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Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Re: General Plan Implementation Status Report and Prioritization

RECOMMENDATION

Development Services Department submitting status report on General Plan implementation and requesting further direction and guidance regarding the Board's priorities.

BACKGROUND

The 2004 General Plan included a list of implementation measures with each element. Each measure identified the department(s) responsible for implementation, and an anticipated timeframe for each. As a part of the budget process, each responsible department has identified those measures determined to be the highest priority, based on departmental needs and prior Board direction, staffing availability, and funding resources. The purpose of this memo is to provide an update to the Board regarding the status of these measures, identify issue areas of on-going concern for Development Services regarding policy implementation and interpretation, and provide options regarding prioritization and funding options. While references are made in this report to progress being made by all County departments, the focus is on those programs being undertaken by the Development Services Department and its fiscal resources. Attachment 1 shows the priority measures and costs budgeted for fiscal year 2008-09.

DISCUSSION

The General Plan contains a total of 219 implementation measures. Each measure identifies a task or series of tasks, the County department(s) responsible for implementing the measure, and an expected time frame of when it would likely be accomplished. These measures range from programs already undertaken and applied on a daily basis, to major projects such as the zoning ordinance update, design and improvement standards manual update, and the INRMP. While all of these measures are important for the long term implementation of the plan, several are critical to the economic well-being of the County.

Implementation Measure Timeframes

The implementation program, as adopted with the 2004 General Plan, shows an ambitious schedule of implementation. Eighty-six programs were identified as being implemented within the first three years from adoption, several of which address multiple measures. Due to the referendum and the time needed for the Court to lift the writ, the start date was delayed until the Fall of 2005. Nearly three years have gone by, and while progress has been made, it has been slower than originally expected or desired. Attached is a list of those measures intended to be implemented within the first three years of adoption, with a comment on the status of each measure (Attachment 2). Only 16 of the 86 programs have been completed, and numerous measures have yet to be initiated. Yet many of these have been very complex and controversial programs, with a great deal of public interest group and stakeholder involvement and several workshops with the Planning Commission and your Board.

Current Priorities

Attachment 3 shows the current long range planning projects being undertaken by the Development Services Department. This shows the expected staff hours and consultant costs. Priority measures include the Zoning Ordinance update, Oak Woodlands Management Plan (OWMP), beginning the Integrated Natural Resources Management Plan (INRMP), affordable housing programs, and various amendments and ordinances initiated by the Board of Supervisors and Planning Commission. Priority projects for other departments, as shown on Attachment 1, include the update of the Design and Improvement Standards Manual (DISM), septic system monitoring program, rangeland study, establishment of the economic development advisory committee and training for that committee, and the parks master plan.

Implementation Costs

Each department with responsibility for implementing one or more measures from the General Plan has estimated the annual costs of these programs, and has included those costs in their budgets for the past three years. Attachment 1 shows the budgeted amount for FY2008-09, which was \$2,160,626, including consultant and staff costs. The cost estimate for full implementation is estimated at \$31.2 million, based on an analysis prepared by Pacific Municipal Consultants in May, 2007, from figures provided by the County.

For Development Services, last year's budgeted cost was \$1,386,575. This includes \$800,000 in consultant contracts, with the balance being staff and overhead costs. This fiscal year funds for consultant contracts have been reduced to \$400,000, reserved for the INRMP and winery ordinance CEQA analysis. Contracts have not been entered into for work on either program as of September 2008.

General Plan Implementation Challenges

Although the policies and implementation measures were crafted with the best intentions and attention to detail, several policies have provided challenges to staff and the public as they are

applied on a day-to-day basis. Below is a list of those policies, a description of the problem, and the steps being taken to resolve the issue:

- Application of Biological Resource Protection Requirements to Discretionary and Ministerial Projects – Several measures are included in the General Plan that address biological resource issues and which have caused difficulties for applicants and staff in applying them to projects. These include stream setbacks and riparian area protection, oak tree protection, and rare plant programs. Staff is currently working on several programs to simplify the process and provide clear direction to applicants. These include:
 - Oak Woodlands Management Plan – The OWMP was adopted by your Board in May 2008. This provides the Option B alternative to on-site retention of oaks, by adopting a fee to fund off-site conservation of oak woodlands. This was a top priority of Planning staff. A lawsuit was filed in El Dorado County Superior Court on June 6, 2008 against the Oak Woodland Management Plan.
 - Integrated Natural Resources Management Plan – The Board has directed Planning staff to work with the Plant and Wildlife Technical Advisory Committee and the Stakeholder Advisory Committee to create a Request for Proposals to obtain proposals from qualified consultants to provide the technical assistance needed. The INRMP is likely to be a multi-year process. Once adopted, the plan should provide clear guidance for applicants and staff regarding compliance with stream corridors and riparian protection, special status species habitat, and other biological resources identified in the General Plan.
 - Self-certification of compliance with standards – Staff has developed a self-certification program to shorten the review period and simplify processing of building permits. This program will be adapted as the OWMP, INRMP, and other measures are finalized.
 - Amendment to Policy 2.2.5.20 – Your Board, on June 16, 2008, approved the General Plan Amendment and adopted Ordinance 4777 amending County Code Section 17.22.330 to create a threshold of 4000 square feet of living area or 20,000 square feet of ground disturbance before the General Plan consistency review is triggered.

- Open Space Requirements for Planned Developments – Several policies address open space requirements and the mandate that 30% of a project site be set aside with planned developments. This has proven difficult to meet with smaller infill projects, and creates an additional challenge for affordable housing projects. A workshop was held with the Planning Commission in August, 2007 and the Commission directed staff to meet with stakeholders to develop appropriate modifications to the policies. Several projects are unable to proceed as designed due to this policy and there is a strong demand within the development community to see changes to the policies. Density bonus issues are related to these policies and they also need to be addressed. Staff has been working on this for some time, but has been unable to move forward due to other higher priority projects.

- Design and Improvement Standards Manual update – The design manual has been in need of update for many years, having had its last comprehensive update in 1986. The Department of Transportation is taking the lead, with assistance from Planning, Environmental Management, the water purveyors, and fire protection districts. The County is continually receiving requests for design waivers on parcel maps and subdivisions for standards that are no longer applicable, so the need to upgrade the manual is paramount. This is expected to be a lengthy process, but DOT has dedicated one full-time staff person to the effort. The draft manual is expected to be present to your Board this fall.
- Agricultural buffering requirements within Community Regions and Rural Centers (A08-0002) – The Planning Commission has identified an apparent conflict between the agricultural buffer policies of the plan (Policy 8.1.3.1) and the directive to direct development toward the Community Regions and Rural Centers when the agricultural lands abut the boundaries of those planning concept areas. On December 13, 2007 the Planning Commission adopted a resolution of intention to consider amending the plan policies related to the buffer and setback requirements. Another issue where agricultural protection policies potentially conflict with development interests is the identification and protection of grazing lands. A joint Planning Commission and Agriculture Commission workshop was held February 19, 2008. The Agriculture Commission has recommended adoption of general plan amendment language and the matter is going before the Planning Commission on September 25, 2008, and then will come before your Board.
- Inconsistencies with the General Plan and Zoning Ordinance – One of the highest priorities for General Plan implementation is updating the zoning ordinance to be consistent with the General Plan. The code was last comprehensively updated in the 1960s, with numerous amendments over the past thirty to forty years. This has resulted in an outdated, confusing, and sometimes contradicting zoning ordinance. Development Services has dedicated two full-time staff to the effort towards a comprehensive update, including a county-wide mapping effort to bring the zoning ordinance into conformance with the General Plan. Staff has brought various sections of the draft ordinance to the Planning Commission for review and direction, but anticipates several more months of work before it is complete, and the formal public review and CEQA process can commence.

The Planning Commission and Board of Supervisors have also initiated several other amendments to general plan policies and ordinance amendments, and changes to the Zoning Code, listed below:

- Floor Area Ratio/Mixed Use Development (A06-0002) – This two-part amendment included an increase in the FAR for non-residential development and the creation of MUD standards. The final amendment to the FAR portion was adopted in July, 2007. The Board provided staff with additional direction regarding mixed use and staff intends to return to the Board with phase one of the amendment and zoning ordinance

changes within the next couple of months. Phase two would begin following direction from the Board and a discussion with the CAO's office regarding resources.

- Amendments to Policies Addressing Mandatory Open Space Requirements (A07-0009) – See discussion above.
- Parcel Size Exception (A07-0010) – This amendment was initiated to allow the provision for the minimum parcel size exception contained in the zoning ordinance to be permitted under the 2004 General Plan. This is in process and is expected to be completed in the fall of 2008.
- Winery Ordinance – Staff has been working on the comprehensive update to the winery ordinance for some time and has been identified as a high priority by the Board. At the request of the Board, a second alternative ordinance is being drafted that could reduce the potential impacts, eliminating the need for the EIR.
- Riparian Setback Ordinance – This ordinance is necessary to implement Policy 7.3.3.4. A draft has been prepared and will be scheduled before the Planning Commission.
- Lot Line Adjustment Ordinance – An update to the LLA process was determined necessary to clarify the process and update terminology. The draft ordinance went to the Planning Commission on July 23, 2008. The Planning Commission made a recommendation to the Board for approval. This item will go for a hearing before the Board on September 23, 2008.
- Bed and Breakfast Inn Ordinance – Recent applications for new inns have shown the need to update standards and incorporate them into the code. The Board of Supervisors adopted this ordinance on April 29, 2008.
- Flood Damage Prevention Ordinance – The purpose of the ordinance was to update the provisions to be consistent with state and federal requirements. The draft ordinance went to the Planning Commission on July 23, 2008. The Planning Commission made a recommendation to the Board for approval. This item will go for a hearing before the Board on September 23, 2008.

Housing Element Update – The Housing Element of the General Plan was revised and adopted on July 1, 2008. Section 65588(e) (3) of the Government required this revision. Along with the adoption of the new Element, a new implementation program was adopted that includes a number of items to be completed within the first two years following its adoption. Many of the programs are already under development such as the update to the Design Improvements Standards Manual and Zoning Ordinance, the Mixed Use Development Amendment and Density Bonus Ordinance. There are still several items required to be completed in the first few years with some of those items possibly requiring multiple years to develop and implement.

General Plan Monitoring – The General Plan also contains several policies requiring monitoring and periodic updates to the plan as growth patterns and rates evolve over time (Objective 2.9.1). Policy 2.9.1.1, as well as several Housing Element policies, requires ongoing monitoring of the land inventory for housing and employment. Policy 2.9.1.2 requires a review of that monitoring after two years, and every five years thereafter, to determine if adjustments need to be made to accommodate changes in growth patterns. The monitoring is also intended to review the effectiveness of the mitigation measures addressing significant impacts of development authorized by the plan. At those times the County may initiate land use changes, and modifications to the Community Region and Rural Center boundaries. Development Services staff is working on a tracking system of project approvals that would provide the database necessary to monitor development trends and land availability.

Several General Plan amendments have already been processed and adopted. These are:

- General Plan Consistency Review Threshold Modification (A07-0011) – The amendment to Policy 2.2.5.20 provided relief to most single family residential permits by establishing thresholds where the General Plan consistency review is applied. This was adopted by your Board in June.
- Modifications to Condominium Conversion Standards (A06-0005) – Changes to the timeframes permitting conversions of rental units were adopted in 2007.
- Mandatory Planned Development for Sites in Airport Overflight Area (A06-0007) – Elimination of the requirement for a planned development for a residential project in Safety Zone 3 was adopted in July 2007.
- Floor Area Ratio Amendment (A06-0002) – In July 2007 your Board adopted an amendment that expanded the Floor Area Ratio (FAR) that provided greater flexibility for commercial development.
- Bed and Breakfast Ordinance – Standards for the development of bed and breakfast inns were adopted in April 2008.
- Missouri Flat Design Guidelines – Design guidelines for development in the Missouri Flat corridor were adopted in May, 2008.

Staffing Levels and Current Priorities

Planning Services has two principal planners and three senior planners allocated for work on long range planning and General Plan implementation projects. However, two of the senior planners are also allocated in part to current planning projects, so only 83 percent of their time will be on long range planning. Additionally, one of the principal planners is also overseeing permit center operations, which takes 30 percent or more of his time. This leaves a total of approximately 8400 hours of staff time available for long range planning activities. The Department's current priorities, from the list provided on Attachment 3, are as follows:

1. Zoning Ordinance update
2. Housing Element update (final revisions to comply with HCD requirements)
3. INRMP
4. Winery Ordinance
5. Amendment to Policy 8.1.3.1 – Agricultural Buffers
6. Parcel size exception GPA
7. Riparian Setback Ordinance
8. Gabbro soils rare plant negotiations with USFWS & CDF&G
9. General Plan monitoring
10. Design Manual update assistance
11. Mixed Use Development Amendment and Ordinance
12. LLA Ordinance
13. Fast Track Process
14. Flood Damage Prevention Ordinance update
15. Open Space Policies Amendment
16. Density Bonus Ordinance
17. Pine Hill Preserve management
18. TRPA Regional Plan update coordination
19. Mather Airport noise issues
20. Oak Tree Ordinance
21. Meyers Community Plan update

It is clear that not all of these tasks can be worked on simultaneously. Staff has attempted to prioritize those tasks for which direction has been given by the Board and/or Planning Commission and an indication has been given that the task is a priority for the Board or Commission. Funding for these tasks comes from the general fund. The costs include staff hours as well as consultant costs where outside expertise is needed. Attachment 3 also includes expected staff hours to complete and outside costs, if any.

Conclusion

The 2004 General Plan contains an ambitious program of measures for implementation. It is clear that staff underestimated the time and effort necessary to complete the measures in the originally estimated time frames, but progress is being made. Due to the overwhelming volume of activity resulting from these measures, Development Services staff requests that your Board provide further direction and identification of the top priority measures. Attachment 3 is a complete list of long range planning and general plan implementation programs being undertaken by the department. The implementation measures, policy and ordinance amendments, and other planning assignments identified as highest priority will be the items on which the departments will focus in the immediate future. Staff will continue to provide regular updates to inform your Board of progress, and to ensure that attention is focused on the highest priorities.

- Attachments:
1. FY08-09 GPI Estimated Cost
 2. Status of Implementation Measures
 3. Planning Services Long Range Planning Assignments

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