

Submitted by Kim Beale

at Board Hearing of 6/17/08
#53

June 17, 2008

El Dorado County Board of Supervisors

330 Fair Lane, Placerville, CA 95667

Re: Amendment of General Plan Policy 2.2.5.20

Honorable Supervisors:

The El Dorado Business Alliance (BA) is in support of the proposed amendment of Policy 2.2.5.20 of the 2004 General Plan with the exception of the proposed change of, "any structure greater than 120 square feet" to "any structure greater than 4,000 square feet." We are seeking your consideration of this matter.

The El Dorado Business Alliance (BA) believes that "4,000 square feet" is an arbitrary number. That the part of the proposed sentence that reads, "All non-residential development, all subdivisions, residential development on existing legal lots *involving any structure greater than 4,000 square feet in size or* requiring a grading permit" should be redacted to read, "All non-residential development, all subdivisions, residential development on existing legal lots requiring a grading permit. ." This proposed change would not change the efficacy of the mitigation identified in the 2004 General Plan EIR.

We fully agree with the findings of attachment 3 of Planning Commission Agenda of May 22, 2008, entitled, "EL DORADO COUNTY ADDENDUM TO THE 2004 GENERAL PLAN ENVIRONMENTAL IMPACT REPORT FOR AN AMENDMENT TO POLICY 2.2.5.20." A comprehensive review of this supporting document demonstrates that a change from 120 square feet will not create any new, or more significant, environmental effects that were not disclosed in the 2004 General Plan EIR.

That same report does not provide any support for a "significance" of the number "4,000" square feet. Not only is this "threshold" number unsupported as to having any qualitative merit, but also the report's own findings demonstrate that the elimination of ANY threshold number would not change the conclusions of the report's findings.

It is our opinion, using any threshold number without clear and compelling evidence that the number relates to some tangible "nexus", is only a partial solution to eliminating unnecessary inefficiencies, time delays, and economic drains on productivity. Just as we have come to agree that requiring a General Plan Consistency Check for all permits is an unnecessary burden, we believe that you will find that the threshold number of 4,000 square feet is just as arbitrary and unnecessary.

The solution proposed by the BA is to redact the words, "*involving any structure greater than 4,000 square feet in size or*" from the proposed amendment to Policy 2.2.5.20.

As discussed in detail below, the supporting documentation for the proposed policy amendment does not support any significance or relevance to the number of 4,000 square feet.

Reference: http://www.co.el-dorado.ca.us/Planning/genplan/A07-0011_Attach3.pdf

The El Dorado Business Alliance is made up of the following organizations: El Dorado Builders' Exchange; El Dorado County Association of Realtors (EDCAR); Chambers of Commerce – El Dorado County & Shingle Springs/Cameron Park; El Dorado Forum; North State Building Industry Association (NSBIA); and Surveyors, Architects, Geologists & Engineers (SAGE).

Impact 5.1-3 – Creation of substantial land use incompatibility

"The County finds that the elimination of the consistency review for projects under 4,000 square feet of building area or 20,000 square feet of soil disturbance will not result in any greater degree of land use incompatibility than is potentially possible under existing circumstances. There is no new or increased impact regarding land use compatibility as a result of the proposed amendment." Report Page 3.

Although this finding states that there is no significant change from 120 sqft to 4,000 sqft, it does not give any support that either 4,000 is a significant threshold or that 5,000 sqft, 8,000 sqft, or 50,000 sqft would be any different.

Impact 5.2-1 – Potential for conversion of important farmland

"The current review of ministerial permits for General Plan consistency does not provide any greater protection from the conversion of farmland, and its elimination will not alter the level of protection. Five additional mitigation measures were adopted to address this impact. Furthermore, the vast majority of ministerial permits are for single family homes or additions on existing parcels, which are compatible and permitted by right on agricultural land. Other, existing programs such as minimum parcel size and agricultural setbacks provide more effective mitigation." Report page 4.

In no way is the significance of the number 4,000 addressed in this finding.

Impact 5.3-1 – Degradation of scenic vistas and scenic resources

"Because there are no specific standards in the General Plan for scenic view protection, the current consistency review process does not address scenic vistas. Three other mitigation measures also addressed this impact. These include measure 5.3-1(b) (Policy 2.6.1.3), and 5.3-1(c) (Policy 2.6.1.5). Provisions addressing these issues will be included in the updated zoning ordinance. However, the proposed amendment to Policy 2.2.5.20 will not raise any new impacts or increase the severity of the impact to scenic resources. Report page 5.

Because the current consistency review process does not address scenic vistas, there can be no relevancy to the number "4,000" nor is this number addressed in any way in this finding.

Impact 5.3-3 – Creation of new sources of substantial light or glare

"The County has previously adopted an outdoor lighting ordinance (Section 17.14.170 of the El Dorado County Code). This applies to all ministerial and discretionary development and already implements this measure. These measures have been fully implemented and apply regardless of the General Plan consistency review process of Policy 2.2.5.20. Changes to that policy will not reduce the effectiveness of the mitigation of the impact of light and glare." Report page 5.

More specifically, Changes to that policy will not reduce the effectiveness of the mitigation of the impact of light and glare **regardless of building size.**

Impact 5.4-3 – Short term unacceptable level of service (LOS)

"all development, both ministerial and discretionary, are subject to the payment of Traffic Impact Mitigation (TIM) fees, which have been updated since the adoption of the 2004 General Plan, as required by Implementation Measure TC-B. The proposed modification of Policy 2.2.5.20 would not alter the collection of TIM fees to offset traffic impacts associated with the new development, nor would it worsen the short term decreases in LOS." Report page 5 & 6.

Again, there is no significance to the number "4,000" to TIM fees or the LOS.

Impact 5.5-1 – Increased water demand and increased water shortages

"The County requires that any new residence or non-residential use present a meter award letter or similar assurance from the water purveyor that demonstrates that there is sufficient water supply to serve the development. Without such assurance, the County will not issue a permit. The proposed amendment would not change this requirement, therefore, there would be no change in the level of mitigation if Policy 2.2.5.20 is amended as proposed." Report page 6.

Again, there is no significance to the number "4,000" to water demand or shortages.

Impact 5.8-6 – Risk of exposure to flood hazards

"All building permits are reviewed for compliance with Chapter 17.25, the Flood Damage Prevention Ordinance, which prohibits construction in a flood zone without meeting standards set forth in the ordinance as established by the Federal Emergency Management Agency. ... Additional mitigation measure 5.8-6(b) (Policies 6.4.1.4 & 6.4.1.2) prohibit the creation of new parcels fully within either the flood zone or dam failure inundation (DFI) zone and require the designation of a building area for new lots partially within either zone.

The size of "4,000" has no significance to this hazard and it is covered in of mitigation measures.

Impact 5.8-9 – Public exposure to asbestos

"All of these programs [Policy 6.3.1.1, AQMD Rule #223-2, Policy 6.3.1.3] operate independently of the General Plan consistency review process of Policy 2.2.5.20, therefore the proposed amendment would not lessen the mitigation measures identified in the EIR." Report page 7.

As other independent policies operate here, there is no significance to the number "4,000" in the impact of the proposed changes to Policy 2.2.5.20.

Impact 5.8-10 – Increased potential for fire incidents and hazards

"PRC §4291 (fire safe regulations) apply to all projects, including ministerial permits. Projects are reviewed for consistency and no permit may be issued unless approved by fire authorities. This occurs with or without the consistency review, therefore, the proposed amendment would not lessen the mitigation identified in the EIR." Report page 7.

Again, there is no significance to the number "4,000" in the impact of the proposed change to Policy 2.2.5.20.

Impact 5.9-2 – Increased development in areas susceptible to landslide and avalanche hazard

"A geotechnical report is required with the submittal of building permits and subdivision maps. This is required independently of the General Plan consistency review process, so the proposed amendment would not reduce the level of mitigation or worsen the impacts." Report page 7.

Again, there is no significance to the number "4,000" in the impact of the proposed change to Policy 2.2.5.20.

Impact 5.9-4 – Increase in rate or extent of erosion

"The grading ordinance applies to all building permits and earth movement of more than 10,000 square feet of surface area. ... The grading ordinance and standard erosion control measures applied to building permits adequately mitigate the impact of grading, and the proposed amendment would not lessen the mitigation identified in the EIR." Report page 8.

As this EIR element is primarily a grading issue, the Grading ordinance controls. The size of the structure is not an issue as the grading required for any size of structure is mitigated by the grading ordinance.

Impact 5.9-6 – Land use compatibility with mining operations

"In addition to the consistency review, two other measures were applied. Measure 5.9-6(c) (Policy 7.2.2.1) ... Policy 7.2.2.3 ... The on-line data provided to an applicant at the time of a permit application simply identifies that a parcel is adjacent to a mine in order to give the owner notice that he or she may be impacted by noise, dust, and other effects from the mining operation. This notice will continue to be provided as a part of the permit process, therefore, the proposed amendment would not reduce the mitigation from that identified in the EIR and there would be no increased impact." Report page 8.

This EIR identified impact is related to the land, not the size of the building. Again, there is no significance to the number "4,000" in the impact of the proposed change to Policy 2.2.5.20.

Impact 5.11-3 – Toxic air emissions

"No standards exist within the General Plan that could be applied on a ministerial basis, therefore, the proposed amendment would not lessen the mitigation from this measure. ... Measure 5.11-3(c) directs the County Air Quality Management District (AQMD) to utilize the most updated version of the Guide to Air Quality Assessment (Policy 6.7.7.1). This applies to discretionary development applications and County projects, therefore, the proposed amendment would not change the application of this policy. ... All discretionary development projects are routed to AQMD for comment during the early review process, including subdivisions and most other sensitive uses. ... The proposed amendment would not increase the severity of the impact when all of the mitigation measures and existing procedures are considered." Report page 9.

Again, there is no significance to the number "4,000" in the impact of the proposed change to Policy 2.2.5.20.

Impact 5.13-1 – Destruction or alteration of prehistoric and historic sites

"The General Plan EIR identified this impact as less than significant after mitigation measures were applied. Four additional measures were adopted. ... The County has established a procedure for review of any demolition or renovation permit to determine if the structure is historic. If listed, the procedures established with the listing are applied. If not listed, the permit is referred to the County Museum for documentation and recommendation prior to issuance of the permit. This process operates independently of the consistency review process, therefore the proposed amendment would not reduce the effectiveness of this measure." Report page 10.

Once again, there is no significance to the number "4,000" in the impact of the proposed change to Policy 2.2.5.20.

This comprehensive review demonstrates that no significance is attributed to the number of 4,000 square feet. Without a clear and compelling reason to include it, or any other number, the whole phase should be eliminated. It is arbitrary, lacking in qualitative merit, and contributes to process inefficiencies.

Sincerely,



Kimberly Beal
2008 Chair, El Dorado Business Alliance.