

**SUMMARY OF PROPOSED ZONING AMENDMENTS
TO TITLE 18 (ZONING ORDINANCE) FOR A
NEW RESIDENTIAL DEVELOPMENT
ENVELOPE ORDINANCE**

Amend Chapter 18.08 (Definitions.) to add the following new section/definition:

A new Section 18.08.536 entitled “Residential development envelope.”

“Residential development envelope” means land area containing residential uses or improvements including, but not limited to, a single-family dwelling unit, legal nonconforming dwellings, a second unit, a guest cottage, bed and breakfast establishments, and residential accessory structures or improvements including, but not limited to, gazebos, decks, trellises, sports courts, patios, pools, landscaping, paved or semi-permeable surfaces, parking areas, water tanks, mechanical equipment, and accessory power generation.

For purposes of this definition only, the following shall not be included when determining the residential development envelope: structures and improvements used exclusively for agriculture (as defined in Section 18.08.040); farmworker housing and centers; residential septic systems; residential wells and well houses; lakes, ponds or natural water features; driveways or private roads located more than fifty feet from the residential use providing access to the residential development envelope; and caves used for residential purposes.

Amend Chapter 18.104 (Additional Zoning District Regulations.) by adding objective standards for residential development envelopes:

A new Section 18.104.440 entitled “Residential development envelope - General standards.”

A. For parcels in the Agricultural Preserve zoning district greater than one acre in size, no residential building permit or grading permit shall be issued by any county staff, agency or department for any new residential structure or improvement, or to an existing structure or improvement, that results in an expansion or relocation of the residential development envelope (as defined in Section 18.08.536), unless the project complies with the following standards:

1. The residential development envelope shall be a contiguous area not exceeding one acre; and
2. The property owner, prior to issuance of a building permit or grading permit, shall be required to execute and record in the county recorder’s office a perpetual protective easement or permanent deed restriction in a form acceptable to county counsel documenting the residential development complies with this section.

B. Legally established residential uses and/or improvements pre-dating _____ [insert effective date of ordinance] that do not comply with Section 18.104.440.A are legal conformities that may be repaired, maintained, restored, rehabilitated, redesigned, remodeled, rebuilt or rearranged, provided that the existing residential use and development envelope is not expanded or relocated and prior to issuance of a building permit or

grading permit, a perpetual protective easement or permanent deed restriction in a form acceptable to county counsel is executed and recorded in the county recorder's office.

C. Parcels in the Agricultural Preserve zoning district containing residential structures and/or uses pursuant to subsection (B) of this section may relocate and/or expand the preexisting residential development envelope, upon grant of a use permit by the zoning administrator, if after a public hearing, the zoning administrator makes all of the findings in Sections 18.124.010 and 18.104.442 of this code.

D. Notwithstanding subsection (A) of this section, non-contiguous residential development envelopes not exceeding one acre in aggregate area shall be permitted where a contiguous residential development envelope is precluded by one or more of the following natural or legal constraints:

1. Slopes greater than 30% as determined per the methodology in Section 18.108.060 (C);
2. Stream, wetland or municipal reservoir setbacks as set forth in Sections 18.108.025, 18.108.026 and subsection (G) of 18.108.027;
3. A floodway pursuant to Section 16.04.560 (Floodplain Management.); or
4. Public or private easements that prohibit those residential improvements or uses included within the residential development envelope (as defined in Section 18.08.536).

E. Residential development envelopes may be relocated or expanded provided that the contiguous area of the relocated or expanded residential development envelope does not exceed one acre, and they comply with subsections (A)(1) and (A)(2) of this section.

F. The total residential development envelope shall be determined in conjunction with any residential building permit or grading permit for a residential structure or site improvement by calculating the total contiguous surface area occupied by residential structures and improvements as defined in Section 18.08.536.

G. Except as provided in subsection (B) of this section, extant residential structures or improvements that will not be included within a residential development envelope shall be removed, or repurposed to one of the uses allowed either with or without a use permit in the Agricultural Preserve zoning district prior to issuance of any permit prescribed under subsection (A) of this section.

A new Section 18.104.442 entitled “Residential development envelope – Use permit findings.”

New or existing residential development envelopes in the Agricultural Preserve zoning district that do not meet all of the standards set forth in Section 18.104.440 (Residential development envelope – General standards.) may be approved by the zoning administrator if, after a public hearing, the zoning administrator makes all of the findings in this section and in Section 18.124.070 of this code.

A. Approval of the residential development envelope would not result in significant unmitigated environmental impacts;

B. The residential development envelope is not visible from a public road, or if it is visible the residential development envelope includes features that predominately screen structures and improvements from the public road;

C. The residential development envelope would not result in the conversion of land designated as farmland or grazing land under the State Farmland Mapping and Monitoring Program, or if conversion of farmland or grazing land occurs, the project includes measures to permanently protect equivalently designated farmland or grazing land at a ratio of three acres protected for every acre converted; and

D. The property owner, prior to issuance of a building permit or grading permit, shall execute and record in the county recorder's office a perpetual protective easement or permanent deed restriction in a form acceptable to county counsel documenting the residential development envelope complies with this section.

Amend Chapter 18.10 (Zoning Administrator) to allow the zoning administrator to hear and decide use permit applications for residential development envelopes that do not comply with the performance standards in Section 18.140.440 as follows:

Amend Section 18.10.020 (Duties-Specific subjects.) to read:

K. (Reserved) Use permit applications for residential development envelopes that do not comply with the standards in Section 18.140.440 after making the findings required by Sections 18.124.070 and 18.104.442 of this title;

Amend Chapter 18.124 (Use Permits) to allow the zoning administrator to hear and decide use permit applications for residential development envelopes that do not comply with the performance standards in Section 18.140.440 as follows:

Amend Section 18.124.010 (Granting.) to read as follows:

A use permit may be granted by the commission or zoning administrator subject to the provisions of this chapter, provided however, that if the board of supervisors is the decision maker on any companion action which is necessary to approve the use permit, the commission shall make an advisory recommendation to the board to approve or disapprove the entire action, and the board shall thereafter make the final decision on the entire action, including any determination to be made under the California Environment Quality Act (CEQA), in accordance with this chapter.

Amend Section 18.124.020 (Application.) to read as follows:

Application for a use permit shall be made to the commission or to the zoning administrator in writing on a form prescribed by the director and shall be accompanied by plans, elevations and other appropriate information, graphic depictions, necessary to show details of the proposed use.