

# Talking Points

For the Planning Commission's General Plan Hearing on 5/23/19

Regarding the General Plan Land Use Element

(Please pick one of these for making a short speech to the Planning Commission. Your time will be limited to 3 minutes.)

## 1) Please establish community design guidelines with community input.

The 2016 Draft General Plan calls for the Board of Supervisors to develop design guidelines for communities. The 2014 Draft General Plan had called for the community design guidelines to be developed by a community planning process to incorporate community input. This public participation part of the process has been eliminated. Please try to plan with communities rather than for or against communities. Please restore the former language in the program requiring public input in a community planning process.

## 2) Please prepare standards for hillside development.

A general plan is supposed to be comprehensive, in that it addresses development and conservation issues to the degree that they are present in the jurisdiction. (Government Code, sec. 65301, subd. (c).) For example, because tens of thousands of acres of private land in Calaveras County is comprised of steeply sloped stream and river canyons, the general plan must address standards for the safe development of some slopes, and the avoidance of development on other slopes.

**The solution** is to put back into the general plan the program to develop hillside development standards that was in the 2014 Draft General Plan.

These standards should deal with issues beyond slope stability and erosion, and also address interference with water supply and water quality of down-gradient wells, and the fire safety mitigation needed for development on steep slopes where fire spreads faster.

This should require a discretionary approval that is reviewable on appeal to the Planning Commission and the Board of Supervisors. That would allow the bulk of the applications that are sound to proceed, while giving the Planning Commission and the Board of Supervisors the ability to stop the small percentage of applications that are dangerous in the extreme.

For an example of the problem with by right and ministerial approvals, one need only to look as far as El Dorado County. Its steep slope development permits are granted by ministerial approval, and therefore receive no public or Planning Commission scrutiny, and need not be consistent with the general plan. The permit standards there are focused only on slope stability and erosion control. The staff gave out 500 such approvals in ten years. Placing 500 potential

ignition sources, on steep slopes, in high fire hazard areas, isolated from firefighting resources, seriously compromises community fire safety.

We do not need a repeat of the Butte Fire. We do not want anything like the Paradise fire. Please help by using the General Plan to direct the Planning Department to draft hillside development standards, in cooperation with fire safety officials.

### **3) Please include a table listing the acreage of land uses by community.**

Page 3 of the Land Use Element provides the county-wide numbers for vacant acres in each land use designation. However, there is no breakdown of the vacant acres in each community for each land use designation. Since people live in the individual communities, the future of those communities matter to people.

**One solution** is to identify the **potential** and **expected** buildout in each community. In a plan that seeks community-centered development, this makes sense. A similar analysis was done when the County was looking at land use alternatives earlier in the general plan update process. (LU5, Alternatives Report 2010, p. 56.) However, that was long before the land use designation maps were completed for the Draft General Plan Update. Such updated numbers will help to identify potential barriers to achieving certain levels of growth (e.g. roadway level of service, sewer treatment capacity, water line distance, etc.), and the reasonable efforts that are available to overcome those barriers (road widening, sewer plant expansion, extending water lines, etc.)

### **4) Please reconsider the allowed intensity of commercial, industrial, and residential development in terms of their impact on wells.**

Table LU-1 gives the level of building intensity and population density for each land use designation.

With climate change we expect groundwater resources to be less reliable. On the other hand, state laws are requiring more certainty for water supplies for development. Water Supply Analyses are required for larger discretionary projects. Groundwater Management Plans are being completed for groundwater basins. Some counties are looking to manage the number of wells dug. Other counties with fractured rock groundwater systems are voluntarily completing groundwater availability studies to aid in making land use decisions. The Community Plans vary regarding the allowed intensity of groundwater-dependent development, because they recognize local conditions vary. Even the County's 1996 general plan includes a map that crudely acknowledges that some areas of the County have more reliable groundwater than other areas.

However, the land use designations in the Draft General Plan Update seem oblivious to these concerns. (LU1, 2016 Draft General Plan, Land Use Element, page LU8-LU9) For example, while we know of the groundwater problems experienced on 20-acre lots in Diamond XX, the Rural Residential land use designation is allowing groundwater-dependent residential development on parcels just over 5 acres in size. Does Calaveras County want to become known

as the place where people are conned into buying dry lots, or the place where a residential lot is ready to build upon? Similarly, commercial recreational resort developments with no minimum parcel size, and a floor to area ration of 0.25, can be groundwater dependent. Does Calaveras County want to become known as the place where visitors are constantly running short of water, or the kind of place where visitors can rely on water availability?

**One solution** is to limit density of groundwater-dependent development in areas known to have unreliable groundwater.

**Another solution** is to require very thorough vetting of well capacity before parcels are subdivided.

**Another solution** is to expand the spectrum of uses that require public water.

### **5) Please provide more direction regarding home-based businesses.**

Home-based businesses, when carefully managed, can be a blessing to a community. When badly managed, they can be a curse. Overtaxed septic systems can foul neighboring wells. Over-taxed fractured rock water supplies can dry up neighboring wells. Isolated ignition sources, distant from fire protection services and located on unpaved roads, can result in uncontrollable wildfires. Dispersed commercial locations increase VMT (vehicle miles traveled). Nuisances can be approved by staff over the counter with no opportunity for Planning Commission, Board of Supervisor, or public review.

Policy LU 5.2 and Implementation Measure LU-5C just talk about expanding home-based businesses without any direction. Will they be allowed in existing community centers that already have areas zoned for retail and commercial uses? Will they require a use permit or be by right and ministerial? Will they have a separate sign ordinance to follow? Will multiple businesses be allowed to operate out of one home? Will they have off-street parking requirements? Will they be allowed where chemical commercial wastes are discharged into septic systems? Will they be allowed in areas relying on well water? Will they be allowed in isolated locations without paved roads and distant from fire protection and other emergency services? This is a huge problem in El Dorado County where the 2015 Zoning Ordinance allows very disruptive commercial uses by right and by ministerial approval, in the most inappropriate locations, with no opportunity for the Board of Supervisors, the Planning Commission, or the public to intervene. While people expect that the vast majority of proposals for home based businesses will be approved, people also depend on the wisdom of the Planning Commission and the Board of Supervisors to stop the few applications that are dangerous in the extreme.

**One solution** would be to provide clearer direction to staff in the General Plan Update regarding the parameters for the home occupation zoning ordinance. This would help to re-assure the public that this county will deal with the issue responsibly. Thank you.

**6) Please have the “Annual Work Plan” focus on meeting implementation deadlines for programs, and identify staffing and funding needs.**

The entire set of implementation measures in the plan suffers from lacking specific deadline, staff, budgets, and financing needed to accomplish tasks. This is of special concern with regard to the completion of programs designed to mitigate the impacts of development under the plan. If these implementation programs are not completed early in the life of the plan, the impacts of development will not be effectively mitigated, and controversies over development are likely to fester.

Setting priorities and deadlines does not have to be rigid. It is understood that the County would like to retain flexibility to adjust priorities to implement programs to take advantage of opportunities for state and federal funding. This does not preclude setting priorities and deadlines now. For example, a set of implementation measures could be scheduled for completion in the first five years of the plan. The order in which those are completed remains flexible. If the deadlines come and tasks are not yet complete, the deadlines in the General Plan (that can be amended 4 times per year) can be adjusted accordingly.

What we want to avoid is a situation in which these necessary and promised programs do not get the attention they deserve, simply because there are so many, there is no priority, and there is no perceived urgency. The County needs to plan your work and work your plan.

**One solution** is for the General Plan Update to include implementation deadlines for programs. **An additional solution** would be to have the Annual Work Programs (required each year by the plan) identify staffing and funding needs, and the means to meet those needs.

**7) Please give more direction to the Planning Department on updating the zoning ordinance.**

After the General Plan Update is complete, the County will amend the zoning ordinance and the zoning map to make the two documents consistent. However, because the general plan has conflicting policies, the general plan provision to make the zoning ordinance consistent with the general plan provides little meaningful direction.

Will the code be amended to reduce public and Planning Commission review of projects, and to eliminate Board of Supervisors discretion to condition or deny projects, to meet the policy of creating a business friendly environment? Will the ordinance have more prescriptive standards to meet the policy of having “clear” development standards? (2016 Draft General Plan, Land Use Element, Policy 5.6, p. LU18.) Or, will the zoning ordinance have general wording that the Board will evaluate on a case by case basis, to meet the policy of keeping rules general and flexible? Providing direction on the zoning ordinance could be critical in determining if future development will have a clear path toward designing projects suitable for approval. Providing direction on the zoning categories could be critical to allowing people to maintain existing uses while having the option to upzone in the future.

**One solution** is to give clearer direction in the General Plan regarding the types of things the Board wants to see in the updated zoning ordinance. For example, give direction to rezone in ways that allow for the continuation of compatible uses, while allowing the flexibility to take advantage of rezoning when it becomes desirable. Give the direction to retain the discretionary review of projects by the Planning Commission and Board of Supervisors. Give direction to develop additional clear prescriptive standards for both development and impact mitigation. This could do a lot to help ease peoples' concerns regarding both the general plan update and the subsequent zoning ordinance update.

**8) Please include the non-profit organizations and the public in general plan amendment stakeholder groups.**

Implementation Measures LU-5F calls for the Planning Department to seek relationships with business groups to identify ways to reduce constraints to economic development. These constraint reductions are then to be adopted as general plan amendments. The idea that one sector of the public should get exclusive access to the planning staff to promote their private interests is contrary to the public process promoted by planning law. What one person views as a constraint on development, another person may view as their property right. We will never get to reasonable solutions without all the stakeholders at the table.

For example, there have been recent code enforcement proposals from County Counsel's office regarding shipping containers and code violation abatement that were developed after consultation with industry group representatives. It became so controversial that the Board of Supervisors directed County Counsel's Office to hold community workshops and then come back with a revised ordinance. This seems like a test of the selective consultation approach to code reform. The test failed.

**One solution** is to eliminate this provision from the Draft General Plan Update. **Another solution** is to open up the process, so that every 6 months the Planning Department takes in public interest suggestions for general plan and zoning code amendments from stakeholders and the general public, evaluates the proposals, and presents them to the Board of Supervisors for direction on which to move forward for review and approval.