

Attachment G  
Specific Issues Raised for Policy Direction

1. Texas Hill Reservoir Take Area Zoning – The area is designated as Open Space on the General Plan land use map. Compatible zoning according to Table 2-4 is OS, CN, RF and TC, but many of the parcels are in private ownership and with existing residences on them. There is no certainty as to when the reservoir may be built and in the mean time, unless the County, the Water Agency or EID is prepared to purchase the remaining parcels in the take area, some economic use of the land needs to be permitted. DSD proposes that a low density zone such as RL-20 be applied. This reduces the takings issues, but would allow construction of homes within the take line. This could complicate matters for acquisition of those parcels if and when the dam is built.

2. Rolled Out Williamson Act Contracted Land – There are a number of parcels presently zoned AE, Exclusive Agricultural, which have rolled out of the Williamson Act. The County’s practice has been to keep the AE zoning until such time as the property owner proposes to develop the land and applies for a zone change. This has caused some problems related to buffering (setbacks and minimum parcel size) for adjacent land owners. Options are:

- a. Retain AE zoning until owner applies for different zone. This does not resolve the issue of applying the buffers, but places responsibility for future development plans on the owner.
- b. Zone the land based on the land use designation. There are a handful of formerly contracted parcels located within the Community Regions. An RE-5 or RE-10 zone may be appropriate, but the reason the site is in the Community Region is that it is suitable for higher density or intensity of development, and a zoning of RE could result in a subdivision to a lower density than may be desired for future housing needs.
- c. Zone the land RL-20 (or RL-40 if designated Natural Resources) regardless of whether it is in the Rural Region or Community Region. This would retain the same minimum parcel size but not require the buffering.

DSD has utilized option 2.c. It minimizes increases in density that would need to be considered in the CEQA analysis, defers a zoning decision to the property owner’s future development plans, and retains large lots in the Community Regions designated LDR for future development and higher densities to meet housing needs for when infrastructure is available.

3. Non-Conforming Uses 17.61.040 – Whenever a new ordinance is adopted and zoning standards change, uses that might have previously been permitted may become non-conforming as a result. Current code allows such uses to remain indefinitely as long as they stay in operation and do not cease operations for a period of a year. They may also be expanded by special use permit even if it is not permitted by any means in the zone. Part of the reason for changing the zoning is to bring the land uses into compliance with the General Plan. Since these uses are considered incompatible in the zone in which they are located, eventually they should cease and be replaced by a permitted use.

Options are:

- a. Amortization – The use may continue for an established period of time and then must cease operations or be modified to conform to the zone district.
- b. Expansion only allowed if use is permitted by CUP – The use would be permitted to operate indefinitely, but would only be allowed to expand if the use is listed as a use permitted by use permit in the use matrix for the zone.
- c. Any expansion allowed by CUP – Any expansion or modification of the use may be considered by use permit even if it is not permitted by any means in the zone.

DSD has utilized option 3.b in order to allow continued operations of previously permitted uses, but to ensure that the use does not become more non-conforming.

4. Setbacks on Non-Conforming Lots (17.61.060) - There are many substandard lots (lots that are smaller in size than the minimum parcel size for the zone) in the County, many of which were created in conformity to the map act and County code, and may be built on with nothing more than a building permit. The current code provides that the setbacks that are applied are those from the zone that most closely represents the parcel size. For example, a half-acre lot in an R2A zone would have the R20,000 setbacks applied (30' front and rear, 15' sides) rather than the R2A zone (30' on all sides.) This creates an impact on adjacent property owners whose lots meet the minimum parcel size and must conform to the standard setback. Options are:

- a. Automatic setback reduction – Continue with current code direction.
- b. Administrative relief – Create provisions for administrative relief if meeting the standard setbacks is problematic.
- c. Variance – Require a variance, as is required for any other adjustment to the development standards.

DSD has utilized option 4.b in the draft ordinance.

5. Residential Structures on TPZ Lands - Generally residential use is incompatible with timber operations, some lands have been sold off and the purchasers desired to build homes. Current code prohibits residential use except by special use permit where housing is necessary for the management and harvesting of timber, with specific criteria established in the code. Recently use permits have been approved based on maximum house sizes, but have not necessarily met the criteria set forth in the code. Options are:

- a. Permit residences by right
- b. Permit residences but with a maximum size restriction
- c. Permit temporary housing only
- d. Continue restriction on housing except where needed for management of timber. Allow non-productive timberland to be rezoned to something other than TPZ, if the land is intended and appropriate to be used for residential purposes.

DSD has maintained the existing code language, Option 5.d, restricting housing to that necessary for management and harvesting operations. DSD recommends reviewing non-productive TPZ lands for consideration of different zones.