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ORDINANCE NO. 5127

AN ORDINANCE ADOPTING MAJOR AMENDMENTS TO TITLE 130 OF THE EL DORADO COUNTY ORDINANCE CODE

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

ARTICLE 2 - ZONES, ALLOWED USES, AND ZONING STANDARDS

Section 1. Section 130.20.040.B entitled “Exempt Activities and Uses” is amended to add subsection 12 as set forth below:

12. Mobile Services. Mobile services as defined in Article 8, Section 130.80.020 (Glossary).

Section 2. Table 130.22.020 entitled “Allowed Uses and Permit Requirements for the Commercial Zones” is amended as set forth below:

Table 130.22.020 – Allowed Uses and Permit Requirements for the Commercial Zones

CPO: Commercial, Professional Office	P	Allowed use (Article 4: Special Use Regulations)						
CL: Commercial, Limited	A	Administrative permit required (130.52.010)						
CM: Commercial, Main Street	TUP	Temporary use permit required (130.52.060)						
CC: Commercial, Community	CUP	Conditional Use Permit required(130.52.021)						
CR: Commercial, Regional	MUP	Minor use permit required (130.52.020)						
CG: Commercial, General	TMA	Temporary mobile home permit (130.52.050)						
CRU: Commercial, Rural	—	Use not allowed in zone						
Use Type								Specific Use Regulation
	CPO	CL	CM	CC	CR	CG	CRU	
Commercial								
Distillery, Craft	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Drive-Through Facility	<u>P/CUP⁶</u>	<u>P/CUP⁶</u>	<u>P/CUP⁶</u>	<u>P/CUP⁶</u>	<u>P/CUP⁶</u>	<u>P/CUP⁶</u>	<u>P/CUP⁶</u>	<u>130.40.140</u>
Offices: Professional	P	P	P	P	CUP	<u>—P</u>	P	

CPO: Commercial, Professional Office CL: Commercial, Limited CM: Commercial, Main Street CC: Commercial, Community CR: Commercial, Regional CG: Commercial, General CRU: Commercial, Rural	P Allowed use (Article 4: Special Use Regulations) A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional Use Permit required(130.52.021) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone								
Use Type								Specific Use Regulation	
	CPO	CL	CM	CC	CR	CG	CRU		
Medical	P	P	P	P	CUP	P	P		
Restaurant	CUP	P	P	P	P	P	P		
Winery: Production	—	—	CUP	—	—	P	P		
Full-service Facilities	—	P	CUP	P	—	P	P		
NOTES:									
¹ Excluding Subsection 130.40.220.E (Garage Sales) in Article 4 (Specific Use Regulations) of this Title.									
² Limited to small-scale, artisanal production of goods (See Article 8 (Glossary: “Light Manufacturing”) of this Title.									
³ CUP for larger scale, ‘general industrial’ use.									
⁴ As part of the residential component of a mixed use development.									
⁵ As a rental of an existing legal nonconforming residential structure.									
⁶ <u>CUP required when adjacent to any residential zoned lot or residential use.</u>									

Section 3. Table 130.23.020 entitled “Industrial / R&D Zones Use Matrix” is amended as set forth below:

Table 130.23.020 – Industrial / R&D Zones Use Matrix

IL: Industrial Low IH: Industrial High R&D: Research & Development	P Allowed use (Article 4: Special Use Regulations) A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional use Permit required(130.52.021) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone				
USE TYPE	IL	IH	R&D	Specific Use Reg.	
Automotive and Equipment: Paint and Body Shops	P	CUP	—		
Repair Shop	P	CUP	—		
Vehicle Storage	P	CUP	—	130.40.320	
<u>Vehicle Sales and Rentals</u>	<u>P</u>	<u>CUP</u>	<u>---</u>		

Distillery: ³ <u>Large Commercial</u>	P	CUP	CUP	
<u>Craft</u>	<u>P</u>	<u>CUP</u>	<u>CUP</u>	
<u>Drive-Through Facility</u>	<u>P/CUP⁴</u>	<u>---</u>	<u>P/CUP⁴</u>	<u>130.40.140</u>
Restaurant	P ² /CUP	—	P	
<u>Self-Storage (Mini Storage)</u>	<u>P</u>	<u>P</u>	<u>CUP</u>	
Wineries ³ Production Facilities	P	P	CUP	
NOTES: ¹ CUP for larger, general industrial-scale use. ² On-site cafeteria for employee use only. <u>If Restaurant is an ancillary use to an existing primary use, then allowed by right (P); If Restaurant is a new primary use, then allowed by CUP.</u> ³ Not subject to Section 130.40.400 (Wineries) in Article 4 (Specific Use Regulations) of this Title. ⁴ <u>CUP required when adjacent to any residential zoned lot or residential use.</u>				

ARTICLE 3 - SITE PLANNING AND PROJECT DESIGN STANDARDS

Section 4. Table 130.35.030.1 entitled “Schedule of Off-Street Vehicle Parking Requirements” is amended as set forth below:

Table 130.35.030.1 – Schedule of Off-Street Vehicle Parking Requirements

USE TYPE	PARKING SPACE REQUIREMENTS
Restaurant and Brewpub: Full service	1 per 250 300 sf. of <u>Gross Floor Area (GFA) dining room area; plus</u> 1 per 2 employees; plus 1 RV space for every 20 parking spaces. When outdoor seating is provided, the first 300 sf. of <u>Outside Use Area (OUA)</u> exempt from parking requirements.
With drive through	1 per 300 sf. of GFA; plus 1 RV space for every 20 parking spaces. Stacking lane shall be provided in compliance with the adopted Parking and Loading Standards (Resolution 202-2015).

ARTICLE 4 – SPECIFIC USE REGULATIONS

Section 5: ARTICLE 4 entitled “Specific Use Regulations” Table of Contents is amended as set forth below:

CHAPTER 130.40 – Specific Use Regulations

Sections:

130.40.140 ~~Reserved~~Drive-Through Facilities

Section 6: Section 130.40.140 entitled “Reserved” is amended to add new section entitled “Drive-Through Facilities” as set forth below:

130.40.140 ~~Reserved~~Drive-Through Facilities

A. **Applicability.** This Section is intended to regulate drive-through facilities with development standards regarding their design and operation. This Section does not apply to drive-in movie theaters, carwash facilities, or motor vehicle service stations.

B. **Allowed Use.** Drive-through facilities are allowed if in compliance with the development standards set forth in this Section in designated zones on Table 130.22.020 (Allowed Uses and Permit Requirements for the Commercial Zones) and Table 130.23.020 (Industrial / R&D Zones Use Matrix) in Article 2 (Zones, Allowed Uses, and Zoning Standards) of this Title.

C. **Permit Requirements.** Drive-through facilities require a Conditional Use Permit (CUP) if adjacent to any residential zoned lot or residential use, otherwise permitted by right in designated zones on Table 130.22.020 (Allowed Uses and Permit Requirements for the Commercial Zones) and Table 130.23.020 (Industrial/R&D Zones Use Matrix) in Article 2 (Zones, Allowed Uses, and Zoning Standards) of this Title. Drive-through facilities that are not in compliance with the development standards set forth in this Section require a CUP.

D. **Development Standards.** The development standards in this Section are intended to supplement the standards in the underlying zone for drive-through facilities. In the event of conflict between these standards and the underlying zone standards, the provisions of this Section shall apply. A typical example (not site specific) is shown in Figure 130.40.140.A entitled “Drive-Through Facility (Typical Example)” below in this Section.

1. **Drive-Through Lanes.**

a. Drive through lanes shall be a minimum 12 feet in width.

b. A vehicle turning analysis shall be required, demonstrating that an American Association of State Highway Transportation Officials (AASHTO) Passenger (P) Vehicle can negotiate any curves or turns in the drive-through lane. A minimum 15 foot inside radius is required. Alternative design widths and radii may be approved by the County Engineer or Building Official, utilizing the DL-23 vehicle, as specified by the National Association of City Transportation Officials.

c. A drive-through lane shall be a minimum of 50 feet from the nearest property line of any residentially zoned lot or residential use. See Figure 130.40.140.A (Example: Drive-Through Facility) below in this Section.

- d. Each drive-through entrance and exit shall be at least 50 feet from the nearest property line of a residential land use.
- e. Each entrance to a lane and the direction of traffic flow shall be clearly designated by signs and pavement markings.
- f. Each drive-through lane or group of multiple lanes shall be physically separated from the circulation routes or parking spaces by means of curbs, rain gardens, or landscaping.
- g. Drive-through entrances and exits shall be designed such that the headlights of vehicles at the point of entrance and exit of the drive-through facility shall not directly face a residential zone or residential use, unless screened by a building, fence, wall, grade, or landscaping.

2. Stacking Area.

- a. Stacking area within the drive-through lane or lanes shall be provided to accommodate the estimated queued vehicles utilizing the drive through facility. A queuing analysis performed by a Traffic Engineer is required for all drive-through facilities, to determine stacking length needed in the drive-through lane. The queuing analysis shall consider queuing in advance of the ordering point, and in advance of the pick-up/service window.
- b. For single drive-through lanes, a minimum stacking distance of 100 feet is required for all food and/or beverage drive-through facilities, measured from the entrance of the drive-through lane to the ordering point.
- c. A minimum stacking distance of 80 feet per lane is required for all nonfood and/or nonbeverage drive-through facilities, measured from the entrance of a drive-through lane to the service window.
- d. Where multiple drive-through lanes are proposed, a lesser minimum distance may be approved by the County Engineer.
- e. Stacking of queued vehicles for drive-through facilities may not stack into parking lot drive aisles, public right of way, or a public roadway.

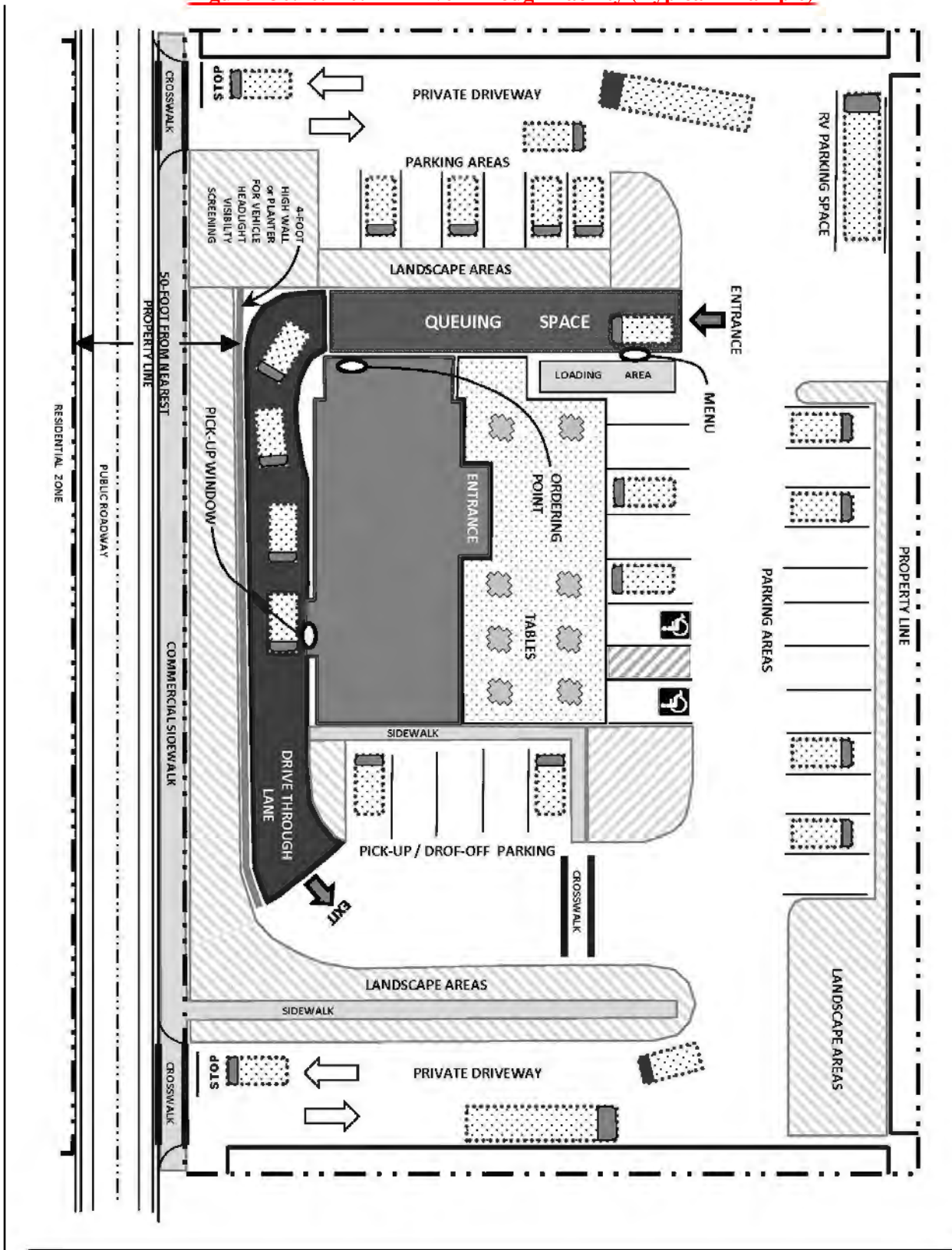
3. Landscaping and Screening of the Drive-Through Lane. Landscaping shall be provided as described below:

- a. If the drive-through lane is adjacent to a parking area, a 5-foot wide planter shall be provided between the drive-through lane and the parking area that includes shade trees consistent with those used in the parking area;
- b. A minimum 4-foot high wall or planter/landscaping that screens the drive-through lanes is required so that vehicle headlights in the drive-through lanes are not visible from adjacent street rights-of-way or adjacent residential uses. See Figure 130.40.140.A - Drive-Through Facility (Typical Example) below in this Section.

4. **Pedestrian Access and Crossings.** Pedestrian access shall be provided from each abutting street to the primary entrance with a continuous on-site 4-foot wide sidewalk or delineated walkway. Pedestrian walkways preferably should not intersect the drive-through lanes, but where they do, the walkways shall have clear visibility and shall be delineated by textured and colored paving.
5. **Signs.** Signage shall be in compliance with Chapter 130.36 (Signs) in this Title. Also refer to subsection 130.36.070.K.4 (Menu/Order Board Signs for Drive-In and Drive-Through Uses) in Article 3 (Site Planning and Project Design Standards) of this Title.
6. **Hours of Operation.** When the drive-through facility is located within 100 feet of any existing residential zone or existing residential use (measured from the nearest residential property line to any part of the drive-through facility including parking lot, drive-through lane, or structure), hours of operation for the drive-through facility shall be limited to 7:00 a.m. - 10:00 p.m. daily. If the use is located greater than 100 feet from a residential zone or existing residential use, there shall be no restrictions on the hours of operation.
7. **Parking.** The required number of off-street vehicle parking spaces for drive-through facilities shall be based upon the primary use of the facility (e.g., bank, restaurant, retail, etc.). Refer to Section 130.35.030 (Off-street Parking and Loading Requirements) in Article 3 (Site Planning And Project Design Standards) of this Title. Spaces designated for mobile order pick-up, and waiting area parking shall count toward the minimum overall parking requirements.
8. **Noise.** Any drive-through speaker system shall not exceed thresholds set forth in Table 130.37.060.1 (Noise Level Performance Standards for Noise Sensitive Land Uses Affected by Non-Transportation Sources) in Article 3 (Site Planning and Project Design Standards) of this Title. The system shall be designed to compensate for ambient noise levels in the immediate area. At no time shall any speaker system be audible above daytime ambient noise levels beyond the property lines of the site.
9. **Maintenance.** The drive-through facility shall be properly maintained in accordance with conditions of approval. If subject to a Conditional Use Permit, see Table 130.22.020 – Allowed Uses and Permit Requirements and Table 130.23.020 – Industrial/R&D Zones Use Matrix in Article 2 (Zoning Ordinance Zones, Allowed Uses, and Zoning Standards) of this Title.

Section 7: Figure 130.40.140.A entitled “Drive-Through Facility (Typical Example)” is added to Section 130.40.140 entitled “Drive-Through Facilities” as set forth below:

Figure 130.40.140.A - Drive-Through Facility (Typical Example)



Section 8: Section 130.40.160.F entitled “Limitations on Home Occupations” is amended to remove subsection 6 as set forth below:

~~6. Personal services, as defined in Article 8 (Glossary: See “Services, Personal”) of this Title.~~

~~67.~~ Medical and dental offices, clinics, and medical laboratories.

~~78.~~ Veterinary services, with the exception of those considered an ‘agricultural support service’, as defined in Article 8 (Glossary) of this Title and subject to the standards in Section 130.40.070 (Agricultural Support Services) above in this Chapter.

~~89.~~ Repair shops or service establishments, with the exception of repairing small electrical appliances, cameras, or other similar items where pick-up and delivery occurs off-site or on-site by appointment only.

~~910.~~ Commercial stables, as defined in Article 8 (Glossary: See “Stables: Commercial”) of this Title, which shall be subject to Subsection 130.40.210.C (Outdoor Recreation Facilities) below in this Chapter.

~~104.~~ Large-scale upholstery service, with the exception of upholstery single orders of furniture or other objects where pick-up and delivery occurs off-site.

~~112.~~ Welding and machining, except when incidental to small scale production or parts assembly; or work or craft that is the activity of creative artists.

Section 9: Subsection 130.40.260.H entitled “Ranch Marketing Provisions for Agricultural Grazing Lands (Large Animal)” is amended as set forth below:

H. **Ranch Marketing Provisions for Agricultural Grazing Lands (Large Animal).** The provisions of this Subsection apply only to cattle grazing operations and are not in addition to other uses allowed by this Section. The following ranch marketing provisions shall provide a ranch atmosphere and natural environment for Guest Ranches, as allowed for in 130.40.170 (Lodging Facilities) above in this Chapter and as defined in Article 8 (Glossary) of this Title, and other events and activities defined in this ordinance and shall be allowed on land zoned Agricultural Grazing (AG), Planned Agricultural (PA), and Limited Agricultural (LA) when in compliance with all applicable provisions and development standards of this Section. Table 130.40.260.3 (Ranch Marketing Uses for Agricultural Grazing Lands) below in this Section identifies the allowed Ranch Marketing uses for Agricultural Grazing Lands with large animal operations, subject to the provision below.

Section 10: Table 130.40.260.3 entitled “Ranch Marketing Uses for Agricultural Grazing Lands” is amended as set forth below:

Table 130.40.260.3 – Ranch Marketing Uses for Agricultural Grazing Lands

<p>AG: Agricultural Grazing <u>LA: Limited Agricultural</u> <u>PA: Planned Agricultural</u></p>	<p>P Permissible (allowed) use A Administrative permit required (130.52.010) T Temporary use permit required (130.52.060) CUP Conditional use permit required (130.52.021) MUP Minor use permit required (130.52.020) --- Use not allowed in zone</p>			
<u>PERMIT REQUIRED BY ZONE</u>				
USE TYPE	<u>AG, LA & PA</u> (160+ acres)	<u>AG, LA & PA</u> (40 to 160 acres)	<u>AG, LA & PA</u> (less than 40 acres)	Reference
Agricultural Museums	P	P	MUP	—
Art/Merchandise sales	P	P	MUP	—
Campground				—
Temporary	P	P	A	
Permanent	CUP	CUP	CUP	130.40.100
Commercial Kitchen				—
Catering, off site	P	P	MUP	—
Food preparation, on-site	P	P	MUP	—
Dining facility	CUP	CUP	CUP	—
Events				—
Marketing/promotional	P	P	CUP	—
Special	P	A	CUP	—
Fishing & Hunting	P	P	A	—
Food stand or chuck wagon	P	A	CUP	—
Handicraft sales	P	A	MUP	—
Lodging				—
Ag Homestays	See Table 130.40.170.1 (Agricultural Lodging)			130.40.170
Agricultural & timber lodging	See Table 130.40.170.1 (Agricultural Lodging)			130.40.170
Guest ranches	See Table 130.40.170.1 (Agricultural Lodging)			130.40.170
Mechanical rides	CUP	CUP	CUP	
Music festivals & concerts	T/CUP	T/CUP	T/CUP	—
Petting zoo	P	P	MUP	—
Picnic Area	P	P	A	—
Round-ups, rodeos, etc.	P	A	CUP	—
Stables, commercial	P	A	MUP	—
Trail rides	P	A	MUP	—

Section 11: Table 130.40.400.1 entitled “Wineries Allowed Uses Matrix” is amended as set forth below:

Table 130.40.400.1 – Wineries Allowed Uses Matrix

USE	PERMIT REQUIRED BY ZONE					
	AG & PA 20+ Acres	PA & LA 10+-19.9 Acres; In Ag District	PA 10 - 19.9 Acres; Out of Ag District	RE-10 & RL 10+ Acres; In Ag District	RE-10 & RL 10+ Acres; Out of Ag District	LA 10+ Acres; <u>Out of Ag District</u>
Winery						
Production Facilities	P	P	P	P	P	P
Full Service Facilities	P	P	MUP	MUP	CUP	CUP
Wholesale/Retail Sale of Wine	P	P	MUP	MUP	CUP	CUP
Art/merchandise Sales	P	P	P	A	CUP	MUP
Campground						
Temporary	TUP	TUP	TUP	TUP	TUP	TUP
Permanent	CUP	CUP	CUP	CUP	CUP	CUP
Picnic Areas	P	P	P	P	A	A
Events						
Marketing/Promotional	P	P	A	MUP	CUP	MUP
Special Events	P	P	MUP	MUP	CUP	CUP
Agricultural museums	P	P	A	MUP	CUP	CUP
Commercial Kitchen						
Food preparation, on-site	P	P	A	MUP	CUP	MUP
Catering, off-site	P	P	A	MUP	CUP	MUP
Dining facilities	CUP	CUP	CUP	CUP	CUP	CUP
Distilleries	CUP	CUP	CUP	CUP	CUP	CUP
<u>Large Commercial</u>	CUP	CUP	CUP	CUP	CUP	CUP
<u>Craft</u>	CUP	CUP	CUP	CUP	CUP	CUP
Lodging						
Agricultural Homestays	See Table 130.40.170.1 (Agricultural Lodging)					
Agricultural & Timber Lodging	See Table 130.40.170.1 (Agricultural Lodging)					
Special Events (in excess of E.3)	TUP/ CUP	TUP/ CUP	TUP/ CUP	TUP/ CUP	TUP/ CUP	TUP/ CUP
Music Festivals & Concerts	TUP/ CUP	TUP/ CUP	TUP/ CUP	TUP/ CUP	TUP/ CUP	TUP/ CUP

Section 12: Subsection 130.40.400.E entitled “Distilleries” is amended subsection 5 as set forth below:

5. **Distilleries.** A distillery, as defined in Article 8 (Glossary: see “Distillery”) of this Title, shall be bonded through the Alcohol and Tobacco Tax and Trade Bureau and have a current California ABC License. Distilleries are allowed in Industrial Low (IL) and with a Conditional Use Permit in Industrial High (IH), Research and Development (R&D) and in Agricultural Zones (see Table 130.40.400.1-Wineries Allowed Uses Matrix), in compliance with Section 130.51.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title. Allowed activities include, but are not limited to, blending, aging, storing, bottling, and warehousing operations; tasting facilities; wholesale and retail sales; and administrative functions.

ARTICLE 5 - PLANNING PERMIT PROCESSING

Section 13: ARTICLE 5 entitled “Planning Permit Processing” Table of Contents is amended as set forth below:

CHAPTER 130.51 – General Application Procedures

Sections:

- 130.51.010 Content
- 130.51.020 Application Forms, Submittal Process, and Fees
- 130.51.030 Environmental Review
- 130.51.040 Staff Report and Recommendations
- 130.51.050 Public Notice Requirements and Procedures
- 130.51.060 Conditions of Approval
- 130.51.070 Conditions of Automatic Approvals
- 130.51.080 Post-Decision Notice
- 130.51.090 Pre-application/Conceptual Review
- 130.51.100 Public Outreach Plan

Section 14: Chapter 130.51 entitled “General Application Procedures” Table of Contents is amended as set forth below:

- 130.51.010 Content
- 130.51.020 Application Forms, Submittal Process, and Fees
- 130.51.030 Environmental Review
- 130.51.040 Staff Report and Recommendations
- 130.51.050 Public Notice Requirements and Procedures
- 130.51.060 Conditions of Approval
- 130.51.070 Conditions of Automatic Approvals
- 130.51.080 Post-Decision Notice
- 130.51.090 Pre-application/Conceptual Review
- 130.51.100 Public Outreach Plan

Section 15: Subsection 130.50.020.A entitled “Types of Procedures” is amended as set forth below:

- A. **Types of Procedures.** The ~~five~~three procedures used to review all types of applications under this Article, as described in Section 130.50.040 (General Review Procedures) below in this Chapter, are the following:
 1. ~~Director~~Staff-level review without public notice;

2. DirectorStaff-level review with public notice; or
3. Zoning Administrator-level review with public notice and pPublic hearing; or-
4. Planning Commission-level review with public notice and public hearing; or
5. Board of Supervisors-level review with public notice and public hearing.

Section 16: Section 130.50.030 entitled “Review Authority for Allowed Uses and Permit Decisions” is amended to add subsection D as set forth below:

D. All planning applications shall comply with Section 130.51.050 (Public Notice Requirements and Procedures) below in this Article.

Section 17: Section 130.50.040 entitled “General Review Procedures” is amended as set forth below:

~~The review procedures for t~~The various types of planning applications will be subject to one of the following procedures based on level of review by the Director, Zoning Administrator, Planning Commission, and/or Board of Supervisors:

- A. **DirectorStaff-level Review without Public Notice.** DirectorStaff shall render decisions based upon standards that have been adopted by the County as law or as policy without the requirement of notice to nearbysurrounding property owners and other parties.
- B. **DirectorStaff-level Review with Public Notice.** Staff shall provide written or published notice to nearby property owners affected and interested parties regarding specific findings or conditions prior to a decision. The notice shall describe be designed to ensure that all interested parties are aware of the pending decision, the appeal procedure, and provide interested parties an opportunity are given a chance to comment before the Directorstaff renders a decisionand provides notice of the appeal procedure. The nearby and interested parties are identified and outlined in Table 130.051.050.1 (Public Notice Requirements and Procedures) below in this Article.
- C. **Public Hearing.** ~~A public hearing may be conducted before the Board, the Commission, or the Zoning Administrator. During the course of the public hearing, the applicable review authority shall invite public testimony for and against the use proposal, review evidence, and then render its decision in compliance with Section 130.51.060 (Conditions of Approval) below in this Article.~~
Zoning Administrator-level Review with Public Notice and Public Hearing. Zoning Administrator-level review is conducted by the Zoning Administrator, the Director, or designee, is discretionary in nature, and is subject to a noticed public hearing. During the course of the public hearing, the Zoning Administrator shall invite public testimony, review evidence, and then render its decision in compliance with Section 130.51.060 (Conditions of Approval) below in this Article. Public notice of a Zoning Administrator-level review hearing is set forth in Table 130.51.050.1 (Public Notice Requirements and Procedures) below in this Article.
- D. **Planning Commission-level Review with Public Notice and Public Hearing.** Planning Commission-level review is discretionary in nature, and is subject to a noticed public hearing. During the course of the public hearing, the Commission shall invite public testimony, review evidence, and then render its decision in compliance with Section 130.51.060 (Conditions of Approval) below in this Article. Public notice of a Planning Commission-level review hearing is set forth in Table 130.51.050.1 (Public Notice Requirements and Procedures) below in this Article.

E. **Board of Supervisors-level Review with Public Notice and Public Hearing.** Board-level review is discretionary in nature, and is subject to a noticed public hearing. During the course of the public hearing, the Board shall invite public testimony, review evidence, and then render its decision in compliance with Section 130.51.060 (Conditions of Approval) below in this Article. Public notice of a Board-level review hearing is set forth in Table 130.51.050.1 (Public Notice Requirements and Procedures) below in this Article.

Section 18: Section 130.51.050 entitled “Public Notice” is amended as set forth below:

130.51.050 Public Notice Requirements and Procedures

See existing Title 130 (Zoning Ordinance) for the following sections which were amended on September 15, 2015 (Board adopted OR14-001):

Sec. 130.04.015— Notice requirements and procedure

Sec. 130.10.020— Commission hearing

Sec. 130.10.040— Board hearing

Sec. 130.22.200— Notice of hearings

A. This Section implements greater public notice requirements than the prescribed requirements in California Government Code (CA Gov. Code § 65090- 65095). The public notice requirements and procedures for the various types of planning actions are set forth below in Table 130.51.050.1 (Public Notice Requirements and Procedures – Administrative Projects) and Table 130.51.050.2 (Public Notice Requirements and Procedures – Discretionary Projects). Public notice regarding projects will be mailed to nearby property owners according to the distance radius from the project site parcel boundary as specified in these tables. If the project has multiple actions with conflicting distance radii, then the greater distance radius shall apply.

B. The notice shall be mailed at least 10 days prior to the hearing to any person who has filed a written request for notice either with the clerk of the governing body or with any other person designated by the governing body to receive these requests. The local agency may charge a fee, which is reasonably related to the costs of providing this service, and the local agency may require each request to be annually renewed. As used in this Chapter, “person” includes a California Native American tribe that is on the contact list maintained by the Native American Heritage Commission (CA Gov. Code § 65092).

C. The failure of any person or entity to receive notice pursuant to this Title shall not constitute grounds for any court to invalidate the actions by the Director, Zoning Administrator, Planning Commission, and/or Board of Supervisors for which the notice was given (CA Gov. Code § 65093).

D. Any public hearing conducted under this Title may be continued from time to time (CA Gov. Code § 65095). If a hearing on a project is continued to a date certain, no additional public notice is required. Projects continued off calendar require new public notice.

E. **Public Notice Requirements and Procedures - Administrative Projects.** Administrative projects are projects that require the issuance of an Administrative Permit as specified throughout the various matrices of allowed uses set forth in this Title. Administrative project types listed in Table 130.51.050.1 (Public Notice Requirements and Procedures – Administrative Projects) require public notice prior to a Director decision or no public notice as specified below.

Table 130.51.050.1—Public Notice Requirements and Procedures – Administrative Projects

<u>Project Type</u>	<u>Notice Mailed to Property Owners¹ Nearby (distance radius²)</u>	<u>Hearing Body (D - Director, ZA - Zoning Administrator, PC - Planning Commission, BOS - Board of Supervisors)</u>	<u>Physical Sign Posting (publicly visible)</u>	<u>Notice to: Agent/Applicant/Appellant/Property Owners¹/Local Agencies³/Persons Who File for Written Request for Notice</u>	<u>Notice Date prior to decision: (applies to the following: mailed notice, published notice, and physical sign posting)</u>	<u>Notice Mailed via U.S. Postal Service⁴</u>	<u>Notice Published in One Newspaper of General Circulation⁴</u>
<u>Administrative Relief or Waiver</u>	<u>N/A</u>	<u>D</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Agricultural Setback Reduction</u>	<u>500ft</u>	<u>D</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Fences, Walls, and Retaining Walls (greater than 7ft in height)</u>	<u>500ft</u>	<u>D</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Special Setbacks for Mineral Resource Protection</u>	<u>500ft</u>	<u>D</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Sensitive Riparian Habitat Setback Reduction</u>	<u>N/A</u>	<u>D</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Setback Reduction</u>	<u>500ft</u>	<u>D</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Adult Business Establishment</u>	<u>500ft</u>	<u>D</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Caretaker Unit: Permanent</u>	<u>N/A</u>	<u>D</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Child Day Care Facilities: Child Day Care Centers Employer-sponsored Child Day Care Centers</u>	<u>100ft</u>	<u>D</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Co-location on Communication Facilities (Non-building Structures, Public Facilities, Monopoles, and Towers)</u>	<u>N/A</u>	<u>D</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Commercial Recreation (Arcade; Indoor Entertainment, Sports and Recreation; Outdoor Entertainment, Sports, and Recreation; and Large Amusement Complex)</u>	<u>500ft</u>	<u>D</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Contractor's Office: On-site</u>	<u>N/A</u>	<u>D</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

<u>Project Type</u>	<u>Notice Mailed to Property Owners¹ Nearby (distance radius²)</u>	<u>Hearing Body (D - Director, Z_A - Zoning Administrator, PC - Planning Commission, BOS - Board of Supervisors)</u>	<u>Physical Sign Posting (publicly visible)</u>	<u>Notice to: Agent/Appellant/Appellant/Property Owners¹/Local Agencies³/Persons Who File for Written Request for Notice</u>	<u>Notice Date prior to decision: (applies to the following: mailed notice, published notice, and physical sign posting)</u>	<u>Notice Mailed via U.S. Postal Service⁴</u>	<u>Notice Published in One Newspaper of General Circulation⁴</u>
<u>Commercial Caretaker, Construction Employee, Agricultural Employee, and Seasonal Worker Housing)</u>	<u>500ft</u>	<u>D</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Legal Nonconforming Use or Structure</u>	<u>500ft</u>	<u>D</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Lodging Facilities (Guest Ranch, Health Resort and Retreat Center)</u>	<u>500ft</u>	<u>D</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Marina: Non-motorized craft</u>	<u>500ft</u>	<u>D</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Mobile/Manufactured Home Sales Lots</u>	<u>500ft</u>	<u>D</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Oak Tree and Oak Woodland Removal Permits</u>	<u>N/A</u>	<u>D</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Off-highway or Off-road Vehicle Area</u>	<u>500ft</u>	<u>D</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Parks (Day Use, Nighttime Use)</u>	<u>500ft</u>	<u>D</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Outdoor Retail Sales in Commercial Zones (Permanent, Temporary, Seasonal)</u>	<u>N/A</u>	<u>D</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Outdoor Retail Sales in Residential, Recreational, Open Space Zones (Seasonal)</u>	<u>500ft</u>	<u>D</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Produce Sales (Sale of Produce Grown On-site or Off-Site)</u>	<u>500ft</u>	<u>D</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Snow Play Area</u>	<u>500ft</u>	<u>D</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Swimming Pool: Public</u>	<u>500ft</u>	<u>D</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Tennis Court: Public</u>	<u>500ft</u>	<u>D</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Ranch Marketing Use Review</u>	<u>500ft</u>	<u>D</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Stable: Commercial</u>	<u>500ft</u>	<u>D</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Storage Facilities (Storage Yard: Equipment and Material)</u>	<u>500ft</u>	<u>D</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Temporary Real Estate Sales Office</u>	<u>N/A</u>	<u>D</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Trail Head Parking or Staging Area</u>	<u>500ft</u>	<u>D</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Transitional Housing Large</u>	<u>500ft</u>	<u>D</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>

<u>Project Type</u>	<u>Notice Mailed to Property Owners¹ Nearby (distance radius²)</u>	<u>Hearing Body (D - Director, Z/A - Zoning Administrator, PC - Planning Commission, BOS - Board of Supervisors)</u>	<u>Physical Sign Posting (publicly visible)</u>	<u>Notice to: Agent/Appellant/Appellant/Property Owners¹/Local Agencies³/Persons Who File for Written Request for Notice</u>	<u>Notice Date prior to decision: (applies to the following: mailed notice, published notice, and physical sign posting)</u>	<u>Notice Mailed via U.S. Postal Service⁴</u>	<u>Notice Published in One Newspaper of General Circulation⁴</u>
<u>Wind Energy Conversion System- Administrative Permit</u>	<u>500ft</u>	<u>D</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Winery Activity Review</u>	<u>500ft</u>	<u>D</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Appeal of Director Decision (Heard by the Planning Commission)</u>	<u>Same as initial application</u>	<u>PC</u>	<u>N/A</u>	<u>Same as previous hearing</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Appeal of Zoning Administrator Decision (Heard by the Board of Supervisors)</u>	<u>Same as initial application</u>	<u>BOS</u>	<u>N/A</u>	<u>Same as previous hearing</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
<u>Appeal of Planning Commission Decision (Heard by the Board of Supervisors)</u>	<u>Same as initial application</u>	<u>BOS</u>	<u>N/A</u>	<u>Same as previous hearing</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>N/A</u>
¹ <u>Property owners includes property owners from the latest assessment roll record and any owner of a mineral right pertaining to the subject real property who has recorded a notice of intent to preserve the mineral right pursuant to Section 883.230 of the Civil Code. (CA Gov. Code § 65091)</u>							
² <u>The mailed public notice distance radius is from the project site parcel boundary. If the project has multiple actions with conflicting distance radii, then the greater distance radius shall apply.</u>							
³ <u>Local agencies expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project.</u>							
⁴ <u>The mailed and published notice shall include: date, location, APN, project description, and pending decision.</u>							

F. Public Notice Requirements and Procedures - Discretionary Projects. Discretionary projects require the issuance of a discretionary permit as specified throughout the various matrices of allowed uses set forth in this Title. Discretionary projects include project types such as Conditional Use Permit, Design Review, General Plan Amendment, and other project types listed in Table 130.51.050.2 (Public Notice Requirements and Procedures – Discretionary Projects). Discretionary projects listed in this table require public notice prior to Director, Zoning Administrator, Planning Commission, and/or Board of Supervisors decision; or no public notice as specified below.

Table 130.51.050.2 - Public Notice Requirements and Procedures – Discretionary Projects

<u>Project Type</u>	<u>Notice Mailed to Property Owners¹ Nearby (distance radius²)</u>	<u>Hearing Body (D - Director, ZA - Zoning Administrator, PC - Planning Commission, BOS - Board of Supervisors)</u>	<u>Physical Sign Posting (publicly visible)</u>	<u>Notice to: Agent/Applicant/Appellant/Property Owner/Local Agencies³/Persons Who File for Written Request for Notice</u>	<u>Notice Date prior to hearing: (applies to the following: mailed notice, published notice, and physical sign posting)</u>	<u>Notice Mailed via U.S. Postal Service⁴</u>	<u>Notice Published in One Newspaper of General Circulation⁴</u>
<u>Conditional Use Permit</u>	<u>1,000ft</u>	<u>ZA/PC</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>Yes</u>
<u>Design Review</u>	<u>1,000ft</u>	<u>D/PC</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>Yes</u>
<u>Development Agreement⁵</u>	<u>1,000ft</u>	<u>PC/BOS</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>Yes</u>
<u>General Plan Amendment⁵</u>	<u>1,000ft</u>	<u>PC/BOS</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>Yes</u>
<u>Minor Use Permit</u>	<u>1,000ft</u>	<u>ZA/PC</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>Yes</u>
<u>Planned Development⁵</u>	<u>1,000ft</u>	<u>PC</u>	<u>Yes</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>Yes</u>
<u>Planned Development - Revision</u>	<u>1,000ft</u>	<u>PC</u>	<u>Yes</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>Yes</u>
<u>Pre-application/Conceptual Review</u>	<u>N/A</u>	<u>D/PC/BOS</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Specific Plan⁵</u>	<u>1,000ft</u>	<u>PC/BOS</u>	<u>Yes</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>Yes</u>
<u>Specific Plan-Revision</u>	<u>1,000ft</u>	<u>PC/BOS</u>	<u>Yes</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>Yes</u>
<u>Temporary Mobile Home Permit</u>	<u>N/A</u>	<u>D</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Temporary Use Permit</u>	<u>N/A</u>	<u>D</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Variance</u>	<u>1,000ft</u>	<u>ZA</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>Yes</u>
<u>Williamson Act Contract</u>	<u>1,000ft</u>	<u>PC/BOS</u>	<u>N/A</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>Yes</u>
<u>Zone Change⁵</u>	<u>1,000ft</u>	<u>PC/BOS</u>	<u>Yes</u>	<u>Yes</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>Yes</u>

Project Type	<u>Notice Mailed to Property Owners¹ Nearby (distance radius²)</u>	<u>Hearing Body (D - Director, ZA - Zoning Administrator, PC - Planning Commission, BOS - Board of Supervisors)</u>	<u>Physical Sign Posting (publicly visible)</u>	<u>Notice to: Agent/Applicant/Appellant/Property Owner/Local Agencies/Persons Who File for Written Request for Notice</u>	<u>Notice Date prior to hearing: (applies to the following: mailed notice, published notice, and physical sign posting)</u>	<u>Notice Mailed via U.S. Postal Service⁴</u>	<u>Notice Published in One Newspaper of General Circulation⁴</u>
<u>Appeal of Director Decision (Heard by the Planning Commission)</u>	<u>Same as initial application</u>	<u>PC</u>	<u>N/A</u>	<u>Same as previous hearing</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>Yes</u>
<u>Appeal of Zoning Administrator Decision (Heard by the Board of Supervisors)</u>	<u>Same as initial application</u>	<u>BOS</u>	<u>N/A</u>	<u>Same as previous hearing</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>Yes</u>
<u>Appeal of Planning Commission Decision (Heard by the Board of Supervisors)</u>	<u>Same as initial application</u>	<u>BOS</u>	<u>N/A</u>	<u>Same as previous hearing</u>	<u>At least 10 days</u>	<u>Yes</u>	<u>Yes</u>
¹ <u>Property owners includes property owners from the latest assessment roll record and any owner of a mineral right pertaining to the subject real property who has recorded a notice of intent to preserve the mineral right pursuant to Section 883.230 of the Civil Code. (CA Gov. Code § 65091)</u>							
² <u>The mailed public notice distance radius is from the project site parcel boundary. If the project has multiple actions with conflicting distance radii, then the greater distance radius shall apply.</u>							
³ <u>Local agencies expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project.</u>							
⁴ <u>The mailed and published notice shall include: hearing body, location of hearing, date, time, project name and number, applicant's name, project description, APN, property acreage, location, Supervisor District, County Planner and contact info, and environmental document type. The notice shall also identify if the project is within a community region, rural center, or rural area.</u>							
⁵ <u>The County of El Dorado Subdivision Ordinance (Title 120) prescribes the public notice requirements and procedures for planning activities associated with tentative maps. Please refer to the requirements prescribed in Section 120.24.085 for (Major Land Divisions) and Section 120.48.065 for (Minor Land Divisions). The greater distance radius shall apply to planning activities with conflicting distance radii in either Title 120 or Title 130.</u>							

H. **Physical Sign Posting.** The Applicant shall post a sign on the subject property for the purpose of providing notice that an application at the subject property is currently undergoing review. The sign shall comply with the following specifications:

1. The size of the sign shall be a minimum of 32 square feet.
2. The sign text shall be large, black letters on a white background. The font size shall be proportional to the sign size for optimum readability. The sign content shall specify project type (e.g., Commercial or Residential) and shall include the following minimum information: project type, project name, number of units or building square footage, project number, Planning Services phone number, and Planning Services website. Below is a typical example as a guideline for a sign layout; apply the information as it pertains to the individual project.

Typical Example

Proposed Commercial Development	Proposed Residential Development
Project Name (X sq. ft.)	Project Name (X units)
Project No.	Project No.
For information: 530-621-5355 www.edcgov.us/planning	For information: 530-621-5355 www.edcgov.us/planning

3. A minimum of one sign shall be posted facing each right-of-way on which the property has frontage.
4. The sign shall be posted no more than 20 feet from the edge of the right-of-way for maximum visibility.
5. For property that does not have street frontage or is not easily visible from the right-of-way, the sign(s) shall be posted in a location deemed suitable by the Director or designee.
6. The sign(s) shall be posted on the property at least 30 calendar days prior to the hearing. The sign(s) shall remain posted until final action has been taken on the application and the appeal period has expired.
7. The sign(s) shall be removed within 30 days of the final action.
8. The sign(s) shall be constructed of materials suitable to withstand the estimated posting time and to endure weather conditions.

Section 19: Chapter 130.51 entitled “Public Noticing Requirements and Procedures” is amended to add new Section 130.51.100 entitled “Public Outreach Plan” as set forth below:

130.51.100 Public Outreach Plan

For some Planning Commission-level and Board-level discretionary development projects, the Director may require the Applicant to prepare a public outreach plan to provide for early public notice and an opportunity for the public to provide input to the Applicant on the proposed development project. For discretionary projects with 300 or more dwelling units, a public outreach plan shall be required.

A. The public outreach plan may include but shall not be limited to: 1) direct mailing to the property owners nearby (distance radius from the proposed project site parcel boundary) for the Project Type as noted in Table 130.51.050.2 (Public Notice Requirements and Procedures – Discretionary Projects) that includes a description of the proposed project and methods for how to submit comments; and 2) one or more public workshops held in the community by the Applicant prior to any County public hearing on the proposed project.

B. The Applicant shall submit the public outreach plan to the Director for approval and inclusion in the public record. The Applicant shall implement the public outreach plan and provide a summary to the Director of the outreach efforts conducted including number of attendees at public outreach meetings and public comments received which will be part of the agenda packet presented to the Planning Commission and/or Board of Supervisors.

Section 20: Section 130.52.060 entitled “Temporary Use Permit” is amended to add new subsection F entitled “Repeating Uses at Same Site” as set forth below:

F. **Repeating Uses at Same Site.** If TUP applications for the same site and use exceed the maximum frequency allowed in a single calendar year, as set forth in subsection 130.52.060.E.1 (Temporary Use Permit Requirements for Approval: Time Limits) above, then a CUP may be required at the Director’s discretion. The Director’s requirement for a CUP instead of a TUP shall be based on the use of permanent structures, repeated nature of the use, and history of similar TUPs on the same site.

ARTICLE 8 – GLOSSARY

Section 21: Section 130.80.020 entitled “Definitions of Specialized Terms and Phrases” is amended as set forth below:

Campsite. An area within a campground or recreational vehicle park occupied by a person or a group. (See also Section 130.40.100: Campgrounds and Recreational Vehicle Parks, in Article 4: Specific Use Regulations, of this Title).

Community Care Facility (Use Type). Any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, residential care for the elderly, or foster family agency services for children, adults, or children and adults, subject to licensing by the State Department of Social Services, Health and Welfare Agency. Such facilities typically serve the elderly, physically disabled, mentally impaired, incompetent persons, and abused or neglected children. Facilities included in this definition are listed under California Health and Safety Code (HSC), Section 1502.a.1-a.12 and 1502.3, and Sections 1569-1569.5 including, but ~~are~~ not limited to, residential facilities and foster family homes. Excluded from this definition are any house, institution, hotel, homeless shelter, or other similar place that supplies board and room only, or room only, or board only, provided that no resident thereof requires any element of care. Also excluded are recovery houses or similar facilities

providing group living arrangements for persons recovering from alcoholism or drug addiction where the facility provides no care or supervision or where the facility provides alcohol and/or drug recovery treatment or detoxification services (*HSC 1505, 11834.02*).

Distillery (Use Type). A place where fortified alcoholic liquors such as whiskey, vodka, and brandy are made through the distillation process.

Distillery, Large Commercial (Use Type). A distillation facility that typically produces more than 150,000 gallons of distilled spirits per fiscal year.

Distillery, Craft (Use Type). A distillation facility that produces up to 150,000 gallons of distilled spirits per fiscal year.

Drive-Through Business Facility. Any portion of a commercial building or structure from which business the sale of prepared food and/or beverage (or nonfood/beverage goods or services such as pharmacy and automated bank tellers), is transacted through an attendant or an automated machine, to persons remaining in vehicles in designated stacking lanes ~~or is capable of being transacted directly with customers located in a motor vehicle.~~

Drive-Through Entrance. The entrance to the drive-through lane.

Drive-Through Exit. The exit of the drive-through lane.

Drive-Through Lane. The portion of a drive-through facility dedicated to channeling and storing vehicles while waiting, progressing, ordering and receiving goods or services, and exiting.

Stacking Area. The portion of a drive-through lane dedicated to storage of vehicles (also called the vehicle queuing space) before the ordering point or service window.

Mobile Services. Services (whether non-profit or for profit) provided from a vehicle to residents of a dwelling or any other site, including but not limited to: pet grooming, farrier services, auto detailing, home cleaning service, medical/dental services, bookmobile, and notary service. Mobile food vendors are regulated under the Administrative Permit process as “Sales: Temporary Outdoor,” unless associated with a commercial site or parks and authorized under the zoning or other zoning permit for a site.

Restaurant (Use Type). Establishments where food and beverages are prepared, served, and consumed primarily within the principal building engaged in the sale of prepared food and beverages for on-premise consumption or as “to-go”, excluding those uses classified as Bars and Drinking Establishments. Typical establishments ~~uses~~ include full-service restaurant, fast-food restaurant, sandwich shops, ice cream parlors, and pizza parlors. The sale of alcoholic beverages is secondary to the sale of prepared food. ~~“To-go” or fast-food restaurant use types are divided into the following categories:~~

~~With Drive-through. Restaurants which contain one or more drive-up windows, and may contain seating.~~

~~Without Drive through. Restaurants where food and beverages are ordered and served at a table or walk-up counter, only.~~

ARTICLE 9 – MISCELLANEOUS

Section 22. Section 130.04.015 entitled “Notice requirements and procedure,” Section 130.10.020 entitled “Commission hearing”, Section 130.10.040 entitled “Board hearing”, and Section 130.22.200 entitled “Notice of hearings” is hereby repealed in its entirety as set forth below:

~~Sec. 130.04.015—Notice requirements and procedure.~~

~~A.—Action by the Planning Commission pursuant to Section 130.04.005.B.1 shall be made after a public hearing for which notice has been given as follows:~~

~~1.—Mailed or delivered at least ten days prior to the hearing to the applicant and all owners of real property as shown on the latest equalized assessment roll within 1,000 feet of the property which is the subject of the hearing or:~~

~~a.—Two thousand six hundred forty feet (half a mile) notice for residential applications creating between 300 through 999 lots;~~

~~b.—Five thousand two hundred eighty feet (one mile) notice for residential applications creating 1,000 lots or more;~~

~~2.—Physical posting of notice on the property proposed for development so as to be visible to the public;~~

~~3.—For land development with 300 dwelling units and larger, the project application may require a public outreach plan as determined by the Director of Planning and Building, to be conducted by the applicant, to further provide early public notice and input on the development application, subject to review and approval by the Director of Planning and Building; and~~

~~4.—Published once in at least one newspaper of general circulation at least ten days prior to the hearing.~~

~~B.—Action by the Board of Supervisors on an appeal pursuant to Section 130.04.005.B.2 or C shall be made after a public hearing for which written notice has been mailed or delivered at least ten days prior to the hearing to the applicant and the appellant and published once in at least one newspaper of general circulation at least ten days prior to the hearing.~~

~~C.—All hearings conducted pursuant to this chapter shall be public hearings wherein any person may be heard and any evidence taken which is relevant to the proceedings, provided that, in the case of appeal hearings, testimony and evidence shall be limited to those things relevant to the specific reasons for the appeal.~~

~~D.—In any appeal action brought pursuant to Section 130.04.005.B.2, the appellant may withdraw his or her appeal, with prejudice, at any time prior to the commencement of the public hearing. For the purposes of this section the public hearing shall be deemed commenced upon the taking of any evidence including reports from planning staff.~~

~~(Code 1997, § 17.04.015; Ord. No. 3806, § 4, 1988; Ord. No. 5026, § 2, 9-15-2015)~~

~~Sec. 130.10.020—Commission hearing.~~

~~A.—Following the filing of a verified petition as provided for in Section 130.10.010.A, the executive secretary of the Planning Commission shall designate the time and place of the public hearing on the petition as may be required by law, and shall give notice of the hearing as required by law, subject to the provisions under Section 130.10.040.~~

~~The failure of any property owner to receive such notice shall not invalidate the proceedings.~~

~~(Prior Code, § 9470(b); Code 1997, § 17.10.020; Ord. No. 3806, § 13, 1988; Ord. No. 5026, § 2, 9-15-2015)~~

~~Sec. 130.10.040—Board hearing.~~

~~A.— Upon receipt of the report from the Planning Commission, the Clerk of the Board of Supervisors shall set the matter for public hearing after notice thereof and of the proposed amendment, given as provided by law, and in addition thereto shall give notice of the time and place of the hearing by mail to all property owners within 1,000 feet of the property proposed to be rezoned, excluding condominium conversions, and:~~

~~1.— Two thousand six hundred forty feet (half a mile) notice for residential applications creating between 300 through 999 lots;~~

~~2.— Five thousand two hundred eighty feet (one mile) notice for residential applications creating 1,000 lots or more;~~

~~3.— Physical posting of notice on the property proposed for development so as to be visible to the public; and~~

~~4.— For land development with 300 dwelling units and larger, the project application may require a public outreach plan as determined by the County, to be conducted by the applicant, to further provide early public notice and input on the development application, subject to review and approval by the Director of Planning and Building.~~

~~The notice shall state the location and present zoning of the property and the nature of the proposed amendment. The notice shall be mailed at least ten days prior to the date of the hearing. The failure of any property owner to receive the notice shall not invalidate the proceedings.~~

~~After the conclusion of the hearing, the Board of Supervisors may adopt the amendment or any part thereof as approved by the Planning Commission or take any other action it deems appropriate and consistent with the general plan.~~

~~(Prior Code, § 9470(d); Code 1997, § 17.10.040; Ord. No. 3806, § 15, 1988; Ord. No. 5026, § 2, 9-15-2015)~~

~~Sec. 130.22.200—Notice of hearings.~~

~~Notice for all hearings held pursuant to this chapter shall be given in accordance with the provisions of Government Code, § 65091 (Ord. 4589 §§ 2, 5, 2001) and as follows:~~

~~A. Action by the approving authority shall be made after a public hearing for which notice has been given as follows:~~

~~1.— Mailed or delivered at least ten days prior to the hearing to the applicant and all owners of real property as shown on the latest equalized assessment roll within 1,000 feet of the property which is the subject of the hearing.~~

~~2.— Published once in at least one newspaper of general circulation at least ten days prior to the hearing.~~

~~3.— For specific plans the following notification applies:~~

~~a.— Two thousand six hundred forty feet (half a mile) notice for residential applications creating between 300 through 999 lots;~~

~~b. Five thousand two hundred eighty feet (one mile) notice for residential applications creating 1,000 lots or more;~~

~~e. Physical posting of notice on the property proposed for development so as to be visible to the public;~~

~~d. For land development with 300 dwelling units and larger, the project application may require a public outreach plan as determined by the Director of Planning and Building, to be conducted by the applicant, to further provide early public notice and input on the development application, subject to review and approval by the Director of Planning and Building.~~

~~(Code 1997, § 17.22.200; Ord. No. 4589, 8-28-2001; Ord. No. 5026, § 2, 9-15-2015)~~

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____, 2020, by the following vote of said Board:

ATTEST

KIM DAWSON

Clerk of the Board of Supervisors

Ayes:

Noes:

By _____

Deputy Clerk

Absent:

Chair, Board of Supervisors

APPROVED AS TO FORM

DAVID LIVINGSTON

COUNTY COUNSEL

By: _____

Title: _____