

DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

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TO: Board of Supervisors

FROM: Roger Trout, Director

DATE: April 4, 2011

RE: Targeted General Plan Amendment Process

INTRODUCTION

The intent of this part of the General Plan workshop is for the Board to identify General Plan policies, implementation programs and mitigation measures that are found to be constraints to affordable housing, specifically those affecting the development of moderate housing, the creation of jobs, improving tax revenues, and supporting and protecting the agriculture and natural resource industries. These are the primary subjects found to be inconsistent with General Plan goals during the General Plan Five-Year Review.

PRIOR BOARD DIRECTION

On June 30, 2009, The Board received and filed a report from the Development Services Department on the 2005-2010 General Plan Implementation Progress Report and approved the 2010/11 Twelve Month Action Plan and Future Implementation Program. The Board directed staff to return in 2011 with a comprehensive five-year review.

On April 13, 2010, the Board set a special meeting for May 10, 2010, at 9:00 a.m., to consider the General Plan Mitigation and Implementation Monitoring and Update and direct the Development Services Department to work with EDAC to identify issues and potential solutions that should be addressed at the workshop. On May 10, 2010, Planning Services and EDAC presented a revised work plan for 2010/11 that was received and filed by the Board. Staff and EDAC were directed to continue to work towards identifying issues that may be addressed in a comprehensive five-year review of the General Plan.

On January 10, 2011, EDAC presented their analysis of the General Plan to date. EDAC recommended the Board begin a targeted General Plan amendment process with a focused EIR that accepts the General Plan growth projections. The General Plan amendment process would review and amend specific General Plan policies and the land use maps to address deficiencies in the development of moderate/affordable housing, creation of jobs, retail sales tax leakage and the protection of the agriculture industry. Following the presentation and subsequent discussion on February 15, 2011, the Board directed staff to return for a workshop on April 4, 2011, to finalize

the General Plan Five-Year Review and discuss possible General Plan amendments in relationship to Planning Services' 2011-12 work program.

DISCUSSION

Current General Plan Amendments and Implementation Program In Progress

Development Services received Board approval of the following tasks as the highest priority for the 2010/11 work action plan.

1. Zoning Ordinance/Map Update (includes some GPA's as needed to Table 2-4 and minor map corrections);
2. INRMP;
3. Housing Element Implementation and Reporting Activities;
4. Gabbro soils rare plant program coordination with USFWS and CDFG;
5. Land Development Manual;
6. TRPA Regional Plan Update; and
7. General Plan Five-Year Review including a Mitigation Monitoring Program Update.

In addition to the 12-month action plan, the Board has directed the following additional items to be added to Development Services 2010/11 task list:

8. Amendment of implementation program to Planned Development policies for 30 percent Open Space and requirement for PD when creating 50+ parcels. (ROI 274-2008, adopted 10/7/2010);
9. Community Region Boundary Change for Camino/Pollock Pines (ROI 110-2009 adopted 5/19/2009);
10. Historical Design Overlay for historical town sites of El Dorado and Diamond Springs (ROI 179-2010 adopted 12/7/10);
11. TIM Fee Program Update – Revised Land Use Forecast; and
12. Agriculture District Boundary Amendment Update (ROI adopted 013-2011 adopted on 1/25/11).

Proposed Amendments and Related Implementation Programs

Since the adoption of the General Plan, staff has provided annual reports on the implementation program, as required by General Plan Objective 2.9.1. As part of each implementation program review, the Board discussed items they felt to be constraining certain types of development, prompting staff to maintain a list of issues in relation to General Plan policies, programs and mitigation measures. Some of these issues have been addressed independently, but many remain a concern with members of the Board, staff and members of the public. Staff provided the list to EDAC's Regulatory Reform Committee and has participated in meetings with the Committee in preparation of a list of issues that EDAC would like considered as part of a comprehensive work program. This includes the targeted General Plan Amendment, Zoning Ordinance Update, Land Development Manual, and items that could be completed through independent program implementation or Board interpretation.

The Regulatory Reform Subcommittee identified the issues in relation to specific topics of the General Plan, and the order the Committee felt they should be addressed. EDAC supports an inclusive work program that coordinates all document updates, in an effort to reduce the amount of staff time and cost associated with preparing required analysis and staff reports, limiting the number of times any given document would need to be revised.

For example, the issue of 30 percent open space required as part of a planned development application has been a concern for smaller infill types of projects located within community Regions where the General Plan has specific objectives to concentrate growth. This task was begun in 2006 by the Planning Commission, and formally initiated by Board Resolution in 2008 (Reso. 274-2008). Much work has been done on this by staff, working with an ad hoc advisory committee. Staff has prepared draft policy changes and incorporated language in the draft Zoning Ordinance Update to address this concern. It may be desirable to proceed with this amendment independently as a stand-alone General Plan amendment, since there are several projects on hold waiting for the anticipated changes, and much work has already been accomplished.

Two other amendments have been previously initiated, the amendment to the Camino/Pollock Pines community region boundary (Reso. 110-2009) and modification to the agricultural district boundaries (Reso. 013-2011). Either of these could also be processed independently of a larger, more comprehensive amendment. Like the 30 percent open space requirement change, much of the work on the agricultural district boundaries has already been accomplished by Agriculture Department staff, and this amendment could be completed in a relatively short time frame. However, no additional work has been done on the community region change, and if the targeted amendment includes the consideration of other community region boundary changes, it may make sense to include that as part of the larger amendment process. The Board has the option of undertaking a single plan amendment addressing multiple concerns, taking separate actions on each issue, or a combination of the two.

On March 4, 2011, EDAC provided staff with a list of issues by topic area. Staff analyzed the individual items listed in the table below in relation to outcomes of the General Plan review. Not all of the issues are subject to General Plan policies. Some can be addressed through the Zoning Ordinance, others in the Design Manual, and still others are stand-alone implementation measures or programs. Staff and EDAC expect the list can be finalized by the Board at this workshop. Once the list is finalized, the Resolution of Intention to Amend the General Plan may be adopted, or staff can complete an analysis and return with recommended amendments for Board consideration.

POTENTIAL ACTIONS

Below is a list of General Plan issues categorized under the areas identified as being deficient in the General Plan Five-Year Review. Depending on the direction or goal of the policy amendment as determined by the Board, additional policies in the General Plan and related implementation or mitigation programs may be affected. It is important to understand that any list of policies adopted as part of this workshop may not be complete, and therefore is not a final project description for the purpose of CEQA. Staff will return with a final project description listing all recommended amendments to the General Plan.

These issues have come forward through a variety of venues. Some issues were raised by the Board or Planning Commission, others by EDAC's Regulatory Reform Subcommittee, and others by individual applicants or the general public as a result of review of development applications. Additionally, staff has identified certain policies that have created difficulties in the day-to-day operations of the County. Staff has worked with EDAC, as directed, to identify

some of the priority issues, and is expecting to work closely with them and other interested groups or individuals to identify options to resolve the concerns and develop recommendations for Board consideration.

General Plan Policies Recommended for Amendment

Per Board direction, Planning Services is providing a list of identified potential amendments for consideration, and a draft Resolution of Intention to initiate the process to amend the General Plan.

Due to existing regulatory requirements, recent changes in the regulatory environment, or the availability of new information, the following elements of the General Plan may need review and revisions as deemed necessary:

ACCOMMODATION OF MODERATE HOUSING

Element	Policy	Proposed Objective for General Plan Amendment
Land Use	2.2.3.1	<ul style="list-style-type: none"> • Modify 30% Open Space as part of planned developments to allow for offsite mitigation in community regions on C, MFR, HDR and MDR land uses.
Land Use	Map	<ul style="list-style-type: none"> • Analyze the need for additional C/MUD Hwy 50 interchanges to provide support transit-oriented development.
Land Use	2.2.4.1	<ul style="list-style-type: none"> • Modify density bonus (Zoning/GPA) to increase incentive to use as part of projects in community regions with sewer.
Land Use	2.2.1.2	<ul style="list-style-type: none"> • Update detached v. attached on MFR definition to allow for more options to meeting RHNA.
Land Use	Table 2-3	<ul style="list-style-type: none"> • FAR increase or elimination to allow for higher density developments in areas identified for higher densities and more intense land uses.
Land Use	2.2.1.2	<ul style="list-style-type: none"> • Analyze MFR – Moderate LU designation to provide additional opportunities outside of single-family attached/apartment developments.
Land Use	2.2.1.2	<ul style="list-style-type: none"> • Increase MUD 20 DU/Acre for RHNA.
Public Health, Safety and Noise	Table 6.1, 6.2	<ul style="list-style-type: none"> • Modify noise policies to limit constraints to higher density developments along major corridors, increasing transit-oriented development opportunities.
Trans & Circ.	Table TC-1, TC-2	<ul style="list-style-type: none"> • Modify Road Standards to meet various types of residential and commercial project needs.
Land Use	new	<ul style="list-style-type: none"> • SB375 implementation to bring consistent with State law.
Land Use	Map	<ul style="list-style-type: none"> • Analyze supply of C and MFR in CR w/sewer to meet SB375 Objectives.
Conservation & Open Space	7.3.3	<ul style="list-style-type: none"> • Reduce wetland setbacks to Federal levels to allow for more residential units.
Land Use	2.2.5.4	<ul style="list-style-type: none"> • Modify planned development application requirement for the creation of 50+ Parcels.
Conservation	7.1.2.1,	<ul style="list-style-type: none"> • Modify 30% slope in community regions currently limiting

& Open Space 7.6.1.3 development opportunities in areas identified for higher densities and more intense land uses.

CREATION OF JOBS

Element	Policy	Proposed Objective for General Plan Amendment
Land Use	2.2.1.2	<ul style="list-style-type: none"> • Allow for industrial land uses outside of CR & RC that do not require public water and sewer.
Land Use	Map	<ul style="list-style-type: none"> • Analyze need for C/MUD at Hwy 50 interchanges planned for urban development to increase opportunity for transit-oriented design.
Land Use	2.2.1.2	<ul style="list-style-type: none"> • Analyze industrial land use used for commercial/MUD to provide flexibility.
Public Services and Utilities	5.3.1.1	<ul style="list-style-type: none"> • Modify public sewer connection requirements to allow for alternatives if water and sewer prove unnecessary.
Trans & Circ.	Table TC-1, TC-2	<ul style="list-style-type: none"> • Modify Road Standards to meet State objectives.
Land Use	Map	<ul style="list-style-type: none"> • Analyze supply of C and MFR in CR w/sewer to support transit-oriented design.
Conservation & Open Space	7.3.3	<ul style="list-style-type: none"> • Reduce wetland setbacks to Federal standards to maximize use of site.
Land Use	7.1.2.1, 7.6.1.3	<ul style="list-style-type: none"> • Modify 30% slope in CR to maximize use of site.

REDUCE RETAIL SALES TAX LOSS

Element	Policy	Proposed Objective for General Plan Amendment
Land Use	Map	<ul style="list-style-type: none"> • Modify CR/RC boundary line changes to concentrate retail along major corridors and in areas with appropriate levels of infrastructure.
Land Use	2.2.1.2	<ul style="list-style-type: none"> • Review and modify if necessary to provide additional flexibility to tourist recreation LUD in rural regions .
Conservation & Open Space	7.3.3	<ul style="list-style-type: none"> • Reduce wetland setbacks to Federal levels to allow for maximum use of parcel.
Land Use	7.1.2.1, 7.6.1.3	<ul style="list-style-type: none"> • Modify 30% slope in CR to maximize use of site.
Land Use	Map	<ul style="list-style-type: none"> • Analyze the supply of C in CR w/sewer to determine if additional sites are necessary to meet jobs/housing balance and to meet State objectives.

AGRICULTURE AND NATURAL RESOURCE PROTECTION AND PROMOTION

Element	Policy	Proposed Objective for General Plan Amendment
Land Use	2.2.1.2	<ul style="list-style-type: none"> • Review AG land use definition and consider allowing for AG commercial (including Rec. Facilities, and Tourism) in RR.
Agriculture & Forestry	8.1.3.2	<ul style="list-style-type: none"> • Agricultural setbacks (8.1.3.2) to protect agriculture production.
Land Use	Map	<ul style="list-style-type: none"> • Ag district expansion to ensure protection of viable farm land.
Land Use	2.2.4.1	<ul style="list-style-type: none"> • Modify density bonus to limit use in rural areas.
Land Use	2.2.1.2	<ul style="list-style-type: none"> • Modify open space land use definition to eliminate potential conflicts of policy language and to provide additional flexibility in rural regions.
Land Use	2.2.1.2	<ul style="list-style-type: none"> • Allow for industrial land use in rural region to support natural resource industries.
Land Use	2.2.1.2	<ul style="list-style-type: none"> • Review and modify tourist recreation LUD if necessary to provide additional flexibility in rural regions .

GENERAL AMENDMENTS TO ACHIEVE CONSISTENCY WITH STATE OBJECTIVES OR ELIMINATE POLICIES DETERMINED TO BE IN EFFECTIVE

Element	Policy	Proposed Objective for General Plan Amendment
Health, Safety, Noise	New	<ul style="list-style-type: none"> • Climate Action Plan to meet State Objectives.
Conservation & Open Space	7.5.1.1, 7.5.1.6	<ul style="list-style-type: none"> • Mitigation Monitoring Programs: <ul style="list-style-type: none"> ○ Review the possibility of eliminating for ministerial permits in areas already identified for development.
Conservation & Open Space	7.4.5.2	<ul style="list-style-type: none"> ○ Review the possibility of eliminating the requirement for an oak tree ordinance. Desired outcomes may be accomplished in the Oak Woodland Management Plan or INRMP.

Other Subjects, Once Analyzed, May Require Amendments To Other Elements

- **CIP:** Coordinate effect of amendments on Circulation Element with CIP five-year update, LOS Standards review and TIM Fee Program.
- **2013 Housing Element Update (2012):** Requires State approval and recertification for any amendments to the Housing Element. The next Housing Element Update is scheduled for adoption on or before July 1, 2013, and will require a separate environmental analysis. Updates to the Regional Housing Needs Allocation (RHNA) are not expected until 2012. Therefore, staff recommends not including Housing Element amendments at this time, unless directly connected to one or more of the issues identified above.
- **Other Implementation Programs:** This process is also the opportunity to look at policies that have not been implemented, or implemented but found unnecessary in achieving the goals of the General Plan. The Board may want to take this opportunity to identify implementation programs not requiring General Plan amendment, but requiring amendments to the Zoning Ordinance, Land Development Manual or other work programs as related to the

implementation of the General Plan. This would allow for a comprehensive approach to completing the necessary updates to all documents currently in staff's work programs.

BUDGET/FUNDING:

Staffing, timeline and cost associated with just the items requiring a General Plan amendment are found to include one new DSD planner and approximately two to three full-time equivalent (FTE) staff in total, comprising time from various staff members from all departments, including but not limited to DOT, GIS, HS, AQMD, EM and DSD. The process is anticipated to take approximately two years, and require the additional funding of \$250,000 to cover the costs of consultants necessary to complete special studies and an EIR. This also assumes utilizing existing staff for most of the work, limiting the amount of outside consulting costs to only necessary studies (i.e. Air Quality/GHG, Noise, Large Retail/Residential Studies, etc.). The project may require some miscellaneous purchases, such as updates in software, datasets, and mapping files, which are not included in the \$250,000.

Costs associated with revisions to the CIP and TIM Fee program or other General Plan Implementation programs are not included in the cost estimate above, as these are considered to be independent work programs. If the Board wishes to include any of these updates/program under a targeted GPA, staffing, timelines and total costs would increase.

RECOMMENDATION

At the completion of the workshop, staff recommends that the Board take the following action:

1. Identify the General Plan policies, implementation programs and mitigation measures found to be constraints to the creation of jobs, improving tax revenues, support and protection of the agriculture and natural resource industries, and the development of affordable housing, specifically those affecting the development of moderate housing, as those summarized in the staff report.
2. Direct staff to proceed with amendments to the agricultural district boundaries and the changes to the 30 percent open space and related planned development policies as separate and distinct projects, to be processed independently and in advance of the targeted General Plan amendment.
3. Adopt a Resolution of Intention to initiate a targeted General Plan amendment process.