



Fwd: 4 Day Zoning Ordinance Update Workshop Article 2

1 message

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

Fri, Jul 20, 2012 at 12:38 PM

----- Forwarded message -----

From: **Tara McCann** <mccannengineering@sbcglobal.net>

Date: Thu, Jul 19, 2012 at 1:22 PM

Subject: 4 Day Zoning Ordinance Update Workshop Article 2

To: bosfive@edcgov.us, bosfour@edcgov.us, bostthree@edcgov.us, bosttwo@edcgov.us, bosone@edcgov.us, lou.rain@edcgov.us, planning@edcgov.us, charlene.tim@edcgov.us, kimberly.kerr@edcgov.us, Teri.daly@edcgov.us, roger.trout@edcgov.us, pierra.rivas@edcgov.us, shawna.purvines@edcgov.us, peter.maurer@edcgov.us, edc.cob@edcgov.us

Cc: Cheryl and John McDougal <cheryl.mcdougal@yahoo.com>, Norman & Sue <arowett@pacbell.net>, "John W (IS) Hidahl" <John.Hidahl@ngc.com>, Jeff Haberman <jeff.h@ix.netcom.com>, John & Kelley <bugginu@sbcglobal.net>, Bill Welty <wmwelty@gmail.com>, Paul Raveling <paul.raveling@sierrafoot.org>, Ellison Rumsey <aerumsey@sbcglobal.net>, Kitty & Rich Stewart <kitty_and_rich@sbcglobal.net>, Rich Stewart <rich_stewart@sbcglobal.net>, Dave and Susan Comstock <dandscomstock@comcast.net>, alex lebeaux <alabeaux@yahoo.com>, paul gratt <psgratt@aol.com>, soldbytami@gmail.com, Sanjay Varshney <varshney@saclink.csus.edu>, claire labeaux <claire_labeaux@yahoo.com>, sharonschei@sbcglobal.net, Doreen Barton <dkbarton@pacbell.net>, tccronin66@yahoo.com, Kala & Growri Kowtha <kkowtha@yahoo.com>, readyssetgo@pacbell.net, Ron Mikulaco <ron@gotmik.com>

4 Day Zoning Ordinance Workshop July 16 - July 20, 2012

COMMENTS AND RECOMMENDATIONS

ARTICLE 2

17.24.010 A. Residential Zones

Residential Zones need to be expanded further than just the two options given here as:

"R1" for 6000 sf (approx. 6 lots per acre)

"R20K" 20000sf (approx. 2 lots per acre)

These are too limiting and force minimum lots size options to be either 6000 sf or 20,000sf.

Recommendation: There should be ranges between 6000 and 20000 and a matrix developed for appropriateness of each range of minimum lot size. Not often is 6000sf an appropriate minimum lot size in the Community Region with existing non compatible adjoining land uses and/ or the impacts associated with this type of density. Residential Zones 17.24.0101 a full analysis matrix evaluating compatibility, infrastructure public services should be included in the EIR of the General Plan and Zoning Ordinance Update and the analysis done in cooperation and with assistance of the local Area Planning Advisory Committee.

17.24.010 A. 3. Changes to Development Standards need to be reviewed by each community Area Planning Committee and be based on sound Engineering analysis. If a design standard is to be removed, reduced or

eliminated the author of such design change should state the reasoning and benefit for doing so. Sole cost reduction for a developer should not be a reason for changing a design standard. We want more transparency of Design Standard Changes and Land Development Manual Changes that are ongoing. Changes to Design Standards and Land Use Development Manual LDM should be reviewed and analyzed concurrently and transparently in the TGPA & ZOU process. There are interrelated design standards and LDM proposals to reduce standards and requirements of developers that would drive policy if these changes were implemented.

Recommendation: All changes to the Design Standards and Land Development Manual, (LDM) must be clear and transparent and done concurrently within the General Plan and Zoning Ordinance Update Process. No design

standards or LDM changes shall be approved unless evaluated and analyzed in the TGPA & ZOU process.

17.24.010 C. 2. Single unit Residential

Minimum lot size of R1 and R20K are applied to this zone based on surrounding land use compatibility and physical and infrastructural constraints.

Recommendation: Include additional range other than these two options. There should be options for minimum lot size of ranges greater than 6000sf and lower than 20000. Rarely does an area in the Community region support a 6000 sf lot size without compatibility issues or significant impacts to environmental and infrastructure.

17.25.010 A. 6. Identify, protect and regulate scenic view sheds in the Community Regions.

Recommendation: Work with local Area Planning Advisory Committees in quantifying significant view sheds. The County designates scenic corridor or not in a scenic corridor. Analyze a method for quantifying significant view sheds that could be evaluated in the matrix of discretionary projects to determine appropriate densities and project viability.

17. 27.050 F. Establishment of Community Design Review Areas and Standards

Recommendation: Green Valley Design Review Area.

Recommendation: Community Design Guidelines for El Dorado Hills.

17.27.080 Ecological Preserve

A. B. C& D. Ecological Preserve Mitigations should not allow in lieu fees to be paid. It negates the intent of the ecological preservation. Additionally it gives developers a way to go around environmentally protected areas that are for public benefit. We strongly oppose the selling of ecological preservations. This policy does not establish a fair, balanced transparent way to mitigate offsite. What are the guidelines established by the County the Draft Zoning Ordinance Update is refereeing to? This is very subjective and gives too much latitude to the Board of Supervisors of who gets to disturb and remove rare plants and who gets protected. There are not enough specifics and not enough opportunity for public oversight. **Recommendation:** Do not allow off site mitigation without a full EIR analysis and a well thought out program to implement a scientific, balanced and transparent program that would not leave the decision of who gets to mitigate off site rare plants to a few people and allow those developers who can pay the money to get around ecological preservation. This is unfairly removing ecological protections from the Community Region and should be a analyzed from a legal perspective. We recommend creating a committee made up of

public, scientists and County staff. The Committee members shall have no interests in projects or interests determining locations of who gets off site mitigations. The intent of the committee would be to establish and quantify a fair and transparent off site mitigation program if deemed adequate, applicable and fair. One element might be only a certain % of land within a region is eligible for offsite mitigations and the degree of mitigations should be based on quantified scientific ecological analysis. This is a huge topic and should be analyzed thoroughly in the EIR. Do not allow off site mitigation without a full EIR analysis and a well thought out program to implement. This is a significant topic and critical to El Dorado County as El Dorado County has many ecological resources that need to be protected.

17.28.010 A. 3. Planned Development PD Combining Zone –

Clusted intensive land uses magnifies and densifies visual and physical impacts. Many in the community region strongly oppose clustering without a full EIR and analysis of magnified visual and physical impacts. For example one of many considerations is hydraulic runoff is concentrated and drainage design even more of a concern. Traffic patterns are denser, sound and noise becomes more of an issue. Quality of life in denser areas is reduced.

17.28.050 Residential Development Requirements Open Space

B. Recommendation: We absolutely oppose Alternatives to the On Site Open Space Requirement. We absolutely oppose in lieu of fees for open space. This does not benefit the onsite development future residents and it will certainly degrade the area by allowing denser developments without a balance of open space. This will penalize not only onsite development but will degrade the area by unfairly removing open space. This will significantly and irrevocable change the identity of areas that should be allowed the same benefits as every other resident of El Dorado County to maintain the quality of life by providing quality growth and equitable open space preservation. This would be legally challenged in the Community Region.

17.28.050 B. Open Space

Recommendation:

No in lieu fees

No offsite

No offsite Mitigation of Gabbro Soils

17.28.050 C Clustering

Clustering does not minimize impacts. It is a visual impact in that it gives the appearance of a much greater density.

Recommendation: Do not allow clustering of Discretionary projects unless evaluated fully within an EIR.

17.28.050 D Pedestrian Circulation

Recommendation: Pedestrian circulation plans should be required of all projects onsite and offsite as well as a Regional Area specific pedestrian plan done by the County for each area.

17.28.060 A. Residential Density Bonus

Recommendation: States base units for the project shall be based on the amount of gross acres this should not be allowed. It significantly misrepresents the density. For example a project of 6-7 lots per acre could use this to represent the project as 2 – 2.5 lots per acre.

These are only partial comments for Article 2. The Planning Commission and Board of Supervisors should have ongoing workshops on this Zoning Ordinance Update every 2 months as the Draft is revised and progresses. More Community input should be encouraged through education of the process. Workshops and updates should be held in each of the unincorporated areas of the County as well as online workshops. A virtual Government process should be explored as technology is expanding and the resources are now in place to allow for digital medium interaction. This would be a much more effective process and allow for much more interaction. The County should dedicate IT resources for exploring and analyzing efficient incorporation of technology to allow for the inclusion of more County residents in the planning and decision making process. As a 22 year resident of El Dorado Hills I appreciate all those who serve and call themselves public servants in their work to benefit the entire El Dorado County.

Tara Mccann, P.E.

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Shawna L. Purvines
Sr. Planner

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Fwd: Ag zoning

1 message

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

Fri, Jul 20, 2012 at 12:41 PM

----- Forwarded message -----

From: **ROBERT SCHARPF** <qtzhill@wildblue.net>
Date: Thu, Jul 19, 2012 at 10:18 PM
Subject: Ag zoning
To: shawna.purvines@edcgov.us

Dear Ms Purvines, I understand that I should send my concerns about Ag zoning directly to you. My wife and I are concerned about the rezoning of our ag property. Our 15 acres, plus our son Stevens 10 acres constitutes our Quartz Hill Vineyard. As I understand it, we are now zoned AP which is being discontinued. Since we have been operating a commercial vineyard for many years, we think we should best be zoned as PA.

We hope the county will support us on this issue. Please let me know if you need any additional information.

Sincerely, Robert and Margot Scharpf

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Fwd: Article 3 4 Day Zoning Ordinance Workshop July 16-20, 2012

1 message

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

Fri, Jul 20, 2012 at 12:42 PM

----- Forwarded message -----

From: **Tara Mccann** <mccannengineering@sbcglobal.net>

Date: Fri, Jul 20, 2012 at 8:32 AM

Subject: Article 3 4 Day Zoning Ordinance Workshop July 16-20, 2012

To: bosfive@edcgov.us, bosfour@edcgov.us, bostthree@edcgov.us, bosttwo@edcgov.us, bosone@edcgov.us, lou.rain@edcgov.us, planning@edcgov.us, charlene.tim@edcgov.us, kimberly.kerr@edcgov.us, Teri.daly@edcgov.us, roger.trout@edcgov.us, pierra.rivas@edcgov.us, shawna.purvines@edcgov.us, peter.maurer@edcgov.us, edc.cob@edcgov.us

Cc: Cheryl and John McDougal <cheryl.mcdougal@yahoo.com>, Norman & Sue <arowett@pacbell.net>, "John W (IS) Hidahl" <John.Hidahl@ngc.com>, Jeff Haberman <jeff.h@ix.netcom.com>, John & Kelley <bugginu@sbcglobal.net>, Bill Welty <wmwelty@gmail.com>, Paul Raveling <paul.raveling@sierrafoot.org>, Ellison Rumsey <aerumsey@sbcglobal.net>, Kitty & Rich Stewart <kitty_and_rich@sbcglobal.net>, Rich Stewart <rich_stewart@sbcglobal.net>, Dave and Susan Comstock <dandscomstock@comcast.net>, alex lebeaux <alabeaux@yahoo.com>, paul gratt <psgratt@aol.com>, soldbytami@gmail.com, Sanjay Varshney <varshney@saclink.csus.edu>, claire labeaux <claire_labeaux@yahoo.com>, sharonschei@sbcglobal.net, Doreen Barton <dkbarton@pacbell.net>, tccronin66@yahoo.com, Kala & Growri Kowtha <kkowtha@yahoo.com>, readyssetgo@pacbell.net, Ron Mikulaco <ron@gotmik.com>

4 Day Zoning Ordinance Workshop July 16 - July 20, 2012

COMMENTS AND RECOMMENDATIONS

ARTICLE 3

17.30.030 C. Projections into requierd setbacks

3.a. Swimming Pools (3) Pool Equipment All setbacks required by zone.

Recommendation: Needs clearer definition and be expanded apon. All setbacks required by zone would that include CC&R setbacks? Is the County requiring sign off by the Homeowners Association if applicable to confirm applicant has submitted to it's local HOA BOard. What is the physical measurement for pool equipment setback. A specific number needs to be given.

17.30.030 H Riparian Setbacks 1. (c) "... while providing a process for the County to consider and authorize exceptions in order to allow reasonable use of property."

This is vague, what is the County defining as reasonable use of property. Who's is setting the litnus test for reasonable use the developer?

Recommendation: Riparian setbacks should be a standard required of all developement equally and not subject to exceptions. The reason for the setback is to protect the riparian water course. Issueing an exception would negate that for a development benefit. In a rare case where a riparian setback might be warranted the exception should be signed off by a Registered Civil Engineer competant in Hydraulics and be accompanied by stated reasons and kept with project files. Change 6. Site Plan Requirements Optonal Review

to delete " and as needed, the conclusion of qualified professional to read: "Any waiver or exception to a riparian setback shall be signed off by a Registered Civil Engineer competant in Hydraulics and be accompanied by stated reasons and filed with the project documents."

17.31.020 Eligibility for Bonus Incentives and or Concessions B.6.

This is allowing the developer to essentially pay for a reduction in design standards and or County conditions. **Recommendation:** The developer should not be allowed to pay for design standard or condition reductions. Any reductions to a project for a density bonus should be noticed in the paper and clearly specify the reduction in standards or conditions.Any reduction to design standards

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or County Conditions should be signed off by a County Licensed Engineer and the local Area Planning Advisory Committee with stated reasons for exceptions. Additionally this reduction exception process should be subject to a full EIR and comply with the CEQA mitigation process for proving significant mitigations created or existing due to exception should have to be mitigated to below significant. No incentive or exception should be allowed that adds to cumulative impacts and/ or eliminates or reduces at occupancy traffic safety infrastructure. This section needs to be analyzed in detail and rewritten to protect and benefit the residents and existing businesses of El Dorado County.

17.31.040 D. Affordable Housing In Lieu Fee:

Recommendation: The developer should not be allowed to pay in lieu fee to pay for concessions afforded in a density bonus, incentives and concessions without a clear benefit to the area and concurrence from the Area Planning Advisory Committee.

17.38 Oak Woodland Conservation

What is the status ?

Zoning Ordinance Workshop should be held every 2 months as process and Draft progresses.

Draft Zoning Ordinance Update needs to be presented so that reviewers can determine the changes from the old Title 16 to what is being proposed. This has been voiced as a significant problem in reviewing a very important County document.

-

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Fwd: Article 5 4 Day Zoning Ordinance Workshop July 16-20, 2012

1 message

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

Fri, Jul 20, 2012 at 12:43 PM

----- Forwarded message -----

From: **Tara Mccann** <mccannengineering@sbcglobal.net>

Date: Fri, Jul 20, 2012 at 9:02 AM

Subject: Article 5 4 Day Zoning Ordinance Workshop July 16-20, 2012

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Cc: Cheryl and John McDougal <cheryl.mcdougal@yahoo.com>, Norman & Sue <arowett@pacbell.net>, "John W (IS) Hidahl" <John.Hidahl@ngc.com>, Jeff Haberman <jeff.h@ix.netcom.com>, John & Kelley <bugginu@sbcglobal.net>, Bill Welty <wmwelty@gmail.com>, Paul Raveling <paul.raveling@sierrafoot.org>, Ellison Rumsey <aerumsey@sbcglobal.net>, Kitty & Rich Stewart <kitty_and_rich@sbcglobal.net>, Rich Stewart <rich_stewart@sbcglobal.net>, Dave and Susan Comstock <dandscomstock@comcast.net>, alex lebeaux <alabeaux@yahoo.com>, paul gratt <psgratt@aol.com>, soldbytami@gmail.com, Sanjay Varshney <varshney@saclink.csus.edu>, claire labeaux <claire_labeaux@yahoo.com>, sharonschei@sbcglobal.net, Doreen Barton <dkbarton@pacbell.net>, tccronin66@yahoo.com, Kala & Growri Kowtha <kkowtha@yahoo.com>, readyssetgo@pacbell.net, Ron Mikulaco <ron@gotmik.com>

4 Day Zoning Ordinance Workshop July 16 - July 20, 2012 COMMENTS AND RECOMMENDATIONS ARTICLE 5

The Discretionary Project Review Process needs to be completely analyzed, retooled and updated. Too much to include but do see a great opportunity to restructure the County Discretionary Review process to make it more cost effective, more efficient to staff as well as more responsive to applicant. I feel the County would benefit by establishing a committee of non-county staff to analyze and give feedback on the process and areas that need to be analyzed that have been problematic in the past. EDAC and other groups have touched on some areas in the past but a full review by a committee dedicated to enhance the Permit process with a cross section of members from public, private, business, residents, environmental, development, and non development interest would be beneficial. Article 5 does not allow enough specific direction to policy for County staff. I do this for a living and would have problems with processing permits with this kind of language. I would like to offer some bullet specific comments in the future as the Draft Zoning Ordinance moves forward. I welcome the opportunity to work with the County on improving the process as I feel I have some constructive comments that could benefit the County. Thank You for the opportunity to have comments included in this process of a full Zoning Ordinance Update as part of the Tentative General Plan Amendment Process.

Tara Mccann

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180135

7/30/12

Edcgov.us Mail - Fwd: Article 5 4 Day Zoning Ordinance Workshop July 16-...

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TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

Businesses on home property

1 message

taani1@aol.com <taani1@aol.com>

Sat, Jul 21, 2012 at 3:27 PM

To: kimberly.kerr@edcgov.us, raynutting@hughs.net, tgpa-zou@edcgov.us

Hello,

I have attached a letter addressing Articles 4 & 8 that are on the agenda for consideration. I would like to attend the next public meeting as I was out of town for the meetings last week.

I sincerely appreciate you taking the time to read it and consider my concerns. Please feel free to contact me about this matter.

Thank you.

Best Regards,

Taani Story

Owner, My Dream Ranch

(530) 409-7016

Check out my Facebook Page! - My Dream Ranch

taani1@aol.com



Home_Business.doc

60K

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July 17, 2012

Dear Supervisor Nutting,

My name is Taani Story, we met briefly at the Quik Stop in Diamond Springs recently when you approached me about finding you a buckskin horse (I am still searching, finding a good horse in a specific color is a challenge). I was driving my white SUV with my business "Ad" on my back window (My Dream Ranch for Boarding), and an "Adopt a Wild Mustang" bumper sticker.

I own property in El Dorado County and my business on my property, where I also live, includes a horse boarding facility for 9 or more horses. I have expended a great deal of time and money installing horse barns/stalls and a covered arena for my horse boarding facility.

I am confused and concerned about the proposed County Zoning Ordinance regarding boarding stables of 9 or more boarded horses. Specifically, **the requirement for a Conditional Use Permit on boarding stables of 9 or more horses. Or the possible requirement to qualify as an Outdoor Recreational Facility instead of a Home Occupation.**

My property is RE-10. If I follow the draft zoning ordinance trail for boarding stables of 9 or more horses, it appears to me that I must qualify to board horses under section **17.40.210 Outdoor Recreational Facilities**. My property is zoned RE-10. I do not see Outdoor Recreational Facilities listed as a land use under RE-10. Would I need to rezone my property to continue doing what I am already doing? Or, pay county fees for a Conditional Use Permit as a Home Occupation? How much is a Conditional Use Permit and are there any additional costs associated with obtaining a Conditional Use Permit? How often would I need to renew a Conditional Use Permit?

Would I be grandfathered in and not have to pay the Conditional Use Permit? What about new folks who want to offer horse boarding for 9 or more horses on the property where they live? What would it cost them to start up and how must they be zoned? Does a horse boarding facility of 9 or more horses qualify as a Home Occupation?

I also support outdoor use and clients allowed under the Home Occupation Ordinance. I am certified in Equine Assisted Growth and Learning (EAGALA which helped Ms. Dugard after her ordeal). But "Group lessons shall be limited to a maximum of four students at any one time, once per day, provided adequate parking is available" is too limiting for EAGALA work and EAGALA work isn't really a lesson per se.

I have highlighted relevant text from the El Dorado County draft zoning ordinance on the attached pages should you wish more detail. I believe you are my supervisor and I would appreciate any help possible. I am sorry but I will be out of state during part of this week so I may miss the relevant Board and Planning Commission joint workshop to discuss these issues.

Sincerely,
Taani Story
Owner, My Dream Ranch

Article 8 Glossary Page 28 Draft El Dorado County Code Stables.

Stables are divided into the following categories:

Commercial. Facility for keeping horses available to the public for hire. This may also include larger facilities that specialize in equestrian training, exhibitions, and boarding; and their accessory structures, such as arenas, spectator stands, and training facilities. Commercial stables do not include the keeping of horses for personal use, training, or horse boarding consistent with a home occupation. (See Section 17.40.210: Outdoor Recreation Facilities).

Private. An accessory building to a primary residential use that is used to shelter horses and other domestic farm animals for the exclusive use of the property owner or occupant, or for training and horse boarding consistent with a home occupation. (See Section 17.40.170: Home Occupations).

Article 4 17.40.160 Home Occupations

C. Standards. A home occupation shall be allowed in compliance with the following standards:

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.

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.

17.40.210 Outdoor Recreational Facilities

D. Commercial Stables. Stables that provide horses for hire at an hourly or daily rate, commercial boarding and training of horses, or riding lessons that exceed the standards of a home occupation under Section 17.40.150.F.2 shall be subject to the following minimum standards:

17.40.160 Home Occupations

A. Purpose. The purpose of this Section is to provide opportunities for home-based businesses incidental to and 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. 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, 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 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 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.

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 commercial vehicles, as defined in Article 8 (Vehicle, Heavy Commercial), used as part of the home occupation shall be stored or parked on site 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, except when in use.

9. Goods or materials used or manufactured as part of the home occupation shall not be visible 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		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 adjoining road and 1 adjacent to residence or structure where home business is conducted

F. Prohibited Home Occupations. The following uses occurring on the site are not incidental to or compatible with residential activities and shall not be allowed as home occupations except as indicated below: (I did not included prohibited Home Occupations)

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 EAGALA work outside:

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 not required to be screened.
4. General standards: For purposed of determining employees allowed, acreage measured as the total of contiguous lots under business owner's title.
5. Undefined permit required for businesses having more than two employees or that have a "significant impact" on the neighborhood.

Residential Estate (RE). The RE, Residential Estate Zone is intended to preserve the rural character of an area and to minimize required services by providing for and regulating the development of low density and rural residential development at a range of densities to include one dwelling unit per five acres and one dwelling per 10 acres. Minimum lot size designations of —5 and —10 are applied to this zone based on surrounding land use compatibility, physical and infrastructural constraints, and General Plan land use designation. Said designations represent the minimum number of acres permitted for each lot. Agricultural structures and uses are considered compatible with this zone, as accessory to the residential use of the property.

I did not find Outdoor Recreational Use as a land use in RE zoning.

17.24.020 Matrix of Permitted Uses

Uses are permitted in the following zones subject to the requirements of this Title as designated in Table 17.24.020 below:

Table 17.24.020 Residential Zone Use Matrix

RM: Multi-unit Residential

R1, R20K: Single-unit Residential

R1A: One-acre Residential

R2A: Two-acre Residential

R3A: Three-acre Residential

RE: Residential Estate

NS: Neighborhood Service

P Permitted use

A Administrative Permit required (17.52.010)

CUP/ Conditional Use Permit /

MUP Minor use Permit required (17.52.020)

TMA Temporary Mobile Home Permit required (17.52.050)

T Temporary use permit required (17.52.060)

— Use not allowed in zone

LAND USE

PERMIT REQUIRED BY ZONE

Specific Use Regulation

RM

R1, R20K

R1A

R2A

R3A

RE



Fwd: Public Comment - Zoning Ordinance Workshops July 16 - July 20, 2012

1 message

Shawna Purvines <shawna.purvines@edcgov.us>
To: loriparlin@sbcglobal.net
Cc: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Sun, Jul 29, 2012 at 9:03 AM

Thanks Lori.

----- Forwarded message -----

From: **Lori Parlin** <loriparlin@sbcglobal.net>
Date: Fri, Jul 27, 2012 at 1:36 PM
Subject: Public Comment - Zoning Ordinance Workshops July 16 - July 20, 2012
To: shawna.purvines@edcgov.us
Cc: bosone@edcgov.us, bostwo@edcgov.us, bosthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us

To: Shawna Purvines, Senior Planner

Zoning Ordinance Workshops July 16 - July 20, 2012
Public Comments and Recommendations

17.10.020 D Where an inconsistency exists between General Plan and zoning designation for a lot, the General Plan designation shall govern.

Many existing land uses in the Community Regions are not compatible with high density development, yet the Community Regions are intended for the highest intensity of self-sustaining compact urban-type development or suburban type development within the county. Residents typically choose the location of their home based on the zoning of the properties adjacent to and surrounding their own property. Residents should not have to be concerned that the properties in their neighborhood will be rezoned for high density development simply because their neighborhood was placed in a Community Region by the General Plan.

Recommendations:

1. I/We request that the term 'Community Region' be changed to 'High Density Area' because it more accurately describes what type of development the County plans for that area.
2. I/We request that when there is an inconsistency between the General Plan and zoning designation for a lot, the zoning designation shall govern. This request follows the concern that the current Community Region boundaries give the County too much discretionary authority to change the land use designation within Community Region boundaries.
3. I/We request that the residents of Shingle Springs be given the opportunity to create their own comprehensive plan for the future of Shingle Springs, much like the Meyers Community Plan.
4. I/We request that the County use zoning and land use designations as stepped buffers. For example, if a neighborhood is low density, then next to it should be medium density residential, followed by high density residential, followed by commercial professional offices, then retail, and then industrial.

17.51.050 Public Notice Notice of public hearings or staff-level review with notice procedures shall be provided as set forth in California Government Code Section 65090 et seq., except that notice shall be provided to owners of real property, as shown on the latest equalized assessment roll, within 500 feet of the real property that is the subject of the public hearing or staff-level review.

Recommendation:

I/We request that to ensure transparency in zoning changes, signs also be used as part of the public notice process, like Placerville and Sacramento County does.

Thank you,

Sam and Lori Parlin

Shingle Springs, CA

180137

-

Shawna L. Purvines
Sr. Planner
Development Services
El Dorado County
Phone:(530) 621-5362
shawna.purvines@edcgov.us
www.edcgov.us

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Any retransmission, dissemination or other use of the information by persons other than the intended recipient or entity is prohibited.

If you receive this e-mail in error please contact the sender by return e-mail and delete the material from your system.

Thank you.



Fwd: Public Comments and Recommendations; Zoning Ordinance Workshops July 16 - July 20, 2012

1 message

Shawna Purvines <shawna.purvines@edcgov.us>

Sun, Jul 29, 2012 at 9:04 AM

To: jalamer@comcast.net

Cc: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Thank you Jill

Shawna Purvines

----- Forwarded message -----

From: **Jill Larner** <jalamer@comcast.net>

Date: Fri, Jul 27, 2012 at 4:44 PM

Subject: Public Comments and Recommendations; Zoning Ordinance Workshops July 16 - July 20, 2012

To: shawna.purvines@edcgov.us

To: Shawna Purvines, Senior Planner

Zoning Ordinance Workshops July 16 - July 20, 2012

Public Comments and Recommendations

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Thank you,

Greg and Jill Larner
Shingle Springs, CA

--

Shawna L. Purvines
Sr. Planner
Development Services
El Dorado County
Phone: (530) 621-5362
shawna.purvines@edcgov.us
www.edcgov.us

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Thank you.

July 23, 2012

El Dorado County Development Services Dept.
2850 Fairlane Court
Placerville, CA 95667

12 JUL 24 AM 11:46
RECEIVED
PLANNING DEPARTMENT

Attn: Shawna Purvines, Senior Planner

Subject: Request to retain R3A Zoning on Parcel No. 042-500-34

Dear Shawna:

I was informed at the July 16, 2012 Board of Supervisor's Meeting, that my property at 6830 Aerie Road (Parcel No. 042-500-34) was projected to be down zoned from the current zoning of Single-Family Residential, 3 acres (R3A) to Estate Residential, 5 acres (ER5) (see attached). Per our conversation I am submitting a request to retain the existing zoning. To this end I submit the following considerations:

Surrounding Land Use Compatibility - The parcel is surrounded on three sides by R3A zoned and fully developed 3 acre parcels.

No Infrastructure Constraints - The Parcel is served by EID Water originating at an eight inch main on Sly Park Road, therefore no problem with fire flow or additional hydrants. The Parcel fronts on a two lane County road. For access and potential development, I have created and recorded a fifty foot wide road and public utilities easement from Sly Park Road to and onto the Parcel. The soil composition offers excellent absorption for leach field placement throughout the property.

No physical constraints - The current location of my home and garage in the center of the Parcel would permit a future 3-way split with no access, set-back or parcel length vs. width ratio issues. In addition, the parcel slope varies from gentle to level and again offers no access, turnaround or development constraints.

In view of the above and the additional fire fuels clearing that would benefit my surrounding neighbors, I respectfully request to retain my existing R3A Zoning. Please advise your decision/action via letter or e-mail.

Thank you,



Thomas G. Mahach, Col, USAF Retired
6830 Aerie Road
Pollock Pines, CA 95726
Phone: 530-644-6878
E-mail: aeriepress@hughes.net

180139



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 man-made global warming/Climate Change and Agenda 21 lies.

Very Sincerely,



Michael Mueller, RCDD, DCCA, DSCE
Diamond Springs

LATE DISTRIBUTION

DATE 7/20/12

✓ **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

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.

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

Submitted by Kimberly Beal

Public Comment 12-08374E.4
at Board Hearing of 7-18-12

#1

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, ~~one 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 adjoining road and 1 adjacent to residence or structure where 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 upholstery, 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 upholstery service, with the exception of upholstery 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 once~~one~~ per day on parcels less than one acre, or twice per day on parcels one acre or greater.
- 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.

✓ **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.

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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?)

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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.

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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

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.

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

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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, ~~one 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 adjoining road and 1 adjacent to residence or structure where 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 upholstery, 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.
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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 upholstery service, with the exception of upholstery 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.
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13. Winery and tasting rooms that are not allowed in the Wineries Ordinance (Section 17.40.400).
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*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 once~~one~~ per day on parcels less than one acre, or twice per day on parcels one acre or greater.
- 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

Public Comment 12-0837.4E.10
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 outdoors if screened from public view 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 Conditional or Special Use Permit

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**

C.1. “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.

Cynthia Shaffer

Submitted by Cindy Shaffer

at Board Hearing of 12-0837.4E.13

Page 1

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.

✓ **17.40.350 Timber Production Zone**

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 Marengo

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 three guest rooms for up to six guests at any one time.

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, does not allow 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.*

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 (✓) column on the left to be sure you have all the required information. **All plans and maps MUST be folded to 8½" x 11"**.

FORMS AND MAPS REQUIRED

Check (✓)
Applicant County

- | | | | |
|-------|-------|-----|--|
| _____ | _____ | 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 ½ 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: |

- | | |
|----|--|
| a) | 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 or by an on-site survey performed by a qualified licensed arborist or botanist. |
|----|--|

Submitted by Kathy Russell
at Board Hearing of _____
7/19/13

FORMS AND MAPS REQUIRED

Check (√)
Applicant County

_____ b) Parcels having canopy cover of at least ten percent (10%) are subject to canopy coverage retention or replacement standards as follows:

<u>Existing Canopy Cover</u>	<u>Percent of Canopy Cover to be Retained or Replaced</u>
80 - 100 percent	60 percent of existing canopy
60 - 79 percent	70 percent of existing canopy
40 - 59 percent	80 percent of existing canopy
20 - 39 percent	85 percent of existing canopy
19 percent or less	90 percent of existing canopy

_____ c) Where item (b) above applies and trees will be removed as the result of project improvements, a replacement plan shall be included with application submittal. The replacement plan shall include a mitigation monitoring plan to ensure that proposed replacement trees survive.

_____ d) Identify on the tree canopy map the location and size of all trees with a diameter of twenty inches or greater diameter at breast height, in all of the following situations where trees would likely be removed:

_____ i) Within building envelope areas when such are proposed, or on any lot less than twenty thousand (20,000) square feet in area when building envelopes are not proposed.

_____ ii) In any situation where the tree or its dripline lie within any proposed road, driveway, leach field area, or cut or fill slope area:

_____ (1) Provide a count of the total number of trees eight (8) inches or greater in diameter at breast height, that will likely be removed due to proposed construction.

_____ (2) Any provisions for tree preservation, transplanting, or replacement, shall also be noted on the plan.

_____ 12) If located within one of the five Ecological Preserve - EP overlay zones (Mitigation Area 0), rare plants may exist on-site. The State Department of Fish & Game will require an on-site biological plant survey to determine the extent and location of rare plants on the project site. Such a survey can only occur from March 15 through August 15 when plants are readily visible. Therefore, if the State Department of Fish & Game requires the plant survey, a substantial delay in the processing of your application could result. To avoid potential delays, you may choose to provide this survey with application submittal. (A list of possible Botanical Consultants is available at the Planning Department.)

_____ 13) Name and address of Homeowners' Association, CSA 9 Zone of Benefit, or other road maintenance entity if it exists in the project area.

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:

- _____ 15) A record search for archaeological resources shall be conducted through the North 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 (√)
Applicant 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.

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 County

- _____ 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)

PRELIMINARY GRADING AND DRAINAGE PLAN

Required whenever any grading is proposed.
(Ten (10) copies, **folded to 8½" x 11", plus one 11" x 17" reduction.**)

Check (√)
Applicant County

- _____ 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.

PLAN OF BUILDING ELEVATIONS

Required whenever a new structure or addition is proposed.
(Ten (10) copies, **folded to 8½" x 11", plus one 11" x 17" reduction.**)

Check (√)
Applicant County

- _____ 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**

Project Title _____

Lead Agency El Dorado County Planning Department

Name of Owner _____ Telephone (____) _____

Address _____

Name of Applicant _____ Telephone (____) _____

Address _____

Project Location _____

Assessor's Parcel Number(s) _____

Acreage _____ Zoning _____

Please answer all of the following questions as completely as possible. Subdivisions and other major projects will require a Technical Supplement to be filed together with this form.

1. Type of project and description: _____

2. What is the number of units/parcels proposed? _____

GEOLOGY AND SOILS

3. Identify the percentage of land in the following slope categories:
_____ 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? _____

DRAINAGE 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 channel?
_____ 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? _____

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?

VEGETATION 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? _____

NOISE QUALITY

18. Is the project near an industrial area, freeway, major highway or airport? _____
If so, how far? _____

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? _____

WATER QUALITY

21. Is the proposed water source public or private, treated or untreated?
Name the system: _____

22. What is the water use (residential, agricultural, industrial or commercial)? _____

AESTHETICS

23. Will the project obstruct scenic views from existing residential areas, public lands, public bodies of water or roads? _____

ARCHAEOLOGY/HISTORY

24. 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.) _____

SEWAGE

25. What is the proposed method of sewage disposal? septic system sanitation district
Name of district: _____

26. Would the project require a change in sewage disposal methods from those currently used in the vicinity? _____

TRANSPORTATION

27. Will the project create any traffic problems or change any existing roads, highways or existing traffic patterns? _____

28. Will the project reduce or restrict access to public lands, parks or any public facilities?

GROWTH-INDUCING IMPACTS

29. Will the project result in the introduction of activities not currently found within the community?

30. Would the project serve to encourage development of presently undeveloped areas, or increases in development intensity of already developed areas (include the introduction of new or expanded public utilities, new industry, commercial facilities or recreation activities)?

31. Will the project require the extension of existing public utility lines? _____
If so, identify and give distances: _____

GENERAL

- 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? _____

DISCUSS ANY YES ANSWERS TO THE PREVIOUS QUESTIONS (attached additional sheets if necessary)

MITIGATION MEASURES (attached additional sheets if necessary)

Proposed mitigation measures for any of the above questions where there will be an adverse impact:

Form completed by: _____ Date: _____

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: Create _____ lots, ranging in size from _____ to _____ acre(s) / SF

IF ZONE CHANGE: From _____ to _____ IF GENERAL PLAN AMENDMENT: From _____ to _____

IF TIME EXTENSION, REVISION, CORRECTION: Original approval date _____ Expiration date _____

APPLICANT/AGENT _____

Mailing Address _____

Phone (_____) _____ FAX (_____) _____

PROPERTY OWNER _____

Mailing Address _____

Phone (_____) _____ FAX (_____) _____

LIST ADDITIONAL PROPERTY OWNERS ON SEPARATE SHEET IF APPLICABLE

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 pick from list> area. PROPERTY SIZE _____ acreage / square footage

X _____ signature of property owner or authorized agent Date _____

FOR OFFICE USE ONLY

Date _____ Fee \$ _____ Receipt # _____ Rec'd by _____ Census _____

Zoning _____ GPD _____ Supervisor Dist _____ Sec/Twn/Rng _____

- ACTION BY:
- PLANNING COMMISSION
 - ZONING ADMINISTRATOR
 - PLANNING DIRECTOR

ACTION BY BOARD OF SUPERVISORS

Hearing Date _____

Hearing Date _____

Approved Denied (findings and/or conditions attached)

Approved Denied (findings and/or conditions attached)

APPEAL: Approved Denied

Executive Secretary

Public Comment 12-0837.4E.29
Executive Secretary

**Targeted General Plan Amendment and Zoning Ordinance Update
DRAFT (TGPA/ZOU)**

Property Information Inquiry

Owner Name:	MAHACH THOMAS G TR
Site Address:	6830 AERIE RD
Assessor's Parcel Number	042-500-34

Under the 2004 Adopted General Plan, the land-use designation for this parcel is: **MEDIUM DENSITY RESIDENTIAL**

Does the proposed TGPA/ZOU include a change to this parcel's land-use designation? **NO**

Under the current Zoning Ordinance, the zoning designation for this parcel is: **Single-Family Residential 3 Acre**

Under the proposed Zoning Ordinance, the zoning designation proposed for analysis on this parcel is: **Estate Residential 5 Acre**

Is this parcel eligible for the Agriculture "Opt-in"? **NO**

In General Plan AG District Overlay? **NO**

Parcel Acreage: **10.07 acres**

Draft Public Review of the Zoning Ordinance Update Zone Definition:

Estate Residential 5 Acre

The RE, Residential Estate Zone is intended to preserve the rural character of an area and to minimize required services by providing for and regulating the development of low density and rural residential development at a range of densities to include one dwelling unit per five acres and one dwelling per 10 acres. Minimum lot size designations of —5 and —10 are applied to this zone based on surrounding land use compatibility, physical and infrastructural constraints, and General Plan land use designation. Said designations represent the minimum number of acres permitted for each lot. Agricultural structures and uses are considered compatible with this zone, as accessory to the residential use of the property.

How are General Plan land-use designations different from Zoning?

Every parcel in the unincorporated areas of El Dorado County is assigned a General Plan Land-Use designation and a Zoning designation. General Plan designations identify generalized permitted land uses such as Commercial or Multifamily Residential. Zoning designations, which by law must be consistent with the General Plan designations, provide more detail on permitted uses and development standards; a single General Plan designation may be consistent with a number of different zoning designations. For example, a parcel with a General Plan designation of Medium Density Residential could potentially have a Zoning designation of residential one acre (R1A), residential two acres (R2A), or residential three acres (R3A) under the current Zoning Ordinance. The Zoning Ordinance Update addresses inconsistencies between the General Plan designations and current Zoning designations

PLEASE NOTE: Property Information is based on the most recent data available and may not reflect recent activity. Acreage is an estimate based on the Assessor's parcel maps.

Agriculture Opt-in applies only to current agricultural zone properties or Residential Estate parcels within agricultural districts.



Cindy Johnson <cynthia.johnson@edcgov.us>

Fwd: Zoning Ordinance Update

1 message

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

Fri, Jul 20, 2012 at 9:34 AM

----- 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

180141

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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'.

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." Renumber 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 Contact 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.

✓ **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

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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.

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

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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 adjoining road and 1 adjacent to residence or structure where 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 ~~once per~~ per day on parcels less than one acre, or twice per day on parcels one acre or greater.
- 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 \geq 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 \geq 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.

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- 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 outdoors if screened from public view 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 Conditional or Special Use Permit

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

✓ **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**

C.1. “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.

✓ **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.

✓ **17.40.350 Timber Production Zone**

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 Marengo

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 three guest rooms for up to six guests at any one time.

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, does not allow 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.

✓ **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.*

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 (✓) column on the left to be sure you have all the required information. **All plans and maps MUST be folded to 8½" x 11"**.

FORMS AND MAPS REQUIRED

Check (✓)
Applicant County

- _____ 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 ½ 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:

- a) 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 or by an on-site survey performed by a qualified licensed arborist or botanist.

Submitted by Kathy Russell
at Board Hearing of _____
7/19/12

FORMS AND MAPS REQUIRED

Check (✓)
Applicant County

_____ b) Parcels having canopy cover of at least ten percent (10%) are subject to canopy coverage retention or replacement standards as follows:

<u>Existing Canopy Cover</u>	<u>Percent of Canopy Cover to be Retained or Replaced</u>
80 - 100 percent	60 percent of existing canopy
60 - 79 percent	70 percent of existing canopy
40 - 59 percent	80 percent of existing canopy
20 - 39 percent	85 percent of existing canopy
19 percent or less	90 percent of existing canopy

_____ c) Where item (b) above applies and trees will be removed as the result of project improvements, a replacement plan shall be included with application submittal. The replacement plan shall include a mitigation monitoring plan to ensure that proposed replacement trees survive.

_____ d) Identify on the tree canopy map the location and size of all trees with a diameter of twenty inches or greater diameter at breast height, in all of the following situations where trees would likely be removed:

_____ i) Within building envelope areas when such are proposed, or on any lot less than twenty thousand (20,000) square feet in area when building envelopes are not proposed.

_____ ii) In any situation where the tree or its dripline lie within any proposed road, driveway, leach field area, or cut or fill slope area:

_____ (1) Provide a count of the total number of trees eight (8) inches or greater in diameter at breast height, that will likely be removed due to proposed construction.

_____ (2) Any provisions for tree preservation, transplanting, or replacement, shall also be noted on the plan.

_____ 12) If located within one of the five Ecological Preserve - EP overlay zones (Mitigation Area 0), rare plants may exist on-site. The State Department of Fish & Game will require an on-site biological plant survey to determine the extent and location of rare plants on the project site. Such a survey can only occur from March 15 through August 15 when plants are readily visible. Therefore, if the State Department of Fish & Game requires the plant survey, a substantial delay in the processing of your application could result. To avoid potential delays, you may choose to provide this survey with application submittal. (A list of possible Botanical Consultants is available at the Planning Department.)

_____ 13) Name and address of Homeowners' Association, CSA 9 Zone of Benefit, or other road maintenance entity if it exists in the project area.

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:

_____ 15) A record search for archaeological resources shall be conducted through the North 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 (√)
Applicant 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.

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 County

- _____ 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)

PRELIMINARY GRADING AND DRAINAGE PLAN

Required whenever any grading is proposed.
(Ten (10) copies, **folded to 8½" x 11", plus one 11" x 17" reduction.**)

Check (√)
Applicant County

- _____ 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.

PLAN OF BUILDING ELEVATIONS

Required whenever a new structure or addition is proposed.
(Ten (10) copies, **folded to 8½" x 11", plus one 11" x 17" reduction.**)

Check (√)
Applicant County

- _____ 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**

Project Title _____
Lead Agency El Dorado County Planning Department
Name of Owner _____ Telephone (____) _____
Address _____
Name of Applicant _____ Telephone (____) _____
Address _____
Project Location _____
Assessor's Parcel Number(s) _____
Acreage _____ Zoning _____

Please answer all of the following questions as completely as possible. Subdivisions and other major projects will require a Technical Supplement to be filed together with this form.

1. Type of project and description: _____

2. What is the number of units/parcels proposed? _____

GEOLOGY AND SOILS

3. Identify the percentage of land in the following slope categories:
_____ 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?

DRAINAGE 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 channel?
_____ 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? _____

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?

VEGETATION 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? _____

NOISE QUALITY

18. Is the project near an industrial area, freeway, major highway or airport? _____
If so, how far? _____
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? _____

WATER QUALITY

21. Is the proposed water source public or private, treated or untreated?
Name the system: _____

22. What is the water use (residential, agricultural, industrial or commercial)? _____

AESTHETICS

23. Will the project obstruct scenic views from existing residential areas, public lands, public bodies of water or roads? _____

ARCHAEOLOGY/HISTORY

24. 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.) _____

SEWAGE

25. What is the proposed method of sewage disposal? septic system sanitation district
Name of district: _____

26. Would the project require a change in sewage disposal methods from those currently used in the vicinity? _____

TRANSPORTATION

27. Will the project create any traffic problems or change any existing roads, highways or existing traffic patterns? _____

28. Will the project reduce or restrict access to public lands, parks or any public facilities?

GROWTH-INDUCING IMPACTS

29. Will the project result in the introduction of activities not currently found within the community?

30. Would the project serve to encourage development of presently undeveloped areas, or increases in development intensity of already developed areas (include the introduction of new or expanded public utilities, new industry, commercial facilities or recreation activities)?

31. Will the project require the extension of existing public utility lines? _____
If so, identify and give distances: _____

GENERAL

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? _____

DISCUSS ANY YES ANSWERS TO THE PREVIOUS QUESTIONS (attached additional sheets if necessary)

MITIGATION MEASURES (attached additional sheets if necessary)

Proposed mitigation measures for any of the above questions where there will be an adverse impact:

Form 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: Create _____ lots, ranging in size from _____ to _____ acre(s) / SF

IF ZONE CHANGE: From _____ to _____ IF GENERAL PLAN AMENDMENT: From _____ to _____

IF TIME EXTENSION, REVISION, CORRECTION: Original approval date _____ Expiration date _____

APPLICANT/AGENT _____

Mailing Address _____

Phone (_____) _____ FAX (_____) _____

PROPERTY OWNER _____

Mailing Address _____

Phone (_____) _____ FAX (_____) _____

LIST ADDITIONAL PROPERTY OWNERS ON SEPARATE SHEET IF APPLICABLE

ENGINEER/ARCHITECT _____

Mailing Address _____

Phone (_____) _____ FAX (_____) _____

LOCATION: The property is located on the _____ side of _____ street or road
N/E/W/S

_____ feet/miles _____ of the intersection with _____ major street or road
N/E/W/S

in the _____ <or pick from list> area. PROPERTY SIZE _____
acreage / square footage

X _____ Date _____
signature of property owner or authorized agent

FOR OFFICE USE ONLY

Date _____ Fee \$ _____ Receipt # _____ Rec'd by _____ Census _____

Zoning _____ GPD _____ Supervisor Dist _____ Sec/Twn/Rng _____

ACTION BY: PLANNING COMMISSION
 ZONING ADMINISTRATOR
 PLANNING DIRECTOR

ACTION BY BOARD OF SUPERVISORS

Hearing Date _____

Hearing Date _____

Approved Denied (findings and/or conditions attached)

Approved Denied (findings and/or conditions attached)

APPEAL: Approved Denied

Executive Secretary

Public Comment 12-0837.4E.29
Executive Secretary



Fwd: Summary - Rich Stewart's Written & Public Comments

1 message

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

Mon, Jul 30, 2012 at 11:22 AM

----- Forwarded message -----

From: <MRanalli@aol.com>

Date: Wed, Jul 25, 2012 at 7:28 AM

Subject: Re: Summary - Rich Stewart's Written & Public Comments

To: rich_stewart@sbcglobal.net

Cc: jlb87@aol.com, gordon@the-helm.net, terri.knowlton@edcgov.us, shawna.purvines@edcgov.us, mike.applegarth@edcgov.us

Good morning Rich. My trick is to write down the sequence of speakers and as much of what was said as I can. I then use the video to capture further details.

For this exercise I try not to editorialize what was said. So, if you said it I wrote it....any humor should carry through, and dealing with the zoning code definitely requires some humor.... The mental image of a bathroom grilled cheese sandwich is not pretty...

I believe I heard Shawna asked for all comments by Friday, 7/27. The cheat sheets should help the project team keep everything moving forward independent of any additional written comments.

Good luck with your project challenges this week.

Hope our neighbors can cope with us mowing our lawns late at night with flashlights....

M

In a message dated 7/24/2012 10:18:55 P.M. Pacific Daylight Time, rich_stewart@sbcglobal.net writes:

Wow Mike! You were busy paying attention at those meetings last week. Gosh, you even caught my failed attempt at stand-up humor with the "cooking facility" comment regarding the glossary items—obviously, I'll never make it as a comic! I plan to summarize all of my comments and send to the County and your summary certainly will help. I probably won't get to it until at least this weekend as I'm back working Dixon Ranch high density development stuff again the last two days. Joel (attorney) and possibly Brian Allen (CTA engineer) will be speaking to our owner's association tomorrow night along with the fire marshall. Then, meeting on Thursday night. Gotta mow my lawn and do some yard work in there sometime!

Do you know what the County's schedule is for summarizing comments, etc.?

Rich

— On Tue, 7/24/12, MRanalli@aol.com <MRanalli@aol.com> wrote:

Greetings Rich,

Having spent many hours reviewing documents and attending public hearings, I understand and appreciate your enormous commitment to help your community and our county government. Thank you.

Our zoning ordinance study group is helping to review and consolidate the written and public comments in an effort to help the county project team integrate these valuable inputs to the process. We were asked to help look over the public comments and make sure nothing gets missed or there is a simple way to ensure that all the many details are captured as we move forward.

I have distilled your inputs the best I could so that the process this week could move forward. I understand that you plan to submit all of your final remarks to Shawna. That is good for the formal record and we should crosscheck your final when that is available. Meantime, below is a summary of your inputs for Article 1, 2, & 3 which I have summarized from your written submittal, your public testimony and my hand written notes during the BOS meetings,

I hope that I captured this correctly. Perhaps my summary will aid you in your final inputs for this phase of the program.

Thanks again for your positive and active participation.

Michael

| michael

—

Shawna L. Purvines
Sr. Planner
Development Services
El Dorado County
Phone:(530) 621-5362
shawna.purvines@edcgov.us
www.edcgov.us

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Thank you.



Fwd: FW: SPI NOP Comments

1 message

Shawna Purvines <shawna.purvines@edcgov.us>

Tue, Jul 31, 2012 at 8:06 AM

To: drapers@wildblue.net

Cc: Chris Flores <chris.flores@edcgov.us>, TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Thanks Bill,

I appreciate you getting this to me.

Shawna

----- Forwarded message -----

From: **Claudia Draper** <drapers@wildblue.net>

Date: Mon, Jul 30, 2012 at 8:59 PM

Subject: FW: SPI NOP Comments

To: shawna.purvines@edcgov.us

Shawna,

I am a Registered Professional Forester here in El Dorado County and I do sit on the Agricultural Commission. I was not a participant in the Natural Resources Working Group. I have reviewed the attached information submitted by Cedric Twight and I would like my comments taken into consideration in the development of the new Zoning Ordinance.

Bill Draper

RPF 898

From: Claudia Draper [mailto:drapers@wildblue.net]

Sent: Friday, July 27, 2012 12:08 PM

To: 'Chris Flores'; 'valeriez@edcfb.com'

Cc: 'mranalli@aol.com'

Subject: FW: SPI NOP Comments

Chris,

This came up at the Ag Council Thursday morning. Having not seen the information from Cedric Twight, I have reviewed the attached.

I don't know who makes up the Natural Resources Working Group but their individual backgrounds might be interesting. I know that Cedric is trying to make SPI parcels as sellable as possible. Keep the parcels in TPZ and provide for a variety of uses that go way beyond timber production.

I don't see how lodging (B&B, retreat centers and dude ranches) promote timber production. In a wild stretch ag tourism brings people out into the forest but until they see actual logging, there is little correlation to timber production. I understand in a down economy the desire to be extremely flexible but these activities go way beyond the intent of TPZ.

Item 1-the matrix is OK but the CUP for lodging under TPZ is a stretch.

Item 2-proposes that the county use a RPF to evaluate CUP's. Who is the county RPF? The more facilities that are allowed on TPZ the demand for services (fire, ems and law enforcement) goes up. The fire hazard goes up with the introduction to people into areas they are normally kept from. You lose productive areas because of the need for parking, buildings, access roads.

Most of the TPZ lands are outside of the local fire districts. Annexation needs to occur. Development can not rely on part-time (seasonal) fire services.

Item 3-trails and primitive camping would be OK.

Dude ranches and retreat centers even if kept to less than 3 acres have no value or purpose in the growing and harvesting of timber. The threat they pose is significant.

Item 4-how is the timber management plan going to be evaluated to determine compatibility? Are outdoor recreation facilities going to be fenced to prevent trespass? All these extra activities bring more people into the forest which increases the potential fire hazard. Fire and people and fire and timber don't mix. G. the original wording is correct and the suggested wording is not good. This opens the door to allow a residence by right.

Item 5-this gets to be a he said/she said situation. My opinion versus your opinion. There is no basis for objective evaluation.

Item 6-I agree with

Having not been a participant in the development of the suggested changes it is difficult to know what motivates this thought process.

Bill Draper

From: MRanalli@aol.com [mailto:MRanalli@aol.com]
Sent: Thursday, July 26, 2012 12:02 PM
To: valeriez@edcfb.com; drapers@wildblue.net
Subject: SPI NOP Comments

Bill & Val,

Attached are the 14 of 386 pages from SPI - NOP Comments (SPI_G - Comments During NOP.pdf).

FYI, M

-

Shawna L. Purvines
Sr. Planner
Development Services
El Dorado County
Phone:(530) 621-5362

shawna.purvines@edcgov.us
www.edcgov.us

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Thank you.

 **SPI_G - Comments During NOP.pdf**
2564K



TGPA-ZOU ZOU <tgpa-. ou@edcgov.us>

Fwd: FW: Chapter 17.40.350 El DoradoEDAC_TPZ.docx

1. message

Shawna Purvines <shawna.purvines@edcgov.us> Wed, Jun 27, 2012 at 4:11 PM
To: Cedric Twight <CTwight@spi-ind.com>
Cc: Kimberly Kerr <kimberly.kerr@edcgov.us>, edc.cob@edcgov.us, TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Hi Cedric,

Both the Planning Commission and the Board will receive a copy of all comment letters prior to the Zoning Ordinance Workshop scheduled for the week of July 16th.

Thank you for sending in your comments.

Shawna

----- Forwarded message -----
From: Cedric Twight <CTwight@spi-ind.com>
Date: Wed, Jun 27, 2012 at 3:57 PM
Subject: RE: FW: Chapter 17.40.350 El DoradoEDAC_TPZ.docx
To: Shawna Purvines <shawna.purvines@edcgov.us>
Cc: kimberly.kerr@edcgov.us, edc.cob@edcgov.us

Shawna,

Attached please find the Natural Resource Working Group (NRWG) comment letter on the PRD Zone Ordinance. If you require any additional information feel free to contact me directly. Also I would like copies of this letter to be distributed to the Planning Commission and the Board of Supervisors. I have sent a copy to the Clerk of the Board so the Board members will receive a copy of the letter, but I am not sure who distributes this kind of correspondence to the Planning Commission. Can you get the Planning Commissioners a copy?

Sincerely,

Cedric Twight
530-378-8127

--

Shawna L. Purvines
Sr. Planner
Development Services
El Dorado County
Phone:(530) 621-5362
shawna.purvines@edcgov.us
www.edcgov.us

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NRWG comment letter PRD Zone Ordinance.pdf
6216K



-- ...

Cedric Twight
EDAC Regulatory Reform Sub-Committee
Natural Resources Working Group
P.O. Box 496014
Redding, CA 96049-6014
June 26, 2012

El Dorado Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Dear Board Members:

The following is intended to inform El Dorado County Board of Supervisors, Planning Commissioners and the Planning staff regarding how the Public Release Draft (PRD) Zone Ordinance dated 5-25-2012 does not adequately address the Board of Supervisors Resolution of Intention 184-2011. The following excerpts are from the PRD Zone Ordinance dated 5-25-2012; suggested changes include strikeouts (~~deletions~~) and alternate language (underlined red letters). The suggested changes are modifications that will bring consistency between the various sections of the PRD Zone Ordinance and ROI 184-2011. Natural Resource Working Group comments on the individual sections and their applicability to meeting the intent of ROI 184-2011 are made in *Italics* and precede each section of the PRD Zone Ordinance excerpts in which edits are suggested. The Items are listed in the numerical order of the Sections in which they appear.

Please incorporate all of the suggested language changes as an alternative to the PRD Zone Ordinance dated 5-25-2012, so that it can be studied in the Environmental Impact Report for the Targeted General Plan Amendment and Comprehensive Zoning Ordinance Update.

Item 1)

The Natural Resource Working Group (NRWG) envisions more potential opportunities for lodging, outdoor recreation and retreat accommodations within timber production zone land than were proposed in the PRD Zone Ordinance. The Use Matrix below has been edited to reflect the opportunities that the NRWG believe are consistent with the Purpose of Sections 17.040.170 and Section 17.040.210 found in the PRD Zone Ordinance dated 5-25-2011 and the Board of Supervisors ROI 184-2011. Note: A Conditional Use Permit (CUP) is discretionary and requires a full CEQA evaluation.

17.21.020 Matrix of Permitted Uses

Uses are permitted in the following zones subject to the requirements of this Title as designated in Table 17.21.020 below:

Table 17.21.020 Agricultural and Resource Zone Districts Use Matrix

USE TYPE	P Permitted use (Article 4) A Administrative permit required (17.52.010) T Temporary use permit required (17.52.070) CUP/ Conditional use permit required/ MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.060) — Use not allowed in zone						
	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
Agricultural							
Animal Keeping	P	P	P	P	P	P	17.40.080
Barn; Stable, private; Storage structure	P	P	P	P	P	CUP ²	17.40.030
Cropland	P	P	P	P	P	—	
Grazing	P	P	P	P	P	P	
Livestock, high density	CUP	CUP	CUP	—	—	—	
Nursery, plants: Wholesale	P	P	P	P	A/CUP ¹	A/CUP ¹	
Orchards and Vineyards	P	P	P	P	P	—	
Packing: On site products	P	P	P	P	P	CUP	
Off site products	P/CUP	P/CUP	P/CUP	CUP	CUP	—	
Processing, on site products	P	P	P	CUP	CUP	CUP	
Produce Sales	P/MUP	P/MUP	P/MUP	P/MUP	P/MUP	—	17.40.240
Timber	P	P	P	P	P	P	17.40.350
Residential							
Child Day Care Home: Small family day care home	P	P	P	P	P	—	17.40.110
Large family day care home	CUP	A	A	A	A	—	
Community Care Facility: Small (serving 6 or fewer)	—	—	—	P	—	—	
Large (serving 7 or more)	—	—	—	CUP	—	—	
Dwelling: Single-unit, detached	P	P	P	P	P	A/MUP ⁴	17.40.350
Temporary during construction	P	P	P	P	P	—	17.40.190
Employee Housing: Agricultural	P/A/ CUP	P/A/ CUP	P/A/ CUP	P/A/ CUP	P/A/ CUP	—	17.40.120
Construction	—	—	A	A	A	—	17.40.190
Seasonal Worker	—	—	P/A/CUP	P/A/CUP	P/A/CU P	—	17.40.120
Guest House	P	P	P	P	P	—	17.40.150
Hardship Mobile Home	TMA	TMA	TMA	TMA	TMA	—	17.40.190

LA: Limited Agricultural PA: Planned Agricultural AG: Agricultural Grazing RL: Rural Lands FR: Forest Resource TPZ: Timber Production Zone	P Permitted use (Article 4) A Administrative permit required (17.52.010) T Temporary use permit required (17.52.070) CUP/ Conditional use permit required/ MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.060) — Use not allowed in zone						
USE TYPE	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
Kennel, private ²	P/CUP	P/CUP	P/CUP	P/CUP	P/CUP	—	17.40.080
Room Rental: One bedroom, only	P	P	P	P	P	—	
Secondary Dwelling	P	P	P	P	P	—	17.40.060, 17.40.300
Commercial							
Agricultural Support Services	CUP	CUP	CUP	CUP	CUP	—	17.40.070
Animal Sales and Service: Veterinary Clinic	—	CUP	CUP	CUP	CUP	—	
Contractor's Office: Off site	—	—	—	TUP	TUP	—	17.40.190
Home Occupation	P/A/ M/CUP	P/A/ M/CUP	P/A/ M/CUP	P/A/ M/CUP	P/A/ M/CUP	—	17.40.160
Kennel, commercial	—	—	CUP	CUP	CUP	—	17.40.070
Lodging Facilities: Agricultural Homestay	A/CUP	A/CUP	A/CUP	A/CUP	—	—	17.40.170
*Agricultural and Timber Resource Lodging	CUP	CUP	CUP	CUP	CUP	CUP ³	
Bed and Breakfast Inn	CUP	CUP	CUP	CUP	CUP	CUP ³	
Dude Ranch	CUP	CUP	CUP	CUP	CUP	CUP ³	
Health Resort and Retreat Center	—	CUP	CUP	CUP	CUP	CUP ³	17.40.370
Vacation Home Rental	A	A	A	A	A	—	
Nursery, plants: Retail	—	—	—	CUP	—	—	
Outdoor Retail Sales: Garage Sales	P	P	P	P	P	—	17.40.220
Temporary Outdoor	A/T	A/T	A/T	A/T	—	—	
Ranch Marketing	CUP	P/A/ CUP	P/A/CUP	CUP	CUP	—	17.40.260
Wineries	CUP	P/CUP	P/CUP	CUP	—	—	17.40.400
Industrial							
Mineral Exploration	A/CUP	A/CUP	A/CUP	A/CUP	A/CUP	A/CUP	Chapter 17.29
Mineral Production	—	—	—	CUP	—	A/CUP	
Mining	CUP	CUP	CUP	CUP	CUP	A/CUP	
Slaughterhouse	—	CUP	CUP	—	—	—	
Storage Yard: Equipment and Material Permanent	—	—	—	—	—	P/CUP	17.40.320
Temporary	T	T	T	T	T	T	

LA: Limited Agricultural PA: Planned Agricultural AG: Agricultural Grazing RL: Rural Lands FR: Forest Resource TPZ: Timber Production Zone	P Permitted use (Article 4) A Administrative permit required (17.52.010) T Temporary use permit required (17.52.070) CUP/ Conditional use permit required/ MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.060) — Use not allowed in zone						
USE TYPE	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
Recreation and Open Space							
Campground	CUP	CUP	CUP	CUP	CUP	CUP ³	17.40.100
Camping, Temporary	—	—	—	—	—	P	
Golf Course	—	—	—	CUP	—	—	
Hiking and Equestrian Trail	P	P	P	P	P	P	
Hunting/Fishing Club, Farm, or Facility	CUP	CUP	CUP	CUP	CUP	CUP	
Marina: Non-motorized Craft	—	CUP	CUP	CUP	CUP	—	
Off-Highway Vehicle Recreation Area	—	—	—	—	CUP	CUP ³	
Park, day use	—	—	—	CUP	CUP	—	17.40.210
Picnic Area	CUP	P	P	P	P	P	
Resource Protection and Restoration	P	P	P	P	P	P	
Ski Area	—	—	—	CUP	CUP	—	17.40.210
Snow Play Area	—	—	—	CUP	CUP	CUP ³	
Special Events, temporary	T	T	T	T	T	—	
Stable, commercial	—	—	CUP	CUP	CUP	—	17.40.210
Trail Head Parking or Staging Area	—	—	CUP	CUP	CUP	CUP ³	
Civic Uses							
Cemetery	—	—	CUP	CUP	CUP	—	
Churches and Community Assembly	—	—	—	CUP	CUP	—	
Community Services: Cultural centers, living history facilities	—	—	—	CUP	—	—	
Intensive	—	—	—	CUP	CUP	—	
Schools: College and University	—	—	—	CUP	—	—	17.40.230
Elementary and Secondary, Private	—	—	—	CUP	—	—	
Transportation							
Airports, Airstrips, and Heliports	CUP	CUP	CUP	CUP	CUP	CUP	17.40.070
Utility and Communication							
Communication Facilities	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	CUP	17.40.130
Public Utility Service Facilities: Intensive	—	CUP	CUP	CUP	CUP	CUP	17.40.250
Minor	P	P	P	P	P	P	

LA: Limited Agricultural PA: Planned Agricultural AG: Agricultural Grazing RL: Rural Lands FR: Forest Resource TPZ: Timber Production Zone	P Permitted use (Article 4) A Administrative permit required (17.52.010) T Temporary use permit required (17.52.070) CUP/ Conditional use permit required/ MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.060) — Use not allowed in zone						
USE TYPE	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
Wind Energy Conversion System	See Table 17.40.390.1 (WECS Use Matrix)						17.40.390
NOTES: ¹ Administrative permit when plant material grown for restocking purposes; all other purposes require Conditional Use Permit. ² Dogs used for herding or guardian purposes in ranching or browsing operations are allowed by right subject to licensing requirements of Animal Control in compliance with Title 6. ³ <u>Restricted to Parcels 160 acres and larger.</u> ⁴ <u>Administrative Permit on Parcels 160 acres and larger. Minor Use permit on existing legal parcels <160 acres.</u>							

Item 2)

ROI 184-2011 requires provisions be made to provide opportunities for residential and recreation uses on TPZ that are compatible with timber management and harvesting. The Purpose of Section 17.40.170, as written in the PRD Zone Ordinance is consistent with ROI 184-2011. The edits to the other sections of 17.40.170 that follow are intended to reflect the Purpose of Section 17.40.170 by providing Lodging Facilities to "further the development of agriculture tourism and recreation economies" which is also consistent with ROI 184-2011. Timber Production is a form of agriculture and some parcels may hold opportunities to help meet the Purpose of Section 17.40.170, subject to a CUP and approval by the Board of Supervisors.

The Natural Resource Working Group (NRWG) envisions the potential opportunity for a Dude Ranch or Health Resort and Retreat Center being compatible with timber production, where it occurs on a small scale (see edit to Item 4 "H" below). Lodging might be part of such a business and therefore the following edits maintain consistency between the proposed 17.21.020 Agricultural and Resource Zone Districts Use Matrix and section 17.40.170 Lodging Facilities. The NRWG recognizes that a Dude Ranch, Retreat Center or Health Resort may only make sense on a select few TPZ parcels, that is why the NRWG suggests that compatible uses such as these be evaluated using the Conditional Use Permit (CUP) process (See 17.21.020) and not as a use by right.

The CUP process requires a complete CEQA analysis, which would identify, discuss and mitigate issues relating to the proposal. Through the CEQA process El Dorado planning staff, the

Agricultural Commission, Planning Commission and ultimately the Board of Supervisors would then evaluate the legitimacy of the proposal and condition it appropriately, or deny the proposal. The proposed Natural Resources Working Group zone ordinance edits incorporate the involvement of a Registered Professional Forester (RPF). The RPFs role will be to evaluate the project to ensure its compatibility with continued timber production from the parcel and provide an evaluation using a timber management plan to detail and describe how the proposed project is integrated into the continuing timber production from the parcel. A Registered Professional Forester is licensed by the California State Board of Forestry and is the only professional qualified to make determinations relating to the practice of Forestry (14 CCR § 1602) and thus the compatibility of a project proposal necessitates the involvement of an RPF. Item 4 "H" further on in this letter shows edits to Section 17.40.350 Criteria for Other Compatible Uses in TPZ, which incorporate the expertise of a RPF.

17.40.170 Lodging Facilities

A. Purpose. The purpose of this Section is to further the development of the agricultural and timber resource tourism and recreational economies of the County, while providing adequate health and safety standards for the guests of such lodging facilities, developing standards to preserve the residential character of neighborhoods, and protecting the public health, safety, and welfare of the surrounding areas.

C. General Standards. Lodging facilities shall be subject to the general standards below. In addition, the specific use standards under Subsections D-G shall apply.

1. Lodging facilities proposed within Agricultural Districts or Timber Production Zone (TPZ), as identified on the General Plan land use and Zone maps, or adjacent to land zoned Planned Agriculture (PA), Limited Agriculture (LA), Agricultural Grazing (AG), Forest Resource (FR), or Timber Production (TPZ) must be reviewed by the Agricultural Commission for compatibility with surrounding agricultural land uses prior to action by the review authority.

G. Dude Ranch.

1. Minimum lot size – 20 acres.
2. The applicant shall demonstrate to the satisfaction of the Agricultural Department that the site meets the minimum qualifications for agricultural/grazing use as set forth under the minimum criteria for a Williamson Act Contract, whether the property is under contract or not.
3. Meals may be served to registered day use or overnight guests, only. There are no limitations on the number of meals or the times at which they are served.

4. Dude Ranch in TPZ shall be subject to Subsection 17.40.350.H.

H. Health Resort and Retreat Center.

1. Health resorts and retreat centers shall be considered an expanded home occupation in those zones allowing residential uses and a compatible use in Commercial and Special Purpose zones.
2. Meals may be served to registered day use or overnight guests, only. There are no limitations on the number of meals or the times at which they are served.

3. Health Resort and Retreat Center in TPZ shall be subject to Subsection 17.40.350.H.

Item 3)

Section 17.40.210 is adequately drafted. The NRWG envisions the potential opportunity for Outdoor Recreational Facilities being compatible with timber production, where it occurs on a small scale (see 17.40.350 H below). The proposed 17.21.020 Agricultural and Resource Zone Districts Use Matrix above considers the Purpose statement found in Section 17.40.210 below and through the Conditional Use Permit (CUP) process provides a broader list of potential Outdoor Recreation project opportunities to consider on TPZ. A CUP makes sense for Outdoor Recreation projects on TPZ since each situation will have its own set of unique issues, therefore considering each proposal on a case-by-case basis is prudent. The CUP process provides the owner the opportunity to bring an idea forward while giving the County and public an appropriate level of analysis under CEQA, such that a project may be approved or disapproved on its own individual merits. Involving an RPF in the analysis of the project ensures timber production on the parcel is protected as a primary use.

17.40.210 Outdoor Recreational Facilities

A. Purpose. The purpose of this Section is to ensure that adequate outdoor recreational facilities are available to the residents of the County while providing standards for the development of said facilities in order to protect the public health, safety, and welfare.

Item 4)

The PRD Zone Ordinance section G, Criteria for Residential Use in TPZ is not consistent with the El Dorado General Plan. The PRD Zone Ordinance requires a different set of criteria for evaluating a discretionary residential use than is required by General Plan Policy 8.4.2.1. The General Plan Policy 8.4.2.1 states:

General Plan Policy 8.4.2.1.The County Agricultural Commission shall evaluate all discretionary development applications involving identified timber production lands which are designated Natural Resource or lands zoned Timberland Production Zone (TPZ) or lands adjacent to the same and shall make recommendations to the approving authority. Prior to granting an approval, the approving authority shall make the following findings:

- A. The proposed use will not be detrimental to that parcel or to adjacent parcels for long-term forest resource production value or conflict with forest resource production in that general area;
- B. The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities;
- C. The proposed use will not create an island effect wherein timber production lands located between the project site and other non-timber production lands are negatively affected;
- D. The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting; and
- E. The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands.

The proposed NRWG draft language utilizes an incremental approach to satisfy General Plan Policy 8.4.2.1 in a manner that is consistent with ROI 184-2011. The NRWG zone ordinance language also enlists the necessary professional skills of a Registered Professional Forester (RPF) for ensuring that a landowner satisfies General Plan Policy 8.4.2.1. Involving a RPF is an important addition to the ordinance because satisfying General Plan 8.4.2.1 will require an evaluation of a forested landscape and would involve making judgments relative to forestry practices and timber operations. The California Foresters Law (14 CCR § 1602) compels this kind of evaluation be done by an RPF. A RPF is uniquely qualified to perform the evaluation of a project relative to General Plan Policy 8.4.2.1 (A-E), since RPFs are trained in among other things; the California Forest Practice Rules, forest ecology, soil site classifications, timber harvest engineering, fire prevention, fuels management, timber growth and can evaluate and mitigate for forestry related watershed and biological impacts

The proposed zone ordinance language does not allow a residential use by right, but instead utilizes an Administrative Permit for a residential use on a parcel greater than 160 acres in size. The NRWG believes that the Administrative permit process, which includes the services of a Registered Professional Forester (RPF), is a fair opportunity for a landowner to explore in a simple and efficient manner a means to secure a reasonable use of his/her private property. It also provides the Director of Development Services with the information to make a sound determination as to whether the productivity of the parcel for growing and harvesting timber is or is not compromised. The Administrative Permit process would use a certification letter by the RPF to the Director for the purpose of securing the Administrative permit (See Item 5, 17.52.010 (c) 1 below). The certification letter would include a narrative of how the proposed residential use satisfies General Plan 8.4.2.1 (A-E). The proposed alternative language therefore keeps the zone ordinance language consistent with General Plan 8.4.2.1 and eliminates the criteria, found in the PRD Zone Ordinance, which are not consistent with the existing General Plan, while not requiring a full CEQA analysis for a cabin on parcel 160 acres or larger.

Legal parcels less than 160 acres will not be prohibited outright from having a dwelling either, however the issue of timber production compatibility will require a higher level of analysis due to the size of the parcel. The higher standard of analysis will again use the expertise of a RPF, however instead of an Administrative Permit the application would be processed as a Minor Use Permit (MUP). Supporting documentation necessary for processing the MUP will include a Timber Management Plan. The Timber Management Plan will include a

discussion of the soil resources, watershed resources, wildlife resources, vegetation conditions, timber inventory, fire risk & prevention, and management strategies. The Timber Management Plan will demonstrate that the dwelling will not significantly detract from timber production on the parcel and General Plan 8.4.2.1 is satisfied.

Other compatible uses indicated in the Land Use Matrix 17.21.020 will require the highest level of analysis. Other compatible uses such as Outdoor Recreation, a Dude Ranch, Campground or Retreat Center; as indicated in the Land Use Matrix 17.21.020, will only be allowed on parcels 160 acres or larger. These project proposals will be analyzed through the Conditional Use Permit process and will also include a Timber Management Plan prepared by a Registered Professional Forester. The foot print of building improvements for other compatible uses will also be restricted to less than 3 acres. Restricting the size of the foot print of building improvements keeps the compatible use consistent with the California Forest Practice Rules. The California Forest Practice rules require a conversion permit for activities that convert forestland (see 14CCR § 1104). There is however exemptions from the conversion permit process. One such exemption is for a less than 3 acre conversion for a bona fide alternate use of the land. It is the NRWG's opinion that by limiting other compatible uses to a foot print for building improvements to less than 3 acres, the concept of compatibility remains congruent with the State Forest Practice rules and will limit the scale of a project appropriately for the Timber Production Zone. A foot print for building improvements that is less than 3 acres would be less than 2% of a 160 acre parcel, the smallest sized parcel considered for other compatible uses under Section 17.40.170 in El Dorado County. If a project required a foot print for building improvements larger than 3 acres than a zone change to Forest Resource should be considered.

The following proposed edits utilizes excerpts from relevant portions of the PRD Zone Ordinance dated 5-25-2012, which is in (black text). The suggested NRWG deletions are shown as ~~strikeouts~~ while new text is shown as underlined red letters. The proposed edits provide consistency between General Plan Policy 8.4.2.1, as required by State Planning Law G.C.65860, and are also consistent with ROI 184-2011.

17.40.350 Timber Production Zone: Criteria, Regulations, and Zone Change Requirements

G. Criteria for Residential Use in TPZ. The County finds that residential use within the TPZ ~~may be~~ is a compatible use, consistent with growing and harvesting timber ~~in certain circumstances~~. However, it is recognized that in certain situations there may be a conflict with such a use. The review authority may grant a ~~Conditional~~ Administrative Use Permit or Minor Use Permit in compliance with Section 17.52.010 or Section 17.52.010 respectively, for construction of one owner- or caretaker-occupied dwelling subject to the following findings:

- i. The Agricultural Commission finds that such use is in compliance with General Plan Policy 8.4.2.1.
- ii. An Administrative Use Permit is applicable for a TPZ parcel 160 acres or larger.
- iii. For existing legal parcels less than 160 acres a Minor Use Permit will be required, including a timber management plan prepared by a Registered Professional Forester.

~~that there has been three consecutive years of management of intensive timber production on the subject property. The following criteria will aid the Agricultural Commission in determining what constitutes intensive management and must be considered before granting a Conditional Use Permit for a dwelling:~~

- ~~a. A timber inventory of the stand has been prepared;~~
- ~~b. Commercial harvesting operations have been previously conducted;~~
- ~~c. Legal and physical access to the property exists to support both the residential use and the timber operations;~~
- ~~d. The boundaries of the property have been located and the property owner has attempted to protect the property against trespass;~~
- ~~e. Disease or insect control work has been conducted;~~
- ~~f. Thinning, slash disposal, pruning, and other appropriate silvicultural work has been performed;~~
- ~~g. A fire protection system or a functioning fire protection plan has been developed;~~
- ~~h. Erosion control has been provided on existing roads and skid trails, and existing roads are maintained;~~
- ~~i. A significant portion of the understocked area of the lot has been planted.~~

- ~~2. 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.~~

H. Required Findings to Support Compatible Recreational and Other Non-Timber Uses. When approving a Conditional Use Permit, as permitted in Table 17.21.020 (Agriculture and Resource Zone Districts Use Matrix), for compatible, non-timber related uses, the review authority shall make the following findings:

- 1. The proposed use will not be detrimental to that parcel or to adjacent parcels for long-term forest resource production value or conflict with forest resource production in that general area;
- 2. The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities;
- 3. The proposed use will not create an island effect wherein timber production lands located between the project site and other non-timber production lands are negatively affected;
- 4. The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting; and the proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands. ~~The proposed use is compatible with and will not detract from the land's ability to produce timber;~~
- 25. Fire protection and public safety concerns have been adequately met, including the ability to provide adequate public access, emergency ingress and egress, and sufficient water supply and sewage disposal facilities;
- 36. The proposed use will not adversely impact the area's watershed, wildlife, and Specific other natural resources.
- 7. The foot print of building improvements does not exceed 3 acres in size.

8. A Timber Management Plan will be prepared by a Registered Professional Forester. The Timber Management Plan will provide sufficient information so that the reviewing authority can make a reasoned determination of the proposed uses' compatibility with continued timber production, including an evaluation of items 1-4 above and also including a discussion of the following resources:

Soils Resources, Watershed Resources, Wildlife Resources, Vegetation Conditions, Timber Inventory Fire Risk & Prevention, Applicable Regulatory Sections & Discussion, Timber Management Strategies, Governmental Review of Practices.

ii. Additional information may include: Road Access Map, Soils Map, Stream Assessment Map, Biological Resource Maps, Basal Area by Diameter Graph, Basal Area by Species Chart.

iii. A map approximating the size and location of the proposed building foot print(s).

Item 5)

The issuance of an Administrative Permit is an efficient and fair means of analyzing whether a dwelling on a TPZ parcel can satisfy General Plan Policy 8.4.2.1. The current language found in 17.52.010 A, B, & C is sufficient with one exception. Under item C of 17.52.010, the Findings of Approval should clarify the necessary size of the parcel which can qualify to be processed using the Administrative Permit process and that a Registered Professional Forester needs to certify to the Director of Development Services that the residential use is compatible with continued timber harvest and General Plan Policy 8.4.2.1 is satisfied.

17.52.010 Administrative Permit, Relief, or Waiver

A. Purpose. The purpose of an Administrative Permit is to allow limited review of a proposed structure or use through the site plan review process to ensure compatibility with adjacent land uses and availability of public services and infrastructure. The Administrative Permit shall also be used for the processing of administrative relief requests in compliance with Subsection D or to establish the legal nonconforming status of a use or structure in compliance with Subsection E.

B. Review Authority, Procedure, and CEQA. The Director shall be the review authority of original jurisdiction for Administrative Permits. The procedure shall be staff-level without public notice except as provided under Subsection D, below. The issuance of an Administrative Permit shall be a ministerial project pursuant to CEQA.

C. Findings for Approval. When issuing an Administrative Permit, the Director must find that:

1. The structure(s) or use(s) are in compliance with the applicable zone provisions and any other applicable standards or requirements under this Title, or as adopted by the County through ordinance or resolution; and for TPZ parcels greater than or equal to 160 acres in size a Registered Professional Forester (RPF) will provide a letter certifying that the intended residential unit will not significantly detract from the growing and harvesting of timber and satisfies the criteria found in General Plan Policy 8.4.2.1 A-E.

2. The structure(s) and use(s) are in compliance with all requirements and conditions of previously approved entitlements, such as Minor and Conditional Use Permits, or variances, if applicable.

Item 6)

Regarding the concern that allowing a residence on a large TPZ parcel may lead to a secondary dwelling, the NRWG has the following comments. It is the recommendation of the Natural Resource Working Group that a Secondary Dwelling be excluded from TPZ parcels as a use by right. The purpose of the residential use by Administrative Permit on TPZ is to allow an owner a reasonable mechanism to explore the compatibility of a single residence (cabin) without having to complete a full CEQA analysis. This provision to exclude a secondary residence will simplify the environmental analysis and should minimize any density related concerns. Please find the suggested edits to the PRD Zone Ordinance below.

17.40.300 Secondary Dwellings

- A. **Purpose.** The purpose of this Section is to implement California Government Code Section 65852.150 et seq. regarding secondary dwellings, provide affordable housing alternatives, and protect the public health, safety, and welfare of residents of El Dorado County.
- B. **Applicability.** In all zones that permit single-unit residential development, the expansion of the primary dwelling or the construction of a new structure for the purpose of creating a secondary dwelling may be permitted by right subject to the provisions of this Section. Second units are not allowed in the Timber Production (TPZ) zone.

Thank you for your time reviewing the Natural Resources Working Group comments on the proposed PRD Zone Ordinance language. I would be happy to meet with planning staff to clarify any questions you have regarding these comments.

Sincerely,



Cedric Twight
Register Professional Forester #2469
Chairperson for the Natural Resources Working Group



Fwd: Zoning ordinance comments

1 message

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

Wed, Aug 1, 2012 at 5:04 PM

----- Forwarded message -----

From: **Andrea Howard** <aoward@parkerdevco.com>
Date: Wed, Aug 1, 2012 at 4:15 PM
Subject: RE: Zoning ordinance comments
To: Shawna Purvines <shawna.purvines@edcgov.us>

Hi Shawna,

Please see the attached and let me know if you need any clarifications. Thanks for the opportunity to provide input.

Andrea

From: Shawna Purvines [mailto:shawna.purvines@edcgov.us]
Sent: Wednesday, August 01, 2012 8:40 AM
To: Andrea Howard
Subject: Re: Zoning ordinance comments

Not at all...We are working on it all this week. If you can get it to me today that would be great.

thanks

Shawna

On Wed, Aug 1, 2012 at 7:47 AM, Andrea Howard <aoward@parkerdevco.com> wrote:

Hey Shawna,

I was working to get you my comments by yesterday, but I'm waiting for a couple pieces of information from colleagues. Does it mess you up if I forward comments today or tomorrow? My afternoon is booked solid with meetings and I'm not sure if I'll hear back from folks by noon time.

Andrea

From: Andrea Howard
Sent: Wednesday, July 18, 2012 9:53 AM
To: 'Shawna Purvines'
Subject: RE: Zoning ordinance comments

180145

It does! Thanks.

From: Shawna Purvines [mailto:shawna.purvines@edogov.us]
Sent: Wednesday, July 18, 2012 9:53 AM
To: Andrea Howard
Subject: Re: Zoning ordinance comments

I would like them by the week of July 31st if possible. Will that work?

On Jul 18, 2012 8:29 AM, "Andrea Howard" <ahoward@parkerdevco.com> wrote:

Hi Shawna,

I'm working my way through the text of the proposed zoning ordinance and preparing comments to submit in writing. When do you need them by?

Thank you,

Andrea Howard

Principal Planner



EST. 1956

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Thank you.

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Shawna L. Purvines

Sr. Planner

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 **Zoning Ordinance Comments.pdf**
492K



SERRANO

Via Electronic Delivery

August 1, 2012

Shawna Purvines
El Dorado County Development Services
2850 Fairlane Court
Placerville, CA 95667

RE: Draft Zoning Ordinance Text

Dear Shawna,

Thank you for the opportunity to submit comments on the proposed text of the Zoning Ordinance. My comments are as follows:

Section 17.10.040 – Applicability of Zoning Ordinance (Article 1, page 5)

1. Paragraph C.3 (Effect of Zoning Ordinance Changes on Projects in Process – Time Extensions) says that an application for a time extension may be conditioned to comply with the provisions of the Title. Please describe the types of circumstances when this might occur. My concern is that the proposed zoning ordinance introduces many new standards that, if enforced on an application for time extension, could result in a complete re-design of the project (at substantial cost to the applicant or reduction in lots) or an unusually long list of variances to maintain the current approval in place.

Table 17.24.020 – Residential Zone Use Matrix (Article 2, page 34)

1. Small and large Community Care Facilities are prohibited in the RM zone, yet the RM zone allows for apartments and condominiums that could accommodate senior-assisted living. Could such a Use Type be allowed in an RM zone with a CUP or is there another mechanism in the zoning ordinance to provide for this use?
2. Picnic Area is a defined Use Type in the glossary that provides for installation of picnic tables, but requires a CUP in all residential zones. In Serrano, we have installed small numbers of picnic tables in common area lots to provide for small, impromptu gatherings for residents, accessible via walking. Requiring a CUP for the installation of one or two picnic tables seems a bit onerous. I suggest the CUP be required only for very large picnic areas that have the potential to create noise or other nuisance concerns to nearby property owners.

Table 17.24.030 – Residential Zones Development Standards (Article 2, page 37 and 38)

1. The minimum 7,500 sf lot size and 75 foot lot width standard for corner lots in the RM and R1 zones are reasonable for standard single-family detached structures, but provide an impediment to delivering alternative housing types such as row houses or halfplex units. This is a new standard from the existing zoning ordinance and requires an additional variance request to accommodate innovative product designs. I suggest you limit the standard to traditional, single-family detached units.
2. Is the 5 foot side yard setback for the RM and R1 zones consistent with State Building or Fire Codes? It's my understanding that the mandate for residential fire sprinklers has reduced the side yard setback to 3 feet.

Section 17.30.020 – Minimum Lot Size and Width (Article 3, page 5)

1. Paragraph C2 (Measurement of Lot Width) specifies that the average width of the lot at the frontage, midsection and rear must be equal to or greater than the minimum lot width for the zone. Since Article 2 contains development standards for minimum lot frontage width and minimum lot size, what purpose does this standard serve?

Section 17.30.030.A.3 – Measurement of Setbacks (Article 3, page 7)

1. Paragraph A.3 should be consistent with the language in the General Plan. Proposed Paragraph A.3 says, "Roads listed in Table 17.30.030.1 below have specific right-of-way widths to be used in establishing minimum front setbacks from the existing centerline of the road (emphasis added)." GP Policy TC-1a simply says the County shall plan and construct roads to the various ROW widths provided in Table TC-1 without any mention of centerline.

Figure 17.30.030.A.c –Side and Rear Yards for Corner Lots (Article 3, page 8)

1. The proposed standard in part dictates that the shortest property line for a corner lot shall be considered the rear for setback purposes. I suggest you remove this standard in its entirety to allow designers more flexibility to customize housing products. For corner lots, proposed driveway locations and traffic volumes on intersecting roadways can sometimes influence which of the two frontages is considered the primary one and therefore which of the remaining property lines should be considered the rear or side. Moreover, creative designs such as wide and shallow lots can be useful to minimize grading impacts in challenging terrain.

Section 17.30.030.C.h – Projections into Required Setbacks for Trellises and Arbors (Article 3, page 12)

1. The glossary defines an arbor as a structure that supports the growth of vegetation to form a covered area for shade, but this proposed section requires the arbor to maintain the development standards in the zone (e.g. 15 foot rear setback in an R1 zone, the same as the primary structure). Up until a couple of years ago, trellises similar to those shown in the picture

below were allowed to encroach into the required setback. I think it's reasonable to require solid-roofed shade structures to honor the required setback, but I'd like to return to some allowable encroachment for structures that are 50% open for passive heating and cooling purposes.



Section 17.30.030 – Exemptions from Riparian Setbacks (Article 3, page 15)

1. In Paragraph H.3, I support the riparian setback exemption for waters that are authorized for fill by the Corps, but there may be a logistical timing issue. Corps permits can sometimes be obtained after the discretionary approval stage, making it impossible to provide such documentation during staff analysis and prior to project approval by County decision makers. I assume applicable project approvals will include a condition to provide the Corps permit after discretionary approval but prior to ground disturbing activities.
2. Please add an additional exemption for lesser setbacks as authorized by the Corps.

Section 17.30.030 – Measurement of Riparian Setbacks (Article 3, page 15)

1. I support the Optional Review in Paragraph H.5 to measure riparian setbacks from the OHWM only (rather than the edge of riparian tree canopy). Using the OHWM maintains consistency with the Corps regulations.

Section 17.30.030 – Riparian and Wetland Setbacks (Article 3, page 17)

1. In Paragraph H.7.a (Riparian and Wetland Setbacks), why are 30-foot and 50-foot riparian setbacks dictated by lot size? Shouldn't the setback distance be determined by type of water body? (e.g. larger setbacks for perennial streams versus smaller setbacks for intermittent or man-made drainages)

Section 17.30.050.A – Measurement of Fence Height (Article 3, page 21)

1. The proposed standard calls for the measurement of fence height from natural grade. Shouldn't this be finished grade?

Section 17.30.050.B.4 and B.5 – Front Yards (Article 3, pages 21 and 22)

1. The CVA requirement in paragraphs B.4 and B.5 provide a singular restriction against the placement of walls and fences within certain dimensioned areas and unintentionally precludes driveway and corner enhancements similar to the following photos. I assume the intent of the CVA is to avoid sight distance impediments, but I'd like to see the standard modified to review walls and fences on a case-by-case basis considering wall/fence type and height, terrain, roadway traffic volumes, and existence or lack of intersection controls (to name a few). I think it's reasonable to restrict certain improvements that cause sight distance concerns, but only when an issue has been identified.



Section 17.30.070.D – Design Standards for Gated Residential Subdivisions (Article 3, pages 26 and 27)

1. I suggest you add the underlined text (or similar) to paragraph D.4: “Unobstructed vertical clearance shall be a minimum of 14 feet, unless a secondary lane provides for unobstructed clearance.” Using the Serrano guardhouse as an example, the vertical clearance under the portico (left lane) can be less than 14 feet because fire trucks and other large vehicles can use the right lane without any vertical obstruction.



2. Please add the underlined text (or similar) to paragraph D.10: “Unless already provided for in the recorded CC&R’s for the property or subdivision, a maintenance agreement shall be established and recorded for the gated development....” Well-crafted CC&R’s and professionally managed owners’ associations address the content requirements.

Section 17.33.060 – Landscape Standards (Article 3, pages 59-61)

1. For commercial uses (among other things) located across a county-maintained road from residential uses, Paragraph A.1.b (Landscape Buffers for Road Frontage) automatically provides for either a minimum 3 foot masonry wall between the parking surface and landscape buffer, or a minimum 3 foot high landscaped berm in the buffer area. I assume the intent of this proposed standard is for aesthetic reasons. We have a situation in Serrano where the backyards of the residential properties are located significantly down slope from the road and the commercial center and the center can’t be viewed by residents standing in their backyards. Instead of “shall” be required, please modify to “may”.
2. Paragraph A.1.c (Landscape Buffers in the CVA) prevents any foliage in the CVA between 30 inches and 7 feet. Figure 17.33.060.A is a nice picture of a mature tree, but young trees need time to establish a canopy cover above 7 feet, so this standard effectively prohibits the planting of any new trees in the CVA. Again, I strongly suggest that improvements within the CVA be reviewed on a case-by-case basis and limitations placed against improvements that are deemed a sight distance hazard. To illustrate, you could have a 35’ foot CVA at two intersecting roadways where the corner of the lot falls off grade, away from the intersection. A 36 inch high shrub in the CVA doesn’t seem to be an unreasonable improvement.
3. Paragraph A.2.a (Property Lines) requires a minimum 5 foot landscape buffer along property lines. In residential applications, this is problematic for particular design concepts such as zero-lot lines and halfplex units. This section needs to be better defined as to its intent and applicable circumstances, or otherwise substitute “shall” be required for “may”.
4. Under Paragraph A.2.b (Property Lines), please delete the strikeout: “Where multiple lots are developed as a single project ~~under common ownership~~, the landscape buffers shall only be required along the perimeter of the project.” It’s very common to have multiple owners in commercial centers, like the Serrano Village Green and Raley’s center on El Dorado Hill Blvd.
5. Paragraph B.7 (General Landscape Requirements) limits turf to no more than 10% of the required landscaping. How was this threshold established?

Section 17.35.020 – Parking and Loading Definitions (Article 3, page 83)

1. Please expand the definition of Transportation Demand Management Plan to include programs designed by an owners' association, landowner, or landlord in addition to programs designed by employers (or simply "applicant"). As a hypothetical example, the landlord or applicant for a multi-parcel office project could devise a transportation plan for the various expected employers.

Section 17.35.030 – Parking Plan Required (Article 3, page 84)

1. Please add the following underline/strikeout revisions (or similar) to Paragraph B for clarity: "The parking improvements shown on the approved plan shall be constructed prior to occupancy of any structure or the commencement of any approved use. For phased developments, parking improvements shall be provided by phase." My concern here is that the use of "approved plan" could be interpreted to mean the entire parking area associated with the approved Development Plan. In cases where a Development Plan consists of multiple parcels with phased construction, it's cost prohibitive to advance full build out of the parking surfaces and related site improvements with the first phase.

Table 17.35.040.1 – Schedule of Off-Street Vehicle Parking Requirements (Article 3, page 84)

1. Single unit detached dwellings and duplexes/triplexes are required to provide 2 off-street parking spaces, however not in tandem. I would like to see the "not in tandem" requirement deleted. Contemporary planning practices are increasingly focusing on clustered development and there are many housing types that utilize tandem parking, particularly for seniors or single-occupant households that only have a single vehicle.

Section 17.35.040.C – Parking Requirements for Combined Uses (Article 3, page 92)

1. Please provide a definition of "single site". Does this mean a single lot or parcel, or can it mean multiple lots/parcels developed as a single project?

Section 17.35.050 – Reduction Methods for On-street Parking (Article 3, page 94)

1. As proposed in Paragraph B.1, the standard only applies to on-street parking on public roads. Please expand the definition to include private streets as well.

Section 17.35.060 – Material and Passenger Loading/Unloading Areas (Article 3, page 98)

1. Paragraph B (Passenger Loading) provides that vehicle turnout lanes "shall" be provided for uses such as apartments/condos of 50 units or more and retail services over 30,000 sf of building area. Please modify "shall be provided" to "may be required" so that project designs can be reviewed on a case-by-case basis. If parking stalls are provided directly in front of a building entrance, is a turnout lane still needed? The standard should be better clarified as to intent and applicable circumstances.

Section 17.36.050 – Sign Locations (Article 3, page 104)

1. The narrative includes a statement that signs shall only be allowed where the County road ROW is 100 feet or more (among other things). Serrano Associates has a planned and approved commercial center at Serrano Village J5 on Bass Lake Road in which the ROW is proposed for 80 feet per Table 17.30.030.1. Without the ability to place signage, it will be impossible to market this property for tenants. Please remove this restriction to promote commercial uses and sales tax revenue.

Section 17.36.130 – Sign Matrix (Article 3, page 105)

1. In the RM, R1, and R20k zones, model home subdivision ID signs are limited to 16 sf. Increasing the maximum to 48 sf would allow for a 6x8 sign, which is typical for production builders.

Table 17.37.060.3 – Maximum Allowable Noise Exposure from Construction Noise (Article 3, page 112)

1. Please clarify why some of the decibel levels shown in the proposed table do not match those contained in General Plan Policy 6.5.1.11. For example, the general plan policy shows a L max for MFR and HDR in Community Regions from 10 pm to 7 am as 60 dBA. The proposed table shows it as 55 dBA. As another example, the general plan policy does not include noise standards for OS land uses in Community Regions, but the proposed table shows standards ranging from 50-75 dBA.

Section 17.40.030.E – Residential Accessory Structures (Article 4, page 3)

1. Are all incidental accessory uses listed under Paragraph E? Outdoor kitchens and free-standing gas fireplaces with chimneys are common backyard amenities, particularly for larger home sites.
2. Paragraph E.6.a and b place restrictions against the size of guest houses (600 sf) and secondary units (1,200 sf). Assuming a 1 acre lot with 25% coverage, theoretically a property owner could construct a 10,000 sf single-story house. However, if a family wanted to construct a 3,500 sf primary residence and a 2,000 sf secondary unit on the same lot, this standard prevents them from doing so. Please clarify the intent of the size restrictions. Ideally, I'd like to see the size restriction eliminated or otherwise specify the mechanism to seek modifications.

Section 17.40.110 – Child Day Care Facilities (Article 4, page 13)

1. Paragraph B.2.c requires a sign plan demonstrating compliance with Chapter 17.37 (Signs), but the correct chapter citation should be 17.36. As a general comment, please double-check all chapter citations to be sure they correspond with the intended section.

Section 17.40.170 –Lodging Facilities (Article 4, page 28)

1. Paragraph C.4 (General Standards) requires either a 50-foot or a 200-foot setback to adjoining uses for outdoor use areas. This standard should be reviewed on a case-by-case basis. As an example, Serrano Associates owns a narrow commercial parcel along Saratoga Road adjacent to Highway 50 and Finders Way. The site is adjacent to a residential area, separated by an 18-foot +/- sound wall. If the 50-foot or 200-foot setback standard is intended for noise attenuation purposes, the sound wall is an existing mitigating factor and the setbacks seem to serve no purpose. Additionally, other design features can be implemented to mitigate noise issues for outdoor areas, for example glass panels around a pool area. The County has limited lands available for commercial use, and should maximize its ability to draw tenants and retailers to the County to increase sales tax and transient occupancy revenues.
2. Paragraph C.5 indicates that one, non-internally illuminated sign is allowed for lodging facilities. However, the Sign Matrix on page 105 of Article 3 says that two (2) internal or external illuminated signs are allowed in a CC zone, in which Lodging Facilities are a permitted use. Please clarify.
3. Paragraph C.7 says that lodging facilities shall provide off-street parking at a ratio of one space per guest room (among other things). However, the Schedule of Off-street Vehicle Parking Requirements on page 87 of Article 3 indicates that a Hotel/Motel must provide 1.2 spaces per guest room. Please clarify.

Section 17.40.250 – Public Utility Infrastructure (Article 4, page 43)

1. The glossary defines public utility infrastructure to include sewer and waterlines 12 inches or greater in diameter, sewer and water lift stations, etc. Paragraph B (Permitted by Right) indicates that the infrastructure is permitted by right under certain conditions, including conformance to setback standards of the zone. For instances where “cross-country” transmission lines need to run through an OS zone (as an example) and cannot conform to setback lines or roadway alignments, is the intent of this section to restrict the construction of cross-country lines altogether or is there another mechanism to allow such infrastructure?

Section 17.40.300 – Secondary Dwellings (Article 4, pages 57 and 58)

1. Under Paragraph C.1 (Maximum Floor Area), I support the Optional Review analysis to increase the maximum square footage for secondary detached units to 1,600 sf (versus 1,200 sf) to accommodate an increasing demand for multi-generational housing.
2. Paragraph C.3.b (Detached Units) prohibits a secondary dwelling on a lot that already has a guest house. There are many large lots throughout the County that can accommodate a primary residence, a guest house (for a home occupation), and a secondary dwelling (for in-laws quarters). If the maximum lot coverage isn’t exceeded, what is the concern with these three uses existing on the same lot?

Section 17.40.330 – Temporary Real Estate Sales Offices (Article 4, page 61)

1. Paragraph B.6 (General Standards) requires site restoration within 30 days of specified time limits. Is 30 days enough time to process a building permit to convert a sales office back to garage space and restore site landscaping and/or hardscape improvements during the rainy season? Sixty days (60) might be more reasonable.

Section 17.40.380 – Vehicle Maintenance, Repair and Storage Accessory to a Residential Use (Article 4 page 66)

1. Under Paragraph B.4 (General Standards), I suggest adding the underlined text (or similar): “Vehicle storage shall be confined to on-site garage(s) and their paved access driveway(s), provided the minimum off-site parking requirements for the zone district are met, and shall not be allowed in any setback area other than the front setback on a paved access driveway.” The intent of the added language is to prohibit the extended storage of vehicles if it impedes the ability to provide required guest parking.

Section 17.52.040 – Development Plan Permit (Article 5, pages 17 and 18)

1. Paragraph 2.F.2 (Concurrent Applications) indicates that a Development Plan Permit is extended with a tentative map as specified in Subdivision Map Act Section 66452.6 (the recording of phased final maps and obligation to fund off-site improvements). The PD permit should also be extended with tentative maps pursuant to SMA Sections 66452.21, 66452.22, and 66452.23 (automatic time extensions authorized by the legislature), including any future extensions.
2. Paragraph 2.G.2 (Phased Development Plans) requires an approved Development Plan to include a clear statement of the timing of each phase of development. In good market conditions, it may be possible to fully pre-lease the space and estimate the timing. However, in distressed markets it’s impossible to predict market demand and timing. I suggest deleting this standard.

Section 17.52.070 – Variance (Article 5, page 23)

1. Paragraph B (Applicability) says that a variance may be granted to modify development standards in Article 2. What is the mechanism to modify standards in Articles 3 or 4? (For example, adding a small retaining wall within a CVA that doesn’t impede sight distance (17.30.050 B.4 or B.5), modifying landscape standards for buffer areas to achieve a design intent or theme (17.33.060.B), constructing a guest house larger than 600 sf (17.40.030.E), reducing setbacks for outdoor areas at lodging facilities to reflect existing or proposed site conditions (17.40.170.C.4), etc.)

Section 17.54.060 – Time limits, Extensions and Permit Expiration (Article 5, page 29)

1. Paragraph E.1.b (Permit Expiration) says that permits authorized by said Chapter expire automatically under certain conditions, including cessation of the use for any reason for more than 1 year. If an approved Development Plan authorizes an anchor site for use as a grocery store that once was occupied by a tenant but remains vacant for more than 1 year (due to distressed market conditions), is that grounds for expiration of the Development Permit?

Section 17.58.050 – Form of (Development) Agreement (Article 5, page 36)

1. Paragraph A.6 indicates Development Agreements are to have a maximum term of 20 years. I think this is fine for moderately-sized projects, but for large specific plan areas with thousands of potential dwelling units, 30 years may be a more realistic time frame (as we're seeing with the build out of Serrano). Please add a 30-year term for large-scale projects.

Section 17.80.020 – Definitions (Article 8, page 32)

1. Please add the underlined text (or similar) to the definition of Undevelopable Land: “....(2) Wetlands that meet the Army Corps of Engineers definition of jurisdictional wetlands and not authorized for fill by the Corps...” Jurisdictional wetlands can become developable if the appropriate federal and state permits are obtained.

Once again, thank you for the opportunity to comment. If you have any questions or need additional information, please feel free to contact me at 916/939-4060 or ahoward@parkerdevco.com.

Best Regards,

SERRANO ASSOCIATES, LLC

Andrea Howard
Principal Planner



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

Fwd: Comments for Zoning

1 message

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

Fri, Jul 20, 2012 at 12:40 PM

----- Forwarded message -----

From: **Valerie Zentner** <valeriez@edcfb.com>
 Date: Thu, Jul 19, 2012 at 7:17 PM
 Subject: Comments for Zoning
 To: Shawna Purvines <shawna.purvines@edcgov.us>
 Cc: Chris Flores <chris.flores@edcgov.us>

Shawna,

Here are the remainder of our comments for Articles 3, 4, 5, 6, 7 and the appendices. They will be officially submitted to you via cover letter tomorrow in a consolidated form. Let me know if you have questions.

Valerie

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5 attachments

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

Article 7 – Fees & Appendices

1. **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.

2. **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.

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

Article 6 – Zoning Ordinance Administration

1. **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.

2. **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.

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

Article 5 – Permit Planning Procedures

1. **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.

2. **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.

3. **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.

4. **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.

5. **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.

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

Article 4 – Specific Use Regulations

1. **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”.

2. **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 . . .”

3. **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.

4. **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.

5. **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.

6. **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.

7. **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.

8. **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.

9. **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.”

10. **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.”

11. **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”.

12. **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..

13. **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.
14. **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.

15. **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.

16. **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.

17. **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.

18. **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.

19. **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.

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

Article 3 – Site Planning and Project Design Standards

1. **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.

2. **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”.

3. **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.

4. **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.”

5. **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.”

6. **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”

7. **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.

8. **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.

9. **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.



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

Request for Farm Bureau zoning map correction

1 message

Valerie Zentner <valeriez@edcfb.com>

Thu, Jul 26, 2012 at 2:04 PM

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

Cc: TGPA-ZOU@edcgov.us, The BOSONE <bosone@edcgov.us>, The BOSTWO <bostwo@edcgov.us>, The BOSTHREE <bosthree@edcgov.us>, The BOSFOUR <bosfour@edcgov.us>, The BOSFIVE <bosfive@edcgov.us>

Following is our request for a zoning map correction for the Farm Bureau office parcel to bring it into consistency with the General Plan Land Use. Please let me know if you have any questions or need anything further.

Valerie Zentner

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Email scanned by PC Tools - No viruses or spyware found.
(Email Guard: 9.0.0.898, Virus/Spyware Database: 6.20210)
<http://www.pctools.com/>

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 **Farm Bureau request - zoning map correction 7-12.pdf**
33K

180147



2460 Headington Road
Placerville, CA 95667-5216
Phone: 530.622.7773
Fax: 530.622.7839
Email: info@edcfb.com

July 26, 2012

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

Attention: Shawna Purvines, Senior Planner

Subject: Zoning Map correction

Reference: Parcel Number 327-130-66

Dear Shawna,

The El Dorado County Farm Bureau office is located at the reference parcel. The General Plan Land Use is "Commercial" and our historic zoning is "Residential, Single-Family One Acre (R1A)". We request that the County bring our parcel zoning into consistency with the General Plan Land Use during the Zoning Ordinance update process.

The County is recommending the zoning designation be changed to Community Commercial (CC). We agree that this is a compatible zone for our area and includes the uses of our office. We request the Zoning Ordinance update include this mapping correction to the zoning map.

We appreciate the opportunity to participate in this 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 that reads 'James E. Davies'.

James E. Davies
President

cc: El Dorado County Board of Supervisors



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

Fwd: Request for revisions to Home Occupation Definition

1 message

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

Fri, Jul 20, 2012 at 12:36 PM

----- Forwarded message -----

From: **Kimberly Kerr** <kimberly.kerr@edcgov.us>
 Date: Thu, Jul 19, 2012 at 7:09 AM
 Subject: Re: Request for revisions to Home Occupation Definition
 To: Kimberly Beal <kimberlyabeal@gmail.com>
 Cc: shawna.purvines@edcgov.us, Michael Ranalli <MRanalli@aol.com>, Laurel Brent-Bumb <chamber@eldoradocounty.org>

Thanks Kim.

Kim Kerr
 Assistant Chief Administrative Officer
 Interim Department of Transportation Director

Contact Chief Administrative Office/Risk
 County of El Dorado
 Chief Administrative Office
 330 Fair Lane
 Placerville, CA 95667
 (530) 621-7695

Contact DOT Director:
 County of El Dorado
 Transportation Department
 2850 Fairlane Court
 Placerville, CA 95667
 (530) 621-7533

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On Wed, Jul 18, 2012 at 11:06 PM, Kimberly Beal <kimberlyabeal@gmail.com> wrote:

On behalf of the EDAC Regulatory Reform Home Occupation Committee, we wish to revise the definition for Home Occupation, identified in Title 17 – Zoning Ordinance, Article 8 – Glossary. The proposed revisions are identified below in red text.

Home Occupation. (Use Type) Any business operated out of a residential dwelling or accessory structure by a resident of the premises, or operated outdoors by the resident of the premises, and that is incidental and subordinate (strike the prior 2 words) to the residential use of the property, such as work performed exclusively by telephone, mail, or over the internet; home offices; small scale production and repair, handicrafts, parts assembly; or work or craft that is the activity of creative artists, music teachers, academic tutors, trainers, or similar instructors. (See Section 17.40.160: Home Occupations).

Thank you.

Kimberly Beal
 Beal & Associates
 3450 Palmer Drive, Suite 4-303
 Cameron Park, CA 95682

530-677-8999 x 2 office

180148

530-558-5504 cell

530-672-9048 fax

kimberlyabeal@gmail.com

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Thank you.

—

Shawna L. Purvines
Sr. Planner
Development Services
El Dorado County
Phone:(530) 621-5362
shawna.purvines@edcgov.us
www.edcgov.us

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Thank you.

EDC LAND USE PUBLIC MEETING / Planning Commission

held at 2850 Fairlane Court, Placerville, CA

June 28, 2012

DAVE PRATT/CHAIR (PRATT): "The Public Comment Portion is open:"

SUE TAYLOR: I have kind of tried to research a lot of this and I have not been happy with the process because I am really nervous of the direction that its going and who is leading this process. I feel the purpose is being misrepresented, the public needs to understand that currently our general plan is compliant with state law. I asked Kim [Kerr] this last night and she stated yes, that its currently in compliance. The discussion with the public it is only in regards to process. Its not like we are going out and explaining things to people, its just a process of the CEQA analysis and what their rights and how that works, and the public should be aware that these comments, from the history that I followed, these comments are really insignificant. They get put in a binder, they are only going to be important if somebody decides to sue this process, and those comment need to relate to something that can be used in a lawsuit against where we are going with this General Plan. I dug up from the library, this is the implementation of the general plan that we already adopted, and it talks about how in the past, you know we have had public process craft the general plan that we have now, it started in 1990, when citizen workshops and community meetings helped develop the vision and goals for the future growth in El Dorado County and lead to the option of general plan in 1996. Since then politically motivated lawsuits and back room deals have undermined the will of the public and costs local tax payers millions of dollars. Without a general plan lawsuits will continue to cost the taxpayers millions of dollars, jeopardize water rights, federal highway funds could be lost to other counties, small property owners may be denied permits, and growth and development would be determined by politics rather than planning. In enacting a general plan will take the planning process out of the back room, codified limits on building and protect our natural resources. The EDC plan will establish limits on development and costly and politically motivated lawsuits, enact a voted adopted measure Y limits, enable our county to take full advantage of state and federal funding programs and protect the rights of small property owners and homeowners. This was in the last implementation of our last general plan. And I keep hearing that we are doing it all over again. This is the resolution to adopt the plan, it talked about how we took all these plans that the public spent hundreds and thousands of dollars on, and incorporated the earlier plans from 1975, 1985, and it included all of the meetings, and all of the comments, I think they had over 300 comments from the public that was incorporated into the last general plan, and by adopting that last plan it supported a robust economical development in the county by designating significant land for job producing and revenue producing, residence and commercial, recreation, tourist and resource development economy by limiting those intensive uses to no more than 12% of the county's total land area. All remaining lands are designated for rural residential, resource related uses, including outdoor recreation, agriculture and timber operations. We are protecting those resources that are most important to our economy in that last general plan. It best support for local economy by designating the greatest amount of land for development, and responds best to the small land owners, business owners, and the agriculturalist, by recognizing the reliance on prior policies and planning efforts in making decisions regarding their use, and acquisitions of property in the county best protects

economic viability of agricultural land uses. This resolution will be very interesting to read because there are so many wonderful things in it that we adopted when we adopted our current general plan. With that current general plan there was this packet of overriding circumstances. Even with the wonderful general plan that we have already adopted, it had around 40 or more unmitigated consequences to our environment. Instead of dealing with those impacts they voted to say that the economic benefit overrode the environmental issues/effects to our county. This was the last general plan and its almost like we forgot all this work that we did, we completely ... we are changing six elements out of the nine that we adopted with the general plan. The public was pretty much enticed into voting for the plan that we have now and then it got implemented, and think that is what frustration was, was that those things in there, we talk about cattle ranch and being able to use their lands for some type of lodging and its all in our current general plan, we just need to implement some of those things. What we are doing is basically throwing out our current zoning, the whole bucket and bringing in a whole new set of zoning laws. We are adding 160 pages to our zoning codes. It's going to be so complicated. I am a building designer, the more simpler you have, the public has the ability to make decision. This is going to be so convoluted, so complicated, we are not going to be able to do anything without going to the board of supervisors to ask for direction. The other thing that is missing over and over they need to follow state laws. Many of these laws that have been developed in the state, they are guidelines, that we don't have to adopt, its up to a county individually if they are going to adopt any of these guidelines. This is why I think developers are looking at streamline CEQA so that they don't have to go through the long process when they have infield project that the states moving by right gave developers the ability to do those without going through so much in the CEQA analysis, they are going to streamline some of those policies, but those policies have yet to be adopted by the state, they are in the final scoping EIR for the streamlining process which started, I think it was the 27th of this month. It's not just having 20 units per acre on each parcel that kicks in the streamlining, you also have to do be in an urban area on a site that was previously developed or mainly surrounded by urban uses. The project must be consisted with land uses specified in the area in a sustainable community strategy, which I think we are implementing in our new plan. Or, alternate planning strategy, or if the community does not have such a strategy, the project must meet minimum density requirements and the project must meet statewide performance standards included in the proposed guidelines, which is a whole other set of things.

The project must include renewable energy components, and be within half a mile of a transit station and consisted with station planning provisions they have to be within 500 feet of a high volume Roadway. I think that's maybe why the City is reclassifying some of their roadways. If you are less than 75000 sq feet, the traffic has to be at least 75% of the regions average level that was created at that project, If it is greater than 75000 sq ft is has to reduce total vehicle miles traveled.

This is a 226 the CEQA Streamlining guidelines for the in field projects. We are trying to adopt this new plan to try to comply with some of those laws, but the new laws have not been completely adopted, so I think we need to be careful of, you know I just oppose that... I don't like the way that the government is conforming us to the way that they want us to live in the future, and I think it happens today . . . yeah, I'm completely stressed and worried about our Constitution and the laws or the way... anyway that is something else. I'm concerned that we are moving towards a government, we are aligning ourselves with how the government wants us to live, and I always thought that EDC was more independent than that. I would just like to retain some of that and I think we are ok with the general plan that we have I

think that we need to do a no project and stop spending our money on it and fix some of these zoning codes and implement some of these things that you want to help people to create more jobs.

PRATT: Anyone else in the public wishing to speak? Come on down.

KIM SHAW: Thank you to Sue for doing the research and homework. I'm a little nervous. I am also pretty disheartened, which is evidenced this morning. I wasn't here in 2004, I didn't live in the county until 2005, so I poke my nose into all this and it is a little overwhelming there is a lot of information. We don't have to read 400 pages or 600 pages all you have to do is to look at the introduction and it is pretty frightening, and I am pretty sure, I can speak with certainty, but I am sure that most people did not move to EDC to look love close to their next door neighbor. They did not move to EDC so they can take public transportation to and from work, and this is why I feel that our association with the Sacramento area governments has gotten its foot in the door here and the longer we stay associated with them the more detrimental it is, I love this county and I would like to see it preserved .

KATHLEEN NEWELL: this one caught my eye on May 15 an item was added to the agenda at the BOS meeting that made animal slaughtering not permitted on properties R1, R1A, R2A, R3A, R3-5 R3-10, its been brought in got my attention that that interpretation that was made a few years ago, I've been here since 1967 we have been killing animals, so we just need hopefully need to take a look and make it so that animal slaughter is allowed, small farms, FFA, 4H people that raise rabbits and stuff. I'm not talking about having a whole farm, just rabbits and chickens and a little bit of livestock. Roger Trout said that somewhere in the last few years it was ruled on, I think you guys might have done it, 17.40.080 Animal Raising and Keeping, and it says that it is not permitted.

I'm wondering, I think that an interpretation was made in 2008 from something that happened in Cameron Park?

Also I think that in these tough economic times, that some people might be going back to a more sustainable on their own. The other thing is that I am not a fan of the high density the 30 dwelling per acre that is going to be allowed in some community regions, is a concern of mine so I would like to see that number not reach that. And definitely put a cap on it, if we do decide on it, because I hear there is a possibility that it could be left open and it could even be more than 30 units per acre. Because of the sustainable policy that this state has for high density.

I know Brunello wants to do a lot with a little, which means it all toes into community regions, my final thing is that the AG Opt-Ins, I have friends who have the ability to AG Opt-in and how the donut hole might be an issue for people who may be surrounded by others in the area that are AG Opt-Ins and decide to stay residential and then you've got that one person who is not going to have that intention and will be the donut hole. So I think that is a situation that would be unfair to those people with that kind of land that want to Opt-In, but they can't because they are the donut hole.

JOHN MCCORMACK: (Cool) I think you are creating the donut hole. I live in an AG area and it's been that forever, and now your rule and now we have to Opt-in to become agricultural and a lot of the people I live near live in the bay area and they are not going to Opt-in because they are not going to take the time to understand it. But now I am going to be the donut hole, because I am going to be the donut hole, because I will be the only one who will Opt-in but I'm not going to be able to do it because in has

to be Opted in. I live in cool. There are a lot of people who just won't turn the paper work in and turn it to rural, they don't care either way, they live in the bay area or wherever, so basically I won't be able to stay agricultural because they don't turn in a paper. If you are going to switch it, why don't they turn in the paper, and make them Opt-in the opposite way.

I have 20 acres, but there are 300's and 1200's , there is all kinds of huge acreage, but whether or not they turn in the paperwork, we don't have a clue of what we are doing, the reason I am here is because I want to have a clue as to what I am doing, but they all work. Everybody is working to switch us, without us opting in, which is wrong in my opinion. If you want to switch, it should be Opt-in to switch compared to get back to where you were.

I have been exclusive AG forever and now we are going to rural, that's a huge change that we should have to Opt-in to be able to keep what we had. Now I have to try to convince all my neighbors to become AG in a sense so I am not pigeonholed and that is not the direction we should be heading.

PATTY CHELSETH: (Shingle Springs) There's like this whole shift in the general plan and its idea, and we should, I believe, looking at is creating more ability for AG type for people to be able to live local and create their own sustainability on their land. Even if its small acreage, it takes two acres to feed 70 families, they do it at the Rudolph Steiner College all the time, they have a two acre plot of gardens and it is farmed well and environmentally well. We need to be looking at creating a plan with that in mind, not this urbanizing along the highways and the more you stack and pack and urbanize people, the less sustainable that really is. People need to be able to have this area, they need to be allowed to make money to supplement their income even if they only have one acre, they need to be allowed to sell their extra goods. There is rule in there that have an orchard if you are under three acres. I asked Roger Trout what is an orchard, and he said it is not an orchard unless you are selling the goods. That means its an orchard if they are selling the extra, then they become a commercial thing. So if you have three acres of some sort of trees that happen to grow fruit, and its more than you need you should be allowed even in residential zoning, to sell that extra goods in a farmers market. The way it is written, and I will get it to you.

It's under the definitions of an orchard, and then it says if you are on less than 3 acres you can't have one. So look under the definition of an orchard, and if I need to I will go ahead and email to you. I read the new general plan twice and that was what appalled me, we should be looking at encouraging people to grow their own food not make the acreage so small you can't do anything with it.

PRATT: ANYONE ELSE?

JAN MACKANY: There is a lot of problems I have with it, I only made it to page 23 reading it, and under item 13 Measure HOG referring to amending the zoning ordinance and provide more flexibility and developing standards as incentives for affordable housing development, one of them is reduction in pavement thickness, when it can be demonstrated that geotechnical conditions can permit a lesser thickness, I have a paved driveway and when I first moved in there, we did notice that it was thinner than the street and it was probably at the time it was done, it would have been ruled that conditions would permit lesser thickness. That was before the gophers and the carpenter ants moved in. Those ants managed to drill up the pavement this thick, and I am not joking, and also the gophers can do great job of totally undermining that pavement. Again I have this problem with it sinking, and so my concern

when I first saw that was, are we really making it an incentive for the more affordable housing, or are we really making it an incentive for the developer because once the developer is out of the picture then it is either county tax payers who have to foot the bill for constantly repaving and correcting or for when somebody axle breaks because they get stuck in a stuck hole. Or if its like in a homeowners situation trying to get homeowners to pay for improving their roads and those who need the more affordable housing, would be the least likely to have the money to pay for the constant pavement resurfacing. So I just wanted to bring that up.

JAN MACKANY: ok, the area I'm taking about, where I actually saw the gophers actually permanently damaged it, were less than an inch thick, but the one the ants came through was an inch and a half to two inches.

PRATT: Thank you. Anyone else? We're not going anywhere, feel free to come up , we've allocated all day. Come on up.

KATHLEEN NEWELL: Since the county didn't any somebody to talk to you guys, did you get letters from them or something from other departments? You know how you asked if there were any county agencies that wanted to ...?

PRATT: Not even county agencies, I was thinking that were would hear from Caltrans ...?

KATHLEEN NEWELL: Yeah, so any letters from any of those people?

PAULA FRANTZ, EDC COUNSEL (PF): Yes, Caltrans did send a letter, is that on line yet, I don't know if that's up yet. Is that up yet . . . no, ok, no not yet.

PRATT: Anyone else? Ok, I guess we will close the Public Comment today. Actually, you know what, maybe we will take a ten minute break and come back and then we'll bring it back and have some final discussion. Ok, we will reconvene at 10:30.

RECONVENED/TAPE BACK ON:

PRATT: Ok, we are recording, we are reconvening the Planning Commission and public comments are still an option for those who have not spoken, or anybody who have spoken and wants to say something else, specific is better.

PATTY CHELSETH: I have the chapter and verse. It's on page 35, and its 17.24.020, and if you have less than three acres, an orchard or vineyard is not allowed, and my question is, why is it even in there? Why is permission having to be granted.

Its under the proposed zoning, and the definition of a fruit or an orchard, is fruits, or grapes, or nut trees for the purpose of sale, commercial sale, but any sale they consider commercial, so you might as well say for selling.

PRATT: Yes, you may not be able to do ranch marketing on site, but

PATTY: It doesn't say that.

PATTY CHELSETH: So if you have less than three acres you are not allowed to have an orchard or a vineyard.

PF: commercial orchard.

PATTY CHELSETH: Well then they need to say that out exactly not just for commercial sales, because any sale they consider commercial and you should be allowed to sell your excess. That is how you help supplement your income.

Its just a matter of looking at that and clarifying that because there are degrees, and it could be interpreted right now that you cant even grow the trees really, the way it is written. So it needs to be written differently.

PRATT: ok, anybody else.

SUE TAYLOR: that brought up a point, can we put stuff in there that right now you can't take a product off your land and work it in your kitchen and sell it. You have to go through it's an environmental health issue, I guess.

We I'd like to see more things in here that would help with smaller industry, I see a lot of benefits for larger corporations and developments, but I think it would be nice to have something to protect small mom and pop type stuff, like they don't have so much restriction on some of the things that make us more independent.

PATTY CHELSETH: this is something that I spoke yesterday at the senate hearings for AB1616, assembly, putting a little bit of a sticking point in the senate because of the indirect sales aspect, and at the same time what they said there, which I loved to hear, was we have no jurisdiction over direct sales. They said the state only has jurisdiction over indirect sales, where you take your goods and put it in a restaurant for sale, or in a store for sale, or your bake goods for the coffee shop, which is what they are trying to have that be allowed, which they should allow it because if its labeled, but they said they don't have jurisdiction over direct sales, and that is where the (?____) ordinance may have strong possibility.

PRATT: Anyone else, ok we will close the public forum.

(After the PC had 30 minutes of discussion on "Opt-In," they asked for more input):

PRATT: Do you guys have anything that you wanted to ask or make sure you added in? Come on down.

KATHYE RUSSELL: When you talked about the implementation plan for all the changes, in my mind the mapping is doing that because they are addressing a new map what rules to imply, that can be kind of go across the zone no matter where the land lies, and so you have to set up rules for that, and as simple as an implementation program should be, or we'd all like it to be, every parcel is an exception.

The other comment I have is I am going through the zoning ordinance trying to beat the clock to get it done, but the one thing I asked district to look at, my concern is that there are so many conditional use permits required, its one thing, people talk about developers, we looked at it from a landowners perspective, and I'm processing a couple with landowners right now and I tell you, they don't understand the process, they are shocked by the cost of what it cost to get through the CUP, so my

preference is that we get as many standards set up ahead of time and, I mean if you go through the tables, there are so many CUP's that its frightening to me.

Well, as I've gone through them and said maybe one thing doesn't make sense, and I think slaughter house is one. I look at it on rural lands, which we coin the phrase working landscapes, its one think to talk about slaughtering your chickens, but if the county were interested in having a USDA approved slaughtering facility, where are we going to put it.

I almost shouldn't use it because it's a real headliner, when you use slaughterhouse, the example is, its a real visual, is it appropriate on five acres wherever its at, probably not, is it appropriate on a 100 acres, you have to look at it differently, so as I'm going through it I'm wondering if we can have some acreage minimum along with the general plan, land uses, and zoning that makes some of the things appropriate.

I'm hoping as we look at the uses and rural land being rezoned, that we look at those zones that might be appropriate that might be for county income and for people to grow businesses and kind of AG/rural businesses are appropriate on the rural lands, which is a lot of property in the county. Thank you.

MAN: (JOHN MCCORMACK?): I just wanted to mention that the survey is as skewed as the Opt-in option is a little bit, it's both skewed in the form of changing instead of skewed in the form of staying the way it is. If you are surveying it should be: send in the option of change in the form of changing instead of stay with the land that you have. If you are surveying, it should be send in an option a change that you want to go rural instead that you want to stay with the land you have. So I think you might want to switch the way you are surveying or offering the Opt-In. If you could, if not you are going to get a certain percentage of people who are not living and not able to do it. So you are not getting an accurate Opt-in on your survey.

ART MARINACCIO: Shingle springs, a couple things I want to make sure I mention today, is that one of the items being proposed in the general plan that has an environmental aspect to it that's problematic, is the proposed expansion of the AG district in Pleasant Valley all the way across the Consumes River and up Camp Creek, and even at the AG commission meeting the question was "what are you doing to help Mira Flores" well we are going to create this great big AG district so that Mira Flores doesn't have a problem with being adjacent to residential zoned land. Ignoring the fact that that is an completely inaccurate way to deal with the fact that Mira Flores was built in a residential neighborhood, the fact is that they . . . I want to get back to the environmental that has to be addressed, is that the size of that AG district, at most, the best you can say about it, is that most of the land isn't AG so that its not going to affect anything, but if it were an AG district it is taking up a major lands that are identified in our current general plan as important for migratory deer herds. One of the checklist of things that is important in our general plan is looking at how are we looking at those migratory herds and to look at lands as potentially vineyard land that would have to be deer fenced in the middle and the deer herd is going to have to be addressed and I think eventually when that is looked at its going to make a lot of that problematic, but be that as it may, I just wanted to mention it.

To the extent that those lands are identified in our current general plan mapping as critical to the Grizzly Flat deer herd, I think that is something that should be mentioned in there, and a mapping issue, and one of the items that the BOS specifically voted to be requested to be one of the process was 2614, was a provision put in the general plan because the freeway interchanges were a little in the too tough file in

1994, and that we need to look at that over the next two years. It never really rose to a level of discussion, what we have in our mapping is pretty much what we had before. But where it relates to the mapping is, and I will use the example of the 52 acres that “Angelo” has in El Dorado Hills that somehow miraculously got a commercial general plan designation plan on it, and your commission voted to convert it to commercial PD with the idea that, ‘well we don’t have to worry about it because is going to be a PD and we are going to get a chance to look at all of those uses,’ for that piece, and the piece at Shingle Springs drive that quite honestly should never have been commercial in the first place, which also, had “well we will make it commercial but its going to be PD,” there is a real chance that that PD is not going to be reflected in this mapping.

The PD is an overlay that isn’t necessarily showing up. We haven’t seen where the PD is going to apply and where it isn’t.

My point was not that you had PD’s on everything but that in fact those where the Planning Commission or the Board has specifically directed they be PD’s because they were concerned, that they don’t get lost in this process. And Shingle Springs Dr is the other example, I really get back to 2614 because this is a policy that we have not gotten around to of looking at all of those freeway interchanges, and saying, ok, what really should be at these interchanges, and the commercial PD at Shingle Springs Dr, that was applied there at least 30 years ago, and although its been before the BOS, I believe three times that I’ve been there for commercial projects, that have all been denied, at some point the county is going to have to look at the interchanges, and that really wasn’t easily done in the scope of this because you look at every one of these interchanges, and they’ve got Philip Alley what’s going to happen, you’ve got Bass Lake, you’ve got the specific plan, maybe that’s going to be at a later date, but I want to make sure that those PD’s aren’t lost. Thank you.

KIM SHAW : my comment pertains to the Opt-in process. If I am currently on the 20 acre parcel zoned RA, and you have a neighbor on your right, and on your left, why are the only options given to Opt-Ins to be AG, otherwise to be rural. Why isn’t there any option to stay residential?

TAPE 2, side B, continued with:

KIM SHAW: As an option for you as a landowner to be able to build, you’d have to go through a conditional use process to build a home. On the letter that we received we only got to go Rural Lands, and can you build.

It just seems to me that when I dug a little deeper in the zoning codes, there were a lot of stipulations and restrictions being placed on building.

SUE TAYLOR: I like this workshop where I can come back. Anyway, what I am hearing planning wants this neat package with designation lines where you have one type of industry and one here, the problem is if you were starting from scratch that might work, but we talking about we already have people on the ground trying to maneuver this perfect package, and I think this is the problem is, right now we are a checker board of mixed uses, and in my mind that works. I am more comfortable with the checker board, than I am with these land designations. Well when you are talking about AG land now inside of community regions which are not allowed, maybe we do need an AG piece in the middle of an urban area when this economy tanks and they take away all of our cars, that you can actually walk to a place in

your community that grows food. Right now our zoning has protected this and holding everything where it is, but once we unleash to this new plan and our current zoning is kind of completely converted, I think it will open a Pandora's box of issues.

Do we have to have the land designations? Could our county decide we don't want those overriding line designations? Do we legally by the state have to have those designations?

PF: responded.

SUE TAYLOR : Do you have do that with zoning? We didn't have AG district lines, community district lines?

PF: responded.

SUE TAYLOR: Ok, that answered my question. I was thinking more because of the district lines because we are mixed in some of those and that causes conflict. I have RA property and I grow stuff on it and have a house and I don't see that as a conflict. My mom has an orchard, and now that I hear this it might be illegal that she is giving food away to her neighborhood, and it seems like we are losing more of our ability to be productive.

PATTY CHELSETH: We have SA10 zoning at My Sister's Farm, we are in Shingle Springs, probably as the crow flies, about 2.5 miles from Hwy 50, I know SA 10 is going away, next to me is the Cielo Vineyard. I never got a letter that our zoning was changing, I just know through this stuff. I heard people were getting letters to Opt-In or Opt-out, what am I suppose to do. I will go look it up, thank you.

JAN MACKANY: Mine is personal also, I just realized in looking at the map as I am zoned RE, and with all this discussion, what is going to happen to my zoning?

PETER MAUER/Planner: responded

PRATT: Anyone else? Ok, then I close the workshop and adjourn the meeting.

I declare this is a true and accurate transcription of the public comments on the audio tape of the June 28, 2012 Planning Commission meeting held at 2828 Fairlane Court, Placerville California. Transcribed this ___ day of July 2012.

Joyce Russell