

C. Langley BUS 10/25/16  
# 38

**Public Comment**  
Cheryl Langley  
BOS Meeting of October 25, 2016  
Agenda Item #38  
File No. 16-0477

Supervisors:

Regarding staff's recommendation to "receive and file the General Plan 2011-2015 Five-Year Review," I ask that you reject this recommendation.

This request is made based upon the following:

- I object specifically to the Finding that "...Community Region boundary amendments are not required or necessary..."
- Community groups have been working for Community Region boundary (CRB) reduction since 2009. You are now faced—once again—with a request to support community groups' request to contract the CRBs for a handful of communities, namely Shingle Springs, El Dorado / Diamond Springs, Cameron Park and El Dorado Hills.
- The request to contract the CRBs met with limited success when on December 9, 2014, the Board of Supervisors directed staff to prepare a Resolution of Intention (ROI) to amend the General Plan Land Use Maps to contract the CRBs, and authorized Long Range Planning to proceed with the completion of all required environmental review. But for some reason, this process has stalled.
- Part of the resistance seems to be based on the perceived necessity to perform an EIR. While today's staff presentation indicates amending the CRBs cannot rely on the 2004 General Plan EIR—that it would "require separate environmental review," it has been well documented that a new EIR is most likely not necessary.
  - According to an April 25, 2013 letter from Joel Ellinwood—a land use attorney—for an EIR to be required, a determination must be made whether a change may have a significant effect on the environment under CEQA. Any significant effect is limited to "substantial," or "potentially substantial" adverse changes. Because *removing or contracting* a CRB does not result in a change to the physical environment, "*It could not result in any effect that could be consequential for any school district, LAFCO, EID...or local California Native American tribe, or result in any change, adverse or otherwise, to land, air, water, minerals, flora, fauna, noise, or objects of historic or aesthetic significance.*" For this reason, removal or contraction of CRBs generally would not constitute a "substantial" change.
  - Thus, it is likely no EIR would be needed; CRBs can be reduced and the "*...Board of Supervisors can comply with [CEQA] by finding that the 'common sense' exemption to CEQA applies, or by adopting a negative declaration.*"
- That said, it was argued in Mr. Trout's White Paper of 2013 that impact from a reduction in the size of CRBs could potentially be experienced by other rural portions of the County. But this is a specious argument, for the following reasons:
  - There is no credible evidence that reducing CRBs would put development pressure on other areas of the County. Existing zoning and General Plan land use designations would have to be amended elsewhere—and supervisors can simply say no to incompatible development. Other areas of the county will not grow unless the Board approves projects elsewhere.
  - And, there are genuine constraints to development in the County—namely inadequate roads and limited groundwater supply.
  - Mr. Trout also expresses concern that agricultural lands will be impacted by growth displaced from reduced CRBs, including the Shingle Springs CRB. However, the San Stino / Mill Creek

proposed project, now located in the Shingle Springs CRB—and the Dixon Ranch project proposed along the Green Valley Corridor—contain numerous acres of land currently zoned for agriculture. This land will be converted to high-density residential use if pending projects are approved. If agricultural lands are important to protect—and I agree that they are—this is a good place to prove that commitment. Development can only move onto agricultural lands if County government allows it to do so.

And finally:

- Reduction of the CRBs complements the goals and objectives of **Measure E**, AB 32 (the Global Warming Solutions Act) and SB 375 (the Sustainable Communities Act).
- Reduction of CRB does not require any land use changes, does not affect the Housing Element, and will not impact “achievable housing units.”
- Intensive development would worsen the jobs/housing balance.

**Please direct staff to begin the process of evaluating the contraction of the CRBs.**



S. Taylor BOS 10/25/16 # 38

**Comments regarding 10-25-16 Board of Supervisors Agenda  
Item #38 #16-0477:**

38. Community Development Agency, Long Range Planning Division, recommending the Board:

- 1) Receive and file the General Plan 2011-2015 Five-Year Review;
- 2) Find that the basic General Plan Assumptions, Strategies, Concepts, and Objectives are still valid, or have not changed so drastically that the County would need to consider amending them at this time, with the exception of potential impacts of Measure E on the Housing Element yet to be determined;
- 3) Direct Long Range Planning Division to submit the report to the Governor's Office of Planning and Research;
- 4) Discuss prioritization of recommended work plan for the next five-year period (2016-2020); and
- 5) Direct Long Range Planning Division to return to the Board in 2021 with the five-year review for the 2016-2020 period.

Regarding #1:

*[So it takes 10 years to do the first General Plan Review and 1 hour to do the second 5 year review? Where was all the public participation that was promised? This second review is severely lacking in looking at ALL the elements within the General Plan. Especially when it comes to those elements that have been promised to the voters since the 2004 General Plan went onto the ballot. The public should have more time to digest, review and comment on the review. The following are just a few items found that conflict with what should have been fixed or addressed in this 5 year review. ]*

Regarding #2:

*[A major flaw since the 2004 County was adopted is that the County has yet to implement numerous policies within the 2004 General Plan. Not only have they not implemented critical policies, they have amended, ignored or reinterpreted policies causing many of the General Plan Assumptions, Strategies, Concepts, and Objectives to be undermined to the point of being unredeemable.]*

An example is within the General Plan's Custom, Culture and Economic Stability Statement: "El Dorado County is blessed with abundant natural resources and has long been recognized for its spectacular beauty. While impacted, these same attributes exist

today. The County has a tradition of appreciating and conserving these resources, using them wisely, and upholding a strong ethic of stewardship over these assets. It is the combination of these features that are now referred to as rural character.”

*[Once you no longer protect or start encroaching on those natural resources the rural character of the County will forever be impacted.]*

**Regarding Statement of Vision not met:**

FAILED: “The value and historical productivity of the Eldorado National Forest is associated with commodity production, ecological diversity, and geological significance. Its long-term economic and environmental value depends upon overall forest health.”

FAILED: 1. Maintain and protect the County’s natural beauty and environmental quality, vegetation, air and water quality, natural landscape features, cultural resource values, and maintain the rural character and lifestyle while ensuring the economic viability critical to promoting and sustaining community identity.

FAILED: 2. Where appropriate, encourage clustered development as an option to maintain the integrity and distinct character of individual communities, while protecting open space and promoting natural resource uses.

FAILED: 4. Promote a better balance between local jobs and housing by encouraging high technology activities and value added activities tied directly to available resource based industries such as the timber industry, tourism, agriculture, mining, and recreation.

FAILED: 5. Increase the amount of affordable housing by providing a variety of housing types and encouraging residential projects to reflect affordability in light of the existing local job base and/or infrastructure.

FAILED: 7. Improve and expand local park and recreational facilities throughout the County.

FAILED – BIG TIME: 8. Recognize that the General Plan is a living document which must be updated periodically, **consistent with the desires of the public, and provide for public involvement in the planning process.**

**Regarding Assumptions that have not been met:**

4. Agriculture and Timber The agriculture and **timber industries will remain economically viable during the 20-year planning time horizon of the Plan.** The viability of these industries is critical to the maintenance of the County’s customs, culture, and



economic stability. *[Due to poor management our forest and lack of action by our Board of Supervisor's our forest is in a disastrous state with no resolution in site coming from the County. Because of this our Forest Industry is no longer economically viable, nor is there any plans being brought forward to rectify the situation.]*

7. Traffic Level of Service: **...the Plan has been designed to match any increases in the size of roadways to those necessary to meet the Level of Service** and concurrency policies included in the Transportation and Circulation Element.”

*[This is hard to determine because the County has yet to implement or be clear regarding a true nexus between allowed future density within the current General Plan and road infrastructure required to retain the General Plan's LOS assumptions.]*

**Not updated according to the Board's actions in December of 2015:**

Policy 2.1.1.1 The Communities within the County are identified as: ~~Camino/Pollock Pines~~, El Dorado Hills, Cameron Park, El Dorado, Diamond Springs, Shingle Springs, and the City of Placerville and immediate surroundings.

Policy 2.1.2.1 The Rural Centers within the County are identified as: ~~Camino/Pollock Pines~~, Coloma, Cool, Fairplay, Garden Valley, Greenwood, Georgetown, Grey's Corner, Grizzly Flat, Kelsey, Kyburz, Latrobe, Little Norway, Lotus, Mosquito, Mount Ralston, Mt. Aukum, Nashville, Oak Hill, Phillips, Pilot Hill, Pleasant Valley, Quintette, Rescue, Somerset, Strawberry, and Chrome Ridge.

**Errors and omissions to move Measure E forward as written and as it was before the voters:**

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[The 2004 El Dorado County General Plan is hereby amended as follows and shall remain in effect indefinitely unless amended by voter approval:](#)

Policy TC-Xa ~~The following policies shall remain in effect until December 31, 2018:~~

1. Traffic from residential development projects of five or more units or parcels of land shall not result in, or worsen, Level of Service F (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county.

2. The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at Level of Service F without first getting the voters' approval.

3. All necessary road capacity improvements shall be fully completed to prevent cumulative traffic impacts from new development from reaching Level of Service F during peak hours upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county before any form of discretionary approval can be given to a project.

4. County tax revenues shall not be used in any way to pay for building road capacity improvements to offset traffic impacts from new development projects. Non-county tax sources of revenue, such as federal and state grants, may be used to fund road projects. Exceptions are allowed if county voters first give their approval.

5. The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.

6. Mitigation fees and assessments collected for infrastructure shall be applied to the geographic zone from which they were originated and may be applied to existing roads for maintenance and improvement projects.

7. Before giving approval of any kind to a residential development project of five or more units or parcels of land, the County shall make a finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

Policy TC-Xf: At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal.

For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element.

Policy TC-Xg Each development project shall dedicate right-of-way, **design** and construct or fund **any** improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of the development.

## **IMPLEMENTATION PROGRAM**



## MEASURE TC-X

Develop and adopt a formal program to review signalized intersections that may benefit from synchronization. Include synchronization of intersections that could benefit in the Capital Improvement Program (see Measure TC-A). [Policy TC-3d]

Responsibility:	Department of Transportation
Time Frame:	Develop procedure within two years of General Plan adoption.

LOS traffic levels on Highway 50 on-off ramps and road segments shall be determined by CalTrans and fully accepted by the County for traffic planning purposes.

### TIM (Traffic Impact Mitigation) Fee

Notes:

- ~~1. All 2004 General Plan Traffic Impact Mitigation Fee Program fees for all projects shall be paid at the building permit stage. The fees charged will be the fees in effect on the date a completed building permit application is accepted by the Development Services Department's Building Services. Pursuant to the terms of the Board of Supervisors Policy B-15 for fee deferral, some residential projects may be eligible to elect to pay the fee over a five-year period~~
2. No Traffic mitigation fee shall be required for remodeling of existing residential units including adding a second kitchen, shower or bath in the house or garage that were built pursuant to a valid building permit from the County of El Dorado's ~~Development Services Department's Building Services.~~
3. The fees for non-residential structures shall be based on the projected use of structures, as determined by plans submitted for building permits, and shall be paid prior to the issuance of a building permit. ~~Pursuant to the terms of Board of Supervisors Policy B-3 for fee deferral, some non-residential projects may be eligible to defer payment of the fee until issuance of the certificate of occupancy, or pursuant to the terms of Board of Supervisors Policy B-3, may elect to pay a portion of the fee over a five-year period.~~ Tenant improvements of existing buildings shall receive T.I.M. fee credit for prior use, unless the new use is less impacting, then there shall be no fee required.
4. Mobile homes on permanent foundations shall be subject to the single-family residential fee.
5. Second dwelling as defined under County Code Chapter 17.15.020 shall be subject to the multi-family fee.

YET TO BE IMPLEMENTED:

GOAL 2.4: EXISTING COMMUNITY IDENTITY:

Maintain and enhance the character of existing rural and urban communities, emphasizing both the natural setting and built design elements which contribute to the quality of life, economic health, and community pride of County residents.

OBJECTIVE 2.4.1: COMMUNITY IDENTITY: Identification, maintenance, and enhancement of the unique identity of each existing community.

Policy 2.4.1.1 Design control combining zone districts **shall** be expanded for commercial and multiple family zoning districts to include **identified Communities, Rural Centers, historic districts, and scenic corridors.**

Policy 2.4.1.2 The County **shall** develop community design guidelines **in concert with members of each community which will detail specific qualities and features unique to the community** as Planning staff and funds are available.

Each plan **shall** contain design guidelines to be used in project site review of all discretionary project permits. Such plans may be developed for Rural Centers to the extent possible. The guidelines shall include, but not be limited to, the following criteria:

- A. Historic preservation
- B. Streetscape elements and improvements
- C. Signage
- D. Maintenance of existing scenic road and riparian corridors
- E. Compatible architectural design
- F. Designs for landmark land uses
- G. Outdoor art Policy

2.4.1.3 All properties located within the historic townsite known as Clarksville, El Dorado and Diamond Springs **shall** be designated on the zoning maps as Design Historic (-DH) combining zone district. Other historical townsites may apply for a historical overlay per guidelines in the Zoning Ordinance. *[WHERE ARE THE MAPS?]*

**From Staff Presentation:**

“Measure E Potential Regulatory Barriers to Housing

June 7, 2016, El Dorado County voters approved Measure E which amended portions of General Plan TC-X policies  Potential regulatory barriers to County meeting its Regional Housing Needs Allocation (RHNA)

If the County fails to meet its RHNA potentially exposes the County to protracted litigation until the Housing Element can be found in compliance with state law; Penalties



for noncompliance can be severe (e.g., suspend authority to issue building permits or grant discretionary approvals)

Measure E Potential Regulatory Barriers to Housing CA Dept. of Housing and Community Development (HCD) will determine if Measure E is in compliance with Housing Element requirements of state law.

If Housing Element fails to be found in compliance with state law, County would be ineligible to apply for funding opportunities for various housing, recreation and transportation funds.

Other impacts to the Housing Element, including the requirement to accommodate the County's fair share of RHNA, and maintain "adequate sites" pursuant to state housing element law [Government Code Section 65583]"

*[Since the County has historically taken the stand that they only have to designate land use that "could" accommodate potential housing stock for a variety of incomes, yet not actually require those types of homes be built, given that land use has not changed the County assumption regarding their housing element has not been changed due to Measure E.]*

Per presentation:

Transportation:

"County currently meets traffic LOS assumption by implementing the CIP/TIM Fee Program." *[This no longer valid due to the passing of Measure E.]*

Regarding #3:

*[What is your staff thinking? Dave Defanti stated that there may be serious issues with your current housing element, and I would add that it's been that way for a long time prior to Measure E, so why on earth would this Board even consider bringing that up to the State? There is no requirement or obligation on the Board's part to send our approved Housing Element to the State since it is currently in compliance until the year 2021. The State is going to look at El Dorado County as being nuts. Also why would this Board want to try and lay out the grounds for future litigation due to your poor ability to provide a realistic Housing Element? Does this Board really want to intentionally risk future State traffic funds by taking this issue to the State and asking them to consider our County as being noncompliant so that your friends can win a lawsuit against the County? The Boards actions to turn your duties and responsibilities over to the State and*

*Courts is becoming quite bizarre. I would hope that your County Council would advise you to do otherwise. If the County seriously intends to report themselves to the California Office of Planning and Research(OPR) I would like the contact information of the person the County intends to submit information to and a copy of the letter being submitted to the OPR.]*