



distributed at hearing

PC12-9-21
Planning Department <planning@edcgov.us>
open forum

Comments on Item #5 and Open Forum

8 pages

Sue Taylor <sue-taylor@comcast.net>

Mon, Nov 20, 2021 at 0:56 AM

To: "Clerici, John" <john.clerici@edcgov.us>, "Nevis, Andy" <andy.nevis@edcgov.us>, "Ross, Amanda" <aross@edcgov.us>, "Vegna, John" <jvegna@edcgov.us>, "planning@edcgov.us" <planning@edcgov.us>, Kris Payne <krispayne999@gmail.com>

Planning Commission,

I've attached comments for open forum and a comment for #5. Please attach to the agenda of 12-9-21.

Thank you,
Sue Taylor

2 attachments

 **Re_ 12-9-21 Item #5.pdf**
304K

 **Re_ 12-9-21 Open Forum & Item #4.pdf**
458K

11/29/2021

Re: Planning Commission Meeting for December 9th, 2021:

First, I ask that moving forward that the Chair of the Commission restrain other Commissioners from making personal derogatory comments regarding the public and comments made by the public. There seems to be one Commissioner in particular that whispers to the chair during the hearings, rolls his eyes, and makes other gestures while others are talking, and then rather than discussing a particular item being discussed, spends more time explaining why the Commission cannot vote no on an item and then proceeds to dismiss public comments when the public no longer has the opportunity to respond. If the Chair of the Commission is going to allow this type behavior, then the Chair needs to allow the public the time to defend their comments.

I also request the Planning Commissioners to familiarize themselves with the County zoning ordinances, the 2004 General Plan, the Brown Act, State Law being referred to when using it to take action, and to do the research on each of the projects coming before the Commission for a vote.

Thankyou,

Sue Taylor

The following is historical information and a comment on #4 that should be hopefully be helpful to the Planning Commission moving forward:

Regarding Item #4 on the Agenda:

On item #4, 21-1899: I approve of the action to clean up the zoning and the land use designation on these parcels. It's too bad this was not the process taken on the other 36,980+ parcels that were changed without public input, as should have taken place, as promised, when the 2004 General Plan was voted into adoption.

On that note, I do object to the statement in the Staff Report within item #4 regarding the TGPA-ZOU that says "The update was needed so that the Zoning Ordinance would be consistent with the provisions of the General Plan's goals, objectives, policies, and implementation measures, **as mandated by state law** (Government Code Section 65860)."

This premise was challenged, throughout the Land Use Programmatic Plan Update (LUPPU) or later called Targeted General Plan Amendment – Zoning Ordinance Update (TGPA-ZOU) process, by asking for the county to state the actual policy that was in violation and what was actually mandated by the State. Initially, Kim Kerr stated that the General Plan was in violation with SB375. When directly challenged at the meeting in Cameron Park to introduce LUPPU, Kim Kerr admitted that SB375 was not a requirement, it was only a recommendation. The county later quoted Government Code Section 65860 as the reason for the major zoning change of over 37,000 parcels. When challenged on this statement and asked what was specifically inconsistent, the County stated that the General Plan WAS in compliance with State Law. The County then ignored the policies listed in the General Plan that do allow for zoning to be inconsistent, and also ignore, then and now, that when that inconsistency is being corrected, the legal authority must follow

19 criteria listed in the General Plan. Lastly, the County ignored the public pleads to consider changing General Plan designations rather than changing the zoning when the General Plan Land Use designation was not compatible with the 19 criteria to change the zoning. The General Plan Land Use was changed during the TGPA-ZOU for those that were favored during the process, but then ignored for those from private not so-called favored property owners, basically showing that the County could legally change the General Plan Land Use Designation rather than the zoning.

Most of the current Planning Staff and the Planning Commissioners are new since these actions took place and therefore are not privy to the history. My reason for laying this out in the record, is that if the county continues to misconceive the public that the TGPA-ZOU was mandated by the State, then that untruth will be fused into the history books and repeated by those making future decisions regarding our zoning policies. I would hope that this Commission instead of parroting the quote that "the State is making us do this", that the Commission actually review the law in which they assume that is the case.

As stated to the County in 2015 for the FEIR:

"Staff states throughout the FEIR that zoning consistency is required by State law, and that the County is meeting that requirement in the ZOU. However, staff is ignoring the fact that the courts defer to counties to interpret their own general plan policies for consistency, as long as the interpretation is not arbitrary and capricious. Policies 2.2.5.2 and 2.2.5.6 can be interpreted as a means for consistency between the General Plan and the Zoning Ordinance.

The County could apply 2.2.5.2, which allows the County to modify the land use map, or the County could apply 2.2.5.6, which allows the zoning to be inconsistent with the land use until the infrastructure is in place to accommodate a higher-density zone district. Aside from these 2 policies that maintains a valid General Plan, Policy 2.2.5.3 lists the criteria to consider for rezoning parcels and must be adhered to for environmental review. By allowing County Staff to determine how to change each property owners zoning district, reviewing criteria for consistency is being side-stepped and thus violating the required environmental review."

The history of the TGPA-ZOU is that this overhaul was planned by the developers and our El Dorado County Chamber to take place soon after the 2004 General Plan was adopted. I know since I sat at the meetings with these folks in which this was all conceived. Those that pushed for the 2004 General Plan never intended to adopt the promised protective policies in that Plan. If they, had we would already have policies in place for our Scenic and Historical Corridors, our Buffers between different land uses would be in place, we would not be desecrating cemeteries and native cultural sites, we would have policies that guarantee healthy forests, we would have established community design standards for our Community Regions, we would have Historical District Overlays with Design Standards and policies to prevent Formula stores within those historic townsites, and we would have a robust ranching and agricultural industry throughout the County.

But instead, our County Staff are assigned to working on bringing in higher housing densities, corporate box store chains, drug addicts for the grant funds, and infrastructures

that destroy local mom and pops and property rights of residents. I only bring this up to this new Commission to make you aware of the history and the agenda that you are working under with the hope that you may turn to those promises that still linger in the 2004 General Plan that promise to retain our "rural" county and create "A Plan for Managed Growth and Open Roads; A Plan for Quality Neighborhoods and Traffic Relief".

For Historical reference, this was the request sent to the County and the responses that followed. Bottom line, the County never explained how the State had mandated the process to overhaul our General Plan and rezone over 37,000 parcels.

April 14, 2015

To: El Dorado County Board of Supervisors
EDC Clerk to the Board/CAO

CA PUBLIC RECORDS ACT REQUEST

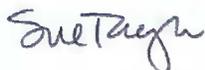
Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain copies of the following:

- A listing of the exact policies in the El Dorado County 2004 General Plan that are noncompliant or inconsistent with State Law in which California State Law requires a change in the El Dorado County 2004 General Plan.
- A listing of the exact State laws being violated in the El Dorado County 2004 General Plan which requires an amendment or change within the Land Use Programmatic Plan Update.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you provide a signed notification citing the legal authorities on whom you rely.

To avoid unnecessary costs of duplication, electronic copies are acceptable and may be emailed to sue-taylor@comcast.net. It is requested that your determination be made within 10 days as stipulated within the California Public Records Act, **Government Code 6253(c)**.

Thank you,



Sue Taylor

From: "David Defanti" <david.defanti@edcgov.us>
To: "sue-taylor" <sue-taylor@comcast.net>
Cc: "Steve Pedretti" <steve.pedretti@edcgov.us>
Sent: Thursday, April 30, 2015 3:17:47 PM
Subject: Response to 4.14.15 California Public Records Act Request

Ms. Taylor:

We received your letter dated April 14, 2015 (attached). The Community Development Agency does not have any documents responsive to your requests and disagrees with your letter's implications regarding the validity of the County's General Plan. However, under the California Public Records Act, we have an obligation to help you formulate your request in a manner that could produce responsive documents. Read broadly, your request could be interpreted to seek documents that address one of the County's goals for the Targeted General Plan Amendment and Zoning Ordinance Update (TGPA-ZOU) process: ensure ongoing consistency with state planning law (including Government Code §65860, discussed below). If that information is indeed what you sought, the following documents may be of use to you.

First, attached is Government Code §65860 which requires that county and city zoning ordinances be consistent with the general plan of the county or city. Specifically, Government Code §65860(c) requires that if a zoning ordinance becomes inconsistent with a general plan by reason of amendment to the plan the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended.

Second, please find attached a staff report from July 25, 2011 that discusses key issues for the TGPA, including compliance with state regulations. Numerous other staff reports have also addressed this issue - please see Legistar item 11-0356 and related files as shown here: <https://eldorado.legistar.com/LegislationDetail.aspx?ID=1876651&GUID=8A8EEFA4-9516-4188-91FA-22E226171042>.

Finally, attached is the TGPA-ZOU "Project Checklist" presented to the Planning Commission in August 2014. This checklist lists general plan and zoning ordinance amendments proposed via the TGPA-ZOU project as denoted in the November 14, 2011 Resolutions of Intent (ROI). The checklist shows project goals and objectives addressed by each proposed amendment, one of which is conformance with state and federal law. Since the adoption of these ROIs, the Board has modified the project description, electing to remove some of the items initially considered in the ROIs. For a current list of proposed amendments being considered, please see the project description within the Draft Environmental Impact Report (DEIR) and Recirculated DEIR on the project web site at: http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU_Main.aspx

Dave Defanti
Assistant Director

County of El Dorado
Community Development Agency
2850 Fairlane Court
Placerville, CA 95667
(530) 621-5342 / FAX (530) 642-0508
david.defanti@edcgov.us

From: "sue-taylor" <sue-taylor@comcast.net>
To: "david defanti" <david.defanti@edcgov.us>
Sent: Thursday, May 7, 2015 1:38:40 PM
Subject: Fwd: Response to 4.14.15 California Public Records Act Request

Mr. Defanti,

My request made no implications nor accusations regarding the validity of our General Plan.

If anything county Staff has made that implication due to stating at public meetings that implementing the TGPA/ZOU is required to conform to State law, leading the public to believe that currently the County is non-compliant. There is a big difference between conforming with State Law and being told that the TGPA/ZOU is being required by State Law. If in fact the TGPA/ZOU is required by State law, then I would like to know specifically what law is being broken, Is it Government Code §65860 and perhaps Assembly Bill 1358 as you have mentioned? If this is so then what is specifically being done in order for the County to comply with those 2 laws. I am looking for the correlation between the revisions to our General Plan and Zoning Ordinance, and the state or federal laws requiring those revisions. Sending the entire legislative file did not specifically answer that question.

On the other hand, if the County's General Plan and zoning ordinance is currently in compliance with State law then I'm seeking information for the basis of the County's response to the TGPA/ZOU goal to "*ensure ongoing consistency with state planning law*", as there has been no supporting documentation provided for that specific goal. If this is the case then I am looking for the correlation between the revisions to our General Plan and Zoning Ordinance, and the state or federal laws that the County is desiring to adhere to and for what purpose.

If our Supervisors were to choose to implement just those policies that were required by State or Federal law, what might they be? There should be a list readily available since it is basically the foundation of the TGPA/ZOU. This list should be a known quantity, and one of the few easily ascertained 'givens' in this process.

I saw from the attached list, a single reference citing Assembly Bill 1358. What is the new policy in the TGPA that is recommended in response to bring the County's General Plan into compliance?

Thank you for helping me clarify my request. As it stands, I would like to know the policy changes proposed relative to AB 1358 and Government Code §65860 . I would assume there are other similar conformity changes, but am requesting the information from you to understand what those might be. Perhaps it is safe to assume there are no others.

Thank you for your assistance.

Sue Taylor

From: sue-taylor@comcast.net [mailto:sue-taylor@comcast.net]

Sent: Friday, June 26, 2015 11:21 AM

To: Ron Mikulaco; Shiva Frentzen; Brian Veerkamp; Mike Ranalli; Sue Novasel; david defanti

Cc: Jim Mitrisin

Subject: California Public Records Act Request from 4-14-15

Due to not getting a response to the, May 7, 2015 clarification email that I sent to David Defanti, I am resubmitting the following PRA:

June 26, 2015

**To El Dorado County Board of Supervisors
Clerk of the Board/CAO
David Defanti**

CA PUBLIC RECORDS ACT REQUEST

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain answers to the following questions and copies to the documents that might apply:

- **The County of El Dorado Planning staff and CAO's office has stated over the years, that the TGPA/ZOU is required by State law. If this is in fact true, then I would like to know specifically what law is being broken. In the information provided below, David Defanti, Assistant Director, County of El Dorado Community Development Agency, mentions Government Code §65860 and Assembly Bill 1358. In regards to these 2 laws, what specifically is being violated by the County and what specific policies in the TGPA/ZOU addresses these violations in order for the County to be compliant? I am looking for the correlation between the revisions to our General Plan and Zoning Ordinance, and the state or federal laws requiring those revisions.**
- **On the other hand, if the County's General Plan and zoning ordinance is currently in compliance with State law then I'm seeking information for the basis of the County's response to the TGPA/ZOU goal to "*ensure ongoing consistency with state planning law*", as there has been no supporting documentation provided for that specific goal. If this is the case, then I am looking for the correlation between the revisions to our General Plan and Zoning Ordinance, and the state or federal laws that the County is desiring to adhere to and for what purpose.**
- **If there are other policies, aside from AB 1358 and Government Code §65860, requiring a change in the County of El Dorado's Zoning Ordinance or General Plan to either conform with State law or be consistent with State law then I am also requesting the information for what those other State required policy changes might be.**

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you provide a signed notification citing the legal authorities on whom you rely.

To avoid unnecessary cost of duplication, electronic copies are acceptable and may be emailed to sue-taylor@comcast.net. It is requested that your determination be made within 10 days as stipulated within the California Public Records act, Government Code 6253(c). As it is you are in violation of responding to my original request from April 14, 2015.

Thank you,

Sue Taylor

RE: California Public Records Act Request from 4-14-15

From: **David Defanti** <david.defanti@edegov.us>

7/6/2015 1:13 PM

To sue-taylor@comcast.net Copy [Jim Mitrisin](#) and 3 others

- [Reply](#)
- [Forward](#)
- [Delete](#)

1 attachment

Ms. Taylor:

The Community Development Agency does not have any documents responsive to your requests.

Dave Defanti

Assistant Director

County of El Dorado

Community Development Agency

2850 Fairlane Court

Placerville, CA 95667

(530) 621-5342 / FAX (530) 642-0508

david.defanti@edcgov.us