

Chapter 17.14

MISCELLANEOUS DEVELOPMENT REQUIREMENTS

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I. GENERALLY

17.14.010 Future right-of-way line use. Where the board of supervisors has adopted an official map establishing the future right-of-way of a street or highway, the minimum yard or building setback line shall be measured from the future right-of-way line. (Prior code §9430(b))

17.14.020 Front setback reduction for slope. Where the average slope of the front half of any building site is over one foot rise or drop in four feet, the required distance between the main

building and the property line at the highway or county road may be reduced by fifty percent. (Prior code §9430(c))

17.14.030 Setback variation for private garage. Where the elevation at the required building line is more than six feet above or below the street elevation at the edge of the roadway, the required distance between a single story private garage and the property line may be reduced by up to fifty percent. (Prior code §9430(d))

17.14.040 Setback along developed roads. Where more than twenty-five percent of the building sites along any road have been improved, the required distance between any building and the property line at the highway and the county road shall be the average of the improved building sites but not more than that set forth in this article for the district in which the building site is located. (Prior code §9430(f))

17.14.050 Encroachment into required yards.

- A. Uncovered and unenclosed patios or terraces, cornices, canopies, eaves, bay windows (which do not qualify as habitable area under the Uniform Building Code), attached heating and air conditioning equipment or similar architectural features may extend into any required yard by not more than fifty percent (50%) of the required width or depth.
- B. Front yards may have the following encroachments:
 - 1. Solid fences and walls not exceeding 40 inches in height;
 - 2. Fences which are 50 percent open or more, not exceeding seven feet in height;
 - 3. Other structures not exceeding 30 inches in height.
 - 4. Bear Resistant Garbage Can Containers shown on the “Approved Bear Resistant Garbage Can Enclosures” list maintained by Environmental Management Department, not exceeding 62 inches in height. A minimum setback of 10 feet from the road shall be provided to be measured from the edge of the curb-face or pavement if no curbing exists. In no event shall a container be placed within the road right-of-way or easement. On corner lots, containers shall not be located within a triangular area at the intersection, measured 25 feet along the lot line extending from the lot corner as noted in the exhibit shown in Section 17.14.155.A.3. In no event shall a container be placed within 25 feet of any road intersection. (Ord. 4614, 2002)
- C. Additional yard encroachments and/or minimum setbacks may occur for uses specified as follows as long as there is no encroachment into utility easements;

Swimming Pools (below ground)

Front: Setback required by zone district

Side: 5 feet minimum

Rear: 5 feet minimum

Propane Tanks

Front: Setback required by zone district

Side: 10 feet, or as required by Uniform Fire Code

Rear: 10 feet, or as required by Uniform Fire Code

Portable Sheds (less than 120 square feet)

Front: Setback required by zone district

Side: 5 feet minimum

Rear: 5 feet minimum

Chimneys

Front: Encroach not more than 3 feet into yard

Side: Encroach not more than 3 feet into required yard, but in no situation shall the yard be less than 3 feet.

Rear: Encroach not more than 3 feet into required yard.
(Ord. 4236, 1992)

17.14.060 Stables. Stables shall be located at least thirty feet from any building used for residential purposes on the same or adjoining building site, in any district, and at least twenty-five feet from any property line. No horse shall be kept on a building site of less than one acre in any district. (Ord. 3159 §1, 1981: Prior code §9430(h))

17.14.070 Public utility distribution, transmission lines and/or facilities. Public utility distribution, transmission lines and/or facilities, both overhead and underground shall be allowed in all except AA zone districts; provided, that the routes and site locations of the proposed transmission lines and/or facilities shall be submitted to the planning commission or the zoning administrator for site plan review or special use permit during the preliminary planning stages and prior to the adoption of the routes and site locations(s) or acquisition of right-of-way therefore.

- A. Public utility distribution, transmission lines, and/or facilities shall for the purposes of this section, mean:
1. Public utility towers and/or structures supporting power lines of fifty thousand volts potential and over,
 2. Trunk telephone lines, supporting structures and saucers,
 3. Sewer and water lines twelve inches or more inside diameter,
 4. Natural gas pipe six inches or more inside diameter,
 5. Sewer and water lift stations, telephone equipment buildings, and natural gas storage and distribution facilities;
- B. Public utility distribution, transmission lines and/or facilities as described above are permitted by right without planning commission or zoning administrator review when said facilities do not exceed fifteen feet more than the height limitation of the zone district and setbacks of the zone district, and do not create potential safety and health hazards to adjacent property owners, present or future.
1. Notwithstanding, in all cases where construction is proposed in an AA zone district, site plan review and approval is required.
- C. Site plan review required:
1. All cases where the public utility distribution transmission lines and/or facilities exceed height limitations of the zone district as set forth in subsection B of this section and less than one hundred fifty feet in height or do not comply with setback requirements, shall be subject to site plan approval before the planning commission or zoning administrator.
 2. Notice of the site plan review hearing shall be provided to all property owners within five hundred feet of the proposed location. Said notice shall be provided ten days prior to the scheduled hearing.
- D. Special use permit required:
1. All cases where the construction of the public utility distribution transmission lines and/or facilities creates, as determined by the planning commission or zoning

- administrator, potential safety or health hazard to adjacent property owners, present or future, shall require a special use permit;
2. All cases where the construction of the public utility distribution, supporting structures and/or facilities exceed one hundred fifty feet in height shall require a special use permit;
 3. The foregoing shall apply within the limitations of state and federal law preemption. (Ord. 3471 §2, 1984)

17.14.080 Leasing motorcycles. It is unlawful for any person to lease a motorcycle in any zoning district in the county without having a valid unexpired and unrevoked special use permit therefore issued by the county planning commission. For the purpose of this section, "motorcycle" means any motor vehicle, other than a tractor, having a seat or saddle for the use of the rider, and designed to travel on not more than three wheels in contact with the ground, and weighing less than one thousand five hundred pounds, including any motordriven cycle, motor scooter and bicycle with a motor attached thereto. For the purpose of this section, "lease" means any oral or written agreement, lease or bailment by which the owner of a motorcycle permits another to use it for any period less than one year for compensation. (Prior code §9430(m))

17.14.085 Lot Line Adjustments. The requirements under this section are located under Chapter 16.53 of the El Dorado County Subdivisions Ordinance. (Ord. 4810 §2, 2009)

17.14.090 Interior lot lines. In all districts allowing hotels, motels, multifamily, industrial or commercial structures by right they may be built across interior lot lines of lots under common ownership; provided, that all structures so erected shall be so constructed as to have at least one bearing wall a distance of not less than one foot beyond the normal setback requirements for the zone or six feet beyond interior lot, whichever is the greater distance. (Prior code §9430(n))

17.14.095 Mineral resource development.

- A. Policy. It is the policy of the county that land use conflicts between rural and rural-residential uses and mining uses must be minimized by the creation of adequate buffer zones between such potentially conflicting land uses. Furthermore, it is essential to the county to preserve the rural- residential and residential character of the county and that mining and exploration for mining be allowed to proceed only with adequate buffering between mining and residential uses. It is a further policy of the county that managing these conflicting land uses will aid in deterring adverse environmental impacts, including, but not limited to, wildlife, groundwater, flora, fauna, traffic, dust, air quality, and adverse impacts on public health, safety and welfare and will result in mutual benefit to both future mining and residential land uses.
- B. Implementation. In addition to any other requirements set forth in any applicable zoning district, all projects for any kind of open pit mining or strip mining for purposes of exploration or extraction which require the removal of overburden in a total amount of more than one thousand cubic yards on any parcel shall require issuance of a special use permit. However, prior to issuing the special use permit, in addition to any other necessary findings, the approving authority (board of supervisors or planning commission) shall make the finding that all boundaries of the proposed project for open pit mining or strip mining shall be greater than a linear distance of ten thousand feet from any existing residential use, hospital use, church use or school use, including, but not limited to, nursery or day care uses or any residential, hospital, church or school use as designated in the El Dorado County

general plan or any community or specific plan, or as permitted by the zoning code of El Dorado County. This finding shall not apply to a single-family detached dwelling located on the parcel for which the special use permit is sought.

- C. Exception. An exception to this section shall be granted only under limited circumstances after a properly noticed public hearing to all land owners within ten thousand feet of the proposed project boundaries and upon findings by the planning commission or board of supervisors on the basis of substantial evidence in the record that: (1) the proposed project will not have any adverse impact on the environment or upon public health, safety and/or welfare; and that (2) the project will not discourage residential use (if so designated in the El Dorado County general plan or any community or specific plans or as permitted by the zoning code of El Dorado County) within ten thousand feet of the project boundaries.
- D. Incorporation of These Policies into the General Plan Text and Maps. Upon passage of the ordinance codified in this section, the county shall amend the general plan and general plan maps to incorporate and conform to the provisions of this section.
- E. Implementation and Consistency. Upon passage of the ordinance codified herein, the general plan and the county zoning code shall be interpreted so as to give effect to the provisions of this section. The provisions of this section shall prevail over any revisions to the general plan and any specific plans. Any amendments to the general plan and the county zoning ordinance made subsequent to the passage of the ordinance codified in this section, shall be consistent with the provisions of this section.
- F. This section may be amended or repealed only by a majority of the voters of El Dorado County.
- G. If any portion of this section is declared invalid, the remaining portions are to be considered valid. (Initiative Ord. adopted 11/20/84)

17.14.100 Waste water treatment plans.

- A. Any zoning proposal that is to be served by a public water and sewer entity shall be exempt from the requirements of this section. The following criteria shall be applied to residential zoning or the equivalent. Industrial and commercial zonings shall be assessed upon an individual basis using criteria established by the county health department.
- B. Sufficient information shall be submitted to permit the assessment and feasibility of waste water discharge concurrently with the filing of any petition to change zoning boundaries allowing the minimum residential parcel size of two acres or less. Local conditions as determined by the planning director may require the submission of this information upon a parcel or parcels in excess of two acres. This provision includes but is not limited to R1, R1A, R2A, R20,000, MP, R2, RM, RT and U, and all commercial/industrial zones, regardless of proposed parcel acreage, if public water and sewer are not available. The information required shall be submitted in the form of maps, text or such a combination of both as is necessary to satisfy the requirements as determined by the planning and health departments. (Prior code §9430(o))

17.14.110 Parcel size exception—Parcels conveyed to government agency.

- A. The minimum parcel size as set forth in each of the zone district regulations provided for in this article shall be inapplicable to parcels created for the singular purpose of conveyance, dedication or transfer of the parcel to a governmental agency, public entity or public utility for such uses by the agency, entity or utility as may be authorized by law.
- B. At such time as a parcel created under the provisions of subsection A of this section as conveyed or otherwise transferred to an entity other than a governmental agency, public

entity or public utility, then the parcel shall be required to meet applicable minimum size regulations. (Prior code §9430(p))

17.14.120 Parcel size exception. In the following zone districts: RE-5, RE-10, A, AE (where the property is not under a Williamson Act contract), RA-20, RA-40, RA-60, RA-80, RA-160, PA and SA-10, an existing parcel may be subdivided in such a way that one new parcel of less size than is required in the prevailing zone regulations is created within each subdivision provided the following conditions exist:

- A. Either the parcel is shown on the county tax roll or recorded deed as a separate parcel, is described as a fractional division of a section and a subsequent survey of the parcel shows it to be a maximum of ten percent less than the acreage indicated on that tax roll; or
- B. The parcel is shown on the 1979 county tax roll as a separate parcel and the roll shows it to be a maximum of ten percent less than the acreage required to make even divisions into the minimum parcel size to which it is zoned; or
- C. The parcel is shown on the 1979 county tax roll as a separate parcel and a survey shows it to be a maximum of ten percent less than the acreage required to make even divisions into the minimum parcel size to which it is zoned; and both of the following:
 1. The smallest parcel proposed to be created is no less than seventy-five percent of the minimum size required by the applicable zone but, in no case shall a parcel be created less than 4.5 acres when groundwater dependant.; and
 2. All other parcels proposed to be created are no less than the minimum required by the applicable zone or no more than one-tenth of an acre larger than the minimum. (Ord. 4156 §1, 1991: Ord. 3200 §1, 1981: prior code §9430(q))
 3. No parcel size exception shall be granted where the exception would conflict with General Plan policies or Zoning Ordinance provisions that require buffers to adjacent parcels.

17.14.130 Architectural supervision.

- A. In case an application is made for a permit for any building or structure in any RL, RM or C district and where it faces on a state highway, the application shall be accompanied by architectural drawings or sketches showing the elevations of the proposed building or structure. The drawings or sketches shall be considered by the planning commission in an endeavor to provide that the architectural and general appearance of the buildings or structures be in keeping with the character of the neighborhood, and such as not to be detrimental to the orderly and harmonious development of the county, or to impair the desirability of investment or occupation in the neighborhood.
- B. In case the applicant is not satisfied with the action of the planning commission, he may, within thirty days, appeal in writing to the board of supervisors, and the board of supervisors shall render its decision within thirty days after the filing of the appeal. No permit shall be issued in any case mentioned in this section until the drawings and sketches have been approved by the planning commission or board of supervisors, and all buildings, structures and grounds shall be in accordance with the drawings and sketches. (Prior code §9460)

17.14.140 Zoning permits.

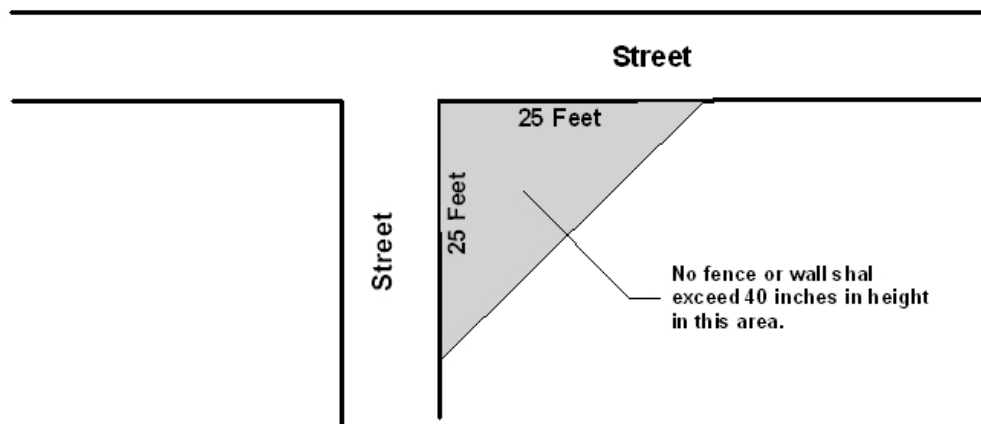
- A. Zoning permits shall be required for all buildings hereafter erected, constructed, altered or moved, and for the change of the use of any land within any R1, RM or C district as established by this article.

- B. Application for the permit shall be on a form prescribed by the planning commission, and shall be made to the commission or its representative.
- C. The planning commission or its representative shall issue the permit if the proposed building addition or use of land is in compliance with all provisions of this article. (Prior code §9465)

17.14.150 Height limits and exceptions. Towers, flagpoles, chimneys and similar structures may be erected to a height greater than the building height limit for the district in which it is to be located, providing a use permit is first secured. (Ord. 3585 §1, 1985: prior code §9430(j); Ord. 4263, 1992)

17.14.155 Fence height limitations, residential and agricultural districts.

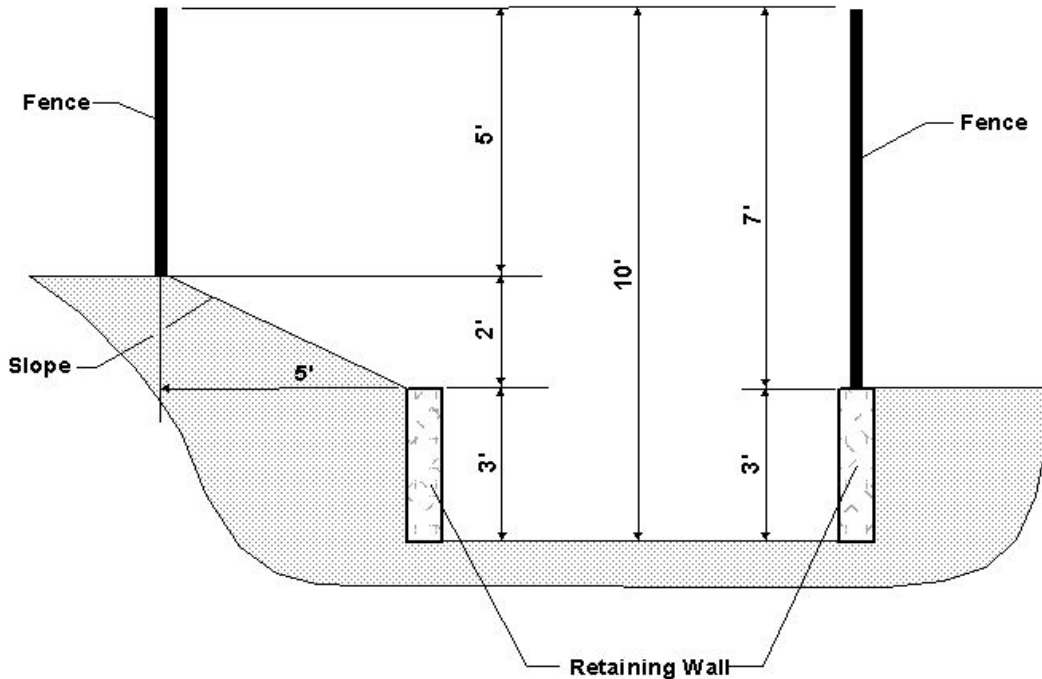
- A. In all residential districts (R1, R20,000, R1A, R2A, R3A, R2, RM, RT, U, TR1, TR1A, TR2A, TR3A, TR2, TRM, TR-20,000, and TRT) the following fence and wall requirements shall apply within required front yard setback areas:
 - 1. Fences or walls at least 50 percent open shall be permitted up to a height of 7 feet;
 - 2. Fences or walls which are less than 50 percent open shall not exceed 40 inches in height;
 - 3. On corner lots, no fence or wall shall exceed 40 inches in height within a triangular area at the intersection, measured 25 feet along the lot line extending from the lot corner as noted in the exhibit below.



- 4. Fences or walls which exceed the requirements of this subsection shall be subject to the issuance of a special use permit.
- B. In those residential districts noted in subsection A above, fences or walls shall be permitted within required side and rear yard setback areas as follows:
 - 1. Any type of fence or wall shall not exceed seven feet (7'), except as noted herein.
 - 2. Over seven feet (7'), but not exceeding ten feet (10') in height, subject to the following:
 - a. A signed and notarized statement from adjacent property owners that the proposed fence or wall (which shall be described or shown in an attached exhibit) will not impact their view nor will it restrict light or movement of air, and therefore, they have no objection to the construction of the wall or fence.
 - b. The planning director shall review the notarized statement(s) to determine if they adequately represent adjacent affected properties. If such determination is made by the planning director, a fence or wall as proposed not to exceed ten feet (10') shall be approved. The planning director may require additional

notarized statements from neighboring properties if in the director's opinion they may be impacted by the fence or wall.

3. Any fence or wall in excess of ten feet (10') within a side or rear yard area, shall be subject to issuance of a special use permit.
- C. In estate residential, residential agriculture, and agricultural districts (RE-5, RE-10, RA-20, RA-40, RA-60, RA-80, RA-160, A, AE, AP, PA, SA-10, OS, TRE, TA and TAE), the following agricultural fencing standards shall apply within required front, side and rear setback areas when agricultural uses are fenced. Residential uses within these districts shall be subject to the limitations noted in the subsections A3 and B above:
1. Agricultural fencing (open wire, chain link or similar material) shall be permitted in any setback area provided it does not exceed fourteen feet (14') in height.
 2. Agricultural fences in excess of fourteen feet (14') in height shall conform to all applicable setback requirements, or shall otherwise be subject to issuance of a special use permit.
- D. For the purposes of calculating fence or wall height, the height of a retaining wall is included in the calculation if the fence is located on top of the wall, or within five feet (5') of the retaining wall. A sloped area, if it exists between the retaining wall and the fence shall be included in the height calculations as noted in the examples below.



- E. Fences shall not be permitted within a road easement or County road right-of-way.
- F. Fences and walls not located within any of the required setback areas are limited in height only by the building height limitations of the district in which they are located. (Ord. 4636 §3, 2003; Ord. 4263, 1992)

17.14.160 Recycling collection facilities. Recycling collection facilities as defined in subsection A of this section shall be permitted by site plan approval from the planning director in commercial, planned commercial, and general commercial zone districts as a host use. The approval shall be granted if the proposed use and site plan are in compliance with the findings contained in subsection B of this section.

- A. "Recycling collection facilities" shall be defined for the purposes of this section as:
1. Reverse vending machines are mechanical devices that accept one or more types of empty beverage containers and issue a cash refund or redeemable coupon. Some machines will also dispense coupons and promotional materials. The machines identify containers by reading the bar code, scanning the shape, or by other methods;
 2. Mobile recycling units which are properly licensed automobiles, trucks, trailers, or vans which are used for the collection of recyclable material such as aluminum, glass, plastic, and paper;
 3. Small collection facilities that are no larger than five hundred square feet and are intended for collection only. They have room for limited day-to-day storage of material, and do not include power-driven processing equipment except as part of reverse vending machines. Small collection facilities are usually located out-of-doors.
- B. The following findings shall be complied with in order to receive site plan approval from the planning director:
1. The facility shall be established in conjunction with an existing commercial use or community service facility and is in compliance with the zoning, building and fire codes of the county;
 2. The facility shall be no larger than five hundred square feet and occupy no more than five parking spaces, not including space that will be periodically needed for removal of materials or exchange of containers;
 3. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use unless all of the following conditions exist:
 - a. The facility is located in a convenience zone or a potential convenience zone, as designated by the California Department of Conservation;
 - b. A parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site; a reduction in available parking spaces in an established parking facility may then be allowed as follows:

For a commercial host use:

Number of Available Parking Spaces	Maximum Reduction
0-25	0
26-35	2
36-49	3
50-99	4
100+	5

For a community facility host use:

A maximum of five spaces reduction will be allowed when not in conflict with parking needs of the host use.

4. No additional parking spaces will be required for customers of small collection facilities located at the established parking lot of a host use. One space will be provided for the attendant, if needed;
5. The facility shall be set back at least ten feet from any street line and shall not obstruct pedestrian or vehicular circulation;
6. Containers for the twenty-four-hour donation of materials shall be at least thirty feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use;
7. Attended facilities located within one hundred feet of a property zoned or occupied for residential use shall operate only during the hours between nine a.m. and seven p.m.;
8. The collection containers shall be insulated so that noised generated by associated activities shall not exceed levels of sixty dBA, as measured at the property line of residentially zoned or occupied property, otherwise shall not exceed seventy dBA for twenty-four-hour operation;
9. The facility shall use no power-driven processing equipment, except for re from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected daily;
11. A collection schedule shall be established to maintain ample container capacity to accommodate daily collection needs;
12. The facility shall accept only glass, metals, plastic containers, and paper material;
13. Containers shall be clearly marked to identify the type of material which may be deposited, the facility shall be clearly marked to identify the name and telephone number of the facility operator and hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers;
14. No advertisement, posters, or flyers shall be temporarily attached to exterior of containers;
15. The facility shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present;
16. The facility shall be maintained free of litter and any other undesirable materials are to be removed at the end of each collection day, and shall be swept at the end of each collection day;
17. As warranted, the planning director shall condition the approval of the site plan to require review at the end of a six-month period;
18. If a violation occurs and is not corrected within thirty days of receiving formal notice from the planning division, the use shall be removed from the site immediately. (Ord. 3814 §1, 1988)

17.14.170 Outdoor Lighting.

- A. **Policy.** It is the policy of the County that the creation of artificial light and glare be controlled to the extent that unnecessary and unwarranted illumination of an adjacent property be prohibited. The creation of light or glare by any person in violation of this Section shall constitute a public nuisance and shall be subject to abatement proceedings in accordance with Chapter 17.12.

B. Lighting Plans Required.

1. Any commercial, industrial, multi-family, civic, or utility project that proposes to install outdoor lighting shall submit plans for such lighting, to be reviewed by the Planning Director as a part of a site plan review. If the project requires a design review, special use permit, or development plan application, said lighting plan shall be included as a part of that application, and shall be subject to approval by the approving authority.
2. Lighting plans shall contain, at a minimum, the location and height of all light fixtures, the manufacturer's name and style of light fixture, and specifications for each type of fixture.

C. Outdoor Lighting Standards. All outdoor lighting shall conform to the following standards:

1. All outdoor lighting, including residential outdoor lighting, shall be hooded or screened as to direct the source of light downward and focus onto the property from which it originates and shall not negatively impact adjacent properties or directly reflect upon any adjacent residential property.
2. Parking lot and other security lighting shall be top and side shielded to prevent the light pattern from shining onto adjacent property or roadways, excluding lights used for illumination of public roads. [See Exhibit 17.14.170(A)]

PARKING LOT LIGHT SHIELDING

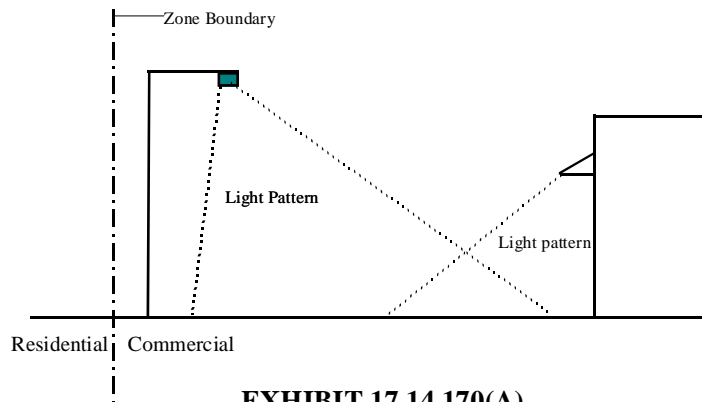
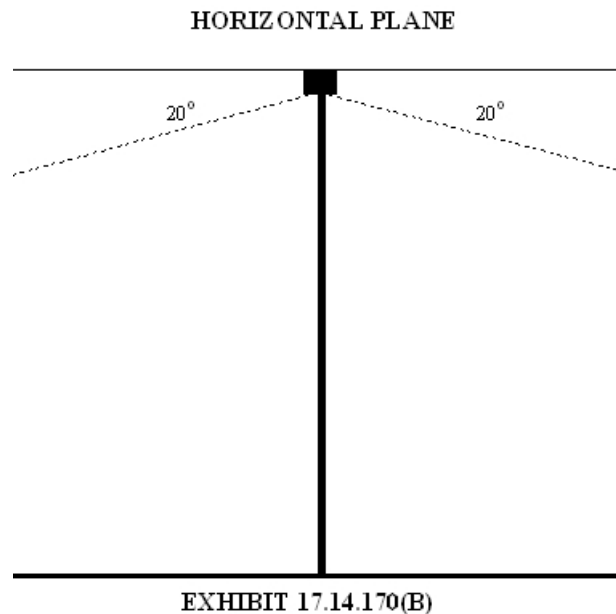


EXHIBIT 17.14.170(A)

3. External lights used to illuminate a sign or the side of a building or wall shall be shielded to prevent the light from shining off of the surface intended to be illuminated.
4. Lights that shine onto a road in a manner which causes excessive glare and may be considered to be a traffic hazard shall be prohibited.
5. Outdoor floodlights shall not project above 20 degrees below the horizontal plane. [See Exhibit 17.14.170(B)]
6. Lighting of outdoor display area, including but not limited to vehicle sales and rental, and building material sales, shall be turned off within thirty (30) minutes after the closing of the business. Security lighting, as approved by the Planning Director may remain on after the close of business hours.

7. Lighted signs shall also conform to Section 17.16.070.
- D. Exemptions. The following lighting shall be exempt from the provisions of this Section:
1. Airport lighting which is required for the safe and efficient movement of aircraft during flight, take off, landing, and taxiing. All other outdoor lighting at airport facilities shall comply with the provisions of this Section.
 2. Lighting used by law enforcement or other emergency personnel.
 3. Lighting used for the illumination of the United States flag pursuant to the requirements for nighttime illumination of the United States Flag Code.



17.14.180 Cellular Communication Facilities.

Section 1. Findings. Pursuant to Government Code section 65858, the Board of Supervisors finds as follows:

- A. The County Zoning Ordinance currently does not contain any explicit standards regulating cellular and PCS communication facilities (antennas, saucers, towers and equipment buildings; hereinafter “cellular communication facilities.”)
- B. The Planning Director issued an interpretation of the Ordinance regulating cellular communication facilities in the same manner as telephone trunk lines, supporting structures and saucers.
- C. This interpretation allowed cellular communications facilities within any zone district as a matter of right if the facilities did not exceed the maximum height allowed in the district by more than fifteen (15) feet. Cellular communications facilities exceeding those height restrictions required a special use permit.
- D. In 1996, the County adopted General Plan Policy 5.6.14, which states: “Special use permits shall be required for the installation of community telecommunication facilities (e.g. microwave towers) in residential areas to ensure that siting, aesthetics, environmental issues, surrounding land uses, and health and safety are considered.”

- E. This General Plan policy modified the previous interpretation of the zoning ordinance by the Planning Director as that interpretation applied to cellular communication facilities within residential zone districts. Cellular communications facilities now require use permits in a number of zoning classifications as public utility facilities.
- F. The adoption of the 1996 General Plan was challenged in court; therefore, the County has not completed a comprehensive update of its zoning ordinance and has not enacted explicit standards regarding cellular communications facilities.
- G. In the years since the Planning Director issued the interpretation of the zoning ordinance and the 1996 General Plan policy regarding cellular facilities was adopted, the number of applications for cellular communication facilities has increased dramatically.
- H. Approving cellular communications facilities on an ad hoc basis has the potential to significantly alter the aesthetic character of the County and cause incompatibility adjoining land uses.
- I. The County intends to draft and consider an ordinance addressing among other potential issues, the location, height and visual characteristics of cellular communication facilities, and their proximity to potentially incompatible land uses.
- J. Approving permits for cellular communication facilities prior to the preparation and consideration of that ordinance will frustrate the purpose of the ordinance and will constitute a current and immediate threat to the public welfare; therefore, this interim ordinance regulating cellular communications facilities must go into effect immediately.
- K. The Board of Supervisors finds that this ordinance is enacted to mitigate the threat posed to the public welfare by ad hoc development of cellular communication facilities. This ordinance provides interim regulations applicable to cellular communication facilities. Thus, it can be stated with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment, and the adoption of this ordinance is exempt from CEQA under sections 15307, 15308, and 15601(b)(3) of the CEQA Guidelines.

Section 2. General Rule:

Except as provided for by the exceptions specified in Section 2 hereof, no application for a permit for a cellular communications facility shall be accepted, processed or approved after the effective date of this ordinance.

Section 3. Exemptions:

- A. This ordinance shall not apply to applications to “co-locate” cellular communication facilities or existing facilities if the proposed addition will not increase the height of the existing facility.
- B. This ordinance shall not apply to applications for cellular communication facilities located in lands zoned for commercial or industrial uses, if the proposed facility will not exceed the maximum height limits for the zone district.
- C. This ordinance shall not apply to applications to locate wireless communication facilities on top of the existing power transmission facilities, provided the increase in height does not exceed fifteen (15) feet.
- D. This ordinance shall not apply to applications for temporary wireless facilities where such facilities does not exceed forty (40) feet in height, and the use does not exceed a period of ninety (90) days.

Section 4. Publication:

Within fifteen (15) days after adoption, the Clerk of the Board of Supervisors shall cause this Ordinance to be published once in a newspaper of general circulation, published and circulated in the County.

Section 5. Severability:

If any provision of this ordinance is declared to be void by final determination of a court of competent jurisdiction, the Board of Supervisors finds that said voided part is severable, and that the Board of Supervisors would have adopted the remainder of this ordinance without the severed and voided part, and that the remainder of this ordinance shall remain in full force and effect.

Section 6. Effective Date:

This ordinance shall become effective upon adoption and expire on January 23, 2002. (Ord. 4576, 3-6-2001)

17.14.190 Ranch marketing.

- A. Purpose. The purpose of this section is to provide for the development of ranch marketing activities to encourage the economic development of the agricultural and tourism industries while regulating such uses to protect the public health, safety and welfare and the enjoyment of property by adjacent land owners.
- B. Ranch marketing activities permitted. The following ranch marketing activities shall be permitted as set forth below in SA-10, Select Agricultural, PA, Planned Agricultural, AE, Exclusive Agricultural on individual parcels that contain ten (10) acres or more and have a minimum of five (5) acres of permanent agricultural crop in production or ten (10) acres of annual crop in production that are properly maintained and cared for to produce a commercial crop, and provided they are held concurrently with the sale of on-site produced agricultural products. Ranch marketing shall be permitted in AP zone districts by special use permit. Should the proper maintenance and care of the required minimum agricultural crop acreage cease, as determined by the El Dorado County Agricultural Commissioner, the right to operate any of the following accessory uses becomes void:
1. Permitted by right:
 - a. Picnic areas for daylight use;
 - b. The display and sale of handicrafts and agricultural promotional items produced on-site or off-site, provided that the primary product sold is an agricultural product produced by the owner of the subject parcel. Sales shall be subject to available parking as set forth in subsection 17.14.180(C). All vendors shall have a current El Dorado County business license. Vendors may use the site for overnight RV camping during the time that said vendor occupies a sales booth or stall, subject to applicable health and safety standards as may be required by state and County regulations;
 - c. Gift display and sales area, not including handicrafts, not to exceed a total of 500 square feet of interior floor space, for the retail sale of agricultural related promotional items, gift items, and/or pre-packaged goods. The gift display and sales area shall be operated concurrently with the sale of agricultural products and/or byproducts produced on site. Sales shall be subject to available parking as set forth in subsection 17.36.260(E). All vendors shall have a current County business license. Non-handicraft items, such as agricultural related promotional items, gift items, and/or pre-

- packaged goods, may continue to be sold under this subsection for a period of up to one (1) year following the implementation of this ordinance and must be terminated thereafter unless allowed pursuant to this ordinance.
- d. Bake shop operated concurrently with the sale of on-site produced agricultural products and agricultural byproducts. Food items, where the principle ingredient of the food are not grown on the premises, may be made and/or sold for one (1) year following the implementation of this ordinance, except as otherwise provided for in this ordinance;
 - e. Prepared food stand operated concurrently with the sale of on-site produced agricultural products and byproducts;
 - f. Special events for commercial purposes not to exceed 125 persons with the number of events not exceeding the following limits:
 - i. Parcels less than 20 acres in size - 6 per year;
 - ii. Parcels 20 acres or more in size - 12 per year;
 - iii. All Special events shall be subject to available parking as set forth in subsection 17.14.180(C).
 - g. Marketing promotional events promoting the agricultural operation on the parcel on which the event is held, subject to available parking as set forth in subsection 17.36.260(E). (For the purpose of this section, a marketing promotional event is defined as events sponsored by the property owner, an association of agricultural property owners, or similar non-profit organizations formed to assist the agricultural industry in the area, to promote the sale of agricultural products and byproducts and which is intended to benefit the agricultural use of the site and/or the agricultural region. No single event shall exceed three (3) consecutive days);
 - h. The sale of alcoholic beverages made from agricultural products produced on-site. This section shall not prohibit the sale of alcoholic beverages processed off site, provided that the alcoholic beverage includes only agricultural products grown on site;
 - i. Agricultural-related museums;
 - j. Agricultural Homestays, as defined under Section 113870(a)(2) of the California Health and Safety Code, on parcels containing ten (10) acres or larger, with no limitation on the time of operation;
 - k. Parcels containing ten (10) acres or larger may have one additional unlighted sign, located on-site, advertising authorized activities. The sign's display area shall not exceed sixteen (16) square feet on either sign face, with a total not greater than thirty-two (32) square feet for a double-faced sign.
2. The following uses shall be permitted subject of site plan review approval by the Planning Director, following the recommendation of the Agricultural Commission, on individual parcels that contain ten (10) acres or more and have a minimum of five (5) acres of permanent agricultural crop in production or ten (10) acres of annual crop in production that are properly maintained and cared for to produce a commercial crop. Should the proper maintenance and care of the required minimum agricultural crop acreage cease, as determined by the El Dorado County Agricultural Commissioner, the right to operate any of the following accessory uses becomes void:
 - a. Gift display and sales area, not including handicrafts, in excess of 500 square feet, but less than 1,000 square feet of interior floor space, for the retail sale

- of agricultural related promotional items, gift items, and/or pre-packaged goods. The gift display and sales area shall be operated concurrently with the sale of agricultural products and/or byproducts produced on site. Sales shall be subject to available parking as set forth in subsection 17.36.260(E). All vendors shall have a current County business license. Sale of agricultural related promotional items, gift items, and/or pre-packaged goods, other than handicraft items, may be sold for up to one (1) year following the implementation of this ordinance without restriction to floor space and must be terminated thereafter unless allowed pursuant to this ordinance.
- b. Special events for commercial purposes over 125 persons but 250 or fewer persons, subject to available parking as set forth in subsection 17.14.180(C) below, with the number of events not exceeding the following limits:
 - i. Parcels less than 20 acres in size - 6 per year;
 - ii. Parcels 20 acres or more in size - 12 per year;
 - iii. All Special events, weddings, and similar functions shall be subject to the development standards set forth in subsection C.
 - c. The site plan review approval may set forth limitations on the capacity of the accessory uses.
 - d. Agricultural Homestays, as defined under Section 113870(a)(2) of the California Health and Safety Code, on parcels containing ten (10) acres or less, may be permitted subject to site plan review approval by the Planning Director, following the recommendation of the Agricultural Commission, provided the parcel has a minimum of five (5) acres of permanent agricultural crop in production that are properly maintained and cared for to produce a commercial crop, with no limitation on the time of operation.
3. Permitted by special use permit:
- a. The packing, processing and/or sale of agricultural products and byproducts produced off-site and any accessory structures on parcels containing less than ten (10) acres;
 - b. Use of special attractions for commercial purposes such as, but not limited to, music festivals, concerts, carnivals, or other nonagricultural activities subject to available parking as set forth in subsection 17.36.260(E);
 - c. Signs in excess of that permitted by right, including flags, banners, balloons and other temporary signs;
 - d. Bed and Breakfasts and other lodging facilities, other than Agricultural Homestays;
 - e. Dining facility (not including a prepared food stand);
 - f. RV or overnight camping site for commercial purposes;
 - g. Commercial recreational uses and facilities to be operated concurrently with the sales season of on-site produced agricultural products and byproducts;
 - h. Those uses provided by right that are not otherwise allowed on parcels of less than ten (10) acres may be authorized by special use permit;
 - i. Special events for commercial purposes in excess of 250 persons for the sale of gift items and/or pre-packaged goods;

- j. Gift display and sales area, not including handicrafts, in excess of 1,000 square feet of interior floor space, for the retail sale of agricultural related promotional items, gift items, and/or pre-packaged goods. The gift display and sales area shall be operated concurrently with the sale of agricultural products and/or byproducts produced on-site. All vendors shall have a current El Dorado County business license. Sale of agricultural related promotional items, gift items, and/or pre-packaged goods, other than handicraft items, may be sold for up to one (1) year following the implementation of this ordinance without restriction to floor space and must be terminated thereafter unless allowed pursuant to this ordinance.
 - k. All ranch marketing uses in the AP, Agricultural Preserve zone.
- C. Development Standards: The following standards shall apply to all ranch marketing activities set forth above:
- 1. Parking
 - a. Permanent parking spaces, may be of dirt or gravel surface, shall be provided for all sales, gift, handicraft and food service areas pursuant to the provisions of Chapter 17.18, Parking;
 - b. Parking for special events, weddings, marketing promotional events, and similar functions may utilize temporary, overflow parking areas. Limitations on the number of guests may be based on availability of off-street parking. Overflow parking areas may be of dirt or gravel surface, provided that the parking area is fire safe;
 - c. On-street parking shall not be permitted.
 - 2. Access.
 - a. The access to the ranch marketing facility shall be connected directly to a public road, except as provided below.
 - b. Where a proposed ranch marketing facility is located on a private road and is within general plan designated Agricultural District boundaries, access shall be subject to the review and approval by the Planning Director under site plan review, following a recommendation by the Agricultural Commission.
 - c. Where a proposed ranch marketing facility is located on a private road and is outside general plan designated agricultural district boundaries, a special use permit shall be required.
 - 3. Proposed ranch marketing facilities that do not meet the standards set forth above may be considered by special use permit pursuant to Chapter 17.22. (Ord. 4636 §4, 2003; Ord. 4573 (part), 2001)

17.14.200 Wineries.

- A. Purpose. The purpose of the winery ordinance is to:
- 1. Provide for the orderly development of wineries and accessory uses within specified agricultural zones and specified residential zones to ensure compatibility with adjacent land uses (General Plan Policy 2.2.5.21.)
 - 2. To encourage the economic development of the local agricultural industry by allowing for the direct sales and marketing of value added products (General Plan Policy 10.1.5.4.)
 - 3. To implement General Plan policies that encourages development of agricultural-related uses while protecting the agricultural character and long-term agricultural

production of agricultural lands. (General Plan Policies: 8.2.2.1, 8.2.4.2., 8.2.4.3, 8.2.4.4, and 8.2.4.5)

B. Wineries and Accessory Uses. Those uses identified as “by right” are subject to compliance with all applicable provisions of the Zoning Ordinance. Uses may also require grading permits, building permits, or other permits as required by the County Code. Those uses identified as permitted by Conditional Use Permit (CUP) require an Administrative Permit (17.22.350), Minor Use Permit (17.22.400) or a Special Use Permit (17.22.500) as determined by the Director of Development Services (Director).

1. Use Classifications. The winery and accessory uses are grouped into the following classes and are further defined in Section C, Winery Uses:

- Class 1: Winery (C.1)
 - Tasting facilities (C.2.a)
 - Wholesale and retail sales of wine (C.2.b)
 - Retail sales of merchandise and art (C.9)
 - Public Tours
 - Picnic Areas (C.8)
 - Marketing Events (C.2.c)
- Class 2: Special Events limited to the provisions of C.3.
- Class 3: Agricultural related museum (C.7)
 - Commercial kitchen facilities (on premises functions only) (C.6)
- Class 4: Commercial kitchen use for catering off-premises functions (C.10)
 - Distilleries (C.5)
 - Dining facility (C.4)
- Class 5: Special Events that exceed the provisions of C.3.a and C.3.b.

2. Uses Allowed. Wineries and accessory uses shall be allowed as set forth below (acreages are gross acreages of individual lots):

- a. AE, PA, and SA Zones (20 acres or more) (Both within and outside of an Ag District): Lots Zoned AE, PA, and SA; that are 20 acres or more; with a minimum of five acres commercial vineyard; the following uses are allowed:
 - By right: Class 1, Class 2, and Class 3.
 - By CUP: Class 4 and Class 5.
- b. AE, PA, and SA Zones (10 acre minimum) within Ag District: Lots Zoned AE, PA, and SA; that are a minimum of 10 acres, but less than 20 acres; with a minimum of five acres commercial vineyard; and are located within a General Plan Agricultural District; the following uses are allowed:
 - By right: Class 1 and Class 2.
 - By CUP: Class 3, Class 4, and Class 5
- c. AE, PA, and SA Zones (10 acre minimum) not in Ag District: Lots Zoned AE, PA, and SA, that are a minimum of 10 acres, but less than 20 acres; with a minimum of five acres of commercial vineyard; and are not located within a General Plan Agricultural District; the following uses are allowed:
 - By right: none
 - By CUP: Class 1, Class 2, Class 3, and Class 4
- d. AP zones: In AP Zones that are a minimum of 10 acres; with a minimum of five acres of commercial vineyard; the following uses are allowed:
 - By right: none
 - By CUP: Class 1, Class 2, Class 3, and Class 4

- e. RA Zone within Ag District. Lots Zoned RA; that are a minimum of 10 acres; with a minimum of five acres of commercial vineyard; and are located within a General Plan Agricultural District; the following uses are allowed:
By right: Class 1
By CUP: Class 2, Class 3, and Class 4
 - f. RA Zone, not in Ag District. Lots zoned RA; that are a minimum of 10 acres; with a minimum of five acres of commercial vineyard; and are not located within a General Plan Agricultural District; the following uses are allowed:
By right: none
By CUP: Class 1, Class 2, and Class 3
 - g. RE Zone, within an Ag District. Lots zoned RE; that are a minimum of 10 acres; with a minimum of five acres of commercial vineyard; and are located within a General Plan Agricultural District; the following uses are allowed:
By right: Class 1
By CUP: Class 2, Class 3, and Class 4
 - h. RE Zone, not in Ag District. Lots zoned RE; that are a minimum of 10 acres; with a minimum of five acres of commercial vineyard; and are not located within a General Plan Agricultural District; the following uses are allowed:
By right: none
By CUP: Class 1, Class 2, and Class 3
3. Table of Uses Allowed. Table B.3 Uses Allowed represents the same use provisions of B.2, except presented in a table format for ease of use and quick reference. Where there are discrepancies between Section B.2 and Table B.3, the text of Section B.2 shall prevail.

TABLE B.3

Class	Use	AE, PA & SA Zoning 20+ Acres (B.2.a) (See Note 2)	AE, PA & SA Zoning 10 - 19.9 Acres Within GP Ag District (B.2.b)	AE, PA & SA Zoning 10-19.9 Acres Not In GP Ag District (B.2.c)	RE & RA Zoning 10+ Acres Within GP Ag District (B.2.e & g)	RE & RA Zoning 10+ Acres Not In GP Ag District (B.2.r & h)	AP Zoning 10+ Acres (B.2.d)
1	New Winery	By Right	By Right	CUP	By Right	CUP	CUP
1	Tasting Facilities	By Right	By Right	CUP	By Right	CUP	CUP
1	Retail Sale of Wine	By Right	By Right	CUP	By Right	CUP	
1	Retail Sale of art/merchandise	By Right	By Right	CUP	By Right	CUP	CUP
1	Public Tours	By Right	By Right	CUP	By Right	CUP	CUP
1	Picnic Areas	By	By	CUP	By Right	CUP	CUP

		Right	Right				
2	Special Events: 50 to 250 PAOT* 48 Event days/year including: 12 facility rentals on less than 20 acres or 24 facility rentals for 20 acres or more	By Right	By Right	CUP	CUP	CUP	CUP
3	Ag related museums	By Right	CUP	CUP	CUP	CUP	CUP
3	Commercial kitchen for on-site use only	By Right	CUP	CUP	CUP	CUP	CUP
4	Commercial kitchen used for off-site purposes	CUP	CUP	CUP	CUP	Prohibited	CUP
4	Dining facilities	CUP	CUP	CUP	CUP	Prohibited	CUP
4	Distilleries	CUP	CUP	CUP	CUP	Prohibited	CUP
5	Special Events: With more than 250 PAOT; more than 48 event days/year; or more facility rentals then allowed	CUP	CUP	Prohibited	Prohibited	Prohibited	Prohibited

* Persons at one time

CUP = Conditional Use Permit

Note 1: By Right uses may require a CUP pursuant to Section D.1 and E.5 (Access Limitations and Access Standards) and Section D.2 (Land Use Compatibility Limitations)

Note 2: May require a CUP pursuant to Section D.2

C. Winery Uses: The following provisions shall apply to all wineries, accessory structures, and accessory uses:

1. General Winery Provisions. “Winery” means an agricultural processing facility producing wine from fruit or fruit juices through fermentation or the refermenting of still wine into sparkling wine that is bonded through the Alcohol, Tobacco Tax and Trade Bureau and has a current California Alcohol Beverage Control Type 2 Winegrower’s License.
 - a. The primary purpose of the winery shall be to process fruit grown on the winery lot or on other local agricultural lands. No more than 50 percent of the fruit processed shall be imported from outside El Dorado County.
 - b. Wineries include those areas of a winery where grapes are crushed, fermented or pressed, where bulk wine is stored in tanks or barrels, or where

winery operations such as racking, filtering, blending, or bottling of wines are carried out, and on-site case goods storage.

2. Tasting Facilities.
 - a. Subordinate to Winery. Tasting facilities shall be clearly related, and subordinate to the primary operation of the bonded winery as a production facility. The primary focus of the tasting facilities shall be the marketing and sale of the wine and grape or fruit products produced, vinted, cellared or bottled at the winery. Snack foods that are consumed during wine tasting are allowed.
 - b. Wine Sales. Retail sales of wine fruit products shall be limited to those produced, vinted, cellared or bottled by the winery operator or grown on the winery lot, or custom crushed at another facility for the winery operator, subject to the provisions of an ABC Type 2 Winegrower's license. (The ABC Type 2 Winegrower's license requires that at least 50 percent of the wine sold be produced by the winery).
 - c. Marketing. Tasting facilities include any marketing activities sponsored by a winery facility intended for the promotion and sale of the facility's products. Activities of a marketing event may include, but are not limited to, live music, catered food, food prepared on premises, winemaker dinners, releases, library wines, discounted sales, "bottle-your-own," and similar activities, including amplified outdoor music subject to the County noise ordinance but may not include concerts or events which include more than one facility, or events sponsored by or for the benefit of an organization other than the facility.
3. Special Events. "Special Events" are any events such as charitable events, promotional events, and facility rental events, that are not the tasting and marketing activities described in Subsection C.2.c.
 - a. Number Permitted. Special events are limited to a total of 48 days per calendar year. Special events that have less than 50 persons at one time shall not count against the total number of events allowed. "Facility rental events" are a type of Special Event where the property owner is compensated for the use of the site and facilities, such as weddings, parties, company picnics, birthdays, reunions, or other social gatherings. Facility rental events are part of the total Special Events permitted, but are further limited to the following:
Lots less than 20 acres in size: 12 facility rental days per calendar year
Lots 20 acres or more in size: 24 facility rental days per calendar year
 - b. Capacity Limitation. All Special Events are limited to 250 persons at one time.
4. Dining Facility. Dining facility means an establishment where food is prepared and served to the public in an established indoor seating area. (17.06.050.Q). The Dining Facility must be subordinate to the sale of wine. The Dining Facility does not include areas of a winery that are temporarily set up for wine maker dinners.
5. Distilleries. "Distillery" means a production facility for purposes of distilling wine to produce high proof or similar distilled spirits which is bonded through Alcohol, Tobacco Tax and Trade Bureau and has a current California Alcohol Beverage Control License. Distilleries are only permitted in conjunction with a winery on the same lot with a CUP. Allowed activities include, but are not limited to, blending,

aging, storage, bottling, administrative functions, warehousing operations, wholesale sales, retail sales, and tasting facilities.

6. Commercial Kitchen. Food preparation facilities and sale of prepackaged food items must comply with the California Health and Safety Code and be permitted by Environmental Management. Commercial kitchens that are permitted shall be accessory to the winery, tasting room, and any other authorized accessory uses.
7. Museum. Agricultural related museums shall be accessory to a winery and tasting room and shall primarily display items from California's agricultural history.
8. Picnic Areas. Picnic areas shall be subordinate to the winery and tasting room.
9. Retail Sales. Retail sales of merchandise, art, prepackaged food items properly labeled in accordance with the California Health and Safety Code shall only be allowed within the tasting facilities and shall not be under any circumstances located in a separate structure. Sales of non-wine merchandise shall be subordinate to the wine sales.
10. Catering. Use of an on-site, authorized commercial kitchen for catering off-site events may be allowed only by CUP and only when the catering use is found to be subordinate to the winery's wine sales on an annual basis.

D. Special Provisions

1. Access Limitations. Uses listed in Subsection B.2 identified as "by right" must meet the access provisions of Subsection E.5 or a CUP is required.
2. Land Use Compatibility Limitations. Proposed winery facilities that are not located within an Agricultural District shown on the adopted General Plan Land Use Map and have property lines adjoining a lot with a non-compatible land use designation shall require approval of a CUP. For purposes of this section, non-compatible land use designations shall be Multifamily Residential (MFR), High Density Residential (HDR), Medium Density Residential (MDR), and Low Density Residential (LDR). The compatibility determination will be made prior to issuance of a building permit for a winery building. Subsequent expansion of the facility buildings or uses will require additional compatibility determinations.
3. IBC Limitations. Wineries and accessory structures in the Important Biological Corridor (IBC) land use designation shall adhere to these additional restrictions, unless mitigated through the CEQA process and a Conditional Use Permit.
 - a. Minimum lot size for winery and accessory structures is 20 acres.
 - b. A maximum of 2.5 acres of the lot may be used for winery and accessory uses.
 - c. Structures shall be setback 200 feet for perennial streams and 100 feet for intermittent streams as shown on the USGS quad maps.
4. Other Zones. All other agricultural and residential zones not listed in this section are not allowed to have wineries or tasting rooms as a primary use or accessory use (either by right or by CUP). It is specifically prohibited to pursue a winery or tasting room as a "home occupation." In the Commercial and Industrial zones, wineries and accessory uses would be allowed in accordance with the specific zone's provisions for wineries and are exempt from this section's provisions, including but not limited to: minimum lot size, vineyard size, location on County maintained road, and adjacent land use designations.
5. Wineries with less than 5 acres of vineyard. Wineries without a minimum five acres of vineyard may only be permitted as a Micro-Winery in Section D.10, except that a

winery (C.1) production facility may be approved by conditional use permit if all of the following provisions are met:

- a. The lot is located within a General Plan Agricultural District;
 - b. The lot is zoned AE, PA, or SA;
 - c. The lot is a minimum of ten acres in size;
 - d. The lot shall have a minimum of one acre of vineyard or other fruit crop that is used to produce wine;
 - e. The facility is not open to the public;
 - f. The only accessory uses in this section allowed is a distillery (C.5); and
 - g. At least 75 percent of the fruit used by the facility shall be grown within El Dorado County
6. “Lot.” For purposes of the Winery Ordinance, the term “Lot” is used to describe an individual legal parcel. This does not include an administrative parcel used by the Assessor for tax purposes. Lots under the same ownership are not considered to be a single lot for purposes of the Winery Ordinance.
7. Not Additive with Ranch Marketing. The number of Special events may not be added to, or combined with, those allowed by right under Ranch Marketing Ordinance, Section 17.14.180 unless approved by a CUP.
8. Temporary Use Permit. Special events such as fundraisers, concerts, or other special functions where the number of attendees will exceed 250 persons at any given time and determined to be of an infrequent nature not normally conducted at the winery facility or grounds may be permitted by Temporary Use Permit in compliance with Chapter 17.23. Infrequent nature, as used herein, shall mean no greater than three events per calendar year and no more frequent than one event per calendar month.
9. Effect on Existing Special Events. All unpermitted special events in existence on the effective date of this section (February 3, 2009) shall be subject to the standards specified in this Subsection. Existing special events may be continued subject to an Administrative Use Permit only when the scope and frequency of the existing special events can be adequately documented in the application for the Administrative Use Permit. If an applicant wishes to expand the scope or frequency of the existing special events, a CUP will be required. The required Administrative Use Permit or CUP shall be requested from the County within one year of the effective date specified above. All existing uses shall be allowed to continue for one year from the application date of any of the above specified permits. If the required permit has not been requested within the time frames set forth in this section, the penalties of Chapter 17.12 (Enforcement) of this Title shall apply.
10. Micro-Winery. Micro-wineries shall be permitted by CUP in the SA, PA, AE, AP, RE, and RA zone districts. All micro-wineries are subject to all of the following provisions:
- a. Minimum Lot Size. All micro-wineries shall be located on a lot of five acres or more.
 - b. Vineyard Standards. All micro-wineries shall have a minimum of one acre planted wine grapes on the same lot. One acre shall mean a planting of wine grapes spanning an area of at least 43,560 square feet and consisting of a minimum of 440 grape vines. These wine grapes shall be properly maintained and cared for to produce a commercial crop. Should the proper maintenance and care of the required minimum wine grapes acreage cease, as

determined by the El Dorado County Agricultural Commissioner, the right to operate the micro-winery becomes void.

- c. Wine Sales. Wine sales shall be by internet, mail order, telephone, facsimile (and similar means), or off-site only. No on-site sales, tasting, or public access is allowed.
 - d. Limitation on Accessory Uses. No other accessory uses described in this Winery Ordinance is permissible on the site. In no circumstances is wine tasting allowed on-site. No CUP can be approved that permits wine tasting or wine tasting by appointment.
 - e. Compliance with Laws. All other local, State, and federal laws shall apply and compliance shall be verified prior to operation. At a minimum:
 - i. Fire Department shall review the facility for consistency with Fire Code Regulations.
 - ii. Waste Discharge permit or Waiver of Discharge Permit from Regional Water Quality Control Board.
 - iii. Winegrower license from Alcoholic Beverage Control.
 - iv. The facility must be bonded through the Alcohol, Tobacco Tax and Trade Bureau.
 - v. Building Permit (Building, Planning, Environmental Management).
 - vi. Verification of one acre vineyard, properly maintained (Agricultural Department).
 - f. Production Capacity. The capacity of the micro winery shall not exceed 250 cases (595 gallons) for each acre of wine grapes grown on the lot with a total capacity not to exceed 1,250 cases (2,972 gallons). Lots zoned PA and SA may exceed these amounts in compliance with the CUP conditions if:
 - i. The lot is within a General Plan Agricultural District, and
 - ii. The Agricultural Commission finds that the land is not capable of supporting five acres of vineyard and that potential on-site agricultural land is not being precluded from future agricultural production.
 - g. Signs. Micro-winery signs are limited to one on-site unlighted sign, six square feet in area, six feet in height, advertising the name of the winery and owner. The sign must also state “not open to the public.”
 - h. Micro-Winery Size. Maximum enclosed square footage (all floors) of the winery shall be 2,000 square feet.
- E. Development Standards: These standards are the minimum required for all wineries, accessory uses in Section C. Additional requirements may be added through the discretionary permitting process if applicable.
- 1. Commercial Vineyard. “Commercial Vineyard” means that a minimum of five acres of wine grapes are planted and are capable of producing a commercial crop. Five acres shall mean a planting of wine grapes spanning an area of at least 217,800 square feet and consisting of a minimum of 2,200 grape vines that are properly maintained to produce a commercial crop as determined and verified by the Agricultural Commissioner. Properly maintained as used in this section shall mean that the planted grapes are tended in a manner consistent with proper and accepted customs and standards of the agricultural industry including but not limited to the provision of irrigation, the control of pests and diseases, and the protection against deer depredation. Should the minimum acreage of wine grapes cease to be

maintained, as determined by the Agricultural Commissioner, the right to operate the winery and all accessory uses shall immediately cease until such time as the required five acres of wine grapes are re-established to the satisfaction of the Agricultural Commissioner. A determination by the Agricultural Commissioner may be appealed to the Agricultural Commission whose decision shall be final and not subject to further appeal.

2. Setbacks. The following setbacks apply to all wineries, tasting facilities, and outdoor use areas, excluding parking lots and picnic areas:
 - a. Within a General Plan Agricultural District a minimum of 50 feet from all property lines.
 - b. Outside a General Plan Agricultural District a minimum of 200 feet from all property lines.
 - c. The 200 foot setback in Subsection E.2.b may be reduced to no less than 50 feet by the Agricultural Commission approval of “Administrative Relief” based on forms and criteria established by the Agricultural Commission and subject to fees adopted by the Board of Supervisors.
3. Signs. The following signs are allowed for any winery that is allowed by right:
 - a. One unlighted on-site sign advertising authorized activities not to exceed 32 square feet on either sign face, with a total not to exceed 64 square feet for a double-faced sign.
 - b. In addition, one off-site sign of the same size may be approved by Administrative Permit, with the property owner’s permission and specific findings regarding: the proximity to the winery; zoning; and the need for the off-site sign due to the location of the access road.
 - c. Small off-site directional signs, not exceeding 6 square feet, may also be approved with the property owner’s permission through the Administrative Permit process with the submittal of a plan showing the location of each sign and the need for each of the directional signs. Additional signage may be permitted by CUP.
 - d. Industry association signs as approved by the Board of Supervisors, such as Farm Bureau, Farm Trails, Apple Hill, Fair Play Winery Association, and El Dorado Winery Association, shall be exempt from these provisions.
4. Parking. The following parking standards shall apply to wineries, tasting rooms, and accessory uses:
 - a. Permanent parking spaces shall be provided for wineries, tasting room, and retail sales areas in compliance with Chapter 17.18, Off-Street Parking and Loading.
 - b. Parking surfaces shall be surfaced with a Class 2 aggregate base or equivalent, with appropriate hard-surfacing for designated ADA compliant parking stalls.
 - c. Temporary parking for marketing activities and special events may utilize overflow parking areas that are not surfaced. Limitations on the number of guests may be based on availability of off-street parking. All temporary parking shall be accommodated on-site, shall meet Chapter 17.18 standards for temporary parking, and meet any Fire Department requirements.
5. Access Standards: The access to winery and tasting facilities open to the public shall connect directly to a County maintained road, except as provided below. Access via a non-County maintained road for purposes of this subsection includes access to a

winery that utilizes any portion of a non-County maintained road whether or not the road utilized is located on-site or off-site.

- a. In Ag District. A winery and tasting facility accessed by a non-County maintained road, if located within an Agricultural District, shall be subject to the review and approval of a Site Plan Review by the Development Services Director, following a recommendation by the Agricultural Commission.
 - b. Not in Ag District. A winery and tasting facility accessed by a non-County maintained road that is not located within an Agricultural District shall require a CUP.
 - c. Not Open to Public. A winery that is not open to the public and without on-site sales may be accessed by a non-County maintained road.
 - d. Road Maintenance. As a condition of approval for a Site Plan Review or CUP, the winery will be required to participate in any private road maintenance entity, annex into a road ZOB, or otherwise pay a fair share for road maintenance as determined by the approving authority.
 - e. Fire Safe/Code Standards. Access to a winery open to the public shall meet the minimum access requirements of the applicable fire protection district, including both on-site and off-site access roads. Exceptions to standards may be allowed by the Fire District and subject to appeals processes identified in the SRA Fire Safe Regulations.
 - f. “County Maintained Road” for this Subsection shall be a road that is listed by the Department of Transportation as being on the current County Maintained Mileage list. This list does not typically include County Service Area (CSA) or Zone of Benefit (ZOB) roads.
6. Size Limitation.
- a. The winery, accessory buildings and accessory uses shall not occupy more than five acres or 50 percent of the gross lot area, whichever is less.
 - b. All new wineries and expansion of existing wineries that exceed 10,000 square feet of floor area and visible from a County maintained road shall require a Design Review approval. Reserved
 - c. Tent structures that exceed 1,200 square feet of floor area and visible from a County maintained road shall be limited to 30 day periods, three times per calendar year, unless additional time frames are approved by the Development Services Director by a Temporary Use Permit, Site Plan Review, or Special Use Permit.
 - d. The total enclosed square footage (all floors) of a winery building shall not exceed the square footage shown in the Table E.6. Any winery building or group of winery buildings and accessory buildings, exceeding the square footage in the Table E.6 below shall require a CUP. Winery buildings do not include residential buildings, garages, outbuildings, and structures not associated with the winery, such as agricultural buildings.

TABLE E.6

LOT ON WHICH THE WINERY IS LOCATED	MAXIMUM ALLOWABLE WINERY BUILDING SIZE
10 acres to less than 20.0 acres	10,000 square feet
20 acres but less than 40.0 acres	40,000 square feet
40.0 acres and larger	60,000 square feet

7. Waste Disposal.
 - a. Solid Waste. All solid waste must be stored in a manner that prevents the propagation, harborage, or attraction of flies, rodents, vector, or other nuisance conditions and must be removed at least once every seven days in accordance with Chapter 8.42 of the County Code. Pomace, culls, lees, and stems maybe recycled onsite in accordance with the Report of Waste Discharge approved for each individual winery by the Regional Water Quality Control Board.
 - b. Winery Production Waste. Standards will be set, where applicable, by the Regional Water Quality Control Board and will be stipulated in the Report of Waste Discharge.
8. Cultural Resource Protection.
 - a. Winery development on a lot identified by the County as being listed on the National Register of Historic Places (NRHP) and California Register of Historic Places (CRHR) shall be required to preserve the structure(s). Modifications or demolition of the structures shall only be approved based on recommendations from a cultural resource report that meets County guidelines.
 - b. Winery development within 100 feet of perennial or intermittent streams shall submit a cultural resource study prior to approval of grading or building permits. Cultural sites identified in the study and recommended for avoidance and protection shall be protected as recommended in the cultural resource study.
9. Outdoor Amplified Music. The General Plan noise standards contained in Policy 6.5.1.7 and Table 6-2 shall be adhered to for all events featuring outdoor amplified music or amplified speech. For any events occurring between 7 p.m. and 10 pm, a noise analysis shall be submitted to the Development Services Department demonstrating that the noise standards will not be exceeded. No outdoor music will be permitted after 10 pm. (Ord. 4808, 2009)

17.14.210 Communication Facilities, Wireless

- A. Purpose. The purpose of this section is to provide for the orderly development of commercial and private wireless communication facilities, including transmission and relay towers, dishes, antennae and similar facilities, to encourage the appropriate location and development of wireless communication facilities; to protect the character of neighborhoods

- and communities; and to protect the scenic quality of El Dorado County's roads and byways.
- B. Statement of Intent. The Board of Supervisors finds that it is in the interest of public health, safety and welfare of the citizens of El Dorado County, and an economic benefit to minimize the number of communication facilities through encouraging the joint use of existing and new towers and the placement of facilities in areas where the adverse impact is minimal, thereby reducing the visual and potential visual intrusion of such facilities on the surrounding area.
1. Communication service providers are, therefore, encouraged to:
 - a. Employ all reasonable measures to site their antenna equipment on existing structures as facade mounts, roof mounts, or co-location on existing towers prior to applying for new towers or poles;
 - b. Work with other service providers and planning staff to co-locate where feasible. Where co-location on an existing site is not feasible, develop new sites which are multi-carrier to facilitate future co-location, thereby reducing the number of sites countywide;
 - c. Develop communication facilities (i.e., tower companies) with commitments from licensed carriers.
 2. All county agencies, dependent and independent districts, and utility providers shall be encouraged to permit and streamline co-location of communication facilities on appropriate existing structures subject to reasonable engineering requirements.
 3. It is the intent of the County to minimize the visual impacts of wireless communication facilities by limiting the number of facilities; however, the county realizes that in some instances permitting a number of smaller facilities may be less visually obtrusive than permitting a single monopole or tower.
- C. Pre-Application Review. Prior to submitting an application for a wireless communication facility, the applicant is encouraged to schedule a pre-application meeting with planning department staff to discuss proposed cellular site(s).
- D. Use Permitted. Wireless communication facilities, as defined in Section 17.06.050, shall be permitted in all zone districts, subject to the following standards and permitting requirements.
1. Building facade mounted antennas. In all zone districts, a building facade mounted antennae may be permitted subject to approval of an administrative permit by the planning director pursuant to Section 17.22.350 et seq. and subject to the following criteria. Those facilities not meeting the criteria below are subject to a special use permit.
 - a. No portion of the antenna, support equipment or cables shall project above the roofline;
 - b. The surface area of all antenna panels shall not exceed 10 percent of the surface area of the facade of the building on which it is mounted or 30 square feet, whichever is greater;
 - c. No portion of the antenna or equipment shall extend out more than twenty-four (24) inches from the facade of the building;
 - d. Antennas and equipment shall be constructed and mounted to blend with the predominant architecture and color of the building or otherwise appear to be part of the building to which it is attached;
 - e. The lowest portion of all antennas shall be located a minimum of fifteen (15) feet above grade level;
 - f. All equipment shelters, cabinets, or other ancillary structures shall be located

within the building being utilized for the communication facility, or on the ground screened from public view. Equipment located on the roof must be screened from public view from adjacent streets and properties.

2. Roof mounted antennae. The construction or placement of communication facilities as roof mounted antennae may be permitted as set forth below:
 - a. Except when located adjacent a state highway, in all commercial, industrial and research and development zone districts, roof mounted antennas may be permitted subject to approval of an administrative permit by the planning director pursuant to Section 17.22.350 et seq. and subject to the following criteria. Those facilities not meeting the above criteria are subject to a special use permit.
 - i. Facilities located on the roof of the building shall be located towards the center of the roof if technologically feasible. The height of the facility shall not exceed fifteen (15) feet from the roof top. Facilities exceeding fifteen (15) feet in height above the roof top shall be subject to issuance of a special use permit pursuant to Section 17.22.500 et seq.;
 - ii. All equipment shelters, cabinets, or other ancillary structures shall be located within the building being utilized for the communication facility, or on the ground screened from public view. Equipment located on the roof must be screened from public view from adjacent streets and properties by an architecturally compatible parapet wall or other similar device.
 - b. In all other zone districts, and where located adjacent to a state highway or designated scenic highway, roof mounted antennas shall be subject to approval of a special use permit by the planning commission pursuant to Section 17.22.500 et seq.
3. Co-location on existing non-building structures or public facilities. In all zone districts, the co-location of antennas on signs, water tanks, utility poles and towers, light standards and similar structures may be permitted subject to approval of a minor use permit by the zoning administrator pursuant to Section 17.22.400 et seq. and subject to the following criteria. Those facilities not meeting the criteria below are subject to a special use permit.
 - a. The antennae shall not exceed fifteen (15) feet in height above the height of the existing structure. Those that exceed 15 feet are subject to a special use permit.
 - b. The antennae and mounting brackets shall be painted to blend with the design of the structure, natural features or vegetation of the site;
 - c. All equipment shelters, cabinets, or other ancillary structures shall be located within the structure being utilized for the communication facility, or designed to blend with surrounding architecture, or on the ground screened from public view;
 - d. If proposed to be attached to a structure, utility pole or tower located within a public utility easement, both the utility and the property owner must authorize submittal of an application for such use.
4. Co-location on existing approved monopoles or towers. In all zone districts, the placement of antennas on an existing approved monopole or tower may be permitted subject to approval of a minor use permit by the zoning administrator pursuant to

Section 17.22.400 et seq. and subject to the following criteria. Those facilities not meeting the criteria below are subject to a special use permit.

- a. New antennae shall be located at or below the topmost existing antenna array, either on the same pole or a replacement pole at the same height and within the approved lease area;
 - b. New antennae shall not extend out horizontally from the pole more than the existing widest projection. Use of designs similar to existing antenna array are encouraged;
 - c. All equipment shelters, cabinets, or other ancillary structures shall be located within the building being utilized for the communication facility, or designed to blend with surrounding architecture, or on the ground screened from public view;
 - d. The antennae and pole or tower shall be designed to match the existing facility, natural features or vegetation of the site;
 - e. Additional antenna arrays added above the existing approved antenna array or that requires the tower height to be increased shall be considered a new tower and shall be subject to the provisions of subsection (D)(5), below.
5. New towers or monopoles. The construction or placement of communication facilities on new towers or monopoles or an increase in height of existing towers or monopoles, may be permitted as set forth below:
- a. In the industrial, commercial and research and development zone districts a new tower or monopole may be permitted subject to approval of a minor use permit by the zoning administrator, pursuant to Section 17.22.400, except where located adjacent to a state highway or designated scenic highway or within 500 feet of any residential zone district.
 - b. In all other zone districts, new towers or monopoles shall be subject to approval of a special use permit by the planning commission pursuant to Section 17.22.500 et seq.
6. Other types of facilities not listed above. Application proposals that do not fit the above criteria of Sections 1 through 4 will be subject to a special use permit by the planning commission, as determined by the Planning Director.
- E. Visual. Visual simulations of the wireless communications facility (including all support facilities) shall be submitted. A visual simulation can consist of either a physical mockup of the facility, balloon simulation, computer simulation or other means.
- F. Development Standards. The following provisions shall apply in all zone districts. All facilities shall be conditioned, where applicable, to meet the criteria below:
1. Screening. All facilities shall be screened with vegetation or landscaping. Where screening with vegetation is not feasible, the facilities shall be disguised to blend with the surrounding area (trees, barns, etc.) The facility shall be painted to blend with the prevalent architecture, natural features or vegetation of the site.
 2. Setbacks. As set forth in each applicable zoning district, except where locating the facility inside those setbacks is the most practical and unobtrusive location possible on the proposed site. Setback waivers shall be approved through the minor use permit process.
 3. Maintenance: All improvements associated with the communication facility, including equipment shelters, towers, antenna, fencing, and landscaping shall be properly maintained at all times. Colors of towers and other improvements shall be

maintained to ensure the appearance remains consistent with approved conditions relating to color.

- G. RF Requirements. The application for a land use permit shall contain a report or summary of the estimates of the non-ionizing radiation generated by the facility. The report shall include estimates of the maximum electric and magnetic field strengths at the edge of the facility site, the extent that measurable fields extend in all directions from the facility.
- H. Availability. All existing communication facilities shall be available to other carriers as long as structural or technological obstacles do not exist.
- I. Unused Facilities. All obsolete or unused communication facilities shall be removed within six (6) months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify the planning department at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project condition.
- J. Permit Application Requirements. In order to protect the visual character of established neighborhoods and to protect school children for potential safety hazards due to a potentially attractive nuisance, in addition to the noticing requirements of Chapter 17.22, the following shall be provided by the applicant:
 - 1. The school district(s) in which the facility is located shall be identified. If the proposed wireless facility is located within 1000 feet of a school, the school district listed shall be notified during the initial consultation.
 - 2. For facilities proposed to be located on residentially-zoned land, the applicant shall identify any homeowners association established by CC&Rs which might govern the property. Any homeowners association identified will be notified during the initial consultation. (Ord. 4589 §1, 2001)

17.14.220 Bed and Breakfast Inns

- A. Purpose. In order to further the development of the tourism and recreation economy of the County, while protecting the single family residential character of neighborhoods, the standards set forth in subsection C, below, shall apply to bed and breakfast inns.
- B. Definitions. “**Bed and breakfast inn**” means any owner-occupied residence that provides guest rooms, without individual kitchens, for paying guests, as a transient lodging facility.
- C. Standards. Bed and breakfast inns shall be considered an expanded home occupation in residential and agricultural districts and shall only be authorized by approval of a special use permit based on the standards provided herein. Bed and breakfast inns within commercial zone districts are permitted by right pursuant to §17.32.020.
 - 1. The bed and breakfast inn can provide up to a maximum of 20 guestrooms, which shall be contained within the primary and secondary residential units and guest house only, in compliance with the development standards of the applicable residential or agricultural zone districts.
 - 2. The property owner shall reside in either the primary or secondary dwelling unit on site.
 - 3. Meal service shall be limited to registered guests and shall consist of breakfast and light snacks as a portion of the overall room rate in compliance with the California Retail Food Codes enforced by the County (Health and Safety Code §113893).
 - 4. One, non-internally illuminated sign shall be permitted based on the applicable zone district standard set forth in Chapter 17.16 unless greater sign area is authorized under the special use permit. The design of the sign shall be reviewed by the approving authority for architectural compatibility with the existing or proposed structure(s).

5. Bed and breakfast inns shall have direct access to a maintained road in conformance with Department of Transportation standards. The entrance, parking area and walkways shall be illuminated pursuant to Chapter 17.14.170 and kept free of obstructions or hazards of any type.
6. Kitchens shall be clean, well-maintained and comply with accepted standards of sanitation and hygiene by conforming to the requirements of the applicable El Dorado County Environmental Health Department permit.
7. Bed and breakfast inns shall provide off-street parking at a ratio of one space per each guest room, plus two spaces required for the principal dwelling. Guest parking shall be subject to the following:
 - a. No guest parking shall be permitted within the required front or side yard setback.
 - b. Tandem parking, meaning two cars parked one behind the other, may be allowed. Denser parking lot configurations may be allowed if valet parking is required.
 - c. Guest parking shall be designed so as to prohibit the backing of vehicles directly into any public right of way in order to exit any parking space.
 - d. The parking area provided for a bed and breakfast inn may have a gravel surface.
8. A bed and breakfast inn consisting of five or fewer guestrooms shall be considered a single residential dwelling unit or lodging house for the purpose of building codes, unless additional standards are required by the California Codes, as amended and adopted by El Dorado County. Six or more guestrooms within one building shall be subject to further requirements under the California Codes.
9. Bed and breakfast inns within Agricultural Districts as identified on the General Plan land use maps or adjacent to land zoned Exclusive Agriculture (AE), Planned Agriculture (PA), Select Agriculture (SA), Residential Agriculture (RA-20, -40, -60, -80, -160), or Timberland Production Zone (TPZ) districts must be reviewed by the Agricultural Commission for compatibility with surrounding agricultural land uses prior to action by the approving authority.
10. The operation of a bed and breakfast inn shall be subject to Title 3.28 (Transient Occupancy Tax) and Title 5.08 (Business License Requirements) of the El Dorado County Code. The business license shall be posted in a conspicuous place on the premises prior to operation of the business.
11. The special use permit may authorize limited ancillary activities such as weddings, receptions, fund raisers or similar events attended by non-guests, subject to conditions of approval that include, but are not limited to, restrictions upon the frequency and time of holding events, duration thereof, and the maximum number of persons attending. Food preparation, except for the aforementioned breakfast and light snacks, shall not be permitted to occur in the bed and breakfast inn. Unless expressly authorized in the special use permit, such ancillary activities are prohibited.

A temporary use permit for an ancillary activity may be processed in situations where special events are not authorized under the special use permit for the bed and breakfast inn. Applicable conditions shall be imposed, as determined necessary by the approving authority, which restrict the number of people attending and offset other related impacts, in order to maintain the residential character of the surrounding neighborhood.

12. New construction proposed on a bed and breakfast inn site, including buildings not necessarily proposed for bed and breakfast inn use, or exterior remodeling of the building(s) to be used for guest accommodations, is subject to architectural review by the approving authority as part of the special use permit process. This determination will be based on compatibility with neighborhood building style, building materials and any historic style indigenous to the area.

17.14.230 Mixed Use Development

- A. Purpose and Intent. The purpose of this chapter is to provide housing and employment opportunities in proximity in order to more fully and efficiently utilize available land in Rural Centers and Community Regions. It is further the intent of this section to encourage the development of affordable housing and pedestrian-oriented communities, to maintain access to commercial businesses, to enhance the core areas of existing community and rural centers while protecting historical and cultural amenities and to provide incentives for such development.
- B. Definition. Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A “single site” may include contiguous properties.
- C. Applicability. Residential development may occur with permitted commercial development as provided in Chapter 17.32 where the standards established in §17.14.230 are met.
- D. Residential uses are allowed on separate parcels as the residential component of a mixed-use development. The residential component of a mixed-use development project may include a full range of single family and/or multi-family residential design concepts.
- E. Mixed Use Development Limitations. The following criteria shall apply to all mixed use development projects:
 1. At least 30% of the gross floor area of the mixed-use development project shall be devoted to commercial uses. “Gross floor area” does not include inner courts, stairwells or exterior balconies.
 2. Construction of the residential development shall occur following or concurrently with the construction of the commercial development of the site.
 3. Project Phasing. Mixed-use development projects may be developed in phases.
- F. Development Standards.
 1. The maximum density for residential units in mixed-use developments shall be sixteen (16) dwelling units per acre in Community Regions, four (4) dwelling units per acre in Rural Centers or developments without a public sewer connection, and is prohibited on Platted Lands designated commercial in Rural Regions.
 2. Minimum dwelling unit area shall comply with California Building Code.
 3. Minimum yard: may be built to property lines (back of sidewalk) or other publicly accessible area.
 4. Mixed-use development may combine up to 20 percent (20%) of the required residential parking spaces with the commercial spaces as required pursuant to Chapter 17.18 except where the proposed commercial use will operate during evening or nighttime hours.
 5. A minimum of one dedicated parking space per dwelling units must be provided.
 6. Off-street parking spaces must be located to the rear of the principal building or otherwise screened so as to not be visible from public right-of-way or residential zoning districts.

7. All mixed-use development shall provide pedestrian walkways or sidewalks connecting the residential and commercial uses to each other as well as to adjacent commercial, residential, and civic uses, providing for pedestrian safety.
 8. All mixed-use development shall contain complementary and connected uses that are mutually supportive of each use and are integrated into the community or neighborhood it is located.
- G. Findings: To assure the proposed development meets the intent of this section for mixed-use development and in addition to the findings in section 17.04.030(B), the following findings shall be made prior to approving a mixed-use project.
1. Community integration: Development integrates into the existing and planned community and creates an appropriate internal and external human scale, providing for pedestrian comfort and amenities.
 2. Land use, building and site layout: The development is an integrated project with significant functional interrelationships and a coherent physical design. (Ord. 4836 §1, 2009)