

El Dorado County
Chief Administrative Office
Interoffice Memorandum

July 12, 2012

TO: Board of Supervisors
Planning Commission

FROM: Kim Kerr, Assistant Chief Administrative Officer
Chief Administrative Office



SUBJECT: Zoning Ordinance Update Workshop

Background:

The El Dorado County General Plan was adopted in 2004 and became effective in 2005. The Zoning Ordinance (Title 17 of the El Dorado County Code) is one of the principal means to implement the policies of the General Plan. The primary purpose of the Zoning Ordinance Update is to:

- Bring the current ordinance text and maps into conformance with the General Plan
- Update the current ordinance for new state and federal mandates
- Address existing deficiencies in the current ordinance

There are numerous General Plan policy requirements that necessitate new or revised provisions in the Zoning Ordinance. In addition to General Plan consistency and policy directives, the Zoning Ordinance must also be updated to comply with new state and federal mandates. Some of these updates have been addressed or adopted previously to meet mandated timeline requirements and others have been incorporated into the draft ordinance. The Zoning Ordinance Update also addresses inconsistencies in the current ordinance, outdated terminology, new issues that are not addressed in the current ordinance but effect day-to-day operations of the department, and other concerns expressed by the Board, the Commission, applicants, and the public.

Staff has been working to revise the current zoning ordinance for a number of years. Numerous public hearings, workshops and interest group meetings have been held to help inform the draft ordinance. In November 2011, the Board of Supervisors adopted Resolutions of Intention to amend the General Plan and to undertake a comprehensive update of the Zoning Ordinance. These resolutions provide further specific direction on a number of issues to be addressed in the Zoning Ordinance Update as well as items to be considered for optional analysis in the environmental analysis (copies of Resolutions are attached to this agenda item). Resolutions 183-2011 and 184-2011 provide further specific direction regarding the Zoning Ordinance Update. These issues were subsequently incorporated into the Notice of Preparation authorized by the Board for release on May 15, 2012.

The Zoning Ordinance Update, referred to as the Public Review Draft (PRD), attempts to incorporate the objectives and direction identified above. The Zoning Ordinance Workshop is intended to provide an opportunity for the Board of Supervisors and the Planning Commission to undertake a detailed review and discussion of the PRD, receive public comment, and provide direction to staff regarding any desired revisions.

During the Zoning Ordinance Workshop we will discuss how the ordinance is organized, review each Article in detail, identify the key differences between the current ordinance and the Public Review Draft (PRD) ordinance in each Article, and explain why changes are proposed. At that time, we will also address comments and issues that have been raised. This staff report provides an overview of the Zoning Ordinance Update and a framework for discussion of each Article. Text boxes showing the relevant changes identified in the ROI's and Notice of Preparation (NOP) are included in each section below when applicable.

ORDINANCE STRUCTURE

The provisions of the Zoning Ordinance are organized according to the following outline (Note: "X" is used as a placeholder for the actual numeral that will be used):

Title 17 – Zoning Ordinance
Article 1, 2, 3, 4, 5, 6, 7, and 8
Chapter 17.xx

Section 17.xx.xxx

A. Subsection

1. Paragraph

a. Subparagraph

(1) Subparagraph

(a) Subparagraph

While the document may look fundamentally different than the existing Title 17, it has been organized in a way that is more user-friendly and, after a brief orientation period, easier to navigate. The format was constructed to provide an appropriate degree of flexibility within the document as a whole when considering future revisions.

The Table of Contents demonstrates the order and flow of the Ordinance from the general overview in Article 1, zones and their allowed uses and development standards in Article 2, site planning and project design standards in Article 3, specific use regulations in Article 4, planning permit processing in Article 5; zoning ordinance administrative responsibilities in Article 6, miscellaneous fee provisions in Article 7, a Glossary in Article 8, and the addition of appendices that incorporate supporting documents for easier accessibility and reference.

Generally, all articles and chapters start with a Purpose section. Additional sections may include Intent, Applicability, Exemptions, and Exceptions. In certain cases, such as in Articles 3 and 4, separate sections within the articles may include these provisions as subsections. Definitions that are specific only to an article, chapter, or section are included within that article, chapter or

section and not in the general Glossary. The provisions specific to the article, chapter, or section then follow.

ARTICLE 1 – ZONING ORDINANCE APPLICABILITY

Article 1 sets the basic format and framework for the rest of the ordinance. The purpose of this article is to set the ground rules and legal support for the entire ordinance. It establishes the facts for which findings can be made for adoption and the legal framework to address questions of interpretation, process, and authority. It outlines the responsibilities and authority of the hearing bodies, community advisory committees, the Director, and department staff; how the ordinance is to be applied and interpreted; basic legal provisions; and identification of the different zones.

Differences between Ordinances:

Article 1 includes two significant differences from and the current ordinance. First is a set of rules on how existing land uses and projects currently in process will be handled when the ordinance is adopted (Section 17.10.040.C). While there is a large body of case law and statutes that address the issues that arise when rules and regulations change, this section is intended to clearly state how the County will handle such projects.

The second difference is a clear delineation of administrative responsibilities, rules of application and how the County is to address anomalies and other unique situations where the ordinance may not be clear. Section 17.10.050 establishes a process to document any interpretations and an appeal process for any Director decisions.

Chapter 17.12 - Zoning Maps 17.12:

Bringing the zoning maps into conformance with General Plan is critical for consistency with the plan, and to eliminate difficulties caused by that inconsistency in day-to-day operations of property owners and development project applicants. The land use designations of the General Plan provide the basic framework for densities and intensities of land uses. The zoning refines those designations, often with several zones within a single designation.

General Plan and zoning consistency is based on Policy 2.2.1.2 and Table 2-4. Consistency is to determine if a parcel has a zone that is identified as being compatible with its land use designation. Table 2-4 lists the zones and identifies which are compatible with each land use designation. Amendments to the table are being proposed to remove zones considered obsolete and incorporate new zones.

Staff took the following steps to draft the maps:

1. Identified incompatibly-zoned parcels through GIS;
2. Prepared a set of general rules to apply where incompatibilities exist; and
3. Recommended parcels for rezone based on those rule-sets.

Existing zones were maintained where possible or zones closest to the existing zone in density and uses are proposed consistent with their land use designation. For example, an Estate Residential RE-5 zoned lot located in the Rural Residential (RR) designation is proposed for Rural Lands 10 Acre (RL-10) because of the ten acre minimum parcel size requirement of the RR designation. Attention was given to the surrounding parcels to prevent spot-zoning scenarios. Where a proposed zone would clearly create an “island effect” with the surrounding zoning, conformance to the surrounding zone was proposed, if compatible with its land use.

In some areas, particularly the Rural Regions, a recommendation for down zoning was necessary to conform to the General Plan. As an example, if the land use designation is Natural Resources, the zoning density on the draft maps was changed depending on the elevation of the parcel. If above 3,000 feet, the density will have a 160 acre minimum parcel size requirement and if below, then a 40 acre minimum.

Through the draft zoning map exercise, some clear errors in zoning were identified. Many of these are minor changes corresponding to lot line adjustments. Others are clear errors in mapping done in the mid-1990s that were not previously identified. Also through this exercise a limited list of land use map amendments was developed to correct clear incompatibility with existing development and split land use designations. A consistent approach to designating and zoning road rights-of-way was applied where possible.

Proposed zoning map changes have been limited to those necessary to conform the zoning to the land use designations; to replace zones proposed to be eliminated and replace with proposed new zones consistent with the General Plan; to correct obvious errors; and to provide a consistent approach to road rights-of-way. Minor amendments to the Land Use Element (Table 2-4) and the Land Use Map will be necessary in adopting the proposed zone maps.

- NOP (Zoning) #1: Ensure that the zoning designation for all parcels in the County conforms to the General Plan land use designations for those parcels.
- NOP (Zoning) #6: Create new zones to reflect current zoning needs and implement the General Plan, including the following zones: Rural Lands, Forest Resources, Agricultural Grazing, Neighborhood Service, and Limited Agriculture.
- NOP (Zoning) #7: Delete obsolete zones, including Unclassified, Agriculture, Residential-Agricultural, and Planned Commercial.
- NOP (Zoning) #12: Revise the zoning map to conform to standardized rules (i.e. mapping criteria) for zoning modifications based on the General Plan land use designations.
- NOP (Zoning) #13: Provide a range of commercial zones to specify and direct the type, design, and location of commercial uses. Proposed zones include Commercial Regional (CR), Commercial General (CG), Commercial Community (CC), Commercial Planned Office (CPO), Commercial Limited (CL), and Commercial Mainstreet (CM).

- NOP (Zoning) #14: Create a Rural Commercial Zone that would be permitted within the rural regions planning concept area.
- NOP (Zoning) #18: Provide multiple industrial zones to specify and direct the type, design, and location of industrial uses.
- NOP (Zoning) #20: Amend Zoning map to include a historical overlay zone district to the historical townsites of El Dorado and Diamond Springs, consistent with adopted General Plan and Zoning Ordinance policies.

ARTICLE 2 – ZONES, ALLOWED LAND USES AND ZONE STANDARDS

Article 2 identifies what land uses are permitted in a specific zone, what type of permit is required for the use, and provides reference to any special use regulation that may apply to the use. The matrix format provides a quick way to identify this information, a means to compare the differences between the zones and permit requirements, and the ability to add new zones or use types as the ordinance is amended in the future. All uses are clearly defined in Article 8, Glossary. Development standards for each zone are also placed in a matrix format at the end of each chapter.

Differences between Ordinances:

Agricultural and Resource Zones:

The Select Agricultural zone (SA-10) has been merged with the Planned Agricultural zone (PA).

The Residential Agricultural (RA) zone is being replaced with a new Rural Lands (RL) zone and will generally be applied to land below 3,000' elevation. This zone will continue to permit residential, agricultural, and timber uses, as well as additional commercial and quasi-civic uses. It will not be considered an agricultural zone for right to farm and setback buffer protections.

The Forest Resources (FR) zone is intended to identify non-timber production land preserve zone (TPZ) land that is suitable for timber production, but that would not have the same restrictions or tax benefits of TPZ. It would generally be applied to land above 3,000' elevation, as well as National Forest lands.

The proposed Agricultural Grazing (AG) zone is a new agricultural zone and is being applied to those lands currently in an active Williamson Act Contract that are engaged solely or predominantly in grazing operations.

- NOP (General Plan) #15: Policy 2.2.5.10: Delete policy requirement for special use permit for agriculture support services; incorporate standards and permitted into Zoning Ordinance

- NOP (General Plan) #37: Policy 8.2.4.2: Consider amending policy to eliminate the requirement for a special use permit for all visitor serving uses, and instead establish standards, permitted uses, and requirements for permits, in the various zone districts in the Zoning Ordinance
- NOP (Zoning) #9: Expand potential uses in the agricultural and rural lands zones to provide for opportunities for agricultural support, recreation, and rural commerce, including allowing ranch marketing on grazing land.
- NOP (Zoning) #15: Increase potential uses to provide additional agricultural support, recreation, home occupation, and other rural residential, tourist serving, and commercial uses in zones in the rural region.
- NOP (Zoning) #22: Provide opportunities for residential and recreational uses on Timber Production Zone land compatible with timber management and harvesting.

Commercial Zones:

Four new commercial zones have been added to the existing Commercial zones, General (CG) and Commercial, Professional Office (CPO) zones.

- NOP (General Plan) #14: Policy 2.2.5.8: Amend the policy creating the Neighborhood Services zone and allow for objectives to be met in a related commercial zone.
- NOP (General Plan) #13: Provide a range of commercial zones to specify and direct the type, design, and location of commercial uses. Proposed zones include Commercial Regional (CR), Commercial General (CG), Commercial Community (CC), Commercial Planned Office (CPO), Commercial Limited (CL), and Commercial Mainstreet (CM).
- NOP (General Plan) #14: Create a Rural Commercial Zone that would be permitted within the rural regions planning concept area.
- NOP (Zoning) #16: Create standards (master plans) for proposed mixed use and traditional neighborhood design development on commercial and multi-family zoned parcels to provide for a streamlined approval process and to protect the commercial viability of the parcels.

Industrial Zones:

The Industrial-Platted Lands (I-PL) zone identifies the Industrial designated lands in the Rural Regions and limits their uses to resource-based activities to support the surrounding agriculture, timber, or mining uses.

- NOP General Plan) #4: Policy 2.2.1.2: Delete requirement that industrial lands be restricted to areas within, or in close proximity to community regions and rural centers. Delete the requirement that industrial lands in rural regions have more limited industrial uses, for support of agriculture and natural resource uses.
- NOP (Zoning) #18: Provide multiple industrial zones to specify and direct the type, design, and location of industrial uses.

Residential Zones:

The Multi-unit Residential (RM) zone combines the Limited Multi-family (R2) and Residential Multi-family zones (RM).

- NOP (Zoning) #17: Include standards for single family detached development proposed in multifamily zones. Create a standard to allow a limited percentage of commercial use in proposed mixed use development in multifamily zones.

Residential Estate zones RE-5 and RE-10 are combined into a single zone for the purpose of the use matrix and development standards table. The Residential Estate (RE) zone will still have the 5 or 10-acre minimum lot size designator, but the uses are identical, as they are in the current code.

Special Purpose Zones:

Chapter 17.25, Special Purpose Zones, consolidates Transportation Corridor (TC), Open Space (OS), and Recreational Facilities - High and –Low Intensity (RF-H and RF-L).

Two of these, the Mobile Home Park District (MP) and Mineral Resource District (MR) zones have been converted to combining zones, which will be discussed below. The sites currently zoned Tourist Residential (RT) that exist in a few locations in Pollock Pines and Meyers, have been changed to (RM) or a commercial zone, depending on the land use designation.

Combining Zones:

Planned Development (-PD) (Chapter 17.28) – This is provided as a separate chapter due to its complexity. The process and findings necessary for approval have been rewritten to clarify the intent of the ordinance. New provisions have been added to address condominium conversions, density bonus provisions of the General Plan for open space dedication, affordable housing bonus provisions, descriptions of common versus public benefits, and revised 30% open space provisions.

- NOP (General Plan) #10: Policies 2.2.3.1, 2.2.3.2, and 2.2.5.4: Amend the 30% open space requirement for Planned Development community regions and rural centers to allow lesser area of “improved open space” on site, and consider options to provide a portion of the required open space off-site or by an in-lieu fee option.

- NOP (Zoning) #19: Provide alternative means to any open space requirement as part of a planned development to provide more flexibility and incentives for infill development and focus on recreation in community regions and rural centers.

Existing Combining Zones:

Design Review-Community, -DC (17.27.050) – Provisions for the establishment of new design review districts and design guidelines have been added.

Design Review-Historic, -DH (17.27.060) – This is established as a placeholder pending development of new Historic Design Guidelines. However, provisions may be added prior to final adoption based on recent actions in Diamond Springs and El Dorado to establish a Historic Design Review District for those two communities.

- NOP (Zoning) #8: Create combining zone districts (e.g. Historical, Community Design, etc.) to identify land that needs additional regulation, protection of resources, protection of public health and safety, or establishes a review process to more effectively implement General Plan policies and related ordinances.

Airport Safety -AA (17.27.020) – This is similar to the current code, but incorporates specific standards from each airport community land use plan (CLUP).

New Combining Zones and the reason they have been created:

Avalanche Hazard -AV (17.27.030) – This is a requirement of the General Plan and will identify those areas where the potential for avalanche is high. These remain to be mapped but are limited to a few locations in the Tahoe Basin and along Highway 50 near Echo Summit.

Dam Failure Inundation, -DFI (17.27.040) – Another requirement of the General Plan, this zone will provide standards for areas subject to inundation in the event of a dam failure.

Ecological Preserve, -EP (17.27.080) – The purpose of the -EP zone would be to implement the rare plant fee program and potential future programs which may develop out of the Integrated Natural Resource Management Plan (INRMP). In this latter function it serves as a placeholder.

Mobile/Manufactured Home Park, -MP (17.27.090) – The MP combining zone replaces it as a base zone. Combining it with a base residential zone that establishes densities will more accurately reflect the density that is prescribed in the General Plan, and should be more flexible in providing opportunities for mobile home parks as a housing alternative in the County.

Noise Contour, -NC (17.27.100) – This is a placeholder for when the County develops a comprehensive noise ordinance as required by Implementation Measure HS-I.

Platted Lands, -PL (17.27.110) – The -PL zone is intended to implement the PL overlay designation of the General Plan.

Design Review-Scenic Corridor, -DS (17.27.070) – This is a placeholder for the implementation of General Plan policies related to scenic highways.

Tahoe Basin, -T (17.27.120) – The Tahoe Basin combining zone is intended to replace the separate Tahoe zones in the current code. The -T combining zone would recognize the additional requirements of development in the Tahoe Basin, but the base zone would have the same permitted uses and development standards as elsewhere in the County.

Mineral Resources, -MR (Ch. 17.29) – The -MR combining zone replaces it as a base zone to identify appropriate mineral resources and operating mines in the county while utilizing the base zone for other uses on those lands that do not have operating mines and for future reclamation requirements.

ARTICLE 3 – SITE PLANNING AND PROJECT DESIGN STANDARDS

Article 3 includes the general development standards that apply to various uses other than the standards specific to each zone that are contained in Article 2. Additional chapters focus specifically on affordable housing requirements and incentives; standards for flood damage prevention, landscaping, lighting, parking and loading, signs, and noise; and currently a placeholder for the Oak Woodlands Conservation ordinance. Each chapter will be discussed separately below.

Chapter 17.30 – General Development Standards:

This chapter begins with general provisions to ensure uniformity of application. Subsequent sections provide clarity in site plan design and development by describing when and how calculations are to be made and providing permit requirements when standards are exceeded. Administrative relief provisions have been added for most standards.

Differences between Ordinances:

Differences between the current zoning ordinance and the proposed draft ordinance include the following:

- Description of how lots are measured. This includes provisions for when gross versus net acreage may be used; how a flag lot is measured, including diagram; measurement of lot width; and a provision for lot size averaging (17.30.020).
- Provisions for measuring setbacks from right-of-way (ROW) or road easements with specific ROW's added.
- Clarification of how setbacks are measured for corner lots and other odd-shaped parcels, with diagrams (17.30.030). Setback relief is offered for corner lots by distinguishing between primary and secondary frontages.

- Clarification of swimming pool setbacks.
- Codification of retaining wall standards currently in practice.
- Solar collector provisions in compliance with state law.
- Codification of the 30-foot fire safe setback requirement for lots greater than 1 acre (17.30.030.D).
- Agricultural and Timber Resource Zones setback standards compliant with the Interim Guidelines and clarification provided for tangential measurements with diagram.
- Cemetery setbacks added.
- New provision for mineral resource protection setback based on Policy 7.2.2.3 (17.30.030.G)
- New provisions for riparian setbacks based on Policy 7.3.3.4, with Interim Guidelines for optional analysis (17.30.030.H)

- NOP (Zoning) #21: Establish standards for wetland and riparian setbacks.

- Clarification of building height measurement standards. Side yard setback provisions limited to residential lots zoned one acre or less.
- Clarification of fencing requirements and new cross-visibility provisions to ensure fencing does not block sight distance at intersections consistent with County Department of Transportation standards. Agricultural fencing in roadways clarified (17.30.050)
- Provisions drafted addressing development requirements on slopes exceeding 30% consistent with the targeted General Plan amendment of Policy 7.1.2.1

- NOP (General Plan) #33: Policy 7.1.2.1: Amend the restrictions for development on 30% slopes, and set standards in the Zoning Ordinance and Grading Ordinance.

- Expansion of gate requirements to include gated subdivisions, non-residential driveway entrances, and private driveway entrances
- Maintenance agreement provisions for improvements that are required on common areas (17.30.080)

Chapter 17.31 – Affordable Housing Density Bonus

This is a new provision that was adopted as a separate ordinance in 2009 (*Ord. No. 4816*). No changes are being proposed.

Chapter 17.32 – Flood Damage Prevention

This is a new provision that was adopted as a separate ordinance in 2008 (*Ord. No. 4791*). Minor modifications to the definitions are proposed to conform to the glossary. Regulations prohibiting lot splits in the dam failure inundation zones have been removed, consistent with proposed targeted General Plan amendments of Policies 6.4.1.4 and 6.4.1.5.

Chapter 17.33 – Landscaping Standards

This chapter brings together existing landscaping requirements from the current code found in the Parking and Research and Development (R&D) zone ordinances, and water efficiency standards based on the state Model Water Efficient Landscaping Ordinance (Government Code Section 65591 et seq.), approved by the Board in January 2010.

Differences between Ordinances:

- Addresses commercial development on agricultural and resource zoned land with exemptions (17.33.030).
- Adds definitions required under the state water efficiency provisions (17.33.040).
- Provides clarity in preparing a landscape plan and flexibility to address unique site conditions (17.33.050).
- An increase in landscape buffer width along road frontages from 5' to 10' and provisions for buffering residential from commercial or industrial development, in compliance with Policies 2.2.5.14 and 2.2.5.18. Provisions for ensuring visibility at intersections and driveway encroachments (17.33.060).
- An increase in planting material; type and variety distinctions; solar compatibility in compliance with state law; limits on lawn or turf grasses; reduction in initial size of plant material; substitution of artwork or water features for landscaping; consistency with storm water management and the *El Dorado County River Management Plan* requirements; and phased project deferral process. (17.33.050.B).
- Shade calculations for parking lots (17.33.060.C) Note: This was a provision in the current R&D zone ordinance and has been expanded to cover all parking lots. Exceptions for solar panels in lieu of plant material; increase in planting areas from 20 to 25 square feet; and protective measures for landscaped areas added.
- Reclaimed water, domestic graywater, and temporary irrigation systems addressed.
- Clarification of maintenance and protection measures during grading/construction activities or mandatory water shortages.
- Nonconforming landscaping requirements revised to be consistent with state water efficiency thresholds (17.30.080).
- Water efficiency requirements consistent with state law, including a certification requirement from the local water district (17.33.110).

Chapter 17.34 – Outdoor Lighting

This chapter expands on the existing outdoor lighting provisions of Section 17.14.170 of the existing code to address deficiencies and codify current requirements.

Differences between Ordinances:

- Clearer definitions have been provided consistent with standard industry terminology (17.34.020)
- Requirement for site plan review changed to administrative permit.

- Specific lumen requirements for each applicable zone within a Planning Concept Area consistent with Title 24 energy efficiency requirements, with potential reductions in mixed-use project sites (17.34.040).
- Lighting standards clarified as to height requirements, security lighting, gas pump areas, Design Review - Historic (-DH) combining zones, outdoor display areas, and miscellaneous lighting. Specific exemptions for common types of residential lighting addressed (17.34.050).
- Regulates lighting for outdoor sports facilities by providing separate standards for performance areas and all other areas of the facility (17.34.050)

17.35 – Parking and Loading

The parking and loading standards have been carried over from the existing ordinance, while new uses proposed under the PRD have been added.

Differences between Ordinances:

- Added definitions to refine parking requirements (17.35.020).
- Parking matrix corresponds with the use types provided in Article 2 and includes columns for parking lot turnover and loading bay intensities (17.35.040).
- Design specifications are moved to the proposed El Dorado County Standard Plans Manual.
- Reductions in parking to encourage rear-lot parking and on-street parking where available (17.35.050.B)
- Clearer shared parking provisions (17.35.050.B.3).
- ADA parking requirements referenced to state law compliancy (17.35.050.C).
- Compact car spaces reduced from 35 percent to ten percent of required spaces and from 50 to 20 percent in multi-unit residential visitor parking areas (17.35-050.D).
- Opportunity for businesses to submit a Transportation Demand Management Plan allowing for a reduction in parking requirements.
- Provisions for motorcycle and bicycle parking, drive-through facilities, and historic structures (17.35.050.F-I)
- Adjust loading bay standards based on intensity of use (17.35.060)
- Landscaping standards removed to Chapter 17.33.
- Providing different surfacing standards for high-, medium-, and low-turnover uses (17.35.090).

17.36 – Signs

Existing provisions of the code have been carried over to Chapter 17.36. The existing sign summary has been formatted into a table in the PRD with proposed zones. A comprehensive update to the sign provisions is anticipated after adoption of the general Zoning Ordinance update.

17.37 – Noise Standards

This is a new provision, intended to implement the provisions of the Public Health, Safety, and Noise Element of the General Plan, and to supplement Chapter 9.16 of the County Code regarding noise code enforcement. The standards are taken from Tables 6-1 through 6-5 of the General Plan. The tables were adjusted to reflect zone designations and use types rather than General Plan land use designations, but are intended to be consistent with and implement the General Plan.

- NOP (General Plan #31: Policy 6.5.1.11 and Tables 6-1 thru 6-5: Amend existing noise standards to establish attainable noise thresholds with regard to temporary nighttime construction activities and other temporary exceedances.

17.38 – Oak Woodlands Conservation

A placeholder has been provided for the Oak Woodlands Management Plan and its implementing ordinance.

ARTICLE 4 – SPECIFIC USE REGULATIONS

Article 4 includes provisions for many of the uses that are listed within the permitted use matrices contained in Article 2. Each section of Article 4 focuses on a specific use or on a general category of use with specific subsections underneath it. Some uses have been taken directly from the current Zoning Ordinance with a few minor revisions; some have been expanded to include updated provisions, either from other Titles in the County Code, state law, or codification of interpretations and longstanding practices. Most revisions have received the benefit of public review and comment prior to May 25, 2012. After the Purpose, Intent, and Applicability sections, the uses are listed alphabetically with several sections reserved for future additions. Each section will be discussed below.

Article 4 – Special Use Regulations

This article consolidates the various use regulations that are found primarily in Chapter 17.14 and interspersed throughout the current Ordinance.

Differences between Ordinances:

Accessory Structures and Uses (17.40.030):

- Clarifies that barns and agricultural buildings are a primary use on ag-zoned property and do not need residential development prior to construction.
- Clarifies permit timing for concurrent primary and accessory structures.
- Clarifies structure types accessory to residential development and cross-references regulations specific to those structures in other sections of the code.

Adult Business Establishments (17.40.040):

- New provisions to ensure County has regulatory authority over the development and manner of operation of such establishments.

Agricultural Preserves and Zones (17.40.060):

- Consolidates all information regarding Williamson Act contracts and farmland security zones into one location in the ordinance.
- Use and location of residential development, including secondary dwellings, are clarified through specific findings.
- Criteria for an agricultural zone determination on property not under contract added to this section.

Agricultural Support Services (17.40.070):

- Process and findings for permit approval of those commercial uses specifically defined in Article 8.

- NOP (General Plan) #15: Policy 2.2.5.10: Delete policy requirement for special use permit for agriculture support services; incorporate standards and permitted into Zoning Ordinance
- NOP (General Plan) #37: Policy 8.2.4.2: Consider amending policy to eliminate the requirement for a special use permit for all visitor serving uses, and instead establish standards, permitted uses, and requirements for permits, in the various zone districts in the Zoning Ordinance
- NOP (Zoning) #9: Expand potential uses in the agricultural and rural lands zones to provide for opportunities for agricultural support, recreation, and rural commerce, including allowing ranch marketing on grazing land.
- NOP (Zoning) #15: Increase potential uses to provide additional agricultural support, recreation, home occupation, and other rural residential, tourist serving, and commercial uses in zones in the rural region.

Animal Raising and Keeping (17.40.080):

- No change from current provisions until the deferred comprehensive ordinance is adopted.

Campgrounds and RV Parks (17.40.100):

- New provisions consistent with state law that were reviewed and commented on by the state Department of Housing and Community Development.
- Differences in standards between campgrounds and RV parks are clarified.

Child Day Care Facilities (17.40.110):

- New provisions consistent with state law that includes all forms of such facilities from small family day care homes to employer sponsored day care centers.
- Permit approval process in compliance with state law.
- Development standards proposed for Administrative Permit.

Commercial Caretaker, Agricultural Employee, and Seasonal Worker Housing (17.40.120):

- New provisions consistent with state law for agricultural and seasonal employee housing. Currently, agricultural employee housing provisions are under mobile home ordinance.
- Commercial caretaker housing consistent with existing code under temporary mobile homes ordinance (17.52.030).

Communication Facilities (17.40.130):

- Minor modifications to an existing ordinance last amended in 2003, allowing repeaters and other small facilities.
- Co-locations on existing monopoles or towers allowed with Administrative rather than Minor Use Permit.
- Speculative towers with no communication carrier prohibited.
- Stealth technology criteria added.
- CC&R language removed from notification requirements.

Guest House (17.40.150):

- Codifies and creates uniformity in existing guest house provisions by limiting maximum floor area to 600 square feet from 400 square feet.
- Clarifies use and development standards.
- Prohibits guest house where second dwelling unit exists.

Home Occupations (17.40.160):

- Standards provided to ensure compatibility with residential development.
- Employees on site are allowed based on lot size and compliance with building codes. Optional analysis includes up to 10 employees.
- Heavy commercial vehicles defined and storage provisions clarified.
- Student instruction hours codified.
- Student instruction expanded under Administrative Permit subject to standards.
- Prohibited uses clarified.
- Conditional use permit provisions.

- NOP (Zoning) #10: Provide a range of intensities for home occupations, based on size and zoning of parcels, addressing the use of accessory structures, customers, and employees.

Lodging Facilities (17.40.170):

- General standards provided prior to breaking into subsections based on specific facility type.

- Parking provisions clarified with flexibility in parking configurations and surfacing requirements.
- Agricultural Homestay provisions expanded to require County Department of Agriculture verification of minimum agricultural criteria, maximum occupancy by right, residency, and meal requirements.
- Agricultural and Timber Resource Lodging, a new provision recommended by the County Department of Agriculture.
- Bed and Breakfast Inns adopted as a separate ordinance in 2008 (*Ord. No. 4770*). Changes are only in formatting, by separating general from specific provisions under this section.
- Dude Ranch proposed as a new use pursuant to recommendation received by the County Department of Agriculture.
- Health Resort and Retreat Center proposed as a new use pursuant to Regulatory Reform subcommittee recommendations.

Mixed Use Development (17.40.180):

This is a new provision that was adopted as a separate ordinance in 2009 (*Ord. No. 4836*).

- Optional analysis proposed allowing mixed use development in the RM, Multi-unit Residential zone.

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| <ul style="list-style-type: none"> ○ NOP (Zoning) #16: Create standards (master plans) for proposed mixed use and traditional neighborhood design development on commercial and multi-family zoned parcels to provide for a streamlined approval process and to protect the commercial viability of the parcels. |
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Mobile/Manufactured Homes (17.40.190):

- Updated to include manufactured housing.
- Uses expanded to include construction and agricultural employee housing.
- Permit requirements moved to Article 5.
- Removal of temporary mobile homes due to permit expiration codified.

Outdoor Recreational Facilities (17.40.210):

- Broken into subsections based on specific facility type.
- New provisions for commercial stables; equestrian trails; hunting/fishing club, farm, or facility; off-road vehicle use; parks for day use; and public swimming and tennis facilities.

Outdoor Retail Sales (17.40.220):

- Development standards for permanent outdoor sales areas proposed.
- General standards for temporary outdoor sales.
- Specific use standards expand on the existing code to address deficiencies and codify current requirements.
- Provisions for itinerant sales added to address problems faced in other jurisdictions.

Private Schools in Light Manufacturing Facilities (17.40.230):

- Standards expanded to include facilities in zones other than R&D.
- Exemption offered for trade schools as a compatible use in such zones.
- Standards proposed to facilitate permit process.

Produce Sales (17.40.240):

- Standards proposed to provide clear development standards.
- Value-added product sales allowed.
- Expanded to allow multi-farm stands for off-site sales.
- Distinction drawn between levels of produce sales and ranch marketing.

Public Utility Infrastructure (17.40.250):

The standards have been carried over from the existing ordinance, with definitions moved to Article 8, and site plan review clarified under an administrative permit.

Ranch Marketing (17.40.260):

This was adopted as a separate ordinance in 2001 (*Ord. No. 4573*) and revised in 2003 (*Ord. No. 4636*).

- Applicable definitions are proposed for clarification.
- Marketing events allowed with the sale of off site produce or byproducts, providing they are of the same type as produce grown on site.
- Maximum ranch market area set at five acres or 50 percent of lot, whichever is less.
- Indoor seating area for bake shop limited to 1,000 square feet.
- Handicraft vendor sales area limited to 2,000 or 4,000 square feet based on lot size.
- Marketing activities with single event restrictions removed and outdoor music allowed.
- Special events for up to 250 people increased from 6 or 12 per year, depending on lot size, to 24 events per year regardless of lot size, and can be held outside of harvest season. Non-cumulative with Christmas tree lot and winery events.
- Cold storage of on site produce can be sold off season. Existing commercial kitchen can be used to process byproducts for sale.
- Existing commercial kitchen can be leased as a catering facility under Administrative Permit.
- Administrative permit required instead of conditional use permit where facility is located off a private road, provided a road maintenance agreement is entered into by property owner.
- Uses in excess of by right or administrative permit requirements subject to conditional use permit, with findings provided.
- Christmas tree farms added to ranch marketing provisions that allow sale of pre-cut trees grown off site for up to 49 percent of trees sold; special events on lots 10 acres or more with 2 events allowed with five acres of planted trees and five events with 10 acres of planted trees.
- Parking standards require bus stop and drop off areas for any site requiring at least 20 spaces, with alternative waiver.
- Sign requirements moved to Table 17.36.130 (Sign Ordinance) with reference.

- Setback buffers required for ranch marketing structures and outdoor use areas adjacent to non-residential and residential zones with administrative relief provisions.
- Provisions for existing ranch marketing uses made nonconforming by adoption of this ordinance through Administrative Permit application within one year of adoption.
- Optional analysis for ranch marketing provisions proposed for the Agricultural Grazing (AG) zone over and above that proposed under Dude Ranch (17.40.170.G).

Recycling Facilities (17.40.280):

- This section expands on the existing requirements from the current code to include recycled oil collection facility provisions.
- Site plan review permit changed to administrative permit with standards provided.

Right to Farm (17.40.290):

No change to existing code except in definition of “Agricultural Land” to reflect proposed zones.

Secondary Dwellings (17.40.300):

This section expands on the existing provisions of Section 17.14.170 to provide clarity and codify current requirements in compliance with state law.

- Maximum floor area measurement parameters clarified.
- Maximum floor area based on lot size. Optional analysis to increase from 1,200 to 1,600 square feet.
- Attached dwelling minimum determination and residential compatibility requirements added.
- Secondary dwelling and guesthouse limitations.
- Parking and utility standards clarified.

Solar Collection Systems (17.40.310):

This is a new provision, intended to implement Measure PS-O of the General Plan regarding energy efficient site development and state law regarding solar energy facilities.

Storage Facilities (17.40.320):

This is a new provision clarifying standards for development of various storage facility types in order to provide uniformity and reduction in visual impacts from such facilities and to codify current practices.

Temporary Real Estate Sales Office (17.40.330):

This section consolidates the existing provisions found in several residential zone districts.

- The requirement for posting a cash bond is removed.

Timber Production Zone (17.40.350):

- Permitted uses moved to Table 17.21.020, (Matrix of Permitted Uses for Timber Production Zone).
- Rezone application requirements added implementing General Plan Policy 8.3.1.3.
- Basic findings added for conditional use permit approval of compatible, non-timber uses.

- Optional analysis includes reduction of permitting requirements for residential development.
- Optional analysis includes additional commercial recreational uses.

○ NOP (Zoning) #22: Provide opportunities for residential and recreational uses on Timber Production Zone land compatible with timber management and harvesting.

Transitional Housing (17.40.360):

This is a new provision required by state law.

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

- This is a new provision clarifying standards to maintain residential character of neighborhoods.

Wind Energy Conversion Systems (17.40.390):

This was adopted as a separate ordinance in 2010 (*Ord. No. 4954*) and is under 17.14.240 of the existing code.

- Eliminates Cumulative System Capacity under Table 17.40.390.1 as it is inconsistent with limitations on maximum cumulative total number of units in Paragraph E.
- Provisions for Large WECS in Agricultural, Rural, and Resource Zones added to limit number or rated capacity, or require conditional use permit.
- In Table 17.40.390.2, minimum lot size for greater than 100kw is revised from “20 acres per each Megawatt” to “20 acres or Manufacturer’s Recommendations”, as CUP required will examine these units on a case-by-case basis.

Wineries (17.30.400):

The winery standards have been carried over from the existing ordinance, while new uses proposed under the PRD have been added.

- Structure reformatted for consistency with PRD.
- Specific definitions interspersed in existing ordinance moved to Definitions subsection. General definitions moved to Article 8.
- Existing use classifications consolidated into Table 17.40.400.1 for clarity.
- Zones revised to reflect proposed zones.
- Interspersed special events provisions moved to its specific paragraph for clarity.
- Setbacks revised from parameters of inside or outside General Plan Agricultural District to non-residential and residential zones, respectively.
- Sign requirements moved to Table 17.36.130 (Sign Ordinance) with reference. Off-site directional signs provisions to be removed from PRD (17.40.400.3.a).
- Site plan review changed to Administrative permit for access requirements.
- Reference to noise standards in General Plan revised to reference Noise Ordinance (Chapter 17.37).
- Wine cave provisions added (17.40.400.G.9)

- Micro-winery and small vineyard provisions grouped together, with zone and permit requirements in table for clarity.
- Specific provisions for solid waste disposal revised to require applicable permit from Regional Water Quality Control Board.

ARTICLE 5 – PLANNING PERMIT PROCESSING

Article 5 includes the processing provisions of the code. These provisions include permit processing requirements, general provisions for hearings and public notice, time limits and extensions, and detailed requirements for specific plans and development agreements. The article is broken into six chapters discussed separately below, with the differences between ordinances indicated as bulleted items:

Chapter 17.50 – Application Filing and Processing

Chapter 17.50 includes the basic provisions for application processes and review procedures that are currently under 17.22.

- Provides clarity to the public through basic information on types of application processes.
- Provides clear reference for each permit application as to its original review authority and appeal succession process under Table 17.50.030.

Chapter 17.51 – General Application Procedures

This chapter sets forth the basic procedures for processing the different types of applications identified in the ordinance.

- Concurrent application provisions moved to submittal process for clarity.
- Application fee requirements added.
- Environmental review provisions expanded for clarity to include separate consideration by the Commission of Director’s decision to require an EIR; environmental findings being required on any project subject to CEQA; and certification of CEQA document for each project.
- County-specific public noticing provisions codified.
- Conditions of approval provisions added for clarity, including automatic approvals consistent with state law.
- Final decision noticing provisions added.
- Provisions for pre-application/conceptual review processes added.

Chapter 17.52 – Permit Requirements, Procedures, Decisions and Appeals

Chapter 17.52 is more specific to types of permits, listed alphabetically in their separate subsections. Each subsection includes the permit’s purpose and intent, applicability, review authority, and CEQA determination.

- The site plan review permit has been eliminated, so ministerial review will be handled under an Administrative permit. The site plan review will remain a *process* in any permit review and approval.
- Administrative relief and waiver provisions located throughout existing ordinance are consolidated to include nonconforming use determinations and the variance option when findings for relief cannot be made.
- Findings to determine if a Minor Use permit application would be more appropriate than a Conditional Use permit.
- Specific findings added for Conditional and Minor Use permits regarding site adequacy, infrastructure availability, and the potential for alternative energy systems on site or impacts to systems located off site.
- Provision requiring all existing and subsequent uses to be addressed under an approved Conditional Use permit.
- Adds the Design Review application and clarifies its purpose as being focused on design, architecture, and other development features and not on use, providing the use is permitted in the zone.
- Development Plan permit moved to this chapter for consistency and ease of reference.
- Scope of approval under a Development Plan permit added for clarity.
- Findings added to include mixed-use development.
- Phased Development Plan provisions added for clarity.
- Temporary Mobile Home permit provisions preclude use where secondary dwelling exists on site.
- Written notification of change of residency in temporary unit required.
- Structural requirements, including use of RV, for temporary unit codified.
- Maximum temporary unit size, including measurement provisions, consistent with secondary dwelling unit standards, to allow units to be converted to permanent use, if necessary, in the future.
- Temporary Use permit exemptions expanded for clarity. Permitted uses moved to use matrices for the zones. Time limits and development standards for outdoor sales moved to Article 4 (Outdoor Retail Sales). Bond amounts removed and provisions moved to 17.54.050 (Performance Guarantees).
- Provisions allowing conditional approval of a Variance added.
- Appeal provisions clarified on timing of process.

Chapter 17.54 – Permit Implementation, Time Limits, and Extensions

This chapter provides general requirements after a permit is approved or authorization given.

- Permit effective date codified for clarity.
- Automatic approval requirements before development or use entitlements codified.
- Security bonds and failure to comply provisions codified.
- Time extension request standards codified.
- Time extensions of up to 36 months codified.
- Permit resubmittal process added.
- Revocation procedures of an authorized permit clarified.

Chapters 17.56 and 17.58 – Specific Plans and Development Agreements

Chapters 17.56 and 17.58 carry forward the existing provisions of the Zoning Ordinance and state law regarding specific plans and development agreements, respectively. Most of it is established by state law (Government Code Section 65450 et seq for specific plans and 65864 et seq for development agreements).

ARTICLE 6 – ZONING ORDINANCE ADMINISTRATION

Article 6 includes the administrative provisions of the ordinance, including provisions on nonconforming uses, amendments to the code, code enforcement, and post disaster rebuilding processes. The article is broken into six chapters discussed separately below, with the differences between ordinances indicated as bulleted items.

Chapter 17.60 – Administrative Responsibilities

This chapter addresses the responsibilities of the different entities that review and/or approve development applications.

- With the exception of the design review committee and floodplain administrator, these are new provisions added to the PRD for clarity and ease of reference for the public.
- The Housing Advisory Commission, Chapter 17.80 of the existing Ordinance, has been removed from the PRD.

Chapter 17.61 – Nonconforming Uses, Structures, and Lots

This chapter addresses nonconforming uses and clarifies inconsistencies in the existing code.

- Differentiates between nonconforming uses, structures, and lots.
- Provides a process in determining nonconforming status through an Administrative permit.
- Differentiates between illegal uses or structures and those that are nonconforming.
- Allows for adoption of focused regulations addressing specific nonconforming uses or structures including their amortization and/or retirement.
- Provides for continued residential use regardless if dwelling(s) are partially or completely destroyed in compliance with state law, provided structure(s) are not expanded or extended beyond the existing footprint. Allows an exception when relocating on site to better conform to topography or reduce impacts to resources or surrounding area.
- Provides criteria for termination of use decisions.
- Expands criteria for alteration/modification of nonconforming structures.
- Provides for normal maintenance and repair of nonconforming structures.
- Clarifies development standards for nonconforming lots and requires setback provisions to be applied based on zone requirements rather than lot size.

Chapter 17.63 – Amendments and Zone Changes

- Provides reference to General Plan Policy 2.2.5.3 for required findings when zone change will increase density or intensity of use.
- Provides for reasonable conditions or mitigation measures to be imposed by the Board when necessary and the timing and vehicle for insuring they are satisfied.
- Clarifies process and adoption method for amendments to the General Plan or an adopted specific plan.

Chapter 17.65 – Covenant of Easement

This is a new provision that sets forth the requirements for granting easements to the County if determined to be necessary as a condition of approval or mitigation measure for a development project.

Chapter 17.67 – Code Enforcement

Chapter 17.67 expands upon the existing provisions of County Code as it applies to code enforcement in concert with the Code Enforcement division.

- Enforcement duties of the Agricultural Commissioner have been removed.
- Violation penalties expanded and clarified pursuant to current requirements.
- Investigation and enforcement fees required when violations are confirmed.

Chapter 17.68 – Post-Disaster Rebuilding

This is a new provision that provides relief from some of the standard procedures in the event of a disaster such as a flood or wildfire. Many of these provisions are already utilized by the Board under these circumstances, but this section provides an administrative procedure to provide such relief.

ARTICLE 7 - FEES

Article 7 addresses the special fees adopted by the County to include the following:

Chapter 17.70 – Bass Lake Hills Specific Plan Supplemental Tentative Map Submittal Fee

Chapter 17.71 – Ecological Preserve Fee

- Removes existing provisions for on site mitigation in Mitigation Area 0 of the Gabbro Soils Preserve and moves it to Section 17.27.080 [Ecological Preserve (-EP) Combining Zone].

Chapter 17.72 – Missouri Flat Planning Cost Reimbursement Fee

APPENDICES

The appendices consist of five sections containing worksheets and material referenced in or in support of provisions in the PRD.

- Appendix A includes three documents relating to the water efficiency requirements in the Landscape Ordinance, to include the required worksheets demonstrating compliance with regulations and the certification of completion; the current drought resistant plant list as a source of information to staff and the public; and the current parking lot shade tree and calculation worksheet.
- Appendix B is new and consists of a lighting inventory worksheet to be used in figuring lumens per acre requirements under the Lighting Ordinance and a certification of installation and completion.
- Appendix C is the current checklist being used to assist staff in determining substantial improvement.
- Appendix D and E are both utilized in planned developments to assist in calculating density bonuses and off site mitigation or in lieu fee requirements for the 30% open space requirement, respectively.

- NOP #12: Policy 2.2.4.1: Amend the density bonus criteria, and consider placing the specifics of this policy into the Zoning Ordinance.

ARTICLE 8 – GLOSSARY

The Glossary includes definitions of terms and phrases used throughout the Zoning Ordinance. Definitions that are specific only to an article, chapter, or section are included within that article, chapter or section and not in the general Glossary.

Conclusion:

This concludes the overview of the Zoning Ordinance Update. Revisions will be made based on Board and Commission comments, and input from the public. A revised document will be presented to the Board once the revisions are complete.