

## **FROM THE MINUTES OF JANUARY 26, 2006**

### **11. GENERAL PLAN AMENDMENT (Public Hearing)**

- a. **General Plan Amendment** initiated by the EL DORADO COUNTY BOARD OF SUPERVISORS to consider the following: Amendment to General Plan Policy 2.2.1.5 to include a footnote to Table 2-3, Building Intensities, to allow Floor Area Ratios (FAR) standards to be exceeded on a project-by-project basis if the project proposal is fully analyzed in a discretionary planned development review process and the project impacts are avoided, mitigated to the same, or to a greater, extent than is analyzed in the 2004 General Plan Environmental Impact Report, or are found not to be substantially more severe than the impacts analyzed in the 2004 General Plan EIR. Further, the Commission will consider an amendment to Policy 2.2.1.5, Table 2-3, Building Intensities, deleting the Maximum Impervious Surface percentage standards.

Peter Maurer presented this item.

Commissioner Tolhurst said he is concerned about eliminating the impervious surface completely. He does not want to see everything paved from one end to the other. He is concerned from a visual rather than water quality standpoint. Mr. Maurer replied that elimination of the impervious surface is covered by standards in place today. Commissioner Tolhurst said perhaps the Commission should recommend an 85 percent impervious surface.

Art Marinaccio said there is an additional document that the Commission should look at to see what we are trying to accomplish (General Plan Economic Element). We need to find a way to increase employee and economic development in the County. The Commission should recommend the Board look at other ways to exceed the Far than with the planned development. All impacts, other than landscaping, are off-site impacts. The requirements under a planned development are really onerous. If it is the intent to bring light rail to the Business Park, 35 percent should be the minimum, not the maximum. Mr. Marinaccio said he believes the maximum FAR should be deleted. During the workshop, the Commission should consider moving the FAR and MIS into the Zoning Ordinance. Most of the concerns are aesthetic and not environmental.

Rob Langford said their church has a parcel in Somerset that has two general plan designations. They cannot build with the current percentage. He would not object to 85 percent impervious surface.

Valerie Zetner, Farm Bureau, feels the impervious surface should be deleted and that the Commission consider the agricultural issues.

Greg Fuz, Development Services Director, said the 30 percent open space does not apply in commercial-planned development projects. The planned development allows development standards for each project to be tailored to that project. Staff feels that is a very good reason to use the planned development process. It is also important to have a vehicle that allows CEQA review. In order to recommend an increased FAR, it is necessary to determine that the increase

is not above the analysis in the General Plan EIR. He agrees with Art Marinaccio that these types of standards belong in the Zoning Ordinance. Mr. Fuz said he would be comfortable with the 85 percent maximum impervious surfaces if that is the way the Commission would like to go. However, as Commissioner Tolhurst mentioned, there are other standards in place.

Commissioner Mac Cready asked what the Business Park is supposed to be. It was his understanding it was to be a campus like development as opposed to making it into an industrial park.

Commissioner Tolhurst said we have a responsibility to maintain some type of reduction in environmental impacts. He does not see a problem with 85 percent.

There was no further input.

ON MOTION OF COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS APPROVE A06-0001, WITH AN 85 PERCENT MAXIMUM IMPERVIOUS SURFACE, BASED ON THE FINDINGS PROPOSED BY STAFF.

### **Findings**

1. The proposed project falls within the range of equally weighted project alternatives and environmental effects analyzed by the adopted 2004 General Plan EIR, and pursuant to Section 15162 of the CEQA Guidelines does not require additional environmental review for the reasons stated, as follows:
  - Although impacts identified in the 2004 General Plan EIR associated with traffic, noise, and air quality were based, in part, on development intensity constrained by floor area ratio (FAR), the proposed General Plan amendment constrains all projects which propose an increased FAR to be analyzed pursuant to a discretionary planned development review process whereby project impacts associated with an increase in FAR are found to be either avoided, mitigated to the same or to a greater extent, or are found to not be substantially more severe than the impacts analyzed in the 2004 General Plan EIR. Given that the proposed policy amendment requires a project that proposes to exceed FAR standards to fully comply with the General Plan and General Plan EIR, none of the circumstances which require preparation of a subsequent EIR or negative declaration as set forth by CEQA Guidelines Section 15162 apply.
  - The Agricultural Lands land use designation was taken from the Environmentally Constrained Alternative and included in the 2004 General Plan as a primary land use, not an overlay. This land use designation strengthens the agricultural protection provisions of the plan and serves to enhance the role of agriculture within the County along with other applicable General Plan policies. A maximum of two

dwelling units per parcel are allowed by this land use designation, and the population intensity of associated growth is accounted for in Table 2-2, Policy 2.2.1.3. Although the Environmentally Constrained Alternative included a FAR of 0.10 (10 percent) for Agricultural Lands, building square footage related to FAR and employment per thousand square foot allocations to the Market Areas and corresponding TAZs were not used to assess the environmental effects of growth impact within areas subject to Agricultural Lands land use designation. Instead, residential densities were used, therefore, the 0.10 FAR included in the 2004 General Plan was the result of an unintentional carry-over from the Environmentally Constrained Alternative, and no significant environmental effects or mitigation measures are associated with its use.

- The 2004 General Plan EIR, Impact 5.5-6, Increase in Water Pollutants from New Impervious Surfaces and New Urban and Agricultural Uses, evaluated the environmental effects of increased development of all of the equally weighted alternatives and found that all alternatives would lead to pollutant and sediment laden runoff that would effect offsite locations. The impact assessment included in the General Plan EIR states, in part; “However, General Plan policies, the Storm Water Management Plan, applicable regulations that require compliance with NPDES requirements, prohibit development adjacent to certain water bodies, and require erosion and sediment control BMPs or other water quality protection measures. These policies and programs would apply to all nonagricultural development (including ministerial) that disturbs more than one acre. Development on less than one acre is subject to the General Plan policies as well as the SWMP (which also applies to ministerial development)... As a result, this impact is considered less than significant (prior to mitigation) for all alternatives.” Furthermore, the General Plan EIR did not utilize MIS percentage standards included in Policy 2.2.1.5, Table 2-3, Building Intensities, for the environmental effects were found to be less than significant. Therefore, the proposed General Plan amendment to eliminate MIS percentage standards does not change the significance of the environmental effects identified in the General Plan EIR.
2. The proposed project amends General Plan Policy 2.2.1.5, Table 2-3, Building Intensities, to allow flexibility in the application of FARs to non-residential development, eliminates FAR applicable to Agricultural Lands, and eliminates MIS in a manner that is consistent with the Goals, Objectives, and Policies of the General Plan.
  3. The proposed project is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions and environmental analysis contained in the staff report.