EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT
PLANNING COMMISSION

Agenda of:	May 24, 2007
Item No.:	11
Staff:	Roger Trout

GENERAL PLAN AMENDMENT

FILE NUMBER: A06-0009

APPLICANT: El Dorado County Planning Commission

REQUEST: Amendment of the General Plan land use designation for 95 lots as proposed in the Exhibit Maps labeled "2004 General Plan Land Use Corrections" sheets one through fifteen, on file with Planning Services.

LOCATION: Various locations throughout El Dorado County, as shown on the exhibit maps and the vicinity map, Exhibit B.

APN: Various Assessor's Parcel Numbers contained in the Exhibit C Table labeled "A06-0009 General Plan Land Use Map Changes."

ACREAGE: Varies

GENERAL PLAN: See attached table (Exhibit C).

ZONING: Varies.

ENVIRONMENTAL DOCUMENT: 15164 Addendum to the General Plan EIR (SCH 2001-082030)

SUMMARY RECOMMENDATION: Recommend approval

BACKGROUND: The adoption of the 2004 General Plan allows the County to begin to update the Zoning Ordinance including the zoning maps. In anticipation of that process, staff recommends that a "clean up" of the existing General Plan Land Use Map. These clean up items are generally minor, do not increase development potential, and correct errors on the map that would create problems updating the zoning maps.

On February 22, 2007, the Planning Commission adopted Resolution of Intention 2007-0002 to amend various portions of the 2004 General Plan Land Use Map (Exhibit A). The Planning Commission was presented with 107 lots with proposed land use changes. Based on staff recommendations and public input, 13 lots were removed from the list, and one new lot was added, for a sum total of 95 cases. The exhibit maps and tables that identify these lots have been revised and renumbered and are represented by Exhibits C and D.

STAFF ANALYSIS

Project Description: The project consists of 95 separate parcels that would have the land use designation changed. The General Plan Land Use Map Amendments are depicted on the Exhibit Maps "2004 General Plan Land Use Map Corrections Sheets 01 through 15" (see Exhibits C and D).

Changes include: modifying Rural Center and Community Region Boundaries; modifying Agricultural District Boundaries; correcting the location of some of the Mineral Resource (MR) overlay zones to match property lines; amending the Platted Lands overlay; and correcting location of Open Space (OS) and High Density Residential (HDR) designations in an existing subdivision.

Source of errors: How the errors were created on the 2004 General Plan maps is often not clear. However, many of the errors were created as a result of the County using GIS to develop the land use maps for the 1996 General Plan.

GIS and human error: The 1996 General Plan was the earliest to utilize a Geographic Information System (GIS) map. The highly detailed GIS maps were destined to have numerous errors since the creation process of the maps is a tedious, exacting task, and certain human errors were unavoidable.

In many cases, attempts to follow boundaries established by the previous General Plans (Area Plans and 1969 General Plan) were difficult since they were blue line maps and did not represent current parcel boundaries. Developing the early GIS maps was complicated by changing parcel boundaries due to recordation of subdivision maps, parcel maps, boundary line adjustments, and regular improvements to the parcel base maps.

Finally, adoption timelines for the 2004 General Plan were often accelerated to address the urgent need to adopt a General Plan. This caused the final land use maps to be prepared in a rushed manner, leading to some additional minor errors.

Development of 1996 General Plan: Numerous changes were made to the maps in the development of the 1996 General Plan. Usually these changes were site specific, but other times the changes were broadly described such as "designate commercial anything that is currently zoned commercial." In these cases, it was difficult to identify if all the directed changes were correctly taken into account. A primary example of this error is the six parcels in the Camino area that are zoned commercial but ended up having a land use designation of Rural Residential - Agricultural District when they should have been designated Commercial–Community Region.

Adoption of the 2004 General Plan: In 1999, a successful lawsuit on the General Plan resulted in a writ of mandate effectively overturning the 1996 General Plan. The County then chose to develop a new General Plan and subsequently developed a number of alternative General Plans (and companion land use maps) for consideration. In developing those alternative maps, many of the problems associated with the 1996 General Plan maps were corrected, except for the alternative titled: "Alternative #4: 1996 General Plan." The maps for the 1996 Alternative were not amended and remained identical to the 1996 land use map. When the Board of Supervisors selected the 1996 Alternative land use map as the basis for the 2004 General Plan, all of the errors associated with the 1996 map were unintentionally carried over to the 2004 map.

General Plan: The General Plan was adopted on July 19, 2004, and upheld on a referendum vote on March 8, 2005. The land use map was adopted as part of the General Plan. While there are no specific policies that apply directly to this proposed amendment to the General Plan land use map, certain policies in the Land Use Element were used to determine the necessity of some of the proposed changes. The policies are listed below with a brief discussion.

Policies 2.1.1.6, 2.1.2.6, 2.9.1.2, and 2.9.1.4: Pursuant to Policies 2.1.1.6 and 2.1.2.6, the boundaries of existing Community Regions and Rural Centers may be modified through the General Plan amendment process. Policy 2.9.1.4 limits the changes to the Community Region and Rural Center boundaries to every five years in conjunction with Policy 2.9.1.2. The limitation of amendments to the Community Region and Rural Center boundaries by Policy 2.9.1.4 should not apply in this case because this amendment is primarily corrections to errors on the adopted land use maps and not a result of monitoring growth, development, or General Plan implementation measures that are the primary purposes behind the policies of Objective 2.9.1: "General Plan Monitoring and Review."

Policy 2.2.1.1: *The matrix contained in Table 2-1 provides for the relationship and consistency between the General Plan planning concept areas and the land use designations.*

TABLE 2-1
PLANNING CONCEPT AREAS AND LAND USE DESIGNATION CONSISTENCY MATRIX

Land Use Designations	Concept Areas		
	Community Regions	Rural Centers	Rural Regions
Multifamily Residential*	•	•	
High-Density Residential*	•	•	
Medium-Density Residential*	•	•	
Low-Density Residential	•	•	•
Rural Residential			•
Agricultural Lands			•
Natural Resource			•
Commercial*	•	•	
Research & Development	•	•	
Industrial	•	•	•
Open Space	•	•	•
Public Facilities	•	•	•
Tourist Recreational	•	•	•

* May be applied in Rural Regions to reflect existing development when combined with the Platted Lands (-PL) overlay land use designation.

Discussion: Table 2-1 of the General Plan generated many of the proposed changes since a number of lots, or portions of lots, have a land use designation that are not consistent with the Concept Areas of Community Region, Rural Center, or Rural Region.

The proposed General Plan amendment corrects a number of inconsistencies between the 2004 General Plan land use map and Table 2-1. The recommended changes would either amend the Rural Center or Community Region boundaries to capture land use designations that are only permitted within those boundaries or change the designation to be consistent with the Concept Area.

Policy 2.2.2.3: *The purpose of the Platted Lands (-PL) overlay designation is to identify isolated areas consisting of contiguous existing smaller parcels in the Rural Regions where the existing density level of the parcels would be an inappropriate land use designation for the area based on capability constraints and/or based on the existence of important natural resources. The -PL designation shall be combined with a land use designation which is indicative of the typical parcel size located within the Platted Lands boundaries. The existence of the -PL overlay cannot be used as a criteria or precedent to expand or establish new incompatible land uses.*

The -PL overlay designation may also be applied to lands historically zoned with a commercial zone district combined with the Commercial (C) land use designation.

A. Parcels within the -PL overlay designation shall not be permitted to subdivide to a size smaller than the minimum parcel size allowed by the base land use designation.

B. *-PL district boundaries shall not be modified to include additional parcels for the purpose of allowing subdivision of those additional parcels.*

Discussion: The proposed General Plan Amendment will correct a few instances where the Platted Lands overlay is not necessary due to the relationship of the parcel size, land use designation, and Table 2-1.

Policy 2.2.1.2 (portion):

Public Facilities (PF): This land use category includes only publicly-owned lands used for public facilities such as sanitary landfills, storage and maintenance yards, regional parks and recreation facilities, fire stations, schools, community parks and recreation facilities, libraries, administration and support buildings, hospitals (including non-profit), airports, transit facilities, water and sewer treatment facilities, etc. This designation is considered appropriate within Community Regions, Rural Centers, and Rural Regions.

Discussion: There are a couple cases where the PF land use designation does not match the parcel boundaries as originally intended. Some privately owned parcels are partially designated PF. Changes are necessary to allow orderly development on the subject parcels and consistency with PF land use designation.

Policy 2.2.1.2 (portion):

Open Space (OS): This land use category can be used to designate public lands under governmental title (County, State Parks, BLM, U.S. Bureau of Reclamation, U.S. Forest Service, etc.), where no development other than that specifically needed for government-related open space uses is desired. This land use includes State parks, ecological preserves, and public lands acquired specifically for open space uses. It may also be used on private lands to maintain natural features within clustered development where a General Plan amendment is processed. This designation is considered appropriate within Community Regions, Rural Centers, and Rural Regions.

Discussion: There are a number of parcels that are incorrectly designated Open Space, either entirely or just a portion. Most of these cases are within the Stonebriar subdivision in El Dorado Hills. The proposed General Plan amendment will clean up the boundary between the Open Space designation and the High Density Residential designation to reflect the existing subdivision lot boundaries.

Policy 2.2.5.2: *All applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General Plan amendments, such amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.*

Discussion: This set of General Plan land use map amendments is consistent with the policies and intent of the 2004 General Plan. As described under the preceding policies, the proposed amendments bring the maps into conformance with the policies of the General Plan by correcting drafting errors. In most cases the changes do not affect the intensity of development of the lot. In a few cases, small parcels or groups of parcels were mis-designated on the 2004 General Plan maps, based on some of the reasons described under "Source of errors."

Conclusion: As discussed above, staff recommends that the proposed land use map changes be found to be consistent with the intent of the General Plan.

Zoning: There are no zoning changes proposed as part of this project. In the future, the zoning maps will be amended along with the Zoning Ordinance to bring the Ordinance and maps into conformance with the General Plan. The proposed General Plan Amendments to the land use map will facilitate the future process of updating the zoning maps.

Agency and Public Comments:

Agricultural Commission: The Agricultural Commission was asked for comments on the few cases that involved amending the Agricultural District boundary. Their comments will be forwarded when available.

Native American Tribes: Pursuant to SB18, Native American Tribes with traditional lands in the vicinity are required to be notified regarding General Plan Amendments. There were six tribes identified by the Native American Heritage Commission to be sent notification, and the tribes have 90 days to respond and request consultation. Due to the nature of this General Plan Amendment, staff is anticipating that the Native American Tribal representatives will not require a consultation. Progress on the notification and consultation process will be provided as it becomes available.

EID comments: The El Dorado Irrigation District (EID) had not officially commented on the proposals, but planning staff did discuss options for the EID property in the Missouri Flat Road area. These lands are designated Public Facilities (PF) but are unlikely to be developed with PF associated land uses. It had been suggested that these EID lands could be designated Commercial (C) or Industrial (I). Planning and EID staff concluded that EID needs to evaluate all their lands and provide comprehensive recommendations to the County on the proper land use designations based on the existing and planned uses. EID staff has begun that assignment.

General Plan Amendment A06-0009 does not include the EID property on Missouri Flat Road. However, one small EID parcel is contained within this amendment for needed correction:

Case No. 82 (Assessor's Parcel Number 92-161-03) is a property designated Public Facilities–Platted Lands (PF-PL). The PL designation is unnecessary since PF is allowed in Community Regions without the PL, and this amendment would simply remove the PL overlay. The site is correctly designated PF, because there is an EID water tank on the site. EID staff concurred that the –PL overlay should be removed from this lot.

Staff also consulted EID on another case. Assessor's Parcel Number 42-010-26 is a small parcel designated Medium Density Residential (MDR), but it is located in the Rural Region. To correct this case the boundary of the adjacent Community Region could be amended, or the designation could be changed to Natural Resources (NR). This lot is part of the Sly Park recreation area and is part of a pending application for a General Plan amendment, rezone, and special use permit. Planning and EID staff concluded not to include this lot. The pending application for the Sly Park Master Plan project (A07-0003/Z07-0009/S07-0008) currently proposes to designate the land Tourist Recreational (TR). EID approved the Sly Park Master Plan and certified the Environmental Impact Report on April 9, 2007.

Conclusion: No other agencies were solicited comments because of the nature of this General Plan Amendment. The various changes generally do not alter the development potential of the lots involved and therefore would be of negligible concern to other agencies.

New issues may arise as a result of the public notice of the hearing which will be discussed at that time.

ENVIRONMENTAL REVIEW

This project is consistent with the analysis in the General Plan EIR, certified on July 19, 2004, along with adoption of the General Plan. The project includes minor amendments to the General Plan land use map that can generally be characterized as corrections. In most cases the amendments will not increase development potential or intensities.

In the case of the six lots in Camino being changed from Rural Residential – Agricultural District (RR-A) to Commercial (C), these parcels should have been designated Commercial based on direction during the hearings on the 1996 General Plan, whose land use map was used as the base for the 2004 General Plan. Changing of these lots from RR-A to C would allow Commercial development to occur. Since the lots are currently zoned Commercial – Design Review (C-DC), the environmental review of future commercial development will be conducted through the design review discretionary permit process.

From this discussion, it is clear that the proposed General Plan Amendment will not create any impacts that were not anticipated in the preparation, analysis, and certification of the General Plan EIR on July 19, 2005 (SCH 2001-082030). Therefore it is appropriate to utilize CEQA Guidelines Section 15164 (Addendum) to confirm that no new impacts would occur as a result of these General Plan amendments.

The Addendum is represented by the attached Exhibit C (Table A06-0009) and Exhibit D (General Plan Map Corrections, Sheets 1 through 15) and includes the CEQA Findings in Attachment 1.

RECOMMENDATION: Recommend approval

SUPPORT INFORMATION

Attachments:

Attachment 1	Resolution of Intention No. 2007-02
Attachment 2	Vicinity Map

EL DORADO COUNTY
DEVELOPMENT SERVICES DEPARTMENT

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RESOLUTION OF INTENTION NO. 2007-02

WHEREAS, the County of El Dorado is mandated by the State of California to maintain an adequate and proper General Plan; and

WHEREAS, because of that mandate, El Dorado County's General Plan and the various elements thereof must be continually updated with current data, recommendations, and policies; and

WHEREAS, the adopted Land Use Map was adopted on July 19, 2004, by the County Board of Supervisors and confirmed by referendum on March 8, 2005; and

WHEREAS, prior to updating the Zone District Maps for conformity to the 2004 General Plan, minor corrections and adjustment to the adopted Land Use Map is determined to be necessary and appropriate in order to facilitate the review and update of the Zone District Maps.

BE IT HEREBY RESOLVED, the El Dorado County Planning Commission will set a public hearing to consider amending the Land Use Maps of the General Plan including the changes in the attached table labeled Exhibit A and also depicted on Exhibit Maps displayed at the Planning Commission hearing.

BE IT FURTHER RESOLVED, the Planning Commission hereby authorizes the Development Services Department to proceed with the preparation of the above said hearing.

PASSED AND ADOPTED by the El Dorado County Planning Commission, at a regular meeting of said Commission held February 22, 2007, by the following vote:

AYES: Commissioners Mac Cready, Machado, Mathews, and Knight

NOES: None

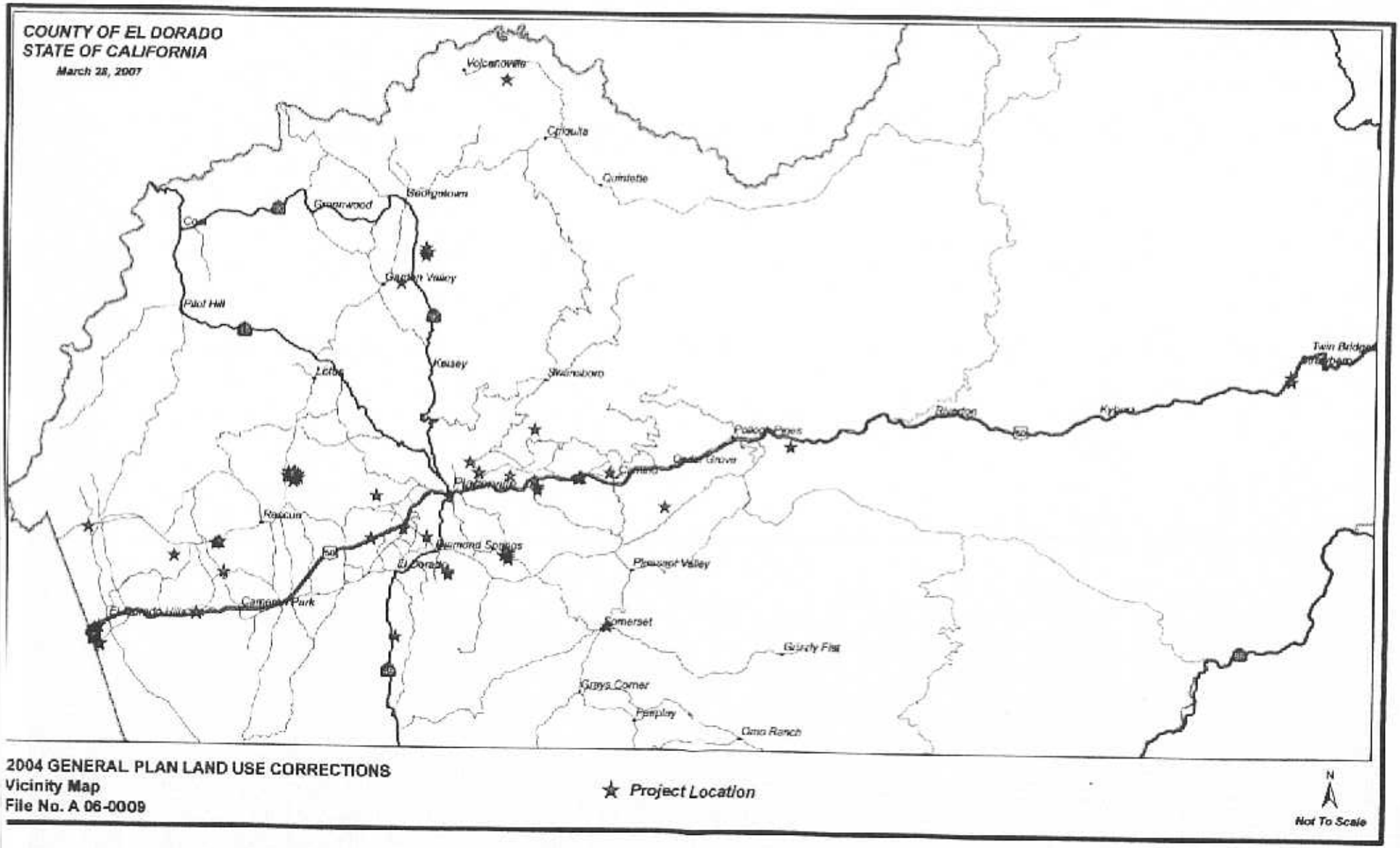
ABSENT: Commissioner Tolhurst

ATTEST:

Jo Ann Brillisour
Clerk to the Planning Commission

John Knight, Chair

A 06-0009



2004 GENERAL PLAN LAND USE CORRECTIONS
Vicinity Map
File No. A 06-0009

★ *Project Location*