

# DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

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TO: Planning Commission **Agenda of:** February 26, 2009

FROM: Peter N. Maurer, Principal Planner **Item #:** 13.b

DATE: January 26, 2008

RE: Density Bonus Policy

## Background:

On January 9, 2009 Commissioner MacCready raised a concern that the density bonus provisions of Policy 2.2.4.1 of the Land Use Element of the General Plan are circumventing the intent of the General Plan and zoning. After a brief discussion, it was agreed that staff would bring back the issue to the Planning Commission as a discussion item after staff had an opportunity to meet with Mr. MacCready. The purpose of this memo is to identify the areas of concern, provide some background on the policy and how it has been applied, and provide options for the Commission to consider.

## Discussion:

Policy 2.2.4.1 was established with the adoption of the 1996 General Plan. The only time that it was utilized prior to the imposition of the General Plan lawsuit writ was with the Cinnabar project, a large rural tentative map in the southern part of the county. Subsequently, after adoption of the 2004 General Plan, this policy has become a popular tool to increase lot yield in rural subdivisions.

In 2006, the Commission directed staff to look at the planned development process and policies associated with PDs. Of particular concern is the mandatory 30% open space requirement. Staff has worked with a group of citizen advisors, and has returned to the Commission several times with updates on progress trying to resolve the issue. Most recently, staff took a resolution of intention to the Board of Supervisors to formally initiate an amendment to the General Plan. Staff is attempting to provide flexibility for applicants, while still promoting good design, development of adequate open space, and providing more housing affordability. One of the policies proposed for consideration in the resolution was 2.2.4.1, however, the Board specifically removed that policy for consideration. Staff hopes to have a draft amendment of the other related policies before you for a recommendation within the next few months.

There appear to be some inherent inconsistencies with Policy 2.2.4.1 with the rest of the plan. Primary among those is that it only appears to be beneficial to rural subdivisions. This is counter-productive to the stated objectives of directing growth to the Community Regions and promoting infill, rather than the Rural Regions, as identified in the General Plan. It is rare that a project in the higher density regions of the Community Regions reach the maximum density, so there is no incentive to increase density.

Secondly, there are inconsistencies with the application of the calculation example provided with the policy. One is that it permits the rounding up of unit yield, which is opposite of what is otherwise provided in the zoning ordinance and the plan. Typically, one must have the full minimum acreage to create whole lots. Thirty-six acres of Rural Residential designated land would normally only yield three lots, and not be rounded up to four.

Finally, most of the land set aside as open space is typically less developable or desirable for home sites, due to steep terrain, the ability to cross streams or other geographic constraints, or simply the costs of providing roads and other services to the parcels. Often the open space is relatively unusable. In many cases, the bonus is provided simply for complying with existing standards of development.

On the positive side, where a larger rural tract could be simply carved up into five or ten-acre lots, without consideration of the physical constraints of the site, this policy provides an incentive to minimize road construction impacts, impacts to more environmentally sensitive areas of the site, and may reduce costs.

### **Options:**

The Board of Supervisors has already directed staff not to consider amendments to this policy as a part of the review of planned developments. However, that was without input from the Planning Commission. Should the Commission find that it is important to reconsider this policy, staff would forward your recommendation back to the Board for further consideration. Options available to the County include the following:

- No change – The Commission may find, after hearing from staff and the public that the policy as adopted is appropriate. Since there has been no prior direction to review this policy, no further action is necessary.
- Amendment to policy – There are several ways in which this policy could be amended which are summarized below:
  - Modify provisions for which bonuses are granted.
  - Modify the calculation provisions to increase or decrease the bonus.
  - Reduce or eliminate incentives for development in Rural Regions and increase incentives for development in Community Regions.
  - Other.

The variations on each of the above are almost endless. However, if an amendment is desired, a resolution of intention by the Board of Supervisors would be needed to proceed. The Commission should articulate what, if any, amendment you think is appropriate, the reasons for that change, and any other supporting information, which staff would then forward to the Board.

**Recommendation:**

Staff recommends that the Planning Commission either determine that no change is appropriate at this time or direct staff to prepare a draft resolution of intention for Board of Supervisors consideration, with specific direction regarding how Policy 2.2.4.1 should be amended.

ATTACHMENT:

Attachment 1: Text of Policy 2.2.4.1 and Calculation of Density Bonus example from 2004 General Plan