

For over 30 years developers, real estate brokers, agriculturalists and politicians have wrangled over El Dorado County's General Plan. In 1999, the court invalidated the 1996 General Plan. After 5 years, based on the promise to control growth, preserve rural and agricultural lands, fix transportation problems, protect jobs, encourage healthy economic growth, and to require developers - not taxpayers - to pay for needed road improvements, the public voted to pass the 2004 General Plan. The 2004 General Plan was then sued based on lack of an adequate Oak Woodland management plan. That issue was settled out of court in 2006 with the promise of future mitigation. The mitigation was written by special interests and again sued due to lack of a realistic connection between the loss of oak woodlands and adequate replacement. In 2012 the mitigation measures were invalidated by the courts.

The wrangling continues. The Board of Supervisors and Planning Commission have continued to ignore, change, re-interpret or "amend" the parts of the General Plan that were promised to the public as protections. Agricultural Buffers for Agricultural Parcels in Community Regions have been removed. The county is presently in the process of amendments that will increase densities within land use designations, remove the 30% open space rule in dense developments, remove grading restrictions for slopes over 30%, and eliminate many other protections that will forever change the rural nature of El Dorado County.

Many of the changes being processed are to conform to Federal and State incentives to promote mass transit, bicycle and pedestrian transportation and to force high density residential and commercial development along major corridors without taking into account the differences in the established land use patterns or character of each of our different communities.

In order to implement this type of forced growth pattern, land overlays were created such as Community Region Lines (Urban boundary lines in which to hold the most intense densities), Rural Centers (Urban boundary lines in which to hold intense densities to serve the Rural Regions) and Rural Regions in which Agriculture and other rural uses would be allowed.

This forced growth pattern has faced much resistance over the last 7 years from residents, and yet the Board of Supervisors continue to spend millions on consultants and county staff to implement this land use pattern that is incompatible with the existing rural nature of El Dorado County.

The 2004 El Dorado County General Plan is hereby amended or policies listed shall be implemented, prior to any future discretionary project being allowed, approved or adopted, as follows and shall remain in effect indefinitely unless amended by voter approval: (deletions are shown as ~~strikeouts~~, additions are shown as underlined)

Discretionary Project means that the project is not allowed by right and would either need the Planning Commission or Board of Supervisors to pass legislation in order to allow the project.

This petition does nothing to remove a property owner's right to request a rezone or change.

1. Where a Land use designation is inconsistent with current zoning, the Land use designation shall be amended to match existing zoning.
2. Future decisions for land use changes shall be based on the land use compatibility matrix attached.

Right now developers are saying that the El Dorado County General Plan is not compliant because on some parcels the zoning is different than the General Plan land use designations which they say trump zoning. The County is spending millions to change all zoning in the county to match the land designations which may end up not being compatible with surrounding neighbors. So instead the proposed policy will

require the County to change the land use designation to match the existing zoning. This would stop the wasteful spending and when changes are made, the county must use the new compatibility chart to make sure that the zone change would not create a conflict with the neighbor.

3. The General Plan Policy Interpretations for Policies 8.1.3.2 and 8.4.1.2 (resolution No. 079-2007) and criteria for 8.1.3.1 shall be deleted. Policies 8.1.3.1 and 8.4.1.2 shall be restored to the original language in the 2004 General Plan and Policy 8.1.3.2 shall be amended as follows:

Agriculturally incompatible uses adjacent to agricultural zoned lands shall provide a minimum setback of 200 feet from the boundary of agriculturally zoned lands.

~~Agriculturally incompatible uses adjacent to agriculturally zoned land outside of designated Agricultural Districts shall provide a minimum setback of 200 feet on parcels 10 acres or larger.~~

The implementing ordinance shall contain provisions for Administrative relief, which shall only be given through the Agricultural Commission, to these setbacks, where appropriate, and may impose larger setbacks where needed to protect agricultural resources.

Incompatible uses and fees for administrative relief shall be defined in the zoning ordinance.

In the past, in order to protect our Agricultural uses from urban intrusion, buffers and setbacks were established that have been successful in protecting Agricultural Communities such as Apple Hill. In 2007, in order to allow more intense development in Community Regions, the Board of Supervisors decided that rather than amending the General Plan policies regarding Agricultural Buffers they would just reinterpret them. In the original language if two large Agricultural zoned parcels are adjacent to each other and one changes its use to a more intense use, that parcel must retain a 10 acre buffer next to the existing Ag use. The reinterpretation exempted that requirement under certain conditions and gave the Director of Planning Services the power to exempt the buffer or setbacks. In the past the Planning and/or the Board of Supervisors have allowed applicants to reduce these buffers or setbacks on residential parcels which has caused constant conflict between existing farms and new residents. In order to protect our remaining farm operations it is important to restore the language in these policies and put the variance issues back in the hands of the Agricultural Commission. (The Agricultural Commission is appointed by industry rather than by the Board of Supervisors.)

4. The Mixed Use Policies 2.1.1.3, 2.1.2.5, 2.2.1.2 and Table 2-2 of Policy 2.2.1.3 shall be restored to the original language in the 2004 El Dorado County General Plan.

In 2009, the Board of Supervisors increased the density of mixed use on Commercial properties to go from 10 residential units per acre to 16. The County is now working to increase those densities to 20 residential units per acre to qualify for State incentives. Also the language was changed, no longer requiring commercial to remain the primary use of the property, along with allowing zero lot line setback and reduction in open space. Restoring the language protects existing commercial uses and retains the density originally intended for Mixed Use in the 2004 General Plan.

5. Cultural and Historical Resource Policies 2.4.1.2 (A) and (E), 7.5.1.1, 7.5.1.4, 7.5.1.5, 7.5.2.1, 7.5.2.2 (A), and 7.5.2.6 (as modified) shall be implemented prior to any new discretionary projects or demolition of buildings over 100 years old shall be allowed. Policy 7.5.2.6 shall be modified as follows: The County, in cooperation with the State, shall identify the viewshed of Coloma State Park and establish guidelines to be used for development within the viewshed. ~~In addition, the County shall continue to support the relocation of State Route 49 to bypass the Park in order to protect its visual and physical integrity.~~

In the 2004 General Plan there is the requirement to establish a Cultural Resources Ordinance, a register of Historic Places, and Historic Design Standards in order to protect our few remaining Cultural and Historic Resources. The county has yet to do this. Implementing these policies prior to future land use changes will help to retain and enhance these resources. Highway 49 is also called the Golden Chain, linking California's Historic Mining Towns. It makes no sense to take Coloma, where gold was discovered, out of the Heart of the Golden Chain.

6. In order to ensure an ongoing balance between water supply and demand in El Dorado County the following water policies shall be implemented prior to any new discretionary projects shall be allowed: 5.2.1.1, 5.2.1.14 (as modified), 5.2.3.3 and 5.2.3.6.

The following water supply policies shall be modified as follows:

Policy 5.2.1.3 - All medium-density residential, high-density residential, multifamily residential, commercial, industrial and research and development projects shall be required to connect to public water systems when located within Community Regions and ~~to either a public water system or to an approved private water systems in Rural Centers.~~

Policy 5.2.1.4 - Rezoning, discretionary development and subdivision approvals in Community Regions ~~or other areas~~ dependent on public water supply shall be subject to the availability of a permanent and reliable water supply necessary for all uses including fire prevention.

Policy 5.2.1.14 - The County, in cooperation with the Water Agency and water purveyors, shall collect and make available information on water supply and demand, which includes recognizing the water needs of existing unimproved parcels.

And the following water supply policies shall be deleted, 5.2.1.6 and 5.2.1.7.

In the 2004 General Plan there is a requirement to establish a County-wide water resources development and management program to include the activities necessary to ensure adequate future water supplies consistent with the General Plan. This has yet to be done. In giving will service notices for future development, El Dorado Irrigation District does not consider existing by right developable parcels. Implementing these policies prior to future land use changes will help to retain and enhance El Dorado County's water resources.

7. Policy 2.6.1.1, to establish scenic corridor and vista point regulations based on local community participation, shall be implemented prior to any future discretionary projects being allowed in the scenic vistas or resource points listed in Table 5.3-1 and Exhibit 5.3-1 of the El Dorado County General Plan Draft Environmental Impact Report.

In the 2004 General Plan there is a requirement to identify scenic and historical roads and corridors. This has yet to be done. In 2003 a survey was done that identified approximately 20 scenic views or resources within the county. Due to lack of action by the Board of Supervisors the County allowed a large billboard to be placed in scenic resource #1b, blocking the significant view of the County's Crystal Range. Implementing these policies prior to future land use changes will help to retain and enhance El Dorado County's Scenic views and improve the economic possibilities for the county.

Background information:

Agricultural Policies:

Policy 8.1.3.1 Agriculturally zoned lands including Williamson Act Contract properties shall be buffered from increases in density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands. Those parcels used to buffer agriculturally zoned lands shall have the same width to length ratio of other parcels.

Policy 8.4.1.2 A permanent setback of at least 200 feet shall be provided on parcels located adjacent to lands identified as timber production lands designated Natural Resource and/or lands zoned Timberland Production Zone (TPZ). These setback areas shall be included in the zoning ordinance and shall be delineated on newly recorded parcel or subdivision maps. The Agricultural Commission may recommend a lesser setback to a minimum of 100 feet.

Projects located within a Community Region or Rural Center planning concept area shall maintain a minimum setback of 50 feet. The 50-foot setback shall only apply to incompatible uses including residential structures.

All setbacks are measured from the property line.

Mixed Use Policies:

Original to be restored:

Policy 2.1.1.3 Mixed use developments which combine commercial, research and development, and residential uses on a single parcel are permissible and encouraged within Community Regions provided the commercial use is the primary and dominant use of the land. Within Community Regions, the mixed uses may occur vertically. In mixed use projects, the maximum residential density shall be 10 dwelling units per acre within Community Regions.

Revised by prior Board of Supervisors action:

Policy 2.1.1.3 Mixed use developments which combine commercial and residential uses in a single project are permissible and encouraged within Community Regions. Within Community Regions, the mixed-uses may occur vertically and/or horizontally. In mixed use projects, the maximum residential density shall be 16 dwelling units per acre within Community Regions. The residential component of a mixed use project may include a full range of single and/or multi-family design concepts.

Original to be restored:

Policy 2.1.2.5 Mixed use developments which combine commercial and residential uses in a single project are permissible and encouraged within Rural Centers provided the commercial use is the primary and dominant use of the land. Within Rural Centers, the mixed uses may occur either vertically and/or horizontally. The maximum residential density shall be four dwelling units per acre in Rural Centers in mixed use areas.

Revised by prior Board of Supervisors action:

Policy 2.1.2.5 Mixed use developments which combine commercial and residential uses in a single project are permissible and encouraged within Rural Centers. Within Rural Centers, the mixed uses may occur either vertically and/or horizontally. The maximum residential density shall be four dwelling units per acre in Rural Centers in mixed use areas. The residential component of a mixed use project may include a full range of single and/or multi family design concepts.

Original to be restored:

Policy 2.2.1.2 Commercial (C): The purpose of this land use category is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. Mixed use development of commercial lands within Community Regions and Rural Centers, which combine commercial and residential uses, shall be permitted provided the commercial activity is the primary and dominant use of the parcel. The residential component of the project shall only be implemented following or concurrent with the commercial component. Except for Community Care Facilities described in Objective 4.1.2, developments in which residential usage is the sole or primary use shall be prohibited on commercially designated lands. Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate areas of the County. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers.

Revised by prior Board of Supervisors action:

Policy 2.2.1.2 Commercial (C): The purpose of this land use category is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. Mixed use development of commercial lands within Community Regions and Rural Centers which combine commercial and residential uses shall be permitted. The residential component of the project shall only be implemented following or concurrent with the commercial component. Commercially designated parcels shall not be developed with a residential use as the sole use of the parcel unless the residential use is either (1) a community care facility as described in goal HO-4 or (2) part of an approved mixed use development as allowed by Policy 2.1.1.3 and 2.1.2.5. Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate areas of the County. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers.

Original to be restored:

Policy 2.2.1.3 The General Plan shall provide for the following range of population densities in the respective land use designation based upon the permitted range of dwelling units per acre and number of persons per acre as shown in Table 2-2 below.

TABLE 2-2 LAND USE DENSITIES AND RESIDENTIAL POPULATION RANGES			
Land Use Designation	Units Per Acre	Persons Per Housing Unit ₁	Persons Per Acre
Multifamily Residential	5 - 24	2.3	11.5 - 55.2

High-Density Residential	1 – 5	2.8	2.8 - 19.6
Medium-Density Residential	1 – 0.2	2.8	2.8
Low-Density Residential	0.20 - 0.1	2.8	0.56 - 0.28
Rural Residential	0.1 – 0.025	2.8	0.28 - 0.07
Agricultural Lands	0.05	2.8	0.14
Natural Resource	0.025 – 0.00625	2.8	0.07 - 0.0175
Commercial	10/4 ₂	2.8	28/ 11.2
Research & Development	10/4 ₂	2.8	28/ 11.2
Industrial	–	–	–
Open Space	–	–	–
Public Facilities	–	–	–
Tourist Recreational	–	–	–
Notes:			
1 1990 U.S. Census			
2 Maximum of 10 units per acre in Community Regions; maximum of 4 units per acre in Rural Centers			

Revised by prior Board of Supervisors action:

Policy 2.2.1.3 The General Plan shall provide for the following range of population densities in the respective land use designation based upon the permitted range of dwelling units per acre and number of persons per acre as shown in Table 2-2 below.

TABLE 2-2 LAND USE DENSITIES AND RESIDENTIAL POPULATION RANGES			
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High-Density Residential	1 – 5	2.8	2.8 - 19.6
Medium-Density Residential	1 – 0.2	2.8	2.8
Low-Density Residential	0.20 - 0.1 ₃	2.8	0.56 - 0.28
Rural Residential	0.1 – 0.025	2.8	0.28 - 0.07
Agricultural Lands	0.05	2.8	0.14
Natural Resource	0.025 – 0.00625	2.8	0.07 - 0.0175
Commercial	16/4 ₂	2.3/2.8	36.8-44.8/ 9.2-11.2
Research & Development	–	–	–
Industrial	–	–	–
Open Space	–	–	–
Public Facilities	–	–	–
Tourist Recreational	–	–	–
Notes:			
1 1990 U.S. Census			
2 Maximum of 16 units per acre in Community Regions; maximum of 4 units per acre in Rural Centers			
3 Policy 5.2.3.5 requires an average of 5-acre minimum parcels if ground water dependent. Parcel may be subdivided to create one new parcel not less than 4.5 acres in size under this policy as allowed by Title 16.44.120(L) and implemented by Title 17.14.120.			

Cultural and Historical Resources:

Policy 2.4.1.2 The County shall develop community design guidelines in concert with members of each community which will detail specific qualities and features unique to the community as Planning staff and funds are available. Each plan shall contain design guidelines to be used in project site review of all discretionary project permits. Such plans may be developed for Rural Centers to the extent possible. The guidelines shall include, but not be limited to, the following criteria:

A. Historic preservation

E. Compatible architectural design

Policy 7.5.1.1 The County shall establish a Cultural Resources Ordinance. This ordinance shall provide a broad regulatory framework for the mitigation of impacts on cultural resources (including historic, prehistoric and paleontological resources) by discretionary projects. This Ordinance should include (but not be limited to) and provide for the following:

A. Appropriate (as per guidance from the Native American Heritage Commission) Native American monitors to be notified regarding projects involving significant ground-disturbing activities that could affect significant resources.

B. A 100-foot development setback in sensitive areas as a study threshold when deemed appropriate.

C. Identification of appropriate buffers, given the nature of the resources within which ground-disturbing activities should be limited.

D. A definition of cultural resources that are significant to the County. This definition shall conform to (but not necessarily be limited to) the significance criteria used for the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR) and Society of Vertebrate Paleontology.

E. Formulation of project review guidelines for all development projects.

F. Development of a cultural resources sensitivity map of the County.

Policy 7.5.1.4 Promote the registration of historic districts, sites, buildings, structures, and objects in the National Register of Historic Places and inclusion in the California State Office of Historic Preservation's California Points of Historic Interest and California Inventory of Historic Resources.

Policy 7.5.1.5 A Cultural Resources Preservation Commission shall be formed to aid in the protection and preservation of the County's important cultural resources. The Commission's duties shall include, but are not limited to:

A. Assisting in the formulation of policies for the identification, treatment, and protection of cultural resources (including historic cemeteries) and the curation of any artifacts collected during field collection/excavation;

B. Assisting in preparation of a cultural resources inventory (to include prehistoric sites and historic sites and structures of local importance);

C. Reviewing all projects with identified cultural resources and making recommendations on appropriate

forms of protection and mitigation; and

D. Reviewing sites for possible inclusion in the National Register of Historic Places, California Register, and other State and local lists of cultural properties.

The County shall request to become a Certified Local Government (CLG) through the State Office of Historic Preservation. Certification would qualify the County for grants to aid in historic preservation projects. The Cultural Resources Preservation Commission could serve as the Commission required for the CLG program.

Policy 7.5.2.1 Create Historic Design Control Districts for areas, places, sites, structures, or uses which have special historic significance.

Policy 7.5.2.2 The County shall define Historic Design Control Districts (HDCCDs). HDCCD inclusions and boundaries shall be determined in a manner consistent with National Historic Preservation Act (NHPA) Historic District standards.

A. The County shall develop design guidelines for each HDCCD. These guidelines shall be compatible with NHPA standards.

Water Resources:

Policy 5.2.1.1 The El Dorado County Water Agency shall support a County-wide water resources development and management program which is coordinated with water purveyors and is consistent with the demands generated by the General Plan land use map.

Policy 5.2.3.3 The County shall develop and maintain a map and database of private well water production and other appropriate information.

Policy 5.2.3.5 The average residential density shall not be greater than one dwelling unit per five acres in proposed groundwater dependent developments except in areas known to have groundwater supply limitations. In those areas, a minimum parcel size of ten acres or larger may be required if it is demonstrated such larger parcels are necessary to limit the impact on groundwater supply in the area.

Policy 5.2.1.6 Priority shall be given to discretionary developments that are infill or where there is an efficient expansion of the water supply delivery system.

Policy 5.2.1.7 In times of declared water shortages, the Board of Supervisors shall give priority within the affected water district to approving affordable housing and non-residential development projects.

Scenic Resources:

Policy 2.6.1.1 A Scenic Corridor Ordinance shall be prepared and adopted for the purpose of establishing standards for the protection of identified scenic local roads and State highways. The ordinance shall incorporate standards that address at a minimum the following:

A. Mapped inventory of sensitive views and viewsheds within the entire County;

B. Criteria for designation of scenic corridors;

- C. State Scenic Highway criteria;
- D. Limitations on incompatible land uses;
- E. Design guidelines for project site review, with the exception of single family residential and agricultural uses;
- F. Identification of foreground and background;
- G. Long distance viewsheds within the built environment;
- H. Placement of public utility distribution and transmission facilities and wireless communication structures;
- I. A program for visual resource management for various landscape types, including guidelines for and restrictions on ridgeline development;
- J. Residential setbacks established at the 60 CNEL noise contour line along State highways, the local County scenic roads, and along the roads within the Gold Rush Parkway and Action Program;
- K. Restrict sound walls within the foreground area of a scenic corridor; and
- L. Grading and earthmoving standards for the foreground area.

