

DEVELOPMENT CODE & ZONING MAP UPDATE

OA2011-0001

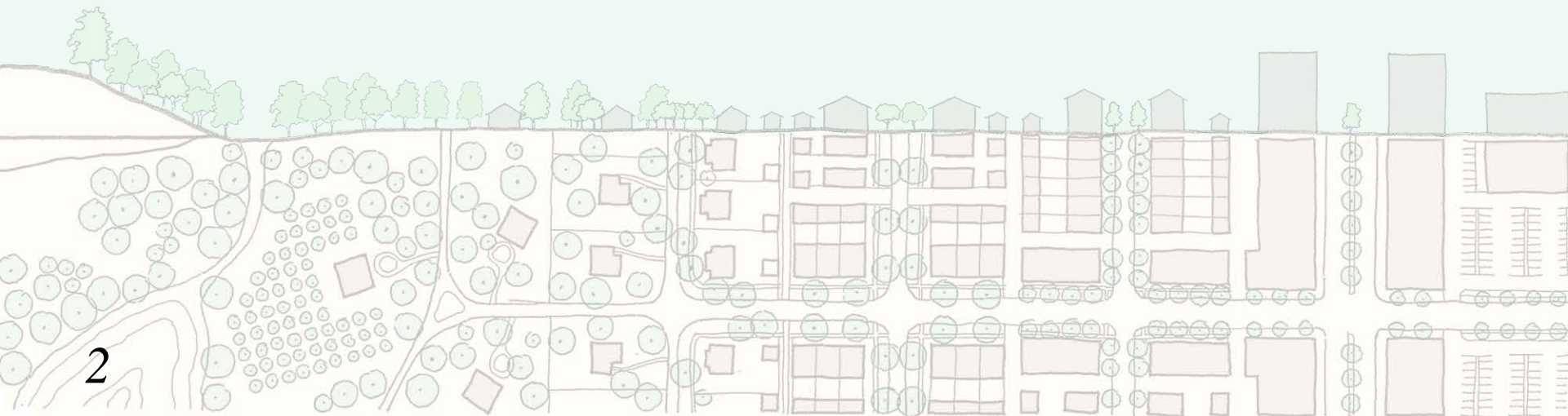
Board of Supervisors Workshop

June 4, 2015



Development Code – All About Balance

The Development Code is about updating the County's ordinance consistent with the goals and policies in the General Plan and balancing that with an individual's desired use of their private property.



Euclidean/Permissive Zoning Ordinance

- Most common type of zoning ordinance. Creates zones to separate uses and defines what is permitted within each zone.
 - If use is not listed it is not allowed

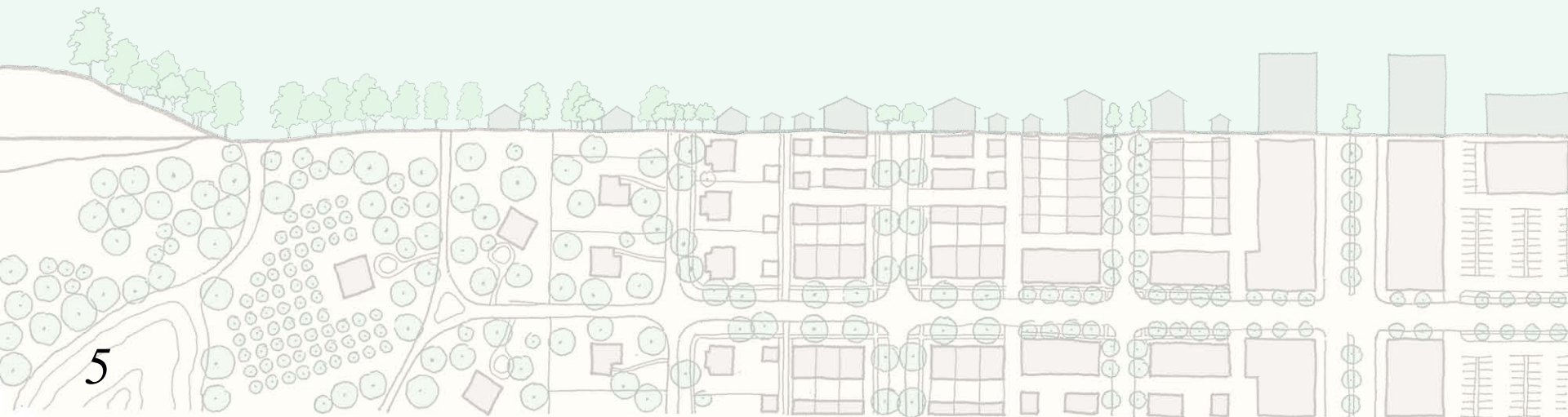
How to create flexibility?

- Use classifications & ability to provide interpretations of similar uses
 - 11.72.010 “Use classifications describe one or more uses of land having similar characteristics, but do not list every use or activity that may appropriately be within the classification.”

Interpretations

11.02.030 “The CDSA Director shall make the interpretation for any definition not expressly identified in this Code or provide clarification and determination of these rules. In cases where a specific land use or activity is not defined, the CDSA Director shall assign the land use or activity to a classification that is substantially similar in character to other use classifications listed in Chapter 11.72: Use Classifications.”

SUMMARY of PLANNING COMMISSION HEARING and OUTSTANDING ITEMS



Chickens in Plumas Lake Specific Plan

- Majority of letters opposed. Planning Commission concurred.

Recommendation

- No chickens by right except, amend PLSP consistent with the rest of the VGB: Parcels 1+ Acre in size may have a small number of livestock, in addition allowances for 4-H or FFA projects on any size parcel

Changes to Agricultural Industrial (AI)

- Allow for some Limited Industrial and General Industrial use classifications within the AI zone district.

Recommendation

- Allow Limited Industrial uses in AI district with approval of a minor use permit
- Allow General Industrial uses in AI district with approval of a major conditional use permit



Changes to Extractive (EX) District

- Match Mining Use classification with current M2 including list of accessory uses and buildings.
- Add grazing as allowed use in EX

Recommendation

- Amend Development Code use tables and use classification to address EX comments with exception of accessory uses which are already addressed elsewhere in the Code
- ❖ Allow for General Industrial and Intensive Industrial use classifications within the EX district.
 - Discussion & Board Direction

Incidental Hunting and Fishing

- **Current Code allowed hunting and fishing by right in several zone districts if for day use or no structures or septic systems needed and a use permit when structures involved**

Recommendation

- **Code includes a definition of incidental hunting but did not indicate allowed zone districts. Allow by right in AE, AI, AR, TP, and RPR districts outside VGB.**

❖ **Discuss if should also be allowed in RR or RC**

Temporary Agricultural & Employee Housing

- **Current Code does not have standards to address use of tents or RVs for short term seasonal employees.**

Recommendation

- **Add provisions to allow with following:**
 - **Restrict to 90 days per year**
 - **Clearances from Environmental Health for water, waste water, solid waste and food.**

Communication Facilities

- Comments that requirements in 1st draft were too complex or restrictive
- A revised draft was sent to Stakeholders for review – no comments received

Recommendation

- Replace text in 2nd Draft with revised text in Attachment 7 of Planning Commission staff report
- Planning Commission also appointed 2 representatives to work with staff on Design Guidelines

Wineries & Tasting Rooms

- **Concerns with: utilizing grapes/crops from other sites, requirement for bonded facilities, restrictions on tasting rooms, and logo requirements on any merchandise sold.**

Recommendation

- **Delete requirements for bonded facilities & logo on merchandise**
- **Amend size restrictions on tasting rooms to match same criteria as for farm stores**
- **Amend restriction on use of off-site crops to only those facilities that utilize more than 50% product from off-site sources**

Bed & Breakfast Regulations

- **Concerns: Why Yuba is not using an Ag. overlay like Butte, should be principally permitted regardless of number of rooms, and County requirements versus state or federal requirements.**

Recommendation:

- **Change Code from 3-4 rooms to 3-5 rooms with AUP and 6-10 with MUP. Consistent with Building Code**

Timber Production Zone: Residence

- **Comment: Allow a single family residence by right in TP zone district**
- **Resolution 1976-155 “ A residence or other structure necessary for the management of land zoned as Timber Production”**

Recommendation:

- **Add single-unit dwelling detached as a permitted use in the TP zone district**



Cluster Development (16-LUP)

- The 1996 GP had land use policy (16-LUP) that involved cluster development specific to parcels in the Foothill Agriculture designation
- The 2030 GP supersedes the 1996 GP, there is no 16-LUP, however there is 2030 GP Goal CD9 and supporting policies
- DC has two proposed Chapters (11.12 & 11.21) to implement cluster development consistent with the 2030 GP
- PC acknowledged that the DC addressed clustering consistent with the GP, however increasing residential density is a separate issue.

Zoning Map Changes

- Placed 2030 GP Rural Community boundaries on Zoning Map
- Ran a search of Government owned parcels, numerous RPR parcels added owned by USA
- Worked with Supervisor Fletcher on foothill zoning issues, addressed smaller parcels outside Dobbins/Oregon House boundary, PF in Camptonville, etc.
- Addressed commercial uses on Wheatland Road, existing bar and church

Zoning Map Changes – Public Requests

Commenter	APN	Request	Recommendation
McEwen	006-410-001	Change from AR-10 to RC	Property is located off of highway 20 and meets policies for RC zoning designation. <i>Change recommended.</i>
Sudderth	014-310-078	Change from PLSP-MDR to commercial	Property is within the PLSP and is currently developed with a residential use and is surrounded by properties developed with residences or that are designated for future residential use. <i>No change recommended.</i>
Pounds	014-510-009	Keep M-1 zoning designation instead of AI	Property is outside the VGB and therefore for consistency with General Plan and use of property proposed zoning designation is AI. <i>No change recommended.</i> Use can continue.
Robben	064-250-030	Supports biomass project wants to know if use will allow a home to be built	Due to biomass project and past use property is designated as AI. Property tax evaluation is not a function of CDSA or purpose of the Development Code update. AI allows for caretaker residence. <i>No additional change needed.</i>

Zoning Map Changes – Public Requests

Commenter	APN	Request	Recommendation
McEwen	013-590-010	Currently zoned M-1 would like commercial, but wants to ensure service stations are allowed in proposed NMX zoning.	NMX is a commercial zone district and does allow for service stations. <i>No additional change needed.</i>
Phillips	050-200-057	Change portions within community boundary from AR-20 to Residential Estate	Reviewed community boundary and a portion of property as identified in letter was in the 1996 community boundary. <i>Recommend that boundary be corrected and those portions within rural community boundary be changed to RE (Residential Estate)</i>
Hess/Kubich	14-230-161, 162, 163, & 14-510-29, 30, 31, and 32	Request to be changed from AE-80 to AI consistent with use of property	Verified properties are part of a site historically used for wood processing. <i>Recommend parcels changed to AI.</i>

Zoning Map Changes – Public Requests

Wood	018-210-070, 018-210-030	Request to keep ELSP zoning designation R-4	This request was also made on the 1 st review draft. The Board evaluated the request and directed staff to keep zoning designation as RE (Residential Estate). Adoption of Proposed Development Code will allow up to 4 units per acre with approval of a minor conditional use permit if certain findings can be met. This will allow same density as under the ELSP. <i>No change recommended per Board direction.</i>
Jee	019-230-053	Request property be designated as Regional Shopping Center	This request was also made on the 1 st review draft. The Board evaluated the request and directed staff to keep zoning designation as PR (Planning Reserve). <i>No change recommended per Board direction.</i>
Gee	021-281-023	Request property be designated as RM instead of RS	This property is currently developed with a single family home and is surrounded by properties developed with single family homes or that are designated for single family uses. Changing zoning would create a spot zone. Adoption of the Development Code will allow development of duplexes within the RS district with approval of a use permit. <i>No change is recommended.</i>