



EL DORADO COUNTY

PLANNING & BUILDING DEPARTMENT

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Date: June 15, 2020

To: Planning Commission (Agenda Date: July 9, 2020)

From: Efren Sanchez, Associate Planner

**Subject: Proposed Title 130 - Zoning Ordinance Major Amendments
(Project File OR 17-0002)**

STAFF RECOMMENDATION

Planning and Building Department, Planning Services Division, Long Range Planning staff recommends the Planning Commission:

1. Recommend the Board of Supervisors approve the California Environmental Quality Act (CEQA) Addendum to the Targeted General Plan Amendment/Zoning Ordinance Update (TGPA/ZOU) Environmental Impact Report (EIR) consistent with Sections 15162 and 15164 of the CEQA Guidelines (EXHIBIT A); and
2. Recommend the Board of Supervisors approve the proposed major amendments to the Zoning Ordinance, incorporating additional changes recommended by the Planning Commission on July 9, 2020, and adopt an Ordinance for Title 130 Zoning Ordinance Major Amendments of the El Dorado County Ordinance Code (EXHIBIT B) as presented by staff; and
3. Recommend the Board of Supervisors approve the proposed amendments to Title 120 of the El Dorado County Ordinance Code (EXHIBIT C) as presented by staff.

PURPOSE

The purpose of this Planning Commission hearing is to provide the public with an opportunity to comment on the proposed amendments to the Zoning Ordinance, and for the Planning Commission to make additional suggested modifications, which staff will forward to the Board of Supervisors for consideration. The Title 130 Zoning Ordinance Major Amendments project (File OR17-0002) addresses issues identified during implementation of the comprehensive Zoning Ordinance Update (ZOU), adopted by the Board of Supervisors on December 15, 2015.

DISCUSSION / BACKGROUND

Legislative History

On September 15, 2015, the Board of Supervisors (Board) adopted Ordinance No. 5026 which amended two sections in Title 120-SUBDIVISIONS: Chapter 120.24/Tentative Maps, Section 120.24.085 (Notice requirements and procedure) and Chapter 120.48/Tentative Maps (Notice requirements and procedure). Ordinance No. 5026 also amended four sections in Title 130-ZONING: Section 130.04.015 (Notice requirements and procedure), Section 130.10.020 (Commission hearing), Section 130.10.040 (Board hearing), and Section 130.22.200 (Notice of hearings). (Legistar File 14-1210).

On December 15, 2015, the Board adopted a comprehensive Zoning Ordinance Update (ZOU) and directed staff to return to the Planning Commission and Board to report on implementation of the ordinance (Legistar File 11-0356). On that date, the Board also certified the Final Program Environmental Impact Report (State Clearinghouse No. 2012052074) for the TGPA/ZOU Project.

From January 2016 through June 2017, staff compiled a list of proposed minor and major amendments to the Zoning Ordinance and Zoning Map to address issues identified during implementation of the ZOU.

On September 12, 2017, the Board adopted two Resolutions of Intention (ROIs) to initiate the proposed amendments to Title 130 (Zoning Ordinance): ROI 139-2017 for minor amendments and ROI 140-2017 for major amendments that required further environmental impact analysis (Legistar File 17-0901).

On June 28, 2018, the Planning Commission held a public hearing on the Zoning Ordinance Minor Amendments and Minor Revisions to the Zoning Map (Project File OR17-0001) and approved staff's recommended actions to forward to the Board (Legistar File 18-0942).

On August 14, 2018, the Board adopted the Title 130 Zoning Ordinance Minor Amendments (Ordinance No. 5090) and a separate rezone ordinance (Ordinance No. 5088) to correct 11 parcel-specific errors on the adopted Zoning Map (Legistar File 18-0942). The Title 130 Zoning Ordinance Minor Amendments became effective on September 13, 2018.

On January 24, 2019, the Planning Commission held a public workshop to discuss the anticipated major changes to the Zoning Ordinance and solicit comments and feedback from the community prior to scheduling public hearings for formal action on the proposed Title 130 Zoning Ordinance Major Amendments project (Legistar File 19-0020). An outline of the main components of the project was presented for review and comment only. The outline included modifications to existing land uses, additional or expanded land uses including agricultural related land uses,

improvements to planning permit processing including general review procedures, modifications to public noticing, and several parcel specific rezones. The majority of the comments received at the public workshop focused on drive-through facilities, mobile services, and public noticing. The Planning Commissioners commented on the preliminary new regulations for drive-through facilities recommending that the stacking capacity be a minimum of eight vehicles, made suggestions for the drive-through facilities exhibit, and that some definitions be added to the Glossary for drive-through terminology. The Planning Commissioners also made suggestions about what should be included under mobile services. The proposed changes to public noticing for discretionary projects was discussed at great lengths and the Planning Commissioners expressed concerns about reducing the radius ranges for mailing public hearing notices.

On April 10, 2019, the Agricultural Commission held a public hearing on the proposed agricultural related items involved in the Title 130 Zoning Ordinance Major Amendments project. The specific agricultural related text amendments include modifications to Ranch Marketing Uses for Agricultural Grazing Lands and Full Service Winery Facilities. Additionally, three parcel specific rezones to correct documented mapping errors involving agriculturally zoned lands within the Mount Aukum and Placerville area were reviewed by the Agricultural Commission. The Agricultural Commission approved staff's recommended actions to forward to the Planning Commission (Legistar File 19-0591).

After April 10, 2019, staff received requests from some property owners to expedite processing their parcel-specific rezones, to correct documented mapping errors made during the TGPA/ZOU project the Board adopted in 2015, separately from the proposed Title 130 Zoning Ordinance Major Amendments project. Staff responded by stopping work on the major amendments to focus on processing the parcel-specific rezones separately to reduce further delays to the affected property owners.

On July 11, 2019, the Planning Commission held a public hearing on General Plan Amendment GPA19-0001/Rezone Z19-0003 amending General Plan land use designations (General Plan mapping errors) on portions of two parcels and rezoning 25 parcels in the areas of Greenwood, Meeks Bay, Mount Aukum, Placerville, Shingle Springs, Somerset, and Pilot Hill to correct documented mapping errors of the Zoning Map and approved staff's recommended actions to forward to the Board (Legistar File 19-1022).

On August 6, 2019, the Board of Supervisors held a public hearing to consider the recommendation of the Planning Commission on GPA19-0001/Z19-0003 and executed Resolution 126-2019 for the GPA19-0001 and adopted Ordinance 5106 to correct the 25 parcel-specific mapping errors on the adopted Zoning Map (Legistar File 19-1149). The Z19-0003 parcel rezones became effective September 6, 2019.

ZONING ORDINANCE MAJOR AMENDMENTS PROJECT

The Zoning Ordinance Major Amendments Project/OR17-0002 consists of modifications that originated from ROI 140-2017, some items that were carried over from ROI 139-2017, and other items that were subsequently identified by staff and members of the public. The proposed Zoning Ordinance Major Amendments are summarized in the attached table (EXHIBIT D) and outlined below. The proposed Title 130 Zoning Ordinance Major Amendments (Project File OR 17-0002) include the following:

- 1) Expand the allowable commercial and/or industrial zones for uses including: distillery, professional and medical office, full service winery facility, vehicle sales and rentals, self-storage (mini storage), drive-through facilities, and mobile services consistent with the intent of each respective zone (Article 2, Table 130.22.020 - Allowed Uses and Permit Requirements for the Commercial Zones, and Table 130.23.020 - Industrial/R&D Zones Use Matrix);
- 2) Expand the allowable agricultural zones for the following agricultural land uses: ranch marketing uses for agricultural grazing lands and full service winery facilities consistent with the intent of each respective zone (Article 4, Table 130.40.260.3 - Ranch Marketing Uses for Agricultural Grazing Lands and Table 130.40.400.1 - Wineries Allowed Use Matrix);
- 3) New or expanded uses by Conditional Use Permit including drive-through facilities with improved development standards (Article 4, Section 130.40.140 - Drive-Through Facilities) and full-service wineries outside of General Plan Agricultural Districts (Article 4, Table 130.40.400.1 - Wineries Allowed Uses Matrix);
- 4) Modifications to planning permit processing, public noticing requirements and procedures, and repeating uses for temporary use permits (Article 5, Chapters 130.50 - Application Filing and Processing, 130.51 - General Application Procedures, and 130.52 - Permit Requirements, Procedures, Decisions, and Appeals);
- 5) Minor text corrections and modifications for consistency with state law; and
- 6) Modifications to eleven (11) definitions in the Glossary (Article 8, Section 130.80.020 - Definitions of Specialized Terms and Phrases) for Campsite, Community Care Facility, Distillery-Large Commercial, Distillery-Craft, Drive-Through Facility, Drive-Through Entrance, Drive-Through Exit, Drive-Through Lane, Stacking Area, Mobile Services, and Restaurant.

The full text of the proposed Zoning Ordinance Major Amendments is included as EXHIBIT E shown in track changes format.

New Drive-Through Facilities Regulations

The Zoning Ordinance Major Amendments project includes adding new regulations for Drive-Through Facilities as discussed below.

Currently, the Zoning Ordinance does not include regulations for drive-through facilities. Regulations for drive-through facilities were added to the project after the Board adopted ROI 140-2017 on September 12, 2017 at the request of the Cameron Park Design Review Committee (see email correspondence dated August 28, 2018 attached as EXHIBIT F). Staff analyzed the request and is proposing to add a new Section 130.40.140 entitled “Drive-Through Facilities” to the Zoning Ordinance. This new section will incorporate the existing standards for drive-through facilities currently included in the *Community Design Standards: Parking and Loading Standards* adopted by the Board of Supervisors on December 15, 2015 (Section 4.4 - Special Parking Requirements and Adjustments, subsection H attached as EXHIBIT G). In addition, staff is also proposing to add an example of a drive-through facility as Figure 130.40.140.A as shown in EXHIBIT B on page 7. Revisions to the definitions of **Drive-through Business** and **Restaurant** in Article 8 (Glossary) are also proposed to distinguish between commercial buildings with Drive-Through Facilities from which the sale of food and/or beverage (or nonfood/beverage goods or services) is transacted.

Agricultural-Related Amendments

The Zoning Ordinance Major Amendments project includes several agricultural-related amendments pertaining to ranch marketing uses for agricultural grazing lands and wineries as discussed below.

Expansion of Ranch Marketing Uses on Agricultural Lands

Currently, the Zoning Ordinance allows commercial activities only in the Agricultural Grazing (AG) zone. These agricultural-related commercial activities, known as ranch marketing, include processing; packaging; sale of agricultural products; bakeshop; dining facility; handicrafts; food stand and chuck wagon; and special events. The proposed zoning amendment will allow the expansion of Ranch Marketing (Use Type) in all agricultural zones: Agricultural Grazing (AG), Limited Agricultural (LA), and Planned Agricultural (PA). At the Planning Commission public workshop on January 24, 2019, this proposed amendment did not receive any comments by the Planning Commission or the public. This proposed amendment also gained the support of the Agricultural Commission at their April 11, 2019 meeting. The proposed ranch marketing related amendments are summarized in EXHIBIT D (Items 21 and 22) and the full text is included in (EXHIBIT E).

Wineries: Full Service Facilities

Currently, the Zoning Ordinance defines wineries as “facilities producing and bottling wine for sale.” Wineries are divided into two categories of either production facilities or full service facilities. Full service facilities are defined as “those facilities used for production, bottling, wine tasting, and retail sales of wine and other incidental goods.” Conditional Use Permits (CUP) in the Limited Agricultural (LA) zone currently allows a full service winery use, if located on property with 10 acres or greater. The proposed amendment would allow the full service winery use by right in the LA zone, if 10 acres or greater and within the General Plan Agricultural District (Ag District); and by CUP in the LA zone, if 10 acres or greater and outside of the Ag District. (Refer to Table 130.40.400.1 – Wineries Allowed Uses Matrix on page 10 of EXHIBIT B).

At the Planning Commission public workshop on January 24, 2019, one commissioner requested that staff consider expanding the Winery: Full-service Facilities use by right to apply to property of 20 acres or greater and within General Plan Agricultural Districts. Staff researched the list of active wineries within El Dorado County and determined that there are approximately 107 active wineries (EXHIBIT H). Out of the 107 active wineries, acreage data was identified for 57 of the wineries through business licensing information. Of the 57 wineries, 27 wineries or 47 percent are 20 acres or less in size. The small data sample demonstrates that a large percentage of existing wineries throughout El Dorado County are 20 acres or less in size. Given the high number of existing wineries under 20 acres in size, staff does not recommend modifying the Wineries Allowed Uses Matrix by increasing the acreage threshold from 10 to 20 acres. Increasing the threshold to 20 acres could potentially result in many non-conforming wineries based upon their existing acreage.

At the April 10, 2019 public workshop with the Agricultural Commission, staff presented the winery acreage data. The Agricultural Commission supported Planning staff’s recommendation to expand the full-service winery use to allow the use by right in the LA zone if within the Ag District but to keep the threshold at 10 acres or greater; and to allow the use by CUP in the LA zone, if 10 acres or greater and outside of the Ag District. The Agricultural Commission recommended approval of Planning staff’s recommendation for the agricultural-related Zoning Ordinance amendments for expansion of ranch marketing uses for agricultural grazing lands and expansion of full service wineries. The motion was carried forward with a 7-0 vote of approval during the Agricultural Commission hearing on April 10, 2019.

Distilleries

Currently, the Zoning Ordinance only allows distilleries as a Use Type by right in the Industrial Low (IL) zone. Distilleries are allowed with a Conditional Use Permit (CUP) in the Industrial High (IH), Research & Development (R&D), Limited Agricultural (LA), Planned Agricultural (PA), Agricultural Grazing (AG), Rural Lands (RL), and Forest Resource (FR) zones.

The proposed amendment would add a new subcategory (Use Type) for **Distillery, Craft** in commercial zones, which would expand distilleries beyond just the industrial and agricultural zones. The proposed amendment would allow Distillery, Craft by right in Commercial, Regional (CR); Commercial, General (CG); and Commercial, Rural (CRU). The proposed amendment would also allow distilleries by CUP in Commercial, Professional Office (CPO); Commercial, Limited (CL); Commercial, Main Street (CM); and Commercial, Community (CC) zones. The proposed amendment would differentiate between **Distillery, Large Commercial** and **Distillery, Craft** by adding definitions for each Use Type in Title 130, Article 8 (Glossary) of the Zoning Ordinance. This proposed amendment for distilleries was proposed as part of ROI 140-2017 (EXHIBIT I) in an effort to correct a use type omitted from commercial zones as part of 2015 Zoning Ordinance Update.

In addition to the agricultural-related amendments, the Zoning Ordinance Major Amendments also include a comprehensive update of the public notice requirements and procedures summarized below.

Expanded Public Notice Requirements and Procedures

On September 15, 2015, the Board adopted Ordinance No. 5026 (EXHIBIT K), which established public noticing requirements codified in both Title 120-Subdivisions and Title 130-Zoning. At that time, the comprehensive update to the Zoning Ordinance was well underway so the adopted public noticing requirements pertaining to Title 130 was codified in Title 130, under Article 9 (Miscellaneous). The ROI for the Zoning Ordinance Minor Amendments (ROI 139-2017, EXHIBIT J) adopted by the Board on September 12, 2017 included relocating the public noticing sections from Article 9 to Chapter 130.51 (General Application Procedures). However, upon further review, staff determined that the public noticing sections needed substantial modifications and recommended the public noticing amendments be moved to the Title 130 Zoning Ordinance Major Amendments (OR17-0002) project.

Title 120 (Subdivisions) - Added Amendments

The proposed amendments to Title 130 Public Notice Requirements and Procedures also required changes to the noticing requirements in Title 120 (Subdivisions) for consistency between the two County Ordinances. Title 120 (Subdivisions) is the local County Ordinance that derives its power pursuant to the authority of the Subdivision Map Act. The sections proposed for modification apply to noticing requirements under Tentative Maps, Parcel Maps, Lot Line Adjustments, and Certificate of Compliances. Although not included in ROI 139-2017 that had the original directive for amendments to Title 130 Public Notice Requirements and Procedures, the proposed additional amendments to Title 120 are required to avoid inconsistencies. The amendments for

Title 120 are being included in this effort as a clean-up item, as indicated in the Draft Ordinance – Title 120 Notice Requirements and Procedures Amendments (EXHIBIT C).

The County of El Dorado Subdivision Ordinance (Title 120) prescribes the public notice requirements and procedures for planning activities associated with tentative and parcel maps. Staff is recommending that the public noticing requirements for Tentative Maps be included in Title 120 (instead of Title 130). For Tentative Maps, the proposed noticing is as follows (as shown in Table 120.24.085.1 on EXHIBIT C):

- Tentative Map (5 to 299 lots), Corrections, Revisions and Time Extensions: **1,000 feet**;
- Tentative Map (300 to 999 lots): **1/2 mile**; and
- Tentative Map (1,000 lots or more): **1 mile**.

These mailing distances are the same distances required by Ordinance 5026 which is as follows:

- 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 one thousand feet (**1,000'**) of the property which is the subject of the hearing excluding condominium conversions.
- 2,640 feet (**half a mile**) notice for residential applications creating between 300 through 999 lots; and
- 5,280 feet (**one mile**) notice for residential applications creating 1,000 lots or more.

Staff is also recommending the public noticing for parcel maps be included in Title 120. For Parcel Maps (1 to 4 lots), and map corrections, revisions and time extensions, the mailing distance remains the same at 1,000 feet (as shown in Table 120.48.065.1 on EXHIBIT C).

The proposed modifications to the public noticing requirements includes changes to the mailing distances for public hearing notices that are greater than the public hearing distance notification requirements pursuant to CA Gov. Code § 65091 which states that the minimum distance shall be 300 feet radius from the real property that is the subject of the hearing. Staff is proposing to expand the minimum distance to a 500 feet radius in addition to larger public noticing of 1,000 feet, one-half mile, or one mile depending upon the type of permit application.

Title 130 Public Notice Mailing Distance Amendments

When the Board adopted Ordinance 5026, staff was asked to track the effectiveness of the various mailings between October 2015 and December 2016. Based on a sample data set of mailings for 69 planning projects, the highest response rate was 500 feet. The 1 mile mailers achieved the lowest response rate as illustrated in the following table:

Radius	No. of Mailers	No. of Responses	Response Rate
1 mile	8,492	71	0.8%
1,000 feet	2,775	106	3.8%
500 feet	1,762	112	6.4%

In Title 130, staff is proposing to change the public notification mailing from entitlement type to decision-making body (Director, Zoning Administrator, Planning Commission, and Board of Supervisors). For Director-level decisions that require public notice, the proposed mailing radius is recommended to increase from “affected and interested parties” to 500 feet depending upon the administrative project type. For Zoning Administrator-level, Planning Commission-level, and Board-level review that require public notice, the mailing distance would remain at 1,000 feet.

New Public Notice Tables for Administrative and Discretionary Projects

The proposed amendments to the public notice requirements and procedures include two new tables: 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 which are organized alphabetically by project type. The tables also prescribe the following noticing requirements for each project type: 1) Distance Radius for the Notice Mailed to Property Owners Nearby; 2) Hearing Body; 3) Whether a physical sign posting is required; 4) Who the notice is mailed to: Agent, Applicant, Appellant, Property Owners, Local Agencies, and Persons who file for written request for notice; 5) Number of days prior to the hearing date that the notice is required to be mailed, published, and physical sign posting; 6) Whether the notice is mailed via U.S. Postal Service; and 7) Whether the notice is required to be published in one newspaper of general circulation. The proposed amendments to the public notice requirements and procedures also provide specifications for the physical sign posting (Subsection 130.51.050.H).

Public Outreach Plan

The current Zoning Ordinance has a provision that applications for land development projects with 300 or more dwelling units may require a public outreach plan, as determined by the Director of Planning and Building, to be conducted by the applicant, to provide early public notice and input on the development application, subject to review and approval by the Director of Planning and Building (Section 130.22.200 – Notice of hearings). The proposed expanded public notice requirements and procedures includes a new Section 130.51.100 – Public Outreach Plan which provides additional guidance on the content of the public outreach plan and requires approval by the Director.

Glossary Amendments

The proposed amendments to Title 130 include modifications to eleven (11) definitions in the Glossary (*Article 8, Section 130.80.020 – Definitions of Specialized Terms and Phrases*). Most of the modifications to the definitions are a direct result of the proposed drive-through related amendments previously discussed above in this staff report. The proposed revisions to the Mobile Services definition was included in ROI 140-2017 (EXHIBIT I, Item No. 10); proposed modifications to the other definitions were added after the January 24, 2019 workshop with the Planning Commission (EXHIBIT D and E).

CEQA ENVIRONMENTAL DOCUMENT

In accordance with the California Environmental Quality Act (CEQA) Sections 15162 and 15164 of the CEQA Guidelines (Addendum to an EIR or Negative Declaration), staff has determined that an Addendum is the appropriate environmental document to analyze the proposed Zoning Ordinance modifications (EXHIBIT A). This Addendum demonstrates that the Title 130 Zoning Ordinance Major Amendments would not result in any new or more severe impacts than those previously analyzed in the certified Final Program Environmental Impact Report (FEIR) for the El Dorado County Targeted General Plan Amendment/Zoning Ordinance Update (TGPA/ZOU) Project. Therefore, this Addendum satisfies the requirements of CEQA Guidelines Sections 15162 and 15164. The proposed amendments do not trigger any of the requirements for preparation of a subsequent EIR, as further discussed in the CEQA Addendum findings and Table 1. Table 1- Summary of Proposed Zoning Ordinance Major Amendments, outlines the proposed changes and explains the impact mechanisms associated with each of the proposed changes. According to the Addendum, the proposed individual changes fall within one of three categories: 1) No Physical Change to the Environment, 2) Project-Specific CEQA Review will be required for Discretionary Permits, or 3) Could Result in Potential Impacts; however, the environmental analysis in the Program EIR covered these changes. Ultimately, none of the proposed changes would result in any new or more severe impacts than those analyzed under the previously certified FEIR. The proposed Title 130 Zoning Ordinance Major Amendments project is not proposing any changes that would require consideration of new or different mitigation measures or alternatives from those adopted in the TGPA/ZOU FEIR.

A Draft CEQA Addendum to the certified TGPA/ZOU Final Program EIR (State Clearinghouse No. 2012052074) has been prepared for the proposed amendments. This document states that the Zoning Ordinance Major Amendments would not result in any new or more severe impacts than those previously analyzed in the TGPA/ZOU FEIR. Therefore, for the environmental clearance of Title 130 Zoning Ordinance Major Amendments project, the County will utilize a CEQA Addendum together with the TGPA/ZOU FEIR. The draft CEQA Addendum is attached as (EXHIBIT A). The proposed Title 130 Zoning Ordinance Major Amendments with revisions shown in track changes is attached as (EXHIBIT E).

Components Removed from the Project

Based on further research, staff identified a few project component items that require General Plan Amendments, further environmental review, Board policy direction, or additional amendments for compliance with changes in state law. The following component items have been removed from the OR17-0002 project: expansion of temporary camping; public notice requirement for Large Family Day Care Homes; commercial aviaries; parcel-specific rezones within the Garden Valley, North Placerville, and Texas Hill Reservoir areas; and potential policy amendment for agricultural setbacks.

Expansion of Temporary Camping (ROI 140-2017, Item No. 3, EXHIBIT I)

3.	Section 130.40.100.B (Campgrounds and Recreational Vehicle Parks – Temporary Camping)	Expand temporary camping, not to exceed 30 days, outside existing campgrounds and RV parks (Section 130.40.100.B).
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ROI 140-2017 included a proposed amendment to Section 130.40.100.B (Campgrounds and Recreational Vehicle Parking – Temporary Camping) to expand temporary camping, not to exceed 30 days, outside existing campgrounds and RV parks. This component item was removed from the project due to potential conflicts with Ordinance 5059, which was adopted by the Board of Supervisors on August 29, 2017. This ordinance addresses camping and storage of personal property on both private and public property in El Dorado County. (ROI 140-2017 is attached as EXHIBIT I and Ordinance 5059 is EXHIBIT L).

Public Notice for Large Family Day Care Homes (ROI 140-2017, Item No. 6, EXHIBIT I)

6.	Section 130.40.100.A.2 (Large Family Day Care Homes)	Proposed removal of public notice requirement for Large Family Day Care Homes under Section 130.40.100.D.2 (Administrative Permit - public notice)
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ROI 140-2017 included a proposed amendment to remove the public notice requirement for Large Family Day Care Homes. (ROI 140-2017 is attached as EXHIBIT I). In January 2020, a new state law (Senate Bill 234) was enacted that allows the Large Family Day Care by right in residential zones. This legislative change requires more amendments within the Zoning Ordinance. Therefore, this component item has been removed from the Zoning Ordinance Major Amendments project and will be brought back as a separate Zoning Ordinance clean-up item.

Aviaries, Commercial (ROI 140-2017, Item No. 7, EXHIBIT I)

7.	Section 130.40.080.1 (Animal Raising and Keeping Matrix)	Consider Adding "Aviaries, Commercial" (Allowed by CUP in RIA through RE Zones) to animal raising and keeping matrix
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ROI 140-2017 included a proposed amendment to Section 130.40.080.1 (Animal Raising and Keeping Matrix) to consider adding “Aviaries, Commercial” as an allowed use by CUP in R1A through RE residential zones. (ROI 140-2017 is attached as EXHIBIT I). This component item was removed from the project because the County Animal Control Ordinance (Title 6) Section 6.28.050 - Wild Animals, includes an existing process whereby the Planning and Building Department is informed of a permit application as described below.

If and when a permit application for a commercial aviary is received by the Director of Animal Control, the application shall be forwarded to the Planning and Building Department, and designated employees shall "ascertain whether or not the applicant's plan is in conformity with County law governing their respective department." For example, Zoning Ordinance Section 130.40.080 (Animal Raising and Keeping) in its entirety would be reviewed against the applicant's commercial aviary plan. Subsection 130.40.080.C.2 applies to small animal keeping in residential zones. Subsection 130.40.080.G specifies that on all lots less than 2 acres in size, an Administrative Permit shall be required for the keeping of small animals for the purpose of sale, including their products, so long as the animals are maintained in a healthy and sanitary manner that does not violate any section of the State of California Penal Code or Title 6 (Animals) of the County Code of Ordinance. Subsection 130.40.080.F specifies that aviaries shall meet the setbacks established in the applicable zone district in which they occur (which is 50 feet in Residential Zones). The provisions in Title 6 combined with the provisions in Title 130 Section 130.40.080 provide the mechanisms to allow commercial aviaries in residential zones. Therefore, staff is recommending that the proposed amendment to add commercial aviaries as an allowed use by CUP in residential zones be removed from the Zoning Ordinance Major Amendments project.

Parcel Rezones

One parcel rezone included in ROI 139-2017 and two parcel rezones included in ROI 140-2017 have been removed from this project as explained below.

Garden Valley Area - 1 parcel (ROI 139-2017, Item No. 80, EXHIBIT J)

80.	APN 060-401-32	Rezone from Limited Commercial (CL) to General Commercial (CG)
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CL zoning is consistent with the Commercial (C) land use designation. The proposed rezone to CG is not consistent with the criteria used for the County-initiated rezones in 2015 which specified that parcels with the land use designation “C” within or adjoining Industrial (I) areas to be rezoned to CG. This parcel does not meet the criteria. Therefore, this zone change requires a rezone initiated by the private property owner.

Texas Hill Reservoir Area – multiple parcels (ROI 140-2017, Item No. 18, EXHIBIT I)

18.	Texas Hill Reservoir Area - multiple APN's	Rezone from RFL to RE-5, to reflect privately owned parcels designated Open Space on the General Plan Land Use Map
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This proposed rezone is not consistent with General Plan Land Use Element Table 2-4 (General Plan LUD and Zoning District Consistency Matrix). RE-5 zoning is not consistent with the Open Space (OS) land use designation. This proposed rezone requires further environmental analysis and a General Plan Amendment. Therefore, this component item has been removed from the Zoning Ordinance Major Amendments Project.

On March 17, 2020, staff received direction from the Board of Supervisors to initiate a General Plan Amendment/Rezone for the privately owned parcels within the Texas Hills Reservoir EID Takeline, pending allocation of General Fund funding requested in Fiscal Year 2020-21. EID has expressed interest in rezoning EID-owned parcels and has proposed a 50/50 cost share for the environmental consulting services required to perform the environmental analysis, General Plan Amendment, and rezones for both the EID-owned and privately-owned parcels within the Texas Hill EID Reservoir Takeline. On May 28, 2020, the Director of Planning and Building provided the Board with a memo and recommendation for the Board to approve the 50/50 cost share. Upon the Board's approval, staff will proceed with coordinating an interagency cost share agreement and executing a contract for the environmental consulting services.

North Placerville Area - 1 parcel (ROI 140-2017, Item No. 19, EXHIBIT I)

19.	APN 050-010-16	Rezone from RFL to RE-10 to reflect privately held parcel designated Open Space.
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This parcel was split in October 2016 into 4 parcels: APNs: 050-010-34 -35, -37,-38 which are zoned Open Space (OS) not Recreational Facility-Low Intensity (RFL). The OS zoning is consistent with the OS land use designation. The proposed rezone is not consistent with General Plan Land Use Element Table 2-4 (General Plan LUD and Zoning District Consistency Matrix) - Only Zones LA, PA, RL, AG, RFL, RFH, OS and TC are consistent with the OS land use designation. The RE-10 zoning is not consistent with the OS land use designation. Therefore, this zone change requires a General Plan Amendment/Rezone initiated by the private property owner.

Potential Policy Amendment: Agricultural Setbacks (ROI 140-2017, Item No. 21, EXHIBIT I)

21.	Countywide	Potential Policy Amendment: Agricultural Setbacks
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This item was included as Item No. 21 on ROI 140-2017 (EXHIBIT I). However, it was undefined and requires discussion with the Agriculture Department and Agricultural Commission. Therefore, this component item has been removed from the Zoning Ordinance Major Amendments project.

NEXT STEPS

The Planning Commission’s recommendations for the proposed Title 130 Zoning Ordinance Major Amendments will be forwarded to the Board of Supervisors for review with the proposed Title 130 Ordinance. The Board hearing to adopt the proposed amendments is anticipated to be held in August 2020. At that time, the Board will hold a public hearing to receive public comments, approve the CEQA Addendum to the TGPA/ZOU Program EIR, and take formal action on the proposed Title 130 Zoning Ordinance Major Amendments.

STAFF MEMO EXHIBITS

- EXHIBIT A.....Draft CEQA Addendum
- EXHIBIT B.....Draft Ordinance - Title 130 Zoning Ordinance Major Amendments (File OR17-0002)
- EXHIBIT C.....Draft Ordinance - Title 120, Chapter 120.24/Tentative Maps, Proposed Amendments
- EXHIBIT D.....Summary Table of Proposed Title 130 Zoning Ordinance Major Amendments
- EXHIBIT E.....Draft Title 130 Zoning Ordinance Major Amendments (Track Changes) for Articles 2, 3, 4, 5, and 8
- EXHIBIT F.....Cameron Park Design Review Committee Correspondence 08-28-18
- EXHIBIT G.....Community Design Standards: Parking and Loading, Drive-Through Facilities
- EXHIBIT H.....Wineries List
- EXHIBIT I.....ROI 140-2017 executed September 12, 2017
- EXHIBIT J.....ROI 139-2017 executed September 12, 2017
- EXHIBIT K.....Ordinance No. 5026 – Title 120, Chapter 120.24/Tentative Maps, executed September 15, 2015
- EXHIBIT L.....Ordinance No. 5059 - Camping and Storage of Personal Property on Private and Public Property in El Dorado County, adopted August 29, 2017