

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF AUGUST 24, 2011

REGULAR MEETING

TO: Ron Briggs, Chair, and
Members of the El Dorado County Local Agency Formation
Commission

FROM: José C. Henríquez, Executive Officer

**AGENDA ITEM #7: CONTINUED DISCUSSION ON POLICY TO AMEND
PROPOSALS**

RECOMMENDATION

Staff recommends that the Commission receive the following information on the establishment of benchmarks to trigger a policy to address situations where applicants do not include all affected agencies in reorganizations. The direction provided to staff will be used to develop this policy further.

REASON FOR RECOMMENDED ACTION

This is a continued discussion on a possible new policy to address instances where applicants do not include all affected agencies in their applications to LAFCO. At the March 23, 2011 meeting, the Commission provided basic parameters to staff on how the policy should be developed. Staff needs further clarification on the benchmarks.

BACKGROUND

At the March 23, 2011 meeting, staff discussed with the Commission the recurring issue of applicants excluding all affected agencies in their applications to LAFCO, despite staff's recommendation of their inclusion. If the Commission recalls, a proposal that did not include all affected agencies usually brought along some undesired consequences, including:

- Proposals without a holistic view of services create irregular jurisdictional boundaries separating future communities from local districts that provide desirable and/or vital public services;
- Proposals that don't take into account all necessary Commission actions result in the receipt of last minute requests from the other impacted local districts. If those last minute requests are received on the hearing date, and the Commission is inclined to

amend the proposal, the end result is that the Commission is unable to decide the matter because the public notice did not reflect any additional actions;

- Last minute requests also result in the applicant feeling either “blind-sided” or as if last minute obstacles were being thrown their way; and
- Proposals without a holistic view of services and last minute requests have a cumulative impact on the Commission being unable to render a decision because of insufficient information. Consequently, Commissioners cannot determine whether amending the proposal at the time of the approval hearing is logical or not.

At the time, staff proposed creating a new policy built on the following concepts:

- 1) In cases where applicants choose not to follow staff’s recommendation to amend their proposal, the policy would require those applicants to submit additional materials justifying their decision. These materials will be included in the staff report for the Commission’s review; and
- 2) At the time the public notice is published, authorize staff to include all possible Commission actions so that if the Commission chooses to amend the proposal, it can do so at the time of the hearing.

While the Commission was receptive to the idea that these types of proposals may cause problems with the orderly provision of services, the Commission disagreed with staff on the need for a policy built around concept #1. Instead, the Commissioners preferred that a policy be built on the following concepts:

- The density of the residential development should dictate whether the project should be amended to include annexation to districts that only provide “amenities,” defined as services other than water, fire protection and wastewater if available;
- The policy should not require that the Commission automatically amend proposals;
- Staff should provide notice to applicants that there is a probability that the proposal could be amended;
- The policy should not require that the applicants submit any additional information;
- That staff notify affected agencies as early as possible about the proposal; and
- Staff should be authorized to include all possible Commission actions so that the public is properly notified should the Commission opt to amend the proposal to include other actions not requested by the applicant.

In consultation with the County Development Department, LAFCO staff compiled the matrix found in Attachment A. It could be used by the Commission to set the benchmarks that will guide its decisions on whether a proposal should be amended. However, staff will require more guidance from the Commission to determine where the “cutoffs” are in order to develop a draft policy. For example, in the March discussion, the Commission considered residences on 5 acre parcels “rural,” so staff can consider zoning at RE-5 or lower densities as one end of the spectrum. At the other end are zonings and land use designations that are clearly “urban,” such as multifamily residential and high density residential. However, left unclear on where they fall in this spectrum are zones such as “single family three acre residential” and designations such as “medium density residential.”

In addition, the March discussion almost exclusively centered on residential uses as the benchmarks to trigger the policy; however, other types of zoning and land uses may need to be included. Commercial and industrial uses may not appear at first glance as if they would impact other agencies, but those businesses have employees who use parks and recreation facilities and benefit from having landscaped, well lit and maintained streets.

The matrix in Attachment A is based on Table 2-4 of the County's General Plan that shows the consistency between land use planning designations and zonings. Please note that the matrix also contains proposed changes by staff that have not been adopted by the Board of supervisors at the time this report was written. The "dots" are used by County Planning to designate "consistency" between the zoning and the land use designation given in the General Plan. The diamonds designate zones and land uses that will be compatible once the necessary infrastructure for services is in place. Any blank cell is considered an "incompatible use" and would not be allowed unless the zoning is changed per County policy or the General Plan is amended. These cells were also shaded.

As indicated above, the March discussion implied there were uses where the Commission thought some services would be unnecessary given the density, thus negating the need to amend the proposal to include some affected agencies providing those services. The areas shaded in grey reflect that discussion as best as staff can determine. In addition, staff also shaded zoning and land uses where the Commission's policies discourage development, such as agricultural designations or "Timber Production Zones," where such land uses are inconsistent with the goals of orderly formation of governments, logical provision of services and the preservation of agricultural and open space resources.

This leaves the following land use designations and zones that would be used to craft a policy. Staff requests that the Commission provide direction for further refinement:

Land Use Designations

- Multifamily Residential
- High Density Residential
- Medium Density Residential
- Commercial
- Research & Development
- Industrial

Zoning Designations

- Multifamily Residential
- One Family Residential
- One Acre Residential
- Single Family Two Acre Residential
- Single Family Three Acre Residential

- Neighborhood Commercial
- Commercial
- Professional Office Commercial
- General Commercial
- Industrial
- Research & Development
- Recreational Facilities – Low
- Recreational Facilities – High

Please note the following: This policy would only affect developments in the unincorporated areas of the county because the two cities in El Dorado County have no other local government entities that provide the same or similar types of services to them in their immediate vicinity, outside of the County. Consequently, there is a very low probability that there would be impacts to other affected agencies in city annexations in the same manner as residential or commercial annexations to the El Dorado Irrigation District in the vicinity as Cameron Park or El Dorado Hills Community Services Districts. In instances where there is a redundancy of services in city annexations, the practice has been to detach the subject property from the County entities providing the service.

In addition, the matrix in Attachment A contains the zoning designations “TC – Transportation Corridor” and “OS – Open Space” as compatible with almost all of the land use designations on the list above. Most of the time this applies to subsets of a project, such as a park or a trail within a proposed development, rather than the project in its entirety will have a TC or OS zoning.

Attachments

- Attachment A: General Plan Land Use Designation and Zone Consistency Matrix
- Attachment B: General Plan Land Use Designation Definitions
- Attachment C: General Plan Commercial Zone Definitions
- Attachment D: General Plan Industrial Zone Definitions
- Attachment E: General Plan Residential Zone Definitions
- Attachment F: General Plan Special Purpose Zone Definitions