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BOS 11-21-14

EDC COB <edc.cob@edcgov.us>

BOS Meeting November 21st, Item 14-1470

1 message

Thelma White <wytrose@pacbell.net>

Wed, Nov 19, 2014 at 4:34 PM

Reply-To: Thelma White <wytrose@pacbell.net>

To: "bosone@edcgov.us" <bosone@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>, "bosthree@edcgov.us" <bosthree@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>, "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Dear Supervisors Mikulaco, Frentzen, Veerkamp, Briggs, Santiago, and Clerk of the Board:

We plan to attend the BOS meeting this Friday, but in the event our voices aren't heard during the meeting, we urge you to ADOPT the Ordinance (Item 14-1470 on the Agenda) as written to retain current zoning and rural assets.

Thank you

David and Thelma White

Matthew White

Joan Fasnacht

Shingle Springs



EDC COB <edc.cob@edcgov.us>

(no subject)

1 message

Margretta Dahms <riders3@sbcglobal.net>

Thu, Nov 20, 2014 at 8:50 AM

Reply-To: Margretta Dahms <riders3@sbcglobal.net>

To: "bosone@edcgov.us" <bosone@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>, "bosthree@edcgov.us" <bosthree@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>, "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Dear Board of Supervisors,

I cannot attend the November 21, 2014, meeting and this email comment is to take the place of my personal attendance.

The citizens of El Dorado County have been asking for clarity and protections of our way of life for decades. I urge you to **adopt the Initiative to Retain Current Zoning and Rural Assets** so that important protective policies promised in our General Plan are implemented and restored before any more discretionary projects are approved.

Thank you,

Paul & Margretta Dahms
Greenwood, CA.



EDC COB <edc.cob@edcgov.us>

Comment on 11-21-14 BOS Agenda Item #14-1470, Initiative to Retain Current Zoning and Rural Assets

1 message

francesca duchamp <francescaduchamp@att.net>

Thu, Nov 20, 2014 at 10:37 AM

Reply-To: francesca duchamp <francescaduchamp@att.net>

To: "bosone@edcgov.us" <bosone@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>, "bostthree@edcgov.us" <bostthree@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>, "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Dear Board of Supervisors,

I cannot attend the November 21, 2014, meeting and this email comment is to take the place of my personal attendance.

The citizens of El Dorado County have been asking for clarity and protections of our way of life for decades. I urge you to adopt the Initiative to Retain Current Zoning and Rural Assets so that important protective policies promised in our General Plan are implemented and restored before any more discretionary projects are approved. My second choice is to allow it to go to ballot if not adopted November 21, 2014.

Thank you,

Fran Duchamp
Pollock Pines

Gentle reminders:

The current 2004 General Plan is often touted as a carefully crafted document, yet 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.

The Initiative to "Retain Current Zoning and Rural Assets" (also known as the Purple Petition) prevents incompatible zone changes and would require that the Board of Supervisors reinstate or implement the following protective policies (currently in the General Plan) before allowing any future discretionary projects:

1. Restore the Agricultural buffers between Agricultural land and incompatible uses in order to protect the Right to Farm
2. Restore Mixed Use policies (projects with both residential and commercial elements) to their original densities
3. Implement Cultural and Historical policies

4. Implement a Water Supply and Demand Management Plan required in the 2004 General Plan

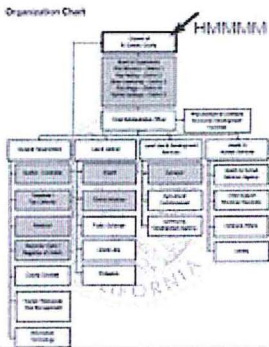
5. Implement Scenic Corridor and Vista Point policies

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 build or develop their land as currently allowed by law.

After witnessing one million dollars buy an election...this chart from your web site is interesting...many are trying to decide if it should say "Developers" instead of "Citizens." There is always time to do the right thing.

Thank you again.

Fran Duchamp



LOCAL GOVERNMENT 2.jpg
18K



EDC COB <edc.cob@edcgov.us>

Comment on 11-21-14 BOS Agenda Item #14-1470, Initiative to Retain Current Zoning and Rural Assets

1 message

Patti Dolan <dolan@wildblue.net>

Thu, Nov 20, 2014 at 1:57 PM

To: bosone@edcgov.us, bostwo@edcgov.us, bosthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, edc.cob@edcgov.us

Dear Board of Supervisors,

I cannot attend the November 21, 2014, meeting and this email comment is to take the place of my personal attendance.

The citizens of El Dorado County have been asking for clarity and protections of our way of life for decades. I urge you to adopt the Initiative to Retain Current Zoning and Rural Assets so that important protective policies promised in our General Plan are implemented and restored before any more discretionary projects are approved.

Thank you,

Don Dolan
Shingle Springs

Alliance for Responsible Planning

November 19, 2014

Hon. Norma Santiago
Hon. Ron Mikulako
Hon. Shiva Frentzen
Hon. Brian Veerkamp
Hon. Ron Briggs
El Dorado County Board of Supervisors
330 Fair Lane, Building A
Placerville, California 95667

Re: Agenda Item #1 (November 21, 2014)
The "Purple Petition" – Let the Voters Decide!

Honorable Members of the Board of Supervisors,

Proponents of the Purple Petition like to say that it merely "retains current zoning" and implements policies already found in the General Plan. **In fact, it tosses out the voter approved General Plan land use map and requires the County to take further action to amend the land use designations of nearly 7,000 privately owned parcels** – to conform to inappropriate and outdated zoning which is inconsistent with the General Plan.

This poorly written petition is not self-executing; it mandates subsequent action requiring the exercise of discretion by the Board to interpret and implement its provisions. It commits the County to a new multi-year CEQA process. Meanwhile, all discretionary project approvals would grind to a halt, because the petition prohibits approvals until it is fully implemented.

The petition derails LUPPU and the Targeted General Plan Amendment and Zoning Ordinance Update (TGPA/ZOU). Instead of taking action on the publicly-vetted and analyzed TGPA/ZOU in early 2015, the Board would spend the next several years in court and contentious hearings to figure out the meaning and effect of an initiative which literally turns the ZOU upside-down.

Just an example, the County would be required to change the Union Mine High School General Plan land use designation from Public Facility (PF) to Agricultural Lands (AL) – not because it's an agricultural use, but because it retains outdated Agricultural ("A") zoning. What's more, the AL land use is prohibited within Community Regions by express language in the General Plan. **What a mess!**

P.O. Box 83, Camino, CA 95709 • www.edcarp.org • edcarp2014@gmail.com
Alliance for Responsible Planning is a California nonprofit public benefit corporation

14-1470 Public Comment
BOS Rcvd 11-20-14

The Purple Petition would require the Board to amend the General Plan to make at least the following land use changes¹:

- Convert nearly 8,000 acres designated Agricultural Lands (AL) in the 2004 General Plan to commercial or residential use. **More than 90% of this land (nearly 7,400 acres) is inside an existing Agricultural District.**
- Change more than 1,350 acres from Commercial (C) land use to agricultural, residential or industrial uses. More than half of the converted Commercial land (722 acres) is classified as “vacant”; **this change eliminates nearly half of the available vacant commercial land inventory county-wide.**
- Eliminate 275 acres of Industrial (I) land; re-designates to commercial, residential, or agricultural uses. **This conversion may impact permitted uses on remaining adjacent industrial lands as well.** The introduction of sensitive receptors, such as residential uses, within industrial districts often restricts uses that would otherwise be allowed on nearby industrial sites.
- Change 96 acres of R&D land (about 20% of the vacant R&D land inventory) to residential and agricultural.
- Eliminate about half of the vacant and under-utilized Multi-Family Residential (MFR) sites used to obtain state certification of the Housing Element (from 310 acres to only 154 acres). State law requires the Housing Element to identify adequate sites to satisfy the County’s very low, low and moderate income RHNA allocation. This change makes the Housing Element vulnerable to decertification by the State. The reduction will also defeat a goal of the Targeted General Plan Amendment (TGPA) to expand opportunities for moderate income housing, because the MFR sites will have to be reserved to satisfy the state RHNA allocation.
- **Change more than 19,000 acres of residential land to a higher or lower intensity use,** because the existing zoning is above or below the allowed density range of the 2004 General Plan land use designation. **Overall, these changes allow more new residential parcels than could be created under the 2004 General Plan.** The effect of the changes on surrounding land uses has not been evaluated.
- **30,500 acres of Natural Resource (NR) land (in more than 900 parcels) will have to be changed to a higher intensity use** including agricultural, residential or commercial, because the existing (old) zoning is “above” the allowable density or intensity range for

¹ The information utilized in our analysis was taken from a database of public records obtained from the El Dorado County Surveyor’s Office which contains land use, zoning, and other relevant information. We excluded publicly owned land (including special districts and CSDs), roads and open space parcels (including open space owned by Property Owner’s Associations), and land within the cities of Placerville and South Lake Tahoe. We then filtered and sorted the resulting data to reach conclusions concerning the Purple Petition’s effect on private property. This information is believed to be accurate for the purpose of this analysis.

NR. There are no identified changes in NR that would reduce allowable densities or intensity of use.

General Plans are often described as a “charter” or “constitution” for development. State law requires that the General Plan be “internally consistent”, meaning that goals, objectives, policies and maps within the plan cannot be in conflict with one another. State law also mandates that subordinate land use regulations, including the County’s zoning ordinance, must be consistent with the General Plan.

Where the adoption of a new or amended General Plan causes existing zoning to become inconsistent, the zoning must be revised within a reasonable period of time to conform to the plan. (Government Code §65860.) Case law validates these provisions:

“A zoning ordinance that is inconsistent with the general plan is invalid when passed [citations omitted] and one that was originally consistent but has become inconsistent must be brought into conformity with the general plan. (§ 65860.) ***The Planning and Zoning Law does not contemplate that general plans will be amended to conform to zoning ordinances. The tail does not wag the dog. The general plan is the charter to which the ordinance must conform.***” (*Leshar Communications v. City of Walnut Creek*, (1990) 52 Cal. 3d 531).

In addition to 60,000 acres of land use changes described above, the Purple Petition makes other significant changes to the General Plan:

- ***It appears to impose a moratorium prohibiting approval of any “future discretionary project” until such time as the General Plan land use changes and other listed policies are amended or implemented*** – without regard to whether the discretionary project implicates the land uses or policies at issue. Why should a commercial project on Missouri Flat Road, or a commercial kitchen at a winery in Camino be delayed pending resolution of a scenic corridor issue on the Coloma State Park?
- The mandated land use changes, and other policy additions, deletions, and modifications remain in place “indefinitely” unless changed by the voters.
- The purpose and application of the “matrix” in the initiative is poorly defined, although it seems designed to limit the scope of future land use changes. So, after upending the existing General Plan land uses to change commercial property off of Missouri Flat Road to residential uses, those changes cannot be corrected except by the voters.
- Proponents say that the Purple Petition “does nothing to remove a property owner’s right to request a rezone”. Yet, the matrix would prohibit the Board’s approval of all but a limited range of changes – the “right to request” something the Board can’t approve is meaningless.
- It unravels Resolution 079-2007 providing for Administrative Relief from Agricultural setbacks in the General Plan policies. ***Administrative relief was required by the General Plan setback policy; the Resolution was adopted with the unanimous support of the***

Agricultural Commission. After eliminating provisions for relief, the Purple Petition expands the setback policy to require a 200' setback on every parcel adjacent to agricultural zoning, not just parcels 10 acres or larger.

- Gives exclusive authority to the Ag Commission, an advisory body with no land use authority, to grant certain exceptions and waivers. In doing so, it strips an aggrieved landowner of the right to appeal an adverse decision to the Planning Commission or Board of Supervisors, and strips the Board of Supervisors of authority to overturn a decision of their advisory body. This is unprecedented.
- Reverses the 2009 MUD (Mixed Use Development) amendments to the General Plan adopted by the Board of Supervisors to facilitate mixed-use developments, including:
 - Reinstates the “poison pill” which required that commercial and residential uses in a mixed-use development be located on a single parcel. One such poison pill would prevent approval in the future of a project similar to the El Dorado Hills Town Center apartments, simply because the apartment site is not on the same parcel as the adjacent commercial.
 - Bringing back the “single parcel rule” would limit mixed use housing options exclusively to rental apartments; new lots to accommodate lower density single family housing types for sale to moderate income households would be prohibited.
 - Would reduce the maximum density of housing in mixed-use developments in Community Regions from 16 units per acre to 10 units per acre. The increase to 16 units per acre was made to allow MUD sites to be counted as part of the available inventory to satisfy the County’s share of lower and moderate income housing sites.
- Eliminates use of private water systems in Rural Centers; requires all medium-density residential, high-density residential, multi-family residential, commercial, industrial or research & development project to connect to public water system. Requires the extension of public water infrastructure to remote areas, where available, or requires the County to deny projects and permits. The policy to be amended impacts both ministerial and discretionary development.
- Deletes two water-related General Plan policies: one gives priority to discretionary development that are infill projects or allow an efficient expansion of the water supply delivery system (Policy 5.2.1.6); the other prioritizes affordable housing and non-residential development during times of declared water shortages within affected water districts (Policy 5.2.1.7).

On November 4th, voters decisively rejected other ballot measures that would have made major changes to the General Plan – by wide margins. The Purple Petition, and the equally damaging Yellow Petition, is now brought to us by the same folks behind Measure O, which was rejected by more than 66% of voters.

Any suggestion that the Purple Petition is harmless or simply a program to implement the General Plan is flatly untrue. It makes many significant changes in the voter approved

General Plan. **The information before your Board does not begin to define the nature of those changes, let alone permit a reasoned analysis of the merits of the proposal.**

There are no maps, no graphics, and no analysis of the scope of the changes, the number of parcels or types of land uses affected. **Landowners affected by the initiative are not even identified, let alone given notice that their property rights would be impacted.** Voters who signed the petition did not have access to this information, and the Board should not be goaded into adopting a General Plan amendment without knowing what's in it.

Alliance for Responsible Planning opposes ballot box planning precisely because it creates the kinds of problems we have raised in this letter. **That said, the only thing worse than putting a poorly-written initiative on the ballot would be for the Board of Supervisors to adopt the same poorly-written initiative outright – especially where the effect is not fully understood.**

Alliance for Responsible Planning urges the Board of Supervisors to firmly reject proponent's request to adopt the Purple Petition, and instead place it on the 2016 ballot. Please allow the voters to decide!

Very truly yours;

ALLIANCE FOR RESPONSIBLE PLANNING

[sent electronically via email]

Maryann Argyres

MA/rlk

Alliance for Responsible Planning is a nonprofit public benefit corporation, comprised of residents, ranchers, growers and other business owners. We are a "coalition of the middle" – those who feel the dialogue on land use has been dominated by no growth advocates on the one hand and development interests on the other. We support slow growth, support the extension of Measure Y to prevent gridlock, and seek a better future for our families and our community.

P.O. Box 83, Camino, CA 95709 • www.edcarp.org • edcarp2014@gmail.com
Alliance for Responsible Planning is a California nonprofit public benefit corporation



EDC COB <edc.cob@edcgov.us>

Public input: 11/21/14 BOS Agenda item #1

1 message

T Abraham <wta2u@hotmail.com>

Thu, Nov 20, 2014 at 3:10 PM

To: "bostwo@edcgov.us" <bostwo@edcgov.us>, "bostthree@edcgov.us" <bostthree@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>, Ron Mikulaco <bosone@edcgov.us>

Cc: "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Dear El Dorado County Board of Supervisors:

I am writing to you about agenda item #1 for your meeting tomorrow. It is my belief that the Purple Petition will undermine the Board and voter approved General Plan, and will require the Board to embark on a long, unnecessary and costly process of amendments and litigation.

In addition, the initiative will require a large number of land use changes when there is no information before you which tells the Board or the public where those changes are located or what effect they will have.

I respectfully suggest that this is the time for rational discussion about this important issue and not the time to be rushed into making a decision with long term consequences without a full understanding of the impacts. I urge you to put the Purple Petition on the ballot to be decided by voters in 2016, rather than adopt the initiative outright.

Respectfully submitted,

T Abraham

El Dorado Hills, CA