

Cameron Park Community Services District  
2502 Country Club Drive  
Cameron Park, CA 95682



**Architectural Review Committee  
Regular Meeting  
Tuesday, March 26<sup>th</sup>, 2024  
8:30 a.m.**

**Cameron Park Community Center – Social Room  
2502 Country Club Drive, Cameron Park**

**AGENDA**

Members: Chair: Don Clason (DC), V. Chair: Jeff Heuerman (JH), Kathi Markan  
Alternate: Patricia Rivera  
Staff: CC&R Compliance Officer Jim Mog

**CALL TO ORDER**

**ROLL CALL**

*Public testimony will be received on each agenda item as it is called. Principal party on each side of an issue is allocated 10 minutes to speak, individual comments are limited to 3 minutes except with the consent of the Committee; individuals shall be allowed to speak on an item only once. Members of the audience are asked to volunteer their name before addressing the Committee. The Committee reserves the right to waive said rules by a majority vote.*

**APPROVAL OF AGENDA**

**APPROVAL OF CONFORMED AGENDA**

1. Conformed Agenda – ARC Committee Meeting – March 12<sup>th</sup>, 2024

**Open Forum**

*The public may make comments on items that do not fall under this agenda. Individual comments are limited to 3 minutes except with the consent of this committee. Individuals may only speak once.*

**DEPARTMENT MATTERS  
COMMITTEE REVIEW/ACTION**

**Items Requiring ACTION – Review and Provide Decision**

**2. New Business**

<b>Item #</b>	<b>Property Address</b>	<b>Unit</b>	<b>APN</b>	<b>Project</b>
2a.	2840 Royal Park Dr.	Royal Highland 1	116-071-009	Swimming Pool
2b.	3805 Bilbao Ct.	Bar J Ranch #7	119-253-006	Gate and Fence

**ADMINISTRATIVE APPROVALS**

**3. Review and Support Staff’s Approvals**

- Staff Approved Roofs – (3) Three
- Staff Approved Solar - (0) None
- Staff Approved Trees Removals - (0) None
- *3.12.24 2a on Conformed Agenda - 3560 Orinda Cir. – Site plan was received and conformed to CC&R Setbacks – Approval was released.*
- *3.12.24 2b on Conformed Agenda - 3036 Woodleigh Lane – Railing specifications were received. Cable system rail is proposed and conforms with railing requirements – Approval was released.*

**4. Committee workshop**

- Review County Code for setbacks, vision triangles and easements. (EDC Code attached)

**FUTURE AGENDAS**

**5. Items for Future Architectural Review Committee Agendas**

**6. Items to take to the CC&R Committee.**

**MATTERS TO AND FROM COMMITTEE MEMBERS AND STAFF**

**ADJOURNMENT**

Cameron Park Community Services District  
2502 Country Club Drive  
Cameron Park, CA 95682



**Architectural Review Committee  
Regular Meeting  
Tuesday, March 12<sup>th</sup>, 2024  
8:30 a.m.**

**Cameron Park Community Center – Social Room  
2502 Country Club Drive, Cameron Park**

**CONFORMED AGENDA**

Members: Chair: Don Clason (DC), V. Chair: Jeff Heuerman (JH), Kathi Markan  
Alternate: Patricia Rivera  
Staff: CC&R Compliance Officer Jim Mog

**CALL TO ORDER – 8:32 AM**

**ROLL CALL - DC/JH/PR**

*Public testimony will be received on each agenda item as it is called. Principal party on each side of an issue is allocated 10 minutes to speak, individual comments are limited to 3 minutes except with the consent of the Committee; individuals shall be allowed to speak on an item only once. Members of the audience are asked to volunteer their name before addressing the Committee. The Committee reserves the right to waive said rules by a majority vote.*

**APPROVAL OF AGENDA – Approved 3-0**

**APPROVAL OF CONFORMED AGENDA – Approved 3-0**

1. Conformed Agenda – ARC Committee Meeting – February 27<sup>th</sup>, 2024

**Open Forum**

*The public may make comments on items that do not fall under this agenda. Individual comments are limited to 3 minutes except with the consent of this committee. Individuals may only speak once.*

**DEPARTMENT MATTERS**

**COMMITTEE REVIEW/ACTION**

**Items Requiring ACTION – Review and Provide Decision**

**2. New Business**

<b>Item #</b>	<b>Property Address</b>	<b>Unit</b>	<b>APN</b>	<b>Project</b>	<b>Status</b>
2a.	3560 Orinda Cir.	Cameron Park N. #6	083-293-001	Swimming Pool	Conditionally approved pending site plan – Site Plan received and conformed to CC&R setbacks
2b.	3036 Woodleigh Lane	LA VENTANA OESTE	116-660-006	Deck	Conditionally approved. Waiting for railing specs. Railing specs received and in accord with CC&Rs.

**ADMINISTRATIVE APPROVALS**

**3. Review and Support Staff's Approvals**

- Staff Approved Roofs – (2) Two
- Staff Approved Solar - (1) One
- Staff Approved Trees Removals - (1) One

**FUTURE AGENDAS**

5. **Items for Future Architectural Review Committee Agendas** – County Code for setbacks on corners (Vision Access)
6. **Items to take to the CC&R Committee.** - *None*

**MATTERS TO AND FROM COMMITTEE MEMBERS AND STAFF** – *Kathi out on March 26th*

**ADJOURNMENT** – *9:00 AM.*

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Jim Mog  
CC&R Officer

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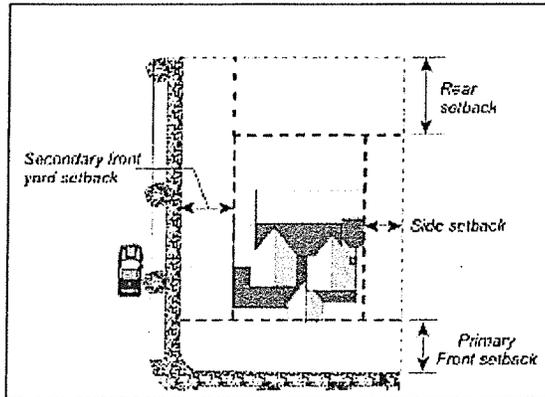
Don Clason, Chair or Jeff Heuerman, V. Chair  
Architectural Review Committee

**130.30.030 Setback Requirements and Exceptions**

All structures and buildings (see Article 8 - Glossary: "Structure") shall be located on a lot so as to conform to the setback requirements established for the zone in which the lot is located, as set forth in Chapters 130.21 (Agricultural, Rural Lands, and Resources Zones) through 130.26 (Meyers Community Plan (MCP) Zone) inclusive, except as provided in this Chapter unless and until a Variance is granted in compliance with Section 130.52.070 (Variance) or standards are modified pursuant to a Development Plan permit in compliance with 130.52.040 (Development Plan Permit).

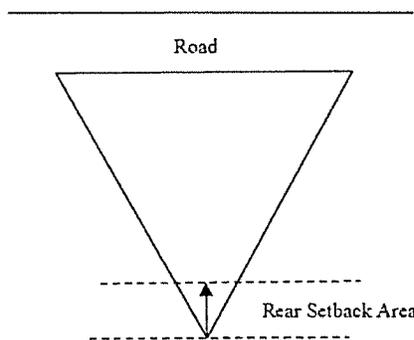
- A. Measurement of Setbacks.** Setbacks shall be measured from the closest of either a property line, the edge of a road easement, or the edge of a right-of-way line to the nearest point of the foundation or support of a building or structure, on a line perpendicular to the property line, road easement, or right-of-way line.
1. Setbacks adjacent to existing private roads without defined right-of-way or road easements shall be measured from the edge of the maintained area of the road. Setbacks adjacent to county maintained roadways shall be measured from a distance of 30 feet from the centerline of the road.
  2. Where the Board has adopted a future roadway alignment, the minimum setback shall be measured from the edge of the future right-of-way line.
  3. Expanded setbacks from major roads identified in the Design and Improvement Standards Manual (DISM)/Land Development Manual (LDM), or successor document shall be applied to protect future right of way for the planned widening of those roads. Proposed development adjacent to these roads shall be increased by the distance shown in the (DISM/LDM, or successor document .
  4. Corner Lots. A corner lot with frontage on two or more streets shall have front yard (see Article 8 – Glossary: "Yards") setback requirements, as identified in the Development Standards Tables in Article 2, along each property line adjacent to a street, subject to the following exceptions:
    - a. Double Frontage Corner Lots. On a corner lot with frontage on two streets, the building permit application shall specify the primary front yard; the remaining street frontage shall be considered the secondary front yard, as shown in Figure 130.30.30.A (Example: Corner Lot Setbacks) below. The yard opposite the primary front yard shall be considered the rear yard. The primary front yard setback shall comply with the front yard setbacks of the zone; the secondary front yard setback shall comply with the secondary front setback applicable to the zone.

Figure 130.30.030.A Example: Corner Lot Setbacks



- b. **Triple Frontage Corner Lots.** On a corner lot with frontage on three streets, the building permit application shall specify the primary front yard. The frontage opposite the primary front yard shall be considered a rear yard for setback purposes, providing vehicular access is restricted.
- c. **Rear Setback on Triangular Lot.** Where a triangular lot has no rear lot line because its side lot lines converge to a point, an assumed line placed at the point, or vertex, of the angle and running perpendicular to a line bisecting the angle shall be considered the rear lot line for the purpose of measuring the required rear setback, as shown in Figure 130.30.030.B (Example: Rear Setbacks, Triangular Lots) below:

Figure 130.30.030.B Example: Rear Setbacks, Triangular Lots



- 5. **Through Lots.** Through lots, or double frontage non-corner lots, shall maintain front yard setbacks for the primary frontage containing the driveway encroachment, and rear yard setbacks for the opposite frontage, providing vehicular access is restricted. Where vehicular access is allowed, front yard setbacks shall apply.
- B. **Exceptions to Setback Requirements.** The following exceptions to the setback requirements shall be allowed when the qualifying conditions have been documented by a licensed civil engineer or surveyor. All reductions in front yard setbacks shall be

subject to cross visibility area (CVA) requirements under Subsection 130.30.050.B.4 (Fences, Walls, and Retaining Walls - Front Yards).

1. **Front Setback Reduction for Slope.** Where the elevation of a lot measured at the required front setback line averages six feet or more for a lot less than one acre, or eight feet or more for a lot one acre or greater, above or below the elevation at the edge of road pavement adjacent to said lot, the required front setback for a single-story structure may be reduced by 50 percent, except:
  - a. Where a lot has more than one frontage, the elevation criteria set forth under this Subsection B.1 must be satisfied for all frontages.
  - b. Any parking structure allowed by this Subsection B.1 at a reduced front setback shall provide at least 20 feet of parking area between the edge of road pavement and the structure.
2. **Administrative Relief.** Setback reductions for a multi-story structure, or where all frontages of a lot do not meet the elevation criteria set forth in Subsection B.1 (Front Setback Reduction for Slope) above may be approved under administrative relief subject to Chapter 130.52 (Permit Requirements, Procedures, Decisions, and Appeals) provided the requirement under Subsection 1.b (Front Setback Reduction for Slope) above is met.

**C. Projections into Required Setbacks.**

1. Cornices, window canopies, eaves, bay windows, or similar architectural features, which do not qualify as habitable area under the building code; heating and air conditioning equipment; and uncovered and unenclosed decks of 30 inches in height or less, excluding handrails, may extend into any required setback by not more than 50 percent provided that no such feature shall be allowed within three feet of any side lot line.
  - a. For uncovered and unenclosed decks, setbacks shall be measured from the closest portion of the deck, such as flooring, footing, or foundation, to the property line.
2. Front yards may have the following additional encroachments:
  - a. Fences and walls, subject to Section 130.30.050 (Fences, Walls, and Retaining Walls);
  - b. Bear resistant garbage can containers, subject to Subsection 3.f (Solar Collectors) below.
  - c. Signs, subject to Chapter 130.16 (Signs).

3. The following encroachments or reduced setbacks into the required yards are allowed for the following specific uses, provided there is no encroachment into any public utility or drainage easement:
- a. **Swimming pool, heating and air conditioning equipment** may encroach into any setback by up to 50 percent but not less than 3 feet from any lot line. When located within a required setback as allowed by this Subsection, accessory mechanical equipment that generates noise (such as air conditioning or swimming pool equipment) shall be enclosed with an appropriate noise barrier when less than 10 feet from the property line.
  - b. **Swimming pools** measured to the back edge (non-water side) of the bond beam and their accessory water features, such as manmade waterfalls, if 30 inches in height or less:
    - (1) Front. Setback required by zone;
    - (2) Side and Rear. 5 feet minimum;
  - c. **Propane Tanks** shall meet the applicable standards of the fire code (See Article 8: Glossary – “Fire Code” and “Fire Safe Regulations”) subject to the following conditions:
    - (1) Front. The propane tank may be located within the front setback provided it is not less than 10 feet from the property line and the tank is less than 40 inches in height and fully screened by fencing or landscaping.
    - (2) Underground Tanks. May be located within any setback.
  - d. **Portable Sheds** (non-habitable, less than 120 square feet of floor space, containing no utilities):
    - (1) Front. Setback required by zone;
    - (2) Side and Rear. 5 feet minimum, subject to fire safe regulations under Subsection D (Fire Safe Setbacks) below.
  - e. **Chimneys** (at ground level):
    - (1) Front and Rear. 3 feet into setbacks;
    - (2) Side. 3 feet into setback, but in no instance shall the remainder of the side yard be less than 3 feet;
    - (3) Chimneys that protrude above ground level, such as cantilevered chimney chases on the second story of a residence, shall not be subject to setback requirements.
  - f. **Solar Collectors** that are ground mounted shall comply with the required side and rear setbacks for the zone, subject to the height requirements and maximum reduction in setbacks allowed under state Public Resource Code Section 25981.
  - g. **Bear Resistant Garbage Can Containers.** A bear resistant garbage can enclosure in compliance with the approved list maintained by the

Environmental Management Department shall be subject to the following minimum setbacks:

- (1) Ten feet from the road as 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;
- (2) On corner lots, containers shall not be located within the CVA at the intersection, as shown in Figure 130.30.050.B (Cross Visibility Area (CVA) Example #2).

**h. Trellises and Arbors.**

- (1) A trellis shall be considered similar to a fence for setback purposes and be subject to the requirements for fences under Section 130.30.050 (Fences, Walls, and Retaining Walls);
- (2) An arbor less than 50 percent open shall be considered a structure and be subject to development standards, including setback requirements, for the zone.

**D. Fire Safe Setbacks.** Where the net acreage of a lot is one acre or larger, any new structure shall maintain a 30 foot setback from all property lines or from the edge of the road, unless the applicable fire protection agency or the county has approved an exception, conditional or otherwise, for a reduction of the side and/or rear setback requirement to either the standard setback for the zone or as allowed under a Development Plan Permit.

**E. Special Setbacks for Agricultural and Timber Resource Protection.** Notwithstanding any other provision of this Title, where incompatible uses, as defined in Article 8 (Glossary, see "Incompatible Uses: Agricultural"), adjacent to the agricultural zones of LA, PA, and AG, or the Forest Resource (FR) and Timber Production Zone (TPZ), the following setbacks shall apply on those lots containing the incompatible use:

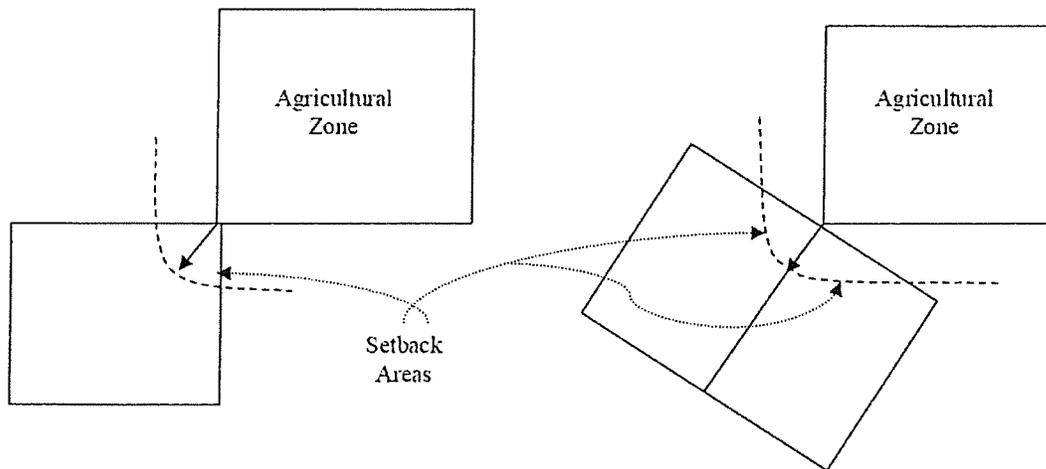
**1. Setback Standards on Lots Adjacent to Agricultural Zones:**

- a. When the agriculturally zoned lot is located within a General Plan designated Agricultural District: 200 feet
- b. When the agriculturally zoned lot is located outside of a General Plan designated Agricultural District, and:
  - (1) A lot with the proposed incompatible use is 10 acres or larger: 200 feet;
  - (2) A lot with the proposed incompatible use is less than 10 acres: No special agricultural setback is required.
- c. When the lot adjacent to the agriculturally zoned lot is in a General Plan designated Community Region or Rural Center: 50 feet.

**2. Setback Standards on Lots Adjacent to the Forest Resource or Timber Production Zone, when:**

- a. When the lot adjacent to the Forest Resource or Timber Production Zone is within the General Plan designated Rural Region: 200 feet.
  - b. When the lot adjacent to the Forest Resource or Timber Production zone is within a General Plan designated Community Region or Rural Center: 50 feet.
3. **Setbacks and Buffers for Adjacent Tangent Lots.** Where an agricultural or timber production zoned lot abuts a lot at a tangent or single point and where an agricultural or timber production zone setback will apply to the adjacent lot, the setback will be measured as a radius the length of the required setback, from the point of tangent into the adjacent lot, as shown in Figure 130.30.030.C (Examples: Tangential Setbacks) below:

Figure 130.30.030.C Examples: Tangential Setbacks



4. **Administrative Relief.** Administrative relief from the setback requirements established in Subsections E.1 through E.3 above in this Section may be granted by the Ag Commission or the Director under an Administrative Permit (Section 130.52.010, Administrative Permit, Relief, or Waiver) in compliance with criteria set forth by resolution of the Board, as amended from time to time.

**F. Special Setbacks for Mineral Resource Protection.**

- 1. Notwithstanding any other provision of this Title, where incompatible uses, as defined in Article 8 (Glossary, see “Incompatible Uses: Mining”), adjacent to lands located in the -MR Combining Zone, the following setbacks shall apply on those lots containing the incompatible use:
  - a. 250 feet on lots 10 acres or greater.
  - b. 150 feet on lots less than 10 acres in size.

2. The required setbacks in Subsection G.1 (Protection of Wetlands and Sensitive Riparian Habitat, Content) below, may be administratively reduced under an Administrative Permit (Section 130.52.010, Administrative Permit, Relief, or Waiver) by not more than 50 percent when the property owner affected by the setback has demonstrated to the Director that the mineral resource is at least 250 feet from the property line and mining activities are not likely to be carried on within 250 feet of the property line.
- G. Protection of Wetlands and Sensitive Riparian Habitat.**
1. **Content.** This subsection establishes standards for avoidance and minimization of impacts to wetlands and sensitive riparian habitat as provided in General Plan Policies 7.3.3.4 (Wetlands) and 7.4.2.5 (Identify and Protect Resources).
  2. **Applicability.** The standards in this subsection apply to all ministerial or discretionary development proposed adjacent to any perennial streams, rivers or lakes, any intermittent streams and wetlands, as shown on the latest 7.5 minute, 1:24,000 scale United States Geological Survey (USGS) Quadrangle maps, and any sensitive riparian habitat within the county. Activities regulated under this subsection include those activities also regulated under the federal Clean Water Act (33 U.S.C. §1251 et seq.) and California Fish and Game Code (Section 1600-1607). These standards do not apply to culverted creeks and engineered systems developed or approved by the County or other public agency for collection of storm or flood waters, or systems other than natural creeks designed to deliver irrigation or water supplies. Additional standards applicable to the design of new developments or subdivisions are found in the Design and Improvement Standards Manual (DISM)/Land Development Manual (LDM), or successor document.
  3. **Use Regulations.**
    - a. New ministerial and discretionary development shall avoid or minimize impacts to perennial streams, rivers or lakes, intermittent streams and wetlands, and any sensitive riparian habitat to the maximum extent practicable. Where avoidance and minimization are not feasible, the county shall make findings, based on documentation provided by the project proponent, that avoidance and minimization are infeasible.
    - b. Any new development which does not avoid impacts to wetlands and sensitive riparian habitat shall prepare and submit a Biological Resource Evaluation identifying the location of all features regulated under this section.
    - c. An applicant shall obtain all required permits from state or federal agencies having jurisdiction, and shall fully implement any mitigation program required as a condition of such permit. Where the area impacted is not within federal or state jurisdiction, the county shall

- require appropriate mitigation as recommended in a biological resource evaluation.
- d. Ministerial development, including single family dwellings and accessory structures, shall be set back a distance of 25 feet from any intermittent stream, wetland or sensitive riparian habitat, or a distance of 50 feet from any perennial lake, river or stream. This standardized setback may be reduced, or grading within the setback may be allowed, if a biological resource evaluation is prepared which indicates that a reduced setback would be sufficient to protect the resources.
  - e. All discretionary development which has the potential to impact wetlands or sensitive riparian habitat shall require a biological resource evaluation to establish the area of avoidance and any buffers or setbacks required to reduce the impacts to a less than significant level. Where all impacts are not reasonably avoided, the biological resource evaluation shall identify mitigation measures that may be employed to reduce the significant effects. These mitigation measures may include the requirement for compliance with the mitigation requirements of a state or federal permit, if required for the proposed development activity.
  - f. Any setback or buffer required by this subsection shall be measured from the ordinary high water mark of a river, perennial or intermittent stream, and the ordinary high water mark or spillway elevation of a lake or reservoir.
  - g. Except where otherwise provided in this section, filling, grading, excavating or obstructing streambeds is prohibited except where necessary for placement of storm drain and irrigation outflow structures approved by the county; placement of public and private utility lines; construction of bridges and connecting roadways; maintenance activities necessary to protect public health and safety; and creek restoration and improvement projects.
  - h. All new septic system construction shall comply with standards established by the Environmental Management Department, or applicable state and federal regulations for setbacks from lakes, rivers and streams.
  - i. Projects within the joint jurisdiction of the County and the Tahoe Regional Planning Agency (TRPA) shall be subject to setbacks established by TRPA.
4. Exceptions; Uses allowed. The following uses are allowed:
- a. Native landscaping;

- b. Fencing, consistent with the provisions of Subsection 130.30.050.B (Fences, Walls, and Retaining Walls - Front Yards), that does not interfere with the flow of waters or identified wildlife migration corridors;
  - c. Roads or driveways used primarily for access or for the maintenance of a property;
  - d. Utilities;
  - e. Storm drains into riparian areas and creeks;
  - f. Trails and passive recreational activities not involving the establishment of any structures;
  - g. Boat ramps, docks, piers, and related features used for private purposes, subject to applicable local, state, or Federal regulations.
  - h. Construction and maintenance of bridges, culverts, rip-rap, and other drainage facilities.
  - i. Agricultural activities that utilize best management practices (BMPs), as recommended by the Ag Commission and adopted by the Board.
5. Exceptions; Conditionally Permitted Uses.
- a. The uses, and structures allowed in applicable zones are allowed within riparian areas with an approved Minor Use Permit.
  - b. In addition to the findings required for approval of a Minor Use Permit, the Zoning Administrator shall make all of the following findings for a Minor Use Permit for riparian area development:
    - (1) The proposed use, structure, or encroachment cannot be feasibly located outside the riparian area or such location would have a more adverse effect on the stream environment.
    - (2) Measures are included that provide adequate protection of wildlife habitat, water quality and in-stream habitat, and capacity for flood management.
6. Performance Standards.
- a. Construction is prohibited in riparian buffers unless the necessary permits have been obtained from other responsible governmental agencies, and plans have been approved by the County.
  - b. Grading, alteration of the natural contours of the land, or cutting or alteration of natural vegetation that protects sensitive riparian habitat is prohibited within riparian areas except when such action is required for

the construction of an approved development or structure, associated with an agricultural use utilizing approved BMP's, or a creek restoration and enhancement project, or necessary to protect public health and safety.

7. Specific setbacks for major lakes, rivers and streams. The setbacks identified in Table 130.30.030.H.1 (Specific Riparian Setbacks) shall be provided, unless a discretionary approval by the county provides a larger or smaller setback.

**Table 130.30.030.H.1 – Specific Riparian Setbacks**

<b>Specific Riparian Setbacks</b>	
<b>Lakes and Reservoirs</b>	
Bass Lake	200 Feet
Folsom Lake	200 Feet
Jenkinson Lake (Sly Park)	200 Feet
Slab Creek Reservoir	200 Feet
Stumpy Meadows Reservoir	200 Feet
<b>Rivers</b>	
American River (Middle and South Forks)	100 Feet
Cosumnes River (North, Middle and South Forks)	100 Feet
Rubicon River	100 Feet
<b>Streams and Creeks</b>	
Big Canyon Creek	50 Feet
Deer Creek (South of US Highway 50 only)	50 Feet
Camp Creek	50 Feet
Clear Creek	50 Feet
Martinez Creek	50 Feet
Pilot Creek	50 Feet
Weber Creek	50 Feet

8. Coordination with Other Regulatory Agencies

All required permits from the California Department of Fish and Game, the U.S. Army Corps of Engineers, regional water quality control board(s), California State Water Resources Control Board, or other applicable agencies, shall be obtained prior to commencement of construction. Evidence of approval or pending approval of any such permit shall be provided to the county, including all appropriate supporting materials, environmental documentation, and studies.

**130.30.040 Height Limits and Exceptions**

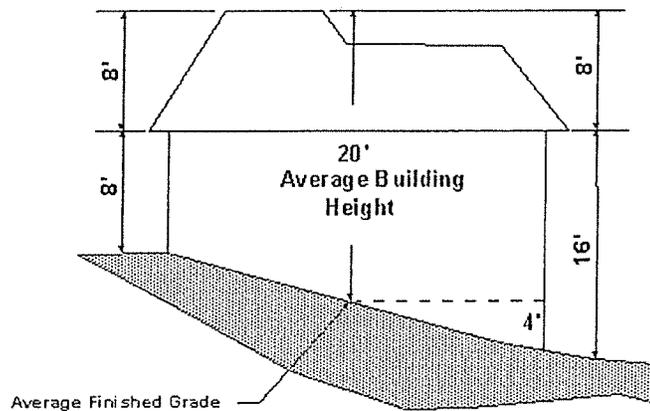
All structures and buildings shall conform to the maximum height requirements established for the zone in which the lot is located as set forth in Chapters 130.21 (Agricultural, Rural Lands, and Resources Zones) through 130.26 (Meyers Community Plan (MCP) Zone) inclusive, subject to the exceptions under Subsection C (Exceptions to Building Height Requirements)

below unless a Development Plan or Conditional Use Permit is approved allowing additional height, in compliance with Sections 130.52.060 (Temporary Use Permit) or 130.52.070 (Variance), respectively.

- A. **Measurement of Building Height.** The height of a building is determined by calculating the average finished grade of each building wall, and measuring the height between this average finished grade and the highest point of the building, as shown in Figure 130.30.040.A (Example: Building Height Calculation) below. Where a retaining wall supporting a drop in grade is within a five foot horizontal distance from the exterior wall, the height of the retaining wall shall be included in the building height. If each building wall has a different height, then the average height of all four walls is calculated to determine the actual building height, as shown in Figure 130.30.040.A (Example: Building Height Calculation) below.

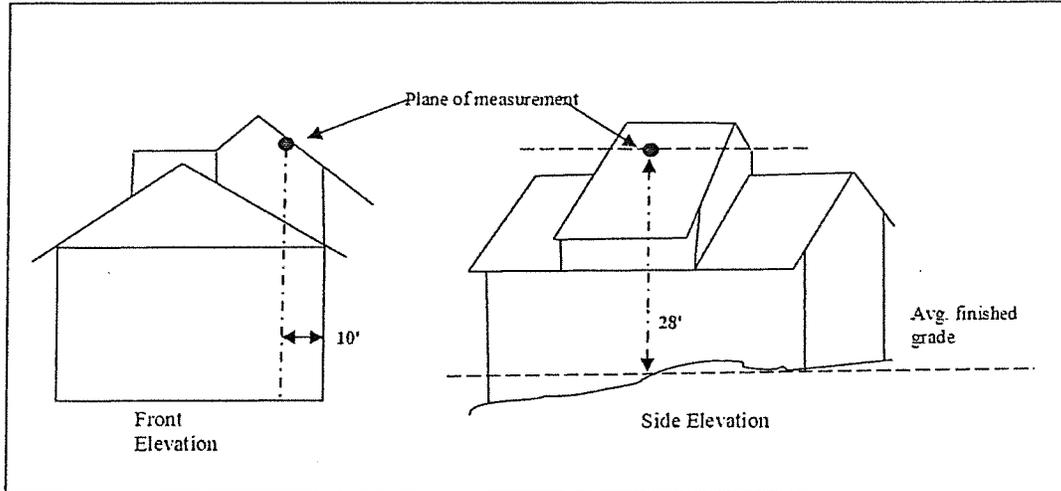
Figure 130.30.040.A

**EXAMPLE: BUILDING HEIGHT CALCULATION**



- B. **Building Height Calculation for Determination of Side Yard Setback in Residential Zones.** This Subsection shall apply in all zones that require setbacks of less than 30 feet. To calculate side yard setbacks based on building height, the wall facing the side yard shall be measured in compliance with Subsection A above for average grade, but in this case the highest point of the building shall be that highest point within ten feet from the surface of the wall being measured, as shown in Figure 130.30.040.B (Example: Building Height Determination for Side Yard Setbacks) below:

**Figure 130.30.040.B Example: Building Height Determination for Side Yard Setbacks**



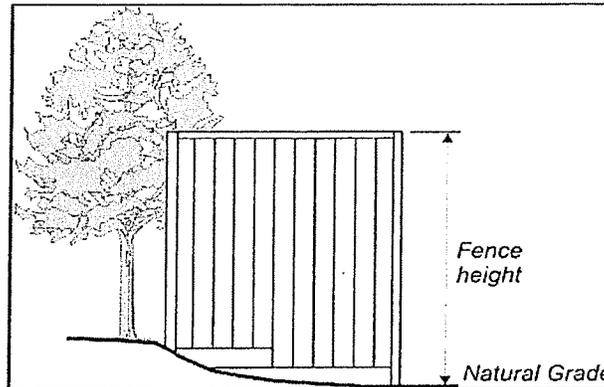
For purposes of calculating the side yard setback, every foot or fraction thereof over a 25 foot height, as measured according to this Subsection, shall increase the setback by one foot. As demonstrated in Figure 130.30.040.B (Example: Building Height Determination for Side Yard Setbacks), the highest point measured, at 28 feet, shall increase the side yard setback by three feet.

**C. Exceptions to Building Height Requirements.**

Chimneys; church spires; elevator, mechanical and stair housings; flag poles; towers; vents; and other similar structures which are not used for human activity may be up to 20 percent higher than the maximum height requirements in all zones where the excess height is not prohibited by Chapter 130.38 (Airport Safety (-AA) District. The use of towers or similar structures to provide higher ceiling heights for habitable space shall be deemed a use intended for human activity. No such structure shall be employed for any commercial or advertising use unless specifically allowed by the applicable zone, except that antennas and associated equipment may be located within such structures.

**130.30.050 Fences, Walls, and Retaining Walls**

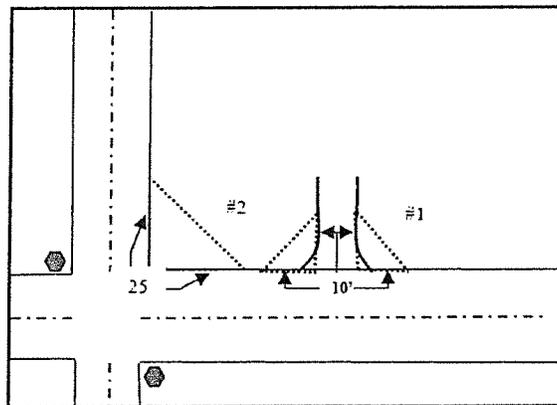
**A. Measurement of Fence Height.** Fence height shall be measured as the vertical distance between the natural or finished grade at the base of the lowest side of the fence, and the top edge of the fence material, as shown in Figure 130.30.050.A (Example: Fence Measurement) below:

**Figure 130.30.050.A Example: Fence Measurement**

- B. Front Yards.** In all zones and for non-agricultural uses, 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 allowed up to a height of seven feet in both primary and secondary front yard setbacks, as determined in Subsection 130.30.030.A.4.a (Double Frontage Corner Lots).
  2. Fences or walls which are less than 50 percent open shall not exceed 40 inches in height in the primary front yard setback.
  3. The setback for a retaining wall greater than 36 inches in height may be reduced by 50 percent where the slope gradient for the front half of the lot exceeds 25 percent, providing:
    - a. The exposed height shall not exceed seven feet.
    - b. Any fence erected on the top of a retaining wall shall meet the requirements identified in this section for height, construction, and cross-visibility area (CVA) purposes.
  4. Retaining walls that exceed the standards in 3.a above shall be subject to a Minor Use Permit (Section 130.52.020, Conditional and Minor Use Permits).
  5. Retaining walls necessary to provide site access or that do not exceed 36 inches in exposed height shall not be subject to setback requirements. In addition, such walls may be allowed within public utility easements but not within drainage easements.
  6. Fences or walls less than 50 percent open may be allowed up to a height of seven feet in the secondary front yard setback, but not less than 10 feet from the property line, right-of-way, or road easement where the property line is the center line of the road, subject to the cross-visibility area (CVA) restrictions in Subsections B.7 and B.8 below in this Section (Front Yards).

7. At a corner formed by any encroachment onto a road, no fence or wall greater than 40 inches in height shall be placed within the CVA consisting of a triangle having two sides 10 feet long, running along the driveway/encroachment edge and the road edge-of-pavement, said length beginning at their intersection, and the third side formed by a line connecting the two ends, as shown in Figure 130.30.050.B (Cross Visibility Area (CVA)) below (See #1).
8. On corner lots, no fence or wall greater than 40 inches in height shall be placed within the CVA consisting of a triangle having two sides 25 feet long, running along each right of way or road easement, said length beginning at their intersection, and the third side formed by a line connecting the two ends, as shown in Figure 130.30.050.B (Cross Visibility Area (CVA)) below (See #2):

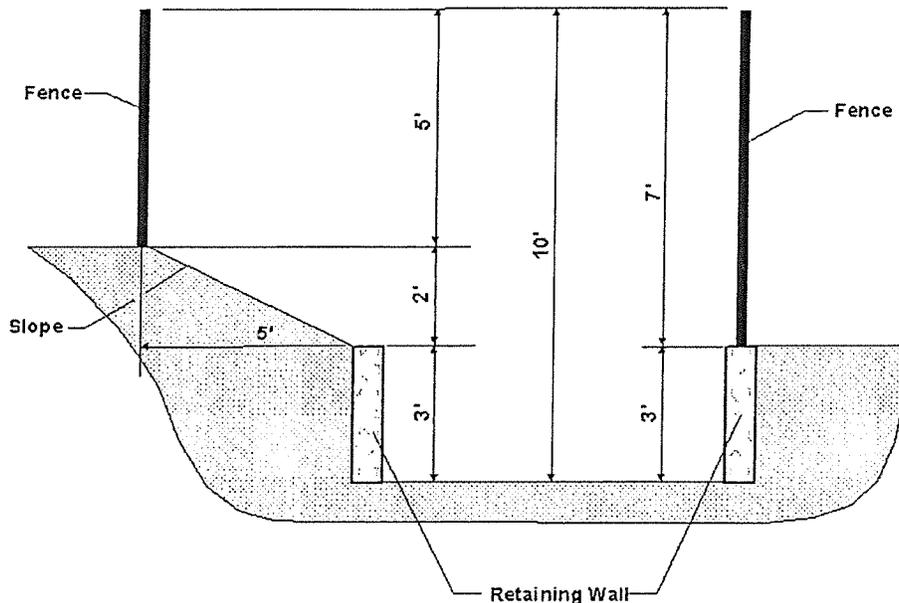
Figure 130.30.050.B Cross Visibility Areas (CVA)



- C. **Side and Rear Yards.** In all zones, fences, walls, cut retaining walls, or fences and walls that are erected within five feet of a retaining wall shall be allowed within required side and rear yard setbacks to a maximum cumulative height of seven feet. Fences, walls, or fences and walls that are erected within five feet of a retaining wall such that the cumulative height exceeds seven feet, but does not exceed ten feet in cumulative height, may be allowed subject to the following:
  1. Where the height of the fence or fence and wall is more than seven feet above the natural or finished grade of the adjacent property, a signed and notarized statement from the adjacent property owners that the proposed fence or wall, as 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 fence or wall;
  2. Director review of the notarized statement(s) to determine if it adequately represents the adjacent affected property. If such determination is made by the Director, the proposed fence or wall shall be approved through the Administrative Permit process (Section 130.52.010, Administrative Permit, Relief, or Waiver). The Director may require additional notarized statements from neighboring properties if, in his/her opinion, they may be impacted by the fence or wall; and

3. Issuance of a building permit where required by the applicable Building Code (Title 110 – Building and Construction, of the County Code of Ordinances).
- D. Agricultural Uses.** On lots that are located in the R1A, R2A, R3A, RE, RL, AG, PA, LA, FR, and TPZ zones, agricultural fencing, as defined in Article 8 (Glossary: see “Agricultural Fencing”), shall be allowed in any setback area provided it does not exceed 14 feet in height.
- E. Retaining Walls.** For the purposes of calculating fence or wall height, the height of a retaining wall is included in the calculation if the fence or wall is located on top of or within five feet of the retaining wall. A sloped area, if it exists between the retaining wall and the fence or wall shall be included in the height calculations as noted in Figure 130.30.050.C (Example: Retaining Wall/Fence Measurements) below:

**Figure 130.30.050.C Example: Retaining Wall/Fence Measurements**



- F.** Fences shall not be allowed within a road easement or county maintained right-of-way except as provided below:
1. Gates and decorative entryways to a non-county maintained road system subject to the requirements under Section 130.30.070 (Gates);
  2. In RE, RL, AG, PA, LA, FR, and TPZ zones, agricultural fencing as defined in Article 8 (Glossary: see “Agricultural Fencing”), may be located within a county-maintained right-of-way or non-county maintained road easement, provided that the fence is located a minimum of five feet outside of all improved areas, including roadside drainage features and cut or fill slopes. When located within a county-maintained right-of-way or non-county

maintained road easement, the property owner shall be required to remove or relocate said fence at the time any work or improvements are being made within the right-of-way or at the county's discretion when necessary to ensure the public health, safety, and welfare.

- G. Concertina wire, serpentine wire, barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury shall be prohibited. A Minor Use Permit will be required to allow these materials if it can be demonstrated that the proposed fencing is reasonably necessary to protect persons or property and will not constitute a safety hazard to members of the public conducting themselves in a lawful manner. In no event shall these fencing materials protrude into or over the public right-of-way. These regulations shall not apply to fencing required by court order, or when being used for animal husbandry and/or grazing operations.
- H. Fences and walls not located within any of the required setback or cross-visibility areas are limited in height only by the building height limitations of the zone in which they are located.
- I. A building permit shall be required, for any fence over six feet in height, in compliance with Chapter 110.16 (Uniform Building Code) of Title 110 (Buildings and Construction) of the County Code of Ordinances, or as otherwise required by Title 110.
- J. Fences or walls shall not exceed the requirements of this Section unless and until a Minor Use Permit is granted in compliance with Section 130.52.020 (Conditional and Minor Use Permits).
- K. Columns, pilasters, and support structures, and the decorative elements thereon associated with a fence or gate located on or within required setbacks may exceed the height limit provided they meet the following criteria:
  - 1. They do not exceed eight feet in height, and
  - 2. They are not located closer than 16 feet on center, and
  - 3. The fencing materials do not cumulatively exceed the see-through fence standard, where applicable, and
  - 4. They do not interfere with the cross visibility area (CVA) associated with any street or driveway.