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Subj: Comments-Proposed Chpt 17 ZTA's—Workshop

Staff efforts to present the proposed amendments to Chapter 17 ZTA's to the public are appreciated. However, not only is the public overwhelmed with the roughly 45 proposed amendments, but also so were most of the Municipal Advisory Council members (MAC).

To clarify: Under "BACKGROUND," it is stated that the ZTA was started in 2006. However, with a few possible exceptions, we can recall possibly one or two specific, single ordinance amendment proposals. We have never seen a mass of ZTA's proposals such as these. The primary reason some single ordinance amendment efforts were discontinued was because they created controversy and legitimate opposition, which in turn took up staff's time.

Under the MAC summary, the staff report may impart an impression that the MAC's embraced all the changes. For the most part, it was clear and understandable that MAC members had either not read the entire 85 pages and/or had possibly picked one or two items to review.

We submit that tossing such a mass of changes to Placer County's ordinances, is a disservice to the public. One or two sections could be dealt with at a time for better understanding. Otherwise, such an onslaught of amendments for the public to review and evaluate is an impossible task. It hints of a "hush and rush" scenario to get ahead of the tsunami of development proposals coming to Placer County and avoid the necessary scrutiny.

As they currently read, it appears that due to the changed language, many have the potential for unacceptable environmental impacts. Therefore, as such, a number of the proposed ZTA's should be pulled from the current list of approximately 45 proposals and more thoroughly analyzed in order to comply with the California Environmental Quality Act.

<u>Unacceptable "or as determined by…." Language</u>.

An entire section of the ZTA proposals changes the required setbacks by (1) deleting or reducing the minimums, and/or (2) deleting the word "maximum," and or (3) inserts loophole, unenforceable language, such as "or as determined by CUP or MUP." In each and every case, the public has no clue as to the impacts such loosening or deleting of requirements will create. The following contain the aforementioned unacceptable language; we submit that in so doing, they may create significant impacts.

Chpt 17 Ordinance Name	Code	Doc/Pdf page	Misc.
Comm Planned Dev (CPD) Industrial "Site coverage" "maximum" struck	17.20.010	17 / 23	-or as ~~required~~ determined by CUP or MUP
Gen Comm (C2) Setbacks "minimum" struck; "Height Limit "maximum" struck	17.22.010	18-19 / 24-25	-or as ~~required~~ determined by CUP or MUP
Heavy Comm (C3)	17.24.010	20- / 26	-or as determined by CUP or MUP
Neighborhood Comm (C1) Setbacks: 25' minimum struck; "maximum" struck	17.30.010	21-23 / 27-29	- or as determined by CUP or MUP
Office and Prof (OP) Setbacks "min" and "max" struck	17.32.010	24 / 30	-or as determined by CUP or MUP
Resort (RES)	17.34.010	25-27 / 31-33	- or as determined by CUP or MUP
Airport (AP)	17.36.010	28-29 / 34-35	-or as determined by CUP or MUP
Business Park (BP)	17.38.010	29-30 / 35-36	-or as determined by CUP or MUP
Industrial (IN)	17.40.010	31 / 37	-or as determined by CUP or MUP
Industrial Park (INP)	17.42.010	32 / 38	-or as determined by CUP or MUP

The following ZTA's are problematic in terms of impacts. We've mentioned a number of them at the MAC meetings yet none of our concerns have been addressed that we know of:

ZTA sections needing more analysis:

Setbacks: The proposed amendments related to C2, C3, C1 (especially), OP, RES, AP (esp with height), IN, NP, RA, RM, "General Development Regulations," 17.54.010, and in and in the sections of the "Planned Residential Developments" (PD's) 17.54.100, require much more scrutiny. Setbacks serve multiple purposes, including but not limited to roadways or other public thoroughfare easements. Their reductions may create and safety impacts.

Site coverage: Proposals needing more analysis of impacts: Possibly RM, for certain CPD, most, if not all, of the amended "Site coverage" zones listed in "Setbacks" above, and those listed in "General Development Regulations," 17.54.010 and in the sections of the "Planned Residential Developments (PD') 17.54.100, of which almost all contain reductions of current "Maximum Coverage." Site coverage, as it relates to "footprint" or impermeable surfaces, has the potential to increase run off with flooding, pollution, and other impacts.

"Minimum Parcel Standards," 17.54.040: This amendment needs much more information for the public to comprehend the reasoning for the amendment. It appears to be an attempt to turn illegal, non-conforming lots into legal lots (possibly a specific lot as indicated via mentioning "cul-de-sac" or an "irregular" shape. How many "unbuildable" lots are there in Placer County? What will be the impacts to neighbors who have known an adjacent parcel was unbuildable, but now, suddenly it is buildable?

Planned Residential Developments (PDs)

"Exceptions to Front…Setbacks," 17.54.140: This sections needs to be re-written for clarity. Section 5.b. states unequivocally that no living area shall be permitted above, below, or within any garage or parking structure; but it turns tail and allows a variance. Finally, it confuses matters more with this statement, "Living area is permitted within any structure(s) located within the front setback area pursuant to the provisions of Section 17.54.140(A)(2)(a)." If the restriction is for health and safety of the living quarters, then no living area should be allowed at all. The same occurs with 5.c.

The staff report states that there were 80 variances in the last 18 months, and that 31 percent were to reduce setbacks on parcels with two or more fronts. The remedy is to stop issuing variances, rather than to curtail what may be a "right-of-way" or easement that has not been exercised. The responsibility of the parcel owner is to know the parcel's limitations. Although the staff report cites numerous jurisdictions that have "street-side setbacks," it doesn't reveal if they are in high density urban areas or in rural areas. In Placer County's rural areas, setbacks were not established arbitrarily; they should not be reduced arbitrarily either.

Section D. Watercourse Setbacks: To allow up to a 50% reduction of the minimum setback from any man-made canal via an Administrative Approval is totally unacceptable. Run off alone with only a 50' setback from a man-made canal can pollute that canal and seriously impact downstream "ditch water" users (especially organic farmers) and wildlife. To justify such a radical variance or approval, more evidence of its necessity must be provided. The impacts must be fully analyzed as to their environmental impacts, or this amendment must be deleted.

Projections into Required Setbacks: Just because an encroachment onto an easement doesn't touch the ground does not, and should not, justify its approval. We disagree with the concept that building features and equipment can extend into any required setback. One way to allow it would be to have a signed agreement that should a road way, hiking/biking trail, sound wall, or other new use of the easement, or expansion of its existing use, or any other public benefit use of that easement be approved, that the "projection," no matter what it is, shall be removed within 30 days of being properly noticed.

Temporary Uses and Events, C. Temporary Events: The key word or foundation for this section is "…**a land use normally not allowed**…."

1. Applicability, b. Outdoor Festivals/Concerts, etc. We are opposed to allowing six days of one-time events in rural residential agricultural areas. At the most, a resident should be limited to no more than two such one-day events per year. With the plethora of wineries and breweries also holding events, it behooves the concert, festival or party host who wishes to hold more than two, to rent an event venue ("Approved Public Assembly Site") that is located in an allowed area.

We support the requirement that detailed event information "shall be provided…prior to a decision by the planning director." However, the language suggests that the planning director "may approve a Temporary Outdoor Event (TOE) permit in lieu of a minor use permit." This TOE section needs to clarify that regardless of the type of permit to allow two days of events in a year, the requirements are the same as if an MUP were required.

3. Time Limits. Please explain this statement, "A temporary event shall be conducted for **no more than nine consecutive days, or four successive weekends per year**, except where a shorter time limit is established by the granting authority through permit conditions of approval." This is not what has been presented or discussed at the public MAC meetings. If this is to be interpreted correctly (nine consecutive days and four consecutive weekends?), we urge that it be deleted entirely.

The proposed amendment to this TOE may have significant impacts (traffic, emissions, air quality, noise, water use impacts, etc.) that will require further environmental studies. The proposed TOE will allow many events (exact number needs to be confirmed) on every parcel in the County. An environmental review must account for those impacts. Also included in the permit requirements should be neighbor noticing and permit renewal on an annual basis.

Permit time limits, Exercising…Extensions. The proposed amendment to Section C grants an extension of up to six years when three years has been the extremely generous time limit in the past. This amendment is uncalled for. Whatever mitigation measures may have been applied, in order to approve the project, have the potential to have changed in six years; the process should start anew.

Just as importantly, because Placer County grants some applicants the generous gift of not having to pay development fees up front, taxpayers have to "carry" the cost of staff time. If the applicant fails to proceed, except for the extension fees, taxpayers have to absorb the initial permitting fee loss six years down the line. This is unacceptable. Three years of time extensions are enough for any serious, valid, credible applicant to complete the process. This proposed ZTA must be rejected.

Thank you for considering our views,

Marilyn Jasper, Chair
Placer Group Sierra Club, Conservation Committee
Public Interest Coalition