



**COUNTY OF EL DORADO
COMMUNITY DEVELOPMENT AGENCY**

INTEROFFICE MEMORANDUM

Date: September 23, 2013

To: Board of Supervisors

From: Shawna Purvines, Principal Planner

Subject: 2nd Memo on General Plan Amendment "Initiation" Process – Draft Board of Supervisors Policy

On June 27, 2013, the Board reviewed an initial draft Board policy prepared by staff that would provide a process for early evaluation of the merits of proposed General Plan Amendment applications. Supervisor Veerkamp requested staff's assistance to develop this draft Board policy for consideration following recent meetings where concerns were raised regarding pending General Plan Amendment applications.

This memo provides a summary of comments on the draft policy received to date, and requests Board direction on specific items that are essential to the completion of a final policy draft. As outlined in the June 27, 2013 Staff Report, staff understands the Board's objectives for the adoption of the policy are to:

1. Allow the Board an early evaluation of amendment requests, based on a simplified application with few exhibits.
2. Allow 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. Address requests for amendments that propose to increase residential density. The policy 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. Establish criteria to evaluate whether amendment requests are appropriate and timely.
5. Include exemptions for technical corrections, mapping errors, and certain qualified housing projects.
6. Exclude amendments initiated by the County, which are already subject to a requirement for initiation by the Board or the Planning Commission.
7. Design the policy to "sunset" or terminate when the County initiates the next General Plan five-year review cycle.

Any revisions to the objectives stated above should be conveyed early in the process to ensure the final draft policy reflects the Board's intended outcome. If so directed, staff would revise the draft policy and required application process per Board direction and return to the Board for a final review and possible action in November 2013.

Overview of Pending General Plan Amendment Applications

As discussed on June 27, 2013, a number of large proposed development projects (totaling approximately 6,700 dwelling units) have been submitted to the County. All share a common thread – *none of these projects conform to the adopted land use element of the 2004 General Plan*. Each is dependent upon County approval of a General Plan Amendment (and an associated zone change) to increase the allowable density. These changes are proposed by the landowners, and are not covered or currently allowed by the 2004 General Plan or the Land Use Policy Programmatic update (LUPPU) to the General Plan.

A process timeline for the major proposed Specific Plans and General Plan Amendments currently under review are listed in the following Table.

Proposed General Plan Amendment Projects - Major Processing Milestones					
Project	Application Filing	NOP Period	Projected County Receipt of Final EIR	Projected Planning Commission Hearing No.1	Projected BOS Hearing No.1
Central El Dorado Hills Specific Plan	November 20, 2012	February 19, 2013 thru March 21, 2013	September 2014	September 2014	November 2014
Village of Marble Valley Specific Plan	November 20, 2012	February 19, 2013 thru March 21, 2013	September 2014	November 2014	January 2015
Lime Rock Valley Specific Plan	November 20, 2012	February 19, 2013 thru March 21, 2013	October 2014	October 2014	November 2014
San Stino Tentative Subdivision Map	September 4, 2012	February 22, 2013 thru March 23, 2013	December 2014	February 2015	March 2015
Dixon Ranch Tentative Subdivision Map	v.1 - 8/16/2011 v.2 - 3/26/2013	v.1 - 6/6/12 thru 7/5/12 v.2 - 12/14/12 thru 1/17/13	April 2014	April/May 2014	May/June 2014
Stonehenge Tentative Subdivisions Map	June 11, 2008	Project on Hold – Pending Revisions by Applicant			
Valley View & Wilson Estates	Summer 2012	Not General Plan Amendments	N/A	Pending Revisions by Applicant	

Comments Received To Date on Draft Policy

Following the initial discussion of the draft Board policy, the Board felt it was in the best interest of the public and project applicants to first release the draft policy for public review and comment prior to providing further direction to staff. The draft policy was released on July 5, 2013 for a 30 day public review and comment period. The majority of the comments received

supported the idea of a General Plan Amendment "Initiation" policy. A summary of the comments received is provided below:

Concerns identified:

1. The proposed policy is unnecessary, will not improve land-use processing and will likely lead to ill-informed decision making. Emotional reactions to initial development proposals will substitute for independent review, fact finding and analysis.
2. This process would not provide the Board with sufficient information to make an informed decision.
3. Concern was expressed about potential application of the new process on projects that are already under study within the structure of the existing County Planning and CEQA process. These projects are well beyond the conceptual stage.
4. Premature denial of a "concept" could deprive a property owner of an opportunity to fully develop a project proposal and design that has the potential to ultimately be successful and beneficial to the community.

General support of the draft policy:

1. Projects shall be consistent with General Plan goals, objectives and major policies. Projects that deviate significantly from County land use policy can be rejected up front, and thus can save taxpayer dollars and time for the Board, County staff and the public.
2. A retroactive application of this policy should be implemented if a currently proposed project does not meet the General Plan goals and policies.
3. If a project is clearly not in keeping with General Plan goals and policies, the Board of Supervisors will not incur any 'perceived obligation' or pressure to approve a project based on funds expended by the time it reaches the Board of Supervisors.
4. Specific criteria that should be considered as part of an initial review should include proximity to Highway 50, whether a project is annexed to or easily served by the El Dorado Irrigation District, and whether it is consistent with regional planning objectives.

Suggested revisions to the draft policy:

25 respondents support suggested revisions made by Shingle Springs Community Alliance, Stop Tilden Park, and No San Stino:

1. Presumptive denial of any General Plan Amendment for a residential, commercial or industrial urban or suburban type development project outside of Community Region Lines or Rural Centers as established in the General Plan or as they may be amended by Board initiative.
2. Specific thresholds for infrastructure to be in place, or financed exclusively by development-secured funding, should be part of the criteria for consideration of proposed General Plan Amendments.
 - a. No General Plan Amendment should be given initial approval unless there are sufficient existing water and sewer connections available to serve the project as stated in EID's most recent annual report. Exceptions should be considered only if developers make adequate arrangements to secure full funding of the cost of any system expansions necessary to serve the project without risk to current EID ratepayers.
 - b. Consideration should be given to a policy reserving current EID water and sewer capacity for highest priority long-term, locally based job growth and commercial sales-tax generating projects.

- c. No General Plan Amendment should be given initial approval unless the Travel Demand Model and/or other reliable expert analysis demonstrates that no Level of Service F traffic conditions will be created as a result of the project.
3. Pre-review process should also include any projects that are proposing zoning changes or community region line adjustments.

Requested Board Direction

If the Board would like to adopt a policy that provides for early evaluation of proposed General Plan Amendment applications, staff requests Board direction to proceed. As outlined in the June 27, 2013 Staff Report, 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 should this policy apply to any General Plan amendment request? The draft policy currently excludes 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?
 - a. An application for a General Plan amendment shall be referred to the Board for a hearing to evaluate whether the application complies with the following criteria:
 - i. The amendment request is consistent with the principal goals and objectives of the General Plan;
 - ii. The proposed amendment meets one or more of the following goals and objectives:
 1. Increases employment opportunities within El Dorado County;
 2. Promotes the development of housing affordable to moderate income households;
 3. Provides additional opportunities to retain retail sales and sales tax revenues within El Dorado County;
 4. Protects and enhances the agricultural and natural resource industries;
 5. Is necessary to comply with changes in state or federal law; and
 - iii. One of the following scenarios exist:
 1. Public infrastructure, facilities and services appear to be available to serve the proposed increase in density/intensity without adverse impact to other planned development consistent with the General Plan; or
 2. The additional public infrastructure, facilities and services can be feasibly be provided by the proposed development as part of the amendment process.
3. **Exemptions.** Are the exemptions appropriate? Does the Board wish to exempt other types of projects from the procedure? Examples may include small residential projects proposing less than 100 lots or small infill development on less than 20 acres.
4. **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?

5. **Pending General Plan Amendments.** How does the Board want to address pending General Plan Amendment applications? Below are four options for the Board's consideration:
 - a. 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.
 - b. Conduct a hearing for each pending General Plan Amendment application to determine if they meet the criteria and should be allowed to continue, or if processing of the amendment should be terminated.
 - c. 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, thereby terminating all pending General Plan Amendment applications.
 - d. (NEW) Suspend CEQA review of the General Plan Amendment applications and conduct a workshop for each pending General Plan Amendment application with the Planning Commission and/or Board of Supervisors to receive input on the project description. A final determination on whether the application is generally consistent with General Plan goals and policies would be made at the conclusion of the workshops. A decision would be made on whether each application should be allowed to continue, or if processing of the amendment should be terminated.

Recommendations and Next Steps

Staff recommends the Board discuss the merits of the draft General Plan Amendment Initiation Policy and either:

1. Provide specific direction to staff regarding any necessary changes to the draft policy, including project objectives, application of policy, criteria for approval or denial, and exemptions, addressing Specific Plan amendments, and addressing pending General Plan Amendments; direct staff to return to the Board with a "final" draft policy that reflects the Board's desired changes for potential adoption; **or**
2. Determine that the draft policy is not necessary at this time. Staff will continue to process pending General Plan Amendment applications; at the conclusion of these processes, hearings will be held with the Planning Commission and the Board to determine whether to approve, conditionally approve, or deny the applications.