which involve large amounts of open space with minimal development. Typical uses include parks and golf courses. Excluded are uses under the "Outdoor Entertainment" use type subcategory.

(i) **Resort.** A facility for transient guests where the primary attraction is generally recreational features or activities. Typical uses include summer camps, dude ranches, and health spas.

(j) **Nature Preserve.** Outdoor areas used for limited impact recreational activities which involve large amounts of land in its agricultural or natural state located within an agricultural preserve. The agricultural preserve may also include wildlife habitat or wetlands areas. Typical activities conducted within a nature preserve may include the following: hiking, picnicking, swimming, boating, fishing or hunting. Activities and uses under the "Parks," "Outdoor Entertainment," and "Marinas" use types are excluded. Activities grouped under the "Outdoor Sports Club" use type are permitted except for gun and rifle ranges and skeet clubs.

(Ord. 3675; Ord. 4106, § 3, 2001)

9-115.540 RECYCLING SERVICES.

The Recycling Services use type refers to the reuse of previously produced materials. The following are the categories of the Recycling Services use type:

(a) **Consumer.** The collection and temporary storage, prior to recycling, of paper, aluminum, plastic, and glass products used by consumers in the home and not intended for reuse in their commercially marketed form. Any materials that are hazardous are excluded. Typical uses include neighborhood recycling centers.

(b) **Scrap Operations.** The storage, sale, dismantling, and recycling of inoperable vehicles, scrap metal products, and inoperable industrial equipment, and the storage and sale of scrap products brought in from neighborhood recycling centers. Typical uses include junk yards, automobile wrecking yards, and commercial recycling centers.

(c) **Limited Agricultural Recycling.** The Limited Agricultural Recycling use type is restricted exclusively to the recycling of materials generated from production of agricultural activities. Examples of such materials might be: plastic sheeting used for soil fumigation or covering of silage, plastic pipe used for irrigation systems, or similar products used in agriculture. Any such facilities shall be within five hundred (500) feet of a major arterial, or higher classification roadway.

(Ord. 3675; 3756; Ord. 4035, § 3, 1999)

(San Joaquin County Supp. No. 92, 3-14)

9-115.545 RELIGIOUS ASSEMBLY.

The Religious Assembly use type refers to religious services and activities involving public assembly. Typical uses include churches, synagogues, and temples. The following are the categories of Religious Assembly use type:

(a) **Neighborhood.** Religious assembly having a seating capacity of less than two hundred and fifty (250) people.

(b) **Community.** Religious assembly having a seating capacity of at least two hundred and fifty (250) people, but less than five hundred (500) people.

(c) **Regional.** Religious assembly having a seating capacity of five hundred (500) people or more. (Ord. 3675)

9-115.550 RESEARCH AND LABORATORY SERVICES.

The Research and Laboratory Services use type refers to research of an industrial or scientific nature and laboratory processing of material, but excludes medical testing and analysis, product testing, and manufacturing classified under the High Technology use type. Typical uses include electronics research firms, pharmaceutical research laboratories, and photographic labs. (Ord. 3675)

9-115.555 RETAIL SALES AND SERVICE.

The Retail Sales and Service use type refers to the sale of commonly used goods and merchandise or the provision of personal services, but excludes those uses classified under other use types. The following are the categories of the Retail Sales and Service use type:

(a) **Primary.** Retail establishments which provide a limited number of frequently or recurrently needed personal items or services for residents in an immediate neighborhood. These establishments shall be of appropriate size and scale to meet the above criteria. Typical uses include small grocery stores, barber shops, beauty parlors, and self-service laundromats.

(b) **Intermediate.** Retail establishments which provide a variety of retail or personal service needs for residents in a particular area of the community. Typical uses include supermarkets, dry cleaners, tanning salons, video rental outlets, and appliance repair shops.

(c) **General.** Retail establishments which provide for a wide variety of the retail or personal service needs of an entire community. However, due to their

scope of service, method of operation, or type of goods sold, they may be incompatible with primary or intermediate establishment locations. Typical uses include warehouse-styled retail outlets, bottled fuel sales, ammunition sales, towing services, furniture stores, and department stores.

(Ord. 3675)

9-115.560 SIGN, OFF-PREMISES.

The Off-Premises Signs use type refers to signs which direct attention to businesses, commodities, services, or entertainment which are conducted, sold, or offered at a location different from that of the sign. Typical uses include billboards.

(Ord. 3675)

9-115.565 STABLES.

The Stables use type refers to boarding, exercise, and training services for horses. The following are the categories of the Stables use type:

(a) **Neighborhood.** Boarding and training services for six (6) or fewer horses. Typical uses include neighborhood boarding stables and small horse arenas.

(b) **Commercial.** Boarding, exercise, and training services for seven (7) or more horses. Typical uses include commercial stables, riding clubs, riding academies, and race horse training.

(Ord. 3675)

9-115.570 TRANSPORTATION SERVICES.

The Transportation Services use type refers to the provision of transportation of persons and goods. Typical uses include bus services, train services, taxi services, and commercial postal services.

(Ord. 3675)

9-115.575 TRUCK SALES AND SERVICES.

The Truck Sales and Services use type refers to the sale/rental and repair of trucks and the provision of services for trucks involved in local or long distance hauling. Excluded are uses classified under the Automotive Services use type and the Equipment Sales and Repair use type. The following are the categories of the Truck Sales and Services use type:

(a) **Parking.** A commercial operation for the parking or storage of trucks. Typical uses include truck storage yards.

(b) **Cleaning.** Washing and cleaning of trucks. Typical uses include truck washes.

(c) **Stops.** Minor servicing and repair of trucks, including the direct dispensing of motor fuel and the sale of truck accessories, and the (optional) provision of any overnight accommodations and restaurant facilities for the use of truck crews. Typical uses include truck stops.

(d) **Repairs.** Repair of trucks and the sale, installation, and servicing of truck equipment and parts. Typical uses include truck transmission shops.

(e) **Sales.** The sale, rental, and incidental repair of trucks. Typical uses include truck dealers and truck rental leasing without drivers.

(f) **Terminals.** The operation of truck terminals including auxiliary maintenance and service facilities. Typical uses include freight trucking terminals.

(g) **Liquefied Natural Gas (LNG) Truck Fueling Stations.** Fueling operations with the sole purpose of the direct dispensing of Liquefied Natural Gas fuel to trucks. Excluded are uses classified in the Gasoline Sales — Service and Combination use types.

(Ord. 3675; Ord. No. 4440, § 1, 8-13-2013)

9-115.580 UTILITY SERVICES.

The Utility Services use type refers to the provision of electricity, liquids, or gas through wires or pipes. The following are the categories of the Utility Services use type:

(a) **Minor.** Utility services that are necessary to support principal development involving only minor structures. Typical uses include electrical distribution lines, utility poles, and pole transformers.

(b) **Major.** Utility services involving major structures. Typical uses include natural gas transmission lines and substations, petroleum pipelines, and wind farms.

(Ord. 3675; Ord. 3843, § 1, 1995; Ord. 3931, § 3, 1997)

9-115.581 VETERANS ORGANIZATIONS.

The Veterans Organization use type refers to nationally recognized, non-profit veterans groups providing services to the nation's military veterans. Services provided may include, but are not limited to, funeral services and burials, transportation to veterans hospitals, providing wheelchair and medical equipment, counseling services, youth activities associated with veterans organizations, and flag placement on public thorough-

fares on major holidays. Typical uses include: Veterans of Foreign Wars, The American Legion, Disabled American Veterans, and AmVets.

(Ord. 4181, § 1, 2002)

9-115.582 WATER STORAGE.

The intentional use of any area of five hundred (500) acres or more for the containment of water which will at any time exceed an average six (6) feet in depth for thirty (30) days or more in any calendar year. This section does not apply to containment by a levee of an island adjacent to tidal waters in the Sacramento-San Joaquin Delta as defined in California Water Code Section 12220 if the maximum possible water storage elevation exceeds four (4) feet above mean sea level as established by the United States Geological Survey 1929 datum. This section does not apply to dams and reservoirs under the jurisdiction of the Federal Government or the State of California exercising jurisdiction under Division 3 of the California Water Code.

(Ord. 4127, § 1, 2001; Ord. 4134, § 1, 2002; Ord. 4155, § 1, 2002)

9-115.585 WHOLESALING AND DISTRIBUTION.

The Wholesaling and Distribution use type refers to the wholesaling, storage, or bulk sale distribution of materials and equipment, but excludes uses classified under the Agricultural Warehousing, Animal Feeding and Sales, and Truck Services use types. The following are the categories of the Wholesaling and Distribution use type:

(a) **Light.** Wholesaling, storage, and warehousing services within enclosed structures. Typical uses include wholesale distributors and storage warehouses.

(b) **Heavy.** Open-air storage, distribution, and handling of materials and equipment. Typical uses include monument or stone yards, and open storage yards. (Ord. 3675)

9-115.590 WINERIES AND WINE CELLARS.

The Wineries and Wine Cellars use types refer to the production of wine and the storage of wine. These use types exclude uses that are classified under the Eating Establishment use type. Both wineries and wine cellars may hold marketing events and special events. Wineries

and wine cellars are considered to be primary land uses. The following are the categories of the Wineries and Related Facilities use type:

(a) **Wine Cellar, Off-Site.** An off-site wine cellar involves a structure or area used for the storage of wine. No wine is produced on-site. An off-site wine cellar is always associated with a vineyard.

(b) **Winery.** The winery category always includes facilities for the production of wine and may include one on-site and one off-site wine cellar. The winery category includes boutique, small, medium and large wineries.

(Ord. 4115, § 2, 2001)

CHAPTER 9-120**SUPPLEMENTARY REGULATIONS****Sections:**

9-120.1	Intent.
9-120.2	Every Dwelling to be on a Lot.
9-120.3	Sale or Lease of Required Space.

9-120.1 INTENT.

The intent of this Chapter is to qualify or supplement regulations that appear elsewhere in this Title.
(Ord. 3675)

9-120.2 EVERY DWELLING TO BE ON A LOT.

Every dwelling or dwelling group must be located and maintained on a lot as required by this Title. Not more than one (1) dwelling structure shall occupy any one (1) lot, unless otherwise permitted in this Title.
(Ord. 3675)

9-120.3 SALE OR LEASE OF REQUIRED SPACE.

No space needed to meet the width, yard, area, intensity, parking, or other requirements of this Title for lot or building may be sold, separated, or leased away from such lot or building.
(Ord. 3675)

CHAPTER 9-125**CANNABIS DISPENSARY REGULATIONS*****Sections:**

9-125.1	Intent.
9-125.2	Definition.
9-125.3	Prohibition.

9-125.1 INTENT.

The intent of this Chapter is to prohibit the establishment of facilities for the distribution (including selling, serving, storing, keeping, manufacturing, exchanging or giving away) of cannabis within the unincorporated area of San Joaquin County, irrespective of Health and Safety Code Section 11362.765(a) as it applies to Health and Safety Code Section 11570. It is not the intent of this Chapter to otherwise prohibit or inhibit the right of seriously ill people to obtain and use cannabis for medicinal purposes pursuant to The Compassionate Use Act of 1996 and The Medical Cannabis Program of the Health and Safety Code. Nor is it the intent of this Chapter to prohibit or inhibit such a right in hospitals, clinics, residential care facilities, or similar facilities, licensed pursuant to the Health and Safety Code.
(Ord. No. 4500, § 3, 11-7-2017)

9-125.2 DEFINITION.

The following definition applies to this chapter in addition to those definitions in Section 9-110.4 of this Title:

Cannabis Dispensary. "Cannabis Dispensary" means any facility or activity by which cannabis is made available for transfer from one (1) person or entity to another person or entity, including but not limited to such transfers pursuant to Health and Safety Code Sections 11362.5 (The Compassionate Use Act of 1996) and 11362.7 through 11362.83 (Medical Marijuana Program) as they now read or as amended. "Cannabis Dispensary" also means any activity defined as "Delivery," "Distribution," or "Sale" under the Adult Use of Marijuana Act as it now reads or as amended.

*Editor's note—Ord. No. 4500, § 3, adopted Nov. 7, 2017, amended Ch. 9-125 in its entirety to read as herein set out. Former Ch. 9-125, §§ 9-125.1—9-125.3, pertained to Medical Marijuana Dispensary Regulations, and derived from Ord. No. 4388, § 3, adopted March 2, 2010; Ord. No. 4413, § 4, adopted Aug. 9, 2011; Ord. No. 4443, § 2, adopted Oct. 8, 2013.

A cannabis dispensary shall not include the following uses, so long as such uses comply with this code, Health and Safety Code Section 11362.5, et seq., and other applicable law:

1. A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code.
2. A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code.
3. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code.
4. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code.
5. A hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

(Ord. No. 4500, § 3, 11-7-2017)

9-125.3 PROHIBITION.

No person shall establish, operate, or permit the establishment or operation of a cannabis dispensary in or upon any premises in the unincorporated San Joaquin County.

(Ord. No. 4500, § 3, 11-7-2017)

DIVISION 2. ADMINISTRATIVE PROVISIONS**CHAPTER 9-200****ADMINISTRATIVE PROVISIONS: INTENT AND ORGANIZATION****Sections:**

- 9-200.1 Title and Intent.**
9-200.2 Organization.

9-200.1 TITLE AND INTENT.

Division 2 constitutes the Administrative Provisions. The intent of this Division is to prescribe regulations for the administration of this Title.
 (Ord. 3675)

9-200.2 ORGANIZATION.

Division 2 consists of the following chapters:

- (a) 9-200 Administrative Provisions: Intent and Organization;
- (b) 9-205 Review Authorities;
- (c) 9-210 Staff Review Procedure;
- (d) 9-215 Staff Review with Notice Procedure;
- (e) 9-220 Public Hearing Review Procedure;
- (f) 9-225 Alteration Procedure;
- (g) 9-230 Revocation Procedure;
- (h) 9-235 Nonconformity Provisions; and
- (i) 9-240 Fees.
- (j) 9-245 Reasonable Accommodation.

(Ord. 3675; Ord. No. 4471, § 6, 12-15-2015)

CHAPTER 9-205**REVIEW AUTHORITIES****Sections:**

- 9-205.1 Intent.**
9-205.2 Planning Agency.
9-205.3 Board of Supervisors.
9-205.4 Planning Commission.
9-205.5 Director of the Community Development Department.
9-205.6 Planning and Development Services Divisions.
9-205.7 Environmental Review Officer.

9-205.1 INTENT.

The intent of this Chapter is to specify the responsibilities of the various County agencies, groups, and offices in implementing this Title.
 (Ord. 3675)

9-205.2 PLANNING AGENCY.

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

- (a) Board of Supervisors;
- (b) Planning Commission;
- (c) Director of the Community Development Department;
- (d) Planning and Development Services Divisions; and
- (f) Environmental Review Officer.

(Ord. 3675)

9-205.3 BOARD OF SUPERVISORS.

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

- (a) **Appointments.** To exercise all appointing power provided under state law and this Title, including the appointment of the Director of the Community Development Department and the members of the Planning Commission;
- (b) **Adoptions.** To adopt the General Plan, Master Plans, Public Financing Plans, Specific Plans, Special Purpose Plans, regulations, ordinances, and environmental guidelines;
- (c) **Appeals.** To be the final appellate body on all matters as specified in this Title;

(d) **Annual Reviews.** To annually review the Capital Improvement Program of the County for its conformity with the General Plan, pursuant to Article 7 (commencing with Section 65400) of the Government Code;

(e) **Legislative Body.** To serve as the legislative body as that term is used in the Subdivision Map Act; and

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

(Ord. 3675; 3715)

9-205.4 PLANNING COMMISSION.

The Planning Commission role as part of the Planning Agency shall be as provided in this Section.

(a) **Membership.** The Planning Commission shall consist of five (5) members who shall be appointed by the Board of Supervisors in the following manner:

(1) Five (5) members composed of one (1) resident from each of the five (5) Supervisorial Districts;

(2) If a member is moved from one Supervisorial District into another because of a change in District boundaries, that member may complete the remainder of his or her term.

(b) **Term.** The term of office of each member of the Planning Commission shall be four (4) years beginning on the first day of the term of office of the Supervisor from whose Supervisorial District the member is appointed and ending on the last day of such Supervisorial term; provided that the term of office of members appointed in July, 2006, from the 2nd and 4th Supervisorial Districts shall begin on the date of appointment and shall end on the last day of the term of office of the Supervisors from the 2nd and 4th Supervisorial Districts, which Supervisorial terms end in January, 2007; provided further that the term of office of the member appointed in July, 2006, from the 5th Supervisorial District shall begin on the date of appointment and shall end on the last day of the term of office of the Supervisor from the 5th Supervisorial District, which Supervisorial term began in January, 2005; provided further that the terms of office of members appointed in June, 2005, from the 1st and 3rd Supervisorial Dis-

tricts shall end on the last day of the term of office of the Supervisors from the 1st and 3rd Supervisorial Districts, which Supervisorial terms began in January, 2005. A member of the Planning Commission may continue in office after the end of the term of office until a successor member has been appointed by the Board of Supervisors and has taken the oath of office.

(c) **Vacancies and Removal.** Vacancies in the office of an appointed member of the Planning Commission shall be filled by appointment of the Board of Supervisors for the unexpired term. Any member of the Planning Commission may be removed for cause by majority vote of the Board of Supervisors. The Board of Supervisors shall declare a vacancy in the office of any member who is absent from three (3) consecutive regular meetings of the Planning Commission without prior notification given to the Planning Commission Chairperson. A vacancy in the office of Planning Commissioner shall occur upon the vacancy in the office of Supervisor of the Supervisorial District from which the Planning Commissioner is appointed.

(d) **Advisory Staff.** The County Counsel, the Director of Environmental Health, and the Director of Public Works are designated as advisory staff to the Planning Commission. Each advisory staff may designate one (1) deputy or assistant to attend Planning Commission meetings.

(e) **Officers and Rules.** Annually, the Planning Commission shall elect a Chairperson and a Vice-Chairperson from among the appointed members. No appointed member shall be elected Chairperson or Vice-Chairperson for more than two (2) consecutive terms. The Director of the Community Development Department shall be the Secretary to the Planning Commission. The Planning Commission shall adopt rules for the transaction of its business and shall keep a record of its resolutions, transactions, and determinations. All decisions and recommendations of the Planning Commission shall be carried by the affirmative votes of not less than a majority of its total voting members.

(f) **Functions.** The Planning Commission shall have the following functions in the administration of this Title and related regulations and policies:

(1) Prepare, periodically review, and revise, as necessary, the General Plan for the County;

(2) Consider and recommend amendments to the General Plan;

(3) Investigate and make recommendations regarding reasonable and practical means for implementing the General Plan;

(4) Consider and recommend amendments to this Title;

(5) Annually review the Capital Improvement Program of the County for its conformity with the General Plan, any Specific Plans, any Special Purpose Plans, and all elements and parts of the General Plan, and provide a report concerning said Capital Improvement Plan to the Board of Supervisors;

(6) Interpret the text of the General Plan as it relates to this Title;

(7) Interpret the maps of the General Plan as they relate to the text of the General Plan;

(8) Develop and maintain any Master Plans, Public Financing Plans, Specific Plans, or Special Purpose Plans necessary or desirable for the implementation of the General Plan;

(9) Consider and recommend upon applications for Master Plans, Public Financing Plans, Specific Plans, and Special Purpose Plans;

(10) Serve as the appellate body for discretionary staff decisions;

(11) Review and act upon referrals or appeals from the Floodplain Administrator;

(12) Act as the advisory agency, as that term is used in the Subdivision Map Act, on Major Subdivisions;

(13) Review and act upon applications requiring public hearings;

(14) Determine that there has been adequate environmental review under the provisions of the California Environmental Quality Act, of all matters the Planning Commission is considering;

(15) Recommend changes to the environmental guidelines for the County; and

(16) Perform such other functions as the Board of Supervisors may require, including conducting studies and preparing plans other than those authorized by Title 7 of the Government Code.

(g) **Compensation.** Members attending Planning Commission meetings shall receive \$100.00 per meeting, plus mileage and actual and necessary expenses incurred in connection with carrying out the

duties of a member of the Planning Commission. Such compensation may be changed by subsequent Resolution of the Board of Supervisors.

(Ord. 3675; 3715; Ord. 4006, § 1, 1998; Ord. 4157, § 1, 2002; Ord. 4298, 2006)

9-205.5 **DIRECTOR OF THE COMMUNITY DEVELOPMENT DEPARTMENT.**

The Director of the Community Development Department shall have the following functions in the administration of the Title and related regulations and policies:

- (a) **Secretary.** Serve as Secretary to the Planning Commission;
- (b) **Advisor.** Act as the advisory agency, as provided in Government Code Section 66415, for Mergers, Minor Subdivisions, and Notices of Violation;
- (c) **Administrator.** Act as chief administrative officer of the Planning and Development Services Divisions;
- (d) **Review Authority.** Conduct the review of public projects as specified in Section 65402 of the Government Code;
- (e) **Environmental Review.** Appoint the Environmental Review Officer;
- (f) **Staff Review.** Review and act upon all applications requiring Staff Review; and
- (g) **Staff Review With Notice.** Review and act upon all applications requiring Staff Review with Notice. (Ord. 3675)

9-205.6 **PLANNING AND DEVELOPMENT SERVICES DIVISIONS.**

The Planning and Development Services Divisions shall have the following functions in the administration of this Title and related regulations and policies:

- (a) **Administer General Plan.** Perform the duties required for the proper preparation and administration of the General Plan, as provided by law and ordinance;
- (b) **Administer Master Plans and Public Financing Plans.** Perform the duties required for the proper preparation and administration of Master Plans and Public Financing Plans and regulations as provided by ordinance;
- (c) **Administer Specific Plans.** Perform the duties required for the proper preparation and administration of Specific Plans and regulations as provided by law and ordinance;
- (d) **Administer Special Purpose Plans.** Perform the duties required for the proper preparation and administration of Special Purpose Plans and regulations as provided by law and ordinance;
- (e) **Advise Board and Commission.** Provide administrative support and professional advice to the Planning Commission and Board of Supervisors;
- (f) **Special Studies and Surveys.** Perform special studies and surveys as directed by the Board of Supervisors;

(g) **Publicize General Plan.** Endeavor to promote public interest in, comment on, and understanding of the General Plan and regulations relating to it;

(h) **Consult on General Plan.** Consult and advise with public officials and agencies; public utility companies; civic, educational, professional, and other organizations; and citizens concerning the preparation and implementation of the General Plan;

(i) **Coordinate Plans and Programs.** Promote the coordination of local plans and programs with the plans and programs of other public agencies; and

(j) **Report to Board.** Provide an annual report to the Board of Supervisors on the status of the General Plan and progress in its implementation. (Ord. 3675, 3715)

9-205.7 **ENVIRONMENTAL REVIEW OFFICER.**

The role of the Environmental Review Officer shall be as provided in this Section.

(a) **Appointment.** The Environmental Review Officer shall be appointed by and serve at the pleasure the Director of the Community Development Department.

(b) **Term.** The term of the appointment shall be at the discretion of, and subject to the termination by, the Director of the Community Development Department.

(c) **Functions.** The Environmental Review Officer shall have the following functions in the administration of this Title and related regulations and policies:

- (1) Be responsible for the preliminary screening of projects to determine which are exempt from and which are subject to the requirements of the California Environmental Quality Act;
- (2) Conduct Initial Studies and hold meetings, when necessary, to make determinations as to whether a Notice of Exemption will be issued, a Negative Declaration prepared, or an Environmental Impact Report required for a project;
- (3) Prepare Negative Declarations on projects that will have no significant effect on the environment; and
- (4) Prepare and maintain guidelines for the implementation of the California Environmental Quality Act by San Joaquin County. (Ord. 3675)

CHAPTER 9-210
STAFF REVIEW PROCEDURE

Sections:

9-210.1	Intent.
9-210.2	General Process.
9-210.3	Application Filing Requirements.
9-210.4	Completeness of Applications.
9-210.5	Concurrent Processing of Applications.
9-210.6	Notification.
9-210.7	Action by Director.
9-210.8	Effective Date of Action.
9-210.9	Appeals.
9-210.10	Time Limit on Approvals.
9-210.11	Violation of Permits.
9-210.12	Nonacceptance of Applications.

9-210.1 INTENT.

The intent of this Chapter is to specify the procedure to be followed for those applications requiring the use of the Staff Review Procedure.

(Ord. 3675)

9-210.2 GENERAL PROCESS.

The Director shall review all applications to determine their consistency with established policies and standards. The review shall be of an administrative, nondiscretionary nature. The Director shall approve or deny the application based on the results of that review.

(Ord. 3675)

9-210.3 APPLICATION FILING REQUIREMENTS.

An application shall be filed with the Community Development Department on forms provided by that Department. Applications shall, at a minimum, contain the following:

(a) **Name and Address.** The name, address, and signature of the applicant and, for privately initiated applications, the name, address, and signature of the property owner;

(b) **Other Documents.** Other documents, drawings, and plans as required by the Director; and

(c) **Fee.** A fee, as provided by resolution of the Board of Supervisors.

(Ord. 3675)

9-210.4 COMPLETENESS OF APPLICATIONS.

Completeness of applications shall be determined pursuant to this Section.

(a) **Initial Determination.** Within thirty (30) calendar days after an application has been received, the Director shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant. If the written determination is not made within thirty (30) days after receipt of the application, the application shall be deemed complete.

(b) **Procedure If Not Complete.** If the application is determined not to be complete, the following procedure shall be followed:

(1) The Director shall specify in writing those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application;

(2) The applicant shall submit materials to the Director in response to the list and description specified in Subsection (b) (1);

(3) Within thirty (30) calendar days after receipt of the submitted materials, the Director shall determine in writing whether they are complete and shall immediately transmit that determination to the applicant. If the written determination is not made within the thirty (30) day period, the application together with the submitted material shall be deemed complete; and

(4) If the applicant has not submitted all required materials to the Director within thirty (30) calendar days after the written determination that the application is not complete has been transmitted to the applicant, the application shall be considered withdrawn. The Director may extend the thirty (30) day period if he or she determines that the applicant is diligently attempting to provide all required materials.

(c) **Appeal Procedure for Applications Deemed Not Complete.** If the application together with the submitted materials are determined not to be complete, the applicant may appeal that decision to the Planning Commission in accordance with the appeal procedure specified in Section 9-215.12.

(1) A final written determination on the appeal shall be made no later than sixty (60) calendar days after receipt of the applicant's written appeal;

(2) If the final written determination on the appeal is not made within the sixty (60) day period noted in Subsection (c)(1), the application with the submitted materials shall be deemed complete.

(Ord. 3675)

9-210.5 CONCURRENT PROCESSING OF APPLICATIONS.

If a proposed project requires more than one (1) application under the provisions of this Title, the applications may be filed at the same time and processed concurrently. If more than one Review Authority is involved, the Director shall determine the sequence for action by the Review Authorities.

(Ord. 3675)

9-210.6 NOTIFICATION.

Notification is not required to be given for actions taken pursuant to this Chapter.

(Ord. 3675)

9-210.7 ACTION BY DIRECTOR.

The Director shall approve or deny the application based upon its consistency with established policies and standards.

(Ord. 3675)

9-210.8 EFFECTIVE DATE OF ACTION.

Action on any application, unless otherwise specified, shall be effective immediately.

(Ord. 3675)

9-210.9 APPEALS.

An action pursuant to this Chapter may not be appealed.

(Ord. 3675)

9-210.10 TIME LIMIT ON APPROVALS.

Unless otherwise specified, approved applications shall lapse and become void eighteen (18) months after the effective date of approval if any of the following occur:

(a) **Standard Requirements.** A standard requirement of approval has not been complied with;

(b) **Building-Related Permits.** A required building, electrical, plumbing, or mechanical permit that has been secured has lapsed and become void; or

(c) **Other Permits.** A required permit that has been secured from any other public agency has lapsed and become void.

(Ord. 3675)

9-210.11 VIOLATION OF PERMITS.

Violation of permits approved under the provisions of this Chapter shall be subject to the enforcement procedures beginning with Chapter 9-1900.

(Ord. 3675)

9-210.12 NONACCEPTANCE OF APPLICATIONS.

An application submitted under the Staff Review Procedure by an applicant may not be accepted for processing unless the applicant has fully paid for the cost of any outstanding payments due to the Community Development Department by the applicant.

(Ord. 3832 § 4, 1995)

CHAPTER 9-215**STAFF REVIEW WITH NOTICE PROCEDURE****Sections:**

9-215.1	Intent.
9-215.2	General Process.
9-215.3	Preapplication Conference.
9-215.4	Application Filing Requirements.
9-215.5	Completeness of Applications.
9-215.6	Concurrent Processing of Applications.
9-215.7	Supplemental Guidelines, Standards, and Criteria.
9-215.8	Notification.
9-215.9	Action by Director.
9-215.10	Action by Planning Commission.
9-215.11	Effective Date of Action.
9-215.12	Appeals.
9-215.13	Review by the Board of Supervisors.
9-215.14	Time Limit on Approvals.
9-215.15	One Year Wait on Denials.
9-215.16	Alteration of Permits.
9-215.17	Revocation of Permits.
9-215.18	Nonacceptance of Applications.

9-215.1 INTENT.

The intent of this Chapter is to specify the procedure to be followed for those applications requiring the use of the Staff Review With Notice Procedure.
(Ord. 3675)

9-215.2 GENERAL PROCESS.

Notification shall be made as provided in this Chapter. The Director shall review the application to determine its consistency with established policies, standards, and required findings. The Director shall approve, conditionally approve, or deny the application based on the results of that review.
(Ord. 3675)

9-215.3 PREAPPLICATION CONFERENCE.

At the discretion of the Director, a preapplication conference may be required. The purpose of such a conference shall be to insure that the applicant is aware of issues and requirements related to the project. Other departments and public agencies may be invited to attend a preapplication conference. When a preapplication conference is required by the Director, no application may

be accepted until the conference is considered complete by the Director.
(Ord. 3675)

9-215.4 APPLICATION FILING REQUIREMENTS.

Applications shall be filed with the Community Development Department on forms provided by that Department and shall, at a minimum, contain the following:

(a) **Name and Address.** The name, address, and signature of the applicant and, for privately initiated applications, the name, address, and signature of the property owner;

(b) **Other Documents.** Other documents, drawings, and plans as required by the Director; and

(c) **Fee.** A fee, as provided by resolution of the Board of Supervisors.
(Ord. 3675)

9-215.5 COMPLETENESS OF APPLICATIONS.

The completeness of applications shall be determined pursuant to this Section.

(a) **Initial Determination.** Within thirty (30) calendar days after an application has been received, the Director shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant. If the written determination is not made within thirty (30) days after receipt of the application, the application shall be deemed complete.

(b) **Procedure If Not Complete.** If the application is determined not to be complete, the following procedure shall be followed:

(1) The Director shall specify in writing those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application;

(2) The applicant shall submit materials to the Director in response to the list and description specified in Subsection (b) (1);

(3) Within thirty (30) calendar days after receipt of the submitted materials, the Director shall determine in writing whether they are complete and shall immediately transmit that determination to the applicant. If the written determination is not made within the thirty (30) day period, the application together with the submitted material shall be deemed complete; and

(4) If the applicant has not submitted all required materials to the Director within thirty (30) calendar days after the written determination that the application is not complete has been transmitted to the applicant,

the application shall be considered withdrawn. The Director may extend the thirty (30) day period if he or she determines that the applicant is diligently attempting to provide all required materials.

(c) **Appeal Procedure for Applications Deemed Not Complete.** If the application together with the submitted materials are determined not to be complete, the applicant may appeal that decision to the Planning Commission in accordance with the appeal procedure specified in Section 9-215.12.

(1) A final written determination on the appeal shall be made not later than sixty (60) calendar days after receipt of the applicant's written appeal;

(2) If the final written determination on the appeal is not made within the sixty (60) day period noted in Subsection (c)(1), the application with the submitted materials shall be deemed complete.

(Ord. 3675)

9-215.6 CONCURRENT PROCESSING OF APPLICATIONS.

If a proposed project requires more than one (1) application under the provisions of this Title, the applications may be filed at the same time and processed concurrently. If more than one Review Authority is involved, the Director shall determine the sequence for action by the Review Authorities.

(Ord. 3675)

9-215.7 SUPPLEMENTAL GUIDELINES, STANDARDS, AND CRITERIA.

In addition to the standards and findings set forth in this Title, the Community Development Department may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval of applications.

(Ord. 3675)

9-215.8 NOTIFICATION.

Notification of applications shall be given in accordance with the provisions of this Section.

(a) **Owner.** Notice of the application shall be mailed to the owner of the subject real property, or the owner's duly authorized agent, and to the project applicant.

(b) **Local Agencies.** Notice of the application shall be mailed to each local agency expected to provide water, sewage disposal, streets, roads, schools, parks, or other essential facilities or services to the project.

(c) **Other Landowners.** Depending on the General Plan designation of the property involved, a notice of the application shall be mailed to all owners of real property as shown on the latest tax rolls, as follows:

(1) In agricultural and conservation areas, all owners of property within fourteen hundred (1,400) feet of the perimeter of the property. However, property owners of no more than five (5) parcels in any direction need be notified, provided all owners within three hundred (300) feet are notified;

(2) In rural residential and very low density residential areas, all owners of property within seven hundred (700) feet of the perimeter of the property. However, property owners of no more than five (5) parcels in any direction need be notified, provided all owners within three hundred (300) feet are notified; and

(3) In all other areas, all property owners within three hundred and fifty (350) feet of the perimeter of the property.

(d) **Large Numbers of Landowners.** In the event the number of owners to whom notice would be sent pursuant to Subsection (c) is greater than one thousand (1,000), alternative notice may be given in the form of a one eighth (1/8) page or larger display advertisement placed in a newspaper of general circulation in the affected area.

(e) **Interested Parties.** Notice of the application shall be mailed to any person who has filed a written request for notice with the Community Development Department.

(f) **State Law.** Additional notification shall be given as required by state law.

(g) **Additional.** Additional notification may be given as deemed necessary by the Director.

(h) **Mailing.** Notice of the application shall be given by United States Mail and shall be mailed at least ten (10) calendar days prior to any action on the application. (Ord. 3675)

9-215.9 ACTION BY DIRECTOR.

The Director shall decide to rule on the application or refer the application to the Planning Commission based on the response from notifications, the importance of the issue in carrying out the General Plan, the cumulative effect of similar applications, policy guidance previously received from the Planning Commission or Board of Supervisors, and the possibility that the decision may set a precedent for future decisions. If the Director does not refer the application to the Planning Commission, he or she shall approve, conditionally approve, or deny the application.

(Ord. 3675)

9-215.10 ACTION BY PLANNING COMMISSION.

The Planning Commission shall hold a hearing on any

application referred to it pursuant to Section 9-215.9. Notice of the hearing shall be provided to those parties listed in Section 9-215.8. An applicant, an applicant's representative, or any interested party may make a presentation about the application.
(Ord. 3675)

9-215.11 EFFECTIVE DATE OF ACTION.

Action on any application, unless otherwise specified, shall be effective upon expiration of the appeal period.
(Ord. 3675)

9-215.12 APPEALS.

An action pursuant to this Chapter may be appealed in accordance with the provisions of this Section.

(a) **Appeal Period.** Unless otherwise specified, appeals shall be filed within ten (10) days of the date of action, and if filed, shall stay any further action on the permit until finally resolved. If the end of the appeal period falls on a nonbusiness day, the appeal period shall be extended to include the next business day.

(b) **Who May Appeal.** Appeals may be filed only by one of the following:

(1) The applicant or the applicant's representative;

(2) A person who may be adversely affected by the decision or who has participated in the review process by submitting written or oral testimony on the application or by attending a public hearing on the application; or

(3) A person who was prevented from participating in the review by circumstances beyond his or her control.

(c) **Appeal Bodies.** Unless otherwise specified by law, decisions made by the Director pursuant to this Chapter may be appealed to the Planning Commission. Planning Commission decisions may be appealed to the Board of Supervisors.

(d) **Contents of Appeal.** All appeals shall be filed with the Community Development Department on forms provided by that Department. The appeal shall include, at a minimum, the following:

(1) A written statement specifying the basis of the appeal by citing the specific abuse of discretion by the Review Authority; and

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

(e) **Scope of Appeal.** The appeal body shall consider only those items cited in the appeal. In its deliberation, it may use the record and any additional evidence relative to the application and may confirm, reverse, or modify

the appealed action based upon its interpretation of the findings required and the evidence submitted.
(Ord. 3675)

9-215.13 REVIEW BY THE BOARD OF SUPERVISORS.

The Board of Supervisors may call up for review any decision of the Planning Commission or Planning Director made pursuant to this Chapter. The decision to call up for review shall occur prior to the effective date of the action and shall follow the same procedures as an appealed decision.
(Ord. 3675)

9-215.14 TIME LIMIT ON APPROVALS.

Unless otherwise specified, approved applications shall lapse and become void eighteen (18) months after the effective date of approval if any of the following occur:

(a) **Requirements or Conditions.** A standard requirement or condition of approval has not been complied with;

(b) **Building-Related Permits.** A required building, electrical, plumbing, or mechanical permit that has been secured has lapsed and become void; or

(c) **Other Permits.** A required permit that has been secured from any other public agency has lapsed and become void.
(Ord. 3675)

9-215.15 ONE YEAR WAIT ON DENIALS.

No application may be accepted if a similar application has been finally denied during the immediately preceding one (1) year period. For the purposes of this Section, "similar application" shall mean an application under the same regulation applicable to the same property. This Section shall not apply to applications denied without prejudice, which can be resubmitted within one (1) year upon payment of a fee as set forth by resolution of the Board of Supervisors.
(Ord. 3675)

9-215.16 ALTERATION OF PERMITS.

A permit approved under the provisions of this Chapter may be altered pursuant to Chapter 9-225.
(Ord. 3675)

9-215.17 REVOCATION OF PERMITS.

A permit approved under the provisions of this Chapter may be revoked pursuant to Chapter 9-230.
(Ord. 3675)

9-215.18 NONACCEPTANCE OF APPLICATIONS.

An application submitted under the Staff Review With Notice Procedure by an applicant may not be accepted for processing unless the applicant has fully paid for the cost of any outstanding payments due to the Community Development Department by the applicant.
(Ord. 3832 § 5, 1995)

CHAPTER 9-220

PUBLIC HEARING REVIEW PROCEDURE

Sections:

9-220.1	Intent.
9-220.2	General Provisions.
9-220.3	Preapplication Conference.
9-220.4	Application Filing Requirements.
9-220.5	Completeness of Applications.
9-220.6	Concurrent Processing of Applications.
9-220.7	Supplemental Guidelines, Standards, and Criteria.
9-220.8	Notification.
9-220.9	Action by Planning Commission.
9-220.10	Effective Date of Action.
9-220.11	Appeals.
9-220.12	Review by the Board of Supervisors.
9-220.13	Time Limit on Approvals.
9-220.14	One Year Wait on Denials.
9-220.15	Alteration of Permits.
9-220.16	Revocation of Permits.
9-220.17	Nonacceptance of Applications.

9-220.1 INTENT.

The intent of this Chapter is to specify the procedure to be followed for those applications requiring the use of the Public Hearing Review Procedure.
(Ord. 3675)

9-220.2 GENERAL PROVISIONS.

The following general provisions shall apply to the Public Hearing Review Procedure:

(a) **Planning Commission Review.** The Planning Commission shall conduct a public hearing with notification for the purpose of receiving oral and written evidence relative to the application. This evidence shall be reviewed to determine if the application is consistent with existing policies, standards, and required findings. The Planning Commission shall approve, conditionally approve, recommend approval, or deny the application based on the results of this review.

(b) **Minimum Requirements.** The requirements specified herein are considered minimum and may be expanded or modified by specific application requirements.

(Ord. 3675)

9-220.3 PREAPPLICATION CONFERENCE.

At the discretion of the Director, a preapplication conference may be required. The purpose of such a conference shall be to insure that the applicant is aware of issues and requirements related to the project. Other departments and public agencies may be invited to attend a preapplication conference. When a preapplication conference is required by the Director, no application may be accepted until the conference is considered complete by the Director.

(Ord. 3675)

9-220.4 APPLICATION FILING REQUIREMENTS.

Applications shall be filed with the Community Development Department on forms provided by that Department and shall, at a minimum, contain the following:

(a) **Name and Address.** The name, address, and signature of the applicant and, for privately initiated, property-specific applications, the name, address, and signature of the property owner;

(b) **Other Documents.** Other documents, drawings, and plans as required by the Director; and

(c) **Fee.** A fee, as provided by resolution of the Board of Supervisors.

(Ord. 3675, 3715)

9-220.5 COMPLETENESS OF APPLICATIONS.

Completeness of applications shall be determined as follows:

(a) **Initial Determination.** Within thirty (30) calendar days after an application has been received, the Director shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant. If the written determination is not made within thirty (30) days after receipt of the application, the application shall be deemed complete.

(b) **Procedure If Not Complete.** If the application is determined not to be complete, the following procedure shall be followed:

(1) The Director shall specify in writing those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application;

(2) The applicant shall submit materials to the Director in response to the list and description specified in Subsection (b) (1);

(3) Within thirty (30) calendar days after receipt of the submitted materials, the Director shall determine in writing whether they are complete and shall

immediately transmit that determination to the applicant. If the written determination is not made within the thirty (30) day period, the application together with the submitted material shall be deemed complete; and

(4) If the applicant has not submitted all required materials to the Director within thirty (30) calendar days after the written determination that the application is not complete has been transmitted to the applicant, the application shall be considered withdrawn. The Director may extend the thirty (30) day period if he or she determines that the applicant is diligently attempting to provide all required materials.

(c) **Appeal Procedure for Applications Deemed Not Complete.** If the application together with the submitted materials are determined not to be complete, the applicant may appeal that decision to the Planning Commission in accordance with the appeal procedure specified in Section 9-220.11.

(1) A final written determination on the appeal shall be made not later than sixty (60) calendar days after receipt of the applicant's written appeal;

(2) If the final written determination on the appeal is not made within the sixty (60) day period noted in subsection (c)(1), the application with the submitted materials shall be deemed complete.

(Ord. 3675)

9-220.6 CONCURRENT PROCESSING OF APPLICATIONS.

If a proposed project requires more than one (1) application under the provisions of this Title, the applications may be filed at the same time and processed concurrently. If more than one Review Authority is involved, the Director shall determine the sequence for action by the Review Authorities.

(Ord. 3675)

9-220.7 SUPPLEMENTAL GUIDELINES, STANDARDS, AND CRITERIA.

In addition to the standards and findings set forth in this Title, the Community Development Department may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval of applications.

(Ord. 3675)

9-220.8 NOTIFICATION.

Notification shall be given in accordance with the provisions of this Section.

(a) **Owner.** For property-specific applications only, notice of the hearing shall be mailed to the owner of the

subject real property or the owner's duly authorized agent and to the project applicant.

(b) **Local Agencies.** For property-specific applications only, notice of the hearing shall be mailed to each local agency expected to provide water, sewage disposal, streets, roads, schools, parks, or other essential facilities or services to the project.

(c) **Other Landowners.** Depending on the General Plan designation of the property involved, a notice of the hearing, for property-specific applications only, shall be mailed to all owners of real property as shown on the latest tax rolls, as follows:

(1) In agricultural and conservation areas, and in freeway service and industrial areas outside of communities, all owners of property within fourteen hundred (1,400) feet of the perimeter of the property. However, property owners of no more than five (5) parcels in any direction need to be notified, provided all owners within three hundred (300) feet are notified;

(2) In rural residential and very low density residential areas, all owners of property within seven hundred (700) feet of the perimeter of the property. However, property owners of no more than five (5) parcels in any direction need to be notified, provided all owners within three hundred (300) feet are notified; and

(3) In all other areas, all property owners within three hundred fifty (350) feet of the perimeter of the property.

(d) **Large Numbers of Landowners.** In the event the number of owners to whom notice would be sent pursuant to Subsection (c) is greater than one thousand (1,000), alternative notice may be given in the form of a one eighth (1/8) page or larger display advertisement placed in a newspaper of general circulation in the affected area.

(e) **Interested Parties.** Notice of the hearing shall be mailed to any person who has filed a written request for notice with the Community Development Department.

(f) **State Law.** Additional notification shall be given as required by State law.

(g) **Additional.** Additional notification may be given as deemed necessary by the Director.

(h) **Mailing.** Notice of the hearing shall be sent by United States Mail at least ten (10) calendar days prior to any public hearing or final action on an application. (Ord. 3675, 3715)

9-220.9 ACTION BY PLANNING COMMISSION.

The Planning Commission shall hold a public hearing on the application. An applicant, an applicant's represen-

tative, or any interested party may make a presentation on the application.

(Ord. 3675)

9-220.10 EFFECTIVE DATE OF ACTION.

Action on any application, unless otherwise specified, shall be effective upon expiration of the appeal period.

(Ord. 3675)

9-220.11 APPEALS.

An action pursuant to this Chapter may be appealed in accordance with the provisions of this Section.

(a) **Appeal Period.** Unless otherwise specified, appeals shall be filed within ten (10) days of the date of action, and if filed, shall stay any further action on the permit until final resolution of the appeal. If the end of the appeal period falls on a nonbusiness day, the appeal period shall be extended to include the next business day.

(b) **Who Can Appeal.** Appeals may be filed only by one of the following:

(1) The applicant or the applicant's representative;

(2) A person who may be adversely affected by the decision or who has participated in the review process by submitting written or oral testimony on the application or by attending a public hearing on the application; or

(3) A person who was prevented from participating in the review by circumstances beyond his or her control.

(c) **Appeal Body.** Unless otherwise specified by law, appeals of decisions made pursuant to this Chapter may be appealed to the Board of Supervisors.

(d) **Contents of Appeal.** All appeals shall be filed with the Community Development Department on forms provided by that Department. The appeal shall include, at a minimum, the following:

(1) A written statement specifying the basis of the appeal by citing the specific abuse of discretion by the Review Authority; and

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

(e) **Scope of Appeal.** The appeal body shall consider only those items cited in the appeal. In its deliberation, it may use the record and any additional evidence relative to the application and may confirm, reverse, or modify the appealed action based upon its interpretation of the findings required and the evidence submitted.

(f) **Final Decision.** The decision of the Board of Supervisors on an appeal from the Planning Commission shall be effective immediately.

(Ord. 3675)

9-220.12 REVIEW BY THE BOARD OF SUPERVISORS.

The Board of Supervisors may call up for review any decision of the Planning Commission made pursuant to this Chapter. The decision to call up for review shall occur prior to the effective date of the action and shall follow the same procedures as an appealed decision. (Ord. 3675)

cost of any outstanding payments due to the Community Development Department by the applicant. (Ord. 3832 § 6, 1995)

9-220.13 TIME LIMIT ON APPROVALS.

Unless otherwise specified, approved applications for nonlegislative actions shall lapse and become void eighteen (18) months after the effective date of approval if any of the following occur:

(a) **Requirements or Conditions.** A standard requirement or condition of approval has not been complied with;

(b) **Building-Related Permits.** A required building, electrical, plumbing, or mechanical permit that has been secured has lapsed and become void; and

(c) **Other Permits.** A required permit that has been secured from any other public agency has lapsed and become void.

(Ord. 3675, 3715)

9-220.14 ONE YEAR WAIT ON DENIALS.

No application may be accepted if a similar application has been finally denied during the immediately preceding one (1) year period. For the purposes of this Section, "similar application" shall mean an application under the same regulation applicable to the same property. This Section shall not apply to applications denied without prejudice, which may be refiled within one (1) year upon payment of a fee as set forth by resolution of the Board of Supervisors.

(Ord. 3675)

9-220.15 ALTERATION OF PERMITS.

A permit approved under the provisions of this Chapter may be altered pursuant to Chapter 9-225.

(Ord. 3675)

9-220.16 REVOCATION OF PERMITS.

A permit approved under the provisions of this Chapter may be revoked pursuant to Chapter 9-230.

(Ord. 3675)

9-220.17 NONACCEPTANCE OF APPLICATIONS.

An application submitted under the Public Hearing Review Procedure by an applicant may not be accepted for processing unless the applicant has fully paid for the

CHAPTER 9-225**ALTERATION PROCEDURE****Sections:**

- | | |
|----------------|--|
| 9-225.1 | Intent. |
| 9-225.2 | Application for Alteration of a Permit. |

9-225.1 INTENT.

The intent of this Chapter is to provide a process for the alteration of any permit granted under this Title. The revocation or modification of a permit for cause shall comply with the provisions of Chapter 9-230.
(Ord. 3675)

9-225.2 APPLICATION FOR ALTERATION OF A PERMIT.

Any person holding a permit granted under this Title may apply for an alteration by following the same procedure required for the initial application for the permit. For the purpose of this Section, the alteration of a permit may include modification of the terms of the permit itself or the waiver or alteration of conditions imposed incidentally to the granting of the permit.
(Ord. 3675)

CHAPTER 9-230**REVOCATION PROCEDURE****Sections:**

- | | |
|----------------|--|
| 9-230.1 | Intent. |
| 9-230.2 | Automatic Revocation. |
| 9-230.3 | Initiation of Action. |
| 9-230.4 | Grounds for Revocation or Modification. |
| 9-230.5 | Public Hearing Required. |
| 9-230.6 | Action by Planning Commission or Board. |
| 9-230.7 | Cumulative Rights. |

9-230.1 INTENT.

The intent of this Chapter is to provide a process whereby the County can take action to revoke or modify, for cause, any development approval granted under this Title. A change to a development approval requested by the permit holder shall be processed pursuant to Chapter 9-225, Alteration Procedure.
(Ord. 3675)

9-230.2 AUTOMATIC REVOCATION.

A development approval that has been granted or modified subject to one (1) or more conditions, shall cease to be valid, and all rights or privileges that were granted shall lapse, even if other provisions in the Title are to the contrary, if any final judgment of a court of competent jurisdiction declares that one (1) or more of the conditions are void or ineffective, or if the enforcement or operation of one (1) or more of the conditions are enjoined or otherwise prohibited.
(Ord. 3675)

9-230.3 INITIATION OF ACTION.

Actions to revoke or modify development approvals may be initiated as follows:

(a) **By Planning Commission.** The Planning Commission may initiate an action to revoke or modify any development approval which it has granted, extended, or modified;

(b) **By Board of Supervisors.** The Board of Supervisors may initiate an action to revoke or modify any development approval. Action by the Planning Commission shall not be a prerequisite to action by the Board.
(Ord. 3675)

9-230.4 GROUND FOR REVOCATION OR MODIFICATION.

A development approval may be revoked or modified pursuant to the provisions of this Chapter upon a finding of any one (1) or more of the following grounds:

- (a) **Fraud.** That such development approval was obtained or extended by fraud;
- (b) **Violation of Condition.** That one (1) or more of the conditions upon which such development approval was granted have been violated; or
- (c) **Adverse Impacts.** That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance.

(Ord. 3675)

9-230.5 PUBLIC HEARING REQUIRED.

All actions to reduce or modify development approvals initiated under the provisions of this Chapter shall be conducted pursuant to the Public Hearing Review Procedure set forth in Chapter 9-220.

(Ord. 3675)

9-230.6 ACTION BY PLANNING COMMISSION OR BOARD.

Upon the conclusion of the public hearing, the Planning Commission or Board of Supervisors may, on the basis of the evidence presented at the hearing, make a finding on any one or more of the grounds listed in Section 9-230.4 and take action to revoke or modify the development application. Decisions of the Planning Commission shall be final unless appealed to the Board of Supervisors pursuant to Chapter 9-220. Decisions of the Board shall be final.

(Ord. 3675)

9-230.7 CUMULATIVE RIGHTS.

The County's right to revoke a development approval, as provided by this Chapter, shall be cumulative to any other remedy allowed by law.

(Ord. 3675)

CHAPTER 9-235

NONCONFORMITY PROVISIONS*

Sections:

9-235.1	Intent.
9-235.2	Finding of Incompatibility.
9-235.3	Nonconforming Use.
9-235.4	Nonconforming Structure.
9-235.5	Historic Buildings, Structures, or Sites.
9-235.6	Repairs Necessary to Protect Health and Safety.
9-235.7	Requirements for Obtaining Status as a Nonconforming Use.

* Prior ordinance history: Ords. 3675, 3697, 3703 and 3715.

9-235.1 INTENT.

The intent of this Chapter is to regulate structures and uses which were legal when brought into existence, but which no longer comply with the provisions of this Title. The additional intent of this Chapter is to permit those nonconformities to continue until they are removed or required to be terminated, but not to encourage their continuance.

(Ord. 3756)

9-235.2 FINDING OF INCOMPATIBILITY.

Nonconforming uses and structures are declared to be incompatible with permitted uses, structures, and standards in the zones involved. They shall not be enlarged upon, expanded, extended, or replaced, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone, except as expressly permitted in this Chapter.

(Ord. 3756)

9-235.3 NONCONFORMING USE.

A nonconforming use shall be subject to the provisions of this Section.

(a) **Continuation.** A nonconforming use may be continued as long as it remains otherwise lawful, subject to the following provisions:

(1) If the nonconforming use is not conducted within a structure but on land only, such use shall not be enlarged, increased, or extended to occupy a greater area of land than was occupied on the effective date of this Chapter;

(2) If the nonconforming use is conducted wholly or partially within a structure, the structure devot-

ed to the nonconforming use may be enlarged, extended, or remodeled, subject to Site Approval; and

(3) If the nonconforming use is superseded by a conforming use, or if the nonconforming use ceases for any reason for a period of more than twelve (12) consecutive calendar months, any subsequent use shall conform to the requirements of this Title for the zone in which it is located and the nonconforming use may not thereafter be resumed.

(b) **Adding New Uses.** When a nonconforming use exists on any lot, no new use shall be established or built on such lot unless the new use conforms to the requirements of this Title for the zone in which the lot is located.

(c) **Change to Another Nonconforming Use.** A nonconforming use not conducted within a structure but on land only, shall not be changed to another nonconforming use. A nonconforming use conducted at least partially within a structure may be changed to another nonconforming use within said structure, subject to the following:

(1) If the nonconforming use is changed to another use classified within the same use type and the Director determines that additional off-street parking and loading space is not needed by said change, no development application shall be required.

(2) A Site Approval pursuant to the procedures set forth in Chapter 9-818 shall be required for all changes other than those described in Subsection (c)(1) above.

(3) A change shall be allowed only if the Review Authority finds that the proposed use is less detrimental to, or will have no greater impact in, the zone than the existing nonconforming use. In permitting such change, the Review Authority may require conditions and safeguards and an amortization period for the new use.

(4) When a nonconforming use is replaced by a less detrimental nonconforming use, the occupancy may not thereafter revert to a more detrimental use.

(d) **Replacement of a Structure Occupied by a Nonconforming Use.** A building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, wind, earthquake, or other calamity or natural disaster or the public enemy, may be restored, and the occupancy or use of such building, structure, or part thereof to the extent that it existed at the time of such damage or destruction, may be continued or resumed, provided that such restoration is started within a period of one (1) year and is diligently pursued to completion. All restored structures must meet the requirements of Chapter 9-1605, Flood Hazards. (Ord. 3756)

9-235.4 NONCONFORMING STRUCTURE.

A nonconforming structure shall be subject to the provisions of this Section.

(a) **Continuation.** A nonconforming structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

(1) Such structure may be remodeled or repaired, provided such action does not increase its nonconformity;

(2) Such structure may be added to or enlarged within the yard setback area provided such additions do not increase such nonconformity and provided the expansion does not increase the linear measurement of the portion of the building within the setback area by more than one hundred percent (100%). Expansions greater than one hundred percent (100%) require an approved Site Approval.

(3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone in which it is located;

(b) **Adding New Structures.** When a nonconforming structure exists on any lot, no new structure shall be established or built on such land unless the new structure conforms to the requirements of this Title for the zone in which the lot is located.

(c) **Replacement of Nonconforming Structure.** Should a nonconforming structure be destroyed or damaged by fire, flood, wind, earthquake, or other calamity or natural disaster or the public enemy, it may be restored to the extent to which it existed at the time of the damage or destruction, provided that such restoration is started within a period of one (1) year and is diligently pursued to completion. All restored structures must meet the requirements of Chapter 9-1605, Flood Hazards. (Ord. 3756)

9-235.5 HISTORIC BUILDINGS, STRUCTURES, OR SITES.

Notwithstanding any other provision of this Chapter, a building, structure, or site which is listed on the National Register of Historic Places or is registered as a State Historical Landmark or Point of Historical Interest shall be allowed to continue to exist and be repaired, restored, or reconstructed as long as it complies with federal and state regulations and statutes regarding historic buildings, structures, or sites.

(Ord. 3756)

9-235.6 REPAIRS NECESSARY TO PROTECT HEALTH AND SAFETY.

Nothing in this Chapter shall be deemed to prevent the

strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any County or State official charged with protecting the public health or safety, upon order of such official. (Ord. 3756)

9-235.7 REQUIREMENTS FOR OBTAINING STATUS AS A NONCONFORMING USE.

A use that was established without obtaining required permits shall be deemed a nonconforming use only if all of the following conditions are satisfied:

(a) **Ordinance Requirements.** The use shall comply with all applicable ordinance requirements that would have been required at the time the use was established.

(1) The County shall consider such ordinance requirements as minimum requirements.

(2) If the County determines that said ordinance requirements are not adequate to protect public health, safety, and welfare, the County may impose additional requirements for this purpose as specified in this Title.

(b) **Permits.** The following permits shall be required:

(1) A Site Approval or other discretionary application shall be required for the use.

(2) Other permits that normally would have been required at the time the use was established shall be obtained.

(Ord. 3756)

CHAPTER 9-240

FEES

Sections:

9-240.1	Intent.
9-240.2	Fee Schedule.
9-240.3	Public Agencies.
9-240.4	Refunds.
9-240.5	Preapplication Conferences.
9-240.6	Notice of Preparation.
9-240.7	Schedule of Payments.
9-240.8	Enforcement Actions.
9-240.9	Concurrent Applications.
9-240.10	Time and Materials Fees.
9-240.11	Fees for Specialists.
9-240.12	Reinitiation of Withdrawn Applications.
9-240.13	Requests for Nonconforming Status.

9-240.1 INTENT.

The intent of this Chapter is to establish fees necessary to offset the County's cost to administer applications required by this Title.

(Ord. 3675)

9-240.2 FEE SCHEDULE.

The Board of Supervisors shall, by Resolution, adopt a fee schedule for the development applications required by this Title.

(Ord. 3675)

9-240.3 PUBLIC AGENCIES.

Fees shall be required, pursuant to this Chapter, of a municipal corporation, the State of California, political subdivisions of the State of California, or the United States of America.

(Ord. 3675)

9-240.4 REFUNDS.

All fees shall be nonrefundable except:

(a) **Lack of Jurisdiction.** Where the County does not have jurisdiction to act on an application, a one-hundred percent (100%) refund shall be given; or

(b) **Lack of Notification.** Where notification of the project is required and such notification has not been served, a refund, not to exceed fifty percent (50%), may be given.

(Ord. 3675)

**9-240.5 PREAPPLICATION
CONFERENCES.**

The fee required for a Preapplication Conference shall be deducted from the fee for the final application. (Ord. 3675)

9-240.6 NOTICE OF PREPARATION.

The fee required for a Notice of Preparation shall be deducted from the Environmental Impact Report Fee. (Ord. 3675)

9-240.7 SCHEDULE OF PAYMENTS.

The fee required for a Specific Plan, Environmental Impact Report, or Monitoring and Reporting Plan may be paid by means of a schedule of payments agreed to by the Director and the applicant. (Ord. 3675)

9-240.8 ENFORCEMENT ACTIONS.

In addition to the fees specified in this code, the following penalty fees shall be required for projects subject to enforcement proceedings:

(a) Whenever an application is made to correct a violation where a citation has been issued, or two (2) weeks notice has been given, the cost of the application shall be two (2) times the application fee normally charged for the application, up to a maximum of five hundred dollars (\$500) over the application fee normally charged.

(b) Whenever a change of use or occupancy occurs within eighteen (18) months of its approval, and subsequent approval(s) as required by this Code have not been obtained, fees shall be nine (9) times the application fee(s) normally required to bring the use or occupancy into compliance with this Code. (Ord. 3675)

9-240.9 CONCURRENT APPLICATIONS.

Whenever more than one (1) legislative application type is required for a single project and the applications are processed concurrently, the total fee shall be the sum of the most expensive project application type plus one-half (1/2) the required fee(s) for any remaining project application type(s). (Ord. 3675)

9-240.10 TIME AND MATERIALS FEES.

At the discretion of the Director of Community Development Department or Director of Public Works, the fee for a project application may be based on the actual County cost of processing the application. The decision to use actual cost of processing shall be based on the extraordinary amount of staff time estimated to process the application. The decision must be made within thirty (30) business days after the application is declared complete. Actual cost shall include employee salaries and benefits, overhead, and materials. (Ord. 3675)

9-240.11 FEES FOR SPECIALISTS.

The County may use professional services as follows:

- (a) When special expertise is required,
- (b) To relieve workload peaks,
- (c) At the request of an applicant, or
- (d) For any other reason deemed appropriate by the Director.

The consultant shall be selected by the Director with the applicant being responsible for the cost of the professional services plus an administrative fee as set by resolution by the Board of Supervisors. (Ord. 3675, 3715)

9-240.12 REINITIATION OF WITHDRAWN APPLICATIONS.

At the discretion of the Director, an application that has been withdrawn may be reinitiated with no fee requirements if the following requirements are met:

- (a) **Substantially Same.** The new application is substantially the same as the withdrawn application;
- (b) **Processing.** Processing of the new application will generally proceed from the point the withdrawn application stopped;
- (c) **Elapsed Time.** Less than eighteen (18) months have elapsed since the application was withdrawn; and
- (d) **Consistency.** The application is consistent with current provisions of this Title. (Ord. 3675)

9-240.13 REQUESTS FOR NONCONFORMING STATUS.

The application processing fee for any permit required to enable an existing use to become a nonconforming use shall be the fee in effect at the time the application is filed plus fifteen percent (15%) of said fee.

(Ord. 3756)

CHAPTER 9-245

REASONABLE ACCOMMODATION

Sections:

- 9-245.1 Intent.**
- 9-245.2 Applicability.**
- 9-245.3 Procedure.**
- 9-245.4 Findings.**
- 9-245.5 Conditions of Approval.**
- 9-245.6 Appeals.**

9-245.1 INTENT.

The intent of this Chapter is to provide a procedure for individuals with disabilities to request reasonable accommodation in seeking equal access to housing under the federal Fair Housing Act and the California Fair Employment and Housing Act (Acts) in the application of zoning laws and other land use regulations, policies, and procedures.

(Ord. No. 4471, §§ 1, 6, 7, 12-15-2015)

9-245.2 APPLICABILITY.

The following shall apply to any request for a reasonable accommodation:

(a) A request for reasonable accommodation may be made by any person with a disability or their representative, when the application of a requirement of this Title or other County requirement, policy, or practice acts as a barrier to fair housing opportunities. For the purposes of this Chapter, a "person with a disability" is any person who has a physical or mental impairment that limits or substantially limits one (1) or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment. This Chapter is intended to apply to those persons who are defined as disabled under the Acts.

(b) A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of his or her choice.

(c) A reasonable accommodation is granted only to the household that needs the accommodation and does not apply to successors in interest to the site.

(d) A reasonable accommodation may be granted in compliance with this Chapter without the need for the approval of a deviation or a variance.

(Ord. No. 4471, §§ 1, 6, 7, 12-15-2015)

9-245.3 PROCEDURE.

(a) A request for reasonable accommodation shall be submitted on an application form provided by the Community Development Department or in the form of a letter to the Director of the Community Development Department, and shall contain the following information:

- (1) The applicant's name, address, and telephone number;
- (2) Address and/or APN of the property for which the request is being made;
- (3) The current use of the property;
- (4) The basis for the claim that the individual is considered disabled under the Acts, including verification of such claim;
- (5) The Development Title provision, regulation, or policy from which reasonable accommodation is being requested; and
- (6) Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

(b) If the project for which the request for reasonable accommodation is being made requires some other discretionary approval (including use permit, design review, etc.), then the applicant shall file the information required by subsection (a) of this section for concurrent review with the application for discretionary approval.

(c) A request for reasonable accommodation shall be reviewed by the Director of the Community Development Department (Director) or his/her designee, if no approval is sought other than the request for reasonable accommodation or for applications that do not

require a public hearing review. The Director or his/her designee shall make a written determination within forty-five (45) days of the application being deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation.

(d) A request for reasonable accommodation submitted for concurrent review with a discretionary land use application that requires a public hearing review shall be reviewed by the Planning Commission. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the Planning Commission in compliance with the applicable review procedure for the discretionary review.

(Ord. No. 4471, §§ 1, 6, 7, 12-15-2015)

9-245.4 FINDINGS.

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

(a) The housing in the request will be used by a person with a disability under the Acts;

(b) The request for reasonable accommodation is necessary to make specific housing available to a person with a disability under the Acts;

(c) The requested reasonable accommodation would not impose an undue financial, administrative, enforcement, or health and safety burden on the County;

(d) The requested reasonable accommodation would not conflict with the nature of a County program or law, including but not limited to land use and zoning;

(e) The impact on surrounding uses;

(f) The physical attributes of the property and structures; and

(g) Any other reasonable accommodations that may provide an equivalent level of benefit.

(Ord. No. 4471, §§ 1, 6, 7, 12-15-2015)

9-245.5 CONDITIONS OF APPROVAL.

In granting a request for reasonable accommodation, the Director or his/her designee, or the Planning Commission, as the case may be, may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings. The conditions shall, also, state whether the accommodation granted shall be re-

moved in the event that the person for whom the accommodation was requested no longer resides on the site.

(Ord. No. 4471, §§ 1, 6, 7, 12-15-2015)

9-245.6 APPEALS.

An action pursuant to this Chapter may be appealed in accordance with the provisions stated in Section 9-215.12 Appeals of Staff Review With Notice or Section 9-220.11 Appeals of Public Hearing Review.

(Ord. No. 4471, §§ 1, 6, 7, 12-15-2015)

DIVISION 3. RESIDENTIAL ZONES

CHAPTER 9-300

RESIDENTIAL ZONES: INTENT AND ORGANIZATION

Sections:

9-300.1 Title and Intent.

9-300.2 Organization.

9-300.1 TITLE AND INTENT.

Division 3 constitutes the residential zones. The intent of this Division is to prescribe use, lot, and structure regulations for residential zones within San Joaquin County, consistent with the Community Development portion of the General Plan. The names and intents of the residential zones are as follows:

(a) **R-R Zone.** The Rural Residential (R-R) Zone is intended to provide for large lot rural homesites within or adjacent to existing rural communities. Lots will generally have sufficient area to allow for individual water supply, sewage disposal, and storm water drainage, but densities greater than one (1) dwelling unit per two (2) net acres shall require community water and drainage systems. Typically, areas in this zone will contain parcels too small to support significant commercial agriculture, yet suitable for residential use without undue detriment to the agricultural productivity of San Joaquin County. This zone is intended to implement the Rural Residential land-use category of the General Plan.

(b) **R-VL Zone.** The Very Low Density Residential (R-VL) Zone is intended as a transition from rural to urban areas allowing for detached, single-family dwellings on large lots located in areas with existing large lot development, within communities around sensitive natural resources, or on the urban fringes. This zone is intended to implement the Very Low Density Residential land-use category of the General Plan.

(c) **R-L Zone.** The Low Density Residential (R-L) Zone is intended to provide for neighborhoods consisting of detached, single-family residences, located within or immediately adjacent to population centers which are served by a public water supply, sanitary sewer system, and similar facilities and ser-

vices. This zone is intended to implement the Low Density Residential land-use category of the General Plan.

(d) **R-M Zone.** The Medium Density Residential (R-M) Zone is intended to accommodate detached single-family dwelling units, mobile homes, and attached units including duplexes, triplexes, and fourplexes in neighborhoods most appropriately situated as buffers between less and more intensively developed residential areas or as transitions from residential to commercial areas. The zone is intended to implement the Medium Density Residential land-use category of the General Plan.

(e) **R-MH Zone.** The Medium-High Density Residential (R-MH) Zone is intended to allow for attached housing units such as townhouses and garden apartments in central portions of urban communities, along major transportation routes, and around major commercial areas. This zone is intended to implement the Medium-High Density Residential land-use category of the General Plan.

(f) **R-H Zone.** The High Density Residential (R-H) Zone is intended to encompass housing such as apartments, condominiums, and other multifamily housing units, located near central business districts, major commercial areas, and major transportation routes, where hotels and motels may also be appropriate. This zone is intended to implement the High Density Residential land-use category of the General Plan. (Ord. 3675)

9-300.2 ORGANIZATION.

Division 3 consists of the following chapters:

- (a) 9-300 Residential Zones: Intent and Organization;
- (b) 9-300 Residential Zones: Use Regulations;
- (c) 9-310 Residential Zones: Lot and Structure Regulations; and
- (d) 9-315 Residential Zones: Density Bonus.
- (e) 9-320 Residential Zones: Single-Room Occupancy

(Ord. 3675; Ord. No. 4471, § 8, 12-15-2015)

CHAPTER 9-305**RESIDENTIAL ZONES: USE REGULATIONS****Sections:**

- 9-305.1** **Intent.**
- 9-305.2** **Permitted Use Types.**
- 9-305.3** **Expansion of Uses and Structures.**
- 9-305.4** **Accessory Uses and Structures.**
- 9-305.5** **Temporary Uses and Structures.**
- 9-305.6** **Special Use Regulations.**

Tables:

- 9-305.2** **Uses in Residential Zones.**
- 9-305.3** **Accessory Uses & Structures in Residential Zones.**
- 9-305.4** **Temporary Uses & Structures in Residential Zones.**

9-305.1 INTENT.

The intent of this Chapter is to specify the range of uses and structures allowed in the residential zones, consistent with the policies and principles of the General Plan.

(Ord. 3675)

9-305.2 PERMITTED USE TYPES.

Permitted, not permitted, and conditionally permitted use types are set forth in Table 9-305.2. Use types are described in Chapter 9-115.

(Ord. 3675)

9-305.3 EXPANSION OF USES AND STRUCTURES.

Uses or structures that require discretionary review, may be expanded with an Improvement Plan, provided the following conditions are met:

- (a) The proposed expansion of a structure involves less than a twenty-five percent (25%) increase in floor area covered by the existing use; and
- (b) The proposed expansion involves less than a ten percent (10%) increase in the overall site area covered by the existing use; and
- (c) The proposed expansion, in the opinion of the Director, will not have a substantial, adverse effect on adjacent property; and
- (d) The proposed expansion will comply with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency; or

(e) Where conditions in Subsections (a) through (d) of this Section are not met, the level of review for the expansion shall be the same as the level of review required in Table 9-305.2.

(Ord. 3675; Ord. 3872, § 16, 1996)

9-305.4 ACCESSORY USES AND STRUCTURES.

Accessory uses and structures permitted, not permitted, and conditionally permitted are set forth in Table 9-305.3. Accessory uses and structures not specifically listed in Table 9-305.3 may be allowed by the Director, subject to approval of an Improvement Plan pursuant to Chapter 9-884 or a discretionary application as specified by the Director.

(Ord. 3938, § 2, 1997)

9-305.5 TEMPORARY USES AND STRUCTURES.

Permitted, not permitted, and conditionally permitted temporary uses and structures are set forth in Table 9-305.4. Temporary uses or structures not specifically listed in Table 9-305.4 may be allowed, subject to approval of an Improvement Plan pursuant to Chapter 9-884.

(Ord. 3675; 3739; Ord. 3938, § 3, 1997)

9-305.6 SPECIAL USE REGULATIONS.

In addition to the provisions of Section 9-305.2 through Section 9-305.5, the following special regulations shall apply to those uses or use types specified below:

(a) **Education Animal Project.** In the Rural Residential (R-R) and Very Low Density Residential (R-VL) zones, the number of animals that may be raised for an educational animal project shall not exceed the number permitted under the Family Food Production Use Type, as specified in Chapter 9-1045, and shall not include the raising of swine.

(b) **Trucks in Residential Zones.** No truck exceeding eleven thousand (11,000) pounds gross vehicle weight rating (GVWR), as defined in the California Vehicle Code, shall be parked or stored on private property in any area zoned for residential use and containing a primary dwelling unit.

(c) **Parking.** The Automotive Sales and Services-Parking Use Type may be permitted in Low Den-

sity Residential (R-L), Medium Density Residential (R-M), Medium-High Density Residential (R-MH) and High Density Residential (R-H) zones if adjacent to a commercial or industrial zone with an approved Use Permit.

(d) A maximum of eight (8) special outdoor events may be permitted with an approved site approval application in the Low Density Residential (R-L) and Medium Density Residential (R-M) zones.

(e) **Religious Assembly.** Regional uses shall have a minimum parcel size requirement of ten (10) acres.

(f) **Permit Type Required for Change in Existing Use.** Any change in an existing use to a new use which requires either a Use Permit, a Site Approval, or an Improvement Plan shall be permitted without a Use Permit, Site Approval, or Improvement Plan, provided the Review Authority finds that the proposed use is less detrimental to, or will have no greater impact in, the zone than the existing use.

(g) **Public Display of Fireworks.** An Improvement Plan shall be required for all public displays of fireworks and are subject to the following regulations:

(1) An improvement plan shall be approved a minimum of two (2) weeks prior to the proposed public display of fireworks. An approved Operational Fire permit shall be submitted with every Improvement Plan.

(2) All property owners of parcels adjacent to the parcel(s) approved by the Improvement Plan shall be notified of the details of the public display of fireworks which shall include the date of the event, time of event, and length of time for the fireworks display. The Community Development Department shall notify property owners in writing a minimum of one (1) week prior to the public display of fireworks date.

(3) The Community Development Department shall notify the appropriate Municipal Advisory Council in writing a minimum of one (1) week prior to the public display of fireworks date if a public display of fireworks is proposed on a parcel located within a Municipal Advisory Council district.

(Ord. 3697; Ord. 3832, § 8, 1995; Ord. 3891, § 1 (part), 1996; Ord. 3938, § 4, 1997; Ord. 4135, § 1, 2002; Ord. 4225, § 1 (part), 2004; Ord. 4247, § 1 (part), 2005; Ord. No. 4399, § 1, 9-14-2010; Ord. No. 4508, § 2, 6-6-2018)

TABLE 9-305.2 USES IN RESIDENTIAL ZONES

Legend: P Permitted Use, Except as Specified by Note PI Permitted Use With Improvement Plan, Except as Specified by Note QX Use Permitted Subject to Quarry Excavation Permit S Use Permitted Subject to Site Approval SP Use Permitted Subject to Special Purpose Plan U Use Permitted Subject to Use Permit - Use Not Permitted						
Use Types	Residential Zones					
	R-R	R-VL	R-L	R-M	R-MH	R-H
Residential Use Types						
Family Residential						
Single-Family	P	P	P	P	P	P
Two-Family	-	-	-	P	P	P
Small Multi-Family	-	-	-	P	P	P
Large Multi-Family	-	-	-	S	S	S
Farm Employee Housing	-	-	-	-	-	-
Small	-	-	-	-	-	-
Large	-	-	-	-	-	-
Group Care						
Small	P	P	P	P	P	P
Large	U	U	U	U	U	U
Adult Day Care	-	-	U	U	U	U
Farm Related	-	-	-	-	-	-
Group Residential	-	-	S	S	S	S
Mobile Home Park	-	-	U	U	-	-
Emergency Shelters						
Small	P	P	P	P	P	P
Large	-	-	-	S	S	P
Single-Room Occupancy	-	-	-	-	-	P
Nonresidential Use Types						
Administrative Offices	-	-	-	-	S	S
Administrative Support Services	-	-	-	-	-	-
Adult Entertainment	-	-	-	-	-	-
Aerial Services		-	-	-	-	-
Farm	-	-	-	-	-	-
Heliport	-	-	-	-	-	-
Agricultural Organizations	-	-	-	-	-	-
Agricultural Processing						
Preparation Services	-	-	-	-	-	-
Food Manufacturing	-	-	-	-	-	-
Agricultural Sales						
Feed and Grain	-	-	-	-	-	-
Agricultural Chemicals	-	-	-	-	-	-
Agricultural Warehousing	-	-	-	-	-	-

TABLE 9-305.2: USES IN RESIDENTIAL ZONES						
Legend: P Permitted Use, Except as Specified by Note PI Permitted Use With Improvement Plan, Except as Specified by Note QX Use Permitted Subject to Quarry Excavation Permit S Use Permitted Subject to Site Approval SP Use Permitted Subject to Special Purpose Plan U Use Permitted Subject to Use Permit - Use Not Permitted						
Use Types	Residential Zones					
	R-R	R-VL	R-L	R-M	R-MH	R-H
Agricultural Wastes	-	-	-	-	-	-
Animal Feeding and Sales	-	-	-	-	-	-
Animal Raising						
Exotic Animals	-	-	-	-	-	-
General	-	-	-	-	-	-
Hogs	-	-	-	-	-	-
Small Animals	-	-	-	-	-	-
Family Food Production	P	P	-	-	-	-
Educational Animal Project	P	P	-	-	-	-
Zoo	-	-	-	-	-	-
Petting Zoo	-	-	-	-	-	-
Animal Specialty Services						
Farm	-	-	-	-	-	-
Pet	-	-	-	-	-	-
Kennels	-	-	-	-	-	-
Kennels, Small Breeding	-	-	-	-	-	-
Auction Sales						
Indoor	-	-	-	-	-	-
Outdoor	-	-	-	-	-	-
Automotive Sales and Services						
Automotive Rentals	-	-	-	-	-	-
Automotive Repairs, Light	-	-	-	-	-	-
Automotive Repairs, Heavy	-	-	-	-	-	-
Automotive Sales	-	-	-	-	-	-
Cleaning	-	-	-	-	-	-
Inoperable Vehicle Storage	-	-	-	-	-	-
Operable Vehicle Storage	-	-	-	-	-	-
Parking	-	-	U	U	U	U
Building Maintenance Services	-	-	-	-	-	-
Child Care Services						
Family Day Care Homes	P	P	P	P	P	P
Child Care Centers	U	U	U	U	U	U
Communication Services						
Type I	PI	PI	PI	PI	PI	PI
Type II	U	U	U	U	U	U
Type III	-	-	-	-	-	-

Table 9-305.2

TABLE 9-305.2: USES IN RESIDENTIAL ZONES						
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Use Types	Residential Zones					
	R-R	R-VL	R-L	R-M	R-MH	R-H
Type IV	-	-	-	-	-	-
Community Assembly	-	-	U	U	U	S
Construction Sales	-	-	-	-	-	-
Construction Services						
Light	-	-	-	-	-	-
Heavy	-	-	-	-	-	-
Crop Production	P	P	P	P	P	P
Cultural & Library Services	-	-	-	U	S	S
Custom Agricultural Manufacturing	-	-	-	-	-	-
Custom Manufacturing	-	-	-	-	-	-
Dairies	-	-	-	-	-	-
Eating Establishments						
Convenience	-	-	-	-	-	-
Full Service	-	-	-	-	-	-
Educational Services						
Commercial	-	-	-	-	-	-
General	U	U	U	U	U	U
Equipment Sales & Repair						
Farm Machinery, Sales	-	-	-	-	-	-
Farm Machinery, Repair	-	-	-	-	-	-
Heavy Equipment, Sales	-	-	-	-	-	-
Heavy Equipment, Repair	-	-	-	-	-	-
Leisure	-	-	-	-	-	-
Aircraft	-	-	-	-	-	-
Explosives Handling	-	-	-	-	-	-
Farm Services	-	-	-	-	-	-
Funeral & Interment Services						
Cemeteries	-	-	U	-	-	-
Interring & Cremating	-	-	-	-	-	-
Undertaking	-	-	-	-	-	-
Gasoline Sales						
Service	-	-	-	-	-	-
Combination	-	-	-	-	-	-
General Industrial						
Limited	-	-	-	-	-	-
Intermediate	-	-	-	-	-	-

TABLE 9-305.2: USES IN RESIDENTIAL ZONES						
Legend: P Permitted Use, Except as Specified by Note PI Permitted Use With Improvement Plan, Except as Specified by Note QX Use Permitted Subject to Quarry Excavation Permit S Use Permitted Subject to Site Approval SP Use Permitted Subject to Special Purpose Plan U Use Permitted Subject to Use Permit - Use Not Permitted						
Use Types	Residential Zones					
	R-R	R-VL	R-L	R-M	R-MH	R-H
Heavy	-	-	-	-	-	-
Hazardous Industrial	-	-	-	-	-	-
High Technology Industry	-	-	-	-	-	-
Laundry Services	-	-	-	-	-	-
Liquor Sales						
On-Premises	-	-	-	-	-	-
Off-Premises	-	-	-	-	-	-
Lodging Services						
Bed & Breakfast	U	U	U	S	S	S
Motel	-	-	-	-	-	-
Major Impact Services	-	-	-	-	-	-
Medical Services	-	-	-	-	U	U
Nursery Sales & Services						
Wholesale	-	-	-	-	-	-
Retail	-	-	-	-	-	-
Landscaping Services	-	-	-	-	-	-
Personal Storage	-	-	-	-	-	-
Petroleum & Gas Extraction	U	U	U	U	U	U
Produce Sales						
Produce Stand	-	-	-	-	-	-
Agricultural Store, Small	-	-	-	-	-	-
Agricultural Store, Large	-	-	-	-	-	-
Professional Services	-	-	-	-	U	U
Public Services						
Administrative	-	-	-	-	-	U
Essential	U	U	U	U	U	U
Quarry Operations	-	-	-	-	-	-
Recreation						
Campgrounds	-	-	-	-	-	-
Indoor Participant	-	-	-	-	-	-
Indoor Spectator	-	-	-	-	-	-
Marinas	-	-	-	-	-	-
Outdoor Entertainment	-	-	-	-	-	-
Outdoor Sports Clubs	-	-	-	-	-	-
Parks	S	S	S	S	S	S
Resorts	-	-	-	-	-	-

Table 9-305.2

TABLE 9-305.2: USES IN RESIDENTIAL ZONES						
Legend: P Permitted Use, Except as Specified by Note PI Permitted Use With Improvement Plan, Except as Specified by Note QX Use Permitted Subject to Quarry Excavation Permit S Use Permitted Subject to Site Approval SP Use Permitted Subject to Special Purpose Plan U Use Permitted Subject to Use Permit - Use Not Permitted						
Use Types	Residential Zones					
	R-R	R-VL	R-L	R-M	R-MH	R-H
Recycling Services						
Consumer	-	-	-	-	-	-
Scrap Operations	-	-	-	-	-	-
Limited Agricultural Recycling	-	-	-	-	-	-
Religious Assembly						
Neighborhood	S	S	S	S	S	S
Community	U	U	U	U	U	U
Regional	U	U	U	U	U	U
Research & Laboratory Services	-	-	-	-	-	-
Retail Sales & Services						
Primary	-	-	-	-	-	-
Intermediate	-	-	-	-	-	-
General	-	-	-	-	-	-
Signs, Off-Premises	-	-	-	-	-	-
Stables						
Neighborhood	U	U	-	-	-	-
Commercial	-	-	-	-	-	-
Transportation Services	-	-	-	-	-	-
Truck Sales and Services						
Parking	-	-	-	-	-	-
Cleaning	-	-	-	-	-	-
Stops	-	-	-	-	-	-
Repairs	-	-	-	-	-	-
Sales	-	-	-	-	-	-
Terminals	-	-	-	-	-	-
LNG Truck Fueling Stations	-	-	-	-	-	-
Utility Services						
Minor	P	P	P	P	P	P
Major	-	-	-	-	-	-
Veterans Organizations	-	-	U	U	U	S
Water Storage	-	-	-	-	-	-
Wholesaling & Distribution						
Light	-	-	-	-	-	-
Heavy	-	-	-	-	-	-
Wineries and Wine Cellars						
Wine Cellar, Off-Site	-	-	-	-	-	-

Legend: P Permitted Use, Except as Specified by Note PI Permitted Use With Improvement Plan, Except as Specified by Note QX Use Permitted Subject to Quarry Excavation Permit S Use Permitted Subject to Site Approval SP Use Permitted Subject to Special Purpose Plan U Use Permitted Subject to Use Permit - Use Not Permitted						
Use Types	Residential Zones					
	R-R	R-VL	R-L	R-M	R-MH	R-H
Residential Use Types						
Wineries, All Sizes	-	-	-	-	-	-

(Ord. 3675; 3697; 3756; Ord. 3843, § 2, 1995; Ord. 3891, § 1 (part), 1996; Ord. 3911, § 2, 1997; Ord. 3931, § 4, 1997; Ord. 3399, § 2, 1998; Ord. 4013, § 3, 1999; Ord. 4059, § 4, 2000; Ord. 4115, § 3, 2001; Ord. 4127, § 2, 2001; Ord. 4134, § 2, 2002; Ord. 4155, § 2, 2002; Ord. 4181, § 3, 2002; Ord. 4247, § 1 (part), 2005; Ord. 4368, § 5, 2009; Ord. No. 4385, § 3, 1-12-2010; Ord. No. 4420, § 1, 12-13-2011; Ord. No. 4440, § 2, 8-13-2013; Ord. No. 4471, § 9, 12-15-2015)

TABLE 9-305.3 ACCESSORY USES AND STRUCTURES IN RESIDENTIAL ZONES

Legend: HO Use Permitted Subject to Home Occupation Permit P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval SD Use Permitted Subject to Second Unit Dwelling Permit U Use Permitted Subject to Use Permit - Use Not Permitted						
Accessory Use or Structure	Residential Zones					
	R-R	R-VL	R-L	R-M	R-MH	R-H
Antennae, Radio/TV Dish	P	P	P	P	P	P
Barn	P	P	-	-	-	-
Biomass Energy Production For Use On Premises	-	-	-	-	-	-
Boathouse, Private: One per Lot	P	P	P	P	P	P
Coop	P	P	-	-	-	-
Dock, Private: One per Lot	P	P	P	P	P	P
Firewood Sales, Grown On site or Within a Five (5) Mile Radius of the Premises	-	-	-	-	-	-
Garage, Private (Up to 3 vehicles)	P	P	P	P	P	P
Greenhouse, Private	P	P	P	-	-	-
Guesthouse	P	P	P	-	-	-
Home Occupation	HO	HO	HO	HO	HO	HO
Horse Raising	P	P	-	-	-	-
Packing Shed, Private	-	-	-	-	-	-
Playhouse, children's	P	P	P	P	P	P
Pump/Pumphouse	P	P	-	-	-	-
Second Unit Dwellings	SD	SD	SD	SD	SD	SD
Silo	-	-	-	-	-	-
Stable, Private	P	P	-	-	-	-
Storage Building, Private	P	P	P	P	S	S
Swimming Pool & Equipment	P	P	P	P	P	P
Truck Parking, Agricultural	-	-	-	-	-	-
Water Storage Facility	P	-	-	-	-	-
Wind Machine, Private	P	S	-	-	-	-
Workshop/Hobby Shop	P	P	P	P	-	-

(Ord. 3675; 3697; Ord. No. 3999, § 2, 10-27-1998; Ord. No. 4385, § 4, 1-12-2010)

TABLE 9-305.4 TEMPORARY USES & STRUCTURES IN RESIDENTIAL ZONES

Legend: AX Permitted Subject to Agricultural Excavation Permit P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted MP Permitted Subject to Mobile Home Permit (M) Permit Type Unique to Mountain House Community						
Temporary Use or Structure	Residential Zone R-R	Residential Zone R-VL	Residential Zone R-L	Residential Zone R-M	Residential Zone R-MH	Residential Zone R-H
Agricultural Excavation	-	-	-	-	-	-
Auction, Agricultural Machinery	-	-	-	-	-	-
Auction, Livestock	-	-	-	-	-	-
Batch Plant	-	-	-	-	-	-
Boutique Sales (Limit: 2 consecutive days, twice per year)	P	P	P	P	P	P
Carnival/Circus	-	-	-	-	-	-
Caretaker Mobile Home	-	-	-	-	-	-
Christmas Tree Sales	-	-	- S(M)	- S(M)	- S(M)	- S(M)
Commercial Coach	-	-	-	-	-	-
Corporation Yard	PI	PI -(M)	PI S(M)	PI S(M)	PI S(M)	PI S(M)
Farmer's Market	-	-	-	-	-	-
Garage Sale (Limit: 2 consecutive days, twice per year)	P	P	P	P	P	P
Halloween Pumpkin Sales	-	-	-	-	-	-
Motion Picture Filming	P	P	P	P	P	P
Produce Stand	-	-	-	-	-	-
Public Display of Fireworks*	IP	IP	IP	IP	IP	IP
Special Outdoor Event, see special use regulations*	-	-	S*	S*	S	S
Special Indoor Event	PI	PI	PI	PI	PI	PI
Subdivision Sales Office	PI	PI	PI	PI	PI	PI
Temporary Building Incidental to Construction Works	P	P	P	P	P	P
Temporary Mobile Home	MP	MP	MP	MP	MP	MP
Tent Revival	-	-	-	-	-	-

(Ord. 3675; 3697; Ord. 3832, § 7, 1995; Ord. 3843, § 12, 1995; Ord. 4059, § 5, 2000; Ord. 4225, § 1 (part), 2004; Ord. No. 4385, § 5, 1-12-2010; Ord. No. 4508, § 2, 6-6-2018)

CHAPTER 9-310**RESIDENTIAL ZONES: LOT AND STRUCTURE REGULATIONS****Sections:**

9-310.1	Intent.
9-310.2	Planned Developments.
9-310.3	Lot Size.
9-310.4	Lot Width.
9-310.5	Yard Dimensions.
9-310.6	Height.
9-310.7	Building Coverage.
9-310.8	Minimum Dimensions of Corner Lots.

Tables:

9-310.3	Standards for Minimum Lot Size, Lot Width, Yard Dimensions, Height, Building Coverage, and Depth: Width Ratio.
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9-310.1 INTENT.

The intent of this Chapter is to regulate the size and width of lots, the location and height of structures on lots, and the physical character and intensity of lot usage within the residential zones, consistent with the policies and principles of the General Plan.
(Ord. 3675)

9-310.2 PLANNED DEVELOPMENTS.

The provisions of this Chapter may be modified pursuant to Chapter 9-833, Planned Development Zone.
(Ord. 3675)

9-310.3 LOT SIZE.

(a) **Standards.** Unless otherwise specified, minimum lot sizes within the residential zones shall be as set forth in Table 9-310.3. Lot sizes shall meet General Plan densities.

(b) **Major or Minor Subdivisions.** For Major or Minor Subdivision applications, the size of individual lots may be reduced to seventy-five percent (75%) of the minimum lot size required by Table 9-310.3, provided the following conditions are met:

(1) The average lot size for all lots in the proposed subdivision shall be equal to or greater than the minimum lot size required; and

(2) Individual lots shall not be less than five thousand (5000) square feet in area.

(c) **Affordable Housing.** Lot sizes for developments providing housing affordable to persons of low and very low income may receive a bonus incentive which provides a reduction in lot size pursuant to the requirements and provisions of Chapter 9-315, Residential Zones: Density Bonus.
(Ord. 3675, 3703)

9-310.4 LOT WIDTH.

Unless otherwise specified, lots within the residential zones shall not have a width less than set forth in Table 9-310.3.

(a) **Major or Minor Subdivision.** The lot width of individual lots in a Major or Minor Subdivision may be reduced to seventy percent (70%) of the minimum lot width required by Table 9-310.3, provided the following conditions are met:

(1) The average lot width for all lots in the proposed subdivision shall be equal to or greater than the minimum lot width required; and

(2) Individual corner lots shall not have a lot width of less than fifty (50) feet.

(b) **Affordable Housing.** The lot width for developments providing housing affordable for persons of low and very low incomes may receive a density bonus which provides a reduction in lot width pursuant to the requirements and provisions of Chapter 9-315, Residential Zones: Density Bonus.
(Ord. 3675, 3715)

9-310.5 YARD DIMENSIONS.

Yards on lots within the residential zones shall have the minimum dimensions set forth in Table 9-310.3, except as modified below:

(a) **Reduction of Required Yards, Developed Areas.** Required yards may be reduced in developed areas as follows:

(1) If more than fifty percent (50%) of the block on which the lot sits is developed, the required yard may be reduced to the average of the existing yard dimensions of the block. In no case, however, shall a street side yard be less than ten (10) feet in width.

(2) If the subject lot has less width than the required width specified in Table 310.4, the side yard or street side yard may be reduced to ten

percent (10%) of the width of the lot, provided the side yard is not less than four (4) feet in width and the street side yard is not less than ten (10) feet in width.

(3) If the subject lot is less than sixty-five (65) feet in width, the street side yard may be reduced to ten (10) feet in width.

(b) **Reduction of Required Yards, Major or Minor Subdivisions.** For Major or Minor Subdivision applications, one or more required yards may be reduced or waived for individual lots, provided the following conditions are met:

(1) The maximum building intensity requirements specified in Table 9-310.3 are not exceeded;

(2) The minimum exterior wall separation of buildings, including those on adjacent lots, is not less than ten (10) feet, except where buildings on adjacent lots have a shared common wall or abut each other in a zero lot line project;

(3) The street side yard is not less than ten (10) feet in width;

(4) The sum of the dimensions of the side yards (or the side yard and street side yard) shall be equal to or greater than the sum of the dimensions of the side yards (or the side yard and street side yard) required by Table 9-310.3; and

(5) The sum of the dimensions of the front yard and rear yard shall be equal to or greater than the respective sum of the dimensions of the front yard and rear yard required by Table 9-310.3.

(c) **Affordable Housing.** The required yards for developments providing housing affordable for persons of low and very low incomes may receive a density bonus which provides for reductions in the yard dimensions pursuant to the requirements and provisions of Chapter 9-315, Residential Zones: Density Bonus.

(d) **Structures Within Required Yards.** The following structures may be located in or extend within required yards, subject to the provisions specified:

(1) Architectural features, subject to the provisions of Chapter 9-1010.

(2) Screening, including fences and gates, subject to the provisions of Chapter 9-1022 (Fencing and Screening) of this Title.

(3) Additions to nonconforming single family dwellings, subject to the provisions of Chapter 9-235.

(Ord. 3675; Ord. 3872 § 4, 1996; Ord. 4368 § 6, 2009)

9-310.6 HEIGHT.

Buildings and structures in the residential zones shall not exceed the heights set forth in Table 9-310.3, except as provided by Chapter 9-1005; screening de-

vices, including fences, gates, and gate posts, shall comply with the height requirements specified in Chapter 9-1020.

(Ord. 3675)

9-310.7 BUILDING COVERAGE.

The percentage of the total area of any lot which may be occupied by buildings in the residential zones shall not exceed that set forth in Table 9-310.3, except developments providing housing affordable to persons of low and very low incomes may be permitted to increase building coverage as one of the possible bonus incentives under Chapter 9-315.

(Ord. 3675, 3739)

9-310.8 MINIMUM DIMENSIONS OF CORNER LOTS.

For corner lots proposed after the adoption of this Title:

(a) The minimum width shall be sixty (60) feet; and

(b) The minimum depth shall be sixty-five (65) feet.

(Ord. 3675; Ord. 4323 § 1, 2006)

TABLE 9-310.3**STANDARDS FOR MINIMUM LOT SIZE, LOT WIDTH, YARD DIMENSIONS,
HEIGHT, BUILDING COVERAGE, AND DEPTH:WIDTH RATIO ¹**

	R-R	R-VL	R-L	R-M	R-MH	R-H
Minimum Lot Size	1 acre	17,500 sq ft	5,000 sq ft	6,000 sq ft	6,000 sq ft	6,000 sq ft
Lot Width (feet)	150	100	50	60	75	75
Yard Dimensions (feet)						
Front & Street Side - Regular	30	30	20	20	15	15
Front & Street Side - Right-of-Way less than 50' ²	55	55	45	45	40	40
Side - Appurtenant to main buildings	15	15	5	5	5	5
Side - Appurtenant to accessory buildings	10	10	5	5	5	5
Rear - Appurtenant to main buildings	30; 15 ³	30; 15 ³	10; 5 ³	20; 5 ³	15; 5 ³	15; 5 ³
Rear - Appurtenant to accessory buildings	15	15	10	15	15	15
Height (feet)						
Dwellings	35	35	35	35	35	35
Buildings Accessory to Dwellings	35 ⁵	35 ⁵	18	18	18	18
Building Coverage (%)	35	40	50	50	60	60
Depth: Width Ratio ⁴	3:1	3:1	3:1	3:1	3:1	3:1

1 See Sections 9-310.2 through 9-310.8 for exceptions and modifications.

2 Distances are from centerline of right-of-way.

3 For reverse corner lots.

4 See Section 9-905.9 for exceptions.

5 See Section 9-1005.3 for height criteria.

Setbacks for yards shall be measured from the planned ultimate right-of-way width of the roadway, as shown on the General Plan or applicable Specific Plan or Special Purpose Plan.

Minimum widths for yards shall be measured at a distance twenty (20) feet back from the front lot line.

(Ord. 3675; 3703; 3715; 3739; Ord. 3872 § 22, 1996; Ord. 4119 § 1, 2001; Ord. 4323 § 2, 2006; Ord. No. 4399, § 2, 9-14-2010)

CHAPTER 9-315**RESIDENTIAL ZONES: DENSITY BONUS****Sections:**

- 9-315.1 Intent.**
- 9-315.2 Eligibility.**
- 9-315.3 Additional Density Bonus.**
- 9-315.4 Incentives.**
- 9-315.5 Written Finding That Incentive Not Needed.**
- 9-315.6 Request for Density Bonus.**
- 9-315.7 Guarantees for Continued Affordability.**

Tables:

- 9-315.3 Density Bonus Summary.**

9-315.1 INTENT.

The intent of this Chapter is to provide a method by which residential developments which provide affordable housing shall receive a density bonus and incentive pursuant to Section 65915 of the Government Code. (Ord. 3675, 3756)

9-315.2 ELIGIBILITY.

A residential development is eligible for a density bonus as follows:

(a) Very Low and Low Income Housing and Senior Housing. A residential development is eligible for a twenty (20) percent density bonus if the builder seeks and agrees to construct at least one (1) of the following:

- (1) Ten (10) percent of the total units are affordable to low income households at an affordable rent or affordable ownership cost; or
- (2) Five (5) percent of the total units are affordable to very low income households at an affordable rent or affordable ownership cost; or
- (3) A senior citizen housing development, or mobile home park that limits residency based on age requirements for housing for older persons.

(b) Moderate Income Housing. A residential development is eligible for a five (5) percent density bonus if the builder seeks and agrees to construct ten (10) percent of the total units as for sale affordable to

moderate income households, if the residential development also meets all of the following additional criteria:

- (1) The residential development is a common interest development;
- (2) All the dwelling units in the residential development are offered to the public for purchase; and

(3) The density bonus units are offered for sale at affordable ownership cost.

(c) Density Bonus for Land Donation, Child Care Facility, or Condominium Conversion.

(1) A residential development may be eligible for a density bonus for land donation pursuant to the requirements set forth in Government Code Section 65915(g).

(2) A residential development that contains a child care facility as defined in Government Code Section 65915(h) may be eligible for an additional density bonus or incentive pursuant to the requirements set forth in Section 65915(h).

(3) Condominium conversions may be eligible for a density bonus or incentive pursuant to the requirements set forth in Government Code Section 65915.5.

(Ord. 3675, 3788; Ord. No. 4471, §§ 10, 11, 12-15-2015)

Editor's note—Ord. No. 4471, §§ 10, 11, adopted Dec. 15, 2015, changed the title of § 9-315.2 from requirements to read as herein set out.

9-315.3 ADDITIONAL DENSITY BONUS.

The density bonus for which the residential development is eligible shall increase if the percentage of very low, low, and moderate income units exceeds the base percentage established in Sections 9-315.2 (a) and (b), as follows:

(a) Very Low Income Units. For each one (1) percent increase above five (5) percent in the percentage of density bonus units affordable to very low income households, the density bonus shall be increased by two and one-half (2.5) percent up to a maximum of thirty-five (35) percent.

(b) Low Income Units. For each one (1) percent increase above ten (10) percent in the percentage of density bonus units affordable to low income households, the density bonus shall be increased by one and one-half (1.5) percent up to a maximum of thirty-five (35) percent.

(c) **Moderate Income For Sale Units.** For each one (1) percent increase above ten (10) percent in the percentage for sale density bonus units affordable to moderate income households, the density bonus shall be increased by one (1) percent up to a maximum of thirty-five (35) percent.

(Ord. 3675; Ord. No. 4471, §§ 10, 12, 12-15-2015)

Editor's note—Ord. No. 4471, §§ 10, 12, adopted Dec. 15, 2015, changed the title of § 9-315.3 from maximum allowable densities to read as herein set out.

TABLE 9-315.3 DENSITY BONUS SUMMARY

Income Category	Min. % Density Bonus Units	Bonus Granted	Add'l Bonus for Each 1% Inc. in Density Bonus Units	% Density Bonus Units Required for Max. 35% Bonus
Very Low Income	5%	20%	2.5%	11%
Low Income	10%	20%	1.5%	20%
Moderate Income (for sale common interest development only)	10%	5%	1%	40%

(Ord. 3675; Ord. No. 4471, §§ 10, 12, 12-15-2015)

9-315.4 INCENTIVES.

(a) A builder may request incentives pursuant to this section only when the builder is eligible for and receives a density bonus pursuant to Section 9-315.2. A residential development may receive the following number of incentives:

(1) One (1) incentive for a project that includes:

(A) At least five (5) percent of the total units for very low income households;

(B) At least ten (10) percent of the total units for low income households; or

(C) At least ten (10) percent for persons or families of moderate income in a common interest development.

(2) Two (2) incentives for a project that includes:

(A) At least ten (10) percent of the total units for very low income households;

(B) At least twenty (20) percent of the total units for low income households; or

(C) At least twenty (20) percent for persons and families of moderate income in a common interest development.

(3) Three (3) incentives for a project that includes:

(A) At least fifteen (15) percent of the total units for very low income households;

(B) At least thirty (30) percent of the total units for low income households; or

(C) At least thirty (30) percent for persons or families of moderate income in a common interest development.

(b) One (1) or more of the following incentives shall be made available to a builder eligible for incentives, per the requirements in Section 9-315.4(a) above, except as provided in Section 9-315.5:

(1) Reduction in setback;

(2) Reduction in lot width;

(3) Reduction in square footage requirements of the lot;

(4) Reduction in yard dimensions;

(5) Increase in building height;

(6) Increase in building intensity;

(7) Reduction of ratio of vehicular parking spaces per unit;

(8) Reduction in open space requirements; or

(9) Reduction in fees.

(c) In addition to the incentives described above, an applicant for a development that meets the requirements of Section 9-315.2 may request parking standards consistent with Government Code Section 65915. (Ord. 3675; Ord. No. 4471, §§ 10, 13, 12-15-2015)

9-315.5 WRITTEN FINDING THAT INCENTIVE NOT NECESSARY.

If the Director concludes that an incentive as specified in 9-315.4 is not necessary for affordability of the target units, a written finding stating such shall be made. (Ord. 3675)

9-315.6 REQUEST FOR DENSITY BONUS.

(a) If a density bonus is desired by the applicant, the applicant shall submit a written request for a density bonus with the application for residential development, or with a Planned Development Zone application if the affordability bonus is in conjunction with the bonus for planned development. (Section 9-833.11(h)).

(b) A developer may submit a preliminary written proposal pursuant to this section prior to the submittal of any application for residential development. Within 90 days the County shall notify the developer in writing of any additional procedures necessary to comply with this section and Section 65915 of the Government Code.

(Ord. 3675; Ord. 3843, § 23, 1995)

9-315.7 GUARANTEES FOR CONTINUED AFFORDABILITY.

(a) The developer shall agree to ensure continued affordability of all lower income density bonus units for:

(1) 30 years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program; or

(2) 10 years if the county does not grant at least one of the additional incentives and government financing with a longer designated preservation period is not used for the project.

(b) The developer shall enter into an Agreement with San Joaquin County to ensure compliance with the provisions of this section.

(Ord. 3675, 3703)

CHAPTER 9-320

RESIDENTIAL ZONES: SINGLE-ROOM OCCUPANCY

Sections:

9-320.1	Intent.
9-320.2	Definitions.
9-320.3	Standards.

9-320.1 INTENT.

The intent of this Chapter is to regulate the development and operation of single-room occupancy (SRO) land uses. SRO facilities provide housing opportunities for lower-income individuals, persons with disabilities, seniors, and formerly homeless individuals.

(Ord. No. 4471, § 14, 12-15-2015)

9-320.2 DEFINITIONS.

The following definitions apply to this chapter:

Single-Room Occupancy Facility. "Single-room occupancy facility" means any building containing five (5) or more guest rooms or units intended or designed to be used or occupied for sleeping purposes by residents, which is also the primary residence of those residents. The individual units may or may not lack either cooking facilities or individual sanitary facilities, or both. However, for purposes of this definition, an SRO facility does not include residential care homes, senior housing projects, rooming and boarding houses, hotels and motels, bed and breakfast lodging, extended care facilities, or hospitals.

Single-Room Occupancy Unit. "Single-room occupancy unit" means the guest rooms or units within the single-room occupancy facility intended or designed to be used or occupied for sleeping purposes by residents. (Ord. No. 4471, § 14, 12-15-2015)

9-320.3 STANDARDS.

(a) Single-Room Occupancy Units. The following standards shall apply to SRO units:

(1) **Unit Size.** The minimum size of an SRO unit shall be one hundred fifty (150) square feet and the maximum size shall be four hundred (400) square feet.

(2) **Occupancy.** Each SRO unit may house no more than two (2) persons.

(3) **Bathroom Facilities.** An SRO unit is not required to but may contain partial or full bathroom

facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink, and bathtub, shower, or bathtub/shower combination.

(4) Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator, and a stove, range top, or oven. A partial kitchen is missing at least one (1) of these appliances.

(5) Closet. Each SRO unit shall have a separate closet.

(b) Single-Room Occupancy Facilities. The following standards shall apply to SRO facilities:

(1) Common Area. Ten (10) square feet of interior common space per unit shall be provided, with at least two hundred (200) square feet in area of interior common space, excluding janitorial storage, laundry facilities, and common hallways.

(2) Bathroom Facilities. If a full bathroom facility is not provided within each SRO unit, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one (1) full bathroom per floor. The shared bathroom facility shall be accessible from a common area or hallway.

(3) Kitchen Facilities. If a full kitchen is not provided within each SRO unit, common kitchen facilities shall be provided with at least one (1) full kitchen per floor.

(4) Laundry Facilities. Laundry facilities shall be provided in a separate room with at least one (1) washer and dryer per floor.

(5) Cleaning Supply Room. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO facility.

(Ord. No. 4471, § 14, 12-15-2015)

DIVISION 4. COMMERCIAL ZONES

CHAPTER 9-400

COMMERCIAL ZONES: INTENT AND ORGANIZATION

Sections:

9-400.1	Title and Intent.
9-400.2	Organization.

9-400.1 TITLE AND INTENT.

Division 4 constitutes the commercial zones. The intent of this Division is to prescribe use, lot, and structure regulations for commercial zones within San Joaquin County, consistent with the Community Development portion of the General Plan. The names and intents of the commercial zones are as follows:

(a) **C-L Zone.** The Limited Commercial (C-L) Zone is intended to provide for very small commercial areas that offer a limited selection of convenience goods and services and that serve a portion of an urban neighborhood. This zone is intended to provide for limited commercial areas in residential and industrial land use designations of the General Plan, in accordance with Plan policies.

(b) **C-N Zone.** The Neighborhood Commercial (C-N) Zone is intended to provide for the development of small, localized retail and service businesses which serve the immediate, surrounding residential neighborhood of three thousand (3,000) to five thousand (5,000) people. This zone is intended to implement the Neighborhood Commercial land use designation of the General Plan.

(c) **C-C Zone.** The Community Commercial (C-C) Zone is intended to provide for the development, within central business districts or extensive commercial areas, of a full range of retail and service establishments, allowing comparison shopping and providing goods and services necessary to supply the general or commercial needs of urban communities or regional markets. This zone is intended to implement the Community Commercial land use designation of the General Plan.

(d) **C-O Zone.** The Office Commercial (C-O) Zone is intended to accommodate professional and other offices located adjacent to Medium High and High Density Residential Zones or commercial zones

where professional services would most likely find demand. This zone is intended to implement the Office Commercial land use designation of the General Plan.

(e) **C-G Zone.** The General Commercial (C-G) Zone is intended to provide for commercial areas that offer a wide variety of specialized retail and service uses which are normally developed as a separate individual entity rather than as part of a cluster of uses, serve urban communities or regional markets, require large amounts of land, and which may necessitate special purpose trips by consumers. This zone is intended to implement the General Commercial land use designation of the General Plan.

(f) **C-FS Zone.** The Freeway Service Commercial (C-FS) Zone is intended to provide for commercial uses adjacent to full freeway interchanges oriented almost exclusively to serve the needs of the highway traveler. The concurrent filing of a Special Purpose Plan may be required for all parcels to be zoned C-FS. This zone is intended to implement the Freeway Service land use designation of the General Plan.

(g) **C-RS Zone.** The Rural Service Commercial (C-RS) Zone is intended to provide for retail and service uses within rural communities that are frequently required by rural residents and the surrounding agricultural community. The zone envisions a mix of retail uses, professional offices, and commercial services. This zone is intended to implement the Rural Service Commercial land use designation of the General Plan.

(h) **C-X Zone.** The Crossroads Commercial (C-X) Zone is intended to provide for a limited variety of retail and service uses and agriculturally related uses at specific intersections to serve rural residents outside of designated urban and rural communities. This zone is intended to provide for limited commercial areas in an agricultural land use designation of the General Plan, in accordance with Plan policies.

(i) **C-R Zone.** The Commercial Recreation (C-R) Zone is intended to provide areas for major recreation oriented commercial activities and associated facilities. The concurrent filing of a Special Purpose Plan may be required for all parcels to be zoned C-R. This zone is intended to implement the Commercial Recreation land use designation of the General Plan.

(Ord. 3675)

9-400.2 ORGANIZATION.

- Division 4 consists of the following chapters:
- (a) 9-400 Commercial Zones: Intent and Organization;
 - (b) 9-405 Commercial Zones: Use Regulations; and
 - (c) 9-410 Commercial Zones: Lot and Structure Regulations.
- (Ord. 3675)

CHAPTER 9-405

COMMERCIAL ZONES: USE REGULATIONS

Sections:

- 9-405.1 Intent.**
- 9-405.2 Permitted Use Types.**
- 9-405.3 Expansion of Uses and Structures.**
- 9-405.4 Temporary Uses and Structures.**
- 9-405.5 Special Use Regulations in Commercial Zones.**
- 9-405.6 Enterprise Zones.**
- 9-405.7 Crossroads Commercial Zone.**

Tables:

- 9-405.2 Uses in Commercial Zones.**
- 9-405.4 Temporary Uses & Structures in Commercial Zones.**

9-405.1 INTENT.

The intent of this Chapter is to specify the range of uses and structures allowed in the commercial zones, consistent with the policies of the General Plan.
(Ord. 3675)

9-405.2 PERMITTED USE TYPES.

Permitted, not permitted, and conditionally permitted use types are set forth in Table 9-405.2. Additional uses may be permitted as set forth in Section 9-405.5. Use types are described in Chapter 9-115.
(Ord. 3675; 3790)

9-405.3 EXPANSION OF USES AND STRUCTURES.

Uses or structures that require discretionary review may be expanded with an Improvement Plan, provided the following conditions are met:

- (a) The proposed expansion of a structure involves less than a twenty-five percent (25%) increase in floor area covered by the existing use; and
- (b) The proposed expansion involves less than a ten percent (10%) increase in the overall site area covered by the existing use; and
- (c) The proposed expansion, in the opinion of the Director, will not have a substantial, adverse effect on adjacent property; and
- (d) The proposed expansion will comply with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency; or

(e) Where conditions in Subsections (a) through (d) of this Section are not met, the level of review for the expansion shall be the same as the level of review required in Table 9-405.2.

(Ord. 3675; Ord. 3872, § 17, 1996)

9-405.4 TEMPORARY USES AND STRUCTURES.

Permitted, not permitted, and conditionally permitted temporary uses and structures are set forth in Table 9-405.4. Temporary uses or structures not specifically listed in Table 9-405.4 may be allowed, subject to approval of an Improvement Plan pursuant to Chapter 9-884.

(Ord. 3675; 3739)

9-405.5 SPECIAL USE REGULATIONS IN COMMERCIAL ZONES.

In addition to the provisions of Sections 9-405.2 through 9-405.4, the following regulations shall apply to commercial zones:

(a) Unless the use type is more restrictive, a Site Approval (Section 9-818) is required for any commercial use that is:

(1) Six thousand (6,000) square feet or greater in ground floor area;

(2) Occupies ten (10) or more acres of site area; or

(3) Not served by a public wastewater treatment plant, public water system, and a public drainage system.

(b) Outdoor goods displays or storage of greater than one-hundred (100) square feet in area shall require a Site Approval, unless a more restrictive review method is required for the use type. Outdoor goods displays of one-hundred (100) square feet or less shall be permitted provided the following provisions are met:

(1) The display shall be on private property;

(2) No pedestrian, handicapped, or vehicle access shall be blocked;

(3) No required parking space shall be used or blocked;

(4) No part of the display shall consist of moving parts, flashing lights, or other elements that could pose a traffic safety distraction; and

(5) An outdoor goods display shall only be on display during the business hours of the establishment.

(c) Any change in an existing use to a new use which requires either a Use Permit, a Site Approval, or an Improvement Plan shall be permitted without a Use Permit, Site Approval, or Improvement Plan, provided the Review Authority finds that the proposed use is less detrimental to, or will have no greater impact in, the zone than the existing use.

(d) Uses allowed in the Limited Industrial (I-L) and General Industrial (I-G) zones may be allowed in Commercial zones, excluding Neighborhood Commercial (C-N) and Commercial Recreation (C-R) zones, under the following conditions:

(1) The Commercial zone is immediately adjacent to the Industrial zone;

(2) The uses are located in a "transition area" between the two (2) zones that is designated in an adopted Special Purpose Plan;

(3) The specific uses that may be allowed in the "transition area" must conform with the use regulations of the particular Industrial and Commercial zones that are located adjacent to each other;

(4) The specific uses that may be allowed must be based upon land use plans and criteria included in an adopted special purpose plan;

(5) A full range of public services is provided to all of the properties.

(e) In the C-N, C-C, C-O and C-RS zones, residential development may be conditionally permitted with an approved Site Approval application if accessory to the commercial use, such as a caretaker residence or apartments above a commercial use. Such residential uses shall meet General Plan density requirements.

(f) Truck Sales in the C-FS zone shall be limited to areas where there are both existing truck fuel sales and existing significant ancillary truck service related establishments and shall be further limited to used commercial trucks five (5) tons or larger (new commercial truck sales prohibited) and a maximum of ten (10) commercial trucks shall be in inventory and/or displayed at any given time.

(g) **Public Displays of Fireworks.** An Improvement Plan shall be required for all public displays of fireworks and are subject to the following regulations:

(1) An Improvement Plan shall be approved a minimum of two (2) weeks prior to the proposed public display of fireworks. An approved Operational Fire permit shall be submitted with every Improvement Plan.

(2) All property owners of parcels adjacent to the parcel(s) approved by the Improvement Plan shall be notified of the details of the public display of fireworks which shall include the date of the event, time of event, and length of time for the fireworks display. The Community Development Department shall notify property owners in writing a minimum of one (1) week prior to the public display of fireworks date.

(3) The Community Development Department shall notify the appropriate Municipal Advisory Council in writing a minimum of one (1) week prior to the public display of fireworks date if a public display of fireworks is proposed on a parcel located within a Municipal Advisory Council district.

(Ord. 3703, 3756, 3790; Ord. 4301, § 2, 2006; Ord. 4317, § 1, 2007; Ord. No. 4399, § 3, 9-14-2010; Ord. No. 4508, § 2, 6-6-2018)

9-405.6 ENTERPRISE ZONES.

Applications for commercial development projects located in an Enterprise Zone, as designated by the State of California, normally processed under the Public Hearing Review Procedure in Chapter 9-220, shall be processed under the Staff Review With Notice Procedure in Chapter 9-215.

(Ord. 3715)

9-405.7 CROSSROADS COMMERCIAL ZONE.

A Site Approval application shall be required for the Equipment Sales and Repair, Leisure use type in the Crossroads Commercial (C-X) zone. All Site Approval applications for Boat and Recreational Vehicle storage facilities shall be located within a one mile radius of a navigable waterway situated within the San Joaquin County Delta region.

(Ord. 4047, § 5, 1999)

TABLE 9-405.2 USES IN COMMERCIAL ZONES

Legend: P Permitted Use, Except as Specified by Note PI Permitted Use With Improvement Plan, Except as Specified by Note S Use Permitted Subject to Site Approval SP Use Permitted Subject to Special Purpose Plan U Use Permitted Subject to Use Permit QX Use Permitted Subject to Quarry Excavation Permit - Use Not Permitted Note: See Section 9-405.5 for Special Use Regulations in a Commercial Zone.									
Use Types	C-L	C-N	C-C	C-O	C-G	C-FS	C-RS	C-R	C-X
Residential Use Types									
Family Residential									
Single-Family	-	-	-	-	-	-	-	-	-
Two-Family	-	-	-	-	-	-	-	-	-
Small Multi-Family	-	-	-	-	-	-	-	-	-
Large Multi-Family	-	-	-	-	-	-	-	-	-
Farm Employee Housing	-	-	-	-	-	-	-	-	-
Small	-	-	-	-	-	-	-	-	-
Large	-	-	-	-	-	-	-	-	-
Group Care									
Small	P	P	P	P	P	P	P	P	P
Large	PI	-	PI	PI	PI	-	-	-	-
Adult Day Care	-	U	U	-	U	-	U	SP	-
Farm Related	-	-	-	-	-	-	-	-	-
Group Residential	-	-	-	-	-	-	-	-	-
Mobile Home Park	-	-	-	-	-	-	-	-	-
Emergency Shelters									
Small	-	-	-	P	P	-	P	-	-
Large	-	-	-	PI	PI	-	-	-	-
Single-Room Occupancy	-	-	-	-	-	-	-	-	-
Nonresidential Use Types									
Administrative Offices	-	PI	PI	PI	PI	-	PI	-	-
Administrative Support Services	-	S	PI	PI	PI	-	PI	-	-
Adult Entertainment	-	-	-	-	PI	-	-	-	-
Aerial Services									
Farm	-	-	-	-	-	-	-	-	-
Heliport	-	-	-	-	U	-	-	SP	-
Agricultural Organizations	-	PI	PI	PI	PI	-	PI	-	-
Agricultural Processing									

TABLE 9-405.2

Legend: P Permitted Use, Except as Specified by Note PI Permitted Use With Improvement Plan, Except as Specified by Note S Use Permitted Subject to Site Approval SP Use Permitted Subject to Special Purpose Plan U Use Permitted Subject to Use Permit QX Use Permitted Subject to Quarry Excavation Permit - Use Not Permitted Note: See Section 9-405.5 for Special Use Regulations in a Commercial Zone.									
Use Types	C-L	C-N	C-C	C-O	C-G	C-FS	C-RS	C-R	C-X
Preparation Services	-	-	-	-	-	-	-	-	-
Food Manufacturing	-	-	-	-	-	-	-	-	-
Agricultural Sales									
Feed and Grain	-	-	-	-	U	-	U	-	U
Agricultural Chemicals	-	-	-	-	-	-	-	-	-
Agricultural Warehousing	-	-	-	-	-	-	S	-	S
Agricultural Wastes	-	-	-	-	-	-	-	-	-
Animal Feeding and Sales	-	-	-	-	-	-	-	-	-
Animal Raising									
Exotic Animals	-	-	-	-	-	-	-	-	-
General	-	-	-	-	-	-	-	-	-
Hogs	-	-	-	-	-	-	-	-	-
Small Animals	-	-	-	-	-	-	-	-	-
Family Food Production	-	-	-	-	-	-	-	-	-
Educational Animal Project	-	-	-	-	-	-	-	-	-
Zoo	-	-	-	-	-	-	-	U	-
Petting Zoo	-	-	-	-	-	-	-	U	-
Animal Specialty Services									
Farm	-	-	-	-	-	-	U	-	S
Pet	-	S	S	-	S	-	S	-	-
Kennels	-	-	-	-	U	-	U	-	-
Kennels, Small Breeding	-	-	-	-	S	-	S	-	-
Auction Sales									
Indoor	-	-	S	S	S	-	S	-	-
Outdoor	-	-	S	-	S	-	S	-	-
Automotive Sales and Services									
Automotive Rentals	-	-	S	-	S	S	-	-	-
Automotive Repairs, Light	-	-	S	-	S	-	S	-	-
Automotive Repairs, Heavy	-	-	-	-	S	-	S	-	-
Automotive Sales	-	-	S	-	S	-	S	-	-

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Use Types	C-L	C-N	C-C	C-O	C-G	C-FS	C-RS	C-R	C-X
Cleaning	-	S	S	-	S	S	S	-	-
Inoperable Vehicle Storage	-	-	-	-	-	-	-	-	-
Operable Vehicle Storage	-	-	-	-	S	-	-	-	-
Parking	-	S	S	S	S	S	S	SP	-
Building Maintenance Services	-	-	PI	-	PI	-	PI	-	-
Child Care Services									
Family Day Care Homes	P	P	P	P	P	P	P	P	P
Child Care Centers	-	S	S	S	S	-	S	SP	-
Communication Services									
Type I	PI	PI	PI	PI	PI	PI	PI	PI	PI
Type II	S	S	S	S	S	S	S	S	S
Type III	-	-	-	-	-	-	-	-	-
Type IV	-	-	S	S	PI	-	-	-	-
Community Assembly	-	S	S	S	S	-	S	SP	-
Construction Sales	-	-	U	-	PI	-	S	-	-
Construction Services									
Light	-	-	-	-	S	-	S	-	-
Heavy	-	-	-	-	-	-	-	-	-
Crop Production	P	P	P	P	P	P	P	P	P
Cultural & Library Services	-	PI	PI	PI	PI	-	PI	-	PI
Custom Agricultural Manufacturing	-	-	-	-	-	-	-	-	-
Custom Manufacturing	-	-	PI	-	PI	-	PI	SP	-
Dairies	-	-	-	-	-	-	-	-	-
Eating Establishments									
Convenience	S	PI	PI	PI	PI	S	PI	SP	S
Full Service	-	PI	PI	PI	PI	S	PI	SP	S
Educational Services									
Commercial	-	S	S	S	S	-	S	-	-
General	-	S	S	S	S	-	S	-	S

TABLE 9-405.2

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Use Types	C-L	C-N	C-C	C-O	C-G	C-FS	C-RS	C-R	C-X
Equipment Sales & Repair									
Farm Machinery, Sales	-	-	-	-	S	-	S	-	S
Farm Machinery, Repair	-	-	-	-	-	-	S	-	S
Heavy Equipment	-	-	-	-	-	-	-	-	-
Leisure	-	-	S	-	S	S	S	SP	S
Aircraft	-	-	-	-	-	-	-	-	-
Explosives Handling	-	-	-	-	-	-	-	-	-
Farm Services	-	-	-	-	-	-	S	-	S
Funeral & Interment Services									
Cemeteries	-	-	-	-	-	-	-	-	-
Interring & Cremating	-	-	-	-	S	-	S	-	-
Undertaking	-	-	PI	-	PI	-	S	-	-
Gasoline Sales									
Service	-	S	S	-	S	S	S	SP	S
Combination	U	S	S	-	S	S	S	SP	S
General Industrial									
Limited	-	-	-	-	-	-	-	-	-
Intermediate	-	-	-	-	-	-	-	-	-
Heavy	-	-	-	-	-	-	-	-	-
Hazardous Industrial	-	-	-	-	-	-	-	-	-
High Technology Industry	-	-	-	-	-	-	-	-	-
Laundry Services	-	-	-	-	S	-	-	-	-
Liquor Sales									
On-Premises	S	S	S	S	S	S	S	SP	S
Off-Premises	S	S	S	-	S	-	S	SP	S
Lodging Services									
Bed & Breakfast	-	-	S	-	S	S	S	S	-
Motel	-	-	S	-	S	S	S	SP	-
Major Impact Services	-	-	-	-	-	-	-	-	-
Medical Services	-	S	PI	PI	PI	-	PI	-	-

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Use Types	C-L	C-N	C-C	C-O	C-G	C-FS	C-RS	C-R	C-X
Nursery Sales & Services									
Wholesale	-	-	-	-	S	-	S	-	-
Retail	-	S	PI	-	PI	-	PI	-	S
Landscaping Services	-	-	S	-	S	-	S	-	-
Personal Storage	-	-	S	-	PI	-	S	-	S
Petroleum & Gas Extraction	U	U	U	U	U	U	U	U	U
Produce Sales									
Produce Stand	-	-	-	-	-	-	-	-	-
Agricultural Store, Small	S	S	S	S	S	S	S	S	S
Agricultural Store, Large	U	U	U	U	U	U	U	U	U
Professional Services	S	PI	PI	PI	PI	-	PI	-	-
Public Services									
Administrative	-	PI	PI	PI	PI	PI	PI	-	-
Essential	S	S	S	S	S	S	S	S	S
Quarry Operations	-	-	-	-	-	-	-	QX	-
Recreation									
Campgrounds	-	-	-	-	-	U	-	SP	-
Indoor Participant	-	S	S	-	S	-	S	SP	-
Indoor Spectator	-	-	U	-	U	-	-	SP	-
Marinas	-	-	U	-	U	-	-	SP	-
Outdoor Entertainment	-	-	U	-	U	-	-	SP	-
Outdoor Sports Clubs	-	-	-	-	-	-	-	SP	-
Parks	-	-	S	S	S	S	S	SP	-
Resorts	-	-	-	-	-	-	-	SP	-
Recycling Services									
Consumer	-	PI	PI	-	PI	PI	PI	PI	-
Scrap Operations	-	-	-	-	-	-	-	-	-
Limited Agricultural Recycling	-	-	-	-	-	-	-	-	-
Religious Assembly									
Neighborhood	-	S	S	S	S	-	S	-	S

TABLE 9-405.2

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Use Types	C-L	C-N	C-C	C-O	C-G	C-FS	C-RS	C-R	C-X
Community	-	-	U	U	U	-	U	-	U
Regional	-	-	U	U	U	-	-	-	-
Research & Laboratory Services	-	-	-	-	S	-	-	-	-
Retail Sales & Services									
Primary	PI	PI	PI	PI	PI	S	PI	SP	S
Intermediate	-	PI	PI	-	PI	-	PI	-	S
General	-	-	S	-	S	-	U	-	-
Signs, Off-Premises	-	-	S	-	S	S	S	-	-
Stables									
Neighborhood	-	-	-	-	-	-	U	-	-
Commercial	-	-	-	-	-	-	U	SP	-
Transportation Services	-	-	-	-	S	-	S	-	-
Truck Sales and Services									
Parking	-	-	-	-	-	-	-	-	-
Cleaning	-	-	-	-	-	S	-	-	-
Stops	-	-	-	-	-	U	-	-	-
Repairs	-	-	-	-	-	-	-	-	-
Sales	-	-	-	-	S	U	-	-	-
Terminals	-	-	-	-	-	-	-	-	-
LNG Truck Fueling Stations	-	-	-	-	-	-	-	-	-
Utility Services									
Minor	P	P	P	P	P	P	P	P	P
Major	S	S	S	S	S	S	S	S	S
Veterans Organizations	-	S	S	S	S	-	S	SP	-
Water Storage	-	-	-	-	-	-	-	-	-
Wholesaling & Distribution									
Light	-	-	-	-	S	-	S	-	-
Heavy	-	-	-	-	-	-	-	-	-
Wineries and Wine Cellars									
Wine Cellar, Off-Site	-	-	S	-	S	-	S	-	-

Legend:**P Permitted Use, Except as Specified by Note****PI Permitted Use With Improvement Plan, Except as Specified by Note****S Use Permitted Subject to Site Approval****SP Use Permitted Subject to Special Purpose Plan****U Use Permitted Subject to Use Permit****QX Use Permitted Subject to Quarry Excavation Permit****- Use Not Permitted****Note:****See Section 9-405.5 for Special Use Regulations in a Commercial Zone.**

Use Types	C-L	C-N	C-C	C-O	C-G	C-FS	C-RS	C-R	C-X
Winery, All Sizes	-	-	-	-	-	-	-	-	-

(Ord. 3675; 3697; 3703; 3715; 3756; Ord. 3843, § 3, 1995; Ord. 3863, § 1, 1996; Ord. 3872, §§ 3, 15, 1996; Ord. 3877, § 1 (part), 1996; Ord. 3878, § 1 (part), 1996; Ord. 3911, § 3, 1997; Ord. 3931, § 5, 1997; Ord. 3399, § 3, 1998; Ord. 4013, § 4, 1999; Ord. 4047, § 4, 1999; Ord. 4059, § 6, 2000; Ord. 4115, § 4, 2001; Ord. 4120, § 1, 2001; Ord. 4127, § 3, 2001; Ord. 4134, § 3, 2002; Ord. 4155, § 3, 2002; Ord. 4181, § 4, 2002; Ord. 4301, § 1, 2006; Ord. 4317, § 2, 2007; Ord. 4368, §§ 7, 8, 2009; Ord. No. 4385, § 6, 1-12-2010; Ord. No. 4440, § 3, 8-13-2013; Ord. No. 4471, § 15, 12-15-2015)

TABLE 9-405.4 TEMPORARY USES & STRUCTURES IN COMMERCIAL ZONES

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted MP Permitted Subject to Mobile Home Permit (M) Permit Type Unique to Mountain House Community									
Temporary Use or Structure	C-L	C-N	C-C	C-O	C-G	C-FS	C-RS	C-R	C-X
Agricultural Excavation	-	-	-	-	-	-	-	-	-
Auction, Agricultural Machinery	-	-	S	-	S	-	S	-	S
Auction, Livestock	-	-	-	-	-	-	S	-	-
Batch Plant	-	-	-	-	-	-	-	-	-
Boutique Sales (Limit: 2 consecutive days, twice per year)	P	P	P	P	P	P	P	P	P
Caretaker Mobile Home	MP	MP	MP	MP	MP	MP	MP	MP	MP
Carnival/Circus	-	-	S	S	S	- S(M)	S	PI	-
Christmas Tree Sales	PI	PI	PI	PI	PI	PI	PI	PI	PI
Commercial Coach	PI	PI	PI	PI	PI	PI	PI	PI	PI
Corporation Yard	PI	PI S(M)	PI S(M)	PI S(M)	PI S(M)	PI S(M)	PI	PI	PI
Farmer's Market	PI	PI	PI	PI	PI	PI	PI	PI	PI
Garage Sale (Limit: 2 consecutive days, twice per year)	P	P	P	P	P	P	P	P	P
Halloween Pumpkin Sales	PI	PI	PI	PI	PI	PI	PI	PI	PI
Motion Picture Filming	P	P	P	P	P	P	P	P	P
Produce Stand	-	-	-	-	-	-	-	-	-
Public Display of Fireworks*	IP	IP	IP	IP	IP	IP	IP	IP	IP
Special Outdoor Event	-	- PI(M)	S PI(M)	- PI(M)	S PI(M)	- PI(M)	S	PI	-
Special Indoor Event	PI	PI	PI	PI	PI	PI	PI	PI	PI
Subdivision Sales Office	PI	PI	PI	PI	PI	PI	PI	PI	PI
Temporary Building Incidental to Construction Works	P	P	P	P	P	P	P	P	P
Temporary Mobile Home	-	-	-	-	-	-	-	-	-
Tent Revival	-	-	S	-	S	-	S	-	S

(Ord. 3675; 3697; Ord. 3832, § 9, 1995; Ord. 3843, § 13, 1995; Ord. 4059, § 7, 2000; Ord. No. 4385, § 7, 1-12-2010; Ord. No. 4508, § 2, 6-6-2018)

CHAPTER 9-410

COMMERCIAL ZONES: LOT AND STRUCTURE REGULATIONS

Sections:

9-410.1	Intent.
9-410.2	Planned Developments.
9-410.3	Lot Area.
9-410.4	Lot Width.
9-410.5	Yard Dimensions.
9-410.6	Height.
9-410.7	Building Coverage.
9-410.8	Access.
9-410.9	Minimum Dimensions of Corner Lots.

Tables:

9-410.3	Standards for Minimum Lot Area & Width, Yard Dimensions, Height, Building Coverage, and Depth: Width Ratio.
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9-410.1 INTENT.

The intent of this Chapter is to regulate the size and width of individual lots, but not zones; the location and height of structures on lots; and the physical character and intensity of lot usage within the commercial zones consistent with the policies and principles of the General Plan. (Ord. 3675)

9-410.2 PLANNED DEVELOPMENTS.

The provisions of this Chapter may be modified pursuant to Chapter 9-833, Planned Development Zone. (Ord. 3675)

9-410.3 LOT AREA.

Lots within the commercial zones shall have the minimum areas set forth in Table 9-410.3, except for the following modification: When a subject lot is zoned General Commercial (C-G) and that lot is located adjacent to property with residential zoning or property shown on the General Plan Map for residential development, it shall have an area of not less than one-half (½) acre. (Ord. 3675; Ord. 3832 § 10, 1995)

9-410.4 LOT WIDTH.

Lots within the commercial zones shall meet the minimum lot width set forth in Table 9-410.3, except for the following modification: When a subject lot is zoned Gen-

eral Commercial (C-G) and that lot is located adjacent to property with residential zoning or property shown on the General Plan Map for residential development, it shall have a lot width of not less than one hundred twenty-five (125) feet of frontage on a public street. (Ord. 3675; Ord. 3832 § 11, 1995)

9-410.5 YARD DIMENSIONS.

Yards on lots within the commercial zones shall have the minimum dimensions set forth in Table 9-410.3, except as modified below:

(a) **Reduction of Required Yards.** Required yards may be reduced as follows:

(1) If more than fifty percent (50%) of the block on which the lot sits is developed, the required yard shall be the average of the existing applicable yard dimensions of the block. In no case, however, shall a street side yard be less than ten (10) feet in width.

(2) If the subject lot is less than seventy-five (75) feet in width, the street side yard may be reduced to ten (10) feet in width.

(3) If the subject lot abuts public open space, the side and rear yard setbacks may be reduced to five (5) feet. If the subject lot abuts private open space, the side and rear yard setbacks may be reduced to five (5) feet if both properties are subject to an approved Special Purpose Plan.

(b) **Increase in Required Yards.** Required yards shall be increased or enlarged as follows:

(1) If a side yard abuts property developed with conforming residential uses, property zoned residentially, or property shown on the General Plan Map for residential development, said side yard shall be increased to twenty (20) feet in width.

(2) If a rear yard abuts property developed with conforming residential uses, property zoned residentially, or property shown on the General Plan Map for residential development, said rear yard shall be increased to twenty (20) feet in depth.

(3) If the subject lot is zoned Freeway Service Commercial (C-FS) and the lot is adjacent to a boundary line of a zone which requires greater yard dimensions than is shown on Table 9-410.3, the requirements for yard dimensions of the adjacent zone shall control.

(c) **Structures within Required Yards.** The following structures may be located in or extend within required yards, subject to the provisions specified:

(1) Architectural features, subject to the provisions of Chapter 9-1010.

(2) Screening, including fences and gates, subject to the provisions of Chapter 9-1022 (Fencing and Screening) of this Title.

(3) Additions to nonconforming single family dwellings, subject to the provisions of Chapter 9-235.
(Ord. 3675; 3697; Ord. 3862 § 1, 1996; Ord. 3872 § 5, 1996; Ord. 4368 §§ 9, 10, 2009)

9-410.6 HEIGHT.

Buildings within the commercial zones shall not exceed the heights set forth in Table 9-410.3, except as provided in Chapter 9-1005; screening devices, including fences, gates, and gateposts, shall comply with the requirements specified in Chapter 9-1020.
(Ord. 3675)

9-410.7 BUILDING COVERAGE.

The percentage of the total area of any lot which may be occupied by buildings in the commercial zones shall not exceed that set forth in Table 9-410.3.
(Ord. 3675, 3739)

9-410.8 ACCESS.

All principal uses in the commercial zones shall have access to a County maintained road.
(Ord. 3675)

9-410.9 MINIMUM DIMENSIONS OF CORNER LOTS.

For corner lots proposed after the adoption of this Title:

(a) the minimum width shall be sixty-five (65) feet,
and

(b) the minimum depth shall be sixty-five (65) feet.
(Ord. 3675)

TABLE 9-410.3

**Standards for Minimum Lot Area & Width, Yard Dimensions,
Height, Building Coverage, and Depth: Width Ratio¹**

	C-L	C-N	C-C	C-O	C-G	C-FS	C-RS	C-R	C-X
Lot Area (square feet)	None	None	None	5,000	None	None	5,000	None	5,000
Lot Width (feet)	50	50	50	50	50	50	50	50	50
Yard Dimensions (feet)									
Front	20	20	20 ³	15	20	20	20	20	20
Street Side	20	20	20 ³	10	20	20	20	20	20
Side	None	None	None ³	None	None	None	None	None	None
Rear	None	None	None ³	None	None	None	None	None	None
Height (feet)	35	35	45	45	45	45	35	45	35
Building Coverage (%)	25	60	60	60	60	60	60	50	60
Depth:Width Ratio ²	3:1	3:1	3:1	3:1	3:1	3:1	3:1	3:1	3:1

1 See Sections 9-410.2 through 9-410.7 and Section 9-410.9 for exceptions and modifications.

2 See Section 9-905.9 for exceptions.

3 Setbacks for yards within the C-C zone in the unincorporated urban community of Woodbridge shall be as specified in the Woodbridge Design Guidelines Special Purpose Plan.

Setbacks for yards shall be measured from the planned ultimate right-of-way width of the roadway, as shown on the General Plan or applicable Specific Plan or Special Purpose Plan.

(Ord. 3675; 3715; 3739; Ord. 4006 § 2, 1998; Ord. 4285 § 1, 2005)

DIVISION 5. INDUSTRIAL ZONES

CHAPTER 9-500

INDUSTRIAL ZONES: INTENT AND ORGANIZATION

Sections:

9-500.1	Title and Intent.
9-500.2	Organization.

9-500.1 TITLE AND INTENT.

Division 5 constitutes the industrial zones. The intent of this Division is to prescribe use, lot, and structure regulations for industrial zones in San Joaquin County, consistent with the Community Development portion of the General Plan. The names and intents of the industrial zones are as follows:

(a) **I-W Zone.** The Warehouse (I-W) Zone is intended to accommodate warehouses and service establishments catering to those uses whose primary distinguishing features are independence from public sewage disposal systems through the use of septic tanks and the nonproduction of industrial wastes. This zone is intended to implement the Limited Industrial land use category of the General Plan.

(b) **I-P Zone.** The Industrial Park (I-P) Zone is intended to allow for the development of a combination of corporate offices, warehousing, light manufacturing, wholesaling, and professional offices, as well as the services necessary to support those uses. Design and development within this zone, enforced through the use of covenants, conditions, and restrictions (CC&R), should be such as to allow location near planned or existing residential zones with a minimum of environmental conflict. This zone is intended to implement the Limited Industrial land use category of the General Plan.

(c) **I-L Zone.** The Limited Industrial (I-L) Zone is intended to provide for light impact manufacturing, warehousing, wholesaling, construction contracting, and distribution uses. Activities within this zone have external physical effects that are generally restricted to the immediate area, are compatible with surrounding uses, are conducted entirely within enclosed buildings, and have outdoor storage areas that are screened. Business and professional offices may

also be appropriate within this zone. This zone is intended to implement the Limited Industrial land use category of the General Plan.

(d) **I-G Zone.** The General Industrial (I-G) Zone provides for a wide range of manufacturing, distribution, and storage uses. Uses within this zone tend to have moderate to high nuisance characteristics, such as noise, heat, glare, odor, and vibration, requiring segregation from other land uses, and/or may require extensive outside storage areas. This zone is intended to implement the General Industrial land use category of the General Plan.

(e) **I-T Zone.** The Truck Terminal (I-T) Zone is intended to provide a location for truck terminals outside urban communities and within easy access of a freeway. This zone is intended to implement the Trucking Terminal land use category of the General Plan. (Ord. 3675)

9-500.2 ORGANIZATION.

Division 5 consists of the following chapters:

- (a) 9-500 Industrial Zones: Intent and Organization;
- (b) 9-505 Industrial Zones: Use Regulations; and
- (c) 9-510 Industrial Zones: Lot and Structure Regulations. (Ord. 3675)

CHAPTER 9-505**INDUSTRIAL ZONES: USE REGULATIONS****Sections:**

- 9-505.1** **Intent.**
- 9-505.2** **Permitted Use Types.**
- 9-505.3** **Expansion of Uses and Structures.**
- 9-505.4** **Temporary Uses and Structures.**
- 9-505.5** **Special Use Regulations in Industrial Zones.**
- 9-505.6** **Special Use Regulations in Truck Terminal Zone.**
- 9-505.7** **Special Use Regulations for Truck Terminal Projects.**
- 9-505.8** **Enterprise Zones.**
- 9-505.9** **Special Use Regulations in the Warehouse Zone.**
- 9-505.10** **Special Use Regulations in the Limited Industrial Zone.**

Tables:

- 9-505.2** **Uses in Industrial Zones.**
- 9-505.4** **Temporary Uses & Structures in Industrial Zones.**

9-505.1 **INTENT.**

The intent of this Chapter is to specify the range of uses and structures allowed within the industrial zones, consistent with the policies and principles of the General Plan.

(Ord. 3675)

9-505.2 **PERMITTED USE TYPES.**

Permitted, not permitted, and conditionally permitted use types are set forth in Table 9-505.2. Additional uses may be permitted as set forth in Section 9-505.5. Use types are described in Chapter 9-115.

(Ord. 3675; 3790)

9-505.3 **EXPANSION OF USES AND STRUCTURES.**

Uses or structures that require discretionary review may be expanded with an Improvement Plan, provided the following conditions are met:

- (a) The proposed expansion of a structure involves less than a twenty-five percent (25%) increase in floor area covered by the existing use; and

- (b) The proposed expansion involves less than a ten percent (10%) increase in the overall site area covered by the existing use; and

- (c) The proposed expansion, in the opinion of the Director, will not have a substantial, adverse effect on adjacent property; and

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

- (e) Where conditions in Subsections (a) through (d) of this Section are not met, the level of review for the expansion shall be the same as the level of review required in Table 9-505.2.

(Ord. 3675; Ord. 3872 § 18, 1996)

9-505.4 **TEMPORARY USES AND STRUCTURES.**

Permitted, not permitted, and conditionally permitted temporary uses and structures are set forth in Table 9-505.4. Temporary uses or structures not specifically listed in Table 9-505.4 may be allowed, subject to approval of an Improvement Plan pursuant to Chapter 9-884.

(Ord. 3675; 3739)

9-505.5 **SPECIAL USE REGULATIONS IN INDUSTRIAL ZONES.**

In addition to the provisions of Section 9-505.2 through 9-505.4, the following regulations shall apply to industrial zones:

- (a) Unless the use type is more restrictive, a Site Approval (Section 9-818) is required for any industrial use that is:

- (1) Six thousand (6000) square feet or greater in ground floor area;

- (2) Occupies ten (10) or more acres of site area; or

- (3) Not served by a public wastewater treatment plant, public water system, and a public drainage system.

- (b) Any change in an existing use to a new use which requires either a Use Permit, Site Approval, or an Improvement Plan shall be permitted without a Use Permit, Site Approval, or Improvement Plan, provided the Review Authority finds that the proposed use is less detrimental to, or will have no greater impact in, the zone than the existing use.

(c) Uses allowed in all Commercial zones, except Neighborhood Commercial (C-N) and Commercial Recreation (C-R), may be allowed in Limited Industrial (I-L) and General Industrial (I-G) zones under the following conditions:

(1) The Commercial zone is immediately adjacent to the Industrial zone;

(2) The uses are located in a "transition area" between the two zones that is designated in an adopted Special Purpose Plan;

(3) The specific uses that may be allowed in the "transition area" must conform with the use regulations of the particular Industrial and Commercial zones that are located adjacent to each other;

(4) The specific uses that may be allowed must be based upon land use plans and criteria included in an adopted Special Purpose Plan;

(5) A full range of public services is provided to all of the properties.

(d) Public Display of Fireworks. An Improvement Plan shall be required for all public displays of fireworks and are subject to the following regulations:

(1) An Improvement Plan shall be approved a minimum of two (2) weeks prior to the proposed public display of fireworks. An approved Operational Fire permit shall be submitted with every Improvement Plan.

(2) All property owners of parcels adjacent to the parcel(s) approved by the Improvement Plan shall be notified of the details of the public display of fireworks which shall include the date of the event, time of event, and length of time for the fireworks display. The Community Development Department shall notify property owners in writing a minimum of one (1) week prior to the public display of fireworks date.

(3) The Community Development Department shall notify the appropriate Municipal Advisory Council in writing a minimum of one (1) week prior to the public display of fireworks date if a public display of fireworks is proposed on a parcel located within a Municipal Advisory Council district.

(e) The Truck Sales and Services — Liquefied Natural Gas (LNG) Truck Fueling Stations use type only be permitted within one-half ($\frac{1}{2}$) mile of a highway or freeway interchange subject to an approved Site Approval application.

(Ord. 3703, 3790; Ord. No. 4399, § 4, 9-14-2010; Ord. No. 4440, § 5, 8-13-2013; Ord. No. 4508, § 2, 6-6-2018)

9-505.6 SPECIAL USE REGULATIONS IN TRUCK TERMINAL ZONE.

In addition to the provisions of Sections 9-505.2 through 9-505.4, the following Special Use Regulations shall apply to truck terminals in the Truck Terminal Zone:

(a) Any truck terminal in operation during nighttime hours shall have twenty-five (25) foot light standards whose lights are hooded and directed downward so as not to disturb adjoining properties or roads.

(b) Noise levels of trucks entering and leaving the truck terminal shall comply with the California Vehicle Code sections regarding noise.

(c) Noise levels at the property line shall be no greater than 65 db Ldn.

(d) All loose materials shall be contained in bins.

(e) Truck parts or inoperable trucks kept for rebuilding or for parts that are stored on the property of the truck terminal must be directly related to the operation of the truck terminal and shall be contained within a specified area that is fenced to provide an effective visual barrier.

(f) Any construction materials and necessary equipment for the transfer and/or storage of construction materials shall be contained in a specified area that is fenced to provide an effective visual barrier.

(g) The Construction Services use type and Equipment Sales and Repair: Heavy Equipment, Repair use type may be permitted as part of a legally established truck terminal in the I-T zone, provided such uses shall not exceed thirty-three and one-third percent ($33\frac{1}{3}\%$) of the area devoted to the said truck terminal. The Equipment Sales and Repair: Heavy Equipment, Repair use type is limited to welding and repairs (excluding boilers and furnaces), and all welding and repairs are to be conducted indoors.

(Ord. 3675, 3697, 3715; Ord. 4013, § 2, 1999)

9-505.7 SPECIAL USE REGULATIONS FOR TRUCK TERMINAL PROJECTS.

In addition to the provisions of Sections 9-505.2 through 9-505.4, the following Special Use Regulations shall apply to all truck terminal projects:

(a) Any entrance or exit to a truck terminal shall have acceleration and deceleration lanes, the criteria for which are to be determined by the traffic study

and recognized engineering standards, or other traffic control devices determined to be necessary by the Department of Public Works. No vehicle shall be permitted to obstruct or back onto a public roadway.

(b) The terminal shall comply with all California Department of Transportation regulations and standards for roads, freeway entrances, sight distance, and turning radius.

(c) Driveway width at the ultimate right-of-way shall be forty (40) feet maximum. The design of driveway shall be such as to allow trucks to enter and exit property without entering into opposing lane of traffic.

(d) Access gates shall be recessed from the property line a minimum of sixty-five (65) feet.

(e) All maneuvering and parking areas of automobiles and trucks shall be located on the site of the truck terminal. No parking or maneuvering is allowed within the public road right-of-way.

(f) All automobile parking spaces and all major circulation drive lanes (automobile and truck) shall be surfaced and permanently maintained with a minimum of two (2) inches of asphalt concrete over an appropriate base, or four (4) inches of Portland cement concrete over an appropriate base. Bumper guards shall be provided when necessary to protect adjacent structures or properties. All other areas that are used for vehicular traffic shall be surfaced and permanently maintained with a chip seal. These improvements shall be constructed prior to the initiation of the use or prior to the issuance of the Certificate of Occupancy, whichever comes first.

(g) Leach fields shall be barricaded to prevent vehicles from driving or parking over them.

(h) Undeveloped areas within the truck terminal will be maintained to prevent the creation of dust or erosion and not become a health hazard.

(i) All drainage from asphalted and concreted parking and driveway areas shall be routed through an oil sand trap tank prior to entering a public sewage treatment plant or a terminal drainage system.

(j) All truck parking shall comply with truck parking standards in Section 9-1015.6, Truck Parking and Loading.

(k) Vehicle parking shall comply with parking standards in Section 9-1015.10 for Handicap Parking and Table 9-1015.3 for Parking Space Requirements.

(l) Truck terminals shall comply with landscape standards in Section 9-1020.9, Requirements for Industrial Projects.

(m) Traffic studies shall be required per standards in Section 9-1150.4, Traffic Studies. (Ord. 3715)

9-505.8 ENTERPRISE ZONES.

Applications for industrial development projects located in an Enterprise Zone, as designated by the State of California, normally processed under the Public Hearing Review Procedure in Chapter 9-220, shall be processed under the Staff Review with Notice Procedure in Chapter 9-215.

(Ord. 3715)

9-505.9 SPECIAL USE REGULATIONS IN THE WAREHOUSE ZONE.

In addition to the provisions of Sections 9-505.2 through 9-505.5, the following Special Use Regulations shall apply to the Warehouse Zone:

(a) No industrial or hazardous waste shall be discharged into the wastewater or storm drainage system; only domestic waste may be discharged;

(b) The use shall meet all the requirements for wastewater, water, and drainage in Division 11; and

(c) Uses shall be subject to an annual inspection by the Health Department at the business's expense to insure compliance with ordinance and permit requirements.

(d) The Truck Sales and Services—Repairs use classification shall only be permitted for the repair of truck trailers subject to a Site Approval.

(e) Temporary Agricultural Truck Driver Housing—Permit approval shall be subject to the following minimum requirements:

(1) The housing, defined as recreational vehicles or trailers (excluding pick-up camper shells) provided by the driver(s), must be used in conjunction with raw agricultural product truck driving activities performed on the site;

(2) The housing sites, provided at no cost to the driver(s), may not be occupied for more than twenty-six (26) continuous weeks per year between the months of June through November;

(3) The permittee shall annually verify in writing the initiation and termination dates to substantiate compliance with Subsection (2);

(4) The landowner shall provide, at no cost to the driver(s), sanitation and shower facilities, and waste discharge facilities to be approved by the Environmental Health Department;

(5) The housing must be under permit of the Environmental Health Department and under an approved Use Permit application of the Community Development Department;

(6) The occupancy level shall not exceed the average of thirty (30) occupied units and shall not exceed the maximum of forty (40) occupied units. All units shall be removed each year after the expiration of the allowed occupancy period in November; and

(7) The Use Permit requirement shall include an annual review for compliance.

(8) The minimum requirements shall be posted in English and Spanish at the site.

(f) Equipment Sales and Repair—Farm Machinery, Repair and Equipment Sales and Repair—Heavy Equipment, Repair in the I-W zone shall be subject to a review by and conditions from the Environmental Health Department prior to any consideration for staff or administrative approval to ensure that there is no potential for industrial or hazardous waste generation from such proposed uses which would potentially be discharged into the wastewater or storm drainage system and lead to the contamination of soil and/or groundwater.

(Ord. 3756; Ord. 3945, § 1, 1997; Ord. 4239, § 1, 2004; Ord. 4327, § 1, 2007)

9-505.10 SPECIAL USE REGULATIONS IN THE LIMITED INDUSTRIAL ZONE.

In addition to the provisions of Sections 9-505.2 through 9-505.5, the following Special Use Regulations shall apply to the Automotive Sales use type in the Limited Industrial Zone:

(a) Only used collectible car sales shall be allowed in the Limited Industrial Zone, new car sales shall be prohibited;

(b) A maximum of ten (10) cars shall be displayed at any given time; and

(c) All display and maintenance of cars shall occur within a building.

(Ord. 4086, § 2, 2000)

TABLE 9-505.2 USES IN INDUSTRIAL ZONES

Legend: P Permitted Use, Except as Specified by Note PI Permitted Use With Improvement Plan, Except as Specified by Note QX Use Permitted Subject to Quarry Excavation Permit S Use Permitted Subject to Site Approval SP Use Permitted Subject to Special Purpose Plan U Use Permitted Subject to Use Permit - Use Not Permitted Note: See Section 9-505.5 for Special Use Regulations in an Industrial Zone. *See Section 9-505.5(d) for special use regulations.					
Use Types	Industrial Zones				
	I-W	I-P	I-L	I-G	I-T
Residential Use Types					
Family Residential					
Single-Family	-	-	-	-	-
Two-Family	-	-	-	-	-
Small Multi-Family	-	-	-	-	-
Large Multi-Family	-	-	-	-	-
Farm Employee Housing	-	-	-	-	-
Small	-	-	-	-	-
Large	-	-	-	-	-
Group Care					
Small	-	-	-	-	-
Large	-	-	-	-	-
Adult Day Care	-	-	-	-	-
Farm Related	-	-	-	-	-
Group Residential	-	-	-	-	-
Mobile Home Park	-	-	-	-	-
Emergency Shelters					
Small	PI	-	-	-	-
Large	-	-	PI	-	-
Single-Room Occupancy	-	-	-	-	-
Nonresidential Use Types					
Administrative Offices	S	PI	PI	PI	-
Administrative Support Serv.	S	P	P	P	-
Adult Entertainment	PI	-	PI	PI	-
Aerial Services					
Farm	-	-	-	-	-
Heliport	S	U	U	U	-
Agricultural Organizations	-	PI	-	-	-

TABLE 9-505.2

Legend: P Permitted Use, Except as Specified by Note PI Permitted Use With Improvement Plan, Except as Specified by Note QX Use Permitted Subject to Quarry Excavation Permit S Use Permitted Subject to Site Approval SP Use Permitted Subject to Special Purpose Plan U Use Permitted Subject to Use Permit - Use Not Permitted Note: See Section 9-505.5 for Special Use Regulations in an Industrial Zone. *See Section 9-505.5(d) for special use regulations.					
Use Types	Industrial Zones				
	I-W	I-P	I-L	I-G	I-T
Agricultural Processing					
Preparation Services	-	-	S	S	-
Food Manufacturing	-	-	S	S	-
Agricultural Sales					
Feed and Grain	S	-	S	PI	-
Agricultural Chemicals	-	-	S	S	-
Agricultural Warehousing	S	-	S	PI	-
Agricultural Wastes	-	-	-	S	-
Animal Feeding and Sales	-	-	-	-	-
Animal Raising					
Exotic Animals	-	-	-	-	-
General	-	-	-	-	-
Hogs	-	-	-	-	-
Small Animals	-	-	-	-	-
Family Food Production	-	-	-	-	-
Educational Animal Project	-	-	-	-	-
Zoo	-	-	-	-	-
Petting Zoo	-	-	-	-	-
Animal Specialty Services					
Farm	-	-	U	S	-
Pet	S	-	U	S	-
Kennels	S	-	U	U	-
Kennels, Small Breeding	S	-	S	S	-
Auction Sales					
Indoor	S	-	S	S	-
Outdoor	S	-	S	S	-
Automotive Sales and Services					
Automotive Rentals	S	-	S	S	-
Automotive Repairs, Light	-	-	S	S	-

Legend:**P Permitted Use, Except as Specified by Note****PI Permitted Use With Improvement Plan, Except as Specified by Note****QX Use Permitted Subject to Quarry Excavation Permit****S Use Permitted Subject to Site Approval****SP Use Permitted Subject to Special Purpose Plan****U Use Permitted Subject to Use Permit****- Use Not Permitted****Note: See Section 9-505.5 for Special Use Regulations in an Industrial Zone.*****See Section 9-505.5(d) for special use regulations.**

Use Types	Industrial Zones				
	I-W	I-P	I-L	I-G	I-T
Automotive Repairs, Heavy	-	-	S	S	-
Automotive Sales, see special use regulations*	U	-	U*	-	-
Cleaning	-	-	S	PI	-
Inoperable Vehicle Storage	U	-	U	S	-
Operable Vehicle Storage	S	-	S	PI	-
Parking	S	U	PI	PI	-
Building Maintenance Services	-	S	PI	PI	-
Child Care Services					
Family Day Care Homes	PI	S	S	S	-
Child Care Centers	S	S	S	S	-
Communication Services					
Type I	PI	PI	PI	PI	PI
Type II	S	S	S	S	S
Type III	S	S	S	S	-
Type IV	S	PI	PI	PI	-
Community Assembly	-	-	-	-	-
Construction Sales	S	-	PI	PI	-
Construction Services					
Light	S	-	S	PI	S
Heavy	U	-	U	PI	S
Crop Production	P	PI	PI	PI	-
Cultural & Library Services	-	-	-	-	-
Custom Agricultural Manufacturing	-	PI	PI	PI	-
Custom Manufacturing	S	S	PI	PI	-
Dairies	-	-	-	-	-
Eating Establishments					
Convenience	-	PI	PI	PI	-
Full Service	-	PI	PI	PI	-

TABLE 9-505.2

Legend: P Permitted Use, Except as Specified by Note PI Permitted Use With Improvement Plan, Except as Specified by Note QX Use Permitted Subject to Quarry Excavation Permit S Use Permitted Subject to Site Approval SP Use Permitted Subject to Special Purpose Plan U Use Permitted Subject to Use Permit - Use Not Permitted Note: See Section 9-505.5 for Special Use Regulations in an Industrial Zone. *See Section 9-505.5(d) for special use regulations.					
Use Types	Industrial Zones				
	I-W	I-P	I-L	I-G	I-T
Educational Services					
Commercial	S	S	PI	PI	-
General	-	-	-	-	-
Equipment Sales & Repair					
Farm Machinery, Sales	S	-	S	PI	-
Farm Machinery, Repair	S	-	S	PI	-
Heavy Equipment, Sales	S	-	U	S	-
Heavy Equipment, Repair	S	-	U	S	S
Leisure	-	-	S	PI	-
Aircraft	-	-	U	S	-
Explosives Handling	-	-	-	U	-
Farm Services	-	-	-	-	-
Funeral & Interment Services					
Cemeteries	-	-	-	-	-
Interring & Cremating	-	-	-	-	-
Undertaking	-	-	-	-	-
Gasoline Sales					
Service	-	S	PI	PI	-
Combination	-	S	PI	PI	-
General Industrial					
Limited	U	S	S	PI	-
Intermediate	U	-	U	S	-
Heavy	-	-	-	S	-
Hazardous Industrial	-	-	U	U	-
High Technology Industry	-	S	S	S	-
Laundry Services	-	-	S	S	-
Liquor Sales					
On-Premises	-	-	-	-	-
Off-Premises	-	-	-	-	-

Legend:**P Permitted Use, Except as Specified by Note****PI Permitted Use With Improvement Plan, Except as Specified by Note****QX Use Permitted Subject to Quarry Excavation Permit****S Use Permitted Subject to Site Approval****SP Use Permitted Subject to Special Purpose Plan****U Use Permitted Subject to Use Permit****- Use Not Permitted****Note: See Section 9-505.5 for Special Use Regulations in an Industrial Zone.*****See Section 9-505.5(d) for special use regulations.**

Use Types	Industrial Zones				
	I-W	I-P	I-L	I-G	I-T
Lodging Services					
Bed & Breakfast	-	-	-	-	-
Motel	-	-	-	-	-
Major Impact Services	-	-	-	-	-
Medical Services	-	-	-	U	-
Nursery Sales & Services					
Wholesale	S	-	S	S	-
Retail	S	-	S	-	-
Landscaping Services	U	-	S	S	-
Personal Storage	S	-	S	PI	-
Petroleum & Gas Extraction	S	S	S	S	S
Produce Sales					
Produce Stand	-	-	-	-	-
Agricultural Store, Small	S	S	S	S	S
Agricultural Store, Large	U	U	U	U	U
Professional Services	S	PI	PI	-	-
Public Services					
Administrative	S	S	S	S	-
Essential	U	U	U	U	-
Quarry Operations	-	-	-	QX	-
Recreation					
Campgrounds	-	-	-	-	-
Indoor Participant	S	S	PI	PI	-
Indoor Spectator	-	-	-	-	-
Marinas	-	-	-	-	-
Outdoor Entertainment	-	-	-	-	-
Outdoor Sports Clubs	-	-	-	-	-
Parks	-	-	-	-	-
Resorts	-	-	-	-	-

TABLE 9-505.2

Legend: P Permitted Use, Except as Specified by Note PI Permitted Use With Improvement Plan, Except as Specified by Note QX Use Permitted Subject to Quarry Excavation Permit S Use Permitted Subject to Site Approval SP Use Permitted Subject to Special Purpose Plan U Use Permitted Subject to Use Permit - Use Not Permitted Note: See Section 9-505.5 for Special Use Regulations in an Industrial Zone. *See Section 9-505.5(d) for special use regulations.					
Use Types	Industrial Zones				
	I-W	I-P	I-L	I-G	I-T
Recycling Services					
Consumer	S	PI	PI	PI	-
Scrap Operations	-	-	-	U	-
Limited Agricultural Recycling	PI	PI	PI	PI	-
Religious Assembly					
Neighborhood	-	-	-	-	-
Community	-	-	-	-	-
Regional	-	-	-	-	-
Research & Laboratory Services	-	S	S	S	-
Retail Sales & Services					
Primary	-	-	-	-	-
Intermediate	-	-	-	-	-
General	-	-	-	-	-
Signs, Off-Premises	S	-	S	S	S
Stables					
Neighborhood	-	-	-	-	-
Commercial	-	-	-	-	-
Transportation Services	-	-	S	S	-
Truck Sales and Services					
Parking	S	-	S	PI	U
Cleaning	-	-	S	PI	-
Stops	-	-	U	U	-
Repairs	S	S	S	S	-
Sales	S	-	S	PI	-
Terminals	U	-	U	S	U
LNG truck fueling stations	S*	-	S*	S*	S*
Utility Services					
Minor	P	P	P	P	P
Major	S	S	S	S	S

Legend:**P Permitted Use, Except as Specified by Note****PI Permitted Use With Improvement Plan, Except as Specified by Note****QX Use Permitted Subject to Quarry Excavation Permit****S Use Permitted Subject to Site Approval****SP Use Permitted Subject to Special Purpose Plan****U Use Permitted Subject to Use Permit****- Use Not Permitted****Note: See Section 9-505.5 for Special Use Regulations in an Industrial Zone.*****See Section 9-505.5(d) for special use regulations.**

Use Types	Industrial Zones				
	I-W	I-P	I-L	I-G	I-T
Water Storage	-	-	-	-	-
Wholesaling & Distribution					
Light	S	PI	PI	PI	-
Heavy	S	-	-	S	-
Wineries and Wine Cellars					
Wine Cellar, Off-Site	-	-	-	-	-
Winery, Large and Medium	-	-	U	U	-
Winery, Boutique and Small	-	-	S	S	-

(Ord. 3675; 3697; 3703; 3739; 3756; Ord. 3843, §§ 4, 24, 1995; Ord. 3872, § 21, 1996; Ord. 3877, § 2 (part), 1996; Ord. 3878, § 2 (part), 1996; Ord. 3911, § 4, 1997; Ord. 3931, § 6, 1997; Ord. 3945, § 2, 1997; Ord. 3399, § 4, 1998; Ord. 4013, § 5, 1999; Ord. 4035, § 4, 1999; Ord. 4059, § 8, 2000; Ord. 4086, § 1, 2000; Ord. 4089, § 1, 2000; Ord. 4115, § 5, 2001; Ord. 4127, § 4, 2001; Ord. 4134, § 3, 2002; Ord. 4155, § 4, 2002; Ord. 4335, § 1, 2007; Ord. 4368, §§ 11, 12, 2009; Ord. No. 4385, § 8, 1-12-2010; Ord. No. 4440, § 4, 8-13-2013; Ord. No. 4471, § 16, 12-15-2015)

TABLE 9-505.4 TEMPORARY USES & STRUCTURES IN INDUSTRIAL ZONES

Legend: AX Agricultural Excavation Permit P Permitted Use, Except as Specified by Note PI Permitted Use With Improvement Plan, Except as Specified by Note S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted MP Permitted Subject to Mobile Home Permit (M) Permit Type Unique to Mountain House Community					
Temporary Use or Structure	Industrial Zones				
	I-W	I-P	I-L	I-G	I-T
Agricultural Excavation	AX	AX	AX	AX	-
Auction, Agricultural Machinery	-	-	PI	PI	-
Auction, Livestock	-	-	-	S -(M)	-
Batch Plant	-	-	S -(M)	S	-
Boutique Sales (Limit: 2 consecutive days, twice per year)	P	P	P	P	-
Caretaker Mobile Home	MP	MP	MP	MP	MP
Carnival/Circus	-	-	PI S(M)	PI S(M)	-
Christmas Tree Sales	PI	- PI(M)	PI	PI	-
Commercial Coach	PI	PI	PI	PI	PI
Corporation Yard	PI	PI S(M)	PI S(M)	PI S(M)	PI
Farmer's Market	-	-	-	-	-
Garage Sale (Limit: 2 consecutive days, twice per year)	P	P	P	P	-
Halloween Pumpkin Sales	PI	- PI(M)	PI	PI	-

Legend: AX Agricultural Excavation Permit P Permitted Use, Except as Specified by Note PI Permitted Use With Improvement Plan, Except as Specified by Note S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted MP Permitted Subject to Mobile Home Permit (M) Permit Type Unique to Mountain House Community					
Temporary Use or Structure	Industrial Zones				
	I-W	I-P	I-L	I-G	I-T
Motion Picture Filming	P	P	P	P	P
Produce Stand	-	-	-	-	-
Public Display of Fireworks*	IP	IP	IP	IP	IP
Special Out- door Event	-	- PI(M)	PI	PI	-
Special Indoor Event	PI	PI	PI	PI	PI
Subdivision Sales Office	-	P	- P(M)	-	-
Temporary Ag- ricultural Truck Driver Housing	U	-	-	-	-
Temporary Building Inci- dental to Con- struction Works	P	P	P	P	P
Temporary Mo- bile Home	-	-	-	-	-
Tent Revival	-	-	- U(M)	-	-

(Ord. 3675; 3697; 3739; Ord. 3832, § 12, 1995; Ord. 3843, § 14, 1995; Ord. 4059, § 9, 2000; Ord. 4239, § 1, 2004; Ord. No. 4385, § 9, 1-12-2010; Ord. No. 4508, § 2, 6-6-2018)

CHAPTER 9-510**INDUSTRIAL ZONES: LOT AND STRUCTURE REGULATIONS****Sections:**

9-510.1	Intent.
9-510.2	Planned Developments.
9-510.3	Lot Area.
9-510.4	Lot Width.
9-510.5	Yard Dimensions.
9-510.6	Height.
9-510.7	Building Coverage.
9-510.8	Access.
9-510.9	Minimum Dimensions of Corner Lots.

Tables:

9-510.3	Standards for Minimum Lot Area & Width, Yard Dimensions, Height, Building Coverage, and Depth:Width Ratio.
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9-510.1 INTENT.

The intent of this Chapter is to regulate the size and width of individual lots, but not zones; the location and height of structures on lots; and the physical character and intensity of lot usage within the industrial zones consistent with the policies and principles of the General Plan.

(Ord. 3675)

9-510.2 PLANNED DEVELOPMENTS.

The provisions of this Chapter may be modified pursuant to Chapter 9-833, Planned Development Zone. (Ord. 3675)

9-510.3 LOT AREA.

Lots within the industrial zones shall have the minimum areas set forth in Table 9-510.3.

(Ord. 3675)

9-510.4 LOT WIDTH.

Lots within the industrial zones shall not have a width less than that set forth in Table 9-510.3.

(Ord. 3675)

(San Joaquin County Supp. No. 98, 7-18)

9-510.5 YARD DIMENSIONS.

Yards on lots within the industrial zones shall have the minimum dimensions set forth in Table 9-510.3, except as modified below:

(a) **Reduction of Required Yard.** Required yards may be reduced as follows:

(1) If more than fifty percent (50%) of the block on which the lot sits is developed, the required yard shall be the average of the existing applicable yard dimensions of the block. In no case, however, shall a street side yard be less than ten (10) feet in width.

(2) If the subject lot is less than seventy-five (75) feet in width, the street side yard may be reduced to ten (10) feet in width.

(b) **Increase in Required Yards.** Required yards shall be increased or enlarged as follows:

(1) If a side yard abuts property developed with conforming residential uses, property zoned residentially, or property shown on the General Plan Map for residential development, such side yard shall be increased to twenty (20) feet in width.

(2) If a rear yard abuts property developed with conforming residential uses, property zoned residentially, or property shown on the General Plan Map for residential development, such rear yard shall be increased to twenty (20) feet in width.

(c) **Structures Within Required Yards.** The following structures may be located in or extend within required yards, subject to the provisions specified:

(1) Architectural features, subject to the provisions of Chapter 9-1010;

(2) Screening, including fences and gates, subject to the provisions of Chapter 9-1022 (Fencing and Screening) of this Title;

(3) Additions to nonconforming single-family dwellings, subject to the provisions of Chapter 9-235; and

(4) Structures adjacent to and associated with railroad spurs.

(Ord. 3675; 3697; Ord. 3832, § 13, 1995; Ord. 3872, § 6, 1996; Ord. 4368, §§ 13, 14, 2009)

9-510.6 HEIGHT.

Buildings and structures in the industrial zones shall not exceed the heights set forth in Table 9-510.3, except

as provided in Chapter 9-1005; screening devices, including fences, gates, and gateposts, shall comply with the requirements specified in Chapter 9-1020.
(Ord. 3675)

9-510.7 BUILDING COVERAGE.

The percentage of the total area of any lot which may be occupied by buildings and structures in the industrial zones shall not exceed that set forth in Table 9-510.3.
(Ord. 3675, 3739)

9-510.8 ACCESS.

All principal uses in the industrial zones shall have access to a county maintained road. Flag lots are not permitted in the industrial zones.
(Ord. 3675)

9-510.9 MINIMUM DIMENSIONS OF CORNER LOTS.

For corner lots proposed after the adoption of this Title:

- (a) the minimum width shall be sixty-five (65) feet, and
- (b) the minimum depth shall be sixty-five (65) feet.
(Ord. 3675)

TABLE 9-510.3

Standards for Minimum Lot Area & Width, Yard Dimensions, Height, Building Coverage, and Depth:Width Ratio ¹

	I-W	I-P	I-L	I-G	I-T
Lot Area (square feet)	2 acres	10,000	10,000	10,000	43,560
Lot Width (feet)	100	100	100	100	100
Yard Dimensions (feet)					
Front	30	30	30	30	30
Street Side	20	20	20	20	20
Side	None	None	None	None	10
Rear	None	None	None	None	10
Height (feet)					
Industrial Buildings	100	45	100	100	45
Commercial & Other Buildings	45	45	45	45	45
Building Coverage (%)	40	60	60	60	50
Depth:Width Ratio ²	3:1	3:1	3:1	3:1	3:1

¹: See Sections 9-510.2 through 9-510.7 and Section 9-510.9 for exceptions and modifications.

² See Section 9-905.9 for exceptions.

Setbacks for yards shall be measured from the planned ultimate right-of-way width of the roadway, as shown on the General Plan or applicable Specific Plan or Special Purpose Plan.
(Ord. 3675, 3715, 3739, 3756)

DIVISION 6. AGRICULTURAL ZONES**CHAPTER 9-600****AGRICULTURAL ZONES: INTENT AND ORGANIZATION****Sections:**

9-600.1	Title and Intent.
9-600.2	Organization.

9-600.1 TITLE AND INTENT.

Division 6 constitutes the agricultural zones. The intent of this Division is to prescribe use, lot, and structure regulations for agricultural zones within San Joaquin County, consistent with the Land Use portion of the General Plan. The names and intents of the agricultural zones are as follows:

(a) **AG Zone.** The General Agriculture (AG) Zone is established to preserve agricultural lands for the continuation of commercial agricultural enterprises. This zone is intended to implement the General Agriculture land use category of the General Plan.

(b) **AL Zone.** The Limited Agriculture (AL) Zone is intended to recognize and preserve areas that contain existing concentrations of small-scale agricultural operations and dwellings. This zone is intended to implement the Limited Agriculture land use category of the General Plan.

(c) **AU Zone.** The Agriculture-Urban Reserve (AU) Zone is intended to retain in agriculture those areas planned for future urban development in order to facilitate compact, orderly urban development and to assure the proper timing and economical provision of services and utilities. This zone also is intended to implement the Agriculture-Urban Reserve land use category of the General Plan.

(d) **ARM Zone.** The goal of the Agricultural Resource Management (ARM) zone is to assure the long-term viability of commercial agricultural properties. This zone is intended to provide areas for the continued practice of commercial agriculture and to protect lands that are best suited for permanent agriculture from encroachment by incompatible land uses. The ARM zone is also intended to implement General Plan policies relating the preservation of agricultural land and the principles of compatibility found in the Williamson Act statute.

One of the primary objectives of the ARM zone is to permit only those uses and activities that will not compromise the viability of surrounding agricultural operations. The magnitude of any compatible, accessory recreational activities shall be proportionate to the size of the parcel. Any nature preserve buffer area needed to separate or reduce conflicting activities shall be located on-site. The Agricultural Resource Management (ARM) zone shall be applied to land that is under Williamson Act, land that is under Farmland Security zone contract and land in the primary delta.
(Ord. 3675; Ord. 4106, § 4, 2001)

9-600.2 ORGANIZATION.

Division 6 consists of the following chapters:

- (a) 9-600 Agricultural Zones: Intent and Organization;
 - (b) 9-605 Agricultural Zones: Use Regulations; and
 - (c) 9-610 Agricultural Zones: Lot and Structure Regulations.
- (Ord. 3675)

CHAPTER 9-605**AGRICULTURAL ZONES: USE REGULATIONS****Sections:**

- 9-605.1** **Intent.**
- 9-605.2** **Permitted Use Types.**
- 9-605.3** **Expansion of Uses and Structures.**
- 9-605.4** **Accessory Uses and Structures.**
- 9-605.5** **Temporary Uses and Structures.**
- 9-605.6** **Special Use Regulations.**
- 9-605.7** **Prohibited Uses.**

Tables:

- 9-605.2** **Uses in Agricultural Zones.**
- 9-605.3** **Accessory Uses & Structures in Agricultural Zones.**
- 9-605.4** **Temporary Uses & Structures in Agricultural Zones.**

9-605.1 INTENT.

The intent of this Chapter is to specify the range of uses and structures allowed within agricultural zones, consistent with the policies and principles of the General Plan.

(Ord. 3675)

9-605.2 PERMITTED USE TYPES.

Permitted, not permitted, and conditionally permitted use types are set forth in Table 9-605.2. Use types are described in Chapter 9-115.

(Ord. 3675)

9-605.3 EXPANSION OF USES AND STRUCTURES.

Uses or structures that require discretionary review may be expanded with an Improvement Plan, provided the following conditions are met:

(a) The proposed expansion of a structure involves less than a twenty-five percent (25%) increase in floor area covered by the existing use; and

(b) The proposed expansion involves less than a ten percent (10%) increase in the overall site area covered by the existing use; and

(c) The proposed expansion, in the opinion of the Director, will not have a substantial, adverse effect on adjacent property; and

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

(e) Where conditions in Subsections (a) through (d) of this Section are not met, the level of review for the expansion shall be the same as the level of review required in Table 9-605.2.

(Ord. 3675; Ord. 3872, § 19, 1996)

9-605.4 ACCESSORY USES AND STRUCTURES.

Accessory uses and structures permitted, not permitted, and conditionally permitted are set forth in Table 9-605.3. Accessory uses and structures not specifically listed in Table 9-605.3 may be allowed by the Director, subject to approval of an Improvement Plan pursuant to Chapter 9-884 or a discretionary application, as specified by the Director.

(Ord. 3938, § 5, 1997)

9-605.5 TEMPORARY USES AND STRUCTURES.

Permitted, not permitted, and conditionally permitted temporary uses and structures are set forth in Table 9-605.4. Temporary uses and structures not specifically listed in Table 9-605.4 may be allowed, subject to approval of an Improvement Plan pursuant to Chapter 9-884.

(Ord. 3675; 3739; Ord. 3938, § 6, 1997)

9-605.6 SPECIAL USE REGULATIONS.

In addition to the provisions of Sections 9-605.2 through 9-605.5, the following Special Use Regulations shall apply to the uses or use types specified below:

(a) Agricultural Processing.

(1) A use classified under the Agricultural Processing use type may be expanded provided all of the following conditions are met:

(A) The use was lawfully in existence at the time the property was rezoned to AG;

(B) The expansion involves less than a fifty percent (50%) increase in floor area;

(C) The expansion involves less than a twenty-five percent (25%) increase in overall site area; and

(D) The expansion complies with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency.

(2) If a proposed expansion does not comply with the above, a new use permit shall be required.

(b) **Reserved.**

(c) **Explosives Handling.** A permit approval shall be subject to all of the following findings:

(1) The use type is located one-half mile or more from any residence or residentially zoned area on soils not classified as "prime," of "statewide significance," or "unique" by the United States Department of Agriculture, Soil Conservation Service;

(2) The use type is located in areas within one-quarter mile of an existing use classified under the Explosives Handling use type; and

(3) The use type will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or be injurious to property, agricultural operations, or improvements in the vicinity.

(d) **Power-Generating Facility.** A permit approval shall be subject to all of the following findings:

(1) The source of the power requires locating the use in an area designated as Agriculture or Resource Conservation in the General Plan;

(2) The use will not have a significantly detrimental effect on agricultural activities in the vicinity; and

(3) The site of the use can be rehabilitated for agricultural production or a permitted use in the AG zone if the power source is temporary.

(e) **Resource Recovery.** A permit approval shall be subject to all of the following findings:

(1) The nature of the materials processed and the operational characteristics of the use require a location outside of an urban area as designated on the General Plan.

(2) The facility only converts waste products from agricultural operations to other useable products.

(f) **Agricultural Truck Parking.** A permit approval for truck parking as an accessory use in an agricultural zone shall be subject to the following minimum requirements:

(1) The property contains a minimum of two (2) acres for up to one (1) truck and two (2) trailers, and four (4) acres for up to two (2) trucks and four (4) trailers; and

(2) The property fronts on a County-maintained road with a minimum twenty (20) foot width of pavement.

(3) The property contains the residence of the owner-operator of the truck(s).

(4) No employees, other than members of the owner-operator's immediate family, are allowed in the agricultural truck parking operation.

(5) One (1) accessory structure only is allowed for maintenance and repair of the permitted trucks and trailers.

(g) **Temporary Farm Labor Housing.** Permit approval shall be subject to the following minimum requirements:

(1) The housing must be used in conjunction with work performed on the site or on property owned or leased by the owner;

(2) The housing may not be occupied for more than eight (8) weeks per year; and

(3) The housing must be under permit of the Environmental Health Division.

(h) **Equipment Sales and Repair, Farm Machinery, Sales.** Permit approval shall be subject to the following requirements:

(1) The use type shall only be established where the proposed use or project has direct access to a Collector or higher classification roadway.

(i) **Agricultural Urban Reserve Zones.** Existing uses in the Agricultural Urban Reserve Zone which are consistent with the General Plan may be expanded or changed to other uses which are consistent with the General Plan, subject to a Site Approval, unless another discretionary approval is specified by this Title.

(j) **Open Space/Resource Conservation Area.** In areas designated as Open Space/Resource Conservation on the General Plan Map, all uses or use types shall require Site Approval, except:

(1) When another discretionary approval is specified by the Title.

(2) At the discretion of the Director, an Improvement Plan may be permitted in the following cases;

(A) Expansions of less than twenty-five percent (25%) to existing structures, or

(B) New accessory uses or structures that comply with the requirements in Section 9-605.3.

(k) **Dairies.** Dairies shall be subject to the following requirements:

(1) An existing or reactivated dairy may be expanded provided the expansion involves less than a twenty-five percent (25%) increase in the floor area of the milking parlor or milk house.

(2) An inactive dairy may be reactivated provided said dairy has been under permit with the Environmental Health Division within the previous five (5) years of its proposed reactivation date.

(3) An approved Site Approval shall be required for any expansion or reactivation of a dairy that does not comply with Subsections (k)(1) and (k)(2).

(4) An approved manure management plan, as approved by the Environmental Health Division, shall be required of all dairies.

(l) **Custom Agricultural Manufacturing.** The Custom Agricultural Manufacturing use type is permitted in the AG-40 zone with an approved Site Approval, subject to the following additional findings:

The Site Approval shall be subject to all of the following findings:

(1) The proposed use will not be detrimental to other agricultural uses in the area.

(2) The proposed use will not result in a concentration of other such uses in the area.

(m) **Continuation of an Accessory Use.** A Revision of Approved Actions to allow the continuation of an accessory use to an existing excavation subject to a Quarry Excavation Permit when the Quarry Excavation Permit is about to lapse shall be subject to the following minimum requirements:

(1) Application for Revision of Approved Actions. When the Quarry Excavation Permit is about to lapse solely because the mineral resource at an existing excavation subject to a Quarry Excavation Permit is nearly exhausted or has been exhausted, the Permittee may apply to the Community Development

Department for a Revision of Approved Actions for the purpose of allowing the continuation of an accessory use if all of the following criteria are satisfied:

(A) The lapsing of the Quarry Excavation Permit is due to lack of production at the permitted area resulting solely from the exhaustion of the mineral resource being excavated;

(B) The Applicant desires the Revision of Approved Actions to continue an authorized accessory use under the lapsing Quarry Excavation Permit;

(C) The continuation of the accessory use does not preclude replacement and modification from time to time of obsolete, inefficient, and/or nonfunctional equipment and modernization, including, but not limited to, an increase in hourly production, provided the annual production is not increased;

(D) Reclamation of the excavation site subject to the Quarry Excavation Permit, less the area occupied by the accessory use, shall be completed or shall be initiated prior to or simultaneously with the approval of the application for Revision of Approved Actions and shall be completed within two (2) years of the commencement of the reclamation process;

(E) The area occupied by the accessory use shall be reclaimed within the time permit required by the Revision of Approved Actions, and if there is no such time period requirement in the Revision of Approved Actions, the reclamation process shall be completed within two (2) years of the expiration of the Revision of Approved Actions or within two (2) years of the time that the accessory use ceases to be operated or utilized, whichever comes first;

(F) The term of the Revision of Approved Actions allowing continuation of the accessory use shall be determined by an amortization schedule based upon the projected useful life of the accessory use. The term of the Revision of Approved Actions shall not exceed thirty (30) years from the date the Revision of Approved Actions is approved;

(G) The continuation of the accessory use will not significantly affect the condition of the site; and

(H) The continuation of the accessory use complies with existing requirements of agen-

cies having jurisdiction and any other appropriate regulatory agency as determined by the Director of the Community Development Department.

(2) **Review.** If a Revision of Approved Actions is approved pursuant to Subsection (m)(1) of this Section, the site and the accessory use shall continue to be subject to any and all reviews required by the Surface Mining and Reclamation Act. Additionally, should the Revision of Approved Actions require, the Director of the Community Development Department shall review the Revision of Approved Actions, the site, and the accessory use annually or in accordance with any time period specified in the Revision of Approved Actions to determine if the criteria, as set forth in Subsection (m)(1), are being met.

(n) No more than twenty-five percent (25%) of the kennel building area may be used for pet grooming.

(o) **Limited Agricultural Recycling.** The Limited Agricultural Recycling use type is permitted in the General Agriculture (A-G) zones with an approved Site Approval subject to the following additional findings:

(1) The proposed use will not be detrimental to other agricultural uses in the area.

(2) The proposed use will not result in a concentration of other uses in the area.

(p) **Agricultural Resource Management Zone.** In the ARM zone all uses and ancillary structures that are permitted, conditionally permitted or accessory shall be consistent with the "principles of compatibility" as stated in Chapter 9-1800 of this Title.

(q) **Private Packing Sheds.** Under the Agricultural Processing, Preparation Services subcategory, only private packing sheds shall be permitted in the ARM zone.

(r) **Farm Services.** Administrative services shall be excluded under the Farm Services use type in the ARM zone.

(s) **Outdoor Sports Clubs.** Gun and rifle ranges and skeet clubs shall be excluded under the Recreation, Outdoor Sports Club subcategory in the ARM zone.

(t) **Veterans Organizations.** In the AG, AL and AU zones Veterans Organizations may only be located in existing Community Assembly facilities, and the facilities may not be rented.

(u) **Off-Premises Directional Signs.** Off-premises directional signs are permitted for approved wineries and wine cellars and shall be subject to design standards of Section 9-1710.6(b).

(v) **Permit Type Required for Change in Existing Use.** Any change in an existing use to a new use which requires either a Use Permit, a Site Approval, or an Improvement Plan shall be permitted without a Use Permit, Site Approval, or Improvement Plan, provided the Review Authority finds that the proposed use is less detrimental to, or will have no greater impact in, the zone than the existing use.

(w) **Truck Parking.** The Truck Sales and Service, Truck Parking Use Type may be conditionally permitted in the AL zones with an approved Use Permit subject to the following conditions:

(1) The trucks are limited in use to hauling agricultural products for the owner and/or third party(s);

(2) Service of trucks and trailers at the site is limited to routine maintenance;

(3) The site is located no more than one-half (1/2) mile from an existing frontage road and no more than (1) mile from a highway interchange at Highway 99; and

(4) The parcel size shall be a minimum of five (5) acres.

(x) **Distilled Spirits Storage.** The importation, storage and distribution of distilled spirits may be permitted as an accessory use for a large winery in the AG zone subject to the following conditions:

(1) A conditional use permit shall have been issued for a large winery under the same ownership as the producer or importer of the distilled spirits and for the same property;

(2) The importation, storage and distribution of the distilled spirits is demonstrated to be ancillary to the large winery's primary use of production, storage and distribution of wine;

(3) The maximum floor area to be used for the importation, storage and distribution of distilled spirits shall not exceed five percent (5%) of the existing square footage of buildings approved for wine storage use at the winery;

(4) The importation, storage and distribution of the distilled spirits shall only be available to the wholesale trade with no tasting or retail sales on the same property.

(y) **Public Display of Fireworks.** An Improvement Plan shall be required for all public displays of fireworks and are subject to the following regulations:

(1) An Improvement Plan shall be approved a minimum of two (2) weeks prior to the proposed public display of fireworks. An approved Operational Fire permit shall be submitted with every Improvement Plan.

(2) All property owners of parcels adjacent to the parcel(s) approved by the Improvement Plan shall be notified of the details of the public display of fireworks which shall include the date of the event, time of event, and length of time for the fireworks display. The Community Development Department shall notify property owners in writing a minimum of one (1) week prior to the public display of fireworks date.

(3) The Community Development Department shall notify the appropriate Municipal Advisory Council in writing a minimum of one (1) week prior to the public display of fireworks date if a public display of fireworks is proposed on a parcel located within a Municipal Advisory Council district.

(Ord. 3675; 3697; 3715; 3739; 3756; Ord. 3891, § 2, 1996; Ord. 3911, § 5, 1997; amended during 8/97 supplement; Ord. 3970, § 1, 1998; Ord. 3998, § 2, 1998; Ord. 3399, § 5, 1998; Ord. 4106, § 8, 2001; Ord. 4181, § 2, 2002; Ord. 4255, § 5, 2005; Ord. No. 4385, § 11, 1-12-2010; Ord. No. 4399, § 5, 9-14-2010; Ord. No. 4404, § 1, 12-14-2010; Ord. No. 4486, § 3, 9-13-2016; Ord. No. 4508, § 2, 6-6-2018)

9-605.7. PROHIBITED USES.

All uses, including, but not limited to flooding inconsistent with generally accepted agricultural practices or which presents or could present a threat to the physical integrity of Delta levees, on land with a general plan designation of AG and located within the Primary Zone of the Sacramento-San Joaquin Delta are prohibited, except:

(a) Allowed uses as identified in Tables 9-605.2, 9-605.3 and 9-605.4 of the San Joaquin County Development Title;

(b) The Delta Wetlands Project as defined in the 2011 Delta Wetlands Project Place of Use Environmental Impact Report and reflected in the protest dismissal and settlement agreement reached in the matter

of Central Delta Water Agency. et al. v. Semitropic Water Storage District. et al., San Francisco County Superior Court Case No. CPF-II-51175; and

(c) Easements obtained under the San Joaquin Multispecies Habitat Conservation Plan, but not greater than eighty (80) cumulative acres by a single entity.

(Ord. No. 4472, § 1, 1-26-2016)

TABLE 9-605.2 USES IN AGRICULTURAL ZONES

Legend: P Permitted Use PI Permitted Use With Improvement Plan QX Use Permitted Subject to Quarry Excavation Permit S Use Permitted Subject to Site Approval SD Use Permitted Subject to Second Unit Dwelling Permit U Use Permitted Subject to Use Permit - Use Not Permitted Note: In areas designated as Open Space/Resource Conservation on the General Plan, all uses or use types shall require Site Approval, unless another discretionary approval is specified by this Title.				
Use Types	Agricultural Zones			
	AG	AL	AU	ARM
Residential Use Types				
Family Residential				
Single-Family	P	P	P	P
Two-Family	-	-	-	-
Small Multi-Family	-	-	-	-
Large Multi-Family	-	-	-	-
Farm Employee Housing	-	-	-	-
Small	P	P	P	P
Large	U	U	-	U
Group Care				
Small	P	P	P	-
Large	-	-	-	-
Adult Day Care	-	-	-	-
Farm Related	U	-	-	-
Group Residential	-	-	-	-
Mobile Home Park	-	-	-	-
Emergency Shelters				
Small	P	P	P	-
Large	-	-	-	-
Single-Room Occupancy	-	-	-	-
Nonresidential Use Types				
Administrative Offices	-	-	-	-
Administrative Support Services	-	-	-	-
Adult Entertainment	-	-	-	-
Aerial Services				
Farm	S	-	-	S
Heliport	S	-	-	-
Agricultural Organizations	U	U	-	-
Nonresidential Use Types				
Agricultural Processing				
Preparation Services	S	U	-	S
Food Manufacturing	U	-	-	U
Agricultural Sales				
Feed and Grain	S	U	-	S

Legend: P Permitted Use PI Permitted Use With Improvement Plan QX Use Permitted Subject to Quarry Excavation Permit S Use Permitted Subject to Site Approval SD Use Permitted Subject to Second Unit Dwelling Permit U Use Permitted Subject to Use Permit - Use Not Permitted Note: In areas designated as Open Space/Resource Conservation on the General Plan, all uses or use types shall require Site Approval, unless another discretionary approval is specified by this Title.				
Use Types	Agricultural Zones			
	AG	AL	AU	ARM
Agricultural Chemicals	S	U	-	S
Agricultural Warehousing	S	S	-	S
Agricultural Wastes	S	-	-	S
Animal Feeding and Sales	S	-	-	S
Animal Raising				
Exotic Animals	S	U	S	S
General	P	P	P	P
Hogs	U	U	U	U
Small Animals	S	U	S	S
Family Food Production	P	P	P	P
Educational Animal Project	P	P	P	P
Zoo	-	-	-	-
Petting Zoo	U	U	U	-
Animal Specialty Services				
Farm	PI	S	-	PI
Pet	-	-	-	-
Kennel	U	U	-	U
Kennels, Small Breeding	S	S	S	S
Auction Sales				
Indoor	-	-	-	-
Outdoor	-	-	-	-
Automotive Sales and Services				
Automotive Rentals	-	-	-	-
Automotive Repairs, Light	-	-	-	-
Automotive Repairs, Heavy	-	-	-	-
Automotive Sales	-	-	-	-
Cleaning	-	-	-	-
Inoperable Vehicle Storage	-	-	-	-
Operable Vehicle Storage	-	-	-	-
Parking	-	-	-	-
Building Maintenance Services	-	-	-	-
Child Care Services				
Family Day Care Homes	P	P	P	P
Child Care Centers	S	S	S	-
Communication Services				

TABLE 9-605.2

Legend: P Permitted Use PI Permitted Use With Improvement Plan QX Use Permitted Subject to Quarry Excavation Permit S Use Permitted Subject to Site Approval SD Use Permitted Subject to Second Unit Dwelling Permit U Use Permitted Subject to Use Permit - Use Not Permitted Note: In areas designated as Open Space/Resource Conservation on the General Plan, all uses or use types shall require Site Approval, unless another discretionary approval is specified by this Title.				
Use Types	Agricultural Zones			
	AG	AL	AU	ARM
Type I	PI	PI	PI	PI
Type II	S	S	S	S
Type III	S	S	-	S
Type IV	S	-	-	-
Community Assembly	-	-	-	-
Construction Sales	-	-	-	-
Construction Services				
Light	-	-	-	-
Heavy	-	-	-	-
Crop Production	P	P	P	P
Cultural & Library Services	-	-	-	-
Custom Agricultural Manufacturing	S	-	-	-
Custom Manufacturing	-	-	-	-
Dairies	S	S	S	S
Eating Establishments				
Convenience	-	-	-	-
Full Service	-	-	-	-
Educational Services				
Commercial	-	-	-	-
General	S	S	S	-
Equipment Sales & Repair				
Farm Machinery, Sales	S	-	-	-
Farm Machinery, Repair	S	S	-	S
Heavy Equipment	-	-	-	-
Leisure	-	-	-	-
Aircraft	-	-	-	-
Explosives Handling	U	-	-	-
Farm Services	S	S	S	S
Funeral & Interment Services				
Cemeteries	U	-	U	-
Interring & Cremating	U	-	-	-
Undertaking	-	-	-	-
Gasoline Sales				
Service	-	-	-	-
Combination	-	-	-	-

Legend: P Permitted Use PI Permitted Use With Improvement Plan QX Use Permitted Subject to Quarry Excavation Permit S Use Permitted Subject to Site Approval SD Use Permitted Subject to Second Unit Dwelling Permit U Use Permitted Subject to Use Permit - Use Not Permitted Note: In areas designated as Open Space/Resource Conservation on the General Plan, all uses or use types shall require Site Approval, unless another discretionary approval is specified by this Title.				
Use Types	Agricultural Zones			
	AG	AL	AU	ARM
General Industrial				
Limited	-	-	-	-
Intermediate	-	-	-	-
Heavy	-	-	-	-
Hazardous Industrial	-	-	-	-
High Technology Industry	-	-	-	-
Laundry Services	-	-	-	-
Liquor Sales				
On-Premises	-	-	-	-
Off-Premises	-	-	-	-
Lodging Services				
Bed & Breakfast	S	S	S	-
Motel	-	-	-	-
Major Impact Services	U	-	-	-
Medical Services	-	-	-	-
Nursery Sales & Services				
Wholesale	PI	PI	PI	PI
Retail	-	-	-	-
Landscaping Services	S	S	S	-
Personal Storage	-	-	-	-
Petroleum & Gas Extraction	PI	PI	S	PI
Produce Sales				
Farm Produce Stands	P	P	P	P
Agricultural Store, Small	S	S	S	S
Agricultural Store, Large	U	U	U	U
Professional Services	-	-	-	-
Public Services				
Administrative	-	-	-	-
Essential	S	S	S	-
Quarry Operations	QX	-	QX	QX
Recreation				
Nature Preserve	U	U	-	U
Campgrounds	U	U	U	-
Indoor Participant	-	-	-	-
Indoor Spectator	-	-	-	-

TABLE 9-605.2

Legend: P Permitted Use PI Permitted Use With Improvement Plan QX Use Permitted Subject to Quarry Excavation Permit S Use Permitted Subject to Site Approval SD Use Permitted Subject to Second Unit Dwelling Permit U Use Permitted Subject to Use Permit - Use Not Permitted Note: In areas designated as Open Space/Resource Conservation on the General Plan, all uses or use types shall require Site Approval, unless another discretionary approval is specified by this Title.				
Use Types	Agricultural Zones			
	AG	AL	AU	ARM
Marinas	U	-	-	-
Outdoor Entertainment	-	-	-	-
Outdoor Sports Clubs	S	-	-	S
Parks	U	U	U	-
Resorts	S	S	-	-
Recycling Services				
Consumer	-	-	-	-
Scrap Operations	-	-	-	-
Limited Agricultural Recycling	SA	-	-	-
Religious Assembly				
Neighborhood	U	U	U	-
Community	U	U	U	-
Regional	U	U	U	-
Research & Laboratory Services	-	-	-	-
Retail Sales & Services				
Primary	-	-	-	-
Intermediate	-	-	-	-
General	-	-	-	-
Signs, Off-Premises, *see special use regulations for Off-premises directional signs	P	P	P	-
Stables				
Neighborhood	S	U	S	S
Commercial	U	U	U	-
Transportation Services	-	-	-	-
Truck Sales and Services				
Parking	-	U	-	-
Cleaning	-	-	-	-
Stops	-	-	-	-
Repairs	-	-	-	-
Sales	-	-	-	-
Terminals	-	-	-	-
LNG truck fueling stations	-	-	-	-
Utility Services				
Minor	P	P	P	P
Major	S	S	S	S
Veterans Organizations	S	S	S	-

Legend: P Permitted Use PI Permitted Use With Improvement Plan QX Use Permitted Subject to Quarry Excavation Permit S Use Permitted Subject to Site Approval SD Use Permitted Subject to Second Unit Dwelling Permit U Use Permitted Subject to Use Permit - Use Not Permitted Note: In areas designated as Open Space/Resource Conservation on the General Plan, all uses or use types shall require Site Approval, unless another discretionary approval is specified by this Title.				
Use Types	Agricultural Zones			
	AG	AL	AU	ARM
Water Storage	U	-	-	U
Wholesaling & Distribution				
Light	-	-	-	-
Heavy	-	-	-	-
Wineries and Wine Cellars				
Wine Cellar, Off-Site	S	-	-	S
Winery, Large and Medium	U	-	-	U
Winery, Boutique and Small	S	S	-	S

(Ord. 3675; 3697; 3715; 3756; Ord. 3843, § 5, 1995; Ord. 3872, § 11, 1996; Ord. 3911, § 6, 1997; Ord. 3931, § 7, 1997; Ord. 3399, § 6, 1998; Ord. 4013, § 6, 1999; Ord. 4059, § 10, 2000; Ord. 4106, § 5, 2001; Ord. 4115, § 6, 2001; Ord. 4127, § 5, 2001; Ord. 4134, § 5, 2002; Ord. 4155, § 5, 2002; Ord. 4181, § 5, 2002; Ord. 4255, § 4, 2005; Ord. 4367, § 1, 2009; Ord. 4368, §§ 15, 16, 2009; Ord. No. 4385, § 10, 1-12-2010; Ord. No. 4404, § 2, 12-14-2010; Ord. No. 4420, § 2, 12-13-2011; Ord. No. 4440, § 6, 8-13-2013; Ord. No. 4471, § 17, 12-15-2015)

TABLE; 9-605.3 ACCESSORY USES & STRUCTURES IN AGRICULTURAL ZONES

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval SD Use Permitted Subject to Second Unit Dwelling Permit U Use Permitted Subject to Use Permit - Use Not Permitted				
Accessory Use or Structure	Agricultural Zones			
	AG	AL	AU	ARM
Antennae, Radio/TV Dish	P	P	P	P
Barn	P	P	P	P
Biomass Energy Production For Use On Premises	S	S	S	S
Boathouse, Private: One per Lot	P	P	P	P
Commercial Coach	P	P	P	-
Coop	P	P	P	P
Distilled Spirits Storage, Large Winery	P	-	-	-
Dock, Private: One per Lot	P	P	P	P
Firewood Sales: Grown On-site or Within a Five (5) Mile Radius of the Premises	P	P	P	P
Garage, Private: For up to Three (3) Vehicles	P	P	P	P
Greenhouse, Private	P	P	P	P
Guesthouse	P	P	P	P
Horse Raising	P	P	P	P
Packing Shed, Private	P	P	P	P
Pet Grooming	PI	PI	-	-
Pet Training	P	P	-	P
Pump/Pumphouse	P	P	P	P
Second Unit Dwelling	SD	SD	SD	SD
Silo	P	P	P	P
Stable, Private	P	P	P	P
Storage Building, Private	P	P	P	P
Swimming Pool & Equipment	P	P	P	P
Truck Parking, Agricultural	S	S	S	S
Water Storage Facility	P	P	P	P
Wind Machine, Private	P	P	P	P
Wine Tasting Room at a Wine Cellar, Off-Site	P	-	-	P
Wine Tasting Room at a Winery, All Sizes	P	-	-	P
Workshop/Hobby Shop	P	P	P	P

(Ord. 3675; 3697; Ord. 3998, § 1, 1998; Ord. No. 3999, § 6, 10-27-1998; Ord. 4106 § 6, 2001; Ord. 4115 § 7, 2001; Ord. 4368, § 17, 2009; Ord. No. 4385, § 12, 1-12-2010; Ord. No. 4486, § 2, 9-13-2016)

TABLE 9-605.4

TEMPORARY USES & STRUCTURES IN AGRICULTURAL ZONES

Legend: AX Permitted Subject to Agricultural Excavation Permit P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval SD Use Permitted Subject to Second Unit Dwelling Permit U Use Permitted Subject to Use Permit - Use Not Permitted MP Permitted Subject to Mobile Home Permit (M) Permit Type Unique to Mountain House Community				
Temporary Use or Structure	Agricultural Zone			
	AG	AL	AU	ARM
Auction, Agricultural Machinery	PI	PI	PI	PI
Auction, Livestock	S	S	S	S
Batch Plant	U	-	-	-
Boutique Sales (Limit: 2 consecutive days, twice per year)	P	P	P	P
Carnival/Circus	U	U	U	-
Caretaker Mobile Home	-	-	-	-
Christmas Tree Sales	PI	PI	PI	PI
Commercial Coach	PI	PI	PI	PI
Corporation Yard	PI	PI	PI S(M)	-
Farmer's Market	S	S	S	-
Garage Sale (Limit: 2 consecutive days, twice per year)	P	P	P	P
Halloween Pumpkin Sales	PI	PI	PI	PI
Motion Picture Filming	P	P	P	P
Public Display of Fireworks*	IP	IP	IP	IP
Special Outdoor Event	PI	PI	PI	PI
Special Indoor Event	PI	PI	PI	PI
Subdivision Sales Office	-	-	-	-
Temporary Building Incidental to Construction Works	P	P	P	P
Temporary Farm Employee Housing	PI	-	-	PI
Temporary Mobile Home	MP	MP	MP	MP
Tent Revival	U	U	U	-

(Ord. 3675; 3697; 3715; Ord. 3832, § 14, 1995; Ord. 3843, § 15, 1995; Ord. 4059, § 11, 2000; Ord. 4106, § 7, 2001; Ord. No. 4385, § 13, 1-12-2010; Ord. No. 4508, § 2, 6-6-2018)

CHAPTER 9-610

AGRICULTURAL ZONES: LOT AND STRUCTURE REGULATIONS

Sections:

9-610.1	Intent.
9-610.2	Lot Area.
9-610.3	Area Exceptions.
9-610.4	Lot Width.
9-610.5	Yard Dimensions.
9-610.6	Height.
9-610.7	Building Coverage.
9-610.8	Minimum Dimensions of Corner Lots.

Tables:

9-610.2	Standards for Minimum Lot Area & Width, Yard Dimensions, Height, Building Coverage, and Depth: Width Ratio.
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9-610.1 INTENT.

The intent of this Chapter is to regulate the size and width of individual lots, but not zones; the location and height of structures on lots; and the physical character and intensity of lot usage within the agricultural zones consistent with the policies and principles of the General Plan.

(Ord. 3675)

9-610.2 LOT AREA.

Lots in the agricultural zones shall have the minimum areas set forth in Table 9-610.2, except as modified by Section 9-610.3.

(Ord. 3675)

9-610.3 AREA EXCEPTIONS.

The following exceptions to the minimum lot area regulations in Table 9-610.2 are permitted:

(a) **Homesite Parcels.** Homesite parcels may be approved in the AG zone, provided all of the following provisions are satisfied:

(1) Not more than one (1) homesite parcel may be created from an existing parcel; however, under no circumstances shall the number of parcels resulting from the division exceed the maximum number of parcels permissible under the General Plan density. In determining how many homesite parcels have

been created from an existing parcel, all homesite parcels created from an existing parcel since July 29, 1992, the date of the adoption of the General Plan, shall be counted;

(2) The homesite parcel shall contain not less than two (2) acres nor more than five (5) acres. A homesite parcel created from property under Williamson Act contract shall also comply with Section 66474.4 of the Government Code, which permits the creation of such homesite parcels provided a residence has existed on the property proposed to be divided for five (5) years and the property owner has owned the property for ten (10) years;

(3) A Minor Subdivision application proposing the creation of a homesite parcel from an existing parcel shall not be approved by the Review Authority if the owner of the existing parcel has owned the existing parcel for less than ten (10) years. If the Minor Subdivision application is approved, the homesite parcel which is created shall not be transferred for a period of ten (10) years following the date of its approval or upon the death of an owner owning at least fifty (50) percent interest in the homesite parcel, unless the homesite parcel and the remainder parcel are merged pursuant to the provisions of this Title.

(4) A building permit for a single family dwelling for each homesite parcel shall be issued concurrently with the filing for record of the parcel map.

(5) After the creation of a homesite parcel under this subsection, no further homesite parcels may be created on the remainder parcel except for financing purposes as set forth below in subsection (b).

(b) **Homesite Parcels for Financing Purposes Only.** Homesite parcels created for financing purposes only may be approved in the AG zone, provided all of the following provisions are satisfied:

(1) Neither the homesite parcel nor the remainder parcel may be voluntarily transferred separately from the other parcel; however, if an institutional lender forecloses on either parcel, either parcel may be transferred separately in accordance with the power of sale provisions contained in the deed of trust;

(2) Upon repayment of the loan, the owner of the homesite parcel shall merge the homesite parcel with the remainder parcel, as provided for in this

Title, unless the owner of the homesite parcel acquired the homesite parcel through a foreclosure action, or unless the owner refinances the loan.

(3) The remainder parcel shall remain a nonbuildable site for primary dwelling units.

(4) All homesite parcels created for financing purposes only shall contain not less than two (2) acres nor more than five (5) acres.

(c) Homesite and remainder parcels approved under the provisions of subsections (a) and (b) above shall have a notice recorded by separate instrument concurrently with the parcel map to indicate the restrictions specified in said subsection. A note shall also be placed on the parcel map indicating said restrictions with a reference to the instrument number of said recorded notice. The restrictions specified in this subsection shall terminate if the subject property is reclassified to a nonagricultural zone or to an agricultural zone with a five (5) acre minimum.

(d) **Parcels for Certain Specified Uses.** Parcels containing less area than the minimum required in Table 9-610.2 may be created for the purpose of providing a separate lot for an existing use or a use granted by permit in the AG zone, subject to the following conditions:

(1) The existing use, or use granted by permit, is classified under one (1) or more of the following use types:

- (A) Agricultural Processing;
- (B) Agricultural Organizations;
- (C) Agricultural Sales;
- (D) Agricultural Warehousing;
- (E) Animal Feeding and Sales;
- (F) Animal Specialty Services,

Farm;

- (G) Educational Services, General;

and

- (H) Equipment Sales and Repair:
 - (i) Farm Machinery, Sales,

and

- (ii) Farm Machinery, Repair;

and

- (I) Major Impact Services;
- (J) Nursery Sales and Services:

Wholesale;

- (K) Public Services;
- (L) Recreation:
 - (i) Campgrounds and

- (ii) Marinas;

- (M) Religious Assembly;

- (N) Stables;

- (O) Utility Services;

- (P) Farm Services; (Q) Limited Agricultural Recycling;

- (R) Custom Agricultural Manufacturing; and

- (S) Aerial Services-Farm.

(2) The parcel to be created will be reduced to the least area required to conduct the operation;

(3) The remainder parcel shall meet the minimum lot area requirements specified in Table 9-610.2;

(4) A dwelling unit may be allowed on such resulting parcels only as an accessory use; and

(5) The proposed subdivision of property complies with Sections 51230.1 and 66474.4 of the Government Code if the property to be divided is under a Williamson Act Contract.

(e) **Parcels For Dwellings on Same Lot.** Two (2) parcels, each containing one (1) habitable single-family dwelling and each consisting of less area and/or width than required in Table 9-610.2, may be created from an original parcel for the purpose of providing a separate lot for each dwelling, subject to the following conditions:

(1) The single-family dwellings were erected prior to February 9, 1961; and

(2) The proposed subdivision of property complies with Sections 51230.1 and 66474.4 of the Government Code if the property to be divided is under a Williamson Act Contract.

(f) **Parcels Based on Lot-Size Averaging.** Parcels of land containing up to ten (10) percent less area than the minimum area required in Table 9-610.2 may be created from an original parcel, subject to the following conditions:

(1) The overall average parcel area of the proposed subdivision is equal to or greater than the minimum parcel area required in Table 9-610.2; and

(2) The proposed subdivision of property complies with Sections 51230.1 and 66474.4 of the Government Code if the property to be divided is under a Williamson Act Contract.

(g) **AU Zoning in New Communities.** Parcels zoned AU in a new or expanded community shall have,

TABLE 9-610.2

at minimum, a forty (40) acre lot area assigned to the AU zone. After the required Master Plan has been approved for the new or expanded community, the twenty (20) acre minimum may be assigned. (Ord. 3675; 3697; 3761; 3788; Ord. 3859 (part), 1995; Ord. 3872 § 1, 1996; Ord. 3399 § 7, 1998; Ord. 4006 § 3, 1998; Ord. 4035 § 5, 1999; Ord. 4320 § 1, 2007)

9-610.4 LOT WIDTH.

Lots within the agricultural zones shall not have a width less than that set forth in Table 9-610.2. (Ord. 3675)

9-610.5 YARD DIMENSIONS.

Yards within the agricultural zones shall have the minimum depths set forth in Table 9-610.2, except as modified below:

(a) **Reduction of Required Yards.** Required yards may be reduced as follows:

(1) If the subject lot has less width than the required width specified in Table 9-610.2, the side yard or street side yard may be reduced to ten percent (10%) of the width of the lot, provided the side yard is not less than four (4) feet in width and the street side yard is not less than ten (10) feet in width.

(2) If the subject lot is less than seventy-five (75) feet in width, the street side yard may be reduced to ten (10) feet in width.

(b) **Structures within Required Yards.** The following structures may be located in or extend within required yards, subject to the provisions specified:

(1) Architectural features, subject to the provisions of Chapter 9-1010;

(2) Screening, including fences and gates, subject to the provisions of Chapter 9-1022 (Fencing and Screening) of this Title;

(3) Additions to nonconforming single family dwellings, subject to the provisions of Chapter 9-235; and

(4) Structures adjacent to and associated with railroad spurs. (Ord. 3675; 3697; Ord. 3832 § 15, 1995; Ord. 3872 § 7, 1996; Ord. 4368 § 18, 2009)

9-610.6 HEIGHT.

Buildings and structures within the agricultural zones shall not exceed the heights set forth in Table 9-610.2, except as provided by Chapter 9-1005; screening devices, including fences, gates, and gateposts, shall comply with the height requirements specified in Chapter 9-1020.

(Ord. 3675)

9-610.7 BUILDING COVERAGE.

The percentage of the total area of any lot which may be occupied by buildings in the agricultural zones shall not exceed that set forth in Table 9-610.2.

(Ord. 3675; 3739)

9-610.8 MINIMUM DIMENSIONS OF CORNER LOTS.

For corner lots proposed after the adoption of this Title:

(a) The minimum width shall be sixty-five (65) feet, and

(b) The minimum depth shall be sixty-five (65) feet.

(Ord. 3675)

TABLE 9-610.2

Standards for Minimum Lot Area & Width, Yard Dimensions, Height, Building Coverage, and Depth:Width Ratio ¹

	AG	AL	AU	ARM
Lot Area (acres)	2	3	4	9
Lot Width (feet) ⁵	330	200	330	330
Yard Dimensions (feet) ⁸				
Front and Street Side - Regular	30	30	30	30
Front and Street Side - Right of Way less than 50'	55	55	55	55

TABLE 9-610.2

	AG	AL	AU	ARM
Side	10	10	10	10
Rear - Appurtenant to main buildings	30	30	30	30
Rear - Appurtenant to accessory buildings	15	15	15	15
Rear - Reverse corner lots	10	10	10	10
Height (feet) ⁷				
Dwellings	35 ⁶	35 ⁶	35	35 ⁶
Buildings accessory to dwellings	35 ¹⁰	35 ¹⁰	18	35 ¹⁰
Other structures	none	none	none	none
Building Coverage (%)	N/A	N/A	N/A	N/A
Depth:Width Ratio ⁶	4:1	4:1	4:1	4:1

Notes:

¹ See Sections 9-610.2 through 9-610.8 for exceptions and modifications.

² The following lot area provisions apply to the AG Zone:

- (a) Lots zoned "AG-20" shall be at least twenty (20) acres.
- (b) Lots zoned "AG-40" shall be at least forty (40) acres.
- (c) Lots zoned "AG-80" shall be at least eighty (80) acres.
- (d) Lots zoned "AG-160" shall be at least one hundred sixty (160) acres

³ The following lot area provisions apply to the AL Zone:

- (a) Lots zoned "AL-5" shall be at least five (5) acres.
- (b) Lots zoned "AL-10" shall be at least ten (10) acres.

⁴ The following lot area provisions apply to the AU Zone:

- (a) Lots zoned "AU-20" shall be at least twenty (20) acres.
- (b) Lots zoned "AU-40" shall be at least forty (40) acres.
- (c) Lots zoned "AU-80" shall be at least eighty (80) acres.
- (d) Lots zoned "AU-160" shall be at least one hundred sixty (160) acres.

⁵ For homesite parcels, the minimum lot width shall be one hundred fifty (150) feet.

⁶ See Section 9-905.9 for exceptions.

⁷ For parcels containing twenty (20) or more acres, there shall be no maximum height for dwellings.

⁸ The minimum setback from all property lines for dwellings over thirty-five (35) feet in height shall be twice the maximum height of the dwelling, with a minimum setback of one hundred fifty (150) feet.

⁹ (a) Lots zoned "ARM-20" shall be at least twenty (20) acres.

(b) Lots zoned "ARM-40" shall be at least forty (40) acres.

(c) Lots zoned "ARM-80" shall be at least eighty (80) acres.

(d) Lots zoned "ARM-160" shall be at least one hundred sixty (160) acres.

¹⁰ See Section 9-1005.3 for height criteria.

N/A Not applicable.

Setbacks for yards shall be measured from the planned ultimate right-of-way width of the roadway, as shown on the General Plan or applicable Specific Plan or Special Purpose Plan.

(Ord. 3675; 3715; 3739; 3756; Ord. 3842 § 1, 1995; Ord. 3859 (part), 1995; Ord. 4106 § 9, 2001; Ord. 4119 § 2, 2001)

DIVISION 7. OTHER ZONES**CHAPTER 9-700****OTHER ZONES: INTENT AND ORGANIZATION****Sections:****9-700.1 Title and Intent.****9-700.2 Organization.****9-700.1 TITLE AND INTENT.**

Division 7 constitutes the Other Zones. The purpose of this Division is to prescribe use, lot, and structure regulations for zones other than residential, commercial, or industrial zones within San Joaquin County, consistent with the Community Development portion of the General Plan. The names and intents of the Other Zones are as follows:

(a) **P-F Zone.** The Public Facilities (P-F) Zone is intended to provide for the establishment of major correctional, medical, and infrastructure facilities; publicly owned recreation facilities and areas and similar facilities and areas; educational facilities meeting State requirements for primary, secondary, and higher education; police and fire protection facilities; public facilities and supporting uses in areas where they are most likely to benefit the County's residents. This zone is intended to implement the Public Facilities land use category of the General Plan.

(b) **M-X Zone.** The Mixed-Use (M-X) Zone is intended to provide for activity centers containing a variety of compatible and integrated land uses under a coherent plan. The concurrent filing of a Special Purpose Plan or Specific Plan shall be required of areas to be zoned Mixed-Use. This zone is intended to implement the Mixed- Use land use category of the General Plan.

(c) **AP-X Zone.** The Airport Multi-Use Zone is intended to provide for the establishment of a variety of commercial and industrial land uses which are compatible with and supportive of airport operations on or adjacent to the Stockton Metropolitan Airport property and which may be coordinated under a Special Purpose Plan.

(Ord. 3675; Ord. 3990 § I (part), 1998; Ord. 4139 § 1 (part), 2002)

9-700.2 ORGANIZATION.

Division 7 consists of the following chapters:

(a) 9-700 Other Zones: Intent and Organization;

(b) 9-705 Other Zones: Use Regulations; and

(c) 9-710 Other Zones: Lot and Structure Regulations.

(Ord. 3675; Ord. 3990 § I (part), 1998; Ord. 4139 § 1 (part), 2002)

CHAPTER 9-705**OTHER ZONES: USE REGULATIONS****Sections:**

- 9-705.1** **Intent.**
- 9-705.2** **Permitted Use Types.**
- 9-705.3** **Accessory Uses and Structures.**
- 9-705.4** **Temporary Uses and Structures.**
- 9-705.5** **Special Use Regulations in the Mixed-Use Zone.**
- 9-705.6** **Special Use Regulations in the Public Facilities Zone.**
- 9-705.7** **Special Use Regulations in the Airport Multi-Use Zone.**
- 9-705.8** **Special Use Regulations in Other Zones.**

Tables:

- 9-705.2** **Uses in Other Zones.**
- 9-705.4** **Temporary Uses & Structures in Other Zones.**

9-705.1 INTENT.

The intent of this Chapter is to specify the range of uses and structures allowed in Other Zones, consistent with the policies of the General Plan.
(Ord. 3675; Ord. 3990 § 2 (part), 1998; Ord. 4139 § 1 (part), 2002)

9-705.2 PERMITTED USE TYPES.

Permitted, not permitted, and conditionally permitted use types are set forth in Table 9-705.2. Use types are described in Chapter 9-115.
(Ord. 3675; Ord. 3990 § 2 (part), 1998; Ord. 4139 § 1 (part), 2002)

9-705.3 ACCESSORY USES AND STRUCTURES.

Accessory uses or structures may be permitted with an Improvement Plan, provided:

- (a) The proposed accessory use or structure involves less than a twenty-five percent (25%) increase in floor area covered by the existing principal use type; and
- (b) The proposed accessory use or structure involves less than a ten percent (10%) increase in the overall site area covered by the existing use type; and

(c) The proposed accessory use or structure, in the opinion of the Director, will not have a substantial, adverse effect on adjacent property; and

(d) The proposed accessory use or structure will comply with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency; or

(e) Where conditions in Subsections (a) through (d) of this Section are not met, the level of review for the accessory use or structure shall be the same as the level of review required for the primary use or structure.

(Ord. 3675; Ord. 3872 § 20, 1996; Ord. 3990 § 2 (part), 1998; Ord. 4139 § 1 (part), 2002)

9-705.4 TEMPORARY USES AND STRUCTURES.

Permitted, not permitted, and conditionally permitted temporary uses and structures are set forth in Table 9-705.4. Temporary uses or structures not specifically listed in Table 9-705.4 may be allowed, subject to an Improvement Plan pursuant to Chapter 9-884.

(Ord. 3675; 3739; Ord. 3990 § 2 (part), 1998; Ord. 4139 § 1 (part), 2002)

9-705.5 SPECIAL USE REGULATIONS IN THE MIXED-USE ZONE.

In addition to the provisions of Sections 9-705.1 through 9-705.4, the following Special Use Regulations shall apply in the Mixed-Use Zone:

(a) In addition to the following requirements, the design guidelines, standards, and specific requirements contained in the Design Guidelines Manual shall apply.

(1) The floor area ratio of all building and structures on a specific single lot shall not exceed 4:1, except public buildings which shall not exceed 6:1.

(2) Streets within the mixed-use project shall consist of either local residential or local commercial streets, except:

(A) An entrance street to the mixed-use project may be a divided and landscaped boulevard.

(B) Existing streets in developed areas.

(3) Streets shall have frequent intersections, consisting of blocks that are no more than one thousand four hundred (1,400) feet in length and normally no more than six hundred (600) feet in length.

(4) Street trees shall be required at a minimum of thirty (30) foot intervals.

(5) There shall be at least one (1) central public space in the mixed-use project.

(6) There shall be at least one (1) linear foot of seating capacity per thirty (30) square feet of public space.

(7) At least twenty percent (20%) of the total square footage in the project shall be devoted to residential uses.

(8) There shall be at least one (1) main retail block in which at least seventy-five percent (75%) of the ground floor linear frontage is retail.

(9) The blocks adjacent to the main retail block(s) shall contain either:

(A) Ground floor frontage in which at least fifty percent (50%) of the linear block shall be devoted to any combination of:

(1) Retail uses.

(2) Entertainment services, except radio and television studios.

(3) Eating and drinking establishments.

(B) Public open space.

(10) Surface parking lots are not permitted on the main retail block(s) or adjacent retail in parking structures, underground, behind structures, or in the interior of a block.

(11) The face of all buildings shall be adjacent to the sidewalk, except:

(A) In areas that are predominately residential (more than seventy-five percent (75%) of the block), set backs may be no more than ten (10) feet; the set back of each block face must be consistent.

(B) Public buildings.

(C) In existing areas, buildings will follow the existing setback.

(b) Each mixed use project shall develop its own specific, detailed design guidelines.

(c) Specific requirements of the mixed-use zone may be modified or waived by the Director if it is demonstrated that the alternative will produce a superior project.

(Ord. 3675; Ord. 3990, § 2 (part), 1998; Ord. 4139, § 1 (part), 2002)

9-705.6 SPECIAL USE REGULATIONS IN THE PUBLIC FACILITIES ZONE.

In addition to the provisions of Sections 9-705.2 through 9-705.4, the following Special Use Regulations shall apply in the Public Facilities Zone:

(a) **Accessory Uses and Structures.** Only accessory residential structures for the owner-operator and/or employees who work on the site shall be permitted.

(b) **Stockton Metropolitan Airport.** In addition to the uses permitted in Table 9-705.2 for the P-F zone, additional uses may be permitted at the Stockton Metropolitan Airport subject to approval of a Special Purpose Plan and if the Community Development Department Director finds that the use is an aviation related use consistent with FAA Grant Assurances, as amended from time to time.

(Ord. 3739; Ord. 3990, § 2 (part), 1998; Ord. 4092, § 1, 2000; Ord. 4139, § 1 (part), 2002)

9-705.7 SPECIAL USE REGULATIONS IN THE AIRPORT MULTI-USE ZONE.

In addition to the provisions of Sections 9-705.2 through 9-705.4, the following Special Use Regulations shall apply in the Airport Multi-Use Zone:

(a) **Agricultural Processing: Food Manufacturing Use Type.** The Agricultural Processing: Food Manufacturing use type is permitted in the AP-X Zone subject to an Improvement Plan, provided wastewater generation is limited to domestic waste only and the use is consistent with the Stockton Metropolitan Airport Special Purpose Plan.

(b) **Educational Services: General.** The Educational Services: General use type is permitted in the AP-X Zone subject to an Improvement Plan that is consistent with the Stockton Metropolitan Airport Special Purpose Plan, but schools for primary and secondary education are not permitted.

(c) **Retail Sales and Service.** The Retail Sales and Service use type is permitted in the AP-X Zone as provided in Table 9-705.2, but retail establishments which individually contain fifty thousand (50,000) square feet or more ground floor area or which, as a collective unit of stores, contain one hundred thousand (100,000) square feet or more ground floor area and which are planned as an integrated shopping center are not permitted. Aviation-related uses, however, that exceed these

thresholds may be permitted subject to an Improvement Plan that is consistent with the Stockton Metropolitan Airport Special Purpose Plan.
(Ord. 3990, § 2 (part), 1998; Ord. 4139, § 1 (part), 2002)

9-705.8 SPECIAL USE REGULATIONS IN OTHER ZONES.

In addition to the provisions of Sections 9-705.2 through 9-705.4, the following Special Use Regulations shall apply to the Other Zones:

(a) **Commercial and Industrial Uses.** Unless the permit type is more restrictive, a Site Approval is required for any commercial or industrial use that is:

- (1) Six thousand (6,000) square feet or greater in ground floor area;
- (2) Occupies ten (10) or more acres of site area;
- (3) Not served by a public wastewater treatment plant, public water system, and a public drainage system.

(b) **Improvement Plan for Areas with Special Purpose Plan.** An Improvement Plan shall replace the permit type specified in Table 9-705.2 for a given use if a Special Purpose Plan has been adopted for the site on which said use is to be located and the use is consistent with the Special Purpose Plan.

(c) **Permit Type Required for Change in Existing Use.** Any change in an existing use to a new use which requires either a Use Permit, a Site Approval, or an Improvement Plan shall be permitted without a Use Permit, Site Approval, or Improvement Plan, provided the Review Authority finds that the proposed use is less detrimental to, or will have no greater impact in, the zone than the existing use.

(d) **Public Display of Fireworks.** An Improvement Plan shall be required for all public displays of fireworks and are subject to the following regulations:

(1) An Improvement Plan shall be approved a minimum of two (2) weeks prior to the proposed public display of fireworks. An approved Operational Fire permit shall be submitted with every Improvement Plan.

(2) All property owners of parcels adjacent to the parcel(s) approved by the Improvement Plan shall be notified of the details of the public display of fireworks which shall include the date of the event, time of event, and length of time for the fireworks

display. The Community Development Department shall notify property owners in writing a minimum of one (1) week prior to the public display of fireworks date.

(3) The Community Development Department shall notify the appropriate Municipal Advisory Council in writing a minimum of one (1) week prior to the public display of fireworks date if a public display of fireworks is proposed on a parcel located within a Municipal Advisory Council district.
(Ord. 4035, § 6, 1999; Ord. 4139, § 1 (part), 2002; Ord. No. 4399, § 6, 9-14-2010; Ord. No. 4508, § 2, 6-6-2018)

TABLE 9-705.2 USES IN OTHER ZONES

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval SP Use Permitted Subject to Special Purpose Plan U Use Permitted Subject to Use Permit - Use Not Permitted			
(M) Permit Type for Mountain House Community			
Use Types	Other Zones		
	P-F	M-X	AP-X
Residential Use Types			
Family Residential			
Single-Family	-	PI	-
Two-Family	-	PI	-
Small Multi-Family	-	PI	-
Large Multi-Family	-	S	-
Farm Employee Housing	-	-	-
Small	-	-	-
Large	-	-	-
Group Care			
Small	-	P	-
Large	-; S(M)	SP; -(M)	-
Adult Day Care	-; S(M)	S; -(M)	-
Farm Related	-	-	-
Group Residential	-; S(M)	PI; U(M)	-
Mobile Home Park	-	-	-
Emergency Shelters			
Small	-	P	-
Large	-	-	-
Single-Room Occupancy	-	-	-
Nonresidential Use Types			
Administrative Offices	-	PI	SP
Administrative Support Services	-	PI	SP
Adult Entertainment	-	U; S(M)	-
Aerial Services			
Farm	-	-	SP
Heliport	-	-	SP
Agricultural Organizations	-	PI-(M)	SP
Agricultural Processing			
Preparation Services	-	-	SP

TABLE 9-705.2

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval SP Use Permitted Subject to Special Purpose Plan U Use Permitted Subject to Use Permit - Use Not Permitted			
(M) Permit Type for Mountain House Community			
Use Types	Other Zones		
	P-F	M-X	AP-X
Food Manufacturing	-	-	SP
Agricultural Sales			
Feed & Grain		-	-
Agricultural Chemicals	-	-	SP
Agricultural Warehousing	-	-	SP
Agricultural Wastes	-	-	-
Animal Feeding & Sales	-	-	-
Animal Raising			
Exotic Animals	-	-	-
General	-	-	-
Hogs	-	-	-
Small Animals	-	-	-
Family Food Production	-	-	-
Educational Animal Project	-	-	-
Zoo	U	-	-
Petting Zoo	- U(M)	- U(M)	-
Animal Specialty Services			
Farm	-	-	-
Pet	-	PI S(M)	-
Kennels	-	-	-
Kennels, Small Breeding	-	-	-
Auction Sales			
Indoor	-	PI S(M)	SP
Outdoor	-	-	-
Automotive Sales and Services			
Automotive Rentals	-	PI; (M)	SP
Automotive Repairs, Light	-	-	SP
Automotive Repairs, Heavy	-	-	SP
Automotive Sales	-	-	-

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval SP Use Permitted Subject to Special Purpose Plan U Use Permitted Subject to Use Permit - Use Not Permitted			
(M) Permit Type for Mountain House Community			
Use Types	Other Zones		
	P-F	M-X	AP-X
Cleaning	-	-	SP
Inoperable Vehicle Storage	-	-	-
Operable Vehicle Storage	-	-	SP
Parking	- PI(M)	SP S(M)	SP
Building Maintenance Services	-	PI -(M)	SP
Child Care Services			
Family Day Care Homes	P	P	-
Child Care Centers	PI S(M)	SP S(M)	SP
Communication Services			
Type I	PI	PI	SP
Type II	U	U	SP
Type III	U	U	SP
Type IV	PI	PI	SP
Community Assembly	PI	PI S(M)	-
Construction Sales	-	-	SP
Construction Services			
Light	-	-	SP
Heavy	-	-	-
Crop Production	P	P	P
Cultural & Library Services	PI	PI	SP
Custom Manufacturing	- S(M)	SP -(M)	SP
Dairies	-	-	-
Eating Establishments			
Convenience	-	PI	SP
Full Service	-	PI	SP
Educational Services			

TABLE 9-705.2

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval SP Use Permitted Subject to Special Purpose Plan U Use Permitted Subject to Use Permit - Use Not Permitted			
(M) Permit Type for Mountain House Community			
Use Types	Other Zones		
	P-F	M-X	AP-X
Commercial	- S(M)	PI S(M)	
General	S	S	SP
Equipment Sales & Repair			
Farm Machinery, Sales	-	-	SP
Farm Machinery, Repair	-	-	SP
Heavy Equipment, Sales	-	-	-
Heavy Equipment, Repair	-	-	-
Leisure	-	-	SP
Aircraft	-	-	SP
Explosive Handling	U -(M)	-	-
Farm Services	-	-	-
Funeral & Interment Services			
Cemeteries	S	-	-
Interring & Cremating	S	-	-
Undertaking	-	S	-
Gasoline Sales			
Service	-	SP -(M)	SP
Combination	-	SP -(M)	SP
General Industrial			
Limited	-	-	SP
Intermediate	-	-	SP
Heavy	-	-	-
Hazardous Industrial	-	-	-
High Technology Industry	-	S -(M)	SP
Laundry Services	-	-	-
Liquor Sales			
On-Premises	-	PI	SP

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval SP Use Permitted Subject to Special Purpose Plan U Use Permitted Subject to Use Permit - Use Not Permitted			
(M) Permit Type for Mountain House Community			
Use Types	Other Zones		
	P-F	M-X	AP-X
Off-Premises	-	PI	SP
Lodging Services			
Bed & Breakfast	-	PI -(M)	-
Motel	-	PI S(M)	SP
Major Impact Services	U	-	SP
Medical Services	U	PI	SP
Nursery Sales & Services			
Wholesale	-	-	SP
Retail	-	S	SP
Landscaping Services	-	-	SP
Personal Storage	-	-	SP
Petroleum & Gas Extraction	U	U	SP
Produce Sales			
Produce Stand	-	-	-
Agricultural Store, Small	-	-	-
Agricultural Store, Large	-	-	-
Professional Services	-	PI	SP
Public Services			
Administrative	PI	PI	SP
Essential	U	PI S(M)	SP
Quarry Operations	-	-	-
Recreation			
Campgrounds	S	-	-
Indoor Participant	- S(M)	PI S(M)	SP
Indoor Spectator	- S(M)	PI U(M)	-
Marinas	-	PI -(M)	-
Outdoor Entertainment	- S(M)	SP -(M)	-
Outdoor Sports Club	-	-	-
Parks	S	PI S(M)	SP

TABLE 9-705.2

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval SP Use Permitted Subject to Special Purpose Plan U Use Permitted Subject to Use Permit - Use Not Permitted			
(M) Permit Type for Mountain House Community			
Use Types	Other Zones		
	P-F	M-X	AP-X
Resorts	-	-	-
Recycling Services			
Consumer	-	PI	SP
Scrap Operations	-	-	-
Limited Agricultural Recycling	-	-	
Religious Assembly			
Neighborhood	S	PI S(M)	-
Community	S	S U(M)	-
Regional	U	-	-
Research & Laboratory Services	-	S -(M)	SP
Retail Sales & Services			
Primary	-	PI	SP
Intermediate	-	PI	SP
General	-	S	SP
Signs, Off-Premises	-	-	-
Stables			
Neighborhood	-	-	-
Commercial	-	-	-
Transportation Services	-	S -(M)	SP
Truck Sales and Services			
Parking	-	-	SP
Cleaning	-	-	SP
Stops	-	-	-
Repairs	-	-	SP
Sales	-	-	-
Terminals	-	-	SP
LNG truck fueling stations	-	-	-
Utility Services			
Minor	P	P	P
Major	S	-	SP
Water Storage	-	-	-

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval SP Use Permitted Subject to Special Purpose Plan U Use Permitted Subject to Use Permit - Use Not Permitted			
(M) Permit Type for Mountain House Community			
Use Types	Other Zones		
	P-F	M-X	AP-X
Wholesaling & Distribution			
Light	-	-	SP
Heavy	-	-	SP
Wineries and Wine Cellars			
Wine Cellar, Off-Site	-	-	-
Winery, All Sizes	-	-	-

(Ord. 3675; 3697; 3756; Ord. 3843, § 6, 1995; Ord. 3911, § 7, 1997; Ord. 3931, § 8, 1997; Ord. 3990, § 2 (part), 1998; Ord. 3399, § 8, 1998; Ord. 4013, § 7, 1999; Ord. 4035, § 7, 1999; Ord. 4059, § 12, 2000; Ord. 4115, § 8, 2001; Ord. 4127, § 6, 2001; Ord. 4134, § 6, 2002; Ord. 4139, § 1 (part), 2002; Ord. 4155, § 6, 2002; Ord. 4246, § 1, 2005; Ord. 4337, § 1, 2007; Ord. 4368, §§ 19, 20, 2009; Ord. No. 4385, § 14, 1-12-2010; Ord. No. 4440, § 7, 8-13-2013; Ord. No. 4471, § 18, 12-15-2015)

TABLE 9-705.4 TEMPORARY USES & STRUCTURES IN OTHER ZONES

Legend: AX Permitted Subject to Agricultural Excavation Permit P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted MP Permitted Subject to Mobile Home Permit (M) Permit Type Unique to Mountain House Community			
Temporary Use or Structure	Other Zone P-F	Other Zone M-X	Other Zone AP-X
Agricultural Excavation	AX	-	-
Auction, Agricultural Machinery	S	-	-
Auction, Livestock	S -(M)	-	-
Batch Plant	-	-	-
Boutique Sales (Limit: 2 consecutive days, twice per year)	P -(M)	P	-
Carnival/Circus	S	S	-
Caretaker Mobile Home	MP	MP	MP
Christmas Tree Sales	-	PI	SP
Commercial Coach	PI	PI	SP
Corporation Yard	PI S(M)	PI S(M)	SP
Farmer's Market	PI	PI	SP
Garage Sale (Limit: 2 consecutive days, twice per year)	PI P(M)	PI P(M)	-
Halloween Pumpkin Sales	-	PI	SP
Motion Picture Filming	P	P	P
Produce Stand	-	-	-
Public Display of Fireworks*	IP	IP	IP
Special Outdoor Event	-	S PI(M)	SP
Special Indoor Event	PI	PI	SP
Subdivision Sales Office	-	PI	SP
Temporary Building Incidental to Construction Works	P	P	P
Temporary Mobilehome	MP -(M)	MP -(M)	-
Tent Revival	S	S U(M)	-

(Ord. 3675; 3697; Ord. 3832, § 16, 1995; Ord. 3843, § 16, 1995; Ord. 3990, § 2 (part), 1998; Ord. 4059, § 13, 2000; Ord. 4139, § 1 (part), 2002; Ord. No. 4385, § 15, 1-12-2010; Ord. No. 4508, § 2, 6-6-2018)

CHAPTER 9-710**OTHER ZONES: LOT AND STRUCTURE
REGULATIONS****Sections:**

- 9-710.1 Intent.**
- 9-710.2 Lot Area.**
- 9-710.3 Lot Width.**
- 9-710.4 Yard Dimensions.**
- 9-710.5 Height.**
- 9-710.6 Building Coverage.**

Tables:

- 9-710.2 Standards for Minimum Lot Area & Width, Yard Dimensions, Height, and Building Coverage.**

9-710.1 INTENT.

The intent of this Chapter is to regulate the size and width of individual lots, but not zones; the location and height of structures on lots; and the physical character and intensity of lot usage within the Other Zones consistent with the policies and principles of the General Plan.

(Ord. 3675; Ord. 3990, § 3 (part), 1998; Ord. 4139, § 1 (part), 2002)

9-710.2 LOT AREA.

Lots within the Other Zones shall have the minimum areas set forth in Table 9-710.2.

(Ord. 3675; Ord. 3990, § 3 (part), 1998; Ord. 4139, § 1 (part), 2002)

9-710.3 LOT WIDTH.

Lots within the Other Zones shall not have a width less than that set forth in Table 9-710.2.

(Ord. 3675; Ord. 3990, § 3 (part), 1998; Ord. 4139, § 1 (part), 2002)

9-710.4 YARD DIMENSIONS.

Yards on lots within the Other Zones shall have the minimum dimensions set forth in Table 9-710.2, except as modified in the Public Facilities Zone as follows:

(a) **Reduction of Required Yards.** Required yards may be reduced as follows:

(1) If more than fifty percent (50%) of the block on which the lot sits is developed, the required

yard shall be the average of the existing applicable yard dimensions of the block. In no case, however, shall a street side yard be less than ten (10) feet in width.

(2) If the subject lot is less than seventy-five (75) feet in width, the street side yard may be reduced to ten (10) feet in width.

(b) **Increase in Required Yards.** Required yards shall be increased or enlarged as follows:

(1) If a side yard abuts property developed with conforming residential uses, property zoned residentially, or property shown on the General Plan Map for residential development, such side yard shall be increased to twenty (20) feet in width.

(2) If a rear yard abuts property developed with conforming residential uses, property zoned residentially, or property shown on the General Plan Map for residential development, such rear yard shall be increased to twenty (20) feet in width.

(c) **Structures within Required Yards.** The following structures may be located in or extend within required yards, subject to the provisions specified:

(1) Architectural features, subject to the provisions of Chapter 9-1010;

(2) Screening, including fences and gates, subject to the provisions of Chapter 9-1020;

(3) Additions to nonconforming structures, subject to the provisions of Chapter 9-235; and

(4) Structures adjacent to and associated with railroad spurs.

(Ord. 3675; 3697; Ord. 3832, § 17, 1995; Ord. 3872, § 8, 1995; Ord. 3990, § 3 (part), 1998; Ord. 4139, § 1 (part), 2002; Ord. 4368, § 21, 2009; Ord. No. 4399, § 7, 9-14-2010)

9-710.5 HEIGHT.

Buildings and structures within the Other Zones shall not exceed the heights set forth in Table 9-710.3, except as permitted by Chapter 9-1005. Buildings and structures in the Other Zones shall also be subject to the following limitations on height:

(a) Within airport imaginary surface zones, buildings and structures shall comply with the height restrictions specified in Chapter 9-1610.

(b) In the Mixed-Use Zone, public buildings shall not exceed ninety (90) feet.

(c) In the Airport Multi-Use Zone, buildings and structures shall comply with the height requirements specified in any applicable Special Purpose Plan.

(d) Screening devices, including fences, gates, and gateposts, shall comply with the requirements specified in Chapter 9-1020.

(Ord. 3675; Ord. 3990, § 3 (part), 1998; Ord. 4139, § 1 (part), 2002)

9-710.6 BUILDING COVERAGE.

The percentage of the total area of any lot which may be occupied by buildings in the other zones shall not exceed that set forth in Table 9-710.2.

(Ord. 3675; 3739; Ord. 3990, § 3 (part), 1998; Ord. 4139, § 1 (part), 2002)

TABLE 9-710.2 STANDARDS FOR MINIMUM LOT AREA & WIDTH, YARD DIMENSIONS, HEIGHT, AND BUILDING COVERAGE¹

	Other Zone P-F	Other Zone M-X	Other Zone AP-X
Lot Area (square feet)	none	none	10,000
Lot Width (feet)	100	none	100
Yard Dimensions (feet) ²			
Front	20	none	na ⁴
Street Side	20	none	na ⁴
Side	none	none	na ⁴
Rear	none	none	na ⁴
Height (feet)	45	60	na ⁵
Building Coverage (%)	60	100	60
Depth: Width Ratio	na ³	na	3:1

1 See Sections 9-710.2 through 9-710.6, or any applicable Special Purpose Plan, for exceptions and modifications.

2 Setbacks for yards shall be measured from the planned ultimate right-of-way width of the roadway, as shown on the General Plan or applicable Specific Plan or Special Purpose Plan.

3 Not applicable.

4 The setbacks for yards within the AP-X zone shall be as specified in the Stockton Metropolitan Airport Special Purpose Plan.

5 The maximum height within the AP-X zone shall be as specified in the Stockton Metropolitan Airport Special Purpose Plan.

(Ord. 3675; 3739; Ord. 3990, § 3 (part), 1998; Ord. 4139, § 1 (part), 2002)

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)

DIVISION 9: SUBDIVISION REGULATIONS

CHAPTER 9-900

SUBDIVISION REGULATIONS: INTENT AND ORGANIZATION

Sections:

9-900.1	Title and Intent.
9-900.2	Statement of Policy.
9-900.3	Authority.
9-900.4	Organization.

9-900.1 TITLE AND INTENT.

Division 9 constitutes the Subdivision Regulations. The intent of this Division is to govern the subdivision of property in San Joaquin County and to effect the following purposes:

(a) **Plan Implementation.** To implement the San Joaquin County General Plan and any Specific Plan and Special Purpose Plan of the County; and

(b) **Orderly Process.** To establish reasonable standards of design and reasonable procedures for subdivision and resubdivision in order to further the orderly layout and use of land and insure proper legal descriptions and monumenting of subdivided land.

(Ord. 3675)

9-900.2 STATEMENT OF POLICY.

It is the policy of San Joaquin County regarding subdivisions that:

(a) **County Control.** The subdivision and subsequent development of land shall conform to the adopted General Plan, any Specific or Special Purpose Plans of San Joaquin County, and the other provisions of this Development Title.

(b) **Safety of Development.** All subdivided land should be of such character that it can be used safely for building purposes by future holders of title without unreasonable danger to health, or peril from fire, flooding, or other menace; and

(c) **Facilities and Services.** In accordance with General Plan policies, provision shall be made for drainage, sewerage disposal, water, schools, parks, recreation, streets, roads, highways, and other public facilities and services.

(Ord. 3675)

9-900.3 AUTHORITY.

Authority for this Division is found in Title 7, Division 2, of the Government Code, commencing with Section 66410, hereinafter known as the Subdivision Map

Act. In addition to any regulations provided by law, the regulations provided by this Division shall apply to all subdivisions and parts of subdivisions hereafter made entirely or partially within the unincorporated territory of San Joaquin County. This Division of this Title may be known as the Subdivision Regulations or the Subdivision Ordinance.

(Ord. 3675)

9-900.4 ORGANIZATION.

Division 9 consists of the following chapters:

(a) 9-900 Subdivision Regulations: Intent and Organization;

(b) 9-905 General Provisions;

(c) 9-910 Final Maps;

(d) 9-915 Parcel Maps;

(e) 9-920 Notice of Violation.

(Ord. 3675)

CHAPTER 9-905**GENERAL PROVISIONS****Sections:**

9-905.1	Intent.
9-905.2	Required Mapping.
9-905.3	Compliance.
9-905.4	Lot Corners.
9-905.5	Centerline Monuments.
9-905.6	Monument Identification.
9-905.7	Monument Inspection.
9-905.8	Section & Quarter-Section Corner Monuments.
9-905.9	Lot Requirements.
9-905.10	Soils Reports.
9-905.11	Geotechnical Reports.
9-905.12	Surface and Subsurface Contamination Report.

9-905.1 INTENT.

The intent of this Chapter is to set forth general provisions which shall apply throughout Division 9, Subdivision Regulations.
(Ord. 3675)

9-905.2 REQUIRED MAPPING.

All subdivisions in San Joaquin County shall be filed as either a final map or parcel map. All major subdivisions shall be filed for recordation as a final map. All minor subdivisions shall be filed as a parcel map or a final map.
(Ord. 3675, 3697)

9-905.3 COMPLIANCE.

No land shall be used, nor any building be constructed, on any lot or parcel not in conformance with this Division. No permit for the construction of a building or the use of land shall be issued on a parcel of land which does not comply with the provisions of the General Plan, this Division, and the Subdivision Map Act. At the time of issuance of a permit, the applicant shall submit evidence that the parcel of land complies with this Division and the mandatory provisions of the current Subdivision Map Act, and a certification shall be required from Public Health Services as to the adequacy of the parcel to meet sanitary requirements.
(Ord. 3675)

9-905.4 LOT CORNERS.

All lot corners shall be marked with iron pipe not less than three-quarters (3/4) of an inch inside diameter and twenty-four (24) inches long, or marked by other monuments or reference crosses as approved by the County Surveyor.

(Ord. 3675, 3697)

9-905.5 CENTERLINE MONUMENTS.

Centerline monuments shall be located as set forth in this section.

(a) **Location of Monuments.** Road, street, alley, and way centerline monuments shall be set to mark the intersections of streets, intersections of streets with alleys or ways, intersections of alleys with alleys or ways, or at the intersection of any street, alley, or way with a tract boundary. Street centerline monuments shall also be set to mark the beginning and end of curves or the points of intersection of tangents thereof. Such centerline monuments shall be not less than a three-quarters (3/4) inch diameter iron pin, at least thirty (30) inches long, and set in the subgrade. A monument box and cover in conformance with San Joaquin County Improvement Standards shall be set above the monument, with the top of the box flush with the finished grade.

(b) **Alternative Locations.** In the event that, due to the construction of subdivision improvements or the location of trees or other physical features, the monuments specified above cannot be located at the points specified, a reference monument or monuments shall be set subject to the approval of the County Surveyor. Notes as to the location of said monument or monuments with reference to the referenced point shall be furnished to the County Surveyor.
(Ord. 3675, 3697)

9-905.6 MONUMENT IDENTIFICATION.

All monuments set as required herein shall be permanently marked or tagged with the registration or license number of the engineer or surveyor under whose supervision the survey was made.
(Ord. 3675)

9-905.7 MONUMENT INSPECTION.

All monuments shall be subject to inspection and approval by the County Surveyor.
(Ord. 3675)

9-905.8 SECTION & QUARTER-SECTION CORNER MONUMENTS.

Whenever a section corner or quarter-section corner is to be used as a controlling element of a field survey, the engineer or surveyor responsible for the survey shall construct, reconstruct, or rehabilitate the monument of such corner, and accessories to such corner, so that the same shall be left by him in such physical condition that it remains as permanent a monument as is reasonably possible and so that the same may be reasonably expected to be located with facility at all times in the future. Such monuments shall be not less than a three-quarter (3/4) inch diameter iron pin, thirty (30) inches long, or other monuments as approved by the County Surveyor. (Ord. 3675, 3697)

9-905.9 LOT REQUIREMENTS.

Lots shall comply with the following requirements:

(a) **Areas and Widths of Lots.** The area and width of lots or parcels in a subdivision map shall conform to the particular zoning district in which the property is located;

(b) **Relation of Depth to Width.** The depth to width ratio of a lot in a subdivision shall conform to the particular zoning district in which the lot is situated when new lots are created by subdivision, except where physical conditions make such limitation of depth to width ratio impractical or the width of the lot is three hundred thirty (330) feet or greater;

(c) **Division of Jurisdiction.** No lot or parcel shall be permitted to be divided by a city or county boundary line;

(d) **Angle of Lot Side Line.** Lot or parcel side lines shall be approximately normal to the street right-of-way lines; and

(e) **Exception.** This Section shall not apply to:

(1) Any lot or parcel which the subdivider offers to dedicate to the County or any public agency or district, and

(2) Any subdivision map that redesigns an existing subdivision in which the density of lots is not increased.

(Ord. 3675, 3715; Ord. 3832 § 28, 1995)

9-905.10 SOILS REPORTS.

Soils reports shall be provided as required by this Section.

(a) **Major Subdivision.** A preliminary soils report, prepared by a state-registered civil engineer and based upon adequate test borings, shall be submitted to the building official for every major subdivision at the time of tentative map submittal.

(b) **Waiver of Report.** A preliminary soils report may be waived if the building official finds that, due to the knowledge the County possesses relative to the quality of the soils in this subdivision, no preliminary analysis is necessary.

(c) **Soils Investigation.** If the required preliminary soils report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, the subdivider shall provide for and submit the findings of a soil investigation of each lot in the subdivision. The soil investigation shall be prepared by a State-registered civil engineer and shall recommend corrective action likely to prevent structural damage to each dwelling to be constructed. Prior to issuance of the building permit, any recommended action approved by the building official shall be incorporated into the construction of each dwelling.

(Ord. 3675)

9-905.11 GEOTECHNICAL REPORTS.

Geotechnical reports shall be provided to address geologic hazards as required by this Section.

(a) **Major Subdivision.** A preliminary geotechnical report, prepared by a State-registered geotechnical engineer or State-registered geologist and based upon adequate test borings, shall be submitted to the building official for every major subdivision at the time of tentative map submittal. The preliminary geotechnical report shall include estimates of expected peak ground accelerations during maximum credible earthquake potentially affecting the site.

(b) **Waiver of Report.** A preliminary geotechnical report may be waived if the building official finds that, due to the knowledge the County possesses relative to the quality of the soils in this subdivision, no preliminary analysis is necessary.

(c) **Geotechnical Investigation.** If the required preliminary geotechnical report indicates the presence of geologic hazards (such as slope instability, subsidence, adverse soil conditions, seismic hazards) which, if not corrected, would lead to structural defects, the subdivider shall provide for and submit the findings of a geotechnical investigation for each lot in the subdivision. The geotechnical investigation shall be prepared by a State-registered geotechnical engineer or State-registered geologist and shall recommend corrective action likely to prevent structural damage to each dwelling to be constructed. Prior to issuance of the building permit, any recommended action approved by the building official shall be incorporated into site preparation and construction of each dwelling.

(Ord. 3675, 3715)

9-905.12 SURFACE AND SUBSURFACE CONTAMINATION REPORT.

(a) **Report.** A surface and subsurface contamination report shall be required at the time of the tentative map submittal. The surface and subsurface contamination report shall be prepared by a qualified environmental professional and shall identify any potential source of surface or subsurface contamination caused by past or current land uses. The report shall include evaluation of nonpoint source of hazardous materials, including agricultural chemical residues, as well as potential point sources, such as fuel storage tanks, septic systems, or chemical storage areas.

(b) **Waiver of Report.** The surface and subsurface contamination report may be waived if the Environmental Health Division finds that, due to the knowledge the County possesses relative to the possible contamination of the soils in this subdivision, no preliminary analysis is necessary.

(c) **Corrective Action.** If the report indicates there are surface and subsurface contamination, corrective action shall be taken, as recommended in the report and concurred with by Environmental Health prior to the issuance of the building permit.

(Ord. 3675)

CHAPTER 9-910

FINAL MAPS

Sections:

9-910.1	Intent.
9-910.2	Preliminary Submittal for County Approval.
9-910.3	Review by County Surveyor.
9-910.4	Approval by County Surveyor.
9-910.5	Approval by Board.
9-910.6	Survey Practice and Procedure.
9-910.7	Statement of Consent.
9-910.8	Size and Materials.
9-910.9	Title Sheets.
9-910.10	Index Map.
9-910.11	Boundary Line.
9-910.12	Evidence Determining Boundary.
9-910.13	Boundary Monuments.
9-910.14	Deferment of Monuments.
9-910.15	Bearings and Distances.
9-910.16	Basis of Bearings.
9-910.17	Lot Areas.
9-910.18	Lot Numbers.
9-910.19	Curve Data.
9-910.20	Easement Provisions.
9-910.21	Streets and Highways Being Dedicated.
9-910.22	Limited Access Designation.
9-910.23	City or County Boundary Lines.
9-910.24	Additional Information.
9-910.25	Waiver of Inadvertent Error.
9-910.26	Fees.
9-910.27	Amendment of Final Map.

9-910.1 INTENT.

The intent of this Chapter is to control the practices and procedures regarding the preparation and approval of final maps.

(Ord. 3675)

9-910.2 PRELIMINARY SUBMITTAL FOR COUNTY APPROVAL.

Prior to the expiration of the tentative map or the vesting tentative map of an approved major subdivision application, the subdivider shall submit three (3) prints of the final map to the County Surveyor for checking. The preliminary prints shall bear both the signatures of all parties having record title interest in the lands being subdivided and the engineer or surveyor responsible for the survey. The prints shall bear either original signatures

or signatures reproduced from a previously signed original final map. The prints shall be accompanied by the following data, reports, and documents in a form approved by the County Surveyor and, where applicable, the County Counsel:

(a) **Improvement Plans and Specifications.** Three (3) complete sets of Improvement Plans, specifications, and engineer's preliminary estimates;

(b) **Reports.** A complete set of reports as follows:

- (1) preliminary soils reports, including R-values and structural sections calculations;

- (2) preliminary geotechnical reports; and

- (3) surface and subsurface contamination reports;

(c) **Hydrology and Hydraulic Calculations.** Storm drain calculations (e.g., hydrology, sub-area map, pipe line, hydraulic design, ponding basin, pump system, etc., if applicable); and water and sewer design data and supporting calculations, if applicable;

(d) **Guarantee of Title.** A subdivision guarantee of title, in a form acceptable to the County Surveyor and County Counsel, issued by a competent title company to and for the benefit and protection of the County. Said guarantee of title shall be continued complete up to the instant of filing the final map with the County Recorder, guaranteeing that the names of all persons whose consent is necessary to pass a clear title to the land being subdivided, and all public easements being offered for dedication, and all acknowledgements thereto, appear on the proper statements and are correctly shown on the map, both as to contents as to the making thereof and affidavits of dedication where necessary;

(e) **Preliminary Title Report.** A preliminary title report showing the legal owners at the time of the submittal of the final map;

(f) **Traverse Closures.** Traverse closures for the boundary, blocks, lots, road centerlines, and rights-of-way, easements, and offset lines;

(g) **References.** Copies of all deeds and unfiled surveys referenced on the final map and/or included in the current preliminary title report;

(h) **Tax Certificates.** A certified copy of the tax letter and a copy of the tax certificate from the County Tax Collector stating that all taxes due have been paid or that a tax bond or other adequate form of security assuring payments of all taxes which are a lien but not yet payable has been filed with the County; and

(i) **Deeds for Easements of Rights-of-Way.** Deeds for off-site easements or rights-of-way required for road or drainage purposes which have not been dedicated on the final map. Written evidence shall be acceptable to the County in the form of rights of entry or permanent ease-

ments across private property outside of the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance for the facility.

(Ord. 3675, 3697)

9-910.3 REVIEW BY COUNTY SURVEYOR.

The County Surveyor shall review the final map and any other required information, and the subdivider shall make corrections and/or additions until acceptable to the County Surveyor.

(Ord. 3675)

9-910.4 APPROVAL BY COUNTY SURVEYOR.

The subdivider shall submit to the County Surveyor the original tracing of the map and any duplicates per County requirements, corrected to its final form and signed by all parties required to execute the statements on the map. Original signatures shall appear on the original map. Upon receipt of all required certificates and submittals, the County Surveyor shall sign the appropriate statement and transmit the original map to the Clerk of the Board.

(Ord. 3675, 3697)

9-910.5 APPROVAL BY BOARD.

At the meeting at which it receives the map, or at its next regular meeting following receipt, the Board shall approve the final map if it determines that both of the following are true:

(a) **Compliance with Tentative Map.** The final map is in substantial compliance with the tentative map or vesting tentative map of the approved Major Subdivision Application; and

(b) **Conformance to Map Act.** The final map conforms to all requirements of the Subdivision Map Act.

(Ord. 3675)

9-910.6 SURVEY PRACTICE AND PROCEDURE.

All survey work done on any final map of a subdivision shall conform to the accepted standards of the surveying profession.

(a) **Allowable Error.** The allowable error of closure on any portion of a final map shall be less than two one-hundredths (2/100) of a foot or a ratio of one to twenty thousand (1:20,000), whichever is greater.

(b) **Centerlines of Adjoining Error.** In the event the centerline of any street or road right-of-way in any adjoining subdivision has been established, the final map shall show said centerline, together with reference to a

County field book or map of record showing such centerline and the monuments which determine its position. If the position of the centerline is determined by ties, that fact shall be stated on the final map. Only centerlines of streets pertinent to the subdivision need be shown. (Ord. 3675, 3697)

9-910.7 STATEMENT OF CONSENT.

Subdividers shall submit with or on the final map a statement, signed and acknowledged by all parties having any record title interest in the real property to be subdivided, consenting to the preparation and filing of the final map. Evidence of signatories' record title interests shall be provided as set forth in Section 9-910.2(d). (Ord. 3675, 3697)

9-910.8 SIZE AND MATERIALS.

The final map shall be prepared by or under the direction of a registered civil engineer, duly licensed to practice land surveying, or a licensed land surveyor; shall be based upon a field survey; and shall conform to the following provisions:

(a) **Legibility.** It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, statements, affidavits, and acknowledgements may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) **Format.** The size of each sheet shall be eighteen (18) inches by twenty-six (26) inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly and, wherever practicable, shall be at an engineer's scale where one (1) inch equals eighty (80) feet or less. One (1) sheet or as many sheets as are necessary to accommodate the map may be used. Each sheet shall be numbered, the relation of one sheet to another shall be clearly shown, and the number of sheets used shall be set forth on each sheet. The tract number, scale, north point, and sheet number shall be shown on each sheet of the final map. Each sheet and the lettering thereon shall be so oriented that, with the north point directed away from the reader, the map may be read most conveniently from the bottom or lower right corner of such sheet on the twenty-six (26) inch side. (Ord. 3675)

9-910.9 TITLE SHEETS.

The title sheet of each final map shall contain a title consisting of the number and name of the subdivision and a subtitle consisting of a geographic description of all property being subdivided by reference to such map or maps of the property shown thereon, as shall have been previously recorded or shall have been previously filed in the office of the County Recorder under authority of Chapter 3 (commencing at Section 11650) of Part 2, of Division 4 of the Business and Professions Code, or by reference to the plat of any United States survey. The title sheet shall also show, in a form acceptable to the County Surveyor, such appropriate certificates, statements, and acknowledgements as required in Title 7, Division 2 (commencing at Section 66410), of the Government Code. (Ord. 3675, 3697)

9-910.10 INDEX MAP.

If more than one (1) map sheet is used in preparing the final map, there shall be included, either on the title sheet or the first map sheet, an index map showing the general plan of the subdivision, street names, lot numbers, and the portions of the subdivision included on each map sheet. (Ord. 3675, 3697)

9-910.11 BOUNDARY LINE.

The gross boundary line of a subdivision shall be indicated by a heavy line. (Ord. 3675, 3697)

9-910.12 EVIDENCE DETERMINING BOUNDARY.

On each final map there shall be fully and clearly shown and identified such stakes, monuments, or other evidence, including the record reference, determining the boundaries of the subdivision as were found on the ground, together with sufficient corners of adjoining subdivisions, whether by lot and tract number and place of record, by section, township, and range, or by proper legal description, as may be necessary to locate precisely the limits of the subdivision. Where a found monument has no record reference, "No Record" shall be indicated adjacent to the found monument on the final map. (Ord. 3675, 3697)

9-910.13 BOUNDARY MONUMENTS.

Each final map shall show durable monuments of not less than three-quarter (3/4) of an inch diameter iron pin, at least thirty (30) inches long, set at each boundary corner and at intermediate points, approximately one

thousand (1,000) feet apart, or at such lesser distance as may be made necessary by topography or culture to insure accuracy in reestablishment of any point or line without unreasonable difficulty. The precise position and character of each monument, including the R.C.E./P.L.S. tag number, shall be shown on the final map.

(Ord. 3675, 3697)

9-910.14 DEFERMENT OF MONUMENTS.

In the event that some of the required interior monuments are to be set subsequent to the filing of the final map, the map shall show which monuments, or the furnishing of notes thereon, as required by Section 9-910.12, shall be agreed to be set and/or furnished by the subdivider. Such agreement shall be accompanied by a security per the Subdivision Map Act, Section 66496. The security shall be released per terms of Section 66497 of the Subdivision Map Act.

(Ord. 3675, 3697)

9-910.15 BEARINGS AND DISTANCES.

The bearing and length of each lot line, block line, and boundary line shall be shown on the final map. Each required bearing and distance shall be shown in full, and no ditto mark or other designation of repetition shall be used.

(Ord. 3675)

9-910.16 BASIS OF BEARINGS.

The basis of bearings shall appear on the first sheet after the title sheet. Reference shall be made to some filed final map, parcel map, record of survey map, County Surveyor's map, or other record acceptable to the County Surveyor. Such basis of bearings shall be derived from at least two (2) found monuments of record on the same line.

(Ord. 3675)

9-910.17 LOT AREAS.

For lots containing one acre or more, final maps shall show net acreage to at least the nearest one-hundredth (1/100) of an acre.

(Ord. 3675)

9-910.18 LOT NUMBERS.

All lots, including utility lots, shall be numbered consecutively, commencing with the number "1," except as otherwise approved by the County Surveyor, with no omissions or duplications. Each numbered lot shall be shown to scale entirely on one sheet.

(Ord. 3675, 3697)

9-910.19 CURVE DATA.

The following curve data shall be shown on the final map:

(a) **Radial Bearing.** The arc length, chord length and bearing, radius, total central angle, and the radial bearing of each curve, including overall curves;

(b) **Bearing.** The bearing of each radial line to each lot corner on each curve;

(c) **Central Angle.** The central angle of each segment within each lot.

(Ord. 3675, 3697)

9-910.20 EASEMENT PROVISIONS.

Easements shall be incorporated into final maps as set forth in this Section.

(a) **Easement Lines.** The final map shall show the width of all easements, including the lengths and bearings of the lines thereof, to which the lots in the subdivision are subject. If the easement is not definitely locatable from record, a statement acknowledging the easement shall appear on the title sheet.

(b) **Designation and Identification.** All existing and dedicated easements shall be clearly labeled and identified. Easements on existing lots of record shall be denoted by broken lines. Mapping of recorded easements shall include reference to the recording data. Easements being dedicated shall be so designated in a statement of dedication.

(c) **Bearings on Lot Lines.** Distances and bearings on the side lines of lots cut by an easement shall be so shown as to indicate clearly the actual lengths of the lot lines.

(d) **Necessary Rights-of-Way.** Final maps shall include the location and width of rights-of-way necessary for railroads, flood control, drainage, and the like, whether previously of record or currently offered for dedication.

(Ord. 3675)

9-910.21 STREETS AND HIGHWAYS BEING DEDICATED.

On each final map, the centerline of each highway, street, or road right-of-way to be dedicated, the total width thereof, the width on each side of the centerline, and the width of the portion to be dedicated shall be shown. Curve data as set forth in Section 9-910.19 shall also be included as appropriate. The boundary of the map shall be shown along the centerline of any street or highway where such centerline of said street or highway defines a limit of the parcel being subdivided.

(Ord. 3675)

9-910.22 LIMITED ACCESS DESIGNATION.

When the vehicular access rights from any lot to appropriately designated roads are or will be restricted by a subdivision, such rights, if not already a matter of record, shall be offered for dedication to the County of San Joaquin by an appropriate statement on the title sheet of the final map. Each lot shall be clearly marked with a distinctive symbol that is shown in a legend that clearly defines its extent and nature of the restriction.
(Ord. 3675, 3697)

9-910.23 CITY OR COUNTY BOUNDARY LINES.

Any city or County boundary line adjoining the subdivision shall be clearly designated and tied in upon the final map.
(Ord. 3675)

9-910.24 ADDITIONAL INFORMATION.

No additional survey and map requirements shall be included on a final map which do not affect record title interests. However, the County Surveyor may require additional information, in the form of a separate document or an additional map sheet, to be filed or recorded simultaneously with the final map in accordance with Section 66434.2 of the Government Code.
(Ord. 3675)

9-910.25 WAIVER OF INADVERTENT ERROR.

When, in the opinion of the Review Authority, a defect or error of a technical or inadvertent nature has caused a final map to fail to meet or perform any of the conditions of this Chapter, the Review Authority may waive such defect or error and process the final map as though none had occurred.
(Ord. 3675)

9-910.26 FEES.

Subdividers shall pay an Improvement Plan checking fee and a final map checking fee, as provided by resolution of the Board of Supervisors.
(Ord. 3675)

9-910.27 AMENDMENT OF FINAL MAP.

A final map may be amended pursuant to the provisions of Chapter 9-878.
(Ord. 3675)

CHAPTER 9-915**PARCEL MAPS****Sections:**

9-915.1	Intent.
9-915.2	Parcel Map Required.
9-915.3	Preparation.
9-915.4	Evidence Determining Boundary.
9-915.5	Deferment of Monuments.
9-915.6	Bearings and Distances.
9-915.7	Parcel Areas.
9-915.8	Dedications or Offers.
9-915.9	Field Survey.
9-915.10	Necessary Statements.
9-915.11	Preliminary Submittal.
9-915.12	Review and Approval.
9-915.13	Fees.
9-915.14	Amendment of Parcel Map.

9-915.1 INTENT.

The intent of this Chapter is to prescribe the requirements for, and waiver of, parcel maps.
(Ord. 3675)

9-915.2 PARCEL MAP REQUIRED.

The filing of a parcel map, in conformance with the tentative map or vesting tentative map of an approved Minor Subdivision Application, shall be a condition of approval of any Minor Subdivision Application except as provided in Section 9-9-915.9.
(Ord. 3675, 3697)

9-915.3 PREPARATION.

The parcel map shall be prepared by, or under the direction of, a registered civil engineer, duly licensed to practice land surveying, or a licensed land surveyor; shall show the location of streets and property lines bounding the property; and shall conform to all of the following provisions:

(a) **Legibility.** It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, statements, affidavits, and acknowledgements may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) **Size and Scale.** The size of each sheet shall be eighteen (18) by twenty-six (26) inches. A marginal line shall be drawn completely around each sheet, leaving an

entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly, and enough sheets shall be used to accomplish this end. The particular number of each sheet and the total number of sheets composing the map shall be stated on each of the sheets, and the relation of each adjoining sheet shall be clearly shown. Each sheet and the lettering thereon shall be so oriented that, with the north arrow directed away from the reader, the map may be read most conveniently from the bottom or lower right corner of each sheet on the twenty-six (26) inch side.

(c) **Feature Identification.** Each parcel shall be numbered, and each block may be numbered or lettered. Each road shall be named or otherwise designated.

(d) **Identification of Parcels.** Parcels shall be identified as follows:

(1) The exterior gross boundary of the land included within the subdivision shall be indicated by an extra heavy line and clearly designated.

(2) The map shall show the location of each parcel and its relation to surrounding surveys. If the map includes a "designated remainder" parcel or similar parcel, and the gross area of the "designated remainder" parcel or similar parcel is five (5) acres or more, that remainder parcel need not be shown on the map, and its location need not be indicated as a matter of survey but only by deed reference to the existing boundaries of the remainder parcel.

(3) A parcel designated as "not a part" shall be deemed to be a "designated remainder" for purposes of this Section.

(e) **Statement of Consent.** Subject to the provisions of Section 66436 of the Subdivision Map Act, a statement, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and filing of the parcel map is required.

(f) **Consent of Subdivider.** Where dedications or offers of dedications are not required, the statement shall be signed and acknowledged by the subdivider only. If the subdivider does not have a record title ownership interest in the property to be divided, the subdivider shall provide the County with satisfactory evidence that the persons with record title ownership have consented to the proposed division. For purposes of this Subsection, "record title ownership" shall mean fee title of record unless a leasehold interest is to be divided, in which case "record title ownership" shall mean ownership of record of the leasehold interest. "Record title ownership" does not include ownership of mineral rights or other subsurface interests which have been severed from ownership of the surface. Statements and acknowledgements required by

this Subsection shall be recorded concurrently with the parcel map being filed for record.

(g) **Notation or Reference.** No additional survey and map requirements shall be included on a parcel map which do not affect record title interests. However, the County Surveyor may require the map to contain a notation or reference to survey and map information pursuant to Section 66434.2 of the Government Code.

(h) **Reference to Separate Instrument.** Whenever a certificate, statement, or acknowledgement is made by separate instrument, there shall appear on the parcel map a reference to the separately recorded document. This reference shall be completed by the County Recorder pursuant to Section 66468.1 of the Subdivision Map Act. (Ord. 3675, 3697)

9-915.4 EVIDENCE DETERMINING BOUNDARY.

On each parcel map there shall be fully and clearly shown and identified such stakes, monuments, or other evidence, including the record reference, determining the boundaries of the subdivision as were found on the ground, together with sufficient corners of adjoining subdivisions, whether by lot and tract number and place of record, by section, township, and range, or by proper legal description, as may be necessary to locate precisely the limits of the subdivision. Where a found monument has no record reference, "No Record" shall be indicated adjacent to the found monument on the parcel map. (Ord. 3675, 3697)

9-915.5 DEFERMENT OF MONUMENTS.

In the event that some of the required interior monuments are to be set subsequent to the filing of the parcel map, the map shall show which monuments, or the furnishing of notes thereon, as required by Section 9-915.4, shall be agreed to be set and/or furnished by the subdivider. Such agreement shall be accompanied by a security per Section 66496 of the Subdivision Map Act. The security shall be released per terms of Section 66497 of the Subdivision Map Act. (Ord. 3675, 3697)

9-915.6 BEARINGS AND DISTANCES.

The bearing and length of each parcel line, block line, and boundary line shall be shown on the parcel map. Each required bearing and distance shall be shown in full, and no ditto mark or other designation of repetition shall be used. (Ord. 3675, 3697)

9-915.7 PARCEL AREAS.

For parcels containing one acre or more, parcel maps shall show the acreage to at least the nearest one-hundredth (1/100) of an acre.

(Ord. 3675, 3697)

9-915.8 DEDICATIONS OR OFFERS.

Dedications or offers of dedication shall conform to the provisions of this Section.

(a) **Required Dedications or Offers.** If dedications or offers of dedication are required, they may be made either by a statement on the parcel map or by separate instrument, as determined by the County Surveyor. If dedications or offers of dedication are made by separate instrument, the dedications or offers of dedication shall be executed prior to the parcel map being filed for record.

(b) **Dedications or Offers Signed.** The dedications or offers of dedication, whether by statement or separate instrument, shall be signed by the same parties and in the same manner as set forth in Section 66436 or 66439 of the Government Code for dedications by a parcel map. (Ord. 3675, 3697, 3715)

9-915.9 FIELD SURVEY.

In all cases where a parcel map is required, such map shall be based upon a field survey made in conformity with the Land Surveyors' Act.

(Ord. 3675, 3697)

9-915.10 NECESSARY STATEMENTS.

The following statements shall appear on a parcel map unless otherwise approved by the County Surveyor:

(a) **Engineer's (Surveyor's) Statement.** An engineer's statement as follows:

"This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of (name of person authorizing map) in (month, year). I hereby state that this parcel map substantially conforms to the approved or conditionally approved tentative map, if any. All monuments are of the character and occupy the positions indicated and are sufficient to enable the survey to be retraced.

Dated this _____ day of _____, 19__.

(Engineer) (Surveyor) (License No.)
(Registration) (License) Expiration Date: _____"

(b) **County Surveyor's statement.** A County Surveyor's statement as follows:

"I, (Public Works Director), hereby state that I have examined this Parcel Map and that the subdivision shown hereon is substantially the same as it appeared on the tentative map, if required, and any approved alterations thereof. I further state that this Parcel Map complies with all the provisions of Chapter 2 of the California Subdivision Map Act, as amended, and all applicable ordinances of San Joaquin County, applicable at the time of approval of the tentative map, if required, and that this Parcel Map is technically correct. * I hereby accept on behalf of the public for public use the offer of dedication of [all Public Utility Easements] the (width)-foot widening of right-of-way along [Road Name] [the (size) road return] as shown on this Parcel Map.

Dated this _____ day of _____, 19__.

(Public Works Director), R.C.E. (number),
County Surveyor of
San Joaquin County, California
Registration expiration date: _____"

* The part following this asterisk is used only when offers of dedication are made for public utility easements or widenings of existing rights-of-way.

(c) **Recorder's Statement.** A Recorder's statement as follows:

"Filed this _____ day of _____, 19__,
at _____ m. in Book _____ of Parcel Maps, at
Page _____, at the request of _____.

Fee: \$ _____

By: _____
County Recorder of San Joaquin County,
Assistant Recorder"
(Ord. 3675, 3697)

9-915.11 PRELIMINARY SUBMITTAL.

The subdivider shall submit prints of the parcel map to the County Surveyor for checking. Where applicable, the preliminary prints shall be accompanied by copies of the data, plans, reports, and documents as required for final maps by Section 9-910.2.

(Ord. 3675)

9-915.12 REVIEW AND APPROVAL.

Parcel maps shall be reviewed and approved as provided in this Section.

(a) **Review.** The County Surveyor shall review the preliminary parcel map and cause any changes to be made which are legally required for approval.

(b) **Original Map.** The subdivider shall submit to the County Surveyor the original tracing of the map and any duplicates per County requirements, corrected to its final form, and signed by all parties required to execute the statements or certificates on the map.

(c) **Approval.** The County Surveyor shall approve the map if it is acceptable.

(d) **Filing for Record.** After approval, the County Surveyor or authorized agent shall transmit the approved parcel map directly to the County Recorder for filing.

(e) **Reports.** The County Surveyor shall prepare a monthly report of all parcel maps approved and submit it to the Director and Planning Commission.
(Ord. 3675)

9-915.13 FEES.

Subdividers shall pay an Improvement Plan checking fee and a parcel map checking fee, as provided by resolution of the Board of Supervisors.
(Ord. 3675)

9-915.14 AMENDMENT OF PARCEL MAP.

A parcel map may be amended pursuant to the provisions of Chapter 9-878.
(Ord. 3675)

CHAPTER 9-920**NOTICE OF VIOLATION****Sections:**

9-920.1	Intent.
9-920.2	Tentative Notice of Violation.
9-920.3	Response By Owner.
9-920.4	Opportunity to Present Evidence.
9-920.5	Action by Director.

9-920.1 INTENT.

The intent of this Chapter is to provide for notice of violations of provisions of this Division.
(Ord. 3675)

9-920.2 TENTATIVE NOTICE OF VIOLATION.

Whenever the Director finds that any real property has been divided, or any boundary line of any parcel relocated, in violation of this Division, he or she shall cause to be mailed, by certified mail to the then current owner of record of the property, a notice of intent to record a Notice of Violation. Said tentative Notice of Violation shall contain the following:

(a) **Property Description.** A description of the real property;

(b) **Record Owner.** The name(s) and address(es) of the owner(s) of record;

(c) **Violations.** A description of the violation(s) alleged;

(d) **Explanation.** An explanation as to why the subject parcel is not lawful under the relevant provisions of this Division and the Subdivision Map Act; and

(e) **Notice of Meeting.** A time, date, and place where the Director will conduct a meeting to consider said violation(s) of this Division.
(Ord. 3675)

9-920.3 RESPONSE BY OWNER.

Within fifteen (15) mailing days of receipt of the tentative Notice of Violation described in Section 9-920, the property owner of record shall inform the Director in writing of his or her objection to the recordation of a Notice of Violation. Failure to so inform the Director shall result in a Notice of Violation being recorded with the County Recorder pursuant to Section 9-920.5.
(Ord. 3675)

9-920.4 OPPORTUNITY TO PRESENT EVIDENCE.

The meeting described in Section 9-920.2 shall be conducted no less than thirty (30) days after the mailing of the tentative Notice of Violation. At the meeting the owners of the property shall be given the opportunity to present any evidence relevant to show why a Notice of Violation should not be recorded.

(Ord. 3675)

9-920.5 ACTION BY DIRECTOR.

After the owner has had the opportunity to present evidence at the meeting, the Director shall take either of the following actions:

(a) **Clearance Letter.** Determine that there has been no violation and mail a clearance letter to the then current owner of record; or

(b) **Notice of Violation.** Determine that the property has in fact been illegally divided and record a Notice of Violation with the San Joaquin County Recorder.

(Ord. 3675)

**DIVISION 10
DEVELOPMENT REGULATIONS**

CHAPTER 9-1000

**DEVELOPMENT REGULATIONS: INTENT AND
ORGANIZATION**

Sections:

9-1000.1	Title and Intent.
9-1000.2	Organization.

9-1000.1 TITLE AND INTENT.

Division 10 constitutes the Development Regulations. The intent of this Division is to specify the nature, components, and use of development regulations and to establish regulations regarding physical character, intensity and other impacts of development.

(Ord. 3675)

9-1000.2 ORGANIZATION.

Division 10 consists of the following chapters:

9-1000	Development Regulations: Intent and Organization
9-1005	Heights
9-1010	Yards
9-1015	Parking and Loading
9-1020	Landscaping Regulations
9-1022	Fencing and Screening
9-1025	Performance Standards
9-1030	Social Care Facilities
9-1035	Mobile Home Parks
9-1040	Recreational Vehicle Parks
9-1045	Animals
9-1050	Hazardous Waste Facilities
9-1053	Historic Resource Preservation
9-1055	Mitigation Monitoring and Reporting

(Ord. 3675; Ord. 3843 § 8, 1995)

CHAPTER 9-1005

HEIGHTS

Sections:

9-1005.1	Intent.
9-1005.2	Height Limits.
9-1005.3	Special Provisions.
9-1005.4	Applicability.

9-1005.1 INTENT.

The intent of this Chapter is to control the maximum height of buildings and other structures within all zoning districts.

(Ord. 3675)

9-1005.2 HEIGHT LIMITS.

The maximum heights of buildings and structures are set forth in the regulations for each zone.

(Ord. 3675)

9-1005.3 SPECIAL PROVISIONS.

(a) **Additional Height Allowed for Public and Quasi-Public Buildings.** Public and quasi-public buildings, when authorized in a zone, may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each otherwise established setback line at least one (1) foot for each additional foot of building height above the maximum height limit for the zone in which the building is erected;

(b) **Additional Height Allowed for Other Buildings and Structures.** Provided no space above the height limit is allowed for the purpose of providing additional floor space and no heights are permitted above the maximum allowed under any County Ordinance relating to airports, the following structures may be erected above the height limits prescribed in this Title:

(1) Penthouse or roof structures for the housing of:

- (A) Elevators,
- (B) Stairways,
- (C) Tanks,
- (D) Ventilating fans, or
- (E) Similar equipment required to operate

and maintain the building,

- (2) Fire or parapet walls,
- (3) Skylights,
- (4) Towers,
- (5) Steeples,
- (6) Flagpoles,
- (7) Chimneys,

- (8) Smokestacks,
- (9) Watertanks,
- (10) Wireless or television masts,
- (11) Theatre lofts,
- (12) Silos,
- (13) Windmills,
- (14) Wind turbine generators, or
- (15) Similar structures.

(c) **Height Permitted for Accessory Buildings.** All buildings that are accessory to dwelling units in the AG, AL, ARM, RR and RVL zones shall meet the following criteria:

- (1) The accessory building shall be considered as an accessory use to the residence for the owner's use. Rental of the facility shall be prohibited,
 - (2) The accessory building shall be equal to or smaller in floor area than the principal dwelling unit,
 - (3) The accessory building setbacks shall be the same as the main building when the accessory building exceeds eighteen (18) feet in height, and
 - (4) The height of the accessory building shall be equal to or less than that of the principal building.
- (Ord. 3675; Ord. 4119 § 3(part), 2001)

9-1005.4 APPLICABILITY.

The provisions of this Chapter shall apply whenever:

- (a) A new building is constructed;
 - (b) An existing building, including a nonconforming structure is enlarged; or
 - (c) The use of the site or the use of the building is changed.
- (Ord. 4119 §3(part), 2001)

CHAPTER 9-1010

YARDS

Sections:

9-1010.1	Intent.
9-1010.2	Yard Standards.
9-1010.3	Special Provisions.

9-1010.1 INTENT.

The intent of this Chapter is to establish special requirements for yards within San Joaquin County, in order to assure light, air, privacy, and open areas appropriate to the use, location, and impact of structures.

(Ord. 3675)

9-1010.2 YARD STANDARDS.

The yard standards are set forth in the regulations for each zone.

(Ord. 3675)

9-1010.3 SPECIAL PROVISIONS.

(a) Architectural Features.

All yards shall comply with the following requirements:

(1) **Fire Escapes.** Fire escapes shall not extend or project into any front, side, or rear yard more than four (4) feet.

(2) **Stairways and Balconies.** Open, unenclosed stairways, or balconies not covered by a roof or canopy, shall not extend or project into a required rear yard more than four (4) feet, and such balconies and stairways shall not extend into a required front yard more than thirty (30) inches.

(3) **Porches.** Uncovered and unenclosed porches, platforms, or landing places which do not extend above the level of the first floor of the building shall not extend into any required front, side, or rear yard more than six (6) feet; however, any open work railing, not more than thirty (30) inches in height, may be installed or constructed on any such porch, platform, or landing place.

(4) **Patio Covers.** Patio covers, as defined by the California Building Code, may be located in the required rear yard, provided that no portion of said patio cover shall be within three (3) feet of the rear or side property lines.

(5) **Eaves, Roof Overhangs, and Similar Features.** Eaves, roof overhangs, and other similar architectural features may extend into any required front, rear, or side yard up to:

(A) Thirty (30) inches maximum, but in no case closer than thirty (30) inches to the property line, for side, front, or rear yards of ten (10) feet or less;

(B) Four (4) feet maximum for a side, front, or rear yard over ten (10) feet; except that such features may extend up to ten (10) feet into a side, front, or rear yard in areas zoned commercial.

(6) Fireplaces, Air Conditioning Units, Water Softening Units. Fireplace structures, air conditioning units, and water softening units may extend into the required yard areas to a maximum distance of thirty (30) inches, but in no case closer than thirty (30) inches to the property line.

(b) **Pools and Spas.** Pools and spas shall not be located closer than three (3) feet from any side or rear property line. On corner lots, no pool or spa shall be located closer than the minimum depth required for the street side yard.

(c) **Carports and Garages.** Where a lesser setback would be permitted by other Sections of this Title, carports and garages, or vehicular entrances to structures, shall be set back at least fifteen (15) feet from any public roadway.

(d) **Accessory Buildings in Rear Yard.** Single-story accessory buildings, except second unit dwellings, located in the rear one-third (1/3) of a parcel may be located within three (3) feet of the rear or side property line, provided such single-story accessory building is at least ten (10) feet from any dwelling on an adjacent lot.

(Ord. 3675, 3697, 3715; Ord. 4226 § 1 (part), 2004; Ord. 4368 §§ 26, 27, 2009)

CHAPTER 9-1015

PARKING AND LOADING

Sections:

9-1015.1	Intent.
9-1015.2	General Requirements.
9-1015.3	Required Parking Spaces.
9-1015.4	Location of Required Parking Spaces.
9-1015.5	Design of Parking Areas.
9-1015.6	Truck Parking and Loading.
9-1015.7	Bicycle Parking.
9-1015.8	Timing of Installation.
9-1015.9	Modification of Requirements.
9-1015.10	Handicapped Parking.

Tables:

9-1015.3(a)	Parking Space Requirements, Residential.
9-1015.3(b)	Parking Space Requirements, Nonresidential.

Figures:

9-1015.5	Standard Design for Off-Street Parking.
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9-1015.1 INTENT.

The intent of this Chapter is to regulate parking and loading in order to lessen traffic congestion and contribute to public safety by providing sufficient on-site areas for the maneuvering and parking of motor vehicles that are attracted to, and generated by, land uses within San Joaquin County.
(Ord. 3675)

9-1015.2 GENERAL REQUIREMENTS.

The provisions of this Section shall apply throughout this Chapter.

(a) **Applicability of Chapter.** The provisions of this Chapter shall apply whenever:

- (1) A new building is constructed;
- (2) An existing building, including a legal non-conforming structure, is enlarged for any purpose; or
- (3) The use of any building is changed.

(b) **Computation of Required Parking.** Whenever the computation of the number of off-street parking spaces required by this Chapter results in a fractional parking space, one (1) additional parking space shall be required for a fractional space of one-half (1/2) or more. A frac-

tional space of less than one-half (1/2) shall not be counted.

(c) **Parking Not Required.** Floor area devoted exclusively to parking shall have no off-street parking requirements.

(d) **Motorcycle and Bicycle Spaces.** For every four (4) motorcycle or six (6) bicycle parking spaces provided, a credit of one (1) parking space shall be given toward the requirements of this Chapter, provided, however, that the credit for each shall not exceed one-fortieth (1/40) of the total number of automobile spaces required.

(e) **Front Yard Parking.** Parking spaces necessary to meet off-street parking requirements shall not be permitted within the required front yard setback of a residential unit, except as approved by a discretionary permit. (Ord. 3675, 3703)

9-1015.3 REQUIRED PARKING SPACES.

All site plans for development must include a table showing that off-street parking spaces will be provided in the quantities set forth in Tables 9-1015.3(a) and 9-1015.3(b).

(a) **Description of Use Types.** Use types are defined or described in Chapter 9-115.

(b) **Requirements Cumulative.** Where Tables 9-1015.3(a) and 9-1015.3(b) set forth more than one (1) requirement for a given use type, those requirements shall be cumulative.

(c) **Spaces Based on Square Footage.** The square footage requirements used in Table 9-1015.3(b) to calculate parking spaces refer to the total enclosed areas of all buildings on the lot, but excludes the area of spaces having a height of less than seven (7) feet and the area used exclusively for parking and loading.

(d) **Spaces Based on Employees.** The employee requirements used in Table 9-1015.3(b) to calculate parking spaces refer to the maximum number of employees who could be working at one time when the facility is operating at full capacity. (Ord. 3675)

9-1015.4 LOCATION OF REQUIRED PARKING SPACES.

Required parking spaces shall be located as follows:

(a) **On Same or Adjacent Lot.** For dwellings, motels, automobile-oriented services, schools, and all uses in the I-T, I-P, and I-L Zones, required parking spaces shall be provided on the same lot as the main building(s) or on an adjoining lot or lots zoned for the main use of the property.

(b) **Other Uses.** For uses not listed in Subsection (a), required parking spaces shall be located within three hundred (300) feet of the lot on which the main building is located.

(c) **Not Within Specified Yards.** Parking spaces required for dwellings shall not be located within any required front or side yard. (Ord. 3675; Ord. 3832 § 28, 1995)

9-1015.5 DESIGN OF PARKING AREAS.

The following design standards are prescribed for the development of off-street parking facilities:

(a) **Parking Lot Design.** Parking lot design and dimensions shall be in accordance with Figure 9-1015.5.

(b) **Parking Spaces: Size.** Parking spaces shall have the following dimensions:

(1) **Stalls.** Each parking stall shall be an unobstructed rectangle, minimum nine (9) feet wide and twenty (20) feet long except for parallel stalls, which must be nine (9) feet wide by twenty-six (26) feet long.

(2) **Reduction of Required Length.** Where a concrete curb around a planter in a parking lot functions as a wheel stop, the required length of a parking space abutting such curb may be reduced by a maximum of two (2) feet, provided that the planter is at least five (5) feet wide.

(c) **Compact Spaces.** Compact parking spaces shall comply with the following provisions:

(1) Stalls shall be a minimum seven and one-half (7 1/2) feet wide and sixteen (16) feet long;

(2) Parallel parking stalls must be a minimum nineteen (19) feet long;

(3) Each approved space shall be individually designated as a compact space;

(4) Signs shall be provided to indicate the location of compact parking spaces, as required by the County Engineer;

(5) For multiple-family projects containing five (5) or more dwelling units, no more than twenty-five (25) percent of required parking spaces shall be compact stalls; and

(6) For nonresidential uses requiring twenty (20) or more spaces, no more than twenty-five (25) percent of required parking spaces shall be compact stalls.

(d) **Striping.** All parking stalls and directional arrows shall be delineated with paint.

(e) **Surfacing.** Except as provided in subsection (e)(1) of this section all permanent parking lots (which include parking spaces, driveways, and maneuvering areas) in all zoning districts shall be surfaced and permanently maintained with asphalt concrete or portland cement concrete to provide a durable dust free surface. In-

gress and egress areas that connect to a paved road or highway shall also be surfaced and permanently maintained with asphalt concrete or portland cement concrete to provide a durable dust free surface. Bumper guards and/or wheel stops shall be provided when necessary to protect adjacent structures or properties.

(1) **Exemptions.** The following sections shall identify surfacing requirements for the following uses:

- a. Special use regulations for truck terminal projects pursuant to Section 9-505.7 of this Title;
- b. Produce stands pursuant to Section 9-1070.3(h);
- c. Small agricultural stores pursuant to Section 9-1070.4(h); and
- d. Large agricultural stores pursuant to Section 9-1070.5(h).

(2) **Alternative Surfacing Materials.** At the discretion of the Review Authority, alternative surfacing materials may be used in combination with an asphalt concrete or portland cement concrete driveway for the following uses:

- a. Truck parking in agricultural zones as permitted in Table 9-605.3;
- b. Seasonal businesses in agricultural zones as permitted in Table 9-605.4;
- c. Recreational vehicle storage as permitted under the Automotive Sales and Services use type;
- d. Operable vehicle storage as specified in Table 9-405.2 or Table 9-505.2 or Table 9-705.2;
- e. Storage yards as permitted under the Personal Storage use type specified in Table 9-405.2 or Table 9-505.2 or Table 9-705.2; and
- f. Parking spaces for single-family residences only, as specified in Table 9-1015.3(a).

(f) **Landscaping and Screening.** All open parking areas shall be landscaped and/or screened according to the standards set forth in Chapter 9-1020.

(g) **Lighting.** All off-street parking areas within commercially-zoned projects, and projects where the parking area is used at night, shall be provided with exterior lighting which meets the following minimum standards:

- (1) The equivalent of one (1) foot candle of illumination shall be provided throughout the parking area;
- (2) All lighting shall be on a time clock or photo-sensor system;
- (3) Parking lot luminaries shall be high pressure sodium vapor with ninety (90) degree cut-off and flat lenses; and
- (4) All lighting shall be designed to confine direct rays to the premises. No spillover beyond the property line shall be permitted, except onto public thorough-

fares, provided, however, that such light shall not cause a hazard to motorists.

(h) **Access.** Access to parking areas shall be provided as follows:

(1) Access driveways shall have a width of no less than twenty-five (25) feet for two-way aisles and sixteen (16) feet for one-way aisles, except that in no case shall driveways designated as fire department access be less than twenty (20) feet wide.

(2) The parking area shall be designed so that a vehicle within the parking area will not have to enter a public street to move from one location to any other location within the parking area.

(3) Vehicular access to arterial streets and highways will be permitted only in accordance with driveway locations and access design to be approved by the Department of Public Works (see Section 9-1150.5(e)). Access to State Routes shall be approved by Caltrans.

(4) All access from a public street or alley must be designed so that motor vehicles leaving the parking area will enter the street traveling in a forward direction. This requirement does not apply to single-family subdivisions or multiple-family residential properties serving four units or less, unless on a minor arterial or higher classification way.

(i) **Parking Aisles.** The minimum dimensions for parking aisles (the space required for maneuvering vehicles within a parking lot) shall be as set forth in Figure 9-1015.5.

(Ord. 3675, 3715, 3756; Ord. 4101 § 3, 2001)

9-1015.6 TRUCK PARKING AND LOADING.

Parking and loading space for trucks shall be provided as set forth in this Section.

(a) **Commercial Uses.** For commercial uses, one (1) space shall be provided for every use with three thousand (3,000) square feet of gross floor area or more.

(b) **Industrial Uses.** For industrial uses, spaces shall be provided as follows:

(1) One (1) space shall be required for each use having three thousand (3,000) to twenty thousand (20,000) square feet of gross floor area;

(2) Two (2) loading spaces shall be required for each use having twenty thousand (20,000) to forty thousand (40,000) square feet of gross floor area; and

(3) For each twenty thousand (20,000) square feet of gross floor area, or major fraction thereof, over forty thousand (40,000) square feet of gross floor area, one (1) loading space shall be required.

(c) **Design Standards.** Design of required spaces shall be as follows:

(1) Spaces shall be a minimum twenty-five (25) feet in length and fifteen (15) feet in width, and shall have minimum height clearance of fourteen (14) feet;

(2) Spaces shall be provided and maintained on the same lot as the commercial or industrial use creating the need therefor;

(3) Spaces shall not interfere with vehicular circulation or parking, or with pedestrian circulation; and

(4) On-site driveways and maneuvering areas may be used in lieu of one (1) of the off-street loading spaces required by this Section, as long as maneuvering areas for delivery vehicles are provided.

(d) **Truck Terminals Uses.**

(1) In addition to Industrial Use requirements, one (1) loading space shall be required in a truck terminal for each bay.

(2) Aisles between truck parking areas shall be a minimum of fifty-five (55) feet wide.

(3) No parking shall be permitted in the driveways, parking aisles, or maneuvering areas.

(Ord. 3675)

9-1015.7 BICYCLE PARKING.

In commercial and industrial projects with twenty (20) or more required parking spaces, a rack or other secure device for the purpose of storing and protecting bicycles from theft shall be installed. Such devices shall be provided with a minimum capacity of one bicycle per twenty (20) required parking spaces and shall be located so as not to interfere with pedestrian or vehicular traffic.

(Ord. 3675)

9-1015.8 TIMING OF INSTALLATION.

All parking areas and driveways must be completely installed prior to issuance of a Certificate of Occupancy or initiation of use.

(Ord. 3675; 3715)

9-1015.9 MODIFICATION OF REQUIREMENTS.

The requirements of this Chapter may be modified by the Director in cases in which, due to the unusual nature of the establishment proposed or the development proposal submitted for it, the requirements set forth herein may be considered insufficient or excessive. In making the decision, the Director may consider the existence of special transit incentives and services, car pooling programs, and significant use of pedestrian and bicycle access. Decisions of the Director

pursuant to this Section may be appealed using the Staff Review with Notice Procedure set forth in Chapter 9-215. (Ord. 3675)

9-1015.10 HANDICAPPED PARKING.

(a) **Accessible Parking.** Accessible parking shall comply with the California Building Code and the following provisions:

(1) The following shall be used to determine the number of accessible parking spaces required:

Total Number of Parking Spaces	Number of Accessible Parking Spaces Required
1-25	1 van accessible space
26-50	2, including 1 van accessible space
51-75	3, including 1 van accessible space
76-100	4, including 1 van accessible space
101-150	5, including 1 van accessible space
151-200	6, including 1 van accessible space
201-300	7, including 1 van accessible space
301-400	8, including 1 van accessible space
401-500	9, including 2 van accessible spaces
501-1000	2%, including 3 van accessible spaces
1001 or more	20 plus 1 per 100 or fraction, including minimum 1 van accessible space per 8 accessible spaces or fraction thereof

(2) The accessible space shall be as near as possible to the primary entrance of the building.

(3) The accessible space must permit use of either of the vehicle's doors.

(4) Bumpers are required when no curb barrier is provided to prevent encroachment of cars over walkways.

(5) Wheelchair users must not be forced to go behind parked cars other than their own.

(6) When only one space is provided, it shall be a van space, seventeen (17) feet wide, outlined to provide a nine (9) foot wide parking area and an eight (8) foot

wide loading and unloading area on the passenger side of the vehicle.

(7) When more than one (1) space is required, two (2) spaces may be provided within a twenty-three (23) foot wide area, or twenty-six (26) foot wide area including a van space.

(8) Each parking space is required to be at least eighteen (18) feet long.

(9) Surface slopes of parking areas for the disabled should be minimal but are required not to exceed one-quarter ($\frac{1}{4}$) inch per foot in any direction.

(10) Ramps shall not encroach into any parking space.

(11) When less than five (5) parking spaces are provided at a building or facility, one (1) shall be sized in accordance with item six above but need not be identified for handicapped/disabled use only.

(12) Each accessible stall must have a permanent **DISABLED ACCESS PARKING** sign with a minimum size of seventy (70) square inches.

(13) Free-standing **DISABLED ACCESS PARKING** signs shall be located at the interior end of the stall and be mounted a minimum of eighty (80) inches above the finished grade.

(14) Wall-mounted **DISABLED ACCESS PARKING** signs shall be located at the interior end of the stall and be mounted a minimum of thirty-six (36) inches above the finished grade.

(15) A sign, not less than seventeen (17) inches by twenty-two (22) inches, shall be located at each entrance to the parking lot, or immediately adjacent to and visible from each stall or space, and state the following:

"Unauthorized vehicles not displaying distinguishing placards or license plates issued for physically handicapped persons may be towed away at the owner's expense. Towed vehicles may be reclaimed at _____ or by telephoning _____."

(16) The surface of each accessible parking space or stall shall have a surface identification which duplicates either of the following schemes:

(A) By outlining or painting the stall or space in blue and outlining on the ground in the stall or space in white, or suitable contrasting color, a profile view depicting a wheelchair with occupant; or

(B) By outlining a profile view of a wheelchair with occupant in white or blue background. The profile view shall be located so that it is visible to a traffic enforcement officer when a vehicle is properly parked in the space and shall be thirty-six (36) inches high by thirty-six (36) inches wide.

(Ord. 3675; Ord. 3843, § 9, 1995; Ord. 4368, § 30, 2009)

TABLE 9-1015.3(a) PARKING SPACE REQUIREMENTS, RESIDENTIAL

(See Section 9-1015.3 for explanation)	
Residential Use Types	Spaces Required
Family Residential	
Single-family	2 spaces/dwelling unit
Two-family	2 spaces/dwelling unit
Small multi-family	1.5 spaces/dwelling unit
Large multi-family	1.5 spaces/dwelling unit
Farm Labor Camps	.33 space/bed
Group Care	
Large	.33 space/bed
Small	.33 space/bed
Adult day care	.33 space/adult client
Farm related	.33 space/bed

TABLE 9-1015.3(a)

(See Section 9-1015.3 for explanation)	
Residential Use Types	Spaces Required
Groups Residential	.33 space/bed
Mobile Home Park	1.50 spaces/dwelling unit
Emergency Shelters	
Small	.67 space/employee; 1 space/8 beds
Large	.67 space/employee; 1 space/8 beds
Single-Room Occupancy	.67 space/employee; 1 space/8 beds

(Ord. 3675; Ord. No. 4471, § 19, 12-15-2015)

TABLE 9-1015.3(b) PARKING SPACES REQUIREMENTS, NONRESIDENTIAL (See Section 9-1015.3 for explanation)			
Nonresidential Use Types	Spaces Required		
	Per 1000 Square Feet of Building	Per Employee	Other
Administrative Offices	4		
Administrative Support Services	4		
Adult Entertainment	5	.67	
Aerial Services			
Farm	1.5		
Heliport	1.5		
Agricultural Organizations	5	.67	
Agricultural Processing			
Preparation services	1		
Food Manufacturing	2.5		
Agricultural Sales			
Feed and grain sales	2	.67	
Agricultural Chemical Sales	2		
Agricultural Warehousing	1		
Agricultural Wastes	2.5		
Animal Feeding and Sales	.2		
Animal Raising			
Exotic Animals	.67		
General	.67		
Hogs	.67		
Small Animals	.67		
Family Food Production	.67		
Educational animal projects	.67		
Zoo	.67	.67	9/acre
Petting Zoo	.67	.67	9/acre

Table 9-1015.3(b)

TABLE 9-1015.3(b) PARKING SPACES REQUIREMENTS, NONRESIDENTIAL (See Section 9-1015.3 for explanation)			
Nonresidential Use Types	Spaces Required		
	Per 1000 Square Feet of Building	Per Employee	Other
Animal Specialty Services			
Farm	2	.67	
Pet	4	.67	
Kennels	.67		
Kennels, Small Breeding	.67		
Auction Sales			
Indoor	5		
Outdoor			.33/Seat
Automotive Services			
Automotive rentals	3.3	.67	1/rental vehicle
Automotive repairs, light	2	.67	1/stored vehicle
Automotive repairs, heavy	2	.67	1/stored vehicle
Automotive sales	2	.67	1/sale vehicle
Cleaning	2	.67	1/stored vehicle
Inoperable vehicle storage	1	.3	1/stored vehicle
Operable vehicle storage	1	.3	1/stored vehicle
Parking			1/parked vehicle
Building Maintenance Services	.67		
Child Care Services			
Child Care Center		.67	.2/Child
Family Day Care Home		.67	.15/Child
Communication Services	1		
Community Assembly	.67		.33/Seat
Construction Sales	4	.67	

TABLE 9-1015.3(b)
PARKING SPACES REQUIREMENTS, NONRESIDENTIAL
 (See Section 9-1015.3 for explanation)

Nonresidential Use Types	Spaces Required Per 1000 Square Feet of Building	Spaces Required Per Employee	Spaces Required Other
Construction Services			
Light	1		
Heavy	1		
Crop Production	.2		
Cultural and Library Services	3.3	.67	
Custom Manufacturing	2		
Dairies		1	
Eating Establishments			
Convenience	5	.67	
Full service	10	.67	
Educational Services			
Commercial	1		.25/Student
General	1		.20/Student
Equipment Sales and Repair			
Farm machinery, sale/rental	2	.67	
Farm machinery, repair	1	.67	
Heavy equipment	1	.67	
Leisure	3	.67	
Aircraft	1	.67	
Explosives Handling	2		
Farm Services	2	.67	
Funeral and Interment Services			
Cemeteries	.2	.67	
Interring and cremating	4	.67	
Undertaking	4	.67	.33/Seat
Gasoline Sales			
Service	3.3	.67	
Combination	4	.67	
General Industrial			
Limited	2	.5	
Intermediate	2	.5	
Heavy	2	.5	
Hazardous Industrial	2	.5	
High Technology Industry	4		
Laundry Services	5		
Liquor Sales			
On-premises	5	.67	
Lodging Services			
Bed and Breakfast		.67	1 space/room
Motels		.67	1 space/room
Major Impact Services	2		
Medical Services	5		

TABLE 9-1015.3(b)
PARKING SPACES REQUIREMENTS, NONRESIDENTIAL
 (See Section 9-1015.3 for explanation)

Nonresidential Use Types	Spaces Required Per 1000 Square Feet of Building	Spaces Required Per Employee	Spaces Required Other
Nursery Sales			
Wholesale	3.3	.67	
Retail	4	.67	
Landscaping Services		.67	2
Personal Storage	1		
Petroleum and Gas Extraction	1		
Produce Sales	3.3		
Professional Services	3.3		
Public Services			
Administrative	4	.67	
Essential	4	.67	
Quarry Operations	1		
Recreation			
Campgrounds			1/site
Indoor participant	5		.33/seat
Indoor spectator	.67		.33/seat
Marinas			*
Outdoor sports clubs	2		4/acre
Outdoor entertainment			175/acre
Parks			9/acre
Resorts	2		4/acre
Recycling Services			
Consumer	4	.67	
Scrap operations	2		
Religious Assembly			
Neighborhood			.33/seat
Community			.33/seat
Regional			.33/seat
Research and Laboratory Services	4	.67	
Retail Sales and Services			
Primary	3.3	.67	
Intermediate	4	.67	
General	5	.67	
Stables			
Neighborhood	.67		
Commercial	.67	.67	
Transportation Services	1		
Truck Services			
Parking	1		
Cleaning	1		
Stops	4	.67	
Repairs	1		

Table 9-1015.3(b)

TABLE 9-1015.3(b) PARKING SPACES REQUIREMENTS, NONRESIDENTIAL (See Section 9-1015.3 for explanation)			
Nonresidential Use Types	Spaces Required Per 1000 Square Feet of Building	Spaces Required Per Employee	Spaces Required Other
Sales	2	.67	1/sale vehicle
Terminals	2	1	
LNG truck fueling stations	1	.67	
Utility Services			
Major	1		
Minor	1		
Cellular Facilities	1		
Wholesaling and Distribution			
Heavy	.5	.5	
Light	.5	.5	
Wineries and Wine Cellars	2.5		

* 1/docking space or launching ramp, plus 4 per 1,000 square feet of accessory commercial uses.

(Ord. 3675; 3715; Ord. 3843, § 10, 1995; Ord. 3872, § 10, 1996; Ord. 4368, §§ 28, 29, 2009; Ord. No. 4440, § 8, 8-13-2013)

Figure 9-1015.5. Standard Design for Off-Street Parking

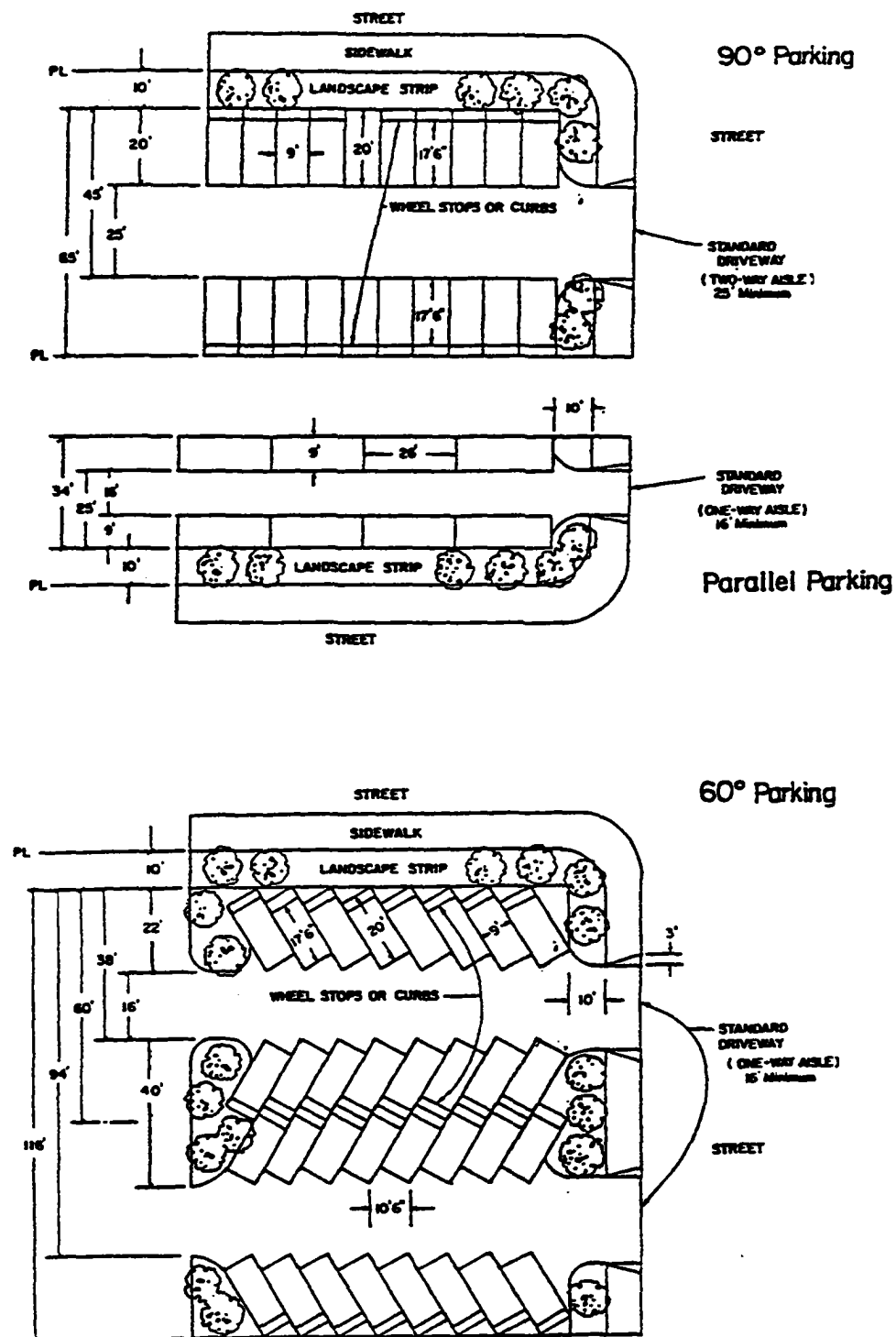


Figure 9-1015.5

Figure 9-1015.5. Standard Design for Off-Street Parking (Continued)

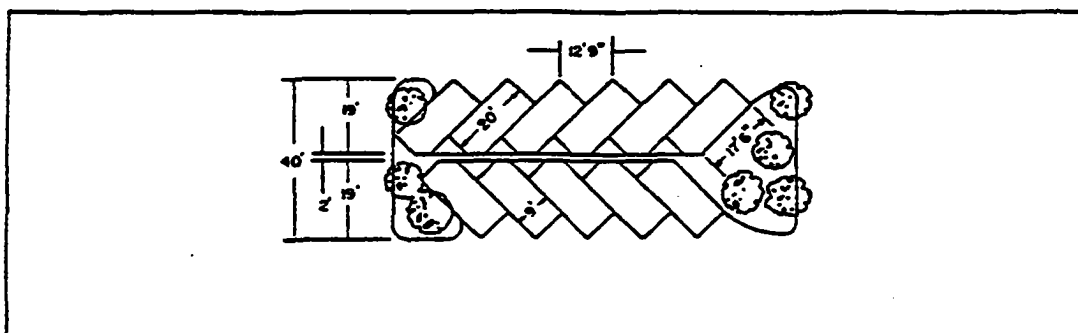
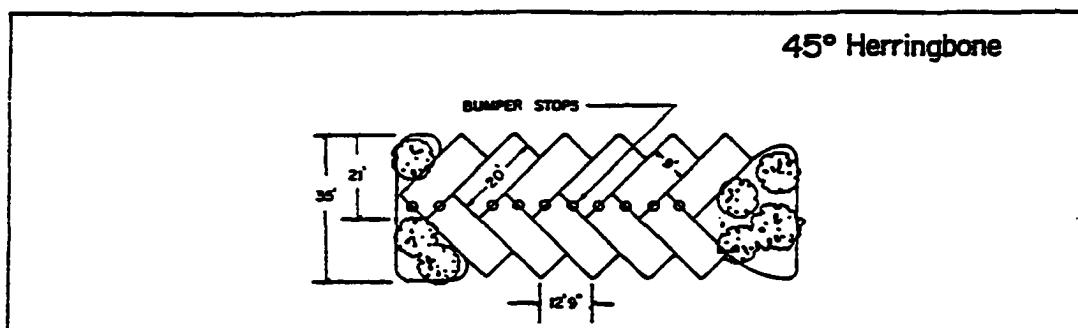
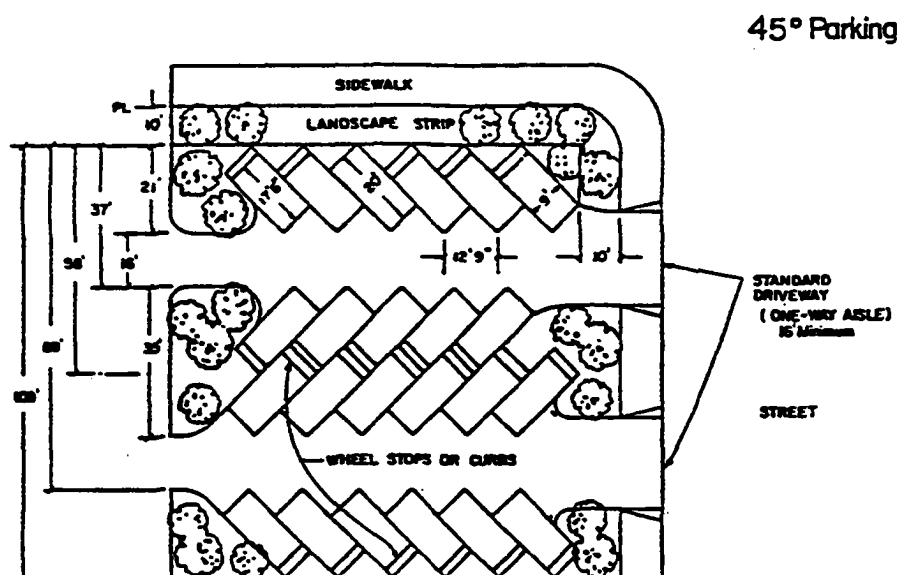
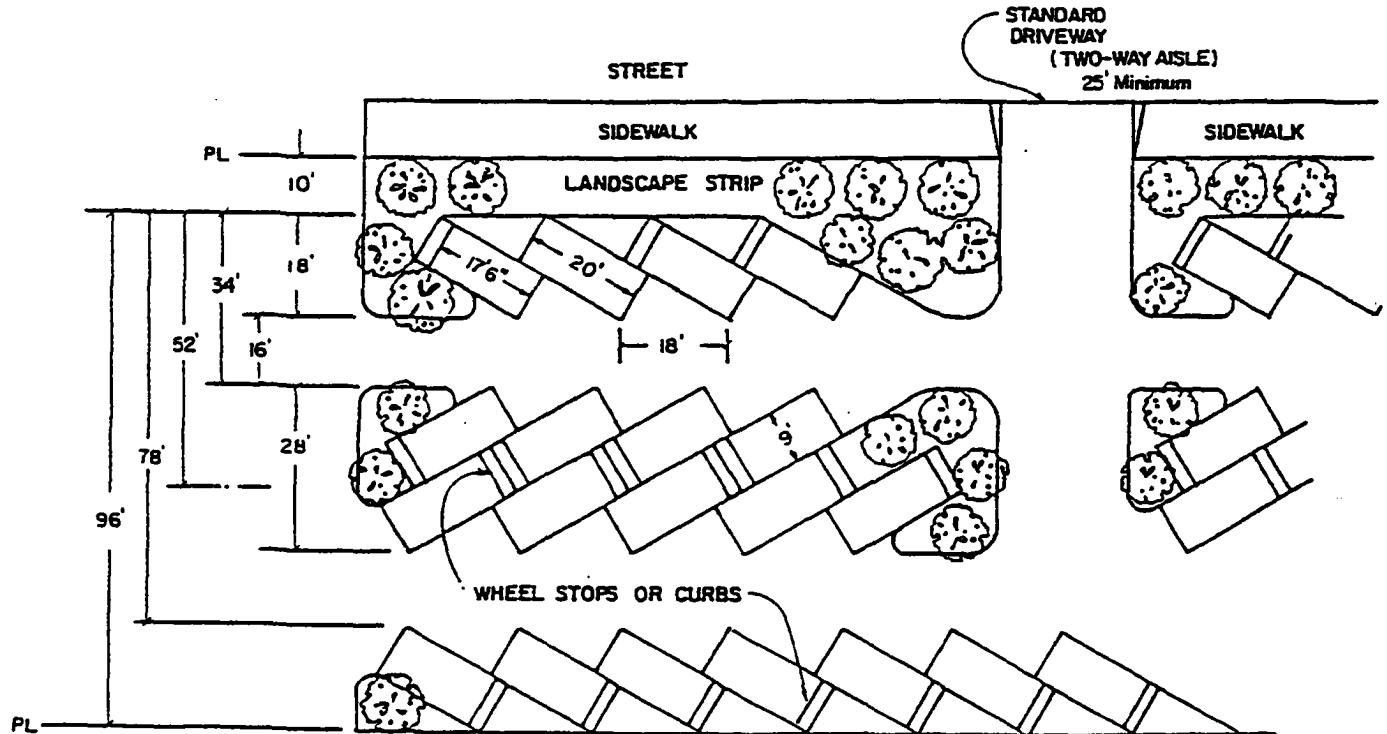


Figure 9-1015.5. Standard Design for Off-Street Parking (Continued)

30° Parking



(Ord. 3675)

CHAPTER 9-1020**LANDSCAPING REGULATIONS*****Sections:**

9-1020.1	Intent.
9-1020.2	Applicability.
9-1020.3	Landscaping Standards.
9-1020.4	Street Trees.
9-1020.5	Requirements for Parking Areas.
9-1020.6	Requirements for Residential Zones.
9-1020.7	Requirements for Commercial Projects.
9-1020.8	Requirements for Industrial Projects.
9-1020.9	Requirements for Freeways and Scenic Routes.
9-1020.10	Modification of Requirements.

* Editor's Note: During 1995 revision, § 9-1020.5 (formerly repealed) was removed and §§ 9-1020.6 through 9-1020.10 were amended to be §§ 9-1020.5 through 9-1020.9.

9-1020.1 INTENT.

The intent of this Chapter is to prescribe standards for landscaping to protect public security and safety, conserve and protect property, and improve the general appearance of San Joaquin County.
(Ord. 3675)

9-1020.2 APPLICABILITY.

The requirements of this Chapter shall apply to all new commercial and industrial projects, multifamily developments, mobile home parks, planned developments, and model homes. Section 9-1020.6 contains specific requirements for residential zones.
(Ord. 3675; 3703; 3715; 3756; amended during 1995 revision.)

9-1020.3 LANDSCAPING STANDARDS.

All landscaping required by this Chapter shall comply with the following provisions:

(a) **General Planting Requirements.** Unless otherwise specified, all plantings required by this Chapter shall comply with the following:

(1) **Composition.** Landscaping may include natural features such as rock and stone, as well as structural features including, but not limited to, fountains, reflecting pools, and sculptures. Only recirculating water shall be used for decorative water features. Where re-

quired, planting shall include the installation and maintenance of no less than one (1) item from each of the following groups:

- (A) Group One: Trees;
- (B) Group Two: Shrubs or Vines; or
- (C) Group Three: Ground Cover, Flowers

or Turf.

(2) **Water Efficient Landscape.** All new landscaping shall be planned to create a water efficient landscape.

(A) The planted area shall balance the water demands of different plant species to create an overall landscape which requires a moderate amount of water. For design purposes, planting areas shall be defined as low use, medium use, or high use areas. The water value designations of low use, medium use, or high use, shall be determined from a plant list approved by the Director. Water use values reflect the relative water use of each type of planting area. To check a landscape design for compliance, multiply the water use value in the list by its respective planting area; if the sum of the water use factors is less than the design area, the design is acceptable.

(B) Exceptions may be granted for the following areas:

- (i) Homeowner-provided landscaping for single-family and multifamily projects;
- (ii) Cemeteries, schools, and parks;
- (iii) Registered historical sites;
- (iv) Ecological restoration projects, mined-land reclamation projects, and other projects that do not require a permanent irrigation system;

(v) Areas in need of fire-resistant sections of vegetation; or

(vi) Any area for which the Review Authority authorizes conditional exceptions, unless the standard specifically states that an exception cannot be granted; such exceptions may be granted if the Review Authority finds in writing that the proposed design is in substantial compliance with the purpose and intent of this chapter.

(3) **Plant Selection.**

(A) **Stock Quality.** Plants shall be healthy and meet minimum industry standards.

(B) **Selection.** Native plants, particularly native trees and shrubs, shall be considered as the first alternative when selecting plants.

(C) **Height Limitations.** Plantings, excluding trees, shall extend no more than three (3) feet above any street curb in the following locations:

- (i) Within a thirty (30) foot snipe of a street intersection without a stop sign or stop light;

(ii) Within a fifty (50) foot snipe of a street intersection containing a stop sign or stop light;

(iii) Within a fifteen (15) foot snipe of a commercial driveway or alleyway; or

(iv) Within a ten (10) foot snipe of a residential driveway.

(D) **Trees.** When planted, the trees shall be five (5) gallons in size.

(E) **Turf Areas.** Areas of turf shall be planted to meet the following requirements:

(i) Turf shall not be permitted in planted areas ten (10) feet or less in width, or in median strips.

(ii) Under no circumstances shall turf be installed on slopes greater than twenty percent (20%).

(iii) Turf shall not be installed within ten (10) feet of the dripline of native oak trees, except for young trees with driplines of less than ten (10) feet.

(iv) Turf shall be of a variety well suited to the local climate, such as tall fescue.

(F) **Mulch.** A minimum of three (3) inches of an organic mulch shall be placed in shrub areas on the soil surface after planting. Nonporous materials shall not be placed under the mulch.

(b) **Earth Berms.** Earth berms shall comply with the following provisions:

(1) An earth berm may contribute toward the prescribed height of any planting, fencing, or wall; and

(2) Mounds of earth which are used to screen or for planting shall not maintain a slope greater than two to one (2:1).

(c) **Irrigation.** Irrigation systems shall be installed for all landscaped areas as follows:

(1) Soil types and infiltration rates shall be considered when designing irrigation systems. All irrigation systems shall be designed to avoid runoff, low head drainage, overspray, or similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways, or structures.

(2) No overhead sprinkler irrigations systems (pop-up, impulse sprinklers, rotors) shall be installed in median strips less than ten (10) feet wide.

(3) Any landscaping is required to use rain switches as part of any automatic irrigation system.

(d) **Erosion Control.** Erosion shall be controlled as follows:

(1) Slopes created through grading during construction shall be (re)planted with groundcover at a

maximum of eighteen (18) inches on center or (re)planted with shrubs;

(2) Slopes shall be restricted to a maximum 2:1 slope ratio;

(3) Slopes greater than six (6) feet in vertical height shall be planted with groundcover a maximum of eighteen (18) inches on center;

(4) Erosion shall be controlled on all graded sites which remain vacant prior to building construction; and

(5) Protective netting may be required on an interim basis to ensure bank stability.

(e) **Protective Curbing.** Protective six (6) inch concrete curbs or standard concrete wheel stops shall be required where planting or screening abuts parking stalls or driveways.

(f) **Timing of Installation.** Required landscaping and screening, including irrigation systems, shall be completely installed prior to the use of the property and the issuance of the Certificate of Occupancy for the new structures. All landscaping and screening shall be in place prior to the use or occupancy of new structures.

(g) **Safety.** Landscaping and screening shall meet the following safety requirements:

(1) Landscape or screening elements which pose an unusual public health or safety threat shall not be permitted;

(2) The height, spread, and growth habit of all plantings shall not interfere with or obstruct ease of movement; and

(3) Street trees, shall be pruned so that no branch shall extend over the sidewalk lower than six (6) feet above curb level.

(h) **Maintenance.** Landscaping and screening shall be maintained as follows:

(1) Plantings shall be maintained in good growing conditions and, whenever necessary, replaced with new plant materials;

(2) Lawn and ground cover shall be trimmed and mowed regularly and planting areas shall be kept free of weeds and debris;

(3) Plantings shall be fertilized, cultivated, and pruned on a regular basis, and good horticultural principles shall be practiced;

(4) When necessary, plantings shall be appropriately staked, tied, or otherwise supported. Supports shall be regularly monitored to avoid damage to plants;

(5) All landscaping and related equipment, including but not limited to plant material, screening devices, walkways, benches, fountains, and irrigation systems, shall be maintained by the property owner; and

(6) All required screening materials shall be maintained in good condition and, whenever necessary, repaired or replaced.

(i) **Replacements.** When replacing vegetation, native plants, particularly native trees and shrubs, shall be considered as the first alternative.

(j) **Landscape Plans.** Landscape Plans, including location, variety, irrigation, and other information necessary to determine compliance with these requirements must be submitted and approved by the Director whenever landscaping is required. For large scale projects, the Director may require these plans to be prepared by a Landscape Architect.

(Ord. 3675; 3703; 3715; 3756)

9-1020.4 STREET TREES.

The planting of trees along streets is required for all new residential developments as follows:

(a) **Spacing.** Trees shall be spaced at a maximum of sixty (60) foot intervals or a minimum of one tree per lot frontage, except in the Rural Residential Zone, in which case a minimum of three (3) trees are required for each lot frontage.

(b) **Corner Lots.** For corner lots, street trees shall be required on both street frontages. The trees cannot interfere with sight distances and setbacks.

(c) **Size.** Trees shall be five (5) gallons in size.

(d) **Location.** Trees shall be located such that at fifteen (15) years of age the crown will not encroach across side property lines.

(e) **Location from Driveways.** Trees shall be located a minimum of ten (10) feet from driveways.

(f) **Location from Rights-of-Way.** Trees shall be located a minimum of four (4) feet and a maximum of ten (10) feet outside of the road right-of-way.

(g) **Street Frontages.** Street trees shall be required along street frontages where noise attenuation walls are required. They shall be placed in the yard or integrated with a serpentine wall.

(h) **County Tree List.** Trees shall be chosen from the County Tree List.

(i) **Exceptions.** Exceptions to street tree planting may be permitted on those lots where proper spacing is not possible provided the exceptions are granted by the Director of the Community Development Department.

(j) **Maintenance.** Street trees shall be maintained by a public or private entity as follows:

(1) Plantings shall be maintained in good growing condition and, whenever necessary, replaced with new plant materials;

(2) Planting areas shall be kept free of weeds and debris;

(3) Plantings shall be fertilized, cultivated, and pruned on a regular bases, and good horticultural principles shall be practiced; and

(4) When necessary, plantings shall be appropriately staked, tied, or otherwise supported. Supports shall be regularly monitored to avoid damage to plants.

(k) **Timing of Installation.** Required street trees, including irrigation systems, shall be completely installed prior to the final inspection of the building.

(Ord. 3675; 3715)

9-1020.5 REQUIREMENTS FOR PARKING AREAS.

The following requirements shall apply to all open, off-street parking areas and off-street loading areas, including nonresidential driveways:

(a) Parking areas with more than twenty (20) stalls shall provide a minimum of five percent (5%) of landscaping within the perimeter of the parking area, not including landscaping along the street frontage.

(b) One tree shall be required for each five (5) parking stalls, or portion thereof, and shall be evenly spaced throughout the parking lot.

(c) A ten (10) foot wide landscaped strip shall be installed between parking areas and adjacent public streets.

(d) Planters which abut parking stalls shall be a minimum of five (5) feet wide. A minimum eighteen (18) inch wide paved strip shall be added to the adjacent parking stall to allow access to and from vehicles.

(e) Unless otherwise specified, parking areas abutting a residential zone, an area shown on the General Plan for residential use, or an existing residential use, shall be screened with a solid masonry wall six (6) to seven (7) feet in height along the abutting property line, and a five (5) foot planting strip shall be installed adjacent to the wall and the parking area.

(Ord. 3675; 3697; 3703; 3739)

9-1020.6 REQUIREMENTS FOR RESIDENTIAL ZONES.

The following requirements shall apply in the residential zones.

(a) **Multifamily Developments.** The following requirements shall apply to developments which result in five (5) or more multifamily dwelling units:

(1) All areas not used for buildings, parking, driveways, walkways, recreational facilities, or other permanent facilities shall be landscaped; and

(2) Site development shall incorporate the surrounding topography and provide for the preservation

of natural features such as water courses, native oaks, heritage trees, wooded areas, and rough terrain.

(b) **Mobile Home Parks.** The following requirements shall apply to mobile home parks:

(1) All areas not used for buildings, parking, driveways, walkways, recreational facilities, or other permanent facilities shall be landscaped; and

(2) Site development shall relate harmoniously to the surrounding topography and provide for the preservation of natural features such as water courses, native oaks, heritage trees, wooded areas, and rough terrain.

(c) **Planned Developments.** The following requirements shall apply to planned developments:

(1) The number of trees for the site shall equal at least twice the number of dwelling units, excluding street and erosion control trees;

(2) Additional plantings shall be provided, particularly in open space areas, to accent buildings, screen parking areas, and provide variety; and

(3) A landscaping plan prepared by a licensed landscape architect shall be required. The landscaping plan shall include the following:

(A) A site plan and sections illustrating the proposed location and size of landscape elements such as plantings, structures, walkways, fencing, and screening;

(B) Scale drawings and specifications depicting the design, colors, materials, dimensions, structural supports, and electrical components of the proposed plan; and

(C) Planting, irrigation, lighting, and grading specifications.

(d) **Model Homes.** One (1) model home shall demonstrate via signs and information the principles of water efficient landscapes described in this Title.

(1) Signs shall be used to identify the model as an example of a water efficient landscape which features elements such as hydrozones, irrigation equipment, and others which contribute to the overall water efficient theme.

(2) Information and handouts shall be provided about designing, installing, and maintaining water efficient landscapes.

(Ord. 3675; 3703; 3739; 3756)

9-1020.7 REQUIREMENTS FOR COMMERCIAL PROJECTS.

The following requirements shall apply to all commercial projects.

(a) **Landscaping Requirements.** All areas not used for buildings, parking, driveways, walkways, or other permanent facilities shall be landscaped. A minimum ten (10)

foot wide planting strip shall be required along adjacent streets. The strip shall be continuous except where crossed by driveways and walkways.

(Ord. 3675; 3739)

9-1020.8 REQUIREMENTS FOR INDUSTRIAL PROJECTS.

The following requirements shall apply to all industrial projects.

(a) **Landscaping Requirements.** All areas not used for buildings, parking, driveways, walkways, approved outdoor storage areas, or other permanent facilities shall be landscaped. At a minimum, a ten (10) foot wide planting strip is required along adjacent streets. The strip shall be continuous except where crossed by driveways and walkways.

(Ord. 3675; 3739)

9-1020.9 REQUIREMENTS FOR FREEWAYS AND SCENIC ROUTES.

For commercial and industrial projects, a minimum ten (10) foot wide planting strip shall be required along all Interstate highways, State Route 99, all on- and off-ramps thereof, and all scenic routes that are defined in the General Plan.

(Ord. 3675; Ord. 3832 § 30, 1995)

9-1020.10 MODIFICATION OF REQUIREMENTS.

The requirements of this Chapter may be modified by the Director in cases where it is demonstrated that an alternative to said requirements would meet the intent of this Chapter and result in an equal or greater amount of landscaping. Decisions of the Director pursuant to this Section may be appealed using the Staff Review with Notice Procedure set forth in Chapter 9-215.

(Ord. 4035 § 10, 1999)

CHAPTER 9-1022**FENCING AND SCREENING****Sections:**

9-1022.1	Intent.
9-1022.2	General Standards.
9-1022.3	Fencing Standards.
9-1022.4	Screening Standards.
9-1022.5	Noise Attenuation Walls.
9-1022.6	Modification of Requirements.

9-1022.1 INTENT.

The intent of this Chapter is to prescribe standards for fencing and screening to protect public security and safety, conserve and protect property, and improve the general appearance of San Joaquin County.
(Ord. 3739)

9-1022.2 GENERAL STANDARDS.

All fencing and screening shall comply with the provisions of this Section, unless otherwise specified.

(a) **Materials.** Fencing and screening shall meet any criteria for sturdiness and construction established by other County regulations.

(b) **Placement.** Fences and screens may be constructed along the property line or within the required yard.

(c) **Height Limits in Required Yards.** Fencing and screening shall not exceed the height limits in required yards specified below:

(1) In any required front or street side yards, fencing and screening shall not exceed three (3) feet in height.

(2) In any required rear or nonstreet side yard, fencing and screening shall not exceed seven (7) feet in height.

(d) **Height Limits Outside Required Yards.** The height of fencing and screening outside required yards shall not exceed the maximum height limit for structures in the zone in which the fence is constructed.

(e) **Height Measurements.** Unless otherwise specified, heights of fences and screens shall be measured as follows:

(1) Prescribed heights shall be measured above the actual adjoining level of finished grade. If a fence is proposed to be built on top of an earthen berm or other landscape feature, the maximum fence height shall include the height of the berm or landscape feature.

(2) When there is a difference in the ground level between two (2) adjoining lots, the height of any

fence or screen installed or constructed along any property line shall be determined by using the higher ground elevation.

(3) Any baffle, louver, or wind deflector incorporated into a fence or wall construction shall be included within the measurement of its total height.

(f) **Gates.** Any gate, other than gates for pedestrian use only, shall be set back or recessed a minimum of ten (10) feet from the property line unless there are at least sixteen (16) feet between the property line and the edge of the travelled roadway, in which case the setback requirement is waived. For distances less than sixteen (16) feet, a proportionate reduction may be granted upon review and approval by the Director of the Community Development Department.

(g) **Reduction in Setback for Fences in Developed Areas.** The minimum required setback to locate a fence over three (3) feet high in a front or exterior side yard may be reduced to the average setback of the applicable yard where more than fifty percent (50%) of the block is developed with fences and upon review and approval of the Director; all fences used in computing the average existing setback shall be legal, or legal nonconforming, established fences.

(h) **Fences Adjacent to "Restricted" or "Nonaccess" Property.** A fence up to eight (8) feet in height may be constructed at the property line when that line is shown as "restricted" or "nonaccess" on a recorded map, subject to the review and approval of the Director.
(Ord. 3739; Ord. 4368 § 31, 2009)

9-1022.3 FENCING STANDARDS.

Unless otherwise specified, fencing shall be permitted, but not required, and shall comply with the provisions of this Section.

(a) **Fencing Materials.** Fencing materials of corrugated plastic, corrugated iron, steel, aluminum, or asbestos, excluding chain link fencing, are specifically prohibited. Unless otherwise specified, barbed wire fence is prohibited.

(b) **Special Fencing Requirements.** Notwithstanding any other provision of this Chapter the following special requirements shall apply to the types of fencing listed below:

(1) **Playing Courts.** The seven (7) foot fence height limit may be waived for playing courts, if the playing court is located in a side or rear yard and open type fencing material is used.

(2) **Swimming Pools.** All pools shall be enclosed per the requirements of the California Building Code.

(3) Levees.

(A) Any fence next to a levee shall conform to the requirements of Section 9-1605.18 of this Title.

(B) The height of any fence or wall located at the toe of a levee may be increased to eight (8) feet subject to the review and approval of the Director.

(c) **Special Fencing Requirements for Residential Zones.** The following requirements shall apply to fences in the residential zones.

(1) Fences in Rural Residential and Very Low Density Zones. An open fence up to seven (7) feet in height may be permitted in any required yard in areas carrying a Rural Residential or Very Low Density Residential Zoning designation.

(2) Fences in Other Residential Zones. A fence up to seven (7) feet in height may be permitted in the front yard or street side yard of Low Density, Medium Density, Medium-High Density, and High Density Residential Zones, provided said fence is located a minimum of ten (10) feet from the property line.

(d) **Special Fencing Requirements for Commercial Projects.** The following requirements shall apply to fencing for commercial projects.

(1) Fencing of Front Yards. A fence up to seven (7) feet in height may be permitted in the required front yard, provided such fencing is constructed of woven wire, wrought iron, or similar open material and does not obstruct vehicular site distance.

(2) Security Fencing. Except for fencing adjacent to planned or existing residential areas, barbed wire security fencing, not to exceed two (2) feet in height, may be erected on top of required or permitted fencing at the discretion of the Director.

(e) **Special Fencing Requirements for Industrial Projects.** The following requirements shall apply to fencing for all industrial projects.

(1) Fencing of Front Yards. A fence up to seven (7) feet in height may be permitted in the required front yard, provided such fencing is constructed of woven wire, wrought iron, or similar transparent material and does not obstruct vehicular site distance.

(2) Security Fencing. Barbed wire security fencing, not to exceed two (2) feet in height, may be erected on top of required or permitted fencing, except for fencing adjacent to planned or existing residential areas. Electrical fencing adjacent to planned or existing residential areas is prohibited.

(f) **Special Fencing Requirements for Agricultural Zones.** The following provisions shall apply to fences in agricultural zones:

(1) An open fence up to seven (7) feet in height may be permitted in any required yard in areas carrying an agricultural zoning designation.

(2) An open fence eight (8) feet in height may be permitted in any side yard or rear yard for parcels twenty (20) acres or greater in size in areas zoned for agriculture.

(3) Barbed wire fencing, not to exceed two (2) feet in height, may be erected on top of permitted fencing. (Ord. 3739; Ord. 3832 § 31, 1995; Ord. 4368 § 32, 2009)

9-1022.4 SCREENING STANDARDS.

Screening may be used in any zone, provided a safe sight distance is maintained. All screening required by this Chapter shall comply with the provisions of this Section.

(a) **Materials.** Screening shall include the installation and maintenance of one (1), or a combination, of the following elements:

- (1) Plant materials;
- (2) Fencing;
- (3) Walls; or
- (4) Berms.

(b) **Screening Materials.** Screening materials of corrugated plastic or iron, steel, aluminum, asbestos, wood (excluding wood in combination with masonry), or security chain-link fencing are specifically prohibited. Security chain-link fencing may be permitted for commercial and industrial projects if combined with landscaping acceptable to the Review Authority. Unless otherwise specified, barbed wire and slats are not permitted.

(c) **Density.** When plant materials are used for screening, they shall be planted in such quantity and location as to achieve an effective visual screen within three (3) years of installation. If a hedge fails to retain such density any time after this three (3) year period, it shall be supplemented or replaced with other dense landscaping or an appropriate fence or wall.

(d) **Special Screening Requirements for Commercial Projects.** The following requirements shall apply to all commercial projects.

(1) **Screening Adjoining Residential Areas.** If a commercial project abuts a residential zone, an area shown on the General Plan for residential use, or a conforming residential use, a solid masonry wall six (6) to seven (7) feet in height shall be erected along the abutting property line.

(2) **Screening of Storage Area.** All storage materials and related activities, including storage areas for trash, shall be screened so as not to be visible from adjacent properties and public rights-of-way. Screening shall be six (6) to seven (7) feet in height. Outside storage is not

permitted in front yards, street side yards, or in front of main buildings.

(3) **Screening of Roof Equipment.** All roof-mounted mechanical equipment, tanks, ventilating fans, or similar equipment shall be visually screened from view from adjacent properties and public rights-of-way at grade. Required screens shall be architecturally compatible with the building or structure on which they occur.

(e) **Special Screening Requirements for Industrial Projects.** The following requirements shall apply to all commercial projects.

(1) **Screening Adjoining Residential Areas.** If an industrial project abuts a residential zone, an area shown on the General Plan for residential use, or a conforming residential use, a solid masonry wall six (6) to seven (7) feet in height shall be erected along the abutting property line.

(2) **Screening of Storage Areas.** Storage areas shall be screened as follows:

(A) Unless otherwise specified, all storage materials and related activities, including storage areas for trash, shall be screened so as not to be visible from adjacent properties and public rights-of-way. Said screening shall be six (6) to eight (8) feet in height. Items stored within one hundred (100) feet of a dedicated street or residential zone shall not be stacked higher than two (2) feet above the adjacent screen;

(B) Screening shall not be required for a storage area that abuts an existing industrial use or property designated on the General Plan Map for industrial use, provided the storage area is not adjacent to an existing residential use or property designated on the General Plan Map for residential use or a public street.

(C) All exterior electrical cage enclosures and storage tanks shall be screened from view from access or adjacent streets and residential neighborhoods.

(3) **Screening of Roof Equipment.** Except in the General Industrial Zone (I-G), all roof-mounted mechanical equipment, tanks, ventilating fans, or similar equipment shall be visually screened from view from adjacent properties and public rights-of-way. Screening shall not exceed a height of six (6) feet from roof level. Required screens shall be architecturally compatible with the building or structure on which they occur.

(4) **Exceptions to Height Requirements.** The requirements of this Chapter shall not apply to uses permitted in any industrial zone which are required to maintain visual screens to a height greater than specified in this Title.

(f) **Maintenance.** All required screening materials shall be maintained in good condition by the property owner and, whenever necessary, repaired or replaced.

(Ord. 3739; Ord. 3832 § 32, 1995; Ord. 4368 §§ 33, 34, 2009)

9-1022.5 NOISE ATTENUATION WALLS.

Walls, fences, berms, and/or landscaping for the purpose of noise attenuation may be required in any zone when adjacent to a high noise generator such as a major roadway or railroad. Noise attenuation requirements shall be developed in response to the noise level and source affecting specific property. Where noise attenuation walls are required, height and yard restrictions for walls may be waived by the Director as required for effective noise reduction.

(Ord. 3739)

9-1022.6 MODIFICATION OF REQUIREMENTS.

The requirements of this Chapter may be modified by the Director in cases where it is demonstrated that an alternative to said requirements would meet the intent of this Chapter and result in an equal amount of fencing and screening. Decisions of the Director pursuant to this Section may be appealed using the Staff Review with Notice Procedure set forth in Chapter 9-215.

(Ord. 4035 § 11, 1999)

CHAPTER 9-1025**PERFORMANCE STANDARDS****Sections:**

9-1025.1	Intent.
9-1025.2	Applicability of Performance Standards.
9-1025.3	Air Quality.
9-1025.4	Odor.
9-1025.5	Vibration.
9-1025.6	Light and Glare.
9-1025.7	Heat, Humidity, and Cold.
9-1025.8	Electrical Disturbance.
9-1025.9	Noise.
9-1025.10	Evaluation of Proposed Projects.

Tables:

9-1025.5	Maximum Displacement Levels at Any Lot Line.
9-1025.9	Noise and Land Use Compatibility Standards for Industrial and Commercial Noise Sources.

9-1025.1 INTENT.

The intent of this Chapter is to provide standards to mitigate dangerous or objectionable environmental impacts of commercial and industrial uses, pursuant to the health and safety policies of the General Plan.
(Ord. 3675)

9-1025.2 APPLICABILITY OF PERFORMANCE STANDARDS.

The provisions of this chapter shall apply to all commercial and industrial uses in San Joaquin County, except as otherwise provided herein.
(Ord. 3675)

9-1025.3 AIR QUALITY.

All emissions shall be subject to the rules and regulations of the San Joaquin Valley Unified Air Pollution Control District.
(Ord. 3675)

9-1025.4 ODOR.

All uses shall be so operated as not to cause odors which are perceptible and offensive to the average person at any residential lot line. Primary and secondary safeguard systems shall be provided to control odors.
(Ord. 3675)

9-1025.5 VIBRATION.

(a) **Perceptible Displacement.** No use shall cause any perceptible displacement at any lot line abutting any zone except an I-G Zone.

(b) **Displacement Within the General Industrial Zone.** Vibration displacement along any lot line within an I-G Zone shall not exceed the levels set forth in Table 9-1025.5. Vibration displacement shall be measured by a seismograph or other instrument capable of measuring and recording displacement and frequency, particle velocity, or acceleration. Readings shall be made at points of maximum vibration along any lot line within an I-G Zone.

(c) **Exceptions.** The limits of this Section shall not apply to operations involved in the construction or demolition of structures or infrastructure or to vibration caused by motor vehicles or trains.
(Ord. 3675)

Table 9-1025.5

TABLE 9-1025.5: MAXIMUM DISPLACEMENT LEVELS AT ANY LOT LINE (IN INCHES)		
FREQUENCY (CYCLES PER SECOND)	STEADY STATE	IMPACT
10 and below	.0010	.0020
10-20	.0008	.0016
20-30	.0007	.0014
30-40	.0003	.0006
40-50	.0002	.0004
50-60	.0001	.0002
60 and over	.0001	.0002

(Ord. 3675)

9-1025.6 LIGHT AND GLARE.

The provisions of this Section shall apply to all outdoor lighting with the exception of public street lighting.

(a) **Measurement.** Illumination levels shall be measured with a photoelectric photometer following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination. The photoelectric photometer shall be located inside the property line nearest the luminaire, at a distance from the property line equal to the required yard depth or width at that point.

(b) **Protection of Uses on Adjacent Lots.** No use shall cause glare above 1.0 footcandles on an adjacent lot developed residentially, zoned for residential use, or shown as residential on the General Plan Map, or cause glare on a street or alley.

(c) **Nuisances.** Flickering or intrinsically bright sources of illumination shall be controlled so as not to be a nuisance to uses on adjacent lots in residential or commercial zones.

(Ord. 3675)

9-1025.7 HEAT, HUMIDITY, AND COLD.

Heat, humidity, or cold emanating from any use shall not be discernible at any lot line of the lot containing such use.

(Ord. 3675)

9-1025.8 ELECTRICAL DISTURBANCES.

All uses and property are subject to the following provisions:

(a) Uses involving electromagnetic forces shall not cause electrical disturbances which adversely affect individuals or the operation of any equipment beyond any lot line of the lot containing such uses.

(b) The disclosure of potential health effects associated with electromagnetic fields and PCB-contaminated electrical equipment shall be required with residential development proposals.

(Ord. 3675, 3715)

9-1025.9 NOISE.

All uses and property shall be subject to the following provisions concerning noise levels:

(a) Transportation Noise Sources.

(1) Excluding proposed noise sensitive land uses on infill lots, proposed noise sensitive land uses that will be impacted by existing or planned transportation noise sources shall be required to mitigate the noise levels from these transportation noise sources so that the resulting noise levels on said proposed noise sensitive land uses do not exceed the standards specified in Table 9-1025.9, Part I. Proposed noise sensitive land uses on infill lots that will be impacted by existing or planned transportation noise sources shall be required to mitigate the noise levels from these transportation noise sources so that the resulting noise levels on said proposed noise sensitive land uses on such infill lots do not exceed the standards specified in Table 9-1025.9, Part I for interior spaces only.

(2) Private development projects that include the development of new transportation facilities or the expansion of existing transportation facilities shall be required to mitigate the noise levels from these transportation facilities so that the resulting noise levels on noise sensitive land uses within and adjacent to said development projects do not exceed the standards specified in Table 9-1025.9, Part I.

(b) Stationary Noise Sources.

(1) Excluding proposed noise sensitive land uses on infill lots, proposed noise sensitive land uses that will be impacted by stationary noise sources shall be required to mitigate the noise levels from these stationary noise sources so that the resulting noise levels on said proposed noise sensitive land uses do not exceed the standards specified in Table 9-1025.9, Part II.

(2) Proposed projects that will create new stationary noise sources or expand existing stationary noise sources shall be required to mitigate the noise levels from these stationary noise sources so as not to exceed the noise level standards specified in Table 9-1025.9, Part II.

(c) **Exemptions.** The following shall be exempt from the provisions of this Chapter:

(1) Activities conducted in public parks, public playgrounds and public or private school grounds, including but not limited to school athletic and school entertainment events;

(2) Any mechanical device, apparatus or equipment used, related to, or connected with, emergency activities or emergency work;

(3) Noise sources associated with construction, provided such activities do not take place before 6:00 a.m. or after 9:00 p.m. on any day;

(4) Noise sources associated with the maintenance of residential property located in a residential zone, provided such activities shall take place between the hours of 8:00 a.m. and 9:00 p.m. on any day;

(5) Noise sources emanating from any agricultural operation, including activities associated with the processing or transportation of crops when such activities are conducted on agriculturally zoned lands;

(6) Noise sources associated with residential air conditioning equipment, provided such equipment is in good repair;

(7) Noise sources associated with work performed by private or public utilities in the maintenance or modification of its facilities;

(8) Noise sources associated with the collection of waste or garbage;

(9) Any activity whose regulation has been preempted by State or Federal law.

(d) **Acoustical Study.** The Review Authority shall require the preparation of an acoustical study in instances where it has determined that a project may expose existing or proposed noise sensitive land uses to noise levels exceeding the noise standards specified in Table 9-1025.9. This determination shall be based on the existing or future sixty-five (65) dB Ldn noise contour in the General Plan, the proximity of new noise sensitive land uses to known noise sources, or the knowledge that a potential for adverse noise impacts exists. The study shall be paid for by the applicant and shall be prepared by a person or persons selected by the Director. The Director shall select the consultant from the County's consultant list. The acoustical study shall include the following information:

(1) A general description of the project, with appropriate maps, and the noise sources of concern;

(2) A description of the methodology that will be used to assess noise impacts, including a listing of all assumptions and data used in any computer models.

(A) Computer models that will be used for noise predictions shall be standard versions approved by the FHWA, FAA, Caltrans, or other government agencies.

(B) For traffic noise studies, the computer models, SOUND32 or other proprietary models based on the 1978 "FHWA Highway Traffic Noise Prediction Model (FHWA-RD-77-108)" shall be used. The FHWA's new "Traffic Noise Model" (TNM) shall be used after its phase in date. For aircraft noise studies, the latest

version of the FAA's "Integrated Noise Model" (INM) shall be used.

(C) If standard government approved models do not exist (e.g., railroad and industrial noise sources), a description of the model shall be provided.

(3) A description of existing and future noise levels together with a comparison of these noise levels to the noise level standards specified in Table 9-1025.9.

(4) Recommended mitigation measures to achieve compliance with the standards specified by Table 9-1025.9 (i.e., noise barriers, site design, setbacks, equipment modification, structure sound proofing), or a detailed explanation stating why mitigation is infeasible.

(e) **Measurement.** When noise level measurements are conducted, sound level meters meeting Type 1 (precision) or Type 2 (general purpose) sound level meter/microphone combinations shall be used.

(1) Sound level meters shall be properly calibrated before use and used according to the manufacturer's instructions;

(2) All measurements shall be in terms of A-weighted decibels using slow meter response, except for impulsive noise which shall be measured using fast meter response.

(3) Measurements shall include sufficient sampling periods and locations to adequately describe local conditions and significant noise sources.

(f) **Prohibited Activities.** The outdoor operation of any industrial, commercial, or residential property maintenance tool or equipment powered by an internal combustion engine or electric motor including, but not limited to, leaf blower, chainsaw, lawn mower, hedger, and vacuum cleaner is prohibited within 500 feet of a residence located in a residential zone between the hours of 9:00 p.m. and 8:00 a.m.

(Ord. 3675; 3715; 3756; Ord. 4036 § 2 (part), 1999; Ord. 4141 § 2, 2002)

**TABLE 9-1025.9
MAXIMUM ALLOWABLE NOISE EXPOSURE**

PART I: TRANSPORTATION NOISE SOURCES

Noise Sensitive Land Use (Use Types)	Outdoor Activity Areas¹ dB Ldn	Interior Spaces dB Ldn
Residential	65	45
Administrative Office	---	45
Child Care Services--Child Care Centers	---	45
Community Assembly	65	45
Cultural & Library Services	---	45
Educational Services: General	---	45
Funeral & Interment Services-- Undertaking	65	45
Lodging Services	65	45
Medical Services	65	45
Professional Services	---	45
Public Services (excluding Hospitals)	---	45
Public Services (hospitals only)	65	45
Recreation--Indoor Spectator	---	45
Religious Assembly	65	45

PART II: STATIONARY NOISE SOURCES

	Outdoor Activity Areas¹	
	Daytime² (7 a.m. to 10 p.m.)	Nighttime² (10 p.m. to 7 a.m.)
Hourly Equivalent Sound Level (Leq), dB	50	45
Maximum Sound Level (Lmax), dB	70	65

¹Where the location of outdoor activity areas is unknown or is not applicable, the noise standard shall be applied at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards shall be applied on the receiving side of noise barriers or other property line noise mitigation measures.

²Each of the noise level standards specified shall be reduced by 5 dB for impulsive noise, single tone noise, or noise consisting primarily of speech or music.

(Ord. 3675; Ord. 4036 § 2(part), 1999)

9-1025.10 EVALUATION OF PROPOSED PROJECTS.

Applicants for industrial or commercial projects requiring discretionary approval may be required by the Review Authority to submit such evidence as is necessary to determine whether the project complies or will comply with the provisions of this Chapter. Failure to submit the information requested within a specified time period shall render the application incomplete. Required information may include, but is not limited to, the following:

(a) **Construction Plans.** Plans of construction and development;

(b) **Production Plans.** A description of the machinery, processes, or products to be used or produced on the premises;

(c) **Emission Levels.** Measurement of the expected amount or rate of emission of any dangerous or objectionable elements from the premises; and

(d) **Emission Mitigation.** Specifications for the mechanisms and techniques used or proposed to be used in restricting the emission of any dangerous or objectionable elements from the premises.

(Ord. 3675)

CHAPTER 9-1030

SOCIAL CARE FACILITIES

Sections:

9-1030.1	Intent.
9-1030.2	Applicability.
9-1030.3	Review Standards and Guidelines.

9-1030.1 INTENT.

The intent of this Chapter is to provide special regulations pertaining to social care facilities in order to preserve the quality of care provided to people using the facilities.

(Ord. 3675)

9-1030.2 APPLICABILITY.

The provisions of this chapter shall apply to the use types listed below. These use types are described in Chapter 9-115.

(a) Child Care Services: Child Care Centers

(b) Group Care: Large.

(c) Group Care: Adult Day Care.

(Ord. 3675; 3756)

9-1030.3 REVIEW STANDARDS AND GUIDELINES.

The following shall be the standards and guidelines for the review and approval of social care facilities:

(a) **Exterior Yard Area.** A site plan, to scale, of the exterior yard area that will be used for social care purposes shall be submitted containing information as required by the Director of the Community Development Department.

(b) **Outdoor Recreation Area.** A minimum of thirty-five (35) square feet of outdoor recreation area shall be provided per facility user under two (2) years of age and a minimum of seventy-five (75) square feet must be provided per user over two (2) years of age.

(1) Areas which may not be included in calculating outdoor recreation area include side yards less than ten (10) feet in width and areas containing swimming pools, spas, or other water bodies unless covered and deemed safe pursuant to state regulations.

(2) Neighborhood greenbelt and park space may be used to satisfy the outdoor recreation area requirement if these alternative areas are located in immediate proximity to the facility, are appropriate for recreation, and proper insurance coverage has been obtained for them.

(c) **Fencing.** All outdoor recreation areas shall be enclosed by walls or fences not less than six (6) feet in height. Should existing fencing be less than six (6) feet in height, the Review Authority may approve such alternative fencing if, upon review of adjacent uses, supervision ratios, and facility floor plans, it is determined that the existing fence height will not be detrimental to the health, safety, or welfare of facility users.

(d) **Garages.** Garages shall be prohibited as a social care facility recreation area unless:

(1) Alternative on-site parking is available to meet minimum residential parking requirements; and

(2) The garage is improved to meet building and fire code regulations as a habitable space.

(e) **Outdoor Activities.** Outdoor activities shall not be permitted before 7:00 a.m. or after 10:00 p.m.

(f) **Public Service Access.** The applicant has developed and will implement a public service access plan providing or arranging for transportation, as necessary, for group care residents or children. The plan shall specifically describe the means by which residents will gain access to bus and other public transportation routes, shopping locations, medical, dental, or other health care facilities, and government offices.

(g) **Maintenance.** The applicant will provide adequate exterior maintenance to the facility and surrounding yard and setback areas. This shall include a plan demonstrating provisions for regular yard and landscape irrigation and maintenance and other items of routine maintenance.

(h) **Siting Criteria.** Site approval applicants should clearly identify industrial operations within 1,000 feet of any social care services they propose to establish.
(Ord. 3675)

CHAPTER 9-1035

MOBILE HOME PARKS

Sections:

9-1035.1	Intent.
9-1035.2	Mobile Home Standards.
9-1035.3	Mobile Home Density.
9-1035.4	Site Specifications.
9-1035.5	Access and Circulation.
9-1035.6	Walkways and Bikeways.
9-1035.7	Parking.
9-1035.8	Screening and Landscaping.
9-1035.9	Recreation and Open Space.
9-1035.10	Common Storage Areas.
9-1035.11	Sewer and Water.
9-1035.12	Conventional Buildings.

9-1035.1 INTENT.

The intent of this Chapter is to establish minimum standards for the location and development of mobile home parks. The criteria and standards set forth herein are intended to supplement applicable zone regulations and provisions of state law.

(Ord. 3675)

9-1035.2 MOBILE HOME STANDARDS.

No new mobile home park approved pursuant to this Title shall accommodate any mobile home which does not comply with current state standards for such homes.

(Ord. 3675)

9-1035.3 MOBILE HOME DENSITY.

The density of mobile homes in any mobile home park shall comply with the density set forth in the General Plan for the area in which the mobile home park is located, but shall not exceed ten (10) mobile homes per net acre.

(Ord. 3675)

9-1035.4 SITE SPECIFICATIONS.

Mobile home sites shall comply with the provisions of this Section.

(a) **Area.** Each site shall contain two thousand five hundred (2,500) square feet. However, an individual site may contain less area provided the average area of all sites in the mobilehome park is at least two thousand five hundred (2,500) square feet.

(b) **Width.** Sites shall average no less than forty (40) feet in width.

(c) **Frontage.** Sites shall have at least twenty-five (25) feet of frontage on a road servicing the interior of the mobile home park.

(d) **Yards and Setbacks.** Yards and setbacks for each mobilehome park shall be those required for main buildings by the zone in which the mobilehome park is located.

(Ord. 3675)

9-1035.5 ACCESS AND CIRCULATION.

Roads servicing mobile home parks shall comply with the provisions of this Section.

(a) **Entrance Roads.** Roads which service entrances to mobile home parks shall provide two-way access and shall be located no less than one hundred fifty (150) feet from any intersection of public streets. The minimum number of entrances and exits to and from mobile home parks shall be determined by the Director.

(b) **Internal Roads.**

(1) All mobilehome parks shall be serviced by at least one (1) interior road of continuous two-way circulation.

(2) No road which does not provide for continuous circulation shall exceed six hundred (600) feet in length. Such roads shall be terminated by cul-de-sacs of no less than fifty (50) feet in radius.

(c) **Road Widths.** Minimum road widths shall be as follows:

(1) Twenty-four (24) feet for roads on which parking is prohibited;

(2) Thirty-two (32) feet for roads on which parking is allowed on one side only; and

(3) Forty (40) feet for roads on which parking is permitted on both sides.

(Ord. 3675)

9-1035.6 WALKWAYS AND BIKEWAYS.

Walkways and bikeways shall be provided as required by this Section.

(a) **General Requirement.** All mobile home parks shall provide internal walkways which connect each mobile home site and provide access to all common areas and a public street.

(b) **Driveway Crossings.** Driveway crossings shall be held to a minimum on walkways, shall be located and designed to provide safety, and shall be appropriately marked and otherwise safeguarded.

(c) **Walkways Used by Children.** Walkways to be used by children as routes to school, bus stops, or other destinations shall be located and safeguarded to minimize contacts with automobile traffic.

(d) **Bikeways.** Bikeways shall be incorporated into the walkway system if there are more than two hundred (200) spaces proposed.

(e) **Combined with Easements.** Walkways and bikeways may be combined with other easements and used by emergency, maintenance, or service vehicles, but shall not be used by other vehicle traffic.

(Ord. 3675)

9-1035.7 PARKING.

Off-street parking shall be provided as set forth in this Section.

(a) **On-site Parking.** There shall be a minimum of one (1) parking space provided at each mobilehome site.

(b) **Guest Parking.** Additional parking areas shall be established and maintained for the use of guests and shall conform to the following standards:

(1) Guest parking areas shall be provided at the rate of one-half (1/2) space per unit.

(2) Guest parking areas shall be located within three hundred (300) feet of the mobilehome site.

(Ord. 3675)

9-1035.8 SCREENING AND LANDSCAPING.

Screening and landscaping for mobilehome parks shall comply with the provisions of this Section.

(a) **Screening.**

(1) A six (6) foot high masonry wall shall be provided along all mobilehome park rear and side property lines.

(2) All common storage areas and common areas for garbage or rubbish shall be screened from mobilehome park residents by a screen not less than seven (7) feet in height.

(3) All required screening shall conform to the standards set forth in Section 9-1020.3 (Screening Standards) of this Title.

(b) **Landscaping.**

(1) A ten (10) foot wide landscaped strip shall be provided along all mobilehome park property lines abutting roads.

(2) All landscaping and fencing required for approval of the Use Permit for the mobilehome park shall conform to the standards set forth in Section 9-1020.2 (Planting Standards) and Section 9-1020.3 (Screening Standards) of this Title.

(3) All required plantings shall conform to the standards set forth in Section 9-1020.2 (Planting Standards) of this Title. All areas not used for buildings, mobile homes, parking, driveways, walkways, recreational facilities, or other permanent facilities shall be landscaped.

(Ord. 3675)

9-1035.9 RECREATION AND OPEN SPACE.

All mobile home parks with more than ten (10) mobile home sites shall provide recreation and open space areas as set forth in this Section.

(a) **Minimum Area.** Required recreation and open space areas shall contain a minimum of five thousand (5,000) square feet.

(1) An additional one hundred (100) square feet shall be provided for each mobilehome site over fifty (50) sites.

(2) Not more than thirty (30) percent of said areas shall be paved.

(3) The required recreation and open space area shall be landscaped.

(b) **Locational Criteria.** Recreation and open space areas shall be centrally located, free of traffic hazards, accessible to all park residents, and available on a year-round basis.

(Ord. 3675)

9-1035.10 COMMON STORAGE AREAS.

Common storage areas shall be provided for the residents of the mobilehome park for the storage of recreational vehicles, trailers, travel trailers, and other licensed or unlicensed vehicles. This area shall total not less than fifty (50) square feet for each mobilehome site.

(Ord. 3675)

9-1035.11 SEWER AND WATER.

Each mobilehome park shall comply with the same requirements for sewage disposal and water facilities as is applied to a standard residential development project.

(Ord. 3675)

9-1035.12 CONVENTIONAL BUILDINGS.

A mobile home park shall have no conventionally constructed buildings other than the following:

(a) Recreational buildings;

(b) Accessory structures, as specified in Title 25 of the California Administrative Code; and

(c) One (1) dwelling unit for the use of a caretaker or manager.

(Ord. 3675)

CHAPTER 9-1040**RECREATIONAL VEHICLE PARKS****Sections:**

9-1040.1	Intent.
9-1040.2	Applicability.
9-1040.3	Site Specifications.
9-1040.4	Access and Circulation.
9-1040.5	Park Design.
9-1040.6	Accessory Commercial Services.
9-1040.7	Prohibitions.

9-1040.1 INTENT.

The intent of this Chapter is to establish minimum standards for the location and development of recreational vehicle parks. The criteria and provisions set forth herein are intended to supplement any applicable zone regulations and provisions of state law.

(Ord. 3675)

9-1040.2 APPLICABILITY.

No new recreational vehicle park shall be developed except in conformity with the provisions of this Chapter and any other applicable provisions of this Title.

(Ord. 3675)

9-1040.3 SITE SPECIFICATIONS.

Recreational vehicle sites shall conform to the following:

(a) **Area.** Sites shall contain a minimum of one thousand five hundred (1,500) square feet with the following exceptions:

(1) Individual sites in Freeway Service (C-FS) zones may contain a minimum of one thousand (1,000) square feet provided the average area of all recreational vehicle sites in the recreational vehicle park is at least one thousand two hundred (1,200) square feet.

(2) Up to thirty percent (30%) of individual sites in Commercial Recreational (C-R) Zone or agricultural (AL, AG, or AU) zones may contain a minimum of one thousand (1,000) square feet, provided the average of all recreational vehicle sites in the recreational vehicle park is at least one thousand five hundred (1,500) square feet.

(b) **Setbacks.** Recreational vehicle sites and off-street parking spaces shall not be located within the setback areas required for main buildings in the zone in which the recreational vehicle park is located, except where otherwise authorized by the Title.

(c) **Hookup Facilities.** All sites shall provide full power, water, and sewage hookup facilities.

(d) **Pull-Through Spaces.** No less than twenty percent (20%) of all spaces provided for recreational vehicles shall be "pull-through" spaces which allow forward entry into and exit from the space.

(e) **Site Layout.** All individual sites shall be designed to accommodate at least one (1) automobile in addition to the recreational vehicle.

(Ord. 3675; Ord. 3862 § 2, 1996)

9-1040.4 ACCESS AND CIRCULATION.

Roads servicing recreational vehicle parks shall comply with the following provisions:

(a) **Entrance Roads.** Roads which service entrances to recreational vehicle parks shall provide two (2) way access and shall be provided as required by the Director of the Community Development Department.

(b) **Internal Roads.**

(1) All recreational vehicle parks shall be serviced by at least one (1) interior road of continuous two (2) way circulation.

(2) The use of nonthrough interior roads shall be minimized. Such roads shall not exceed six hundred (600) feet in length and shall end in cul-de-sacs providing fifty (50) feet in radius for the turnaround of recreational vehicles.

(3) Each recreational vehicle site shall have frontage on the interior road servicing it.

(c) **Road Widths.** Road widths for interior roads shall be as follows:

(1) Twenty-four (24) feet in clear width where two (2) way traffic is required for ingress and egress.

(2) Sixteen (16) feet in clear width for one (1) way traffic provided the one (1) way road originates from and terminates in a two (2) way road.

(Ord. 3675)

9-1040.5 PARK DESIGN.

Recreational park design shall comply with the standards set forth below:

(a) **Sewage Facilities.** All recreational vehicle parks shall be serviced by a sewage disposal system that includes a sewage disposal plant. The use of septic tanks shall not be permitted.

(b) **Noise Mitigation.** Recreational vehicle parks shall provide measures to mitigate noise to sixty-five (65) Db Ldn for individual sites.

(c) **Lighting.** Lighting of park interiors shall be provided as necessary for the safety or security of park users. Lighting shall be installed so as not to cast glare onto adjoining roads, waterways, or properties.

(d) **Off-Street Parking.** Off-street parking shall be provided as set forth in this Section.

(1) There shall be one (1) parking space provided for each recreational vehicle site.

(2) In all recreational vehicle parks containing fifty (50) or more recreational vehicle spaces, conveniently located parking bays for additional car parking shall be provided within three hundred (300) feet of any recreational vehicle space.

(e) **Perimeter Treatment.** Recreational vehicle park perimeters shall be treated as follows:

(1) **Screening.** Screening shall conform to the standards set forth in Section 9-1022.4 (Screening Standards) of this Title.

(2) **Landscaping.** A ten (10) foot wide landscaped strip shall be installed and maintained along perimeters of abutting streets. Landscaping shall conform to the standards set forth in Section 9-1020.3 (Landscaping Standards) of this Title.

(f) **Open Space.** All recreational vehicle parks with more than ten (10) sites shall provide recreation and open space areas as set forth herein.

(1) **Minimum Area.** Required recreation and open space areas shall contain a minimum of five thousand (5,000) square feet, with an additional one hundred (100) square feet for each recreational vehicle site in excess of fifty (50). No more than thirty percent (30%) of said areas shall be paved.

(2) **Locational Criteria.** Recreation and open space areas shall be centrally located, free of traffic hazards, accessible to all park residents, and available on a year-round basis.

(Ord. 3675; Ord. 3872 § 9, 1996)

9-1040.6 ACCESSORY COMMERCIAL SERVICES.

Limited commercial services catering exclusively to park users may be permitted, provided such services are necessary for the benefit of park users and will not duplicate services available in adjoining areas. Typical services may include snack shops, laundries, and mini-markets. All such accessory commercial services shall be approved by the Review Authority.

(Ord. 3675)

9-1040.7 PROHIBITIONS.

Prohibitions set forth in this Section shall apply within recreational vehicle parks.

(a) **Permanent Residency.** No permanent residency shall be permitted except for a caretaker or manager.

(b) **Conventional Buildings.** A recreational vehicle park shall have no conventionally constructed buildings, other than the following:

(1) Recreational buildings;

(2) Accessory commercial buildings, as specified in Section 9-1040.6;

(3) One (1) dwelling unit for the use of a caretaker or manager.

(c) **Mobile Homes.** A recreational vehicle park shall have no mobilehomes other than one (1) for the use of a caretaker or manager.

(1) The site for the mobilehome shall comply with the provisions of Section 9-1040.4 (Mobilehome Sites) of this Title.

(2) If a mobilehome is used to provide housing for a caretaker or manager, a conventional single-family dwelling for the use of a caretaker or manager shall not be permitted.

(d) **Commercial Uses.** There shall be no commercial uses or activities within a park except for those authorized by Section 9-1040.6.
(Ord. 3675)

CHAPTER 9-1045

ANIMALS

Sections:

9-1045.1	Intent.
9-1045.2	Household Pets.
9-1045.3	Specific Standards.
9-1045.4	General Standards.

Tables:

9-1045.3	Animal Standards.
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9-1045.1 INTENT.

The intent of this Chapter is to regulate the keeping of animals, the density of animals, and setbacks of animal enclosures.

(Ord. 3675)

9-1045.2 HOUSEHOLD PETS.

In addition to the animals permitted under Sections 9-1045.3 through 9-1045.5, the keeping of household pets shall be permitted in all zones, subject to the following:

(a) For single-family dwelling units, up to three (3) dogs and three (3) cats shall be allowed. Additional household pets may be allowed, provided the total combined number of household pets in one place of residence shall not exceed ten (10).

(b) For dwelling units in multiple-family structures and for mobile-homes in mobilehome parks, the total number of dogs cats and other household pets combined shall not exceed three (3).

(c) The decision as to whether a specific animal is a household pet under this Title shall be made by the Director.

(Ord. 3675, 3756)

9-1045.3 SPECIFIC STANDARDS.

The keeping or raising of animals shall be subject to the requirements set forth in Table 9-1045.3. The keeping of animals under the Family Food Production use type shall be subject to the requirement that there shall be no sale of meat, milk, or other products from animals kept for family food production. Animals are to be sold live and are not to be processed on the property.

(Ord. 3832 § 34, 1995)

9-1045.4 GENERAL STANDARDS.

The following general standards shall apply to the keeping of animals:

(a) **Offspring.** Unless otherwise specified, the offspring of animals are allowed and shall not be counted

until they are of weanable or self-sufficient age. Dogs and cats shall be counted at four (4) months of age. Swine shall be counted at eight (8) weeks of age.

(b) **Maintenance.** All animal enclosures, including but not limited to pens, cages, and feed areas, shall be maintained free from litter, garbage, and excessive accumulation of manure, so as to discourage the proliferation of flies, other disease vectors, and offensive odors. Premises shall be maintained in a neat and sanitary manner.

(c) **Swine.** Swine shall not be fed market refuse, garbage, or offal.

(d) **Number of Animals Permitted.** Excluding pets, the combined total number of animals permitted by this Chapter shall not exceed the number specified by Table 9-1045.3.

(e) **Health and Safety Regulations.** The keeping or raising of animals shall be subject to all health and safety regulations.

(Ord. 3675; Ord. 3832 § 35, 1995)

Table 9-1045.3

TABLE 9-1045.3: ANIMAL STANDARDS			
Use Type, Animal or Use	Parcel Size	Number of Animals Permitted Per Parcel	Enclosure/Distance Separation Requirements
Animal Feeding and Sales			
Feedlot	Less than 5 acres	None	Except for movement on and off the property, animals shall not be kept or maintained in pens, corrals, or within similar structures, on property of less than ½ acre, closer than 40 feet from any rear or side property line.
	5 acres and over	As specified by discretionary permit	
Animal Raising: Educational Animal Project			
Chickens, ducks, geese, turkeys, or similar fowl; rabbits or other fur bearing animal of similar size at maturity.	Less than ¼ acre	None	Except for movement on and off the property, animals shall not be kept or maintained closer than 40 feet from any rear or side property line.
	¼ acre to less than 1½ acres	Not more than 15 of any combination of animals, of which no more than 1 may be a rooster	
	1½ to less than 3 acres	Not more than 25 of any combination of animals, of which no more than 2 may be roosters	
	3 acres to less than 5 acres	Not more than 35 of any combination of animals, of which no more than 3 may be roosters	
	5 acres and over	No limit	
Cattle, horses, and other ruminants; sheep, goats, and similar livestock, except swine.	Less than 5 acres	1 animal for 1 acre; 1 additional animal for each 10,000 square feet over 1 acre	Except for movement on and off the property, animals shall not be kept or maintained closer than 40 feet from any rear or side property line.
	5 acres and over	Maximum of 4 animals of any combination per acre	
Swine	Less than 1 acre	None	Except for movement on and off the property, animals shall not be kept or maintained closer than 40 feet from any rear or side property line.
	1 acre or more	12 swine per acre, including not more than 2 of 8 months of age or older; limit of 30 swine per parcel, including not more than 6 of 8 months of age or older	

TABLE 9-1045.3: ANIMAL STANDARDS			
Use Type, Animal or Use	Parcel Size	Number of Animals Permitted Per Parcel	Enclosure/Distance Separation Requirements
Animal Raising: Exotic Animals			
Exotic Animals	As allowed by zoning district.	As specified by discretionary permit	Except for movement on and off the property, animals shall not be kept or maintained in coops, pens, corrals, or within barns or similar structures, on property of less than ½ acre, closer than 40 feet from any rear or side property line.
Animal Raising: General			
Aviary, apiary, worm farms	Less than 1 acre	None	Animals shall not be kept or maintained closer than 40 feet from any rear or side property lines.
	1 acre and over	No limit	
Chickens, ducks, geese, turkeys, or similar fowl; rabbits or other fur bearing animal of similar size at maturity.	Less than ¼ acre	None	Except for movement on and off the property, animals shall not be kept or maintained in coops, pens, corrals, barns, or similar structures closer than 40 feet from any rear or side property line.
	¼ acre to less than 1½ acres	Not more than 15 of any combination of animals, of which not more than 1 may be a rooster	
	1½ acres to less than 3 acres	Not more than 25 of any combination of animals, of which not more than 2 may be roosters	
	3 acres and over	Not more than 35 of any combination of animals, of which not more than 3 may be roosters	
Cattle, horses, and other ruminants; sheep, goats, and similar livestock, except swine.	Less than 5 acres	1 animal for the first acre; 1 additional animal for each 10,000 square feet over 1 acre	Except for movement on and off the property, animals shall not be kept or maintained in pens, corrals, or within barns or similar structures, on property of less than ½ acre, closer than 40 feet from any rear or side property line.
	5 acres to less than 10 acres	Up to 4 animals of any combination per acre	
	10 acres and over	No limit	
Swine	Less than 1 acre	None	Except for movement on and off the property, animals shall not be kept or maintained in pens, corrals, or within barns or similar structures, on property of less than ½ acre, closer than 40 feet from any rear or side property line.
	1 acre or more	Up to 5 swine	

Table 9-1045.3

TABLE 9-1045.3: ANIMAL STANDARDS			
Use Type, Animal or Use	Parcel Size	Number of Animals Permitted Per Parcel	Enclosure/Distance Separation Requirements
Animal Raising: Family Food Production			
Chickens, ducks, geese, turkeys, or similar fowl; rabbits or other fur bearing animal of similar size at maturity.	Less than 1/3 acre	None	Except for movement on and off the property, animals shall not be kept or maintained in coops, pens, corals, barns, or similar structures closer than 40 feet from any rear or side property line.
	1/3 acre to less than 1 1/2 acres	Not more than 15 of any combination of animals, of which no more than 1 may be a rooster	
	1 1/2 acres to less than 3 acres	Not more than 25 of any combination of animals, of which no more than 2 may be roosters	
	3 acres and over	Not more than 35 of any combination of animals, of which no more than 3 may be roosters	
Cattle and other ruminants except horses and other equine; sheep, goats, and similar livestock, except swine.	Less than 1 acre	None	Except for movement on and off the property, animals shall not be kept or maintained in pens, corals, barns, or similar structures closer than 40 feet from any rear or side property line.
	1 acre and over	1 animal plus 1 additional animal for each 10,000 square feet over 1 acre; maximum of 5 animals per parcel	
Animal Raising: Hogs			
Hog farm	Less than 1 acre	None	Except for movement on and off the property, animals shall not be kept or maintained in pens, corrals, or within barns or similar structures, on property of less than 1/2 acre, closer than 40 feet from any rear or side property line.
	1 acre and over	As specified by discretionary permit	
Animal Raising: Small Animals			
Fish or frog farm	Less than 1 acre	None	The toe of the slope of the pond shall be maintained a distance of 10 feet from the nearest property line or such greater distance as the Director deems necessary.
	1 acre and over	No limit	

TABLE 9-1045.3: ANIMAL STANDARDS			
Use Type, Animal or Use	Parcel Size	Number of Animals Permitted Per Parcel	Enclosure/Distance Separation Requirements
Poultry ranch, excluding ostriches and other ratites	Less than 10 acres	None	Animals shall be kept or maintained a minimum distance of 100 feet from the nearest property line.
	10 acres and over	No limit	
Poultry ranch, for ostriches and other ratites	Less than 2 acres	None	Except for movement on and off the property, animals shall not be kept or maintained in pens, corrals, or within barns or similar structures, closer than 40 feet from any rear or side property line.
	2 acres and over	As specified by discretionary permit	
Animal Specialty Services: Kennels; Kennels, Small Breeding			
Kennels of any size	As allowed by zoning district	As specified by discretionary permit	Except for movement on and off the property, animals shall not be kept or maintained in pens, corrals, or within barns or similar structures, on property of less than ½ acre, closer than 40 feet from any rear or side property line.
Dairies			
Cow or goat dairy	Less than 20 acres	None	Except for movement on and off the property, animals shall not be kept or maintained in pens, corrals, or within barns or similar structures, on property of less than ½ acre, closer than 40 feet from any rear or side property line.
	20 acres and over	As specified by discretionary permit	

(Ord. 3832 § 36, 1995)

CHAPTER 9-1050**HAZARDOUS WASTE FACILITIES****Sections:**

9-1050.1	Intent.
9-1050.2	Applicability.
9-1050.3	Risk Assessment.
9-1050.4	Unreasonable Risk.
9-1050.5	Siting Criteria.
9-1050.6	Demonstrations.

9-1050.1 INTENT.

The intent of this Chapter is to establish standards and criteria for the siting, construction, or operation of facilities used for the treatment, storage, or disposal of hazardous waste in San Joaquin County.
(Ord. 3675)

9-1050.2 APPLICABILITY.

The provisions of this Chapter shall apply to the establishment of any new facility or expansion of any existing facility in San Joaquin County which proposes to treat, store, dispose of, recycle, or recover a resource from hazardous waste brought to the facility from off-site. The treatment, storage, or disposition of a "hazardous material," "designated waste," or a "special waste" (as the terms are defined in Title 22 of the California Code of Regulations) are not subject to the provisions of this Chapter.
(Ord. 3675)

9-1050.3 RISK ASSESSMENT.

As part of the Use Permit application, the Director may require a Risk Assessment to evaluate the public health risk associated with the proposed facility. The cost of this assessment shall be paid for by the applicant and shall meet the requirements of the San Joaquin County Air Pollution Control District.
(Ord. 3675)

9-1050.4 UNREASONABLE RISK.

A Use Permit for a Hazardous Waste facility shall not be approved if the proposed facility poses an unreasonable risk to public health because of the physical and chemical characteristics of the specific types of materials or wastes to be handled, the design features or location of the facility, or the probability of harm to an individual exposed to emissions from the facility.
(Ord. 3675)

9-1050.5 SITING CRITERIA.

The following siting criteria shall apply to the granting of a Use Permit for a Hazardous Waste Facility:

(a) **Seismic Hazards.** Hazardous waste facilities shall not be located within two hundred (200) feet of an active or recently active earthquake fault.

(b) **Flood Hazards.** Hazardous waste facilities shall not be located within floodways. Land disposal facilities and residual repositories shall not be located within flood fringe areas. All other facilities may be located in flood fringe areas if all structures are elevated so that the lowest floor is at least one (1) foot above the one hundred (100) year flood elevation.

(c) **Wetlands.** Hazardous waste facilities shall not be located in wetlands.

(d) **Unstable Soils.** Hazardous waste facilities shall not be located in areas subject to subsidence, liquefaction, landslide, soil creep, earth flow, or other potential rapid geologic change.

(e) **Aquifer Recharge Areas.** Hazardous waste facilities shall not be located in areas identified as substantial aquifer recharge areas by the State Department of Water Resources. In addition, land disposal facilities and residual repositories shall not be located in areas identified as slight-to-moderate aquifer recharge areas by the State Department of Water Resources.

(f) **Critical Habitat of Endangered Species.** Hazardous waste facilities shall not be located within endangered species habitat areas as identified by the Natural Diversity Data Base of the State Department of Fish and Game.

(g) **Distance from Residences.** Residential dwellings shall not be located within a two thousand (2,000) foot buffer zone for any residual repository, and within a five hundred (500) foot buffer zone for all other hazardous waste facilities.

(h) **Distances from Immobile Populations.** Immobile populations (including schools, hospitals, convalescent homes, and prisons) shall not be located within a one thousand (1,000) foot buffer zone for all hazardous waste facilities.

(i) **Distances from Public Assembly Areas.** Public assembly areas (including parks, recreation facilities, churches, meeting halls, or other facilities where large numbers of people congregate) shall not be located within a one thousand foot (1,000') buffer zone for all hazardous waste facilities.

(j) **Proximity to Major Transportation Routes.** Hazardous waste facilities shall be located as close as possible to major transportation routes that are designed to accommodate heavy vehicles and that are regarded as

safe with respect to road design and construction, accident rates, and traffic congestion.

(k) **Proximity to Waste Stream.** Hazardous waste facilities shall be located as close as possible to waste generators in order to minimize the risks of transporting hazardous wastes.

(l) **Availability of Public Services.** Preference shall be given to siting all hazardous waste facilities in areas where public water, sewer, storm drainage, and emergency services are readily available. However, residual repositories, transfer stations, and storage facilities may be allowed to develop with self-sufficient (on-site) services. (Ord. 3675)

9-1050.6 DEMONSTRATIONS.

When required, the applicant for a Use Permit for a Hazardous Waste Facility shall provide the following demonstrations:

(a) **Prime Agricultural Land.** For hazardous waste facilities proposed on prime agricultural land, the applicant shall demonstrate an overriding public need for such facilities.

(b) **High Ground Water.** For hazardous waste facilities proposed in areas of high ground water, the applicant shall demonstrate that the design and construction of the proposed facility will avoid the release of hazardous wastes to the water table.

(c) **Permeable Strata and Soils.** For hazardous waste facilities proposed in areas of permeable strata and soils, the applicant shall demonstrate spill containment, monitoring devices, or other engineered design features.

(d) **Air Quality.** For any hazardous waste facility, the applicant shall demonstrate that the proposed facility will comply with local, state, and federal air quality regulations for all criteria, noncriteria, and toxic air contaminants.

(e) **Recreational, Cultural Resource, or Aesthetic Areas.** For hazardous waste facilities proposed in areas with identified recreational, cultural resource, or aesthetic values, the applicant shall demonstrate appropriate avoidance or mitigation measures taken to protect such resources.

(f) **Mineral Resource Areas.** For hazardous waste facilities proposed within or in close proximity to identified mineral resource areas, the applicant shall demonstrate appropriate mitigation measures that will assure the conservation and development of such mineral resources.

(Ord. 3675)

CHAPTER 9-1053

HISTORIC RESOURCE PRESERVATION

Sections:

9-1053.1	Intent.
9-1053.2	Applicability.
9-1053.3	Designation of a Historic Resource (Reserved).
9-1053.4	Change in Designation (Reserved).
9-1053.5	Change in Use.
9-1053.6	Creation of Parcels for Historical Resource.
9-1053.7	Structural Alterations (Reserved).

9-1053.1 INTENT.

The intent of this Chapter is to establish regulations for the preservation of historic resources, such as cultural, archaeological, architectural, aesthetic, and environmental resources, within San Joaquin County. Accordingly, these regulations have the following specific objectives:

(a) To preserve, maintain, and improve structures, sites, and districts of historical significance;

(b) To ensure that modifications to historic resources within the County is consistent with the historic character to be preserved or enhanced; and

(c) To enrich the educational, cultural, and aesthetic interests of the County through the preservation of the county's historical resources.

(Ord. 3675)

9-1053.2 APPLICABILITY.

The provisions of this Chapter shall apply to all zones in San Joaquin County.

(Ord. 3675)

9-1053.3 DESIGNATION OF A HISTORIC RESOURCE.

(Reserved).

9-1053.4 CHANGE IN DESIGNATION.

(Reserved).

9-1053.5 CHANGE IN USE.

A Use Permit in accordance with Chapter 9-821 shall be required prior to any change in the use of an historical resource with the following modifications to the Use Permit process:

(a) **Additional Requirements for Application.** The request for such Use Permit shall include the following additional information:

(1) Evidence that the proposed change in use is consistent with the intent of this Chapter;

(2) A list of alterations required for the change of use; and

(3) A site plan which clearly delineates the location and characteristics of the proposed use.

(b) **Additional Findings.** In addition to the findings specified for the Use Permit, the Review Authority shall find that all of the following are true:

(1) Such historical resource has been identified as being significant by a recognized historical or architectural organization, or the historical value of the resource can be established by historical or architectural literature, publications, or official documents which discuss the resource and its place in history; and

(2) The proposed use of such historical resource shall not detract from, or otherwise impair, it as an historical resource, but instead, the proposed use shall complement, enhance, and be compatible with the historical resource.

(Ord. 3675)

9-1053.6 CREATION OF PARCELS FOR HISTORICAL RESOURCES.

Parcels may be created which are less than the minimum area required by the zone in which the historical resource is located, if the purpose of the smaller parcel is to permit the retention, sale, or transfer of the site on which the historical resource is located in order to attain the intent of this section. The minimum area of parcels created under the provisions of this section shall be determined by the Review Authority.

(Ord. 3675)

9-1053.7 STRUCTURAL ALTERATIONS.

(Reserved)

CHAPTER 9-1054

MILLS ACT CONTRACT

Sections:

9-1054.1	Intent.
9-1054.2	Mills Act Contract Contents.
9-1054.3	Nonrenewal of Mills Act Contracts.
9-1054.4	Cancellation of Mills Act Contracts.
9-1054.5	Fees.
9-1054.6	Enforcement.

9-1054.1 INTENT.

The intent of this Chapter is to create an incentive program and establish regulations for the preservation of qualified historic property, in San Joaquin County. This Chapter will provide a method for establishing, terminating, and canceling, qualified historic properties pursuant to California Government Code Sections 50280 through 50290 and California Revenue and Taxation Code Article 1.9, Sections 439 through 439.4. The goal of preservation is supported by the following specific objectives:

(a) To preserve, maintain, and improve structures and sites, of historic significance;

(b) To ensure that rehabilitation and modifications of qualified historic properties are accurate and in keeping with their historic context; and

(c) To provide educational and cultural opportunities for the residents of the County.

(Ord. 4133 § 2, 2001)

9-1054.2 MILLS ACT CONTRACT CONTENTS.

The purpose of this section is to provide a method for executing a contract pursuant to the Mills Act.

(a) Application Requirements.

A "Mills Act contract" application shall include all documentation, maps or other information required by the Director. Applications shall be filed with the Community Development Department. Contract applications may be initiated by a private property owner or his designated agent and shall meet the following criterion:

(1) **Historic Listing.** The qualified historic property must be registered with either the federal National Register of Historic Places or the State's Register of Historical Resources. A qualified historic property may also qualify for Mills Act contract status by being a property that is

designated by the State of California as a Historic Landmark or as a Point of Historic interest.

(b) Contract Terms.

Any contract that is entered into shall comply with the following provisions:

(1) **Minimum Term.** The minimum term of a Mills Act contract shall be ten (10) years. Each year, on the date specified in the contract, the contract is automatically renewed for an additional year unless a Notice of Nonrenewal is given or the contract is cancelled;

(2) **Preservation, restoration, and rehabilitation.** Property owners under contract shall provide for the necessary preservation, restoration, and rehabilitation of the property so that it conforms with the rules and regulations of the United States Secretary of the Interior's Standards for Rehabilitation and the California State Historical Building Code;

(3) **Inspections.** The contract shall provide for the periodic examination of the interior and exterior of the premises by the Community Development Department, Assessor, the Department of Parks and Recreation, and the State Board of Equalization to determine the owner's compliance with the contract;

(4) **Successors.** The contract shall be binding upon any successor to the original property owner, i.e. the contract shall "run with the land." The successor in interest shall have the same rights and obligations as the original owner who entered into the contract.

(5) **Annexation.** If a City annexes a historic resource with an established Mills Act contract, the City shall succeed to all rights, duties and powers formerly held by the County.

(6) **Recordation.** The establishment or cancellation of a contract shall not be final until the contract or notice of cancellation is recorded with the County Recorder by the Community Development Department.

(7) **Notification.** The owner or agent of an owner shall provide written notice of the contract to the state Office of Historic Preservation within six (6) months of entering into the contract.

(c) Review Procedure.

Contract applications shall be reviewed by the Community Development Department and by County Counsel before submittal to the Board of Supervisors who shall take final action on the contract application.

(Ord. 4133 § 2, 2001)

9-1054.3 NONRENEWAL OF MILLS ACT CONTRACTS.

This Section provides a method for nonrenewal of a Mills Act contract. Either party to the contract may submit

a Notice of Nonrenewal. Failure to serve a written Notice of Nonrenewal to the other party within the times listed below shall result in an additional year being added to the annual renewal date of the contract.

(a) **Application Requirements.** A "Notice of Nonrenewal" application to terminate a Mills Act contract shall include all documentation, maps or other information required by the Director. Applications shall be filed with the Community Development Department. The contract shall continue until the term of the contract has expired.

(b) **County Initiated.** A Notice of Nonrenewal initiated by the County shall be given to the owner or the owners designated agent at least sixty (60) days before the anniversary date of the contract.

(c) **Owner Initiated.** A Notice of Nonrenewal initiated by the owner shall be given to the County at least ninety (90) days before the anniversary date of the contract.

(Ord. 4133 § 2, 2001)

9-1054.4 CANCELLATION OF MILLS ACT CONTRACTS.

This Section provides a method for canceling a Mills Act contract. For the reasons listed below, the County or the owner may initiate a Mills Act Cancellation application. The application fee and any applicable penalty fee shall be paid at the time the request for cancellation is made. The penalty fee is twelve and one-half (12.5) percent of the current fair market value of the property.

Cancellation of a Mills Act contract requires notification to the property owner, public notice in a newspaper of general circulation and a public hearing by the Board of Supervisors. Immediately following approval by the Board of Supervisors, the cancellation process shall begin.

Contract cancellation shall be permitted for the following reasons:

(a) **Eminent Domain.** If the historic resource is acquired in whole or in part by eminent domain the contract shall be deemed null and void. No penalty fee shall be imposed on the property owner;

(b) **Breach of Contract.** If it is determined that the property owner has breached any of the conditions of the Mill Act contract, the contract shall be cancelled and a penalty fee shall be imposed on the property owner;

(c) **Inadequate Restoration.** If the owner has not rehabilitated the property in the manner specified in the Mills Act contract, the contract shall be cancelled and a penalty fee shall be imposed on the property owner; or;

(d) **Deterioration.** If the property has deteriorated and no longer meets the federal standards for a qualified

historic resource referred to in the Mills Act contract, the contract shall be cancelled and a penalty fee shall be imposed on the property owner.
(Ord. 4133 § 2, 2001)

9-1054.5 FEES.

A fee for the "Mills Act Contract", "Mills Act Notice of Nonrenewal" and the "Mills Act Cancellation" application shall be required. These fees are established by the Board of Supervisors pursuant to Development Title section 9-240.2.
(Ord. 4133 § 2, 2001)

9-1054.6 ENFORCEMENT.

Violations of this Chapter shall be enforced pursuant to Chapter 9-1905 of the San Joaquin County Development Title.
(Ord. 4133 § 2, 2001)

CHAPTER 9-1055

MITIGATION MONITORING AND REPORTING

Sections:

9-1055.1	Intent.
9-1055.2	Monitoring and Reporting Plan.
9-1055.3	Responsibilities of Director.
9-1055.4	Progress Reports.
9-1055.5	Fees.
9-1055.6	Amendments.
9-1055.7	Enforcement.

9-1055.1 INTENT.

The intent of this Chapter is to provide a process to assure adequate monitoring and reporting of all measures required to mitigate potential impacts from discretionary projects, as required by Section 21081.6 of the California Public Resources Code.
(Ord. 3675)

9-1055.2 MONITORING AND REPORTING PLAN.

The Review Authority shall adopt a Monitoring and Reporting Plan for discretionary projects that are approved subject to conditions or changes which are deemed necessary by the Review Authority to reduce potentially significant environmental impacts below a level of significance. The Plan shall be adopted prior to project approval and, at a minimum, shall include the following elements:

- (a) A description of the proposed project.
- (b) A listing of each mitigation measure required by the Review Authority to reduce potentially significant environmental impacts below a level of significance.
- (c) The method of monitoring and reporting on the required mitigation measures include:
 - (1) The department, division, agency, firm, or individuals responsible for conducting or overseeing the monitoring and reporting function;
 - (2) An identification of the date or other appropriate time period for implementing each mitigation measure;
 - (3) An identification of the frequency of inspections and the duration of the required monitoring and reporting;
 - (4) A detailed work program and task assignment worksheet for monitoring and reporting, when deemed appropriate by the Review Authority.

(d) An identification of the anticipated cost to be paid by the applicant and the timing and method of payments.
(Ord. 3675)

9-1055.3 RESPONSIBILITIES OF DIRECTOR.

The Director shall be responsible for assuring the preparation and implementation of the Monitoring and Reporting Plan.

(a) The Director may request, and shall receive, assistance from other County departments in implementing the Monitoring and Reporting Plan.

(b) The Director may delegate specific responsibilities for monitoring or reporting to project applicants or qualified consultants.
(Ord. 3675)

9-1055.4 PROGRESS REPORTS.

Progress reports summarizing the progress made toward achieving required mitigation measures shall be made at intervals prescribed by the Director.

(a) All progress reports shall be made available for public inspection.

(b) A copy of each progress report shall be mailed by the Director to the project applicant or the project applicant's designated representative or his successors within five (5) working days after receipt of such report.
(Ord. 3675)

9-1055.5 FEES.

A fee, as specified by resolution of the Board of Supervisors, shall be paid by the project applicant to cover the County's cost of preparing, administering and implementing the Monitoring and Report Plan, with the following modifications:

(a) Unless otherwise required by the Director, the fee shall be paid prior to the acceptance of any plans for review by the Building Official.

(b) For projects which require monitoring longer than twelve (12) months, such as projects approved with a development agreement, the applicant will be required to demonstrate that long-term funding of the Monitoring and Reporting Plan will be assured.
(Ord. 3675)

9-1055.6 AMENDMENTS.

A Monitoring and Reporting Plan may be amended in whole or in part, subject to the following provisions:

(a) For major changes, as determined by the Director, the Monitoring and Reporting Plan shall be amended by the Review Authority which adopted the Plan, subject to the same review procedure as that required for the discretionary application to which the Plan originally applied.

(b) For minor changes, the Monitoring and Reporting Plan shall be amended as specified by the Director.
(Ord. 3675)

9-1055.7 ENFORCEMENT.

In addition to the enforcement mechanisms specified in Chapter 9-230, Chapter 9-1310, and Chapter 9-1905, violation of an approved Monitoring and Reporting Plan may result in one (1) or more of the following actions:

(a) Forfeiture of any bond trust account, or other financial assurance;

(b) Action to recover funds assured under a letter of credit; or

(c) A lien against the real property subject to the violation in the amount necessary to correct the violation.
(Ord. 3675)

CHAPTER 9-1060**ADULT ENTERTAINMENT****Sections:**

- 9-1060.1** **Intent.**
9-1060.2 **Applicability.**
9-1060.3 **Review standards and guidelines.**

9-1060.1 **INTENT.**

The intent of this chapter is to provide reasonable and uniform regulations to prevent the concentration of adult businesses or their close proximity to incompatible uses, while permitting the location of adult businesses in certain areas.

(Ord. 3877 § 4 (part), 1996; Ord. 3878 § 4 (part), 1996)

9-1060.2 **APPLICABILITY.**

The provisions of this chapter shall apply to the Adult Entertainment use type, as described in Section 9-115.315.

(Ord. 3877 § 4 (part), 1996; Ord. 3878 § 4 (part), 1996)

9-1060.3 **REVIEW STANDARDS AND GUIDELINES.**

The following shall be the standards and guidelines for the review and approval of Adult Entertainment businesses:

(a) **Application Type.** A major improvement plan shall be submitted containing information as required by the Director of the Community Development Department. The application shall include a vicinity map showing specific land uses within one thousand (1,000) feet of the proposed site.

(b) **Location Requirements.** Adult businesses shall not be located within five hundred (500) feet of the following whether or not located within the County:

(1) Property zoned for residential use, or shown as a Residential designation on the General Plan map;

(2) Family Residential;

(3) Mobile Home Park;

(4) Religious Assembly;

(5) Educational Services—General (including public schools);

(6) A park; or

(7) Liquor Sales On-Premises General; Liquor Sales On-Premises Limited; and Liquor Sales Off-Premises.

The five hundred (500) foot setback shall be measured from property line to property line, except for nonconforming Family Residential uses, which shall be measured from building to building.

(c) **Concentration Requirement.** Adult business shall not be located within one thousand (1,000) feet of any other legally established Adult Entertainment business.

(d) **Temporary Structures.** No Adult Entertainment business shall be located in any temporary or portable structure.

(e) **Outdoor Lighting.** The entire exterior ground, including the parking lot and landscaped areas shall be lighted in such a manner that all areas are clearly illuminated at all times.

(f) **Signs.** Signs shall conform to the requirements of Chapter 9-1710, and shall not contain sexually oriented photographs, silhouettes, or other pictorial representations.

(g) **Special Events.** No special event, promotion, festivity, concert, or similar activity which will create demand for parking spaces beyond the number of spaces required for the business is allowed.

(h) **Hours of Operation.** The business shall be open to the public only from 6:00 a.m. to 2:00 a.m.

(i) **Noise.** No loudspeakers or sound equipment shall be used for the amplification of sound to a level audible beyond the walls of the building in which the business is located.

(j) **Maintenance.** All exterior areas, including buildings, landscaping, and parking areas shall be kept free of trash and debris and maintained in a clean and orderly manner.

(k) **Business License.** Each Adult Entertainment business shall comply with all applicable laws and regulations, including obtaining a County business license.

(l) **Activities.** Entrance doors and windows shall be arranged and screened so that activities conducted within the building are not visible outside of the building.

(m) **Employees.** Employees are not allowed outside, except for security personnel and employees using any provided outside smoking and break area which shall be screened from the public.

(n) **Lap Dance.** Lap Dance means for any person whether clothed, partially nude or nude, in exchange for any compensation or gratuity to cause any part of his or her body, directly or through a medium, to touch, rub, caress, or fondle the genital or pubic region of any member of the public or allow, suffer or tolerate himself or herself to be caressed or fondled by any person.

Lap Dances are not allowed in any establishment that does not have a permit issued pursuant to Section 9-1060.

(Ord. 3877 § 4 (part), 1996; Ord. 3878 § 4 (part), 1996; Ord. 4355 § 2, 2008)

(Ord. No. 4389, § 2, 3-30-2010)

CHAPTER 9-1065**WIRELESS TELECOMMUNICATION
FACILITIES****Sections:**

9-1065.1	Intent.
9-1065.2	Applicability.
9-1065.3	Use of Existing Structures.
9-1065.4	Construction of Freestanding Support Structures.
9-1065.5	Collocation/Siting on Publicly Owned/Controlled Property.
9-1065.6	Use of Specialists.
9-1065.7	Maintenance of Facilities.
9-1065.8	Removal of Facilities.
9-1065.9	Exemption.

9-1065.1 INTENT.

The intent of this Chapter is to provide design, siting, and locational requirements for support structures for wireless telecommunication antennas and supporting equipment in order to encourage their collocation in the County and to minimize the potential adverse impacts of said structures on public safety and aesthetics.

(Ord. 3931 § 9 (part), 1997)

9-1065.2 APPLICABILITY.

This Chapter shall be applicable to all wireless telecommunication facilities that require the granting of commercial licenses from the Federal Communications Commission and/or the California Public Utilities Commission.

(Ord. 3931 § 9 (part), 1997)

9-1065.3 USE OF EXISTING STRUCTURES.

Wireless telecommunication antennas and supporting equipment proposed to be attached to existing structures and buildings shall be subject to the following development standards:

(a) In commercial and industrial zones, and in areas with an M-X, P-F, or A-G zoning designation, wireless telecommunication antennas may project up to ten (10) feet above the height of the structure, or up to ten (10) feet above the roof line of the building plus an additional one (1) foot for each ten (10) feet of horizontal distance the antenna is set back from the edge of the building, provided all of the following requirements are satisfied:

(1) The applicant has shown that the subject antenna is not sufficient for wireless telecommunication in its intended coverage area if it is mounted at or below the height of the structure or the roof line of the building.

(2) The antenna and supporting equipment to be mounted or located above the height of the structure or the roof line of the building shall be painted or otherwise treated to match the exterior of the structure or building, or when feasible hidden behind existing or added screening which is architecturally compatible with said structure or building.

(3) The existing structure or building is not an historic resource.

(b) Excluding wireless telecommunication antennas and supporting equipment located on structures and buildings on publicly owned or controlled property, wireless telecommunication antennas and supporting equipment shall not project above the height of the structure or the roof line of the building in residential zones, and in areas with an A-U or A-L zoning designation.

(c) Wireless telecommunication antennas and supporting equipment not projecting above the height of the structure or the roof line of the building shall be architecturally and visually integrated with said structure or building so as not to be generally perceptible. Architectural and visual integration shall include, but shall not be limited to:

(1) Locating said antennas and supporting equipment within buildings, attics, steeples, towers, and new additions that are architecturally compatible with the subject structure or building;

(2) Concealing said antennas and supporting equipment behind and below parapets; and

(3) Encasing said antennas and supporting equipment in fiberglass, stucco, brick, or other medium, which appear integral to the structure or building.

(Ord. 3931 § 9 (part), 1997)

**9-1065.4 CONSTRUCTION OF FREESTANDING
SUPPORT STRUCTURES.**

Construction of new freestanding support structures for antennas and supporting equipment for wireless telecommunication, including the replacement of existing freestanding support structures for wireless telecommunication, shall be subject to the following development standards:

(a) Unless shown not to be feasible by the applicant, any new freestanding support structure for wireless telecommunication shall be a monopole. The applicant shall provide information and any other documentation required by the Review Authority to explain why a ground-built support structure other than a monopole is being proposed as the new freestanding support structure.

(b) New freestanding support structures shall be the minimum height required for wireless telecommunication.

(c) New freestanding support structures, including associated antennas and supporting equipment, shall be sited, painted, or otherwise treated to the extent feasible (and permitted by State and Federal law) to minimize visual impacts. Methods to minimize visual impacts shall include, but shall not be limited to:

(1) Using vegetation, fencing, existing development, and topography to screen freestanding support structures, including associated antennas and supporting equipment, from public view; and

(2) Using appropriate paint color, finish, texture, and materials to match nearby structures.

(d) New freestanding support structures shall be located a distance equal to at least the height of the said structure from residential structures on adjoining properties.

(e) New freestanding support structures and associated antennas shall not significantly displace or impair agricultural operations, if any, on the subject parcel or surrounding parcels.

(Ord. 3931 § 9 (part), 1997)

9-1065.5 COLLOCATION/SITING ON PUBLICLY OWNED/CONTROLLED PROPERTY.

Unless shown not to be feasible by the applicant or considered not to be desirable by the Review Authority, a new wireless telecommunication facility shall collocate on an existing wireless telecommunication facility or, if an existing wireless telecommunication facility is not present within the coverage area of the proposed facility, on an existing structure or building on publicly owned or controlled property.

(a) If use of an existing structure or building on publicly owned or controlled property, or if collocation on an existing wireless telecommunication facility, is not being proposed, the applicant shall provide information and any other documentation required by the Review Authority explaining why use of such existing structures or buildings is not feasible or desirable.

(b) If a new freestanding structure for wireless telecommunication is proposed, the applicant shall agree to allow future applicants to collocate at the site of the proposed facility. The Review Authority may waive this requirement if it determines that such collocation is not desirable or technologically feasible, or would adversely affect the operation of the applicant.

(Ord. 3931 § 9 (part), 1997)

9-1065.6 USE OF SPECIALISTS.

The Review Authority may retain the services of a

communications consultant in order to understand, analyze, and evaluate the request for the proposed wireless telecommunication facility. The consultant shall be selected by the Director. The applicant shall be responsible for the cost of the consultant's services plus an administrative fee as set by resolution of the Board of Supervisors.

(Ord. 3931 § 9 (part), 1997)

9-1065.7 MAINTENANCE OF FACILITIES.

All freestanding structures, antennas, and supporting equipment associated with wireless telecommunication shall be maintained in good condition by the provider of the telecommunication facility and, whenever necessary, repaired or replaced.

(Ord. 3931 § 9 (part), 1997)

9-1065.8 REMOVAL OF FACILITIES.

Freestanding structures, antennas, and supporting equipment associated with wireless telecommunication shall be removed by the provider of such facilities and the site restored to its preconstruction state if said facilities have not been operational or used for a period of six (6) consecutive months. Removal and site restoration shall be completed within ninety (90) days of the end of said six (6) month period. To guarantee removal of unused or abandoned facilities, the Review Authority may require the applicant to post a bond or other suitable security instrument.

(Ord. 3931 § 9 (part), 1997)

9-1065.9 EXEMPTION.

This Chapter shall not be applicable to public entities that provide emergency communication services for the Sheriff's Office or the Office of Emergency Services, in order to provide coordination with cities, counties, and State agencies.

(Ord. 3931 § 9 (part), 1997)

CHAPTER 9-1070

PRODUCE STANDS AND AGRICULTURAL STORES

Sections:

9-1070.1	Intent.
9-1070.2	Applicability.
9-1070.3	Produce Stand.
9-1070.4	Agricultural Store, Small.
9-1070.5	Agricultural Store, Large.
9-1070.6	Enforcement.

9-1070.1 INTENT.

The purpose of this Chapter is to establish regulations that will allow farmers in San Joaquin County to market produce and agricultural products directly to local consumers and to tourists. The intent is to allow limited retail trade as a supplement to agriculturally based economic activities throughout the County. Produce stands and agricultural stores are intended to be a less intense use than convenience markets. Traditional urban retail stores, supermarkets and grocery stores, convenience or mini-markets, full-service eating establishments, bakeries, flea markets, farmer's markets and mobile facilities, are to be discouraged. It is also the intent of this Chapter to coordinate and strive for consistency between local development standards and existing State law concerning retail food sales regulated under the California Uniform Retail Food Facility Law (CURFFL).

(Ord. 4059 § 14 (part), 2000)

9-1070.2 APPLICABILITY.

The provisions of this Chapter shall apply whenever:

- (a) A new building is constructed;
- (b) An existing building, including a legal nonconforming structure is enlarged; or
- (c) The use of the site or the use of the building is changed.

(Ord. 4059 § 14 (part), 2000)

9-1070.3 PRODUCE STAND.

Produce stands shall be subject to the following development standards:

- (a) **Area.** The maximum area to be used for a produce stand is seven hundred (700) square feet.
- (b) **Structures.** Tables and/or membrane structures, i.e. tents and canopies, are permitted. All tables and membrane structures must be removed when operations cease for the year. Only a permanent built structure of less than one hundred twenty (120) square feet is permitted. Such structures shall remain vacant for six (6)

months of the year. All built structures will require a Building permit.

(c) **Retail Sales Activities.** Only the sale of produce, cut flowers, and/or shell eggs grown or raised in San Joaquin County is permitted. All other type of merchandising is prohibited.

(d) **Location and Number.** One produce stand shall be permitted per parcel in Agricultural zones.

(e) **Length of Operation.** Produce stands shall be temporary. Temporary means any activity, structure, tent or canopy that is used for a period of not more than one hundred eighty (180) days within a twelve (12) month period on a single property.

(f) **Signs.** The signage requirements for the Produce Sales use type shall apply pursuant to Section 9-1710.4(i).

(g) **Landscaping.** No landscaping improvements shall be required.

(h) **Parking.** An earthen or gravel parking area capable of accommodating a minimum of two (2) vehicles shall be required for produce stands. Ingress and egress directly onto a State Route shall be prohibited unless it is the only access to the site or unless an access agreement has been obtained from Caltrans.

(i) **Other Permits.** Produce stands shall comply with all regulations administered by the Building Department and the Fire Department. Produce stands shall not be required to obtain a permit to operate from the Environmental Health Division. A Business License shall not be required for a produce stand when the farmer sells her/his own produce pursuant to Title 7, Section 7-1002(b). No other entitlements from the Community Development Department are needed. Produce stands shall not be subject to the Public Works Department Traffic Impact Mitigation fee.

(Ord. 4059 § 14 (part), 2000; Ord. 4101 § 4, 2001)

9-1070.4 AGRICULTURAL STORE, SMALL.

Small agricultural store operations shall be subject to the following development standards:

(a) **Floor Area for Retail Sales.** A maximum of one hundred fifty (150) square feet of floor area may be used for limited retail sales.

(b) **Structures.** Only permanent built structures are permitted. The maximum size of the structure shall be one thousand five hundred (1,500) square feet.

(c) **Retail Sales Activities.** The sale of agricultural products, sundries, prepackaged food and bottled or canned beverages is allowed only in conjunction with the sale of produce, and/or shell eggs. The sale of cut flowers shall be permitted only within the retail sales area.

(d) **Location and Number.** One (1) small agricultural store shall be permitted per parcel in the Agricultural,

Industrial and Commercial zones pursuant to Sections 9-605.2 or 9-505.2 or 9-405.2.

(e) **Length of Operation.** Small agricultural stores may operate three hundred sixty-five (365) days a year.

(f) **Signs.** The signage requirements for the Produce Sales use type shall apply pursuant to Sections 9-1710.4(h) or 9-1710.4(f) or 9-1710.4(d) or 9-1710.4(e).

(g) **Landscaping.** Landscaping requirements for the small agricultural store shall apply pursuant to Sections 9-1020.1, 9-1020.2, 9-1020.3 and 9-1020.7.

(h) **Parking.** The parking surfacing requirement for small agricultural stores shall be chip seal. Ingress and egress directly onto a State Route shall be prohibited unless it is the only access to the site or unless an access agreement has been obtained from Caltrans.

(i) **Other Permits.** Small agricultural stores shall comply with all regulations administered by the Building Department, Public Works Department and the Fire Department. Small agricultural stores shall be required to obtain an annual permit to operate from the Environmental Health Division, including a plan review for all proposed or remodeled food facilities. The sale of any food items except owner grown produce and shell eggs triggers this requirement. Small agricultural stores shall also be required to obtain a Business License and Site Approval from the Community Development Department.

(j) **Cold Storage.** Cold storage trailers are permitted as an accessory structure to agricultural operations in the Agricultural zones. This Chapter does not regulate cold storage trailers. However, cold storage boxes with glass panels that are used for display shall be included as part of the one hundred fifty (150) square foot floor area for retail sales.

(k) **Conversion of Produce Stands to Small Agricultural Stores.** A produce stand existing on or before May 25, 2000, which is housed in a structure that exceeds one thousand five hundred (1,500) square feet and that conformed to the Development Title requirements at the time it was established may continue to use the existing building only when both of the following conditions have been met:

(1) The produce stand owner or operator has obtained a Business License amendment; and

(2) The produce stand owner or operator has obtained a Site Approval for a small agricultural store. (Ord. 4059 § 14 (part), 2000; Ord. 4087 § 1, 2000; Ord. 4101 § 5, 2001)

9-1070.5 AGRICULTURAL STORE, LARGE.

Large agricultural store operations shall be subject to the following development standards:

(a) **Floor Area for Retail Sales.** A maximum of five hundred (500) square feet of the structure's total floor area may be used for limited retail sales.

(b) **Structures.** Only permanent built structures are permitted. The size of the structure shall be larger than one thousand five hundred (1,500) square feet.

(c) **Retail Sales Activities.** The sale of agricultural products, sundries, prepackaged food, bottled or canned beverages and freshly prepared food and beverages is allowed only in conjunction with the sale of produce, and/or shell eggs. The sale of cut flowers shall be permitted only within the retail sales area.

(d) **Location and Number.** One large agricultural store shall be permitted per parcel in the Agricultural, Industrial and Commercial zones pursuant to Sections 9-605.2 or 9-505.2 or 9-405.2.

(e) **Length of Operation.** Large agricultural stores may operate three hundred sixty-five (365) days a year.

(f) **Signs.** The signage requirements for the Produce Sales use type shall apply pursuant to Sections 9-1710.4(h) or 9-1710.4(f) or 9-1710.4(d) or 9-1710.4(e).

(g) **Landscaping.** Landscaping requirements for the large agricultural store shall apply pursuant to Sections 9-1020.1, 9-1020.2, 9-1020.3 and 9-1020.7.

(h) **Parking.** The parking surfacing requirements for large agricultural stores shall be asphalt concrete or portland cement concrete. Ingress and egress directly onto a State Route shall be prohibited unless it is the only access to the site or unless an access agreement has been obtained from Caltrans.

(i) **Other Permits.** Large agricultural stores shall comply with all regulations administered by the Building Department, Public Works Department and the Fire Department. Large agricultural stores shall be required to obtain an annual permit to operate from the Environmental Health Division, including a plan review for all proposed or remodeled food facilities. The sale of any food items except owner grown produce and shell eggs triggers this requirement. Large agricultural stores shall also be required to obtain a Business License and a Use Permit from the Community Development Department.

(j) **Cold Storage.** Cold storage trailers are permitted outright as an accessory structure to agricultural operations in the Agricultural zones. This Chapter does not regulate cold storage trailers. However, cold storage boxes with glass panels that are used for display shall be included as part of the five hundred (500) square foot floor area for retail sales.

(Ord. 4059 § 14 (part), 2000; Ord. 4101 § 6, 2001)

9-1070.6 ENFORCEMENT.

Violations of this Chapter shall be enforced pursuant to Chapters 9-230 and 9-1905 of this Title.
(Ord. 4059 § 14 (part), 2000)

CHAPTER 9-1075**WINERIES AND RELATED FACILITIES****Sections:**

9-1075.1	Intent.
9-1075.2	Applicability.
9-1075.3	Large Wineries.
9-1075.4	Medium Wineries.
9-1075.5	Small Wineries.
9-1075.6	Wine Cellars, On-Site.
9-1075.7	Wine Cellars, Off-Site.
9-1075.8	Existing Wineries and Wine Cellars.
9-1075.9	Winery and Off-Site Wine Cellar Permitted Events
9-1075.10	Enforcement.

9-1075.1 INTENT.

The intent of this Chapter is to establish regulations that will acknowledge the distinctive pairing of wine grape growing, wine making, and tourism. The challenge is to provide for agricultural tourism and marketing activities while ensuring that agricultural resources remain vital.

A major purpose of this Chapter is to guarantee that both winery and wine cellar marketing events are accessory and are subordinate to the primary agricultural use. A strong nexus must exist between the marketing event and the production or storage of wine. The focus of marketing events should be wine. Because it is of great importance to protect the long-term quality and uniqueness of grapes grown in San Joaquin County, wine tasting rooms are intended to showcase wines that are produced with grapes that are grown in the County.

The hierarchy or ranked series of regulations is designed to help the wine industry thrive by allowing a variety of events and a variety of facility sizes while simultaneously discouraging or inhibiting on-going uses that would degrade or that would be incompatible with the ambiance of an agricultural area and the production of wine.

(Ord. 4115, § 10 (part), 2001)

9-1075.2 APPLICABILITY.

The provisions of this Chapter shall apply whenever:

- (1) A new building is constructed;

(2) An existing building, including a legal nonconforming structure is enlarged; or

(3) The use of the site or the use of the building is changed.

(Ord. 4115, § 10 (part), 2001)

9-1075.3 LARGE WINERIES.

Large wineries shall be subject to the following development standards:

(a) **Production Capacity.** A large winery shall have a minimum production capacity of more than 555.1 tons of grapes or approximately one hundred thousand (100,000) gallons of wine per year. One (1) case of wine is equivalent to 2.377 gallons of wine and one (1) ton of grapes yields approximately one hundred eighty (180) gallons of wine.

(b) **Minimum Lot Size.** The Winery, Large use type shall be located on a parcel with a minimum lot size of ten (10) gross acres in the agricultural zone. Large wineries located on parcels in non-agricultural zones and large wineries established in agricultural zones prior to September 22, 2016 shall not be subject to this minimum lot size requirement. Smaller category wineries and off-site wine cellars established prior to September 22, 2016 may be exempt from the minimum lot size and may propose to expand to a large winery with a Use Permit application.

(c) **Setbacks.** The following minimum yard setback requirements shall apply for large wineries developed in agricultural zones. Wineries established prior to September 22, 2016 that expand to a large winery with an approved Use Permit, may be exempt from the following setback requirements provided all new construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the winery do not decrease the existing setback of the buildings, permanent parking areas and outdoor eating/entertaining areas.

(1) New construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with a proposed large winery shall be set back a minimum of two hundred (200) feet from any highway, public road or private road, measured from the nearest property line to the road. The following exceptions shall be applied:

(A) Overflow parking spaces may be permitted along driveways and circulation routes

provided the minimum width requirement for traffic circulation is provided pursuant to Section 9-1015.5(h).

(2) For large wineries located adjacent to a parcel with a residence, the following standards shall apply:

(A) All new construction, use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the proposed large winery shall be set back a minimum of three hundred (300) feet from the property line nearest to the adjacent parcel with the existing residence.

(B) If the neighboring residence is located more than two hundred (200) feet from the property line adjacent to the winery's parcel, then the minimum setback may be reduced to one hundred (100) feet.

(3) For large wineries located adjacent to a parcel without a residence, the following standard shall apply:

(A) The required minimum yard setbacks for large wineries in agricultural zones shall be determined by the zone in which the large winery is located pursuant to Section 9-610.3.

(4) The setback requirements for large wineries in non-agricultural zones shall be determined by the zone in which the large winery is located and are exempt from the requirements outlined above in Section 9-1075.3(c)(1)(2)&(3).

(d) **Height.** The maximum height shall be determined by the zone in which the large winery is located pursuant to Section 9-610.2 or 9-510.3.

(e) **Zoning and Use Type.** Large wineries shall be a permitted use in the Agricultural and Industrial zones pursuant to Section 9-605.2 or 9-505.2, respectively, under the Wineries and Wine Cellars use type.

(f) **Signs.** The signage requirements shall be determined by the zone in which the large winery is located pursuant to Section 9-1710.4(h) or 9-1710.4(f). Off-premises directional signs shall comply with the standards of Section 9-1710.6(b). Large wineries may also be subject to regulations contained in Section 9-1075.9(k).

(g) **Landscaping.** The landscaping requirements shall be determined by the zone in which the large winery is located pursuant to Sections 9-1020.1 through 9-1020.10.

(h) **Fencing.** The fencing requirements shall be determined by the zone in which the large winery is located pursuant to Sections 9-1022.1 through 9-1022.3.

(i) **Screening.** The screening requirements shall be determined by the zone in which the large winery is located pursuant to Sections 1022.4 and 9-1022.6.

(j) **Parking.** The parking surfacing requirements for large wineries shall be asphalt concrete or Portland cement concrete. The minimum number of required permanent parking spaces for large wineries shall be determined pursuant to Section 9-1015.3. Large wineries may also be subject to regulations contained in Section 9-1075.9(h).

(k) **Noise.** Amplified sound is permitted at indoor activities and events. Outdoor amplified sound may be conditionally permitted for large wineries subject to regulations contained in Section 9-1075.9(f).

(l) **Permits.** Large wineries shall obtain a Business License and a Use Permit from the Community Development Department. Large wineries shall also comply with all regulations administered by the Building Department, Public Works Department, Environmental Health Department, and the Fire Department, as well as State and Federal regulations.

(m) **Permitted Uses and Structures.** Operational uses and production facilities in connection with a Use Permit for a large winery include, but are not necessarily limited to, the following:

- (1) Crushing or pressing of grapes outside or within a structure;
- (2) Fermenting wine;
- (3) Aging wine;
- (4) On-site above-ground disposal and treatment of winery waste process water;
- (5) Processing and blending wine;
- (6) Bottling and labeling of wine;
- (7) Storage of wine in vats, barrels, bottles or cases;
- (8) Wine caves and on-site wine cellars;
- (9) Laboratory and administrative offices provided that they are subordinate to the primary operation of the winery as a production facility;
- (10) Shipping, receiving and distribution of wine;
- (11) Refrigeration systems containing acutely hazardous materials;

(12) Electrical substations for the transformation of utility-supplied transmission or distribution voltage to secondary voltage for on-site use;

(13) Disposal of grape byproduct solely produced by the permitted winery.

(14) On-site wastewater treatment systems;

(15) Repair, maintenance, machining and welding shops, provided that they are subordinate to the primary operation of the winery as a production facility;

(16) Equipment Storage. Storage of agricultural and processing machinery and equipment, and truck parking, provided that they are subordinate to the primary operation of the winery as a production facility; and

(17) Truck scales and a truck inspection station.

(n) **Accessory Uses and Structures.** Accessory uses and structures in connection with a use permit for a large winery include, but are not necessarily limited to the following:

(1) **Wine Tasting Rooms.** More than one tasting room is allowed on the large winery premises if permitted on the ABC Winegrowers License. Tasting rooms shall be clearly incidental, accessory, and subordinate to the primary operation of wine production and shall only serve wine produced or bottled from the onsite winery.

(A) **Maximum Structure Size.** The size of the wine tasting room(s) shall be proportionate relative to the size of the wineries' production facilities. The maximum cumulative square footage of the wine tasting room structure(s) or an area designated for wine tasting within a multipurpose building shall not exceed thirty percent (30%) of the area designated for production facilities. Production facilities for the purpose of this section means crushing, fermenting, bottling, bulk and bottle storage, shipping, receiving, laboratories, equipment storage and maintenance facilities but shall not include wastewater treatment or disposal areas that cannot be used for agriculture.

(2) **Retail Sales.** A maximum of five hundred (500) square feet of contiguous floor area within the building designated for wine tasting shall be permitted for retail sales. Sales may include but are not limited to prepackaged foods, non-alcoholic beverages, crafts, and merchandise. The sale and display of the

on-site winery's wine is not limited to the five hundred (500) square foot floor area and is permitted in addition to the designated retail sales area.

(3) Outdoor eating areas ancillary to a wine tasting room;

(4) Display of art and historical items that reflect the history of the wine industry; and

(5) Child day care centers limited to caring for the children of winery employees. (Ord. 4115, § 10 (part), 2001; Ord. 4255, § 3 (part), 2005; Ord. No. 4487, § 2, 8-23-2016; Ord. No. 4523, § 2, 1-8-2019)

9-1075.4 MEDIUM WINERIES.

Medium wineries shall be subject to the following development standards:

(a) **Production Capacity.** A medium winery shall have a minimum production capacity of two hundred one (201) tons of grapes or approximately thirty-six thousand (36,000) gallons of wine and a maximum production capacity of five hundred fifty-five (555) tons of grapes or approximately ninety-nine thousand nine hundred ninety-nine (99,999) gallons of wine per year. One (1) case of wine is equivalent to 2.377 gallons of wine and one (1) ton of grapes yields approximately one hundred eighty (180) gallons of wine.

(b) **Minimum Lot Size.** The Winery, Medium use type shall be located on a parcel with a minimum lot size of ten (10) gross acres in the agricultural zone. Medium wineries located on parcels in the non-agricultural zones and medium wineries established in agricultural zones prior to September 22, 2016 shall not be subject to this minimum lot size requirement. Smaller category wineries and off-site wine cellars established prior to September 22, 2016 may be exempt from the minimum lot size and propose to expand to a medium winery with a Use Permit application.

(c) **Setbacks.** The following minimum yard setback requirements shall apply for medium wineries developed in agricultural zones. Wineries established prior to September 22, 2016 that expand to a medium winery with an approved Use Permit, may be exempt from the following setback requirements provided all new construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining

areas associated with the winery do not decrease the existing setback of the buildings, permanent parking areas and outdoor eating/entertaining areas.

(1) New construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with a proposed medium winery shall be set back a minimum of two hundred (200) feet from any highway, public road or private road, measured from the nearest property line to the road. The following exceptions shall apply:

(A) Overflow parking spaces may be permitted along driveways and circulation routes provided the minimum width requirement for traffic circulation is provided pursuant to Section 9-1015.5(h).

(2) For medium wineries located adjacent to a parcel with a residence, the following standards shall apply:

(A) All new construction, use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the proposed medium winery shall be set back a minimum of three hundred (300) feet from the property line nearest to the adjacent parcel with the existing residence.

(B) If the neighboring residence is located more than two hundred (200) feet from the property line adjacent to the winery's parcel, then the minimum setback may be reduced to one hundred (100) feet.

(3) For medium wineries located adjacent to a parcel without a residence, the following standard shall apply:

(A) The required minimum yard setbacks for medium wineries in agricultural zones shall be determined by the zone in which the medium winery is located pursuant to Section 9-610.3.

(4) The setback requirements for medium wineries in non-agricultural zones shall be determined by the zone in which the medium winery is located and are exempt from the requirements outlined above in Section 9-1075.3(c)(1)(2)&(3).

(d) **Height.** The maximum height shall be determined by the zone in which the medium winery is located pursuant to Section 9-610.2 or 9-510.3.

(e) **Zoning and Use Type.** Medium wineries shall be a permitted use in the Agricultural and Industrial zones pursuant to Section 9-605.2 or 9-505.2, respectively, under the Wineries and Wine Cellars use type.

(f) **Signs.** The signage requirements shall be determined by the zone in which the medium winery is located pursuant to Section 9-1710.4(h) or 9-1710.4(f). Off-premises directional signs shall comply with the standards of Section 9-1710.6(b). Medium wineries may also be subject to regulations contained in Section 9-1075.9(k).

(g) **Landscaping.** The landscaping requirements shall be determined by the zone in which the medium winery is located pursuant to Sections 9-1020.1 through 9-1020.10.

(h) **Fencing.** The fencing requirements shall be determined by the zone in which the medium winery is located pursuant to Sections 9-1022.1 through 9-1022.3.

(i) **Screening.** The screening requirements shall be determined by the zone in which the medium winery is located pursuant to Sections 1022.4 and 9-1022.6.

(j) **Parking.** The parking surfacing requirements for medium wineries shall be asphalt concrete or Portland cement concrete. The minimum number of required permanent parking spaces for medium wineries shall be determined pursuant to Section 9-1015.3. Medium wineries may also be subject to regulations contained in Section 9-1075.9(h).

(k) **Noise.** Amplified sound is permitted at indoor activities and events. Outdoor amplified sound may be conditionally permitted for medium wineries subject to regulations contained in Section 9-1075.9(f).

(l) **Permits.** Medium wineries shall obtain a Business License and a Use Permit from the Community Development Department. Medium wineries shall also comply with all regulations administered by the Building Department, Public Works Department, Environmental Health Department, and the Fire Department, as well as State and Federal regulations.

(m) **Permitted Uses and Structures.** Operational uses and production facilities in connection with a use permit for a medium winery include, but are not necessarily limited to, the following:

- (1) Crushing or pressing of grapes outside or within a structure;
- (2) Fermenting wine;
- (3) Aging wine;
- (4) On-site above-ground disposal and treatment of winery process water;
- (5) Processing and blending wine;

- (6) Bottling and labeling of wine;
- (7) Storage of wine in vats, barrels, bottles or cases;
- (8) Wine caves and on-site wine cellars;
- (9) Laboratory and administrative offices provided that they are subordinate to the primary operation of the winery as a production facility;
- (10) Shipping, receiving and distribution of wine;
- (11) Refrigeration systems containing acutely hazardous materials;
- (12) Electrical substations for the transformation of utility-supplied transmission or distribution voltage to secondary voltage for on-site use;
- (13) Disposal of grape byproduct solely produced by the permitted winery.
- (14) On-site wastewater treatment systems;
- (15) Repair, maintenance, machining and welding shops, provided that they are subordinate to the primary operation of the winery as a production facility;
- (16) Equipment Storage. Storage of agricultural and processing machinery and equipment, and truck parking, provided that they are subordinate to the primary operation of the winery as a production facility; and
- (17) Truck scales and a truck inspection station.

(n) **Accessory Uses and Structures.** Accessory uses and structures in connection with a use permit for a medium winery include, but are not necessarily limited to the following:

(1) **Wine Tasting Rooms.** More than one (1) tasting room is allowed on the medium winery premises if permitted by the ABC Winegrowers License. Tasting rooms shall be clearly incidental, accessory, and subordinate to the primary operation of wine production and shall only serve wine produced or bottled from the onsite winery.

(A) **Maximum Structure Size.** The size of the wine tasting room(s) shall be proportionate relative to the size of the wineries' production facilities. The maximum cumulative square footage of the wine tasting room structure(s) or an area designated for wine tasting within a multipurpose building at an on-site wine cellar shall not exceed thirty percent

(30%) of the area designated for production facilities. Production facilities for the purpose of this section means crushing, fermenting, bottling, bulk and bottle storage, shipping, receiving, laboratories, equipment storage and maintenance facilities but shall not include wastewater treatment or disposal areas that cannot be used for agriculture,

(2) **Retail Sales.** A maximum of five hundred (500) square feet of contiguous floor area within the building designated for wine tasting shall be permitted for retail sales. Sales may include but are not limited to prepackaged foods, non-alcoholic beverages, crafts, and merchandise. The sale and display of the on-site winery's wine is not limited to the five hundred (500) square foot floor area and is permitted in addition to the designated retail sales area.

(3) **Outdoor eating areas** ancillary to a wine tasting room;

(4) **Display of art and historical items** that reflect the history of the wine industry; and

(5) **Child day care centers** limited to caring for the children of winery employees.

(Ord. 4115, § 10 (part), 2001; Ord. 4255, § 3 (part), 2005; Ord. No. 4487, § 3, 8-23-2016; Ord. No. 4523, § 2, 1-8-2019)

9-1075.5 SMALL WINERIES.

Small wineries shall be subject to the following development standards:

(a) **Production Capacity.** A small winery shall have a minimum production capacity of more than 1.1 tons of grapes or approximately two hundred one (201) gallons of wine and a maximum production capacity of two hundred (200) tons of grapes or approximately thirty-six thousand (36,000) gallons of wine per year. One (1) case of wine is equivalent to 2.377 gallons of wine and one (1) ton of grapes yields approximately one hundred eighty (180) gallons of wine.

(b) **Minimum Lot Size.** The Winery, Small use type shall be located on a parcel with a minimum lot size of five (5) gross acres in the agricultural zone. Small wineries located on parcels in non-agricultural zones and small wineries established in agricultural zones prior to September 22, 2016 shall not be subject to this minimum lot size requirement. Small wineries established prior to September 22, 2016 may be exempt from the minimum lot size and propose to expand to a higher category of winery with a Use Permit application.

(c) **Setbacks.** The following minimum yard setback requirements shall apply for small wineries developed in agricultural zones. Wineries established prior to September 22, 2016 that expand to a small winery with an approved Use Permit, may be exempted from the following setback requirements provided all new construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the winery do not decrease the existing setback of the buildings, permanent parking areas and outdoor eating/entertaining areas.

(1) New construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with a proposed winery shall be set back a minimum of two hundred (200) feet from any highway, public road or private road, measured from the nearest property line to the road. The following exceptions shall apply:

(A) Overflow parking spaces may be permitted along driveways and circulation routes provided the minimum width requirement for traffic circulation is provided pursuant to Section 9-1015.5(h).

(2) For small wineries located adjacent to a parcel with a residence, the following standards shall apply:

(A) All new construction, use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the proposed small winery shall be set back a minimum of three hundred (300) feet from the property line nearest to the adjacent parcel with the existing residence.

(B) If the neighboring residence is located more than two hundred (200) feet from the property line adjacent to the winery's parcel, then the minimum setback may be reduced to one hundred (100) feet.

(3) For small wineries located adjacent to a parcel without a residence, the following standard shall apply:

(A) The required minimum yard setbacks for small wineries in agricultural zones shall be determined by the zone in which the small winery is located pursuant to Section 9-610.3.

(4) The setback requirements for small wineries in non-agricultural zones shall be determined by the zone in which the small winery is located pursuant to Section 9-510.5 and are exempt from the requirements outlined above in Section 9-1075.3(c)(1)(2)&(3).

(d) **Height.** The maximum height shall be determined by the zone in which the small winery is located pursuant to Section 9-610.2 or 9-510.3.

(e) **Zoning and Use Type.** Small wineries shall be a permitted use in the Agricultural and Industrial zones pursuant to Section 9-605.2 or 9-505.2, respectively, under the Wineries and Wine Cellars use type.

(f) **Signs.** The signage requirements shall be determined by the zone in which the small winery is located pursuant to Section 9-1710.4(h) or 9-1710.4(f). Off-premises directional signs shall comply with the standards of Section 9-1710.6(b). Small wineries may also be subject to regulations contained in Section 9-1075.9(k).

(g) **Landscaping.** The landscaping requirements shall be determined by the zone in which the small winery is located pursuant to Sections 9-1020.1 through 9-1020.10.

(h) **Fencing.** The fencing requirements shall be determined by the zone in which the small winery is located pursuant to Sections 9-1022.1 through 9-1022.3.

(i) **Screening.** The screening requirements shall be determined by the zone in which the small winery is located pursuant to Sections 1022.4 and 9-1022.6.

(j) **Parking.** The parking surfacing requirements for small wineries shall be chip seal or an alternative surfacing material. The minimum number of required permanent parking spaces for small wineries shall be determined pursuant to Section 9-1015.3. Small wineries may also be subject to regulations contained in Section 9-1075.9(h).

(k) **Noise.** Amplified sound is permitted at indoor marketing activities and events. Outdoor amplified sound may be conditionally permitted for small wineries subject to regulations contained in Section 9-1075.9(f).

(l) **Permits.** Small wineries shall obtain a Business License and a Site Approval from the Community Development Department. Small wineries shall also comply with all regulations administered by the Building Department, Public Works Department, Environmental Health Department and the Fire Department, as well as State and Federal regulations. A use permit shall be required for any small winery proposing marketing events pursuant to Section 9-1075.9(a).

(m) **Permitted Uses and Structures.** Operational uses and production facilities in connection with

a discretionary land use permit for a small winery include, but are not necessarily limited to, the following:

- (1) Crushing or pressing of grapes outside or within a structure;
- (2) Fermenting wine;
- (3) Aging wine;
- (4) On-site above-ground disposal and treatment of winery process water;
- (5) Processing and blending wine;
- (6) Bottling and labeling of wine;
- (7) Storage of wine in vats, barrels, bottles or cases;
- (8) Wine caves and on-site wine cellars;
- (9) Laboratory and administrative offices provided that they are subordinate to the primary operation of the winery as a production facility;
- (10) Shipping, receiving, and distribution of wine;
- (11) Refrigeration systems containing acutely hazardous materials;
- (12) Disposal of grape byproduct solely produced by the permitted winery.
- (13) On-site wastewater treatment systems;
- (14) Repair, maintenance, machining and welding shops, provided that they are subordinate to the primary operation of the winery as a production facility;
- (15) Equipment Storage. Storage of agricultural and processing machinery and equipment, and truck parking, provided that they are subordinate to the primary operation of the winery as a production facility; and
- (16) Truck scales and a truck inspection station.

(n) **Accessory Uses and Structures.** Accessory uses and structures in connection with a discretionary land use permit for a small winery include, but are not necessarily limited to the following:

(1) **Wine Tasting Rooms.** More than one (1) tasting room is allowed on the small winery premises if permitted by the ABC Winegrowers License. Tasting rooms shall be clearly incidental, acces-

sory, and subordinate to the primary operation of wine production and shall only serve wine produced or bottled from the onsite winery.

(A) **Maximum Structure Size.**

The size of the wine tasting room(s) shall be proportionate relative to the size of the wineries' production facilities. The maximum size of a stand alone cumulative square footage of the wine tasting room structure(s) or an area designated for wine tasting within a multipurpose building at an on-site wine cellar shall not exceed thirty percent (30%) of the area designated for production facilities or two thousand (2,000) square feet whichever is greater. Production facilities for the purpose of this section means crushing, fermenting, bottling, bulk and bottle storage, shipping, receiving, laboratories equipment storage and maintenance facilities but shall not include wastewater treatment or disposal areas that cannot be used for agriculture,

(2) **Retail Sales.** A maximum of five hundred (500) square feet of contiguous floor area within the building designated for wine tasting shall be permitted for retail sales. Sales may include but are not limited to the prepackage foods, non-alcoholic beverages, crafts and merchandise. The sale and display of the on-site winery's wine is not limited to the five hundred (500) square foot floor area and is permitted in addition to the designated retail sales area.

(3) **Outdoor eating areas** ancillary to a wine tasting room;

(4) **Display of art and historical items** that reflect the history of the wine industry; and

(5) **Child day care centers** limited to caring for the children of winery employees.

(Ord. 4115, § 10 (part), 2001; Ord. 4255, § 3 (part), 2005; Ord. No. 4487, § 4, 8-23-2016; Ord. No. 4523 § 2, 1-8-2019)

9-1075.6 WINE CELLARS, ON-SITE.

On-site wine cellars shall be regarded as part of the winery operation and shall be subject to the development standards for the winery.

Editor's note—Ord. No. 4487, § 4, adopted Aug. 23, 2016, repealed the former § 9-1075.6, and enacted a new § 9-1075.6 as set out herein. The former § 9-1075.6 pertained to boutique wineries and derived from Ord. 4115, § 10 (part), adopted 2001; Ord. 4255, § 3 (part), adopted 2005.

9-1075.7 WINE CELLARS, OFF-SITE.

Off-site wine cellars shall be regarded as a primary use and shall be subject to the following development standards:

(a) **Storage Capacity.** An off-site wine cellar shall have a minimum storage capacity of three hundred eighty (380) cases of wine or approximately nine hundred (900) gallons of wine and a maximum storage capacity of five thousand (5,000) cases of wine or approximately eleven thousand eight hundred eighty-five (11,885) gallons. One (1) case of wine is equivalent to 2.377 gallons of wine and one (1) ton of grapes yields approximately one hundred eighty (180) gallons of wine.

(b) **Minimum Lot Size.** The Wineries and Wine Cellars, Off-Site Wine Cellar use type shall be located on a parcel with a minimum lot size of five (5) gross acres in agricultural zones. Off-site wine cellars that are located on parcels in non-agricultural zones and off-site wine cellars established in agricultural zones prior to September 22, 2016 shall not be subject to this minimum lot size requirement. Off-site wine cellars established prior to September 22, 2016 may propose to expand to a higher category of winery with a Use Permit application.

(c) **Setbacks.** The following minimum yard setback requirements shall apply for off-site wine cellars developed in agricultural zones. Off-site wine cellars established prior to September 22, 2016 that expand to a higher classification of winery with an approved Use Permit may be exempt from the following setback requirements provided all new construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the off-site wine cellar do not decrease the existing setback of the buildings, permanent parking areas and outdoor eating/entertaining areas.

(1) New construction or use of existing buildings, permanent parking areas and outdoor eating/entertaining areas associated with the off-site wine cellar shall be set back a minimum of two hundred (200) feet from any highway, public road or private road, measured from the nearest property line to the road. The following exceptions shall apply:

(A) Overflow parking spaces may be permitted along driveways and circulation routes provided the minimum width requirement for traffic circulation is provided pursuant to Section 9-1015.5(h).

(2) For off-site wine cellars located adjacent to a parcel with a residence, the following standards shall apply:

(A) All new construction, use of existing buildings, proposed permanent parking areas and outdoor eating/entertaining areas associated with the off-site wine cellar shall be set back a minimum of three hundred (300) feet from the property line nearest to the adjacent parcel with the existing residence.

(B) If the neighboring residence is located more than two hundred (200) feet from the property line adjacent to the off-site wine cellars parcel, then the setback may be reduced to one hundred (100) feet.

(3) For off-site wine cellars located adjacent to a parcel without a residence, the following standards shall apply:

(A) The required minimum yard setbacks for off-site wine cellars in agricultural zones shall be determined by the zone in which the off-site wine cellar is located pursuant to Section 9-610.3.

(4) The setback requirements for off-site wine cellars in non-agricultural zones shall be determined by the zone in which the off-site wine cellar is located and are exempt from the requirements outlined above in Section 9-1075.3(c)(1)(2)&(3).

(d) **Height.** The required height limits for stand alone off-site wine cellar structures in the Agricultural and Commercial zones shall be determined pursuant to Sections 9-610.2 and 9-410.3.

(e) **Zoning and Use Type.** Off-site wine cellars shall be allowed in the General Agriculture (AG) zone, Community Commercial (C-C), General Commercial (C-G), and the Rural Service Commercial (C-RS) zones pursuant to Sections 9-605.2 and 9-405.2, respectively, under the Wineries and Wine Cellars use type.

(f) **Signs.** The signage requirements shall be determined pursuant to Section 9-1710.4(h) or 9-1710.4(f). Off-premises directional signs shall comply with the standards of Section 9-1710.6(b). Off-site wine cellars may also be subject to regulations contained in Section 9-1075.9(k).

(g) **Landscaping.** The landscaping requirements shall be determined pursuant to Sections 9-1020.1 through 9-1020.10.

(h) **Fencing.** The fencing requirements shall be determined pursuant to Sections 9-1022.1 through 9-1022.3.

(i) **Screening.** The screening requirements shall be determined pursuant to Sections 1022.4 through 9-1022.6.

(j) **Parking.** The parking surfacing requirements for off-site wine cellars shall be chip seal or an alternative surfacing material. The minimum number of required permanent parking spaces for off-site wine cellars shall be determined pursuant to Section 9-1015.3. Off-site wine cellars may also be subject to regulations contained in Section 9-1075.9(h).

(k) **Noise.** Amplified sound is permitted at indoor marketing activities and events. Outdoor amplified sound may be conditionally permitted for off-site wine cellars subject to regulations contained in Section 9-1075.9(f).

(l) **Permits.** Off-site wine cellars shall obtain a Business License and a Site Approval from the Community Development Department. Off-site wine cellars shall also comply with all regulations administered by the Building Department, Public Works Department, Environmental Health Department and the Fire Department as well as State and Federal regulations. A use permit shall be required for any off-site wine cellar proposing Marketing Events pursuant to Section 9-1075.9(a).

(m) **Permitted Uses and Structures.** Operational uses and production facilities in connection with a discretionary land use permit for an off-site wine cellar include, but are not necessarily limited to, the following:

- (1) Aging wine;
- (2) Bottling and labeling of wine;
- (3) Storage of wine in barrels or cases of bottles;
- (4) Wine caves;
- (5) Administrative offices; and
- (6) Shipping, receiving, and distribution of wine.

(n) **Accessory Uses and Structures.** Accessory uses and structures in connection with a site approval discretionary land use permit for an off-site wine cellar include, but are not necessarily limited to the following:

- (1) Wine Tasting Rooms. More than one (1) tasting room is allowed on the off-site wine

cellar premises. Only wine produced or bottled by the associated winery may be served at the offsite wine cellar tasting room(s).

(A) **Maximum Size of New Structures.** Two thousand (2,000) square feet shall be the maximum cumulative square footage permitted for a free standing wine tasting room structure that is separate from the building where the wine is stored. Alternatively, two thousand (2,000) square feet shall be the maximum cumulative square footage of the areas designated for wine tasting within a multipurpose building,

(B) **Maximum Size of Existing Buildings.** An existing multipurpose wine cellar building that is larger than two thousand (2,000) square feet may be used provided that a Use Permit is obtained, and that a maximum of two thousand (2,000) square feet of cumulative building space is used for wine tasting.

(C) **Maximum Size of the Retail Sales Area.** The retail sales area within the free standing wine tasting room or the area designated for wine tasting within a multipurpose building shall not exceed five hundred (500) square feet;

(2) **Retail Sales.** A maximum of five hundred (500) square feet of contiguous floor area within the building designated for wine tasting shall be permitted for retail sales. Sales may include but are not limited to prepackaged foods, non-alcoholic beverages, crafts, and merchandise. The sale and display of the off-site wine cellar's wine is not limited to the five hundred (500) square foot floor area and is permitted in addition to the designated retail sales area.

(3) **Outdoor eating areas ancillary to a wine tasting room;**

(4) **Display of art and historical items that reflect the history of the wine industry.**

(Ord. No. 4487, § 5, 8-23-2016; Ord. No. 4523, § 2, 1-8-2019)

Editor's note—Ord. No. 4487, § 5, adopted Aug. 23, 2016, repealed the former § 9-1075.7, and enacted a new § 9-1075.7 as set out herein. The former § 9-1075.7 pertained to wine cellars, on-site and derived from Ord. 4115, § 10(part), adopted 2001.

9-1075.8 EXISTING WINERIES AND WINE CELLARS.

Existing permitted wineries or wine cellars established prior to the adoption of the ordinance codified

in this Chapter will continue to be governed by the conditions of approval from their original Discretionary Permit, with the exception of applicable operational standards contained in Section 9-1075.9(l). (Ord. No. 4487, § 6, 8-23-2016)

Editor's note—Ord. No. 4487, § 6, adopted Aug. 23, 2016, repealed the former § 9-1075.8, and enacted a new § 9-1075.8 as set out herein. The former § 9-1075.8 pertained to wine cellars, off-site and derived from Ord. 4115, § 10(part), adopted 2001; Ord. 4255, § 3(part), adopted 2005.

9-1075.9 WINERY AND OFF-SITE WINE CELLAR PERMITTED EVENTS

Notwithstanding any other provision of this Chapter, all new wineries and off-site wine cellars and existing wineries and off-site wine cellars that request to add Marketing Events or modify an existing Marketing Event approval, have Large-scale and/or Small-scale Accessory Winery Events, Wine Release Events, and/or participate in Industry Wide Events will be subject to the following requirements:

(a) **Permits.** Permits are required as follows:

(1) For any new winery or off-site wine cellar that proposes Marketing Events or Large-scale Accessory Winery Events, a Use Permit shall be required.

(2) For any existing winery or off-site wine cellar that proposes to add Marketing Events or Large-scale Accessory Winery Events, or for any existing winery or off-site wine cellar that proposes to increase the permitted number of Marketing Events, increase the permitted number of attendees at Marketing Events or Large-scale Accessory Winery Events, and/or to permit outdoor amplified sound at Marketing Events, Large-scale Accessory Winery Events, Wine Release Events and/or Industry Events, a Revision of Approved Actions application will be required using the Public Hearing Review Procedure as set forth in Chapter 9-220.

(3) For any existing winery or off-site wine cellar with no previously approved Marketing Events that proposes to add Small-scale Accessory Winery Events or Wine Release Events, an Improvement Plan application will be required using the Staff Review Procedure as set forth in Chapter 9-210.

(4) For any winery or off-site wine cellar that has been previously approved for Marketing

Events; attendance at Small-scale Accessory Winery and Wine Release Events shall be limited to the following:

(A) The maximum number of attendees at Small-scale Accessory Winery Events shall be eighty (80), provided there is adequate on-site parking for attendees.

(B) The maximum number of attendees at Wine Release Events shall be three hundred (300) at any given time, provided there is adequate on-site parking for attendees.

(b) **Product Availability.** A sufficient amount of wine shall be produced by the winery or off-site wine cellar and be available prior to commencing Marketing Events, Industry Events, Wine Release Events and Large-scale or Small-scale Accessory Winery Events.

(c) **Marketing Calendar.** A Marketing Calendar shall be filed with the Community Development Department and updated as required for any winery or off-site wine cellar with approved Marketing Events, Large-scale or Small-scale Accessory Winery Events, Wine Release Events and/or who will participate in Industry Events and shall comply with the following:

(1) Marketing Events, Large-scale and Small-scale Accessory Winery Events, Wine Release Events and/or Industry Wide Events shall be reported to the Community Development Department in writing a minimum of five (5) days prior to each event.

(2) A copy of the Marketing Calendar shall be kept on the winery or off-site wine cellar premises at all times. The Marketing Plan shall be made available to the Community Development Department for review upon request.

(d) **Maximum Number of Marketing Events.** The maximum number of permitted annual Marketing Events is subject to the following based on the Wineries and Off-Site Wine Cellar use classification. Industry Events, Wine Release Events and Large-scale and Small-scale Accessory Winery Events shall not be included in the maximum number of permitted Marketing Events.

(1) **Wine Cellar, Off-Site** shall be limited to a maximum of ten (10) Marketing Events per calendar year;

(2) **Winery, Small** shall be limited to a maximum of twelve (12) Marketing Events per calendar year;

(3) **Winery, Medium** shall be limited to a maximum of fifteen (15) Marketing Events per calendar year;

(4) **Winery, Large** shall be limited to a maximum of twenty (20) Marketing Events per calendar year.

(e) **Maximum Attendance.** The number of attendees permitted per Marketing Event for Wineries and off-site wine cellars are subject to the following size restrictions with an approved land use permit:

(1) **Wine Cellar, Off-Site and Winery, Small.** Off-site wine cellars and small wineries located on parcels between a minimum of 5.0-9.99 gross acres in size shall have a maximum of one hundred fifty (150) attendees. Parcels with a minimum of 10.0 gross acres in size shall have a maximum of three hundred (300) attendees.

(2) **Winery, Medium and Large.** Medium and large wineries located on parcels with a minimum of 10.0 gross acres in size shall have a maximum of three hundred (300) attendees.

(f) **Outdoor Amplified Sound.** Outdoor amplified sound may be conditionally permitted with an approved land use permit at Marketing Events, Large-scale Accessory Winery Events, Wine Release Events and Industry Events subject to the following standards:

(1) For Marketing Events, Wine Release Events and Industry Events, outdoor amplified sound shall be permitted between the hours of 10:00 a.m. and 10:00 p.m.

(2) For Large-scale Accessory Winery Events outdoor amplified sound shall be permitted between the hours of 10:00 a.m. and 9:00 p.m., Sunday through Thursday and between the hours of 10:00 a.m. and 10:00 p.m. on Friday and Saturday.

(3) A Noise Study shall be required prior to permitting outdoor amplified sound to ensure compliance with the Noise Standards specified in Section 9-1025.9.

(4) Indoor amplified sound may be permitted at approved Marketing Events, Large-scale and Small-scale Accessory Winery Events, Wine Release Events and Industry Events, in compliance with the Noise Standards specified in Section 9-1025.9.

(5) Outdoor amplified sound shall be prohibited at all Small-scale Accessory Winery Events.

(g) **Wine Served.** Only wine produced or bottled by the permitted on-site winery or off-site wine

cellar shall be permitted at Marketing Events, Wine Release Events, Large-scale or Small-scale Accessory Winery Events and/or Industry Events. Beer may be sold and served in addition to wine at Marketing Events. The sale and serving of beer shall be prohibited at Large-scale and Small-scale Accessory Winery Events, Wine Release Events or Industry Events. Additional outside alcoholic beverages are prohibited. Non-alcoholic beverages may be served at Marketing Events, Wine Release Events, Large-scale Accessory Winery Events, Small-scale Accessory Winery Events and/or Industry Events, and may be sold within the designated retail sales area.

(h) **Parking Requirements.** The following parking requirements shall apply to wineries and off-site wine cellars with Marketing Events, Industry Events, Wine Release Events and/or Large-scale and Small-scale Accessory Winery Events.

(1) A minimum of one (1) parking space shall be provided for every two (2) event attendees. Overflow parking areas utilized for Marketing Events, Small-scale Accessory Winery Events, Wine Release Events and Industry Events parking may be permitted using alternative surfacing materials pursuant to Section 9-1015.5(e)(2).

(2) All wineries and off-site wine cellars shall be required to utilize one (1) or more parking attendants during all permitted events when the facility's permanent parking spaces reach capacity or when the public roadway starts to be impacted.

(i) **Commercial Kitchen.** Commercial kitchens shall be permitted as an accessory use to winery and off-site wine cellar use types in conjunction with approved Marketing Events, Industry Events, Wine Release Events, Large-scale Accessory Winery Events, or Small-scale Accessory Winery Events. Commercial kitchens shall not be used for restaurant purposes in a way that is defined under the use type Eating Establishment, Convenience or Full Service pursuant to Development Title Section 9-115.425.

(j) **End of Event.** Marketing Events, Industry Events, Wine Release Events and Large-scale Accessory Winery Events and Small-scale Accessory Winery Events shall end by 10 p.m.

(k) **Event Signs.** In addition to signage criteria specified in Development Title Section 9-1705, the following shall apply to any signs used by a winery or an off-site wine cellar during Marketing Events, Indus-

try Events, Wine Release Events, Large-scale Accessory Winery Events or Small-scale Accessory Winery Events:

(1) All signs shall be placed outside County/public right-of-way; unless approved by the Public Works Department.

(2) Signs shall not be placed on existing signs and/or poles, or on utility poles or cabinets located within the County/public right-of-way; unless approved by the Public Works Department.

(3) Signs shall not be placed in such a way that interferes or obscures traffic signs.

(l) **Applicability.** Notwithstanding any other provisions of the Development Title, the following operational standards shall apply to existing wineries and off-site wine cellars with previously approved Marketing Events, Large-scale Accessory Winery Events and Small-scale Accessory Winery Events, Wine Release Events and/or participation in Industry Wide Events:

(1) Section 9-1075.9(b) regarding Product Availability;

(2) Section 9-1075.9(c) regarding submittal of a Marketing Calendar;

(3) Section 9-1075.9(f) regarding Outdoor Amplified Sound

(4) Section 9-1075.9(g) regarding Wine Served;

(5) Section 9-1075.9(h)(1 and 2) regarding Parking;

(6) Section 9-1075.9(i) regarding Commercial Kitchens;

(7) Section 9-1075.9(j) regarding End of Event; and

(8) Section 9-1075.9(k) regarding Event Signs.

(Ord. No. 4487, § 7, 8-23-2016; Ord. No. 4523 § 2, 1-8-2019)

Editor's note—Ord. No. 4487, § 7, adopted Aug. 23, 2016, repealed the former § 9-1075.9, and enacted a new § 9-1075.9 as set out herein. The former 9-1075.9 pertained to existing wineries and wine cellars and derived from Ord. 4115, § 10(part), adopted 2001.

9-1075.10 ENFORCEMENT.

Violations of this Chapter shall be enforced pursuant to Chapters 9-230 and 9-1905 of this Title.

(Ord. 4115, § 10 (part), 2001)

CHAPTER 9-1080

AGRICULTURAL MITIGATION

Sections:

9-1080.1	Purpose and Intent.
9-1080.2	Findings.
9-1080.3	Mitigation Requirements.
9-1080.4	Use of In-Lieu Fees.
9-1080.5	Agricultural Mitigation Lands.
9-1080.6	Mitigation Strategy.
9-1080.7	Legal Instruments for Preservation of Agricultural Land.
9-1080.8	Agricultural Technical Advisory Committee.
9-1080.9	Monitoring, Enforcing and Reporting.
9-1080.10	Precedence.
9-1080.11	Severability.

9-1080.1 PURPOSE AND INTENT.

The purpose of this Chapter is to implement the agricultural land conservation policies contained in the San Joaquin County General Plan related to permanently protecting agricultural land within the County. The intent of this Chapter is specified as follows:

(a) **Intergovernmental Coordination.** It is the policy of San Joaquin County to work cooperatively with the cities within the County and to encourage them to adopt agricultural preservation policies and ordinances which are consistent with this ordinance in order to undertake an integrated, comprehensive Countywide approach to preservation. It is the ultimate goal of the County that all seven (7) cities participate in or adopt an agricultural mitigation ordinance that is the same as or substantially similar to this ordinance.

(b) **Habitat Mitigation Plan.** It is the intent of the Board of Supervisors that the program set forth in this Chapter shall be coordinated with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan in order to achieve an optimal farmland protection system.

(c) **Delta Protection Commission.** It is the intent of the Board of Supervisors that the program set forth in this Chapter be coordinated with efforts of the Delta Protection Commission in order to achieve an optimal farmland protection system.

(Ord. 4308, § 1 (part), 2006)

9-1080.2 FINDINGS.

The Board of Supervisors finds this Chapter is necessary for the following reasons:

- (a) San Joaquin County is losing farmland at a rapid rate;
 - (b) San Joaquin County farmland is of exceptional productive quality;
 - (c) The loss of farmland to development is irreparable and agriculture is an important component of the County's economy;
 - (d) The loss of farmland will have a cumulatively negative impact on the economy of the County and the cities located within it;
 - (e) The continuation of agricultural operations also preserves the landscape and environmental resources;
 - (f) Permanent preservation of farmland is consistent with the policies of the San Joaquin County General Plan;
 - (g) New development benefits from the preservation of farmlands that support the overall economy of the County; and
 - (h) Using only zoning and other regulatory mechanisms has been a useful, but inadequate, approach to preserving farmland.
- (Ord. 4308, § 1 (part), 2006)

9-1080.3 MITIGATION REQUIREMENTS.

- (a) **Mitigation Required.** The County shall require agricultural mitigation for any of the following actions:
 - (1) A General Plan Amendment that changes the designation of any land from an agricultural to a non-agricultural use; and
 - (2) A Zoning Reclassification that changes the permitted uses from agriculture to a nonagricultural use, regardless of the General Plan designation.
- (b) **Mix of Uses.** Mitigation shall only be required for that portion of the land that no longer will be designated as or zoned for agricultural land. This includes any portion of the land to be used for park and recreation purposes.
- (c) **Types of Mitigation.** Agricultural mitigation shall be satisfied by granting a farmland conservation easement or other farmland conservation mechanism as set forth in Subsection (d) of this Section to or for the benefit of a Qualifying Entity. The number of acres of

agricultural mitigation land shall be at least equal to the number of acres that will be changed to a non-agricultural use [a 1:1 ratio].

- (d) **Direct Provision of Agricultural Mitigation Land.** The direct provision of agricultural mitigation land pursuant to Subsection (c) of this Section is subject to the following provisions:

(1) The applicant shall pay an administrative fee to cover the costs of administering, monitoring and enforcing the farmland conservation easement or other instrument in an amount determined by the Board of Supervisors.

(2) The location and characteristics of the agricultural mitigation land shall comply with the Mitigation Strategy adopted pursuant to Section 9-1080.6.

(3) The Agricultural Technical Advisory Committee shall review each farmland conservation easement or other preservation instrument for consistency with the Mitigation Strategy adopted pursuant to Section 9-1080.6.

(4) The farmland conservation easement or other preservation instrument shall be held by the Qualifying Entity. The County shall be a co-holder or backup beneficiary of the legal instrument. If the Qualifying Entity refuses to hold the easement or other preservation instrument, it shall be held by the County.

(5) If the applicant for the General Plan Amendment or Zoning Reclassification makes application to the Board of Supervisors and demonstrates that the applicant has made a diligent effort to obtain a farmland conservation easement or other preservation instrument, and that the applicant has been unable to obtain such easement or other preservation instrument, the Board may grant the applicant the option to either obtain the easement or other instrument, or to pay the in-lieu fee set forth in Subsection (e) of this Section. The applicant shall provide documentation he/she has met with the Qualifying Entity and San Joaquin Farm Bureau Federation and neither entity has been able to assist with the acquisition of the easement. Facts which the Board may consider in making a decision regarding applicant's request include, but are not limited to, the following:

(A) Multiple good faith offers to purchase an easement or other preservation instrument, which offers have been declined by the seller or sellers.

(B) Good faith efforts to purchase an easement or other preservation instrument over an extended period of time where further efforts would make it unreasonable for the applicant to continue such efforts.

(C) Good faith efforts to purchase an easement or other preservation instrument, but where the high cost of such purchase makes it unreasonable for the applicant to continue such efforts.

(e) **In-Lieu Fees.** The payment of an in-lieu fee is subject to the following provisions:

(1) The in-lieu fee shall include the costs of managing the property, including the costs of administer-

ing, monitoring and enforcing the farmland conservation easement or other instrument.

(2) The fee shall be based on the cost of purchasing farmland conservation easements on land of comparable size and agricultural quality, plus the estimated cost of legal, appraisal and other costs, including staff time, to acquire and manage the farmland conservation easement or other agricultural mitigation instrument.

(3) The Board of Supervisors shall approve by resolution the amount and other terms of the in-lieu fee.

(4) The in-lieu fee shall be updated annually based on an inflator that takes into account the inflation of property values and should include a standard assumption for the time it takes to acquire property for agricultural mitigation. The inflator shall be calculated based on a three-year running average of the most recent available data from the House Price Index (HPI) for the Stockton Metropolitan Statistical Area, as compiled by the Office of Federal Housing Enterprise Oversight. Other cost components shall be updated annually based on the Consumer Price Index (CPI).

(5) Within sixty (60) days after collection by the County, in-lieu fees shall be transferred to a fund administered by the Qualifying Entity.

(6) The annual report described in Section 9-1080.9(b), shall describe the effectiveness of the use of in-lieu fees as provided for under this ordinance. During the fifth year, the Agricultural Technical Advisory Committee shall include in the annual report recommendations to the Board of Supervisors regarding whether to maintain, amend, or remove the in-lieu fee requirement of the ordinance and to replace it with an in-kind only requirement.

(f) **Final Approvals.** Final approval of any project subject to Subsection (a) of this Section is contingent upon the execution of the legal instrument to provide agricultural mitigation land and payment of the administrative fee, or approval and payment of an in-lieu fee. Submission of the required legal instrument or payment of the in-lieu fee shall occur at the time of Grading Permit or Building Permit issuance.

(g) **Participation.** Participation in the Agricultural Mitigation Program shall be considered during the environmental review for projects pursuant to the California Environmental Quality Act.

(Ord. 4308 § 1 (part), 2006)

9-1080.4 USE OF IN-LIEU FEES.

The in-lieu fees shall be administered by the Qualifying Entity in fulfillment of its programmatic responsibilities. These responsibilities cover, without exception, acquiring interests in land and administering, monitoring and enforcing,

ing the farmland conservation easement or other instrument designed to preserve the agricultural values of the land for farmland mitigation purposes.

The location and characteristics of the agricultural mitigation land shall comply with the provisions of Section 9-1080.5 and the Mitigation Strategy adopted pursuant to Section 9-1080.6. The in-lieu fees shall not be used for purposes inconsistent with this Section.
(Ord. 4308 § 1 (part), 2006)

9-1080.5 AGRICULTURAL MITIGATION LANDS.

(a) **Allowable Uses.** Agricultural mitigation land must be shown on the County General Plan as Agriculture and zoned for agricultural uses. Agricultural mitigation land shall include the Delta. The type of agricultural related activity allowed on mitigation land will be specified in an agricultural easement or related legal instrument, as described in Section 9-1080.7.

(b) **Soil Quality.** The agricultural mitigation land should be of comparable or better soil quality than the agricultural land whose use is being changed to nonagricultural use. Priority shall be given to lands with prime agricultural soils, which are located in areas of greatest potential development.

(c) **Water Supply.** The agricultural mitigation land shall have an adequate water supply to support the agricultural use of the land. The water supply on the agricultural mitigation land shall be protected in the farmland conservation easement or other document evidencing the agricultural mitigation.

(d) **Plan Consistency.** The use of the agricultural mitigation land shall be consistent with the County General Plan.

(e) **Previous Encumbrances.** Land already effectively encumbered by a conservation easement of any nature is not eligible to qualify as agricultural mitigation land.

(f) **Location.** The agricultural mitigation land shall be located in San Joaquin County and comply with the Mitigation Strategy adopted pursuant to Section 9-1080.6.
(Ord. 4308 § 1 (part), 2006)

9-1080.6 MITIGATION STRATEGY.

(a) **Initiation and Approval.** The Agricultural Technical Advisory Committee shall develop and recommend a Mitigation Strategy with approval by the Board of Supervisors occurring one (1) year after adoption of this Chapter. Thereafter, the Mitigation Strategy should be updated periodically with a formal update approved by the Board of Supervisors every five (5) years.

(b) **Purpose and Contents.** The purpose of the Mitigation Strategy is to ensure that the acquisition of agricultural mitigation land, from both direct provision and in-lieu fees, achieves maximum benefits to the residents of San Joaquin County. The Mitigation Strategy may consist of any combination of policies, evaluation criteria, maps, and other useful decision-making tools. It shall be of sufficient specificity to provide adequate guidance on location and other factors to people reviewing the proposed encumbrance of agricultural mitigation land.

(c) **Issues to Be Considered.** The Mitigation Strategy shall consider the following issues:

(1) The need to include contiguous parcels and areas large enough to preserve agricultural operations.

(2) The qualities of high priority farmland and the type of activities allowed on agricultural mitigation lands.

(3) Coordination with other public and private land conservation programs.

(4) Other relevant factors that would result in the more effective provision of agricultural lands.

(d) **Transmittal.** The Mitigation Strategy shall be transmitted immediately after approval to the Qualifying Entity for its use in acquiring and managing interests in agricultural mitigation land.

(Ord. 4308 § 1 (part), 2006)

9-1080.7 LEGAL INSTRUMENTS FOR PRESERVATION OF AGRICULTURAL LAND.

(a) **Requirements.** The legal instrument encumbering agricultural mitigation land shall meet the following requirements:

(1) It shall be executed by all owners of the agricultural mitigation land.

(2) It shall be in form suitable for recordation.

(3) It shall contain an accurate legal description setting forth the description of the agricultural mitigation land.

(4) It shall prohibit any activity that substantially impairs or diminishes the agricultural productivity of the land, as determined by the Agricultural Technical Advisory Committee and approved by the Board of Supervisors. However, all activities or land uses currently allowed under the County's AG-40 zoning designation would be allowed on mitigation land.

(5) It shall prohibit new residential and/or commercial development on agricultural mitigation land that is not directly needed for agricultural production, regardless of existing zoning.

(6) It shall protect the existing water rights and retain them with the agricultural mitigation land.

(b) **County Interests.** The County shall be named a co-holder or backup beneficiary under any instrument conveying the interest in the agricultural mitigation land to a Qualifying Entity.

(c) **Disposition of Land.** Interests in agricultural mitigation land shall be held in trust by a Qualifying Entity and/or by the County in perpetuity. Except as provided in Subsection (d) of this Section, the Qualifying Entity or the County shall not sell, lease, or convey any interest in agricultural mitigation land it acquires. The legal instrument encumbering the agricultural mitigation land shall include the provisions of this Subsection.

(d) **Change in Circumstances.** If judicial proceedings find that the public purpose described in Section 9-1080.1 of this Chapter can no longer reasonably be fulfilled as to an interest acquired, the Qualifying Entity's interest in the agricultural mitigation land, as secured by the legal instrument, may be extinguished through sale, and the proceeds shall be used to acquire interests in other agricultural mitigation land in San Joaquin County, pursuant to the provisions of this Chapter and subject to approval by the Board of Supervisors.

(e) **Cessation of Qualifying Entity.** If any Qualifying Entity owning an interest in agricultural mitigation land ceases to exist, the duty to hold, administer, monitor and enforce the interest shall pass to the co-holder or backup beneficiary of the legal instrument. The County, acting as co-holder or backup beneficiary, may designate another Qualifying Entity to assume the responsibilities to hold, administer, monitor and enforce the interest. (Ord. 4308 § 1 (part), 2006)

9-1080.8 AGRICULTURAL TECHNICAL ADVISORY COMMITTEE.

(a) **Creation.** An Agricultural Technical Advisory Committee, as defined in Section 9-110.4, is hereby created to carry out the functions authorized by this Chapter.

(b) **Powers.** The Agricultural Technical Advisory Committee shall exercise the following powers:

(1) Adopt rules of procedure and bylaws governing the operation of the advisory committee and the conduct of its meetings.

(2) Develop and recommend a Mitigation Strategy, consistent with Section 9-1080.6, which includes providing the Board of Supervisors with a report, within one year from the effective date of this Chapter, recommending conditions under which land with overlapping encumbrances could be considered as Agricultural Mitigation Land.

(3) Develop a report for consideration by the Board of Supervisors within one (1) year from the effective date of this Chapter concerning different agricultural mitigation ratios and definitions for the Delta and for Prime Agricultural land.

(4) Consider and make recommendations to the Board of Supervisors regarding future consideration of the inclusion of land outside the County as allowable Agricultural Mitigation Land, and regarding agricultural mitigation strategies other than the hybrid in-lieu fee/in-kind land approach set forth in this Chapter.

(5) Explore the concept of establishing a Mitigation Bank.

(6) Assume other responsibilities as set forth in this Chapter.

(c) **Composition.** The Agricultural Technical Advisory Committee shall consist of three (3) representatives appointed by the San Joaquin Farm Bureau Federation, three (3) representatives appointed by the Building Industry Association, and three (3) representatives appointed by the Board of Supervisors, in which the appointees from the San Joaquin Farm Bureau Federation and the Building Industry Association are ratified by the Board of Supervisors and in which a supermajority vote (i.e., a two-thirds (2/3) vote of its members) is a requirement for, and a decision by, the Agricultural Technical Advisory Committee.

(d) **Term.** The terms of the Agricultural Technical Advisory Committee shall be as follows:

(1) Five (5) members shall be initially appointed for two-year terms. Said two-year terms shall be applicable to two (2) of the appointees of the Building Industry Association, two (2) of the appointees of the San Joaquin Farm Bureau Federation, and one (1) of the appointees of the Board of Supervisors.

(2) Four (4) members shall be appointed for four-year terms. Said four-year terms shall be applicable to one (1) of the appointees of the Building Industry Association, one (1) of the appointees of the San Joaquin Farm Bureau Federation, and two (2) of the appointees of the Board of Supervisors.

(e) **Staff.** The County shall provide the Agricultural Technical Advisory Committee with staff support. (Ord. 4308 § 1 (part), 2006)

9-1080.9 MONITORING, ENFORCING, AND REPORTING.

(a) **Monitoring and Enforcing.** The Qualifying Entity shall monitor all lands and easements acquired under this Chapter and shall review and monitor the implementation of all management and maintenance plans for these lands and easement areas. It shall also enforce compliance

with the terms of the conservation easements or other agricultural mitigation instruments.

(b) **Reporting by Qualifying Entity.** Annually, beginning one (1) year after the adoption of this Chapter, the Qualifying Entity shall provide to the Agricultural Technical Advisory Committee an annual report delineating the activities undertaken pursuant to the requirements of this Chapter and an assessment of these activities. The report(s) shall describe the status of all lands and easements acquired under this Chapter, including a summary of all enforcement actions.

(c) **Reporting by Agricultural Technical Advisory Committee.** Annually, the Agricultural Technical Advisory Committee shall review the reports submitted to it by the Qualifying Entity as well as any other relevant material. It shall prepare an Annual Report that provides an independent assessment of the effectiveness of the agricultural mitigation program and its consistency with the Mitigation Strategy. The Report shall document the funds collected and/or direct provision of mitigation lands pursuant to the provisions of this Chapter. It shall also document the size and location of the land that is to be converted to a nonagricultural use, which generated the mitigation requirements of this Chapter. The Committee shall forward the Report, along with other relevant material received, to the Board of Supervisors.

(Ord. 4308 § 1 (part), 2006)

9-1080.10 PRECEDENCE.

This Chapter shall take precedence over all ordinances or parts of ordinances or resolutions or parts of resolutions with which it is in conflict.

(Ord. 4308 § 1 (part), 2006)

9-1080.11 SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Board of Supervisors hereby declares that it would have passed this Chapter and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

(Ord. 4308 § 1 (part), 2006)

CHAPTER 9-1085

ENTERTAINMENT

Sections:

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9-1085.1 PURPOSE AND INTENT.

The Board of Supervisors of the County of San Joaquin encourages the development of arts and culture in San Joaquin County, and recognizes that many entertainment venues provide a means for such development. The Board of Supervisors further recognizes that the variety of entertainment venues in the County provide a rich and diverse cultural experience for the residents of the County and visitors to the County. The Board of Supervisors also recognizes that many non-alcoholic entertainment venues provide a safe place for families and young adults to gather.

The Board of Supervisors hereby finds that the operation of entertainment establishments present an environment with the demonstrated potential for excessive noise generation and disorderly conduct by patrons, particularly at closing times, with the attendant adverse health and safety impacts on the surrounding business and residential community.

Therefore, it is the purpose of this Chapter to regulate the operation of entertainment establishments to prevent the creation of inconsistent and incompatible uses while recognizing and protecting the constitutional rights of the citizens of San Joaquin County. All applicants will be held responsible for controlling patron conduct in and around the establishments, making adequate provisions for security and crowd control, protecting the County's youth from criminal activity and minimizing disturbances as a result of the operation of the entertainment.

It is also the intent of this Chapter to provide options in regulating the variety of businesses and events that provide entertainment. The Board of Supervisors finds that the imposition of conditions tailored to the particular establishment will allow the business or event to flourish while meeting the County's public health and safety needs. This approach also would avoid placing unnecessary conditions on existing businesses or organizations with a history of compliance with the County laws and requirements. (Ord. 4354 § 2 (part), 2008)

9-1085.2 DEFINITIONS.

For purposes of this Chapter:

(a) "ABC license" means the license issued by the California Department of Alcoholic Beverage Control.

(b) "Admission charge" means any charge for the right or privilege to enter any place of entertainment including a minimum service charge, an event charge, a cover charge, a charge for the use of seats and tables, or any other similar charge. It also includes the purchase or presentation of a ticket or token directly or indirectly required as a condition for entrance. It does not include tips, gratuities, voluntary donations, or suggested donations for employees or for any person providing entertainment.

(c) "Applicant" means a person, persons, or business entity that has been issued a permit as provided in this Chapter.

(d) "Dance and dancing" means movement of the human body, accompanied by music or rhythm.

(e) "Director" means the Director of the Community Development Department of the County of San Joaquin and his or her designee.

(f) "Disorderly conduct" means any of the following: consumption of alcoholic beverages on public property,

public drunkenness, obstructing the free passage of pedestrians over public sidewalks, the obstruction of free passage of vehicles within the public right of way, littering, fighting, loud speaking or shouting in violation of California Penal Code Section 415 and/or 647, or the operation of automobile audio systems in a manner that violates Ordinance Code of San Joaquin County Section 6-3100 et seq.

(g) "Entertainment" or "entertainment establishment" means any single event, a series of events, or an ongoing activity or business, occurring alone or as part of another business, to which the public is invited or allowed to watch, listen, or participate or that is conducted for the purposes of holding the attention of, gaining the attention of, or diverting or amusing guests or patrons, including, but not limited to:

(1) Presentations by single or multiple performers, such as hypnotists, mimes, comedians, musical song or dance acts, plays, concerts, any type of contest, sporting events, exhibitions, carnival, rodeo or circus acts, demonstrations of talent, shows, reviews and any other such activity which may be attended by members of the public;

(2) Dancing to live or recorded music;

(3) The presentation of recorded music played on equipment which is operated by an agent or contractor of the establishment, commonly known as a "DJ" or "disc jockey." Entertainment does not include ambient music provided through the use of a radio, stereo, juke box, music recording machine or other similar device.

(h) "Entertainment Permit" means any permit issued by the County pursuant to this Chapter related to the operation of a public dance, entertainment establishment, or amusement premises.

(i) "Reasonable Efforts" means the provision of an adequate number of licensed security personnel, the adoption and posting of operating policies that are consistent with the requirements of this Code and the permit and the adherence to those policies, the documented training of employees in the carrying out of the establishment operating policies, notifying the Sheriff's Office of apparent criminal activity, and the taking of all additional measures consistent with sound business judgment necessary to accomplish the required result.

(j) "Responsible Person" means the applicant, owner, proprietor, promoter, manager, assistant manager or other person exercising control over the operation of an entertainment establishment, whether or not that person is a named applicant.

(k) "Special Event" means entertainment conducted on private property where all of the following circumstances exist:

(1) The premises or location where the entertainment is to be conducted is not the subject of an existing entertainment permit issued pursuant to this Chapter;

(2) Entertainment will only be offered for a limited period of time, not to exceed three (3) days. (See also 9-110.4 "Special Indoor Event" and "Special Outdoor Event."); and

(3) Special Event permits will be processed as Staff Review with an Improvement Plan.

(l) "Theater" means any commercial establishment where regular sporting events, concerts, motion picture screenings or theatrical performances are given, usually on a stage, and usually with ascending row seating or some arrangement of permanent seating. (Ord. 4354 § 2 (part), 2008)

9-1085.3 REVIEW PROCEDURES.

Entertainment permits shall be reviewed by the Director using the Staff Review with Notice Procedure in Chapter 9-215, except as provided herein. (Ord. 4354 § 2 (part), 2008)

9-1085.4 ENTERTAINMENT PERMIT REQUIRED—COMPLIANCE WITH OTHER LAWS.

(a) Unless exempt pursuant to Section 9-1085.5, no person shall provide or permit any entertainment that is open to the public without an entertainment permit issued pursuant to this Chapter.

(b) Neither the obtaining of an entertainment permit nor compliance with the operating standards provided in this Chapter shall obviate the need for, or excuse any non-compliance with, the Zoning Code, Building Code, Fire Code or any other or additional permit requirement or standard made applicable to the entertainment or entertainment establishment under any other provision of this code or state or federal law. (Ord. 4354 § 2 (part), 2008)

9-1085.5 EXEMPTION FROM THE PERMIT REQUIREMENT.

The following types of entertainment and events are exempt from the permit required by this Chapter. This exemption does not relieve any entertainment establishment from complying with all other applicable laws, including, but not limited to laws related to noise levels and nuisances.

(a) Entertainment sponsored by any agency of the County of San Joaquin, the various boards of education, or by any other political subdivision of the State of California;

(b) Entertainment sponsored by any nonprofit public benefit organization, such as Girl Scouts, Boy Scouts, Little League or Boys and Girls Club, whose primary objective is the sponsoring and control of youth activities and child welfare. If the event is a dance for the minor members of the organization, the following requirements must be met:

(1) No person eighteen (18) years of age or older may be admitted as a guest, unless such person is a bona fide student at, or member of the sponsoring agency or organization, or the family member of a member or student of the sponsoring agency or organization;

(2) No alcoholic beverages may be served, consumed or permitted on the premises;

(3) Chaperones from the sponsoring agency are present on the premises at the rate of two (2) adults, who are at least twenty-five (25) years of age or older, for every one hundred (100) guests; and

(4) The event must finish by 12:00 a.m. and the premises and the adjoining parking lots must be promptly vacated by all the guests.

(c) Entertainment lawfully conducted at any County park, building or recreational facility;

(d) Entertainment lawfully conducted entirely upon property owned or controlled by a governmental entity;

(e) Entertainment limited to the use of a radio, recorded music or speech not provided by a D.J., juke box, television, video games, video programs, in an establishment that does not permit dancing;

(f) Entertainment provided for members and their guests at a private club having an established membership when admission is not open to the public. For purposes of this Section, private club means corporations or associations operated solely for objects of national, social, fraternal, patriotic, political, or athletic nature, in which membership is by application and regular dues are charged, and the advantages of which club belong to members, and the operation of which is not primarily for monetary gain;

(g) Entertainment provided for invited guests at a private event such as a wedding reception, banquet, or celebration where there is no admission charge;

(h) Entertainment conducted in connection with a regularly established theme park;

(i) Parades;

(j) Street performers such as musicians, singers or mimes;

(k) Entertainment conducted or sponsored by any religious organization, club, organization, society or association, that is exempt from taxation pursuant to Internal Revenue Code Section 501(c)(3), when all proceeds, if any, arising from such entertainment are used exclusively

for the benevolent purposes of such religious organization, club, society or association;

(l) Performances by the students at educational institutions as defined by the Education Code where such performances are part of an educational or instructional curriculum or program;

(m) Theaters;

(n) Motion picture theaters not providing live entertainment;

(o) Dance lessons, theatrical and performing arts lessons and student recitals;

(p) Book readings, book signings, poetry recitations, and any other similar entertainment consisting of the spoken word, including plays;

(q) Fund-raisers for a political cause;

(r) Entertainment consisting of ambient or incidental music provided for guests or patrons by musicians such as a piano player, harpist, strolling violinist, mariachi band, guitarist or band. If there is an admission charge required to observe or attend such entertainment, the music will not be considered ambient or incidental;

(s) Any establishment, venue or assemblage of forty-nine (49) persons or less, as described in the maximum occupancy load;

(t) Entertainment lawfully conducted at any of the following regulated businesses:

(1) "Adult Entertainment," as defined in Section 9-115.315 and regulated under Section 9-1060;

(2) "Amusement arcades," regulated under Chapter 6-2200. However, if entertainment, other than the operation of mechanical amusement devices, is conducted on the premises of any amusement arcade, such amusement arcade shall not, by virtue of this provision, be exempt from the permit requirement of this Chapter;

(3) "Bingo," regulated under Chapter 6-2400; and

(u) The normal and customary fitness services provided by an athletic club or fitness center. (Ord. 4354 § 2 (part), 2008)

9-1085.6 APPLICATION OF CHAPTER.

This Chapter is intended to implement minimum standards applicable to the operation of all entertainment establishments whether or not such establishments are subject to the Entertainment Permit requirements contained in this Chapter. Nothing in this Article shall limit the County's authority to impose and enforce permit conditions requiring entertainment establishments to comply with operating standards that are more strict, comprehensive or onerous than the minimum standards imposed by this Chapter. (Ord. 4354 § 2 (part), 2008)

9-1085.7 GENERAL PERFORMANCE STANDARDS.

Except as otherwise provided herein, entertainment uses shall meet the performance standards specified in Chapter 9-1025. Measures determined to be necessary by any required studies shall be implemented prior to commencement of the use. (Ord. 4354 § 2 (part), 2008)

9-1085.8 HOURS OF OPERATION—RESPONSIBLE PERSON.

(a) Except as otherwise provided herein, all entertainment establishments shall be closed and all patrons shall vacate the premises between 2:00 a.m. and 6:00 a.m., except that as part of a New Year celebration, entertainment establishments may remain open until 3:00 a.m. on January 1st. It is unlawful for any Responsible Person to fail to abide by the hours of closure.

(b) All outdoor entertainment establishments shall be closed and all patrons shall vacate the premises between 10:00 p.m. and 6:00 a.m. Sunday through Thursday, and 11:00 p.m. and 6:00 a.m. Friday and Saturday, except that as part of a New Year celebration, outdoor entertainment establishments may remain open until 1:00 a.m. on January 1st. It is unlawful for any Responsible Person to fail to abide by the hours of closure.

(c) A Responsible Person must be present in the entertainment establishment during all hours that the entertainment establishment is open and offering entertainment. (Ord. 4354 § 2 (part), 2008)

9-1085.9 DISTURBING THE PEACE—DISORDERLY CONDUCT.

Each Responsible Person shall make Reasonable Efforts to prevent the admittance of any person whose conduct is described in Penal Code Section 415 (fighting, loud noise, offensive words in public places) or 647 (disorderly conduct) at the premises or on any parking lot or similar facility used by the establishment. Each Responsible Person shall make Reasonable Efforts to remove any persons exhibiting such conduct from the establishment. (Ord. 4354 § 2 (part), 2008)

9-1085.10 INTOXICATED CUSTOMERS.

Each Responsible Person shall make Reasonable Efforts to prevent the admittance of any obviously intoxicated person. For purposes of this Section, a person is obviously intoxicated when he or she exhibits readily apparent outward manifestations of drug or alcohol intoxication, including but not limited to, inability to walk or stand in a normal manner, bloodshot or glassy eyes, flushed face, incoherent or slurred speech, alcoholic breath, belligerence

or other loud or boisterous conduct, extreme agitation or nervousness or mental confusion. (Ord. 4354 § 2 (part), 2008)

9-1085.11 Deleted.

9-1085.12 NOISE ABATEMENT.

(a) **Indoor Establishments.** No loudspeakers or sound equipment shall be used for the amplification of sound to a level audible beyond the walls of the building in which the business is located.

(b) **Outdoor Establishments.** Outdoor establishments shall comply with the requirements of Section 9-1025.9. (Ord. 4354 § 2 (part), 2008)

9-1085.13 DISORDERLY CONDUCT WITHIN FIFTY FEET PROHIBITED.

Each Responsible Person shall make Reasonable Efforts to control the conduct of patrons so as to prevent or minimize disorderly or unlawful conduct within the establishment and within fifty (50) feet of the establishment. (Ord. 4354 § 2 (part), 2008)

9-1085.14 ORDERLY DISPERSAL REQUIRED.

Each Responsible Person shall use Reasonable Efforts to cause the orderly dispersal of patrons from the vicinity of the establishment at closing time. (Ord. 4354 § 2 (part), 2008)

9-1085.15 ALCOHOLIC BEVERAGE ON PREMISES.

(a) It is unlawful for any person to bring an alcoholic beverage onto the premises unless such action is allowed by the entertainment establishment's ABC license.

(b) It is unlawful for any Responsible Person to allow any person to bring an alcoholic beverage onto the premises unless such action is allowed by the entertainment establishment's ABC license. (Ord. 4354 § 2 (part), 2008)

9-1085.16 ATTIRE.

In any establishment where the sale of alcoholic beverages is lawfully permitted, it is unlawful for any Responsible Person to allow any person to remain on the premises while such person is unclothed, or in such attire, costume, clothing or semi-transparent covering as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, buttocks, vulva or genitals. (Ord. 4354 § 2 (part), 2008)

9-1085.17 Deleted.

9-1085.18 Deleted.

9-1085.19 APPLICATION FOR PERMIT.

(a) All applications for permits shall be filed with the Director on such forms as he or she may prescribe, and shall contain the following:

(1) The name, phone number, assessor parcel number, and permanent address of the applicant;

(2) A description of the type of entertainment (e.g., music, D.J., sporting events, comedy, talent show), and the maximum number of persons who are expected to be present within the entertainment establishment at any one time;

(3) The proposed number of parking spaces, opening date and hours of operation of the entertainment establishment;

(4) For special or limited duration events, the date or dates, hours and location at the proposed entertainment;

(5) The proposed security arrangements for the control of patrons;

(6) The name or names of the person or persons, at the time of application, having management or supervision authority over the proposed entertainment, or any business or premises wherein the entertainment is proposed to be located;

(7) Written consent for the proposed entertainment on the premises from the owner of the property on which the entertainment is to be conducted; and

(8) A site plan:

Drawn on 24" x 36" paper and an 8½" x 11" reduction

North arrow should point to top or right of page

Include a vicinity map

Show adjacent properties with development type

Show all property lines of the parcel with dimensions

Show proposed and existing structures, tents, booths and similar structures

Show parking with calculations, driveways, landscaping

(b) Upon receipt of a complete application, the Director shall provide to the applicant a Notice of Application for Entertainment Permit. The applicant shall post the notice on the exterior of the premises for which the permit is sought within twenty-four (24) hours after receiving the notice and for no less than fourteen (14) consecutive days, or in the case of an application for an Entertainment Permit for a Special Event for a period no less than forty-eight

(48) hours, in a location that allows interested members of the public to read the notice.

(c) Except as provided below, the Director shall either approve or deny the Entertainment Permit within forty-five (45) working days of receipt of the complete application. The Director may extend the time for consideration of the application for up to an additional fifteen (15) working days with the written consent of the applicant. The failure of the Director to timely act shall constitute approval of the permit.

(d) The Director shall either approve or deny a Special Event permit within fifteen (15) working days of receipt of the complete application. The applicant shall notify the Sheriff's Department of the intent to hold the event at the time the application is submitted to the Community Development Department. The Sheriff's Department shall have up to ten (10) days to review the application. The Director may extend the time for consideration of the application for up to an additional three (3) working days with the written consent of the applicant. The failure of the Director to timely act shall constitute approval of the permit.

(Ord. 4354 § 2 (part), 2008)

9-1085.20 FEES.

Every application for a permit shall be accompanied by a nonrefundable application fee as established by resolution of the Board of Supervisors. This application fee shall be in addition to any other license or permit fee imposed by this Code upon the applicant. (Ord. 4354 § 2 (part), 2008)

9-1085.21 FINDINGS.

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

(a) That the proposed entertainment is accessory to a permitted and established use;

(b) That issuance of the permit and conduct of the entertainment at the proposed location, as conditioned, is consistent with federal, state and local laws, rules, regulations and any existing entertainment permit(s);

(c) It does not appear, based upon the information before the Director, that the applicant has provided false or misleading material information in the application;

(d) The proposed use is consistent with the 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;

(e) 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;

(f) The site is physically suitable for the type of development and intensity of development. This means that any associated buildings, parking, utilities, ingress and egress, and other Development code requirements;

(g) The proposed entertainment use will not increase the possibility of unsanitary conditions, disease transmission, or contamination of soils or water, impair the operation of drainage and wastewater systems, or otherwise adversely impact public health or the environment; and

(h) The use is physically compatible with adjoining land use which means the proposed land use is capable of existing alongside of, and will not interfere with, or alter the current land use of adjoining properties.

(Ord. 4354 § 2 (part), 2008; Ord. No. 4399, § 9, 9-14-2010)

9-1085.22 ISSUANCE OF PERMIT.

(a) In issuing the permit, the Director may impose conditions relating to the operation of the entertainment establishment.

(1) Conditions may relate to:

A. The days, hours and location of operation;

B. Restrictions designed to prevent minors from obtaining alcohol, such as separate entrances, exits, and restroom facilities on the premises;

C. The number of persons allowed on premises;

D. Whether security guards are required, and if so, how many;

E. Specific measures the applicant must undertake to control the conduct of patrons so as to prevent or minimize disorderly conduct within the establishment;

F. Specific measures the applicant must undertake to remove trash attributable to the establishment or its patrons in and around the establishment, the surrounding neighborhood and the public right of way;

G. Specific measures the applicant must undertake to prevent the entertainment and its patrons from disturbing the peace and quiet of the surrounding neighborhood;

H. Specific measures the applicant must undertake to prevent its patrons from engaging in disorderly conduct in the surrounding neighborhood;

I. Whether the Sheriff must receive advance notice of the date of a particular event if that event is not held as part of the regularly scheduled events of the business; or

J. Other conditions of general applicability to land uses in the County.

(2) Conditions shall be based on specific and articulable facts reasonably related to insuring the public health, safety and welfare, including, but not limited to, the protection of minors from alcohol and other criminal activity, the conservation of limited County public safety resources and the prevention of public nuisance activities that detract from the peace and quiet of residential neighborhoods.

(3) Conditions shall be listed on, or attached to, the permit.

(4) The Director shall give the applicant an opportunity to review any proposed conditions and the Director will consider the input of the applicant prior to imposing those conditions.

(5) Conditions may not be imposed that conflict with any local, state or federal law, or that conflict with the applicant's ABC license.

(6) If the applicant has been issued a Special Event — Extended Permit or other entertainment related permit prior to the effective date of this Chapter, conditions placed upon that permit shall be conditions of the Entertainment Permit issued under authority of this Chapter. However, nothing in this subsection shall be construed to limit the authority of the Director to place additional conditions upon the entertainment permit that are not in conflict with the existing permit conditions or to require compliance with the existing permit conditions prior to issuance of the Entertainment Permit.

(7) If complaints have been received regarding operation of the premises, the Director may require the applicant to demonstrate compliance with applicable existing permits prior to issuance of the Entertainment Permit or may issue the permit conditioned upon the applicant obtaining any other necessary permit or other county, or state approval.

(8) No condition may be imposed pursuant to this Chapter that suppresses or regulates expression in any manner contrary to law.

(9) Imposition of any particular condition is appealable through the procedures set forth in Chapter 9-215.

(10) If an applicant has submitted a complete application for an Entertainment Permit prior to the expiration of a Special Event — Extended Permit and the applicant has not violated any of the conditions of the Special Event — Extended Permit and agrees to immediately begin operating in accordance with the provisions contained in this Chapter, the applicant may continue to offer entertainment pending review and action on the Entertainment Permit.

(Ord. 4354 § 2 (part), 2008)

9-1085.23 DISPLAY OF PERMITS.

The permit issued pursuant to this Chapter shall at all times be displayed in a conspicuous place in the entertainment establishment for which it was issued and shall be immediately produced upon the request of any law enforcement or code enforcement officer.

(Ord. 4354 § 2 (part), 2008)

9-1085.24 EFFECT OF DENIAL.

In the event an application for a permit is denied by the Director, no application for a permit to conduct the proposed activity at the same location shall be considered by the Director for a period of one (1) year from the denial, unless denied without prejudice.

(Ord. 4354 § 2 (part), 2008)

9-1085.25 SUSPENSION, MODIFICATION OR REVOCATION OF PERMIT.

(a) Except as modified below, actions for enforcement, suspension, modification or revocation of an Entertainment Permit shall be governed by the procedures set forth in Chapter 9-230 of the Development Title.

(b) After notice and an opportunity for a hearing, a permit may be revoked, suspended or modified for any of the following reasons:

(1) The entertainment has been conducted in a manner contrary to the Findings for the issuance of a permit set forth in this Chapter;

(2) The applicant has failed to comply with one or more conditions of the permit;

(3) The entertainment has created sound levels that violate the County code;

(4) The applicant or his/her employees, agents, or representatives have violated or are violating federal, state or local laws, rules or regulations in connection with the entertainment;

(5) The entertainment has been conducted in an illegal or disorderly manner or has been conducted in such a manner as to constitute an unreasonable burden on the reasonable use and enjoyment of neighboring properties;

(6) The applicant has knowingly made a false statement of material fact or has knowingly omitted a material fact in the application;

(7) The entertainment has created or is creating a nuisance;

(8) The applicant or any other Responsible Person has violated any provision of this Chapter; or

(9) The modification has been requested by the applicant and the Director finds the modification is consistent with the provisions of this code and will not constitute a nuisance or an unreasonable burden upon County resources or the surrounding neighborhood.

(c) In the event the Director, following an office hearing, proposes to suspend, modify or revoke a permit, written notice of the proposed suspension, modification or revocation shall be personally delivered or sent to the person requesting the hearing. The notice shall contain:

(1) A brief statement on the specific grounds for such suspension, modification or revocation;

(2) A statement that the applicant may appeal the proposed suspension, modification or revocation by submitting an appeal, in writing to the Director, within ten (10) calendar days of the date of service of the notice;

(3) A statement that the failure to appeal the notice of suspension, modification or revocation will

constitute a waiver of all right to an appeal hearing, and the suspension, modification or revocation will be final.

(d) In the case of a suspension, modification or revocation, the applicant may continue to conduct entertainment during the pendency of any appeal.

(e) A challenge to the decision of the Board of Supervisors may be filed with the San Joaquin Superior Court pursuant to California Code of Civil Procedure Section 1094.8, if applicable.

(Ord. 4354 § 2 (part), 2008)

9-1085.26 PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

(a) Unless an earlier expiration date is specified in the terms of the permit itself, a Dance Permit issued on or before the effective date of this Section shall be valid for one (1) year from the effective date of this Section and shall terminate thereafter. Notwithstanding any other provision of this Chapter, all Dance Permits issued on or before the effective date of this section shall be subject to this Chapter, including suspension, modification or revocation provisions.

(b) An applicant with a permit subject to the provisions of subsection (a) of this Section may apply for an Entertainment Permit as provided above.

(c) If an Entertainment Permit renewal is issued as provided in subsection (b) of this Section, the Director may impose conditions on the permit in accordance with this Chapter.

(Ord. 4354 § 2 (part), 2008)

DIVISION 11: INFRASTRUCTURE STANDARDS AND REQUIREMENTS

CHAPTER 9-1100

INFRASTRUCTURE STANDARDS: INTENT AND ORGANIZATION

Sections:

9-1100.1	Title and Intent.
9-1100.2	Organization.
9-1100.3	General Requirements.
9-1100.4	Service By an Existing Agency.
9-1100.5	Formation of a Special District.
9-1100.6	Areas of Benefit.
9-1100.7	Acceptance and Maintenance of Public Facilities.
9-1100.8	Easements.
9-1100.9	Off-Site Right-of-Way.

9-1100.1 TITLE AND INTENT.

Division 11 constitutes the Infrastructure Standards and Requirements. The intent of this Division is to ensure the provision of adequate infrastructure for new uses of property, expansion of existing uses, and replacement of previous uses of property, consistent with the General Plan.

(Ord. 3675)

9-1100.2 ORGANIZATION.

Division 11 consists of the following chapters:

- (a) 9-1100 Infrastructure Standards: Intent and Organization;
- (b) 9-1105 Wastewater Disposal;
- (c) 9-1110 Private On-Site Wastewater Disposal Facilities Regulations;
- (d) 9-1115 Water Well and Well Drilling Regulations;
- (e) 9-1120 Water Systems;
- (f) 9-1125 Water Quality Regulations;
- (g) 9-1135 Storm Drainage;
- (h) 9-1145 Encroachment Standards;
- (i) 9-1150 Roadways; and
- (j) 9-1155 Underground Utilities.

(Ord. 3675)

9-1100.3 GENERAL REQUIREMENTS.

The following General Requirements shall apply to all development projects and to all building projects for which a building permit is required unless otherwise exempted by this Title.

(a) **Public Improvements.** The developer or subdivider shall grade and improve, or agree to grade and improve, all land dedicated or to be dedicated for public improvements. Improvements and grading shall be designed and constructed to provide for the use of the properties affected and for the public safety and welfare. Design and construction of said grading and improvements shall conform to the approved tentative map or approved development project and the design standards of the agency providing service. The County may require the developer or subdivider to pay an in-lieu fee in the amount of the cost of improvements to construct the required improvements as part of a County construction contract. Unless otherwise specified, all public improvements must be dedicated to the public agency responsible for their maintenance and operation.

(b) **Minimum Requirements.** The provisions of this Division shall be considered minimum requirements. In all cases, the improvements must be determined to be adequate by the County and to be compatible with the site on which the project is, or is proposed to be, located.

(c) **Geographical Areas.** The specific geographical area in which a development project is located shall provide the basis for determining which types of infrastructure will be required. Specific geographical areas include urban communities, rural communities, and the following areas outside of communities: Industrial Areas, Freeway Service Areas, Commercial Recreation Areas, and Agricultural Areas. These geographical areas shall be those shown on the County General Plan Map. In cases where boundary interpretations are required, said boundary interpretations shall be made by the Director.

(d) **Infrastructure Service Provided by Noncounty Agency.**

(1) **Development Project Application Requirements.** Applications for development projects or zone reclassifications shall be accepted only if the developer provides a written statement to the County from the agency expected to provide any required service that the agency will serve the proposed development project and has, or will have, the capacity to provide such service at the time of development.

(2) **Building Permits.** Building permits shall be issued only if the developer provides written confirmation from each agency providing service that the agency has authorized service to the project.

(e) **Completion of Improvements.**

(1) **Major and Minor Subdivisions.**

(A) **Improvements Prior to Approval of Map.** Unless otherwise specified, the following improvements required by this Division shall be completed prior to approval of a final map or parcel map:

(i) Where the subdivision requires water service from a public water system requiring a new well, the results of the test well must be determined by the Department of Public Works and the Environmental Health Division to be adequate to comply with the requirements of Title 22 of the California Code of Regulations and the Uniform Fire Code;

(ii) Unless otherwise specified, all other improvements required by this Division, or as a condition of approval, shall be completed to the satisfaction of the responsible department or agency, or be included in a subdivision improvement agreement, per Subsection (j), prior to approval of a final map or a parcel map.

(B) Improvements Prior to Issuance of a Building Permit. Unless otherwise specified, the following improvements shall be completed to the satisfaction of the responsible department or agency prior to the issuance of a building permit:

(i) Where served by a public water system, that system shall be operational and provide adequate water quantity and pressure for fire protection;

(ii) Where served by a public water system, that system shall comply with the requirements of Title 22 of the California Code of Regulations; and

(iii) Roads and driveways shall be constructed to meet the minimum requirements of the Uniform Fire Code, and drainage facilities required to insure access shall be approved by Public Works.

(C) Improvements Prior to Final Inspection. Unless otherwise specified, all improvements required by this Division, or as a condition of approval, shall be completed to the satisfaction of the responsible department or agency prior to the issuance of a Certificate of Occupancy or approval of a final building inspection.

(2) Other development projects or building permits:

(A) Improvements Prior to Issuance of a Building Permit. Unless otherwise specified, the following improvements shall be completed to the satisfaction of the responsible department or agency prior to the issuance of a building permit:

(i) Where served by a public water system, that system shall be operational and provide adequate water quantity and pressure for fire protection;

(ii) Where served by a public water system, that system shall comply with the requirements of Title 22 of the California Code of Regulations;

(iii) Roads in antiquated subdivisions proposed to be improved to public road standards shall be completed to the satisfaction of the Department

of Public Works, or be included in a deferred improvement agreement per Subsection (j); and

(iv) Roads and driveways shall be constructed to meet the minimum requirements of the Uniform Fire Code, and drainage facilities required to insure access shall be approved by Public Works.

(B) Improvement Prior to Final Inspection. Unless otherwise specified, all improvements required by this Division, or as a condition of approval, shall be completed to the satisfaction of the responsible department or agency prior to the issuance of a Certificate of Occupancy or approval of a final building inspection.

(f) **Irrevocable Offer of Dedication.** Applications for Major or Minor Subdivisions shall be accepted only if the applicant provides, at applicant's cost for processing by San Joaquin County, an irrevocable offer of dedication from an adjacent or other property owner(s), if such irrevocable offer of dedication is deemed necessary by the Department of Public Works.

(g) **Special Purpose Plan Requirement for Wastewater Disposal, Water, or Drainage System.** A Special Purpose Plan is required as part of an application for a development project that requires establishment of a new public wastewater disposal, water, or drainage system for the geographical areas to be ultimately served by such a system. The cost to prepare a Special Purpose Plan may be included in an area of benefit if one is established for that system. If the development project is included in an existing Specific Plan or Special Purpose Plan, the County may require that the Plan be updated or amended if the development project is proposing a significant change not accounted for in the Plan.

(h) **Supplemental System Improvements.** The Review Authority may require system improvements above those necessary for the proposed development project for the benefit of property not included in the development project when such improvements are deemed necessary for the proper development of an area. Upon completion and written acceptance of the improvements, said improvements shall be deemed dedicated to the agency responsible for their maintenance and operation. The requirement for supplemental system improvements shall be imposed in accordance with the provisions of Section 66485 through Section 66489 of the Government Code. The criteria to be applied in determining whether supplemental system improvements are to be required shall include, but are not limited to, the following:

(1) Size, type, or location of the proposed development project;

(2) Capacity of the subject system;

(3) Undeveloped acreage within the service area of the agency;

(4) Projected service demand within the service area of the agency; and

(5) Planned land uses within the service area of the agency and within the General Plan geographic area.

An area of benefit, or other financing mechanism may be established to defray the cost of the supplemental system improvements.

(i) **Improvement Plans for Public Improvements.** Improvement Plans are required for construction of any required public improvements. Plans shall consist of drawings, details, and specifications sufficient to describe the construction of the improvements. Plans must be prepared by a Registered Professional Engineer. Improvement Plans shall be submitted for review and approved by the agency providing the service prior to approval by the Department of Public Works and to construction of the improvement. All Public Improvement Plans shall be approved by the Director of Public Works prior to submitting any subdivision map for acceptance by the Board. All Public Improvement Plans shall be approved by the Director of Public Works prior to construction of any subdivision improvements, or prior to issuance of any building permit for other development projects.

(j) **Guarantees Provided by Developers Relative to Improvements.**

(1) **Subdivision Improvement Agreement.** If any improvements are required as a condition to the approval of a final map or parcel map, unless the improvements are constructed and accepted prior to approval of the final map or parcel map, a subdivision improvement agreement shall be executed between the developer and the County guaranteeing construction of the improvements within a specified period of time.

(2) **Improvement Participation Agreement.** If the Director of Public Works allows any required infrastructure improvements to be deferred to a specific date, as determined by the Director, a deferred improvement participation agreement shall be executed between the developer and the County guaranteeing construction of said improvements. The agreement shall be secured in accordance with Section 9-1100.3(j)(3) herein.

(3) **Agreement Security.** Any agreements to install improvements shall be secured in accordance with the provisions of Section 66499 of the Subdivision Map Act. The amount of the security shall be based on a construction cost estimate prepared by the developer's engineer and approved by the Director of Public Works. Unit costs shall be determined by the Director of Public Works, based on costs for similar work on County Public

Works projects. Security for improvements required by this Division shall be provided as follows:

(A) **Faithful Performance Bonds.** Where improvements are required by the provisions of this Division, the subdivider shall provide a faithful performance bond guaranteeing the faithful performance of all work, excluding work to be performed by public utilities, in a sum equal to one hundred percent (100%) of the estimated cost of such work as provided in Sections 66499 and 66499.1 of the Subdivision Map Act. The subdivider shall also guarantee labor and materials in an amount equal to fifty percent (50%) of the faithful performance bond as provided in Section 66499.3 of the Subdivision Map Act. This sum shall include any other fees which may be required by the Department of Public Works.

(B) **Bonds by Surety Companies.** All tax bonds for special assessments as required by California Government Code Section 66493 and all faithful performance bonds referred to in this Section shall be furnished by a surety company authorized to write the same in the State of California and shall be subject to the approval and acceptance of the Board. The form and contents of the bond shall comply with the applicable provisions of California Government Code Sections 66499.1 through 66499.5

(C) **Money or Securities.** In lieu of any faithful performance bond or tax bond required by this Section, the subdivider may furnish the type of security as provided in California Government Code Section 66499, subject to approval of the Board.

(D) **Forfeiture or Failure to Complete.** Upon the failure of a subdivider to complete any improvement within the time specified in an agreement or extension thereof, the Board may, upon notice in writing of not less than twenty (20) days served by registered mail, addressed to the last known address of the person, firm, or corporation signing such contract, determine that said improvement work or any part thereof is uncompleted and may cause to be forfeited to the County or Flood Control District such portion of said sum of money or bonds given for the faithful performance of said work as may be necessary to complete such work.

(k) **Payment for Fees Related to Areas of Benefit.** In the event that the Board of Supervisors has established an Area of Benefit, the subdivider or developer within said Area of Benefit shall pay to the County the proportionate share of the costs established under the Area of Benefit established by ordinance and an administrative fee as set forth in the adopting Ordinance prior to the approval of any final map or parcel map, or prior to the

issuance of any building permit for any other development project.
(Ord. 3675, 3739)

9-1100.4 SERVICE BY AN EXISTING AGENCY.

Whenever the County requires a proposed development project to be served by an existing agency and the proposed development project lies outside of the service area of the agency and the agency requires the proposed development project be annexed before providing the required service, the annexation shall be completed prior to issuance of a building permit or approval of any final map or parcel map, whichever occurs first.
(Ord. 3675)

9-1100.5 FORMATION OF A SPECIAL DISTRICT.

When the County has determined that a new district is needed to provide service, the developer shall file an application for district formation with the Local Agency Formation Commission. The County shall not approve any development that requires the formation of additional districts where an existing Agency is already providing the service.

(a) **County Service Area.** The new district shall be a County Service Area or other such similar district and shall be formed prior to the approval of the final map or parcel map, or prior to the issuance of any building permit for other development projects.

(b) **Infrastructure Maintenance and Operation.** The County Service Area or similar district shall provide for the maintenance and operation of the infrastructure, and shall include all of the area proposed for the development project.
(Ord. 3675)

9-1100.6 AREAS OF BENEFIT.

The Board of Supervisors may establish an Area of Benefit and collect fees for the construction of drainage and sewage disposal facilities pursuant to Section 66483 of the Subdivision Map Act; or establish an Area of Benefit and collect fees for the construction of bridges or major thoroughfares pursuant to Section 66484; or establish an Area of Benefit and collect fees for other improvements, including water facilities, deemed necessary by the County in accordance with the procedures specified in Section 66483. The fees shall include the cost of engineering and the cost of establishing the Area of Benefit in addition to the actual cost of facilities.
(Ord. 3675)

9-1100.7 ACCEPTANCE AND MAINTENANCE OF PUBLIC FACILITIES.

For those public facilities to be operated and maintained by a County agency, the County will not accept the responsibility of maintenance of public improvements until final completion and acceptance of all items. For those public facilities to be operated and maintained by other public agencies, those agencies must approve the improvements to be operated and maintained by them as required by Section 9-1100.3(e). If a new Service Area or District is required to serve the development project, the new Service Area or District must be formed and accept the facilities for maintenance as required by Section 9-1100.3(e). Acceptance by the County will be by the Board of Supervisors upon recommendation from the Director of Public Works.
(Ord. 3675)

9-1100.8 EASEMENTS.

Easements for facilities outside of public rights-of-way must be granted to the County when the County deems it necessary for proper operation and maintenance of the public facilities. The easements are to be deeded for the purpose of access, operation, repair, replacement, alteration, and maintenance. All development projects which have publicly owned easements must provide covenants running with the land stating that no buildings, fills, excavations, structures, fences, or other alterations will be constructed within the publicly owned easement without the express written consent of the Director of Public Works.
(Ord. 3675)

9-1100.9 OFF-SITE RIGHTS-OF-WAY.

Where it is necessary, as determined by the County, to extend improvements beyond the boundaries of the development project for adequate traffic, drainage, flood control, or water and sewer service needs, the developer shall be required to acquire and dedicate, or submit verification of the ability to acquire and dedicate, to the County the necessary easement or right-of-way to accommodate such improvements prior to the approval of a development project application.
(Ord. 3675, 3715)

CHAPTER 9-1105
WASTEWATER DISPOSAL

Sections:

9-1105.1	Intent.
9-1105.2	General Requirements.
9-1105.3	Urban Communities.
9-1105.4	Rural Communities.
9-1105.5	Industrial Areas Outside of Urban Communities.
9-1105.6	Warehouse Industrial and Truck Terminal Zoning Districts.
9-1105.7	Freeway Service Areas Outside of Urban Communities.
9-1105.8	Commercial Recreation Areas Outside of Urban Communities.
9-1105.9	Agricultural Areas.
9-1105.10	Agriculture-Urban Reserve Zoning District.
9-1105.11	Subdivision of Existing Developed Properties.
9-1105.12	Antiquated Subdivisions.
9-1105.13	Expansion Capability of Wastewater Treatment.

9-1105.1 INTENT.

The intent of this Chapter is to specify the requirements for wastewater service and wastewater disposal for development projects.
(Ord. 3675, 3756)

9-1105.2 GENERAL REQUIREMENTS.

The following general requirements for wastewater disposal shall apply to all development projects, unless otherwise specified in this Title:

(a) **Compliance with Environmental Health Division and Agency Requirements.** Private on-site wastewater disposal shall comply with the requirements in Chapter 9-1110 and the Environmental Health Division. Any public wastewater disposal system shall comply with the requirements of the Public Works Department, the Environmental Health Division, or the agency providing wastewater disposal services.

(b) **Wastewater Service by Agency.** Development projects requiring wastewater service by a public agency shall be served by a public wastewater disposal system and wastewater treatment plant.

(c) **Written Confirmation for Building Permits.** Applications for building permits shall include written confirmation that the development project meets the requirements of this chapter. For public systems, this

confirmation shall be given by the agency providing the services. For on-site systems, this confirmation shall be given by the Environmental Health Division.

(d) **Suitability of an Area for Septic Tank Usage.** The suitability of an area proposed for septic tank usage shall be determined prior to submission of a General Plan Amendment or Zone Reclassification application, the approval of a parcel or final map, or the issuance of a building permit for other development project applications. The suitability shall be determined by the Environmental Health Division in accordance with the following criteria:

(1) The intensity and extent of the existing and the proposed development project's use of septic tanks within and around the area;

(2) The suitability of the soil for utilizing septic systems, including percolation rates and soil profiles;

(3) The depth and gradient of the water table;

(4) The history of past uses in the project area to assess potential problems;

(5) Other information as required by the Environmental Health Division to determine the cumulative effect of the existing and the proposed development project on groundwater contamination; and

(6) In non-agricultural zones, septic systems will only be considered for parcels two (2) acres or more in size, except in areas zoned Rural Residential, where parcels one (1) acre or more in size will be considered if served by a public water system and public storm drainage system. Other requirements of this Chapter must still be met.

(e) **Mandatory Connection Within Two Hundred Feet.** Any expansion of an existing use on an existing parcel shall require the project to be served by a public wastewater disposal system if:

(1) The expanded use generates additional wastewater, and

(2) The sewer main is within two hundred feet (200') of the nearest building.

(3) Exceptions may be granted if the project site meets the requirement for on-site wastewater disposal specified in Section 9-1105.2(d), and:

(A) The Director of Public Works determines that the existing system has no capacity;

(B) The Parcel cannot be annexed to the existing sewer district; or

(C) The parcel is outside of a County maintained sewer district where no health hazard exists.

(f) **Extension of Sewer Main.** When the Director of Public Works determines that extension of the sewer main through a project or along a project parcel frontage

is necessary for the orderly provision of wastewater disposal service to an area, the developer shall extend the sewer main in accordance with the serving agency's design standards.

(g) **Capacity of Existing Wastewater Disposal System.** If the existing wastewater disposal system is required to serve a development project, but does not have capacity to serve a development project, the developer shall provide for additional capacity either by constructing off-site wastewater disposal system facilities or contributing funds to the serving agency for system expansion. The serving agency shall determine which option is appropriate.

(h) **Development Projects Using Existing Structures.** Development projects using existing structures only and adding no new structures shall be served by a public wastewater disposal system if there is an existing sewer main within two hundred feet (200') of the nearest property line. Otherwise, on-site wastewater disposal may be utilized subject to the provisions of this section.

(i) **Parcels Not Served by Public Wastewater Treatment Plant.** On parcels not served by a public wastewater treatment plant, any commercial or industrial development on an existing lot shall require Site Approval, or a Use Permit as required by other sections of this Title.

(Ord. 3675, 3715, 3756, 3821)

9-1105.3 URBAN COMMUNITIES.

Within those urban communities identified in the General Plan, required public wastewater disposal systems shall be provided by an existing public agency or, where there is no public agency providing wastewater disposal services in the community, by a new agency.

(a) **Subdivisions.** Subdivisions shall be served by a public wastewater disposal system, except that subdivisions within a Rural Residential General Plan map designation and commercial subdivisions if adjacent to Rural Residential General Plan map designations may use on-site wastewater disposal subject to the provisions of Section 9-1105.2.

(b) **Development Projects on Existing Vacant Parcels.** Development projects on existing vacant parcels shall be served by a public wastewater disposal system. Exceptions for parcels over two (2) acres in size, and for parcels less than two (2) acres in size where the waste discharge will be limited to domestic waste only, may be granted subject to the provisions of Section 9-1105.2. No reduction in size for public water systems or public drainage systems shall be allowed.

(c) **Areas Zoned Agriculture-Urban Reserve.** For those areas zoned Agriculture-Urban Reserve, the require-

ments for wastewater disposal shall be the requirements in Section 9-1105.10.

(Ord. 3675, 3756, 3788)

9-1105.4 RURAL COMMUNITIES.

Within those rural communities identified in the General Plan, wastewater disposal may be provided by on-site wastewater disposal subject to the provisions of Section 9-1105.2. Otherwise, the development project shall be served by a public wastewater disposal system.

(Ord. 3675)

9-1105.5 INDUSTRIAL AREAS OUTSIDE OF URBAN COMMUNITIES.

Development projects within industrial areas identified in the General Plan as being outside of urban communities shall be served by a public wastewater disposal system planned to serve the entire industrial area. A wastewater disposal system serving only one existing parcel may be privately owned and operated until additional parcels are served, then it shall become a public wastewater disposal system.

(Ord. 3675)

9-1105.6 WAREHOUSE INDUSTRIAL AND TRUCK TERMINAL ZONING DISTRICTS.

Notwithstanding other requirements of this Chapter, development projects within Warehouse Industrial and Truck Terminal Zoning Districts may utilize on-site wastewater disposal subject to the provisions of Section 9-1105.2. Otherwise, the development project shall be served by a public wastewater disposal system.

(Ord. 3675)

9-1105.7 FREEWAY SERVICE AREAS OUTSIDE OF URBAN COMMUNITIES.

Development projects within freeway service areas identified in the General Plan as being outside of urban communities shall be served by a public wastewater disposal system planned to serve the entire freeway service area on one (1) side of the freeway. A wastewater disposal system serving only one (1) existing parcel may be privately owned and operated until additional parcels are served; then it shall become a public wastewater disposal system.

(Ord. 3675)

**9-1105.8 COMMERCIAL RECREATION
AREAS OUTSIDE OF URBAN
COMMUNITIES.**

Development projects within commercial recreation areas identified in the General Plan as being outside of urban communities shall be served by a public wastewater disposal system planned to serve the entire commercial recreation area. A wastewater disposal system serving only one (1) existing parcel may be privately owned and operated until additional parcels are served; then it shall become a public wastewater disposal system. (Ord. 3675)

9-1105.9 AGRICULTURAL AREAS.

Development projects within agricultural areas may be served by on-site wastewater disposal subject to the provisions of Section 9-1105.2. (Ord. 3675)

**9-1105.10 AGRICULTURE-URBAN RESERVE
ZONING DISTRICT.**

Development projects within an Agriculture-Urban Reserve Zoning District may be served by on-site wastewater disposal subject to the provisions of Section 9-1105.2. (Ord. 3675)

**9-1105.11 SUBDIVISION OF EXISTING
DEVELOPED PROPERTIES.**

(a) **Existing Buildings.** Subdivision of parcels with existing buildings on each new parcel may not be required to meet the wastewater disposal requirements specified in this chapter, except those provisions in Section 9-1105.2.

(b) **Remainder Parcels.** Undeveloped, designated remainder parcels created under the provisions of this Section shall meet the requirements of this Chapter prior to any grant of approval for a development project or issuance of a building permit on the remainder parcel. (Ord. 3675)

9-1105.12 ANTIQUATED SUBDIVISIONS.

For existing parcels in antiquated subdivisions, service by a public wastewater disposal system shall be required for new residences, except that on-site wastewater disposal may be utilized, subject to the provisions of Section 9-1105.2, for parcels of two (2) acres or more or for parcels of one (1) acre or more when served by a public water system and public drainage system. (Ord. 3675)

**9-1105.13 EXPANSION CAPABILITY OF
WASTEWATER TREATMENT.**

When a new district is formed and a wastewater treatment plant is required, the plant shall be capable of expanding to serve the entire urban or rural community or the entire freeway service area on one (1) side of the freeway or the entire planned commercial recreation area. (Ord. 3675)

CHAPTER 9-1110**PRIVATE ON-SITE WASTEWATER DISPOSAL
FACILITIES REGULATIONS****Sections:**

9-1110.1	Intent.
9-1110.2	Public Sanitary Sewer Connections Required.
9-1110.3	Sanitation Permit Required.
9-1110.4	Sanitation Permit Requirements.
9-1110.5	Private On-Site Wastewater Disposal Facilities Standards.
9-1110.6	Prohibited Uses.
9-1110.7	Prohibited Discharges.
9-1110.8	Septic Tank Pumping.
9-1110.9	Compliance Required.
9-1110.10	Violations.
9-1110.11	Right to Appeal.
9-1110.12	Environmental Health Division Fees and Fines.

9-1110.1 INTENT.

The intent of this Chapter is to specify the minimum regulations for the use of private, on-site wastewater disposal facilities.

(Ord. 3675)

**9-1110.2 PUBLIC SANITARY SEWER
CONNECTIONS REQUIRED.**

Private, on-site wastewater disposal facilities shall not be approved where public wastewater collection and disposal are required pursuant to Chapter 9-1105.

(Ord. 3675)

9-1110.3 SANITATION PERMIT REQUIRED.

It shall be unlawful for any person to construct, add to, modify, or alter any vaulted privy, septic tank, wastewater disposal system, other pipe or conduit, or other means for the disposal, treatment, or discharge of wastewater without first securing a Sanitation Permit from the Director of Environmental Health.

(Ord. 3675)

**9-1110.4 SANITATION PERMIT
REQUIREMENTS.**

Sanitation Permits shall be subject to the following requirements:

(a) **Requirements for Application.** Applications for Sanitation Permits may be initiated by the property owner or his/her authorized agent. Applications shall be filed with the Environmental Health Division. A request for a

Sanitation Permit shall include a site plan which clearly delineates the location and characteristics of the proposed use.

(b) **Review Procedures.** Sanitation Permit applications shall be reviewed by the Director of the Environmental Health Division using the Staff Review Procedure in Chapter 9-210, with the following modifications:

(1) Preapplication Conferences shall not be required; and

(2) The time limit for approval shall be one (1) year.

(c) **Development Requirements.** Sanitation Permits approved under the provisions of this Chapter shall be subject to those conditions which ensure that the proposed use meets the minimum requirements of the County including, but not limited to, the following means or proposed means for the disposal, treatment, or discharge of wastewater:

(1) Will not permit the escape of any unpleasant or noxious odors, vapors, or gases;

(2) Will not permit the ingress and egress of flies, other insects, rodents, or animals;

(3) Will not permit the discharge of wastewater or the discharge or drainage of effluent from the wastewater disposal system to empty, flow, seep, drain, condense into, or otherwise pollute any watercourse, or other waters used or which may be used or suitable for use for domestic, recreational, or agricultural purposes;

(4) Shall not be offensive, dangerous, or injurious to health, or create a nuisance; and

(5) Shall conform in all respects to the regulations and standards of the Environmental Health Division for the disposal, treatment, or discharge of sewage.

(d) **Inspection of Permitted Work.** Work done under any Sanitation Permit shall not be covered, concealed, or put into use until it has been inspected and approved by the Director of the Environmental Health Division.

(e) **Changes May Be Ordered.** The Director of the Environmental Health Division may order changes to any existing system, method, means, manner, or place for the disposal, treatment, or discharge of sewage in order that they shall not constitute a menace to the health of human beings or animals. The orders of the Director of the Environmental Health Division shall designate the period within which such changes are to be made.

(f) **Special Permits.** Notwithstanding any other provisions of this Chapter, the Director of Environmental Health may approve Special Permits for limited periods of time when the requirements of this Chapter or any of the standards adopted pursuant to this Chapter are found to be impracticable or unnecessary. In approving a Spe-

cial Permit, the Director of Environmental Health shall prescribe all conditions necessary to protect the public health. Permits shall be subject to a specified time limit. (Ord. 3675)

9-1110.5 PRIVATE ON-SITE WASTEWATER DISPOSAL FACILITIES STANDARDS.

(a) **Standards.** The Board of Supervisors shall adopt uniform standards for the construction, installation, alteration, modification, and dimensions of the facilities subject to this Chapter based on investigation, inspection, and tests or accepted sanitation standards. These standards may be amended as necessary by the Board. The standards shall not conflict with the requirements of this Title or the laws of the State of California. All private, on-site wastewater disposal facilities, including the following, shall be constructed or modified only if they comply with the adopted standards:

- (1) Septic tanks;
- (2) Wastewater treatment plants systems; and
- (3) Vaulted privies.

(b) **Operators of Plants.** Operators of wastewater treatment plants must possess a current state wastewater treatment plant operators certificate of license. (Ord. 3675)

9-1110.6 PROHIBITED USES.

The drilling, constructing, using, maintaining, or operating of the following uses are hereby declared to be public nuisances and are prohibited:

- (a) Sewer Wells;
- (b) Pit Privies; and
- (c) Cesspools.

(Ord. 3675)

9-1110.7 PROHIBITED DISCHARGES.

Owners or those who maintain private on-site wastewater disposal facilities shall prohibit any of the following to flow or enter into a disposal system:

- (a) **Automobile and Garage Waste.** Waste water from automobile washing or garage floors;
- (b) **Storm Drainage.** Roof drainage or drainage waste resulting from natural runoff or irrigation;
- (c) **Solvents and Toxics.** Gasoline, cleaning solvents, paints, thinners, oils, or greases other than normal residential kitchen wastes;
- (d) **Solids.** Cloth, rope, metals, and solids of any kind;
- (e) **Garbage.** Garbage and similar waste material except when processed by approved garbage disposal units;

(f) **Kitchen Wastewater.** Wastewater from any restaurant, bar, or other kitchen where food is prepared for public consumption unless first directed through an approved grease trap, as required by the Uniform Plumbing Code;

(g) **Air Conditioners.** Waste drainage from water cooled refrigeration air conditioning;

(h) **Hazardous Wastes.** Waste from hazardous materials;

(i) **Backwash.** Backwash from water softeners, iron filters, and swimming pools; and

(j) **Truck Terminal Wastes.** Oil, grease, grit, and miscellaneous waste from operation of truck terminal, including washwater from trucks and garage floors. (Ord. 3675)

9-1110.8 SEPTIC TANK PUMPING.

Septic tanks, chemical toilets, cesspools, or sewage seepage pits shall be pumped only by licensed septic tank pumpers as specified in the California Health and Safety Code. All septic pumpers shall file with the health officer, or his/her duly authorized representative, by the 12th day of the following month a report on forms approved by the Environmental Health Division showing each and every premises where septic tanks, chemical toilets, cesspools, or sewage seepage pits are pumped, the gallonage pumped, and the location where cleanings are disposed. All effluent pumped from septic tanks shall be disposed of only at disposal sites approved by the Director of the Environmental Health Division. (Ord. 3675)

9-1110.9 COMPLIANCE REQUIRED.

It shall be unlawful to maintain or use any residence, place of business, or other building or place where persons reside, congregate, or are employed which is not provided with a means for the disposal of wastewater which complies with the requirements of this Chapter and the standards relating to wastewater disposal made and established by the Director of the Environmental Health Division. (Ord. 3675)

9-1110.10 VIOLATIONS.

The Director of Environmental Health shall be responsible for enforcement of this Chapter. Any violation of this Chapter shall constitute a public nuisance subject to enforcement under the provisions of Title 8, Division 5 of this Code, also known as the Housing and Nuisance Abatement Code. (Ord. 3675; 3817)

9-1110.11 RIGHT TO APPEAL.

Any appeal of a notice of violation shall first be filed with the Environmental Health Division within thirty (30) days of notification of the violation. Upon receipt of a written appeal, the Director of Environmental Health shall designate a hearing official, which official shall schedule an office hearing to attempt to resolve the matter. The matter will be set for hearing not less than seven (7) days and not more than twenty-one (21) days from the date of receipt of a written appeal. Notice of the office hearing shall be sent to the appellant by registered or certified mail. Notice shall be sent to the appellant, the owner if different from the appellant, and anyone else who has requested in writing to receive such notice. If the matter is resolved with a determination that a violation did occur or continues to occur, the cost of the office hearing shall be added to the expenses incurred by the County in abating the nuisance and shall be billed to the owner as part of the Statement of Expense. If the matter is not resolved at the office hearing, the appellant may file a written appeal to the Board of Supervisors. The written appeal must be filed with the Clerk of the Board of Supervisors within thirty (30) days of receipt of the written decision of the hearing official. The written decision shall advise that the owner has thirty (30) days to bring the subject property into compliance or file a written appeal with the Board of Supervisors. If the property is not brought into compliance and no appeal to the Board of Supervisors has been filed within the time specified, the Environmental Health Division shall submit a resolution to be placed on the consent calendar of the Board of Supervisors approving the Statement of Expense. If the matter is appealed to the Board of Supervisors and the appeal results in a finding of a violation, the cost of the hearing before the Board of Supervisors will be added to the cost of abatement and included on the Statement of Expense.

(Ord. 3817)

9-1110.12 ENVIRONMENTAL HEALTH DIVISION FEES AND FINES.

Fees for inspections or permits issued pursuant to this Chapter may be set by resolution of the Board of Supervisors. All fees and fines collected under this Chapter shall be paid into the County Treasury, to the credit of Public Health Services.

(Ord. 3675; 3817)

CHAPTER 9-1115**WATER WELL AND WELL DRILLING REGULATIONS****Sections:**

9-1115.1	Intent.
9-1115.2	Public Water System Connection Required.
9-1115.3	Well Permit Required.
9-1115.4	Well Permit Requirements.
9-1115.5	Well Regulations.
9-1115.6	Well Standards.
9-1115.7	Special Requirement Areas.
9-1115.8	Prohibited Uses.
9-1115.9	Compliance Required.
9-1115.10	Violations.
9-1115.11	Right to Appeal.
9-1115.12	Environmental Health Division Fees and Fines.

9-1115.1 INTENT.

The intent of this Chapter is to specify the minimum regulations for the use of water wells.

(Ord. 3675)

9-1115.2 PUBLIC WATER SYSTEM CONNECTION REQUIRED.

Private, on-site domestic water wells shall not be approved where public water systems are available pursuant to Chapter 9-1120.

(Ord. 3675)

9-1115.3 WELL PERMIT REQUIRED.

A Well Permit shall be approved by the Director of the Environmental Health Division prior to digging, drilling, boring, driving, repairing, or destroying any well; or repairing, replacing, installing, or sealing a pump for use on any well. The permit is required whether the well is to be used for domestic, irrigation, testing, geophysical, seismic, subsurface boring, monitoring, injection, extraction, vapor probe, cathodic protection, or other purposes. A permit is not necessary to replace or repair equipment if the sanitary seal is not broken.

(Ord. 3675)

9-1115.4 WELL PERMIT REQUIREMENTS.

Well Permits shall be subject to the following requirements:

(a) **Requirements for Application.** Applications for Well Permits must be initiated by a well driller licensed by the State of California. Applications shall be filed with

the Environmental Health Division. A request for a Well Permit shall include a site plan which clearly delineates the location and characteristics of the proposed use.

(b) **Review Procedures.** Well Permit applications shall be reviewed by the Director of the Environmental Health Division using the Staff Review Procedure in Chapter 9-210, with the following modifications:

(1) Preapplication Conferences shall not be required; and

(2) The time limit for approval shall be one (1) year.

(c) **Filing Deadline.** The application shall be filed and accepted as complete at least forty eight (48) hours prior to commencing on-site work.

(d) **Development Requirements.** A Well Permit may be approved by the Director of the Environmental Health Division only if the following conditions are met:

(1) The proposed well shall not be offensive, dangerous, or injurious to health, or create a nuisance;

(2) The proposed well complies in all respects to the standards of the Environmental Health Division for the construction of wells; and

(3) Upon completion of the well, the applicant or the Well Contractor shall file a copy of a Well Drillers Report with the Environmental Health Division. These report forms will be furnished by the Director of Environmental Health Division or the State of California Water Resources Board.

(e) **Inspection of Permitted Work.** The well site, location, material, and methods used may be inspected by the Director of Environmental Health at any time prior to or during construction or destruction of any well. The Director of the Environmental Health Division shall be informed when the work is completed and thereafter shall make a final inspection. Work done under any water well permit shall not be covered, concealed, or put into use until it has been inspected and approved by the Director.

(f) **Changes May Be Ordered.** The Director of the Environmental Health Division may order changes in the location of water wells and in the methods, means, and manner of constructing water wells in order that the same shall not constitute a menace to the health of human beings or animals, or a detriment to groundwater sources. The orders of the Director shall designate the period within which such changes are to be made.

(g) **Special Permits.** Notwithstanding any other provisions of this Chapter, the Director of the Environmental Health Division may approve Special Permits for limited periods of time when the requirements of this Chapter or any of the standards adopted pursuant to this Chapter are found to be impracticable or unnecessary. In approving a Special Permit, the Director shall prescribe

all conditions necessary to protect the public health. Permits shall be subject to a specified time limit.

(h) **Emergency Repairs.** In the event of an emergency, as evidenced by lack of water, repairs may proceed without a permit. Emergency repairs include the construction of a new well, or the repair, deepening, or replacement of a well or pump. All work done under emergency conditions shall comply with the standards adopted pursuant to this Chapter. In all such cases, the owner or contractor must file a statement that this was an emergency repair and the reason for the repair. Application for emergency repairs must be made within forty-eight (48) hours after such repairs are begun, excluding weekends and holidays.

(Ord. 3675)

9-1115.5 WELL REGULATIONS.

All wells shall be subject to the following regulations:

(a) **Sanitary Seal.** All wells shall have a sanitary seal.

(b) **Concrete Platform or Slab.** All wells, except cathodic protection wells, shall have a concrete platform or slab constructed to prevent the entrance of surface water from any source into the well or the underground water source.

(c) **Disinfection.** After the construction or repair of all water wells and prior to the use of the well, the well and all appurtenances thereto shall be adequately disinfected.

(d) **Grout Seal.** All water wells shall have a grout seal in the annular space.

(e) **Abandonment of Wells.** Upon determination that any well is abandoned as provided in the rules and regulations adopted pursuant to this Chapter, that well must be destroyed in the manner prescribed so that entrance of degraded or contaminated water into usable aquifers, or creation of a safety hazard, are minimized.

(f) **Destruction of Wells.** The Director of the Environmental Health Division is authorized, after reasonable efforts to eliminate pollution, contamination, or a safety hazard, to enforce the permanent abandonment by destruction of any well that is polluted, contaminated, or is so located as to become polluted or contaminated or is a safety hazard. The Director is authorized to destroy any such well and to recover the cost of the destruction from the owner of the property on which the well is located.

(g) **Out-of-Service Wells.** If the owner intends to cease use of a well for a period of six (6) months or more, the owner shall inform the Director of Environmental Health. Such a well shall be protected from any source of contamination while the well is temporarily out of service. The owner shall maintain such a well as

required in the standards adopted pursuant to this Chapter.

(h) **Dewatering Wells.** The Director of the Environmental Health Division shall be notified prior to installing dewatering wells in areas of known contamination. The Director shall be notified immediately of areas where contamination is encountered, and cease operation until clearance from the Director is obtained.
(Ord. 3675)

9-1115.6 WELL STANDARDS.

The Board of Supervisors shall adopt uniform standards for the construction, installation, alteration, and modification of the facilities subject to this Chapter based on investigation, inspection, and tests and accepted standards. These standards may be amended as necessary by the Board of Supervisors. The standards shall not conflict with the requirements of this Title or the laws of the State of California. All well facilities shall be constructed or modified only if they comply with the adopted standards.
(Ord. 3675)

9-1115.7 SPECIAL REQUIREMENT AREAS.

In all areas of the County where poor quality water could infiltrate good quality groundwater due to well construction, special requirements will be set to protect the good quality water. These areas of water quality problems shall be identified by the Director of the Environmental Health Division based on the best available information and adopted pursuant to Section 9-1115.4.
(Ord. 3675)

9-1115.8 PROHIBITED USES.

The following uses are hereby prohibited.

(a) **Well Pits.** The construction, use, or installation of well pits.

(b) **Separate Wells.** The provision of water to a residence from an off-site private, domestic water well located on a separate recorded parcel.
(Ord. 3675)

9-1115.9 COMPLIANCE REQUIRED.

It shall be unlawful to maintain or use any residence, place of business, or other building or place where persons reside, congregate, or are employed which is not in compliance with the requirements of this Chapter and the standards relating to wells made and established by the Board.
(Ord. 3675)

9-1115.10 VIOLATIONS.

The Director of the Environmental Health Division shall be responsible for enforcement of this chapter. Any violation of this Chapter shall constitute a public nuisance subject to enforcement under the provisions of Title 8, Division 5 of this Code, also known as the Housing and Nuisance Abatement Code.
(Ord. 3675; 3817)

9-1115.11 RIGHT TO APPEAL.

Any appeal of a notice of violation shall first be filed with the Environmental Health Division within thirty (30) days of notification of the violation. Upon receipt of a written appeal, the Director of Environmental Health shall designate a hearing official, which official shall schedule an office hearing to attempt to resolve the matter. The matter will be set for hearing not less than seven (7) days and not more than twenty-one (21) days from the date of receipt of a written appeal. Notice of the office hearing shall be sent to the appellant by registered or certified mail. Notice shall be sent to the appellant, the owner if different from the appellant, and anyone else who has requested in writing to receive such notice. If the matter is resolved with a determination that a violation did occur or continues to occur, the cost of the office hearing shall be added to the expenses incurred by the County in abating the nuisance and shall be billed to the owner as part of the Statement of Expense. If the matter is not resolved at the office hearing, the appellant may file a written appeal to the Board of Supervisors. The written appeal must be filed with the Clerk of the Board of Supervisors within thirty (30) days of receipt of the written decision of the hearing official. The written decision shall advise that the owner has thirty (30) days to bring the subject property into compliance or file a written appeal with the Board of Supervisors. If the property is not brought into compliance and no appeal to the Board of Supervisors has been filed within the time specified, the Environmental Health Division shall submit a resolution to be placed on the consent calendar of the Board of Supervisors approving the Statement of Expense. If the matter is appealed to the Board of Supervisors and the appeal results in a finding of a violation, the cost of the hearing before the Board of Supervisors will be added to the cost of abatement and included on the Statement of Expense.
(Ord. 3817)

9-1115.12 ENVIRONMENTAL HEALTH DIVISION FEES AND FINES.

Fees for inspections or permits issued pursuant to this

Chapter may be set by resolution of the Board of Supervisors. All fees and fines collected under the provisions of this Chapter shall be paid into the County Treasury, to the credit of Public Health Services.
(Ord. 3675; 3817)

CHAPTER 9-1120

WATER SYSTEMS

Sections:

9-1120.1	Intent.
9-1120.2	General Requirements.
9-1120.3	Urban Communities.
9-1120.4	Rural Communities.
9-1120.5	Industrial Areas Outside of Urban Communities.
9-1120.6	Truck Terminal Zoning Districts.
9-1120.7	Freeway Service Areas Outside of Urban Communities.
9-1120.8	Commercial Recreation Areas Outside of Urban Communities.
9-1120.9	Agricultural Areas.
9-1120.10	Agriculture-Urban Reserve Zoning Districts.
9-1120.11	Subdivision of Existing Developed Properties.
9-1120.12	Antiquated Subdivisions.

9-1120.1 INTENT.

The intent of this Chapter is to specify the requirements for water systems in new development projects.
(Ord. 3675)

9-1120.2 GENERAL REQUIREMENTS.

The following General Requirements shall apply to all development projects requiring facilities and services for water supply, unless otherwise specified in this Title.

(a) **Compliance with Environmental Health Division and Agency Requirements.** When connection to a public water system is not required by the County, the water system shall comply with the requirements of the Environmental Health Division in accordance with Chapter 9-1115.

(b) **Approval by Other Agencies for Public Water Systems.** For development projects requiring a public water system, the water system shall meet the requirements of the County Fire Warden, the Environmental Health Division, the Public Works Department, and the public agency providing the service.

(c) **Specific Requirements for Water Systems.** The following specific requirements for water systems shall be met:

(1) Any development project shall at a minimum provide a water system meeting the requirements of Title 22 of the California Code of Regulations and the well standards in Chapter 9-1115.

(2) Sufficient water shall be available at all times from the water sources and distribution reservoirs to supply adequately, dependably, and safely the total requirements of all users under maximum demand conditions, including water for domestic and fire protection purposes. The water system shall be able to maintain a minimum pressure of twenty (20) psi at all water service connections in the system at all times and under all non-emergency conditions.

(3) A public water system shall be designed and constructed in accordance with the standards of the agency that will operate and maintain the public water system.

(4) For those development projects for which individual wells are an acceptable water system, at least one (1) test well shall be developed and tested for quality and quantity prior to approval of a final or parcel map or issuance of a building permit, whichever comes first. For projects that contain less than five (5) parcels, a test well shall not be required unless site specific conditions warrant it. Where topography, geological conditions, site specific conditions, or information from existing wells is unavailable, the Environmental Health Division may require additional test wells. The Environmental Health Division may require a test well on each lot. Test wells shall be pumped in a manner satisfactory to the Environmental Health Division and shall produce for a single-family residence a minimum of five (5) gallons per minute if tested during the period from January 1 through June 30 or a minimum of three (3) gallons per minute if tested during the period from July 1 through December 31. Wells to serve other uses shall produce a minimum of the design source capacity. The requirements for test wells may be waived by the Environmental Health Division if sufficient well information has been developed in the area to assure adequate potable water.

(5) Where a public water system for a subdivision is proposed to include new wells, the new wells shall, prior to approval of the final or parcel map, be developed and tested for quality and quantity. The wells shall be pumped in a manner satisfactory to the Environmental Health Division and Public Works Department. Water quality shall meet drinking water standards of the State of California and be acceptable to the Department of Public Works and Environmental Health Division. If necessary to meet the minimum quality standards, additional treatment facilities must be constructed prior to putting the well into service.

(d) **Areas Not Served by Public Water System.** In areas not served by a public water system, any commercial or industrial development proposed on an existing lot

shall require Site Approval, or a Use Permit when required by other sections of this Title.

(e) **Existing Private Water Wells.** Upon connection to a public water system, any existing on-site water well(s) shall be destroyed or an approved backflow prevention device shall be installed at the service connection, in accordance with Environmental Health Division and Public Works Department regulations.

(f) **Extension of Water Main.** When the Director of Public Works or the serving agency determines that extension of a water main through a project or along a project parcel frontage is necessary for the orderly provision of water service to an area, the developer shall extend the water main in accordance with agency design standards.

(g) **Capacity of Existing Water System.** If an existing water system is required to serve the development project, but does not have capacity to serve a development project, the developer shall provide for additional capacity either by constructing off-site water system facilities or contributing funds to the serving agency for system expansion. The serving agency shall determine which option is appropriate.

(h) **Supplemental Water Fee.** Any development project which is not served by an agency utilizing and paying for their fair share of supplemental water deliveries into the San Joaquin County groundwater basins shall be subject to a recordable covenant running with the land, which requires that an appropriate annual or other term fee or charge, as determined by the Board, from time to time, be paid for supplemental water deliveries into the San Joaquin County groundwater basins. Such fee or charge shall be set to fairly reflect the cost borne by other comparable water users for such supplemental water deliveries.

(i) **Development Projects Using Existing Structures.** Development projects using existing structures and adding no new structures shall be served by a public water system if there is an existing water main within two hundred (200) feet of the nearest property line. Otherwise, an existing on-site water system may be utilized subject to the approval of the Environmental Health Division.

(Ord. 3675)

9-1120.3 URBAN COMMUNITIES.

Within those urban communities identified in the General Plan, required public water systems shall be provided by an existing public agency or, where there is no public agency providing water in the community, by a new agency.

(a) **Subdivisions With Parcels Less Than Two Acres.** Subdivisions with parcels less than two (2) acres shall be served by a public water system.

(b) **Subdivisions With Parcels Two Acres or Larger.** Subdivisions with parcels two (2) acres or larger shall be served by a public water system, except for Rural Residential subdivisions if there is no public water system within seven hundred (700) feet, the Rural Residential subdivision may be approved with an on-site well system, subject to the approval of the Environmental Health Division.

(c) **Development Projects on Existing Parcels.** Development projects on existing parcels shall be served by a public water system. Exceptions for parcels over two (2) acres in size may be granted, subject to the approval of the Environmental Health Division. No reduction in size shall be allowed for parcels served by public drainage or sewer systems.
(Ord. 3675, 3756, 3820)

9-1120.4 RURAL COMMUNITIES.

Within rural communities, water supply shall be provided as follows:

(a) **Subdivisions With Parcels Two Acres or Larger.** Subdivisions with parcels two (2) acres or larger shall be served by a public water system except that if there is no public water system within seven hundred (700) feet the subdivision may use an on-site well system subject to the provisions of Section 9-1120.2.

(b) **Subdivision With Parcels Less Than Two Acres.** Subdivisions with parcels less than two (2) acres shall be served by a public water system.

(c) **Development Projects on Existing Parcels.** Development projects on existing parcels shall be served by a public water system if a water main is within two hundred (200) feet of the nearest property line. Exceptions may be granted by the Director of Public Works if the Director determines that the existing system has no capacity or the parcel cannot be annexed to the existing water district. If an existing water main is not within two hundred (200) feet, the development project may use an on-site well subject to the provisions of Section 9-1120.2.
(Ord. 3675)

9-1120.5 INDUSTRIAL AREAS OUTSIDE OF URBAN COMMUNITIES.

Subdivisions within planned industrial areas outside of an urban community shall be served by a public water system. The water system shall be planned to serve the entire industrial area and be subject to the provisions of Section 9-1120.2. Any water system serving only one (1) existing parcel may be privately owned until additional

parcels are served, then it shall become a public water system.

(Ord. 3675)

9-1120.6 TRUCK TERMINAL ZONING DISTRICTS.

Development projects within Truck Terminal Zoning Districts may use an on-site well system subject to the provisions of Section 9-1120.2.

(Ord. 3675)

9-1120.7 FREEWAY SERVICE AREAS OUTSIDE OF URBAN COMMUNITIES.

Development projects within freeway service areas outside of an urban community shall be served by a public water supply system planned to serve the entire freeway service area on one side of the freeway. Any water system serving only one existing parcel may be privately owned until additional parcels are served; then it shall be a public water system.

(Ord. 3675)

9-1120.8 COMMERCIAL RECREATION AREAS OUTSIDE OF URBAN COMMUNITIES.

Subdivisions within commercial recreation areas outside of an urban community shall be served by a public water system. Any water system serving only one (1) existing parcel may be privately owned until additional parcels are served; then it shall be a public water system.
(Ord. 3675)

9-1120.9 AGRICULTURAL AREAS.

Development projects within agricultural areas may use an on-site well system subject to the provisions of Section 9-1120.2.

(Ord. 3675)

9-1120.10 AGRICULTURE-URBAN RESERVE ZONING DISTRICT.

Development projects on properties with Agriculture Urban Reserve Zoning Districts may use an on-site well system subject to the provisions of Section 9-1120.2.

(Ord. 3675)

9-1120.11 SUBDIVISION OF EXISTING DEVELOPED PROPERTIES.

(a) **Existing buildings.** Subdivision of parcels with existing primary buildings on each new parcel may not be required to meet the water supply requirements specified in this chapter.

(b) **Remainder Parcels.** Undeveloped, designated remainder parcels created under the provisions of this section shall meet the requirements of this chapter prior to any grant of approval for a development project or issuance of a building permit on the remainder parcel. (Ord. 3675)

9-1120.12 ANTIQUATED SUBDIVISIONS.

For existing parcels in antiquated subdivisions, service by a public water system is required for issuance of a building permit for new residences on parcels less than two (2) acres in size. An on-site water system may be acceptable for parcels two (2) acres and larger subject to the provisions of Section 9-1120.2. (Ord. 3675)

CHAPTER 9-1125

WATER QUALITY REGULATIONS

Sections:

9-1125.1	Intent.
9-1125.2	Basis for Chapter.
9-1125.3	Water Regulations.
9-1125.4	Compliance Required.
9-1125.5	Duties of Director of Environmental Health.
9-1125.6	Enforcement Procedures.
9-1125.7	Environmental Health Division Fees and Fines.

9-1125.1 INTENT.

The intent of this Chapter is to prohibit the discharge of wastes into the surface and ground waters of the County, consistent with water quality objectives, to reduce the cumulative effect or possible cumulative effect on properties and characteristics which result or may result from the discharge of wastes. The discharge of wastes shall not create a nuisance.

(Ord. 3675)

9-1125.2 BASIS FOR CHAPTER.

As provided for in the Porter Cologne Water Quality Control Act Division 7, Chapter 1, Section 13002 (a) and (b), the County hereby establishes regulations imposing conditions, restrictions, or limitations for the disposal of waste or any other activity which might degrade the quality of the waters of the state because:

(a) **Public Interest.** It is in the best public interest of the citizens of the County of San Joaquin to provide and be provided with the best quality of water possible;

(b) **Environmental Quality.** The quality of water affects the quality of the environment as well as its economic value;

(c) **Beneficial Uses.** The surface waters and ground waters of the County provide beneficial uses which include, but are not necessarily limited to, domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves; and

(d) **Welfare.** It is the responsibility of San Joaquin County Public Health Services to preserve and protect water quality for the health and welfare of the citizens of the County of San Joaquin.

(Ord. 3675)

9-1125.3 WATER REGULATIONS.

(a) **Discharge Adjacent to Waterway.** It shall be unlawful to dump or discharge any waste within one hundred and fifty feet (150') of the high water mark of any watercourse or impoundment for either natural or unnatural surface water.

(b) **Standards.** The Board of Supervisors shall adopt and may from time to time amend standards for implementation of this Chapter and other standards. Such standards shall not be in conflict with this Title or with the laws of the State of California. The standards shall be adopted only after the Board has considered the matter at a public hearing at which all interested persons have been afforded the opportunity to urge or oppose adoption of the proposed standards. This Chapter and these standards shall not be a limitation on the power of any city or political subdivision to develop and/or enforce laws and/or standards which are equal to, or more restrictive than, the articles herein stated.
(Ord. 3675)

9-1125.4 COMPLIANCE REQUIRED.

It shall be unlawful for any person to discharge any treated or untreated wastes that may be detrimental to the surface or ground waters of the County. Wastewater discharges shall meet the discharge standards set by the State Regional Water Quality Control Board (RWQCB) and the requirements contained in this Chapter.
(Ord. 3675)

9-1125.5 DUTIES OF DIRECTOR OF ENVIRONMENTAL HEALTH DIVISION.

(a) It shall be the duty of the Director of the Environmental Health Division to enforce the provisions of this Chapter. The Director of the Environmental Health Division shall have authority to review discharge requirements set by the State Regional Water Quality Control Board (RWQCB) and impose more restrictive discharge requirements not in conflict with RWQCB regulations.

(b) When determined to be necessary, the Director of Environmental Health shall notify owners of wells on properties adjacent to property containing a well that has been identified as containing contaminants above California drinking water standards that a well on the adjacent property has been so identified.
(Ord. 3675)

9-1125.6 ENFORCEMENT PROCEDURES.

Violation of the provisions of this Chapter shall constitute a public nuisance and, if not made to conform, shall be subject to the enforcement procedures outlined in

Section 9-1905.4, except that the Director of the Environmental Health Division shall be responsible for enforcement.

(Ord. 3675)

9-1125.7 THE ENVIRONMENTAL HEALTH DIVISION FEES AND FINES.

Fees for inspections or permits issued pursuant to this Chapter may be set by resolution of the Board of Supervisors. All fees and fines collected under the provisions of this Chapter shall be paid into the County Treasury, to the credit of Public Health Services.

(Ord. 3675)

CHAPTER 9-1135

STORM DRAINAGE

Sections:

9-1135.1	Intent.
9-1135.2	General Requirements.
9-1135.3	Urban Communities.
9-1135.4	Rural Communities.
9-1135.5	Industrial Areas Outside of Urban Communities.
9-1135.6	Truck Terminal Zoning Districts.
9-1135.7	Freeway Service Areas Outside of Urban Communities.
9-1135.8	Commercial Recreation Areas Outside of Urban Communities.
9-1135.9	Agricultural Areas.
9-1135.10	Agricultural-Urban Reserve Zoning Districts.
9-1135.11	Subdivision of Existing Developed Property.
9-1135.12	Antiquated Subdivisions.
9-1135.13	Drainage Fees.
9-1135.14	Deferred Storm Drainage Facility Agreement for Future Storm Drainage System Improvements.

9-1135.1 INTENT.

The intent of this Chapter is to specify the requirements for storm drainage in new development projects. (Ord. 3675)

9-1135.2 GENERAL REQUIREMENTS.

The following general requirements shall apply to all development projects unless otherwise specified in this Title:

(a) **Drainage Facilities.** All development projects shall provide drainage facilities within and downstream from the development project to carry storm water runoff both tributary to and originating within the development project. The tributary area upstream from the development project shall be considered as being developed in accordance with the General Plan, even if undeveloped. Storm water runoff shall be conveyed into a terminal drain or may be retained in a retention basin as provided by this Chapter.

(b) **Approval of Drainage Facilities by Public Works.** The design of drainage facilities required by this Chapter shall be approved by the Director of Public Works prior to issuance of a building permit or approval

of the final map or parcel map, whichever occurs first. Submission of the drainage plans for approval shall be the responsibility of the owner or developer of the property on which the development project is proposed. All plans and drainage reports shall be prepared and signed by a registered civil engineer.

(c) **Drainage Facilities for Increased Runoff.** Where a development project will cause an increase in the storm water runoff release rate, the developer shall provide drainage facilities to prevent the increased runoff release rate of storm water from discharging onto other properties. The design may consist of off-site drainage facilities to convey runoff to terminal drainage, or, if provided for in this Chapter, retention of said runoff in ponds within the development project, or the use of detention basins to control the runoff release rate. The allowable runoff release rate may be increased by the Director of Public Works when the developer can demonstrate in a drainage report that:

(1) The increased release rate will not exceed the capacity of the downstream drainage facilities (all undeveloped land in the tributary watershed must be considered as being developed when determining the capacity of downstream drainage facilities); and

(2) The proposed release rate will not increase the water surface elevation in upstream properties.

If the capacity of downstream drainage facilities is exceeded under these conditions, the development project's runoff release rate must be decreased so that the downstream drainage facility capacity is not exceeded.

(d) **Design.** Storm Drainage Facilities shall be designed in conformance with any Master Drainage Plan, Special Purpose Plan, Specific Plan, Master Plan, or area drainage plan adopted by the Board of Supervisors.

(e) **Discharge to Sanitary Sewer Prohibited.** Disposal of surface and storm waters into sanitary sewer lines, leach lines, or seepage pits of individual sanitary sewage disposal systems is prohibited.

(f) **Watercourses and Flood Control Channels.** If a development is affected by watercourses, channels, streams, or creeks for which the 100-year flood plain has not been established, the developer shall determine the 100-year flood plain limits and shall dedicate drainage easements conforming substantially with the flood plain limits plus such additional rights-of-way as shall be required by the Director of Public Works for access, structures, or channel changes.

(g) **Detention Basins and Retention Basins.** If orderly and reasonable development of an area requires detention of storm water, the developer shall provide facilities for detaining runoff, in accordance with the San Joaquin County Improvement Standards. Retention ponds

not maintained by a public agency may only be used where allowed by this Chapter and shall be designed in accordance with the San Joaquin County Improvement Standards.

(1) Private retention storm drainage facilities approved for development projects shall be inspected on a complaint basis only to insure that the drainage basin is being maintained as designed and approved. In accordance with Section 9-1905.5 of this title, the property owner shall reimburse the County for all time, services and materials needed to abate the violation, if it is determined from the inspection that the retention basin is out of compliance.

(2) Detention or retention basins that are found to be out of compliance shall be brought in to conformance within 90 days. Failure to bring the ponds into compliance shall result in the matter being set for hearing before the Planning Commission for consideration of revocation of the underlying use permit.

(h) **Drainage Report.** Developers shall submit a drainage report for all development projects. This report must be submitted for review at the same time as the grading/drainage plan or subdivision Improvements Plans are submitted for plan check, whichever occurs first. Drainage reports shall be prepared by a registered civil engineer in accordance with the San Joaquin County Improvement Standards.

(i) **Development Projects Using Existing Structures.** Development projects using existing structures and adding no new structures or parking area may be served by the existing drainage system.

(j) **Capacity of Existing Drainage System.** If the existing drainage system is required to serve a development project but does not have capacity to serve the development project, the developer shall provide for additional capacity either by constructing off-site drainage facilities or contributing funds to the serving agency for drainage system expansion. The serving agency shall determine which option is appropriate.

(k) **Areas Not Served by Public Drainage System.** In areas not served by a public drainage system, any commercial or industrial development proposed on an existing lot shall require Site Approval, or a Use Permit when required by other sections of this Title.

(l) **Drainage Flood Control Improvements.** Where a development or subdivision is subject to an intermediate regional flood, or other flood hazard, the developer or subdivider shall provide such flood control works, drainage facilities, or other improvements sufficient to provide all structures or building sites, both existing and proposed within the subdivision, with 100-year flood protection.

(m) **Easements for Drainage and Flood Control.** The developer or subdivider shall provide easements for all flood control and drainage facilities sufficient to encompass such facilities and to provide for their maintenance, operation, and improvement.
(Ord. 3675; 3756; Ord. 3832 § 37, 1995)

9-1135.3 URBAN COMMUNITIES.

Within an urban community, development projects shall be served by an existing public agency providing drainage services as follows:

(a) **Subdivisions.** Subdivision drainage facilities shall discharge into a terminal drain, except that an agency retention basin may be an acceptable alternative where permitted by a Master Plan or Special Purpose Plan, or a private on-site retention basin may be allowed in Rural Residential designations if parcels are two acres or greater and the following exist:

(1) There are no terminal drainage facilities within two hundred (200) feet;

(2) The site conditions of soil permeability and groundwater level allow a retention basin design to meet San Joaquin County Improvement Standards;

(3) The parcels shall drain into a terminal drainage system when it becomes available (within two hundred (200) feet) and shall annex to the special District or County Service Area maintaining to system. This requirement shall be noticed by a statement on the Parcel Map or Final Map; and

(4) Subdividers shall provide a deposit to finance their proportionate share of the estimated cost of the storm drainage system.

(b) **Development Projects on Existing Parcels.** Development projects on existing parcels shall discharge into a public terminal drain if one is within two hundred (200) feet of the nearest property line. If the existing parcel is not within two hundred (200) feet of such drain, a private on-site retention basin may be an acceptable alternative if:

(1) The site conditions of soil permeability and ground water level allow a retention basin to meet San Joaquin County Improvement Standards, and;

(2) The tributary watershed area to the retention basin is less than ten (10) acres.

(Ord. 3675; 3756; Ord. 3844 § 1, 1995)

9-1135.4 RURAL COMMUNITIES.

Subdivisions and development projects on existing vacant parcels shall be served by a public drainage system or a private on-site retention basin as follows:

(a) **Subdivisions with Parcels Less than Two Acres.** For subdivisions with any parcels less than two

(2) acres in size, the subdivision shall be served by public drainage facilities which discharge into a terminal drain, except that a public agency retention basin may be allowed where all of the following exist:

(1) There are no terminal drainage facilities within one thousand (1000) feet, and;

(2) The site conditions of soil permeability and groundwater level allow a retention basin design to meet San Joaquin County Improvement Standards.

(b) **Subdivisions With Parcels Two Acres and Larger.** For subdivisions with all parcels two (2) acres or larger in size, the subdivision shall be served by public drainage facilities which discharge into a terminal drain, except that an agency retention basin or private on-site retention basins may be allowed where all of the following exist:

(1) There are no terminal drainage facilities within two hundred (200) feet, and;

(2) The site conditions of soil permeability and groundwater level allow a retention basin design to meet San Joaquin County Improvement Standards.

(c) **Development Projects on Existing Vacant Parcels.** For development projects on existing vacant parcels, the development project shall be served by a public drainage system which discharges into a terminal drain, except that a private on-site retention basin may be allowed where all of the following exist:

(1) There are no terminal drainage facilities within two hundred (200) feet, and;

(2) The site conditions of soil permeability and groundwater level allow a retention basin design to meet San Joaquin County Improvement Standards.
(Ord. 3675)

9-1135.5 INDUSTRIAL AREAS OUTSIDE OF URBAN COMMUNITIES.

Within industrial areas outside of urban communities, development projects shall be served by a public drainage system planned for the entire industrial area which discharges into a terminal drain, except as follows:

(a) **Agency Retention Basin.** The public drainage system may discharge into a retention basin where all of the following exist:

(1) There are no terminal drainage facilities within one thousand (1,000) feet, and;

(2) The site conditions of soil permeability and groundwater level allow a retention basin design to meet San Joaquin County Improvement Standards.

(b) **Private Ownership.** A drainage system serving only one existing parcel may be privately owned until

additional parcels are served, then it shall become a public drainage system.

(Ord. 3675)

9-1135.6 TRUCK TERMINAL ZONING DISTRICTS.

Development projects within Truck Terminal Zoning Districts may be served by a private on-site retention basin if all of the following exist:

(a) There are no terminal drainage facilities within one thousand (1,000) feet; and

(b) The site conditions of soil permeability and groundwater level allow a retention basin design to meet San Joaquin County Improvement Standards. Otherwise, terminal drainage shall be required.

(Ord. 3675)

9-1135.7 FREEWAY SERVICE AREAS OUTSIDE OF URBAN COMMUNITIES.

Development projects within freeway service areas outside of an urban community shall meet the same requirements as Section 9-1135.5, Industrial Areas Outside of Urban Communities, except that the drainage system need only serve the planned area on one side of the freeway.

(Ord. 3675)

9-1135.8 COMMERCIAL RECREATION AREAS OUTSIDE OF URBAN COMMUNITIES.

Development projects within commercial recreation areas outside of urban communities shall meet the same requirements as Section 9-1135.5, Industrial Areas Outside of Urban Communities.

(Ord. 3675)

9-1135.9 AGRICULTURAL AREAS.

Development projects within agricultural areas may be served by private on-site retention basins.

(Ord. 3675)

9-1135.10 AGRICULTURE-URBAN RESERVE ZONING DISTRICTS.

Development projects within Agriculture-Urban Reserve Zoning Districts may be served by private on-site retention basins.

(Ord. 3675)

9-1135.11 SUBDIVISION OF EXISTING DEVELOPED PROPERTIES.

(a) **Existing Buildings.** A Subdivisions of parcels with existing buildings on each proposed new parcel are not required to meet the drainage facility requirements specified in this Chapter.

(b) **Remainder Parcels.** Undeveloped, designated remainder parcels created under the provisions of this Section shall meet the requirements of this Chapter prior to any grant of approval for a development project or issuance of a building permit on the remainder parcel. (Ord. 3675; Ord. 3832 § 38, 1995)

9-1135.12 ANTIQUATED SUBDIVISIONS.

For existing parcels in antiquated subdivisions, public drainage facilities shall be required for issuance of building permits for new residences on parcels less than two (2) acres in size. For parcels two (2) acres or larger in size drainage facilities may consist of a private on-site retention basin if there are no public drainage facilities within two hundred (200) feet of the parcel and the site conditions of soil permeability and groundwater level allow a retention basin to meet San Joaquin County Improvement Standards.

(Ord. 3675)

9-1135.13 DRAINAGE FEES.

(a) **Payment of Fees.** Where a fee is to be paid in lieu of, or in conjunction with, terminal drainage that is in conformance with the Master Storm Drainage Plan, such fee shall be determined by the Board of Supervisors and shall be based on the Public Works Director's written estimate of the cost of providing terminal drainage in the area in which the proposed construction is to be located, and on a reasonable apportionment of such estimated costs to the property on which the proposed construction is to take place, based on the need for drainage facilities to be created by such proposed construction.

(b) **Refund of Fees.** Where fees have been collected for the drainage trust fund prior to May 28, 1974, and the subject property lies outside of an area where public drainage facilities exist or where an engineered plan for public drainage facilities has been adopted, the owner of property may apply in writing for a refund of the fees previously paid. The application shall be accompanied by proof of ownership of the subject property. A refund of the fee, plus accrued interest, if any, shall be ordered by the Board of Supervisors upon the certification by the Department of Public Works of the following:

- (1) The amount of the fee;

(2) The subject property lies outside an area for which an engineered plan for public drainage facilities has been approved; and

(3) All requirements respecting drainage are being met on the subject property.

If requirements respecting drainage are not being met, the Board of Supervisors shall direct the Department of Public Works to utilize the amount of fees paid for the subject property insofar as feasible to provide compliance with drainage requirements for the subject property.

(Ord. 3675)

9-1135.14 DEFERRED STORM DRAINAGE FACILITY AGREEMENT FOR FUTURE STORM DRAINAGE SYSTEM IMPROVEMENTS.

Where a subdivision or development is required to discharge into a terminal drain and no terminal drainage facilities are available, the Director of Public Works may approve Deferred Storm Drainage Facility Agreements to ensure that subdividers and developers finance their proportionate share of the cost of the future storm system improvements. Where storm drainage improvements are to be provided by an existing Deferred Storm Drainage Facility Agreement and are no longer needed, the Director of Public Works may rescind said Agreement.

(Ord. 3937 § 2, 1997)

CHAPTER 9-1145**ENCROACHMENT STANDARDS****Sections:**

9-1145.1	Intent.
9-1145.2	Grading and Excavations.
9-1145.3	Highway Drainage.
9-1145.4	Driveway Permits.
9-1145.5	Driveways.

9-1145.1 INTENT.

The intent of this Chapter is to specify the requirements for performing work within County rights-of-way. (Ord. 3675)

9-1145.2 GRADING AND EXCAVATIONS.

(a) **Permit required for grading and excavating.** No person shall dig holes, trenches, or ditches, make openings or excavations of any kind for any purpose, or perform grading of earth soil or other material on any street, highway, road, or other public place except upon application to, and permit granted by, the Director of Public Works, who shall have authority to prescribe how much work shall be done, how the holes, trenches, ditches, and openings shall be filled or backfilled, when the work may be commenced, and when finished. Every permit granted pursuant to this section shall be made on the condition that if the grantee fails, refuses, or neglects, within a reasonable time after written demand of the Director of Public Works, to complete the work or to restore the street, highway, road, or other public place to a condition equal to or better than its condition before the opening or excavation was made and to maintain the same in that condition, the Director of Public Works may do the work and furnish the material necessary, therefore, and all sums reasonably expended for these purposes shall be repaid to the County by the grantee.

(b) **Bond or Cash Deposit.** No application shall be granted until the applicant has filed with the Director of Public Works a bond or cash deposit in a sum satisfactory to the Director guaranteeing that the street, highway, road, or other public place shall be restored to a condition equal to or better than its condition before the opening was made and shall be maintained in that condition. An applicant for these permits may file one bond to cover all work during a year, if desired, in an amount that the Director shall deem necessary to save the County harmless from all damage.

(c) **Liability of County.** Nothing in this chapter shall be construed to enlarge the liability of the County for any excavation or work or for damages to the public

or otherwise resulting therefrom, and every permit and bond issued under this chapter shall provide that the County and its officers and employees shall be held harmless on account of any damage or injury to the public or otherwise resulting from the excavation or other work.

(Ord. 3675)

9-1145.3 HIGHWAY DRAINAGE.

(a) **Irrigation Drainage.** No person shall drain irrigation water, or permit irrigation water to be drained, from his lands onto any county highway by any means.

(b) **Obstructions.** No person shall obstruct any natural watercourse so as to:

(1) Prevent, impede, or restrict the natural flow of waters from any county highway into and through the watercourse, unless other adequate and proper drainage is provided.

(2) Cause waters to be impounded within any county highway.

(3) Cause interference with, or damage or hazard to, public travel.

(c) **Water Storage.** No person shall store or distribute water for any purpose so as to permit it to overflow onto, to saturate by seepage, or to obstruct any County highway.

(d) **Acts Requiring Permit.** No person without a permit shall cause or permit the following:

(1) Maintain or, if already existing, continue to maintain any obstruction of any drainage facility lying partly or wholly within, across, under, or above any County highway.

(2) Permit to be deposited in any drainage facility in any County highway any material or substance, including dirt, soil, weeds, trash, rocks, or any other substance which would tend to impede the drainage of water.

(3) Alter, construct, obstruct, constrict, or enlarge any drainage facility within any County road right-of-way by increasing or decreasing the amount, extent, nature, or direction of flow of water along any drainage facility.

(4) Decrease or increase, enlarge or construct, heighten or deepen, or in any other fashion change the drainage facilities on private property or public property adjacent to any drainage facility along or across any County highway so as to prevent the natural or ordinary drainage of waters along the highway or so as to place an extraordinary burden on the capacity of any drainage facilities along any County highway.

(Ord. 3675)

9-1145.4 DRIVEWAY PERMITS.

Encroachment permits are required for the erection or construction of any facility or for alterations or moving of any existing facilities within the County right-of-way. They shall be applied for and secured from the Office of the Director of Public Works or at other offices that may be designated by the Director of Public Works for these purposes where employees or representatives of the Director of Public Works may be authorized to issue these permits.

(a) Administration.

(1) The Director of Public Works shall have the following powers and duties in administering and enforcing this chapter:

- (A) The issuance of permits.
- (B) Enforcement of related state laws as well as this chapter.
- (C) Keeping of accurate records.
- (D) The preparation and adoption of the forms, rules, and regulations that may be reasonably necessary for the proper enforcement of this chapter, including requirements for the submission by applicants for permits of plans and specifications, informal or formal, that may be deemed necessary for the proper location and construction of the various types of drainage facilities.
- (E) The inspection of construction and operation of drainage facilities. For this purpose the Director of Public Works or his authorized representative shall have the power of a police officer, including the right of entry on private property, the right to stop construction operations, and the right to clear out or open up the stoppage of any drainage facility if the stoppage is deemed contrary to this chapter and does or may endanger public health, safety, and the general welfare.
- (F) Other powers and duties, related to the foregoing, that may be reasonably necessary for the proper administration and enforcement of the provisions of this chapter.

(2) The Director of Community Development shall be empowered to issue driveway encroachment permits and transportation permits for moving mobile homes and conventional houses.

(b) Notice to Remove Encroachment. If any encroachment exists in, under, or over any County highway, road, or land, the Director of Public Works may require the removal of the encroachment in the manner provided hereinafter.

Notice shall be given to the owner, occupant, person in possession of the encroachment, or any other person causing or allowing the encroachment to exist by serving on him a notice containing a demand for the immediate

removal of the encroachment from within the highway. The notice shall describe the character and location of the encroachment with reasonable certainty. In lieu of service on the person, service of the notice may also be made by registered mail or by posting, for a period of five (5) days, a copy of the notice on the encroachment described in the notice in a manner that will not interfere with the use of the highway. In case the owner, occupant or person in possession is not present in the County, notice may be given to his agent in lieu of service by mailing or posting.

(c) Removal of Encroachment. The Director of Public Works may immediately remove from any county highway any encroachment which:

- (1) Is not removed, or the removal of which is not commenced and thereafter diligently prosecuted, within five (5) days after the service of the notice.
- (2) Obstructs or prevents the use of the highway by the public.
- (3) Consists of refuse.
- (4) Is an advertising sign of any description unless the advertisement is a notice posted as required by law.

(d) Recovery of Costs. The Director of Public Works may remove any encroachment on the failure of the owner to comply with the notice of demand of the Director of Public Works under the foregoing section and shall have an action to recover the expenses of the removal, costs and expenses of suit, and, in addition, the sum of ten dollars (\$10.00) for each day the encroachment remains after the expiration of five (5) days from the service of the demand.

(e) Abatement Action: Recovery of Penalty. If the owner, occupant, person in possession of the encroachment, the person causing or suffering the encroachment to exist, or the agent of any of them, disputes or denies the existence of the encroachment or refuses to remove or permit the removal of the encroachment, the Director of Public Works, in the name of the County, may commence, in any court of competent jurisdiction, an action to abate the encroachment as a public nuisance. If judgment is recovered by the Director of Public Works, he may, in addition to having the encroachment adjudged a nuisance and abated, recover ten dollars (\$10.00) for each day the encroachment remains after the service of the notice in the manner provided in the foregoing sections and may also recover the costs and expenses incurred in the action. This remedy is cumulative and does not exclude punishment for the violation of this Chapter as otherwise provided in this Chapter.

(f) Disposition of Recovered Money. All money recovered under the provisions of this chapter shall be

paid into the Road Fund which is available to the Director of Public Works for highway purposes.

(g) **Procedures Not Exclusive.** Procedure provided in this chapter is not exclusive and shall not prohibit the Director of Public Works or other County officers and departments from exercising any other remedy provided by law to prevent damage to or protect any County highway or to collect the damages therefrom.

(h) **Violation: Penalties.** In case of violations, appropriate procedures may be taken for the abatement, removal and restraint of any actions taken in violation of the provisions. Penalties shall be as specified in Section 9-1905.4, with the correction period reduced to five (5) days.

(i) **Liability of County.** This chapter shall not be construed to impose on the County any liability or responsibility for damage resulting from drainage obstruction, nor shall the County or any County official or employee be held to assume any such liability or responsibility by reason of any inspection authorized under this chapter, by reason of any failure to make the inspection, or by the granting or denial of any permit.
(Ord. 3675)

9-1145.5 DRIVEWAYS.

It is unlawful to build or thereafter maintain any private or public driveway of ingress to or egress from land adjacent to a County highway without first having secured a driveway encroachment permit from the Director of Public Works. In no case shall a permit for construction permit the drainage facility along any County highway to be obstructed so as to impede the proper flow of drainage waters. Unless otherwise specified, driveways shall be constructed in accordance with San Joaquin County Improvement Standards. At a minimum, driveways shall be paved with asphalt concrete from the existing edge of pavement to the property line.
(Ord. 3675; Ord. 3832 § 39, 1995)

CHAPTER 9-1150

ROADWAYS

Sections:

9-1150.1	Intent.
9-1150.2	General Requirements.
9-1150.3	Roadway Functional Classification.
9-1150.4	Traffic Studies.
9-1150.5	Dedications.
9-1150.6	Part-Width Road Improvements.
9-1150.7	Alleys.
9-1150.8	Bikeways.
9-1150.9	Pedestrian Way.
9-1150.10	Walls and Noise Barriers.
9-1150.11	Roadway Lighting.
9-1150.12	Roadway Alignments.
9-1150.13	Cul-de-Sac Streets.
9-1150.14	Private Rights-of-Way Improvements—Existing Lots.
9-1150.15	Private Rights-of-Way Improvements—New Lots.
9-1150.16	Antiquated Subdivision.
9-1150.17	Public Access to Waterways.
9-1150.18	Road Naming Procedures.

9-1150.1 INTENT.

The intent of this Chapter is to specify the requirements for roadways in new development projects and projects on existing parcels where no discretionary permits are required.
(Ord. 3675)

9-1150.2 GENERAL REQUIREMENTS.

The following General Requirements shall apply to all development projects.

(a) **Design and Dedication.** All roads in a development project shall be designed and constructed in accordance with San Joaquin County Improvement Standards and shall be offered for dedication as public roads unless the Review Authority approves the use of private roads within the development project. Private roads shall be designed and constructed to the same standards as county maintained roads.

(b) **Access to Parcels.** All projects involving new nonagricultural structures or the expansion of existing nonagricultural structures by twenty-five percent (25%) or more, except existing residential structures, shall have, at a minimum, access to a publicly maintained road, by one of the following methods:

(1) Direct frontage on a County, city, or State maintained road. The frontage of the project shall be designed and constructed in accordance with the provisions of this Chapter and the standards of the agency with jurisdiction of the road.

(2) Access to a County, city, or State maintained road by a private right-of-way approved under the provisions of 9-1150.14;

(3) Access to a County, city, or State maintained road by a private right-of-way or easement approved as part of a major or minor subdivision and improved to the specifications in 9-1150.15; or

(4) Frontage on a public or private road in an antiquated subdivision improved to the standards specified in 9-1150.16.

(c) **Project Frontage.** The frontage for a development project shall meet the following requirements:

(1) For lots along a public or private road, the developed frontage shall be equal to at least the minimum lot width required by the zone in which the lot is located;

(2) For lots within proximity of an intersecting road, defined as a distance which is less than the minimum width of the zone in which the lot is located, the developed frontage along the public or private road shall be at least equal to the minimum lot width required by the zone in which the lot is located plus the extension to the corner of the intersecting road, including the return area; or

(d) **Improvement Required.**

(1) **Development Projects.** The developer shall improve all existing and proposed roads which are a part of the development project or are required to serve the development project in accordance with the requirements of this Chapter. Only development projects that generate fifty (50) or more vehicles per day will be required to improve the frontage. Development projects in Agricultural Zones will be limited to standards for one-half (½) of fifty (50) foot rural road improvements.

(2) **Projects in Antiquated Subdivisions.** For new, nonagricultural structures or projects that increase the floor area of existing nonagricultural structures by twenty-five percent (25%) or more, except existing residential structures, all roads shall be improved as specified in Section 9-1150.16.

(3) **Other Projects.** Where the land is subdivided in an area designated for urban or rural community or other commercial, industrial, or residential development by the General Plan, or is zoned AL-5, frontage improvements shall be provided.

(4) **Deferred Improvements.** At the option of the Director of Public Works, the improvements required by this section may be deferred upon execution of a De-

ferred Frontage and Roadway Improvement Agreement and payment of the required processing fee. At the option of the owner, he/she may execute a secured deferred frontage and roadway agreement with a deposit of the estimated improvement costs into a trust account to avoid placing an encumbrance on the property.

(5) **Payment Instead of Improvements.** If any improvement to be performed is located on a portion of highway of which the County is contemplating improvement, the Director of Public Works may elect to improve the portion thereof otherwise required to be improved by the subdivider. In such event, the subdivider shall, prior to the approval of the final map, enter into an Improvement Participation Agreement per Section 9-1100.3(j)(2) and pay to the County, in full discharge of the subdivider's obligation herein provided for, a sum equal to the estimated cost to the County of performing the improvement required to be performed by the subdivider. The improvement to be performed by the County shall be done at the time the County improves the highway. (Ord. 3675; 3715; Ord. 3843 § 21, 1995)

9-1150.3 ROADWAY FUNCTIONAL CLASSIFICATION.

The following roadway functional classifications and characteristics are to be used in conjunction with the Circulation Element of the General Plan for San Joaquin County. The Director of Public Works may modify the required right of way width and lane configuration of a roadway as special conditions may warrant.

(a) **Freeways.**

(1) Multi-lane divided highways with no direct access to abutting properties and which have grade separations at intersections. Interchanges with freeways, expressways, arterials, or rural roads only.

(2) Serves as the primary type of intercity or community highway carrying traffic between urban communities.

(b) **Expressways.**

(1) Highways which generally provide no direct access to abutting properties. The primary purpose of an expressway is to carry through traffic with minimum interference with adjacent development. Intersections are limited to freeways, expressway, major and minor arterials, and rural roads only. Intersections are usually no closer than one-quarter mile.

(2) Serves as intercity or intercommunity highway carrying primarily through traffic.

(3) May be two (2) lane undivided highway in rural area or multi-lane divided highway in urban area.

(4) Requires minimums of eighty-four (84) foot wide right-of-way in rural areas and one hundred ten

(110) foot wide right-of-way in urban areas with additional widening for turn lanes at intersections. On-street parking is prohibited.

(c) **Major Arterials.**

(1) Four (4) to six (6) lane divided roads with intersections at grade, and partial control of access.

(2) Serves as the highest type of facility carrying local traffic within urban communities and as a principal carrier of traffic between communities. Within urban communities, these roads serve as principal access routes to shopping areas, places of employment, community centers, recreational areas, other places of assembly, and freeways. Between communities, they serve as principal access routes to places of employment, recreation areas, and freeways.

(3) Traffic capacity of approximately forty-five thousand (45,000) vehicles per day for a six (6) lane facility, and thirty-five thousand (35,000) vehicles per day for a four (4) lane facility.

(4) Requires minimum one hundred ten (110) foot wide right-of-way with widening for turn lanes at major intersections. On street parking is prohibited.

(5) Access to abutting properties is prohibited, except commercially or industrially zoned properties may be allowed access subject to a Special Purpose Plan or, in lieu of such a plan, a design approval of the Director of Public Works. Direct access is prohibited from abutting residential zoned properties. Exceptions may be made for existing development.

(d) **Minor Arterials.**

(1) Undivided four (4) lane roads with intersections at grade, and partial control of access.

(2) Serves as a secondary type of arterial facility carrying local through traffic within urban communities. Minor arterials frequently serve as access to shopping areas, employment centers, recreational areas, and places of assembly.

(3) Traffic capacity of approximately twenty-five thousand (25,000) vehicles per day.

(4) Requires minimum eighty-four (84) foot wide right-of-way with widening for turn lanes at major intersections. On-street parking is allowed.

(5) Access from abutting single family residential properties is prohibited. Access from commercial, industrial, and multi-family properties is allowed with approval of access design by the Director of Public Works. Exceptions may be made for existing development.

(e) **Collectors.**

(1) Two (2) lane undivided roads with intersections at grade, and designed to take a minimum interference of traffic from driveways.

(2) Collector roads provide principal access to local residential, commercial, and industrial roads and funnel traffic to arterial and minor arterial streets.

(3) Traffic capacity of about seven thousand (7000) vehicles per day for collectors in residential neighborhoods is limited not by the physical capacity of the road section but rather by the desirability of maintaining an acceptable traffic level which will not adversely affect residential neighborhood qualities. Traffic capacity for collectors in commercial and industrial areas is about ten thousand (10,000) vehicles per day.

(4) Requires sixty (60) foot wide right-of-way. On-street parking is allowed.

(5) Provides access to adjacent parcels.

(f) **Local Residential Road.**

(1) Two (2) lane undivided roads with intersections at grade and with frequent driveway access.

(2) Local roads provide access to adjacent residential lots and feed traffic to collectors.

(3) With traffic capacity of less than two thousand (2,000) vehicles per day and limited to one-half mile between collectors.

(4) Requires fifty (50) foot wide right-of-way. On-street parking is allowed.

(5) Provides access to all adjacent parcels.

(g) **Local Commercial and Industrial Roads.**

(1) Two (2) lane undivided roads with intersections at grade and controlled driveway access.

(2) Commercial and industrial roads are designed to provide direct access to adjacent commercial and industrial properties and to feed traffic to arterials and minor arterials.

(3) Traffic capacity of less than seven thousand (7000) vehicles per day.

(4) Requires sixty (60) foot wide right-of-way. On-street parking is prohibited near intersections and driveways.

(5) Provides access to commercial and industrial properties.

(h) **Rural Residential Roads.**

(1) Rural Residential roads are two (2) lane undivided roads with intersections at grade and with driveway access to abutting residential lots. A maximum of sixteen (16) existing or potential lots will be served by Rural Residential Roads.

(2) Rural Residential roads provide access to residential development within Rural Residential zones, agricultural zones, and Planned Development zones with appropriate approvals.

(3) Rural Residential roads have traffic capacity of about two thousand (2000) vehicles per day, but

seldom carry more than two hundred (200) vehicles per day.

(4) Rural Residential roads require a fifty (50) foot wide right-of-way and function as a Cul-De-Sac, Continuous Loop, Private Right-of-Way, or Connector of Rural roads. Rural Residential roads cannot be used as an interconnecting street to provide through traffic circulation between existing or planned collectors or higher classes of roadway

(i) **Rural Roads.**

(1) Rural roads are two (2) lane undivided roads with intersections at grade.

(2) Rural roads provide local access to agricultural properties outside of the urban centers. They also may function as collector or arterial roads in the rural county areas by providing access to freeways and acting as a primary route between urban and rural centers.

(3) The traffic capacity of rural roads is about ten thousand (10,000) vehicles per day, but most seldom carry more than two thousand (2,000) vehicles per day.

(4) Requires fifty (50) foot wide right-of-way.

(j) Sidewalks shall be required on all functional classifications in urban and rural communities, except in rural residential areas and industrial areas. Sidewalks may be waived by the Director of Public Works if it can be demonstrated that there is no pedestrian traffic.

(Ord. 3675, 3788)

9-1150.4 TRAFFIC STUDIES.

Traffic studies may be required by the County to adequately assess the impacts of a development project on the existing and/or planned street system.

(a) **When Required.** Unless waived by the Director of Public Works, the County shall require a Traffic Study for a development project when traffic caused by the development project is expected to exceed fifty (50) vehicles during any hour.

At the request of the Director of Public Works or Review Authority, the County shall require a Traffic Study for a development project when traffic caused by the development project is expected to be greater than fifty (50) vehicles during any hour. A Traffic Study will generally not be required for less than fifty (50) vehicles per hour unless warranted by special circumstances.

The County may require a supplemental Traffic Study if, after preparing an original Traffic Study for any development project, the property's use is changed so that total trip generation is expected to increase by more than fifteen percent (15%).

(b) **Contents of Traffic Studies.** To provide consistency and to facilitate review of Traffic Studies, the format outlined in the San Joaquin County Improvement

Standards will be followed in the preparation of such studies.

(c) **Responsibility for Traffic Studies.** The County will prepare or contract for preparation of any required Traffic Studies.

(d) **Payment.** The developer shall deposit with the County funds for all costs prior to the County preparing any required Traffic Studies in conformance with the current fee schedule.

(Ord. 3675, 3715)

9-1150.5 DEDICATIONS.

Dedication of public rights-of-way for development projects shall be as follows:

(a) **Widening Existing Rights-of-Way.** On parcels less than forty (40) acres, developers or any applicant for a building permit for a new nonagricultural building or a twenty-five percent (25%) or more expansion of an existing nonagricultural building, that generates an additional twenty (20) or more vehicles per day shall dedicate rights-of-way, or make an irrevocable offer of dedication at the discretion of the Department of Public Works, for widening existing public roads across the project frontage in accordance with Section 9-1150.5(e).

(b) **Subdivision.** Where any subdivision creates a parcel of land with three hundred thirty (330) feet or less of frontage on a public roadway, or the land is designated urban or rural community or other commercial, industrial, or residential development by the General Plan, or is zoned AL-5, dedication will be provided.

(c) **New Rights-of-Way.** Developers shall dedicate rights-of-way for new public roads within a development project in accordance with Section 9-1150.5(e).

(d) **Off-site Rights-of-Way.** Developers shall obtain off-site rights-of-way where required for the project by the Review Authority, subject to the provisions of Section 9-1100.9.

(e) **Dedication Width.** Right-of-way widths shall be dedicated as follows:

(1) In conformity with the General Plan, a Master Plan, a Specific Plan, or a Special Purpose Plan, the width shall be as specified in this Chapter and the San Joaquin County Improvement Standards for a roadway of that functional classification.

(2) For roads which are not indicated in the General Plan, Specific Plan, or Special Purpose Plan, widths shall conform to the requirements of Section 9-1150.3, with the functional classification determined by the Director of Public Works.

(3) If the existing right-of-way is equally divided by the original property line or section line, then the required dedication shall be no more than one-half

(1/2) of the amount needed to achieve the total required road width.

(4) If the existing road was taken entirely off the property to be developed and is wider than half (1/2) of the total planned width, then no additional right-of-way shall be required.

(5) If the existing right-of-way was taken entirely off the property on the opposite side of the road from the development project, then the required widening shall be equal to the total amount of the widening needed to achieve the total planned road width.

(6) Where topography or existing improvements, such as a railroad right-of-way, make it impractical to comply with the above sections, the Director of Public Works shall establish criteria for right-of-way dedication and roadway widening.

(e) **Access Rights.** When any development project abuts an arterial or expressway, access shall be restricted to the roadway, except where access is delineated on a Special Purpose Plan. The developer shall dedicate to the County access rights in the area of restricted access. When access to a roadway is restricted, vehicular access to the property must be provided by another public roadway.

(Ord. 3675; 3715; Ord. 3843 § 22, 1995)

9-1150.6 PART-WIDTH ROAD IMPROVEMENTS.

New roads within development projects shall be dedicated and improved to their full width except as follows:

(a) **Expressways, Major Arterials, and Minor Arterials.** The Review Authority may allow less than full width improvement on expressways and major and minor arterials within or fronting development projects when the expressways and arterials are not required to meet existing and projected traffic demands.

(b) **Local and Collector Roads.** The Review Authority may allow less than full width improvements on local and collector roads along the boundary of a development project except that the roads shall be improved to a minimum of one half street on the project side, plus one twelve-foot wide lane and graded shoulder on the other side.

(Ord. 3675)

9-1150.7 ALLEYS.

Public alleys are not allowed in new development projects. For development projects along existing alleys, improvements to the alleys may be required at the discretion of the Review Authority.

(Ord. 3675)

9-1150.8 BIKEWAYS.

Where a development project adjoins a planned bike path as shown on the General Plan, Specific Plan, County Bicycle Plan, or Special Purpose Plan, the developer shall dedicate and improve the bike path to the standards set forth in the San Joaquin County Improvement Standards. The maximum width of the bike path shall be twenty (20) feet for the bike path and landscaping. In some areas, road widening for on-street bike lanes may be required in lieu of separated bike paths. Right-of-way widths as shown in this Chapter shall be adjusted to accommodate bike paths or bike lanes when required. The developer may be required to dedicate land for bicycle paths for use by the residents of a subdivision in accordance with Section 66475.1 of the Subdivision Map Act.

(Ord. 3675)

9-1150.9 PEDESTRIAN WAY.

When required by the Review Authority, pedestrian ways for access to schools, recreation areas, or other public areas shall be improved with sidewalk, landscaping, and fencing. Sidewalks in the public right-of-way may be eliminated if other pedestrian ways are approved by the Review Authority to provide access to each parcel. The design shall be determined at time of approval of a development project.

(Ord. 3675)

9-1150.10 WALLS AND NOISE BARRIERS.

In all residential zones, the developer shall provide a fence or wall outside of the right-of-way along any public roadway to which access is prohibited. In all but the Rural Residential Zone, the wall shall be a minimum of six (6) feet high, of uniform design and constructed of masonry. For infill or small-scale projects, these requirements may be deferred at the option of the Community Development Director.

Where noise barriers are required for a development project, they shall be included in the improvement plans and any applicable Specific Plan or Special Purpose Plan.

(Ord. 3675)

9-1150.11 ROADWAY LIGHTING.

Roadway lighting systems are required for all development projects in all urban communities, highway service, commercial recreation, and isolated industrial areas. Intersection lighting is required for all development projects in rural communities and other areas of nonagricultural development. Roadway lighting is not required in agricultural zones. Developments on existing parcels in commercial or industrial zones shall meet the roadway lighting requirements of this Section. Roadway lighting

shall be designed in accordance with the San Joaquin County Improvement Standards. New development projects shall either annex to an existing Landscape/Lighting Assessment District or County Service Area, or form a new County Service Area for ongoing lighting maintenance.

(Ord. 3675)

9-1150.12 ROADWAY ALIGNMENTS.

The road system within a proposed subdivision shall be designed in accordance with the following criteria:

(a) **Alternate Access.** Any lot within the subdivision shall be reached by alternative routes except for stub streets and cul-de-sacs as provided in Section 9-1150.13.

(b) **Stub Streets.** Where a subdivision abuts an undeveloped area designated in the General Plan for similar development, stub streets shall be designed to serve the adjacent area unless the review authority determines that the area is adequately served by existing roads or it is physically impossible to provide access to the area from the proposed subdivision. Temporary improved turnarounds will be required at the end of stub streets.

(c) **Energy Conservation.** The design of subdivisions, to the extent feasible, shall incorporate energy conservation principles for future passive heating and cooling orientation of structures.

(d) **Intersection Offsets.** Streets located on opposite sides of an intersecting street shall have their center lines directly opposite each other; otherwise, the centerlines shall be separated by not less than that specified in the San Joaquin County Improvement Standards. In all cases the improvements shall be aligned to the satisfaction of the Director of Public Works.

(e) **Continuation of Existing Streets.** New subdivision streets which are continuations of existing streets shall be aligned so that their center lines coincide. In cases where straight continuations are not physically possible, center lines shall be continued by curves.

(Ord. 3675, 3697, 3715)

9-1150.13 CUL-DE-SAC STREETS.

Cul-de-sac streets may be allowed as follows:

(a) **Maximum Length.** Cul-de-sac streets shall have a length not exceeding five hundred (500) feet to one thousand (1,000) feet, varying inversely with the density of the development, and shall serve no more than twelve (12) lots, except where existing physical conditions make such limitations of length impractical. In agricultural zoning districts, the maximum length shall not exceed one-half mile. In no case shall more than sixteen (16) of the dwelling units be served by a cul-de-sac street. The length of the

cul-de-sac is measured from the centerline of the intersecting street to the radius point of the cul-de-sac bulb.

(b) **Turnaround.** Cul-de-sac streets shall be terminated by an improved turnaround having a right-of-way radius of fifty (50) feet in accordance with San Joaquin County Improvement Standards, except where existing physical conditions make such limitation of radius impractical.

(Ord. 3675, 3697, 3715)

9-1150.14 PRIVATE RIGHTS-OF-WAY IMPROVEMENTS—EXISTING LOTS.

Private rights-of-way approved by the County to provide access to existing lots not within an antiquated subdivision, shall be subject to an Improvement Plan, in accordance with the following criteria:

(a) The entire length of the private right-of-way, and any required secondary method of access, from a maintained County, city, or state road to the driveway serving the development shall be constructed and maintained to the standards required by the California Fire Code and applicable San Joaquin County Improvement Standards;

(b) In agricultural areas, as designated in the General Plan, any private right-of-way that exceeds one-half (1/2) mile in length or serves more than sixteen (16) lots shall have a secondary method of access. The requirement for secondary access may be waived in areas designated General Agriculture in the General Plan if the Director finds that physical conditions make the provision of secondary access impractical; and

(c) In nonagricultural areas, as designated in the General Plan, any private right-of-way that exceeds the length of cul-de-sacs provided for in 9-1150.13 shall have a secondary method of access.

(d) Island parcels which are served by a navigable waterway, where such waterway provides the only surface access to the parcel.

(Ord. 3675; 3715; Ord. 3832 § 40, 1995; Ord. 3843 § 7, 1995; Ord. 4206 § 1 (part), 2004; Ord. 4368 § 35, 2009)

9-1150.15 PRIVATE RIGHTS-OF-WAY IMPROVEMENTS—NEW LOTS.

Private rights-of-way approved by the County to provide access to lots created by major or minor subdivisions shall be submitted with an application for a subdivision and comply with the following criteria:

(a) In agricultural areas, as designated in the General Plan, any private right-of-way that exceeds one-half (1/2) mile in length or serves more than sixteen (16) lots shall have a secondary method of access. The requirement for

secondary access may be waived in areas designated General Agriculture in the General Plan if the Director finds that physical conditions make the provision of secondary access impractical;

(b) In nonagricultural areas, as designated in the General Plan, any private right-of-way that exceeds the length provided for in Section 9-1150.13 or serves more than twelve (12) lots shall have a secondary method of access;

(c) The entire length of the private right-of-way, and any required secondary method of access, from a maintained County, city, or State road to the driveway serving the development shall be constructed and maintained to the standards required by the California Fire Code and applicable San Joaquin County Improvement Standards;

(d) A maximum of six (6) existing and/or potential lots may be served by the private right-of-way or the private right-of-way shall be improved to San Joaquin County Improvement Standards for public roads; and

(e) If it is found in the review of the tentative map that in the future it may be necessary to include the right-of-way in the County's road system, the applicant shall make an irrevocable offer of dedication of the right-of-way to the County and execute a Deferred Frontage and Roadway Improvement Agreement.

(Ord. 3675, 3715; Ord. 4206 § 1 (part), 2004; Ord. 4368 § 36, 2009)

9-1150.16 ANTIQUATED SUBDIVISION.

Public roads or private rights-of-way in antiquated subdivisions may provide access to existing lots subject to the following criteria:

(a) The roads shall be improved to minimum rural residential road standards and an irrevocable offer of dedication is made to the County; or

(b) If access is to be provided by a private right-of-way, individual lots may be developed subject to an approved Site Approval Application if the following criteria are met;

(1) The entire frontage of the lot is improved to rural residential road or rural road standards or deferred pursuant to Section 9-1150.2 (c)(4);

(2) The road is improved, at a minimum, to the requirements of the California Fire Code and applicable San Joaquin County Improvement Standards from the lot to a County, city, or State maintained road;

(3) If the road exceeds one-half (1/2) mile in length or serves more than sixteen (16) lots, a secondary method of access improved to the standards described in Subsection (b) (2) must be provided; and

(4) An irrevocable offer of dedication is made to the County.

(Ord. 3675, 3715, 3788; Ord. 4368 § 37, 2009)

9-1150.17 PUBLIC ACCESS TO WATERWAYS.

Whenever a subdivision adjoins a public waterway, and reasonable public access is unavailable within a reasonable distance therefrom as determined by the Review Authority, the developer shall provide access to said waterway by means of a public roadway, pedestrian way, or bikeway. In accordance with Section 66478.1 et. seq. of the Government Code, said access shall include an easement along a portion of the bank of the waterway. The Review Authority shall determine the design and location of the access based on the following considerations:

(a) **Means of Access.** Access may be by vehicle, foot, or other means;

(b) **Development Size.** The size of the development;

(c) **Public Access.** The proximity of public access to the resources;

(d) **River Bank Type.** The type of river bank and its appropriate recreational, educational, and scientific uses;

(e) **Trespass.** The likelihood of trespass on private property and reasonable means of avoiding such trespass; and

(f) **Levees.** The existence of levees and the primary purpose of the levees shall be flood control. For the purposes of this section, the definition of public waterway shall be as defined in Section 66478.4 of the Government Code.

(Ord. 3675)

9-1150.18 ROAD NAMING PROCEDURES.

The following procedures shall be used in the naming of public or private roads:

(a) **Tentative Map Review.** Where the new road is proposed as part of a tentative map, the applicant shall submit with the tentative map the proposed names for new roads. As part of the review of the tentative map, the Review Authority shall ensure that the proposed name is consistent with the Community Development Department's road name standards. Those names not consistent with the standards shall be identified, and the applicant shall submit alternate name(s). The review of the alternate name(s) shall be the same as described above. The Review Authority for the tentative map is authorized to officially name any new road which is consistent with the adopted road naming standards.

(b) **Other New Roads.** Where a new road is proposed that is not part of a tentative map, the Board of Supervisors shall officially name the new road at the time the road is accepted as a public highway. The name shall

be consistent with the Community Development Department's road naming standards.

(c) **Road Name Changes.** Requests for the renaming of existing roads shall follow the procedures for a public hearing as described in Chapter 9-220, with the following modifications:

(1) Applications may be filed by any interested person;

(2) Notification shall be by United States mail to all owners of property fronting on or with direct access to the road, and a minimum of three (3) notices posted along the road;

(3) The Planning Commission is authorized to officially rename any existing road if the new name is consistent with the adopted road naming standards. (Ord. 3675)

CHAPTER 9-1155

UNDERGROUND UTILITIES

Sections:

9-1155.1

Intent.

9-1155.2

Utility Distribution Facilities.

9-1155.1 INTENT.

The intent of this Chapter is to specify the requirements for underground utilities.

(Ord. 3675)

9-1155.2 UTILITY DISTRIBUTION FACILITIES.

Utility distribution facilities shall comply with the following requirements:

(a) **Underground Distribution and Transmission.** All utility distribution and transmission facilities supplying electric, communication, or similar service within, or passing through, any development project shall be placed underground. The word "facilities" as used herein shall not include standards used for street lighting, traffic signals, pedestals for police and fire system communications and alarms, pad-mounted transformers, pedestals, pedestal-mounted terminal boxes and meter cabinets, concealed ducts, substations, and facilities used to carry voltage higher than thirty-five thousand (35,000) volts.

(b) **Location for Underground Facilities.** Underground distribution facilities for public utilities shall be located in a public right-of-way or public utility easement. No public utility distribution facilities shall be located outside a public right-of-way or public utility easement except in providing service to the parcel on which they are located.

(c) **Rural Residential Subdivision.** In rural residential subdivisions, the Review Authority may waive the requirement for underground facilities if it finds that such undergrounding is economically infeasible, incompatible with the surrounding area, or impossible because of soil or topography.

(d) **Location of Overhead Utilities.** Overhead utility lines, when permitted by the Review Authority, shall be located in a public utility easement at the rear of lots or parcels and along the side of lots or parcels when necessary. The precise location is to be approved by the Department of Public Works. Poles supporting such overhead lines shall not be installed within any street, alley, way, drainage easement, or flood control channel.

(e) **Timing of Installation.** Any underground utility improvements, installed or to be installed in a subdivision by the subdivider, which cross underneath the right-of-

way of any street, alley, or way shall be installed prior to the improvement of any such street, alley, or way in the subdivision.
(Ord. 3675; Ord. 4035 § 12, 1999)

CHAPTER 9-1160

SOLID WASTE RECYCLING

Sections:

9-1160.1	Intent.
9-1160.2	Applicability.
9-1160.3	Exceptions.
9-1160.4	Requirements for Collection and Recycling.

9-1160.1 INTENT.

The intent of this Chapter is to specify the minimum regulations for enclosures for the collection and loading of recyclable materials for new buildings and for expansion of existing buildings in San Joaquin County.
(Ord. 3756)

9-1160.2 APPLICABILITY.

This Chapter shall apply to the following:

(a) Any construction for which a building permit is required for a commercial, industrial, institutional, or public building, where solid waste is collected for transport.

(b) Any construction for which a building permit is required for a residential building with five (5) or more living units, where solid waste is collected for transport.
(Ord. 3756)

9-1160.3 EXCEPTIONS.

Construction on an existing building that does not increase the square footage of the floor space of the building by more than thirty (30) percent is exempt from the requirements of this Chapter.
(Ord. 3756)

9-1160.4 REQUIREMENTS FOR COLLECTION AND RECYCLING.

The following requirements shall apply to the collection and recycling of solid waste materials:

(a) All applicable construction projects shall have recycling container enclosures which are of sufficient number and aggregate volume to equal one-half (1/2) the number and aggregate volume of the enclosures used for containers to collect and load solid waste at the site. At least one recycling container enclosure shall be provided for any such construction project.

(b) Recycling container enclosures shall be located near the solid waste collection enclosures to facilitate both the collection and loading for transport of recycled materials.

(c) The recycling container enclosure shall include gates that can be locked to prevent theft of the recyclable materials. For buildings where the recycling container enclosures provide the only tenant access to recycling containers, the recycling container enclosures shall be designed to prevent theft of recyclable materials, but not prevent tenants from depositing recyclable materials.
(Ord. 3756)

**DIVISION 12: INFRASTRUCTURE AND
SERVICES FINANCING**

CHAPTER 9-1200

**INFRASTRUCTURE AND SERVICES
FINANCING: INTENT AND ORGANIZATION**

Sections:

9-1200.1	Title and Intent.
9-1200.2	Organization.

9-1200.1 TITLE AND INTENT.

Division 12 constitutes the Infrastructure and Services Financing Regulations. The intent of this Division is to prescribe regulation to finance the infrastructure and services needed to sustain development.
(Ord. 3675)

9-1200.2 ORGANIZATION.

Division 12 consists of the following chapters.

- (a) 9-1200 Infrastructure and Services Financing: Intent and Organization;
- (b) 9-1203 Infrastructure Financing For Traffic Impact Mitigation;
- (c) 9-1205 Street and Road Financing (Reserved);
- (d) 9-1210 Drainage Facilities Financing (Reserved);
- (e) 9-1215 Water Facilities Financing;
- (f) 9-1220 Wastewater Disposal Facilities Financing (Reserved);
- (g) 9-1225 Fire Protection Facilities Financing;
- (h) 9-1230 Local Parks & Recreation Facilities Financing;
- (i) 9-1235 School Facilities Financing for New Development; and
- (j) 9-1240 Land Reservation for Regional Facilities.
(Ord. 3675)

CHAPTER 9-1203

**INFRASTRUCTURE FINANCING FOR TRAFFIC
IMPACT MITIGATION**

Sections:

9-1203.1	Intent.
9-1203.2	Public Facilities Fees.
9-1203.3	Use of Fees.
9-1203.4	Developer Construction of Facilities.
9-1203.5	Individual Adjustments.
9-1203.6	Protest.

9-1203.1 INTENT.

In order to implement the goals and objectives of the General Plan of San Joaquin County regarding adequate public facilities, and to mitigate the impact of new development on public services in the unincorporated area of San Joaquin County, certain public facilities must be designed, constructed, and equipped. The Board of Supervisors has determined that a development impact fee is needed in order to finance these public improvements and to pay for the development's fair share of the costs of the improvements. In establishing the fee described in the following sections, the Board of Supervisors has found the fee to be consistent with its General Plan and, pursuant to Government Code Section 65913.2, has considered the effects of the fee with respect to the County's housing needs as established in the housing portion of the General Plan.

(Ord. 3675)

9-1203.2 PUBLIC FACILITIES FEES.

(a) **Establishment of Fees.** A Public Facilities Fee for Traffic Impact Mitigation is hereby established for new development in the unincorporated area of San Joaquin County to pay for public facilities to mitigate the impact related to the new developments, including but not limited to traffic signalization, roadway improvements, and bridge construction or reconstruction. The fee shall not be collected until the Board of Supervisors, in a Board Resolution:

- (1) Sets forth the purpose of the fee;
- (2) Identifies the specific use(s) or facilities to be financed;
- (3) Describes how there is a reasonable relationship between the fee's use and the type of development project;
- (4) Determines how there is a reasonable relationship between the need for the use(s) or public facilities and type(s) of development project(s);

(5) Determines the amount of the fee and how there is a reasonable relationship between the amount of the fee and the cost of the public facilities or portion thereof attributable to the development; and

(6) Establishes a separate capital facilities account into which the fees shall be placed, provides for appropriation of the fees, and references the proposed construction schedule or plan adopted by Public Works for the public facilities.

(b) **Annual Increase.** Any fee established pursuant to a resolution under this Chapter shall be automatically increased each year by an amount equal to the Engineering Construction Cost Index as published by the Engineering News Record for the prior time period.

(c) **Interest.** All fees collected pursuant to this Chapter shall be credited with interest on such fees while in the possession of the County. The interest earned shall be credited to the account in which the fee was deposited and shall be used solely to pay for the public facilities authorized under Section 9-1203.3 and the Resolution.

(d) **Payment of Fees.** The fees to be collected under this Chapter shall be collected prior to the issuance of a building permit or approval of any discretionary permit if no building permit is required. The amount of fee to be paid will be the amount indicated in the Resolution, as augmented pursuant to Section 9-1203.2(c), at the time of actual tender of the fee.

(e) **Use of Fee or Refund.** The Director of Public Works shall make findings once each fiscal year with respect to any portion of any moneys, excluding letters of credit or other security instruments remaining unexpended or uncommitted in its various facilities accounts five (5) or more years after deposit of the fee, to identify the purpose to which the fee is to be put, and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged. There shall be refunded to the then current record owner or owners of the lots or units of the development project or projects on a prorated basis the unexpended or uncommitted portion of the fee, and any interest accrued thereon, for which need cannot be demonstrated pursuant to this subdivision. The refund shall be made from the unexpended or uncommitted revenues by direct payment, by providing a temporary suspension of fees, or by any other means consistent with the intent of this Section. If the administrative costs of refunding unexpended or uncommitted revenues pursuant to this subdivision exceed the amount to be refunded, the Board of Supervisors, after a public hearing, may determine that the revenues shall be allocated for some other purpose for which the fees are collected subject to this Ordinance and which serves the project on which the fee was originally imposed.

(f) **Deferral Fee Payment Program.** A Deferred Fee Payment Program is established for Public Facilities Fees for Traffic Impact Mitigation for new development in the unincorporated area of the County. The Deferred Fee Payment Program shall be initiated after the Board of Supervisors, in a Board Resolution, sets forth all of the following:

- (1) The purpose of the Program;
 - (2) The conditions of eligibility for participation in the Program;
 - (3) The securities of applicants to the Program that will be required;
 - (4) The penalty assessment for noncompliance with provisions of the Program.
- (Ord. 3675, 3788)

9-1203.3 USE OF FEES.

The fees paid pursuant to this Chapter shall be placed in separate capital facilities accounts to avoid commingling of the fees with other funds of the County. The fees may be temporarily invested. Such fees, along with any interest earnings, shall be used solely to pay for those use(s) and public facilities described in the Resolution enacted pursuant to Section 9-1203.2 which shall include the following:

- (a) To pay for the design and construction of designated public facilities and reasonable costs of outside consultant studies related thereto;
 - (b) To reimburse the County for designated public facilities constructed by the County with funds, other than grants or gifts, from other sources;
 - (c) To reimburse developers who have been required or permitted by Section 9-1203.4 to design and construct designated public roadway facilities which are oversized with supplemental size, length, or capacity;
 - (d) To pay for and/or reimburse costs of program development and ongoing administration of the Public Facilities Fees program.
- (Ord. 3675)

9-1203.4 DEVELOPER CONSTRUCTION OF FACILITIES.

Whenever a developer is required, as a condition of approval of a development permit, to design and/or construct a public facility described in a Resolution adopted pursuant to Section 9-1203.2, which facility is determined by the County to have supplemental size, length, or capacity over that needed for the impacts of that development, and when such construction or equipment is necessary to ensure efficient and timely construction of the facilities network, a reimbursement agreement with the developer and a credit against the fee, which would

otherwise be charged pursuant to this ordinance on the development project, may be offered. The reimbursement amount shall not include the portion of the improvement needed to provide services or mitigate the need for the facility or the burden created by the development.
(Ord. 3675)

CHAPTER 9-1205
STREET AND ROAD FINANCING

(Reserved)

(Ord. 3675)

9-1203.5 INDIVIDUAL ADJUSTMENT.

A developer of any project subject to the fee described in this Chapter may apply to the Director of Public Works for a modification to that fee based upon the absence of any reasonable relationship between the traffic impact of the development and either the amount of fee charged or the type of facility to be financed. Application for adjustment under this section shall be in accordance with the procedures set out in a resolution adopted by the Board of Supervisors which sets out the fee pursuant to Section 9-1203.2 of this Chapter.

(Ord. 3675)

9-1203.6 PROTEST.

Any protest as to the imposition of a fee, dedication, reservation, or exaction may be filed with the Board of Supervisors, in accordance with law.

(Ord. 3675)

Chapter 9-1207**INFRASTRUCTURE FINANCING FOR
STORM DRAINAGE, WATER SUPPLY AND
SANITARY SEWER FACILITIES****Sections:**

9-1207.1	Intent.
9-1207.2	Infrastructure Reimbursement Charge.
9-1207.3	Use of Collected Funds.
9-1207.4	Facilities Funds.

9-1207.1 INTENT.

In order to implement the goals and objectives of the General Plan of San Joaquin County regarding adequate infrastructure facilities in the unincorporated area of San Joaquin County, certain storm drainage, water supply and sanitary sewer infrastructure facilities must be planned, designed, constructed and equipped. The Board of Supervisors has determined that an Infrastructure Reimbursement Charge will establish an equitable cost sharing apportionment of construction costs to those benefiting from the necessary improvements and will provide reimbursement funding for construction of the facilities. In establishing the charge described in the following Sections, the Board of Supervisors has found the charge to be consistent with its General Plan and, pursuant to Government Code Section 65913.2, has considered the effect of the charge with respect to the County's housing needs as established in the housing portion of the General Plan.

(Ord. 3937 § 3 (part), 1997)

9-1207.2 INFRASTRUCTURE REIMBURSEMENT CHARGE.

(a) **Establishment of Charge.** An Infrastructure Reimbursement Charge for facilities identified in an Area Facilities Plan is hereby established in the unincorporated area of San Joaquin County to provide reimbursement for construction of storm drainage, water supply or sanitary sewer facilities. The charge will be determined by Resolution of the Board of Supervisors setting the Infrastructure Reimbursement Charges. No charges shall be set until there is County approval of a developer commitment to build infrastructure of a proposed Area Facilities Plan. The Infrastructure Reimbursement Charges shall be based on the Area Facilities Plan as provided below:

(1) The Infrastructure Reimbursement Charge shall be based on the written estimate of the Director of Public Works of the total cost of constructing the work

shown on the Area Facilities Plan and on a reasonable apportionment of such estimated cost to the properties which will benefit from the construction of the work.

(2) The Infrastructure Reimbursement Charges collected shall be placed in an interest bearing Designated Fund determined by the type of facilities and area.

(b) **Credit.** Whenever an Area Facilities Plan facility, or a portion of an Area Facilities Plan facility, is required to be built by a developer, the developer will be credited the cost of those improvements built to reduce his Infrastructure Reimbursement Charge. In the event the credit exceeds the developer's obligation, a reimbursement may be made to the developer as provided in Section 9-1207.4.

(c) **Payment of Charge.** The Infrastructure Reimbursement Charge shall be paid by all projects with the Area Facilities Plan service area, prior, to issuance of a building permit, approval of a discretionary permit or when the Director of Public Works determines that a direct benefit has been received.

(d) **Deferred Charge Payment.** Whenever there is no direct benefit to a property for which an Infrastructure Reimbursement Charge has been set, the payment of the Infrastructure Reimbursement Charge will be deferred until a direct benefit has been established (determined by the Director of Public Works) by execution of a Deferred Infrastructure Charge Agreement. At the option of the developer, a deposit in the amount of the Infrastructure Reimbursement Charge can be placed into a trust account to avoid placing an encumbrance on the property.

(e) **Annual Charge Adjustment.** The Infrastructure Reimbursement Charge established pursuant to a Resolution approved under provisions of this Ordinance shall be automatically adjusted once annually, on a date established by the Resolution establishing the Infrastructure Reimbursement Charge, by an amount equal to the change in the published Engineering News Record Construction Cost Index for the prior time period.

(Ord. 3937 § 3 (part), 1997)

9-1207.3 USE OF COLLECTED FUNDS.

Ninety percent (90%) of the money collected under provisions of this Chapter is to be used solely for reimbursement in conformance with Section 9-1207.4(a) or refund in conformance with Section 9-1207.4(b). Ten percent (10%) of the Infrastructure Reimbursement Charge money collected shall be used for administration of the Infrastructure Reimbursement Charge program.

(Ord. 3937 § 3 (part), 1997)

9-1207.4 FACILITIES FUNDS.

(a) **Reimbursement.** As collected Infrastructure Reimbursement Charge money is available within a Designated Fund, the County may reimburse reasonable developers' costs of the built facilities as provided below:

(1) The Director of Public Works shall annually determine the availability of such funds and may authorize their disbursement.

(2) The Director of Public Works shall determine the amount and reasonableness of developers' costs including planning, designing and constructing facilities identified in an Area Facilities Plan that may be reimbursed.

(3) All reimbursement authorized by the Director of Public Works will be processed such that the developer who constructed the first improvements will be fully reimbursed prior to reimbursement to other developers who will be subsequently reimbursed in the order of priority in which the Area Facilities Plan facilities within each Area Facilities Plan area are constructed and accepted as complete by the County.

(4) Reimbursement for costs of improvements constructed after December 8, 1991, may be approved if accepted as completed by the County.

(b) **Refund.** The Director of Public Works shall refund Infrastructure Reimbursement Charge money paid upon cancellation or withdrawal of a building permit or discretionary permit by the applicant as provided below:

(1) A refund processing fee, set by Resolution, will be withheld from the amount refunded.

(2) In the event a Designated Fund within a specific service area has been used for construction or reimbursement for construction of facilities for which it was collected, refunds will be approved only when adequate funds are available in the Designated Fund.

(Ord. 3937 § 3 (part), 1997)

Chapter 9-1210**DRAINAGE FACILITIES FINANCING**

(Reserved)

(Ord. 3675)

CHAPTER 9-1215**WATER FACILITIES FINANCING****Sections:**

9-1215.1	Intent.
9-1215.2	Water Facilities Fees.
9-1215.3	Use of Fees.
9-1215.4	Developer Construction of Facilities.
9-1215.5	Individual Adjustments.
9-1215.6	Protest.

9-1215.1 INTENT.

In order to implement the goals and objectives of the General Plan of San Joaquin County regarding adequate water facilities, and to mitigate the impact of new development on the supply of water available in the unincorporated area of San Joaquin County based upon a total basin concept, certain public facilities must be designed, constructed, and equipped. The Board of Supervisors has determined that a development impact fee is needed in order to finance these public improvements and to pay for the development's fair share of the costs of the improvements. In establishing the fee described in the following sections, the Board of Supervisors has found the fee to be consistent with its General Plan and, pursuant to Government Code Section 65913.2, has considered the effects of the fee with respect to the County's housing needs as established in the housing portion of the General Plan.

(Ord. 3675)

9-1215.2 WATER FACILITIES FEES.

(a) **Establishment of Fees.** Water facilities fees are hereby authorized for new development in the unincorporated area of San Joaquin County to pay for water facilities to mitigate the impact related to the new developments, including but not limited to projects to convey and treat an additional supply of, and to allow for the conjunctive use of, the groundwater and surface waters. The fee shall not be collected until the Board of Supervisors, in a Board Resolution:

- (1) Sets forth the purpose of the fee;
- (2) Identifies the specific use(s) or facilities to be financed;
- (3) Describes how there is a reasonable relationship between the fee's use and the type of development project;
- (4) Determines how there is a reasonable relationship between the need for the use(s) or public facilities and type(s) of development project(s);

(5) Determines the amount of the fee and how there is a reasonable relationship between the amount of the fee and the cost of the public facilities or portion thereof attributable to the development; and

(6) Establishes a separate capital facilities account into which the fees shall be placed, provides for appropriation of the fees, and references the proposed construction schedule or plan adopted by Public Works for the public facilities.

(b) **Annual Increase.** Any fee established pursuant to a resolution under this Chapter shall be automatically increased in accordance with subsequent, duly adopted Resolutions.

(c) **Interest.** All fees collected pursuant to this Chapter shall be credited with interest on such fees while in the possession of the County. The interest earned shall be credited to the account in which the fee was deposited and shall be used solely to pay for the public facilities authorized under Section 9-1215.3 and the Resolution.

(d) **Payment of Fees.** The fees to be collected under this Chapter shall be collected prior to the issuance of a building permit. The amount of fee to be paid will be the amount indicated in the Resolution, as augmented pursuant to Section 9-1215.2 (c), at the time of actual tender of the fee.

(e) **Use of Funds or Refunds.** The Director of Public Works shall make findings once each fiscal year with respect to any portion of any monies, excluding letters of credit or other security instruments remaining unexpended or uncommitted in its various facilities accounts five (5) or more years after deposit of the fee, to identify the purpose to which the fee is to be put, and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged. There shall be refunded to the then current record owner or owners of the lots or units of the development project or projects on a prorated basis the unexpended or uncommitted portion of the fee, and any interest accrued thereon, for which need cannot be demonstrated pursuant to this subdivision. The refund shall be made from the unexpended or uncommitted revenues by direct payment, by providing a temporary suspension of fees, or by any other means consistent with the intent of this Section. If the administrative costs of refunding unexpended or uncommitted revenues pursuant to this subdivision exceed the amount to be refunded, the Board of Supervisors, after a public hearing, may determine that the revenues shall be allocated for some other purpose for which the fees are collected subject to this Title and which service the project on which the fee was originally imposed.

(Ord. 3675)

9-1215.3 USE OF FEES.

The fees paid pursuant to this Chapter shall be placed in separate capital facilities accounts to avoid commingling of the fees with other funds of the County. The fees may be temporarily invested. Such fees, along with any interest earnings, shall be used solely to pay for those use(s) and public facilities described in the Resolution enacted pursuant to Section 9-1215.2 which shall include the following:

- (a) To pay for the design and construction of designated public facilities and reasonable costs of outside consultant studies related thereto;
- (b) To reimburse the County for designated public facilities constructed by the County with funds, other than grants or gifts, from other sources;
- (c) To reimburse developers who have been required or permitted by Section 9-1215.4 to design and construct designated public facilities which are oversized with supplemental size, length, or capacity; and
- (d) To pay for and/or reimburse costs of program development and ongoing administration of the Public Facilities Fees Programs.

(Ord. 3675)

9-1215.4 DEVELOPER CONSTRUCTION OF FACILITIES.

Whenever a developer is required, as a condition of approval of a development permit, to design and/or construct a public facility described in a Resolution adopted pursuant to Section 9-1215.2, which facility is determined by the County to have supplemental size, length, or capacity over that needed for the impacts of that development, and when such construction or equipment is necessary to ensure efficient and timely construction of the facilities network, a reimbursement agreement with the developer and a credit against the fee, which would otherwise be charged pursuant to this ordinance on the development project, may be offered. The reimbursement amount shall not include the portion of the improvement needed to provide services or mitigate the need for the facility or the burden created by the development.

(Ord. 3675)

9-1215.5 INDIVIDUAL ADJUSTMENTS.

A developer of any project subject to the fee described in this Chapter may apply to the Director of Public Works for a modification to that fee based upon the absence of any reasonable relationship between the impact of the development on the water system and either the amount of fee charged or the type of facility to be financed. Application for adjustment under this Section shall be in accordance with the procedures set out in a

Resolution adopted by the Board of Supervisors which sets out the fee pursuant to Section 9-1215.2 of this Chapter.

(Ord. 3675)

9-1215.6 PROTEST.

Any protest as to the imposition of a fee, dedication, reservation, or exaction may be filed with the Board of Supervisors, in accordance with law.

(Ord. 3675)

CHAPTER 9-1220**WASTEWATER DISPOSAL FACILITIES
FINANCING****(Reserved)**

(Ord. 3675)

CHAPTER 9-1225**FIRE PROTECTION FACILITIES FINANCING****Sections:**

9-1225.1	Intent.
9-1225.2	Fire Protection Facilities Improvement Fee.
9-1225.3	Limited Use of Fees.
9-1225.4	Developer Construction of Facilities.
9-1225.5	Protest.

9-1225.1 INTENT.

In order to implement the goals and objectives of the General Plan of San Joaquin County regarding adequate fire protection, and to mitigate the impact of new development on fire protection services in the unincorporated area of San Joaquin County, certain Fire Protection Facilities must be constructed and equipped. The Board of Supervisors has determined that a development impact fee is needed in order to finance these public improvements and to pay for the development's fair share of the costs of the improvements. In establishing the fee under Government Code Section 66000 et. seq. and described in the following sections, the Board of Supervisors has found the fee to be consistent with its General Plan and, pursuant to Government Code Section 65913.3, has considered the effects of the fee with respect to the County's housing needs as established in the General Plan.

(Ord. 3675)

**9-1225.2 FIRE PROTECTION FACILITIES
IMPROVEMENT FEE.**

(a) **Establishment of Fees.** A Fire Protection Facilities Improvement Fee is hereby established for development in the unincorporated area of San Joaquin County to pay for the improvement of fire protection facilities. The fee shall not be collected until the Board of Supervisors, in a Board resolution, sets forth the specific amount of the fee, describes the benefit and impact area on which the development fee is imposed, lists the specific public improvements to be financed, describes the estimated costs of these facilities, describes the reasonable relationship between this fee and the various types of new developments, and sets forth the time of payment of the fee. Fire districts requesting that this fee be imposed shall submit information to the County upon which the Board of Supervisors may make the findings required by this subsection. The fire districts shall adhere to guidelines developed by the County regarding the sufficiency of the

materials submitted and the procedures to be followed for the submission.

(b) **Use of Fees.** The Board of Supervisors shall make findings once each fiscal year with respect to any portion of the fee remaining unexpended or uncommitted in its account five (5) or more years after deposit of the fee to identify the purpose to which the fee is to be put and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged. The findings required by this subsection need only be made for moneys in possession of the County. It need not be made with respect to letters of credit, bonds, or other instruments taken to secure payment of the fee at a future date;

(c) **Staff.** The County Fire Warden shall act as staff to the Board of Supervisors. The Community Development Department shall assist the County Fire Warden. (Ord. 3675)

9-1225.3 LIMITED USE OF FEES.

The revenues raised by payment of this fee shall be placed in a separate and special account, and such revenues, along with any interest earnings on that account, shall be used solely to pay for the fire district's future construction of facilities described in the resolution enacted pursuant to this chapter, or to reimburse the fire district for those described or listed facilities constructed by the fire district with funds advanced by the fire district from other sources.

(Ord. 3675)

9-1225.4 DEVELOPER CONSTRUCTION OF FACILITIES.

Whenever a developer is required, as a condition of approval of a development permit, to construct a public facility described in a resolution adopted pursuant to this Chapter, which facility is determined by the County to have supplemental size, length or capacity over that needed for the impacts of that development, and when such construction is necessary to ensure efficient and timely construction of the facilities network, a reimbursement agreement with the developer and a credit against the fee, which would otherwise be charged pursuant to this ordinance on the development project, may be offered. The reimbursement amount shall not include the portion of the improvement needed to provide services or mitigate the need for the facility or the burden created by the developer.

(Ord. 3675)

9-1225.5 PROTEST.

A protest as to the imposition of a fee, dedication,

reservation, or exaction may be filed with the Board of Supervisors. Such protest must be in writing and accompanied by payment in full or satisfactory evidence of arrangements to ensure performance of the conditions necessary to meet the requirements of the development approval. The protest shall include a statement that payment is tendered or that all conditions have been provided for and a statement setting forth the factual elements and legal theories on which the protest is based.

A protest must be filed at the time of approval or upon conditional approval of the development or within ninety (90) days after the date of imposition of fees, dedication, reservation, or exaction on the development. A legal action may be filed within one hundred and eighty (180) days of filing a protest under this section to attack, review, set aside, void, or annul the imposition of fees, dedications, reservations, or exactions, pursuant to Government Code Section 66008. Approval or conditional approval occurs when a tentative map or a parcel map is approved or when a parcel map is recorded if a tentative map or parcel map is not required.

A protest may also be filed as a writ of administrative mandate pursuant to Government Code Sections 66009, 66475.4, and 66499.37, within ninety (90) days of a final decision by the Board of Supervisors to impose the fee, dedication, reservation, or exaction.

(Ord. 3675)

CHAPTER 9-1230**LOCAL PARK AND RECREATION FACILITIES
FINANCING****Sections:**

9-1230.1	Intent.
9-1230.2	Requirements.
9-1230.3	General Standard.
9-1230.4	Dedication of Land.
9-1230.5	Fee in Lieu of Land Dedication.
9-1230.6	Determination of Acquisition Costs.
9-1230.7	Disposition of Land and Fees.
9-1230.8	Choice and Method of Dedication of Land and/or Payment of Fees.
9-1230.9	Time of Dedication or Payment of Fees.
9-1230.10	Credit for Private Open Space.
9-1230.11	Exemptions.
9-1230.12	Subdivision Development Agreements.

9-1230.1 INTENT.

This chapter is enacted pursuant to the authority granted by Section 66477 of the Government Code of the State of California. The local park and recreation facilities for which dedication of land and/or payment of a fee is required by this chapter are in accordance with the recreation portion of the San Joaquin County General Plan.

(Ord. 3675)

9-1230.2 REQUIREMENTS.

As a condition of approval of a tentative map, the subdivider must dedicate land, pay a fee in lieu thereof, or a combination, at the option of the County, for park and recreational purposes according to the standards and formulas contained in this Chapter.

(Ord. 3675)

9-1230.3 GENERAL STANDARD.

In consideration of the public interest, convenience, health, welfare, and safety, the County standard for local park and recreational purposes shall be three (3) acres of property for each one thousand (1,000) persons, in accordance with the recreation portion of the San Joaquin County General Plan.

(Ord. 3675)

9-1230.4 DEDICATION OF LAND.

The minimum amount of land to be dedicated shall be determined using the general standard in the following formula:

$$U \times P \times S = \text{Minimum acreage dedication}$$

where:

U = Number of potential dwelling units within the subdivision;

P = Average number of persons in the dwelling unit type (e.g., single family, mobile home, multi-family units) based on the latest U.S. Census.

S = Parkland standard of three acres per 1,000 people (3/1000).

For the purposes of this Section, the number of potential new dwelling units shall be based upon the number of parcels indicated on the tentative map that are in an area zoned for one dwelling unit per parcel. When all or part of the subdivision is located in an area zoned for more than one (1) dwelling unit per parcel, the number of potential new dwelling units in the area so zoned shall equal the maximum allowed under that zone. In the case of a condominium project, the number of potential new dwelling units shall be the number of condominium units. The term "potential new dwelling unit" does not include dwelling units lawfully in place prior to the date on which the parcel or final map is filed.

Population per dwelling unit shall be the average household size for the proposed type of development as indicated in the latest census.

The subdivider may be required to:

(1) Provide full street improvements and utility connections to dedicated land which is dedicated pursuant to this section;

(2) Provide for fencing along the property line of that portion of the subdivision contiguous to the dedicated land; and

(3) Provide other minimal improvements which the Board of Supervisors determines to be essential to the acceptance of the land for recreational purposes.

The value of the above improvements shall be a credit against the dedication of land or the payment of fees required by this Chapter.

The land to be dedicated, pursuant to this Chapter, shall be approved by the County Director of General

Services and the public agency accepting the dedication or accepting the improvements, if other than the County. (Ord. 3675)

9-1230.5 FEE IN LIEU OF LAND DEDICATION.

When a fee is to be paid in lieu of land dedication, the amount of such fee shall be based upon the following formula:

$$P \times S \times AC = \text{Park fee per unit}$$

where:

P = Population per dwelling unit;

S = Parkland standard of three acres per 1,000 persons (3/1000);

AC = Acquisition Costs as determined by Section 9-1230.6;

Fees to be collected pursuant to this section shall be approved by the County Director of General Services and the public agency accepting the fees, if other than the County. (Ord. 3675)

9-1230.6 DETERMINATION OF ACQUISITION COSTS.

Acquisition Costs shall be determined by the County as provided in this section.

Acquisition costs shall be set by a written appraisal report prepared and signed by an appraiser designated by the County, which evaluates the probable per acre Acquisition Cost of park land taking into consideration the Acquisition Costs of real property which has an approved tentative map, which is within urban centers or communities, and which is within the Planning Area.

Appraisals for Acquisition Costs shall be updated based upon cut-off dates for valuation of January 1 of each year. The Acquisition Costs which shall be applied to a particular subdivision shall be that based upon the appraisal report of the latest update immediately preceding the date of application is considered complete by the Community Development Department.

The Acquisition Costs for purposes of computation in Section 9-1230.5, will consist of the estimated per acre value set out in the appraisal report. (Ord. 3675)

9-1230.7 DISPOSITION OF LAND AND FEES.

(a) **Agency Receiving Land or Fees.** Land or fees required by this Chapter shall be conveyed or paid directly to the public agency that provides or will provide park and recreational services to the community in which the subdivision is located.

(b) **Appropriation of Fees.** Collected fees shall be appropriated for a specific project in a budgetary year within five (5) years after payment or within five (5) years after the issuance of building permits on one-half (1/2) of the lots created by the subdivision, whichever occurs later.

(c) **Uncommitted Fees.** Fees not committed, as provided for by this Section, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision. (Ord. 3675)

9-1230.8 CHOICE AND METHOD OF DEDICATION OF LAND AND/OR PAYMENT OF FEES.

(a) **Determination of Land and/or Fees.** When a tentative map is approved, the Review Authority shall determine whether to require dedication of land, the payment of a fee in lieu thereof, or a combination.

(b) **Basis for Determination.** The above determination shall be consistent with the standards in this Chapter and shall be made upon consideration of the following factors:

- (1) The San Joaquin County General Plan;
- (2) The natural features, access, and location of the land available for dedication;
- (3) The size and shape of the subdivision and land available for dedication;
- (4) The location of existing or proposed recreation sites; and
- (5) For a subdivision of less than fifty (50) parcels, only the payment of fees is required except as otherwise provided by the State Subdivision Map Act for projects exceeding fifty (50) dwelling units. Subdivisions containing less than five (5) parcels and not used for residential purposes are exempt from the fees of this Chapter unless a building permit is requested for construction of a residential structure(s) on one or more of the parcels within four (4) years, in which case the owner of the parcel shall pay the fee required of this Chapter as a condition to issuance of a building permit for such parcel. (Ord. 3675)

9-1230.9 TIME OF DEDICATION OR PAYMENT OF FEES.

(a) **Dedication of Land.** Where the dedication of land is required, the transfer of land, or provisions thereof, shall be accomplished at the time of recording of the final map or parcel map.

(b) **Payment of Fee In-Lieu.** Where the payment of a fee is required in lieu of land dedication, the fee shall be paid at the time of recording of the final map or parcel map, provided that:

(1) The fees will be used to reimburse the public agency for expenditures previously made that will serve the subdivision; or

(2) The fees will be collected for public improvements or facilities for which an account has been established.

(Ord. 3675)

9-1230.10 CREDIT FOR PRIVATE OPEN SPACE.

(a) **Amount of Credit.** The land or fees required under Section 9-1230.4 and Section 9-1230.5 may be reduced, at the discretion of the Review Authority, by an amount equivalent to fifty percent (50%) of the area of land in the subdivision which is to be used for private park and recreation facilities.

(b) **Standards for Grant of Credit.** To grant up to fifty percent (50%) credit for private open space, the Review Authority shall determine that it is in the public interest to do so and that all of the following standards are met:

(1) The project shall be processed as a Planned Development;

(2) Yards, court areas, setbacks, and other open areas required to be maintained by the zoning and building ordinances and regulations shall not be included in the computation of such private open space;

(3) The private park and recreation facilities shall be owned by a homeowner's association. If the homeowner's association is dissolved or no longer maintains the facilities, the County shall access the then property owner's records for fees in the amount that would be established at the time under the provisions of this Chapter. The County may accept land of equivalent value;

(4) The use of the private open space shall be restricted for park and recreational purposes by recorded covenant which runs with the land in favor of the future owners of property and which cannot be defeated or eliminated without the consent of the County or its successor, i.e., a city after annexation;

(5) The proposed private open space shall be reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location; and

(6) Facilities proposed for the open space shall be in substantial accordance with the provisions of the recreation portion of the General Plan.

(Ord. 3675)

9-1230.11 EXEMPTIONS.

The provisions of this Division shall not apply to:

(a) Agricultural, commercial, and industrial subdivisions; and

(b) Condominium projects which consist of the subdivision of airspace in an existing apartment building which is more than five (5) years old, when no new dwelling units are added.

(Ord. 3675)

9-1230.12 SUBDIVISION DEVELOPMENT AGREEMENTS.

Nothing contained within this Chapter shall be construed to prohibit the entering into of a development agreement as authorized by the Government Code and this ordinance Code which addresses the issue of acquisition or dedication of park land provided, however, the dedication and acquisition as set out in this Title shall be considered the minimum standard and no development agreement shall provide for less than the standards and the amounts provided for in this Chapter.

(Ord. 3675)

CHAPTER 9-1235**SCHOOL FACILITIES FINANCING FOR NEW DEVELOPMENT****Sections:**

9-1235.1	Intent.
9-1235.2	Requirements for Approval.

9-1235.1 INTENT.

The intent of this Chapter is to ensure that new development which is to be approved is served by adequate school facilities.

(Ord. 3675)

9-1235.2 REQUIREMENTS FOR APPROVAL.

In addition to meeting any other requirements specified by this Title for the approval of projects, the proposed residential development(s) or Zone Reclassification(s) for residential development shall not be approved unless the school district provides documentation to the Planning Commission or Board of Supervisors showing that adequate school facilities can be made available concurrently with the need for such facilities and including the following:

(a) The school district has imposed all school mitigation fees pursuant to Government Code Section 53080 or equivalent mitigation measures not otherwise prohibited by statute;

(b) The school district has filed a current copy of its School Facilities Plan with the Community Development Department;

(c) Each school district's School Facilities Plan shall accurately document its existing facilities, provide future school facilities projections, both short and long term, and demonstrate the use of the current and projected revenues which are anticipated to meet those needs;

(d) The School Facilities Plan shall also document the district's reasonable good faith efforts to seek all available funding, without substantial prejudice to the district's reasonable historical education standards, and a current presentation regarding the prospects for seeking and/or obtaining funds in the reasonably foreseeable future; and

(e) The school district shall file any and all Amended School Facilities Plans with the Community Development Department within thirty (30) days after their adoption.

(Ord. 3675)

CHAPTER 9-1240**LAND RESERVATION FOR PUBLIC FACILITIES****Sections:**

9-1240.1	Intent.
9-1240.2	Land Reservation.

9-1240.1 INTENT.

The intent of this Chapter is to prescribe regulations for land reservation for parks, school sites, and other public uses that are required within a proposed subdivision, as provided in Section 66479 of the Government Code.

(Ord. 3675)

9-1240.2 LAND RESERVATION.

Land required for public facilities shall be reserved for a period of at least two (2) years after the Board of Supervisors' approval of the last final map included within the approved tentative map.

(a) **Acquisition by Public Agency.** During said two (2) year period, the public agency concerned shall have the option of acquiring the property upon payment of just compensation at the time of the exercise of the option.

(b) **Conformance with Plans.** Land reservations shall conform to the General Plan and any applicable Master Plan, Specific Plan or Special Purpose Plan or any other relevant plan adopted by the County.

(c) **Release of Obligation.** The Board of Supervisors may, after consideration by the Planning Commission, upon request of the subdivider, and after a public hearing by the Board of Supervisors, release the subdivider from the obligation of such reservation upon finding that to do otherwise would impose an undue hardship upon the subdivider.

(Ord. 3675; Ord. 3832 § 41, 1995)

CHAPTER 9-1245**COUNTY FACILITIES FEE PROGRAM****Sections:**

9-1245.1	Purpose, Findings, and Declaration of Intent.
9-1245.2	Collection of Capital Facility Fee.
9-1245.3	Authority for Adoption.
9-1245.4	Definitions.
9-1245.5	Conditions for Collection.
9-1245.6	Conditions for Reimbursement.
9-1245.7	Fee Payment.
9-1245.8	County Facilities Fee Accounts.
9-1245.9	Exemptions.
9-1245.10	County Facilities Fee Program.
9-1245.11	Ordinance; Public Hearing.
9-1245.12	Construction.
9-1245.13	Severability Clause.
9-1245.14	Fee Adjustments or Waiver.

9-1245.1 PURPOSE, FINDINGS, AND DECLARATION OF INTENT.

(a) In order to implement the goals and objectives of the General Plan and to mitigate impacts caused by new development within the County of San Joaquin, a County Facilities Fee Program is necessary. The program is needed to finance region- serving Capital Facilities located throughout the County that are used by the residents and businesses within each city as well as the unincorporated area and to assure that new development pays its proportional share for these improvements.

(b) Fee revenue collected pursuant to this ordinance shall be retained by the County of San Joaquin who shall be responsible for administering the fee funds and constructing the Capital Facilities.

(c) Title 7, Division 1, Chapter 5, Section 66000 et seq. of the California Government Code provides that Capital Facilities Fees may be enacted and imposed on Development Projects. The Board of Supervisors finds and determines that:

(1) New Development Projects cause the need for construction, expansion, or improvement of Capital Facilities within the County of San Joaquin.

(2) Funds for construction, expansion, or improvement of Capital Facilities are not available to accommodate demand for service caused by Development Projects; which results in inadequate Capital Facilities within San Joaquin County.

(d) The Board of Supervisors finds that the health, safety, peace, morals, convenience, comfort, prosperity, and general welfare of the residents and businesses within the County will be promoted by the adoption of County Facilities Fees for construction, expansion, or improvement of region-serving Capital Facilities.
(Ord. 4252 § 1, 2005)

9-1245.2 COLLECTION OF CAPITAL FACILITY FEE.

The Capital Facility Fee enacted pursuant to this Chapter are to be collected by the County before the issuance of building permits, or at approval of any discretionary permit if no building permit is required.
(Ord. 4252 § 2, 2005)

9-1245.3 AUTHORITY FOR ADOPTION.

This Chapter is adopted under the authority of Title 7, Division 1, Chapter 5 of the California Government Code Sections 66000 et seq.
(Ord. 4252 § 3, 2005)

9-1245.4 DEFINITIONS.

Words when used in this Chapter, and in resolutions adopted thereto, shall have the following meanings:

(a) "Board of Supervisors" means the Board of Supervisors of the County of San Joaquin.

(b) "Capital Facility" includes region-serving public improvements and community amenities normally provided by the County of San Joaquin.

(c) "County" means the County of San Joaquin, a political subdivision of the State of California.

(d) "Development Project" means any project undertaken for the purpose of development. "Development Project" includes a project involving the issuance of a permit for construction or reconstruction, but not a permit to operate.

(e) "Fee" means a monetary exaction, other than a tax or special assessment, which is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of Capital Facilities related to the development project.

(f) "Nexus Report" means the San Joaquin County Facility Fee Nexus Report originally prepared in September 2003, as may be amended from time-to-time.
(Ord. 4252 § 4, 2005)

9-1245.5 CONDITIONS FOR COLLECTION.

(a) In establishing and imposing a Fee as a condition of approval of a Development Project, the following shall be done:

- (1) Identify the purpose of the Fee;
- (2) Identify the use to which the Fee is to be put;
- (3) Determine how there is a reasonable relationship between the Fee's use and the type of Development Project on which the Fee is imposed; and
- (4) Determine that there is a reasonable relationship between the need for the Capital Facility and the impacts caused by the type of Development Project on which the Fee is imposed.

(b) The County, before establishing a Capital Facility Fee as a condition of approval of Development Projects, shall determine that there is a reasonable relationship between the amount of the Fee and the cost of the Capital Facility or portion of the Capital Facility attributable to the development on which the Fee is imposed as documented in the Nexus Report.

(c) Upon receipt of funds, derived through this Chapter, the County shall deposit, invest, account for, and expend the funds pursuant to California Government Code Section 66006.

(Ord. 4252 § 5, 2005)

9-1245.6 CONDITIONS FOR REIMBURSEMENT.

(a) County staff shall report to the Board of Supervisors once each fiscal year concerning the Fees and accounts, including any portions of Fees remaining unexpended or uncommitted five (5) or more years after deposit. The Board of Supervisors shall make findings once each fiscal year with respect to any portion of the Fee remaining unexpended or uncommitted in its account five (5) or more years after deposit of the Fee, to identify the purpose to which the Fee is put, and to demonstrate a reasonable relationship between the Fee and the purpose for which it was charged.

(b) A refund of unexpended or uncommitted Fee revenue for which a need cannot be demonstrated, along with accrued interest may be made to the current owner(s) of the development project(s) on a prorated basis. The County may refund unexpended and uncommitted Fee revenue that have been found by the Board of Supervisors to be no longer needed, by direct payment or by off-setting other obligations owed to the County by the current owner(s) of the Development Projects(s).

(c) If the administrative costs of refunding unexpended and uncommitted revenues collected pursuant to this Section exceed the amount to be refunded, County, after a public hearing, for which notice has been published pursuant to Government Code Section 6061 and posted in three prominent places within the area of the Development Project, may determine that the revenues shall be allocated for some other purpose for which the Fee is collected subject to this Title that serves the project on which the Fee was originally imposed.

(Ord. 4252 § 6, 2005)

9-1245.7 FEE PAYMENT.

(a) Prior to the issuance of any building permit, the applicant shall pay to the County the Fee as established by resolution of the Board of Supervisors.

(b) The Fee shall be determined by the Fee schedule in effect on the date the vesting tentative map or vesting parcel map is approved, or the date a permit is issued.

(c) If a development has multiple types of uses, the Fee will be collected proportionately on each use.

(d) When application is made for a new building permit following the expiration of a previously issued building permit for which the Fee was paid, the Fee payment shall not be required, unless the Fee schedule has been amended during the interim, in this event, the appropriate increase or decrease shall be imposed.

(e) In the event that subsequent development occurs with respect to property for which the Fee has been paid, an additional Fee shall be required only for additional square footage of development that was not included in computing the prior Fee.

(f) When a Fee is paid for a Development Project and that project is subsequently reduced so that it is entitled to a lower Fee, the County shall issue a partial refund of the Fee.

(g) When a Fee is paid for a Development Project and the project is subsequently abandoned without any further action beyond the obtaining of a building permit the payor shall be entitled to a refund of the Fee paid, less the administrative portion of the Fee.

(h) If a development is converted to a more intense use, a Fee shall be required which shall be the difference between the current Fee for the original use and the current Fee for the more intense use.

(Ord. 4252 § 7, 2005)

9-1245.8 COUNTY FACILITIES FEE ACCOUNTS.

(a) The County shall hold Fee revenues collected under this ordinance in a separate County Facility Fee ac-

count. Fee revenues accruing in this account shall be expended for the purpose for which they were collected.

(b) The County shall account for all Fee revenues, including interest accrued, and allocate them for the purposes for which the original Fee was imposed.
(Ord. 4252 § 8, 2005)

9-1245.9 EXEMPTIONS.

(a) No Fee may be applied by a local agency to the reconstruction of any residential, commercial, or industrial development project that is damaged or destroyed as a result of a natural disaster as declared by the Governor.

(b) No Fee may be applied to the construction of any agricultural building as defined by the California Building Code.
(Ord. 4252 § 9, 2005)

9-1245.10 COUNTY FACILITIES FEE PROGRAM.

(a) The County has adopted a County Facilities Fee Nexus Report that indicates the approximate location, size, time of availability, and estimates of costs for region-serving Capital Facilities or improvements to be financed with County Facilities Fee funds.

(b) County staff shall annually submit a report to the Board of Supervisors regarding the proposed uses of County Facilities Fee funding.

(c) The County Facilities Fee schedule established by Resolution of the Board of Supervisors shall annually be automatically adjusted by an amount determined by the increase in the Engineering Construction Cost Index for the previous year, as published by the Engineering News Record.

(d) The County Facilities Fee schedule adopted by the Board of Supervisors shall be annually reviewed by the County for consistency with the County Facilities Fee Nexus Report, as it may be updated from time-to-time.
(Ord. 4252 § 10, 2005)

9-1245.11 ORDINANCE; PUBLIC HEARING.

The adoption of County Facilities Fees is a legislative act and shall be enacted by resolution after a noticed public hearing before the Board of Supervisors.
(Ord. 4252 § 11, 2005)

9-1245.12 CONSTRUCTION.

The Chapter and any subsequent amendment to the County Facilities Fee Program shall be read together. With respect to any County Facilities Fee enacted by resolution under this Chapter, any provision of such a County Facili-

ties Fee which is in conflict with this Chapter shall be void.

(Ord. 4252 § 12, 2005)

9-1245.13 SEVERABILITY CLAUSE.

Should any provision of this Chapter or a subsequent amendment to the County Facilities Fee Program be held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this Chapter and the County Facilities Fee Program shall remain in full force and effect.

(Ord. 4252 § 13, 2005)

9-1245.14 FEE ADJUSTMENTS OR WAIVER.

A developer of any project subject to the Fee described in this Chapter may apply to the Board of Supervisors for reduction or adjustment to that Fee, or a waiver of that Fee, based upon the absence of any reasonable relationship or nexus between the impacts of the development and either the amount of the Fee charged or the type of facilities to be financed. The application shall be made in writing and filed with the Clerk of the Board of Supervisors (1) ten (10) days prior to the public hearing on the development permit application for the project, or (2) if no development permit is required, at the time of the filing of the request for a building permit. The application shall state in detail the factual basis for the claim of waiver, reduction, or adjustment. The Board of Supervisors shall consider the application at a public hearing held within sixty (60) days after the filing of the Fee adjustment application. County staff shall prepare a report and recommendation for Board of Supervisors consideration. The decision of the Board of Supervisors shall be final. If a reduction, adjustment, or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment, or reduction of the Fee.

(Ord. 4252 § 14, 2005)

**DIVISION 13: DEVELOPMENT AGREEMENT
REGULATIONS**

CHAPTER 9-1300

**DEVELOPMENT AGREEMENT REGULATIONS:
INTENT AND ORGANIZATION**

Sections:

9-1300.1	Title and Intent.
9-1300.2	Organization.

9-1300.1 TITLE AND INTENT.

Division 13 constitutes the Development Agreement Regulations. The intent of this Division is to prescribe regulations for entering into and implementing Development Agreements.

(Ord. 3675)

9-1300.2 ORGANIZATION.

Division 13 consists of the following chapters:

(a) 9-1300 Development Agreement Regulations: Intent and Organization;

(b) 9-1305 Adoption of Development Agreements; and

(c) 9-1310 Implementation of Development Agreements.

(Ord. 3675)

CHAPTER 9-1305

ADOPTION OF DEVELOPMENT AGREEMENTS

Sections:

9-1305.1	Intent.
9-1305.2	Parties to the Agreement.
9-1305.3	Mandatory Contents.
9-1305.4	Optional Contents.
9-1305.5	Review Procedures.
9-1305.6	Findings.
9-1305.7	Recordation.

9-1305.1 INTENT.

The intent of this Chapter is to specify the contents of a Development Agreement and the process for its adoption.

(Ord. 3675)

9-1305.2 PARTIES TO THE AGREEMENT.

The County may enter into a Development Agreement, pursuant to the California Government Code, with any person having a legal or equitable interest in real property located within the unincorporated area of the County.

(Ord. 3675)

9-1305.3 MANDATORY CONTENTS.

A Development Agreement shall specify the following:

- (a) The duration of the agreement;
- (b) The permitted uses of the property;
- (c) The density or intensity of use;
- (d) The maximum height and size of buildings;
- (e) Provisions for reservation or dedication of land for public purposes; and
- (f) The property that is subject to the agreement.

(Ord. 3675, 3715)

9-1305.4 OPTIONAL CONTENTS.

A Development Agreement may contain the following:

- (a) Conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, or requirements shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement;
- (b) A date upon which construction must commence and a date when the project or any phase of the project must be complete;
- (c) Terms and conditions relating to the applicant financing necessary public facilities with or without subsequent reimbursement over time;

(d) Restrictions on the assignability of the agreement by the applicant and, if assignable, provisions ensuring that the successor in interest assumes the obligations under the agreement;

(e) Provisions for minor modification of the Development Agreement; and

(f) Other terms and conditions related to the proposed project which are mutually agreeable to the parties. (Ord. 3675)

9-1305.5 REVIEW PROCEDURES.

The review procedure for a Development Agreement shall be the Public Hearing Review Procedure as set forth in Chapter 9-220, with the following modifications:

(a) **Planning Commission Review.** At the conclusion of the Public Hearing, the Planning Commission shall recommend approval or denial of the Development Agreement to the Board of Supervisors.

(b) **Decision by Board of Supervisors.** Final action on the Development Agreement shall be taken by the Board of Supervisors at a Public Hearing. (Ord. 3675, 3715)

9-1305.6 FINDINGS.

Prior to approving a Development Agreement, the Review Authority shall find that all of the following are true:

(a) **Consistency.** The provisions of the Development Agreement are consistent with the General Plan and any applicable Master Plan, Public Financing Plan, Specific Plan, and Special Purpose Plan for the area; and

(b) **Development Title.** The proposed development complies with all provisions of this Title. (Ord. 3675, 3756)

9-1305.7 RECORDATION.

No later than ten (10) days after the final approval of a Development Agreement, the County Clerk shall record with the County Recorder a copy of the agreement, which shall describe the land subject thereto. (Ord. 3675)

CHAPTER 9-1310

IMPLEMENTATION OF DEVELOPMENT AGREEMENTS

Sections:

9-1310.1	Intent.
9-1310.2	Enforcement.
9-1310.3	Rules, Regulations, and Official Policies.
9-1310.4	Periodic Review.
9-1310.5	Amendment or Cancellation.
9-1310.6	State and Federal Laws.

9-1310.1 INTENT.

The intent of this Chapter is to describe the legal effect of a Development Agreement and to prescribe how the agreement is monitored, modified, and canceled. (Ord. 3675)

9-1310.2 ENFORCEMENT.

Unless amended or canceled pursuant to Section 9-1310.5 and except as provided in Section 9-1310.6, a Development Agreement shall be enforceable by any party thereto notwithstanding any change in any applicable General Plan, Specific Plan, Special Purpose Plan, zoning, subdivision, or building regulation adopted by the County which alters or amends the rules, regulations, or policies specified in Section 9-1310.3. (Ord. 3675)

9-1310.3 RULES, REGULATIONS, AND OFFICIAL POLICIES.

(a) **Laws in Effect.** Unless otherwise provided by the Development Agreement, rules, regulations, and official policies governing permitted uses of the land, governing density, and governing design, improvement, and construction standards and specifications, applicable to development of the property subject to a Development Agreement, shall be those rules, regulations, and official policies in force at the time of execution of the agreement.

(b) **Subsequent Actions.** A Development Agreement shall not prevent the County, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth herein, nor shall a Development Agreement prevent the County from denying or conditionally approving any subsequent development project application on the basis of such new rules, regulations, and policies.

(c) **Emergency Situations.** The County may suspend the issuance of building permits for the development project after a noticed hearing if it finds in good faith that a clear and present emergency situation requires the suspension.
(Ord. 3675)

9-1310.4 PERIODIC REVIEW.

(a) **Frequency of Review.** The Director of the Community Development Department shall cause the Development Agreement to be reviewed annually on the anniversary date of its adoption. A more frequent review may be undertaken at the direction of the Planning Commission or Board of Supervisors.

(b) **Good Faith Compliance.** The applicant or successor in interest shall be required to demonstrate good faith compliance with the terms of the agreement as part of the review.

(c) **Termination or Modification.** If the County finds and determines, on the basis of substantial evidence, that the applicant or successor in interest thereto has not complied in good faith with the terms or conditions of the agreement, the County may terminate or modify the agreement.

(1) Action to terminate or modify the agreement may be initiated only by the Planning Commission or the Board of Supervisors; and

(2) No action to terminate or modify the agreement shall be taken without the Public Hearing Review Procedure in Chapter 9-220.

(d) **Payment of Periodic Review.** The cost of the annual review of the Development Agreement shall be paid for by the party (or the party's successor in interest) who entered into the Development Agreement with the County. The payment shall cover the actual cost to the County of conducting said annual review, including employee salaries and benefits, overhead, and materials.
(Ord. 3675; Ord. 4035 § 13, 1999)

9-1310.5 AMENDMENT OR CANCELLATION.

A Development Agreement may be amended, or canceled in whole or in part, by mutual consent of the parties to the agreement or their successors in interest. An agreement shall be amended or canceled using the same process as was used for its adoption.
(Ord. 3675)

9-1310.6 STATE AND FEDERAL LAWS.

(a) **Modification or Suspension.** In the event that state or federal laws or regulations, enacted after a Development Agreement has been entered into, prevent or

preclude compliance with one (1) or more of the provisions of the Development Agreement, such provisions of the agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations.

(b) **County Action.** Any action pursuant to this Section shall be taken by the Board of Supervisors at a Public Hearing, in accordance with the Public Hearing Review Procedure in Chapter 9-220.
(Ord. 3675)

**DIVISION 14: GRADING AND EXCAVATION
PROVISIONS**

CHAPTER 9-1400

**GRADING AND EXCAVATION PROVISIONS:
INTENT AND ORGANIZATION**

Sections:

9-1400.1	Title and Intent.
9-1400.2	Organization.

9-1400.1 TITLE AND INTENT.

Division 14 constitutes the Grading and Excavation Provisions. The intent of this Division is to provide standards for grading and excavations on private property for agricultural leveling, quarry mining, and grading related to development within the unincorporated area of San Joaquin County.
(Ord. 3675)

9-1400.2 ORGANIZATION.

Division 14 consists of the following Chapters:

- (a) 9-1400 Grading and Excavation Provisions: Intent and Organization;
 - (b) 9-1405 Grading and Excavation Requirements;
 - (c) 9-1410 Agricultural Excavation Standards;
 - (d) 9-1415 Quarry Excavation Standards.
- (Ord. 3675)

CHAPTER 9-1405

**GRADING AND EXCAVATION
REQUIREMENTS**

Sections:

9-1405.1	Intent.
9-1405.2	Grading or Excavation Permit Required.
9-1405.3	Exemptions.
9-1405.4	General Requirements.
9-1405.5	Removal from Site.
9-1405.6	Water Obstruction.
9-1405.7	Levee Work.
9-1405.8	Administration.

9-1405.1 INTENT.

The intent of this Chapter is to regulate grading and excavations related to development projects.
(Ord. 3675)

**9-1405.2 GRADING OR EXCAVATION
PERMIT REQUIRED.**

Except for the specific exemptions listed hereinafter, no person shall do, or permit to be done, any grading or excavation without a valid grading permit obtained from the Building Inspection Division.
(Ord. 3675, 3715)

9-1405.3 EXEMPTIONS.

The following grading may be done without obtaining a grading permit as required by this Title. Exemption from the requirement of a grading permit shall not be deemed to be permission to violate any provision of this Title.

(a) Minor projects which have cuts or fills, and which meet all of the following:

- (1) Involve the removal, plowing under, or burial of less than ten thousand (10,000) square feet of vegetation on slopes eight percent (8%) or greater, or any amount of vegetation on slopes less than eight percent (8%);
- (2) Do not create unstable or erodible slopes;
- (3) Do not encroach onto sewage disposal systems or areas;
- (4) The cut is either
 - (A) Less than two (2) feet in depth, or
 - (B) The cut does not create a slope greater than five (5) feet in height and steeper than one and one-half (1 1/2) horizontal to one (1) vertical;
- (5) The fill is either

(A) Less than one (1) foot in depth and placed on natural terrain with a slope flatter than five (5) horizontal to one (1) vertical, or

(B) Less than three (3) feet in depth, not intended to support structures, which does not exceed fifty (50) cubic yards on any one (1) lot and does not obstruct a drainage course.

(b) Excavations in connection with a swimming pool or structural foundation authorized by a valid building permit.

(c) Trenching and grading incidental to the construction or installation of permitted underground pipe lines, underground storage tanks, septic tank disposal fields, conduits, electrical or communication facilities, and drilling or excavation for permitted wells or post holes.

(d) Excavations less than one hundred fifty (150) cubic yards for soil or geological investigations by a Geotechnical Engineer or Engineering Geologist.

(e) Grading in accordance with the plan incorporated in an approved Quarry Excavation Permit per Section 9-854, Quarry Excavation Permits, an approved Agricultural Excavation Permit per Section 9-851, or an approved Use Permit for a sanitary landfill per Section 9-821, Use Permits.

(f) Excavations for drainage or sedimentation ponds that are included as portions of other ministerial or discretionary development projects under the provisions of this Title.

(g) Grading or excavations within County rights-of-way or easements for which an encroachment permit has been issued under provisions of Section 9-1145.2.

(h) Maintenance of existing firebreaks and roads to keep the firebreak or road substantially in its original condition.

(i) Routine cemetery excavations and fills.

(j) Performance of emergency work necessary to protect life or property when an urgent necessity arises. The person performing such emergency work shall notify the Building Official promptly of the problem and work required and shall apply for a permit within ten (10) calendar days after commencing said work.

(k) Other exceptions as provided in appendix Chapter 70 of the Uniform Building Code.
(Ord. 3675; 3715; Ord. 3832 § 42, 1995)

9-1405.4 GENERAL REQUIREMENTS.

Except as modified by this Chapter, Chapter 70 of the Uniform Building Code as adopted by reference by the Board shall govern grading and excavation operations.
(Ord. 3715)

9-1405.5 REMOVAL FROM SITE.

Except as specifically provided for by one of the following, no person shall do, or permit to be done, any grading in such a manner that any quantities of dirt, soil, rock, gravel, or sand is removed from the site.

(a) Removal when done with an approved surface mining Quarry Excavation Permit per Section 9-854, Quarry Excavation Permits.

(b) Removal when done with an approved Agricultural Excavation Permit per Section 9-851, Agricultural Permits.

(c) Removal when done with an approved Use Permit for a sanitary landfill per Section 9-821, Use Permits.

(d) Removal of material related to situations listed under Section 9-1405.3, Exemptions.

(e) Removal from a development project of incidental excess material during site grading that is done with an approved grading or building permit.

(f) Removal, by governmental agency, of material donated to the governmental agency for use in governmental projects; material must have been previously stockpiled for a minimum period of eighteen (18) months. Removal shall be subject to Site Approval.

(g) Grading done by or under the supervision or construction control of a public agency of an excavation within that agency's boundaries. The agency shall assume full responsibility for ensuring that the work is done in compliance with this Title, the San Joaquin Valley Unified Air Pollution Control District's Regulation VIII (Fugitive Dust Prohibitions), and the Surface Mining and Reclamation Act. Excess soil material must be used solely for projects owned or controlled by the public agency and which are within the agency's boundary and within San Joaquin County.

(Ord. 3675; 3715; Ord. 3872 § 2, 1996)

9-1405.6 WATER OBSTRUCTION.

No person shall do or permit to be done any grading which may obstruct, impede, or interfere with the natural flow of storm waters, whether such waters are unconfined upon the surface of the land or confined within land depressions or natural drainage ways, unimproved channels or watercourses, or improved ditches, channels, or conduits, in such manner as to cause flooding where it would not otherwise occur, aggravate any existing flooding condition, or cause accelerated erosion except where said grading is in accordance with all applicable laws, including but not limited to these permit requirements.

(Ord. 3675)

9-1405.7 LEVEE WORK.

No person shall excavate or remove any material from or otherwise alter any levee required for any waterway, water body, or local drainage control without prior approval of the agency responsible for the maintenance of the levee.
(Ord. 3675)

9-1405.8 ADMINISTRATION.

This Chapter shall be administered by the Director. In subdivisions, the grading plans shall be approved by the Department of Public Works. The rough and finish grading of the lots will be inspected by the Department of Public Works. For development projects that require a discretionary permit, the grading permit will not be issued until the discretionary permit is approved.
(Ord. 3675; 3715; Ord. 3843 § 20, 1995)

CHAPTER 9-1410**AGRICULTURAL EXCAVATION STANDARDS****Sections:**

9-1410.1	Intent.
9-1410.2	Applicability.
9-1410.3	Development Standards.
9-1410.4	Surface Mining and Reclamation Act.

9-1410.1 INTENT.

The intent of this Chapter is to provide standards for removing excess material from agricultural property for agricultural purposes.
(Ord. 3675)

9-1410.2 APPLICABILITY.

The provisions of this Chapter shall apply only if the amount of material being removed is limited to that which is required to increase the agricultural viability of the property.
(Ord. 3715)

9-1410.3 DEVELOPMENT STANDARDS.

The following development standards shall apply to any agricultural excavation permit approved under the provisions of this Title:

(a) **Private Roads.** All private roads involved in an excavation shall be maintained so as to control the creation of dust;

(b) **Final Grade.** The final grade shall:

(1) Not result in disruption of the flow of drainage water from the property or adjoining properties;

(2) Not adversely affect the irrigability of the property or surrounding properties. If the property is within an irrigation district, the final grade shall be limited to that elevation which is necessary to provide gravity irrigation to the property. This determination may be made by the irrigation district;

(3) Not adversely affect the relation of the water table to the surface of the land;

(4) Have an average elevation no less than the average elevation of the natural grade of the surrounding land. The average elevation of the natural or existing grade shall be the average elevation of all land one hundred (100) feet from the perimeter of the proposed excavation, excluding any portion of the perimeter adjacent to a river, riverbank, levee, public road, railroad, canal, pipeline, or other similar uses or rights-of-way;

(c) **Waterways.** A berm or other improvements may be required adjacent to any waterway, including under-

ground facilities, which adjoins the excavation. The heights, setback, and slope of the berm shall be based on recommendation of the agency responsible for the maintenance of the waterway or the Department of Public Works;

(d) **Hours of Operation.** Excavation operations shall not be carried on during the hours from 9:00 p.m. through 5:00 a.m., except during periods of declared national, state, or local emergency. Said hours shall be based on either Pacific Standard Time or Pacific Daylight Saving Time, whichever is legally in effect. The hours of operation may be modified by the Review Authority based upon the excavation's potential effect on surrounding land uses;

(e) **Lighting.** Any night lighting established on the property shall be arranged and controlled so as not to illuminate public rights-of-way or adjacent properties;

(f) **Emissions.** All emissions shall be subject to the rules and regulations of the San Joaquin County Air Pollution Control District;

(g) **Replacement of Topsoil.** During the excavation, the topsoil shall be set aside. Upon completion of an excavation, the topsoil shall be replaced and the site leveled in conformance with the approved Grading Plan, approved by the Review Authority. Replacement of topsoil may be waived by the Review Authority if the soils report indicates the replacement of the topsoil will not enhance the agricultural suitability of the property;

(h) **Weed Control.** If noxious weeds are on the site, operations shall be in accordance with instructions from the Agricultural Commissioner of San Joaquin County;

(i) **Health Considerations.** Excavations shall not cause health or sanitary hazards and shall not create conditions which will cause the breeding or increase of mosquitos, rodents, or other pests;

(j) **Commencement of Work.** A written notification of work schedules shall be provided to the County by the applicant prior to initiating any grading or excavation;

(k) **Certification of Compliance.** At the completion of the grading, the applicant shall have a registered civil engineer or licensed land surveyor compare the excavation's final elevations with the approved permit. The engineer or surveyor shall submit a certified, written finding to the Building Official which states and documents the compliance or noncompliance of the excavation with the approved permit. If the project conforms with the approved permit, the Review Authority shall accept the certification and either notify the applicant that the stockpiled material may be removed or release the required performance guarantee, as specified in Subsection (p);

(l) **Time Limitation.** The time limit shall be based upon the characteristics of the proposal, including, but not limited to, the quantity of material to be removed and the

applicant's time schedule and phasing plan. Specific time limitation may be required for individual phases of the excavation;

(m) **Erosion Control.** Protective vegetative planting, silt screen dams, or other approved methods shall be required where necessary for the control of erosion. An erosion and sediment control plan approved by Development Services Division shall be part of the reclamation plan;

(n) **Excavation/Reclamation Schedule.** The reclamation plan (as required in Section 9-851.3) shall show the phases of excavation. Reclamation on one (1) phase of an excavation shall be initiated prior to the start of the next excavation phase. The final reclamation of any phase of excavation shall be completed within two (2) years of the commencement of the reclamation process. Excavation shall be limited so that at any point of time a maximum of one (1) phase is being reclaimed while one (1) phase is being excavated;

(o) **Annual Inspection Reports.** The applicant shall pay a fee to the County of San Joaquin to cover the cost of annual inspections of the excavation to ensure compliance with the conditions of the permit and the reclamation plan. The County may use professional services as provided for in Section 9-240.11. The consultant shall be selected by San Joaquin County. Upon completion of the annual inspection, the person in charge of the mining operation shall submit to the State Geologist and the County a report which shall contain all the information as required by Section 2207 of the Public Resources Code. Additional inspections may be conducted, but the cost of additional inspections shall be paid for by the applicant only if noncompliance with the conditions of the Agricultural Excavation Permit or the reclamation plan is found;

(p) **Performance Guarantee.** In order to ensure reclamation of the site, compliance with conditions of approval, and compliance with County and State mining regulations, the applicant shall provide performance guarantees as a condition of the issuance of the Agricultural Excavation Permit. The amount and form of the guarantee shall be subject to annual review and approval by the County and the State, and the amount shall be adequate to ensure reclamation of disturbed land and/or land to be disturbed during a given phase. The annual review of the financial guarantee shall be coordinated with the annual inspection and approval of successive reclamation security so that the guarantee includes the amount of disturbed land plus the amount of land estimated to be disturbed during the next twelve (12) months, less the amount of land previously determined by Development Services Division annual inspection to have been reclaimed. The performance guarantee shall be in the form of either: 1) a surety bond, 2) a trust fund with the lead

agency, or 3) an irrevocable letter of credit. Any interest accrued in a trust fund shall stay with the trust fund account. The financial guarantee shall be payable to "San Joaquin County or the Department of Conservation" under the applicable provisions of the County and the State mining regulations. The financial guarantee shall be callable by the County or the State under the following circumstances:

(1) The applicant causes the excavation to become idle (as defined in Section 9-110) without an approved interim management plan;

(2) The applicant files for bankruptcy;

(3) The County or State determines on the basis of annual inspections and reports that the applicant has not maintained substantial compliance with the approved permit;

(4) There arises an occurrence or circumstance which, in the opinion of the County or State, jeopardizes the site reclamation; or

(5) The State makes one (1) or more of the findings specified in Section 2774.4(a) of the State Public Resources Code.

In any instance that the County or State makes the demand for partial or full tender of the financial guarantee of performance, the County and/or State may use all or any portion of the financial guarantee to reclaim the site and to recover its administrative costs associated therewith;

(q) **Enforcement.** Except as otherwise provided in State Mining Regulations, the County shall have authority to enforce provisions of the Surface Mining and Reclamation Act. The County may exercise all enforcement regulations available under the County Development Title and the State Public Resources Code. Such enforcement measures include charging the applicant the costs of administering an enforcement action. The basis for charging fees for an enforcement action shall be a time and materials compensation.

(r) **Quantity Limitation.** Excavation of more than one hundred thousand (100,000) yards of material shall require a Quarry Excavation Permit. Successive agricultural excavations on the same parcel exceeding a total of one hundred thousand (100,000) yards of material over a period of less than twenty (20) years shall not be permitted. Excavations prior to January 25, 2005 shall not be included in the calculation of the amount of material excavated.

(Ord. 3675; 3715; Ord. 4241 § 6, 2005)

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, 3500 et seq.). (Ord. 4241 § 7, 2005)

9-1410.4 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

CHAPTER 9-1415

QUARRY EXCAVATION STANDARDS

Sections:

9-1415.1	Intent.
9-1415.2	Surface Mining And Reclamation Act.
9-1415.3	Development Standards.

9-1415.1 INTENT.

The intent of this Chapter is to provide standards for the extraction of mineral resources.

(Ord. 3675)

9-1415.2 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, 3500 et seq.).

(Ord. 3715, 3788)

9-1415.3 DEVELOPMENT STANDARDS.

Any Quarry Excavation Permit approved under the provisions of this Title shall be subject to the following standards:

(a) **Permitted Accessory Uses.** Quarry excavations may include the use of equipment, structures, and facilities necessary or convenient for the extraction, processing, storage, and transport of materials, including, but not limited to:

- (1) Separation plants;
- (2) Rock crushers;
- (3) Concrete batching plants;
- (4) Asphalt batching plants; and
- (5) Recycling facilities that recycle material

into asphalt concrete, Portland cement concrete, aggregate base, sand, gravel, fill dirt, or other products that are determined by the Director to be common to the aggregate industry.

Permitted Accessory Uses shall not be initiated unless approved by the Review Authority as a part of a new Quarry Excavation Permit or separately approved by the Director as an addition to a previously approved Quarry Excavation Permit. The Director shall require the applicant to submit an Improvement Plan, as provided in Chapter 9-884, with fees as specified by resolution of the

Board of Supervisors, in order to secure approval for the permitted accessory use.

(b) **Stockpiling.** No stockpiled soil or material shall be placed closer than twenty-five (25) feet to a property boundary except as provided for in Subsection (m);

(c) **Private Roads.** All private roads involved in an excavation shall be maintained so as to control the creation of dust. The first one hundred (100) feet of any private road on the property which intersects with a publicly maintained road shall be surfaced in a manner approved by the Director. Traffic-control and warning signs shall be installed, if required, at such intersection. The placement and size of these signs shall be approved by the Director of Public Works;

(d) **Erosion Control.** Protective vegetative planting, silt screen dams, or other approved methods shall be required where necessary for the control of erosion. An erosion and sediment control plan approved by Development Services Division shall be part of the reclamation plan;

(e) **Performance Standards.** Standards contained in Chapter 9-1025 shall be met unless otherwise modified by conditions of the Quarry Excavation Permit;

(f) Hours of Operation.

(1) **Normal Hours.** Plant operations shall normally be carried on during the hours from 5:00 a.m. and 9:00 p.m.

(2) **Time Zone.** Said hours shall be based on either Pacific Standard Time or Pacific Daylight Savings Time, whichever is legally in effect.

(3) **Exceptions.** Exceptions may be made:

(A) For periods of declared national, state, or County emergency, or

(B) If a finding can be made by the Review Authority that the longer hours of operation will not cause a nuisance in the case of a specific quarry excavation.

(4) **Extension of Hours.** Normal operating hours may be extended if the Director of the Community Development Department determines that the extended hours of operation are necessary to meet the operational need of a specific project, provided:

(A) Any request for extension in the hours of operations shall be made in writing to the Director of the Community Development Department and include:

(i) The reason for the extended hours of operation,

(ii) The hours of extended operation and the day the extended operations are to commence and terminate, and

(iii) A copy of the bid specifications, contract terms, or other similar applicable documents, if applicable.

(B) The request shall be approved or disapproved by the Director of the Community Development Department within three (3) business days following the day on which the request is filed.

(i) If approved, the Director may impose conditions on the extended hours which are appropriate to reduce disturbance to the public or residents in the area of the quarry.

(ii) Notice of the approval and conditions shall be sent to all property owners in the area.

(C) The applicant shall reimburse the Community Development Department for all costs associated with the request.

(g) **Replacement of Topsoil.** In agricultural areas, the topsoil shall be set aside, and upon completion of an excavation, the topsoil shall be replaced and the site leveled in conformance with the excavation permit. This requirement may be waived if the property is to be rehabilitated for a use other than agriculture which is consistent with the General Plan, or if a soils report indicates the replacement of the topsoil will not enhance the agricultural suitability of the property. In such cases, the topsoil may be removed from the site;

(h) **Weed Control.** If noxious weeds are on the site, operations shall be in accordance with instructions from the Agricultural Commissioner of San Joaquin County;

(i) **Health Considerations.** Quarry excavations shall:

(1) Not cause health or sanitary hazards and shall not create conditions which will cause the breeding or increase of mosquitos, rodents, or other pests.

(2) Provide an approved potable water supply for all employees.

(3) Provide approved toilets for all employees (chemical toilets are acceptable).

(4) Provide handwashing facilities on or near the approved toilets;

(j) **Setbacks.** No excavation shall take place within twenty-five (25) feet of any property line or right-of-way (nor within the allowed slopes adjacent to said twenty-five (25) foot setback), unless the elevation prior to excavation is more than that of the abutting property, in which case the elevation within said twenty-five (25) foot setback shall at no time be less than that of the abutting property, at the property line;

(k) **Slopes.** The following provisions do not apply to temporary interior cut slopes (i.e., working slopes that do not fall within any of the criteria listed below). Temporary interior cut slopes shall comply with the Cal OSHA

Code of Regulations and/or the Federal OSHA Code of Regulations as applicable.

(1) **Terracing Required.** All slopes over fifty (50) feet in height shall be terraced with a maximum vertical distance between terraces of fifty (50) feet. Each terrace or bench shall be a minimum of twelve (12) feet wide.

(2) **Terrace Drainage.** Drainage plans with calculations shall be submitted for approval to Development Services Division for all terraces as part of the Reclamation Plan.

Terraces for reclaimed final slopes shall be sloped back towards the fill and be designed such that runoff is directed to collection points where it can enter catch basins and be conveyed via pipes or other acceptable conveyance to the toe of slope. The spacing of collection points shall be no greater than 1,500 feet, with each reclaimed final slope face that has terracing shall have a minimum of one (1) down drain. The method of transporting the water along the flow line of the terrace to the down drain, so as to prevent erosion and possible slope failure, shall be approved by the Development Services Division.

The method of drainage of terraces for temporary slopes at setback lines shall be submitted to Development Services division for approval.

(3) **Slope Modification Requirement.** The Review Authority may require slopes flatter than those specified below for safety or aesthetic purposes if the proximity of residential and other urban uses, waterways or roads, the instability of materials, or the surrounding terrain so warrants.

If after one (1) year or more of extraction the approved slope does not remain stable, the Review Authority shall have the authority to reduce the slope or require other appropriate measures in the immediate area and other areas as deemed necessary in order to correct the condition as well as require the operator to correct the deteriorated slope.

(4) **Slope Stability Factors of Safety.** When required in this Title to provide site-specific geologic and engineering slope stability analysis, the following minimum slope stability factors of safety shall apply:

(A) A minimum factor of safety of 1.5 against static deep seated failure.

(B) A minimum factor of safety of 1.5 against static surficial failure.

(C) A minimum factor of safety of 1.1 against seismic failure;

(5) **Temporary Cut Slopes at Setback Lines.** Temporary cut slopes (i.e., for limited periods of time, slopes that are in the process of extraction prior to being

backfilled) at setback lines shall not exceed one (1) foot horizontal to one (1) foot vertical, except that temporary cut slopes at setback lines to a maximum of one half ($1/2$) of a foot horizontal to one (1) foot vertical may be maintained if site-specific geologic and engineering analysis demonstrate through a slope stability analysis that the proposed temporary cut slopes will have a minimum slope stability factor of safety as required in Section 9-1415.3(k)(4). However, in the event that there are existing structures on the adjacent property (or the immediate potential for structures on the adjacent property), the excavation shall at not time be closer to the property line than a line projected on a slope of one (1) to one (1) from the property line to the toe of slope.

(6) **Final Slopes.** Final cut and/or fill slopes shall not exceed two (2) feet horizontal to one (1) foot vertical, except as specified below:

(A) Final slopes to a maximum of one and one-half ($1\frac{1}{2}$) feet horizontal to one (1) foot vertical may be maintained when site-specific geologic and engineering analysis demonstrate through a slope stability analysis that the proposed final slopes will have a minimum slope stability factor of safety as required in Section 9-1415.2(k)(4), while demonstrating suitability for the proposed end use and protecting against erosion (by means of revegetation or other methods approved by Development Services Division).

(B) Final slopes to a maximum of one (1) horizontal foot to one (1) foot vertical may be maintained under water (beginning five (5) feet below the lowest water table on the property experienced in the preceding three (3) years) when site-specific geologic and engineering analysis demonstrate through a slope stability analysis that the proposed saturated slopes will have a minimum slope stability factor of safety as required in Section 9-1415.2(k)(4);

(7) **Fill Slopes.** Fill slopes shall be constructed consistent with recommendations from a qualified civil/geotechnical engineer based upon site-specific geologic conditions;

(l) **Fencing.** Fencing four (4) feet in height consisting of not less than three (3) strands of barbed wire, or an approved equivalent, shall be placed around the excavation area where slopes steeper than two (2) feet horizontal to one (1) foot vertical are maintained. Six (6) foot high security fencing or an approved equivalent shall be required where slopes steeper than two (2)

feet horizontal to one (1) foot vertical are created, if the proximity of such slopes to residential uses or other uses involving a concentration of people so warrants;

(m) **Screening and Landscaping.** Where an open pit operation is visible from a public road right-of-way or property zoned or shown on the General Plan for residential development, screening consistent with Chapter 9-1020 is required;

The Review Authority may approve the use of a landscaped berm to screen the pit provided that an adequate setback for maintenance is provided and sight distance at road intersections is not impaired;

(n) **Ponding.** All water utilized in the plant operation shall be disposed of behind a closed dike unless an alternative method is approved by the Review Authority;

(o) **Excavation/Reclamation Schedule.** The reclamation plan (as required in Section 9-854) shall show the phases of excavation. Reclamation on one phase of an excavation shall be initiated prior to the start of the next excavation phase. The final reclamation of any phase of excavation shall be completed within two (2) years of the commencement of the reclamation process. Excavation shall be limited so that at any point of time a maximum of one phase is being reclaimed while one phase is being excavated;

(p) **Time Limitation.** The Review Authority may place a time limit on the Quarry Excavation Permit or any phase of the Permit. Absent any specific time limitation, the Quarry Excavation Permit shall remain in effect as long as the excavation continues in compliance with the approved Permit.

(q) **Annual Inspection Reports.** The applicant shall pay a fee to the County of San Joaquin to cover the cost of annual inspections of the excavation to ensure compliance with the conditions of the permit and the reclamation plan. The County may use professional services as provided for in Section 9-240.11. The consultant shall be selected by San Joaquin County. Upon completion of the annual inspection, the person in charge of the mining operation shall submit to the State Geologist and the County a report which shall contain all the information as required by Section 2207 of the Public Resources Code. Additional inspections may be conducted, but the cost of additional inspections shall be paid for by the applicant only if noncompliance with the conditions of the Quarry Excavation Permit or the reclamation plan is found;

(r) **Performance Guarantee.** In order to ensure reclamation of the site, compliance with conditions of approval, and compliance with County and State mining regulations, the applicant shall provide performance guarantees as a condition of the issuance of the Quarry Excavation Permit. The amount and form of the guarantee shall be subject to annual review and approval by the County and the State, and the amount shall be adequate to ensure reclamation of disturbed land and/or land to be disturbed during a given phase. The annual review of the financial guarantee shall be coordinated with the annual inspection and approval of successive reclamation security so that the guarantee includes the amount of disturbed land plus the amount of land estimated to be disturbed during the next twelve (12) months, less the amount of land previously determined by the Department of Public Works annual inspection to have been reclaimed. The performance guarantee shall be in the form of either: 1) a surety bond, 2) a trust fund with the lead agency, or 3) an irrevocable letter of credit. Any interest accrued in a trust fund shall stay with the trust fund account. The financial guarantee shall be payable to "San Joaquin County and the Department of Conservation" under the applicable provisions of the County and the state mining regulations. The financial guarantee shall be callable by the County or the state under the following circumstances:

(1) The applicant causes the excavation to become idle (as defined in Section 9-110) without an approved interim management plan;

(2) The applicant files for bankruptcy;

(3) The County or state determines on the basis of annual inspections and reports that the applicant has not maintained substantial compliance with the approved Permit;

(4) There arises an occurrence or circumstance which, in the opinion of the County or state, jeopardizes the site reclamation; or

(5) The State makes one or more of the findings specified in Section 2774.4(a) of the State Public Resources Code.

In any instance that the County or state makes the demand for partial or full tender of the financial guarantee of performance, the County and/or state may use all or any portion of the financial guarantee to reclaim the site and to recover its administrative costs associated therewith;

(s) **Exception to Operating Conditions.** The Review Authority may grant an exception to any operating condition contained herein, except the requirement of a reclamation plan. A written report will be required to show that such exception will not result in a hazardous condition, the cost of strict compliance would be unreasonable in view of all the circumstances, and such exceptions will not adversely affect the environment, property, or persons in the area. Such request shall be filed with the original or a subsequent application and shall include a complete statement of justification;

(t) **Enforcement.** Except as otherwise provided in State Mining Regulations, the County shall have authority to enforce provisions of the Surface Mining and Reclamation Act. The County may exercise all enforcement regulations available under the County Development Title and the State Public Resources Code. Such enforcement measures include charging the applicant the costs of administering an enforcement action. The basis for charging fees for an enforcement action shall be a time and materials compensation; and

(u) **Groundwater Conditions.** An evaluation of the impact of resource extraction on groundwater conditions shall be required for all quarry excavations which extend to depths below the groundwater level of the uppermost aquifer.

(Ord. 3675, 3715, 3739; Ord. No. 4399, § 10, 9-14-2010)

**DIVISION 15: NATURAL RESOURCES
REGULATIONS**

CHAPTER 9-1500

**NATURAL RESOURCES REGULATIONS:
INTENT AND ORGANIZATION**

Sections:

9-1500.1	Title and Intent.
9-1500.2	Organization.

9-1500.1 TITLE AND INTENT.

Division 15 constitutes the Natural Resources Regulations. The intent of this Division is to prescribe regulations for the protection, conservation, and/or managed use of specified natural resources.

(Ord. 3675)

9-1500.2 ORGANIZATION.

Division 15 consists of the following chapters:

- (a) 9-1500 Natural Resources Regulations: Intent and Organization
 - (b) 9-1505 Trees
 - (c) 9-1510 Riparian Habitat
 - (d) 9-1515 Wetlands (Reserved)
 - (e) 9-1520 Waterways (Reserved)
 - (f) 9-1525 Mineral Resources Protection
- (Ord. 3675)

CHAPTER 9-1505

TREES

Sections:

9-1505.1	Intent.
9-1505.2	Applicability.
9-1505.3	Removal Requirements.
9-1505.4	Replacement.
9-1505.5	Development Constraints.
9-1505.6	Landscaping.
9-1505.7	Expert Opinion.
9-1505.8	General Exemptions.
9-1505.9	Existing Lot Exemptions.

9-1505.1 INTENT.

The intent of this Chapter is to preserve the County's tree resources.

(Ord. 3675)

9-1505.2 APPLICABILITY.

The provisions of this chapter shall apply to all development projects requiring discretionary approval which have Native Oak Trees, Heritage Oak Trees, or Historical Trees on the property.

(Ord. 3675)

9-1505.3 REMOVAL REQUIREMENTS.

The removal of a Native Oak Tree, Heritage Oak Tree, or Historical Tree shall require an approved Improvement Plan application, as specified in Chapter 9-884 of this Title, and shall be subject to the provisions of this Chapter, unless exempted by Sections 9-1505.8 or 9-1505.9.

(a) **Heritage Oak Tree, Historical Tree.** The removal of a Heritage Oak or Historical Tree shall not be permitted unless the Review Authority finds that one or more of the following situations exists:

- (1) That the removal is in the public interest;
- (2) That the tree interferes with an existing structure, utility service, or road, and no reasonable alternative exists to correct the interference other than removal of the tree;
- (3) That removal is necessitated because the tree is endangering another plant in the area with infection or infestation;
- (4) The removal is necessitated because the tree interferes with the maintenance of flood control facilities.

Replacement of any tree removed under this subsection shall be as specified in Section 9-1505.4.

(b) **Native Oak Tree.** Removal of a Native Oak Tree shall be permitted subject to an approved Improve-

ment Plan application processed by Staff Review procedure. Replacement of any tree removed under this subsection shall be as specified in Section 9-1505.4. (Ord. 3675; 3697; Ord. 3843 § 19 (part), 1995)

9-1505.4 REPLACEMENT.

Trees removed under the provisions of this Chapter shall be replaced subject to the following requirements:

(a) **Replacement Stock.** Replacement stock shall be of healthy commercial nursery stock or acorns, of the species removed or other approved species, and shall be established and maintained for at least three (3) years.

(b) **Location.** Replacement trees shall be planted as near as possible to the location of the removed tree or in an alternative location acceptable to the Review Authority.

(c) **Timing.** Replacement stock shall be planted between October 1 and December 31, and no later than twelve (12) months after the date of tree removal.

(d) **Number and Maintenance of Replacement Trees.** The number and maintenance of replacement stock shall be as follows:

(1) Each Heritage Oak Tree or Historical Tree that has been removed under the provisions of Section 9-1505.3(a) shall be replaced with five (5) trees or acorns, or combination thereof.

(2) Each Native Oak Tree that has been removed under the provisions of Section 9-1505.3(b) shall be replaced with three (3) trees or acorns, or combination thereof.

(3) The applicant shall be required to demonstrate to the satisfaction of the Review Authority that replacement stock will be planted and maintained in such a manner as to ensure that the survival of said stock at the end of a three (3) year period commencing from the date of planting.

(e) **Replanting Security.** The Review Authority may require, as a Condition of Approval, the applicant to provide a performance bond or other financial security to replant any replacement tree found not to be alive at the end of the required three (3) year maintenance period. The form of the bond or other financial security shall be found acceptable by the County Counsel and the amount shall be sufficient to cover the County's cost to replant said trees. The Director shall, upon written request of the applicant at the end of the maintenance period, determine the health of the replacement trees and release the security, in the event that all replacement trees are alive. In the event that the replacement trees are not alive, the Director shall use all or part of the security to replant said trees. The applicant may be required to provide additional

security to ensure maintenance of said trees for an ensuing three (3) year maintenance period.

(Ord. 3675; Ord. 3843 § 19 (part), 1995)

9-1505.5 DEVELOPMENT CONSTRAINTS.

To protect and preserve Heritage Oak Trees, Historical Trees, and Native Oak Trees from development and construction activity, the following standards shall be applicable unless otherwise specified:

(a) **Grade Changes.** Grade changes near or within the dripline of said trees shall comply with the following restrictions:

(1) No grade changes shall occur within six (6) feet of the trunk of the tree.

(2) No grade changes shall occur that entail removing or adding more than six (6) inches of soil in the protected zone of the tree.

(3) Extensive cuts or fills that are necessary beyond the protected zone shall have adequate drainage to mitigate adverse effects caused by changes in grade elevation.

(4) Any grade changes within the protected zone of the tree shall be accomplished so as to prevent soil compaction and injury to or removal of the tree's roots.

(b) **Fencing.** Before grading operations may commence, a minimum five (5) foot high chain link fence or other comparable protective fencing shall be installed at the outermost edge of the protected zone of each tree or group of trees. Fencing, however, to protect trees on slopes that will not be graded is not required.

(1) Fences shall remain in place throughout the entire construction period.

(2) No material, machinery, or objects of any kind may be stored within the fenced area.

(c) **Trenching.** No trenching whatsoever shall be allowed within the protected zone of subject trees. If underground utility lines must be installed within the protected zone, the conduit shall be installed by boring or drilling through the soil.

(d) **Retaining Walls.** In cases where retaining walls are required within the protected zone of the tree, the property owner shall complete said improvement before the completion of grading operations and before commencement of any construction.

(e) **Paving.** Paving within the dripline of affected trees shall be stringently minimized. If paving is necessary, porous materials such as gravel, loose boulders, and cobbles, brick with sand joints, wood chips, or bark mulch shall be used.

(f) **Exceptions.** The Development Constraints in this section shall not apply to normal agricultural practices. (Ord. 3675)

9-1505.6 LANDSCAPING.

Unless otherwise specified, landscaping beneath Heritage Oak Trees, Historical Trees, and Native Oak Trees shall be subject to the following requirements:

(a) **Nonplant Materials.** Nonplant materials such as loose boulders and cobbles, wood chips, or similar materials, may be used under trees.

(b) **Permitted Plants.** Only plant species that are tolerant of the natural semi-arid environment of said trees, or the natural environment of Historical Trees, whichever is applicable, shall be permitted under trees.

(c) **Nonplanting Areas.** No plants or lawn shall be planted within a ten (10) foot radius of the trunk of any subject tree. Only nonplant materials shall be used within said area.

(d) **Irrigation Systems.** Permanent irrigation systems within the protective zone of subject trees shall be limited to bubbler, drip, or subterranean systems only. No irrigation system shall be allowed within a ten (10) foot radius of the trunk of a subject tree.

(e) **Exceptions.** The Landscaping Requirements in this section shall not apply to normal agricultural practices. (Ord. 3675)

9-1505.7 EXPERT OPINION.

The Review Authority may require the opinion of an individual with special expertise in the care and maintenance of Native Oak Trees, Historical Trees, or Heritage Oak Trees in any of its deliberations concerning said trees. The Review Authority shall require the applicant to pay for the cost of obtaining the services of such an individual. (Ord. 3675)

9-1505.8 GENERAL EXEMPTIONS.

The provisions of this Chapter shall not apply to:

(a) Cases of emergency requiring the immediate removal of said trees for the safety of structures or human life, as determined by the Director of the Community Development Department, the Director of Public Works, the Director of Parks and Recreation, or the Chief of the applicable fire district.

(b) Removals by a public utility that are necessary to protect electric power or communication lines or other property owned by said public utility.

(c) Removals required for the repair and maintenance of existing roads, flood control facilities, and/or other

public facilities. Where flood channels consist of all or portions of natural waterways, the portion to be exempted shall be limited to the watercourses and such portions of the adjacent land area between the levees required to discharge the 100-year flood.

(d) Removals required by other codes, ordinances, or laws of San Joaquin County, the State of California, or the United States.

(e) Trees that are dead or diseased. (Ord. 3675)

9-1505.9 EXISTING LOT EXEMPTIONS.

The prohibition against the removal of Native Oak Trees specified in Section 9-1505.3(b) shall not apply to:

(a) Existing lots containing less than ten thousand (10,000) square feet and an existing residential use; and

(b) Existing lots containing less than one (1) acre and an existing commercial or industrial use. (Ord. 3675)

CHAPTER 9-1510

RIPARIAN HABITAT

Sections:

- | | |
|-----------------|---|
| 9-1510.1 | Intent. |
| 9-1510.2 | Applicability. |
| 9-1510.3 | Determinations Needed for Proposed Loss. |
| 9-1510.4 | Riparian Habitat Mitigation Plan. |
| 9-1510.5 | Natural Bank Buffer. |

9-1510.1 INTENT.

The intent of this Chapter is to preserve the County's riparian habitat.
(Ord. 3675)

9-1510.2 APPLICABILITY.

The requirement of this Chapter shall apply to all development projects requiring discretionary approval.
(Ord. 3675)

9-1510.3 DETERMINATIONS NEEDED FOR PROPOSED LOSS.

An action that in the opinion of the Review Authority has the potential to destroy, eliminate, or degrade riparian habitats shall not be permitted, unless the Review Authority determines that all of the following are true:

(a) **Public Interest.** The potential loss is in the public interest.

(b) **Riparian Habitat Mitigation.** Potential destruction, elimination, or degradation of the riparian habitat would be mitigated through a Riparian Habitat Mitigation Plan that shall be part of the conditions of approval.
(Ord. 3675)

9-1510.4 RIPARIAN HABITAT MITIGATION PLAN.

The Riparian Habitat Mitigation Plan shall include a plan to protect existing riparian habitat or a plan to replace, preserve, or develop new habitat, or a combination thereof. The Plan shall be prepared by a qualified biologist and shall be subject to the following provisions:

(a) **On-Site Riparian Habitat.** The Plan shall show the location and extent of existing riparian habitat on the site of the proposed project and shall indicate the riparian habitat that may be destroyed, eliminated, or degraded as a result of the project as well as the riparian habitat that is to be retained and protected, with methods for ensuring protection.

(b) **Mitigation Sites.** The Plan shall indicate sites that are to be developed or preserved to serve as mitigation for loss of riparian habitat as a result of the proposed project. To the extent practicable, mitigation sites shall be in San Joaquin County and shall assist in the maintenance of riparian corridors.

(c) **Contribution to Existing Off-Site Habitat Site.** In lieu of establishing and maintaining riparian habitat on-site of the proposed development, the applicant may contribute to the acquisition and maintenance of an existing off-site riparian habitat area or contribute to the establishment and maintenance of a new riparian habitat area. The amount of the contribution shall be based on the cost of establishing and maintaining replacement habitat for a five (5) year period on site.

(d) **Replacement Vegetation.** Vegetation planted to mitigate the loss of riparian habitat shall generally be native vegetation. The size of the area of replacement vegetation shall be at least two (2) times the size of the area that is to be destroyed, eliminated, or degraded.

(e) **Maintenance.** Provisions shall be made for maintaining replacement vegetation for five (5) years.

(f) **Conservation Easement.** Assurance of habitat preservation shall be by conservation easement or other acceptable methods.
(Ord. 3675)

9-1510.5 NATURAL BANK BUFFER.

Parallel to any natural bank of a waterway, a natural open space for riparian habitat and waterway protection shall be maintained to provide nesting and foraging habitat and the protection of waterway quality. The minimum width of said open space shall be one-hundred (100) feet, measured from the mean high water level of the natural bank or fifty (50) feet back from the existing riparian habitat, whichever is greater. Water-dependent uses may be permitted in this buffer.
(Ord. 3675)

CHAPTER 9-1515

WETLANDS

(Reserved)

(Ord. 3675)

CHAPTER 9-1520

WATERWAYS

(Reserved)

(Ord. 3675)

CHAPTER 9-1525

MINERAL RESOURCES PROTECTION

Sections:

9-1525.1	Intent.
9-1525.2	Development Requirements.

9-1525.1 INTENT.

The intent of this Chapter is to provide regulations to protect mineral resources that are shown as Open Space/Resource Conservation on the General Plan 2010 Map from urban development or encroachment and to manage the production of such mineral resources in an environmentally sound manner.

(Ord. 3675)

9-1525.2 DEVELOPMENT REQUIREMENTS.

For extractive projects and nonextractive projects/activities which are proposed in areas of significant sand and gravel deposits that are designated Resource Conservation on the General Plan Map, the following requirements shall apply:

(a) **Extractive Projects.** For an extractive project, the applicant shall file an application for a Quarry Excavation Permit.

(b) **Nonextractive Projects.** For a nonextractive project/activity, such as a residential unit, which is proposed in an area of significant sand and gravel deposits, as determined by the State Mining and Geology Board or by the County, but which is not associated with the extraction of said resource, the applicant shall file a Site Approval application, as specified in Chapter 9-818, unless a discretionary permit of an equivalent or higher order is required for said project by this title.

(c) **Prohibitions.** The following projects shall not be permitted.

(1) Nonextractive projects that require significant capital investment in facilities and structures; and

(2) Extractive projects that would have irreversible, deleterious environmental effects that cannot be mitigated.

(Ord. 3675)

DIVISION 16. SAFETY REGULATIONS**CHAPTER 9-1600****SAFETY REGULATIONS: INTENT AND ORGANIZATION****Sections:**

- 9-1600.1 Title and Intent.**
9-1600.2 Organization.

9-1600.1 TITLE AND INTENT.

Division 16 constitutes the Safety Regulations. The intent of this Division is to prescribe safety regulations for projects undertaken pursuant to this Title.
 (Ord. 3675)

9-1600.2 ORGANIZATION.

Division 16 consists of the following chapters:

- (a) 9-1600 Safety Regulations: Intent and Organization;
 (b) 9-1605 Flood Hazards; and
 (c) 9-1610 Airport Compatibility.
 (Ord. 3675)

CHAPTER 9-1605**FLOOD HAZARDS****Sections:**

- 9-1605.1 General Provisions.**
9-1605.2 Areas of Special Flood Hazard.
9-1605.3 Floodplain Administrator.
9-1605.4 Application Requirements for Permits.
9-1605.5 Special Permits Within Areas of Special Flood Hazard.
9-1605.5.1 Special Flood Protection Findings Required by State Law.
9-1605.6 Approval of Permits.
9-1605.7 Flood Variance.
9-1605.8 Evacuation Plan.
9-1605.9 Appeals.
9-1605.10 Standards of Construction: Anchoring.
9-1605.11 Standards of Construction: Materials and Methods.
9-1605.12 Standards of Construction: Elevation and Floodproofing.
9-1605.13 Flood Hazard Reduction: Utilities.
9-1605.14 Flood Hazard Reduction: Subdivisions.
9-1605.15 Flood Hazard Reduction: Mobile Homes and Recreational Vehicles.
9-1605.16 Flood Hazard Reduction: Uses and Structures Within Floodways.
9-1605.17 Prohibited Uses and Structures.
9-1605.18 Levees.

9-1605.1 GENERAL PROVISIONS.

(a) **Statutory Authorization.** The legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon San Joaquin County authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Supervisors of San Joaquin County does hereby adopt the following floodplain management regulations.

(b) Findings of Fact.

1. The flood hazard areas of San Joaquin County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services,

extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities also contribute to the flood loss.

(c) **Statement of Purpose.** It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
7. Ensure that potential buyers are notified that property is in area of special flood hazard; and
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. No. 4488, § 3, 10-11-2016)

Editor's note—Ord. No. 4488, § 3, adopted Oct. 11, 2016, repealed the former § 9-1605.1, and enacted a new § 9-1605.1 as set out herein. The former 9-1605.1 pertained to intent and derived from Ord. 3675.

9-1605.2 AREAS OF SPECIAL FLOOD HAZARD.

This Chapter shall apply to all areas of special flood hazard within the jurisdiction of San Joaquin County. The areas of special flood hazard identified by the Federal Emergency Management Agency or the Federal Insurance Administrator are those areas indicated

in a scientific and engineering report entitled "Flood Insurance Study (FIS) for County of San Joaquin, November 1979," as amended, and shown on the accompanying Flood Insurance Rate Maps (FIRMs) as Zones A, AO, AE, A99, or AH, or on the Flood Boundary and Floodway Maps (FBFMs) as floodways, and all subsequent amendments and/or revisions are hereby adopted by reference and declared to be a part of this Chapter. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to San Joaquin County by the Floodplain Administrator. The FIS, FIRMs and FBFMs are on file at the office of the San Joaquin County Department of Public Works.

(Ord. 3675; Ord. 4149, § 3, 2002; Ord. 4153, § 3, 2002; Ord. 4211, § 3, 2004; Ord. No. 4488, § 3, 10-11-2016)

9-1605.3 FLOODPLAIN ADMINISTRATOR.

The San Joaquin County Flood Control Engineer shall be designated as Floodplain Administrator and appointed to administer and implement this Chapter. The duties and responsibilities of the Floodplain Administrator shall include, but not necessarily be limited to, the following:

(a) **Permit Review.** The Floodplain Administrator shall review all development permits to determine that:

- a. The permit requirements of this Chapter have been met;
- b. All other required local, state, and federal permits have been obtained;
- c. The site is reasonably safe from flooding.

The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one (1) foot at any point.

(b) **Use of Other Base Flood Data.** When one hundred (100) year flood elevation data has not been provided or is inadequate in the Floodplain Administrator's opinion, the Floodplain Administrator

shall obtain, review, and reasonably utilize any one hundred (100) year flood elevation and floodway data available from federal, state, or other sources that he or she considers the best available information.

(c) **Notification.** Whenever a major watercourse is to be altered or relocated, the flood carrying capacity of the major watercourse shall be maintained. The Floodplain Administrator shall notify adjacent communities and the California Department of Water Resources prior to the significant alteration or relocation of a major watercourse. The Floodplain Administrator shall submit evidence of said notification to the Federal Insurance Administration.

(d) **Certifications.** The Floodplain Administrator shall obtain and maintain for public inspection and make available the certifications required in Section 9-1605.12.

(e) **Boundary Interpretations.** The Floodplain Administrator shall make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazard.

(f) **Determination Concerning Other Areas of Special Flood Hazard.** The Floodplain Administrator shall determine, based on the best available information, those areas at risk of flooding and not identified by the Federal Emergency Management Agency or the Federal Insurance Administration, and shall consider these as areas of special flood hazard.

(g) **Violations.** The Floodplain Administrator shall take action to remedy violations of this Chapter as provided in Chapter 9-1905 of this Title.

(h) **Processing of Permits.** The Floodplain Administrator shall perform the duties required for the processing of flood-related permits, including flood variances and appeals of the requirements of this Chapter.

(i) **Reporting of Flood Variances.** The Floodplain Administrator shall report any flood variances to the Federal Insurance Administration upon request.

(j) **Warning and Disclaimer of Liability.** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or

flood damages. This ordinance shall not create liability on the part of San Joaquin County, any officer or employee thereof, the State of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(k) **Requirement to Submit New Technical Data.** A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify the National Flood Insurance Program Administrator of the changes by submitting technical or scientific data in accordance with this part. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

(Ord. 3675; Ord. No. 4488, § 3, 10-11-2016)

9-1605.4 APPLICATION REQUIREMENTS FOR PERMITS.

An application for any permit to develop within an area of special flood hazard shall include information considered to be necessary by the Floodplain Administrator to determine the potential flood hazard on the project site.

(Ord. 3675)

9-1605.5 SPECIAL PERMITS WITHIN AREAS OF SPECIAL FLOOD HAZARD.

Within any area of special flood hazard, the following permits shall, where indicated, be obtained prior to the commencement of any construction or development:

(a) **Floodplain Encroachment Permit.** A Floodplain Encroachment Permit shall be required for any project that would alter a watercourse.

(b) **Use Permit.** A Use Permit shall be required for any project that would alter the location of a floodway.

(Ord. 3675)

9-1605.5.1 SPECIAL FLOOD PROTECTION FINDINGS REQUIRED BY STATE LAW.

The unincorporated community of Mountain House is an urban community as defined in the Government Code Section 65007. Development approvals for projects in Mountain House shall require flood protection findings as specified in Government Code Sections 65865.5, 65962, and 66474.5 (Ord. No. 4501, § 1, 12-12-2017)

9-1605.6 APPROVAL OF PERMITS.

Prior to approving an application for a permit to develop within a special flood hazard area, the Floodplain Administrator shall be provided with technical data to determine that the following are true:

(a) **Flood Fringe.** In flood fringe areas, the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the one hundred (100) year flood more than one (1) foot at any given point.

(b) **Floodways.** In floodways, the requirements of Section 9-1605.16 have been met.

(c) **Watercourse Alteration.** If the alteration of a watercourse or floodway is proposed, the proposed project will not reduce the flood carrying capacity of said watercourse or floodway. (Ord. 3675)

9-1605.7 FLOOD VARIANCE.

A Flood Variance may be granted in accordance with the provisions of Chapter 9-848 of this Title. (Ord. 3675)

9-1605.8 EVACUATION PLAN.

An Evacuation Plan shall be prepared for mobile home and recreational vehicle parks in accordance with the provisions of Chapter 9-845 of this Title. (Ord. 3675)

9-1605.9 APPEALS.

The Planning Commission shall hear and decide appeals from actions of the Floodplain Administrator when it is alleged there is error in any interpretation, decision, or determination made by the Floodplain Administrator in the administration of this Chapter. (Ord. 3675)

9-1605.10 STANDARDS OF CONSTRUCTION: ANCHORING.

All new construction and substantial improvements to existing structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. All mobile homes shall meet the anchoring standards of Section 9-1605.15. (Ord. 3675)

9-1605.11 STANDARDS OF CONSTRUCTION: MATERIALS AND METHODS.

Unless otherwise specified, construction within areas of special flood hazard shall comply with the following standards for materials and methods:

(a) **Materials and Utility Equipment.** All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) **Methods and Practices.** All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) **Equipment and Service Facilities.** All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(d) **Drainage.** Within Flood Insurance Rate Map (FIRM) Zones AH or AO, adequate drainage paths around structures on slopes shall be required to guide flood waters around and away from proposed structures. (Ord. 3675)

9-1605.12 STANDARDS OF CONSTRUCTION: ELEVATION AND FLOODPROOFING.

Unless otherwise specified, the following standards of construction relative to elevation and flood proofing shall be complied with in areas subject to flooding:

(a) **Lowest Floor Elevation: Areas of Special Flood Hazard.** All new construction and substantial improvements of any structure in areas of special flood

hazard shall have the lowest floor, including basement, elevated to at least one (1) foot above the one hundred (100) year flood elevation. Non-residential structures may meet the standards in Subsection (c) below. Upon the completion of the structure the elevation of the lowest floor, including the basement, shall be certified by a registered civil engineer or licensed land surveyor. Such certification shall be provided to the Floodplain Administrator.

(b) Lowest Floor Elevation: Zone A or AO.

All new construction and substantial improvement of any structure in FIRM Zone A or AO shall have the lowest floor, including the basement, elevated at least one (1) foot higher than the depth number specified in feet on the FIRM measured from the highest adjacent grade, or at least two (2) feet if no depth number is specified. Nonresidential structures may meet the standards in Subsection (c) below. Upon completion of the structure the elevation of the lowest floor, including the basement, shall be certified by a registered civil engineer or licensed land surveyor.

(c) Floodproofing: Non-Residential Construction. Non-residential construction shall either be elevated in conformance with Subsection (a) or Subsection (b) above or, in the alternative, together with attendant utility and sanitary facilities, shall:

(1) Be floodproofed so that at least one (1) foot above the one hundred (100) year flood level, the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components impermeable to the passage of water;

(3) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(4) Be certified by a registered civil engineer or registered architect as having satisfied the standards of this subsection. Such certification shall be provided to the Floodplain Administrator.

(d) Construction in Enclosed Areas Below Lowest Floor Level. In all new construction and substantial improvements to existing structures in areas of special flood hazard, enclosed areas below the lowest floor, which are used solely for parking of vehicles, building access or storage in an area other than a basement, and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and

exit of floodwaters. Designs for meeting this requirement shall be certified by a registered civil engineer or a registered architect. As an alternative, said designs may either have a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding, or be certified to comply with the County's floodproofing standard that has been approved by the Federal Insurance Administration. Said certification shall be provided to the building official. Any openings shown in said design shall have the bottom of such openings no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other louverings, or devices that permit automatic entry and exit of floodwaters.

(e) Mobile Homes and Recreational Vehicles. Mobile homes and recreational vehicles shall meet the standards in Section 9-1605.15.

(f) Accessory Buildings. Nonhabitable buildings accessory to agriculture or accessory to residential use may be constructed at ground level without a flood variance. Permit applications for Accessory Structures will be reviewed on a case-by-case basis by the Floodplain Administrator for compliance with applicable FEMA Technical Bulletins.

(1) The applicant shall provide evidence of recordation of a written notice that states that the accessory building is constructed with the lowest floor elevation below the regulatory flood elevation, is not for habitable use and can be used solely for parking or limited storage. Further, the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. The notice shall be recorded with 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. For the purposes of this Section, accessory buildings shall not include buildings used for commercial or industrial purposes.

(g) Aircraft Hangars. Aircraft hangars in FIRM Zone AO at the Stockton Metropolitan Airport may be constructed in compliance with Variance VR-01-2. (Ord. 3675; 3788; Ord. 3872, § 13, 1996; Ord. 4149, § 4, 2002; Ord. 4153, § 4, 2002; Ord. 4211, § 4, 2004; Ord. No. 4488, § 3, 10-11-2016)

**9-1605.13 FLOOD HAZARD REDUCTION:
UTILITIES.**

Utility systems shall comply with the following flood hazard reduction standards:

(a) **Water and Sanitary Sewage Systems.** All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.

(b) **Waste Disposal Systems.** Waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. 3675)

**9-1605.14 FLOOD HAZARD REDUCTION:
SUBDIVISIONS.**

(a) All preliminary subdivision proposals shall identify the special flood hazard area and the elevation of the base flood.

(b) All subdivision plans shall provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevation shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

(c) All subdivision proposals shall be consistent with the need to minimize flood damage.

(d) All subdivisions proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(e) All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

(Ord. 3675; Ord. 3872, § 14, 1996; Ord. 4149, § 5, 2002; Ord. 4153, § 5, 2002; Ord. 4211, § 5, 2004; Ord. No. 4488, § 3, 10-11-2016)

**9-1605.15 FLOOD HAZARD REDUCTION:
MOBILE HOMES AND
RECREATIONAL VEHICLES.**

Mobile homes and recreational vehicles shall be subject to the following flood hazard reduction standards:

(a) **Single-Wide Mobile Homes.** Single-wide mobile homes without expandos may be placed in an existing mobile home park in a floodway under the following circumstances:

(1) The mobile home is replacing a mobile home which was in the space within the previous twelve (12) months;

(2) The mobile home park property has been posted to conspicuously display the one hundred (100) year flood elevation;

(3) A bond has been posted for possible damage caused to other property through negligence on the part of the park owner during a flood event. This requirement may be waived by the Floodplain Administrator if it can be shown that the park has other liability protection.

(b) **Installation Permits.** Installation permits shall be issued by the State Department of Housing and Community Development (HCD) only after all conditions in Subsection (a) of this Section have been satisfied.

(c) **Recreational Vehicles.** Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM either be on the site for fewer than one hundred eighty (180) consecutive days or be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(d) **Manufactured Home Floor Elevation.**

(1) Manufactured homes that are placed or substantially improved within areas of special flood hazard shall have the lowest floor elevated at least one (1) foot above the base flood elevation on a permanent or a temporary foundation with the entire foundation support system at or above the base flood elevation or an engineered support system designed to withstand flood forces, on the following sites:

(A) Outside of a manufactured home park or subdivision;

(B) In a new manufactured home park or subdivision;

(C) In an expansion to an existing manufactured home park or subdivision; or

(D) In an existing manufactured home park or subdivision which has incurred substantial damage as the result of a flood.

(2) Manufactured homes that are placed or substantially improved within areas of special flood hazard on sites in an existing manufactured home park or subdivision that are not subject to the above provisions shall be elevated so that either:

(A) The lowest floor is elevated at least one (1) foot above the base flood elevation; or

(B) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and securely anchored in accordance with this Section.

(e) **Anchoring.** Anchoring shall be to a permanent foundation system to resist flotation, collapse, or lateral movement.

(Ord. 3675; Ord. 4149, § 6, 2002; Ord. 4153, § 6, 2002; Ord. 4211, § 6, 2004; Ord. No. 4488, § 3, 10-11-2016)

9-1605.16 FLOOD HAZARD REDUCTION: USES AND STRUCTURES WITHIN FLOODWAYS.

Uses and structures within floodways shall be subject to the following flood hazard reduction standards:

(a) **Anchoring.** All structures within floodways shall be constructed so as to remain in place during the one hundred (100) year flood, except those subject to an Evacuation Plan as specified in Chapter 9-845.

(b) **Obstruction of the Floodway.** All structures shall be designed to allow free passage of floodwaters and minimize catching of debris.

(c) **Extraction of Sand, Gravel, and Other Materials.** There shall be no stockpiling of materials, products, or overburden which may create an obstruction to the passage of flood flows or increase the velocity or elevation of water within the floodway.

(d) **Drainage and Flood Control Development.** Drainage and flood control development shall be subject to the following conditions:

(1) The net effect of any drainage or flood control structure, facility, channel, or other project or combination of projects placed or enlarged within a floodway shall be such that it does not increase the area, velocity, or elevation of floodwaters within the floodway.

(2) The governing agency having jurisdictional authority over new levee construction, levee modification, or levee maintenance shall condition the approval of said project so that no increase in the area, velocity, or elevation of floodwaters within the floodway results.

(3) In the absence of any other governing agency with jurisdictional control, the Floodplain Administrator shall have jurisdictional control over projects falling within this Subsection.

(4) Notwithstanding the foregoing, existing levees which protect and delineate a floodway may be modified or maintained for the purpose of reducing the danger of flood damage to the lands or other property the levees are designed to protect.

(e) **Removal of Equipment and Stored Material.** All moveable equipment and stored material shall be removed prior to a flood.

(f) **Bridges Spanning a Floodway.** Bridges spanning a floodway shall have the bottom of the lowest horizontal member three (3) feet or more above the one hundred (100) year flood elevation for major streams and two (2) feet or more above the one hundred (100) year flood elevation for minor streams as determined by the Floodplain Administrator.

(g) **Encroachments.** Any encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited unless certification is provided by a registered civil engineer demonstrating that encroachments will not result in any increase in flood levels during the occurrence of the one hundred (100) year flood discharge.

(Ord. 3675; Ord. 4149, § 7, 2002; Ord. 4153, § 7, 2002; Ord. 4211, § 7, 2004)

9-1605.17 PROHIBITED USES AND STRUCTURES.

The following uses and structures shall be prohibited within areas of special flood hazard:

(a) **Uses Prohibited Within Floodways.** The following uses shall be prohibited within floodways:

(1) Storage of hazardous materials, including but not limited to pesticides, radioactive materials, explosives, and other materials which may be hazardous to life, limb, or property when inundated;

(2) Mobile homes and recreational vehicles not within parks with approved Evacuation Plans;

(3) Double-wide mobile homes or expando mobile homes;

(4) New cemeteries or expansion of existing cemeteries;

(5) New sanitary landfills or expansion of existing sanitary landfills;

(6) Water wells; and

(7) Sewage wastewater facilities.

(b) **Structures Prohibited Within Floodways.** All structures are prohibited within floodways, except that the structures listed below are allowed, if certifica-

tion is provided by a registered civil engineer demonstrating that encroachments will not result in any increase in flood levels during the occurrence of the one hundred (100) year flood discharge and all other Floodplain Management provisions are satisfied.

- (1) Pumps, siphons, and appurtenances;
- (2) Fences, walls, signs, and other appurtenances;
- (3) Public and private docks, wharves, piers, and boat launching ramps;
- (4) Marinas, including ramps, gas pumps or docks, and other structures which must be located on, above, or immediately adjacent to a watercourse, provided there is no alternative to location in a floodway;
- (5) Pilings and other support structures;
- (6) Railroads, pipelines, utility lines, and public improvements such as roads and streets; and
- (7) Bridges.

(c) **Uses and Structures Prohibited Within Flood Fringe Areas.** The following uses and structures shall not be permitted within flood-fringe areas:

- (1) New cemeteries;
 - (2) Solid waste disposal; and
 - (3) Hazardous waste facilities and other similar facilities.
- (Ord. 3675; Ord. 4149, § 8, 2002; Ord. 4153, § 8, 2002; Ord. 4211, § 8, 2004)

9-1605.18 LEVEES.

No fence without reasonable access openings at least twenty (20) feet in width shall be constructed nor shall any structure or pole be erected within ten (10) feet of the landside or waterside levee toe or within twenty-five (25) feet of the top of either bank of any natural or manmade stream without obtaining the approval of the Department of Public Works. Before granting approval, the Department shall find that the proposal will not interfere with periodic maintenance work being performed by public or private bodies. The decision of the Department of Public Works may be appealed to the Planning Commission.

(Ord. 3703)

CHAPTER 9-1610**AIRPORT COMPATIBILITY****Sections:**

9-1610.1	Intent.
9-1610.2	Airport Imaginary Surfaces.
9-1610.3	Airport Elevations.
9-1610.4	Height Limits.
9-1610.5	Use Restrictions.
9-1610.6	Hazard Marking and Lighting.
9-1610.7	Variances.
9-1610.8	Avigation Easements.

9-1610.1 INTENT.

The intent of this Chapter is to prescribe regulations which will minimize endangerment to the lives and property of users of public airports in San Joaquin County as well as persons living or working in the vicinity of such airports.

(Ord. 3675)

9-1610.2 AIRPORT IMAGINARY SURFACES.

All imaginary surfaces or zones, as specified in Title 14, Subsection C of Part 77 of The Code of Federal Regulations (as amended) and/or the Stockton Metropolitan Airport FAR Part 150 Noise Compatibility Program, are established for the following airports:

- (a) Stockton Metropolitan Airport;
- (b) Tracy Municipal Airport;
- (c) New Jerusalem Airport;
- (d) Kingdon Airport;
- (e) Lodi (Lind's) Airport;
- (f) Lodi (Precissi) Airpark;
- (g) Sharpe's Army Air Field; and
- (h) Lost Isle Seaport.

(Ord. 3675; Ord. 3832 § 43, 1995)

9-1610.3 AIRPORT ELEVATIONS.

The following airport reference point elevations are established for the purpose of measurement of surfaces in this Section:

- (a) Stockton Metropolitan Airport elevation is thirty and one-half (30.5) feet, U.S.G.S. Datum;
- (b) Tracy Municipal Airport elevation is one hundred ninety-one (191) feet, U.S.G.S. Datum;
- (c) New Jerusalem Airport elevation is sixty (60) feet, U.S.G.S. Datum;
- (d) Kingdon Airport elevation is fifteen (15) feet, U.S.G.S. Datum;

(e) Lodi (Lind's) Airport elevation is fifty-eight (58) feet, U.S.G.S. Datum;

(f) Lodi (Precissi) Airpark elevation is twenty-five (25) feet, U.S.G.S. Datum;

(g) Sharpe's Army Air Field elevation is eighteen (18) feet, U.S.G.S. Datum; and

(h) Lost Isle Seaport elevation is zero (0) feet, U.S.G.S. Datum.

(Ord. 3675)

9-1610.4 HEIGHT LIMITS.

No structure may be erected or added to, nor any tree planted or allowed to grow, to a height which would be greater than the imaginary surface established in Section 9-1610.2. Whenever and wherever any of the imaginary surfaces overlap, the most restrictive requirement shall govern and control.

(Ord. 3675)

9-1610.5 USE RESTRICTIONS.

(a) The following use restrictions shall apply to all public access airports, except Stockton Metropolitan Airport:

(1) Places of Public Assembly. Places of public assembly, including but not limited to churches, hospitals, schools, theaters, racetracks, carnivals, circuses, revival tents, labor camps, dormitories, and rest homes, shall not be allowed in the inner ten thousand (10,000) foot section of any instrument approach surface, or in the inner four thousand (4,000) foot section of any noninstrument approach surface.

(2) Residences. Residences shall not be permitted in the inner five thousand (5,000) foot section of any instrument approach surface or the inner four thousand (4,000) foot section of any noninstrument approach surface.

(3) Communication and Visibility. Uses that would create interference with radio communication or radar between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, or result in glare or impair the visibility of persons using the airport shall not be permitted in any noninstrument approach surface, the inner ten thousand (10,000) foot section of the instrument approach surface, the transitional surfaces adjacent to these approaches, or the horizontal or conical surface.

(4) Commercial and Industrial Uses. Notwithstanding any other provisions of this Title, a Site Approval shall be secured for any commercial or industrial use permitted in the inner ten thousand (10,000) foot section of the instrument approach surface or the inner four

thousand (4,000) foot section of the noninstrument approach surface.

(b) The following use restrictions shall apply to areas within the Stockton Metropolitan Airport Area of Influence:

(1) Inner Approach Zone. No residential uses, churches, hospitals, schools, theaters, racetracks, carnivals, circuses, revival tents, labor camps, dormitories, and rest homes shall be permitted.

(2) Outer Approach Zone. The following shall apply to an Outer Approach Zone:

(A) Nonresidential Uses. Churches, hospitals, schools, theaters, racetracks, carnivals, circuses, revival tents, labor camps, dormitories, and rest homes shall not be allowed in this area.

(B) Residential Uses. Residential development is allowed outside the sixty-five (65) Db Ldn contours if it is permitted in the existing zoning and if it is soundproofed to reduce interior noise levels to no higher than forty-five (45) Db and if an aviation easement is recorded. Within the sixty-five (65) to seventy (70) Db Ldn contours, new residential land uses are allowed only within existing subdivisions.

(3) Transitional Zone. New or redeveloped residential land uses are permitted if they are part of an existing residential subdivision or if they are allowed by existing zoning. If the residential development is within the sixty-five (65) Db noise contour, residential uses will be required to be soundproofed to reduce interior noise levels to no higher than forty-five (45) Db Ldn.

(Ord. 3675, 3756)

9-1610.6 HAZARD MARKING AND LIGHTING.

Any permit or variance granted under this Title may, if such action is deemed advisable and reasonable under the circumstances in order to effectuate the purposes of this Chapter, be so conditioned as to require its holder, at his or her own expense, to install, operate, and maintain on the subject property such markers and lights as may be necessary to indicate to fliers the presence of an airport hazard.

(Ord. 3675)

9-1610.7 VARIANCES.

Any application for a Variance from the provisions of this Chapter shall be referred to the County Department of Airports, the State Division of Aeronautics, and the Federal Aviation Administration for their recommendations. The Planning Commission shall consider the recommendation of all three departments in making a decision on any such variance. No variance from the terms

of this Chapter shall be approved if the Planning Commission determines that the approval thereof would in any way endanger the safety of aircraft using any airport governed by this Chapter.

(Ord. 3675)

9-1610.8 AVIGATION EASEMENTS.

Avigation easements shall be required for new residential development projects, parks, schools, hospitals, group care facilities, and facilities providing child care in the following areas:

(a) Within the Stockton Metropolitan Airport Area of Influence; and

(b) Within the sixty-five (65) Db Ldn contour areas of all other publicly owned airports.

(Ord. 3756)

DIVISION 17: SIGN REGULATIONS**CHAPTER 9-1705****CHAPTER 9-1700****SIGNS: GENERAL PROVISIONS****SIGN REGULATIONS: INTENT AND ORGANIZATION****Sections:**

9-1700.1	Title and Intent.
9-1700.2	Organization.

9-1700.1 TITLE AND INTENT.

Division 17 constitutes the Sign Regulations. The intent of this Division is to establish sign standards that will preserve the natural setting and built environment of San Joaquin County. This Division sets forth regulations to balance the need for a well maintained, attractive community; for the protection of the public safety and welfare; and for sufficient identification of uses within the County. These regulations have the following specific objectives:

- (a) Reflect and support a desirable visual quality of future development throughout the entire County;
 - (b) Attract and direct people to various activities and places throughout the County for their convenient movement; and
 - (c) Ensure that signs are designed, constructed, installed, and maintained so as to not endanger the public.
- (Ord. 3675)

9-1700.2 ORGANIZATION.

Division 17 consists of the following chapters:

- (a) 9-1700 Sign Regulations: Intent and Organization;
 - (b) 9-1705 Signs: General Provisions; and
 - (c) 9-1710 Signs: Standards.
- (Ord. 3675)

Sections:

9-1705.1	Intent.
9-1705.2	Application.
9-1705.3	Sign Inventory.
9-1705.4	Prohibited Signs.
9-1705.5	Exempt Signs.
9-1705.6	Gasoline Sales.
9-1705.7	Maintenance.
9-1705.8	Changeable Copy.
9-1705.9	Nonconforming Signs.

9-1705.1 INTENT.

The intent of this Chapter is to set forth general provisions for signs.
(Ord. 3675)

9-1705.2 APPLICATION.

Except for signs expressly exempted by the provisions of Section 9-1705.5 of this Division, no sign shall be erected, constructed, attached, or maintained on any property except in conformity with this Division.
(Ord. 3675)

9-1705.3 SIGN INVENTORY.

Pursuant to Section 5491.1 of the Business and Professions Code, an inventory of all illegal signs in San Joaquin County shall be commenced.
(Ord. 3675)

9-1705.4 PROHIBITED SIGNS.

Unless otherwise specified, it shall be unlawful to erect or maintain:

- (a) Any sign advertising a home occupation;
- (b) Any sign imitating or resembling a traffic sign, institutional/public sign, traffic signal or symbol, but which is not actually such a sign;
- (c) Any sign that is attached to a rock, tree, telephone pole, utility pole, or street light;
- (d) Any sign that emits a sound in order to attract attention to the product being advertised;
- (e) Any sign that obstructs any form of ingress or egress, such as doors, windows, fire escapes, stairways, or ventilators;
- (f) Any sign illuminated by strobe or flashing lights;

(g) Any sign located within or projecting over any public right-of-way or railroad right-of-way, publicly owned property, or stream or creek channel, except for institutional/public signs.

(Ord. 3675)

9-1705.5 EXEMPT SIGNS.

Except for the requirements contained in Sections 9-1705.4, 9-1710.2 (c) — (f), and 9-1710.3, the following signs are exempt from the requirements of this Division. These signs are not to be included in the determination of the allowable number, type or area of signs as specified in Chapter 9-1710.

- (a) Commemorative;
- (b) Informational;
- (c) Institutional/Public;
- (d) Flag;
- (e) Traffic;
- (f) Supplemental Tenant;
- (g) Utility;
- (h) Window;
- (i) Crop-identification; 4-H;
- (j) Right-to-Farm;
- (k) No Trespassing;

(l) Signs located inside a building, courtyard or mall, or any other sign not conspicuously visible and readable from a public street or adjacent, separately owned property.

(Ord. 3675; 3703)

9-1705.6 GASOLINE SALES.

In addition to other signage allowed in Chapter 9-1710, on-site signs advertising the price of gasoline are permitted. Such signs must not exceed thirty (30) square feet in size. Up to one third of the sign may identify the brand of gasoline sold. In case of any conflict between the provision of this Chapter and State requirements for signs related to gasoline sales, the State provisions shall govern.

(Ord. 3675; Ord. 3884 § 1, 1996)

9-1705.7 MAINTENANCE.

All signs shall be properly maintained. Exposed surfaces shall be clean and painted, when required. All defective parts shall be replaced. The Director shall have the right to order the repair or removal of any sign which appears poorly maintained, defective, damaged, or deteriorated.

(Ord. 3675)

9-1705.8 CHANGEABLE COPY.

Unless otherwise specified by this Division, all permitted signs may use manual or automatic changeable copy. (Ord. 3675)

9-1705.9 NONCONFORMING SIGNS.

Nonconforming signs are permitted, subject to the requirements set forth in this Chapter regarding safety, maintenance, and repair. However, if any such sign is relocated, or requires repair or maintenance exceeding fifty percent (50%) of its appraised replacement value, the sign shall be brought into conformance with this Code, or removed. Similarly, if such sign is removed by any means, including an act of God, it shall be restored, reconstructed, altered, or repaired based on the provisions of this Division.

(Ord. 3675)

CHAPTER 9-1710

SIGNS: STANDARDS*

Sections:

9-1710.1	Intent.
9-1710.2	General Standards.
9-1710.3	New and Replacement Sign Review and Approval Procedures.
9-1710.4	On-Premises Sign Standards.
9-1710.5	Temporary Signs.
9-1710.6	Off-Premises Signs.

* Prior ordinance history: Ords. 3675, 3703, 3715 and 3790.

9-1710.1 INTENT.

This Section establishes sign standards consistent with both the existing and future character of the County. (Ord. 3884 § 2 (part), 1996)

9-1710.2 GENERAL STANDARDS.

Unless otherwise specified elsewhere in this Division, the following standards shall apply to all signs.

(a) **Combination of Signs.** Two (2) signs are the maximum number of signs allowed per use in all zones, except where otherwise allowed by the provisions of this Division.

(b) Computation of Sign Area.

(1) **Surface Area.** The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter enclosing the extreme limits of the writing, representation, emblem, neon lighting or other display, together with any material or color forming an integral part of the background of the display but not including any supporting framework or bracing that is clearly incidental to the display itself.

(2) **Awning Sign.** In calculating the sign area of awning signs, only the area occupied by the message on the awning will be counted.

(3) **Multisection Sign.** If the sign consists of more than one (1) section or module, the sign area of each section or module shall be included in the computation of the total sign area.

(4) **Double-Faced Sign.** The sign surface area of a double-faced, back-to-back sign shall be calculated by using the area of only one (1) side of such sign, as long as the distance between the backs of such signs does not exceed three (3) feet.

(5) **Multifaced/Three Dimensional Sign.** The sign surface area of a multifaced or three-dimensional sign

shall be computed by including the total of all sides designed to attract attention or communicate information and which can be seen at any one time by one (1) person from one (1) vantage point.

(c) **Vehicular and Pedestrian Clearance.** Signs shall maintain a minimum of fourteen (14) feet clearance over any vehicular use area and eight (8) feet clearance over any pedestrian use area.

(d) **Illumination.** Signs may be indirectly illuminated or internally illuminated, subject to the provisions of Section 9-1025.6. The light source shall not be visible from the street or from abutting properties and shall be concealed or shielded.

(e) **Structure.** Sign structures shall be designed to minimize the visibility of any supports around the sign.

(f) **Obstruction of Views.** No sign shall be located so that it substantially interferes with the view motorists need to proceed safely through intersections or to enter onto or exit from public streets or private roads. A sign shall neither obscure nor interfere with views of significant natural or scenic landscape features on or off the site.

(g) **Setbacks.** With the exception of off-premises directional signs permitted for wineries and wine cellars, all portions of a sign shall be setback a minimum of five (5) feet from future right-of-way lines, and from the corner cut-off (snipe), and shall not block pedestrian or vehicle rights-of-way. Off-premises directional signs permitted for wineries and wine cellars shall be setback a minimum of five (5) feet from existing right-of-way lines, and from the corner cut-off (snipe), and shall not block pedestrian or vehicle rights-of-way.

(h) **Multiple Tenants in a Development.** Where there are multiple tenants in a development, tenant signs visible from a public street shall be designed to relate to one another in terms of style, materials, colors, and form, although the use of different colors and logos is allowed. (Ord. 3884 § 2 (part), 1996; Ord. 4255 § 1, 2005)

9-1710.3 NEW AND REPLACEMENT SIGN REVIEW AND APPROVAL PROCEDURES.

All new or replacement signs, except exempt signs shall be reviewed as follows:

(a) **New Signs on Parcels With Less Than Four Uses.** New signs on parcels that contain less than four (4) existing or proposed uses require an approved improvement plan. The application shall include a sign plan indicating the total number, size, height and type of signs, location of signs on the structures, and the elevations and illustrations of the proposed design of the signs.

(b) **New Signs on Parcels With Four or More Uses.** The review of new signs on parcels that contain four (4) or more existing or proposed uses shall be included in the approved Site Approval, Use Permit, or Special Purpose Plan. The application shall include a sign plan indicating the total number, size, height and type of signs, location of signs on the structures, and the elevations and illustrations of the proposed design of the signs.

(c) **Replacement Signs.** Signs proposed to replace existing signs, where the proposed sign(s) complies with the requirements of this Chapter may be reviewed and approved in as a part of the building permit for the sign. (Ord. 3884 § 2 (part), 1996)

9-1710.4 ON-PREMISES SIGN STANDARDS.

The following standards shall apply to the specific sign types identified. Except as otherwise specified in this Chapter, all new or replacement signs shall comply with the following regulations. No other signs, other than exempt signs listed in Section 9-1705.5, are allowed.

(a) **Subdivision Identification Signs.** The following standards apply to the construction of any new signs in conjunction with a subdivision.

(1) **Freestanding Signs.**

(A) **Number of Signs.** One (1) monument sign is permitted for each entrance into the subdivision. In lieu of a monument sign, the name of the subdivision may be incorporated into a masonry fence at the subdivision entrance.

(B) **Size of Signs.** Signs shall not exceed fifty (50) square feet per sign face.

(C) **Height of Signs.** Signs shall not exceed four (4) feet in height.

(2) **Attached signs are not allowed.**

(b) **Multifamily Residential Projects.** The following standards apply to the construction of any new signs in conjunction with a multifamily residential project.

(1) **Freestanding Signs.**

(A) **Number of Signs.** One (1) monument sign is permitted for each primary entrance into the project.

(B) **Size of Signs.** Signs shall not exceed fifty (50) square feet per sign face.

(C) **Height of Signs.** Signs shall not exceed four (4) feet in height.

(2) **Attached Signs.**

(A) **Number of Signs.** One (1) attached sign shall be permitted for each structure containing ten (10) or more units.

(B) **Size of Signs.** Signs shall not exceed twenty (20) square feet per sign face.

(C) **Height of Signs.** Signs shall not project above the eave of the structure.

(c) **Development Projects in Residential Zones.** The following standards apply to the construction of any new signs in conjunction with a development project in all residential zones.

(1) **Freestanding Signs.**

(A) **Number of Signs.** One (1) monument sign is permitted for each street frontage of the parcel.

(B) **Size of Signs.** Signs shall not exceed sixty (60) square feet per sign face.

(C) **Height of Signs.** Signs shall not exceed four (4) feet in height.

(2) **Attached Signs.**

(A) **Number of Signs.** One (1) wall sign shall be permitted.

(B) **Size of Signs.** Signs shall not exceed forty (40) square feet per sign face.

(C) **Height of Signs.** Signs shall not project above the eave of the structure.

(d) **Standards for C-L, C-N, C-X and C-O Zones.** The following standards apply to the construction of any new signs for uses in the C-L, C-N, C-X and C-O zones.

(1) **Freestanding Signs.**

(A) **Number of Signs.** One (1) freestanding sign per parcel shall be permitted for each street frontage of the parcel.

(B) **Size of Signs.** Pole signs shall not exceed fifty (50) square feet per sign face and monument signs shall not exceed sixty (60) square feet per sign face. The sign face area may be increased by up to fifteen (15) square feet for each additional tenant more than one (1) on-site to a maximum size of one hundred and twenty (120) square feet.

(C) **Height of Signs.** Pole signs shall not exceed twenty-five (25) feet in height and monument signs shall not exceed six (6) feet in height.

(D) **Proximity to Other Signs.** Freestanding signs shall not be placed closer than fifty (50) feet from any other freestanding sign.

(2) **Attached Signs.**

(A) **Number of Signs.** One (1) projecting sign per tenant shall be permitted for each street frontage of the tenant. Multiple wall signs are allowed.

(B) **Size of Signs.** Projecting signs shall not exceed twenty-five (25) square feet per sign face. Wall signs shall not exceed a combined total of sixty (60) square feet of sign face area. An additional twenty (20)

square feet of sign face area may be added for each tenant above one (1).

(C) Height of Signs. Attached signs shall not project above the ridge line of the building.

(D) Proximity to Other Signs. Projecting signs shall not be constructed closer than twenty (20) feet from another projecting sign.

(3) Portable Signs.

(A) One (1) sign shall be permitted for each tenant.

(B) All portable signs shall be located on the premises of the tenant or activity being advertised.

(C) The sign area shall not exceed twenty (20) square feet per sign face.

(D) The sign shall be nonilluminating.

(E) The sign shall not block pedestrian or vehicle rights-of-way.

(F) The sign shall not create a visual hazard.

(e) **Standards for C-C, C-G, C-RS and C-FS Zones.** The following standards apply to the construction of any new signs for uses in the C-C, C-G, C-RS and C-FS zones.

(1) **Freestanding Signs.**

(A) **Number of Signs.** One (1) freestanding sign per parcel shall be permitted for each street frontage of the parcel. In the C-FS zone one (1) pole sign oriented toward the freeway and one (1) monument sign on the local access street is allowed.

(B) **Size of Signs.** Pole signs shall not exceed sixty (60) square feet per sign face and monument signs shall not exceed eighty (80) square feet per sign face. The sign face area may be increased by up to twenty (20) square feet for each additional tenant more than one (1) on-site to a maximum size of one hundred forty (140) square feet.

(C) **Height of Signs.** Pole signs shall not exceed forty-five (45) feet in height and monument signs shall not exceed eight (8) feet in height. In the C-FS zone pole signs oriented toward freeway traffic may be thirty-five (35) feet above the highest point of the nearest freeway interchange.

(D) **Proximity to Other Signs.** Freestanding signs shall not be placed closer than fifty (50) feet from any other freestanding sign.

(2) **Attached Signs.**

(A) **Number of Signs.** One (1) projecting sign per tenant shall be permitted for each street frontage of the tenant. Multiple wall signs are allowed.

(B) **Size of Signs.** Projecting signs shall not exceed twenty-five (25) square feet per sign face. Wall signs shall not exceed a combined total of eighty (80) square feet of sign face area. An additional twenty-five (25) square feet of sign face area may be added for each tenant above one (1).

(C) **Height of Signs.** Attached signs shall not project above the ridge line of the building.

(D) **Proximity to Other Signs.** Projecting signs shall not be constructed closer than twenty (20) feet from another projecting sign.

(3) **Portable Signs.**

(A) One (1) sign shall be permitted per each tenant.

(B) All portable signs shall be located on the premises of the tenant or activity being advertised.

(C) The sign area shall not exceed twenty (20) square feet per sign face.

(D) The sign shall be nonilluminating.

(E) The sign shall not block pedestrian or vehicle rights-of-way.

(F) The sign shall not create a visual hazard.

(f) **Standards for Industrial Zones.** The following standards apply to the construction of any new signs for uses in industrial zones.

(1) **Freestanding Signs.**

(A) **Number of Signs.** One (1) freestanding sign per parcel shall be permitted for each street frontage of the parcel.

(B) **Size of Signs.** Pole signs shall not exceed sixty (60) square feet per sign face and monument signs shall not exceed eighty (80) square feet per sign face. The sign face area may be increased by up to twenty (20) square feet for each additional tenant more than one (1) on-site to a maximum size of one hundred forty (140) square feet.

(C) **Height of Signs.** Pole signs shall not exceed forty-five (45) feet in height and monument signs shall not exceed eight (8) feet in height.

(D) **Proximity to Other Signs.** Freestanding signs shall not be placed closer than seventy-five (75) feet from any other freestanding sign.

(2) **Attached Signs.**

(A) **Number of Signs.** One (1) projecting sign per tenant shall be permitted for each street frontage of the tenant. Multiple wall signs are allowed.

(B) **Size of Signs.** Projecting signs shall not exceed twenty-five (25) square feet per sign face. Wall signs shall not exceed ten percent (10%) of the surface area of the wall to which the sign is attached.

(C) **Height of Signs.** Attached signs shall not project above the ridge line of the building.

(D) **Proximity to Other Signs.** Projecting signs shall not be constructed closer than twenty (20) feet from another projecting sign.

(g) **Standards for Agricultural Zones: Agricultural Use.** The following standards apply to the construction of any new signs in conjunction with a permitted agricultural use.

(1) **Freestanding Signs.**

(A) **Number of Signs.** One (1) freestanding sign per parcel shall be permitted for each street frontage of the parcel.

(B) **Size of Signs.** Pole signs shall not exceed twenty-five (25) square feet per sign face and

monument signs shall not exceed thirty (30) square feet per sign face.

(C) **Height of Signs.** Pole signs shall not exceed eight (8) feet in height and monument signs shall not exceed six (6) feet in height.

(D) **Proximity to Other Signs.** Freestanding signs shall not be placed closer than seventy-five (75) feet from any other freestanding sign.

(2) **Attached Signs.**

(A) **Number of Signs.** One (1) projecting sign, or one (1) wall sign.

(B) **Size of Signs.** Attached signs shall not exceed twenty-five (25) square feet per sign face.

(C) **Height of Signs.** Attached signs shall not project above the ridge line of the building.

(h) **Standards for Agricultural Zones: Development Project.** The following standards apply to the construction of any new signs in conjunction with a development project in an agricultural zone.

(1) **Freestanding Signs.**

(A) **Number of Signs.** One (1) freestanding sign per parcel shall be permitted for each street frontage of the parcel.

(B) **Size of Signs.** Pole signs shall not exceed fifty (50) square feet per sign face and monument signs shall not exceed sixty (60) square feet per sign face.

(C) **Height of Signs.** Pole signs shall not exceed twenty-five (25) feet in height and monument signs shall not exceed six (6) feet in height.

(D) **Proximity to Other Signs:** Freestanding signs shall not be placed closer than seventy-five (75) feet from any other freestanding sign.

(2) **Attached Signs.**

(A) **Number of Signs:** One (1) projecting sign, or one wall sign.

(B) **Size of Signs.** Attached signs shall not exceed fifty (50) square feet per sign face.

(C) **Height of Signs.** Attached signs shall not project above the ridge line of the building.

(i) **Standards for Agricultural Zones: Produce Stands.** The following standards apply to the construction of any new signs in conjunction with a produce stand in an agricultural zone.

(1) **Number of Signs.** A total of six (6) freestanding and attached signs are allowed.

(2) **Size of Signs.** Signs shall not exceed twenty-five (25) square feet per sign face.

(3) **Height of Signs.** Freestanding signs shall not exceed fifteen (15) feet in height, and attached signs shall not exceed twenty (20) feet in height.

(4) **Location of Signs.** Four (4) of the allowable six (6) signs may be located off the site, but no

further than one thousand (1,000) feet in any direction from the produce stand.

(5) **Sign Materials and Illumination.** Signs shall be constructed of wood, metal, or other permanent materials. Butcher paper or other temporary materials are prohibited. Signs shall not be illuminated.

(j) **Modification of Requirements.** The requirement of this section may be modified by the Review Authority in cases in which, due to the unusual nature of the development proposal, the requirements set forth herein may be considered insufficient or excessive. This modification requires at a minimum site approval review. In making the decision, the Review Authority must find that the following are true:

(1) The proposed signs are consistent with the size of the facility and related structures, the location of the public access to the development, and other signage in the vicinity;

(2) The height, size and number of the proposed signs are the minimum required to identify and direct the public to the activities, services and products available on-site.

(Ord. 3884 § 2 (part), 1996; Ord. 3933 § 1, 1997; Ord. 4006 § 7, 1998)

9-1710.5 TEMPORARY SIGNS.

Temporary signs are permitted subject to the following standards regulating their construction, installation or display:

(a) **Number of Signs.** One (1) balloon shall be allowed per building or multitenant site; one (1) banner shall be allowed for each building eighteen (18) feet or greater in height; one (1) nonilluminated construction/development sign shall be permitted for each street frontage of a construction project; and one (1) nonilluminated real-estate sign shall be permitted per street frontage per lot.

(b) **Real Estate Sales, Lease or Exchange Signs.** On-site and off-site signs advertising the sale, lease or exchange of real estate or directions to real estate for sale, lease or exchange are permitted as follows:

(1) **Single-Family Residences.** On-site signs advertising the sale, lease or exchange of a single-family residence shall not exceed an overall size of nine (9) square feet and are limited to one (1) per lot.

(2) **Other On-Site Real Estate Signs.** On-site signs advertising the sale, lease or exchange of real estate other than a single-family residence shall be limited to an overall size of twenty (20) square feet and one (1) sign per frontage per parcel.

(3) **Open House Advertising.** Signs may be utilized in conjunction with open house real estate sales

activity, provided that the portable signs do not exceed an overall size of nine (9) square feet, do not exceed a height of two and one-half (2 1/2) feet, and are not located in public road right-of-way. Signs shall be on display only when property is open for inspection.

(4) **Directional Signs.** Off-site signs advertising the sale, lease or exchange of real estate including the directions to the property shall be limited to an overall size of thirty-two (32) square feet and one sign per seven hundred fifty (750) feet of frontage. Such signs shall not be located within a public road right-of-way, or the required front yard setback, and are not exempt from the provisions of the Highway Beautification Act of 1965 (23 U.S.C., Sec. 131). Such signs shall require an approved Improvement Plan (minor).

(5) **On-Site Marketing Signs for New Subdivisions Containing More Than Four Parcels.** On-site signs for the purpose of marketing the sale of new subdivision parcels shall not exceed thirty-two (32) square feet and are limited to one (1) per subdivision.

(c) **Time Limitations.** Except for real estate sales and political signs, signs shall be erected no more than thirty (30) days prior to commencement of an event and removed within seven (7) days following completion of the event.

(d) **Removal of Political Signs.** Political signs shall be removed within thirty (30) days following the conclusion of an election.

(e) **Removal of Real Estate Sales, Lease and Exchange Signs.** Real estate sales, lease and exchange signs shall be removed within thirty (30) days following the completion of the sale, lease or exchange of the property. (Ord. 3884 § 2 (part), 1996)

9-1710.6 OFF-PREMISES SIGNS.

The following standards shall apply to off-premises signs. Except as otherwise specified in this Section, all new or replacement off-premises signs shall comply with the following regulations.

(a) **Standards, General.**

(1) The sign shall not exceed six hundred seventy-two (672) square feet in area, including border and trim, per sign face.

(2) The sign shall not exceed forty-eight (48) feet in length.

(3) The sign shall be above grade by not more than:

(A) Fifty (50) feet in any industrial zone.

(B) Forty-five (45) feet in all other zones.

(4) The space between off-premises signs shall be at least one thousand (1,000) feet on either side of the same street.

(b) **Standards, Off-Premises Directional Signs for Wineries and Wine Cellars.**

(1) A maximum of one (1) off-premises directional sign shall be permitted per parcel.

(2) The space between off-premises directional signs shall be at least one thousand (1,000) feet on either side of the same street.

(3) Off-premises directional signs shall not exceed fifteen (15) feet in height.

(4) Off-premises directional signs shall include not more than one (1) wine industry logo. The wine industry logo shall not exceed four (4) square feet.

(5) Off-premises directional sign faces (excluding a wine industry logo) shall not exceed a total of fifteen (15) square feet.

(6) Off-premises directional signs located within the Lodi American Viticultural Area shall meet the following design standards:

(A) Off-premises directional signs shall include one (1) wine industry logo placed on the top of the sign. The wine industry logo shall not exceed four (4) square feet.

(B) Each post shall be a six (6) inch by six (6) inch semi-translucent brown stained pressure treated post placed directly into the soil, or attached with an aluminum bolted bracket.

(C) Winery identification panels shall be six (6) inches in height, and three (3) feet in length.

(D) Winery identification panels shall have a forest green background and the letters shall be reflective white vinyl with reflective white arrows.

(E) The wine industry logo shall be approved by Crush District 11, Local Commission (Lodi-Woodbridge Winegrape Commission).

(c) **Permitted Zoning.** Excluding off-premises directional signs for wineries and wine cellars, off-premises signs are permitted with a site approval in the C-C, C-G, C-FS, C-RS, I-L, I-G, I-W and I-T zones. Off-premises directional signs for wineries and wine cellars are permitted in the AG, AL and AU zones.

(Ord. 3884 § 2 (part), 1996; Ord. 4255 § 2, 2005)

**DIVISION 18. WILLIAMSON ACT
REGULATIONS**

CHAPTER 9-1800

**WILLIAMSON ACT REGULATIONS: INTENT
AND ORGANIZATION**

Sections:

- | | |
|-----------------|--------------------------|
| 9-1800.1 | Title and Intent. |
| 9-1800.2 | Organization. |

9-1800.1 TITLE AND INTENT.

Division 18 constitutes the Williamson Act Regulations. The purpose of this Division is to prescribe regulations for implementing the Williamson Act.
(Ord. 3675)

9-1800.2 ORGANIZATION.

Division 18 consists of the following chapters:

- (a) 9-1800 Williamson Act Regulations: Intent and Organization;
- (b) 9-1805 Agricultural Preserves;
- (c) 9-1810 Application and Approval of Contract;
- (d) 9-1815 Nonrenewal of Contract; and
- (e) 9-1820 Cancellation of Contract.

(Ord. 3675)

CHAPTER 9-1805

AGRICULTURAL PRESERVES

Sections:

- | | |
|-----------------|--------------------------------------|
| 9-1805.1 | Intent. |
| 9-1805.2 | Requirements for Application. |
| 9-1805.3 | Review Procedures. |
| 9-1805.4 | Findings. |

9-1805.1 INTENT.

The intent of this Chapter is to provide a method for establishing, disestablishing, or altering the boundaries of agricultural preserves, as provided in the Williamson Act as set forth in the California Government Code.
(Ord. 3675)

9-1805.2 REQUIREMENTS FOR APPLICATION.

Agricultural Preserve applications may be initiated by the Board of Supervisors, Planning Commission, Director of Community Development, or the property owner or his designated agent. Applications shall be filed with the Community Development Department. Agricultural Preserve applications which request the establishment or alteration of an Agricultural Preserve shall be subject to the following additional requirements:

(a) **Minimum Size.** The minimum size necessary for the establishment, or resulting alteration of, an Agricultural Preserve shall be one hundred (100) acres of contiguous land;

(b) **Zoning.** All land for which Agricultural Preserve status is being sought, or which currently is in an Agricultural Preserve, shall be zoned for agricultural use.

(c) **Zoning Reclassification.** If the subject property does not have the required zoning, an application for Zone Reclassification shall be made and processed concurrently with the Agricultural Preserve application. However, such Zone Reclassification application shall be approved prior to establishing or altering an Agricultural Preserve.

(Ord. 3675)

9-1805.3 REVIEW PROCEDURES.

The review procedure for Agricultural Preserve applications shall be the Public Hearing Review Procedure in Chapter 9-220 and shall be subject to all of the following additional requirements:

(a) **Community Development Department Report.** Within thirty (30) days after the Community Development Department has received a completed Agricultural Preserve application, the Community Development Department shall submit a report to the Board of Supervisors as to whether the Agricultural Preserve application is consistent with the General Plan.

(b) **Planning Commission Review.** The Planning Commission shall only make recommendations for approving or denying the Agricultural Preserve application. The Planning Commission shall forward its recommendations to the Board of Supervisors.

(c) **Board of Supervisors Hearing.** The Board of Supervisors shall conduct a public hearing on the Agricultural Preserve application. At the conclusion of the hearing, the Board shall take final action to establish, disestablish, or alter the boundary of the subject preserve.

(d) **Notification.** In the event any proposal to disestablish or to alter the boundary of an Agricultural Preserve will remove land under contract from said preserve, notice of the proposed alteration or disestablishment and the date of the hearing shall be furnished by the Board by certified mail to the owner(s) of the land. Such notice also shall be published once in a newspaper of general circulation and shall be furnished by first-class mail to each owner of land under contract, any portion of which is situated within one (1) mile of the exterior boundary of the land to be removed from the preserve.

(Ord. 3675)

9-1805.4 FINDINGS.

Prior to approving an Agricultural Preserve application, the Board of Supervisors shall find that all of the following are true:

(a) **Consistency.** The establishment, disestablishment, or alteration of an Agricultural Preserve is consistent with the General Plan; and

(b) **Establishment or Enlargement.** The area specified in the Agricultural Preserve application for establishing or enlarging an Agricultural Preserve is designated as General Agriculture, Limited Agricul-

ture, or Agriculture-Urban Reserve on the General Plan Map, or it is shown for other uses on the General Plan and development is not expected and is not warranted within ten (10) years; or

(c) **Disestablishment.** The area specified in the Agricultural Preserve application for disestablishing the Agricultural Preserve is designated residential, commercial, or industrial on the General Plan Map and development is expected to occur within ten (10) years.

(Ord. 3675)

CHAPTER 9-1810**APPLICATION AND APPROVAL OF
CONTRACT****Sections:**

- 9-1810.1 Intent.**
9-1810.2 Requirements for Application.
9-1810.3 Terms of Contract.
9-1810.4 Review Procedure.
9-1810.5 Findings.

9-1810.1 INTENT.

The intent of this Chapter is to provide a method for executing a contract, as provided in the Williamson Act.

(Ord. 3675)

**9-1810.2 REQUIREMENTS FOR
APPLICATION.**

A contract application shall include all documentation, maps, or other information required by the Director. Contract applications which request the execution of a contract may be initiated only by the individual property owner or his designated agent and shall be subject to the following additional requirements:

(a) **Location Within Agricultural Preserve.** A parcel for which contract status is sought shall be located within an Agricultural Preserve.

(b) **Minimum Parcel Size.** Parcels shall meet the lot size requirements of this section.

(1) The minimum size parcel of prime agricultural land which will qualify for a contract shall be twenty (20) acres; and

(2) The minimum size parcel of other than prime agricultural land which will qualify for a contract shall be forty (40) acres.

(Ord. 3675)

9-1810.3 TERMS OF CONTRACT.

Any contract which is entered into shall comply with the provisions of this Section.

(a) **Board Resolution.** The contract shall be subject to the Resolution of the Board of Supervisors concerning the Williamson Act.

(b) **Uses.** Property under contract shall be limited to those uses specified herein.

(1) The following uses or use types:

Residential:

(A) Family Residential: Single

Family;

(B) Family Residential: Two

Family;

(C) Farm Employee Housing;

(D) Second Unit Dwelling;

(E) Aerial Services: Farm;

(F) Agricultural Organizations;

(G) Agricultural Processing;

(H) Agricultural Warehousing;

(I) Agricultural Wastes;

(J) Animal Feeding and Sales;

(K) Animal Raising;

(L) Animal Specialty Services:

Farm and Kennel;

(M) Child Care Services: Family

Day Care Homes;

(N) Crop Production;

(O) Dairies;

(P) Equipment Sales & Repair:

Farm Machinery;

(Q) Farm Services;

(R) Major Impact Services;

(S) Nursery Sales & Services;

(T) Petroleum and Natural Gas

Extraction;

(U) Produce Sales;

(V) Public Services: Essential;

(W) Quarry Operations, provided

it is rehabilitated for agricultural uses;

(X) Stables;

(Y) Recreation: Marinas;

(Z) Utility Services; and

(AA) Wineries and Wine Cellars.

(2) Accessory uses allowed by Table

9-605.3.

(3) Temporary uses allowed by Table

9-605.4.

(4) Sales and distribution of agricultural chemicals and fertilizers, if the operation consists primarily of dispatching less than truckload lots and/or the delivery of agricultural chemicals and fertilizers is by means of grower-operated equipment.

(5) Such outdoor recreational activities as permitted by the Williamson Act, Government Code Section 51201 (n) except camping. This exception applies only to properties under contract that have a zoning designation of Agriculture Resource Management and have a use permit for a nature preserve.

(6) Such outdoor recreational activities which can be carried out in conjunction with the continued agricultural usage of the land.

(7) Other uses, except residential subdivisions, which are comparable to or no more intensive than those uses enumerated in subsection (b) shall be permitted if they adhere to the Williamson Act principles of compatibility as stated below:

(A) Shall not significantly compromise the long-term productive agricultural capability of the property, or of other contracted land;

(B) Shall not significantly displace or impair current or reasonably foreseeable agricultural operations on the parcel or on other contracted lands; and

(C) Shall not result in the significant removal of adjacent contracted land from agricultural or open-space use.

(Ord. 3675; 3697; Ord. 3872 § 12, 1996; Ord. 4035 § 14, 1999; Ord. 4106 § 10, 2001; Ord. 4368 § 38, 2009; Ord. No. 4385, § 17, 1-12-2010)

(c) The use is consistent with the intent of the Williamson Act to preserve agricultural and open-space land.

(Ord. 4106 § 11, 2001)

9-1810.4 REVIEW PROCEDURE.

Contract applications shall be reviewed by the Community Development Department and by County Counsel prior to their submittal to the Board. The Board shall take final action on the contract application.

(Ord. 3675)

9-1810.5 FINDINGS.

Prior to approving a Site Approval or Use Permit application for projects that are subject to the Agricultural Resource Management zone, the Planning Director or Planning Commission shall find that all of the following are true:

(a) Conditions have been required that mitigate or avoid those on-site and off-site impacts that would otherwise render the project inconsistent with the principles of compatibility;

(b) The productive capability of the land has been considered as well as the extent to which the use may displace or impair agricultural operations; and

CHAPTER 9-1815**NONRENEWAL OF CONTRACT****Sections:**

- 9-1815.1 Intent.**
- 9-1815.2 Written Notice.**
- 9-1815.3 Notice Required.**

9-1815.1 INTENT.

The intent of this Chapter is to provide a method for nonrenewing a contract, as provided in the Williamson Act.

(Ord. 3675)

9-1815.2 WRITTEN NOTICE.

Either party to the contract may submit a notice of nonrenewal.

(a) **County Initiated.** A Notice of Nonrenewal initiated by the County shall be served on the owner, or the agent for Notice as designated in the contract, at least sixty (60) days before the annual renewal date of the contract.

(b) **Owner Initiated.** A Notice of Nonrenewal initiated by the owner shall be served on the County at least ninety (90) days before the annual renewal date. Failure to meet this requirement shall result in the renewal of the contract as provided by Resolution by the Board of Supervisors.

(Ord. 3675; Ord. 4035 § 15, 1999)

9-1815.3 NOTICE REQUIRED.

A written Notice of Nonrenewal must be served in any of the following situations:

(a) **Minimum Size.** If any property under contract is less than ten (10) acres in size, the County shall serve a Notice of Nonrenewal on the owner of such property.

(b) **Division of Land.** If property under contract is being divided, the owner of the property shall serve a Notice of Nonrenewal on the County for any resulting parcels less than ten (10) acres in size in the case of prime agricultural land, or less than forty (40) acres in size in the case of land which is not prime, prior to obtaining map approval.

(c) **Change in Preserve.** If any property under contract is removed from an Agricultural Preserve by either a change in the boundaries of the preserve or

disestablishment of the preserve, the County shall serve a Notice of Nonrenewal on the owner of the subject property.

(d) **Change in Zoning.** If any property under contract is reclassified to a zone other than that required for an agricultural preserve, the County shall serve a Notice of Nonrenewal on the owner of the subject property.

(Ord. 3675)

CHAPTER 9-1820

CANCELLATION OF CONTRACT

Sections:

9-1820.1	Intent.
9-1820.2	Requirements for Application.
9-1820.3	Review Procedures.
9-1820.4	Findings.
9-1820.5	Cancellation Fee.
9-1820.6	Recordation.

9-1820.1 INTENT.

The intent of this Chapter is to provide a method for canceling a contract, as provided in the Williamson Act. (Ord. 3675)

9-1820.2 REQUIREMENTS FOR APPLICATION.

A request for contract cancellation as to all or part of the subject property may be made only by the owner or his designated agent. (Ord. 3675)

9-1820.3 REVIEW PROCEDURES.

The review procedure for a Contract Cancellation request shall be the Public Hearing Review Procedure, with the following modifications.

(a) **Planning Commission Review.** The Planning Commission shall make recommendations for approving or denying the Contract Cancellation request. The Planning Commission shall forward its recommendations to the Board of Supervisors.

(b) **Board of Supervisors Review.** The Board of Supervisors shall conduct a public hearing on the Contract Cancellation request. Notice of the hearing shall be given pursuant to Section 51284 of the Government Code. (Ord. 3675)

9-1820.4 FINDINGS.

Prior to giving approval to any Contract Cancellation request, the Board shall make either of the findings specified by subsection (a) or (b), as required by Section 51282 of the Government Code:

(a) **Consistency with Act.** The cancellation is consistent with the purposes of the Williamson Act. In order to make this finding, the Board shall make all of the following findings:

(1) The cancellation is for land on which a Notice of Nonrenewal has been served pursuant to Section 51245 of the Government Code;

(2) The cancellation is not likely to result in the removal of adjacent lands from agricultural use;

(3) The cancellation is for an alternative use which is consistent with the applicable provisions of the County General Plan;

(4) The cancellation will not result in discontinuous patterns of urban development; and

(5) There is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

(b) **Public Interest.** The cancellation is in the public interest. In order to make this finding, the Board shall make all of the following findings:

(1) Other public concerns substantially outweigh the objectives of the Williamson Act; and

(2) There is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land. (Ord. 3675)

9-1820.5 CANCELLATION FEE.

Prior to giving approval to any contract cancellation, the Board shall determine and certify the cancellation fee pursuant to Section 51283 of the Government Code. (Ord. 3675)

9-1820.6 RECORDATION.

The cancellation of a contract shall not be final until the certificate of cancellation is recorded pursuant to Section 51283.3 of the Government Code. (Ord. 3675)

**DIVISION 19. ENFORCEMENT
REGULATIONS**

CHAPTER 9-1900

**ENFORCEMENT REGULATIONS: INTENT AND
ORGANIZATION**

Sections:

- 9-1900.1 Title and Intent.**
9-1900.2 Organization.

9-1900.1 TITLE AND INTENT.

Division 19 constitutes the enforcement regulations. The intent of this Division is to provide for the enforcement of provisions of this Title.
(Ord. 3675)

9-1900.2 ORGANIZATION.

Division 19 consists of the following chapters:
(a) 9-1900 Enforcement Regulations: Intent and Organization;
(b) 9-1905 Enforcement of Development Title; and
(c) 9-1910 Abandoned Vehicles.
(Ord. 3675)

CHAPTER 9-1905

ENFORCEMENT OF DEVELOPMENT TITLE*

Sections:

- 9-1905.1 Intent and Purpose.**
9-1905.2 Enforcement Official.
9-1905.3 Hearing Officer.
9-1905.4 Investigation/Inspections.
9-1905.5 Inspection Warrant.
9-1905.6 Inspection Warrant Exception.
9-1905.7 Duty.
9-1905.8 Violations.
9-1905.9 Notice of Violation and Order to Abate.
9-1905.10 Notice of Violation and Order to Abate—Date of Notification.
9-1905.11 Notice of Violation and Order to Abate—Contents.
9-1905.12 Appeal of Determination of Violation (Hearing Officer).
9-1905.13 Appeal of Determination of Violation (Board of Supervisors).
9-1905.14 Administrative Fees.
9-1905.15 Disposition of Administrative Fines.
9-1905.16 Criminal Penalties.
9-1905.17 Settlement Agreement.
9-1905.18 Abatement—Voluntarily.
9-1905.19 Abatement—Involuntarily.
9-1905.20 Abatement—Subsequent.
9-1905.21 Abatement—Emergencies.
9-1905.22 Civil Liability.
9-1905.23 Attorney's Fees and Costs.
9-1905.24 Recovery of Enforcement Costs.
9-1905.25 Appeal of Statement of Expense (Hearing Officer).
9-1905.26 Appeal of Statement of Expense (Board of Supervisors).
9-1905.27 Late Charges and Interest.
9-1905.28 Enforcement by Civil Action.
9-1905.29 No Duty to Enforce.
9-1905.30 Severability.

*Editor's note—Ord. No. 4476, § 2, adopted April 12, 2016, repealed the former Ch. 9-1905, §§ 9-1905.1—9-1905.6, and enacted a new Ch. 9-1905 as set out herein. The former Ch. 9-1905 pertained to similar subject matter and derived from Ord. 3675, Ord. 3703, Ord. 3788, Ord. 3817, Ord. 3832, § 44, adopted 1995.

9-1905.1 INTENT AND PURPOSE.

Pursuant to the authority granted to the Board of Supervisors in Government Code Sections 25845 and 53069.4, it is the intent and purpose of this Chapter to set forth the provisions for the enforcement of this Title (Ord. 3675.) The procedures set forth in this Chapter are designed to ensure the due process rights of any affected property owner or other person having possession or control of the real property involved. This Chapter provides remedies which are in addition to and does not limit, preclude, waive or supersede any other criminal or civil remedy available by law for the enforcement of this Title or to abate any violation of this Title. (Ord. 4476, § 2, 4-12-2016)

9-1905.2 ENFORCEMENT OFFICIAL.

The Enforcement Official is responsible for enforcing this Title. The Enforcement Official's duties include, but are not limited to the investigation of reported or suspected violation of this Title, determination of whether any violation of this Title has occurred and, pursuant to this Chapter, correcting or abating any violation of this Title. (Ord. 4476, § 2, 4-12-2016)

9-1905.3 HEARING OFFICER.

The "Hearing Officer" shall conduct hearings on appeals from notice of violation and order to abate and statements of expense issued by the Enforcement Official pursuant to San Joaquin County Code, Division 3, Chapter 5, Code 2-3300 et seq. (Ord. 4476, § 2, 4-12-2016)

9-1905.4 INVESTIGATION/INSPECTIONS.

The Enforcement Official may, upon presentation of proper credentials, enter private or public property to inspect and/or investigate to obtain information relative to any reported or discovered nuisance that exists or was reported to have existed on that property, including but not limited to a physical inspection of the property and/or review of the owner or other person in possession or control of the property's records (whether stored on or off the property). The Enforcement Official may also take statements of witnesses and review any other evidence that they believe may assist in making a decision regarding any reported or discovered nuisance. The Enforcement Official's inspection and/or

investigation of the property and/or related evidence shall be with the goal of determining whether the reported or discovered violation of this Title occurred and/or is on-going and obtaining information on parties responsible for the reported or discovered violation of this Title.

(Ord. 4476, § 2, 4-12-2016)

9-1905.5 INSPECTION WARRANT.

Where there is a report of the existence of a violation of this Title or other reason to believe that a violation of this Title exists or occurred on a property, but the owner or other person in possession or control of the property refuses to allow the Enforcement Official onto the property to inspect and/or investigate, or when circumstances justify not first seeking consent to inspect, the Enforcement Official may seek an inspection warrant pursuant to California Code of Civil Procedure Section 1822.50 et seq. to enter and inspect the property. If forcible entry is allowed by the inspection warrant, then the inspection warrant must so state. (Ord. 4476, § 2, 4-12-2016)

9-1905.6 INSPECTION WARRANT EXCEPTION.

No inspection warrant or consent shall be required when the Enforcement Official believes there is an immediate threat or danger to the public health or safety and immediate abatement of any violation of this Title is justified under Section 9-1905.21 of this Chapter. Entry pursuant to this section includes and allows forcible entry if necessary to abate an immediate threat or danger to the public health or safety. (Ord. 4476, § 2, 4-12-2016)

9-1905.7 DUTY.

It is the duty of every owner of real property or other person in possession or control of real property within the unincorporated area of the County to prevent a violation of this Title from arising from or existing on any real property they own or control. (Ord. 4476, § 2, 4-12-2016)

9-1905.8 VIOLATIONS.

It is a violation of this Title and County Ordinance Code Section 1-2000 for a property owner and/or other person in control of a property to maintain or permit a

violation of this Title on real property. Any use or condition on real property which is in violation of this Title or in violation of permits approved pursuant to the provisions of this Title shall constitute a violation of this Title and, if not abated, may be subject to the enforcement procedures outlined in this Chapter.

(Ord. 4476, § 2, 4-12-2016)

9-1905.9 NOTICE OF VIOLATION AND ORDER TO ABATE.

(a) When the Enforcement Official determines that a condition constituting a violation of this Title has occurred they may provide a written notice and order pursuant to Section 9-1905.11 to the owner(s) of the real property involved and any other person in possession or control of the real property pursuant to County Ordinance Code Sections 1-2006 and 1-2007. If delivery of the notice/order to abate cannot be accomplished pursuant to County Ordinance Code Sections 1-2006 and 1-2007 despite diligent effort then notice may be given by posting copies of the notice/order to abate at the real property involved and recording the notice/order to abate in the official records of the County.

(b) The failure of an addressee to receive the notice/order to abate provided to them in compliance with this Section shall not affect in any manner the validity of any proceedings taken under this Chapter.

(Ord. 4476, § 2, 4-12-2016)

9-1905.10 NOTICE OF VIOLATION AND ORDER TO ABATE—DATE OF NOTIFICATION.

The date of notification is presumed to have occurred as follows:

(a) Pursuant to County Ordinance Code Section 1-2006 Notice by mail shall be deemed served at the time of deposit in the United States mail ; or

(b) On the date the notice/order was personally served; or

(c) On the date the notice/order was posted at the real property involved.

(Ord. 4476, § 2, 4-12-2016)

9-1905.11 NOTICE OF VIOLATION AND ORDER TO ABATE—CONTENTS.

The notice of violation and order to abate ("notice/order to abate") shall include at least the following information, as applicable, unless otherwise determined by the Enforcement Official:

(a) Address and parcel number of the real property involved including the location of the real property.

(b) Determination by the Enforcement Official that a violation of this Title existed or currently exists on the real property involved.

(c) Description of the (1) the action(s) or condition(s) that did or currently are constituting a violation of this Title, and (2) the section of this Title and/or any other ordinance, code, statute, act, regulation, or law that the action or condition(s) were or are in continuing violation of.

(d) Statement of any administrative fines ordered to be paid by the property owner and/or person in possession or control of the real property for the violation described in the notice/order to abate.

(e) State that the violation(s) must be addressed, corrected, or abated within thirty (30) calendar days from the date of the notice/order to abate.

(f) State that the County may take legal action to address, correct, or abate the violation(s) up to and including criminal action pursuant to San Joaquin County Code of Ordinances Title 1, Division 2, Chapter 1.

(g) State that the addressee(s) of the notice/order to abate has a right to appeal the Enforcement Official's determination of a violation of this Title and/or imposition of administrative fines by filing a written notice of appeal with the issuing department within thirty (30) calendar days of the date of notification of the notice/order to abate pursuant to Section 9-1905.12. Imposition of administrative fines will be stayed pending resolution of the appeal.

(h) State that unless the owner and/or person in possession or control of the real property involved voluntarily abates a continuing violation of this Title or timely appeals the notice/order to abate, then the County may take action to abate a continuing violation of this Title.

(i) State that the owner of the real property involved may be responsible for the cost of abatement.

These costs will be calculated and provided to the owner in a statement of expenses (see Section 9-1905.24).

(j) State that the owner of the real property involved has a right to appeal the Enforcement Official's accounting of costs for abatement in writing within thirty (30) calendar days of receiving the statement of expense pursuant to Section 9-1905.25. Collection pursuant to the statement of expense will be stayed pending resolution of the appeal.

(k) State that if the owner of the real property involved fails to pay the cost of abatement pursuant to Section 9-1905.24 then a special tax may be assessed on the property tax of the real property involved which shall have the same priority as other taxes and be collected at the same time and manner as other County taxes.

(l) State that in the event that the violation of this Title poses an imminent health, safety, or fire hazard the Enforcement Official may reduce the thirty (30) calendar days' notice time and take action to abate pursuant to Section 9-1905.21.

(Ord. 4476, § 2, 4-12-2016)

9-1905.12 APPEAL OF DETERMINATION OF VIOLATION (HEARING OFFICER).

If the owner or other person in possession or control of the real property involved objects to the Enforcement Official's findings and conclusions in the notice/order to abate, the owner or person in possession or control may, within thirty (30) calendar days of the date of notification of the notice/order to abate, file a written appeal with the County department that issued the notice/order to abate. The appellant shall then select a Hearing Officer pursuant to Division 3, Chapter 5 of this Code. The Hearing Officer shall conduct a hearing on the appeal pursuant to the Hearing Officer's Administrative Procedures.

(a) The County's findings and orders in the notice/order to abate shall remain in full force and effect until modified or rescinded by the Enforcement Official or until modified, vacated, or superseded by order of the Hearing Officer.

(b) If a timely appeal is filed then the orders in the notice/order to abate shall be stayed pending such appeal.

(c) The Board of Supervisors may, by resolution, establish a fee for filing an appeal pursuant to this section.

(d) Within ten (10) days of the completion of the appeal proceeding, the Hearing Officer shall mail the final written decision on the appeal to the parties and the Clerk of the Board of Supervisors. The written decision shall be final and shall be enforceable thirty-one (31) days after the Clerk of the Board of Supervisors receives the written decision. Receipt will be presumed to have occurred five (5) days after the Hearing Officer mailed the decision.

(e) If the Hearing Official's final written decision is in favor of the County and against the owner or person in control and possession of the real property involved, the costs incurred by the County in holding the hearing with the Hearing Officer or, alternatively, with an Administrative Law Judge from the Office of Administrative Hearings of the State of California, shall be added to the other costs of abatement and included in the statement of expense which may be billed to the owner.

(Ord. 4476, § 2, 4-12-2016)

9-1905.13 APPEAL OF DETERMINATION OF VIOLATION (BOARD OF SUPERVISORS).

The Enforcement Official and/or the party that appealed the Enforcement Official's determination of violation(s) constituting a violation of this Title may appeal the Hearing Officer's decision to the Board of Supervisors within thirty (30) days of receipt of the Hearing Officer's written decision. Receipt will be presumed to have occurred five (5) days after the Hearing Officer mailed the decision.

(a) The Hearing Officer's written decision shall be final unless a timely appeal is filed.

(b) If a timely appeal is filed then the Hearing Officer's written decision shall be stayed pending such appeal.

(c) The Board of Supervisors may, by resolution, establish a fee for filing an appeal pursuant to this Section.

(d) The Board of Supervisors may set a hearing on the appeal or shall make a decision based on the official record from the appeal.

(e) The Board of Supervisors shall issue a decision that affirms, reverses, or modifies the Hearing Officer's written decision.

(f) If the Board of Supervisors affirms in whole or in part the Hearing Officer's decision and finds that a violation occurred, the owner and/or person in possession or control of the real property involved must take the action(s) ordered in the notice/order to abate within fifteen (15) days of the resolution. If the violation of this Title is not abated then the Enforcement Official may record the notice/order to abate against the property and take action to enforce the notice/order to abate.
(Ord. 4476, § 2, 4-12-2016)

9-1905.14 ADMINISTRATIVE FINES.

If an owner and/or person in possession or control of the real property involved has been found to have committed a violation of this Title and/or has failed to abate the violation and/or to comply with action(s) ordered in the notice/order to abate, by the Hearing Officer, or the Board of Supervisors, then the Enforcement Official may impose an administrative fine as follows:

(a) Each violation of this Title is subject to an administrative fine, (1) not to exceed one hundred dollars (\$100.00) for a first violation; (2) not to exceed two hundred dollars (\$200.00) for a second violation of the same section of this Title within one (1) year of the date of the first notice/order to abate, and (3) not to exceed five hundred dollars (\$500.00) for each additional violation of the same section of this Title within one (1) year of the date of the first notice/order to abate.

(b) In determining the amount of the fine up to the maximum possible fine the Enforcement Official may take into account the facts and circumstances of the violation, including without limitation the following relevant factors:

- (1) The number of violations included in the notice/order to abate;
- (2) The number of previous violations of the same or related type committed by the violator in the previous twenty-four (24) months;
- (3) The good faith efforts of the violator to avoid and/or to address, correct, or abate the violation(s) of this Title;

(4) The impact of the violation(s) on neighboring properties and the community;

(5) The financial gain by the violator in violating this Title;

(6) The seriousness of the violation; and/or

(7) The deterrent value of the administrative fine.

(c) Payment of the administrative fines in whole or part shall not excuse the failure to take the action(s) ordered in the notice/order to abate nor shall it bar further enforcement action by the Enforcement Official.

(d) The Enforcement Official may stay the imposition of the fine temporarily or reduce, suspend, or eliminate an administrative fine if they determine that:

(1) Substantial progress is being made toward completing the action(s) ordered in the notice/order to abate and a stay, reduction, suspension, or elimination of the fine would further the goal of completing the action(s) ordered in the notice/order to abate; and/or

(2) Circumstances exist that are either beyond the control of the violator or were unknown at the time the administrative fines were imposed; and/or

(3) The correction of the violation is not feasible, and the violation does not present a threat to public health or safety.

(e) Imposition of an administrative fine is in addition to any other remedies provided by County code or state law.

(f) Nothing in this chapter shall prevent the District Attorney from commencing an action for a violation of this Title.
(Ord. 4476, § 2, 4-12-2016)

9-1905.15 DISPOSITION OF ADMINISTRATIVE FINES.

All administrative fines collected under the provisions of this Chapter, not including the reimbursement for costs of abatement pursuant to the statement of expense, shall be paid into the County treasury, to the credit of the general fund.
(Ord. 4476, § 2, 4-12-2016)

9-1905.16 SETTLEMENT AGREEMENT.

No provision in this Title precludes the property owner from entering into a settlement agreement with the enforcement official at any time.
(Ord. 4476, § 2, 4-12-2016)

9-1905.17 CRIMINAL PENALTIES.

Enforcement of violations of this Title may be subject to criminal penalties as follows:

(a) **Notice to Appear Citation.** If an owner and/or person in possession or control of the real property involved has committed a violation of this Title and/or has failed to take the action(s) ordered in the notice/order to abate within the time allowed by the notice/order to abate, Hearing Officer, or Board of Supervisors, then (1) law enforcement agencies or (2) the Enforcement Official may issue a notice to appear citation to the owner and/or person in possession or control of the real property.

(b) **Misdemeanor.** Every violation of this Title is a misdemeanor and may be punished by a fine not exceeding one hundred dollars (\$100.00) for the first violation, a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same section within one (1) year, and a fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same section within one (1) year.

(c) **Action by County.** Nothing in this Chapter shall prevent the District Attorney or County Counsel from seeking any legal or equitable relief permitted under law for any violation of this Title.
(Ord. 4476, § 2, 4-12-2016)

9-1905.18 ABATEMENT—VOLUNTARILY.

The property owner and/or person in possession or control of the real property involved may voluntarily abate the violation of this Title at any time. That person may then request the Enforcement Official to inspect the real property involved to confirm the voluntary abatement. If upon inspection or other review of evidence the Enforcement Official determines that the violation of this Title has been abated then the Enforcement Official will cease all enforcement actions under this Title. Voluntary abatement does not preclude the Enforcement Official, or any other party allowed by law, from pursuing legal or equitable action against the property owner and/or person in possession for the violation of this Title or from pursuing actual cost of

all time, services, and materials associated with enforcement and/or abatement of the violation of this Title pursuant to Section 9-1905.24.
(Ord. 4476, § 2, 4-12-2016)

9-1905.19 ABATEMENT—INVOLUNTARY.

If the property owner and/or person in possession or control of the real property involved has failed to voluntarily abate any ongoing violation(s) of this Title within thirty (30) days of the notice/order to abate, no appeal has been filed, or the final decision on appeal upholds the Enforcement Official's findings in the notice/order to abate, then the County may commence involuntary abatement. Involuntary abatement includes but is not limited to one (1) or more of the following actions; (1) seeking written consent to enter the real property to enter and perform work to abate the violation of this Title, (2) County Counsel or District Attorney commencing a civil action in the name of the people of the State of California to abate the violation of this Title pursuant to California Code of Civil Procedure 731, and/or (3) District Attorney commencing action to abate the violation of this Title pursuant to Title 1, Division 2, Chapter 1, of this Code.
(Ord. 4476, § 2, 4-12-2016)

9-1905.20 ABATEMENT—SUBSEQUENT.

Pursuant to California Government Code Section 25845.5, on a second or subsequent determination within two (2) years from notice of a finding that an owner of property is responsible for a condition that may be abated in accordance with this Title, except for conditions abated pursuant to Health and Safety Code Section 17980, the property owner may be liable for triple the costs of the abatement.
(Ord. 4476, § 2, 4-12-2016)

9-1905.21 ABATEMENT—EMERGENCIES.

Notwithstanding any other provision of this Title, if the Enforcement Official determines that a violation poses an immediate threat of life, limb, health, property, safety, or welfare of anyone, the Enforcement Official may act to immediately notify the owner of the real property involved orally or in writing that the violation must be abated immediately.

(a) If, despite diligent effort, the Enforcement Official is unable to notify the owner of the real

property within a reasonable period of time, or after notification the owner has failed to abate the violation, the Enforcement Official may cause the abatement of the condition which poses an immediate threat.

(b) Immediately following abatement, the owner of the real property involved shall be notified of the abatement.

(c) The notice to the owner of the real property involved may include a Statement of Expense pursuant to Section 9-1905.24 and a demand that the Statement of Expense be paid within ninety (90) days of the date of notice.

(Ord. 4476, § 2, 4-12-2016)

9-1905.22 CIVIL LIABILITY.

There shall be no civil liability on the part of, and no cause of action shall arise against, any County official or personnel acting pursuant to this Chapter and within the scope of their authority.

(Ord. 4476, § 2, 4-12-2016)

9-1905.23 ATTORNEY'S FEES AND COSTS.

The prevailing party in any civil action to abate a violation of this Title may recover reasonable attorney's fees and costs. No party's fees shall be awarded at an hourly rate greater than the hourly rate charged by the County for a Deputy County Counsel.

(Ord. 4476, § 2, 4-12-2016)

9-1905.24 RECOVERY OF ENFORCEMENT COSTS.

The county may be reimbursed for the actual cost of all time, services, and materials associated with voluntary and involuntary abatement of the violation of this Title. Reimbursement of these costs shall be in addition to and shall not limit the prevailing party's right to recover costs pursuant to Code of Civil Procedure Sections 1032 and 1033.5 or any other provision of law. If the Enforcement Official seeks reimbursement, then they shall compile the enforcement costs into a statement of expense, which shall be an itemized statement explaining all costs incurred by the Enforcement Official and any other County Department in abating any violation of this Title that the Enforcement Official seeks to recover.

(a) Any time spent on enforcement that the Enforcement Official seeks reimbursement for shall be charged by County personnel at an hourly rate determined by the Enforcement Official.

(b) Any costs of time, services, and/or materials spent on enforcement that the Enforcement Official seeks reimbursement for may be calculated from the time a violation of this Title is reported or discovered through and including successful abatement of the violation of this Title or any portion thereof.

(c) The statement of expense shall be mailed to the property owner of the real property involved with a demand for payment within thirty (30) calendar days of the date the statement was mailed.

(d) The statement of expense shall advise the owner that they may appeal the statement of expense in writing within thirty (30) calendar days of the date the statement was mailed. (See Section 9-1905.25).

(e) If the owner does not pay the amount due under the statement of expense within the time specified by the Statement, Hearing Officer, or Board of Supervisors the Enforcement Official may request placement on the consent calendar of the Board of Supervisors for a resolution approving the amount due under the statement of expense or under the written decision of the Hearing Officer. The resolution shall direct the Auditor to cause a special tax lien to be assessed on the property tax of the subject property. Said assessment shall have the same priority as other taxes. A notice of release may not be recorded with the office of the County Recorder until all assessments for the cost of abatement are paid. When the assessment in question is collected, it shall be credited to the Community Development Department.

(f) If the tax lien has not been recorded prior to the transfer to the real property involved before the date on which the first installment of County taxes becomes delinquent, then the cost of abatement shall not be a lien on the property but shall be transferred to the unsecured roll for collection. For the purposes of this Section, a transfer must be to a bona fide purchaser for value.

(Ord. 4476, § 2, 4-12-2016)

9-1905.25 APPEAL OF STATEMENT OF EXPENSE (HEARING OFFICER).

If the owner of the real property involved objects to the statement of expense, the owner may, within thirty (30) calendar days of notification of the statement of expense, file a written appeal with the County department that issued the statement of expense. The appeal-

lant shall then select a Hearing Officer. The Hearing Officer shall conduct a hearing on the appeal pursuant to the Hearing Officer's administrative procedures.

(a) The statement of expense will be final and owing unless a timely appeal is filed.

(b) If a timely appeal is filed then the requirement to pay the statement of expense shall be stayed pending such appeal.

(c) The Board of Supervisors may, by resolution, establish a fee for filing an appeal pursuant to this section.

(d) Within ten (10) days of the completion of the appeal proceeding, the Hearing Officer shall mail the final written decision on the appeal to the parties and the Clerk of the Board of Supervisors. The written decision shall be final and shall be enforceable thirty-one (31) days after the Clerk of the Board of Supervisors receives the written decision. Receipt will be presumed to have occurred five (5) days after the Hearing Officer mailed the decision.

(e) If the matter is resolved in whole or in part in favor of the County and against the appellant, the costs incurred by the County in holding the hearing with the Hearing Officer shall be added to the statement of expense.

(Ord. 4476, § 2, 4-12-2016)

9-1905.26 APPEAL OF STATEMENT OF EXPENSE (BOARD OF SUPERVISORS).

If the owner does not agree with the Hearing Officer's decision, the owner may file a written request to have the matter heard before the Board of Supervisors. Such written request must be filed with the Clerk of the Board within thirty (30) days from the date of receipt of the Hearing Officer's decision. Receipt will be presumed to have occurred five (5) days after the Hearing Officer mailed the decision.

(a) The Hearing Officer's determination will be final unless a timely appeal is filed.

(b) The Board of Supervisors may, by resolution, establish a fee for filing an appeal pursuant to this Section.

(c) At the Board of Supervisors' hearing, the only issue shall be the amount of costs due to the County. The existence or nonexistence of a violation of this Title shall not be an issue.

(d) The Board of Supervisors may, by resolution uphold, modify, or reverse the statement of expense. Any amount determined by the Board of Supervisors to be due under the Statement of Expense must be paid within fifteen (15) days from the date a copy of the Board's resolution is mailed to the owner.

(e) If complete payment pursuant to the Board of Supervisor's resolution is not made within fifteen (15) days of the resolution, a copy of the resolution, and the Statement of Expense, shall be forwarded to the Auditor of San Joaquin County. The Auditor shall cause a special tax to be assessed on the property tax of the affected parcel. Said assessment shall have the same priority as other taxes. A notice of release shall not be recorded in the office of the County Recorder until all amounts stated in the resolution are paid. When the amounts stated in the resolution are collected, they shall be credited to the Community Development Department.

(Ord. 4476, § 2, 4-12-2016)

9-1905.27 LATE CHARGES AND INTEREST.

Late charges and interest may be charged for fines and/or the statement of expense not paid by the required date. These charges and interest, if any, shall be the same as those established by the Board of Supervisors for the Revenue and Recovery Department.

(Ord. 4476, § 2, 4-12-2016)

9-1905.28 ENFORCEMENT BY CIVIL ACTION.

As an alternative to the procedures set forth in this Chapter the county may abate any violation of this Title by the prosecution of a civil action through the office of the county counsel, including an action for injunctive relief. The remedy of injunctive relief may take the form of a court order, enforceable through civil contempt proceedings, prohibiting the maintenance of the violation of this Title or requiring compliance with other terms.

(Ord. 4476, § 2, 4-12-2016)

9-1905.29 NO DUTY TO ENFORCE.

Nothing in this Chapter shall be construed as imposing on the Enforcement Official or the County any duty to issue a notice to abate any violation of this Title, nor to take any other action with regard to any violation of

this Title, and neither the enforcing officer nor the County of San Joaquin shall be held liable for failure to issue a notice of violation and order to abate any violation of this Title, nor for failure to take any other action with regard to any violation of this Title. (Ord. 4476, § 2, 4-12-2016)

9-1905.30 SEVERABILITY.

If any section, subsection, sentence, clause, portion, or phrase of this Chapter is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The board hereby declares that it would have passed this Chapter and each section, subsection, sentence, clause, portion, or phrase hereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional. (Ord. 4476, § 2, 4-12-2016)

CHAPTER 9-1910

ABANDONED VEHICLES

Sections:

9-1910.1	Intent.
9-1910.2	Findings and Declarations.
9-1910.3	Enforcement Officials.
9-1910.4	Unlawful to Abandon, Park, Store, or Leave Vehicle.
9-1910.5	Exceptions.
9-1910.6	Abandoned Vehicle Removal Procedures.
9-1910.7	Assessment of Costs.
9-1910.8	Unlawful to Refuse to Comply with Order.
9-1910.9	Reporting Requirements for Licensed Dismantlers.
9-1910.10	Violations.

9-1910.1 INTENT.

The intent of this Chapter is to prescribe regulations pertaining to abandoned vehicles. (Ord. 3675)

9-1910.2 FINDINGS AND DECLARATIONS.

In addition to, and in accordance with, the determination made and the authority granted by the State of California under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof as public nuisances, the Board of Supervisors hereby makes the following findings and declarations:

(a) **Deleterious Effects.** The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof creates a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects, and to be injurious to the health, safety and general welfare; and

(b) **Public Nuisance.** The presence of an abandoned, wrecked, dismantled, or inoperative vehicle or parts thereof, except as expressly hereinafter permitted, shall constitute a public nuisance which may be abated as such in accordance with the provisions of this Chap-

ter. A public nuisance as described shall include a vehicle that creates a deteriorating environmental condition, reduces the value of private property, promotes deterioration of a business district or neighborhood, invites plundering, creates fire hazards, constitutes an attractive nuisance

endangering the health and safety of minors, harbors rodents and insects, or jeopardizes health, safety and general welfare.

(Ord. 3675; Ord. 3971 § 2, 1998)

9-1910.3 ENFORCEMENT OFFICIALS.

The Director of the Community Development Department is designated as the official responsible for the administration of this Chapter. In the administration of this Chapter, the Director may, upon presentation of proper credentials, enter upon private or public property to examine a vehicle or part thereof, or obtain information as to the identity of a vehicle, and to remove or cause the removal of a vehicle or part thereof declared to be a nuisance pursuant to this Chapter and to Section 22663 of the Vehicle Code.

(Ord. 3675)

9-1910.4 UNLAWFUL TO ABANDON, PARK, STORE, OR LEAVE VEHICLE.

It shall be unlawful for any person to abandon, park, store, or leave, or permit the abandonment, parking, storing, or leaving, of any vehicle or part thereof which is in an abandoned, wrecked, dismantled, or inoperative condition within the unincorporated area of the County for a period in excess of seven (7) days.

(Ord. 3675)

9-1910.5 EXCEPTIONS.

This Chapter shall not apply to:

(a) **Enclosed Within Building.** A vehicle or part thereof which is completely enclosed within a building where it is not visible from the street or other public or private property;

(b) **Part of Business.** A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise; or

(c) **Historic Vehicle.** A vehicle or part thereof which qualifies as a vehicle of historic value and has special identification plates for a historical vehicle as described in Section 5004 of the California Vehicle Code.

(d) **General Agriculture.** Parcels that are a minimum of five (5) acres in any General Agriculture zone.

(Ord. 3675; Ord. 3971 § 3, 1998)

9-1910.6 ABANDONED VEHICLE REMOVAL PROCEDURES.

The Director shall proceed as follows in the investigation and enforcement of violations of Section 9-1910.4:

(a) **Notice of Intention to Abate and Remove Vehicle.** When the Director determines that a violation of this Chapter exists, the owner of the property in violation, as shown on the latest assessment roll, and the last registered and legal owner of the vehicle, shall be notified by registered or certified mail of the intention to abate and remove the vehicle or part thereof as a public nuisance. The Notice shall state that the owner of the property and/or vehicle has ten (10) business days in which to correct the violation or appeal the determination of the Director to the Planning Commission for a public hearing. This required Notice may be waived by the owner(s) of the property and/or vehicle with a signed release authorizing removal and waiving further interest in the vehicle or part thereof.

(b) **Statement of Nonresponsibility.** If a vehicle was abandoned without the consent or knowledge of the property owner, and he/she has direct control of the property, the property owner may submit a Statement of Nonresponsibility within ten (10) business days of the mailing of the Notice of Intention to Abate and Remove the Vehicle. If the Director determines the property owner is not responsible for the abandoned vehicle, the administration fee will be waived. If staff determines the owner is responsible for the abandoned vehicle, he/she will be so advised. This determination can be appealed pursuant to Section 9-1910.6(c).

(c) **Appeals.** Appeals of the Notice of Intention to Abate and Remove Vehicle shall be filed pursuant to Section 9-215.12 (Appeals under the Staff Review with Notice Procedure), except for the following provisions:

(1) The owner of the vehicle and/or the owner of the property may file this appeal.

(2) When an appeal is heard by the Board of Supervisors pursuant to Section 8-5100, any violation of Chapter 9-1910 of this Title included in the Notice of Violation shall be heard by the Board of Supervisors.

(d) **Public Hearing Procedure.** The public hearing shall allow for the submittal of oral and written evidence relative to the existence of a violation of this Chapter on the property and whether the property owner is responsible for or has consented to the placement of the vehicle on the property. The property owner may appear in person or submit a sworn statement denying responsibility for the presence of the vehicle on the property. At the conclusion of the public hearing, the existence of a violation shall be determined and if a violation exists, it shall be determined whether the property owner is responsible

for such violation. If it is found that a violation exists but the property owner is not responsible, the County shall not assess costs of administration or removal of the vehicle against the property owner. The decision of the hearing official shall be final and may not be appealed.

(e) **Removal of the Vehicle.** If an appeal has not been filed within the required time period or the Planning Commission has made a determination that a violation exists and the vehicle or part thereof remains on the property, the vehicle or part thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard. The removal shall be performed by the County or a licensed automobile dismantler authorized by the County, either of which may enter private or public property to remove the vehicle or part thereof declared to be a nuisance pursuant to this Chapter. The Director is authorized to select licensed automobile dismantlers pursuant to policies and procedures adopted by the Board of Supervisors.

(f) **Vehicle Not to be Reconstructed.** Any vehicle removed as a result of this Chapter shall not be reconstructed or made operable unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates.

(g) **Notice to the Department of Motor Vehicles.** Within five (5) business days after the removal, notice shall be given to the Department of Motor Vehicles that identifies the vehicle or part thereof, and evidence shall be submitted of all available registration, including but not limited to the registration card, certificates of ownership, or license plates.

(Ord. 3675, 3703)

9-1910.7 ASSESSMENT OF COSTS.

The Board of Supervisors shall establish fees for administrative and vehicle removal costs. These costs are the joint and several personal obligations of the last registered owner and the owner of the parcel of land from which the vehicle was removed, provided, however, that the last registered owner who can satisfy the requirements of Vehicle Code Section 22524 (b) shall not be personally liable for the costs and provided, further, that it has been found that the owner is not responsible for the location of the vehicle on his or her property. If the fees are not paid within thirty (30) business days of the date of the order or the final disposition of an appeal therefrom, such fees shall be assessed against the parcel of land pursuant to Section 25845 of the Government Code and shall be transmitted to the tax collector for collection. Said assessment shall have the same priority as other taxes.

(Ord. 3675)

9-1910.8 UNLAWFUL TO REFUSE TO COMPLY WITH ORDER.

It is unlawful for any person to fail or refuse to remove an abandoned, wrecked, dismantled, or inoperative vehicle or part thereof, or to refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this Chapter or state law where applicable.

(Ord. 3675)

9-1910.9 REPORTING REQUIREMENTS FOR LICENSED DISMANTLERS.

Licensed dismantlers or commercial enterprises acquiring vehicles removed pursuant to this Chapter shall be excused from the reporting requirements of Section 11520 of the Vehicle Code, and any fees and penalties which would otherwise be due the Department of Motor Vehicles are hereby waived, provided that a copy of the resolution or order authorizing disposition of the vehicle is retained in the dismantlers' or commercial enterprises' business records.

(Ord. 3675)

9-1910.10 VIOLATIONS.

Any violation of a provision of this Chapter shall be a misdemeanor punishable by imprisonment in the County Jail for a term not to exceed six (6) months, or by a fine not to exceed five hundred (500) dollars, or both.

(Ord. 3675)

APPENDIX 1

MOUNTAIN HOUSE DEVELOPMENT TITLE

Chapters:

- 9-107M Mountain House Development Title**
- 9-110M Definitions**
- 9-115M Use Classification System**
- 9-205M Review Authorities**
- 9-240M Fees**
- 9-305M Residential Zone Use Regulations**
- 9-310M Residential Zone Lot and Structure Regulations**
- 9-405M Commercial Zone Use Regulations**
- 9-410M Commercial Zone Lot and Structure Regulations**
- 9-505M Industrial Zone Use Regulations**
- 9-510M Industrial Zone Lot and Structure Regulations**
- 9-605M Agricultural Zone Use Regulations**
- 9-700M Intent and Organization of Other Zones**
- 9-705M Other Zone Use Regulations**
- 9-710M Other Zone Lot and Structure Regulations**
- 9-803M General Plan Amendments**
- 9-804M Master Plans**
- 9-805M Public Financing Plans**
- 9-806M Specific Plans**
- 9-809M Mountain House Development Title Text
Amendments**
- 9-812M Zone Reclassifications**
- 9-815M Special Purpose Plans**
- 9-818M Site Approvals**
- 9-821M Use Permits**
- 9-824M Deviations**
- 9-827M Variances**
- 9-830M Second Unit Dwellings**
- 9-836M Dwelling Clusters**
- 9-839M Home Occupation Permit**
- 9-851M Agricultural Excavation Permits**

9-854M Quarry Excavation Permits
9-857M Major Subdivisions
9-860M Minor Subdivisions
9-878M Revisions of Approved Actions
9-890M Parcel Map Waivers
9-896M Repealed by Ord. 3939.
9-905M General Provisions
9-1015M Parking and Loading
9-1020M Landscaping Regulations
9-1022M Fencing and Screening
9-1025M Performance Standards
9-1053M Historic Resource Preservation
9-1100M Infrastructure Standards Intent and Organization
9-1120M Water Systems
9-1150M Roadways
9-1230M Local Park and Recreation Facilities Financing
9-1240M Land Reservation for Public Utilities
9-1245M Public Land Equity Program
9-1260M Specific Plan Reimbursement Fees
9-1270M Affordable Housing Impact Fee
9-1405M Grading and Excavation Requirements
9-1700M Repealed by Ord. 3939.
9-1705M Repealed by Ord. 3939.
9-1710M Repealed by Ord. 3939.

CHAPTER 9-107M**MOUNTAIN HOUSE DEVELOPMENT TITLE****Sections:**

9-107.1M	Title—Reference.
9-107.2M	Intent.
9-107.3M	Consistency with General Plan and Master Plan.
9-107.4M	Interpretation, Constitutionality, and Severability.
9-107.5M	Restrictions.
9-107.6M	No Relief from Other Provisions.
9-107.7M	Structure and Use.

9-107.1M TITLE—REFERENCE.

Appendix 1, Mountain House Development Title, consisting of this chapter plus the following chapters, shall be known collectively and referred to as the Mountain House Development Title (MHDT).

(Ord. 3813 (part), 1994)

9-107.2M INTENT.

The intent of the Mountain House Development Title is to add provisions to, or amend provisions of, the development title of San Joaquin County in order to implement the Master Plan, Specific Plans and Special Purpose Plans of the Mountain House Community. In this context, the Mountain House Development Title shall be viewed as an addendum to the development title of San Joaquin County but only with respect to Mountain House.

(Ord. 3813 (part), 1994)

9-107.3M CONSISTENCY WITH GENERAL PLAN AND MASTER PLAN.

All actions, approvals and procedures taken with respect to, or in accordance with, this Mountain House Development Title shall be consistent with the San Joaquin General Plan and the Master Plan of the Mountain House Community. In the event this Mountain House Development Title becomes inconsistent with the San Joaquin General Plan or any of its elements, or with the Mountain House Master Plan, by reason of adoption of a new General Plan or Master Plan, or by reason of amendment of the existing General Plan or Master Plan, this Mountain House Development Title shall be amended within a reasonable time so as to achieve consistency with said documents.

(Ord. 3813 (part), 1994)

9-107.4M INTERPRETATION, CONSTITUTIONALITY, AND SEVERABILITY.

(a) **Ambiguities.** Unless otherwise provided, any ambiguity concerning the content or application of this Mountain House Development Title shall be resolved by the Director.

(b) **Invalidity.** If any section, subsection, sentence, clause or phrase of this Mountain House Development Title is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the Mountain House Development Title. The Board declares that it would have passed this Mountain House Development Title and every section, subsection, clause and phrase thereof, notwithstanding that one or more sections, subsections, sentences, clauses or phrases declared unconstitutional.

(Ord. 3813 (part), 1994)

9-107.5M RESTRICTIONS.

It is not intended by the Mountain House Development Title to interfere with, abrogate or annul any easement, covenant, or other agreement between parties. Where the Mountain House Development Title imposes a greater restriction upon the use of buildings or land than are imposed by other ordinances, rules or regulations, or by easements, covenants or agreements, the provisions of the Mountain House Development Title shall prevail, excluding development agreements and any vested provisions in agreements.

(Ord. 3813 (part), 1994)

9-107.6M NO RELIEF FROM OTHER PROVISIONS.

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

(Ord. 3813 (part), 1994)

9-107.7M STRUCTURE AND USE.

The following rules concerning the structure and use of the Mountain House Development Title shall apply:

(a) Chapters and sections of the Mountain House Development Title which amend specific chapters, sections or tables of the San Joaquin Development Title shall carry the same numbering as said chapters, sections or tables of the San Joaquin Development Title. For the Mountain House

Development Title, the letter "M" shall appear at the end of chapter numbers, section numbers or table numbers to distinguish between Mountain House Development Title chapters, sections, and tables and San Joaquin Development Title chapters, sections and tables.

(b) Chapters and sections of the Mountain House Development Title that do not amend specific chapters or sections of the San Joaquin Development Title, or have no antecedents in the San Joaquin Development Title, shall be regarded as new or as additional provisions applicable only to the Mountain House Community. Said chapters and sections shall be numbered similarly with other Mountain House chapters and sections.

(c) Only those chapters, sections and tables of the Mountain House Development Title which represent amendments to specific chapters, sections, and tables of the San Joaquin Development Title or which represent new or additional provisions shall be contained in the Mountain House Development Title.

(d) Unless otherwise changed by the Mountain House Development Title, the provisions of the development title of San Joaquin County shall be applicable to all development within the Mountain House Community.

(Ord. 3813 (part), 1994)

CHAPTER 9-110.4M

DEFINITIONS

Sections:

9-110.4M

Definitions.

9-110.4M DEFINITIONS.

The following additional definitions or changes to existing definitions in the development title shall be used:

Additional Town Center Unit. "Additional Town Center Unit" means a dwelling unit which provides affordable housing opportunities for low income and medium income persons in the Town Center of the Mountain House Community and which is not included in the calculations of residential densities as specified by the Mountain House Master Plan or by any of the various Specific Plans for the Mountain House Community.

Applicable Public Agency. "Applicable Public Agency" means a public agency or its successor that is the recipient of Public Land within the Mountain House Community and that is authorized to provide the infrastructure and services on said Public Land.

Average FAR. "Average FAR" means the floor area ratio calculated by dividing the total Livable Area plus attached garage interior floor area by the total lot area for all lots subject to and included within a Model Home Master Plan.

Bicycle Commuter Route. "Bicycle commuter route" means a Class I bike path or Class II bike lane which is designated as the most efficient path of travel for the dedicated bike commuter.

Bikeway. "Bikeway" means a Class I bike path, a Class II bike lane, a Class III bike route, or a bicycle commuter route.

Biologist, Qualified. "Qualified biologist" means any person who has completed at least four (4) years of training in wildlife biology or a related science and has demonstrated field experience in the identification and life history of the animal that is the subject of the survey.

Class I Bike Path. "Class I bike path" means a path where bicycle travel is the designated use and which is separated from the vehicular network to provide the greatest degree of physical safety for the cyclist.

Class II Bike Lane. "Class II bike lane" means a path where bicycle travel is the designated use and which consists of a separate marked lane within a roadway, with guide signs and pavement markings along the way.

Class III Bike Route. "Class III bike route" means a path where bicycle travel is the designated use and which is

signed only, with the cyclist sharing the right-of-way with motorists.

Dedicate, Dedicated, and Dedication. "Dedicate, dedicated, and dedication" means the legal process of transferring, whether by grant deed, certification on a subdivision map, or otherwise, Public Land to an Applicable Public Agency.

Density Bonus Unit. "Density Bonus Unit" means an additional residential dwelling unit which is not included in the calculations of residential densities specified by the Mountain House Master Plan or by any of the various Specific Plans for the Mountain House Community and which is permitted to be constructed as part of a residential development in the Mountain House Community, provided said development satisfies the conditions specified in Chapter 9-315.

Developer. "Developer" means, for purposes of the Mountain House Development Title, the legal or beneficial owner or owners of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land, and any successor in interest thereto.

Development Permit. "Development Permit" means any discretionary or ministerial permit required for a project, excluding General Plans, Master Plans, Specific Plans, Special Purpose Plans, or amendments thereto, ordinance text changes, and rezonings.

Dwelling, Second Unit. "Second unit dwelling" means a detached or attached dwelling unit, not including a mobile home, that is located on the same parcel as a primary single-family dwelling, is clearly subordinate in size to said primary single-family dwelling, and is subject to the requirements specified in Chapter 9-830M.

Fee Per Lot Square Foot. "Fee per lot square foot" means that fee component of the Affordable Housing Impact Fee that is applied to the net parcel area of a residential parcel.

Forty-Five Degree (45°) Clear. "Forty-five degree (45°) clear" means that all points on a structure must not touch an imaginary line drawn at a forty-five degree (45°) angle from the nearest right-of-way line or property line, as applicable.

Landowner. "Landowner" means any individual, partnership, corporation, or other legal entity owning or developing land within the Mountain House Community and/or contemplating development within the Mountain House Community.

Land Voucher. "Land Voucher" means a document given in exchange for acreage in fulfillment of the requirements of the Public Land Equity Program.

Livable Area. "Livable area" means the area within the outside walls of a residential unit, whether attached or unattached, but not including unfinished garages, unfinished basements, porches, or storage facilities not accessible from the interior of the residential unit.

Master Developer. "Master Developer" means Tri-mark Communities, a California general partnership, and any successor in interest thereto, in the case of Mountain House lands outside the Specific Plan III planning area. Otherwise, "Master Developer" means Gerry N. Kamilos, LLC, and any successor in interest thereto.

Master Specific Plan. "Master Specific Plan" or "Mountain House Master Specific Plan" or "Master Plan" means the policy document which presents policies, requirements and standards for the entire Mountain House Community and guides the preparation of subsequent Specific Plans, Tentative Maps, and other approvals required to implement the building of the Mountain House Community.

Mountain House Community Services District. "Mountain House Community Services District" or "MHCSD" means the community services district established to administer and to provide certain services and infrastructure for the inhabitants of Mountain House.

Multi-Use Path. "Multi-use path" means a pedestrian path that safely accommodates both pedestrians and bicycles.

Nontransportation Noise Sources. "Nontransportation noise sources" means equipment, utilities or processes associated with industrial, commercial or public facilities that create a constant or periodic noise in a fixed location.

Noise-Sensitive Uses. "Noise-sensitive uses" means residential, educational, hospital, and group care uses.

Pedestrian Path or Way. "Pedestrian path or way" means a right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind. Said pedestrian path or way may be located within or outside of a street right-of-way, at grade, or grade separated from vehicular traffic.

Pre-Existing Residential Areas. "Pre-existing residential areas" means the three distinct residential areas that were in place before the Mountain House New Town was established, described and labeled as "Grant Line Village," "Homesite Parcels," and "Old River Homesites" by the Master Plan.

Preliminary Map. "Preliminary Map" means any lot line adjustment, merger or tentative map application that is submitted to the County, prior to the completion of all Mountain House Master Plan subsequent plans and programs, only for the purpose of financing, land sale or exchange, or planning area segregation, after which a more

definitive Development Title application is required to be submitted to the County before construction permits can be obtained for the affected area.

Private Land. "Private Land" means any land within the Mountain House Community that can be developed for private use and profit.

Public Land. "Public Land" means acreage required by an Applicable Public Agency to provide public services and infrastructure to or on behalf of the residents of the Mountain House Community, as specified in the Public Land Equity Program Technical Report as of November 28, 1997.

Public Land Acreage Requirement. "Public Land Acreage Requirement" means the amount of land that a Landowner is required to provide in order to fulfill the requirements of the Public Land Equity Program, calculated by multiplying the gross acres of a subject property by the Public Land Percentage.

Public Land Deficit. "Public Land Deficit" means the additional amount of land needed to meet the Public Land Acreage Requirement for a subject parcel, calculated by subtracting the number of acres actually shown for public use on said parcel from the parcel's Public Land Acreage Requirement.

Public Land Equity Program. "Public Land Equity Program" means the program as set forth in Chapter 9-1245M of this Title.

Public Land Equity Program Technical Report. "Public Land Equity Program Technical Report" means the report which provides the methodology for calculating the Public Land Acreage Requirement on a subject property and the Public Land Percentage.

Public Land Percentage. "Public Land Percentage" means the percentage of land within the Mountain House Community that is Public Lands, calculated by dividing the total Public Lands within the Mountain House Community by the gross acres within the Mountain House Community held in private ownership, as specified in the Public Land Equity Program Technical Report, and multiplying the result by one hundred (100).

Public Land Surplus. "Public Land Surplus" means the amount of land that exceeds the Public Land Acreage Requirement for a subject property, calculated by subtracting the Public Land Acreage Requirement from the number of acres actually designated for public use by the Master Plan or Specific Plan or any applicable Special Purpose Plan.

Specific Plan. "Specific Plan" means, for the purposes of the Mountain House Development Title, a plan which is prepared pursuant to Government Code Section 65450 for the systematic implementation of the Mountain House

Master Specific Plan and which provides detailed information and instruction regarding the types, locations and densities of land uses; development phasing; zoning regulations; public infrastructure and services; development; and design guidelines. "Specific Plan" shall include Mountain House Specific Plan I and other Specific Plans.

Specific Plan Reimbursement Program. "Specific Plan Reimbursement Program" means the program as provided for in the Mountain House Public Financing Plan that has been developed to reimburse the Master Developer and other Developers for the costs which they have incurred or will incur in the preparation and adoption of the Mountain House Master Specific Plan and subsequent Specific Plans, and the Supporting Documents.

Story. "Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story is defined as that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. "Story" also means that portion of a building between the upper surface of a floor and the upper surface of the floor next above, where the finished floor level directly above is more than six (6) feet above grade for more than fifty percent (50%) of the total perimeter or more than twelve (12) feet above grade at any point.

Subsequent Plans and Programs. "Subsequent plans and programs" means the plans and programs required by the Mountain House Master Plan for development to proceed, as set forth in the Master Plan Development Agreement between the County of San Joaquin and Trimark Communities, or plans and programs as set forth in the Development Agreement between the County of San Joaquin and Gerry N. Kamilos, LLC.

Supporting Documents. "Supporting Documents" means those plans and programs prepared to provide the background and technical bases for the Mountain House Master Specific Plan and subsequent Specific Plans, or developed to implement the Mountain House Master Specific Plan and subsequent Specific Plans.

(Ord. 3813 (part), 1994; Ord. 3951 § 2, 1997; Ord. 3953 § 1, 1997; Ord. 3974 § 1, 1998; Ord. 3975 § 2, 1998; Ord. 4033 § 2, 1999; Ord. 4066 § 1, 2000; Ord. 4242 § 1, 2005; Ord. 4276 § 1, 2005)

CHAPTER 9-115M**USE CLASSIFICATION SYSTEM****Sections:**

9-115.535M Recreation.

9-115.535M RECREATION.

The following sub-use types shall replace the Recreation: Outdoor Entertainment sub-use type:

(a) **Outdoor Entertainment, Large Scale.** Facilities which require one and one-half (1 1/2) or more acres for outdoor recreational activities and for presenting entertainment and athletic events to spectators. Typical uses include water slide facilities, amusement parks, open air theaters, and stadiums.

(b) **Outdoor Entertainment, Small Scale.** Facilities which require less than one and one-half (1 1/2) acres for outdoor recreational activities and for presenting entertainment and athletic events to spectators. Typical uses include skateboarding arenas and outdoor swimming pools. (Ord. 3974 § 2, 1998)

CHAPTER 9-205M**REVIEW AUTHORITIES****Sections:**

9-205.2M Planning Agency.
9-205.8M Design Consistency Review Committee.

9-205.2M PLANNING AGENCY.

In addition to the Review Authorities listed in Section 9-205.2 of the Development Title, the Mountain House Design Consistency Review Committee shall be recognized as a component part of the Planning Agency for San Joaquin County.

(Ord. 4066 § 2 (part), 2000)

9-205.8M DESIGN CONSISTENCY REVIEW COMMITTEE.

The Design Consistency Review Committee's role as part of the Planning Agency shall be as provided in this Section.

(a) **Membership.** The Design Consistency Review Committee shall consist of a representative of the Master Developer, the Mountain House Community Services District (MHCS), and the Community Development Department. Each corresponding organization or agency shall select one (1) representative. The representatives should be design and planning professionals.

(b) **Functions.** The Design Consistency Review Committee shall review all Development Permit applications (as defined in Section 9-110.4) for consistency with the design policies and requirements of County adopted plans and ordinances for Mountain House. In addition, the Design Consistency Review Committee shall make design consistency recommendations for Mountain House plan and program documents related to community design that are submitted to the Community Development Department for review. The design consistency recommendations of the Design Consistency Review Committee shall be submitted to the Director.

(Ord. 4066 § 2 (part), 2000)

CHAPTER 9-240M**FEES****Sections:**

9-240.5M Preapplication Conferences.

**9-240.5M PREAPPLICATION
CONFERENCE.**

The fee required for a Preapplication Conference for Mountain House development applications shall be a separate fee, paid in addition to the fee required for the parent application. (Ord. 4154 § 1, 2002)

CHAPTER 9-305M**RESIDENTIAL ZONE USE REGULATIONS****Sections:**

9-305.2M Permitted Use Types.
9-305.3M Accessory Uses and Structures.
9-305.4M Temporary Uses and Structures.
9-305.7M Design Guidelines.

Tables:

9-305.2M Uses in Residential Zones.
**9-305.3M Accessory Uses and Structures in
Residential Zones.**
**9-305.4M Temporary Uses and Structures
in Residential Zones.**

9-305.2M PERMITTED USE TYPES.

Permitted, not permitted and conditionally permitted use types shall be as provided in Table 9-305.2M.
 (Ord. 3813 (part), 1994)

**9-305.3M ACCESSORY USES AND
STRUCTURES.**

Permitted, not permitted, and conditionally permitted accessory uses and structures shall be as provided in Table 9-305.3M. Accessory uses or structures not specifically listed in Table 9-305.3M may be permitted with an Improvement Plan, provided:

(a) The proposed accessory use or structure involves less than a twenty-five percent (25%) increase in floor area covered by the existing principal use type; and

(b) The proposed accessory use or structure involves less than a ten percent (10%) increase in the overall site area covered by the existing use type; and

(c) The proposed accessory use or structure, in the opinion of the Director, will not have a substantial, adverse effect on adjacent property; and

(d) The proposed accessory use or structure will comply with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency; or

(e) Where conditions in Subsections (a) through (d) of this Section are not met, the level of review for the accessory use or structure shall be the same as the level of review required for the primary use or structure.

(Ord. 3813 (part), 1994)

TABLE 9-305.2M

9-305.4M TEMPORARY USES AND STRUCTURES.

Permitted, not permitted and conditionally permitted temporary uses and structures shall be as provided in Table 9-305.4M. Temporary uses or structures not specifically listed in Table 9-305.4M may be allowed, subject to approval of an Improvement Plan.
(Ord. 3813 (part), 1994)

9-305.7M DESIGN GUIDELINES.

Design Guidelines shall be submitted for consistency review prior to approval of the final map or parcel map or other Development Permit.
(Ord. 4066 § 6, 2000)

TABLE 9-305.2M

USES IN RESIDENTIAL ZONES**Residential Use Types**

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted					
Use Types	Residential Zone R-VL	Residential Zone R-L	Residential Zone R-M	Residential Zone R-MH	Residential Zone R-H
Family Residential					
Single-Family	P	P	P	P	-
Two-Family	-	- (P ¹)	P	P	-
Small Multifamily	-	-	P	P	P
Large Multifamily	-	-	S (- ¹)	S	S
Farm Employee Housing	-	-	-	-	-
Small	-	-	-	-	-
Large	-	-	-	-	-
Group Care					
Small	P	P	P	P	P
Large	U	U	U	U	U
Adult Day Care	-	U	U	U	U
Farm Related	-	-	-	-	-
Group Residential	-	S	S	S	S
Mobilehome Park	-	U (- ¹)	U (- ¹)	-	-
Shelters:					
Small	-	-	-	-	-
Medium	-	-	-	-	-
Large	-	-	-	-	-

TABLE 9-305.2M

Nonresidential Use Types

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted					
Use Types	Residential Zone R-VL	Residential Zone R-L	Residential Zone R-M	Residential Zone R-MH	Residential Zone R-H
Administrative Offices	-	-	-	S	S
Administrative Support Services	-	-	-	-	-
Adult Entertainment	-	-	-	-	-
Aerial Services					
Farm	-	-	-	-	-
Heliport	-	-	-	-	-
Agricultural Organizations	-	-	-	-	-
Agricultural Processing					
Preparation Services	-	-	-	-	-
Food Manufacturing	-	-	-	-	-
Agricultural Sales					
Feed and Grain	-	-	-	-	-
Agricultural Chemicals	-	-	-	-	-
Agricultural Warehousing	-	-	-	-	-
Agricultural Wastes	-	-	-	-	-
Animal Feeding and Sales	-	-	-	-	-
Animal Raising					
Exotic Animals	-	-	-	-	-
General	-	-	-	-	-
Hogs	-	-	-	-	-
Small Animals	-	-	-	-	-
Family Food Production	P	-	-	-	-
Educational Animal Project	P	-	-	-	-
Zoo	-	-	-	-	-
Petting Zoo	-	-	-	-	-
Animal Specialty Services					
Farm	-	-	-	-	-
Pet	-	-	-	-	-
Kennel	-	-	-	-	-
Kennel, Small Breeding	-	-	-	-	-
Auction Sales					

TABLE 9-305.2M

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted					
Use Types	Residential Zone R-VL	Residential Zone R-L	Residential Zone R-M	Residential Zone R-MH	Residential Zone R-H
Indoor	-	-	-	-	-
Outdoor	-	-	-	-	-
Automotive Sales and Services					
Automotive Rentals	-	-	-	-	-
Automotive Repairs, Light	-	-	-	-	-
Automotive Repairs, Heavy	-	-	-	-	-
Automotive Sales	-	-	-	-	-
Cleaning	-	-	-	-	-
Inoperable Vehicle Storage	-	-	-	-	-
Operable Vehicle Storage	-	-	-	-	-
Parking	-	-	-	-	-
Building Maintenance Services	-	-	-	-	-
Child Care Services					
Family Day Care Homes	P	P	P	P	P
Child Care Centers	U	U	U	U	U
Communication Services					
Type I	PI	PI	PI	PI	PI
Type II	-	-	-	-	-
Type III	-	-	-	-	-
Type IV	-	-	-	-	-
Community Assembly	-	U	U	S	S
Construction Sales	-	-	-	-	-
Construction Services					
Light	-	-	-	-	-
Heavy	-	-	-	-	-
Crop Production	P	P	P	P	P
Cultural and Library Services	-	-	U	S	S
Custom Agricultural Manufac- turing	-	-	-	-	-
Custom Manufacturing	-	-	-	-	-
Dairies	-	-	-	-	-
Eating Establishments					
Convenience	-	-	-	-	-

TABLE 9-305.2M

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted					
Use Types	Residential Zone R-VL	Residential Zone R-L	Residential Zone R-M	Residential Zone R-MH	Residential Zone R-H
Full Service	-	-	-	-	-
Educational Services					
Commercial	-	-	-	-	-
General	U	U	U	U	U
Equipment Sales and Repair					
Farm Machinery, Sales	-	-	-	-	-
Farm Machinery, Repair	-	-	-	-	-
Heavy Equipment	-	-	-	-	-
Leisure	-	-	-	-	-
Aircraft	-	-	-	-	-
Explosives Handling	-	-	-	-	-
Farm Services	-	-	-	-	-
Funeral and Interment Services					
Cemeteries	-	-	-	-	-
Interring and Cremating	-	-	-	-	-
Undertaking	-	-	-	-	-
Gasoline Sales					
Service	-	-	-	-	-
Combination	-	-	-	-	-
General Industrial					
Limited	-	-	-	-	-
Intermediate	-	-	-	-	-
Heavy	-	-	-	-	-
Hazardous Industrial	-	-	-	-	-
High Technology Industry	-	-	-	-	-
Laundry Services	-	-	-	-	-
Liquor Sales					
On-Premises, General	-	-	-	-	-
On-Premises, Limited	-	-	-	-	-
Off-Premises	-	-	-	-	-
Lodging Services					
Bed and Breakfast	U	U	S	S	S

TABLE 9-305.2M

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted					
Use Types	Residential Zone R-VL	Residential Zone R-L	Residential Zone R-M	Residential Zone R-MH	Residential Zone R-H
Motel	-	-	-	-	-
Major Impact Services	-	-	-	-	-
Medical Services	-	-	-	U	U
Nursery Sales and Services					
Wholesale	-	-	-	-	-
Retail	-	-	-	-	-
Landscaping Services	-	-	-	-	-
Personal Storage	-	-	-	-	-
Petroleum and Gas Extraction	U	U	U	U	U
Produce Sales					
Farm Produce Stands	-	-	-	-	-
Farm Markets	-	-	-	-	-
Professional Services	-	-	-	U	U
Public Services					
Administrative	-	-	-	U	U
Essential	U	U	U	U	U
Quarry Operations	-	-	-	-	-
Recreation					
Campgrounds	-	-	-	-	-
Indoor Participant	-	-	-	-	-
Indoor Spectator	-	-	-	-	-
Marinas	-	-	-	-	-
Outdoor Entertainment, Large Scale	-	-	-	-	-
Outdoor Entertainment, Small Scale	-	-	-	-	-
Outdoor Sports Clubs	-	-	-	-	-
Parks	S	S	S	S	S
Resorts	-	-	-	-	-
Recycling Services					
Consumer	-	-	-	-	-
Scrap Operations	-	-	-	-	-
Religious Assembly					

TABLE 9-305.2M

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted					
Use Types	Residential Zone R-VL	Residential Zone R-L	Residential Zone R-M	Residential Zone R-MH	Residential Zone R-H
Neighborhood	S	S	S	S	S
Community	U	U	U	U	U
Regional	-	-	-	-	-
Research and Laboratory Ser- vices	-	-	-	-	-
Retail Sales and Services					
Primary	-	-	-	-	-
Intermediate	-	-	-	-	-
General	-	-	-	-	-
Signs—Off Premises	-	-	-	-	-
Stables					
Neighborhood	U	-	-	-	-
Commercial	-	-	-	-	-
Transportation Services	-	-	-	-	-
Truck Sales and Services					
Parking	-	-	-	-	-
Cleaning	-	-	-	-	-
Stops	-	-	-	-	-
Repairs	-	-	-	-	-
Sales	-	-	-	-	-
Terminals	-	-	-	-	-
Utility Services					
Minor	P	P	P	P	P
Major	-	-	-	-	-
Wholesaling and Distribution					
Light	-	-	-	-	-
Heavy	-	-	-	-	-

¹ Applies within Specific Plan III area of Mountain House.

(Ord. 3813 (part), 1994; Ord. 3974 § 3, 1998; Ord. 4066 § 3, 2000; Ord. 4276 § 2, 2005; Ord. No. 4385, § 18, 1-12-2010)

TABLE 9-305.3M

TABLE 9-305.3M

ACCESSORY USES AND STRUCTURES IN RESIDENTIAL ZONES

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval - Use Not Permitted SD Use Permitted Subject to Second-Unit Dwelling Permit HO Use Permitted Subject to Home Occupation Permit					
Accessory Use or Structure	Residential Zone R-VL	Residential Zone R-L	Residential Zone R-M	Residential Zone R-MH	Residential Zone R-H
Antennae, Radio/TV Dish	P	P	P	P	P
Barn	P	-	-	-	-
Biomass Energy Production for use on premises	-	-	-	-	-
Boathouse, Private (one/lot)	P (- ²)	P (- ²)	S (- ²)	S (- ²)	S (- ²)
Coop	P	-	-	-	-
Dock, Private (one/lot)	P (- ²)	P (- ²)	S (- ²)	S (- ²)	S (- ²)
Farm Employee Housing	-	-	-	-	-
Firewood Sales, grown on-site or within a five (5) mile radius of the premises	-	-	-	-	-
Garage, Private (up to three (3) vehicles)	P	P	P	P	P
Greenhouse, Private	P	P	P	S	S
Guesthouse	P (- ²)	P (- ²)	P (- ²)	-	-
Home Occupation	HO	HO	HO	HO	HO
Horse Raising	S	-	-	-	-
Packing Shed, Private	-	-	-	-	-
Playhouse, Children's	P	P	P	P	P
Pump/Pumphouse	P	-	-	-	-
Second Unit Dwelling	SD ¹	SD ¹	SD ¹	SD ^{1, 2}	-
Silo	-	-	-	-	-
Stable, Private	P	-	-	-	-
Storage Building, Private	P	P	P	S (P ²)	S (P ²)
Swimming Pool & Equipment	P	P	P	P	P
Truck Parking (Agricultural)	-	-	-	-	-
Water Storage Facility	-	-	-	-	-
Wind Machine, Private	S	-	-	-	-
Workshop/Hobby Shop	P	P	P	-	-

¹ Second Unit Dwelling Permit not required if the second unit dwelling is designated on an approved tentative map.

TABLE 9-305.3M

² Applies within Specific Plan III area of Mountain House.

(Ord. 3813 (part), 1994; Ord. 4066 § 4, 2000; Ord. 4276 § 3, 2005; Ord. 4333 § 1, 2007)

TABLE 9-305.4M

TABLE 9-305.4M

TEMPORARY USES AND STRUCTURES IN RESIDENTIAL ZONES

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval - Use Not Permitted					
Temporary Use or Structure	Residential Zone R-VL	Residential Zone R-L	Residential Zone R-M	Residential Zone R-MH	Residential Zone R-H
Agricultural Excavation	-	-	-	-	-
Auction, Agricultural Machinery	-	-	-	-	-
Auction, Livestock	-	-	-	-	-
Batch Plant	-	-	-	-	-
Boutique Sales (limit of two (2) per year)	P	P	P	P	P
Carnival/Circus	-	-	-	-	-
Christmas Tree Sales	-(S ¹)	-	-	-	-
Corporation Yard	-	S	S	S	S
Garage Sales (limit of two (2) per year)	P	P	P	P	P
Halloween Pumpkin Sales	-	-	-	-	-
Motion Picture Filming	P	P	P	P	P
Special Event	-	-	-	PI	PI
Subdivision Sales Office	PI	PI	PI	PI	PI
Temporary Building Incidental to Construction Works	P	P	P	P	P
Temporary Mobilehome	P	P	P	P	P
Tent Revival	-	-	-	-	-

¹ Applies within Specific Plan III area of Mountain House.
 (Ord. 3813 (part), 1994; Ord. 4276 § 4, 2005)

CHAPTER 9-310M**RESIDENTIAL ZONE LOT AND STRUCTURE REGULATIONS****Sections:**

9-310.3M	Lot Size.
9-310.4M	Lot Width.
9-310.5M	Setbacks.
9-310.6M	Height.
9-310.7M	Building Coverage.
9-310.8M	Minimum Dimensions of Corner Lots.
9-310.9M	Floor Area Ratio.

Tables:

9-310.3M	Lot and Structure Standards.
9-310.3MCP	Lot and Structure Standards for Specific Plan III Area.
9-310.5M	Location of Front, Rear and Sides of Court-type Lots.
9-310.5MCP	Setback Exceptions for Specific Plan III Area.

9-310.3M LOT SIZE.

Minimum lot size by residential zone shall be as set forth in Table 9-310.3MCP, as modified by Table 9-310.5MCP, for the Specific Plan III area and as set forth in Table 9-310.3M unless otherwise specified for other areas of Mountain House.

(a) **Major or Minor Subdivisions.** For Major and Minor Subdivision applications, the size of individual lots may be reduced to ninety percent (90%) of the minimum lot size required by Table 9-310.3MCP for the Specific Plan III area and by Table 9-310.3M for other areas, provided Master Plan density requirements are met.

(b) **Affordable Housing.** Lot size exceptions for projects providing affordable housing shall be as specified in the Development Title.
(Ord. 3813 (part), 1994; Ord. 4066 § 5, 2000; Ord. 4276 § 6 (part), 2005)

9-310.4M LOT WIDTH.

Unless otherwise specified, lots within residential zones shall have a width as specified in Table 9-310.3MCP for the Specific Plan III area and in Table 9-310.3M for other areas.

(a) **Major or Minor Subdivision.** Minimum lot width for individual lots may be reduced five (5) feet

from the required minimum, provided the average lot width in the proposed subdivision is at least equal to the minimum lot width required.

(b) **Affordable Housing.** Lot width exceptions for projects providing affordable housing shall be as specified in the Development Title.
(Ord. 3813 (part), 1994; Ord. 4276 § 6 (part), 2005)

9-310.5M SETBACKS.

Buildings and structures within the Specific Plan III area of Mountain House shall meet the setback requirements specified in Table 9-310.3MCP, except as noted in Table 9-310.5MCP. For other areas of Mountain House, unless otherwise specified, buildings and structures shall meet the setback requirements specified in Table 9-310.3M. For lots located within the R-M zone and within a tract for which a Model Home Master Plan has been approved, the setback and structure standards specified in Table 9-310.3MCP for lots within the Specific Plan III area and in Table 9-310.3M for other areas for lots with an area of less than thirty-six hundred (3,600) square feet shall be applicable to all lots in the tract if at least one (1) of the residential lots has an area of less than thirty-six hundred (3,600) square feet. The setback requirements and exceptions specified in Table 9-310.3MCP and Table 9-310.5MCP for the Specific Plan III area and in Table 9-310.3M and this Section for other areas of Mountain House shall replace the chapter concerning yards and the general provisions concerning yard dimensions in the Development Title (Chapter 9-1010 and Section 9-310.5, respectively). For court lots, autocourt lots and greencourt lots, see Table 9-310.5M for the location of front, side and rear property lines.

(a) **Front, Side, and Rear Setback Exceptions.**

(1) Structures on lots zoned R-MH or R-H, or designated R/MH or R/H on the Master Plan, shall increase the minimum setback by five (5) feet for each story over the first story when adjacent to arterial roads or lots designated R/VL, R/L or R/M on the Master Plan.

(2) For side yards, the following setbacks shall be applicable, provided coverage requirements and FAR requirements as specified in Table 9-310.3M are met:

(A) The side setback in the R-L, R-M and R-MH zones may be reduced to zero (0) feet

along the common wall in a zero lot-line residential project or where the distance between the building on the subject lot and the building on the adjacent lot is at least the minimum building separation as specified in Table 9-310.3M.

(B) For lots less than fifty-one (51) feet in width, that are located within a tract for which a Model Home Master Plan has been approved, the side setback shall equal ten percent (10%) of the smallest lot width within said Tract, but in no case shall the side setback be less than three (3) feet.

(3) For single story accessory buildings located in the rear third of the parcel, the rear setback may be reduced to zero (0) feet where the distance between the accessory structure on the subject lot and the structure on the adjacent lot is at least the minimum building separation as specified in Table 9-310.3M.

(4) For corner lots, the following setbacks shall be applicable, provided coverage requirements and FAR requirements as specified in Table 9-310.3M are met:

(A) For corner lots zoned R-L the minimum streetside side setback shall be ten (10) feet.

(B) For corner lots zoned R-M less than fifty-one (51) feet in width, that are located within a tract for which a Model Home Master Plan has been approved, the minimum streetside side setback shall be five (5) feet, plus an additional ten percent (10%) of the smallest lot width within said Tract, but in no case shall be less than nine (9) feet.

(C) For corner lots zoned R-M, greater than or equal to fifty-one (51) feet in width, the minimum streetside setback shall be ten (10) feet.

(D) For reverse corner lots, the side setback requirement shall be applied to the rear setback.

(E) For corner lots within Tract 3202, the rear setback shall be ten (10) feet.

(5) For buildings with common automobile or pedestrian access, except where a building is adjacent to a public street, front and rear setbacks may be reduced to zero (0) feet, provided that minimum building separations per Table 9-310.3M are maintained.

(6) For lots located within the R-M zone and within a tract for which a Model Home

Master Plan has been approved the minimum building separation for all lots shall be twenty percent (20%) of smallest lot width within the tract, but in no case shall be less than six (6) feet.

(7) For lots zoned R-L less than one hundred (100) feet in depth, the minimum front and rear setback shall be fifteen (15) feet.

(b) Setback Exceptions for Specified Streets.

(1) Marina Boulevard. Dwellings shall maintain a minimum setback of two hundred and ten (210) feet from the Community Boundary.

(2) I-205. Dwellings shall maintain a minimum setback from I-205 as specified in the Master Plan.

(c) Setback Exceptions for Garages.

(1) The minimum front setback for garages with doors facing the local, collector or arterial streets shall be five (5) feet behind the building façade of the main structure.

(2) The minimum setback for side entry garages, including a side entry garage with a second unit dwelling located over said garage, shall be twenty-five (25) feet in the R-VL zone and ten (10) feet for all other residential zones.

(3) For garages served by common driveways, auto courts or alleys, garage setbacks may be reduced to zero (0) feet provided that a minimum building separation of twenty (20) feet is maintained between the subject garage and the building across the common driveway, and consistency with Subsection (c)(1) is maintained.

(4) For single story garages located in the rear third of the parcel that includes either one (1) space of a total three (3) car garage or both spaces of a two (2) car garage, the rear setback may be reduced to zero (0) feet where the distance between said garage on the subject lot and the structure on the adjacent lot is at least the minimum building separation as specified in Table 9-310.3M.

(5) On corner lots less than fifty (50) feet in width, garages that are accessed from side streets and that have automatic garage door openers with remote controls may project toward the street up to five (5) feet into the streetside side setback, but must maintain a minimum four (4) feet from the streetside side property line. Second level habitable space above said garage may project two (2) feet into the street side yard setback.

(d) **Setback Exceptions for Off-Street Parking Areas.**

(1) The minimum setback for off-street parking areas for nonresidential use types in the R-VL, R-L and R-M zones shall be ten (10) feet from any adjacent street, and five (5) feet from any side or rear property line not abutting a street.

(2) The minimum setback for off-street parking areas in the R-MH and R-H zones shall be fifteen (15) feet from any adjacent street; ten (10) feet from any adjacent lot zoned R-VL, R-L or R-M; and five (5) feet from any side or rear property line not abutting a street or lot zoned R-VL, R-L or R-M.

(e) **Setback Exceptions for Other Specified Structures.**

(1) Fire Escapes. Fire escapes shall not extend or project more than four (4) feet beyond the setback line.

(2) Stairways and Balconies. Open, unenclosed stairways, or balconies not covered by a roof or canopy, shall not extend or project more than four (4) feet beyond the side or rear setback line, and shall not extend or project more than thirty (30) inches beyond the front setback line.

(3) Porches. Porches, platforms or landing places which do not extend above the level of the first floor of the building may extend six (6) feet in the R-M zone or eight (8) feet in the R-L and R-VL zones into any setback adjacent to a public street, but must maintain a minimum four (4) feet setback from the property line. Any open work railing, no more than thirty (30) inches in height, may be installed or constructed on any such porch, platform or landing place.

(4) Patio Covers. Patio covers, as defined by Chapter 49 of the Uniform Building Code, may be located within three (3) feet of the rear or side property line.

(5) Eaves, Roof Overhangs and Similar Features. Eaves, roof overhangs and other similar architectural features may extend or project up to:

(A) Thirty (30) inches beyond the setback line, provided said architectural feature is no closer than thirty (30) inches to the property line where the setback requirement is ten (10) feet or less;

(B) Four (4) feet beyond the setback line, where the setback requirement is more than ten (10) feet.

(6) Fireplaces, Air Conditioning Equipment, Water Softener Units. Fireplaces, air conditioning units and water softening units may extend or project up to thirty (30) inches beyond the setback line, provided said structure is no closer than thirty (30) inches to the property line.

(7) Pools. Pools shall not be located closer than three (3) feet from any side or rear property line. On corner lots, pools shall be located no closer to the street than the setback specified for that residential zone.

(8) Non-Habitable Architectural Features. Non-habitable architectural features may project up to thirty (30) inches into any setback or setback exception, but must maintain a minimum of four (4) feet from the property line when fronting on a public street.

(9) Fences.

(A) For corner lots that are not reverse corner lots in the Low Density (R-L) and Medium Density (R-M) residential zones: a fence up to six (6) feet in height may be located five (5) feet from the streetside side property line, provided the fence tie-in to the house along said streetside side yard occurs at a point that is approximately one-half the length of the house, or less, as measured from the rear of the house.

(B) For reverse corner lots in the Low Density (R-L) and Medium Density (R-M) Residential Zones: a fence up to seven (7) feet in height may be permitted in the streetside side yard, provided it is located a minimum of ten (10) feet from the streetside side property line.

(C) For side yards that are adjacent to the knuckle of a cul-de-sac in the Low Density (R-L) and Medium Density (R-M) residential zones: a fence up to six (6) feet in height may be permitted, provided it is located a minimum of five (5) feet from said side yard property line.

(D) For front yards in all residential zones except the Very Low Density (R-VL) zone: a fence up to seven (7) feet in height may be permitted, provided it is located a minimum of ten (10) feet from the property line.

(E) For front yards and streetside side yards in the Medium-High Density (R-MH) and High Density (R-H) residential zones: a fence up to seven (7) feet in height may be permitted, provided it is located a minimum of ten (10) feet from the property line.

(F) For any required yard in the Very Low Density (R-VL) residential zone: an open fence up to seven (7) feet in height may be permitted.

(G) For corner lots in which the rear yard is adjacent to a street or an alley, a fence up to six (6) feet in height may be located five (5) feet from the streetside side property line.

(f) Setback Exceptions for Specified Land Uses or Features.

(1) County Line. Dwellings shall maintain a minimum setback from the Alameda County Line as specified in the Master Plan.

(2) Power Line Easements.

(A) Dwelling units shall maintain a minimum setback of twenty-five (25) feet from the Rio Oso-Tesla powerline easement.

(B) School sites shall maintain a minimum setback of one hundred (100) feet from a fifty (50) to one hundred thirty-three (133) kV line existing or proposed powerline easement; one hundred fifty (150) feet from a two hundred twenty (220) kV line existing or proposed powerline easement; and three hundred fifty (350) feet from a five hundred (500) to five hundred fifty (550) kV line existing or proposed powerline easement.

(C) Other nonresidential structures shall maintain a minimum of ten (10) feet from the Rio Oso-Tesla powerline easement.

(3) Mountain House Creek Corridor. Buildings shall maintain a minimum setback of fifty (50) feet from the Mountain House Creek Corridor.

(4) Wetlands. Buildings and structures shall maintain a minimum setback from wetlands in accordance with the setback requirements for wetlands specified in the Wetlands Management Plan.

(5) Delta-Mendota Canal. Dwellings, excluding garages, shall maintain a minimum setback from the Delta-Mendota Canal as specified in the Master Plan.

(g) **Affordable Housing.** Setback exceptions for projects providing affordable housing shall be those specified in the Development Title.

(h) **Setback Exceptions for Property Surrounding a Neighborhood Center.** The front yard setback for structures on lots zoned R-L may be reduced to fifteen (15) feet, provided said lots surround, or are across from, a Neighborhood Center.

(i) **Setback Exceptions for Residential Lots on Central Parkway.** For residential lots in the R-L zone that front on Central Parkway, the front yard setback may be reduced to fifteen (15) feet and the rear yard setback may be reduced to fifteen (15) feet.

(Ord. 3813 (part), 1994; Ord. 3974, § 4, 1998; Ord. 4242, § 2, 2005; Ord. 4276, § 6 (part), 2005; Ord. No. 4419, § 1, 12-13-2011; Ord. No. 4439, §§ 1, 2, 7-23-2013)

9-310.6M HEIGHT.

Buildings and structures in residential zones within Specific Plan III shall not exceed the maximum building heights specified in Table 9-310.3MCP, except as provided below. Buildings and structures in other Mountain House residential zones shall not exceed the maximum building heights specified in Table 9-310.3M, except as provided below. Said exceptions shall be limited by any ordinance relating to airports, and shall serve to replace Chapter 9-1005 on height limits for special structures and Section 9-310.6 concerning building height of the San Joaquin Development Title.

(a) Parking facilities located below the main structure in the R-H zone. Within the R-H zone, one-half (½) additional story may be permitted for parking facilities located below the main structure;

(b) Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building;

(c) Skylights and chimneys;

(d) Flagpoles;

(e) Church towers/steeple;

(f) Watertanks; and

(g) Homes may have a 3rd level if it is contained within the 2nd level roof and 2nd level roof eave line. Dormers are permitted through the roof envelope for egress and light.

(Ord. 3813, (part), 1994; Ord. 4333, § 4, 2007; Ord. No. 4419, § 2, 12-13-2011)

9-310.7M BUILDING COVERAGE.

Buildings and structures in residential zones within Specific Plan III shall not exceed the maximum building coverage regulations specified in Table 9-310.3MCP, except in the following instances, as applicable. Buildings and structures in other Mountain House residen-

tial zones shall not exceed the maximum building coverage regulations specified in Table 9-310.3M, except in the following instances:

(a) Single-story porches which wrap from the front to the side of the house in the R-L and R-M zoning districts: an area up to twenty percent (20%) of the total building coverage (excluding garages) shall not be included in the calculation of maximum building coverage.

(b) Total of all porch coverage exceptions shall not exceed twenty percent (20%) of the total building coverage.

(c) Single story front porches in the R-L and R-M zoning districts: an area up to ten percent (10%) of the total building coverage (excluding garages) shall not be included in the calculation of maximum building coverage.

(d) Single story rear and side porches in the R-L and R-M zoning districts: for each, an area up to five percent (5%) of the total building coverage (excluding garages) shall not be included in the calculation of maximum building coverage.

(e) Homes that front on Central Parkway in the R-L zone are allowed a maximum building coverage of fifty percent (50%).

(f) Residential developments providing housing affordable to persons of low and very low incomes may be permitted to increase building coverage over that specified in Table 9-310.3M as one of several possible bonus incentives permitted by the Development Title.

(Ord. 3813 (part), 1994; Ord. 4173, § 1, 2002; Ord. 4242, § 5, 2005; Ord. 4333, § 5, 2007)

9-310.8M MINIMUM DIMENSIONS OF CORNER LOTS.

For corner lots in the Specific Plan III planning area, corner lot dimensions and setbacks shall be as per Table 9-310.3MCP. For corner lots in other areas of Mountain House, the following provisions shall be applicable:

(a) For corner lots in the R-L zone, the minimum lot width shall be fifty-five (55) feet.

(b) For corner lots in the R-M zone, the minimum lot width shall be forty-five (45) feet.

(c) For corner lots in the R-MH zone, the minimum lot width shall be forty-five (45) feet.

(d) For corner lots in the R-H zone, the minimum lot widths shall be sixty-five (65) feet.

(Ord. 3813 (part), 1994; Ord. 4242, § 6, 2005; Ord. 4333, § 6, 2007)

9-310.9M Floor Area Ratio.

All Tracts which contain lots which utilize the FAR standards must apply for a Model Home Master Plan with a minimum of three (3) floor plans. One (1) such plan may not exceed sixty percent (60%) FAR, or one thousand four hundred (1,400) square feet Livable Area, whichever is more. On Model Home Master Plans which have three (3) floor plans, any one (1) plan shall not be used on less than thirty percent (30%) or more than forty percent (40%) of the total lots. On Model Home Master Plans which have four (4) floor plans, any one (1) plan shall not be used on less than twenty percent (20%) or more than thirty-five percent (35%) of the total lots. On Model Home Master Plans which have five (5) or more floor plans, any one (1) plan shall not be used on less than fifteen percent (15%) or more than thirty percent (30%) of total lots. Average FAR is calculated by dividing total Livable Area plus attached garage interior floor area by the total lot area for all lots within a Model Home Master Plan.

(Ord. No. 4419, § 3, 12-13-2011)

TABLE 9-310.3M
LOT AND STRUCTURE STANDARDS¹

Zoning District	Minimum Lot Size (square feet)	Minimum Lot Width (feet)	Maximum Building Height (stories)	Maximum Building Coverage (Percent)/ Maximum Average FAR (Percent)
R-VL	15,000	75	2	35 Coverage
R-L	5,000	50	2	40 Coverage; 50 Coverage (for one story homes)
R-M (≥3,600 sf)	3,000	40	2	50 Coverage
R-M (<3,600 sf)	2,000	35	2	75 Average FAR
R-MH	-	-	3	65 Coverage
R-H	-	-	3	65 Coverage

Minimum Setback Requirements^{2, 3}

Zoning District	Front Setback (feet)	Side Setback (feet)	Minimum Building Separation (feet)	Rear Setback (feet)
R-VL	25	15	30	25
R-L	20; 15 (for one story building)	5	10	20; 15 (for one story homes)
R-M (≥3,600 sf)	15	5	10	15
R-M (<3,600 sf)	10	5	10	10
R-MH	15; 10 (for arterial)	5	10	10
R-H	15; 10 (for arterial)	10	20	10

¹ See Sections 9-310.3M through 9-310.8M for exceptions and modifications.

² Unless otherwise specified, setbacks shall be measured from the planned ultimate right-of-way width of the roadway, as shown on the Master Plan or on any applicable Specific Plan.

³ Table 9-310.3 concerning lot depth to width ratio shall not apply to lots addressed by Table 9-310.3M.

(Ord. 3813 (part), 1994; Ord. 3953 § 2, 1997; Ord. 4242 § 3, 2005; Ord. No. 4419, § 4, 12-13-2011)

TABLE 9-310.3MCP
LOT AND STRUCTURE STANDARDS FOR SPECIFIC PLAN III AREA

	R-VL	R-L	R-M	R-M small lot ¹	R-MH	R-H
Lot Size (SF) ²	15,000	5,000	3,600	2,000	-	-
Lot Width (FT) ²	75	45	35	30	25	-
Corner Lot Width (FT) ²	75	50	40	35	30	-
Lot Depth: Width Ratio	-	-	-	-	-	-
Setbacks ²						
Front (FT)	25	20 ³	12	10	15 ⁴	15 ⁴
Rear (FT) ⁹	25	20	15	10	10	10
Side (FT)	15	5	5 ¹⁰	4 ¹⁰	5	5
Corner Side (FT) ¹²	side plus 5	side plus 5	side plus 5	side plus 5	side plus 5	side plus 5
Building Separation (FT) ²	30	10	10 ¹¹	8 ¹¹	10	20
Max. Building Coverage ²	35%	40% ⁵	50%	N/A ⁶	65%	65%
Max. Building Height (Stories) ²	2	2	2	2 ⁷	3	3

Key to Land Use Regulations

- ¹ Small lot — lots within subdivision tracts that have a standard lot size of less than 3,600 square feet.
- ² Unless otherwise specified, standards are minimums and setbacks shall be measured from the planned ultimate right-of-way width of the roadway as shown on the Master Plan or on any applicable Specific Plan. Setbacks and other Table 9-310.3MCP criteria shall apply to all new residential lots within the Specific Plan III planning area, except where specific lot type/product design criteria have been approved and adopted as part of the College Park Specific Plan Area Design Manual or as part of a Special Purpose Plan.
- ³ A 15-foot front setback is allowed for single-story homes.
- ⁴ A minimum 10-foot front setback is allowed on arterial streets, but the minimum front setback shall be increased by five feet for each story over the first story for structures zoned R-MH and R-H adjacent to arterial roads or adjacent to lots designated R/VL, R/L or R/M in the Master Plan.
- ⁵ A 50% maximum building coverage is allowed for single-story homes.
- ⁶ Building coverage is not limited, buildings must meet all setbacks. At least one (1) plan of the model home master plan may not exceed the square feet of Livable Area set forth in the table below. Where "Standard Lot Size" may not be applicable, average lot size may be substituted for the purposes of calculating the Maximum Livable Area. The mix of plans on a Model Home Master Plan shall conform to plotting criteria set forth in the table below, but in no case shall the plan(s) required to have a Maximum Livable Area as set forth in the table above be plotted on less than 15% of lots within the Model Home Master Plan.

Standard Lot Size	Maximum Livable Area (for one plan)
<3,000 sq. ft.	1,400 sq. ft.
3,000 - <3,200 sq. ft.	1,500 sq. ft.
3,200 - <3,400 sq. ft.	1,600 sq. ft.
3,400 - <3,600 sq. ft.	1,700 sq. ft.

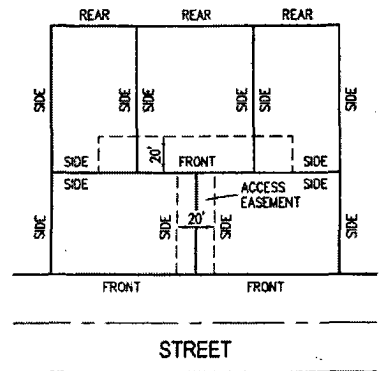
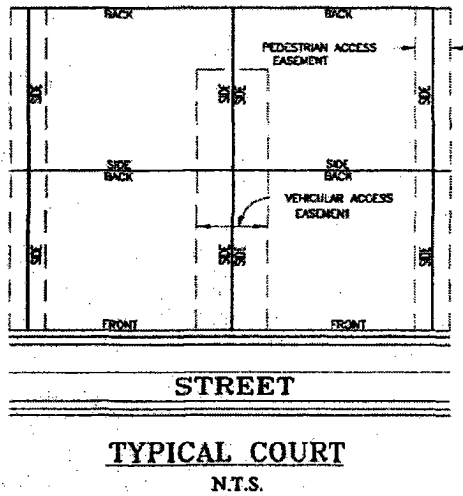
Number of plans in Model Home Master Plan	Portion of Model Home Master Plan occupied by each plan, Minimum	Portion of Model Home Master Plan occupied by each plan, Maximum
3	30%	40%
4	20%	35%
5	15%	30%
6	13%	27%
7	11%	24%
8	9%	21%
9	7%	18%
10	5%	15%

- ⁷ A third level is allowed if contained within 2nd level roof and 2nd level eave line. Dormers are permitted through the roof envelope for light and egress.

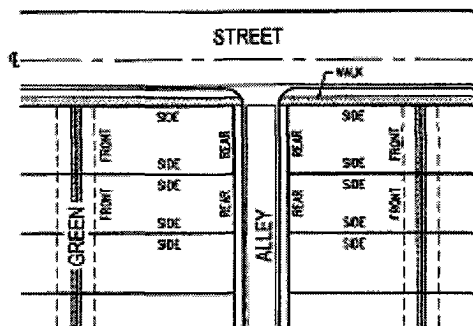
- ⁸ A residential subdivision or development may be approved at a density which exceeds or falls below the density range specified by the Master Plan, provided the subdivision is within the General Plan density range; and that the Master Plan density range for each land use district will be maintained for the neighborhood, or the developer's aggregate subdivisions for a land use district within Specific Plan III.
- ⁹ Table 9-310.3 concerning lot depth to width ratio shall not apply to lots addressed by Table 9-310.3MCP.
- ¹⁰ For projects permitted through a Model Home Master Plan, side setback equals ten percent (10%) of lot width for those lots with a lot width less than fifty (50) feet wide, but in no case shall be less than three (3) feet.
- ¹¹ For projects permitted through a Model Home Master Plan, building separation equals twenty percent (20%) of lot width for those lots with a lot width less than fifty (50) feet wide, but in no case shall be less than six (6) feet.
- ¹² Lots siding on pedestrian paseos, Homeowners' Association (HOA) landscape parcels or street rights-of-way that include a minimum of five (5) feet of landscaping adjacent to the parcel in question shall not be considered corner lots.

(Ord. 4276 § 7 (part), 2005; Ord. 4333 § 2, 2007)

TABLE 9-310.5M
LOCATION OF FRONT, REAR AND SIDES OF COURT-TYPE LOTS



TYPICAL AUTOCOURT SETBACK ILLUSTRATION



TYPICAL GREENCOURT SETBACK ILLUSTRATION

(Ord. 4242 § 4, 2005; Ord. 4276 § 8, 2005)

TABLE 9-310.5MCP
SETBACK EXCEPTIONS FOR SPECIFIC PLAN III AREA

Lot Size and Width Exceptions

For Major and Minor subdivisions the size of individual lots may be reduced to ninety percent (90%) of the minimum lot size provided Master Plan density requirements are met; and minimum lot width for individual lots may be reduced five (5) feet from the required minimum, provided the average lot width in the proposed subdivision is at least equal to the required minimum lot width.

Side and Rear Setbacks Exceptions

The side setback in the R-L, R-M and R-MH zones may be reduced to zero (0) feet along the common wall in a zero lot-line residential project or where the distance between the building on the subject lot and the building on the adjacent lot is at least ten (10) feet in the R-L zone and eight (8) feet in the R-M and R-MH zones.

For reverse corner lots, the rear setback shall be the same as the side setback.

For single story garages and accessory buildings located in the rear third of the parcel, the rear setback may be reduced to zero (0) feet where the distance between the garage or accessory structure on the subject lot and the structure on the adjacent lot is at least eight (8) feet.

Rear setbacks on alleys may be reduced to four (4) feet.

Specific Situation Setback Exceptions

I-205	Dwellings shall maintain setback from I-205 as specified in the Master Plan.
County Line	Dwellings shall maintain a minimum setback from the Alameda County Line as specified in the Master Plan.
Power Line Easements	Residential dwelling units shall maintain a minimum setback of twenty-five (25) feet from the Rio Oso-Tesla powerline easement, and non-residential structures shall maintain a ten (10) foot setback from the powerline easement.
Delta-Mendota Canal	Dwellings, excluding garages, shall maintain a minimum setback from the Delta-Mendota Canal as specified in the Master Plan.
Wetlands	Buildings and structures shall maintain a minimum setback from wetlands in accordance with the setback requirements for wetlands specified in the Wetlands Management Plan.
High Pressure Gas and Oil Line Easement	Habitable residential structures shall maintain a minimum setback of fifty-eight (58) feet from the edge of the high pressure gas and oil pipeline easement.
Areas Surrounding Neighborhood Centers	The front yard setback on lots zoned R-L may be reduced to fifteen (15) feet, for lots that surround, or are across from, a Neighborhood Center.

Garage Setback Exceptions

The minimum setback for garages with doors facing the street shall be five (5) feet behind the building facade of the main structure. The minimum setback for side entry garages shall be twenty-five (25) feet in the R-VL zone and ten (10) feet for all other residential zones.

Off-Street Parking Area Setback Exceptions

The minimum setback for off-street parking areas for nonresidential use types in the R-VL, R-L and R-M zones shall be ten (10) feet from any adjacent street, and five (5) feet from any side or rear property line not abutting a street. The minimum setback for off-street parking areas in the R-MH and R-H zones shall be fifteen (15) feet from any adjacent street; ten (10) feet from any adjacent lot zoned R-VL, R-L or R-M; and five (5) feet from any side or rear property line not abutting a street or lot zoned R-VL, R-L or R-M.

Structural Feature & Equipment Setback Exceptions

Fire Escapes, Stairways and Balconies	Fire escapes shall not extend or project more than four (4) feet beyond the setback line. Open, unenclosed stairways, or balconies, shall not extend or project more than four (4) feet beyond the side or rear setback line, and shall not extend or project more than thirty (30) inches beyond the front setback line.
Porches	Porches, platforms or landing places which do not extend above the level of the first floor of the building may extend up to six (6) feet in the R-M zone or eight (8) feet in the R-L and R-VL zones into any setback adjacent to a public street but must maintain a minimum four (4) foot setback from the property line. Any open work railing no more than thirty-six (36) inches in height, may be installed or constructed on any such porch, platform or landing place.
Patio Covers	Patio covers, as defined by the California Building Code, may be located within three (3) feet of the rear or side property line.
Eaves, Roof Overhangs, Fireplaces, Architectural Features, Air Conditioning and Water Softener Equipment	Eaves, roof overhangs, non-habitable architectural features, fireplaces, air conditioning units and water softening units may extend or project up to thirty (30) inches beyond the setback line, but no closer than thirty (30) inches to the property line.
Pools	Pools shall not be located closer than five (5) feet from any side or rear property line. On corner lots, pools shall be located no closer to the street than the setback specified for that residential zone.

Height Limit Exceptions

Parking facilities located below the main structure in the R-H zone. Within the R-H zone, one-half (1/2) additional story may be permitted for parking facilities located below the main structure; penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; and skylights and chimneys; flagpoles; church towers/steeple; and watertanks may exceed maximum building heights.

(Ord. 4276 § 7 (part), 2005; Ord. 4333 § 3, 2007)

CHAPTER 9-405M**COMMERCIAL ZONE USE REGULATIONS****Sections:**

9-405.2M	Permitted Use Types.
9-405.4M	Temporary Uses and Structures.
9-405.5M	Special Use Regulations.
9-405.7M	Design Guidelines.

Tables:

9-405.2M	Uses in Commercial Zones.
9-405.4M	Temporary Uses and Structures in Commercial Zones.

9-405.2M PERMITTED USE TYPES.

Permitted, not permitted and conditionally permitted use types shall be as provided in Table 9-405.2M.
(Ord. 3813 (part), 1994)

9-405.4M TEMPORARY USES AND STRUCTURES.

Permitted, not permitted and conditionally permitted temporary uses and structures shall be as provided in Table 9-405.4M. Temporary uses or structures not specifically listed in Table 9-405.4M may be allowed, subject to approval of an Improvement Plan.
(Ord. 3813 (part), 1994)

9-405.5M SPECIAL USE REGULATIONS.

In addition to the provisions specified in the development title, the following provisions shall be applicable:

(a) Medical Services Use Type.

(1) Medical offices shall be designed and configured to appear as office type uses in those commercial zones where they are allowed.

(2) Urgent care centers, and other facilities included under the medical services use type that provides emergency medical care, shall be situated on and accessed from arterial roadways. Said facilities shall be separated from residential and other sensitive land uses by means of an arterial roadway, landscape easement or other effective buffer.

(b) Public Services: Essential, Use Type.

(1) Hospitals shall not be allowed in the C-FS zone.

(2) Hospitals shall be situated on and accessed from arterial roadways. Said facilities shall be

separated from residential and other sensitive land uses by means of an arterial roadway, landscape easement or other effective buffer.

(c) **Commercial Buildings in Neighborhood Commercial (C-N) Zones.** If the Director determines that the uses and architectural, siting, and other issues associated with a commercial building of a proposed application have been addressed by an existing Special Purpose Plan or Specific Plan, an Improvement Plan may be allowed for said commercial building in lieu of the permit type specified in Table 9-405.2M.

(1) New commercial buildings not included in an existing Special Purpose Plan or Specific Plan shall be subject to the permit type specified in Table 9-405.2M.

(2) A building expansion of an existing commercial building which has been included in an existing Special Purpose Plan or Specific Plan may be allowed subject to an Improvement Plan, provided the building expansion involves less than a twenty-five percent (25%) increase in floor area covered by the existing commercial building. If said expansion is twenty-five percent (25%) or more of the floor area covered by the existing commercial building, the expansion shall be subject to Site Approval.

(Ord. 3813 (part), 1994; Ord. 3974 § 5, 1998)

9-405.7M DESIGN GUIDELINES.

Design Guidelines shall be submitted for consistency review prior to approval of the final map or parcel map or other Development Permit.

(Ord. 4066 § 7, 2000)

TABLE 9-405.2M

TABLE 9-405.2M

USES IN COMMERCIAL ZONES

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted					
Use Types	Commercial Zone C-N	Commercial Zone C-C	Commercial Zone C-O	Commercial Zone C-G	Commercial Zone C-FS
Residential Use Types					
Family Residential					
Single-Family	-	-	-	-	-
Two-Family	-	-	-	-	-
Small Multifamily	-	-	-	-	-
Large Multifamily	-	-	-	-	-
Farm Employee Housing	-	-	-	-	-
Small	-	-	-	-	-
Large	-	-	-	-	-
Group Care					
Small	P	P	P	P	P
Large	-	PI	PI	PI	-
Adult Day Care	U	U	-	U	-
Farm Related	-	-	-	-	-
Group Residential	-	-	-	-	-
Mobile Home Park	-	-	-	-	-
Shelters					
Small	-	-	P	P	-
Medium	-	-	P	P	-
Large	-	-	PI	PI	-
Nonresidential Use Types					
Administrative Offices	S	PI	PI	PI	-
Administrative Support Services	S	PI	PI	PI	-
Adult Entertainment	-	-	S (- ¹)	S	-

TABLE 9-405.2M: USES IN COMMERCIAL ZONES						
Legend: <p> P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit -- Use Not Permitted </p>						
Use Types		Commercial Zones				
		C-N	C-C	C-O	C-G	C-FS
Aerial Services						
	Farm	--	--	--	--	--
	Heliport	--	--	S	S	--
Agricultural Organizations		S	PI	PI	PI	--
Agricultural Processing						
	Preparation Services	--	--	--	--	--
	Food Manufacturing	--	--	--	--	--
Agricultural Sales						
	Feed and Grain	--	--	--	U	--
	Agricultural Chemicals	--	--	--	--	--
Agricultural Warehousing		--	--	--	--	--
Agricultural Wastes		--	--	--	--	--
Animal Feeding and Sales		--	--	--	--	--
Animal Raising						
	Exotic Animals	--	--	--	--	--
	General	--	--	--	--	--
	Hogs	--	--	--	--	--
	Small Animals	--	--	--	--	--
	Family Food Production	--	--	--	--	--
	Educational Animal Project	--	--	--	--	--
	Zoo	--	--	--	--	--
	Petting Zoo	--	--	--	--	--

Table 9-405.2M

TABLE 9-405.2M: USES IN COMMERCIAL ZONES						
Legend:	P	Permitted Use				
	PI	Permitted Use With Improvement Plan				
	S	Use Permitted Subject to Site Approval				
	U	Use Permitted Subject to Use Permit				
	--	Use Not Permitted				
Use Types		Commercial Zones				
		C-N	C-C	C-O	C-G	C-FS
Animal Specialty Services						
	Farm	--	--	--	--	--
	Pet	S	S	--	S	--
	Kennel	--	--	--	U	--
	Kennel, Small Breeding	--	--	--	U	--
Auction Sales						
	Indoor	--	S	S	S	--
	Outdoor	--	--	--	S	--
Automotive Sales & Services						
	Automotive Rentals	--	S	--	S	P
	Automotive Repairs, Light	--	S	--	S	S
	Automotive Repairs, Heavy	--	--	--	--	--
	Automotive Sales	--	--	--	S	U
	Cleaning	--	S	--	S	S
	Inoperable Vehicle Storage	--	--	--	--	--
	Operable Vehicle Storage	--	--	--	S	--
	Parking	S	S	S	S	S
Building Maintenance Services		--	PI	--	PI	--
Child Care Services						
	Family Day Care Homes	P	P	P	P	P
	Child Care Centers	S	S	S	S	S
Communication Services						
	Type I	PI	PI	PI	PI	PI
	Type II	--	--	--	--	--

TABLE 9-405.2M: USES IN COMMERCIAL ZONES						
Legend: <p> P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit -- Use Not Permitted </p>						
Use Types		Commercial Zones				
		C-N	C-C	C-O	C-G	C-FS
Type III	Type III	--	--	--	--	--
	Type IV	--	S	S	PI	--
Community Assembly		S	S	S	S	--
Construction Sales		--	U	--	PI	--
Construction Services						
	Light	--	--	--	S	--
	Heavy	--	--	--	--	--
Crop Production		P	P	P	P	P
Cultural and Library Services		S	PI	PI	PI	--
Custom Agricultural Manufactur- ing		--	--	--	--	--
Custom Manufacturing		--	PI	--	PI	--
Dairies		--	--	--	--	--
Eating Establishments						
	Convenience	S	PI	PI	PI	S
	Full Service	S	PI	PI	PI	S
Educational Services						
	Commercial	S	S	S	S	--
	General	S	S	S	S	--
Equipment Sales and Repair						
	Farm Machinery, Sales	--	--	--	--	--
	Farm Machinery, Repair	--	--	--	--	--
	Heavy Equipment	--	--	--	--	--
	Leisure	--	--	--	S	--

Table 9-405.2M

TABLE 9-405.2M: USES IN COMMERCIAL ZONES						
Legend:		P	Permitted Use			
		PI	Permitted Use With Improvement Plan			
		S	Use Permitted Subject to Site Approval			
		U	Use Permitted Subject to Use Permit			
		--	Use Not Permitted			
Use Types		Commercial Zones				
		C-N	C-C	C-O	C-G	C-FS
	Aircraft	--	--	--	--	--
Explosives Handling		--	--	--	--	--
Farm Services		--	--	--	--	--
Funeral and Interment Services						
	Cemeteries	--	--	--	--	--
	Interring and Cremating	--	--	--	S	--
	Undertaking	--	PI	--	PI	--
Gasoline Sales						
	Service	--	S	--	S	S
	Combination	--	S	--	S	S
General Industrial						
	Limited	--	--	--	--	--
	Intermediate	--	--	--	--	--
	Heavy	--	--	--	--	--
Hazardous Industrial		--	--	--	--	--
High Technology Industry		--	--	--	--	--
Laundry Services		--	--	--	S	--
Liquor Sales						
	On-Premises, General	--	U	--	U	--
	On-Premises, Limited	S	S	S	S	S
	Off-Premises	S	PI	--	PI	--
Lodging Services						
	Bed and Breakfast	--	--	--	--	--
	Motel	--	S	--	S	S

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted					
Use Types	Commercial Zone C-N	Commercial Zone C-C	Commercial Zone C-O	Commercial Zone C-G	Commercial Zone C-FS
Major Impact Services	-	-	-	-	-
Medical Services	S	PI	PI	PI	-
Nursery Sales and Services					
Wholesale	-	-	-	S	-
Retail	S	PI	-	PI	-
Landscaping Services	-	S	-	S	-
Personal Storage	-	S	-	PI	-
Petroleum and Gas Extraction	U	U	U	U	U
Produce Sales					
Farm Produce Stands	S	PI	-	PI	PI
Farm Markets	S	PI	PI	PI	S
Professional Services	S	PI	PI	PI	-
Public Services					
Administrative	S	PI	PI	PI	PI
Essential	S	S	S	S	S
Quarry Operations	-	-	-	-	-
Recreation					
Campgrounds	-	-	-	-	-
Indoor Participant	S	S	-	S	-
Indoor Spectator	-	U	-	U	-
Marinas	-	U	-	U	-
Outdoor Entertainment, Large Scale	-	U	-	U	-
Outdoor Entertainment, Small Scale	S	S	-	S	-
Outdoor Sports Clubs	-	S	-	-	-
Parks	-	S	S	S	S
Resorts	-	-	-	-	-
Recycling Services					
Consumer	S	PI	-	PI	PI
Scrap Operations	-	-	-	-	-
Religious Assembly					
Neighborhood	S	S	-(S ¹)	S	-

Table 9-405.2M

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted					
Use Types	Commercial Zone C-N	Commercial Zone C-C	Commercial Zone C-O	Commercial Zone C-G	Commercial Zone C-FS
Community	- (U ¹)	U	- (U ¹)	U	-
Regional	-	U	-	U	-
Research and Laboratory Services	-	-	-	S	-
Retail Sales and Services					
Primary	S	PI	PI	PI	S
Intermediate	S	PI	-	PI	-
General	-	S	-	S	-
Signs—Off Premises	-	-	-	-	-
Stables					
Neighborhood	-	-	-	-	-
Commercial	-	-	-	-	-
Transportation Services	-	-	-	S	-
Truck Sales and Services					
Parking	-	-	-	-	-
Cleaning	-	-	-	-	-
Stops	-	-	-	-	-
Repairs	-	-	-	-	-
Sales	-	-	-	-	-
Terminals	-	-	-	-	-
Utility Services					
Minor	PI	PI	PI	PI	PI
Major	-	-	-	-	-
Wholesaling and Distribution					
Light	-	-	-	S	-
Heavy	-	-	-	-	-

¹ Applies within Specific Plan III area of Mountain House.

(Ord. 3813 (part), 1994; Ord. 3974 § 6, 1998; Ord. 4276 § 9 (part), 2005; Ord. 4301 § 3, 2006; Ord. No. 4385, § 19, 1-12-2010)

**TABLE 9-405.4M
TEMPORARY USES AND STRUCTURES IN COMMERCIAL ZONES**

Legend:

- P Permitted Use
 PI Permitted Use With Improvement Plan
 S Use Permitted Subject to Site Approval
 - Use Not Permitted

Temporary Use or Structure	Commercial Zone C-N	Commercial Zone C-C	Commercial Zone C-O	Commercial Zone C-G	Commercial Zone C-FS
Agricultural Excavation	-	-	-	-	-
Auction, Agricultural Machinery	-	S	-	S	-
Auction, Livestock	-	-	-	-	-
Batch Plant	-	-	-	-	-
Boutique Sales (limit of two (2) per year)	P	P	P	P	P
Carnival/Circus	-	S	S	S	S
Christmas Tree Sales	PI	PI	PI	PI	PI
Corporation Yard	S	S	S	S	S
Garage Sales (limit of four (4) per year within Specific Plan III, two (2) per year in other areas)	P	P	P	P	P
Halloween Pumpkin Sales	PI	PI	PI	PI	PI
Motion Picture Filming	P	P	P	P	P
Special Event					
Special Outdoor Event	PI	PI	PI	PI	PI
Special Indoor Event	PI	PI	PI	PI	PI
Subdivision Sales Office	PI	PI	PI	PI	PI
Temporary Building Incidental To Construction Works	P	P	P	P	P
Temporary Mobilehome	-	-	-	-	-
Tent Revival	-	S	-	S	-

(Ord. 3813 (part), 1994; Ord. 4276 § 9 (part), 2005)

CHAPTER 9-410M**COMMERCIAL ZONE LOT AND STRUCTURE REGULATIONS****Sections:**

9-410.3M	Lot Area.
9-410.4M	Lot Width.
9-410.5M	Setbacks.
9-410.6M	Height.
9-410.7M	Building Coverage.

Tables:

9-410.3M	Lot and Structure Standards.
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9-410.3M LOT AREA.

The minimum lot area by commercial zone shall be the same as that specified in the development title. For purposes of referral, minimum lot area requirements are included in Table 9-410.3M.

(Ord. 3813 (part), 1994)

9-410.4M LOT WIDTH.

The minimum lot width by commercial zone shall be the same as that specified in the development title. For purposes of referral, minimum lot area requirements are included in Table 9-410.3M.

(Ord. 3813 (part), 1994)

9-410.5M SETBACKS.

Unless otherwise specified, buildings and structures shall meet the setback requirements specified in Table 9-410.3M. Said setback requirements and the following exceptions shall replace the chapter concerning yards and the general provisions concerning yard dimensions in the development title (Chapter 9-1010 and Section 9-410.5, respectively).

(a) Side and Rear Setback Exceptions.

Buildings on lots zoned or designated on the Master Plan for commercial use shall maintain a forty-five degree (45°) clear setback when adjacent to lots zoned or designated on the Master Plan for residential use.

(b) Setback Exceptions For Specified Streets and Street Types.

(1) The minimum setback from I-205 and from Patterson Pass Road shall be as specified in the Master Plan.

(2) The minimum setback from an adjacent arterial street in the C-N and C-C zones shall be twenty (20) feet for building facades without entries for the general public, and for service and loading areas.

(3) The minimum setback from an adjacent collector street shall be ten (10) feet in the C-N zone, and twenty (20) feet in the C-C zone, for building facades without entries for the general public, and for service and loading areas.

(c) Setback Exceptions for Off-Street Parking Areas.

(1) The minimum setback for off-street parking areas adjacent to streets shall be twenty (20) feet, except in the following instances:

(A) In the C-N zone, the minimum setback shall be ten (10) feet;

(B) Along Patterson Pass Road, the minimum setback shall be thirty (30) feet.

(2) The minimum setback for off-street parking areas adjacent to lots zoned or designated on the Master Plan for residential use shall be ten (10) feet.

(3) The minimum side and rear setback for off-street parking areas in the C-O and C-FS zones shall be five (5) feet.

(d) Setback Exceptions for Other Specified Structures.

(1) Fire Escapes. Fire escapes shall not extend or project more than four (4) feet beyond the setback line.

(2) Stairways and Balconies. Open, unenclosed stairways, or balconies not covered by a roof or canopy, shall not extend or project more than four (4) feet beyond the side or rear setback line, and shall not extend or project more than thirty (30) inches beyond the front setback line.

(3) Porches. Porches, platforms or landing places which do not extend above the level of the first floor of the building shall not extend or project more than five (5) feet beyond the setback line; however, any open work railing, no more than thirty (30) inches in height, may be installed or constructed on any such porch, platform or landing place.

(4) Patio Covers. Patio covers, as defined by Chapter 49 of the Uniform Building Code, may be located within three (3) feet of the rear or side property line.

(5) Eaves, Roof Overhangs and Similar Features. Eaves, roof overhangs and other similar architectural features may extend or project up to:

(A) Thirty (30) inches beyond the setback line, provided said architectural feature is no closer than thirty (30) inches to the property line where the setback requirement is ten (10) feet or less;

(B) Ten (10) feet beyond the setback line, where the setback requirement is more than ten (10) feet.

(6) Fireplaces, Air Conditioning Equipment, Water Softener Units. Fireplaces, air conditioning units and water softening units may extend or project up to thirty (30) inches beyond the setback line, provided said structure is no closer than thirty (30) inches to the property line.

(7) Pools. Pools shall not be located closer than three (3) feet from any side or rear property line.

(e) Setback Exceptions for Specified Land Uses or Features.

(1) County Line. Dwellings and nonresidential buildings shall maintain a minimum setback from the Alameda County Line as specified in the Master Plan.

(2) Power Line Easements. Dwelling units shall maintain a minimum setback of twenty-five (25) feet from the Rio Oso-Tesla powerline easement. Non-residential structures shall maintain a minimum setback of ten (10) feet from the Rio Oso-Tesla powerline easement.

(3) Mountain House Creek Corridor. Buildings shall maintain a minimum setback of fifty (50) feet from the Mountain House Creek Corridor.

(4) Wetlands. Buildings and structures shall maintain a minimum setback from wetlands in accordance with the setback requirements for wetlands specified in the Wetlands Management Plan.

(Ord. 3813 (part), 1994)

9-410.6M HEIGHT.

Buildings and structures in commercial zones shall not exceed the maximum building heights specified in Table 9-410.3M, except as provided below. Said exceptions shall be limited by any ordinance relating to airports, and shall serve to replace the chapter on height limits for special structures and the general provisions on building height in the development title (Chapter 9-1005 and Section 9-410.6, respectively).

(a) Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building;

(b) Skylights and chimneys;

(c) Flagpoles; and

(d) Church towers/steeple.

(Ord. 3813 (part), 1994)

9-410.7M BUILDING COVERAGE.

The maximum building coverage by zone for buildings and structures shall be the same as that specified in the development title. For purposes of referral, maximum building coverage regulations are included in Table 9-410.3.

(Ord. 3813 (part), 1994)

**TABLE 9-410.3M
LOT AND STRUCTURE STANDARDS***

Zoning District	Minimum Lot Size (square feet)	Minimum Lot Width (feet)	Maximum Building Height (stories)	Maximum Bldg Coverage (Percent)
C-N	-	50 (- ¹)	2	60
C-C	-	50	3	60
C-O	5,000	50 (- ¹)	3	60
C-G	-	50	3	60
C-FS	-	50	5	60

Setback Requirements**

Zoning District	Arterial Street (feet)	Collector and Local Streets (feet)	Side Setback (feet)	Rear Setback (feet)
C-N	0	0	-	-
C-C	0	0	-	-
C-O	20 (10 ¹)	20 (10 ¹)	20 (10 ^{1,2})	15 (10 ¹)
C-G	20	20	-	-
C-FS	30	20	20	20

* See Sections 9-410.3M through 9-410.7M for exceptions and modifications.

** Unless otherwise specified, setbacks shall be measured from the planned ultimate right-of-way width of the roadway, as shown on the Master Plan or on any applicable Specific Plan.

Notes: Refer to Table 9-410.3 for depth to width ratio. Table 9-410.3 does not apply within Specific Plan III area of Mountain House.

¹ Applies within Specific Plan III area of Mountain House.

² Side setback for C-O is 20' for the streetside side of corner lots in Specific Plan III area.

(Ord. 3813 (part), 1994; Ord. 4276 § 10, 2005; Ord. 4280 § 1, 2005)

CHAPTER 9-505M

INDUSTRIAL ZONE USE REGULATIONS

Sections:

9-505.2M	Permitted Use Types.
9-505.4M	Temporary Uses and Structures.
9-505.5M	Special Use Regulations in Industrial Zones.
9-505.10M	Design Guidelines.

Tables:

9-505.2M	Uses in Industrial Zones.
9-505.4M	Temporary Uses and Structures in Industrial Zones.

9-505.2M PERMITTED USE TYPES.

Permitted, not permitted and conditionally permitted use types shall be as provided in Table 9-505.2M.
(Ord. 3813 (part), 1994)

9-505.4M TEMPORARY USES AND STRUCTURES.

Permitted, not permitted and conditionally permitted temporary uses and structures shall be as provided in Table 9-505.4M. Temporary uses or structures not specifically listed in Table 9-505.4M may be allowed, subject to approval of an Improvement Plan.
(Ord. 3813 (part), 1994)

9-505.5M SPECIAL USE REGULATIONS IN INDUSTRIAL ZONES.

In addition to the requirements specified in the development title, the following provisions shall be applicable:

(a) **Automotive Sales and Services: Automotive Sales, Use Type.** Uses classified under the Automotive Sales and Services: "Automotive Sales, Use Type" shall be adjacent to a freeway.

(b) **Medical Services Use Type.**

(1) Medical offices shall be designed and configured to appear as office type uses in those commercial zones where they are allowed.

(2) Urgent care centers, and other facilities included under the medical services use type that provides emergency medical care, shall be situated on and accessed from arterial roadways. Said facilities shall be separated from residential and other sensitive land uses by means of an arterial roadway, landscape easement, or other effective buffer.

(c) Public Services: Essential, Use Type.

Hospitals shall be situated on and accessed from arterial roadways. Said facilities shall be separated from residential and other sensitive land uses by means of an arterial roadway, landscape easement, or other effective buffer.
(Ord. 3813 (part), 1994)

9-505.10M DESIGN GUIDELINES.

Design Guidelines shall be submitted for consistency review prior to approval of the final map or parcel map or other Development Permit. (Ord. 4066 § 8, 2000)

TABLE 9-505.2M

TABLE 9-505.2M

USES IN INDUSTRIAL ZONES

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted			
Use Types	Industrial Zone I-P	Industrial Zone I-L	Industrial Zone I-G
Residential Use Types			
Family Residential			
Single-Family	-	-	-
Two-Family	-	-	-
Small Multifamily	-	-	-
Large Multifamily	-	-	-
Farm Employee Housing	-	-	-
Small	-	-	-
Large	-	-	-
Group Care			
Small	-	-	-
Large	-	-	-
Adult Day Care	-	-	-
Farm Related	-	-	-
Group Residential	-	-	-
Mobile Home Park	-	-	-
Shelters			
Small	-	PI	-
Medium	-	PI	-
Large	-	-	-
Nonresidential Use Types			
Administrative Offices	PI	PI	PI
Administrative Support Services	P	P	P
Adult Entertainment	-	-	-
Aerial Services			
Farm	-	-	-
Heliport	U	U	U
Agricultural Organizations	PI	PI	-
Agricultural Processing			
Preparation Services	-	U	S

TABLE 9-505.2M

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted			
Use Types	Industrial Zone I-P	Industrial Zone I-L	Industrial Zone I-G
Food Manufacturing	-	-	S
Agricultural Sales			
Feed and Grain	-	-	PI
Agricultural Chemicals	-	-	S
Agricultural Warehousing	-	-	PI
Agricultural Wastes	-	-	-
Animal Feeding and Sales	-	-	-
Animal Raising			
Exotic Animals	-	-	-
General	-	-	-
Hogs	-	-	-
Small Animals	-	-	-
Family Food Production	-	-	-
Educational Animal Project	-	-	-
Zoo	-	-	-
Petting Zoo	-	-	-
Animal Specialty Services			
Farm	-	-	-
Pet	-	U	S
Kennel	-	U	S
Kennel, Small Breeding	-	U	S
Auction Sales			
Indoor	-	S	S
Outdoor	-	S	S
Automotive Sales and Services			
Automotive Rentals	S	S	S
Automotive Repairs, Light	-	S	S
Automotive Repairs, Heavy	-	S	S
Automotive Sales	U	-	-
Cleaning	-	S	PI
Inoperable Vehicle Storage	-	-	S
Operable Vehicle Storage	-	S	P
Parking	S	PI	PI

TABLE 9-505.2M

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted			
Use Types	Industrial Zone I-P	Industrial Zone I-L	Industrial Zone I-G
Building Maintenance Services	PI	PI	PI
Child Care Services			
Family Day Care Homes	P	P	P
Child Care Centers	S	S	S
Communication Services			
Type I	PI	PI	PI
Type II	-	-	-
Type III	-	-	-
Type IV	PI	PI	PI
Community Assembly	-	-	-
Construction Sales	-	PI	PI
Construction Services			
Light	-	S	PI
Heavy	-	U	PI
Crop Production	P	P	P
Cultural and Library Services	-	-	-
Custom Agricultural Manufacturing	-	-	-
Custom Manufacturing	S	PI	PI
Dairies	-	-	-
Eating Establishments			
Convenience	PI	PI	PI
Full Service	PI	PI	PI
Educational Services			
Commercial	S	PI	PI
General	-	-	-
Equipment Sales and Repair			
Farm Machinery, Sales	-	S	PI
Farm Machinery, Repair	-	S	PI
Heavy Equipment	-	U	S
Leisure	-	S	PI
Aircraft	-	U	S
Explosives Handling	-	-	-
Farm Services	-	-	-

TABLE 9-505.2M

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted			
Use Types	Industrial Zone I-P	Industrial Zone I-L	Industrial Zone I-G
Funeral and Interment Services			
Cemeteries	-	-	-
Interring and Cremating	-	-	-
Undertaking	-	-	-
Gasoline Sales			
Service	S	PI	PI
Combination	S	PI	PI
General Industrial			
Limited	S	S	PI
Intermediate	-	U	S
Heavy	-	-	S
Hazardous Industrial	-	U	U
High Technology Industry	S	S	S
Laundry Services	-	S	S
Liquor Sales			
On-Premises, General	-	-	-
On-Premises, Limited	-	-	-
Off-Premises	-	-	-
Lodging Services			
Bed and Breakfast	-	-	-
Motel	-	-	-
Major Impact Services	-	-	-
Medical Services	S	-	-
Nursery Sales and Services			
Wholesale	-	S	S
Retail	-	-	-
Landscaping Services	-	S	S
Personal Storage	-	S	PI
Petroleum and Gas Extraction	S	S	S
Produce Sales			
Farm Produce Stands	-	-	-
Farm Markets	-	-	-
Professional Services	PI	PI	-

TABLE 9-505.2M

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted			
Use Types	Industrial Zone I-P	Industrial Zone I-L	Industrial Zone I-G
Public Services			
Administrative	S	S	S
Essential	U	U	U
Quarry Operations	-	-	-
Recreation			
Campgrounds	-	-	-
Indoor Participant	PI	PI	PI
Indoor Spectator	- (PI ¹)	-	-
Marinas	-	-	-
Outdoor Entertainment, Large Scale	-	-	-
Outdoor Entertainment, Small Scale	-	-	-
Outdoor Sports Clubs	-	-	U
Parks	-	-	-
Resorts	-	-	-
Recycling Services			
Consumer	PI	PI	PI
Scrap Operations	-	-	U
Religious Assembly			
Neighborhood	-	-	-
Community	-	-	-
Regional	-	-	-
Research and Laboratory Service	S	S	S
Retail Sales and Services			
Primary	U	-	-
Intermediate	-	-	-
General	-	-	-
Signs—Off Premises	-	-	-
Stables			
Neighborhood	-	-	-
Commercial	-	-	-
Transportation Services	-	S	S
Truck Sales and Services			
Parking	-	S	PI

TABLE 9-505.2M

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted			
Use Types	Industrial Zone I-P	Industrial Zone I-L	Industrial Zone I-G
Cleaning	-	S	PI
Stops	-	U	U
Repairs	S	S	S
Sales	-	S	PI
Terminals	-	U	U
Utility Services			
Minor	PI	PI	PI
Major	PI	PI	PI
Wholesaling and Distribution			
Light	S (U ¹)	S	PI
Heavy	-	-	S

¹ Applies within Specific Plan III area of Mountain House.

(Ord. 3813 (part), 1994; Ord. 3974 § 7, 1998; Ord. 4276 § 11 (part), 2005; Ord. No. 4385, § 20, 1-12-2010)

**TABLE 9-505.4M
TEMPORARY USES AND STRUCTURES IN INDUSTRIAL ZONES**

Legend:

P Permitted Use

PI Permitted Use With Improvement Plan

S Use Permitted Subject to Site Approval

U Use Permitted Subject to Use Permit

- Use Not Permitted

AX Permitted Subject to Agricultural Excavation Permit

Temporary Use or Structure	Industrial Zone I-P	Industrial Zone I-L	Industrial Zone I-G
Agricultural Excavation	AX (- ¹)	AX	AX
Auction, Agricultural Machinery	-	PI	PI
Auction, Livestock	-	-	-
Batch Plant	-	-	S
Boutique Sales (limit of two (2) per year)	P	P	P
Carnival/Circus	-	S	S
Christmas Tree Sales	PI	PI	PI
Corporation Yard	S	S	S
Garage Sales (limit of four (4) per year within Specific Plan III, two (2) per year in other areas)	P	P	P
Halloween Pumpkin Sales	PI	PI	PI
Motion Picture Filming	P	P	P
Special Event	PI	PI	PI
Subdivision Sales Office	P	P	-
Temporary Building Incidental to Construction Works	P	P	P
Temporary Mobilehome	-	-	-
Tent Revival	-	U	-

¹ Applies within Specific Plan III area of Mountain House.

(Ord. 3813 (part), 1994; Ord. 4276 § 11 (part), 2005)

CHAPTER 9-510M**INDUSTRIAL ZONE LOT AND STRUCTURE
REGULATIONS****Sections:**

9-510.3M	Lot Area.
9-510.4M	Lot Width.
9-510.5M	Setbacks.
9-510.6M	Height.
9-510.7M	Building Coverage.
9-510.8M	Access.
9-510.9M	Corner Lots.

Tables:

9-510.3M	Lot and Structure Standards.
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9-510.3M LOT AREA.

The minimum lot area by industrial zone shall be the same as that specified in the development title. For purposes of referral, minimum lot area requirements are included in Table 9-510.3M.
(Ord. 3813 (part), 1994)

9-510.4M LOT WIDTH.

The minimum lot width by industrial zone shall be the same as that specified in the development title. For purposes of referral, minimum lot area requirements are included in Table 9-510.3M.
(Ord. 3813 (part), 1994)

9-510.5M SETBACKS.

Unless otherwise specified, buildings and structures shall meet the setback requirements specified in Table 9-510.3M. (See Table 4.1 of the Master Plan.) Said setback requirements and the following exceptions shall replace the chapter concerning yards and the provisions concerning yard dimensions in the development title (Chapter 9-1010 and Section 9-510.5, respectively).

(a) Side and Rear Setback Exceptions.

Buildings on lots zoned or designated on the Master Plan for industrial use shall maintain a forty-five degree (45°) clear setback when adjacent to lots zoned or designated on the Master Plan for residential use.

(b) Setback Exceptions for Specified Streets.

The minimum setback from I-205 and Patterson Pass Road shall be as specified in the Master Plan.

(c) Setback Exceptions for Off-Street Parking Areas.

(1) The minimum setback for off-street parking areas adjacent to streets shall be ten (10) feet, except that

in the I-P zone the minimum setback shall be twenty (20) feet.

(2) The minimum setback for off-street parking areas adjacent to lots zoned or designated on the Master Plan for residential use shall be ten (10) feet.

(3) The minimum side and rear setback for off-street parking areas in the I-P zone shall be five (5) feet.

(d) Setback Exceptions for Other Specified Structures.

(1) Fire Escapes. Fire escapes shall not extend or project more than four (4) feet beyond the setback line.

(2) Stairways and Balconies. Open, unenclosed stairways, or balconies not covered by a roof or canopy, shall not extend or project more than four (4) feet beyond the side or rear setback line, and shall not extend or project more than thirty (30) inches beyond the front setback line.

(3) Porches. Porches, platforms or landing places which do not extend above the level of the first floor of the building shall not extend or project more than five (5) feet beyond the setback line; however, any open work railing, no more than thirty (30) inches in height, may be installed or constructed on any such porch, platform or landing place.

(4) Patio Covers. Patio covers, as defined by Chapter 49 of the Uniform Building Code, may be located within three (3) feet of the rear or side property line.

(5) Eaves, Roof Overhangs and Similar Features. Eaves, roof overhangs and other similar architectural features may extend or project up to:

(A) Thirty (30) inches beyond the setback line, provided said architectural feature is no closer than thirty (30) inches to the property line where the setback requirement is ten (10) feet or less;

(B) Ten (10) feet beyond the setback line, where the setback requirement is more than ten (10) feet.

(6) Fireplaces, Air Conditioning Equipment, Water Softener Units. Fireplaces, air conditioning units and water softening units may extend or project up to thirty (30) inches beyond the setback line, provided said structure is no closer than thirty (30) inches to the property line.

(7) Pools. Pools shall not be located closer than three (3) feet from any side or rear property line.

(e) Setback Exceptions for Specified Land Uses or Features.

(1) Power Line Easements. Dwelling units shall maintain a minimum setback of twenty-five (25) feet from the Rio Oso-Tesla powerline easement. Commercial or industrial structures shall maintain a minimum setback of ten (10) feet from the Rio Oso-Tesla powerline easement.

(2) **Wetlands.** Buildings and structures shall maintain a minimum setback from wetlands in accordance with the setback requirements for wetlands specified in the Wetlands Management Plan.
(Ord. 3813 (part), 1994)

9-510.6M HEIGHT.

Buildings and structures in industrial zones shall not exceed the maximum building heights specified in Table 9-510.3M, except as provided below. Said exceptions shall be limited by any ordinance relating to airports, and shall serve to replace the chapter on height limits for special structures and the general provisions on building height in the development title (Chapter 9-1005 and Section 9-510.6, respectively).

(a) Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building;

(b) Skylights and chimneys;

(c) Flagpoles; and

(d) Church towers/steeple.

(Ord. 3813 (part), 1994)

9-510.7M BUILDING COVERAGE.

The maximum building coverage by zone for buildings and structures shall be the same as that specified in the development title. For purposes of referral, maximum building coverage regulations are included in Table 9-510.3.
(Ord. 3813 (part), 1994)

9-510.8M ACCESS.

All principal uses within the industrial zones of Specific Plan III shall have access to a County maintained road, a road maintained by the Mountain House Community Services District, or a privately maintained road with public access. Within other areas of Mountain House, all principle uses in the industrial zones shall have access to a County maintained road. Flag lots are not permitted in the industrial zones.

(Ord. 4276 § 12, 2005)

9-510.9M CORNER LOTS.

Corner lots shall have minimum widths of one hundred (100) feet, except within the Specific Plan III area, where there shall be no required minimum lot width.

(Ord. 3813 (part), 1994; Ord. 4276 § 13, 2005)

**TABLE 9-510.3M
LOT AND STRUCTURE STANDARDS***

Zoning District	Minimum Lot Size (square feet)	Minimum Lot Width (feet)	Maximum Building Height (stories)	Maximum Building Coverage (Percent)
I-P	10,000	100 (N/A ¹)	3 (5 ²)	60
I-L	10,000	100	2	60
I-G	10,000	100	2	60

Setback Requirements**

Zoning District	Arterial Street (feet)	Collector and Local Streets (feet)	Side Setback (feet)	Rear Setback (feet)
I-P	20 (- ³)	20 (- ³)	- (- ⁴)	-
I-L	20	20	-	-
I-G	15	15	-	-

* See Sections 9-510.3M through 9-510.9M for exceptions and modifications.

** Unless otherwise specified, setbacks shall be measured from the planned ultimate right-of-way width of the roadway, as shown on the Master Plan or on any applicable Specific Plan.

Notes: Refer to Table 9-510.3 for depth to width ratio, except within the Specific Plan III area, where there is no required depth to width ratio.

¹ Applies within Specific Plan III area of Mountain House.

² Structures in Mountain House Business Park area are 5 stories.

³ Applies to side and rear setback within Specific Plan III area only; front setback within Specific Plan III area is 10'.

⁴ Streetside sides of corner lots within Specific Plan III area of Mountain House shall be set back 15'.

(Ord. 3813 (part), 1994; Ord. 4276 § 14, 2005; Ord. 4280 § 2, 2005)

CHAPTER 9-605M**AGRICULTURAL ZONE USE REGULATIONS****Sections:**

- 9-605.2M** **Permitted Use Types.**
9-605.3M **Accessory Uses and Structures.**
9-605.4M **Temporary Uses and Structures.**

Tables:

- 9-605.2M** **Uses in Agricultural Zones.**
9-605.3M **Accessory Uses and Structures in
Agricultural Zones.**
9-605.4M **Temporary Uses and Structures in
Agricultural Zones.**

9-605.2M PERMITTED USE TYPES.

Permitted, not permitted and conditionally permitted use types in the AU zone shall be as provided in Table 9-605.2M.

(Ord. 3813 (part), 1994)

**9-605.3M ACCESSORY USES AND
STRUCTURES.**

Permitted, not permitted and conditionally permitted accessory uses and structures in the AU zone shall be as provided in Table 9-605.3M. Accessory uses or structures not specifically listed in Table 9-605.3M may be permitted with an improvement plan, provided:

(a) The proposed accessory use or structure involves less than a twenty-five percent (25%) increase in floor area covered by the existing principal use type; and

(b) The proposed accessory use or structure involves less than a ten percent (10%) increase in the overall site area covered by the existing use type; and

(c) The proposed accessory use or structure, in the opinion of the Director, will not have a substantial, adverse effect on adjacent property; and

(d) The proposed accessory use or structure will comply with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency; or

(e) Where conditions in Subsections (a) through (d) of this section are not met, the level of review for the accessory use or structure shall be the same as the level of review required for the primary use or structure.

(Ord. 3813 (part), 1994)

**9-605.4M TEMPORARY USES AND
STRUCTURES.**

Permitted, not permitted and conditionally permitted temporary uses and structures in the AU zone shall be as provided in Table 9-605.4M. Temporary uses or structures not specifically listed in Table 9-605.4M may be allowed, subject to an Improvement Plan.
(Ord. 3813 (part), 1994)

TABLE 9-605.2M

USES IN AGRICULTURAL ZONES

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted	
Use Types	Agricultural Zones AU
Residential Use Types	
Family Residential	
Single-Family	P
Two-Family	-
Small Multifamily	-
Large Multifamily	-
Farm Employee Housing	-
Small	P
Large	-
Group Care	
Small	P
Large	-
Adult Day Care	-
Farm Related	-
Group Residential	-
Mobilehome Park	-
Shelters	
Small	P
Medium	-
Large	-
Nonresidential Use Types	
Administrative Offices	-
Administrative Support Service	-
Adult Entertainment	-

TABLE 9-605.2M: USES IN AGRICULTURAL ZONES		
Legend:	P	Permitted Use
	PI	Permitted Use With Improvement Plan
	S	Use Permitted Subject to Site Approval
	U	Use Permitted Subject to Use Permit
	--	Use Not Permitted
Use Types		Agricultural Zones
		AU
Aerial Services		
	Farm	--
	Heliport	--
Agricultural Organizations		--
Agricultural Processing		
	Preparation Services	--
	Food Manufacturing	--
Agricultural Sales		
	Feed and Grain	--
	Agricultural Chemicals	--
Agricultural Warehousing		--
Agricultural Wastes		---
Animal Feeding and Sales		--
Animal Raising		
	Exotic Animals	S
	General	P
	Hogs	--
	Small Animals	S
	Family Food Production	P
	Educational Animal Project	P
	Zoo	--
	Petting Zoo	--

Table 9-605.2M

TABLE 9-605.2M: USES IN AGRICULTURAL ZONES		
Legend:	P	Permitted Use
	PI	Permitted Use With Improvement Plan
	S	Use Permitted Subject to Site Approval
	U	Use Permitted Subject to Use Permit
	--	Use Not Permitted
Use Types		Agricultural Zones
		AU
Animal Specialty Services		
	Farm	--
	Pet	--
	Kennel	--
	Kennel, Small Breeding	--
Auction Sales		
	Indoor	--
	Outdoor	--
Automotive Sales and Services		
	Automotive Rentals	--
	Automotive Repairs, Light	--
	Automotive Repairs, Heavy	--
	Automotive Sales	--
	Cleaning	--
	Inoperable Vehicle Storage	--
	Operable Vehicle Storage	--
	Parking	--
Building Maintenance Services		-
Child Care Services		
	Family Day Care Homes	P
	Child Care Centers	S
Communication Services		
	Type I	--
	Type II	--

TABLE 9-605.2M: USES IN AGRICULTURAL ZONES		
Legend:	P	Permitted Use
	PI	Permitted Use With Improvement Plan
	S	Use Permitted Subject to Site Approval
	U	Use Permitted Subject to Use Permit
	--	Use Not Permitted
Use Types		Agricultural Zones
		AU
Type III		--
Type IV		--
Community Assembly		--
Construction Sales		--
Construction Services		
Light		--
Heavy		--
Crop Production		P
Cultural and Library Services		--
Custom Agricultural Manufacturing		--
Custom Manufacturing		--
Dairies		--
Eating Establishments		
Convenience		--
Full Service		--
Educational Services		
Commercial		--
General		--
Equipment Sales and Repair		
Farm Machinery, Sales		--
Farm Machinery, Repair		--
Heavy Equipment		--
Leisure		--
Aircraft		--

Table 9-605.2M

TABLE 9-605.2M: USES IN AGRICULTURAL ZONES		
Legend:	P	Permitted Use
	PI	Permitted Use With Improvement Plan
	S	Use Permitted Subject to Site Approval
	U	Use Permitted Subject to Use Permit
	--	Use Not Permitted
Use Types		Agricultural Zones
		AU
Explosives Handling		--
Farm Services		--
Funeral and Interment Services		
	Cemeteries	--
	Interring and Cremating	--
	Undertaking	--
Gasoline Sales		
	Service	--
	Combination	--
General Industrial		
	Limited	--
	Intermediate	--
	Heavy	--
Hazardous Industrial		--
High Technology Industry		--
Laundry Services		--
Liquor Sales		
	On-Premises, General	--
	On-Premises, Limited	--
	Off-Premises	--
Lodging Services		
	Bed and Breakfast	--
	Motel	--
Major Impact Services		U

TABLE 9-605.2M: USES IN AGRICULTURAL ZONES		
Legend:	P	Permitted Use
	PI	Permitted Use With Improvement Plan
	S	Use Permitted Subject to Site Approval
	U	Use Permitted Subject to Use Permit
	--	Use Not Permitted
Use Types	Agricultural Zones	
	AU	
Medical Services	--	
Nursery Sales and Services		
Wholesale	PI	
Retail	--	
Landscaping Services	S	
Personal Storage	--	
Petroleum and Gas Extraction	S	
Produce Sales		
Farm Produce Stands	PI	
Farm Markets	S	
Professional Services	--	
Public Services		
Administrative	--	
Essential	S	
Quarry Operations	--	
Recreation		
Campgrounds	U	
Indoor Participant	--	
Indoor Spectator	--	
Marinas	--	
Outdoor Entertainment, Large Scale	--	
Outdoor Entertainment, Small Scale	--	
Outdoor Sports Clubs	--	
Parks	U	

Table 9-605.2M

TABLE 9-605.2M: USES IN AGRICULTURAL ZONES		
Legend:	P	Permitted Use
	PI	Permitted Use With Improvement Plan
	S	Use Permitted Subject to Site Approval
	U	Use Permitted Subject to Use Permit
	--	Use Not Permitted
Use Types		Agricultural Zones
		AU
	Resorts	--
	Recycling Services	
	Consumer	--
	Scrap Operations	--
	Religious Assembly	
	Neighborhood	--
	Community	--
	Regional	--
	Research and Laboratory Service	--
	Retail Sales and Services	
	Primary	--
	Intermediate	--
	General	--
	Signs — Off Premises	--
	Stables	
	Neighborhood	S
	Commercial	U
	Transportation Services	--
	Truck Sales and Services	
	Parking	--
	Cleaning	--
	Stops	--
	Repairs	--
	Sales	--

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted	
Use Types	Agricultural Zones AU
Terminals	-
Utility Services	
Minor	PI
Major	PI
Wholesaling and Distribution	
Light	-
Heavy	-

(Ord. 3813 (part), 1994; Ord. 3953 § 3, 1997; Ord. 3974 § 8, 1998; Ord. No. 4385, § 21, 1-12-2010)

TABLE 9-605.3M

ACCESSORY USES AND STRUCTURES IN AGRICULTURAL ZONES

Legend: P Permitted Use S Use Permitted Subject to Site Approval SD Use Permitted Subject to Second-Unit Dwelling Permit	
Accessory Use or Structure	Agricultural Zone AU
Antennae, Radio/TV Dish	P
Barn	P
Biomass Energy Production for use on premises	S
Boathouse, Private (one/lot)	P
Coop	P
Dock, Private (one/lot)	P
Firewood Sales, grown on-site or within a five (5) mile radius of the premises	P
Garage, Private (up to three (3) vehicles)	P
Greenhouse, Private	P
Guesthouse	P
Horse Raising	P
Nonresidential Mobilehome	P
Packing Shed, Private	P
Pump/Pumphouse	P
Second-Unit Dwelling	SD
Silo	P
Stable, Private	P
Storage Building, Private	P
Swimming Pool and Equipment	P
Truck Parking (Agricultural)	S
Water Storage Facility	P
Wind Machine, Private	P
Workshop/Hobby Shop	P

(Ord. 3813 (part), 1994; Ord. No. 4385, § 22, 1-12-2010)

TABLE 9-605.4M

TEMPORARY USES AND STRUCTURES IN AGRICULTURAL ZONES

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted AX Permitted Subject to Agricultural Excavation Permit	
Temporary Use or Structure	Agricultural Zone AU
Agricultural Excavation	AX
Auction, Agricultural Machinery	PI
Auction, Livestock	S
Batch Plant	-
Boutique Sales (limit of two (2) per year)	P
Carnival/Circus	U
Christmas Tree Sales	PI
Corporation Yard	S
Garage Sales (limit of two (2) per year)	P
Halloween Pumpkin Sales	PI
Motion Picture Filming	P
Special Event	PI
Subdivision Sales Office	-
Temporary Building Incidental to Construction Works	P
Temporary Farm Employee Housing	-
Temporary Mobilehome	P
Tent Revival	U

(Ord. 3813 (part), 1994; Ord. No. 4385, § 23, 1-12-2010)

CHAPTER 9-700M

INTENT AND ORGANIZATION OF OTHER ZONES

Sections:

9-700.1M Title and Intent.

9-700.1M TITLE AND INTENT.

The intents of the other zones are amended as follows:

(a) **P-F Zone.** The public facilities (P-F) zone in Mountain House is intended to provide for the establishment of schools meeting State requirements for primary, secondary and higher education; medical facilities; infrastructure facilities, such as the wastewater treatment plant and water treatment plant; police and fire protection facilities and other public buildings; the Transit Center; and places of religious assembly. This zone is intended to implement the public facilities land use category of the General Plan.

(b) **M-X Zone.** The mixed-use (M-X) zone is intended to provide an integration of land use types, including office, retail, recreation, public and residential uses, under a coherent plan; provide a central location for community activities, such as parades, exhibits, shows and other civic functions that serve to give identity and interest to the lifestyle of a community; and otherwise create a focal point of activity within the community. The M-X zone allows for more urban densities, innovative design, and a more efficient land and infrastructure utilization than would be permitted under other traditional designations. The concurrent filing of a Specific Plan shall be required of areas to be zoned Mixed-Use. This zone is intended to implement the mixed-use land use category of the General Plan. (Ord. 3813 (part), 1994)

CHAPTER 9-705M

OTHER ZONES USE REGULATIONS

Sections:

- 9-705.2M Permitted Use Types.**
- 9-705.4M Temporary Uses and Structures.**
- 9-705.5M Special Use Regulations in the M-X Zone.**
- 9-705.6M Special Use Regulations in the P-F Zone.**
- 9-705.9M Design Guidelines.**

Tables:

- 9-705.2M Uses in Other Zones.**
- 9-705.4M Temporary Uses and Structures in Other Zones.**

9-705.2M PERMITTED USE TYPES.

Permitted, not permitted and conditionally permitted use types shall be as provided in Table 9-705.2M. (Ord. 3813 (part), 1994)

9-705.4M TEMPORARY USES AND STRUCTURES.

Permitted, not permitted and conditionally permitted temporary uses and structures shall be as provided in Table 9-705.4M. Temporary uses or structures not specifically listed in Table 9-705.4M may be allowed, subject to an Improvement Plan. (Ord. 3813 (part), 1994)

9-705.5M SPECIAL USE REGULATIONS IN THE M-X ZONE.

In addition to the provisions specified in Section 9-705.5 of the Development Title, the following additional provisions shall be applicable:

(a) Single-family residential units which are not, in the opinion of the Review Authority, accessory dwellings shall be located in back of, or above, other uses permitted or conditionally permitted in the M-X zone.

(b) Two-family residential units which are not, in the opinion of the Review Authority, accessory dwellings shall be located in back of, or above, other uses permitted or conditionally permitted in the M-X zone. (Ord. 3813 (part), 1994)

**9-705.6M SPECIAL USE REGULATIONS IN
THE P-F ZONE.**

In addition to the provisions specified in Section 9-705.6 of the Development Title, the following additional provisions shall be applicable:

(a) Communications Services Type II may be permitted only on land owned by the Mountain House Community Services District.
(Ord. 4365 § 2, 2008)

9-705.9M DESIGN GUIDELINES.

Design Guidelines shall be submitted for consistency review prior to approval of the final map or parcel map or other Development Permit.
(Ord. 4066 § 9, 2000)

TABLE 9-705.2M

TABLE 9-705.2M

USES IN OTHER ZONES

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted		
Use Types	Other Zone P-F	Other Zone M-X
Residential Use Types		
Family Residential		
Single-Family	-	PI
Two-Family	-	PI
Small Multifamily	-	PI
Large Multifamily	-	S
Farm Employee Housing	-	-
Small	-	-
Large	-	-
Group Care		
Small	-	P
Large	S	-
Adult Day Care	S	-
Farm Related	-	-
Group Residential	S	U
Mobilehome Park	-	-
Shelters		
Small	-	P
Medium	-	-
Large	-	-
Nonresidential Use Types		
Administrative Offices	-	PI
Administrative Support Service	-	PI
Adult Entertainment	-	S
Aerial Services		
Farm	-	-
Heliport	-	-
Agricultural Organizations	-	-
Agricultural Processing		
Preparation Services	-	-

TABLE 9-705.2M

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted		
Use Types	Other Zone P-F	Other Zone M-X
Food Manufacturing	-	-
Agricultural Sales		
Feed and Grain	-	-
Agricultural Chemicals	-	-
Agricultural Warehousing	-	-
Agricultural Wastes	-	-
Animal Feeding and Sales	-	-
Animal Raising		
Exotic Animals	-	-
General	-	-
Hogs	-	-
Small Animals	-	-
Family Food Production	-	-
Educational Animal Project	-	-
Zoo	U	-
Petting Zoo	U	U
Animal Specialty Services		
Farm	-	-
Pet	-	S
Kennel	-	-
Kennel, Small Breeding	-	-
Auction Sales		
Indoor	-	S
Outdoor	-	-
Automotive Sales and Services		
Automotive Rentals	-	-
Automotive Repairs, Light	-	-
Automotive Repairs, Heavy	-	-
Automotive Sales	-	-
Cleaning	-	-
Inoperable Vehicle Storage	-	-
Operable Vehicle Storage	-	-
Parking	PI	S

TABLE 9-705.2M

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted		
Use Types	Other Zone P-F	Other Zone M-X
Building Maintenance Services	-	-
Child Care Services		
Family Day Care Homes	P	P
Child Care Centers	S	S
Communication Services		
Type I	PI	PI
Type II	S	-
Type III	-	-
Type IV	PI	PI
Community Assembly	PI	S
Construction Sales	-	-
Construction Services		
Light	-	-
Heavy	-	-
Crop Production	P	P
Cultural and Library Services	PI	PI
Custom Agricultural Manufactur- ing	-	-
Custom Manufacturing	S	-
Dairies	-	-
Eating Establishments		
Convenience	-	PI
Full Service	-	PI
Educational Services		
Commercial	S	S
General	S	S
Equipment Sales and Repair		
Farm Machinery, Sales	-	-
Farm Machinery, Repair	-	-
Heavy Equipment	-	-
Leisure	-	-
Aircraft	-	-
Explosives Handling	-	-

TABLE 9-705.2M

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted		
Use Types	Other Zone P-F	Other Zone M-X
Farm Services	-	-
Funeral and Interment Services		
Cemeteries	S	-
Interring and Cremating	S	-
Undertaking	-	S
Gasoline Sales		
Service	-	-
Combination	-	-
General Industrial		
Limited	-	-
Intermediate	-	-
Heavy	-	-
Hazardous Industrial	-	-
High Technology Industry	-	-
Laundry Services	-	-
Liquor Sales		
On-Premises, General	-	PI
On-Premises, Limited	-	PI
Off-Premises	-	PI
Lodging Services		
Bed and Breakfast	-	-
Motel	-	S
Major Impact Services	U	-
Medical Services	U	PI
Nursery Sales and Services		
Wholesale	-	-
Retail	-	S
Landscaping Services	-	-
Personal Storage	-	-
Petroleum and Gas Extraction	U	U
Produce Sales		
Farm Produce Stands	-	PI
Farm Markets	-	S

TABLE 9-705.2M

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted		
Use Types	Other Zone P-F	Other Zone M-X
Professional Services	-	PI
Public Services		
Administrative	PI	PI
Essential	U	S
Quarry Operations	-	-
Recreation		
Campgrounds	-	-
Indoor Participant	S	S
Indoor Spectator	S	U
Marinas	-	-
Outdoor Entertainment, Large Scale	S	-
Outdoor Entertainment, Small Scale	S	-
Outdoor Sports Clubs	-	-
Parks	S	S
Resorts	-	-
Recycling Services		
Consumer	-	PI
Scrap Operations	-	-
Religious Assembly		
Neighborhood	S	S
Community	S	U
Regional	U	-
Research and Laboratory Service	-	-
Retail Sales and Services		
Primary	-	S
Intermediate	-	PI
General	-	PI
Signs—Off Premise	-	-
Stables		
Neighborhood	-	-
Commercial	-	-
Transportation Services	-	-

TABLE 9-705.2M

Legend: P Permitted Use PI Permitted Use With Improvement Plan S Use Permitted Subject to Site Approval U Use Permitted Subject to Use Permit - Use Not Permitted		
Use Types	Other Zone P-F	Other Zone M-X
Truck Sales and Services		
Parking	-	-
Cleaning	-	-
Stops	-	-
Repairs	-	-
Sales	-	-
Terminals	-	-
Utility Services		
Minor	P	PI
Major	S	-
Wholesaling and Distribution		
Light	-	-
Heavy	-	-

(Ord. 3813 (part), 1994; Ord. 3974 § 9, 1998; Ord. No. 4385, § 24, 1-12-2010)

TABLE 9-705.4M
TEMPORARY USES AND STRUCTURES IN OTHER ZONES

Legend:

P Permitted Use

PI Permitted Use With Improvement Plan

S Use Permitted Subject to Site Approval

U Use Permitted Subject to Use Permit

- Use Not Permitted

AX Permitted Subject to Agricultural Excavation Permit

Temporary Use or Structure	Other Zone P-F	Other Zone M-X
Agricultural Excavation	AX (- ¹)	-
Auction, Agricultural Machinery	S (- ¹)	-
Auction, Livestock	-	-
Batch Plant	-	-
Boutique Sales (limit of two (2) per year)	-	P
Carnival/Circus	S	S
Christmas Tree Sales	-	PI
Corporation Yard	S	S
Garage Sales (limit of four (4) per year within Specific Plan III area, two (2) per year otherwise)	P	P
Halloween Pumpkin Sales	-	PI
Motion Picture Filming	P	P
Special Event		
Special Indoor Event	-	PI
Special Outdoor Event	-	PI
Subdivision Sales Office	-	PI
Temporary Building Incidental to Construction Works	P	P
Temporary Mobilehome	-	-
Tent Revival	S	U

Applies within Specific Plan III area of Mountain House.

(Ord. 3813 (part), 1994; Ord. 4276 § 15, 2005)

CHAPTER 9-710M**OTHER ZONE LOT AND STRUCTURE
REGULATIONS****Sections:**

9-710.2M	Lot Area.
9-710.3M	Lot Width.
9-710.4M	Setbacks.
9-710.5M	Height.
9-710.6M	Building Coverage.
9-710.7M	Corner Lots.

Tables:

9-710.2M	Lot and Structure Standards.
-----------------	-------------------------------------

9-710.2M LOT AREA.

The minimum lot area by industrial zone shall be the same as that specified in the development title. For purposes of referral, minimum lot area requirements are included in Table 9-710.2M.

(Ord. 3813 (part), 1994)

9-710.3M LOT WIDTH.

The minimum lot width in the M-X and P-F zones shall be as provided in Table 9-710.2M.

(Ord. 3813 (part), 1994)

9-710.4M SETBACKS.

Unless otherwise specified, buildings and structures shall meet the setback requirements specified in Table 9-710.2M. Said setback requirements and the following exceptions shall replace the chapter concerning yards and the provisions concerning yard dimensions in the development title (Chapter 9-1010 and Section 9-710.4, respectively).

(a) **Side and Rear Setback Exceptions.** Buildings on lots zoned P-F, or designated P on the Master Plan, shall maintain a forty-five degree (45°) clear setback when adjacent to lots zoned or designated on the Master Plan for residential use.

(b) **Setback Exceptions for Off-Street Parking Areas.**

(1) The minimum setback for off-street parking areas adjacent to streets shall be ten (10) feet in the P-F zone.

(2) The minimum setback for off-street parking areas adjacent to lots zoned or designated on the Master Plan for residential use shall be ten (10) feet.

(c) **Setback Exceptions for Other Specified Structures.**

(1) **Fire Escapes.** Fire escapes shall not extend or project more than four (4) feet beyond the setback line.

(2) **Stairways and Balconies.** Open, unenclosed stairways or balconies not covered by a roof or canopy, shall not extend or project more than four (4) feet beyond the side or rear setback line, and shall not extend or project more than thirty (30) inches beyond the front setback line.

(3) **Porches.** Porches, platforms or landing places which do not extend above the level of the first floor of the building shall not extend or project more than five (5) feet beyond the setback line; however, any open work railing, no more than thirty (30) inches in height, may be installed or constructed on any such porch, platform or landing place.

(4) **Patio Covers.** Patio covers, as defined by Chapter 49 of the Uniform Building Code, may be located within three (3) feet of the rear or side property line.

(5) **Eaves, Roof Overhangs and Similar Features.** Eaves, roof overhangs and other similar architectural features may extend or project up to:

(A) Thirty (30) inches beyond the setback line, provided said architectural feature is no closer than thirty (30) inches to the property line where the setback requirement is ten (10) feet or less;

(B) Ten (10) feet beyond the setback line, where the setback requirement is more than ten (10) feet.

(6) **Fireplaces, Air Conditioning Equipment, Water Softener Units.** Fireplaces, air conditioning units and water softening units may extend or project up to thirty (30) inches beyond the setback line, provided said structure is no closer than thirty (30) inches to the property line.

(7) **Pools.** Pools shall not be located closer than three (3) feet from any side or rear property line.

(d) **Setback Exceptions for Specified Land Uses or Features.**

(1) **Power Line Easements.** Buildings shall maintain a minimum setback of ten (10) feet from the Rio Oso-Tesla powerline easement.

(2) **Mountain House Creek Corridor.** Buildings shall maintain a minimum setback of fifty (50) feet from the Mountain House Creek Corridor.

(3) **Wetlands.** Buildings and structures shall maintain a minimum setback from wetlands in accordance with the setback requirements for wetlands specified in the Wetlands Management Plan.

(4) **Wastewater Storage Ponds and Sludge Basins.** Wastewater storage ponds and sludge basins shall be setback from property lines a minimum of twenty (20) feet.

(Ord. 3813 (part), 1994)

9-710.5M HEIGHT.

Buildings and structures in the P-F and M-X zones shall not exceed the maximum building heights specified in Table 9-710.2M, except as provided below. (See Table 4.1 of the Master Plan.) Said exceptions shall be limited by any ordinance relating to airports, and shall serve to replace the chapter on height limits for special structures and the general provisions on building height in the development title (Chapter 9-1005 and Section 9-710.5, respectively).

(a) Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building;

(b) Skylights and chimneys;

(c) Flagpoles; and
(d) Church towers/steeple.
(Ord. 3813 (part), 1994)

9-710.6M BUILDING COVERAGE.

The maximum building coverage for the P-F and M-X zones shall be as provided in Table 9-710.2M.

(Ord. 3813 (part), 1994)

9-710.7M CORNER LOTS.

In the M-X zone, corner lots shall have a minimum width and depth of sixty-five (65) feet.

(Ord. 3813 (part), 1994)

TABLE 9-710.2M
LOT AND STRUCTURE STANDARDS*

Zoning District	Minimum Lot Size (square feet)	Minimum Lot Width (feet)	Maximum Building Height (stories)	Maximum Building Coverage (percent)
P-F	-	-	-	100 (60 ¹)
M-X	-	50	4	100

Setback Requirements**

Zoning District	Arterial Street (feet)	Collector and Local Streets (feet)	Side Setback (feet)	Rear Setback (feet)
P-F	15	15	-	-
M-X	-	-	-	-

* See Sections 9-710.3M through 9-710.7M for exceptions and modifications.

** Unless otherwise specified, setbacks shall be measured from the planned ultimate right-of-way width of the roadway, as shown on the Master Plan or on any applicable Specific Plan.

¹ Applies within Specific Plan III area of Mountain House.

(Ord. 3813 (part), 1994; Ord. 4276 § 16, 2005)

CHAPTER 9-803M**GENERAL PLAN AMENDMENTS****Sections:**

9-803.3.1M Required Studies.
9-803.4M Approval.

9-803.3.1M REQUIRED STUDIES.

Prior to taking action on an application for a General Plan Amendment, the impact of the proposed General Plan Amendment on the jobs/housing program and on housing affordability shall be determined. In addition, the consistency with the policies of the Public Financing Plan shall be analyzed and the potential impact of the General Plan Amendment on the financial and fiscal resources of the community and the County shall be determined.

(a) If the Director decides that private consulting services are required, the Director shall select a consultant.

(b) The applicant shall be responsible for the cost of any consultant services plus an administrative fee as set by resolution of the Board of Supervisors.
 (Ord. 3813 (part), 1994)

9-803.4M APPROVAL.

Prior to approving an application for a General Plan Amendment, the Planning Commission and the Board of Supervisors shall determine that all the following are true:

(a) The internal consistency of the General Plan is maintained in the adoption of the General Plan Amendment;

(b) The General Plan Amendment shall not adversely affect the jobs/housing program and housing affordability;

(c) The General Plan Amendment shall not adversely affect the Public Financing Plan; and

(d) All applicable provisions of the Mountain House Development Agreement have been met.
 (Ord. 3813 (part), 1994)

CHAPTER 9-804M**MASTER PLANS****Sections:**

9-804.3.1M Required Studies.
9-804.4M Approval.

9-804.3.1M REQUIRED STUDIES.

Prior to taking action on an application for a Master Plan Amendment, the impact of the proposed Master Plan Amendment on the jobs/housing program and on housing affordability shall be determined. In addition, the consistency with the policies of the Public Financing Plan shall be analyzed and the potential impact of the Master Plan Amendment on the financial and fiscal resources of the community and the County shall be determined.

(a) If the Director decides that private consulting services are required, the Director shall select a consultant.

(b) The applicant shall be responsible for the cost of any consultant services plus an administrative fee as set by resolution of the Board of Supervisors.
 (Ord. 3813 (part), 1994)

9-804.4M APPROVAL.

Prior to approving an application for a Master Plan Amendment, the Planning Commission and the Board of Supervisors shall determine that the following are true:

(a) The Master Plan Amendment is consistent with the General Plan and the Public Financing Plan;

(b) The Master Plan Amendment shall not adversely affect the jobs/housing program and housing affordability; and

(c) All applicable provisions of the Mountain House Development Agreement have been met.
 (Ord. 3813 (part), 1994)

CHAPTER 9-805M**PUBLIC FINANCING PLANS****Sections:**

9-805.3.1M	Required Studies.
9-805.4M	Approval.

9-805.3.1M REQUIRED STUDIES.

Prior to taking action on an application for a Public Financing Plan Amendment, the impact of the proposed Public Financing Plan Amendment on the jobs/housing program and on housing affordability shall be determined. In addition, the potential impact of the Public Financing Plan Amendment on the financial and fiscal resources of the community and the County shall be determined.

(a) If the Director decides that private consulting services are required, the Director shall select a consultant.

(b) The applicant shall be responsible for the cost of any consultant services plus an administrative fee as set by resolution of the Board of Supervisors.

(Ord. 3813 (part), 1994)

9-805.4M APPROVAL.

Prior to approving an application for a Public Financing Plan Amendment, the Planning Commission and the Board of Supervisors shall determine that the following are true:

(a) The Public Financing Plan Amendment is consistent with the General Plan and the Master Plan;

(b) The Public Financing Plan Amendment shall not adversely affect the jobs/housing program and housing affordability; and

(c) All applicable provisions of the Mountain House Development Agreement have been met.

(Ord. 3813 (part), 1994)

CHAPTER 9-806M**SPECIFIC PLANS****Sections:**

9-806.3.1M	Required Studies.
9-806.4M	Approval.

9-806.3.1M REQUIRED STUDIES.

Prior to taking action on an application for a Specific Plan or Specific Plan Amendment, the impact of the proposed Specific Plan or Specific Plan Amendment on the jobs/housing program and on housing affordability shall be determined. In addition, the consistency with the policies of the Public Financing Plan shall be analyzed and the potential impact of the Specific Plan or Specific Plan Amendment on the financial and fiscal resources of the community and the County shall be determined.

(a) If the Director decides that private consulting services are required, the Director shall select a consultant.

(b) The applicant shall be responsible for the cost of any consultant services plus an administrative fee as set by resolution of the Board of Supervisors.

(Ord. 3813 (part), 1994)

9-806.4M APPROVAL.

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

(a) The Specific Plan or Specific Plan Amendment is consistent with the General Plan the Master Plan and the Public Financing Plan;

(b) The Specific Plan or Specific Plan Amendment shall not adversely affect the jobs/housing program and housing affordability; and

(c) All applicable provisions of the Mountain House Development Agreement have been met.

(Ord. 3813 (part), 1994)

CHAPTER 9-809M**MOUNTAIN HOUSE DEVELOPMENT TITLE
TEXT AMENDMENTS****Sections:**

9-809.3.1M Required Studies.
9-809.4M Approval.

9-809.3.1M REQUIRED STUDIES.

Prior to taking action on an application for a Mountain House Development Title Text Amendment (MHDTA), the impact of the proposed MHDTA on the jobs/housing program and on housing affordability shall be determined. In addition, the consistency with the policies of the Public Financing Plan shall be analyzed and the potential impact of the MHDTA on the financial and fiscal resources of the community and the County shall be determined.

(a) If the Director decides that private consulting services are required, the Director shall select a consultant.

(b) The applicant shall be responsible for the cost of any consultant services plus an administrative fee as set by resolution of the Board of Supervisors.

(Ord. 3813 (part), 1994)

9-809.4M APPROVAL.

Prior to approving an application for a MHDTA, the Planning Commission and the Board of Supervisors shall determine that the following are true:

(a) The MHDTA is consistent with the General Plan, the Master Plan and the Public Financing Plan;

(b) The MHDTA shall not adversely affect the jobs/housing program and housing affordability; and

(c) All applicable provisions of the Mountain House Development Agreement have been met.

(Ord. 3813 (part), 1994)

CHAPTER 9-812M**ZONE RECLASSIFICATIONS****Sections:**

9-812.3.1M Required Studies.
9-812.4M Approval.

9-812.3.1M REQUIRED STUDIES.

Prior to taking action on an application for a Zone Reclassification, the impact of the proposed Zone Reclassification on the jobs/housing program and on housing affordability shall be determined. In addition, the consistency with the policies of the Public Financing Plan shall be analyzed and the potential impact of the Zone Reclassification on the financial and fiscal resources of the community and the County shall be determined.

(a) If the Director decides that private consulting services are required, the Director shall select a consultant.

(b) The applicant shall be responsible for the cost of any consultant services plus an administrative fee as set by resolution of the Board of Supervisors.

(Ord. 3813 (part), 1994)

9-812.4M 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 zone district is consistent with the General Plan, the Master Plan, any applicable Specific Plan and the Public Financing Plan;

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

(c) The zone district shall not adversely affect the jobs/housing program and housing affordability; and

(d) All applicable provisions of the Mountain House Development Agreement have been met.

(Ord. 3813 (part), 1994)

CHAPTER 9-815M**SPECIAL PURPOSE PLANS****Sections:****9-815.5.1M Required Studies.****9-815.6M Approval.****9-815.5.1M REQUIRED STUDIES.**

Prior to taking action on an application for a Special Purpose Plan, the impact of the proposed Special Purpose Plan on the jobs/housing program and on housing affordability shall be determined. In addition, the consistency with the policies of the Public Financing Plan shall be analyzed and the potential impact of the Special Purpose Plan on the financial and fiscal resources of the community and the County shall be determined.

(a) If the Director decides that private consulting services are required, the Director shall select a consultant.

(b) The applicant shall be responsible for the cost of any consultant services plus an administrative fee as set by resolution of the Board of Supervisors.

(Ord. 3813 (part), 1994)

9-815.6M APPROVAL.

Prior to approving an application for a Special Purpose Plan, the Planning Commission and the Board of Supervisors shall determine that the following are true:

(a) The Special Purpose Plan is consistent with the General Plan, the Master Plan, any applicable Specific Plan, and the Public Financing Plan;

(b) The Special Purpose Plan shall not adversely affect the jobs/housing program and housing affordability; and

(c) All applicable provisions of the Mountain House Development Agreement have been met.

(Ord. 3813 (part), 1994)

CHAPTER 9-818M**SITE APPROVALS****Sections:****9-818.6M Findings.****9-818.6M 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, the Master Plan, any applicable Specific Plan, any applicable Special Purpose Plan, the Public Financing 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;

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

(f) **Development Agreement.** All applicable provisions of the Mountain House Development Agreement have been met.

(Ord. 3813 (part), 1994)

CHAPTER 9-821M

USE PERMITS

Sections:

9-821.7M

Findings.

9-821.7M 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, the Master Plan, any applicable Specific Plan, any applicable Special Purpose Plan, the Public Financing 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;

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

(f) **Development Agreement.** All applicable provisions of the Mountain House Development Agreement have been met.

(Ord. 3813 (part), 1994)

CHAPTER 9-824M

DEVIATIONS

Sections:

9-824.5M

Findings.

9-824.5M 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;

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

(e) **Development Agreement.** All applicable provisions of the Mountain House Development Agreement have been met.

(Ord. 3813 (part), 1994)

CHAPTER 9-827M**VARIANCES****Sections:****9-827.5M Findings.****9-827.5M 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;

(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; and

(d) **Development Agreement.** All applicable provisions of the Mountain House Development Agreement have been met.

(Ord. 3813 (part), 1994)

CHAPTER 9-830M**SECOND UNIT DWELLINGS****Sections:**

9-830.1M	Intent.
9-830.1.1M	Permit Requirements.
9-830.2M	Permitted Zones.
9-830.3M	Requirements for Second Unit Dwelling Permit Application.
9-830.5M	Development Requirements.

9-830.1M INTENT.

The intent of this Chapter is to provide methods for approving second unit dwellings on lots with primary single-family dwellings in order to increase housing opportunities. (Ord. 3974 § 10 (part), 1998)

9-830.1.1M PERMIT REQUIREMENTS.

A Second Unit Dwelling Permit shall be required for a second unit dwelling proposed on a lot that has not been designated on a parcel map or a final map to contain a second unit dwelling. For a second unit dwelling proposed on a lot that has been previously designated on a parcel map or a final map to contain a second unit dwelling, a Second Unit Dwelling Permit shall not be required.

(Ord. 3974 § 10 (part), 1998)

9-830.2M PERMITTED ZONES.

Second unit dwellings shall be permitted in the R-VL, R-L, R-M and R-MH zones. Second unit dwellings may be permitted in the AU-20 zone, provided the underlying Master Plan designation is R/VL, R/L, R/M or R/MH.

(Ord. 3813 (part), 1994; Ord. 3974 § 10 (part), 1998; Ord. 4066 § 10, 2000; Ord. 4333 § 7, 2007)

9-830.3M REQUIREMENTS FOR SECOND UNIT DWELLING PERMIT APPLICATION.

An application for a Second Unit Dwelling Permit 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 when filing an application for a Second Unit Dwelling Permit and shall replace those specified in the Development Title:

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

(b) **Number of Units.** There shall be no more than one (1) second unit dwelling per parcel. (Ord. 3974, § 10 (part), 1998)

9-830.5M DEVELOPMENT REQUIREMENTS.

The development requirements provided by this Chapter shall be applicable to all second unit dwellings, including those designated on a Second Unit Dwelling Plan submitted with the subdivision map application. The following development requirements shall replace those specified in the Development Title.

(a) **Size of Unit.**

(1) The second unit dwelling shall not exceed eight hundred (800) square feet of floor area in R-VL, R-L, R-M and R-MH zones.

(2) Within the AU-20 zone, the second unit dwellings are allowed if the underlying Master Plan designation is R/VL, R/L, R/M or R/MH and the second unit does not exceed five hundred (500) square feet of floor area.

(b) **Off-Street Parking.** One (1) off-street parking space shall be provided for the second unit dwelling.

(c) **Access.** A second unit dwelling may be accessed by a common driveway serving both the second unit dwelling and the primary single-family dwelling, a second driveway when the second unit dwelling is located on a corner lot, or a rear alley, providing such access is in keeping with the character of the neighborhood.

(d) **Compatibility.** The second unit dwelling shall be of the same architectural style and constructed of the same materials as the garage and the primary single-family dwelling. If attached to the primary single-family dwelling or to the garage, the second unit dwelling shall be visually and physically integrated into said primary single-family dwelling or garage.

(e) **Entries.** The entry into a second unit dwelling shall be visually subordinate or secondary to the entry into the primary single-family dwelling.

(f) **Lot Characteristics.** The lot upon which a second unit dwelling is located shall be appropriately located and sized to accommodate the second unit dwelling.

(g) **Building Permits.** If a second unit dwelling is to be constructed on a lot that has been designated on a Second Unit Dwelling Plan to serve as a site

for the second unit dwelling, or the second unit dwelling is integral to the structure of the primary residential unit, the building permit for said second unit dwelling shall be issued concurrently with the building permit for the primary dwelling on the lot. In such instances, the final inspection for the second unit dwelling shall take place concurrently with the final inspection for the primary dwelling.

(h) **Required Number of Lots.** For a Second Unit Dwelling Plan, the number of lots upon which second unit dwellings will be located shall be at least six and one-half percent (6.5%) of the total number of residential lots depicted on the relevant tentative map, rounded to the nearest whole number, unless the required number of lots for second unit dwellings has been provided elsewhere in the neighborhood on previously approved tentative maps.

(i) **Setbacks.** The second unit dwelling shall comply with all yard requirements for a primary single-family dwelling in the zone as well as the following requirements:

(1) Except as provided in Subsections (i)(2) and (i)(3), the second unit dwelling shall not extend beyond the front of the primary single-family dwelling.

(2) In areas zoned AU, 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) In areas zoned R-L or R-M, a second unit dwelling may extend beyond the front of the primary single-family dwelling.

(4) 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.

(Ord. 3813 (part), 1994; Ord. 3974, § 10 (part), 1998; Ord. 4066, § 11, 2000; Ord. 4242, §§ 7, 8, 2005; Ord. 4333, § 8, 2007; Ord. No. O-15-4460, 3-10-2015)

CHAPTER 9-836M

DWELLING CLUSTERS

Sections:

9-836.1M General.

9-836.1M GENERAL.

Chapter 9-836 in the development title concerning dwelling clusters shall not be applicable to the Mountain House New Town. Dwelling clusters as defined in the Development Title shall not be allowed in Mountain House.

(Ord. 3813 (part), 1994)

CHAPTER 9-839M

HOME OCCUPATION PERMIT

Sections:

9-839.5M Development Requirements.

9-839.5M DEVELOPMENT REQUIREMENTS.

The Development Requirements concerning Home Occupation Permits shall be as specified in the Development Title with the following modifications:

(a) **Permitted Home Occupations.** Only home occupations subject to the Staff Review Procedure shall be permitted.

(b) **Size Limits.** Up to four hundred (400) square feet and no more than one-third ($\frac{1}{3}$) of any residence, including a second unit dwelling, may be used for the home occupation.

(c) **Commercial Vehicle.** Any commercial vehicle used in a home occupation business shall be parked within a garage or carport of the residence.

(d) **Objectionable Impacts.** Work that produces noise, vibration, glare, fumes, odors, dust or electrical interference outside of the residence or structure is prohibited.

(Ord. 3813 (part), 1994; Ord. 3953, § 4, 1997)

CHAPTER 9-851M**AGRICULTURAL EXCAVATION PERMITS****Sections:****9-851.5M Findings.****9-851.5M FINDINGS.**

Prior to approving an application for an Agricultural Excavation Permit, the Review Authority shall find that all of the following are 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; and

(d) All applicable provisions of the Mountain House Development Agreement have been met.

(Ord. 3813 (part), 1994 ; Ord. 4241 § 8, 2005)

CHAPTER 9-854M**QUARRY EXCAVATION PERMITS****Sections:****9-854M General.****9-854M GENERAL.**

Chapter 9-854 in the development title concerning quarry excavation permits, shall not be applicable to the Mountain House New Town. Quarry Excavations as defined in the Development Title shall not be allowed in Mountain House. (Ord. 3813 (part), 1994)

CHAPTER 9-857M**MAJOR SUBDIVISIONS****Sections:**

9-857.2M	Requirements for Application.
9-857.4M	Findings.
9-857.7M	Preliminary Maps.
9-857.8M	Major Subdivisions Not Within Master Plan Density Range.
9-857.9M	Approval of Specified Major Subdivision Plan Attachments.
9-857.10M	Amendment of Second Unit Dwelling Plan.

9-857.2M REQUIREMENTS FOR APPLICATION.

In addition to the application requirements specified in Section 9-857.2 and Chapters 9-905 and 9-905M of the Development Title, the application requirements listed below shall be applicable. The Community Development Director may waive one or more of the application requirements if inapplicable to the project, or valid information has been previously submitted.

(a) **Reports.** The following reports/documents shall be submitted with the Major Subdivision Application:

(1) Cultural Resources Report, specifying the method of preserving significant architectural and/or historic cultural resources within the boundaries of the proposed subdivision;

(2) Canal Report, evaluating the safety of open canals within one-half (1/2) mile of the boundaries of the proposed subdivision, and specifying the means to be taken to reduce the attractive nuisance of such canals to the future residents of the proposed subdivision;

(3) Special Status Species Survey, consisting of a survey conducted by a qualified biologist of special status species within the boundaries of the proposed subdivision;

(4) Tree Survey, specifying the location, species, and condition of all mature trees within the proposed subdivision;

(5) Nesting Site Survey, consisting of a survey conducted by a qualified biologist of occupied raptor nests in trees and of burrowing owl nesting sites within the boundaries of the proposed subdivision;

(6) Noise Study, conducted pursuant to Section 9-1025.9M, consisting of an assessment of existing and proposed noise contours, and proposed measures to control noise;

(7) Farm Irrigation Drainage Report, consisting of a map of existing farm drains that traverse the proposed subdivision, identified by type, location and function; an

analysis of the impacts of the proposed subdivision on the existing farm irrigation drainage system; a determination of the planned dispossession of the system, including the abandonment of specific pipes and drains; a determination of whether the farm irrigation drainage system could be integrated into the storm system for the proposed subdivision; and an estimate of the costs associated with reconstructing or rerouting irrigation waters caused by the proposed subdivision.

(b) **Attachments.** The following attachments shall be submitted with the Major Subdivision Application.

(1) Will Serve Letters for all public services and utilities from the CSD and other service providers;

(2) If a Development Agreement has been executed for the subject area, letter acknowledging completion of all required plans and programs as specified in said Development Agreement;

(3) Vehicle Circulation Plan and Roadway Improvement Plan;

(4) Typical sections, including standards, for streets, alleys, bicycle paths/lanes, and pedestrian sidewalks/paths;

(5) Pedestrian, Bicycle, and Transit Connections Plan;

(6) Fencing and Edge Treatment Plan, showing community walls and community edge treatments and including community edge buffers;

(7) Soundwall Plan;

(8) Street Landscaping Plan, including neighborhood and community entries, showing implementation of CSD Roadway Landscaping Plan;

(9) Street Lighting Plan;

(10) Second Unit Dwelling Plan, showing the location of all required second unit dwellings on a lot by lot basis, in accordance with Section 9-830.5M;

(11) Open Space, Recreation, and Trails Plan;

(12) Sensitive Habitats Map, showing sensitive habitats, waterways, wetlands, and riparian areas;

(13) Conceptual Site Design Plan, showing sidewalks, driveways, pathways, off-street parking, building footprints, setbacks and building coverage, landscaping, and internal circulation (for nonresidential uses), for each specific land use type; and

(14) Neighborhood Center Special Purpose Plan, if applicable, with illustrative drawings and map of the Neighborhood Center showing land use and building types (including child care centers), sidewalks, driveways, pathways, internal circulation, off-street parking, building footprints, setbacks, building coverage, landscaping, recreational uses, activity areas, and transit stops; and including related documents, specifically, the School

Facilities Plan, the Neighborhood Park Plan, and Joint Powers Agreement for joint use of school and park facilities.

(c) **Project Description.** A project description shall be submitted with the Major Subdivision Application. The project description shall provide sufficiently detailed information, as identified on the application form, to provide for comprehensive consistency findings with the Master Plan, Specific Plan, Development Title, EIR mitigations and monitoring program, and any applicable Special Purpose Plans or CSD Plans. (Ord. 4066 § 12, 2000)

9-857.4M 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, the Master Plan, any applicable Specific Plan, any applicable Special Purpose Plan, the Public Financing 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, the Master Plan, any applicable Specific Plan and any applicable Special Purpose Plan;

(c) **Type of Improvement.** 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 unavoidably 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 a public agency is consistent with the General Plan, the Master Plan, any applicable Specific Plan, any applicable 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; and

(j) **Development Agreement.** All applicable provisions of the Mountain House Development Agreement have been met.

(Ord. 3813 (part), 1994; Ord. 3974 § 11, 1998; Ord. 4066 § 13, 2000)

9-857.7M PRELIMINARY MAPS.

A Preliminary Map that is a Major Subdivision application may, at the discretion of the Director, be required to meet all or some of the requirements for tentative maps specified by the Mountain House Master Plan and the Development Title.

(Ord. 3953 § 5 (part), 1997)

9-857.8M MAJOR SUBDIVISIONS NOT WITHIN MASTER PLAN DENSITY RANGE.

A Major Subdivision Application in which the subdivision exceeds or falls below the density range for any given land use designation specified by the Mountain House Master Plan may be approved, provided the density of development for said land use designation is within the General Plan density range and the Mountain House Master Plan density range for that land use district will be maintained for the neighborhood.

(Ord. 3953 § 5 (part), 1997; Ord. 4066 § 14, 2000)

9-857.9M APPROVAL OF SPECIFIED MAJOR SUBDIVISION PLAN ATTACHMENTS.

The following attachments to a Major Subdivision Application shall be approved using the Staff Review procedure specified in Chapter 9-210 of the Development Title:

(a) Vehicle Circulation Plan and Roadway Improvement Plan;

(b) Pedestrian, Bicycle, and Transit Connections Plan;

(c) Fencing and Edge Treatment Plan;

(d) Soundwall Plan;

(e) Street Landscaping Plan;

(f) Street Lighting Plan;

(g) Second Unit Dwelling Plan; and

(h) Open Space, Recreation and Trails Plan.

The Director shall approve or deny these attachments, based upon consistency with the Master Plan, and other applicable community plans and development standards. (Ord. 4066 § 15, 2000)

9-857.10M AMENDMENT OF SECOND UNIT DWELLING PLAN.

An approved Second Unit Dwelling Plan may be

amended using the Staff Review procedure specified in Chapter 9-210 of the Development Title, provided the following conditions are met:

(a) For each second unit dwelling that is to be relocated from an original designated parcel on the Second Unit Dwelling Plan, a replacement parcel shall be designated to provide a site for said second unit dwelling;

(b) All replacement parcels noted in Subsection (a) shall be clearly indicated on the revised Second Unit Dwelling Plan; and

(c) The replacement parcels specified in Subsection (a) shall be within the same neighborhood.

(Ord. 4066 § 16, 2000)

CHAPTER 9-860M

MINOR SUBDIVISIONS

Sections:

9-860.2M	Requirements for Application.
9-860.4M	Findings.
9-860.7M	Preliminary Maps.
9-860.8M	Minor Subdivisions Not Within Master Plan Density Range.
9-860.9M	Approval of Specified Minor Subdivision Plan Attachments.
9-860.10M	Amendment of Second Unit Dwelling Plan.

9-860.2M REQUIREMENTS FOR APPLICATION.

In addition to the application requirements specified in Section 9-860.2 and Chapters 9-905 and 9-905M of the Development Title, the additional application requirements specified in Section 9-857.2M for Major Subdivision Applications shall be required for Minor Subdivision Applications.

(Ord. 4066 § 17, 2000)

9-860.4M 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, the Master Plan, any applicable Specific Plan, any applicable Special Purpose Plan, the Public Financing 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, the Master Plan, any applicable Specific Plan and any applicable Special Purpose Plan;

(c) **Type of Improvement.** 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 unavoidably 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 ac-

quired 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 a public agency is consistent with the General Plan, the Master Plan, any applicable Specific Plan, any applicable 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; and

(j) **Development Agreement.** All applicable provisions of the Mountain House Development Agreement have been met.

(Ord. 3813 (part), 1994; Ord. 3974 § 12, 1998; Ord. 4066 § 18, 2000)

9-860.7M PRELIMINARY MAPS.

A Preliminary Map that is a Minor Subdivision application may, at the discretion of the Director, be required to meet all or some of the requirements for tentative maps specified by the Mountain House Master Plan and the Development Title.

(Ord. 3953 § 6 (part), 1997)

9-860.8M MINOR SUBDIVISIONS NOT WITHIN MASTER PLAN DENSITY RANGE.

A Minor Subdivision Application in which the subdivision exceeds or falls below the density range for any given land use designation specified by the Mountain House Master Plan may be approved, provided the density of development for said land use designation is within the General Plan density range and the Mountain House Master Plan density range for that land use district will be maintained for the neighborhood.

(Ord. 3953 § 6 (part), 1997; Ord. 4066 § 19, 2000)

9-860.9M APPROVAL OF SPECIFIED MINOR SUBDIVISION PLAN ATTACHMENTS.

The following attachments to a Minor Subdivision Application shall be approved using the Staff Review procedure specified in Chapter 9-210 of the Development Title:

- (a) Vehicle Circulation Plan and Roadway Improvement Plan;
- (b) Pedestrian, Bicycle, and Transit Connections Plan;
- (c) Fencing and Edge Treatment Plan;
- (d) Soundwall Plan;
- (e) Street Landscaping Plan;

(f) Street Lighting Plan;

(g) Second Unit Dwelling Plan; and

(h) Open Space, Recreation, and Trails Plan.

The Director shall approve or deny these attachments, based upon consistency with the Master Plan, and other applicable community plans and development standards. (Ord. 4066 § 20, 2000)

9-860.10M AMENDMENT OF SECOND UNIT DWELLING PLAN.

An approved Second Unit Dwelling Plan may be amended using the Staff Review procedure specified in Chapter 9-210 of the Development Title, provided the following conditions are met:

(a) For each second unit dwelling that is to be relocated from an original designated parcel on the Second Unit Dwelling Plan, a replacement parcel shall be designated to provide a site for said second unit dwelling;

(b) All replacement parcels noted in Subsection (a) shall be clearly indicated on the revised Second Unit Dwelling Plan; and

(c) The replacement parcels specified in Subsection (a) shall be within the same neighborhood.

(Ord. 4066 § 21, 2000)

CHAPTER 9-878M

REVISIONS OF APPROVED ACTIONS

Sections:

9-878.4M Findings.

9-878.4M FINDINGS.

The following modification or amendment to the findings required for revisions of approved actions for major or minor subdivisions shall be applicable:

(a) **Major or Minor Subdivisions.** For amendments to conditions of a tentative map or a vesting tentative 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 findings of Chapter 9-857M, if a major subdivision, or to the findings of Chapter 9-860M, if a minor subdivision.
(Ord. 3813 (part), 1994)

CHAPTER 9-890M

PARCEL MAP WAIVERS

Sections:

9-890.4M Findings.

9-890.4M 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, the San Joaquin Development Title and the Mountain House Development 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 Plans.** The proposed minor subdivision conforms to the General Plan, the Master Plan, any applicable Specific Plan, any applicable Special Purpose Plan and any other plans adopted by the County;

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

(f) **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;

(g) **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;

(h) **Certificate of Compliance.** A Certificate of Compliance has been obtained, or assurances have been given by the applicant that a Certificate of Compliance will be obtained;

(i) **Facilities.** Appropriate improved public roads, adequate sanitary disposal facilities, and adequate water supplies are available; and

(j) **Development Agreement.** All applicable provisions of the Mountain House Development Agreement have been met.

(Ord. 3813 (part), 1994)

CHAPTER 9-896M

Repealed by Ord. 3939.

CHAPTER 9-905M**GENERAL PROVISIONS****Sections:**

9-905.9M	Lot Requirements.
9-905.12M	Surface and Subsurface Contamination Report.
9-905.13M	Design Guidelines.

9-905.9M LOT REQUIREMENTS.

The following shall amend the provisions concerning Section 9-905 lot requirements of the Development Title:

(a) **Angle of Lot Side Line.** Lot or parcel side lines shall be approximately normal to the street right-of-way lines to the extent practical.

(Ord. 4276 § 17, 2005)

9-905.12M SURFACE AND SUBSURFACE CONTAMINATION REPORT.

In addition to the provisions concerning the Surface and Subsurface Contamination Report specified in the Development Title, the following provisions shall be applicable:

(a) **Site Assessment.** The Surface and Subsurface Contamination Report shall include a site assessment prepared in accordance with ASTM standards to assess the presence of any fuel, pesticide, herbicide or chemical residue on or under the soil that is listed on the State or Federal list of toxic materials.

(1) A component of the required site assessment shall be an investigation of the location and condition of currently used and abandoned water wells and gas wells.

(2) If the Surface and Subsurface Contamination Report indicates the presence of residues in excess of allowable limits within the affected area, corrective actions shall be undertaken, as recommended in the report and concurred with by the County. Said corrective actions shall be conducted in accordance with the requirements of the County and the applicable State agency.

(3) Corrective actions shall be completed prior to approval of the final map or parcel map.

(Ord. 3813 (part), 1994; Ord. 3953 § 7, 1997)

9-905.13M DESIGN GUIDELINES.

Design Guidelines with development standards shall be submitted for review by the Community Development Department Director and Mountain House Design Consistency Review Committee. Said Design Guidelines shall be found by the Community Development Director to be consistent with the Mountain House Master Plan, Mountain House

CSD Design Manual and other applicable, adopted community plans prior to approval of the final map or parcel map. Design Guidelines shall not be required for preliminary maps.

(Ord. 3813 (part), 1994; Ord. 4066 § 22, 2000)

CHAPTER 9-1015M

PARKING AND LOADING

Sections:

9-1015.3M	Required Parking Spaces.
9-1015.5M	Design of Parking Areas.
9-1015.6M	Truck Parking and Loading.
9-1015.7M	Bicycle Parking.
9-1015.9M	Modification of Requirements.

Tables:

9-1015.3M	Minimum and Maximum Parking Requirements.
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9-1015.3M REQUIRED PARKING SPACES.

The following provisions shall replace the requirements specified in the Development Title concerning required parking spaces:

(a) **Applicability.** All development in the Mountain House New Town shall conform to the parking requirements specified in Table 9-1015.3M.

(b) **Requirements Cumulative.**

(1) Whenever more than one (1) use type is proposed for a given project, the parking spaces calculated for each use type shall be summed to determine total minimum and maximum spaces needed for said project.

(2) Where more than one (1) parking requirement is specified for a given use type, the parking spaces calculated and corresponding to each requirement shall be summed to determine total minimum and maximum spaces for that use type.

(c) **Spaces Based on Square Footage.** The square footage requirements used in Table 9-1015.3M to calculate parking spaces refer to the total enclosed areas of all buildings on the lot, but excludes the area of spaces having a height of less than seven (7) feet and the area used exclusively for parking and loading.

(d) **Spaces Based on Employees.** The employee requirements used in Table 9-1015.3M to calculate parking spaces refer to the maximum number of employees who could be working at one time when the facility is operating at full capacity.

(e) **Spaces Required When Use Type Not Specified.** Whenever the use type for a proposed project is not specified or is unknown, the Director shall determine which use type parking standard to apply in calculating the required parking spaces for said project.

(Ord. 3813 (part), 1994)

9-1015.5M DESIGN OF PARKING AREAS.

The design of off-street parking facilities shall be as provided in the Development Title, with the following modifications:

(a) **Parking Lot Design.** Parking lot design and dimensions shall be in accordance with the Mountain House Design Manual.

(b) **Parking Space Size.** The Director may approve a reduction in standard parking stall dimensions for all parking spaces to serve both full-sized and compact cars. Said parking stalls shall not be less than eight and one-half (8½) feet by eighteen (18) feet.

(c) **Compact Spaces.** If parking stalls are not designed to accommodate both full-sized and compact cars, as specified in (b), compact spaces shall comprise a minimum of twenty-five percent (25%) of the total parking spaces required.

(d) **Parking Spaces for Carpools.** In areas zoned for Public, Office Commercial (C-O) or Industrial uses, a minimum of ten percent (10%) of all parking areas with more than ten (10) spaces shall be allocated to carpool vehicles and cleaner fuel vehicles. Said spaces shall be located close to building entrances.

(e) **Passenger Loading Areas for Rideshare Vehicles.** In areas zoned for Public, Office Commercial (C-O) or Industrial uses, passenger-loading areas for ridesharing vehicles shall be located near the main employee entrances to buildings.

(1) For every two hundred (200) parking spaces provided, one (1) ridesharing vehicle space, measuring nine (9) feet by twenty (20) feet, shall be provided.

(2) The area set aside for the ridesharing vehicle shall be covered and signed.

(3) Carpool vehicles may use the ridesharing vehicle space, but said use shall be limited to passenger drop-off and pickup only.

(f) **Lighting.** All off-street parking areas within commercially-zoned projects, and projects where the parking area is used at night, shall be provided with exterior lighting which meets the following minimum standards:

(1) Parking lot luminaries shall be metal halide with ninety (90) degree cut-off and flat lenses, unless specified differently in the applicable Mountain House Design Manual.

(g) **Access.** Access to parking areas shall be provided as follows:

(1) Access driveways shall have a width of no less than twenty-four (24) feet for two-way aisles and sixteen (16) feet for one-way aisles, except that in no case shall driveways designated as fire department access be less than twenty (20) feet wide.

(Ord. 3813 (part), 1994; Ord. 3953 § 8, 1997; Ord. 4242 §§ 9, 10, 2005)

9-1015.6M TRUCK PARKING AND LOADING.

The requirements for truck parking and loading shall be as provided in the Development Title, with the following modification:

Areas for receiving and loading of materials on the premises of commercial and industrial uses shall be located away from the public street to which the use is oriented.

(Ord. 3813 (part), 1994)

9-1015.7M BICYCLE PARKING.

The following provisions shall replace the section in the Development Title concerning bicycle parking:

(a) Each industrial and commercial site shall provide secure bicycle facilities, consisting of bicycle lockers or racks as appropriate, free of charge to all employees.

(b) Bicycle storage for commercial, industrial, office and public uses shall be provided at a rate of five (5) spaces per building complex plus one (1) space for every fifteen (15) automobile parking spaces.

(c) Office buildings or office complexes that are fifty thousand (50,000) net rentable square feet or larger or that contain one hundred (100) or more employees shall provide at least one (1) shower and seven (7) lockers each for men and women. For every fifteen (15) additional employees over one hundred (100), one (1) additional locker shall be provided. For every one hundred (100) additional employees over one hundred (100) one (1) additional shower shall be provided.

(d) Secure bicycle storage facilities shall be provided at all park-and-ride lots and the Transit Center.

(Ord. 3813 (part), 1994; Ord. 3953 § 9, 1997)

9-1015.9M MODIFICATION OF REQUIREMENTS.

In addition to the provisions specified in the Development Title, the following additional provision relative to the modification of parking requirements shall be applicable:

(a) **Mixed-Use District.** Within the Mixed-Use Zone, the most recent shared parking guidelines published by the Urban Land Institute may be used as an option to Table 9-1015.3M to reduce total parking supply.

(b) **Reduction in Specified Minimums.** Up to twenty-five percent (25%) reduction in specified minimums for required parking spaces may be approved by the Director.

(c) **Increase in Specified Maximums.** Up to ten percent (10%) increase in specified maximums for required parking may be approved by the Planning Commission.

(d) **Deferred Parking.** Where the expected need for off-site parking is uncertain, where future phases of a project are yet to be completed, or where there is no available data to establish parking space need, the Director may authorize that construction and provision of not more than fifty percent (50%) of the minimum required spaces specified by this Chapter be deferred, provided the following conditions are met:

(1) The area where the deferred parking spaces are to be located shall be maintained in reserve and clearly identified on the Site Plan.

(2) The area where the deferred parking spaces are to be located shall be landscaped, but said landscaping shall not prevent the ultimate provision of the parking spaces which have been deferred.

(Ord. 3813 (part), 1994; Ord. 3953 § 10, 1997)

TABLE 9-1015.3M
MINIMUM AND MAXIMUM PARKING REQUIREMENTS

Use Type or Use	Spaces Required Minimum	Spaces Required Maximum	Unit of Measurement
Residential			
Family Residential			
Single-family	2.0	na	per dwelling unit
Two-family	2.0	na	per dwelling unit
Small multifamily	1.5	2.0	per dwelling unit
Large multifamily	1.5	2.0	per dwelling unit
Farm Labor Camp	0.25	0.33	per bed
Group Care	0.25	0.33	per bed
Group Residential	0.25	0.33	per bed
Second Unit Dwelling	1.0	na	per dwelling unit
Shelters	0.25	0.33	per bed
Nonresidential			
Administrative Offices	2.5	4.5	per 1000 sq. ft.
Administrative Support Services	2.5	4.5	per 1000 sq. ft.
Agricultural Organizations	2.5	4.5	per 1000 sq. ft.
Agricultural Processing	0.67	2.5	per 1000 sq. ft.
Agricultural Warehousing	0.67	2.5	per 1000 sq. ft.
Automotive Services	0.67	2.5	per 1000 sq. ft.
Community Assembly	0.25	0.33	per seat
Construction Services	0.67	2.5	per 1000 sq. ft.
Custom Manufacturing	0.67	2.5	per 1000 sq. ft.
Eating Establishments			
Convenience	4.0	8.0	per 1000 sq. ft.
Full Service	8.0	12.0	per 1000 sq. ft.
Educational Services			
Commercial	3.0	4.0	per 1000 sq. ft.
General (elementary and middle schools)	0.9	1.0	per employee
General (high schools and colleges)	0.2	0.25	per student
Equipment Sales and Repair	0.67	2.5	per 1000 sq. ft.
Explosives Handling	0.67	2.5	per 1000 sq. ft.
Funeral and Interment Services			
Undertaking	0.25	0.33	per seat
General Industrial	0.67	2.5	per 1000 sq. ft.

TABLE 9-1015.3M: MINIMUM AND MAXIMUM PARKING REQUIREMENTS			
Use Type or Use	Spaces Required		Unit of Measurement
	Minimum	Maximum	
High Technology Industry	2.5	4.5	per 1000 sq. ft.
Laundry Services	0.67	2.5	per 1000 sq. ft.
Liquor Sales			
Off-premises	3.5	4.5	per 1000 sq. ft.
On-premises, general	8.0	12.0	per 1000 sq. ft.
On-premises, limited	4.0	8.0	per 1000 sq. ft.
Lodging Services	0.75	1.0	per room
Medical Services	4.0	5.0	per 1000 sq. ft.
Professional Services	2.5	4.5	per 1000 sq. ft.
Public Services			
Administrative	2.5	4.5	per 1000 sq. ft.
Essential (hospitals only)	.5	1.0	per bed
Essential (other)	4.0	4.5	per 1000 sq. ft.
Recreation			
Indoor spectator	0.25	0.33	per seat
Religious Assembly	0.25	0.33	per seat
Research and Laboratory Services	2.5	4.5	per 1000 sq. ft.
Retail Sales and Services			
Primary	3.0	4.5	per 1000 sq. ft.
Intermediate	3.5	4.5	per 1000 sq. ft.
General	3.5	4.5	per 1000 sq. ft.
Truck Services	0.67	2.5	per 1000 sq. ft.
Wholesaling and Distribution	0.67	2.5	per 1000 sq. ft.
Other Use Types — As specified in Tables 9-1015(a) and 9-1015(b) of the Development Title			

(Ord. 3813 (part), 1994; Ord. 4066 § 24, 2000)

CHAPTER 9-1020M

LANDSCAPING REGULATIONS

Sections:

9-1020.3M	Landscaping Standards.
9-1020.4M	Street Trees.
9-1020.5M	Requirements for Parking Areas.

9-1020.3M LANDSCAPING STANDARDS.

The following regulations concerning landscaping standards shall supplement those specified in the Development Title:

(a) **Irrigation.** All landscaped areas shall be irrigated with automatic irrigation systems. Low volume spray heads and drip irrigation systems shall be used, and systems shall be compatible with any reclaimed water systems.

(b) **Timing of Installation.** All required landscaping and irrigation shall be installed prior to the issuance of the Certificate of Occupancy or final inspection, unless a delay is granted by the Director.

(c) **Plant Selection.** Plant selection for non-residential development shall be in accordance with the plant list maintained by the Mountain House Community Services District.

(Ord. 3974 § 14 (part), 1998)

9-1020.4M STREET TREES.

The following regulations concerning the planting of trees along streets shall supplement or amend, as appropriate, those specified in the Development Title:

(a) **Developer Responsibility.** Developers shall be responsible for the landscaping of local streets and those collector streets that are not in the Public Land Equity Program, in accordance with the Master Plan, the Specific Plan and the Mountain House CSD Design Manual.

(b) **Requirements in Industrial and Commercial Areas.** In industrial and commercial areas, along collector streets, two (2) rows of large canopy shade trees shall be planted on each side of the roadway, flanking the sidewalks.

(1) Said trees shall be spaced an average of thirty (30) feet or less on center and shall be placed no closer than eight (8) feet to street light standards.

(2) One (1) row of trees shall be planted within the parkway strip and one (1) row shall be planted within the front or side yard, five (5) feet from the edge of the sidewalk.

(3) The Director may modify the requirement for plantings in the front or side yard to permit clustering

of planting, or the Director may eliminate the requirement for plantings in commercial areas where the structures have minimal setbacks.

(c) **Tree List.** Tree selection shall be in accordance with the tree list maintained by the Mountain House Community Services District.

(Ord. 3974 § 14 (part), 1998)

9-1020.5M REQUIREMENTS FOR PARKING AREAS.

The following regulations concerning landscaping requirements for parking areas shall supplement or amend, as appropriate, those specified in the Development Title:

(a) Parking lots shall be surrounded by hedges, shrubs and/or berms to mitigate the visual impacts on adjacent streets or uses. Hedges and shrubs shall be mature. The height of hedges or shrubs shall be maintained to provide visibility for safety.

(b) Planting islands within parking areas shall be adequately sized to allow parking lot trees and shrubs to thrive, and to allow adequate clearance for car doors, bumper overhangs and visibility.

(Ord. 3974 § 14 (part), 1998)

CHAPTER 9-1022M**FENCING AND SCREENING****Sections:**

9-1022.2M	General Standards.
9-1022.4M	Screening Standards.

9-1022.2M GENERAL STANDARDS.

(a) **Height Limits in Required Yards.** Unless otherwise specified, fencing and screening shall not exceed the height limits in required yards specified below:

(1) In any required front or street side yards, fencing and screening shall not exceed three (3) feet in height.

(2) In any required rear or nonstreet side yard, fencing and screening shall not exceed seven (7) feet in height.

(b) **Height Measurements.** Unless otherwise specified, heights of fences and screens shall be measured as follows:

(1) Prescribed heights shall be measured above the actual adjoining level of finished grade.

(2) When there is a difference in the ground level between two (2) adjoining lots, the height of any fence or screen installed or constructed along any property line shall be determined by using the higher elevation.

(3) Where a fence is located along an arterial street or a collector street or along a streetside side yard, the height of the fence shall be determined by measurement from the adjoining level of finished grade at the lowest side of said fence.

(4) Any baffle, louver, or wind deflector incorporated into a fence or wall construction shall be included within the measurement of its total height.

(Ord. 4242 § 11, 2005)

9-1022.4M SCREENING STANDARDS.

The following regulations concerning screening standards shall supplement those specified in the Development Title:

(a) **Screening in Community Commercial Zones.** Service, mechanical, trash storage and loading areas in areas zoned Community Commercial (C-C) shall be located away from public streets or use areas, and screened from view to the extent feasible.

(b) **Screening in Residential Areas.** Trash receptacles for single-family residential dwellings shall be screened by enclosures or landscaping and concealed from view. Trash receptacles for multiple-family dwellings shall be fully enclosed, and screened from view.

(1) Enclosures shall be compatible with the building architecture and shall be constructed of masonry or other permanent materials.

(2) Gates shall be of solid construction, and entirely block the view of the trash receptacle.

(3) All enclosures shall be landscaped with a combination of trees, shrubs and/or vines.

(Ord. 3974 § 15, 1998)

CHAPTER 9-1025M

PERFORMANCE STANDARDS

Sections:

- 9-1025.6M** **Light and Glare.**
9-1025.9M **Noise.**

Tables:

- 9-1025.9M** **Exterior Nontransportation
Noise Level Standards.**

9-1025.6M **LIGHT AND GLARE.**

The regulations concerning light and glare shall be as specified in the development title with the following modifications:

(a) **Shielding or Recessing.** Exterior lighting shall be shielded or recessed to minimize direct glare and reflections.

(b) **Prohibitions.** Lighting of unusually high intensity or brightness is prohibited.
(Ord. 3813 (part), 1994)

9-1025.9M **NOISE.**

The regulations concerning noise shall be as specified in the development title with the following modifications:

(a) **Standards for Commercial and Industrial Uses.** For new commercial uses, industrial uses or utilities, the exterior, non-transportation noise level performance standards specified in Table 9-1025.9M shall be applicable.

(b) **Standards for Residential Uses.**

(1) New residential development shall not be allowed where noise levels due to stationary noise sources would exceed the exterior noise level standards set forth in Table 9-1025.9M.

(2) Noise levels from mobile noise sources in primary outdoor use areas of new residential development shall not exceed an Ldn of sixty (60) dB unless the project design includes mitigation measures to reduce noise in outdoor activity areas to sixty (60) dB, or as reasonably close to sixty (60) dB as is possible. Where it is not possible to reduce noise in outdoor activity areas to an Ldn of sixty (60) dB or less, an exterior noise level of up to, but not exceeding, an Ldn of sixty-five (65) dB may be allowed by the Review Authority.

(3) Exterior noise levels shall not create an interior noise level exceeding forty-five (45) dB.

(4) Noise studies for specific residential projects proposed in areas with noise levels from mobile sources above Ldn sixty (60) dB shall address how noise

levels in outdoor areas could be maintained at or below an Ldn of sixty-five (65) dB.

(c) **Standards for Other Specified Uses.**

(1) Noise-sensitive land uses other than residential uses shall not be allowed where noise levels due to stationary noise sources would exceed the exterior noise level standards set forth in Table 1025.9M.

(2) On school sites and other noise-sensitive land uses, any outdoor instructional areas or areas which require speech audibility shall be located outside the sixty (60) dB Ldn noise contour from mobile sources or shielded from mobile noise in excess of sixty (60) dB Ldn.

(3) Exterior noise levels shall not create an interior noise level exceeding forty-five (45) dB.

(4) Noise studies prepared for noise-sensitive land uses shall address how noise levels in outdoor areas from mobile sources shall be maintained at or below an Ldn of sixty (60) dB.

(d) **Noise-Attenuation Measures.** In addition to the noise-attenuation measures specified in the development title, the following additional measures shall be applicable:

(1) Until such time as residential, school or other noise-sensitive development is proposed within one thousand (1000) feet of the railroad tracks in Mountain House, or until such time as rail use is initiated within the community, noise mitigation shall be limited to a sound wall along the tracks between the proposed transit station and Marina Boulevard.

(2) Residential development shall be set back from the centerline of I-205 a sufficient distance to satisfy Master Plan noise policies after the inclusion of sound mitigation improvements such as berms and soundwalls.
(Ord. 3813 (part), 1994; Ord. 3939 § 4, 1997)

TABLE 9-1025.9M: EXTERIOR NONTRANSPORTATION NOISE LEVEL STANDARDS		
Noise Level Descriptor	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
Hourly Leq	55 dB	50 dB
Note: Each of the above noise levels may be lowered by five (5) dB for simple tone noises or for noises consisting primarily of speech or music.		

(Ord. 3813 (part), 1994)

Chapter 9-1053M

HISTORIC RESOURCE PRESERVATION

Sections:

- 9-1053.8M Subsurface Features.**
9-1053.9M Buried Prehistoric Resources.

9-1053.8M SUBSURFACE FEATURES.

If, during the course of construction, including any grading activity associated with said construction, subsurface archaeological features are uncovered anywhere within the project site, work shall be immediately halted in the vicinity of the finding and a qualified archaeologist consulted for an on-site evaluation.

(Ord. 3953 § 11 (part), 1997)

9-1053.9M BURIED PREHISTORIC RESOURCES.

If artifacts or evidence of materials such as bone, shell or nonnative stone are uncovered during construction activities, work shall immediately be halted in the vicinity of the finding and a qualified archaeologist consulted for an on-site evaluation. Said evaluation may entail archaeological test excavation and/or mitigative data recovery.

(Ord. 3953 § 11 (part), 1997)

CHAPTER 9-1100M

INFRASTRUCTURE STANDARDS INTENT AND ORGANIZATION

Sections:

- 9-1100.4M Service by an Existing Agency.**

9-1100.4M SERVICE BY AN EXISTING AGENCY.

Prior to the submittal of an application for a Development Permit, the following requirements shall be met:

(a) Unless otherwise specified, land that is subject of the Development Permit shall have been approved by the San Joaquin County Local Agency Formation Commission (LAFCO) for annexation into the Mountain House Community Services District (MHCS D), if said land is not currently within the boundaries of the MHCS D. Any required annexation shall be completed prior to establishment of the use, issuance of a building permit for said use, or recording of the map for said use, whichever occurs first.

(1) Land improved with existing structures shall not be obligated to annex to the MHCS D unless the owner(s) of said land elects to annex to the MHCS D to obtain MHCS D provided services.

(2) Land that is the subject of a Preliminary Map application shall not be required to annex to the MHCS D.

(3) Land zoned Agriculture-Urban Reserve may or may not be required to annex to the MHCS D, at the discretion of the MHCS D.

(b) Unless otherwise specified, a Will Serve Letter shall be obtained from the MHCS D indicating that the MHCS D can and will provide the services required under the Master Plan and appropriate Specific Plan. A Will Serve Letter shall not be required for Preliminary Map applications or for Development Permit applications on land zoned Agriculture-Urban Reserve.

(Ord. 3813 (part), 1994; Ord. 3953 § 12, 1997)

CHAPTER 9-1120M**WATER SYSTEMS****Sections:****9-1120.2M General Requirements.****9-1120.2M GENERAL REQUIREMENTS.**

The general requirements for water systems shall be as specified in the Development Title, with the following modifications:

(a) **Annexation to BBID.** Prior to map recordation, annexation to Byron Bethany Irrigation District (BBID) shall be required for any area outside the boundaries of BBID that will require delivery of BBID water for urban use. Annexation into BBID shall be completed prior to the required annexation of the subject land to the Mountain House Community Services District (CSD).

(b) **BBID Agreement with CSD.** Prior to map recordation, for a major or minor subdivision that proposes the use of riparian or other water sources, an agreement between BBID and the CSD shall be executed. Said agreement shall indicate that the parties have agreed to the terms under which BBID will wheel riparian water through their pumping and conveyance facilities to the Mountain House Community.

(c) **Annexation to CSD Prior to BBID Water Delivery.** All lands requiring urban BBID water must be annexed to the CSD before any BBID water can be delivered.

(Ord. 3813 (part), 1994)

CHAPTER 9-1150M**ROADWAYS****Sections:**

9-1150.3M	Roadway Functional Classification.
9-1150.7M	Alleys.
9-1150.8M	Bikeways.
9-1150.9M	Pedestrian Paths.
9-1150.19M	Deceleration/Turning Lanes.
9-1150.20M	Rail Crossings.

9-1150.3M ROADWAY FUNCTIONAL CLASSIFICATION.

The roadway functional classifications and characteristics shall be as provided in the Development Title, with the following modifications:

(a) Major Arterials.

(1) Major arterials shall have a minimum right-of-way width of ninety-eight (98) feet and a maximum right-of-way width of one hundred fifty-two (152) feet.

(2) Excluding pre-existing residential areas within the Mountain House New Town, access to residential lots from major arterials shall be prohibited.

(3) On-street parking shall be prohibited.

(4) Major arterials shall be planned to accommodate approximately thirty-five thousand (35,000) to forty-five thousand (45,000) vehicles per day.

(b) Minor Arterials.

(1) Except for Main Street, minor arterials shall have a minimum right-of-way width of one hundred four (104) feet and a maximum right-of-way width of one hundred thirty-four (134) feet. Main Street, from De Anza Boulevard to Central Parkway and at Village Green, shall have a maximum right-of-way width of two hundred fifty-eight (258) feet.

(2) Access to residential lots fronting on Central Parkway shall be from local streets, common driveways, or alleys.

(3) On-street parking shall be prohibited, except for Main Street within the Town Center area.

(4) Minor arterials shall be planned to accommodate approximately twenty-five thousand (25,000) vehicles per day.

(c) Collectors.**(1) Residential Collectors.**

(A) A residential collector shall have a minimum right-of-way width of sixty-two (62) feet.

(B) Access to adjacent lots from residential collectors is permitted.

(C) On-street parking on both sides of a residential collector shall be allowed.

(D) Residential collectors shall be planned to accommodate approximately seven thousand (7,000) vehicles per day.

(2) **Commercial/Industrial Collectors.**

(A) Commercial/industrial collectors shall have a minimum right-of-way width of sixty-four (64) feet and a maximum right-of-way width of eighty-four (84) feet.

(B) On-street parking shall be limited to automobile and light truck use only.

(C) Commercial/industrial collectors shall be planned to accommodate between seven thousand (7,000) and ten thousand (10,000) vehicles per day.

(d) **Local Residential Roads.**

(1) **Local Residential Type I Roads.**

(A) Local residential Type I roads shall have a minimum right-of-way width of forty-five (45) feet and a maximum right-of-way width of fifty (50) feet.

(B) Local residential Type I roads shall be planned to accommodate approximately three hundred (300) vehicles per day.

(C) On-street parking may be allowed on one (1) or both side(s) of the street as determined by the CSD.

(2) **Local Residential Type II Roads.**

(A) Local residential Type II roads shall have a minimum right-of-way width of forty-nine (49) feet and a maximum right-of-way width of fifty-four (54) feet.

(B) Local residential Type II roads shall be planned to accommodate approximately six hundred (600) vehicles per day.

(C) On-street parking on both sides of the street shall be allowed.

(3) **Local Residential Type III Roads.**

(A) Local residential Type III roads shall have a minimum right-of-way width of fifty-three (53) feet and a maximum right-of-way width of fifty-eight (58) feet.

(B) Local residential Type III roads shall be planned to accommodate approximately one thousand five hundred (1,500) vehicles per day.

(C) On-street parking on both sides of the street shall be allowed.

(e) **Local Commercial and Industrial Roads.**

(1) Local commercial and industrial roads shall have a minimum right-of-way width of sixty (60) feet and a maximum right-of-way width of eighty-four (84) feet.

(2) On-street parking shall be limited to automobile and light truck use only and shall be prohibited near intersections and driveways.

(f) **Conformance with Roadway Section.** All roadways shall conform to the applicable roadway section specified in the Master Plan.

(Ord. 3813 (part), 1994; Ord. 4066 § 25, 2000)

9-1150.7M ALLEYS.

Alleys serving individual or group residential units may be permitted.

(a) Alleys shall be designed, constructed and maintained in accordance with the standards developed for Mountain House and approved by the County.

(b) All alleys shall be designed to meet or exceed the minimum standards for pavement design, drainage and lighting appropriate for the type of development being served.

(Ord. 3813 (part), 1994)

9-1150.8M BIKEWAYS.

(a) **Conformance with Bicycle Path Section.** Bikeways, including Class I paths, Class II lanes, and Class III routes, shall conform to the applicable bicycle path cross-section specified in the Master Plan.

(b) **Timing.** All bikeways shall be constructed concurrent with the roadway.

(1) All bikeways shall be part of the roadway development/design when said bikeways are within the road right-of-way.

(2) All multipurpose Class I paths shall have curb ramps and crosswalk striping for crossing streets.

(3) Where bikeways intersect signalized roadways, the traffic signals at such locations shall include equipment to permit cyclist actuation.

(c) **Required Dedication.** A developer may be required to dedicate land for bicycle paths for use by the residents of a subdivision in accordance with Section 66475.1 of the Subdivision Map Act.

(Ord. 3813 (part), 1994; Ord. 3939 § 5, 1997)

9-1150.9M PEDESTRIAN PATHS.

(a) **Conformance with Pedestrian Path Section.** Pedestrian paths, consisting of multiuse paths and walks, shall conform to applicable pedestrian walk/path cross-section specified in the Master Plan.

(b) **Multi-use Paths.**

(1) Excluding the Old River multi-use path, multi-use paths shall be at least eight (8) feet in width, except it shall be ten (10) feet in width where constructed on only one side of the road where no Class II bike lanes

are planned. The Old River multi-use path shall be at least twelve (12) feet in width.

(2) Multi-use paths may be constructed of decomposed granite, asphalt or concrete.

(c) **Walks.**

(1) Walks along collector streets shall be a minimum of five (5) feet in width, except where adjacent to rolled curbs where they shall be a minimum of six (6) feet in width, excluding the curb. Walks along local streets shall be a minimum of four (4) feet in width.

(2) Commercial and industrial collector streets shall have walks on at least one (1) side of the street, and on both sides of the street where the street supports commercial frontage.

(3) Unless otherwise specified, residential collector and local streets shall have a walk on each side of the street. Cul-de-sacs that are five hundred (500) feet or shorter in length may have walks on one (1) side of the street. Where special conditions apply, walks may be permitted on one (1) side of the street.

(d) **Pedestrian Crossings.** At each signalized intersection where pedestrians are expected to cross, pedestrian-actuated traffic signals shall be provided.

(Ord. 3813 (part), 1994; Ord. 3974 § 16, 1998; Ord. 4066 § 26, 2000)

**9-1150.19M DECELERATION/TURNING
LANES.**

Deceleration or turning lanes shall be required along existing and proposed streets, as determined by a traffic study.

(Ord. 3813 (part), 1994)

9-1150.20M RAIL CROSSINGS.

The following provisions concerning rail crossings at public roadways shall be applicable to the Mountain House New Town:

(a) All at-grade rail crossings shall include a pull-out lane for specially designated vehicles that are required to stop at crossings.

(b) All at-grade rail crossings shall include crossing gates, flashing lights and available signals.

(Ord. 3813 (part), 1994)

CHAPTER 9-1230M

**LOCAL PARK AND RECREATION FACILITIES
FINANCING**

Sections:

9-1230.1M General.

9-1230.1M GENERAL.

Chapter 9-1230 in the development title, concerning local park and recreation facilities financing, is not applicable to the Mountain House New Town. Financing requirements for local parks and recreation facilities are included in Chapter 9-1245M, Public Land Equity Program, of this Mountain House Development Title (to be written).

(Ord. 3813 (part), 1994)

CHAPTER 9-1240M**LAND RESERVATION FOR PUBLIC UTILITIES****Sections:****9-1240.1M General.****9-1240.1M GENERAL.**

Chapter 9-1240 in the development title, concerning land reservation for public facilities, shall not be applicable to the Mountain House New Town. Land reservation for public facilities is included in Chapter 9-1245M, Public Land Equity Program, of this Mountain House Development Title (to be written).

(Ord. 3813 (part), 1994)

CHAPTER 9-1245M**PUBLIC LAND EQUITY PROGRAM****Sections:**

9-1245.1M	Intent.
9-1245.2M	Findings.
9-1245.3M	Public Land Percentage.
9-1245.4M	Determinations for Discretionary Permit Application.
9-1245.5M	General Requirements for Development.
9-1245.6M	Special Development Regulations.
9-1245.7M	Early Dedication of Land by Landowner.
9-1245.8M	Selection of Compensation Option by Landowner.
9-1245.9M	Requirements for Land Dedication and Transfers.
9-1245.10M	Land Voucher Regulations.
9-1245.11M	Mountain House Public Land Acquisition Fund.
9-1245.12M	Annual Report.
9-1245.13M	Use of Surplus Private Lands or Funds.
9-1245.14M	Inapplicability.

9-1245.1M INTENT.

Development within the Mountain House Community will necessitate the acquisition of Public Land for public facilities and improvements. The Mountain House Public Land Equity Program was conceived to ensure that lands required for public purposes are available to public agencies in a timely and cost-effective manner, that Landowners who wish to develop land within the Community share equitably in the provision of Public Lands, that Landowners receive fair compensation for the land which they provide for public purposes in excess of their proportional share requirement, and that wide swings in Public Land values over time and across locations are minimized or avoided. In accordance with these objectives, it is the intent of this Chapter to establish the procedures, requirements and other measures necessary to implement the Mountain House Public Land Equity Program.

(Ord. 3951 § 3 (part), 1997)

9-1245.2M FINDINGS.

In implementing the Public Land Equity Program by means of this Chapter, the Board of Supervisors finds as follows:

(a) Following extensive planning, environmental impact analysis, and public review, the Board of Supervisors adopted the Mountain House Master Plan as an implementing measure of the San Joaquin County General Plan. The Master Plan sets forth a comprehensive plan for the Mountain House Community.

(b) The Master Plan includes a Land Use Plan which designates and will guide the location and amount of land for various uses including residential, commercial, industrial, institutional, and recreational land uses. The Master Plan also shows the general location and size of major public facilities required to serve the Mountain House Community including arterial roads, community parks and open spaces, drainage ways, schools, and other public buildings and facilities. As a result, Mountain House will be a well-planned community with each land use dependent on the other land uses, balanced and timed to correspond with the orderly construction of the public facilities.

(c) The adoption of this Chapter is necessary to implement the Mountain House Public Financing Plan, which was previously approved by the Board of Supervisors.

(d) The type, scale and location of land uses and the type, size and location of public facilities shown in the Mountain House Master Plan is the result of the extensive planning and environmental mitigation, as reflected in the Mountain House Master Plan Environmental Impact Report. These public facilities are required to meet Federal, State, and local statutes, ordinances, and regulations.

(e) The public facilities planned for the Mountain House Community are part of an integrated infrastructure and service system essential to assure the public health, safety and welfare of all Landowners, residents, businesses, and employees within the Mountain House Community.

(f) A substantial portion of land is required upon which to build public facilities required by the Mountain House Master Plan. The amount and locations of these lands are entirely based upon the need for public facilities for the Mountain House Community with respect to other planned land uses, without regard for parcel or ownership patterns within the Mountain House Community.

(g) In order to assure equity in the distribution of costs associated with the provision of land for public facilities, it is necessary to create and implement a mechanism for equalizing the differential amounts of land required for public uses from each parcel or ownership located within the Mountain House Community.
(Ord. 3951 § 3 (part), 1997)

9-1245.3M PUBLIC LAND PERCENTAGE.

The Public Land Percentage for the Public Land Equity Program is twenty-one and two-tenths percent (21.2%), as calculated in the Public Land Equity Program Technical Report. Said Public Land Percentage shall remain fixed for the life of the Public Land Equity Program and shall be used to determine the Public Land Acreage Requirement for each parcel in the Mountain House Community.

(Ord. 3951 § 3 (part), 1997)

9-1245.4M DETERMINATIONS FOR DISCRETIONARY PERMIT APPLICATION.

Upon submission of a discretionary Development Permit application to develop a parcel in the Mountain House Community, the County shall do the following:

(a) Determine whether the amount and location of Public Lands on the subject parcel are consistent with the Mountain House Master Plan, a Specific Plan, or a Special Purpose Plan and acceptable to the public agency(s) that is(are) to receive said lands.

(b) Determine the Public Land Acreage Requirement for the subject parcel.

(c) Determine whether the subject parcel has a Public Land Deficit or a Public Land Surplus.

(Ord. 3951 § 3 (part), 1997)

9-1245.5M GENERAL REQUIREMENTS FOR DEVELOPMENT.

(a) **Parcels Subject to Chapter.** All parcels within the Mountain House Community for which a discretionary Development Permit application has been made, or, at the discretion of the County, for which a Preliminary Map application has been made, shall be subject to the provisions of this Chapter, unless said parcel has previously fully met the requirements of this Chapter.

(b) **Dedication of Public Land.** As a condition of final approval for a discretionary Development Permit application for a parcel in the Mountain House Community, a Landowner shall dedicate any Public Land on said parcel, including Public Land Surplus lands, to the Applicable Public Agency.

(c) **Fulfillment of Public Land Acreage Requirement.** As a condition of final approval for a discretionary Development Permit application for a parcel in the Mountain House Community, a Landowner shall meet the Public Land Acreage Requirement for said parcel. If the parcel has a Public Land Deficit, the Landowner shall correct such Public Land Deficit by:

(1) Dedicating Public Land which is not on the subject parcel but which is within the Mountain House

Community to the Applicable Public Agency, sufficient in acreage to meet said Public Land Deficit; and/or

(2) Transferring fee title ownership of Private Land which is not needed for public facilities or services but which is within the Mountain House Community to the Mountain House Community Services District (hereinafter referred to as the MHCSO), sufficient in acreage to meet said Public Land Deficit; and/or

(3) Submitting land vouchers to the MHCSO, sufficient in acreage to meet said Public Land Deficit; and or

(4) Using any combination of the actions specified in (c)(1) through (c)(3).

(Ord. 3951 § 3 (part), 1997)

9-1245.6M SPECIAL DEVELOPMENT REGULATIONS.

In addition to the provisions of Section 9-1245.5M, the following Special Development Regulations shall be applicable for the development of property in the Mountain House Community.

(a) **Irrevocable Offers of Dedication.** If required by an Applicable Public Agency, a Landowner shall execute an irrevocable offer of dedication with respect to Public Land.

(1) The MHCSO shall acknowledge that the irrevocable offer of dedication satisfies on an acre-per-acre basis the Public Land Acreage Requirement on the subject parcel by noting said fact either on the irrevocable offer of dedication or on a separate instrument which is to be recorded.

(2) The MHCSO shall issue a Land Voucher to the Landowner equivalent in acreage to the acreage specified in the irrevocable offer of dedication, if agreed to by the Landowner and if an application for a discretionary Development Permit has not been submitted for the subject parcel.

(b) **Special Calculation of Public Land Acreage Requirement.** In instances in which fee title ownership of Public Land on a parcel within the Mountain House Community has been acquired from a Landowner for cash payment prior to the submission of a discretionary Development Permit application on said parcel, the following special regulations shall be applicable concerning the Public Land Acreage Requirement of the resulting parcel:

(1) The Public Land Acreage Requirement of the resulting parcel shall be calculated by multiplying the sum of the gross acreage of the resulting parcel and the Public Land acquired from the Landowner by the Public Land Percentage.

(2) The Public Land Acreage Requirement for the resulting parcel shall be indicated on the subdivision map at the time the Public Land is acquired from the Landowner. If a subdivision map is not utilized, the Public Land Acreage Requirement for the resulting parcel shall be indicated by a separate instrument which is to be recorded.

(c) **Land Vouchers for Advances.** A Landowner who has provided cash advances to the MHCSO for the purpose of purchasing Public Land shall be issued a Land Voucher by the MHCSO equivalent in acreage to the land being acquired.

(Ord. 3951 § 3 (part), 1997)

9-1245.7M EARLY DEDICATION OF LAND BY LANDOWNER.

A Landowner within the Mountain House Community may, prior to submitting an application for a discretionary Development Permit for a parcel, dedicate Public Land on said parcel to the MHCSO, provided the conditions for dedication specified in Section 9-1245.9M are met.

(Ord. 3951 § 3 (part), 1997)

9-1245.8M SELECTION OF COMPENSATION OPTION BY LANDOWNER.

A Landowner who is to receive compensation from the MHCSO for Public Land Surplus land, and/or other Public Land that is required before an application for a discretionary Development Permit has been made with respect to the parcel containing such land, may choose any of the following compensation options:

(a) The exchange of said land for available Private Land held by the MHCSO, provided the Private Land is equivalent in acreage to said land;

(b) The exchange of said land for a Land Voucher provided by the MHCSO, provided the Land Voucher is equivalent in acreage to said land;

(c) The exchange of said land for both available Private Land held by the MHCSO and a Land Voucher provided by the MHCSO, provided the Private Land and the Land Voucher together are equivalent in acreage to said land;

(d) The sale of said land to the MHCSO for a price which is mutually agreed to or which is determined as a result of eminent domain proceedings.

(Ord. 3951 § 3 (part), 1997)

9-1245.9M REQUIREMENTS FOR LAND DEDICATIONS AND TRANSFERS.

In dedicating Public Land in the Mountain House Community to an Applicable Public Agency, or in transferring fee title ownership of Private Land in the Moun-

tain House Community to the MHCS D, the Landowner shall pay all transaction costs. The MHCS D may accept or refuse proposed transfers of Private Lands which are within the boundaries of the Mountain House Community but not within the boundaries of the MHCS D. The MHCS D shall accept proposed transfers of Private Lands which are within the boundaries of the MHCS D, provided said Private Lands meet the conditions for transfer specified in subsections (a) through (c) of this Section. The MHCS D or the Applicable Public Agency may accept or refuse proposed dedications of Public Lands which are within the Mountain House Community but not within the boundaries of the MHCS D. For Public Lands which are within the boundaries of the MHCS D, the MHCS D or the Applicable Public Agency shall accept such proposed dedications, provided the Public Lands to be dedicated meet the conditions for dedication specified in subsections (a) through (c) of this Section.

All lands to be transferred or dedicated within the boundaries of the MHCS D shall be:

(a) Free of liens and encumbrances, excluding any of the following:

(1) Liens and encumbrances waived by the MHCS D or the Applicable Public Agency;

(2) A development agreement between one or more private parties and the County;

(3) The Mountain House Master Covenants, Conditions, and Restrictions;

(4) Oil, gas, and other mineral interests which do not encumber the surface, or the first one hundred (100) feet below the surface; and

(5) Public utility easements that do not negatively affect the use of said land, for either the public use which is planned for said land or any use permitted in the zone in which said land is located.

(b) Used exclusively for the purposes of the Public Land Equity Program; and

(c) Part of a recorded subdivision map filed after November 28, 1997, or meets the minimum requirements of the zone in which said land is located at the time of dedication or transfer.

(Ord. 3951 § 3 (part), 1997)

9-1245.10M LAND VOUCHER REGULATIONS.

The following regulations shall be applicable to Land Vouchers issued by the MHCS D:

(a) **Assignability.** A Land Voucher may be assigned from one Landowner to another Landowner, subject to the approval of the MHCS D.

(b) **Redemption by MHCS D.** The MHCS D may redeem a Land Voucher, or portion thereof, by exchanging an equivalent amount of Private Land, held in fee title

by the MHCS D, for said Land Voucher. At its sole discretion, the MHCS D may redeem any outstanding Land Voucher with a cash payment to the holder of the Land Voucher.

(1) Land Vouchers shall be redeemed in the order in which they were issued. If the holder of a Land Voucher does not desire to have said Land Voucher redeemed, the MHCS D shall redeem the Land Voucher next in the order issued.

(2) Land Vouchers may be redeemed by the MHCS D at any time prior to the expiration of the mandatory retirement period, as specified in this Section, provided both the holder of the Land Voucher and the MHCS D agree to said redemption.

(3) All Land Vouchers shall be retired by the MHCS D within fifteen (15) years from the first day of March succeeding its date of issuance. Said period of time shall hereinafter be referred to as the mandatory retirement period. On each succeeding March 1st, one (1) year shall automatically be added to the mandatory retirement period unless written notification is received from the holder of the Land Voucher at least ninety (90) days prior to March 1st, requesting redemption of the Land Voucher by the MHCS D by the end of the mandatory retirement period. Any further extension of the mandatory retirement period shall be provided by mutual agreement between the holder of the Land Voucher and the MHCS D.

(4) If the MHCS D elects to redeem a Land Voucher by means of a cash payment, the amount of the cash payment shall be determined by multiplying the number of acres represented by the Land Voucher by the average value per acre of undeveloped land within the Mountain House Community, as established by fair market appraisal. The MHCS D may use the latest fair market appraisal of undeveloped land within the Mountain House Community to establish said average value per acre, provided the fair market appraisal has been computed no more than two (2) years prior to the date of the cash redemption of said Land Voucher.

(d) **Content of Land Vouchers.** A Land Voucher shall specify the number of acres for which it was issued, the reason for its issuance, the conditions for acceptance of said Land Voucher including the requirement that the holder of the Land Voucher agree to the method for determining its cash payment value, and any other information deemed essential by the MHCS D.

(Ord. 3951 § 3 (part), 1997)

9-1245.11M MOUNTAIN HOUSE PUBLIC LAND ACQUISITION FUND.

A Mountain House Public Land Acquisition Fund shall be established by the MHCS D for the purposes of this Chapter. Money generated as a consequence of the provisions of this Chapter shall be deposited within said fund. Money within said fund, and any interest generated therein, may be used solely for the following purposes:

- (a) Acquiring Public Land;
 - (b) Redeeming Land Vouchers;
 - (c) Providing reimbursements for the administrative costs accrued in administering the Mountain House Public Land Equity Program; and
 - (d) Providing reimbursements for any inter-fund transfers and advances that may be necessary to assure adequate cash flow and for timely accomplishment of the necessary land acquisitions.
- (Ord. 3951 § 3 (part), 1997)

9-1245.12M ANNUAL REPORT.

The disposition of unexpended Public Land Acquisition Fund money and lands acquired by the MHCS D shall be included in the Mountain House Annual Report to the Board of Supervisors. The section of the Mountain House Annual Report concerning the Public Land Acquisition Program shall set forth the total amount of all money deposited in the Public Land Acquisition Fund in the year prior to the date of said report, a summary of the use of such revenues including the use of such revenues to redeem or retire Land Vouchers, and the funds which remain unexpended. The lands acquired by the MHCS D shall be enumerated, and a summary of the exchange of said lands for Land Vouchers, if any, shall be provided.

(Ord. 3951 § 3 (part), 1997)

9-1245.13M USE OF SURPLUS PRIVATE LANDS OR FUNDS.

In the event that the MHCS D acquires more Private Lands, or funds generated from the sale of Private Lands held in fee title by the MHCS D and designated specifically for the redemption of Land Vouchers, than is actually determined to be needed for Public Lands identified in the Public Land Equity Program Technical Report, the MHCS D shall use said surplus Private Lands or funds only for projects or activities that provide a community-wide benefit.

(Ord. 3951 § 3 (part), 1997)

9-1245.14M INAPPLICABILITY.

This Chapter shall not be applicable to lands required for a public use which are not included in the Public Land Equity Program Technical Report.

(Ord. 3951 § 3 (part), 1997)

CHAPTER 9-1260M

SPECIFIC PLAN REIMBURSEMENT FEES

Sections:

- 9-1260.1M Intent.
- 9-1260.2M Findings.
- 9-1260.3M Reimbursement Fees.
- 9-1260.4M Applicability and Timing of Fees.
- 9-1260.5M Exemptions from Fees.
- 9-1260.6M Creation of Fee Funds.
- 9-1260.7M Use of Fees.
- 9-1260.8M Termination of Fees.
- 9-1260.9M Refund of Fees Paid.

9-1260.1M INTENT.

It is the intent of this chapter to establish Specific Plan reimbursement fees, in accordance with Section 65456 of the Government Code, and to set forth the responsibilities of the parties involved in implementing the Specific Plan Reimbursement Program as provided in the Mountain House Public Financing Plan.
(Ord. 4033 § 3 (part), 1999)

9-1260.2M FINDINGS.

In establishing Specific Plan reimbursement fees, the Board of Supervisors finds as follows:

(a) Following extensive planning, environmental impact analysis, and public review, the Board of Supervisors adopted the Mountain House Master Specific Plan as an implementation measure to the San Joaquin County General Plan.

(b) The Master Specific Plan sets forth a comprehensive plan for the Mountain House Community, including a Land Use Plan which designates and guides the location and amount of land for residential, commercial, industrial, institutional, and recreational uses. As a result of this Land Use Plan, Mountain House will be a well-planned community with each land use dependent on the other.

(c) The Board of Supervisors has also adopted Specific Plan I and will adopt subsequent Specific Plans, as the primary implementation documents for the Master Specific Plan.

(d) Specific Plans are both policy and regulatory documents, providing detailed information and instruction regarding the types, locations and densities of land uses; development phasing; zoning regulations; public infrastructure and services; development standards; and design guidelines. Adopted Specific Plans are critical

precursors to actual physical on-site development, making possible the granting of land use entitlements.

(e) Those developing property in the Mountain House Community will derive benefit from the adopted Master Specific Plan and subsequent Specific Plans, including the Supporting Documents, whose preparation and adoption has been paid for by the Master Developer and/or other Developers.

(f) The Board of Supervisors has adopted the Mountain House Public Financing Plan which includes policies for reimbursing Developers, including the Master Developer, for the cost of preparing and adopting the Mountain House Master Specific Plan and subsequent Specific Plans, including the Supporting Documents.

(g) In order to establish equity among Developers who benefit from the adopted Master Specific Plan and subsequent Specific Plans, including the Supporting Documents, it is necessary to create and implement a mechanism whereby the Master Developer and other Developers who have paid for the cost of said documents can recover their costs, in accordance with Section 65456 of the Government Code.

(Ord. 4033 § 3 (part), 1999)

9-1260.3M REIMBURSEMENT FEES.

Two types of reimbursement fees are authorized in the Mountain House Community: the Master Specific Plan Reimbursement Fee, and a Specific Plan Reimbursement Fee.

(a) Each reimbursement fee shall be established by a resolution adopted by the County, pursuant to this Chapter and to the Mountain House Public Financing Plan. The resolution shall describe the area of coverage for the respective reimbursement fee.

(b) Reimbursement fees shall be based on the amended Specific Plan Reimbursement Program Technical Report which specifies the methodology and serves as the basis of the fee computation. The Specific Plan Reimbursement Program Technical Report is incorporated herein, as part of this Chapter, by this reference, and is on file with the San Joaquin County Community Development Department.

(c) The amount owed on property subject to reimbursement fees shall be determined by multiplying the gross acreage of said property by each applicable reimbursement fee. The sum of the products from this calculation shall equal the total amount owed from reimbursement fees for said property.

(d) A Developer who has paid for the cost of preparing and adopting a Specific Plan may request that

the County establish a Specific Plan Reimbursement Fee for the area covered by said Specific Plan.

(e) Reimbursement fees shall be automatically adjusted, commencing on July 1st of each succeeding year following adoption of said fees, by the change, if any, in the Consumer Price Index (CPI), San Francisco-Oakland-San Jose Index for Urban Wage Earners and Clerical Workers—All items, published by the Bureau of Labor Statistics, U.S. Department of Labor (1967=100). The adjustment in reimbursement fees shall be calculated by multiplying each applicable reimbursement fee by a fraction having a numerator equal to the most recent June CPI and having a denominator equal to the June 2001 CPI. (Ord. 4033 § 3 (part), 1999; Ord. 4126 § 1, 2001)

9-1260.4M APPLICABILITY AND TIMING OF FEES.

Unless otherwise specified, all property within the Mountain House Community shall be subject to the Master Specific Plan Reimbursement Fee and any applicable Specific Plan Reimbursement Fee. The applicable reimbursement fee or fees shall be payable as a condition of, and upon the issuance of, any Development Permit, or any zoning or rezoning, affecting real property within the area covered by the Mountain House Master Specific Plan that (i) subdivides land under the California Subdivision Map Act or applicable local ordinance, or creates a new parcel of real property, or (ii) creates, authorizes, permits or allows any use that affords the beneficial owner of any such real property access to, or use of, development entitlements provided by or pursuant to the Mountain House Master Specific Plan, or any Specific Plan, including Specific Plan I. For the purposes of this section, “development entitlements” means the ability to develop or use real property in a manner created by, or allowed pursuant to, the Mountain House Master Specific Plan, or any Specific Plan, including Specific Plan I, which did not exist prior to the adoption of such plan(s). (Ord. 4033 § 3 (part), 1999)

9-1260.5M EXEMPTIONS FROM FEES.

Property shall be exempt from the Master Specific Plan Reimbursement Fee or the applicable Specific Plan Reimbursement Fee or both said fees under any of the following circumstances:

(a) If the subject property has previously fully met the fee requirements of this Chapter, the property shall be exempt from said fees;

(b) If the Development Permit to develop the subject property is for a public facility, and the applicant for the Development Permit is a public entity, and the subject

property is owned by the public entity the Development Permit shall not result in the imposition of said fees on the property, except in cases where the public entity obtains land through condemnation;

(c) If the Master Developer or the Master Developer’s assignee submits a Development Permit application to the County to develop property within the area covered by the Mountain House Master Specific Plan, the property shall be exempt from the Master Specific Plan Reimbursement Fee;

(d) If a Developer, or the Developer’s assignee, who has paid for the cost of preparing and adopting a Specific Plan submits a Development Permit application to the County to develop property in said Specific Plan area, the property shall be exempt from the applicable Specific Plan Reimbursement Fee.

(Ord. 4033 § 3 (part), 1999)

9-1260.6M CREATION OF FEE FUNDS.

Reimbursement fees shall be deposited in either the Master Specific Plan Reimbursement Fee Fund or the relevant Specific Plan Reimbursement Fee Fund, whichever is applicable, that is established by the County to hold the revenue generated by the fees. Revenue within such funds, and any interest generated therein, shall be used solely for the purposes set forth in Section 9-1260.7M.

(Ord. 4033 § 3 (part), 1999; Ord. 4126 § 2, 2001)

9-1260.7M USE OF FEES.

(a) Revenues generated from the Master Specific Plan Reimbursement Fee shall be used for the following purposes:

(1) To reimburse the Master Developer for the costs incurred by the Master Developer in the preparation and adoption of the Mountain House Master Specific Plan and the Supporting Documents, as specified in the Specific Plan Reimbursement Program Technical Report; and

(2) To reimburse the County for the costs incurred in the administration of the Master Specific Plan Reimbursement Fee.

(b) Revenues generated from a Specific Plan Reimbursement Fee shall be used for the following purposes:

(1) To reimburse a Developer for the costs incurred by the Developer in the preparation and adoption of the applicable Specific Plan and the Supporting Documents, as specified in the Specific Plan Reimbursement Program Technical Report; and

(2) To reimburse the County for the costs incurred in the administration of the applicable Specific Plan Reimbursement Fee.

(Ord. 4033 § 3 (part), 1999; Ord. 4126 § 3, 2001)

9-1260.8M TERMINATION OF FEES.

Once the Master Developer or any other Developer has been fully reimbursed for all cost incurred by the Master Developer or any other Developer in preparing and adopting the Mountain House Master Specific Plan or the applicable Specific Plan, and the Supporting Documents, the applicable reimbursement fees shall cease to be collected and this Chapter shall be repealed. Any monies remaining in the Master Specific Plan Fee Fund or in the applicable Specific Plan Fee Fund shall be paid into the General Fund of the County.

(Ord. 4033 § 3 (part), 1999)

9-1260.9M REFUND OF FEES PAID.

There shall be no refund of monies generated from the imposition of any reimbursement fees on property.

(Ord. 4033 § 3 (part), 1999)

CHAPTER 9-1270M**AFFORDABLE HOUSING IMPACT FEE****Sections:**

9-1270.1M	Intent.
9-1270.2M	Findings.
9-1270.3M	Affordable Housing Impact Fee.
9-1270.4M	Applicability of Fee.
9-1270.5M	Affordable Housing Impact Fee Exemptions.
9-1270.6M	Timing of Fee.
9-1270.7M	Mountain House Housing Trust Fund.
9-1270.8M	Mountain House Housing Advisory Board.
9-1270.9M	Refund of Fees Paid.
9-1270.10M	Annual Report.

9-1270.1M INTENT.

It is the intent of this Chapter to establish an Affordable Housing Impact Fee in order to promote the development of housing that is affordable to low income households within the Mountain House Community through the use or application of fee revenues, as specified in the Mountain House Master Plan. (Ord. 3975 § 3 (part), 1998)

9-1270.2M FINDINGS.

In establishing the Affordable Housing Impact Fee, the Board of Supervisors finds as follows:

(a) Following extensive planning, environmental impact analysis, and public review, the Board of Supervisors adopted the Mountain House Master Plan as an implementation measure to the San Joaquin County General Plan.

(b) One of the principal objectives of the Mountain House Master Plan is to ensure that those who work in the community are able to afford to live in the community. By providing housing for all income groups who work within the community, certain benefits to the environment and residents will occur: reduced traffic congestion, improved air quality, increased opportunity for transit and bicycle use, and increased opportunity for pedestrian use throughout the community.

(c) The presence of a housing supply affordable to all income groups also means that the commu-

nity will be more likely to attract the employment base needed to achieve the jobs/housing balance required by the Mountain House Master Plan. This is critical to the success of the community. Prospective employers consider the availability of affordable housing for their employees as a highly desirable attribute in deciding where to locate their business. Consequently, the availability of a diverse and affordable housing stock will facilitate the development of employment opportunities, thereby helping to implement the concept of a balanced community as provided in the Mountain House Master Plan.

(d) Although the market alone is anticipated to provide housing that is both available and affordable to all income groups, it is anticipated that there will be low income and medium income persons working in the community who will be unable to live in the community without some form of housing assistance.

(e) Since residential development in the Mountain House Community will be dependent to some extent on the services provided by low income and medium income persons, it is essential that such residential development assume a reasonable share of the responsibility for providing a sufficient number of units which are affordable to these individuals.

(f) In order to ensure the development of residential units which are affordable to low income and medium income persons who work in the Mountain House Community, it is necessary to assess an Affordable Housing Impact Fee against residential development, and to create and implement a mechanism whereby revenues generated from said fee can be utilized to fill affordability gaps for such income groups.

(g) For certain categories of residential development, it is inappropriate to assess an Affordable Housing Impact Fee and therefore these categories are excluded from paying said Affordable Housing Impact Fee. These categories include second unit dwellings, Density Bonus Units, and Additional Town Center Units, that are specifically meant to provide affordable housing opportunities for low income and medium income persons; residential units in Pre-Existing Residential Areas that do not receive municipal utility services provided by the Mountain House Community

Services District; and remodeling projects and projects involving the replacement of existing residential structures up to the total livable area of said structures. (Ord. 3975 § 3 (part), 1998)

9-1270.3M AFFORDABLE HOUSING IMPACT FEE.

An Affordable Housing Impact Fee is hereby authorized in the Mountain House Community.

(a) The Affordable Housing Impact Fee shall be established by a Resolution adopted by the County pursuant to this Chapter and to the Mountain House Public Financing Plan.

(1) The Affordable Housing Impact Fee and any revisions thereto shall be based on the Affordable Housing Impact Fee Technical Report (AHFTR) which specifies the methodology and serves as the basis for the fee computation.

(2) The Affordable Housing Impact Fee shall consist of two (2) components: a fee per dwelling unit square foot and a fee per lot square foot. Said fees shall be revised in accordance with the provisions of Subsections (c) of this Section.

(b) The total amount owed on property subject to the Affordable Housing Fee shall be determined as follows:

(1) For new construction, the total amount owed shall be determined by multiplying the livable area of the residential unit and the square footage of the subject property by the applicable fee components of the Affordable Housing Impact Fee and summing the results.

(2) For additions to an existing residence, the total amount owed shall be determined by multiplying the liable area of the addition by the applicable fee component of the Affordable Housing Impact Fee.

(3) For projects involved the replacement of an existing residential structure, the total amount owed shall be determined by multiplying the livable area exceeding the livable area of the prior structure by the applicable fee component of the Affordable Housing Impact Fee.

(c) The components of the Affordable Housing Impact Fee shall automatically be adjusted on July 1st of each year based on the percentage change in the

Mountain House Housing Index, as set forth in the Resolution pertaining to the Fee adopted by the County, for (MH Housing Index) the preceding fiscal year. (Ord. 3975 § 3 (part), 1998; Ord. No. 4427, § 1, 12-11-2012)

9-1270.4M APPLICABILITY OF FEE.

Unless otherwise specified, all residential construction within the Mountain House Community shall be subject to the Affordable Housing Impact Fee. Non-residential development shall not be subject to said fee. (Ord. 3975 § 3 (part), 1998)

9-1270.5M AFFORDABLE HOUSING IMPACT FEE EXEMPTIONS.

The following categories of residential development shall be exempted from the Affordable Housing Impact Fee:

- (a) Additional Town Center Units;
 - (b) Density Bonus Units;
 - (c) Projects involving the replacement of an existing residential structure but only up to the total livable area of the prior residential structure;
 - (d) Remodeling projects;
 - (e) Residential developments in Pre-Existing Residential Areas in which the zoning is AU-20; and
 - (f) Second unit dwellings.
- (Ord. 3975 § 3 (part), 1998)

9-1270.6M TIMING OF FEE.

The total amount owed on property subject to the Affordable Housing Impact Fee shall be payable prior to the issuance of a building permit. The Director shall determine the total amount which is owed. (Ord. 3975 § 3 (part), 1998)

9-1270.7M MOUNTAIN HOUSE HOUSING TRUST FUND.

A Mountain House Housing Trust Fund (MHHTF) shall be established by the County for the purposes of this Chapter. Money generated as a consequence of the provisions of this Chapter shall be deposited within said fund. Money within said fund, and any interest

generated therein, shall be used solely for the implementation and administration of the Affordable Housing Program for the Mountain House Community. (Ord. 3975 § 3 (part), 1998)

9-1270.8M MOUNTAIN HOUSE HOUSING ADVISORY BOARD.

A Mountain House Housing Advisory Board (MH-HAB) shall be established by the County.

(a) The MHHAB shall be responsible for preparing and updating a Five Year Strategic Plan for Housing within the Mountain House Community that describes the programs to be funded with MHHTF moneys, forecasts the MHHTF cash flow, and sets forth the anticipated costs of managing the MHHTF and administering the housing programs recommended for funding. The Five Year Strategic Plan for Housing shall be a component of the San Joaquin County Consolidated Plan that is reviewed and approved by the Board of Supervisors.

(b) The MHHAB shall consist of five (5) members, as follows:

(1) The Director of the San Joaquin County Housing Authority;

(2) One (1) member of the Mountain House Community Services District Board; and

(3) Three (3) members, appointed by the San Joaquin County Board of Supervisors, who have demonstrated expertise in the field of housing and/or a commitment to ensuring that housing within Mountain House is affordable.

(Ord. 3975 § 3 (part), 1998; Ord. No. 4399, § 11, 9-14-2010)

9-1270.9M REFUND OF FEES PAID.

If a building permit lapses and becomes void, then the payer of the Affordable Housing Impact Fee amount shall be entitled to a refund, without interest, of said fee amount; provided that the portion of any fee amount received by the County as reimbursement of its costs in administering the provisions of this Chapter shall not be refunded.

(a) The fee payer shall submit an application for a refund of the Affordable Housing Impact Fee amount paid to the County within ninety (90) calendar days of the expiration of the building permit.

(b) Failure of the fee payer to submit a timely application for refund of the Affordable Housing Impact Fee amount shall constitute an absolute waiver of any right to a refund.

(Ord. 3975 § 3 (part), 1998)

9-1270.10M ANNUAL REPORT.

The disposition of Mountain House Housing Trust Fund money shall be included in the Mountain House Annual Community Report to the Board of Supervisors. The section of the Mountain House Annual Report concerning the Affordable Housing Program shall set forth the total amount of all money deposited in the Mountain House Housing Trust Fund in the year prior to the date of said report, an itemized summary of the use of such revenues, including the amount and involvement of other public or private funds that have been leveraged with MHHTF money, and the funds which remain unexpended.

(Ord. 3975 § 3 (part), 1998)

CHAPTER 9-1405M

GRADING AND EXCAVATION REQUIREMENTS

Sections:

9-1405.4M General Requirements.

9-1405.9M Grading Adjacent to Watercourses.

9-1405.4M GENERAL REQUIREMENTS.

The following exceptions to Section 9-1405.4 of the development title shall be applicable:

(a) Sites developed adjacent to undeveloped property shall establish perimeter grades no lower than the adjacent land, and no more than one (1) foot higher, unless accommodated within a landscaped area. Slopes within these areas shall not exceed three to one (3:1) horizontal to vertical.

(b) Perimeter grades adjacent to developed properties shall match the adjacent grade, plus or minus one-half (½) foot, unless occurring within a landscaped area.

(c) Residential lots shall be graded so that the finished floor elevation is at least twelve (12) inches above the street curb.

(d) Grading associated with arterial streets shall comply with the following standards:

(1) Curb grades shall be established six (6) to twelve (12) inches below the finished grade at the right of way line;

(2) Roadway median strips shall be graded with a crown height six (6) to twelve (12) inches above the curb, for a typical fourteen (14) foot wide median.

(Ord. 3813 (part), 1994)

9-1405.9M GRADING ADJACENT TO WATERCOURSES.

The following grading requirements shall be applicable to grading operations along the watercourses and watercourse types identified below:

(a) **Old River.**

(1) Prior to any grading operations adjacent to Old River, all habitats to be either preserved or salvaged shall be delineated by an ecologist and staked with easily observable flagging.

(2) Grading operations shall be conducted so that soil does not spill into Old River.

(b) **Marshes and Wetlands.**

(1) Grading operations shall be conducted so that soil does not spill into existing marshes, fill existing wetlands, restrict flooding of the habitat or reduce water quality.

(2) During grading, a berm may be left between the existing marsh and the construction area. Said berm shall be removed in the last stages of construction. Alternatively, the overburden may be removed from the wetland edge backwards towards the uplands to create the marsh.

(Ord. 3813 (part), 1994)

**CHAPTER 9-1700M, CHAPTER 9-1705M,
CHAPTER 9-1710M**

Repealed by Ord. 3939.

CODE COMPARATIVE TABLE AND DISPOSITION LIST

This is a chronological listing of the development ordinances of San Joaquin County, California, beginning with Supplement No. 87, included in this Code.

Ordinance Number	Date	Description	Section	Section this Code
4399	9-14-2010	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin relative to Sections 9-305.6, 9-405.5, 9-505.5, 9-605.6, 9-705.8, 9-710.4, 9-881.4, 9-1085.21, 9-1415.3, and 9-1270.8M, and Table 9-310.3 concerning rear yard setbacks in the residential zone, change in existing uses in residential, commercial, industrial, agricultural, and other zones, structures in required yards in other zones, time extensions for tentative maps, findings for entertainment permit, performance guarantee for quarry operations, and Mountain House Housing Advisory Board	1 Added	9-305.6(f)
			2	Table 9-310.3
			3	9-405.5(c)
			4	9-505.5(b)
			5 Added	9-605.6(v)
			6	9-705.8(c)
			7	9-710.4(c)
			8	9-881.4(b)(1)
			9	9-1085.21
			10	9-1415.3(r)
			11	9-1270.8M(b)
4404	12-14-2010	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin, relative to Section 9-605.6 and Table 9-605.2, concerning truck parking in the AL Zone	1 Added	9-605.6(w)
			2	Table 9-605.2
4413	8- 9-2011	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin, relative to Sections 9-110.4, 9-125, 9-125.1, 9-125.2, 9-125.3, and table of contents concerning definitions, medical marijuana dispensary regulations, and table of contents	1	Ch. 9-125(tit.)
			2	9-110.4
			3	Ch. 9-125(tit.)
			4	9-125.1
			5	9-125.2
			6	9-125.3
4419	12-13-2011	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin relative to Sections 9-310.5M and 9-310.6M, Table 9-310.3M, and adding Section 9-310.9M, concerning side yard setbacks, corner lot streetside side setback, building separation, building height, and floor area ratio (FAR)	1	9-310.5M(a)(2), (4), (6)
			2	9-310.6M(g)
			3 Added	9-310.9M

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Ordinance Number	Date	Description	Section	Section this Code
			4	Table 9-310.3M
4420	12-13-2011	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin, relative to Tables 9-305.2 and 9-605.2, concerning uses in residential and agricultural zones	1	Table 9-305.2
			2	Table 9-605.2
4427	12-11-2012	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin relative to Section 9-1270.3M, concerning the Mountain House affordable housing impact fee	1	9-1270.3M
4439	7-23-2013	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin relative to Section 9-310.5M concerning side yard fence setbacks and front and rear setbacks	1 Added	9-310.5M(a)(7)
			2 Added	9-310.5M(e)(9)(G)
4440	8-13-2013	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin relative to Section 9-115.575, Table 9-305.2, Table 9-405.2, Table 9-505.2, Section 9-505.2, Table 9-605.2, Table 9-705.2, and Table 9-1015.3(b), concerning uses in industrial zones	1 Added	9-115.575(g)
			2	Table 9-305.2
			3	Table 9-405.2
			4	Table 9-505.2
			5 Added	9-505.5(d)
			6	Table 9-605.2
			7	Table 9-705.2
			8	Table 9-1015.3(b)
4443	10- 8-2013	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin relative to Sections 9-110.4, 9-125.1, and 9-125.2 concerning definitions and medical marijuana dispensary regulations	1	9-110.4
			2	9-125.1
			3	9-125.2
O-15-4460	3-10-2015	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin, relative to Section 9-830.5M concerning second unit dwellings.		9-830.5M(i)(3)
4471	12-15-2015	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin, relative to Table of Contents, Sections 9-110.4, 9-115.135, 9-115.140, 9-200.2, 9-245, 9-300.2, 9-305, 9-315, 9-320, 9-405, 9-505, 9-605, 9-705, and 9-1015.3 concerning Table of Contents, definitions, emergency shelters, single-room occupancy, administrative provisions: organization, reasonable accommodation, residential zones: organization, uses in residential zones table, residential zones: density bonus, residential zones: single-room occupancy, uses in commercial zones table, uses in industrial zones table, uses in agricultural zones table, uses in other zones table, and residential parking spaces requirements	2	9-110.4
			3—5 Added	9-115.135—9-115.140
			1, 6, 7 Added	9-245.1—9-245.6
			1, 8, 14 Added	9-320.1—9-320.3
			9	9-305.2

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			10—13	9-315.2—9-315.4
			14 Added	9-320.1—9-320.3
			15	9-405.2
			16	9-505.2
			17	9-605.2
			18	9-705.2
			19	9-1015.3(a)
4472	1-26-2016	An interim ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin, relative to Section 9-605.7 concerning the use of large tracts of AG Designated Land for Flooded Habitat. Applicable countywide	1 Added	9-605.7
4476	4-12-2016	A text amendment application to amend Title 9 of the Ordinance Code of the County of San Joaquin, relative to Section 9-110.4 concerning definitions and Chapter 9-1905 concerning enforcement regulations.	1	9-110.4
			2 Rpld	9-1905.1—9-1905.6
			Added	9-1905.1—9-1905.30
4486	9-13-2016	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin, relative to Section 9-110.4 concerning definitions; Table 9-605.3 concerning Accessory Uses and Structures in Agricultural Zones; and Section 9-605.6 regarding special use regulations	1	9-110.4
			2	Table 9-605.3
			3 Added	9-605.6(x)
4487	8-23-2016	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin relative to Section 9-110.4 and Chapter 9-1075 Wineries and Related Facilities	1	9-110.4
			2	9-1075.3
			3	9-1075.4
			4	9-1075.5
			Rpld	9-1075.6—9-1075.9
			Added	9-1075.6—9-1075.9
4488	10-11-2016	An ordinance amending Title 9 of the Code of the County of San Joaquin relative to Section 9-110.4 Definitions, Chapter 9-848 Flood Variance Procedures and Chapter 9-1605 Flood Hazards	1	9-110.4
			2	Ch. 9-848, tit.
			Rpld	9-848.1—9-848.3
			Added	9-848.1—9-848.3
			3 Rpld	9-1605.1
			Added	9-1605.1
				9-1605.2
				9-1605.3(a)
			Added	9-1605.3(j), (k)

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				9-1605(b), (f)
				9-1605.14
				9-1605.15(e)
4500	11- 7-2017	An ordinance amending Development Title 9, Division 1, Chapter 9-125, Cannabis Dispensary Regulations	3	9-125.1—9-125.3
			Rpld	9-125.4
4501	12-12-2017	An ordinance amending Development Title 9, Chapter 9-1650, § 9-1650.5.1, Special Flood Protection Findings Required by State Law	Added	9-1650.5.1
4508	6- 6-2018	An ordinance amending Title 9 of the Ordinance Code of the County of San Joaquin relative to Section 9-110.4 and Chapters 9-305 (Residential Zones), 9-405 (Commercial Zones), 9-505 (Industrial Zones), 9-605 (Agricultural Zones) and 9-705 (Other Zones) concerning definitions and temporary uses and special use regulations of the Development Title	1	9-110.4
			2	9-305.4, Table
			Added	9-305.6(g)
				9-405.4, Table
			Added	9-405.4(g)
				9-505.4, Table
			Added	9-505.5(d)
				9-605.4, Table
			Added	9-605.6(y)
				9-705.4, Table
			Added	9-705.8(d)
4523	1- 8-2019	An ordinance amending Title 9 of the county of San Joaquin, relative to section 9-110.4 and Chapter 9-1075 (Wineries and Related Facilities)	1	9-110.4
			2	9-1075.3(b), (c)
			Rpld	9-1075.3(c)(1)(B)
				9-1075.4(b), (c)
			Rpld	9-1075.4(c)(1)(B)
				9-1075.5(b), (c)
			Rpld	9-1075.5(c)(1)(B)
				9-1075.7(b), (c)
			Rpld	9-1075.7(c)(1)(B)
				9-1075.9(a), (b), (c), (c)(1), (d), (f)—(j), (k), (l) (l)(5)

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