


***El Dorado County
Chief Administrative Office
Interoffice Memorandum***

June 21, 2013

TO: Board of Supervisors

FROM: Kim Kerr 
Assistant Chief Administrative Officer

SUBJECT: General Plan “Initiation” Process – Draft Board of Supervisors Policy

After a recent meeting concerning pending General Plan amendment applications, Supervisor Veerkamp requested staff assistance to develop a draft Board Policy for consideration to provide a process for early evaluation of the merits of proposed General Plan amendment applications, including a number of applications submitted over the past year. This staff report and a draft policy is provided for review and consideration.

History and Background

The El Dorado County General Plan provides for the County to monitor growth activity on an annual basis, and at five year intervals, make necessary adjustments to the development potential of the plan. On April 4, 2011, during the first five-year review cycle, the County assessed prior activity and determined that the basic General Plan Assumptions, Strategies, Concepts and Objectives were still generally valid, and that amendments would not be needed at this time. The County further identified areas within the General Plan that could be improved to better address certain priorities including:

- Development of housing affordable to moderate income households,
- Creation of jobs,
- Retention of sales tax revenue in the County,
- Further promote and protect agriculture and natural resource industries, and
- Comply with recent changes in State law

On November 14, 2011, following a series of public meetings and workshops the Board adopted a Resolution of Intention to initiate a Targeted General Plan Amendment (TGPA) to consider policy changes to General Plan policies to help achieve these priorities. At the same meeting, the Board adopted two Resolutions of Intention to include policies in the Comprehensive Zoning Ordinance Update (ZOU) that would be compatible with these priorities.

The TGPA and ZOU are two components of what is now called the Land Use Policy Programmatic Update (LUPPU). LUPPU is the name assigned by the County to the review and revision of several distinct yet interrelated planning issues, including the Targeted General Plan

Update (TGPA), comprehensive Zoning Ordinance Update (ZOU), 2013 Housing Element Update (HEU) and development of a new Travel Demand Model (TDM). The purpose of LUPPU is to implement the adopted 2004 General Plan as required by the General Plan and State Law.

Having concluded during the 2011 General Plan review process that the basic General Plan assumptions remained valid, the County determined that LUPPU would analyze the effects of policy modifications without changing any land use designations. The intent was to first determine the effects of implementation of the 2004 General Plan Land Use Designations and to establish priorities for land use changes after LUPPU. LUPPU, therefore, did not include any land use changes.

The Travel Demand Model (TDM) is developed to replace the outdated traffic model originally developed during preparation of the 2004 General Plan. Ownership of the original traffic model was retained by the traffic consultant, and the model was not available for direct use by the County. The model format was outdated and no longer supported. The new TDM being developed will be used for the CEQA review of the TGPA and ZOU, and will also be available for use for CIP updates and as the base for project-level traffic studies. The TDM is based on the adopted General Plan, and does not include land use changes.

The County determined an EIR was required to evaluate the effects of the Targeted General Plan Amendment and Zoning Ordinance Update in compliance with CEQA. The EIR includes a revised traffic study produced from an updated countywide travel demand model, taking into consideration recent development and road construction activity, and projections of the amount and distribution of future growth. The scope of the environmental review process does not include General Plan land use changes.

General Plan Amendment Applications Initiated by Private Landowners

Since the commencement of LUPPU, a number of large development projects totaling approximately 6,700 residential units have been submitted to the County. Although each project is different, they all share a common thread – ***none of the projects conform to the adopted land use element of the 2004 General Plan.*** Each project proposes to increase the allowable residential density of the development parcels and each project would require a County approval for a General Plan Amendment to allow the density increase. These projects would add more than 6,700 additional homes which is an increase of new homes previously analyzed in the General Plan from Shingle Springs to El Dorado Hills. None of the projects is consistent with the adopted General Plan or the analysis now underway in the LUPPU.

Community Region Boundary Line Adjustment Requests from Community Members

Objections to the large development projects from residents in the affected communities have been voiced before the Board. The County has received requests from at least two community groups to amend the General Plan in those areas to significantly reduce or eliminate the Community Region boundary lines. The Community Region boundary lines delineate the areas of the County designated for the highest intensity commercial and residential development.

Community Regions are an important component of the General Plan strategy to keep the remainder of the County “rural” by concentrating higher intensity growth in relatively small

areas served by roads, sewer, water and other infrastructure. Members of certain communities have made requests that seek to amend the Land Use map of the General Plan to reduce the footprint of Community Regions and limit the intensity of growth permitted in those areas. In many instances, changes to the Community Regions would effectively preclude the density increases requested by the private landowners. The changes are, in essence, the other end of the spectrum.

The General Plan Amendment Process

State law governs the adoption and amendment of general plans. The Board of Supervisors may amend the General Plan if it deems it in the public interest to do so. Generally, amendments are limited to 4 times per year, but each amendment may include multiple changes to the General Plan. State law provides that amendments are to be initiated in the manner specified by the Board of Supervisors. Amendments may be initiated by the County or by an application from private individuals.

Amending the general plan is an important decision. In recognition of the role of the General Plan as a comprehensive, long-term plan for the physical development of the County, amendments to the General Plan should occur infrequently and with appropriate deliberation. Because a significant financial investment is involved both on the private and public side of processing a General Plan Amendment, early review and consideration of amendments are warranted.

Supervisor Veerkamp requested staff assist in the development of a Board Policy to establish a process requiring authorization by the Board of Supervisors to initiate a privately-sponsored General Plan Amendment. As part of that effort, we reviewed the policies and practices of other jurisdictions and found a full range of different approaches. Many allow general plan amendments to be initiated simply by filing an application, consistent with the current County policy. We found a number of jurisdictions with policies providing for optional initiation hearings before the legislative body either at the request of an applicant (similar to the county's conceptual review process) or at the discretion of the Planning Director. Still others have policies requiring that private general plan amendments must be initiated by the board of supervisors or city council. In a few cases, the policies are imbedded in the general plan and include rigid timelines, standards and findings to address certain types of amendments.

Draft Board Policy – Authorization to Initiate a General Plan Amendment

The draft Board Policy (Legistar Attachment C) gives the Board the authority to determine whether applications for General Plan amendments are worthy of study by staff and decision makers and includes the following provisions:

1. Allows the Board an early evaluation of amendment requests by the Board, based on a simplified application with few exhibits.
2. Allows the Board to terminate amendments considered inconsistent with the fundamental General Plan goals or determined to be premature given the General Plan implementation status.
3. Applies to requests for amendments that propose to increase residential density. It does not apply to amendments which would reduce residential density or to changes to commercial, industrial, Research & Development (R&D) or similar land uses.

4. Establishes criteria to evaluate whether amendment requests are appropriate and timely.
5. Includes exemptions for technical corrections, mapping errors, and certain qualified housing projects.
6. Does not apply to amendments initiated by the County, which are already subject to a requirement for initiation by the Board or the Planning Commission.
7. Finally, the policy is designed to “sunset” or terminate when the County initiates the next General Plan five-year review cycle.

Options to Address Pending Applications

Attached is a list of pending General Plan and Specific Plan Amendment applications. Amendments to, or proposed new Specific Plans can have the same effect as modifying the General Plan, therefore the attached list includes proposed new and changes to approved Specific Plans. Applications vary in densities, ranging in size and in type. Total residential density of the applications is 7,289 lots. However, some of the applications proposing amendments to adopted Specific Plans do not propose an increase in residential lots, but are instead reducing the amount of approved commercial development to accommodate remaining approved residential within the adopted Specific Plan.

State planning law permits the County to establish policies concerning the initiation of General Plan Amendment. The decision to approve or deny an amendment to the General Plan is a legislative decision, and subject to the discretion of the Board. Prior to the approval of a General Plan Amendment, the County must complete the appropriate level of CEQA review. Denial of a General Plan Amendment is exempt from the CEQA process.

Options available to the County to address pending applications include the following:

1. Allow all General Plan Amendment applications pending as of the effective date of this policy to complete CEQA review; approve, conditionally approve, or deny the applications at the conclusion of that process.
2. Conduct a series of hearings to evaluate each of the proposed amendments to determine if they meet the criteria and should be allowed to continue, or if processing of the amendment should be terminated.
3. Determine that any General Plan Amendment application proposing an increase in residential density is either not consistent with the principal goals and objectives of the adopted General Plan, or is premature based on the County’s 2011 five-year review.

Issues to Consider

The Board may wish to consider the following issues in connection with this Draft Policy:

1. **Application of Policy.** Does the Board want to limit application of this policy to applications proposing an increase in residential density, or to any general plan amendment request? The draft policy excluded other types of amendments in an effort to facilitate amendments that would achieve other general plan goals, such as creation of jobs and retention of retail sales and sales tax revenues.

2. **Criteria for approval or denial.** Does the Board agree with the criteria contained in the Draft Policy, or are changes necessary?
3. **Exemptions.** Are the exemptions appropriate? Does the Board wish to exempt other types of projects from the procedure? Example may include small residential projects proposing less than 100 lots or small infill development on less than 20 acres.
4. **Pending General Plan Amendments.** How does the Board want to address pending General Plan Amendment applications?
5. **Specific Plans and Specific Plan Amendments.** In some parts of the county with adopted specific plans, the General Plan land use designation is merely “SP” for “Specific Plan”. In those instances, amendments to Specific Plans can have the same effect as modifying the General Plan without the requirement for processing a General Plan amendment. Does the Board want to extend this policy to cover either new Specific Plans or Specific Plan amendments which would have the same effect of increasing allowable residential density?

Next Steps

1. Board discussion and direction to staff on preferred options available to the County to address pending applications;
2. Board discussion and direction to staff on issues outlined in the Staff Report; and
3. Based on Board direction received, return to the Board with a “final” draft of the Board Policy for a General Plan Initiation Process.