



Cindy Johnson <cynthia.johnson@edcgov.us>

Fwd: Zoning Ordinance Update

1 message

The BOSFIVE <bosfive@edcgov.us>

Fri, Jul 20, 2012 at 9:34 AM

To: Cindy Johnson <cynthia.johnson@edcgov.us>

—— Forwarded message ——

From: Valerie Zentner <valeriez@edcfb.com>

Date: Fri, Jul 20, 2012 at 8:18 AM

Subject: Zoning Ordinance Update

To: Shawna Purvines <shawna.purvines@edcgov.us>

Cc: The BOSONE <bosone@edcgov.us>, The BOSTWO <bostwo@edcgov.us>, The

BOSTHREE <bosthree@edcgov.us>, bosfour@edcgov.us, The BOSFIVE

<bosfive@edcgov.us>, Charlene Carveth <charlene.carveth@edcgov.us>

Shawna,

Attached are the Farm Bureau cover letter and our comments on the zoning ordinance update. Many of these were presented during this week's workshops. Please let me know if you have questions or require further clarification. We look forward to working with you further during this update process!

Valerie Zentner, Executive Director
El Dorado County Farm Bureau

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Sincerely,

Judi McCallum
Assistant to Supervisor Norma Santiago
District V, Lake Tahoe to Pollock Pines
County of El Dorado
530.621.6577

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2 attachments



Farm Bureau Comments - EDC Zoning comments 7-12.pdf

33K



ZOU comments to BOS-PC 07-12.pdf

82K



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July 19, 2012

County of El Dorado
Development Services Department
Planning Services
2850 Fairlane Court
Placerville, CA 95667

Attention: Shawna Purvines, Senior Planner

Subject: Zoning Ordinance Update - Comments

Dear Shawna,

The El Dorado County Farm Bureau has reviewed the Zoning Ordinance Update (ZOU) and is pleased to provide our comments. In general, we find that many of the codes still apply a "one size fits all" approach to agricultural uses in the rural areas as is applied to suburban and commercial settings. We have identified the main areas of concerns, but note that there is still much work to be done on the use matrices and definitions, both imbedded in the code and in the Glossary.

We look forward to seeing these issues addressed as this process proceeds. We thank you for the opportunity to participate in this important process. The point of contact for our organization for all future correspondence is the undersigned. For telephone inquiries, please contact our Executive Director, Valerie Zentner, at (530) 622-7773.

Sincerely,

A handwritten signature in black ink, appearing to read "James E. Davies". The signature is written in a cursive, flowing style.

James E. Davies
President

cc: El Dorado County Board of Supervisors
El Dorado County Agricultural Commissioner, Charlene Carveth

**El Dorado County Farm Bureau
Comments to Board of Supervisors & Planning Commission
Zoning Ordinance Workshops – July 2012**

Article 1 – Zoning Ordinance Applicability

1. **Comment:** The purpose of the zoning code is to implement the policies of the General Plan. The purpose section can be simplified accordingly here and throughout the code.

Action Requested: 17.10.010, Purposes of Zoning Ordinance, delete and replace with the following, “The purpose of the Zoning Ordinance is to implement the policies adopted in the county’s General Plan.”

2. **Comment:** The Agricultural Commission is not included in the “Responsibility for Administration” section, yet in other sections of the code their responsibilities for review and recommendation are specified.

Action Requested: 17.10.030.A. Responsible Bodies and Individuals, insert as new subparagraph 3. “The Agricultural Commission, hereafter referred to as the Ag Commission”, and renumber the succeeding subparagraphs accordingly.

3. **Comment:** The “Rules of Interpretations” requires that a record be maintained of all Director Interpretations. Whereas the Director’s decision can be appealed, there is no regular review of the decisions by any other responsible body. Interpretations are then incorporated into the next code Amendment.

Action Requested: 17.10.050A. Record of Interpretations should include a regular report and review of Director Interpretations in front of the Planning Commission. Insert after sentence six “Interpretations shall be summarized and presented to the Planning Commission on a [insert time here, i.e., quarterly or semi-annual] basis for review and concurrence.”

4. **Comment:** 17.12 010.B shows the Minimum Lot Size Designations. It reflects the minimum for RL at 20 acres. A note should be made that Optional Analysis will look at a 10 acre minimum for RL.

Requested Action: Request a note be inserted at the end of this section as to the Optional Analysis.

5. **Comment:** 17.12.20 states that the Zoning Maps “shall be adopted by the Board in compliance with applicable law”. It then refers to 17.63 for future changes.

Action Requested: On November 14, 2011 when the Board of Supervisors’ motion approved the Resolutions of Intention (ROIs) and also stated “5) Direct staff to create an agricultural zone opt-in process to provide land-owners input regarding the appropriate zoning for rural property.” That process has not yet been completed and we request that the results of landowners’ input be considered and incorporated into the Zoning Maps that will be adopted as part of the Zoning Ordinance update.

Article 2 – Zones, Allowed Land Uses, and Zoning Standards

6. **Comment:** The terms “Land Use” and “Use Types” are used interchangeably throughout the document. Since Land Use is specific to General Plan concepts, recommend the term “Use Types” be used to minimize confusion.

Action Requested: 17.20 Development and Land Use Approval Requirements should be changed to: “Development and Use Type Approval Requirements.” On all use matrices in sections 17.21 through 17.27 the term “Use Type” should be used instead of “Land Use” in the subheading for column one for consistency and clarity within the document.

7. **Comment:** The General Requirements for Development and New Land Uses (17.20.30.A) states that each land use listed in the tables [17.21 through 17.25] is “defined in Article 8 (Glossary)”

Action Requested: Request consistency review to ensure that definitions of land uses are in fact included in the Glossary. Further, noting cross-references from the Glossary to other applicable sections in the ordinance will make this more user-friendly.

8. **Comment:** The section goes on to state (17.20.30.A.2) that if a use is *not* listed in the table it is *not* allowed within the particular zone [17.21 through 17.25]. It further states that if a use is not included in the tables or in Article 8, it is *not* allowed pending determination that it is a “similar or compatible use”, via a process spelled out in 17.20.30.A.3. This indicates that every use that could legally occur is listed or defined somewhere in the zoning document.

17.20.30.A.3 presents a list of findings to be made by the Director to determine that a use is “similar to and compatible with a listed use” and requires all *five* findings to be made, including determining that the use is “not listed in another zone”. Have we analyzed other jurisdictions to make sure every potential use has been captured in our documents? Would a person have to pay a fee to get a determination?

Action Requested: Determinations are in writing and have an appeal process. But this method seems overly cumbersome if we are to encourage business in the county, especially in the rural regions which rely on market-driven trends. Request this section be reviewed and simplified for the user.

9. **Comment:** The Exemptions from Planning Permit Requirements do not include agricultural buildings as exempted under El Dorado County Title 15, Buildings and Construction.

Action Requested: Add as 17.20.040.B.1 “Agricultural buildings exempt under Article 15.16.060.” Re-number the succeeding subparagraphs accordingly.

10. **Comment:** The use types included in Table 17.21.020, “Agricultural and Resource Zone Districts” do not include a range of uses within the Agricultural Support Services definition and do not include a wide range of permits for said uses. All uses under this subcategory are required to undergo a Conditional Use Permit.

This is inconsistent with ROI #182-2011, Policy 2.2.5.10, which stated "consider deleting requirement for special use permit for Ag Support Services, incorporate standards and permitted uses into Zoning Ordinance". It further conflicts with ROI #183-2011, Item 2, which instructs "Increase potential uses to provide additional agricultural support. . ."

Action Requested: At a minimum, request the recommendation included in EDAC Ag Workgroup as submitted in November 2011 be incorporated allowing a variety of uses that permitted "by right" through "Conditional Use Permit", based on the potential impacts of those uses (see Legistar 11-0356 75.35/410). Or consider additional comments as to specific permit recommendations for the uses listed in the Glossary, page 396 of 457 of the PRD.

11. **Comment:** Many of the permit processes for use types allowed in Agricultural and Natural Resource zones (Table 17.21.020) seem to be more restrictive than necessary or inconsistent with similar zones.

For example: 1) Dude Ranch is only permitted by CUP in all zones whereas a range of permit types could be provided depending on zone; 2) Storage Yard: Equipment & Material is only allowed in TPZ - - other agricultural zone designations may need to store equipment; and, 3) Temporary Camping is not allowed in any zone except TPZ - - why? The more extensive permitting is job inhibiting and not business growth oriented for areas where the zoning could accommodate these types of outdoor activities.

Action Requested: Request a consistency review of the use types in the agricultural zones to allow a full range of permit processes in these zones that represent our "working landscapes". Permit levels should encourage the activities that are necessary to sustain agriculture in our rural regions, not restrict them. Further, a review of the use types should be completed to ensure the Table is as comprehensive as possible.

12. **Comment:** Some commercial zones allow wineries. This appears in Table 17.22.020 where the terms "Production" and "Full service Facility" appear for the first time. While there is a new set of definitions in the Glossary, these terms are not used in the Winery Ordinance. Whereas we deduce that "winery production" only is appropriate in some settings a "winery & tasting room" is appropriate in other settings, it should be reviewed.

Action Requested: Request a consistency review of the terminology be conducted between the winery ordinance, commercial standards, and Glossary.

13. **Comment:** The ROI #182-2011 that addresses General Plan policy amendments will study whether or not to allow zones outside of Platted Lands. The Industrial zones section (17.23) does not identify this as an option.

Action Requested: Note in 17.23.010 that the GP amendment will analyze allowing Industrial Zones in the Rural Regions and Industrial – Platted Lands (I-PL) would be deleted in the zoning code and in table 17.23.020.

14. **Comment:** The Platted Lands (-PL) Combining Zone may be impacted by the General Plan analysis (see comment 8 above). If the board elects to allow commercial and industrial uses in the Rural Regions, will this zone be deleted?

Action Requested: Add a note in 17.21.110 that this zone could be changed or deleted as a result of the General Plan amendment analysis (see comment 8 above).

15. **Comment:** In the Special Purpose Zones, Open Space (OS) in 17.25.010.C.4 states "Intensive agriculture is not compatible, although low intensity agriculture such as seasonal grazing may be compatible".

In the Planned Development (-PD) Combining Zone, Residential Development Requirements are specified in 17.28.050.C to address Open Space in developments and suggests residential clustering to "maintain opportunities for commercial grazing, and minimize loss of agricultural lands".

While we agree that agricultural uses could be appropriate in either type of "Open Space" designation, these statements seem internally inconsistent and are confusing.

Action Requested: Request review of this section and correction as necessary.

Article 3 – Site Planning and Project Design Standards

16. **Comment:** The purpose section states that the development standards apply to all zones "in order to provide uniform development throughout the county . . . to encourage aesthetically pleasing development . . . for the residents and commercial interests of the County." That means that some commercial accessory uses on agricultural lands will be held to the same or similar standards as commercial lands in a Community Region.

Actions Requested: 1) Recommend that the majority of "Design Standards" be moved to the "Land Development Manual" or other such guiding document; and,

2) look at standards in relation to the rural setting of the agricultural use. The standards need to be reasonable and achievable.

17. **Comment:** The minimum lot size exceptions section refers to old zoning nomenclature for agricultural lands.

Action Requested: 17.30.020.D. delete the words "and in the AE and AP zones".

18. **Comment:** The Special Setbacks for Ag and Timber Resource Protection does not include FR, Forest Resource, zoning. If FR is an agricultural zone, shouldn't there be setbacks?

Action Requested: 17.30.030.E should be revised to insert "FR" after AG.

19. **Comment:** 17.30.030.E language is inconsistent with ROI #182-2011 where the recommended language for General Plan Policy 8.1.3.2 added a paragraph to state "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"

Action Requested: Request E.1.b. be changed to read as follows: "Adjoining agricultural zone is located outside of a General Plan designated Agricultural District,

where: (1) Lot with proposed incompatible use is 10 acres or larger: 200 feet; (2) Lot with proposed incompatible use is less than 10 acres: administrative relief of the setback is available; and (3) Lot located within a Community Region or Rural Center: 50 feet.

20. **Comment:** 17.30.030.H.4, Exceptions to setbacks, does not include the agricultural riparian setbacks specified in General Plan Policy 7.3.3.4.

Requested Action: Request addition of item 4.d. "Horticultural and grazing activities on agriculturally zoned lands that utilize "best management practices (BMPs)" as recommended by the County Agricultural Commission and adopted by the Board of Supervisors."

21. **Comment:** 17.30.050.G states that barbed wire is allowed in fencing for "being used for animal husbandry and/or grazing operations." Fencing is a common use to protect crops from predation as well.

Action Requested: Add to the end of paragraph 1 "or fencing to protect cropland from predation"

22. **Comment:** Commercial uses on agricultural land are exempt from landscaping standards except where a permanent parking lot is located adjacent to a public road (17.33.060.A.1). A permanent paved parking lot is also subject to the shade requirements (17.33.060.C). It is impractical to impose these requirements on agricultural lands in rural regions.

In the case where compliance with this design standard would encroach on permanent cropping or equipment turnaround areas, this could pose a significant burden on the agriculturist. Due to our topography reduced usable area on smaller parcels, it could impact meeting minimum crop requirements that qualify for the allowed accessory uses. The cropping areas and natural, open space values provide adequate "landscaping" in these areas.

Action Requested: Request commercial uses on agricultural lands be exempt from these landscaping requirements.

23. **Comment:** Requiring landscaping and parking standards in Rural Centers is impractical and, in some cases, infeasible. There is such a small amount of commercial zoning available in the Rural Centers and this would increase the footprint of a project that could render many of the lots unusable with these additional landscape buffers.

Action Requested: Request the commercial uses in Rural Centers be exempt from these landscaping requirements.

24. **Comment:** 17.36.120.A states that off site signs . . . may be established by Conditional Use Permit. The Winery Ordinance states in 17.40.400.G.3.a that off site signs may be added using an Administrative Permit.

Action Requested: Insert as new paragraph A. "Small off site directional signs for Wineries may be approved by Administrative Permit as specified in 17.40.400.G.3.a." Renummer the subsequent subparagraphs accordingly.

Article 4 – Specific Use Regulations

25. **Comment:** In general, the terms “permitted” and “allowed” are used interchangeably throughout the document. When the term “permit” is used, it would be helpful to have the type of permit identified, i.e., “planning permit”. If a use is being allowed, request the term “allowed” be used.

Action Requested: Request a consistency review within the “use” sections of the zoning code to minimize confusion when using the term “permit”.

26. **Comment:** Clarify the agricultural structure exemption and add it to the “accessory use” section.

Action Requested: 17.40.030.C should be revised to add “Agricultural buildings that do not require a building permit under Article 15.16.060 and small sheds or other storage structures that do not require a building permit shall be exempt from . . .”

27. **Comment:** The Williamson Act preserve county code restricts residential development of second dwellings to the same parcel as the primary home (17.40.050.C.3). There is no restriction in state law to require this. When a Williamson Act contract delineates a boundary that encompasses more than one parcel, could building on a separate parcel be allowed?

The reason for the request is if someone in a Williamson Act Contract wants to add a secondary home for a family member, involved in the operation, but it makes more sense to put the dwelling on one of the other parcels within the contract, they would have to rescind and re-enter into two new contracts in order to add the second home. This is costly, time-consuming, and unnecessary and would have minimal impact.

Action Requested: Request review of the requirement to co-locate the secondary dwelling on the same parcel as the primary dwelling.

28. **Comment:** Does the Williamson Act second dwelling unit restriction (see comment 3 above) preclude development of an additional agricultural employee housing unit on site? Section 17.40.120.D, Agricultural Employee Housing, does not address this.

Action Requested: Request review of the requirements for agricultural employee housing as it relates to an additional dwelling on Williamson Act contracted land.

29. **Comment:** Agricultural Support Services, Section 17.40.070.C, provides a method for review and approval of *all* support services that requires a hearing by the Agricultural Commission each time and the use of a *Conditional Use Permit*.

This is inconsistent with ROI #182-2011, Policy 2.2.5.10, which stated “consider deleting requirement for special use permit for Ag Support Services, incorporate standards and permitted uses into Zoning Ordinance”. It further conflicts with ROI #183-2011, Item 2, which instructs “Increase potential uses to provide additional agricultural support. . .”

Action Requested: At a minimum, request the glossary terms that define this type of use be included in the Agricultural Zone matrix, Table 17.21.020 and that a range of permitting process be analyzed for each of the agricultural zones based on potential impact levels. The Agricultural Commissioner should have administrative permit review for minor impacts and referral to the Agricultural Commission could occur on larger impact uses to ensure the findings can be made.

30. **Comment:** Animal Raising and Keeping (17.40.080) is a new section of the proposed zoning code. In the current code animal raising and keeping is allowed in agricultural zones as well as residential zones of one or more acres. The proposed language applies to residential and agriculturally zoned land uses, but it seems to be mostly geared to residential concerns. It would seem that agriculturally zoned lands that may raise animals should be addressed separately from residential concerns.

In the current zoning code there is no reference to animal slaughter until addressing commercial slaughter within agricultural zones which requires a permit. The language actually incorporated into this zoning section reflects a staff interpretation relating to slaughtering of livestock in residential districts. It has been expanded to also address animal keeping in residential zones. This has not, until now, received the benefit of public input.

Currently there are agricultural operations that occur on larger residentially zoned parcels that are in the Rural Regions (RE-5 and RE-10s). Further, we have concerns that being overly restrictive on residential animal raising will preclude the FFA and 4-H projects that are necessary for our agricultural students. Animal slaughter should be addressed separately.

The definition of domestic farm animals in the glossary needs to be reviewed and corrected to address farm vs. domestic pet animals.

Action Requested: Request 17.30.080.C and D be deleted and deferred until this matter can be fully examined. We would support the Board developing Interim Guidelines until such time as the Animal Raising and Keeping Ordinance can be completed.

31. **Comment:** In Home Occupations, 17.40.160, the treatment of allowed uses assumes that all occupations will be accomplished “within the home” and are not outdoor uses. The purpose statement, however, states they should be compatible with “surrounding residential and agricultural uses”.

The standards should be reviewed for areas that preclude outdoor activities or storage of equipment in a rural setting. The standard in 17.40.160.C.8 allows that heavy commercial vehicles may be stored on site on lots five acres or larger “providing they are not visible from a right-of-way or road easement except when in use”.

Action Requested: Request the standard delete the language requiring equipment to be invisible “except when in use” for all Agricultural and Resource Zones.

32. **Comment:** Prohibited Home Occupations include in 17.40.160.F.1 “Motor vehicle and other vehicle repair or maintenance, F.2 storage of motor vehicles, F.9 repair shops,

F.12 welding and machining and F.14 any other use determined . . . not incidental to or compatible with residential activities.” This is impractical for agricultural uses.

Action Requested: We support consideration of many items contained in the optional analysis. Many of the foregoing prohibited home occupations could very well be Agricultural Support Services that could serve the agricultural community well. Request this item be analyzed in conjunction with comment 5 above for agricultural uses.

33. **Comment:** Lodging facilities in Agricultural Districts and adjacent to agriculturally zoned lands require the review and compatibility review of the Agricultural Commission. When the code was first drafted, this section addressed Bed & Breakfasts and Lodges/Inns. Now this code has been expanded to include Agricultural Homestays and Dude Ranches, which may not require the development of new structures.

Therefore, it may be that in developing the standards for the new uses, the Agricultural Commissioner could perform the compatibility review for those lodging facilities that require an agricultural nexus and that are permitted in the matrix. This language needs to be revised to be consistent with the review language contained in the Agricultural Homestays section of the code (see comment 10 below).

Action Requested: Request that 17.40.170.C.1 be revised to say “must be reviewed by the Agricultural Commission for compatibility with surrounding agricultural land uses prior to action by the review authority or reviewed by the Agricultural Commissioner when the use occurs on agriculturally zoned lands.”

34. **Comment:** In the Agricultural Homestays description of the agricultural site criteria to be applied, we prefer the language used in the Agricultural and Timber Resource Lodging section (17.40.170.E) and request the language be made consistent.

Action Requested: Request to remove and replace the language in 17.40.170.D.1 to read as follows: “The applicant shall demonstrate to the satisfaction of the Agricultural Department that the site meets the minimum qualifications for agricultural or grazing use as set forth under the minimum criteria for a Williamson Act Contract, whether the property is under contract or not.”

35. **Comment:** The Health Resort and Retreat Center is considered an “expanded home occupation in those zones allowing residential uses”. These types of businesses can be compatible with agricultural businesses and we currently have that now. Recommend that, like lodging, the health spa have the opportunity, like other lodging facilities, to demonstrate to the Agricultural Commission that a proposed project would be compatible with surrounding agricultural uses.

Action Requested: Add language that provides a review process if a project is proposed adjacent to or on agricultural lands such as: “must be reviewed by the Agricultural Commission for compatibility with surrounding agricultural land uses prior to action by the review authority”.

36. **Comment:** Mixed Use Development contains development standards that may be difficult to achieve in Rural Centers, which have a limited footprint for commercial zoning. For example, 17.40.180.D.6 states standards for Parking and Loading and Landscape Buffers that may be impractical or infeasible to achieve.

Action Requested: Review the development standards for parking and landscaping to analyze what is achievable in Rural Centers and revise accordingly..

37. **Comment:** Outdoor Recreational Facilities can be compatible in agricultural and rural zones. The setback standards need to be evaluated against the minimum acreages to see if they are practical and achievable.
38. **Comment:** 17.40.240, Produce Sales address sale of produce grown on site. The regulations require setbacks, an encroachment permit, and parking area that must meet dust mitigation measures . . . for a home produce stand.

Action Requested: Explore what minimal permitting should be required for a 200 square foot operation of this type. Revise accordingly.

39. **Comment:** Value-added Agricultural Products are regulated at all levels, and this should be clearly stated for anyone entering this business segment.

Action Requested: Change 17.40.240.D to read “Products shall comply with all local, federal, and state laws and regulations” to make it more correct.

40. **Comment:** The Ranch Marketing Ordinance continues to evolve and the industry has participated in the committee over many years, resulting in the document in the draft. We continue to look for ways to increase the “season” for local agriculturists to market their products and “by-products”, resulting in no need for the “concurrency” regulation. The current draft added uses for Christmas Tree lots that didn’t previously exist.

We support expanding these direct marketing opportunities to other industries not yet addressed. We identified a couple of areas that should be reviewed and incorporated into the ordinance at the next juncture. We are requesting those areas be “reserved” in the adopted ordinance (*see request a below*)

We appreciate the addition of the ranch marketing uses on grazing lands that is included in the draft. However, including in the “Optional Analysis” is inconsistent with the Board’s direction in ROI #183-2011, Item #13, that states “Expand potential uses in the agricultural . . . zones to provide for opportunities for . . . allowing ranch marketing on grazing land”. Although a range of uses within this context will be studied for environmental analysis, we believed the direction was already clear to pursue this matter (*see request b below*).

In recent discussions, the minimum cropping acreage has been looked at, especially in light of emerging trends that allow intensively farmed, small parcels to compete in local markets. The industry supports the concept that the “agriculture comes first, and then the accessory uses”. But the minimum standards for direct farm marketing are ripe for review.

The non-conforming use section of this regulation is fashioned after the Winery Ordinance process that followed its adoption in 2009. The thought was to find an efficient and inexpensive way to document current activities and “grandfather” them in. This is a cumbersome method, however, and with dozens of operators it is a challenge.

If there is an easier way to accomplish this goal, we would applaud that. (*see request c below*).

Actions Requested: a) Request a “reserved” section be identified for 1) Ranch Marketing Provisions for Small Livestock Operations; and, 2) Ranch Marketing Provisions for Horticultural Operations.

b) Request the Ranch Marketing on Grazing Lands be incorporated into the adopted ordinance and direct the environmental review of a range of activities within this type of use.

c) Request a review and analysis of the non-conforming use section to simplify in order to grandfather in existing business activities.

41. **Comment:** The county Right to Farm Ordinance continues to tie the agricultural protections to agriculturally zoned lands. Whereas the state regulation applies the right to farm protections to agricultural operations and encourages notification to all new owners of adjacent properties.

Action Requested: Request addition to the definition of Agricultural Land “and TPZ (Timberland Production Zone) or lands within an Agricultural District or parcels with an Agricultural Land General Plan Land Use Designation”. This will bring the ordinance into consistence with state law and may provide clearer notice to adjacent landowners.

42. **Comment:** In 17.40.320, Storage Facilities, need to allow agricultural zones to store equipment and materials.

Action Requested: Request the following changes in 17.40.320.D, sentence two: “In the Industrial – Platted Land, Agricultural Zones, Timber Production (TPZ) zones, storage yards are limited to storage that is accessory to a permitted use . . .”

The last sentence of this paragraph states “Storage yards shall be fully screened from view from public areas such as roads . . .” and is addressed in D.3. This language is inappropriate for agricultural uses and should be deleted for agricultural zones.

43. **Comment:** The content of the winery ordinance is essentially unchanged from its adoption except that 1) the non-conforming uses clause has been appropriately deleted and 2) wine caves have been added to the development standards. The matrix has been modified to reflect the new zone designations.

Action Requested: A review of the permit matrix should be undertaken after the opt-in process and zoning map are completed to ensure against inconsistencies.

Article 5 – Permit Planning Procedures

44. **Comment:** Section 17.50.030, Review Authority, does not include the Agricultural Commission, a reviewing and recommending body.

Action Requested: Request that Agricultural Commission be added to Table 17.50.030.A.

45. **Comment:** Section 17.50.040 should be re-numbered .050. It encourages decisions “based on standards”. We support moving to an objective, standards based approach to permitting uses in the county.
46. **Comment:** Section 17.52.020, Conditional & Minor Use Permits are discussed. It is recommended that a Minor Use Permit should be used if the “project is not likely to result in controversy”. The permit application form for a minor use should not be increased due to the potential of controversy or public interest that might require a public hearing. The use should determine the appropriate application level, not the possibility of controversy.

Action Requested: Delete subparagraph 17.52.020.2.c in its entirety.

47. **Comment:** 17.54.070, revision to an approved permit, allows Director approval of minor modifications. It seems that the minor modification potential is so limited that this would rarely be used. The section goes on to say in 17.54.070.D. that the “review authority may modify or impose new conditions to the permit revision as it deems reasonable and necessary . . .”. This ability to re-open the conditions of approval on a use permit causes people to avoid amending them . . . and that does not encourage businesses to expand or to be forthcoming.

Requested Action: Request this language be changed to state “the review authority may impose new conditions to the permit only to the extent of the revision . . .” so as to preclude a new set of requirements being imposed on items not being revised by the request.

48. **Comment:** 17.54.090.4.d states that a use permit can be revoked “when use or structure ceased to exist or has been suspended for at least 12 months.” This means that when there is a change of ownership, someone thinks they have bought a business model, it could well go beyond the 12 months and they would lose those rights. I’m concerned about succession of our rural businesses, slow sales, and a down economy.

Action Requested: Request a provision be added to allow an extension of time on a change of ownership, to give the new owner a reasonable time to re-start the business. Recommend a period of at least one year be allowed to vigorously pursue the business.

Article 6 – Zoning Ordinance Administration

49. **Comment:** Section 17.68.010 Post- Disaster Rebuilding streamlining of reconstruction permits requires the Board to declare a “local emergency” exists.
- Action Requested:** Insert a provision that allows the Board to declare an “individual calamity or catastrophe” as a qualifying disaster under this policy so as to allow streamlined permits for businesses destroyed by fire, flood, or other disaster.
50. **Comment:** 17.61.030 states the General Provisions for Non-Conforming Uses. In 17.40.260.L, Ranch Marketing, there is a section that addresses “Non-Conforming Uses for Ranch Marketing. It will require individual businesses to justify their historic “uses”

and document it via an Administrative Permit. The process is cumbersome and will affect a lot of small businesses.

Action Requested: Request consideration of an easier process for “grandfathering in” these existing uses in the county.

Article 7 – Fees & Appendices

51. **Comment:** Appendices A and B that address Landscaping and Lighting are design standards that could be moved to a separate document and out of the zoning code.

Action Requested: Recommend that these Appendices be moved to a design manual.

52. **Comment:** The Landscaping Form and requirement is impractical for agricultural commercial in rural areas. Soil samples are typically used to analyze for the cropping needs, but to require another soil sample, a sign of from experts, seems unnecessary in a rural setting. There is no consideration of the water source, whether it is well or purveyor water.

Action Requested: Request this requirement be deleted from agricultural commercial enterprises in rural areas.

Article 8 – Glossary

53. **Comment:** The purpose section 17.80.010 states that if there is a word not defined in the article, the Director “shall determine the correct definition”.

Action Requested: Director determination of definitions should be treated in the same manner as an Interpretation as defined in Article 1 and should be placed in writing, subject to appeal or review of the Planning Commission.

54. **Comment:** The Glossary could be made more user-friendly with more cross-referencing within the Article itself. For example, if one tries to locate “Dude Ranch” there is no definition shown. If one were included, it would reference back to the “Lodging” definition, which *does* include the Dude Ranch definition. Some definitions do this and it works well, others do not and it causes confusion.

Action Requested: Request consistency review of all subparagraphs within definitions to ensure that appropriate cross-references within the Article are included.

55. **Comment:** The Glossary could be made more user-friendly with more cross-referencing within the rest of the zoning code. For example, if one reads the definition for “Farmers Markets” it should reference back to the “Outdoor Retail Sales” part of the code that further defines standards for Farmers’ Markets. Some definitions do this and it works well, others do not and it could cause confusion.

Action Requested: Request consistency review of all subparagraphs within definitions to ensure that appropriate cross-references within the other sections of the code are included.

- 56. Comment:** Some definitions that have been discussed and, in some cases provided, in past comment papers have not been included or incorporated completely. Refer to Glossary recommendations in EDAC Ag Workgroup white paper dated November 9, 2011 (Legistar 11-0356, Attachment 7F).

Requested Action: Request a consistency review of all agriculturally-related definitions to determine whether or not comments have been incorporated.

- 57. Comment:** New definitions may be warranted. Request consideration of whether new definitions should be added or other definitions expanded to address: 1) Commercial Agriculture; 2) Farm, Ranch, and Logging Equipment Yards; 3) Agriculture Structures for horticultural uses; and 4) Agri-tourism.

Action Requested: Request consideration of adding new definitions to clarify additional uses.