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EDC COB <edc.cob@edcgov.us>

targeted general plan amendment and zoning update

1 message

Janet Lykins <jlykins00@gmail.com> Mon, Nov 9, 2015 at 1:05 PM
To: edc.cob@edcgov.us

Dear Board,

I urge you to approve the Targeted General Plan Amendment and Zoning Ordinance Update.

Currently, my husband and I live in Washington State. Several years ago, we purchased a fixer-upper on 25 acres in Garden Valley for two reasons: 1) To help my son get his first home (he now resides there) and 2) To have a place to retire if we chose. The acreage is 10 acre zoning, so we thought we would be able to split the property, but since have discovered it's land use designation is agricultural 20 acres and therefore not splittable.

We have tried very hard to find a pre-designed building plan or manufactured home plan under 1200 square feet that would accommodate our need of two master suites (or jack and jill bath) and a third room for visiting grandchildren. Like everyone I know who has been married a long time and is retirement age, sharing a room is not an option. We cannot afford a custom home plan.

I believe many retiring couples who would like to live near children on acreage are going to find themselves in the same dilemma. Being able to increase our allowed square footage from 1200 to 1600 square feet would solve this problem for us and allow us to move back to California where real estate prices are out of reach, but where our entire family resides.

Thank you for your consideration,
Janet and Ken Lykins
[redacted]

Alliance for Responsible Planning

November 9, 2015

Hon. Brian Veerkamp
Hon. Ron Mikulako
Hon. Shiva Frentzen
Hon. Michael Ranalli
Hon. Sue Novasel
El Dorado County Board of Supervisors
330 Fair Lane, Building A
Placerville, California 95667

Re: Alliance for Responsible Planning Research Paper
Land Use Planning in El Dorado County – Rural Centers and Rural Regions,
November 8, 2014

Honorable Members of the Board of Supervisors:

Attached is the latest research paper prepared by Alliance for Responsible Planning. Our last paper focused on the roughly 30,000 acres in the four Community Regions with sewer. This document covers critical issues concerning more than 1,000,000 acres of land in the rural areas of El Dorado County – our natural resource, agricultural, and rural lands – recognized in the General Plan as the foundation of our rural economy.

In addition, we consider the effects of the Targeted General Plan Amendments and Zoning Ordinance Update (TGPA-ZOU) facing your Board later this week. After cutting through the rhetoric, you are poised to make some important decisions that offer major benefits to our county and our rural economy:

Expanded Ag Districts

Experts spent years studying soils of importance that should be included in the Ag Districts. This work began even before adoption of the 2004 General Plan, and has been vetted by the Ag Commission in multiple hearings over the years. This 17,000 acre expansion fulfills a General Plan implementation measure to expand the boundaries to incorporate land meeting specific criteria.

Right to Farm

Some of our most productive ag lands do not have Right to Farm protections today. The ZOU will fix this problem by applying Right to Farm to the appropriate land – not only land with agricultural zoning, but also land within the Agricultural Land (AL) land use designation and inside the Ag Districts.

Agricultural Zoning

Landowners in rural areas meeting certain criteria have been offered an opportunity to "opt in" to agricultural zoning. These "opt in" parcels, also vetted in hearings before the Agricultural Commission, receive Right to Farm protections, and also benefit from "buffering" policies requiring incompatible uses adjacent to agricultural zoning to observe larger setbacks.

Agricultural Support Services

Rural lands not used for agricultural purposes will be allowed a range of economic uses, including agricultural support services. New regulations will allow these uses and services to be located nearer to agricultural operations, increasing efficiency and reducing unnecessary travel on county roads.

Expanded Home Occupations

El Dorado County has among the largest percentage of home based businesses in the state, but existing regulations limiting activities and prohibiting onsite employees have forced home-based businesses to choose between operating underground or limiting expansion. New regulations will legalize businesses that meet established standards; existing businesses will be allowed to expand and new businesses can be legally established. Home occupations within rural lands incorporate outdoor and larger parcel economic activities for residents of those areas. Along with rural landowners and the agricultural community, the Chambers of Commerce and Board of Realtors have supported the expansion of home occupations both in rural areas and Community Regions to improve the jobs/housing balance and reduce vehicle trips out of the county.

The list above is only a brief summary of the benefits of the TGPA/ZOU, but these are not the only policies that are important to our rural economy. The General Plan strikes a balance between competing objectives, and all the parts of that plan work together. The General Plan strategy directing more intensive uses and 75% of new housing into Community Regions, and TGPA/ZOU policies to implement that strategy are also essential. These policies minimize incompatible uses within areas dedicated to timber production, agricultural operations, and recreation/tourism activities.

The General Plan anticipates that 25% of housing – about 200 homes per year through the Plan horizon – will be accommodated in the rural areas. This housing may include some higher density uses (MFR, HDR and MDR) within Rural Centers, or lower density housing in LDR or RR in the Rural Regions on a mix of existing lots mostly owned by individuals, or new lots created from larger parcels at densities lower than the 30 to 50 year historic activity. New parcels are more likely to be located near the existing Community Regions and Rural Centers and along the Highway 50 corridor, in areas served by roads and other infrastructure, consistent with historic growth patterns in our communities. Our analysis looks at lands available for this purpose.

A broad cross section of the community has provided input into the scope of the TGPA/ZOU. County agricultural organizations, the El Dorado County Farm Bureau, the El Dorado County Agriculture Department and individual agriculturalists have been part of these discussions from the very beginning. The El Dorado County Ag Commission and Planning have conducted extensive hearing throughout the process. Rural lands residents have participated and proposed ways that their lands can remain economically viable. Benefits of TGPA/ZOU extend to smaller landowners, for instance, a long standing county policy prohibiting raising of chickens in certain zones would be replaced with new Animal Keeping regulations allowing chickens in single family residential zones.

We urge your Board to adopt the TGPA/ZOU as proposed.

Very truly yours,

ALLIANCE FOR RESPONSIBLE PLANNING

[sent electronically via email]

Maryann Argyres, President

Alliance for Responsible Planning is a nonprofit public benefit corporation, comprised of residents, ranchers, growers and other business owners. We are a "coalition of the middle" – those who feel the dialogue on land use has been dominated by no growth advocates on the one hand and development interests on the other. We support slow growth, support the extension of Measure Y to prevent gridlock, and seek a better future for our families and our community.

LAND USE PLANNING IN EL DORADO COUNTY: RURAL CENTERS AND RURAL REGIONS

I. PROLOGUE

As an integral part of the 2004 General Plan strategy to preserve our rural lifestyle and to protect and enhance the productivity of El Dorado County's abundant forest and agricultural resources, the 2004 voter-approved General Plan (the "Plan") directs most new commercial uses and about 75% of future residential growth into the existing communities of El Dorado Hills, Cameron Park, Shingle Springs and El Dorado/Diamond Springs, and the Placerville periphery along the Highway 50 corridor. These areas, designated "Community Regions" in the General Plan, comprise about 31,250 acres including existing developed communities. The Community Regions are served by major roads, sewer and water infrastructure and more urban-level services including police and fire protection.[1]

Within the more than 1,000,000 acres in the Rural Regions and the approximately 15,000 acres in 28 Rural Centers, the General Plan does not contemplate extensive commercial uses or large residential subdivisions. In fact, the General Plan does not allow higher density residential development in Rural Regions similar to the development that has occurred over the past 30 to 50 years. Many factors – a nationwide recession, regulatory constraints on historical uses of rural lands such as mineral resource extraction, and public land management policy changes from timber harvesting to grazing allotments – have affected traditional business models for agriculture and natural resource-based businesses. Many of those affected have had to consider alternative sources of income to maintain the economic viability of rural lands. ***The County's Targeted General Plan Amendment and Zoning Ordinance Update (TGPA/ZOU) includes strategies to expand the county's rural economy.***

Examples include ranch and winery marketing, agricultural tourism and homestays, recreation and lodging in forestlands, extension of agricultural support services into rural areas to locate goods and services closer to the ultimate users, and expanded home occupations on rural lands that can be conducted in a manner compatible with surrounding land uses. These strategies will increase employment opportunities, reduce peak hour trips associated with commuting to jobs or offices in town, or travel into town and back to purchase goods or services used in agricultural operations.

II. GENERAL PLAN LAND USE DESIGNATIONS IN RURAL REGIONS

As described in greater detail in our Community Region research paper, all land within the county is assigned a "*land use designation*" represented by a color on the General Plan Land Use Map. Land use designations allowed in Rural Regions generally include Open Space (OS), Natural Resources (NR), Agricultural Lands (AL), and Rural Residential (RR), which allows one dwelling per 10 to 160 acres, and Low Density Residential (LDR) at a density of one dwelling per

[1] These Community Regions were addressed in detail in our recent research paper Land Use Planning in El Dorado County -- Community Regions, available at http://www.edcarp.org/PDF/ARPCRWhitePaper10302015.pdf.

5 to 10 acres. Other less common uses in Rural Regions include Commercial (C), Industrial (I), and Tourist Recreational (TR), and some higher density land use designations combined with the Platted Lands overlay (–PL) to signify that the existing smaller parcels are generally not consistent with the policies of the General Plan. These land use designations describe the planned use of the property, and the types of uses allowed within each category.

A. Rural Centers and Rural Regions

The General Plan land use diagram outlines the boundaries of Community Regions and Rural Centers; the areas outside these boundaries are described as Rural Regions. Certain intensive or urban land uses, such as Multi-Family Residential (MFR), High Density Residential (HDR), and Medium Density Residential (MDR) are allowed only in Community Regions and Rural Centers, while other land uses such as Natural Resources (NR) and Agricultural Lands (AL) are considered appropriate only in Rural Regions.

There are 26 Rural Centers, comprising a total of about 15,000 acres or less than 1.5% of the total land area of El Dorado County. Rural Centers are existing locations in the rural areas of the county where goods and services are provided to the surrounding rural communities. A number of these represent historic townships of communities dating back to the Gold Rush. Although a range of commercial and residential uses (including higher density residential) are allowed, the intensity may be limited either by zoning or General Plan policy to recognize the lack of available infrastructure, such as sewer, public water and major roads, and to reflect the rural character of the area.

Rural Centers include Georgetown (the largest at 5,800 acres), followed by Cool (1,700 acres) and Grizzly Flat (1,400 acres). At the other end of the scale, Little Norway is the smallest with 28 acres, followed by Latrobe (34 acres) and Fair Play (43 acres).

The 16 square mile area of Camino/Pollock Pines (CPP) is currently designated a Community Region, but a General Plan Amendment included in the TGPA convert CPP into three Rural Centers (Camino, Pollock Pines and Cedar Grove), without changing the land use map of the area. This proposed change recognizes that infrastructure limitations, such as the lack of sewer service, are likely to constrain development for the foreseeable future; in addition, proximity to the Camino/Fruitridge Agricultural District makes more intensive development undesirable. Environmental review, which must be conducted prior to consideration of the amendment, is included in the TGPA/ZOU Environmental Impact Report (EIR). Because of broad support for this proposed change, we excluded Camino/Pollock Pines/Cedar Grove from our analysis of Community Regions, and include the area in our consideration of Rural Centers.

The Rural Regions encompass more than 1 million acres, or 90% of all land within El Dorado County. More than half (550,000 acres) is publicly owned; and 90% of public lands are owned by the federal government. Nearly two-thirds of all Rural Region land is designated in the General Plan as Open Space or Natural Resources (including timber production), and about 10% is devoted to existing residential uses within the Tahoe basin outside the South Lake Tahoe city

limits. Most of the remaining Rural Region land (about 240,000 acres) accommodates a range of Agricultural, Rural Residential and Low Density Residential uses.

New commercial and higher intensity residential uses, including MFR, HDR, and MDR generally are not allowed in the Rural Regions under the adopted General Plan; existing commercial uses and higher density residential subdivisions are combined with the Platted Lands Overlay (-PL) to indicate that the uses are generally not consistent with the rural area, and to discourage further expansion of inconsistent uses. Industrial lands within Rural Regions are generally limited to resource-oriented uses, such as agricultural support services, timber production, or mineral extraction, where it is more efficient to locate the industrial use in proximity to the resource. The TGPA would amend the General Plan to remove the prohibition on new Commercial land uses within Rural Regions, but does not designate any land for Commercial uses. Subsequent General Plan amendments, including environmental review, would be required where any landowner proposes new commercial use of property within the Rural Regions.

A limited amount of higher-density residential uses are planned in Rural Centers, and in the Community Region of Camino/Pollock Pines (CPP), which the TGPA/ZOU proposes to convert to three rural centers. *Within Camino/Pollock Pines*, nearly 90% of all MFR, HDR, and MDR parcels are classified by the El Dorado County Assessor as *developed* parcels[2]. Only about 550 parcels (1,100 acres) are classified as *vacant* and most are already subdivided near the minimum lot size. In addition to the vacant subdivided lots, land available for future subdivisions could include 450 acres of MDR containing parcels larger than 10 acres (20 parcels), 17 acres of HDR (4 parcels) and 12 acres of MFR (1 parcel), both where existing parcels are larger than 3 acres (1 parcel). In all other Rural Centers, only 1,100 higher density residential parcels (1,700 acres) are classified *vacant.* In addition to vacant subdivided lots, land available for future subdivisions includes 10 acres of MFR; 87 acres of HDR in parcels greater than 5 acres (5 parcels); and 500 acres of MDR in existing parcels larger than 10 acres (14 parcels).

Ultimately, the TGPA/ZOU has a little impact on residential development in the Rural Centers, and Camino/Pollock Pines. Only a few residential parcels are rezoned under the ZOU, and most are at the bottom of the consistent density range. Housing construction on existing parcels is not affected by TGPA/ZOU; existing vacant lots are similar in size to the developed parcels, since most were created between 30 and 50 years ago.

B. Forestlands and Natural Resource (NR) Land Use Designation

For generations, the lifestyle and economy of El Dorado County have been closely linked to the practice of forestry, including harvesting of timber, production and use of wood and fiber products, and management of the habitats that comprise nearly 864,000 acres of forestland[3].

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[2] The Assessor's data utilizes several classifications, including developed and vacant. In some cases, larger parcels identified as "developed" would be more accurately described as "underutilized", when the parcel size and land use designation would allow future subdivision.

[3] The 2004 General Plan EIR defines "forestland" as land containing at least 10% live trees or land that previously had this minimum coverage and that is not presently developed for non-forest uses.

In El Dorado County, about 636,000 acres of the forests are considered timberlands, and about 225,000 acres are classified as woodlands. Woodlands are forested lands generally dominated by hardwood species, primarily oaks, and not used for commercial production of timber and wood products.

Most of the forestland in El Dorado County is located within one of two land use designations under the 2004 General Plan: Approved Plan (AP), applied to about 80,000 acres of mostly public lands located within the Tahoe Basin, or Natural Resource (NR) generally found on the county's west slope. The NR land use designation is applied to 4,950 parcels[4], containing more than 634,000 acres or more than 60% of all land within the Rural Regions of the county. About two-thirds of the area (425,000 acres) of NR land is publicly owned, including about 377,000 acres of national forest, and 40,000 acres of other federal land. Privately owned timberland accounts for the remaining 209,000 acres, including larger timber industry owners (120,000 acres), and 90,000 acres owned by smaller timber operators and individuals.

General Plan policies protect these lands to ensure long-term economic viability of timber production[5] by requiring minimum parcels of 160 acres above the 3,000 foot elevation line, and 40 acres below 3,000 feet, unless smaller parcels already exist. Under the 2004 General Plan, the NR designation is to be applied to 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 single-family dwellings, which may be allowed, but are not encouraged. The maximum allowable density for this designation is one dwelling per 160 acres or larger outside the national forest lands and within timber production areas and one dwelling unit per 40 acres outside of the timber production areas.

The average size of all NR parcels is 128 acres, but excluding parcels smaller than 40 acres, the average is about 262 acres, with a median of 156 acres. About 602,000 acres are contained within these larger parcels, including 417,000 acres of public land.

About 667,000 acres of forest land will be zoned either FR or TPZ under the Zoning Ordinance Update. All but about 4,000 acres is within the NR and AP (Tahoe) land use designations. More than 500,000 acres is public land, and about 165,000 acres of land is in private ownership. Most public land is rezoned to the new FR-40 or FR-160 zones, to replace the current A, TA and RA zones, which become obsolete under the Zoning Ordinance Update. Private timberland will generally be zoned TPZ; all land currently zoned TPZ is unchanged, and about 2,200 acres of new TPZ zoning is added.

Despite the closure of the Camino Mill in 2009 and public policy changes affecting timber harvesting on federal lands, logging is alive and well in El Dorado County. Today, most logging

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[4] Less than 3% of the parcels in the database used for our analysis contain more than one land use designation or more than one zone, and sometimes both. The data base tracks these areas, or "polygons" separately to record their distinct attributes. We use this polygon data because it allows the most reliable count of acreage affected by each land use and zone. We use the term "parcels", to refer to the distinct polygons in the data base; this does not reflect the actual number of Assessors parcels affected.

[5] See Policies 2.2.1.2, 8.3.1.1, 8.3.2.1, and 8.3.2.3, for example.

is done by smaller independent foresters on private land or under contract with the larger timber industry companies. Both fire safe/fuel modification and burn salvage programs have provided work for independent loggers, sometimes funded by government grants. Unlike the major timber industry, these independent loggers are often home-based businesses and are likely to benefit from expanded home occupation provisions of the Zoning Ordinance Update. Private forest landowners, who employ the independent loggers, would benefit from expanded recreational uses and lodging on private timberland proposed in the ZOU.

C. Agricultural Lands (AL) and Agricultural Districts

Agriculture makes an important contribution to the rural economy in El Dorado County, and serves as the foundation of our rural lifestyle. During the Gold Rush, miners poured into El Dorado County from all over the world, and agricultural operations expanded to provide for the growing population. In the late 1800's, after most of the mines had played out, the system of ditches and canals used by miners was converted to agricultural use. By about 1900, El Dorado County was home to 28 principal wineries, with about 2,100 acres devoted to wine production by 1904. Declining population and economic conditions took a substantial toll on the wine industry; the onset of Prohibition in 1920 closed most of the remaining wineries. By 1966, only 11 acres was dedicated to wine production, about the same acreage as 1855.[6]

By the 1950's El Dorado County's produced about 52,000 tons of pears annually, mostly from orchards concentrated in the Camino area. Pear decline in the late 1950's decimated the pear orchards and devastated the local family farmers. Necessity being the mother of invention, a group of farmers formed the Apple Hill Growers™ association and redirected their efforts to growing apples, and to attracting visitors to the area through the sale of fruit, apple baked goods and other products. This highly successful Apple Hill™ ranch marketing effort has become a model for similar programs in other agricultural areas.

The county excels in specialty crop production, but the scale of the operations remains small family farms when compared to large commodity agriculture seen in other regions of California. The end result in is an agriculture industry that is largely successful due to its on-site marketing of its crops and value-added products, creating an agri-tourism destination to provide economic sustainability. In 2014 travel spending in El Dorado County totaled nearly $647 million.[7]

The 2014 Crop Report for El Dorado County estimates that while gross crop values totaled nearly $59 million, the economic impact of the industry totaled approximately $433 million in 2014. This takes into account the positive effect to the local economy of agriculture-related jobs, visitor spending on food and lodging, and services that support local residents as well as those who visit the area. For every $1 of raw crop value it is estimated that there is a $7 benefit

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[6] El Dorado County Historical Museum; http://museum.edcgov.us/county-history/wine-and-agriculture

[7] *California Travel Impacts by County, 1992-2014.* April 2014, Dean Runyan Associates, page 40, http://industry.visitcalifornia.com/media/uploads/files/editor/CAImp14p.pdf

to the local economy[8]. The 2014 crop report reflects that Apple Hill™ accounted for a $235 million positive impact to the economy and the wine industry contributed $168 million.

As a result of the on-site sales business model instead of large volume commodity agricultural operations, the Economic Development Element and the Overriding Considerations in the adopted General Plan reflect the importance of encouraging agricultural commercial activities in the Rural Regions. With this in mind, the TGPA and ZOU include policies to encourage these activities and provide a pathway to economic sustainability.

While production of fruit (including wine grapes) and nuts is a major contributor to the county's agricultural crop value, the acreage in agricultural crop production has remained relatively constant during the past half-century or more, as shown in Table 1, below. By 2013, the resurgence of the wine industry restored total acreage devoted to wine production back to 1904 levels. The fruit and nut crop continues to diversify, as local growers seek out niches, such as olives and production of olive oil.

Historically, grazing of cattle and other livestock has been a primary contributor to El Dorado County's agricultural economy; it also symbolizes our rural character and lifestyle. As far back as records are available, beef cattle has been among the top commodities in the county. Cattle are grazed locally in the winter and spring months, during calving, but are moved to summer grazing range or irrigated pasture within or outside the county, and sometimes on public lands in the Sierras under forest grazing allotments. Other recognized benefits of livestock grazing include clearing of forage that is beneficial to wildlife and protects against wildfire. Table 1, below, shows the historical number of cattle and the acreage of irrigated pasture over a 50-year period.

Table 1. Agriculture – Historical to Current Conditions Based on Crop Reports

Agricultural (Crop and Livestock) Acreages by Crop Report Year							
Year	1960	1970	1980	1990	2000	2010	2013
Fruit & Nut Crops							
Bearing Acres	4385	3246	2959	2772	2954	3307	3466
Apples	343	509	546	745	838	845	850
Pears	3670	2287	1682	738	451	130	105
Grapes		10	178	715	1565	1946	2123
Other	372	440	553	574	100	386	388
Non-bearing	843	351	245	192	400	261	220
Miscellaneous*			31	105	47	38	34
Pasture, Deciduous, Other							
Irrigated Pasture	2500	5240	4500	3000	1100	927	925
Cattle (Cows/Calves)	10500	11400	11288	5922	4300	6078	5978
Christmas Trees (each)		33748	50950	72925	91000	47539	37486
Hay	4000	5500	2000	400	350	216	255
Total per EDC Crop Report	11728	14337	9735	6469	4851	4749	4900
General Plan Forecast**					9471	13050	14260

*Berries, kiwis, pumpkins, persimmons, truck gardens, etc.
**Wood Rogers 2003 Report -- 2000 Baseline and Irrigated Ag Lands Forecast

[8] *El Dorado County General Plan Targeted Amendment & Zoning Ordinance Revision, Agricultural Issues Paper.* July 2011, EDAC Agricultural Work Group. See Board of Supervisors Agenda November 14, 2011; File #11-0356, Item 7F, at Page 7. (https://eldorado.legistar.com/View.ashx?M=F&ID=4116929&GUID=2F403B59-E11F-4651-A2BD-9151BEECA3C3)

In pursuit of the goal to promote and expand agriculture, the General Plan defines "agricultural land" to include areas that are currently in agricultural production, as well land with production potential. This land meets defined criteria, such as appropriate General Plan land use designations, parcel size, elevation, slope gradient, soil type, proximity to other agricultural lands, and current land use. The General Plan utilizes strategies to protect existing agricultural operations from incompatible land uses, and to provide opportunities for future expansion. These strategies, including Agricultural Districts, the Agricultural Land (AL) designation, Agricultural Zoning, and Ag buffers were compiled from several General Plan alternatives during the 2004 General Plan process. Despite these policies and *steady increases in the value of agricultural commodities and value-added products*, Table 1 above, illustrates that *the physical expansion of agriculture as measured by acres in production has not kept pace with General Plan forecasts or goals* to promote and expand agriculture into other territory capable of making additional contributions to the rural economy in El Dorado County.

1. Agricultural Districts (AD)

The County's seven Agricultural Districts (Camino/Fruitridge, Oak Hill, Gold Hill, Garden Valley/ Georgetown, Coloma, Fairplay/Somerset, and Pleasant Valley) comprise about 49,200 acres of land in 3,700 parcels, and contain the largest contiguous concentrations of "choice soils" and existing farming operations in the County. While some Agricultural Districts may be located in areas that are dependent on groundwater, the area of most intensively farmed, contiguous irrigated agriculture occurs in the Camino/Fruitridge Ag District where surface water is supplied by El Dorado Irrigation District.

Agricultural Districts protect and enhance agriculture through two primary mechanisms: existing General Plan provisions require larger minimum parcel sizes (20 acres and above) and impose buffer requirements where incompatible land uses abut agricultural lands; and, the Zoning Ordinance Update which will extend "right to farm" benefits to all land within ADs, whether or not the land is zoned for agriculture. Because approximately half of all land within ADs does not have agricultural zoning, this change provides meaningful benefits for these properties, many of which contain active agricultural operations. These "right to farm" benefits protect agricultural operations from nuisance liability when the operations conform to best management standards and practices.

Furthermore, the TGPA includes a proposed expansion of the AD boundaries. As part of the implementation of the 2004 General Plan, the Board of Supervisors directed the Agricultural Department staff and the Agricultural Commission to evaluate opportunities to expand the AD boundaries to incorporate existing agricultural operations and lands with the characteristics to support expansion of agricultural operations in the future. Following public notice and a series of hearings, in May, 2010 the Agricultural Commission adopted a recommendation to expand the boundaries by 17,241 acres, and to omit 137 acres of existing territory for a net increase of about 17,100 acres; this recommendation was forwarded to the Board of Supervisors, and a General Plan Amendment was initiated to implement the change. Because environmental review of the change is required under CEQA, this proposed expansion was eventually bundled

with other changes in the Targeted General Plan Amendment and Zoning Ordinance Update as a cost saving measure.

2. "Agricultural Land" (AL) Land Use Designation

About 66,000 acres of land are designated Agricultural Land (AL) on the General Plan land use map. This designation is permitted in Rural Regions only. More than half of this land (35,300 acres) is located *outside* of Agricultural Districts, and the majority of acreage consists of grazing lands that were under active Williamson Act contracts at the time of General Plan adoption. As with Agricultural Districts, the 2004 General Plan provides for a minimum parcel size of 20 acres and imposes buffer requirements for incompatible uses within the AL land use designation. Land determined suitable for grazing, whether or not located within an Agricultural District or designated AL, is subject to General Plan protection with 40 acre minimum parcel sizes. Likewise, the ZOU would extend "right to farm" protections to AL lands, regardless of whether the land has agricultural zoning.

3. Agricultural Zoning

About 22,000 acres of land is neither within an existing Agricultural District nor designated AL under the 2004 General Plan, but is zoned for agricultural use. General Plan policies impose buffering requirements on lands adjacent to these agriculturally zoned lands, and the ZOU would extend "right to farm" protections to the agriculturally zoned lands as well.

4. Agricultural Commission Recommendations and Review of Land Use Applications

The General Plan provides for the Board of Supervisors and Planning Commission to solicit input from the Agricultural Commission concerning the impact of land use issues on agricultural operations. As a part of this process, the Agricultural Commission has weighed in on both the TGPA/ZOU and the EIR, and has conducted the review required by Implementation Measure AF-J for identification of land to be included in the expanded Agricultural Districts.

Their input does not end here. Over time, the Agricultural Commission's input is required on any number of future land use actions:

- Before rezoning parcels that are 20 acres or larger and contain choice agricultural soils to a zoning category that will permit nonagricultural uses[9];
- Before taking any action to create parcels smaller than 40 acres in areas determined to be suitable for commercial grazing of livestock[10];
- Before discretionary permit approval for any parcel 10 acres or larger having an existing or potential agricultural use[11];

[9] See Policy 8.1.1.5. [Note: This review excludes properties designated for "urban or other non-agricultural uses", generally defined in the 2004 General Plan EIR to include LDR, MDR, HDR, MFR, C, TR, RD, AP, and PF.]
[10] See Policy 8.1.2.2. [See Note in FN 6.]
[11] See Policy 8.1.3.5. [See Note in FN 6.]

- Prior to approval of discretionary development applications, and the location of proposed public facilities involving land zoned for or designated agriculture[12];
- Prior to issuance of a special use permit for permanent and seasonal agricultural employee dwellings in excess of those allowed by right[13];
- Prior to a discretionary approval on timber production lands designated Natural Resource or zoned Timberland Production Zone (TPZ) or lands adjacent to the same[14];

D. Rural Lands and Rural Residential (RR)

The Rural Residential (RR) land use designation identifies areas considered "wobblers"; land suitable for either residential development or agricultural uses, and planned for limited infrastructure and public services. This land is generally located below the timberline, may contain steeper topography, and limited or substandard access, and may or may not include areas with "choice" agricultural soils. The RR designation is a transition from Low Density Residential (LDR) to the Natural Resource (NR) designation. Uses include agriculture, including crops and grazing land, agricultural support structures and services, and single family residential with densities of one dwelling unit per 10 to 160 acres. This designation is only allowed in Rural Regions.

A modification during the final hearings on the 2004 General Plan changed land that had been studied as Rural Residential (RR) on the land use map to Agricultural Land (AL), a designation introduced in the Environmentally Constrained General Plan Alternative. As a result of this change, the remaining land designated RR includes more residential and non-agricultural lands, and fewer existing agricultural operations and parcels with soils suitable for cultivation.

Within Rural Residential, there are 126,000 acres in about 8,200 parcels, averaging about 15 acres. The median size of all parcels is 10 acres, and more than half of all parcels are 10 acres or smaller. Most RR parcels will be rezoned under the ZOU because the zones currently allowed within RR will become obsolete. General Plan policies contain criteria for applying agricultural zoning, and most of the land meeting the criteria is already designated for agricultural use through one of the strategies described above. During the ZOU process, a number of parcels were identified that met some, but not all of the necessary criteria. These were included in an "opt-in" process in which landowners were offered the opportunity to specify whether they preferred agricultural or non-agricultural zoning. Approximately 3,000 parcels met the "opt-in" criteria; about 700 returned the paperwork indicating a preference to be assigned an agricultural zone during the ZOU adoption.

Parcels not meeting the agricultural zoning or "opt-in" criteria, and those who declined the "opt-in" option, will be assigned non-agricultural zones; the majority of these will be the new Rural Lands (RL) zone. This zone allows the full range of uses currently allowed within the Residential Agricultural (RA) zone, but also includes expanded agricultural support uses and

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[12] See Policy 8.1.4.1.
[13] See Policy 8.2.3.1
[14] See Policy 8.4.2.1

services, and expanded home occupations analyzed under the ZOU. Like ranch and winery marketing, these expanded uses are designed to provide economic opportunities for rural landowners of larger parcels as an alternative to rural land subdivisions. In general, the replacement zones are consistent with existing zoning (i.e., RA-20 replaced with RL-20) except where the existing parcel size warrants a different zone designation (i.e., RA-40 zoning replaced with RL-10, where existing parcel size is 10 acres).

Of all RR land within the Agricultural Districts, more than 1900 of the 2000 existing parcels are smaller than the 20 acre minimum parcel size. Only 73 parcels are larger than 20 acres, and only 15 parcels totaling about 900 acres are larger than 40 acres and therefore capable of future division into two or more parcels.

Outside the Agricultural Districts, there are 6,350 RR parcels containing about 110,000 acres. About 3,000 of these parcels are smaller than the 10 acre minimum, and another 2,200 are between 10 and 20 acres. 1,600 of these parcels are classified by the Assessor as *vacant*. Nearly 60% of all RR acreage (65,000 acres in 1150 parcels) outside Agricultural Districts is made up of parcels 20 acres or larger, averaging 60 acres. About half of these parcels are classified as *vacant*; a sampling of parcels indicates many of the larger parcels classified as *developed* are underutilized. Vacant and underutilized land in larger parcels are available under the General Plan for future rural subdivisions of parcels 10 acres or larger, to accommodate the 25% of housing demand forecast outside Community Regions.

E. Low Density Residential (LDR) and Inactive Williamson Act Contract Lands

The Low Density Residential (LDR) land use designation is analyzed in the 2004 General Plan EIR as a non-agricultural land use, and described in the 2004 General Plan as a transition from Community Regions and Rural Centers into the agricultural, timber and rural areas of the County. The General plan establishes a density range of one dwelling per 5 to 10 acres for LDR. In Community Regions and Rural Centers, LDR is characterized as a sort of interim land use designation to remain in place until a "specific project is proposed that applies the appropriate level of analysis and planning and yields the necessary expansion of infrastructure". (Policy 2.2.1.2) Recent project proposals, including Dixon Ranch and San Stino, on the limited LDR land in Community Regions have been the primary the source of controversy about LDR land in Community Regions.

Most LDR is located outside the Community Regions with sewer and outside the Agricultural Districts. About 10,200 LDR parcels, comprising about 74,000 acres, serve as a transition from Community Regions to the more rural areas of the county. The average existing LDR parcel size is about 7.3 acres, but the median is only 5 acres, meaning that half of all LDR parcels in the rural areas are at or below the minimum parcel size.

Nearly 80% of LDR land (8,200 parcels in 50,000 acres) is classified by the Assessor as *developed*; 90% of these parcels are smaller than 10 acres. About 2,000 parcels (25,000 acres) are classified as *vacant*, including 1,600 parcels smaller than 10 acres. LDR land available to accommodate the 25% share of housing forecast outside Community Regions include about

1,800 vacant LDR parcels smaller than 20 acres; about 180 vacant LDR parcels larger than 20 acres (12,400 acres total) available for rural subdivisions of lots 5 to 10 acres in size; and about 150 parcels larger than 20 acres (5,400 acres) classified as *developed*, some of which may be *underutilized* based on parcel size and land use designation, and therefore potential candidates for future rural subdivisions.[15]

About 9,400 parcels comprising about 55,000 acres have zoning consistent with the General Plan, but the remaining 1,100 parcels must be rezoned for consistency. About 250 of the consistency rezone parcels are privately-owned and larger than 10 acres.

The LDR controversy seems to involve a subset of about 100 parcels, totaling less than 7,000 acres that are currently zoned AE[16], RA-20, or RA-40. These zones, which will be eliminated under the ZOU, require minimum parcel sizes of 20 or 40 acres, below and inconsistent with the 5 to 10 acre parcel size range for LDR. ***The ZOU would rezone these parcels to a zone designation consistent with LDR, either LA-10 (the ag "opt-ins"), RE-10, or RL-10.*** All of these are at the low-end of the consistent density range. Commenters have argued that the General Plan should be amended to conform to current zoning, or that the existing zoning and the 20-acre minimum parcel sizes should be retained in LDR, despite the clear General Plan language providing for 5 to 10 acre lots.

The argument is loosely framed around General Plan Policy 2.2.5.6, which provides:

> *"Policy 2.2.5.6 Where approval of this General Plan has created inconsistencies with existing zoning, lower intensity zoning, in accordance with Table 2-4, may remain in effect until such time as adequate infrastructure is available to accommodate a higher density/intensity land use."*

Advocates of this approach suggest that inconsistent zoning, with lot sizes below the range established in the General Plan, should be allowed to remain in place until a future time when "infrastructure" is available to serve the development. The General Plan was not structured to designate certain lands as "holding areas" for future development until specific conditions are satisfied, and reliance on Policy 2.2.5.6 is an attempt to bootstrap these concepts into the Plan. The argument runs contrary to both state law and General Plan policy requiring zoning to be consistent with the General Plan. Further, it lacks foundation, because no objective analysis has identified a significant existing infrastructure deficiency affecting this land, let alone a deficiency that can only be mitigated by inconsistent zoning.

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[15] These figures do not take into consideration any site constraints that may significantly limit residential development or future subdivision, including availability of sewer or water infrastructure, where needed, roads and secondary access, steep slopes, wetlands and other biological resources, minimum parcel sizes and setbacks adjacent to agricultural zoning or ag operations.

[16] AE (Exclusive Agriculture) is a zone designation originally applied to lands covered by Williamson Act contracts. Most AE zoning in LDR involves these former Williamson Act contract lands which retain their old AE zone, despite roll-out of contract years or decades ago.

On the contrary, ***substantial evidence in the 2004 General Plan and TGPA/ZOU record establishes that the infrastructure needed to serve these LDR parcels in the rural areas of the county is either generally available, or would be provided prior to approval of development projects.*** Parcels from 5 to 10 acres in size can be served by connection to public water and/or sewer when readily available, or by wells and septic systems, or a combination of the two, such as public water and septic. The travel demand model indicates that adequate levels of service can be maintained through improvements programmed in the Capital Improvement Program (CIP). School Districts, Fire Protection Districts, and similar special districts have established fee programs to provide for necessary facilities and services. Site-specific infrastructure analysis, such as secondary access, cannot feasibly be conducted at this level of planning. More importantly, before a new development project is approved, the county must find that the project is consistent with the General Plan and that adequate infrastructure and services are available or can be provided.

Some TGPA/ZOU comment letters suggest that, once zoning is consistent with the land use designation, the county has forfeited its discretion to approve or deny future development entitlements. ***Nothing could be further from the truth.*** It's never a simple downhill slide to approval of a tentative subdivision map (more than 4 parcels) or a tentative parcel map (4 or fewer parcels), regardless of whether the zoning is consistent with the General Plan. Both actions are discretionary, and subject to environmental review under CEQA.

In fact, application submittal requirements and environmental analysis for a tentative map are generally the same as those for a zone change or general plan amendment – biological resource studies, wetland investigations, traffic studies, archaeological reports, air quality analysis, acoustical reports, perc tests (for projects relying on septic systems) and water availability letters or well production reports, among others. The CEQA analysis examines environmental effects, by comparing the proposed project to existing conditions. In this sense, consistency rezoning has no effect on the ultimate environmental analysis, because the property "as zoned" does not become the baseline or "existing condition" used for the environmental review.

The state Subdivision Map Act allows the county to regulate the design and improvement of subdivisions, including the right to impose conditions of approval. General Plan Policy 2.2.5.7 similarly allows the county to condition a development project to pay for or construct needed infrastructure, or to deny the application where the infrastructure cannot be provided.

> *"Policy 2.2.5.7 Where a zoning district applied to given land is consistent with the General Plan land use designation,* ***the County reserves the right to deny development plans providing for permitted uses where adequate findings for approval (including adequate public facilities and services) cannot be made." (Emphasis Added).***

Those who argue in favor of inconsistent zoning seem to view Policy 2.2.5.6 as a "loophole" that relieves the county of its duty to comply with the consistency provisions of state law. State law does not support the notion that counties can exempt themselves from zoning consistency requirements simply by adopting such policies in their general plans. Moreover, the argument

ignores the inconvenient fact that the General Plan itself requires the Zoning Ordinance be updated to "[p]rovide consistency between the General Plan land use designations and the Zoning Ordinance [Policy 2.2.1.2]". The ZOU was to be completed within one year of General Plan adoption (GP Measure LU-A); it is now more than 10 years overdue.

General Plan land use designations establish a rational planning scheme for the county. Policy 2.2.1.2 describes uses ranging from natural resources and open space at the least intense through the most intense multi-family, commercial and industrial uses. In between, a series of single family residential uses are defined from highest to lowest intensity: High Density (HDR) from 5 to 1 lot per acre, Medium Density (MDR) lots ranging from 1 to 5 acres in size, Low Density (LDR) lots ranging from 5 to 10 acres, and Rural Residential (RR) lots ranging from 10 to 160 acres. Higher intensity residential uses are reserved for Community Regions and Rural Centers (MFR, HDR and MDR). Residential uses allowed in Rural Regions start with LDR (5-10 acres) as the most intense, and transition to RR (10-160 acres). Agricultural Land (AL) and Natural Resource (NR) designations are reserved for Rural Regions and are not allowed in Community Regions or Rural Centers.

Much of the land at issue has been designated LDR since the 1996 General Plan, and in some cases, since the Area Plans in the 1970s. Alternative LDR planning scenarios were considered during the 2004 General Plan adoption process. A 2001 GP Alternative would have designated LDR as 5- to 20-acre parcels; the Roadway Constrained and Environmentally Constrained Alternatives would have applied different land uses to LDR land, including Rural Residential and Natural Resources, which would have limited the number and size of parcels that could be created. These alternatives were all ultimately rejected. The plain language of the 2004 General Plan and 2004 GP EIR explicitly provide that LDR is planned for 5 to 10 acre parcels, notwithstanding conflicting dots or diamonds in a General Plan table.

If the Board of Supervisors, in adopting the 2004 General Plan, had intended these LDR lands to be zoned for 20 acre parcels or larger, they could have adopted one of the other General Plan alternatives, or could have designated these lands RR (10-160 acres) and excluded LDR from the Community Regions. The Board did neither, and the effort to redefine LDR after the fact is nothing more than an attempt to revise the General Plan, by those who oppose development projects.

Consistency zoning within LDR or any other land use, does not commit the county to a specific course of action on any development proposal. Efforts to interfere with the orderly implementation of the General Plan by manipulating zoning to frustrate new development or prevent General Plan implementation must not be allowed. To this end, there has been no objective information presented to justify differential treatment to deprive a small number of properties and land owners of the right to have their zoning brought consistent with their land use designations, a right enjoyed by most LDR landowners in the County.

Ultimately, opposition to the LDR consistency rezoning is fundamentally a dispute about the General Plan land use designation applied to these lands. That issue was decided nearly two decades ago, but the wrangling continues through efforts to manipulate the zoning ordinance

to achieve a result – parcels 20 acres or larger – that was denied when the General Plan was adopted in 1996 and again in 2004.

Zoning is necessary to implement the General Plan, and the consistency rezoning is a first step in that process. Maintaining inconsistent zoning provides no tangible benefit except to those who want to frustrate implementation of the General Plan. To paraphrase Roger Trout's 2011 staff report, the ZOU is needed so that property owners know what to expect on neighboring properties, applicants for development projects know the rules and standards applicable to their projects, and decision makers are able to consistently apply the code. The ZOU is long overdue, and should be moved forward by the Board.

III. THE TGPA/ZOU IMPLEMENTS THE GENERAL PLAN AND ENHANCES OUR NATURAL RESOURCE, AGRICULTURAL AND RURAL LANDS

Many components of the TGPA and ZOU benefit the county's rural areas, and provide increased economic opportunities for natural resource, agricultural, and rural lands. Important changes include:

- Expansion of Agricultural Districts by more than 17,000 acres in areas identified as the most suitable for agricultural production, giving those lands Right to Farm protection;
- Conversion of the Camino/Pollock Pines Community Region into the Rural Centers of Camino, Pollock Pines, and Cedar Grove;
- Changes applicable within Community Regions to allow those areas to accommodate about 75% of future residential growth to keep the rural areas rural; and
- Removes General Plan prohibition on new commercial uses in rural areas, requires a General Plan amendment with environmental review for any new commercial uses.

The Zoning Ordinance Update brings zoning consistent with the General Plan, as required by the Plan and state law. It modernizes the zoning code, including tables allowing a reader to more easily identify which zones allow certain uses, and whether these are allowed by right or require some form of use permit, as shown in the example in Figure 1, below.

Figure 1. Sample Use Matrix from Public Review Draft Zoning Ordinance

LA: Limited Agricultural PA: Planned Agricultural AG: Agricultural Grazing RL: Rural Lands FR: Forest Resource TPZ: Timber Production Zone	P Allowed use A Administrative permit required (17.52.010) TUP Temporary use permit required (17.52.060) CUP Conditional use permit required/ MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.050) — Use not allowed in zone						
USE TYPE	**LA**	**PA**	**AG**	**RL**	**FR**	**TPZ**	**Specific Use Reg.**
Nursery, Plant Production Plus	CUP	A	A	CUP	CUP	—	
Ranch Marketing	See Table 17.40.260.1 (Ranch Marketing Use Matrix)						17.40.260
Wholesale storage and distribution (Agricultural Products)	CUP	CUP	CUP	CUP	CUP	—	
Wineries	See Table 17.40.400.1 (Wineries Use Matrix)						17.40.400
Residential							
Child Day Care Home Small family day care home	P	P	P	P	P	—	17.40.110

The ZOU includes policies and standards designed to protect and enhance natural resource, agricultural, and rural lands and to allow economic use of the land as an alternative to rural subdivisions:

- Extends Right to Farm protections to all land within existing and expanded Ag Districts, and land designated Agricultural Land, whether or not zoned for agricultural use.
- Updates the Winery Ordinance and Ranch Marketing Ordinance; establishes standards to simplify permitting processes for uses that meet the criteria.
- Expands home occupations in the rural lands to incorporate outdoor and larger parcel economic activities for residents of those areas.
- Allows guest ranches and Ranch Marketing on commercial grazing lands.
- Allows Agricultural Homestays and Agricultural Lodging in connection with ag operations.
- Allows consideration of compatible recreational and lodging uses, such as campgrounds and health retreat centers, on TPZ lands by conditional use permit.
- Designates Williamson Act grazing contracts under a new "Agricultural Grazing (AG)" zone to maintain minimum parcel sizes of 40 acres.
- Allows a range of agricultural and natural resource support services in rural areas near the primary uses to expand economic use of rural land.
- Allows existing RA, AE and A zones to choose to "opt-in" to agricultural zoning.
- Allows RE-10 land with 10 acres or more within Agricultural Districts to "opt-in" to agricultural zoning.
- Sets standards for expansion of home occupations, which employ between 8 to 16% of the work force in El Dorado County. Would legalize existing home-based businesses that are not compliant with current regulations, if they meet new standards.
- Establishes standards for a range of uses to minimize and simplify the regulatory and permitting processes for uses in compliance with those standards.

IV. CONCLUSION

The Zoning Ordinance Update is one of the first implementation measures of the General Plan, and is now nearly 10 years overdue. It will ensure consistency between land use and zoning for the small percentage (about 5% of countywide) that are inconsistent. It will also set standards for a range of uses that should be allowed by right where in compliance with established criteria, to simplify regulation and permitting of these uses.

Through the 2035 General Plan horizon, about 200 homes will be built annually within about 1,000,000 acres of rural land, either on existing or new parcels, in higher density land uses within the Rural Centers (MFR, HDR or MDR), or in LDR and RR lands at lower densities than parcels in those land uses created during the past 30 to 50 years. Generally, new parcels are likely to be located near the existing Community Regions and Rural Centers and along the Highway 50 corridor, areas served by roads and other infrastructure, consistent with historic growth patterns in our communities.

Throughout our history, El Dorado County miners, farmers, ranchers and other landowners have earned a living off the land in rural areas. The TGPA/ZOU maintains this tradition by allowing many of these uses to continue as alternatives to rural subdivisions. In many respects, the future looks a lot like our past, as we work to preserve what we value most – our abundant natural resources, our agricultural lands and our rural lifestyle – for our families and for future generations.

EDC COB <edc.cob@edcgov.us>

Public comment for BOS 11/10/15, file 11-0356, TGPA/ZOU

1 message

Ellen Van Dyke <vandyke.5@sbcglobal.net> Mon, Nov 9, 2015 at 11:22 AM
To: Brian Veerkamp <bosthree@edcgov.us>, Ron Mikulaco <bosone@edcgov.us>, Shiva Frentzen <bostwo@edcgov.us>, Sue Novasel <bosfive@edcgov.us>, Michael Ranalli <bosfour@edcgov.us>, Jim Mitrisin <edc.cob@edcgov.us>
Cc: Shawna Purvines <shawna.purvines@edcgov.us>, David Defanti <david.defanti@edcgov.us>, Tom Infusino <tomi@volcano.net>

Please include the attached comment in the public record for the TGPA/ZOU, BOS agenda 11/10/15 file no 11-0356.

The latter half of the attached document includes the public comment submission I made to the Planning Commission 8/27 and 9/2. I had not copied you Supervisors, and with the mass of meeting details posted, keeping the docs together made sense.

thank you! –Ellen Van Dyke

Public comment letter with attachments_EVanDyke_BOS 11.10.15_TGPA.ZOU.pdf
4070K

Public Comment - Ellen Van Dyke - BOS 11/10/15, TGPA/ZOU, file # 11-0356

Dear Supervisors:

Certification of a flawed EIR has serious repercussions, and many examples have been provided as to why the Final EIR is flawed - *please do not certify it.* Comments submitted to the PC dated 8/27/15 and 9/2/15 outline why, and give specific examples.

In order to adopt even pieces of the project as proposed, you will be asked to certify the EIR. The only acceptable Alternative in this EIR is the No Project Alternative- *please do not certify a flawed EIR.*

Stopping this process now is in the best interest of the County and its residents:

- the EIR identifies 38 Significant environmental impacts from the project that cannot be mitigated (Statement of Overriding Considerations, pg1)
- The blanket rezoning of 37,000 parcels is absolutely not necessary to meet the project goals. These are project level changes done under a program level EIR. Public notifications are bypassed and conflicts are being created.
- the Travel Demand Model has flaws that will impact the approval of every development project for which it is utilized, and put those approvals at risk.

The project has evolved well beyond its intended scope, to a scale and volume that is truly incomprehensible to the general public. If you approve the Statement of Overriding Considerations, you have prioritized some very unnecessary changes as being of greater importance than maintaining adequate water supply, meeting state air quality standards, preserving the aesthetic of the rural nature we came to this county for, and more.

We are *counting* on you to protect our quality of life. "Don't waste a good EIR" has a counterpoint, which is "Don't adopt a bad one".

The following comments show why this 'program level' EIR is inadequate to address the 'project level' changes being proposed.

Respectfully submitted,

Ellen Van Dyke

comments

I. IBC parcels being up-zoned (references spreadsheet, Attachment 2)
II. Expanded uses
III. Current development proposals are effected
IV. Uncompleted General Plan mitigations (references matrix, Attachment 1)
V. Parcel specific zone conflicts
VI. 'Hiding' the project from the public, in plain sight

attachments

1 - Matrix of incomplete 2004 General Plan implementations
2 - Spreadsheet of up-zoned parcels located in IBC
3 - Public comment to Planning Commission outlining FEIR flaws, 8/27/15
4 - Public comment to Planning Commission outlining FEIR flaws, 9/2/15

(References listed on last page are submitted on CD due to size)

I. IBC Parcels being up-zoned under the ZOU - *approx 16,000 acres*

Many of the parcels zoned AE (minimum 20-acre parcel size) that are being up-zoned via the ZOU occur in an IBC (Important Biological Corridor), and are supposed to be protected under policy 7.4.2.9. They comprise thousands of acres that are bypassing site specific environmental review under the guise of this EIR being a "program level" review.

The changes to the biological policies being pursued as a separate project (the Biological Resource Policy Update[1]) will increase the TGPA/ZOU impacts, but they were not included in the cumulative impact analysis. The FEIR for the TGPA/ZOU assumes policies 7.4.2.2 and 7.4.1.6 will limit the impacts, but 7.4.2.2 and 7.4.1.6 are actually being deleted under this separate biological policies update.

Reference to the inclusion of 7.4.2.2 in the projects' analysis (FEIR, page 3.4-30):

Proposed Amendment to Policy 7.1.2.1 and Zoning Ordinance Section 17.30.060 (hillside development)

These amendments would authorize development on slopes exceeding 30% under specified circumstances. There is no specific development project being proposed at this time, and the number, size, and habitat value of sites to which the proposed amendments might be applied cannot be known because this will depend upon the future proposals of individual land owners. However, this amendment would expand the area of the county that is suitable for development onto land that has previously been undeveloped. This would have the potential to adversely affect biological resources by authorizing development on steep slopes. It is reasonably foreseeable that this would include habitat for special-status species. General Plan Policy 7.4.2.2, which requires identification and avoidance of critical wildlife areas and mitigation corridors, would limit this impact. Implementation of Mitigation Measure BIO-1a would reduce this impact to a less-than-significant level. The measure would restrict development where special-status species habitat exists.

Reference showing 7.4.1.6 incorporated into Mitigation Measure BIO-1a of the TGPA/ZOU (FEIR, page 3.4-34):

Mitigation Measure BIO-1a: Limit the relaxation of hillside development standards

Revise proposed Policy 7.1.2.1, existing Policy 7.4.1.6, and proposed Section 17.30.060, subsections C and D, as follows.

Policy 7.1.2.1 Development or disturbance of slopes over 30% shall be restricted. Standards for implementation of this policy, including but not limited to a prohibition on development or disturbance where special-status species habitat is present and exceptions for access, reasonable use of the parcel, and agricultural uses shall be incorporated into the Zoning Ordinance.

Policy 7.4.1.6 All development projects involving discretionary review shall be designed to avoid disturbance or fragmentation of important habitats to the extent reasonably feasible. Development projects on slopes over 30% is prohibited where special-status species habitat is present. On slopes less than 30% where ~~Where~~ avoidance is not possible, the development shall be required to fully mitigate the effects of important habitat loss and fragmentation. Mitigation shall be defined in the Integrated Natural Resources Management Plan (INRMP) (see Policy 7.4.2.8 and Implementation Measure CO-M).

[1] Notice of Preparation(NOP) for Biological Resource Policy Update EIR

However, this shows policy 7.4.1.6 and 7.4.2.2 as being deleted, and not available to limit or mitigate impacts as assumed in the TGPA/ZOU (Attachment 15B of the Biological Policy update project, file #12-1203):

Resolution _____
Page 2 of 4

Table
Summary of Revisions to General Plan Objectives, Policies, and Implementation Measures

General Plan Objective/Policy/ Implementation Measure	Changes Made
Policy 7.4.1.6	Delete policy~~, including reference to agricultural consultation, included in 7.4.2.8.~~
Policy 7.4.1.7	Policy moved to Policy 7.4.2.2
Policy 7.4.2.1	Revise language to address coordinating wildlife and vegetation protection programs with appropriate Federal and State agencies
Policy 7.4.2.2	Delete policy; replace with prior policy 7.4.1.7 regarding~~Revise text to address~~ noxious weeds~~ management~~
Policy 7.4.2.4	Revise text to clarify that active management is not required.
Policy 7.4.2.6	Delete policy
Policy 7.4.2.7	Delete policy to remove requirement to maintain the PAWTAC, but does not preclude the County from re-convening the PAWTAC when necessary.
Policy 7.4.2.8	Revise policy to delete INRMP and to include: • Requirement for wildlife movement studies for 4-, 6-, and 8- lane roadway projects. • Requirement for a biological resources technical report and establishment of mitigation ratio for special-status biological resources

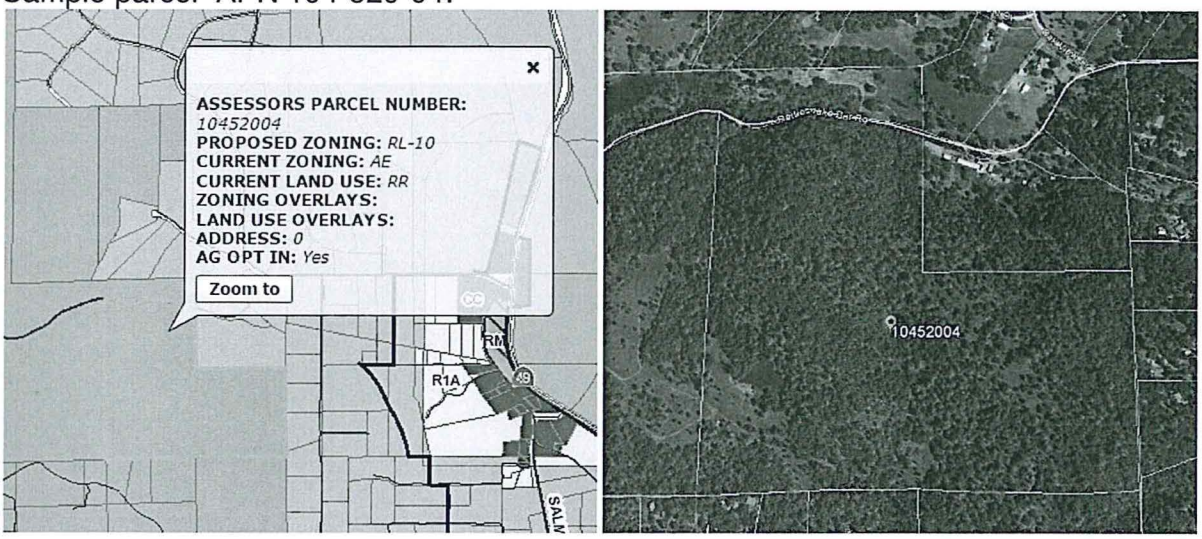
Additionally, General Plan policy 7.3.3.4 requires 50'/100' setbacks to intermittent/perennial streams, and this reduction is not reflected as a change in the TGPA. Although, regardless of the setback distance, proposed ZOU section 17.30.030(G)5a will allow any use within the riparian setback with a minor use permit, and public noticing is not specified as being required.

The biological policy update and TGPA/ZOU project and their policies are too interrelated to be considered separately.

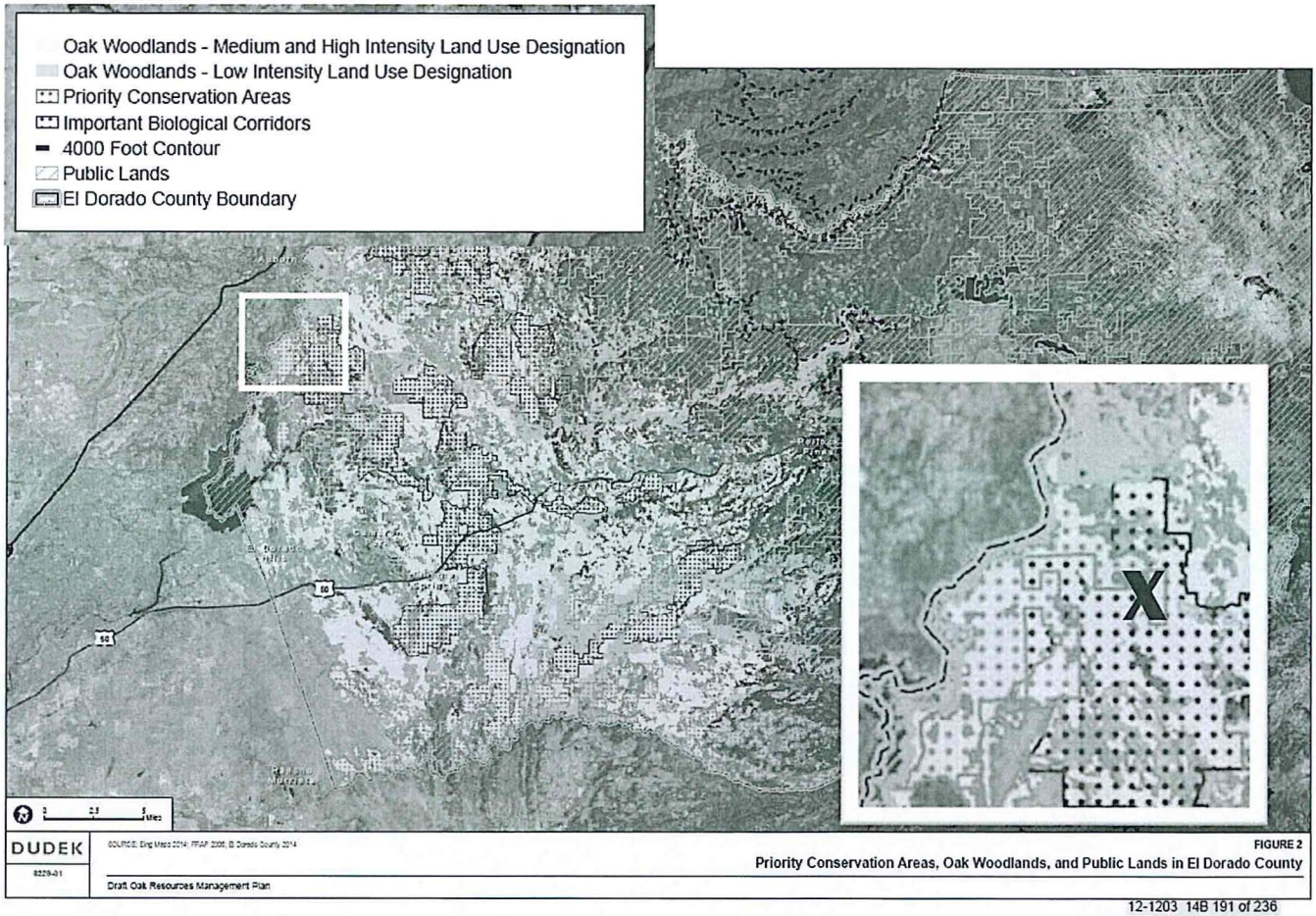
Specific IBC parcel examples, by APN:
104-520-04, AE to RL10, 109-ac in IBC (map below)
104-520-05, AE to RL10, 80-ac in IBC
104-520-06, AE to RL10, 108-ac in IBC
109-320-07, AE to RE10, 20-ac in IBC
104-520-04, AE to RL10, 109-ac in IBC
074-042-10, AE to RL10, 239-ac in IBC
060-060-07, AE to RL10, 104-ac in IBC
074-042-17 AE to RL10, 40-ac in IBC

Adjacent to IBC:
105-01-010, AE to RL10, 640-ac, IBC adjacent
074-042-19, AE to RL10, 160-ac, IBC adjacent

Sample parcel APN 104-520-04:



This parcel is located on the Important Biological Corridors (IBC's) map below[2] with an '**X**' (map presented in March 2015 for the Bio Policy update, as part of attachment 14B, Figure 2, file no 12-1203). Clearer/parcel-specific maps were requested during those hearings:



The Attachment 2 spreadsheet[3] identifies a broader list of residentially zoned parcels (283) being up-zoned that occur within the IBC, totaling approximately 16,000 acres. The list was sorted from the parcel change list provided by the County's GIS department in June 2014.

[2] IBC map from file no. 12-1203, Attachment 14B
[3] data sorted from EDC GIS Dept. parcel change list requested June 2014

II. Expanded Uses

The TGPA/ZOU has been called a 'program' level EIR, saying no new uses or entitlements are being granted that require a 'project' level analysis. Here are some examples of the new uses proposed to be allowed without noticing to neighbors or Planning Commission review:

- Vacation Rentals will be allowed with an administrative permit in R1 zones.
  - neighborhoods near Sly Park, Folsom Lake, or the heart of Apple Hill will be subject to the nuisance battles Tahoe has become accustomed to[4].
  - this change will sanction an ongoing use not listed as allowed in the TR1 zone.
  - the ZOU does not clearly specify notification to neighbors, such as the city of SLT's ordinance now does.
- Mobile Home Park zoning is being eliminated, and going to Multi Family and Commercial in many areas
  - this increases the allowed density from 7 units/acre to a possible 16-, 20-, 24-units/acre. This is a significant increase with no site specific review for adequacy of infrastructure or services.
  - prime moderate income housing (mobile homes) will be eliminated rather than provided, contrary to project goals
- Off Highway Vehicle tracks will be allowed in RE (Residential Estate) zones with no neighbor notification.
  - this is a severe nuisance use inconsistent with General Plan policy 2.2.5.21
- Ranch Marketing Activities are being expanded under ZOU section 17.40.260.
  - Special events will significantly increase in size (from 125 persons up to 250) and occurrence (from 6/year up to 24/year)
  - parcels rezoned via the ag opt-in will not have notified neighbors of this new by-right use
  - 2004 General Plan mitigation measure AF-I requiring the limiting of ranch marketing activities[5] is being "undone" by this change.
- Two 6-foot tall signs will be allowed on every residential parcel for a home business.
- Every residential parcel will be allowed employees, with the number varying per parcel size
  - this will completely change the character of residential neighborhoods
  - the FEIR was admittedly unable to adequately analyze this impact, and suggested a random reduction in the number of employees.
- Transitional housing, day care, and Ag worker housing will be allowed by right in RE
- Auto repair and storage will be allowed on lots as small as an acre with an administrative permit

The expanded uses in conjunction with blanket rezoning that omits site specific review will create conflicts, and those impacted will not necessarily be notified. This is the opposite of mitigation measure LU-D, which the General Plan Implementation report for 2015 said would be implemented with this update.

> MEASURE LU-D
> Revise the Zoning Ordinance to ensure that all uses permitted by right in any zoning district are compatible. Allow potentially incompatible uses subject to a discretionary review process with performance standards designed to ensure appropriate separation of incompatible uses. Include in the Zoning Ordinance a requirement that any project located adjacent to an existing sensitive land use shall be required to avoid impacts on the existing use. [Policy 2.2.5.21]

See the attached spread sheet for a broader list of the 2004 General Plan mitigations not yet implemented.

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[4] Tahoe Tribune, *Tahoe finalizes vacation rental ordinance*, Aug 2015
[5] 2004 Gen Plan DEIR mitigation measure 5.2-2, Ag & Forestry section pg 5.2-63

III. Current General Plan Amendment Proposals and the TGPA/ZOU

A number of General Plan amendments for high density residential development projects, are currently proposed separate from the TGPA/ZOU. These projects have their own EIR's.

The Dixon Ranch project[6] proposes 605 units on 280 acres of what is currently agriculturally zoned land. Page 81 of the EIR does not indicate that the TGPA/ZOU was included in the cumulative impacts analysis.

San Stino[7], Central EDH Specific Plan[8], and Marble Valley[9]/Lime Rock Specific Plans do not have their Draft EIR's released yet.

All of these projects will have their impacts worsened if the TGPA/ZOU policies are approved.

- Daytime construction noise is proposed to be exempt from noise standards in the ZOU
- The PD requirement is to be eliminated, and the open space requirement with it. But if an applicant does opt to utilize a PD, the open space requirements will have been reduced via the ZOU.
- The TGPA relaxes restrictions for development on slopes, so the buildable area for all of the projects will be increased.
- The overall intensity of development under the ZOU will be increased throughout the county so the cumulative traffic impacts will be increased.
- Increased traffic and the associated noise will require mitigation, and the sound wall prohibitions have been relaxed. Setbacks are now utilized rather than sound walls only "when feasible", potentially increasing the aesthetic impacts.
- the TGPA includes the proposal to delete the restriction on creating new lots within a dam failure inundation zone. This impacts the San Stino project which has a significant number of acres within the DFI zone.
- The Marble Valley project is not located within a Community Region as is necessary for high density residential development. The TGPA policies make it possible for the Board of Supervisors to increase those boundaries by a vote of the Board at any time.

The 2004 General Plan had an implementation plan[10] that included protective policies, many of which were never implemented and were again bypassed with this update. These now years-overdue policies would have lessened the impacts of the proposed projects on their surrounding rural areas. Some of those deferred mitigations include:

- increased open space protections
- identification of scenic corridors with community input
- establish riparian setbacks and a Tree Preservation Ordinance
- analyze Community Region Boundaries for possible expansion or contraction
    - The 2004 General Plan established Community Region lines that were expanded to include the Dixon property and portions of the San Stino property, with no site specific review done. Both projects now assert that the parcels belong within the Community Regions, but the impact analysis was never done.

2004 General Plan policies in place but not adhered to:

- requirement for recycled water infrastructure waived (Dixon Ranch, Carson Creek)
- agricultural conversion mitigation that is not being required as per policy 8.1.3.4
- waivers requested for street width standards (Dixon Ranch, Blackstone, Versante..)
- oak tree retention standards are not being met. These will be eliminated under the Biological Resources Policy Update, but have not been included in the TGPA cumulative impact analysis.

[6] Dixon Ranch NOP, Dec. 17, 2012
[7] San Stino NOP released Feb 2013
[8] Central EDH NOP released Feb 2013
[9] Marble Valley NOP released Feb 2013
[10] 2004 GP Implementation Plan, Attachment 5 of Staff Report no.4, 7/12/04

Travel Demand Model (TDM):

- the draft TDM used for Dixon was not yet certified by the TGPA/ZOU Environmental Impact Report. The analysis yields results that do not match conditions on the ground. If the TDM is certified, the County will be vulnerable to myriad lawsuits from various development projects.

(III)Summary: The policies being proposed under the TGPA/ZOU increase the area allowed for development, decrease biological resource protection, and allow for an automatic conversion of agricultural land to residential without performing site specific review. The mitigation measures that were never implemented are not there to protect residents from the resulting impacts.

IV. Matrix of Incomplete Implementation of 2004 General Plan Protections

FEIR Master Response 8 indicates there was no time frame for the protective policies of the 2004 General Plan to have been implemented. To the contrary, CEQA is what allowed the lifting of the Writ of Mandate and subsequent adoption of the 2004 General Plan, which included specific time frames for implementing those protections.

From the FEIR, page 8-38:

> The 2004 General Plan includes policies and implementation measures that are protective of the environment. Not all of these have been implemented. CEQA does not set forth a time-specific schedule to complete mitigation measures. (*Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99) Unlike the typical conditions of approval that are applied to a development project, many of the policies and implementation measures for protection of the environment will rely on the adoption of specific county ordinances or standards. The County is drafting, publicly vetting, and adopting the mitigating ordinances and standards as time, staffing, and budget permit. The County has no authority to enact regulations or standards without first completing this process.
>
> The *2013 General Plan Implementation Annual Progress Report* presented to the El Dorado County Board of Supervisors on June 24, 2014 describes the progress made toward completing the implementation measures identified in the General Plan. It summarizes the current status of the effort to complete the implementation measures, as follows:
>
> > The General Plan currently has a total of 225 implementation measures which are the collective responsibility of several County departments, divisions or agencies. Overall, the County has made significant progress toward implementation of the General Plan since its adoption in 2004. Of the 225 total measures, 142 (63 percent) have been implemented, 61 (27 percent) are in progress, and 22 (10 percent) remain to be initiated and implemented.

The matrix included as Attachment 1 outlines 2004 General Plan mitigations that have not been completed along with their 'due' date. The data was pulled from the annual progress report as well as the 2004 General Plan Implementation Plan[11]. It does NOT include mitigations from the many General Plan Amendments that have occurred since 2004 and which may have their own associated mitigations. It is not clear the county has a system of monitoring them, in accordance with LU-M although that mitigation is noted as 'complete' in the annual report.

(see Attachment 1)

[11] 2004 GP Implementation Plan is found in Gen Plan Supporting Documents, Attachment 5 of Staff Report no.4, 7/12/04

V. Parcel specific rezone conflicts

Master Response 4 included this table summarizing the blanket rezoning of 37,000 parcels.

Table 8-1. Summary of Proposed Rezonings Under the ZOU

Estimated Number of Parcels	Percentage of Total Parcels in the County	Proposed Rezone From/To	Reason for Proposed Rezoning
6,000	5.5%	Various upzones and downzone	Required by Government Code Section 65860 to ensure consistency with General Plan designations
2,000	1.8%	Multi-family to multi-family; existing Recreational Facilities (RF) to new RF-L and RF-H	Required by Government Code Section 65860 to ensure consistency with General Plan policies
14,500	13.2%	Name change only	Align zone names in Tahoe Regional Planning Area with County zone names
8,000	7.3%	RE/RA to new RE/RL	RE zones inside Community Regions; RL zones outside Community Regions; RA to RL to clarify Right to Farm protections. New RL zone for Rural Centers and Rural Regions replaces RE or RA zones.
3,000	2.7%	Commercial to new commercial zone; or Agricultural to new agricultural zone	Addition of three new commercial zones and three new agricultural zones; zone name changes; removal of duplicative zones
2,600	2.4%	Road "slivers"	Clean-up of zoning designations along road, corridor, and trail easements
900	0.8%	Various	Miscellaneous clean-up
Total: 37,000	33.6 %		

- 8,000 of the parcel changes are said to be required by law. However General Plan policy 2.2.5.6 exists to allow inconsistencies created by the adoption of the 2004 General Plan to co-exist until such time as a project is put forth to analyze the potential change. The zone changes proposed under the ZOU are not required, and this "Program level" EIR is not analyzing them.

- 14,500 parcel changes occur in Tahoe for alignment with EDC zoning, and presumably are "name change only". Tahoe residents have no reason to question or follow up, particularly if the expansive outreach of planning staff has succeeded in getting the word out that the changes are in name only.

  But a cursory look shows that with the agriculture zone 'A' going away, TA parcels are changing to FR (Forest Resource) which grants timber production rights not listed under the A zone. There are some residential parcels,TR1, going to FR, which is a complete change of use (ie. APN's 160-071-12 and 016-041-06). And Tahoe residents are not looking, thinking they are not affected. I put a query in the Tahoe news, and this was a response:



Passion4Tahoe says - POSTED: SEPTEMBER 15, 2015

I just called the County. According to Shawna Purvines, Principal Planner for El Dorado County, the change in zoning designation here in Tahoe is being proposed simply to create consistency between zoning designations here at Tahoe and the West Slope (currently there are two designations for the exact same use). According to Purvines, the proposed change will have no affect on how one might use their property.

- 11,000 parcel changes involve RA, RL, and new Ag zones. Expanded agricultural uses and the many ag exemptions make adjacent parcels (along the borders of Community Regions in particular) vulnerable to conflicts and incompatible uses without a site specific review. Visitor serving uses will no longer require special use permit or notification of neighbors, and here is a list of ag exemptions under the ZOU:

    - 17.30.060D(11) -Ag is exempt from Hillside development standards and grading on slopes
    - 17.30.030(G)4i -Ag is exempt from setback Protection of Wetlands and Sensitive Riparian Habitat
    - 17.37.020(E) - Ag is categorically exempt from Noise standard requirements
    - 17.29.040(A)- Ag grading permit exempt from Mineral Resource Exploration, Mining, Reclamation,& Protection
    - Landscaping & Irrigation Standards, Section 1.3(A) - Commercial uses on agricultural zoned land is exempt, except for parking lot shade & buffer requirements
    - 1.10 (B)5 - Commercial agriculture operations are exempt from water efficient landscape plan requirements
    - other Grading exemption from the LDM- lost the number..
    - Zoning conversions from Ag to 'other' under the ZOU are exempt from policy 8.1.3.4 mitigations
    - SUP eliminated & ag worker housing made 'by right' per ZOU matrix 17.24.020. (this is contrary to findings p8, Attachment 16D which says SUP is required)
    - SUP eliminated for 'Visitor serving uses' per 8.2.4.2. Not in FEIR

- Some parcel-specific conflicts being created by the ZOU are recorded as opposed in various public comments.
    - APN 319-260-01, 62-acres of RE5 going to R&D
    - APN's 070-250-13 & -15 changing from R1A to C
    - APN 109-020-20 changing from Open Space to RL10 in a known asbestos area
    - APN 115-400-12 from Open Space to RF-H

  Many other conflicts exist but are less public. Others haven't been found yet.

  APN's 327-211-14, -16 an -25 were at the center of controversy against an approved project. Approval of rezone Z10-0009 was rescinded by the Board 10/16/12 before legal action was filed, but the ZOU proposes to restore the commercial zoning that was rescinded. Does the petitioner even know about this?

  APN 327-140-07 had been changed from residential (R1A) to commercial (CPO), as a lesser-intensity-commercial compromise with neighbors.The ZOU proposes to rezone it to the greater intensity that had been opposed - have the neighbors been made aware of this change? In the same neighborhood, numerous parcels are being rezoned from residential to commercial - do neighbors know?

  These are not isolated cases and others will continue to turn up as people are made aware of the changes.

VI. Hiding the project from the public

RCU reviewers and the public have repeatedly requested clarity on the project. The response was that the project was too complex to provide a strikeout version of the ZOU, while simultaneously claiming the Board had directed minimal changes and it was mainly reformatting.

As an example of what EDC might have done to communicate the changes, Tahoe recently updated their ordinances (TRPA) and communicated reformatting changes to the public via a 'Disposition Report'. An Excerpt is shown below.

REGIONAL PLANNING AGENCY

TRPA Code of Ordinances Update

Phase 1: Reorganization and Reformatting

Disposition Report

This disposition report summarizes the general organizational changes made to the current Code of Ordinances in comparison to the proposed reorganized and reformatted Code. For the sake of clarity and simplicity, this report tracks changes at the "section" level, and occasionally at the "subsection" level when necessary. It provides changes made as part of the reformatting and reorganization (Phase 1) of the Code update project only. The complete changes can be viewed in the track-changes versions of the Code.

DISPOSITION REPORT		
Current Chapter	**Proposed Location**	**Comments**
Ch 1: Introduction to the Code of Ordinances	**Ch 1: Introduction to the Code of Ordinances**	
1.0: Purpose	1.1: Purpose	
1.1: Applicability	2.1: General Provisions	
1.2: Short Title	1.2: Short Title	
1.3: Use Of Terms	90.1.10: Mandatory and Discretionary Terms	Text clarification
1.4: General Provisions	1.4: Land Use Document Supporting the Code of Ordinances	
1.5: 208 Plan	1.5: 208 Plan	

Changes in the ZOU such as the addition of a Bass Lake reimbursement fee would have shown up in 'comments' for interested citizens to follow up on. As it is, the proposed fee was not included in the NOP, nor the ROI's, nor the Project Description. The only way to find it was to have read the ZOU cover to cover. How many other items like that are in there? This was not 'reformatting' as people were led to believe.

Additionally, the TGPA/ZOU Final EIR Responses were laid out in such a way as to be EXTREMELY difficult to locate, with responses and comments sometimes in separate documents altogether, requiring multiple large files to be open simultaneously to read the response to a single question. Other EIR's are done such that the Response immediately follows the Comment. Or alternately, the way the 2003 Gen Plan EIR was done, in which direct links were available:

Planning Services

Home > Government > Planning

GENERAL PLAN AND EIR COMMENTS

The table that follows identifies all comment letters on the Draft General Plan and/or Draft EIR, that were received on or before the July 15, 2003 close of the comment period. Each letter is numbered, and the author, agency, and date received are provided.

The County has prepared a number of "Master Responses". These responses are generally more extensive than the individual responses provided in Section 4.2, and may cover several related issues raised by a variety of commenters. The following Master Responses are included herein: (62 pages)

This chapter presents a complete verbatim copy of each comment letter in the order received. The text of each letter has been bracketed and numbered to denote distinct issues raised by the writer. Immediately following each letter are the responses prepared for each bracketed comment. Each response is numbered to correspond with the comment, and includes a parenthetical indicating whether the comment is on the General Plan (GP), the Environmental Impact Report (EIR), or both (GP/EIR). Where the subject matter of one comment overlaps that of another, there may be a numeric reference to another comment response.

All documents are in .pdf format.
The orginal comments letters were scanned so the file may be quite large.

Letter Number	Date Received	Name	Organization	Letter	Response
1	4/21/2003	Damon Polk	Building Industry Association of Superior CA	Letter	Response
2	4/10/2003	Kathye Russell	El Dorado Business Alliance	Letter	Response
3	4/10/2003	Janine M. Jones		Letter	Response
4	4/16/2003	Oystein Solheim		Letter	Response

Just say 'no'.
End Comments.

References, submitted separately on CD due to size:

NOP for Biological Resource Policy Update July 2015
IBC Map included in File no. 12-1203 Attachment 14B, Technical Memo from Dudek
2004 GP Draft EIR_Ag & Forestry section
2004 GP Draft EIR Land Use section
2004 Implementation Plan, Attachment 5 of Staff Report #4 of the EIR Supplemental Docs
General Plan Implementation Progress Report, Sept 2015
Public comment 6/23/14 on Gen Plan Implementation Progress Report, file no.14-0724
Public comment 9/22/15 on Gen Plan Implementation Progress Report, fiile no. 14-0274
Staff response to comment 6/30/14, Gen Plan Implementation Progress Report, file no. 14-0274
Dudek memo 6/22/15, Bio Res Policy Update file no. 12-1203, IBC map on p191of 236
Central EDH NOP, Feb 2013
Marble Valley NOP, Feb 2013
San Stino NOP, Feb 2013
Dixon Ranch NOP, 12/17/12
Dixon Ranch DEIR Nov 2014
Dixon Ranch DEIR appendices Vol 1
Dixon Ranch DEIR appendices Vol 2
Dixon Ranch, Van Dyke public comment, 2/6/15
Lake Tahoe News net, letter to editor 9/15/15
Mtn Dem 'Cell Towers in Coloma' 12/13/10
Mtn Dem 'Motorcross tracks pumps brakes' Sept 2015
Mtn Dem 'Lake Tahoe finalizes vacation rental ordinance' 8/15/15
Screen shot_2004 EDC Gen Plan DEIR docs, EDC website
Screen shot_2004 EDC Gen Plan EIR docs, EDC website
Tahoes TRPA Disposition Report, example of reformatting communication

Incomplete 2004 GP Implementations

Attachment 1 to Van Dyke letter to BOS 11/10/15

Mitigation Measure	Past-due Date	Revised due date	Policy/mitigation description	Impact from TGPA/ZOU project
LU-A	2005	deferred	establish the Scenic corridor district (2.6.1.6)	4 significant & unavoidable impacts on Aesthetics including light & glare, and increased development, but scenic corridor location and standards have not been completed. Sign ordinance changes were fast-tracked ahead of scenic corridors and added to FEIR errata, but were not analyzed in the DEIR; could conflict with undefined scenic areas
LU-A	2005	proposed for deletion	Create dam failure inundation overlay zone	Rather than protection, TGPA proposes elimination of DFI mitigation measure. MANY acres proposed for upzoning in DFI areas.
LU-A	2005	ZOU reverses	Establish open space protection [7.6.1.1/7.6.1.3]	TGPA instead proposes reductions in open space
LU-D	2005	ZOU	Revise ZO to ensure uses by right within zones are compatible	ZOU allows Off Highwy Vehicle tracks in RE5 with no neighbor notification, creating neighborhood conflicts (Mtn Dem, Sept '15); Vacation rentals proposed by right in residential neighborhoods; Auto body repair in Res. neighborhoods via the HOO, and elimination of screening of business materials/vehicles from neighbors.
LU-E	2006	-	DISM Revisions	
LU-F	2007	delayed	Create Community Design Review Districts	Shingle Springs efforts to create Community Design standards were derailed, and county Design Stds will rule until theirs can be put in place
LU-G	2007	deferred	Identify & establish Historic DR districts	Downtown historic areas are vulnerable to proposed density increases and new mixed use design standards under the Project. Many rezones proposed for Diamond Springs.
LU-I	2005	deferred	Scenic corridor standards were to include ridgeline protection & off-premise sign amortization	ZOU increases ridgeline development before scenic protections have been put in place; the sign ordinance was approved simultaneous with the TGPA process and *omitted amortization*
LU-K	!	deferred	Community Region Boundary review. [This item was noted as 'complete' in the GP Implementation Progress Report matrix for both the 2014 and 2015 reports]	Community Regions are integral to determining where density increases, agricultural land conversions, and changes of use occur. This review was in the NOP, the ROI's, and public comments, and has been a HUGE community issue that was formally deferred by the Board in Feb '14. Ballot Measure O resulted, but failed under developer dollars.
LU-O	2005	ZOU	Tahoe zoning coordination, +	

Incomplete 2004 GP Implementations

Attachment 1 to Van Dyke letter to BOS 11/10/15

Mitigation Measure	Past-due Date	Revised due date	Policy/mitigation description	Impact from TGPA/ZOU project
TC-F	2005	-	Develop system to ensure traffic LOS	noted as "complete" but intersections & interchanges are still not being analyzed as required, & the TDM is highly flawed. Lack of monitoring allowed levels of service to exceed those allowed by policy.
TC-C	2006	TGPA/ZOU	DISM/LDM manuals update	Sections of these manuals were added with the recirculated DEIR, but the public was overwhelmed with a chaos of documents at that point; the project description has been a moving target.
TC-G	2005	-	Placerville truck routes	
TC-V2	2005	deferred	Evaluate EDH Bus Park employement cap	
TC-W	2005	deferred	establish truck routes to minimize noise impacts	Green Valley Rd and other rural connectors suffering increased traffic due to ZOU policy (conversion of Ag to Residential, increased densities, & expanded Commercial uses into rural areas) will have nearby residents impacted by not having this mitigation completed. The HOO could bring additional truck traffic into neighborhoods, and potential routes should have been analyzed rather than deferred again.
TC-X	2006	deferred	Program for synchronization of traffic signals	"program" to date is complaint driven; intersections are not analyzed.
PS-G		-	Recycled water infrastructure related to future capacity expansion is noted as 'completed'	Dixon Ranch is proposed to be approved without providing infrastructure for recycled water. Mitigation not being done.
PS-H		-	Recycled water- develop & implement water use efficiency program for Ag, Comm'l, Res- noted as 'completed'	Mitigation requirement not being followed through on: "Encourage use of recycled water in new development served by public wastewater systems" (ie. Dixon Ranch; Carson Creek)
PS-R	2009	-	Develop a program to attract UC to EDC	Noted as "in progress", but no programs are apparent, and the Mar '15 application to UC by a citizen committee almost missed the June deadline due to the county's lack of having a process in place. (Mtn Dem article June '15; K. Payne publicly expressed serious frustration to the BOS)
HS-I	2009	TGPA/ZOU	Adopt a Noise Ordinance. Limit noise-generating construction activities.	The TGPA does the opposite, making construction noise exempt under policy 6.5.1.11.

Incomplete 2004 GP Implementations

Attachment 1 to Van Dyke letter to BOS 11/10/15

Mitigation Measure	Past-due Date	Revised due date	Policy/mitigation description	Impact from TGPA/ZOU project
HS-J	2007	-	Establish working group for cross-regional noise issues	Per 2015 GP Implementation Report, working group will be convened "as necessary". The Mather Airport Expansion in Sacramento received 11th-hour support from the County rather than early participation because EDC had no working group to lend support.
HS-O	2009	-	Hazardous materials- develop and implement plan for handling for storage, transport & disposal of hazardous materials from County operated facilities	Sounds serious that this hasn't been completed.
CO-A	2005	deferred	Biological Resources. Tree Presevation Ordinance.	The 2015 GP Implementation Report refers to this as "ongoing", but establishing a tree preservation ordinance was a finite task to be done in 2005. Increased development via the TGPA/ZOU can irreparably harm existing unprotected resources. Deferred Bio Policies (separate project running concurrently) actually eliminate oak preservation guidelines to allow mitigation fees and 100% tree removal instead.
CO-C	2007	-	Roadside Maintenance Program	not complete; says "in progress"
CO-L	2009	deferred	Bio Study report guidelines	To be done with Bio Resource Policy update project. In the meantime, significantly increased development will proceed under the project without protective guidelines.
CO-M	2007	eliminated	Develop INRMP consistent with 7.4.2.8	INRMP eliminated under the separate Bio. Resource Policy project, rather than implemented. This was not accounted for in the FEIR analysis.
CO-N	2006	deferred	Review and update IBC's.(Important Biological Corridors)	Many IBC parcels are being upzoned without site specific review, and many adjacent IBC parcels are also being upzoned without having been reviewed for inclusion in the IBC.
CO-O	2007	ZOU reduced	Prepare & adopt riparian setback ordinance.	The setback written into the ZOU is 50% of that set forth in the 2004 Gen Plan, but there is no evidence to support that this reduction will protect against the increase develoment of the ZOU. Additionally, the remaining Bio Resource issues are deferred, so how they interact is an unknown.

Incomplete 2004 GP Implementations

Attachment 1 to Van Dyke letter to BOS 11/10/15

Mitigation Measure	Past-due Date	Revised due date	Policy/mitigation description	Impact from TGPA/ZOU project
CO-P	2006	deferred	Develop & adopt Oak Resources Mngmnt Plan	protective policies being deleted have not been considered in the cumulative impacts of the FEIR for the TGPA/ZOU. Increased development under the ZOU has 38 significant and unavoidable impacts in multiple categories, 4 in Biological Resources
CO-Q	2006	deferred	Cultural Resources	2 of the 38 significant and unavoidable impacts of the TGPA/ZOU are in Cultural Resources. Ordinances for preservation were supposed to have been completed 2 years after the Gen Plan adoption (by 2006)
CO-R		deferred		
CO-T	2010	not done	identify Marshall Gold State Historic Park (Coloma) viewshed & establish development guidelines	Proposed high tech cell towers in this historic district will continue to waste county resources until this mitigation is completed, now 5-years overdue. (Mtn Dem article from Dec 2010)
CO-U	2009	deferred	Develop requirements in support of Bio policy 7.4.1.6	Bio Policy 7.4.1.6 is being deleted under separate Bio policy update project.
AF-A	2012	ZOU reversed	Reduce potential conversion of important farmland/ grazing land	Rather than being reduced, thousands of acres of Exclusive Agriculture (AE) land is being converted to non-Ag zoning under the blanket rezoning proposed. Example: Dixon Ranch project site includes 280 acres of active grazing land & prime vineyard soil is to be converted to Residential zoning via the ZOU.
AF-C	2012	-	Determinations of suitability for Forest and Ag lands- develop/update procedure	
AF-D	2009	TGPA/ZOU reversed	Develop & implement programs to ensure conservation, enhancement & use of Ag & grazing lands	The ZOU proposal is opposite the mitigation. The EIR mitigation says "limit extent of ranch marketing activities, wineries and other non-ag uses within ag designations", but the Zou creates new zone RL (Rural Lands) as an Ag Opt-In zone that clearly identifies parcels as "suitable for limited residential development" and not supportive of exclusive Agricultural use.
AF-E	2009	ZOU	identify suitable, sustainable, grazing land	Extensive grazing land is being *converted to Residential zoning through the ZOU rather than preserved*

Incomplete 2004 GP Implementations

Attachment 1 to Van Dyke letter to BOS 11/10/15

Mitigation Measure	Past-due Date	Revised due date	Policy/mitigation description	Impact from TGPA/ZOU project
AF-F	2009	deferred	identify acceptable mitigation for loss of Ag land	Thousands of acres of Agriculture land is being converted to non-Ag zoning under the blanket rezoning AND via Ag-Opt outs of the ZOU. Because it is being called a "program" level review, site specific mitigation of conversions per 8.1.3.4 are not being required, and the Ag land will be lost.
AF-H	2007	ZOU does reverse	Secure & maintain long-term water supply for Ag-us	The ZOU will substantially deplete groundwater supply (Significant & Unavoidable impact WS-2). The Ag districts are proposed for expansion under the ZOU, yet the water supply is not yet secure for existing Ag uses, as required per incomplete mitigation AF-H.
AF-J	2006	TGPA/ZOU	Expand Ag Districts (- what about the water and WS-2?)	Water analysis is being based on incomplete data regarding the extent of Ag districts, if AF-J is not completed.
AF-K	2005	TGPA/ZOU	Develop BMP's for Ag to reduce impact on sensitive habitats	
PR-B		-	Park land acquisition	
PR-D	2014	-	Interpretive centers & historical trails/sites	
PR-H	2009	-	Funding mechanisms for new park development	
PR-J	2012	-	Recreation provider working group coord.	
PR-M	2014	-	Relocate county fairgrounds	
ED-P		ZOU	Expand classes of uses in PD's/specific plans	
ED-R		ZOU	Statement of proposed laws and their purposes	
ED-HH		ZOU	Develop information system re: commercial and industrial vacancies	
ED-II		ZOU		
ED-JJ		ZOU		
ED-KK		ZOU	Designate lands to accommodate retail/commercia	Where in the ZOU is this & when did it receive public review? Mapping?
ED-PP		ZOU	Home workplace alternatives	As proposed, Significant impacts under the HOO.
ED-QQ		ZOU	standards for residentially compatible home businesses	Many of the business *are not compatible in residential neighborhoods*, but not acknowledged in the FEIR so mitigations are not recommended.
AF-I	2009	ZOU reverses	Limit extent of ranch marketing activities-marked as "complete" per the 2015 GP Implementation Report	the ZOU vastly expands the ranch marketing activities. This "undoes" 2004 mitigation measure AF-I (2004 Gen Plan DEIR Mit Measure 5.2-2, Ag & Forestry section page 5.2-63)

Incomplete 2004 GP Implementations

Attachment 1 to Van Dyke letter to BOS 11/10/15

Data sources include:

1) 2004 GP Implementation Plan, EIR supplementals 'Staff Report #4', Attachment 5;
2)2004 Gen Plan Implementation Progress Report Sept 2015 matrix beginning on page 40
3)2004 Gen Plan Draft EIR

11/8/2015

Upzones in IBC

Attachment 2, Van Dyke letter to BOS 11/10/15

ZONEDES	PROP_ZC	LUDES	IBC		COMREG	RURLCNT	SPECPLA	PRCL_ID_	ACREAGE	LEGAL_DE	AREA	DFI
A	LA-10	RR	IBC					08727021	30.03	PM 30/66/A	30.6413	
A	R3A	MDR	IBC	MR		QU		06323020	3.71	SEC 6 12 1	3.61802	
A	R3A	MDR	IBC		EDDS			33125102	3.88	POR BLK1	4.09592	
A	R3A	MDR	IBC			QU		06323017	3.929	RS 20/132	4.11577	
A	R3A	MDR	IBC	MR	EDDS			33125101	9.05	POR BLK1	8.38347	
A	RE-10	AP	IBC		EDH		BLH	11910039	0	SEC 6 9 9	10.1833	
A	RE-10	AP	IBC		EDH		BLH	11910058	0	POR BASS	0.29353	
A	RE-10	AP	IBC		EDH		BLH	11910058	0	POR BASS	3.24086	
A	RE-10	AP	IBC		EDH		BLH	11909072	7.291	HOLLOW (	5.96951	
A	RE-10	AP	IBC		EDH		BLH	11909072	7.291	HOLLOW (	0.00225	DFI
A	RE-10	AP	IBC		EDH		BLH	11909072	7.291	HOLLOW (	1.40873	DFI
A	RE-10	AP	IBC		EDH		BLH	11909051	8.542	POR PM 4/	3.69388	
A	RE-10	AP	IBC	MR	EDH		BLH	11909051	8.542	POR PM 4/	5.02502	
A	RE-10	AP	IBC		EDH		BLH	11909051	8.542	POR PM 4/	0.1594	DFI
A	RE-10	AP	IBC		EDH		BLH	11909037	8.641	POR PM 1/	9.14755	
A	RE-10	AP	IBC	MR	EDH		BLH	11909069	8.822	POR PM 1	3.57873	DFI
A	RE-10	AP	IBC	MR	EDH		BLH	11909069	8.822	POR PM 1	5.24415	DFI
A	RE-10	AP	IBC		EDH		BLH	11909067	9.008	POR PM 1	8.84825	DFI
A	RE-10	AP	IBC		EDH		BLH	11909045	9.095	POR PM 1	9.11374	
A	RE-10	AP	IBC		EDH		BLH	11909045	9.095	POR PM 1	0.00426	
A	RE-10	AP	IBC		EDH		BLH	11909047	9.192	POR PM 1	9.24297	
A	RE-10	AP	IBC		EDH		BLH	11909071	9.208	PPM 11/13	8.52076	DFI
A	RE-10	AP	IBC		EDH		BLH	11910035	9.415	SEC 6 9 9	9.25613	
A	RE-10	AP	IBC		EDH		BLH	11909057	9.583	POR PM 1	9.5446	
A	RE-10	AP	IBC		EDH		BLH	11909059	9.583	POR PM 4/	2.38514	
A	RE-10	AP	IBC		EDH		BLH	11909059	9.583	POR PM 4/	6.95948	
A	RE-10	AP	IBC		EDH		BLH	11909065	9.589	POR PM 1	9.37374	DFI
A	RE-10	AP	IBC		EDH		BLH	11909061	9.654	POR PM 1	9.6535	
A	RE-10	AP	IBC		EDH		BLH	11909053	9.743	POR PM 1	9.55608	DFI
A	RE-10	AP	IBC		EDH		BLH	11910016	9.77	SEC 6 9 9	10.0254	
A	RE-10	AP	IBC		EDH		BLH	11909055	9.987	POR PM 1	9.48835	
A	RE-10	AP	IBC		EDH		BLH	11909002	10	PM 1/96/III	9.86007	DFI
A	RE-10	AP	IBC		EDH		BLH	11909003	10	PM 1/96/II	10.1792	
A	RE-10	AP	IBC		EDH		BLH	11909004	10	PM 1/96/1	9.79664	DFI
A	RE-10	AP	IBC		EDH		BLH	11909017	10	PM 11/137	9.99472	DFI
A	RE-10	AP	IBC		EDH		BLH	11909023	10	PM 17/1/A	9.90167	DFI

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A	RE-10	AP	IBC		EDH		BLH	11909029	10	RS 19/39/4	10.1009	DFI
A	RE-10	AP	IBC		EDH		BLH	11909030	10	RS 19/39/3	10.1007	DFI
A	RE-10	AP	IBC		EDH		BLH	11909031	10	RS 19/39/1	10.0812	DFI
A	RE-10	AP	IBC		EDH		BLH	11909032	10	RS 19/39/2	9.92185	DFI
A	RE-10	AP	IBC		EDH		BLH	11910011	10	SEC 6 9 9	9.82181	DFI
A	RE-10	AP	IBC		EDH		BLH	11910012	10	SEC 6 9 9	9.77822	
A	RE-10	AP	IBC		EDH		BLH	11909019	10.005	PM 4/143/E	9.63189	DFI
A	RE-10	AP	IBC		EDH		BLH	11908011	10.01	PM 15/53/D	10.1593	DFI
A	RE-10	AP	IBC		EDH		BLH	11909021	10.01	PM 4/143/C	10.0147	DFI
A	RE-10	AP	IBC		EDH		BLH	11908010	10.16	PM 15/53/C	10.03	DFI
A	RE-10	AP	IBC		EDH		BLH	11904004	10.2	S 1 9 8&6 9	9.79291	
A	RE-10	AP	IBC	MR	EDH		BLH	11904003	10.21	S 1 9 8&6 9	10.3257	
A	RE-10	AP	IBC		EDH		BLH	11908009	10.23	PM 15/53/E	10.5196	DFI
A	RE-10	AP	IBC	MR			BLH	11910018	10.39	SEC 6 9 9	9.81335	
A	RE-10	AP	IBC		EDH		BLH	11908008	10.9	PM 15/53/A	10.6146	DFI
A	RE-10	AP	IBC		EDH		BLH	11540008	11.31	SEC 31 10	11.3428	DFI
A	RE-10	AP	IBC		EDH		BLH	11540009	11.57	SEC 31 10	10.1857	
A	RE-10	AP	IBC		EDH		BLH	11540007	13.22	SEC 31 10	13.6736	DFI
A	RE-10	AP	IBC		EDH		BLH	11910045	13.529	RS 29/82/1	13.7919	
A	RE-10	AP	IBC		EDH		BLH	11540006	14.21	SEC 31 10	13.2547	DFI
A	RE-10	LDR	IBC					31907020	20	SEC 21 10	20.0278	
A	RE-10	LDR	IBC					31906039	34.22	SEC 21 10	34.4159	
A	RE-10	LDR	IBC					31907034	35.87	SEC 21 10	37.2654	
A	RE-10	LDR	IBC					31906032	38.41	SEC 21 10	37.8242	
A	RE-10	LDR	IBC					31907033	40	SEC 21 10	42.341	
A	RE-10	LDR	IBC					31906038	46.43	SEC 21 10	48.5124	
A	RE-10	RR	IBC	MR				06104260	40	PAR 3 P/M	39.0135	
A	RE-5	LDR	IBC	MR				06228025	10	SEC 1 12 1	9.83973	DFI
A	RE-5	LDR	IBC					6241045	10	SEC 9 13 1	9.97257	DFI
A	RE-5	LDR	IBC					06259001	10	PM 31/19/1	9.93889	DFI
A	RE-5	LDR	IBC					06241062	10.01	PM 4/144/E	9.63089	DFI
A	RE-5	LDR	IBC					06241060	10.08	PM 4/79/4	9.71499	DFI
A	RE-5	LDR	IBC					06241055	10.11	PM 4/61/A	9.55561	DFI
A	RE-5	LDR	IBC					06241044	10.24	SEC 9 13 1	8.98582	DFI
A	RE-5	LDR	IBC					06241056	10.24	PM 4/61/B	9.99746	DFI
A	RE-5	LDR	IBC					06252153	10.27	PM 36/9/3	2.89673	DFI
A	RE-5	LDR	IBC					06252153	10.27	PM 36/9/3	1.40929	DFI

Upzones in IBC

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AE	CC	C	IBC	MR		GV		06036154	1.01	TR 1 RS 1	1.00303	
AE	CC	C	IBC			CO		07103239	32.92	PM 44/80/3	32.3225	
AE	CL	C	IBC			GV		06036155	0.517	RS 14/40/2	0.51734	
AE	CM	C	IBC	MR	EDDS			33113105	0.38	L 7 B 15	0.35994	
AE	CM	C	IBC	MR	EDDS			33113106	0.5	L 8 B 15	0.38814	
AE	I	AL	IBC					7805052	11.06	PM 40/98/1	1.1489	
AE	LA-10	LDR	IBC					10932009	20	PM 14/140	19.9127	
AE	LA-10	RR	IBC					9249018	0	PPM 5/50/2	115.368	
AE	LA-10	RR	IBC					04683002	20	RS 29/46/1	19.9992	
AE	LA-10	RR	IBC					07426006	20	SEC 23 12	21.061	
AE	LA-10	RR	IBC					07426008	20	RS 11/7/1	22.4489	
AE	LA-10	RR	IBC					07426009	20	RS 11/7/4	21.9552	
AE	LA-10	RR	IBC					07426010	20	SEC 23 12	20.5047	
AE	LA-10	RR	IBC					07426012	20	PM 31/52/1	20.1	
AE	LA-10	RR	IBC					07426015	20	PM 31/52/4	20.4675	
AE	LA-10	RR	IBC					07426020	20	PM 30/84/E	20.5937	
AE	LA-10	RR	IBC					08727039	20.017	PM 16/134	19.9152	
AE	LA-10	RR	IBC					07427003	20.05	RS 11/100/	20.4652	
AE	LA-10	RR	IBC					08727032	20.07	PM 17/36/3	20.2934	
AE	LA-10	RR	IBC					07430015	20.097	RS 24/117/	23.1337	
AE	LA-10	RR	IBC					07430004	20.28	RS 23/130/	19.4368	
AE	LA-10	RR	IBC					04191015	20.37	PM 28/66/1	20.4654	
AE	LA-10	RR	IBC					07430012	20.375	RS 24/132/	20.1186	
AE	LA-10	RR	IBC					07430018	20.6	PM 46/142	24.7795	
AE	LA-10	RR	IBC					07430016	20.645	RS 24/114/	22.5732	
AE	LA-10	RR	IBC					07430014	20.646	RS 24/132/	19.8438	
AE	LA-10	RR	IBC					07820051	20.71	SEC 33 10	21.1465	
AE	LA-10	RR	IBC					07430013	20.822	RS 24/132/	21.4444	
AE	LA-10	RR	IBC					07426011	22	RS 10/65/4	22.6002	
AE	LA-10	RR	IBC					10437025	25	SEC 18 11	25.5979	
AE	LA-10	RR	IBC					07104032	27.457	SEC 36 12	32.717	
AE	LA-10	RR	IBC					10422016	31.7	B 20-121&2	0.23566	
AE	LA-10	RR	IBC					04683001	34.954	RS 29/48/1	34.9539	DFI
AE	LA-10	RR	IBC					07404205	40	RS 14/144/	38.3054	
AE	LA-10	RR	IBC					07426027	40	RS 12/40/1	41.3584	
AE	LA-10	RR	IBC					07427006	40.11	RS 9/138/E	41.6514	
AE	LA-10	RR	IBC					10406007	44.82	SEC 25 11	42.5903	

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AE	LA-10	RR	IBC					08702165	46.32	PM 50/11/1	49.1111	
AE	LA-10	RR	IBC					08702166	56.8	PM 50/11/2	57.264	
AE	LA-10	RR	IBC					07426028	60	RS 12/40/2	66.4433	
AE	LA-10	RR	IBC					07104002	71.63	SEC 26 12	76.9167	
AE	LA-10	RR	IBC					10402007	75.29	SEC 3 11 8	82.8022	
AE	LA-10	RR	IBC					07104033	76.694	SEC 36 12	71.8123	
AE	LA-10	RR	IBC					10412049	81.21	S 11 11 8	76.8568	
AE	LA-10	RR	IBC					07427032	81.22	RS 11/100	82.6524	
AE	LA-10	RR	IBC					07427031	85.71	RS 9/138/0	84.8961	
AE	LA-10	RR	IBC					09249003	118.3	PM 5/50/1	118.497	
AE	LA-10	RR	IBC					10452002	218.23	PM 48/21/1	218.395	
AE	LA-10	RR	IBC					07104009	486.76	SEC 35 12	450.057	
AE	PA-10	LDR	IBC		CPP			10103013	150	SEC 35 11	18.0903	
AE	RE-10	LDR	IBC		EDH			12602001	20	SEC 24 10	19.5935	
AE	RE-10	LDR	IBC					11817010	20.006	PM 49/119	20.0064	
AE	RE-10	LDR	IBC					10932007	20.02	PM 15/93/3	21.1648	
AE	RE-10	LDR	IBC					11817011	25.414	PM 49/119	25.4143	
AE	RE-10	LDR	IBC					12272007	27.01	SEC 1 9 8	27.122	
AE	RE-10	LDR	IBC					12272007	27.01	SEC 1 9 8	1.89	
AE	RE-10	LDR	IBC		EDDS			32364007	27.44	PRS 26/1/2	29.2705	
AE	RE-10	LDR	IBC					11817004	38.31	PM 48/139	8.54821	
AE	RE-10	LDR	IBC					11817004	38.31	PM 48/139	29.7666	
AE	RE-10	LDR	IBC		EDH			12615023	39.385	POR SEC	36.4259	
AE	RE-10	LDR	IBC		EDDS			32364002	61.43	PRS 26/1/2	57.7809	
AE	RE-10	LDR	IBC		EDDS			32364001	74.47	PRS 26/1/1	73.3274	
AE	RE-10	LDR	IBC					11817003	75.22	SEC 1 & 12	72.3824	
AE	RE-10	LDR	IBC					11817003	75.22	SEC 1 & 12	4.5798	
AE	RE-10	LDR	IBC		EDDS			32364009	79.715	POR RS 26	80.3647	
AE	RE-10	LDR	IBC		EDH			12602003	80	SEC 24 10	79.7722	
AE	RE-10	LDR	IBC		EDDS			32364011	116.849	PRS 26/1/4	115.665	
AE	RE-10	LDR	IBC		EDH			12602002	140.5	SEC 24 10	142.313	
AE	RE-10	LDR	IBC		SS			09019001	286.6	SEC 7 9 10	293.877	
AE	RE-5	AP	IBC		EDH		SEDH	12272009	57.78	RS 32/43/1	6.3299	
AE	RE-5	MDR	IBC			CO		7103240	146.2	REM P/M 4	9.29292	
AE	RE-5	MDR	IBC			CO		7103240	146.2	REM P/M 4	135.717	
AE	RL-10	LDR	IBC					06003137	20	POR SEC	20.0202	
AE	RL-10	LDR	IBC	MR				10435006	25	SEC 7 11 9	24.4403	

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AE	RL-10	LDR	IBC					07404230	30.044	PM 50/52/2	30.0442	
AE	RL-10	LDR	IBC					08801068	35.5	SEC 7 11 1	37.0447	
AE	RL-10	LDR	IBC					06003121	37.49	SEC 32 12	29.394	
AE	RL-10	LDR	IBC					06003121	37.49	SEC 32 12	7.25394	
AE	RL-10	LDR	IBC					08801067	39.53	SEC 7 11 1	42.3417	
AE	RL-10	LDR	IBC					06003151	48.347	SEC 30 12	46.2037	
AE	RL-10	LDR	IBC					10435005	55	SEC 7 11 9	54.8706	
AE	RL-10	LDR	IBC					10437024	60	SEC 18 11	59.9305	
AE	RL-10	LDR	IBC					08801066	63.76	SEC 7 11 1	43.8006	
AE	RL-10	LDR	IBC					08801066	63.76	SEC 7 11 1	15.0673	
AE	RL-10	LDR	IBC	MR				10453010	64.132	POR PM 4	68.5468	
AE	RL-10	LDR	IBC					06003147	80	SEC 30 12	77.0204	
AE	RL-10	LDR	IBC					06003148	80	SEC 30 12	73.5362	
AE	RL-10	LDR	IBC					08801065	80.04	SEC 7 11 1	82.7454	
AE	RL-10	LDR	IBC					07405031	90.5	SEC 36 12	63.9122	
AE	RL-10	LDR	IBC					06003101	93.19	SEC 30 12	94.2797	
AE	RL-10	LDR	IBC					06003141	105	POR SEC	101.851	
AE	RL-10	LDR	IBC					06003136	120	P SEC30&	77.8954	
AE	RL-10	LDR	IBC					06003136	120	P SEC30&	35.3255	
AE	RL-10	LDR	IBC					06003138	140	POR SEC	137.79	
AE	RL-10	LDR	IBC	MR				10453005	140.037	PM 48/30/5	139.467	
AE	RL-10	LDR	IBC	MR				10407007	143.472	RS 32/20/8	104.24	
AE	RL-10	LDR	IBC					10407007	143.472	RS 32/20/8	31.8961	
AE	RL-10	LDR	IBC					06003146	143.8	SEC 30 12	130.352	
AE	RL-10	LDR	IBC					10453011	144.985	POR PM 4	140.617	
AE	RL-10	LDR	IBC					10407005	145	SEC 7 11 9	146.735	
AE	RL-10	LDR	IBC					10453003	148.01	PAR 3 P/M	148.258	
AE	RL-10	LDR	IBC					06003139	150	POR SEC	140.918	
AE	RL-10	LDR	IBC					10453002	156.047	PAR 2 P/M	156.069	
AE	RL-10	LDR	IBC					10453004	156.831	PPM 48/30	157.466	
AE	RL-10	LDR	IBC					10407015	157.084	RS 32/20/6	116.75	
AE	RL-10	LDR	IBC					06003103	160	SEC 30 12	153.892	
AE	RL-10	LDR	IBC					07405032	160	SEC 36 12	156.567	
AE	RL-10	LDR	IBC					06003140	165	POR SEC	153.936	
AE	RL-10	LDR	IBC					10453008	167.003	PAR 8 P/M	167.002	
AE	RL-10	LDR	IBC					08801064	175.04	SEC 6 11 1	175.807	
AE	RL-10	LDR	IBC					06003128	175.29	SEC 31 12	169.041	

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AE	RL-10	LDR	IBC					06003155	175.5	SEC 31 12	172.508	
AE	RL-10	LDR	IBC					10453007	181.01	PAR 7 P/M	181.01	
AE	RL-10	LDR	IBC	MR				07151001	181.04	PM 50/105	73.5054	
AE	RL-10	LDR	IBC	MR				07151003	188.45	PM 50/105	188.368	
AE	RL-10	LDR	IBC					07151002	213.03	PM 50/105	134.545	
AE	RL-10	LDR	IBC					07151002	213.03	PM 50/105	0.25105	
AE	RL-10	LDR	IBC					07151004	226.24	PM 50/105	226.339	
AE	RL-10	LDR	IBC					10453006	231.01	PAR 6 P/M	231.01	
AE	RL-10	LDR	IBC					06003156	320	SEC 31 12	303.542	
AE	RL-10	LDR	IBC					07405010	640	SEC 25 12	624.885	
AE	RL-10	LDR	IBC					10501010	640	SEC 1 11 9	635.217	
AE	RL-10	RR	IBC					00652002	0		91.7313	DFI
AE	RL-10	RR	IBC	MR				07426001	20	RS 10/65/1	18.5677	
AE	RL-10	RR	IBC					07426002	20	PM 30/82/1	13.2653	
AE	RL-10	RR	IBC					07426003	20	PM 30/82/2	11.9823	
AE	RL-10	RR	IBC					07426005	20	PM 30/82/4	21.4416	
AE	RL-10	RR	IBC	MR				07426007	20	RS 11/7/2	20.0683	
AE	RL-10	RR	IBC					07426016	20	PM 30/84/A	20.5743	
AE	RL-10	RR	IBC					07426017	20	POR PAR	18.8275	
AE	RL-10	RR	IBC					07426018	20	POR PAR	18.7033	
AE	RL-10	RR	IBC					07426019	20	PM 30/84/0	20.2578	
AE	RL-10	RR	IBC					07426023	20	RS 10/65/2	17.7445	
AE	RL-10	RR	IBC					07427002	20	RS 11/100/	20.2676	
AE	RL-10	RR	IBC					07427010	20	PRS 11/10	20.0688	
AE	RL-10	RR	IBC					07427011	20	RS 11/100/	20.3181	
AE	RL-10	RR	IBC					07430002	20	RS 23/50/2	20.0009	
AE	RL-10	RR	IBC					07430003	20	RS 23/50/3	19.9989	
AE	RL-10	RR	IBC					07430005	20	RS 23/130/	20.5605	
AE	RL-10	RR	IBC					07430007	20	RS 23/34/1	18.6738	
AE	RL-10	RR	IBC					07404225	20.01	PM 49/65/2	18.8247	
AE	RL-10	RR	IBC					08727026	20.02	PM 16/104	19.6513	
AE	RL-10	RR	IBC					08727028	20.02	PM 16/104	20.5585	
AE	RL-10	RR	IBC					07427004	20.05	RS 11/100/	20.5274	
AE	RL-10	RR	IBC					07430010	20.17	RS 23/131/	22.9448	
AE	RL-10	RR	IBC					07427009	20.2	RS 11/100/	20.2674	
AE	RL-10	RR	IBC					07430009	20.24	RS 23/34/3	20.5332	
AE	RL-10	RR	IBC					05001001	20.59	SEC 6 10 1	13.795	

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AE	RL-10	RR	IBC					07820050	20.66	SEC 33 10	20.3241	
AE	RL-10	RR	IBC					07430019	20.8	PM 46/142	23.7903	
AE	RL-10	RR	IBC					07430017	20.825	RS 24/117/	22.0448	
AE	RL-10	RR	IBC					10203010	24.79	SEC 29 10	25.9528	
AE	RL-10	RR	IBC					07430011	25.64	RS 23/131/	30.2185	
AE	RL-10	RR	IBC					07430008	28.08	RS 23/34/2	29.1443	
AE	RL-10	RR	IBC					08927014	34.63	L79&PORS	36.2801	
AE	RL-10	RR	IBC					10406006	34.95	RS 13/46 S	31.4763	
AE	RL-10	RR	IBC					06912003	37.13	RS 14/140/	36.9082	
AE	RL-10	RR	IBC					07821020	39.179	POR SEC	39.9129	
AE	RL-10	RR	IBC					07404217	40	RS 12/116	37.3412	
AE	RL-10	RR	IBC					07426024	40	RS 12/41/1	41.0851	
AE	RL-10	RR	IBC					07426025	40	RS 12/41/2	41.1066	
AE	RL-10	RR	IBC					07426026	40	RS 12/41/3	38.0511	
AE	RL-10	RR	IBC					07426029	40	RS 12/40/3	39.5104	
AE	RL-10	RR	IBC					07427001	40	RS 10/134/	44.9358	
AE	RL-10	RR	IBC					08703060	40	SEC 18 8 9	41.8096	
AE	RL-10	RR	IBC					08703061	40	SEC 20 8 9	40.5139	
AE	RL-10	RR	IBC					08703064	40	SEC 20 8 9	42.6227	
AE	RL-10	RR	IBC	MR				07430001	40.01	RS 23/50/1	40.0038	
AE	RL-10	RR	IBC					07427014	40.046	RS 10/134/	40.5654	
AE	RL-10	RR	IBC					07427012	40.067	RS 10/134/	42.3039	
AE	RL-10	RR	IBC					07430006	40.12	RS 23/130/	41.2048	
AE	RL-10	RR	IBC	MR				07427029	40.18	RS 10/41/C	39.942	
AE	RL-10	RR	IBC					07427030	40.33	RS 10/41/D	41.4895	
AE	RL-10	RR	IBC					07427013	40.64	RS 10/134/	42.1924	
AE	RL-10	RR	IBC					09045020	42.02	RS 29/78/2	36.88	
AE	RL-10	RR	IBC					07404229	44.02	PM 50/52/1	44.0203	
AE	RL-10	RR	IBC					07404224	45.61	PM 49/65/1	46.4462	
AE	RL-10	RR	IBC					08702105	45.69	RS 19/26/2	50.015	
AE	RL-10	RR	IBC					07427028	48.69	RS 10/41/E	50.9252	
AE	RL-10	RR	IBC					07427027	53.42	RS 10/41/A	49.8952	
AE	RL-10	RR	IBC					07404204	55.42	RS 12/94/1	55.9386	
AE	RL-10	RR	IBC					07404208	57.45	RS 12/94/2	61.6626	
AE	RL-10	RR	IBC					07404218	66.71	RS 31/53/1	66.7139	
AE	RL-10	RR	IBC					08705015	80	SEC 29 8 9	77.8592	
AE	RL-10	RR	IBC					08705019	80	SEC 28 8 9	78.5394	

Upzones in IBC

Attachment 2, Van Dyke letter to BOS 11/10/15

AE	RL-10	RR	IBC					10452005	80.166	PPM 48/21	78.9682	
AE	RL-10	RR	IBC					06001128	94	SEC 19 12	89.0409	
AE	RL-10	RR	IBC					05002039	97.927	SEC 6 10 1	88.1117	
AE	RL-10	RR	IBC					05002039	97.927	SEC 6 10 1	1.20807	
AE	RL-10	RR	IBC					06006007	104.81	SEC 18 12	101.239	
AE	RL-10	RR	IBC					10452006	108.884	PPM 48/21	109.268	
AE	RL-10	RR	IBC					10452004	109.14	PM 48/21/3	107.141	
AE	RL-10	RR	IBC					00652003	121.95	SEC 16 11	118.243	DFI
AE	RL-10	RR	IBC					08731064	134.05	S 35 9 9 &	131.381	
AE	RL-10	RR	IBC					10501029	135.62	RS 11/145	136.706	
AE	RL-10	RR	IBC	MR				07404219	160	SEC 24 12	152.616	
AE	RL-10	RR	IBC					07404221	160	POR SEC	148.462	
AE	RL-10	RR	IBC	MR				07404222	160	POR SEC	155.061	
AE	RL-10	RR	IBC					08703063	160	SEC 20 8 9	159.314	
AE	RL-10	RR	IBC					08705016	160	SEC 29 8 9	163.479	
AE	RL-10	RR	IBC	MR				08705022	160	SEC 28 8 9	165.309	
AE	RL-10	RR	IBC					00653008	164.44	S 16 & 21	162.433	DFI
AE	RL-10	RR	IBC					04683003	179.1	SEC 21 & 2	178.141	
AE	RL-10	RR	IBC					08902015	189.05	SEC 36 11	172.8	
AE	RL-10	RR	IBC					07404210	239.09	SEC 13 12	224.471	
AE	RL-10	RR	IBC					06001127	253.3	SEC 19 12	255.4	
AE	RM	MFR	IBC			CO		7150042	29.67	PM 44/80/1	30.3562	

Public Comment 8/27/15 - FEIR for the TGPA/ZOU - Ellen Van Dyke, Rescue

This project has been massively misrepresented to the public as an *implementation* of our General Plan. *But nothing could be further from the truth.* Policies integral to the General Plan that are constraints to development, were put there as protections. The ZOU is removing those protections, and calling it "implementation".

Throughout the process, we have been stonewalled when expressing our concerns, and the EIR's dismissive response to our comments is like the final nail in the coffin of public participation.

It is a complete deception to residents-and you-when staff refers to the project as 'just an amendment' or say it is 'largely reformatting changes'. Public comments in the EIR expose this deception.

Over 37,000 parcels are being rezoned under the guise of 'consistency'. There is no site specific review, so of course new inconsistencies are being created. The EIR assures us that there was only one isolated mistake, and it's corrected now; the other 36,999 changes are fine. This is disingenuous at best. There are MANY ways to achieve zoning and General Plan consistency, and alternate suggestions we have presented have been totally disregarded. The repeated statements from staff that State law requires this mass rezoning is *phenomenally* misleading.

With thousands of acres being up-zoned unnecessarily, staff says no new parcels are being created, so no new entitlements are being granted. However, subdivisions *are* a foreseeable consequence, and goal, of the project, so the EIR *should* have made reasonable forecast of these future subdivisions and their impacts.

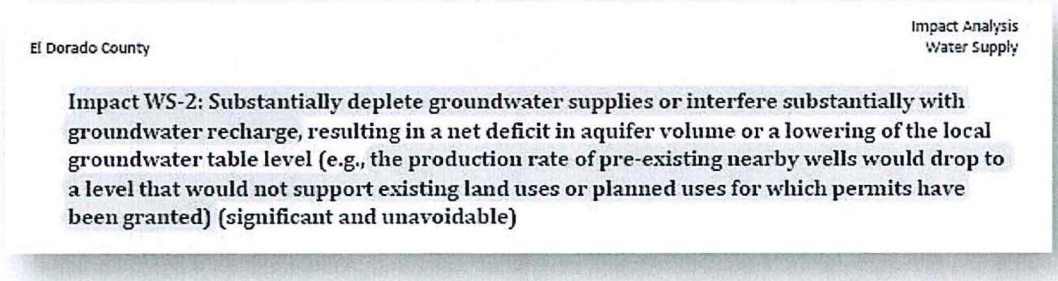
The EIR documents are *packed* with inconsistencies and misleading statements:

- one policy is touted as a constraint to development that will remain unchanged, then another policy quietly makes it optional.
- growth under the ZOU is acknowledged in some sections, then alternately denies it
- even the County's posted FAQ's are misleading-
  - Will agricultural buffers be reduced?... number12 says 'no', but policy 8.1.3.2 changes say 'yes'
  - Will densities increase? ... number 8 says 'yes, as a result of State Law'. But State Law does not require a single one of the density increases proposed.
  - Will there be Water Quality impacts? ... number 17 says 'see the NOP'; the NOP says it won't be analyzed. But the EIR says the project will "*substantially deplete groundwater supplies*" .

We have tried very hard to get a complete understanding of the changes in this update, and been rejected at every turn. It is clear that staff does not want us -*or you* - to fully understand the changes proposed or their impacts. With *38* significant impacts that cannot be mitigated, how on Earth can you say 'yes' and have your name on overriding considerations that will allow existing wells in our County to run dry *(see WS-2 below)*.

Do NOT recommend approval as requested by staff today.

Significant Impact WS-2 is one of 38 that Staff believes should be given overriding consideration:


El Dorado County

Impact Analysis
Water Supply

Impact WS-2: Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted) (significant and unavoidable)

Attachments:

1. List of the 38 Significant impacts from Statement of Overriding Considerations, attachment 16D
2. FEIR Master Response 13, pdf p509/516 - goal was to "minimize changes"
3. Concept Area Consistency matrix, Table 2-1, TGPA strikeout version
4. Excerpt from matrix of uses, ZOU Table 17.24.020 *(pdf page 52/359)*
5. Excerpt from matrix of uses, ZOU Table 17.24.020 *(pdf page 54/359)*
6. FEIR page ES-1, "limited map corrections"
7. FEIR page ES-5, "limited zone changes"
8. Comment O-1-296, alternative for consistency with lesser impact
9. General Plan policy 5.3.1.7
10. General Plan policy 5.3.1.1
11. FEIR page 3.4-22 excerpt, 150% increase is a "small" change
12. FEIR page 8-27, claim of minimum zoning intensity
13. Examples of inadequate FEIR responses, Letter O-1

1. List of the 38 Significant impacts from attachment 16D

"the EIR identifies 38 significant environmental impacts that cannot be mitigated to a less-than-significant level, including 10 instances where the project's contribution to a cumulative impact is substantial."

Aesthetics (Section 3.1)

- AES-1: Result in a substantial adverse effect on a scenic vista
- AES-2: Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings along a scenic highway
- AES-3: Substantially degrade the existing visual character or quality of the site and its surroundings
- AES-4: Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area

Agricultural and Forestry Resources (Section 3.2)

- AG-1: Convert Important Farmland, Grazing Land, land currently in agricultural production, or cause land use conflict that results in cancellation of a Williamson Act contract

Air Quality and Greenhouse Gases (Section 3.3)

- AQ-1: Generate construction-related emissions in excess of EDCAQMD thresholds
- AQ-2: Generate on-road mobile source criteria pollutant emissions in excess of EDCAQMD thresholds
- AQ-5: Expose sensitive receptors to substantial pollutant concentrations
- AQ-6: Expose sensitive receptors to substantial odors

Biological Resources (Section 3.4)

- BIO-1: Result in the loss and fragmentation of wildlife habitat
- BIO-2: Have a substantial adverse effect on special-status species
- BIO-3: Have a substantial adverse effect on wildlife movement

- BIO-4: Result in the removal, degradation, and fragmentation of sensitive habitats

Cultural Resources (Section 3.5)

- CUL-1: Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5
- CUL-2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5

Land Use and Planning (Section 3.6)

- LU-4: Substantially alter or degrade the existing land use character of the County
- LU-5: Create substantial incompatibilities between land uses.

Noise (Section 3.7)

- NOI-1: Exposure of noise-sensitive land uses to short-term (construction) noise
- NOI-2: Exposure to ground transportation noise sources as a result of the TGPA
- NOI-3: Exposure to ground transportation noise sources as a result of the ZOU
- NOI-4: Exposure of noise-sensitive land uses to fixed or non-transportation noise sources
- NOI-5: Exposure to aircraft noise

Population and Housing (Section 3.8)

- PH-1: Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)

Transportation and Traffic (Section 3.9)

- TRA-1: Conflict with an applicable congestion management program, including, but not limited to, level-of-service standards and travel demand measures or other standards established by the county congestion management agency for designated roads or highways

Water Supply (Section 3.10)

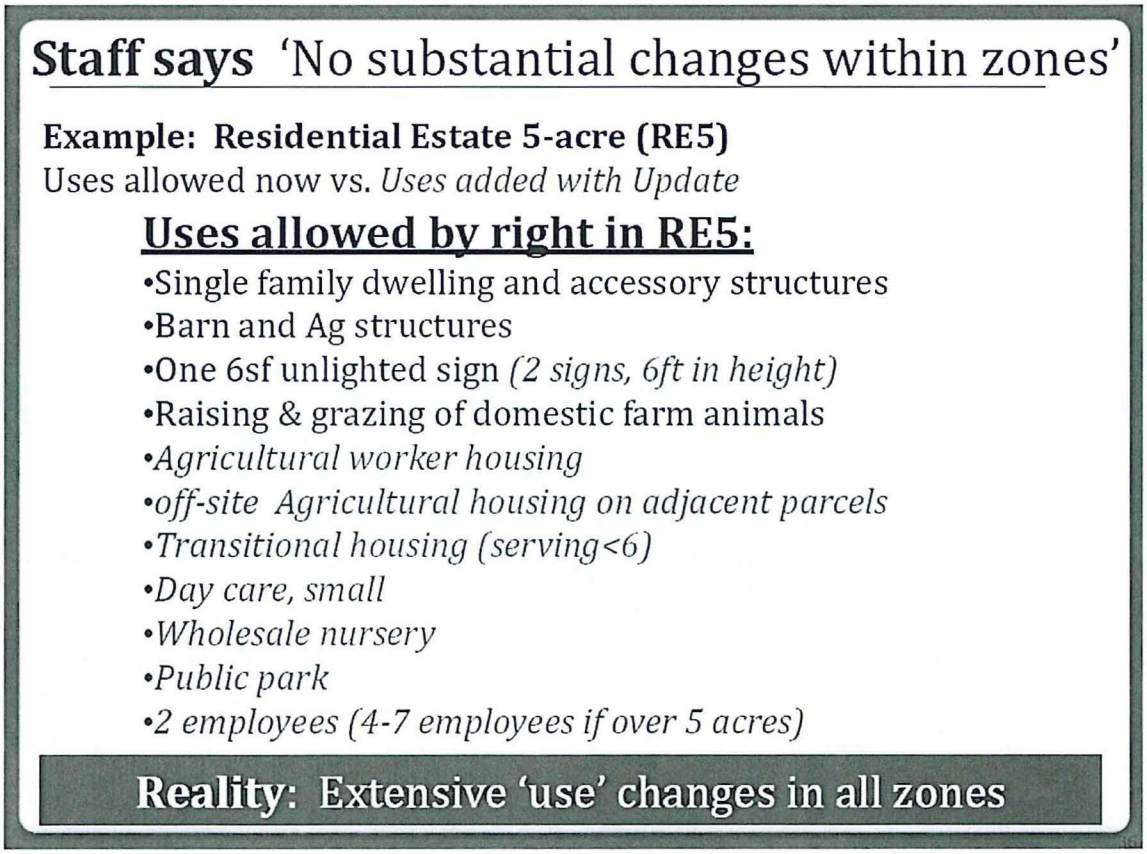
- WS-1: Create a need for new or expanded entitlements or resources for sufficient water supply
- WS-2: Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)

2. FEIR Master Response 13, pdf p509/516 - goal was to "minimize changes"

8.14 Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes

A number of commenters requested copies of a presentation of the proposed changes to the Zoning Ordinance in the form of strikeout and underline changes. This is simply not practical. The ZOU is effectively re-writing the County's current Zoning Ordinance (Title 130 of the County Ordinance Code) by extensively reorganizing the format and content of the ordinance, as well as making changes to some of the zoning classifications themselves. The ZOU has proposed changes to some of the allowed uses, development standards and permitting requirements found in the current Zoning Ordinance. However, the County's goal in revising the Zoning Ordinance has been to minimize changes, per the Board of Supervisors' direction. So, although the proposal involves extensive reformatting of the Zoning Ordinance, the uses allowed within many of the zoning classifications have not changed substantially. Changes in uses that have the potential to result in significant environmental impacts are identified and examined in the TGPA/ZOU EIR.

From Citizen's group slideshow in April, showing a sample of new entitlements/by-right uses in RE5 zone:



3. Concept Area Consistency matrix, Table 2-1, TGPA strikeout version

Policy 2.2.1.1 The matrix contained in Table 2-1 provides for the relationship and consistency between the General Plan planning concept areas and the land use designations.

TABLE 2-1
PLANNING CONCEPT AREAS AND LAND USE DESIGNATION CONSISTENCY MATRIX

Land Use Designations	Concept Areas		
	Community Regions	Rural Centers	Rural Regions
Multifamily Residential*	•	•	
High-Density Residential*	•	•	
Medium-Density Residential*	•	•	
Low-Density Residential	•	•	•
Rural Residential			•
Agricultural Lands			•
Natural Resource			•
Commercial*	•	•	•
Research & Development	•	•	
Industrial	•	•	•
Open Space	•	•	•
Public Facilities	•	•	•
Tourist Recreational	•	•	•

~~* May be applied in Rural Regions to reflect existing development when combined with the Platted Lands (-PL) overlay land use designation.~~

4. Excerpt (partial list) from matrix of uses, ZOU Table 17.24.020 - child & community care facilities, and employee housing no longer require discretionary reviews

Table 17.24.020 Residential Zone Use Matrix

RM: Multi-unit Residential R1, R20K: Single-unit Residential R1A: One-acre Residential R2A: Two-acre Residential R3A: Three-acre Residential RE: Residential Estate NS: Neighborhood Service	P Allowed use PD Planned Development Permit required (17.52.040) A Administrative Permit required (17.52.010) CUP Conditional Use Permit / MUP Minor use Permit required (17.52.020) TMA Temporary Mobile Home Permit required (17.52.050) TUP Temporary use permit required (17.52.060) — Use not allowed in zone

USE TYPE	RM	R1, R20K	R1A	R2A	R3A	RE	Specific Use Regulation
Residential							
Child Day Care Home: Small Family Day Care Home	P	P	P	P	P	P	17.40.110
Large Family Day Care Home	CUP	A	A	A	A	A	
Community Care Facility: Small (serving 6 or fewer)	P	P	P	P	P	P	
Large (serving 7 or more)	CUP	CUP	CUP	CUP	CUP	CUP	
Dwelling: Multi-unit	P	—	—	—	—	—	
Single-unit, attached	P	P	—	—	—	—	
Single-unit, detached	P[1]	P	P	P	P	P	
Temporary During Construction	—	P	P	P	P	P	17.40.190
Employee Housing: Agricultural- Six or fewer	—	P	P	P	P	P	
Seasonal Worker in compliance with standards	—	—	A	A	A	A	17.40.120
Seasonal Worker not in compliance with standards	—	—	CUP	CUP	CUP	CUP	
Construction	TUP	TUP	TUP	TUP	TUP	TUP	17.40.190
Guest House	—	P	P	P	P	P	17.40. 150
Hardship Mobile Home	—	TMA	TMA	TMA	TMA	TMA	17.40.190
Kennel, private	—	—	—	—	—	CUP	17.40.080
Mobile/Manufactured Home Park	CUP	CUP	CUP	CUP	CUP	CUP	

5. Excerpt from matrix of uses, ZOU Table 17.24.020 (highlights not added)- motor cross tracks go to the director for review, not the Planning Commission.

RM: Multi-unit Residential R1, R20K: Single-unit Residential R1A: One-acre Residential R2A: Two-acre Residential R3A: Three-acre Residential RE: Residential Estate NS: Neighborhood Service	P Allowed use PD Planned Development Permit required (17.52.040) A Administrative Permit required (17.52.010) CUP Conditional Use Permit / MUP Minor use Permit required (17.52.020) TMA Temporary Mobile Home Permit required (17.52.050) TUP Temporary use permit required (17.52.060) — Use not allowed in zone

USE TYPE	RM	R1, R20K	R1A	R2A	R3A	RE	Specific Use Regulation
Wineries	—	—	—	—	—	CUP**	17.40.400
Industrial							
Mineral Exploration	A	A	A	A	A	A / CUP	Chapter 17.29
Mining	CUP	CUP	CUP	CUP	CUP	CUP	
Storage Yard: Equipment and Material Temporary	TUP	TUP	TUP	TUP	TUP	TUP	
Recreation and Open Space							
Golf Course	CUP	CUP	CUP	CUP	CUP	CUP	17.40.210
Hiking and Equestrian Trail	P	P	P	P	P	P	
Marina, Non-motorized Craft	—	—	—	—	—	CUP	
Off-highway or Off-road Vehicle Area	—	—	—	—	—	A	
Parks (Public): Day Use	P	P	P	P	P	P	
Nighttime Use	CUP	CUP	CUP	CUP	CUP	CUP	

Administrative permit authority under the ZOU:

17.50.030 Review Authority for Allowed Uses and Permit Decisions

The review authority of original jurisdiction for each type of application or use entitlement shall be as provided below in Table 17.50.030.A. The nature of the initial action (i.e. issue, decide, or recommend) is shown, in compliance with Chapter 17.52 (Permit Requirements, Procedures, Decisions, and Appeals).

Table 17.50.030.A Review Authority

Type of Application	Citation	Director	Zoning Administrator	Planning Commission	Board of Supervisors
Administrative Permit	17.52.010	Issue[4]	–	Appeal	Appeal
Minor Use Permit	17.52.020	Recommend[1]	Decide	Appeal	Appeal
Conditional Use Permit	17.52.021	Reccommend[1]	Decide[2]	Decide	Appeal

6. FEIR page ES-1, 'limited map corrections' - extent of changes being downplayed

ES.1.1 TGPA

The TGPA consists of a limited set of amendments to the County's adopted General Plan.

- **Map corrections.** The TGPA includes a limited number of corrections to Land Use Map errors on individual parcels (approximately one tenth of one percent of the existing parcels) discovered subsequent to the adoption of the General Plan in 2004.

7. FEIR page ES-5, "limited zone changes"- extent of changes being downplayed

ES.1.2 Zoning Ordinance Update

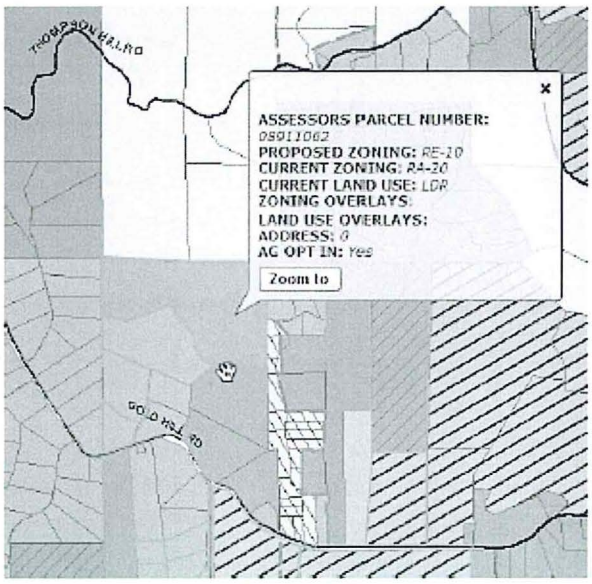
- County-Initiated Zone Changes. State Planning and Zoning Law requires the County's Zoning Ordinance to be consistent with the General Plan. The ZOU proposes limited zone changes on individual parcels to reflect the General Plan designations for those sites. Where more than one zone classification would be consistent with the General Plan, the most restrictive zone would be applied. These zone changes would apply to an extensive number of parcels across the western portion of the county.

8. Comment O-1-296, suggested alternative for consistency with less impact

16. Regarding the changes proposed for Table 2-2 consistency between zoning and land use:
As proposed, consistency is being acheived by rezoning parcels that have 20 acre minimum lot requirements within the LDR land use, down to a zone that has 10 acre minimum lot requirements. The net effect is a significant increase in density without individual public review of those parcels, and this increase must be evaluated and quantified in the draft EIR, for - at minimum - the potential increase in housing and population, public services requirements, aesthetics and loss of rural character.

O-1-296

Example: APN 089-110-62



As an alternative method for acheiving the same goal of 'consistency', the LDR definition could be modified rather than the table, to allow zoning for 20 acre minimum sized parcels to remain within the Low Density land use designation, as they exist now, with no changes.

9. Existing General Plan policy 5.3.1.7, to remain

Policy 5.3.1.7 In Community Regions, all new development shall connect to public wastewater treatment facilities. In Community Regions where public wastewater collection facilities do not exist project applicants must demonstrate that the proposed wastewater disposal system can accommodate the highest possible demand of the project.

10. TGPA strikeout version, Policy 5.3.1.1, revision neuters the remaining 5.3.1.7 constraint

Policy 5.3.1.1 High-density and multifamily residential, commercial, and industrial projects ~~shall~~ may be required to connect to public wastewater collection facilities if reasonably available as a condition of approval. ~~except in Rural Centers and areas designated as Platted Lands (PL). In the Community Region of~~ Camino/Pollock Pines, the long term development of public sewer service shall be encouraged~~; however, development projects will not be required to connect to wastewater collection facilities where such connection is infeasible, based on the scale of the project.~~ (Res. No. 298-98; 12/8/98)

11. FEIR page 3.4-23, 150% increased density is downplayed as 'small'

- *Policy 2.1.2.5* is proposed to be amended such that the maximum residential density allowed for mixed use development in a Rural Center would increase from 4 dwellings per acre to 10 dwellings per acre. This would result in a small increase in the potential intensity of residential development in Rural Centers. However, this does not substantially change the potential location of future development or the effect on biological resources. Future residential development would impact biological resources where it disrupts or destroys habitat and interferes with the life patterns of wildlife and plants. However, the proposed amendment to Policy 2.1.2.5 does not increase the potential for residential development to have this effect or expand the area subject to this impact. The impact would be significant and unavoidable, the same as concluded in the 2004 General Plan EIR.

12. FEIR page 8-27, claim of minimum zoning intensity

As discussed in Master Response 5, the TGPA would not substantially increase the overall level of development analyzed in the 2004 General Plan EIR. The impacts associated with the proposed zone changes would be less than those disclosed in the 2004 General Plan EIR because the ZOU is rezoning properties to the lowest density/intensity zoning classifications that are consistent with their respective General Plan designations. At the same time, as discussed in Chapter 3.10 of the partial Recirculated Draft EIR, new conditional uses that may be approved under the ZOU could result in substantial, localized new demands on groundwater supplies.

Reality:

The existing General Plan allows for a broader range of zones within certain Land Use districts under Table 2-4, than staff is acknowledging. LDR can accommodate 20-40 acre parcels, but for "consistency" these are all being up-zoned to minimum 10 acre zoning.

Additionally, the bulk of AE parcels are changing to minimum 10-acre zoning, representing many thousands of acres up-zoned.

Across multiple zone districts, there are tens of thousands of acres being zoned for higher density.

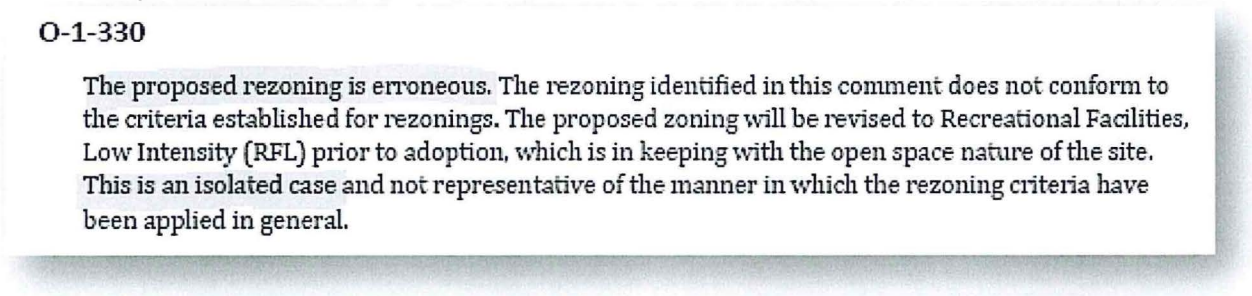
TABLE 2-4
GENERAL PLAN LAND USE DESIGNATION AND ZONING DISTRICT CONSISTENCY MATRIX

Zoning Districts*	Land Use Designations*											
	MFR	HDR	MDR	LDR	RR	AL	NR	C	R&D	I	OS	TR
RM & R2	•											
MP	•	•										
R1 & R20,000		•										
R1A			•									
R2A			•									
R3A		◊	•									
RE-5	◊	◊	◊	•								
RE-10	◊	◊	◊	•	•							
RA-20			◊	•	•	•						
RA-40+			◊	◊	•	•	•					
NS[1]	•	•	•									
CH[1]								•				•
C								•				
CPO, CP, CG								•				
R&D									•	•		
I										•		
IR[1]					•	•	•			•		
A & SA-10				•		•						
PA				•	•	•						
AE				•	•	•	•					
TPZ				◊	•	•	•					
FR[1]				◊	•	•	•					
MR					•	•	•	•		•		
RF	•	•	•	•	•		•	•			•	•
RT	•							•				
CN				•	•						•	
OS	•	•	•	•	•	•	•	•	•	•	•	
TC	•	•	•	•	•		•	•	•	•	•	•
LEGEND	•/◊[3] – Consistent					Inconsistent						

Notes:
[1] Proposed new zone districts: CH - Highway Commercial; NS - Neighborhood Service; IR - Resource Industrial; and FR - Forest Resource
[2] Zone district intensity/density of permitted uses within acceptable range of land use designation
[3] Zone district intensity/density of permitted uses below the acceptable range of land use designation
* See table below for land use designations and zoning districts

Specific Examples:

- **APN 126-020-02** - Dixon Ranch parcel, one of four totaling 280 acres being up-zoned from AE to RE10. This is both a conversion of agriculture land without the required mitigation, and a zoning increase. Both may assist with the current development application being processed for a high density subdivision on that land.
- **APN 329-171-74** - 3.4 acre parcel in an MDR zone, consistent per existing Table 2-4. The rezone is NOT being done to the minimum 3Acre zoning, but rather is being up-zoned to 1 acre zoning.
- **APN 319-260-01** is bordered on 3 sides by residential use, but is being rezoned from RE5 to R&D. Why not change the Land Use to match the *other 3 sides* rather than create new potentially incompatible uses. Uses allowed under the R&D zone that may or may not receive review by the Planning Commission: manufacturing, hazardous materials handling, storage yard or distribution center, heliport, entertainment center, restaurant, or special events.
- **APN 123-030-75** - Open Space zoning changed to R1 within a Specific Plan. Uh, why?
- **APN 115-400-12** from RF to RF-H, which received the response in the FEIR that this was an isolated case:



O-1-330

The proposed rezoning is erroneous. The rezoning identified in this comment does not conform to the criteria established for rezonings. The proposed zoning will be revised to Recreational Facilities, Low Intensity (RFL) prior to adoption, which is in keeping with the open space nature of the site. This is an isolated case and not representative of the manner in which the rezoning criteria have been applied in general.

Reminder: 37,000 parcels being changed.

13. Examples of inadequate FEIR responses to comments

Notes on FEIR Responses, E Van Dyke - Letter O-1, Chapt 9

Comment O-1-14: Regarding mixed use density increases under policies 2.1.1.3 & 2.1.2.5 - the FEIR indicates an increase from 4 units/ac up to 10 units/acre(150% increase) is "small", on page 3.4-22, downplaying the impact:

- *Policy 2.1.2.5* is proposed to be amended such that the maximum residential density allowed for mixed use development in a Rural Center would increase from 4 dwellings per acre to 10 dwellings per acre. This would result in a small increase in the potential intensity of residential development in Rural Centers. However, this does not substantially change the potential

The DEIR pg 2-6 says the increase is required by state law: 2009 amendments to CGC 65583.2cB3. But when looked up, this law is not a 'requirement', but rather a consideration that 'might be deemed appropriate'. The response under O-1-309 & -310 is a non-response, and discusses unrelated Noise issues.

O-1-14

Please see responses to comments O-1-309 and O-1-310. No changes to the DEIR are necessary.

The FEIR also claims no impact because the area subject to the impact is not expanded; this is *not true*, due to potential areas of increased development per the ZOU:

- ZOU increases the percentage of residential component (reduces 30%commercial to 15% in MFR)
- increased hillside development (ok on areas exceeding 30%)
- ZOU exempts MU from open space requirement (17.28.050B)
- ability to develop within riparian setbacks (ZOU 17.30.030G5a)

Comment O-1-15: Comment questioned the fact that the Project Description did not match the intent of the ROI, which was to reference the General Plan Objective regarding the importance of Open Space in the policy 2.2.1.2 definition.

> "**Objective 7.6.1: IMPORTANCE OF OPEN SPACE.** Consideration of open space as an important factor in the County's quality of life."

The Project instead does the opposite, reducing open space, thus the question. The response not only didn't answer it, but claimed it was "sufficiently clear", then further changed the project description to leave open space out entirely. Only pictures can describe this -

The intent from ROI 182-2011:

Policy 2.2.1.2 and Table 2-1

12-0837 C 1 of 11

(continued on next page of ROI)

Table 2-1 & Commercial and Industrial Use: Consider amending General Plan Table 2-1 and Policy 2.2.1.2 for Commercial and Industrial to allow for commercial and industrial uses in the Rural Regions.

Commercial/Mixed Use: Consider deleting the sentence, "*The residential component of the project shall only be implemented following or concurrent with the commercial component.*"

Industrial Use: Consider deleting the requirement for Industrial Lands to be restricted to only industrial lands within, or in close proximity to Community Regions and Rural Centers. Delete the requirement that Industrial Lands in Rural Regions can only provide for on-site support of agriculture and natural resource uses.

Multi-Family Use: Consider amending density from 24 units per acre to 30 units per acre to comply with California Government Code 65583.2(c)(iv) and (e) which 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. El Dorado County is located within the Sacramento MSA. Amend the Multi-Family land use to allow for commercial as part of a mixed use project. Amend the Multi-Family land use to encourage a full range of housing types including small lot single family detached design without a requirement for a Planned Development.

High Density Residential Use: Consider deleting requirement for a Planned Development application on projects of 3 or more units per acre.

Open Space: Consider amending policy to make reference to Objective 7.6.1

From Response to O-1-15, shows removing this Open Space reference altogether in the FEIR project description:

O-1-15

The commenter correctly points out an editorial error on page 2-7 of the DEIR. There is no Policy 2.2.1.2 Open Space to be amended, and most of this language is in the previous policy revision in the list.The text has been revised in the FEIR to correct the error, as shown below and in Chapter 5 of

this FEIR, although the intent of the original language is sufficiently clear to allow an understanding of what is being proposed. For clarity, the following change was made:

Page 2-7, second to last paragraph from the bottom is corrected as follows:

Policy 2.2.1.2: High Density Residential. The requirement for a planned development application on projects of three or more dwelling units per acre to allow for additional moderate income housing options would be deleted.

~~*Policy 2.2.1.2:* Open Space. The policy to refer to General Plan Objective 7.6.1 and to allow for additional moderate income housing options would be amended.~~

Comment O-1-19: RF parcels supposedly change to RF-H inside CR's & RC's, and to RF-L inside Rural Regions. The Bass Lake parcel (APN 115-400-12) in the RR outside EDH was proposed for RF-L, and this comment questions that. The Planning staff fought this, the Commission discussed it at length, and it was not changed in the re-circulated project description. The responses in the FEIR are completely inconsistent with each other:

O-1-19

The commenter is correct. The rezoning identified in this comment does not conform to the criteria established for applying the Recreational Facilities, High-intensity (RF-H) zone classification. The existing RF zoning will be retained. This is an isolated case and not representative of the manner in which the rezoning criteria have been applied in general.

The commenter misunderstands Section 2.2 of the DEIR with regard to changes to community plans. As stated there, the TGPA is not proposing changes to any of the adopted community plan. By definition, the rezoning that the commenter is taking issue with is not a change to the community plan.

Response O-1-294 said the rezone was necessary for consistency, and I-1-330 said it would be changed to RF-L.

Comment O-1-21: The concern expressed is that in spite of the multiple outreach meetings, a comprehensive list of the proposed changes had never been made available. This comment was made on the DEIR, and the re-circulated Project Description did not address the issue. Numerous clarifications to the description were indeed made with the Final EIR, which is too late to ask questions because the analysis is complete!! In spite of the clarifications that *have* been provided, there is still no comprehensive list of ZOU changes; without reading the entire document line by line, the changes are unknown.

We felt *very* strongly that staff did not WANT us to know what changes are proposed.

Additionally, if the Zoning Ordinances themselves make up the Project Description, the level of detail should be greater than that of a 'program' EIR, yet MANY responses fall back to "this is a program EIR".

Comment O-1-28: This is a request for clarity on the elimination of the Special Use Permit required under 8.2.4.2, and the response says it is NOT being eliminated - BUT IT IS ...*(TGPA strikeout version page 24)*

Policy 8.2.4.2	~~A special use permit shall be required for v~~ Visitor serving uses and facilities ~~providing they are~~ shall be allowed in the Zoning Ordinance when compatible with agricultural production of the land, are supportive to the agricultural industry, and are in full compliance with the provisions of the El Dorado County Code and compatibility requirements for contracted lands under the Williamson Act.

Comment O-1-36: Riparian setbacks are set in the General Plan at 50'/100', and awaiting the implementation of a corresponding ordinance in the zoning code since 2004. The ZOU proposes 25'/50' with no explanation as to why 50'/100' are not feasible, or why the reduced protection is adequate.

The FEIR response appears to be that *'at least there is an ordinance now, so it's better'*. That is not an adequate reason to reduce the setbacks that we have been anticipating for 11 years now.

Comment O-1-129 thru 131: These comments question the efficacy of the County's mitigations, and why residents should feel confident they (..mitigations) have any meaning in THIS project.

The Response does not buoy our confidence. These respondents are experienced in the EIR business, and they understand the importance of mitigation, and the fact that they say it's not in their scope of work seems like they don't have the confidence EDC will follow through either.

The Grand Jury report referenced in Master Response 8 was testimony that EDC does not enforce its regulations and standards, to the detriment of the environment. The respondent for the project reports that they disagree with the findings of the Grand Jury, because EDC maintains an active code enforcement program. This is truly arguable - the department head was never replaced when he retired, and it is well known among residents that Enforcement does not have staffing for anything beyond safety violations.

Mitigation measures must be enforceable, and they must be monitored to ensure that they are implemented, NOT adopted and then disregarded.

End Attachments

Public Comment - Planning Commission hearing for the TGPA/ZOU - 9/2/15 -Ellen Van Dyke

Last meeting, some Commissioners said approving the EIR would only 'give the County options'. But certifying a flawed EIR has consequences that both Staff and County Counsel should be telling you about:

- ***unanticipated impacts may exceed the County's resources, and***
- ***legal ramifications could tie the project up in the courts***

Inconsistencies in the policies, analysis, and responses are *flaws* in the EIR, and continuing to correct them one item at a time will not address the underlying problem.

Specific Examples of errors:

1. The FEIR does not acknowledge up-zoning as having any impact.

   a) Per CEQA, it *should* have provided a forecast of possible subdivisions due to up-zoning, and included those impacts as a foreseeable consequence of the project, and
   b) the number of parcels potentially created should have been evaluated for impact (sample APN's below)

2. The Board-directed criteria for 'consistency' rezoning was to retain equivalent intensities, per Staff in presentation to the Commissioners Aug 13, 2014 (timestamp 2:43:33: "*if they currently had a zone of RA40 we would do it to RL40*"..."*we didn't want to burden anybody and we didn't want to benefit anybody*").

   A few examples of the numerous parcels that did NOT follow this criteria:

   APN **074-050-10**, 640-acres, from AE to RL10 (potential subdivision to 64 parcels)
   APN **046-830-03**, 179-acres, from AE to RL10 (potential subdivision to 18 parcels)
   APN **060-031-55**, 175-acres, from AE to RL10 (potential subdivision to 17 parcels)

   a) 1:1 mitigation is required for conversion of Agriculture land, per General Plan policy 8.1.3.4
   b) If the minimum intensity zone were applied as stated, these would all be RA/PA/LA20+
   c) AE is being eliminated unnecessarily, as ordinance 17.36.100 allows for 'rolled out' parcels in AE.

3. The FEIR erroneously claims limited zone changes are being made to the least restrictive zone, and for consistency purposes only *(pgES-5, pdf p26/516).* Examples where this is not the case:

   APN **329-171-74,** rezoned from RE10 to R1A, Land Use: MDR, (consistent per table 2-4; change unnecessary)
   APN **329-171-15**, rezoned from RE10 to RE5, Land Use: MDR (consistent per table 2-4; change unnecessary)

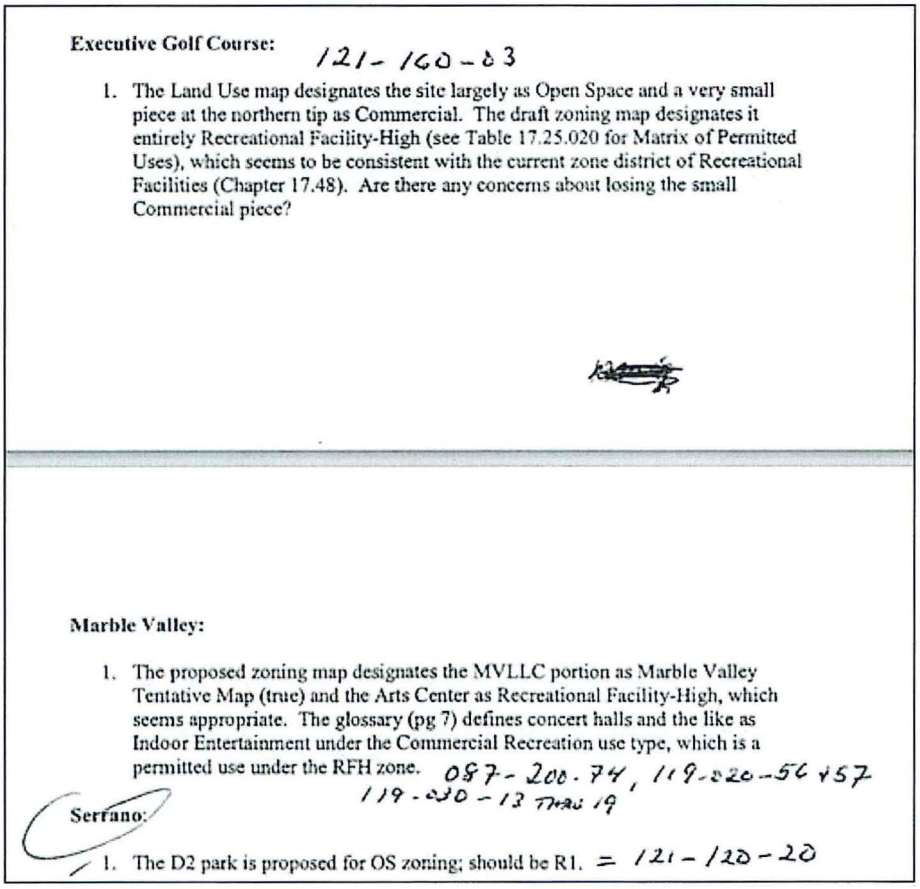
Revised Table 2-4
General Plan Land Use Designation and Zonin

Zones	Land Use Desig						
	MFR	HDR	MDR	LDR	RR	AL	
RM	•						
R1		•	Δ				
R20K		•					
R1A		•	•				
R2A			•				
R3A			•				
RE (5-10)			•	•	•[2]		
CPO							

- Changes have not been consistently made to the least intensive zoning.
- Discretionary review is circumvented (*parcel maps have Zoning Administrator approval per ZOU 17.60.030*)
- Foreseeable subdivisions were not analyzed in the FEIR as required by CEQA
- Incompatible uses & inconsistencies are being *created.* More examples:

APN **319-260-01,** from RE5 to R&D, with residential on three sides (creating incompatible use)
APN **329-310-12**, RE10 to R1 in HDR (should be R1A for least intensive zone)
APN **331-440-01**, RA20 to R1A in HDR (40-acres, foreseeable subdivision analysis required under CEQA)
APN **126-180-35**, R1A to R1 in MDR, (not a necessary change)
APN **069-150-14**, RE10 to RE5 in MDR (not a necessary change)
APN **087-200-74**, Open Space to MV-TM (no changes to Specific Plans per the FEIR)
APN **119-020-56**, Open Space to MV-TM (no changes to Specific Plans per the FEIR)
APN **070-011-48**, RE10 to R1A, 126-acres (foreseeable subdivisions analysis required under CEQA)
APN **115-400-12**, RF 'natural open space' to RF-H (*Bass Lake parcel*); *NOT* an "isolated case" *(FEIR, pdf 692/1387)*
APN **329-310-10**, multiple zones on one parcel, including 10-acres of RF to RM (unnecessary change)
APN **070-250-05**, R1A to CR in residential area (incompatible use should have been reviewed for map change)
APN **331-221-30**, R2 to RM (many uses now by right that *used* to require an SUP)
APN **083-350-55**, from RE10, Planned Development, to four separate zones on a single parcel: RM, CC, RM, & R1

4. The FEIR does not take into account any changes made via site specific requests since they supposedly don't happen (examples below):



Executive Golf Course: 121-160-23

1. The Land Use map designates the site largely as Open Space and a very small piece at the northern tip as Commercial. The draft zoning map designates it entirely Recreational Facility-High (see Table 17.25.020 for Matrix of Permitted Uses), which seems to be consistent with the current zone district of Recreational Facilities (Chapter 17.48). Are there any concerns about losing the small Commercial piece?

Marble Valley:

1. The proposed zoning map designates the MVLLC portion as Marble Valley Tentative Map (true) and the Arts Center as Recreational Facility-High, which seems appropriate. The glossary (pg 7) defines concert halls and the like as Indoor Entertainment under the Commercial Recreation use type, which is a permitted use under the RFH zone. 087-200-74, 119-020-56 + 57 119-030-13 THRU 19

Serrano:

1. The D2 park is proposed for OS zoning; should be R1. = 121-120-20

Shawna Purvines
El Dorado County Development Services
2850 Fairlane Ct., Building C
Placerville, CA 95667

July 6, 2012

Subject: Targeted General Plan Amendment and Zoning Ordinance Update

Dear Shawna,

The purpose of this letter is to request an alternative zoning designation for our parcel (APN 329-171-74) at 4260 Boyd Lane, Placerville as part of your consideration of the Zoning Ordinance Update. The proposed designation is R3A and we are requesting R1A for the following reasons.

My wife and I purchased the parcel with my wife's parents, Reg and Dianne Eden, in the early 1990s with the intention of subdividing the 3.4 acres into three 1+ acre parcels for retirement income. Before we bought the property we talked to a planner in your department to find out what the general plan designation and zoning was. We were told the general plan designation was high density residential and the zoning was RE10. We were also told that the RE10 was a holding zone until a specific project (a rezoning or parcel map) was proposed and that because there were 1 acre parcels along our parcel map rode and around our parcel, there was a strong likelihood that the parcel could be rezoned to R1A. There was also a proposed 1 acre subdivision to the west of and adjacent to our parcel on APN 329-171-15 and a high density tentative subdivision map on the Hagen Ranch properties which ajoin our parcel to the southwest. We also determined that El Dorado Irrigation District (EID) service would be available for a 3-way parcel split (see attached EID Facility Improvement Letter) and that adequate fire flow and hydrants were on site for 3 parcels (see attached Diamond Springs/El Dorado Fire Department letter).

We understand that there are no guarantees when it comes to subdividing, but felt we did our due diligence in determining the feasibility of subdividing and actually paid a premium for that potential in the cost of the parcel.

In reviewing the zoning maps proposed as part of the Zoning Ordinance Update, the proposed zoning for our parcel is RA3 instead of the R1A designation we expected. As a result, we would like to request that you reconsider the zoning for our parcel and designate it as R1A consistent with the surrounding parcels along our access road and the ajoining Hagen Ranch property.

Thank you for your consideration.

Sincerely,

[redacted]

[redacted]

5. The FEIR says existing Policy 5.3.1.7 limits increased development in areas without public sewer, and that it will not be changed in the TGPA. However, that's in conflict with amended Policy 5.3.1.1, which relaxes this requirement:

from FEIR page 9-147:

> General Plan Policy 5.3.1.7, which is not proposed for amendment, limits new development in areas without public sewers:
>
> In Community Regions, all new development shall connect to public wastewater treatment facilities. In Community Regions where public wastewater collection facilities do not exist project applicants must demonstrate that the proposed wastewater disposal system can accommodate the highest possible demand of the project.

from the TGPA:

Policy 5.3.1.1 High-density and multifamily residential, commercial, and industrial projects ~~shall~~ may be required to connect to public wastewater collection facilities if reasonably available as a condition of approval. ~~except in Rural Centers and areas designated as Platted Lands (PL). In the Community Region of~~ Camino/Pollock Pines, the long term development of public sewer service shall be encouraged~~; however, development projects will not be required to connect to wastewater collection facilities where such connection is infeasible, based on the scale of the project.~~ (Res. No. 298-98; 12/8/98)

6. The project description has *not* been accurate or stable throughout the project, as required by CEQA. Examples:

   a) The DEIR comments included multiple requests for clarifications that are left unanswered
      i. Question O-1-27 (pdf p339/1387) re: precedence of Ag vs. habitat in Open Space preservation
      ii. Question O-1-36 (pdf 342/1387) re: no bio under 2.8, but riparian changes included
   b) Extensive LDM standards were added with the recirculation, not part of the DEIR.
   c) new open space policy 2.2.5.23 and ZOU 17.30.080 was added to PC flagged items, but not the errata
   d) newly adopted Sign Ordinances were added in with FEIR errata but not included with cumulative impacts.
   e) the importance of Open Space per Objective 7.6.1 was to be added to Policy 2.2.1.2 per ROI 182-2011, but has now been deleted from the FEIR Project Description.
   f) Policy 10.2.1.5 alters the Public Facilities Financing Plan. There is no hint of this in the Project Description or errata.

7. Cumulative impacts were inconsistently applied throughout the FEIR. Examples:
   a) traffic did not include the major proposed developments as required, whereas the water analysis did
   b) the concurrently proceeding Sign Ord. was omitted, then later added to the FEIR errata without any analysis
   c) the FEIR assumes Option A tree retention requirement to be in place throughout its analysis, but it is clearly being eliminated through a separate project on a parallel path (Biological Resources Policy update).

8. The FEIR incorrectly assumed noise standards would continue to apply to daytime construction noise *(FEIR pg 3.7-5)*.

From the FEIR, page 3.7-5:

The standards outlined in Tables 3.7-5, 3.7-6, and 3.7-7apply to those activities associated with actual construction of a project as long as such construction occurs between the hours of 7 a.m. and 7 p.m., Monday through Friday, and 8 a.m. and 5 p.m. on weekends, and on federally recognized holidays. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards.

From the TGPA(highlights not added):

Policy 6.5.1.11 The standards outlined in Tables 6-3, 6-4, and 6-5 shall not apply to those activities associated with actual construction of a project as long as such construction occurs between the hours of 7 a.m. and 7 p.m., Monday through Friday, and 8 a.m. and 5 p.m. on weekends, and on federally-recognized holidays. Further, the standards outlined in Tables 6-3, 6-4, and 6-5 shall not apply to public projects to ~~Exceptions are allowed if it can be shown that construction beyond these times is necessary to~~ alleviate traffic congestion and safety hazards.

Additionally, the Statement of Overriding Considerations says "***the ZOU includes a new noise ordinance...***" while Technical Memo 2 contradicts that, saying there are ***no revisions to noise standards***.

9. The FEIR findings are inconsistent regarding Ag setbacks and parcel size *(attachment 16D, pdf page 10/15)*

   a. the Findings specify 10-ac min. parcel size, consistent w/ existing policy 8.1.3.1. However, Policy 2.2.2.2 allows exceptions for 5 ac minimum parcels adjacent to Ag.
   b. Findings specify 200' setbacks, as does the 2005 Decision lifting the writ; but TGPA policy 8.1.3.2 includes exceptions that allow 50' setbacks
   c. policy 8.1.3.1 revises the requirement for parcel proportions, reducing buffering to "when feasible"
   d. changes a-c above are *inconsistent* with ordinance 17.14.120C3, which does not allow exceptions to Ag buffer provisions: (... I cannot tell if this ordinance is deleted or retained in the ZOU.)

> 3. No parcel size exception shall be granted where the exception would conflict with General Plan policies or Zoning Ordinance provisions that require buffers to adjacent parcels.

10. The FEIR Project Overview *(page 2-1)* says "the current Gen Plan would remain unchanged". But the ZOU is the mechanism largely making the changes- for example, General Plan policy says the Riparian setbacks will be 50'/100', but the ZOU revises that to 25'/50' without revising the General Plan policy. The Project Description does not indicate the change, and the statement that the General Plan is "unchanged" is misleading at best.

    A sampling of mitigations from the 2004 General Plan that are being altered -

    a. Agricultural protections are reduced. This update grants exceptions for reduced setbacks and parcel sizes that are inconsistent with the FEIR findings, because the findings assume that these 2004 mitigations are in place:

MEASURE AF-A

Review the Zoning Ordinance (Title 17 of the El Dorado County Code) to identify revisions that accomplish the following:

A. Provisions that establish minimum densities of and setbacks on lands adjacent to agriculturally-zoned lands and timberlands to protect current and future agricultural and timber production on those lands as set forth below:

1. 10-acre minimum parcel sizes adjacent to agriculturally-zoned lands [Policy 8.1.3.1];
2. 200 foot setback adjacent to agriculturally zoned lands [Policies 8.1.1.5 and 8.1.3.2];

and

MEASURE AF-F

Establish a threshold of significance for the loss of agricultural land, a procedure for evaluating a project's contribution to the loss, and means to mitigate losses so that the established threshold is not exceeded. The public shall be provided opportunity to comment on the program(s) before adoption. [Policy 8.1.3.4]

b. Open space requirements are reduced through the elimination of Policy 2.2.5.4, with further reductions granted through Policy 2.2.3.1 and ZOU exemptions. 2.2.1.2 was to have the importance of open space added into the Open Space description, but this was removed from the FEIR Project Description.

- *Policy 2.2.3.1* amends the open space requirements in Planned Development (-PD) combining zones. It would newly exempt the following types of development from the current requirement that 30% of a site be retained in open space for recreation, buffer, or habitat uses.
  - Condominium conversions.
  - Residential Planned Developments consisting of five or fewer lots or dwelling units.
  - Infill projects within Community Regions and Rural Centers on existing sites 3 acres or less.
  - Multi-Family Residential developments.
  - Commercial/Mixed Use Developments.

  The amendment would revise the 30% open space requirement in High Density Residential (HDR) -PDs to a discretionary 15 and 15 set aside: 15% to be provided in a recreational or landscaped buffer/greenbelt and 15% to be provided in private yards. It would eliminate the provision that open space may be kept as wildlife habitat, instead providing that that it may be retained in a natural condition.

c. hillside development restrictions are being relaxed, including standards for septic on slopes exceed State law limitations. From the FEIR page ES-22:

Loss of the county's rural character as a result of higher-density residential development in Community Regions and Rural Centers, and more intensive uses in rural areas.

Approval of the TGPA would allow increased residential density in areas designated for mixed-use in comparison to the existing General Plan. In addition, proposed changes in slope restrictions under the TGPA and ZOU would enable certain development to occur on slopes that cannot be used under the existing General Plan and Zoning Ordinance provisions. The ZOU would allow a variety of agricultural marketing and other nonagricultural uses in rural areas upon approval of conditional use permits. It would also expand the range of uses allowed by right as home occupations. All of these proposed changes have the potential to alter the county's rural character where such development would take place.

11. The Project's Findings incorrectly say an SUP is required for Ag housing or Ag support uses. Amended policy 8.2.4.2 says otherwise, as does ZOU 17.24.020.

Changes to 8.2.4.2 from the TGPA strikeout version:

Policy 8.2.4.2	~~A special use permit shall be required for v~~ Visitor serving uses and facilities ~~providing they are~~ shall be allowed in the Zoning Ordinance when compatible with agricultural production of the land, are supportive to the agricultural industry, and are in full compliance with the provisions of the El Dorado County Code and compatibility requirements for contracted lands under the Williamson Act.

Additionally, the FEIR Responses incorrectly tell commenters (i.e. letter O-1-28) that *there is no amendment proposed for Policy 8.2.4.2.*

The FEIR is riddled with errors and conflicts.
37,000 parcels are receiving new zone designations whether they need them or not.
There are *38 significant impacts* that cannot be mitigated.

Do **NOT** recommend adoption of this flawed EIR, or approval of its associated Findings of Fact and Overriding Considerations. Plenty of resources have been expended, but do NOT throw good money after bad.

Just say NO.

Ellen Van Dyke

Email Sent to Commissioners Aug 13, 2014, after the TGPA/ZOU hearing that day:

From: Ellen Van Dyke
Sent: Wednesday, August 13, 2014 7:02 PM
To: Brian Shinault ; Dave Pratt ; Tom Heflin ; Walter Mathews ; Rich Stewart
Subject: Zoning_AE

Commissioners:

I understood from the presentation today that the AE zone was being replaced because when Williamson Act rollouts occurred, the property owner was required to do a rezone.

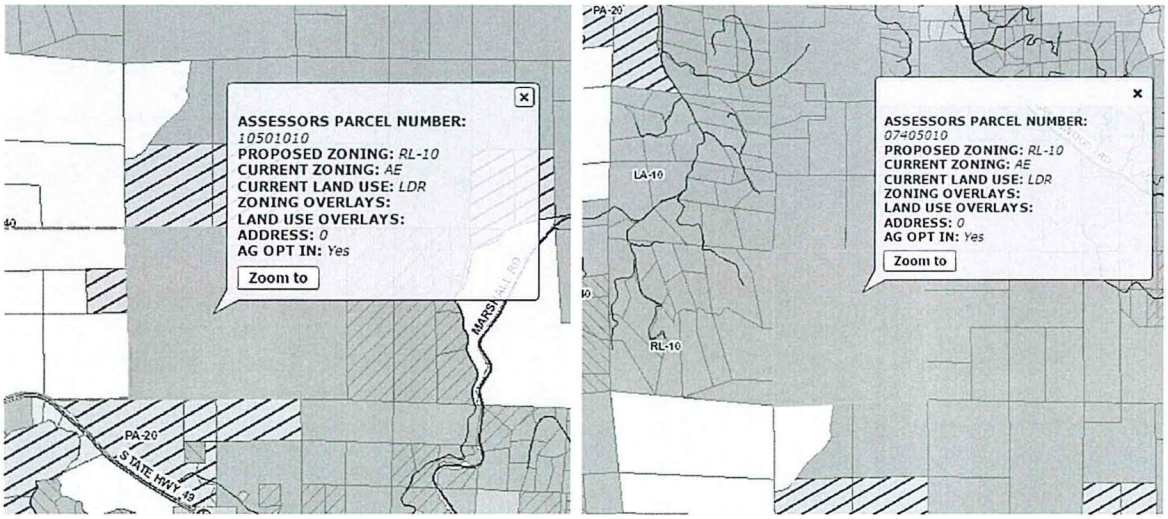
Not true. From the [current] Zoning Ordinance:
II. EXCLUSIVE AGRICULTURAL **(AE)** DISTRICTS
17.36.060 Applicability. The regulations set forth in Sections 17.36.070 through 17.36.100 shall apply only to those lands subject to the Land Conservation Act of 1965.

17.36.100 Applicability. The regulations contained in Sections 17.36.060 through 17.36.090 shall also apply to lands zoned AE but which are not encumbered by Agricultural Preserve Contracts. This section is not a change of but is declaratory of existing law. (Ord. 3827 (part), 1988: prior code §9415.6)

I also understood that properties subject to a rezone under LUPPU were being changed to a comparable zone. That is, RE10 would change to RL10 or RA10, or whatever zone had the same minimum parcel size.

Also not true. From the AE development standards:
17.36.090 C. Minimum parcel area, twenty acres

Parcels 10501010 and 07405010 are both currently zoned AE and are proposed for rezoning to RL10.



These are two random parcels I picked because they were large; 640 acres. Under LUPPU they will now be entitled to double the number of parcels with a simple tentative map.

This is a LOT more than basic consistency changes. At the very least, these should go to RL20. How many more of these are there?
It does not actually look as though there is any reason to 'do away with' the AE zone, at least not for the explanation given today.

Ellen Van Dyke