



COMMUNITY DEVELOPMENT SERVICES PLANNING AND BUILDING DEPARTMENT LONG RANGE PLANNING

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Date: June 11, 2018

To: Planning Commission

From: Tom Purciel, Project Planner

Subject: Proposed Title 130 Zoning Ordinance Minor Amendments and Minor Revisions to the Zoning Map (File No. OR17-0001)

STAFF RECOMMENDATION

Staff recommends the Planning Commission:

1. Recommend the Board of Supervisors approve the CEQA Addendum to the Targeted General Plan Amendment-Zoning Ordinance Update (TGPA-ZOU) Environmental Impact Report (EIR) consistent with Section 15164 of the CEQA Guidelines (EXHIBIT A);
2. Recommend the Board of Supervisors approve the proposed minor amendments to the Zoning Ordinance, incorporating additional changes recommended by the Planning Commission on June 28, 2018, and adopt an Ordinance adopting a comprehensive minor amendment to Title 130 of the El Dorado County Ordinance Code (EXHIBIT B); and
3. Recommend the Board of Supervisors approve the proposed minor revisions to the Zoning Map and adopt the Rezone Ordinance (EXHIBIT C).

DISCUSSION / BACKGROUND

Since adoption of the Zoning Ordinance Update (ZOU) in December 2015, Planning staff identified a list of minor amendments to the Zoning Ordinance and limited, parcel-specific corrections to the adopted Zoning Map (Project File No. OR 17-0001) to correct documented mapping errors, correct typographical/grammatical/formatting errors, clarify language, correct inaccurate/obsolete code and document references, and consolidate/renumber adopted zoning regulations not included in the 2015 ZOU. Several major amendments were also identified and are proposed to be considered by the Board of Supervisors (Board) as part of a separate update effort (Project File No. OR 17-0002).

On September 12, 2017, the Board directed staff to begin the process of making these amendments and authorized work under two separate Resolutions of Intention (ROIs): ROI 139-2017 for the minor amendments and ROI 140-2017 for the major amendments. (Refer to the County's online agenda calendar: <https://eldorado.legistar.com/Calendar.aspx>, Board Agenda Date: 09/12/2017, Item 21, File No. 17-0901).

As directed by the Board, Title 130 Zoning Ordinance Minor Amendments and Minor Revisions to the Zoning Map (Project File No. OR 17-0001) are being processed at this time. The Title 130 Zoning Ordinance Major Amendments (Project File OR 17-0002) is tentatively anticipated for completion in late 2018.

Proposed Title 130 Zoning Ordinance Minor Amendments

The full text of the proposed Zoning Ordinance Minor Amendments is included as EXHIBIT B and shown in track changes format. The changes include, but are not limited to the following: 1) Corrections to typographical/grammatical/formatting errors; 2) Text modification for clarity; 3) Corrections to inaccurate or obsolete code and document references, including renumbered sections of Title 130; 4) Changes to the Zoning Map to correct documented mapping errors affecting 11 specific parcels; and 5) Consolidation/renumbering of the following adopted zoning regulations that were not included in the 2015 ZOU.

- a) Airport Safety (Ordinance No. 3721, adopted on May 12, 1987, currently codified as Chapter 130.38 of Article 9 – Miscellaneous of Title 130);
- b) Parcel Size Exception (Ordinance No. 4156, adopted on April 16, 1991, currently codified as Sections 130.14.110 and 130.14.120 of Article 9 – Miscellaneous of Title 130); and
- c) Signs (Ordinance No. 5025, adopted on July 28, 2015, currently codified as Chapter 130.16 in Article 2 of Title 130).

Upon adoption of Title 130 in 2015, it included reserved sections as placeholders for each of these previously adopted zoning regulations. The proposed Title 130 Zoning Ordinance Minor Amendments includes relocating these existing adopted code sections from Article 9 (Miscellaneous) of Title 130 to the appropriate reserved sections in Title 130. This minor amendment will facilitate ease of use and ensure the adopted regulations are not overlooked.

The three zoning ordinances listed above were unrelated projects, completed over a 30-year period, to address different and distinct regulatory concerns. Therefore, a separate environmental review was previously completed for each ordinance as allowed under CEQA, and summarized in the ordinance descriptions below.

Ordinance 3721 (*Airport Safety*) – On May 12, 1987, the Board adopted Ordinance 3721, creating the Airport Safety (AA) Zone District, to implement land use regulations for airport safety associated with adopted Comprehensive Land Use Plans (CLUPs) for each of the County’s four airports. At that time, the Board made findings that adoption of the ordinance would not cause significant environmental effects and adopted a Negative Declaration as the CEQA clearance for the project. On March 31, 2009, the Board adopted Ordinance 4812 which removed the section entitled “Avigation and Noise Easement Required” and replaced it with a new section entitled “Airport Land Use Commission Review”. (*See Legistar File 09-0234, Attachment “Avigation and Noise Ordinance”.*) On June 28, 2012, the El Dorado County Airport Land Use Commission adopted an Airport Land Use Compatibility Plan (ALUCP) for the Cameron Park Airpark, Georgetown, and Placerville Airports.

On November 13, 2014, the Planning Commission held a public hearing to amend the General Plan for purposes of incorporating the ALUCP in compliance with California Government Code Section 65302.3 which requires cities and counties with parcels located within the Influence Area of an airport to amend their general plans for consistency with the policies of an adopted ALUCP. The Planning Commission forwarded a recommendation to the Board of Supervisors to adopt a General Plan Amendment and a Resolution of Intention to amend the Zoning Ordinance Chapter 17.38 (Airport Safety) to be consistent with the adopted amendment to the General Plan. (*See Planning Commission Agenda for November 13, 2014, Legistar File 14-1498, Attachment A.*)

On December 16, 2014, the Board adopted Resolution 238-2014 for said General Plan Amendment and adopted Resolution of Intention (ROI) 239-2014 to amend Zoning Ordinance Chapter 17.38 in compliance with California Government Code Section 65860 which requires city and county zoning ordinances to be consistent with the general plan. (*See Board of Supervisors Agenda for December 16, 2014, Legistar File 14-1498, Attachments 2C and 2D.*)

The amendments to Chapter 17.38 of the Zoning Ordinance were not included in the 2015 ZOU. Therefore, the proposed amendments to Chapter 17.38 authorized by the Board under ROI 239-2014 are included in the Title 130 Zoning Ordinance Minor Amendments. The proposed minor amendments include the consolidation/renumbering of Chapter 130.38 (Airport Safety [AA] District) to Section 130.27.100 (Airport Noise and Safety Contour [-ANS]) with some other minor changes including but not limited to zone district references for consistency with the adopted 2012 ALUCP.

Ordinance 4156 (*Parcel Size Exception*) – On April 16, 1991, the Board adopted Ordinance 4156 which allowed limited exceptions to minimum lot sizes for new subdivisions where the strict application of minimum lot sizes would preclude a reasonable division of a property. In adopting Ordinance 4156, the Board determined it was not subject to CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines. On December 9, 2008, the Board adopted Ordinance 4802 which amended the Zoning Ordinance Code section pertaining to Parcel Size Exception. The proposed

Zoning Ordinance Minor Amendments includes relocating Section 130.14.110 (Parcel Size Exception – Parcels conveyed to government agency), and Section 130.14.120 (Same – Generally) in Title 130, Article 9 – Miscellaneous to Section 130.30.030 (Parcel Size Exception – Parcels Conveyed to Government Agency) and Section 130.30.040 (Parcel Size Exception – Same Generally) in Title 130, Article 3 – Site Planning and Project Design Standards.

Ordinance 5025 (Signs) – On July 28, 2015, the Board certified the Environmental Impact Report and adopted the updated sign ordinance (Ordinance 5025), Chapter 130.16 – Signs. (*See Legistar File 13-0086 for Executed Ordinance 5025, the Draft EIR – Attachment 5J, and the Final EIR – Attachment 5I.*) The proposed Zoning Ordinance Minor Amendments includes relocating Chapter 130.16 – Signs in Article 2 – Zones, Allowed Uses, and Zoning Standards to reserved Chapter 130.36 (Signs) in Article 3 – Site Planning and Project Design Standards.

Proposed Zoning Map Changes

The proposed Zoning Map changes are to correct documented mapping errors affecting 11 specific parcels identified with the following Assessor’s Parcel Numbers (APNs):

APN 043-550-64 (Camino area): Rezone approximately 2.46 acres from Planned Agricultural (PA-10) to Professional Office Commercial (CPO) for consistency with the parcel’s General Plan Land Use Designation of Commercial (C);

APN 046-840-55 (Somerset area): Rezone approximately 0.08 acres from Limited Commercial (CL) to Single Unit Residential (R1) for consistency with the parcel’s split General Plan Land Use Designations of High Density Residential (HDR) and Commercial (C);

APN 046-840-56 (Somerset area): Rezone approximately 10.37 acres from Community Commercial (CC) to Single Unit Residential (R1) for consistency with the parcel’s split General Plan Land Use Designations of High Density Residential (HDR) and Commercial (C);

APN 046-840-62 (Somerset area): Rezone approximately 0.02 acres from Limited Commercial (CL) to Single Unit Residential (R1) for consistency with the parcel’s split General Plan Land Use Designations of High Density Residential (HDR) and Commercial (C);

APN 046-840-69 (Somerset area): Rezone approximately 1.93 acres from Community Commercial (CC) and Limited Commercial (CL) to Single Unit Residential (R1) for consistency with the parcel’s split General Plan Land Use Designations of High Density Residential (HDR) and Commercial (C);

APN 060-361-95 (Garden Valley area): Rezone approximately 0.63 acres from Limited Commercial (CL) to Estate Residential, 5 Acres (RE-5) for consistency with the parcel's split General Plan Land Use Designations of Commercial (C) and Medium Density Residential (MDR);

APN 074-042-02 (Cool/Pilot Hill area): Rezone approximately 160.15 acres from Limited Agricultural, 20 Acres (LA-20) to Planned Agricultural, 20 Acres (PA-20) for consistency with the Board of Supervisors May 25, 2012 TGPA-ZOU zone mapping criteria;

APN 074-042-03 (Cool/Pilot Hill area): Rezone from approximately 176.12 acres Limited Agricultural, 20 Acres (LA-20) to Planned Agricultural, 20 Acres (PA-20) for consistency with the Board of Supervisors May 25, 2012 TGPA-ZOU zone mapping criteria;

APN 121-280-15 (El Dorado Hills Area): Rezone approximately 1.84 acres from Regional Commercial – Planned Development (CR-PD) to Regional Commercial (CR). A Development Plan (-PD) zoning overlay was never established and is depicted on this parcel in error;

APN 123-630-09 (El Dorado Hills area): Rezone approximately 6.84 acres from Single Unit Residential (R1) to Open Space-Planned Development (OS-PD) and rezone approximately 9.96 acres from Single Unit Residential (R1) to Single Unit Residential – Planned Development (R1-PD) for consistency with the approved development plan for Serrano Village M, adopted May 6, 2008 (Ordinance No. 4759); and

APN 327-213-34 (Placerville area): Rezone approximately 3.62 acres from Community Commercial (CC) to Residential, One Acre (R1A) for consistency with the parcel's split General Plan Land Use Designations of Commercial (C) and Medium Density Residential (MDR).

These changes to the Zoning Map require the Board of Supervisors to adopt a Rezone Ordinance. (See *EXHIBIT C* for the draft Rezone Ordinance.)

ITEMS FOR THE PLANNING COMMISSION'S REVIEW/CONSIDERATION

Since the Board adoption of ROI 139-2017 on September 12, 2017, staff identified six (6) items for the Planning Commission's review and consideration to recommend to the Board that these items be included in the proposed Zoning Ordinance Minor Amendments. Two (2) of these items are recommendations from the Agricultural Commission (Ag Commission) which held a public hearing on April 11, 2018 to review the proposed Zoning Ordinance Minor Amendments with agricultural components (12 items). These six (6) items are summarized below:

1. **Article 1, Subsection 130.12.010.A.4** – Revise Industrial Zones as follows:
“Industrial, ~~Low~~Light” and “Industrial, ~~High~~Heavy”

Discussion: For internal consistency with the Industrial Zones in Article 2 (“Industrial – Light” and “Industrial – Heavy”) in Sections 130.23.010.B.1 and B.2 (Zones Established; Applicability).

Staff Recommendation: Make changes to Article 1, Subsection 130.12.010.A.4 as noted above.

2. **Article 2, Table 130.22.020** (Allowed Uses and Permit Requirements for the Commercial Zones) – table changes:

- a. **Outdoor Entertainment** – Allow by CUP in Commercial Main Street (CM) Zone;

Discussion: Prior to the 2015 ZOU, places of entertainment (when not fully enclosed in a building), were allowed by Special Use Permit (now Conditional Use Permit) in all commercial zones, except for the Professional Office Commercial [CPO] Zone. (Note: Prior to the 2015 ZOU, there were no CPO-zoned parcels located along historic main street corridors.) Based on staff’s research, outdoor entertainment was unintentionally omitted from the CM Zone in the 2015 ZOU.

Staff Recommendation: Allow outdoor entertainment use by CUP in the Commercial Main Street (CM) Zone.

- b. **Personal Services** – Allow either by right (“P”) or CUP in the CPO Zone;

Discussion: Personal Services were allowed in all commercial zones prior to the 2015 ZOU. This use was inadvertently omitted from the CPO Zone as part of the 2015 ZOU and should be allowed either by right (“P”) or CUP depending on the type/intensity of the proposed use.

Staff Recommendation: Allow Personal Services either by right or CUP in CPO Zone.

- c. **Winery Production** - Allow by CUP in the Commercial Main Street (CM) Zone;

Discussion: Under the existing ordinance, a full-service winery facility, which includes production, bottling, wine tasting, retail sales and other incidental goods, is allowed by CUP in the CM Zone. However, a winery facility limited to production and bottling, without tasting rooms and retail sales facilities, is not allowed in this zone. Staff has determined that this was unintentionally omitted from the 2015 ZOU.

Staff Recommendation: Allow winery production by CUP in CM Zone.

3. **Article 3, Chapter 130.32** (Flood Damage Prevention), **Section 130.32.020** (Definitions) - Add definitions of “Substantial Damage” and Substantial Improvement” and remove these definitions from Section 130.80.020 (Definitions of Specialized Terms and Phrases) of Article.

Discussion: “Substantial Damage” and “Substantial Improvement” are specialized terms related to flood damage prevention regulations. The relocation of these terms from the general Glossary in Article 8 to the Definitions section in the Flood Damage Prevention chapter will facilitate ease of use.

Staff Recommendation: Move definitions of “Substantial Damage” and Substantial Improvement” from Article 8, Section 130.80.020 to Article 3, Section 130.32.020.

4. **Article 7, Section 130.71.050 (On-Site Mitigation In Mitigation Area 0)** – Add the following text:

“Development within Mitigation Area 0 will continue to address mitigation for impacts to rare plants on an individual basis. Within Mitigation Area 0, on-site mitigation is strongly encouraged. Developments within Mitigation Area 0 shall mitigate impacts by exercising one of the following three options:

- A. Set aside a part of the property and dedicate a perpetual conservation easement for habitat protection; or
- B. Cluster development in the least environmentally sensitive portion of the property according to the Implementation Strategy adopted by the County in March 1993 and receive in appropriate cases a density bonus in return for dedication of a perpetual conservation easement over the remainder of the property; or
- C. Provide an independent mitigation plan that meets CEQA requirements, such as the purpose of long-term protection of an amount of habitat in the same Ecological Preserve and as close to the development site as feasible, equal to at least 1.5 times the acreage developed.

Option B, above, shall apply only to properties greater than five (5) acres in area.”

Discussion: This text was included in the Zoning Ordinance before the 2015 ZOU but was unintentionally omitted from the ZOU adopted in December 2015.

Staff Recommendation: Make changes to Article 7, Section 130.71.050 as noted above.

- Article 8, Section 130.80.020 - Definition of “Agriculture, Value-Added Product”** – On April 11, 2018, the Ag Commission recommended adding language stating that conversion of grapes or other agricultural products into alcoholic beverages shall be subject to all applicable state and federal permits and regulations.

Discussion: Proposed language to add: “Any conversion of grapes or other agricultural products into alcoholic beverages shall be subject to all applicable state and federal permits and regulations.”

Staff Recommendation: Make changes to the definition of “Agriculture, Value Added Product” noted above as recommended by the Ag Commission.

- Article 4, Subsection 130.40.080.C.1 Animal Keeping in Residential Zones: Apiaries, Commercial** - Strikeout “~~or Private~~” after “Apiaries, Commercial”.

Discussion: On April 11, 2018 the Ag Commission recommended this change to clarify conflicting regulations on beekeeping in residential zones. Under existing regulations, Subsection 130.40.080.B.5 (Definition of Animals, Small), bees are defined as small animals and allowed by right in all single-unit residential zones. However, under Subsection 130.40.080.C.1 (Animal Keeping in Residential Zones), private apiaries (beehives) are only allowed on lots zoned Residential, Two Acres (R2A) and larger. This change would clarify that private beekeeping is allowed on all single-unit residential zones (when in compliance with other applicable codes and regulations), while commercial apiaries (those containing 50 or more colonies or hives of bees) would be allowed only on lots zoned R2A and larger.

Staff Recommendation: Make this change to Article 4, Subsection 130.40.080.C.1 noted above as recommended by the Ag Commission.

Items Included in Adopted ROI 139-2017 that have been removed from the Minor Amendments

Since the Board adoption of ROI 139-2017, the following six (6) items have been removed from the Zoning Ordinance Minor Amendments for various reasons as discussed below.

- Article 4, Section 130.40.190.C (Temporary Mobile Home Removal)** – The proposed text (underlined below) will not be added to this section: “...the mobile home or recreational vehicle shall be removed from the property, or be converted to dead storage consistent with Section 110.64.060 (Storage of Unoccupied Manufactured Homes) of Title 110 (Buildings and Construction) of the County Code of Ordinances ...”

Discussion: Proposed language to allow conversion of temporary mobile homes to dead storage is inconsistent with the intent of this regulation and the County should continue to require removal of temporary mobile homes when unoccupied.

2. **Proposed Rezone to APN 040-080-06:** The proposed rezone of this parcel from Timber Preserve Zone (TPZ) to Forest Resource Zone (FR-160) was determined to not be a mapping correction error and has been removed from the Zoning Ordinance Minor Amendments. It will be processed independently as a separate rezone amendment.

Discussion: The Assessor's office provided records indicating that in 1978, after the State Legislature approved the Forest Taxation Reform Act of 1976, the Board of Supervisors adopted Ordinance 1861 to rezone lands to TPZ. Contained in the Assessor's file with Ordinance 1861 is documentation listing specific APN's considered for TPZ and includes a list of which parcels were excluded by the Board in 1978. The parent parcel, APN 040-080-03, was on the list of parcels excluded from TPZ in January 1978.

Even though it appears the intent of the Board in 1978 was to exclude this parcel from designation as TPZ, the Zoning Map was never formally amended by legislative action. Further, Public Resources Code Sections 4621-4628 (conversion of timberland production zones) requires prior approval by the California Department of Forestry and Fire Protection (CAL FIRE) prior to any immediate rezone of a TPZ-zoned parcel.

Proposed Amendments Moved to Major Amendments

After adoption of ROI 139-2017, staff determined that the following four (4) proposed amendments are considered to be major “clean-up” items. These items have been removed from the Zoning Ordinance Minor Amendments and will be included in the Zoning Ordinance Major Amendments.

1. **Article 5, Section 130.52.050 (Public Notice)** - Proposed amendments to incorporate the expanded public noticing requirements adopted by the Board on September 15, 2015 (Ordinance 5026).
2. **APN's 074-100-29, 074-100-41, 074-100-46, 074-100-50** (Greenwood area): Proposed rezone from Limited Commercial (CL) to Community Commercial (CC) to eliminate a “spot zoning” issue.
3. **APN's 016-410-10, 016-410-07, 016-410-06, 016-261-14, 016-261-12, 016-261-02** (Meeks Bay, South Lake Tahoe area): Proposed rezone from Commercial (C) to Single Unit Residential (R1) to conform to the Tahoe Regional Planning Agency (TRPA) Area Plan and ZO Update.
4. **APN 104-250-10** (Pilot Hill area): Proposed rezone from Multi Unit Residential (RM) to Community Commercial (CC) to conform to the General Plan Land Use Designation.

CEQA Environmental Document

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15164 (Addendum to an EIR), an addendum to a previously certified EIR may be used as the appropriate environmental document for a project if some changes or additions are necessary (e.g. minor changes/corrections to the adopted Zoning Ordinance and limited parcel-specific corrections to the adopted Zoning Map) but none of those changes would result in any new or more severe impacts than those analyzed under the previously certified EIR.

Due to the minor nature of the changes associated with the proposed Title 130 Zoning Ordinance Minor Amendments and Minor Revisions to the Zoning Map, a Draft CEQA Addendum to the Targeted General Plan Amendment-Zoning Ordinance Update (TGPA-ZOU) Project EIR has been prepared for the proposed amendments. This document states that the Zoning Ordinance Minor Amendments and Minor Revisions to the Zoning Map would not result in any new or more severe impacts than those previously analyzed in the TGPA-ZOU Project EIR. Therefore, a CEQA Addendum, together with the TGPA-ZOU Project EIR, will be utilized by the County as the environmental clearance for the Zoning Ordinance Minor Amendments and Minor Revisions to the Zoning Map.

The draft CEQA Addendum is attached as EXHIBIT A. The proposed Title 130 Zoning Ordinance Minor Amendments with revisions shown in track changes is attached as EXHIBIT B.

NEXT STEPS

The Planning Commission's recommendations for the proposed Title 130 Zoning Ordinance Minor Amendments will be forwarded to the Board for review, with the proposed Title 130 Ordinance and Rezone Ordinance for the 11 parcels proposed for rezones. The Board hearing is anticipated to be held in August 2018. At that time, the Board will hold a public hearing to receive public comment, approve the CEQA Addendum to the TGPA-ZOU Project EIR, and take formal action on the proposed Title 130 Zoning Ordinance Minor Amendments.

Contact

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Staff Memo Exhibits

- Exhibit ADraft CEQA Addendum to the TGPA-ZOU
Project EIR

- Exhibit BProposed Title 130 Zoning Ordinance Minor
Amendments (revisions shown in Track Changes)

- Exhibit C Draft Rezone Ordinance