

Planning Commission Recommended Revisions to the DRAFT Zoning Ordinance Update (ZOU), Targeted General Plan Amendment (TGPA), and Mitigation Monitoring and Reporting Program (MMRP) presented to the Planning Commission on August 27, 2015 12 pages

Note: Track changes shown in single underline/strikeout are as shown in the Final EIR. Planning Commission recommended revisions to Final EIR MMRP or Draft TGPA-ZOU Project are shown in double-underline (additions) and double-strikeout (deletions).

1. Health Resort and Retreat Centers on TPZ zoned lands

FEIR pages 3.2-16-17 and PRD ZOU March 2014 (Complete Document) Article 4, page 34 (pdf page 202)

ZOU Section 17.40.170.E (Health Resort and Retreat Center)

Mitigation Measure AG-1a: Amend the ZOU to limit the size of proposed Health Resort and Retreat Centers

PLANNING COMMISSION recommends amending the provisions for Health Resort and Retreat Center in proposed Section 17.40.170.E to read as follows:

E. Health Resort and Retreat Center.

1. Health Resorts and Retreat Centers shall be considered an expanded home occupation in ~~those residential zones allowing residential uses~~ and may be a compatible use in Agricultural, Rural Lands, Resource, Commercial and Special Purpose zones.
2. Prior to action by the review authority, lots ~~Lots~~ adjacent to or within Agricultural zoning must be reviewed by the Ag Commission for compatibility with surrounding agricultural uses prior to action by the review authority.
3. Meals may be served to registered day use or overnight guests, only. There are no limitations on the number of meals or the times at which they are served.
4. Health Resorts and Retreat Centers shall be subject to the requirements of Section 17.40.100.D (Campgrounds and Recreational Vehicle Parks) ~~17.40.170.D, with the exception of Subsection 5 relating to ancillary activities.~~

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**2. Industrial Uses on TPZ zoned lands, and
3. OHV, Ski Areas, Public Utility Service Facilities on TPZ lands**

FEIR page 3.2-21 and PRD ZOU March 2014 (Complete Document) Table 17.21.020, Article 2, pages 11-15 (pdf pages 30-34)

ZOU Section 17.40.350 and Table 17.21.020 (Timber Production Zone: Criteria, Regulations and Zone Change Requirements)

~~Mitigation Measure AG-4: Amend proposed Table 17.21.020 to restrict incompatible uses from being located in the TPZ zone~~

Amend Table 17.21.020 to remove the CUP allowance from the matrix cells relating to the FR and TPZ zones as follows.

Use Type	FR	TPZ
Health Resort and Retreat Center	CUP	CUP
Industrial, General	CUP	-- <u>CUP</u>
Off highway or off road vehicle recreation	CUP	-- <u>CUP</u>
Ski Area	CUP	-- <u>CUP</u>
Public Utility Service Facilities: Intensive	CUP	CUP
Minor		

4. Ranch Marketing on Ag and Resource zoned lands

FEIR page 3.6-14-15 and PRD ZOU March 2014 (Complete Document) Article 4, page 47 (pdf page 215)

Mitigation Measure LU-4b: Require proposed Ranch Marketing uses to be reviewed for compatibility with adjoining agricultural uses

Revise Section 17.40.260.A.3, Ranch Marketing, as follows.

3. Agricultural production is the primary use or function of the property. The Agricultural Commissioner may review the proposed Ranch Marketing area to ensure that the site conforms to the standards 17.40.260.D.2.

Ranch marketing activities proposed ~~within Agricultural Districts, as identified on the General Plan land use maps,~~ on or adjacent to land zoned Planned Agriculture (PA), Limited Agriculture (LA), Agricultural Grazing (AG), Forest Resource (FR), or Timber Production (TPZ) must be reviewed by the Planning Director for consistency with General Plan Policy 2.2.5.2 and for new uses

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by the Agricultural Commissioner and Agricultural Commission for compatibility with surrounding agricultural land uses or on agriculturally zoned lands prior to action by the review authority.

**5. Outdoor Lighting on TPZ zoned lands, and
6. Outdoor Lighting in rural and agricultural zones**

FEIR pages 3.1-18-19 and PRD ZOU March 2014 (Complete Document) Article 3, page 53 (pdf pages 151 and 199)

Mitigation Measure AES-4: Revise proposed Zoning Ordinance Chapter 17.34 and Section 17.40.170

Revise Chapter 17.34, Section 17.34.020 as follows.

17.34.020 Outdoor Lighting Standards

- A. All outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way as illustrated in Figure 17.34.020.1 (Light Source Not Directly Visible Outside Property Perimeter). Parking lot and other security lighting shall be top and side shielded to prevent the light pattern from shining onto adjacent property or roadways, excluding lights used for illumination of public roads. External lights used to illuminate a sign or the side of a building or wall shall be shielded to prevent the light from shining off of the surface intended to be illuminated. Outdoor floodlights shall not project above 20 degrees below the horizontal plane.
- B. Any commercial, industrial, multi-family, civic, or utility project that proposes to install outdoor lighting shall submit plans for such lighting, to be reviewed by the Planning Director as a part of a site plan review.
 - 1. If the project requires an administrative permit, conditional or minor use permit, design review permit, or development plan permit, said lighting plan shall be included as a part of that application, and shall be subject to approval by the approving authority.
 - 2. Lighting plans shall contain, at a minimum, the location and height of all light fixtures, the manufacturer's name and style of light fixture, and specifications for each type of fixture.

Revise Section 17.40.170.B.5 as follows.

- ~~5.~~ Lodging facilities shall have direct access to a maintained road in conformance with Department of Transportation standards. The entrance, parking area, and walkways shall be kept free of obstructions or hazards of any type. With the exception of

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Agricultural Homestays, Guest Ranches, and Agricultural and Timber Resource Lodging, the entrance, parking and walkways shall be illuminated in compliance with Chapter 17.34 (Outdoor Lighting). ~~If outdoor lighting is proposed for an Agricultural Homestay, Guest Ranch, and Agricultural and Timber Resource Lodging, the lighting shall conform to Chapter 17.34.~~

7. Expanded Ranch Marketing and Rural Commerce, including Health Resorts and Retreat Centers

FEIR pages 3.2-16-17, 3.4-41 and PRD ZOU March 2014 (Complete Document) Article 4, pages 51-52 (pdf pages 219-220)

Mitigation Measure AG-1a: Amend the ZOU to limit the size of proposed Health Resort and Retreat Centers

Amend the provisions for Health Resort and Retreat Center in proposed Section 17.40.170.E.2 to read as follows.

E. Health Resort and Retreat Center.

1. Health Resorts and Retreat Centers shall be considered an expanded home occupation in ~~those residential zones allowing residential uses~~ and may be a compatible use in Agricultural, Rural Lands, Resource, Commercial and Special Purpose zones.
2. Prior to action by the review authority, lots ~~Lots~~ adjacent to or within Agricultural zoning must be reviewed by the Ag Commission for compatibility with surrounding agricultural uses prior to action by the review authority.
3. Meals may be served to registered day use or overnight guests, only. There are no limitations on the number of meals or the times at which they are served.
4. Health Resorts and Retreat Centers shall be subject to the requirements of Section 17.40.170.D, with the exception of Subsection 5 relating to ancillary activities.

~~Mitigation Measure BIO-1c: Limit music festivals and concerts~~

~~Mitigation Measure BIO-2: Return event site to pre-event condition~~

Amend Section 17.040.260.F.1.e as follows.

e. Special Events. Special events, subject to the following limitations:

- (1) Total of 24 events per calendar year.
- (2) Maximum capacity of 250 persons at one time.
- (3) Special events shall be limited in time duration to 48 hours, ~~and the event site shall be returned to its pre-event condition after each use.~~

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(4) The total number of special events shall be limited to the number provided in this paragraph and shall not be cumulative if a lot also qualifies for events under Paragraph 1.4 or Section 17.40.400 (Wineries).

(5) Special events may be held throughout the year and are not limited to the harvest season.

8. Noise: Short-Term Construction

PRD TGPA March 24, 2014, page 22 (pdf page 22)

Policy 6.5.1.11

The standards outlined in Tables 6-3, 6-4, and 6-5 shall not apply to those activities associated with actual construction of a project as long as such construction occurs between the hours of 7 a.m. and 7 p.m., Monday through Friday, and 8 a.m. and 5 p.m. on weekends, and on federally-recognized holidays. Unless otherwise allowed by the permit or Director Further, the standards outlined in Tables 6-3, 6-4, and 6-5 shall not apply to public projects to alleviate traffic congestion and safety hazards.

9. Noise Resulting From Existing Nonconforming OHV and Animal Keeping Uses

PRD ZOU March 2014 (Complete Document) Article 3, pages 62- 69 (pdf pages 160-167)

(Note: Planning Commission recommended a general review of Chapters 17.37, 17.61 and Table 17.37.060.1 of the ZOU as it related to existing uses and requirements following adoption of a new Ordinance)

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10. Noise Conflicts Resulting From (New) Residential Development Adjacent to High-Volume Roadways and U.S. Highway 50

PRD ZOU March 2014 (Complete Document) Article 3, page 68 (pdf page 166)

Section 17.37.070 Noise Reduction Measures

Noise reduction measures shall be incorporated into the project design to reduce noise levels at or below the thresholds set forth in Tables in Section 17.37.060. Where applicable, the following specific requirements shall also apply:

- A. For residential development along U.S. Highway 50, setbacks are the preferred approach to meet noise threshold standards under Table 17.37.060.2, where feasible. Landscaped berms or screened sound walls may be considered as alternatives. Sound walls in the foreground of Highway 50 are discouraged

Note: Planning Commission expressed favor of less intrusive noise mitigation (e.g. landscaped berms, setbacks) along other high volume roadways.

11. Exemptions From Noise Regulations

PRD ZOU March 2014 (Complete Document) Article 3, page 63 (pdf page 161)

Section 17.37.020 Exemptions

The following noise sources shall be exempt from the standards of this Chapter:

- A. Activities conducted in public parks, public playgrounds, and public or private school grounds, including but not limited to school athletic and school entertainment events, providing an amplified sound system is not required or used.
- B. The use of any mechanical device, apparatus, or equipment related to or connected with emergency activities or emergency work to protect life or property.

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- C. Safety signals, warning devices, and emergency pressure relief valves properly operated and in good working order.
- D. Noise sources associated with property maintenance, such as lawn mowers, trimmers, snow blowers, and power tools in good working order, and cutting of wood for non-commercial personal use, provided that the activities take place between the hours of eight a.m. and nine p.m. on weekdays and nine a.m. to nine p.m. on weekends and federal holidays.
- E. Noise sources associated with agricultural uses listed in Section 17.21.020 (Agricultural Zones: Matrix of Allowed Uses) that are performed consistent with the standards and practices of the agricultural industry.
- F. Noise sources associated with work performed by public or private utilities in the maintenance or modification of its facilities.
- G. Noise sources associated with ~~religious gatherings~~, public holidays, or other commonly celebrated occasions.
- H. Traffic on public roadways, railroad line operations, aircraft in flight, and any other activity where regulation thereof has been preempted by state or federal law.
- I. Construction (e.g., construction, alteration or repair activities) during daylight hours provided that all construction equipment shall be fitted with factory installed muffling devices and maintained in good working order.
- J. Normal collection of household garbage, yard waste and recyclables.
- ~~K. Cutting of firewood for non-commercial personal use. [Moved up to D]~~

12. Noise Related to Outdoor Amplified Music, Not Associated With Ranch Marketing or Winery Uses

PRD ZOU March 2014 (Complete Document) Article 3, page 63, Article 5, page 21(pdf pages 161,272)

Note: Adding components to this item may require changes to the Project Description and/or further environmental review.

Consider potential changes to the ZOU, including but not limited to the following sections, to allow outdoor amplified music not associated with ranch marketing or winery uses.

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PRD ZOU March 2014 (Complete Document) Article 3, page 63 (pdf page 161)

Section 17.37.020 Exemptions

The following noise sources shall be exempt from the standards of this Chapter:

- L. Outdoor amplified sound accessory to allowed recreational uses, restaurants, micro breweries, brewpubs and similar uses, when the primary uses are consistent with Article 2 (Zones, Allowed Uses and Zoning Standards), and when conducted between the hours of 10:00 AM and 9:00 PM daily. Outdoor amplified music shall not exceed either three days or more than two consecutive weekends in any 30-day period, whichever occurs first. Outdoor amplified music exceeding the above standards shall be subject to Chapter 17.52 (Permit Requirements, Procedures, Decisions and Appeals) as appropriate.

PRD ZOU March 2014 (Complete Document) Article 5, page 21 (pdf pages 161,272)

Section 17.52.060.E.1.d Requirements for Approval (for Temporary Use Permit)

1. The following time limits for these specific temporary uses shall be the maximum allowed:

d. 6 days in any 30-day Period:

- (1) Outdoor amplified sound, accessory to allowed recreational uses, restaurants, micro breweries, brewpubs and similar uses, when the primary uses are consistent with Article 2 (Zones, Allowed Uses and Zoning Standards).

Related General Plan Policy Guidance:

Policy 6.5.1.6 New noise-sensitive uses shall not be allowed where the noise level, due to non-transportation noise sources, will exceed the noise level standards of Table 6-2 unless effective noise mitigation measures have been incorporated into the development design to achieve those standards.

Policy 6.5.1.7 Noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 6-2 for noise-sensitive uses.

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13. Protection of Wetlands/Sensitive Riparian Habitat

PRD ZOU March 2014 (Complete Document) Article 3, page 12 (pdf page 110)

Section 17.30.030.G.5.a Protection of Wetlands and Sensitive Riparian Habitat

5. Exceptions; Conditionally Permitted Uses.
 - a. The uses, and structures ~~and activities~~ allowed in ~~the~~ applicable zones are allowed within riparian areas with an approved Minor Use Permit.

14. State Compliance: Infill Development/Opportunity Areas

PRD TGPA March 24, 2014, page 12 (pdf page 12)

New General Plan Policy 2.4.1.5, Implementation Measure

- a) Adopt criteria to be used within existing communities with developed areas currently capable of being served by public water, recycled water, and public or private sewer;

15. New Rural Commercial (RCU) Zone

PRD ZOU March 2014 (Complete Document) Article 2, pages 18-24 (pdf pages 37-43)

Section 17.22.010.C.7 Commercial, Rural (CRU)

The CRU, Commercial Rural Zone is utilized to provide limited commercial uses to support agricultural, tourism, recreational and resource based industry, as well as surrounding residential uses in the Rural Regions.

And, consider any of the (seven) commercial zones as potentially compatible with commercial projects in the Rural Region, not limiting potential commercial projects to the Rural Commercial (CRU) Zone.

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16. Mixed Use Design (MXD) Manual

FEIR Appendix C, El Dorado County Mixed Use Design Manual, PRD March 19, 2014

Revise the Mixed Use Design Manual to differentiate between “guidelines” and “standards” as appropriate. Standards would apply as part of a Mixed Use Development project with a Design Review permit. Guidelines may apply for Mixed Use project under a Planned Development permit or for projects other than a Mixed Use Development but electing to use the guidelines.

17. Bass Lake Rezone

Reference: TGPA-ZOU Technical Memo No. 2, Exhibit J – Errata Sheet, Mapping Revisions

Amend proposed GP consistency rezone for single parcel adjacent to Bass Lake Park area (APN 115-400-12) from proposed Recreational Facility – High (RFH) to Recreational Facility – Low (RFL)

Staff Note: Due to a confirmed mapping error on the draft Zoning Maps (identified parcel is not part of Bass Lake Park area), the RFL Zone District will be applied for consistency with the General Plan and Project objectives. This APN will be added to the County’s list of mapping errata items for the Project.

18. Planned Development, Density Bonus and 30 Percent Open Space

PRD ZOU March 2014 (Complete Document) Article 3, page 25 (pdf page 123)

ZOU Section 17.30.080 Open Space

A. Applicability. The provisions of this section apply to all residential subdivisions within the R1 and R20K, zones. This section does not apply to residential subdivisions that are otherwise subject to Chapter 17.28 (Planned Development Combining Zone) and its open space requirements.

B. Open Space Requirement. Thirty (30) percent of the total site area shall be set aside for open space that is commonly owned or publicly dedicated. Commonly owned open

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space, as defined in Article 8 (Open Space: Common) shall not include space occupied by infrastructure such as roads, parking lots, or above ground components of sewer and water treatment plants, or area set aside for the sole use of individual residents, such as private balconies and patios. Commonly owned open space may include land developed or set aside for:

1. Recreational purposes, such as parks, ball fields, golf courses, or picnic areas;
2. Passive purposes, such as gathering places, community gardens and landscaped areas;
3. Aesthetic purposes, such as naturally scenic areas;
4. Protection of agricultural or natural resources, including agricultural activities;
5. Pedestrian circulation, in compliance with Subsection D below; or
6. Natural or man-made lakes, ponds and other water features, which are included in the calculation of open space, but excluded from the calculation of base units and bonus density.

C. Exceptions. To facilitate and encourage development of moderate and lower income households, the following projects are exempt from the open space requirement:

1. Residential developments consisting of five or fewer lots or units;
2. Condominium conversions of existing structures;
3. Existing sites within Community Regions that are zoned R1 or R20K, are served by public water and sewer, and that are three acre or less in size;
4. Existing sites within Rural Centers that are zoned R1 or R20K, are not served by public water and sewer, and are five acres or less in size.

D. Pedestrian Circulation. Pedestrian connections shall be provided to allow internal circulation for the residents of the development to access surrounding commercial, recreational, residential, and civic uses, or on-site open space areas.

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PRD ZOU March 2014 (Complete Document) Article 2, page 61 (pdf page 80)

ZOU Section 17.28.050.B.2.b Residential Development Requirements, Exemptions and Alternatives to the Onsite Open Space Requirement

2. Alternatives for Improved Open Space. The common open space requirement may be reduced to 15 percent of the total site for Planned Developments in the R1 and R20K zones, where:
 - a. The common open space is improved for active recreational uses, including but not limited to swimming pools, sport courts or sport fields, tot lots, clubhouse or meeting room facilities, and community gardens, or for passive recreational uses such as landscaped buffers or greenbelts; and
 - b. In addition to the common open space, additional area equal to 15 percent of the total site is devoted to open space areas reserved for the exclusive use of individual residents, such as unfenced private yards and patios or other alternative identified.

New General Plan Policy: 2.2.5.23

All residential subdivisions on High Density Residential land uses shall be required to include thirty (30) percent of the total site area in open Space as defined in the Zoning Ordinance.