



# County of El Dorado

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Placerville, California  
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## Minute Order

### Board of Supervisors

*John R. Knight, Chair, District I*  
*Ron Briggs, First Vice Chair, District IV*  
*Norma Santiago, Second Vice Chair, District V*  
*Ray Nutting, District II*  
*James R. Sweeney, District III*

*James S. Mitrisin, Clerk of the Board of Supervisors*  
*Terri Daly, Chief Administrative Officer*    *Edward Knapp, County Counsel*

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Tuesday, December 4, 2012

8:00 AM

Board of Supervisors Meeting Room

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40.    12-0267    Chief Administrative Office providing the Board with an update on the Land Use Policy Programmatic Update.  
(Con't. 10/30/12, Item 34) (Est. Time: 15 Min.)

**FUNDING:** General Fund.

**Public Comment:**

K. Russell  
S. Taylor  
K. Newall

A motion was made by Supervisor Briggs, seconded by Supervisor Santiago directing staff to return to the Board on February 5, 2013 with supporting documentation provided to the Board of Supervisors no later than January 22, 2013.

Yes: 5 - Knight, Nutting, Sweeney, Briggs and Santiago

Item 12-0837 was created as part of  
Item 12-0267 and scheduled to  
go to the Board on 2/5/13.



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## Master Report

**File Number: 12-0267**

<b>*File ID:</b> 12-0267	<b>Agenda Type:</b> Agenda Item	<b>Status:</b> Time Allocation
<b>Version:</b> 11	<b>Reference:</b>	<b>Gov Body:</b> Board of Supervisors
<b>Department:</b> Chief Administrative Office		<b>Created:</b>
<b>Agenda Title:</b> 12/4/12 Land Use Policy Programmatic Update		<b>Final Action:</b>
<p><b>Title:</b> Chief Administrative Office providing the Board with an update on the Land Use Policy Programmatic Update. (Refer 10/30/12, Item 34) (Est. Time: 15 Min.)</p> <p><b>FUNDING:</b> General Fund.</p>		

**Notes:** 10:00 AM Time Allocation

**Agenda Date:** 12/04/2012

**Agenda Number:**

**Enactment Date:**

**Time Required:**

**Sponsors:**

**Attachments:** 10A - LUPPU Update from K. Kerr 10-30-12.pdf, 6A-Project Check List.v3.0.pdf, 6B - LUPPU PowerPoint-BOS 6-26-2012.pdf, 6C - Frequently Asked Questions.pdf, 5A - Errata Sheet #2.pdf, 5B - Draft Notice of Preparation.pdf, 5C - Draft TGPA\_ZOU\_ Initial Study\_050812.pdf, 5D - Proposed Calendar for Board Zoning Ordinance Workshops.pdf, 5E - PowerPoint-BOS Mtg May 15 2012.pdf, 5F - ERRATA SHEET #2- Revised.pdf, 5G-Public Comment 12-0267.pdf, 5H-Public Comment 12-0267.pdf, 5I-Public Comment 12-0267.pdf, 5J - Supervisor J. Sweeney comments.pdf, 5K-12-0267.5K.L. Parlin.pdf, 5L - Ltr. from C. Campbell 5-14-12.pdf, 5M - email from B. Hablitzel 5-14-12.pdf, 5N - Ltr. from T. McCann 5-15-12.pdf, 4A - Follow Up Documents to 4-16-12 Workshop.pdf, 4B - Project Check List.pdf, 4C - Proposed TGPA-Revised.pdf, 4D - Errata Sheet - ZOU PRD - Post March 2012 Revisions.pdf, 4E - Zoning Ordinance Update PRD 5-1-12.pdf, 4F - Proposed ZOU Mapping Criteria.pdf, 4G-Letter from J. Hidahl attached 5-1-12.pdf, 4H-Doc from J. Hidahl attached 5-1-12.pdf, 4I -Email from K. Kerr 4-30-12.pdf, 3A - Attachment A Proposed TGPA-Track Changes March 1 2012.pdf, 3B - Attachment B\_Map Clean Up\_LUD Amendments List\_for ZO.pdf, 3C - Attachment C Zoning Ord

2012 NOV 27 PM 2:30  
BOARD OF SUPERVISORS  
EL DORADO COUNTY

PRD.pdf, 3D - Attachment D Zoning Map General  
Criteria.pdf, 3E - LUPPU PowerPoint-April16  
BOS.pdf, 3F - EDAC-RR\_ZO\_Issues4-11-12 a.pdf,  
2A\_LUPPU\_Project Check List.pdf, 2B - BOS  
Workshop Land Use Assumptions.pdf, A - Staff  
Report, B - TGPA ROI 182-2011, C - Zoning ROI  
183-2011, D - TPZ ROI 184-2011, E - Draft Table 2-4  
v.6, F - Draft Table 2-4 v.6 wTrackChange, G -  
Mapping Rule Sets to Table 2-4 v6, H - Power Point -  
2-27-12 BOS Workshop (3).pdf, I - Brent-Bumb  
12-0267.pdf, J - Public Comment 12-0267.pdf,  
Minute Order 02/27/12, A - Blue Route & MOU.pdf

**Same:**

**Contact:** Kim Kerr

**Hearing Date:**

**Next Meeting Date:**

### Approval History

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Version	Date	Approver	Action
1	02/23/2012	Kimberly Kerr	Approved
1	02/23/2012	Theresa R Daly	Approved
10	10/22/2012	Kimberly Kerr	Approved
10	10/23/2012	Theresa R Daly	Approved
11	11/27/2012	Kimberly Kerr	Approved
11	11/27/2012	Theresa R Daly	Approved
2	03/21/2012	Kimberly Kerr	Approved
2	03/21/2012	Agenda Coordinator	Approved
<b>Notes</b>	Approved to route...jm		
2	03/21/2012	Theresa R Daly	Approved
3	04/12/2012	Agenda Coordinator	Approved
<b>Notes</b>	Approved to route...jm		
3	04/12/2012	Theresa R Daly	Approved
4	04/25/2012	Kimberly Kerr	Approved
4	04/26/2012	Theresa R Daly	Approved
5	05/09/2012	Agenda Coordinator	Approved
<b>Notes</b>	Approved to route...jm		
5	05/09/2012	Theresa R Daly	Approved
6	06/20/2012	Kimberly Kerr	Approved
6	06/20/2012	Theresa R Daly	Approved
7	07/18/2012	Kimberly Kerr	Approved
7	07/18/2012	Theresa R Daly	Approved
8	08/14/2012	Kimberly Kerr	Approved
8	08/15/2012	Theresa R Daly	Approved
9	09/18/2012	Kimberly Kerr	Approved
9	09/18/2012	Theresa R Daly	Approved

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Board of Supervisors	02/27/2012	Approved				Pass
	<p><b>Action Text:</b> A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago, as follows:                      Chief Administrative Office recommending the following be analyzed under the Project Environmental Impact Report (EIR) to provide an adequate level review for a range of options for future Board decisions:                      1) The inclusion of the Agriculture District Boundary Expansion within the Project EIR;                      2) Review and update the Housing Element as needed to reflect recent finding in the General Plan 5-year review, changes in state law and changes in development patterns. This is not intended to be a comprehensive update to the Element;                      3) Accept as one option for the base analysis the draft zoning map based on the zoning map criteria reviewed in October 2010, and subsequently modified to address elimination of the AE/AP zones and further refinements by the Agriculture Department and the Economic Development Advisory Committee (EDAC), including the "Opt-In" process. This option provides a predominately status quo revision to the zoning map that minimizes changes and the level of analysis required;                      4) Additional options between the base analysis and full consistency would be required to fully analyze identified options adopted in the Resolutions of Intention (ROI) 183-2011 (Comprehensive Zoning Ordinance Update) and 184-2011 (Timber Production Zone (TZP) Ordinance);                      5) As one of the alternatives required by CEQA, a full consistency alternative should be developed to analyze the impacts of bringing all parcels into consistency with the land use designation, as identified in the adopted 2004 General Plan Table 2-4; and                      6) No portion of the project scope, with the exception of preliminary data, shall go out to consultants until the Board of Supervisors has approved the alternatives.</p>						
2	Board of Supervisors	03/27/2012	Received and Filed				
	<p><b>Action Text:</b> Received and Filed.</p>						
3	Board of Supervisors	04/16/2012	Continued				Pass
	<p><b>Action Text:</b> A motion was made by Supervisor Briggs, seconded by Supervisor Knight, to continue this matter to Tuesday, May 1, 2012 at 2:00 p.m.</p>						
4	Board of Supervisors	05/01/2012	Approved				Pass
	<p><b>Action Text:</b> A motion was made by Supervisor Sweeney, seconded by Supervisor Briggs as follows:                      Direct staff to return on May 15, 2012 with a proposal for:                      1) A Targeted General Plan Amendment based on Attachment 4C;                      2) A modified land use map per Attachment 3B;                      3) A public review draft of the Zoning Ordinance based on Attachment 4E; and                      4) Approve the Draft Zoning Ordinance mapping criteria per Attachment 4F.                      All to be in the form of a project description for the purpose of a notice of preparation and to be posted on the County website.                      In addition, approve Item No. 5, directing staff to contract with a consultant.                      Direct staff to bring back on May 15, 2012 a schedule for the processing of a Notice of Preparation (NOP) and for an opportunity of a one week period for the joint discussion of this Board and the Planning Commission of the Draft Zoning Ordinance.</p>						
5	Board of Supervisors	05/15/2012	Approved				Pass
	<p><b>Action Text:</b> A motion was made by Supervisor Sweeney, and seconded by Supervisor Briggs to adopt staff recommendations with a change to Item No. 3, changing June 18, 2012 to May 28, 2012.</p>						
6	Board of Supervisors	06/26/2012	Received and Filed				
	<p><b>Action Text:</b> Received and Filed.</p>						
7	Board of Supervisors	07/24/2012	Received and Filed				
	<p><b>Action Text:</b> No formal action taken, however, staff advised that this matter would come back to the Board on Monday, August 20, 2012.</p>						
8	Board of Supervisors	08/20/2012	No Formal Action Required				
	<p><b>Action Text:</b> No Formal Action Required.</p>						
9	Board of Supervisors	09/25/2012	Received and Filed				

**Action Text:** Received and Filed.

10 Board of Supervisors 10/30/2012 No Formal Action  
Required

**Action Text:** No formal action taken; however, staff advised that they will provide an update on this matter on Tuesday, December 4, 2012.

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**Text of Legislative File 12-0267**

Chief Administrative Office providing the Board with an update on the Land Use Policy Programmatic Update.

(Refer 10/30/12, Item 34) (Est. Time: 15 Min.)

**FUNDING:** General Fund.

**Targeted General Plan and Zoning Ordinance Update**

A verbal progress report and a discussion of next steps on the project will be provided at the Board meeting on December 4, 2012.

**Contact:**

Kim Kerr, Assistant Chief Administrative Officer

Faint, illegible text, possibly bleed-through from the reverse side of the page.

## LUPPU Update 12/04/12

1. Targeted General Plan Amendment & Zoning Ordinance
  - o Environmental Review is underway. Staff anticipates the draft EIR to be completed early next year.
2. Travel Demand Model - Staff is working with BAE Urban Economics to complete the draft land use forecast. BAE, along with staff input, is finalizing the methodologies for employment and housing (overall numbers and distribution) using Department of Finance, El Dorado County historical development trends, 2010 Census, SACOG Forecasts, and the Achievable Development methodology discussed by Kimley Horn & Associates at the Tuesday, May 1, 2012 Board of Supervisors' hearing. A presentation for the Travel Demand Model will be delivered in January 2013.
3. Housing Element (separate agenda item 12-0078)
4. Standard Plans (separate agenda item 12-1443)
5. Legal Nonconforming Workshop - The Board provided substantial feedback to staff prior to the 1st Notice of Preparation released on May 25, 2012 and then again during the Zoning Ordinance workshop.

These comments were incorporated into the comprehensive rewrite of the legal nonconforming section prior to the entire draft Zoning Ordinance being re-released on October 1st for public review and comment.

The Board requested a workshop to further discuss this issue and if necessary refine the draft language. This was scheduled for today. However:

- o Staff is requesting this workshop be held in early 2013.
- o This is being requested to allow for additional time to "stress test" the current draft ordinance, allowing for a more focused discussion by the Board.
- o Staff is in the process of selecting appropriate scenarios and actual cases that could be analyzed under this section of the draft ordinance.
- o Should the Board or public wish to provide staff with additional scenarios or actual cases to be reviewed please contact Shawna Purvines with the information.
- o Following the "tests", staff will aggregate the findings and effects, then present them to the Board for discussion.
- o The Legal Nonconforming chapter of the Draft Ordinance deals with existing uses and structures. Therefore, a delay in the workshop will not delay work on the EIR. The EIR looks at the environmental impacts of future development, supported by the recommended revisions to the General Plan and Zoning Ordinance.



There is a basic philosophical question the Board may still wish to discuss today. Planning, and a Zoning Ordinance in particular, looks forward to "what do we want to be in the future?".

The pace for this evolution is impacted, in part, by policies dealing with legal nonconforming uses and structures.

If it is the Board's goal to achieve change quickly and in the short term, policies regarding incompatibility of uses and buildings need to be stringent, to shut down undesirable (or less desirable) uses or buildings in favor of the planned future.

However, if the pace of change is not an issue, then legal nonconforming ordinance can be more liberal or flexible.

Something else to be considered is that goals can be different for different parts of the county. For example, requirements in Community Regions might be more stringent and in Rural Regions more flexible.

Staff welcomes any discussion today around this basic fundamental question.

In addition to any discussion the Board wishes to have today, staff will return to the Board early next year to further discuss these topics, and will provide the results from the stress tests being completed over the next few weeks.