



COMMUNITY DEVELOPMENT SERVICES PLANNING AND BUILDING DEPARTMENT LONG RANGE PLANNING

2850 Fairlane Court, Placerville, CA 95667
Phone (530) 621-4650, Fax (530) 642-0508

Date: July 19, 2018
To: Board of Supervisors
Agenda Date: August 14, 2018
From: Tom Purciel, Project Planner
Subject: **Proposed Title 130 Zoning Ordinance Minor Amendments and Minor Revisions to the Zoning Map (File No. OR17-0001)**

STAFF RECOMMENDATION

Staff recommends the Board of Supervisors take the following actions as recommended by the Planning Commission on June 28, 2018:

1. Approve the California Environmental Quality Act (CEQA) Addendum to the Targeted General Plan Amendment-Zoning Ordinance Update Environmental Impact Report consistent with Section 15164 of the CEQA Guidelines (Legistar File 18-0942, Attachment 2B);
2. Approve the proposed minor amendments to the Zoning Ordinance and adopt an Ordinance adopting a comprehensive minor amendment to Title 130 of the El Dorado County Ordinance Code (Legistar File 18-0942, Attachment 2C);
3. Approve proposed minor revisions to the Zoning Map correcting documented mapping errors on 11 parcels with the following Assessor Parcel Numbers (APNs): 043-550-64; 046-840-55; 046-840-56; 046-840-62; 046-840-69; 060-361-95; 074-042-02; 074-042-03; 121-280-15; 123-630-09 and 327-213-34; and
4. Adopt an Ordinance to rezone the 11 parcels listed above and to revise the Zoning Map to incorporate these changes (Legistar File 18-0942, Attachment 2D).

BACKGROUND

On December 15, 2015, the Board adopted a comprehensive Zoning Ordinance Update (ZOU) and directed staff to return to the Planning Commission and Board to report on implementation of the ordinance.

From January 2016 through June 2017, staff compiled a list of proposed major and minor amendments to the Zoning Ordinance and Zoning Map to address issues identified during implementation of the ZOU.

On September 12, 2017, the Board adopted two Resolutions of Intention (ROIs) to initiate the proposed amendments to Title 130 (Zoning Ordinance): ROI 139-2017 for the minor amendments and ROI 140-2017 for the major amendments (Legistar File 17-0901).

On June 28, 2018, the Planning Commission held a public hearing on the Zoning Ordinance Minor Amendments and Minor Revisions to the Zoning Map and approved staff's recommended actions to forward to the Board of Supervisors.

Additional Items Added to the Project:

Six (6) items not included in ROI 139-2017 have been incorporated into the Title 130 Zoning Ordinance Minor Amendments as recommended by the Planning Commission on June 28, 2018 and listed below. Additional details about each item are discussed in the Planning Commission staff memo (Legistar File No. 18-0942, Attachment A).

1. **Article 1, Subsection 130.12.010.A.4** (Official Zones, Industrial):

Revise industrial zone names as follows: "Industrial, ~~LowLight~~" and "Industrial, ~~HighHeavy~~" for internal consistency with industrial zone names in Article 2, Chapter 130.23 (Industrial and Research and Development Zones).

2. **Article 2, Table 130.22.020** (Allowed Uses and Permit Requirements for the Commercial Zones):

- a) Allow outdoor entertainment use by Conditional Use Permit (CUP) in the Commercial Main Street (CM) Zone;
- b) Allow Personal Services either by right or CUP in Commercial, Professional Office (CPO) Zone;
- c) Allow winery production by CUP in CM Zone.

3. **Article 3, Section 130.32.020** (Flood Damage Prevention - Definitions):

Move specialized terms related to flood damage prevention: "Substantial Damage" and Substantial Improvement" from Article 8 (Glossary) into Section 130.32.020 for ease of use.

4. **Article 7, Section 130.71.050** (Off-Site Mitigation or Fee Payment in Lieu of Ecological Preserve Mitigation in Mitigation Areas 1 and 2):

Add "On-Site Mitigation in Mitigation Area O" with text included in preliminary drafts of the ZOU unintentionally omitted from the final adopted ZOU.

5. **Article 8, Section 130.80.020** (Definitions of Specialized Terms and Phrases):

Modify definition of "Agriculture, Value-Added Product" to add: "Any conversion of grapes or other agricultural products into alcoholic beverages shall be subject to all applicable state and federal permits and regulations." (Per Agricultural Commission recommendation 4/11/18)

6. **Article 4: Section 130.40.080.C.1** (Animal Keeping in Residential Zones – Apiaries, Commercial or Private)

Modify definition of “Apiaries, Commercial or Private” to remove the words “or Private”. This change would clarify that private beekeeping is allowed on all single-unit residential zones, while commercial apiaries would be allowed only on lots zoned R2A and larger. (Per Agricultural Commission recommendation 4/11/18)

Items Moved to Major Amendments

The following five (5) items included ROI 139-2017 have been determined by staff to be more appropriately addressed in the major amendments.

1. **Article 5, Section 130.52.050** (Public Notice): Proposed amendments to incorporate the expanded public noticing requirements adopted by the Board on September 15, 2015 (Ordinance 5026).
2. APN 060-401-32 (Garden Valley area): Proposed rezone from Commercial, Limited (CL) to Commercial, General (CG). This proposed rezone requires further analysis.
3. **APN’s 074-100-29, 074-100-41, 074-100-46, 074-100-50** (Greenwood area): Proposed rezone from Commercial, Limited (CL) to Commercial, Community (CC) to eliminate a “spot zoning” issue.
4. **APN’s 016-410-10, 016-410-07, 016-410-06, 016-261-14, 016-261-12, 016-261-02** (Meeks Bay, South Lake Tahoe area): Proposed rezone from Commercial (C) to Residential, Single-unit (R1) to conform to the Tahoe Regional Planning Agency (TRPA) Area Plan and ZO Update.
5. **APN 104-250-10** (Pilot Hill area): Proposed rezone from Residential, Multi-unit (RM) to Commercial, Community (CC) to conform to the General Plan Land Use Designation.

Items Removed from Minor Amendments

The following three (3) items included in ROI 139-2017 were removed from the minor amendments.

1. **Article 4, Section 130.40.140 (Medical Cannabis Distribution) and Section 130.40.250 (Outdoor Medical Cannabis Cultivation for Personal Use):**
ROI 139-2017 included incorporating Ordinance 5067, adopted by the Board on November 7, 2017, which amended the ban on medical cannabis dispensaries (Ordinance 4999 adopted September 24, 2013) and the regulation of outdoor cultivation of medical cannabis for personal use (Ordinance 5000 adopted September 24, 2013). (See Legistar File 13-1174 for Ordinance 4999 and File 13-1175 for Ordinance 5000.) Ordinance 5067 is currently codified in Title 130, Article 9 (Miscellaneous) as Section 130.14.250 (Medical Cannabis Distribution) and Section 130.14.260 (Outdoor Medical Cannabis Cultivation for Personal Use).

Subsequent to the Board’s adoption of ROI 139-2017, the Board adopted Ordinance 5071 on December 12, 2017, imposing a temporary ban on commercial cannabis activities and extended that ban on January 23, 2018 with the adoption of Ordinance 5075. (See Legistar File 17-1238 for Ordinance 5071 and File 18-0080 for Ordinance 5075.) On July 17, 2018, the Board approved five resolutions to enable voters to

decide whether to impose a commercial cannabis activities tax and allow different commercial cannabis activities. (See Legistar File 18-1103). If passed by the voters, the proposed ballot measures would enact six additional ordinances in Article 9 of Title 130, and the numbering of those ordinances was drafted based on the current codification of the County’s cannabis ordinances. As a result of the proposed ballot measures, this item was removed from the minor amendments and will be addressed after the results of the commercial cannabis ballot measures in the November 2018 election.

2. Article 4, Section 130.40.190.C (Temporary Mobile Home Removal):

No changes will be made to this section. The proposed text (underlined below) will not be added to this section: “...the mobile home or recreational vehicle shall be removed from the property, or be converted to dead storage consistent with Section 110.64.060 (Storage of Unoccupied Manufactured Homes) of Title 110 (Buildings and Construction) of the County Code of Ordinances ...”

3. Proposed Rezone to APN 040-080-06:

The proposed rezone of this parcel from Timber Preserve Zone (TPZ) to Forest Resource Zone (FR-160) was determined to not be a mapping correction error. This item will be processed independently as a separate rezone amendment.

Attachments to Legistar File 18-0942 Referenced in Staff Memo

- Attachment A.....Staff Memo 06-11-18 (Planning Commission 6-28-18)
- Attachment 2B.....CEQA Addendum to the TGPA-ZOU Environmental Impact Report
- Attachment 2C.....Comprehensive minor amendment to Title 130 of the County Ordinance Code
- Attachment 2D.....Rezoning Ordinance for limited parcel-specific corrections to the adopted Zoning Map

Contact

Tom Purciel, Project Planner
Community Development Services
Planning and Building Department, Long Range Planning