



El Dorado County

330 Fair Lane, Bldg A
Placerville, California
530 621-5390
FAX 622-3645
co.el-dorado.ca.us/bos

Master Report

File Number: 08-1696

*File ID: 08-1696	Agenda Type:	Status: Department Matters
Version: 2	Reference:	Gov Body: Board Of Supervisors
Department: Board Of Supervisors		Created: 11/04/2008
Agenda Title: Sup. Sweeney - Clarification Gen. Plan Policies		Final Action: 01/13/2009
Title: Supervisor Sweeney requesting Board review for clarification and implementation General Plan Policies 8.1.3.1 and 8.1.3.2. (Cont'd 12/9/08, Item 38)		

Notes:

Agenda Date: 01/13/2009

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit A att'd 12-1-08.pdf ,email from R. Trout att'd 1-12-09 pdf ,C - Letter From Supervisor Sweeney 011209 pdf ,D - Continuance Request from Supervisor Sweeney.pdf

Enactment Number:

Same:

Hearing Date:

Contact: Supervisor Sweeney X5652

Next Meeting Date:

Approval History

Version	Date	Approver	Action

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Board Of Supervisors	12/09/2008	Continued				Pass
	Action Text:	A motion was made by Supervisor Sweeney, seconded by Supervisor Briggs, to continue this matter to January 13, 2009.					
Mover	James R. Sweeney	Yes5	Dupray,Baumann,Supervisor Sweeney,Supervisor Briggs andSupervisor Santiago				5
2	Board Of Supervisors	01/13/2009	Continued				Pass

Action Text: This matter was continued to March 3, 2009 upon approval of the consent calendar.

Text of Legislative File 08-1696

Supervisor Sweeney requesting Board review for clarification and implementation
General Plan Policies 8.1.3.1 and 8.1.3.2. (Cont'd 12/9/08, Item 38)

Background:

For more than a year, the Agricultural Commission, Planning Commission, and sometimes the Board have wrestled with policies that were meant to protect agricultural operations but which have instead served to frustrate implementation of the land uses designated in the General Plan. The primary cause of the problem is that the zoning ordinance and maps have not been updated to conform to the General Plan land use designations, and this effort will not be completed for at least another year.

Consequently, I believe this Board should intervene and provide direction to staff concerning implementation of two of these policies.

Supervisor Sweeney recommending the Board direct staff that General Plan Policies 8.1.3.1 and 8.1.3.2, shall be implemented as follows:

- 1) General Plan Policies 8.1.3.1 and 8.1.3.2 do not apply where adjacent agriculturally-zoned parcel was assigned an urban or other non-agricultural land use in the Land Use Map for the 2004 General Plan (MFR, HDR, MDR, LDR, C, R&D, I, TR, AP or PF).

Projects located adjacent to agriculturally-zoned parcels meeting the above criteria will not be subject to review by the Agricultural Commission, unless the proposed project is within or adjacent to an Agricultural District, adjacent to an existing commercial agricultural operation, or adjacent to land currently under a Williamson Act contract where a Notice of Non-Renewal has not been filed.

- 2) Open space parcels may be created to buffer agriculturally-zoned lands. Open space parcels created for this purpose are not required to maintain the same length to width ratio of other (developable) parcels.
- 3) This policy direction shall remain in effect until the County has completed the comprehensive update of the Zoning Ordinance, including revisions to the zoning maps or when Policy 8.1.3.1 is amended.



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Master Report

File Number: 08-1696

*File ID: 08-1696	Agenda Type:	Status: Department Matters
Version: 1	Reference:	Gov Body: Board Of Supervisors
Department: Board Of Supervisors		Created: 11/04/2008
Agenda Title: Sup. Sweeney - Clarification Gen. Plan Policies		Final Action:
<div>Title: Supervisor Sweeney requesting Board review for clarification and implementation General Plan Policies 8.1.3.1 and 8.1.3.2.</div>		
Notes:		
Agenda Date: 12/09/2008		
Agenda Number:		
Enactment Date:		
Enactment Number:		
Hearing Date:		
Next Meeting Date:		
Sponsors:		
Attachments: Exhibit A att'd 12-1-08.pdf		
Same:		
Contact: Supervisor Sweeney X5652		

Approval History

Version	Date	Approver	Action

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Board Of Supervisors	12/09/2008	Continued				Pass
	Action Text:	A motion was made by Supervisor Sweeney, seconded by Supervisor Bnggs, to continue this matter to January 13, 2009.					
Mover:	James R. Sweeney	Yes5	Supervisor Dupray,Supervisor Baumann,Supervisor Sweeney,Supervisor Bnggs andSupervisor Santiago				

Text of Legislative File 08-1696

Supervisor Sweeney requesting Board review for clarification and implementation

General Plan Policies 8.1.3.1 and 8.1.3.2.

Background:

For more than a year, the Agricultural Commission, Planning Commission, and sometimes the Board have wrestled with policies that were meant to protect agricultural operations but which have instead served to frustrate implementation of the land uses designated in the General Plan. The primary cause of the problem is that the zoning ordinance and maps have not been updated to conform to the General Plan land use designations, and this effort will not be completed for at least another year. Consequently, I believe this Board should intervene and provide direction to staff concerning implementation of two of these policies.

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- 3) This policy direction shall remain in effect until the County has completed the comprehensive update of the Zoning Ordinance, including revisions to the zoning maps or when Policy 8.1.3.1 is amended.



Roger P Trout/PV/EDC
12/23/2008 05:02 PM

To The BOSTHREE/PV/EDC@TCP
cc
bcc
Subject Re: Agenda Item 8.1.3.1 continued to 12/13/09 Agenda

We won't have anything for this item. We have the amendment to policy 8.1.3.1 scheduled for the same day, so I think that is all we needed.

Thanks,

Roger Trout
Director, Development Services Department
(530) 621-5369
Fax: 530-642-0508
rtrout@co.el-dorado.ca.us

El Dorado County Development Services Department
2850 Fairlane Court
Placerville, CA 95667

The BOSTHREE/PV/EDC



The BOSTHREE/PV/EDC
Sent by: Karen D
Feathers/PV/EDC
12/23/2008 10:51 AM

To Roger P Trout/PV/EDC@TCP
cc
Subject Agenda Item 8.1.3.1 continued to 12/13/09 Agenda

Roger,

Supervisor Sweeney wanted me to ask if there was any changes/modifications that need to be done on item #38 from December 9, 2008 BOS Agenda. It was continued to the January 13, 2009 Agenda.

Thanks,
Karen Feathers
Assistant to Supervisor James R. "Jack" Sweeney
District III - El Dorado County Board of Supervisors
Phone: 530/621-5652
Fax: 530/622-3645



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Agenda Type:
Agenda Item

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Gov Body: Board Of
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Agenda Title:

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Notes:

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Supervisor Sweeney requesting Board review for clarification and implementation
General Plan Policies 8.1.3.1 and 8.1.3.2

Background:

For more than a year, the Agricultural Commission, Planning Commission, and sometimes the Board have wrestled with policies that were meant to protect agricultural operations but which have instead served to frustrate implementation of the land uses designated in the General Plan. The primary cause of the problem is that the zoning ordinance and maps have not been updated to conform to the General Plan land use designations, and this effort will not be completed for at least another year. Consequently, I believe this Board should intervene and provide direction to staff concerning implementation of two of these policies.

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Projects located adjacent to agriculturally-zoned parcels meeting the above criteria will not be subject to review by the Agricultural Commission, unless the proposed project is within or adjacent to an Agricultural District, adjacent to an existing commercial agricultural operation, or adjacent to land currently under a Williamson Act contract where a Notice of Non-Renewal has not been filed.

- 2) Open space parcels may be created to buffer agriculturally-zoned lands. Open space parcels created for this purpose are not required to maintain the same length to width ratio of other (developable) parcels.
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Exhibit A

**Criteria for the Consideration of a Reduction of Minimum Parcel Size Agricultural Buffer
Requirement of Policy 8.1.3.1**

A. Pursuant to the 2004 General Plan Policy 8.1.3.1, the Development Services Director may approve the creation of a parcel(s) no less than 5 acres, subject to the concurrence of the Agricultural Commissioner, if the proposed parcel:

1. Has an Approved Plan (AP) Land Use designation, provided that the proposed parcel building envelop is situated in a manner that would reasonably minimize the potential negative impact(s) on the adjacent agricultural land, or
2. Is created as open space to buffer agriculturally-zoned lands. Open space parcels created for this purpose are not required to maintain the samelength to width ratio of other (developable) parcels, but shall be a minimum width of 200 feet adjacent to the agriculturally zoned land.

If the Development Services Director, with the concurrence of the Agricultural Commissioner, cannot approve the creation of a parcel no less than 5 acres under A.1 or A.2 above, the County Agricultural Commission may consider recommending to the approving authority the creation of a parcel(s) less than 10 acres adjacent to agriculturally zoned lands when the Commission finds that either criteria B or C of the following exists:

B. The project meets 1, 2 and 3 and either a or b of the following criteria:

1. The parcel is assigned an urban or other nonagricultural use in the Land Use Map for the 2004 General Plan; and
2. The proposed parcel size is consistent with the General Plan Land Use designation; and
3. The proposed parcel size will not intensify conflict with an adjacent agricultural operation; plus one of the following criteria:
 - a. The agriculturally zoned land contains less than 20% choice soils; or
 - b. There is currently no agricultural activity on the agriculturally zoned parcel(s) adjacent to the subject parcel and that the conversion to a low or high intensive farming operation is not likely to take place due to soil and/or topographic characteristics of the adjacent agriculturally zoned parcel(s).

C. The project meets at least one of the following criteria:

1. The parcel adjacent to the agriculturally zoned land is within an existing General Plan Community Region or Rural Center and will not intensify conflict with an adjacent agricultural operation; or
2. The agriculturally zoned parcel is zoned Exclusive Agriculture (AE) or Agricultural Preserve (AP); and
 - a. The agricultural parcel is no longer under contract and the Agricultural Commission determines that the surrounding parcels are residential/nonagricultural in nature and are not suitable for an agricultural operation; or

- b. The parcel was assigned an urban or other nonagricultural use in the Land Use Map for the 1996 General Plan(LDR, MDR, HDR, MFR, C, TR, RD, I, AP or PF); or
- 3. The agriculturally zoned parcel is less than 10 acres in size and is not being used for agricultural operations; or
- 4. The Agricultural Commission determines that the surrounding parcels are residential/nonagricultural in nature and are not suitable for an agricultural operation.
- 5. The 10 acre agricultural buffer on the subject parcel results from the approval of a new Williamson Act or Farmland Security Zone contract when the parcel or parcels included in the contract application are rezoned from residential to agricultural zoning.

Memo

To: Suzanne Allen de Sanchez, Clerk of the Board
From: Karen Feathers, Assistant to Supervisor Sweeney
Date: 1/12/2009
Re: Items 39 & 40 on 1/13/09 BOS Agenda

Supervisor Sweeney is requesting that items 39 & 40 be continued to the February 3, 2009 Board Meeting.

BOARD OF SUPERVISORS
EL DORADO COUNTY
2009 JAN 12 PM 4:00

Item #39 & 40

Board of Supervisors
January 13, 2009

Submitted by Supervisor Jack Sweeney

Re: General Plan Policy 8.1.3.1

Having read the 128 pages of information submitted to amend policy 8.1.3.1, I still urge the Board to adopt the clarification to the policy I submitted which is today's item 40.

It seems that it has taken the staff and the Ag Commission over a year and 128 pages to clarify this policy. I believe they have lost sight of reality! 128 pages cannot clarify anything! The confusion as regards this policy stems from the insistence that the historic zoning, that has not been brought into compliance with the General Plan, should be part of the basis for examining the affects of development adjacent to ag uses per policy 8.1.3.1. Preposterous, the General Plan Land Use Designation governs!

This policy is not about whether we want to protect ag or allow development; it is about how we process pursuant to the General Plan. My proposal does not amend the General Plan and does not change any zoning or General Plan designation; it does, in two simple sentences, clarify the process of the General Plan. Setting policy and clarifying it is the sole jurisdiction of the Board of Supervisors!

This clarification is as per policy 10.1.2.2 found in the Economic Development Element (page 350) which states "Improve, streamline, and monitor permit processing procedures."

On December 8, 2008 item 37 we directed that item 17 of that list become item 1; that item said "the Board should issue a statement of intent that describes their commitment to having projects reviewed in a timely manner and that it is highly important to them".

This proposal to clarify the process under 8.1.3.1 and 8.1.3.2 will follow our direction in 10.1.2.2 and our action on item 37 of December 8, 2008.

BOARD OF SUPERVISORS
EL DORADO COUNTY
2009 JAN 12 PM 3:33