



LAND USE SERVICES DEPARTMENT PLANNING STAFF REPORT



HEARING DATE: February 23, 2012

AGENDA ITEM NO: 5

Project Description:

Applicant: Land Use Services Department

Proposal: A Development Code Amendment to add regulations relative to reasonable accommodations for housing of disabled persons.

Community: Countywide

Project No: L612

Staff: Jim Squire

BACKGROUND

The Federal Fair Housing Act (42 U.S.C. § 3601 et seq.) and the California Fair Employment and Housing Act (Government Code § 12900 et seq.) requires that local governments make reasonable accommodations (i.e., modifications or exceptions) in their zoning laws and other land use regulations and practices when such accommodations “may be necessary to afford” disabled persons “an equal opportunity to use and enjoy a dwelling.”

The State statute requires that cities and counties have an approved Housing Element as part of their General Plan, including subsequent housing element updates. The Housing Element not only provides goals, policies, and objectives but also implementation actions to meet the stated goals and objectives. The Housing Element must address potential and actual governmental constraints to meeting the housing needs of special needs households, which includes those housing the physically and mentally disabled. The State Department of Housing and Community Development (HCD) is tasked with evaluating the Housing Elements of each jurisdiction to ensure consistency with State Planning and Zoning law. Through the Housing Element, the County is responsible for identifying and removing barriers that would hinder the development of various types of housing for those with special needs.

REASONABLE ACCOMMODATION SUMMARY

The proposed ordinance will establish a new Chapter in the Development Code, Chapter 84.31 (Reasonable Accommodations in Housing Development for Disabled Individuals). The ordinance establishes a formal procedure for persons with disabilities to make a request to the County for reasonable accommodations in the application of the County’s land use and zoning regulations. The ordinance provides for two types of reasonable accommodation requests: Minor or Major, which are defined as follows:

1. “Minor Reasonable Accommodation” is defined as any deviation requested and/or granted from the strict application the County’s laws, rules, policies, practices and/or

Action taken by the Planning Commission on this item may be appealed to the Board.

Yes ☐ No ☒

Note: Recommendations to the Board of Supervisors are not appealable.

procedures, including land use and zoning regulations of the Development Code, resulting in a physical modification to the property which can be removed or terminated in 90 days or less after the need for the reasonable accommodation ends.

2. “Major Reasonable Accommodation” is defined as any deviation requested and/or granted from the strict application of the County’s laws, rules, policies, practices and/or procedures, including land use and zoning regulations of the Development Code, resulting in a physical modification to the property which cannot be restored or terminated within 90 days or less after the reasonable accommodation is terminated.

The process is summarized below:

1. Application

The ordinance establishes a requirement for an applicant to submit to the County factual and background information relative to the request for reasonable accommodation. All documentation that supports the request shall be submitted along with the application.

2. Review

- a. Minor Reasonable Accommodation Application: The Land Use Services Director has the authority to consider and act on the application or to refer the matter to the Zoning Administrator or the Planning Commission.
- b. Major Reasonable Accommodation Application: The Zoning Administrator has the authority to review, approve or deny the request.
- c. The decision of the Director or the Zoning Administrator may be appealed to the Planning Commission, whose decision shall be final with no further right of appeal to the Board.

3. Noticing

- a. Minor Reasonable Accommodation Application: Notice of an application for a Minor Reasonable Accommodation would not be required to be given to the adjacent property owners.
- b. Major Reasonable Accommodation Application: Notice of the Zoning Administrator meeting to review and act on the application shall be in accordance with the normal noticing requirements for a public hearing.

4. Decision

A decision must be made based on consideration of factors such as: the housing that is the subject of the reasonable accommodation request will be occupied as a primary residence by the applicant/owner; making specific housing available to one or more individuals protected under the Fair Housing Laws; the request for reasonable accommodation will not impose an undue financial or administrative burden on the County; and the request will not require a fundamental alteration of the zoning or building laws, policies and/or procedures of the County.

FINDINGS FOR THE DEVELOPMENT CODE AMENDMENT:

1. The ordinance is necessary for and will protect the health, safety, and welfare of those with disabilities and is a reasonable exercise of the County's police powers;
2. The proposed amendment is consistent with the General Plan and any applicable community plan or specific plan;
3. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County because it is required under Fair Housing laws in order to provide reasonable accommodations from County regulations for individuals with disabilities;
4. The proposed amendment is internally consistent with other applicable provisions of this Development Code; and
5. The proposed amendment is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) of the CEQA Guidelines as the proposed change does not have the potential to cause a significant effect on the environment.

RECOMMENDATION: The Planning Commission recommends that the Board of Supervisors:

- A. ADOPT the proposed ordinance to amend Title 8 of the County Code to add regulations relative to reasonable accommodations for housing of disabled persons;
- B. ADOPT the findings as contained in the staff report; and
- C. FILE the Notice of Exemption.

EXHIBITS:

1. [Proposed Development Code Changes](#)

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**CHAPTER 84.31 REASONABLE ACCOMMODATION IN HOUSING DEVELOPMENT
FOR DISABLED PERSONS**

Sections:

- 84.31.010 Purpose
- 84.31.020 Notice to the Public of Availability of Accommodation Process
- 84.31.030 Requesting Reasonable Accommodation
- 84.31.040 Decision on Application
- 84.31.050 Required Findings
- 84.31.060 Waiver of Time Periods

84.31.010 Purpose

The purpose of this Chapter, adopted pursuant to Fair Housing Laws, is to provide disabled persons reasonable accommodation in the application of the County's rules, policies, practices and procedures, as necessary to ensure equal access to housing. The purpose is also to provide a process for disabled persons to make requests for, and be provided, reasonable accommodation, when reasonable accommodation is warranted based upon sufficient evidence, from the various laws, rules, policies, practices and/or procedures of the County, including land use and zoning regulations.

Adopted Ordinance 41xx (2012)

84.31.020 Notice to the Public of Availability of Accommodation Process

The department shall prominently display in the public areas of the Land Use Services Department at County offices a notice advising disabled persons or their representatives that they may request a reasonable accommodation in accordance with the procedures established in this Chapter. County employees shall direct individuals to the display whenever they are requested to do so or reasonably believe that disabled persons or their representatives may be entitled to a reasonable accommodation.

Adopted Ordinance 41xx (2012)

84.31.030 Requesting Reasonable Accommodation

- (a) In order to make specific housing available, a disabled person or his or her representative may request reasonable accommodation, pursuant to this Chapter, relating to the application of various land use, zoning, or building laws, rules, policies, practices and/or procedures of the County.
- (b) If a disabled person or his or her representative needs assistance in making a request for reasonable accommodation, or appealing a determination regarding reasonable accommodation, the department will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant or

representative. The applicant may be represented at all stages of the proceeding by a person designated by the applicant as his or her representative.

- (c) A request for reasonable accommodation in laws, rules, policies, practices and/or procedures must be filed on an application form provided by the Department. It shall be signed by the owner of the property and shall describe with specificity what is being requested and the reason the requested accommodation is necessary. All documentation that supports the request shall be submitted along with the application. The housing unit for which the accommodation is sought must be the primary residence of the disabled person for whom reasonable accommodation is requested.

Adopted Ordinance 41xx (2012)

84.31.040 Decision on Application

- (a) The Director shall have the authority to consider and act on any application for a minor reasonable accommodation as defined in Division 10. The Director shall issue a written determination within 30 days of the date of receipt of a completed application and may
 - (1) grant the accommodation request,
 - (2) grant the accommodation request subject to specified reasonable conditions,
 - (3) deny the request, or
 - (4) refer the matter to Zoning Administrator or to the Planning Commission, whichever the Director deems appropriate, which shall render a decision on the application in the same manner as an appeal is considered.

The Director's action on reasonable accommodation considered pursuant to this Chapter may be appealed by the applicant to the Planning Commission whose decision is final and may not be referred or appealed to the Board.

- (b) The Zoning Administrator shall have the authority to consider and act on any application for a major reasonable accommodation as defined in Division 10, or any minor reasonable accommodation request referred to it by the Director. The Zoning Administrator shall consider an application at the next reasonably available public meeting after submission of an application for reasonable accommodation, after the submission of any additional information required to make a determination or after referral from the Director. The Zoning Administrator may
 - (1) grant the accommodation request,
 - (2) grant the accommodation request subject to specified reasonable conditions, or

- (3) deny the request.

The Administrator's action on reasonable accommodation considered pursuant to this Chapter may be referred by the Zoning Administrator or appealed by the applicant to the Planning Commission whose decision is final and may not be referred or appealed to the Board.

- (c) If necessary to reach a determination on any request for reasonable accommodation, the Director or Zoning Administrator may request further information from the applicant consistent with this Chapter, specifying in writing what information is required. In the event a request for further information is made, the 30-day period to issue a written determination shall be stayed until the applicant reasonably responds to the request.
- (d) If, based upon all of the evidence presented to the Director, Zoning Administrator or the Planning Commission, the findings required in this Chapter may reasonably be made, the Director, Zoning Administrator or the Planning Commission, as applicable, shall grant the requested reasonable accommodation.
- (e) Notwithstanding that the reasonable accommodation sought would otherwise require the granting of a variance pursuant to Chapter 85.17, a reasonable accommodation that is granted pursuant to this Chapter shall not require the applicant to apply for such a variance.
- (f) The reasonable accommodation shall be subject to any reasonable conditions imposed on the approval that are consistent with the purposes of this Chapter to further fair housing. Such conditions may generally include, but are not limited to the following restrictions:
- (1) That the reasonable accommodation shall only be applicable to particular individual(s);
 - (2) That the reasonable accommodation shall only be applicable to the specific use for which application is made; and/or
 - (3) That any change in use or circumstances which negates the basis for the granting of the approval shall render the reasonable accommodation null and void and/or revocable by the County.

Adopted Ordinance 41xx (2012)

84.31.050 Required Findings

The following findings must be made in order to approve a request for reasonable accommodation:

- (a) The housing, which is the subject of the request for reasonable accommodation, will be occupied as the primary residence by an individual protected under the Fair Housing Laws and for whose benefit the reasonable accommodation is being sought.

- (b) The request for reasonable accommodation is necessary to make specific housing available to one or more individuals protected under the Fair Housing Laws.
- (c) The requested reasonable accommodation will not impose an undue financial or administrative burden on the County.
- (d) The requested accommodation will not require a fundamental alteration of the zoning or building laws, policies and/or procedures of the County.

Adopted Ordinance 41xx (2012)

84.31.060 Waiver of Time Periods

Notwithstanding any provisions in this Chapter regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this Chapter or may request a continuance regarding any decision or consideration by the County of a pending appeal. Extensions of time sought by applicants shall not be considered delay on the part of the County, shall not constitute failure by the County to provide for prompt decisions on applications and shall not be a violation of any required time period set forth in this Chapter.

Adopted Ordinance 41xx (2012)

86.08.010 Appeal of a Land Use Decision

Before its effective date, in compliance with Section 86.06.020 (Effective Date of Permits), any land use decision made in compliance with the provisions of this Development Code by a review authority other than the Board may be appealed by the applicant or other affected party in the following manner.

...

(b) Commission's decisions.

...

(2) Decisions exempt from appeal to the Board following a Commission decision. The Commission may refer consideration of an appeal to the Board, except for the following:

- (A) The following matters may not be referred or appealed to the Board:
 - (I) The determination as to the completeness of an application, in compliance with Government Code Section 65643;
 - (II) The determination to approve or disapprove an Accessory Wind Energy Permit;
 - (III) The determination to approve or disapprove a Home Occupation Permit;
 - (IV) The determination to approve or disapprove a Short-Term Private Home Rental Permit;
 - (V) The requirement for preparation of an Environmental Impact Report; ~~or~~
 - (VI) Variances; ~~or~~
 - (VII) The determination to approve or disapprove a Reasonable Accommodation Request.

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810.01.060 Definitions, "D."

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(kk) **Disabled ~~or Handicapped~~ Person.** An individual who has a physical or mental impairment that limits one or more of that person's major life activities; anyone who is regarded as having such impairment; or anyone who has a record of having such an impairment, but not including an individual's current, illegal use of a controlled substance.

(ll) **Dismantlers.** See "Motor Vehicle Dismantling Facility."

(~~hmm~~) **Display Sign.** See "Sign."

(~~mmnn~~) **Distribution.** See "Wholesaling and Distribution."

(~~nnoo~~) **Drainage Course.** A natural or man made water course that could convey runoff either year around or intermittently.

(~~oepp~~) **Drainage Plan, Local Area.** A drainage plan adopted for a particular drainage area. These plans shall include a map of the area showing its boundaries, the location of existing and future drainage facilities and an accompanying text that contains an estimate of the total costs of constructing the local drainage facilities.

(~~ppqq~~) **Dripline.** A line that may be drawn on the ground around a tree directly under its outermost branch tips which is projected vertically down to the ground and which identifies that area where rainwater tends to drop from the tree.

(~~rrqq~~) **Dwelling, Multiple Family (see Land Use Tables).** A building or portion thereof used and/or designed as two or more independent dwelling units.

(~~rrss~~) **Dwelling, Single Family (see Land Use Tables).** A detached building designed and/or used as one dwelling unit.

(~~sstt~~) **Dwelling, Single Family Attached (see Land Use Tables).** A single family dwelling that is attached to not more than one other single family dwelling.

(~~ttuu~~) **Dwelling Unit.** Any building or portion thereof, including a manufactured home or portion thereof, that contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the California Building Code, for not more than one family, including domestic employees of the family.

(~~uuvv~~) **Dwelling Unit, Second.** A second dwelling unit is an additional dwelling unit either attached or detached.

(~~vvww~~) **Dwelling Use in Conjunction with Commercial Use.** One or more dwelling units developed along with one or commercial uses in a mixed-use project.

Adopted Ordinance 4011 (2007); Amended Ordinance 4057 (2008); Amended Ordinance 41xx (2012)

810.01.080 Definitions, "F."

- (c) **Fair Housing Laws.** The "Fair Housing Amendments Act of 1988" (42 U.S.C. § 3601, et seq.), including reasonable accommodation required by 42 U.S.C. § 3604 (f)(3)(B), and the "California Fair Employment and Housing Act" (California Government Code Section 12900, et seq.), including reasonable accommodation required specifically by California Government Code Sections 12927 (c)(1) and 12955 (l), as any of these statutory provisions now exist or may be amended from time to time.
- (ed) **Family.** A person or persons living together as a single housekeeping unit in a dwelling unit.
- (de) **Family Day Care Home.** See "Day Care, Child."
- (ef) **Farm.** See "Ranch/Farm."
- (fg) **Farm Visit.** The activity of visiting a farm for short periods of time for the purpose of participating in or enjoying farm activities and/or other attractions offered.
- (gh) **Fee Schedule.** A schedule of fees established by the Board of Supervisors in compliance with Division 6 (County Fees) or Title 1 (Government and Administration) of the San Bernardino County Code.
- (hi) **FEMA.** The Federal Emergency Management Agency.
- (ij) **Festival, Outdoor.** See "Outdoor Festival."
- (jk) **Final Map.** See the California Government Code, Title 7, Division 2 definition.
- (kl) **Findings.** A set of conclusions that are required before specified permits, land use applications, deviations, ordinance changes or other entitlements may be granted.
- (lm) **Fire Authority.** The San Bernardino County Fire Marshall, State Forest Ranger in charge of the California Department of Forestry, U.S. Forest Supervisor, or if within the jurisdiction of a Fire Protection District, the Board of Directors of the district.
- (mn) **Fire Authority, Local.** The fire department or agency serving a subject area as specified by County Code Subsection 23.015(h).

- (**no**) **Fire Department.** The San Bernardino County Fire Department.
- (**ep**) **Fire Flow.** The required rate of flow times duration for fire protection varies according to density and type of development.
- (**pq**) **Fire Resistive or Fire Resistive Construction.** Construction to resist the spread of fire, details of which may be specified in the Building Code of the jurisdiction.
- (**qr**) **Fire Resistive Rating.** The time that the material or construction will withstand the standard fire exposure as determined by a fire test made in conformity with the standard methods of fire tests of buildings, construction and materials in the U.B.C. Standards.
- (**rs**) **Fire Safety Areas.** See Chapter 82.15 (Fire Safety Overlay District).
- (**st**) **Firewood Contractor (see Land Use Tables).** A business that cuts, sells, stores and/or delivers firewood.
- (**tu**) **First Floor.** See “Flood Hazard.”
- (**uv**) **Fitness/health facility.** A fitness center, gymnasium, health and athletic club, which may include any of the following: swimming pool, sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities. Does not include adult entertainment businesses.
- (**vw**) **Fixture.** See “Lighting, Outdoor.”
- (**wx**) **Fixed Wireless.** See “Wireless Telecommunication Facility.”
- (**xy**) **Flag Lot.** See “Lot.”
- (**yz**) **Flammable Liquid.** Any liquid having a flashpoint below 100°F and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100°F. Class I liquids shall include those having flash points below 100°F and may be subdivided as follows:
- (1) Shall include those having flash points below 73°F and having a boiling point below 100°F.
 - (2) Shall include those having flash points below 73°F and having a boiling point at or above 100°F.
 - (3) Shall include those having flashpoints at or above 73°F and below 100°F.
- (**zaa**) **Flammable Solid.** A solid substance, other than one classified as an explosive, that is liable to cause fires through friction, through absorption of moisture, through spontaneous chemical changes or as a result of retained heat from manufacturing or processing.
- (**aabb**) **Flood.** See “Flood Hazard.”

- (**bbcc**) **Flood Boundary and Flooding Map.** See “Flood Hazard.”
- (**eedd**) **Flood Control District.** The San Bernardino County Flood Control District.
- (**deee**) **Flood Control Engineer.** The Engineer of the San Bernardino County Flood Control District appointed by the Board of Supervisors, or an authorized designee.
- (**eeff**) **Flood Control Infrastructure.** Facilities constructed for the purpose of preventing or controlling flood waters, including dams, lined channels, and similar structures.
- (**ffgg**) **Flood Hazard.** A substantial possibility of damage to life or property by overflow water, ponded water, or other water on the surface of the land, or by debris, or silt carried in the water. The following flood related terms are defined as follows:
- (1) Accessory structure. For floodplain management purposes, an accessory structure is one that is either solely for the parking of no more than two cars or a small, low cost shed for limited storage.
 - (2) Addition. For floodplain management purposes, an addition is an improvement that increases the square footage of a structure. Commonly, this includes the structural attachment of a bedroom, den, recreational room, garage or other type of addition to an existing structure.
 - (3) Alluvial Fan. A geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion sediment movement and deposition, and channel migration.
 - (4) Apex. The point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur. It is the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.
 - (5) Area of shallow flooding. An area designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. The flooding is characterized by ponding or sheet flow.
 - (6) Area of special flood hazard. See “Special flood hazard area.”
 - (7) Base Flood. A flood that has a one percent chance of being equaled or exceeded in any given year (also called the “100 year flood”).
 - (8) Base flood elevation (BFE). The elevation shown on the Flood Insurance Rate Map for Zones AE, AH, and A1-30, that indicates the water surface

elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

- (9) Certify. To authenticate or vouch for in writing, and signed by the certifying party, that the submitted data is true, as represented, or that the requirements of the regulations have been satisfied.
- (10) Encroachment. The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.
- (11) Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before October 17, 1978.
- (12) Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (13) First Floor. The lowest floor in a structure usable for living purposes, including the basement, which may include working, sleeping, eating cooking, recreation or a combination thereof.
- (14) Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); any temporary rise in stream flow or water surface level that results in significant adverse effects in the floodplain. Adverse effects of floods may include damages from overflow of land areas, effects of temporary backwater or sewers and local drainage channels, bank erosion or channel shifts, unsanitary conditions or other unfavorable conditions resulting from deposition of materials in stream channels during flood recessions, rise of ground water coincident with increased stream flow and interruption of traffic at bridge crossings.
- (15) Flood Insurance Rate Map (FIRM). The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. The following flood hazard zones are shown on the FIRM:
 - (A) Zone A. Areas that are subject to inundation by the 1-percent-annual-chance flood event (100-year flood). Because detailed hydraulic

analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.

- (B) Zone AE. Areas that are subject to inundation by the 1-percent-annual-chance flood event (100-year flood) determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply.
- (C) Zone AH. Areas that are subject to inundation by 1-percent-annual-chance shallow flooding (100-year flood) (usually areas of ponding) where average depths are between one and three feet. Base flood elevations derived from detailed hydraulic analyses are shown in this zone. Mandatory flood insurance purchase requirements apply.
- (D) Zone AO. Areas that are subject to inundation by 1-percent-annual-chance shallow flooding (100-year flood) (usually sheet flow on sloping terrain) nowhere average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.
- (E) Zone A1-30. Areas that are subject to inundation by the 1-percent-annual-chance flood event (100-year flood), but which will ultimately be protected upon completion of an under-construction federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.
- (F) Zone A99. Areas that are subject to inundation by the 1-percent-annual-chance flood event (100-year flood), but which will ultimately be protected upon completion of an under-construction federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.
- (G) Zone D. Unstudied areas where flood hazards are undertermined, but flooding is possible. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.
- (H) Zone X. Areas that are identified in the community FIS as areas of moderate or minimal hazard from the principal source of flood in the

area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Local storm water drainage systems are not normally considered in the community's FIS. The failure of a local drainage system creates areas of high flood risk within these rate zones. Flood insurance is available in participating communities but is not required by regulation in these zones.

- (16) Flood Insurance Study. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map and the water surface elevation of the base flood.
- (17) Floodplain or Flood-Prone Area. The relatively flat area or lowlands adjoining the channel of a stream or watercourse and subject to overflow by flood waters.
- (18) Floodplain management. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
- (19) Floodplain Administrator. The Director of Public Works or his/her authorized designee.
- (20) Floodplain management regulations. This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.
- (21) Floodplain Review Areas. See Chapter 82.14 (Flood Plain Safety Overlay District).
- (22) Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.
- (23) Floodway. The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."
- (24) Floodway fringe. That area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

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- (25) Fraud and victimization. The exception granted must not cause fraud on or victimization of the public. In examining this requirement, the County will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.
- (26) Functionally Dependent Use. A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- (27) Hardship. The exceptional hardship that would result from a failure to grant the requested variance. The County requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.
- (28) Highest Adjacent Grade. The highest natural elevation of the ground surface before construction next to the proposed walls of a structure.
- (29) Historic Structure. Any structure that is:
- (A) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (C) Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or

- (D) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (I) By an approved state program as determined by the Secretary of the Interior or
 - (II) Directly by the Secretary of the Interior in states without approved programs.
- (30) Levee. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.
- (31) Levee system. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.
- (32) Lowest Floor. For floodplain management purposes the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure below the lowest floor, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
- (33) Manufactured Home. For floodplain management purposes, a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.
- (34) Manufactured Home Park or Subdivision. For floodplain management purposes, means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.
- (35) Mean sea level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
- (36) New Construction. For floodplain management purposes, structures for which "the start of construction" commenced on or after October 17, 1978, including any subsequent improvements to the structures.

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- (37) New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after October 17, 1978.
- (38) Obstruction. Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.
- (39) One-hundred-year flood. See "Base flood."
- (40) Program deficiency. A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.
- (41) Public safety and nuisance. That the granting of a exception must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.
- (42) Regulatory Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- (43) Remedy a violation. To bring the structure or other development into compliance with State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.
- (44) Rehabilitation. An improvement made to an existing structure which does not affect the external dimensions of the structure.
- (45) Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- (46) San Bernardino County Flood Control District. A district established by act of the State Legislature, empowered to protect the watercourses of the

District and governed by the Board of Supervisors of the County of San Bernardino acting as ex officio Governing Board of the District.

- (47) Selected Flood. A flood of a recurrence interval determined by the Planning Commission or Board of Supervisors after a recommendation of the Engineer of the San Bernardino County Flood Control District.
- (48) Sheet flow area. See "Area of shallow flooding."
- (49) Special Flood Hazard Area (SFHA). An area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on a FIRM as Zone A, AO, A1-30, AE, AH or A99.
- (50) Start of Construction. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (51) Standard Project Flood. A flood that would result from a storm that is considered reasonably characteristic of the region in which the drainage area is located, giving consideration to the runoff characteristics of the drainage area and excluding rare combinations of meteorologic and hydrologic conditions. Such a flood provides a reasonable upper limit to be considered in designing flood control improvements and floodplain limits.
- (52) Structure. For floodplain management purposes, a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.
- (53) Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (54) Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction"

of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violation of state or local health, sanitary, or safety code specification that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions or (2) any alteration of a “historic structure,” provided that the alteration will not preclude the structure's continued designation a “historic structure.”

(55) **Violation.** The failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

(56) **Water surface elevation.** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(gghh) Flood Insurance Rate Map (FIRM). See “Flood Hazard.”

(hhii) Floodplain. See “Flood Hazard.”

(iijj) Floodplain Review Areas. See “Flood Hazard.”

(jjkk) Floodway. See “Flood Hazard.”

(kkll) Flow Rate. The rate in which the water flows through the pipes, valves, and emission devices of an irrigation system measured in gallons per minute, gallons per hour, or cubic feet per second.

(llmm) Flow Sensor. A device within the irrigation system that detects irregular flows indicating leaks, breaks, or another problem.

(mmnn) Food and Related Products Manufacturing. See “Manufacturing Operations I and II.”

(nnoo) Freestanding Lighting. See “Lighting, Outdoor.”

(oopp) Freestanding Sign. See “Sign.”

(ppqq) Freeway. Any dedicated or deeded public right of way to which the owners of abutting lands have no right or easement of access to or from their abutting lands. In addition, freeway shall include those rights of way designated by official action as freeways by the California State Highway Commission or the County Board of Supervisors. See “Road System.”

- (~~qq~~rr) **Freight Container.** Container primarily used to transport goods on trucks, railroad cars, ships, aircraft or other forms of transportation.
- (~~rr~~ss) **Front Lot Line.** See “Lot.”
- (~~ss~~tt) **Front Wall.** The nearest wall of a building or other structure to the street upon which the building faces, but excluding cornices, canopies, eaves or any other architectural embellishments that may extend beyond the front wall, not to exceed a distance of four feet.
- (~~tt~~uu) **Front Yard.** See “Yard.”
- (~~uu~~vv) **Frontage, Lot.** See “Lot.”
- (~~vv~~ww) **Frontage Road.** A minor street that is parallel to, and adjacent to, an arterial street or freeway, and that provides access to abutting properties and protection from through and fast traffic.
- (~~ww~~xx) **Fuel Break.** Areas also known as greenbelts that separate communities or clusters of structures from native vegetation. Within the fuel break boundaries the vegetation is thinned out, pruned, modified or landscaped to effectively reduce the volume and flammability of fuel, thereby substantially reducing or preventing the rate of spread and intensity of wildland fires.
- (~~xx~~yy) **Fuel Dealer.** A retail trade establishment that sells fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, to consumers.
- (~~yy~~zz) **Fuel Modified Area.** An area where living and dead vegetation is managed regularly, usually by trimming, removal or substitution of natural vegetation, in order to reduce fire hazard, by use of mechanical, chemical and biological means and/or prescribed burning.
- (~~zz~~aaa) **Fully-Shielded Fixture.** See “Lighting, Outdoor.”
- (~~aaa~~bbb) **Functionally Dependent Use.** See “Flood Hazard.”
- (~~bbb~~ccc) **Furniture and Fixture Manufacturing.** See “Manufacturing Operations I.”
- (~~eee~~ddd) **Future Right-of-Way.** Future right-of-way of streets shown in the Circulation Element of the General Plan shall be based upon the adopted County Road Standards assuming an equal dedication of right-of-way on both sides of the existing centerline, or shall otherwise be determined as shown on any adopted specific plan.

Adopted Ordinance 4011 (2007), Amended Ordinance 4136 (2010); Amended 41xx (2012)

810.01.060 Definitions, "R."

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- (f) **Reasonable Accommodation.** The following reasonable accommodation terms are defined as follows:
- (1) **Minor Reasonable Accommodation.** Any deviation requested and/or granted from the strict application of the laws, rules, policies, practices and/or procedures of the County, including land use and zoning regulations of this Code, and which can be removed or terminated in 90 days or less after the need for the reasonable accommodation ends.
 - (2) **Major Reasonable Accommodation.** Any deviation requested and/or granted from the strict application of the laws, rules, policies, practices and/or procedures of the County, including land use and zoning regulations of this Code, resulting in a physical modification to the property which cannot be restored or terminated within 90 days or less after the reasonable accommodation is terminated.
- (fg) **Reclamation.** See "Surface Mining Operations."
- (gh) **Recreational and Entertainment Services.** Establishments that provide leisure time activities and services that involve many people in a public assembly use where people either participate individually or are entertained by an activity. See also "Rural Sports and Recreation."
- (hi) **Recreational Use.** Public use of land for walking, hiking, skiing, riding, driving, picnicking, camping, swimming, boating, fishing, hunting or other outdoor games or sports for which land or facilities are provided for public participation.
- (ij) **Recreational Vehicle (RV).** A motor home, travel trailer, truck camper or camping trailer, with or without self-propelled motive power, designed for human habitation for recreational or emergency occupation, and that may be moved upon a public highway without a special permit or chauffeur's license or both without violating any provision of the California Vehicle Code. A "Self Contained Recreational Vehicle" shall be a recreational vehicle with a kitchen sink, cooking appliance, refrigeration facilities, and a separate bathroom containing a water closet with a flush toilet, lavatory and bathtub or shower. A self-contained recreational vehicle shall have adequate provisions for the sleeping, bathing, sanitation, food preparation and eating by the number of people occupying the self contained recreational vehicle.
- (jk) **Recreation Hall.** A relatively large room or hall (over 3,000 sq. ft.) within a multiple-family project with a kitchen for hosting fairly large events and concerts (60-80+ people) and may have an area set up, more or less permanently, for indoor games (e.g. ping pong tables, pool tables, foosball tables, etc.), for a library, for small gatherings, or for use as a mini cinema.

- (kl) **Recreational Vehicle Park (RVP) (see Land Use Tables).** An area or tract of land, within an area where the land use zoning district allows recreational uses and where one or more lots are rented or leased or held out for rent, or lease to owners or users of recreational vehicles for temporary occupancy. Incidental food, alcoholic beverages, sales and service intended for the convenience of the guests at the recreational vehicle park are allowed.
- (lm) **Recyclable Material.** Reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous material. Recyclable material may include used motor oil collected and transported in compliance with Health and Safety Code Sections 25250.11 and 25143.2(b)(4).
- (mn) **Recycling Facility (see Land Use Tables).** A center for the collection and/or processing of recyclable materials. A “Certified Recycling Facility” or “Certified Processor” is a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities may include the following:
- (1) **Collection Facility.** A center for the acceptance, by donation, redemption, or purchase, of recyclable materials from the public. The facility does not use power-driven processing equipment except as provided by this Title. Collection facilities may include the following:
 - (A) **Reverse Vending Machine(s).** As defined below.
 - (B) **Small Collection Facility.** Occupies an area of not more than 500 square feet and may include:
 - (I) A mobile unit;
 - (II) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet;
 - (III) Kiosk type units, which may include permanent structures;
 - (IV) Unattended containers placed for the donation of recyclable materials.
 - (C) **Large Collection Facility.** May occupy an area of more than 500 square feet and may include permanent structures.
 - (2) **Processing Facility.** A building or enclosed space used for the collection and processing of recyclable material. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by

means such as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Processing facilities include the following:

- (A) **Light Processing Facility.** Occupies an area of under 45,000 square feet of gross collection, processing, and storage area and has up to an average of two outbound truck shipments per day. Light Processing Facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to qualify as a Certified Processing Facility. A Light Processing Facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.
- (B) **Heavy Processing Facility.** Any processing facility other than a Light Processing Facility.
- (3) **Reverse Vending Machine.** An automated mechanical device that accepts at least one or more types of empty beverage containers, including, but not limited to aluminum cans, glass and plastic bottles, and cartons, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the State. A Reverse Vending Machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of Reverse Vending Machines may be necessary. A "Bulk Reverse Vending Machine" is a reverse vending machine that is larger than 50 square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.
- (4) **Mobile Recycling Unit.** An automobile, truck, trailer or van, licensed by the Department of Motor Vehicles, which is used for the collection of recyclable materials. A Mobile Recycling Center also means the bins, boxes or containers transported by trucks, vans, or trailers, and used for the collection of recyclable materials.
- (5) **Scrap and Dismantling Yard.** Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes light and heavy processing facilities for recycling (see the definitions above). Does not include: pawn shops, and other secondhand stores; the sale of operative used cars; or landfills or other waste disposal sites. See also "Motor Vehicle Dismantling Facility" and "Salvage Operations."

- (no) **Recycling Facility, Accessory (see Land Use Tables).** A recycling facility as defined above, that is incidental to a primary industrial or commercial use.

- (ep) **Recycled Water.** See “Non-Potable Water”
- (pq) **Reference Evapotranspiration Rate (ETo).** The quantity of water, which evaporates from adjacent soils and/or other surfaces, and which also is transpired by plant material during a specified time. Specified times are normally collected as monthly and daily readings. Monthly and daily ETo’s can be found on the California Irrigation Management Information Systems (CIMIS) website.
- (qr) **Regulatory Floodway.** See “Flood Hazard.”
- (rs) **Rehabilitation.** The restoration of deteriorated structures, neighborhoods and public facilities. It may involve repair, renovation, conversion, expansion, remodeling, reconstruction or any combination thereof.
- (st) **Rehabilitation Center.** See “Medical Services Rehabilitation Center.”
- (tu) **Rehabilitated Landscape.** A re-landscaping project that meets the applicability requirements of Chapter 83.10, Landscaping Standards.
- (uv) **Related Land Use.** A land use that is supportive of the predominant land use of an area. For example, a neighborhood commercial center is a supportive use in the residential land use category.
- (vw) **Religious Assembly Facility.** See “Meeting Facility, Public or Private” and “Places of Worship.”
- (wx) **Remainder Parcel.** See “Parcel, Remainder.”
- (xy) **Remote Unit.** See “Wireless Telecommunication Facilities.”
- (yz) **Repair Services.** Establishments engaged in the provision of repair services to individuals, households and firms.
- (zaa) **Reserve Parcel.** See “Parcel, Reserve.”
- (aabb) **Reservoir.** A naturally occurring or artificially created body of water (impounded above or below surface level) with a designated holding capacity of at least one acre-foot of water. Does not include “Pond.” See also “Lake.”
- (bbcc) **Residential Accessory Use or Structure (see Land Use Tables).** See “Accessory Structure.”
- (eedd) **Residential Development.** A project containing one or more residential dwelling units, including mobile homes, or a subdivision of land for the purpose of constructing one or more residential dwelling units.
- (ddee) **Residential Hotel.** See “Hotel, Residential.”

- (**eeff**) **Residential Use.** One or more of the dwelling unit types listed in the tables Division 2 (Land Use Zoning Districts and Allowed Land Uses) under the heading of “Residential.”
- (**ffgg**) **Residuals Depository.** See “Hazardous Waste.”
- (**gggh**) **Responsible Person.** Any person who creates a condition that may lead to accelerated erosion. If a specific person cannot be identified, the owner of the land where the condition exists shall be considered the responsible person.
- (**hhii**) **Restaurant, Café, Coffee Shop (see Land Use Tables).** A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption (“counter service”); and establishments where customers are served food at their tables for on-premise consumption (“table service”), that may also provide food for take-out.
- (**ijjj**) **Retail, General.** See “General Retail.”
- (**jjkk**) **Retail Sale.** A sale of commodities or goods for personal household or farm consumption directly to the ultimate consumer. Sales are normally in small quantities and may include the rendering of services incidental to and supportive of the sale of the merchandise.
- (**kkll**) **Reversed Corner Lot.** See “Lot.”
- (**llmm**) **Reverse Vending Machine.** See “Recycling Facility.”
- (**mmnn**) **Reversion to Acreage.** The process by which subdivided real property may be reverted to acreage.
- (**nnoo**) **Review Authority.** Person, body or agency authorized to render land use decisions or provide technical recommendations to the Planning Agency.
- (**oo pp**) **Right-of-way.** Any strip or area of land, including surface, overhead, or underground, granted by easement, for construction and maintenance according to a designated use, such as drainage canals and ditches, electric power and telephone lines, gas, oil, water, and other pipelines, highways and roads and/or flowage or impoundment of surface waters.
- (**ppqq**) **Right-of-Way, Transportation.** See “Transportation Right-of-Way.”
- (**qqrr**) **Riparian habitat.** A natural plant community located along, and dependent upon, a water body or water course (e.g., sides of canyon bottoms, creeks, streams, rivers, etc.)
- (**rrss**) **Road or Roadway.** An open way for vehicular traffic.
- (**ss tt**) **Road Easement.** See “Easement.”

(ttu) Road Easement, Private. See “Easement.”

(ttvv) Road System. The classification of streets and highways by their diverse functions and design. The following is the commonly used hierarchy of streets and highways for planning purposes:

- (1) Local Street.** A roadway allowing access to abutting land, serving local traffic only.
- (2) Collector.** A street used by traffic to travel from local streets to secondary or major highways; usually it allows direct access to abutting properties.
- (3) Emergency Access Route.** A two-lane street of high standards, designed, constructed and specifically identified as an emergency access route to serve as a collector or distributor of neighborhood traffic and as an alternative access route in an emergency situation.
- (4) Mountain Secondary Highway.** A controlled access, moderate speed, two-lane highway, designed and constructed to accommodate high volumes of intercommunity traffic.
- (5) Mountain Major Highway.** A limited access, high speed, four-lane highway, designed and constructed to accommodate large volumes of intercommunity traffic. The mountain expressway connects intensely developed areas and points of interest. It is a four-lane highway with intersections at grade. It is striped for two lanes with shoulders in each direction. Turn lanes at intersections when necessary will require additional rights-of-way and roadway widths.
- (6) Secondary Highway.** A street serving traffic from collector streets and major highways that provides for traffic movement to and from traffic generators and attractors; the street is subject to controlled access from the properties fronting on the right of way; intersecting streets are subject to appropriate spacing. It is a four-lane highway with intersections at grade. It is striped for two lanes with shoulders in each direction. Turn lanes at intersections when necessary will require additional rights-of-way and roadway widths.
- (7) Major Highway.** A street or thoroughfare that serves through traffic movement across urban areas or to major traffic generators and attractors; it is subject to controlled access from properties fronting on the right of way; intersecting streets are subject to appropriate spacing. It is a four-lane highway with intersections at grade. It is striped for two lanes with shoulders in each direction with turn lanes at intersections. Additional rights-of-way and roadway widths may be necessary for turn lanes.
- (8) Major Divided Highway.** A road or thoroughfare that that serves through traffic movement across urban areas, subject to controlled access from properties fronting on the right of way; intersecting streets are subject to appropriate spacing. It is a divided four-lane road with intersection at

grade. It is striped for two lanes with shoulders in each direction with a raised median and turn lanes. Additional rights-of-way and roadway widths may be necessary for turn lanes.

- (9) **Major Arterial Highway.** A road or thoroughfare that serves through traffic movement across urban areas, subject to controlled access from properties fronting on the right of way; intersecting streets are subject to appropriate spacing. It is a six-lane highway that may have grade separations at intersections. It is striped for three lanes with shoulders in each direction with turn lanes at intersections. Additional rights-of-way and roadway widths may be necessary for turn lanes.

- (10) **Freeway.** A multilane highway with full grade separation (i.e., intersections are separated by under or overpasses), median strips and fencing or landscaping strips along the sides. It basically services intercity and interstate traffic. See also “Freeway.”

(**vwvw**) **Rockfall.** Failure and rapid downhill movement of rocks as a result of gravity, which can be initiated by earthquake shaking.

(**wwxx**) **Roof Sign.** See “Sign.”

(**xyyy**) **Rooming or Boarding (see Land Use Tables).** Residential occupancy of a building with no more than five bedrooms and no more than one person per room, where lodging is provided for compensation on a weekly or greater basis; but not including facilities defined as social care facilities.

(**yyzz**) **Root Barrier.** A plastic wall-like structure that is installed underground and designed to prevent the roots from trees from causing damage to streets, sidewalks, walkways, foundations, and other hardscapes.

(**zzaaa**) **Rubber Manufacturing.** See “Manufacturing Operations I and II.”

(**aaabbb**) **Rumpus Room.** See “Recreation Room.”

(**bbbccc**) **Runoff.** Water that is not absorbed by the soil or the landscape in which it has been applied and flows from the landscaped area onto adjacent surfaces, creating water waste.

(**eeeddd**) **Rural Sports and Recreation (see Land Use Tables).** Facilities for sports and recreational activities requiring large sites and/or remote locations, including hunting and fishing clubs, off-road vehicle parks, and shooting (rifle, pistol, and archery) ranges, ski resorts. See also “Recreational Use.”

(**dddeee**) **RV Sales.** See “Mobile Home, Boat or RV Sales.”

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4057 (2008), Amended Ordinance 4136 (2010); Amended Ordinance 41xx (2012)