Appendix D

Housing Constraints

Table of Contents

D Housing Constraints D-1
D.1 Non-Governmental Constraints D-1
D.1.1 Construction Costs D-1
D.1.2 Land Costs D-1
D.1.3 Availability of Financing D-2
D.1.4 Physical Development Constraints D-5
D.2 Governmental Constraints D-7
D.2.1 Land Use Controls D-7
D.2.2 Development Standards D-16
D.2.3 Provision of a Variety of Housing Types D-24
D.2.4 Housing for Persons with Disabilities D-35
D.2.5 Planning and Development Fees D-38
D.2.6 Inclusionary Housing Ordinance D-41
D.2.7 Density Bonus D-41
D.2.8 Permit Processing Times and Procedures D-42
Requests for Lesser Densities D-48
D.2.9 Short-Term Housing Rentals D-48
D.2.10 Code Enforcement D-49
D.3 Environmental Constraints D-49
D.3.1 Earthquakes and Seismic Activity D-50
D.3.2 Landslides and Erosion D-50
D.3.3 Wildfire ..... D-51~~D-50~~
D.3.4 Flooding D-51
D.3.5 Environmental Hazards and Contamination D-52
D.3.6 Federal and State Environmental Protection Regulations D-53
D.4 Infrastructure Constraints D-53
D.4.1 Water and Sewer D-53
D.4.2 Transportation Infrastructure D-59
D.4.3 Broadband Access D-59

Tables

Table D-1 Land Costs in Unincorporated Madera County D-2
Table D-2 Large Sites HDR and MDR General Plan Designations D-7
Table D-3 General Plan Land Use Category and Zoning Districts D-9
Table D-4 Residential Development Standards D-17
Table D-5 Commercial Development Standards D-20

Table D-6 Residential Parking Requirements D-21
Table D-7 Residential Parking Requirements Comparison D-22
Table D-8 Allowable Housing Types by Zone D-27
Table D-9 Parcels for Emergency Shelters D-33
Table D-10 Permit and Development Fees D-39
Table D-11 Development Impact Fees for a Typical Unit D-40
Table D-12 Density Bonus Summary D-42
Table D-13 Permit Application and Review Process D-43
Table D-14 Permit Application and Review Process by Project Type D-44
Table D-15 Water and Sewer Districts D-54

Figures

Table D-1 Land Costs in Unincorporated Madera County D-2
Table D-2 Large Sites HDR and MDR General Plan Designations D-7
Table D-3 General Plan Land Use Category and Zoning Districts D-9
Table D-4 Residential Development Standards D-17
Table D-5 Commercial Development Standards D-20
Table D-6 Residential Parking Requirements D-21
Table D-7 Residential Parking Requirements Comparison D-22
Table D-8 Allowable Housing Types by Zone D-27
Table D-9 Parcels for Emergency Shelters D-33
Table D-10 Permit and Development Fees D-39
Table D-11 Development Impact Fees for a Typical Unit D-40
Table D-12 Density Bonus Summary D-42
Table D-13 Permit Application and Review Process D-43
Table D-14 Permit Application and Review Process by Project Type D-44
Table D-15 Water and Sewer Districts D-54

D Housing Constraints

D.1 Non-Governmental Constraints

D.1.1 Construction Costs

Construction costs include both hard costs (i.e., labor, materials) and soft costs (i.e., architectural and engineering services, development fees). Residential construction costs in Madera County for housing projects average around $90 per square foot[1], with costs for certain projects costing up to $391 per square foot when additional infrastructure is needed,[2] which is higher than California state averages, which are currently ranging between $131 to $195 per square foot.[3] High-end, custom-built homes, both locally and statewide, can cost more than $500 per square foot. Construction costs can be higher if substantial site work is required due to steep slopes, unstable soils, waterways, and other environmental concerns. It is common for vacant land parcels in unincorporated Madera County to be unimproved sites[4], which may require additional development costs to establish utility services or road access, especially if the land is going to be developed for residential use, which can constrain development of unimproved vacant land. Required infrastructure improvements contributed to the high cost of development for the example project in Oakhurst. Stakeholders reported construction costs as a constraint to development, with comprehensive infrastructure planning and funding a potential solution, as described in Housing Plan Program 1.

D.1.2 Land Costs

Key components in the cost of development are the price of raw land and any necessary improvements. Other variables that affect land costs include location, infrastructure availability, surrounding amenities, and financing arrangements. Table D-1~~Table D-1~~Table D-1 shows residential lots available for sale in unincorporated Madera County as of December 2022. The table does not include all lots for sale but is a sample of 26 lots from different areas of the county. Lots available ranged from $40,000 for a 0.56-acre lot in Ahwahnee to $1,000,000 for a 4.12-acre lot in Oakhurst. The median lot price was $112,000. Prices per acre ranged from $12,680 to $242,718. The median price per acre was $49,327. Based on listings available in December 2022, the median price per acre of land in the cities of Madera and Chowchilla are $160,875 and $263,038 respectively.[5]

[1] County of Madera, Building Division, July 2023.
[2] An affordable housing project in Oakhurst completed by Self-Help Enterprises in 2023 cost $391 per square foot due to the construction of a large underground stormwater detention system needed for the project.
[3] Statewide estimate sourced from ProMatcher Home Construction, California Home Construction Costs & Prices, provided at https://home-builders.promatcher.com/cost/california.aspx.
[4] Unimproved sites are parcels of land that do not have established utility services and connections such as electricity, gas, water, sewer, internet, or road access.
[5] Median prices of vacant land in Madera and Chowchilla were determined based on prices of vacant land listed on Zillow.com as of December 2022.

Table D-1 Land Costs in Unincorporated Madera County

Parcel Number	Acreage	Community	List Price	Price Per Acre
055-580-026	1.43	Ahwahnee	$99,000.00	$69,230.77
055-043-071	6.23	Ahwahnee	$79,000.00	$12,680.58
055-053-034	0.56	Ahwahnee	$39,950.00	$71,339.29
093-410-005	6.59	Coarsegold	$112,000.00	$16,995.45
054-500-082	2.57	Coarsegold	$72,000.00	$28,015.56
054-361-021	1.02	Coarsegold	$45,000.00	$44,117.65
092-390-025	1.00	Coarsegold	$47,000.00	$47,000.00
054-384-002	0.94	Coarsegold	$45,000.00	$47,872.34
064-120-045	2.03	Coarsegold	$114,500.00	$56,403.94
051-283-010	2.23	Madera Ranchos	$110,000.00	$49,327.35
051-412-003	2.30	Madera Ranchos	$140,000.00	$60,869.57
051-551-004	2.14	Madera Ranchos	$155,000.00	$72,429.91
025-210-043	1.32	Near Chowchilla	$240,000.00	$181,818.18
061-510-018	3.17	North Fork	$65,000.00	$20,504.73
602-000-032	6.06	North Fork	$149,900.00	$24,735.97
060-610-006	0.33	North Fork	$45,000.00	$136,363.64
602-400-008	0.33	North Fork	$59,000.00	$178,787.88
065-270-031	11.76	Oakhurst	$165,500.00	$14,073.13
064-020-001	10.75	Oakhurst	$175,000.00	$16,279.07
066-410-033	2.45	Oakhurst	$150,000.00	$61,224.49
059-081-022	1.45	Oakhurst	$217,000.00	$149,655.17
065-050-011	4.12	Oakhurst	$1,000,000.00	$242,718.45
053-070-007	11.10	Raymond	$149,500.00	$13,468.47
Unavailable	4.50	Raymond	$75,000.00	$16,666.67

Source: Zillow.com; Redfin.com; Realtor.com

D.1.3 Availability of Financing

Financing for affordable housing projects and programs are available through federal, state, and local funding sources. Funding through these programs can help developers, local governments, and non-profit organizations offset the cost to build new affordable housing units, preserve or rehabilitate existing affordable housing, and fund programs that offer homebuyer assistance to low-income households. Housing Plan Program 2 commits the County to leverage available federal, state, and regional funding sources to support the development of affordable housing.

Mortgage interest rates have a large influence over housing affordability. Higher interest rates increase a homebuyer's monthly payment and decrease the range of housing that a household can afford. Lower interest rates result in a lower cost and lower monthly payments for the homebuyer. As shown in Figure D-1~~Figure D-1~~, in the past 10 years mortgage rates across the United States remained relatively steady (between 3.5 and 4.8 percent through 2019, then dropped below three percent between 2020 and 2021). During 2022, mortgage rates increased significantly, reaching a high of 7.08 percent for a 30-year fixed-rate mortgage (FRM) at the end of 2022. In 2023, mortgage

rates started to decline slightly, but remain high compared to rates over the past 10 years, making it difficult for households to purchase a home.

When interest rates rise, the market typically compensates by decreasing housing prices. Similarly, when interest rates decrease, housing prices begin to rise. There is often a lag in the market, causing housing prices to remain high when interest rates rise until the market catches up. Lower-income households often find it difficult to purchase a home during this time period.

Figure D-1 Historical Mortgage Rates in the United States (2013-2023)

Source: Freddie Mac Primary Mortgage Market Survey

Interest rates are determined by national policies and economic conditions and there is little that a local government can do to affect these rates. However, to extend home buying opportunities to lower-income households, jurisdictions can offer interest rate write-downs. Additionally, government insured loan programs may be available to reduce mortgage down payment requirements.

Beginning in 2022, the Federal Reserve began raising interest rates to attempt to control inflation. Where financing is available, construction capital seems to be directed at the best transactions—those with large, established, and well-capitalized sponsors. Given recent trends of increasing interest rates, the availability of financing is likely to be more of a constraint on new housing construction during this Housing Element planning period than it has been in the recent past.

Financial Resources

Permanent Local Housing Allocation (State)

The Permanent Local Housing Allocation (PLHA) Program is a State-run program that provides funding to local governments to implement housing-related projects or programs, such as:

- Funding the predevelopment, development, acquisition, rehabilitation, and preservation of affordable housing units.
- Provide homeownership opportunities through financial assistance programs such as downpayment assistance for low-income, first-time homebuyers.

- Assisting persons experiencing or at-risk of homelessness by funding programs such as rapid rehousing, rental assistance, case management services, navigation centers, emergency shelters, and constructing or rehabilitating supportive and transitional housing.
- Providing financial assistance for accessibility modifications for persons with disabilities.

Each local government is allocated a maximum funding amount through PLHA for which the local government can apply. In August 2022, the Department of Housing and Community Development (HCD) released its Notice of Funding Availability (NOFA) for PLHA. Madera County is still eligible to apply and receive a maximum of $484,877 from the 2021 funding allocation and an estimated maximum of $1,643,522 over the next five years.[6]

Affordable Housing and Sustainable Communities Program (State)

The Affordable Housing and Sustainable Communities Program (AHSC) is a state program that provides funding to government agencies, developers, and federally recognized tribes to assist in land use, housing, transportation, and land preservation projects that support infill development and reduce greenhouse gas (GHG) emissions. Eligible activities include affordable housing developments (including new construction, acquisition, and affordable housing rehabilitation). Applicants must apply for funding during each round of funding. Funding is provided in the form of either a loan or grant with a maximum of $50 million for projects without other HCD awards and $35 million for projects with other HCD funding. During the 5th housing element planning cycle (2015-2022) no funding was awarded to projects in Madera County through the AHSC Program.

Low Income Housing Tax Credits (State)

The California State Low Income Housing Tax Credits is a state program that provides tax credits to developers constructing new affordable rental housing for low-income Californians. The program is operated by the California Tax Credit Allocation Committee (TCAC) which verifies eligibility of developers and projects and ensures the continued affordability and habitability of the developments for 55 years.

HOME Funding (Local)

The HOME Investment Partnerships Program (HOME) is a sState-funded program operated by HCD that provides grants and low-interest loans to local governments, developers, and non-profit community housing development organizations create and retain affordable housing. Eligible activities for this funding include housing rehabilitation, construction, and homebuyer assistance programs (i.e., downpayment assistance) to low-income households.

In partnership with Self-Help Enterprises, the County of Madera offers a Housing Rehabilitation Program using funding through HOME that provides financial assistance to low-income, owner-occupied homes in need of essential home repairs (i.e., roofing, plumbing, electrical, windows, ADA-accessible modifications).

[6] To avoid amending the HCD Standard Agreement each year, and to expedite the disbursement of PLHA funds, the HCD Standard Agreement and the Applicant's PLHA resolution shall include a five-year estimate of PLHA allocations, as the maximum funding amount. The actual amounts may be lower, and the disbursements will be based on the actual allocation amounts.

Community Development Block Grant (CDBG) Funding

The CDBG program is administered by the U.S. Department of Housing and Urban Development (HUD). The federal government provides annual grant funding to local non-entitlement jurisdictions to assess and implement needed community development and housing activities. Activities proposed by the jurisdictions must meet the objectives and eligibility criteria of CDBG legislation. The primary CDBG objective is the development of viable urban communities, including decent housing and a suitable living environment, and expanding economic opportunity, principally for persons of low- and moderate-income. CDBG funds are provided in the form of grants that can vary based on annual allocations and activity limits. Proposed activities from jurisdiction must address one of following three national objectives:

- Benefit to low- and moderate-income persons
- Aid in the prevention or elimination of slums and blight, or
- To meet an urgent need

California Housing and Community Development Department (HCD) Programs

HCD has several programs that make financing available to local jurisdictions in California to help fund affordable housing programs and projects:

- The Multifamily Housing Program provides low-interest, long-term deferred-payment permanent loans for new construction, rehabilitation, and preservation of permanent and transitional rental housing for lower-income households.
- The Predevelopment Loan Program provides short-term loans for activities and expenses necessary for the continued preservation, construction, rehabilitation, or conversion of assisted housing primarily for low-income households.
- Project Homekey is an opportunity for regional, and local public entities to develop a broad range of housing types for people at risk of or currently experiencing homelessness, including but not limited to hotels, motels, hostels, single-family homes and multifamily apartments, adult residential facilities, and manufactured housing, and to convert commercial properties and other existing buildings to permanent or interim housing.

Federal Housing Administration (FHA) Loans

The FHA loan program is designed to make it easier for first-time homebuyers to access financing to purchase a home in their county of residence. FHA loans are only available for single-family homes, duplexes, triplexes, or fourplexes. The FHA loan limits for prospective homebuyers in Madera County are $472,030 for a single-family home, $604,400 for a duplex, $730,525 for a triplex, and $907,900 for a fourplex.

D.1.4 Physical Development Constraints

Small Sites

The size of many parcels designated for medium- and high-density uses may act as a constraint to new residential development. Typically, any development under one acre in size is not large enough to accommodate higher densities such as a multi-unit residential project.

Many small parcels may accommodate a single-family residential unit. In rural parts of the county, these housing units rely on septic systems and water wells to support the residence. Due to the

separation requirements of water wells and leach fields stipulated by the County's Environmental Health Department, parcels less than one acre in size with a septic system and well cannot generally support a secondary unit.

Lot consolidation is a potential solution to meet the default density standard in Madera County of 20 units per acre. However, this can only be accomplished if the parcels are adjacent to each other, owned by the same individual, and can be consolidated via lot line adjustment or parcel map process.

To assist developers in the development of affordable housing on small lots, the County facilitates lot consolidations. For example, the County works with non-profit developers and owners of small sites (less than one-half acre) to identify and consolidate parcels to facilitate the development of housing affordable to lower-income households. There has been limited opportunity and desire under market conditions for small lot consolidation; however, the County reviews potential funding sources and opportunities for technical assistance for developers. The lot consolidation procedures are discussed with developers during the preliminary review process. Lot consolidation includes allowing higher densities and larger parcels once consolidated, flexibility in development standards, expedited processing and/or reduced fees related to consolidation. Housing Plan Program 1 facilitates development of affordable housing on small sites.

Large Sites

Most developers may not see the economies of scale of providing housing at affordable levels on parcels of large sizes. Since most affordable housing developments using state or federal assistance are between 50 and 80 units, some sites are considered too large for the development of affordable housing. Typically, HCD considers parcels larger than 10 acres as "large sites" that may require further lot subdivision. The County allows land divisions and specific plans resulting in smaller parcels sizes in order to facilitate multifamily developments affordable to lower-income households.

The County offers incentives for the development of affordable housing including, but not limited to, priority for processing subdivision maps that include affordable housing units; expedited review for the subdivision of larger sites into buildable lots where the development application can be found consistent with the General Plan, applicable Specific Plan, and Master Environmental Impact Report; financial assistance (based on availability of federal, state, local, and private housing funds); and modification of development requirements such as reduced parking standards for seniors, assisted care, and special needs housing on a case-by-case basis. It is common and permissible in Madera County to allow for large lots of 30 or more acres to have a single multifamily style development on less than five acres of the parcel. Housing Plan Program 8 directs the County to facilitate and support development of affordable housing on large sites.

Table D-2~~Table D-2~~~~Table D-2~~ includes the three very large sites located within the Rio Mesa and Oakhurst Area Plans, however none of these sites include lower-income RHNA units. There are three parcels over 12 acres in size within the HDR (High Density Residential) general plan designation. These parcels may require a specific plan and/or subdivision map(s) to facilitate the development of affordable housing.

Table D-2 Large Sites HDR and MDR General Plan Designations

Parcel	Size (acres)	Designation	Location
049-026-014	39.99	HDR	Rio Mesa Area Plan
049-032-021	37.33	HDR	Rio Mesa Area Plan
064-080-073	12.77	HDR	Oakhurst

Source: County of Madera, July 2023.

D.2 Governmental Constraints

Although local governments have little influence on market factors such as interest rates, local policies and regulations can impact where, how much, and what type of residential development is built. Land use controls, site improvement requirements, fees and exactions, and permit processing procedures, among other policies and regulations, may constrain the maintenance, development, and improvement of housing.

D.2.1 Land Use Controls

Local governments have the power to regulate the development and use of land at the local level. The land use controls include general plan land use categories, zoning (type and density of land use), growth management policies/programs, building codes, fees, development review procedures, and site improvement/infrastructure requirements. Local governmental controls can affect the cost of housing by limiting the density and type of land use. Other development and review procedures can extend the time to obtain approval for a development, increasing the cost of development. Building codes, fees, and site improvement costs can also increase the development costs, which may be passed down to a future homeowner or renter. Some local regulations are in place to protect the general public health and welfare of persons and property. Other regulations reflect the desired values, resources, or quality of life of a particular area.

General Plan

Madera County adopted its current General Plan in 1995, which is intended to guide development in the county through the year 2015. The General Plan determines the number of housing units that can be built on a parcel of land based on density categories: low, medium, and high. A significant amount of vacant land has been designated medium density to accommodate five to 12 units per acre. The amount of land designated for residential use and the density at which development is permitted affects the future supply and costs of housing. Table D-3~~Table D-3~~~~Table D-3~~ summarizes the General Plan land use designations and associated density and zoning districts. Below is a brief description of the 12 land use designations that are primarily for residential development.

Agriculture Exclusive (AE) allows for single-unit residential uses with a maximum density of one to two single-family homes per parcel as well as caretaker/employee housing and farmworker housing.

Agriculture (A) allows single-unit residential uses with a maximum density of one to two single-family homes per parcel as well as caretaker/employee housing and farmworker housing.

Agricultural Residential (AR) is meant for rural areas with agricultural uses as well as residential uses with a maximum density of one to two single-family homes per parcel and secondary units.

Rural Estate Residential (RER) is meant for rural residential areas that may have limited agricultural uses with a maximum density of two single-family homes per parcel and secondary residential units.

Rural Residential (RR) is meant primarily for rural residential areas with detached single-family homes and limited agricultural uses with a maximum density of 0.5 dwelling units per acre (du/acre).

Very Low Density Residential (VLDR) is meant as a primarily residential area for single-family homes with a maximum density of 7.5 du/acre.

Low Density Residential (LDR) is meant primarily for single-family detached and attached homes, as well as duplexes, triplexes, fourplexes, garden apartments, mobilehome parks, group quarters, and group quarters with a maximum density of 7.5 du/acre.

Medium Density Residential (MDR) is meant for single-family detached and attached homes, duplexes, triplexes, fourplexes, garden apartments, mobilehome parks, group quarters with a maximum density of 12 du/acre.

High Density Residential (HDR) allows for multi-family residential units (i.e., apartment buildings), group quarters, mobilehome parks with a maximum density of 25 du/acre.

Professional Office (PO) is primarily for professional, administrative, and medical offices; however, this designation does allow for multi-family residential uses with discretionary approval and has a maximum density of 25 du/acre.

Transit Oriented Commercial (TOC) is meant for development near future transit centers that include a variety of land uses, including multi-family residential. Development under this designation must be part of a master development plan and has a maximum density of 30 du/acre for residential uses.

Mixed Use Core (MUC), similar to the TOC designation, is meant for development in downtown and community hub areas that include a variety of uses, including multi-family and single-family residential. Development under this designation must be approved as part of a master development plan with a maximum residential density of 30 du/acre.

Table D-3~~Table D-3~~~~Table D-3~~ shows eight other land use designations that allow for residential uses in a limited capacity. These designations include commercial, industrial, and open space land uses and do not have identified residential densities, they instead determine density by the floor area ratio (FAR) of that designation and the associated zoning districts.

Table D-3 General Plan Land Use Category and Zoning Districts

General Plan Land Use Category	Corresponding Zoning District	Primary Uses	Residential Density	Floor Area Ratio
Agriculture Exclusive (AE)	ARE-20, ARE-40, ARE-80, ARE-160, TP	Agricultural uses, agricultural support services, agriculturally oriented services, timber production, mineral extraction, airstrips, refuse disposal sites, recreational uses, public/quasi-public uses	1 to 2 units/parcel	0.10 – 0.50
Agriculture (A)	ARE-20, ARE-40, ARE-80, ARE-160, MR, TP. RM, RMS, RRS-1	Agricultural uses, agricultural support services, agriculturally oriented services, timber production, mineral extraction, airstrips, refuse disposal sites, recreational uses, public/quasi-public uses	1 to 2 units/parcel	0.10 – 0.50
Agriculture Residential (AR)	RRS-2, RRS-2.5, RRS-3, RRS-5, RRS-10	Single-family detached homes, secondary residential units, limited agricultural uses, public/quasi-public uses	1 to 2 units/parcel	0.10
Rural Estate Residential (RER)	AR-5, ARF, RRS-2, RRS-2.5, RRS-3, RRS-5, RRS-10	Single-family detached homes, secondary residential uses, limited agricultural uses, public/quasi-public uses	1 to 2 units/parcel	0.10
Rural Residential (RR)	ARF, RRS-2, RRS-2.5, RRS-3, RRS-5, RRS-10	Single-family detached homes, secondary residential uses, limited agricultural uses, public/quasi-public uses	0.05 units/acre	0.30
Very Low Density Residential (VLDR)	RM, RMS, RRS-2, RRS-2.5, RRS-3, RRS-5, RRS-10	Single-family detached and attached homes, secondary residential units, bed-and-breakfasts, limited agricultural uses, public/quasi-public uses	2 units/acre	0.30
Low Density Residential (LDR)	RRM, RRS-2, RRS-2.5, RRS-3, RRS-5, RRS-10, RUS	Single-family detached and attached homes, secondary residential units, bed-and-breakfasts, limited agricultural uses, public/quasi-public uses	1 to 7.5 units/acre	0.30
Medium Density Residential (MDR)	RUS	Single-family detached and attached homes, duplexes, triplexes, fourplexes, garden apartments, mobilehome parks, group quarters, bed-and-breakfasts, public/quasi-public uses	5 to 12 units/acre	0.30
High Density Residential	RUM	Multiple-family residential units, group quarters, mobilehome parks, bed-and-breakfast, offices, public/quasi-public uses	12 to 25 units/acre	0.40
Highway Service Commercial (HSC)	CRH	Restaurants, service stations, truck stops, hotels and motels, retail and amusement uses oriented principally to highway and through traffic, public/quasi-public uses	The maximum number of residential units on any given property is dictated by FAR.	0.40
Neighborhood Commercial (NC)	CRR, CUR	Neighborhood and locally oriented retail services, public/quasi-public uses	The maximum number of residential units on any given property is dictated by FAR.	0.40

General Plan Land Use Category	Corresponding Zoning District	Primary Uses	Residential Density	Floor Area Ratio
Community Commercial (CC)	CRM, CUM	Retail, wholesale, services, restaurants, professional and administrative offices, hotels and motels, public/quasi-public uses	The maximum number of residential units on any given property is dictated by FAR.	0.60 – 1.00
Heavy Commercial (HC)	CRG, CUG	Land extensive retail, warehouses, wholesale commercial uses, offices, public/quasi-public uses	The maximum number of residential units on any given property is dictated by FAR.	0.40
Light Industrial (LI)	I-L	Industrial parks, research and development, warehouses, light manufacturing, general commercial, professional offices, airports and airstrips, outdoor theatres, public/quasi-public uses	The maximum number of residential units on any given property is dictated by FAR.	0.50
Heavy Industrial (HI)	I-H	Industrial parks, warehouses, manufacturing, airports and airstrips, outdoor theatres, public/quasi-public uses	The maximum number of residential units on any given property is dictated by FAR.	0.50
Professional Office (PO)		Professional offices, administrative offices, medical offices and clinics, public/quasi-public uses, limited retail commercial uses, multiple-family residential	12-25 units/acre	0.75
Transit Oriented Commercial (TOC)		Multiple-family residential, retail, restaurants, services, offices, light industrial, research and development, public/quasi-public uses	12-30 units/acre	1.0
Open Space (OS)	OS, POS	Low-intensity agricultural uses, grazing, forestry, golf courses, recreational and equestrian uses, major electrical and trunk communication transmission lines, habitat protection, irrigation canals, reservoirs, refuse disposal sites, airports and airstrips, watershed management, public and quasi-public uses, mining, and areas typically unsuitable for human occupation due to public health and safety hazards	0.05	0.10
Public Institutional (PI)	IA	Colleges, schools, hospitals, sanitariums, penal institutions, libraries, government offices and courts, churches, meeting halls, cemeteries, laboratories	The maximum number of residential units on any given property is dictated by FAR.	0.90
Mixed Use Core (MUC)	RX, RT, MCN, MCM	Attached single family homes, multiple family units, retail, restaurants, services, commercial recreation, administrative and professional offices, public and quasi-public uses	12 to 30 units/acre	1.00

Source: County of Madera, *General Plan (1995)*..

Community Plans

In addition to the General Plan, the County of Madera has community plans that guide the development of certain areas within the county. Community Plans refine the policies of the General Plan by designating land uses, residential densities, and design standards within the planning area that still meet the overall goals of the General Plan. The County of Madera has 10 adopted community plans and four community plans that are currently in progress.

Ahwahnee-Nipinnawasee Area Plan: The Ahwahnee-Nipinnawasee Area Plan was adopted in October 1999 and covers about 37 square miles in eastern unincorporated area of Madera County in the foothills of the Sierra Nevada mountains. The Plan includes the communities of Ahwahnee and Nipinnawasee. In regard to land use and housing, the area plan revises the County General Plan land use designations, reclassifying about 720 acres. These revisions include an increase of 197 acres designated for agricultural uses, a decrease of 198 acres designated for rural residential uses, a decrease of 97 acres designated to urban residential uses, and a decrease of five acres designated to commercial uses. Additionally, the community plan suggests a more restrictive density for the Very Low Density Residential (VLDR) and Low Density Residential (LDR) land uses compared to the County General Plan. VLDR is reduced from two du/acre to one du/acre, and LDR is reduced from 7.5 du/acre to five du/acre.

Coarsegold Area Plan: The Coarsegold Area Plan was adopted in October 2006 and covers an area of about 94 square miles centered around the intersection of Highway 41 and Road 415. In regard to land use and housing, the area plan reduces the maximum density for the VLDR, LDR, and HDR land uses. The maximum density for VLDR is reduced from two du/acre to one du/acre, the maximum density for LDR is reduced from 7.5 du/acre to 5 du/acre, and the maximum density for HDR is reduced from 25 du/acre to 16 du/acre.

Gateway Village Area Plan: The Gateway Village Area Plan was adopted in October 2006 and covers an area of about 2,062 acres between Madera and Fresno bordered by Avenue 10 to the south, Highway 41 to the east, Avenue 12 to the north, and Road 40 to the west. The area plan describes a proposed community called Gateway Village that primarily consists of Low Density Residential (LDR), Mixed Use Core (MUC), and Open Space (OS) land uses and accounts for a maximum of 6,578 dwelling units across the area, resulting in a gross residential density of 3.2 du/acre.

Gunner Ranch Area Plan: The Gunner Ranch Area Plan was adopted in October 1994 and covers about 1,135 acres in the southern area of unincorporated Madera County. The plan accounts for about 59 percent of the acreage being devoted to residential uses, resulting in about 3,014 dwelling units. The plan follows County General Plan densities for VLDR, LDR, and HDR land use designations, but has lower target densities for LDR (3.8 du/acre) and HDR (15 du/acre).

Madera State Center Community College Specific Plan: The Madera State Center Community College Specific Plan was adopted in July 1995 and serves as a guide for the development of an 1,867-acre area in the valley floor of unincorporated Madera County near the City of Madera. The specific plan accounts for 257.5 acres designated as VLDR, 719.5 acres designated as LDR, 113 acres designated as MDR, and 13.5 acres designated as HDR. Additionally, the specific plan has 93.5 acres designated as Professional Office (PO) with planned development of 263 high-density residential units across PO areas.

North Fork/South Fork Community Center Area Plan: The North Fork/South Fork Community Center Area Plan was adopted in November 2003 and covers the communities of North Fork and South Fork. The area is primarily rural and accounts only for rural residential land uses, with a

primary concern of ensuring any larger developments (over 3.5 acres) have water and sewer services.

Oakhurst Area Plan: The Oakhurst Area Plan was adopted in September 2005 and covers about 58 square miles in eastern unincorporated Madera County, centered around the community of Oakhurst. The area plan encourages affordable housing by allowing density bonuses for projects that provide housing opportunities for very low- and low-income households and senior citizens in the LDR, HDR, PO, and mixed-use land use designations. The area plan also establishes two new mixed-use land use designations: River Front Mixed Use (RFMU) and Oakhurst Mixed Use (OMU). Both designations allow for a maximum residential density of 16 du/acre. The area plan proposes more restrictive maximum residential densities for the RER, RR, VLDR, LDR, and HDR designations than allowed in the County General Plan.

O'Neals Study Area Plan: The O'Neals Study Area Plan was adopted in August 1979 and is meant primarily as a resource management plan for cattle grazing. The plan establishes that residential land uses should be limited to rural, single-family homes associated with rural development.

Raymond Area Plan: The Raymond Area Plan was adopted in March 2009 and covers the area between Ahwahnee and Madera Canal, centering around the town of Raymond. In regard to housing, the plan area residential land uses consist primarily of RR designated areas with some VLDR and HDR land uses and are focused near the town center.

Rio Mesa Area Plan: The Rio Mesa Area Plan was adopted in March 1995 and covers about 15,000 acres in southern Madera County just north of the City of Fresno. The plan area includes MUC, RR, VLDR, LDR, MDR, and HDR residential land use designations. The plan includes density ranges in each of these land uses that are slightly lower than the maximum densities allowed under the County General Plan, with HRD and MUC land uses having a designated density of 17.5 du/acre (instead of the 25-30 du/acre established in the General Plan).

The County has four community plan efforts that are currently underway. These efforts include: the Fairmead Colony Area Plan, the Madera County Riverwest Plan, The Madera Ranchos Avenue 12 Enhancement Plan, and the Southwest Madera County Area Plan.

Overall, the adopted community plans tend to include more restrictive residential densities than the County General Plan, especially for high-density residential uses. Community plans also tend to focus on maintaining the rural nature of their communities and focusing future development in already developed places and town/community centers. This is a possible constraint to development of affordable housing due to community resistance to higher-density development. Program 14 commits the County to working with communities, especially those undergoing efforts to create or update community plans, to encourage a diversity of housing types that meet the needs of all income levels.

Zoning Regulations

The County regulates the type, location, density, and scale of residential development through the Zoning Code. In general, the County's zoning regulations are designed to provide affordable housing opportunities for all income groups and protect the health and safety of residents. This section is informed by the Comprehensive Zoning Code Update adopted by the County in February 2023.

There are 29 zones that permit residential uses. These zoning districts can be broken down into seven main categories: rural residential, urban residential, commercial, mixed use, industrial, open space, and agricultural.

Rural Residential

The County has nine rural residential zones: Residential, Mountain, Family Zone (RM); Residential, Mountain, Single-Unit Dwelling Zone (RMS); Residential, Rural, Multi-Unit Dwelling Zone (RRM); and six Residential, Rural, Single-Unit Dwelling Zones (RRS-1, RRS-2, RRS-2.5, RRS-3, RRS-5, and RRS-10). Rural residential zones are intended for areas of the county that have a rural character and have low-density residential uses and limited agricultural uses. Single-family homes and ADUs are allowed in all rural residential zones (RM, RMS, RRM, RRS-1, RRS-2, RRS-2.5, RRS-3, RRS-5, and RRS-10). The RRM zone is the only rural residential zone that allows multi-unit dwellings.

The RM and RMS zones both have a maximum density of two du/acre. The RRM zone has a maximum density of 7.5 du/acre. The RRS zones have maximum densities ranging between 0.5 to 7.5 du/acre depending on the parcel size (the larger the parcel size, the higher the maximum density). More detailed development standards for rural residential zones are described in ~~section~~ Section 3.2.2 ~~(~~, *Development Standards*~~)~~.

Urban Residential

The County has four urban residential zones: Residential, Urban, Single-Unit Dwelling (RUS); Residential, Small Parcel Zone (RX); Residential, Townhouse Zone (RT); and Residential, Urban, Multi-Unit Dwelling Zone (RUM). Urban residential zones are intended for areas of the county that are more urban in character and can accommodate higher density residential uses, such as downtown areas or community centers. All urban residential zones (RUS, RX, RT, and RUM) allow single-unit dwellings and ADUs. Multi-unit dwellings are allowed in the RT and RUM urban residential zones.

The RUS zone accommodates low-density residential uses and has a maximum residential density of 12 du/acre. The RX zone allows single-unit residential development at relatively high densities with a maximum residential density of 14.5 du/acre. The RT zone encourages higher density development of single-unit and multi-unit dwelling neighborhoods with a maximum residential density of 22 du/acre. The RUM zone can accommodate multi-unit dwellings with a maximum residential density of 25 du/acre. More detailed development standards for urban residential zones are described in Section 3.2.2 *Development Standards*.

Agricultural

The County has seven agricultural zones that accommodate residential uses: Agricultural, Rural, Five Acre Zone (AR-5); four Agricultural, Rural Exclusive Zones (ARE-20, ARE-40, ARE-80, and ARE-160); Agricultural, Rural, Foothill Zone (ARF); and Timber Preserve Zone (TP). These agricultural zones are intended for areas in the county that are rural in character or areas that have a wide range of agricultural uses and operations. The AR-5, ARE-20, ARE-40, ARE-80, ARE-160, ARF, and TP zones all allow single-unit dwellings and ADUs. Agricultural employee housing is allowed in the AR-5, ARE-20, ARE-40, ARE-80, ARE-160, and ARF zones.

The AR-5, ARE-20, ARE-40, ARE-80, ARE-160, and TP zones all regulate residential density by dwelling units per parcel, not per acre, and all have a maximum residential density of two dwelling units per parcel. The ARF zone has a maximum residential density of 0.5 units per acre. More detailed development standards for agricultural zones are described in Section ~~0~~ 3.2.2, ~~(~~*Development Standards*~~)~~.

Commercial

The County has six commercial zones that accommodate residential uses: Commercial, Rural, Restricted Zone (CRR); Commercial, Rural, Median Zone (CRM); Commercial, Rural, General Zone (CRG); Commercial, Urban, Restricted Zone (CUR); Commercial, Urban Median Zone (CUM); and Commercial, Urban, General Zone (CUG). Commercial zones are intended for areas of the county that accommodate a variety of retail, service, and vehicle-oriented uses related to the needs of residents and visitors. The CRR, CRM, CRG, CUR, CUM, and CUG zones all allow for ADUs, multi-unit dwellings, and single-unit dwellings, however, in almost all zones single-unit and multi-unit dwellings require a discretionary permit.

In commercial zones, residential density is regulated by floor area ratio (FAR) instead of dwelling units per acre. The CRR, CRM, CRG, and CUR zones all have an FAR of 0.2. The CUM zone has an FAR or 0.3. The CUG zone has the highest FAR of 0.5. More detailed development standards for commercial zones are described in Section 3.2.2,~~0~~ *Development Standards*.

Mixed Use

Mixed-use zones accommodate a variety of uses (residential, commercial, office, public, quasi-public) to meet the needs of residents and visitors. The County has two mixed-use zones: Mixed-Use, Commercial Neighborhood Zone (MCN) and Mixed-Use, Commercial Multi-Unit Zone (MCM). The MCN zone encourages the integration of commercial, office, and service uses that are compatible with traditional neighborhood residential development. The MCN zone allows single-unit dwellings, but not multi-unit dwellings. The MCM zone encourages pedestrian-oriented, high-density development that incorporates a variety of uses. The MCM zone allows multi-unit dwellings, but not single-unit dwellings.

Residential density in the mixed-use zones is regulated by FAR, not dwelling units per acre. Both the MCN and MCM zones have a maximum FAR of 1.0. The General Plan states that mixed-use areas allow a maximum amount of residential use for the applicable master development plan (as contained in a Specific Plan). There are two types of Mixed-Use Cores: Community Core and Village Core. In the Community Core Mixed Use areas, a maximum of 25 percent of the uses may be Medium Density and High Density Residential. Village Core Mixed Use areas allow a maximum of 50 percent of the uses to be Medium and High Density Residential.

Industrial

Industrial zones accommodate a variety of light and heavy industrial uses including assembly, manufacturing, processing, and warehousing. The County has two industrial zones: Industrial, Light Zone (I-L) and Industrial, Heavy Zone (I-H). Single-unit dwellings are allowed in both the I-L and I-H zones, but only with a zoning permit (ZP), which is a discretionary permit that requires Zoning Administrator approval (for more information on zoning permits, please see Section D.2.8~~D.2.8D.2.7D.2.6~~, below).

In industrial zones, residential density is regulated by FAR instead of dwelling units per acre. Both the I-L and I-H zones have a maximum FAR of 0.2.

Public and Quasi-Public Zones

Public/quasi-public zones are meant to accommodate uses for public enjoyment and benefit such as recreation, education, agriculture, and public infrastructure. The County has one public/quasi-public zone that allows residential uses: Open Space Zone (OS). The OS zone allows single-unit dwellings,

but only with a zoning permit. The maximum residential density in the OS zone is one dwelling unit per two acres.

Airport and Airspace Overlay Zone (AAO)

The AAO Zone provides regulations and designates areas subject to airport-related hazards, restricts land uses, and provides additional development standards to protect public health, safety, and general welfare. Any use is allowed in the AAO Zone that is allowed in the base zone, except for:

- Uses creating electrical or electronic interference with communication or guidance devices used by aircraft or ground control
- Uses creating glare, smoke, dust, or similar factors that can interfere with aircraft operation to and from runways or on runways
- Uses requiring structures that exceed height limits

Additionally, the AAO also includes development standards that set a minimum distance that residential uses can be from runways and height limits for trees and structures that may affect the operation of an airport or airstrip. Although the AAO may constrain housing development location and heights, it is necessary for public safety.

Manufactured Housing Architectural Review Overlay Zone (MHA)

The MHA Zone establishes areas in the county that allow the placement of and regulate the installation of manufactured homes with the intent of providing more options for affordable and diversified housing opportunities in the county. The MHA Zone does not have any land use regulations in addition to the base zone land use requirements. However, all manufactured housing in the MHA Zone must comply with the following development standards:

- Minimum of a 12-inch roof overhang
- Minimum of a 20-foot-wide unit
- If the manufactured home is raised above ground level, the raised portion must include a perimeter skirting matching the home's siding material.

The requirements for the MHA zone listed above are consistent with California Government Code Section 65852.3, which allows for architectural requirements related to roof overhang, roofing material, and siding material, if similar requirements are imposed of conventional single-family residential dwellings. The County does not impose development standards for manufactured housing units related to building setback standards, side and rear yard requirements, standards for enclosures, access, and vehicle parking, aesthetic requirements, or minimum square footage, which are expressly prohibited by State law. Single-unit dwellings are defined as including mobile or manufactured homes when placed on a permanent foundation, consistent with State law.

Zoning Regulations Conclusion

Residential uses are an allowed use in zones CUR, CRR, MCM, MCN, AR-5, ARE-20, ARE-40, ARE-80, ARE-160, ARF, and TP and by ZP or CUP in zones OS, I-L, I-H, CUG, CUM, CRG, and CRM. Zoning regulations for type, location, density, and scale of residential developments are in accordance with State law and do not pose an undue constraint on residential development.

D.2.2 Development Standards

Development standards affect the size and appearance of structures by setting limits or other requirements to the structural elements of a building such as lot coverage, height, and setbacks. These standards are meant to clearly establish the basic site and structure regulations that apply to all development in each zoning district and promote cohesive development.

Residential Development Standards

Table D-4~~Table D-4~~ shows the development standards for rural residential and urban residential zones. The minimum parcel area for rural residential zones ranges from one to nine acres, with 25-foot front setbacks, 20-foot rear setbacks, and side setbacks ranging from five to 25 feet. The height limit for rural residential zones ranges from 35 to 40 feet. These development standards do not pose a constraint to residential development.

The minimum parcel area for urban residential zones ranges from 2,200 to 6,000 square feet with front setbacks ranging from five to 25 feet, side setbacks ranging from zero to five feet, and rear setback ranging from three to 10 feet. The height limit for urban residential zones ranges from 35 to 40 feet. These development standards do not pose a constraint to residential development.

Table D-4 Residential Development Standards

Zoning District	Minimum Parcel Area (acres)*	Minimum Setback (in feet)			Maximum Height (feet)	Maximum Height (Accessory Structure)[3]	Maximum Site Coverage (percent of lot)	Maximum Density (du/acre)
		Front (feet)	Side (feet)	Rear (feet)				
RM	2	25	10	20	40	15	40	2
RMS[1]	1	25	5-10	20	35	15	40	2
RRM	1	25	10-25[2]	20	40	15	35	7.5
RRS-1	1	25	10	20	35	15	40	0.5
RRS-2	2	25	10	20	35	15	20	0.5-7.5
RRS-2.5	2.25	25	10	20	35	15	20	0.5-7.5
RRS-3	2.7	25	10	20	35	15	20	0.5-7.5
RRS-5	4.5	25	10	20	35	15	20	0.5-7.5
RRS-10	9	25	10	20	35	15	20	7.5
RUS	4,500 sq. ft.	25	3.5	10	35	15	80	12
RX	3,000 sq. ft.	15	5	10	35	15	80	14.5
RT	2,200 sq. ft.	5	0-5	3	40	15	75	22
RUM	6,000 sq. ft.	25	5	10	40	15	80	25

*Units are in acres unless otherwise noted.

(1) For RMS zoned parcels at Bass Lake that are less than one acre shall provide a minimum setback of five feet on one side of the parcel and a minimum 10-foot setback on the other side of the parcel.

(2) Minimum side setbacks are determined by type of residential development proposed (10-foot setback for single unit dwellings and 25-foot setback for multi-unit dwellings.)

(3) Maximum height of accessory structures shall not exceed 15 feet, unless specifically allowed under another provision of the Zoning Code.

Source: Madera County Zoning Code, adopted December 2023.

Height Limits

Residential zoning districts generally allow for a 35- to 40-foot height limit for all primary structures. Commercial zoning districts also generally allow for a 35-foot height limit, while industrial districts generally allow for a 60-foot height limit to allow for warehouse type structures. Agricultural zoning districts allow for agricultural structures, such as barns, to be a maximum of 60 feet in height to allow for storage of equipment.

Additionally, the Zoning Code allows the maximum height of any structure to be increased by up to 10 feet as long as the increase will not conflict with the conditions of an approved discretionary permit and all setbacks are increased by one foot for each foot the building exceeds the height limit of the zone. For example, if a developer wants to increase the height of a building to 40 feet on a parcel zoned RX (a five-foot increase), all minimum setbacks would be increased by five feet (20-foot front, 10-foot side, and 15-foot rear).

Height limits for ADUs comply with state law where a single-story ADU (attached or detached) has a height limit of 16 feet and a two-story ADU cannot exceed the maximum allowable height for the base zone it is located in (see Table D-4~~Table D-4~~ above).

Height limits, as described in the Zoning Code, do not pose a constraint to development as all zoning districts that allow residential uses have height limits of at least 35 feet, with the option to increase by up to 10 feet. These height standards allow for three-story residential units.

Multi-Unit Dwelling Objective Design Standards

Madera County established objective design standards as part of the recent Zoning Code update (Chapter 18.52). Objective design standards help streamline approval process of projects by eliminating the need for personal or subjective judgement by a public official. These standards apply to all residential structures with two or more units and all mixed-use structures that include multi-unit dwellings. Madera County's objective design standards for multi-unit dwellings include standards for the following design elements:

- Structure orientation and location towards open space or internal courtyards.
- Structure and dwelling unit entries
- Parking areas and structure design and location
- Landscaping and walking paths from parking areas and structures
- Mechanical and utility equipment must be screened from public view
- Trash enclosures and recycling areas
    - Containers must be screened from public view
    - Enclosures must be constructed of decorative materials and be the same color as the primary structure, meet size standards, and be located throughout the property.
- At least 50 percent of dwelling units must include private open space (i.e., yard, balcony, patio) that meet specific dimension requirements based on location of unit (ground floor versus upper floor).
- Availability of useable common open space that is no less than 10 feet in any direction and must have greenspace covering at least 60 percent of the area.
- Projects shall provide useable outdoor passive/active open space with outdoor amenities. Passive recreation refers to recreational activities that require minimal to no facilities or

development to perform activities. Passive recreation amenities include, but are not limited to, community gardens, outdoor gathering/seating area, picnic/barbeque area, pet area/dog park, or courtyard/plaza. Active recreation refers to recreational activities that require specific facilities or equipment to perform activities. Active recreational amenities include, but are not limited to, playground/tot lot, sports court/field, fitness area, swimming pool, clubhouse, or community room. The number of passive and active amenities and the minimum square feet of area of each type of amenity required in a development are determined by the number of units in the project. Projects with two to 10 units do not require active recreation amenities.

- Architectural and structure design (massing, articulation, façade design, color and materials, windows and doors, fencing).

There are additional objective design standards for multi-unit dwellings located in rural zones (RRM, CRR, CRG) to ensure any multi-unit development is compatible with the surrounding, low-density neighborhoods. These additional standards include:

- Minimum distance between structures (15 feet)
- Structure height compared to adjacent structures
- Landscaping with evergreen shrubs and trees along property lines
- Multi-story structures must orient doors and windows away from single-unit dwellings or provide landscape buffer if not feasible
- Setback and landscape requirements for paved parking areas
- Storage requirements based on number of units (80 cubic feet per unit)

Urban zones (RT, RUM, CUR, CUG, MCM) also have additional objective design standards for multi-unit dwellings to make sure new development is compatible with surrounding higher density areas that include commercial, mixed-use, industrial, and residential uses. These additional standards include:

- Minimum distance between structures (10 feet)
- Structure height compared to adjacent structures
- Landscaping along property lines
- Multi-story structures must orient doors and windows away from single-unit dwellings or provide landscape buffer if not feasible
- Setback and landscape requirements for paved parking areas
- Storage requirements based on number of units (80 cubic feet per unit)
- Pedestrian connections to any adjacent commercial center
- Awnings, sunshades, and canopies incorporated into pedestrian frontages for ground floor commercial
- Active commercial uses (commercial uses oriented along the street wall) on the ground floor of a mixed-use project
- Commercial or office unit entrances shall face public street, parking area, or interior common space for mixed-use developments

Commercial, Mixed-Use, Industrial, Open Space, and Agricultural Development Standards

Table D-5~~Table D-5~~ shows the development standards for commercial, mixed-use, industrial, open space, and agricultural zones. The minimum parcel area for commercial zones ranges between 6,000 square feet and one acre with front setbacks between 15 and 25 feet, side setbacks between five and 10 feet, and rear setbacks between 10 and 20 feet. The maximum percentage residential structures can occupy on a parcel is between 20 and 50 percent, except for the CRM zone that only allows a maximum of two percent residential structure coverage. The height limit for all commercial zones is 35 feet. These development standards do not pose an undue constraint on residential development in these zones.

The minimum parcel area for mixed-use zones is 2,500 square feet with front setbacks between five and 15 feet, side setbacks between zero and 10 feet, and 10-foot rear setbacks. The maximum height in mixed-use zones is 35 feet. The minimum parcel area for industrial, open space, and agricultural zones ranges between one and 160 acres with a minimum front setback of 25 feet, side setback of 10 feet, and rear setback of 20 feet. The maximum percentage dwelling structures can occupy on a parcel in industrial zones is 20 percent, in open space zones it is 10 percent. In agricultural zones, the maximum residential density is two dwelling units per parcel, except for the ARF zone, which has a maximum density of 0.5 units per acre. All industrial, open space, and agricultural zones have a 35-foot height limit. These development standards do not pose an undue constraint on residential development in these zones.

Table D-5 Commercial Development Standards

Zoning District	Front (feet)	Side (feet)	Rear (feet)	Parcel Area (acres)	Dwelling Structure Coverage (max. percent)	Height (max. ft.)	Total Structure Coverage (max. percent)
CRR	25	10	20	1	20	35	40
CRM	25	10	20	1	2	35	40
CRG	25	10	20	1	20	35	40
CUR	15	5	10	6,000 sq. ft.	30	35	60
CUM	15	5	10	6,000 sq. Ft.	40	35	80
CUG	15	5	10	6,000 sq. ft.	50	35	90
MCN	10	0-10	10	2,500 sq. ft.	-	35	100
MCM	5-15	10	10	2,500 sq. ft.	-	35	100
I-L	25	10	20	1	20	60 - industrial uses 35 - all other uses	80
I-H	25	10	20	1	20	60 - industrial uses 35 - all other uses	80
OS	25	10	20	5	10	35	10
AR-5	25	10	20	4.5	2 units per parcel	35	10
ARE-20	25	10	20	18	2 units per parcel	35	5
ARE-40	25	10	20	36	2 units per parcel	35	5
ARE-80	25	10	20	80	2 units per parcel	35	5
ARE-160	25	10	20	160	2 units per parcel	35	5
ARF	25	10	20	2.5	0.5 du/acre	35	40
TP	25	10	20	160	2 units per parcel	35	5

Source: County of Madera Zoning Code, adopted December 2023.

Additional Mixed-Use Standards for Housing Development

In addition to the above development standards, mixed-use zones also have the following development standards related to housing developments:

- Residential uses and associated parking are not allowed in the front half of the ground floor, which is reserved for commercial or office space.
- Vertical mixed-use development is required for single structures. If there are multiple structures, developers can implement a horizontal mixed-use style.

Conclusion

As shown in Table D-5~~Table D-5~~, above, among commercial, mixed-use, industrial, open space, and agricultural zones, residential uses are permitted in the CUR, CRR, MCM, MCN, AR 5, ARE 20, ARE 40, ARE 80, ARE 160, ARF, and TP districts, and are allowed by CUP in the OS, I L, I H, CUG, CUM, CRG, and CRM districts. Development standards related to setbacks, parcel area requirements, coverage, and height regulating development in these zones do not constrain the development of housing.

Residential Parking Requirements

Parking standards are set forth in Chapter 18.38.050 of the Madera County Zoning Code. The requirements vary depending on the type of dwelling and land use (i.e., residential versus commercial), as shown in Table D-6~~Table D-6~~. For sites with more than one use, the number of required parking spaces is equal to the sum of requirements calculated separately for each use. It should be noted that the two parking spaces per single unit development means two spaces per dwelling unit and not per room. As shown in Table D-7~~Table D-7~~~~Table D-7~~, the parking requirements in Madera County are more restrictive than Fresno County, which only requires at least one parking space per dwelling unit, but is less restrictive than Merced County, which requires additional parking spaces for larger single-family homes and units with more than four bedrooms, as well as guest parking. The parking requirements in Madera County do not pose an undue constraint on housing development.

Table D-6 Residential Parking Requirements

Housing Type	Requirements
Accessory Dwelling Unit	1 per ADU (in addition to required parking for primary residence), unless within one-half mile of public transit or ADU/JADU is attached to the primary residence. [18.50.020]
Accessory Structure	None beyond what is required for the associated dwelling unit
Caretaker Housing	1 per unit
~~Community~~ Residential Care Facility (includes group homes), Large	1 per 4 adults in care
Residential ~~Community~~ Care Facility (includes group homes), Small	Number of spaces based on demonstrated need, but not more than other residential uses within the same zone
Employee Housing, Agriculture	Number of spaces based on demonstrated need, but not more than other residential uses within the same zone
Mobile Home Park	1 per mobile home space, plus 1 guest parking space for every 5 spaces

Housing Type	Requirements
Multi-Unit Dwelling	1 per each studio or 1 bedroom unit, 2 per each 2+ bedroom unit
Single-Unit Dwelling	Parcels 4,000 square feet or less: 2 per unit (one covered) Parcels larger than 4,000 square feet: 2 covered spaces per unit
Supportive Housing	Number of spaces based on demonstrated need, but not more than residential uses within the same zone
Transitional Housing	Number of spaces based on demonstrated need, but not more than residential uses within the same zone
Emergency Shelter	There are no minimum parking requirements for emergency shelters.

Source: Madera County Zoning Code, 18.38.050, adopted December 2023.

Table D-7 Residential Parking Requirements Comparison

	Requirements		
Housing Type	Madera County	Fresno County	Merced County
Single-Unit Dwelling	Parcels 4,000 square feet or less: 2 per unit (one covered) Parcels larger than 4,000 square feet: 2 covered spaces per unit	At least 1 parking space in a garage or carport for every dwelling unit on the same lot as the main building.	2 spaces per dwelling unit with up to 4 bedrooms, dwelling units with 5 or more bedrooms require 3 spaces at least 1 of which shall be a covered garage or carport
Multi-Unit Dwelling	1 per each studio or 1 bedroom unit, 2 per each 2+ bedroom unit	At least 1 parking space per dwelling unit	1½ spaces per 1 bedroom, 2 spaces per 2–4 bedrooms, or 3 spaces for 5 or more bedrooms, plus 1 guest space for every 5 units.

In compliance with State law, additional parking for ADUs as described in Table D-6~~Table D-6~~ is not required in following circumstances:

- The ADU is within one-half mile walking distance of public transit;
- The ADU is within a historic district;
- The ADU is attached to the existing primary structure or is a junior accessory dwelling unit (JADU).
- When on-street parking permits are required but not offered to the occupant of the ADU;
- When a designated car share vehicle parking space is within one block of the ADU.

Parking Reductions

The County allows for reduced parking requirements for residential sites in the following circumstances:

- Motorcycle Parking: Motorcycle parking can substitute up to five percent of required vehicle parking. Motorcycle spaces are smaller, therefore reducing the overall space required for parking while still meeting established parking requirements.
- Shared Parking: On a site where a parking facility will be serving more than one use, the total number of required parking spaces can be reduced up to 20 percent with Zoning Administrator approval. A 50 percent reduction may be permitted with the approval of a Zoning Permit. To be eligible for this shared parking reduction, the review authority must find:

  - The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces.
  - The proposed number of parking spaces will be adequate to serve each use.
  - A parking agreement has been prepared if the shared parking facility will be serving more than one property.

- Other Parking Reductions: Required parking for any use may be reduced through the approval of a Zoning Permit (ZP). A ZP may be approved if the following conditions are found by the review authority:
  - Conditions exist that will reduce parking demand on site (i.e., proximity to transit, transportation characteristics of those using the site, adoption of a transportation demand management program on-site)
  - The proposed parking will be adequate to the use on the site.

These parking requirements do not pose a constraint to housing development.

On- and Off-Site Improvements

Development standards are no more intensive than any other jurisdiction. Basic standards are used for the purposes of ensuring that the life, safety, and health concerns of the county residents are met. Madera County's development standards have not constrained housing development in the county nor have they been an obstacle to the development of affordable units. The cumulative effect of the development standards is also not seen as being a constraint on the ability to provide housing at the affordable level. Madera County regulations are less stringent than many communities across California, and do not represent an undue constraint on the development of affordable housing.

Developers must design new lots, improvements, and dedications of public facilities, as well as proposed map documents, in accordance with the County Subdivision Ordinance. This portion of County Code includes road standards that are designed to meet minimum safety standards and higher standards are required in areas closer to urban services.

Developments within a city's sphere of influence have to build infrastructure to city standards in anticipation of eventual annexation. The typical rural subdivision within the incorporated cities requires road improvements and the provision of septic systems, water wells, underground electricity, and water tanks for fire suppression. The costs of these improvements vary between subdivisions depending on location, size of parcels, and distance from services. While subdivision improvements in urban areas require higher standards, the higher densities of urban development allow costs to be spread over more parcels. The improvements are generally conditions of subdivision approval and are a prerequisite to a final subdivision or parcel map. The developers must either construct or make a financial commitment to constructing the improvements before the map may be recorded.

The cities and County have a Memorandum of Understanding (MOU) that requires all projects within a city's spheres of influence to be routed to that city for review and comment to its current development standards as applicable.

On- and off-site improvements within the city's sphere of influence vary with the type of development proposed and its size and location relative to the city's services. The improvements are guided by city code and standard specifications. The costs of these improvements are relative to

the size of the project and location relative to the services needed. The County coordinates with the cities and developers to phase these improvements for any project within the spheres of influence in order to facilitate affordable housing. The County does not see this as a constraint to the development of affordable housing, and sees the coordination between jurisdictions as beneficial to orderly growth and development of housing overall.

On- and off-site improvements within the County's jurisdiction are regulated by the County's Parcel and Subdivision Ordinances. Site improvements include items such as required off-street parking, curbs, gutters, and sidewalks, and sewage and water systems. Costs incurred by the developer of these projects are dependent on the size of the subdivision and number of improvements that will be needed on a per project basis.

Projects within the spheres of influence of Madera and Chowchilla are required to meet the development standards of the respective jurisdiction. Projects within the sphere of influence of the City of Chowchilla are required to follow the minimum site improvement requirements set out in the City of Chowchilla zoning code Chapter 17.32, while unincorporated areas that fall within the City of Madera's sphere of influence must meet the minimum improvement standards set out in the City of Madera zoning code Section 10-2.701. The County's zoning code details the following off-site improvements that may be required for a subdivision:

- **Water System.** The development of a water system shall be operated as a public utility as authorized by the public utilities commission of the state, or be served by a district or public agency.
- **Sewage System.** All proposed subdivisions in the county are recommended to consider appropriate installation of septic tanks for each lot.
- **Flood Control and Drainage Works Improvements**. The subdivider shall provide flood control or drainage systems within the land division to carry stormwater runoff both tributary to and originating from the land division in accordance with the flood control practices established by the county.
- **Curbs, Gutters, and Sidewalks.** Curbs, gutters, and sidewalks, when required, shall be installed in accordance with the requirements of the county road commissioner and county road standards.
- **Street Lighting.** Street lighting may be required and approved by the county engineer.
- **Utility Crossings.** Necessary permits from public and private utilities for any proposed subdivisions on canal and railroad crossings and other public or private utility crossing necessary to provide access to or circulation within the proposed subdivision.

Total costs for on- and off-site improvements vary by project depending on the size, location, and project need. Typically, infill projects require little or no off-site improvements. Large greenfield developments may require trunk utilities and major street improvements. Off-site improvement costs typically total $2,500 to 30,000 per unit for single-family and smaller housing development projects. Off-site improvements are typically less than 10 percent of the total develop costs in Madera County. Madera County's subdivision regulations for off-site improvements are similar to other jurisdictions, and do not present a constraint to the development of affordable housing.

D.2.3 Provision of a Variety of Housing Types

Government Code Sections 65583 and 65583.2 require the housing element to provide for a variety of housing types. Providing development opportunities for a variety of housing types promotes

diversity in housing (i.e., price, style, size) and contributes to neighborhood stability by offering more affordable housing options for a variety of income levels and family structures. This section describes the zoning and availability of sites for a variety of housing types in Madera County, Table D-8~~Table D-8~~Table D-8 summarizes allowable housing types by zone.

Single-Unit Dwelling

The Madera County Zoning Code defines a "single-unit dwelling" as a residential structure that contains one dwelling unit located on a single parcel of land for occupancy by one household. Single-unit dwellings are permitted by-right in a majority of agricultural zones (AR-5, ARE-20, ARE-40, ARE-80, ARE-160, ARF, and TP), all Rural Residential Zones (RM, RMS, RRM, RRS-1, RRS-2, RRS-21/2, RRS-3, RRS-5, and RRS-10), all Urban Residential Zones (RUS, RX, RT, and RUM), two of the Commercial Zones (CRR and CUR), and the MCN Mixed Use Zone. Single-unit dwellings are also permitted in the OS, I-L, I-H, CRM, CRG, CUM, and CUG zones with the approval of a Zoning Permit (ZP). There are only five zones where single-unit dwellings are not permitted.

The 2023 update to the Madera County Zoning Code expanded the number of zones where single-unit dwellings are allowed by-right, reduced the number of zones that require a ZP for the development of a single-unit dwelling, and eliminated the need for a Conditional Use Permit for a single-unit dwelling in any zone. The development of single-unit dwellings in Madera County is not constrained by County zoning policies for this type of housing.

Manufactured Home

A manufactured home is a structure intended for human habitation that is typically manufactured or constructed either in whole or in substantial part at an off-site location then transported and assembled on site and placed on a permanent foundation. Manufactured homes are affordable housing options for low- and moderate-income households. Pursuant to S~~s~~tate law, a mobile home built after June 15, 1976, certified under the National Manufactured Home Construction and Safety Act of 1974, and built on a permanent foundation may be located in any residential zone where a conventional single-family detached dwelling is permitted subject to the same restrictions on density and to the same property development regulations. Madera County, in compliance with S~~s~~tate law, allows manufactured housing and mobile homes on a permanent foundation in any zone where single-unit dwellings are allowed.[7]

The Madera County Zoning Code includes a Manufactured Housing Architectural Review Overlay Zone (MHA) that identifies areas in the county that allow the placement of and regulate the installation of manufactured homes. In the MHA, manufactured homes must comply with the standards in the underlying base zone as well as additional roof overhang, 20-foot minimum width, and skirting[8] standards, as discussed in Section D.2.1 above.

The requirements for the MHA zone are consistent with California Government Code Section 65852.3, which allows for architectural requirements related to roof overhang, roofing material, and siding material, if similar requirements are imposed of conventional single-family residential dwellings. The County does not impose development standards for manufactured housing units related to building setback standards, side and rear yard requirements, standards for enclosures,

[7] Single-unit dwellings are defined in the Madera County Zoning Code as a "residential structure containing one dwelling unit located on a single parcel of land for occupancy by one single household, including manufactured housing and mobile homes, when placed on a permanent foundation system." (Chapter 18.120 – Definitions)

[8] If a manufactured home is raised above ground level, the manufactured home must include skirting around the raised portion that matches the home's siding material.

access, and vehicle parking, aesthetic requirements, or minimum square footage, which are expressly prohibited by State law. Single-unit dwellings are defined as including mobile or manufactured homes when placed on a permanent foundation, consistent with State law.

Development standards for manufactured housing are in compliance with Government Code Section 65852.3(a) and do not pose an undue constraint to manufactured housing in Madera County.

Table D-8 Allowable Housing Types by Zone

	ADU	Accessory Structure	Residential ~~Community~~ Care Facility (Large)	Residential ~~Community~~ Care Facility (Small)	Employee Housing, Agriculture	Low Barrier Navigation Center	Mobile Home Park	Multi-Unit Dwelling	Single-Unit Dwelling	Supportive Housing	Transitional Housing
RM	P	P	CUP	P	-	P	CUP	-	P	P	P
RMS	P	P	CUP	P	-	P	CUP	-	P	P	P
RRM	P	P	CUP	P	-	P	CUP	P	P	P	P
RRS-1	P	P	CUP	P	-	P	CUP	-	P	P	P
RRS-2, 2 1/2, 3	P	P	CUP	P	-	P	CUP	-	P	P	P
RRS-5	P	P	CUP	P	-	P	CUP	-	P	P	P
RRS-10	P	P	CUP	P	-	P	CUP	-	P	P	P
RUS	P	P	CUP	P	-	P	CUP	-	P	P	P
RX	P	P	-	P	-	P	-	-	P	P	P
RT	P	P	-	P	-	P	-	CUP	P	P	P
RUM	P	P	CUP	P	-	P	CUP	-	P	P	P
CRR	P	-	-	P	-	P	-	CUP	P	P	P
CRM	P	-	-	P	-	P	-	CUP	ZP	P	P
CRG	P	-	-	P	-	P	-	CUP	ZP	P	P
CUR	P	-	-	P	-	P	-	P	P	P	P
CUM	P	-	-	P	-	- P	-	CUP	ZP	P	P
CUG	P	-	-	P	-	P	-	CUP	ZP	P	P
MCN	-	-	-	P	-	P	-	-	P	P	P
MCM	-	-	-	P	-	P	-	P	-	P	P
I-L	-	-	-	P	-	-	-	-	ZP	P	P
I-H	-	-	-	P	-	-	-	-	ZP	P	P
OS	-	-	-	P	-	-	-	-	ZP	P	P
AR-5	P	P	CUP	P	P	-	-	-	P	P	P
ARE-20	P	P	CUP	P	P	-	-	-	P	P	P

	ADU	Accessory Structure	Residential ~~Community~~ Care Facility (Large)	Residential ~~Community~~ Care Facility (Small)	Employee Housing, Agriculture	Low Barrier Navigation Center	Mobile Home Park	Multi-Unit Dwelling	Single-Unit Dwelling	Supportive Housing	Transitional Housing
ARE-40	P	P	CUP	P	P	-	-	-	P	P	P
ARE-80	P	P	CUP	P	P	-	-	-	P	P	P
ARE-160	P	P	CUP	P	P	-	-	-	P	P	P
ARF	P	P	CUP	P	P	-	-	-	P	P	P
TP	P	P	-	P		-	-	-	P	P	P

P = Permitted Use, CUP = Conditional Use Permit, ZP = Zoning Permit

Source: Madera County Zoning Code, Adopted December 2023

Accessory Dwelling Units

ADUs expand housing opportunities by increasing the number of housing units available within existing neighborhoods and providing housing generally at a lower cost. The Madera County Zoning Code update created a ministerial process for the development of ADUs and junior ADUs (JADUs) that is consistent with Sstate law.

ADUs are allowed by-right in zones that allow single- or multi-unit dwellings. ADUs can be attached, detached, or converted, or JADUs. All ADUs must meet the following development standards:

- Direct exterior access independent of the exterior access of the primary unit
- Installation of fire sprinklers if they are required in the primary dwelling
- A permanent foundation (a recreational vehicle, commercial coach, trailer, motor home, camper, camping trailer, or boat cannot be used as an ADU)
- Designed and constructed to match the existing dwelling(s) architecturally and aesthetically (i.e., materials, colors, building elements, massing, roof pitch)
- ADUs cannot exceed 850 square feet (fewer than two bedrooms) or 1,000 square feet (if two bedrooms). Attached ADUs with two bedrooms cannot exceed 1,200 square feet. Additionally, an attached ADU cannot exceed 50 percent of the FAR of the primary unit
- An ADU (attached or detached) cannot exceed 16 feet if it is a single-story or exceed the maximum height for the zone for two-story
- Have new, separate utility connections directly between the ADU and utility provider

An ADU can be rented, but not sold separately from the parcel and the primary dwelling and the rental term cannot be shorter than 30 days. Additionally, impact fees are not required for ADUs less than 750 square feet.

An ADU is allowed on a parcel that has an existing or proposed single-unit dwelling and needs to be within the space of the single-unit dwelling. ADUs require exterior access independent from the primary dwelling unit and must have side and rear setbacks sufficient to comply with fire, safety, and applicable building codes. A single-unit dwelling parcel can have either one detached ADU and one detached JADU, or a detached ADU and an attached ADU.

In a multi-unit dwelling area, ADUs are allowed within a multi-unit dwelling that is used exclusively for residential use in portions of the structure that are not used as livable space and is converted into an ADU. The ADU cannot exceed 25 percent of the number of existing units. Multi-unit dwelling parcels are allowed up to two detached ADUs if they have side and rear setbacks of at least four feet and are 800 square feet or smaller.

A property owner must obtain a Building Permit from the County. In accordance with Sstate law, the County must issue a Building Permit within 60 days of the submission of a complete application unless the applicant requests a delay, corrections to the Building Permit are required, or the Building Permit is submitted with a permit application for a single-unit or multi-unit dwelling (the ADU Building Permit will be issued in conjunction with the permit application).

The County of Madera is in compliance with Sstate ADU laws and local regulations do not pose a constraint to development of ADUs in the county.

Multi-Unit Dwelling Residential

Multi-unit dwelling residential is defined in the Madera County Zoning Code as a residential structure containing two or more residential dwelling units, meant for occupancy by one or more households. Multi-unit dwelling buildings include duplexes, triplexes, fourplexes, apartment buildings, and townhouses.

Multi-unit dwellings are permitted by-right in the RRM Rural Residential zone, the RUM Urban Residential zone, the CUR Commercial zone, and the MCM Mixed-Use zone. Zones that permit multi-unit dwellings with a Conditional Use Permit include the RT, CRR, CRM, CRG, CUM, and CUG zones. Multi-unit dwellings are not permitted in any Agricultural and Resource or Industrial zones.

However, all residential zoning districts also permit single-family dwellings by right. Single-family dwellings permitted in zones that allow multifamily development may be a constraint to multifamily development because it results in the overwhelming development of single-family homes in land that should be reserved for other types of housing. Under Program 7, the County will modify the Zoning Ordinance to allow multi-unit dwelling development by right in the RX, RT, and RUM districts, and permit single-family dwellings in those districts conditionally.

In the comprehensive Zoning Code Update, adopted December 2023, the County of Madera established objective design standards for all multi-unit dwelling development. Objective design standards create a streamlined process for processing and approving multi-unit developments and remove constraints related to discretionary design review.

Single-Room Occupancy Units

SRO units are one-room units intended for occupancy by a single individual. They are distinct from a studio or efficiency unit, in that a studio is a one-room unit that must contain a kitchen and bathroom. Although SRO units are not required to have a kitchen or bathroom, many SROs have one or the other. SROs are not defined in the Zoning Code or specifically permitted in any zone. Program 7 commits the County to amend the Zoning Code to address SROs.

Residential ~~Community~~ Care Facility

California Government Code Section 65583 requires that housing elements provide a program to "address and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing for persons with disabilities. The program shall remove constraints to and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities." In line with encouraging the development of housing for those with disabilities, S~~s~~tate law requires that small, licensed residential care facilities (defined as facilities with six or fewer residents) be allowed "by right" in all residential zones. Additionally, the S~~s~~tate, through HCD, requires that cities consider constraints to reasonable accommodation for large, licensed residential care facilities (defined as facilities with seven or more residents).

The Madera County Zoning Code defines a ~~community~~ residential care facility as any facility or structure that provides nonmedical residential care, day treatment, adult day care, or foster services. Types of facilities included in this definition are adult day care, child therapeutic day services, community treatment facility, foster home, residential care facility, social rehabilitation facility. In compliance with S~~s~~tate law, the Zoning Code defines a small residential ~~community~~ care facility as having six or fewer residents and a large residential ~~community~~ care facility as having more than six residents.

The County of Madera allows small residential ~~community~~ care facilities as a by-right use in all zones that allow residential uses.

Regarding large group homes (serving more than six people), the County, like many jurisdictions, requires a Conditional Use Permit (CUP), with no distinctions for licensed or unlicensed facilities. The zoning code requires a CUP for large group homes in RUS, RX, RRS, RMS, RT, RUM, RRM, and RM zones. The CUP requirements for large group homes is intended to regulate provisions such as adequate housing, amenities, and staffing. Requirement of a CUP adds cost, time, and discretion to any project which poses a constraint to development of group homes, which is also a fair housing issue.

Through Program 4, Action 4.13~~8~~, Chapter 2 Housing Plan, the County will amend the zoning code and procedures to permit group homes for seven or more persons (regardless of licensing) in all zones that permit residential uses and only subject to the same requirement of other residential uses of the same type in the same zone. ~~to remove constraints for group homes by:~~

- ~~Revising the definition of residential community care facilities to distinguish between licensed and unlicensed large residential care facilities;~~
- ~~Revising allowed land uses in single-family neighborhoods to allow larger, unlicensed facilities;~~
- ~~Revising the conditional use permit requirement for large group homes to apply only to licensed facilities;~~
- ~~Ensuring that conditions of approval for large facilities requiring a CUP are objective and transparent; and~~
- ~~Allowing use of the Reasonable Accommodation procedure to exempt large, licensed facilities from the CUP requirement.~~

Emergency Shelters

An emergency shelter or "homeless shelter" is defined by State law (Health and Safety Code Section 50801) as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less. AB 139, which went into effect on January 1, 2020, mandates that emergency shelters may only be subject to those standards which apply to residential and commercial development within the same zone, except that a city can apply standards regulating the number of beds, parking for staff provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone, length of stay, and other minor standards.

AB 2339 was passed in 2022 to go into effect January 1, 2023. AB 2339 adds additional specificity on how cities and counties plan for emergency shelters and ensure sufficient capacity for low-income housing in their housing elements. Generally, AB 2339 amends S~~s~~tate Housing Element Law regarding identification of zones and sites for emergency shelters and transitional and supportive housing as follows:

Amendments to Government Code section 65583, subdivision (a)(4)

- Expands the definition of "emergency shelters" to include other interim interventions, including but not limited to, navigation centers, bridge housing, and respite or recuperative care.
- Requires that zoning designations identified to allow emergency shelters as a permitted use without a conditional use or other discretionary permit must allow residential uses. This could include zones that allow mixed uses that permit residential.

- The local government must demonstrate the adequacy of sites identified to accommodate emergency shelters. Specifically, if a vacant site is zoned for a nonresidential use but allows residential development, the site must be located near amenities and services that serve people experiencing homelessness. If the site is nonvacant, the analysis must provide substantial evidence that the existing use is likely to be discontinued during the planning period.
- Sites owned by the local government can be included if the analysis demonstrates that the sites will be made available for emergency shelters during the planning period, are suitable for residential use, and are located near amenities that serve people experiencing homelessness.
- Provides a calculation methodology for determining the sufficiency of sites available to accommodate emergency shelters in the identified zoning designation.
- Requires analysis of any adopted written objective standards for potential governmental constraints.[9]

Madera County allows emergency shelters as a by-right use in the CRM and CUR commercial zones and the I-L industrial zone, which all allow residential uses. State law allows local governments to apply select objective development and operation standards to emergency shelters beyond the development standards for the base zone. The Madera County Zoning Code applies the following four development and operations standards in compliance with Ss~~s~~tate law:

- Number of Beds (maximum of 60 beds per shelter)
- Proximity to Other Emergency Shelters (minimum of 300 feet between shelters)
- Length of Stay (maximum of six months stay per calendar year per resident)
- Lighting (all exterior lighting must be located, shielded, and directed so that no direct light falls outside the property perimeter or into the public right-of-way)

According to the 2023 Point in Time Count (PIT), conducted by the Fresno-Madera Continuum of Care, there are 140 people experiencing homelessness in Madera County. To accommodate the 200 square feet per person requirements of AB 2339, Madera County would need to have at least 28,000 square feet, or 0.64 acres, of available space on sites that could realistically accommodate emergency shelters.

Vacant sites to accommodate future emergency shelters and transitional housing developments are shown in Table D-9~~Table D-9~~Table D-9. The County has identified three parcels in the IL zone that could potentially accommodate emergency shelters and that are appropriate in size for realistic emergency shelter development (maximum size of 1.10 acres). The total potential acreage is 3.26, which could accommodate three shelters with 60 beds per shelter. These sites are in western Madera County, close to the City of Madera and City's commercial services, medical services, transit system, and connections to the Bus Depot. Therefore, Madera County has sufficient capacity to meet the requirements of AB 2339. However, the definition of "emergency shelter" in the County Zoning Code, does not include interim interventions, as required by AB 2339. Housing Plan Program 5 commits the County to revising the Zoning Code to include interim interventions within the definition of "emergency shelter," in compliance with AB 2339.

[9] California Department of Housing and Community Development, *AB 2339 – Legislation Effective January 1, 2023, Housing Element: Emergency Shelters*. https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/ab2339-notice.pdf. Accessed May 2023.

Table D-9 Parcels for Emergency Shelters

Parcel Number	Acreage	Zoning
032-571-012	1.07	IL
032-571-013	1.09	IL
032-681-006	1.10	IL
Total	**948.08**	

Low Barrier Navigation Center

California Government Code Section 65660 identifies low barrier navigation centers as facilities that focus on providing temporary housing while residents wait to move into more permanent housing. Low barrier navigation centers also focus on connecting temporary residents with opportunities for income, public benefits, health services, shelter, and housing. Similar to displaced persons shelters, these facilities are intended to accommodate people with disabilities, pets and their owners, partners (if not a gender-specific site), the storage of possessions, and survivors of domestic violence. In 2019, AB 101 was passed requiring that a Low Barrier Navigation Center development be a use by right in mixed-use zones and nonresidential zones permitting multi-family uses. In addition, local governments may not impose parking requirements onto low barrier navigation centers. The County recently amended its Zoning Code to allow the development of Low-Barrier Navigation Centers, by right, in zones where multifamily uses are permitted.

Supportive and Transitional Housing

State law requires local jurisdictions to allow transitional and supportive housing as a residential use in all zones where residential uses are allowed and subject only to restrictions imposed on similar dwellings (i.e., single-family dwellings, multiple-family dwellings) of the same type in the same district.

The County recently amended its Zoning Code to allow supportive and transitional housing by-right in all zones where residential uses are permitted.

Employee Housing and Farmworker Housing

Sections 17021.5 and 17021.6 of the California Health and Safety Code establish specific requirements for the permitting of agricultural employee housing in a jurisdictions' zoning code. Specifically, Section 17021.5 mandates that "employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure with a residential land use." Furthermore, designated employee housing, as defined above, cannot be subject to Conditional Use Permit requirements, zoning variance fees, taxes, or any other requirement other than those pertaining to a traditional single-family structure. Section 17021.6 pertains to larger employee housing facilities featuring a maximum of 36 beds in group quarters, or 12 single-family units. Under this law, such units are deemed an agricultural land use and cannot be subject to any restrictions, conditional use requirements, zoning variance, fees, taxes, or other requirements not imposed on other agricultural uses in the same zone.

The County is in compliance with Section 17021.5 regarding employee housing. The County Zoning Code defines "Employee Housing" as housing provided for six or fewer employees and is deemed a single-unit dwelling and is therefore subject to the same standards and permit requirements as other single-unit dwellings in all zones where single-unit dwellings are allowed.

The County Zoning Code defines "Employee Housing, Agriculture" as housing provided for farmworkers and consists of any living quarters, dwelling, boarding house, barracks, bunkhouse, mobile home, manufactured home, travel trailer, or other accommodations maintained in one or more structures. Agriculture employee housing is permitted by-right in the AR-5, ARE-20, ARE-40, ARE-80, ARE-160, and ARF agricultural zones. In compliance with Health and Safety Code Section 17021.6, agriculture employee housing is not subject to any restrictions, regulations, or fees not imposed on other agricultural uses in the same zone and does not constrain the availability of employee and farmworker housing in the county.

~~D.2.4 On- and Off-Site Improvements~~

~~Development standards are no more intensive than any other jurisdiction. Basic standards are used for the purposes of ensuring that the life, safety, and health concerns of the county residents are met. Madera County's development standards have not constrained housing development in the county nor have they been an obstacle to the development of affordable units. The cumulative effect of the development standards is also not seen as being a constraint on the ability to provide housing at the affordable level. Madera County regulations are less stringent than many communities across California, and do not represent an undue constraint on the development of affordable housing.~~

~~Developers must design new lots, improvements, and dedications of public facilities, as well as proposed map documents, in accordance with the County Subdivision Ordinance. This portion of County Code includes road standards that are designed to meet minimum safety standards and higher standards are required in areas closer to urban services.~~

~~Developments within a city's sphere of influence have to build infrastructure to city standards in anticipation of eventual annexation. The typical rural subdivision within the incorporated cities requires road improvements and the provision of septic systems, water wells, underground electricity, and water tanks for fire suppression. The costs of these improvements vary between subdivisions depending on location, size of parcels, and distance from services. While subdivision improvements in urban areas require higher standards, the higher densities of urban development allow costs to be spread over more parcels. The improvements are generally conditions of subdivision approval and are a prerequisite to a final subdivision or parcel map. The developers must either construct or make a financial commitment to constructing the improvements before the map may be recorded.~~

~~The cities and County have a Memorandum of Understanding (MOU) that requires all projects within a city's spheres of influence to be routed to that city for review and comment to its current development standards as applicable.~~

~~On- and off-site improvements within the city's sphere of influence vary with the type of development proposed and its size and location relative to the city's services. The improvements are guided by city code and standard specifications. The costs of these improvements are relative to the size of the project and location relative to the services needed. The County coordinates with the cities and developers to phase these improvements for any project within the spheres of influence in order to facilitate affordable housing. The County does not see this as a constraint to the development of affordable housing, and sees the coordination between jurisdictions as beneficial to orderly growth and development of housing overall.~~

~~On- and off-site improvements within the County's jurisdiction are regulated by the County's Parcel and Subdivision Ordinances. Site improvements include items such as required off-street parking,~~

~~curbs, gutters, and sidewalks, and sewage and water systems. Costs incurred by the developer of these projects are dependent on the size of the subdivision and number of improvements that will be needed on a per project basis.~~

~~Projects within the spheres of influence of Madera and Chowchilla are required to meet the development standards of the respective jurisdiction. Projects within the sphere of influence of the City of Chowchilla are required to follow the minimum site improvement requirements set out in the City of Chowchilla zoning code Chapter 17.32, while unincorporated areas that fall within the City of Madera's sphere of influence must meet the minimum improvement standards set out in the City of Madera zoning code Section 10-2.701. The County's zoning code details the following off-site improvements that may be required for a subdivision:~~

- ~~**Water System.** The development of a water system shall be operated as a public utility as authorized by the public utilities commission of the state, or be served by a district or public agency.~~
- ~~**Sewage System.** All proposed subdivisions in the county are recommended to consider appropriate installation of septic tanks for each lot.~~
- ~~**Flood Control and Drainage Works Improvements**. The subdivider shall provide flood control or drainage systems within the land division to carry stormwater runoff both tributary to and originating from the land division in accordance with the flood control practices established by the county.~~
- ~~**Curbs, Gutters, and Sidewalks.** Curbs, gutters, and sidewalks, when required, shall be installed in accordance with the requirements of the county road commissioner and county road standards.~~
- ~~**Street Lighting.** Street lighting may be required and pproved by the coutny engineer.~~
- ~~**Utility Crossings.** Necessary permits from public and private utilities for any proposed subdivisions on canal and railroad crossings and other public or private utility crossing necessary to provide access to or circulation within the proposed subdivision.~~

~~Madera County's subdivision regulations for off-site improvements are similar to other jurisdictions, and do not present a constraint to the development of affordable housing.~~

~~D.2.5~~D.2.4 Housing for Persons with Disabilities

California Government Code Section 65583 requires housing elements to provide a program to "…address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing for persons with disabilities." This section analyzes if the zoning policies and permitting procedures in Madera County ensure appropriate and adequate housing is available for people with disabilities.

Definition of Family

Local governments can restrict housing for households failing to qualif~~t~~y as a "family" by the definition specified in the Zoning Code. Restrictive definitions of family can limit access to housing for non-traditional families and persons with disabilities. The Madera County Zoning Code was updated in 2023 to define a "family" as "two or more people related by blood, or legal status or persons not related who are functioning as a family or single-housekeeping unit, meaning that they have established ties and familiarity with each other, jointly use common areas, interact with each other, and share meals, household activities, expenses, and responsibilities…membership in the

family is fairly stable as opposed to transient and members have some control over who becomes a member of the family."

The inclusion of "interact with each other, and share meals, household activities, expenses, and responsibilities" in the definition could constrain the development of group homes and residential care facilities. Program 7, Action 7.1 ensures that the County will commit to removing these terms to create a more inclusive definition of family to reduce constraints associated with the development of housing for persons with disabilities. ~~This broadened definition of family does not pose a constraint to persons with disabilities accessing adequate housing in Madera County.~~

Reasonable Accommodation Procedures

The County's Zoning Code includes a Reasonable Accommodation procedure for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies, and procedures. A request for Reasonable Accommodation is typically an adjustment to physical design standards or an exception to the Zoning Code to accommodate the needs of a disabled resident (e.g., placement of wheelchair ramps), eliminating regulatory barriers for persons with a disability to access housing of their choice. This section describes the County's Reasonable Accommodation procedures.

Reasonable Accommodation Policy – Zoning and Land Use

The Madera County Zoning Code states that a request for Reasonable Accommodation can be made by any person with a disability[10], their representative, or any entity when existing zoning law or other land use regulations, policies, or practices act as a barrier to persons with disabilities accessing housing opportunities. The process for submitting an application for Reasonable Accommodation follows the same application process as other permitting procedures where the application needs to include all information and materials specified in the application form and applicable fees paid in compliance with the most recent Fee Schedule, however the County does not currently charge a separate fee for the reasonable accommodation request.

Review with Other Land Use Applications

If the project involves both a request for Reasonable Accommodation and some other discretionary approval (i.e., Conditional Use Permit), the application for Reasonable Accommodation can be submitted at the same time as the application and materials for the other discretionary approval.

Findings and Decision for Reasonable Accommodation

The Zoning Administrator is responsible for accepting, reviewing, and making a decision on requests for Reasonable Accommodation, if no other discretionary approval is needed for the project. If a request for Reasonable Accommodation is submitted concurrently with another discretionary land use application, the responsible review authority is the Review Authority reviewing the other discretionary land use application.

[10] The Madera County Zoning Code defines a person with a disability as "a person who has a physical or mental impairment that limits or substantially limits on or more major life activities."

The decision to approve or deny a Reasonable Accommodation request is based on the following seven factors outlined in the Zoning Code:

- The housing unit to be modified will be used by an individual defined as disabled.
- The modification is necessary for the housing unit to be accessible to an individual with a disability.
- Whether the modification would impose an undue financial or administrative burden on the County.
- The modification would require a fundamental alteration to the nature of a County program or law.
- Potential impact on surrounding uses.
- Physical attributes of the property and structures.
- The consideration of alternative Reasonable Accommodations that may provide an equivalent level of benefit.

Appeals

The applicant can appeal the decision made by the Zoning Administrator to the Planning Commission by submitting a Form of Appeal and the $422 fee to the Madera County Planning Division within 15 days of the decision. Appeals are processed by the Planning Director who prepares a report and schedules a hearing with the Planning Commission within 60 days of the filing of the appeal. During the hearing the Planning Commission will consider the issues raised by the appellant as well as any aspect of the proposed project and affirm, affirm in part, modify, or reverse the original decision.

Conclusion

The County will review the adopted reasonable accommodation policy and grievance procedure and revise findings to be based on objective standards rather than impacts on surrounding uses, as described in Housing Plan Program 4.

~~Community~~ Residential Care Facilities

State law requires residential care facilities for six or fewer persons to be treated as regular residential uses and permitted by right in all zones that allow residential uses. As a result, small residential care facilities are exempt from all local land use and zoning restrictions, taxes, or fees that do not apply to single-family residential areas and are subject to the same permit requirements as a single-family residential development. Madera County is currently out of compliance with State law. ~~Community~~Residential care facilities, serving six or fewer persons, are not permitted in the CRR, CRM, CRG, CUR, CUM, CUG, MCN, I-L, I-H, OS, or TP zones where single-family residential dwellings are allowed. Housing Plan Program 7 commits the County to amending the County Code for compliance with State law.

California Building Code

The County adopted the 2019 California Building Code with no local amendments to the Building Code. Housing Plan Program 7 commits the County to adopting the most recent edition.

~~D.2.6~~D.2.5 Planning and Development Fees

The County collects various fees to cover the costs of processing permits and development impact fees. These include fees for planning and zoning approvals, subdivision map act approvals, environmental review, building permits, among others. Permitting fees and development impact fees are determined by the County and posted in the Master Fee Schedule online. Permitting and development fees are periodically updated and approved by the County Board of Supervisors.

Permitting Fees

The development review process is intended to regulate all projects. It is used to limit the height, number of stories, and size of buildings and other structures designed, erected, or altered. Through this process, residential yard size and other open space uses are determined, which in turn control population density for conformance with the General Plan. Regulation is necessary to conserve and stabilize property values, provide adequate open space, reduce street congestion; facilitate adequate community utilities such as transportation, water, sewage, schools, parks, and other public facility requirements; and safeguard public health, safety, and general welfare.

Development review is conducted by the Planning Department. The Department is responsible for current and advanced planning functions, the update of the General Plan, and the preparation of various community area plans. The Planning Department is also responsible for reviewing building permits, but is not responsible for their intake, plan check, fee intake or issuance thereof. The Department provides public counter services, subdivision processing, various entitlements associated with development, and engineering and technical staff support to commercial and residential projects.

Residential projects that require a General Plan amendment, zoning designation change, or other planning-related review require additional fees other than those listed below. A full list of fees is included in Table D-10~~Table D-10~~~~Table D-10~~. The Fee Schedule is located on the Planning Department website. Planning Department fees are subject to annual adjustment. Applicants are advised to contact the department to verify current fees prior to submittal of applications.

The Planning Department has policies to reduce costs for complex projects. For instance, a 15 percent reduction in application fees is applied to projects of two or more consolidated under one process (i.e., a rezone and general plan on the same parcel). Multiple entitlements for a single project are processed simultaneously to reduce processing times and cost. Fees for development review do not pose a constraint to development.

Development Impact Fees

Development impact fees Impact fees in Madera County are reasonable in comparison to other jurisdictions in the state and region. Table D-11~~Table D-11~~~~Table D-11~~ shows the estimated development impact fees for a typical 1,500 square foot single-family home and a multifamily development with 20 units of 800 square feet each in the county. The total fees for these developments vary by development area and range from $12,400 to $20,701 per unit for a single-family home and from $8,423 to $11,471 per unit or $168,460 to $285,040 total for a typical multifamily development. Based on an estimated total development cost of $190,000, the development impact fees shown range from 6.5 to 10.9 percent of the total cost.

Development impact fees are required to provide essential services and infrastructure to serve new residents. Impact fees are required by S~~s~~tate law to be based on a demonstrated nexus between

development and potential impacts. State law requires a proportionality test to ensure the pro-rata share of costs to provide services and infrastructure by individual developments is reasonable. The nexus study must calculate a fee proportional to the square footage of the proposed units, or make specified findings explaining why square footage is not an appropriate metric to calculate the fees. Madera County's fee structure is based upon the number of units, rather than the square footage of the proposed units. An impact fee study has not been published on the County website. As a result, Madera County's fee structure is inconsistent with AB 602 and may pose a constraint to development of multi-family buildings. The County will implement Housing Plan Program 7 to conducting a Comprehensive Impact Fee Study to establish a fee schedule that accurately reflects the impact of single-family and multi-family development, pursuant to AB 602.

Table D-10 Permit and Development Fees

Action/Activity	Fees
Administrative Review and Exceptions	
Staff Services (Hourly Rate)	$59.00
Appeal	
Appeal	$423.00
Conditional Use Permit (CUP)/Parking Exception/Variance	
Conditional Use Permit	$5,103.00
Amended Conditional Use Permit	$3,158.00
Variance	$3,480.00
Variance (Setback)	$1,324.00
Zoning Permit	$1,310.00
Environmental Review	
Negative Declaration	$1,265.00
Mitigated Negative Declaration	$1,684.00
Environmental Evaluation	$1,321.00
Environmental Impact Report (Initial)	$11,822.00
Pre-Application	
Preliminary Plan Review	$742.00
Site Plan Review	
Site Plan Review	$3,005.00
Written Verification of Zoning	$210.00
Tentative Map/Subdivision/Condominium/Annexation	
Subdivision Map (Preliminary)	$5,392.00 + $10/Lot
Subdivision Map (Tentative)	$7,005.00 + $51/Lot
Subdivision Map (Tentative) – over 100 lots (Time & Material)	$8,211.00 + $51/Lot
Subdivision Map (Amended Tentative)	$3,691.00 + $38/Lot
Subdivision Map (Amended Tentative) – over 100 lots (Time & Material)	$4,478.00 + $38/Lot
Subdivision Map (Final)	$4,272.00 + $61/Lot
Subdivision Map (Final) – over 100 lots (Time & Material)	$5,858.00 + $61/Lot

Action/Activity	Fees
Zone Change/General Plan Amendment/Specific Plan	
Specific Plan (+ Time & Material)	$14,954.00
Amended Specific Plan (+ Time & Material)	$7,584.00
General Plan Amendment	
0-50 Acres	$5,937.00
50-100 Acres	$9,418.00
100+ Acres	$10,085.00
General Plan Text Change (Deposit + Cost)	$5,010.00
Rezoning	
0-50 Acres	$4,687.00
50-100 Acres	$4,687.00 + $6/Acre
100+ Acres	$4,687.00 + $11/Acre

Source: County of Madera, Planning Division Fee Schedule (July 1, 2022)

Table D-11 Development Impact Fees for a Typical Unit

Development Fees for a Typical Unit	Single-Family	Multi-Family Per Unit
Fire	$1,979	$1,497
General Government	$2,174	$1,644
School[1]	$7,560/$6,120	$4,032/$3,264
Countywide Public Protection	$2,557	$1,935
Library	$421	$318
Parks	$1,033	$782
Sheriff Patrol and Investigation	$465	$352
Roads*		
Valley	$13,721	$9,807
Southeast Madera County Growth Area	$24,179	$17,281
Foothill/Mountain	$19,096	$13,649
Total Fees		
Valley	$29,910	$17,263
Southeast Madera County Growth Area	$40,368	$24,734
Foothill/Mountain	$33,845	$20,337

Source: County of Madera, July 2023.

[1] Using the Madera Unified School District fee of $5.04 per square foot for the Valley and Southeast Madera County Growth Area, and the Chawanakee Unified School District fee of $4.08 per square foot for the Foothill/Mountain area.

* Implementation schedule:

2023 (effective 60 days after adoption): 50% of fee shown

2024 (effective 1/1/2024): 75% of fee shown

2025 (effective 1/1/2025): 100% of fee shown

~~D.2.7~~D.2.6 Inclusionary Housing Ordinance

Inclusionary housing ordinances are implemented by local jurisdictions that require developers to reserve a certain percentage of units for lower-income households as a way to ensure new development incorporates affordable housing. The County of Madera does not have an inclusionary housing ordinance.

D.2.7 Density Bonus

California law requires local jurisdictions to provide density bonuses (generally ranging from five to 80 percent) and development incentives or concessions for housing developments that include housing units that are affordable to lower- and moderate-income households or senior housing or the donation of land for housing within the local jurisdiction (Government Code Section 65915-65918). Certain housing development projects may be granted unlimited density if they meet certain conditions, including projects where 100 percent of units are affordable units (including density bonus units) with no more than 20 percent of units for moderate-income households and the project is located within ~~on-half~~one half mile of a major transit stop as defined by subdivision (b) of Section 21155 of the Public Resources Code. An unlimited density bonus means there is no cap on the total number of residential units per acre permitted on the site; however, there are other restrictions, such as height limits, that have a practical limiting effect on the number of units that can be built. Development incentives or concessions are reductions or modifications to site development standards or architectural design requirements that result in cost reductions, such as setbacks, parking requirements, and maximum building height.

~~The County of Madera does not have an inclusionary housing ordinance, but t~~The County adopted a d~~D~~ensity ~~B~~bonus ordinance in 2014 to comply with S~~s~~tate law. The Density Bonus Ordinance provides incentives for the production of housing for very low-income, low-income, moderate-income, and senior households and for condominium conversions and the donation of land for very-low income housing. The County grants de~~velopment~~nsity bonuses in projects with five or more units and provides a certain amount of affordability as outlined in Table D-12~~Table D-12Table D-12~~, for a maximum of 35 percent.

Additionally, the ~~City~~County allows modifications of development standards for developers seeking a density bonus as an incentive. One incentive is permitted for projects that include 10 percent of units for low-income households, five percent for very low-income households, or 10 percent for families of moderate-income. Two incentives are permitted for projects that include 20 percent of units for low-income households, 10 percent for very low-income households, or 20 percent for moderate-income households. Three incentives are permitted for projects that include at least 30 percent for low-income households, 15 percent for very low-income households, or 30 percent for moderate-income households. These incentives include:

- Reduced minimum parcel sizes or dimensions; ~~.~~
- Reduced minimum setbacks; ~~.~~
- Reduced minimum building separation requirements~~.~~;
- Increased maximum floor area ratio; ~~.~~
- Increased maximum building height; ~~.~~
- Reduced on-site parking requirements; ~~.~~

- The waiver, reduction or deferral of planning, plan check, construction permit and/or development impact fees; ~~.~~and
- Approval of mixed-use zoning for the project site in conjunction with the housing development, if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the commercial, office, industrial or other land uses are compatible with the housing development and the existing or planned development in the area where the proposed development will be located.

Qualified projects that include a childcare facility as part of the development are permitted an additional density bonus or incentive. The ~~City's~~County's Density Bonus Ordinance has not been updated since it was adopted in 2014, and therefore has not been updated to reflect subsequent S~~s~~tate legislation on density bonus requirements. The County will implement Housing Plan Program 4.12 to revise the Density Bonus Ordinance to comply with S~~s~~tate ~~d~~Density ~~b~~Bonus L~~l~~aw.

Table D-12 Density Bonus Summary

Target Group	Minimum % Target Units	Bonus Granted	Additional Bonus for each 1% Increase in Target Units	Percent Target Units Required for Maximum 35% Bonus
Very Low-Income	5%	20%	2.5%	11%
Lower-Income	10%	20%	1.5%	20%
Moderate-Income	10%	5%	1.0%	40%
Senior Citizen Housing Development	N/A	20%	N/A	N/A
Donation of Land	10%	15%	1.0%	30%

Notes: (1) Planning Commission makes a recommendation to the Board of Supervisors (BOS) before BOS makes final decision.

Source: Madera County Zoning Ordinance, July 2023.

~~Building permits for single family and multifamily residences are ministerial in nature. A residential~~

D.2.8 Permit Processing Times and Procedures

The processing of applications and permits for development increase can increase project time and costs. Processing times vary widely from a few weeks to several months depending on the type of permit required for development and if any discretionary review is required for approval. Table D-6~~Table D-6~~ above shows the type of permit required for each residential use, Table D-9~~Table D-9~~~~Table D-9~~ below shows the review authority responsible for reviewing and making decisions for each type of application for development prior to the issuance of a Building Permit and average processing times.

Processing Times

The time required to process a project varies greatly from one project to another and is directly related to the size and complexity of the proposal and the number of actions or approvals needed to complete the process. Table D-13~~Table D-13~~~~Table D-13~~~~Table D-12~~ summarizes the timelines for processing permits for residential development and the respective review authority responsible for reviewing and making final decisions for each permit type.

It should be noted that not all developments in the county require each of the listed permits or approvals. Additionally, most entitlements and processes can run concurrently (i.e., a General Plan

Amendment and a Rezone can run concurrently; a Conditional Use Permit, Rezone, and General Plan Amendment can also run concurrently). Such processes also provide for a reduction in fees and processing times.

In general, a project for any new development is subject to four review phases: application submittal, application processing, application decision, and building permits. Once the applicant submits an application and applicable fees to the Planning Division, the application is initially reviewed for completion and if the project is subject to any additional environmental review. If the application is determined complete, it is submitted for processing in compliance with the Zoning Code for any applicable permits. A final decision is then made by the respective review authority. If the application is approved, the applicant can then apply for building permits. If the application is denied, the applicant can appeal the decision to the next higher review authority (i.e., if the review authority is the Planning Director, a denied application can be appealed to the Planning Commission). Construction plans are then submitted to the Building Division, which are reviewed by the Planning Division for compliance with any approved land use permit and applicable development standards specified in the Zoning Code. Once Building Permits are approved construction can begin.

Table D-13131312 Permit Application and Review Process

Type	Review Body	Required Noticing	Hearing	Typical Processing Time
Building Permit	Staff	Not Required	Not Required	4-6 weeks
Zoning Clearance	Planning Director	Not Required	Not Required	
Zoning Permit	Zoning Administrator	Required	Required	4-6 Weeks
Zoning Code Interpretation	Zoning Administrator	Required	Required	
Modification	Zoning Administrator	Required	Required	
Reasonable Accommodation	Zoning Administrator	Not Required	Not Required	
Conditional Use Permit	Planning Commission	Required	Required	3-4 months
Variance	Planning Commission	Required	Required	
Density Bonus	Board of Supervisors[1]	Required	Required	
Specific Plan	Board of Supervisors[1]	Required	Required	
Zoning Code Text/Map Amendment	Board of Supervisors[1]	Required	Required	6-8 months
General Plan Text/Map Amendment	Board of Supervisors[1]	Required	Required	6-8 months

Notes: (1) Planning Commission makes a recommendation to the Board of Supervisors (BOS) before BOS makes final decision.

Source: Madera County Planning Staff, July 2023.

Building permits for single family and multifamily residences are ministerial in nature. A residential building permit takes an average of four to six weeks to process. The plans typically go through a "plan check," which ensures applicable building information is included in the permit application. The permit is then routed to Resource Management Agency departments for their applicable department reviews (i.e., Environmental Health Department for sewer, septic, and water; Planning Department for land use, etc.). Developers are permitted to submit a building permit concurrently with a land use approval. Approximately 50 percent of applicants submit their building permits prior to entitlement approval. If corrections are needed (i.e., showing of septic locations, other structures, etc.), the applicant is advised and must then make the corrections. This process is not

considered a constraint to development, as this is a process that ensures safe construction of residential units.

A subdivision map and parcel map approval process takes approximately 12-18 months from application intake. This process involves submittal of required maps and development standards. Subdivision maps and parcel maps are reviewed by the Parcel Map/Subdivision Map Committee and approved accordingly once all conditions have been met. This process ensures the orderly development of land and is not considered a constraint to development.

A General Plan amendment or zoning change takes six to eight months. The Board of Supervisors is considered the "governing body" charged with either approving or denying a General Plan amendment or zoning change of property within the county, which explains the length required for this process. By Sstate law, the Board of Supervisors can consider General Plan amendments four times per calendar year. While the time frame may appear lengthy, it is not considered a constraint to development due to the fact that the Planning Department makes every effort to combine various projects on the same parcel in one process. This way, if a developer needs a CUP, Rezone, and a General Plan Amendment, the three can be applied for and processed through the system at the same time, cutting down on approval time considerably. There is also a price break for two or more projects brought in and processed simultaneously on the same parcel (typically a 15 percent reduction of costs).

Table D-14Table D-14Table D-14Table D-13 outlines typical approval requirements for a single-family infill project, 30-unit subdivision, and a 50-unit multifamily planned development project. These projects are not unduly constrained by these processes.

Table D-14141413 Permit Application and Review Process by Project Type

	Single Family Unit or by-right Multifamily	Subdivision	Multifamily Planned Development
	Single Family Unit or by-right Multifamily	Subdivision	Multifamily Planned Development
Estimated Total Processing Time	Site Plan	Preliminary Map	Preliminary Map
		Tentative Map	
		Final Map	
		Initial Study	Site Plan
		Mitigated Negative Declaration	Initial Study
			Mitigated Negative Declaration
	4 weeks	12-18 months	12-18 months

Notes: (1) Planning Commission makes a recommendation to the Board of Supervisors (BOS) before BOS makes final decision.
Source: Madera County Planning Staff, July 2023.

Multifamily developments are permitted in designated zones "by right" but must conform to the County's minimal development and objective design standards. These projects require submittal of building permits (the process of which has been described earlier). Residential development in some commercial zone districts is allowed but only through the processing of a Zoning Permit or CUP. This will ensure that potential environmental issues are addressed and that the project can be appropriately integrated into the surrounding environments; it will also allow for developmental conditions to be designated. This is something that would not normally be required on a by-right

activity. Agricultural zones allow one or two single family residential units "by right" without discretionary review.

Procedures

Zoning districts provide for three categories of land use: (1) those allowed by right (no discretionary permits required); (2) those allowed with a Zoning Permit (minor accessory uses requiring approval by the Zoning Administrator, such as a Guest House); and (3) those allowed with a Conditional Use Permit (more intensive uses requiring approval by the Planning Commission). Additionally, all land uses require a zoning clearance. This section summarizes the County's permit processing procedures by permit type.

Zoning Clearance

A Zoning Clearance is required for new structures constructed, altered, repaired, or moved; the use of vacant land, changes in character of the use of land or structure, or substantial expansions in the use of land or building, which are allowed by-right in the Zoning Code. Zoning Clearances are not required for the continuation of previously approved or allowed uses and structures. The Planning Director approves Zoning Clearances. A Zoning Clearance is approved if it is determined that the proposed use or building is allowed by-right in compliance with the Zoning Code.

Zoning Permit

A Zoning Permit is required when proposed land uses and development need discretionary review to ensure they are compatible with the neighborhood and surrounding uses. Potential uses requiring a Zoning Permit are considered to have greater potential impacts than uses allowed by-right, but less than those that require a Conditional Use Permit. A Zoning Permit is reviewed and approved by the Zoning Administrator after a public notice and hearing are provided according to the process outlined in Chapter 18.106 (Public Notices and Hearings) of the Zoning Code. A Zoning Permit is approved based on the following findings:

- The proposed use is consistent with the General Plan and any applicable specific plan
- The proposed use is allowed within the base zone.
- The design, location, size, and operation of the proposed use are compatible with allowed uses in the surrounding area.
- The proposed use will not be detrimental to orderly growth of the County or pose a hazard to the general welfare, convenience, and safety of the persons residing or working in the vicinity.
- The project site is physically suitable, served by adequate highways and streets to carry quantity and type of traffic generated, and is adequately served by public or private water and sewer services.

Conditional Use Permits

Conditional Use Permits (CUPs) are discretionary permits for uses of land that require special review to ensure they are compatible with the neighborhood and surrounding uses. CUPs are considered more likely to have a greater impact than uses allowed by right or with a Zoning Permit. A CUP is reviewed and approved by the Planning Commission after a public notice and hearing are provided according to the process outlined in Chapter 18.106 (Public Notices and Hearings) of the Zoning Code. A CUP is approved based on the following findings:

- The proposed use is consistent with the General Plan and any applicable specific plan

- The proposed use is allowed within the base zone
- The design, location, size, and operation of the proposed use are compatible with allowed uses in the surrounding area
- The proposed use will not be detrimental to orderly growth of the County or pose a hazard to the general welfare, convenience, and safety of the persons residing or working in the vicinity.
- The project site is physically suitable, served by adequate highways and streets to carry quantity and type of traffic generated, and is adequately served by public or private water and sewer services.

The requirement that the proposed use is compatible with allowed uses in the surrounding area is a constraint because it is subjective. Housing Plan Program 9 commits the County to reviewing the CUP findings and revise to be clearer and objective.

If a Conditional Use Permit is required, the applicant will apply through the Planning Division, and typically takes four to six months to process, unless an environmental impact report (EIR) is required. If an EIR is necessary, the process, on average, takes 18 to 24 months. Once assigned to a Planning Staff member, it is reviewed for completeness. Once deemed complete, the project is routed to Office of Development Services departments as well as applicable outside agencies for review. This review is to solicit comments and conditions of approval that must be met as a result of the project. This process takes approximately two to three weeks for internal circulation. The project is then scheduled for the Development Review Committee where an applicable environmental assessment (negative declaration, mitigated negative declaration, or environmental impact report) is determined. Assuming no EIR is required, the Planning Staff member then prepares the environmental assessment and staff report for the Planning Commission. This part of the process takes another approximately four to six weeks.

If a CUP is denied it can be appealed to the Board of Supervisors. The applicant must file the appeal to the Planning Division within 15 days of the decision by the Planning Commission. If a CUP was approved, and an opponent wished to appeal the decision, the process is the same.

Environmental assessments, as noted above, are normally done in tandem with the project timelines. With the exception of those projects requiring an Environmental Impact Report, most initial studies are completed within a month and a half of application intake (like those for Conditional Use Permits). Environmental Impact Reports typically add an additional 18 months to the project, this is due in part to the time required to select a consultant, prepare the contracts, and to complete the actual work on the EIR. Building permits for single family residences alone do not require environmental assessments. The environmental assessment for multiple single-family residences or multifamily projects would be a part of the subdivision process and handled during that time frame.

County Staff works closely with developers to expedite entitlement approval procedures so as not to put any unnecessary timing constraints on development. Developers are encouraged to meet with staff prior to submitting their projects in order to review submittal requirements, become aware of any new ordinances or codes that would be required for that particular development, and take note of any other potential issues beforehand. While each entitlement is typically assigned to one Planner (referred to as a Lead Planner or Managing Planner for that project), it is not uncommon for several staff members to assist to some degree.

Building Permits

Building permits for single-family and multifamily residences are ministerial in nature. A residential building permit takes an average of four to six weeks to process. Development plans typically go through a "plan check," which ensures applicable building information is included in the permit application. The permit application is then submitted to the Building Division where it is distributed to various departments for appropriate review (i.e., Environmental Health Department for sewer, septic, and water; Planning Department for land use, etc.). If corrections are needed (i.e., showing septic locations, other structures, etc.), the applicant is advised and must then make the corrections. This process is not considered a constraint to development, as this is a process that ensures safe construction of residential units. Parking Development Review, which was a process generally done on commercial development, was eliminated by the County.

Modification

A Modification is required when an applicant requests a relief from locational, developmental, or operational standards outlined in the Zoning Code. Modifications are reviewed and approved by the Zoning Administrator after a public hearing and notice are provided. A Modification is approved based on the following findings:

- The development will still achieve the objectives of base zone standards.
- There are no alternatives to the requested modification that would provide equivalent benefits to the application with less potential impact to surrounding uses, residents, and workers.
- The requested modification will not have a detrimental effect on public health and safety or result in a change in land use or density inconsistent with the Zoning Code.

State Streamlining

SB 330

On October 9, 2019, Governor Gavin Newson signed into law SB 330, the Housing Crisis Act of 2019. The act amends existing Sstate laws and creates new regulations around the production, preservation, and planning of housing. The bill has been in effect since January 1, 2020, and sunsets on January 1, 2025. The goal of SB 330 is to create certainty in the development of housing projects, speeding up the review of these projects, preserving affordable housing and preventing certain zoning actions that reduce the availability of housing.

SB 330 creates a new vesting process for discretionary housing projects during the five-year period of the bill. It achieves this through the creation of a new "preliminary application" process that establishes a new date for the purposes of locking projects into the ordinances, policies, and standards in effect when a preliminary application (including all required information) is submitted and deemed complete. This vesting does not apply to California Environmental Quality Act (CEQA) determinations, including historic resource determinations pursuant to CEQA.

The County currently does not have any statutory requirements that ensure compliance with SB 330 provisions. Housing Plan Program 9 commits the County to creating a pre-application checklist and updating its municipal code for compliance with SB 330.

SB 35

Senate Bill 35 went into effect on January 1, 2018, and changed the local review process for certain development projects in the Sstate. SB 35 applies to California cities and counties where production

of new housing has not met the RHNA targets. Jurisdictions subject to SB 35 must review applications for qualifying housing developments within a statutory time frame. The jurisdiction must determine if the project is eligible for streamline approval within 60 days of application submittal for projects of 150 or fewer units, or within 90 days for larger projects. Ministerial review is based on compliance with set, objective standards and cannot involve subjective judgment. Qualifying projects are also not subject to environmental review under CEQA.

The County has received one SB 35 application which is currently under review. While County practices are in compliance with SB 35, the County has not adopted any policies to ensure compliance. Housing Plan Program 9 commits the County to adopt a policy to ensure compliance with State law.

Permit Streamlining Act

The Permit Streamlining Act sets forth various time limits within which state and local government agencies must either approve or disapprove permits and provides that these time limits may be extended once by agreement between the parties. The County currently meets the timelines below and complies with the Permit Streamlining Act, including streamlining determinate with 30-day CEQA determination:

- 30 days to deem application complete/incomplete.
- 30-day period restarts with each resubmittal on an incomplete application.
- 30 days to make environmental determination after an application is deemed complete
- 60 days after the environmental determination, including a finding that the project is exempt from CEQA, the County must take action to approve or disapprove the project. Applicants can agree to an additional 90 days to take action.

~~D.2.9~~ Requests for Lesser Densities~~Conclusion~~

Many factors influence the actual density of a project and can result in significantly lower densities than the maximum density allowed by zoning. The County receives several requests a year to develop housing at lower densities. These requests are generally located in multifamily zones and are often requests to develop single-family housing on lots zoned for multifamily uses. These requests are typically approved, resulting in a net decrease in housing density.

~~The County complies with the Permit Streamlining Act.~~

~~*Recommended Action*~~

~~None required.~~

~~D.2.10~~D.2.9 Short-Term Housing Rentals

As of ~~June 6, 2023~~April 2025, the Madera County Treasurer-Tax Collector reported there are ~~had~~ a total of ~~860~~ 1,125 active short-term vacation rentals in the county, approximately 1,100 of which are comprised of single-family homes. The remaining short-tern vacation rentals consist of lodges, campgrounds, hotels, and RV parks. Madera County currently does not regulate short-term vacation rentals in the County. Short-term rentals (STR) are defined as rental of part or all of a residential dwelling unit to paying occupants for less than 30 days. STRs are typically advertised and booked through online platforms such as Airbnb and VRBO. STRs are mostly concentrated in the more mountainous communities (i.e., Oakhurst, Coarsegold, Ahwahnee) closer to the foothills of the

Sierra Nevada Mountains, Mammoth Mountain, and Yosemite. While STRs cater to the tourism industry, and are required to pay Transient Occupancy Taxes, each unit used as an STR is not available for long-term housing on the rental market, which decreases the supply of available housing. As a result, STRs may constrain to the availability of long-term rental housing. Housing Plan Program 6 directs the County to assess the impacts of STRs on the housing availability and affordability in the county, with a focus on mountain communities. If warranted, the County will adopt an STR Ordinance, including a potential short-term rental fee that would apply to fund affordable housing.

~~D.2.11~~D.2.10 Code Enforcement

Code enforcement is a complaint-based procedure intended to ensure compliance with the requirements of the County's Zoning and Building codes. In Madera County, the Zoning Administrator exercises the authority to issue notices of violation, stop work orders, and citation for any violations of the Zoning Code regarding land use or the addition, alteration, construction, conversion, installation, moving, or use of any structure.

Any application for a planning permit of any kind is not allowed to be accepted, processed, or issued for parcels in violation of the provisions of the Zoning Code. If an approved permit is deemed to be out of compliance with the Zoning Code, the permit is considered void.

If a violation of the Zoning Code by the owner or occupant of land is found, a Nuisance Abatement Order is processed by the Zoning Administrator, then a Notice of Nuisance is served to the owner or occupant of the property. The Notice includes the exact nature of the violation and the time and place for a hearing if the accusation is denied. The property owner or occupant is given 10 days to comply. If the violation continues the Zoning Administrator may abate the nuisance at the expense of the owner or occupant.

According to Madera County Code Enforcement, most complaints involve trash and accumulated debris on private property that can be seen from public view, illegal encampments, illegal burning, and recreational vehicles that are used as permanent living spaces. On the Valley floor, complaints are mostly received in the Chowchilla and Fairmead areas. In the mountains, most complaints received are in North Fork and Oakhurst.

The District Attorney or County Counsel is authorized to bring an action for the recovery of the expense of abatement, court costs, and a penalty of $10 for each day the nuisance remained after the service of the notice. If the accusation is denied by the owner or occupant, the District Attorney or County Counsel is authorized to commence a legal suit against the owner or occupant. The County will, through code enforcement investigations, identify lower-income homeowners and connect them to low-interest loans or grant programs to fund needed repairs, as directed in Housing Plan Program 3.

D.3 Environmental Constraints

Environmental factors can constrain housing if they have the potential to limit the density and location of housing and greatly impact the feasibility and cost of development. Understanding the environmental factors and hazards that may constrain where future housing can be located is important in providing safe and dependable housing.

The County developed and adopted a Local Hazard Mitigation Plan (LHMP) in October 2017, which assesses hazard vulnerabilities from natural and human-caused hazards, including flooding, drought,

wildfire, landslides, severe weather, terrorism, cyber threats, pandemic, and the impact of climate change on hazards, as well as other hazards. The LHMP identifies mitigation actions that the County pursues to reduce the level of injury, property damage, and community disruption that might otherwise result from such events.

D.3.1 Earthquakes and Seismic Activity

Madera County covers portions of the Central Valley, Foothill, and Sierra Nevada regions of California, and is in an area crossed by very few faults. The General Plan notes that one unnamed fault that is part of the Hartley Springs Fault Zone crosses through the southeastern portion of Madera County. The San Andreas Fault and the Owens Valley Fault Group, while not in Madera County, are within the greater region and are the principal sources of potential seismic activity within Madera County.

The San Andreas Fault is approximately 45 miles west of the county line. The fault has a long history of activity and is, therefore, a concern in determining activity in the area.

The Owens Valley Fault Group is a complex system containing both active and potentially active faults on the eastern base of the Sierra Nevada Range. This group is located approximately 80 miles east of the County line in Inyo County. This system has historically been the source of seismic activity within the county.

Seismic ground shaking is the primary seismic hazard in Madera County, especially in the valley portion of Madera County, which is located on alluvium deposits. Alluvium deposits tend to experience greater groundshaking intensities than areas located on hard rock. Therefore, structures located in the valley will tend to suffer greater damage from groundshaking than those located in the foothill and mountain areas. There are some alluvium valleys and weathered or decomposed zones scattered throughout the mountainous portion of the county which could also experience stronger intensities of groundshaking than the surrounding solid rock areas.[11]

Older buildings constructed before building codes were established, and newer buildings constructed before earthquake-resistance, are the most susceptible to damage during an earthquake. There is no specific threat or hazard from seismic ground shaking to residential development within the county and all new construction will comply with current local and state building codes.

D.3.2 Landslides and Erosion

Landslides often accompany other natural hazard events, such as floods, wildfires, or earthquakes. Landslides can occur slowly or very suddenly and can damage and destroy structures, roads, utilities, and forested areas, and can cause injuries and death. Landslide hazards in Madera County are confined to the foothills and mountainous areas, and the steep banks of the rivers which pass through the valley floor. Most areas of Madera County are at low to moderate risk for landslides and an area in the central and eastern portions of the county is at high risk for landslides. Areas most at risk of landslides are uninhabited locations and do not pose a constraint on residential development.[12]

[11] Madera County Local Hazard Mitigation Plan Update October 2017
[12] Madera County Local Hazard Mitigation Plan Update October 2017

D.3.3 Wildfire

Wildfire risk is an ongoing concern for Madera County, with the fire season typically extending from early spring through late fall of each year during the hotter, dryer months. Fire conditions arise from a combination of high temperatures, low moisture content in the air and fuel, an accumulation of vegetation, and high winds. Past and future wildfire risks in Madera County are concentrated primarily in the central and mountainous regions of the county where there are more forested areas and vegetation. Communities such as Yosemite Lakes and Oakhurst are in a State Responsibility Area designated High Fire Hazard Severity Zone. The County ensures that developments comply with California Fire and Building Code requirements for health and safety. The Madera County Municipal Code dictates that any single- or two-family dwelling located more than five miles' driving distance from a water tender or not maintaining insurance services office rating of "Rural 8" or better must store a minimum of 2,500 gallons of water onsite at all times.

According to the Madera County Community Wildfire Protection Plan, Title 17 ST-27, a 10-foot clearance of hazardous vegetation must be addressed for both sides of a driveway as well as a vertical clearance. If a structure is built north and east of the Madera Canal, there is a required minimum of 2,500 gallons of residential water storage under certain conditions. These regulations may add to the cost of residential development in some areas of the county but are necessary for the safety of people and structures.

D.3.4 Flooding

Flood zones are identified through Federal Emergency Management Agency (FEMA) and the County receives the applicable maps that show these zones. The Department of Engineering and General Services evaluates each building permit pursuant to FEMA guidelines.

Development within a flood zone typically is required to be protected against flood damage. FEMA requires developers to obtain a flood zone elevation certificate when they apply for their permit. These certificates require elevating the developed area (i.e., house pad) above the known flood level of that particular flood zone. The Madera County Department of Engineering and General Services reviews grading and drainage plans prior to construction to ensure that flooding is not created, or altered to affect other properties.

According to FEMA, the principal potential flooding areas are in the Valley's low-lying area east of State Route 99, which lies within a 100-year floodplain. The Madera Ranchos are partially subject to a 100-year flood. In addition, there are some potential flooding problems along Cottonwood, Root, Dry, and Schmidt Creeks, and the Schmidt Creek Tributary, all of which have perennial flow, and poorly defined channels that are subject to flooding. Some areas along the Chowchilla, Madera, and San Joaquin Rivers have the potential for flooding; the construction of Buchanan, Hidden, and Friant Dams, as well as levee improvements along the sloughs and rivers have, however, eliminated major flooding problems along these major rivers. Much of the area on the far west side of the county along the San Joaquin River is within the 100-year flood plain.

The principal flood problem in the Foothills area of Madera County is along the Chowchilla, Fresno, and San Joaquin Rivers as well as Fine Gold Creek. The construction of Buchanan, Hidden, and Friant Dams, as well as levee improvements along the sloughs and rivers, have eliminated major flooding problems in these areas, but the potential for localized flooding problems remains. Farther to the east, none of the mountain areas of the eastern county have been defined as lying within a 100-year floodplain. The Fine Gold Creek runs through the middle of the community of North Fork and floods in the wet years. If the dam at Bass Lake were to fail, this situation would be exacerbated.

Added requirements imposed by local policies and the National Flood Insurance Program increase the costs of developing homes and potentially constrain future housing development or improvement in flood prone areas. However, the flood zones do not constitute a major restriction to housing development. Land Subsidence

Recent instances of land subsidence have been a major concern in the northwestern portion of Madera County, primarily impacting the western portion of the adjacent Chowchilla Subbasin. Land subsidence is a gradual settling or sudden sinking of the Earth's surface owing to subsurface movement of earth materials. The principal causes of land subsidence in Madera County are the over pumping of groundwater, causing associated aquifer-system compaction and land subsidence that results in permanent aquifer-system storage loss.[13] The Chowchilla Subbasin is identified by the California Department of Water Resources (DWR) as a critically overdrafted basin.[14] The majority of the land subsidence within Madera County has occurred in the western portion of the county.[15] The Madera County Hazard Mitigation Plan identified subsidence as likely to occur in the future, but with negligible severity and moderate potential impact.[16] However, while the severity would be negligible, it's likeliness to occur in the future could constrain where housing is situated. The County will implement Housing Plan Program 7 to ensure that all future housing is built to withstand any land subsidence.

D.3.5 Environmental Hazards and Contamination

"Brownfields" are sites that are, or may be perceived to be, contaminated. Brownfields are vacant and underutilized properties previously used for industrial or commercial activities that may have resulted in contamination from petroleum or hazardous substances. Additionally, agricultural uses may contaminate sites due to the use of pesticides and other chemicals. Agricultural communities such as La Viña have been exposed to fumigants and pesticides. In December 2022, a $250,000 grant by the State Environmental Protection Agency was awarded for pesticide monitoring in the agricultural communities.

The Site Inventory does not include sites with known contamination. The County ensures that the necessary steps are taken to clean up residual hazardous wastes on any contaminated sites proposed for redevelopment or reuse. Soil evaluations are required as needed to ensure that risks are assessed, and appropriate remediation is provided. Developing housing on these sites can involve costs to remediate contaminated soil or groundwater or demolish buildings containing hazardous materials. Remediation of hazardous material that requires removal can result in additional costs that may pose a constraint on development. The remediation cost would typically be on the developer to address. The County pursues funding to assist with site cleanup and provide incentives for proposed redevelopment or reuse of sites. Any mitigation warranted by a residential development project is completed prior to development. Recent housing developments in the county, as discussed in Appendix C, *Housing Resources*, have been constructed on parcels with previous agricultural uses. Therefore, while environmental contamination is a general issue in the county, it has not impeded the development of residential uses.

[13] USGS. Land Subsidence in the San Joaquin Valley. https://www.usgs.gov/centers/land-subsidence-in-california/science/land-subsidence-san-joaquin-valley
[14] https://www.maderacountywater.com/wp-content/uploads/2019/12/ChowchillaSubbasin_GSP_201911205_clean-1.pd
[15] https://www.greeninfo.org/work/project/san-joaquin-valley-land-subsidence
[16] Madera County Local Hazard Mitigation Plan Update. 2017. https://www.maderacounty.com/home/showdocument?id=354

D.3.6 Federal and State Environmental Protection Regulations

Federal and Sstate law contain provisions for environmental review or safety standards for new development. Environmental review can result in fees charged by local government agencies and private consultants, making it more expensive for developers to build. Environmental review can also add significant time to a development project, which is also a constraint on housing development. These regulations, however, help preserve the local environment and enhance public safety.

State and federal regulations related to public safety and environmental review included the Sstate Seismic Hazards Mapping Act, the California Environmental Quality Act (CEQA), California Noise Insulation Standards (Title 24), and the Federal Emergency Management Agency (FEMA) Flood Insurance Program.

Nearly all residential development that require a discretionary permit also require environmental review under CEQA that runs concurrent with the approval process. The environmental review process involves analysis, mitigation of potential environmental impacts, public hearings, and fees that add additional costs to projects. In recognition of these potential constraints to housing development, the State has passed a number of laws, including SB 35 and SB 330, that work to streamline the residential development approval process for affordable and multifamily residential developments.

D.4 Infrastructure Constraints

Infrastructure can constrain new residential development due to cost, availability, and accessibility of adequate infrastructure for utilities services such as water, sewer, and electric. Utilities are required to support residents and provide quality of life. The cost of building new utility connections in areas not already connected is typically paid by developers, increasing the cost and time of new construction. Availability of infrastructure in areas unincorporated Madera County is limited, with many areas being served by private wells and septic systems.

D.4.1 Water and Sewer

Madera County continually faces issues as a result of drought and sharing water resources between domestic uses (i.e., residential, commercial) and the vast number of agricultural uses that can be water intensive. Availability of water is a significant non-governmental constraint to new development in Madera County. Many residents in Madera County depend on shallow, private wells. Those communities have been stricken with dry wells as groundwater levels plummet due to drought and overpumping by surrounding farmers.

The Sustainable Groundwater Management Act (SGMA) was passed in 2014 to help protect groundwater resources over the long-term. Over-reliance on groundwater can lead to over-drafted aquifers which can in turn lead to severe water quality impairment, damaging land subsidence, household and rural community wells going dry, and desertification of local ecosystems. Maintaining balance between the rate at which a groundwater basin is pumped and the rate it is recharged by surface water is critical to guaranteeing continued use of these resources. The Chowchilla Subbasin is required to submit groundwater sustainability plans to assess the overdrafted basin that provides water to Madera County. The Chowchilla Subbasin plan is currently incomplete, but after approval the Sustainable Groundwater Management Grant Program provides funding to help develop and implement sustainable groundwater planning and projects. This

planning and funding will ensure that there is adequate groundwater water supply for the county in future years. Madera County was awarded a $10 million Sstate grant funding in 2022 for repurposing agricultural land with the aim of protecting disadvantaged communities.[17]

In addition to the availability of water in Madera County, another constraint to the development of new housing is the lack of sewer and water infrastructure. Sewer and water infrastructure in a rural area such as Madera County is very different than in an urban area. New development must often be accompanied by the development of a whole new system or major expansion of an existing system, instead of an extension of the water mains or sewer lines as in a city. The expense of providing a new system can be prohibitive to developers unless there is a sufficient density of population to support the cost of installing a new water or sewer system.

Unincorporated areas of Madera County depend primarily on community and private wells and septic tanks. Community wells are operated and maintained by water districts, whereas private wells are operated and maintained by property owners. Madera County has a total of 16 water districts strictly devoted to water services, 14 districts that provide both water and sewer services, and four districts devoted to sewer services (see Table D-15Table D-15Table D-15Table D-14 below).

Housing Plan Program 1 addresses water and sewer infrastructure constraints by committing the County to provide comprehensive infrastructure planning and funding to reduce constraints to development.

Table D-15151514 Water and Sewer Districts

District Number	District Name	Service(s) Provided	Total Potential Hookups (water/sewer)
MD-1	Hidden Lakes	Water	208/-
MD-5	Mountain Ranches	Water	49/-
MD-6	Lake Shore Park	Water/Sewer	52/46
MD-7	Marina View	Water/Sewer	92/92
MD-8A	North Fork	Water/Sewer	153/199
MD-10A	Madera Ranchos	Water/Sewer	990/288
MD-19A	Parkwood	Water/Sewer	633/46
MD-19B	Sayre Ranch	Water	234/-
MD-22A	Oakhurst	Sewer	-/2,072
MD-24	Teaford Meadows	Water/Sewer	72/64
MD-27	Goldside	Sewer	-/142
MD-28	Ripperdan	Water/Sewer	17/16
MD-33	Fairmead	Water	244/-
MD-36	Eastin Arcola	Water/Sewer	29/19
MD-37	La Vina	Water/Sewer	179/179
MD-40A	Sunset Ridge	Water	31/-
MD-42	Meadow View	Water	38/-
MD-43	Miami Creek Knolls	Water	26/-
MD-46	Ahwahnee	Water	110/-

[17] SJV Water. 2022. https://sjvwater.org/vulnerable-domestic-wells-will-be-focus-of-10-million-farmland-retirement-grant-in-madera-county/.

District Number	District Name	Service(s) Provided	Total Potential Hookups (water/sewer)
MD-58	Sierra Highlands	Water	29/-
MD-60A	Dillon Estates	Water	38/-
MD-63A	Coarsegold South	Water	102/-
MD-73A	Quartz Mountain	Water	140/-
MD-85	Valeta	Water	20/-
MD-95A	Ranchos West	Water	30/-
SA-1	Indian Lakes	Water	518/-
SA-2A	Bass Lake	Sewer	-/1,813
SA-2B/2C	Wishon Cove Area (Bass Lake)	Water/Sewer	82/82
SA-3	Parksdale	Water/Sewer	561/577
SA-3B	Parksdale (Self Help)	Water/Sewer	145/145
SA-5	Eastside Acres	Sewer	-/100
SA-14	Chukchansi	Water/Sewer	31/34
SA-16	Sumner Hill	Water/Sewer	49/49
SA-19	Rolling Hills	Water	360/-
Total			**5,028/5,961**

Source: County of Madera Fiscal Year 2020-2021 Special Districts Budgets

Maintenance District 1 (MD-1), Hidden Lakes, provides water service for a residential development spanning about 166 acres near Millerton Lake off Road 216. The water system serves 49 improved units and 159 standby units with an annual water allocation of 200-acre feet of surface water from Millerton Lake and has a storage capacity of about 110,000 gallons.

Maintenance District 5 (MD-5), Mountain Ranches, provides water service for a residential community spanning about 80 acres near Hensley Lake off Road 400. The water system serves 27 improved units and 22 standby units and obtains its water from two hard rock wells with a combined production of 45 gallons per minute (gpm) and a storage capacity of about 20,000 gallons.

Maintenance District 6 (MD-6), Lake Shore Park, provides water and sewer services for a residential development near Bass Lake off Country Road 274. The water system serves 47 improved units and five standby units and obtains its water from two hard rock wells with a combine production of 55 gpm and a storage capacity of 65,000 gallons. The sewer system services 42 improved units and four standby units.

Maintenance District 7 (MD-7), Marina View, provides water and sewer services for a residential development near Bass Lake off Country Road 274. The water system serves 83 improved units and nine standby units and obtains its water from two hard rock wells with a combine production of 28 gpm. A third well has been utilized to keep the system operating and produces about 30 gpm. The total storage capacity for the water system is 90,000 gallons. The sewer system services 83 improved units and nine standby units.

Maintenance District 8A (MD-8A), North Fork, provides water and sewer services for residential and commercial properties in the town of North Fork. The water system serves about 129 improved units and 24 standby units and obtains its water from a hard rock well with a combine production of

270 gpm and has a storage capacity of 204,000 gallons. The sewer system services about 163 improved units and 36 standby units.

Maintenance District 10A (MD-10A), Madera Ranchos, is located southeast of the City of Madera in the vicinity of Avenue 12 and Road 36 ½ and provides water service for residential and commercial developments. The water system serves 939 improved units and 51 standby units and obtains its water from six wells, three of which are active (New Fender, Kensington, and Dublin wells). The active wells produce a combined production of 500 gpm. The water system has no storage reservoirs. The sewer system services 288 improved units.

Maintenance District 19A (MD-19A), Parkwood, is located south of the City of Madera in the vicinity of Highway 145 and Avenue 13 and provides water, sewer, and lighting services for residential and commercial developments. The water system serves 633 improved units and obtains its water from three wells, only one of which is active. The active wells produce a combined production of 2,220 gpm. The water system has no storage reservoirs. The sewer system services 42 improved units and four standby units.

Maintenance District 19B (MD-19B), Sayre Ranch, is located south of the City of Madera adjacent to MD-19A and provides water service to residents as an extension of the MD-19A water system. This district receives sewer service from the City of Madera.

Maintenance District 22A (MD-22A), Oakhurst, is located in the community of Oakhurst on State Highway 41 and 49 and provides sewer service for residential and commercial developments. The sewer system serves 1,604 improved units and 468 standby units. The sewer system is made of over seven miles of sewer mains and eight pumping stations.

Maintenance District 24, Teaford Meadows, is located west of the community of North Fork and provides sewer and water service to its residents. This district serves approximately 66 improved units and six standby units. Water is supplied from three rock wells with a combined production of approximately 37 gpm. The water system has a storage capacity of 115,000 gallons. The sewer system serves 59 improved units and five standby units.

Maintenance District 27, Goldside, is located to the west of State Highway 49 between the communities of Oakhurst and Ahwahnee. The district provides sewer and drainage services to 140 improved units and two standby units. The irrigation pump station is maintained by the county but operated by employees of the golf course. The golf course irrigation system is both maintained and operated by golf course employees. The system does have generator backup at the treatment plant and at the raw sewage pumping station. The district's drainage system consists of culverts and ditches that collect runoff from hillsides and roads.

Maintenance District 28, Ripperdan, is located south of the City of Madera on State Highway 145 and Avenue 7. The district provides sewer and water service to 16 improved units and one contract home outside the district. Water is supplied by one deep well drawing from an aquifer and produces an estimated 150 gallons per minute. The sewer system provides service to 16 improved units.

Maintenance District 33, Fairmead, is located southeast of the City of Chowchilla near State Highways 99 and 152 in Madera County. The district provides water service to 192 improved units and 52 standby units. Water is supplied from two wells drawing from an aquifer with a combined production of 500 gpm. The water system has a storage capacity of 212,000 gallons.

Maintenance District 36, Eastin Arcola, is located in the area of Avenue 8 and Road 29 southeast of the city of Madera and provides septic and water service to residential and commercial developments. The water system serves 26 improved units and three standby units and obtains its

water from two wells. Septic maintenance is provided to 16 improved units and two standby units, where each home has its own septic tank and seepage pit. Half of the septic tanks are pumped every other year, so that every tank gets pumped every three years.

Maintenance District 37, La Vina, is located in Madera County southeast of the City of Madera on Avenue 9 and Road 24. The district provides water and sewer service to residential and commercial developments. The water system serves 177 improved units and two standby units. Water is supplied from two deep wells drawing from an aquifer approximately 297 to 393 feet underground. The combined production from both wells is estimated at 665 gallons per minute. The sewer system serves 177 improved units and two standby units. The sewer system includes a collection system, pumping station, and several large septic tanks and seepage pits.

Maintenance District 40A, Sunset Ridge, is located in the area of Meadow Ridge Road and State Highway 41, southwest of Coarsegold and provides water service to residential developments. The water system serves 27 improved units and four standby units. Water is supplied from three deep wells with a combined production of approximately 80 gpm and supplies two storage tanks with a combined capacity of 12,000 gallons.

Maintenance District 42, Meadow View, is located southeast of the community of Oakhurst and provides water services to residential development. The water system serves 35 improved units and three standby units. Water is supplied from two deep wells with combined production of approximately 45 gpm. The district has a storage capacity of 50,000 gallons between two storage tanks.

Maintenance District 43, Miami Creek Knolls, is located between the communities of Ahwahnee and Oakhurst off State Route 49 at Lauri Lane and provides water services to residential development. The water system serves 26 improved units. Water is supplied from one rock well and an arranged supplemental supply of water from Maintenance District 60, Dillon Estates. The two districts share two wells and use the same 180,000 storage tank.

Maintenance District 46, Ahwahnee, is located northwest of Oakhurst near State Highway 49 and Harmony Lane and provides water service to residential development. The water system serves 93 improved units and 17 standby units and obtains its water from three rock wells with a combined production of 230 gpm. The district has a storage capacity of 185,000 gallons between two storage tanks.

Maintenance District 58, Sierra Highlands, is located near Road 223 and Sierra Highlands Drive between the communities of Oakhurst and North Fork. The water system serves 26 improved units and three standby units and obtains its water from one deep rock well with a production of 50 gpm to supply a 60,000 gallon storage tank.

Maintenance District 60, Dillon Estates, is located south of Ahwahnee on State Highway 49 and Sunrise Lane and provides water service to residential development. The water system serves 38 improved units and obtains its water from one rock well with a production of 30 gpm to supply a 180,000 gallon storage tank. This system is also physically connected to MD-43, Miami Creek Knolls (Well #5) making a combined production of 145 gpm.

Maintenance District 63A, Coarsegold South, is located south of the community of Coarsegold off State Highway 41 and provides water services to residential development. The water system serves 84 improved units and 18 standby units and obtains its water from two rock wells with a combined production of 250 gpm that supplies and iron and manganese removal plant. Treated water is pumped into two storage tanks with a 250,000-gallon capacity.

Maintenance District 73A, Quartz Mountain, is located southeast of Coarsegold near State Highway 41 and Road 417. The water system serves 128 improved units and 12 standby units and obtains its water from two rock wells with a combined production of 100 gpm. The system has a storage capacity of 125,000 gallons. Manganese, a secondary standard contaminant, occurs at a level that exceeds the maximum contaminant level. A sequestering agent is added to hold the naturally-occurring iron and manganese in suspension.

Maintenance District 85, Valeta, is located southwest of Chowchilla near on State Highway 233 and Avenue 23 ½ and provides water service to residential development. The water system serves 20 improved units and obtains its water from one well that produces about 40 gpm. The well can pump into a 2,500 gallon storage tank or directly into the distribution system. In 2009 the well had to be deepened to access sufficient water supply for the area.

Maintenance District 95, Ranchos West, is located near Avenue 12 and Road 35 and provides water services to residential development. The water system serves 27 improved units and 2.5 standby units and obtains its water from two wells with a combined production of about 350 gpm. The system has a storage tank with a 139,200 gallon capacity.

Service Area 1, Indian Lakes, is located southeast of Coarsegold near State Highway 41 and Road 417 and provides water service to 477 improved units and 41 standby units and obtains its water from three wells with a combined production of about 550 gpm. The water is pumped into an iron and manganese removal plant then to a storage tank with a capacity of 750,000 gallons.

Service Area 2A, Bass Lake, is located on the north and south shores of Bass Lake and provides water sewer service to residential and commercial developments. The sewer system serves 1,556 improved units and 257 standby units in County Services Areas 2A and 2B. A treatment plant and lift station renovation was completed in 2019.

Service Area 2B/2C, Wishon Cove, is located on the south bank of Bass Lake on Road 222 and Emory Lane and provides water and sewer services to residents and PG&E's campground. The water system serves 76 improved units and six standby units and is classified as a transient non-community water system. The water system obtains its water from the surface water of Bass Lake and treated by a 100 gpm capacity treatment plant then is pumped into a 43,000 gallon storage tank. The storage tank is in need of replacement and the County has initiated replacement measures.

Service Area 3, Parksdale, is located southeast of the Madera city limits and provides water and sewer services to residential and commercial customers. The water system serves 523 improved units and 38 standby units and obtains its water from three wells with a combined production on 2,500 gpm. Water is pumped directly into the distribution system. The sewer system provides wastewater collection to 533 improved units and 44 standby units and has an intertie with the City of Madera for treatment at the City's Wastewater Treatment Plant.

Service Area 3B, Parksdale, is located on the northwest corner of the intersection of Avenue 13 ½ and Road 29 and provides water and sewer services for the Self Help Enterprises residential subdivision. The water system includes one well (Well #4) that was developed by Self Help Enterprises and annexed into the SA-3B. There are approximately 145 residential and commercial connections. The sewer system is part of the SA-3's sewer collection system which interties with the City of Madera's Wastewater Treatment Plant.

Service Area 5, Eastside Acres Village, is located on the west side of the county adjacent to the City of Firebaugh and provides sewer services to residential development. The sewer system serves

about 100 units or an average daily flow of 70,000 gallons, whichever is greater. The City of Firebaugh is responsible for both the maintenance and billing of fees for this system.

Service Area 14, Chuk-Chanse, is located at Country Road 28 and Western Way and provides water and sewer service to 31 residential units. The Service Area used to obtain its water from one well that had a production of 31 gpm, but during the recent drought the well dried up and emergency funding was acquired to drill a new well, which was completed in 2016 and produces over 100 gpm and supplies a 48,000-gallon storage tank. The sewer system serves 34 improved units.

Service Area 16, Sumner Hill, is located in Madera County on Killarney Drive and provides residential water service and a community leach field to a small residential community. The water system serves 41 improved units and eight standby units and obtains its water from the San Joaquin River with the production of 100 gpm. The water is treated then pumped into two storage tanks, each with the capacity of 80,000 gallons. The community sewer leach field serves 41 improved units and eight standby units. Each residential home has its own privately maintained septic tank. The septic tank effluents flow to a county-maintained collection system. The homeowner's association polices themselves to ensure that septic tanks are regularly pumped.

Service Area 19, Rolling Hills, is located in the area of State Highway 41 and Avenue 10 in Madera County, just north of the Fresno County line. The district provides water service to over 327 active residential and commercial connections. In addition, there are about 33 remaining standby connections. Water is supplied from a well drawing from aquifer approximately 240 to 700 feet below the earth surface. The well produces about 400 gpm. In 2019the water system was sold to Bakman Water Company, a private water company that now owns and operates the system. The County provides road services with the tax allocation received within the service area.

D.4.2 Transportation Infrastructure

Roadway infrastructure is a constraint to new development in certain areas of the county. The County conducted a study in 2018 to implement a county pavement management system. The study found that only 18 percent of county roads were in good condition, exacerbated by years of deferred maintenance by local and state agencies.[18] The United States Department of Transportation awarded Madera County $492,000 in 2023 to implement a Rural County Comprehensive Safety Action Plan Development Project.[19] The County continues to pursue additional federal and state grant opportunities, such as the Active Transportation Program, CDBG Program, and Caltrans, to support roadway infrastructure and transportation improvements throughout the county.

D.4.3 Broadband Access

Broadband access, or access to ~~the~~high-speed internet, is a constraint to providing information and receiving input on housing resources and updates for residents in Madera County's rural, remote, and mountainous regions. The County conducted a study in 2023 to assess the availability of broadband access throughout the ~~C~~county and develop actions to connect unserved and underserved households to broadband in unincorporated areas of Madera County. The study found that approximately 14 percent of households, businesses, and other buildings in unincorporated Madera County are considered unserved and are primarily located in mountainous or southern areas of the ~~C~~county, and another 33 percent are considered underserved and are primarily located

[18] Madera County Tribune. 2019. https://www.maderatribune.com/single-post/2019/04/17/future-of-roads-looks-grim
[19] Sierra News Online. 2023. https://sierranewsonline.com/madera-county-awarded-492k-transportation-grant/

in rural residential areas throughout the County[20]. The study also identified 13 potential infrastructure projects and several grant opportunities to facilitate the delivery of broadband access across the ~~C~~county.

[20] Madera County. 2023. https://www.maderacounty.com/home/showpublisheddocument/33944/638169032631930000