

F. Van Dyke # 33 BOS 5/12/15

Public Comment- BOS 5/12/15 -Item #33, file no. 12-0113 - re: Additional funding for TGPA/ZOU

Supervisors:

The TGPA/ZOU has garnered numerous public comments because there are fundamental problems with it.

Efforts of residents to communicate this to staff have been met with denial, and we see misinformation passed on to the Board routinely. We've been trying to tell you (..Supervisors..) that the extent of the changes, and of the "update" in general, has been misrepresented to you, and that there are numerous flaws in the Draft EIR.

Staff says more funds are now needed to complete the TGPA/ZOU, and the primary reason is to answer the extensive public comments and that too, is being misrepresented to you*.

But more importantly, if the additional funding being requested is to complete the *implementation of the voter-approved General Plan*, this Board needs to realize that is NOT what is being done in the TGPA/ZOU. What these funds will actually pay for:

- Protective policies that were considered 'mitigations' in the 2004 plan are being removed [that includes Ag buffers, open space requirements, hillside development restrictions, to name a few]
- densities are being further increased, compounding the impacts of the 2004 plan
- Allowed uses are being expanded such that groundwater supplies will be insufficient
- and more.

Staff has laid out two options for the Board vote on this item today:

1) Grant them more money for consultants, or 2) grant them more time to do the work themselves.

We have a third option for the Board; that is do not approve either of those options. Instead,

3) Continue this item and expand the agenda in order to review the project prior to considering any additional funding.

Ellen Van Dyke
Rescue Resident

**the 5,000 pages of public comment includes reference documents that do not require response; the largest public comment submittal was probably from RCU, which was about 70 pages on the recirculated sections.*

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L. Parlin, #33 BOS 5/12/15

I ask that you implement, not completely gut, the voter approved General Plan.

Mitigation Measures were incorporated into the General Plan to reduce the environmental damage of the Plan. That makes our General Plan 'self-mitigating.' The County is supposed to be implementing, not reducing or removing, those Mitigation Measures. However, Appendix A of the 2013 General Plan Annual Progress Report lists almost 30 Implementation Measures that are not yet completed. If these Implementation Measures are still in progress, then the impacts of the current General Plan have not been fully mitigated. How can the County amend policies of the General Plan when the policies were carefully crafted to mitigate the impacts of the General Plan?

By amending policies before implementing Ordinances needed for mitigation of negative impacts, the County is bypassing the General Plan's ability to self-mitigate.

Additionally, the Court's Writ on the General Plan was lifted because of the mitigation measures that were added to the General Plan. For example, the TGPA/ZOU is proposing to change the 200' setback adjacent to grazing land to 50'. However, the 200' setback was required to comply with the Writ of Mandate and CEQA, as shown in this excerpt from the 2005 Court ruling:

--Parcel size adjacent to grazing land: The court in its 1999 Ruling found that the County's rejection of a mitigation measure calling for 20-acre minimum parcel size adjacent to grazing lands violated CEQA by failing to provide facts or reasoned analysis in support of the conclusion that the measure was infeasible. (Ruling, p. 112, l. 13-17.)

The current EIR also rejects a 20-acre minimum lot size for parcels adjacent to grazing land and substitutes a 10-acre minimum. Petitioners contend this is without any factual analysis and therefore violates CEQA.

However, in addition to a 10-acre minimum parcel size, the new EIR proposed, and the County adopted, additional mitigation measures. Such measures would require a minimum 200-foot setback, allow the County to require a greater setback if necessary based on site-specific conditions, and prohibit the creation of new parcels adjacent to agricultural lands unless the size of the parcel is large enough to allow for an adequate setback. (SAR 2:1660, 1664.) The County discussed these additional measures in the EIR (SAR 44:18642-44), and it found them to be more effective than a blanket 20-acre minimum parcel size. (SAR 1:1222.) The County has complied with the Writ of Mandate and CEQA.

The TGPA/ZOU is stripping the General Plan of its self-mitigating mitigation measures. It is also reducing or removing mitigations required for compliance with the Writ of Mandate. Those actions will be the basis of litigation regarding the TGPA/ZOU.

I request that you continue this item and expand the agenda in order to review the project prior to considering any additional funding.

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J. Hidahl BOS 6/12/15

#33

Public Comment from the EDHAPAC TGPA/ZOU Subcommittee Chairman-John Hidahl

May 12, 2015

Dear Board of Supervisor's,

Given the severe economic challenges that confront you to restore a balanced budget, and facing an \$8M+ budget deficit for the 2015/2016 fiscal year, you need to thoroughly challenge this request for additional consultant funding, this time to respond to the TGPA/ZOU RDEIR. Committing additional funds towards an overly ambitious goal of significantly revising the current Zoning Ordinance (ZO) and General Plan (GP) is ill-advised.

It is time to 'reign in' this effort and focus on only changing the GP and ZOU elements necessary to be fully compliant with State and other regulations. No more/No less should be your mandate. A 'minimal change' option to the TGPA/ZOU should be the 'path forward' needed to restore the public's confidence in why these changes are necessary. Any recommendations that have evolved from the CEDAC Reg Reform efforts or other staff 'wanna haves' for modifications that change the intent of the current voter approved General Plan need to be rejected as 'inappropriate and cost prohibitive'.

The taxpayer's do not want to bear the brunt of yet another extensive lawsuit against the County to try and defend a DEIR/RDEIR that fails to meet current CEQA requirements, and will inevitably end up in the court system if you do not change the present course of action. The Board needs to define its minimum 'must dos' and direct staff to refocus and ambitiously complete the CEQA processing of a 'minimum change' alternative that the taxpayers/voters will support.

The voter's have placed their trust in you, our elected Board to provide true leadership in these tough economic times. We expect you to reduce the wasteful processes inherent in government to a minimum, and direct the resultant savings towards closing the budget deficit, and ultimately enabling the funding for much needed deferred maintenance and capital investment projects.

EDHAPAC TGPA/ZOU Subcommittee Chairman



John Hidahl

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