

EDC general plan EIR vote involves controversy

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PLACERVILLE – At its Dec. 15, meeting the El Dorado County Board of Supervisors certified the EIR for the **Targeted General Plan Amendment/Zoning Ordinance Update** (TGPA/ZOU), adopted the Statement of Overriding Considerations, and the Mitigation and Monitoring Reporting Program. The board also adopted the Zoning Ordinance Update as well as a list of community design standards and directed staff to return in approximately a year to review implementation of the project.

Supervisor Shiva Frentzen was the lone dissenting vote on all items except the direction to staff to review the project in a year and on the community design standards (with the exception of mixed use design where she voted no). Supervisor Michael Ranalli recused himself for the vote on the ag opt-in resolution because he owns property impacted by it.

Some confusion arose as to whether additional public comment would be heard at the meeting. After hearing that the public comment period had been closed on Nov. 12 and that no additional comment would be received, resident Sue Taylor told board Chairman Brian Veerkamp from the audience that she had been told in a phone conversation before the meeting by Jim Mitrisin, clerk of the board, that it would be allowed. Mitrisin confirmed this conversation with *Lake Tahoe News*, but added that his office had assumed that it would be allowed as it is at all board meetings and referred LTN to interim CAO Larry Combs and to Deputy County Counsel Kay Ann Markham for more specifics.

The meetings on Nov. 10, 12, 13 and Dec. 15 were all part of one extended meeting, not independent individual meetings, Shawna Purvines of long range planning explained to the board at the outset of Tuesday's meeting. Because of the large scope of the project it could not be presented by planning staff in a one-day meeting and so was continued over the four days. When public comment was closed in November it was closed for the entire meeting.

A second issue raised by Taylor was that the agenda on the county website as well as the hard copies distributed at the meeting listed five resolutions, but the board actually voted on seven. The differences between the published agenda and the items voted on by the board were that the mixed-use design standard was separated out for its own motion on Dec. 15, and the ag-opt in guidelines were also voted on in a separate motion, but they did not appear in the text of the published meeting agenda.

Under the Brown Act – California's open meeting law – all items that are voted on must appear on the agenda so the public has the opportunity to know what will be discussed in advance of the meeting. Deputy County Counsel Markham noted during the meeting that some of the

items had been renumbered, but all items were also included by reference in the new numbered list from which the board made its motions.

Rural Communities United (RCU) attorney Tom Infusino told the board members on Nov. 10 that if they certified the EIR and approved the TGPA/ZOU, that RCU would file a lawsuit based on the failure of the environmental impact report to meet all the requirements set out by the California Environmental Quality Act for such a project by a public agency.