To: Jduran <Jduran@placer.ca.gov>; Bweygant <Bweygand@placer.ca.gov>; Jholmes <Jholmes@placer.ca.gov>; KUhler <KUhler@placer.ca.gov>; JMontgomery <JMontgomery@placer.ca.gov>; gbca <gbca@granitebay.com>; anbrown <anbrown@placer.ca.gov>; ccook <ccook@placer.ca.gov>; spedrett <spedrett@placer.ca.gov>; GRosasco <GRosasco@placer.ca.gov>; ejivaldi <ejivaldi@placer.ca.gov>; sherring <[sherring@placer.ca.gov](mailto:sherring@placer.ca.gov)> ;

**Proposed Zoning Text Amendments (“ZTA”)**

February 14, 2018

Subject:           Placer County County Code, Chapter 17, Proposed Zoning Text Amendments

To Board of Supervisors, Planning Commission and Interested Parties:

Good afternoon.  Placer County, through its employees, is currently attempting to revise the Planning and Zoning ordinances under the guise of clarifying and simplifying the implementation (via alleged nontechnical changes), but instead it will cause substantive changes and has within it provisions that will cause selective enforcement and which require further review, both through community input and by environmental impacts.

**1.**     **There has been NO notice to the community that these proposed ZTAs are being heard before the Planning Commission on February 22, 2018.**  I was only informed this morning because of my request for information that the meeting will take place on this date at 11:30 a.m.  However, there is no indication that the community has been informed or that any notice was adequate or at the required minimum.

***2.***     **There is only ONE workshop being scheduled to address the ZTAs.**  There are a number of individuals, myself included, who have requested that there be multiple workshops to discuss the ZTAs.  To have adequate community involvement, the community has to be notified and receive adequate prior notification.  Given the gravity of these proposed changes, it would also necessitate several workshops being conducted.  *There should be multiple workshops at different times and locations, with adequate prior notice (such as 30 days) to discuss these amendments which will affect our entire community.*

**3.**     **There is misrepresentation if it is postured that the community has accepted these proposed ZTAs.**The proposed ZTAs were brought before the Granite Bay Municipal Advisory Council (“MAC”) on November 1, 2017.  Before that body, which meeting is held at 7 p.m. on a weeknight where not all of the community can attend, those in attendance voiced dissatisfaction with the proposed ZTAs based upon, including, but not limited to, the widespread use of substituting “as determined by” a permit issued by some individual instead of requiring minimum and maximum setbacks (having arbitrary and capricious results), increasing residential numbers from from 35% to 50% (as to concern of what a developer can make on a project which is irrelevant to zoning), and the zoning amendments in total being amended becoming a different ordinance, a legislative act, *and which require and was requested to have environmental review.*  None of this information is probably being presented to you.

**4.**     **Revisions to the ZTAs were not brought before the MAC.**Staff employees of Placer County represented there would be further revisions to the ZTAs.  Such revisions have not been brought back to the MAC let alone to the community, and instead are being brought before the Planning Commission at this one workshop—with no prior notice to the community.  It is my understanding that these proposed ZTAs will then be brought before the Board of Supervisors shortly thereafter, *again with no adequate prior review.*

**5.**     **These amended ZTAs require environmental review.**  A zoning ordinance as amended becomes a different ordinance.  Environmental Impact Reports (“EIRs”) are being required for the winery and Granite Bay Traffic Study.  These proposed changes to the ZTAs have an even more far-reaching effect, which should require an EIR, and to not have selective enforcement.

A zoning ordinance as amended becomes a different ordinance.  Dwyer v. City Council, 200 Cal. 505.  Rezoning is a legislative, not administrative act. Johnston v. City of Claremont, 49 Cal.2d 826.  To claim an exemption under CEQA, the amendments have to be more and not less restrictive.  These proposals are less restrictive, and would require environmental review.

The proposed ZTAs will be in conflict with the General Plan and the Granite Bay Community Plan, on land use, open space, not having maximum values, height or density requirements.  These allegedly nontechnical changes offered as proposed ZTAs will become selective enforcement, and create arbitrary and capricious results.  The request is made to **delete** the references to minimum and maximum “as determined by the CUP or MUP” which is in the body of the proposed ZTAs.  It will be mixed with problems and inconsistencies.  As determined by the CUP (“conditional use permit”) or MUP (“minor use permit”) will create a biased use of enforcement discretion, which could be considered legal abuse and threat to the rule of law.  To allow this minimum and maximum setbacks “as determined by the CUP or MUP” will also allow projects to go through unfettered, without the required review and not having to seek variances.  A number of projects that have been put on hold because of the effects to the community and which are seeking variances (such as Whitehawk I and II) would probably have been able to proceed if based upon these proposed ZTA amendments, as it would be “as determined by” whoever issues the permit—and not without the required consideration to our respective community plans.

There are a number of cases that are in ongoing litigation in Placer County based upon the perceived action of the County not complying with applicable law. The proposed ZTA amendments can be attacked through a referendum to bar the zoning changes and/or any other applicable legal recourse.  Yet, that begs the question as to why we should even have to go down that road.  If these truly are nontechnical changes as postured by the County, then stay the action and have full community involvement and environmental review.  There is no reason why we should waste any more taxpayer dollars on additional litigation when the matter should be fully vetted and discussed at this time—not later.  I request that you postpone this workshop supposedly scheduled for next week and instead have several workshops scheduled at future dates at different times to have a more widespread community involvement, with 30 days advance notice of the meetings.  Reject these proposed ZTA amendments to send a message, and further require an EIR.

Thank you for your time and consideration.

**I further request that these comments be made part of the public record regarding these proposed ZTAs.**