



**COMMUNITY DEVELOPMENT AGENCY
LONG RANGE PLANNING DIVISION**

INTEROFFICE MEMORANDUM

Date: August 8, 2014
To: Planning Commission
From: Shawna Purvines, Principal Planner
Subject: Targeted General Plan Amendment and Zoning Ordinance Update
Technical Memorandum - Key Project Components

PURPOSE OF PROJECT

The major goals of the Targeted General Plan Amendment (TGPA) and Zoning Ordinance Update (ZOU) project are to bring the Zoning Ordinance into conformance with the General Plan and, where appropriate, to bring both documents into compliance with State regulations as required by California Government Code Section 65000-66037.

PROJECT DESCRIPTION

Some of the TGPA-ZOU components are a result of changes in development patterns, changes in the economy, imperfections and errors in the adopted General Plan and Zoning Ordinance, and opportunities for streamlining implementation of the General Plan. As the TGPA-ZOU consists of a variety of individual amendments to the General Plan, as well as changes to the provisions of the Zoning Ordinance, some of the amendments and zoning changes have the potential to result in significant effects on the environment.

Staff recommends the Planning Commission (Commission), as the Board of Supervisors' (Board) advisory body for land use and planning, discuss the key components of the TGPA-ZOU, and select preferred option(s) to be incorporated into recommendation(s) to the Board. As staff discussed in the Staff Report dated July 31, 2014, the Commission may make recommendations from a range of options including, but not limited to:

1. Recommend adoption of the TGPA-ZOU as proposed;
2. Withhold recommendation(s) on one or more TGPA-ZOU components; or,
3. Make selective recommendations based on the Commission's evaluation of individual TGPA-ZOU components.

To assist the Commission, staff identified 11 key TGPA-ZOU areas, or components, which are listed and described below:

Key Project Components:

1. State Law Compliance
 - a. Regional Housing Needs Assessment (RHNA)
 - b. Mixed Use Development Density
 - c. Infill Development
2. Rural Commerce, Recreation and Expanded Uses in Timber Preserve (TPZ) Zoned Lands
 - a. Rural Region Commercial and Industrial Uses
 - b. Expand Recreation Uses in Selected Zones
 - c. Expanded Uses in TPZ Zones
3. Site Planning and Design
 - a. Land Development Manual, Including Community Design Standards and Guidelines
 - b. Mixed Use Development Design Manual
4. Zone Mapping Criteria and Consistency with General Plan
5. Planned Development, Density Bonus and 30 Percent Open Space
6. Protection of Wetlands and Sensitive Riparian Habitat
7. Hillside Development Standards; 30 Percent Slope
8. Public Infrastructure (Roads, Water and Sewer), Facilities and Utilities
 - a. Relaxation of Public Water and Wastewater Hook Up Requirements in Community Regions
 - b. Public Utility Service Facilities allowed in Planned Agricultural (PA), Agricultural Grazing (AG), Rural Lands (RL), Forest Resource (FR) and TPZ Zones
 - c. Traffic Related Policy Amendments
9. Community Region and Rural Center Boundary Amendments
10. Agricultural District Boundary Amendments
11. Corrections to Imperfections, Errors in the Adopted General Plan and Zoning Ordinance and Other (Minor) Policy Clarifications

KEY COMPONENT DISCUSSION:

1. STATE LAW COMPLIANCE

While the Board retains ultimate authority over land use decisions in the unincorporated area of the County, many recent changes to State law have a significant impact on local land use regulations. Recent changes to State law include programs and regulations governing taxes, housing, infrastructure, water conservation, highways, and community investment. The County has incorporated many new, or recently updated, State regulations into the Project where State compliance was required. For example, Project components that incorporate new State regulations include:

- Affordable housing requirements and incentives;
- Updated allowances for wind energy conversion systems;
- Standards and regulations for solar collection systems, including solar shade control;
- Water-conserving landscape standards, and
- Standards for Accessibility

Following is a detailed discussion of three of three major areas that require State compliance:

a. Regional Housing Needs Allocation (RHNA):

A proposed increase in allowable densities on Multi-Family lands from 24 to 30 units per acre was originally included as part of the TGPA process. The purpose for this proposed amendment was for the County to retain its compliance with State housing element requirements and its eligibility to participate in State funding programs.

The California Government Code requires the County to adopt a Housing Element as part of its General Plan. The Housing Element is to “identify adequate sites for housing, including rental housing, factory-built housing, mobile homes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.” (Government Code Section 65583) As part of the statutorily required process for adoption of the Housing Element, the County must identify sites in accordance with its share of the RHNA. The RHNA is developed by SACOG, based on information provided by the state’s Housing and Community Development Department (HCD). Prior to adopting the Housing Element, the County is required to submit the draft to HCD for review and approval.

California Government Code 65583.2(c)(iv) and (e) requires jurisdictions within Metropolitan Statistical Areas (MSA) of populations greater than 2,000,000 to allow for up to 30 units per acre when determining sites to meet the “low” and “very low” housing allocation categories. The 2010 census confirmed the Sacramento MSA, of which El Dorado County is a part, has exceeded the 2,000,000 population threshold. Increasing the maximum density for Multi-family lands from 24 to 30 units per acre would allow the County to remain in compliance with State law and be eligible for housing and economic development grant funds without the need to complete a parcel level Vacant Land Inventory (VLI).

The 2013 Housing Element Update included a parcel level analysis of the VLI and concluded the County could achieve compliance with

RHNA at levels below maximum density of 30 units per acre. On October 29, 2013, the County adopted a new Housing Element that met RHNA requirements without requiring a density increase from 24 to 30 units per acre. Therefore, this proposed amendment was not analyzed in the Draft Environmental Impact Report (DEIR) and will not be proposed for amendment in the project.

b. Mixed Use Development Density (General Plan Policies 2.1.1.3 and 2.1.2.5):

The proposed policy changes would increase the maximum density for the residential portion of mixed use projects in Community Regions from 16 dwelling units per acre to 20 dwelling units per acre in Community Regions, to be consistent with 2009 amendments to State planning law (Government Code Section 65583.2(c)(B)(3)) and from four units per acre to ten units per acre in Rural Centers. The maximum residential density of 20 dwelling units per acre may only be achieved where adequate infrastructure, such as water, sewer and roadway are available or can be provided concurrent with development.

Government Code Section 65583.2(c)(B)(3) (also known as SB375) seeks to incentivize three distinct planning areas (regional housing needs, transportation infrastructure development, and statewide greenhouse gas reduction goals) into one comprehensive program. The law builds upon existing regulatory structures and, through required General Plan Housing Element updates and project CEQA review streamlining, encourages local jurisdictions to support compact development targeted to reducing vehicle miles traveled (VMT). The new law explicitly states that local plans do not have to conform to SB 375's provisions. The practical matter is that, because transportation funding and housing elements are tied to SB 375, local jurisdictions are encouraged to support regional planning efforts and comply when updating any land use plans. Additionally, many of the objectives of SB 375 are adopted objectives of the County's General Plan, including many of the plan's mixed use policies.

The Board adopted a General Plan amendment on December 8, 2009 allowing mixed-use projects on commercial lands to develop vertically and/or horizontally. This amendment also eliminated the requirement for a mixed use project to be predominantly commercial and increased the allowable residential units per acre from 10 units to 16 units in Community Regions. Mixed use allows for development that incorporates a range and variety of uses within a single development site. The General Plan allows for and encourages mixed used development on commercial lands. SB375 provides CEQA

streamlining benefits for a narrow category of projects that achieve 20 units per acre. The proposed amendment from 16 to 20 units per acre in Community Regions and four units to ten units in Rural Centers further supports existing General Plan goals to allow for a full range of single and/or multifamily design concepts, and the option for utilizing these CEQA streamlining benefits.

The amendments to General Plan Policies 2.1.1.3 and 2.1.2.5 would increase the maximum residential density allowed in mixed use development projects. The actual effect of these changes is not expected to be substantial. Actual density would be the product of the size of the project site (i.e., smaller lots cannot sustain higher density development due to inability to meet parking standards, setback requirements, etc.), the availability of public services (projects that rely on septic tanks require a portion of the lot area to be used for leach fields, while sites served by sewers do not), and community demand for this type of development.

Historically, the County has not experienced a high demand for mixed use development. There is general support for mixed use, and both the 1996 and 2004 General Plans included mixed use objectives and policies. However, in the past 10 years the County has received an approximate total of 15 inquiries (only two or three per year) for mixed use development projects. Only two have been approved. Discussions with the El Dorado/Diamond Springs Community Advisory Committee have been about revitalizing downtown areas with mixed use development projects. Therefore, the Mixed Use Development project forecasted that, within the next 20 years, up to 257 residential units may be built as part of mixed use development projects in the El Dorado and Diamond Springs Community Regions. This development would constitute the majority of the incremental increase in mixed use development that can be attributed to the TGPA. Given that up to 20,000 additional residences might be built within the County, based on the General Plan provisions absent these policy amendments, the number of additional residences attributable to the revisions in mixed use would not be a substantial change in the amount of growth associated with implementation of the General Plan.

c. Infill Development and Future Opportunity Areas:

A central goal of Government Code Section 65583.2(c)(B)(3) (also known as SB375) is to reduce greenhouse gases by reducing VMTs through the better linking of transportation and land use practices. To achieve a reduction in greenhouse gasses from reduced VMTs, a State objective is to encourage local governments to support though local policies and ordinances infill and mixed-use development.

One of the General Plan overall Objectives (Objective #9) encourages *“infill development that more efficiently utilizes existing infrastructure and minimizes land use conflicts while avoiding the premature development of non-contiguous lands where direct and life cycle costs are greater”*. Housing Element Implementation program HO-2013-14 requires the adoption of an Infill Incentive Ordinance to assist developers in addressing barriers to residential infill development. In addition, General Plan policy 5.2.1.6 states *“Priority shall be given to discretionary developments that are infill or where there is an efficient expansion of the water supply delivery system.*

The proposed new General Plan Policy 2.4.1.5 would provide a framework and parameters for the future preparation of an Infill Incentive Ordinance. The proposed new policy promoting infill development would encourage development within existing communities when at least two parcels adjacent to the proposed development site are already developed. This proposed new policy would further encourage development that is consistent with the General Plan to take place within existing communities. This Land Use Element policy is consistent with the Housing Element’s infill implementation measure, and reinforces existing policies that focus new development in Community Regions and Rural Centers. Because this policy would not expand on the allowable development intensities under the General Plan, it is not expected to induce substantial population growth.

To achieve General Plan as well as State infill objectives, adding policies and an implementation measure to the Land Use Element identifying infill opportunity sites (or, at minimum, site criteria within in Community Regions and Rural Centers) will provide a framework for an infill incentive program. Criteria would focus on sites designated for mixed-use, higher density residential and commercial development. Any new development on identified sites would be required to remain visually compatible with the surrounding area. Infill sites would be small in size and most likely located within communities like El Dorado Hills, Cameron Park, Camino, Missouri Flat, and El Dorado/Diamond Springs. In addition, any future infill ordinance would support the use of vetted and/or adopted Traditional Neighborhood Design guidelines, Standard Plans, Mixed Use, and Form Base Code.

The General Plan identifies areas anticipated for growth, but has adopted lower intensity land use designations and zoning until adequate infrastructure is available to accommodate higher density/intensity land uses. Policies do not provide clear goals or expectations for these areas or for achieving General Plan objectives.

Subsequent to the TGPA-ZOU, as part of a future effort, sites currently lacking adequate infrastructure but anticipated for high density/intensity land uses would be identified as Opportunity areas. Opportunity areas would consist of larger undeveloped areas where future development is expected to and should be directed. Opportunity areas would be established based on several criteria, including strategic locations within the General Plan Planning Areas, proximity to services, ability to advance General Plan goals, compatibility with adjacent uses, environmental resources and geographic features. Opportunity areas would be required to complete subsequent detailed master planning, including circulation patterns and financing issues, prior to any development. By establishing infill and opportunity policies within the General Plan as part of the TGPA process, initial analysis can be incorporated into technical studies, providing some level of CEQA streamlining benefits for future planning of these areas.

2. RURAL COMMERCE, RECREATION and EXPANDED USES IN TPZ ZONED LANDS

Historically, rural lands have sustained economic viability through a mix of agricultural related uses on a single site, including, but not limited to, commercial, residential, industrial, mining, tourism/recreation and other revenue generating activities that benefit the property owner, the local community and the County.

a. Rural Region Commercial and Industrial Uses:

The 2004 General Plan limited the expansion of commercial and industrial uses in the Rural Region. Issues have been raised regarding the economic sustainability of the rural areas of the County. Specifically, the General Plan precluded the expansion of Industrial lands in the Rural Region, allowing only those uses that support on-site agriculture, timber resource production, mineral extraction, or other resource utilization. General Plan Table 2-1 and Policy 2.2.1.2 limited the ability for new commercial lands to be designated in the Rural Region. One of the fundamental components of the General Plan is the planning concept areas of Community Regions, Rural Centers, and the Rural Region. Growth and development is intended to be directed to the areas with sufficient public services and access to support the development. Support services for the Rural Region were to be provided in the Rural Centers. However, limitations on tasting rooms, eating establishments, and lodging within the Rural Region limits the ability to meet visitors needs and expectations from the County's nearby agricultural operations.

This proposed General Plan amendment is limited to text changes; no amendments will be made to the land use map as part of the TGPA. If the General Plan is amended to allow for commercial and industrial uses in the Rural Region, then a project-specific application for a General Plan Amendment and Rezone would still be required before any commercial and industrial uses would be allowed in the Rural Region.

In addition to the proposed General Plan Amendment, the ZOU also included the expansion of uses allowed in the Agricultural and Resource zones in the Rural Region to provide more opportunities for commercial development that would support the creation of jobs and increase sales tax capture in the County. One of the primary expanded uses would include Ranch Marketing on agricultural grazing land. Ranch Marketing would be allowed by right or upon approval of a Conditional Use Permit (CUP), administrative permit, temporary use permit, and minor use permit, depending on the particular use. A detailed discussion of expanded agricultural uses in the Rural Region can be found in the staff report for the Agricultural Commission (Attachment A, Legistar File 14-1094) agenda item No. 3 for the Agricultural Commission's August 13, 2014 meeting.

b. Expanded Recreation Uses in Selected Zones:

Also under the ZOU, Health Resort and Retreat Center uses are proposed to be allowed in the PA, AG, RL, FR and TPZ zones upon approval of a CUP. Under the proposed code, lots adjacent to or within Agricultural zones must be reviewed by the County Agricultural Commission for compatibility with surrounding agricultural uses prior to consideration of the CUP. Nonetheless, the lack of a size limitation in the proposed ZOU raises the possibility of conflicts arising with agricultural operations over traffic and activity levels from this land use or conversion of a substantial amount of farmland to a nonagricultural use. Therefore, under the ZOU, impacts related to direct conversion of farmland would likely be significant and unavoidable.

Implementation of Mitigation Measure AG-1a would reduce the impact of Health Resort and Retreat Centers on agricultural and forestry resources to a less-than-significant level. The measure would place reasonable size limits on centers consistent with the requirements for Bed And Breakfast Inns. A detailed discussion of proposed Health Resort and Retreat Centers can be found in the staff report for the Agricultural Commission (Attachment A, Legistar File 14-1094) agenda item No. 3 for the Agricultural Commission's August 13, 2014 meeting.

c. Expanded Uses in TPZ Zones:

In addition, the TGPA-ZOU also includes expanded commercial and recreational uses on TPZ-zoned lands. One of the primary TGPA-ZOU objectives was increasing opportunities for rural commerce and recreation, to include expanded uses and activities compatible with TPZ zoned lands.

The TPZ district is a result of the State legislature's desire to conserve productive forestland in California. The TPZ district was developed through the passage of two laws: the Forest Taxation Reform Act of 1976 (FTRA) and the Timber Productivity Act of 1982 (TPA).

Background:

The FTRA was enacted in order to remedy flaws in the tax code that prevented timberland from being managed in a manner that protects growing timber inventories. The FTRA created the TPZ. The FTRA changed how timber parcels designated for the TPZ district and standing timber would be taxed. Specifically, the FTRA changed standing timber from being taxed as personal property on an annual basis (ad valorem tax) to being taxed at the time it is severed from the stump (yield tax) and sold. The FTRA also removed the caveat found in the State Constitution that allowed a parcel to be removed from the tax rolls for 40 years if 70 percent or more of the timber volume was harvested.

The FTRA and TPA allowed timber owners to maintain a larger timber inventory, grow their inventory for longer periods of time and plan their harvests based on maximization of stand growth and yield, rather than taxing the inventory on an ad valorem basis. Allowing for longer periods when mature timber could be economically maintained on the land provides the opportunity for the forest to function in a manner that provides important ecosystem services relating to watershed functions and wildlife habitats.

The FTRA was modeled in part after the Land Conservation Act of 1965, which created Williamson Act contracts. The Land Conservation Act is a mechanism to prevent the conversion of prime and non-prime farmland to a use other than agriculture whereby a landowner enters into a contract with the County agreeing to limit the use of the land to agricultural purposes for a period of at least 10 years. In return for the agreement, the property owner is taxed on the value of the land's production rather than on an ad valorem basis. The Land Conservation Act coined the term "compatible use", establishing criteria for allowing other uses on the contract lands, should they be considered "compatible" with the conditions of the contract. The Land

Conservation Act definition of compatible use is broadly defined on principles that are inclusive of uses, as long as the Agricultural use is not significantly impaired.

Discussion:

General Plan Policy 2.2.1.2 (Natural Resource designated lands - compatible with TPZ Zone Districts) states: "...This (Natural Resource) designation shall be applied to those lands which are 40 acres or larger in size and contain one or more important natural resource. Compatible uses on private land may include agriculture, rangeland, forestry, wildlife management, recreation (and) water resources development..." Further, Policy 2.2.5.11 states "...forested areas have a need for certain commercial support uses which should be allowed in a manner which is consistent with the forest use and outdoor recreation areas. Uses which are consistent here may include the processing of forest products and natural resources, overnight individual and group outdoor accommodations, outdoor recreation activities, including ski resorts, hunting and fishing clubs, equestrian facilities, interpretive centers and conference/convention centers."

Therefore, in accordance with the General Plan and allowances in State law for "compatible uses", the TGPA-ZOU proposes several additional commercial and recreational uses to be contemplated for TPZ-zoned lands, by CUP, including bed and breakfast facilities, Health Resort and Retreat Centers, off-road/highway vehicle recreation areas, marinas for non-motorized craft, campgrounds, ski areas, snow play areas, commercial stables and trail head parking and staging areas. Also, temporary special events would be considered by Temporary Use Permit (TUP). A detailed discussion of expanded agricultural uses on TPZ-zoned lands can be found in the staff report for the Agricultural Commission (Attachment A, Legistar File 14-1094) agenda item No. 3 for the Agricultural Commission's August 13, 2014 meeting.

3. SITE PLANNING and DESIGN:

a. Proposed Land Development Manual (LDM)

An option for comprehensive site design includes the proposed Land Development Manual (LDM), currently the Design Improvement Standards Manual (DISM), as a key component. The proposed LDM expands the scope of the existing DISM, creating a single, updated manual for site design and development. A reformatted and updated LDM will provide site-specific design standards and information regarding the development of land in the County, addressing key components, including, but not limited to, roadway and lot design, fire protection, water, sewage disposal,

mapping requirements, parking and loading requirements, grading and sediment control, outdoor lighting, landscaping, mixed use development and community design standards and guidelines.

The County of El Dorado is a composite of differing areas, a variety of lifestyles, and various terrains. The General Plan ensures that the County retains its core identity by guiding future growth that respects the diversity of the County and region, shapes and configures development in relation to the land, and ensures that its various parts relate to its whole.

The LDM is still under development and is not analyzed in the DEIR. The LDM is for the use of those property owners and design professionals submitting development applications to the County. Staff intends for this document to provide the baseline criteria promoting innovative site related development that actively accommodates a balance of housing, employment, and service opportunities for County residents and visitors.

The LDM is being designed for primary use as an electronic document, separated into three proposed volumes:

Volume 1: The Development Process and Administration;
Volume 2: Countywide Development Standards; and
Volume 3: Community Design Standards and Guidelines

As proposed, each volume, or section of each volume, may be downloaded separately. Each volume will provide links to other relevant County documents. The LDM is a working document, which may be expanded if the need arises. *[Note: Volumes 1 and 2 are currently under development, and current development projects should reference the existing DISM. Volume 3 (Community Design Standards and Guidelines) is being circulated for comments with the TGPA-ZOU.]*

The LDM will include both design "standards" and design "guidelines". Design standards are generally considered mandatory requirements, and will often include the term "shall". Standards are frequently quantitative or have performance criteria that can be measured. Design guidelines being prepared include more generalized statements, alternatives or illustrations of what is expected and encouraged. Therefore, guidelines may offer ways to meet a certain standard. Staff is working with a consultant to prepare a checklist of objectives for ministerial design to assist in streamlining the review process for ministerial or minor use permits.

Following is a draft Table of Contents for the items being considered for inclusion into Volume 3 of the LDM that are related to the TGPA-ZOU. Sections with asterisks (*) identify guidelines or standards currently adopted, and not anticipated to be revised as part of the LDM. A key

element of the proposed LDM is the (draft) Mixed Use Development Design Manual (MXD). A detailed discussion of the proposed MXD follows the draft Table of Contents.

Note: As part of the TGPA-ZOU, the Commission will be requested to make recommendation(s) on only the draft standards and guidelines under development. All draft standards and guidelines, including the MXD, considered for Volume 3 of the LDM can be found in Attachment 2.

Draft Table of Contents For Volume 3: Community Design Standards and Guidelines

Chapter 1: Special Purpose Standards and Guidelines

- Cultural Resource Studies Guide*
- Historic Design*
- Landscaping and Irrigation
- Mobile Home Park Design
- Outdoor Lighting
- Parking and Loading
- Research and Development Design

Chapter 2: Mixed Use Development

- Mixed Use Development Design Manual

Chapter 3: Community Design

- Community Design Guide*
- Missouri Flat Design*
- Sierra Design*

Chapter 4: Specific Plan Design Standards and Guidelines

- Seven Existing Specific Plans:*
 - Meyers Community Plan;
 - Bass Lake Hills;
 - Carson Creek;
 - Promontory;
 - Valley View;
 - El Dorado Hills; and
 - Northwest El Dorado Hills

b. Mixed Use Development Design Manual:

In conjunction with the release of the Draft EIR (DEIR), the County also released a public review draft of the Mixed Use Design (MUD) Manual dated March 19, 2014. The MUD guidelines are intended to provide clear and useful standards for the design, construction, review, and approval of

mixed-use development in unincorporated El Dorado County. The complete draft MUD Manual is posted on the County website at:

http://www.edcgov.us/Government/LongRangePlanning/LandUse/SupportingDocuments/DraftEIRMarch2014/Mixed_Used_Design_Manual_Public_Review_Draft_3-19-2014.aspx

Upon adoption of the amendment to the General Plan and Zoning Ordinance in 2009 related to Mixed Use Development, the Board directed staff to begin a more comprehensive analysis for utilizing mixed use development as a tool to further achieve goals established within the General Plan, and to prepare options for strategies applicable to the revitalization of historic downtowns and new development projects that would achieve well designed mixed use projects. This was and has been referred to as MUD II. The Board considered and directed Mixed Use Development Phase II options and directed staff to incorporate the options into the TGPA process.

Mixed Use Development Phase II supports existing General Plan goals, including allowing for a full range of single and/or multifamily design concepts and the option for utilizing CEQA streamlining benefits recently adopted into State law. When the mixed use ordinance was adopted in 2009, it was determined that any mixed use project was to be processed as a Planned Development until the adoption of Mixed Use Development Phase II.

The creation of an "Atlas" of different types of mixed use development forms for use as part of a mixed use project on commercial or multifamily lands (i.e., Standard Plans, Design Guidelines, Form Base Codes, etc.) have been developed and exhibit up front how higher density developments can be integrated into existing communities while retaining community character. The MXD provides standards and guidelines for different types of mixed use development plans and would be used in lieu of a Planned Development application, providing more predictability for the community and streamlining of the entitlement process for the property owner/developer.

As discussed in item 1 above, as a result of changes in State law, an increase in allowable densities for mixed use development (from a maximum of 16 units per acre to 20 units per acre on commercial lands with zoning that allows for mixed use development) was analyzed in the DEIR.

4. ZONE MAPPING CRITERIA and CONSISTENCY WITH GENERAL PLAN

The primary purpose of the ZOU is to bring existing Zoning Ordinance text and maps into conformance with the General Plan, and to reduce regulations and simplify processes. The zones must conform to the land use designations. Also, there are numerous policy requirements that necessitate new or revised provisions in the Ordinance. This consistency is required by State law (Government Code §65860).

The TGPA-ZOU includes rezoning of individual parcels throughout the County as needed to make the zoning classifications on each property consistent with the property's General Plan designation. Where there is more than one zone classification that would be consistent with the General Plan, these changes generally adopt the least intensive of those zones. The development potential of the parcels is currently determined by the densities and intensities established in the General Plan. The re-zonings would not change the development potential. As a result, the re-zonings would not change the expected environmental impacts that will occur as a result of implementing the General Plan.

5. PLANNED DEVELOPMENT, DENSITY BONUS and 30 PERCENT OPEN SPACE

The TGPA-ZOU proposes to amend the Density Bonus and *30 Percent Open Space Criteria for Planned Developments*. On October 7, 2008, the Board adopted Resolution of Intention (ROI) No. 274-2008 to amend General Plan Policies 2.2.3.1, 2.2.3.2, 2.2.5.4, and 2.2.5.13. These policies relate in one way or another to the requirement of processing a Planned Development application for certain types of projects and the mandatory 30 percent open space requirement for all residential planned developments. The Board found that these policies were causing difficulties in developing smaller, infill projects, townhouse and mixed use projects, and condominium conversions. All of these have the potential to create greater affordability, thereby meeting the General Plan Housing Element Goal HO-1: Provide for Housing that meets the needs of existing and future residents in all income categories.

As currently implemented with the mandatory 30 percent open space requirement, these Policies are precluding many projects from achieving General Plan goals and objectives. This percentage of the site, in many cases, ends up not providing usable open space, and simply drives up the costs associated with the projects. ROI No. 274-2008 included the intent to maintain the 30 percent requirement in the General Plan. With the adoption of the TGPA ROI, the Board decided to analyze the option to modify the 30 percent to allow for more flexibility, providing more certainty that the objective can be reached.

Following the week-long Zoning Ordinance Workshop in July 2012, the Board approved staff's recommendation that the General Plan should retain the

requirement for 30 percent open space and related policies should clarify when the policy would apply and retain the option for Density Bonus when certain open space objectives are met. In parallel, the Zoning Ordinance should allow for and implement the following:

- Exempt projects less than five units, projects smaller than three acres in Community Regions and Rural Centers, condo conversions, Multi-Family Residential (MFR) and Mixed Use Development.
- Allow 15 percent improved open space and 15 percent exclusive use open space to meet 30 percent requirement in lands designated High Density Residential (HDR).
- Retain density bonus policies ONLY for projects meeting minimum 30 percent open space requirement.
- Incorporate Agriculture protections and resources, including ability to use open space for Agriculture in Agriculture Districts.

6. PROTECTION OF WETLANDS and SENSITIVE RIPARIAN HABITAT

The protection of wetlands and sensitive riparian habitat standards were substantially revised. The draft ZOU includes standards for ministerial projects and added requirements for determining appropriate protections through the discretionary review process. In addition, as directed by the Board, standards have been established for major lakes, rivers and streams.

Board direction from August 20, 2012 is as follows:

- Adopt standardized setbacks for ministerial projects; use biological resource assessments for discretionary applications or modifications to ministerial setbacks
- Use objective measurements (high water mark; spillway elevation)
- Incorporate larger setbacks for major lakes, rivers and creeks
- Codify Environmental Management setbacks for septic system disposal areas and septic tanks for water quality protection”

The proposed ZOU includes Zoning Ordinance Section 17.30.030.G (protection of wetlands and sensitive riparian habitat) that would establish standards requiring the avoidance and minimization of impacts on wetlands and sensitive riparian habitats. These standards would apply to all ministerial and discretionary permits proposed adjacent to perennial streams, rivers, or lakes, any intermittent streams and wetlands shown on the latest U.S. Geological Survey Quad maps, and any sensitive riparian habitat within the County.

Ministerial development would be required to be set back 25 feet from any intermittent stream, wetland or sensitive riparian habitats, or a distance of 50 feet from any perennial lake, river, or stream. All discretionary development with the potential to impact wetlands or sensitive riparian habitat would require a biological resource evaluation to establish the area of avoidance and any buffers

or setbacks required to reduce the impacts to a less than-significant level (this would be in addition to any required development-specific CEQA analysis). Where all impacts are not reasonably avoided, the biological resource evaluation would be required to identify mitigation measures that may be employed to reduce the significant effects. The proposed code would also establish greater setbacks from specified major lakes, rivers, and creeks within the County.

7. HILLSIDE DEVELOPMENT STANDARDS and 30 PERCENT SLOPE RESTRICTION

The standards under which slopes could be developed are set out in proposed Section 17.30.060 (Hillside Development Standards) of the ZOU. This section establishes standards regulating development on portions of existing lots where the natural gradient (i.e., slope) exceeds 30 percent. Development could proceed with an erosion and sediment control plan in place. Development would be prohibited on sites where the slope has a vertical height of 50 feet or more and exceeds 30 percent in slope, except “where reasonable use of an existing lot or parcel would otherwise be denied.” In those cases, stricter development standards would apply.

Hillside development standards, including 30 percent slope restrictions, were prepared following Board. As written, these standards would apply primarily to development on existing parcels. Hillside development standards for new lot creation would be located in the LDM, and would be similar to current adopted standards.

Current General Plan Policy 7.1.2.1 and Mitigation Measure 5.9-4(b) from the 2004 General Plan EIR prohibit development or disturbance on slopes exceeding 30 percent unless necessary for access. The primary issue, as analyzed in the General Plan EIR, is the risk of erosion associated with an increase in the rate of development, particularly in areas with high erosion potential. Current Interpretation of the policy is that development must avoid any portion(s) of the site that exceed 30 percent slope. If the purpose of the mitigation is to reduce erosion, options for erosion control could be considered to meet reasonable use of the site.

The TGPA proposes to amend Policy 7.1.2.1 such that instead of prohibiting development on slopes of 30 percent or greater, the General Plan would discourage development on such slopes. Proposed Zoning Ordinance Section 17.30.060 (Hillside Development Standards 30 Percent Slope Restriction) establishes detailed regulations for development on slopes, including provisions for erosion control and engineered design, but similarly does not prohibit such development. Constitutional protections against “regulatory takings” act preclude the County from ever actually prohibiting all development on a steep lot if that action would remove all economic value from the property. However, existing Policy 7.1.2.1 could certainly restrict the development of the steep portions of

sites that also contain areas with slopes under 30 percent. Despite the proposed erosion control and design requirements, this change has the potential to result in adverse aesthetic effects

Allowing development on slopes of 30 percent or greater would allow new development to be built higher on slopes. Despite the proposed Zoning Ordinance provisions requiring special consideration of grading, geotechnical engineering, landscaping, and other concerns, there is no practical means of avoiding the introduction of new structures into natural environments when development would occur in rural areas. Implementation of TGPA/ZOU DEIR Mitigation Measure BIO-1a: *Limit the relaxation of hillside development standards*, which would limit development on slopes containing special status species habitat, would reduce this impact. However, because this type of development would adversely affect the vividness and intactness of scenic views, this impact would be significant and unavoidable.

A detailed discussion of potential impacts to agricultural and forest resources based on modified hillside development standards can be found in the staff report for the Agricultural Commission (Attachment A, Legistar File 14-1094) agenda item No. 3 for the Agricultural Commission's August 13, 2014 meeting.

8. PUBLIC INFRASTRUCTURE (Roads, Water and Sewer), FACILITIES AND UTILITIES:

a. Relaxation of public water and wastewater hook up requirements in Community Regions:

General Plan policies 5.2.1.3 and 5.3.1.1 require that all medium-density residential, high-density residential, multifamily residential, commercial, industrial and research and development projects connect to public water and wastewater systems when located in a Community Region. The General Plan supports the expansion of the County's public water and wastewater systems. The issue is that this policy does not provide the flexibility required for some projects that do not require a hook-up. The County's Community Regions total more than 47,000 acres and reach into areas of the County that are remote in nature and may not in the near future have available water and sewer systems. Small businesses may be prohibited from investing in the expansion of these systems due to costs, thereby limiting the creation of jobs and potential revenue for the County. The project proposes amending General Plan policies 5.2.1.3 and 5.3.1.1 to provide flexibility for the connection to public water and wastewater systems when located in Community Regions.

The proposed changes to Policies 5.2.1.3 and 5.3.1.1 would effectively relax the current requirement that higher intensity development connect to public water and wastewater disposal systems to instead allow

development to proceed without connecting to public systems when public systems are not reasonably available. Because of the lack of reliable groundwater supplies within the County, and the size requirements for individual septic system leach fields mandated by building code requirements, this change would not result in higher intensity development. Instead, it would allow property to be developed, but only to the extent allowed by the site's physical constraints and the adopted General Plan and Zoning. Where groundwater supplies are limited or the size of the site is limited, this will typically be a lower intensity of development than could be supported by public water and wastewater disposal systems. This would not result in a substantial alteration or degradation of land use character, and therefore would have a less than significant impact.

In addition, the Project would amend General Plan Policy 2.2.1.2 to delete the requirement that industrial lands be restricted to areas within, or in close proximity to Community Regions and Rural Centers. Also, the requirement that industrial lands in rural regions have more limited industrial uses—for support of agriculture and natural resource uses—would be deleted.

b. Public Utility Service Facilities allowed in PA/AG/RL/FR/TPZ Zones:

The ZOU would allow Public Utility Services Facilities, both “intensive” and “minor”, in PA, AG, RL, FR and TPZ Zones. “Intensive” service facilities would be defined as “service facilities that may have the potential to cause impacts from noise, lights, odors, or the use of hazardous materials, such as electrical receiving facilities or substations, sewage treatment facilities and power generating facilities”. “Minor” facilities would be defined as “service facilities such as water, sewer, gas pipelines, pump stations, telephone and electrical distribution lines 12 kilovolts (kV) or less, and drainage facilities”.

Although this project component would result in significant and unavoidable impacts in the areas of agricultural and biological resources, as well as to land use, major impacts to the agricultural resources could be reduced to a less than significant level by implementing Mitigation Measure AG-1b (Amending the ZOU to limit Public Utility Service Facilities to minor facilities [only], in the PA, AG and RL Zones) Note: As proposed, this component would still cause significant and unavoidable impacts for the areas of biological resources and land use. To date, no feasible mitigation measures have been developed to reduce these last two significant impacts to a less than significant level. Further discussion on potential environmental effects resulting from locating Public Utilities Service Facilities in the above-listed zones can be found in the staff report for the Agricultural Commission (Attachment A, Legistar File 14-1094)

agenda item No. 3 for the Agricultural Commission's August 13, 2014 meeting.

c. Traffic-Related General Plan Policy Amendments:

The TGPA-ZOU primarily contains minor language edits and/or Policy clarifications as noted below. However, the TGPA-ZOU also contains one new goal/policy for CEQA streamlining opportunities for qualified projects that are consistent with the Metropolitan Transportation Plan and Sustainable Community Strategy. Following is a list of proposed traffic-related General Plan policy amendments:

- **Minor Amendments to Road Improvement Policy Language**
These policies would be amended to make minor modifications to clarify language: TC-1m—delete “of effort”; TC-1n(B)—replace “accidents” with “crashes” to be consistent with transportation industry standard language; and TC-1w—delete “maximum.”
- **Change the document reference for the existing Circulation Diagram to “Figure TC-1”**
- **Development will be required to dedicate right-of-way, fund design and construction, and or fund all improvements necessary to mitigate the effects of traffic from a development project**
(Policy TC-Xg)
- **Regional Coordination of Highway 50 Capacity-Enhancing Projects**
This policy would be amended to allow for regional Highway 50-related projects to be delivered on a schedule agreed to by related regional agencies, thereby excluding regional projects from the scheduling requirements of the policies of the General Plan (Reference: Policy TC-Xi.)
- **Bicycle Routes Policies TC-4a, TC-4d and TC-4f - Minor Language Edits**
Amend language to ensure consistency with adopted bicycle-related documents and plans (changed existing “Bikeway Master Plan” to “Bicycle Transportation Plan”, the title of the adopted document);
- **New Goal and associated policies:** This amendment will *create new goal(s) and policy(s) for CEQA streamlining opportunities* for qualified projects that are consistent with the Metropolitan Transportation Plan.

- **New Complete Streets Policy:** A new Goal, Objective, policy and implementation measure would be added to support the development of “Complete Streets” *consistent* with the requirements of Assembly Bill 1358, the Complete Streets Act of 2008 (Chapter 657, Statutes of 2008 – Government Code Section 65302(b)(2)): New or substantially improved roadways would accommodate all users, including bicyclists, pedestrians, transit riders, children, older people, and disabled people, as well as motorists, to comply. An implementation measure would be added to update the applicable manuals and standard plans to incorporate elements in support of all users. Implementation of the Complete Streets policy will be included in the [Roadway] Standard Plans.
- **Planned Adequate Infrastructure:** The Public Services and Utilities policies and table would be amended as needed to clarify that the Board has final authority when determining minimum level of service requirements consistent with General Plan objectives, standards, and related policies.
(Objectives 5.1.1, 5.1.2, and Table 5-1)

During the process of settling on the final TGPA-ZOU components, several other potential General Plan amendments were discussed. After a preliminary analysis, these items were either not included in the TGPA-ZOU, their consideration will be deferred for future incorporation into other documents, including the proposed LDM and/or updated (Roadway) Standard Plans, or they will be considered later for incorporation into the major Five-Year Capital Improvement Program (CIP) and Traffic Impact Mitigation (TIM) Fee Program updates, currently in progress. For information purposes only, here are the potential amendments that were not included in the TGPA/ZOU project that is now under consideration, and their current dispositions.

- **Reduce roadway widths, with the primary goal of conformance to the Housing Element of the General Plan as described in the Project ROI**
(Reference: Policies TC-1a, TC-1b, and Table TC-1, TC-1p, TC-1r, TC-1t, TC-1u, TC-1w, TC-4f, TC-4i, HO-1.3, HO-1.5, HO-1.8, HO-1.18, HO-5.1, and HO-5.2)

(This item will be deferred for future incorporation into the proposed [Roadway] Standard Plans.)

- **Remove Table TC-1 (General Roadway Standards for New Development by Functional Class) and move it to another document (i.e., Standard Plans or LDM)**

(Note: This item will be deferred for future incorporation into the proposed [Roadway] Standard Plans.)

- **Consider Moving Table TC-2 (Level of Service Standards) to another document**

(Note: As a result of the analysis, staff has determined that this table will remain in the General Plan, and not be moved, since it is closely tied to General Plan Policy TC-Xa which was included as part of the Measure Y initiative.)

- **Policies TC 4i, TC-5a, TC-5b, and TC-5c: Paths and Sidewalks**

These policies would be amended to provide more flexibility as to when sidewalks are required. Requirements and enforcement would be included in subsequently adopted design standards and guidelines

(Note: This item will be deferred for future incorporation into the proposed [Roadway] Standard Plans.)

- **The El Dorado Hills Business Park employment cap limits would be analyzed and either amended or deleted, as appropriate**

Reference: Policy TC-1y: Employment Cap: *“Development through 2025, within Traffic Analysis Zones 148 and 344, shall be conditioned so that a cap of 10,045 full-time employees is not exceeded, unless it can be demonstrated that a higher number of employees would not violate established level of service standards.”*

(Note: This item will be deferred to the major Five-Year update to the CIP and TIM Fee Programs, which is currently in process.)

- **Clarify the definition of “worsen”, under Policy TC-Xe, which impacts Policies TC-Xd and TC-Xf**

(Note: This item will be deferred to the major Five-Year update to the CIP and TIM Fee Programs, which is currently in process.)

9. COMMUNITY REGION and RURAL CENTER BOUNDARY AMENDMENTS

A fundamental characteristic of the General Plan is the identification of three distinct planning concept areas with distinct differences in the intensity and types of development that may be allowed in each. These planning concept areas include:

1. Community Regions;
2. Rural Centers, and
3. A single Rural Region which consists of all lands not included in either a Community Region or Rural Center.

The intent of the General Plan, through the application of these planning concept areas, is to provide for a land use pattern that allows development within Community Regions and Rural Centers while encouraging the retention of the County's rural character by limiting the intensity of development in the Rural Region.

The General Plan defines a Community Region as urban limit areas "...where the urban and suburban land uses will be developed" (Objective 2.1.1). Community Regions are "...those areas which are appropriate for the highest intensity of self-sustaining compact urban-type development or suburban type development within the County based on the municipal spheres of influence, availability of infrastructure, public services, major transportation corridors and travel patterns, the location of major topographic patterns and features, and the ability to provide and maintain appropriate transitions at Community Region boundaries" (Policy 2.1.1.2).

Existing Community Regions identified on the General Plan Land Use map are: Cameron Park, Camino/Pollock Pines, Diamond Springs, El Dorado, El Dorado Hills, Shingle Springs, and the City of Placerville and immediate surroundings (Policy 2.1.1.1).

The Rural Center boundaries establish specific areas within the rural areas of the County where higher intensity development may be allowed, based on the availability of infrastructure, public services, existing uses, parcelization, impact on natural resources, etc. (Policy 2.1.2.2). In general, the intensity of development that may be allowed in Rural Centers is less than what may be allowed in Community Regions.

Existing Rural Centers identified on the General Plan Land Use map are: Chrome Ridge, Coloma, Cool, Fairplay, Garden Valley, Georgetown, Greenwood, Grey's Corner, Grizzly Flat, Kelsey, Kyburz, Latrobe, Little Norway, Lotus, Mosquito, Mount Aukum, Mount Ralston, Nashville, Oak Hill, Phillips, Pilot Hill, Pleasant Valley, Quintette, Rescue, Somerset, and Strawberry (Policy 2.1.2.1).

The TGPA does not include changes to the outer boundaries of the Community Regions or Rural Centers identified on the General Plan land use map. The Camino/Pollock Pines Community Region Boundary Amendment (Resolution 110-2009) considered dividing the Community Region of Camino/Pollock Pines into three separate Rural Centers -- Pollock Pines, Cedar Grove, and Camino. The Board included this task in the project review with the adoption of the Resolution of Intention for the TGPA. Both Community Region and Rural Center boundaries are shown on the General Plan land use map.

10. AGRICULTURAL DISTRICT BOUNDARY AMENDMENTS

The TGPA-ZOU project proposes to amend the boundaries of the County's Agricultural Districts by the inclusion of 479 parcels and the removal of 96 parcels around the Garden Valley-Georgetown, Coloma-Lotus, Camino-Fruitridge, Gold Hill, Oak Hill, Pleasant Valley, and Fair Play-Somerset Agricultural Districts to fulfill General Plan Implementation Measure AF-J. Although the project would result in significant net expansion of these Agricultural Districts (17,241 acres), the project also proposes a "clean up" removal of several parcels (137 acres) that are now within Agricultural Districts, but which do not actually meet the standards for inclusion, based on the criteria listed in General Plan Policy 8.1.1.2.

The County Agricultural Commission made recommendations on all parcels identified for inclusion and/or removal through a public process that included nine public hearings and the notification of all affected landowners. Out of 479 proposed parcel additions, only eight landowners contested the idea. All contested parcels were addressed during the May 2010 Agricultural Commission meeting.

On January 25, 2011, the Board adopted ROI No. 013-2011, which authorized the Development Services Division to proceed with the recommendations of the Agricultural Commission and prepare a draft revision to the Agricultural District boundaries.

For further discussion of Agricultural District boundary amendments, refer to the staff report for the Agricultural Commission (Attachment A, Legistar File 14-1094) agenda item No. 3 for the Agricultural Commission's August 13, 2014 meeting.

11. CORRECTIONS TO ERRORS, IMPERFECTIONS IN THE ADOPTED GENERAL PLAN AND ZONING ORDINANCE and OTHER POLICY CLARIFICATIONS

The TGPA-ZOU project also includes a limited number of proposed changes to the land use map and General Plan Land Use Designations. These map

changes are proposed in order to correct mapping errors in the adopted 2004 General Plan land use map, many of which were identified during the Zoning Map update process and affect approximately 0.10 percent of existing parcels within the county. Note: The TGPA does not change the General Plan land use designations for individual properties, except where necessary to correct the small number of land use map errors described above. These map corrections are identified on the Draft General Plan Amendment map (Figures 2-5a–5l).

In addition, a minor amendment to General Plan Policies 6.4.1.4 and 6.4.1.5 (Flood Hazard Development Regulations) is proposed, to remove language about dam failure inundation areas from these policies in accordance with recommendations by the Office of Emergency Services and Homeland Security regarding public disclosure of dam failure inundation information.

OPTIONS FOR PREPARING FINAL RECOMMENDATIONS TO THE BOARD OF SUPERVISORS:

The Planning Commission may review a reasonable range of options with which to make recommendations to the Board. As the Board's advisory body regarding land use and planning, the Planning Commission may select recommendations from the following options below, either alone or in combination. In addition, the Commission has the opportunity to make recommendations not listed in this document.

Option 1:

Recommend Adoption of the Project as Proposed (Without Modifications): The Commission may choose to recommend adoption of key components as proposed in the TGPA-ZOU Project.

Option 2:

No Recommendation: The Commission may choose not to offer a recommendation to the Board regarding any or all of the key project components, or portion(s) of any component, as the Commission deems appropriate.

Option 3:

Selective Recommendations: The project consists of a variety of individual amendments to the General Plan, as well as changes to the provisions of the Zoning Ordinance. The Commission is not required to advise the Board on all of the policy and ordinance changes that make up the TGPA-ZOU. The Commission can choose to make selected recommendations only.