



**COMMUNITY DEVELOPMENT AGENCY
LONG RANGE PLANNING DIVISION**

INTEROFFICE MEMORANDUM

Date: August 27, 2015

To: Planning Commission

From: Shawna Purvines, Principal Planner

Subject: Targeted General Plan Amendment and Zoning Ordinance Update
Technical Memorandum No. 2 - Preparing Final Recommendations to the
Board of Supervisors

PURPOSE

The purpose of this second technical memorandum is to provide the Planning Commission (Commission) with the Final Environmental Impact Report (FEIR) for the Targeted General Plan Amendment (TGPA) and Zoning Ordinance Update (ZOU) project (collectively referred to as the "TGPA-ZOU" or "Project") and additional information regarding items "flagged" by Commissioners during the public hearing that concluded on August 27, 2014. This memo also provides information to assist the Commission with preparing a final recommendation to the Board of Supervisors (Board). Information previously provided to the Commission on the Project can be found in the August 4, 2014 staff report, the August 8, 2014 Technical Memorandum No. 1 (Key Project Components), and related items prepared and presented at the Commission's August 2014 hearing that spanned seven days. This memo is organized as follows:

1. Background on the environmental review process and Commission's August 2014 hearing
2. Project Components removed from Project and not included in FEIR
3. Project Component reviewed in the FEIR but recommended for removal from the Project
4. Staff recommended minor revisions to the ZOU
5. Commission's tentative Project recommendation
6. Staff recommendation

BACKGROUND ON ENVIRONMENTAL REVIEW PROCESS AND COMMISSION'S AUGUST 2014 HEARING

A. Draft EIR

TGPA-ZOU consists of amendments to the General Plan and changes to the Zoning Ordinance. Since some of the amendments and zoning changes could have the potential to result in significant effects on the environment, an EIR was prepared.

On March 24, 2014, the Draft Environmental Impact Report (DEIR) was released for a 120-day public review period, which was 75 days longer than the minimum 45-day period required by the California Environmental Quality Act (CEQA). Topics reviewed in the DEIR included aesthetics, agricultural and forestry resources, air quality and greenhouse gases, biological resources, cultural resources, land use and planning, noise, population and housing, transportation/ traffic and water supply. Overall, the DEIR found that changes in the General Plan and the Zoning Ordinance would result in a limited number of environmental impacts. The TGPA-ZOU would create only a few new or different environmental impacts compared to impacts previously reviewed under the 2004 General Plan EIR. An environmental impact comparison between the DEIR and the 2004 General Plan EIR was presented to the Commission on August 6, 2014, and a summary chart was provided for the Commission's reference. A copy of this chart can be found at the link below:

<https://eldorado.legistar.com/View.ashx?M=F&ID=3207334&GUID=F16E4CEA-FC6E-45A8-92D7-8B0931C8934E>

Public Review and Comment Opportunities for the DEIR

Public outreach regarding the DEIR release included:

- Legal Notices were placed in the Mountain Democrat (March 24, 2014), Tahoe Tribune (March 26, 2014) and Georgetown Gazette (March 27, 2014).
- A press release with the Notice of Availability (NOA) was distributed to the local media and posted on the dedicated Project web page.
- The NOA and press release were posted on the County's Home Page (www.edcgov.us) under *News and Hot Topics* and email notices were sent to over 3,000 subscribers to several County subscription lists.
- The NOA was mailed to a list of about 200 interested parties and agencies, including Native American Tribal contacts within the Project area.
- The NOA was posted at each of the County public libraries, which also received one hard copy of the DEIR document for public viewing.
- A hard copy of the DEIR was also available at the Planning public counter in Building C at 2850 Fairlane Court in Placerville.

The following methods were made available to the public to submit their comments on the DEIR:

- 1) Online Comment Form posted on the dedicated Project web page;
- 2) Project email address: TGPA-ZOU@edcgov.us;

- 3) Submit email to the Project manager, Shawna Purvines, at: shawna.purvines@edcgov.us;
- 4) U.S. mail addressed to the Project manager, Shawna Purvines;
- 5) Fax addressed to the Project manager, Shawna Purvines;
- 6) Submit written comments at any of the seven publicly-noticed March 2014 Planning Commission meetings; and
- 7) Hand-deliver comments.

Several reminder notices of the July 23, 2014 deadline to submit comments were sent electronically to the subscriber lists for the County's *News and Hot Topics* and Long Range Planning's (LRP) *News and Updates*, as well as to the County's Twitter and Facebook social media sites.

B. August 2014 Planning Commission Hearing

After the release of the DEIR, the Planning Commission conducted a public hearing consisting of seven meetings in August 2014. The Agricultural Commission also reviewed the Project at their regular meeting on August 13, 2014 and forwarded their recommendations to the Planning Commission.

As part of the August 2014 hearing, staff divided the Project into 11 key TGPA-ZOU components to assist the Commission with their review and recommendations. Project components discussed during the August hearing are listed below. For a detailed discussion of each Project component reviewed by the Commission, please refer to the Planning Commission Technical Memorandum No. 1 (Key Project Components) dated August 8, 2014 at:

<https://eldorado.legistar.com/View.ashx?M=F&ID=3212356&GUID=6A128EE2-C4DC-4815-8A12-3F2E3882945B>.

During the August 2014 hearing, the Planning Commission:

1. Reviewed and discussed the key components of the TGPA-ZOU Project and the DEIR;
2. Reviewed Agricultural Commission recommendations from the Agricultural Commission's August 13, 2014 meeting;
3. Received and considered public comment;
4. Selected a preferred approach to preparing a recommendation to the Board of Supervisors;
5. "Flagged" items for staff research and/or further discussion (Exhibit M).
6. Crafted tentative Project recommendations for the Board of Supervisors (Exhibit N); and
7. Requested staff to return to the Planning Commission after release of the FEIR so that the Commission could consider the FEIR, including the responses to comments, prior to finalizing their recommendation to the Board of Supervisors.

C. Partial Recirculated Draft EIR (RDEIR):

In January 2015, the TGPA-ZOU DEIR was partially revised to cover additions to the proposed Project (Community Design Standards), to present additional environmental analysis performed in response to comments received on the DEIR, to present additional information made available after the publication of the DEIR, and to provide the additional environmental analysis required to address this new information. The RDEIR was recirculated for an additional 45-day public comment period from January 29, 2015 through March 16, 2015, in order for the public to have an opportunity to comment on the new or revised sections of the DEIR (CEQA Guidelines Section 15088.5). For details regarding the RDEIR analysis and findings, please refer to the RDEIR:

<http://edcgov.us/Government/LongRangePlanning/LandUse/SupportingDocuments/RDEIRJan2015/Recirculated-DEIR-Final-ICF-012615.aspx>.

For the Commission's review, a summary of the items addressed in the RDEIR is listed below:

1. *Minor Project Changes:* Community Design Standards were originally included in the draft ZOU in order to augment the development standards found in specific sections of the ZOU. However, during the week long workshop in July 2012 the Board directed these standards be pulled out of the ZOU and adopted as part of a separate document, initially thought to be included in the Design and Improvement Standards Manual (DISM) / Land Development Manual (LDM).

Since 2012, adoption of the DISM/LDM has been delayed, so approval of the Community Design Standards are now included as part of the Project and associated environmental review. The following Community Design Standards are also proposed for adoption by Board resolution as part of the Project:

- Landscaping and Irrigation Standards
- Mobile Home Park Design Standards
- Parking and Loading Standards
- Outdoor Lighting Standards
- Research and Development Zone Design Standards

As these standards would be adopted by Board resolution, they would carry the weight of County regulations. At the time the County either adopts a LDM and/or updates the current DISM, the Community Design Standards will be incorporated into that document.

2. *Additional Environmental Analysis – Traffic:* Based on comments from the California Department of Transportation (Caltrans) and resulting discussions with Caltrans staff, minor revisions were made to the County's Travel Demand Model (TDM) and the traffic analysis was updated to reflect the changes. In addition, a discussion of Caltrans' June 2014 Transportation

Concept Report and Corridor System Management Plan (2014 TCR/CSMP) for U.S. Highway 50 was added to the regulatory setting and impact analysis section(s) where pertinent. The RDEIR also analyzed potential traffic impacts on rural roads related to increases in the number of employees allowed by right for home occupations.

3. *Additional Environmental Analysis – Water:* In response to comments received during circulation of the DEIR, the County performed additional analysis of the impacts of the TGPA-ZOU on groundwater and surface water supplies.

Resulting changes to overall impacts not previously reviewed in the DEIR can be found in the RDEIR and (revised) Environmental Impact Comparison Chart (Exhibit O).

Public Review and Comment Opportunities for the RDEIR

The following methods were made available to the public to submit their comments on the RDEIR:

1. Project email address: TGPA-ZOU@edcgov.us;
2. Submit email to the Project manager, Shawna Purvines at: shawna.purvines@edcgov.us;
3. U.S. mail addressed to the Project manager, Shawna Purvines;
4. Fax addressed to the Project manager, Shawna Purvines; and
5. Hand-deliver comments.

In addition to the above methods, an open house meeting to accept written comments on the RDEIR was held at 6:30 p.m. in the Planning Commission Hearing Room, 2850 Fairlane Court, Building C in Placerville. Two people attended the meeting.

Reminder notices of deadlines to submit comments were sent electronically to the subscriber lists for the County's *News and Hot Topics* and *LRP News and Updates*, as well as to the County's Twitter and Facebook social media sites.

D. Final EIR (FEIR)

The FEIR was released on August 6, 2015. The FEIR has been prepared in accordance with CEQA to disclose to decision-makers and the public the adverse physical changes to the environment that would occur if the Project is approved. The FEIR incorporates both the previously circulated DEIR and the RDEIR, and responds to all of the comments received on both of those previously-circulated documents (FEIR Chapters 8 and 9). The FEIR also identifies the text changes that have been made DEIR and RDEIR (FEIR Appendix E). The FEIR, including supporting documents, are posted on the TGPA-ZOU project webpage on the County website:

http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU_Main.aspx

Some of the comments received during the public review period for the DEIR and RDEIR raised similar issues about the Project and its environmental impacts. Therefore, for the benefit of the reader, the County has prepared a number of master responses to address the most frequently raised issues. The master responses provide comprehensive responses to specific issues so that multiple aspects of an issue are addressed in an organized manner in one location. This reduces repetition of responses. Master responses to public comments can be found in Chapter 8 of the FEIR.

E. Environmental Review Cost

The Board directed staff to begin the environmental analysis following the adoption of the project Resolution of Intention on November 14, 2011. On February 1, 2012 the Board approved a scope of work and a contract with ICF International in the amount of \$295,145 to complete an environmental review of the TGPA-ZOU. On March 1, 2013 another \$57,585 was added to the total contract amount to have a sub-consultant of ICF create the Mixed Use Development Design Standards and Guidelines portion of the project. As a result of comments received on the DEIR as discussed above, on December 2, 2014 an additional \$52,857 was added to the contract for the completion of the Recirculated Draft EIR, and on May 15, 2015 the Board approved an additional \$54,514 for the completion of the response to comments and preparation of the FEIR. The total contract amount for preparation of the EIR was \$402,516 (not inclusive of the \$57, 585 for preparation of the Mixed Use Development Design Standards and Guidelines).

PROJECT COMPONENTS REMOVED FROM PROJECT AND NOT INCLUDED IN FEIR

Table 1 (below) contains a short description of individual Project components, or portions of Project components, that were removed from consideration within the scope of the Project, and were therefore not analyzed in the EIR. Final proposed amendments to the General Plan are included in the Draft Resolution – Adopting a Targeted General Plan Amendment to the El Dorado County General Plan (see Exhibit B). Following each item is a brief description of that item/component and its current status.

Table 1.
Project Components Removed from Consideration

Component/Policy	Item Status / Description
<p>Consider analyzing the possibility of adding new, amending or deleting existing Community regions or rural Center planning areas. [GP Policy 2.1.1.1 and 2.1.2.1]</p>	<p>Removed from consideration at Board's direction on November 13, 2012 and reaffirmed at subsequent Board hearings. On February 24, 2015, the Board directed that the next 5-Year Review of General Plan (in 2016) will include analysis of potential Community Region Boundary line alterations included in the Board's motion on December 9, 2014 and any other Community Region Boundary line alterations necessary to reach the goals and objectives of the General Plan. With the exception of the proposed amendments to the Camino Pollock Pines Community Region, other amendments to Community Regions or Rural Centers were not included in the TGPA-ZOU and therefore not analyzed in the EIR.</p>
<p>Increase maximum density for Multi-Family Residential (MFR) from 24 to 30 units per acre. [GP Policy 2.2.1.2; 2.2.1.3 and Table 2-2]</p>	<p>The County's 2013 Housing Element Update established that sufficient sites are available to satisfy Regional Housing Needs Assessment at levels below maximum density of 30 units per acre. Therefore, the increase to 30 units per acre is not needed; it is not included in the TGPA-ZOU and therefore not analyzed in the EIR.</p>
<p>Increase maximum density for residential component of Mixed-Use Development (MUD) to 20 units per acre in Rural Centers. [GP Policy 2.1.2.5]</p>	<p>The increase to 20 units per acre in Rural Centers was not included in the TGPA-ZOU and therefore not analyzed in the EIR. The TGPA does include an increase in maximum density of the residential component of MUD from 4 to 10 units per acre in Rural Centers, subject to availability of infrastructure.</p>
<p>Analyze and increase maximum density for High Density Residential (HDR) from 5 to 8 units per acre. [Optional Review; GP Policy 2.2.1.2; HDR]</p>	<p>Removed from consideration at Board's direction on November 13, 2012. This item was not included in the TGPA-ZOU and therefore not analyzed in the EIR.</p>

Component/Policy	Item Status / Description
Modify or remove Floor Area Ratio (FAR) limitations on Commercial, Research & Development and Industrial land uses. [Policy 2.2.1.5; Table 2-3]	Removed from consideration at Board's direction on November 13, 2012. This item was not included in the TGPA-ZOU and therefore not analyzed in the EIR.
Move Planned Development Density Bonus language to Zoning Ordinance. [Policy 2.2.4.1A., B., and C.]	Policy language will remain in the General Plan; not moved to Zoning Ordinance.
Consider modification of roadway standards to allow narrower streets. [Policy TC-1a, TC-1b, Table TC-1]	No modifications proposed – modifications to roadway standards, including compliance with Housing Element policies, will be considered as part of a future land development standards document (LDM/DISM or successor document).
Consider moving Table TC-2 to another document. [TC-2, TC-Xd]	Table TC-2 to remain in General Plan. No change included in TGPA.
Analyze potential changes to definitions, thresholds, and parameters of analysis for various transportation element policies, without change to Policy TC-Xa (Measure Y). [Policy TC-Xd, TC-Xe, and TC-Xf]	Review of this item will occur during the 5-year CIP/TIM Fee update. No policy language changes proposed; removed from consideration. Not included in the TGPA-ZOU and therefore not analyzed in the EIR.
Modify policies to define when sidewalks are required as condition of development. [Policy TC-4i, TC-5a, TC-5b, TC-5c]	No changes proposed. Not included in the TGPA-ZOU and therefore not analyzed in the EIR.
Minimum Levels of Service Standards [Policy 5.1.2.2, Table 5-1]	No changes proposed. Not included in the TGPA-ZOU and therefore not analyzed in the EIR.
El Dorado Hills Business Park employment cap analysis [Policy TC-1y]	No changes proposed. This item was reviewed as part of the EIR for purposes of analysis only. Further review of appropriate traffic mitigation measures for the intersection of White Rock and Latrobe Roads will occur in the major 5-Year CIP/TIM Fee update.
Revisions to Noise Standards [Policy 6.5.1.10]	No changes to this policy are proposed. Policy 6.5.1.11 amendments in TGPA-ZOU would allow temporary exceedances associated with construction activities where the construction equipment is outfitted with muffler devices and maintained in good working order.

Component/Policy	Item Status / Description
Consider revisions to clarify the Mineral Resource Zones required to be mapped. [Policy 7.2.1.2]	No changes proposed. Not included in the TGPA-ZOU and therefore not analyzed in the EIR.
Consider amendment to add the words “including grazing lands” to clarify which agricultural parcels allow ranch marketing and visitor serving uses. [Policy 8.2.4.4]	Removed as redundant. “Grazing lands” are included within the scope of the term “agricultural parcels”, so the change is unnecessary.
Consider allowing one single-family dwelling “by right” on any parcel over 160 acres in size, zoned “TPZ”. [Policy 8.4.2.1 and Zoning Ordinance provisions]	Removed from consideration at Board direction. Not included in the TGPA-ZOU and therefore not analyzed in the EIR. ZOU would require a CUP for a residence on land zoned TPZ (same as the current Zoning Code).

For details regarding Project background or specific Project components, please refer to the TGPA-ZOU staff report presented to the Planning Commission on August 4, 2014: <https://eldorado.legistar.com/View.ashx?M=F&ID=3205379&GUID=9428A722-F23E-4B43-B76D-4BDA4B0ECB9C>.

COMPONENT REVIEWED IN THE FEIR BUT RECOMMENDED FOR REMOVAL FROM THE PROJECT

Dam Failure Inundation (DFI): The California Office of Emergency Services did not adopt the Federal Department of Homeland Security’s recommendation to remove reference to dam failure inundation data, and therefore this information can still be published. DFI areas, as referenced in General Plan Policies 6.4.1.4 and 6.4.1.5, should remain publicly disclosed based on state law. Staff recommends that the proposed amendments to DFI-related policies no longer be considered (i.e. staff recommends the policies stay as they are in the 2004 General Plan).

STAFF RECOMMENDED MINOR REVISIONS TO THE ZOU

Summary of recommended changes are shown below (see Exhibit J for details):

1. Signs: Make changes to text, definitions and references, as required, for consistency with the County’s new Sign Ordinance adopted on July 28, 2015.
2. State Housing Law Compliance: For consistency with state law, update the ZOU definition of “transitional housing” in Article 8 - Glossary
3. Zone District Map Corrections: As shown in Errata Sheet
4. ALUCP Consistency: Replace existing text, references and definitions in Section 17.27.020 (Airport Safety (-AA Combining Zone) in the ZOU with the text, number references and definitions in the existing Zoning Ordinance Chapter 130.38, as amended December 16, 2014, for consistency with the adopted Airport Land Use Compatibility Plan (ALUCP), (Legistar 14-1498).

COMMISSION'S TENTATIVE RECOMMENDATION

As the Board of Supervisors' advisory body regarding land use and planning, the Commission has flexibility when preparing recommendations. For example, the Commission can recommend 1) approval of the Project as scoped, 2) approval of the Project with revisions, or 3) denial of the Project. If the Board ultimately wants to consider revisions to the Project that are outside of the scope of the FEIR, additional environmental review may be required.

By the close of the August 2014 hearing, the Commission elected to tentatively recommend approval of the majority of the Project components as proposed. A summary of the Commission's draft recommendations related to these "flagged" items, as well as an outline of environmental review related to these items, is included as Exhibit N. The Commission requested that staff return to the Planning Commission after release of the FEIR so that the Commission could consider the FEIR, including the responses to comments, prior to finalizing their recommendation to the Board of Supervisors. During today's public hearing, the Commission can confirm its tentative recommendations and send them to the Board as is, or modify its tentative recommendations prior to sending them to the Board.

In addition, the County's environmental manual for implementation of CEQA requires that when the Commission is required to make a recommendation on a project, the Commission shall also review, consider, and make recommendations on the environmental document. The Board will ultimately be responsible for certifying the Final EIR, making the CEQA findings of fact and adopting the CEQA Statement of Overriding Considerations. Please note the following:

- The action of certifying the EIR does not approve or deny the Project; it finds that the EIR adequately analyzed the Project as described in the Project Description.
- Information regarding the action of adopting the Final EIR Findings of Fact:
 - The Findings of Fact provides the written analysis and conclusions of the Board of Supervisors regarding the Project's environmental impacts, mitigation measures and alternatives to the Project consistent with state law (CEQA Guidelines Sections 15091, 15092 and 15093).
 - The Findings of Fact contains the administrative record of proceedings for the County's findings and determinations.
 - The Findings of Fact contains documentation as to how staff, the Planning Commission and Board of Supervisors have carefully reviewed and considered all aspects of the TGPA-ZOU Project, the FEIR, all public comments on the Project and all public comments on the FEIR.
- Information regarding the action of adopting the EIR Statement of Overriding Considerations:
 - According to CEQA, the County must state in writing how the benefits of the Project, as approved (e.g. some of the TGPA-ZOU Project Goals and

Objectives), outweigh any unavoidable adverse environmental effects of the Project.

- Information regarding the action of adopting the EIR Mitigation Monitoring and Reporting Program (MMRP) (with or without recommended modifications):
 - The County is required to adopt an MMRP for mitigation measures imposed as part of the Project (CEQA Guidelines Section 15091[d]).
 - The MMRP can be approved with or without recommended modifications (e.g. with or without stricter outdoor light shielding requirements added to the ZOU, and monitored/enforced through building permits).

STAFF RECOMMENDATION

Community Development Agency, Long Range Planning Division staff recommends the Planning Commission:

- A. Review the FEIR (July 2015);
- B. Receive public comment and consider all comments submitted to date regarding the Project and associated environmental analysis; and
- C. Forward a recommendation to the Board of Supervisors to take the following actions:
 1. Adopt Resolution certifying the Final EIR for the TGPA-ZOU Project to amend the General Plan and update the Zoning Ordinance (Exhibit A); Make Findings of Fact (Exhibit A-1) and Adopt Statement of Overriding Considerations (Exhibit A-2);
 2. Adopt Resolution to Amend the County General Plan in accordance with state and federal law (Exhibit B);
 3. Adopt Resolutions to approve community design standards (Exhibits C-H) for:
 - a) Mixed Use Design, b) Landscaping and Irrigation, c) Outdoor Lighting, d) Mobile Home Park Design, e) Research and Development Zone Design, and f) Parking and Loading;
 4. Adopt the Zoning Ordinance Update with the proposed minor revisions outlined in the staff report and attached to this Staff Memo as Exhibits J and K;
 5. Adopt the Mitigation Monitoring and Reporting Program with the recommended mitigation measure revisions (Exhibit I); and
 6. Direct staff to return to the Planning Commission and Board of Supervisors within approximately one year of adoption or earlier, if necessary, to review implementation of the Project.

SUPPORT INFORMATION

Attachments to Staff Report:

- Exhibit A..... Draft Resolution – Certifying the EIR, Making Environmental Findings of Fact and Adopting a Statement of Overriding Considerations
- Exhibit A-1 Draft CEQA Findings of Fact
- Exhibit A-2..... Draft CEQA Statement of Overriding Considerations
- Exhibit B..... Draft Resolution – For adoption of a Targeted General Plan Amendment to the El Dorado County General Plan (inclusive of proposed General Plan amendments shown in track change)
- Exhibit C..... Draft Resolution for Mixed Use Design Standards
- Exhibit D..... Draft Resolution for Landscaping and Irrigation Design Standards
- Exhibit E..... Draft Resolution for Outdoor Lighting
- Exhibit F Draft Resolution for Mobile Home Park Design Standards
- Exhibit G..... Draft Resolution for Research and Development Zone Design Standards
- Exhibit H..... Draft Resolution for Parking and Loading Design Standards
- Exhibit I Draft Mitigation Monitoring and Reporting Program
- Exhibit J..... Errata Sheet – Proposed revisions to Draft TGPA and ZOU, General Plan Land Use Designation Revisions and Zone District Map after 03-24-2014
- Exhibit K..... Final Draft Zoning Ordinance Update Revised 3-24-2014
- Exhibit L Final Environmental Impact Report**
- Exhibit M Planning Commissioner August 2014 Flagged Items
- Exhibit N..... Summary of PC TGPA-ZOU Tentative Recommendation from August 2014 Flagged Items with EIR Review
- Exhibit N – 1 Planning Commission Tentative Recommended Revisions to Planned Development and Open Space Policy and Ordinance from August 2014
- Exhibit O..... Environmental Impact Comparison Between TGPA-ZOU FEIR and 2004 General Plan FEIR

**Due to the large file size of the entire FEIR, the FEIR is posted on the Long Range Planning webpage on the County website at:
http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU_FEIR.aspx