



## Legislation Details (With Text)

**File #:** 18-1964      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 12/18/2018      **In control:** Board of Supervisors

**On agenda:** 1/8/2019      **Final action:** 1/8/2019

**Title:** HEARING - To consider the recommendation of the Planning Commission on the proposed Title 130 Zoning Ordinance Minor Amendments submitted by El Dorado County. The minor changes include:  
 1) Revised Matrices of Allowed Uses (Sections 130.21.020, 130.22.020, and 130.24.020) to remove the requirement for an Administrative Permit for Vacation Home Rentals;  
 2) Removal of Vacation Home Rental Heading from Section 130.40.370; and  
 3) Corrections to inaccurate or obsolete code and document references.  
 Recommending the Board take the following actions:  
 1) Determine that the amendment to the Zoning Ordinance is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, General Rule, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment; and  
 2) Adopt and authorize the Chair to sign Ordinance 5097 amending Title 130, Zoning, of the El Dorado County Ordinance Code. (Est. Time: 20 Min.)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved Contract Routing Sheet, 2. B - Proposed Ordinance, 3. C - Planning Commission Minute Order 12-13-18, 4. D - Proof of Publication - Mountain Democrat, 5. E - Proof of Publication - Tahoe Tribune, 6. Executed Ordinance 5097, 7. Proof of Publication

Date	Ver.	Action By	Action	Result
1/8/2019	1	Board of Supervisors	Approved	Pass

HEARING - To consider the recommendation of the Planning Commission on the proposed Title 130 Zoning Ordinance Minor Amendments submitted by El Dorado County. The minor changes include:  
 1) Revised Matrices of Allowed Uses (Sections 130.21.020, 130.22.020, and 130.24.020) to remove the requirement for an Administrative Permit for Vacation Home Rentals;  
 2) Removal of Vacation Home Rental Heading from Section 130.40.370; and  
 3) Corrections to inaccurate or obsolete code and document references.  
 Recommending the Board take the following actions:  
 1) Determine that the amendment to the Zoning Ordinance is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, General Rule, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment; and  
 2) Adopt and authorize the Chair to sign Ordinance **5097** amending Title 130, Zoning, of the El Dorado County Ordinance Code. (Est. Time: 20 Min.)

### DISCUSSION / BACKGROUND

On June 5, 2018, the Board of Supervisors approved changes to Chapter 5.56 of the County Code of Ordinances, Vacation Home Rentals. Subsequent changes to requirements and regulations for VHRs were approved at Board meetings in August and September. Since that time, Treasurer-Tax Collector's Office, Planning and Building Department, and Chief Administrative Office staff have been working diligently to implement changes to VHR regulations and the transfer of permitting/licensing to

## Planning and Building.

County ordinance requires a VHR owner to obtain a VHR Permit issued by the Treasurer/Tax Collector in addition to an Administrative Permit, currently required by the Zoning Ordinance and issued by Planning and Building. Minor changes to the Zoning Ordinance will allow these functions to be combined, eliminating the need for both processes. The changes will not eliminate any requirements for owners, managers, or renters of Vacation Home Rentals. The move to a department with experts in implementing other types of land use regulations, which has a permitting system for maintaining, tracking, and reporting uses, and which works in close proximity to Code Enforcement will allow for a more coordinated regulatory process. Additionally, this change eliminates the need for both the VHR Permit and the Administrative Permit. The reallocation of the permitting function and the combination of the two permit types into one will simplify the process for the owner of the VHR, allow the Treasurer-Tax Collector's Office to continue to collect Transient Occupancy Tax and administer the Business License, while allowing the Planning and Building Department to administer the VHR Permit and resolve any enforcement issues within the same department.

The Board approved a Resolution of Intention to make these changes on November 20, 2018 (Legistar File #18-1782) as required by Section 130.63.020 (Ordinance Amendments and Zone Change Applications) of the Zoning Ordinance.

The Planning Commission considered these changes on December 13, 2018 (Item #2, Legistar #18-1840), and unanimously (4-0) recommended Board approval of the Title 130 Zoning Ordinance Minor Amendments as recommended by staff. The Commissioners asked questions of staff regarding the Vacation Home Rental ordinance and administration of permits, enforcement, and funding for the program. At the hearing, a member of the public spoke in general support of the amendment, while expressing concerns about the neighborhood issues relating to Vacation Home Rentals. After the Planning Commission hearing, staff determined that for clarity reasons, a reference in Section 130.40.170.A regarding Vacation Home Rentals should be expanded in detail and the clarification modification was included in the document provided for County Counsel review.

The changes are summarized as follows:

- 1) Revise three Matrices of Allowed Uses (130.21.020, 130.22.020, 130.24.020) to remove the requirement for an Administrative Permit (A) for Vacation Home Rentals.
- 2) Remove Vacation Home Rental Heading from 130.40.370 Reserved (no requirements under this heading).
- 3) Corrections to inaccurate or obsolete code and document references.

The full text of the proposed Zoning Ordinance Minor Amendment is included as EXHIBIT B and shown in track changes format.

## **ALTERNATIVES**

The Board may elect to approve the project with changes; Continue the item to a date certain for additional information and future action; Continue the item off-calendar, which would require a new public notice for future consideration and action; or Deny the project.

## **PRIOR BOARD ACTION**

Board of Supervisors approval of the Resolution of Intention to make these changes: November 20, 2018 (Legistar File #18-1782)

Planning Commission Zoning Ordinance Amendment Hearing and Recommendation of Approval to the Board: December 13, 2018 (Item #2, Legistar #18-1840)

#### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Chief Administrative Office

#### **FINANCIAL IMPACT**

There is no anticipated fiscal impact associated with the amendments to the Zoning Ordinance.

#### **CAO RECOMMENDATION**

It is recommended that the Board approve this item.

#### **CLERK OF THE BOARD FOLLOW-UP ACTIONS**

- 1) Clerk to obtain Chair's signature on one (1) original copy of the Ordinance.
- 2) Clerk to forward one (1) fully executed copy of Ordinance to the Planning and Building Department, attention of Char Tim, Clerk of the Planning Commission.

#### **STRATEGIC PLAN COMPONENT**

Good Governance

#### **CONTACT**

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