

Dear Supervisors,

2012 JUL 20 AM 9: 19

My family, friends and many neighbors ask that you cancel this General Plan Amendment/Zoning charade immediately!

As you all know it is a unnecessary waste of valuable time, resources and money.

We beg you to find the courage and not put this great county through the embarrassment of facilitating the manmade global warming/Climate Change and Agenda 21 lies.

Very Sincerely,

Michael Mueller, RCDD, DCCA, DSCE Diamond Springs

DATE 1/20/12

Zoning Ordinance Update Comments Article 3 – Partial Issues List July 18, 2012 at Board Hearing of 7-18-12

✓ 17.30.020 Minimum Size and Width of Lots

This Section contains design standards applicable to creation of new lots. The section should refer to minimum area and width standards in Article 2. Remainder of section should be deleted and reviewed for inclusion in Land Development Manual (LDM). (Note: Language in 17.30.020 B. seems to conflict with Draft LDM Section 2.2.2.B.)

✓ 17.30.030 Setback Requirements and Exceptions

A. Measurement of Setbacks.

This Section attempts to identify the right of way width for roads where the right of way is not defined. Setbacks would then be measured from the "assumed" ROW line. This applies to private roads, County-maintained roads and major roads which are expected to be widened in the future.

The ZO should not try to define ROW width. Assuming ROW width on existing minor roads can increase setbacks by as much as 50%; this is unnecessary where future widening is not anticipated. In the case of major roads where future expansion is anticipated, future ROW can be protected by establishing larger setbacks from the centerline of the road alignment, rather than trying to define ROW width.

The Table should be reviewed for accuracy. (Bass Lake Road 100' in Specific Plan?)

A. 4. a Double Frontage Corner Lots

Requires front setback for both primary and secondary front yards on a corner lot. Staff report (Page 9 of 24) suggests that ZO provides relief for secondary setback, but doesn't appear to be the case. Recommend adding an additional line to Development Standards in Article 2 with reduced setbacks for secondary front yards.

✓ 17.30.030 H. Riparian Setbacks

There are a number of issues with draft ZO language. For example, draft ZO uses "edge of riparian vegetation" as basis for measuring setbacks. Setbacks are based on size of lot rather than the type (perennial or intermittent) of drainage. Many elements are more restrictive than required by GP, such as the prohibition of paving within the setback, where the GP allows an exception for access roads.

Optional treatment language deals with a couple of issues, but full alternative language should be developed to accurately describe the optional approach. ZO language should probably

Cynthia Shaffer

Zoning Ordinance Update Comments Article 3 – Partial Issues List July 18, 2012

include building setback standards, and exceptions for reasonable use. Design standards related to new parcel maps or subdivisions might be more appropriately located in the Land Development Manual.

✓ 17.30.050 B. Front Yards

Subsections 4 and 5 address "Cross-Visibility Area" (CVA) requirements, intended to provide for safe sight distance at intersections of roads (35') and driveway encroachments (15'). Subsection 4 measures distance from edge of pavement, but subsection 5 uses edge of right-of-way. The adopted Zoning Ordinance uses 25' at intersections, but does not appear to have a CVA or similar setback at driveway encroachments.

CVA at intersections should be reduced to 25' from property line, and driveway encroachments reduced to 10'. An exception should be included for controlled intersections (signalized or stop signs).

✓ 17.30.060 Development Standards for Slopes Exceeding 30 Percent Gradient

Draft ZO language seems to be incomplete. Revised language needs to be developed. Purpose of proposed change was to provide relief for limited Commercial/Industrial/R&D lands and higher density residential (Multi-Family and High-Density Residential) in Community Regions and Rural Centers to facilitate use of those parcels. Need to address standards, exceptions and exemptions, reasonable use of existing parcels, and agricultural uses incorporating BMPs.

Certain design standards, should be considered for inclusion in the Land Development Manual, similar to the *Hillside Design Standards* in the adopted manual.

Cynthia Shaffer

Proposed amendments prepared by the EDAC Regulatory Reform Home Occupation Ordinance Committee, dated July 18, 2012.

17.40.160 Home Occupations

- A. Contents. This Section provides opportunities for home-based businesses compatible with surrounding residential and agricultural uses in order to encourage employers to offer home workplace alternatives, promote economic self-sufficiency of County residents, reduce commuting on U.S. Highway 50, while minimizing conflicts with adjacent property owners, maintaining the residential character of neighborhoods, and protecting the public health, safety, and welfare.
- **B.** Applicability. A home occupation, as defined in Article 8, shall be permitted in any zone that allows single- or multi-unit residential use in compliance with the standards and permitting requirements of this Section.
- C. Standards. A home occupation shall be allowed in compliance with the following standards:
 - 1. All business is conducted within permitted structures on the lot, or outdoors provided the business is screened from a right-of-way or road easement. The appearance of the structure shall not be altered nor shall the occupation be conducted in a manner that would cause the structure to differ from its residential character either by the use of colors, materials, construction, lighting, or signs, except where required under Paragraph 5, below.
 - 2. For home occupations conducted in any part of a garage or a detached building, the activity shall not be visible from a right-of-way or road easement, nor shall it require vehicles of the property owner to be routinely parked on the street.
 - 3. The business shall be owned and operated by a person or persons residing on the premises. The business owner may have on site meetings with other business personnel who provide support service to the home occupation, such as accountants and transcribers. Full or part-time employees under the direct payroll and supervision of the business owner, or an Independent Contractor, shall be allowed to report to work at the site of the home occupation subject to Paragraph 5, as follows:
 - a. One employee shall be allowed on lots one acre to less than five acres;
 - b. Two employees shall be allowed on lots five acres or greater.
 - 4. Retail sales may occur on the premises by appointment, only, or when conducted by telephone, mail, or internet, with delivery occurring off site.
 - 5. A building permit for change of use for that portion of the residence utilized as an office, workroom, sales area, and restroom facilities for employees and

at Board Hearing of 12-0837-4E.4

- commercial customers shall receive final occupancy approval subject to Building Code Section 1101B.6 (Commercial Facilities Located in Private Residences) prior to business license approval.
- 6. As part of the home occupation, no equipment or process shall be used that creates noise, vibration, dust, glare, fumes, odors, or electrical interference detectable to the normal senses off site. In the case of electrical interference, no equipment or process shall be used that creates visual or audible interference in any radio or television receivers, or that causes fluctuations in line voltage off site. For businesses that do not meet these standards the business may be considered subject to a Conditional Use Permit, which shall not be transferable from the applicant to any other person.
- 7. Commercial delivery vehicles that are normally associated with residential uses may be utilized for the pick up or delivery of materials related to the home occupation.
- 8. No heavy Heavy commercial vehicles, as defined in Article 8 (Vehicle, Heavy Commercial), used as part of the home occupation shall may be stored or parked on site providing they are not visible from a right-of-way or road easement, except when in use, or on the road frontage in RM, R1, R20K, R1A, R2A, and R3A zones. On lots five acres or larger and in Residential Estate (RE) and Agricultural and Resource zones (Chapters 17.24 and 17.21, respectively), heavy commercial vehicles may be stored on site providing they are not visible from a right-of-way or road easement, or on the road frontage except when in use.
- 9. Goods or materials used or manufactured as part of the home occupation shall not be visible from a right-of-way or road easement to the public-when stored.
- 10. Any materials used or manufactured as part of the home occupation may be subject to the review and approval of Environmental Management and the applicable fire department prior to business license sign off by the Department.
- 11. Student instruction shall be provided by appointment only, subject to the following standards:
 - a. Group lessons shall be limited to a maximum of four students at any one time, once per day, provided adequate parking is available. Parking space that meets on site residential requirements, as well as available parking space along the road frontage may be used.
 - b. No concerts, recitals, performance events, or showings shall be held on the site unless in compliance with Subsection D, below.
 - c. Student instruction shall be permitted between the hours of 7:00 a.m. and 9:00 p.m.

- 12. The following home occupations shall be allowed by right in Agricultural and Resource and Residential Estate (RE) zones (Chapters 17.21 and 17.24, respectively), on lots with a minimum size of 10 acres, in compliance with the standards under Paragraph C.11:
 - a. Horseback riding lessons or similar instruction involving animal husbandry.
 - b. Horse boarding providing the use or training of the horse(s) is limited to their owners or lessees.
- D. Student Instruction Administrative Permit Required. An Administrative Permit shall be required when a home occupation exceeds the standards under Paragraphs C.11 or C.12, above. An Administrative Permit for a home occupation under this Subsection shall only be approved when the Director finds that the standards being exceeded will not change the residential character of the neighborhood based on the attendance numbers, frequency or duration of the event, and nature of the use. If applicable, the location of an accessory structure relative to adjacent residential uses shall be considered, as well. For horse boarding or riding lessons, five to eight boarded horses or students in a group lesson may be allowed under this permit. Nine or more is considered a commercial stable as defined in Article 8 and subject to Subsection G, below. In addition to all other standards under Subsection C, permit approval shall be subject to compliance with the following standards:
 - 1. The site of the home occupation either has direct access to a public or private road that conforms to Standard Plan 101C, or the property owner participates in a road maintenance association.
 - 2. The total number of vehicle round trips to the site generated by students receiving group lessons shall not exceed 12 per day.
 - 3. There shall be adequate parking on the site to accommodate recitals or concerts, in addition to the required residential parking spaces. Added parking areas shall be located outside of any setback areas for the zone, in compliance with Subsection 17.36.040.D (Parking and Loading). Available parking along the road frontage may be used, also.
 - 4. A proposed accessory structure for the purpose of conducting recitals or concerts shall be permitted as follows:
 - a. For lots less than one acre, one structure of 600 square feet, maximum.
 - b. For lots one acre or larger, one structure of 1,200 square feet, maximum.
 - 5. The Administrative Permit shall not be transferable from the applicant to any

other person.

E. Signs. Signs identifying authorized home business activities on the site shall be subject to the standards in Table 17.40.150 below. All signs shall be compatible in design with the residential structures on site and shall not be illuminated.

Table 17.40.150 Home Business Sign Standards

	RM, R1, R20K, R1A	R2A, R3A, RE-5	RE-10, Ag and Resource Zones
Number	1	2	2
Size (cumulative)	1 square foot	6 square feet	12 square feet
Height (maximum)	n/a	6 feet	8 feet
Location	On wall adjacent to front entrance	1 within front setback to be visible from the ad road and 1 adjacent to residence or structure home business is conducted	

- F. Prohibited Home Occupations. The following uses occurring on the site are not incidental to or compatible with residential activities on parcels less than one acre, and shall not be allowed as home occupations. —For parcels greater than one acre the following uses occurring on the site, except as indicated below, are subject to a Conditional Use Permit which shall not be transferable from the applicant to any other person:
 - 1. Motor vehicle and other vehicle repair or maintenance (body or mechanical) including, but not limited to the repair of engine, muffler, or drive train components of the vehicle; and upholstering, painting, or detailing work, except as provided in Section 17.40.380 (Vehicle Maintenance, Repair, and Storage Accessory to a Residential Use).
 - 2. The storage of motor vehicles, including but not limited to automobiles, motorcycles, heavy commercial vehicles, recreational vehicles, trailers, and boats (motorized or not), except as provided in Section 17.40.380 (Vehicle Maintenance, Repair, and Storage Accessory to a Residential Use) and Paragraph C.7, above.
 - 3. Carpentry and cabinet making, with the exception of woodworking that results in the creation of small wood products or single orders of furniture where delivery occurs off site or on site by appointment only.
 - 4. Food preparation and food sales, except as part of a catering business where prepared food will be delivered off site, subject to Environmental Health permit

requirements.

- 5. Commercial kennels or catteries.
- 6. Personal services, as defined in Article 8.
- 7. Medical and dental offices, clinics, and medical laboratories.
- 8. Veterinary services, with the exception of those considered an 'agricultural support service', as defined in Article 8 and subject to the standards in Section 17.40.070 (Agricultural Support Services).
- 9. Repair shops or service establishments, with the exception of repairing small electrical appliances, cameras, or other similar items where pick-up and delivery occurs off site or on site by appointment only.
- 10. Commercial stables, as defined in Article 8 (Stables: Commercial), which shall be subject to Subsection 17.40.210.D (Outdoor Recreation Facilities).
- 11. Large-scale upholstering service, with the exception of upholstering single orders of furniture or other objects where pick-up and delivery occurs off site.
- 12. Welding and machining, except when incidental to small scale production or parts assembly; or work or craft that is the activity of creative artists.
- 13. Winery and tasting rooms that are not allowed in the Wineries Ordinance (Section 17.40.400).
- 14. Any other use determined by the Director that is not incidental to and/or compatible with residential activities.
- **G.** Conditional Use Permit. Where a proposed home occupation exceeds the standards under Subsections C or D above, a Conditional Use Permit shall be required.
- *Optional Analysis for the Home Occupation Ordinance would allow for:
 - 1. Community Region
 - a. One employee or Independent Contractor on < 1 acre; 2 employees between 1 and 5 acres; 4 employees on ≥ 5 acres; shall be allowed by right.
 - b. 6 students per group lesson <u>onceonee</u> per day <u>on parcels less than one acre, or twice per day on parcels one acre or greater.</u>
 - c. Business may be conducted outdoors if screened from the public.
 - d. Commercial vehicles normally used in residential areas are allowed. Other commercial vehicles unless the are allowed provided the vehicle is parked within an enclosed structure and/or screened from public view.
 - d.e. Storage of business products shall be within a building, and/or outdoors if screened from any right-of-way or roadway easement.

2. Rural Center -

- a. One employee or Independent Contractor on < 1 acre; 2 employees between 1 and 5 acres; 4-5 employees between 5 and 10 acres; 10 employees on ≥ 10 acres; shall be allowed by right.
- b. 8 students per group lesson twice per day.
- c. "Limited number" of clients/customers on site at one time.
- d. Business may have a "limited impact" on the neighborhood.
- e. Outdoor businesses shall be screened from public roadways.
- f. Storage of business products shall be allowed within an on-site building, and/or outdoors if screened from any right-of-way or roadway easement.
- g. Any business allowed in Class I shall be allowed in Class II. e.h.
- 3. Rural Regions
 - a. Four employees on < 5 acres; 7 employees between 5 and 10 acres; 10 employees on ≥ 10 acres; shall be allowed by right.
 - b. Business may have a "greater impact" on neighborhood than in Rural Centers.
 - c. "Larger number" of clients/customers on site at one time.
 - d. Outdoor businesses not required to be screened.
 - d.e. Any business allowed in Class I or Class II shall be allowed in Class III.
- 4. General standards: For purposed of determining the number of employees, customers and clients allowed, the acreage measured as the total of contiguous lots under business owner's title shall be used.
- 5. Undefined permit required for businesses having more than two employees or that have a "significant impact" on the neighborhood.
- 5.6.Incorporate a "checklist" for any home occupation business permit.

EDAC Regulatory Reform Sub-Committee for the Home Occupation Ordinance (HOO) Outline

Amended 7/18/12

- Today, many existing home based businesses utilize employees, work in the home or a detached building, create occasional noise, and have operated for years without complaint or impact on neighbors, but are illegal.
- General Plan Policy 10.1.7.4 states "Home occupations shall be encouraged and permitted to the extent that they are compatible with adjacent or surrounding properties."
- Program 10.1.7.4.1 reads "Establish standards in the Zoning Ordinance that provide compatible home businesses that complement residential uses in Community Regions, Rural Centers and Rural Regions."
- Program 10.1.7.4.2 reads "Land use regulations shall disallow Conditions, Covenants and Restrictions that preclude home occupations or work-at-home activities."
- Purpose of Home Occupations: to provide opportunities for businesses compatible with surrounding residential and agricultural uses in order to encourage employers to offer home workplace alternatives, promote economic self-sufficiency of County residents, reduce commuting on U.S. Highway 50, and reduce vehicle trips on local roads, while minimizing conflicts with adjacent property owners and protecting the public health, and safety and welfare.
- San Bernardino County is an example of a HOO that encourages HO by allowing HO classes based on standards.

17.40.160 Home Occupation Ordinance

• A Home Occupation is the use of one's residential property for business, which may be conducted within the home, within another onsite building or outdoors. It is permitted only if the home is used primarily as a residence, by the homeowner or tenant, and the business will not alter the residential character of the area.

Three Classifications:

Class I – Community Regions

- If the parcel is less than one acre, one employee is allowed by right
- If the parcel is between one acre and five acres, two employees are allowed by right
- If the parcel is five acres or more, four employees are allowed by right
- All work shall be predominately done by telephone, mail, facsimile, internet, one client face-to-face at a time set by appointment only, or off-site work.

Submitted by Kimberly Beal 1	
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at Board Hearing of 7-18-12	_

- Student Instruction shall be allowed by appointment only, with group lessons limited to a maximum of six students at any one time, twice per day
- Storage of business products shall be within a building, and/or <u>outdoors if</u> screened from <u>public view</u> any right-of-way or roadway easement.
- Only those types of commercial vehicles normally used in residential areas are allowed, unless the vehicle is parked within an enclosed structure and/or screened from public view any right-of-way or roadway easement.
- Business conducted outdoors shall be screened from public view_ any right-of-way or roadway easement.

Class II - Rural Centers

- If the parcel is less than one acre, one employee is allowed by right
- If the parcel is between one acre and five acres, two employees are allowed by right
- If the parcel is between five and ten acres, five employees are allowed by right
- If the parcel is ten acres or more, ten employees are allowed by right
- Allows a limited number of clients or customers on site at one time
- Student Instruction shall be allowed by appointment only, with group lessons limited to a maximum of eight students at any one time, twice per day.
- The business may have a limited impact on the neighborhood
- Any business allowed in Class I shall be allowed in Class II
- Storage of business products and business vehicles shall be screened from public roadways- any right-of-way or roadway easement.
- Business conducted outdoors shall be screened from public roadways.

Class III – Rural Regions

- If the parcel is less than five acres, four employees shall be allowed by right
- If the parcel is between five and ten acres, seven employees are allowed by right
- If the parcel is ten or more acres, ten employees are allowed by right
- Allows a large number of clients or customers on site at one time
- A business may have more impact on the neighborhood than allowed in Class I or Class II
- Any business allowed in Class I or Class II shall be allowed in Class III
- Storage of business products and business vehicles shall be screened from public roadways any right-of-way or roadway easement.
- Student Instruction shall be allowed by appointment only, with group lessons limited to a maximum of ten students at any one time.
- Business is allowed to take place outdoors

Permit Requirements

- A permit is not required for businesses having up to two employees, provided all parking is on site and there is no other impact on the neighborhood
- A permit is required for businesses having more than two employees
- A permit is required for businesses that will have a significant impact on the neighborhood

General Standards

- All businesses must have a Business License
- A home occupation shall be permitted in any zone that allows single- or multi-unit residential use
- All employee parking shall be on site
- A tenant operating a Home Occupation is required to provide the property owner's notarized, written permission for that specific use of the property
- Should the owner of the business own contiguous parcels, the aggregate of the acreage shall be used to determine the number of employees, customers and clients allowed
- Hours of operation are allowed between 7:00 AM and 9:00 PM
- The Home Occupancy Ordinance shall not override other County Ordinances
- Incorporate a "checklist" for any home occupation business permit.
- Setbacks and building heights shall be consistent with the underlying zoning.

Additional Standards will be written as the ordinance is being created, to provide setbacks, standards for each Class, signage and more. Also, it is anticipated that there will be at least 2 types of permits, one being an administrative permit and the other being a <u>Conditional or Special Use Permit</u>

The initial HOO outline was prepared and presented to the Planning Commission on September 22, 2011. KAB

The First Amendment of the HOO was approved by the EDAC HOO Committee on October 21, 2011, and presented to the Board of Supervisors on October 24, 2011. KAB

Within Article 4, Chapter 17.40, the County changed the Home Occupation Section number from 17.40.170 to 17.40.160, and incorporated herein on February 21, 2012. KAB

The Third Amendment of the EDAC HOO was prepared July 18, 2012. To the County's proposed Home Occupation Ordinance amendments were prepared and presented to EDC during a public meeting on July 18, 2012. KAB

Zoning Ordinance Update Comments Article 4 – Partial Issues List July 18, 2012

17.40.030 Accessory Structures and Uses

Allows use "accessory to" primary use. Accessory use is incidental to, subordinate to, compatible with, necessary for carrying on the principal use. Draft ZO describes barns and ag structures as "accessory" uses. Requires that the "accessory use" occur on the same parcel as the primary use. (Cannot build house on one parcel and barn on adjacent parcel.) Unclear if uses such as cropland and grazing are also considered "accessory" and if a house would have to be built as a condition precedent to planting crops on a vacant parcel. Ranch marketing (wineries) requires accessory uses to be on same parcel as vineyards.

Concern that this treatment will have chilling effect on small-scale ag operations, home occupations and rural commerce.

17.40.150 **Guest House**

Currently 400 sq. ft. allowed by right as accessory use in most larger lot residential zones. May not have kitchen facilities, but wet bar allowed. Draft ZO would increase maximum size to 600 sq. ft., but prohibits a guest house on any parcel containing a second dwelling (granny flat; kitchen facilities allowed).

Guest house (without a kitchen) should be allowed as an accessory use for main dwelling, either attached or detached. Should not be restricted because of secondary dwelling.

✓ 17.40.160 **Home Occupations**

Language for "optional consideration" may not encompass all proposed or contemplated home occupational uses or issues. Suggest that ordinance language for optional consideration be prepared to ensure all issues are covered.

17.40.300 **Secondary Dwellings**

- "Maximum Floor Area" is calculated to include "potentially habitable space" such as attics and storage areas. Article 8 definition of "Gross Floor Area" includes unimproved attic space with 6'6" of headroom, whether or not a floor is laid. This provision should be changed to delete space which is not habitable.
- C.3.b. Prohibits Secondary Dwelling where a guest house (without a kitchen) exists. Current ZO allows both on lots over 1 acre. Both should continue to be allowed on larger residential parcels.

Submitted by Cindy Shaffer

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at Board Hearing blic Comment 12-0837.4E.13

Zoning Ordinance Update Comments Article 4 – Partial Issues List July 18, 2012

17.40.330 **Temporary Real Estate Sales Offices**

B.5. Allowed for initial term of 2 years or build-out of subdivision, whichever is earlier. Extensions for one year can be approved up to a maximum of 5 years. Current ZO allows Temporary Sales Office by right and requires that the use terminate within 30 days of the last sale. Proposed initial term of 2 years is too short; successive extensions of 1 year are an unnecessary regulatory step. Suggest language in current ZO be retained.

Timber Production Zone 17.40.350

GP contains specific findings required for a CUP to build a dwelling on TPZ lands. The Draft ZO expands those findings to include: "The property owner has either demonstrated a need for full-time residency on the subject lot to protect against theft or vandalism, or full-time management of the stand is necessary for its continued productivity." This standard is a "poison pill" that is impossible to satisfy. Findings should conform to the specific findings contained in the GP. (Includes "the use will not be detrimental" or "will not hinder timber production and harvesting".)

Board of Supervisors/Planning Commission

Joint Workshop July 18, 2012

Presented by Linnea Marenco

Article 4

1. Home Occupation Page 22 17.40.160

Rural commerce is important to the survival of rural lands (working landscapes rather than land splits). This concept is similar to the manner in which our pioneering families and pioneering properties survived – that is, conducting business/generating income on rural lands where they also lived.

Therefore, home occupations which allow a home business performed outside of the residential structure/accessory buildings and where limited clients, retail sales, and employees may occur on-site is necessary to protect the viability of rural properties, especially larger parcels in Rural Regions.

Recommendation: Analyze optional input as found on Page 27 of Article 4 for Home Occupations for Rural Regions:

- 3. Rural Regions -
- a. Four employees on < 5 acres;
 7 employees between 5 and 10 acres;
 10 employees on ≥ 10 acres.
- B Business may have a "greater impact" on neighborhood than in Rural Centers.
- c. Larger number of clients/customers on site at one time.
- d. Outdoor businesses allowed and not required to be screened.

2. Agricultural Homestays. Page 27 Lodging Facilities D. (Now reads)

- 1. The applicant shall demonstrate to the satisfaction of the Agricultural Department that the site meets meet the minimum criteria for a Williamson Act Contract, whether the property is under Contract or not. The adopted Williamson Act criteria for lots between 10 and 20 acres shall also apply on similarly sized lots, whether they are under Contract or not.
- 2. The use is limited to a maximum of <u>three guest rooms</u> for <u>up to six guests</u> at any one time.

at Board Hearing of 7 18-12
Public Comment 12-0837.4E.15

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- 3. The property owner shall reside in either the primary or secondary dwelling on site.
- 4. Meals may be served to overnight guests, only. There are no limitations on the number of meals or the times at which they are served. The price of food shall be included in the price of the overnight accommodations in compliance with the California Retail Food Codes enforced by the County (Health and Safety Code Section 113893).

Note:

The state's allowance for maximum number of guest rooms and guests allowed at any one time is not more than six guest rooms or accommodates not more than 15 guests. The El Dorado County ordinance should match that of the State of California's agricultural homestay requirements under SECTION 1. Section 113870 of the Health and Safety Code, Bill Number AB 1258 introduced by Assembly Member Strom-Martin. To read more about the State of California's Agricultural Homestay requirements see http://ucanr.org/sites/sfp/agritourism/factsheets/ab1258/ prepared by the University of California Cooperative Program.

Recommendation: match the State of California's Health and Safety Code to allow not more than six guest rooms or accommodate not more than 15 guests for an Agricultural Homestay.

3. Ranch Marketing on Agricultural Grazing Lands (Large Animal) Page 50

Ranch Marketing on agricultural grazing lands, not merely agricultural crop growing properties, is to be strongly encouraged. Hay/pasture is the 4th top agricultural commodity (12%) in El Dorado County in 2010 by proportion of the overall gross crop value; livestock (22%) is the second highest overall gross crop value. (From the El Dorado County Environmental Checklist Agricultural Resources, Page 2-5 May 2012 Initial Study EDC TGPA and ZO Environmental Impact Report ICF 00103.12 12-0267 5C 5 of 53).

Recommendation: Ranch Marketing on Agricultural Grazing lands should be allowed on Planned Agriculture (PA) and Rural Lands (RL) zones, as well as the Ag Grazing (AG) zone, and require fewer than 160 acres to qualify.

Rational: many people will not graze cattle or other large animals on their lands because they do not want to be discriminated against/zoned as Agricultural Grazing (AG).

Objective: encourage grazing lands and ranch marketing on grazing lands. Therefore, make the Ranch Marketing on grazing lands desirable by allowing grazing on agricultural zones such as PA and RL and do not limit to parcels of 160 acres or more in order to allow Ranch Marketing on grazing lands. Ranch Marketing on crop lands is allowed on merely as little as 5 acres and is successful as such.

No Taking of Current Permitted Rights Every attempt should be made to retain (not take away) existing rights.

Recommendation: do not take away existing, permitted rights as existing zones are replaced.

Recommendation: the Board of Supervisors direct staff to make every effort possible to not take away existing rights.

Recommendation: the Board of Supervisors direct staff to prepare a list of 'taken' rights.

Recommendation: already approved Business Licenses should not be disallowed as ordinances change.

For example, as new zones (e.g., RL) replace archaic/deleted zones (e.g., AE), rights should not be taken away. For example, on AE (Re) Zoning:

1. The Exclusive Agricultural (AE) current zone states the following use is permitted by right: "I. The packing, processing, and sale of agricultural products and by products grown off-site in conjunction with the processing or sale of products grown on site."

However, AE lands may be converted to the RL zone which, in its draft form, <u>does not allow</u> the packing, processing, and sale of products grown off-site in conjunction with the processing of sale of products grown on site.

Recommendation: RL zone should permit the sale of products grown off-site by right, not CUP.

2. AE lands may now graze an unlimited number of animals by right. This right should not be taken away by the proposed commercial horse boarding requirements and associated County fees for 9 horses or more.

And, as ordinances change, the rights to the holder of an existing business license should not be taken away. Revisions to the ordinances not should not force small business owners to amend their existing business plans which have already approved by the County via a business license:

For example, if a property owner currently holds a Vacation Home Rental or Riding Stable or Boarding or Guide Service or Outfitters Business License on file, as ordinances change, those already holding a business license should not lose that right to operate that business.

Zoning Ordinance Update Comments Article 5– Partial Issues List July 19, 2012

✓ 17.50.030 Table A.

What is the difference between "Issue" and "Decide" in the Table?

✓ 17.51.090 Pre-application/Conceptual Review

This process is only useful if it can be done in a timely manner. Should this be "required" or at the option of the applicant?

✓ Chapter 17.52 This section would benefit from the addition of a table listing all types of permits/actions and which process applies to each...staff level review without public notice, staff level review with public notice.

17.52.010 Administrative Permit

D. Administrative Relief or Waiver

Other code sections allow a reduction in established standards of up to 50% through an Administrative Permit. Examples include reduction in mineral resource or cemetery setbacks of up to 50%. Language should be revised to allow reduction in standards as specified in the ZO, or up to 10% of the area or dimension where no reduction is specified.

✓ 17.52.020 Conditional and Minor Use Permits

- **A.2.a.** Language written in the negative. Suggest revision to read: "The project incorporates standards or conditions that are capable of mitigating potential environmental impacts to a level less than significant;"
- A.2.c. It is not appropriate that the level of "controversy" influence the type of permit required. While public controversy usually necessitates a heightened level of public review and scrutiny, it should not determine the type of permit needed by an applicant.

✓ 17.52.030 Design Review Permit

A.2. Revise to read: "Land adjoining designated State Scenic Highway corridors."

B. Review Authority, Procedure, and CEQA.

ZO treats Design Review as discretionary process. Goal should be to develop objective, measurable standards to be used to reduce the Design Review process to ministerial level. Where a project complies with established design standards, no further discretionary review should be necessary. Discretion should be exercised at the point of adoption of design standards.

Cynthia Shaffer

Submitted by Condy
Page 1

at Board Hearing of Public Comment 12-0837.4E.18

EL DORADO COUNTY PLANNING DEPARTMENT

REQUIRED SUBMITTAL INFORMATION for Special Use Permit

The following information must be provided with all applications. If all the information is not provided, the application will be deemed incomplete and will not be accepted. For your convenience, please use the check $(\sqrt{})$ column on the left to be sure you have all the required information. All plans and maps MUST be folded to $8\frac{1}{2}$ " x 11".

FORMS AND MAPS Check (√) Applicant County	REQUIRED
1)	Application Form and Agreement for Payment of Processing Fees, completed and signed.
2)	Letter of authorization from all property owners authorizing agent to act as applicant, when applicable.
3)	Proof of ownership (Grant Deed), if the property has changed title since the last tax roll.
4)	A copy of official Assessor's map, showing the property outlined in red.
5)	An 8 $\frac{1}{2}$ x 11" vicinity map showing the location of the project in relation to the distance to major roads, intersections, and town sites.
6)	Environmental Questionnaire form, completed and signed.
7)	Provide name, mailing address and phone number of all property owners and their agents.
8)	If public sewer or water service is proposed, obtain and provide a Facilities Improvement Letter if the project is located within the EID service area, or a similar letter if located in another sewer/water district.
9)	If off-site sewer or water facilities are proposed to serve the project, provide four (4) copies of a map showing location and size of proposed facilities. If groundwater is to be used for domestic water, submit a report noting well production data for adjacent parcels, or submit a hydrological report prepared by a geologist noting the potential for water based on the nature of project site geology.
10)	A written, detailed description of the proposed use and operation (hours of operation, unusual equipment, number of employees, etc.).
11)	Four (4) copies of a tree preservation plan. The tree plan shall accurately include the following:
Submitted by Kathy RUSSell at Board Hearing of 7/19/12	General identification of the tree canopy, noting significant tree types (pine, oak, etc.) where such groups are clearly distinguishable. Identification of the tree canopy shall be determined from base aerial photographs errely an on-site survey performed by a qualified licensed arborist or botanist.

FORMS AND M	MAPS REQU	RED		
Check (√) Applicant County				
	b)			east ten percent (10%) are subject to cement standards as follows:
		80 - 60 - 40 - 20 -	sting Canopy Cover 100 percent 79 percent 59 percent 39 percent	Percent of Canopy Cover to be Retained or Replaced 60 percent of existing canopy 70 percent of existing canopy 80 percent of existing canopy 85 percent of existing canopy 90 percent of existing canopy
	c)	project impapplication	rovements, a replaceme submittal. The replacem	rees will be removed as the result of nt plan shall be included with ent plan shall include a mitigation osed replacement trees survive.
	d)	diameter of		location and size of all trees with a r diameter at breast height, in all of the ald likely be removed:
		lot le	nin building envelope are ess than twenty thousand ding envelopes are not p	eas when such are proposed, or on any d (20,000) square feet in area when roposed.
				ee or its dripline lie within any proposed rea, or cut or fill slope area:
		(1)		ne total number of trees eight (8) inchester at breast height, that will likely be osed construction.
		(2)		e preservation, transplanting, or so be noted on the plan.
12	Area 0) require rare pla through Departi process choose	, rare plants an on-site b ints on the p August 15 ment of Fish sing of your a to provide the	may exist on-site. The iological plant survey to roject site. Such a survey when plants are readily & Game requires the papplication could result.	reserve - EP overlay zones (Mitigation State Department of Fish & Game will determine the extent and location of ey can only occur from March 15 visible. Therefore, if the State lant survey, a substantial delay in the To avoid potential delays, you may on submittal. (A list of possible anning Department.)
13			of Homeowners' Associantity if it exists in the pro	iation, CSA 9 Zone of Benefit, or other

FORMS AND MAPS REQUIRED Check (√) Applicant County ___ 14) Preliminary grading, drainage plan, and report. The plan should be of sufficient detail to identify the scope of grading, including quantities, depths of cut and fills (for roads and driveways where cuts/fills exceed 6 feet, and mass pad graded lots), location of existing drainage, proposed modifications, and impacts to downstream facilities. (See Section 15.14.240 of County Grading Ordinance for submittal detail) The following items may also be required depending on the type and scale of the application: A record search for archaeological resources shall be conducted through the North _____ 15) Central Information Center located at CSU-Sacramento, 6000 J Street, Adams Bldg. #103, Sacramento, CA 95819-6100, phone number (916) 278-6217. If the record search identifies a need for a field survey, a survey shall be required. (A list of Archaeological Consultants and survey requirements is available at the Planning Department.) Archaeological surveys shall meet the "Guidelines for Cultural Resource Studies" approved by the Board of Supervisors, available at the Planning Department. 16) A site-specific wetland investigation shall be required on projects with identified wetlands on the Important Biological Resources Map (located in the Planning Department), when proposed improvements will directly impact the wetland (reduce the size of the wetland area) or lie near the wetlands. (Available from the Planning Department are the U.S. Corps of Engineers requirements for a wetlands delineation study. A list of qualified consultants is also available.) 17) An acoustical analysis shall be provided whenever a noise-sensitive land use (residences, hospitals, churches, libraries) are proposed adjacent to a major transportation source, or adjacent or near existing stationary noise sources. Such study shall define the existing and projected (2015) noise levels and define how the project will comply with standards set forth in the General Plan. 18) Where special status plants and animals are identified on the Important Biological Resources Map located in the Planning Department, an on-site biological study shall be required to determine if the site contains special status plant or animal species or natural communities and habitats. 19) An air quality impact analysis shall be provided utilizing the El Dorado County Air Pollution Control District's "Guide to Air Quality Assessment." 20) A traffic study shall be provided utilizing El Dorado County Department of Transportation's "Generic Traffic Study Scope of Work."

SITE PLAN REQUIREMENTS

Twenty-five (25) copies of the site plan detailing what exists on the site at time of application shall be submitted on 24" x 36" sheets or smaller, drawn to scale, and of sufficient size to clearly show all details and required data. All plans MUST be folded to 8 ½" x 11", plus one 8½" x 11" reduction. NO ROLLED DRAWINGS WILL BE ACCEPTED. For your convenience, please check the Applicant column on the left to be sure you have all the required submittal information.

Check (√) <u>Applicant</u> County		
	_ 1)	Project name (if applicable).
	_ 2)	Name, address of applicant and designer (if applicable).
	_ 3)	Date, north arrow, and scale.
	_ 4)	Entire parcel of land showing perimeter with dimensions.
	_ 5)	All roads, alleys, streets, and their names.
	6)	Location of easements, their purpose and width.
	. 7)	All existing and proposed uses (i.e. buildings, driveways, dwellings, utility transmission lines, septic systems and wells, etc.).
	. 8)	Parking and loading stalls with dimensions (refer to Zoning Ordinance Chapter 17.18).
	9)	Trash and litter storage or collection areas, and propane tank location(s).
	10)	Total gross square footage of proposed buildings.
	11)	Proposed/existing fences or walls.
	12)	Sign location and size (if proposed).
	13)	Pedestrian walkways, courtyards, etc. (if proposed).
	14)	Exterior lighting (if proposed).
	15)	Existing/proposed fire hydrants.
	16)	The location, if present, of rock outcropping, lava caps, drainage courses, lakes, canals, reservoirs, rivers, streams, spring areas subject to inundation and wetlands. (Show respective 100-foot and 50-foot septic system setbacks when a septic system is proposed.)
	17)	Identify areas subject to a 100-year flood on perennial streams or creeks, and show high water level (100-year) on map. Where this data is not readily available, January 1997 flood level can be shown if known.
	18)	Note any proposed trails within the project; and where applicable, connection to existing or proposed trail systems. Public Comment 12-0837.4E.22

PRELIMINARY LANDSCAPE PLAN REQUIREMENTS

Required when parking facilities are proposed or otherwise at planner's discretion.

(Ten (10) copies, folded to 8½" x 11", plus one 11" x 17" reduction.)

Check (√) Applicant Count	¥	
	_ 1)	Location, general type (pine, oak, etc.) and size of all existing trees, 20" DBH (Diameter at Breast Height) diameter or greater in those areas that are subject to grading or otherwise may be removed/affected by proposed improvements.
	_ 2)	Note quantity/type of trees to be removed
	_ 3)	Location, quantity, and a gallon size of proposed plant material (See Zoning Ordinance Section 17.18.090).
	_ 4)	List of both common and botanical names of plant material (use of drought tolerant species is highly recommended). A recommended list of drought-tolerant species is available at the Planning Department.
	_ 5)	Location/type of irrigation proposed. (NOTE: The final Landscape Plan will ultimately be required to meet the County's Water Conserving Landscape Standards. Copies are available at the Planning Department)
Required who	enever a pies, fol	DING AND DRAINAGE PLAN any grading is proposed. ded to 8½" x 11", plus one 11" x 17" reduction.)
	_ 1)	Contours or slope data (pursuant to Chapter 15 of County Code Grading and Drainage Ordinance).
	2)	Drainage improvements, culverts, drains, etc.
	3)	Limits of cut and fill.
Required whe	never a	ELEVATIONS I new structure or addition is proposed. Ided to 8½" x 11", plus one 11" x 17" reduction.)
	1)	Building design, elevations of all sides.
	2)	Exterior materials, finishes, and colors.
	3)	Existing/proposed signs showing location, height, and dimensions. Include sign plan for project with multiple businesses. Public Comment 12-0837.4E.23

The Planning Department reserves the right to require additional project information as provided by Section 15060 of the California Environment Quality Act, or as required by the General Plan development policies, when such is necessary to complete the environmental assessment.

NOTE: APPLICATION WILL BE ACCEPTED BY APPOINTMENT ONLY. MAKE YOUR APPOINTMENT IN ADVANCE BY CALLING (530) 621-5355.

FILE#	
DATE FILED	

EL DORADO COUNTY PLANNING DEPARTMENT ENVIRONMENTAL QUESTIONNAIRE

Pro	pject Title				
	ad AgencyEl Dorado County Planning Department				
Na	me of Owner Telephone ()				
Add	dress				
Nai	me of Applicant Telephone ()				
Add	dress				
Pro	ject Location				
Ass	sessor's Parcel Number(s)				
Acr	eage Zoning				
<u>Ple</u> maj 1.	ase answer all of the following questions as completely as possible. Subdivisions and oth jor projects will require a Technical Supplement to be filed together with this form. Type of project and description:				
2.	What is the number of units/parcels proposed?				
3.	Identify the percentage of land in the following slope categories:				
0.	0 to 10% 11 to 15% 16 to 20% 21 to 29% over 30%				
4.	Have you observed any building or soil settlement, landslides, rock falls or avalanches on this				
	property or in the nearby surrounding area?				
5.	Could the project affect any existing agriculture uses or result in the loss of agricultural land?				
DRA	NINAGE AND HYDROLOGY				
6.	Is the project located within the flood plain of any stream or river?				
	If so, which one?				
7.	What is the distance to the nearest body of water, river, stream or year-round drainage chann				
	Name of the water body?				
8.	Will the project result in the direct or indirect discharge of silt or any other particles in noticeable				
	amount into any lakes, rivers or streams?				
	Public Comment 12-0837.4E.25				

9.	Will the project result in the physical alteration of a natural body of water or drainage way?
	If so, in what way?
10.	Does the project area contain any wet meadows, marshes or other perennially wet areas?
VEC	ETATION AND WILDLIFE
11.	What is the predominant vegetative cover on the site (trees, brush, grass, etc.)? Estimate percentage of each:
12.	How many trees of 6-inch diameter will be removed when this project is implemented?
FIRE	PROTECTION
13.	In what structural fire protection district (if any) is the project located?
14.	What is the nearest emergency source of water for fire protection purposes (hydrant, pond, etc.)?
15.	What is the distance to the nearest fire station?
16.	Will the project create any dead-end roads greater than 500 feet in length?
17.	Will the project involve the burning of any material including brush, trees and construction materials?
NOIS	SE QUALITY
18.	Is the project near an industrial area, freeway, major highway or airport?
19.	What types of noise would be created by the establishment of this land use, both during and after construction?
AIR (QUALITY
20.	Would any noticeable amounts of air pollution, such as smoke, dust or odors, be produced by this project?
NAT	ER QUALITY
21.	Is the proposed water source public or private, treated or untreated?

<u>ST</u>	
<u>ST</u>	
	HETICS
	Will the project obstruct scenic views from existing residential areas, public lands, public bodies
	of water or roads?
<u> </u>	AEOLOGY/HISTORY
	Do you know of any archaeological or historical areas within the boundaries or adjacent to the
	project? (e.g., Indian burial grounds, gold mines, etc.)
VA	<u>GE</u>
	What is the proposed method of sewage disposal? septic system sanitation district
	Name of district:
	Would the project require a change in sewage disposal methods from those currently used in the
	vicinity?
<u>.NS</u>	SPORTATION .
	Will the project create any traffic problems or change any existing roads, highways or existing
	traffic patterns?
	Will the project reduce or restrict access to public lands, parks or any public facilities?
w	TH-INDUCING IMPACTS
,	Will the project result in the introduction of activities not currently found within the community?
,	Would the project serve to encourage development of presently undeveloped areas, or
i	increases in development intensity of already developed areas (include the introduction of new
•	or expanded public utilities, new industry, commercial facilities or recreation activities)?
-	
١	Will the project require the extension of existing public utility lines?

	NERAL
32.	Does the project involve lands currently protected under the Williamson Act or an Open Space Agreement?
33.	Will the project involve the application, use or disposal of potentially hazardous materials,
	including pesticides, herbicides, other toxic substances or radioactive material?
34.	Will the proposed project result in the removal of a natural resource for commercial purposes (including rock, sand, gravel, trees, minerals or top soil)?
35.	Could the project create new, or aggravate existing health problems (including, but not limited to flies, mosquitos, rodents and other disease vectors)?
36.	Will the project displace any community residents?
-	
	SATION MEASURES (attached additional sheets if necessary) used mitigation measures for any of the above questions where there will be an adverse impact:
Mar.	
P	
. 01111	completed by: Date:

FILE	#	

EL DORADO COUNTY PLANNING DEPARTMENT

APPLICATION FOR Special Use Permit	
ASSESSOR'S PARCEL NO.(s)	
PROJECT NAME/REQUEST: (Describe proposed use)	
IF SUBDIVISION/PARCEL MAP: Createlots, ranging in size fromtoIF GENERAL PLAN AMENDMEN	
IF TIME EXTENSION, REVISION, CORRECTION: Original approval date	
APPLICANT/AGENT	
Mailing Address	
Phone () FAX ()	
PROPERTY OWNER	
Mailing Address	
Phone () FAX ()	
LIST ADDITIONAL PROPERTY OWNERS ON SEPARATE SHE	
ENGINEER/ARCHITECT	
Mailing Address	
Phone () FAX ()	
LOCATION: The property is located on the side of	street or road
feet/miles of the intersection with	major street or road
in the <or from="" list="" pick=""> area. PROPE</or>	ERTY SIZE
X Date Date	
FOR OFFICE USE ONLY	
Date Fee \$ Recipt # Rec'd by_ Zoning GPD Supervisor Dist See	
	RD OF SUPERVISORS
ZONING ADMINISTRATOR	RD OF SUPERVISORS
	Denied (findings and/or conditions attached)
☐ Approved ☐ Denied (findings and/or conditions attached) APPEAL: ☐	Approved Denied
Executive Secretary Public 6 Executive Secretary Executive Secretar	Comment 12-0837.4E.29