

**EDC LAND USE PUBLIC MEETING / Planning Commission**

**held at 2850 Fairlane Court, Placerville, CA**

**June 28, 2012**

**DAVE PRATT/CHAIR (PRATT):** "The Public Comment Portion is open:"

**SUE TAYLOR:** I have kind of tried to research a lot of this and I have not been happy with the process because I am really nervous of the direction that its going and who is leading this process. I feel the purpose is being misrepresented, the public needs to understand that currently our general plan is compliant with state law. I asked Kim [Kerr] this last night and she stated yes, that its currently in compliance. The discussion with the public it is only in regards to process. Its not like we are going out and explaining things to people, its just a process of the CEQA analysis and what their rights and how that works, and the public should be aware that these comments, from the history that I followed, these comments are really insignificant. They get put in a binder, they are only going to be important if somebody decides to sue this process, and those comment need to relate to something that can be used in a lawsuit against where we are going with this General Plan. I dug up from the library, this is the implementation of the general plan that we already adopted, and it talks about how in the past, you know we have had public process craft the general plan that we have now, it started in 1990, when citizen workshops and community meetings helped develop the vision and goals for the future growth in El Dorado County and lead to the option of general plan in 1996. Since then politically motivated lawsuits and back room deals have undermined the will of the public and costs local tax payers millions of dollars. Without a general plan lawsuits will continue to cost the taxpayers millions of dollars, jeopardize water rights, federal highway funds could be lost to other counties, small property owners may be denied permits, and growth and development would be determined by politics rather than planning. In enacting a general plan will take the planning process out of the back room, codified limits on building and protect our natural resources. The EDC plan will establish limits on development and costly and politically motivated lawsuits, enact a voted adopted measure Y limits, enable our county to take full advantage of state and federal funding programs and protect the rights of small property owners and homeowners. This was in the last implementation of our last general plan. And I keep hearing that we are doing it all over again. This is the resolution to adopt the plan, it talked about how we took all these plans that the public spent hundreds and thousands of dollars on, and incorporated the earlier plans from 1975, 1985, and it included all of the meetings, and all of the comments, I think they had over 300 comments from the public that was incorporated into the last general plan, and by adopting that last plan it supported a robust economical development in the county by designating significant land for job producing and revenue producing, residence and commercial, recreation, tourist and resource development economy by limiting those intensive uses to no more than 12% of the county's total land area. All remaining lands are designated for rural residential, resource related uses, including outdoor recreation, agriculture and timber operations. We are protecting those resources that are most important to our economy in that last general plan. It best support for local economy by designating the greatest amount of land for development, and responds best to the small land owners, business owners, and the agriculturalist, by recognizing the reliance on prior policies and planning efforts in making decisions regarding their use, and acquisitions of property in the county best protects

economic viability of agricultural land uses. This resolution will be very interesting to read because there are so many wonderful things in it that we adopted when we adopted our current general plan. With that current general plan there was this packet of overriding circumstances. Even with the wonderful general plan that we have already adopted, it had around 40 or more unmitigated consequences to our environment. Instead of dealing with those impacts they voted to say that the economic benefit overrode the environmental issues/effects to our county. This was the last general plan and its almost like we forgot all this work that we did, we completely ... we are changing six elements out of the nine that we adopted with the general plan. The public was pretty much enticed into voting for the plan that we have now and then it got implemented, and think that is what frustration was, was that those things in there, we talk about cattle ranch and being able to use their lands for some type of lodging and its all in our current general plan, we just need to implement some of those things. What we are doing is basically throwing out our current zoning, the whole bucket and bringing in a whole new set of zoning laws. We are adding 160 pages to our zoning codes. It's going to be so complicated. I am a building designer, the more simpler you have, the public has the ability to make decision. This is going to be so convoluted, so complicated, we are not going to be able to do anything without going to the board of supervisors to ask for direction. The other thing that is missing over and over they need to follow state laws. Many of these laws that have been developed in the state, they are guidelines, that we don't have to adopt, its up to a county individually if they are going to adopt any of these guidelines. This is why I think developers are looking at streamline CEQA so that they don't have to go through the long process when they have infield project that the states moving by right gave developers the ability to do those without going through so much in the CEQA analysis, they are going to streamline some of those policies, but those policies have yet to be adopted by the state, they are in the final scoping EIR for the streamlining process which started, I think it was the 27<sup>th</sup> of this month. It's not just having 20 units per acre on each parcel that kicks in the streamlining, you also have to do be in an urban area on a site that was previously developed or mainly surrounded by urban uses. The project must be consisted with land uses specified in the area in a sustainable community strategy, which I think we are implementing in our new plan. Or, alternate planning strategy, or if the community does not have such a strategy, the project must meet minimum density requirements and the project must meet statewide performance standards included in the proposed guidelines, which is a whole other set of things.

The project must include renewable energy components, and be within half a mile of a transit station and consisted with station planning provisions they have to be within 500 feet of a high volume Roadway. I think that's maybe why the City is reclassifying some of their roadways. If you are less than 75000 sq feet, the traffic has to be at least 75% of the regions average level that was created at that project, If it is greater than 75000 sq ft is has to reduce total vehicle miles traveled.

This is a 226 the CEQA Streamlining guidelines for the in field projects. We are trying to adopt this new plan to try to comply with some of those laws, but the new laws have not been completely adopted, so I think we need to be careful of, you know I just oppose that... I don't like the way that the government is conforming us to the way that they want us to live in the future, and I think it happens today . . . yeah, I'm completely stressed and worried about our Constitution and the laws or the way... anyway that is something else. I'm concerned that we are moving towards a government, we are aligning ourselves with how the government wants us to live, and I always thought that EDC was more independent than that. I would just like to retain some of that and I think we are ok with the general plan that we have I

think that we need to do a no project and stop spending our money on it and fix some of these zoning codes and implement some of these things that you want to help people to create more jobs.

**PRATT:** Anyone else in the public wishing to speak? Come on down.

**KIM SHAW:** Thank you to Sue for doing the research and homework. I'm a little nervous. I am also pretty disheartened, which is evidenced this morning. I wasn't here in 2004, I didn't live in the county until 2005, so I poke my nose into all this and it is a little overwhelming there is a lot of information. We don't have to read 400 pages or 600 pages all you have to do is to look at the introduction and it is pretty frightening, and I am pretty sure, I can speak with certainty, but I am sure that most people did not move to EDC to look love close to their next door neighbor. They did not move to EDC so they can take public transportation to and from work, and this is why I feel that our association with the Sacramento area governments has gotten its foot in the door here and the longer we stay associated with them the more detrimental it is, I love this county and I would like to see it preserved .

**KATHLEEN NEWELL:** this one caught my eye on May 15 an item was added to the agenda at the BOS meeting that made animal slaughtering not permitted on properties R1, R1A, R2A, R3A, R3-5 R3-10, its been brought in got my attention that that interpretation that was made a few years ago, I've been here since 1967 we have been killing animals, so we just need hopefully need to take a look and make it so that animal slaughter is allowed, small farms, FFA, 4H people that raise rabbits and stuff. I'm not talking about having a whole farm, just rabbits and chickens and a little bit of livestock. Roger Trout said that somewhere in the last few years it was ruled on, I think you guys might have done it, 17.40.080 Animal Raising and Keeping, and it says that it is not permitted.

I'm wondering, I think that an interpretation was made in 2008 from something that happened in Cameron Park?

Also I think that in these tough economic times, that some people might be going back to a more sustainable on their own. The other thing is that I am not a fan of the high density the 30 dwelling per acre that is going to be allowed in some community regions, is a concern of mine so I would like to see that number not reach that. And definitely put a cap on it, if we do decide on it, because I hear there is a possibility that it could be left open and it could even be more than 30 units per acre. Because of the sustainable policy that this state has for high density.

I know Brunello wants to do a lot with a little, which means it all toes into community regions, my final thing is that the AG Opt-Ins, I have friends who have the ability to AG Opt-in and how the donut hole might be an issue for people who may be surrounded by others in the area that are AG Opt-Ins and decide to stay residential and then you've got that one person who is not going to have that intention and will be the donut hole. So I think that is a situation that would be unfair to those people with that kind of land that want to Opt-In, but they can't because they are the donut hole.

**JOHN MCCORMACK:** (Cool) I think you are creating the donut hole. I live in an AG area and it's been that forever, and now your rule and now we have to Opt-in to become agricultural and a lot of the people I live near live in the bay area and they are not going to Opt-in because they are not going to take the time to understand it. But now I am going to be the donut hole, because I am going to be the donut hole, because I will be the only one who will Opt-in but I'm not going to be able to do it because in has

to be Opted in. I live in cool. There are a lot of people who just won't turn the paper work in and turn it to rural, they don't care either way, they live in the bay area or wherever, so basically I won't be able to stay agricultural because they don't turn in a paper. If you are going to switch it, why don't they turn in the paper, and make them Opt-in the opposite way.

I have 20 acres, but there are 300's and 1200's , there is all kinds of huge acreage, but whether or not they turn in the paperwork, we don't have a clue of what we are doing, the reason I am here is because I want to have a clue as to what I am doing, but they all work. Everybody is working to switch us, without us opting in, which is wrong in my opinion. If you want to switch, it should be Opt-in to switch compared to get back to where you were.

I have been exclusive AG forever and now we are going to rural, that's a huge change that we should have to Opt-in to be able to keep what we had. Now I have to try to convince all my neighbors to become AG in a sense so I am not pigeonholed and that is not the direction we should be heading.

**PATTY CHELSETH:** (Shingle Springs) There's like this whole shift in the general plan and its idea, and we should, I believe, looking at is creating more ability for AG type for people to be able to live local and create their own sustainability on their land. Even if its small acreage, it takes two acres to feed 70 families, they do it at the Rudolph Steiner College all the time, they have a two acre plot of gardens and it is farmed well and environmentally well. We need to be looking at creating a plan with that in mind, not this urbanizing along the highways and the more you stack and pack and urbanize people, the less sustainable that really is. People need to be able to have this area, they need to be allowed to make money to supplement their income even if they only have one acre, they need to be allowed to sell their extra goods. There is rule in there that have an orchard if you are under three acres. I asked Roger Trout what is an orchard, and he said it is not an orchard unless you are selling the goods. That means its an orchard if they are selling the extra, then they become a commercial thing. So if you have three acres of some sort of trees that happen to grow fruit, and its more than you need you should be allowed even in residential zoning, to sell that extra goods in a farmers market. The way it is written, and I will get it to you.

It's under the definitions of an orchard, and then it says if you are on less than 3 acres you can't have one. So look under the definition of an orchard, and if I need to I will go ahead and email to you. I read the new general plan twice and that was what appalled me, we should be looking at encouraging people to grow their own food not make the acreage so small you can't do anything with it.

**PRATT:** ANYONE ELSE?

**JAN MACKANY:** There is a lot of problems I have with it, I only made it to page 23 reading it, and under item 13 Measure HOG referring to amending the zoning ordinance and provide more flexibility and developing standards as incentives for affordable housing development, one of them is reduction in pavement thickness, when it can be demonstrated that geotechnical conditions can permit a lesser thickness, I have a paved driveway and when I first moved in there, we did notice that it was thinner than the street and it was probably at the time it was done, it would have been ruled that conditions would permit lesser thickness. That was before the gophers and the carpenter ants moved in. Those ants managed to drill up the pavement this thick, and I am not joking, and also the gophers can do great job of totally undermining that pavement. Again I have this problem with it sinking, and so my concern

when I first saw that was, are we really making it an incentive for the more affordable housing, or are we really making it an incentive for the developer because once the developer is out of the picture then it is either county tax payers who have to foot the bill for constantly repaving and correcting or for when somebody axel breaks because they get stuck in a stuck hole. Or if its like in a homeowners situation trying to get homeowners to pay for improving their roads and those who need the more affordable housing, would be the least likely to have the money to pay for the constant pavement resurfacing. So I just wanted to bring that up.

**JAN MACKANY:** ok, the area I'm taking about, where I actually saw the gophers actually permanently damaged it, were less than an inch thick, but the one the ants came through was an inch and a half to two inches.

**PRATT:** Thank you. Anyone else? We're not going anywhere, feel free to come up , we've allocated all day. Come on up.

**KATHLEEN NEWELL:** Since the county didn't any somebody to talk to you guys, did you get letters from them or something from other departments? You know how you asked if there were any county agencies that wanted to ...?

**PRATT:** Not even county agencies, I was thinking that were would hear from Caltrans ...?

**KATHLEEN NEWELL:** Yeah, so any letters from any of those people?

**PAULA FRANTZ, EDC COUNSEL (PF):** Yes, Caltrans did send a letter, is that on line yet, I don't know if that's up yet. Is that up yet . . . no, ok, no not yet.

**PRATT:** Anyone else? Ok, I guess we will close the Public Comment today. Actually, you know what, maybe we will take a ten minute break and come back and then we'll bring it back and have some final discussion. Ok, we will reconvene at 10:30.

RECONVENED/TAPE BACK ON:

**PRATT:** Ok, we are recording, we are reconvening the Planning Commission and public comments are still an option for those who have not spoken, or anybody who have spoken and wants to say something else, specific is better.

**PATTY CHELSETH:** I have the chapter and verse. It's on page 35, and its 17.24.020, and if you have less than three acres, an orchard or vineyard is not allowed, and my question is, why is it even in there? Why is permission having to be granted.

Its under the proposed zoning, and the definition of a fruit or an orchard, is fruits, or grapes, or nut trees for the purpose of sale, commercial sale, but any sale they consider commercial, so you might as well say for selling.

**PRATT:** Yes, you may not be able to do ranch marketing on site, but .....

**PATTY:** It doesn't say that.

**PATTY CHELSETH:** So if you have less than three acres you are not allowed to have an orchard or a vineyard.

**PF:** commercial orchard.

**PATTY CHELSETH:** Well then they need to say that out exactly not just for commercial sales, because any sale they consider commercial and you should be allowed to sell your excess. That is how you help supplement your income.

Its just a matter of looking at that and clarifying that because there are degrees, and it could be interpreted right now that you cant even grow the trees really, the way it is written. So it needs to be written differently.

**PRATT:** ok, anybody else.

**SUE TAYLOR:** that brought up a point, can we put stuff in there that right now you can't take a product off your land and work it in your kitchen and sell it. You have to go through it's an environmental health issue, I guess.

We I'd like to see more things in here that would help with smaller industry, I see a lot of benefits for larger corporations and developments, but I think it would be nice to have something to protect small mom and pop type stuff, like they don't have so much restriction on some of the things that make us more independent.

**PATTY CHELSETH:** this is something that I spoke yesterday at the senate hearings for AB1616, assembly, putting a little bit of a sticking point in the senate because of the indirect sales aspect, and at the same time what they said there, which I loved to hear, was we have no jurisdiction over direct sales. They said the state only has jurisdiction over indirect sales, where you take your goods and put it in a restaurant for sale, or in a store for sale, or your bake goods for the coffee shop, which is what they are trying to have that be allowed, which they should allow it because if its labeled, but they said they don't have jurisdiction over direct sales, and that is where the (?\_\_\_\_) ordinance may have strong possibility.

**PRATT:** Anyone else, ok we will close the public forum.

**(After the PC had 30 minutes of discussion on "Opt-In," they asked for more input):**

**PRATT:** Do you guys have anything that you wanted to ask or make sure you added in? Come on down.

**KATHYE RUSSELL:** When you talked about the implementation plan for all the changes, in my mind the mapping is doing that because they are addressing a new map what rules to imply, that can be kind of go across the zone no matter where the land lies, and so you have to set up rules for that, and as simple as an implementation program should be, or we'd all like it to be, every parcel is an exception.

The other comment I have is I am going through the zoning ordinance trying to beat the clock to get it done, but the one thing I asked district to look at, my concern is that there are so many conditional use permits required, its one thing, people talk about developers, we looked at it from a landowners perspective, and I'm processing a couple with landowners right now and I tell you, they don't understand the process, they are shocked by the cost of what it cost to get through the CUP, so my

preference is that we get as many standards set up ahead of time and, I mean if you go through the tables, there are so many CUP's that its frightening to me.

Well, as I've gone through them and said maybe one thing doesn't make sense, and I think slaughter house is one. I look at it on rural lands, which we coin the phrase working landscapes, its one think to talk about slaughtering your chickens, but if the county were interested in having a USDA approved slaughtering facility, where are we going to put it.

I almost shouldn't use it because it's a real headliner, when you use slaughterhouse, the example is, its a real visual, is it appropriate on five acres wherever its at, probably not, is it appropriate on a 100 acres, you have to look at it differently, so as I'm going through it I'm wondering if we can have some acreage minimum along with the general plan, land uses, and zoning that makes some of the things appropriate.

I'm hoping as we look at the uses and rural land being rezoned, that we look at those zones that might be appropriate that might be for county income and for people to grow businesses and kind of AG/rural businesses are appropriate on the rural lands, which is a lot of property in the county. Thank you.

**MAN: (JOHN MCCORMACK?):** I just wanted to mention that the survey is as skewed as the Opt-in option is a little bit, it's both skewed in the form of changing instead of skewed in the form of staying the way it is. If you are surveying it should be: send in the option of change in the form of changing instead of stay with the land that you have. If you are surveying, it should be send in an option a change that you want to go rural instead that you want to stay with the land you have. So I think you might want to switch the way you are surveying or offering the Opt-In. If you could, if not you are going to get a certain percentage of people who are not living and not able to do it. So you are not getting an accurate Opt-in on your survey.

**ART MARINACCIO:** Shingle springs, a couple things I want to make sure I mention today, is that one of the items being proposed in the general plan that has an environmental aspect to it that's problematic, is the proposed expansion of the AG district in Pleasant Valley all the way across the Consumes River and up Camp Creek, and even at the AG commission meeting the question was "what are you doing to help Mira Flores" well we are going to create this great big AG district so that Mira Flores doesn't have a problem with being adjacent to residential zoned land. Ignoring the fact that that is an completely inaccurate way to deal with the fact that Mira Flores was built in a residential neighborhood, the fact is that they . . . I want to get back to the environmental that has to be addressed, is that the size of that AG district, at most, the best you can say about it, is that most of the land isn't AG so that its not going to affect anything, but if it were an AG district it is taking up a major lands that are identified in our current general plan as important for migratory deer herds. One of the checklist of things that is important in our general plan is looking at how are we looking at those migratory herds and to look at lands as potentially vineyard land that would have to be deer fenced in the middle and the deer herd is going to have to be addressed and I think eventually when that is looked at its going to make a lot of that problematic, but be that as it may, I just wanted to mention it.

To the extent that those lands are identified in our current general plan mapping as critical to the Grizzly Flat deer herd, I think that is something that should be mentioned in there, and a mapping issue, and one of the items that the BOS specifically voted to be requested to be one of the process was 2614, was a provision put in the general plan because the freeway interchanges were a little in the too tough file in

1994, and that we need to look at that over the next two years. It never really rose to a level of discussion, what we have in our mapping is pretty much what we had before. But where it relates to the mapping is, and I will use the example of the 52 acres that “Angelo” has in El Dorado Hills that somehow miraculously got a commercial general plan designation plan on it, and your commission voted to convert it to commercial PD with the idea that, ‘well we don’t have to worry about it because is going to be a PD and we are going to get a chance to look at all of those uses,’ for that piece, and the piece at Shingle Springs drive that quite honestly should never have been commercial in the first place, which also, had “well we will make it commercial but its going to be PD,” there is a real chance that that PD is not going to be reflected in this mapping.

The PD is an overlay that isn’t necessarily showing up. We haven’t seen where the PD is going to apply and where it isn’t.

My point was not that you had PD’s on everything but that in fact those where the Planning Commission or the Board has specifically directed they be PD’s because they were concerned, that they don’t get lost in this process. And Shingle Springs Dr is the other example, I really get back to 2614 because this is a policy that we have not gotten around to of looking at all of those freeway interchanges, and saying, ok, what really should be at these interchanges, and the commercial PD at Shingle Springs Dr, that was applied there at least 30 years ago, and although its been before the BOS, I believe three times that I’ve been there for commercial projects, that have all been denied, at some point the county is going to have to look at the interchanges, and that really wasn’t easily done in the scope of this because you look at every one of these interchanges, and they’ve got Philip Alley what’s going to happen, you’ve got Bass Lake, you’ve got the specific plan, maybe that’s going to be at a later date, but I want to make sure that those PD’s aren’t lost. Thank you.

**KIM SHAW** : my comment pertains to the Opt-in process. If I am currently on the 20 acre parcel zoned RA, and you have a neighbor on your right, and on your left, why are the only options given to Opt-Ins to be AG, otherwise to be rural. Why isn’t there any option to stay residential?

TAPE 2, side B, continued with:

**KIM SHAW**: ..... As an option for you as a landowner to be able to build, you’d have to go through a conditional use process to build a home. On the letter that we received we only got to go Rural Lands, and can you build.

It just seems to me that when I dug a little deeper in the zoning codes, there were a lot of stipulations and restrictions being placed on building.

**SUE TAYLOR**: I like this workshop where I can come back. Anyway, what I am hearing planning wants this neat package with designation lines where you have one type of industry and one here, the problem is if you were starting from scratch that might work, but we talking about we already have people on the ground trying to maneuver this perfect package, and I think this is the problem is, right now we are a checker board of mixed uses, and in my mind that works. I am more comfortable with the checker board, than I am with these land designations. Well when you are talking about AG land now inside of community regions which are not allowed, maybe we do need an AG piece in the middle of an urban area when this economy tanks and they take away all of our cars, that you can actually walk to a place in



your community that grows food. Right now our zoning has protected this and holding everything where it is, but once we unleash to this new plan and our current zoning is kind of completely converted, I think it will open a Pandora's box of issues.

Do we have to have the land designations? Could our county decide we don't want those overriding line designations? Do we legally by the state have to have those designations?

**PF:** responded.

**SUE TAYLOR :** Do you have do that with zoning? We didn't have AG district lines, community district lines?

**PF:** responded.

**SUE TAYLOR:** Ok, that answered my question. I was thinking more because of the district lines because we are mixed in some of those and that causes conflict. I have RA property and I grow stuff on it and have a house and I don't see that as a conflict. My mom has an orchard, and now that I hear this it might be illegal that she is giving food away to her neighborhood, and it seems like we are losing more of our ability to be productive.

**PATTY CHELSETH:** We have SA10 zoning at My Sister's Farm, we are in Shingle Springs, probably as the crow flies, about 2.5 miles from Hwy 50, I know SA 10 is going away, next to me is the Cielo Vineyard. I never got a letter that our zoning was changing, I just know through this stuff. I heard people were getting letters to Opt-In or Opt-out, what am I suppose to do. I will go look it up, thank you.

**JAN MACKANY:** Mine is personal also, I just realized in looking at the map as I am zoned RE, and with all this discussion, what is going to happen to my zoning?

**PETER MAUER/Planner:** responded

**PRATT:** Anyone else? Ok, then I close the workshop and adjourn the meeting.

I declare this is a true and accurate transcription of the public comments on the audio tape of the June 28, 2012 Planning Commission meeting held at 2828 Fairlane Court, Placerville California. Transcribed this \_\_\_ day of July 2012.

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Joyce Russell