

DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

<http://www.edcgov.us/devservices>



PLACERVILLE OFFICE:
2850 FAIRLANE COURT PLACERVILLE, CA 95667
BUILDING (530) 621-5315 / (530) 622-1708 FAX
bdgdept@edcgov.us
PLANNING (530) 621-5355 / (530) 642-0508 FAX
planning@edcgov.us

LAKE TAHOE OFFICE:
3368 LAKE TAHOE BLVD. SUITE 302
SOUTH LAKE TAHOE, CA 96150
(530) 573-3330
(530) 542-9082 FAX
tahoebuild@edcgov.us

TO: Planning Commission Agenda of: March 10, 2011

FROM: Peter N. Maurer, Principal Planner Item No.: 8

DATE: January 21, 2011

RE: Zoning Ordinance Update – Articles 5 through 8

Background:

This memo is the forth in a series describing the organization and major points of the Administrative Draft of the Zoning Ordinance update. It focuses on the remainder of the ordinance, Articles 5 through 8.

Discussion of Article 5:

Article 5 contains the processing provisions of the code. These include permit processing requirements, general provisions for hearings and public notice, time limits and extensions, and detailed requirements for specific plans and development agreements. The article is broken into six chapters, discussed below:

Chapter 17.50 – Application Filing and Processing

Chapter 17.50 contains the basic provisions for application review. It identifies who the approval authority is for the different permit types and the type of permit review (i.e., whether it is staff level ministerial review, staff level review with public notice for appeal purposes, or requires a public hearing).

Chapter 17.51 – General Application Procedures

This chapter sets forth the basic procedures for processing the different types of applications identified in the ordinance. These include who may file an application, fee policies, completeness, expiration, and environmental review. Also covered are public notice, conditions, and the pre-application process.

Chapter 17.52 – Permit Requirements, Procedures, Decisions and Appeals

Chapter 17.52 carries on with the permitting requirements, but is more specific regarding the types of permits, including administrative, conditional and minor use, design review and development plan permits, and variance. The site plan review permit has been eliminated, so that ministerial review will be handled under an administrative permit. The site plan review will remain a *process* as part of any permit review and approval. This chapter also covers the effect of denial of an application and the appeal process. Also included in this chapter are the administrative relief and waiver provisions. Specific provisions are set forth to address uses that become nonconforming as a result of the adoption of the update, and any subsequent ordinance amendments.

Chapter 17.54 – Permit Implementation, Time Limits, and Extensions

Post approval provisions are contained in Chapter 17.52. These deal with the effective date of an approval, automatic approvals, performance guarantees, time limits and extensions, expiration of permits, and revocation. The processes for revision(s) to approved permits and application resubmittals after denial by the review authority are also addressed. These provisions are either already a part of existing ordinance, provisions of state law, or existing practices that will be codified.

Chapters 17.56 & 17.58 – Specific Plans/Development Agreements

Chapters 17.56 and 17.58 carry forward the existing provisions of the Zoning Ordinance and state law regarding specific plans and development agreements, respectively. Most of it is established by state law (Government Code Section 65450 et seq for specific plans and 65864 et seq for development agreements).

Discussion of Article 6:

Article 6 contains the administrative provisions of the ordinance. These include the responsibilities of the different entities that review and approve development applications, provisions for addressing nonconforming uses, amendments to the code, code enforcement, and exceptions for rebuilding after a disaster.

Chapter 17.60 – Administrative Responsibilities

Chapter 17.60 outlines the responsibilities, with regard to the Zoning Ordinance, of the department and director, zoning administrator, Planning Commission, Board of Supervisors, Technical Advisory Committee, design review committees, and the floodplain administrator. With the exception of the Design Review Committee, these have been added to the draft Ordinance in one chapter for clarity and ease of reference for the public.

Chapter 17.61 – Nonconforming Uses, Structures, and Lots

This chapter addresses nonconforming uses and clarifies inconsistencies in the existing code. It differentiates between uses, structures, and lots and addresses how such uses are terminated. It also covers replacement and repairs of nonconforming structures and addresses development standards for substandard lots. A significant change is that standard setback provisions shall be applied to lots based on the zoning, regardless of the size of the parcel.

Chapter 17.63 – Amendments and Zone Changes

How amendments to the code and changes to the zoning map are made are covered in Chapter 17.63. This includes how changes may be initiated, applying conditions or mitigation measures, and also covers General Plan and specific plan amendments.

Chapter 17.65 – Covenant of Easement

This is a new provision that sets forth the requirements for granting easements to the County if determined necessary as a condition of approval or mitigation measure for a development project.

Chapter 17.67 – Code Enforcement

Chapter 17.67 expands upon the existing provisions of County Code as it applies to code enforcement. Planning staff worked closely with the Code Enforcement section and County Counsel to develop reasonable provisions to ensure compliance with the code, protect the public health and safety, and be legally adequate to ensure consistent application.

Chapter 17.68 – Post-Disaster Rebuilding

This is also a new provision that provides relief from some of the standard procedures in the event of a disaster such as a flood or wildfire. Many of these provisions are already utilized by the Board under these circumstances, but this section provides an administrative procedure to provide such relief, without expanding the uses that might have been destroyed by the disaster.

Discussion of Article 7:

Article 7 addresses the various special fees that have been adopted by the County for a variety of purposes. These include the following:

Chapter 17.70 – Bass Lake Hills Specific Plan Supplemental Tentative Map Submittal Fee

A fee to reimburse the original applicants for the costs of developing the Bass Lake Hills Specific Plan.

Chapter 17.71 – Ecological Preserve Fee

The fee used to offset impacts to the gabbro soils rare plants and to acquire lands for mitigation.

Chapter 17.72 – Missouri Flat Planning Cost Reimbursement Fee

A fee used to reimburse several large project developers who fronted the money to fund the traffic and environmental studies for development in the Missouri Flat corridor.

Discussion of Article 8:

Article 8 is the glossary. It contains a list of words and phrases used in the ordinance in one or more locations where the meaning is important in the context in which it is used. The “Use Types” as used in the matrices in Article 2 are also defined in this section. Those have been identified as such so that the cross-reference to the matrices is clear. Staff has made significant edits to this article since its release in October of 2010 as we refine the draft for consistency. The purpose of the glossary is to define terms that may be used differently in the ordinance. We have not tried to define every term that is used in the ordinance, nor if there is a word or phrase that has a generally-understood meaning (one that has common usage or can be looked up in a dictionary) is it included in the glossary. It is only important to provide a definition if there is a unique usage in the ordinance, or if a definition is necessary to clearly understand the intent of the ordinance.

Summary

This review and workshop concludes the overview of the public review draft of the zoning ordinance. Edits will be made based on Commission comments, input from the public and interest groups such as the Agricultural Commission and EDAC. A revised draft will be released based on those comments and issues that staff have identified at the time that the Notice of Preparation (NOP) of the Draft EIR is released. Staff anticipates that a contract with the EIR consultant will be before the Board of Supervisors in mid-March, with the hopes that the NOP will be out in April.