



# COMMUNITY DEVELOPMENT AGENCY

## LONG RANGE PLANNING

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To: Board of Supervisors

From: David Defanti, Assistant Director

**Subject: Targeted General Plan Amendment and Comprehensive Zoning Ordinance Update project**

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The proposed Targeted General Plan Amendment and Zoning Ordinance Update (TGPA-ZOU) project consists of specified amendments to the El Dorado County General Plan and a comprehensive update to the Zoning Ordinance.

The El Dorado County General Plan was adopted in 2004. Following the completion of the first 5-year review of that plan on April 4, 2011, the Board outlined project objectives for the TGPA-ZOU, including: development of housing affordable to the moderate-income earner, creation of jobs, improving the capture of sales tax revenues, and preservation and promotion of Agriculture and natural resources within the County. The Board also recognized the project should include any revisions necessary to address recent changes in State law since the adoption of the General Plan in 2004.

On November 14, 2011, the Board adopted a Resolution of Intention (ROI 182-2011) for a Targeted General Plan Amendment. The ROI identified a limited set of General Plan policies considered for amendment to achieve the Board's project objectives.

The Zoning Ordinance is the primary tool for implementing the General Plan. The comprehensive draft Zoning Ordinance Update was first presented to the Board at a public hearing on October 18, 2010. After the Board's review, the County released a 2010 Public Review Draft Zoning Ordinance (PRD) on the County's Planning Services website. On November 14, 2011, the Board adopted two ROIs (183-2011 and 184-2011), superseding the previous Zoning Ordinance Update ROIs. The new ROIs outlined a project description for completing the update, including the development of design standards and guidelines for mixed-use development and traditional neighborhood design, and additional items the Board desired to address in the draft related to the Targeted General Plan Amendment project.

On January 24, 2012 the Board approved a scope of work and a contract with ICF International to complete an environmental review of the TGPA-ZOU project as outlined in the ROI.

On May 25, 2012, the first Notice of Preparation (NOP) was released for a 45 day public comment period. The NOP and related documents were posted to the project dedicated website and all subscribers to the website were notified. The Board of Supervisors then held a week long workshop on the Zoning Ordinance to review, take public comments and provide staff with direction for revisions to the draft Zoning Ordinance. Staff revised the draft and returned to the Board during three additional Board meetings to review revisions and provide authorization to final the draft Zoning Ordinance Update. Based on Board directed changes to the draft Zoning Ordinance, a second NOP was released on October 1, 2012 for a 30 day public comment period whereby project related information was again posted on the dedicated project website and all subscribers to the website were notified. Comments received during the review process have been taken into consideration in the proposed TGPA and ZOU. The full texts of the proposed TGPA and ZOU are available for review at <http://www.edcgov.us/landuseupdate>.

## **PUBLIC OUTREACH**

The first phase of public outreach following the adoption of the project ROI's to amend the General Plan and Zoning Ordinance consisted of a series of community meetings in March 2012. Evening meetings were held in the communities of El Dorado Hills, South Lake Tahoe, Somerset, Cameron Park, Cool, and El Dorado. The meetings provided an opportunity for residents to learn about the various project components, the decision making process, and opportunities for further involvement. These meetings were advertised through the dedicated project website, the County homepage, press releases distributed to local media, flyer postings at community collection spots throughout the County, and direct e-mail by staff to individuals and organizations. Attendance at the meetings ranged from a single person at the Tahoe meeting to more than 60 in El Dorado Hills.

The second phase of outreach centered on the initial scoping meetings in May and June of 2012. In addition to the daytime Planning Commission meeting and evening Agricultural Commission meetings in Placerville, seven evening scoping meetings were held in the communities of El Dorado, El Dorado Hills, Greenwood, Somerset, Camino, South Lake Tahoe, and Cameron Park. Like the outreach meetings, the scoping meetings were advertised through a press release distributed to local media, on the project and County websites, through direct e-mail by staff, and through the posting of approximately 50 flyers in key community gathering places throughout the county. Many local organizations such as chambers of commerce also helped spread news and information about project related meetings and information.

All project related information has been posted to the dedicated project website including press releases, meeting schedules, Board of Supervisors items, key documents, etc. There are over 1,800 e-mail subscriptions to the project and/or associated websites. All subscribers have been kept notified of any updates to the project website. In addition, dozens of articles have appeared in local media publications as a result of the amount of outreach and meeting opportunities provided during the project process.

Finally, the Economic Development Advisory Committee also directly notified hundreds of individuals and organizations about project related notifications, meetings and documents through its Constant Contact e-mail announcements.

## **ENVIRONMENTAL REVIEW**

The California Environmental Quality Act of 1970 (CEQA) requires public agencies, such as the County of El Dorado, to consider the potential environmental impacts when considering revisions to an adopted General Plan or Zoning Ordinance. The objectives of CEQA are:

1. To disclose to the decision-making body and the public the potential environmental impacts of the proposed amendment;
2. To propose feasible alternatives or mitigation measures that avoid, eliminate or reduce project-related environmental effects;
3. To describe the analytical process which led to the public agency's decision on the project;
4. To promote interagency coordination when evaluating a project;
5. To provide a mechanism for increasing public participation in the planning process.

CEQA is a process. The EIR neither approves nor denies the TGPA-ZOU project. The focus of the EIR will be on a good faith disclosure of impacts. The final adopted project is a policy decision to be made by the Board of Supervisors informed by the EIR.

The Draft Environmental Impact Report (DEIR) prepared for the TGPA-ZOU project is nearly complete and will be ready for release in approximately one week. There was a delay in completing the DEIR due to pending information from the Travel Demand Model. Based on feedback from the public since release of the NOP and ongoing discussions with the Board on the Travel Demand Model's development, the County's traffic consultants have been working to provide additional traffic model runs to deliver additional detailed information for the TGPA-ZOU project. This information will also be used for the upcoming comprehensive update to the Capital Improvement Program and Traffic Impact Mitigation Fee. In order to capture the concerns heard to date, staff has

taken additional time to provide supplemental information for the analysis, thereby creating a shift in the timeframe for the preparation of the DEIR.

## **COMMUNITY REGION BOUNDARY DISCUSSION**

Since the commencement of the TGPA-ZOU project, a number of large residential development projects have been proposed and submitted to the County for consideration. Although each project is different, they all share a common thread: none of the projects entirely conform to the adopted land use element of the 2004 General Plan. Each project proposes to increase the allowable residential density of parcels, which in each case would require County approval of a General Plan Amendment. All but two of the residential development projects are currently located within a Community Region Boundary (the Village of Marble Valley Specific Plan and Lime Rock Valley Specific Plan are not located within a Community Region). Objections to the large development projects from residents in the surrounding communities have been voiced before the Board. The County has received requests from some members of the public to amend the General Plan to significantly reduce or eliminate the Community Region Boundary lines in El Dorado Hills and Shingle Springs in order to keep these areas rural and deter additional future residential development. Other members of the public have stated that these requested amendments may have the potential to increase demand for growth in other Community Regions and/or rural areas of the County, as well as impact the County's ability to meet State mandates (including the Regional Housing Needs Allocation).

On September 30, 2013, the Board directed staff to return to the Board in January or February 2014 in line with the release of the TGPA-ZOU DEIR with examples and/or options for considering amending the Shingle Springs and El Dorado Hills Community Region Boundary lines. Per the Board's direction, staff began discussing potential options with the County's outside Counsel and environmental consultants in October 2013. On October 29, 2013, staff returned to the Board with preliminary information regarding potential options as part of the Long Range Planning monthly update. The analysis below expands on the information provided in October 2013.

Should the Board wish to proceed with amendments to the adopted General Plan Community Region Boundary lines, the initial step would be for the Board to identify precise map modifications. Depending on the type and scope of map modifications identified, General Plan policy amendments may also be required to maintain internal consistency of the adopted plan.

Staff would review proposed map modifications and policy revisions (if needed) with the County's outside Counsel and environmental consultants to determine if the DEIR has adequately analyzed the proposed amendments. Options from this point forward may include:

1. Revise the TGPA-ZOU project description and DEIR (if necessary) to include the Board identified amendments to the Community Region Boundary lines and General Plan policies (if needed). Depending on the type and scope of identified amendments, additional environmental analysis and recirculation of the DEIR prepared for the TGPA-ZOU may be required.

a. Pros:

- Studies and analysis prepared on behalf of the TGPA-ZOU may provide a substantial portion of the analysis needed for environmental review of the proposed Community Region Boundary amendments.

b. Cons:

- Delay the certification of the TGPA-ZOU EIR and Board action on the TGPA-ZOU project. Depending on the type and scope of identified amendments, additional environmental analysis and recirculation of the DEIR prepared for the TGPA-ZOU may be required. While it is not uncommon for a project description to be revised as a result of comments received on the DEIR, the Final EIR (FEIR) must analyze the TGPA-ZOU project adopted by the Board. Expanding the number of issues to be included in the TGPA-ZOU EIR will increase the complexity, expand the range of subjects to be considered, and increase the project's timeline, scope and cost. A delay could range in time from as little as 12 weeks to a time uncertain, depending greatly on the extent of the amendment(s) being considered and required analysis.

2. Start a new General Plan Amendment process, separate and apart from the TGPA-ZOU project, to initiate Board-identified amendment(s) to Community Region Boundaries. Rely on environmental analysis conducted as part of TGPA-ZOU as much as possible to reduce timeframe and cost associated with this separate process.

a. Pros:

- Studies and analysis prepared on behalf of the TGPA-ZOU may provide a substantial portion of the analysis needed for environmental review of the proposed Community Region Boundary amendments.
- As compared to Option 1, this option is less likely to delay certification of the TGPA-ZOU EIR and Board action on the TGPA-ZOU project.

b. Cons:

- Potential increase in County cost.
- Potential need to reprioritize staff workload (i.e. identify where would

this project falls with regards to identified priorities established by the Board).

3. Analyze Board's identified Community Region Boundary amendments as part of, or concurrent with, the review of the privately initiated residential General Plan Amendment projects. As part of the EIR prepared for proposed projects within El Dorado Hills and Shingle Springs, the Community Region Boundary amendment could be studied as an alternative. During the public hearing process for each project, the Board would have the discretion to either approve the proposed project or adopt the alternative to amend the Community Region Boundary, thereby denying the proposed project.

a. Pros:

- Runs concurrently with the project review and analysis. Impacts on staff is less as compared to Options 1 and 2 above, as staff and the Board will already be looking specifically at proposed project areas.
- Option least likely to delay certification of the TGPA-ZOU EIR and Board action on the TGPA-ZOU project.

b. Cons:

- Community Region Boundary amendments would likely be limited to the proposed project area.
- Potential increased cost to County or the applicant. However, since the County will already be working on the proposed projects, the added cost should be less than Options 1 and 2 above.

## RECOMMENDATION

Chief Administrative Office recommends the Board take the following action regarding the Targeted General Plan Amendment and Comprehensive Zoning Ordinance Update project:

1. Receive the attached draft scope and projected schedule for the completion of the Targeted General Plan Amendment and Zoning Ordinance Update (TGPA-ZOU) project; and
2. Authorize the release the TGPA-ZOU Draft Environmental Impact Report (DEIR) for a 45-60 day public comment and review period; **or**
3. Identify precise map modifications to the Community Region Boundaries of El Dorado Hills and Shingle Springs and provide direction to staff regarding how to process the proposed amendments. If the proposed amendments would be processed as part of the TGPA-ZOU project, direct staff to hold the release of the DEIR until such time that the DEIR can be revised to address the proposed amendments.

## **NEXT STEPS**

Attachment 8B outlines next steps in the process with an estimated timeline for each item. This draft timeline assumes that the DEIR will be released in early March 2014.

Staff has tentatively scheduled a public hearing during the DEIR 60-day review period with the Planning Commission on March 27, 2014. Following the close of the public review and comment period on the DEIR, staff will begin preparing the FEIR and the Public Hearing process for the TGPA-ZOU will be initiated. The first step in the Public Hearing process is to hold hearings with the Planning Commission, which will review the TGPA-ZOU and provide recommendations to the Board.

Staff attended the January 23, 2013 Planning Commission hearing to discuss ideas regarding how to effectively and efficiently review the TGPA-ZOU. The outcome of this discussion was that the Planning Commission would like to schedule 2-3 public meetings per week for 3 weeks in May. They estimate a total of six days needed to review TGPA-ZOU project. An additional meeting will be scheduled during this time with the Agriculture Commission to address Agriculture related items in TGPA-ZOU. Once the Planning Commission and Agriculture Commission complete their review, they will provide their recommendations to the Board. The Board is the final authority responsible for certifying the FEIR and approving the TGPA-ZOU project.<sup>1</sup>

The draft timeline shows Public Hearings with the Board beginning in August and/or September 2014. Staff will return to the Board in June 2014 to have detailed discussion and request direction regarding the Board's preferred method for reviewing the TGPA-ZOU project and FEIR.

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<sup>1</sup> Per Chapter 2.27 of the El Dorado County Code, "The county planning commission shall have such duties, functions and powers as are set forth in title 7 of the Government Code: except that, the board of supervisors shall serve as the planning agency, and shall have the duties, functions and powers set forth in title 7 of the Government Code, with respect to the preparation, review and adoption of a comprehensive, long-term general plan for the physical development of the county, and of any land outside its boundaries which in the board of supervisors' judgment bears relation to its planning, required by Section 65300 of the Government Code."