



It is the intent of the Board to prepare a single EIR to fully review the potential impacts resulting from the General Plan amendments and the comprehensive Zoning Ordinance update. One of the difficulties in a lengthy process of preparing an EIR for a policy document like a General Plan or Zoning Ordinance is that the description needs to provide flexibility so that policy choices are available to the decision makers which have been sufficiently analyzed in the EIR to avoid having to recirculate the document. With this in mind, the purpose of the project description is to clearly articulate what the County wants to consider as a range of possible policy options. The County can then decide at the end of the CEQA review and public hearing process whether or not to make that policy choice. The matrices identify some issues to be looked at as policy options for analysis purposes, and the decision to choose one option or another can be deferred until after the environmental analysis and public testimony.

### **Targeted General Plan Amendment:**

On June 30, 2009, staff presented a comprehensive review of the assumptions of the General Plan and its population, job growth and land use trends. Items presented to the Board included:

1. Overview of general plan assumptions and objectives;
2. Assessment of whether those assumptions are still valid;
3. Implementation measures that have been adopted and major programs instituted;
4. Policy amendments made;
5. Identification of changes desired by the public, and;
6. General Plan priorities.

The Board directed staff to return in the Spring of 2011 for the General Plan five-year review and to work with the EDAC in preparation for the review. Based on a recommendation by EDAC, the Board directed staff to return with a Resolution of Intention to amend the General Plan but continued the item to follow staff's 5-year review of the General Plan. This review presented information that the County's General Plan is still "within its growth projections and that basic Plan Assumptions, Strategies, Concepts and Objectives are still valid, or have not changed so drastically to require a comprehensive update." The review identifies some land uses developing at a slower rate than forecasted; creating an imbalance needing correcting to ensure the vision of the Plan is achieved.

On April 4, 2011, the Board adopted Resolution of Intention 051-2011, directing staff to set a public hearing to consider a targeted General Plan amendment. The amendment is intended to modify policies affecting the four issues identified above (moderate-income housing, jobs, sales tax, and agriculture and natural resource industries.)

Attachment 1 is a matrix showing the areas of consideration for the TGPA discussed by the Board and recommended by EDAC. This list of 27 issues is based on the information provided to the Board by EDAC, as modified by a subcommittee of the Board between the July 25 and August 9 hearings. The list identifies the General Plan subject area, a description of the potential amendments, and staff's recommendation whether it should be included as part of the project description, an optional item which could be included in the analysis with the EIR, or whether it could continue as a stand-alone project, and either deferred until after the TGPA/Zoning

Ordinance update is completed, or processed independently but concurrently or prior to the larger project. The optional analysis is intended to provide the Planning Commission and Board of Supervisors the full range of options when the process is complete and a final decision is to be made. By being analyzed in the EIR, the County may include it in the final amendment or ordinance without having to go back and restudy the potential impacts of such an option.

Staff concurs with EDAC on 16 of the 27 issue areas, and recommends that these be considered as a part of the targeted General Plan amendment. Another 10 issues may have merit, and should be looked at as options for the RFP. As options, it is the County's intent that a consultant preparing a proposal would provide a cost estimate to include that component in the EIR. The County could then make a decision whether the costs of analysis is too great at this time to consider. If it is included in the analysis, it will then provide additional options for the County at the time the amendment is to be adopted. One final issue, the revisions to the Agricultural District boundaries, which was started by the Ag Department several years ago to implement Policy 8.1.1.7 (Implementation Measure AF-J), is recommended to be processed separately, since much of the work is done and it will have little or no effect on the other amendment proposals. Please see Attachment 3, the staff report to the Board of Supervisors on July 25, 2011, for more details on each issue, options that could be considered, and staff's recommendation to the Board. That memo also includes a complete list of the possible policy amendments that would implement this action.

The Planning Commission should consider the options for each item as discussed in the staff report presented to the BOS on July 25, 2011 (Attachment 3).

### **Zoning Ordinance Update:**

On April 12, 2011, the Board of Supervisors continued off-calendar a proposal by staff to hire a consultant to prepare an EIR for the Zoning Ordinance update. This followed the 5-year review of the General Plan and was based on the Board's considering including the Zoning Ordinance as a part of the overall project for CEQA purposes for the targeted General Plan amendment. Leading up to that point, the comprehensive draft Zoning Ordinance was presented to the EDAC from January through July, 2010. Based on comments received, staff prepared a revised draft and presented it to the Board at public hearing on October 18, 2010. After review, the Board directed staff to release it as the 2010 Public Review Draft Ordinance (PRD). Since then, staff has attended weekly meetings held by EDAC regarding the General Plan five-year review and targeted General Plan update, since the PRD was again being scrutinized to see where economic development within the county might be enhanced and encouraged. Additionally, a series of workshops were held with the Planning Commission early in 2011 to review the PRD.

As a result of ongoing meetings with EDAC, further revisions are occurring to the PRD, with the most recent comprehensive version being released to the public in May, 2011. It is available on the County website at [www.edcgov.us/planning](http://www.edcgov.us/planning).

Attachment 2 lists the unresolved areas that have been raised in these ongoing discussions and in the workshop held by the Board on July 25, 2011. The list of issues was included in the Board's

August 9, 2011 motion for the Planning Commission to consider. As is shown in Attachment 2, some of the issues are being addressed, others are simply options that could be considered as a part of the EIR, and others are suggested for deferral until after the comprehensive update is completed. Attachment 4, the staff report to the Board of Supervisors, provides a greater level of detail on each of the issues.

There are several fundamental issues that require Commission input that could dramatically change the draft ordinance as written. These are:

1. Adding additional commercial zones (Item 1);
2. Commercial or industrial zones permitted in the Rural Regions (Item 2); and
3. Inclusion of Mixed Use Development standards at the present time (Item 7).

Other issues simply need to have a range of options to be considered so a choice is available when the ordinance is adopted. These include:

1. Open space requirements for planned developments (Item 3);
2. Range of uses and potential for employees in home occupations (Item 5);
3. Residential uses on TPZ (Item 6);
4. Wetland and riparian setback criteria (Item 9); and
5. Zoning map update to address rolled-out AE land (Item 10) and including appropriate zoning for RA zoned lands ("opt in" process – Item 12).

These items, along with others still being reviewed by EDAC and staff, will continue to be refined, with alternatives or options addressed in the EIR.

The rest of the issues on the list have been essentially agreed upon. These are:

1. Amendment to Table 2-4 (Item 4);
2. Deferral of animal keeping provisions (Item 8);
3. Ranch Marketing on grazing lands (Item 11); and
4. Agricultural homestays (Item 13).

A decision regarding the first tier of issues needs to be made soon, so the PRD can be revised as quickly as possible so the CEQA process can begin. A range of options needs to be set for consideration in the EIR on the second tier of issues. A final decision on any of the issues, however, does not need to be made at this time. That will follow after the EIR is completed and public hearings are finally held on the adoption of the ordinance revision.

### **Recommendation:**

Staff recommends that the Planning Commission forward to the Board of Supervisors recommendations on the project description for the targeted General Plan amendment and comprehensive Zoning Ordinance update, based on the lists of issues contained in Attachments 1 and 2. The recommendation should include specific policy changes that should be made to accomplish the goals of reducing constraints to the development of housing for moderate-income households, increasing jobs and retention of sales taxes, and supporting the agriculture and natural resource industries in the County. The Commission should identify those policy and zoning ordinance components that clearly should be included in the project description, those

components that should be considered as policy options to be analyzed in the EIR, and the issues that could either move ahead independently of the targeted General Plan amendment or be deferred until a later date.

Specific recommendations by staff to the Commission are as follows:

**TGPA Issues:**

1. Include in the Project Description for the Targeted General Plan Amendment and its EIR the issue items indicated in Attachment 1 as potential amendments to be considered under the Resolution of Intention.
2. Recommend that the Agricultural District Boundaries amendment (Reso.13-2011) be processed independently of the TGPA.

**Zoning Ordinance Update Issues:**

3. **Commercial Zones.** Maintain as the project description the existing proposed commercial zones contained in the Public Review Draft Zoning Ordinance, but include an analysis of the multiple commercial zones recommended by EDAC Regulatory Reform Subcommittee as an option for analysis in the EIR.
4. **Agricultural and Rural Commercial.** Maintain the existing zones, but provide for a wider range of uses in the agriculture and resource zones as uses permitted by right, by administrative permit, or by conditional use permit. Consideration of an Agricultural Support Zone should be included as an option for analysis in the EIR.
5. **Planned Development Ordinance.** Include a range of options to allow off site open space dedications and easements, in lieu fees, reductions of mandatory open space provisions for specified types of projects such as infill or affordable housing.
6. **Home Occupations.** Provide as an option for analysis in the EIR the inclusion of up to two employees as a component of home occupations and a range of uses based on parcel size.
7. **Residential and Recreational Uses in TPZ.** Provide the inclusion of residential uses by right in TPZ and an expanded list of recreational uses that could be considered by CUP as options for analysis in the EIR.
8. **Mixed Use Development (MUD) II.** Defer work on provisions for MUD II until after adoption of the comprehensive Zoning Ordinance update, in order to focus on the needs and desires of individual communities in the county through community input and the development of community design guidelines.

9. **Animal Keeping.** Defer updating provisions for animal keeping on residential lots until after adoption of the comprehensive Zoning Ordinance update and consider it as a separate ordinance amendment.

**Attachments**

Attachment 1.....	Draft Targeted General Plan Amendment Policy Matrix
Attachment 2.....	Zoning Options Matrix based on EDAC Concerns
Attachment 3.....	July 25, 2011 Staff Report to the Board of Supervisors for Targeted General Plan Amendments
Attachment 4.....	July 21, 2011 Staff Report to the Board of Supervisors for Update on Comprehensive Public Review Draft Zoning Ordinance
Attachment 5.....	EDAC Subcommittee for Regulatory Reform Presentation to the Board of Supervisors for August 9, 2011 (BOS Attachment 11-0356 4C)
Attachment 6.....	Board of Supervisors minutes from August 9, 2011 on Item 11-0356