

This ordinance amends Title 22 - Planning and Zoning of the Los Angeles County Code to establish the Fairmont Community Standards District ("CSD"). It also amends the minor conditional use permit provision in Title 22 (Section 22.56.085) to conform that section to the new CSD.

The purpose of the CSD is to establish new development standards to preserve the rural character and sensitive environmental setting of the community of Fairmont.

An ordinance amending Title 22 - Planning and Zoning of the Los Angeles County Code to establish the Fairmont community standards district and to make conforming changes to Section 22.56.085.

Fairmont Community Standards District.

A. Intent and Purpose. The Fairmont Community Standards District ("CSD") is established to enhance the quality of life in these communities by preserving and protecting their rural character and the beauty of their environmental setting. Fairmont is distinguished by a mix of dispersed residential, recreational, and commercial uses as well as sensitive features including natural High Desert, significant ecological areas, Poppy Preserve and Ripley preserve. The standards contained in this CSD are intended to protect native vegetation, preserve night sky, minimize the placement of urban infrastructure, industrialized solar and wind farms and maintain rural residential densities in the communities.

B. District Boundary. The boundaries of the CSD are shown on the map following this section.

1. East boundary – 140th st. west
West boundary – 245th st. west
North boundary – Ave "A"
South boundary- (see attachment #1 Map) Lancaster road to 245th to Ave "D"

C. Applicability. This CSD shall apply to all development proposals except for site plan reviews and/or zoning conformance reviews for which applications were submitted and deemed complete prior to the effective date of this CSD.

D. Community-Wide Development Standards.

1. Highway and Local Street Standards.

a. Highway Standards. Routes on the highway plan shall use alternate rural highway standards, except for locations where existing infrastructure or commercial and pedestrian traffic are such that the Department of Public Works determines that curbs, gutters, and sidewalks are necessary for safety or to provide pedestrian access compliant with the Americans with Disabilities Act.

b. Local Street Standards.

i. Local streets shall use the inverted shoulder cross section with a paved width of twenty-eight (28) feet, except for locations where additional pavement is required for geometric improvements by the Department of Public Works or where commercial, industrial, or institutional uses necessitate alternate designs, as determined by the Department of Public Works. This limit excludes the width of any inverted shoulder or concrete flow line.

ii. New curbs, gutters, and sidewalks are prohibited unless deemed necessary for the safety of pedestrian and vehicular traffic by the Department of Public Works after consultation with the Department of Regional Planning.

2. Street Lighting. The addition of street lights is prohibited unless deemed necessary by the Department of Public Works. Where installed:

- a. Street lights shall be compatible in style and material with the poles on which they are mounted;
- b. Street lights shall be placed the maximum distance apart with the minimum lumens allowable by the Department of Public Works; and
- c. Street lights shall use full cut off fixtures to prevent off-street illumination and glare. Fully shielded fixtures shall be used to deflect light away from adjacent parcels.

3. Exterior Lighting.

Exterior lighting shall be designed to minimize off-site illumination, within the requirements for public safety.

- a. Exterior lighting on residential parcels shall be of top-shielded design to prevent direct off-site illumination; hoods shall be used to direct light away from adjacent parcels.
- b. Exterior lighting on nonresidential parcels shall be prohibited except where necessary for the safety of pedestrian and vehicular traffic, as determined by the county. To minimize off-site illumination where lights are required, lighting greater than 20 watts must consist of full cut-off fixtures approved by the International Dark-Sky Association;
- c. Non-conforming lighting must be removed within three years of adoption of the ordinance creating this CSD.

4. Utilities.

a. **Utility Lines.** All wires and cables which provide utility services, including telephone, television, electricity less than ten (10) kilovolts, and similar services, shall be placed underground.

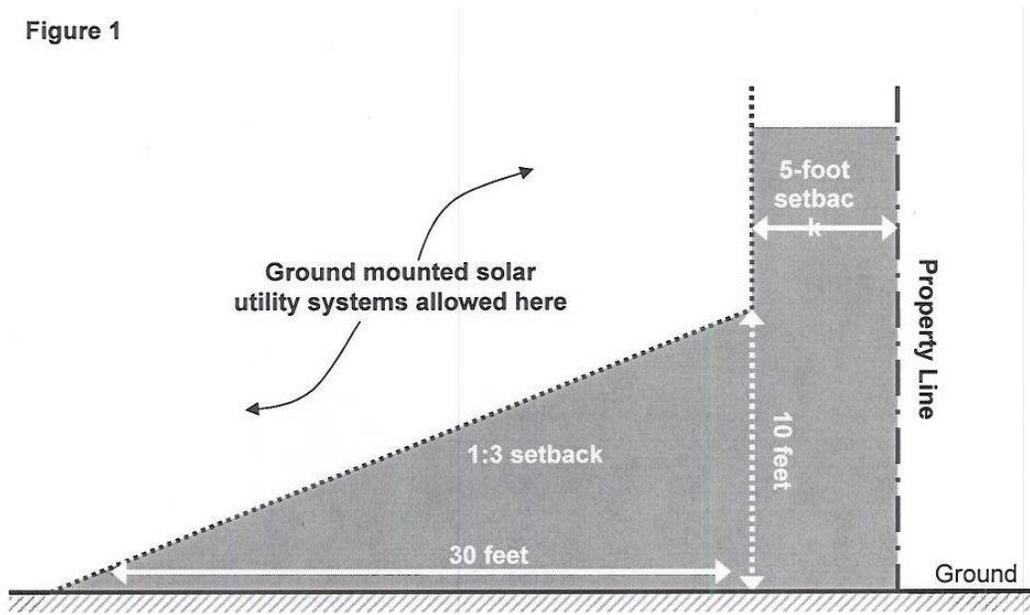
b. **Utility Devices.**

i. **Solar Utility Devices- Non Commercial/Residential.**

(A) Ground mounted solar energy systems shall be placed at least five (5) feet from the nearest property line; and

(B) Ground mounted solar energy systems less than ten (10) feet in height shall be set back an additional three (3) feet from the nearest property line for every one foot less than ten (10) feet in height.

Figure 1



ii. **Wireless Telecommunication Facilities.**

Ground mounted antennas and monopoles shall be disguised as trees or other structure acceptable to Fairmont Community.

(A). Pole mounted WiFi and Voice Over IP (VoIP) internet transmitter and receivers (Transceiver) are exempt from regulation.

5. Signs. No sign otherwise permitted by this Title 22 shall exceed thirty-two (32) square feet in sign area with the exception of Community Identification Signs.

a. Any sign placed for purposes of notification of an event or concerning an event shall not be placed more than 30 days before the event and shall be removed no later than 5 days after the event

6. Vegetation Conservation.

a. Native vegetation shall be defined as those plants designated for the corresponding Ecological Zone in the Los Angeles County Drought tolerant Approved Plant List, maintained by the Department of Regional Planning,

b. To remove or destroy greater than fifty (50) percent of the native vegetation on a lot or parcel of land for any purpose other than Farming and Ranching, the applicant shall substantiate the following:

i. That the applicant has obtained verification by an engineer, architect, biologist, or equivalent that removal or destruction is necessary because continued existence of the vegetation precludes the reasonable use of the property for a permitted use in the zone and the cost of alternative development plans would be prohibitive; or

ii. That it is required by the Fire Department; or

iii. That it is necessary for work performed under a permit issued by the Department of Public Works to control erosion or flood hazards.

7. Trails.

- a.** When required by the Department of Parks and Recreation, in accordance with the trails map in the Antelope Valley Area Plan, new land divisions, including minor land divisions, shall contain dedicated trail easements for pedestrian and equestrian uses. Where feasible, access to these trails must be located in the vicinity of the subject land division. These trails shall provide connections, where feasible, to significant recreational uses, including but not limited to, open space areas, parks, trail heads, historical trails or sites, equestrian centers, equestrian staging areas, camp grounds, and conservation or nature preserve areas.
- b.** Trail construction shall be completed in accordance with the conditions set forth by the Department of Parks and Recreation. All information pertaining to trail requirements shall be shown on the tentative parcel or tract map and on the final parcel or tract map prior to the final map recordation.
- c.** Unobstructed multipurpose pathways for both pedestrian and equestrian uses should be developed in each new land division to the satisfaction of both the department of public works and the department of parks and recreation. Although alignments that are not adjacent to roadways will generally be preferred, road easements may be used when the hearing officer determines that other locations are inappropriate.
- d.** Any trail incorporated into a land division must contain a provision for participation in a community-wide trail maintenance financing district or other appropriate financing mechanism; the district or other financing mechanism must be established prior to

the construction of the trail.

e. The department of parks and recreation will work with the community to establish an appropriate mechanism for financing trail maintenance.

f. Ecological mitigation areas set aside for preservation shall prohibit vehicular traffic except for maintenance or emergency purposes. Equine Traffic, foot traffic, and animal migration shall be allowed via access points and trails through the Ecological mitigation areas.

8. Density-controlled Development. Density-controlled development shall be permitted only if each lot or parcel of land created contains a minimum net area of two and one-half (2 1/2) acres.

9. Desert Management. In evaluating the design of a development in a desert management area for a conditional use permit pursuant to Section 22.56.215, the Hearing Officer or Commission shall require that the proposed development minimizes impacts to existing viewsheds through all reasonable design measures.

a. Commercial solar and wind shall shield the public from any harmful reflection or visual impact by the planting of Trees and vegetation as not to create a visual blight or distraction on any adjacent roadway (because native Joshua trees have no visual screening value, they shall be prohibited from being used for visual screening.) However Joshua tree preserves are highly encouraged.

b. Commercial solar and wind development shall reduce or eliminate dust producing environments during construction and during future operation of their projects.

10. Significant Ridgeline Protection. (Reserved)

11. Grading.

a. A conditional use permit, as provided in Part 1 of Chapter 22.56, shall be required for any grading on a lot or parcel of land, or in connection with any project, that exceeds five thousand (5,000) cubic yards of total cut plus total fill material within any twenty-four (24)-month period. For purposes of computing the five thousand (5,000) cubic yard threshold amount, grading required by the Fire Department to establish a turnaround or for brush clearance shall be excluded, but not grading for any private street, right-of-way, or driveway leading to such turnaround.

b. In approving such a conditional use permit, the Hearing Officer or Commission shall make the following findings in addition to those required by Section 22.56.090:

i. The grading will be performed in a manner that minimizes disturbance to the natural landscape and terrain through design features, including but not limited to, locating the building pads in the area of the project site that have the least slope or near a street traveled by the public; and

ii. The grading will be accompanied by other design features that maximize preservation of visual quality and community character, including but not limited to, reduced structural height, the use of shapes, materials, and colors that blend with the surrounding environment, and the use of native vegetation for concealment.

12. Land Divisions and Commercial & Industrial Development.

a. Gated or guarded entrances to subdivisions or any portion thereof shall be prohibited.

b. Project Design. Applications for development shall include a specific written analysis demonstrating conformance with the following objectives:

i. Preserve existing natural contours and natural desert features,

ii. Required provisions for access and public safety should be designed to minimize encroachment on existing natural contours and natural desert features by the use of techniques such as:

(A) Curvilinear street designs; and

(B) Landform grading designs that blend any manufactured slopes or required drainage benches into the natural topography, using colored concrete to blend visually with the natural soil or using berms to conceal improvements.

E. Zone-Specific Development Standards.

1. Residential and Agricultural Zones.

a. Lot Design. Each new lot or parcel of land created by a land division shall contain a minimum net area of two and one-half (2 1/2) acres.

b. Required Yards.

i. Front yards. Each lot or parcel of land shall have a front yard of at least twenty (20) feet in depth.

ii. Side yards.

(A) Each lot or parcel of land with an average width of less than fifty (50) feet shall have side yards of at least seven (7) feet each; and

(B) Each lot or parcel of land with an average width of fifty (50) feet or greater shall have side yards of at least ten (10) feet each.

iii. Rear yards. Each lot or parcel of land shall have a rear yard of at least twenty (20) feet in depth.

iv. Required front, side, and rear yards shall be measured from the property boundary, unless such boundary is located within a private street providing access to one or more lots or parcels of land, in which case required yard areas shall be measured from the edge of the street or right-of-way closest to the interior of the lot or parcel.

c. Dogs.

1. On a lot or parcel of land less than one net acre in size, The requirements of Sections 22.20.050 (Residential Zones or 22.24.050 (Agriculture zones) shall apply; and

2. A maximum of five dogs shall be allowed on a lot or parcel of land one net acre or greater in size.

3. This requirement shall not apply to licensed kennels.

d. Cargo Shipping Containers.

. For the purposes of this subsection, a “cargo shipping container” shall be defined as a reusable transport and storage container designed to be carried on semi-trailer trucks, container ships, and freight trains. Cargo shipping containers shall be permitted on a lot or parcel of land in accordance with the following standards:

One cargo shipping container shall be permitted on a lot or parcel of land two net acres and greater in size. Two cargo containers shall be permitted on a lot or parcel of land five net acres and greater in size and Three cargo containers shall be permitted on a lot or parcel of land one hundred net acres and greater in size for Farming and Ranch storage of related items and equipment.

1. A minor conditional use permit, as provided in Section 22.56.085 shall be required for any additional cargo container shipping containers, or cargo containers on lots less than two acres in size.
2. Cargo shipping containers shall not be placed in any required yard or in any area where the parking of vehicles is prohibited by Sections 22.20.025.A (Residential Zones) or 22.24.035.A (Agricultural Zones);
3. Cargo shipping containers shall be placed at least six feet from any structure or other cargo shipping container; each other;
4. Cargo shipping containers shall not be stacked .
5. Cargo shipping containers shall not exceed 10 feet in height, 10 feet in width, and 40 feet in length; and
6. Cargo shipping containers shall be painted one uniform color and the sides of containers shall not display images or lettering, except for signs providing safety information related to the contents stored within, if required by the County Code or other applicable regulations
7. Cargo containers shall not be used for housing animals.

e. Fences.

a. Fences. No garage doors of any kind, regardless of color or uniformity of design, shall be used for fencing. Perimeter Fences and walls shall not include glass or clear plastic material. Fences along any public or private road shall comply with the applicable provisions of Section 22.48.160 and shall be made of chain link, split rail, open wood, rock, block, split faced or whole brick, wooden pickets, Glass block, iron, post and barbed wire, Vinyl or any combination of the above or other comparable wire products such

as horse fence or field fence, or other materials as approved by the director.

b. Barbed wire can be used for the topmost or bottommost horizontal member in a post and wire fence for farm, ranch and livestock control.

i. Barbed wire or wire product fences are permissible for the control of animals and livestock for residences, farms, and ranches.

ii. Perimeter fences shall not exceed a height of (6) six feet in height from grade and an additional (1) one foot of space for barbed wire on chain link fences or wire fences.

iii. Non-conforming fences must conform to this standard within three years of adoption of the ordinance creating this CSD.

f. Housing Standards. All single-family residences, including Factory Built Housing and Manufactured Housing, shall meet the following standards, in addition to those in Section 22.20.105:

1. Residences shall provide eaves on all sides,
2. Residences shall be placed on a foundation which shall be enclosed by brick, mortar, wood, or other siding material, as approved by the Director.

2. Commercial and Manufacturing Zones.

a. Alcoholic Beverage Sales. No business engaged in the sale of alcoholic beverages for off-site consumption, with the exception of renewals for existing permits, shall be located within one thousand (1,000) feet of any property containing an existing legally-established public or private school, family child care home, or child care center.

F. Area-Specific Standards.

1. Commercial and Industrial Solar and Wind Development.

a. Proposed Solar, Wind, Industrial and Commercial Developments being placed in the boundaries of Fairmont shall include the Director and Fairmont Town Council in all proposals, negotiations and mitigation processes

b. The Fairmont Town Council shall be included in all talks and discussions on variances and deviations from the CSD requirements

i. Notify area residents: A list, certified by affidavit or statement under penalty of perjury pursuant to section 2015.5 of the Code of Civil Procedure, of the names and addresses of all persons who are shown on the latest available assessment roll of the county of Los Angeles as owners of the subject parcel of land and as owning parcels of land within a distance of 3,000 feet from the exterior boundaries of the subject parcel(s) of land shall be generated and all identified owners shall be notified of the proposed Development. If, in using this 3,000 foot radius, the list does not include at least 20 property owners, excluding the applicant, the radius shall be expanded equally in all directions until the list includes at least 20 property owners, excluding the applicant. Three sets of mailing labels for these property owners shall also be included.

(A). In addition the Fairmont Town Council shall be notified by using the current Town council address on file with the County Supervisors Office.

ii. Commercial Solar, Wind, Industrial and Commercial Developments shall shield the public from any harmful reflection or visual impact by the planting of a double row of staggered Trees acceptable to the requirements of the Los Angeles County "Green Code" Chapter 22.52, part 20 of the county Code - Green Building Requirements, at 10 ft intervals and/or local vegetation of sufficient height , so as not to create a visual blight or distraction on any adjacent roadway or adjacent property. Planting height shall be 15 gallon container or larger.

(A). Non-conforming Solar, Wind, Industrial and Commercial Developments must conform to this standard within three years of adoption of the ordinance creating this CSD.

iii. Commercial Solar, Wind, Industrial and Commercial Developments shall reduce or eliminate dust producing environments during construction and during future operation of their projects by controlling ground cover and bare dirt so as to not allow dust when heavy winds blow..

iv. That no noise or sound be created which exceeds the levels contained in Chapter 12.08 (Noise Control) of Title 12 (Environmental Protection) of the Los Angeles County Code;

v. That business and construction traffic occurs only between the hours of 5:00 a.m. and 6:00 p.m.

vi. Regardless of circumstances, Wind development shall not place a wind turbine in proximity of a residence, closer than

5X the height of the turbine structure, measured from tip of longest upright blade to the ground.

vii. To allow for wildlife movement on a lot or parcel of land with a net area ten (10) acres or greater, all fences and walls within required yard areas shall comply with the following standards:

(A) No horizontal member shall be placed less than eighteen (18) inches, or more than sixty (60) inches above finished grade, chain link, and wire fence is exempt;

(B) For wire fences, the second highest horizontal wire shall be placed at least twelve (12) inches below the topmost wire; and

(C) Concertina or concertina appearing wire and barbed wire shall not be used in any fence in any manner under section F.1. (Commercial Solar, Wind, Industrial and Commercial Developments). Farms and ranches are exempt from this requirement.

viii. Strobe lights are prohibited

ix. Non-conforming Solar, Wind, Industrial and Commercial Developments must conform to this standard within three years of adoption of the ordinance creating this CSD.

G. Modification of Development Standards,

1. Modification Authorized. Modification of the development standards specified in subsections E.1.b (Required Yards) and E.1.c (Fences) shall be subject to the procedures specified in this section. Modification of the

other development standards in this CSD, except for modifications regarding location of utility devices pursuant to subsection D A.b.ii, shall be subject to a variance, as provided in Part 2 of Chapter 22.56.

2. Application. The procedure for filing a request for modification shall be the same as that for director's review, as set forth in Part 12 of Chapter 22.56, except that the applicant shall also submit:

a. A list, certified by affidavit or statement under penalty of perjury pursuant to section 2015.5 of the Code of Civil Procedure, of the names and addresses of all persons who are shown on the latest available assessment roll of the county of Los Angeles as owners of the subject parcel of land and as owning parcels of land within a distance of 3,000 feet from the exterior boundaries of the subject parcel(s) of land shall be generated and all identified owners shall be notified of the proposed Development. If, in using this 3,000 foot radius, the list does not include at least 20 property owners, excluding the applicant, the radius shall be expanded equally in all directions until the list includes at least 20 property owners, excluding the applicant. Three sets of mailing labels for these property owners shall also be included.

i. In addition the Fairmont Town Council shall be notified by using the current Town council address on file with the County Supervisors Office.

b. Two sets of gummed mailing labels with the property owners' names and addresses and one photocopy of the labels;

c. An ownership map drawn to a scale of one inch to one hundred (100) feet indicating the location of all such properties and the owners of such properties specified in 2.a; and

- d. A filing fee, as set forth in Section 22.60.100 under Site Plan for Director's Review for Modification of Development Standards in a Community Standards District.

3. Agricultural and Related Vehicles & Equipment:

(Trucks, Tractors, Trailers & misc. implements) Shall be allowed on parcels engaged in agricultural operations (Farming & livestock)

- a. Motor Vehicles : Class 1 thru 5
Shall be permitted on any Legally permitted Dwelling

I. Stipulations

- (A). Said vehicles are registered to the property owner or presently addressed resident.
- (B). Said Property must have ample parking and access as to not hinder other nearby residents.
- (C). Must not be parked over 72 hrs on a public roadway.
- (D). Must not block access for emergency vehicles.

b. Motor Vehicles: Class 6 thru 8

Shall be permitted on Ag zoned Parcels with a permanent Legal Dwelling with 2 ½ (two and one half) acres or more.

i. Stipulations:

- (A). Non owned Vehicle is used in scope of regular Employment of addressed Resident will be allowed.
- (B). Vehicle is Registered to Property owner.
- (C). Accessible on a paved or suitable graded access road to accommodate without causing an excessive dust nuisance nearby residents.
- (D). Ample Parking is available on said property off the roadway.
- (E). Must not Block access of any emergency vehicles.
- (F). Minimal noise between the hours of 10 pm and 5am. example: No Engine braking, Speeding or Idling more then 15 min.

(G). No Hazardous Material Loads shall be allowed off main Hwy.

C. Agricultural Free grazing of Livestock

i. Free grazing of Livestock is Prohibited on any non owned Property, Open Desert Area & Environmentally sensitive Areas (SEA)

ii. Exceptions

a. Owned Fenced property

b. Non owned fenced property with verifiable written agreement or permission from legal owner and be available for law enforcement and any agency related to Agricultural.

3. Notice:

a. Not less than 30 days prior to the date an action is taken, the director shall send notice by first-class mail of the pending application to the following individuals or groups as set forth by section G.2.a indicating that any individual opposed to the granting of such minor variation may express such opposition by written protest to the director within 15 days after receipt of such notice:

b. The neighboring property owners on the list provided by the applicant pursuant to subsection G.2.a, above;

c. All “occupant(s)” of the neighboring properties where the mailing address of a property owner on the above list is different from the address of the neighboring property;

d. All community organizations that request notification of pending applications including, but not limited to, the Fairmont Town Council and the homeowners associations within the boundaries of the CSD; and

e. Such other persons as the director deems appropriate whose property could be affected by the minor variation.

4. Findings.

a. The Director shall approve or deny the application pursuant to the principles and standards of Section 22.56.1690 and the following findings:

i. There are exceptional circumstances or conditions applicable to the subject property or to the intended development of the property that do not apply to other properties within the CSD area; and

ii. That granting the request for modification will not be materially detrimental to properties or improvements in the area or contrary to the intent and purpose of this CSD, as provided in subsection A.

b. The Director shall consider each written protest when making a decision on the application. If he determines that the request for modification does not meet one or more of the above principles, standards, or findings, he may request alterations to the development proposal or impose conditions of approval before making a decision on the application.

c. The Director may refer an application to the Commission for consideration at a public hearing. All procedures relative to the public hearing shall be subject to Part 4 of Chapter 22.60, except

that no fee shall be required. The Commission shall approve, conditionally approve, or deny the application pursuant to the principles, standards, and findings identified in subsection G.1.a. The decision of the Commission shall become final and effective on the date of the decision and shall not be subject to further administrative appeal.

5. Decision.

a. Notice.

i. If the Director approves, conditionally approves, or denies the application, he shall send notice of the decision by certified mail to the applicant, anyone who submitted a written protest, and the Fairmont Town Council.

ii. The notice shall indicate that an appeal may be filed by a recipient of the notice or a representative of the Fairmont Town Council with the Commission within fourteen (14) calendar days following the date on the notice.

b. Appeal.

i. An appeal shall be accompanied by an additional fee for public hearing, as set forth in Section 22.60.100 under Site Plan Review, Director's Review for Modification of Development Standards in a Community Standards District. All procedures relative to a public hearing set forth in Part 4 of Chapter 22.60 shall be followed.

ii. The Commission shall approve, conditionally approve or deny the appeal pursuant to the principles, standards, and findings identified in subsection G.4.a. The decision of the

Planning Commission shall become final and effective on the date of the decision and shall not be subject to further administrative appeal.

H. Notice and Application Requirements for Proposed Projects or Permits. Applications for conditional use permits, general plan and area plan amendments, specific plans, tentative tract maps and parcel maps, variances, zone changes, and other zoning permits shall contain the following information in addition to that otherwise required by other applicable provisions of Title 21 and Title 22:

1. Maps in the number prescribed and drawn to a scale specified by the Director, showing the location of all property included in the request, the location of all highways and streets, and the location and dimensions of all parcels of land within a distance of three thousand (3,000) feet from the exterior boundaries of the subject parcel(s) of land. One copy of said map shall indicate the uses established on every parcel of land shown within said three thousand (3,000) -foot radius.
2. A list, certified by affidavit or statement under penalty of perjury pursuant to section 2015.5 of the Code of Civil Procedure, of the names and addresses of all persons who are shown on the latest available assessment roll of the county of Los Angeles as owners of the subject parcel of land and as owning parcels of land within a distance of 3,000 feet from the exterior boundaries of the subject parcel(s) of land shall be generated and all identified owners shall be notified of the proposed Development. If, in using this 3,000 foot radius, the list does not include at least 20 property owners, excluding the applicant, the radius shall be expanded equally in all directions until the list includes at least 20 property owners, excluding the applicant. Three sets of mailing labels for these property owners shall also be included.

SECTION 3. Section 22.56.085 is hereby amended to read as follows:

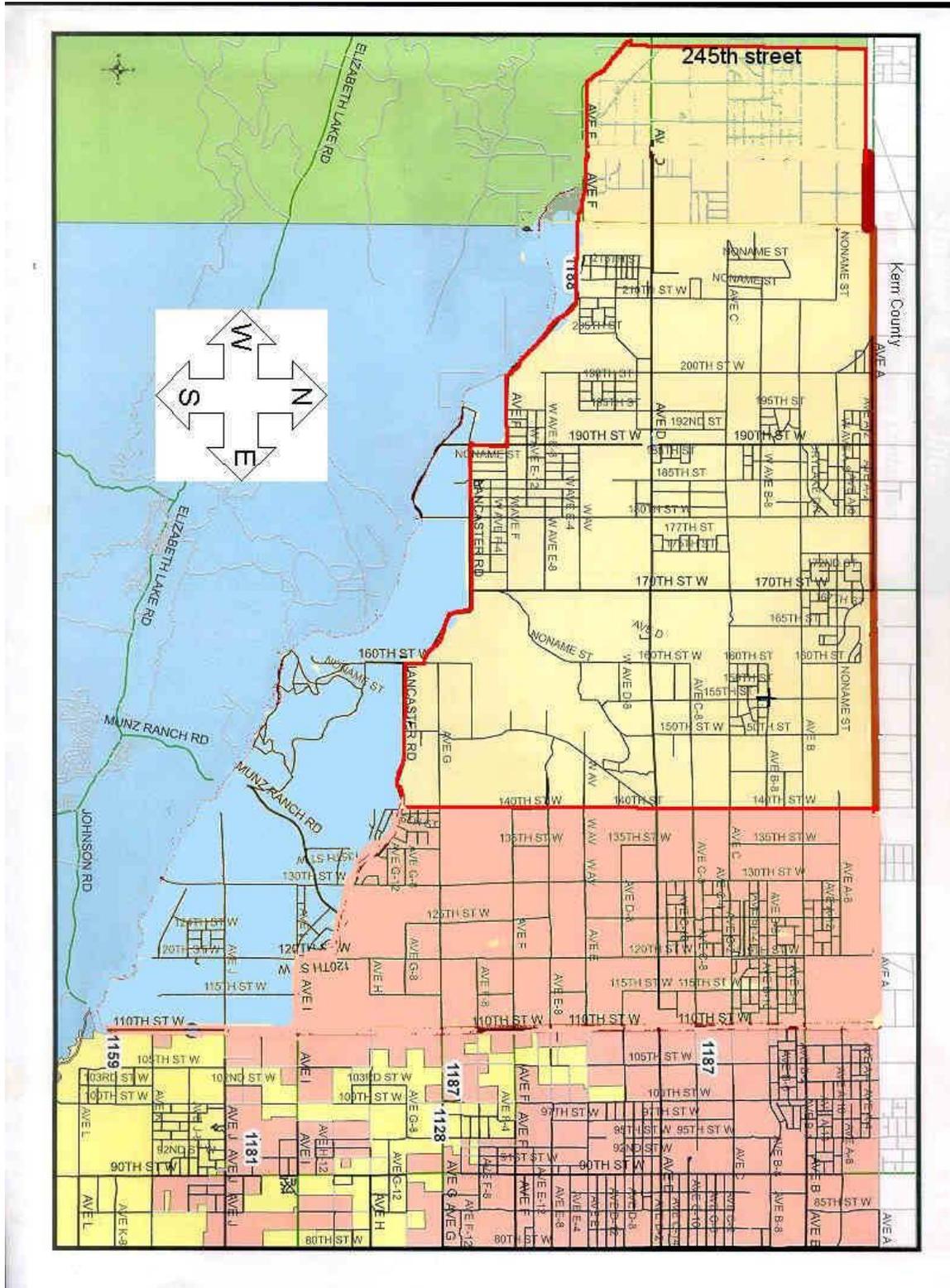
22.56.085 Grant or denial of minor conditional use permit by Director.

A. Any person filing an application for a conditional use permit may request the Dept. Director to consider the application in accordance with this section for the following uses:

- Joint live and work units, as provided in Part 19 of Chapter 22.52.

- Mixed use developments, as provided in Part 18 of Chapter 22.52.

Modification of significant ridgeline protection provisions as provided in Section 22 44.143.D.10.b or 22.44.143.D.10.c.



Attachment #1