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Executive Summary

This missive is intended to summarize efforts to date and assist the environmental engineers in determining the scope of required environmental analysis. Accompanying this summary is a CD that compiles EDAC material related to the evolution of the CEQA Project Description.

The scope of the CEQA project description was first considered in the CEQA workshop of January 10, 2011 which identified jobs, retail leakage, moderate income housing and rural commerce as issues requiring Board consideration.

By July 25, 2011 the Board was considering Resolutions of Intention directed to the Zoning Ordinance Update (ZO) and a Targeted General Plan Amendment (TGPA). On July 25, 2011 the Board of Supervisors considered an EDAC Report with exhibits and power point presentation that addressed the scope of the proposed Resolutions of Intentions for the TGPA and ZO.

On August 5, 2011 EDAC submitted for the Board of Supervisors hearing on August 9, 2011 a report entitled Targeted General Plan Amendment (TGPA) and DSD Programmatic Work plan. This Report further refined the scope of the Resolutions for the TGPA and ZO. Since August 5, 2011 EDAC and staff have worked towards further refining the scope of the TPGA ROI and ZO ROI.

On November 14, 2011 the Board will consider the TGPA ROI and the ZO ROI as well as a draft Scope of Work for the environmental review related to the TGPA and ZO. Generally, the scope of the environmental analysis will address the administrative draft of the updated zoning ordinance and updated zoning map that will be on line as of November 14, 2011 and the Targeted General Plan Amendments as detailed in the TGPA ROI.

EDAC agrees with staff that all items in the TGPA and ZO ROIs be evaluated in the environmental engineering proposals and to the extent possible, the cost of the evaluation quantified so the Board may review the cost/benefit of the proposed items before approving a contract. The Board should be advised if the firm believes that any element of the TGPA and ZO is so complex or costly that there is a risk that the “sideshow will take over the circus”.

EDAC does not make a recommendation as to the merits of any proposal. EDAC simply submits that these issues need resolution and before Board action there must be CEQA Review. With the purpose of assisting the Board and engineering firms, EDAC offers the following comments:

CEQA Project Description

I. Rural Commerce is to be encouraged.

A. Commercial/Industrial in Rural Regions

The General Plan Review found that fewer than one-half of the jobs projected per household under the adopted General Plan are actually being created, compounding a jobs/housing imbalance and resulting in additional job-related trips outside the county.

The General Plan prohibits new commercial and industrial land uses in the 500,000 acres of Rural Regions. The TGPA, while not proposing any specific land changes, would allow future consideration of site-specific General Plan amendments to provide additional commercial uses in the Rural Regions.

B. Timber Production Zones

The Zoning ROI proposes analysis of the environmental effect if a range of compatible uses are allowed for TPZ. Specific uses are included for analysis as examined in the white paper and proposed zoning language submitted July 25, 2011.

C. Agriculture

Agricultural uses to be analyzed are reviewed in the July 25, 2011 white paper and the refinement of that paper included in the binder accompanying this report.

D. Rural Lands

The General Plan Review concluded that substantial rural land splits are not required if the community regions can accommodate a substantial portion of the 20,000 new dwelling units remaining to be built during the General Plan horizon. This conclusion, along with the deficiency in job creation and need to lower external trips, has resulted in the need for rural landowners to use their lands as working landscapes. This has resulted in a discussion of the need for expanded uses of these lands. The enclosed Rural Land Zoning language allows a range of analysis between this language and the proposed zoning ordinance language.

E. Home Occupancy Ordinance

The proposed ZO limits rather than encourages home occupations. Attached is a proposal for expanded home occupations with standards based on such factors as parcel size, number of employees, hours of operation, etc. These standards, along with the San Bernardino Home Occupation Ordinance, may be used as the range of options for analysis of environmental impacts. Consideration should be given, as described by planning staff, "Many existing home businesses, that utilize employees, detached buildings, create occasional noise, have operated for years without complaint, or impact on neighbors, but are illegal." Suggest standards, setbacks,

hours of operation. Consider that jobs are being created at less than 50% of the GP projections. Home occupations may be considered in all regions of the county.

II. Zoning Map Update

The primary purpose of the Zoning Ordinance update is to ensure that the Zoning Ordinance (including the zoning map) is consistent with the adopted General Plan. California law requires that zoning be ***consistent*** with the adopted General Plan, and when a new or amended General Plan is adopted, a zoning ordinance must be amended within “a reasonable time” so that it becomes consistent. A zoning ordinance that is inconsistent with the General Plan is invalid when passed. The General Plan anticipates that update of the zoning ordinance will be one of the first implementation tasks following 2004 adoption of the plan.

Several alternative approaches have been suggested for use in updating the maps. The initial draft zoning update map was prepared by staff. That map appeared to perpetuate certain existing *inconsistencies* rather than to achieve *consistency with the General Plan*. Examples include Commercial lands proposed with residential zoning where policies generally prohibit residential use of Commercial land and Multi-Family Residential lands (with minimum densities of 5 units/acre under the General Plan) have proposed zoning that would prohibit creation of parcels smaller than 20 acres. Also, lands rolled-out of Williamson Act Contracts are proposed to retain large-lot agricultural zoning, without regard to current use or the General Plan land use designations.

Staff has agreed to revise the map using alternate criteria, a copy of which is enclosed. This criteria does not appear to address all of the issues related to the Zoning Map and consistency with the General Plan. A third approach to development of mapping criteria based on the General Plan land use designations has been developed and is included in this package.

As with environmental analysis of other issues, the analysis of the Zoning Ordinance and Map should be sufficient to assess the impact of the range of options offered by staff and through EDAC’s regulatory reform process. The requirement for *consistency* between the Zoning Ordinance/Map and adopted General Plan adds another layer of complexity to the analysis. The Board should make clear that it will only consider adoption of a Zoning Ordinance/Map update which is *consistent* with the adopted General Plan. Any alternative which is *inconsistent* would have to be rejected.

The scope of the environmental analysis should include the range of options between the zoning map, as may be revised, and the submitted criteria, with the objective of bringing the zoning map into consistency with the GP.

III. Commercial Zones

The draft zoning ordinance and the zoning map have essentially two commercial zones. The stated reason is that the marketplace should be allowed to determine what uses should be in which locations.

However, the General Plan expressly provides for designation of numerous zones to direct specific commercial uses to specific parts of the county. Multiple zones can be utilized to protect limited land resources for optimum commercial uses, while identifying permitted

commercial uses and the form of the compact residential component of mixed use projects. For instance, a “Main Street Commercial Zone” may allow compact residential development by right and also include master or “safe harbor” plans. Enclosed as an exhibit are a range of commercial zones along with mapping of examples of how these zones may be directed to selected areas. The power point presentations also include a wide range of examples for the environmental analysis.

IV. Industrial Zones

The range of analysis should consider that limited locations suitable for “heavy industrial” uses should be protected through appropriate zoning. Additionally, policies are proposed which will allow subsequent consideration of sites within rural regions suitable for industrial use, including uses which support agricultural, mineral and resource production.

V. Planned Developments

Several policy considerations related to Planned Developments are incorporated into the TGPA and ZO. These include modification or elimination of the 30% open space requirement for higher density residential, elimination of the threshold (50 parcels) that mandates a project utilize the PD concept, and elimination of the policy that High-Density Residential projects of more than 2 du/acre require a PD. A related component would consider possible amendments to a General Plan policy providing a Density Bonus in consideration for the preservation of open space.

As to each of these issues, a range of options are suggested and should be incorporated into the environmental analysis. These options range from retention of the existing policies, through the different approaches to revisions proposed by staff and by EDAC committees. As with the Zoning Map update, policies contained in the ZO related to these issues must be consistent with the General Plan.

VI. Wetlands Setbacks

One of the tasks included in the ZO is adoption of wetland setback requirements. A range of options should be evaluated, including compliance with Federal regulations, codification of the County’s interim guidelines or optional setback requirements contained in the Draft ZO.

Information Available

EDAC has compiled a CD containing pertinent material presented to the BOS at public hearings and workshops from January 10, 2011 through November 14, 2011. This information may be utilized as resource data by environmental consultants in the analysis of the proposed TGPA and ZO. EDAC Committees have prepared specific language in support of certain elements of the TGPA and ZO, and will continue to provide additional information throughout the environmental review process.

Appendix A. El Dorado County Targeted General Plan

Proposed Revisions - Agriculture

- Policy 2.1.1.1** The Communities within the County are identified as: ~~Camino/Pollock Pines~~, El Dorado Hills, Cameron Park, El Dorado, Diamond Springs, Shingle Springs, and the City of Placerville and immediate surroundings:
- Policy 2.1.2.1** The Rural Centers within the County are identified as: Camino/Pollock Pines, Coloma, Cool, Fairplay, Garden Valley, Greenwood, Georgetown, Grey's Corner, Grizzly Flat, Kelsey, Kyburz, Latrobe, Little Norway, Lotus, Mosquito, Mount Ralston, Mt. Aukum, Nashville, Oak Hill, Phillips, Pilot Hill, Pleasant Valley, Quintette, Rescue, Somerset, Strawberry, and Chrome Ridge.
- Policy 2.9.1.4** The boundaries of Community Regions and Rural Centers may be changed and/or expanded ~~every five years~~ through the General Plan review or amendment process. ~~as specified in Policy 2.9.1.2.~~
- Policy 2.2.1.2** Industrial (I): The purpose of this land use category is to provide for a full range of light and heavy industrial uses. Types of uses that would be permitted include manufacturing, processing, distribution, and storage. Incompatible, non-industrial uses, excluding support services, shall be prohibited. ~~Industrial uses shall be restricted to industrial lands within, or in close proximity to, Community Regions and Rural Centers. Industrial lands in Rural Regions shall be constrained to may have uses which support on-site agriculture, timber resource production, mineral extraction, or other resource utilization. In the Rural Regions, no additional land shall be designated for industrial uses.~~ This designation is considered appropriate within Community Regions, ~~and Rural Centers~~, and, ~~subject to the limitation described above,~~ Rural Regions.
- Policy 2.2.1.2** Commercial (C): The purpose of this land use category is to provide for a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. Mixed use development of commercial lands within Community Regions and Rural Centers which combine commercial and residential uses shall be permitted provided the commercial activity is the primary and dominant use of the parcel. The residential component of the project shall only be implemented following or concurrent with the commercial component. Except for Community Care Facilities described in Objective 4.1.2, developments in which residential usage is the sole or primary use shall be prohibited on commercially designated lands. Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate areas of the County. This designation is considered appropriate within Community Regions, ~~and Rural Centers~~, and Rural Regions.
- Policy 2.2.5.10** It is recognized that there are large Rural Regions within the County wherein agriculture is pursued, and these areas need certain support uses that are unique to agriculture and its related uses. While allowing for establishment of such agricultural support services, this policy will protect the permitted uses of such agricultural areas by only allowing the establishment of such support services ~~with a special use permit which~~ following Agriculture Department or Agricultural Commission compatibility review, including ~~will require~~ a finding that the

El Dorado County General Plan Targeted Amendment & Zoning Ordinance Revision

Agricultural Issues Paper

EDAC Agricultural Work Group

Revised: November 9, 2011

With Forward by Valerie Zentner

Forward

By Valerie Zentner, Chair, EDAC Ag Workgroup

The original publication of the white paper entitled “El Dorado County General Plan Targeted Amendment & Zoning Ordinance Revision, *Agricultural Issues Paper*” was published on July 19, 2011 in preparation for future workshops on this topic. The paper correctly identified the issues to be considered for amendment that will assist the agricultural industry meet the goals and objectives stated in the General Plan. Furthermore, recommendations were included to provide consistency in the implementing language of the Zoning Ordinance Revision.

In preparing and since publishing the white paper in July, these matters were presented in six public workshops. The concepts were discussed by the Board of Supervisors on July 25 and October 24, the Planning Commission on September 8 and 22, and the Agricultural Commission on July 13 and September 14, 2011.

Numerous Ag Workgroup committee meetings were held in recent months to refine the inputs provided by the Board and Commission members, as well as the public. This White Paper represents the culmination of that process into specific recommended changes to language and processes, all with the goal of bringing consistency to the General Plan’s implementation for agriculture.

This white paper replaces and supercedes the July issue. The issues identified for discussion are essentially the same as proposed in July, but much more specific language has been developed and vetted to address those issues. The general discussion of the issues has been abbreviated here, but the reader may consult the original paper if more detail is wanted. The Appendices have been significantly modified to include the full text of the changes proposed by the Ag Workgroup in the following areas: 1) the General Plan policies; 2) Zoning Ordinance Code revisions to Article 2 (Zones, Allowed Uses, and Zoning Standards), 3) Zoning Ordinance Code revisions to Article 4 (Specific Use Regulations), and 4) Zoning Ordinance Code revisions to Article 8 (Glossary).

Agricultural Issues Executive Summary

Introduction

The El Dorado County General Plan is undergoing its five year review. It was reviewed by the EDAC Regulatory Reform Agricultural Work Group. The Plan was examined for issues that have been confusing or difficult to implement. A comprehensive review identified sections requiring clarification to bring various Plan elements into consistency with one another. The associated changes to the Zoning Ordinance have also been reviewed.

Agriculture in El Dorado County

Agriculture in El Dorado County is represented by approximately 5,000 acres of irrigated and dry farmed crop land, 233,000 acres of rangeland¹, and another 633,000 of timberland² (222,000 acres in private and 411,000 acres in public lands) or 871,000 acres total, representing 79% of the county area. There are currently 49,141 acres included in Agricultural Districts and another 16,164 net acres recommended for addition to those Districts, for a total of 65,305 proposed acres, or 5.9% of the county area.

The county excels in Specialty Crop production, but the scale of the operations remains small family farms when compared to the large commodity agriculture seen in other regions of California. The end result is an agriculture industry that is largely successful due to its on-site marketing of its crops and value-added products, creating an agri-tourism destination to provide economic sustainability. In 2009 travel spending in El Dorado County totaled nearly \$557 million.³

The 2010 Crop Report for El Dorado County estimates that while crop values totaled \$35 million, the total economic impact of the industry is \$360 million. This takes into account the positive effect to the local economy of agriculture-related jobs, visitor spending on food and lodging, and services that support local residents as well as those who visit the area. For every \$1 of raw crop value it is estimated that there is a \$7 benefit to the local economy⁴. The 2010 crop report reflects that Apple Hill accounted for a \$108 million positive impact to the economy and the wine industry contributed \$158 million. Our success is based on sustaining an agri-tourism destination business model.

As a result of the on-site sales business model instead of large volume commodity agricultural operations, the Economic Development Element and the Overriding Considerations in the adopted General Plan reflect the importance of encouraging agricultural commercial activities in the Rural Regions. We represent the working landscapes in a natural resource-based business sector. It is with this in mind that we reviewed the General Plan to bring consistent language forward that would encourage these activities and provide a pathway to economic sustainability.

General Plan Issues

The review of the agricultural issues within the General Plan centered on those areas that were internally inconsistent, ambiguous, or that mentioned specific zone designations. In the area of agricultural buffers, we recommended incorporating Board interpretations into the policy. We provide specific language in Appendix A where we have addressed the following areas:

- Changing the Camino/Pollock Pines Community Region to a Rural Center
- Allowing Commercial and Industrial uses in the Rural Region
- Encouraging the expansion of Rural Centers and the Community Identification process
- Deleting the requirement for Special Use Permit for Agricultural Support Services
- Deleting specific ag zoning designations from the Open Space and Agriculture policies
- Expanding the Agricultural Districts
- Making agricultural buffers in Community Regions consistent
- Specifying Ranch Marketing uses on Grazing Lands

Zoning Ordinance Issues

The review of the agricultural issues within the Zoning Ordinance Revision centered on those areas that were internally inconsistent or did not fully implement certain General Plan objectives. We reviewed the new language for proposed agricultural zones and determined that “Agricultural Support Services” were not clearly defined. We recommended adding a new section identifying those uses that support and are compatible with existing and future agricultural operations. We provide specific language in Appendix B where we addressed the following areas:

- Clarifying “Agricultural Support Services” allowed on or near agricultural operations
- Bring into conformance with the new proposed agricultural zoning: Ag Preserves, Animal Raising & Keeping, Right to Farm, and Wineries
- Animal Raising & Keeping to address educational and personal use
- Ranch Marketing to add a new section addressing activities on Grazing Lands and reserving two sections to address small livestock and horticultural operations
- Right to Farm to more closely align with state law
- Winery Ordinance to clarify recent interpretations of certain language
- Commercial & Industrial/Research & Development – to allow appropriate uses in Rural Regions

Zoning Change Review and Property Owner Opt-in

In order to fully implement the proposed zoning changes and to ensure consistency with the General Plan Land Use designations, we recommend the county direct staff to review and analyze the impacts of the zoning changes to existing agricultural uses. Specifically, bringing the Ag Districts’ zoning into conformance with the underlying land use and ensuring that agricultural operations outside the Districts will be able to continue with the same rights and protections they now enjoy will require review. Allowing property owners the opportunity to opt in to the appropriate zone will further protect agriculture in El Dorado County.

Agricultural Commission Review

All of the recommendations contained in this summary and in the Appendices have been reviewed by the Agricultural Commission. They expressed support in concept for all of the recommendations except the Animal Raising & Keeping remarks on educational and personal uses as they did not consider this to be within their purview of responsibility. They further expressed the desire to continue to be involved in fine-tuning the new language throughout the Zoning Ordinance Revision process should the Board of Supervisors agree to add the new agricultural zoning designations as well as the new section for Agricultural Support Services to the zoning code.

Conclusions & Recommendations

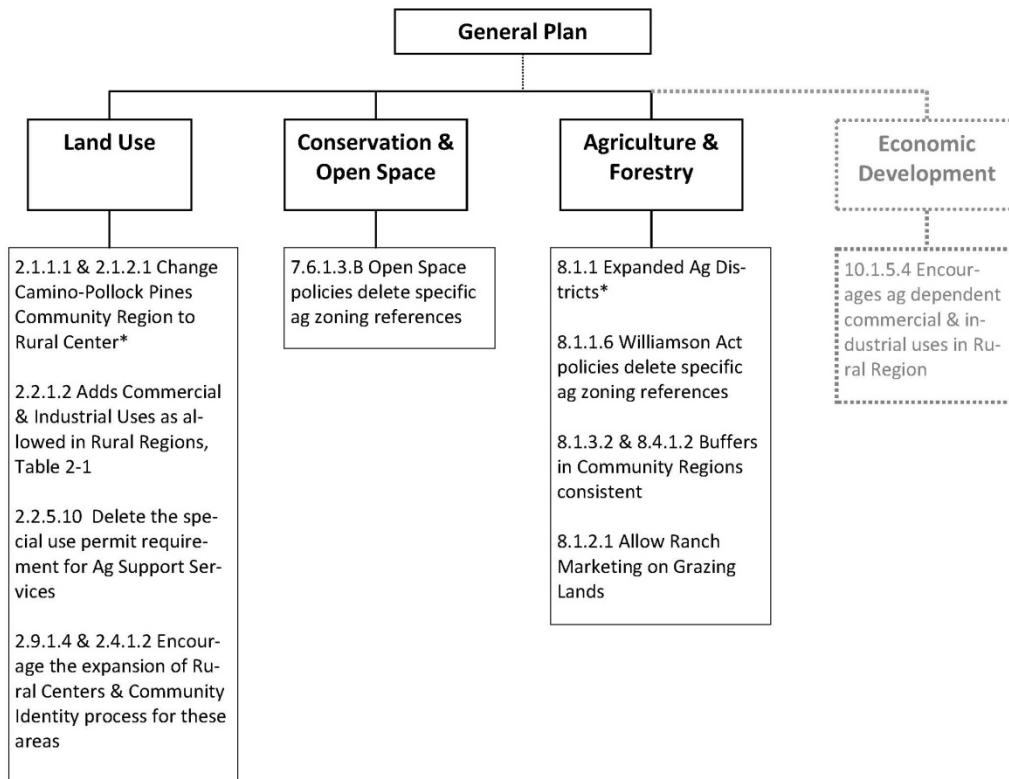
The goal of the Workgroup in all of the recommended changes is to strengthen, allow and encourage “agriculture dependent commercial and industrial uses in the Rural Region” as stated in Policy 10.1.5.4 to promote economic viability within the agriculture industry. As one of the legs of the “three-legged stool of sustainability”, economic opportunities are essential in preserving and expanding the industry.

Chapter 1. General Plan Issues – Agriculture

El Dorado County Targeted General Plan Amendment

The review of the agricultural issues within the General Plan centered on those areas that were internally inconsistent, ambiguous, or that mentioned specific zone designations. Further, we recommended incorporating Board interpretations into policy. In this Chapter we identify specific policy language that meets the above criteria, their recommended changes, and some analysis of the proposed change. Figure 1 identifies the General Plan elements addressed and a summary of the proposed language is included in Appendix A.

**Figure 1. General Plan Targeted Amendments
Agriculture**



**BOS Resolution of Intent to Amend GP*

1.1 Land Use Element

1.1.1 Camino/Pollock Pines – Community Region to Rural Center.

Recommendation: Land Use objective 2.1.1.1 lists those areas included in areas designated as “Community Regions” and a similar listing is provided in 2.1.2.1 for “Rural Centers”. Camino/Pollock Pines is included as a Community Region and we request re-designation of this area to a Rural Center. Revise as follows:

Policy 2.1.1.1 The Communities within the County are identified as: ~~Camino/Pollock Pines~~, El Dorado Hills, Cameron Park, El Dorado, Diamond Springs, Shingle Springs, and the City of Placerville and immediate surroundings:

Policy 2.1.2.1 The Rural Centers within the County are identified as: Camino/Pollock Pines, Coloma, Cool, Fairplay, Garden Valley, Greenwood, Georgetown, Grey’s Corner, Grizzly Flat, Kelsey, Kyburz, Latrobe, Little Norway, Lotus, Mosquito, Mount Ralston, Mt. Aukum, Nashville, Oak Hill, Phillips, Pilot Hill, Pleasant Valley, Quintette, Rescue, Somerset, Strawberry, and Chrome Ridge.

1.1.2 Changes to Community Region to Rural Center boundaries.

Recommendation: Policy 2.9.1.4 states that Rural Center boundaries may be changed or expanded every five years. Consistent with policy 2.4.1.2, the Rural Centers should continue to benefit from the Community Identity process and define their roles in the rural regions to meet the needs of the rural communities. As such, we recommend deleting the restriction in policy 2.9.1.4 that limits these types of amendments to a five year review period. Policy 2.1.2.6 states that Rural Center boundaries may be modified through the General Plan Amendment process. That statement should be sufficient without the time restriction. Revise as follows:

Policy 2.9.1.4 The boundaries of Community Regions and Rural Centers may be changed and/or expanded ~~every five years~~ through the General Plan review or amendment process. ~~as specified in Policy 2.9.1.2.~~

1.1.3 Ag Commercial and Industrial Uses.

Recommendation: Allow for the creation of new commercial and/or industrial land within Rural Regions of the County and create consistency within the General Plan. Land Use policy 2.2.1.2 prohibits the creation of new commercial or industrial land use designations in Rural Regions. Economic Development policy 10.1.5.4 encourages expansion of value-added industries and ag-dependent commercial and industrial uses on lands within Rural Regions. Revise as follows:

Policy 2.2.1.2 Industrial (I): The purpose of this land use category is to provide for a full range of light and heavy industrial uses. Types of uses that would be permitted include manufacturing, processing, distribution, and storage. Incompatible, non-industrial uses, excluding support services, shall be prohibited. ~~Industrial uses shall be restricted to industrial lands within, or in close proximity to, Community Regions and Rural Centers.~~ Industrial lands in Rural Regions ~~shall be constrained to~~ may

~~have~~ uses which support ~~on-site~~ agriculture, timber resource production, mineral extraction, or other resource utilization. ~~In the Rural Regions, no additional land shall be designated for industrial uses.~~ This designation is considered appropriate within Community Regions, and Rural Centers, and, ~~subject to the limitation described above,~~ Rural Regions.

Policy 2.2.1.2 Commercial (C): The purpose of this land use category is to provide for a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. Mixed use development of commercial lands within Community Regions and Rural Centers which combine commercial and residential uses shall be permitted provided the commercial activity is the primary and dominant use of the parcel. The residential component of the project shall only be implemented following or concurrent with the commercial component. Except for Community Care Facilities described in Objective 4.1.2, developments in which residential usage is the sole or primary use shall be prohibited on commercially designated lands. Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate areas of the County. This designation is considered appropriate within Community Regions, ~~and~~ Rural Centers, and Rural Regions.

Revise Tables: Table 2-4 will need to be reviewed and revised to reflect commercial and industrial zoning as an allowed use within the Rural Residential, Agricultural Land, and Natural Resource land use designations. Table 2-1 should be revised to reflect commercial uses in Rural Regions outside of Platted Lands that are in support of agricultural uses and should strike the footnote to bring the table into consistency with the proposed language.

1.1.4 Delete SUP requirement for Ag Support Services.

Recommendation: Land Use policy 2.2.5.10 recognizes that agricultural support services will be needed in the Rural Regions within the County. While allowing for those services, the uses will be established “with a special use permit” which requires certain findings that the use will be compatible. Rural Regions contain agricultural lands with certain permitted uses allowed provided they are “conducted on a site with a bona fide agricultural operation.” It is recommended that this policy be amended to delete the requirement for a “Special Use Permit” in all cases and allow the level of review to be spelled out in the associated zoning code. Revise as follows:

Policy 2.2.5.10 It is recognized that there are large Rural Regions within the County wherein agriculture is pursued, and these areas need certain support uses that are unique to agriculture and its related uses. While allowing for establishment of such agricultural support services, this policy will protect the permitted uses of such agricultural areas by only allowing the establishment of such support services ~~with a special use permit which~~ following Agriculture Department or Agricultural Commission compatibility review, including ~~will require~~ a finding that the establishment of the use will have no significant adverse effect on surrounding property or the permitted uses thereof.

1.2 Conservation and Open Space Element

1.2.1 Amend the Open Space Policy to delete Agricultural zoning references.

Recommendation: Objective 7.6.1 addresses the importance of Open Space and identifies land use management that can, in cooperation, achieve the county's goal to maintain Open Space lands. In 7.6.1.3.B., specific agricultural Zoning Designations are listed that help meet the Open Space goals. These should be changed to delete references to zoning. Revise as follows:

Policy 7.6.1.3.B. The agricultural (~~A~~), Exclusive Agricultural (~~AE~~), Planned Agricultural (~~PA~~), Select Agricultural (~~SA-10~~), and timber Zone (~~TPZ~~) zoning districts are consistent with Policy 7.6.1.1 and serve one or more of the purposes set forth therein.

1.3 Agriculture and Forestry Element

1.3.1 Agricultural District Expansion.

Recommendation: Objective 8.1 and Implementation Measure AF-B prescribe the method for identifying agricultural lands for conservation, including expanding agricultural Districts. The Board of Supervisors should accept the review and recommendation of the Agricultural Commission for lands suitable for inclusion in Agricultural Districts. Several public hearings were conducted and notice was provided to affected and adjacent landowners. The recommendations reflect expansion of these districts consistent with the General Plan objectives and community input.

1.3.2 Amend the Williamson Act to delete Agricultural zoning references.

Recommendation: Policy 8.1.1.6 addresses Agricultural Land Conservation. In identifying conservation programs, it specifically addresses the zoning designation for the Williamson Act that should be applied to Agricultural Preserves under that program. Since zoning designations may change with future revisions it would simplify these references without the zoning designations. Revise as follows:

Policy 8.1.1.6 Parcels encumbered by a Williamson Act Contract, pursuant to the California Land Conservation Act, shall ~~be zoned Exclusive Agriculture (AE)~~ be identified as an Agricultural Preserve.

1.3.3 Ag Buffers in Community Regions and Rural Centers.

Recommendation: Policy 8.4.1.2 allows a reduction to forest land buffers to a minimum of 50 feet in Community Regions and Rural Centers but policy 8.1.3.2 does not include the same language for agricultural setbacks. This recommended revision brings the two buffering policies in line with one another (forest resources and agricultural lands). Recommend making the language consistent by revising 8.1.3.2 as follows:

Policy 8.1.3.2 Agriculturally incompatible uses adjacent to agricultural zoned lands shall provide a minimum setback of 200 feet from the boundary of the agriculturally zoned lands.

Agriculturally incompatible uses adjacent to agriculturally zoned land outside of designated Agricultural Districts shall provide a minimum setback of 200 feet on parcels 10 acres or larger.

Projects located within a Community Region or Rural Center planning concept area shall maintain a minimum setback of 50 feet. The 50-foot setback shall only apply to incompatible uses including residential structures.

The implementing ordinance shall contain provisions for Administrative relief to these setbacks, where appropriate, and may impose larger setbacks where needed to protect agricultural resources.

1.3.4 Enable Ranch Marketing Programs on Livestock Operations.

Recommendation: The Economic Development Element (Policy 10.1.5.4) and Agriculture & Forestry Element (AF-D and AF-E) encourage agri-tourism activities on productive agriculture lands. Section 8.2.2 encourages the use of Ranch Marketing, or direct farm sales, on agricultural crop lands and sets the criteria for allowing these accessory uses to enhance the income opportunities for agriculturists. Although ranching operations are not specifically excluded from these uses, they are not included either. This recommendation clarifies that matter by adding Ranch Marketing opportunities on ranch operations. Revise the language in 8.1.2.1 as follows:

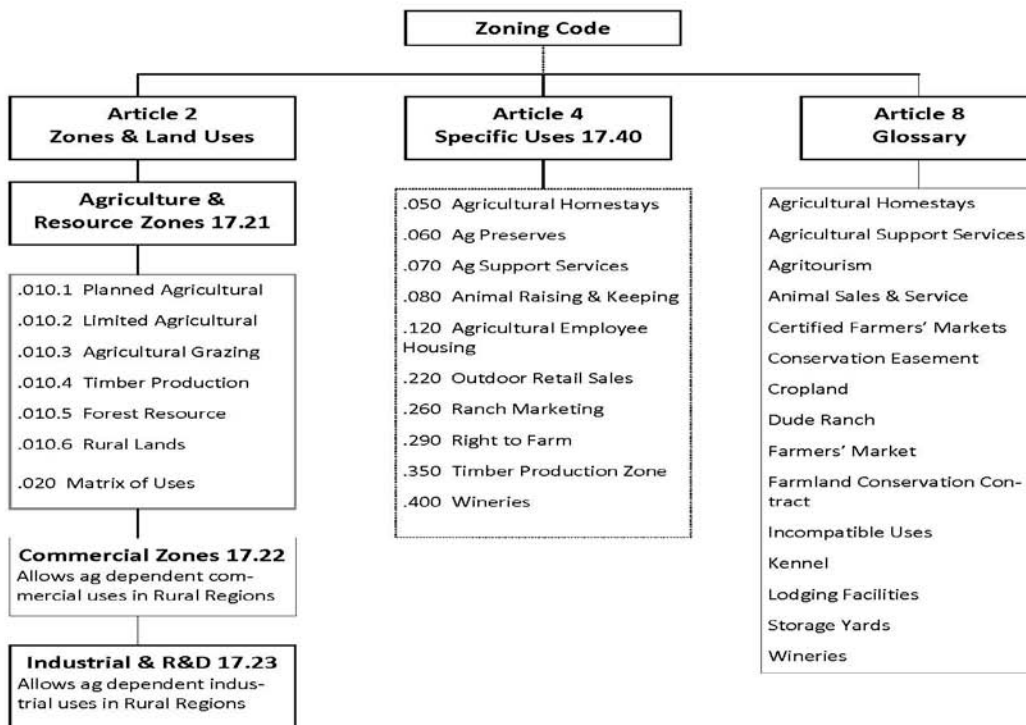
Policy 8.1.2.1 The County Agricultural Commission shall identify lands suitable for sustained grazing purposes which the Commission believes should be managed as grazing lands. Once such lands have been identified by the Commission, the Board of Supervisors shall determine whether to initiate incentive based programs, including Ranch Marketing and other visitor serving uses, to retain such lands as productive grazing units.

Chapter 2. Zoning Ordinance Issues – Agriculture

El Dorado County Zoning Ordinance Revision

The review of the agricultural issues within the Zoning Ordinance Revision centered on those areas that were internally inconsistent or did not fully implement certain General Plan objectives. We reviewed the new language for proposed agricultural zones and determined that “Agricultural Support Services” were not clearly defined. We recommended that the zoning matrix identify allowed ag support uses that are compatible with existing and future agricultural operations within existing zoning. Figure 2 identifies the Zoning Ordinance areas reviewed and addresses proposed revisions. A summary of the proposed language is included as Appendix B.

**Figure 2. Zoning Ordinance Revision
Agriculture**



2.1. Article 2 - Agriculture and Resource Zones (17.21)

2.1.1 Allow Zoning Opt-in for Residential Agriculture (RA) in Rural Regions

Recommendation: A global re-zone of all Residential Agricultural (RA) lands to Rural Lands (RL) may result in unintended consequences for some agricultural operations. RA parcels currently have agricultural buffering and Right to Farm protections. The goal is to protect existing agricultural operations from incompatible encroachments and/or nuisance complaints and to continue existing protections for agricultural operations currently zoned RA.

2.1.2 Allow Zoning Opt-in for Residential Estate (RE) zoning within Agricultural Districts

Recommendation: Residential Estate (RE) zoning within Agricultural Districts should be rezoned to an agricultural zoning (proposed Limited Ag) if the underlying land use designation is Agricultural Land (AL), the parcel is of substantial size (minimum 10 acres), the parcel has choice soils, and the surrounding land use is compatible. Residential zoning is not consistent with the Agricultural Land (AL) land use designation, especially within an Agricultural District. By rezoning RE parcels to an ag zone based on the criteria mentioned above, the County would be creating inconsistencies between the GP and Zoning Ordinance.

2.1.3 Incorporate Agricultural Support Services as allowed uses in Agricultural Zoning Matrix

Recommendation: Zoning Code 17.40.070 incorporates criteria for allowing Agricultural Support Services. It acknowledges that these services may be compatible in agricultural areas and provides commercial activities the opportunity to be located in those areas subject to Agricultural Commission approval. We recommend that a wide range of support services be identified to the extent possible. The appropriate permit process should be identified to the agricultural zoning and added to 17.21.070.

By incorporating these commercial uses within the Agriculture and Resource Zoning section, and by requiring Agricultural Commission review and approval of these services, we maintain the protection of the agricultural lands while complying with the General Plan Policy that encourages support uses. Providing for a pathway to place compatible businesses within the agricultural areas will enhance economic viability for agriculture. Recommend 17.40.070 be utilized for those “other” uses not identified in the other zones. The full text of section 17.21 with proposed changes may be viewed at Appendix B.

2.2 Article 2 - Commercial Zones (17.22)

2.2.1 Commercial in Rural Regions

Recommendation: If the Board of Supervisors agrees to amend the General Plan policy to allow commercial uses in areas other than the platted lands within the rural regions, a consistency review will be required. Further, review zoning code to ensure that there is consistency with the Agriculture and Resource Zone in identifying that uses permitted are consistent between both sections. Review the Matrix of Permitted Uses table in 17.22.020 for consistency.

2.3. Article 2 - Industrial Zones (17.23)

2.3.1 Industrial in Rural Regions

Recommendation: If the Board of Supervisors agrees to amend the General Plan policy to allow industrial uses in areas other than the platted lands within the rural regions, a consistency review will be required. Further, review zoning code to ensure that there is consistency with the Agriculture and Resource Zone in identifying that uses permitted are consistent between both sections. Review the Matrix of Permitted Uses table in 17.23.020 for consistency.

2.4. Article 4 - Specific Use Regulations (17.40)

2.4.1 Agricultural Support Services

Recommendation: By incorporating the support services into the Ag Zoning permitted uses matrix, many potential uses will be addressed. However, we recognize that new opportunities may arise for “other uses” not specifically identified in the matrix. Revising the language in the Specific Use section will provide a pathway for these opportunities. Revise the section as follows:

17.40.070 Agricultural Support Services

- A. **Purpose.** The purpose of this Section is to promote and regulate the necessary support services that enhance the viability and productivity of the County’s agricultural resources while protecting the public health, safety, and welfare.
- B. **Applicability.** The standards set forth in this Section shall apply to agricultural support services, as defined in Article 8, ~~where permitted in the use matrices for the zones.~~
- C. **Review by Agricultural Commission Required.** When an application for a Conditional Use Permit is required to construct or operate a commercial operation on agricultural or resource zoned land as an Agricultural Support Service, the use shall be considered by the Agricultural Commission prior to a hearing before the review authority.
- D. **Special Findings Required.** In order to approve a Conditional Use Permit for agricultural support services, the review authority must make the following findings in addition to the findings required under Chapter 17.52.020:
 - 1. The establishment of such use ~~is necessary to~~ will support the agricultural industry in the surrounding area, based on the type of agricultural enterprises that exist in the area and the proposed support service to be provided;
 - 2. ~~The proposed support service is unique to agricultural activities~~ The proposed support service will have no significant adverse effect on commercial agriculture in the area;
 - 3. The establishment of such use will enhance the economic vitality of the agricultural industry in the area in which it is proposed to be located; and

4. The establishment of such use will have no significant adverse effect on surrounding property and the permitted uses thereof.

2.4.2 Animal Raising and Keeping – agricultural exemptions

Recommendation: The proposed language in section 17.40.080, Animal Raising and Keeping, identifies certain agricultural exemptions by zoning. This paragraph needs to be revised as follows to incorporate proposed new zoning.

17.40.080.C. Exemptions: Lands zoned ~~AE (Agricultural, Exclusive), AP (Agricultural Preserve), PA (Planned Agricultural), LA Limited Agricultural,~~ AG (Agricultural Grazing), and FR (Forest Resource) shall be exempt from the provisions of this Section.

2.4.3 Animal Raising and Keeping – educational and personal use

Recommendation: An additional issue not specifically associated with domestic farm animals on agricultural lands is contained in 17.40.080 paragraphs D and E. The concern of the agricultural community in this regard is the common practice of farm animal raising and slaughter on residential lands, including personal use and educational projects. Since there are numerous residential zones, many of which can have large enough parcels to accommodate domestic farm animals, recommended language changes are offered for consideration. Further revise the language as follows:

- D. No domestic farm animal, as defined in Article 8 (Animal: domestic farm), shall be kept on a lot of less than one acre in any residential zone.
- E. The slaughtering of fowl or animals is ~~not~~ permitted on a lot of more than one acre in any residential zone ~~of the residential zones.~~

2.4.4 Agricultural Employee Housing

Recommendation: Revise the language in 17.40.120, Commercial Caretaker and Agricultural Employee Housing, to bring the language into consistency with Subsection D.2. Revise Subsections D, E and G as follows:

D. Agricultural Employee Housing

2. Agricultural employee housing consisting of no more than 36 beds in group quarters, or 12 units or spaces designated for use by single households, shall be allowed under an Administrative Permit in agricultural zones. The permitted occupancy in said housing shall include agricultural employees who do not work on the property where the agricultural labor housing is located (Health and Safety Code Section 17021.6). Administrative Permit approval for agricultural employee housing shall be subject to the following:
 - a. Findings made by the Agricultural Commission that the need for such housing exists based on the type of agricultural commodity produced in the area,

~~amount of acreage in production~~, and any other factors determined to be applicable; and

- b. ~~The term of occupancy for agricultural employee housing shall be limited to the seasonal extent of the produce grown on the lot. An exception to this limitation is where an agricultural employee works off site, as allowed under this Paragraph, in serially seasonal, agriculturally-related employment, subject to the findings in 2.a above.~~

E. General Standards. In addition to the specific provisions under Subsections C and D above, all commercial caretaker and agricultural employee housing shall be subject to the following standards:

1. **Occupancy.** At least one of the occupants of each housing unit shall be a full-time or seasonal employee of the business, operation, or institution that qualifies for such housing in compliance with this Section. The exception to this requirement shall be agricultural employee housing in compliance with Subsection D.2 above.

G. Removal of Housing Unit. A caretaker or agricultural employee housing unit shall remain in use concurrent with the existence of the principal use of the site that justifies the housing unit or, in the case of agricultural employee housing, there remains a demonstrated need. Upon termination of the principal use, the housing unit shall be removed if a temporary structure, or converted to another permitted use if a permanent structure.

2.4.5 Outdoor Retail Sales

Recommendation: Revise the language in 17.40.220, Outdoor Retail Sales, to bring the language into consistency with requirements for certified and non-certified farmers' markets as follows:

C. Temporary Outdoor Retail Sales. Temporary outdoor retail sales such as farmers' markets, arts and craft fairs, seasonal sales, swap meets/flea markets, sidewalk sales, and mobile food vendors may be permitted subject to the issuance of an Administrative Permit (Section 17.52.010), unless otherwise specified below and under Subsections D through H. "Certified" Farmer's Markets shall be exempt from this policy, but shall comply with Subsection D. The following standards shall apply:

D. Farmers' Markets. In addition to the standards under Subsection C, certified and non-certified farmers' markets are subject to all applicable provisions of Sections 47002 et seq. of the California Food and Agriculture Code.

2.4.6 Ranch Marketing access requirements clarified

Recommendation: Recognizing that certain public-maintained roads are managed by the state, clean up the language in 17.40.260.G, H and M to reflect that different requirements apply to ranch marketing activities with access from public maintained roads. Revise G.2, H.9 and (new) M.2 as follows:

G. Uses Requiring an Administrative Permit. The following uses are permitted by Administrative Permit in compliance with Section 17.52.010:

1. Use of a Ranch Marketing Commercial Kitchen for off-season production of byproducts for off site sales.
 2. Ranch marketing activities that do not have direct access to a County Maintained Road or State Maintained Highway, provided that the operator of the facility has entered into an agreement to participate in any road maintenance entity (homeowner's agreement, Zone of Benefit, Community Services District, or County Service Area) on roads that serve the site.
- H.9. Ranch marketing activities that do not have direct access onto a State Highway or County-maintained road and do not participate in a road maintenance agreement, as provided in Paragraph G.2.
- M.2. Access.
- a. A ranch marketing facility shall be connected directly to a County maintained road or state maintained highway, except as provided in Paragraphs G.2 and H.10.

2.4.7 Ranch Marketing Permit requirements for concurrency

Recommendation: Delete the Conditional Use Permit requirement in 17.40.260.G.10 as it is in conflict with provisions in 17.40.260.E.1.b which address the issue of concurrency of season. Revise as follows:

- ~~10. Ranch marketing activities that operate at times other than the harvest season, as defined above.~~
- ~~110.~~ In addition to the findings required under Subsection 17.52.020.C (Conditional Use Permit), the following findings shall be made by the review authority prior to approving a Conditional Use Permit under this Section:

2.4.8 Ranch Marketing uses for Livestock and Horticultural Uses not stated

Recommendation: Allow Ranch Marketing uses on grazing operations and other horticultural operations. This use is consistent with General Plan policies that encourage programs to ensure the economic sustainability of grazing and growing operations in the county. This implements the proposed General Plan Amendment to Policy 8.1.2 and implementation measures AF-D and AF-E. Insert the following sections after the Christmas Trees provisions:

17.40.260.J. Ranch Marketing Provisions for Agricultural Grazing Lands (Large Animal). The provisions of this Subsection apply only to cattle grazing operations and are not in addition to other uses permitted by this Section. The following ranch marketing provisions shall provide a ranch atmosphere and natural environment for Dude Ranches, as defined in Article 8, and other events and activities defined in this ordinance and shall be permitted by right on land zoned Agricultural Grazing (AG) consisting of a single parcel or contiguous parcels totaling a minimum of 160 acres under the same ownership:

1. Food serving facilities
2. Use of existing permanent structures and/or temporary structures
3. Fishing, hunting, horseback riding, hiking
4. Round-ups, rodeos, etc.
5. Camping
6. Retail sales in compliance with Subsection F.4.
7. Other uses found compatible with the grazing operation
8. Special Events as defined in Subsection F.5.

Parcels that do not meet the above acreage criteria, but have over 40 acres of grazing land and are zoned Agricultural Grazing (AG), may qualify for Ranch Marketing activities with a Minor Use Permit.

17.40.260.K. Ranch Marketing Provisions for Small Livestock Operations - reserved

17.40.260.L. Ranch Marketing Provisions for Horticultural Operations (i.e., Wholesale Nurseries and Flower Farms) - reserved

2.4.9 Right to Farm Ordinance currently protects only “agriculturally zoned” parcels

Recommendation: Parcels located within Agricultural Districts, with Agricultural Lands (AL) land use designations, that have agricultural operations, are not afforded the Right to Farm protections from nuisance complaints, if they have residential zoning. All agricultural operations within Agricultural Districts should be protected regardless of zoning and those lands outside of Agricultural Districts with agricultural zoning or Ag Land Use (AL) designation should also be protected. Revise the language as follows:

B. Definitions. As used in this Section, the following terms shall have the meanings set forth below:

Agricultural Land. Lands which are zoned PA (Planned Agricultural), LA (Limited Agriculture), AG (Agricultural Grazing), FR (Forest Resource), and TPZ (Timberland Production Zone) or lands located within an Agricultural District or parcels with an Agricultural Land General Plan Land Use Designation. PCD

2.4.10 Timber Production Zone

Recommendation: Recommend that the language in 17.40.350.B be revised to delete “Forest Resource Zone (FR)” as an appropriate zoning for Timber Production Zone uses as required by the Forest Taxation Reform Act of 1976. Revise as follows:

B. Applicability. Lands subject to the following regulations are or shall be zoned Timber Production Zone (TPZ) ~~or Forest Resource Zone (FR).~~

2.4.11 Winery Ordinance zoning consistency review

Recommendation: Recommend that the zoning in Table 17.40.400 be reviewed and revised to delete old zoning nomenclature and replace with new proposed zones as follows:

AG: Agricultural Grazing LA: Limited Agricultural PA: Planned Agricultural RL: Rural Lands RE: Estate Residential		P Permitted “by right” use CUP Conditional Use Permit required (Section 17.52.020) — Use not allowed in zone				
	PERMIT REQUIRED BY ZONE					
	AG & PA 20+ Acres	PA 10 -19.9 Acres; In Ag District	PA 10 - 19.9 Acres; Out of Ag District	RE, LA & RL 10+ Acres; In Ag District	RE, LA & RL 10+ Acres; Out of Ag District	LA in WAC Contract 10+ Acres
USE						
New Winery	P	P	CUP	P	CUP	CUP
Tasting Facilities	P	P	CUP	P	CUP	CUP
Wholesale/Retail Sale of Wine	P	P	CUP	P	CUP	CUP
Retail Sale of art/merchandise	P	P	CUP	P	CUP	CUP
Public Tours	P	P	CUP	P	CUP	CUP
Picnic Areas	P	P	CUP	P	CUP	CUP
Marketing Events	P	P	CUP	P	CUP	CUP
Special Events (in compliance with E.3)	P	P	CUP	CUP	CUP	CUP
Agriculture- related museums	P	CUP	CUP	CUP	CUP	CUP
Commercial kitchen for on site use, only	P	CUP	CUP	CUP	CUP	CUP
Commercial kitchen for off site use	CUP	CUP	CUP	CUP	<u>CUP</u>	CUP
Dining facilities	CUP	CUP	CUP	CUP	<u>CUP</u>	CUP
Distilleries	CUP	CUP	CUP	CUP	<u>CUP</u>	CUP
Special Events (in excess of E.3)	CUP	CUP	—	—	—	—

2.4.11 Winery Ordinance setbacks

Recommendation: Recommend that the setback language in 17.40.400.G.2 be reviewed and revised to bring into consistency with other setback policy language as follows:

2. **Setbacks.** The following minimum setbacks apply to all wineries, tasting facilities, and outdoor use areas, excluding parking lots and picnic areas:
 - a. ~~Within an Agricultural District~~ Adjacent to non-residential zones: 50 feet from all property lines.
 - b. ~~Outside an Agricultural District~~ Adjacent to residential zones: 200 feet from all property lines.

The full text of Article 4, including the proposed changes, may be viewed at Appendix C.

2.5 Article 8 – Glossary

Glossary Recommendations: The glossary was reviewed and revised to reflect changes in other sections of the zoning code, to update to current state requirements, or to cross-reference the glossary to various affected code sections. All of the proposed language is intended to clarify and enhance the other zoning codes or matrices and to provide consistency, directed toward agricultural uses authorized and encouraged by General Plan policies. The full text of the glossary with proposed changes may be seen at Appendix D.

2.5.1 Agricultural Homestays. (Use Type) See “Lodging Facilities”.

2.5.2 Agricultural Support Services. (Use Type) Agricultural related products and services, including but not limited to: processing, packing, and storage of agricultural products; sales of farm equipment; welding, maintenance and repair of farm machinery and equipment; animal hospitals and veterinary clinics; custom farming services; agricultural waste handling and disposal services; feed and farm supply stores; agri-tourism facilities; greenhouses and nurseries; farm animal sales; equestrian facilities; sale of farm or ranch products; and other similar related services. (See Section 17.40.060: Agricultural Support Services). *PCD NEW*

2.5.3 Agritourism. A commercial enterprise at a working farm, ranch or agricultural business conducted for the enjoyment of visitors that generates supplemental income for the owner/operator. Agritourism may include, but is not limited to, outdoor recreation like horseback riding or hiking, educational experiences like tours that feature the farm, ranch or natural environment, local food or wine tasting, entertainment like farm and garden festivals, hospitality like agricultural homestays and dude ranches, and on-farm or ranch direct sales. *NEW*

2.5.4 Animal Sales and Service. (Use Type) Establishments engaged in animal-related sales and services, as follows:

Kennel, Commercial. Indoor and outdoor boarding of dogs, cats, and similar small animals, and dog training centers.

Pet Grooming and Pet Stores. The sale of dogs, cats, rodents, fish, birds, and similar small animals, the sale of pet food and supplies, grooming services, and limited indoor boarding.

Veterinary Clinics. A fully enclosed veterinary facility providing acute and long-term medical care, including indoor boarding and grooming of dogs, cats and other small animals. A veterinary facility for the medical care of large and small domestic farm animals (See Section 17.40.060: Agricultural Support Services). *PCD modified*

2.5.5 Certified Farmer's Market. (Use Type) A location approved by the County Agricultural Commissioner of that County where agricultural products are sold by producers or certified producers directly to consumers or to individuals, organizations, or entities that subsequently sell or distribute the products directly to end users. A certified farmer's market may only be operated by one or more certified producers, by a nonprofit organization, or by a local government agency. (CCR 1392.2.(a)) (See Section 17.40.220: Outdoor Retail Sales) *NEW*

2.5.6 Conservation Easement. (Use Type) ~~A voluntary, legal agreement between a property owner and a land trust that permanently limits the use of the property in order to preserve its conservation values.~~ An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; or maintaining existing land uses including farming, ranching, or timber management areas. *NEW*

2.5.7 Cropland. (Use Type) Irrigated land that is ~~used~~ planted for growing grains, alfalfa, orchard fruit or nuts, vineyards, or row and truck crops such as strawberries, blueberries, pumpkins tomatoes or other fruits and vegetables. *PCD (modified)*

2.5.8 Dude Ranch (Guest Ranch). (Use Type) A type of ranch oriented towards visitors or tourism (a type of agritourism). The dude ranch facility may be incidental to a working ranch, and may offer the following activities; lodging and meals, horseback riding, hiking, fishing, swimming, cattle drives, rodeos, hunting, overnight camping, nature programs, petting zoos, archery, art and cooking classes, dancing, photography, bird watching, etc. *NEW*

2.5.9 Farmers' Market. (Use Type) The temporary use of an off site location for the sale of food and farm produce by multiple vendors that is usually conducted from parked vehicles or accessory display tables. *(See 17.21.220, Outdoor Retail Sales)*

2.5.10 Farmland Conservation Contract. Contracts establishing agricultural preserves and zones in compliance with the California Land Conservation Act of 1965 (Williamson Act) and farmland security zone legislation under California Government Code Chapters 51200 and 51296-51297, respectively. *(See 17.21.060, Agricultural Preserves and Zones: Contracts, Criteria and Regulations)*

2.5.11 Incompatible Uses.

Agricultural. Those uses of land, including but not limited to, residential structures, nursing homes, schools, playgrounds, swimming pools, daycare centers, spas, ponds, and churches,

which are apt to conflict with agricultural uses ~~such as due to sprays, dust, noise, equipment, or livestock escaping the agricultural property in a manner which threatens the health, safety or welfare of adjacent occupants or land uses.~~ It also means those uses which are apt to cause conflict and threaten the loss of viability of agricultural uses due to trespass, vandalism, theft, complaint, and dog-related problems. ~~It includes, but is not limited to: Residential structures, nursing homes, schools, playgrounds, swimming pools, daycare centers, spas, ponds, and churches.~~ (Ord. 4458, 1997) (See Section 17.30.030.E: Setback Requirements and Exceptions)

2.5.12 Kennel. (Use Type) The keeping of five or more live domestic dogs or cats of at least four months of age (County Code, Title 6), under the following categories:

Commercial. See “Animal Sales and Service”.

Private. Any building(s) or land designed or arranged for the care of dogs and cats belonging to the property owner that are kept for personal purposes of show, hunting, or as pets. *APA/ORD*

Agricultural. Dogs used for herding or guardian purposes in commercial ranching or browsing operations are exempt from these kennel requirements insofar as they comply with the licensing requirements in the Animal Control Ordinance (County Code, Title 6). *NEW*

2.5.13 Lodging Facilities. (Use Type) Establishments primarily engaged in the provision of commercial lodging on a transient basis (30 days or less) to the general public. Lodging may include the incidental provision of food, drink, sales, and services for the convenience of overnight guests. Types of Lodging are further defined as follows: *PCD modified*

Agricultural Homestays. Lodging facilities operated by the resident and owner of the property on which the facility is located that is accessory and subordinate to the on site, bona fide agricultural or grazing operations. (See Section 17.40.050: Agricultural Homestays).

Agricultural Lodging. Lodging arrangements, accessory and subordinate to on-site commercial agricultural operations for the purpose of educating and informing the public about local foods, fiber, flowers or timber. *NEW*

Bed and Breakfast Inn. Lodging facilities operated by the resident and owner of the property on which it is located. (See Section 17.40.090: Bed and Breakfast Inns).

Hotels and Motels. Commercial lodging facilities that do not otherwise qualify as a Bed and Breakfast Inn.

~~**Ranch Style Lodging.** Lodging arrangements accessory and subordinate to on-site agricultural activities such as a farms stay, agricultural homestay, and dude ranches. [deletion by DSD staff]~~

Vacation Home Rental. Lodging provided to the general public in a private dwelling unit, where the unit is rented as a whole on a transient basis (30 days or less). *Ord. 4653*

2.5.14 Storage Yards: Vehicle, Equipment, and Material. (Use Type) All uses related to outdoor storage of large construction equipment or machinery, company vehicles, and materials produced or

constructed on site for off site sales and/or delivery. Parking lots accommodating the personal vehicles of employees or visitors to the site are not included in this definition. Equipment and Materials Storage Yards are divided into the following categories:

Permanent. Those storage yards that are intended to be used on a permanent or long-term basis including, but not limited to, contractor's storage yard(s), corporation yards, and incidental outside storage associated with transportation corridor, manufacturing, farming, ranching, or logging machinery, and resource extraction operations.

2.5.15 Wineries. (Use Type) Facilities, including wine caves, that produce and bottle wine for sale. Wineries are divided into the following categories:

Production Facilities. Those facilities used for production and bottling without tasting room and accessory retail sales facilities.

Full-service Facilities. Those facilities used for production, bottling, wine tasting, and retail sales of wine and other incidental goods. (See Section 17.40.400 Wineries).PCD

El Dorado County General Plan Amendment & Zoning Ordinance Revision

Resources

- ¹ *El Dorado-Alpine Counties 2010 Agricultural Crop & Livestock Report*. 2010, El Dorado County Department of Agriculture, Juli Jensen, Agricultural Commissioner and Sealer of Weights & Measures, page 1, <http://www.edcgov.us/Ag/> .
- ² *Forest Management: Current Conditions in the Forested Lands of the SACOG Region*. July 2010, SACOG Rural-Urban Connections Strategy, report prepared by TSS Consultants, page 2, <http://www.sacog.org/rucs/pdf/RUCS%20Forest%20Management%20Current%20Conditions%20Report%20Final.pdf>
- ³ *California Travel Impacts by County, 1992-2009*. April 2011, Dean Runyan Associates, page 51, http://www.deanrunyan.com/doc_library/CAImp.pdf .
- ⁴ *U. S. Department of Commerce, Regional Input-Output Modeling System (RIMS) II Multipliers*. Bureau of Economic Analysis released July 2010, California Department of Labor California Economic Strategy Panel 2009, http://www.labor.ca.gov/panel/pdf/Using_Multipliers_to_Measure_Economic_Impacts.pdf .

establishment of the use will have no significant adverse effect on surrounding property or the permitted uses thereof.

Policy 7.6.1.3.B. The agricultural (~~A~~), ~~Exclusive Agricultural (AE)~~, ~~Planned Agricultural (PA)~~, ~~Select Agricultural (SA-10)~~, and timber Zone (~~TPZ~~) zoning districts are consistent with Policy 7.6.1.1 and serve one or more of the purposes set forth therein.

Policy 8.1.1.6 Parcels encumbered by a Williamson Act Contract, pursuant to the California Land Conservation Act, shall ~~be zoned Exclusive Agriculture (AE)~~ be identified as an Agricultural Preserve.

Policy 8.1.3.2 Agriculturally incompatible uses adjacent to agricultural zoned lands shall provide a minimum setback of 200 feet from the boundary of the agriculturally zoned lands.

Agriculturally incompatible uses adjacent to agriculturally zoned land outside of designated Agricultural Districts shall provide a minimum setback of 200 feet on parcels 10 acres or larger.

Projects located within a Community Region or Rural Center planning concept area shall maintain a minimum setback of 50 feet. The 50-foot setback shall only apply to incompatible uses including residential structures.

The implementing ordinance shall contain provisions for Administrative relief to these setbacks, where appropriate, and may impose larger setbacks where needed to protect agricultural resources.

Policy 8.1.2.1 The County Agricultural Commission shall identify lands suitable for sustained grazing purposes which the Commission believes should be managed as grazing lands. Once such lands have been identified by the Commission, the Board of Supervisors shall determine whether to initiate incentive based programs, including Ranch Marketing and other visitor serving uses, to retain such lands as productive grazing units.

APPENDIX B. *RED SIGNIFIES AG-SUBGROUP RECOMMENDATIONS: 11/09/2011**CHAPTER 17.21 – AGRICULTURAL AND RESOURCE ZONES****Sections:**

- 17.21.010 Purpose and Intent
- 17.21.020 Matrix of Permitted Uses
- 17.21.030 Development Standards

17.21.010 Purpose and Intent

- A. The purpose of the agricultural and resource zones is to achieve the following:
1. To identify, conserve and protect important agricultural lands and those lands having suitable space and natural conditions for horticulture, animal husbandry, and other agricultural uses, as well as those lands containing timber and other natural resources.
 2. To promote and encourage agriculture and timber harvesting uses, and to increase their economic viability by providing opportunities for sale, packaging, processing, and other related activities.
 3. To protect agriculture, grazing, timber harvesting, or other resource based uses from the encroachment of unrelated and incompatible uses in order to provide a healthy, stable, and competitive environment necessary to sustain them.
- B. This Chapter lists the uses that may be allowed within an agricultural and a resource zone established by Section 17.02.10 (Zoning Map and Zones), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.
- C. The purpose of the individual agricultural and resource zones and the manner in which they are applied is as follows:
1. **Planned Agricultural (PA).** The PA, Planned Agricultural Zone, is intended to regulate and promote the development of agricultural enterprises and land uses whether encumbered by a farmland conservation contract or not. This zone shall be utilized to identify those lands most capable of supporting horticulture, aquaculture, ranching, and grazing, based on existing land use, soil type, water availability, topography, and similar factors. Agricultural enterprise is intended to be the primary use of these lands, but compatible commercial uses, as listed in Table 17.21.020 below, may also be permitted in compliance with the provisions of this Chapter. Minimum lot size designators shall be applied to this zone based on commodity type, soil type, surrounding land use pattern, and other appropriate factors. The designator shall represent the number of acres and shall be in the following increments: 10, 20, 40, 80, and 160.

2. **Limited Agricultural (LA).** The LA, Limited Agricultural Zone, is intended to identify, regulate, and promote the development of agricultural enterprises and land uses, whether encumbered by a farmland conservation contract or not. This zone shall be utilized to identify those lands most capable of supporting horticulture, aquaculture, ranching, and grazing, based on existing land use, soil type, water availability, topography, and similar factors. The LA zone is distinguished from the PA zone in that it provides limited opportunities for ranch marketing and commercial winery uses. Minimum lot size designators shall be applied to this zone based on commodity type, soil type, surrounding land use pattern, and other appropriate factors. The designator shall represent the number of acres and shall be in the following increments: 10, 20, 40, 80, and 160.
3. **Agricultural Grazing (AG).** The AG, Agricultural Grazing Zone, is intended to identify and protect lands suitable for grazing whether encumbered by a farmland conservation contract or not. This zone shall be utilized to identify those lands that are being used for grazing and/or that have the potential for commercially viable grazing operations, based on existing land use, soil type, water availability, topography, and similar factors. Grazing and other agricultural activities are intended to be the primary use of these lands, but compatible commercial uses may also be permitted in compliance with the provisions of this Chapter. Minimum lot size designators shall be applied to this zone based on land use designation and other appropriate factors. The minimum lot size designator shall be in the following increments: 40 and 160 acres.
4. **Timber Production (TPZ).** The TPZ, Timber Production Zone, is intended to identify and regulate lands subject to the Forest Taxation Reform Act of 1976. (California Government Code Section 51110, et seq). Criteria for establishing a TPZ is located in Section 17.40.350 (Timber Production Zone: Criteria, Regulations, and Zone Change Requirements).
5. **Forest Resource (FR).** The FR, Forest Resource Zone, is intended to identify and protect lands containing valuable timber or having the potential for timber production, but that are not subject to TPZ zoning requirements in compliance with Section 17.40.350.H (Forest Resource Zone Criteria). The purpose of this zone is to encourage timber production and associated activities, and to limit noncompatible uses from restricting such activities. **The designator shall represent the minimum number of acres and shall be in the following increments: 20, 40, 80, and 160.**
6. **Rural Lands (RL).** The RL, Rural Lands Zone, is intended to identify those lands that are suitable for limited residential development based on topography, access, groundwater or septic capability, and other infrastructural requirements. This zone is intended to recognize that resource-based industries in the vicinity may impact residential uses. Commercial support activities that are compatible with the available infrastructure may be allowed within this zone to serve the surrounding rural and agricultural communities. For special setback purposes,

the RL zone is not considered to be an agricultural or timber zone. Minimum lot size designators shall be applied to this zone based on the constraints of the site, surrounding land use pattern, and other appropriate factors. The designator shall represent the minimum number of acres and shall be in the following increments: 20, 40, 80, and 160.

17.21.020 Matrix of Permitted Uses

Uses are permitted in the following zones subject to the requirements of this Title as designated in Table 17.21.020 below:

Table 17.21.020 Agricultural and Resource Zone Districts Use Matrix

USE TYPE	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
Agricultural							
Agricultural Employee Housing	P/A/ CUP	P/A/ CUP	P/A/ CUP	P/A/ CUP	P/A/ CUP	—	17.40.120
Animal Keeping	P	P	P	P	P	P	17.40.070
Barns; Stables, <u>private</u> ; Storage structures	P	P	P	P	P	—	17.40.030
Cropland	P	P	P	P	P	—	17.40.050
Grazing	P	P	P	P	P	P	17.40.050
Livestock, high density	CUP	CUP	CUP	—	—	—	
Nursery, wholesale plant	P	P	P	P	A/CUP ¹	A/CUP ¹	
Orchards and Vineyards	P	P	P	P	P	—	17.40.050
Outdoor Retail Sales, temporary	A/T	A/T	A/T	A/T	—	—	17.40.220
Packing: On site product	P	P	P	P	P	CUP	
Packing: Off site product	P/CUP	P/CUP	P/CUP	CUP	CUP	—	
Processing (nature of product is changed)	P	P	P	CUP	CUP	CUP	
Produce Sales	P/MUP	P/MUP	P/MUP	P/MUP	P/MUP	—	17.40.240
Timber	P	P	P	P	P	P	17.40.050, 17.40.350
Residential							
Child Day Care Home: Small family day care home	P	P	P	P	P	—	17.40.110
Large family day care home	CUP	A	A	A	A	—	
Community Care Facility: Six or Fewer Residents	—	—	—	P	—	—	
Seven or More Residents	—	—	—	CUP	—	—	
Dwelling: Single, detached	P	P	P	P	P	CUP	17.40.350

USE TYPE	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
Dwelling: Temporary during construction	P	P	P	P	P	—	17.40.190
Guest House	P	P	P	P	P	—	17.40.160
Hardship Mobile Home	TMA	TMA	TMA	TMA	TMA	—	17.40.190
Kennels, Private	CUP	CUP	CUP	CUP	CUP	—	17.40.070
Room Rental: One bedroom, only	P	P	P	P	P	—	
Second Dwelling Unit	<u>AP</u>	P	P	P	P	—	17.40.050, 17.40.300
Vacation Home Rental	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	—	17.40.370
Commercial							
Agricultural Support Services	<u>P/A/CUP</u>	<u>P/A/CUP</u>	<u>P/A/CUP</u>	<u>P/A/CUP</u>	CUP	—	17.40.070
Animal Sales and Service: Veterinary Clinics	—	CUP	CUP	CUP	CUP	—	
Breweries	CUP	CUP	CUP	CUP	—	—	
Commercial Kitchen	CUP	CUP	CUP	CUP	CUP	—	
Dining Facilities/Restaurant	CUP	CUP	CUP	CUP	CUP	—	
Home Occupations	P/A/CUP	P/A/CUP	P/A/CUP	P/A/CUP	P/A/CUP	—	17.40.170
<u>Kennels, Commercial</u>	CUP	CUP	CUP	CUP	CUP	—	17.40.060, 17.40.070
Lodging Facilities: <u>Agricultural Homestays</u>	<u>A/CUP</u>	<u>A/CUP</u>	<u>A/CUP</u>	<u>A/CUP</u>	—	—	<u>17.40.050</u>
Agricultural Lodging	<u>A/CUP</u>	<u>A/CUP</u>	<u>A/CUP</u>	<u>A/CUP</u>	<u>A/CUP</u>	CUP	
Bed & Breakfast Inns	CUP	CUP	CUP	CUP	CUP	—	17.40.090
Nursery, retail	CUP	CUP	CUP	CUP	CUP	—	
Ranch Marketing	CUP	P/CUP	P/CUP	CUP	CUP	—	17.40.260
Wineries	CUP	P/CUP	CUP	CUP	—	—	17.40.400
Industrial							
Mineral Exploration	CUP	CUP	CUP	CUP	CUP	CUP	Chapter 17.29
Mineral Production	—	CUP	—	CUP	—	A/ CUP	
Mining	<u>CUP</u>	CUP	CUP	CUP	CUP	A/ CUP	
Slaughterhouse	<u>CUP</u>	CUP	<u>CUP</u>	—	—	—	
Storage Yard: Equipment and Materials Permanent	—	—	—	—	—	P/ CUP	17.40.320
Temporary	T	T	T	T	T	T	
Recreation and Open Space							

USE TYPE	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
Campground	CUP	CUP	CUP	CUP	CUP	—	17.40.100
Camping, Temporary	—	—	—	—	—	P	
Dude Ranch	<u>CUP</u>	<u>CUP</u>	<u>P/A/CUP</u>	<u>CUP</u>	<u>MUP A</u>		17.40.260
Golf Course	—	—	—	CUP	—	—	17.40.210
Health Resorts and Spas	CUP	CUP	CUP	CUP	CUP		
Hiking and Equestrian Trails	P	P	P	P	P	P	
Hunting/Fishing Club, Farm, or Facility	CUP	CUP	<u>P/A/CUP</u>	CUP A	CUP A	CUP	17.40.260
Marina: Non-motorized Craft	—	CUP	CUP	CUP	CUP	—	17.40.210
Picnic Area	CUP	P	P	CUP	P	P	
Resource Protection and Restoration	P	P	P	P	P	P	
Ski Area	—	—	—	CUP	CUP	—	
Snow Play Area	—	—	—	CUP	CUP	—	17.40.210
Special Events, Temporary	T	T	T	T	T	—	
Stables, <u>Commercial</u>	CUP	CUP	CUP	CUP	CUP	—	17.40.210
Trail Head Parking and Staging Area	—	—	CUP	CUP	CUP	—	17.40.210
Civic Uses							
Cemeteries	—	—	CUP	CUP	CUP	—	
Churches and Community Assembly	—	—	—	CUP	CUP	—	
Community Services: Minor	<u>A/CUP</u>	<u>A/CUP</u>	<u>A/CUP</u>	<u>A/CUP</u>	<u>A/CUP</u>	—	
Parks, Day Use	—	—	—	CUP	CUP	—	17.40.210
Transportation							
Airports, Airstrips and Heliports	CUP	CUP	CUP	CUP	CUP	CUP	17.40.070
Utility and Communication							
Communication Facilities	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	CUP	17.40.130
Public Utility Structures and Services: Intensive	—	CUP	CUP	CUP	CUP	CUP	17.40.250
Public Utility Structures and Services: Minor	P	P	P	P	P	<u>P</u>	
Wind Energy Conversion System	See Table 17.40.390.1 (WECS Use Matrix)						17.40.390
NOTES:							
¹ Administrative permit when plant material grown for restocking purposes; all other purposes require Conditional Use Permit.							

17.21.030 Development Standards

Permitted uses and associated structures shall comply with the following development standards in addition to any other applicable requirements of this Title:

Table 17.21.030 Agricultural and Resource Zones Development Standards

	LA	PA	AG	TPZ	FR	RL
Minimum Lot Size ¹	10 acres	10 acres or as designated	40 acres or as designated	160 acres	40 acres below 3,000 ft. elev. 160 acres 3,000 ft. and higher	20 acres or as designated
Setbacks: Agricultural (ag) structure, Front, sides, rear	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.
Non-ag structure, Front, sides, rear	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.
Maximum Building Height: Ag structure	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.
Non-ag structure	45 ft.	45 ft.	45 ft.	45 ft.	45 ft.	45 ft.
Lot Frontage	200 ft.	150 ft.	200 ft.	200 ft.	200 ft.	150 ft.
Notes:						
¹ An agricultural preserve may consist of a lot or contiguous lots of between 10 and 20 acres in compliance with Section 17.40.060 (Agricultural Preserves and Zones, etc.)						
SIGNS^{2,3}:						
Zones	Size (max in sq ft)	Number	Height (max in ft)	Illumination	Special Use Regulation / Purpose / Conditions	
LA, PA, AG, FR	32	1 ⁴	6	None	17.40.090.C.4 (B&B Ord) 17.40.260.J.3 (Ranch Mkt Ord) 17.40.400.G.3 and 17.40.400.H.2.d (Winery Ord) Table 17.40.170 (Home Occupation Ord)	

	4	4	4	4	4	4
Max. Height	6 ft.	6 ft.	6 ft.	6 ft.	6 ft.	6 ft.

² All signs in agricultural and resource zones shall be in compliance with 17.36 (Signs).

³ Industry association signs approved by the Board, such as for the Farm Bureau, Farm Trails, Apple Hill, Fair Play Winery Association, and El Dorado Winery Association, not exceeding four square feet each, shall be exempt from the provisions of this Table.

⁴ Two signs allowed, if part of a ranch marketing or winery use in compliance with 17.40.260.J.3 or 17.40.400.G.3 and H.2.d; otherwise one sign.

⁵ Multiple, and not to be located closer than 660 feet from a similar sign.

APPENDIX C. ARTICLE 4 – SPECIFIC USE REGULATIONS Last revised:
by Ag Sub-group of EDAC 11/07/2011**CHAPTER 17.40 – SPECIFIC USE REGULATIONS****Sections:**

- 17.40.010 Purpose and Intent
- 17.40.020 Applicability
- 17.40.030 Accessory Structures and Uses
- 17.40.040 Adult Business Establishments
- 17.40.050 Agricultural Homestays
- 17.40.060 Agricultural Preserves and Zones: Contracts, Criteria, and Regulations
- 17.40.070 Agricultural Support Services**
- 17.40.080 Animal Raising and Keeping**
- 17.40.090 Bed and Breakfast Inns (*Adopted*)
- 17.40.100 Campgrounds and Recreational Vehicle Parks
- 17.40.110 Child Day Care Facilities
- 17.40.120 Commercial Caretaker and Agricultural Employee Housing**
- 17.40.130 Communication Facilities
- 17.40.140 *Reserved*
- 17.40.150 *Reserved*
- 17.40.160 Guest House
- 17.40.170 Home Occupations
- 17.40.180 Mixed Use Development
- 17.40.190 Mobile/Manufactured Homes
- 17.40.200 *Reserved*
- 17.40.210 Outdoor Recreational Facilities
- 17.40.220 Outdoor Retail Sales**
- 17.40.230 Private Schools in Light Manufacturing Facilities
- 17.40.240 Produce Sales
- 17.40.250 Public Utilities
- 17.40.260 Ranch Marketing**
- 17.40.270 *Reserved*
- 17.40.280 Recycling Facilities
- 17.40.290 Right to Farm**
- 17.40.300 Secondary Dwellings
- 17.40.310 Solar Collection Systems
- 17.40.320 Storage Facilities
- 17.40.330 Temporary Real Estate Sales Offices
- 17.40.340 *Reserved*
- 17.40.350 Timber Production Zone: Criteria, Regulations, and Zone Change Requirements
- 17.40.360 Transitional Housing
- 17.40.370 Vacation Home Rentals
- 17.40.380 Vehicle Maintenance, Repair, and Storage Accessory to a Residential Use
- 17.40.390 Wind Energy Conversion Systems
- 17.40.400 Wineries (*Adopted*)**

17.40.010 Purpose and Intent

The purpose of this Chapter is to regulate certain specified uses that may be permitted, either by right or by discretionary permit, in a number of different zones. It is the intent of this Chapter to identify those uses that by their nature may have a potential adverse impact on adjacent property, the neighborhood, or the community; and to prevent creating land use conflicts and hazards by providing appropriate standards for the design, location, and operation of the specific land uses consistent with the General Plan.

17.40.020 Applicability

The provisions contained in this Chapter shall apply to all land in the unincorporated part of El Dorado County regardless of zone, unless otherwise specified in this Chapter.

17.40.030 Accessory Structures and Uses

A. Purpose. The purpose of this Section is to identify the uses and structures that are accessory to the principal permitted uses in the zones, as specified in Chapters 17.21 through 17.25 inclusive, establish regulations that apply to accessory structures in order to accommodate the needs of residents and businesses in the County, and to protect the public health, safety, and welfare.

B. Relationship of Accessory Use or Structure to Primary Use.

1. Accessory uses and structures shall be incidental to and consistent with the character of the site created by the principal use.
2. For purposes of this Section, barns, stables, and other structures used to store crops and feed, shelter livestock, or house agriculturally-related machinery shall be allowed as a primary use on agriculturally zoned property, subject to the development standards for the zone (Chapter 17.21). When allowed in residential zones, said structures shall be accessory to an existing primary residence.
3. Accessory uses and structures shall be established or constructed at the same time or after the establishment or construction of the principal use or structure on a lot, except where earlier establishment or construction is authorized by Temporary or Conditional Use Permit.
4. Where building permits are issued concurrently for the principal and accessory structures, the permit for the accessory structure may be approved for final occupancy prior to completing the principal structure, provided that the permit of the principal structure is still active.

C. Exemption. Small sheds or other storage structures that do not require a building

permit for installation pursuant to applicable building code provisions shall be exempt from the provisions of this Title, but shall remain subject to the setback requirements of the zone.

D. Accessory Uses and Their Determination. In addition to the principal use or uses expressly established for the zone, each use shall include such accessory uses which are customarily associated with and necessary for carrying on the principal use(s). For those uses not specifically identified in the use matrices for the zones, the Director shall determine whether such use is customarily associated with, incidental to, and subordinate to the principal use of the zone.

E. Residential Accessory Structures. In addition to the primary dwelling, the following residential accessory structures that are customarily associated with or incidental and subordinate to the principal structure shall be permitted in compliance with specific regulations under this Chapter, development standards of the respective zone, and Article 3 (Site Planning and Project Design Standards):

1. Garages, carports, and storage sheds.
2. Swimming pools and spas.
3. Shade structures, arbors, trellises, and gazebos.
4. Decks.
5. Barns, stables, and other animal shelters, where the keeping of animals is permitted in the zone.
6. Accessory structures providing habitable space subject to the following:
 - a. A structure no greater than 600 square feet that is designated a guest house as defined in Article 8, shall be subject to the requirements of Section 17.40.160.
 - b. A structure up to 1,200 square feet that is designated a secondary dwelling as defined in Article 8, shall be subject to the requirements of Section 17.40.300.
 - c. A structure to be used by the property owner as a pool house, workshop, artist studio, as defined in Article 8, or other similar use, may contain a full bathroom along with the changing room or work area, but shall not contain kitchen and/or cooking facilities nor be utilized for housing residents or guests.
7. Alternative energy systems, such as solar or wind energy collection systems.

17.40.040 Adult Business Establishments

- A. Purpose and Intent.** The purpose of this Section is to regulate the time, location, and manner of operating adult (sex oriented) business establishments in compliance with Government Code Section 65850.4, in order to protect the public health, safety, and welfare. The intent of this Section is to establish reasonable and uniform regulations to prevent any deleterious location and concentration of adult business establishments within the County, thereby reducing or eliminating the adverse secondary effects experienced by other cities and counties, such as crime, blight, and downgrading of the surrounding commercial districts and residential neighborhoods. Location of said establishments along U.S. Highway 50 will be regulated in order to preserve the commercial, residential, and scenic character of not only its main transportation corridor, but what is considered to be the “gateway” to the County.
- B. Applicability.** The regulations and standards within this Section shall apply to adult business establishments, as defined in Article 8, where permitted in the use matrices for the zones, under the following forms:
- 1. New Business.** The opening or commencement of operation of a business as a new business.
 - 2. Conversion of an Existing Business.** The conversion of an existing business, whether an adult business or not, to an adult business establishment.
 - 3. Enlargement of Existing Business.** The addition of an adult business to an existing adult business if the addition results in enlargement of the place of business. For the purpose of this Subsection, enlargement shall mean an increase in the size of the structure within which the business is conducted by either construction or use of an adjacent structure or a portion of a structure, whether located on the same or an adjoining lot.
- C.** Prior to Administrative Permit approval, a potential adult business owner shall provide a vicinity map demonstrating that the adult business is not being established or located within 300 feet of U.S. Highway 50 and within 1,000 feet of the following existing uses:
1. Any zone that allows residential uses by right;
 2. Any house of worship or any noncommercial establishment operated by a bona fide religious organization;
 3. Any public library, public building, or other public facility;
 4. Any public, private, or parochial school, pre-school, child day care center, park, or playground, or any establishment or facility likely to be used by minors; and
 5. Any other adult business.

- D. For the purposes of this Section, distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the structure in which the adult business will be located to the nearest property line of a land use or zone described in Subsection C, above.
- E. No adult business establishment shall be open nor shall any activity described in this Section be conducted or carried on in the business premises between the hours of 10:00 p.m. and 10:00 a.m. of any day.
- F. Signs or structures, advertisements, displays, or other promotional material depicting “specified anatomical areas” or “specified sexual activities”, as defined under Subsections 5.34.020.H and I of the County Code respectively, or displaying instruments, devices or paraphernalia designed for use in connection with “specific sexual activities”, shall not be exhibited or shown in a way that is visible from an exterior area.
- G. Structure openings, entries, and windows shall be located, covered, or screened to prevent viewing the interior from an exterior area.
- H. Loudspeakers or sound equipment audible to persons in a public area shall not be used in connection with an adult business, and the business shall be conducted so that sounds associated with the business are not emitted beyond the exterior walls of the structure in which the use is occurring.
- I. Dumpsters used by an adult business establishment shall be locked when not in use to prevent access thereto by the public.

17.40.050 Agricultural Homestays

- A. **Purpose.** The purpose of this Section is to promote agricultural tourism and diversified farm income while maintaining adequate health and safety standards for the guests of agricultural homestays and to protect the public health, safety, and welfare of the surrounding areas.
- B. **Applicability.** Except as provided in Subsection C, the regulations and standards of this Section shall apply to agricultural homestays, as defined in Article 8, where allowed in the permitted use matrices for the zones on lots that meet the minimum criteria for a Williamson Act Contract, whether the property is under Contract or not. The adopted Williamson Act criteria for lots between 10 and 20 acres shall also apply on similarly sized lots, whether they are under Contract or not.
- C. **General Standards.** An agricultural homestay shall be subject to the following standards:
 - 1. The use is limited to a maximum of three guest rooms for up to six guests at any one time.

2. The property owner shall reside in either the primary or secondary dwelling on site.
 3. Meals may be served to overnight guests, only. There are no limitations on the number of meals or the times at which they are served. The price of food shall be included in the price of the overnight accommodations in compliance with the California Retail Food Codes enforced by the County (Health and Safety Code Section 113893).
 4. The applicant shall demonstrate to the satisfaction of the Agricultural Department that the site meets the minimum qualification for agricultural use as set forth in Subsection B.
 5. The applicant must demonstrate to the satisfaction of the Environmental Management Department that the facilities meet all applicable health standards including, but not limited to, kitchen facility, water, and septic system permit requirements.
 6. Signs, access, parking, building code, and tax and business license requirements shall be consistent with the standards under Paragraphs 17.40.090.C.4, 5, 7, 8, and 10, respectively (Bed and Breakfast Inns: Standards).
 7. Ancillary activities such as weddings, receptions, fund raisers, or similar events attended by non-guests shall be prohibited unless a part of special or promotional events allowed by right under the Ranch Marketing or Winery Ordinances.
- D.** A Conditional Use Permit (Section 17.52.020) shall be required when uses exceed the standards of Subsection C.

17.40.060 Agricultural Preserves and Zones: Contracts, Criteria and Regulations

- A. Purpose.** The purpose of the Section is to implement the provisions and intent of the Land Conservation Act of 1965 (Williamson Act) and the farmland security zone legislation (Government Code Chapters 51200 et seq. and 51296 to 7, respectively) and to provide criteria for zoning and protecting the existing agricultural resources of the County.
- B. Criteria for Establishment of Agricultural Preserves.** In order to establish a new Agricultural Preserve, hereinafter referred to as “Preserve”, a property owner must enter into a Williamson Act Contract with the County subject to the provisions and criteria set forth in Government Code Chapter 51200 et seq. and Resolutions adopted by the Board establishing Williamson Act criteria, as amended from time to time, and the following:
1. **Zone Change.** The property shall be rezoned to Planned Agricultural (PA),

Limited Agricultural (LA), or Agricultural Grazing (AG) with the approval and establishment of a Preserve, subject to the specific applications under Subsection 17.21.010.C (.1 and .2).

2. **Term.** The initial term of a contract is ten years, calculated from January 1 of the same year it is approved in. On each anniversary date of a contract, a year shall be automatically added to the initial term unless written Notice of Non-Renewal is given as provided in Subsection D. If the property owner or the County serves written Notice of Non-Renewal in any year, the contract shall remain in effect for the balance of the unexpired term.

C. Preserve Standards.

1. **Minimum acreage.** The minimum acreage of a Preserve shall be:
 - a. 20 acres for high intensive farming operations or 50 acres for low intensive farming operations, consisting of a single lot or contiguous lots; or
 - b. Between ten acres and less than 20 acres on a positive recommendation from the Agricultural Commission if the property meets all land suitability requirements for agricultural potential, and the lot was or contiguous lots were in existence as of March 23, 1993.
2. **Land Use.** The use of the property shall be limited during the term of the contract to agricultural and compatible uses. Structures may be erected and/or enlarged on the property on a positive recommendation from the Agricultural Commission if they are directly related to and compatible with uses permitted in Table 17.21.020 (Agricultural and Resource Zone Districts Use Matrix).
3. **Residential Development.** In addition to a primary dwelling, one secondary dwelling may be allowed within a Preserve by Administrative Permit approval in compliance with Section 17.52.010, providing all of the following findings regarding the secondary dwelling can be made:
 - a. It is located on the same lot as the primary dwelling;
 - b. It complies with all other zone setbacks and development standards, including agricultural buffer setbacks, if applicable;
 - c. It is consistent with the terms of the applicable Agricultural Preserve Contract; and
 - d. It is consistent with the principles of compatibility in compliance with Government Code Section 51238.1(a), as determined by the Agricultural Commissioner or Agricultural Commission.

D. Non-Renewal of Williamson Act Contracts/Agricultural Preserves. In compliance with Government Code Section 51245, a Notice of Non-Renewal shall be processed according to the following procedures:

1. A written Notice of Non-Renewal (Notice) shall be recorded by the property owner and a copy provided to the Board at least 90 days prior to the contract renewal date, which would be by October 1 for the upcoming year.
2. The Notice shall include the notarized, written authorization of all record of interest holders.
3. Upon receiving a Notice, the Board Clerk shall forward such Notice to the Department, the Assessor, and the Agricultural Commission for a report.
4. The Department shall submit a written report to the Agricultural Commission indicating whether the Notice is for a partition, a roll out, or a partial roll out, as defined in Article 8: "Williamson Act Contract", and other relative information regarding the agricultural preserve, with a copy to the Board.
5. An application for partition or partial roll out will be processed in the same manner as a request creating a new Williamson Act Contract.
6. When the Notice concerns a total roll out of a contract, the Agricultural Commission may submit a report to the Board giving an evaluation of the potential impacts resulting from the Notice.
7. When the Notice concerns a partial roll out of a contract, the Agricultural Commission shall submit a report to the Board giving an evaluation of the potential impacts resulting from the Notice, with a recommendation as to whether the remaining portion of the agricultural preserve still meets the minimum criteria.
8. The Board shall either receive and file the Notice and direct the County Assessor to begin the roll-out procedure, or when partial roll-out has been requested and it has been determined by the Board that the remaining portion of the agricultural preserve no longer meets the minimum criteria to qualify as an agricultural preserve, direct the Clerk of the Board to file a Notice of Non-Renewal for the entire contract.

E. Breach of Contract. The County shall file a Notice of Non-Renewal (Notice) when the Board finds that a breach of contract has occurred, when the property no longer meets minimum criteria as a Preserve, or when the remaining property in a partial roll out no longer qualifies as a Preserve under the Williamson Act.

1. Prior to the Board's decision, the Agricultural Commission shall hold a hearing to determine if the terms of the contract have been violated. The Agricultural Commission may provide an opportunity for the operator to bring the agricultural

operation into compliance or may recommend to the Board that the Notice be filed.

2. A hearing to determine compliance with the terms of the contract shall be held by the Board prior to filing the Notice. The property owner shall be provided written notice of all hearings.
3. Upon the Board's decision not to renew the contract, the County shall serve a written Notice upon the property owner at least 60 days prior to the contract renewal date, which would be by November 1 for the upcoming year.
4. In the case where certain structure(s) are placed within an agricultural preserve that qualify as a material breach of contract under State law, additional remedies may be applied, including the payment of penalties, in compliance with the requirements under said Government Code Section 51250, as amended from time to time.

F. Immediate Cancellation. The property owner may file an application for an immediate cancellation of a Williamson Act Contract, concurrent with a zone change and General Plan amendment, if applicable, at any time during the contract period. As part of the application, the property owner must demonstrate the cancellation is consistent with the purpose of the Williamson Act by making the necessary findings in compliance with Government Code Section 51282, et seq. The application shall be processed as follows:

1. The Department shall forward a copy of the application to the Agricultural Commission and Assessor's Office for comments and recommendations.
2. The Assessor's Office shall determine the cash value of the property as though the land is free from contractual obligations and forward the report to the Department.
3. The Planning Commission shall hold a public hearing and make a recommendation to the Board.
4. The Board shall decide at public hearing whether to approve the cancellation, zone change, and General Plan amendment, if applicable, or deny the request.
5. If approved, the applicant shall pay the amount of cancellation fees, based on the Assessor's report, prior to the effective date of cancellation.

G. Agricultural Zones not under Williamson Act Contract. Land to be zoned for agricultural or horticultural use that is not encumbered by a Williamson Act or farmland security zone contract must meet one of the following criteria:

1. **Soil Capability.** The site is classified as choice soil, as defined in the General Plan, based on the *Soil Survey of El Dorado Area, California* issued April 1974 by the U.S.D.A. Soil Conservation Service, or other comparable state or federal criteria, as further described below:

- a. Choice agricultural land, up to 30 percent slope, includes some lands in classes II, III, IV, VI, and VII, which are suitable for orchard, vineyard, and woodland; or
 - b. Choice rangeland includes some lands in classes IV, VI, and VII, with range site indices of 1, 2, and 3, suitable for range use.
2. **Present Land Use.** Lands that are not included in one of the above soil groupings but are being actively used agriculturally may be considered for agricultural zoning when the land in question meets the three criteria of acreage, gross income, and capital outlay for establishment of an agricultural preserve, as set forth by resolution of the Board of Supervisors, as may be amended from time to time.
3. **Agricultural Commission Recommendation.** When lands do not qualify as agricultural zones under Subparagraphs 1.a, 1.b, or 2 above, they may still be zoned PA, LA or AG, based on the recommendation of the Agricultural Commission that there are unique circumstances applying to the land and that an agricultural zone would further the intent of the General Plan for protecting and enhancing the agricultural industry in the County.

17.40.070 Agricultural Support Services

- A. **Purpose.** The purpose of this Section is to promote and regulate the necessary support services that enhance the viability and productivity of the County's agricultural resources while protecting the public health, safety, and welfare.
- B. **Applicability.** The standards set forth in this Section shall apply to agricultural support services, as defined in Article 8, ~~where permitted in the use matrices for the zones.~~
- C. **Review by Agricultural Commission Required.** **When** an application for a Conditional Use Permit **is required** to construct or operate a commercial operation on agricultural or resource zoned land as an **Agricultural Support Service**, **the use** shall be considered by the Agricultural Commission prior to a hearing before the review authority.
- D. **Special Findings Required.** In order to approve a Conditional Use Permit for agricultural support services, the review authority must make the following findings in addition to the findings required under Chapter 17.52.020:
1. The establishment of such use ~~is necessary to~~ **will** support the agricultural industry in the surrounding area, based on the type of agricultural enterprises that exist in the area and the proposed support service to be provided;
 2. ~~The proposed support service is unique to agricultural activities~~ **The**

proposed support service will have no significant adverse effect on commercial agriculture in the area;

3. The establishment of such use will enhance the economic vitality of the agricultural industry in the area in which it is proposed to be located; and
4. The establishment of such use will have no significant adverse effect on surrounding property and the permitted uses thereof.

17.40.080 Animal Raising and Keeping

- A. Purpose.** The purpose of this Section is to provide for the raising and keeping of domestic fowl and farm animals for hobby purposes, educational projects, or for commercial use while maintaining the residential character and enjoyment of surrounding neighborhoods; and to protect the public health, safety and welfare as well as animal health and safety by controlling erosion, dust, noise, and odors; providing vector control; and protecting water quality.
- B. Applicability of Standards.** The standards set forth in this Section shall apply to residential, non-agriculturally zoned lands, where the permitted use matrices for the zones allows the raising and keeping of animals.
- C. Exemptions.** Lands zoned PA (Planned Agricultural), LA (Limited Agriculture), AG (Agricultural Grazing), and FR (Forest Resource) shall be exempt from the provisions of this Section.
- D.** No domestic farm animal, as defined in Article 8 (Animal: domestic farm), shall be kept on a lot of less than one acre in any residential zone.
- E.** The slaughtering of fowl or animals is ~~not~~ permitted **on a lot of more than one acre** in any residential zone **of the residential zones**.

17.40.090 Bed and Breakfast Inns (Adopted 4/29/08)

- A. Purpose.** In order to further the development of the tourism and recreation economy of the County, while protecting the residential character of neighborhoods, the standards set forth in Subsection C, below, shall apply to bed and breakfast inns.
- B. Definitions.** “Bed and breakfast inn” means any owner-occupied residence that provides guest rooms, without individual kitchens, for paying guests, as a transient lodging facility.
- C. Standards.** Bed and breakfast inns shall be considered an expanded home occupation in residential and agricultural zones and a compatible use in commercial zones subject to permitting requirements in the use matrices for the zones and the following

requirements:

1. The bed and breakfast inn may provide up to a maximum of 20 guestrooms, which shall be contained within the primary and secondary dwelling units and guest house only, in compliance with the development standards of the applicable residential or agricultural zones.
2. The property owner shall reside in either the primary or secondary dwelling on site.
3. Meal service shall be limited to registered guests and shall consist of breakfast and light snacks as a portion of the overall room rate in compliance with the California Retail Food Codes enforced by the County (Health and Safety Code Section 113893).
4. One, non-internally illuminated sign shall be permitted based on the applicable zone standard set forth in Chapter 17.37 (Signs) unless greater sign area is authorized under the Conditional Use Permit. The design of the sign shall be considered by the review authority for architectural compatibility with the inn's existing or proposed structure(s).
5. Bed and breakfast inns shall have direct access to a maintained road in conformance with Department of Transportation standards. The entrance, parking area and walkways shall be illuminated in compliance with Chapter 17.35 (Outdoor Lighting) and kept free of obstructions or hazards of any type.
6. Kitchens shall be clean, well-maintained, and comply with accepted standards of sanitation and hygiene by conforming to the requirements of the applicable El Dorado County Environmental Health Department permit.
7. Bed and breakfast inns shall provide off-street parking at a ratio of one space per each guest room, plus two spaces required for the principal dwelling. Guest parking shall be subject to the following:
 - a. No guest parking shall be permitted within the required front or side yard setback.
 - b. Tandem parking, meaning two cars parked one behind the other, may be allowed. Denser parking lot configurations may be allowed if valet parking is provided.
 - c. Guest parking shall be designed so as to prohibit the backing of vehicles directly into any public right of way in order to exit any parking space.
 - d. The parking area provided for a bed and breakfast inn may have a gravel surface.

8. A bed and breakfast inn consisting of five or fewer guestrooms shall be considered a single-unit residential dwelling or lodging house for the purpose of building codes, unless additional standards are required by said codes, as amended from time to time and adopted by the County. Six or more guestrooms within one structure shall be subject to further requirements under the building codes.
9. Bed and breakfast inns within Agricultural Districts, as identified on the General Plan land use maps, 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 Agricultural Commission for compatibility with surrounding agricultural land uses prior to action by the review authority.
10. The operation of a bed and breakfast inn shall be subject to Title 3.28 (Transient Occupancy Tax) and Title 5.08 (Business License Requirements) of the County Code. The business license shall be posted in a conspicuous place on the premises prior to operation of the business.
11. The Conditional Use Permit may authorize limited ancillary activities such as weddings, receptions, fund raisers, or similar events attended by non-guests, subject to conditions of approval that include, but are not limited to, restrictions upon the frequency and time of holding events, duration thereof, and the maximum number of persons attending. Food preparation, except for the aforementioned breakfast and light snacks, shall not be permitted within the bed and breakfast inn. Unless expressly authorized in the Conditional Use Permit, such ancillary activities are prohibited.

A Temporary Use Permit for an ancillary activity may be processed in situations where special events are not authorized under the Conditional Use Permit for the bed and breakfast inn, in compliance with Section 17.52.060. Applicable conditions shall be imposed, as determined necessary by the review authority, which restrict the number of people attending and offset other related impacts, in order to maintain the residential character of the surrounding neighborhood.

12. New construction proposed on a bed and breakfast inn site, including buildings not necessarily proposed for bed and breakfast inn use, or exterior remodeling of the building(s) to be used for guest accommodations, is subject to architectural review by the review authority as part of the Conditional Use Permit process. This determination will be based on building materials, compatibility with neighborhood building style, and any historic style indigenous to the area.

17.40.100 Campgrounds and Recreational Vehicle Parks

- A. Purpose.** The purpose of this Section is to encourage development of the tourism industry in the County and to coordinate with the California Department of Housing and Community Development in providing reasonable standards for the development of transient camping facilities in compliance with Title 25 of the California Code of Regulations, in order to minimize conflicts with adjacent land uses and to protect the public health, safety, and welfare.
- B. Applicability.** The provisions of this Section shall apply to all campgrounds and recreational vehicle parks, as defined in Article 8, where the permitted use matrices for the zones allow these uses.
- C. Unauthorized Camping Prohibited.** It shall be unlawful to place, maintain, use, or occupy any vehicle or temporary structure, such as a tent, lean-to, or other makeshift enclosure for which no building permit has been issued, on any lot of real property for the purpose of camping, dwelling, maintaining, or establishing a temporary or permanent residency unless such placement, maintenance, use, or occupancy is authorized in compliance with this Section or with Section 17.52.060 (Temporary Mobile Home Permit).
- D. Compliance with State Law.** All campgrounds and recreational vehicle parks shall comply with the minimum standards of the Special Occupancy Parks Act (Health and Safety Code Section 18860, et seq.) and the applicable regulations adopted by the Department of Housing and Community Development (Code of Regulations, Title 25, Chapter 2.2) including, but not limited to setback and separation standards, infrastructure requirements, operations, maintenance, and inspections within these facilities.
- E. Development Standards.** The following general standards shall apply to new campgrounds and RV parks or proposed revisions to existing facilities, subject to a Conditional Use Permit in compliance with Section 17.52.020:
- 1. Density.** Maximum overall density shall be determined on a case-by-case basis. Dwelling units shall be defined as individual campsites, as defined in Article 8, recreational vehicle spaces, dormitory rooms, or cabins. The review authority may further limit the density based on physical or environmental constraints on the site of a proposed campground or recreational vehicle park.
 - 2. Fencing.** Where a recreational vehicle park fronts a public road, screening provided by a solid fence, wall, or landscaping shall be installed a minimum of 30 feet from the edge of right of way. The screening shall stand no less than six feet in height. This standard is not mandatory for a campground.
 - 3. Access.** Campground and recreational vehicle park access roads shall have clear and unobstructed access to a public roadway. There shall be no direct access from an individual campsite or RV space to a public roadway.
 - 4. Encroachment.** The design and number of the encroachments shall conform to

the standards set forth in the Design and Improvement Standards Manual, based on the number of campsites and the type and design speed of the County road.

5. **Parking.** The campground and recreational vehicle park shall provide off street parking spaces for each campsite and guest parking in accordance with Chapter 17.36 (Parking and Loading).
6. **Signs.** Campground and recreational vehicle park entrance signs shall comply with the provisions under Chapter 17.37 (Signs).
7. **Drainage.** A drainage plan shall be required demonstrating how surface runoff will be controlled. Said plan shall be prepared by an appropriately licensed professional and shall show all on-site and off-site improvements or facilities that will be necessary to control runoff, with necessary calculations of flow, velocity, or other data as may be required by the County for review of the plan.
8. **Water Supply and Sewage Disposal.** If public sewer and/or water supply are proposed, a will-serve letter or similar document from the water or sewer purveyor shall be provided indicating that sufficient supply and/or treatment capacity, and adequate lines are available or will be made available to serve the project. If wells and/or septic systems are proposed, sufficient well data, percolation tests, and other data as required by the County Environmental Health Division shall be provided to determine that adequate water supply and/or septic capability is available to serve the project.
9. **Commercial Use.** The construction of a structure within the campground or recreational vehicle park that is under the ownership or control of the park and can provide commercial use to the public shall be reviewed by the County for potential impacts on local services under the Conditional Use Permit.
10. **Length of Stay.** The maximum length of stay in any campground or recreational vehicle park shall not exceed 30 days. Specific exceptions to this standard for individual campers may be approved by the review authority on a case-by-case basis at the written request of a campground operator where it is found that special circumstances warrant an increase.
11. **Other Requirements.** The Department or review authority may require additional data to provide mitigation to any other potentially significant impact identified during the initial study or public review process for the Conditional Use Permit for a campground or recreational vehicle park.

17.40.110 Child Day Care Facilities

- A. Purpose.** The purpose of this Section is to meet the increasing demand for available and affordable child care by allowing child day care facilities within residences as child day care homes to give children the home environment which is conducive to healthy and safe development in compliance with California Health and Safety Code Section 1596.70; in commercial and neighborhood service zones as child day care centers to provide further choice and flexibility while protecting the neighborhoods and commercial areas in which they are located; and in workplaces as employer-sponsored child day care centers to provide convenience for working families.
- B. Child Day Care Homes.** Child day care homes, as defined in Article 8, may be provided in any zone that allows detached, single-unit residential dwellings, including rental units. As such, the following permit requirements shall apply:
- 1. Small Family Day Care Homes.** Permitted by right.
 - 2. Large Family Day Care Homes.** Permitted under an Administrative Permit in compliance with Section 17.52.020. The following shall be submitted in addition to the standard permit application requirements:
 - a. Name and address of the applicant and a statement that he/she resides in the home where the day care will be conducted.
 - b. A site plan drawn to scale, which may be hand drawn provided it is legible, clearly delineating the location and dimensions of all existing and proposed buildings, structures, walkways, yards, driveways, on-site parking areas, and available parking area along the road frontage.
 - c. A sign plan, if applicable, demonstrating compliance with Chapter 17.37 (Signs) for residential signage
- C. Child Day Care Centers.** Child day care centers, as defined in Article 8, shall be allowed where permitted in the use matrices for the zones.
- D. Employer-sponsored Child Day Care Centers.** Employer-sponsored child day care centers, as defined in Article 8, shall be allowed as part of a commercial or industrial building or complex where permitted in the use matrices for the zones.
- E. Permit Process.** When an Administrative Permit is required by this Section it shall be processed as follows:
1. The Director shall, within 45 days of the filing of a complete permit application, approve a child day care facility if the approval standards in Subsection F have been met; otherwise, the permit shall be denied.
 2. Not less than 10 days prior to the date on which the decision will be made on

the application, written notice shall be given to all residentially zoned property owners within a 100-foot radius from the property lines of a proposed large family day care home, child day care center, or employee-sponsored child day care center. The notice shall declare that the application will be acted on without a public hearing if no request for a hearing is made, in compliance with Paragraph E.3 below.

3. A hearing will only be held if one is requested in writing by the applicant or other affected person prior to the Director’s decision (Health and Safety Code Section 1597.46.a.3). Hearings will be held before the Zoning Administrator.
4. Decisions that are rendered by the Director may be appealed by the applicant or other affected person. All decisions of the Director are appealable to the Commission and then to the Board, in compliance with Section 17.52.100 (Appeals).

F. Approval Standards. No application for an Administrative Permit shall be approved unless it complies with the development standards of the zone, Article 3 (Site Planning and Project Design Standards), and the following standards:

1. The loading and unloading of vehicle occupants shall only be permitted on the driveway of a residential dwelling, an approved parking area, or along the frontage of the site and shall not restrict traffic flow. Facilities located on those roads delineated in Figure TC-1 of the General Plan or roads designed for speeds of 35 mile per hour or greater shall provide a drop-off and pickup area designed to prevent vehicles from backing into the roadway.
2. The applicant shall comply with all fire and building codes applicable to child day care facilities.
3. The applicant shall obtain a valid state license to operate a child day care facility on the site within 180 days of the date of issuance of an Administrative Permit. Within 14 calendar days after issuance of the state license, the applicant shall provide a copy of the license to the Director. The applicant's failure to obtain a state license or to provide a copy of the license to the Director may result in revocation of the Administrative Permit in accordance with the provisions of Chapter 17.67 (Code Enforcement).
4. In addition to the standards in Paragraphs F.1 and F.2 above, a large family day care home shall be subject to the following:
 - a. The site shall provide at least two off-street parking spaces, none of which may be provided in a garage or carport. Parking spaces may include those provided to meet residential parking requirements.
 - b. The site shall not be located within 500 feet of any other large family day care home, as measured between the nearest property lines from one

another.

- c. If the site has a swimming pool or spa, the pool or spa shall meet all current code regulations for fencing, gate latches, and alarms.
- d. No more than one family day care home shall be located on any single lot.
- e. A permit for a large family day care home is non-transferable.

17.40.120 Commercial Caretaker and Agricultural Employee Housing

A. Purpose. The purpose of this Section is to provide affordable housing opportunities and to provide a convenience to agricultural employers, businesses, and civic uses with special security needs while protecting the public health, safety, and welfare.

B. Applicability. The provisions of this Section shall apply to all housing for commercial caretakers and agricultural employees where the permitted use matrices for the zones allow these uses.

C. Commercial Caretaker Housing.

1. Commercial caretaker housing may be permitted as an accessory use where the principal commercial, industrial, recreational, or civic use involves operations, equipment, or resources that require 24-hour security, and where there is a demonstrated need for such security, based on the following:
 - a. Value and portability of goods and/or equipment stored on the property;
 - b. Precautionary measures taken by the applicant to prevent loss or vandalism; and
 - c. Sheriff's records demonstrating the applicant's past experience with vandalism or the loss of goods and/or equipment.
2. Permanent housing for commercial caretakers may be established on a lot accessory to an existing, permitted commercial, industrial, recreational, or civic use subject to an Administrative Permit in compliance with Section 17.52.020.
3. Temporary housing for commercial caretakers shall be subject to a Temporary Mobile Home Permit in compliance with Section 17.52.070.
4. The Director, in approving a permit for commercial caretaker housing must find that there is a need for such housing based on the information provided under Paragraph C.1 and that sufficient additional security measures, such as security lighting and fencing, have been installed to minimize potential vandalism or

theft.

D. Agricultural Employee Housing

1. A residential structure providing accommodation for six or fewer agricultural employees shall be considered a single-unit residential use and shall be permitted by right in any zone that permits single-unit residential uses. (Health and Safety Code Section 17021.5).
2. Agricultural employee housing consisting of no more than 36 beds in group quarters, or 12 units or spaces designated for use by single households, shall be allowed under an Administrative Permit in agricultural zones. The permitted occupancy in said housing shall include agricultural employees who do not work on the property where the agricultural labor housing is located (Health and Safety Code Section 17021.6). Administrative Permit approval for agricultural employee housing shall be subject to the following:
 - a. Findings made by the Agricultural Commission that the need for such housing exists based on the type of agricultural commodity produced **in the area, amount of acreage in production**, and any other factors determined to be applicable; and
 - b. ~~The term of occupancy for agricultural employee housing shall be limited to the seasonal extent of the produce grown on the lot. An exception to this limitation is where an agricultural employee works off site, as allowed under this Paragraph, in serially seasonal, agriculturally-related employment, subject to the findings in 2.a above.~~

E. General Standards. In addition to the specific provisions under Subsections C and D above, all commercial caretaker and agricultural employee housing shall be subject to the following standards:

1. **Occupancy.** At least one of the occupants of each housing unit shall be a full-time or seasonal employee of the business, operation, or institution that qualifies for such housing in compliance with this Section. **The exception to this requirement shall be agricultural employee housing in compliance with Subsection D.2 above.**
2. **Location of Housing Unit.** All housing shall be located on the same lot as the principal use that provides the qualification for such housing, in compliance with the development standards of its applicable zone. The exception to this requirement shall be agricultural employee housing in compliance with Subsection D.2 above.
3. **Housing Maintenance.**

- a. Permanent housing shall be constructed and maintained to conform to the minimum standards contained in the building code, or as otherwise regulated by the State Department of Housing and Community Development for migrant farm labor housing.
 - b. Mobilehomes and recreational vehicles used specifically for such housing shall be maintained in compliance with the applicable requirements of the Manufactured Housing Act (Health and Safety Code Section 18000, et seq.)
- F. Exceptions.** Housing inconsistent with the standards in this Section shall be subject to a Conditional Use Permit in compliance with Section 17.52.020.
- G. Removal of Housing Unit.** A caretaker or agricultural employee housing unit shall remain in use concurrent with the existence of the principal use of the site that justifies the housing unit **or, in the case of agricultural employee housing, there remains a demonstrated need.** Upon termination of the principal use, the housing unit shall be removed if a temporary structure, or converted to another permitted use if a permanent structure.

17.40.130 Communication Facilities

- A. Purpose and Intent.** The purpose of this Section is to provide for the orderly development of commercial and private wireless communication facilities including transmission and relay towers, dishes, antennas, and other similar facilities, to encourage the appropriate location and development of said facilities, and to protect the character of neighborhoods and communities, and the scenic quality of County roadways.

The Board finds that minimizing the number of communication facilities through co-locations on existing and new towers and siting such facilities in areas where their potential visual impact on the surrounding area is minimized will provide an economic benefit and will protect the public health, safety and welfare.

1. Communication service providers shall:
 - a. Employ all reasonable measures to site their antennas on existing structures as facade mounts, roof mounts, or co-location on existing towers prior to applying for new towers or poles;
 - b. Work with other service providers and the Department to co-locate where feasible. Where co-location on an existing site is not feasible, develop new sites which are multi-carrier to facilitate future co-location, thereby reducing the number of sites countywide;
2. It is the intent of the County to minimize the visual impacts of wireless

communication facilities by limiting the number of facilities. However, the County may require construction of a number of smaller facilities instead of a single monopole or tower if it finds that multiple smaller facilities are less visually obtrusive.

B. Permit Requirements. Wireless communication facilities, as defined in Article 8, shall be permitted in all zones, subject to the following standards and permitting requirements:

1. Repeaters and Other Small Facilities. Repeaters and other similar small communication facilities that do not exceed five square feet and do not protrude more than 18 inches from the mounting surface or extend more than three feet above the roofline may be permitted by right in any zone provided that no additional equipment is required.

2. Building Facade Mounted Antennas. In all zones, building facade-mounted antennas may be permitted subject to an Administrative Permit in compliance with Section 17.52.020. Those facilities not meeting the requirements below are subject to a Conditional Use Permit in compliance with Section 17.52.050.

- a. No portion of the antenna, support equipment, or cables shall project above the roofline unless consistent with Subsection 3 below;
- b. The surface area of all antenna panels shall not exceed 10 percent of the surface area of the facade of the building on which it is mounted or 30 square feet, whichever is greater;
- c. No portion of the antenna or equipment shall extend out more than 24 inches from the facade of the building;
- d. Antennas and equipment shall be constructed and mounted to blend with the predominant architecture and color of the building, or otherwise appear to be part of the building to which it is attached;
- e. The lowest portion of all antennas shall be located a minimum of 15 feet above grade level; and
- f. All equipment shelters, cabinets, or other ancillary structures shall be located within the building being utilized for the communication facility, or on the ground screened from public view. Equipment located on the roof must be screened from public view from adjacent streets and properties by an architecturally compatible parapet wall or other similar device.

3. Roof Mounted Antennas. The construction or placement of communication facilities as roof mounted antennas may be permitted as follows:

- a. In all commercial, industrial and research and development zones, except where located adjacent to a state highway or designated scenic corridor, roof mounted antennas may be permitted subject to approval of an Administrative Permit. Those facilities not meeting the requirements under Subparagraphs 2.c, 2.d, and 2.f above and the following requirement shall be subject to a Conditional Use Permit.
 - (1) Facilities located on the roof of the building shall be located towards the center of the roof if technologically feasible.
 - (2) The height of the facility shall not exceed 15 feet above the roof top or the maximum height for the zone, whichever is less.
 - b. In all other zones, or where located adjacent to a state highway or designated scenic corridor, roof mounted antennas shall be subject to Commission approval of a Conditional Use Permit.
- 4. Co-location on Existing Non-building Structures or Public Facilities.** In all zones, the co-location of antennas on signs, water tanks, utility poles and towers, light standards, and similar structures may be permitted subject to Zoning Administrator approval of a Minor Use Permit in compliance with Section 17.52.020. Those facilities not meeting the requirements below are subject to a Conditional Use Permit:
- a. Antennas shall not exceed the maximum height for the zone or 15 feet above the height of the existing structure, whichever is less.
 - b. Antennas and mounting brackets shall be constructed and mounted to blend with the design and color of the existing structure;
 - c. All equipment shelters, cabinets, or other ancillary structures shall be located within the structure being utilized for the communication facility, or on the ground screened from public view; and
 - d. If proposed to be attached to a structure, utility pole, or tower located within a public utility easement, both the utility and the property owner must authorize submittal of an application for such use.
- 5. Co-location on Existing Approved Monopoles or Towers.** In all zones, the placement of antennas on an existing approved monopole or tower may be permitted subject to an Administrative Permit. Those facilities not meeting the requirements below are subject to a Conditional Use Permit.
- a. New antennas shall be located at or below the topmost existing antenna array, either on the same pole, or at the same height on a replacement pole within the approved lease area;
 - b. New antennas shall not extend out horizontally from the pole more than the existing widest projection. Use of designs similar to the existing

antenna array is encouraged;

- c. All equipment shelters, cabinets, or other ancillary structures shall be located within the building being utilized for the communication facility, or on the ground screened from public view;
- d. The antennas and pole or tower shall be designed to match the existing facility, or to blend with the natural features or vegetation of the site; and
- e. Additional antenna arrays added above the existing approved antenna array or that requires the tower height to be increased shall be considered a new tower and shall be subject to the provisions of Paragraph 6, below.

6. New Towers or Monopoles. The construction or placement of communication facilities on new towers or monopoles, or an increase in height of existing towers or monopoles may be permitted as set forth below:

- a. In all commercial, industrial, and research and development zones, except where located adjacent to a state highway or designated scenic corridor or within 500 feet of any residential zone, a new tower or monopole may be permitted subject to Zoning Administrator approval of a Minor Use Permit.
- b. In all other zones, or where located adjacent to a state highway or designated scenic corridor or within 500 feet of any residential zone, new towers or monopoles shall be subject to Commission approval of a Conditional Use Permit.

6. Other Types of Facilities Not Listed Above. Application proposals that do not conform to the above requirements of Paragraphs 2 through 5 above will be subject to Commission approval of a Conditional Use Permit, as determined by the Director.

7. Speculative Towers. Towers for which no licensed communication carriers have committed to utilize shall be prohibited.

C. Visual. Visual simulations of the wireless communications facility, including all support facilities, shall be submitted. A visual simulation can consist of either a physical mockup of the facility, balloon simulation, computer simulation, or other means.

D. Development Standards. All facilities shall be conditioned, where applicable, to meet the criteria below:

- 1. Screening. All facilities shall be screened with vegetation or landscaping.

Where screening with vegetation is not feasible, the facilities shall be disguised to blend with the surrounding area. The facility shall be painted or constructed with stealth technology to blend with the prevalent architecture, natural features, or vegetation of the site.

2. **Setbacks.** Compliance with the applicable zone setbacks is required. Setback waivers shall be considered to allow flexibility in siting the facility in a location that best reduces the visual impact on the surrounding area and roads, subject to Zoning Administrator approval of a Minor Use Permit.
 3. **Maintenance.** All improvements associated with the communication facility, such as equipment shelters, towers, antennas, fencing, and landscaping shall be properly maintained at all times. Design, color, and textural requirements under the approved conditions shall be maintained to ensure a consistent appearance over time.
- E. RF Requirements.** The application for a discretionary permit shall contain a report or summary of the estimates of the non-ionizing radiation generated by the facility. The report shall include estimates of the maximum electric and magnetic field strengths in all directions from the facility to the property lines of the facility site.
- F. Availability.** All existing communication facilities shall be available to other carriers as long as structural or technological obstacles do not exist.
- G. Unused Facilities.** All obsolete or unused communication facilities shall be removed within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify the Department at the time of abandonment. All site disturbance related to the facility shall be restored to its pre-project condition.
- H. Permit Application Requirements.** In order to protect the visual character of established neighborhoods and to protect school children from safety hazards that may result from a potentially attractive nuisance, in addition to the noticing requirements of Article 5, the following notification shall occur:
1. **School District Notification.** If the proposed wireless facility is located within 1,000 feet of a school, the appropriate school district shall be notified during the initial consultation.
 2. **Homeowners Association Notification.** For facilities proposed to be located on residentially-zoned land, the applicant shall identify any homeowners association which might govern the property. Any that are identified shall be notified during the initial consultation.

17.40.140 *Reserved*

17.40.150 *Reserved*

17.40.160 Guest House

A guest house detached from the primary dwelling may be established as an accessory use in any zone allowing single-unit residential development in compliance with the following:

- A. General Development Requirements.** A guest house shall conform to the setbacks, height limits, lot coverage, and other requirements of the zone in which it is located
- B. Floor Area Limitation.** The maximum floor area allowed for a guest house is 600 square feet. Floor area shall be measured from the outside of the exterior guest house walls including all enclosed habitable or potentially habitable space.
- C. Limitation on Use.** As defined under Article 8, a guest house:
 - 1. May contain a living area, a maximum of two bedrooms, and one bathroom. The living area may include a wet bar, as defined in Article 8. A laundry facility and kitchen or cooking facility, or room for installation of a stove, full size refrigerator, or sink other than the bathroom and wet bar sinks, shall be prohibited;
 - 2. Shall be used for temporary, non-commercial sleeping quarters by visitors of the property owner/lessor;
 - 3. Shall not be provided an electric meter separate from the primary dwelling; and
 - 4. Shall not be allowed on any site containing a secondary dwelling established in compliance with Section 17.40.300.

17.40.170 Home Occupations

- A. Purpose.** The purpose of this Section is to provide opportunities for home-based businesses incidental to and compatible with surrounding residential and agricultural uses in order to encourage employers to offer home workplace alternatives, promote economic self-sufficiency of County residents, reduce commuting on U.S. Highway 50, while minimizing conflicts with adjacent property owners and protecting the public health, safety, and welfare.
- B. Applicability.** A home occupation shall be permitted in any zone that allows single- or multi-unit residential use in compliance with the standards and permitting requirements of this Section.
- C. Standards.** A home occupation consisting of small scale production or parts assembly; work performed by telephone, mail, or over the internet; or work that is the activity of creative artists, music teachers, academic tutors, or similar educational instructors shall be allowed in compliance with the following standards:

1. All business is conducted within permitted structures on the lot. The appearance of the structure shall not be altered nor shall the occupation be conducted in a manner that would cause the structure to differ from its residential character either by the use of colors, materials, construction, lighting, or signs.
2. The conduct of the home occupation shall not prevent the use of the garage for vehicle parking on a daily basis.
3. The business shall be owned and operated by a person or persons residing on the premises. The business owner may have on site meetings, by appointment only, with other business personnel who provide support service to the home occupation, such as accountants and transcribers. No full or part-time employees under the direct payroll and supervision of the business owner shall be allowed to report to work at the site of the home occupation.
4. No retail sales shall occur on the premises except when conducted by telephone, mail, or internet, with delivery occurring off site.
5. As part of the home occupation, no equipment or process shall be used that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off site. In the case of electrical interference, no equipment or process shall be used that creates visual or audible interference in any radio or television receivers, or that causes fluctuations in line voltage off site.
6. The home occupation shall not involve the use of commercial vehicles for the delivery of materials to or from the premises beyond those types of commercial delivery vehicles normally associated with residential uses.
7. No heavy commercial vehicles, as defined in Article 8 (Vehicle, Heavy Commercial), used as part of the home occupation shall be stored or parked on site or on the road frontage.
8. No goods or materials used or produced as part of the home occupation shall be stored either inside a structure or outside so as to be visible to the public.
9. Any materials used or manufactured as part of the home occupation may be subject to the review and approval of Environmental Management and the applicable fire department prior to business license sign off by the Department.
10. Student instruction shall be provided by appointment only, subject to the following standards:
 - a. Group lessons shall be limited to a maximum of four students at any one time, once per day, provided adequate parking is available. Parking space that meets on site residential requirements, as well as available parking space along the road frontage may be used.

- b. No concerts, recitals, performance events, or art shows shall be held on the site unless in compliance with Subsection E, below.
 - c. Student instruction shall be permitted between the hours of 8:00 a.m. and 9:00 p.m.
11. One, on site identification sign may be permitted for those home occupations involving student instruction only, in accordance with the provisions of Section 17.37 (Signs).
12. The following home occupations shall be allowed by right in Residential Estate (RE) and Agricultural and Resource zones (Chapters 17.24 and 17.21, respectively), on lots with a minimum size of 10 acres, in compliance with the standards under Paragraph C.10:
- a. Horseback riding lessons or similar instruction involving animal husbandry
 - b. Horse boarding in compliance with Section 17.40.070 (Animal Raising and Keeping), providing the use or training of the horse(s) is limited to their owners.

D. Student Instruction - Administrative Permit Required. An Administrative Permit shall be required when a home occupation exceeds the standards under Paragraph C.10 above. An Administrative Permit for a home occupation under this Subsection shall only be approved when the Director finds that the standards being exceeded will not change the residential character of the neighborhood based on the attendance numbers, frequency or duration of the event, and nature of the use. If applicable, the location of an accessory structure relative to adjacent residential uses shall be considered, as well. In addition to all other standards under Subsection C, permit approval shall be subject to compliance with the following standards:

- 1. The site of the home occupation has direct access to a public road, or the property owner participates in a road maintenance association.
- 2. The total number of vehicle round trips to the site generated by students receiving group lessons shall not exceed 10 per day.
- 3. There shall be adequate parking on the site to accommodate recitals or concerts, in addition to the required residential parking spaces. Added parking areas shall be located outside of any setback areas for the zone, in compliance with Subsection 17.36.040.D (Parking and Loading). Available parking along the road frontage may be used, also.
- 4. A proposed accessory structure for the purpose of conducting recitals or concerts shall be permitted on a minimum 0.25 acre lot as follows:

- a. For lots 0.25 to less than one acre, one structure of 600 square feet, maximum.
 - b. For lots one acre or larger, one structure of 1,200 square feet, maximum.
5. The Administrative Permit shall not be transferable from the applicant to any other person.

E. Prohibited Home Occupations. The following uses occurring on the site are not incidental to or compatible with residential activities and shall not be allowed as home occupations:

- 1. Motor vehicle and other vehicle repair or maintenance (body or mechanical) including, but not limited to the repair of engine, muffler, or drive train components of the vehicle and upholstering, painting, or detailing work, except as provided in Section 17.40.370 (Vehicle Maintenance, Repair, and Storage Accessory to a Residential Use).
- 2. The storage of motor vehicles, including but not limited to automobiles, motorcycles, heavy commercial vehicles, recreational vehicles, trailers, and boats (motorized or not), except as provided in Section 17.40.380 (Vehicle Maintenance, Repair, and Storage Accessory to a Residential Use).
- 3. Carpentry and cabinet making, excluding woodworking that results in the creation of small wood products or single pieces of furniture where delivery occurs off site.
- 4. Food preparation and food sales.
- 5. Public kennels or catteries.
- 6. Personal services, as defined in Article 8.
- 7. Medical and dental offices, clinics, medical laboratories, and veterinary services.
- 8. Repair shops or service establishments, except repair of small electrical appliances, cameras, or other similar items where pick-up and delivery occurs off site.
- 9. Public riding stables.
- 10. Large-scale upholstering service, excluding upholstering of single pieces of furniture or other objects where pick-up and delivery occurs off site.
- 11. Welding and machining.

12. Winery and tasting rooms.
13. Any other use determined by the Director that is not incidental to and/or compatible with residential activities.

F. Conditional Use Permit. Where a proposed home occupation may exceed the standards under Subsections C or D above, a Conditional Use Permit shall be required.

17.40.180 Mixed Use Development

A. Purpose and Intent. The purpose of this Section is to allow mixed use development, as defined in Article 8, that provides housing and employment opportunities in proximity to each other in order to more fully and efficiently utilize available land in Community Regions and Rural Centers. The intent of this Section is to encourage the development of affordable housing and pedestrian-oriented communities, maintain access to commercial businesses, enhance the core areas of existing community and rural centers while protecting historical and cultural amenities, and provide incentives for such development.

B. Applicability. Residential development may occur with the commercial development allowed in Chapter 17.22 (Commercial Zones) under the permitted use matrices for the zones, except where the commercial zone is combined with the Platted Lands (-PL) Combining Zone.

C. General Requirements. The following requirements shall apply to all mixed use development projects:

1. Commercial and residential uses shall be complementary and mutually supportive of each other and shall be integrated into the community or neighborhood where the development is located.
2. The residential component shall be allowed on separate lots within the development.
3. The residential component may include a full range of single-unit and/or multi-unit residential design concepts.
4. The residential component shall be constructed concurrently with or following construction of the commercial component of the project site. Construction of the first phase of commercial development shall receive final occupancy prior to the first phase of residential development.
5. Mixed use development projects may be phased.

D. Development Standards.

1. At least 30 percent of the gross floor area of the mixed use development project shall be devoted to commercial uses. “Gross floor area” as used within this Section does not include inner courtyards and exterior stairwells or balconies.
2. The maximum density for the residential use component shall be 16 dwelling units per acre in Community Regions and four dwelling units per acre in Rural Centers or developments without a public sewer connection.
3. Minimum residential dwelling unit area shall comply with the building code.
4. Minimum front yard setbacks may be to property lines that adjoin the back of sidewalks or other publicly accessible area.
5. Parking shall be subject to the requirements in Chapter 17.35 (Parking and Loading) and Section 17.33.050.A (Landscape Buffers).
6. On site pedestrian walkways or sidewalks connecting the residential and commercial components, as well as connecting to adjoining commercial, residential, and civic uses, shall be provided for pedestrian safety.

E. Findings. To assure the proposed development meets the intent of this Section for mixed use development and in addition to the findings in Section 17.52.040.E (Development Plan Permit: Findings), the following findings shall be made prior to approving a mixed use project.

1. The development contains complementary and connected uses that are mutually supportive of each use, provides a significant functional interrelationship, and are integrated into the community or neighborhood it is located.
2. The development creates an appropriate internal and external human scale, and provides for pedestrian comfort and amenities.
3. The development is an integrated project as to land use, building design, and site layout, with a coherent physical design.

17.40.190 Mobile/Manufactured Homes

A. Purpose. The purpose of this Section is to allow the placement of mobile or manufactured homes as temporary and permanent housing or for use as temporary office space during construction in order to provide affordable housing options, offer relief in hardship circumstances, assist in protecting public and private property, and expedite approved development within the County, while providing regulations to protect the public health, safety, and welfare.

B. Applicability. A mobile or manufactured home (hereinafter referred to as “mobile

home”) or a recreational vehicle (RV) may be permitted for temporary or permanent use in compliance with the provisions of Chapter 15.64 of the County Code (Mobilehome Regulations), the development standards of the zone, and the provisions of this Section.

C. Permit Requirements.

- 1. Residential Dwellings.** In all zones which permit detached, single-unit residential dwellings by right, the permanent placement of mobile homes as primary and/or secondary dwellings shall be allowed by right.
- 2. Temporary While Constructing.** One mobile home or recreational vehicle may be placed on a lot for the purpose of habitation during the construction of a permitted primary dwelling or during major repair of a damaged dwelling that is uninhabitable. A temporary occupancy permit shall be obtained from Building Services for the mobile home or recreational vehicle, and an active building permit must remain in effect for the primary dwelling. However, if an uninhabited secondary dwelling exists on site, the use of a mobile home or recreational vehicle during major repair of the primary dwelling shall not be allowed.
- 3. Hardship Purposes.** In addition to the primary dwelling, one temporary mobile home may be allowed on a lot measuring one acre or larger, in compliance with permit requirements under Section 17.52.060 (Temporary Mobile Home Permit), for the following uses:
 - a. To provide housing or shelter to person(s) related by birth or marriage to the property owner who resides on the lot.
 - b. To provide caretaker assistance to the elderly or handicapped homeowner(s) in their personal care and/or protection of their property. The elderly or handicapped homeowner(s) must reside in the primary dwelling. The use of a hardship mobile home shall not be allowed for this purpose where a secondary dwelling exists on site. Under this Section, “elderly” shall mean a person 62 years of age or older.
- 4. Contractor’s Office.** One or more mobile home(s) may be used exclusively as a temporary office for contractors engaged in construction projects during the course of construction of the project where an active building, grading, or other permit remains in effect, subject to the following provisions:
 - a. A temporary construction office may be located on the same property as the construction project subject to approval of an Administrative Permit in compliance with Section 17.52.010.
 - b. A temporary construction office may be located off site subject to approval of a Temporary Use Permit in compliance with Section

17.52.070.

- c. A temporary construction office located on or adjacent to agricultural or resource zoned land shall be subject to review by the Agricultural Commission

5. **Construction Employee Housing.** The temporary placement of one or more mobile homes or recreational vehicles to provide construction-related employee housing may be permitted by Administrative Permit. Such temporary housing shall be limited to projects in remote areas where permanent housing is infeasible and where a mobile home park, recreational vehicle park, or campground space are unavailable. A temporary occupancy permit shall be obtained from Building Services for the mobile home(s) or recreational vehicle(s), and an active building permit must remain in effect for the construction project. The Director, in approving the permit for construction employee housing, must find that housing availability is limited and that approval of the temporary housing will reduce daily vehicular trips.
 6. **Agricultural Employee Housing.** One or more mobile homes may be used for housing agricultural employees and their immediate families in compliance with the requirements under Section 17.40.120 (Commercial Caretaker, etc.).
 7. **Caretaker Housing.** On lots that contain commercial, industrial, recreational, or civic uses including public and private schools and churches, one mobile home may be placed on the lot or contiguous lots under common ownership for the purpose of providing housing for a caretaker in compliance with the requirements of Section 17.40.120.
- D. **Temporary Mobile Home Removal.** Where the permit has expired in compliance with Subsection 17.52.050.F (Permit Expiration), the mobile home or recreational vehicle shall be removed from the property within 30 days from the date of expiration. The applicant shall be required to obtain a demolition permit in order that the County can verify that water, sewer or septic systems, and other utilities are disconnected and the unit is removed from the site.

17.40.200 *Reserved*

17.40.210 **Outdoor Recreational Facilities**

- A. **Purpose.** The purpose of this Section is to ensure that adequate outdoor recreational facilities are available to the residents of the County while providing standards for the development of said facilities in order to protect the public health, safety, and welfare.
- B. **Applicability.** Commercial or public outdoor recreational facilities are subject to the provisions of this Section where permitted under the use matrices for the zones. The

standards under this Section do not affect swimming pools, tennis courts, or similar facilities that are accessory to an individual residence or a multi-unit residential complex and not open to the public, or that are accessory to a school.

- C. Permit Requirements.** Where allowed under the use matrices for the zones, those commercial or public outdoor recreational facilities permitted by right shall be subject to the building permit process, while those subject to Administrative or Conditional Use Permit approval shall be reviewed on a case-by-case basis for impacts to the surrounding area. In addition, the specific use standards under Subsections D-F shall apply.

- D. Parks, Day Use.** Uses within this Subsection include neighborhood, community, and regional parks. The following standards shall apply:

 - 1. Use and operation of park facilities shall be limited to daylight hours.
 - 2. Playground equipment shall be centrally located on the park site, or situated in a way that minimizes noise impacts on adjacent residential property owners.
 - 3. Landscaping and parking shall comply with the standards set forth in Chapters 17.34 and 17.36, respectively.
 - 4. Signs shall be in compliance with Chapter 17.36.
 - 5. Lighting shall be limited to security lighting only, in compliance with Paragraph 17.34.050.A.4 (Outdoor Lighting). Temporary lighting to extend daytime use of the park facilities shall be prohibited.

- E. Riding Stables.** Stables that provide horses for hire at an hourly or daily rate, commercial boarding and training of horses, or riding lessons that exceed the standards of a home occupation under Section 17.40.150.F.2 shall be subject to the following minimum standards:

 - 1. **Minimum Lot Size.** 10 acres.
 - 2. **Setbacks.** Under this Subsection, commercial stables, barns, and other structures used for or intended to be used for the sheltering of horses and/or other animals shall comply with the setback requirements of the zone in which they are located, except that the minimum setback from any residentially-zoned property shall be 100 feet.
 - 3. **Parking and Loading.** Horse trailer parking spaces required under Chapter 17.36 shall be located a minimum of 50 feet from any public road or right-of-way.
 - 4. **Arenas.** Training arenas shall have a minimum setback of 100 feet from any residentially-zoned property. Arenas used for shows or events where more than

10 people could congregate at any one time shall be subject to a Conditional Use Permit in compliance with Section 17.52.050.

- 5. Equestrian Trails.** Prior to Department approval of a permit for a commercial stable where the public may be riding off of the premises, the applicant shall demonstrate access to a trail easement for equestrian purposes. Proposed commercial stables adjacent to trail easements may be required to dedicate land for trail access points, as determined by the Director.

a. If horses will be traveling on a roadway, written approval shall be submitted from the following:

- (1) Private road: Any road maintenance association or other entity created for road maintenance. The operator of the stable shall provide sufficient written documentation to provide proof of the right to use the private road for the proposed use.
- (2) County road: Department of Transportation.
- (3) State highway: Caltrans and the California Highway Patrol.

F. Swimming Pools and Tennis Courts.

1. The facilities under this Subsection shall be subject to the standards under Paragraph D above, except that a noise analysis will be required for a swimming pool facility within 500 feet of a residential zone, prior to permit approval. If the noise analysis shows that the noise levels will exceed the daytime standards of Chapter 17.39 (Noise Standards), a Conditional Use Permit shall be required in compliance with Section 17.52.020.
2. When open for nighttime use, a Conditional Use Permit shall be required.

G. Off-road Vehicle Use. Uses within this Subsection shall include but not be limited to go-cart, motocross, all-terrain vehicle, and miniature auto tracks for recreational purposes. The following standards shall apply:

- 1. Residential Zones.** The recreational use of off-road vehicles that are owned and operated by the residents of said property only, is permitted for on site use subject to the following provisions:

- a. Lot size - five acre minimum;
- b. Compliance with all applicable development standards under this Title to include, but not be limited to:
 - (1) Noise and outdoor lighting standards;
 - (2) Issuance of grading and encroachment permits where applicable;
 - (3) County erosion, dust control, and air quality standards; and
 - (4) Equipment requirements under Paragraph 2.

- 2. Non-residential Zones.** Where permitted in the use matrices for the zones, any

public off-road vehicle (OHV) recreation area shall require all vehicles using the site to be equipped, at a minimum, with the following:

- a. Spark arrestors of a type approved by the U.S. Forest Service;
- b. Noise suppression devices, such as mufflers or silencers, which limit exhaust noise emissions in compliance with threshold levels under Chapter 17.39 (Noise Standards). No exhaust system or noise suppression device shall be equipped with a cutout, bypass, or similar device, nor shall it be modified in such a manner to amplify or increase the noise emitted by the subject vehicle; and
- c. Licensing to the extent required by law.

17.40.220 Outdoor Retail Sales

A. Purpose. The purpose of this Section is to regulate the operation of outdoor retail sales in a manner that promotes retail commercial activities while protecting the public health, safety, and welfare.

B. Permanent Outdoor Retail Sales. Areas of commercial development intended to be used for outdoor retail sales on a permanent or ongoing basis shall be allowed where permitted in the use matrices for the zone. Outdoor retail sales areas may be conducted as a principal use, such as a vehicle sales lot or plant nursery, or as an accessory use, such as a sales yard, nursery area, or vending machine in conjunction with a building materials or other retail store. Outdoor seating at a restaurant, whether conducted as a principal or accessory use, shall also be subject to the standards of this Subsection. The following standards shall apply:

- 1. A permanent outdoor retail sales area shall be distinct and separate from parking and loading areas, walkways, and landscaping areas.
- 2. Sales areas shall be included in square footage calculations when determining parking requirements under Section 17.35.040 (Parking and Loading).
- 3. All development standards under the specific zone shall apply, as well as those general standards applicable to the site plan, such as landscaping, lighting, and signs (Chapters 17.34, 17.35, and 17.37, respectively).
- 4. Notwithstanding the required landscape buffers under Chapter 17.34 (Landscaping Standards), the outdoor sales area shall be screened with a six foot high wall or fence on its boundaries that face or form the side and rear property lines when adjoining residentially zoned property.
- 5. Surfacing requirements of the outdoor sales area shall consist of concrete or asphalt pavement, chip seal, gravel, or other material that can be maintained in a dust-free condition. Vehicle access and parking areas shall be surfaced in

compliance with Chapter 17.35.080 (Parking and Loading).

C. Temporary Outdoor Retail Sales. Temporary outdoor retail sales such as farmers' markets, arts and craft fairs, seasonal sales, swap meets/flea markets, sidewalk sales, and mobile food vendors may be permitted subject to the issuance of an Administrative Permit (Section 17.52.010), unless otherwise specified below and under Subsections D through H. **“Certified” Farmer’s Markets shall be exempt from this policy, but shall comply with Subsection D.** The following standards shall apply:

1. **Location.** The temporary sales area shall not block any emergency access route or otherwise disrupt general vehicular or pedestrian circulation of the shopping center or public street on which the retail business is located.
2. **Hours of Operation.** The temporary sales area shall be conducted during daylight hours only, with all sales facilities, signs, and any related vehicles removed from the site at the close of daily business. Except where otherwise prohibited by this Section, night operations are allowed only when specifically authorized through Temporary Use Permit approval (Section 17.52.060).
3. **Parking Requirements.** Parking requirements shall be in conformance with Table 17.36.040.A (Chapter 17.36, Parking and Loading) for each specific use. Parking shall be available to accommodate employee and customer parking needs either on-site or on adjoining property, provided a shared parking agreement between the applicant and the adjoining property owner has been notarized and submitted with the application. Parking along the road frontage(s) may be allowed subject to the review and approval of the Department of Transportation.

If the temporary sales area is located within an existing parking lot, reduction of available spaces shall not exceed 20 percent of the total amount

4. **Surfacing.** Surfacing materials shall comply with Paragraph B.5 above.
5. **Signs.** Signs allowed in conjunction with temporary outdoor retail sales are subject to the provisions of Chapter 17.37 for size and placement standards. Sign placement shall be limited to one day prior to the first day of the sales event and removal shall be required at the close of business on the last day of the event.
6. **Duration.** Unless otherwise stated in Subsections D through H, a sales event shall run no more than three consecutive days in the same location, with no more than three such sales events occurring during a calendar year beginning January 1. This standard may be modified through Temporary Use Permit approval where it is found that the proposed site will be provided with adequate parking and restroom facilities and that the surrounding area can sustain traffic volumes generated by the sales event without adverse effects in the area.

- D. Farmers' Markets.** In addition to the standards under Subsection C, **certified and non-certified** farmers' markets are subject to all applicable provisions of Sections 47002 et seq. of the California Food and Agriculture Code.
- E. Garage Sales.** Garage sales or similar uses may be permitted by right by the residents of the property only, subject to the following standards:
1. Garage sale activity shall not be conducted in the public right-of-way, including streets, sidewalks, parkways, or alleys.
 2. Items sold at garage sales shall be used goods, wares, or merchandise of a household nature, and shall not have been acquired elsewhere for resale.
 3. Single-unit residential dwellings shall be allowed a maximum of four garage sales per calendar year at the same address.
 4. Multi-unit residential dwellings shall be allowed a maximum of two garage sales per calendar year per legal dwelling unit.
 5. Garage sale advertising signs shall comply with the standards under Paragraph C.5 as to duration, and further shall not be posted on telephone poles, streetlights, traffic signs, or any other structure or location within the public right-of-way.
 6. Garage sales that exceed the standards provided in this Subsection shall be considered a temporary use requiring issuance of a Temporary Use Permit in compliance with Section 17.52.070.
- F. Seasonal Sales.** Seasonal sales, as defined in Article 8, shall be subject to the following:
1. **Time Limit.** Seasonal sales products grown in a location separate from where they are sold shall be limited to a period of 45 consecutive days.
 2. **Merchandise.** The area dedicated to seasonal sales shall not contain the sale of any merchandise not directly associated with the holiday identified by the applicant as the basis for the seasonal sales activity.
 3. **Location.** Seasonal sales shall be conducted outside of any public right-of-way or road easement unless an encroachment permit is approved by the Department of Transportation. Off site sales may utilize a shopping center parking lot subject to a maximum reduction of 20 percent of the total amount of available parking.
 4. **Hours of Operation.** Seasonal sales shall be conducted between the hours of 8:00 A.M. and 10:00 P.M. unless otherwise restricted.

5. **Lighting.** Lighting shall be subject to the requirements in Subsection 17.35.050.A.7 (Outdoor Lighting).
- G. Swap Meets/Flea Markets.** These temporary events may be conducted on the site of another use established in compliance with this Title in a commercial or industrial zone, provided that such site does not adjoin a residential zone.
1. **Limitation on Use.** The sale of vehicles is not permitted.
 2. **Site Surfacing.** Portions of a swap meet site used for sales activities or pedestrian circulation shall be surfaced in compliance with Paragraph B.4 or with planted and maintained lawn.
- H. Itinerant Sales.**
1. Transient produce, food, flower, or merchandise stands that are not part of a temporary use or event authorized in compliance with this Section, or that are not operated as a produce stand in compliance with Section 17.40.240 (Produce Sales) are prohibited.
 2. Mobile food vendors, such as lunchwagon-type vehicles or self-contained food preparation facilities that are transported by another vehicle, shall be permitted in commercial and industrial zones only, subject to the following:
 - a. The service is to provide food on site to employees or customers of the existing commercial or industrial business during daily working hours;
 - b. Mobile food vendor vehicles shall be parked on the site of the industrial or commercial business it is providing its food service to. “On the site of” shall mean space within a parking lot or outdoor sales area, but not along the road frontage(s);
 - c. Mobile food vendor vehicles shall not be parked in any one location for a period exceeding two hours other than the base of operations provided in Subparagraph 2.g;
 - d. Mobile food service vehicles shall not block any emergency access route or otherwise disrupt general vehicular or pedestrian circulation of the parking lot or public street on which the commercial or industrial business is located;
 - e. Location of the service shall not reduce available parking spaces in an amount greater than 20 percent of the total amount;
 - f. Surfacing materials surrounding the location of the service shall comply with Paragraph B.5;

- g. When not in operation, vehicles shall be stored on a commercial or industrial site; and
- h. Mobile food vendor vehicles shall be limited to one per business site and be subject to written approval by the property owner.

17.40.230 Private Schools in Light Manufacturing Facilities

- A. Purpose.** The purpose of this Section is to allow the use of light manufacturing facilities, as defined in Article 8, to accommodate the development of private schools for general education while retaining the light manufacturing potential of the facility and providing standards to protect the public health, safety, and welfare.
- B. Applicability.** Private schools and their accessory uses are subject to the provisions of this Section where permitted under the use matrices for zones allowing light manufacturing uses, subject to the standards and permitting requirements of this Section.
- C. Exemptions.** Trade schools that provide training in skills that would be compatible with the uses in zones allowing light manufacturing shall be exempt from this Section.
- D. Permit Requirements.** The use of light manufacturing facilities for private schools shall be subject to discretionary review. As part of discretionary approval, the review authority shall find:
 - 1. There is sufficient land or structures available in the adjacent area or business park in which the school is located to accommodate the expected demand for light industrial uses.
 - 2. Sufficient outdoor play area is provided to accommodate the number of children anticipated or approved by the discretionary permit, with age-appropriate play facilities on the site of the school.
 - 3. The location of the school will not detract from or compromise current or future light industrial uses in the vicinity.
 - 4. The private school conforms to all other requirements of this Title, including, but not limited to parking and signs (Chapters 17.35 and 17.36, respectively).
- E. General Standards.**
 - 1. Where it can be demonstrated that shared parking can accommodate the anticipated parking demand based on alternating use schedules, a school shall not be required to provide additional parking with the exception of meeting ADA requirements for access to the school building.

2. An adjacent site may be utilized for parking with submittal of a written, binding agreement with the adjacent land owner allowing use of their site for this purpose.
3. Utilization of parking and/or loading areas for outdoor play shall be prohibited.
4. A drop-off and pick-up area shall be provided that does not conflict with traffic flow or impact parking areas.

17.40.240 Produce Sales

- A. **Purpose.** The purpose of this Section is to promote the sale and productivity of the County's agricultural resources and to regulate the accessory structures needed to support such activity while protecting the public health, safety, and welfare.
- B. **Applicability.** The standards set forth in this Section shall apply to produce sales, as defined in Article 8, where permitted in the use matrices for the zones.
- C. **General Standards.** Sale of produce grown on site shall be subject to the following:
 1. Sales may occur by right on site subject to adequate off-road and/or road frontage parking.
 2. One produce stand, as defined in Article 8, may be used subject to the following requirements:
 - a. The stand shall measure 200 square feet or less in size and be situated a minimum of 50 feet from the nearest side or rear property line.
 - b. An encroachment permit shall be secured from the Department of Transportation if the produce stand is accessed from a County road.
 - c. Parking requirements shall be in compliance with Table 17.35.040.1 (Chapter 36, Parking and Loading). The parking area shall meet minimum setback standards for the zone and shall be designed to prevent vehicles from backing into the roadway. Said parking area may be of gravel or dirt surface, but dust control measures shall be implemented as needed to comply with Air Pollution Control District standards.
- D. **Off Site Sales.** No direct sales of produce grown off site or of any other merchandise, including wholesale or retail nursery products, shall be allowed by right. Off site produce sales, when in conjunction with a shared multi-farm produce stand, may be allowed subject to approval of a Minor Use Permit (Section 17.52.020).

- E. Produce sales in excess of the requirements of this Section, shall be subject to Section 17.40.260 (Ranch Marketing).

17.40.250 Public Utilities

Overhead and underground public utility lines and facilities, as defined in Article 8, may be established as a permitted use in any zone in conformance with the following:

- A. **Overhead and Underground Utilities Allowed.** Public utility lines and facilities shall be allowed in all zones, as set forth in Subsections B through D below, provided that the routes and site locations of the proposed lines or facilities be submitted to the Department for a finding of consistency with the General Plan during the preliminary planning stages, prior to the adoption of the routes and site locations(s), and/or acquisition of right-of-way.
- B. **Permitted by Right.** Public utility lines and facilities are permitted by right when said facilities conform to the setback standards of the zone, do not exceed the height limit of the zone by more than 15 feet, and do not create potential safety and health hazards to adjacent property owners, present or future.
- C. **Administrative Permit Required.** Notwithstanding Subsections A and B, above, an Administrative Permit in compliance with Section 17.52.020 shall be required for the following:
 - 1. Overhead public utility lines and facilities proposed to be constructed in the Airport Transportation Corridor (TCA) zone or Airport Safety (-AA) combining zone. Said permit shall be subject to the review and approval of the Airport Land Use Commission for a finding of consistency with the applicable Comprehensive Land Use Plan (CLUP).
 - 2. Public utility lines and facilities that exceed the height limitations of the zone as set forth in Subsection B and are less than 150 feet in height or do not comply with setback standards.
- D. **Conditional Use Permit Required.** A Conditional Use Permit in conformance with Section 17.52.050 shall be required for the following:
 - 1. Where the construction of the public utility lines and facilities creates a potential safety or health hazard to adjacent property owners, present or future, as determined by the Director.
 - 2. Where the construction of the public utility supporting structures or facilities exceed 150 feet in height.

17.40.260 Ranch Marketing

A. Purpose. The purpose of this Section is to provide for the orderly development of ranch marketing activities and accessory uses within agricultural zones; to encourage the economic development of the County agricultural and tourism industries; to provide for the sales of value-added products while protecting the agricultural character and long-term production of agricultural lands; and to provide for compatibility with adjacent land uses.

B. Applicability. Except as provided in Subsection C, the regulations and standards of this Section shall apply to ranch marketing uses, as defined in Article 8, where allowed in the permitted use matrices for the zones on lots that meet the following minimum criteria:

1. Minimum Lot Size. Ten gross acres.

2. Minimum Crop Area. As defined in Subsection D:

a. Five acres of permanent agricultural crop in production; or

b. Ten acres of annual agricultural crop in production; providing

c. The minimum crop area shall be properly maintained and cared for to produce a commercial crop, as determined by the County Agricultural Commissioner. Failure to maintain crops will void the ranch marketing uses of this Section.

C. Exceptions. This Section does not apply to the following uses:

1. Produce sales, as defined in Article 8, for the direct sale of products grown on site.

2. Indirect sales by mail, telephone, or internet where delivery of the goods occurs off site.

D. Definitions. As used in this Section, the terms below will mean the following:

“Bake shop” means a facility for the preparation and consumption of food items in which agriculture products grown on-site are used as a main ingredient for at least one of the baked goods (i.e. pies, turnovers, and other pastries.) Baked goods made from other ingredients may be offered for sale concurrently with goods made from on site grown produce.

“Byproduct” shall mean a value-added product, such as a pie, jam, or juice, produced from an agricultural commodity.

“Choose and Cut Tree Sales” shall mean a commercial operation where the public is

allowed on a site where evergreen trees are grown in order to select a specimen, cut it, and personally transport it off site for their use as a Christmas tree.

“Christmas Tree Season” is the time period beginning on Thanksgiving Day and ending on Christmas Day.

“Food Stand” means a food-serving facility used in conjunction with a ranch marketing operation serving prepared food from products not grown on site and for which indoor seating is not provided.

“Harvest Season” shall mean the time period in which the primary fruit or vegetable crop(s) is harvested on site and in which certain ranch marketing activities associated with that crop may occur. The season shall begin with the first day of the month in which the crop is harvested and conclude with either the last sale of the primary fruit or vegetable crop(s) harvested that season or December 24, whichever comes first.

“Minimum Crop Area” shall mean an area planted and maintained in fruit trees, berry vines, truck crops, or other plants producing marketable produce using standard horticultural practices with regard to irrigation, plant spacing, pruning, and pest and predator control.

“Ranch Marketing Area” shall mean an area used for ranch marketing activities, not including land planted in crops or orchard, and packing and storage facilities, unless those areas are also used for accessory ranch marketing activities as set forth in Subsections E and F. Ranch marketing area includes permanent parking spaces and portions of the on site access road that serve only the Ranch Marketing facility, in compliance with Subsection J.

“Special Events” shall mean events such as charitable events, promotional events, and facility rental events, where more than 50 persons are in attendance, subject to the limitations set forth in Subsection F.5, below. Facility rental events involve the property, or portions thereof, being rented or donated for weddings, parties, company picnics, and similar social gatherings.

E. General Standards.

1. **Concurrency.** The uses identified in Subsections F, G, and H shall be conducted concurrently with the on site sale of agricultural products grown on site and/or byproducts, except as provided below:
 - a. Marketing activities, as provided in Paragraph F.3, may be allowed concurrently with the sale of off site produce or byproducts if:
 - (1) The off site produce or byproducts are, or are made from, the same type of produce grown on site;
 - (2) All other requirements of this Section are met.
 - b. Special events, as provided in Paragraph F.5, may occur at any time,

subject to all other provisions of this Section.

2. **Maximum Ranch Marketing Area.** The total ranch marketing area, as defined in Subsection D, cannot occupy more than five acres or 50 percent of the lot, whichever is less.
- F. Ranch Marketing Uses Permitted by Right.** The following uses shall be allowed by right during the harvest season, except as provided in Paragraph 7 below.
1. **Bake Shops and Food Stands.** Bake shops and food stands, subject to the following standards:
 - a. Bake shops, food stands and any other sale of food products shall comply with the California Health and Safety Code, subject to approval from the County Environmental Management Department.
 - b. Indoor seating for a bake shop is limited to a total of 1,000 square feet of seating area.
 - c. Alcoholic beverage sales consistent with the provisions of a Type 2 Winegrower license from the State Department of Alcoholic Beverage Control (ABC).
 2. **Handicraft Sales.** Handicraft sales subject to the following standards:
 - a. Handicrafts shall be products that are made domestically by hand, normally sold by the person who made them, and do not include items that are mass produced by others;
 - b. The area used for handicraft vendors is limited to a maximum of:
 - (1) 2,000 square feet for lots under 20 acres; or
 - (2) 4,000 square feet for lots 20 acres or larger.
 - c. Agricultural production is the primary use or function of the property. The Agricultural Commissioner may review the proposed sales area to ensure that the site conforms to the standards of Paragraph E.2 and Subparagraph F.2.b;
 - d. Vendors shall have a current County business license; and
 - e. Vendors may use the site for overnight RV camping during the time the vendor occupies the site, subject to any applicable state and County health and safety regulations.
 3. **Marketing Activities and Accessory Uses.** Marketing activities and accessory uses such as picnic areas, public tours, hay mazes, pony rides, and tractor rides, subject to the following:

- a. All public activities are limited to daylight hours.
 - b. Outdoor music shall meet County noise standards.
- 4. Retail Sales.** Retail display and sales areas not associated with produce sales, handicrafts, or bake shops are limited to a maximum of 500 square feet of interior floor space.
- 5. Special Events.** Special events, subject to the following limitations:
- a. Total of 24 events per calendar year;
 - b. Maximum capacity of 250 persons at one time.
 - c. Special events shall be limited in time duration to 48 hours.
 - d. 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 I.4 or Section 17.40.400 (Wineries).
- 6. Museum.** Agriculturally related museums that primarily display items from California's agricultural history.
- 7. Exceptions to Uses Permitted by Right.** The following exceptions apply to the by-right provisions of this Subsection:
- a. Special events, consistent with Paragraph F.5, may be held throughout the year and are not limited to the harvest season;
 - b. Lots under active farmland conservation contracts pursuant to the California Government Code Section 51200 et seq. (Williamson Act) may require a Conditional Use Permit for any uses that are deemed to be incompatible under the terms of the Contract.
- G. Uses Requiring an Administrative Permit.** The following uses are permitted by Administrative Permit in compliance with Section 17.52.010:
- 1. Use of a Ranch Marketing Commercial Kitchen for off-season production of byproducts for off site sales.
 - 2. Ranch marketing activities that do not have direct access to a County Maintained Road **or State Maintained Highway**, provided that the operator of the facility has entered into an agreement to participate in any road maintenance entity (homeowner's agreement, Zone of Benefit, Community Services District, or County Service Area) on roads that serve the site.

H. Uses Permitted by Conditional Use Permit. The following uses are permitted by Conditional Use Permit in compliance with Section 17.52.020, subject to the findings in Paragraph 8 below:

1. Bake shop with an indoor seating area of over 1,000 square feet.
2. Alcoholic beverage sales other than that allowed under a Type 2 Winegrowers license allowed in Subparagraph F.1.d.
3. The use of an existing commercial kitchen, established for a bake shop or food stand, to be used as an owner-operated or leased catering facility not associated with on site sale of agricultural products produced on the lot.
4. Special events that exceed the provisions of Subsection F.5 that are on-going or reoccurring. One-time special events may be authorized by Temporary Use Permit in compliance with Section 17.52.060 (Temporary Use Permits).
5. Campgrounds, fishing, and commercial stables;
6. Retail sales area in excess of that allowed by right in Subsections F.2 and F.4;
7. Mechanical amusement rides, helicopter rides, and similar non-agricultural activities.
8. Concerts or other live, outdoor amplified music where the music is the primary attraction.
9. Ranch marketing activities that do not have direct access onto a **State Highway or** County-maintained road and do not participate in a road maintenance agreement, as provided in Paragraph G.2.

~~10. Ranch marketing activities that operate at times other than the harvest season, as defined above.~~

110. In addition to the findings required under Subsection 17.52.020.C (Conditional Use Permit), the following findings shall be made by the review authority prior to approving a Conditional Use Permit under this Section:

- a. The site meets the minimum acreage and planting standards of Subsection B.
- b. The use is secondary and subordinate to the agricultural use.
- c. The use does not detract from or diminish the on site agricultural uses.
- d. There is no adverse effect on agricultural production on surrounding properties.

- e. For lands under Williamson Act contract, the use is compatible with the provisions of Government Code Section 51200 et seq.

I. Ranch Marketing Provisions for Christmas Tree Sales. The provisions of this Subsection apply only to operations whose primary product are Christmas trees and are not in addition to other uses permitted by this Section. The following ranch marketing provisions shall be permitted where Christmas trees are grown on sites that meet the minimum acreage and planting standards of Subsection B:

- 1. Choose and cut tree sales, as defined in Section D.
- 2. Retail sales in compliance with Paragraph F.4.
- 3. The sale of pre-cut Christmas trees grown off site provided they are sold concurrently with Christmas trees grown on site and the primary crop (greater than 51 percent) is grown on site.
- 4. Special events outside of the Christmas tree season on lots of 10 acres or more, subject to the following minimum standards:
 - a. Two events on lots with five acres or more of planted Christmas trees.
 - b. Five events on lots with ten acres or more of planted Christmas trees.

J. Ranch Marketing Provisions for Agricultural Grazing Lands (Large Animal). The provisions of this Subsection apply only to cattle grazing operations and are not in addition to other uses permitted by this Section. The following ranch marketing provisions shall provide a ranch atmosphere and natural environment for Dude Ranches, as defined in Article 8, and other events and activities defined in this ordinance and shall be permitted by right on land zoned Agricultural Grazing (AG) consisting of a single parcel or contiguous parcels totaling a minimum of 160 acres under the same ownership:

- 1. Food serving facilities
- 2. Use of existing permanent structures and/or temporary structures
- 3. Fishing, hunting, horseback riding, hiking
- 4. Round-ups, rodeos, etc.
- 5. Camping
- 6. Retail sales in compliance with Subsection F.4.
- 7. Other uses found compatible with the grazing operation
- 8. Special Events as defined in Subsection F.5.

Parcels that do not meet the above acreage criteria, but have over 40 acres of grazing land and are zoned Agricultural Grazing (AG), may qualify for Ranch Marketing activities with a Minor Use Permit.

K. Ranch Marketing Provisions for Small Livestock Operations. – Reserved**L. Ranch Marketing Provisions for Flower Farms. - Reserved**

M. Development Standards: Ranch marketing uses shall not be allowed unless they comply with the development standards of the zone and Article 3 (Site Planning and Project Design Standards), except as provided below:

1. Parking.

- a. Parking spaces shall be provided on site for all Ranch Marketing uses, in compliance with Chapter 17.35 (Parking and Loading). No on-street parking is permitted on County maintained roads.
- b. Special events may utilize temporary overflow parking areas that are mowed of dried vegetation to a maximum height of two inches.
- c. Areas for bus stop and drop off areas shall be provided for any site that has a minimum of 20 parking spaces. Bus stops and drop off areas may be waived if the parking lot is designed to provide a loop or circular path of travel so that the bus can use the parking drive aisle as a temporary bus stop.

2. Access.

- a. A ranch marketing facility shall be connected directly to a County maintained road **or state maintained highway**, except as provided in Paragraphs G.2 and H.10.
- b. Access to a facility shall meet the minimum fire safe standards or same practical effect, as determined by the applicable fire district.

3. Signs. In addition to the signs permitted in Table 17.21.030 (Agriculture and Resource Zones Development Standards), the following signs may be permitted for ranch marketing operations:

- a. One temporary directional sign no larger than six square feet may be placed along a private road with the property owner's permission, concurrent with the sale of on site produced agricultural products.
- b. Two or more temporary off site directional signs, not exceeding 6 square feet each, may also be approved with the property owner's permission through the Administrative Permit process with the submittal of a plan showing the location of each sign and the need for each of the directional signs. All temporary signs shall be removed at the conclusion of the regular sales season.

4. **Setbacks.** All Ranch Marketing facilities and outdoor use areas, excluding parking lots and picnic areas shall be a minimum of 50 feet from all property lines.

N. Nonconforming Ranch Marketing Uses. Existing ranch marketing uses made nonconforming by the adoption of this ordinance may continue to operate subject to an Administrative Permit, as set forth in Chapter 17.61 (Non-Conforming Uses), in order to document the existing nonconforming ranch marketing uses.

1. The Administrative Permit application shall be submitted to the County within one year of the date of adoption of this ordinance.

2. All existing uses shall be allowed to continue for one year from the application date of the required permit. If the required application has not been submitted within the one year time frame set forth in this Subsection, the existing uses shall constitute a violation of this Section and shall be subject to enforcement proceedings, as provided for in Chapter 17.67 (Code Enforcement).

3. Upon approval of the Administrative Permit the non-conforming ranch marketing activities may continue operations consistent with the provisions of Chapter 17.61 (Non-Conforming Uses), except for seasonal uses that are inconsistent with the provisions of this Section and for which no permanent improvements have been made.

17.40.270 Reserved

17.40.280 Recycling Facilities

A. Purpose. The purpose of this Section is to facilitate the placement of recycling facilities to enhance waste stream reduction, while providing standards to ensure appropriate location, noise attenuation, and hazardous material handling to protect the public health, safety, and welfare.

B. Recycled Oil Collection Facilities. Used oil may be collected for recycling, subject to the following standards:

1. In all zones where automotive and equipment service, gasoline sales, small engine repair, and aircraft service and repair use types are permitted, the collection of used oil may be permitted by right, provided the use conforms to all applicable state laws and County requirements.

2. Recycled oil collection facilities located as a part of any use other than those listed in Paragraph B.1 shall be subject to an Administrative Permit based on the findings under Paragraph C.2 below, as well as all applicable state and County requirements.

C. Recycling Collection Facilities. Recycling collection facilities as defined in Paragraph 1 below, shall be permitted as a secondary use in Commercial (C), General Commercial (CG) and Industrial (I) zones by Administrative Permit. Approval from the Director shall be granted if the proposed use and site plan are in compliance with the findings required in Paragraph 2 below.

1. “Recycling collection facilities” shall be defined for the purposes of this Section as:
 - a. Reverse vending machines, which are mechanical devices that accept one or more types of empty beverage containers and issue a cash refund or redeemable coupon. Some machines will also dispense coupons and promotional materials. The machines identify containers by reading the bar code, scanning the shape, or by other methods.
 - b. Mobile recycling units, which are properly licensed automobiles, trucks, trailers, or vans used for the collection of recyclable material such as aluminum, glass, plastic, and paper.
 - c. Small collection facilities no larger than 500 square feet, which are intended for collection only. They have room for limited day to day storage of material, and do not include power driven processing equipment except as part of reverse vending machines. Small collection facilities are usually located outdoors.
2. The following findings shall be made by the Director prior to Administrative Permit approval:
 - a. The facility is established in conjunction with an existing commercial or industrial use, or community service facility, and is in compliance with all applicable County Codes;
 - b. The facility itself is clearly marked to identify the name and telephone number of the facility operator and hours of operation, and displays a notice stating that no material shall be left outside the recycling enclosure or containers;
 - c. The facility’s schedule will accommodate daily collection needs and storage capacity on the site;
 - d. The facility is set back a minimum of ten feet from any road easement, is screened from view from said easement, and does not obstruct pedestrian or vehicular circulation;
 - e. The facility is no larger than 500 square feet and occupies no more than five parking spaces, not including space that will be periodically needed

- for removal of materials or exchange of containers;
- f. The facility's occupation of existing parking space by its customers and attendant does not reduce available parking space below the minimum number required for the primary use of the site, unless all of the following conditions exist:
 - (1) The facility is located in a convenience zone, as defined in Article 8, or a potential convenience zone, as designated by the California Department of Conservation;
 - (2) A parking analysis demonstrates that existing parking capacity is not already fully utilized by the primary use during the time the recycling facility will be on the site. A reduction of 20 percent of available parking in an established parking facility may then be allowed up to a maximum of 15 spaces. When the primary use is a community facility, a maximum reduction of five spaces will be allowed.
 - g. No additional parking space for a small collection facility will be required in an established parking facility. One space may be dedicated for the attendant, if excess parking is available;
 - h. Attended facilities located within 100 feet of a property zoned or occupied for residential use will limit their hours of operation between 9 a.m. to 7 p.m. and be fully screened from view from said residential property;
 - i. Containers for the 24 hour donation of materials are located at least 30 feet from any property zoned or occupied for residential use, unless there is a recognized service corridor and acoustic shielding between the containers and the residential use that will reduce noise impacts consistent with Chapter 17.39 (Noise Standards), and the containers are fully screened from view from said residential properties;
 - j. The collection containers are insulated so that noise generated by associated activities shall not exceed thresholds for non-transportation noise sources under Chapter 17.39;
 - k. The facility will not use power driven processing equipment, except for reverse vending machines;
 - l. The facility shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when the attendant is not present;
 - m. The facility will use containers that will be of a sufficient capacity to accommodate the daily collection of materials. The containers will be constructed and maintained with durable waterproof and rust resistant

material that will remain covered when the site is unattended, and secured from unauthorized entry and removal of material;

- n. The facility will accept only glass, metals, plastic containers, and paper material. Containers are to be clearly marked to identify the type of material which may be deposited in each;
- o. No advertisement, posters, or flyers will be attached temporarily or otherwise to the containers; and
- p. The facility will be maintained free of litter and will be swept at the end of each collection day. All other undesirable materials are to be removed at the end of each collection day.

17.40.290 Right To Farm

A. Purpose and Intent. It is the declared policy of the County to conserve and protect agricultural land and to encourage agricultural operations within the county. Where nonagricultural land uses, including but not limited to residential development, extend into or adjoin areas of agricultural land, agricultural operations have become the subject of nuisance complaints. As a result, agricultural operations are sometimes forced to curtail or cease operations, and operators are discouraged from making investments in farm improvements to the detriment of the economic viability of the County's agricultural industry as a whole. It is the purpose and intent of this Section to reduce the loss to the County of its agricultural resources by limiting circumstances under which agricultural operations may be considered a nuisance. This Section is not to be construed in any way as modifying or abridging state law relative to nuisances, but is to be utilized in the interpretation and enforcement of the provisions of this Code and other applicable County regulations.

B. Definitions. As used in this Section, the following terms shall have the meanings set forth below:

Agricultural Land. Lands which are zoned PA (Planned Agricultural), LA (Limited Agriculture), AG (Agricultural Grazing), FR (Forest Resource), and TPZ (Timberland Production Zone) **or lands located within an Agricultural District or parcels with an Agricultural Land General Plan Land Use Designation.** PCD

Agricultural Operations. Activities relating to agricultural use including, but not limited to, the cultivation and tillage of the soil; the burning of agricultural waste products or other agricultural burning; the protection of crops and livestock from insects, pests, diseases, birds, predators, or other pests that damage or could potentially damage crops; the proper and lawful use of agricultural chemicals, including but not limited to the application of pesticides and fertilizers; or the raising, production, irrigation, pruning, harvesting, or processing of an agricultural commodity, including any type of crop or livestock, and any forestry improvements and timber harvesting and

processing.

- C. Nuisance.** No present or future agricultural operation or any of its appurtenances conducted or maintained for commercial purposes and in a manner consistent with proper and accepted customs and standards of the agricultural industry on agricultural land shall become or be a nuisance, private or public, due to any changed condition of the use of adjacent land in or about the locality thereof. However, the provisions of this Subsection shall not apply whenever a nuisance results from the negligent or improper operation of any such agricultural operation and its appurtenances or if the agricultural activity or appurtenances obstruct the free passage or use in the customary manner of any navigable lake, stream, river, canal, or basin, or any public park, square, street or highway.
- D. Role of Agricultural Commission.** An interested party may submit a written request to the Agricultural Commission for an opinion as to whether a particular agricultural operation constitutes a nuisance. In the event a dispute arises between an owner of an agricultural operation and a resident (or residents) in or about the locality thereof as to whether a particular agricultural operation constitutes a nuisance, an interested party may submit a written request to issue an advisory opinion or mediate a dispute. The Agricultural Commissioner may promulgate such regulations as are necessary for the implementation of this Section. The County Farm Advisor from the University of California Cooperative Extension Service may serve as technical advisor to the Agricultural Commission.
- E. Disclosure Notice.** Every seller of any real property in the unincorporated areas of the county, either directly or through his/her authorized agent, shall provide to any prospective buyer a written disclosure statement advising the buyer of the existence of a Right to Farm Ordinance enacted by the County. Such disclosure statement shall contain or be accompanied by a copy of the Right to Farm Ordinance, Section 17.40.290 or successor, and the brochure provided by the county entitled “Agricultural Land Use in El Dorado County”. The disclosure statement shall be substantially in the form promulgated by the Agricultural Commissioner, or his designee. The written disclosure statement shall include any agricultural setback requirements applicable to the property. The written disclosure statement also shall include a statement that intensive agricultural activities may be conducted on agricultural land within the county. The buyer shall sign a copy of the written disclosure statement acknowledging receipt of the disclosure and accompanying documents and deliver the signed copy to the seller or his/her authorized agent. The seller or his/her authorized agent shall retain the copy of the disclosure statement executed by the buyer in the escrow process.

17.40.300 Secondary Dwellings

- A. Purpose.** The purpose of this Section is to implement California Government Code Section 65852.150 et seq. regarding secondary dwellings, provide affordable housing alternatives, and protect the public health, safety, and welfare of residents of El Dorado County.

- B. **Applicability.** In all zones that permit single-unit residential development, the expansion of the primary dwelling or the construction of a new structure for the purpose of creating a secondary dwelling may be permitted by right subject to the provisions of this Section.
- C. **Development Standards.** The following development standards shall apply to all secondary dwellings:
 - 1. **Maximum Floor Area.** The floor area of a secondary dwelling shall be measured from the outside of the exterior walls including all enclosed habitable or potentially habitable space, such as living areas, hallways, stairwells, attics, basements, storage areas, and equipment rooms, but excluding attached garages. The maximum floor area allowed for both attached and detached dwellings shall be subject to Table 17.40.300.1 below, providing an attached secondary dwelling does not exceed 30 percent of the square footage of the primary dwelling, as follows:

Table 17.40.300.1

Lot Area	Maximum floor area
Up to 9,999 sq ft	600 sq ft
10,000 – 19,999 sq ft	800 sq ft
20,000 sq ft to less than 1 acre	1,000 sq ft
1 acre or greater	1,200 sq ft

- 2. **General Development Requirements.** A secondary dwelling shall conform to the setbacks, height limits, lot coverage, and other requirements of the zone in which it is located.
- 3. **Specific Development Requirements.**
 - a. **Attached Dwellings.**
 - (1) An attached secondary dwelling shall share a common wall with the primary dwelling or garage. The common wall or portion thereof shall measure a minimum of 10 linear feet on the horizontal plane of the shared surface, to be considered an attached dwelling.
 - (2) In order for the primary dwelling to maintain its single-unit residential character, the entrance to an attached secondary dwelling shall not be located on the same building face as the entrance to the primary dwelling unless separate entrances to both the primary and secondary dwellings are off of a shared entrance.
 - b. **Detached Units.** A secondary dwelling shall not be allowed when a guesthouse already exists on the lot. However, a guesthouse may be converted into a secondary dwelling and expanded up to the maximum

allowed in compliance with Table 17.40.300.1 and all other requirements of this Section.

- 4. **Parking.** Parking shall comply with the requirements under Table 17.35.040.1 (Parking and Loading). Said parking space(s) may be in tandem with the parking spaces required for the primary dwelling unless tandem parking is not feasible based upon specific site, fire, or safety restrictions.
 - 5. **Utilities.** Secondary dwellings may be connected to the power source, water supply, and sewage disposal system of the primary dwelling or may have separate connections that provide the same standards required of the primary dwelling, subject to the requirements of the applicable service providers and/or the Environmental Management Department.
- D. Owner Occupancy.** One of the residential dwelling units shall be occupied by the property owner. This Subsection is explicitly intended to prohibit two rental units on lots zoned for one single-unit residential dwelling. A notice of restriction on the subject property that is signed and notarized by the property owner declaring this limitation shall be filed with the Department prior to issuance of the certificate of occupancy for the secondary dwelling.

17.40.310 Solar Collection Systems

As defined under Title 8 and used in this Section, active solar collection systems may be permitted in any zone in compliance with the following:

- A. Solar panels located on the roof of an existing structure shall be subject to the height requirements for the zone.
- B. Solar panels located on the ground shall be classified as accessory structures, and shall be subject to front yard setback requirements for the zone. Exceptions to side and rear setback requirements shall be subject to Subparagraph 17.30.030.B.3.f (General Development Standards).
- C. Solar paneled structures placed in parking lots, whether public or private, may be counted as part of the shade requirements in compliance with Subsection 17.33.050.C (Parking Lot Landscaping).
- D. Solar collection systems constructed for the primary purpose of generating power for sale to a public utility, even if generating power for the use on site, shall be subject to a Conditional Use Permit in compliance with Section 17.52.020.

17.40.320 Storage Facilities

- A. **Purpose.** The purpose of this Section is to regulate residential, commercial, and

industrial storage facilities to protect the public health, safety, and welfare.

- B. Applicability.** Storage facilities and outdoor areas including, but not limited to, self-storage, vehicle storage, and commercial and industrial equipment and material storage yards are subject to the provisions of this Section where allowed under the permitted use matrices for the zones.
- C. Self-storage Facilities.** The following provisions shall apply to self-storage facilities, as defined in Article 8:
1. Self-storage facilities shall be limited to the storage of personal effects of individuals or equipment and materials by businesses inside of a building or buildings. Use of storage facilities for manufacturing, retail, wholesale, or service uses other than storage shall be prohibited. Human occupancy of individual storage units shall be limited to that required for transporting, arranging, and maintaining stored materials.
 2. Vehicle storage areas may be permitted as an accessory use of a self-storage site provided such use is permitted in the zone in which the self-storage facility is located. Such storage area shall be fenced, screened, and landscaped in compliance with Paragraphs D.1 and 2.
 3. Caretaker housing may be provided in compliance with the provisions of Section 17.40.120 (Commercial Caretaker).
- D. Vehicle, Equipment, and Material Storage Yards.** In commercial, industrial, and transportation corridor zones, storage yards under this Subsection, as defined in Article 8, may be permitted as a primary use or as an accessory use to an otherwise permitted use. In the Industrial – Platted Land (I-PL) zone, storage yards are limited to storage that is accessory to a permitted use, such as storage of material and/or equipment associated with a resource extraction industry. Storage yards shall be fully screened from view from public areas such as roads, parking lots, pedestrian walkways, open space, and adjacent residential development, as follows:
1. Screening shall be by building design and placement, solid fence material, landscaped berms, or a combination thereof.
 2. Landscaping requirements under Chapter 17.34 shall be in addition to the screening requirements.
 3. Screening requirements can be waived by the Director where the storage yard is on an interior lot within an industrial zone or park and not visible from outside the zone or park.
- E. Residential Storage Areas.** The storage of personal equipment and materials on a residentially-zoned lot shall be permitted as an accessory use to a dwelling subject to the requirements of Section 8.42.700 of the County Code and the following provisions:

1. There shall be no limit to the amount of materials or equipment stored when all materials and equipment are stored inside an enclosed structure, in compliance with development standards of the zone and Section 17.40.030 (Accessory Structures and Uses).
2. Unenclosed, outside storage area(s) shall be fully screened from view by the public. Storage material shall be placed no higher than the screening material, including existing fencing that complies with Section 17.30.050 (Fences, Walls, and Retaining Walls).
3. Vehicle storage shall be subject to the standards in Section 17.40.380 (Vehicle Maintenance, Repair, and Storage, etc.).
4. The use of semi-trailers, shipping containers such as sea-land containers, railroad cars, and similar storage units shall be prohibited in all zones allowing residential uses by right.

17.40.330 Temporary Real Estate Sales Offices

A temporary real estate sales office for the exclusive sale of property within an approved, recorded subdivision may be authorized before completion of the subdivision improvements, subject to approval of an Administrative Permit in compliance with Section 17.52.010 and the following standards:

- A. Where a temporary sales office is a separate structure and not located within a model home, as defined in Article 8, a site plan shall be submitted demonstrating compliance with all applicable development standards under the zone, such as setbacks and building height, as well as building and fire codes, and grading and encroachment ordinances.
- B. Any off site parking areas shall be in compliance with Chapter 17.36 (Parking and Loading), except that the surface may be gravel instead of pavement.
- C. Exterior lighting shall be in compliance with 17.35 (Outdoor Lighting). Floodlights are prohibited.
- D. On site signage and landscaping shall be in compliance with Chapter 17.36 (Signs) and Chapter 17.33 (Landscaping).
- E. Time limits on the subject use shall be either two years from the date of permit approval or sale of the final lot in the subdivision, whichever occurs first. The permit may be extended by the Director if a written request providing justification for the extension is submitted at least 14 days before expiration of the permit. Time extensions can be approved for additional 12 month periods, up to a maximum of five years from the date of permit approval.

- F. Site restoration shall be required within 30 days of the time limits specified under Subsection E above, as follows:
1. The real estate sales office shall be removed from the site if it is in a trailer or mobile home. If it is in the garage of a model home, the office shall be converted back to a garage and any off-street parking area shall be converted back to residential use.
 2. All temporary structures and related improvements shall be completely removed from the subject site.
- G. The review authority may require other conditions of approval deemed necessary to protect the public health, safety, and welfare of persons residing or working in the neighborhood.

17.40.340 *Reserved*

17.40.350 Timber Production Zone: Criteria, Regulations, and Zone Change Requirements

- A. Purpose.** The purpose of this Section is to implement the provisions and intent of the Forest Taxation Reform Act of 1976, which was established to provide property owners an incentive to grow, maintain, and harvest naturally occurring and/or cultivated timber products on their property and to provide criteria for zoning and protecting the existing timber resources of the County.
- B. Applicability.** Lands subject to the following regulations are or shall be zoned Timber Production Zone (TPZ) ~~or Forest Resource Zone (FR)~~.
- C. General Standards.** In addition to the following regulations, lands within the TPZ and Forest Resource Zone shall be subject to the permitted uses and development standards under Chapter 17.21 (Agricultural and Resource Zones).
- D. TPZ Rezone Application Requirements.** In addition to the requirements set forth in Chapter 17.63 (Amendments and Zone Changes), the following is required as part of any zone change to TPZ:
1. **Timber Production Assessment.** Based on General Plan Policy 8.3.1.3, the Agricultural Commission shall assess property to determine its suitability for timber production. Their decision as to suitability shall be based, in part, on the following findings:
 - a. Property is identified as meeting Timber Site Classifications I, II, or III, as defined in the *California Forest Handbook* and the *Soil Survey of El*

Dorado Area issued April 1974 by the USDA Soil Conservation Service and the U.S. Forest Service;

- b. Property is being used for commercial forestry/timber production;
- c. Property possesses topographical and other features that makes it suitable for timber production; and
- d. No conflict exists with adjacent high density development.

2. **Forest Management Plan.** A forest management plan for the property shall be submitted that has been prepared or approved by a Registered Professional Forester, as defined in Article 8 (Qualified Professional: Registered Professional Forester). Prior to approval of the zone change application, the forest management plan shall be reviewed and approved by the Agricultural Commission. The forest management plan shall include, at a minimum, a discussion and recommendation on each of the following:

- a. Commercial harvesting, a history of past operations, and recommendations for the future;
- b. Provisions for legal and physical access to the property so commercial operations can be carried out;
- c. A reasonable attempt to locate the boundaries of the property and attempts to protect the property against trespass;
- d. Disease or insect control work;
- e. Thinning slash disposal, pruning, and other appropriate silvicultural work;
- f. A fire protection plan including a fuels management program;
- g. Erosion control on existing roads and skid trails along with maintenance of existing roads; and
- h. Planting of a significant portion of the understocked areas of the land.

3. The property shall currently meet the timber stocking standards as set forth in the State Public Resources Code Section 4561 and the forest practice rules adopted by the State Board of Forestry for the district in which the property is located. As an alternative, the owner shall sign an agreement with the Board of Supervisors to meet the timber stocking standards and forest practice rules by the fifth anniversary of the signing of said agreement. After the zone change to TPZ is approved, failure to meet the state’s timber stocking standards and forest practice rules within the five year time period will provide the Board of

Supervisors grounds for rescinding the zone change of the property.

- E. Continued Eligibility.** The property owner shall continuously comply with at least six of the criteria in the forest management plan required under Paragraph D.2 in order to continue to be eligible for the TPZ classification.
- F. Disclosure Notice of Rezone.** Within 10 days of final action of a zone change application that either includes or deletes property from a TPZ, the Clerk of the Board shall cause to be recorded an instrument which will serve as constructive notice of the zone change action to prospective buyers of the subject property.
- G. Criteria for Residential Use in TPZ.** The County finds that residential use within the TPZ may be consistent with growing and harvesting timber in certain circumstances. However, it is recognized that in certain situations there may be a conflict with such a use. The review authority may grant a Conditional Use Permit in compliance with Section 17.52.020 for construction of one owner- or caretaker-occupied dwelling subject to the following findings:
1. The Agricultural Commission finds that there has been three consecutive years of management of intensive timber production on the subject property. The following criteria will aid the Agricultural Commission in determining what constitutes intensive management and must be considered before granting a Conditional Use Permit for a dwelling:
 - a. A timber inventory of the stand has been prepared;
 - b. Commercial harvesting operations have been previously conducted;
 - c. Legal and physical access to the property exists to support both the residential use and the timber operations ;
 - d. The boundaries of the property have been located and the property owner has attempted to protect the property against trespass;
 - e. Disease or insect control work has been conducted;
 - f. Thinning, slash disposal, pruning, and other appropriate silvicultural work has been performed;
 - g. A fire protection system or a functioning fire protection plan has been developed;
 - h. Erosion control has been provided on existing roads and skid trails, and existing roads are maintained;
 - i. A significant portion of the understocked area of the lot has been planted.

2. The property owner has either demonstrated a need for full-time residency on the subject lot to protect against theft or vandalism, or full-time management of the stand is necessary for its continued productivity.

H. Required Findings to Support Compatible Recreational and Other Non-Timber Uses. When approving a Conditional Use Permit, as permitted in Table 17.21.020 (Agriculture and Resource Zone Districts Use Matrix), for compatible, non-timber related uses, the review authority shall make the following findings:

1. The proposed use is compatible with and will not detract from the land’s ability to produce timber;
2. Fire protection and public safety concerns have been adequately met, including the ability to provide adequate public access, emergency ingress and egress, and sufficient water supply and sewage disposal facilities;
3. The proposed use will not adversely impact the area’s watershed, wildlife, and other natural resources.

17.40.360 Transitional Housing

A. Purpose. The purpose of this Section is to provide standards for the use of transitional housing, as defined in Article 8, in order to provide temporary housing for residents in need and to protect the public health, safety, and welfare.

B. Applicability. Where permitted under the use matrices for the zones, transitional housing providing for six persons or less (small) shall be allowed by right, while transitional housing providing for more than six persons (large) shall be allowed subject to discretionary permit.

C. General Standards. All transitional housing shall conform to the development standards for its zone and under this Title. For those facilities housing seven persons or more the following additional standards shall apply:

1. A facility shall be located a minimum of 1,000 feet from another transitional housing facility, as measured in a straight line without regard to intervening structures, between the nearest point of each property line.
2. A six-foot high solid fence shall be provided along all property lines, in compliance with Section 17.30.050 (Fences, Walls, and Retaining Walls).
3. Landscaping shall be regularly maintained and irrigated.
4. No identification signs shall be allowed within any zone allowing single-unit residential use. Signs for transitional housing within nonresidential zones shall

comply with Chapter 17.37 (Signs).

5. Outdoor activities shall not be conducted between the hours of 10 pm and 8 am.
6. A valid business license is required prior to operation and shall be maintained as long as the use is in operation.

17.40.370 Vacation Home Rentals

- A. **Purpose.** The purpose of this Section is to implement the policies of the County Treasurer/Tax Collector under Title 5.56 of the County Code regarding vacation home rentals, by ensuring the property is not constrained from being used for this purpose.
- B. **General Standards.** Where allowed under the permitted use matrices for the zones, the renting of a single-unit residential dwelling shall be allowed subject to the following:
 1. There is an existing, permitted residence on the property.
 2. The property is not constrained by a Williamson Act Contract.

17.40.380 Vehicle Maintenance, Repair, and Storage Accessory to a Residential Use

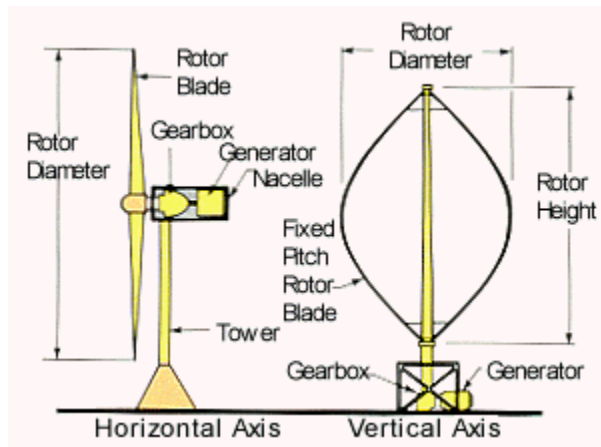
- A. **Purpose.** The purpose of this Section is to regulate vehicle maintenance, repair, and storage in all zones allowing residential uses by right in order to coordinate with law enforcement agencies in protecting the enjoyment of property by adjacent landowners and the public health, safety, and welfare.
- B. **General Standards.** The maintenance, repair, and storage of motor vehicles on lots allowing residential uses by right shall be prohibited unless:
 1. All vehicles being stored or repaired are registered to an occupant of the lot.
 2. Retail sale or storage of vehicle parts are in compliance with Section 17.40.170 (Home Occupations).
 3. Vehicle storage shall be confined to on site garage(s) and their paved access driveway(s) and shall not be allowed in any setback area other than the front setback on a paved access driveway.
 4. RV parking and storage shall be subject to the setback requirements in Section 17.35.070 (RV Parking).

17.40.390 Wind Energy Conversion Systems

- A. **Purpose and Intent.** The purpose of this Section is to comply with California Government Code Section 65893 which encourages local agencies to adopt zoning standards that enable construction of small wind energy conversion systems for on site home, farm, and small commercial use. The intent is to provide standards and regulations for the safe and effective construction and use of these systems, as well as for larger, utility-scale systems that can potentially be developed within the County, based on the State Energy Commission’s *Wind Resource Potential Maps*.
- B. **Applicability.** This Section shall apply to wind energy conversion system (WECS) used for electrical energy generation. Microturbines and Small WECS shall be regulated as accessory structures in all zones while large and utility-scale systems shall be regulated as a primary use in non-residential zones, subject to permitting requirements under Subsection F.
- C. **Definitions.** The following definitions shall apply to this Section:

“WECS”, or “system”, means a machine which can convert the kinetic energy in wind into a usable form of electrical or mechanical energy, such as a wind turbine or windmill. As used within this Section, a WECS includes all parts of the turbine and the tower upon which it is installed, but does not include power transmission equipment. Turbines are classified as being either on a horizontal or a vertical axis configuration, as shown below:

EXAMPLE: WIND TURBINE CONFIGURATIONS



“Height of tower” means the height from base grade to the top of the system, including the uppermost extension of any horizontal axis blades.

“Rated Capacity” means the electrical generation capacity of one WECS unit. Classifications for rated capacity are microturbine, small WECS, large WECS, and utility-scale WECS, as defined below:

“Microturbine” means a WECS that generates one kilowatt (kw) or less.

“Small WECS” means one system with a rated capacity of greater than one to less than 50 kw, to be used to provide electrical energy on site. Excess electricity can be sold back to the utility supplier through net metering, net billing, or similar programs.

“Large WECS” means one system with a rated capacity of 50kw to less than 100kw.

“Utility Scale WECS” means one system with a rated capacity of more than 100 kw.

“Wind Farm” means two or more utility-scale WECS on the same lot or group of adjoining lots under common ownership. A wind farm may cover an extended area, but the land between the systems may be used for agriculture or other purposes.

D. Permit Requirements. WECS are permitted under Table 17.40.390.1 in the following zones subject to the rated capacity thresholds designated below:

- “P” Permitted use
- “A” Use permitted subject to issuance of an Administrative Permit (17.52.010)
- “MUP” Use permitted subject to issuance of a Minor Use Permit (17.52.020.)
- “CUP” Use permitted subject to issuance of a Conditional Use Permit (17.52.020)

Rated capacity designated by a dash (–) is not permitted in the zone.

Table 17.40.390.1 WECS Use Matrix

ZONES	RATED CAPACITY Per Individual WECS Unit ¹				
	Microturbine	Small WECS		Large and Utility Scale WECS	
	1kw or less	>1kw to less than 10kw	10kw to less than 50kw	50kw to less than 100kw	100kw or greater
Residential (all), RE-, Residential-Tahoe Basin	P	A	CUP	—	—
Commercial (all), Industrial, R&D	P	A	A	CUP	CUP
Agricultural and Resource Zones (all)	P	A	A	A/CUP ²	CUP
Notes: ¹ Subject to maximum number of WECS units provided in Subsection E. ² In compliance with Paragraph E.3.c.					

E. Number of WECS Units.

1. **Microturbines.** The maximum number of microturbines that may be installed on a lot is as follows:
 - a. Residential lots less than five acres in size may install a maximum of 5 microturbines.
 - b. Residential and agricultural lots five acres or greater in size may install a maximum of 10 microturbines.
 - c. All Agricultural and Resource, Commercial, Industrial, and R&D zoned lots may install up to 25 microturbines.

2. **Small WECS.** The maximum number of small WECS units that may be installed on one lot shall be based on the following acreage requirements:
 - a. For lots one acre to less than 10 acres, one WECS shall be allowed.
 - b. For lots 10 acres to less than 20 acres, two WECS shall be allowed.
 - c. For lots 20 acres or greater, a maximum of three WECS shall be allowed.
 - d. If small WECS generate less than five kilowatts each and are limited to 50 feet in height, a maximum of two such WECS may be installed per five acres. Additionally, the separation between them may be reduced to twice the height of the tallest tower or manufacturer’s specification, whichever is greater.

3. **Large WECS in Agricultural and Resource Zones.**
 - a. For lots 10 acres to less than 20 acres, one WECS shall be allowed.
 - b. For lots 20 acres or greater, a maximum of two WECS shall be allowed.
 - c. Where individual systems exceed 50 kilowatts of rated capacity or where total unit numbers exceed standards under Subparagraphs a and b above, a Conditional Use Permit shall be required.

F. Development Standards. The following development standards shall apply to all WECS, except that microturbines shall comply with all standards but Paragraphs 3, 4, 9, and 12 :

1. **General Development Standards.** General development standards shall be

applied as set forth in Table 17.40.390.2.

Table 17.40.390.2

DEVELOPMENT STANDARDS			
Rated Capacity (per WECS Unit)	Minimum Lot Size	Setbacks – Freestanding Systems	Maximum Height
Microturbines Up to 1 kw	Subject to Zone Standards		
Greater than 1 – 10kw	1 acre	Greater of tower height or zone standard	80 feet
Greater than 10 to <u>25</u> 50kw	5 acres	Tower height	100 feet
Greater than <u>25</u> 50 – 100kw	10 acres	Tower height x 2	100 feet
Greater than 100kw	20 acres or Manufacturer’s Recommendations	Greater of tower height x 3 or 500 feet	Manufacturer’s Recommendations

2. **Safety.** All WECS shall be completely enclosed by a locked, protective fence at least six feet high unless located upon a roof or other location with limited access.
3. **Guy Wires.** Anchor points of any guy wires for a system tower shall be located within the property that the system is located on. Guy wires shall not cross any above-ground electric transmission or distribution lines. The points of attachment for the guy wires shall be either enclosed by a fence six feet high or sheathed in bright orange or yellow coverings from three to eight feet above the ground.
4. **Tower Access.** Towers must either:
 - a. Have tower-climbing apparatus located no closer than 12 feet from the ground;
 - b. Have a locked anti-climb device installed on the tower;
 - c. Have a tower-access limitation program approved by the review authority.
5. **Rotor Safety.** Each WECS must be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor.
6. **Electromagnetic Interference.** The WECS shall be designed, installed and operated so that no disrupting electromagnetic interference is caused. Disruptive

interference from the facility shall be promptly rectified to include the discontinued operation of one or more WECS.

7. **Utility Notification and Undergrounding.** For inter-connected systems, no wind turbine shall be installed until evidence has been given that the electric utility service provider has been notified and has indicated that the proposed interconnection is acceptable. On site electrical wires associated with the system shall be installed underground, except for “tie-ins” to the electric utility service provider and its transmission poles, towers, and lines. This standard may be modified by variance if the project terrain is found to be unsuitable due to the need for excessive grading, biological impacts, or similar factors.
8. **Noise.** All WECS shall be subject to the noise standards under Chapter 17.37 (Noise Standards) or all applicable state laws governing sound pressure levels of WECS, whichever is strictest. Measurement of sound levels shall not be adjusted for, or averaged with, non-operating periods.
9. **Wind Farm Site Access.** Construction of on site roadways shall be minimized. Temporary access roads utilized for initial installation shall be regraded and revegetated to its natural condition after completion of installation.
10. **Site Aesthetics.** WECS shall be designed and located in the following manner to minimize adverse visual impacts from public viewing areas and private property:
 - a. Structural components including, but not limited to, towers, blades, and fencing shall be of a nonreflective, unobtrusive color.
 - b. To the greatest extent feasible, the WECS shall not project above the top of ridgelines.
 - c. When adjacent to a designated scenic corridor, WECS shall not cause a significantly adverse visual impact either from the corridor, or on a designated scenic viewshed, subject to the requirement under Paragraph G.3.
11. **Exterior Lighting.** Exterior lighting on any structure associated with the WECS shall be prohibited, with the exception of that specifically required by the Federal Aviation Administration.
12. **Signs.** Signage shall be considered as part of a Conditional Use Permit, and shall be limited to the following:
 - a. Signs warning of high voltage electricity shall be posted at a height of five feet above the ground on stationary portions of the WECS or its tower, and at gated entry points to the project site.

- b. No advertising sign or logo shall be placed or painted on any WECS or tower.
- c. For wind farms, no more than two identification signs relating to the development shall be located on the project site.
- d. Signs shall not exceed 16 square feet in surface area or eight feet in height.

13. Compliance with FAA Regulations. Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

G. Application Submittal Requirements. All applications for Administrative or Conditional Use Permit for a WECS shall include the following:

- 1. Delineation of the direction of the prevailing winds across the project site;
- 2. Distance to residentially zoned lots, public and private airports and airstrips, public and private schools within one-quarter mile of the proposed project as measured from its nearest property line;
- 3. Photo simulations of the proposed WECS as seen from residentially zoned lots and public viewsheds within one mile of the project site;
- 4. Maximum generating capacity of the WECS unit(s) proposed to be installed;
- 5. Manufacturer’s specifications documenting maximum noise levels generated by the WECS on the surrounding area;
- 6. A statement by the manufacturer certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use in accordance with good engineering practice, and have been approved by the California Energy Commission or certified by a national program, such as National Electrical Code (NEC), American National Standards Institute (ANSI), or Underwriters Laboratories (UL).
- 7. Certification by a state licensed structural, mechanical or civil engineer that the tower structures are designed and constructed in compliance with the pertinent provisions of the Building Code and California Electric Code.
- 8. Written evidence that the electric utility service provider for the proposed site has been informed of the applicant’s intent to install an interconnected customer-owned electricity generator. If the applicant does not plan to connect the system to the electricity grid, the applicant shall include a statement to that effect.
- 9. A description of the proposed measures to minimize adverse noise, transmission

interference, visual, and safety impacts to adjacent properties, and methods to prevent public access to the structure.

17.40.400 Wineries

A. Purpose. The purpose of the winery ordinance is to:

1. Provide for the orderly development of wineries and accessory uses within specified agricultural zones and specified residential zones to ensure compatibility with adjacent land uses (General Plan Policy 2.2.5.21.)
2. Encourage the economic development of the local agricultural industry by allowing for the direct sales and marketing of value added products (General Plan Policy 10.1.5.4.)
3. Implement General Plan policies that encourage development of agriculturally-related uses while protecting the agricultural character and long-term productivity of agricultural lands. (General Plan Policies: 8.2.2.1, 8.2.4.2., 8.2.4.3, 8.2.4.4, and 8.2.4.5)

B. Applicability. Except as provided in Subsection H, the regulations and standards of this Section shall apply to wineries, as defined in Article 8, where allowed in the permitted use matrices for the zones, on lots that are a minimum ~~of~~ 10 acres or more in size with a commercial vineyard.

C. Definitions. As used in this Section, the terms below will mean the following:

“Commercial Vineyard” means a minimum of five acres of wine grapes are planted and are capable of producing a commercial crop. Five acres shall mean a planting of wine grapes spanning an area of at least 217,800 square feet and consisting of a minimum of 2,200 grape vines that are properly maintained to produce a commercial crop as determined and verified by the Agricultural Commissioner.

“County Maintained Road” means a road that is listed on the current County Maintained Mileage List by the Department of Transportation. This list does not typically include County Service Area (CSA) or Zones of Benefit (ZOB) roads.

“Properly maintained” means that the planted grapes are tended in a manner consistent with proper and accepted customs and standards of the agricultural industry including, but not limited to, the provision of irrigation, the control of pests and diseases, and the protection against deer depredation.

“Winery” means an agricultural processing facility that produces wine from fruit or fruit juices through fermentation or the refermenting of still wine into sparkling wine, that is bonded through the Alcohol, Tobacco Tax and Trade Bureau, and that has a current California Alcohol Beverage Control (ABC) Type 2 Winegrower’s License.

D. Table of Permitted Uses. Under Table 17.40.400.1, those uses identified as “by right” are subject to compliance with all applicable provisions of this Title and the County Code. All “by right” uses may require a discretionary permit in compliance with Paragraphs F.1 and G.5 (Land Use Compatibility Limitations and Access Standards, respectively). The following winery and accessory uses are further defined in Subsection E (Winery Uses):

Table 17.40.400.1

AG: Agricultural Grazing LA: Limited Agricultural PA: Planned Agricultural RL: Rural Lands RE: Estate Residential		P Permitted “by right” use CUP Conditional Use Permit required (Section 17.52.020) — Use not allowed in zone				
		PERMIT REQUIRED BY ZONE				
	AG & PA 20+ Acres	PA 10 -19.9 Acres; In Ag District	PA 10 - 19.9 Acres; Out of Ag District	RE, LA & RL 10+ Acres; In Ag District	RE, LA & RL 10+ Acres; Out of Ag District	LA in WAC Contract 10+ Acres
USE						
New Winery	P	P	CUP	P	CUP	CUP
Tasting Facilities	P	P	CUP	P	CUP	CUP
Wholesale/Retail Sale of Wine	P	P	CUP	P	CUP	CUP
Retail Sale of art/merchandise	P	P	CUP	P	CUP	CUP
Public Tours	P	P	CUP	P	CUP	CUP
Picnic Areas	P	P	CUP	P	CUP	CUP
Marketing Events	P	P	CUP	P	CUP	CUP
Special Events (in compliance with E.3)	P	P	CUP	CUP	CUP	CUP
Agriculture- related museums	P	CUP	CUP	CUP	CUP	CUP
Commercial kitchen for on site use, only	P	CUP	CUP	CUP	CUP	CUP
Commercial kitchen for off site use	CUP	CUP	CUP	CUP	CUP	CUP
Dining facilities	CUP	CUP	CUP	CUP	CUP	CUP
Distilleries	CUP	CUP	CUP	CUP	CUP	CUP
Special Events (in excess of E.3)	CUP	CUP	—	—	—	—

E. Winery Uses: The following provisions shall apply to all wineries, accessory structures, and accessory uses:

1. General Winery Provisions.

- a. The primary purpose of the winery shall be to process fruit grown on the winery lot or on other local agricultural lands. No more than 50 percent of the fruit processed shall be imported from outside El Dorado County.
- b. Wineries include those areas of a winery where grapes are crushed, fermented, or pressed; where bulk wine is stored in tanks or barrels; where winery operations such as racking, filtering, blending, or bottling of wines are carried out; and where on site case goods are stored.
- c. Multiple lots under the same ownership are not considered to be a single lot for purposes of this Section.

2. Tasting Facilities.

- a. **Subordinate to Winery.** Tasting facilities shall be clearly related and subordinate to the primary operation of the bonded winery as a production facility. The primary focus of the tasting facilities shall be the marketing and sale of the wine and grape or fruit products produced, vinted, cellared, or bottled at the winery. Snack foods that are consumed during wine tasting are allowed.
- b. **Wine Sales.** Retail sales of wine fruit products shall be limited to those produced, vinted, cellared, or bottled by the winery operator or grown on the winery lot, or custom crushed at another facility for the winery operator, subject to the provisions of an ABC Type 2 Winegrower’s license. (The ABC Type 2 Winegrower’s license requires that at least 50 percent of the wine sold be produced by the winery).
- c. **Marketing.** Tasting facilities include any marketing activities sponsored by a winery facility intended for the promotion and sale of the facility’s products. Activities of a marketing event may include, but are not limited to live music, catered food, food prepared on the premises, winemaker dinners, releases, library wines, discounted sales, “bottle-your-own”, and similar activities. Live music is subject to Paragraph G.8. Concerts or events sponsored by or for the benefit of an organization other than the winery shall not be allowed as marketing events, but may be allowed as special events subject to Paragraph E.3 below.

3. Special Events. Special events, as defined in Article 8, are any events such as charitable events, promotional events, and facility rental events that are not the

tasting and marketing activities described in Subparagraph E.2.c above.

- a. **Number Permitted.** Special events are limited to a total of 48 days per calendar year. Special events that have less than 50 persons at one time shall not count against the total number of events allowed. Facility rental events are a type of special event where the property owner is compensated for the use of the site and facilities, such as weddings, parties, company picnics, birthdays, reunions, or other social gatherings. Facility rental events are part of the total special events permitted, but are further limited to the following:
 - (1) Lots less than 20 acres in size: 12 days per calendar year.
 - (2) Lots 20 acres or more in size: 24 days per calendar year.
 - b. **Capacity Limitation.** All special events are limited to 250 persons at one time.
 - c. **Ranch Marketing.** The number of special events shall not be added to or combined with those allowed by right under Section 17.40.260 (Ranch Marketing).
 - d. **Temporary Use Permit.** Those special events, such as fundraisers, concerts, or other special functions where the number of attendees will exceed 250 persons at any given time and where such events are held no greater than three times per calendar year and no more than one time per calendar month, may be permitted by Temporary Use Permit in compliance with Section 17.52.060.
4. **Dining Facility.** The dining facility, as defined in Article 8, shall be subordinate to the sale of wine. Areas of a winery that are temporarily set up for winemaker dinners are not considered to be part of the dining facility.
 5. **Distilleries.** A distillery, as defined in Article 8, shall be bonded through the Alcohol and Tobacco Tax and Trade Bureau and have a current California ABC License. Distilleries are only permitted with a Conditional Use Permit in conjunction with a winery on the same lot. Allowed activities include, but are not limited to, blending, aging, storing, bottling, and warehousing operations; tasting facilities; wholesale and retail sales; and administrative functions.
 6. **Commercial Kitchen.** A commercial kitchen, as defined in Article 8, shall be accessory to the winery, tasting room, and any other authorized accessory use.
 7. **Museum.** Agriculture-related museums shall be accessory to a winery and tasting room and shall primarily display items from California's agricultural history.
 8. **Picnic Areas.** Picnic areas shall be subordinate to the winery and tasting room.

9. **Retail Sales.** Retail sales of merchandise, art, and prepackaged food items shall only be allowed within the tasting facilities and shall not be located in a separate structure. The sale of prepackaged food items shall comply with the California Health and Safety Code and be permitted by Environmental Management. Sale of non-wine merchandise shall be subordinate to the wine sales.
10. **Catering.** As defined in Article 8, use of an on site commercial kitchen for catering off site events may be allowed by Conditional Use Permit and only when the catering use is found to be subordinate to the winery's wine sales.

F. Special Provisions.

1. **Land Use Compatibility Limitations.** Proposed winery facilities that are not located within an Agricultural District and that have property lines adjoining a lot with a noncompatible land use designation shall require a Conditional Use Permit. For purposes of this Subsection, noncompatible land use designations shall be Multifamily Residential (MFR), High Density Residential (HDR), Medium Density Residential (MDR), and Low Density Residential (LDR). The compatibility determination will be made prior to issuance of a building permit for a winery building. Subsequent expansion of the facility's structures or uses will require additional compatibility determinations.
2. **Important Biological Corridor (IBC) Limitations.** Wineries and accessory structures in the IBC land use designation shall adhere to these additional restrictions, unless mitigated through the CEQA process under a Conditional Use Permit:
 - a. Minimum lot size for winery and accessory structures shall be 20 acres.
 - b. A maximum of 2.5 acres of the lot may be used for winery and accessory uses.
 - c. Structures shall be setback 200 feet for perennial streams and 100 feet for intermittent streams, as shown on the USGS quad maps.

G. Development Standards. These standards are the minimum required for all wineries, accessory uses, and structures listed in Subsection E. Additional requirements may be added through the discretionary permitting process, if applicable.

1. **Commercial Vineyard.** Should the minimum acreage of wine grapes cease to be properly maintained, as determined by the Agricultural Commissioner, the right to operate the winery and all accessory uses shall immediately cease until such time as the required five acres of wine grapes are re-established to the satisfaction of the Agricultural Commissioner. A determination by the Agricultural Commissioner may be appealed to the Agricultural Commission whose decision shall be final.

2. **Setbacks.** The following minimum setbacks apply to all wineries, tasting facilities, and outdoor use areas, excluding parking lots and picnic areas:
- a. ~~Within an Agricultural District~~ **Adjacent to non-residential zones:** 50 feet from all property lines.
 - b. ~~Outside an Agricultural District~~ **Adjacent to residential zones:** 200 feet from all property lines.
 - c. The 200 foot setback in Subparagraph 2.b above may be reduced to no less than 50 feet by a grant of administrative relief in compliance with Section 17.52.010 (Administrative Permit).
3. **Signs.** In addition to the signs permitted in Table 17.21.030 (Agriculture and Resource Zones Development Standards), the following signs are allowed for any winery that is allowed by right:
- a. One, non-illuminated, off site sign of the same dimensions as in Table 17.21.030, may be allowed by Administrative Permit, in compliance with Section 17.52.010, subject to the property owner's permission and the need for the off site sign due to the location of the access road to the winery.
 - b. Small, off site directional signs, not exceeding six square feet each, may also be approved by Administrative Permit, subject to the property owners' permission, submittal of a site plan showing the location of each sign, and a statement addressing the need for each of the signs.
 - d. ~~Industry association signs approved by the Board, such as for the Farm Bureau, Farm Trails, Apple Hill, Fair Play Winery Association, and El Dorado Winery Association, shall be exempt from the provisions of this Paragraph.~~
4. **Parking.** The following parking standards shall apply to wineries, tasting rooms, and accessory uses:
- a. Permanent parking spaces shall be provided for wineries, tasting rooms, and retail sales areas in compliance with Chapter 17.35 (Parking and Loading).
 - b. Parking surfaces shall be surfaced with a Class 2 aggregate base or equivalent, with appropriate hard-surfacing for designated ADA compliant parking stalls.
 - c. Temporary parking for marketing activities and special events may utilize overflow parking areas that are not surfaced. Limitations on the number of guests may be based on availability of off street parking in

compliance with Chapter 17.35. All temporary parking shall be accommodated on site and shall meet any fire district requirements.

5. Access Standards. Access standards shall be as follows:

- a. Direct access from a non-County maintained road, regardless of whether the road is located on or off site, shall require the following:
 - (1) **In an Agricultural District.** An Administrative Permit in compliance with Section 17.52.010, following a recommendation by the Agricultural Commission.
 - (2) **Not in an Agricultural District.** A Conditional Use Permit in compliance with Section 17.52.020.
- b. **Road Maintenance.** The winery owner will be required to participate in a private road maintenance entity, annex into a road zone of benefit (ZOB), or otherwise pay a fair share for road maintenance as determined by the review authority.
- c. **Fire Safe/Code Standards.** Access to a winery open to the public shall meet the minimum access requirements of the applicable fire district, including both on site and off site access roads. Exceptions to these standards may be allowed by the fire district, subject to the appeal processes identified in the SRA Fire Safe Regulations (**Title 14**).
- d. **Facilities Not Open to the Public.** A winery that is not open to the public and does not provide on site sales may be accessed by a non-County maintained road.

6. Size Limitation.

- a. The winery, accessory buildings, and accessory uses shall not occupy more than five acres or 50 percent of the gross lot area, whichever is less.
- b. All new wineries and expansions of existing wineries that exceed 10,000 square feet of floor area and are visible from a County maintained road shall require a Design Review Permit in compliance with Section 17.52.030.
- c. Tent structures that exceed 1,200 square feet of floor area and are visible from a County maintained road shall be limited to a 30 day period, three times per calendar year, unless additional time frames are approved by a Temporary or Conditional Use Permit.
- d. The total enclosed square footage of all floors of a winery building shall not exceed the square footage shown in the Table 17.40.400.2 below. Any winery building or group of winery buildings and accessory

buildings exceeding the square footage in the following Table shall require a Conditional Use Permit. Winery buildings do not include residential buildings, garages, outbuildings, and structures not associated with the winery, such as agricultural buildings.

Table 17.40.400.2

LOT ON WHICH THE WINERY IS LOCATED	MAXIMUM ALLOWABLE WINERY BUILDING SIZE
10 acres to less than 20.0 acres	10,000 square feet
20 acres but less than 40.0 acres	40,000 square feet
40.0 acres and larger	60,000 square feet

7. Cultural Resource Protection.

- a. Winery development on a lot identified by the County as being listed on the National Register of Historic Places (NRHP) and California Register of Historic Places (CRHR) shall be required to preserve the structure(s). Modifications or demolition of the structures shall only be approved based on recommendations from a cultural resource report that meets County guidelines.
- b. Winery development within 100 feet of perennial or intermittent streams shall submit a cultural resource study prior to approval of grading or building permits. Cultural sites identified in the study and recommended for avoidance and protection shall be protected as recommended in the cultural resource study.

8. Outdoor Amplified Music. All events featuring outdoor amplified music or amplified speech shall comply with Chapter 17.37 (Noise Standards). For any events occurring between 7pm and 10pm, a noise analysis shall be submitted to the Department demonstrating that the noise standards will not be exceeded. No outdoor music will be permitted after 10pm.

H. Micro-Wineries and Small Vineyards. Wineries that do not meet the minimum acreage requirement for a commercial vineyard, as defined under Subsection C, or the minimum lot size under Table 17.40.400.1 shall be allowed in compliance with Table 17.40.400.3, subject to the following requirements in this Subsection:

Table 17.40.400.3

USE	PA 10+ Acres; In Ag District	LA, PA, RL, & RE 5+ Acres; In/Out of Ag District
Small Vineyard Winery	CUP	—
Micro-winery	—	CUP

1. **Small Vineyard Winery Standards.** Wineries with a minimum of one to less than five acres of a planted wine-making crop (wine grapes or other fruit) shall be permitted in compliance with the following provisions and Paragraph 3 below:
 - a. The only accessory use allowed shall be a distillery; and
 - b. At least 75 percent of the fruit used by the facility shall be grown within El Dorado County.

2. **Micro-Winery Standards.** Micro-wineries shall be permitted in compliance with the following provisions and Paragraph 3 below:
 - a. All micro-wineries shall have a minimum of one acre of planted wine grapes on the same lot;
 - b. The capacity of the micro-winery shall not exceed 250 cases (595 gallons) for each acre of wine grapes grown on the lot, with a total capacity not to exceed 1,250 cases (2,972 gallons). Lots zoned PA may exceed these amounts in compliance with the Conditional Use Permit if:
 - (1) The lot is within an Agricultural District, and
 - (2) The Agricultural Commission finds that the land is not capable of supporting five acres of vineyard and potential on site agricultural land is not being precluded from future agricultural production;
 - c. No other accessory uses described in this Section are permitted on the site.
 - d. On site signs are limited to one, single-faced, non-illuminated sign advertising the name of the winery and owner, and stating “Not Open to the Public”. The sign face shall measure a maximum of six square feet in area and shall stand no higher than six feet from natural grade, as measured directly below the sign; and
 - e. The total enclosed floor area(s) of the micro-winery shall measure no greater than 2,000 square feet.

3. **General Standards.** The following standards shall apply to both small vineyard wineries and micro-wineries:

- a. One acre shall mean a planting of wine grapes spanning an area of at least 43,560 square feet and consisting of a minimum of 440 grape vines;
- b. The wine grapes or fruit crop shall be properly maintained and cared for to produce a commercial crop. Should the proper maintenance and care of the required minimum acreage cease, as determined by the Agricultural Commissioner, the right to operate the winery becomes void;
- c. Wine sales shall be conducted off site or by internet, mail order, telephone, facsimile, or similar means, only. No on site sales, tasting, or public access shall be allowed either directly or by appointment;
- d. Compliance with all applicable local, State, and federal laws shall be verified prior to operation. At a minimum, the following shall be required:
 - (1) Fire district review of the facility for consistency with the fire code;
 - (2) Waste Discharge Permit or Waiver of Discharge Permit from Regional Water Quality Control Board;
 - (3) Winegrower license from the ABC;
 - (4) Bonding through the Alcohol and Tobacco Tax and Trade Bureau; and
 - (5) Building permit, subject to review and approval of Development Services and Environmental Management.

APPENDIX D. AG SUB-GROUP COMMENTS IN RED – DATED NOV 8, 11**BACKGROUND INFORMATION REGARDING ARTICLE 8 – GLOSSARY**

This document is based on the 1999 Public Comment Draft Zoning Ordinance Definitions Section (January 28, 1999). The Public Comment Draft was the Department’s first draft revised Zoning Ordinance based on the 1996 General Plan. In February 2006, Crawford Multari and Clark provided comments on the Public Comment Draft. Those comments resulted in the combination of the “Use Type Classifications” section with the “Definitions” section of the Public Comment Draft, resulting in a new Glossary.

Staff added a number of definitions from the APA PAS Report 421 “A Survey of Zoning Definitions” and reviewed the existing County Code definition Chapter (17.06). Selected definitions from other jurisdictions were also incorporated. Throughout the Glossary abbreviated notations are included for reference to the source of the definition.

This Glossary also includes new definitions from ordinances adopted since January 1999, that were not available in the January 28, 1999 Public Comment Draft Zoning Ordinance. Selected definitions from the Interpretive Guidelines for Policy 7.3.3.4 (riparian setbacks) and Policy 7.4.4.4 (tree canopy) are also included where such terms have been used in the ordinance.

Those definitions that have unique applications, as described in Article 4, the “Specific Use Regulations” section of the ordinance, are cross referenced to: “Section 17.xx.xxx: (Title)” or the “Site Planning and Project Design Standards” section (Article 3).

Draft Glossary Concepts and Use. These definitions are a starting point for discussions on the rest of the code. According to the APA PAS Report 421, regulations should not be within the definitions, but should be described in the “Specific Use Regulations” section or other applicable section. Certain definitions will need to be amended as we develop the standards in the “Specific Use Regulations.”

Important Note. Any notes in italics are for working draft purposes only and are intended to be removed.

References to separate sections such as Section 17.xx will be fully cross referenced in the final editing phase of the code update process.

New definitions will be added as necessary. Definitions not needed in the code will be removed.

During final editing, staff will:

1. Confirm that all definitions in the glossary are used in the Zoning Ordinance.
2. Check that all terms in the glossary are used consistently throughout the code.
3. Review the alphabetical organization of the definitions. (Some definitions may be grouped together based on their relationship, but alphabetical cross referencing will be provided).

4. Cross references will be inserted and re-checked.
5. Prepare an Index with cross references to all land use terms.

Special Notations. The sources of new or revised definitions are identified by an abbreviation for reference:

APA APA PAS Report 421: “A Survey of Zoning Definitions”
CMC Crawford, Multari and Clark
GP 2004 General Plan Glossary
HSC California Health and Safety Code
Int Interim Guidelines
New Indicates a new definition proposed by staff, with no other source to reference.
Ord Current County Code (Title 17)
PCD Public Comment Draft (Definitions (17.25) or Use Type Classification (17.03))
TRPA Tahoe Regional Planning Agency
(Name) Citation from another jurisdiction or source, as named.

Note: Any references to “Ord.” with a number and date (ie: Ord. 4589, 2001) or the abbreviation Ord. means that the definition is from the current Zoning Ordinance.

The term “Use Type” indicates that the definition is a specific use type listed in the proposed Zone use matrices. The term “Development Standard” indicates the term is associated with the Zone development standards such as setback provisions.

CHAPTER 17.80 – GLOSSARY**Sections:**

- 17.80.010 Purpose
- 17.80.020 Definitions of Specialized Terms and Phrases

17.80.010 Purpose

This Article provides definitions of terms and phrases used in this Zoning Ordinance that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Article conflict with definitions in other provision of the County Code, these definitions shall control for the purposes of this Zoning Ordinance. If a word is not defined in this Article, or in other provision of the El Dorado County Code, the Director shall determine the correct definition.

17.80.020 Definitions of Specialized Terms and Phrases

As used in this Zoning Ordinance, the following terms and phrases shall have the meaning ascribed to them in this Article, unless the context in which they are used clearly requires otherwise.

Accessory Structures and Uses. A structure or use incidental to and on the same lot as the principal structure or use. (See also “Structure, accessory”). (See Section 17.40.030: Accessory Structures and Uses). *PCD*

Active Use Area (AUA). Specific areas within a project site that are used to calculate parking requirements, as follows:

Interior. All developed areas within a commercial building except storage areas, restrooms, and employee lunchroom/cafeteria.

Exterior. All areas dedicated to the performance of the specific activity, such as individual ride and arcade areas in amusement parks, or the skating course within a skateboard park. Accessory facilities for public use, such as ticket booths and concession stands are included in calculating this area, while walkways, promenades, outdoor dining areas, restrooms, landscaping, and parking areas are not. (See Chapter 17.36: Parking). *NEW*

Adjacent. Situated near or close to something or each other, especially without touching. (*Encarta Dictionary*)

Adjoin. To be next to or share a common border with something, especially an area of land. (*Encarta Dictionary*)

Adult Business Establishment. (Use Type) Bookstores, bars, lounges, restaurants, theaters, cabarets, hotels or motels, or other business or establishment which have a substantial or significant portion of the stock in trade, or fare, books, magazines, pictures, films, media or live entertainment, which are distinguished or characterized by their emphasis on matter or live conduct depicting, describing, exposing, or relating to specific sexual activities or specified anatomical areas, as defined in Section 5.34.020 (Adult Related Establishments). (See Section 17.40.040: Adult Business Establishments). CMC

~~**Agricultural District, Designated.** Land located within an Agricultural Overlay District, as designated in the General Plan. INT~~

~~**Agricultural Employee.** One engaged in agriculture and/or hired to carry on agricultural pursuits. (California Labor Code Section 1140.4(b). NEW~~

~~**Agricultural Enterprise Structure.** A structure used in the production, display, or sale of agricultural products and byproducts, edible byproducts, or agriculturally related accessory uses permitted in the agricultural zone district. (Ord. 4573, 2001.)~~

Agricultural Fencing. Fencing constructed of woven or mesh wire, barbed wire, electrified wire, board construction, and similar materials creating a barrier at least 50 percent open, as described in Section 17121 of the California Food and Agricultural Code, for the purpose of containing livestock and/or controlling predators. NEW

Agricultural Homestays. (Use Type) See “Lodging Facilities”.

Agricultural Labor Housing. (Use Type) Living accommodations for employees and their immediate families employed for the exclusive purpose of agricultural pursuits either on the premises or off site. It includes single or multi-unit dwellings, including mobile homes and dormitories. (See Section 17.40.120: Commercial Caretaker and Agricultural Employee Housing). PCD

~~**Agricultural Preserve Criteria.** Criteria for qualification to enter into a Williamson Act contract as established by Resolution of the Board of Supervisors, as amended from time to time. (See Section 17.40.050: Agricultural Preserves and Zoning, etc.). PCD~~

~~**Agricultural Promotional Items.** Gift items such as pencils, cookbooks, calendars, T-shirts, and other items with the name of the agricultural enterprise or growers association that is intended to promote the agriculture enterprise, growers association or agriculture product grown on site. (See Sections 17.40.260: Ranch Marketing and Section 17.40.400: Wineries). (Ord. 4573, 2001.)~~

Agricultural Structure. See “Structure”.

Agricultural Support Services. (Use Type) **Agricultural related products and services, including but not limited to: processing, packing, and storage of agricultural products; sales of farm equipment; welding, maintenance and repair of farm machinery and equipment; animal hospitals and veterinary clinics; custom farming services; agricultural waste handling**

and disposal services; **feed and farm supply stores; agri-tourism facilities; greenhouses and nurseries; farm animal sales; equestrian facilities; sale of farm or ranch products;** and other similar related services. (See Section 17.40.060: Agricultural Support Services). ***PCD NEW***

Agriculturally Incompatible Uses. See “Incompatible Uses: Agricultural”.

Agritourism. **A commercial enterprise at a working farm, ranch or agricultural business conducted for the enjoyment of visitors that generates supplemental income for the owner/operator. Agritourism may include, but is not limited to, outdoor recreation like horseback riding or hiking, educational experiences like tours that feature the farm, ranch or natural environment, local food or wine tasting, entertainment like farm and garden festivals, hospitality like agricultural homestays and dude ranches, and on-farm or ranch direct sales. *NEW***

Airport, Airstrips, and Heliports. (Use Type) A place where aircraft take off or land, whether on land or water, but does not include places where aircraft land and take off solely for emergency purposes. It may include land improved and intended for aircraft storage, cargo, passengers, airport and airspace control facilities, repairs, or refueling. *ORD*

Airport Comprehensive Land Use Plan (CLUP). The document prepared by the airport land use commission pursuant to Section 21675 of the Public Utilities Code that specifies land use and development policies to protect the safety and general welfare in the vicinity of county airports and to assure the safety of air navigation. *PCD*

Airport Hazard. Any structure or natural growth that obstructs the navigable air space. *PCD*

Airport Imaginary Surfaces. Surfaces established in relation to the end of each runway or designated takeoff and landing area, as defined in applicable Federal Aviation Regulations (Part 77). Such surfaces include imaginary approach, horizontal, conical, transitional, primary, and other surfaces. These surfaces are specifically described for each airport in the airport comprehensive land use plan.

Animal, Domestic Farm. Any of a number of animal species commonly reared or used for food, fur, herding, riding, or other similar uses, including but not limited to horses, cattle, sheep, herding dogs, goats, pigs, rabbits, poultry, ostriches, emus, and small fur-bearing animals not classified as exotic or wild. *PCD*

Animal, Exotic. Any bird, mammal, fish, amphibian, or reptile not normally domesticated in the state of California, as determined by the California Department of Fish and Game. (See ~~Section 17.40.070: Animal Raising and Keeping~~). *PCD*

Animal Keeping. (Use Type) The maintaining, keeping, feeding, and raising of animals. (See Section **17.40.080**: Animal Raising and Keeping). *PCD modified*

Animal Sales and Service. (Use Type) Establishments engaged in animal-related sales and services, as follows:

Kennel, Commercial. Indoor and outdoor boarding of dogs, cats, and similar small animals, and dog training centers.

Pet Grooming and Pet Stores. The sale of dogs, cats, rodents, fish, birds, and similar small animals, the sale of pet food and supplies, grooming services, and limited indoor boarding.

Veterinary Clinics. A fully enclosed veterinary facility providing acute and long-term medical care, including indoor boarding and grooming of dogs, cats and other small animals. **A veterinary facility for the medical care of large and small domestic farm animals** (See Section 17.40.060: Agricultural Support Services). *PCD modified*

Antenna. Any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a building or structure. (Ord. 4589, 2001) (See Section 17.40.130: Communication Facilities). *ORD/PCD*

Apartment. See “Dwelling, multi-unit.” *PCD*

Appeal. A formal request by the applicant or interested party for the review authority to reconsider and either uphold or overturn the decision of an earlier review authority, in compliance with Article 6 (Appeals).

Arbor. See “Structure”.

Artificial Slope. A slope created as a result of grading that is allowed under a grading permit. *NEW*

Automotive and Equipment. (Use Type) Establishments that are primarily engaged in sales or services for automobiles, trucks, small engines, or heavy equipment. The following are Automobile and Equipment use types: *PCD*

Fuel Sales. The retail sale of petroleum products and other motor vehicle fuels. Fuel Sales may be combined with uses such as “Restaurants” and “Retail Sales and Service” if those uses are otherwise allowed in the zone.

Paint and Body Shops. The repair and painting of motor vehicle, aircraft, and similar vehicle bodies.

Repair Shops. The repair and servicing of motor vehicles, construction equipment, farm machinery, aircraft, boats, automobile and heavy equipment repair garages, muffler shops, car stereo installation, car wash and detailing services. These uses may not include fuel sales, or body repair and/or painting. It also includes facilities that repair small engines such as chain saws, lawn mowers, and other gasoline powered gardening equipment or other uses that test or demonstrate equipment outside a building.

Sales and Rental. The sales or rental from the premises of automobiles, trucks, heavy construction equipment, motorcycles, recreational vehicles, trailers, farm machinery, aircraft, or boats, and may include sales of parts and repair services. Does not include repair, bodywork, and painting.

Vehicle Storage. The service and storage of operable vehicles, boats and trailers. Typical uses include recreational vehicle storage lots, fleet storage lots, impound lots, and construction vehicle storage areas.

Wrecking/Dismantling Yard. See “Salvage and Wrecking Yard”.

Avalanche. A type of landslide involving unstable snow pack, which could include rock, vegetation, and other matter that is swept along with the swiftly moving snow.

~~**Avalanche Hazard Zones.** Areas subject to avalanche hazards based on the following zone levels:~~

~~**High Hazard (Red) Zones.** Areas in which an avalanche can produce impact pressures of 600 lbs/ft² or more on flat, rigid surfaces normal to the avalanche flow, or that have return periods of less than ten years, or a combination of both.~~

~~**Moderate Hazard (Blue) Zones.** Areas in which an avalanche can produce impact pressures of less than 600 lbs/ft² or more on flat, rigid surfaces normal to the avalanche flow and have return periods between ten and 100 years. Both of the above conditions must be satisfied or the area is classified as a red zone. (See Section 17.27.030: Avalanche Hazard Combining Zone). PCD~~

Bake Shop. (Use Type – See “Ranch Marketing”).

Bank and Financial Services. (Use Type) Institutions such as banks, lending institutions, trust companies, credit agencies, brokers and dealers in securities and commodity contracts, investment companies, vehicle finance agencies, and similar financial services. PCD

Bars and Drinking Establishments. (Use Type) Establishments such as bars, taverns, pubs, and similar establishments where alcoholic beverages are sold and consumed on-site, where any food service is subordinate to the sale of alcoholic beverages. Uses may include indoor entertainment such as live music and dancing. PCD

~~**Base Density.** The maximum number of dwelling units that could be created on a lot determined by multiplying the acreage of the property by the maximum density permitted by the development standards for the zone. PCD~~

~~**Base Flood.** A flood having a one percent chance of being equaled or exceeded in any given year, and is recognized as a standard for acceptable risk. (See Chapter 17.32: Flood Damage Prevention). PCD~~

Basement. ~~Any area of a building having its floor below ground level (subgrade) on all sides.~~
~~Flood Ord.~~

Bed and Breakfast. (Use Type) See Lodging Facilities. (See Section 17.40.090: Bed and Breakfast Inns.) *PCD*

Breweries. (Use Type) Facilities for the brewing and bottling of beer with or without on site consumption or retail sales. *PCD/modified.*

Broadcasting and Recording Studios. (Use Type) Commercial and public communication uses such as telegraph, telephone, radio and television broadcasting and receiving stations; and television production and sound recording studios when entirely enclosed within buildings. This does not include towers, antennas, or reflectors that are defined under Communications Facilities. *PCD*

Building Codes. Those codes regulating construction standards that are currently in use by the County, as adopted by the Board.

Building Supply Stores. (Use Type) The indoor and outdoor retail sales of lumber and other large building supplies, including paint, glass, fixtures, and similar building or construction material. Can also include accessory sales of lawn and garden supplies and nursery stock.
PCD

Business Support Services. (Use Type) Establishments providing other businesses with services associated with ongoing business operations. Typical uses include blueprinting, business equipment repair, computer services, small equipment rental (indoor), film processing, advertising services, and photocopying. *PCD*

Cabana. (See “Pool house.”) *PCD*

California Department of Fish and Game (DFG). The California State Department of Fish and Game, a part of the State Resources Agency. *PCD*

California Endangered Species Act or State Endangered Species Act. Those statutes found at California Fish and Game Code sections 2050-2098 and implementing regulations. *PCD*

California Environmental Quality Act (CEQA). Those statutes set forth at California Public Resources Code section 21000 et seq. The “CEQA Guidelines” are set forth in the California Code of Regulations, Title 14, Section 15000 et seq. *PCD*

Campground. (Use Type) Any area or tract of land where one or more lots or campsites are rented or leased, or held out for rent or lease, to accommodate tents, trailers, and RV’s for transient occupancy (30 days or less), whether or not individual sewer hookups are available to individual campsites. (CCR Title 25, Sec. 2002) (See Section 17.40.100: Campgrounds and Recreational Vehicle Parks.) *PCD*

Camping, Temporary. A single campsite for self contained camping of a limited duration, only. No accessory accommodations such as restrooms, dining, or laundry facilities ~~shall be~~ are offered on the site.

Campsite. An area within a campground occupied by a person or a group of not more than 10 persons. (See Section 17.40.100: Campgrounds and Recreational Vehicle Parks). *PCD*

Caretaker Unit. (Use Type) A permanent or temporary housing unit used for caretakers employed on the site of a non-residential use where 24-hour security or monitoring of facilities or equipment is necessary that is secondary or accessory to the primary use of the property. (See Section 17.40.120: Commercial Caretaker and Agricultural Employee Housing). *PCD modified*

Casita. See “Guest House” or “Secondary Dwelling” *NEW*

Catering. Use of a commercial kitchen for the preparation of food to be served to the public either on or off site. *NEW*

Cemeteries. (Use Type) Burial grounds, columbaria, and mausoleums. Does not include mortuaries or funeral homes. (See “Funeral and Internment Services”). *PCD*

Certified Farmer’s Market. (Use Type) **A location approved by the County Agricultural Commissioner of that County where agricultural products are sold by producers or certified producers directly to consumers or to individuals, organizations, or entities that subsequently sell or distribute the products directly to end users. A certified farmer’s market may only be operated by one or more certified producers, by a nonprofit organization, or by a local government agency. (CCR 1392.2.(a)) (See Section 17.40.220: Outdoor Retail Sales) *NEW***

Child Day Care Center. (Use Type) Any child day care facility other than a day care home, including infant centers, preschools, extended day care facilities, and school age child care centers. (See Section 17.40.110: Child Day Care Facilities). *HSC*

Child Day Care Facility. A facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child day care facilities include day care homes, day care centers, and employer-sponsored day care centers. *HSC*

Child Day Care Home. (Use Type) A residential dwelling that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home, as follows:

Large Family Day Care Home. A home that provides family day care for 7 to 14 children, inclusive, including children under the age of 10 years who reside at the home, as set forth in HSC Section 1597.465.

Small Family Day Care Home. A home that provides family day care for 8 or fewer children, including children under the age of 10 years who reside at the home, as set forth in HSC Section 1597.44. (See Section 17.40.110: Child Day Care Facilities).
HSC

Christmas Tree Sales Lot. (Use Type) Temporary facilities for the sale of Christmas trees and related merchandise, not located on the site of a Christmas tree farm (See “Seasonal Sales”). *PCD*

Church and Community Assembly. (Use Type) Facilities and activities typically carried on at public and quasi-public meeting areas, including but not limited to places of worship, public and private non-profit meeting halls, public community indoor recreation facilities, and community centers. *PCD*

~~**Cluster or Clustering.** Grouping together of residential building sites contained in a subdivided lot such that lots or units are smaller than the minimum lot size of the zone, but the base density does not exceed that permitted by the zone.~~

~~**Co-housing.** A structure or structures containing two or more dwelling units or rooming units that are limited in occupancy and that provide indoor, conveniently located, shared food preparation service and major dining areas, and common recreation, social, and service facilities for the exclusive use of its residents. *PCD*~~

Co-location. The placement of multiple antennae on a single structure, pole, or tower by different communication providers. (Ord. 4589, 2001.) (See Section 17.40.130: Communication Facilities).

Commercial Facility. Any structure, building, or property used primarily for the exchange or manufacture of goods and services. *PCD*

Commercial Kitchen. A food preparation facility (see “Kitchen”) that is intended to provide food to the public, including customers, guests, or the general public, for on or off site consumption, that complies with the California Health and Safety Code requirements and is permitted by Environmental Management. *NEW*

Commercial Recreation. (Use Type) Establishments engaged in providing recreation and entertainment activities for participants and spectators. This use may include secondary and incidental retail sales and food services. The following are Commercial Recreation use types:

Arcade. Places open to the public where four or more coin operated amusement devices are installed, including establishments where the primary use is not devoted to the operation of such devices.

Indoor Entertainment. Predominantly spectator uses conducted within a building, typical uses include concert halls, community assembly, and dance halls.

Indoor Sports and Recreation. Predominantly participant sports and recreation activities conducted within a building, typical uses include bowling alleys, skating rinks, indoor racquetball courts, gymnasiums, indoor batting cages and sport courts, athletic and health clubs.

Large Amusement Complex. Theme park or similar complex which exceeds two acres in size and which includes outdoor amusement attractions such as mechanized or carnival rides or water slides.

Outdoor Entertainment. Predominantly spectator uses conducted outside of or partially within a building, typical uses include amphitheaters, sports arenas, race tracks, and zoos.

Outdoor Sports and Recreation. Commercially operated, predominantly participant sports and recreation activities conducted wholly or partially outside of a building, typical uses include golf courses, tennis courts, swimming pools, outdoor batting cages, shooting and archery ranges, ball fields, and sport courts. *PCD*

Communication Facilities. (Use Type) Wireless communication facilities, not including home televisions and radio receiving antennas, satellite dishes, or communication facilities for community services provide by a public agency. (See Section 17.40.130: Communication Facilities). *PCD*

Community Care Facility. (Use Type) Any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, subject to licensing by the State Department of Social Services, Health and Welfare Agency. Such facilities typically serve the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. Facilities included in this definition are listed under Health and Safety Code Section 1502.a.1-a.12 and 1502.3, and include, but are not limited to, residential facilities and foster family homes. Excluded from this definition are any house, institution, hotel, homeless shelter, or other similar place that supplies board and room only, or room only, or board only, provided that no resident thereof requires any element of care. Also excluded are recovery houses or similar facilities providing group living arrangements for persons recovering from alcoholism or drug addiction where the facility provides no care or supervision or where the facility provides alcohol and/or drug recovery treatment or detoxification services (HSC 1505, 11834.02).

Community Services. (Use Type) Facilities and uses provided by public agencies for the community health, safety, and welfare, including fire stations, sheriff sub-stations, post offices, libraries, museums, and governmental offices. *PCD*

Concurrent Applications. Multiple applications for the same project that are processed together, and reviewed and approved, or disapproved, by the review authority.

Condominium. ~~A structure of two or more units, the interior spaces of which are individually owned; the balance of the property (both land and buildings) is owned in common by the owner(s) of the individual units. PCD~~

Congregate Care Facility. (Use Type) A residential or group care facility, or similar facility providing 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. See “Community Care Facility”. HSC

Conservation Easement. (Use Type) ~~A voluntary, legal agreement between a property owner and a land trust that permanently limits the use of the property in order to preserve its conservation values.~~

An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; or maintaining existing land uses **including farming, ranching, or timber management areas.** NEW

Convenience Zone. For purposes of locating a certified recycling center, the area within one-half mile radius of a supermarket meeting the definition under the California Public Resources Code Section 14526.5.

Cooking Facilities. Any area within a structure that contains the following: a gas or electric range, stove top and/or oven (not including a microwave oven), or a space that can accommodate the range or stove top and oven; a refrigerator greater than five cubic feet in size; and a standard-sized kitchen sink. TRPA

Coverage. See “Lot Coverage”. ~~A calculation of the area covered by all structures on a lot divided by the lot area. All area coverage calculations shall be computed at ground level and shall not include roof eaves. ORD~~

Cropland. (Use Type) Irrigated land that is **used planted** for **growing** grains, alfalfa, **orchard fruit or nuts, vineyards,** or row and truck crops such as **strawberries, blueberries, pumpkins tomatoes** or other **fruits and** vegetables. PCD (*modified*)

Cross-visibility Area (CVA). For motorist safety purposes, the triangular area that is to be maintained free of impacts to line of sight visibility, formed as follows:

At any Street Corner Intersection. The CVA shall be a triangle having two sides 35 feet long, running along each roadway edge of pavement, said length beginning at their intersection, and the third side formed by a line connecting the two ends.

At an Encroachment onto the Roadway. The CVA shall be a triangle having two sides 15 feet long, running along the driveway/encroachment edge and the roadway edge-of-pavement, said length beginning at their intersection, and the third side formed by a line connecting the two ends.

Defensible Space. ~~The area around a structure or to the property line, whichever is closer, that is maintained in compliance with fire safe standards.~~

Density. The number of dwelling units per unit of land. *PCD*

Developable Acres, Net. ~~The portion of a site that consists of developable land and which can be used for density calculations for the purposes of determining density bonus. [See Chapter 17.28: Planned Development (PD) Combining Zone].~~ *PCD*

Developable Land. ~~Land that can be developed consistent with regulatory limitations, that is suitable as a location for structures and that can be developed free of hazard to, and without disruption of, or significant impact on natural resources.~~ *PCD*

Development Plan. The written and graphic materials required for review ~~development~~ of a planned development, including but not limited to a written description of a the development, a plat of subdivision, all covenants relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, streets, walkways, landscaping, and parking facilities, and any other similar material necessary for review consideration by the approving review authority ~~at the time the planned development is approved.~~ (See Section 17.52.040: Development Plan Permit). *PCD*

Development Project. Any project undertaken for the purpose of land use development. ~~It includes a project involving that requires~~ the issuance of a discretionary or ministerial approval or permit, including a permit for construction or reconstruction, but not a permit to operate. *PCD*

Dining Facility. (Use Type) See “Ranch Marketing”. (Portion Ord. 4573, 2001.)

Director. ~~The Development Services Director or designee.~~

Distillery. (Use Type) A place where fortified alcoholic liquors such as whiskey, vodka, and brandy are made by through the distillation process.

Drive-through Business. Any portion of a building or structure from which business is transacted or is capable of being transacted directly with customers located in a motor vehicle. (See Section 17.40.150: Drive-through Businesses). *APA*

Dude Ranch (Guest Ranch). (Use Type) **A type of ranch oriented towards visitors or tourism (a type of agritourism). The dude ranch facility may be incidental to a working ranch, and may offer the following activities; lodging and meals, horseback riding, hiking, fishing, swimming, cattle drives, rodeos, hunting, overnight camping, nature programs, petting zoos, archery, art and cooking classes, dancing, photography, bird watching, etc.** *NEW*

Dwelling. (Use Type) A building or portion thereof used exclusively for residential purposes that constitutes an independent living unit, that has sleeping, eating, and sanitation facilities, but not more than one kitchen, and occupied or intended for use by one household on a long-

term basis of more than 30 days. Dwellings may be structures, or modular or mobile units placed on a foundation. Types of dwelling units are further defined as follows:

Multi-unit Residential. A structure designed and intended for occupancy by two or more households living independently of each other, each in a separate dwelling unit, that may be owned individually or by a single landlord. This use includes apartments, condominiums, and co-op housing units.

Single-unit Residential. A structure designed exclusively for occupancy by one household. This use type includes both attached and detached dwelling units as defined below:

Attached. Single-unit residential structures attached to another residential unit where one or more walls, extending from foundation to roof, separate it from adjoining units to form a lot line. Each unit shall have separate kitchen, plumbing, and heating systems. This use includes townhouses, row houses, and half-plexes.

Detached. Single-unit residential structures not attached to any other residential unit. This use includes mobile homes and modular units. *PCD modified*

~~**Ecological Preserve.** An area officially designated as such on General Plan maps on file in the Development Services Department and zoned as such under the Ecological Preserve (- EP) Combining Zone. [See Section 17.27.060: Ecological Preserve (- EP) Combining Zone]. *PCD*~~

~~**Ecological Preserve Mitigation.** On and off site mitigation standards that address direct or indirect impacts on rare plants or rare plant habitat and includes the Rare Plant Off-Site Mitigation Program. *PCD*~~

Emergency Shelter. (aka “Homeless Shelter”) (Use Type) Housing with minimal supportive services for homeless persons within the County that are limited to occupancy on an emergency (not to be confused with disaster) and temporary basis of six months or less. (HSC 50801). *NEW*

Employee Housing. (Use Type) One or more dwelling units permitted under California Health and Safety Code Section 17021.5 et seq. (See Sections 17.40.120: Commercial Caretaker and Agricultural Employee Housing and 17.40.190: Mobile/Manufactured Homes). *PCD*

Employer-sponsored Child Day Care Center. (Use Type) Any child day care facility at the employer's site of business operated directly or through a provider contract by any person or entity having one or more employees, and available exclusively for the care of children of that employer, and of the officers, managers, and employees of that employer. (See Section 17.40.110: Child Day Care Facilities). *HSC*

Equipment Shelter. ~~Roofed enclosure used to protect ground-based equipment cabinets at a wireless antenna site. (Ord. 4589, 2001.) (See Section 17.40.130: Communication Facilities).~~

Equivalent Occupancy. The number of persons that can occupy a building or use where fixed seating does not exist. *PCD modified*

Farmers' Market. (Use Type) The temporary use of an off site location for the sale of food and farm produce by multiple vendors that is usually conducted from parked vehicles or accessory display tables. **(See 17.21.220, Outdoor Retail Sales)**

Farmland Conservation Contract. Contracts establishing agricultural preserves and zones in compliance with the California Land Conservation Act of 1965 (Williamson Act) and farmland security zone legislation under California Government Code Chapters 51200 and 51296-51297, respectively. **(See 17.21.060, Agricultural Preserves and Zones: Contracts, Criteria and Regulations)**

Federal Endangered Species Act. Those federal statutes found at 16 U.S.C. 1531 et seq. and their implementing regulations. *PCD*

Fire Code. Those codes regulating fire-safety standards that are currently in use by the County, as adopted by the Board. *New*

Flood, Flooding, or Floodwaters. ~~A general and temporary condition of partial or complete inundation of normally dry land areas from either:~~

- ~~a. The overflow of inland or tidal waters; or~~
- ~~b. The unusual and rapid accumulation of runoff of surface waters from any source. *Ord*~~

Flood Boundary and Floodway Map (FBFM). ~~The official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway. (See Chapter 17.32: Flood Damage Prevention). *Ord.*~~

Flood Insurance Rate Map (FIRM). ~~The official map on which FEMA or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. (See Chapter 17.32: Flood Damage Prevention). *Ord.*~~

Flood Insurance Study (FIS). ~~The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map (FIRM), the Flood Boundary and Floodway Map, and the water surface elevation of the base flood. *Ord.*~~

Floodproofing. ~~Any combination of structural and nonstructural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, and contents of structures. *Ord.*~~

~~**Floodway.** The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The floodway is delineated on the flood boundary floodway map. *Ord.*~~

Floor Area. See “Gross Floor Area”.

Food and Beverage Retail Sales. (Use Type) Establishments primarily engaged in the retail sale of food and beverages for off site consumption, typical uses include grocery stores, liquor stores, and specialty food stores. *PCD*

Free Food Distribution Center. (Use Type) A location where food is distributed to general public without payments or consideration. *PCD*

Funeral and Internment Services. (Use Type) Establishments engaged in providing services involving the care, preparation or disposition of human dead. Typical uses include funeral parlors, crematories, and mortuaries, but do not include cemeteries. *PCD*

Garage. Enclosed parking space for storage of motor vehicles. (*Sonoma County*)

Golf Course. (Use Type) Publicly and privately owned golf courses open to the general public. Minor accessory uses such as pro shops and snack bars intended to serve the golfers may be considered a part of the golf course facility. Restaurants, banquet and reception facilities, and other commercial uses commonly associated with golf courses shall be considered separate use types. *PCD*

~~**Grade.** Ground level at the foundation of a building or structure. *PCD*~~

Grazing. (Use Type) The raising and feeding of domestic farm animals where the primary source of food is the vegetation grown on the site, including irrigated and non-irrigated pastures. *PCD*

Gross Floor Area. (GFA) The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the exterior faces of the walls, including basements; elevator shafts; stairwells at each story; floor space used for mechanical equipment with structural headroom of six feet, six inches or more; penthouses; attic space providing structural headroom of six feet, six inches or more, whether or not a floor has actually been laid; interior balconies; and mezzanines. For the purpose of measurement of residential floor area, gross floor area shall be exclusive of any garage or carport. *PCD modified*

Guest House. (Use Type) An accessory residential structure intended for the temporary and occasional housing of a visitor(s) to the primary residents that does not contain a kitchen. (See Section 17.40.160: Guest house). *PCD Modified/Sonoma County*

Handicrafts. See “Ranch Marketing.”

Hazardous Material. ~~Any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into either the work place or the environment. The term includes, but is not limited to, hazardous substances and hazardous wastes. PCD~~

Hazardous Material Handling. (Use Type) All industrial uses engaged in the handling of substances subject to the maintenance of a “Risk Management Prevention Program” under California Health and Safety Code, Section 25534. Typical uses include semiconductor manufacturing and electroplating. PCD

Height of Building. ~~The distance from the average finished grade and the highest point of the building. (See Section 17.30.050: Height Limits and Exceptions). ORD/PCD~~

Hiking and Equestrian Trails. (Use Type) Trails designed for non-motorized recreation, such as hiking, horseback and bicycle riding, and cross-country (Nordic) skiing. PCD

Historic Structure. See “Structure: Historic”.

Home Occupation. (Use Type) Any business operated out of a residential dwelling or residential property by a resident of the premises and that is incidental and subordinate to the residential use of the property. (See Section 17.40.170: Home Occupations). PCD

Household. ~~One or more persons related or unrelated occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, or rooming house. PCD~~

Household Income Levels. ~~Households with the following annual incomes adjusted by household size, as determined by a survey of incomes conducted by the County, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development:~~

~~—— **Moderate Income.** Greater than 80 percent but no greater than 120 percent of the area median family income.~~

~~—— **Lower Income.** Greater than 50 percent, but no greater than 80 percent of the area median family income.~~

~~—— **Very Low Income.** No greater than 50 percent of the area median family income.
PCD Modified~~

Hunting Club, Farm, or Facility. (Use Type) Privately operated areas and facilities for the pursuit of game species, including that may include day uses and overnight accommodations. PCD

Incompatible Uses.

Agricultural. Those uses of land, **including but not limited to, residential structures, nursing homes, schools, playgrounds, swimming pools, daycare centers, spas, ponds, and churches,** which are apt to conflict with agricultural uses **such as due to** sprays, dust, noise, equipment, or livestock ~~escaping the agricultural property in a manner which threatens the health, safety or welfare of adjacent occupants or land uses.~~ It also means those uses which are apt to cause conflict and threaten the loss of viability of agricultural uses due to trespass, vandalism, theft, complaint, and dog-related problems. ~~It includes, but is not limited to: Residential structures, nursing homes, schools, playgrounds, swimming pools, daycare centers, spas, ponds, and churches.~~ (Ord. 4458, 1997) (See Section 17.30.030.E: Setback Requirements and Exceptions)

Mining. Land uses that are inherently incompatible with mining or that require public or private investment in structures, land improvements, and landscaping and that may prevent or limit mining because of the greater economic value of the land and its improvements. It includes, but is not limited to, residential and commercial structures, schools, and playgrounds. (See Section 17.30.030.G, Special Setbacks for Mineral Resource Protection)

Industrial:

General. (Use Type) Manufacturing, processing, assembling, or fabricating from raw materials to include any use involving an incinerator, blast furnace, or similar industrial process and any industrial process conducted wholly or partially outdoors. Typical uses include lumber mill, batch plants, truss manufacturing, co-generation plant, and distilleries. *PCD*

Specialized. (Use Type) Establishments engaged in activities that generate noise, vibration, odor, dust, or smoke that may extend beyond the confines of the property boundaries; that involve special safety or public health considerations; or that do not clearly fit within another industrial use classification. Typical uses include bulk storage of gasoline, propane, or other flammable fuel. *PCD*

Intensive Public Facilities. (Use Type) Public Services and facilities which may have the potential to cause impacts from noise, lights, odors, or the use of hazardous materials, typical uses include landfills, transfer stations, and correctional facilities. *PCD*

Intermodal Facility. (Use Type) Facilities to support the transportation of persons, such as bus and train stations. *PCD*

Junkyard. See “Salvage and Wrecking Yard”.

Kennel. (Use Type) The keeping of five or more live domestic dogs or cats of at least four months of age (County Code, Title 6), under the following categories:

Commercial. See “Animal Sales and Service”.

Private. Any building(s) or land designed or arranged for the care of dogs and cats belonging to the property owner that are kept for personal purposes of show, hunting, or as pets. *APA/ORD*

Agricultural. Dogs used for herding or guardian purposes in commercial ranching or browsing operations are exempt from these kennel requirements insofar as they comply with the licensing requirements in the Animal Control Ordinance (County Code, Title 6). NEW

Kitchen. A room with cooking facilities or provisions for storage and preparation of food. See “Cooking Facilities”. *TRPA*

Lake. A natural or manmade body that impounds water year round under normal conditions and of which the shoreline is primarily native earth or rock capable of supporting native or natural vegetation. This term does not include pools, ponds, or landscape features constructed of concrete or similar material that does not support vegetation. *GP modified*

Laundries, Commercial. (Use Type) Establishments engaged in high volume laundry and garment services, excluding self-service laundries. Typical uses include garment pressing and dry cleaning, linen supply, diaper service, industrial laundries, and carpet and upholstery cleaners. *PCD*

Laundries, Self-service. (Use Type) A business that provides home-type washing, drying, or ironing machines for hire, to be used by customers on the premises. (See “Retail Sales and Service”.) *APA*

Light Manufacturing. (Use Type) The manufacture, assembly, or packaging of products from previously prepared materials, such as cloth, plastic, paper, pre-cut wood, and wood products. It does not include saw and planing mill operations or manufacturing uses involving primary production of wood, metal, or chemical products from raw materials (See “Industrial, General”). Typical uses include electronics and computer component assembly and cabinetmaking. *PCD*

Livestock, High Density. (Use Type) The keeping and raising of domestic farm animals, such as cattle, horses, pigs, goats, sheep, rabbits, poultry, ostriches, and emus, for commercial purposes, where the primary source of food is other than the vegetation grown on site, such as dairies, feedlots, and similar large-scale operations. *PCD modified*

Lodging Facilities. (Use Type) Establishments primarily engaged in the provision of commercial lodging on a transient basis (30 days or less) to the general public. Lodging may include the incidental provision of food, drink, sales, and services for the convenience of overnight guests. Types of Lodging are further defined as follows: *PCD modified*

Agricultural Homestays. Lodging facilities operated by the resident and owner of the property on which the facility is located that is accessory and subordinate to the on site,

bona fide agricultural or grazing operations. (See Section 17.40.050: Agricultural Homestays).

Agricultural Lodging. Lodging arrangements, accessory and subordinate to on-site commercial agricultural operations for the purpose of educating and informing the public about local foods, fiber, flowers or timber. *NEW*

Bed and Breakfast Inn. Lodging facilities operated by the resident and owner of the property on which it is located. (See Section 17.40.090: Bed and Breakfast Inns).

Hotels and Motels. Commercial lodging facilities that do not otherwise qualify as a Bed and Breakfast Inn.

~~**Ranch Style Lodging.** Lodging arrangements accessory and subordinate to on-site agricultural activities such as a farms stay, agricultural homestay, and dude ranches.~~

Vacation Home Rental. Lodging provided to the general public in a private dwelling unit, where the unit is rented as a whole on a transient basis (30 days or less). *Ord. 4653*

Lot. An individual, legal, platted parcel of land intended to be separately owned, developed, and otherwise used as a unit and does not include an administrative parcel used by the Assessor for tax purposes. *APA and Ord. 4808 (Wineries)*

Lot Configurations.

Corner. A lot abutting on and at the intersection of two or more road easements or rights-of-way. *APA*

Flag. Lots that are approved with less frontage on a road easement or right-of-way than is normally required under the development standards for the zone and where the “flag pole” portion of the lot is used as an access corridor. *APA*

Through. A lot having its front and rear yards each adjoining a road easement or right-of-way. *APA*

Lot Coverage. A calculation of the area covered by all structures on a lot divided by the lot area. All area coverage calculations shall be computed at ground level and shall not include roof eaves. ~~The area of a site covered by buildings or roofed areas, excluding projecting eaves, balconies, and similar allowed features.~~ *APA*

Lot Dimensions.

Area. The measurement of the area formed within all property lines of a lot.

Depth. The average horizontal distance between the front and rear property lines. *APA*

Width. The horizontal distance between side property lines measured either as an average for the lot or as a minimum at the front property line in compliance with Section 17.30.030.C (Measurement of Lot Width).

Lot Lines.

Front. The property line adjoining a road easement or right-of-way or that forms the centerline of such roadways.

Corner Lot. All property lines adjoining intersecting road easements or rights-of-way or forming the centerlines of such intersecting roadways are front lot lines.

Through Lot. The property line adjoining that roadway which provides the primary access is the front lot line when a non-vehicular access easement (NVA) is recorded on the opposite property line. When no NVA is recorded, both property lines shall be considered front lot lines.

Rear. The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. *APA*

Side. Any lot line not a front or rear lot line. *APA*

Lot, Minimum Size. Minimum acreage or square footage of a lot required for its zone. See “Lot Dimensions: Area”. *APA*

Lot, Substandard. A lot that has less than the minimum area or width required for its zone.

~~**Lowest Floor.** For the purposes of flood hazard protection, the lowest floor shall be the floor of the lowest enclosed area, including a basement. (See Chapter 17.33: Flood Damage Prevention).~~

Maintenance and Repair. (Use Type) All uses that provide maintenance and repair of furniture, appliances, and equipment normally used within a building, exclusive of automotive repair. Typical uses include sewing machine, refrigerator, and upholstery repair. *PCD modified*

Manufactured Homes~~using~~. Residential structures that are constructed in a factory and which, since June 15, 1976, have been regulated by the federal Manufactured Home Construction and Safety Standards Act of 1974 under the administration of the U.S. Department of Housing and Urban Development (HUD). (See Section 17.40.190: Mobile/Manufactured Homes). *PCD*

Marina. (Use Type) Facilities for the docking, mooring, or rental of boats to the public. Marinas are divided into the following categories: *PCD*

Motorized Craft. Marinas serving motorized and non-motorized watercraft, including motorboats and personal watercraft. It may also include the sale of gasoline for use in watercraft.

Non-Motorized Craft. Marinas serving non-motorized watercraft only, such as sailboats, canoes, and rowboats.

Medical Services. (Use Type) Facilities that primarily provide medical or health care services. Medical Use types are further defined as follows: *PCD*

Hospital and Clinics. Facilities that provide out-patient and in-patient medical, surgical, diagnostic, and psychiatric services, including, but not limited to, accessory out-patient radiology, laboratory, therapy and training, pharmaceutical, and emergency medical services.

Long Term Care Facilities. Facilities that provides 24 hour supervised care serving seven or more persons. Typical uses include skilled nursing facilities, and extended and intermediate care facilities licensed by the State Department of Health Services.

Medical Offices. Establishments engaged in providing out-patient personal health services including prevention, diagnosis, treatment, or rehabilitation by health professionals. Typical uses include, but are not limited to, offices for physicians, dentists, physical therapists, chiropractors, and medical or dental laboratories.

Mineral Exploration. (Use Type) Prospecting and exploratory activities for mineral resources where less than 1,000 cubic yards of material is disturbed. *PCD*

Mineral Production. (Use Type) The processing of mineral resources extracted on site or off site. Processing includes rock crushing, stockpiling, aggregate washing, screening and drying facilities, and wholesale or retail distribution of mineral products. *PCD*

Mining. (Use Type) The act or process of extracting resources, such as rock, sand, gravel, ores, coal, oil, clay, hydrocarbons, or mineral from the earth. The term also includes quarrying; excavating; drilling; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the mine site or as part of a mining activity. Mining does not include “recreational mining/prospecting” as defined below. Mining use types are divided into the following categories:

Recreational Mining/Prospecting. The extraction of minerals for personal recreation and the use of such devices as pans, rockers, and dredges with intakes eight inches in diameter or less.

Subsurface Mining. The act of mining operations that are conducted below the surface of the ground except for surface access, and vent and escape shafts.

Surface Mining. All, or any part of mining operations that involve the removal of overburden and mining directly from the mineral deposit, open-pit mining of naturally

exposed mineral, mining by the auger method, dredging and quarrying, or surface work related to a subsurface mine. (See Chapter 17.29: Mineral Resource Combining Zone, etc.). *PCD*

Mixed Use Development. Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A "single site" may include contiguous properties. (See Section 17.40.180: Mixed Use Development). *PCD*

~~**Mobile Home.** A structure designed for use as a single-unit residential dwelling that is built on a permanent chassis and transportable in one or more sections, and that:~~

- ~~1. Has a minimum of 400 square feet of living space;~~
- ~~2. Has a minimum width in excess of 102 inches;~~
- ~~3. Can be connected to all available permanent utilities; and~~
- ~~4. Is either:~~
 - ~~a. Tied down to a permanent foundation on a lot either owned or leased by the homeowner;~~
 - ~~b. Tied down to a temporary foundation, when authorized by a Temporary Mobile Home Permit; or~~
 - ~~c. Set on piers, with wheels removed and skirted, in a mobile home park. (See Section 17.40.190: Mobile/Manufactured Homes). *PCD*~~

Mobile/Manufactured Home Park. (Use Type) Any site that is improved to accommodate two or more mobile or manufactured homes used for residential purposes, on which the underlying land is rented or leased. This term excludes a single-unit residential lot on which a mobile/manufactured home is placed either as a primary dwelling, secondary dwelling, or temporary mobile home in compliance with Section 17.52.060 (Temporary Mobile Home Permit). It includes sites that were converted from rental or lease to a subdivision, cooperative, or condominium complex. (See Section 17.40.190: Mobile/Manufactured Homes). *PCD*

Mobile/Manufactured Home Sales Lots. (Use Type) Retail sales establishments providing outdoor display of mobile or manufactured homes for sale to the public.

Model Home(s). House(s) in a residential subdivision that are open for view to prospective buyers as a marketing tool for similar floor plan(s) within the development. Said model home(s) may or may not be furnished and decorated.

Monopole. A structure of single pole (non-lattice) design erected on the ground to support telecommunications antennae and connection appurtenances. (Ord. 4589, 2001) (See Section 17.40.130: Communication Facilities).

Motorized Vehicle Recreation Area. (Use Type) Areas and facilities that provide for public recreational use of motor vehicles. Typical uses are off-road vehicle parks, go-cart tracks, motocross courses, and snowmobile rental. *PCD*

Natural Resources. Naturally occurring materials, such as minerals, timber, water sources, vegetation, and agriculturally productive soils that can be used or developed to provide a personal, common, or public benefit. *NEW*

Net Acreage. The remaining area within a development lot or subdivision after deleting all portions for proposed and existing public roadways.

~~**Nonconforming Use, Structure, or Lot.** A use, structure, or lot which was compliant at the time of the adoption of the Articles codified in this Title, and which has been made noncompliant by the provisions of the Articles or any amendments thereto. (See Chapter 17.61: Nonconforming Uses, Structures, and Lots) *PCD*~~

Nuisance. Any use or structure which is injurious to health and safety, or is indecent or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs free passage or use, in the customary manner, of any navigable lake or river, bay, stream, canal, or basin or any public park, square, street, or highway. For the purpose of enforcement of the provisions of this Title, the Director or his designee shall make the determination whether a use constitutes a nuisance as defined herein. *PCD*

Nursery, Plants. (Use Type)

Retail. A facility for the retail sale of plants, seeds, and accessory products, such as fertilizers and gardening supplies.

Wholesale. A place where plant material such as flowers, trees, fruits, vegetables, and/or herbs are cultivated in the ground or in greenhouses for sale to retailers.

Office, Professional. (Use Type) Professional offices such as accounting and bookkeeping services, advertising agencies, architectural and engineering services, attorneys, data processing and computer services, secretarial services, administrative offices, insurance agencies, real estate agencies, public relations, and consulting firms, photography and commercial art studios, telecommuting centers, and writers' offices. *PCD*

Off-Highway or Off-Road Vehicle Recreation Area, Commercial. (Use Type) Any area where motorized vehicles are driven for recreational use or for competitive speed or skill events, of which all or a portion of the vehicular use is conducted outside of road easements or public rights-of-way. *NEW*

Open Space. Any lot or area of land or water used or dedicated for recreation, resource protection, amenities, or buffers that is essentially unimproved and devoted to the preservation of natural resources; the managed production of resources; outdoor recreation, and/or public health and safety. Types of open space are further defined as follows:

~~**Private.** Open space on private land where access is restricted to the property owner and representatives of specified governmental agencies. *New*~~

Common. Open space within a development plan that is designated and intended for the use or enjoyment of all of the owners or occupants of the development. Common open space may contain such complementary structures and improvements as are necessary, desirable, or appropriate for the benefit and enjoyment of the owners or occupants of the development. Ownership of common open space is held by a homeowners association or similar organization and access is usually restricted to property owners and residents of the development and their guests. See also “Private Recreation Area”. *PCD modified*

Public. Open space which is available to the general public, such as parks, wildlife habitat, and natural resource conservation areas. Public open space is typically owned and managed by a governmental agency that may restrict public access to further its management goals. See also “Public Benefit”. *GP Modified*

Orchard and Vineyards. (Use Type) The cultivation of fruit trees, nut trees, or grape vines for the commercial sale of their agricultural produce. *PCD*

Ordinary High Water Mark (OHWM). The line on the shore in non-tidal areas established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding area. (See Subsection 17.30.030.H: Riparian Setbacks) *Interim Guidelines*

Outdoor Retail Sales. See “Retail Sales and Service – Outdoor”.

Packing. (Use Type) The handling of fruit, grain, vegetables, trees, and other crops to ready it for shipping and sales without changing the nature of the product. Types of packing are further defined as follows: *PCD*

On Site Product. The handling of agricultural products produced on the same lot of land which the packing facility is located, or on adjacent lots under the same ownership, lease, or management.

Off Site Product. The handling of agricultural products produced on a lot of land different from that on which the packing facilities are located.

Panel Antenna. Flat, conical or round surface receiving and/or transmitting device typically covering one of three 120-degree sectors, and used to concentrate a radio signal into or from that sector. (Ord. 4589, 2001.) (See Section 17.40.130: Communication Facilities).

Parking Lots, Public. (Use Type) Publicly and privately owned and operated areas available for general public use for the parking of motor vehicles including park and ride lots, leased parking, and hourly or daily parking. *PCD/APA*

Parks. (Use Type) Areas dedicated and used for passive and active recreation operated by a public agency and open to the public. Typical uses are playgrounds, ball fields, and picnic areas. Parks are divided in the following categories: *PCD*

Day Use. Parks intended for use only during daylight hours. It precludes lighting for ball fields and play structures except as may be necessary for public safety or security purposes.

Nighttime Use. Parks designed and intended for activities to be carried on after sunset, such as lighted ballfields and tennis courts.

Picnic Area. (Use Type) Areas providing picnic tables and other facilities for day use outdoor eating, either as a primary use or accessory to other use types. *PCD*

~~**Pine Hill Endemics.** Plants found in serpentine or gabbroic soils that are listed as rare, threatened, or endangered on a state or federal list prepared under the Federal or California Endangered Species Acts or identified as species of special concern. This term includes the following species:~~

El Dorado bedstraw	Galium californicum ssp. sierrae
Laynes butterweed	Senecio layneae
Pine Hill ceanothus	Ceanothus roderickii
Pine Hill flannel bush	Fremontodendron californicum ssp. decumbens
Stebbins morning glory	Calystegia stebbinsii
Bisbee Peak rush rose	Helianthemum suffrutescens
El Dorado mule ears	Wyethia reticulata
Red Hills soaproot	Chlorogalum grandiflorum Ord. 4500 modified

Planned Development. Land under unified control to be planned and developed as a whole in a single development operation or as a programmed series of development operations or phases. A planned development is built according to general and detailed development plans that include not only streets, utilities, lots, and building locations, but also construction, use, and relationships of buildings to one another, and plans for other uses and improvements on the land, such as common or public open space areas. A planned development includes a program for the provision, operation, and maintenance of such areas, facilities, and improvements that will be provided for common use by the occupants of the planned development or for use by the general public. (See Chapter 17.28: Planned Development). *PCD*

Pool House (or Cabana). A residential accessory structure associated with a private swimming pool, containing changing area(s) and restroom facilities, but which does not contain sleeping quarters or cooking facilities, and is not intended for permanent occupancy. *PCD*

Prepared Food Stand. See “Ranch Marketing.”

Printing and Publishing. (Use Type) Establishments engaged in printing by letterpress, lithography, engraving, screen, offset or similar process, but not including xerographic copying

and other “quick printing” services. It also includes the publishing of newspapers, books, and periodicals where the printing is done on the premises. *PCD*

Private Recreation Area. (Use Type) Recreational facilities owned and operated by a homeowners’ association or similar entity for the benefit of property owners within a subdivision or multi-unit residential complex. It may include swimming pools, indoor or outdoor sport courts, meeting rooms, ~~and a clubhouse,~~ and any facilities required to maintain said recreation areas. *PCD*

Processing of Agricultural Products. (Use Type) The handling of agricultural products whereby the nature of the product is changed or altered, such as making juices, jams, ~~wines,~~ and sauces from fruit, and the slaughtering of animals raised on the premises or on land in the vicinity under common ownership. This use type does not include the processing of grapes and other fruit juice into wine. See definition for Winery. *PCD*

Produce Sales. (Use Type) The public sale of agricultural products grown on the same property where the sale is being conducted. This term specifically excludes the sale of products grown off site and processed products. (See Section 17.40.240: Produce Sales). *PCD*

Produce Stand. Producer owned and operated facility for the sale of produce grown on the same site or as part of a shared multi-farm operation. (See Section 17.40.240: Produce Sales). *NEW*

Public Benefit. A benefit enjoyed by the general public. When applied to lands set aside for public benefit in order to utilize the density bonus provisions of Section 17.28.060 (Planned Development Combining Zone), it shall be considered open space for public use, such as parks and trail easements, or for the public good and not necessarily for public use, such as natural resource conservation areas and wildlife habitat areas. *PCD Modified*

Public Utility Lines and Facilities. Public utility towers and structures supporting power lines of 50 kilovolts (kV) potential and greater, trunk telephone lines and supporting structures, sewer and water lines of 12 inches or more inside diameter, natural gas pipe of six inches or more inside diameter, sewer and water lift stations, telephone equipment buildings, and natural gas storage and distribution facilities. (See Section 17.40.250: Public Utilities). *PCD*

Public Utility Structures and Services. (Use Type) Structures and facilities necessary to provide the community with power, water, sewage disposal, telecommunications, and similar facilities and services. Public Utility Structures and Services are divided in the following categories: (See Section 17.40.250: Public Utilities). *PCD*

Intensive. Public Utility structures and facilities that may have the potential to cause impacts from noise, lights, odors, or the use of hazardous materials, typical uses include electrical receiving or substations, sewage treatment facilities, and power generating facilities.

Minor. Minor structures such as water, sewer and gas pipelines and pump stations, telephone and electrical distribution lines 12 kilovolts (kV) or less, and drainage facilities.

Qualified Professional. A professional specializing in any of the following categories of natural sciences:

Certified Arborist. A person certified by the International Society of Arboriculture (ISA), American Society of Consulting Arborists (ASCA), or other recognized professional organization of arborists who provides professional advice and is a licensed professional to do physical work on trees.

Certified Rangeland Manager. A person licensed by the State of California through the California State Board of Forestry who applies scientific principles to the art and science of managing rangelands and is recognized by the California Section of the Society for Range Management as meeting the education, experience, and ethical standards for professional rangeland managers.

Qualified Biologist. A person who has a BA/BS or advanced degree in biological sciences or other degree specializing in the natural sciences; professional or academic experience as a biological field investigator; taxonomic experience and knowledge of plant and animal ecology; familiarity with plants and animals of the area including species of concern; and familiarity with the appropriate County, State, and Federal policies and protocols relating to special-status species and biological surveys, as determined by the Director of Development Services.

Qualified Hydrologist. A person who has a BA/BS or advanced degree in hydrology or other degree specializing in the scientific study of the properties, distribution, and effects of water on the earth's surface, in the soil and underlying rocks, and in the atmosphere, as determined by the Director of Development Services

Registered Professional Forester (RPF). A person licensed by the State of California to perform professional services that require the application of forestry principles and techniques to the management of forested landscapes. RPFs have an understanding of forest growth, development, and regeneration; forest health; wildfire; soils, geology, and hydrology; wildlife and fisheries biology; and other forest resources. *OW Conservation Ordinance modified*

Radio Frequency (RF). Of, or pertaining to, any frequency within the electromagnetic spectrum normally associated with radio wave propagation. Cellular and personal communication services wireless networks operate in the 824-894 Megahertz (MHz) and the 1850-1990 MHz ranges, respectively. (*Ord. 4589, 2001*) (See Section 17.40.130: Communication Facilities).

Ranch Marketing. (Use Type) Commercial activities on a site qualifying as a bona fide agricultural operation, as determined by the Agricultural Commissioner, including packing and

processing of agricultural products and edible byproducts grown on site, and the following types of uses:

Bake Shop. A facility for the preparation and consumption of food items in which agricultural products grown on site are used as a main ingredient for at least one of the baked goods, such as apples used to make apple pies, apple turnovers, or other apple pastries. Baked goods made from other ingredients may be offered for sale concurrently with goods made from produce grown on site. (Portion Ord. 4573, 2001.)

Dining Facility. An establishment where food, other than that produced on the premises (such as at a Bake Shop), is prepared and served to the public in an established seating area. (Portion of Ord. 4573, 2001.)

Handicrafts. Products that are made domestically by hand, normally sold by the person who made them, and do not include items that are mass produced by others. (Portions of Ord. 4573, 2001.)

Food Stand. A facility for serving prepared food for consumption on the premises where indoor seating and dining facilities do not exist. In determining whether a facility is a dining facility or a prepared food stand, the Director shall consider the hours and scale of operation, type of food sold, and any other applicable criteria. (Ord. 4573, 2001.)

Special Events. See “Special Events”. (See Section 17.40.260: Ranch Marketing).
PCD

Ranch Style Lodging. (Use Type) See “Lodging Facilities”.

~~**Rare or Endangered Species.** A species of animal or plant listed in Sections 670.2 or 670.5, Title 14 of the California Administrative Code; or Title 50, Code of Federal Regulations, Section 17.11 or Section 17.2, in compliance with the Federal Endangered Species Act designating species as rare, threatened, or endangered. *GP*~~

~~**Recommend.** As used in Article 5, where the review authority will consider a discretionary application and make a recommendation for decision to a higher review authority.~~

Recreation Facilities. See “Commercial Recreation”.

Recreational Vehicle. A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational or emergency occupancy with a living area of 320 square feet or less and bearing the state or federal insignia of approval for recreational vehicles. *PCD*

Recreational Vehicle Park. (Use Type) Any area or tract of land, or a separate designated section within a mobilehome park where two or more lots are rented, leased, or held out for rent or lease to accommodate owners or users of recreational vehicles, camping cabins, or tents (*HSC 18862.39*). *PCD*

Recycling Collection Facility. ~~A facility or structure used for the collection of recycled material. Specific types of facilities are defined below:~~

~~**Reverse Vending Machines.** Mechanical devices that accept one or more types of empty beverage containers and issue a cash refund or redeemable coupon. Some machines will also dispense coupons and promotional materials. The machines identify containers by reading the bar code, scanning the shape, or by other methods;~~

~~**Mobile Recycling Units.** Licensed automobiles, trucks, trailers, or vans which are used for the collection of recyclable material such as aluminum, glass, plastic, and paper;~~

~~**Small Collection Facilities.** Facilities that are no larger than 500 square feet and are intended for collection only. They have room for limited day to day material storage and do not include power driven processing equipment, except as part of reverse vending machines. (See Article 4, Section 17.40.280: Recycling Facilities.) PCD~~

Research and Laboratories Services. (Use Type) Establishments engaged in the study, testing, design, analysis, and experimental development of products, processes, or services engaged in research, testing, scientific analysis, and product development. Typical uses include soils and materials testing, electronics research, and pharmaceutical research laboratories. PCD

Resource Extraction. See “Mining”.

Resource Protection and Restoration. (Use Type) Lands and management activities dedicated to the protection and conservation of natural resources, such as riparian corridors, wetlands, water recharge areas, and rare or endangered plant or animal habitat. PCD

Restaurant. (Use Type) Establishments engaged in the sale of prepared food and beverages for on-premise consumption or as “to-go”, excluding those uses classified as Bars and Drinking Establishments. Typical uses include full-service restaurants, fast-food restaurants, sandwich shops, ice cream parlors, and pizza parlors. The sale of alcoholic beverages is secondary to the sale of prepared food. “To-go” or fast-food restaurant use types are divided into the following categories:

With Drive-through. Restaurants which contain one or more drive-up windows, and may contain seating.

Without Drive-through. Restaurants where food and beverages are ordered and served at a table or walk-up counter, only. PCD

Retail Sales and Service. (Use Type) Establishments engaged in the sale of goods and merchandise or in providing personal services, excluding those uses classified under Animal Sales and Service, Automotive and Equipment, Business Support Services, Food and Beverage Retail Sales, and Mobile/Manufactured Home Sales Lots. Retail Sales and Service use types are divided into the following categories:

Indoor. Those retail sales establishments where merchandise is displayed and sales are conducted entirely within a building. Typical sales uses include hardware, auto parts, drug and discount, furniture, and sporting goods stores, and bakeries.

Outdoor. Those retail sales establishments where merchandise is displayed and sales are conducted entirely or partially outside of a building, such as landscape materials, lumber and construction material, and plant nursery sales.

Personal Services. Establishments engaged in the provision of services relating to personal improvement or appearance, such as barber shops, beauty salons, therapeutic message parlors, tailors, shoe repair shops, self-service laundries, and dry cleaners.

Temporary Outdoor Sales. The retail sales of merchandise displayed outside of a building or structure on a specified, temporary basis. Typical uses include sidewalk or parking lot sales, and farmers' markets. (See also "Seasonal Sales.") *PCD*

~~**Approving, or Issuing Review Authority.**~~ The agency, board, group, or other legally designated individual or authority which has been charged with review and approval of project plans and permit development applications. *PCD*

~~**Ridge.**~~ A raised land formation, such as a long narrow hilltop or range of hills.

Ridgeline. (1) A line connecting the highest points along a ridge and separating drainage basins or small-scale drainage systems from one another; or (2) The intersection of two roof surfaces forming the highest horizontal line of the roof.

River Put-In- and Take-Out. (Use Type) Sites and facilities for the put-in and take-out of rafts, canoes, kayaks, and other non-motorized watercraft primarily on the South Fork of the American River, which serve commercial outfitters or are open to the general public. *PCD*

Roads. As used in this Title, roads shall be categorized as follows:

Easement. A grant by the property owner of the use of his/her property to another person, the general public, or an entity such as a homeowner's association for transit, access, or egress purposes where legal title to the underlying land is retained by the property owner for all other purposes. A "prescriptive easement" can be claimed after continuous and open use by the non-owner against the rights of the property owner for a period of five years.

Right-of-Way. A strip of land acquired by fee title or easement that is occupied or intended to be occupied by certain transportation and/or public use facilities, such as roadways, walkways, trails, railroads, and/or utility lines, whether or not the entire area is actually used for such purpose(s). *NEW*

Rooming House. (Use Type) A single-unit or multi-unit dwelling where two or more individual bedrooms are rented by the property owner or manager in residence, for a period

exceeding 30 days, whether or not meals are provided, provided that no resident thereof requires any element of care. *PCD modified*

Salvage and Wrecking Yards. (Use Type) Establishments engaged in the dismantling of automobiles and other vehicles, equipment, machinery, or appliances; and the storage, sale, or dumping of such material and other materials, such as tires or scrap metal. *PCD*

Schools. (Use Type) Educational facilities and institutions including classrooms and associated administration offices, playgrounds, and assembly areas. Schools are divided into the following categories:

Colleges and Universities. Institutions of higher education operated by a public or private agency granting associated arts degrees, certificates, undergraduate and graduate degrees, and requiring at least at high school diploma or equivalent general academic training for admission.

Elementary and Secondary, Private. Schools operated by a private company, non-profit, or religious entity providing education to students from kindergarten through grade 12, excluding those categorized under Specialized Education and Training.

Elementary and Secondary, Public. Schools operated by a public school district serving students from kindergarten through grade 12. *PCD modified*

Seasonal Sales. The off site, outdoor, wholesale or retail sale of seasonal, holiday-related products, such as pumpkins and Christmas trees.

Secondary Dwelling. (Use Type) A residential unit, either attached or detached, with independent living, sleeping, dining, kitchen, and sanitation facilities that is accessory to the primary dwelling on a lot zoned for single-unit residential development. (See Section 17.40.300: Secondary Dwellings). *PCD*

Self Storage (Mini-storage). See “Storage, Self”.

Septic System. An on site sewage disposal system, including any combination of septic tanks and leaching or evaporative systems or areas, subject to the requirements of the El Dorado County Environmental Management Department. *INT*

Shade Structure. Awnings, arbors, gazebos, and similar structures used to provide shade, either attached to another structure or free-standing. See “Structure, arbor”. *PCD*

Sign. A structure or device designed or intended to convey information to the public or to identify, announce, or otherwise direct attention to a business, professions, commodity, service, or entertainment in written or pictorial form. Sign categories include the following:

Free-standing. A sign supported by one or more poles, columns, or braces placed in or on the ground and not attached to any building or structure. *PCD*

Monument. A sign placed upon a monument made of stone, masonry, or similar material and where such monument is not an integral part of a building or wall. *PCD*

Off-premises. A sign that advertises a use, product, or service conducted or available at a location other than the lot on which the sign is located, or that otherwise conveys information unrelated to an authorized activity on the lot on which the sign is located. *PCD*

Portable. A sign not permanently affixed to the ground or to a building, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a use, product, or service when that vehicle is so parked as to attract the attention of the motoring or pedestrian traffic public. *PCD*

Projecting. A sign that is attached to and projects more than six inches from the wall or face of a building or structure. *PCD*

Roof. A sign erected upon or attached to a roof or roof eave and extending above any portion of the roof. *PCD*

Temporary. A sign intended for use for a limited period of time, including banners, balloons, flags, pennants, and similar devices. *PCD*

Wall. A sign that is attached to a wall of a building. *NEW*

Ski Area. (Use Type) Land areas and facilities to accommodate downhill (alpine) skiing and snowboarding, to include ski lifts, day lodge, and restaurant facilities, but not overnight accommodations. *PCD*

Slaughterhouse. (Use Type) Establishments engaged in the commercial butchering of animals, including facilities dedicated for dead animal reduction and fat rendering. *PCD modified / Sac Co.*

Slope. The land gradient described as the vertical rise divided by the horizontal run and expressed in percent. *GP*

Solar Collection Systems. (Use Type) Any solar panel system or structural design feature whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling; for domestic, recreational, therapeutic, or service water heating; and for the generation of electricity. Generally, solar collection systems include active thermal systems and/or passive thermal systems. Active thermal systems include the use of photovoltaic panels or solar thermal collectors, with electrical or mechanical equipment to convert sunlight into useful outputs. Passive solar techniques include orienting a building to the sun, selecting materials with favorable thermal mass or light dispersing properties, and designing spaces that naturally circulate air. Active thermal systems increase the supply of energy, while passive solar techniques reduce the need for alternate resources. See Section 17.40.210: Solar Collection Systems. *NEW*

Snow Play Area. (Use Type) Areas used for snow play without developed facilities such as rope tows or ski lifts. *PCD*

Special Events. (Use Type) Temporary events that are usually held outdoors whether or not for compensation, such as auctions, carnivals, rodeos, concerts, and religious revival meetings. Special events may be further defined based on the use types below:

Special Events, Wineries. Events held on site that are not considered to be tasting or marketing activities, as described in Section 17.40.400 (Wineries), such as charitable, promotional, or facility rental events, including those listed under “Special events, Ranch Marketing”, below.

Special Events, Ranch Marketing. Events such as weddings, parties, company picnics, birthdays, reunions, or other social gatherings. See Section 17.40.260: Ranch Marketing. *PCD/NEW*

Specialized Education and Training. (Use Type) Private establishments providing training or education programs where all activities are carried on inside a building, ~~Typical uses include, but are not limited to~~ such as vocational schools, drama, dance or music studios, language schools, ~~and~~ computer training centers, and similar non-industrial type uses. *PCD*

~~**Special Flood Hazard Area.** An area having special flood or flood related erosion hazards, as shown on the Flood Hazard Base Map (FHBM) or Flood Insurance Rate Map (FIRM) as Zone A1—A9, A14, A24, and B. *PCD*~~

Stables. (Use Type) Stables are divided into the following categories:

Commercial or Riding. Facility for keeping horses available to the public for hire. This may also include larger facilities that specialize in equestrian training, exhibitions, and boarding; and their accessory structures, such as arenas, spectator stands, and training facilities. Commercial stables do not include the keeping of horses for personal use, training, or horse boarding consistent with a home occupation. *PCD*

Private. An accessory building to a primary residential use that is used to shelter horses and other domestic farm animals for the exclusive use of the property owner or occupant, or for training and horse boarding consistent with a home occupation. (See Article 4. Section 17.40.170: Home Occupations). *PCD*

Start of Construction. The date the building permit was issued, provided the actual construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. For the purposes of floodplain management, permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of street or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the

installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For other purposes, permanent construction shall include all of the above activities. *PCD*

Storage, Self. (Use Type) A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access units, stalls, or lockers for the storage of customers' goods or wares. (See Section 17.40.320: Storage Facilities) *APA*

Storage Yards: Vehicle, Equipment, and Material. (Use Type) All uses related to outdoor storage of large construction equipment or machinery, company vehicles, and materials produced or constructed on site for off site sales and/or delivery. Parking lots accommodating the personal vehicles of employees or visitors to the site are not included in this definition. Equipment and Materials Storage Yards are divided into the following categories:

Permanent. Those storage yards that are intended to be used on a permanent or long-term basis including, but not limited to, contractor's storage yard(s), corporation yards, and incidental outside storage associated with transportation corridor, manufacturing, **farming, ranching, or logging machinery**, and resource extraction operations.

Temporary. Those storage yards that serve a single construction project and which shall be removed after a specified period of time. (See Section 17.40.320: Storage Facilities) *PCD*

Stream. A natural or man-made channel through which water flows. It does not include channels and ditches lined with concrete or similar impervious material that are devoid of riparian vegetation, nor does it include underground drainage and sewer systems. The term can be interchangeable with "watercourse" or "river". Types of streams are as follows:

Intermittent. Defined and normally flowing for at least 30 days after the last major rain of the season and dry the remainder of the year. *INT*

Perennial. Either shown on the USGS 7.5 minute map series as a solid blue line or normally flowing year round. *PCD*

Structure. Something built or erected from multiple parts, such as a building, bridge, framework, or other object, and is 30 inches or greater in height at its tallest point, as measured from the finished grade directly below said point. Specific types of structures are further defined as follows:

Accessory. A subordinate building detached from and incidental to the principal building on the same lot. In this instance, "detached" shall mean not sharing a common wall with any portion of the principal building. For example, a breezeway connecting two buildings does not create a shared common wall between them; therefore the buildings are considered detached from each other. (See Article 4, Section 17.40.030: Accessory Structure and Uses). *PCD*

Agriculture. (Development Standards) Any structure associated with agricultural activities on a lot including, but not limited to barns, stables, and animal shelters; storage facilities for animal feed, farm machinery, and chemicals; and buildings to contain growing, processing, packing, storage, and sale of an agricultural product. For purposes of determining development standards as to setbacks, the use of any portion of a building for any of the agricultural purposes listed herein causes the entire building to be treated as an agricultural structure. *NEW*

Arbor. A framework structure used to support vegetation that forms a covered area from interwoven leaves and branches in order to provide shade. Also known as a “pergola”. *NEW*

Building. A structure having a roof supported by columns or by walls, and designed for the shelter or housing of any person, animal, use, or personal property. *Source: 17.060.050(K) modified.*

Historic. Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on the County inventory of historic places, if and when a historic preservation program has been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs. *Flood Damage Prevention Ord.*

Trellis. A framework for the support of climbing vegetation that differs from an arbor in that it does not provide a covered area. *NEW*

Studio. See “Workshop”.

Substantial Damage.

1. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before damage occurred; or
2. Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. This is also known as ‘repetitive loss.’

Substantial Improvement. Any repair, reconstruction, or improvement to a structure, the cost of which exceeds 50 percent of the market value of the structure, before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” regardless of the actual repair work performed. The term does not include any alteration of a “historic structure” provided the alteration will not preclude the structure’s continued designation as a “historic structure.” (See Appendix: “Checklist for Determination of Substantial Improvement”). *NEW*

Swimming Pool, Public. (Use Type) Publicly owned swimming pools and pools that are part of a private recreation facility operated by a membership club or a homeowners’ association, as part of a subdivision. *PCD Modified*

Tandem Parking. Two or more parking spaces aligned end to end so that a vehicle occupying one space must move to access the second space. *PCD*

Technical Advisory Committee. A committee consisting of the Department staff assigned to a project and representatives of other county, local, and state agencies having jurisdiction or interest in the project. *NEW*

Temporary Mobile Home. (Use Type) A mobile or manufactured home placed on a single-unit residential lot, as a temporary dwelling unit accessory to an existing primary dwelling. (See Sections 17.40.190: Mobile/Manufactured Homes and 17.52.060: Temporary Mobile Home Permit). *PCD*

Temporary Use. A short-term activity lasting more than one hour within any 24-hour period, not usually requiring permanent structures, and not exceeding the frequency of use allowed in Section 17.52.070 (Temporary Use Permit). *NEW*

Tennis Courts, Public. (Use Type) Publicly owned tennis courts and tennis courts that are part of a private recreation facility operated by a membership club or a homeowners’ association, as a part of a subdivision. *PCD Modified*

Timber. (Use Type) The growing and harvesting of trees, whether planted or of natural growth, standing or down, including Christmas trees and nursery stock for restocking commercial forest land. *Ord: 17.44.030.A*

Top of Bank. The visible high water mark of any lake, stream, or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil. (See Subsection 17.30.030.H: Riparian Setbacks).

Tower, Communications. A free-standing lattice work structure, pole, monopole, or guyed tower used to support antennae. (Ord. 4589, 2001.) (See Section 17.40.130: Communication Facilities).

Trade Schools. (Use Type) Private establishments providing vocational training or education programs of an industrial nature where activities can be carried on inside or outside of a building. Typical uses include, but are not limited to training in auto repair, welding, or truck driving. *NEW*

Trail Head Parking or Staging Area. (Use Type) Parking lots, restrooms, and similar non-commercial facilities for the convenience of hikers, equestrians, cyclists, and skiers at a trail head or intersection of a trail and road easement or right-of-way. *PCD*

Trails, Non-motorized. (Use Type) A path or track linking other paths and points of interest for the use of non-motorized vehicle traffic, such as hiking or horseback riding.

Transitional Housing. (Use Type) A dwelling unit or building used for temporary housing for up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing differs from an “emergency shelter” in that it includes self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible. Rents and service fees are limited to an ability-to-pay formula reasonably consistent with U.S. Department of Housing and Urban Development requirements for subsidized housing for low-income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents in moving to permanent housing. (HSC 50801)

Trellis. See “Structure”.

Undevelopable Land. Land that is not suitable as a location for structures and infrastructure, such as (1) Lakes, rivers, and perennial streams; (2) Wetlands that meet the Army Corps of Engineers definition of jurisdictional wetlands; (3) Areas with 30 percent or steeper slopes; (4) Areas encumbered by road and/or public utility easements; or (5) Other land that cannot be developed because of regulatory limitations that would preclude structures or infrastructure. *PCD Modified*

Use, Accessory. See “Accessory Structures and Uses”.

Vacation Home Rental. (Use Type) See “Lodging Facilities”.

Vehicle, Heavy Commercial. Vehicles used for commercial purposes that typically exceed the size and weight of passenger vehicles and generate additional noise. These vehicles include, but are not limited to tow trucks, dump trucks, truck tractors with or without semitrailers, flat bed trucks over one ton load capacity, fork lifts, front end loaders, backhoes,

logging vehicles, graders, bulldozers, and other similar construction equipment. Heavy commercial vehicles do not include pickup trucks of one ton load capacity or less. *PCD*

Warehouse. See “Wholesale Distribution”.

Water Feature. A design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools where water is artificially supplied. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features. *NEW*

~~**Wells.** (Land use.) Private water wells used for domestic consumption or for irrigation use for residential or agricultural purposes. *PCD*~~

Wet Bar. A single, bar-sized sink with minimal cabinets and counters. A wet bar shall not include a gas or electric range, stove top, or oven (not including a microwave oven); a refrigerator in excess of 5 cubic feet in size; or a standard-sized kitchen sink. *TRPA modified*

Wetland. Land that qualifies as a jurisdictional wetland by displaying hydric soils, hydrophilic plants, and wetlands hydrology, as defined by the U.S Army Corps of Engineers. Wetlands include those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. *INT*

Wholesale Distribution. (Use Type) Establishments engaged in wholesaling, storage, warehousing, and bulk sale distribution. It does not include uses classified under “Equipment and Materials Storage Yard”. *PCD*

~~**Williamson Act Contract.** (Use Type) A contract authorized under the California Land Conservation Act of 1965 (Government Code Section 51200 et seq.) permitting the preservation of land devoted to agriculture and its compatible uses for a minimum term of 10 years, in return for a tax assessment based on its agricultural use rather than its market value (See Section 17.40.050: Agricultural Preserves and Zoning, etc). *NEW*~~

Wineries. (Use Type) Facilities, **including wine caves, that produce and bottle** wine for sale. Wineries are divided into the following categories:

Production Facilities. Those facilities used for production and bottling without tasting room and accessory retail sales facilities.

Full-service Facilities. Those facilities used for production, bottling, wine tasting, and retail sales of wine and other incidental goods. (See Section 17.40.400 Wineries). *PCD*

Workshop. A residential accessory structure typically associated with craftwork, hobbies, woodwork, artwork, and similar activities by the property owner or lessor, which does not

contain sleeping quarters or kitchen facilities, and is not intended for permanent occupancy.
NEW

Yards. ~~Generally,~~ The area of a lot extending between the property line and its setback line as follows:

Front Yard. An area extending across the full width of a lot between the edge of any road easement or right-of-way and the front setback line for the zone. Where a lot adjoins more than one road, all portions of the lot between the front setback lines and the road easements or rights-of-way shall be considered front yards. (See: 17.30.030: Setback Requirements and Exceptions). *PCD modified*

Rear Yard. An area extending across the full width of a lot between the rear lot line, or point if a triangular lot, and the rear setback line for the zone.

Side Yard. Area(s) across the full length of a lot between the front and rear property lines that extends between the side property line(s) and the side setback line(s) for the zone.

El Dorado County Zoning Ordinance Revision

Rural Lands

EDAC Rural Lands Work Group
November 12, 2011

Preface

The initial paper on rural lands was a community-based, grass roots effort, borne from economic necessity and the experience of citizens residing on rural lands in the Rural Regions of El Dorado County. This grass roots effort was substantially expanded through regular participation in the Economic Development Advisory Committee (EDAC) Regulatory Reform Subcommittee. Key issues for rural lands emphasized the need for rural commerce/jobs to enable rural land owners to stay economically viable on their lands, thereby preserving the long-term viability of rural lands as such.

Additionally, the 2010 California Regional Progress Report, One State, Many Regions, Our Future Tracking Progress toward Sustainability, December 2010, revealed troublesome trends for rural lands in rural regions of California (see Appendix A). However, a study of rural communities in El Dorado County prepared for the Sierra Economic Development by Wade Associates recommended opportunities for the sustainability of rural lands in El Dorado County:

- Develop and strengthen entrepreneurial/self-employment opportunities
- Identify opportunities for the expansion of business in the rural community
- Take advantage of opportunities for ecological and cultural tourism/education, building on the cultural and historical base of the area

The EDAC Rural Lands Work Group held numerous work group and community meetings always with the goal of preserving rural lands, the rural lifestyle, and the ability of people to remain on their rural lands. The Rural Lands Work Group presented recommendations for rural lands to the Board of Supervisors on July 25 and October 24 of 2011, and to the Planning Commission on September 8 and 22, 2011 in public meetings. A Rural Lands white paper was published on the Board of Supervisors July 25th agenda as EDAC Exhibit 4.d, Item 2.

Our sincere appreciation is offered to staff and the many dedicated citizens who worked diligently and who spent hundreds of volunteer hours patiently sharing ideas to help preserve rural lands and the rural lands lifestyle. With years of professional experience under their belts, these concerned citizens worked alongside staff tirelessly to preserve the rural lands of El Dorado County.

No one can deny that we live in economically challenging times, however, to quote one participant:

“Living on rural lands does not have to mean living poor.”

Rural Lands Executive Summary

The Objectives for Rural Lands in the Rural Regions of El Dorado County are as follows:

- Protect the viability of rural lands by providing economic opportunities (jobs) in Rural Regions
- Provide economic opportunities (jobs) to support El Dorado County rural lands without dependence on land splits or land sales
- Support El Dorado County with income-producing ventures to help reduce local revenue losses (approximately \$800 million annually) to adjacent areas
- Reduce local trips in compliance with EDC General Plan and State directives
- Improve air quality via reduced trips for rural land owners, recreationists and tourists
- Support the Principles of the General Plan Economic Development Element, which include opportunities for positive economic growth, a full range of local employment opportunities, a more diversified local economy, greater capture of tourism, increased retail sales, land use guidelines which create opportunity to further economic self-sufficiency and maximize economic multiplier effects, maximize the economic potential of the County's natural resources, and reduce out-of-County retail purchase and employment travel. (pg. 347 General Plan)

With these Objectives in mind, the Recommendations for the Preservation of Rural Lands are as follows:

1. Modify the Rural Lands (RL) Zone to allow rural commerce/working landscapes in Rural Regions
2. Move the RL Zone to Residential Zones (Chapter 17.24)
3. Establish expanded Rural Lands Home Occupations in Rural Regions
4. Modify Special Purpose Zones (Chapter 17.25) to be more relevant to recreational facilities in rural lands
5. Modify Rural Residential Zones (RE-5, RE-10) to permit multiple uses
6. Allow Commercial and Industrial uses in Rural Regions
7. Allow AE zoned lands rolled out of the Williamson Act to opt in to:
 - the RL zone (Chapter 17.24) if RR land use or
 - RE 5-10 or RL 10 if LDR land use or
 - another appropriate zone

Modify the Rural Lands (RL) Zone to Allow Rural Commerce/Working Landscapes in Rural Regions

The following definition of the RL Zone and land uses were developed by the EDAC Rural Lands Work Group and meetings with County Planning Staff.

A. Rural Lands Zone Definition:

The RL, Rural Lands Zone, is intended to identify those lands that are suitable for limited residential development based on topography, access, groundwater or septic capability, and other infrastructural requirements. This zone is intended to recognize that resource-based industries in the vicinity may impact residential uses. Commercial support activities that are compatible with the available infrastructure may be allowed within this zone to serve the surrounding rural and agricultural communities. For special setback purposes, the RL zone is not considered to be an agricultural or timber zone. Minimum lot size designators shall be applied to this zone based on the constraints of the site, surrounding land use pattern, and other appropriate factors. The designator shall represent the minimum number of acres and shall be in the following increments: 10, 20, 40, 80, and 160.

B. Examples of Rural Land (RL) Zone Land Uses (see separate Chapter 17.24 EDAC for complete matrix of permitted uses and permit requirements):

Residential: residential land use is primary but allows agriculture by right

Agricultural: includes grazing and croplands by right, barns, produce sales, wineries

Commercial: including but not limited to animal sales and services, dining facilities, lodging facilities including Agricultural Homestays, education and training, health and wellness centers, health resorts and spas, commercial kitchens, retail nursery, outdoor retail sales, retail sales and services including personal services, dude ranches, ranch marketing, retreat facilities

Industrial: including custom production services, mineral exploration

Recreation and Open Space: recreational facilities including campgrounds, hunting and fishing clubs/farms/facilities, picnic areas, hiking and equestrian trails, commercial riding stables, recreational vehicle parks, ski & snow play areas, equestrian facilities, trail head parking and staging areas

Civic: such as Cultural Centers, Living History Facilities/Museums, Clubs, Lodges, and Private Meeting Halls

Transportation: Airports, Airstrips and Heliports

Move the Rural Land (RL) Zone to Residential Zones (Chapter 17.24)

The Rural **Residential** (RR) Land Use Designation in the General Plan establishes residential use within Rural Regions as **PRIMARY**:

- Rural Residential (RR) is a Residential Land Use Designation
(pg. 398 of the General Plan)

- “Establishes areas for residential and agricultural development”
(pg. 16 GP; residential listed as primary use)

- “Typical uses include single-family residences, agricultural support structures, a full range of agricultural production uses, recreation, and mineral development activities”
(pg. 16 GP, residential use listed as primary)

- Rural Residential is a transition land use designation between Low-Density (LDR) and Agricultural Lands according to Policy 2.2.1.2 (pg. 16 GP) and Table 2-1 (pg. 14 GP)

- “The RR designation shall be used as a transition between LDR and the Natural Resource (NR) designation.”
(pg. 16 General Plan)

- “Clustering of residential units in allowable densities is encouraged.”
(pg. 16 General Plan)

Home Occupation Standards for Rural Lands

Needs and standards for home based occupations in rural versus urban/suburban areas of El Dorado County can be quite distinct. Recommendations for home occupations on rural lands are summarized as follows:

- Rural home occupations on larger parcels should allow more employees, use of outdoor structures, a greater range of occupation type, retail sales, on-site customers

- Home occupations excluded from urban/suburban/smaller parcels should be allowed in Rural Regions on larger parcels such as:
 - horse boarding and riding lessons, cottage commercial kitchens, equipment repair, vehicle repair and maintenance, carpentry, cabinet making, large scale upholstery, welding and machining

- Visitor serving occupations should be allowed in historical, recreational and natural resource areas

- Publicly maintained roads such as highways/county roads, could be a standard for some Rural Lands Home Occupations

Modify Special Purpose Zones (Chapter 17.25) to Allow More Uses

Purpose and Intent of Special Purpose Zones:

- To identify areas suitable for public and private recreational opportunities and facilities
- To provide opportunities for tourism and recreation-based businesses to develop in appropriate areas of the County

Recommendation: In Rural Regions, allow more uses on Recreational Facilities, including residential; make the RFL and RFH Zones more useful; support the General Plan Policies, Objectives, and Principles of Economic Development Element; and improve revenue to the County.

General Plan: The General Plan promotes tourism and recreation-based rural commerce. Leveraging private lands for economic development through tourism, recreation-based business, and visitor-serving business is encouraged by the General Plan.

- Policy 9.2.3.5 Encourage private sector development, operation, and maintenance of recreation facilities.
- Objective 9.3.1: Encourage additional recreation/tourism businesses and industries.
- Objective 10.1.6: Capture a greater share of retail and tourist dollars within the County by providing opportunities to establish new tourist-related commercial operations while promoting and maintaining existing tourist commercial operations.
- Policy 10.1.6.1: Encourage expansion of the types of local industries that promote tourism including but not limited to Christmas tree farms, wineries, outdoor sports facilities, Apple Hill and other agricultural-related activities, the County Fairground, bed and breakfast inns, and ranch marketing activities.
- Objective 9.3.4: Recognize the values of historical resources in preserving the County's cultural heritage and for contributing to tourism, recreation, and the economy of the County.
- Policy 8.2.4.3 Visitor serving uses may include but are not limited to: recreational fishing, camping, stables, lodging facilities, and campgrounds.

(Refer to Chapter 17.25 Special Purpose Zones EDAC matrix for permitted uses.)

The Importance of Tourism, Visitor Serving, and Recreation-Based Opportunities in El Dorado County

- Tourism fills a critical role in diversifying and stabilizing rural economies
- Tourism in California annually generates more than \$95.1 billion in direct travel spending into the economy
- Tourism directly supports jobs for 873,000 Californians
- Tourism generates \$6.1 billion in direct state and local tax revenues in California
- Tourism can help preserve rural lands, including rural lands on larger parcels, early California history, and natural resources
- Tourism can be an important means of helping generate revenue to the County
- Tourism is a commodity, no less so than agriculture
- California is the number one travel destination in the United States
- International visitor spending alone in California in 2010 was more than the combined value of the state's top four product exports
- As of 2007, tourism was California's fifth largest export industry employer – following business, health services, manufacturing and finance – and employs more persons than agriculture, transportation, information and educational services
- Tourism was one of only four state industries to show positive growth in employment between September 2009 and September 2010
- In March 2010, President Obama created the country's first national tourism marketing program - the Travel Promotion Act - to market the U.S. as a tourism destination abroad with a \$200 million marketing plan for global travel. California, already host to over 18% of overseas travelers to the U.S., is well suited to benefit from these national marketing and communications efforts at both statewide and local levels
- Tourism is remarkably resilient, weathering down economies better than most other industries. This provides much needed tax revenues at both local and state levels, and reduces unemployment levels around the state

From the White Paper on California Tourism, a white paper produced by multiple key professional travel organizations in June, 2011

Conclusion

Revisions to the General Plan Zoning Ordinance are critical to sustaining rural lands in El Dorado County. Rural lands can be working, productive landscapes and thereby 1) help sustain the viability of rural lands in El Dorado County and 2) discourage lands splits and land sales to developers. Thoughtful land use planning is required:

“The land choices we make have many unintended and unanticipated consequences on our lives—how far we live from our work; our housing and transportation costs; the safety of our communities; **the economic vitality of our rural areas**; and the health impacts of air pollution and inactive lifestyles on our children and the general population.” (2010 California Regional Progress Report, One State, Many Regions, Our Future, Page 22).

This document on Rural Lands concludes with the following thoughts:

“Economic competitiveness and access to opportunity are the foundation for a prosperous and thriving community and region.”

“Without a diversified, innovative, equitable, and resource efficient economy that produces a range of quality jobs, it will be difficult to generate the economic opportunity necessary to raise living standards and provide the public revenues and services that contribute to the community quality of life. The current recession is showing the importance of these connections. As the economy has faltered, declining business revenues, property values, and individual incomes have dramatically reduced public sector revenues, contributing to funding shortfalls for public services. This has strained the ‘vital cycle’ of public services and revenues that support further economic and community progress.”

2010 California Regional Progress Report,

One State, Many Regions, Our Future Page 42

Appendix A

The 2010 California Regional Progress Report, One State, Many Regions, Our Future Tracking Progress toward Sustainability, December 2010, states several trends impacting the sustainability and viability of rural lands:

- The impacts of the global economic recession are far-reaching and profound and will fundamentally transform the way we live, work, use technology, plan our communities, invest in infrastructure, and manage our natural resources, while opening the opportunities to restructure these things in more sustainable ways. (Page 14)
- Many rural areas are experiencing aging populations and workers, fewer new workers and young families, and the loss of or inability to grow or attract jobs.
- California has been hard hit by the global recession, with some of the highest job losses and unemployment rates in the nation. (Page 9)
- An emerging trend of loss of population for some of California's counties within rural regions that are geographically beyond urban "commute sheds".
- As huge numbers of existing homes change hands, some properties, especially foreclosures, are purchased by real estate investors and speculators. With homebuyer tax credits expired, investors are re-entering the market in a major way. (Page 11)
- Reducing growth in the rates of vehicle miles traveled in the long term would indicate progress towards land use and transportation efficiency and help achieve AB 32 goals, including improved air quality. (Page 25)
- California's rural regions account for over a third of its land area. These sparsely populated areas, with few or no incorporated cities, have some of the most famous, varied, and visited natural landscapes in the world. (Page 7)
- While most evident in rural California, the aging of the population is rapidly changing the future of the entire state by retiring.
- *These trends have serious implications for the economic viability of California's rural regions.*

CHAPTER 17.24 – RESIDENTIAL ZONES

Sections:

- 17.24.010 Purpose and Intent
- 17.24.020 Matrix of Permitted Uses
- 17.24.030 Residential Zone Development Standards

17.24.010 Purpose and Intent

- A. The purpose of this Chapter is to achieve the following:
1. Provide a set of residential zones that will distribute residential growth and development in a manner that utilizes infrastructure in an efficient, cost-effective manner, and furthers the implementation of the General Plan's Community Region, Rural Center, and Rural Region concept areas (GP Objective 2.2.1)
 2. Identify neighborhood areas suitable for residential living and residential population ranges consistent with the General Plan (Policy 2.2.1.3).
 3. Provide development standards that maintain and enhance the existing community identity and the scale and character of rural and suburban communities, by emphasizing both the natural setting and built design elements which contribute to the quality of life, economic health, and community pride of County residents. (GP Goal 2.4)
 4. Identify and meet County standards for public health, safety, welfare, and aesthetics by ensuring minimum standards for light, air, privacy, and open space for each dwelling are met, and by protecting residential neighborhoods from excessive noise, illumination, unsightliness, odor, smoke, and other nuisances.
 5. Provide lands to accommodate housing to meet the diverse economic and social needs of all County residents and to meet the housing needs of targeted income levels as identified in the Housing Element of the General Plan.
- B. This Chapter lists the land uses that may be allowed within the residential zones established by Section 17.12.020 (Zoning Map and Zones), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.
- C. The purposes of the single-unit and multi-unit residential zones and the manner in which they are applied are as follows:

1. **Multi-unit Residential (RM).** The RM, Multi-unit Residential Zone is intended to identify those lands which are most capable of supporting the highest density of development within the County, based on topography, infrastructure, and circulation availabilities and constraints, as well as proximity to employment centers, public facilities, recreation, and shopping. It is further intended to regulate and promote the development of multi-unit dwellings, including apartments, condominiums, and townhouses, while ensuring compatibility with adjacent lower density residential neighborhoods. Detached residential dwellings are also considered an appropriate type of development providing the minimum density standards of this Chapter are met. It is further intended that this zone be utilized in Community Regions and Rural Centers to meet affordable housing goals identified in the Housing Element of the General Plan. Mobile home and manufactured home land lease development shall also be permitted within this zone (see GP Policy 2.2.1.2).
2. **Single-unit Residential (R).** The Single-unit Residential Zone is intended to protect the residential characteristics of an area and to promote a suitable environment for residential living. It is further intended to promote and regulate the development of higher density, single-unit dwellings, and accessory structures and uses. Minimum lot size designations of R1 and R20K are applied to this zone based on surrounding land use compatibility, and physical and infrastructural constraints. Said designations represent the minimum lot size in 6,000 and 20,000 square foot units, respectively.
3. **One-acre Residential (R1A).** The R1A, One-acre Residential Zone, is intended to create a more dispersed residential character to an area and to minimize required services by providing for and regulating medium density residential development at the highest range of one dwelling unit per acre. Accessory structures and uses and limited agricultural pursuits are considered compatible with this zone.
4. **Two-acre Residential (R2A).** The R2A, Two-acre Residential Zone, is intended to create a more dispersed residential character to an area and to minimize required services by providing for and regulating medium density residential development at the mid-range of one dwelling unit per two acres. Accessory structures and uses and limited agricultural pursuits are considered compatible with this zone.
5. **Three-acre Residential (R3A).** The R3A, Three-acre Residential Zone, is intended to create a more dispersed residential character to an area and to minimize required services by providing for and regulating the development of medium density residential development at the lowest range of one dwelling unit per three acres. Accessory structures and uses and limited agricultural pursuits are considered compatible with this zone.

6. **Residential Estate (RE).** The RE, Residential Estate Zone is intended to preserve the rural character of an area and to minimize required services by providing for and regulating the development of low density and rural residential development at a range of densities to include one dwelling unit per five acres and one dwelling per 10 acres. Minimum lot size designations of –5 and –10 are applied to this zone based on surrounding land use compatibility, physical and infrastructural constraints, and General Plan land use designation. Said designations represent the minimum number of acres permitted for each lot. Accessory structures and uses and agricultural pursuits are considered compatible with this zone.
7. **Rural Lands (RL).** The RL, Rural Lands Zone, is intended to identify those lands that are suitable for limited residential development based on topography, access, groundwater or septic capability, and other infrastructural requirements. This zone is intended to recognize that resource-based industries in the vicinity may impact residential uses. Commercial support activities that are compatible with the available infrastructure may be allowed within this zone to serve the surrounding rural and agricultural communities. For special setback purposes, the RL zone is not considered to be an agricultural or timber zone. Minimum lot size designators shall be applied to this zone based on the constraints of the site, surrounding land use pattern, and other appropriate factors. The designator shall represent the minimum number of acres and shall be in the following increments: 10, 20, 40, 80, and 160.

17.24.020 Matrix of Permitted Uses

Uses are permitted in the following zones subject to the requirements of this Title as designated in Table 17.24.020 below:

Table 17.24.020 Residential Zone Use Matrix

RM: Multi-unit Residential R1, R20K: Single-unit Residential R1A: One-acre Residential R2A: Two-acre Residential R3A: Three-acre Residential RE: Residential Estate RL: Rural Lands	P Permitted use A Administrative Permit required (17.52.010) CUP/ Conditional Use Permit / MUP Minor use Permit required (17.52.020) TMA Temporary Mobile Home Permit required (17.52.050) T Temporary use permit required (17.52.060) — Use not allowed in zone							
LAND USE	PERMIT REQUIRED BY ZONE							Specific Use Regulation
	RM	R1, R20 K	R1A	R2A	R3A	RE	RL	

RM: Multi-unit Residential	P Permitted use A Administrative Permit required (17.52.010) CUP/ Conditional Use Permit / MUP Minor use Permit required (17.52.020) TMA Temporary Mobile Home Permit required (17.52.050) T Temporary use permit required (17.52.060) — Use not allowed in zone							
R1, R20K: Single-unit Residential								
R1A: One-acre Residential	PERMIT REQUIRED BY ZONE							
R2A: Two-acre Residential								
R3A: Three-acre Residential	RM	R1, R20 K	R1A	R2A	R3A	RE	RL	Specific Use Regulation
RE: Residential Estate								
RL: Rural Lands								
LAND USE								
Residential								
Child Day Care Home: Small Family Day Care Home	P	P	P	P	P	P	P	17.40.110
Large Family Day Care Home	CUP	A	A	A	A	A	A	
Construction Trailer, Contractor's Office: On-site	P	P	P	P	P	P	P	17.40.190
Community Care Facility: Small (serving 6 or fewer)	—	P	P	P	P	P	P	
Large (serving 7 or more)	—	CUP	CUP	CUP	CUP	CUP	CUP	
Dwelling: Multi-unit	P	—	—	—	—	—	—	
Single-residential, Attached	P	P	—	—	—	—	—	
Single-residential, Detached	P ¹	P	P	P	P	P	P	
Temporary During Construction	—	P	P	P	P	P	P	17.40.190
Guest House	—	P	P	P	P	P	P	17.40.160
Hardship Mobile Home	—	TMA	TMA	TMA	TMA	TMA	TMA	17.40.190
Kennel, Private	—	—	—	—	—	CUP	CUP	
Mobile/Manufactured Home Park	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Rooming House	P	—	—	—	—	A	A	
Room Rental: One Bedroom Only	—	P	P	P	P	P	P	
Secondary Dwelling	—	P	P	P	P	P	P	17.40.300 17.40.050
Transitional Housing: Small (serving 6 or fewer)	P	P	P	P	P	P	P	17.40.360
Large (serving 7 or more)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Vacation Home Rental	A	A	A	A	A	A	A	17.40.370

RM: Multi-unit Residential R1, R20K: Single-unit Residential R1A: One-acre Residential R2A: Two-acre Residential R3A: Three-acre Residential RE: Residential Estate RL: Rural Lands	P Permitted use A Administrative Permit required (17.52.010) CUP/ Conditional Use Permit / MUP Minor use Permit required (17.52.020) TMA Temporary Mobile Home Permit required (17.52.050) T Temporary use permit required (17.52.060) — Use not allowed in zone							
LAND USE	PERMIT REQUIRED BY ZONE							Specific Use Regulation
	RM	R1, R20K	R1A	R2A	R3A	RE	RL	
Agricultural								
Agricultural Employee Housing	---	---	---	---	---	A/ CUP	P/A/ CUP	17.40.120
Animal Raising and Keeping	—	CUP	P	P	P	P	P	17.40.070
Barns, Stables_ - Private Storage Structures	—	—	P	P	P	P	P	17.40.030
Cropland	—	—	—	—	P	P	P	
Grazing	—	—	—	—	P	P	P	
Nursery, Wholesale	—	—	—	—	—	P/CU P	P	
Orchards and Vineyards	—	—	—	—	P	P	P	
Outdoor Retail Sales, Temporary	---	---	---	---	---	T	A/T	17.40.220
Packing:								
On-site	—	—	—	—	—	P	P	
Off-site							A	
Processing Produce	—	—	—	—	—	CUP	CUP	
Produce Sales	—	—	TUP	TUP	T/ MUP	A/ MUP	P/ MUP	17.40.240
Timber	---	---	---	---	---	P	P	17.40.050 17.40.350

Commercial								
Agricultural Support Services	-----	-----	-----	-----	-----	P/C UP	P/A/C UP	
Animal Sales and Services						P/C UP	P/CUP	
Dining Facilities/Restaurants	---	---	---	---	---	CUP	CUP	
Breweries						CUP	CUP	
Commercial Stables						CUP	CUP	
Equipment Repair	---	---	---	---	---	P/C UP	P/CUP	
Home Occupation	P	P	P	P	P	P/A/ CUP	P/A/C UP	
Kennels, Commercial						CUP	CUP	
Kitchen; Commercial	---	----	---	---	---	CUP	CUP	
Lodging Facilities: Bed and Breakfast Inn		CUP	CUP	CUP	CUP	CUP	CUP	
Agricultural Homestays	---	-----	-----	-----	-----	A/C UP	A/CUP	
Office, Professional						A/C UP	A/CUP	
Nursery; Retail	---	---	---	---	---	CUP	CUP	
Ranch Marketing	---	---	---	---	---	CUP	P/CUP	
Retreat (includes retreats, health resorts/spas, education/training)							P/CUP	
Retail Sales and Service:								
Personal Services	---	---	---	---	---	---	P	
Temporary Outdoor	---	---	---	---	---	---	A/T	17.40.220
Outdoor Retail Sales	---	---	---	---	---	A	A	17.40.220

Vehicle Repair and Maintenance	---	---	---	---	---	CUP	P/CUP	
Winery	---	---	---	---	---	CUP	CUP	17.40.400
Industrial								
Equipment and Material Storage Yard: Temporary	T	T	T	T	T	T	T	17.40.320
Permanent	---	---	---	---	---		CUP	17.40.320
Wholesale Distribution	---	---	---	---	---	P	P	
Mineral Exploration	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	Chapter 17.29
Mining	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Mineral Production						CUP	CUP	
Custom Production/Services	---	---	---	---	---	A/CU P	A/CU P	
Recreation and Open Space								
Campground	---	---	---	---	---	CUP	CUP	
Recreational Vehicle Park	---	---	---	---	---	CUP	CUP	
Golf Course	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Hiking and Equestrian Trails	P	P	P	P	P	P	P	
Hunting/Fishing Club, Farm, or Facility and Support Facilities	---	---	---	---	---	CUP	A/CU P	
Marina, Non-Motorized Craft	---	---	---	---	---	CUP	P/CU P	
Picnic Area	CUP	CUP	CUP	CUP	CUP	P/MU P	P	
Recreational Facilities, Commercial	CUP	CUP	CUP	CUP	CUP	A/CU P	A/CU P	Expand definition to include outdoor day use on rural lands
Resource Protection and Restoration	P	P	P	P	P	P	P	
Ski & Snow Play Areas	---	---	---	---	---	---	CUP	17.40.210
Dude Ranch						CUP	A/CU P	
Special Events, Temporary						T	T	
Trail Head Parking and Staging Area	---	CUP	CUP	CUP	CUP	CUP	CUP	17.40.210

Civic									
Cemeteries	CUP	CUP	CUP	CUP	CUP	CUP	CUP		
Churches and Community Assembly	CUP	CUP	CUP	CUP	CUP	CUP	CUP		
Community Services; Cultural Centers, Living History Facilities	CUP	CUP	CUP	CUP	CUP	CUP	A/CUP P		
Clubs, Lodges, and Private Meeting Halls, Conference Center, Research Facility	CUP	CUP	CUP	CUP	CUP	CUP	CUP		
Intensive Public Facilities	---	---	---	---	---	CUP	CUP		
Parks, Day Use						CUP	CUP		

Transportation									
Airports, Airstrips and Heliports	---	---	---	---	---	---	CUP		17.40.070
Private Schools: Elementary and Secondary	CUP	CUP	CUP	CUP	CUP	CUP	CUP		
Utility									
Communication Facility	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP		17.40.130
Public Utility Structures and Services: Intensive	CUP	CUP	CUP	CUP	CUP	CUP	CUP		17.40.250
Public Utility Structures and Services: Minor Utility Structure	P	P	P	P	P	P	P		
Solar Collection System	---	---	---	---	---	CUP	A		
Wind Energy Conversion System	See Table 17.40.390.1 (WECS Use Matrix)								17.40.390
NOTES:									
¹ By Development Plan Permit, only									

17.24.030 Residential Zone Development Standards

Permitted uses and associated structures shall comply with the following development standards in Table 17.24.030 below, in addition to any other applicable requirements of this Title:

Table 17.24.030 Residential Zones Development Standards

Development Attribute	RM	R1	R20K	R1A	R2A	R3A	RE	RL
Minimum Lot Size for Interior Lot	6,000 sqft	3,500 sqft	20,000 sqft	1 acre	2 acre	3 acre	5 acre or as designated	10 acres
Minimum Lot Size for Corner Lot	7,500 sqft	4,000	20,000 sqft	1 acre	2 acre	3 acre	5 acres or as	10 acres

Development Attribute	RM	R1	R20K	R1A	R2A	R3A	RE	RL
		sqft					designated	
Minimum Lot Width for Interior Lot	60 ft	50ft	100 ft	100 ft	150 ft	200 ft	250 ft	250 ft
Minimum Lot Width for Corner Lot	75 ft	75 ft	100 ft	100 ft	150 ft	200 ft	250 ft	250 ft
Residential DensityRange	See G.P. Policy 2.2.1.2 (MFR)	1 primary plus 2 nd dwelling unit per lot						—
Setbacks ¹ : Front	20 ft	20 ft	30 ft	30 ft	30 ft	30 ft	30 ft	20 ft
Side	5 ft	5 ft	10 ft	15 ft	20 ft	30 ft	30 ft	10 ft
Rear	15 ft	15 ft	30 ft	30 ft	30 ft	30 ft	30 ft	20 ft
Agricultural Structure	—	—	—	50 ft	50 ft	50 ft	50 ft	50
Maximum Height	55ft	40 ft	40 ft	45 ft	45 ft	45 ft	45 ft	55 ft
Maximum Coverage ²	50%	35%	35%	25%	25%	20%	20%	75%
<p>NOTES: ¹ May be subject to agricultural setbacks under Section 17.30.030 if adjoining agricultural zones <u>or fire safe setbacks if over one acre in lot size.</u></p> <p>² All area coverage calculations shall be of structures measured from the outside walls at ground level and shall not include roof eaves. Uncovered paved areas are not included in coverage calculations.</p> <p>Signs: are allowed in RL Zone 32 max. sq. ft; 1 sign; max height 6 ft, no illumination;</p>								

CHAPTER 17.25 – SPECIAL PURPOSE ZONES REVISED: 10/16/11

Sections:

- 17.25.010 Purpose and Intent
- 17.25.020 Matrix of Permitted Uses
- 17.25.030 Special Purpose Zone Development Standards

17.25.010 Purpose and Intent

- A. The purpose of special purpose zones is to achieve the following:
 - 1. Identify areas suitable for public and private recreational opportunities and facilities on a regional basis, consistent with the General Plan.
 - 2. Encourage economic development by providing opportunities for tourism and recreation-based businesses to expand and develop in appropriate areas of the County, while minimizing conflicts with adjacent land uses.
 - 3. Establish development standards for public and private recreational development to protect the public health, safety, and welfare as well as the privacy and quiet of surrounding property owners.
 - 4. Protect and preserve the established and proposed transportation corridors within the County.
 - 5. Provide areas for transportation-related facilities and services that do not create a conflict between the existing and future transportation needs of the County.
 - 6. Identify, protect, and regulate lands set aside as open space, public lands, areas not suitable for development, natural resources, scenic view sheds, outdoor passive recreation areas, important watersheds, riparian areas and aquifers, and rare, threatened, and endangered species and their habitats.
- B. This Chapter lists the land uses that may be allowed within the special purpose zones established by Section 17.12.020 (Zoning Map and Zones), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.
- C. The purpose of the Special Purpose zones and the manner in which they are applied is as follows:
 - 1. **Recreational Facilities, Low-Intensity (RFL).** The RFL, Low-Intensity Recreational Facilities Zone is intended to regulate and promote dispersed

recreational and tourist accommodating uses and activities where such uses are compatible with adjacent or nearby rural residential development. Uses include but are not limited to camping, picnicking, equestrian staging, and river put-in and take-out.

2. **Recreational Facilities, High-Intensity (RFH).** The RFH, High-Intensity Recreational Facilities Zone is intended to regulate and promote recreational uses and activities with high concentrations of people or activities of a more urban nature, such as recreational vehicle parks, sports fields and complexes, and amusement parks or facilities that are primarily located in Community Regions and Rural Centers. This zone also includes that land set aside for active recreational purposes as part of a subdivision, development plan, specific plan, or other discretionary process.
3. **Transportation Corridor (TC).** The TC, Transportation Corridor Zone, is intended to protect and preserve established and identified future transportation corridors within the County, including corridors for motor vehicle, bicycle, hiking, equestrian, and rail transportation.
4. **Open Space (OS).** The OS, Open Space Zone, is intended to identify and protect and set aside for passive open space purposes including, but not limited to, the protection of rare and endangered plant or animal habitat; wildlife habitat, such as critical winter deer range and migration corridors; riparian areas; oak woodlands; visual resources as a part of a development plan or along a designated scenic corridor; and watersheds and groundwater recharge areas. Intensive agriculture is not compatible, although low intensity agriculture such as seasonal grazing may be compatible. Recreational uses that have little impact and do not require substantial permanent structures or facilities are also compatible.

The OS Zone can also designate land set aside to protect agricultural lands covered by an open space easement or as a part of a development plan in an Agricultural District, as identified on the General Plan land use maps, or on other identified agricultural lands.

17.25.020 Matrix of Permitted Uses

Uses are permitted in Special Purpose zones subject to the requirements of this Title as designated in Table 17.25.020 below:

Table 17.25.020 Special Purpose Zones Use Matrix

RFL: Recreation Facility-Low RFH: Recreation Facility-High TC: Transportation Corridor OS: Open Space	P Permitted use (Article 4) A Administrative permit required (17.52.010) T Temporary use permit required (17.52.070) CUP/ Conditional Use Permit / MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.060) — Use not allowed in zone				
USE TYPE <i>(Use Types described in Article 8 Glossary)</i>	RFL	RFH	TC	OS	Specific Use Regulation
Agricultural					
Cropland	P	—	—	—	
Grazing ----- Ranch Marketing Dude Ranch	P	P	P		
Orchards and Vineyards	P	—	—		
Timber Production	P	—	—	CUP	
Recreation and Open Space	A/CUP				
Campground	CUP	CUP	—	—	17.40.100
Golf Course	CUP ¹	CUP	—	—	17.40.210
Hiking ,Equestrian Trail and Fishing	P	P	P	P	
Hunting Club, Fishing Farm, or Facility	CUP	CUP	—	CUP	
Marina, Motorized Craft	CUP	CUP	—	—	17.40.210
Marina, Non-Motorized Craft	A	A	—	CUP	
Off-road Vehicle Recreation Area	CUP	CUP	—	—	
Picnic Area	P	P	P	P	
Private Recreation Area	P/CUP	CUP	—	—	
Recreational Vehicle Park	CUP	CUP	—	—	17.40.100
Resource Protection and Restoration	P	P	P	P	
River Put-in and Take-out	CUP	CUP	—	CUP	
Ski Area	CUP	CUP	—	—	

RFL: Recreation Facility-Low RFH: Recreation Facility-High TC: Transportation Corridor OS: Open Space	P Permitted use (Article 4) A Administrative permit required (17.52.010) T Temporary use permit required (17.52.070) CUP/ Conditional Use Permit / MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.060) — Use not allowed in zone				
USE TYPE <i>(Use Types described in Article 8 Glossary)</i>	RFL	RFH	TC	OS	Specific Use Regulation
Snow Play Area	A	A	—	CUP	17.40.210
Special Events, Temporary	T	T	—	T	
Riding Stables, <u>Commercial</u>	A	A	—	—	17.40.210
Swimming Pools	CUP ¹	CUP	—	—	17.40.210
Tennis Courts	CUP ¹	CUP	—	—	
Trail Head Parking and Staging Area	A/CUP	CUP	A	A/CUP	
Horse Boarding					
Residential					
Dwelling: Single Family Detached					17.40.190
Second Dwelling Unit	P	P	---	---	
Dwelling: Temporary during construction					
Caretaker Unit: Permanent	A	A	—	—	17.40.120
Temporary	TMA	TMA	—	—	
Construction Trailer, Contractor's Office: On-site	P	P	—	—	17.40.190
Off-site	—	A	—	—	
Commercial					
Automotive and Equipment: Fuel Sales	—	CUP	—	—	
Commercial Recreation: Arcade	—	P	—	—	
Indoor Entertainment	CUP ¹	P	—	—	

RFL: Recreation Facility-Low RFH: Recreation Facility-High TC: Transportation Corridor OS: Open Space	P Permitted use (Article 4) A Administrative permit required (17.52.010) T Temporary use permit required (17.52.070) CUP/ Conditional Use Permit / MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.060) — Use not allowed in zone				
USE TYPE <i>(Use Types described in Article 8 Glossary)</i>	RFL	RFH	TC	OS	Specific Use Regulation
Large Amusement Complex	—	CUP ²	—	—	
Outdoor Entertainment	CUP ¹	CUP	—	—	
Outdoor Sports and Recreation	CUP ¹	CUP	—	—	
Kitchen, Commercial	CUP ¹	CUP ¹			
Lodging Facilities: Hotel, Motel, Bed and Breakfast, Agricultural Homestay	P ¹	CUP ²	—	—	
Restaurant, Without Drive-through	—	CUP	—	—	
Seasonal Sales and Retail Sales	A	A	A	A	17.40.220
Specialized Education and Training	P1—	CUP	—	—	
Industrial					
Equipment and Materials Storage Yard Permanent	—	—	A	—	17.40.320
Temporary	—	T	T	—	
Mineral Exploration	CUP	CUP	—	—	Chapter 17.29
Mining, Subsurface	CUP	CUP	—	—	
Civic					
Community Services, Cultural Centers and Living History Facilities, Conference Center, Retreat	MUP ¹	CUP	—	—	
Health and Wellness Centers	MUP ¹	CUP	---	---	
Parks: Day Use	P	P	—	CUP	17.40.210
Nighttime Use	CUP ¹	CUP	—	—	
Transportation					
Intermodal Facility	—	CUP	P	—	
Parking Lot, Public	—	—	P	—	

RFL: Recreation Facility-Low RFH: Recreation Facility-High TC: Transportation Corridor OS: Open Space	P Permitted use (Article 4) A Administrative permit required (17.52.010) T Temporary use permit required (17.52.070) CUP/ Conditional Use Permit / MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.060) — Use not allowed in zone				
USE TYPE <i>(Use Types described in Article 8 Glossary)</i>	RFL	RFH	TC	OS	Specific Use Regulation
Utility and Communication					
Antenna and Communication Facility	A/CUP	A/CUP	CUP	CUP	17.40.130
Public Utility Structure and Service: Intensive	CUP	CUP	CUP	CUP	17.40.250
----- Minor	P	P	CUP	CUP	
Wind Energy Conversion System	See Table 17.40.390.1 (WECS Use Matrix)				17.40.390
Notes: ¹ In Rural Centers, or Rural Regions on major transportation roads. ² In Community Regions, only.					

17.25.030 Special Purpose Zone Development Standards

Permitted uses and associated structures shall comply with the following development standards, in addition to any other applicable requirements of this Title:

Table 17.25.030 Special Purpose Zone Development Standards

	RFL	RFH	TC	OS
Minimum Lot Size	5 acres	5 acres	None	None
Setbacks: Front	50 feet	50 feet	30 feet	50 feet
Sides	50 feet	50 feet	30 feet	50 feet
Rear	50 feet	50 feet	30 feet	50 feet
Maximum Height	35 feet	35 feet	35 feet	25 feet

Home Occupation Ordinance (HOO) Outline

For presentation to the Board of Supervisors 10/24/2011

- Today, many existing home based businesses utilize employees, work in the home or a detached building, create occasional noise, and have operated for years without complaint or impact on neighbors, but are illegal.
- General Plan Policy 10.1.7.4 states “Home occupations shall be encouraged and permitted to the extent that they are compatible with adjacent or surrounding properties.”
- Program 10.1.7.4.1 reads “Establish standards in the Zoning Ordinance that provide compatible home businesses that complement residential uses in Community Regions, Rural Centers and Rural Regions.”
- Program 10.1.7.4.2 reads “Land use regulations shall disallow Conditions, Covenants and Restrictions that preclude home occupations or work-at-home activities.”
- Purpose of Home Occupations: to provide opportunities for businesses incidental to and compatible with surrounding residential and agricultural uses in order to encourage employers to offer home workplace alternatives, promote economic self-sufficiency of County residents, reduce commuting on U.S. Highway 50, and reduce vehicle trips on local roads, while minimizing conflicts with adjacent property owners and protecting the public health, and safety and welfare.
- San Bernardino County is an example of a HOO that encourages HO by allowing HO classes based on standards.

17.40.170 Home Occupation Ordinance

- A Home Occupation is the use of one’s residential property for business, which may be conducted within the home, within another onsite building or outdoors. It is permitted only if the home is used primarily as a residence, by the homeowner or tenant, and the business will not alter the residential character of the area.

Three Classifications:

Class I – Community Regions

- If the parcel is less than one acre, one employee is allowed by right
- If the parcel is between one acre and five acres, two employees are allowed by right
- If the parcel is five acres or more, four employees are allowed by right
- All work shall be predominately done by telephone, mail, facsimile, internet, one client face-to-face at a time set by appointment only, or off-site work.

- Student Instruction shall be allowed by appointment only, with group lessons limited to a maximum of six students at any one time, once per day
- Storage of business products shall be within a building, and/or screened from public view
- Only those types of commercial vehicles normally used in residential areas are allowed, unless the vehicle is parked within an enclosed structure and/or screened from public view
- Business conducted outdoors shall be screened from public view

Class II - Rural Centers

- If the parcel is less than one acre, one employee is allowed by right
- If the parcel is between one acre and five acres, two employees are allowed by right
- If the parcel is between five and ten acres, five employees are allowed by right
- If the parcel is ten acres or more, ten employees are allowed by right
- Allows a limited number of clients or customers on site at one time
- Student Instruction shall be allowed by appointment only, with group lessons limited to a maximum of eight students at any one time, twice per day.
- The business may have a limited impact on the neighborhood
- Any business allowed in Class I shall be allowed in Class II
- Storage of business products and business vehicles shall be screened from public roadways
- Business conducted outdoors shall be screened from public roadways

Class III – Rural Regions

- If the parcel is less than five acres, four employees shall be allowed by right
- If the parcel is between five and ten acres, seven employees are allowed by right
- If the parcel is ten or more acres, ten employees are allowed by right
- Allows a large number of clients or customers on site at one time
- A business may have more impact on the neighborhood than allowed in Class I or Class II
- Any business allowed in Class I or Class II shall be allowed in Class III
- Storage of business products and business vehicles shall be screened from public roadways
- Business is allowed to take place outdoors

Permit Requirements

- A permit is not required for businesses having up to two employees, provided all parking is on site and there is no other impact on the neighborhood
- A permit is required for businesses having more than two employees

- A permit is required for businesses that will have a significant impact on the neighborhood

General Standards

- All businesses must have a Business License
- A home occupation shall be permitted in any zone that allows single- or multi-unit residential use
- All employee parking shall be on site
- A tenant operating a Home Occupation is required to provide the property owner's notarized, written permission for that specific use of the property
- Should the owner of the business own contiguous parcels, the aggregate of the acreage shall be used to determine the number of employees, customers and clients allowed
- Hours of operation are allowed between 7:00 AM and 9:00 PM
- The Home Occupancy Ordinance shall not override other County Ordinances

Additional Standards will be written as the ordinance is being created, to provide setbacks, standards for each Class, signage and more. Also, it is anticipated that there will be at least 2 types of permits, one being an administrative permit and the other being a Special Use Permit

The initial HOO outline was prepared and presented to the Planning Commission on September 22, 2011. KAB

The First Amendment of the HOO is dated October 21, 2011, according to the consensus of the EDAC HOO Committee. KAB

El Dorado County Timber Production Zone

Executive Summary

TPZ zones in California are intended for timber protection and compatible uses. 15 of 23 surveyed Northern California counties with forests allow a residence by right on TPZ parcels ranging from 40 acres to 160 acres minimum parcel size. Of the remaining 8 counties, all but a few allow a residence with a permit based generally on a finding that a residence would not interfere with timber production. A few counties require a nexus of necessity of some degree between the residence and timber production.

El Dorado County TPZ lands are regulated by the same states laws as the 23 surveyed counties, including the 15 counties that allow residences by right. The EDC General Plan generally treats TPZ lands as follows:

1. TPZ lands are within the Natural Resource (NR) General Plan Land Use Designation. NR allows a wide range of uses that may include, but is not limited to such uses as: agriculture, rangeland, forestry, wildlife management, recreation, water resource development, and support single family dwellings. The “maximum allowable density for this designation is one dwelling unit per 160 acres or larger” within certain areas and one dwelling unit per 40 acres in other areas. Dwelling units within NR are common.

2. GP Policy 8.3.2.1 provides TPZ lands shall not be subdivided into parcels containing less than 160 acres.

3. GP Policy 8.4.1.2 provides that approval of all “discretionary development applications involving timber production lands which are designated...TPZ..” shall make the following findings:

- A. The proposed use will not be detrimental to that parcel or to adjacent parcels for long-term forest resource production value or conflict with forest resource production in that general area;
- B. The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities;
- C. The proposed use will not create an island effect wherein timber production lands located between the project site and other non-timber production lands are negatively affected;
- D. The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting; and
- E. The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands.

Simply stated, to implement state law and EDC General Plan Policy involving TPZ, the zoning ordinance could either propose that residences are allowed by right on 160 acre minimum parcel sizes or larger TPZ parcels or could require residences on TPZ parcels to apply for a Conditional Use Permit approval of which would require those specific findings detailed in Policy 8.4.1.2.

Instead of following the General Plan treatment of TPZ, the proposed zoning ordinance at Article 4 Section 17.40.350 requires a Conditional Use Permit be approved by the Board with a finding the property owner as demonstrated **a need for full-time residency to protect against theft or vandalism or full time management of the stand is necessary for its continued productivity.**

This proposed finding would be unique to EDC and is not consistent with the required findings of Policy 8.4.1.2. The proposed draft zone ordinance seems to recognize the finding is not consistent with the GP Policy 8.4.1.2 so attempts to torture Policy 8.4.1.2 to exclude that all “discretionary development applications involving timber production lands which are designated...TPZ..” shall make the following findings – (see above A-D), which do not require a residence be “necessary” to the growing of timber.

Otherwise stated, state law, as applied by the surveyed counties, nor the General Plan require a finding that a residence be necessary for growing timber. In fact, the General Plan states what findings are required for any **“discretionary applications involving TPZ”** and the proposed zoning fails to comply with that mandate.

Background

Legal Framework for Timber Production Zone. The Timber Production Zone district is a product of the State legislature’s desire to conserve productive forestland in California. The Timber Production Zone district was developed through the passage of two laws; the Forest Taxation Reform Act 1976 (FTRA) and the Timber Productivity Act 1982 (TPA).

The FTRA was completed in order to remedy flaws in the tax code that prevented timberland to be managed in a manner that protects growing timber inventories. The FTRA created the Timber Production Zone district (TPZ). The FTRA changed how timber parcels, designated for the TPZ district and standing timber would be taxed. Specifically the FTRA changed standing timber from being taxed as personal property on an annual basis (ad valorem tax) to being taxed at the time it is severed from the stump (Yield tax) and sold. The FTRA also removed the caveat found in the State Constitution 12 ³/₄ that allowed a parcel to be removed from the tax rolls for 40 years if 70% or more of the timber volume was harvested.

These two tax reforms allowed timber owners to maintain a larger timber inventory, grow their timber inventory for longer periods of time and permitted land owners to plan their harvests based on maximization of stand growth and yield not to avoid of taxes. Allowing for longer periods when mature timber could be economically maintained on the land provides the

opportunity for forest to function in a manner that provides important ecosystem services relating to watershed functions and wildlife habitats.

The FTRA also changed the method of how timber land was taxed. The FTRA required counties containing timberlands to create a Timber Preserve Zone (TPZ) district into which timberland could be placed. The FTRA allows for both additional land to be placed into TPZ (51112, 51113) and for its removal from TPZ (51120, 51130). The FTRA required initially that the County Assessor identify and place into TPZ those timberlands whose “highest and best use” is for timber production. Timberland owners had an opportunity to appeal to the Planning Commission for being included in TPZ or for exclusion from TPZ. The FTRA requires that county assessors only tax TPZ land solely on its ability to grow trees (Site Class) and for compatible uses on the property. The restriction on taxing TPZ land to only its Site Class not another “higher or better use” limits the pressure to convert the property to a “higher or better use”. The land area within TPZ that support a “compatible use” can be assessed at a value that corresponds to that use, while the remainder of the parcel will only be taxed on its Site Class. A compatible use means any use that does not significantly detract from the growing and harvesting of timber.

The FTRA was modeled in part after the Land Conservation Act of 1965 which created Williamson Act contracts. The Land Conservation Act is a regulatory mechanism to prevent the conversion of prime and non-prime farmland to a use other than agriculture. The Land Conservation Act coined the term “compatible use” establishing criteria for allowing other uses on the contract lands that would be allowed, should they be considered “compatible” with the conditions of the contract. The Land Conservation Act definition of compatible use is broadly defined on principles that are inclusive of uses so long as the Agricultural use is not significantly impaired.

The Land Conservation Act allows counties to enter into Williamson Act contracts that provide property tax reductions in consideration for restricting the uses on the land for a term of 10 years. The difference in the property tax assessment is made up by revenue from the State which is allocated to each participating county through annual budgetary process. Currently the funding of the Williamson Act contracts are only being funded 90% by the State, which leaves counties with the decision to either cancel the contracts or accept a reduced payment until such time the State fully funds the program.

The Timber Production Zone district designations were intended to replace Williamson Act contracts on forest land. The FTRA requires that the Yield tax collected on timber harvested within the county be returned to the county where the timber was harvested. A Yield tax applies to all trees harvested whether or not the property is TPZ or another zone.

As previously mentioned the FTRA established the rules for the establishment of the TPZ and also for future enrollment into the TPZ district. The Timber Productivity Act of 1982 (TPA) subsumed the FTRA. The TPA states that in regards to counties general plans of cities and counties, “timberland preserve zone” means “timberland production zone.” The Timberland Productivity Act states that “timber operations conducted in a manner consistent with forest

practice rules adopted by the State Board of Forestry and Fire Protection shall not be or become restricted or prohibited due to any land use in or around the locality of those operations.” This legislation then goes on to define many of the terms referred to in the original the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976.

B. Land Uses Permitted within TPZ

Government Code section 51110 reads in part, “Land use under a TPZ will be restricted to growing and harvesting timber, and to compatible uses approved by the county (or city)”.

Government Code Section 51104 defines compatible use: "Compatible use" is any use which does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber, and shall include, but not be limited to, any of the following, unless in a specific instance such a use would be contrary to the preceding definition of compatible use:..."a residence or other structure necessary for the management of land zoned as timberland production" (TPZ) as a "compatible use".

This section lists some safe harbors or State determined permitted uses for TPZ. It does not limit the counties from expanding this list. Whether residential use is a state mandated “safe harbor” has been the subject of some discussion since 1982. Simplistically "or" is a conjunction that typically indicates a choice among alternatives: you can have "a residence" or you can have an "other structure necessary for the management of the land." "Necessary for the management of the land" might be read as referring to the "other structure," with “a residence” standing alone as a "compatible use" which requires no modifier. On the other hand, some argue the language requires a residence must be necessary for the management of land. However, is a residence every really necessary for the management of timber; and, does a residence on large acreage interfere or hinder the production of timber?

What does the legislative history tell us with respect to the interpretation of the section? As originally passed in 1976, the statute defined compatible use as any use which does not detract from the use of the property for, or inhibit, growing and harvesting timber. A non-exclusive list of uses was provided, which did not include residences, although many of the lands placed in TPZ included residences and the compatible use definition was only prohibited uses which detracted or inhibited the growing of timber.

The compatible use section remained unchanged until the 1982 amendments. At that time, a subparagraph (6) was again added to paragraph (h) to read as it presently does, “(6) A residence of other structure necessary for the management of lands zoned as timberland production.”. No explanation is given in the legislative history concerning the addition of subparagraph (6) above, which would suggest it was not deemed to be a controversial amendment. The logical interpretation is that although a residence would seem to fall within basic definition of “compatible use”, the legislature in 1982 wanted to make sure that counties found residences compatible along with other structures that might be necessary for growing timber.

C. TPZ Regulations in other Counties

Regardless of how the words are parsed, for 30 years the great majority of California counties have read the law as allowing owners of parcels zoned for timber production to build a house on their property as a matter of right. Many such homes have been built. Many such homes

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have been assessed as improvements on property tax rolls. Many such homes have been granted building permits. Residency by right assumes the TPZ land is maintained for growing and harvesting of timber.

A survey of 23 northern California counties finds that 15 allow residency by right (Amador, Butte, Calaveras, Glenn, Humboldt, Lake, Madera, Mariposa, Mendocino, Nevada, San Mateo, Santa Cruz, Sonoma, Tuolumne, Yuba). These counties find a residence compatible as it does not significantly detract from the use of the property for, or inhibit, growing and harvesting of timber. Limitations on residence focus on parcel size. Santa Cruz has had the most forestry related, parcel size discussion, suggesting 20 acres as a minimum parcel size for timber harvesting, while a 160 acres minimum parcel size is most common. Siskiyou County allows a residence by right with an approved timber management plan.

Plumas and Sierra counties simply restate the statutory language, “residence or other structure...” in their ordinance as permitted. Personal communication with the planning staff of these counties indicated that in Plumas County the permitting process would require the Planning Commission make a finding that the residence is necessary for timber management purposes. Plumas staff indicated that the “bar would be pretty low” and might be justified by the desire to “cut firewood commercially”. Plumas staff indicated that a building permit on TPZ is a very rare occurrence. Sierra County staff indicated that a residence is a permitted use and that acquiring a building permit is not subject to a special use permit, but that staff generally makes a site visit to ensure the residence is compatible with continued timber harvesting. The building permit may be conditioned regarding the placement of the residence to ensure timber harvest compatibility. Requests for a residential permit in Sierra County are very infrequent.

Alpine, Trinity, Del Norte, Placer, and Shasta do not allow a resident by right. Whether they have just reached a political decision or read the law as allowing a residence only when necessary for the management of land is difficult to determine. Alpine County allows a residence with a conditional use permit but does not require a finding that the residence is necessary for the management of the land, just that it be a minimum 160 acres; Del Norte County and Trinity County require a conditional use permit which, “under this section cannot be approved if such use will significantly detract from the use of the property for, or inhibit, growing and harvesting timber”; Shasta County is requires a conditional use permit for “A. Living quarters for persons fully and necessarily employed on the premises”. Placer County requires a minor use permit for an “Employee or Caretaker residence” necessary for the business or 24-hr oversight of the operation. El Dorado County stands alone in interpreting the law to require that, the Property owner has either demonstrated a need for full time residency on the subject to protect against theft or vandalism, or full time management of the stand is necessary for its CONTINUED PRODUCTIVITY. This interpretation is not supported by the law of the EDC General Plan.

D. TPZ Policies in El Dorado County General Plan

El Dorado County stands alone in interpreting the law to require that, “The Property owner has either demonstrated a need for full time residency on the subject to protect against theft or vandalism, or full time management of the stand is NECESSARY for its continued productivity. This interpretation is not supported by the law of the EDC General Plan.

The EDC General Plan includes the following GP Policies:

Policy 2.2.1.2

Natural Resource (NR): Policy 2.2.1.2

Natural Resource (NR): The purpose of the Natural Resource (NR) designation is to identify areas that contain economically viable natural resources and to protect the economic viability of those resources and those engaged in harvesting/processing of those resources including water resources development from interests that are in opposition to the managed conservation and economic, beneficial use of those resources. The important natural resources of the County include forested areas, mineral resources, important watershed, lakes and ponds, river corridors, grazing lands, and areas where the encroachment of development would compromise these natural resource values. Land under both public and private ownership that contain these resources, including wilderness areas and other lands managed for resource values and multiple use, are included in this category. This designation shall be applied to those lands which are 40 acres or larger in size and contain one or more important natural resource. **Compatible uses on private land may include** agriculture, rangeland, forestry, wildlife management, recreation, water resources development, **and support single-family dwellings**. The maximum allowable density for this designation is one dwelling unit per 160 acres or larger outside the National Forest Service lands **and within "timber production" areas** and one dwelling unit per 40 acres within river canyons outside of the "timber production" areas. This designation is considered appropriate only in the Rural Regions. Isolated parcels outside the National Forest Service lands and below 3,000 feet elevation may be exempt from the one dwelling unit per 160 acre parcel size. If it is determined that such lands are unsuitable for "timber production," one dwelling unit per 40 acres maximum density can be considered. Any modifications of this land use designation shall require one of the following findings: (1) No important natural resource exists on the property; or (2) If a project is proposed, it will significantly enhance the long-term production and preservation of the on-site resources through the application of development strategies such as fuels management plans, timber management plans, self imposed setbacks buffers, and open space.

The above policy contemplates and supports single family dwellings in land designated N/R, including those lands with a timber production zone designation, albeit at an extremely low density.

Policy 2.2.5.11 This policy recognizes the need and importance of managing forest products and natural resources. This policy further recognizes that it is important to provide for an efficient and cost effective means of harvesting and using forest lands. It is further recognized that the **forested areas have a need for certain commercial support uses which should be allowed in a manner which is consistent with the forest use and outdoor recreation areas.**

Uses which are consistent here may include the processing of forest products and natural resources, overnight individual and group outdoor accommodations, outdoor recreation activities, including ski resorts, hunting and fishing clubs, equestrian facilities, and interpretive centers and conference/convention centers. These special support uses shall only be allowed to be established with the approval of a special use permit.

In the paragraph above the General Plan calls for additional commercial uses that are compatible with timber production. These additional commercial uses are not provided for in the proposed zone use matrix: Table 17.21.02 Agricultural and Resource Zone Districts Use Matrix. The Zone District Matrix Table 17.21.020 excludes the following from being contemplated through a use permit process on Timber Production land:

Lodging Facilities:

Bed and Breakfast or Ranch Style, style retreat

Wellness Center

Conference Center / Retreat

Off-Road Vehicle Recreation Area, Marina: Non-motorized Craft,

Campground

Ski area

Snow play area

Riding Stables

Ski Area

Snow Play Area

Temporary Special Events

Trail Head Parking and Staging Area,

Interpretive center.

Vineyard: For areas where non-commercial tree species dominate. Non-commercial species are defined in the California Forest Practice Rules (CCR 895.1) as Group B species, which persist where Group A species do not exist either currently or historically.

EDAC recognizes that the myriad of TPZ parcels that exist in El Dorado County have a variety of characteristics that may or may not support additional uses in a compatible manner. In order to facilitate the potential for one of these desirable uses to at least be analyzed necessitates that they are included as allowable in the zone district. Then possible projects will be vetted through

the CEQA analysis for the Conditional Use Permit and the proposal will be judged on its merits as either worthy or undesirable. This is in contrast to excluding those potential uses indiscriminately prior to any formal evaluation by excluding them from the zone ordinance. The Conditional Use Permit for these more intensive uses should utilize a Registered Professional Forester, since they are licensed to practice forestry, knows the California Forest Practice Rules, and understand the feasibility requirements of timber management activities. A Registered Professional Forester can also accurately judge and measure the extent to which a project infringes on the production of timber from a parcel. A timber management plan, should be prepared by a Registered Professional Forester, which supports the project and demonstrates the continued timber production from the parcel.

Policy 8.3.2.1 Lands zoned Timber Production Zone (TPZ) shall not be subdivided into parcels containing less than 160 acres.

Policy 8.3.2.2 Timber production lands within areas designated Natural Resource and generally above 3,000 feet elevation shall maintain a 160-acre minimum parcel size or larger, except where smaller parcels already exist, in order to ensure the viability of long-term operations and to maximize economic feasibility for timber production or otherwise meet the parcel size requirements of the Natural Resource designation.

Policy 8.3.2.2 Timber production lands within areas designated Natural Resource and generally above 3,000 feet elevation shall maintain a 160-acre minimum parcel size or larger, except where smaller parcels already exist, in order to ensure the viability of long-term operations and to maximize economic feasibility for timber production or otherwise meet the parcel size requirements of the Natural Resource designation.

Policy 8.4.2.1 The County Agricultural Commission **shall evaluate all discretionary development applications involving identified timber production lands which are designated Natural Resource or lands zoned Timberland Production Zone (TPZ) or lands adjacent to the same and shall make recommendations to the approving authority. Prior to granting an approval, the approving authority shall make the following findings:**

- A. The proposed use will not be detrimental to that parcel or to adjacent parcels for long-term forest resource production value or conflict with forest resource production in that general area;
- B. The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities;
- C. The proposed use will not create an island effect wherein timber production lands located between the project site and other non-timber production lands are negatively affected;
- D. The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting; and

- E. The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands.

- I. El Dorado County Proposed Zoning Ordinance; Inconsistency with General Plan

The above GP requirements are not followed in Section 17.40.350(G) of the proposed zoning code relating to the Criteria for Residential Use in TPZ as follows:

1. The proposed section sets different standards for what it deems residential and other non-timber compatible uses. In fact, Policy 8.4.2.1 sets the standard for **all discretionary development applications involving identified timber production lands which are designated Natural Resource or lands zoned Timberland Production Zone (TPZ) or lands adjacent to the same. If the right to a residence or other compatible use is discretionary, then these are the GP mandated findings.**

2. Proposed section 17.40.350(G) **requires, among other findings, “The Property owner has either demonstrated a need for full time residency on the subject to protect against theft or vandalism, or full time management of the stand is NECESSARY for its continued productivity.**

The proposed zoning ordinance requires an applicant for a CUP to prove that for its continued productivity it is NECESSARY for a 160 acre + parcel to have a residence on site. These standards are contrary to the practice of at least the 23 surveyed timber counties – and the EDC General Plan, which conforms to state law. Why set an impossible standard that is contrary to the requirements of State Law and the General Plan?

Considering 30 years of practice by all the other counties, and the enabling language, counties have the power and right to allow residency by right within a TPZ. Alternatively, a county could establish a use permit process to determine if in a particular instance, a residence would significantly detract from the use of the property for, or inhibit, growing and harvesting timber. Objective criteria could be established by licensed foresters to determine the compatibility of a residence during the discretionary use permit process. Siskiyou County has one such ordinance, it allows by right, “A single-family residence or a mobile home in lieu thereof, provided a Timber Management Plan for the property has been prepared.”

- II. Recommended Solution and Analysis

1. **PROPOSAL:** The zoning ordinance should require those findings set forth Policy 8.4.2.1, for a Conditional Use Permit (CUP), Minor Use Permit (MUP), or Administrative Permit. This procedure would conform to the General Plan and state law. Also, the BOS should consider allowing a residence by right on 160 acres by adopting language similar to that of Alpine County, **The following uses are allowed by right without special use permit or variances:** ...“One single-family residence per TPZ district zoned pursuant to Section 51112 of the Government Code”.

The Minor Use Permit or Administrative permit should be limited to a check list of items that are reviewed and certified by a Registered Professional Forester. If a MUP is utilized it is recommended that a Registered Professional Forester certify the parcel meets the objective

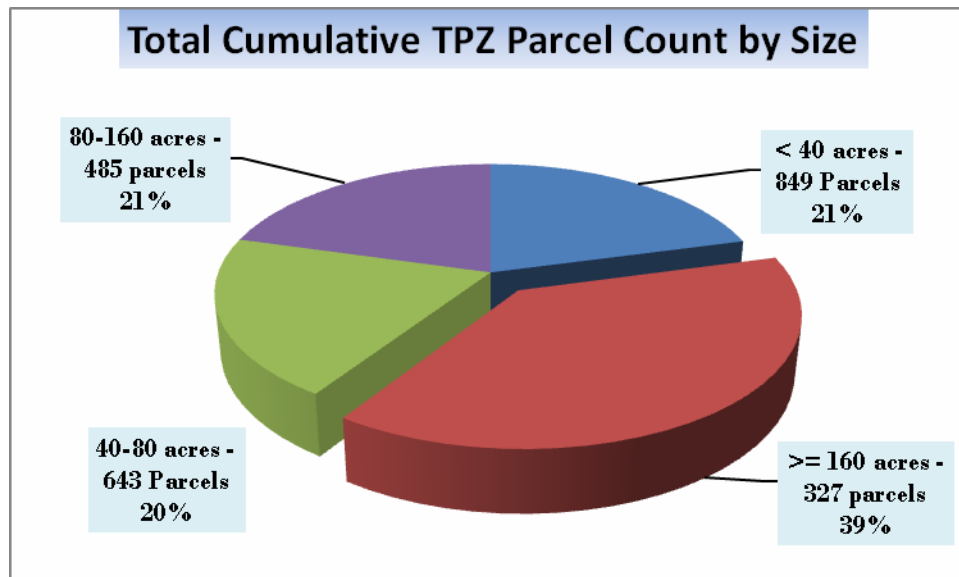
criteria of the permit, since foresters are licensed, knows the California Forest Practice Rules, and understand the feasibility requirements to conduct on-going timber management activities.

Residential Use on existing legal parcels less than 160 acres should require a Timber Management Plan prepared by a Registered Professional Forester.

What would be the effect in EDC of allowing owners of 160 + acres of TPZ to build a residence?

Of the total 1,145,328 acres of land in El Dorado County, approximately 550,506 acres (or 48%) are publicly owned. The majority is National Forest Land (500,764 acres) administered by the United States Forest Service. Assuming that the Federal ownership remains essentially undeveloped that means that ostensibly half of El Dorado county will remain in open space for perpetuity.

The total private timberland in TPZ in El Dorado County includes 849 parcels and 150 private TPZ owners, comprising approximately 147,718 acres. A total of 327 parcels are 160 acres or larger, which equals 39% of the total. These parcels equal to or greater than 160 acres have an average size of 364 acres, which equals less than 2 Dwelling Units per square mile. There are 175 parcels between 80-160 acres. The parcel count for parcels equal to or greater than 80 acres is 502, 59% of the total. These parcels equal to or greater than 80 acres have an average size of 276 acres, which equals less than 3 Dwelling Units per square mile. There are 170 parcels between 40-80 acres. The parcel count for parcels equal to or greater than 40 acres is 672, 79% of the total. These parcels equal to or greater than 40 acres have an average size of 220 acres, which equals less than 3 Dwelling Units per square mile.



EI Dorado County	ACRES	SOURCE	TYPE
Total	1,145,328	cnty24k09_1	GIS coverage
USFS	500,764	BasicOwnership11_1	GIS coverage
USBLM	23,637	CPAD_10_1	GIS coverage
USBOR	16,829	CPAD_10_1	GIS coverage
CADFG	737	CPAD_10_1	GIS coverage
CADPR	8,068	CPAD_10_1	GIS coverage
CASLC	472	CPAD_10_1	GIS coverage
TPZ	147,718	pq2010	ParcelQuest, assessed acres
TPZ (SPI only)	128,886	in-house	assessed acres

Regarding the other 150 private owners of TPZ, below is a quote from the Forest and Range Assessment 2010 conducted by the California Dept of Forestry and Fire Protection that provides some insight into why they own timber and what is their concern for the future of that land.

“The National Woodland Owner Survey, which is a mail-in form-based survey by Forest Inventory Analysis (FIA) National Census, was last conducted in 2004. A summary of results is presented on page 18 of Christensen et al. (2008). For landowners with 500 acres or less, which fits many recent Non- Industrial Timber Management Plan (NTMP) sizes, timber, firewood or other forest product harvests were a significant activity for many. Three-quarters use their land as part of their primary residence and have lived there for many years. Significantly, 84 percent were over 55 years of age and were concerned with passing the land to their heirs. Fire, trespassing, exotic plants and property taxes were the other top concerns.”

As for corporate owners, they would be unlikely to build a residence on TPZ, as having someone living on site has not been a standard business practice as of yet. Historically EI Dorado County has had very few requests for a residential building permit. In fact since 1987 there has been only seven permits granted for single family dwellings on TPZ parcels. There has been a steady increase in fuel prices, the cost of construction and commuting has increased steadily. This increase in the cost of living in a rural area and a tendency towards persons favoring a more urbanized lifestyle will cause the demand for a residential permit on a TPZ parcel to continue to be very weak.

A Residential use is supported by the Timber Productivity Act and the majority of other TPZ counties in the State. As discussed a residence is permitted by State law and supported by the EI Dorado General Plan. The impacts of a residence on a TPZ parcel that is 160 acres and larger would yield an average density less than 2 du/sq. mile. A right to a residence on TPZ provides an opportunity for an owner to enjoy and protect their property while also be on site to manage and improve its overall productivity. Compatibility of commercial/recreational projects or residential uses on parcels <160 acres can be ensured by requiring a Timber Management Plan be developed by a Registered Professional Forester. The right to a residence greatly improves the overall asset value of these lands and provides a disincentive to rezone out of

TPZ. Additionally, providing a variety of potential commercial/recreational uses in TPZ may enhance the economic viability those parcels, where such a use can be shown to be compatible with timber production and other environmental constraints. Where an opportunity for a commercial/recreational use exists it will provide a new source of jobs and provide additional recreational opportunities in El Dorado County. These additional uses will further incentivize enrollment in TPZ while limiting the overall extent of development to those few uses selected by the Board of Supervisors. Maintaining a parcel in TPZ benefits continued timber production, both when a cabin/residence or other compatible use is allowed, because a parcel in TPZ necessarily coexists with other TPZ parcels and the timber management that will occur. The law provides for this coexistence in the California Forest Practice Rules (FPR). The FPR do not require timber operations on a TPZ parcel to consider its impacts to an adjacent TPZ parcel, whereas when adjacent to a non-TPZ parcel those timber operations must consider its effects on that parcel, particularly with respect to even-aged management.

APPENDIX A: Extracts from selected county ordinances follow along with an economic analysis of growing timber on 160 acres.

Amador

19.24.035 TPZ district--Use regulations.

A. Purpose. The following regulations apply only to those lands subject to the Forest Taxation Reform Act of 1976.

For the protection of timberland and in order to prevent encroachment upon it by incompatible uses of land, and for the general welfare of the county as a whole, there is established a timberland preserve zone (TPZ) district within which compatible uses shall be encouraged to the exclusion of such other uses of land as may be in conflict therewith. This zone will serve to qualify lands so designated as TPZ pursuant to the Z'Berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976 or other such legislative statutes or constitutional authorization as may develop for defining or establishing a timberland preserve.

B. **Uses. The following uses are allowed by right without special use permit or variances:**

1. Growing and harvesting of timber including Christmas trees;
2. Management for watershed;
3. Management for fish and wildlife habitat or hunting and fishing;
4. Uses integrally related to growing, harvesting, and processing of forest products, including but not limited to road, log landings, and log storage areas;
5. The erection, construction, alteration, or maintenance of gas, electric, water or communication transmission facilities;
6. Grazing, including corrals, fencing and loading chutes;
7. **One single-family residence per TPZ district zoned pursuant to Section 51112 of the Government Code.**

The following uses may be allowed only after obtaining a use permit therefor from the Amador County planning commission in accordance with Chapter 19.56; provided, that a finding is made by the planning commission that the proposed use is fully compatible with the objectives of the Forest Taxation Reform Act of 1976 and timberland preserve zoning:

1. Growing and harvesting of nursery stock for restocking commercial forest lands and nursery stock grown primarily for retail trade;
2. Mineral resources removal and processing other than for road building when incidental to and in conjunction with timber production and harvesting;

3. Permanent structure for the processing and packaging of agricultural and timber projects and the necessary support facilities required therefor;
4. Gas and oil wells and/or exploration therefor;
5. Helispots and their accessory uses and structures;
6. One commercial mobile unit to be located on the same property as the construction project, to be used exclusively as an office for contractors engaged in construction projects, but only during the course of the project;
7. Maintenance and repair facilities for trucks and equipment used in the management and harvesting of timber of the landowner;
8. Single-family residences, not to exceed four residences on a single ownership; provided, that the density does not exceed one single-family residence per forty acres;
9. Such additional uses which in the opinion of the planning commission are compatible with the production and harvesting of timber. Comments shall be solicited from the agricultural advisory committee.

C. Additional TPZ Regulations. Additional TPZ regulations include the following:

1. The term of TPZ shall be ten years initially. One year shall be added each anniversary date subject to provisions of Government Code Sections 51114 and 51120.
2. No parcel may be divided into parcels less than one hundred sixty acres or one quarter section except as otherwise provided in Government Code Section 51119.5.
3. Building and construction setback shall be a minimum of twenty-five feet from all property lines and/or public roads.
4. After final action has been taken or rezoning to or from TPZ, a notice of timberland preserve zone status shall be filed together with a map and legal description of the property so zoned, in the office of the county

Butte

24-195 - TPZ-160 (Timber Preserve) Zone.

Uses permitted:

Compatible uses, which are any uses that do not significantly detract from the use of the property for, or inhibit, growing and harvesting timber, and shall include, but not be limited to, the following, unless in a specific instance such a use would be contrary to the preceding definition of compatible use:

Housing units that would be compatible to timber uses.

Management for watershed.

Management for fish and wildlife habitat or hunting and fishing.

A use integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings and log storage areas.

;The erection, construction, alteration or maintenance of gas, electric, water or communication transmission facilities, small hydro generating projects of five (5) megawatts or less, exploratory seismology testing.

Grazing.

Mining, or any use integrally related thereto.

Reserved.

Lot area. The minimum lot area for inclusion in the timber preserve zoning district shall not be less than one hundred sixty (160) acres and must consist of contiguous parcels, contiguous meaning two (2) or more parcels of land that are adjoining or neighboring or are sufficiently near to each other as determined by the board of supervisors that they are manageable as a single forest unit. Such parcels must be capable

Calaveras

17.14.020 - Permitted uses.

The following uses are permitted in the TP zone:

Accepted farming practices; Commercial agriculture; Accepted ranching practices; Fish and wildlife management, hunting and fishing preserves; Management of erosion control; A project under the auspices of the California Forest Improvement Program (CFIP), or any other state, federal or public forestation program or project; Fire station, ranger station, information center; Lumbermill, sawmill, other forest product processing;

I. One primary single-family residence per legal parcel;

Group care home for six or fewer clients pursuant to California Health and Safety Code Section 1501, subject to review for overconcentration pursuant to H&S Section 1520.5;
Family day care home, pursuant to state regulations;

Upon findings by the planning commission that a use is consistent with the purposes of this chapter, the use may be added to this section, provided that the commission concurrently initiates a change in this chapter for inclusion of the use.

17.14.030 - Conditional uses.

The following uses are permitted in the TP zone upon approval and validation of a conditional use permit:

- A. Accessory dwelling in compliance with Chapter 17.66 of this code;
- B. Commercial kennel associated with a residence on the subject property;

- C. Group care home of more than six clients pursuant to California Health and Safety Code Section 1501;
 - D. Labor camp;
 - E. Mineral resource extraction and production;
 - F. Public utility buildings, structures and facilities;
 - G. Upon findings by the planning commission that a use is consistent with the purpose of this chapter, the use may be added to this section provided that the commission concurrently initiates a change in this chapter for inclusion of the use;
 - H. Wood chipping and mulching;
 - I. Target and shooting ranges.
(Ord. 2818 § 5(part), 2004; Ord. 2624 § 3 Exh. A(part), 2000; Ord. 2614 § 3 Exh. A(part), 2000; Ord. 1807 § 1(part), 1986).
- 17.14.040 - Temporary uses.

The following uses are permitted in the TP zone on a temporary basis not to exceed twelve months, the duration of a building permit, or the provisions of this title, whichever is shortest:

GLENN

The following principal uses and structures which meet the definition of “compatible use” as defined in subdivision (b) of Section 51100 of the Government Code and no others are permitted in timberland preserve zone:

- A. Management for watershed;
- B. Management for fish and wildlife habitat or hunting and fishing;
- C. A use integrally related to the growing and harvesting of forest products, including but not limited to roads, log landings and log storage areas;
- D. The erection, construction, alteration or maintenance of gas, electric, water or communication transmission facilities;
- E. Grazing;
- F. One single-family dwelling or mobilehome for each TPZ contract (refer to mobilehome standards);**
- G. Buildings and structures which are incidental and accessory to permitted uses, and which are in conformity with uses or forest service practices.
(Ord. 1183 § 2, 2006)
Section 060

Uses Permitted With a Conditional Use Permit

The following uses and structures may be permitted in the TPZ zone only if a conditional use permit has first been secured:

- A. Sawmills, shingle mills, and other forest products processing operations utilizing power equipment;

B. Subsurface exploration for, and extraction of, mineral resources, including oil, gas and other hydrocarbon substances, and also including geothermal energy production;

C. Commercial storage (storage for resale) of inflammable fluid or gas fuels in a quantity greater than five hundred gallons in any container less than two and one-half feet below the surface of the ground. (Ord. 1183 § 2, 2006) Section 070

Site Area

Parcels used as timberland preserve may not be divided into parcels containing less than one hundred fifty-five (155) acres unless they meet the requirements established by Section 51119.5 of the Government Code. (Ord. 1183 § 2, 2006) Section 080

Other Requirements

A. Any rezoning, immediate rezoning or removal from a zone of any parcels zoned timberland preserve zone shall conform to the requirements of Articles 3 - 5, inclusive, (commencing with Section 51121) of Chapter 6.7, Part 1 of Division 1 of Title 5 of the Government Code.

B. All actions not specifically addressed in this chapter must comply with the requirements of Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5 of the Government Code. (Ord. 1183 § 2, 2006)

HUMBOLDT

314-7.4 TPZ: TIMBERLAND PRODUCTION ZONE

The Timberland Production or TPZ Zone is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber. (Former Section INL#314-10; and INL#314-11; Ord. 1099 Sec. 1, 9/13/76; Amended by Ord. 1842, Sec. 5, 8/16/88; Amended by Ord. 1907, Sec. 1, 8/21/90; Amended by Ord. 2166, Sec. 11, 4/7/98; Amended by Ord. 2189, Sec. 1, 2/9/99; Amended by Ord. 2214, 6/6/00)

314-7.4 TPZ: TIMBERLAND PRODUCTION

Principal Permitted Uses

Growing and harvesting of timber and accessory uses compatible thereto. Accessory agricultural uses and structures listed at Sections 314-43.1.3 (Permitted Agricultural Accessory Uses) and 314-69.1.1 (Permitted Agricultural Accessory Structures). (Added by Ord. 2189, Sec. 1, 2/9/99; Amended by Ord. 2214, 6/6/00)

Principal Permitted Uses Compatible with Timber Production

The following accessory uses are deemed to be compatible with the growing and harvesting of timber provided they do not significantly detract from the use of the property for, or inhibit, growing and harvesting of timber: (Former Section INL#314-11)

Management for watershed.

Management for fish and wildlife habitat.

A use integrally related to the growing, harvesting and processing of forest products; including but not limited to roads, log landings, and log storage areas (portable chippers and portable sawmills are considered a part of "processing").

The erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities.

Grazing and other agricultural uses.

One-family dwelling or manufactured home and normal accessory uses and structures for owner or caretaker subject to the special restrictions of the following subsection, Special Restrictions Regarding Residences.

Temporary labor camps, less than one (1) year in duration, accessory to timber harvesting or planting operations.

Recreational use of the land by the public, with or without charge, for any of the following: walking, hiking, picnicking, swimming, boating, fishing, hunting and skiing. (Former Section INL#314-11(h); Ord. 1099, Sec. 2, 9/13/76; Amended by Ord. 1907, Sec. 2, 8/21/90)

Uses Permitted with a Use Permit

Note: Permits authorized under this section cannot be approved if such use will significantly detract from the use of the property for, or inhibit, growing and harvesting of timber. (Former Section INL#314-10(b)(1-2); Ord. 1099, Sec. 1, 9/13/76; Amended by Ord. 1842, Sec. 5, 8/16/88, Amended by Ord. 1907, Sec. 1, 8/21/90, Amended by Ord. 2166, Sec. 11, 4/7/98)

Timber production processing plants (buildings) for commercial processing of wood and wood products, including but not limited to sawmills, lumber and plywood mills, but not including a pulp mill.

Incidental Camping Area, Tent Camp, Temporary Recreational Vehicle Park, Special Occupancy Parks, and similar recreational uses. (Amended by Ord. 2166, Sec. 11, 4/7/98)

Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TPZ zone.

7.4.1.3 Minimum parcel size: 7.4.1.3.1 160 acres; or (Former Section INL#314-12(c)(1))

7.4.1.3.2 40 acres if the provisions of Government Code Section 51119.5 are met. (Former Section INL#314-12(c)(2))

7.4.1.6 Special Restrictions Regarding Residences.

7.4.1.6.1 **The total residential density shall not exceed one (1) dwelling unit per twenty (20) acres.** (Former Section INL#314-12(f)(1))

7.4.1.6.2 Parcels smaller than forty (40) acres shall not have second or secondary dwelling units. (Former Section INL#314-12(f)(2))

7.4.1.6.3 **Residences and the associated accessory structures and uses shall not exceed two (2) acres per parcel.** (Former Section INL#314-12(f)(3))

Lake County

6.5 Uses permitted:

(a) Management of lands and forests for the primary use of commercial production and harvest of trees.

(b) Removal of timber, including uses integrally related to growing, harvesting and on-site processing of forest products including, but not limited to, roads, log landings, log storage areas; and incidental logging camps during harvest.

(c) One (1) single-family dwelling or mobilehome which shall be constructed according to the residential construction standards of Section 10.20.

(d) Agricultural and residential accessory uses and accessory structures; small kennels. (Ord. No. 2128, 1/14/1993)

(e) Crop and livestock farming, apiaries, aviaries, except those uses indicated in Sections 6.6 and 6.7.

(f) Prospecting, claiming, and preliminary geophysical investigations for natural resources including oil, gas, geothermal, or other mineral resources.

(g) Game preserves. (Ord. No. 1897, 12/7/1989)

(h) Management for watershed.

(i) Management for fish and wildlife habitat.

(j) Those uses permitted in the "TPZ" district with a zoning permit in Table A, Article 27.

6.6 Uses permitted subject to first obtaining a Minor Use Permit:

(a) Uses permitted in Section 6.5 when not in compliance with the performance standards set forth in Article 41.

(b) Equipment storage yards incidental to the growing and harvesting of forest products, including parking, repairing and storage of equipment so used.

(c) Private fishing and hunting clubs on parcel(s) containing not less than forty (40) acres; and commercial fishing and hunting clubs on parcel(s) containing not less than one hundred (100) acres. (Ord. No. 1897, 12/7/1989)

(d) Commercial wood yards.

(e) Commercial dairies.

(f) Large and commercial kennels; commercial stables or riding academies. (Ord. No. 2128, 1/14/1993)

Madera

18.75.010 Land use regulations.

18.75.020 Structure location regulations.

18.75.030 Structure height regulations.

18.75.040 Lot dimension regulations.

18.75.010 Land use regulations.

Land use regulations shall be as follows:

A. Permitted Uses.

1. Agriculture;
2. Barns, corrals, and other outbuildings related to the uses listed in this subsection;
3. Forestry;
4. One single family dwelling.

B. Uses Allowed with Zoning Permit.

1. Guest house;
2. Home occupation;
3. One other single family dwelling for occupancy by a co-owner; a relative of the immediate family, bound by ties of consanguinity; or an employee of the property owner.

C. Uses Allowed with Conditional Use Permit.

1. Mining;
2. Public and private camps and other outdoor recreation facilities;
3. Public stable. 18.75.040 Lot dimension regulations.

Lot dimension regulations are as follows:

A. Lot area: one hundred sixty acres, minimum unless owners of resulting parcels submit a joint timber management plan prepared or approved as to content by a registered professional forester, and such owners enter into a binding contract with the board to manage and harvest timber on the timberland jointly, and are bound by the provisions of such management plan for a minimum period of ten years. Such division shall be approved by a four-fifths vote of the full board;

B. Average lot width: six hundred feet, minimum;

C. Lot length to width ratio permitted: _____ minimum;

D. Dwelling floor area to lot area ratio permitted: two and one-half percent;

E. Total buildings area to lot area ratio permitted: five percent maximum. (Ord. 525 § 1(part), 1989)

Mariposa

Timber exclusive zone (TEZ).

17.44.010 Timber exclusive zone (TEZ).

The Timber Exclusive Zone (TEZ) is a timber preserve zone for the growing and harvesting of timber for those uses which are an integral part of a timber management operation. Land use under a TEZ shall be restricted for a minimum of ten (10) years to growing and harvesting timber, and to compatible uses approved by the county.

A. Development standards for the TEZ. Development standards for the TEZ shall be as follows:

1. Uses.

a. Permitted uses: Growing and harvesting of timber and forest products; uses and facilities appurtenant to timber growing and harvesting, including but not limited to roads, log landings, and log storage areas. **Residential**, grazing, wildlife preserves; management for watershed, fish and wildlife habitat; hunting, fishing, hiking and camping; forest fire lookout stations; fire stations provided they are located on timberland converted to non-timber use in accordance with Section 1104.1 of Title 14, California Code of Regulations; exploration or prospecting for minerals; portable saw mills and portable planing mills; gas, electric, water or communication transmission facilities; wholesale nurseries and similar horticultural enterprises; and those applicable uses listed under Chapter 17.108. (Ord. 1045 Sec.I, 2008).

b. Conditional uses: The following uses shall be permitted only with a conditional use permit: Timber products processing plants, including but not limited to such permanent facilities as saw mills, lumber and plywood mills, planing mills, provided that the plants are secondary or incidental to timber growing and harvesting operation on the same parcel; logging camps or labor camps appurtenant to timber harvesting or planting operation for the duration of one year; additional dwellings when necessary for the timber management operation; membership or public parks and camps which require no permanent facilities; guest ranches, hunting clubs, public stables and riding trails in conjunction with a bona fide timber management operation; mining and quarrying for the removal of minerals and such appurtenances as required; surface mining operations shall include, but are not limited to: in-place distillation, retorting or leaching; production and disposal of mining waste.

c. Prohibited uses: All other uses not listed above are prohibited, except similar uses in compliance with Section 17.08.120 and 17.108.030 of this Title. (Ord. 912 Sec.II, 1997).

2. Property development standards: In addition to Title 5, Division 1, Chapter 6.7 of the California Government Code, the following property development standards shall apply to all land and structures in the TEZ:

Each parcel prior to acceptance into the TEZ, shall have a minimum of ten thousand (10,000) board feet per acre, or meet the minimum timber stocking standards of the state within five (5) years.

A timber management plan shall be presented to and approved by the Mariposa County planning commission. This plan shall be prepared by a registered professional forester.

The parcel shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the forest practice rules adopted by the California state board of forestry for the zone in which the parcel is located; or, the owner must sign an agreement with the board to meet such stocking standards and forest practice rules by the fifth (5th) anniversary of the signing of such agreement. If the parcel is subsequently zoned as Timberland Preserve under Subdivision (a) of Section 4561 listed above, then failure to meet such stocking standards and forest practice rules within this time period provides the board with a ground for rezoning of the parcel pursuant to Section 51121 of the Government Code.

Other provisions of this Title notwithstanding, all lands zoned in a TPZ in accordance with County Ordinances 464 and 557 are hereby zoned in accordance with the provisions of this Chapter as a TEZ. All rules, policies and provisions of previous TEZs are deemed consistent with the provisions of this Chapter and nothing contained herein shall be deemed to minimize, null, or otherwise set aside any permits, plans, or other benefits granted or otherwise obtained under the provisions of a previous TEZ.

3. Minimum parcel or lot size: No parcel or real property shall be divided or split into two (2) or more parcels by voluntary transfer, court action or other conveyance where any one (1) of the parcels so created will be less than forty (40) acres or a legal quarter-quarter section. 4. Density: Two (2) single family residences per forty (40) acres

Mendocino

Sec. 20.068.010 - Permitted Uses.

The following compatible use types are permitted in the TPZ District:

- (A)** Residential Use Types (See Chapter 20.016). Family residential—single-family.
- (B)** Civic Use Types (See Chapter 20.020).
 - Community recreation;
 - Essential services;
 - Fire and police protection services;
 - Minor impact utilities.
- (C)** Agricultural Use Types (See Chapter 20.032).
 - Animal raising—general agriculture;
 - Forest production and processing—all types;
 - Horticulture;
 - Packing and processing—limited,
 - Row and field crops;
 - Tree crops.

(D) Accessory uses as provided in Chapter 20.164. (Ord. No. 3639 (part), adopted 1987)

Sec. 20.068.015 - Uses Subject to an Administrative Permit.

The following use types are permitted in the TPZ District upon issuance of an Administrative Permit:

- (A) Residential Use Type (See Chapter 20.016).
- Farm employee housing. (Ord. No. 3639 (part), adopted 1987)

Sec. 20.068.020 - Uses Subject to a Minor Use Permit.

The following use types are permitted in the TPZ District upon issuance of a Minor Use Permit:

- (A) Residential Use Types (See Chapter 20.016).
 - Family residential—dwellings groups;
 - Farm labor housing.
- (B) Commercial Use Types (See Chapter 20.024).
 - Cottage industries—general. (Ord. No. 3639 (part), adopted 1987)

Sec. 20.068.025 - Uses Subject to a Major Use Permit.

The following use types are permitted in the TPZ District upon the issuance of a Major Use Permit:

- (A) Residential Use Types (See Chapter 20.016).
 - Family residential—cluster development.
- (B) Civic Use Types (See Chapter 20.020).
 - Major impact services and utilities.
- (C) Commercial Use Types (See Chapter 20.024).
 - Transient habitation—campground;
 - Transient habitation—lodging (limited).
- (D) Agricultural Use Type (See Chapter 20.032).
 - Animal waste processing. (Ord. No. 3639 (part), adopted 1987)
- (E) Extractive Use Type (See Chapter 20.036).
 - Mining and processing. (Ord. No. 3639 (part), adopted 1987)

Sec. 20.068.030 - Special Provisions.

No use permit shall be granted in a TPZ District until a specific finding has been made that the proposed use is compatible with the growing and harvesting of timber and timber products. (Ord. No. 3639 (part), adopted 1987)

Sec. 20.068.035 - Minimum Lot Area.

One hundred sixty (160) acres. (Ord. No. 3639 (part), adopted 1987)

Sec. 20.068.040 - Maximum Dwelling Density.

One (1) unit per one hundred sixty (160) acres, maximum of four (4) for the total ownership. (Ord. No. 3639 (part), adopted 1987) (Ord. No. 3639 (part), adopted 1987)

Nevada

Purpose: to provide for timberland zoning, a yield tax imposed at the time of harvest, and the conservation and protection of land capable of producing timber and forest products. The compatible uses specified in this section will be included in this zone and are consistent with the Forest Taxation Reform Act of 1976. (*Ord. No. 4643, 1993: Ord. No. 2119 Section 1.*)

Sec. 26-14-010. - Permitted uses.

Permitted uses include the following:

- (a) Management of lands and forests for the primary use of commercial production and harvest of trees, including controlled burns;
- (b) Removal of timber and fuel wood, including uses integrally related to growing, harvesting and on-site processing of forest products including, but not limited to, roads, log landings, log storage areas and incidental logging camps;
- (c) Recreational and educational uses, with or without fee, not requiring any permanent improvement of the land or interfering with the primary use (swimming, hunting, fishing, occasional camping, etc.);
- (d) Management of land for watershed, for fish and wildlife habitat, fish rearing ponds, hunting and fishing, grazing, where these uses are incidental to the primary use;
- (e) The erection, construction, alteration or maintenance of gas, electric or water generating and transmission facilities, including necessary structures;
- (f) Contractor equipment storage incidental to the on-site growing and harvesting of forest products, including parking, repairing and storage of equipment so used. Construction of permanent structures will be subject to Article 82;
- (g) The production and harvesting of miscellaneous compatible forest products (Christmas tree farms and greenery);
- (h) Timber management, including planting, raising, harvesting and incidental milling for noncommercial purposes of trees and logs for lumber or fuel woods, subject to requirements of California Department of Forestry and Fire Protection;
- (i) Temporary or seasonal sales and promotion, and incidental storage of fuel wood which is grown on site;
- (j) One (1) single-family dwelling unit with accessory buildings;
- (k) Occasional cultural events; provided, that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date if this notice" is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040
- (l) Small family day care;
- (m) Large family day care provided that the applicant shall meet all performance standards listed in Section 26-88-080
- (n) Small residential community care facility;

(o) Beekeeping; (p) Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130

(q) Minor freestanding commercial telecommunication facilities, subject to the applicable criteria set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one (1) elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section;

Sec. 26-14-020. - Uses permitted with a use permit.

Uses permitted with a use permit include the following:

(a) Additional detached single family dwelling units, not to exceed four (4) dwellings on a single ownership; provided, that the density does not exceed one (1) single-family dwelling unit per one hundred sixty (160) acres, or that density shown in the general plan land use element or that density permitted by a B combining district, whichever is the most restrictive;

(b) Saw mills, planer mills, pulp mills, particle board plants, log ponds, earth-filled dams and lumber yards, with associated uses;

(c) Development and utilization of natural resources with appurtenant structures. Hardrock quarry operations may be permitted only if they meet the criteria below:

(1) The operation is consistent with the purpose(s) of the resources and rural development district,

(2) The operation involves five (5) acres of land or less,

(3) The operation results in annual production of five thousand (5,000) cubic yards or less,

(4) The quarry does not include crushing, screening or batching operations,

(5) The operation is subject to payment of fees and other mitigation measures as may be found consistent with aggregate resources management plan,

(6) The operation must have an approved reclamation plan,

(7) The operation is located at least four (4) miles from the nearest approved source of aggregate materials. Other aggregate mining operations are not permitted unless excepted by Section 26A-3(a)(i) of the Sonoma County Code;

(Ord. No. 5651 § 1(x), 2006; Ord. No. 5435 § 2(m), 2003; Ord. No. 5361 § 2(n), 2002; Ord. No. 5342 § 5, 2002; Ord. 4973 § 4(b)—(d), 1996; Ord. No. 4643, 1993.)

SAN MATEO

SECTION 6953.1. "Compatible use" is any use which does not significantly detract from the use of the property for, or inhibit growing and harvesting timber, and shall include, but not be limited to, the following rules unless in a specific instance such a use would be contrary to the preceding definition of compatible use:

- a. Watershed management including the management of all the natural resources of a watershed to protect, maintain, or improve its water quality and yield.
- b. Management of lands for wildlife habitat.
- c. Management for recreation:
 - (1) Hunting, fishing, horseback riding, and hiking.
 - (2) Outdoor recreation uses requiring some development such as campgrounds, overnight shelters, or motorcycle parks.
- d. A use integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings, log storage areas, and minor portable sawmilling.
- e. Grazing.
- f. Mineral and hydrocarbon production.
- g. Energy resource development.
- h. The erection, construction, alteration or maintenance of gas, electric, water or communications, transmission facilities.
- i. Outdoor education activities or development.
- j. Residential housing.
- k. Scientific/Technical Research and Test Facilities, provided a Development Permit shall only be issued for this use upon the following findings:
 - (1) That the use is of a low-intensity nature with a minimum of permanent construction required, no permanent on-site personnel or permanent on-site vehicles.
 - (2) That the nature of the operation requires an open, isolated, and radio frequency interference-free environment.

Tuolumne

(TPZ) district is for the protection of timberland and in order to prevent encroachment upon it by incompatible uses of land, and for the general welfare of the county as a whole. This zone is intended to qualify its land pursuant to Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976 or such other legislative statutes or constitutional authorization as may be developed for defining a timberland preserve. Development in this zone must comply with Title 15 of this code relative to fire safety standards. (Ord. 2222 ' 83, 1998; Ord. 1980 ' 19, 1993; Ord. 1229 ' 2 (part), 1982).

17.42.020 Permitted uses. Within any timberland production (TPZ) district, the following uses are permitted unless it is found that, in the specific instance, such a use would significantly detract from the use of the property for, or inhibit, growing and harvesting of timber:

- A. Christmas tree farms;
- B. A use integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings, and log storage areas;
- C. Management for watershed;
- D. Management for fish and wildlife habitat or hunting and fishing;
- E. Grazing;
- F. Prospecting;
- G. One single-family dwelling per parcel;
- H. Residential care homes, nursery schools and small family day care homes, within a permitted single-family dwelling, for not more than six persons;
- I. General farming and ranching incidental to the growing, harvesting and processing of forest products;
- J. Accessory uses and structures appurtenant to permitted uses. (Ord. 2222 ' 84, 1998; Ord. 2119 ' 38, 1995; Ord. 2115 ' 28, 1995; Ord. 2049 ' 26, 1994; Ord. 1229 ' 2 (part), 1982).

17.42.030 Conditional uses. Within any timberland production (TPZ) district, the following uses are permitted subject to first securing a use permit if it is found that, in the specific instance, such a use would not significantly detract from the use of the property for, or inhibit, growing and harvesting of timber:

- A. Additional single-family dwellings, thirty-seven acres per unit maximum density;
- B. General farming and ranching;
- C. Agricultural processing facilities and activities and related accessory uses for products primarily from the farm or ranch located on the parcel or a combination of the parcel and other parcels under the same ownership all of which are located in the county;
- D. Roadside stand for the sale of agricultural products primarily from the farm or ranch located on the parcel or a combination of the parcel and other parcels under the same ownership all of which are located in the county;
- E. Nurseries and greenhouses;
- F. Sawmills;
- G. Development of mineral resources;
- H. Public safety facilities;

YUBA

12.65.050. - Permitted principal uses and structures.

The following principal uses and structures which meet the definition of "Compatible Use" as defined in Government Code § 51104(h) and Resolution No. 1976-155 adopted by the Yuba County Board of Supervisors on August 7, 1976, and no others are permitted in Timberland Preserve Zone:

- (1) Management for watershed;
- (2) Management for fish and wildlife habitat or hunting and fishing;
- (3) A use integrally related to growing, harvesting and processing forest products, including but not limited to roads, log landings and log storage areas;
- (4) The erection, construction, alteration, or maintenance of gas, electric, water or communication transmission facilities;
- (5) Grazing; or
- (6) A residence or other structure necessary for the management of land zoned as Timberland Production.
- (7) Subsurface exploration for, and extraction of, mineral resources, including oil, gas and other hydrocarbon substances, and also including geothermal energy production. Such use shall be compatible only when there is no significant disruption of the ground surface in the operations described;
- (8) Family day care homes in accordance with Chapter 12.120.

PLUMAS COUNTY

The following uses shall be permitted in the Timberland Production Zone (TPZ):

- (a) The growing and harvesting of timber, including Christmas trees, and measures to protect such timber;
- (b) The following uses, except in specific instances where such a use would significantly detract from the use of property for the uses set forth in subsection (a) of this section:
 - (1) Management for watershed;
 - (2) Management for fish and wildlife habitat and hunting and fishing;
 - (3) Uses integral to the uses set forth in subsection (a) of this section, including forest management roads, log landings, log storage areas, and temporary portable wood processing equipment;
 - (4) Management for the use of other natural resources where less than three (3) acres of land is converted to non-timberland use and hydroelectric generation subject to site development review as set forth in Article 11.3 of this chapter;
 - (5) Grazing;
 - (6) Public utility facilities as permitted by Section 9-2.415 of Article 4 of this chapter;
 - (7) A residence or other structure necessary for the management of a parcel zoned as timberland production if such parcel is 160 acres or greater in size; child day care homes; and limited child day care homes; and
 - (8) Where a single parcel is partially zoned timberland production and agricultural, structures necessary for the management of agricultural land may be located within the timberland production area; and
- (c) Subject to the issuance of a special use permit:
 - (1) Public service facilities.

SIERRA

Compatible Uses: The following shall be compatible uses within a timberland production zone unless such use can be found to be contrary to the definition of compatible use as defined herein:

1. Management for watershed.
2. Management for fish and wildlife habitat for hunting and fishing.
3. A use integrally related to the growing, harvesting and processing of forest products including but not limited to roads, log landings, log storage areas, temporary portable wood processing equipment.
4. The erection, construction, alteration or maintenance of gas, electric, water, or communication transmission facilities.
5. Grazing.
6. A residence or other structure necessary for the management of land zoned as timberland production.

(d) Permitted Uses: The following shall be permitted uses within a "Timberland Production Zone" provided that such uses are compatible uses and do not significantly detract from the use of the property for or inhibit growing or harvesting of timber:

1. Management of land and forests primarily for the commercial production and harvest of forest products, including grazing, beekeeping, watershed management, fish and wildlife habitat, and any uses directly incidental to and wholly compatible with the primary uses.
2. Management of land and forests in a manner designated to protect them from fire, insects, disease, or other potential or existing catastrophe.
3. Timber removal, including necessary access roads, log landing and storage areas provided such are constructed and maintained in accordance with the forest practice rules adopted by the State Board of Forestry.
4. Hunting, fishing, camping and other similar recreational uses not requiring any permanent improvement of facility.
5. Temporary living quarters appurtenant to timber management during harvest operations.
6. Minor maintenance, reconditioning, minor alterations and emergency activities, including the maintenance of existing vegetation clearances, of electric, water or communication facilities by public or private utility companies under the jurisdiction of the California Public Utilities Commission.
7. A residence or other structure necessary for the management of land zoned as timberland production. Code Codification: 1/2008 388

Siskiyou County

Uses permitted.

The following uses shall be permitted in the TPZ District:

- (a) Growing and harvesting timber, including Christmas trees but not nursery stock;
- (b) Compatible uses as defined by subsection (h) of Section 51100 of the Government Code of the state, except where conditionally permitted by County Code;
- (c) Recreational and/or educational uses not interfering with the primary purpose of the district, which purpose is the growing and harvesting of timber, which use shall include, but no be limited to, swimming, hunting, fishing, camping, walking, hiking, picnicking, boating and environmental and ecological studies;
- (d) Grazing; and
- (e) **A single-family residence or a mobile home in lieu thereof, provided a Timber Management Plan for the property has been prepared.**

(§ I, Ord. 86-2, eff. February 27, 1986, as amended by § I, Ord. 94-07, eff. April 14, 1994)
Sec. 10-6.5103. - Conditional uses permitted.

Subject to obtaining a use permit, the following uses shall be permitted in the TPZ district:

- (a) Timber processing by portable facilities;
- (b) Wood processing and manufacturing facilities;
- (c) Exploration for mineral resources;
- (d) Extraction of mineral resources;
- (e) Exploration for and the development of energy resources;
- (f) Labor camps, mobile homes, and residential dwellings to house persons needed for, and directly involved and employed in, timber harvesting or planting operations.
- (g) The construction and/or occupancy of any building, structure, or other facility constructed and/or occupied consistent with and pursuant to the uses permitted in the TPZ District;
- (h) Aircraft landing facilities;
- (i) Heliports;
- (j) The erection, construction, or maintenance of gas, electric, water, sewage, or communication transmission facilities; and
- (k) In addition to the uses listed above, the uses listed in Article 15, General Provisions, may also be permitted, subject to the issuance of a use permit.

(§ I, Ord. 86-2, eff. February 27, 1986, as amended by § I, Ord. 94-07, eff. April 14, 1994, as amended by § I, Ord. 94-07, eff. April 14, 1994)

PLACER COUNTY

D. Allowable Land Uses and Permit Requirements. The following land uses are allowed in the TPZ zone as provided by Section 17.06.050 (Land use and permit tables). ALLOWABLE LAND USES	LAND USE PERMIT	SPECIFIC STANDARDS IN SECTION:
Agricultural, Resource and Open Space Uses		
Agricultural accessory structures	C	17.56.020
Agricultural processing	MUP	
Animal raising and keeping	See Section 17.56.050	
Crop production	A	
Equestrian facilities	See Section 17.56.050	
Fisheries and game preserves	A	
Forestry	A	
Grazing	A	17.04.030
Mining, surface and subsurface	CUP	17.56.270
Oil and gas wells	CUP	
Plant production nurseries	See Section 17.56.165	
Winery	See Section 17.56.330	
Manufacturing and Processing Uses		
Lumber and wood products	CUP	
Paper products	CUP	
Water extraction and storage (commercial)	CUP	
Recreation, Education and Public Assembly Uses		
Campgrounds	MUP	17.56.080
Camping, incidental	A	17.56.080
Rural recreation	MUP	
Shooting ranges, commercial	MUP	
Temporary events	MUP	17.56.300
Residential Uses		
Caretaker and employee housing	MUP	17.56.090

D. Allowable Land Uses and Permit Requirements. The following land uses are allowed in the TPZ zone as provided by Section 17.06.050 (Land use and permit tables). ALLOWABLE LAND USES	LAND USE PERMIT	SPECIFIC STANDARDS IN SECTION:
Home occupations	C	17.56.120
Temporary dwelling	C	17.52.280
Service Uses		
Offices, temporary	C	17.56.030
Storage, accessory	A	17.56.250
Storage of petroleum products for on-site use	C	17.56.250
Transportation and Communications		
Airfields and landing strips	CUP	17.56.040
Antennas, communications facilities	See Section 17.56.060	
Heliports	CUP	17.56.040
Pipelines and transmission lines	A	

KEY TO PERMIT REQUIREMENTS

Allowed use, zoning compliance required (17.06.050)	A
Zoning clearance required (17.06.050)	C
Minor use permit required (17.06.050)	MUP
Conditional use permit required (17.06.050)	CUP
Administrative review permit (17.06.050)	ARP

E. Minimum Parcel Size. Each parcel proposed for development or a new land use, and each new parcel proposed in a subdivision shall comply with the following provisions and Section 17.54.040 (Minimum parcel size). New parcels proposed in a subdivision shall also satisfy all applicable provisions of Chapter 16 of this code (Subdivisions).

1. Minimum Lot Area. One hundred sixty (160) acres, unless a -B combining district (Section 17.52.040) applies to the site, or a greater area is required by the Health Department, or the provisions of Subchapter 15 (Specific Use Requirements) for a particular land use.

2. Minimum Lot Width. One-fourth of the lot length. Other minimum lot widths may be required by a -B combining district (Section 17.52.040) applicable to the site.

F. Site Development Standards. The following requirements shall apply to all new development in the TPZ zone, except where otherwise provided by Articles 17.54 (General Development Standards) or 17.56 (Specific Use Requirements) for a particular use or situation. Proposed buildings and structures shall be designed and constructed to satisfy the following setback, site coverage, and height limit requirements:

(Ord. 5526-B § 6, 2008; Ord. 5459-B Exh. A (part), 2007; Ord. 5126-B (part), 2001)

COUNTIES WITHOUT RESIDENCY BY RIGHT

ALPINE

CUP for personal residence with 160 acres or quarter section parcel within TP

18.24.010 Purpose.

The purpose of the TP timber preserve zone is to preserve timberlands as a renewable source of timber and wood products in accordance with the provisions of the Forest Taxation Reform Act of 1976. A timber preserve zone is a ten-year restriction on the use of land which is automatically renewed each year unless or until the affected property owner wishes to initiate withdrawal proceedings. In return for said restrictions, the taxation of timberland under TP will be based on such restrictions in use. Owners of timberland interested in possible tax savings afforded by this section should consult Chapter 6.5 and especially Section 51113 of the California Government Code and confer with the county assessor. (Ord. 453 § 8.01, 1985)

18.24.020 Permitted uses.

Permitted uses in the TP zone are as follows:

- A. The growing and harvesting of forest products, and uses directly related thereto, including but not limited to, roads, log landings, and log storage areas;
- B. Operations for appropriate management of watershed, and fire and erosion control;
- C. Operations for appropriate management of fish and wildlife habitat, and noncommercial hunting and fishing subject to landowners' restrictions;
- D. Grazing;
- E. The pre-existing single-family dwellings which are on parcels when zoned TP. (Ord. 453 § 8.02, 1985)

18.24.030 Conditional uses.

Conditional uses for which use permits are required in the TP zone are as follows:

- A. Sawmills, shingle mills, and other forest products processing operations and mining operations utilizing power equipment;
- B. The erection, construction, alteration or maintenance of gas, electric, water, or communications facilities;
- C. Structures and facilities associated with commercial hunting and fishing, pack stations, ski lifts, and similar operations;
- D. **One single-family dwelling to be occupied as owner's principal place of residence per minimum one hundred sixty acre or quarter section parcel created in a TP zone.**

E. Buildings and structures which are incidental and accessory to the above permitted uses and which are in conformity with federal and state agency forest practices. (Ord. 453 § 8.03, 1985)

County of Del Norte

CUP which will not be issued if cannot be approved if such use will significantly detract from the use of the property for, or inhibit, growing and harvesting timber:

20.43.020 Principal permitted uses

Title: 20 Zoning

Chapter: 20.43 TPZ - Timberland Preserve Zone

Section: 20.43.020 Principal permitted uses

In the TPZ, the principal permitted uses are:

Growing and harvesting timber and uses accessory (compatible) thereto.

20.43.030 Uses permitted subject to a conditional use permit

Title: 20 Zoning

Chapter: 20.43 TPZ - Timberland Preserve Zone

Section: 20.43.030 Uses permitted subject to a conditional use permit

Permits authorized under this section cannot be approved if such use will significantly detract from the use of the property for, or inhibit, growing and harvesting timber:

Timber products processing plants (buildings) for commercial processing of wood and wood products, including sawmills, lumber and plywood mills but not including a pulp mill

Public camps, public stables and similar recreational uses, not including recreational vehicle parks or mobile home parks

Single-family dwelling, mobile home or a manufactured home and normal accessory uses and structures for owner or caretaker.

(Ord. 95-06 § 5 (part), 1995 Ord. 76-29 § 1 (part), 1976.)

TRINITY

CUP which will not be approved if such use will significantly detract from the use of the property for, or inhibit, growing and harvesting timber.

SECTION 14.1 TIMBERLAND PRODUCTION DISTRICT OR "TPZ" DISTRICT

A. GENERAL DESCRIPTION: The Timberland Production Zone or TPZ is intended to provide for timberland zoning and restrictions for a minimum of a ten (10) year period. Such zoning allows land to be valued for property taxation, in general, on the basis of its use for growing and harvesting timber and compatible uses.

B. USES PERMITTED: The following uses are permitted or deemed compatible to the growing and harvesting of timber:

- Growing and harvesting timber.

- Watershed management.

- Wildlife and fisheries habitat improvement.

- Roads, landings, and log storage areas integral to the growing and harvesting of timber.

- Portable sawmills, chippers, and similar equipment.

- Grazing and other agricultural uses.

- Recreation uses including walking, hiking, picnicking, swimming, boating, fishing, hunting and skiing.

C. USES PERMITTED SUBJECT TO FIRST SECURING A USE PERMIT: Uses allowed under this section cannot be approved if such use will significantly detract from the use of the property for, or inhibit, growing and harvesting timber.

- A Single Family Dwelling and accessory structures.

- Sawmill.

- Lumber mill.

- Plywood mill.

- Trailer Camp.

- Public Camp.

- Public Stable.

- Labor camps accessory to timber harvesting or planting operations which are less than one year in duration.

- Mining operations whose purpose is to provide material for log hauling roads both on and off-site.

B. MINIMUM LOT AREA FOR DIVISION OF PARCELS ZONED TPZ: The minimum lot area for division of parcels zoned TPZ shall be as designated in the Zoning District. In the event no minimum parcel size has been specified in the Zoning District, minimum lot area shall be 160 acres. The minimum acreage requirement may, at the discretion of the Planning Commission and Board of Supervisor's pursuant to Section 31 of the Zoning

ordinance, be reduced when necessary to resolve adjacent land use conflicts through lot line adjustment.

Shasta

CUP for . Living quarters for persons fully and necessarily employed on the premises

TIMBER PRODUCTION (TP) DISTRICT

Sections:

17.08.010 Purpose.

17.08.020 Permitted uses.

17.08.030 Uses requiring use permit.

17.08.040 Area requirements.

17.08.050 Application to place property in TP district.

17.08.010 Purpose.

The purpose of the timber production (TP) district is to preserve lands devoted to and used for the growing and harvesting of the California Timberland Productivity Act of 1982, and to provide for uses compatible with the growing and harvesting of timber. The TP district is equivalent to the timberland production zone referred to in the act. Land within a TP district is subject to all conditions and restrictions applicable to a timberland production zone. This district is consistent with the timberland (T) general plan designation, and may also be applied to other areas which meet the criteria of this district, provided there are no conflicts with other general plan policies. (Prior code §5.02.030(A))

17.08.020 Permitted uses.

The following uses are permitted outright in the TP district:

- A. Forest management;
- B. Grazing, beekeeping, watershed management, fish and wildlife habitat, and other uses directly incidental to and wholly compatible with the primary use;
- C. Hunting, fishing, camping and similar recreational uses not involving any permanent improvement of the land or interfering materially with the primary use;
- D. Christmas tree farm. (Prior code §5.02.030(B)) 17.08.030 Uses requiring use permit.

The following uses are permitted in the TP district if a use permit is issued:

- A. Living quarters for persons fully and necessarily employed on the premises;
- B. Other uses indirectly incidental to forest management, including permanent wood processing installations;

C. Development and use of mineral resources, such as sand, gravel, cinders, rock, ores, minerals, water and steam, for other than forest management, provided the development will not significantly detract from the use of the property for forest management. Development which will preclude forest management in limited areas and which will be restored for forest management shall not be deemed significant under this section;

D. The erection, construction, or alteration of a gas, electrical, water or communication transmission facility, or other public improvements, in accordance with Government Code Section 51152;

E. Processing of diatomaceous earth on a site consisting of less than three acres when the site is located within the same region and in relatively close proximity to the mining operation. (Prior code §5.02.030(C)) (Amended March 16, 1995)

Chapter 17.44 TIMBERLAND PRESERVE ZONE (TPZ) DISTRICT

17.44.010 Purpose.

The regulations set forth in this chapter shall apply only to those lands subject to the Forest Taxation Reform Act of 1976. (Prior code §9432(A))

17.44.020 General Provisions.

Lands zoned pursuant to this chapter shall be subject to chapters [17.14](#), [17.16](#) and [17.18](#). (Prior code §9432(B))

17.44.030 Uses Permitted by Right.

The following uses are allowed by right without special use permit or variance:

- A. Growing and harvesting forest products
- B. residence,
- C. Maintenance and repair facilities for trucks and equipment used in the management and harvesting of timber of the landowner;
- D. Erection, construction, alteration or maintenance of gas, electric, water or communication transmission facilities following review by the planning commission as may be required by chapter [17.18](#);
- E. Management for watershed;
- F. Management for fish and wildlife habitat;
- G. Noncommercial recreation uses (reasonable fees may be charged for maintenance):
 - 1. Hunting and fishing in accordance with applicable federal and state law including chapter [9.44](#) of this code,
 - 2. Day use for picnicking, riding, hiking, and
 - 3. Temporary camping;
- H. Mineral resources removal and processing for road building when incidental to and in conjunction with timber producing and harvesting;
- I. Raising and grazing of livestock, poultry and other animals;

J. Signs warning against trespass, hunting or shooting on the premises;

K. Signs indicating the name of the owner, the property and the agricultural products produced on the premises; provided, that no more than two (2) such signs shall be erected on each parcel under separate ownership and no such sign shall exceed thirty-two (32) square feet in area;

L. Sale of products produced on the premises. (Ord. 3606 §57, 1986: prior code §9432(C))

17.44.040 Uses Requiring Special Use Permit.

The following uses are allowed only after obtaining a special use permit therefor from the planning commission or zoning administrator:

A. Commercial mineral resources removal and processing when not incidental to timber production and harvesting;

B. Permanent structure for the processing and packaging of agricultural and timber products and the necessary support facilities required therefor;

C. Gas and oil wells and/or exploration therefor;

D. Other sign sizes and applicable general provisions as itemized in chapters

E. Heliports and their accessory uses and structures;

F.

17.44.050 Criteria for Residential Use in TPZ.

G. The County finds that However, it is recognized that in certain situations Therefore, by recommendation of the Agricultural Commission, the zoning administrator may grant a permit in compliance with construction

1.

i.

EL DORADO COUNTY 5 YEAR REVIEW/GENERAL PLAN AMENDMENTS AND ZONING ORDINANCE REVISIONS

INDUSTRIAL AND RESEARCH & DEVELOPMENT

Introduction

A review has been completed on needed general plan amendments and zoning ordinance revisions in regards to Industrial and Research & Development as requested. The main focus was to protect Industrial and R&D land for the purpose of creating jobs in the county. The following lists minor general plan amendments allowing for the possibility of Industrial outside the Community Regions. It also recommends splitting the Industrial zone into Light and Heavy Industrial.

Background

Research was directed to California counties such as Napa, San Bernardino, Nevada, San Luis Obispo, Sacramento and El Dorado County's Draft new Zoning Ordinance. We compared our ordinances to see where we might improve to locate businesses in our zoning. Current business owners located in our county were met with to discuss any issues they may have/had with their businesses in the process and any recommendations. We also spoke with Commercial Real Estate Brokers to ask about their experiences with clients and how their criteria matched with our county.

Solution

We recommend opening up the possibility of Industrial outside of the CR & RC through Policy 2.2.1.2 as stated in the staff report. Our research also demonstrated that splitting the Industrial zoning to Light and Heavy will protect those few Heavy Industrial areas in the county for future businesses and expanding the Industrial Matrix based on Light or Heavy will streamline the process for companies interested in locating in the county.

Land Use	PERMIT REQUIRED BY ZONE		Specific Use Regulation
	Light I	Heavy I	
Commercial			
Adult Business Establishments	—	A	17.40.040
Animal Sales and Service: Grooming and Pet Stores	P	—	
Kennels, Commercial	P	—	
Veterinary Clinic	P	—	
Automotive and Equipment: Fuel Sales	P	—	
Paint and Body Shop	P	P	
Repair	P	P	
Sales and Rental	P	—	
Salvage and Dismantling Yard	—	CUP	
Vehicle Storage	P/A	P	
Banks and Financial Services	P	—	
Bars and Drinking Establishments	P	CUP	
Breweries	P	P	
Broadcasting and Recording Studio	P	—	
Building Supply Stores	P	P	
Business Support Services	P	—	
Child Day Care Center	CUP	—	17.40.110
Commercial Recreation: Arcade	P	—	
Indoor Sports and Recreation	P	CUP	
Employer-sponsored Child Day Care Center	A	A	17.40.110
Food and Beverage Retail Sale	P	—	
Free Food Distribution Center	CUP	—	
Funeral and Internment Services	P	—	
Lodging Facilities: Bed and Breakfast Inn	—	—	
Hotel and Motel	—	—	
Maintenance and Repair (Exclusive of Automotive and Equipment)	P	—	

Land Use	PERMIT REQUIRED BY ZONE		Specific Use Regulation
	Light I	Heavy I	
Mobile/Manufactured Home Sales Lots	A	A	
Nursery, wholesale plant	P	—	
Offices, Professional	P	—	
Ranch Marketing	P	—	17.40.260
Recycling Facilities	P/A	P/A	17.40.280
Restaurant	P	P ¹	
Retail Sales and Service: Indoor			
Permanent Outdoor	P	A	17.40.220
Temporary Outdoor	A/T	A/T	
Property Services	P	P	
Personal Services	CUP	—	
Specialized Education and Training	CUP	—	17.40.230
Storage, Self	P	—	17.40.320
Trade Schools	P	P	
Winery ² : Production Facility	P	P	
Full-service Facility	P	—	
Industrial			
Hazardous Materials Handling	—	CUP	
Industrial: General	—	P/CUP	
Specialized:	—	CUP	
Laundries, Commercial	P	P	
Light Manufacturing:	P	P	
Ceramic products from compounded clay	P/CUP ³	P	
Lightweight nonferrous metal casting foundry			
Mineral Exploration	A/CUP	A/CUP	Chapter 17.29
Mineral / Oil Production	—	CUP	
Mining: Subsurface	CUP	CUP	

Land Use	PERMIT REQUIRED BY ZONE		Specific Use Regulation
	Light I	Heavy I	
Surface	CUP	CUP	
Printing and Publishing	P	P	
Research and Laboratory Services	P	P	
Slaughterhouse	—	CUP	
Storage Yard, Equipment and Materials: Permanent	P	P	17.40.320
Temporary	T	T	
Wholesale Distribution	P	P	
Residential			
Caretaker Unit: Permanent	A	A	17.40.120
Temporary	TMA	TMA	
Construction Trailer/Contractor's Office: On-site	P	P	17.40.190
Off-site	A	A	
Dwelling, Detached Single-unit ⁴	CUP	—	
Employee Housing: Off-site Construction	P	P	17.40.190
Home Occupations ⁴	P	—	17.40.170
Lodging: Vacation Home Rental ⁴	CUP	—	17.40.370
Transitional Housing: Small and Large	CUP	—	17.40.360
Recreation and Open Space			
Marina: Motorized Craft	CUP	—	
Ski Area	CUP	—	
Snowplay Area	CUP	—	17.40.210
Special Events, Temporary	T	T	
Trail Head Parking and Staging Area	CUP	—	17.40.210
Civic			
Cemeteries, Public	CUP	CUP	

Land Use	PERMIT REQUIRED BY ZONE		Specific Use Regulation
	Light I	Heavy I	
Churches and Community Assembly	CUP	—	
Community Services: Intensive	CUP	P	
Parks: Day Use	—	—	
Nighttime Use	—	—	
Schools, Private: College and University	—	—	
Elementary and Secondary	—	—	
Transportation			
Airports, Airstrips and Heliports	CUP	CUP	
Intermodal Facility	P	P	
Parking Lot	P	P	
Utility and Communication Use Type			
Communication Facilities	A/CUP	P/A	17.40.130
Public Utility Service Facilities: Intensive	CUP	CUP	17.40.250
Minor	P	P	
Wind Energy Conversion System	See Table 17.40.390.1 (WECS Use Matrix)		17.40.390
Agricultural			
Agricultural Employee Housing	—	CUP	17.40.120
Agricultural Support Services	P	—	17.40.060
High Density Livestock	—	CUP	
Nursery, wholesale	P	P	
Packing: Off Site Products	P	P	

Land Use	PERMIT REQUIRED BY ZONE		Specific Use Regulation
	Light I	Heavy I	
<p>NOTES:</p> <p>¹ On site for employee use, only.</p> <p>² As defined in Article 8 (Glossary). Not subject to Winery Ordinance (Section 17.40.400).</p> <p>³ CUP for larger, general industrial-scale use.</p> <p>⁴ As a nonconforming use where lack of infrastructure precludes commercial development.</p>			

Commercial Recreation

Arcade. Places open to the public where four or more coin operated amusement devices are installed, including establishments where the primary use is not devoted to the operation of such devices.

Indoor Sports and Recreation. Predominantly participant sports and recreation activities conducted within a building, typical uses include bowling alleys, skating rinks, indoor racquetball courts, gymnasiums, indoor batting cages and sport courts, athletic and health clubs.

Church and Community Assembly. (Use Type) Facilities and activities typically carried on at public and quasi-public meeting areas, including but not limited to places of worship, public and private non-profit meeting halls, public community indoor recreation facilities, and community centers. *PCD*

Community Services. (Use Type) Facilities and uses provided by public agencies for the community health, safety, and welfare. Community Services are divided into the following categories:

Intensive. Services that may have the potential to cause impacts from noise, lights, odors, or the use of hazardous materials, such as sheriff substations, fire stations, correctional facilities, and landfill transfer stations.

Minor. Services such as post offices, libraries, museums, and government offices.
PCD Modified

Industrial:

General. (Use Type) Manufacturing, processing, assembling, or fabricating from raw materials to include any use involving an incinerator, blast furnace, or similar industrial process and any industrial process conducted wholly or partially outdoors. Typical uses include lumber mills; batch plants; truss manufacturing; co-generation plants; food and related products processing plants; fabric, textile and carpet mills; and distilleries.
PCD

Specialized. (Use Type) Establishments engaged in activities that generate noise, vibration, odor, dust, or smoke that may extend beyond the confines of the property boundaries; that involve special safety or public health considerations; or that do not clearly fit within another industrial use classification. Typical uses include bulk storage of gasoline, propane, or other flammable fuel sources, and material recovery facilities.
PCD

Light Manufacturing. (Use Type) The manufacture, assembly, or packaging of products from previously prepared materials, such as cloth, plastic, paper, ceramic, metals, pre-cut wood, and wood products. It does not include saw and planing mill operations or manufacturing uses involving primary production of wood, metal, or chemical products from raw materials (See “Industrial, General”). Typical uses include electronics and computer component assembly and cabinetmaking, but can include small-scale, artisanal production of goods, such as soap, cheese, hand-loomed textiles, and garments. *PCD*

Public Utility ~~Structures and~~ Service ~~Facilities~~. (Use Type) ~~Structures and services~~ Facilities necessary to provide the community with power, water, sewage disposal, telecommunications, and similar ~~facilities and~~ services. Public Utility ~~Structures and~~ Service Facilities are divided in the following categories: (See Section 17.40.250: Public Utilities).
PCD

Intensive. ~~Public utility structures and sService Facilities~~ that may have the potential to cause impacts from noise, lights, odors, or the use of hazardous materials, such as ~~Typical uses include~~ electrical receiving facilities or substations, sewage treatment facilities, and power generating facilities.

Minor. ~~Minor structures and sService facilities~~ such as water, sewer, gas pipelines, and pump stations; telephone and electrical distribution lines 12 kilovolts (kV) or less; and drainage facilities.

Retail Sales and Service. (Use Type) Establishments engaged in the sale of goods and merchandise, whether new or used, or in providing commercial and personal services, excluding those uses classified under Animal Sales and Service, Automotive and Equipment, Business Support Services, Food and Beverage Retail Sales, and Mobile/Manufactured Home Sales Lots. Retail Sales and Service use types are divided into the following categories:

Sales:

Indoor. Those retail sales establishments where merchandise is displayed and sales are conducted entirely within a building. Typical sales uses include hardware, auto parts, drug and discount, furniture, and sporting goods stores; and bakeries.

Outdoor. Those retail sales establishments where merchandise is displayed and sales are conducted entirely or partially outside of a building, such as landscape materials, lumber and construction material, and plant nursery sales.

Temporary Outdoor. The retail sales of merchandise displayed outside of a building or structure on a specified, temporary basis. Typical uses include sidewalk or parking lot sales, and farmers' markets. (See also "Seasonal Sales.") *PCD*

Services:

Property. Establishments engaged in providing services relating to maintenance and support of off site development, including, but not limited to landscaping, pest control, professional painting, delivery, janitorial, pool, and security services.

Personal. Establishments engaged in providing services relating to personal improvement or appearance, such as barber shops, beauty salons, therapeutic message parlors, tailors, shoe repair shops, self-service laundries, and dry cleaners.

Vehicle Storage. The service and storage of operable vehicles, boats and trailers. Typical uses include recreational vehicle storage lots, fleet storage lots, impound lots, and construction vehicle storage areas. It also includes storage of vehicles incidental to a commercial use, such as delivery, taxicab, and towing services.

Wineries. (Use Type) Facilities producing and bottling wine for sale. Wineries are divided into the following categories:

Production Facilities. Those facilities used for production and bottling without tasting room and accessory retail sales facilities.

Full-service Facilities. Those facilities used for production, bottling, wine tasting, and retail sales of wine and other incidental goods. (See Section 17.40.400 Wineries). *PCD*

CHAPTER 17.22 – COMMERCIAL ZONES LAST REVISED: [10/3/11](#)

Sections:

- 17.22.010 Purpose and Intent
- 17.22.020 Matrix of Permitted Uses
- 17.22.030 Commercial Zone Development Standards

17.22.010 Purpose and Intent

- A. The purpose of the commercial zones is to achieve the following:
 - 1. Provide a full range of retail, office, and service uses for the residents, businesses and visitors of the County.
 - 2. Provide lands suitable for commercial development to enhance economic growth, expand the local tax base, and provide employment opportunities in the County.
 - 3. Provide a clear and concise set of procedures and requirements for commercial development.
 - 4. Maintain and improve the character of existing commercial centers and core areas while providing for the expansion and full utilization of underdeveloped and undeveloped properties within those areas.
 - 5. Ensure that adequate infrastructure and services are available to serve the commercial needs of business owners and customers.
- B. This Chapter lists the land uses that may be allowed within the Commercial zones established by Section 17.12.020 (Zoning Map and Zones), determines the types of planning permit/approval required for each use and provides basic standards for site layout and building size.
- C. The purposes of the individual Commercial zones and the manner in which they are applied are as follows.
 - 1. [1. **Regional Commercial \(CR\)** - Intended to provide retailing services of both a convenience and durable nature, such as apparel, furniture, food, banking and financial services, etc., defined for a regional trade area. The CR zoning district applies to areas appropriate for highway oriented retail and service uses and regional shopping centers that serve a market beyond the immediate neighborhood and severing an area larger than a Community Region.](#)



2. Community Commercial (CC) – Zoning district intended to provide for the retail sales, offices, and services serving the daily needs of residing within the Community Region w and to promote stable and attractive commercial development which will be compatible in the neighboring residential uses.
3. Neighborhood Commercial (CN) – Zoning district intended to designate areas suitable for low-intensity retail and office activities oriented to serving nearby residential areas. Zoning areas should be located along major arterials and/or secondary streets.
4. Professional Office Commercial (CPO). The CPO, Professional Office Commercial Zone is intended to promote and regulate the development of land suitable for professional, administrative, and business offices and offices mixed with low to high intensity residential uses. It is intended that this zone be utilized as a transition between residential areas and higher intensity commercial uses by creating an environment which is compatible with adjacent residential uses while providing adequate economic incentive for development of such office space. Retail sales shall be incidental to the primary office uses in this zone.
5. Heavy Commercial (CH) – An intended zoning to provide a buffer between all other commercial zonings and industrial areas. The types of business in the zone should range from heavy commercial to light industrial and for uses otherwise not permitted in other commercial zoned areas such as auto body shops, auto painting, cabinet shops, equipment rental lots.
6. Main Street Commercial (CM) – The proposed Main Street Districts would allow for a wide range of commercial uses, or a mix of commercial and residential uses, in a pedestrian-oriented format with buildings located close to a wide pedestrian sidewalk.
7. Rural Commercial (CRR) - The purpose of the RC zone is to provide land for commercial use in small towns, community centers, and isolated areas. (MORE.....)

17.22.020 Matrix of Permitted Uses

Uses are permitted in commercial zones subject to the requirements of this Title as designated in Table 17.22.020 below:

Table 17.22.020 Allowed Land Uses and Permit Requirements for the Commercial Zones

CPO: Planned Office Commercial	P	Permitted use (Article 4)							
	A	Administrative permit required (17.52.010)							
CR: Regional Commercial	T	Temporary use permit required (17.52.070)							
CC: Community Commercial	CUP/	Conditional Use Permit required/							
CN: Neighborhood Commercial	MUP	Minor use permit required (17.52.020)							
CH: Heavy Commercial	PD	Development Plan Permit required (17.52.040)							
CM: Main Street Commercial	TMA	Temporary mobile home permit (17.52.060)							
CRR: Rural Commercial	—	Use not allowed in zone							
Land Use	PERMIT REQUIRED BY ZONE							Specific Use Regulation	
	CR	CC	CN	CPO	CH	CM	CRR		
Commercial									
Agricultural Support Services	=	=	=	∇	P	=	P	17.40.000	
Animal Sales and Service: Grooming and Pet Stores	P	P	A	∇	CUP	A	P		
Kennels, Commercial	=	=	CUP	∇	CUP	=	CUP		
Veterinary Clinic	A	A	CUP	CUP	CUP	CUP	A		
Automotive and Equipment: Fuel Sales	CUP	CUP	CUP	CUP	CUP	CUP	CUP		
Paint and Body Shop	=	=	=	—	CUP	=	=		
Repair	CUP	CUP	=	—	P	=	CUP		
Sales and Rental	=	MUP	=	—	P	=	MUP		
Vehicle Storage	=	=	MUP	—	P	=	P		
Banks and Financial Services	P	P	P	P	P	P	P		
Bars and Drinking Establishments	CUP	CUP	=	—	MUP	MUP	MUP		
Breweries	P	MUP	=	—	P	MUP	P		
Broadcasting and Recording Studio	=	=	=	P	P	=	=		
Building Supply Stores	P	P	=	—	P	A	A		
Business Support Services	P	P	MUP	A	P	A	=		
Child Day Care Center	=	MUP	A	A	=	MUP	A	17.40.110	
Commercial Recreation: Arcade	P	P	MUP	—	P	MUP	=		

Land Use	PERMIT REQUIRED BY ZONE							Specific Use Regulation
	<u>CR</u>	<u>CC</u>	<u>CN</u>	<u>CPO</u>	<u>CH</u>	<u>CM</u>	<u>CRR</u>	
CPO: Planned Office Commercial <u>CR: Regional Commercial</u> <u>CC: Community Commercial</u> <u>CN: Neighborhood Commercial</u> <u>CH: Heavy Commercial</u> <u>CM: Main Street Commercial</u> <u>CRR: Rural Commercial</u>	P	A	T	CUP/MUP	PD	TMA	—	Permitted use (Article 4) Administrative permit required (17.52.010) Temporary use permit required (17.52.070) Conditional Use Permit required/ Minor use permit required (17.52.020) Development Plan Permit required (17.52.040) Temporary mobile home permit (17.52.060) Use not allowed in zone
Indoor Entertainment	<u>A</u>	<u>CUP</u>	<u>CUP</u>	—	<u>P</u>	<u>CUP</u>	<u>A</u>	
Indoor Sports and Recreation	<u>CUP</u>	<u>CUP</u>	=	—	<u>P</u>	=	=	
Large Amusement Complex	=	=	=	—	<u>CUP</u>	=	=	
Outdoor Entertainment	<u>CUP</u>	=	=	—	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	
Outdoor Sports and Recreation	=	=	=	—	<u>CUP</u>	=	<u>CUP</u>	17.40.210
Employer-sponsored Child Day Care Center	=	=	=	A	=	=	<u>A</u>	17.40.110
Food and Beverage Retail Sale	<u>P</u>	<u>P</u>	<u>P</u>	<u>CUP</u>	=	<u>P</u>	<u>P</u>	
Free Food Distribution Center	=	=	=	—	<u>P</u>	=	=	
Funeral and Internment Services	=	=	<u>A</u>	<u>A</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	
Itinerant Sales				A/T	=			17.40.220
Lodging Facilities: Bed and Breakfast Inn	=	=	<u>CUP</u>	<u>CUP</u>	=	<u>P</u>	<u>P</u>	17.40.090
Hotel and Motel	<u>P</u>	<u>CUP</u>	=	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	
Maintenance and Repair (Exclusive of Automotive and Equipment)	<u>CUP</u>	<u>CUP</u>	---	—	<u>P</u>	---		
Medical Services: Hospital and Clinic	=	<u>CUP</u>	<u>A</u>	<u>P</u>	=	<u>CUP</u>	<u>CUP</u>	
Long-Term Care Facility	=	=	<u>P</u>	<u>CUP</u>	=	=	<u>CUP</u>	
Medical Offices	=	<u>P</u>	<u>P</u>	P	=	<u>P</u>	<u>P</u>	
Mobile/Manufactured Home Sales Lots	=	=	=	—	<u>CUP</u>	=	=	
Nursery, wholesale plant	<u>P</u>	=	<u>P</u>	—	<u>P</u>	=	<u>P</u>	
Offices, Professional	=	=	<u>P</u>	P	<u>p</u>	<u>P</u>	<u>P</u>	
Ranch Marketing	=	=	=	—	=	=	<u>P</u>	17.40.260

CPO: Planned Office Commercial	P	Permitted use (Article 4)							
CR: Regional Commercial	A	Administrative permit required (17.52.010)							
CC: Community Commercial	T	Temporary use permit required (17.52.070)							
CN: Neighborhood Commercial	CUP/	Conditional Use Permit required/							
CH: Heavy Commercial	MUP	Minor use permit required (17.52.020)							
CM: Main Street Commercial	PD	Development Plan Permit required (17.52.040)							
CRR: Rural Commercial	TMA	Temporary mobile home permit (17.52.060)							
	—	Use not allowed in zone							
Land Use	PERMIT REQUIRED BY ZONE							Specific Use Regulation	
	<u>CR</u>	<u>CC</u>	<u>CN</u>	<u>CPO</u>	<u>CH</u>	<u>CM</u>	<u>CRR</u>		
Recycling Facilities	=	=	=	—	<u>CUP</u>	=	<u>CUP</u>	17.40.280	
Restaurant: With Drive through	<u>P</u>	<u>P</u>	<u>P</u>	<u>MU</u> <u>P</u>	<u>CUP</u>	<u>P</u>	<u>P</u>	17.40.150	
Without Drive through	<u>P</u>	<u>P</u>	<u>P</u>	<u>MU</u> <u>P</u>	<u>CUP</u>	<u>P</u>	<u>P</u>		
Retail Sales and Service: Indoor	<u>P</u>	<u>P</u>	<u>P</u>	—	<u>P</u>	<u>P</u>	<u>P</u>		
Permanent Outdoor	<u>P</u>	<u>P</u>	=	—	=	=	<u>P</u>		
Temporary Outdoor	<u>P</u>	<u>P</u>	<u>T</u>	<u>A/T</u>	<u>P</u>	<u>T</u>	<u>T</u>	17.40.220	
Personal Services	<u>P</u>	<u>P</u>	<u>P</u>	—	<u>P</u>	<u>P</u>	<u>P</u>		
Specialized Education and Training	=	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>CUP</u>	<u>CUP</u>	17.40.230	
Storage, Self	=	=	<u>CUP</u>	—	<u>MU</u> <u>P</u>	=	<u>CUP</u>	17.40.320	
Winery: Production and Full-service Facilities ¹	=	=	=	—	=	=	<u>P</u>		
Industrial									
Laundries, Commercial	=	=	=	—	<u>CUP</u>	=	<u>CUP</u>		
Light Manufacturing	=	=	=	=	<u>CUP</u>	=	<u>CUP</u>		
Mineral Exploration	=	=	=	=	=	=	=		
Mining: Subsurface	=	=	=	=	=	=	=	Chapter 17.29	
Surface	=	=	=	=	=	=	=		
Printing and Publishing	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>		
Storage Yard, Equipment and Materials: Permanent	=	=	<u>CUP</u>	—	<u>CUP</u>	=	<u>CUP</u>	17.40.320	
Temporary	<u>T</u>	<u>T</u>	<u>T</u>	<u>T</u>	<u>T</u>	<u>T</u>	<u>T</u>		

CPO: Planned Office Commercial	P	Permitted use (Article 4)							
CR: Regional Commercial	A	Administrative permit required (17.52.010)							
CC: Community Commercial	T	Temporary use permit required (17.52.070)							
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CH: Heavy Commercial	MUP	Minor use permit required (17.52.020)							
CM: Main Street Commercial	PD	Development Plan Permit required (17.52.040)							
CRR: Rural Commercial	TMA	Temporary mobile home permit (17.52.060)							
	—	Use not allowed in zone							
Land Use	PERMIT REQUIRED BY ZONE							Specific Use Regulation	
	CR	CC	CN	CPO	CH	CM	CRR		
Wholesale Distribution	=	=	=	↔	CUP	=	=		
Residential									
Caretaker Unit: Permanent	=	=	MUP	A	↔	CUP	CUP	17.40.120	
Temporary	=	=	=	↔	=	=	=		
Community Care Facility: Small (serving 6 or fewer); and Large (serving 7 or more)	=	=	CUP	CUP	=	CUP	↔		
Construction Trailer/Contractor's Office: On-site	P	P	P	P	P	P	P	17.40.190	
Off-site				A					
Dwelling (as part of a Mixed Use Development)	CUP	MU D	P	P	=	P	CUP	17.40.180 MUD II	
Dwelling, Detached Single-unit ²	=	=	P	P	=	P	CUP	MUD II	
Emergency Shelter	P	P	P	CUP	=	P	↔		
Employee Housing: Off-site Construction	=	P	P	P	↔	P	P	17.40.160	
Home Occupations ³	=	P	P	P		P	P	17.40.170	
Large Family Day Care Home	=	=	P	P	=	P	P	17.40.170	
Lodging: Vacation Home Rental	=	=	=	—	=	=	P	17.40.370	
Transitional Housing: Small and Large	=			—	=			17.40.360	
Recreation and Open Space									
Campground	=			—	↔		↔	17.40.170	
Golf Course	=			—	↔		↔	17.40.170	

CPO: Planned Office Commercial	P	Permitted use (Article 4)							
CR: Regional Commercial	A	Administrative permit required (17.52.010)							
CC: Community Commercial	T	Temporary use permit required (17.52.070)							
CN: Neighborhood Commercial	CUP/	Conditional Use Permit required/							
CH: Heavy Commercial	MUP	Minor use permit required (17.52.020)							
CM: Main Street Commercial	PD	Development Plan Permit required (17.52.040)							
CRR: Rural Commercial	TMA	Temporary mobile home permit (17.52.060)							
	—	Use not allowed in zone							
		PERMIT REQUIRED BY ZONE							Specific Use Regulation
Land Use	CR	CC	CN	CPO	CH	CM	CRR		
Marina: Motorized Craft	=			—	✓		✓	17.40	
Non-Motorized Craft				—	✓		✓		
Recreational Vehicle Park	=			—	✓		✓	17.40	
Ski Area	=			—	✓		✓		
Snowplay Area	=			—	✓		✓	17.40	
Special Events, Temporary	T	T	T	T	T	T	T		
Swimming Pool	CUP	CUP	CUP	CUP	CUP	=	CUP		
Tennis Courts	CUP	CUP	CUP	CUP	=	=	CUP	17.40.210	
Trail Head Parking and Staging Area	=	=	=	✓	=	=	CUP		
Civic									
Cemeteries, Public	=	=	=	✓	CUP	=	CUP		
Churches and Community Assembly	=	MUP	A	A	A	A	A		
Community Services	=	P	P	P	P	P	P		
Parks: Day Use	=	=	P	P	P	P	P	17.40.210	
Nighttime Use	=	=	CUP	CUP	CUP	P	CUP		
Schools, Private: College and University	CUP	CUP	CUP	CUP	CUP	CUP	CUP	17.40.230	
Elementary and Secondary	CUP	CUP	CUP	CUP	CUP	CUP	CUP		
Transportation									
Airports, Airstrips and Heliports	=	=	=	✓	CUP	=	CUP		
Intermodal Facility				CUP	✓		✓		
Parking Lot	P	P	P	P	P	P	P		

CPO: Planned Office Commercial CR: Regional Commercial CC: Community Commercial CN: Neighborhood Commercial CH: Heavy Commercial CM: Main Street Commercial CRR: Rural Commercial	P	Permitted use (Article 4)							
	A	Administrative permit required (17.52.010)							
	T	Temporary use permit required (17.52.070)							
	CUP/	Conditional Use Permit required/							
	MUP	Minor use permit required (17.52.020)							
	PD	Development Plan Permit required (17.52.040)							
	TMA	Temporary mobile home permit (17.52.060)							
	—	Use not allowed in zone							
Land Use	PERMIT REQUIRED BY ZONE							Specific Use Regulation	
	CR	CC	CN	CPO	CH	CM	CRR		
Utility and Communication Use Type									
Communication Facilities	=	=	CUP	A/C UP	CUP	CUP	CUP	17.40.130	
Public Utility Structures and Services:	=	=	CUP	CUP	CUP	CUP	CUP	17.40.250	
Intensive	=	=	MUP	MU P	MU P	MU P	MU P		
Minor	=	=	MUP	MU P	MU P	MU P	MU P		
Wind Energy Conversion System	See Table 17.40.390.1 (WECS Use Matrix)							17.40.390	
NOTES: ¹ As defined in Article 8 (Glossary). Not subject to Winery Ordinance (Section 17.40.400). ² As a nonconforming use where lack of infrastructure precludes commercial development. ³ As part of the residential component of a mixed use development.									

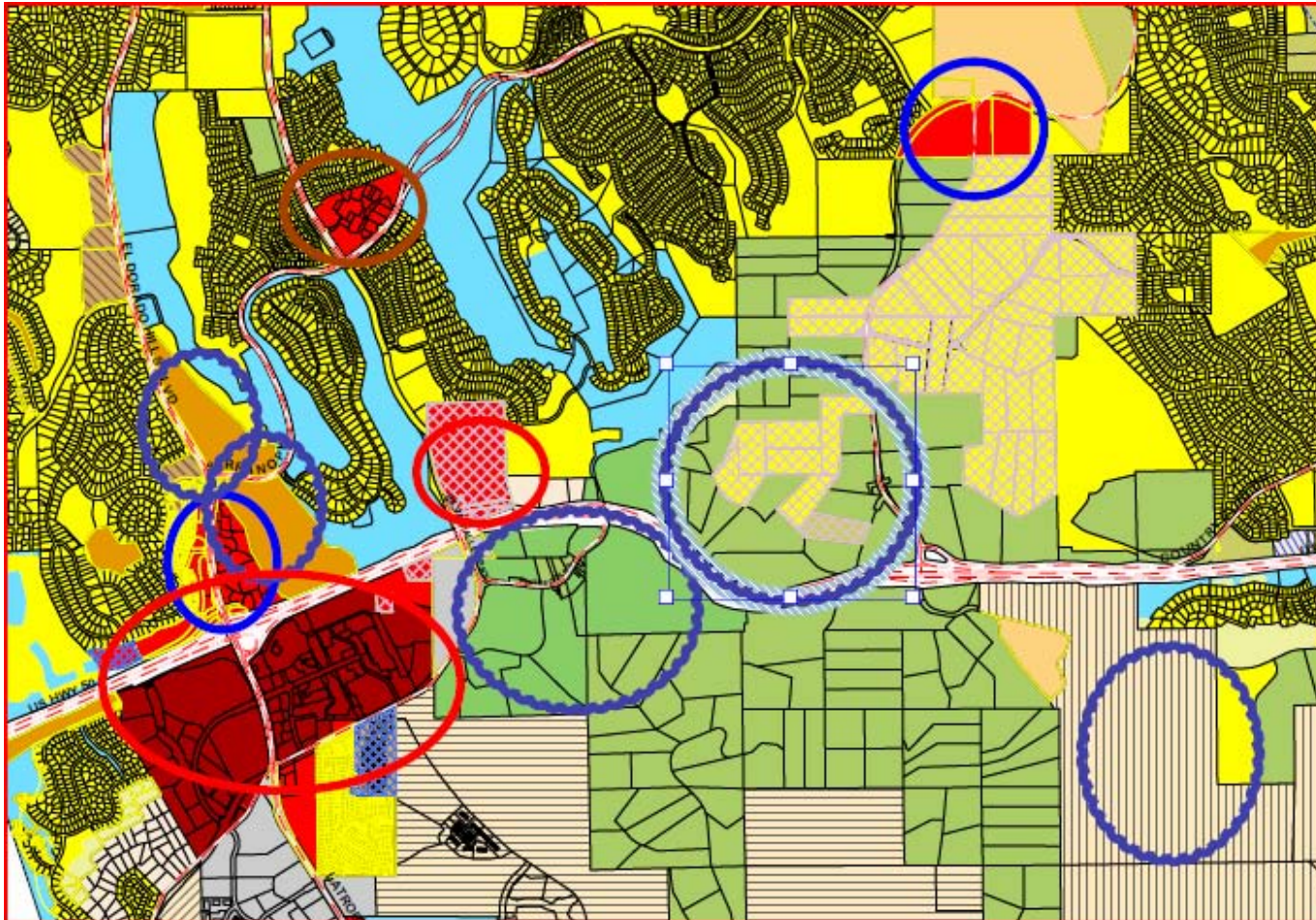
17.22.030 Commercial Zone Development Standards






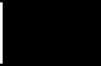

Permitted uses and associated structures shall comply with the following development standards, in addition to any other applicable requirements of this Title:

Table 17.22.030 Commercial Zone Development Standards

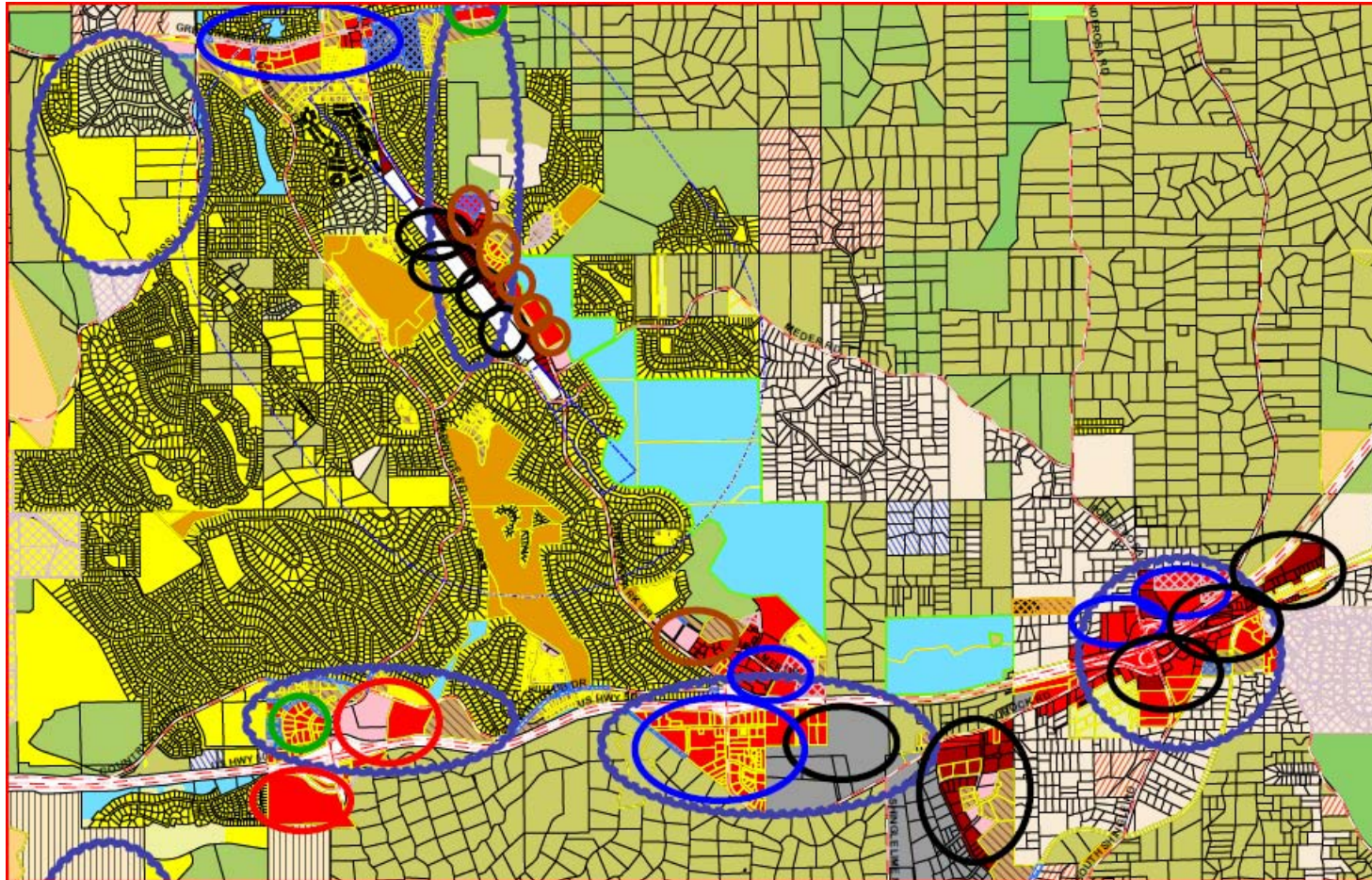
<u>Development Attribute</u>	<u>CR</u>	<u>CC</u>	<u>CN</u>	<u>CPO</u>	<u>CH</u>	<u>CM</u>	<u>CRR</u>
<u>Minimum Lot Size¹</u>	<u>10,000 sq. ft.</u>	<u>7,500 sq. ft.</u>	<u>6,000 sq. ft.</u>	<u>6000 sq. ft.</u>	<u>10,000 sq. ft.</u>	<u>3,500 sq. ft.</u>	<u>6,000 sq. ft.</u>
<u>Minimum Lot Width</u>	<u>70 ft.</u>	<u>70 ft.</u>	<u>50 ft.</u>	<u>60 ft.</u>	<u>70 ft.</u>	<u>30 ft.</u>	<u>50 ft.</u>
<u>Residential Density Range for Mixed Use</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>10</u>
<u>Maximum Percent of Residential</u>	<u>30%</u>	<u>50%</u>	<u>70%</u>	<u>30%</u>	<u>30%</u>	<u>70%</u>	<u>70%</u>
<u>Setbacks: Front²</u>	<u>20 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>	<u>20 ft.</u>	<u>0 ft.</u>	<u>10 ft.</u>
<u>Sides and Rear³</u>	<u>0 or 5 ft.</u>	<u>0 or 5 ft.</u>	<u>0 or 5 ft.</u>	<u>0 or 5 ft.</u>	<u>0 or 5 ft.</u>	<u>0 or 5 ft.</u>	<u>0 or 5 ft.</u>
<u>Sides and Rear (Abutting Residentially Zoned Land)⁴</u>	<u>10 or 30ft.</u>						
<u>Maximum Height</u>	<u>60 ft.</u>	<u>60 ft.</u>	<u>45 ft.</u>	<u>50 ft.</u>	<u>50 ft.</u>	<u>60 ft.</u>	<u>40 ft.</u>
<u>Maximum Floors</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>4</u>	<u>3</u>	<u>3</u>	<u>2</u>
<u>Floor Area Ratio⁵</u>	<u>.85</u>	<u>.85</u>	<u>.85</u>	<u>.85</u>	<u>.85</u>	<u>.85</u>	<u>.85</u>
Notes:							
¹ Mixed use development and commercial condominiums subject to Development Plan Permit (17.52.040).							
² Subject to 17.17.500.E.1.a (Landscaping Ordinance).							
³ Zero lot line with fireproof wall and no openings, meeting building and fire code requirements, otherwise the 5 ft setback applies.							
⁴ Subject to 17.17.500.E(1.b) (Landscaping Ordinance).							
⁵ Ratio of allowable floor area to lot area.							
⁶ See Section 17.40.180 (Mixed Use)							






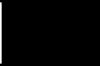

EXAMPLE OF PROPOSED ZONING DESIGNATION CAMBRIDGE & HIGHWAY 50



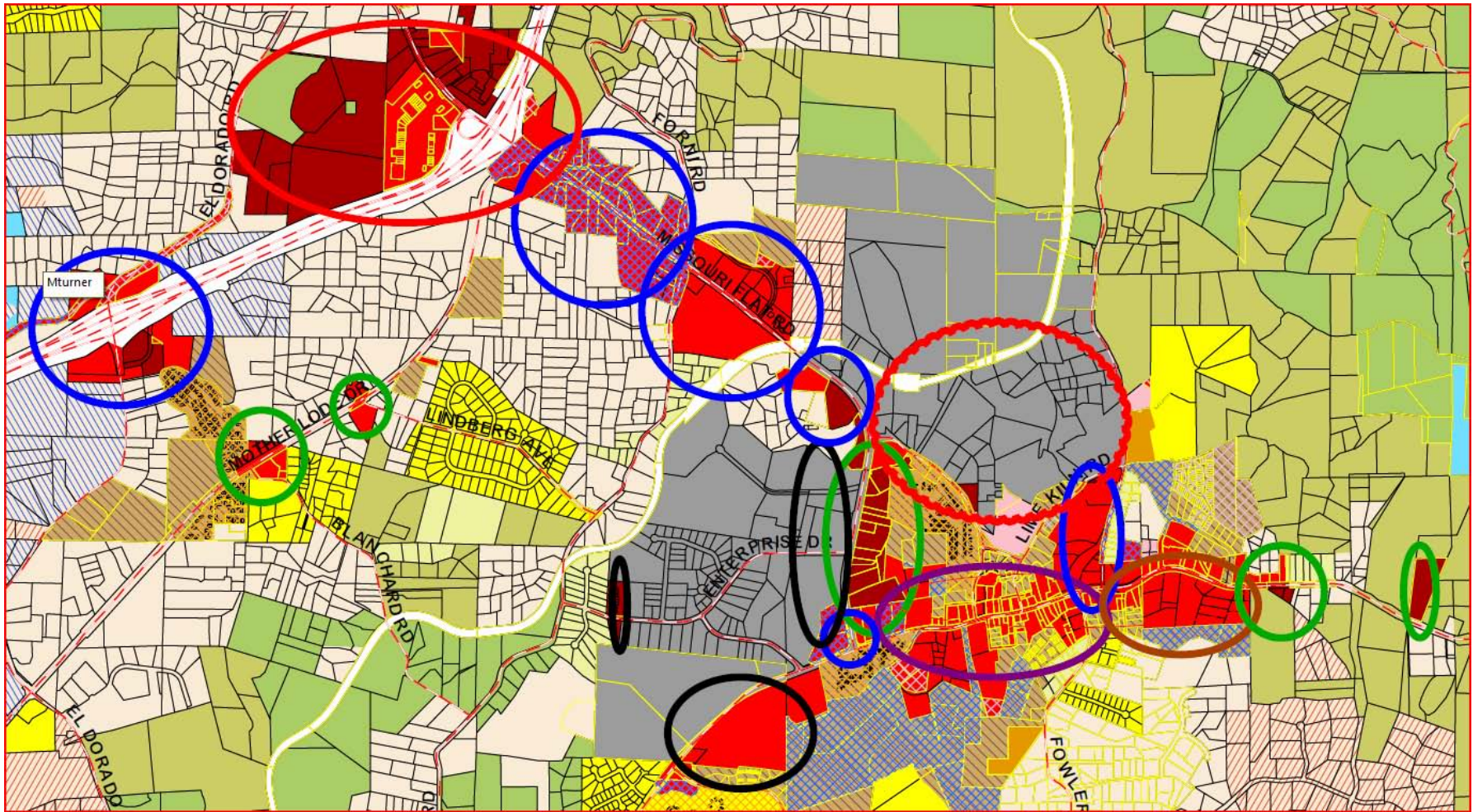
	Professional Office Commercial (CPO)		Community Commercial (CC)
	Limited Commercial (CL)		Regional Commercial (CR)
	Main Street Commercial (CM)		Heavy Commercial (CH)
	Special Study Region – [note: it is denoted by the curvy lines]		








EXAMPLE OF PROPOSED ZONING DESIGNATION CAMERON PARK DRIVE/SHINGLE SPRINGS



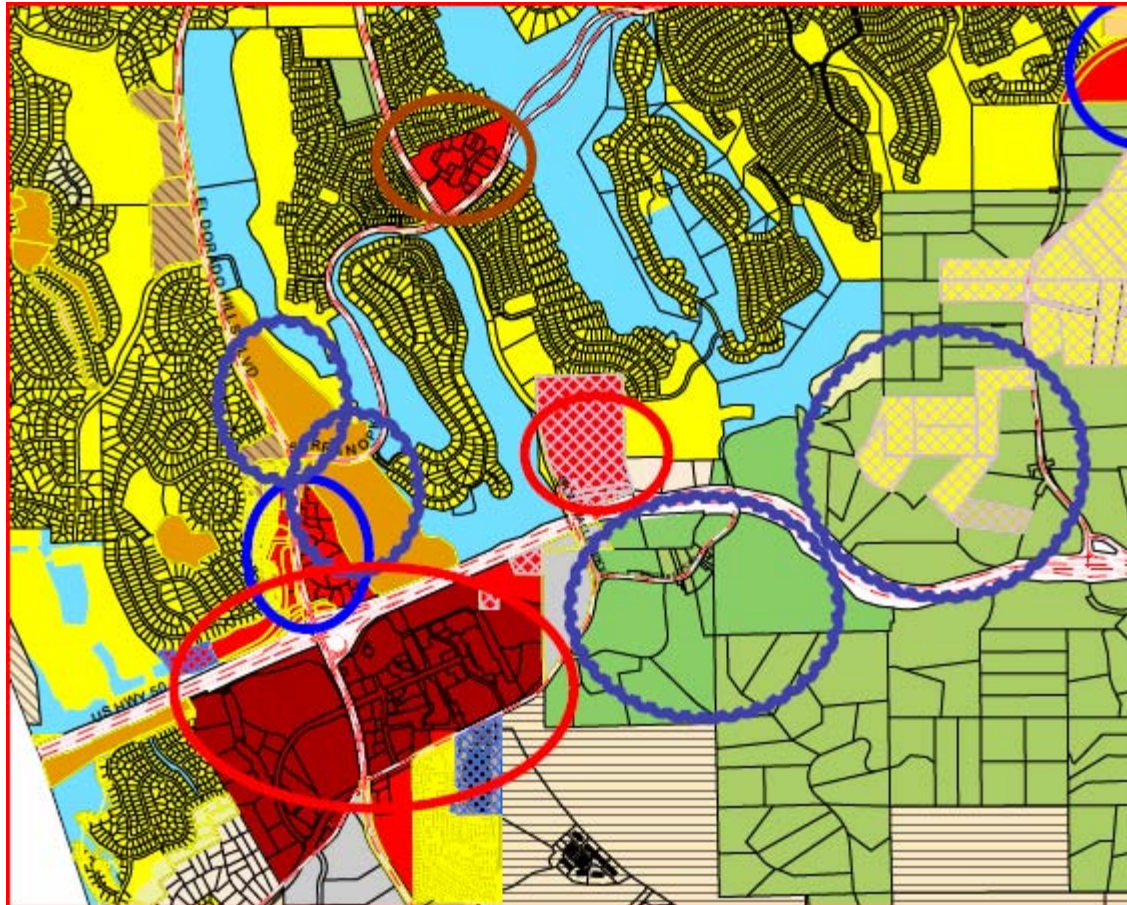
	Professional Office Commercial (CPO)		Community Commercial (CC)
	Limited Commercial (CL)		Regional Commercial (CR)
	Main Street Commercial (CM)		Heavy Commercial (CH)
	Special Study Region – [note: it is denoted by the curvy lines]		






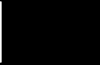

EXAMPLE OF PROPOSED ZONING DESIGNATION DIAMOND SPRINGS / MISSOURI FLAT



	Professional Office Commercial (CPO)		Community Commercial (CC)
	Limited Commercial (CL)		Regional Commercial (CR)
	Main Street Commercial (CM)		Heavy Commercial (CH)
	Special Study Region – [note: it is denoted by the curvy lines]		

EXAMPLE OF PROPOSED ZONING DESIGNATION EL DORADO HILLS



	Professional Office Commercial (CPO)		Community Commercial (CC)
	Limited Commercial (CL)		Regional Commercial (CR)
	Main Street Commercial (CM)		Heavy Commercial (CH)
	Special Study Region – [note: it is denoted by the curvy lines]		

17.40.180 Mixed Use Development

- A. Purpose and Intent.** The purpose of this Section is to allow mixed use development, as defined in Article 8, that provides housing and employment opportunities in proximity to each other in order to more fully and efficiently utilize available land in Community Regions and Rural Centers. The intent of this Section is to encourage the development of affordable housing and pedestrian-oriented communities, maintain access to commercial businesses, enhance the core areas of existing community and rural centers while protecting historical and cultural amenities, and provide incentives for such development.
- B. Applicability.** Residential development may occur with the commercial development allowed in Chapter 17.22 (Commercial Zones) and 17.24 (Multi-Family Zones) under the permitted use matrices by specific zone.
- C. General Requirements.** The following requirements shall apply to all mixed use development projects:
1. Commercial and residential uses shall be complementary and mutually supportive of each other and shall be integrated into the community or neighborhood where the development is located.
 2. The residential component shall be allowed vertically or horizontally and may be on separate lots within the development.
 3. The residential component may include a full range of single-unit and/or multi-unit residential design concepts subject to standards set forth in 17.040.180(D).
 4. "Gross floor area" as used within this Section does not include inner courtyards and exterior stairwells or balconies.
 5. The maximum density for the residential use component shall be 20 dwelling units per acre unless otherwise noted in specific commercial zones.
 6. Minimum residential dwelling unit area shall comply with the building code.
 7. Parking shall be subject to the requirements in Chapter 17.35 (Parking and Loading) and Section 17.33.050.A (Landscape Buffers).
 8. Mixed use development projects may be phased.
 9. A minor modification provision allows for the Development Services Director to approve small deviations from otherwise applicable standards in order to protect natural or historic features or to address unique site conditions.

D. Conflicting Provisions

If the provisions of this subchapter are inconsistent with provisions found in other adopted codes, ordinances, or regulations of the County, this subchapter shall control unless otherwise expressly provided.

Provision set forth in subsection 17.27 (Combining Zones) supersede the requirements of this subchapter to the extent of conflict. Provisions set forth in the adopted in the Community Design Guidelines or other district guidelines supersede the requirements of this subchapter to the extent of conflict.

E. Findings. To assure the proposed development meets the intent of this Section for mixed use development and in addition to the findings in Section 17.52.040.E (Development Plan Permit: Findings), the following findings shall be made prior to approving a mixed use project.

1. The development contains complementary and connected uses that are mutually supportive of each use, provides a significant functional interrelationship, and are integrated into the community or neighborhood it is located.
2. The development creates an appropriate internal and external human scale, and provides for pedestrian comfort and amenities.
3. The development is an integrated project as to land use, building design, and site layout, with a coherent physical design.

F. Development Standards.

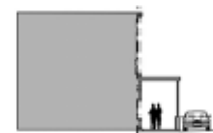
Standards for Mixed Use Development include elements of “form-based” zoning, emphasizing the appearance and relationship of structures to each other and the street, and providing general development standards and broad use categories, rather than prescribing a set of absolute permitted uses, densities, or intensities applicable to each parcel. Standards as set for in this chapter and within each zone are intended to ensure that buildings relate appropriately to surrounding developments and streets, promote efficient pedestrian and vehicle circulation, and provide adequate parking in safe and appropriate locations, while creating a unique and identifiable image for development in the County. Standards for the development of Mixed Use are set forth below.

RELATIONSHIP OF BUILDINGS TO STREETS AND WALKWAYS STANDARDS

Mixed use projects shall be designed and constructed in compliance with the standards set forth in the section below, and other County policies, ordinances and rules which are specifically applicable to the Commercial and Multi-Family zoning districts. These standards may be modified by the Planning Commission where necessary to accommodate existing conditions in a developed area or when new improvements are required or constructed.

FRONTAGE TYPE DESCRIPTION

- A. **Common Yard.** The building façade is set back substantially from the front property line. The resulting front yard is unfenced and is visually continuous with adjacent yards, supporting a common landscape. The deep setback provides a buffer from higher speed thoroughfares.
- B. **Porch and Fence.** The building façade is set back from the front property line with an attached porch that may encroach into the setback. A fence at the property line defines the private space of the yard. Each porch shall be a minimum of eight feet deep.
- C. **Dooryard or Light Court.** The building façade is set back from the front property line by an elevated terrace or a sunken light court. This type buffers residential use from urban sidewalks and protects the private yard from public encroachment. In more urban zones, the terrace may be suitable for conversion to outdoor café space.
- D. **Forecourt.** A portion of the building façade is close to the front property line and the central portion is set back. Large trees within a forecourt may overhang the sidewalk.
- E. **Stoop.** The building façade is close to the front property line with the first story elevated above the sidewalk. The entrance is usually an exterior stair and landing.
- F. **Shopfront.** The building facade is aligned close to the property line with the building entrance at sidewalk grade. This type is conventional for retail use. It requires a substantial architecture at the sidewalk level, and an awning that may overlap the sidewalk.
- G. **Gallery.** The building facade is aligned close to the property line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. The gallery shall be no less than 10 feet wide and may overlap the whole width of the sidewalk to within two feet of the face of the curb.



PLAZAS AND OPEN SPACE STANDARDS

- A. Publicly-accessible plazas and open spaces are required to be provided in horizontal mixed-use developments.
- B. Plazas and open space shall be landscaped and incorporate high quality paving materials, such as stone, concrete or tile.
- C. Outdoor pedestrian spaces shall include appropriate outdoor furniture, such as seating, walls, trash receptacles, bike racks and other elements.
- D. Projects should develop a comprehensive open space network that uses plazas and other open space elements to connect uses.
- E. Open space areas and the paths that link them should facilitate the integration of adjacent land uses on the site.
- F. Pedestrian amenities, such as plazas, courtyards and other open spaces should be considered for spaces between buildings.
- G. Buildings should be laid out to define the open space and should be positioned to be used by both residential and commercial uses.
- H. Where practical, outdoor areas should be visible from public streets or trail networks and accessible from the building as well as the street or potential network.
- I. Outdoor furniture should be coordinated with the design of the building.
- J. Ample landscaping with fountains and well-shaded seating areas are highly encouraged, as is the use of varied paving materials.
- K. Plant materials should be of a drought-tolerant species where appropriate and provide variety, while being consistent with the architectural design of the building.
- L. Decorative tree grates should be used in pedestrian areas.
- M. When plaza is adjacent to a parking area, landscaping should be provided for screening purposes.
- N. Paving, planting and other landscape materials shall be coordinated with the design of the building and site.
- O. Ample landscaping with fountains and well shaded seating areas are highly encouraged, as well as the use of varied paving materials.
- P. Fences around plazas and outdoor areas should be semi-transparent and architecturally compatible with the building.

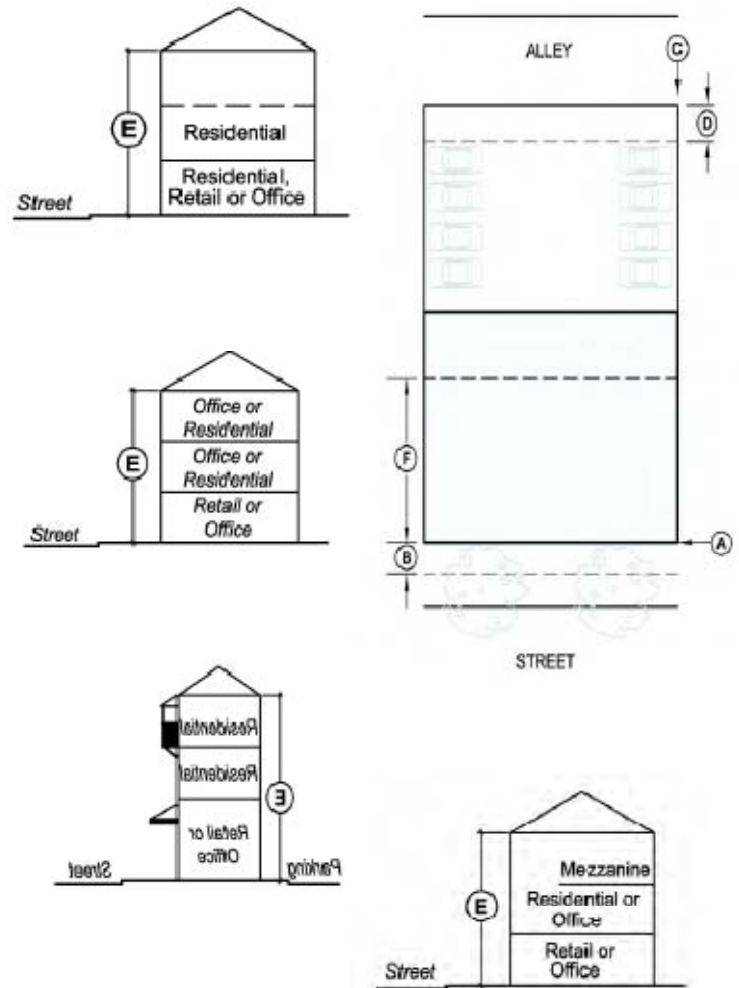


BUILDING FORM STANDARDS

Vertical Mixed Use Buildings

Mixed use buildings should be designed with commercial storefronts on the ground floor or within a structure that fronts the main street. A multi-story building should include retail or office space on the ground floor and residential or office use in the upper or loft unit with possible mezzanine above. Live-work buildings integrate a housing unit and working space that is commonly used in a row house design.

- A. A ground floor retail/commercial use should be a minimum 24 feet in depth and have a minimum floor-to ceiling height of 12 feet.
- B. Rear yards are not required; however if a garage is detached from the dwelling, a yard space which has a minimum 12 feet in depth shall be required.
- C. A frontage type is required and shall front the Main Street or secondary access road.
- D. Each live-work building shall be designed with commercial or flex space on the ground floor frontage which is oriented toward the fronting street.
- E. The main entrance to the ground floor commercial or flex space shall be directly from and face the street. Access to the residence portion of the building may be either through the working space or provided by a separate entrance at the street frontage or from a side courtyard.
- F. On-site parking shall be accessed from an alley and may be in a garage, carport, or uncovered surface parking. Garages may be attached to or detached from the principal building.
- G. If a rear yard is provided, one tree, 15 gallon or larger, shall be planted prior to issuance of a certificate of occupancy.



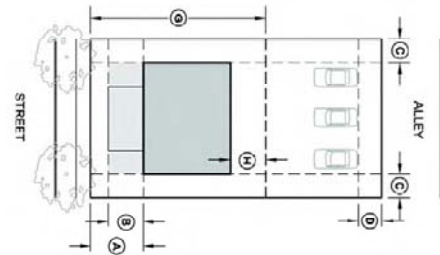
Horizontal Mixed Use Buildings and Site Layout

This section includes design standards for development of horizontal mixture of commercial and residential land uses that are adjacent to each other or on the same parcel. The opportunities for interplay between these uses will primarily be in the relationship of the open space and parking components of the adjoining uses. Standards for the design of open space areas and parking facilities in horizontally mixed-use development follow.

There are a variety of designs and standards that can be utilized in the residential component of a Mixed Use project. To streamline the review process below are the standard plans approved for use without additional development review application requirements. A development can recommend non approved designs through a planned development application.

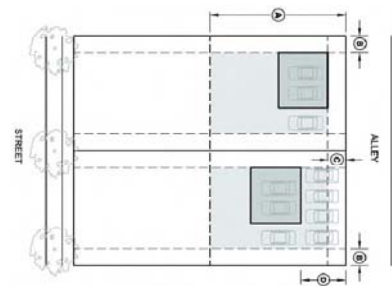
Edgeyard House

An edgeward house is designed as a residence for one household, with its primary entrance accessed from the fronting sidewalk through a shallow front yard. The rear yard serves as the main yard for residents. An edgeward house may be used for more than one residence or commercial purposes where allowed by the applicable Zone.



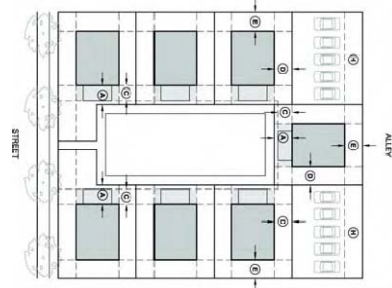
Garage with Carriage House

A garage is a one-story residential accessory structure enclosing parking spaces. A carriage house is a second floor above a garage that is a residential unit accessory on the same site. A garage or garage with carriage house may be occupied by other uses allowed by the applicable zone.



Bungalow Court

bungalow court is four or more cottage units arranged around a shared central court or center walk, with pedestrian access to the units from the courtyard and/or fronting street. Cottages within a bungalow court may be used for other than residential purposes when allowed by the applicable Zone.



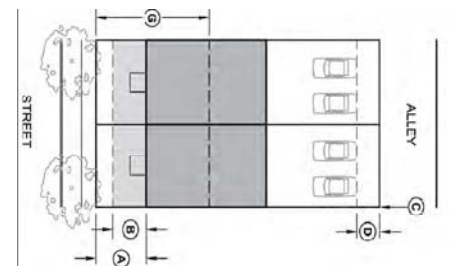
Three-Six Plex or Multi unit Apartments Complex

A three-six plex or multi unit apartment complex is a structure containing three to six dwelling units that are accessed from common or individual entrances and stairs.



Rowhouse

Rowhouses are attached single-family dwellings on individual lots, which share common walls with one or two adjacent units. Rowhouse buildings may be used for other than residential uses where allowed by the applicable Zone.



Background and Description of the Problem:

California law requires that the County's Zoning Ordinance must be *consistent* with the adopted General Plan. When a new or amended General Plan is adopted, the Zoning Ordinance must be amended within "a reasonable time" so that it is consistent with the General Plan. The 2004 General Plan provided that the Zoning Ordinance would be updated within one year of General Plan adoption. ***The primary purpose of this Zoning Ordinance update is to ensure that Zoning is consistent with the General Plan.***

The proposed Zoning Map updates do not rezone parcels in a manner consistent with the designated General Plan Land Use. For example:

- ✓ GP Commercial (C) parcels inside a Community Region, are proposed to be zoned for residential uses such as R1A, RE-5 or RE-10. The General Plan expressly prohibits use of a commercially designated parcel solely or primarily for residential purposes (except for Community Care facilities).
- ✓ GP Multi-Family (MFR) inside a Community Region, but zoned for larger lot residential uses (such as RL-20). The General Plan mandates minimum densities of 5 DU/Ac in MFR, but the maximum density allowed by the proposed zoning is one parcel per 20 acres.
- ✓ GP Low Density Residential (LDR) inside and outside Community Regions, designated under the General Plan for parcels between 5 and 10 acres. LDR is a residential land use designation which allows limited agricultural uses. Although these parcels are rolled-out of Williamson Act, the proposed zoning would retain an agricultural zone designation on parcels designated for residential use. Because General Plan policies restrict new parcel creation and impose additional setbacks adjacent to "ag zoned" parcels, retention of ag zoning in these cases may interfere with General Plan implementation on adjacent residential properties.

In each of the above examples, the General Plan land uses cannot be implemented *unless* the parcels are subsequently rezoned. To be consistent with the General Plan, zoning must be compatible with the objectives, policies, general land uses, and programs of the General Plan. As proposed, the zoning map is *not consistent with* the General Plan.

The County's zoning ordinance has not been comprehensively updated in at least 30 years. For this reason, the existing zoning should not be used as the primary basis to guide the zoning map update.

From a Regulatory Reform perspective, adoption of zoning *consistent* with the General Plan and the long-term planning vision will serve to eliminate some of the uncertainty involved in the process ("I'm thinking of a color".) It will also serve to better inform neighbors and the general public, who often inquire about the "zoning" of an adjacent parcel rather than the "land use designation". We do a disservice to the public when we "zone" commercial designated land for residential uses, or high density residential land for low-density residential uses, knowing that such

uses will not be allowed under the General Plan.

Recommendation:

1. “Rule sets” based primarily on General Plan land use designations should be used to guide the zoning map update.
2. Include other relevant factors such as the general location, character of surrounding land uses, size of surrounding parcels, and existing zoning. Existing zoning alone is not a reliable
3. Allow a broad range of uses that are compatible with the primary land use objective.
4. Utilize zone classifications to differentiate between appropriate uses. As an example, Low Density Residential is a residential land use designation, which is distributed throughout the County. Application of different zone classifications within LDR will allow us to recognize the inherent differences in this land use based on the location, character of use, size and use of surrounding parcels, and other factors. For example:

Low Density Residential – Sample “Rule Set”

Primary Land Use: Residential; Lot size 5 to 10 acres (GP Policy 2.2.1.2)

Location	Character of Area and Surrounding Land Use	New Zoning Rule
Within or adjacent to Community Regions, Rural Centers or Highway 50 corridor. Includes existing rural residential subdivisions of 5 to 10 acre lots.	Predominately residential uses on parcels 5 to 10 acres in size. May include some existing larger parcels generally surrounded by smaller lots.	If RE-5 or RE-10; retain existing zoning For all other zones, If parcel size <10 acres; Zone to RE-5 If parcel size ≥ 10 acres; Zone to RE-10 <i>Exceptions:</i> If in WAC; Zone to LA-10 If not in WAC, but active ag use; Zone to LA-10
In Rural Regions; outside Highway 50 corridor. Does not include existing rural residential subdivisions.	Contains a mix of residential, agricultural, and resource-based uses. Majority of parcels are 20 to 40 acres or larger. Although planned for future residential use, the area may be currently underserved by necessary road and utility infrastructure.	If parcel size <10 acres; Zone to RE-5 If parcel size ≥10 acres; Zone to RL-10 <i>Exceptions:</i> If in WAC; Zone to PA-10 If not in WAC, but active ag use; Zone to PA-10. If within an Ag District (not common); Zone to PA-10.

Note: All zones applicable within LDR allow agricultural uses by right. RE-5/RE-10 and LA-10 require a use permit for commercial ag components (processing, wineries, ranch marketing) to ensure compatibility with surrounding residential land uses. Other zone designations, such as PA-10 and RL-10 allow more of these uses by right, where protections are not necessary to protect the residential character of the area.

Mapping Rule Sets for EDC Draft Zoning Ordinance

A, Agricultural

Land Use Des	Rule
LDR (5-10 ac)	RE-5 if less than 10 acres RE-10 if greater than 10 acres RL-20 if greater than 20 acres, no commercial ag and outside of CR or RC LA-10 if greater than 10 acres, commercial ag operation, or in Ag District
RR ¹ (10-160 ac)	PA (10) or LA (10) if in Ag District, has commercial ag operation, or owner “opts-in” RL -20 if outside of Ag District or no commercial ag operation
AL (20+ acres)	PA (20)
NR (40+ acres)	FR if above 3000’ PA (40) if there is a commercial ag operation on parcel or parcel is in Ag District or owner “opts-in” RL (40) if below 3000’

¹ RR: This land use designation establishes areas for residential and agricultural development...Typical uses include single-family residences, agricultural support structures, a full range of agricultural production uses, recreation, and mineral development activities. Allowable densities are one dwelling unit per 10 to 160 acres.

AE, Exclusive Agricultural (Not in WAC)

Land Use Des	Rule
LDR (5-10 ac)	RE-5 if less than 10 acres, or in CR/RC RE-10 if less than 20 acres, or in CR/RC RL-20 if 20 acres or more, outside of CR/RC PA-20 if 10 acres or more, in Ag District, has commercial ag operation or owner “opts-in”
RR (10-160 ac)	RE-10 if less than 20 acres RL (20) if 20 acres or more, outside of CR/RC and no commercial ag PA (20) if 20 acres or more, in an Ag District AG (40+) if owner “opts-in”
AL (20+ acres)	PA-20 if commercial ag operation or in Ag District RL (20+) if owner “opts-in” AG-40 if owner “opts in”
NR (40+ acres)	RL (40+) if no ag operation, and outside of Ag District PA-40 if inside of Ag District, has commercial ag operation or owner “opts-in” AG-40 if owner opts in

AE, Exclusive Agricultural (In WAC)

Land Use Des	Rule
LDR, RR, AL, OS	PA (20) if in High Intensive Contract AG (40+) if in Low Intensive Contract
NR	PA-40 or AG-40 (see qualifications above)

AP, Agricultural Preserve

Land Use Des	Rule
LDR, RR, AL,	LA (20- 40) depending on land use designation Note: All current AP zones are in current WAC's
NR	LA-40

RA, Residential Agricultural

Land Use Des	Rule
LDR (5-10 ac)	RE-5 if less than 10 acres and in CR/RC RE-10 if 10 acres or more and in CR/RC RL-20 if not in an Ag District, and outside of a CR/RC LA-20 if in Ag District or has commercial ag operation or owner "opts-in"
RR (10-160 ac)	RE-10 if 10 acres or less RL (20-160) if no commercial ag operation LA (20-160) if in Ag District and owner "opts-in" AG (40+) if owner "opts-in" FR if above 3000' elevation, not in Ag District and no commercial ag operation
AL (20+ acres)	LA (20-160), AG (40+) if owner "opts-in"
NR (40+ acres)	RL (40-160) if not in Ag District, no ag operation and below 3000' elevation LA (40-160) if in Ag District, has current ag operation, or owner "opts-in" AG (40+) if owner "opts-in" FR if above 3000', not in Ag District and no ag operation

SA-10, Select Agricultural

Land Use Des	Rule
LDR (5-10 acres)	PA-10, or owner "opts-in" to other ag zone
RR (10-160 ac)	PA-10, or owner "opts-in" to other ag zone
AL (20+ acres)	PA-20, or owner "opts-in" to other ag zone
NR (40+ acres)	PA-40, or owner "opts-in" to other ag zone

RE-5/RE-10 (Within Ag Districts)

Land Use Des	Rule
LDR	Stays RE-5 or RE-10 (existing zone)
RR	RE-10 or LA-10 if owner opts in and commercial ag operation & no conflict with surrounding residential uses
AL	LA-20 if commercial ag operation RL-20 if no commercial ag operation
NR	LA-40 if commercial ag operation RL-40 if no commercial ag operation

U, Unclassified

Land Use Des	Rule
NR	Rezone to FR if above 3000' or adjacent to TPZ or Nat'l Forest RL-40 if below 3000'
RR	Rezone to RE-10 FR or RL-160 if above 3000'
LDR	Rezone to RE-5
MDR	Rezone to R1A, R2A or R3A based on predominant lot size

RT, Tourist Recreational

Land Use Des	Rule
C	Rezone to C
MFR	Rezone to RM
HDR	Rezone to R1

R1A, R2A, R3A & RE-5

Land Use Des	Rule
C/I/MFR/HDR	Keep existing zone as a holding zone until infrastructure is available to support a higher intensity zone
MDR	Keep existing zone as consistent or as holding zone (RE-5)

Land Use Des	Compatible zones
NR (40+)	LA (40-160), PA (40-160), AG (40-160), RL (40-160), FR, OS, TPZ, RFL
AL (20+)	LA (20-160), PA (20-160), AG (40-160), RL (20 -160), FR, OS, TPZ, RFL
RR (10-160 ac)	RE-10, RL (10-160), LA (10-160), PA (10-160), AG (40-160), FR, TPZ, RFL, RFH
LDR (5-10 ac)	RE-5, RE-10, RL-10, LA-10, PA-10, RFL, RFH
MDR (1-5 ac)	R1A, R2A, R3A, RE-5
HDR (1-5 units/ac)	
MFR (5-24 units/ac)	
C	C, CP, CPO, CG, RF, and TC
I	I & TC
R&D	R&D & TC
OS	AG, PA, FR, TPZ, OS, PF, RFL
TR	RFL, RFH & OS

DRAFT

If	And In	Then
Land Use Des	<u>Location</u> (Community Region, Rural Center, Rural Region)	<u>Proposed “New” Zone</u> (CH, CM, CC, CL, CPO, CR)
C	A transitional zoning from areas surrounding high impact commercial zonings towards more residential or lower impact zonings. Most likely mid block and does not have the probability of being part of a bigger project. Additionally current uses might be conforming.	CPO
C	area in or out of community regions that have or can be developed as low impact commercial uses. Usually along secondary arterials within community regions and along main arterials outside of community regions.	CL
C	area typically in historical main streets areas, comprises smaller parcel sizes. Additionally may be in areas identified as future main street projects. Both areas having a focus on current or future walkability.	CM
C	areas comprising of higher impact commercial uses, impact on traffic and trip frequency in areas along main arterials	CC
C	area primarily focused on auto dependent retail or retail potential. Areas are primarily along highway 50 and typically has big and junior box potential. Transitional zoning areas that have heavy commercial uses that may include outdoor sales and storage areas, light hazardous materials, auto repair and sales, and other uses that have smaller retail sales floor area.	CR CH

Mapping Rule Sets for EDAC Draft Zoning Ordinance (October 31, 2011)

RR: This land use designation establishes areas for residential and agricultural development...Typical uses include single-family residences, agricultural support structures, a full range of agricultural production uses, recreation, and mineral development activities. Allowable densities are one dwelling unit per 10 to 160 acres.

AE, Exclusive Agricultural (Not in WAC)

Land Use Des	Rule
LDR (5-10 ac)	RE-5 if less than 10 acres, or in CR/RC RE-10 if 10 acres or more, or in CR/RC RL-10 if 10 acres or more, outside of CR/RC LA-10 if 10 acres or more, in Ag District, has current ag operation or owner "opts-in" PA-10 if 10 acres or more, has current ag operation, or owner "opts-in"
RR (10-160 ac)	RE-10 if less than 20 acres RL (20) if 20 acres or more, not in an Ag District, and outside of CR/RC RL (20) if 20 acres or more, in an Ag District, and owner opts in PA (20) if 20 acres or more, in an Ag District and owner "opts-in" PA (20) if 20 acres or more, not in an Ag District and owners "opts-in" AG (40+) if owner "opts-in"
AL (20+ acres)	LA (20+), AG (40+), or PA (20+) if current ag operation, in Ag District or owner "opts-in" RL (20+) if owner "opts-in" PA (20) if owner "opts-in" and not in an Ag District
NR (40+ acres)	RL (40+) if no ag operation, outside of Ag District or owner "opts-in" LA (40+), AG (40+) or PA (40+) if inside of Ag District, has current ag operation or owner "opts-in"

Prior Board Meeting Presentations

EDAC Presents: Recommendations for Regulatory Reform through a review of the General Plan and Other Regulations

Comprehensive Analysis of the General Plan to Address Changes in Development Patterns and State Laws, Correct Imperfections/Errors, and Support Streamlining the Implementation of the General Plan

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EDAC

- EDAC Was Directed by the Board of Supervisors to:
 - Recommend ways to **reform and improve the regulatory processes through a review of the General Plan and other County regulations**
- EDAC Formed a Regulatory Reform Committee and:
 - **Asked for help** from EDC Specialists in the regulatory areas, including fire, engineering, agriculture, housing, etc.
 - Worked with staff and identified regulatory issues that were resolved through consensus or set aside for BOS action.
 - Conducted a comprehensive review of EDC's 7 year experience with GP and related actions and regulations.
 - Was directed to Report to BOS every 2-3 months.
- Presentation covers work to date, requests BOS input and makes Recommendations for BOS Action

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“WE”

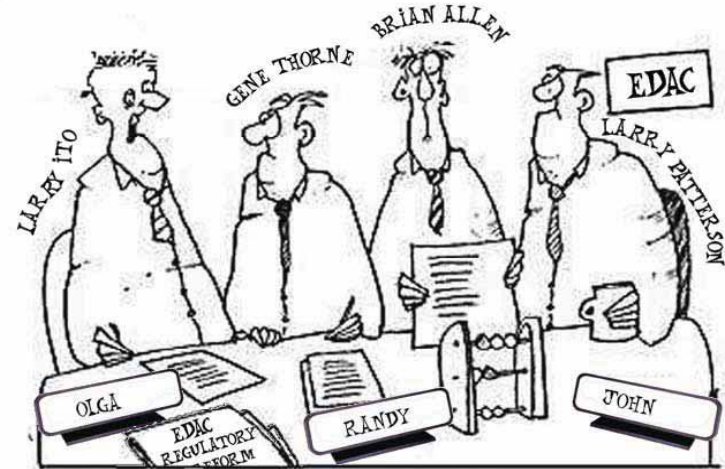
- Gayle Erbe Hamlin, Terri Daly, Fred Russell, Ron Grassi, Sam Driggers, Roger Trout, Peter Maurer, Shawna Purvine, Lillian Macleod, **Craig McKibbon**, **Jim Ware**, **Dave Spiegelberg**, **Val Akana**, Laurel Brent Bumb, Bill Carey, Bill Randall, **Todd Cunningham**, **Rob Combs**, **Gary Baldock**, **Cris Anthony**, **Michael Webb**, **John Youngdahl**, **Olga Sciorelli**, **Gene Thorne**, **Norm Brown**, **Larry Ito**, **Randy Pesses**, **Larry Patterson**, **Brian Allen**, **Dave Crosariol**, **Jeff Lubenko**, Roberta Long, Mike McDougal, Mark Nava, Dale Van Dam, Michael Ward, Raven Powell, Cindy Shafer, Sue Taylor, Kathye Russell, Noah Briel, Ron Duncan, Craig Sandberg, **Eric Driever**, T. Abraham, **Charlie Downs**, Gordon Helm, **Tom Burnette**, Maryann Argyes, Valerie Zentner, Chris Flores, Bob Davies, Dave Pratt, Tom Heflin, Andrea Howard, Tom Howard, Cris Bronner, Art Marinaccio, Mike Turner, Karen Pine, Bob Smart, Jamie Buetler, Peter Oliver, Carol-Anne Ogdin, Kenny Wilkinson, Tom Van Noord, Doug Roeca, Bob Laurie, Bill Vandegrift, Joel Korotkin, Jason Korotkin, Thaelia Georgiades,, Jim Brunello, Tom Shinn, Doug Scalzi, Kate Overmeyer, David Thomas, Lindell Price, Gail Gebhardt, Marv Bukema, Doug Noble, Steve Ferry, Ted Mafia, John Thompson, Michelle Smira, Mike Sproul, Mike Roberts, Cedric D. Twight (SPI), Mark Weiner, Fred Wilkinson, Judy Mathat, Cris Alarcon, Sherri Lum-Alarcon, Bill Fisher, Brenda Bailey, David Zweck, Marlon Ginney, Kimberly Beal, Linea Marenco, Bill Thorpe, Mary Pitto, Jim Davies,

Engineers and architects highlighted in bold, Fire in red

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DREAM TEAM



WHAT I DON'T UNDERSTAND IS HOW ALL THREE OF US MANAGED TO GET THE FIGURES WRONG!

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WHAT IS REQUIRED

- FIRE**
 - State
 - Access
- ZONING**
 - AG
 - Form / PD
 - Maps
- HDM**
 - 10%
 - CalTrans
 - Local Rds
- LDM**
- COMMUNITY DESIGN**
- GRADING**
- AH**
- MUD 1**
- GP**
- MITIGATION**

BOARD OF SUPERVISORS ACTION

REVIEW GENERAL PLAN IDENTIFY ISSUES

5 YEAR REVIEW / EDAC

- STATE**
- SB 375
 - AB 32

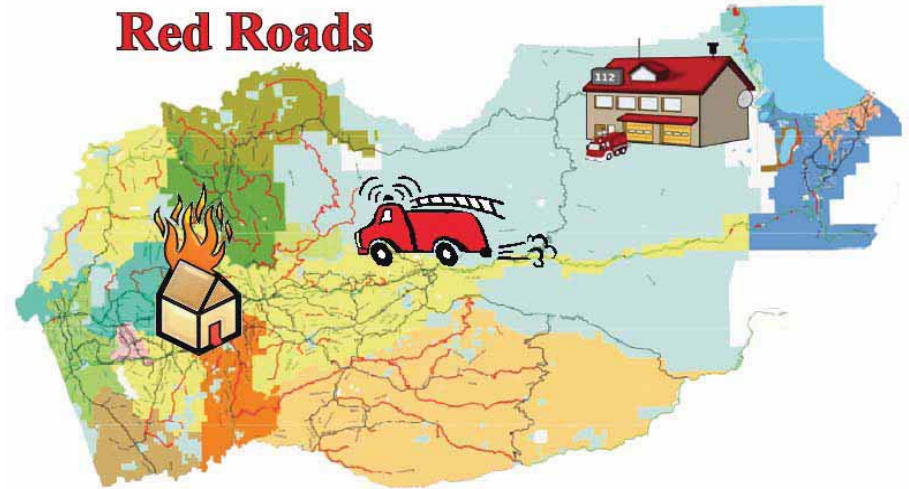
- GENERAL PLAN**
- GP 2.9.1.1 GP Review
 - GP 2.9.1.2 Supply
 - GP 2.9.1.4 CR-RC
 - GP 2.9.1.5 GP Mitigation
 - GP 2.6.1.4 Leakage
 - TC-A CIP


- ISSUES**
- BOS TO DO LIST
 - GHG Action Plan
 - Keep It Rural
 - CR Capacity
 - CR/RC Boundaries
 - Commercial Land Inventory / Sales Leakage
 - Jobs/Housing Balance
 - Moderate Housing Constraints
 - MUD II
 - AG District
 - Density Bonus

DEFINE CEQA PROJECT (Reject Stand-Alone Update)

ENABLE BOARD OF SUPERVISORS TO ACT

Red Roads





**California State Fire Marshal
Information Bulletin – IB0810**

Issued: September 7, 2010

FIRE APPARATUS ACCESS ROADS
CCR, Title 24, Part 9, 2010 California Fire Code (CFC), Chapter 5, Sections 502.1, 503.1, 503.1.1 (effective January 1, 2011) and Title 14, Division 1.5, Chapter 7, Subchapter 2 SRA Fire Safe Regulations

The purpose of this Information Bulletin is to provide clarification regarding Fire Apparatus Access Roads standards and further clarify the application of California Code of Regulations (CCR), Title 24, Part 9 – 2010 California Fire Code (CFC) Chapter 5, Section 503 Fire Apparatus Access Roads. Specifically this Information Bulletin addresses the application of CFC Section in those areas where CCR, Title 14, Division 1.5, Chapter 7, Subchapter 2 – SRA Fire Safe Regulations apply in State Responsibility Areas (SRA).

The SFM adoption of CFC Section 503 (Fire Apparatus Access Roads) is intended as a general rule/regulation to be applied throughout the state as a minimum standard where no other rule/regulation, standard, or local ordinance that is equivalent or more restrictive, has been adopted, and is the state standard in non-SRA lands where no other rule/regulation, standard, or local ordinance that is equivalent or more restrictive, has been adopted.

SRA Fire Safe Regulations contained in CCR, Title 14, Sections 1270.00 – 1273.11 shall continue to be the minimum standard in the SRA unless a local adoption has been made that is equal to or more restrictive and has been approved by the Board of Forestry and Fire Protection.

If you have questions regarding this information bulletin, please contact:
Kevin Reinertson, Division Chief, Code Development and Analysis,
at (916) 327-4986 or by email at kevin.reinertson@fire.ca.gov.

For more information please visit our website: <http://oafm.fire.ca.gov>.

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SRA Fire Safe Regulations contained in CCR, Title 14, Sections 1270.00 – 1273.11 shall continue to be the minimum standard in the SRA of El Dorado County.

**LDM STANDARD PLAN
STREETS, HIGHWAYS & LOCAL ROADS DESIGN MANUAL**

**TABLE TC-1
GENERAL ROADWAY STANDARDS FOR NEW DEVELOPMENT BY FUNCTIONAL CLASS**

Functional Class	ACCESS CONTROL		CROSS SECTION	
	Public Roads Intersections (Or interchanges)	Abutting Property Driveways and Private Roads	ROW	Right-of-Way Width
Highways & Arterials	1/2 mile minimum spacing	Restricted	108'	108'
Four-Lane	1/2 mile minimum spacing	Limited	84'	84'
Community Regions	1/2 mile minimum spacing	Permitted	60'	40'
Rural Centers and Rural Regions	1/2 mile minimum spacing	Permitted	60'	40'
Local Road	Permitted	Permitted	60'	Varies
Private Roads	Permitted	Permitted	60'	Varies

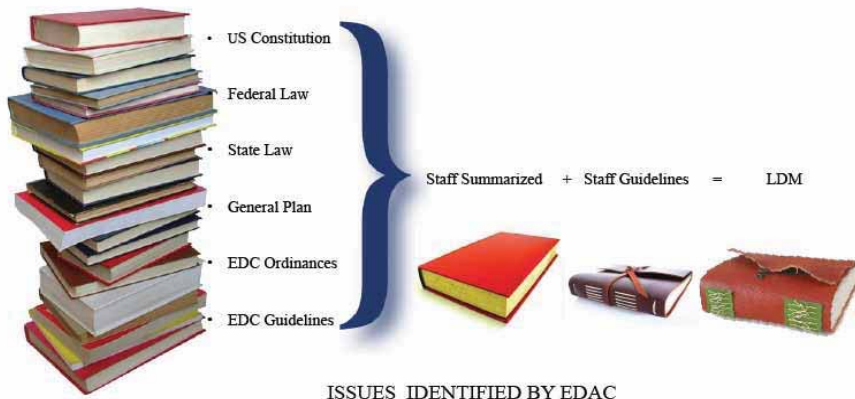
Key:
County Owned
ZOB/HOA/Private

Caltrans
AASHTO
AASHTO Low Volume

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LAND DEVELOPMENT MANUEL (“LDM”) PROCESS

Land Development Regulations



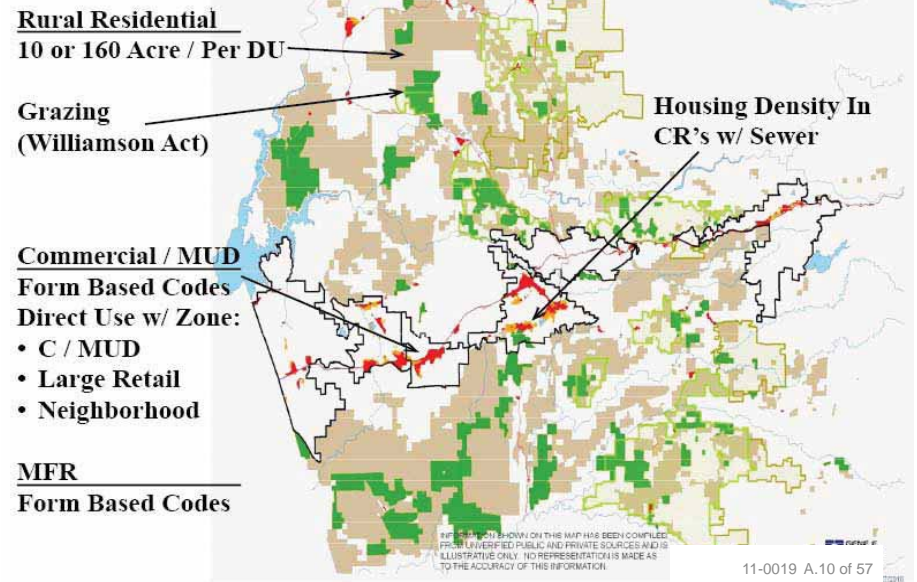
ISSUES IDENTIFIED BY EDAC

1. Summary may supersede source document (more stringent)
2. MATRIX identifies rule source
3. Alternatives rather than waivers

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FUNDAMENTAL ZONING ISSUES



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BOS Should Consider including a Greenhouse Gas Analysis in the GP

- [Then] AG [Now] Governor Brown encourages*
 - Opportunity to look at “big picture”
 - Project CEQA documents may tier off GP GGAP
- CEQA Guidelines
 - Encourage project-level documents to tier off GP (update) Greenhouse Gas Reduction Plan (CEQA Guidelines, 15064.4, 15130, 15152(i), Appendix G VII)
- CAPCOA (California Air Pollution Control Officers Association, *Model Policies for Greenhouse Gases in General Plans*, June 2009)

* Per California Attorney General Jerry Brown *GHG & CEQA STRAIGHT FROM THE SOURCE 2009*

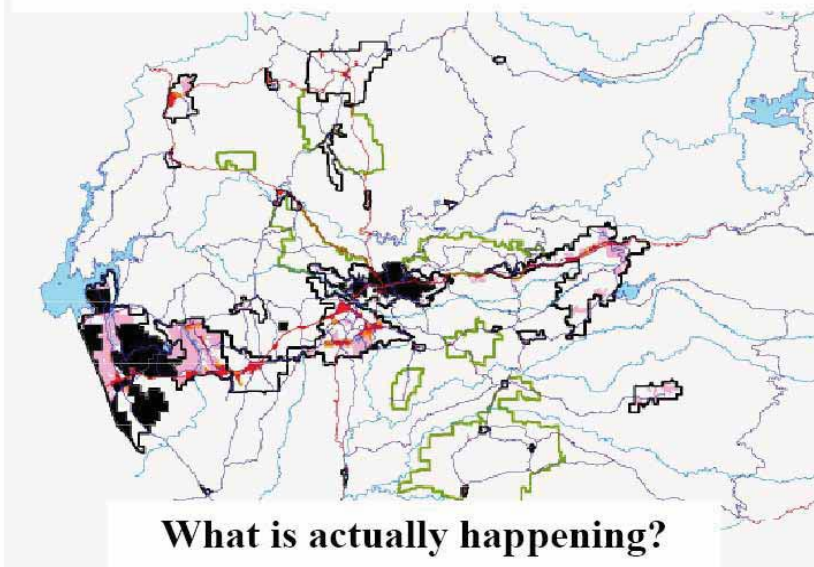
General Plan and State (SB375/AB32/RHNA/) Share Common Goals – Sustainable Community/Less Trips GP and State GOALS:

- **DIRECT DENSITY TO COMMUNITY REGIONS AND KEEP REST RURAL**
- **ACCOMMODATE 32,000 NEW DUs and RHNA**
 - 30% + \$ 85,000 + Above Moderate
 - 20% \$ 55,00-85,000 Moderate
 - 50% Less than \$ 55,000 Below Moderate
- **CREATE 42,000 new JOBS**
- **REDUCE RETAIL LEAKAGE**
 - Leakage loses 100% loss of jobs, sales tax, money in community multiplier
- **CIP consistent with State/GP Goals**
- **PRESERVE/PROTECT AGRICULTURE**
 - Agricultural Districts

Integrate with GP Elements – Greenhouse Gas Action Plan

- Economic Development
- Land Use
- Circulation/Transportation
- Agriculture/Forestry
- **Conservation/Open Space/Natural Resources**
- Housing/Affordable Housing
- Parks and Recreation
- Public Health, Safety

GENERAL PLAN MEETS BLUEPRINT ON FACE



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REVIEW – HOUSING

- **GP Accommodates 32,491 new DUs** for projected EDC population of 200,000 around 2025. The GP horizons whenever the additional 32,491 DUs are built.
- Approximately 12,470 of the 32,491 DUs built
- Approximately 20,000 more DUs units to build
- **RHNA and the GP requires the new 20,000 Accommodate:**
 - About 30% for Above Moderate Income (\$ 85,000 yr. +)
 - About 20% for Moderate Income (\$55k fam/4 to \$ 85k)
 - About 50% for Below \$ 55,000 Households
- **NO RHNA/GP CREDIT FOR EXISTING HOUSES SELLING AT BELOW REPLACEMENT COST**
- **Where and for whom will the new 20,000 residential units be built?**

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WHICH REGIONS ARE THE 12,470* NEW DWELLING UNITS ACTUALLY BUILT? (GP Policy 2.9.1.2)

REGIONS WITHIN EL DORADO COUNTY	TAZ MODEL FORECAST		ACTUAL NEW DWELLING UNITS PER REGION		TOTAL OF NEW DWELLING UNITS BY REGION	PERCENT OF TAZ FORECAST	PERCENT OF 12,470
	SF	MF	SF	MF			
EL DORADO HILLS	13,006	1,139	5,344	972	6,316	45%	51%
CAMERON PARK	2,966	1,373	1,913	480	2,393	55%	19%
PP / CAMINO	991	118	551	1	552	50%	4%
DIAMOND / ED	1,564	1,359	251	125	376	13%	3%
SHINGLE SPRINGS	287	46	203	23	226	68%	2%
RURAL			2,211		2,211		20%

*October 2009 DOT Housing Analysis by TAZ's (numbers are approximate since TAZ's are not based upon Community Region Boundaries).

75% OF THE NEW DWELLING UNITS ARE IN COMMUNITY REGIONS WITH SEWER.

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Assume 75% of the 20,000 New DUs directed to CRs/with Sewer and 25% to Rural Centers/Regions

GP and SB375 DIRECTS GROWTH TO CRs

- Policy 2.1.1.2 Community Regions ...are appropriate for the highest intensity of self-sustaining compact urban-type development ...
- Policy HO-1.5 DIRECT higher density residential development to Community Regions
- Policy 2.1.1.3 Mixed use developments ...are permissible and encouraged within Community Regions.
- WHAT IS THE ACHIEVABLE HOUSING DENSITY IN THE COMMUNITY REGIONS WITH SEWER? GP 2.9.1.1 /.2: "the County shall monitor, on an annual basis, the rate at which the land inventory is developed" and "Examine the rate of development and make adjustments if growth varies from plan assumptions".

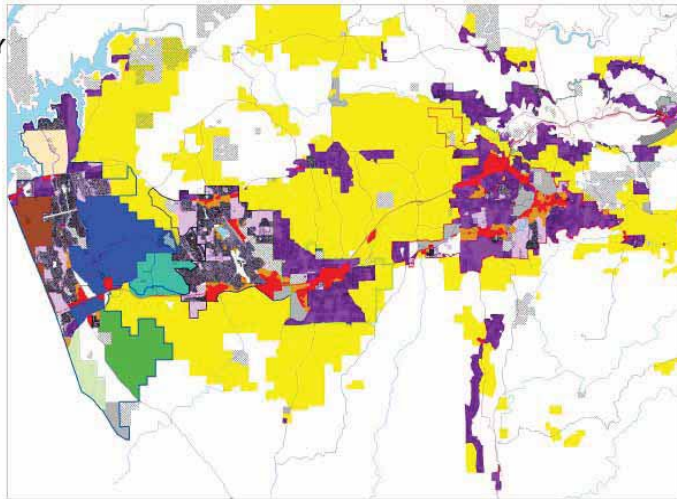
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Review - Community Regions with Sewer

MAP 9
EL DORADO COUNTY
 EL DORADO HILLS
 CAMERON PARK
 SHINGLE SPRINGS
 EL DORADO
 DIAMOND SPRINGS
 COMMUNITY REGIONS

- Legend**
- LESS THAN 5 ACRES
 - COMMUNITY REGIONS**
 - EL DORADO HILLS
 - EL DORADO HILLS
 - DIAMOND SPRINGS/EL DORADO
 - DIAMOND SPRINGS
 - SHINGLE SPRINGS
 - SPECIFIC PLANS**
 - SHINGLE SPRINGS
 - CAMERON CREEK
 - HERRINGWELL/EL DORADO HILLS
 - FRONTMONTARY
 - DEBRAKIO
 - VALLEY VIEW
 - Land Use Base**
 - C
 - MFR
 - HR
 - MDR
 - LDR
 - R
 - PUBLIC/AGENCY PROPERTY



0 5,000 10,000 20,000 Feet

INFORMATION SHOWN ON THIS MAP HAS BEEN COMPILED FROM UNVERIFIED PUBLIC AND PRIVATE SOURCES AND IS ILLUSTRATIVE ONLY. NO REPRESENTATION IS MADE AS TO THE ACCURACY OF THIS INFORMATION.



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MAP 7B

EL DORADO COUNTY

**CAMERON PARK
 COMMUNITY REGION
 Legend**

CAMERON PARK

- Land Use Base**
- C
 - MFR
 - HR
 - MDR
 - LDR
 - R
 - PUBLIC/AGENCY PROPERTY
 - UNVERIFIED/UNRECORDED
 - UNRECORDED/UNVERIFIED
 - UNRECORDED/UNRECORDED
 - UNRECORDED/UNRECORDED

ACHIEVABLE LIMIT SUMMARY

Land Use	Land Status	Total Units
MFR	Estimated Achievable	1,161
MFR	Approved Projects	466
MDR	Estimated Achievable	466
LDR	Estimated Achievable	41
MFR	Estimated Achievable	0
MFR	Approved Projects	0
MFR	Estimated Achievable	0
MFR	Approved Projects	0
Mixed Use	Estimated Achievable	0



0 1,400 2,800 5,600 Feet

INFORMATION SHOWN ON THIS MAP HAS BEEN COMPILED FROM UNVERIFIED PUBLIC AND PRIVATE SOURCES AND IS ILLUSTRATIVE ONLY. NO REPRESENTATION IS MADE AS TO THE ACCURACY OF THIS INFORMATION.



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EDC HIGH DENSITY RESIDENTIAL (HDR) 1-5DU/AC IS LOW DENSITY RESIDENTIAL FOR SB 375/AB32/SACOG

- EDC “HDR” Actually **Achieves** approx. 2.5 DU/AC +/-. Removal of EDC constraints (30% Open Space, Local, 30% slopes, etc.) does not achieve significant additional density. Even if achieved more density, still low density.
- SACOG models the following residential densities:
 - Very Low Density 1 - 4 DU/AC
 - Low Density 4.1 - 8 DU/AC
 - Medium Density 8.1-12 DU/AC
 - High Density 21-50 DU/AC
 - Urban 50-100 +
- **ALL EDC RESIDENTIAL LAND USES EXCEPT C/MUD and MFR ARE LOW DENSITY RESIDENTIAL in the rest of the SB375 world-**

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Single Family Detached TYPICAL

Guess the Density
4.0 du/ac

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EDC LOW DENSITY RESIDENTIAL (HDR, MDR, LDR) ONLY ACCOMMODATES ABOVE MODERATE HOUSEHOLDS

- A new 1,600 sq/ft sf DU costs \$ 350,000 - \$ 400,000 to produce on Low Density Residential Lands Assuming:
 - Construction Costs \$ 160,000 +/-
 - Mitigation Fees 85,000 +/- (incl. TIM, EID, Fire, parks etc.)
 - Improvement Process 65,000 +/-
 - Financing/Profit/OH/ 50,000 +/-
 - \$ 360,000 +/-
 - LAND _____ ????
- Current cost structure makes new SF products on Low Density Residential Lands below \$ 400,000 infeasible.
- Family Income to purchase such a NEW home is above moderate.

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ABOVE MODERATE FAMILIES

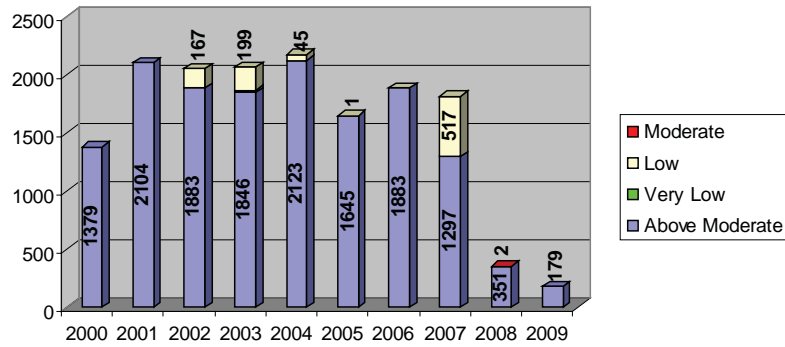
- 20,000 OF THE EXISTING 58,000 EL DORADO COUNTY HOUSEHOLDS ARE ABOVE MODERATE HOUSEHOLDS
 - ED Hills MEDIAN Family income estimated \$122,855*.
 - EDC median income (family of 4) w/out EDH is \$63,893
- EDC above moderate family income (with EDH) is \$ 85,000 +
- All 320,000 Acres of EDC Residential Lands, including 90% of the Community Regions, Accommodate only Above Moderate Families

*Income Source: U.S. Census Bureau, 2000 Census of Population and Housing, ESRI Forecast for 2010.

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Review - Over 90% of New DUs built were for the Highest 30% of Family Income

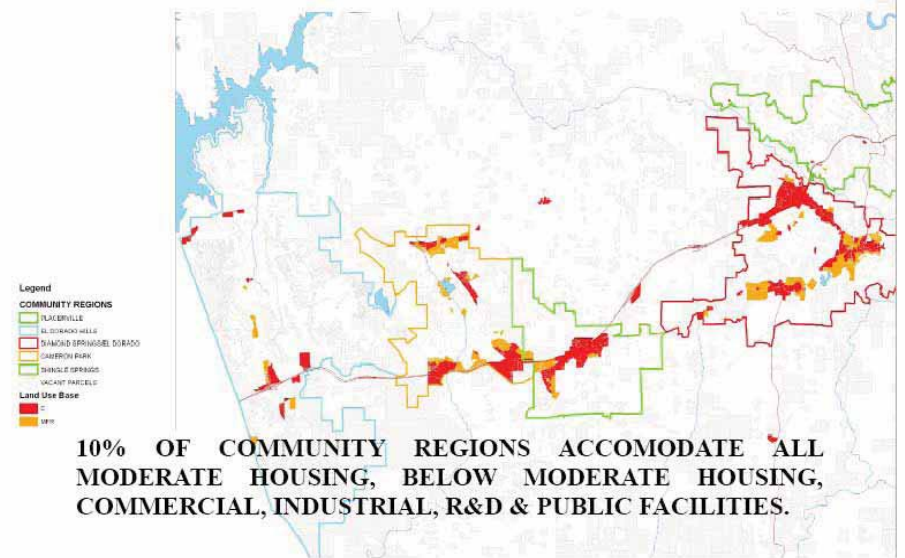
Above Moderate Wins!



2007 includes 517 2nd Dwelling Units allowed for the first time to be included as part of the Affordable Housing Annual Report (517 = total 2nd DU's 2003-2007).

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90% OF COMMUNITY REGIONS WITH SEWER ONLY ACCOMODATE SB375 LOW DENSITY RESIDENTIAL ABOVE MODERATE FAMILIES



10% OF COMMUNITY REGIONS ACCOMODATE ALL MODERATE HOUSING, BELOW MODERATE HOUSING, COMMERCIAL, INDUSTRIAL, R&D & PUBLIC FACILITIES.

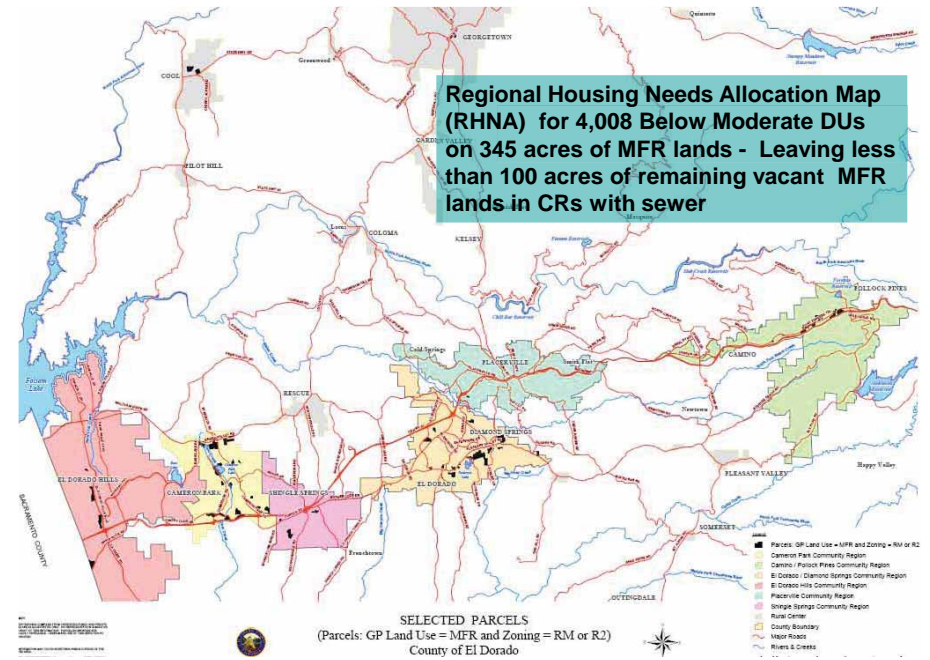
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HOUSING FOR BELOW MODERATE

- **Approximately 23,000 EDC households (63,000 people) less than moderate (Max \$ 58,000 for 4)**
 - Average earnings per EDC job in 2005 was \$36,311.
 - Full time super market employee \$ 41,000 year.
 - EDC Appraiser II step 3/DOT maintenance \$ 48,000/yr.
 - Preschool Teacher and Security Guard (couple) \$52,000/yr
 - Retail Sales Clerk and Landscaping Worker (couple) \$37,440
 - Over 300 EDC job classes below moderate at step 2
- 345 acres of MFR is identified to accommodate the building of 4008 NEW DUs for Below Moderate
- Less than 100 acres of MFR remaining in C/R with Sewer
- **EDC ONLY ACCOMMODATES SUBSIDIZED NEW DUs FOR BELOW MODERATE ON MFR**

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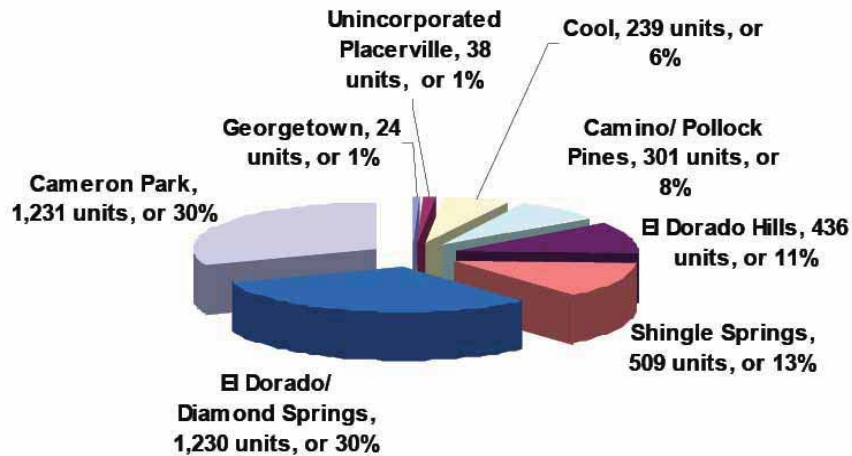
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RHNA Break Out By Percentage of Units Per Community Region and Rural Areas



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Housing for Moderate Income Families

- Approximately 15,000 of the existing households in EDC are moderate income (\$ 55,000 to \$ 84,000 yr.) RHNA and GP requires EDC Accommodate approximate 20% of all new DUs.
- Examples of Local Salaries...
 - Full-Time Super Market Employee at \$41,600 + Full-Time EDC Public Fiscal Assistant 1 (Step 5) at \$34,949 = \$76,544 (couple)
 - Deputy Sheriff - \$70,366 (Step 5)
 - BOS - \$76,877 (Step 5)
 - School Teacher - \$54,446 (mid range)
- **NEW DUs FOR MODERATE INCOME HOUSEHOLDS REQUIRES MORE DENSITY THAN 4-5 DU PER ACRE CURRENTLY ALLOWED ONLY IN MFR or C/MUD**

30

NEW SF DUs FOR MODERATE INCOME HOUSEHOLDS MAY BE ACCOMMODATED AS:

- **DETACHED COMPACT RESIDENTIAL IN COMMERCIAL/MUD and MFR at 6-14 DU/ACRE**
- EXISTING OWNER BUILT ON REMAINING VACANT RURAL PARCELS LESS THAN 5 ACRES (Grizzley, Swansboro, Pollock)
- About 2/3 of existing & new households have no minor children
- **IF NOT PREVENTED BY:**
 - / **Mitigation Fees**
 - / **GP Constraints** (30% slopes, Grading, 30% Open Space, etc.),
 - / **Infrastructure deficiency** (Sewer, water, road CIP)
 - / **Other constraints** (wetlands, Fire Access)
 - / **PD PROCESS - GP REQUIRES C/MUD “BY RIGHT”. FORM BASED CODE REQUIRES COMPACT DESIGNS “By Right”.**
These include *small and large single family houses, bungalow courts, courtyard houses, live/work houses, carriage houses, and loft houses with streets designed to be slow-speed and walkable.*

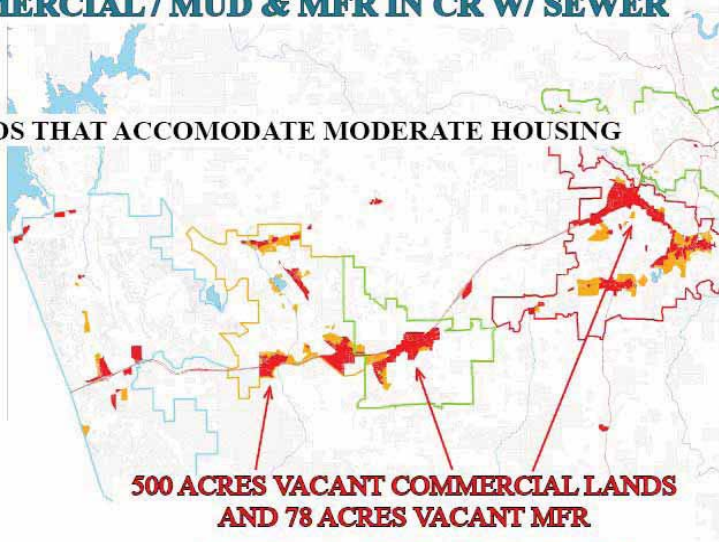
Design First - Form Based Codes



COMMERCIAL / MUD & MFR IN CR W/ SEWER

ONLY LANDS THAT ACCOMODATE MODERATE HOUSING

- Legend
- COMMUNITY REGIONS
 - EL DORADO HILLS
 - EL DORADO HILLS
 - DIAMOND SPRINGS/EL DORADO
 - CAMERON PARK
 - SHINGLE SPRINGS
 - VACANT PARCELS
 - Land Use Base
 - C
 - MFR



**500 ACRES VACANT COMMERCIAL LANDS
AND 78 ACRES VACANT MFR
(AFTER 345 ACRES ALLOCATED TO
BELOW MODERATE)**

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KEEP IT RURAL - 75% of new DUs to CRs with Sewer
COMMUNITY REGIONS WITH SEWER MAY ACCOMMODATE 75% OF
THE NEW 20,000 DU'S FOR ALL HOUSEHOLDS. RURAL CENTERS AND
RURAL REGIONS MAY PLAN FOR 25% OF THE NEW 20,000 DU'S.

ACHIEVABLE DUs WITHIN COMMUNITY REGIONS w/ SEWER

EL DORADO COUNTY REGIONS	ACHEIVABLE LOW DENSITY (HDR/MDR/LDR)	ACTUAL BELOW MODERATE (MFR)	MODERATE HOUSING (C/MUD & MFR)	TOTAL
EL DORADO HILLS	7,000	436	436	7,872
CAMERON PARK	2,000	1,231	1,231	4,462
DIAMOND / ED	2,500	1,230	1,230	4,960
SHINGLE SPRINGS	1,000	509	509	2,018
TOTAL	12,500	3,406	3,406	19,312

* "Achievable" assumes sewer/water/fire roads and LDR 5 acres although holding zone for higher density. Chart Assumes Moderate Housing accommodated in same number as Below Moderate. The allocation to CRs for Moderate is an illustration, actual allocation will be set by BOS based upon available C / MUD and MFR lands.

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SUMMARY – HOUSING REVIEW

EDC 2004 GP Accommodates 32,000 **new DUs** for projected 2025 200,000. **Population forecast on track (27,000 new residents)**

12,470 new DUs have been built, leaving 20,000 **new DUs** to build

EDC **Community Regions w/sewer** may accommodate approx:

12,500 new DUs for above moderate

3,406 new DUs on 350 acres of MFR sites below moderate

3,406 new DUs on 450 ac of C/MUD** and MFR for moderate

19,312 new DUs in Community Regions achievable towards **75%** or 15,000 of new 20,000 DUs

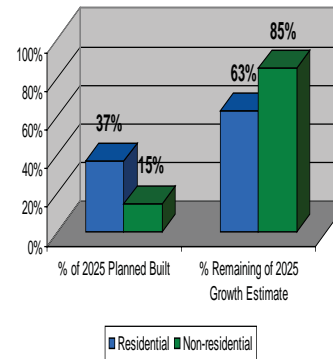
EDC Rural Centers (including PP/Camino) and Rural Regions may accommodate at least 25% or 5,000 of the new 20,000 DUs.

****500+/- acres of VACANT C/MUD LAND that may accommodate moderate DUs HAS OTHER DEMANDS– Jobs/**

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Is the Commercial Model Working?

9 Years In to a 25 Year Growth Forecast

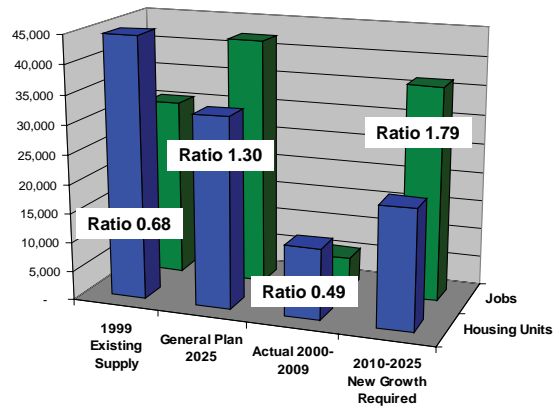


- What is the Job/Housing Ratio compared to GP Projections?
- Why have we have built 37% of our housing forecasted for 2025 but only 15% of the commercial?
- Why are we exporting \$ 400 million* of taxable retail sales to Folsom etc.?
- Is 1/10 of 1% of EDC lands for vacant C/MUD realistic to meet jobs, retail, offices, and moderate housing?
- What vacant commercial is regulatory shelf ready? i.e. A user knows the requirements.
- What constraints are preventing supply from meeting demand?
- ** 2010 CSER study for EDAC & EDHF

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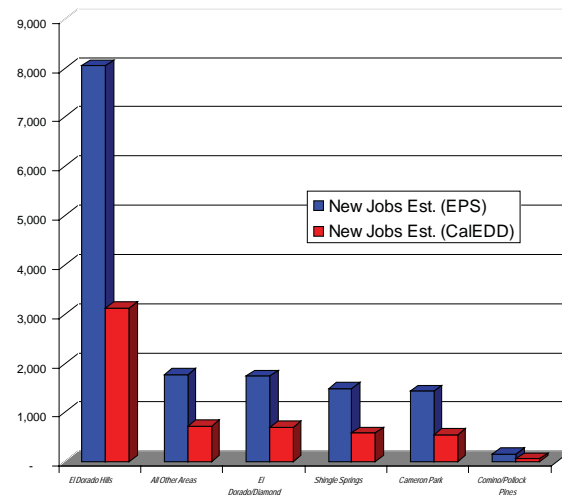
Review - Jobs to Housing Ratio

Jobs/Housing Ratio Growing in the Wrong Direction



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2000-2009 General Plan Forecasted Jobs vs. California Employment Development Est.

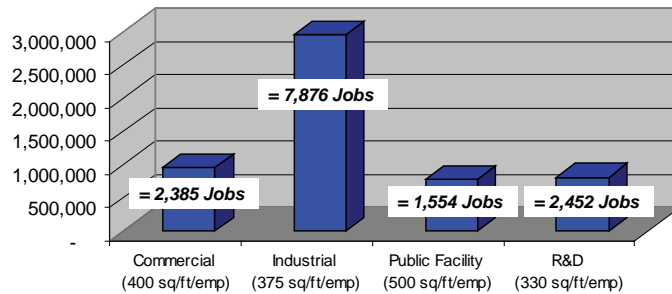


(2004 General Plan Job Forecast prepared by EPS based on Comm/I/R&D development.)

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Where Did the Jobs Go?

2000-2009 Non-Residential Development
Total 5,493,804 Sq. Feet



Total Estimated Jobs Per EPS Report Should have been 14,267;
Actual Per State EDD 5,695

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REVIEW OF JOBS/HOUSING

No Easy Answers

- High # Work from Home? 4% statewide – but, 13% EDC unemployed. Broadband? #s Not Even Close - Must improve from current .5 to 1.7. 8,000 jobs short since GP. 300% Off
- Need High Paying Jobs ?- Yes, But, 23,000 current EDC households under moderate income and need jobs.
- Not Fair ?- Would be 1:1 if consider Sacramento Region – Governor Brown sued Pleasanton for this thinking. State General Plan Guidelines consider 1:1.5 “balanced.”
- Retirees? Prop 90? MFR? work force housing? Sales leakage? Higher demand on local services?

- GENERAL PLAN REVIEW

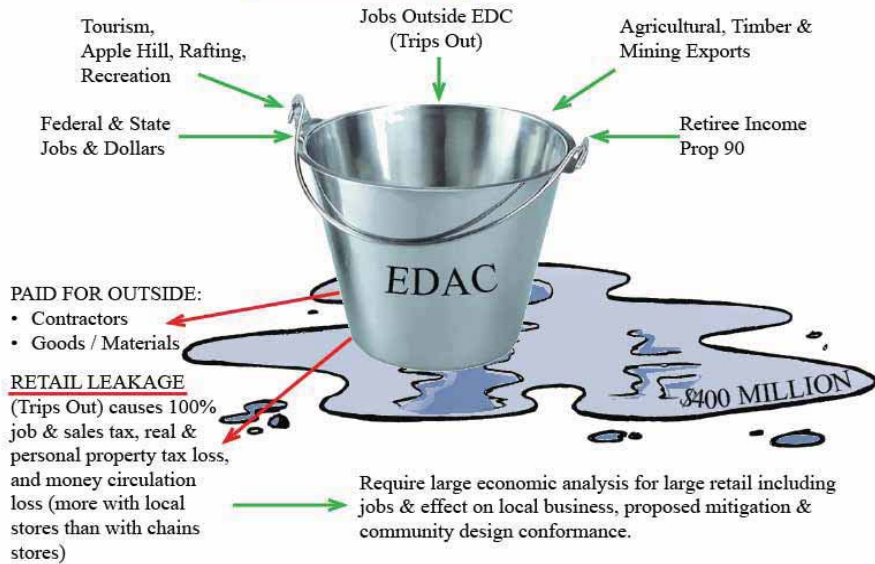
- Review GP Job/Housing Assumptions.
- Protect Industrial/Promote EDH Business Park
- Look for other Commercial Land Use Opportunities – 500+/- ac vacant commercial with 450 ac needed for moderate housing.

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El Dorado County Economic Growth

\$500 Million in Economic Leakage Drains from the EDC Bucket



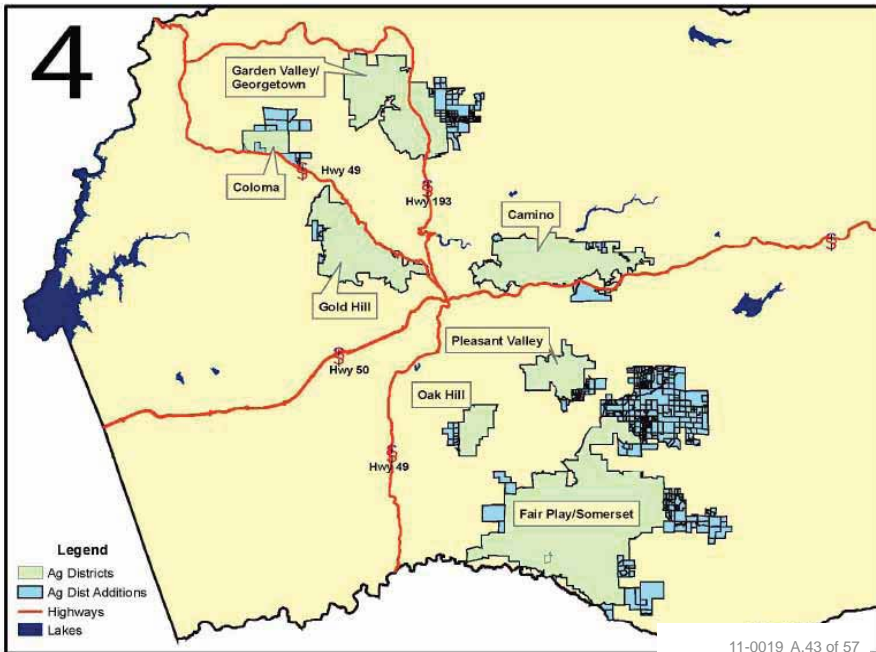
Missouri Flat Adopted Commercial Design Guidelines (i.e. what we wanted)

What we got! →



← What we could have had!

4



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RURAL ZONING ISSUES

TPZ RESIDENCY BY RIGHT

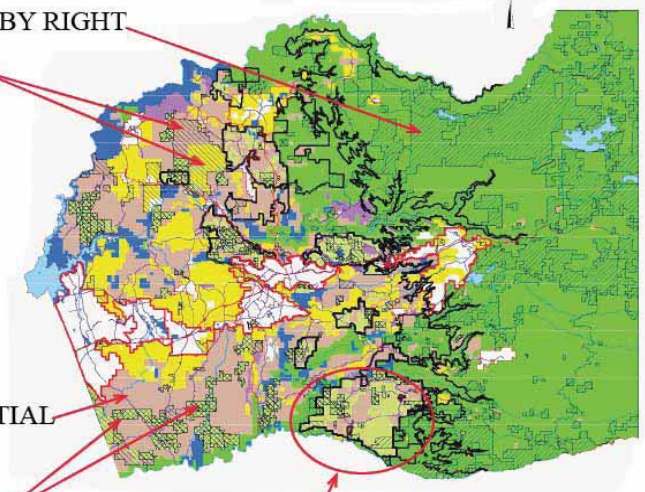
AE ROLL OUT



WOBLER
AG OR RESIDENTIAL
10 TO 160 ACRES

AL GRAZING
WILLIAMSON ACT

AG DISTRICT ZONING / OVERLAY
RIGHT TO FARM



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MAP OF GP REVIEW / UPDATE ISSUES

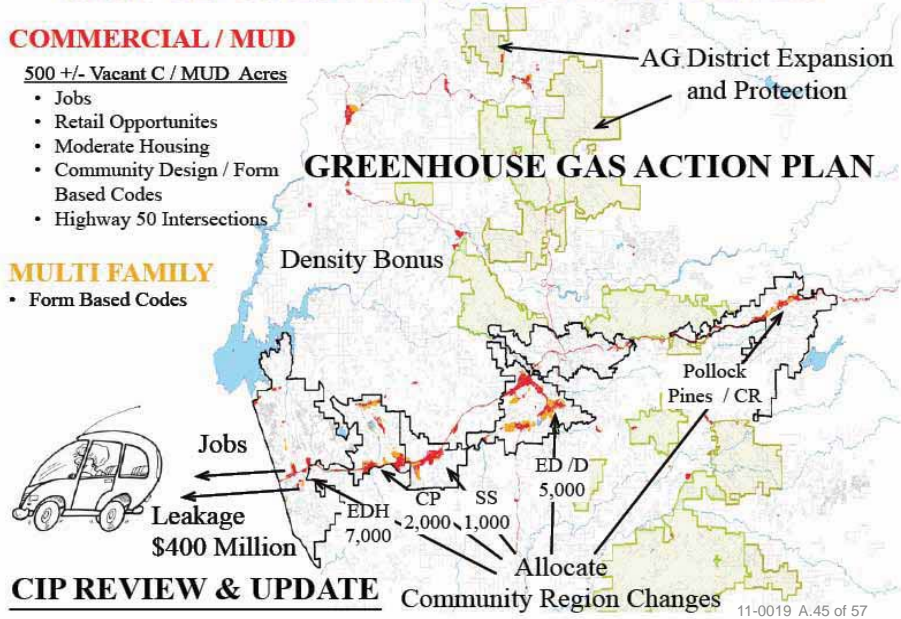
COMMERCIAL / MUD

500 +/- Vacant C / MUD Acres

- Jobs
- Retail Opportunites
- Moderate Housing
- Community Design / Form Based Codes
- Highway 50 Intersections

MULTI FAMILY

- Form Based Codes



CIP REVIEW & UPDATE

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General Plan's 5-Year Land Use Forecast:

- **Assumes 32,000 new DUs (no change)**
- Assumes 25% or 5,000 of the remaining 20,000 new DUs will be accommodated in Rural Centers and Regions (incl. PP/C)
- Assumes 75% of new 20,000 DUs accommodated in CRs w/ sewer
 - Low Density Residential (HDR, MDR, LDR) within CRs will accommodate 12,500 above moderate new DUs
 - MFR will accommodate 3,406 on RHNA identified sites
 - C/MUD and some MFR will accommodate 3,406 moderate DUs
- **Assumes 42,000 new Jobs (no change) If Review Addresses:**
 - Identification of Commercial Opportunities for C/MUD, Large Retail and neighborhood and increase Commercial from 500 acres in CR/sewer with 450 C/MUD acres accommodating moderate DUs.
 - Regulatory Shelf Ready Status for C/I/R&D opportunities
 - Form Based Codes for C/MUD and MFR for predictability
 - Measure Y/ CIP opportunities.
- **Assumes Expansion of Agricultural Districts as proposed.**
- **Assumes CIP/TIM Fee Update to accommodate Forecast**

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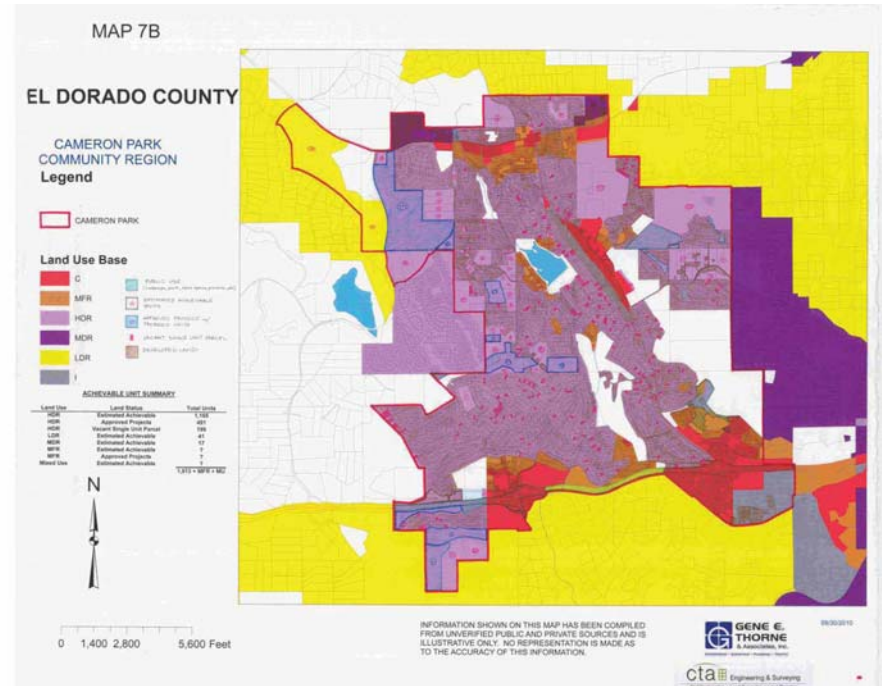
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Update CIP With Revised Land Use Forecast

- GP Measure TC-A, "...The CIP **shall** be coordinated with the five-year major review of the General Plan and **shall** be included in the annual General Plan review."
- CIP and 2002 TAZ modeling allocations need updating, considering:
 - **SB375** ties RHNA, AB32 to **TRANSPORTATION** funding passed after GP
 - **MEASURE Y MODIFIED** after GP – giving BOS **MORE FLEXIBILITY**
 - **2002 Allocations** based on **market areas** not community regions
 - Allocation used 1999 update of **1990 census**. 2010 census be available
 - **11 Years of actual numbers** now available
 - **Achievable DUS for CRs with sewer now available**
 - **CIP software Model was outdated in 2002, ancient now!**
 - **C/MUD moderate** housing per RHNA not accommodated
 - **Below moderate** housing not accommodated
 - Effect, if any, of Proposition 26 passed in 2010
 - **The 2002 ALLOCATION Has greater than 25% in the Rural Areas**
 - **TO IMPLEMENT THIS GENERAL PLAN EDC NEEDS UPDATED DOT IN HOUSE MODEL TO RUN ALTERNATIVE ALLOCATIONS FOR BOS TO MEET GP GOALS/ State Law.**

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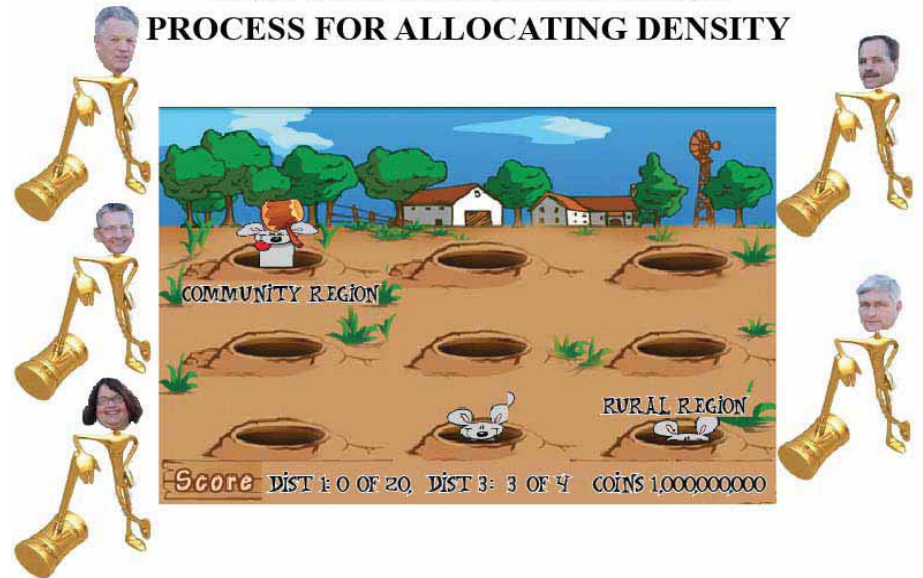
2011 POSSIBLE DU ALLOCATION W/ 75% FORECAST FOR CR'S W/SEWER & 25% RURAL WHICH IS CONSISTENT WITH 12,470 "AS BUILT" COMPARED TO 2002 ALLOCATION

		2002 Forecast
Total Units to be built per General Plan 2000-2025		32,491
Units Built 2000-2009	-	12,250
Total Units to be built 2009-2025	=	20,241
CR 100% of Achievable (7,000) DUs in El Dorado Hills	-	7,000 - 6,000
CR 75% of Achievable (2,000) DUs in Cameron Park	-	1,500 - 1,053
CR 75% of Achievable (1,000) DUs in Shingle Springs	-	750 - 84
CR 60% of Achievable (2,500) DUs in El Dorado / Diamond	-	1,500 - 1,313
CR 50% of Achievable (3,406) DUs Moderate	-	1,703 - 2,317
CR 50% of Achievable (3,406) DUs Below Moderate	-	1,703 - 0
Du's Allocated to community Region w/ Sewer	-	14,156 - 10,767
R DU's built on existing parcels, 2010-2025	-	4,000 - 8,474
R DU's to RC & RR	-	1,000 - 1,000
Total Remaining Units To Be Allocated		1,085 0

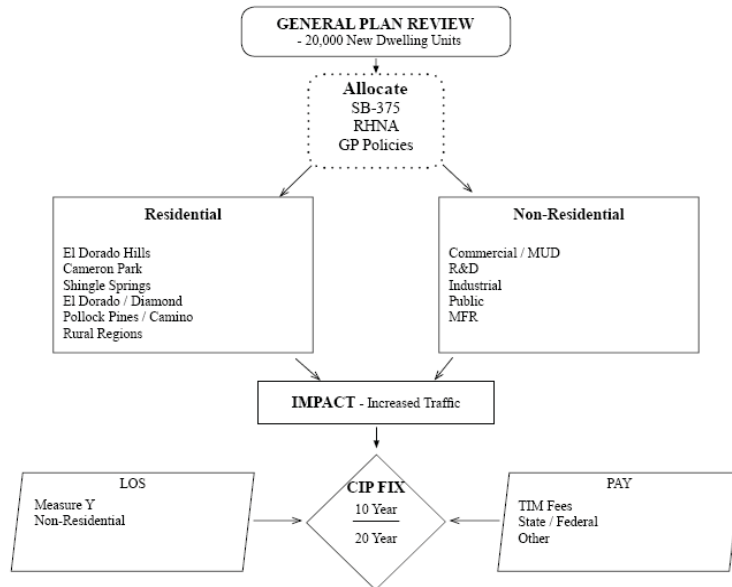
Planning Assumptions:

75% of DUs will be allocated to CRs with sewer and 25% to rural areas. Below Moderate housing will occur as required by RHNA. Moderate housing will occur only in C/MUD and available MFR in same number as Low/Very Low required by RHNA with BOS to allocate.

TIME HONORED LEGISLATIVE PROCESS FOR ALLOCATING DENSITY



General Plan Policy 2.9.1.1
(Review 2 Years, Thereafter Every 5 Years)
Measure TC-A



CONCERNS

- **REOPENS GENERAL PLAN?** The GP requires the County initiate a comprehensive review every five years to inventory the rate of land development and make any adjustments to land supply or policies needed to facilitate implementation of the General Plan. This Report concludes the growth assumptions in the GP Land Use Forecast Report are still reliable from an environmental impact standpoint.
- **CHANGES LAND USES?** Policy 2.9.1.2 requires, “Five year adjustments ...that may include additions or subtractions from land supply and ... policy changes.” This is the opportunity for BOS to make supply and policy adjustments for the 1% of EDC land supply/CRs, policies that accommodate jobs, retail sales, tax revenue, medical, moderate housing, below moderate housing.
- **WAIT FOR HOUSING ELEMENT UPDATE?** 5 year review is the process to make adjustments to ensure RHNA compliance.
- **DO NOTHING AND AVOID PROBLEMS?** SB 375/AB32/RHNA and the GP have the same goals regarding Jobs, Retail Leakage, tax loss, moderate housing, trip reduction, directing growth to the Community Regions. The GP Review addresses compliance with these goals. Compliance is not a problem.

CONSERVE NATURAL RESOURCES

What is the INRMP?

Mitigation Plan for
Development of Community
Regions?

Placer Legacy?

Off-site Mitigation Bank?

How does it relate to the 5 year review/update?

A Planning Tool that strives to meet
EDC Habitat Conservation and
Development Goals

GP Policy 2.9.1.5 – Monitor
effectiveness of mitigation
measures during GP
Review. INRMP part of
mitigation matrix to be
reviewed.



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DIRECT STAFF TO PREPARE PROJECT DESCRIPTION FOR BOS REVIEW /ACTION

- **Project:** Under CEQA, a project is the whole of an action (i.e. don't piece meal) which has the potential to result in direct or indirect significant environmental change in the environment.
- **Project Description:** The 5-Year General Plan Review and Update Project, (GPA No. ____) accepts the GP Growth Projections while reviewing and updating focused GP policies and maps to ensure a clear and consistent set of directions for implementing the County Vision and Elements throughout the County over the next five years and into the future (2025 and beyond). The individual items encompassed are selected by BOS
- **Financing of Review/Update:** Provide BOS with wide range of financing options : In House, community contributions, Grants, PPP, EDAC/EPS/Ag Commission reports, fees, etc.

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BOS Selects, Rejects, Adds to following Items:

- ❑ Adoption of Greenhouse Gas Action Plan (GPA)
- ❑ Approval of Ag District Expansion and Protection (GPA)
- ❑ Revisiting of Density Bonus (GPA)
- ❑ CR and RC Changes (incl. PP/Camino, others) (GPA)
- ❑ C/MUD opportunities and CD for C/MUD, I, R&D (GPA)
- ❑ Review constraints to C/MUD moderate housing (GPA)
- ❑ Consider range of Measures to reduce Retail Sale Leakage
- ❑ Consider requiring Econ Analysis for large retail/residential
- ❑ Review GP Jobs/Housing Balance Goals and Means
- ❑ Identify and facilitate obstacles to regulatory shelf ready status for C/MUD/IMFR projects w/in CRs w/sewer.
- ❑ Consider Ag/Recreation Housing Alternatives (GPA)
- ❑ Coordinate Project with INRMP
- ❑ Coordinate Project/effect on Circ. Element w/CIP 5 yr update
- ❑ BOS "to do list" compiled over the last 5 years.

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WHAT IS REQUIRED

- FIRE**
 - State
 - Access
- ZONING**
 - AG
 - Form / PD
 - Maps
- HDM**
 - 10%
 - CalTrans
 - Local Rds
- LDM**
- COMMUNITY / DESIGN**
- GRADING**
- AH**
- MUD 1**
- GP**
- MITIGATION**

BOARD OF SUPERVISORS ACTION

REVIEW GENERAL PLAN IDENTIFY ISSUES

5 YEAR REVIEW / EDAC

- STATE**
- SB 375
 - AB 32

- GENERAL PLAN**
- GP 2.9.1.1 GP Review
 - GP 2.9.1.2 Supply
 - GP 2.9.1.4 CR-RC
 - GP 2.9.1.5 GP Mitigation
 - GP 2.6.1.4 Leakage
 - TC-A CIP

ISSUES

- BOS TO DO LIST
- AG District Expansion
- Density Bonus
- GHG Action Plan
- CR Capacity
- CR/RC Boundaries
- Commercial Land Inventory / Sales Leakage
- Jobs/Housing Balance
- Moderate Housing Constraints
- MUD II
- AG District
- Density Bonus

STEPS TO BOS ACTION

1. Direct Staff To Prepare Project Description
2. BOS Modifies & Approves Project Description
3. CEQA Review
4. BOS Acts

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PLAN FOR GROWTH



El Dorado County Courthouse 1912 - 2010

Population	1910	1960	1980	1999	2010	2025
	10,000	30,000	85,000	121,000	148,000	200,000

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Land Use Feasibility Research Project
Regulatory Reform Engineer Subcommittee
November 7, 2011

Background

In early 2011 the EDAC/Regulatory Reform's Engineering Subcommittee began a review of actual residential land use densities, reasonably expected to be achieved within the Community Regions of El Dorado County: Diamond Springs/El Dorado, Shingle Springs, Cameron Park and El Dorado Hills.

The goal of the research was to verify the actual residential growth densities achievable within these areas based on application of the 2004 EDC General Plan Goals, Policies and Objectives, existing GP land uses, and on-site constraints. Prior to this research the community used only density projections estimated by planning staff as theoretical General Plan build-out figures based on densities allowed by General Plan land use and zoning designations. Although the land use was based on the new 2004 General Plan concepts, a new Zoning Ordinance consistent with the new General Plan had not yet been developed.

Additionally, staff's theoretical density projections did not include onsite and regulatory development constraints such as over-30% slope restrictions, avoidance of rare and/or endangered plants and wetlands setbacks that frequently prohibit densities otherwise achieved by ignoring such constraints.

Land Use Assumptions

Community Regions were intended to maximize residential land uses to provide for all income levels needed to meet EDC's residential housing needs and RHNA projections.

Community Regions were intended to achieve densities greater than those allowed in the Rural Regions of EDC, in order to maintain vast areas of EDC as rural in nature.

Community Regions were intended to provide for 75% of residential growth needs for the life term of the General Plan (20 years).

Community Regions were required to provide for residential, commercial and industrial land uses.

Projects within Community Regions were, where appropriate, mapped at the highest number of residential units achievable based on GP land use designations and constraining criteria. Where appropriate, adjacent land use considerations and historical density approvals for similar situations were considered.

Projects researched used a baseline timeframe of 1999 to present, based on the lifting of a Writ of Mandate on the 1996 General Plan that disallowed subdivision of residential lands under the General Plan until 1999. Existing developed lands were identified using available GoogleEarth images in fall of 2010.

Land Density Review Methodology

The Engineer Subcommittee research included the following methods to quantify land use densities achievable under the 2004 GP: (Note: These methods were fully implemented for Cameron Park, but the level of research of approved subdivisions in other community research varies, Diamond Springs/El Dorado being the least researched for approved projects and only about 75% completed for mapping purposes. Where incomplete, units were estimated based on completed available data.)

First – the Subcommittee reviewed and documented projects reported and tracked on the EDC Planning Services Dept website for the following categories: Approved Subdivisions; Approved Parcel Maps; Applications Pending for Subdivisions; Applications Pending for Parcel Maps.

“Approved” projects provided finite figures for densities that were accomplished by going completely through the regulatory structure (Planning Commission, Zoning Administrator, Board of Supervisors) under the 2004 General Plan directives.

“Applications” for projects reflected the best efforts of project applicants/agents and professionals (engineers, surveyors, landowners, infrastructure) to provide and map project densities based on actual application of land use goals and real world constraints.

A time-intensive process for reviewing each project listed on the EDC website was undertaken as it became apparent that the method in tracking projects was not perfected countywide. Between Approved Projects and Applications Pending Projects the tracking was subject to irregular staff input. For example, some projects were removed from the “Pending” list upon their final approval: Other projects were not removed from the Pending category but still were included in the Approved lists. To include both would falsify the results.

Taken at face value there would have been false reporting, duplication of densities achieved and/or unreliable results without trying to track a project through the process, which the Subcommittee attempted to do. We attempted tracking the projects to only include each project one time (eg: either as Approved or Pending but not pending if subsequently the project was approved) and to identify the most reliable density numbers per site in the process.

Another complication was the manner in which different staff members calculated and recorded the actual number of parcels achieved: Some included all lots (including Open Space, Remainders, commercial, etc) while other staff members only recorded the actual number of residential lots achieved per project. There was also some variation between condo and duplex/triplex reporting of parcels created vs units approved – again depending on staff input.

Still the results are subject to some human error in both the recording, reporting and tracking process, however the Subcommittee felt secure in assigning density numbers to specific sites using this process of review.

It should be noted also that phasing of maps frequently occurs specifically in El Dorado Hills. Although subject to change – the Master Planned Communities maintain an adequate profile of planned densities, even if no map has yet been submitted, making those density figures very reliable for analysis.

Following the completion of this review process, a map was created by Gene Thorne, Civil Engineer, that showed every parcel in existence in each Community Region. The map information was based on GIS data provided by/linked into the EDC Surveyors office. The number of lots created (densities)

based on the County's Approved and Pending project tracking system, were then transferred to the Thorne map by hand.

The results of this effort were a number of vacant parcels - within each Community Region studied – that required closer analysis.

For this effort the Subcommittee assembled several engineers responsible for the bulk of projects/sites mapped within the three CRs including Gene E. Thorne and Associates, Inc, CTA Engineering & Surveying Inc, and Larry Patterson, Civil Engineer. Amongst this group's collective knowledge there were very few parcels that were not well known by the engineers.

Each engineer then assigned a density number as feasible for each site based on individual prior knowledge of the land. When none were familiar with the specific parcel in question, the group would discuss the lands surrounding the parcel, as well as known issues in the area and collectively agree to a reasonable number to assign to the parcel. Additional specific vacancies were filled by CTA Engineering and Surveying based on a reasonable expectation of achievable units, but specifically assuming cost of services and access to a site was no object for planning purposes. For example, areas of dead-end road which may take substantial cooperation of various landowners and extensive expense to allow for development are assumed to be solved such that achievable units are still identified, despite the very difficult challenge of accomplishing such development. The end user of these unit counts should consider adding an economic consideration for achievability of units identified in certain areas.

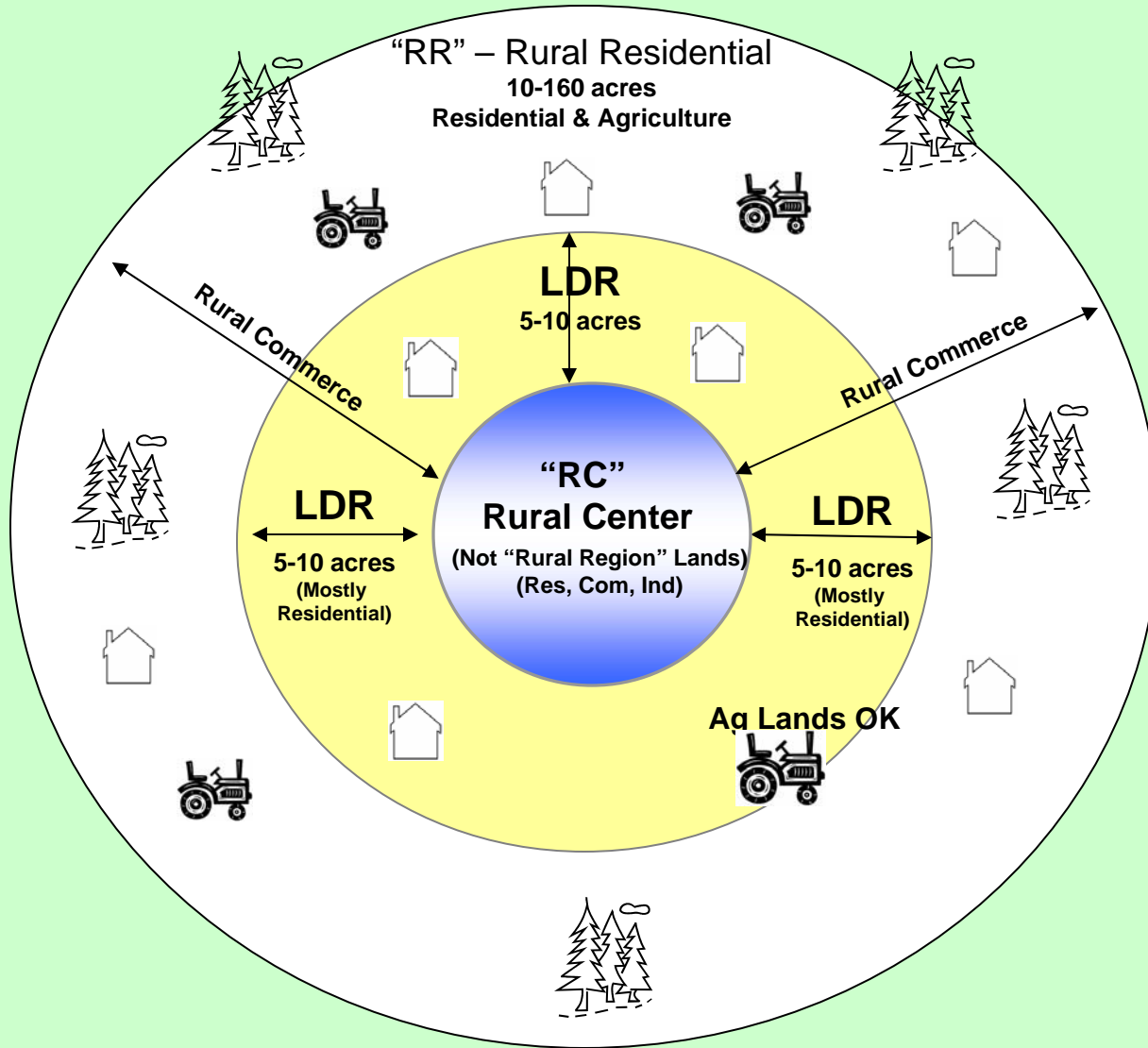
Vacant Land Analysis Criteria

For the West Slope's Cameron Park, Shingle Springs, El Dorado Hills and Diamond Springs/El Dorado Community Regions analysis, the following criteria was identified and utilized for assigning density numbers to unmapped parcels:

- General Plan Land Use designations
- Zoning Designations – The zoning of lands was assumed to be brought into compliance with the Land Use except where known prohibitions or limitations on further subdivision are already recorded with the land, where known by those preparing the maps.
- Sewer and Water service – assumed to be available within the CR when needed (economic analysis was not considered in this case)
- Roads and Infrastructure capabilities – assumed to be available within the CR when needed (economic analysis was not considered in this case)
- Topography/slopes
- Surrounding development patterns/compatibility
- Known protected elements: lakes, ponds, rare plant colonies, etc.
- Densities consistent with historically expected results for similar sites, where available.
- Detached residential unit assessment was completed on the maps. Attached unit analysis and CMUD analysis were prepared based on County's vacant land inventory, review of vacant lands on maps, and other various assumptions completed outside of the Engineering Subcommittee's work.

General Plan Rural Region Concept

Natural Resource
1 DU-160 acres
(~750,000 Acres)



V2.5

2011 JUL 25 AM 8:49

EDAC Regulatory Reform

- Directed by the Board of Supervisors to:
 - “Identify constraints and incentives and recommend ways to reform and improve the regulatory processes through a review of the General Plan and other County regulations...”
 - Review led to BOS adoption of ROI In April to address:
 - Protect preserve Ag/Natural Resources/Rural
 - Retail Leakage
 - Jobs
 - Moderate Housing
 - Develop Components for CEQA Project Description

EDAC COMPREHENSIVE REVIEW



“WE”

- Gayle Erbe Hamlin, Terri Dahy, Fred Russell, Ron Grassi, Sam Driggers, Roger Trout, Peter Maurer, Shawna Purvina, Lillian Madeod, Laura Schwartz, Craig McKibbin, Jim Ware, Dave Spiegelberg, Val Akana, Laurel Brent Bumb, Bill Carey, Bill Randall, Debbie Manning, Linda Hopkins, Todd Cunningham, Rob Combs, Gary Baldock, Cris Anthony, Michael Webb, John Youngdahl, Olga Sciorelli, Gene Thorne, Norm Brown, Larry Ito, Randy Pesses, Larry Patterson, Brian Allen, Dave Crosslot, Jeff Lubenko, Roberta Long, Mike McDougal, Mark Nava, Dale Van Dam, Michael Ward, Raven Powell, Cindy Shafer, Sue Taylor, Kathy Russell, Noah Briel, Ron Duncan, Craig Sandberg, Eric Driever, T. Abraham, Charlie Downs, Gordon Helm, Tom Burnette, Maryann Argyes, Valerie Zentner, Chris Flores, Bob Davies, Dave Pratt, Bill Center, Tom Hefflin, Andrea Howard, Tom Howard, Cris Bronner, Art Marinaccio, Mike Turner, Karen Pine, Bob Smart, Jamie Buetler, Peter Oliver, Carol-Anne Ogdin, Kenny Wilkinson, Tom Van Noord, Doug Roeca, Bob Laurie, Bill Vandegrift, Joel Korotkin, Jason Korotkin, Thaelia Georgiades, Jim Brunello, Tom Shinn, Doug Scatzi, Kate Overmeyer, David Thomas, Bill Bacchi, Lindell Price, Gail Gebhardt, Marv Bukema, Doug Noble, Karen Pine, Kate Overmeyer, Steve Ferry, Ted Maffa, John Thompson, Michelle Smlra, Mike Sproul, Mike Roberts, Cedric D. Twilight (SPI), Mark Weiner, Doug Montgomery, Brenda Bailey, Fred Wilkinson, Judy Mathat, Cris Alarcon, Sherri Lum-Alarcon, Bill Fisher, Brenda Bailey, David Zweck, Marlon Ginney, Kimberly Beal, Linea Marengo, Bill Thorpe, Mary Pitto, Jim Davies, Terry Rivasplata, Ron Wolford, Joe Donald, Matthew D. Weir P.E.T.E., Michael Schmitt, ACIP, PTP, Richard Turner, Sandi North, Erich Fischer, Mark Harris, Dale Cogan, Dyana Anderly-

**General Plan and State (SB375/AB32/RHNA/) Share
Common Goals -/Less Trips**

GP and State GOALS:

- **DIRECT DENSITY TO COMMUNITY REGIONS AND KEEP REST RURAL**
- **ACCOMMODATE 32,000 NEW DUs and RHNA (20,000 remaining)**
 - 30% + \$ 87,000 + Above Moderate
 - 20% \$ 55,00-87,000 Moderate
 - 50% Less than \$ 55,000 Below Moderate
- **CREATE 42,000 new JOBS**
- **REDUCE RETAIL LEAKAGE**
 - Leakage loses 100% loss of jobs, sales tax, money in community multiplier
- **TIM** consistent with State/GP Goals
- **PRESERVE/PROTECT AGRICULTURE/NR/rural commerce**
 - Agricultural Districts

**Integrate with GP Elements -
Greenhouse Gas Action Plan**

- Economic Development
- Land Use
- Circulation/Transportation
- Agriculture/Forestry
- Conservation/Open Space/Natural Resources
- Housing/Affordable Housing
- Parks and Recreation
- Public Health, Safety

WHICH REGIONS ARE THE 12,470* NEW DWELLING UNITS ACTUALLY BUILT?
(GP Policy 2.9.1.2)

REGIONS WITHIN EL DORADO COUNTY	TAZ MODEL FORECAST		ACTUAL NEW DWELLING UNITS PER REGION		TOTAL OF NEW DWELLING UNITS BY REGION	PERCENT OF TAZ FORECAST	PERCENT OF 12,470
	SF	MF	SF	MF			
EL DORADO HILLS	13,008	1,139	5,844	972	6,816	43%	51%
CARIBON PARK	2,968	1,373	1,913	480	2,393	53%	19%
PP / CALIMNO	991	118	531	1	532	50%	4%
DIAMOND / ED	1,564	1,359	251	125	376	13%	3%
SPRING SPRINGS	287	46	203	23	226	68%	2%
RURAL					2,211		20%

* October 2009 DOT Housing Analysis by TAZ's (numbers are approximate since TAZ's are not based upon Community Region Boundaries).

75% OF THE NEW DWELLING UNITS ARE IN COMMUNITY REGIONS WITH SEWER

90% of 12,000 New DUs built for 25% w/ \$ 87,000+ income
75% New DUs built in Community Regions with Sewer

Above Moderate Wins

Year	Moderate	Low	Very Low	Above Moderate
2000	1400	0	0	0
2001	2100	0	0	0
2002	1900	0	0	0
2003	2100	0	0	0
2004	2200	0	0	0
2005	1700	0	0	0
2006	1900	0	0	0
2007	1800	0	0	400
2008	400	0	0	800
2009	200	0	0	400

2007 includes 517 2nd Dwelling Units allowed for the first time to be included as part of the Affordable Housing Annual Report (517 = total 2nd DUs 2003-2007).

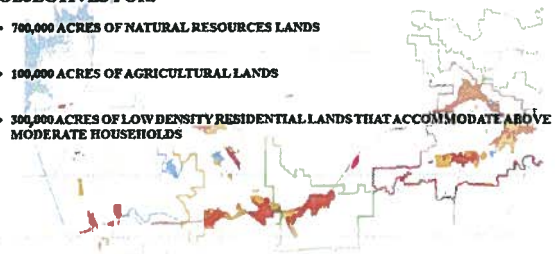
General Plan's 5-Year Land Use Forecast:

- Assumes 32,000 new DUs (no change) 20,000 remaining DU
What Areas Will Accommodate 20,000
- Assumes 5,000 or 25% of 20,000 new DUs for above mod. households in Rural Centers/ Regions (incl. PP/C)
- Assumes 15,000 or 75% or 20,000 in CRs w/ sewer
 - Low Density Residential (HDR, MDR, LDR) within CRs will accommodate 12,500 above moderate new DUs
 - MFR will accommodate 3,406 below mod. on RHNA identified sites
 - C/MUD and some MFR will accommodate 3,406 moderate DUs
- Assumes GP Jobs and retail goals are met If Update Addresses:
 - Recognize and plan for C/MUD as a limited resource
 - Identification of new Commercial Opportunities for C/MUD, Large Retail Vacant 600 acres for C/MUD in CR/S insufficient
- Assumes TIM/CIP Update Considering Forecast and Measure Y .
- Assumes Expansion of Agricultural Districts as proposed.

13

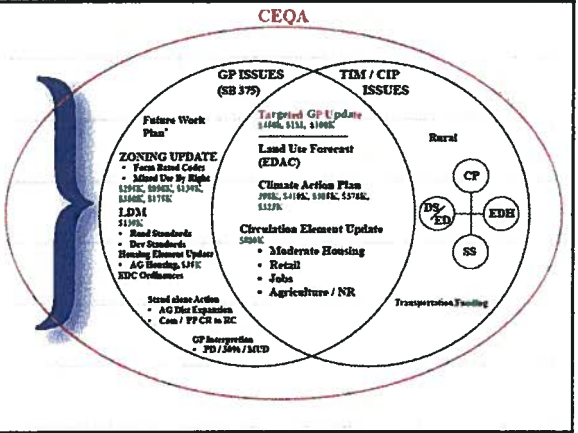
EDC LAND USE REGULATIONS (GP, ZONING, LDM, ROAD STANDARDS, ETC.) IMPLEMENT GP AND FEDERAL AND STATE OBJECTIVES FOR:

- 700,000 ACRES OF NATURAL RESOURCES LANDS
- 100,000 ACRES OF AGRICULTURAL LANDS
- 300,000 ACRES OF LOW DENSITY RESIDENTIAL LANDS THAT ACCOMMODATE ABOVE MODERATE HOUSEHOLDS



1% OF EDC CR LANDS WITH SEWER MUST MEET DEMAND FOR JOBS, RETAIL, SERVICES, INDUSTRIAL, PUBLIC FACILITIES, MEDICAL, MODERATE HOUSING & BELOW MODERATE HOUSING.

TWO TENTHS OF ONE PERCENT (.002%) OF LANDS ARE VACANT COMMERCIAL/MUD



Common Themes

- General Plan sets a standard
 - Establish multiple commercial zones
 - Findings for uses within TPZ
 - Riparian setbacks
- "I'm Thinking of a Color"
 - Zoning a refinement of General Plan
 - Map should assist in achieving objectives
- "Don't Waste a Good EIR"

STREAMLINING CEQA REVIEW

- § 15268. Ministerial Projects.
 - (a) Ministerial projects are exempt from the requirements of CEQA. The determination of what is "ministerial" can most appropriately be made by the particular public agency involved based upon its analysis of its own laws, and each public agency should make such determination either as a part of its implementing regulations or on a case-by-case basis. (YOLO 3 1/2 Planners)
 - (c) Each public agency should, in its implementing regulations or ordinances, provide an identification or itemization of its projects and actions which are deemed ministerial under the applicable laws and ordinances.

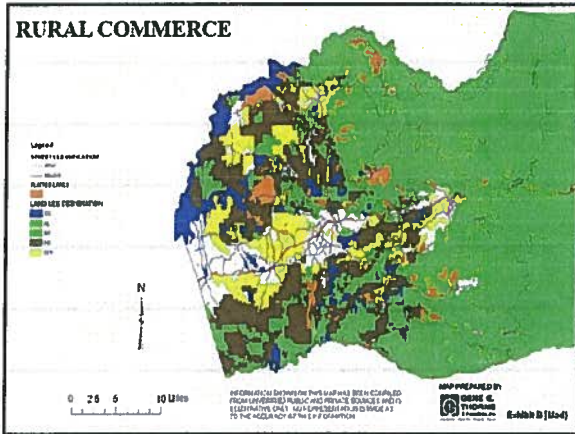
17

CEQA STREAMLINING Policy Pronouncements

- § 21093. Tiering of environmental impact reports
- (a) The Legislature finds and declares that tiering of environmental impact reports will promote construction of needed housing and other development projects by
 - 1) streamlining regulatory procedures,
 - 2) avoiding repetitive discussions of the same issues in successive environmental impact reports, and
 - 3) ensuring that environmental impact reports prepared for later projects which are consistent with a previously approved policy, plan, program, or ordinance concentrate upon environmental effects which may be mitigated or avoided in connection with the decision on each later project.

The Legislature further finds and declares that tiering is appropriate when it helps a public agency to focus upon the issues ripe for decision at each level of environmental review and in order to exclude duplicative analysis of environmental effects examined in previous environmental impact reports.
 - (b) To achieve this purpose, environmental impact reports shall be tiered whenever feasible, as determined by the lead agency.

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General Plan – Agriculture Issues

Previously on EDAC radar

- Expanded Agricultural Districts
- Buffer language in Community Regions to be consistent
- Change Camino/Pollock Pines Community Region to Rural Center
- Allowing commercial & industrial uses in Rural Regions



New & Improved @ EDAC

- Encouraging Rural Centers expansion + community ID
- Allowing Ranch Marketing on Grazing Lands
- Clean up language – specific zoning designations, more generic
- Ag Support Services – delete CUP requirement




FOCUS: encourage agricultural economic viability thru compatible commercial uses consistent with Economic Development element

Zoning Ordinance - Agriculture Issues


Previously on EDAC radar

- Rural Lands/Rural Estates – re-zone to protect existing ag
- Right to Farm protections – update to new state laws
- Agricultural Homestays
- Allow Industrial & Commercial zoning in Rural Regions



New & Improved @ EDAC

- Ranch Marketing – expanding uses for grazing & horticultural ops
- Wineries – address SUP language for expanded uses
- Shift “Ag Commercial” to “Ag Support Services”
- Animal Raising & Keeping




FOCUS: encourage agricultural sustainability thru compatible commercial uses consistent with General Plan Policies


Zoning Ordinance - Agriculture Issues

Ag Support Services vs. Ag Commercial

Allows other uses that support ag and the rural community
 Identifies permitting processes for various uses
 Requires Ag Commission review if on or adjacent to ag zoned lands



Ranch Marketing Uses Defined



Ranch Marketing – expanding uses for grazing & horticultural ops
 Standards for RM on grazing lands
 Reserved sections for small livestock operations & horticultural uses (flower farms, wholesale nurseries, etc.)

FOCUS: encourage agricultural sustainability through compatible commercial uses in agricultural areas consistent with General Plan Policies

Timber Production Zone

Objective: Compatible Uses for TPZ lands

- Review of State Law
 - No issue regarding the Timber Productivity Act and accommodating residential use on TPZ or additional compatible uses
 - 15 of 23 surveyed counties allow by residency by right
- Review General Plan
 - No issue regarding the general plan and accommodating residential use on TPZ or additional compatible uses.
 - Policy: 2.2.1.2 and 2.2.5.11 supports residential use and a wide variety of commercial recreation in NR
- Timber Production Zone ordinance: Reform issues identified
 - Residency by Right or
 - CUP Upon Findings Set Forth In General Plan
 - Additional Commercial Uses in zoning matrix as allowed by General Plan

El Dorado County TPZ Ordinance Inconsistency with General Plan

General Plan Policy 8.4.2.1 The County Agricultural Commission shall evaluate all discretionary development applications involving identified timber production lands which are designated Natural Resource or lands zoned Timberland Production Zone (TPZ) or lands adjacent to the same and shall make recommendations to the approving authority. Prior to granting an approval, the approving authority shall make the following findings:

- The proposed use will not be detrimental to that parcel or to adjacent parcels for long-term forest resource production value or conflict with forest resource production in that general area;
- The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities;
- The proposed use will not create an island effect wherein timber production lands located between the project site and other non-timber production lands are negatively affected;
- The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting; and
- The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands.

The above GP requirements are not followed in Section 17.40.350(G) of the proposed zoning code relating to the Criteria for Residential Use in TPZ as follows:
 Proposed section 17.40.350(G) requires, among other findings, "The Property owner has either demonstrated a need for full time residency on the subject land to protect against theft or vandalism, or full time management of the stand is NECESSARY for its continued productivity."
 The inclusion of finding a necessity of the residency is inconsistent with General Plan Policy 8.4.2.1.

Recommended Solution for discrepancy between General Plan and Zone Ordinance

The zoning ordinance should be modified to require those findings set forth in Policy 8.4.2.1, for a CUP, MUP or Administrative Permit for a residential building permit or additional compatible use.

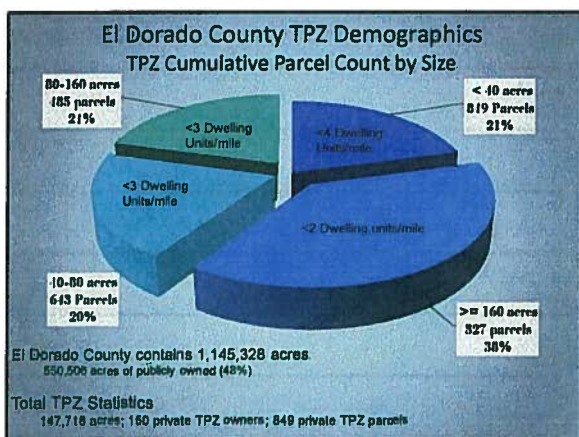
Residential Use on existing legal parcels less than 160 acres will require a Timber Management Plan.

The minimum parcel size of 160 acres will be maintained.

This procedure would conform to the General Plan and state law.

Also, the BOS should consider allowing a residence by right on parcels 160 acres or larger.

The CUP, MUP or Administrative permit should be reviewed and certified by a Registered Professional Forester for its compatibility with continued timber harvest.



RURAL LANDS – Who are we?

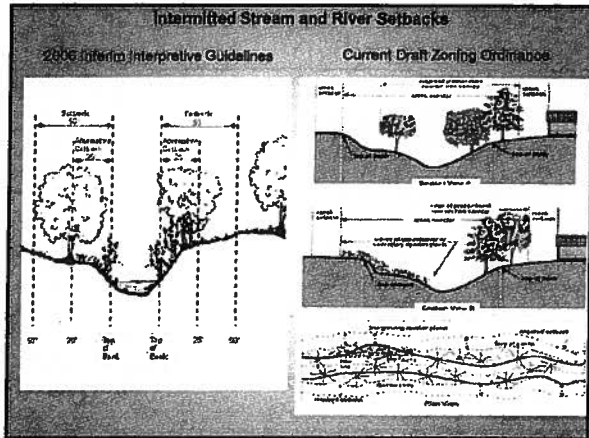
- We are not the Community Regions
- We are not Rural Centers
- We may or may not be an Ag District
- We are viewed as your open space
- We provide your tourism and recreational lands
- We are approximately 250,000 acres of this county (1 In 4 Acres)
- We are your working landscape and an alternative to subdivisions

Rural Lands – What we need

- General Plan:
 - Consider GPA for Commercial/Industrial in Rural Regions
 - Ranch Marketing for Grazing
- Zoning:
 - Revision of home occupation to support rural lands
 - A range for a mix of uses on rural lands
 - Agricultural homestays and ranch marketing
 - Encourage sustainable Ingenuity
 - More can be done from rural sites.

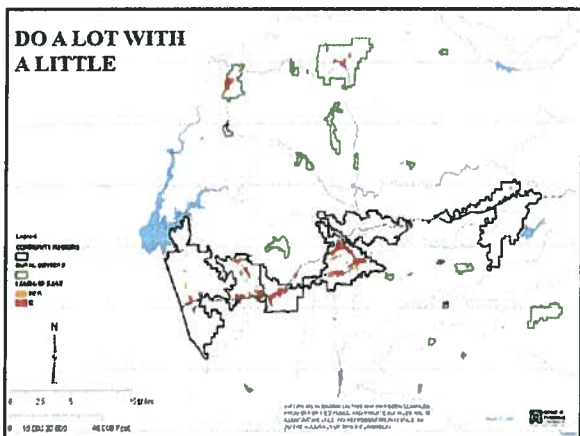
Low Density Residential Lands

- Planned Development Issues
 - 30% Open Space
 - When PD required
- Planned Development “Density Bonus”
- 30% Slope Limitations in Community Regions
- Stream, River & Wetland Setbacks (Zoning Ordinance)



Residential Lands

- Transportation Policy Issues (GP/LDM)
 - Road Right of Way Width; Intersection Spacing for Local Roads
 - Sidewalks on Both Sides of Street



Commercial & Mixed Use Development Inventory

Vacant Commercial Zoned Land with Sewer				
Parcel Breakdown	n of Parcels	% of Total Parcels	Acreage	% of Total Acreage
Less than 1 Acre	145	55%	63	10%
1-3 Acres	79	30%	144	22%
4-9 Acres	28	11%	162	25%
10-16 Acres	7	3%	89	14%
20-57 Acres	6	2%	192	30%


85% of the parcels are smaller than 3 acres

COMMERCIAL- With our current limited resource we must accomplish our big picture goals

- **THE GOAL:**
 - Sales Tax / Jobs / Moderate Housing
 - Plan for best uses in "appropriate areas"
 - = Costco - a regional trade area
 - Roof tops and traffic patterns
 - = Mixed Use - a local trade area

COMMERCIAL- Current Process

- **The current process is "market driven"**
 - "tell me what you want Mr. Developer"
- **Reality is "I am thinking of a color"**



- **What it could be (Other Jurisdictions)**
 - Set standards
 - Tell the Developer to meet the standards
 - PD should be the exception not the standard (Can always opt for PD)

Commercial - General Plan

Policy 2.2.1.2 - Commercial Land Use Designation

Commercial (C): The purpose of this land use category is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of B Dorado County. Mixed use development of commercial lands within Community Regions and Rural Centers which combine commercial and residential uses shall be permitted. The residential component of the project shall only be implemented following or concurrent with the commercial component. Commercially designated parcels shall not be developed with a residential use as the sole use of the parcel unless the residential use is either (1) a community care facility as described in goal HO-4 gr.(2) part of an approved mixed use development as allowed by Policy 2.1.1.3 and 2.1.2.5. Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate areas of the County. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers.

Zoning

New Zoning Designations Part I

Zoning	Description (Intent)
CH - Heavy Commercial	To create a buffer between industrial and retail uses and for heavy, intensive uses. The purpose is to accommodate such uses as automotive repair, home improvement services and auto sales (for example).
CM - Main Street Commercial	To provide small "old town" type main street type areas, a zoning that accommodates the small shop owner, or small business owner the ability to conduct business and is really designed for a zoning in small blocks and parcel sizes. Designation of an area as Main Street Commercial allows MUD II in accordance with standards either in separate TND ordinance or standards in zoning code.
CPO - Office Professional / Commercial	The CPO, Professional Office Commercial Zone is intended to promote and regulate the development of land suitable for professional, administrative, and business offices and offices mix with low to high intensity residential uses. It is intended that this zone be utilized as a transition between residential areas and higher intensity commercial uses while providing adequate economic incentive for development of such office space. Retail sales shall be incidental to the primary office uses in this zone.

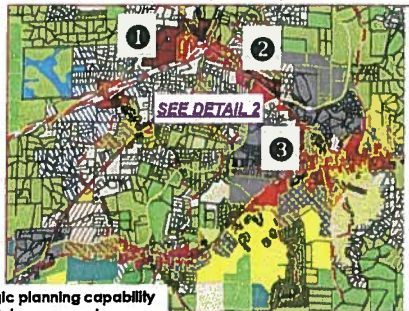
Zoning

New Zoning Designations Part II

Zoning	Description (Intent)
CR - Regional Commercial	To direct major retail projects and prevent the development of these defined areas into non-retail/sales tax generating uses. Upper level attached residential allowed with a CUP.
CC - Community Commercial	To allow for commercial uses that encompass a larger neighborhood trade area defined as such uses as grocery stores, financial institutions, services and commercial sales that happen in a frequent manner (weekly +).
CN - Neighborhood Commercial	To define uses that are on limited areas (5 acres or less), that are both neighborhood oriented or rural in nature, such uses as garden offices, medical offices, day care, churches, convenience stores, cafes, coffee shops, and other neighborhood/rural uses servicing a small or less dense trade area. A mix of uses is encouraged, including residential and office.
CRR - Commercial Rural Region	Defined as uses similar to CN but shall include some heavy commercial uses consistent with surrounding character and limited by septic tanks. Will also support agriculture and tourism/recreational needs.

Zoning - Strategic Planning Discussion

1. Is this CR
2. Is this CR/CH/CC
3. Is this CR/CH



This is the strategic planning capability created by multiple zones and empowered to the BOS

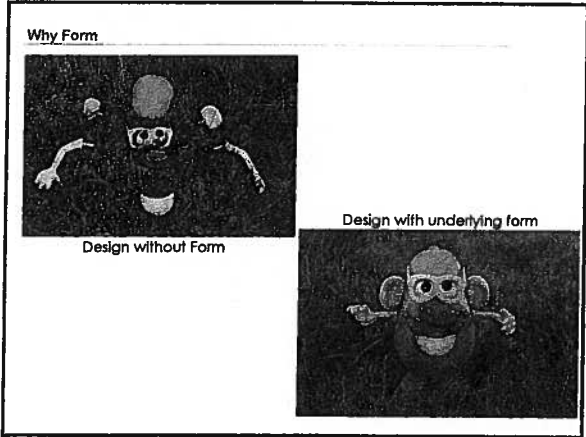
Commercial - Amend General Plan

- DELETE
Section 2.2.5.8 - Neighborhood Services - this will be addressed in zoning
- CHANGE
Policy 2.2.1.2 - Commercial Land Use Designation

Commercial (C): The purpose of this land use category is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. Mixed use development of commercial lands within Community Regions and Rural Centers which combine commercial and residential uses shall be permitted. The residential component of the project shall only be implemented following or concurrent with the commercial component. Commercially designated parcels shall not be developed with a residential use as the sole use of the parcel unless the residential use is either (1) a community care facility as described in goal HO-4 or (2) part of an approved mixed use development as allowed by Policy 2.1.1.3 and 2.1.2.5. Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate areas of the County. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers.

PHASING - Mixed-Use Development (MUD) & MUD in MFR

Phase	Policy Goals	Adoption Status
MUD I	Allows MUD on commercial project with a PD	Adopted December 10, 2009
MUD II	Modify General Plan •Density (RHNA) •FAR •Open Space (Public Space) •Slope •Residential concurrency •Allow MUD in MFR •Allow detached compact residential (TND) in MUD and MFR •Create form based "Atlas" for MUD/TND using specific Commercial and Multi-Family zones •Add "Art Districts" to GP Policy 2.4.1.1 •Implement Community Identity framework (GP objective 2.4.1)	Proposed for the targeted general plan amendment - The BOS directed on December 10, 2009 that MUD II policies would be brought back to the Board within one year. EDAC completed framework in 2010 - ready for BOS/Planning consideration
MUD III	Community ID - Guidelines derived from local community initiative using grant/private funding	Timing Community driven with County cooperation as needed




Form Based Coding 101
Large Mixed-Use Building

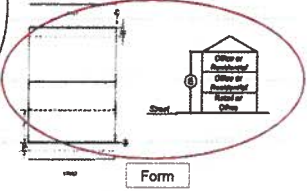
Standards

Table 6-25

Building Placement	
Front build-to-line: The front facade of the building shall be placed at the back of the sidewalk.	A
Encroachment over the sidewalk: may be allowed for some signage types.	B
Side setbacks: None required, 10 feet minimum if provided.	C
Rear setback: 5 feet from the alley.	D
Building Size and Massing:	
Building height: Two, three or four stories.	E
Parking:	
On-site covered or uncovered parking spaces: shall be located a minimum of 20 feet behind the back of the sidewalk.	F



Design



Form

Amend General Plan MFR Land Use & Zoning

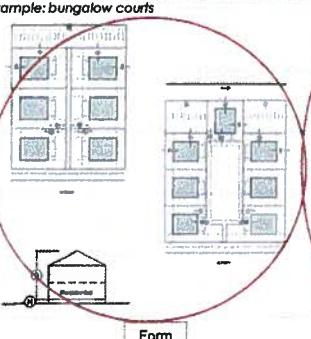
- Allow MUD in Multi-family Land Use/ Zones
- Allow Detached Compact Residential in MFR
- Create basic Form and Design controls using Traditional Neighborhood Development (TND) Codes & Standards

Form Based Coding = Planned Predictability

Example: bungalow courts

Table 6-18

Building Placement	
Front build-to-line: Center court. The front facade of each building shall be placed 10 feet from the edge of the center court.	A
Center walk: The front facade of each building shall be placed 20 feet from the edge of the center walk.	B
A front porch may encroach up to 8 feet into the remaining setback.	C
Side setbacks: 5 feet minimum on each side.	D
Rear setbacks: 10 feet minimum.	E
Building Size and Massing:	
Building height: One or two stories.	F
First floor elevation: The finished floor elevation of the first floor shall be a minimum of 24 inches above the grade of the sidewalk facing the lot.	G
Parking:	
On-site parking: shall be located within the 25 percent of the lot depth adjacent to the rear lot line.	H



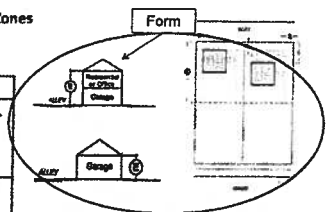

Form

Standards


TND Coding in MFR and C/MUD Zones

Table 6-6
Building Placement

Front build-to-line. The building shall be placed at the rear of the lot within the area identified by the parking limit line for the primary building on the lot.	A
Side setbacks: 5 feet minimum on each side.	B
Rear setbacks: 5 feet from the alley, 20 feet from the alley where tandem parking spaces are to be provided between the garage facade and the alley edge.	C D
Building Size and Massing.	E
Building height: A garage without a carriage house shall be one-story with a maximum height of 20 feet. A garage with carriage house shall be two-stories.	






Design Guidelines



← 1. Developer will build considering minimum viability objectives only

2. County adopts Missouri Flat Commercial Design Guidelines to create a greater County coordinated viability story →

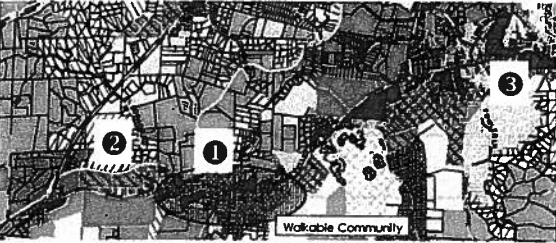



← 3. Panda Express would have complied with Design Guidelines if set in advance.

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Zoning - Strategic Planning Discussion

1. Is this CM / TND / Art District Overlay
2. Is this MFR / TND
3. Is this CM



Walkable Community

Commercial / MUD / MFR Summary

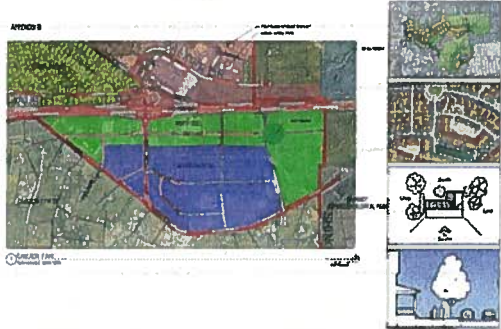
- **STREAMLINE THE PROCESS**
 - Create Multiple Commercial Zones
 - Identify Mixed Use within Zones
 - The "Form" is in the zone or TND
 - Apply Design Guideline Architecture
 - Wiranen/Tower in Placerville
 - Put the standard in zoning or separate guide
 - Allow PD as an alternative
 - Adopt basic Community I.D. format
 - Community ID - MUD III - Local community involvement beyond basics

**BOS
MUD II -
Combine
in this
EIR**

Amend General Plan MFR Land Use & Zoning

- Allow MUD in Multi-family Land Use/ Zones
- Allow Detached Compact Residential in MFR
- Create basic Form and Design controls using Traditional Neighborhood Development (TND) Codes & Standards

MUD III Downtown Cameron Park

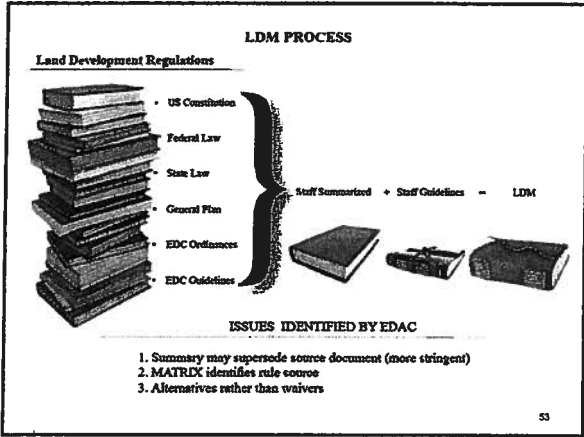


The image shows an aerial map of Cameron Park with a blue highlighted area. To the right of the map are several smaller diagrams: a site plan, a street layout diagram, and a conceptual site plan with a building footprint.

INDUSTRIAL ZONING ISSUES NOT ADEQUATELY REPRESENTED IN THE CURRENT ZONING ORDINANCE

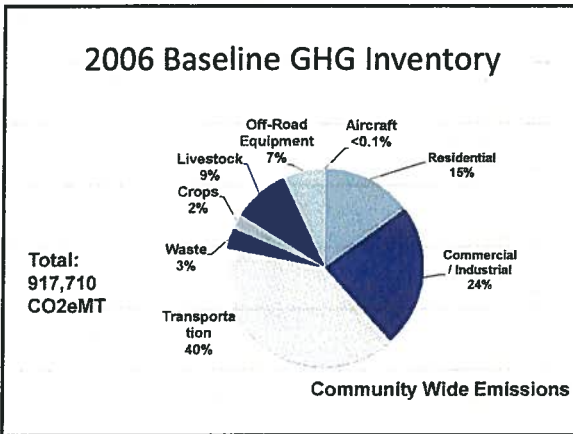
Policy 2.2.1.2 - INDUSTRIAL: The purpose of this land use category is to provide for a full range of light and heavy industrial uses.

- **Public Water and Sewer Hook-ups**
 - On the outskirts but within Community Regions exist the opportunity for new industries that do not require public water and sewer. Example - Cabinet Shop that is not a home base business
- **Industrial in the Rural Area - Currently precluded adding new industrial lands in Rural Areas.**
 - Need to allow flexibility to address environmental opportunities. Example - Biomass
- **Additional Industrial Zones:**
 - General Plan states - provide full range of industrial zones...creates the opportunity for flexibility when wanting to add new businesses or when wanting to expand existing businesses. Provides predictability for the end user and adjoining land uses.
- **Industrial uses for Commercial/MUD:**
 - Consider adding a new Commercial/Industrial Zone to accommodate Light Industrial...example - Cottage industry to allow for a retail area.
 - CHAOS Glass Blower - showroom and studio including all furnaces are collocated on Main Street in Sutter Creek directly in front of residential units



**Contents of Energy Wise Plan
(Climate Action Plan)**

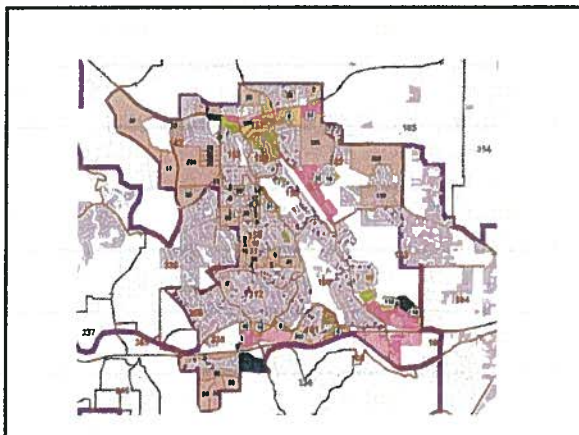
- **CEQA- EVERY PROJECT MUST EVALUATE GHG IMPACTS**
- **EDC MAY Develop EDC thresholds through a public review process (CEQA Guidelines Section 15064.7)**
- **EDC MAY ADOPT COMMON MITIGATION MEASURES**
- **ESTABLISH BASELINE INVENTORY**
- **REVIEW FUNDING SOURCES**



TIM/TRAFFIC REVIEW

- \$ 500,000 per acre Govt. Lien (fees)
- Fee Review Update
 - **Hard Costs**
 - EDAC work complete. Staff will bring recommendation to BOS
 - **Soft Costs and Right of Way**
 - EDAC work underway with intent to include this part of analysis in the above staff recommendation to BOS
 - **Cameron Park Test Case for Trip Generation**
- **An updated traffic Forecasting model could better guide decisions about projects included/excluded from the CIP**

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TIM/TRAFFIC REVIEW

- Benefits
 - Context for Decisions
 - Are Improvements going where the traffic is?
 - Project priorities
 - Eliminate or add projects to CIP based on findings
 - Fee adjustments
 - Regional/State Integration
 - SACOG/MTP/Green House Gas Plan
 - Funding opportunities
- Next Step
 - Quick start process
 - RFP for Update of Traffic Model

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DSD TASKS	COST	PROGRAMMATIC PROJECT DESCRIPTION
1. ZONING	\$210,000	GPA ZONING MUD II HOUSING UPDATE ROI ROI ROI ROI ROI RFP 5 _____ PRICE INCLUDES Land Use Forecast \$175,000 Climate Action Plan \$150,000 MUD II \$ 75,000 \$300,000 TIM FEE UPDATE INROAD EDAC COST < \$ 100,000 budget >
3. HOUSING UPDATE	\$175,000	
7. ROI 50% OS		
4. ROI WEST DIST	\$150,000	
9. ROI AG DISTRICT		
11. ROI CAMINO / FP		
13. LAND USE FORECAST	\$175,000	
14. GPA	\$750,000	
	\$1,470,000	
1. MUD II	\$ 25,000	
2. CLIMATE ACTION	\$150,000	
7. CARRIJO	\$ 75,000	
	\$300,000	
	\$1,770,000	

○ - EDAC ESTIMATE

EDAC PROPOSED WORK PLAN

- **Late August** - Planning Commission hearing of Zoning Ordinance Update and GPA process with BOS direction
- Continue Work with staff on newly revised LDM and standard plans to ensure consistency with GPA objectives
- Work with staff on TIM Fee Review with technical reports
- Work with staff on GHG Alternatives
- Work with staff to refine components of project description; report to BOS in late September regarding progress and unresolved issues
- **Late September** - BOS CEQA workshop organized by EDAC and Interim Progress Report back to BOS with cost information
- Refinements of Project Description
- Work with staff on contents of draft RFP for TGPA and related technical studies; cost estimates; Updated Traffic Forecasting Process
- **Late October** - Report to BOS for finalized list of TGPA project components for Project Description and RFP consideration

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EDAC RECOMMENDATIONS TO THE BOARD
1. July 25 - Identify project components for initial consideration based on the decision matrix provided.
2. Direct staff to continue to work with EDAC on the LDM, Standard Plans, a Climate Action Plan and an Updated Traffic Model.
3. Direct staff to continue working with EDAC in the preparation of a Planning Commission hearing on General Plan Amendments and Zoning components; report progress and unresolved issues to BOS at time of CEQA workshop
4. Approve date for BOS CEQA workshop organized by EDAC
5. Direct staff to work with EDAC in the preparation of an RFP for an EIR.
6. Return to the Board in October - November with project description and draft RFP

Matrix of Issues To Date
<ul style="list-style-type: none">• GP• Zoning

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BOARD OF SUPERVISORS
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Date 4:41 pm, Aug 05, 2011



EDAC

SUBCOMMITTEE FOR REGULATORY REFORM

TARGETED GENERAL PLAN AMENDMENT (TGPA) and DSD PROGRAMMATIC WORKPLAN

Executive Summary

On April 4, 2011 Development Services Department (DSD) presented a work plan (**Exhibit 1**) to the Board of Supervisors that included 6 tasks for 2011-2012. The zoning ordinance update was listed as # 1 and the Targeted General Plan Update listed as # 14 for action 2 or more years from now. EDAC suggested various concerns with this plan:

1. Since zoning implements the General Plan and the Board has adopted an ROI for a TGPA, the TGPA should be # 1 and the zoning update should be processed concurrent with or after the TGPA.
2. A few but significant issues with the Draft Zoning Ordinance were presented to the Board and should be resolved before adoption.
3. A programmatic approach to the DSD /DOT tasks could provide more “bang for the buck”.

The Board directed Staff and EDAC to continue work on the zoning ordinance and project description for the TGPA and present the joint efforts at a Board workshop on July 25, 2011.

On July 25th, staff and EDAC presented information that included the following:

1. EDAC presented **a programmatic approach** to the DSD/DOT work plan (**Exhibit 2**);
2. EDAC suggested a **time line** for implementation of the programmatic approach (**Exhibit 3**);
3. EDAC presented **specific TGPAs**, as the “bare bones” of a project description (**Exhibit 4**);
4. EDAC presented **specific zoning proposals** (**Exhibit 5**);
5. Staff presented a **list of proposed TGPA** for consideration (**Exhibit 6**) in addition to the EDAC amendments identified in Exhibit 4.

The Board adopted a motion providing for staff and EDAC to continue work on the TGPA Project Description, TIM Fee Update and Climate Action Plan actions. On September 9th the Planning Commission will hear the matter. On September 26 EDAC will present a BOS CEQA workshop related to the TGPA; and in October or November the Board will adopt a Project Description and approve an RFP.

This Report is organized into the following subjects:

- I. Discussion of DSD Work Plan Presented April 4, 2011
- II. EDAC July 25, 2011 Programmatic Approach to DSD Tasks
- III. Targeted General Plan Amendments and Zoning Actions Recommended by EDAC
- IV. Targeted General Plan Amendments and Zoning Recommended by Staff
- V. Coordination of TGPA with separate Climate Action Plan (CAP), TIM Fee Update, and Land Development Manual (LDM).
- VI. Summary and Requested Action. EDAC provides **Exhibit 7** as a compilation matrix that integrates the staff and EDACs TGPAs.

I. DSD Work Plan Presented April 4, 2011

On April 4, 2011, DSD presented a list of tasks and a work plan to complete those tasks. The DSD work plan is attached as Exhibit 1.

DSD proposed the following tasks for 2011-2012:

1. Zoning Ordinance/Map Update
2. Housing Element Implementation and Reporting Activities
3. Begin Housing Element Update
4. Gabbro Soils Rare Plant program coordination
5. Land Development Manual
6. TRPA Regional Plan Update

For years 2-3, DSD proposed the following tasks and noted that without further funding these items may be postponed to 2012-2013 or later.

7. ROI 274-2008 (Amend PD policies for 30% open space and PD use)
8. ROI 19-2010 (Historical Design Overlay for El Dorado/Diamond Springs)
9. ROI 013-2011 (Agriculture District Boundary Amendment Update)
10. Completion of INRMP Phase I
11. ROI 110-2009 (Community Region boundary change for Camino/Pollock Pines)
12. TIM Fee Program Update – Revised Land Use Forecast
13. INRMP Phase II
14. Targeted General Plan Amendment

The Following Tasks were not included in the April 4 DSD 2-3 year work plan

15. Mixed Use Development (MUD) II
16. Climate Action Plan (CAP)
17. Gabbro Soils Mitigation Fee Program

EDAC concerns with the April 4, 2011 DSD Work Plan include:

1. **The TGPA should be Task # 1 - not last.** The Board adopted an ROI in April for a Targeted General Plan Amendment to address concerns with retail leakage, jobs, moderate housing and rural commerce. The Zoning Ordinance Update should follow or run concurrent with the TGPA. Otherwise, the zoning update would be implementing a General Plan the Board has determined needs amendments.

2. **Board priority ROIs are on the back burner.** Adopted Resolutions of Intention will not be addressed for at least another 2-3 years, if staff is available.

3. The TIM Fee Program Update is a high priority and requires DSD to complete the Revised Land Use Forecast which is task #12 in the DSD work plan. Considering EDAC has already made substantial progress and could complete this item, **placing the Land Use Forecast as task # 12 or 2012-2013 or beyond dooms the TIM Fee Program Update to a start date years from now.**

4. **The Gabbro soil fee** was set aside by the 3rd District Court of Appeal on January 28, 2009 “because the fees set by the ordinance have never passed a CEQA evaluation, payment of the fee does not presumptively establish full mitigation for a discretionary project.” There is substantial information available to develop the framework for a mitigation fee. Staff has only budgeted time to meet with the Federal Agencies. **EDAC proposes volunteer efforts to help develop the framework for a Gabbro Soil mitigation fee program.**

5. As of April 4, 2011 the **Zoning Ordinance Update did not adequately address the following:**

a. **MUD II** could be implemented as a component of the Zoning Update. However, the April 4 work plan deferred MUD II for 3-5 years;

b. **Home Occupations** need to be encouraged, especially considering the TGPA needs to address the fact jobs have been created at less than 40% of GP projections;

c. **Agriculture** had specific zoning issues involving support services and other issues;

d. Zoning regulations involving **TPZ and riparian setbacks**, among other issues, are more restrictive than specific General Plan mandatory provisions;

e. For Commercial/Mixed Use lands, the General Plan expressly requires, “**Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate areas of the County.**” The Board has identified both a limited supply of Commercial/MUD lands which directly relates to an \$ 800,000,000 unmet demand along with the need for these lands to provide moderate housing. To meet this demand with limited supply, the GP demands the county plan specific categories of C/MUD uses to appropriate areas of the County. Staff proposes limited zones to provide more flexibility for the market place. This approach is contrary to the General Plan directive and avoids the need for County planning for these limited areas and setting specific guidelines for project proponents to achieve.

f. Design Review is required for nearly all Commercial/MUD and Multi-Family projects with limited (to no) comprehensive design standards. This “**I’m thinking of a color**” approach resulted in the conditions that led to regulatory reform. EDAC proposes standards in the form of master or safe harbor plans including traditional neighborhood designs (TND) to be included in the Zoning Ordinance districts for Commercial/MUD and Multi-Family Residential lands. Further, EDAC recommends that those initial design standards be established as “safe harbor” designs pending future and separate community design efforts.

g. Rural Commerce requires regulations that enhance and encourage a “**working landscape**”. These include Ranch Marketing for grazing lands and allowance of expanded home occupations and cottage type commercial activities for larger parcels.

On April 4, 2011 the Board directed that EDAC and Staff review the above concerns and return on July 25, 2011 to report on a process for the Board to adopt a Project Description for the Targeted General Plan Update, including the updated Zoning Ordinance.

II. EDAC PROPOSED PROGRAMMATIC WORKPLAN

EDAC proposes a programmatic approach to the DSD work plan which EDAC believes will allow the Board to accomplish the DSD work tasks (along with action on a Climate Action Plan, Mixed Use Development II and Gabbro Soil Fee) and get the **Best Bang for the Publics' Buck**. EDAC recommends implementing a comprehensive project that will complete substantially all of the DSD tasks at less cost and time than the total of the separate tasks.

Attached as **Exhibit 2** is an **illustration of the programmatic approach** to the DSD work tasks.

This comprehensive programmatic approach integrates staff work with EDAC volunteer s and consultants. This programmatic approach involves all 14 DSD work tasks plus MUD II, Climate Action Plan and a Gabbro Soils Fee Framework, otherwise planned far into the future. The separate TIM Fee Update, Climate Action Plan and INRMP II are also coordinated into the proposed project timeline.

Attached as **Exhibit 3** is a **time line** for the implementation of the programmatic approach and coordinated actions consistent with the Board motion adopted on July 25, 2011. The Board motion substantially conformed to the following EDAC recommendations:

EDAC RECOMMENDATIONS TO THE BOARD

1. *July 25 - Identify project components for initial consideration based on the decision matrix provided.*
2. Direct staff to continue to work with EDAC on the LDM, Standard Plans, a Climate Action Plan and an Updated Traffic Model.
3. Direct staff to continue working with EDAC in the preparation of a Planning Commission hearing on General Plan Amendments and Zoning components; report progress and unresolved issues to BOS at time of CEQA workshop
4. Approve date for BOS CEQA workshop organized by EDAC
5. Direct staff to work with EDAC in the preparation of an RFP for an EIR.
6. Return to the Board in October - November with project description and draft RFP

As reported in the Board minutes, the original motion was broken into two motions and reported as follows:

"A motion was made by Supervisor Knight, seconded by Supervisor Santiago, as follows:

- 1) **Create a subcommittee including Supervisor Knight and Sweeney to work with DSD Director and EDAC in the preparation of a comprehensive Resolution of Intention that will combine previous Resolutions of Intention regarding General Plan Amendments and Zoning Ordinance**

update, to be used as the basis for the Project Description for an EIR and the RFP for the EIR, to be brought back on Tuesday, August 9, 2011;

2) Return to the Board in October - November with Targeted General Plan Amendment and Zoning Ordinance Update project description and draft RFP for an EIR; and

3) The LDM and Standard Plans may move forward independent of the targeted General Plan amendment and Zoning Ordinance Update. The LDM and Standard Plans are to be adopted by the Board Resolution. Staff will continue to work with EDAC, SAGE and other professionals.

Yes: 5 - Knight, Nutting, Sweeney, Briggs and Santiago

A motion was made by Supervisor Knight, seconded by Supervisor Santiago, as follows:

1) Set September 26, 2011 afternoon for CEQA workshop organized by EDAC;

2) Direct staff to continue to work with EDAC and interested groups, such as SAGE, on the LDM, Standard Plans, a Climate Action Plan, and an Updated Traffic Model; and

3) Direct staff to continue working with EDAC in the preparation of a Planning Commission hearing on General Plan Amendments and Zoning Ordinance update; report progress and unresolved issues to BOS at time of CEQA workshop.

Yes: 5 - Knight, Nutting, Sweeney, Briggs and Santiago”

The reporter of the Board action failed to note the motion directed staff to work with EDAC in preparation of the RFP for the EIR. EDAC will prepare a transcript of the motion from the video.

III. CEQA PROJECT DESCRIPTION FOR TARGETED GENERAL PLAN AMENDMENT (TGPA)

The Project Description for the Targeted General Plan Amendment (TGPA) will include General Plan Amendments along with the Zoning Ordinance Update and most likely components of other separate projects or actions, such as the Climate Action Plan, Updated Traffic Model and 2013 Housing Element Update.

General Plan Amendments for the TGPA presented by EDAC and considered to be “bare bones” for the Project Description are discussed below and listed in **Exhibit 4** and discussed below along with related zoning issues. EDAC zoning issues are listed in **Exhibit 5**.

Staff has proposed additional amendments, a compilation of which is attached as **Exhibit 6**. Each of the amendments proposed by staff are consistent with good planning practices, provide cost saving opportunities, and meet the mandate by the State of California to maintain an adequate and proper General Plan by ensuring use of current data, recommendations and policies as included. EDAC agrees these issues should be part of the TGPA review for consideration in the TGPA Project Description.

All of the amendments and zoning proposals listed in **Exhibits 4, 5 and 6** will be subjected to a cost/benefit analysis which will be presented to the Board for consideration when the Board adopts the Project Description in October or November 2011.

A. TGPAs and ZONING ISSUES RELATED TO RURAL COMMERCE

“Rural Commerce” includes economic activities on lands in the Rural Regions. These lands are designated in the General Plan land use map as Agricultural Lands (AL), Natural Resources (NR) and Rural Residential (RR). Low Density Residential (LDR) is a transition land use between Rural Regions and Community Regions.

The following proposed TGPA and zoning issues relate to Rural Commerce:

TGPA and Zoning Issues Common to All Rural Regions:

1. **Policy 2.2.1.2 and Table 2-1 should be amended to allow Commercial and Industrial land use in the Rural Regions.** Currently these land uses are limited to the Community Regions and Rural Centers. Considering there are more than 1,000,000 acres of lands in EDC outside of the Community Regions and Rural Centers, including over 500,000 acres outside of government lands, **this policy is a “poison pill” to innovation and prevents rational economic growth of Rural Regions.** After the poison pill is removed property owners in the Rural Regions may be allowed limited types of commercial and industrial activities through zoning regulations or landowners could apply for a General Plan Amendment to Commercial or Industrial land use, whereby appropriate levels of Commercial and Industrial uses could be expanded to targeted areas within the Rural Regions.
2. **Policy 8.1.2.1 and related policies should be amended to specify Ranch Marketing uses on grazing lands.** This Policy should be amended to specifically allow Ranch Marketing and other visitor serving uses on grazing lands. Implementation of this amended policy would be through the zoning code

TGPA and Zoning Issues Related to Rural Land Use

In addition to the above proposed amendments that may affect all Rural lands, the following Natural Resource, Agriculture and Rural Lands issues were also addressed by EDAC at the July 25 Board Workshop in presentations by representatives of Agriculture, Forest and Rural Lands:

Natural Resources (Timber)

There are no proposed General Plan Amendments related to Timber Preserve Zones (TPZ). State law and the General Plan allow compatible use of TPZ lands. 15 of 23 surveyed Northern California counties allow residences by right on TPZ with varying minimum parcel size. **This is a Zoning Ordinance issue.** The draft Zoning Ordinance Update requires an applicant for a residence on a TPZ parcel to apply for a Conditional Use Permit (CUP) and establish that a residence is necessary for the growing of timber. This requirement is in direct conflict with General Plan Policy 8.4.2.1, which details the required findings for: “All discretionary development applications involving...TPZ... (the Board) shall make the following findings:...1.) use shall not conflict with forest production; ...4.) use will not hinder timber production...”. EDAC will present specific proposed zoning language for consideration by the Planning Commission on September 8, 2011 and the Board may consider zoning language to include in the Project Description for review.

Agriculture

Agriculture representative request that the Board consider the following General Plan Amendments:

1. **GP Goal 8.1 and Land Use Map Exhibit LU-1, Expansion of Agricultural Districts.** The Board adopted an ROI to expand the Agricultural Districts. The issue is whether this matter should be

part of the TGPA and whether separate treatment would “piecemeal” the CEQA project description. Staff suggests the action be treated separately from the TGPA and EDAC defers to staff on this issue.

2. GP Policy 2.1.1.1 and 2.1.2.1 Change Camino-Pollock Pines Community Region to Rural Center. The Board adopted an ROI for this action in 2009. The issue is whether this matter should be part of the TGPA and whether separate treatment would “piecemeal” the CEQA project description. Staff suggests the action may be treated separately from the TGPA.

3. GP Policy 2.2.5.10 Delete the Special Use Permit requirement for Ag Support Services. Land Use Policy 2.2.5.10 states that it is recognized that agricultural support services will be needed in the Rural Regions and requires a special use permit. It is recommended that this policy be amended to delete the requirement for a “Special Use Permit” (SUP) in all cases and allow the level of review to be spelled out in the associated zoning code. Agriculture is preparing the draft zoning language that would provide for specific agriculture support services adjacent to or on-site of bona fide agricultural operations.

4. GP Policy 7.6.1.3 B should be amended to delete references to specific agricultural zones to meet open space goals. Policy 7.6.1.3 B lists specific agricultural zone designations that help meet open space goals. The zoning designations are changed in the draft zoning ordinance and it would be simpler, and consistent, if the reference in the GP Policy is simply to agricultural and timber zones, without identifying specific zone districts. This revision would read: “Policy 7.6.1.3 B Agricultural ~~The agricultural (A), Exclusive Agricultural (AE), Planned Agricultural (SA-10)~~ and timber (TPZ) zoning districts are consistent with Policy 7.6.1.1 and serve one or more of the purposes set forth herein.”

5. GP Policy 8.1.3.2 may be amended to provide for a 50 foot buffer, as follows: “Projects located within a Community Region or Rural Center shall maintain a minimum setback of 50 feet. The 50 foot setback shall only apply to incompatible uses, including residential structures.” This amendment conforms the language to the buffer provided for forest resources in Policy 8.4.1.2.

6. GP Policy 8.1.1.6 provides that Williamson Act lands be zoned Exclusive Agriculture. Since this zone is being discontinued, Policy 8.1.1.6 should be amended to read, “Parcels encumbered by a Williamson Act Contract, pursuant to the California Land Conservation Act Contract, shall be zoned Exclusive Agriculture (AE) be identified as an agricultural preserve.”

Rural Lands

EDAC recommends expanding permitted and conditional uses on Rural Lands as economically viable alternatives to parcel splits in the Rural Regions. Rural lands are generally: owner-occupied; in the Rural Regions; 10 acres or greater; may or may not be in an agricultural district; are designated Rural Residential on the General Plan land use map, but may be Agricultural Lands (AL) or may be, in some areas, Low Density Residential (LDR) lands.

The two General Plan issues relating to Rural Lands are Policy 2.2.1.2 and Table 2-1. EDAC recommends allowing Commercial and Industrial land uses in Rural Regions, along with Policy 8.1.2.1, Ranch Marketing for Grazing. Both issues are discussed above.

Zoning treatment of Rural Lands relate to the permitted and conditional uses allowed in the Rural lands zone districts. These uses focus on home occupations and which industrial or commercial uses may be permitted or allowed by use permit. The draft Zoning Ordinance will be submitted, along with EDAC red lined versions, to the Planning Commission on September 8, 2011.

B. COMMUNITY REGION TGPA AND ZONING ISSUES
COMMUNITY REGION GENERAL PLAN AMENDMENTS

EDAC proposes the Board consider the following GP Amendments within the Community Regions as being consistent with the General Plan Objective to direct growth within the Community Regions to help keep the rest of the county rural:

1. Revise GP Policy 2.2.3 Planned Development (PD). In 2006 the Planning Commission initiated a General Plan Amendment to amend GP policies, and in 2008 the Board of Supervisors initiated ROI 274-2008 and expressed its desire to amend GP Policies 2.2.3.1, 2.2.3.2, 2.2.5.4 and 2.2.5.13. In particular, the PD policies require 30% of the site be set aside as open space, and other policies make the PDs mandatory for certain types of projects. EDAC proposes the Board roll the previously adopted ROI into the TGPA, adopt revised language of GP Policies 2.2.1.2 (MFR) and (HDR), 2.2.3.1, delete Policy 2.2.5.4, incorporate open space requirements into the Zoning Ordinance. The proposed Zoning Ordinance suggests, as an alternative to providing 30% open space onsite, that an applicant must dedicate and improve an equivalent area offsite, thereby increasing the cost of providing moderate housing. Instead, EDAC proposes the Zoning Ordinance be revised to provide alternatives for higher density projects such as improved open space serving residents, including passive and active recreational or common area uses (swimming pools, BBQ areas, tot lots, community gardens, etc.).

2. Consideration of revision of GP Policy 7.1.2.1 and Mitigation Measure 5.9-4(b) which prohibit development or disturbance of slopes exceeding 30% unless necessary for access or where reasonable use would otherwise be denied. The rationale seems to be based on erosion concerns. A significant number of other jurisdictions, along with observation of successful developments in steeper areas, indicates that state-of-the-art engineering practices address this concern. Given the very limited amount of Commercial/Mixed Use Development land and Multi-Family Residential land, this constraint could be amended to allow flexibility based on best engineering practices and encourages compliance with commercial and compact residential housing objectives.

3. Transportation Policy Issues. The EDAC Engineering and Transportation Subcommittee has identified concerns in the GP Transportation/Circulation Element (and subsequently in the Land Development Manual) that impacts the ability to meet moderate housing goals, along with other issues that include:

a. **Table TC-1 should be reviewed** to ensure requirements do not constrain achieving General Plan Objectives for commercial activities and moderate housing goals. GP Table TC-1 needs to change Right-of-Way (ROW) widths, the intersection spacing requirement on smaller roads, and address the use of alleys for compact residential designs. Reducing the required width of local road ROW (and the size of public utility

easements behind the ROW) would allow better utilization of the limited lands available for housing for moderate income families.

b. GP Policies TC-5a and TC 5b require sidewalks on both sides of the street where lots are smaller than 10,000 square feet (TC 5a) and in Commercial/R&D Developments (TC-5b). Sidewalks on one side of the road may be adequate in many situations and would allow better utilization of the limited land areas available for these uses. In other areas sidewalks are of little to no value.

c. The last line of General Plan Policy TC-Xf requires that "reasonably foreseeable projects" include a cutoff date such as TM submittal date, Traffic Report scope date, or something else. Currently DOT continues to add new projects to the review and requires new projects' to analyze the ongoing projects' Traffic Study work scope. This increases the costs for the Traffic Study and unfairly extends the timeline for the original project.

d. General Plan Policy TC-xa-3 regarding the 4/5 Board vote: Implementation of the TC-Xa-3 process must be addressed in the Project Description and TGPA.

4. EDAC proposes a TGPA to the GP treatment of Commercial/MUD as illustrated in red:

GP Policy 2.2.1.2 directs "Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate areas of the County." The GP Review has identified a demand for retail (based on \$ 800,000,000 in sales revenue leakage) and moderate housing, as less than two-tenths of 1% (.2%) of the county land accommodates or supplies land to meet the demand. The County must "do a lot with a little" to meet moderate housing needs and commercial goals. Through zoning the GP requires the county to direct specific categories of commercial uses (Large Retail, Neighborhood, Main Street, Heavy Commercial, Office and Mixed Use) to appropriate areas within the county. In other words, the GP requires the County to plan and create zoning districts. Part of the analysis will be to identify where, and what type, of Mixed-Use projects will be allowed in which Commercial Districts. For instance, assume Diamond Springs was zoned "Main Street" and C/MUD was allowed in the manner described in the zoning code. Diamond Springs would then be a Mixed-Use area. The TGPA would allow residential development of a Commercial/MUD designated parcel zoned for MUD, and would allow the form of the residential use as included in the Ordinance.

GP Policy 2.2.1.2

Commercial (C): The purpose of this land use category is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. Mixed-Use development of Commercial lands within Community Regions and Rural Centers, which combine commercial and residential uses, shall be permitted. Commercially designated parcels shall not be developed with a residential use as the sole use of the parcel, unless the residential use is either (1) a community care facility as described in GP Goal HO-4, or is (2) part of an approved Mixed-Use Development as allowed by Policies 2.1.1.3 and 2.1.2.5 or is (3) within a zoning district allowing Mixed-Use. **Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate areas of the County.** This designation is considered appropriate within Community Regions, Rural Centers and Rural Regions.

C. ADDITIONAL ZONING ISSUES

1. **Home Occupations.** Home occupations are encouraged by the General Plan; there are no General Plan Amendments recommended.

The General Plan assumes 1.3 jobs will be created for each new dwelling unit. Less than .5 jobs for each new dwelling unit have been created. To achieve the General Plan objective, 1.7 jobs per household needs to be created. Encouragement of Home Occupations would assist in job creation.

In the proposed **Zoning Ordinance - Section 17.40.170** Home Occupations limits rather than encourages home occupations. EDAC will present a revised home occupation in the Special Use zoning section and Zoning Districts at the September 9, 2011 Planning Commission hearing for review. The zoning revisions should be more consistent with the Zoning Ordinance Staff Report of October 26, 2006:

“Many existing home businesses, that utilize employees, detached buildings, create occasional noise, have operated for years without complaint, or impact on neighbors, but are illegal. Suggest standards: setbacks, hours of operation: 7 a.m. to 7 p.m. Economic Element of General Plan includes policies to encourage home occupations based on establishing standards in the Zoning Ordinance.”

2. **Riparian Setbacks (Zoning Issue)**
3. **Wetlands setbacks should be reviewed.** On June 22, 2006 the County adopted interim interpretive guidelines for GP Policy 7.3.3.4 relating to buffers and setbacks for the protection of riparian areas and wetlands. These are to be compared to proposed zoning code section **17.30.030.H** which adopts a new standard not included in the General Plan or Interim Guidelines, “Riparian setbacks shall be measured from the edge of riparian vegetation or ‘top of bank’, as defined in Article 8, whichever is furthest from the water feature.” This could result in a substantial increase in the setback requirements, especially considering the subjective determination of measuring from the “edge of riparian vegetation.” This policy should be further reviewed. EDAC recommends the Board incorporate Interim Guidelines provisions using wetland delineation standards

4. **Zoning Map Update**

The Zoning Ordinance implements various policies from the General Plan and the Zoning Map creates zoning districts in all areas of unincorporated EDC. The Zoning Map must be consistent with the GP Lands Use Map (LU-1). For the most part, the 2004 General Plan land use map simply incorporated the existing land uses as of around 1993. The result is that the “updated” zoning map results in substantially the same land uses as have existed for many years, although the names of several of the zones have been changed.

There are at least two Zoning Map Update issues for the Board to address:

- a) Lands designated AE but rolled out from Williamson Act Contracts should have the option to chose a zone consistent with their underlying land use. Lands within Low Density Residential Lands (5-10 acre parcels) have not yet been designated, even though there will no longer be an AE zone.
- b) GP Policy 2.2.1.2 requires that for lands designated Commercial, “Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate areas of the County.” EDAC will ask that the General Plan be implemented by adopting a range of commercial zones that direct specific uses to specific parts of the county. This action will also implement MUD II and provide land owners with knowledge of the County’s plans and standards for development for these limited lands.

IV. ADDITIONAL STAFF GPA RECOMMENDATIONS FOR REVIEW

The EDAC TGPA recommendations discussed above and related zoning issues are “bare bones” for the targeted General Plan Amendment process and accompanying Zoning Ordinance and map revisions.

The following GPAs have been advanced by staff. EDAC believes that grouping these GPAs into one comprehensive review would result in cost savings, and is therefore the most “cost effective” approach to evaluating the GPAs. Whether they should be included in the TGPA Project Description will be determined after the cost/benefit analysis of each proposal has been considered. EDAC has prioritized these staff proposed GPAs and offers the following comments in italics:

1. **State Requirement.** GP Policy 2.2.1.2 Multi Family Residential: Regional Housing Needs Assessment (RHNA) – Include, as part of the Targeted General Plan Amendment process, an increase in allowable densities on Multi-Family lands from 24 to 30 units per acre, and expand the range of housing types permitted in the MFR land use designation. *EDAC Comments: This Amendment will be required in the 2013 Housing Element Update. By including this Amendment and other revisions in the TGPA now, the County may be able to utilize the TGPA environmental document for the Housing Element Update. This is good planning.*
2. **State Requirement.** GP Policy 2.2.1.2 b. SB375 Density Thresholds and Mixed-Use Development (i.e. MUD II): In the Targeted General Plan Amendment include a change to allow for mixed-use development on Multi-family lands, and allow for densities on Commercial lands to be increased from 16 units per acre to 20 units per acre. Create a new goal and associated policies recognizing the requirements for the regional MTP to include a Sustainable Communities Strategy and define how the county intends to utilize this strategy in achieving General Plan goals. *EDAC Comments: Although EDAC is focused on housing for moderate income households which require at least 8-12 dwelling units per acre, those densities have proven difficult to achieve. The staff proposal should not result in any more achievable density while meeting state objectives. This is good planning.*
3. **State Requirement.** AB32 and SB97– Energy Conservation and Green House Gas Reduction Plan: Amend GP Objective 6.7.1 to reflect updated air quality plan opportunities that support the adoption of a separate Air Quality Plan. *EDAC Comments: EDAC recognizes each private or public project must conduct a CEQA Greenhouse Gas Analysis (GGA) and has indicated the need for the Climate Action Plan. EDAC has located funding and has been directed by the Board to assist in the preparation of the Plan. This is good planning.*

4. **State Requirement.** Land Development Standards: Include in the TGPA a policy that supports the development of land use and street standards that safely accommodate all users, including bicyclists, pedestrians, transit riders, children, older and disabled people, as well as motorists. This will address state requirements.
5. **Infill Development Criteria and Identification of Opportunity Areas:** Include, as part of the Targeted General Plan Amendment process, a Land Use Element policy and Implementation Measure that supports the implementation program to promote infill development in existing communities and rural commerce areas. *EDAC Comments: Criteria and identification of infill sites for Commercial/MUD and Multi-Family addresses the limited supply of these lands with limited CEQA related costs. Staff may prepare a report on the Opportunity Sites for the County to increase the supply, while requiring project specific environmental review of the sites. This is good planning.*
6. **Change Community Region and Rural Center Boundaries:** *EDAC Comments: Some argue that GP Policy 2.9.1.4 limits the Board to only make changes during the GP 5-year Review, and this is the time to address appropriate changes. The TGPA has identified limited Commercial/MUD lands and Community Region changes should be considered during the TGPA. Rural Regions have complained that of the limited commercial opportunities allowed in Rural Centers. For example, one parcel adjacent to the Fair Play Center (APN 094-080-04-100) has been recommended to be removed from Fair Play/ Somerset Agricultural District and would be a suitable parcel for inclusion into the Fair Play Rural Center. The parcel surrounds the County-owned Fair Play Cemetery. On the other hand, these changes could add time and cost to the TGPA and the cost/benefit will be addressed during the project description review period. It is good planning to consider Community Region and Rural Center Boundary changes now. An alternative treatment would be to identify **opportunities** for expansion, without the Board committing to the changes, which would not increase the current CEQA cost of analysis, but helps clear the way for project specific applications.*
7. **Historic Townsites - Amend policy 2.4.1.3 as a part of the TGPA to add El Dorado and Diamond Springs to Clarksville on the list of historic townsites:** *EDAC Comments: Considering the Board has adopted ROI 179-2010 on 12/7/10 to place a Historical Design Overlay for historical town sites of El Dorado and Diamond, it makes economic sense to include this action in the TGPA project description and work plan.*
8. **Floor Area Ratio(FAR) requirements: Delete Policy 2.2.1.5 and Table 2-3 as a part of the Targeted General Plan Amendment.** Instead, implement the adopted FAR through the Zoning Ordinance. Develop flexible standards in the Zoning Ordinance to meet specific historic or community design criteria. *EDAC Comments: This proposal will be evaluated during the project description review period.*
9. **El Dorad Hills Business Park (EDHBP) employment cap limits** - Consider as an option in the TGPA the elimination or modification of General Plan Policy TC-1y. *EDAC Comments: This may be dependent on the concurrent progress of the traffic model update. In any event, a Congestion Management Plan should be considered to the Connector. It is good planning to at least address this issue.*

10. **Noise standards for public transportation and infrastructure projects**: As an option in the TGPA EIR consider a revision to the Noise Standards to allow for periodic night work on public transportation and infrastructure projects. *EDAC Comments: It is good planning to address this issue during the project description review process.*
11. **Revision of Table 2-4**. After the TGPA and zoning matters are reviewed, Table 2-4 must be amended to reflect the revisions. *EDAC Comments: This is good planning and necessary.*

V. ACTIONS, PROGRAMS, PROJECTS TO COORDINATE WITH TGPA

COORDINATION OF TGPA WITH OTHER ACTIONS AND PROJECTS

As shown on Exhibit 2, EDAC and staff will also be processing the Climate Action Plan, Land Use Forecast for the Tim Fee Traffic Forecast and Model update, along with preparing technical reports for inclusion in the TGPA EIR.

This coordinated effort between the TGPA and these separate actions, programs and projects will be discussed below.

Land Development Manual (LDM)

The Land Development Manual (LDM) is not a part of the Targeted General Plan Amendment project description. It is anticipated the LDM may be ready for adoption in October or November, 2011, or at the same time as the TGPA Project Description. It has been suggested that the LDM and Standard Plans may be adopted by Resolution, and that amendments to the LDM and Standard Plans would be processed in a streamlined manner. This streamlined amendment process should be included in the adoption action.

As of August 9, 2011, the following remaining points of discussion exist regarding DOT Standard Plans (Road Designs):

- 1) RS-11 - additional ROW/Easement for slope rounding
- 2) Vertical curves/Design speeds: If we accept the vertical curves, then keeping design speeds down will at least reduce the significance of impacts to vertical curve design. Some design speeds proposed are still higher than EDAC believes is necessary. See previous comments.
- 3) Avoidance of intersections at crest curves and inside of horizontal curves on all local roads: This needs to be more clearly stated, ie: "unless appropriate sight distance is provided".
- 4) Why require sidewalks on both sides of so many roads? Sidewalks on both sides of all roads, as reflected in the Standard Plans, should not be a design standard.
- 5) Why continue to have Right-of-Ways (ROW) extend beyond hard improvements (curb or walk)? Bringing ROW to the back of improvements would greatly increase the ability of site planners to accommodate more density in projects and eliminate County ownership of landscaped areas in front of homes. This is significant when future subdivision is not anticipated.
- 6) Alley development standards and details.

- 7) The Complete Streets legislation requires an update of the General Plan Policies and contemplation of planning for pedestrians, bikes, transit, ADA, the elderly, etc, in the EDC Transportation System and Circulation Plan.

The LDM has recently been revised and re-formatted. The EDAC Engineers Subcommittee has not had an opportunity to review the LDM as of this writing. Issues still to be addressed include: 1) Identification of the source of all regulations; 2) Alternative treatments of regulations be encouraged; 3) Fire access requirements for projects within State Responsibility Areas (SRA) which are governed by the Fire Safe Plans, as they have been for over 20 years. Several LDM sections impose greater standards than those required by the Fire Safe Regulations. EDAC continues to work with fire representatives regarding fire issues.

Climate Action Plan

EDAC has previously reported on the opportunity for funding from PG&E through Sierra Business Council. EDAC is prepared to work with staff and the SBC to prepare a Climate Action Plan. Placer, Amador, Plumas, Nevada counties, along with Jackson, Placerville, Auburn and other jurisdictions are all participating. A copy of the communication from SBC reads:

From: nmartin@sbcouncil.org
To: jlb87@aol.com
Sent: 7/6/2011 6:20:29 P.M. Pacific Daylight Time
Subj: El Dorado County GHG Inventory

Hello Jim,

I spoke with you earlier today about the status of El Dorado County's climate action planning. I received an email back from my former program manager and she stated that she received resistance from the County in participating in our Phase 1 program (municipal-only GHG inventory). So it was not an elective exclusion on SBC's part. We would love to have them on board for Phase 2 of the program (community-wide GHG inventory), and could likely complete both the municipal and community-wide inventories at the same time during this phase. However, without the proper support from the local government staff, it is not possible for us to access the data needed to complete the inventory. So if you have a staff contact that would be willing to speak with me about the program, then you may just be our saving grace!

Thanks!

Nicholas Martin
Energy Associate
Sierra Business Council

Traffic Model Update

The project to update the El Dorado County traffic forecasting process is envisioned to be undertaken in two distinct phases. The purpose of Phase 1 ("Quick Start Project") will be to evaluate the existing traffic forecasting processes and needs in El Dorado County in order to develop consensus on the most

appropriate and effective strategy to satisfy those needs. During Phase 2 the traffic forecast process and any associated studies, policies, or other documentation or activities necessary to implement the recommendations of Phase 1 will be completed.

EDAC is working with engineering firms to develop a proposal to "Quick Start" this process.

VI. SUMMARY

On July 25, 2011, the Board directed Staff with EDAC assistance to develop a TGPA Project Description and Draft RFP after a Planning Commission hearing on September 9, 2011 and an EDAC organized CEQA workshop on September 26, 2011.

All staff and EDAC proposed TGPA should be processed for Board review.

All EDAC zoning proposals should be processed. Staff has indicated time and money issues related to the zoning revisions: EDAC has indicated that it is prepared to develop a draft treatment of the alternative zoning provisions for review by staff for the September 8, 2011 Planning Commission hearing.

Respectfully Submitted,

Economic Development Advisory Committee

Regulatory Reform Subcommittee

Attachment 1 DSD Proposed Work Plan - April 4, 2011
Attachment 2 EDAC Programmatic Work plan
Attachment 3 EDAC Timeline
Attachment 4 EDAC TGPA matrix
Attachment 5 EDAC Zoning Update matrix
Attachment 6 Staff TGPA matrix

Attachment #1

LATE DISTRIBUTION

Date 4:29 pm, Apr 01, 2011

RECEIVED

BOARD OF SUPERVISORS

EL DORADO COUNTY

3:11 pm, Apr 01, 2011

DSD Long Range Planning Work Program

April 4, 2011

11-0356.C.1

Proposed 2011-2012 12-Month Action Plan for Long Range Planning

1. Zoning Ordinance/Map Update
2. Housing Element Implementation and Reporting Activities
3. Begin Housing Element Update
4. Gabbro soils rare plant program coordination with USFWS and CDFG
5. Land Development Manual
6. TRPA Regional Plan Update

Year 2-3 Action Plan

Without additional funding these items may be postponed to 2012-2013 or later.

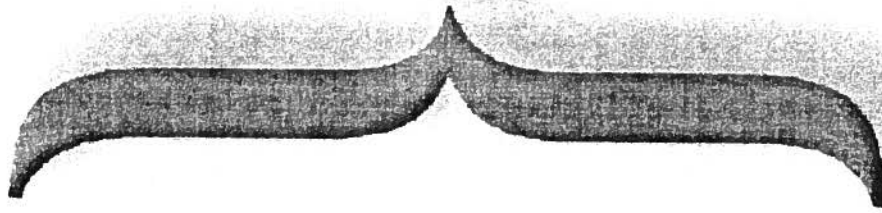
7. Amendment PD policies for 30 percent open space and requirement for PD when creating 50+ parcels. (ROI 274-2008, adopted 10/7/2010).
8. Historical Design Overlay for historical town sites of El Dorado and Diamond Springs (ROI 179-2010 adopted 12/7/10).
9. Agriculture District Boundary Amendment Update (ROI adopted 013-2011 adopted on 1/25/11).
10. Completion of INRMP Phase I
11. Community region boundary change for Camino/Pollock Pines (ROI 110-2009 adopted 5/19/2009).
12. TIM Fee Program Update – Revised Land Use Forecast.
13. INRMP Phase II.
14. Targeted General Plan Amendment

PROGRAMMATIC PROJECT DESCRIPTION

COST

DSD TASKS 4/11 WORKPLAN

<p>1. ZONING</p> <p>3. HOUSING UPDATE</p> <p>7. ROI 30% OS</p> <p>8. ROI HIST DIST</p> <p>9. ROI AG DISTRICT</p> <p>11. ROI CAMINO / PP</p> <p>12. LAND USE FORECAST</p> <p>14. GPA</p> <p>MUD II (future)</p> <p>CLIMATE ACTION (future)</p> <p>GABBRO FEE (future)</p>	<p>\$220,000</p> <p><u>\$175,000</u></p> <p><u>\$150,000</u></p> <p>\$175,000</p> <p>\$750,000</p> <hr/> <p>\$1,470,000</p> <p><u>\$ 75,000</u></p> <p><u>\$150,000</u></p> <p><u>\$ 75,000</u></p> <hr/> <p>\$300,000</p> <p>\$1,770,000</p>	<p>ZONING</p> <p>MUD II</p> <p>HOUSING UPDATE</p> <p>ROI</p> <p>ROI</p> <p>ROI</p> <p>ROI</p> <p>RFP \$ _____</p> <p>PRICE INCLUDES</p> <p>Land Use Forecast \$175,000</p> <p>Climate Action Plan \$150,000</p> <p>MUD II \$ 75,000</p> <p>GABBRO FEE \$ 75,000</p> <p>EDAC REPORTS \$100,000</p> <p><u>\$575,000</u></p>
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COORDINATE

} TIM FEE UPDATE
INRMP
REPORTS

○ = EDAC ESTIMATE

PROGRAMMATIC WORK PLAN

Attachment 3

AUG

SEP

OCT

NOV

GPA

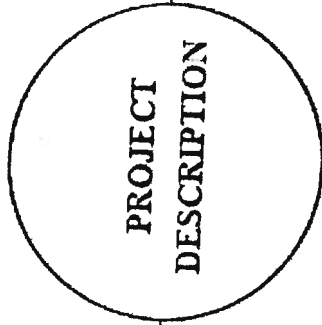
- ROI
- ROI
- ROI
- ROI

ZONING

- HOUSING
- MUD II



PC CEQA
 MTG WORKSHOP
 9/9 9/26



RFP EIR

LDM

ADOPT

CAP

SBC

TIM UPDATE

RFP QUICKSTART
 LAND USE FORECAST

RFP

INRMP

EDAC Evolution Issue #	General Plan Components	Primary General Plan Policies Requiring Revision	Description of Policy Review and Proposed Amendment	Comments or Questions
1	Commercial/Mixed-Use Residential Concurrency	2.2.1.2	<p>Description of Policy Review and Proposed Amendment</p> <p>Provide flexibility to allow designation of mixed use areas which may consist of parcels suitable for commercial and others suitable for residential. Delete the following sentence: "The residential component of the project shall only be implemented following or concurrent with the commercial component." [Jobs, Retail, Moderate Housing, Protection of RR]</p>	Concurrency is EDAC issue
2	SFD without PD in Multi Family	2.2.1.2	<p>Provided that the minimum densities are achieved, allow a range of housing types including small-lot single family detached, as well as single family attached (duplexes, townhomes, condominiums, etc.) within Multi-Family Residential (MFR) <i>without the requirement for a PD.</i> [Moderate Housing]</p>	
3	Rural Commerce (Industrial, Commercial, Ag Support Services)	2.2.1.2, 2.2.5.10, 8.2.4.2, revise Table 2-1	<p>To expand economic opportunities, remove prohibition on Commercial/Industrial uses in RR. (2.2.1.2.) Eliminate requirement for special use permit for Ag Support Services; incorporate standards and permitted uses into Zoning Ordinance. (2.2.5.10) Eliminate special use permit requirement for visitor-serving uses; move standards and permitted uses to Zoning Ordinance. (8.2.4.2) Conform Table 2-1 to reflect changes. [Jobs, Retail, Improve jobs/housing balance in RR.]</p>	
4	30% Slope limitations	7.1.2.1	<p>Strict application of policy interferes with the provision of more intense uses (Commercial/Industrial, Multi-Family and High Density Residential) in Community Regions. Retain policy statement in General Plan that "Development or disturbance of slopes over 30% shall be restricted." Move standards for implementation, including exceptions, to the Zoning Ordinance.</p>	
5	Planned Development	2.2.3.1 and 2.2.5.4	<p>EDAC DISAGREES WITH THE STAFF RECOMMENDATION RE: PDs.</p> <p>These policies interfere with the provision of Moderate Housing. EDAC recommends that the 30% open space requirement be modified inside of Community Regions/Rural Centers to allow lesser area of "improved open space". (2.2.3.1) Further, we recommend deleting 2.2.5.4 (requiring a PD if more than 50 parcels or where densities are greater than 2 DU/acre.). [Moderate Housing]</p>	Implement previously adopted ROI 274-2008

EDAC Issue #	General Plan Components	Primary General Plan Policies Requiring Revision	Description of Policy Review and Proposed Amendment	Comments or Questions
7	Agriculture setbacks in Community Regions	8.1.3.2 and 8.4.1.2	Proposed change implements and conforms to previous BOS Interpretation [Moderate Housing]	Consistency
8	Livestock as part of Ranch Marketing	8.1.2.1 or 8.2.4.5, 8.2.4.4	Consider whether to amend policies to confirm that Ranch Marketing is permitted in lands supporting livestock. Not explicitly prohibited, but 8.2.4.4 requires minimum acreage in crop production for Ranch Marketing. Visitor serving uses expressly permitted under 8.2.4.5. Could be addressed through Zoning Ordinance, but clarification through GPA may be helpful. [Jobs, Retail, Protection of RR]	
9	Open Space constraints on Agriculture	7.6.1.3B	Clean up language, delete references to specific zone designations that may not be carried forward into Zoning Ordinance update. [Clarification]	
10	Circulation Element Miscellaneous Revisions	Table TC-1, TC-5a, TC-5b, TC-Xa-3 or -2?	Several GP Policies interfere with ability to provide Commercial/Industrial and Moderate Housing. 1) Reduce ROW width and intersection spacing for local roads. (Table TC-1). 2) GP Policies (TC-5a & TC-5b) do not expressly require sidewalks on both sides of streets in Commercial/R&D and residential lots less than 10,000 sq. ft., but are interpreted by DOT as if required. Either amend GP policies to allow sidewalks on one side only, or BOS to clarify that not required and direct that LDM and Standard Plans be revised accordingly. 3) Applicants required to repeatedly revise traffic studies; may need GPA to resolve 4) TC-Xa 2 require clarification re: process	

EDAC Zoning Recommendation

Attachment 5

	Zoning Ordinance Project Component Issues	Zoning Ordinance Sections	Description of Policy Issue and Proposed Amendment
1	Multiple commercial zones		GP Provides for use of multiple commercial zones. EDAC believes the limited number of commercial zones proposed in the ZO should be increased in compliance with this policy.
2	Commercial/Industrial and Ag Support Uses or Zones		EDAC supports inclusion of policies in ZO which expand commercial and industrial uses in Rural Regions. In concert with GPA to allow Commercial and Industrial land uses within Rural Regions, draft ZO should be revised to allow Commercial, Industrial and Ag Support Uses within zone designations applicable to Rural Regions.
3	Planned Development provisions		ZO should be revised to conform to GPAs for PDs recommended by EDAC. (Eliminate 30% open space requirement in favor of lesser amount of improved open space; eliminate requirement for PD where more than 50 lots or more than 2 DU/ac.) <i>EDAC does not recommend adoption of language as proposed as it defeats the GPAs recommended by EDAC.</i>
4	Table 2-4 Amendment		Once ZO revisions are finalized, revisions to Table 2-4 will be required.
5	Home occupations		EDAC recommends the ZO allow provide for expanded home occupations, including employees in home occupations to the extent feasible in compliance with CEQA. This action will improve the jobs/housing balance, already addressed in GP Policy 10.1.7.4
6	Residences in TPZ		ZO should incorporate GP standards; current ordinance and ZO update as drafted contains requirements more stringent than GP. EDAC recommends a consistency review process to develop on TPZ lands
7	Mixed Use Development (MUD 2)		ZO should be revised to designate multiple Commercial/Industrial uses. Include "master" or "safe harbor" plans for residential component of C/MUD2.

EDAC Zoning Recommendation

Attachment 5

8	Animal Keeping		Staff recommends deferral of Animal Keeping to separate ordinance. EDAC agrees, provided that language as proposed is not included in ZO.
9	Wetland/Riparian Setbacks		Criteria in draft ZO measure setbacks from "edge of riparian vegetation" rather than "top of bank" or "ordinary high water mark" as used in the Interim Guidelines adopted in 2006. EDAC recommends revisions to ZO to conform to Interim Guidelines and Army Corps of Engineers wetland delineation standards.
10	Zoning Map Update		Significant issues remain, including appropriate designation of rolled-out AE (former Williamson Act Contract) lands and designation of multiple commercial zone districts. Also an issue with regard to eliminating conflicts between planned higher density housing and ag zoned lands/imperative to get the map right.
11	Ranch Marketing on Grazing Lands		Incorporate standards into Ranch Marketing provisions to allow Ranch Marketing for livestock operations, including visitor-serving uses and direct sales.
12	Ag Zoning "Opt In" within Ag Districts and Rural Regions		Recommend an "Opt In" process for lands within Ag Districts and RA Lands in Rural Regions to continue agricultural protection of underlying land uses.
13	Agriculture Homestays		Permitted under 10.1.6.1 and 8.2.4.3 "lodging facilities". Can be addressed through Zoning Ordinance, but clarification through GPA might be helpful. [Jobs, Retail, Protection of RR]

Staff Issues	General Plan Components	General Plan Policies Requiring Revision	Description of Policy Review and Proposed Amendment	Comments, Questions or Why Consider
1	Commercial/Mixed-Use Densities	2.2.1.2	Allow for projects to achieve CEQA streamlining benefits afforded through SB375	State - SB375
2	MUD in MFR	2.2.1.2	Allow limited Commercial in MFR (discussed in MUD) to meet services needs of RHNA	State - SB375
3	Air Quality/Energy Conservation objectives	6.7.1.1, 2 and new IM	Allow for project to tier off analysis and meet County thresholds. Consider SBC program funded through PG&E	State - SB97
4	High Density Residential Densities	2.2.1.2	CR and RC capacity and long range transit planning	State - SB375
5	Expand Community Region/Rural Center Boundaries	2.9.1.4 and 2.4.1.2	Limited Multi-family and Commercial per 5-Year Review, encourages Community ID process	Finding in GP 5-year review
6	CR & RC boundary amendments	Land Use Map	May want to look at other CR and RC to amend as needed to meet MF and C land use shortage as found in 5-year review or	ROI - Camino
7	Density Bonus	2.2.4.1	Direct policy to meet objective. Possibly+D6 limit land uses	Zoning???
8	EDH Business Park employment cap limits	TC-Iy	Good time to review objective and consider other options allowed for in the GP EIR. Would support Job growth objectives	Finding in GP 5-year review
9	Floor Area Ratio	2.2.1.5 and Table 2-3	To meet mixed use objectives	SB - 375
10	Noise standards	6.5.1.11 and Tables 6-3 thru 6-5	Transit Projects flexibility and streamline environmental review	Save on CEQA review cost.
11	ED/DS Historic Overlay – Community Design	2.4.1.3	Recognize Historical townsites of El Dorado/Diamond Springs in concept as they apply to currently adopted plans including	ROI - DS/ED
12	Regional Planning coordination – SB375	New Policy	Add policy recognizing ED/TC and SACOG planning and support projects that meet SB375 streamlining opportunities. Allows for all types regional planning, not just SACOG-specific	SB - 375
13	Complete Streets (need more generic name)	New Policy and Program	New policy and implementation measure to support multi user designs for pedestrian and vehicular circulation	AB - 1358
14	Infill and Opportunity Site Identification	New Policy and Program	Analysis for future project review and increase funding eligibility.	Prop 1c, 84 and various HCD/CDBG Funding
15	Clean Up references to AE	8.1.1.6	Elimination of AE zone in ZO Update requires clean up to GP Policies reference AE zones	Zoning Driven GPA
16	Agriculture District boundary expansion	8.1.1	Utilizes 8.1.1.2 criteria and implements AF-B	ROI - Ag

WHAT IS REQUIRED

- FIRE**
 - State
 - Access
- ZONING**
 - AG
 - Form / PD
 - Maps
- HDM**
 - 10%
 - CalTrans
 - Local Rds
- LDM**
- COMMUNITY / DESIGN**
- GRADING**
- AH**
- MUD 1**
- GP**
- MITIGATION**

BOARD OF SUPERVISORS ACTION

REVIEW GENERAL PLAN IDENTIFY ISSUES

5 YEAR REVIEW / EDAC

- STATE
- SB 375
 - AB 32

- GENERAL PLAN
- GP 2.9.1.1 GP Review
 - GP 2.9.1.2 Supply
 - GP 2.9.1.4 CR-RC
 - GP 2.9.1.5 GP Mitigation
 - GP 2.6.1.4 Leakage
 - TC-A CIP

- ISSUES
- BOS TO DO LIST
 - AG District Expansion
 - Density Bonus
 - GHG Action Plan
 - CR Capacity
 - CR/RC Boundaries
 - Commercial Land Inventory / Sales Leakage
 - Jobs/Housing Balance
 - Moderate Housing Constraints
 - MUD II
 - AG District
 - Density Bonus

STEPS TO BOS ACTION

1. Direct Staff To Prepare Project Description
2. BOS Modifies & Approves Project Description
3. CEQA Review
4. BOS Acts

11-0019 5B 1 of 42 Updated 9.26.11

Project Description

- "An accurate, stable and **finite** project description is the **sine qua non (without which not)** of an informative and legally sufficient EIR." Cited by Judge Bond in 1999 Ruling on Writ which found project description changed and significant effects of land use change not analyzed in SEIR - EIR was inadequate
- A project description must include project **objectives** and **actions** sufficient to **focus** the environmental review.



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Project / CEQA Overview Workshop

- Update on Defining **Project Description**
 - Objective of the Project?
 - Actions Proposed to be approved?
 - ZONING ORDINANCE UPDATE (text and map)
 - TARGETED GENERAL PLAN AMENDMENTS
- Treatment of Focused potential significant environmental effects of the project?
 - **Traffic** - Hear from Kimley-Horn Traffic Engineers
 - **Air Quality / Climate Action Plan** - SBC for PGE
- Set October 24th for Project Description Update and Further CEQA Considerations (Raise CEQA issues to address on Oct. 24)

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Project Description *A Work In Progress*

September 2011						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2 Reg Reform	3
4	5 Commercial/ MUD	6 INRMP	7 Traffic Sub Comm	8 PC – TGPA Review	9 Reg Reform	10
11	12 Rural Lands Sub	13	14 Traffic Sub Comm	15 Ag Sub Comm	16 Reg Reform Rural Lands Sub Comm	17
18	19 LDM Ag Sub Comm Traffic Sub	20 Comm/MUD	21 Traffic Sub Comm INRMP	22 PC - Zoning	23 Reg Reform Traffic Sub Comm	24
25	26 BOS – CEQA Workshop	27	28 Traffic Sub Comm	29	30 Reg Reform	

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Project (GP/State) Objectives

- DIRECT DENSITY TO COMMUNITY REGIONS AND KEEP REST OF COUNTY RURAL (fewer trips)
- ACCOMMODATE 32,000 NEW DUs (20,000 remaining) FOR ALL HOUSEHOLDS including moderate:
 - 80% OF HOUSEHOLDS EARN LESS THAN \$90,000
- CREATE 43,000 new JOBS (fewer trips)
- REDUCE RETAIL LEAKAGE (fewer trips)
- PROMOTE PRESERVE AG/NR/RURAL COMMERCE

How are we doing?

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5

WHICH REGIONS ARE THE 12,470* NEW DWELLING UNITS ACTUALLY BUILT?

(GP Policy 2.9.1.2)

REGIONS WITHIN EL DORADO COUNTY	TAZ MODEL FORECAST		ACTUAL NEW DWELLING UNITS PER REGION		TOTAL OF NEW DWELLING UNITS BY REGION	PERCENT OF TAZ FORECAST	PERCENT OF 12,470
	SF	MF	SF	MF			
EL DORADO HILLS	13,006	1,139	5,344	972	6,316	45%	51%
CAMERON PARK	2,966	1,373	1,913	480	2,393	55%	19%
PP / CAMINO	991	118	551	1	552	50%	4%
DIAMOND / ED	1,564	1,359	251	125	376	13%	3%
SHINGLE SPRINGS	287	46	203	23	226	68%	2%
RURAL					2,211		20%

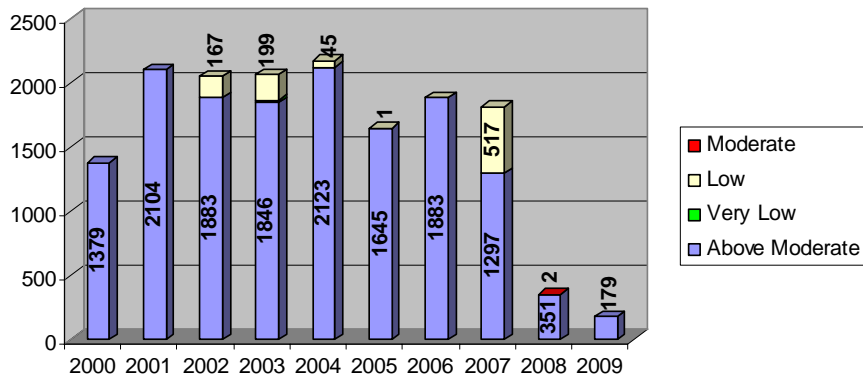
* October 2009 DOT Housing Analysis by TAZ's (numbers are approximate since TAZ's are not based upon Community Region Boundaries).

75% OF THE NEW DWELLING UNITS ARE IN COMMUNITY REGIONS WITH SEWER

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90% of NEW HOUSING FOR 20% of HOUSEHOLDS

Above Moderate Wins!

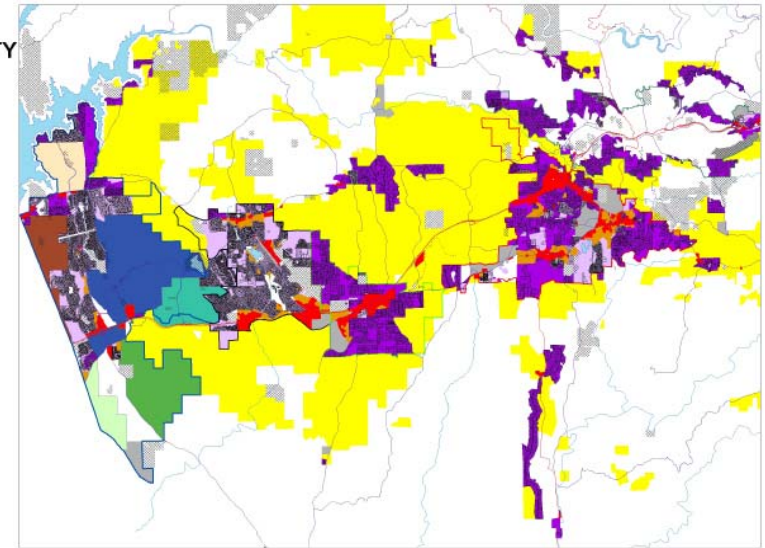


2007 includes 517 2nd Dwelling Units allowed for the first time to be included as part of the Affordable Housing Annual Report (517 = total 2nd DU's 2003-2007). 11-0019 5B 7 of 42 Updated 9.26.11

Achievable - Community Regions with Sewer

MAP 9
EL DORADO COUNTY
EL DORADO HILLS
CAMERON PARK
SHINGLE SPRINGS
EL DORADO
DIAMOND SPRINGS
COMMUNITY REGIONS

- Legend**
- LESS THAN 5 ACRES
 - COMMUNITY REGIONS
 - PLACERVILLE
 - EL DORADO HILLS
 - DIAMOND SPRINGS/EL DORADO
 - DIAMOND SPRING
 - SHINGLE SPRINGS
 - SPECIFIC PLANS
 - BASS LAKE HILLS
 - CARSON CREEK
 - NORTHWEST EL DORADO HILLS
 - PROCKMONTORY
 - SERRANO
 - VALLEY VIEW
 - Land Use Base
 - C
 - MR
 - MR
 - MR
 - LDR
 - PUBLIC AGENCY PROPERTY



0 5,000 10,000 20,000 Feet

INFORMATION SHOWN ON THIS MAP HAS BEEN COMPILED FROM UNVERIFIED PUBLIC AND PRIVATE SOURCES AND IS ILLUSTRATIVE ONLY. NO REPRESENTATION IS MADE AS TO THE ACCURACY OF THIS INFORMATION.



08/16/2010

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KEEP IT RURAL - 75% of new DUs to CRs with Sewer
COMMUNITY REGIONS WITH SEWER MAY ACCOMMODATE 75%
OF THE NEW 20,000 DU'S FOR ALL HOUSEHOLDS. RURAL CENTERS
AND RURAL REGIONS MAY PLAN FOR 25% OF THE NEW 20,000

ACHIEVABLE DUs WITHIN COMMUNITY REGIONS w/ SEWER

EL DORADO COUNTY REGIONS	ACHEIVABLE LOW DENSITY (HDR/MDR/LDR)	ACTUAL BELOW MODERATE (MFR)	MODERATE HOUSING (C/MUD & MFR)	TOTAL
EL DORADO HILLS	7,000	436	436	7,872
CAMERON PARK	2,000	1,231	1,231	4,462
DIAMOND / ED	2,500	1,230	1,230	4,960
SHINGLE SPRINGS	1,000	509	509	2,018
TOTAL	12,500	3,406	3,406	19,312

* "Achievable" assumes sewer/water/fire roads and LDR 5 acres although holding zone for higher density. Chart Assumes Moderate Housing accommodated in same number as Below Moderate. The allocation to CRs for Moderate is an illustration, actual allocation will be set by BOS based upon available C / MUD and MFR lands.

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Achievable Density (Real Numbers)

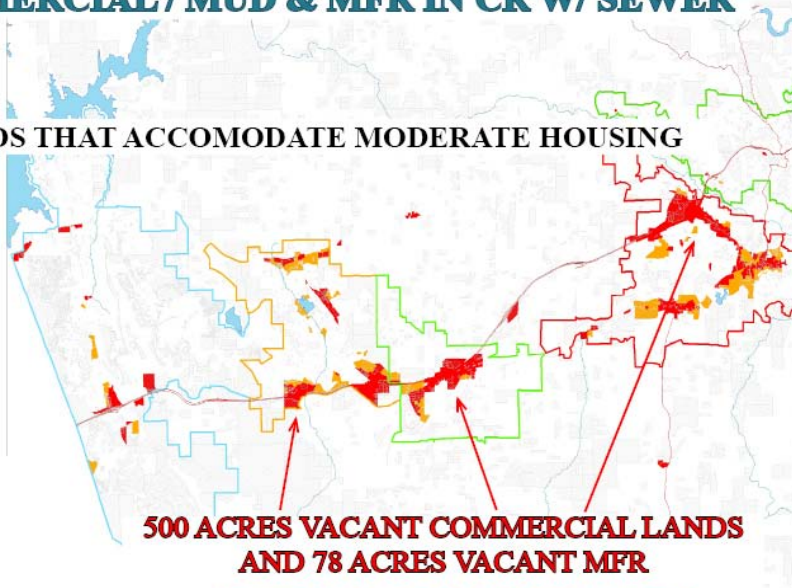
- Judge Bond in 1999- "The EIR does not set forth or refer to any of the data upon which the (achievable density) assumptions rest" p. 127
- Judge Bond in 1999-"This ruling does not preclude the County from relying on an "achievable density" population figure for any subsequent environmental review, provided that such figure is supported by substantial evidence"
- *Achievable Density* is comparable to State Housing Element Law methodology for setting *Realistic Capacity* in the Vacant Land Inventory.
- San Diego County included GP Note: "1) The theoretical build-out scenario was prepared solely for the purposes of the General Plan Environmental Impact Report (worse case scenario) only and should not be used for any other long range planning purposes."...due to El Dorado County Judge Bond Court Case requiring.

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COMMERCIAL / MUD & MFR IN CR W/ SEWER

ONLY LANDS THAT ACCOMODATE MODERATE HOUSING

- Legend
- COMMUNITY REGIONS
- PLACERVILLE
 - EL DORADO HILLS
 - DIABLO SPRINGS/EL DORADO
 - CAMERON PARK
 - SINGLE SPRINGS
 - VACANT PARCELS
- Land Use Base
- C
 - MFR



**500 ACRES VACANT COMMERCIAL LANDS
AND 78 ACRES VACANT MFR**

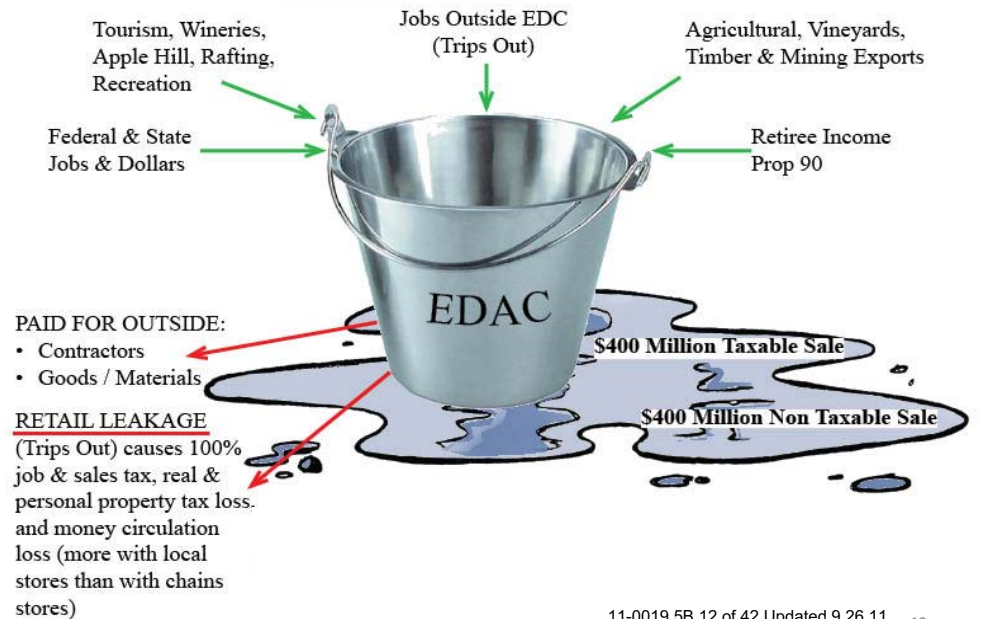
**(AFTER 345 ACRES ALLOCATED TO
BELOW MODERATE)**

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11

El Dorado County Economic Growth

\$800 Million in Economic Leakage Drains from the EDC Bucket

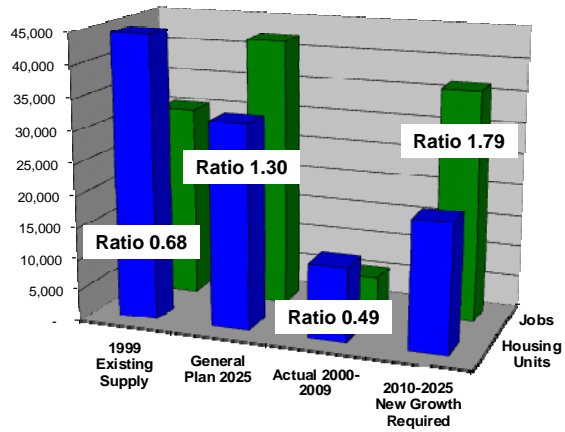


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12

GP 43,000 jobs / On Track for 18,000

Jobs/Housing Ratio Growing in the Wrong Direction



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EDC LAND USE REGULATIONS (GP, ZONING, LDM, ROAD STANDARDS, ETC.) IMPLEMENT GP AND FEDERAL AND STATE OBJECTIVES FOR:

- 700,000 ACRES OF NATURAL RESOURCES LANDS
- 100,000 ACRES OF AGRICULTURAL LANDS
- 300,000 ACRES OF LOW DENSITY RESIDENTIAL LANDS THAT ACCOMMODATE ABOVE MODERATE HOUSEHOLDS

1% OF EDC CR LANDS WITH SEWER MUST MEET DEMAND FOR JOBS, RETAIL, SERVICES, INDUSTRIAL, PUBLIC FACILITIES, MEDICAL, MODERATE HOUSING & BELOW MODERATE HOUSING.

TWO TENTHS OF ONE PERCENT (.002%) OF LANDS ARE VACANT COMMERCIAL/MUD

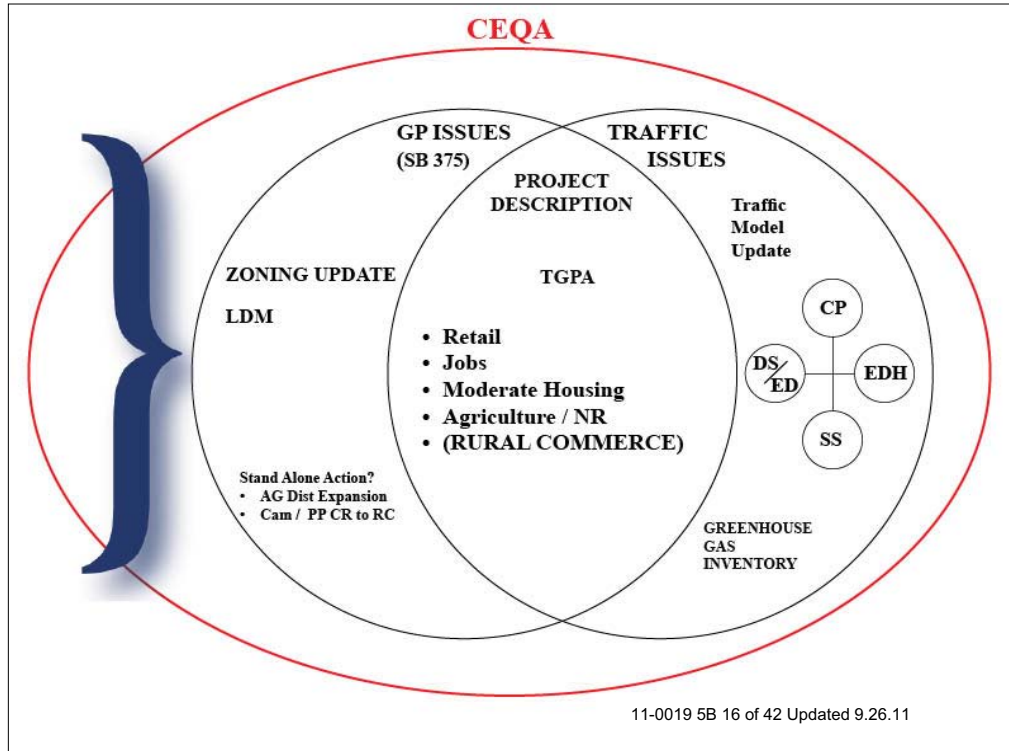
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Review Findings

Leading to CEQA Project Description

- **Population and Housing on target** with General Plan forecast.
- **Jobs, commercial and moderate housing** are trending considerably slower than forecasted but may meet objectives **WITH THE PROJECT**
- **75% of new DUs** may be accommodated in CR with sewer **WITH THE PROJECT**
- **Rural Commerce** (Ag, NR, Rural Lands) contribution to meeting GP Goals will be protected and expanded **WITH THE PROJECT**

11-0019 5B 15 of 42 Updated 9.26.11



CEQA Principles

- The Board cannot take action without CEQA Review. Must be in Project Description.
- BOS can turn down action before or after CEQA review.
- Conceptual reviews or studies (i.e. opportunity areas) are not a CEQA project. If BOS does not commit to definite course of action or preclude later CEQA review...no CEQA is required.
- Project to be the “whole of the action” - [Don't piecemeal](#)
- Tier off current GP EIR / **Plan for future actions to tier off this EIR “Don't waste a good EIR”**
 - [Plan For Rather Than React to Projects](#)
 - **CEQA encourages BOS to set standards up front**
 - [BOS should set the standards and have developers comply.](#)

11-0019 5B 17 of 42 Updated 9.26.11

STREAMLINING CEQA REVIEW

- **§ 15268. Ministerial Projects.**
- (a) Ministerial projects are exempt from the requirements of CEQA. [The determination of what is "ministerial" can most appropriately be made by the particular public agency involved based upon its analysis of its own laws, and each public agency should make such determination as a part of its implementing regulations or on a case-by-case basis.](#)
- **EXAMPLES**
 - [Yolo County](#) Only 3 ½ planners so increase ministerial
 - [Standards v. “I'm thinking of a color “ \(PD, DR, CUP\).](#)
 - Establish CEQA significance thresholds using specific quantifiable objective targets (Example CEQA GGA)
 - **CEQA review in setting of standards (this EIR)**

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18

CEQA STREAMLINING - Tiering / 21083.3

TIERING

“Front-loading” environmental review as much as possible at the scale of long-range General Plans or Zoning EIRS which can then serve as the framework for subsequent review of individual projects outlined in the plans.

§ 21093. EIRS *shall be tiered whenever feasible.*

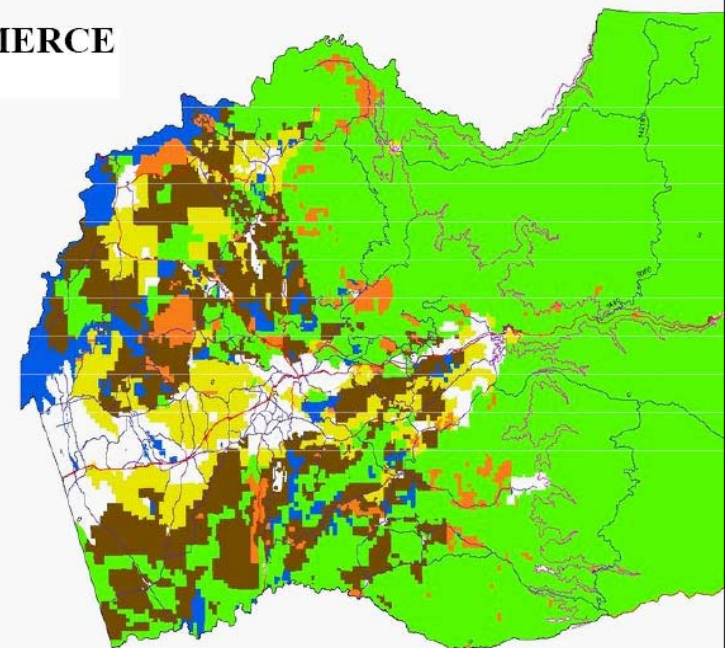
- 1) *avoiding repetitive discussions*
- 2) *focus upon the issues ripe for decision and exclude duplicative analysis of environmental effects examined in previous eirs*

§ 21083.3 partial exemption - If a project is consistent with GP(or zoning) for which EIR was certified then CEQA review generally limited to effects peculiar to parcel and not addressed in prior EIR

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RURAL COMMERCE

Legend
STREET CLASSIFICATION
—— HWY
—— MAJOR
PLATTED LANDS
LAND USE DESIGNATION
OS
AL
RR
RR
LER



INFORMATION SHOWN ON THIS MAP HAS BEEN COMPILED FROM UNVERIFIED PUBLIC AND PRIVATE SOURCES AND IS ILLUSTRATIVE ONLY. NO REPRESENTATION IS MADE AS TO THE ACCURACY OF THIS INFORMATION.

MAP PREPARED BY
GENE E. THORNE
11-0019 5B 20 of 42 updated 9/26/04 Exhibit B (Mod)

“Rural Commerce/Working Landscape”

General Plan

- Remove “Poison Pill” No I/C in Rural Regions (Fred’s Place, Eagle Rock, Tamarack, Twin Bridges, Coles Station, Halls Market).
- Remove “Poison Pill” that requires public sewer for C/I except in Rural Centers (5.3.1.1)
- Clarify “Ranch” ok in Ranch Marketing

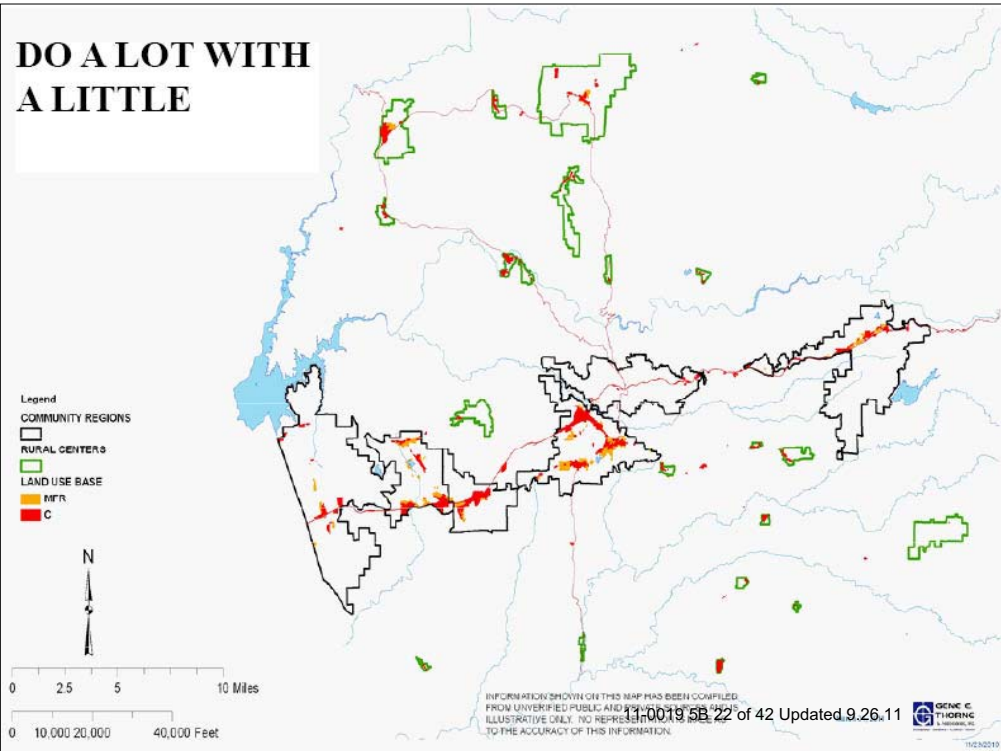
Zoning

- Ag Homestays (standards)
- Ag Support (Standards)
- Home Occupations (Standards v. CUP)
- Standards for Rural Lands Permitted Uses (standards)
- Zoning Map Issues(Tier)
 - AE ROLL OUTS
 - “OPT IN” Ag in Rural Residential
- TPZ compatible uses (Standards)

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21

DO A LOT WITH A LITTLE



Community Regions

General Plan Amendment

- Remove 30% Open Space Poison Pill ROI
- Remove T/C Poison Pills
- Allow Alternatives to PD in MFR (Standards – 21083.3)
- 30% Slopes for C/I/HDR?
- ID Opportunity Infill sites (Study)
- MUD II Concurrency (MUD II zoning)

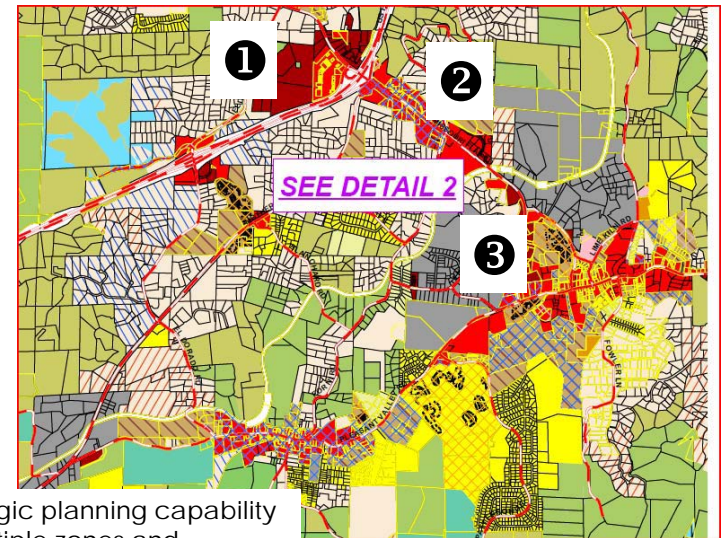
Zoning

- Multiple Commercial Zones (Tier / 21083.3)
- MUD II (Standards/21083.3)
- Update zoning map with new commercial zones/industrial zones and Master Plans (Tier)

11-0019 5B 23 of 42 Updated 9.26.11 23

Zoning – Strategic Planning Discussion

1. Is this CR
2. Is this CR/CH/CC
3. Is this CR/CH



This is the strategic planning capability created by multiple zones and empowered to the BOS

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Commercial – MUD

Policy 2.2.1.2 - Commercial Land Use Designation

Commercial (C): The purpose of this land use category is to provide a full range of commercial retail, office, and service uses Mixed use development of commercial lands within Community Regions and Rural Centers which combine commercial and residential uses shall be permitted. ~~The residential component of the project shall only be implemented following or concurrent with the commercial.~~ Commercially designated parcels shall not be developed with a residential use as the sole use of the parcel unless the residential use is either (1) a community care facility as described in goal HO-4 or (2) part of an approved mixed use development as allowed by Policy 2.1.1.3 and 2.1.2.5 or within a zone district allowing mixed use. Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate areas of the County. ~~Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers.~~

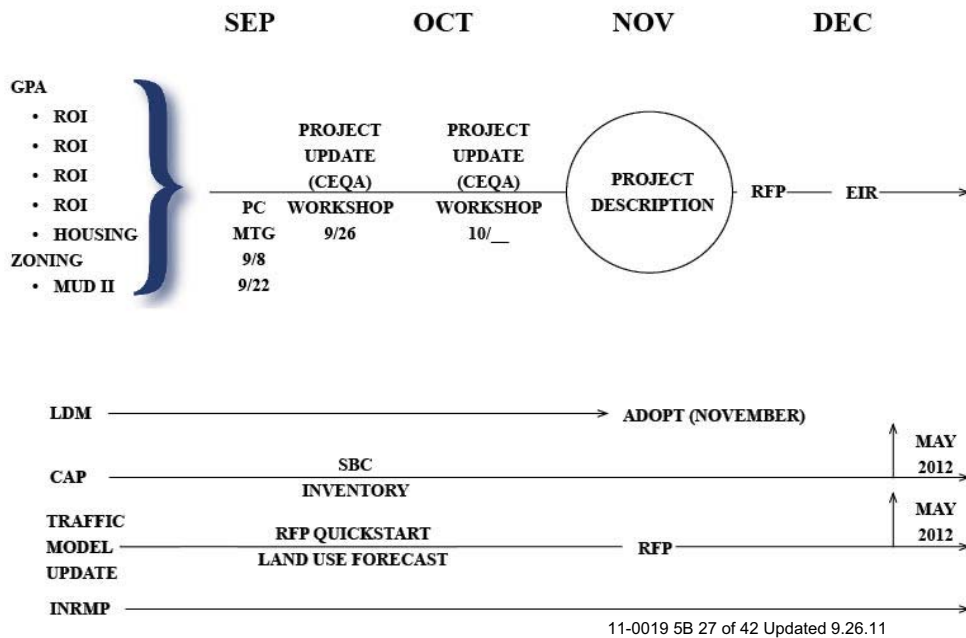
11-0019 5B 25 of 42 Updated 9.26.11 25

Project Description – Good Planning

- Conform density to RHNA for 2013 Housing Element (Tier)
- AB 1358 "Complete Streets" (Tier)
- Greenhouse Gas Policies (Tier/Standards – Yolo)
- Ag District Expansion **ROI** - Stand alone?
- ED/DS Historical Overlay **ROI** – Stand alone?
- Camino/PP **ROI** – Stand alone"
- MUD in MFR (Tier/21083.3/Standards)
- Noise standards (Tier/Standards)
- Opportunity Areas (Study)
- Regional Planning Coordination (Tier)
- EDH Business Park Employment CAP

11-0019 5B 26 of 42 Updated 9.26.11

PROGRAMMATIC WORK PLAN



As Presented In January 2011

- Update Traffic Forecast Model, considering:
 - SB375 ties RHNA, AB32 to TRANSPORTATION funding passed after GP
 - MEASURE Y MODIFIED after GP – giving BOS MORE FLEXIBILITY
 - Allocation used 1999 update of 1990 census. 2010 census is available
 - 11 Years of actual numbers now available
 - Achievable DUs for CRs with sewer now available
 - CIP software Model was outdated in 2002, ancient now!
 - C/MUD moderate housing per RHNA not accommodated
 - Below moderate housing not accommodated
 - EDC NEEDS UPDATED Traffic Model TO RUN ALTERNATIVE ALLOCATIONS FOR BOS TO MEET GP GOALS/ State Law
 - Needed for CIP Update
 - Needed for TIM FEE UPDATE
 - **COORDINATE WITH THIS PROJECT**

Contents of Energy Wise Plan (Climate Action Plan)

- CEQA- EVERY PROJECT MUST EVALUATE GHG IMPACTS
- EDC MAY Develop EDC thresholds through a public review process (CEQA Guidelines Section 15064.7)
- EDC MAY ADOPT COMMON MITIGATION MEASURES
- ESTABLISH BASELINE INVENTORY
- REVIEW FUNDING SOURCES

11-0019 5B 29 of 42 Updated 9.26.11

DSD TASKS 4/11 WORKPLAN	COST	PROGRAMMATIC PROJECT DESCRIPTION
1. ZONING	\$220,000	TGPA
3. HOUSING UPDATE	\$175,000	ZONING
7. ROI 30% OS		MUD II
8. ROI HIST DIST		HOUSING UPDATE
9. ROI AG DISTRICT	\$150,000	ROI
11. ROI CAMINO / PP		ROI
12. LAND USE FORECAST	\$175,000	ROI
14. GPA	\$750,000	ROI
	\$1,470,000	RFP \$ _____
MUD II (future)	\$ 75,000	PRICE INCLUDES
CLIMATE ACTION (future)	\$150,000	Land Use Forecast \$175,000
GABBRO FEE (future)	\$ 75,000	Climate Inventory \$ 50,000
	\$300,000	MUD II \$ 75,000
	\$1,770,000	GABBRO FEE \$ 75,000
		EDAC REPORTS \$100,000
		\$475,000
		COORDINATE {
		TIM FEE UPDATE
		INRMP
		REPORTS
		11-0019 5B 30 of 42 Updated 9.26.11

○ = EDAC ESTIMATE

What is a Greenhouse Gas Inventory?

An assessment of GHG emissions from:

- Energy consumption
- Leaked refrigerants, fire suppressants, and other gases
- Biogenic processes
- Bio-chemical processes



Why is a Greenhouse Gas Inventory Important?

You can't manage what you don't measure!

Communities with inventories can:

- Develop baseline energy/emissions data
- Create emissions reduction targets
- Monitor emissions reduction progress
- Make informed decisions when designing climate/energy programs and plans
- Be prepared to deal with CEQA and environmental review procedures



Types of Inventories

Government Operations Inventory (Only about 4% of Total Emissions)

- Emissions from municipal operations only
- Subset of the community inventory, but calculated separately

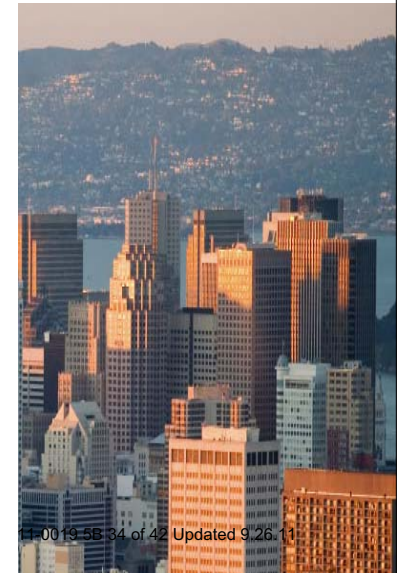
Community Inventory

- All emissions released inside the jurisdictional boundary
- Residential, Commercial, Industrial, Transportation, etc.

11-0019.5B-33 of 42 Updated 9.26.11

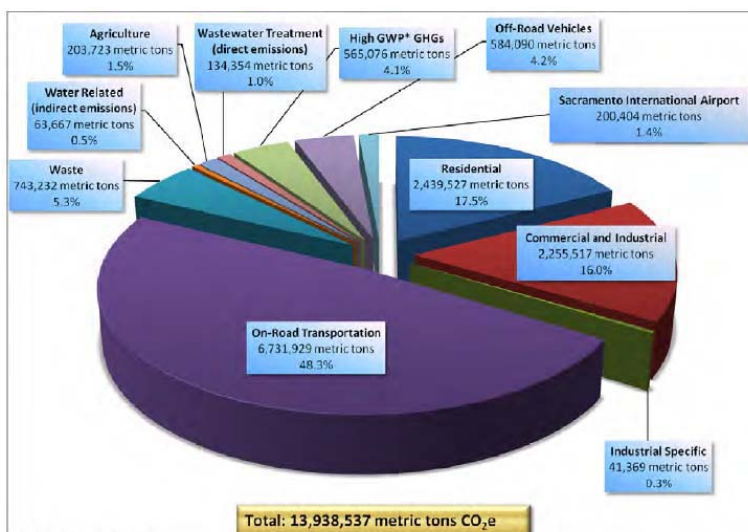
Community-Wide Inventory: Boundaries

- Geopolitical
- Trans-boundary
- Lifecycle



11-0019.5B-34 of 42 Updated 9.26.11

Sacramento County Community-wide GHG Inventory



* Global Warming Potential

11-0019 5B 35 of 42 Updated 9.26.11

Source: Greenhouse Gas Emissions Inventory for Sacramento County

Traffic Forecast Update – Why?

- The model was originally created in 1993
- Base year of model data is 1998
- MINUTP software platform is dated
- Development patterns have evolved and the current TAZ structure does not reflect this in all areas
- An updated approach will yield improved accuracy of output
- Numerous upcoming planning efforts will require traffic forecasts
- Improved forecasts = improved planning

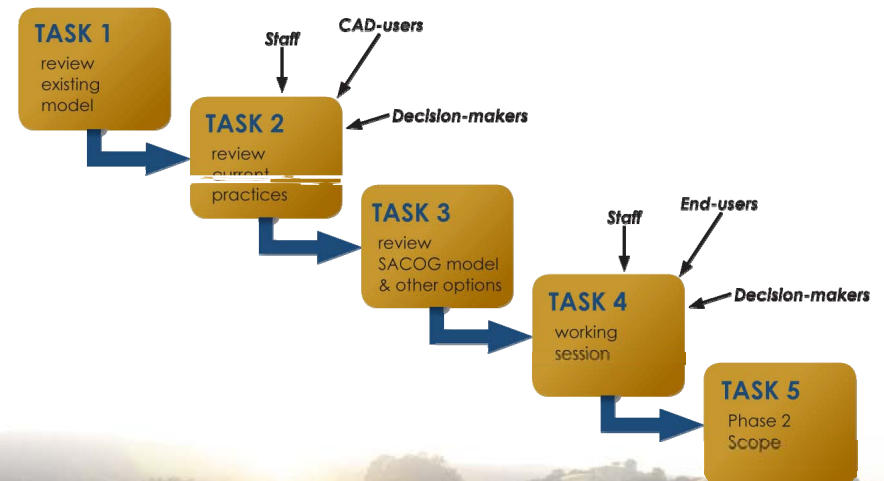
11-0019 5B 36 of 42 Updated 9.26.11

Updating Traffic Forecast Methodology

- Two phases
 - Phase 1: Develop best approach to meet County needs
 - Phase 2: Implementation and associated studies
- Phase 1 Objectives:
 - Review County's options for traffic forecasting (does not presuppose that County needs to maintain its own model)
 - Gather input from staff, end-users, and decision-makers
 - Leverage existing resources (GIS and County staff)
 - Increase availability of information related to land use/traffic forecasts (web site, GIS-based, etc.)

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Proposed Phase 1 Approach



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Short vs Long Term Needs

- Given needs we may have to identify two approaches
- Specifically we want to try to avoid having traffic forecast bog down planning process
- A new model could take 6 months or longer to develop
- Technical studies in support of EIR for the TGPA will require input prior to April (in particular air quality)
- Beyond April updates to the TIM fee and CAP and ongoing planning will require an update

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EIR Adequacy Standard

- CEQA Guidelines Section 15151 provides the following standard for a lead agency preparing an EIR:

“An EIR should be prepared with a sufficient degree of analysis to provide decision makers with **information which enables them to make a decision which intelligently takes account of environmental consequences.** An evaluation of the environmental effects of a proposed project **need not be exhaustive**, but the **sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible.** Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. **The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.”**

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October 24 - Ask the CEQA Experts

• Project Description

- **Combine TGPA and Zoning Ordinance Update?**
- Pollock Pines / Camino **ROI** - Stand Alone?
- AG District Expansion **ROI** - Stand Alone?
- D/ED Historical District **ROI** - Stand Alone?
- Alternatives to Action

• EIR? Type of EIR? (SEIR, Focused, Program)

• Environmental Effect and Cost of Actions

- C/I in Rural Regions
- I'm Thinking of a Color (PD, DR) v. Standards
- Zoning Standards for MUD II
- Achievable Land Use Baseline and Traffic Model Update
- CEQA view of Opportunity Studies

• FORWARD ANY ISSUES YOU WANT ADDRESSED

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BOS DIRECTION

- Direct Staff and EDAC to continue work on alternative Zoning treatment of 14 items.
- Set October 24, 2011 workshop and Update/CEQA to BOS
- Direct continued staff and EDAC work on Project Description and RFP
- Set November Meeting Date for November 15th for Project description and adoption of RFP
- Direct staff and EDAC to continue work on Traffic Forecast Needs Analysis (*Quick Start*) and SBC Greenhouse Gas Analysis Inventory and work towards CAP

11-0019 5B 42 of 42 Updated 9.26.11

WHAT IS REQUIRED

- FIRE**
 - State
 - Access
- ZONING**
 - AG
 - Form / PD
 - Maps
- HDM**
 - 10%
 - CalTrans
 - Local Rds
- LDM**
- COMMUNITY / DESIGN**
- GRADING**
- AH**
- MUD 1**
- GP**
- MITIGATION**

BOARD OF SUPERVISORS ACTION

REVIEW GENERAL PLAN IDENTIFY ISSUES

5 YEAR REVIEW / EDAC

- | |
|----------|
| STATE |
| • SB 375 |
| • AB 32 |

- GENERAL PLAN**
- GP 2.9.1.1 GP Review
 - GP 2.9.1.2 Supply
 - GP 2.9.1.4 CR-RC
 - GP 2.9.1.5 GP Mitigation
 - GP 2.6.1.4 Leakage
 - TC-A CIP

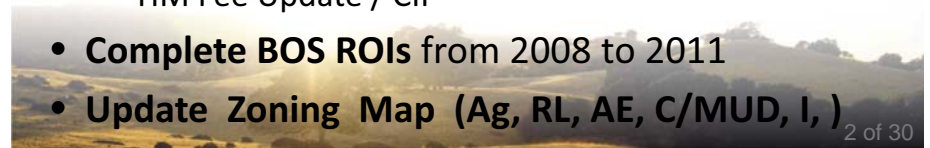
- ISSUES**
- BOS TO DO LIST
 - GHG Action Plan
 - Keep It Rural
 - CR Capacity
 - CR/RC Boundaries
 - Commercial Land Inventory / Sales Leakage
 - Jobs/Housing Balance
 - Moderate Housing Constraints
 - MUD II
 - AG District
 - Density Bonus

DEFINE CEQA PROJECT (Reject Stand-Alone Update) JANUARY 2011

ENABLE BOARD OF SUPERVISORS TO ACT
ROI TGPA
ROI ZONING
EIR SCOPE

Don't Waste a Good EIR

- **Set Standards Up Front** –not CUP, Design Review, Planned Development
 - Master or Safe Harbor Plans
 - Home Occupation example 4,000 acre v. condo
- **Plan for tiering**
 - Direct specific uses to specific areas of County
 - Housing Element Update
 - Greenhouse Gas Policies - like Yolo County
 - TIM Fee Update / CIP
- **Complete BOS ROIs from 2008 to 2011**
- **Update Zoning Map (Ag, RL, AE, C/MUD, I,)**



RURAL COMMERCE

Legend

STREET CLASSIFICATION

— HWY

— MAJOR

PLATTED LANDS

■

LAND USE DESIGNATION

■ OS

■ AL

■ NR

■ RR

■ LDR



0 2.5 5 10 Miles

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MMP PREPARED BY



Exhibit B (Mod)
3 of 30

DO A LOT WITH A LITTLE

Legend

COMMUNITY REGIONS

□

RURAL CENTERS

□

LAND USE BASE

■ MFR

■ C



0 2.5 5 10 Miles

0 10,000 20,000 40,000 Feet


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NOV 21, 2011


GENE E. THORNE & Associates, Inc.
4 of 30

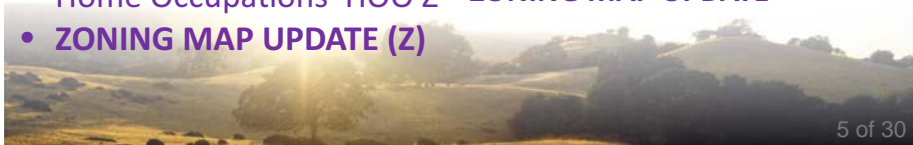
“Targeted” Project Highlights

RURAL COMMERCE

- C/I in Rural Regions  (G)
- C/I with private S/W
- Ranch Marketing
- **Ag District Expansion ROI**
- **CR/RC Bounds PP/C ROI**
- Compatible TPZ use (Z)
- Ag Homestays (Z)
- Ag Support (GP & Z)
- Rural Lands Uses (Z)
- Home Occupations HOO Z
- **ZONING MAP UPDATE (Z)**

LOT WITH A LITTLE

- **30 % OS (ROI)**  **1% of EDC**
- 30 % slopes I/C/HDR? 2% of EDC
- Wetlands/Riparian Setbacks (Z)
- Multiple Commercial zones w/
/ Map Priority Areas (Z)
/ Identify MUD II (GP & Z)
/ Set Standards (Z)
- Multiple Industrial Zones (Z)
- Home Occupations in CR/RC (Z)
- **ZONING MAP UPDATE**



Project Highlights– Good Planning

- Conform density to RHNA for 2013 Housing Element (Tier)
- AB 1358 “Complete Streets” (Tier)
- Greenhouse Gas Policies (Tier/Standards – Yolo)
- **ED/DS Historical Overlay ROI – Stand alone?**
- MUD in MFR (Tier/21083.3/Standards)
- Noise standards (Tier/Standards)
- Opportunity Areas (Study)
- Regional Planning Coordination/375/ (Tier)
- EDH Business Park Employment CAP
- Dam Failure Inundation
- Traffic/Circulation - Consistent with GP/State Objectives
- Public Services Concurrency



ROIs = Project Description


- **ROI TGPA EDAC Exhibit 1 - staff proposal redlined**
 - 30% PD Open Space treatment of poison pill
- **ROI ZONING EDAC # 2 – staff report redlined**
 - Riparian Wetland Setback
 - 30% Open Space
 - Zoning Map Updated (C/I, AE in Rural Regions, RL, AG)
 - C/MUD and I areas or criteria identified
 - AE in Rural Regions
 - Ag or RL in Rural Residential land areas (Opt in / Opt out)
 - Range of Agricultural and Rural Land Uses (P&CUP)
 - EDAC Zoning Submittals as alternatives

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Home Occupation Ordinance –HOO

ROI ok – allows analysis of HOO

STAFF ALTERNATIVE

- No employees
-  Occupations (all food, no truck over 1 ton)
- Limited to primary residence
- No customers
- On site parking

EDAC ALTERNATIVE

- Employees based on Graduated Standards (parcel size, use, traffic)
- Customers by graduated standard RL 10 and up
- Structures
- Retail Sales - standards
- Standards vs. CUP

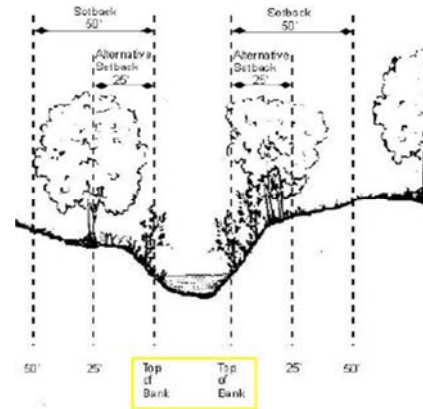
8 of 30

Development Requirements For TPZ

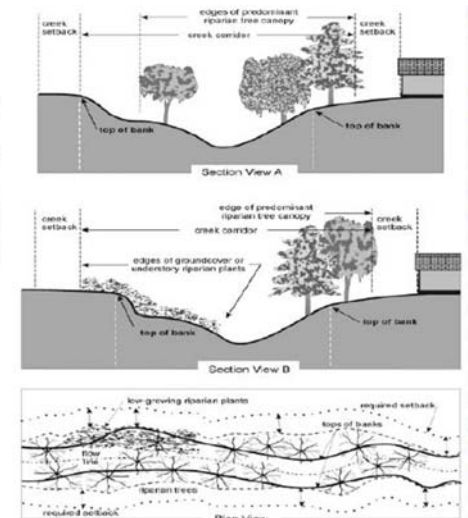
- **ROI OK EIR Will ANALYZE WHAT COMPATIBLE USES MAY BE “BY RIGHT” or are Discretionary ON TPZ**
- WILL CONSIDER: GP Policy 8.4.2.1, only requires findings that the proposed use... **“will not hinder timber production and harvesting...” will not intensify existing conflicts “...will not be detrimental to that parcel or adjacent parcels...”**
- The draft zoning ordinance is inconsistent with the GP since it requires a finding for a CUP for a residence on TPZ, that “full-time management of the stand is **necessary** for its continued productivity” and the owner must demonstrate a “**need**” for full-time residency to protect the lot against theft or vandalism.
- **Proposal** = To Ensure that the Draft Zoning Ordinance language is consistent with the General Plan, **If a proposed TPZ compatible use (incl. residence) requires a CUP then use the GP Findings.**

Intermittent Stream and River Setbacks **ADD TO ROI ZONING**

2006 Interim Interpretive Guidelines



Current Draft Zoning Ordinance



PD / Open Space **REVISE ROI**

Staff Alternative

- Retain requirement for 30% but allow requirement to be met offsite

Include EDAC Alternative

- Improved open space at a lesser ratio (pool, tot lot, gardens, pocket parks)
- Limit HDR/C/MUD/MFR
- STANDARD PLANS as alternative to PD

- PLAN is to encourage



RURAL ISSUES

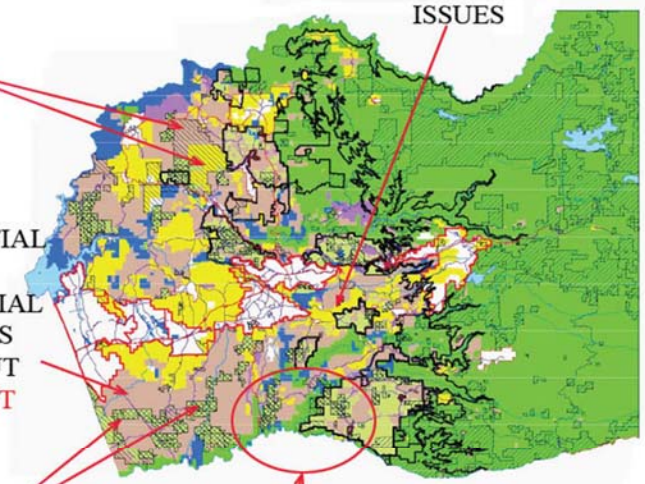
RURAL ROI ISSUES

AE ROLL OUT
LDR / RR
MAPPING

RURAL RESIDENTIAL
WOBBLER
AG OR RESIDENTIAL
10 TO 160 ACRES
OPT IN / OPT OUT
MAPPING / TEXT

AL
WILLIAMSON ACT

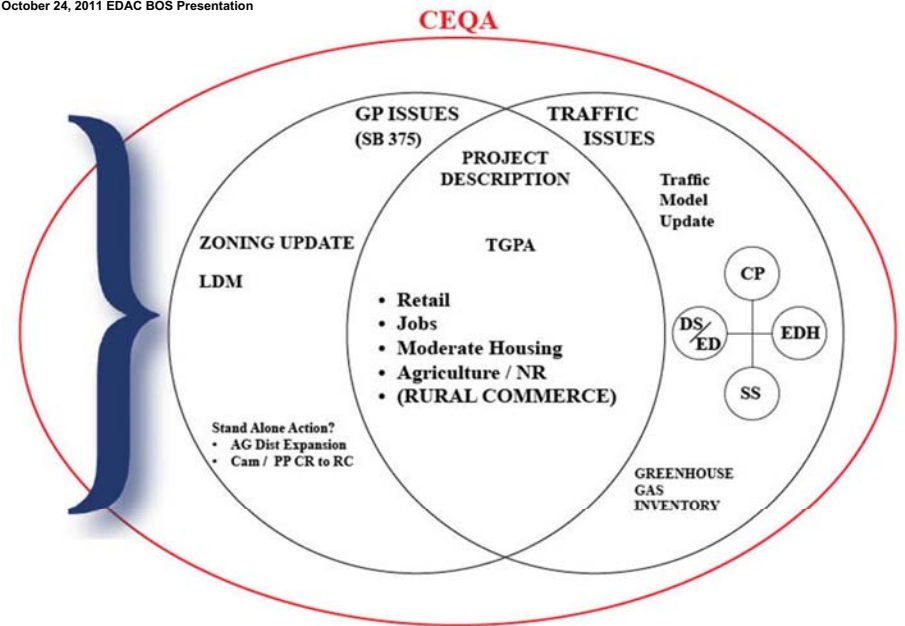
AG ZONE USES
RURAL LAND ZONE USE



Commercial – MUD

Policy 2.2.1.2 - Commercial Land Use Designation

Commercial (C): The purpose of this land use category is to provide a full range of commercial retail, office, and service uses Mixed use development of commercial lands within Community Regions and Rural Centers which combine commercial and residential uses shall be permitted. ~~The residential component of the project shall only be implemented following or concurrent with the commercial~~ Commercially designated parcels shall not be developed with a residential use as the sole use of the parcel unless the residential use is either (1) a community care facility as described in goal HO-4 or (2) part of an approved mixed use development as allowed by Policy 2.1.1.3 and 2.1.2.5 or within a zone district allowing mixed use. Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate areas of the County. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers.



January 2011 - Update Traffic Model/With Land Use Forecast

TRAFFIC FORECAST MODEL NEEDS UPDATING

- SB375 ties RHNA, AB32 to TRANSPORTATION funding passed after GP
- MEASURE Y MODIFIED after GP – giving BOS MORE FLEXIBILITY
- 2002 Allocations based on market areas not community regions
- Allocation used 1999 update of 1990 census. 2010 census be available
- 11 Years of actual numbers now available
- Achievable DUS for CRs with sewer now available
- CIP software Model was outdated in 2002, ancient now!
- C/MUD moderate housing per RHNA not accommodated
- Below moderate housing not accommodated
- **TO IMPLEMENT THIS GENERAL PLAN EDC NEEDS UPDATED MODEL TO RUN ALTERNATIVE ALLOCATIONS FOR BOS TO MEET GP GOALS/ State Law.**

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WHICH REGIONS ARE THE 12,470* NEW DWELLING UNITS ACTUALLY BUILT?

(GP Policy 2.9.1.2)

REGIONS WITHIN EL DORADO COUNTY	TAZ MODEL FORECAST		ACTUAL NEW DWELLING UNITS PER REGION		TOTAL OF NEW DWELLING UNITS BY REGION	PERCENT OF TAZ FORECAST	PERCENT OF 12,470
	SF	MF	SF	MF			
EL DORADO HILLS	13,006	1,139	5,344	972	6,316	45%	51%
CAMERON PARK	2,966	1,373	1,913	480	2,393	55%	19%
PP / CAMINO	991	118	551	1	552	50%	4%
DIAMOND / ED	1,564	1,359	251	125	376	13%	3%
SHINGLE SPRINGS	287	46	203	23	226	68%	2%
RURAL			2,211		2,211		20%

* October 2009 DOT Housing Analysis by TAZ's (numbers are approximate since TAZ's are not based upon Community Region Boundaries).

75% OF THE NEW DWELLING UNITS ARE IN COMMUNITY REGIONS WITH SEWER

18 of 30

**Jan 2011 KEEP IT RURAL - 75% of new DUs to CRs w/s
COMMUNITY REGIONS WITH SEWER MAY ACCOMMODATE 75% OF
THE NEW 20,000 DU'S FOR ALL HOUSEHOLDS. RURAL CENTERS AND
RURAL REGIONS MAY PLAN FOR 25% OF THE NEW 20,000 DU'S.**

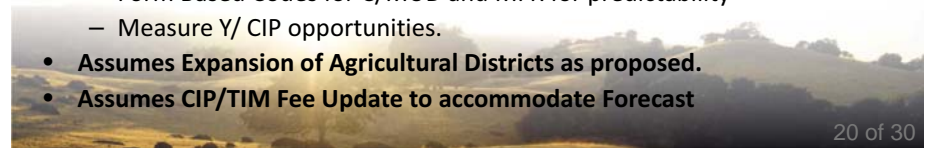
ACHIEVABLE DUs WITHIN COMMUNITY REGIONS w/ SEWER

EL DORADO COUNTY REGIONS	ACHEIVABLE LOW DENSITY (HDR/MDR/LDR)	ACTUAL BELOW MODERATE (MFR)	MODERATE HOUSING (C/MUD & MFR)	TOTAL
EL DORADO HILLS	7,000	436	436	7,872
CAMERON PARK	2,000	1,231	1,231	4,462
DIAMOND / ED	2,500	1,230	1,230	4,960
SHINGLE SPRINGS	1,000	509	509	2,018
TOTAL	12,500	3,406	3,406	19,312

* "Achievable" assumes sewer/water/fire roads
Assumes Moderate Housing accommodated in same number as Below Moderate. The allocation to CRs for Moderate is an illustration, actual allocation will be set by BOS based upon available C / MUD and MFR lands.

JAN 2011 Preliminary Land Use Forecast 1/2011

- **Assumes 32,000 new DUs (no change)**
- Assumes 25% or 5,000 of the remaining 20,000 new DUs will be accommodated in Rural Centers and Regions (incl. PP/C)
- Assumes 75% of new 20,000 DUs accommodated in CRs w/ sewer
 - Low Density Residential (HDR, MDR, LDR) within CRs will accommodate 12,500 above moderate new DUs
 - MFR will accommodate 3,406 on RHNA identified sites
 - C/MUD and some MFR will accommodate 3,406 moderate DUs
- **Assumes 42,000 new Jobs (no change) If Review Addresses:**
 - Identification of Commercial Opportunities for C/MUD, Large Retail and neighborhood and increase Commercial from 500 acres in CR/sewer with 450 C/MUD acres accommodating moderate DUs.
 - Regulatory Shelf Ready Status for C/I/R&D opportunities
 - Form Based Codes for C/MUD and MFR for predictability
 - Measure Y/ CIP opportunities.
- **Assumes Expansion of Agricultural Districts as proposed.**
- **Assumes CIP/TIM Fee Update to accommodate Forecast**



DSD TASKS 4/11 WORKPLAN	COST	PROGRAMMATIC PROJECT DESCRIPTION
1. ZONING	\$220,000	TGPA
3. HOUSING UPDATE	\$175,000	ZONING
7. ROI 30% OS		MUD II
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GABBRO FEE (future)	\$ 75,000	Climate Inventory \$ 50,000
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	\$1,770,000	GABBRO FEE \$ 75,000
		EDAC REPORTS \$100,000
		\$475,000

○ = EDAC ESTIMATE

COORDINATE { TIM FEE UPDATE
INRMP
REPORTS

Why is a Greenhouse Gas Inventory Important?

You can't manage what you don't measure!

Communities with inventories can:

- Develop baseline energy/emissions data
- Create emissions reduction targets
- Monitor emissions reduction progress
- Make informed decisions when designing climate/energy programs and plans
- Be prepared to deal with CEQA and environmental review procedures



Updating Traffic Forecast Methodology


- Two phases
 - Phase 1: Develop best approach to meet County needs
 - Phase 2: Implementation and associated studies
- Phase 1 Objectives:
 - Review County's options for traffic forecasting (does not presuppose that County needs to maintain its own model)
 - Gather input from staff, end-users, and decision-makers
 - Leverage existing resources (GIS and County staff)
 - Increase availability of information related to land use/traffic forecasts (web site, GIS-based, etc.)



23 of 32

Short vs Long Term Needs

- Given needs we may have to identify two approaches
- Specifically we want to try to avoid having traffic forecast bog down planning process
- A new model could take 6 months or longer to develop
- Technical studies in support of EIR for the TGPA will require input prior to April (in particular air quality)
- Beyond April updates to the TIM fee and CAP and ongoing planning will require an update

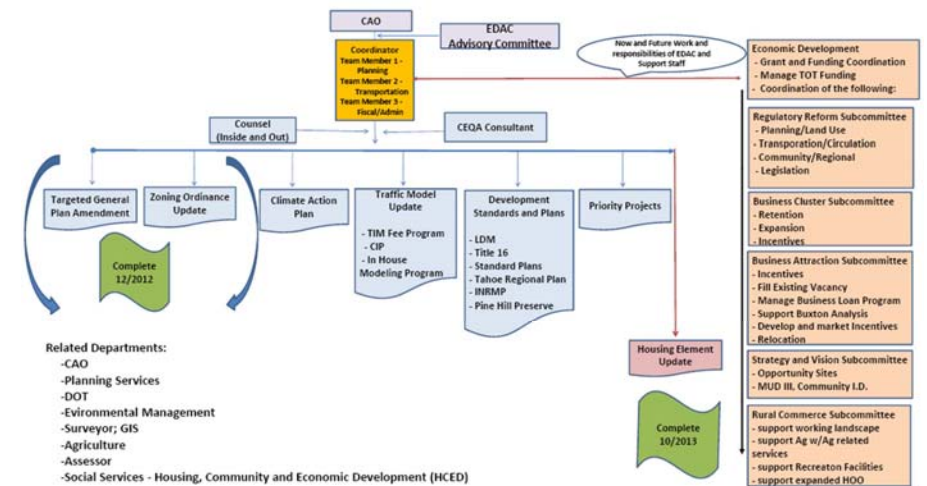


24 of 30

Lessons Learned

- **NEED PROGRAMMATIC APPROACH**
 - \$ 220,000 for Zoning Code Alone
 - Did not include Multi C, MUD II, RL, Ag, most adopted ROI's, GP without TGPA, land use forecast, & no help for Housing Element
 - \$ 175,000 land use traffic
 - Board initiated 2007 - Not on DOT/DSD work plan 4/2011
 - LDM / Standard Plans did not implement GP or TGPA or ZOA
- **Coordinate Departments for Special Projects**
 - Do we need an outside Coordinator? NO
 - There are a lot of qualified folks in and out of Government
- **Contract Process needs Streamlining (Quick ? Start)**
 - Timing of contract; Complete by 12/12
- **Management of Contract**
 - Single Point of Contact for Consultant

Organization Chart Programmatic Approach

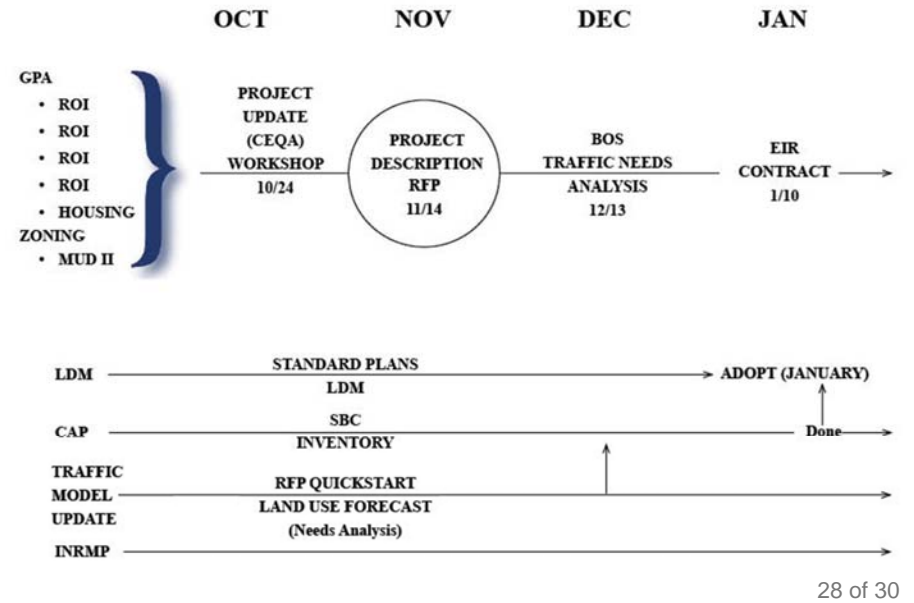


EDAC Continues to Work *A Work In Progress*

October 2011						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3 LDM	4	5 <i>Traffic Sub Comm</i>	6 Rural Lands	7 Reg Reform	8
9	10 Commercial Mixed Use Ag	11	12 <i>Traffic Sub Comm</i>	13 LDM	14 Reg Reform	15
16	17 Commercial/ Mixed Use HOO	18 Rural Lands	19 "Needs Analysis" Traffic	20 EDAC Ag	21 Reg Reform ZO - HOO	22
23	24 BOS Workshop	25	26 <i>Traffic Sub Comm</i>	27 ZO - Ag	28 Reg Reform	29
30	31					

27 of 30

PROGRAMMATIC WORK PLAN



28 of 30

Beyond November 14th

- **Return to the Board with Traffic Needs Analysis December 13, 2011 and Update**
 - Discuss next steps for CIP and TIM Fee Update
- Review EIR Lead Consultant Responses the week of December 20th.
- Refine Scope of Work, Timeline and Sub Consultants 12/23/11 – 1/4/12
- **Return to the Board January 10, 2012** with Lead consultant contract, final scope of work and project timeline.

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What's Next-November 14th

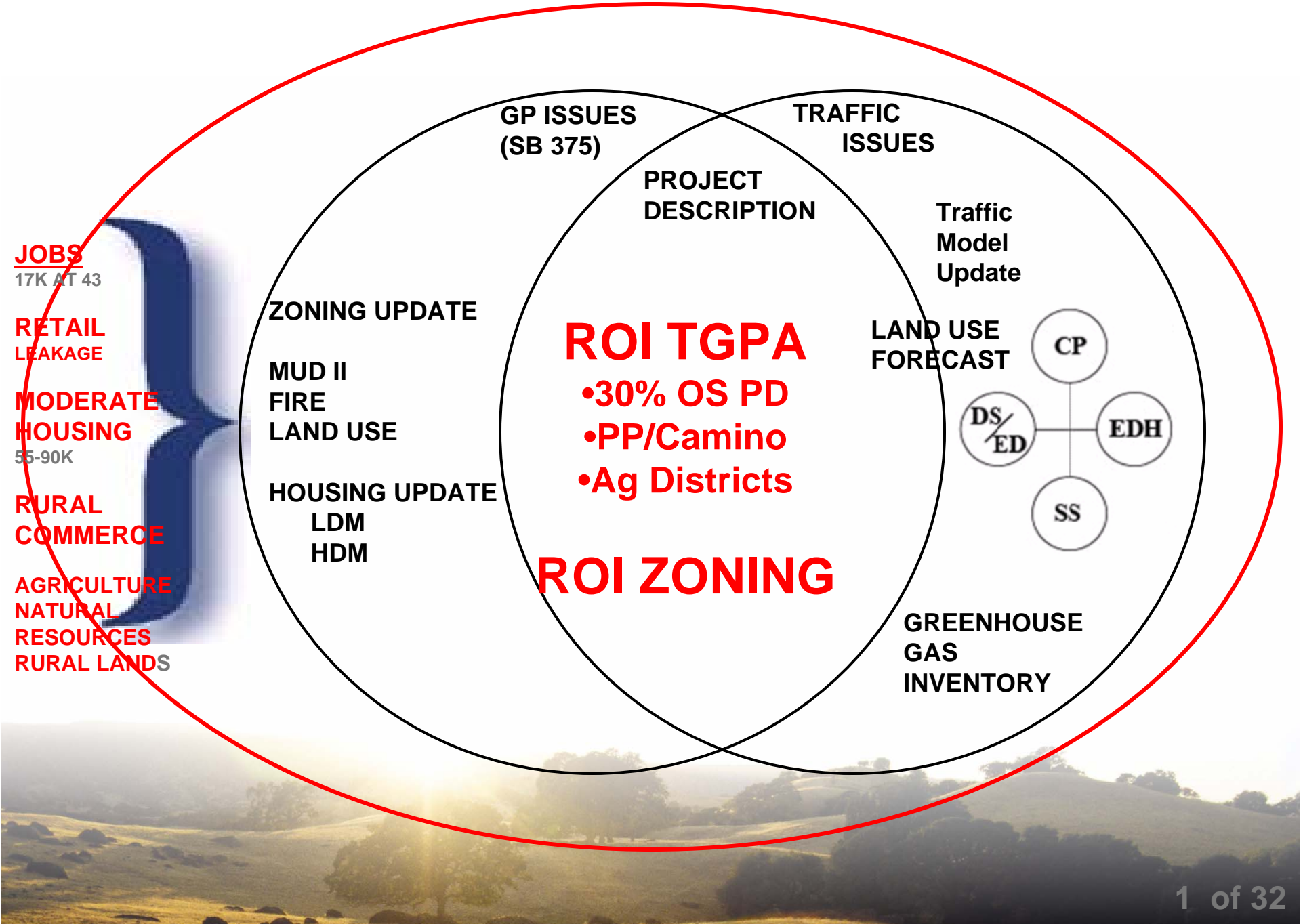
Direct all related County Department to work under the management of the CAO's Office to achieve "Programmatic Approach"

Direct Staff and EDAC to Return on the 14th with 3 specific items:

- **Update Comprehensive Zoning Code ROI; *to include the following revisions for analysis:***
 - Alternative Planned Development 30% Open Space requirements
 - Codify Interim Guidelines for Wetland/Riparian Setbacks
 - Zoning Map Alternatives including C/I, AE,RL- AG Opt in /out
 - Range of RL and agricultural zone land uses (EDAC SUBMITTALS)
 - Delete Neighborhood Service Zone – (clarify in ROI)
 - Ranch Marketing on Grazing Lands – (clarify in ROI)
- Targeted General Plan ROI *with following revisions:*
 - Revise language for Planned Development Open Space
 - Direct related County Departments to work under the management of the CAO's office
- **TGPA and Zoning Code Update EIR Scope of Work and assign CAO as Contract Administrator for Programmatic Approach**

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CEQA



Assumptions

- **32,000 new DUs (no change)**
 - **75% of 12,000 new DUs built Community Regions w/Sewer**
- **75% or 15,000 of new 20,000 DUs may be accommodated in CRs w/ sewer - (with project)**
 - **Moderate Detached achievable on C/MUD MFR**
- **25% or 5,000 outside CR with Sewer mostly on existing parcels - limited new parcels**
- **42,000 new Jobs (no change) If Review Addresses:**
 - **COMMERCIAL LAND USES**
 - **RURAL COMMERCIAL**

RURAL COMMERCE

Legend

STREET CLASSIFICATION

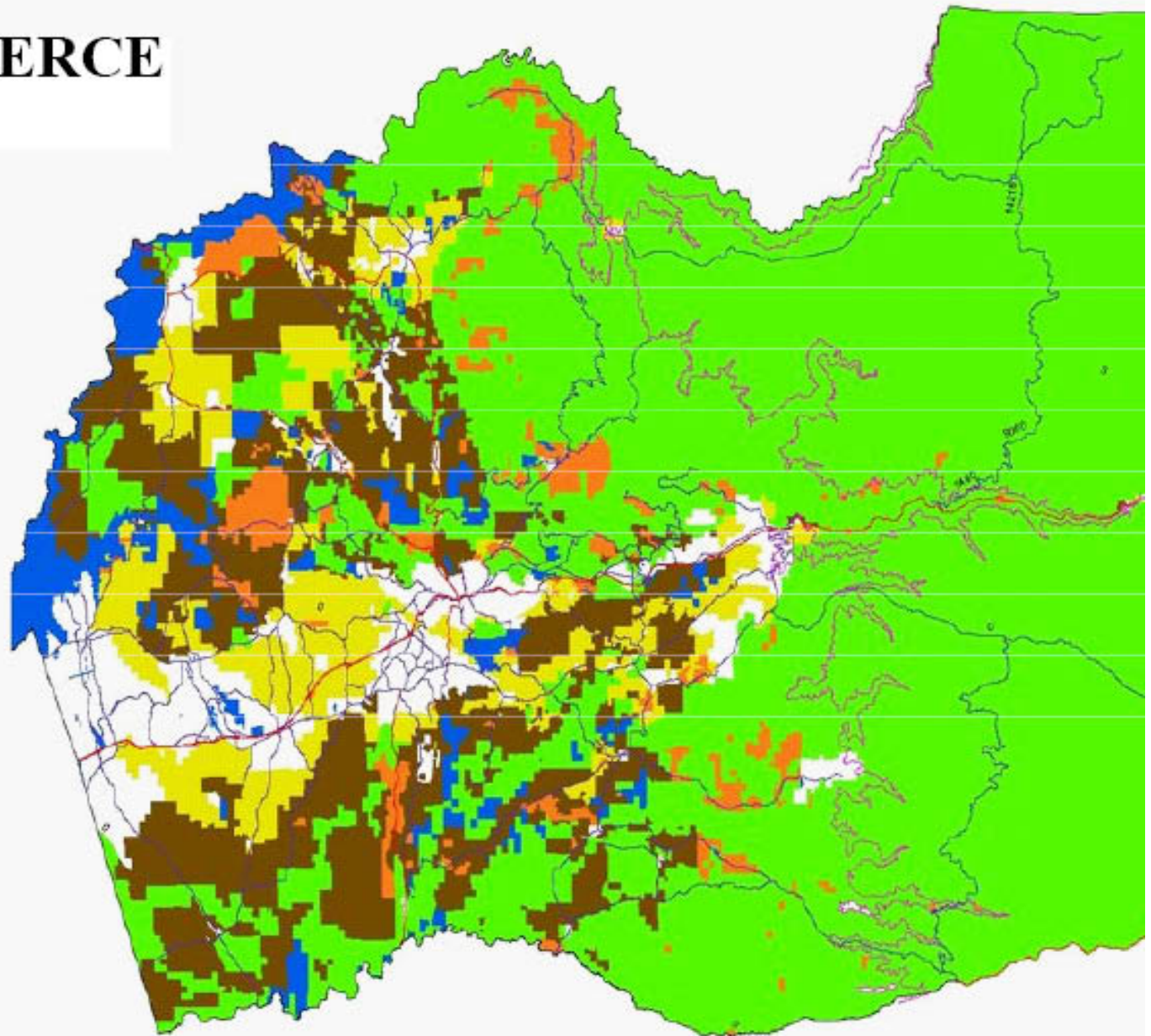
- HWY
- MAJOR

PLATTED LANDS



LAND USE DESIGNATION

- OS (Blue square)
- AL (Light Green square)
- NR (Dark Green square)
- RR (Brown square)
- LDR (Yellow square)



0 2.5 5 10 Miles

INFORMATION SHOWN ON THIS MAP HAS BEEN COMPILED FROM UNVERIFIED PUBLIC AND PRIVATE SOURCES AND IS ILLUSTRATIVE ONLY. NO REPRESENTATION IS MADE AS TO THE ACCURACY OF THIS INFORMATION.

MAP PREPARED BY

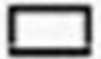


Exhibit B (Mod)

DO A LOT WITH A LITTLE

Legend

COMMUNITY REGIONS



RURAL CENTERS



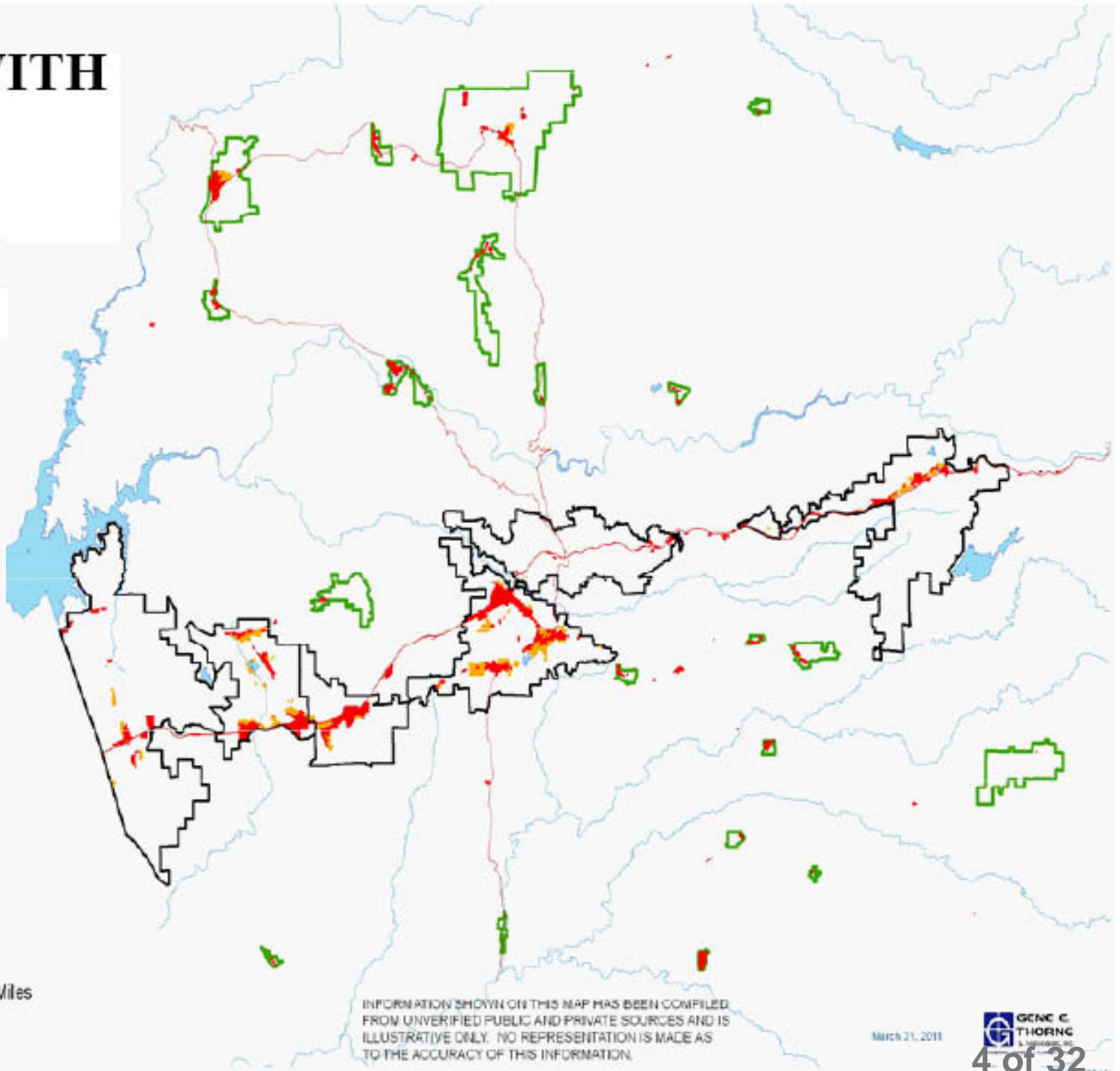
LAND USE BASE



MFR




C




“Targeted” Project Highlights

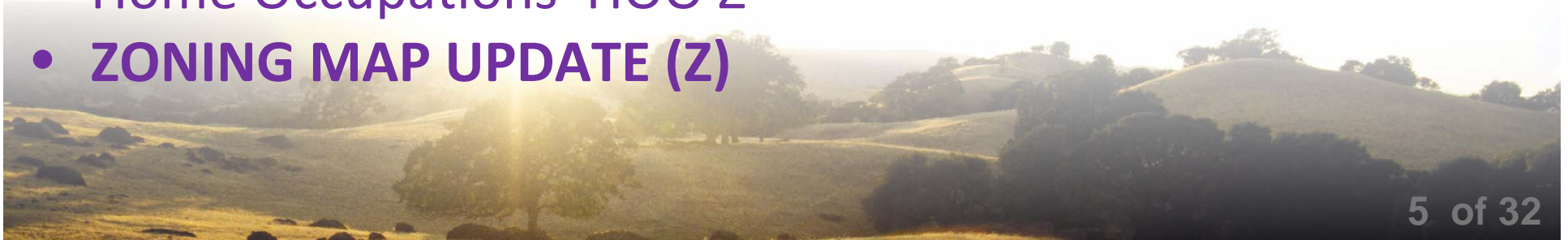
RURAL COMMERCE (ROI OK)

- C/I in Rural Regions  (G)
- C/I with private S/W
- Ranch Marketing
- **Ag District Expansion ROI**
- **CR/RC Bounds PP/C ROI**
- Compatible TPZ use (Z)
- Ag Homestays (Z)
- Ag Support (GP & Z)
- Rural Lands Uses (Z)
- Home Occupations HOO Z
- **ZONING MAP UPDATE (Z)**

LOT WITH A LITTLE (ROI OK)

30 % OS (ROI)  **1% of EDC**
30 % slopes I/C/HDR? 2% of EDC

Wetlands/Riparian Setbacks (Z)
Multiple Commercial zones w/
/ Map Priority Areas (Z)
/ Identify MUD II (GP & Z)
/ Set Standards (Z)
Multiple Industrial Zones (Z)
Home Occupations in CR/RC (Z)
ZONING MAP UPDATE



Project Highlights– Good Planning (ROI OK)

- Conform density to RHNA for 2013 Housing Element (Tier)
- AB 1358 “Complete Streets” (Tier)
- Greenhouse Gas Policies (Tier/Standards – Yolo)
- **ED/DS Historical Overlay ROI** – Stand alone?
- MUD in MFR (Tier/21083.3/Standards)
- Opportunity Area (Study)
- Regional Planning Coordination/375/ (Tier)
- EDH Business Park Employment CAP
- Dam Failure Inundation
- Traffic/Circulation – Consistent with GP/State Objectives
- Public Services Concurrency



CEQA Scope of Review

- **EIR ANALYSIS SETS SCOPE OF ACTIONS** binder with CD and text contain *“Range of Options”* for CEQA Analysis between GP and TGPA and draft ZO and ZO Map and Proposed Analysis
- **ALL SIDES OF ISSUE NEED ANALYSIS**
- **Don’t Waste a Good EIR**
 - **STANDARDS UP FRONT** INSTEAD OF PD/CUP/DR
 - Analyze Range of Options
 - **PLAN TO TIER**
 - Housing Element Update / TIM / CAP / MUDII

EDAC Ag Workgroup Zoning Ordinance Recommendations FOR ANALYSIS **ROI OK**

- "Opt-in" for RA zones in RR to allow for agricultural zoning
- "Opt-in" for RE zones within Agricultural Districts to allow for agricultural zoning
- Expanded agricultural support uses within agricultural zones
- Allowance for Agricultural Homestays and Agricultural Lodging
- Dude Ranches and Ranch Marketing allowances on commercial grazing lands
- Right to Farm language that includes lands within Agricultural Districts and lands designated (AL)
- Updated Winery Ordinance language



TPZ Issues for Analysis **ZO ROI**

Draft Ordinance

- Residences Allowed with **CUP** if **necessary for timber harvest** (poison pill)
- Limited Compatible Uses

Range for Analysis

- Residences allowed **by right** (like 23 N. California TPZ counties) or discretionary permit that residence allowed with GP **Findings residence will not hinder or interfere with timber production.**
- **Expanded Compatible uses with standards that maintain Integrity of Timber Production**
- **STANDARDS**

Rural Lands Issues for Analysis

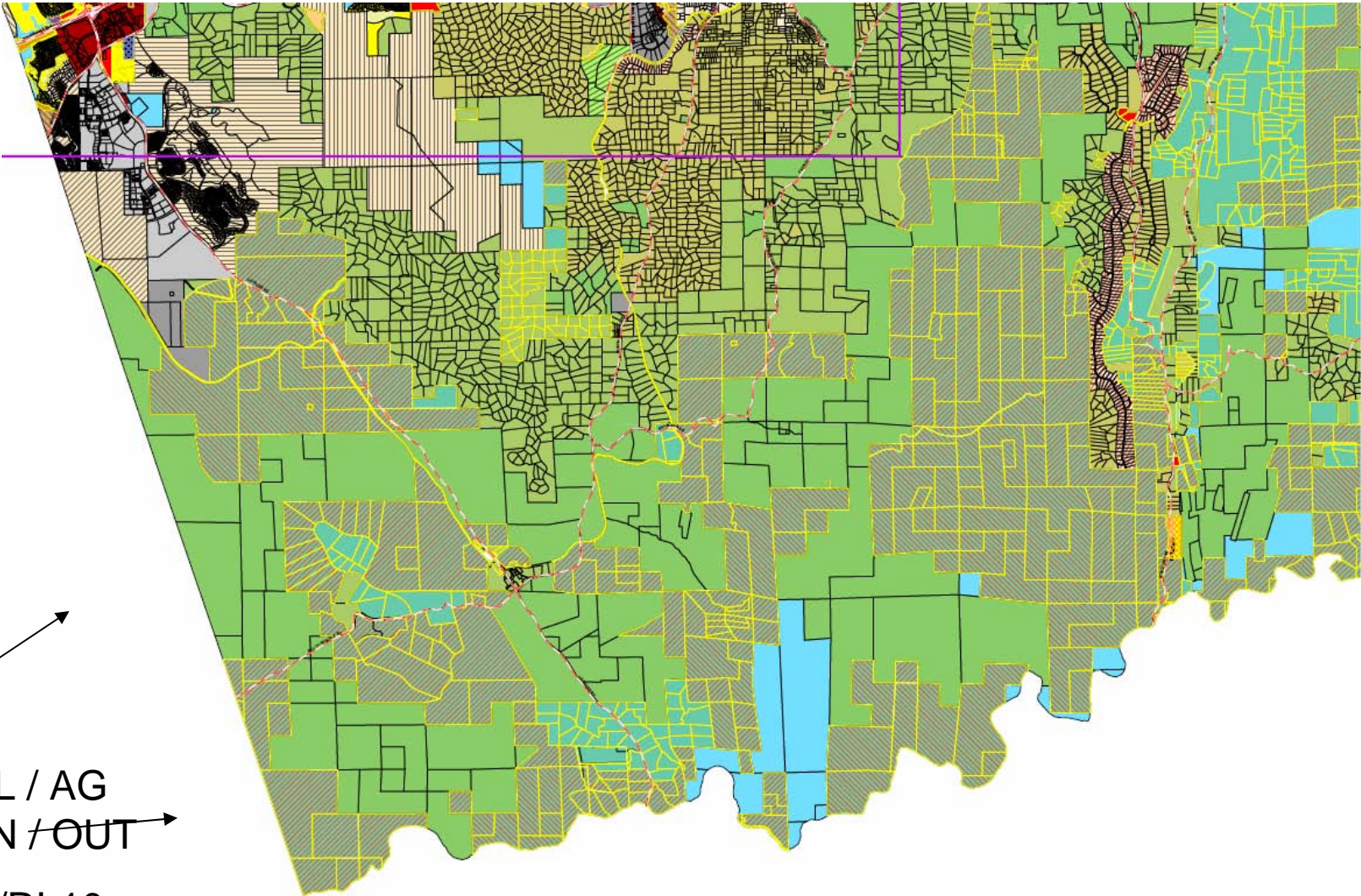
Draft Zoning Ordinance

- No new Commercial/ Industrial Uses
- Treats Rural Lands as Resource Lands not Residential as adopted in GP
- **Limited Rural Land Uses**
- No employees allowed under Home Occupation
- Zoning Map Update
 - WAC roll outs

Range of Analysis

- Allows new Commercial/ Industrial in Rural Regions
- Positions Rural Lands as buffer between LDR and AG vs. Ag and NR
- **Expands Rural Land Uses**
- Allows for employees as part of Home Occupation
- Options for WAC Role outs

ZO MAP : RL / AG WOBBLER IN RR - 10 ac RL/re - WA Roll out ROI OK



AL AE
RR RL / AG
OPT IN / OUT
RE10 /RL10-
20 WOBBLER

RURAL RESIDENTIAL (WOBBLER)

RESIDENTIAL

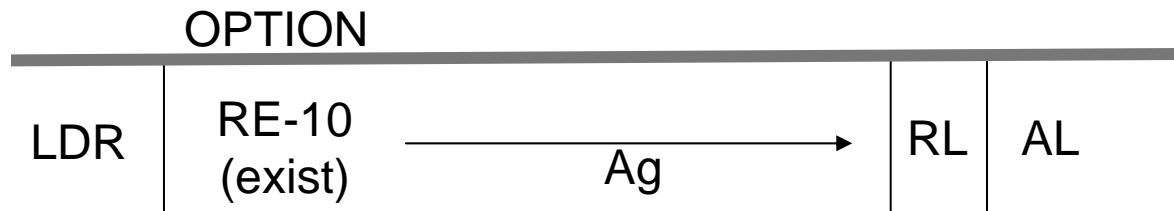
AGRICULTURAL

-----RR-----

	LDR				AL
	RE 5 - 10	RE - 10	RL	AG ZONES	AG
ANIMALS	P	NO NUISANCE LAWS FAVORED		NUISANCE LAWS FAVOR	
STABLES	P				
CROPS	p				
GRAZING	p				
ORCHARDS	p				
VINEYARDS	p		?	?	
PACKING	p		_____	_____	
SALES	A		?	?	
WINERIES	CUP		_____	_____	
RANCH MKT	CUP		?	?	
			_____	_____	
			?	?	
			_____	_____	
			?	?	

EDAC Range

Draft Ordinance/Map



Home Occupation Ordinance –HOO

ROI ZO ok – Range of Analysis

Draft ZO

- **No employees**
-  **Banned Occupations**
(all food, no truck over 1 ton)
- **Limited to primary residence**
- **No customers**
- **CUP**

Expanded Scope

- **Employees** based on Graduated Standards (parcel size, use, traffic)
- **Structures / standards**
- **Customers** by graduated standard RL 10 and up
- **Retail Sales - standards**
- **Standards vs. CUP**

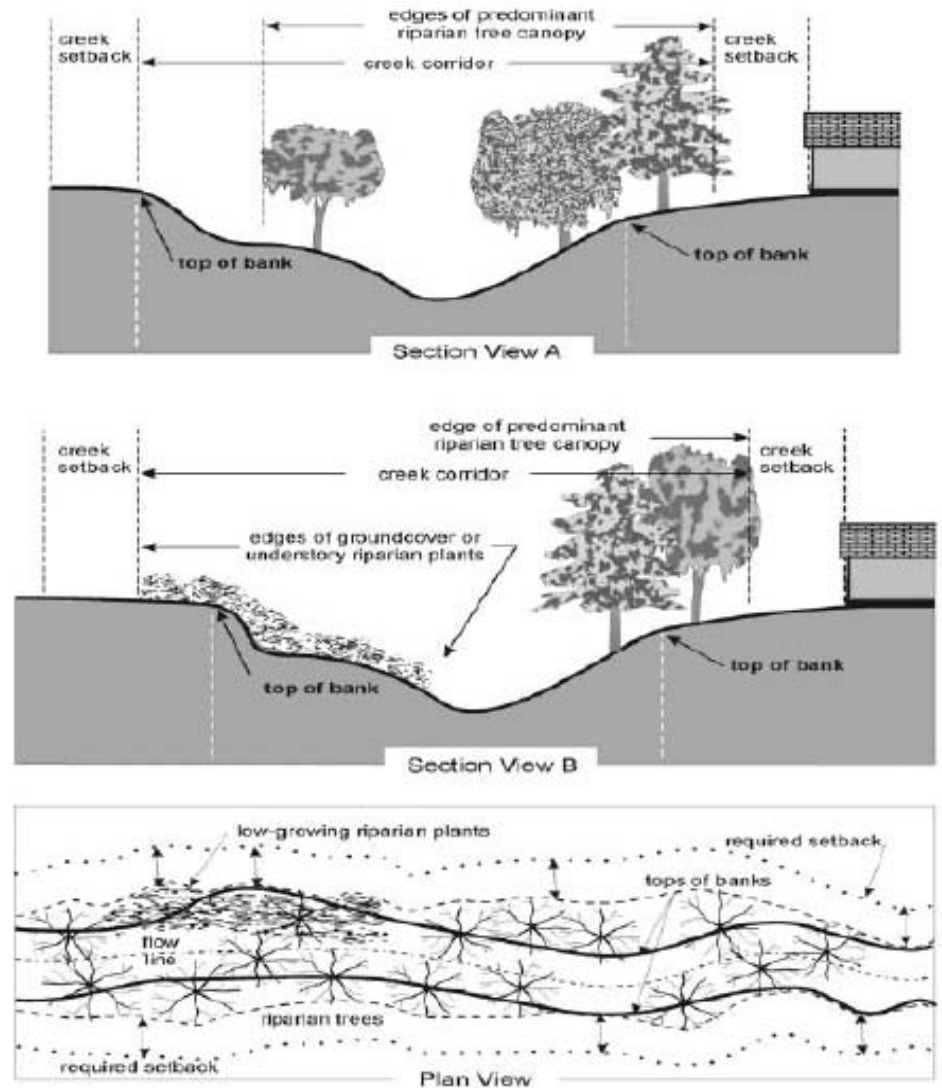
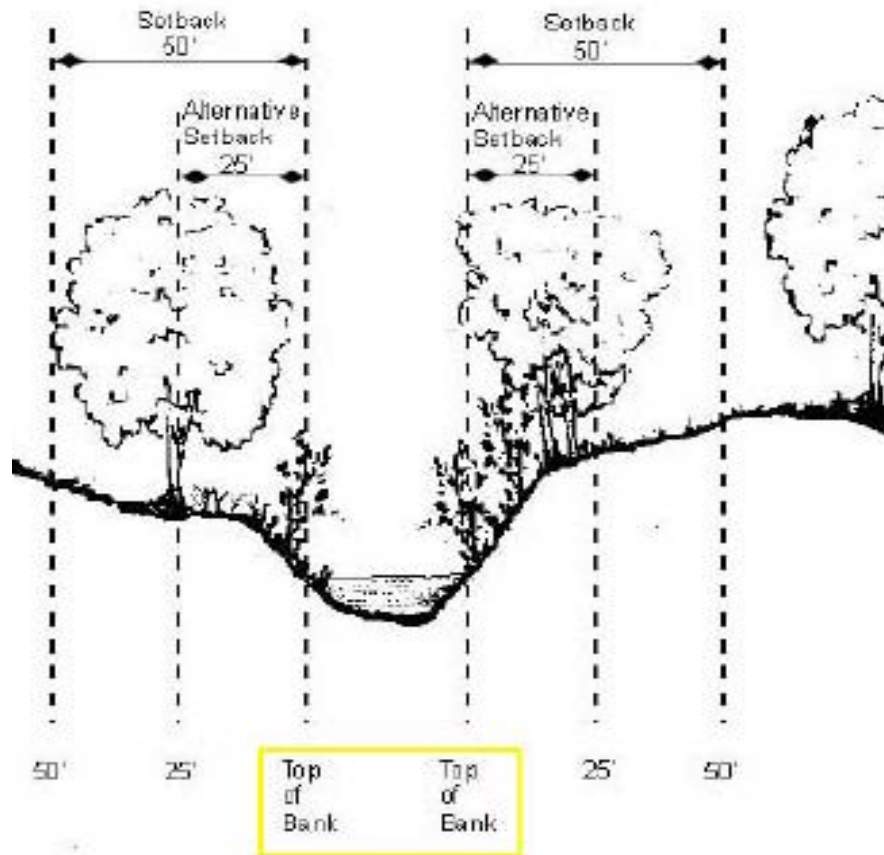


Intermittent Stream and River Setbacks

Zoning ROI OK Range of Analysis

2006 Interim Interpretive Guidelines

Current Draft Zoning Ordinance



DO A LOT WITH A LITTLE

Legend

COMMUNITY REGIONS



RURAL CENTERS



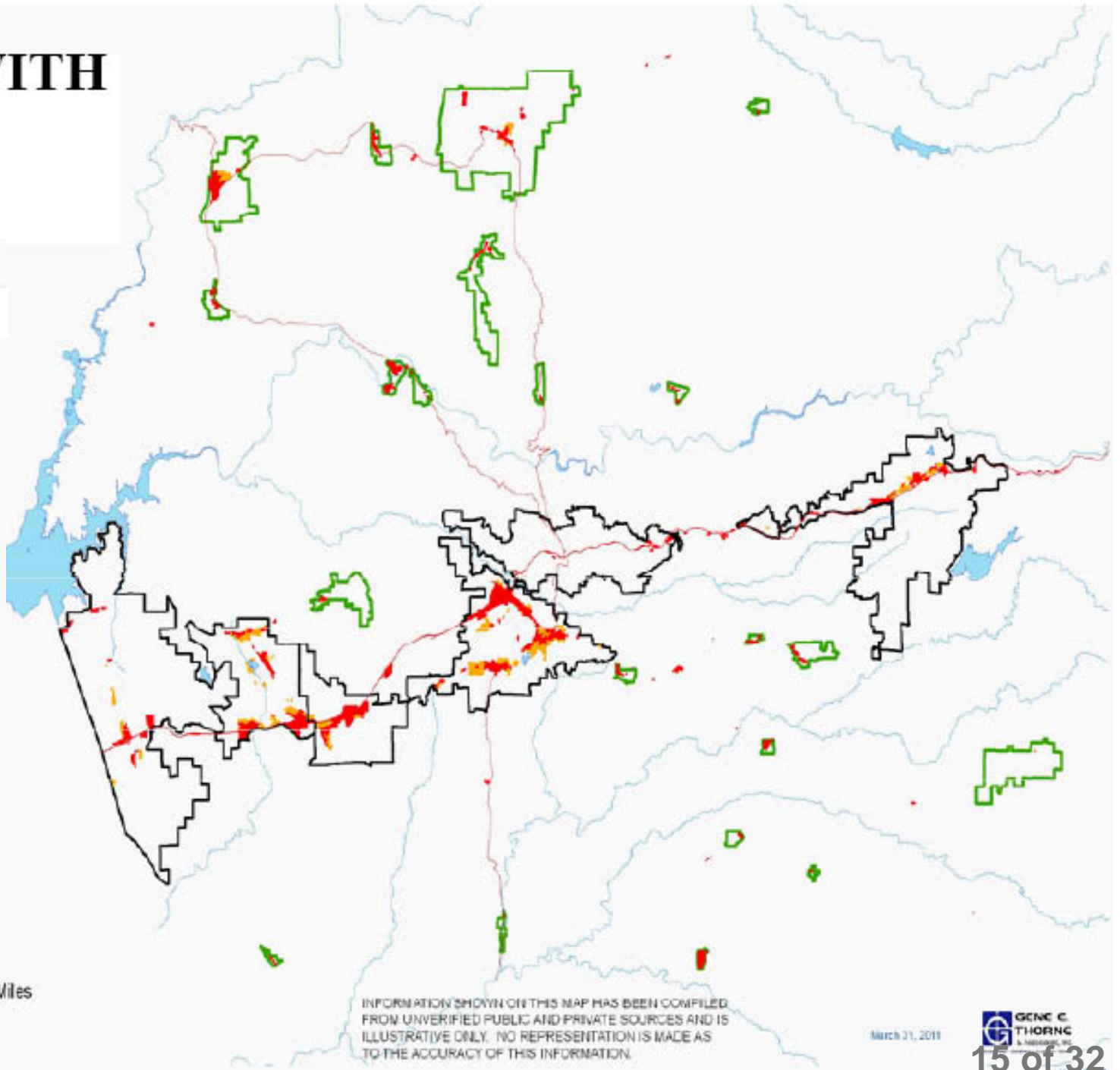
LAND USE BASE



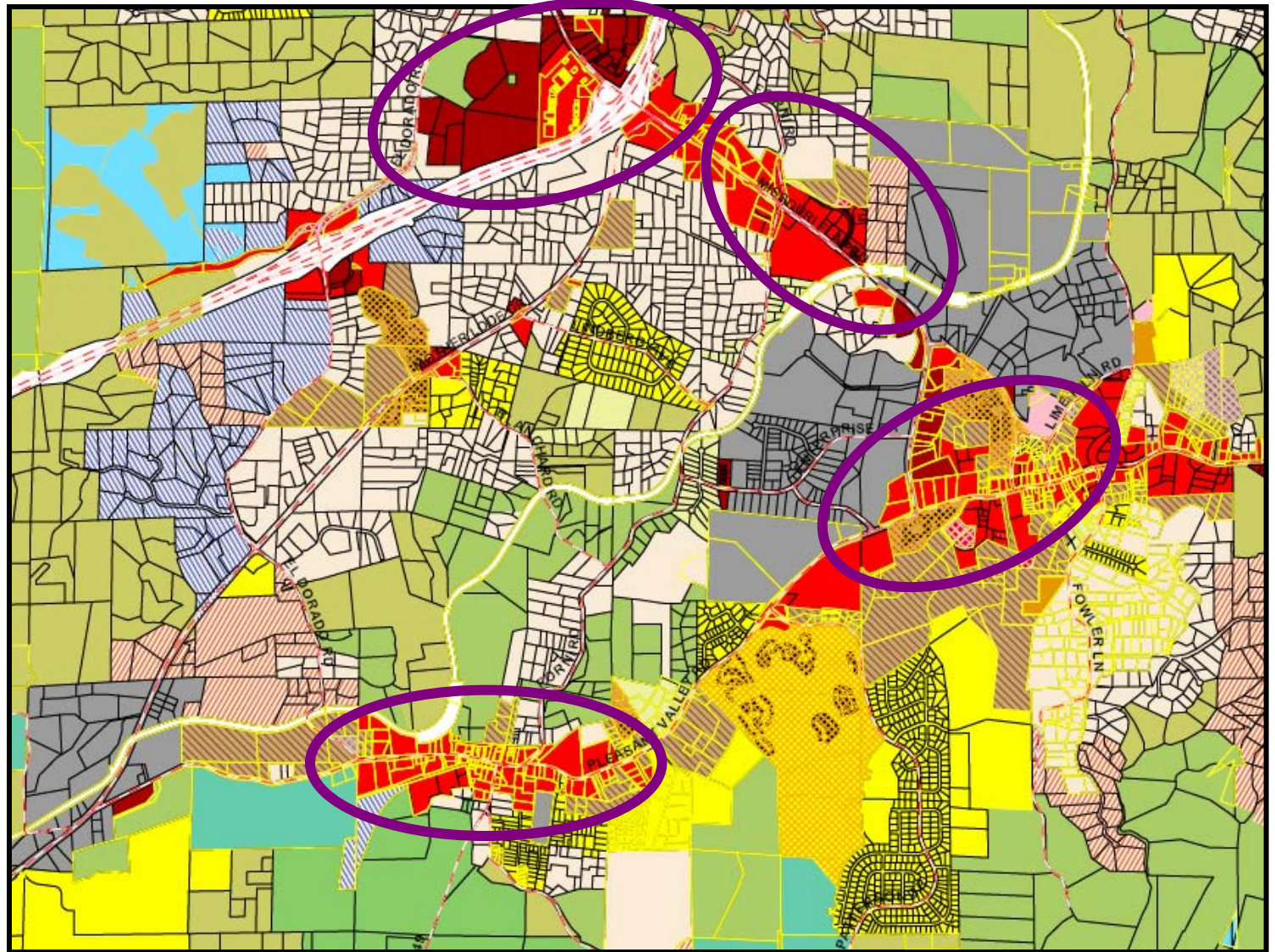
MFR



C



Draft Zoning Map – C general retail allows hotels by right CG outside Storage is norm auto repair/light mftg/nursery/laundry MOST SAME OR CUP IF NOT P



Legend

- Commercial
- General Commercial

Land Use	Zones	Type of Residential Configuration	
MFR	Multi-Unit Residential (RM)	VERTICAL (w/some Horizontal)- maximum density	
Merge	Rural Commercial (CRR)	HORIZONTAL (w/ some Vertical)- detached compact	M U D
	Limited Commercial (CL)		
C/	Community Commercial (CC)		D
CMUD	Regional Commercial (CR)TOWNCENTER	<u>Vertical Attached ONLY-</u> preserves prime commercial frontages	II +
Eliminate	Professional Office Commercial (CPO)		
	Main Street Commercial (MC)	VERTICAL or HORIZ w/PLANS	
Merge	Heavy Commercial (CH)	NONE- residences incompatible	
	Light I		
I	Heavy I		

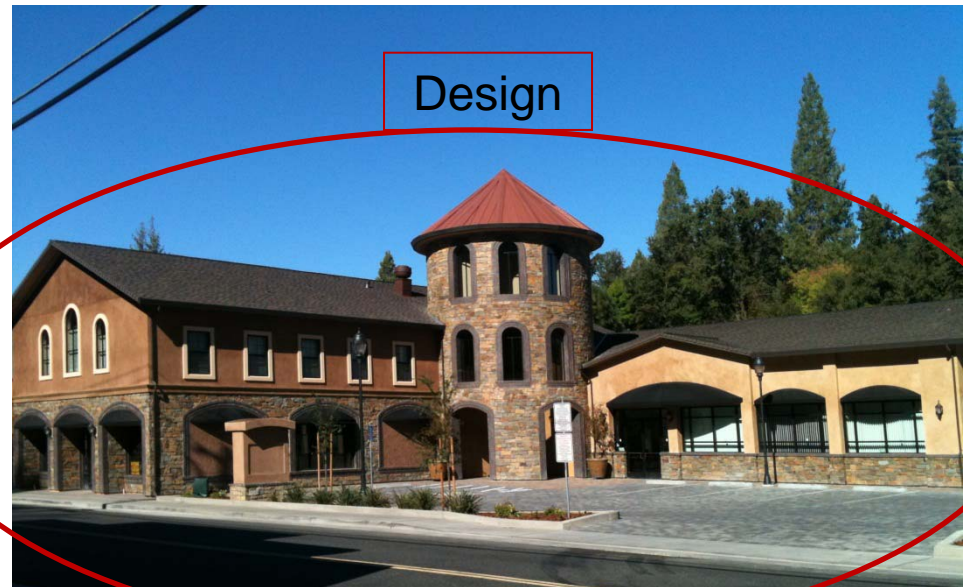
Form Based Coding 101

Large Mixed-Use Building

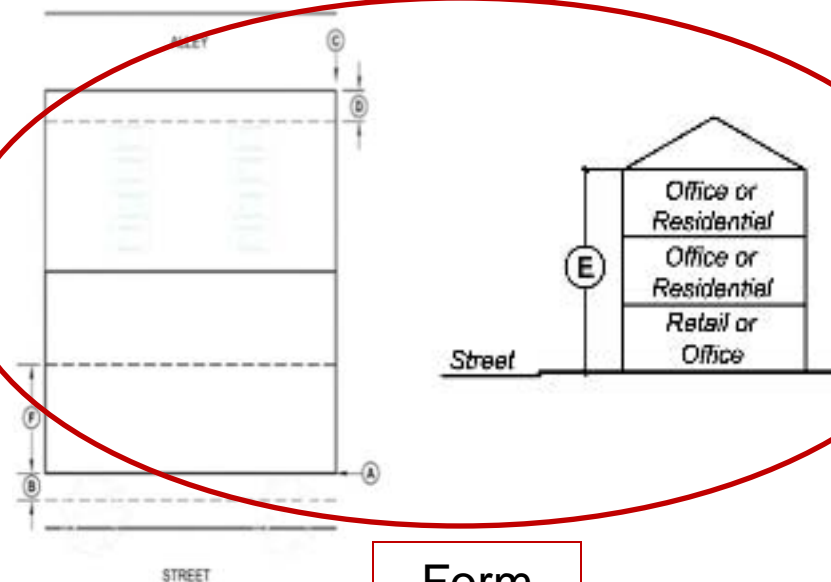
Standards

Table 6-25

Building Placement.	
Front build-to-line: The front façade of the building shall be placed at the back of the sidewalk.	A
Encroachment over the sidewalk may be allowed for some frontage types.	B
Side setbacks: None required; 10 feet minimum if provided.	C
Rear setback: 5 feet from the alley.	D
Building Size and Massing.	
Building height: Two, three or four-stories.	E
Parking.	
On-site covered or uncovered parking spaces shall be located a minimum of 20 feet behind the back of the sidewalk.	F



Design



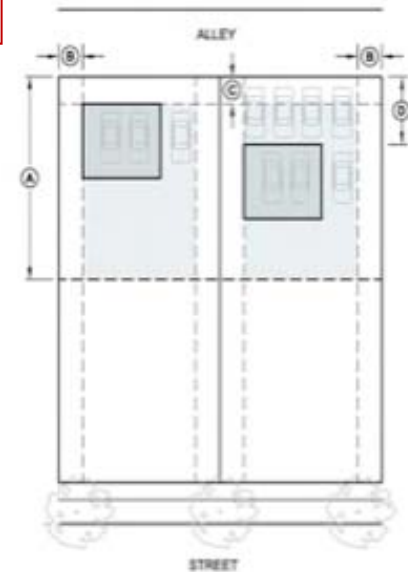
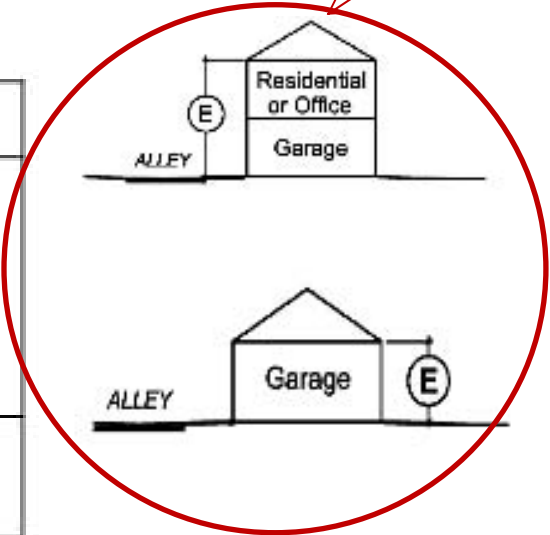
Form

Zone Garage, Garage with Carriage House.

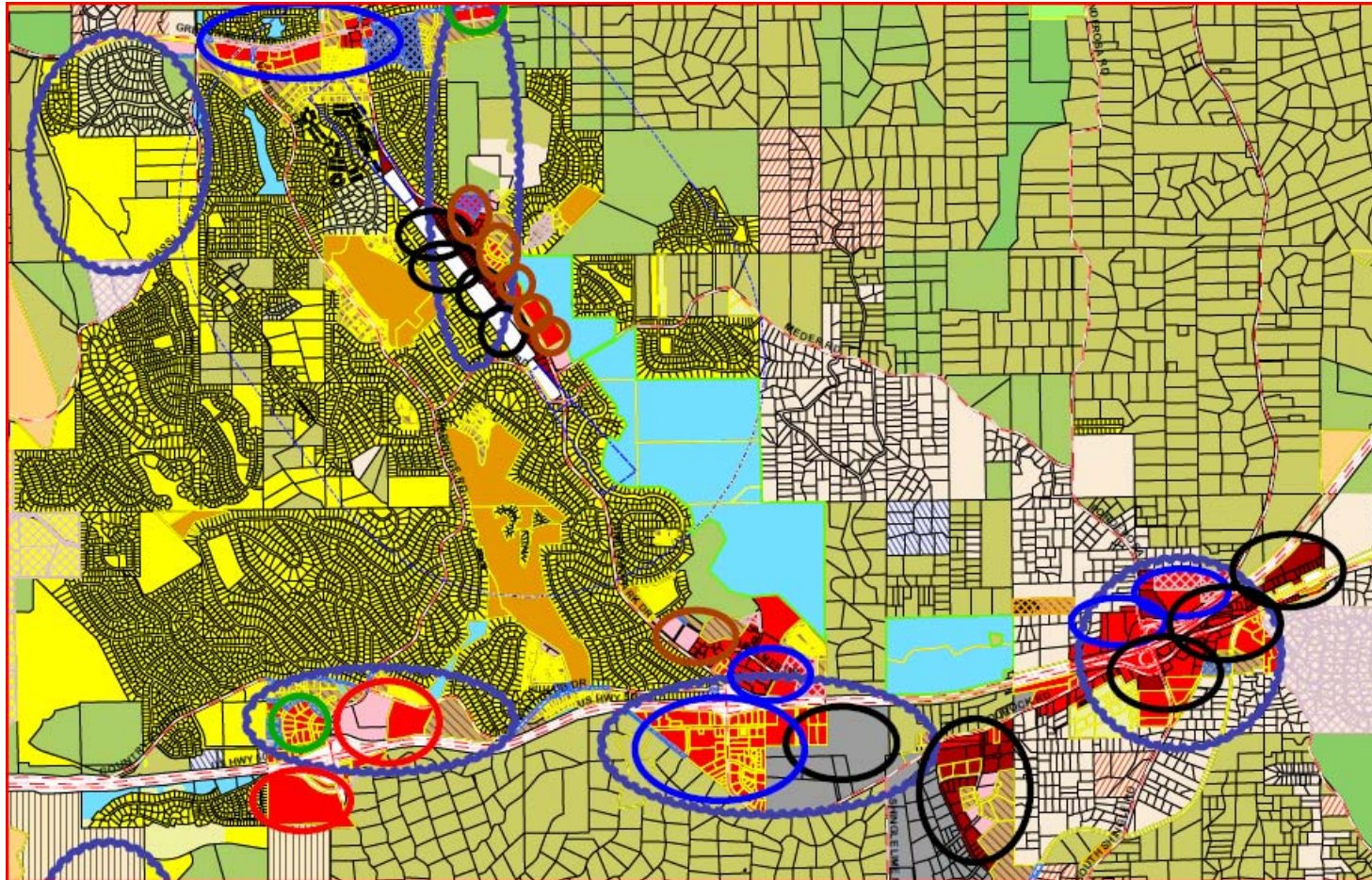
Form








Table 6-6

Building Placement.	
Front build-to-line. The building shall be placed at the rear of the lot within the area identified by the parking limit line for the primary building on the lot.	A
Side setbacks: 5 feet minimum on each side.	B
Rear setbacks: 5 feet from the alley. 20 feet from the alley where tandem parking spaces are to be provided between the garage façade and the alley edge.	C D
Building Size and Massing.	
Building height: A garage without a carriage house shall be one-story with a maximum height of 20 feet. A garage with carriage house shall be two-stories.	E



EXAMPLE OF PROPOSED ZONING DESIGNATION CAMERON PARK DRIVE/SHINGLE SPRINGS



	Professional Office Commercial (CPO)		Community Commercial (CC)
	Limited Commercial (CL)		Regional Commercial (CR)
	Main Street Commercial (CM)		Heavy Commercial (CH)
	Special Study Region – [note: it is denoted by the curvy lines]		

PD / Open Space (ROI OK)

Draft Ordinance

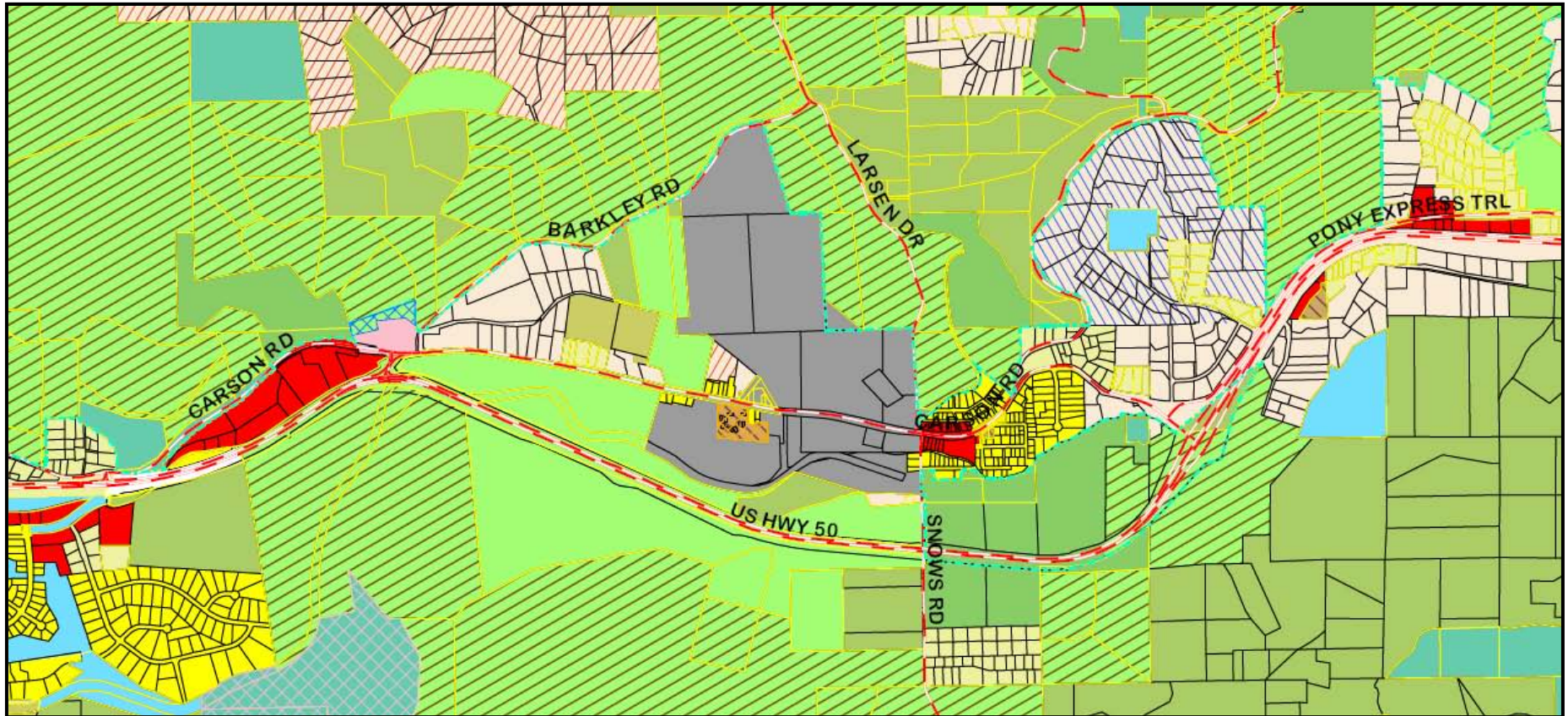
- Retain requirement for 30% but allow requirement to be met offsite

Range of Analysis

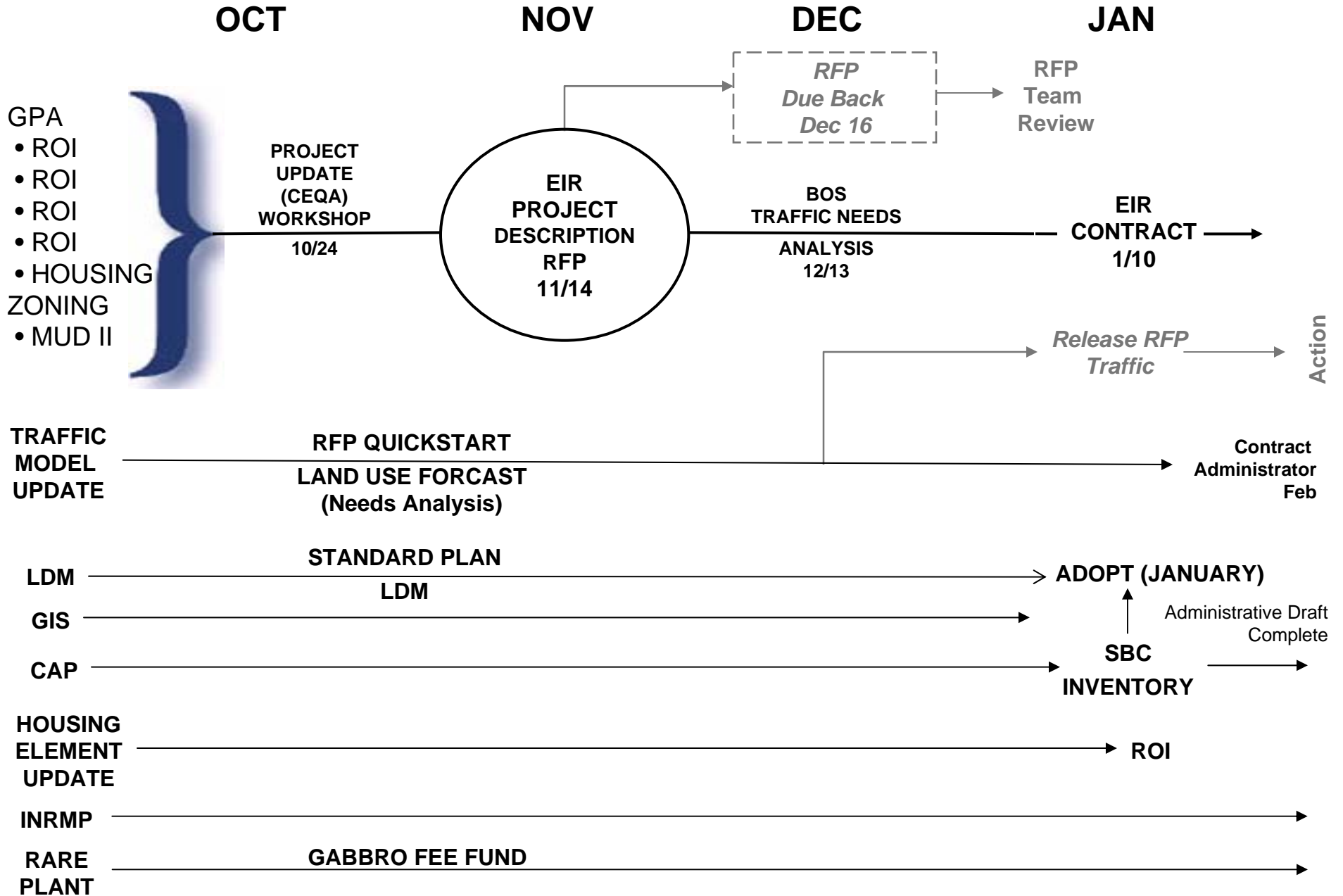
- Improved open space at a lesser ratio (pool, tot lot, gardens, pocket parks.
- Limit HDR/C/MUD/MFR
- STANDARD PLANS as alternative to PD
- PLAN is to encourage



- Camino HEAVY INDUSTRIAL? ANALYSIS
OPPORTUNITY AREAS / CR- RC Boundaries / ROI OK



PROGRAMMATIC WORK FLOW



Traffic Needs Assessment Update

- Received NTP on October 31, 2011
- **Review of GIS elements complete**
- 8 of 10 interviews/meetings with staff, SACOG, and EDCTC complete
- Review of candidate model software packages complete
- Currently reviewing El Dorado County and SACOG Models
- Anticipate mid-December completion 24 of 31

Market Areas, TAZs, Community Region, and Rural Centers

Legend

Market Areas

TAZ

Rural Center

CHR

CL

CO

FP

GC

GF

GT

GV

GW

KE

KSF

LA

LN

LO

MA

MO

MR

NV

OH

PHLP

PLTH

PV

QU

RES

SOM

STR

Community Regions

CP

CPP

EDDS

EDH

PVIL

SS

Road Network

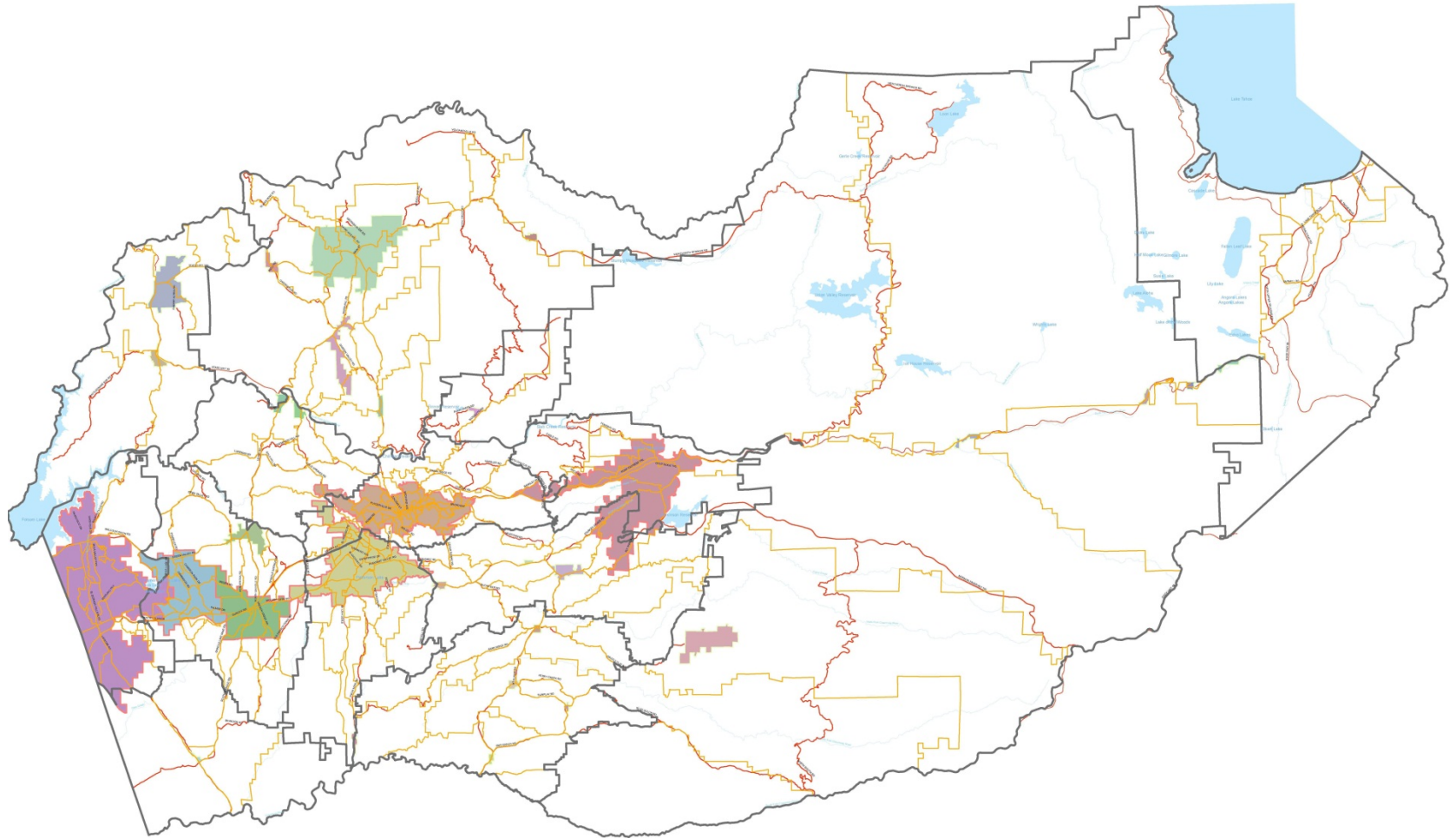
HWY

MAJOR

MINOR

Lakes

Rivers and Creeks



DSD TASK WORK PLAN		Outside COST
April/2011 - 2012		
STAFFING	# WORKING	
2011-2012	1. ZONING	\$220,000
	2. HOUSING REPORTING	
	3. Housing Update Begin	
	4. GABBRO COORDINATION	
	5. LDM	
	6. TRPA PARTICIPATION	
Add 1 Sr. Planner 2011-12	7. ROI 30%	
	8. ROI HIST DIST	\$150,000
	9. ROI AG DISTRICT	
	10. INRMP I	
	11. PP/Cam ROI if no TGPA	
	<u>MINIMAL WORK</u>	
\$125,000	12. Land Use Forecast	\$50,000
\$500,000	14. TGPA	\$250,000
(1 DSD + 3 Other for 2 yrs)		
	<u>FUTURE 2-5 Years</u>	
Staff?	MUD II	\$75,000
	Climate Action Plan	\$75,000
2 new staff	13. INRMP Phase II	\$250,000
	Housing Element Update	\$150,000
\$900,000		\$1,220,000

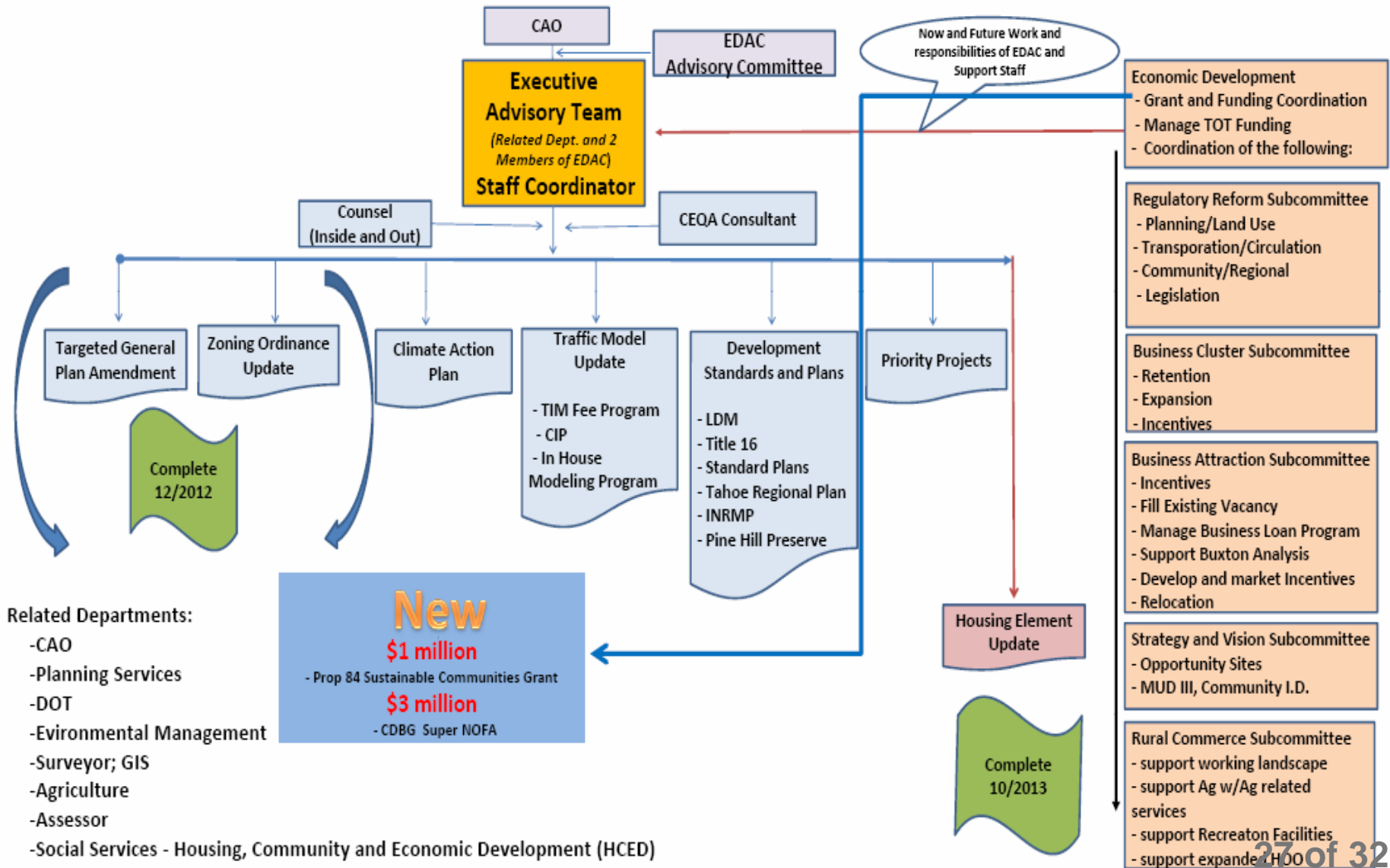


PROGRAMMATIC WORK PLAN	
ZONING	#1
Housing Update	#2 - #3
Gabbro Coord	#4
LDM	# 5
ROI	#7,8,9,11.
INRMP I	# 10 (done)
Land Use Base	#12
TGPA	#14
	<u>PLUS</u>
CAP Inventory	
MUD II	
<u>HOUSING UPDATE</u>	
	RFP
	Add Staff
	=
	<u>COORDINATE</u>
CAP	
GABBRO FEE	
GIS	
TIM FEE	
13. INRMP II	



Organization Chart

Programmatic Approach

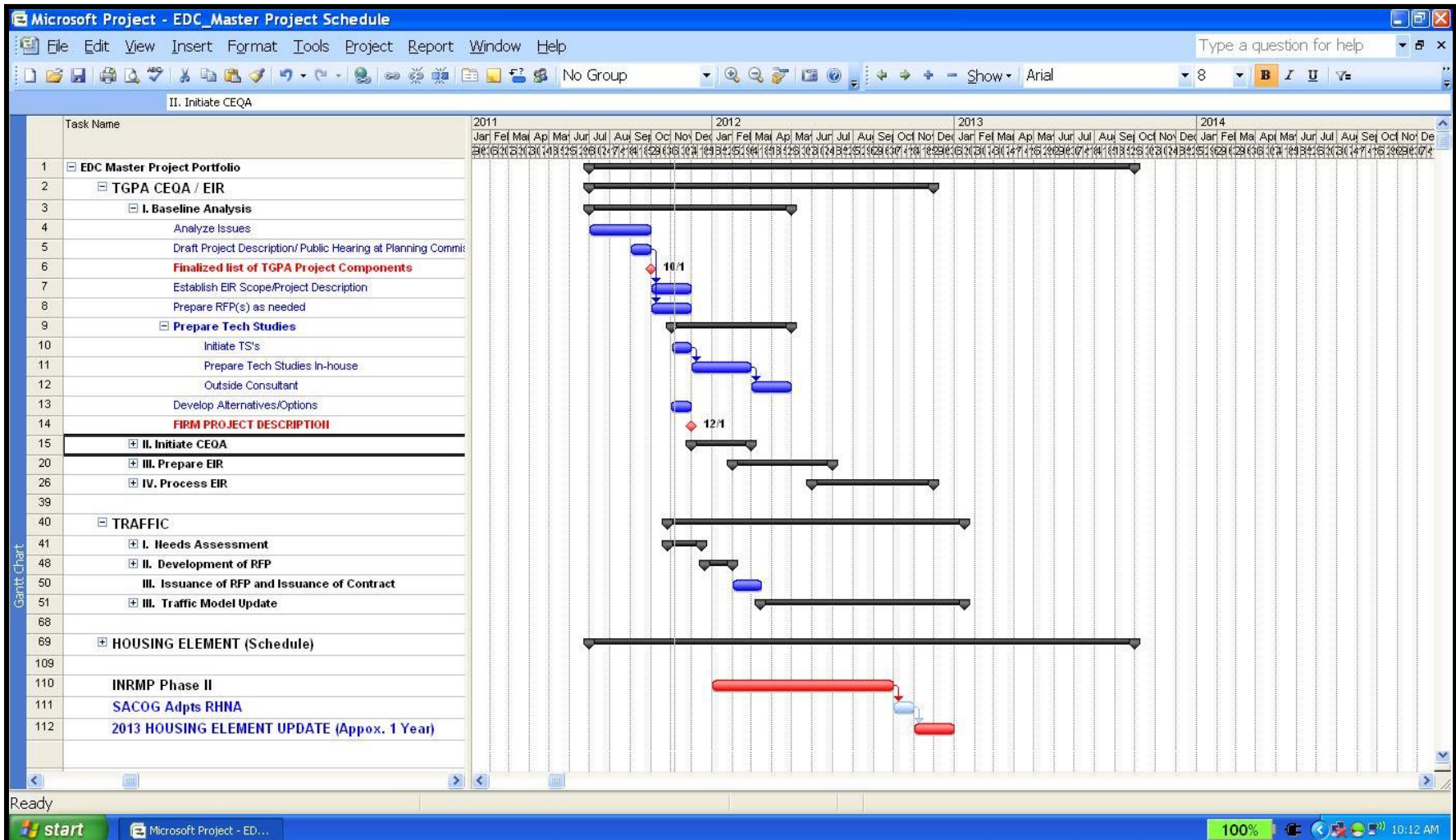


Master Programmatic Schedule

Purpose:

Integrate Programmatic Work Schedule for Productivity

- ✓ Expand/collapse project detail
- ✓ Gantt charts and project relationships
- ✓ Align project teams and manage workflow
- ✓ Coordinate multi departmental efforts
- ✓ Identify and align key local and state milestones
- ✓ Manage finances and resources



EDAC Continues Programmatic Work

A Work In Progress

November 2011						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 Rural Lands	2 HOO Review	3	4 Reg Reform	5
6	7 Commercial/ Mixed Use LDM	8 Commercial/ MUD	9 Traffic Sub Comm REG REGORM	10 Rural Lands	11 HOLIDAY	12
13	14 BOS MEETING	15 INRMP	16 Traffic Sub Comm	17 LDM EDAC MEETING	18 Reg Reform	19
20	21 Commercial/ Mixed Use HOO	22 Rural Lands	23 "Needs Analysis" Traffic	24 HOLIDAY	25 HOLIDAY	26
27	28	29	30 Traffic Sub Comm		2 Reg Reform	3

November 14th

- Direct all related County Departments to work under the management of the CAO's Office to achieve "Programmatic Approach"
- Adopt the following:
 1. Resolution of Intention to Amend the General Plan **ROI TGPA**
 2. Resolution of Intention to Adopt a Comprehensive Zoning Ordinance Update **ROI ZO**
 3. Approve the Scope of work and a Request for Proposal to prepare an Environmental Impact Report for both and assign CAO as Contract Administrator for Programmatic Approach
 4. Direct the Chief Administrative Officer to establish an Executive Advisory Team as proposed by staff
 5. Direct staff to create an agricultural zone opt-in process to provide land-owner's input regarding the appropriate zoning for rural property



Address Effect of TGPA on “Approved” and “Pipeline” projects

- Adoption of the TGPA could impact certain subsequent actions related to previously “Approved” projects, or to the approval of projects now in the processing “Pipeline”
- Except as otherwise preempted by State Law, the Board can decide whether the TGPA changes should apply to “Approved” and “Pipeline” projects
- Unless the Board gives specific direction, the TGPA would apply according to “general rules” or as decided by a court in the event of litigation.
- See Errata Sheet attachment for suggested language



Beyond November 14th

- **Return to the Board with Traffic Needs Analysis December 20, 2011 and Update**
 - Discuss next steps for CIP and TIM Fee Update
- Review EIR Lead Consultant Responses the week of December 20th.
- Refine Scope of Work, Timeline and Sub Consultants 12/23/11 – 1/4/12
- Report on Programmatic: INRMPII/ GIS / CAP
- **Return to the Board January 10th or 24th, 2012** with Lead consultant contract, final scope of work and project timeline.

Key Elements
EDAC Regulatory Reform General Plan and Zoning Ordinance Process
November 14, 2011

The Regulatory Reform review and recommendation process is based upon the adopted 2004 General Plan land use vision, with additional clarity provided through the 2004 General Plan policies, goals and objectives. (See attached visual concept schematic).

Regulatory Reform participants recognize that the existing, 30-year old Zoning Ordinance is obsolete and overall inconsistent with the 2004 General Plan policies, goals and objectives. Creation of a new Zoning Ordinance, that relies on the current General Plan vision, was fundamental in sorting through land uses and applying new zoning rule sets that are consistent with the existing 2004 General Plan.

Rural Lands (RL) is a proposed new zone that has been developed to fully implement the General Plan vision for economic development and transition of land uses from high intensity uses to preserving Natural Resource areas and everything in between. RL are those lands not included in the Community Regions, Rural Centers or Highway 50 corridor. This new zone encourages enhanced economic development via “working landscapes” and accommodates both agricultural, commercial/industrial, recreational/tourism and residential uses to foment economic development throughout El Dorado County.

The RL zoning effort is enhanced by the creation of a new, proposed Home Occupation Ordinance (HOO) as well as the proposal to allow commercial and industrial uses within the EDC rural areas.

“Wobblers”: Rural Residential land use is the only General Plan land use that identifies specific areas appropriate for both agricultural and residential uses – known as “wobblers”. Working groups recognize that underlying land uses identified in the General Plan and outside of Community Regions and Rural Centers, were primarily identified for either residential development or agricultural/natural resource uses. The exception was Rural Residential lands which accommodate both by definition.

Many lands may require zoning changes to bring the new Zoning Ordinance into consistency with the 2004 General Plan. Mapping will be a key exercise that, to date, has not been developed consistent with Regulatory Reform recommendations.

As the Board of Supervisors ultimately adopts amendments to the 2004 General Plan, and approves a Zoning Ordinance consistent with the 2004 General Plan, it is critical to address projects currently in the processing pipeline. (Reference attached Errata Sheet for recommendations)

Errata

EDAC Regulatory Reform

Addition to Targeted General Plan Update ROI – “Grandfathered Projects” Provision

November 13, 2011

There are a number of projects which are “approved” but not completed or fully implemented due to significant adverse economic conditions, impacting the ability to finance, build, sell or lease new projects. Other projects are currently in the “pipeline”, with applications in process but not yet approved, or where planning and design have been completed, but all of the required technical studies are not complete to allow a formal application. All would have been found or designed to be *consistent* with the General Plan policies in effect at the time of submittal.

Amending the General Plan as proposed under the TGPA raises a question as to how *consistency with the General Plan* is to be measured for those “approved” or “pipeline” projects. Using the *amended General Plan* as the basis could cause revisions to be required for these projects to conform to amended rules. It may also discourage new applications while the TGPA is pending, because of uncertainty about which of the new policies might be adopted by the Board. *This is inconsistent with the goal of regulatory reform.*

The problem can be simply resolved by including an additional policy in the TGPA containing language similar to the following:

“Approved and Pipeline Projects. All projects that have obtained discretionary approval, or have submitted a complete application as of the date of adoption of this Targeted General Plan Amendment shall, for the purpose of future ministerial and discretionary actions related to the project, be evaluated with regard to land-use consistency based upon the General Plan that was in existence at the time the application for the approved or pipeline project was submitted. Ministerial and discretionary actions subject to this policy include, but are not limited to, the issuance of building permits, use permits, extensions of time of any entitlement, tentative maps and filing of final maps.”