

**STAFF REPORT #4
EL DORADO COUNTY GENERAL PLAN
ADOPTION HEARINGS**

OVERVIEW AND BACKGROUND

The Board of Supervisors has conducted five¹ of six planned days of hearings to consider certification of the General Plan Environmental Impact Report (EIR) and adoption of the General Plan. This staff report is for the final planned hearing date on July 19 (Monday) at 9:00am.

The agenda for the upcoming hearing has been previously distributed and is available on the County's General Plan website at www.co.el-dorado.ca.us/generalplan. The website also contains virtually all of the General Plan documentation. This documentation is also available in hard copy and/or on CD from the Planning Department public counter at 2850 Fairlane Court in Placerville at the County Government Center (Building C).

Three prior staff reports have been prepared for the deliberations on the General Plan:

- Staff Report #1 summarizes the information produced up to the hearings before the Planning Commission in March 2004. It contains a great deal of important summary information, including a description of the alternative General Plans and policies under consideration by the Board.
- Staff Report #2 summarizes the actions of the Planning Commission and other relevant information for the Board's first hearing.
- Staff Report #3 summarizes the Board's actions during the first three days of hearings and presents additional actions recommended by staff in response to public testimony.

Copies of each staff report are available on the General Plan website and were available on the website and in the Planning Department prior to the hearing for which they were prepared.

After each hearing interim reports were made available summarizing the direction of the Board. These are all posted on the General Plan website. To ensure that the public and members of the board could review policy changes in context, after the fourth day of hearings, staff consolidated all direction from the Board through that time into an interim review draft dated June 10, 2004 and titled "Proposed 2004 General Plan." That document showed the Board's interim directions relative to the base plan in redline and

¹ The third hearing was continued to a subsequent day (May 17, 2004) and the fifth hearing scheduled for June 18, 2004 only if needed was cancelled because all testimony was able to be heard on June 17, 2004.

strikeout and was posted on the General Plan website and available for purchase in the Planning Department.

Following the fifth day of hearings on June 17, 2004 the Board of Supervisors passed a motion of intent to adopt the Proposed 2004 General Plan with certain modifications as the El Dorado County General Plan. On June 22, 2004 a listing of the specific changes was posted on the General Plan website and available for purchase in the Planning Department. Those changes have been incorporated into the Proposed General Plan attached to this staff report.

This staff report (Staff Report #4) describes (1) the actions necessary to adopt the proposed General Plan; (2) the proposed General Plan; and (3) the process for restoring the County's land use authority and ability to approve discretionary projects such as subdivisions.

ACTIONS TO ADOPT A GENERAL PLAN

The Board must adopt two resolutions in order to adopt the General Plan. The first resolution explains the process used by the Board to comply with the California Environmental Quality Act (CEQA), certifies the EIR as satisfying applicable CEQA requirements, and makes various findings regarding General Plan to be adopted. The second resolution adopts the General Plan and mitigation monitoring program and directs staff to proceed immediately to seek removal of the Writ of Mandate, secure certification of the Housing Element by the State, and implement the Plan. Each resolution and related attachments is discussed below. At the Board's direction, the County Administrator and other relevant department heads have already begun the process of developing a strategy for General Plan implementation and funds have been earmarked for this purpose in the budget. A majority vote of the Board (three members) is required to adopt the General Plan (Government Code Sections 36936 and 65356).

State law requires that the Board make several types of "findings" at the time of adoption of the General Plan. The first resolution complies with these requirements. Findings are a recitation of the conclusions of the Board on particular issues. The first resolution makes the following findings:

- Certification of the EIR (CEQA Guidelines Section 15090) – These findings document the adequacy of the EIR for decision-making purposes and are included in the main body of the resolution.
- Statement of Overriding Considerations (CEQA Guidelines Section 15093) – These findings are presented in Exhibit A to the resolution and document the Board's decision to adopt a specific final General Plan despite the fact that unavoidable significant impacts will result, based on the other overriding benefits of the General Plan.
- Findings Regarding Significant Impacts and Project Alternatives (CEQA Guidelines Section 15091) – These findings are presented in Exhibit B to the resolution and explain how the Board chose to address each identified significant

impact, including the mitigation measures adopted or an explanation of why such measures are infeasible. These findings also explain how the Board chose to address use of project alternatives to reduce or avoid the significant impacts of the General Plan.

The first resolution makes reference to two supplemental environmental assessments that have been prepared by the County's environmental consultant. The first analyzes the changes made by the Board to the mitigation measures recommended in the EIR. It reports on the degree to which, if any, the change will affect the efficacy of the mitigation. The report, "Environmental Assessment of Revisions to Mitigation Measures", is attached to this Staff Report as Attachment 4. The second assessment analyzes the changes made by the Board to the policies that were analyzed in the EIR but that are not changes to a recommended mitigation measure. This report considers the potential environmental effects, if any, of the changes and whether the changes would lead to new significant impacts not discussed in the EIR or to a substantial increase in the severity of significant impacts identified in the EIR. The report, "Environmental Assessment of Policy Modifications to the proposed El Dorado County General Plan", is attached to this Staff Report as Attachment 3.

The second resolution adopts the General Plan. In addition, it adopts a simple mitigation monitoring and reporting program. CEQA provides that for planning documents such as a General Plan the required monitoring plan may consist of incorporating mitigation measures into the Plan. This is the approach used for General Plan's monitoring and reporting program. Finally, the second resolution directs staff to commence with General Plan implementation actions as described above. (The detailed implementation plan is included as Attachment 5.) The second resolution contains three attachments. Attachment A is the proposed General Plan. This incorporates all Board direction through June 17, 2004 and includes one additional policy inadvertently omitted from earlier drafts (discussed below). Exhibit B presents an errata to the proposed General Plan – a change noted by staff after the General Plan had been printed. These are discussed below. Exhibit C is the mitigation and monitoring program.

The Proposed General Plan

The proposed General Plan consists of the "Annotated 1996 General Plan Alternative" plan modified to reflect the Board's interim directions in response to public testimony during the five days of hearings on the General Plan. As discussed above, the specific modifications were documented in reports issued following each hearing. As described in Staff Report #1, the Annotated 1996 General Plan Alternative consists of the 1996 General Plan alternative "annotated" to include all mitigation measures recommended in the EIR. In preparation of the Annotated 1996 General Plan Alternative, a mitigation measure related to land use compatibility was inadvertently omitted. Staff has included a policy based on this measure in the text of the proposed General Plan. The policy is as follows:

Policy 2.2.5.22: Schools and other public buildings and facilities shall be directed to Community Regions and Rural Centers where feasible and shall be considered compatible outside of Community Regions and Rural Centers when facilities will be located and designed in a manner that avoids any substantial incompatibility with land uses permitted on adjoining lands.

This is based on policy language developed by the Planning Commission in response to testimony on behalf of the school districts. The policy is designed to ensure that siting decisions for schools and other public facilities take land use compatibility concerns into account.

Since the proposed General Plan went to the printer, staff has become aware of two additional modifications that are required. The first is to Policy 7.4.4.4. That policy is based on a mitigation measure recommended in the EIR and sets standards for retention of oak canopy coverage. As explained in the EIR response to comments document, the policy is intended to apply to all parcels with a canopy of 10% or more and to parcels with a canopy of 1% or more only if those parcels are at least an acre in size. These standards were set forth in the table included in this policy. The text of the policy, however, states only that the policy applies to parcels with coverage of 10 percent or more. The text should have been revised to conform with the table as follows:

Policy 7.4.4.4 For all new development projects (not including agricultural cultivation and actions pursuant to an approved Fire Safe Plan necessary to protect existing structures, both of which are exempt from this policy) that would result in soil disturbance on parcels that (1) are over an acre and have at least 1% total canopy cover or (2) are less than an acre and have at least 10% canopy cover by woodlands habitats as defined in this General Plan and determined from base line aerial photography or by site survey performed by a qualified biologist or licensed arborist, the County shall require one of two mitigation options: (1) the project applicant shall adhere to the tree canopy retention and replacement standards described below; or (2) the project applicant shall contribute to the County's Integrated Natural Resources Management Plan (INRMP) conservation fund described in Policy 7.4.2.8.

The errata sheet makes this change.

The errata sheet also makes a conforming amendment to Policy 7.1.2.1. The Board had directed that the second bullet in this policy be revised to require that engineering geologists making the determination referenced in the bullet be certified. The conforming amendment makes a comparable change to the third bullet for consistency as follows:

- The project is necessary for the repair of existing infrastructure to avoid and mitigate hazards to the public, as determined by a California registered civil engineer or ~~an~~ a registered engineering geologist.

In addition, staff has corrected various typographical and grammatical errors and deleted explanatory text that had been included for ease of reference during the plan review process.

Timeframe for Resumption of Land Use Authority

Staff has received numerous inquiries from members of the public regarding when the County will begin processing discretionary land use decisions that are currently restricted by the writ (e.g., subdivision applications). The writ restrictions will not be lifted automatically upon adoption of the General Plan. Those restrictions can be lifted only in accordance with the terms of the writ.

The writ sets forth a specific process to be followed following the County's certification of a new EIR and adoption of a new General Plan. The writ provides that the plaintiffs have 30 days to file any objections to the EIR with the court. The County must respond to those objections within 30 days. The plaintiffs must file any reply to the County's response within 15 days. (See page 9 of the writ available on the General Plan website.) Thus if there are objections to the EIR, the matter will not be considered by the court for at least 75 days. If the court were to expedite consideration of the matter following submission of the final briefs it is possible a decision could be issued within an additional 30 days (for a total of 105 days from adoption of the General Plan). It is also possible that it could take the court more than 30 days to reach a decision in which case the delay would be longer. If no objections are filed, the County may immediately request the court to lift the writ. A decision under those circumstances could occur within as few as 60 days from General Plan adoption.

ATTACHMENTS

Attachment 1: Resolution Certifying the EIR and Making Findings

Attachment 2: Resolution Adopting the General Plan

Attachment 3: Environmental Assessment of Policy Modifications

Attachment 4: Environmental Assessment of Revisions to Mitigation Measures

Attachment 5: General Plan Implementation Plan

The Proposed General Plan (Exhibit B to Attachment 2) is not attached but will be referenced during the hearings and is available on the General Plan website at www.co.el-dorado.ca.us/generalplan. This documentation is also available in hard copy and/or on CD from the Planning Department public counter at 2850 Fairlane Court in Placerville at the County Government Center (Building C).