

Alliance for Responsible Planning

February 19, 2015

Hon. Ron Mikulaco
Hon. Shiva Frentzen
Hon. Brian Veerkamp
Hon. Michael Ranalli
Hon. Sue Novasel
El Dorado County Board of Supervisors
330 Fair Lane, Building A
Placerville, California 95667

Re: February 24, 2015 – Agenda Item #47 – File 13-0350
Resolution of Intention to Nullify the Vote of the People

Honorable Members of the Board of Supervisors,

A significant part of the strategy to “keep our county rural” in the voter approved General Plan concentrates new growth in Community Regions along the Highway 50 corridor west of Placerville, in areas served by major roads, sewer and water. Highway 50 is the “Main Street” of El Dorado County. Most new commercial development and about 75% of planned residential growth will occur in these areas. This strategy allows the remaining 1,000,000 plus acres – 90% of the County – to remain rural.

Measure O arose out of opposition by local residents to projects proposed within Shingle Springs and a specific section of the Green Valley Road corridor. After unsuccessfully attempting to persuade the Board of Supervisors to amend the Community Region boundaries to remove the proposed projects, ***proponents decided to bypass the Board and take their proposal directly to the voters through the initiative process.*** Their efforts led to a ballot measure which proposed to amend the General Plan to remove specific properties in proponent’s neighborhoods from the Community Region boundaries.

Measure O proponents carried their message to the voters for the better part of a year through a network of local groups, forums, web sites, slogans, letters to the editors, even jingles, with extensive publicity and newspaper coverage.

The Alliance for Responsible Planning (Alliance), the El Dorado County Farm Bureau, Deputy Sheriffs Association, Mountain Democrat, Sacramento Bee and many others opposed Measure O. The Alliance carried the following message to voters:

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Alliance for Responsible Planning is a California nonprofit public benefit corporation

“Measure O is the ultimate special interest proposal: It has a limited NIMBY objective to allow growth anywhere outside the proponents’ own neighborhoods. Instead, Measure O directs that growth and traffic to other Community Regions with sewer (e.g. El Dorado, Diamond Springs, Cameron Park and El Dorado Hills) and/or to rural areas of the county. In short, any place but their neighborhoods. This is inconsistent with coordinated, county-wide community planning, and in fairness should be rejected by the voters.”

On November 4, 2014, over 66% of El Dorado County voters rejected Measure O.¹

Measure O was a spectacular failure – it was rejected in all five supervisorial districts, where the vote against the ballot measure ranged as high as 74% (District 5). Even in District 2, where it was supported by residents opposed to the proposed developments, voters rejected Measure O by more than 61%. A precinct-by-precinct analysis shows Measure O failed in nearly 90% of precincts county-wide.

Five weeks later, on December 9, 2014, the outgoing Board of Supervisors, apparently feeling the pressure from a dozen or so Measure O proponents in the Board room, voted 3-1 to direct staff to bring back a Resolution of Intention (ROI) to initiate a General Plan Amendment to adopt the very Measure O Community Region Line changes around an area of Shingle Springs and the Green Valley Corridor just rejected by voters. (Supervisors Frentzen, Briggs and Santiago voted yes; Supervisor Veerkamp voted no; and Supervisor Mikulaco abstained.) The purpose of the ROI was unmistakable – to consider a General Plan amendment to adopt the changes proposed but rejected by voters, based on the specific Measure O maps.

In taking this action, the Board turned a deaf ear to the election results and **nearly 40,000 El Dorado County voters who voted NO on Measure O.** Under our system of government, those 40,000 voters were *also* in the Board room that day – and rightfully expected their voices to be heard. These voters, representing nearly 2/3 of the votes cast, would be unhappy to find that their votes had been nullified because the Board was persuaded that the one-third of voters who supported Measure O were better informed than the two-thirds who rejected it.

It is surprising the significance of this action has so far been overlooked by the press. We are unable to find another example where an American legislative body has nullified a landslide voter mandate by taking the exact action the voters rejected. It would be as if Walter

¹ Source: Final certified election results from El Dorado County Elections Department website dated 12/2/2014.

Mondale was declared President by the Electoral College after losing all but his home state and 60 % of the popular vote to Ronald Reagan – because the Electoral College believed all the smart, informed voters supported Mondale. In America, every vote carries equal weight and every vote counts.

I. The Resolution of Intention should be rejected to respect and uphold the will of the voters.

Initiation of a county-sponsored General Plan Amendment requires adoption of a Resolution of Intention by the Board or Planning Commission. The outgoing Board could not and did not adopt an ROI, because such action was not included in the public notice for the December 9, 2014 meeting. Instead, the Board directed staff to prepare an ROI which requires an affirmative vote by the new Board. **The previous Board action did not bind the current Board**; each of you must decide whether to adopt the ROI to initiate the General Plan amendment. As such, your Board now faces a dilemma – whether to antagonize a very small but vocal Measure O group, or to flatly ignore the results of the November election, and reject the decision of nearly 40,000 El Dorado County voters.

Alliance for Responsible Planning (Alliance) believes this is a straightforward choice. **The initiative process is an exercise of direct democracy by the people.** California's Constitution reserves this power of initiative to the people, along with the power of referendum and recall. In our democracy, every vote counts, and elections matter. **The question of whether the General Plan should be amended to make these changes has already been decided by the voters.** Once the voters have spoken, the Board of Supervisors as elected representatives of the people, should honor the will of the voters.

II. The Resolution of Intention should be rejected on its merits.

Measure O proponents would have us believe that Community Region Lines (CRLs) were drawn haphazardly without analysis or public input, and if removed, development will just go away. However, the General Plan was not built from the CRL up. Before it was ratified by the voters, the General Plan began with existing land use, roads and infrastructure, including access to public water and sewer. The General Plan took the next step of making it a foundational principle to direct the majority of growth to these existing and substantially already-built areas, thereby reducing growth impacts in the rural regions of the County. CRLs were ultimately mapped to identify these areas where roads, public water and sewer infrastructure already existed or could more feasibly be provided. This is why removal or even the contracting of these lines is not a simple task. It undermines foundational principles of the General Plan.

The General Plan went to great lengths to plan future growth in existing built areas; to encourage infill that more efficiently utilizes existing infrastructure; and to protect the majority of the County's land for agriculture and natural resources for future generations. Amending the CRLs would have the unintended consequence of pushing growth and traffic into rural areas with smaller roads and with longer trips; over-building our infrastructure; increasing cost of services; and incentivizing premature development of noncontiguous land.

Contrary to previous assertions of the Measure O proponents, this is not a simple change that can be made without the need for environmental review. The 2004 General Plan EIR analyzed a General Plan alternative with reduced the Community Region Lines in these areas substantially as proposed by Measure O. The Board of Supervisors adopted findings of fact rejecting this alternative as infeasible, because it would reduce the supply of land for housing, and thereby increase housing cost; disperse growth into rural areas, increasing the pressure for conversion of agricultural lands; and the dispersed pattern of growth would limit opportunities to attract major businesses to provide jobs for county residents. If the Board wants to seriously consider adopting the Measure O revisions, it would need to go back and "unring the bell" on the earlier findings. You should expect this analysis will require a full EIR, at a cost in the six-figure range.

III. The appropriate time and place to consider amendments to Community Region Lines is during the General Plan five-year review, scheduled for 2016.

At the December 9, 2014 hearing, Bob Smart (along with Supervisor Brian Veerkamp, who deserves kudos for following the will of the people) was the grown up in the room. He suggested that we stay focused on TGPA/ZOU and other planned actions and avoid distractions. These already studied planned actions will be ready for Board votes in June. They include changing Camino/Cedar Grove/Pollock Pines to Rural Centers, adding 17,000 acres to existing Agricultural Districts, expanded agricultural uses, clarifying home occupations, along with a host of other significant land use proposals. During this 2015 process, the Board will be provided with important land use information and will make decisions that will lay the foundation for the upcoming 2016 General Plan Review.

In turn, the 2016 General Plan review must include an updated inventory, required by the General Plan, to determine whether the existing lands within the Community Regions are adequate to meet General Plan housing and other objectives. Based on this review, the Board will then consider whether the Community Region Lines and/or land uses within the

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Community Regions should be amended to increase or decrease the land available to meet General Plan objectives.

Alliance for Responsible Planning urges the Board of Supervisors to take the following action:

- 1. Reject the proposed ROI, on the grounds that it is inconsistent with the decision of nearly 40,000 El Dorado County voters;**
- 2. Continue processing the Camino/Pollock Pines Community Region conversion to three Rural Centers (Camino/Pollock Pines/Cedar Grove) through LUPPU and the TGPA; and**
- 3. Defer consideration of other county-initiated Community Region Line adjustments until the next General Plan five-year review (2016). Consideration of the need and merits of such changes can and should take place during this review process.**

We appreciate the opportunity to provide comments on this important issue. Thank you for considering our input.

Very truly yours;

(sent via email; original to follow)

ALLIANCE FOR RESPONSIBLE PLANNING

Alliance for Responsible Planning is a nonprofit public benefit corporation, comprised of residents, ranchers, growers and other business owners. We are a “coalition of the middle” – those who feel the dialogue on land use has been dominated by no growth advocates on the one hand and development interests on the other. We support slow growth, support the extension of Measure Y to prevent gridlock, and seek a better future for our families and our community.

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EDC COB <edc.cob@edcgov.us>

ROI to amend Community Region lines - 2/24/2015

1 message

Maryann <maargyres@comcast.net>
To: Clerk of the Board <edc.cob@edcgov.us>

Thu, Feb 19, 2015 at 2:35 PM

From: Maryann
Sent: Thursday, February 19, 2015 2:34 PM
To: Ron Mikulaco ; Shiva Frentzen ; Brian Veerkamp ; Michael Ranalli ; Sue Novasel ; Clerk of the Board
Subject: ROI to amend Community Region lines - 2/24/2015

Dear Supervisors,

I am writing in regards to the proposed Resolution of Intention revising the Community Region boundaries coming before the Board on February 24.

It's obvious; the voters spoke in the November 4 election and defeated Measure O in every district with percentages from 61% to 74% against the measure. The voters recognized changing existing Community Region boundaries to please a small group of people was not in the best interest of the entire county.

A month after that resounding defeat, the Board of Supervisors voted 3 to 1, with one recusal, to request that staff come back with a ROI to consider the very proposal the voters rejected.

Can I call this "cutting in line"? These issues can be addressed in the next 5-year review which begins in 2016. The Camino/Pollock Pines Community Region change to Rural Centers ROI was approved by the Supervisors in 2009, but because it was too costly to individually go through the lengthy environmental review and CEQA, the ROI gathered dust on the shelf.

The proposed Ag District expansion is another example. After years of scientific studies about soil types that should be included in the Ag Districts, the Board created a ROI for the expansion in 2011. But again, it was correct to wait until it could be included in a larger scope of work, the upcoming Targeted General Plan Amendments and Zoning Ordinance Update.

Measure O proponents didn't want to wait. They decided to bypass the regular channels, avoiding environmental review and CEQA, and go directly to the voters. They wanted their ideas to go directly to the head of the line. But the voters spoke and said no.

Years of work on many pending decisions has been significantly delayed by people who want their way and be damned with the normal process. I hope the Supervisors recognize yet another delaying tactic, which could cost an exorbitant amount to implement, and do not resurrect Measure O.

Please, enough of these delaying tactics.

Maryann Argyres

February 17, 2015

**WILLIAM H. DELANEY
IRMGARD DELANEY**

CAMINO, CA 95709

**MR. BRIAN VEERKAMP
EDC BOARD OF SUPERVISORS**

Mr. Veerkamp:

On November 4, 2015, after many years of proposals and attempts to reclassify the areas of Camino, Cedar Grove and Pollock Pines from Community Regions to Rural Centers, the residents and voters of El Dorado county went to the ballot box and OVERWHELMINGLY rejected the proposal by a mandate of 66.37% to 33.63%. This vote was spread over all five supervisorial districts in El Dorado County.

Please consider the following:

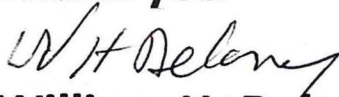
1. 2009: The Board voted to begin the process to amend the general plan to reclassify the areas of Camino and Pollock Pines from Community Regions to Rural Centers. This is still an open Agenda item for the Board.

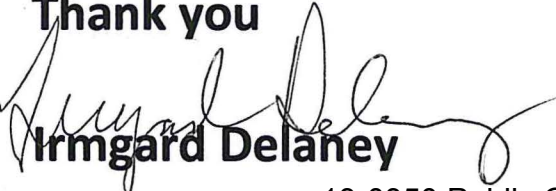
2. November 4, 2014: Measure O was placed on the Ballot for consideration by the residents of El Dorado County which called for amending the General Plan to reclassify the areas of Camino and Pollock Pines from Community Regions to Rural Centers. It was rejected by 66.37% of the voters.

3. December 22, 2014: The Mountain Democrat reported "Board vote likely to downsize two 'community regions'...." "Camino and Pollock Pines are in the process of being reclassified as "rural centers..."

What is going on? As was previously shown, the voters OVERWHELMINGLY rejected reclassification. In fact, the residents who directly reside in the communities of Camino and Pollock Pines rejected (by Precinct voter count) Measure O by an even greater margin of 70.7%. One month later, in spite of the wishes of the majority of their constituents, three of the Supervisors voted to proceed with the reclassification process. Who are they representing?

Please insure that the all members of the BOS are aware of the above. In our opinion, the obvious action is to remove all action pertaining to these reclassifications from further Board consideration and action.

Thank you

William H. Delaney

Thank you

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"MEASURE O" 2014 GENERAL ELECTION RESULTS FOR CAMINO/CEDAR GROVE/POLLOCK PINES

PRECINCT	TOTAL VOTES	YES	YES %	NO	NO %
PP 20000.14 MT AUKUM	828	270	32.61%	558	67.39%
PP 200017.14 SLY PARK EDU CTR	683	213	31.19%	470	68.81%
CAM 300021.15 LDS CHURCH	704	236	33.52%	468	66.48%
CAM 300022.15 LDS CHURCH	422	131	31.04%	291	68.96%
CAM 300023.15 ADV CHURCH	1271	326	25.65%	945	74.35%
PP 500020.31 COMM CHURCH	796	211	26.51%	585	73.49%
PP 500021.31 GOLD RDGE LDGE	730	205	28.08%	525	71.92%
TOTALS	5434	1592	29.3%	3842	70.7%
CAMINO/CED GROVE/PP	TOTAL VOTES	TOT YES	TOT YES %	TOT NO	TOT NO %

COUNTY TOTALS	TOTAL VOTES	TOT YES	TOT YES %	TOT NO	TOT NO %
	59098	19874	33.63%	39224	66.37%