

RECEIVED
BOARD OF SUPERVISORS
EL DORADO COUNTY
5:05 pm, Apr 08, 2011

DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

<http://www.edcgov.us/devservices>



PLACERVILLE OFFICE:
2850 FAIRLANE COURT PLACERVILLE, CA 95667
BUILDING (530) 621-5315 / (530) 622-1708 FAX
bldgdept@edcgov.us
PLANNING (530) 621-5355 / (530) 642-0508 FAX
planning@edcgov.us
Counter Hours: 8:00 AM to 4:00 PM

LAKE TAHOE OFFICE:
3368 LAKE TAHOE BLVD. SUITE 302
SOUTH LAKE TAHOE, CA 96150
(530) 573-3330
(530) 542-9082 FAX
tahoebuild@edcgov.ca.us
Counter Hours: 8:00 AM to 4:00 PM

24

TO: Board of Supervisors

FROM: Roger Trout, Development Services Director

DATE: April 8, 2011

RE: Process to Address Targeted General Plan Amendment, Zoning Ordinance Update and Land Development Manual

LATE DISTRIBUTION

Date 5:06 pm, Apr 08, 2011

On April 4, 2011, the Board of Supervisors adopted a resolution of intention to initiate a targeted General Plan amendment. This amendment is intended to address constraints identified by the regulatory reform subcommittee of the Economic Development Advisory Committee (EDAC) to providing affordable housing available to moderate-income families, creation of jobs, retention of sales tax revenues, and maintaining the agriculture and natural resource based industries. In addition, the Board has set as top priorities the update of the Zoning Ordinance and Land Development Manual, both of which are integral to the implementation of the General Plan. The budget and staffing implications of accomplishing these tasks was deferred to the meeting of April 12, 2011. The purpose of the report is to explain different approaches to accomplishing these tasks.

Background:

Each of these tasks [targeted General Plan amendment, Zoning Ordinance Update, and Land Development Manual (LDM)] is a separate, though related, individual task. Both the Zoning Ordinance Update and the LDM address a wide range of issues. These include specific measures identified in the General Plan to implement the plan, fixing existing deficiencies, updating standards to address current needs that were not addressed when the original documents were adopted, and to bring these documents into conformity with the General Plan. Each also requires CEQA analysis. This analysis may be combined into a single document, or could be covered under separate documents. There may be benefits to proceeding either way, and the goal of the County should be to accomplish each in a timely and cost efficient manner.

In the future, Title 16 (Subdivisions), Title 15 (Building Permits) and portions of the LDM could be updated and incorporated into Title 17 (Zoning) and become the "Development Code."

Zoning Ordinance Update:

The Zoning Ordinance Update first began after adoption of the 1996 General Plan, and was put on hold after the Court ruled that the EIR was inadequate February 5, 1999. After adoption of the 2004 General Plan and the Court discharged the Writ in 2005, staff reactivated the process. In 2008 the Board adopted Resolution 44-2008 to formally direct staff to proceed with this task, and for the past two years it has been recognized as the highest priority by the Board and the Department. The existing ordinance and zoning map is both outdated and inconsistent with the General Plan, which leads to uncertainty and confusion for the public. It affects people purchasing property who want to know what to expect on land adjacent to them, applicants for development projects who need to know the procedures and standards by which they need to abide, and decision makers who need to be consistent in applying the code.

Beginning in January 2010, staff met weekly with EDAC regulatory reform subcommittee to explain and discuss the draft ordinance. Revisions were made based on input from EDAC and an administrative draft was presented to the Board of Supervisors in October, 2010. Since that time there have been numerous hearings and workshops with the Agriculture Commission and Planning Commission, as well as meetings with stakeholders and interest groups to refine the document and zoning maps. The next step in the adoption process is to define the project description and begin the CEQA process. It is anticipated that this task will take approximately nine months, although there are always uncertainties with the CEQA process, depending on the extent of comments on the document.

Land Development Manual:

The County has been using the Design and Improvements Standards Manual, first adopted in 1986 and amended from time to time. Several Implementation Measures of the General Plan direct the County to update and revise this document, which has evolved into the draft Land Development Manual (LDM). On February 14, 2011 the Board directed staff to work with EDAC on the matrix contained in the LDM and return in July 2011. Staff had anticipated that a Negative Declaration would be prepared as the required CEQA document.

Targeted General Plan Amendment:

Members of EDAC and other interested individuals have been working with staff over the past year, as a part of the County's five-year review of the General Plan, to identify constraints to achieving the broader objectives of the General Plan. A list of policies and general topic areas was presented to the Board in January, resulting in the resolution to amend the plan on April 4, 2011. These issues apply to the General Plan, the Zoning Ordinance, and the LDM. Some of the fixes suggested only require code or LDM changes, while others clearly require policy or land use map changes in the General Plan. Some may require both. The Board directed staff to return on July 25 with a project description for the targeted General Plan amendment, which will identify specific policies that may be amended, potential map changes, and alternatives to those changes. This will be a significant work effort by DSD's long range planning team for the remainder of the fiscal year and into fiscal year 2011-12.

Other General Plan-related tasks:

In addition to the three tasks described above, other important tasks have been assigned to the Department. Some of these are directly related to the targeted General Plan amendment and could be incorporated into a single task. Others, because of timing requirements or other circumstances, should maintain separate processing tracks. These are briefly described below:

Housing Element Update – The required 5-year update to the Housing Element of the General Plan is due in 2013. Early information regarding Regional Housing Needs Allocation (RHNA) and the impact on the County's housing requirements from new census data is beginning to be released. New requirements from the state could affect densities and land use designations. The timing of this, with a due date of July 2013, and the need for independent approval by the state necessitates this being on a separate track from the other amendment. However, if significant changes are required to meet the state requirements, they may also need to be considered with the targeted General Plan amendment.

Gabbro Soils Coordination/Rare Plant Program – DSD staff and County Counsel continue to work with state and federal resource agencies to resolve conflicts between the County's land use plans (commercial and residential development in Cameron Park) and the requirements to protect rare and endangered plants found in the area. Resolution to this conflict could provide an opportunity to meet the County's housing and jobs desires, particularly the Cameron Park community's goal of developing a town center. Ultimately a new or revised plan to address the rare plants is likely, which will also require its own CEQA analysis

TRPA Regional Plan Update – The Tahoe Regional Planning Agency is in the process of updating its regional plan, with an attempt to coordinate land use and zoning requirements with each of the local jurisdictions within the Tahoe Basin. For the most part, Basin development is unrelated to West Slope development issues, but TRPA is attempting to expedite its process, necessitating DSD staff resources to be committed to this project to ensure compatibility and consistency with the County's goals for the Basin. TRPA will be responsible for any environmental review for the update, but it could lead to additional changes to the County's zoning ordinance.

30% Open Space Policies Amendment – Resolution 274-2008 directed staff to develop amendments to several General Plan policies relating to mandatory open space and planned development requirements. The current policies are viewed as restricting housing projects, particularly infill projects, from moving forward in the Community Regions. This issue is one of those on the list of concerns raised by EDAC, although staff has been developing potential solutions through the Zoning Ordinance Update. This task could be rolled into the targeted General Plan amendment, be resolved in the Zoning Ordinance Update, or could stand as a separate project. CEQA analysis will be necessary regardless of how it is processed.

Historical Design Review Overlay Designation for Diamond Springs and El Dorado – The Board adopted Resolution 170-2010 in October, 2010 to direct staff to work with the DS/ED Community Advisory Committee (CAC) to establish an historic design review overlay district for these two historic communities. This is in process, with a draft map ready for review by CAC. Because it is simply adding some specificity to the review process, no significant CEQA

review is expected. Existing Historic Design Guidelines will be utilized unless and until new design standards, driven by the needs of the community, are prepared and adopted.

Agricultural Districts Boundaries Amendment – General Plan Implementation Measure AF-J required the review of parcels that should be included in the Agricultural Districts. This was completed by Agriculture Department staff and has been reviewed by the Agriculture Commission. DSD staff is now processing the amendment, based on Resolution 013-2011, adopted in January. CEQA analysis will be required of this task, and it relates to the maintenance of the agriculture industry and potential changes to Rural Centers that might be included in the targeted General Plan amendment. It also could move forward independently of that amendment.

Camino/Pollock Pines Community Region Boundary Change – Resolution 110-2009 directed DSD to consider changing the Community Region designation for the communities of Pollock Pines, Cedar Grove, and Camino into separate Rural Centers. Because of budget constraints, the Board did not place this in the top tier of tasks in the work program for DSD, but would be included when staffing and funding became available as other tasks were completed. Since the targeted General Plan amendment may include review of the Rural Center and Community Region boundaries, this task could be included in that effort.

Integrated Natural Resources Management Plan (INRMP) – Phase 1 of the INRMP is close to completion, with Phase 2 anticipated to be part of next year's work program. This is expected to be a challenging and controversial program, with the potential to create additional constraints or costs to development in some areas of the county. Due to its complexity, a separate EIR is expected to be necessary.

Update Land Use Forecast to Support TIM Fee Program Update – DSD staff had been working with DOT as it develops an update to the Capital Improvement Program (CIP) and the Traffic Impact Mitigation (TIM) fee. Changes in land use designations and densities will affect transportation patterns. The analysis of the effect of these changes will likely be included in any CEQA document prepared for the targeted General Plan amendment. Whether or not this will require a complete review of the growth forecasts is still to be determined.

Analysis:

The objective for all of the tasks described above is to provide a comprehensive package of development standards, regulations, and incentives that provide a level of certainty and clarity to the development process. The expectations are that applicants, residents of the county, and decision makers will know what to expect and the decision-making process will result in consistent and reliable outcomes. Existing residents expect that they will be involved in making decisions affecting their communities, that resulting new development will result in improvements to their community and enhance the sense of place and uniqueness that each community in the county has, and will be compatible with the existing land uses. Finally, these tasks are necessary in order to bring existing standards into compliance with state laws, implement the General Plan, and correct deficiencies in existing codes and standards that have contributed to the lack of consistency and clarity over the years.

Any change to County standards involves a thorough analysis of the effects of those changes. The changes may be economic, physical, social, or environmental. Of particular concern are the physical and environmental changes. Staff and EDAC members identified early on that an Environmental Impact Report (EIR) would be the most appropriate document for any plan amendment. This gives the County the greatest flexibility in making decisions to balance the competing social, economic, and environmental needs of the County. It also affords the best protection in the event of legal challenges that might arise. An EIR is a time-consuming and expensive process, but necessary in this case. For similar reasons, staff determined that an EIR would be appropriate for the Zoning Ordinance Update, INRMP Phase 2, and any changes to the rare plant program. The other tasks being undertaken by DSD could satisfy CEQA requirements with a Negative Declaration or Mitigated Negative Declaration.

One of the key tenets of CEQA is that the whole of the project is reviewed comprehensively, and that a project is not bifurcated into smaller parts, thereby reducing the degree to which potential impacts are analyzed. Cumulative impacts of multiple projects must also be reviewed and considered. With this understanding of basic CEQA requirements, the County needs to consider how to process these different, but related projects, while keeping in mind the costs, timing, and prioritization of each individually and as a whole.

Options:

The potential changes that could be made to the LDM, the Zoning Ordinance, and the General Plan fall into several categories:

1. *Included in the existing drafts of the LDM or Zoning Ordinance Update* – Many of the issues raised are already addressed in the drafts of the LDM or Zoning Ordinance. They do not require a General Plan amendment and are part of the existing implementation program.
2. *Revisions to the draft LDM and Zoning Ordinance Update can be made* – The review process includes multiple opportunities for public input and comment, and changes can be made to address input without derailing the process.
3. *Include in subsequent phases of LDM or Zoning Ordinance updates* – Staff has identified, with general concurrence from the Planning Commission and Board of Supervisors that several topics that need to be addressed in the Zoning Ordinance Update should be deferred due to their complexity and potential for controversy. The framework has been established to accommodate these in the draft, but the details will need working out in conjunction with communities and stakeholders. Items such as specific design standards for different communities are likely to fall into this category.
4. *General Plan amendment to address immediate needs* – Of the list of topics raised by EDAC and staff at the January and April workshops, many of these require an amendment to the General Plan. This should be started immediately, and the Board has directed staff to return with a clear project description by July. Ordinance or design standard changes can be included as a part of the project and implemented concurrently with any GPA.
5. *General Plan amendment at some later date* – One or more specific amendments could be deferred if they are determined to not be critical, and if staffing, time, and financial constraints demand that everything cannot be done at one time.

An analysis of each issue presented at the April 4, 2011 workshop will be made by staff, working with EDAC, and other affected County departments and agencies where appropriate to determine how each issue can most effectively be addressed. A range of options and a recommendation as

to the best option will be developed and presented to the Board. This should narrow the focus of the targeted General Plan amendment, and ultimately streamline the process and the CEQA analysis.

The critical decision is how the major tasks (LDM, Zoning Ordinance Update, and targeted General Plan amendment) will be accomplished. Staffing, time, and cost all need to be considered. Three basic options exist: Combine all three into one large project with a single EIR, continue to process each separately, or prioritize the targeted General Plan amendment and wait on the others until the amendment is completed.

Single large project – Rolling all three of the major tasks into a single project, supported by one EIR might appear at first look to be the most efficient way to achieve the desired outcome. All of the issues would be considered at one time, and a single environmental document would avoid duplication of effort. However, there are drawbacks to such an approach. Primarily, the scope of such a project makes it unwieldy. It is challenging enough to get reasonable consensus on a narrow task. The bigger the project the more opportunity there is for project creep, the more difficult it will be to identify appropriate solutions to the problems, and the length of time will increase dramatically as the County analyzes each issue due to controversy and differing opinions of what is the best course of action to take. Additionally, while processing any project there are down times such as public comment periods or when studies are being done. This can lead to inefficiencies in staffing, and additional time to get to the end product.

Multiple projects processed concurrently – Another alternative is to continue to work on each project independently, although coordination between each project will be critical. The advantages to this approach are several, including the ability to manage staff resources more effectively to take advantage of down times in the process, having a narrow enough scope to the project that it is manageable to deal with the issues that must be addressed, and to attain some degree of consensus between the differing objectives of our varied community. It is a pragmatic approach that does not preclude future adjustments. Both the Zoning Ordinance Update and the LDM are far enough along in the process that they can move forward without jeopardizing the targeted General Plan amendment, and can easily be adjusted when any policy or map amendments are adopted. The analysis of those specific changes can be incorporated into the CEQA document for the GPA, addressing the full scope of the changes, but not being so broad as to make it unwieldy. A discussion of cumulative impacts can satisfy the concern about project bifurcation in the EIR. Each project also has its unique characteristics, with a different type a scale of environmental analysis. The amount of duplication of effort is minimal.

Multiple projects processed consecutively – Waiting until one project is done before commencing with the next is obviously the most time consuming process. The only advantage to this would be if there is a shortage of staff resources, it spreads out the time and costs in order to be manageable for small budgets. However, the efficiencies of time management flexibility are lost, and the final product gets pushed off to the future.

Summary:

The Zoning Ordinance and Design Manual need to be completely re-written. The General Plan does not. The purpose of the targeted General Plan Amendment is multi-faceted, but the basic objectives of the General Plan will remain unchanged. Economic development in the County

will be improved with the targeted General Plan Amendment – which will be focused on 2% of the County. The Zoning Ordinance Update and LDM rewrite will facilitate economic development in 98% of the County. The County has been able to navigate the permit process by way of interpretations and interim guidelines, but anyone reading the Zoning Ordinance or Design Manual would have difficulty. The zoning is inconsistent with the land use designations. Development standards and permitted uses are often inconsistent and incompatible with General Plan policies. There are many unwritten procedures and prior decisions. All of this leads to confusion for applicants and the general public.

Although the County has made a strong effort to update its website, misunderstandings arise because of the lack of clarity in the existing documents. Similarly, when people look only at the zoning maps on line, they only get a part of the picture unless they know also that they have to look at the General Plan land use map. Most people are unaware of the difference. Applicants also get caught in this trap, expecting certain outcomes based on what they read in the code, but getting a far different result, or in some cases no result at all, because of the inconsistencies. Policy 10.1.2.3 states that County regulations and procedures shall be written in a concise and easy to understand manner. This is what the LDM and Zoning Ordinance Update is trying to accomplish.

It is imperative that the zoning ordinance and map be fixed as soon as possible. Too many avoidable problems occur because of the inconsistencies, the lack of clarity, and archaic nature of the existing ordinance. By adopting a new Zoning Ordinance, the framework for future amendments will be in place so that any additional changes that might result from the targeted General Plan amendment can easily be incorporated. Analysis of the Zoning changes can also be done concurrently with the General Plan amendment.

The Zoning Ordinance Update adoption process will follow the classic 4-step process of adopt, implement, evaluate, and adjust. Nothing in the code is set in stone and adjustments are expected to be made. DSD has committed to providing a review of the code after it has been adopted within 12-18 months. Adjustments are relatively simple to do relative to the process needed for the wholesale changes that we have been trying to accomplish for the last decade. DSD is at the point where the ordinance is close to being ready to adopt. Certainly there will be edits that will be necessary as the environmental review and hearing process commences. That is expected. But there are a number of project applicants waiting for the fixes to be made so that their projects can move forward. In addition, a number of the issues raised by EDAC are already included in the draft ordinance, or can be easily incorporated into the draft, because they do not require a General Plan amendment. These include fixes to archaic agricultural zoning, wetland and agriculture setbacks, minimum apartment size requirements, light manufacturing in commercial zones, ranch marketing, and flexibility in the recreational facilities zones. The GPA is expected to affect only a small percentage of the County's land area, so proceeding with the Zoning Ordinance Update to cover the other 90 to 98% will resolve numerous conflicts that will not be impacted by the amendment.

It is clear that “one size does not fit all” in El Dorado County. After the initial Zoning Ordinance Update is complete, subsequent targeted General Plan amendments can be made within the framework of a new Zoning Ordinance. Additional implementing ordinances, design guidelines, or form-based standards for each community that will be necessary to implement the “by-right” approval process subsequently and more efficiently.

Many communities have expressed a desire to determine what its design character is, how that will be translated into design standards, and where certain uses should be placed. It is an exciting task, one that planners in both the private and public sectors would welcome. Engaging the citizens of the community is at the heart of planning, but it is not a quick process. In the mean time, the basic framework of the Zoning Ordinance and LDM need to be put in place.