

# DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

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TO: Board of Supervisors  
FROM: Peter N. Maurer, Principal Planner  
DATE: October 5, 2010  
RE: Zoning Ordinance Update

## Background:

The purpose of this workshop is to present the administrative draft of the Zoning Ordinance to the Board of Supervisors and to identify important policy decisions to be made in order to proceed with the next steps in the adoption process.

The County undertook the task of updating the Zoning Ordinance (Title 17) after adoption of the General Plan. There are several reasons to do so, including the following:

- Achieve required consistency with General Plan, including:
  - Implement policies by adopting new or revised standards for development
  - County-wide remapping to bring zoning into conformance with land use designation
- Implement state and federal laws
- Correct problems with the existing code
- Reorganize the ordinance for ease of use by the public, staff, and decision makers

The Development Services Department (DSD) has developed an “administrative draft” of the ordinance for Board review (Attachment B). In developing this draft, DSD worked with a number of committees, commissions, and outside advisory and interest groups, hired a consultant to provide technical expertise and advice, and reviewed several ordinances recently adopted by other jurisdictions. Numerous workshops were held with the Planning Commission to discuss the format and specific issues. The Agricultural Commission was consulted with regard to agricultural issues. Most recently, DSD worked with EDAC’s regulatory reform subcommittee to review each section to identify policy issues and resolve technical details. The resultant draft incorporated the recommendations of all these sources.

## **Discussion:**

### General Plan Consistency – General Plan Amendment

State law (Government Code §65680) requires that zoning be consistent with the County's General Plan. This includes the zoning maps as well as the development standards and permitted uses of the ordinance text. The basis for zoning consistency with the land use designations is outlined in Table 2-4, contained in the Land Use Element of the General Plan. The table identifies which zones are consistent or "compatible" with each designation. It may seem contradictory, but the first step in bringing the Zoning Ordinance into compliance with the General Plan will be a General Plan amendment to modify this table. DSD staff found that the table needs to be amended to clarify the General Plan and to provide for more logical zoning decisions. The proposed amended table is shown in Attachment C.

The primary changes are the new zones and identification of more "compatible" zones, for the purposes of retaining existing zoning until future development becomes feasible. This is intended to minimize zone changes where it is unknown what the property owner's future development plans may be, and to provide "holding zones" consistent with Policy 2.2.5.6. This policy states that land should retain lower density or intensity zoning until infrastructure is available to facilitate development. Proposed new zones are listed and described in Attachment D. Zones proposed to be eliminated are listed in Attachment E.

In addition to the modification of Table 2-4, staff has also identified, through the processes of reviewing parcels for consistency between the land use designation and existing or proposed zoning, a number of inconsistencies or errors with the land use maps. Along with the amendment to the table, DSD is proposing a number of land use map corrections. Examples of these corrections are: sites with existing commercial uses and zoning, but an incompatible land use designation; land identified as open space but with existing development; and a large number of adjustments to land use boundaries to recognize lot line adjustments approved and recorded during the past several years.

Through the course of public review, primarily during the EDAC Regulatory Reform Subcommittee meetings and in workshops with the Agricultural Commission, suggestions for additional zones were made. Members of EDAC recommended that additional commercial zones be created, ones that differentiate between automobile-oriented, or big-box retail uses, and the more pedestrian-oriented, walkable-community commercial zones. Also suggested was an agricultural/commercial zone that could be located in the designated Rural Regions. A concern raised by the Agricultural Commission was that converting Residential Agricultural to Rural Lands or Forest Resource reduces some land that is active or potential agricultural land. They recommended that an additional agricultural zone be created that allows limited agricultural uses and retains the protections (right to farm and special setbacks) but does not allow the full range of ranch marketing and other commercial uses.

DSD has not proposed these zones at this time, but if it is the direction of the Board to add one or more of these zones, the time to do so would be now, so they could be included in the project description and CEQA analysis.

### Zoning Map Consistency with General Plan Land Use Designations

Whether Table 2-4 is amended or not, the zoning on some parcels will need to be changed to reflect consistency with the General Plan. It was the intent of DSD through the development of the draft zoning maps to minimize zone changes to just those that were necessary for consistency. DSD took the following steps to draft the maps:

1. Identified inconsistencies through GIS
2. Prepared a set of general rules to apply where inconsistencies exist (See Attachment F)
3. Re-zoned parcels based on those rule-sets

Existing zoning was maintained where possible, and the zoning applied was that closest to the existing zone that is consistent with the land use designation. For example, an RE-5 zoned lot located in the Rural Residential designation would be changed to RE-10.

### Implementation of General Plan Policies

DSD conducted a comprehensive review of each policy and implementation measure in the General Plan to ensure consistency with those policies and measures and incorporated development standards and other provisions into the draft ordinance to implement these policies. Through the course of public review during the next several months, the public will have an opportunity to provide input. Further, the Board has the authority to determine consistency with the General Plan policies during the final adoption process.

### Deferred Items

Due to their complexity or the controversial nature of some issues, a number of items are proposed to be deferred until after adoption of the comprehensive update. The concern is that these issues could bog down the rest of the ordinance, and they can be dealt with independently. These are intended to be addressed in the following year, or later, depending on budget and staffing availability. The following is a list of these issues:

- Mixed-Use Development (MUD) 2
- Comprehensive Sign Ordinance Update
- Scenic Highway
- Animal Keeping
- Historic Design Review
- Vacation Home Rental

### Ordinance Format

DSD reorganized the structure of the ordinance with the intent of making it more user friendly. The most obvious change is the use of tables and matrices to show permitted uses and development standards. This will allow easy comparison between zone districts. The use of matrices are also cross referenced to Article 4, which lists all of the special provisions that are now scattered throughout the existing ordinance or in Chapter 17.14, Miscellaneous Provisions. A comprehensive glossary is included, to clarify terms and avoid confusion. Rules of

interpretation were also created. DSD tried to clarify the procedural steps necessary for issuance of the different kinds of permits needed. We believe that it is now organized in a way that is logical for the lay person to locate the code section needed to address day-to-day issues that the public faces.

### Policy Questions and Issues

DSD has attempted to address a wide variety of issues. A number of workshops were held with the Planning Commission early in the process. The EDAC subcommittee spent several months reviewing the ordinance. Several public presentations were made to different interest groups to elicit feedback and comments on the draft. The text was also posted on the County's web site for several months. Through these comment venues, a number of concerns were raised with regard to the draft ordinance. These are listed in Attachment G, with a brief explanation of the approach DSD suggests. These issues can be addressed through public workshops, or if the Board has a specific concern about one or more, can be discussed at this time for specific direction to staff. Changes can be made to the draft throughout the review and hearing process, as none of the issues are of the magnitude that they could derail adoption of the ordinance update. Ultimately, it is within the Board's discretion to interpret the General Plan, and adopt appropriate implementation rules.

### Zoning Ordinance Adoption Process

DSD anticipates it will take another six to eight months to complete the public review and CEQA process and return to the Board for adoption hearings. The next steps are as follows:

1. Modify (if needed) the administrative draft based on Board direction to become the final working draft, the Public Review Draft (PRD)
2. Post the PRD text and maps on the internet
3. Initiate public outreach campaign
4. Begin CEQA process – Negative Declaration or MND anticipated
5. Conduct Planning Commission hearings
6. Forward Planning Commission recommendation to the Board; Revisions to draft if necessary
7. Recirculate CEQA document if necessary based on changes to ordinance
8. Conduct Board adoption hearings

A draft schedule is provided in Attachment H.

### **Summary and Board Action**

DSD asks the Board to confirm or re-direct staff's approach to the comprehensive Zoning Ordinance update with regard to the following components:

1. Amendment to Table 2-4 – Should amendment to Table 2-4 be included as a first step toward adoption of the Zoning Ordinance?
2. New and deleted zones – Do the zones proposed in the administrative draft meet the needs of the County to implement the General Plan and provide an adequate range of zones for each land use designation?
3. Basic structure of the ordinance – Is the organization and structure of the ordinance appropriate for the comprehensive update to Title 17?

4. Deferred items – Is deferring the items listed above appropriate at this time? Should the list be modified?
5. Process to be undertaken to get to adoption hearings in 6 to 8 months – Is the process by which DSD proposes to proceed acceptable?