



LAND USE SERVICES DEPARTMENT
PLANNING STAFF REPORT

HEARING DATE: July 2, 2015

AGENDA ITEM NO: 3

Project Description:

Applicant: Land Use Services Department
Community: Countywide
Project No: P201500026
Staff: Christney Barilla

Proposal: Development Code Amendment to correct minor errors and/or add clarification to various sections of the County Development Code. This amendment includes revisions to the following topics: FEMA Floodplain requirements, Residential Use Tables and Definitions.

Hearing Notice Published: June 21, 2015

Report Prepared By: Christney Barilla

BACKGROUND:

The County Land Use Services Department has an on-going program of identifying unnecessary complications within the County Development Code, General Plan, and other documents prepared by the Department, and then formulating clarifications to address those issues. Suggestions for document corrections are submitted by staff and other users, to enhance these documents, making them more readable, functional, and complete.

PROPOSED AMENDMENTS

Staff has identified several sections of the Development Code that could benefit from clarification or correction. The proposed revisions represent staff’s recommendations to correct these issues, and are summarized as follows:

Allowed Land Uses and Development [Subsection 82.01.040 - Table 82-7] - Corrects incorrect Code references relative to Short-Term Private Home Rentals.

Floodplain Safety Review Areas Development Standard [Subsection 82.14.050(g)(1)(B)] – Corrects an incorrect elevation required by FEMA for a manufactured home within Zone A of the FP1 Floodplain Safety Review Area.

Minor Miscellaneous Change in Definitions [Subsection 810.01.080(gg)(41)] -Makes a minor change to grammar relative to public safety and nuisance.

Action taken by the Planning Commission on this item may be appealed to the Board. Yes No
Note: Recommendations to the Board of Supervisors are not appealable.

FINDINGS:

The following findings and evidence to support such findings must be made by the Commission in making its recommendation to the Board to approve the proposed Development Code Amendment:

1. The proposed amendment is consistent with the General Plan and any applicable community plan or specific plan because the Development Code implements the General Plan and these changes either clarify existing language and/or implement policies that were previously not addressed;
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County;
3. The proposed amendment is internally consistent with other applicable provisions of this Development Code; and
4. The proposed Development Code amendment is exempt from the requirements of CEQA pursuant to state CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that the amendments in question would have a significant effect on the environment.

RECOMMENDATION: Staff recommends that the Planning Commission recommend the following actions to the Board of Supervisors:

- A. ADOPT the proposed Development Code Amendment to correct minor errors and/or add clarification as a clean up to various sections of Development Code relative to the FEMA Floodplain requirements, Residential Uses and definitions;
- B. ADOPT the findings as contained in the staff report; and
- C. FILE the Notice of Exemption.

ATTACHMENTS:

Exhibit A: Proposed Development Code Changes (Red-lined Version)

EXHIBIT A

Proposed Development Code Changes (Red-lined Version)

**Table 82-7
Allowed Land Uses and Permit Requirements for Residential Land Use Zoning Districts**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	RL ⁽¹⁾	RS	RM	
AGRICULTURAL, RESOURCE & OPEN SPACE USES				
Accessory crop production	A ⁽²⁾	A ⁽²⁾	A ⁽²⁾	84.01
Agricultural accessory structure - 1,000 sf max.	A	A	A	
Agricultural accessory structure - up to 10,000 sf max. on 5 ac. or less	A	—	—	
Agricultural accessory structure - greater than 10,000 sf. on 5 ac. or less	M/C	—	—	
Agricultural support services	CUP	—	—	
Animal keeping	S	S	S	84.04
Crop production, horticulture, orchard, vineyard, nurseries	A	—	—	
Livestock operations	CUP	—	—	84.04
Natural resources development (mining)	CUP	—	—	88.03
Nature preserve (accessory uses)	M/C	—	—	
Lake	M/C	CUP	—	
Pond	A	A	M/C	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING				
Composting operations	CUP	—	—	
Recycling facilities – reverse vending machine, accessory	S	—	—	84.19
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES				
Agritourism enterprises	S	—	—	84.03
Campgrounds ⁽³⁾	CUP	—	—	
Commercial entertainment - Indoor ⁽³⁾	CUP	—	—	
Conference/convention facility ⁽³⁾	CUP	—	—	
Equestrian facility ⁽³⁾	M/C	S ⁽⁴⁾	—	
Golf course ⁽³⁾	CUP	—	—	
Library, museum, art gallery, outdoor exhibit ⁽³⁾	M/C	M/C	M/C	
Meeting facility, public or private ⁽³⁾	CUP	CUP	CUP	
Park, playground ⁽³⁾	P	P	P	
Places of worship	CUP	CUP	CUP	
Rural sports and recreation ⁽³⁾	M/C	—	—	
School – College or university	CUP	CUP	—	
School – Private	CUP	CUP	—	
School – Specialized education/training	CUP	—	—	
Sports or entertainment assembly ⁽³⁾	CUP	—	—	
RESIDENTIAL⁽¹¹⁾				
Accessory structures and uses	A	A	A	84.01
Caretaker housing	M/C ⁽⁵⁾	M/C	M/C	84.01
Dependent housing	SUP	SUP	SUP	84.08
Group residential (sorority, fraternity, boarding house, private residential club, etc.)	—	—	M/C	
Guest housing	A	A	A	84.01
Mobile home park/manufactured home land-lease community	CUP	CUP	CUP	84.14
Multiple dwelling, 2 to 3 units, attached or detached	—	—	A	84.16
Multiple dwelling, 4 to 19 units, attached or detached	—	—	A	84.16
Multiple dwelling, 20 to 49 units, attached or detached	—	—	MUP	84.16
Multiple dwelling, 50 or more units, attached or detached	—	—	CUP	84.16
Parolee and/or probationer home	—	—	CUP	
Secondary dwelling	A ⁽⁶⁾	A ⁽⁶⁾	—	84.01

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	RL ⁽¹⁾	RS	RM	
Single dwelling	A	A	PD ⁽⁷⁾	
RETAIL				
Produce stand	A ⁽⁸⁾	A ⁽⁸⁾	A ⁽⁸⁾	
SERVICES - GENERAL				
Cemetery, including pet cemeteries	CUP	CUP	—	84.06
Child care - Small family day care home	A	A	A	
Child care - Large family day care home	MUP	MUP	MUP	
Child care - Day care center	M/C	M/C	M/C	
Commercial Kennels and Catteries - min lot 2.5 acres (over 15 animals)	M/C/S	—	—	84.04
Emergency shelter	—	—	CUP	84.33
Home occupation	SUP	SUP	SUP	84.12
Licensed Residential Care Facility of 6 or fewer persons	A	A	A	84.23
Licensed Residential Care Facility of 7 or more persons	—	—	CUP	84.23
Lodging - Bed and breakfast inn (B&B)	SUP ⁽⁹⁾	SUP ⁽⁹⁾	SUP ⁽⁹⁾	84.05
Public safety facility	M/C	M/C	M/C	
Short-Term Private Home Rental	SUP	SUP	SUP	85.28 84.28
Unlicensed Residential Care Facility with 6 or fewer persons	RCP	RCP	RCP	84.32
Unlicensed Residential Care Facility with 7 or more persons	—	—	CUP	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE				
Broadcasting antennae and towers	M/C	—	—	
Electrical power generation	CUP	—	—	
Pipelines, transmission lines, and control stations ⁽¹⁰⁾	⁽¹⁰⁾	⁽¹⁰⁾	⁽¹⁰⁾	
Renewable Energy Generation Facilities	CUP	—	—	84.29
Sewage treatment and disposal facility	CUP	CUP	CUP	
Solid waste disposal	CUP	CUP	CUP	
Telecommunications facility	S	S	S	84.27
Transportation facility	M/C	M/C	M/C	
Utility facility	CUP	CUP	CUP	
Wind energy accessory	S	S	S	84.26
Wireless telecommunications facility	S	S	S	84.27
OTHER (continued)				
Accessory structures and uses	A	A	A	84.01
Temporary special events	TSP	TSP	TSP	84.25
Temporary structures and uses	TUP	TUP	TUP	84.25

KEY

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
		RCP	Unlicensed Residential Care Facilities Permit (Chapter 85.20)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

Notes:

- (1) For projects within the Oak Glen Community Plan Area, all non-agritourism uses shall comply with the agritourism hours of operation standard [Subsection 84.03.030(b)(3)] and the agritourism noise/amplified sound regulations [Subsection 84.03.030(b)(5)].
- (2) Use allowed as an accessory use only with standards, on the same site as a residential use allowed by this table.
- (3) For projects within the Oak Glen Community Plan Area, these uses shall comply with the agritourism development standards provided in Table 84-1 in Section 84.03.030. The permit requirements presented this table shall prevail over any permit requirement listed in Table 84-1.
- (4) A boarding facility only with a Home Occupation Permit.
- (5) For parcels that are 10 acres or greater, a Site Plan Permit is all that is needed.

- (6) Use allowed as an accessory use only, on the same site as a residential use allowed by this table provided that the parcel is twice the minimum lot size required by the land use zoning district.
- (7) Single dwellings will only be allowed within an RM Land Use Zoning District when it is part of a Planned Residential Development that has been designed to meet the goals and densities of the RM zone.
- (8) In the Phelan/Pinon Hills Community Plan area on lots greater than 10,000 sq. ft. with a maximum 200 sq ft structure for storage and sales and a maximum 6 sq ft advertising sign; in RS and RM, can only operate for 72 hours per month.
- (9) A CUP shall be required for three or more rooms.
- (10) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Chapter 85.02.
- (11) Supportive housing or transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4057 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4085 (2009); Amended Ordinance 4098 (2010); Amended Ordinance 4162 (2012); Amended Ordinance 4230 (2014); Amended Ordinance 4251 (2014); **Amended Ordinance XXXX (2015)**

CHAPTER 82.14 FLOODPLAIN SAFETY (FP) OVERLAY

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82.14.050 Development Standards for Projects within FP1 and FP2 Floodplain Safety Review Areas

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- (g) **Manufactured homes.** All new and replacement manufactured homes and additions to manufactured homes shall comply with all applicable provisions this Section in addition to the following:
- (1) Elevations.
 - (A) Within Zones A1-30, AO, AH, and AE of the FP1 Floodplain Safety Review Area, all manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot or more above the base flood elevation; or
 - (B) Within Zone A of the FP1 Floodplain Safety Review Area, all manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to ~~two~~ three feet or more above the highest adjacent grade; or
 - (C) Within the FP2 Floodplain Safety Review Area, all manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot or more above the highest adjacent grade.
 - (2) All manufactured homes shall be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement. Methods of anchoring shall include, but not be limited to, the use of over-the-top or frame ties to ground anchors.
 - (3) Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the Floodplain Administrator.
- (h) **Floodway standards.** FEMA-designated floodways are extremely hazardous areas due to the velocity of flood waters that carry debris, potential projectiles, and erosion potential, therefore, the following provisions apply:

810.01.080 Definitions, "F."

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(gg) Flood Hazard. A substantial possibility of damage to life or property by overflow water, ponded water, or other water on the surface of the land, or by debris, or silt carried in the water. The following flood related terms are defined as follows:

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(41) Public safety and nuisance. That the granting of ~~ana~~ exception must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.