

CHAPTER 2.20 RURAL BASE DISTRICTS

Sections

§ 2.20.010	Purposes
§ 2.20.020	Use Regulations
§ 2.20.030	Development Standards
§ 2.20.040	Slope Density Requirements
§ 2.20.050	A Districts: Agricultural Preservation Criteria
§ 2.20.060	AR Districts: Specific Subdivision and Road Provisions
§ 2.20.070	HS Districts: Supplemental Development Standards
§ 2.20.080	RR Districts: Supplemental Development Standards
§ 2.20.090	Local-Serving Uses

§ 2.20.010 Purposes

The intent of the rural base districts is to maintain and preserve the predominantly rural character of lands to which they are applied. The base districts further regulate the type of land uses and intensity of development permitted in rural areas in a manner that implements the general plan and which protects natural resources and maintains compatibility between uses.

This chapter defines the allowable land uses and development standards for each of the rural base districts, which include the A “Exclusive Agriculture,” AR “Agricultural Ranchlands,” HS “Hillsides,” and RR “Rural Residential” districts. The specific purposes of each of these base districts are described below.

- A. **A Exclusive Agriculture.** The purpose of the Exclusive Agriculture district, also known as the A district, is to preserve and encourage the long-term viability of agriculture and agricultural lands, recognizing the vital contributions agriculture makes to the economy and quality of life within the county. The intent of this district is to reserve those lands most suitable for agricultural production for agricultural and appropriate related uses. This zoning district will provide stability for ongoing agricultural operations and provide for new uses necessary to support a viable local agriculture industry. This district is also intended to retain in open space uses those lands which may be suitable for future urbanization until such time as they are included within a city’s urban service area and public facilities and services can be economically provided, consistent with community plans and objectives. This district is meant to apply to all portions of the county designated as Agriculture: Large-Scale, Agriculture: Medium-Scale, and Open Space Reserve in the general plan. Note that § 2.20.050 applies to this district.
- B. **AR Agricultural Ranchlands.** The purpose of the Agricultural Ranchlands district, also known as the AR district, is to preserve ranching, the natural

resources, and the rural character of the areas to which it applies. Permitted uses include ranching or agriculture, low-intensity recreation, mineral extraction, and land in its natural state. Very-low-intensity residential, commercial, industrial and institutional uses may also be allowed if they are sized to primarily serve the rural ranchland residents or are necessary for the enhancement and protection of the natural resources of the area and do not require a substantially higher level of service than presently provided. This district is meant to apply to all parcels designated Ranchlands in the general plan. Note that § 2.20.060 applies to this district.

- C. **HS Hillside.** The purpose of the Hillside district, also known as the HS district, is to preserve mountainous lands unplanned or unsuited for urban development primarily in open space and to promote those uses which support and enhance a rural character, which protect and promote wise use of natural resources, and which avoid the risks imposed by natural hazards found in these areas. These lands are watersheds and may also provide such important resources as minerals, forests, animal habitat, rare or locally unique plant and animal communities, historic and archeological sites, scenic beauty, grazing lands, and recreational areas. Additionally, lands zoned Hillside define the setting or viewshed for the urban area of the county.

Development shall be limited to avoid the need for public services and facilities. Permitted uses include agriculture and grazing, very low density residential use, low density, low intensity recreation, mineral and other resource extraction, and land in its natural state. Low-intensity commercial, industrial, and institutional uses may also be allowed if they require a remote, rural setting and are sized to primarily serve the rural residents or community, or if they support the recreational or productive use, study, appreciation, or enhancement of the natural environment. Clustering of development, particularly residential, is encouraged in order to preserve contiguous open space and achieve efficiency in the provision of access to dwellings. This district is meant to apply to all parcels designated Hillside in the general plan. Note that § 2.20.070 applies to this district.

- D. **RR Rural Residential.** The purpose of the Rural Residential district, also known as the RR district, is to permit rural residential development in certain limited unincorporated areas of the county designated by the general plan. Residential, agricultural and open space uses are the primary uses intended within the district. Agriculture-related uses that are not permitted by right may also be permitted through the applicable discretionary review process if deemed compatible with residential uses. Commercial, industrial and institutional uses may be established only where they are sized to be local-serving in nature. This district is meant to apply to all parcels designated Rural Residential in the general plan. Note that § 2.20.080 applies to this district.

§ 2.20.020 Use Regulations

The following tables, Tables 2.20-1 and 2.20-2, specify the allowable land uses for the rural base districts, listed by use classification as defined in Chapter 2.10. The regulations for each district are established by letter designations as follows:

- “R” designates use classifications that are permitted by right. The term “by right” indicates no discretionary permit process by the Planning Office is required. Compliance with zoning standards will be confirmed during the building permit process, where applicable. See subsection 1.20.040(D) for applicability of other rules and processes.
- “C” designates use classifications that require an administrative planning clearance from the Planning Office. Planning clearances are for uses that require adherence to the Zoning Ordinance but for which no discretionary permit from the Planning Office is required.
- “S” designates use classifications permitted with a special permit, subject to the provisions of Chapter 5.60, Special Permit.
- “A” designates use classifications permitted with architecture and site approval, subject to the provisions of Chapter 5.40, Architecture and Site Approval.
- “U” designates use classifications permitted with a use permit and architecture and site approval, subject to the provisions of Chapter 5.65, Use Permit, and Chapter 5.40, Architecture and Site Approval.
- “—” designates use classifications that are not allowed.

Supplemental regulations for the establishment and conduct of a use are referenced in the “Supplemental Regulations” column of the tables. Use classifications not listed in the tables are prohibited in the rural base districts.

Table 2.20-1					R	Permitted by Right
RESIDENTIAL USES IN RURAL BASE DISTRICTS					C	Planning Clearance
					S	Special Permit (Ch 5.60)
					A	ASA (Ch 5.40)
					U	Use Permit/ ASA (Ch 5.65, 5.40)
					—	Not Permitted
USE CLASSIFICATIONS	ZONING				Supplemental Regulations	
	A	AR	HS	RR		
Residences: Single-Family	R	R	R	R	Note 1	
Residential Accessory Structures & Uses	R	R	R	R	§ 4.20.020	
Accessory Dwelling Units						

Table 2.20-1		R	Permitted by Right		
RESIDENTIAL USES		C	Planning Clearance		
IN RURAL BASE DISTRICTS		S	Special Permit (Ch 5.60)		
		A	ASA (Ch 5.40)		
		U	Use Permit/ ASA (Ch 5.65, 5.40)		
		—	Not Permitted		
USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
Standard ADUs	R	R	R	R	§ 4.10.015
Movable tiny homes	C	C	C	C	§ 4.10.015
Junior ADUs	R	R	R	R	§ 4.10.015, Note 9
Agricultural Employee Housing					
Small-Scale Permanent	C	S	S	C	§ 4.10.040, Notes 2, 3 (AR), 10, 11
Large-Scale Permanent	S	S	S	S	§§ 4.10.040, 3.80.050, Note 2
Seasonal	S	S	S	S	§ 4.10.040
Community Care					
Limited	R	R	R	R	§ 4.10.090, Note 4
Expanded	U	U	U	U	§ 4.10.090, Note 5
Domestic Animals					
Dogs & Cats	R	R	R	R	Note 6
Other (see Ag: Livestock, Table 2.20-2)					
Home Occupations					
General	R	R	R	R	§ 4.10.180
Expanded	S	S	S	S	§ 4.10.180, Note 7
Residential – Communal Institutional	U	U	U	U	§ 4.10.300, Note 8
Temporary Residences during House Construction	R	R	R	R	§ 4.10.380
Temporary Agricultural Residence	C	C	C	C	§ 4.10.385, Notes 11, 12

NOTES:

1. Single-family dwellings, including certain additions, may be subject to the building site approval provisions of § C12-300 et seq. of the Ordinance Code.
2. Agricultural employee housing may, on a limited basis, be used to accommodate overnight tourist stays as part of a winery (see § 4.10.395 for criteria and permitting requirements) or be used for emergency shelter in the Public Services and Supportive Housing Combining District (see § 3.80.050 for criteria and permitting requirements).

3. On lots 10 acres or larger in AR districts, a second one-family dwelling for agricultural employee housing is allowed by right. Such agricultural employee housing unit shall not be subject to the supplemental use regulations of § 4.10.040.
4. Facilities qualifying as “Large-Family Day-Care Homes,” serving between 7 and 14 children, are subject to an administrative permit, per the provisions of Division B24 of the Ordinance Code.
5. Not a permitted use in areas with the “Agriculture-Large Scale” land use plan designation of the general plan.
6. Not to exceed two (2) dogs and five (5) cats over four months of age on parcels less than five acres, or three (3) dogs and five (5) cats over four months of age on parcels five acres or more, unless the required permit is secured pursuant to Division B31 of the Ordinance Code.
7. Expanded home occupations permitted on lots one-acre or larger. For additional applicable criteria, see § 4.10.180.
8. In rural districts, the floor area of Residential – Communal Institutional uses shall be limited to 10,000 square feet or less.
9. Owner-occupancy of one unit is required in any single-family residence that contains a junior accessory dwelling unit. The owner may reside in either the single-family residence or the junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.
10. There shall be a cumulative cap of 100 new dwelling units or 120,000 square feet, whichever occurs first, of small-scale permanent agricultural employee housing developed after May 1, 2020 in the Exclusive Agriculture and Rural Residential Zoning Districts combined.
11. Building site approval per Ordinance Code § C12-300 *et seq.* is not required for small-scale permanent agricultural employee housing or a temporary agricultural residence. Compliance with all other applicable federal, state, and County laws, regulations, and ordinances is required.
12. There shall be a cumulative cap of 50 temporary agricultural residences installed after May 1, 2020 in all zoning districts combined. When one such unit has been removed from a property, it shall no longer count toward the cumulative cap.

Table 2.20-2

NON-RESIDENTIAL USES

IN RURAL BASE DISTRICTS

R

C

S

A

U

—

Permitted by Right

Planning Clearance

Special Permit (Ch 5.60)

ASA (Ch 5.40)

Use Permit/ ASA (Ch 5.65, 5.40)

Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
Agriculture					
General	R	R	R	R	
Livestock	R	R	R	R	Note 1 (HS)
Agricultural Accessory Structures/ Uses	R	R	R	R	§ 4.20.020
Agricultural Equipment Sales/ Services	A	—	—	—	
Agricultural Processing					
Small Scale	R	R	R	R	§ 4.10.030
Medium Scale	A	—	—	—	§ 4.10.030
Large Scale	U	—	—	—	§ 4.10.030
Agricultural Research	A	—	—	—	
Agricultural Sales					
Limited	R	R	R	R	§ 4.40.110 (Signs)
Farmers’ Markets	U	U	—	—	
Agriculturally Related Entertainment & Commercial Uses	U	—	—	—	§ 4.10.050
Aircraft Landing Strips – Private	U	U	—	—	Note 2
Antennas – Commercial					
Minor	A	A	A	A	
Major	U	U	U	U	
Bed & Breakfast Inns	U	U	U	U	§ 4.10.060, Note 3
Butcheries	U	U	—	—	
Camps & Retreats	U	U	U	U	§ 4.10.070, Note 4
Cemeteries	U	U	U	U	§ 4.10.080, Note 4
Churches [See “Religious Institutions”]					
Clubs – Private & Nonprofit	U	U	U	U	§ 2.20.090
Community Care					
Limited	R	R	R	R	§ 4.10.090, Note 6
Expanded	U	U	U	U	§ 4.10.090, Note 4
Dairies	U	U	—	—	§ 4.10.110

Table 2.20-2

**NON-RESIDENTIAL USES
IN RURAL BASE DISTRICTS**

R	Permitted by Right
C	Planning Clearance
S	Special Permit (Ch 5.60)
A	ASA (Ch 5.40)
U	Use Permit/ ASA (Ch 5.65, 5.40)
–	Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
Entertainment – Seasonal Outdoor	–	–	U	–	§ 4.10.120
Emergency Shelters					
Small-Scale	–	–	–	R	§ 4.10.115
Large-Scale	–	–	–	U	§ 4.10.115, Note 20
Feed Lots	U	U	–	–	§ 4.10.130
Golf Courses & Country Clubs	U	–	U	U	§ 4.10.140, Note 4
Golf Driving Ranges	U	–	–	U	§ 4.10.150, Note 4
Helipads	–	–	U	–	§ 4.10.160
Historic Structures – Use Conversion	A	A	A	A	§ 4.10.170
Hospitals & Clinics	U	U	U	U	§ 2.20.090 (AR, HS, RR Districts), § 4.10.190 (A Districts), Note 4
Hunting & Fishing Preserves	U	R	–	–	Note 7
Industrial Hemp					Note 21
Cultivation	C	–	–	–	§ 4.10.195
Agricultural Research	A	–	–	–	§ 4.10.195
Agricultural Processing					
Small-Scale	C	–	–	–	§ 4.10.030, § 4.10.195
Medium-Scale	A	–	–	–	§ 4.10.030, § 4.10.195
Large-Scale	U	–	–	–	§ 4.10.030, § 4.10.195
Informational Displays					
Small	R	–	–	–	
Large	U	–	–	–	
Kennels – Commercial	U	U	U	U	§ 4.10.200
Laboratories and Testing Services (Limited)	U	–	–	–	
Livestock Auction Yards	U	U	–	–	§ 4.10.210
Manufacturing: Small Scale Rural	A	U	–	–	§ 2.20.090
Museums	U	U	U	U	Note 8
Mushroom Farms	U	U	–	U	§ 4.10.220

Table 2.20-2		R	Permitted by Right		
NON-RESIDENTIAL USES		C	Planning Clearance		
IN RURAL BASE DISTRICTS		S	Special Permit (Ch 5.60)		
		A	ASA (Ch 5.40)		
		U	Use Permit/ ASA (Ch 5.65, 5.40)		
		–	Not Permitted		
USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
Nonprofit Institutions	U	U	U	U	§ 2.20.090 (AR, HS, RR Districts), § 4.10.230 (A Districts), Notes 4 & 19
Nurseries					
Retail	U	U	U	U	Note 9
Wholesale	R	R	R	U	Note 9
Offices (Limited)	U	–	–	–	Note 10
Oil & Gas Extraction	U	U	U	U	
Poultry and Egg Farms–Commercial	U	U	–	U	§ 4.10.240
Radio-Controlled Model Aircraft Facilities	U	–	–	–	§ 4.10.250
Reception Facilities	U	U	U	U	§ 4.10.260
Recreational Playgrounds & Sports Fields	U	U	U	U	§ 4.10.270 (A Zoning District)
Recreational Vehicle Parks	–	–	U	U	§ 4.10.280
Recycling Facilities					
Collection Facilities–Consumer Recycling	R	R	R	R	§ 4.10.285
Recycling/ Processing Facilities–Consumer Waste	–	–	–	–	
Concrete, Asphalt & Soil Recycling	U	U	U	U	Note 11
Composting & Wood Recycling	U	U	U	U	
Hazardous Materials	–	–	–	–	
Religious Institutions	U	U	U	U	§ 2.20.090 (AR, HS, RR Districts), § 4.10.290 (A Districts), Notes 4 & 19
Restaurants & Bars					
Limited-Service Eating Places	–	U	U	–	Note 12
Full-Service Eating Places	–	U	U	–	Note 12
Drinking Places	–	U	U	–	Note 12
Retail Sales & Services: Local-Serving	–	U	U	–	§ 4.10.310

Table 2.20-2

**NON-RESIDENTIAL USES
IN RURAL BASE DISTRICTS**

R	Permitted by Right
C	Planning Clearance
S	Special Permit (Ch 5.60)
A	ASA (Ch 5.40)
U	Use Permit/ ASA (Ch 5.65, 5.40)
–	Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
Rodeos and Equestrian Event Facilities	U	U	–	–	§ 4.10.320
Schools	U	U	U	U	§ 2.20.090 (AR, HS, RR Districts), § 4.10.330 (A Districts), Note 4
Solar Energy Conversion Systems – Commercial					
Minor	A	U	U	A	§ 4.10.345, Notes 4 & 13
Major	U	U	U	U	§ 4.10.345, Notes 4 & 13
Sport Shooting	–	U	U	–	§ 4.10.350
Stables – Commercial	U	U	U	U	§ 4.10.360
Surface Mining	U	U	U	U	§ 4.10.370
Swim & Tennis Clubs	–	–	U	U	
Timber Harvest – Commercial	–	U	U	–	Note 14
Truck Sales & Services: Storage (Limited)	U	–	–	–	Note 15
Underground Mining	U	U	U	U	
Utilities and Public Facilities					Note 16
Minor	A	A	A	A	
Major	U	U	U	U	
Veterinary Clinics & Hospitals	U	U	U	U	Note 17
Well-Drilling Operations	A	–	–	–	
Wind Energy Conversion Systems – Commercial	U	U	U	U	§ 4.10.390
Wineries					
Small-Scale	R	R	R	R	§ 4.10.395, § 4.40.110 (Signs)
Medium-Scale	S	S	S	S	§ 4.10.395, § 4.40.110
Large-Scale	U	U	U	U	§ 4.10.395, § 4.40.110

Table 2.20-2

**NON-RESIDENTIAL USES
IN RURAL BASE DISTRICTS**

R	Permitted by Right
C	Planning Clearance
S	Special Permit (Ch 5.60)
A	ASA (Ch 5.40)
U	Use Permit/ ASA (Ch 5.65, 5.40)
—	Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
Wireless Telecommunication Facilities					Note 5
Collocation/Modification – Minor	R	R	R	R	
Collocation/Modification – Major	A	A	A	A	§ 4.10.400
New Facilities	A	A	A	A	§ 4.10.400

NOTES:

1. Livestock breeding, raising and keeping is limited in HS districts as follows: Not more than three (3) large animals or six (6) medium animals per acre as a matter of right, or a proportional combination totaling three (3) animal units where each large animal constitutes one (1) animal unit, and each medium animal constitutes 0.5 animal unit. Special permit required for numbers of large and medium animals exceeding these limits. There are no specified numerical limits for small animals.
2. Landing strip, including approach and departure zones, shall be located a safe distance from residential development to prevent significant hazard.
3. Bed and breakfast inns ancillary to on-site wineries, agricultural sales operations or other agriculturally related uses shall be subject to a special permit, in lieu of a use permit, provided they are situated within the primary residence on the property. Bed and breakfast inns are prohibited within the Los Gatos Hillside Specific Plan area, except as provided under the classification Historic Structures–Use Conversion.
4. Not a permitted use in areas with the “Agriculture-Large Scale” land use plan designation of the general plan.
5. Wireless telecommunications facilities are exempt from the development standards listed in Table 2.20-3.
6. Facilities qualifying as “Large-Family Day-Care Homes,” serving between 7 and 14 children, are subject to an administrative permit, per the provisions of Division B24 of the County Ordinance Code.
7. The minimum lot size for hunting preserves shall be one hundred sixty (160) acres.
8. Museums in rural districts shall be limited in scale and must relate to the locally significant cultural, historical or social themes of the rural area.
9. The size of buildings for on-site sales and ancillary office associated with nurseries shall be kept to a minimum.
10. Offices ancillary to a permitted agricultural activity in A districts that contain no more than 2,400 square feet of floor area are allowed as a matter of right. Offices larger than 2,400 square feet are subject to a use permit.
11. Concrete, asphalt and soil recycling within rural districts is a permitted use only in association with an existing quarry operation in any rural base zoning district.

12. Restaurants and bars in rural districts shall be limited in scale, with a maximum publically accessible floor area of 1,200 square feet (measured from outer surfaces of enclosing walls, includes bathrooms).
13. Not a permitted use in areas with the –d1 (Santa Clara Valley Viewshed) or –d2 (Milpitas Hillside) Design Review combining zoning districts.
14. Timber harvest of commercial tree species as defined by the County Tree Preservation and Removal Ordinance, Division C16 of the County Ordinance Code, including but not limited to Redwood and Douglas Fir, may be subject to the regulatory and permitting authority of the California Department of Forestry and Fire Protection (CDF). No County permit shall be required if CDF has approved a *Timber Harvest Plan* or *Non-Industrial Timber Management Plan* for the activity.
15. Truck storage uses in rural districts shall be limited to agriculture-related tractors, trucks, trailers, and similar equipment.
16. Utility structures and facilities may be exempt from local zoning regulations if they are established by a government agency. There may also be federal or state laws that provide exemptions for certain types of utilities.
17. The minimum lot size for veterinary clinics and hospitals shall be two and one-half (2.50) acres.
18. Wireless telecommunications facilities are exempt from the development standards listed in Table 2.20-3.
19. Established *Religious Institutions* and *Nonprofit Institutions* may include *Emergency Shelters: Small-Scale* as an ancillary use by right.
20. Emergency Shelters are a permitted use only within the –sm San Martin Use Permit Areas Combining District, as depicted in Chapter 3.90 of the Zoning Ordinance.
21. *Industrial Hemp* uses may be established, consistent with the Supplemental Use Regulations in Section 4.10.195, the later date of (1) 30 days from final adoption by the Board of Supervisors of Ordinance No. NS-1200.373 or (2) effective date of the state plan for California approved by the United States Department of Agriculture pursuant to Section 297B of the Federal Agricultural Market Act of 1946 (added by Section 10113 of the federal Agricultural Improvement Act of 2018 (Public Law 115-334)). *Industrial Hemp: Cultivation* and/or *Industrial Hemp: Agricultural Processing (small scale)* activities undertaken on multiple parcels by one operator may be authorized with a single application for Planning Clearance.

§ 2.20.030 Development Standards

- A. **Standards.** Table 2.20-3 establishes property development standards for the rural base districts. A “–” indicates there is no applicable standard or requirement.

Table 2.20-3

**RURAL BASE DISTRICTS:
PROPERTY DEVELOPMENT STANDARDS**

	A	AR	HS	RR
Minimum lot area for subdivision or lot line adjustment (acres)				
Without use of slope-density	–	160	160	–

Table 2.20-3

**RURAL BASE DISTRICTS:
PROPERTY DEVELOPMENT STANDARDS**

	A	AR	HS	RR
With slope-density	–	§ 2.20.040	§ 2.20.040	§ 2.20.040
With combining district	Chapter 3.10	–	–	Chapter 3.10
Setbacks (feet)				
Front	30	30	30	30
Side	30	30	30	30
Rear	30	30	30	30
Scenic road	100	100	100	100
Height (max)				
Feet	35	35	35	35
Stories	2	3	3	2
Additional standards/criteria	§ 2.20.050	§ 2.20.060	§ 2.20.070	§ 2.20.080
Accessory buildings	See Chapter 4.20, Supplemental Development Standards			

B. **Measurement.** The standards shown in Table 2.20-3 are subject to the following rules of measurement:

1. Where a lot abuts a road, setbacks from that road shall be measured from the edge of ultimate right-of-way (see “setback” definition in § 1.30.030);
2. Setbacks from all property lines not abutting a street shall be measured from the property line unless otherwise specified; and
3. Height shall be measured according to the provisions of Chapter 1.30: Definitions: General Terms.
4. Precision of numbers for the purposes of measurement and calculation shall be as stipulated in § 1.20.030: Precision of Numbers/ Rounding.

§ 2.20.040 Slope-Density Requirements

Table 2.20-4 describes the required land area per dwelling unit (density), as well as the minimum lot sizes, for the AR, HS and RR districts with application of slope-density requirements. Additional regulations for the AR, HS and RR districts are described in Sections 2.20.060, 2.20.070 and 2.20.080, respectively.

Table 2.20-4

SLOPE DENSITY PROVISIONS IN RURAL BASE DISTRICTS

Base District	Allowed Density: Land area per dwelling unit (acres) ¹			Minimum parcel size
	Avg. slope<10%	Avg. slope≥50%	Avg. slope 10-50%	
AR	20	160	1 — .0609375- .00109375*S	Same as land area per dwelling [see also 2.20.060]
HS (cluster permit required) ²	20	160	1 — .0609375- .00109375*S	2 acres for cluster [see also 2.20.070]
RR (clustering optional)	5	20	1 — .2375-.00375*S	Same as land area per dwelling; 1 acre for cluster [see also 2.20.080]

NOTES:

1. The variable “S” represents the average slope of the entire property that is the subject of the application. Average slope is determined according to the formula $S=(0.00229 \times IL)/A$, where
I is the contour interval in feet;
L is the combined length of contour lines in scale feet;
A is the gross area in acres of the subject lot or area of land; and,
S is the average slope expressed as a percentage.

Where the average slope is less than 10%, the land area per dwelling shall be no less than 5 acres in RR, and no less than 20 acres in AR and HS. Where the average slope exceeds 50%, the land area per dwelling shall be 20 acres in RR, and 160 acres in AR and HS.

The maximum number of lots or dwelling units allowed is determined by dividing the gross land area of the subject property by the minimum land area per dwelling unit and rounding down to the nearest whole number.
2. See §§ 2.20.060, 2.20.070 and 2.20.080 for additional standards for AR, HS and RR districts. For specific provisions pertaining to cluster permit and procedures, see Chapter 5.45, Cluster Permits.

§ 2.20.050 A Districts: Agricultural Preservation Criteria

- A. New Uses.** Any newly proposed use in an A district must be found to be in compliance with all of the following general criteria.
1. The use must be compatible with and not substantially interfere with the continuation of any on- or off-site agricultural operation.
 2. The use should not be of a sensitive nature that would itself be negatively impacted by any existing or future on-site or off-site agricultural use.

3. The use will not require public urban services or infrastructure, or establishment of special districts or similar entities.
 4. The use should be consistent with the rural image of the agricultural area.
 5. Any new non-agricultural use should be sited to avoid taking the most viable agricultural lands out of active agricultural production.
 6. Any new use should not significantly inhibit the future development of adjacent parcels consistent with general plan land use designations of nearby cities.
 7. The use must clearly enhance the long-term viability of local agriculture and agricultural lands.
- B. **Permitted as of Right.** Uses permitted as a matter of right have been found to comply with the criteria in subsection A.

§ 2.20.060 AR Districts: Specific Subdivision and Road Provisions

- A. **Limitations on Lots Created from Contiguous Property under Common Ownership.** No subdivision of land into parcels smaller than 160 acres shall be approved which would result in the creation of more than four (4) new lots from one or more original lots under common ownership during any three (3)-year period. At the time of subdivision application, the entire area of contiguous land in which the applicant has any ownership interest shall be included as part of the application even though the proposed land division might affect only a portion of the holding.
- B. **Limitation on New Lot Creation by Geographic Area.** The AR district includes two geographic areas for the purpose of regulating the number of new lots created in a single calendar year and in three (3) consecutive years. Area A lies to the north of East Dunne Avenue and Coe State Park. Area B includes the remainder of the district, including all lands in the AR district located west of Highway 101. Such areas are shown on the map located in the Planning Office titled “AR Zoning District Sub-areas A & B.”

The total number of new lots that may be created in the AR district over the time periods indicated shall be limited as specified in Table 2.20-5. All lots created in the AR district through subdivision, including those for which building site approval is not obtained, shall count toward the annual subdivision limits set forth below.

Table 2.20-5

MAXIMUM NUMBER OF NEW LOTS ALLOWED IN AR DISTRICTS*

	Area A (north of Coe State Park)	Area B (remainder of district)
Lots <160 acres		
1 year	40	20
3 years	75	38
Lots ≥160 acres		
1 year	20	10

*By subdivision, over the time period specified.

- C. **Lot Size Reduction.** A subdivision may include a lot or lots as small as 20 acres in size even if the applicable slope density formula (see § 2.20.040, Slope-Density Requirements) indicates a larger minimum land area per dwelling. The following restrictions apply to such subdivisions:
1. The total number of lots in such a subdivision may not exceed the number of lots that would be permitted through application of the slope density formula.
 2. When a subdivision yields a lot (or lots) smaller than the lot size calculated by the slope-density formula, no other lot may be created as part of that subdivision that is of such size and average slope that it could be further subdivided. Such a subdivision must include individual slope-density calculations for all proposed lots larger than 40 acres.
- D. **Road Standards.** Ranch roads serving the internal needs of ranches may be of gravel or hard dirt surface, and of widths suitable for ranch uses. Such roads shall not be considered as acceptable for the purpose of subdivision unless they meet applicable County standards for the AR zoning district. Routine maintenance of ranch roads shall not require grading permits so long as the alignment of the road is not substantially changed, pursuant to Section C12-421, Exemptions, of the County Grading Ordinance.

§ 2.20.070 HS Districts: Supplemental Development Standards

- A. **Setbacks—Substandard Named Subdivisions.** Setbacks may be reduced on lots less than one acre in identified substandard subdivisions as specified in Table 2.20-6 below. The substandard subdivisions to which this provision applies are Aldercroft Heights, Chemeketa Park, Call of the Wild, Lake Canyon, Mountain Spring, Oakmont and Redwood Estates.

Table 2.20-6

**SETBACKS ON LOTS OF ONE (1) ACRE OR LESS
IN SUBSTANDARD SUBDIVISIONS**

Yard	Setbacks
Front	20 ft.
Side	20 ft., or 10% of lot width to minimum of 5 ft.
Side, Exterior (corner lot)	20 ft., or 10% of lot width to minimum of 10 ft.
Rear	20 ft.

B. Special HS Subdivision Regulations. A cluster permit is required for subdivision of land into lots of less than 160 acres within the HS zoning district, except as specified for a two-lot subdivision below. The following provisions apply only to the subdivision of land in the HS district. Provisions for application of the 20-160 acre slope density formula are provided in § 2.20.040, Slope Density Requirements.

1. For any two-lot subdivision of a parcel legally created prior to November 22, 1983, the minimum parcel size shall be determined through the use of the 20-160 acre slope density formula. Minimum lot size shall be the same as the land area per dwelling unit figure determined by the slope density formula. No clustering of development or permanent dedication of open space shall be required. However, any subsequent land division of either of the two lots so created shall be required to meet the cluster permit and open space dedication requirements applicable to land division in the HS district set forth below.
2. A cluster permit is required for the division of land into lots of less than 160 acres, except as specified above (subsection 2.20.070(B)(1)). A cluster arrangement of residential home sites shall achieve economy of land use and efficiency of access, while avoiding or minimizing impact to the natural environment to the extent feasible. Defined development areas shall include no more than 10% of the total land area subject to the land division, with at least 90% of the remaining land area preserved in permanent open space by means of dedication of development rights which prevents future subdivision of such lands. Cluster development proposals may be arranged in more than one cluster provided that the multiple cluster arrangement achieves economy of land use and efficiency of access intended by this ordinance and the applicable provisions of the Hillside general plan land use designation.
3. The land area per dwelling unit shall be determined by the use of the 20-160-acre slope density formula. The permissible density or number of dwellings may be limited through subdivision approval to less than the maximum number of dwellings indicated by the slope-density equation if deemed necessary to ensure the public health, safety, and general welfare or to achieve consistency with any applicable goal or policy of the general plan.

4. The minimum parcel size for any lot created as part of a cluster is no less than two (2) acres. Land area to achieve the minimum requirement of 90% permanent open space may be arranged as portions of parcels or as a single parcel, provided that the maximum density of development permitted by the slope-density formula is not exceeded and the land devoted to open space is configured as large, contiguous, usable areas.
5. Land uses permitted on lands dedicated as permanent private open space are limited to the following uses:
 - a. Agriculture.
 - b. Agricultural accessory structures, including windmills (not residential accessory structures).
 - c. Wood cutting and commercial timber harvest.
 - d. Outdoor recreation, non-commercial, including riding stables, corrals, trails, and other similar uses intended for residents of homes within the cluster subdivision.
 - e. Utilities, wells, and water storage and distribution facilities.

§ 2.20.080 RR Districts: Supplemental Development Standards

- A. **Special Subdivision Regulations.** A cluster permit is required for subdivision of land in RR districts into lots less than the land area per dwelling unit as determined by the applicable 5-20 acre slope density formula, or to divide land into lots less than the minimum lot size specified by the applicable lot size combining district, such as the “-5ac.” combining district. The following provisions apply only to the subdivision of land in the RR district. Provisions for application of the 5-20 acre slope density formula are provided in § 2.20.040, Slope Density Requirements.
1. Absolute minimum lot size for any parcel created by a RR cluster subdivision shall be one (1) acre. Minimum lot size requirements may be greater than one (1) acre if necessary to ensure compliance with applicable development standards, such as for septic systems, wells, access, and related site improvements.
 2. Permanent dedication of development rights and open space preservation shall be required for lands involved in any RR cluster subdivision to ensure that no further subdivision is possible which would exceed the maximum density of land allowed by the general plan through subdivision.
 3. Land uses permitted on lands dedicated as permanent private open space as part of a cluster subdivision are limited to the following:
 - a. Agriculture.

- b. Agricultural accessory structures, including windmills (not residential accessory structures).
- c. Wood cutting and commercial timber harvest.
- d. Outdoor recreation, non-commercial, including riding stables, corrals, trails, and other similar uses intended for residents of homes within the cluster subdivision.
- e. Utilities, wells, and water storage and distribution facilities.

§ 2.20.090 Local-Serving Uses

Local-serving uses are of a size, scale and intensity intended to provide goods and services to the resident rural population. For the purposes of this section, the term “local-serving uses” refers to certain institutional and commercial uses that may be allowed in rural districts if their size, scale and intensity is typical of local-serving uses in a rural community. Local-serving uses are not exclusive to the resident rural population and may be used by residents not local to the area.

- A. The size, scale and intensity of the use shall be evaluated in accordance with the *Local-Serving Data* document, on file with the Department of Planning and Development and as updated from time-to-time by the Department. Uses deemed to be an appropriate size, scale and intensity by the approval authority because the building square footage and maximum number of people are each less than the applicable 75 percentile values listed in Table 1.1 (*Local-Serving Data* document on file with the County Planning and Development Department) may be authorized in rural districts in accordance with any other requirements, findings, and criteria otherwise required by the zoning ordinance.
- B. For a proposed use whose building square footage or maximum number of people is more than the applicable 75th percentile value listed in Table 1.1 of the *Local-Serving Data* document, the applicant shall prepare a report that establishes a baseline for a proposed use designed at the 75th percentile and evaluating the comparison of size, scale, and intensity impacts to rural resources and character at the 75th percentile with size, scale and intensity impacts to rural resources and character as proposed. The size, scale and intensity impacts to be evaluated at the 75th percentile and as proposed shall evaluate the following criteria:
 - 1. **Aesthetics.** The scale and massing of the building(s) and improvements shall be compatible with the existing rural setting, taking into consideration the surrounding open space, scenic resources, ridgelines, agricultural uses, and rural residences.
 - 2. **Open Space and Habitat.** The use shall be sized and designed to minimize disturbance of natural landscapes and biological communities.

3. **Agricultural Production.** The use shall retain agricultural productivity and minimize conflicts with surrounding agricultural lands. Any loss of agricultural productivity shall be quantified and minimized to the extent feasible.
 4. **Watersheds.** The use shall not create a hazard to water quality or create significant drainage, flooding, erosion or sediment impacts. Increases in impervious surface area, drainage volumes and erosion levels shall be quantified and minimized to the extent feasible.
 5. **Traffic.** The use shall not generate significant additional traffic that creates a safety hazard or impairs local rural roads. New traffic associated with the use should not increase traffic levels significantly above existing conditions.
 6. **Noise.** The use shall not significantly increase noise over existing ambient levels.
- C. Uses where the building square footage or maximum number of people are more than the applicable 75th percentile values listed in Table 1.1, of the *Local-Serving Data* document, may be authorized in rural districts following review of the report identified in § 2.20.090(B), and in accordance with any other requirements, findings, and criteria otherwise required by the zoning ordinance, and upon making the following finding.
1. The project is designed, to the maximum extent feasible, such that the use does not result in size, scale and intensity impacts to the criteria identified in Section 2.20.090(B) greater than what might result from a use which is equal to the 75th percentile baseline value. As used in this section the maximum extent feasible, means making all changes that are possible taking into account the physical limitations of the site, considerations of project, engineering design, and financial cost.