



COMMUNITY DEVELOPMENT RESOURCE AGENCY
PLANNING DIVISION
County of Placer

HEARING DATE: July 26, 2018
ITEM NO.: 2
TIME: 10:15 AM

TO: Placer County Planning Commission
FROM: Development Review Committee
DATE: July 16, 2018
SUBJECT: CHAPTER 17 ZONING TEXT AMENDMENT
ZONING TEXT AMENDMENT (PLN18-00284)
STATUTORY EXEMPTION
ALL SUPERVISORIAL DISTRICTS

STAFF PLANNER: George Rosasco, Principal Planner

LOCATION: Unincorporated Placer County

APPLICANT: Placer County Planning Services Division

PROPOSAL: The Planning Services Division is requesting that the Planning Commission consider a recommendation to the Board of Supervisors to repeal and replace Placer County Code, Chapter 17 (Zoning Ordinance) to incorporate amendments to the same (Attachment A). The proposed zoning text amendments (ZTA) are intended to clarify and simplify implementation and interpretation of the Zoning Ordinance.

CEQA COMPLIANCE: The Proposed Zoning Text Amendment is statutorily exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines. This CEQA exemption is applicable where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The proposed Zoning Text Amendment meets this test as it would not result in, nor permit new development at a density or intensity in excess of what is permitted at the current time and under current regulations, and does not contain any amendments that would result in the creation of new development methods, techniques, or applications that would physically impact the environment. The Planning Commission will be required to make a finding to this effect.

PUBLIC NOTICES AND REFERRAL FOR COMMENTS: A legal notice was published in the *Sacramento Bee*, *Auburn Journal*, and the *Truckee Sun* newspapers. Interested parties and all Municipal Advisory Councils have received notice of this public hearing.

BACKGROUND: The proposed amendments to Placer County Code Chapter 17 (Zoning Ordinance) are intended to clarify and simplify implementation and interpretation of the Zoning Ordinance. Additionally it was the intent of staff to update the Zoning Ordinance to reflect current standards, simplify standards, and update the definitions contained in the ordinance to make it more conforming with regard to current planning practices. With this goal in mind, staff began preparing the Zoning Text Amendment in 2006. However, the undertaking was discontinued during the economic slow-down in

order to re-direct staff resources to more essential work. In 2017, work on the Zoning Text Amendment resumed as staffing levels rose when the economy began to improve.

Municipal Advisory Council Meetings

Staff presented the proposed Zoning Text Amendment to the following Municipal Advisory Councils beginning August 8, 2017 through February 7, 2018: Squaw Valley, North Auburn, North Tahoe, Donner Summit, Newcastle / Ophir, Horseshoe Bar / Penryn, Granite Bay, Foresthill Forum, Meadow Vista, Sheridan, Weimar-Applegate-Colfax, Rural Lincoln, and West Placer. A summary of the MACs actions are presented later in this report.

February 22, 2018 Planning Commission Workshop

The Planning Commission held a workshop on the proposed Zoning Text Amendment at its February 22, 2018 meeting. There were five members of the public that provided testimony. There were questions raised about how the proposed amendments will effect current and future fire regulations, what constitutes a nuisance and how its abatement is handled, and whether the proposed amendments would be consistent with the Granite Bay Community Plan. Staff responded saying the proposed amendments would be consistent with Granite Bay Community Plan, there would be no effect on fire regulations, and that the Placer County Code Compliance Division could provide a complete explanation about how the nuisance abatement process is implemented. Comments from the Planning Commission included a discussion on how the proposed amendments do not apply in the Tahoe Basin and that it can be confusing and problematic to have two sets of regulations, one for the Tahoe Basin and one for the rest of the County. Also discussed was the complex nature of implementation of current and future fire regulations instituted by the state of California.

OVERVIEW OF PROPOSED ZONING TEXT AMENDMENT

The proposed amendments to County Code Chapter 17 (Zoning Ordinance) are intended to clarify and simplify implementation and interpretation of the Zoning Ordinance. The most significant changes in the proposed Zoning Text Amendment include the creation of a Street-Side Setback requirement and revisions to the nuisance abatement process. Additionally, the proposed ZTA would include revisions to the “Definitions”, “Allowable Land Uses and Permit Requirements”, “General Development Regulations”, “Antennae and Communications Facilities” and “Solar”. The Planning Commission will also consider amendments to Section 17.040.030 - Definitions of Land uses, Specialized Terms and Phrases; Section 17.060.060 - Zone District Regulations; Section 17.080.010 – Agricultural Exclusive (AE); Section 17.10.010 – Farm (F) District; Section 17.12.010 – Forestry (FOR); Section 17.14.010 – Open Space (O); Section 17.16.010 – Timberland Production (TPZ); Section 17.18.010 – Water Influence (W); Section 17.20.010 – Commercial Planned Development (CPD); Section 17.22.010 – General Commercial (C2); Section 17.24.010 – Heavy Commercial (C3); Section 17.26.010 – Highway Service (HS); Section 17.30.010 – Neighborhood Commercial (C1); Section 17.32.010 – Office Professional (OP); Section 17.34.010 – Resort (RES); Section 17.36.010 – Airport (AP); Section 17.38.010 – Business Park (BP); Section 17.40.010 – Industrial (IN); Section 17.42.010 – Industrial Park (INP); Section 17.44.010 – Residential Agriculture (RA); Section 17.46.010 – Residential Forest (RF); Section 17.48.010 – Residential Multi Family (RM); Section 17.50.010 – Residential Single Family (RS); Section 17.52.040 – Building Site (-B); Section 17.52.060 – Density Limitation (-DL); Section 17.54.010 – General Development Regulations; 17.54.020 – Height Limit Exceptions; Section 17.54.040 – Minimum Parcel Standards; Section 17.54.070 – Design and Improvement of Parking; Section 17.54.130 – Setbacks and Yards; Section 17.54.140 – Exceptions to Front, Side and Rear Setbacks; Section 17.54.150 – Projections into Required Setbacks – Building Features and Equipment; Section 17.54.160 – Interior Setbacks; Section 17.54.180 – On Premise Signs; Section 17.56.010 – Specific Use Requirements; Section 17.56.060 – Antennae, Communications Facilities; Section 17.56.110 – Explosive Manufacturing and Storage; Section 17.56.240 – Snow Tunnels, Seasonal; Section 17.56.250 – Storage, Accessory – Indoor and Outdoor; Section 17.56.300 – Ground Mounted

Solar Electric Generating Systems; Section 17.58.160 – Permit Time Limits, Exercising of Permits, and Extensions; and Section 17.62.160 – Nuisance Abatement.

These amendments are discussed in more detail below.

Land Use Definitions (Section 17.04.030)

- Add the land use “newsstands” as an allowed use at airfields, airstrips and airports.
- Add a definition for “Ground Mounted Residential Solar Electric Generating System”. Currently the County does not have an ordinance governing ground mounted solar systems. As the popularity of these systems has grown it has become necessary to have regulations governing their installation.
- Addition of “street-side”, which results in a revision to setback definitions.
- Update the definition of “structure” to match the current definition adopted in the Placer County Building Codes.
- Add definition of “Highway Plan” and “Highway Deficiency Report”. These have both been adopted by the Board of Supervisors but have never been incorporated into the Zoning Ordinance. In the case of “Highway Deficiency Report”, it has been in adoption since 1967.
- “Net Lot Area” would be removed and the area of all lots would be based on gross area. In the past, parcels five acres or smaller in size were based on “net area”, which means the minimum lot size must be met after subtracting all access easements. The intent of this change is to simplify the calculation of the minimum lot size of parcels.
- “Travel Ready” & “Vehicle Ownership” definitions have been added so that Code Compliance can enforce incidental camping regulations and abandoned vehicles.
- A definition of “Nuisance” has been added in conjunction with the new Nuisance Abatement Section to aid Code Compliance staff in effectively resolving code violations.

Street-Side Setbacks

Incorporate into the Zoning Ordinance provisions allowing a street-side setback for all parcels zoned 100,000 square feet or smaller and create new diagrams in the zoning ordinance to reflect the addition of a “Street-Side Setback”.

In the unincorporated area of Placer County a front setback is required wherever the parcel abuts an access easement and there have been a large number of variances resulting from having two front yard setbacks. Street-side setbacks are not uncommon in neighboring jurisdictions. The following jurisdictions have street-side setbacks, City of Auburn, City of Folsom, City of Roseville, City of Colfax, City of Rocklin, El Dorado County, Sacramento County, and Nevada County. While there are slight variations on how a street-side setback is applied, in all cases the zone district’s existing side setback, or a slight deviation from it, is used.

Since January of 2016 staff has processed 112 variances, 26 percent of those (31) have been to reduce setbacks on parcels with two or more fronts. Of the 26 percent the majority, 80 percent, of the requested variances occurred on parcels zoned 100,000 square feet or less (commonly called 2.3 acre zoning). Staff has proposed that street-side setbacks only apply to parcels zoned 100,000 square feet or less.

Although most of the MACs were favorable of providing for a street-side setback, both the Meadow Vista and Weimar Applegate MACs had some concerns. These MACs were concerned that the addition of a street-side setback would not be appropriate in rural areas that have larger parcels, as it seemed not to fit with the current rural setting of the areas that they represent. Staff’s position is that allowing property owners to site their homes from ten to twenty five feet closer to one side of their property that abuts a

street will not significantly change the character of their rural settings. For the reason that not every parcel will move proposed structures to the minimum allowable setbacks on these larger parcels and in many instances doing so will result in the creation of comparable open areas in a different location on the parcel. Additionally, staff believes that because a property is abutted by two access easements that it should not be precluded from enjoying the same setback privileges extended to other properties in the same zone district that are abutted by only one access easement, as is evident by the number of Variances that have been granted. Furthermore, the addition of a street side setback will create the equitable application of setbacks on all parcels of 100,000 square feet or less, resulting in an approximately 80 percent reduction in variance applications for parcels with multiple frontages.

Other Setbacks

- Create one “setback exception” section to address fences, bear bins, snow tunnels, alleys, concrete flat work, pump houses and bridges. These items were not previously grouped together but scattered throughout the zoning ordinance. (Section 17.54.140, General Setback Exceptions)
- Create a section to clarify requirements placed on structures at reduced setbacks. Staff has always placed conditions on structures at reduced setbacks. The following is an example of a restriction on a structure with a reduced setback that would be further clarified: Living space above a garage that is allowed to encroach closely to a roadway is prohibited so that in the event that a vehicle hits the structure the potential loss of life is reduced. (Section 17.54.140 [5], Restrictions on Structures at Reduced Setbacks)
- Change the Interior Setback section to reference current Placer County Building codes and requirements rather than an outdated version that is no longer used. (Section 17.54.160, Interior Setbacks)
- Move “20’ setback from face of garage” requirement to Design of Parking, section 17.54.070, where it will be grouped with other regulations pertaining to parking. (Section 17.54.070 [F], Parking Ares/Driveways in front Garages/Carports)

Density Limitation

Simplify the “Density Limitation” with a single table showing minimum lot sizes for single- and multi-family residences. This change is proposed simply to determine the permissible units on a parcel with a DL designation. This revision to the Zoning Ordinance would not provide any additional density. (Section 17.52.060, Density Limitation)

Building Height Measurement

Change the height measurement of a structure to be from approved grade rather than natural grade. This will eliminate issues associated with allowing a structure to be measured from the *original* natural grade – even in cases where grading has already occurred – which can result in a building being taller than the actual permissible height. (Section 17.54.02, Height Limits and Exceptions)

Antennae and Communications Facilities

Change “Antennae and Communications Facilities” section to require that all Cellular Towers obtain, at a minimum, an Administrative Review Permit that will require noticing to surrounding property owners within 300’. Currently, if a Cellular Tower is determined not to be visually intrusive, an Administrative Approval may be obtained for its installation with no public noticing. This change is a result of the public stating that they would like to be notified and given the opportunity to comment on all cellular towers being installed near them. (Section 17.56.060, Antennae Communications Facilities)

Nuisance Abatement Process

Revise Nuisance Abatement section to designate a Nuisance Abatement Hearing Officer in place of the Planning Commission and provide a hearing procedure. This new procedure is intended to allow the Code

Compliance Division to adjudicate abatement hearings in a more expeditious fashion. (Section 17.62.160, Nuisance Abatement)

Extensions of Time

Allow Administrative Review Permits, MUPs, CUPs and Variances the possibility of six years' worth of extensions in two-year increments. Currently only three years of extensions are allowed. This change would be consistent with the extension of time provisions allowed for Subdivision Maps in County Code. (Section 17.58.160 [C], Permit Time Limits, Exercising of Permits and Extensions)

Ground Mounted Residential Solar Electric Generating System

The zoning ordinance is currently silent on setbacks and regulations for residential ground-mounted solar systems. Due to their increasing popularity and state mandates to reduce impediments to the installation of solar systems, staff has determined that it is necessary to add a new section to the zoning ordinance regulating these systems. This section discusses what constitutes a ground mounted solar system and defines the setbacks for the system based on their height. It should be noted that the setbacks for ground mounted solar systems are less than current structural setbacks with required setbacks ranging from 7.5 feet to 15 feet on systems ranging in height from six to eight feet respectively. (Section 17.56.350, Ground-Mounted Residential Solar Generating Systems)

AMENDMENTS NOT BEING CONSIDERED AT THIS TIME

The following changes have been eliminated from the proposed Chapter 17 Zoning Text Amendment:

Change lot coverage in Planned Development Section

- Lots from 17,999 to 29,999 square feet to allow 35% coverage instead of the current sliding scale of 20% to 25% coverage.
- Lots from 10,000 to 15,000 square feet to allow 50% coverage instead of the current 30% for one story 25% for two more stories.
- Lots less than 10,000 square feet to allow 50% coverage instead of the current 40% coverage for single stories or 35% for two or more stories.

Density Limitation

- Revised the coverage requirements in the "Density Limitation" Combining Zone District section for lots of 4000-8000 square feet from 40% to 50%.

Use Permit Changes

- In the following zone districts if a land use requires a Minor Use Permit or a Conditional Use Permit, as part of that entitlement process, an alternative setback can be specified: Commercial Planned Development, General Commercial, Heavy Commercial, Office and Professional, Resort, Airport, Business Park, Industrial & Industrial Park

Temporary Outdoor Events

- Change Temporary Outdoor Events to allow six days of events instead of the current two events, not to exceed three days each.

The above items are not part of the Zoning Text Amendment being considered by the Planning Commission. Any future zoning text amendment to include any of the above would be subject to separate legal notice and CEQA review.

SUMMARY

As stated earlier in this report the proposed amendments to Placer County Code Chapter 17 are intended to clarify and simplify implementation and interpretation of the Zoning Ordinance. Additionally it was the intent of staff to update the Zoning Ordinance to reflect current standards, simplify standards,

and update the definitions contained in the ordinance to make it more conforming with regard to current planning practices. It is anticipated that these changes will result in a substantial reduction in variance applications and also likely result in measurable time and cost savings for County residents.

MUNICIPAL ADVISORY COUNCIL MEETING OVERVIEW

Staff began presenting the Chapter 17 Zoning Text Amendments to the Municipal Advisory Councils on August 8, 2017 and finished on February 7, 2018. Many of the MACs, such as Granite Bay, Meadow Vista, Weimar/Applegate/Colfax, and Newcastle/Ophir, requested that staff present the item twice due the large amount of information and the controversial nature of some of the proposed amendments. This allowed the MACs more time to consider the amendments and provide additional input. A summary of the Macs actions are listed below:

MUNICIPAL ADVISORY COUNCIL	ACTION	VOTE
Granite Bay	Concur with staff recommendations on the Zoning Text Amendment, except for coverage on residential zones not covered by a planned development, which should either be retained as is or re-evaluated to recommend coverage lower than the current recommendation.	Unanimous approval 5/0
North Auburn	Approve the Zoning Text Amendments in concept as presented. The North Auburn Municipal Advisory Council supports these amendments and notes that progress is occurring in the right direction, with the understanding that changes may occur going forward.	Unanimous approval 6/0
Weimar / Applegate / Colfax	Approve the Zoning Text Amendments with the provision that parcels that are one acre or larger should not have a street-side setback applied to them, but instead the setbacks should be left as they are currently written in the zoning Ordinance.	Unanimous approval 5/0
Newcastle / Ophir	Approve the Zoning Text Amendments as presented.	Unanimous approval 5/0
North Tahoe	Approve the Zoning Text Amendments noting the following concerns as the ZTA relates to the eastern part of the County: additional consideration should be given to how height is measured, definition of "coverage," and the increase in allowable coverage.	Unanimous approval 7/0
Foresthill Forum	Approve the Zoning Text Amendments as presented.	Unanimous approval 5/0
Rural Lincoln	Approve the Zoning Text Amendments with the exception of the allowance of six days of Temporary Out Door Events.	Approval 4/1
Sheridan	Approve Chapter 17 Zoning Text Amendments as proposed.	Unanimous approval 4/0
Donner Summit	Approve the Zoning Text Amendments as presented.	Unanimous approval 4/0
Horseshoe Bar / Penryn	Approve the Zoning Text Amendments as presented.	Unanimous approval 6/0
West Placer	Approve the Zoning Text Amendments as presented.	Unanimous approval 3/0
Meadow Vista	Approve the Zoning Text Amendments with the exception that a street-side does not apply in the Meadow Vista Area and the street-side change be considered as part of the upcoming housing amendment.	Unanimous approval 5/0
Squaw Valley	None, no quorum	None

RECOMENDATION

Staff recommends that the Planning Commission forward a recommendation to the Board of Supervisors to 1) find the proposed Zoning Text Amendment to be statutorily exempt under Section 15061(b) (3) of the

California Environmental Quality Act Guidelines; and 2) adopt an Ordinance to repeal and replace Placer County Code, Chapter 17 (Zoning Ordinance) to incorporate amendments as set forth in Attachment A, subject to the following findings:

FINDINGS

CEQA

The property is exempt under the General Rule CEQA (section 15061 (b) 3) which states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Chapter 17 Zoning Text Amendment meets this test as it would not result in, nor permit new development at a density or intensity in excess of what is permitted at the current time and under current regulations, and does not contain any amendments that would result in the creation of new development methods, techniques, or applications that would physically impact the environment.

Zoning Text Amendment

1. The proposed Zoning Text Amendments to Chapter 17 are necessary to clarify and update sections of the Zoning Ordinance and to make it conform more closely to current planning practices.
2. The proposed Zoning Text Amendments are consistent with Placer County General Plan and all Community Plans in the County.

Respectfully,



George Rosasco
Principal Planner

ATTACHMENTS

Attachment A – Proposed Chapter 17 Zoning Text Amendment

- cc: Steve Pedretti, CDRA Director
EJ Ivaldi, Deputy Planning Director
Sherri Conway, Economic Development Director
Karin Schwab, County Counsel
Building Services Division
Environmental Health Division
Engineering & Surveying Division