

General Plan & Zoning Ordinance Update: Facts & Fiction

4/29/2015

For three years, Supervisors, County staff, and special interest groups with significant involvement in the policy re-write, have repeated the mantra ***"we're just implementing the General Plan"***.

It's time to question that assertion.

"implementing" the 2004 General Plan?

2004 policy to be implemented*	Actual changes proposed (TGPA/ZOU)
Establish open space <i>protection</i> measures [Policies 7.6.1.1 and 7.6.1.3D]	Open Space <i>reduced</i> under Policies 2.2.3.1, 2.2.3.2, and 2.2.5.4 (from 30% down to 15%), and would be revised to include private yards and off-site area (ZOU 17.28.050B2b)
Update the Zoning Ordinance to <i>restrict</i> development on 30% slopes [Policy 7.1.2.1]	<i>Restrictions are being removed, allowing increased hillside development.</i> Standards for septic on slopes conflict with State reqmnts; 'new lot' standards moved to the not-yet-complete Land Dev Manual (LDM)
Establish Zoning Ordinance standards to <i>protect</i> riparian, creek and woodland areas. [Policies 7.3.3.4, 7.3.3.5, 7.3.4.2, 7.4.2.5, 5.4.1.2].	Setbacks are being <i>reduced</i> by 50%, or eliminated altogether, while protections are being deferred. (ZOU 17.30.030G3d & 5 and DEIR section 2.8)
Consider revising noise standards in regard to temporary <i>nighttime construction</i> activities (ROI 182-2011)	Policy 6.5.1.11 revision <i>exempts daytime construction</i> completely, and public projects 24/7.
Review and amend Table 2-4 (zone Consistency Matrix) to clarify, and add new zone districts	Zoning revisions maximize potential development rather than clarify; 37,000 parcels are being rezoned.
Identify and <i>separate incompatible uses</i> by setbacks and buffering [Policies 2.2.5.14 and 2.2.5.18]	Policies 8.1.3.1 & 8.1.3.2 are revised to <i>reduce the buffer</i> (200' down to 50'); compatability matrix still needed
Minimize noisy and incompatible commercial uses next to residential [Measure LU-D, policy 2.2.5.21, 2.2.5.14/18]	Expanded uses in all zones are broadly integrated for vastly increased compatibility potential
Provide standards and incentives for commercial development [Policies 2.5.2.1, 2.5.2.2, and 2.5.2.3]	Policy 2.5.2.1 revised to incorporate mixed use and provide <i>residential</i> component preferences instead
Establish a Scenic Corridor (-SC) Combining Zone District [Policy 2.6.1.6];	Scenic Corridor protections deferred. (Section 17.27.070 ' <i>reserved</i> ' for scenic corridor)
Modify Sign Ordinance standards for scenic corridors [Policies 2.7.1.1 and 2.7.1.2];	Sign Ordinance effort deferred (separate process proceeding without benefit of Scenic Corridor update)
Protect Visual Resources by <i>restricting</i> soundwalls on corridor foreground and ridgeline development [Policy 2.6.1.1]	Soundwall requirements <i>relaxed</i> rather than restricted (ordinance section 17.37.070A)
All proposed development regulations/ordinances shall demonstrate a public benefit where increased costs are concerned. [Policy 10.1.2.4.3]	Policy 10.2.1.5 is revised to relax the requirement for accountability, changing 'shall be submitted' to 'may' be.
Provide for visual separation between Community Regions [Policies 2.5.1.1 and 2.5.1.2]; Review Community Region boundaries for possible amendments (NOP page 6; ROI 182-2011)	Community Region analysis is being deferred, <i>in spite of</i> 1) community support to proceed, 2) General Plan policy direction, 3) the adopted ROI, and 4) inclusion in the NOP for this update.
Create a Dam Failure Inundation (DFI) overlay zone [Policies 6.4.2.1 and 6.4.2.2], to identify parcels within the DFI area.	TGPA proposes <i>increased</i> exposure by allowing creation of new parcels in the DFI zone (policies 6.4.1.4 & 6.4.1.5 revisions)
Revise R1A zone setbacks to align with fire code (30')	R1A and R2A unchanged (per Table 17.24.030)

*Examples shown are listed in Exhibits B & C, Legistar File no 08-0061, referenced by Planning as the basis of the ZOU changes. From page one:

"This document will serve to plan and implement the General Plan through the Zoning update process."

DEIR Falsehoods

As presented in the DEIR:	the Reality:
The public is being [erroneously] led to believe that water is not being used for the south of Hwy50 development known as Folsom Specific Plan Area (RDEIR page 5-27)	From the Folsom SPA Water Supply Assessment, pg 1: <i>"the City of Folsom has identified two public water systems that will serve the project- the City of Folsom and EI Dorado Irrigation District (EID)" emphasis added</i>
The public is repeatedly told this update is not density-increasing, that it has limited 'targeted' amendments, and that minimal land use changes are proposed (most recently repeated by Long Range Planning in the BOS hearing 3/17/15 in EDH)	Density increasing changes to policy include- Policy 2.1.2.5 increase mixed use from 4 units per acre up to 10 (Rural Centers) Policy 2.1.1.3 increase mixed use from 16 units per acre up to 20 (Community Regions) Policy 2.2.1.2 multi family from 24 up to 30 units per acre Policy 2.2.1.2 single family from 5 units per acre to 8 ZOU 17.24.010C2 omits limits on the no. of units
County Planners insisted throughout the August 2014 Planning Commission hearings and beyond, that entitlements are not being granted through this process.	<i>37,000 parcels are proposed to be rezoned , many to higher density; that is an 'entitlement'. Many new uses are being added to existing zones; that is also an 'entitlement'. The creation of parcels is not the only way to grant an entitlement, and Planning staff is deceiving the public with this claim.</i>
The public has been told there will be no changes to Specific Plans (RDEIR page 2-2)	1) Bass Lake, APN 115-400-12 is proposed to change from natural Open Space to High Intensity Recreational zoning. <i>This would allow large public structures and lit ball fields in place of the passive trails currently allowed . This is only 1 of the 37,000 parcels being rezoned.</i> 2) New ZOU section 17.70 addresses the Bass Lake Hills Specific Plan and fees to assist with development. Neither of these is noted in the Project Description for the update
Mitigation measure TRA-1 locks in 'revised' Measure Y policies that are claimed as 'protections'.	In 2008, Supervisors revised Measure Y traffic policies to exclude verbiage requiring road improvements to be done PRIOR to occupancy. <i>This change was misrepresented to the public as "clarifying the concurrency requirements"</i> when it instead allowed development to precede completion of road improvements (RDEIR page 3.9-14) This should not be construed as a 'protection' unless the original verbiage of these policies is returned.
The public has been told that Biological Resource policies will be addressed separately from this update, and setbacks under policy 7.3.3.4 are not shown as changed.	Only the protective policies have been defered; those allowing increased development have been included. New ordinance 17.30.030G3d reduces setback protections of policy 7.3.3.4 by 50% .

conclusion:

- The changes proposed do not represent an "implementation" of the voter approved General Plan.
- 2004 General Plan protections are being reduced or removed.
- The extent of the proposed changes has been misrepresented to the public.

timeline:

May 8, 2005:

2004 General Plan was approved by Voters

March 4, 2008:

County Supervisors directed staff to prepare a comprehensive Zoning Ordinance update to implement the General Plan. *[Board of Supervisor's agenda minutes 3/4/08, Legistar File no. 08-0061]*

March 16, 2015:

March marked the close of public comment for the draft EIR (Environmental Impact Report) for the project.

May 2015:

Anticipated release of the final EIR