



County of El Dorado

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To: Board of Supervisors

From: Kim Kerr, Assistant Chief Administrative Officer

Re: **El Dorado County Local Initiatives Staff Report – Basic Overview of Effects on General Plan**

Introduction

At its May 13, 2014 meeting, the Board made a motion "...directing staff to return to the Board by July 22, 2014 with an overview of the five remaining initiatives to include the fundamentals of what each initiative does and a basic overview of the effects on the General Plan". In response to this direction, and in accordance with California Elections Code Section 9105, County Counsel addressed the first portion of this request in a memo dated May 14, 2014. This memo provides an impartial overview of the initiatives including the fundamentals of what each initiative does. Due to the complexities associated with each of the initiatives, staff requested and was granted a five week continuance to provide "...a basic overview of the effects on the General Plan" at the July 22, 2014 Board meeting (item 25).

Staff have prepared this preliminary overview of the effects of the initiatives on the General Plan. The overview, per Board direction, was to include the "remaining qualified initiatives" which were known as one, two, three, and six. Subsequently, at the July 29, 2014 Board of Supervisor's meeting, the Board took action on initiative three titled "Reinstate Measure Y's Original Intent – No More Paper Roads" and was given several options (refer item 28, file 14-1054). After accepting the Certification of Petition Signatures for the initiative, the Board chose option "c" under action item two to "refer the initiative measure to appropriate County agencies for a report pursuant to Election Code section 9111". As such, a separate report has been prepared for Board consideration at the August 26, 2014 Board meeting. This report will be presented as a separate agenda item.

This overview addresses only the proposed initiative language as submitted by the initiative proponents. Each initiative has been reviewed individually without potential impacts between initiatives being considered. It is important to note that the overview is presented at a limited depth due to several constraints, including; the number of initiatives, their complex nature, and the short time available for overview work.

Historical Framework

The three qualified initiatives, known at time of writing as one (Measure M), two (Measure O) and six (Measure N), were submitted with a notice of intent filed between January 14 and March 18, 2014. Each of the three initiatives being reviewed will invariably have impacts on the General Plan, County Policies, and potentially have legal questions to varying degrees that cannot be fully recognized at this time for the reasons outlined above. For example, many of the initiatives may affect the County's ability to meet key objectives of the General Plan, including: oversupply of residential land to provide market and landowner flexibility, concentrate and direct urban growth where infrastructure is present and/or can be more feasibly provided, encourage infill development that more efficiently utilizes existing infrastructure and minimizes land use conflicts while avoiding the premature development of non-contiguous lands, and accommodate the County's fair share of regional growth projections and affordable housing. Adoption of one or more of the initiatives may necessitate revisions to the General Plan's overall strategies, concepts and objectives, or revisions to individual goals, objectives, and policies in each Element. It is unknown whether such revisions would be relatively minor in nature or be significant enough to require a comprehensive General Plan update.

A prime example of the complexity surrounding implementing an initiative is a 10-year Initiative known as "Measure Y - The Control Traffic Congestion Initiative" (now General Plan Policy TC-Xa) that voters approved on November 3, 1998. Following approval of Measure Y the County and the Control Traffic Congestion (CTC) Initiative Committee (the proponents of Measure Y) spent considerable time interpreting the meaning of the Initiative along with implementation policies. A range of interpretation options were presented for Board consideration on December 7, 1999 where the Board ultimately voted on its preferred interpretations of Measure Y.

While the 13 month period after the measure was approved by voters lead to initial interpretation by the Board, further interpretation was needed to include language in the 2004 General Plan and to further define initiative language (such as the term "worsen"). Further, clarifying policies were needed to address what would happen if Measure Y policies were not readopted by voters and the timing requirements for traffic improvements associated with Measure Y policies. Subsequent changes to Measure Y were included in a 2008 ballot put forward by the Board to continue the measure with additional changes. While the initial measure was approved in November 1998, the final Traffic Impact Mitigation fee program, used as a financing tool to address Measure Y policies, was not fully certified by the Board until August 2006. This almost eight year timeframe included numerous meetings with the CTC, fee update committee, Planning Commission and Board.

The implications and interpretation of what Measure Y meant, along with its impacts, were not fully known for many years after voters approved the initiative. Similarly, the gravity of the impact for what the three initiatives in question would have on the General Plan cannot be fully known at this time and will likely not be known for some time if one or multiple initiatives are adopted.

Local Initiatives - Staff Overview

Initiative 1 (Measure M)- Fix Highway 50 Traffic First/Keep us Rural

PART ONE

Background

Goal TC-X of the Transportation and Circulation Element in the General Plan is to “coordinate planning and implementation of roadway improvements with new development to maintain adequate levels of service on County roads.” As you are aware, Policy TC-Xa (the Measure Y policies) restricts the approval of residential subdivisions of five or more parcels that would “result in, or worsen, Level of Service F (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county.” This measure would add a new policy to the Transportation and Circulation Element of the General Plan, placing further restrictions on the ability to approve residential subdivisions of five or more parcels.

Initiative Language

Fix Highway 50 Traffic First: New Policy TC-Xc. “If CalTrans determines that traffic on any Highway 50 road segment west of the City of Placerville has reached, or is forecast to reach, Level of Service F (LOS F= stop-and-go, gridlock) during weekday, peak-hour commute periods, then the County shall not approve single-family detached housing subdivisions of 5 or more parcels until cumulative Highway 50 traffic levels are improved and stay below LOS F.”

Discussion

The direct effect of this part of Measure M is relatively straightforward: if the stated conditions exist, the County will be precluded from approving single-family housing subdivisions of 5 or more parcels until cumulative Highway 50 traffic levels are improved and stay below Level of Service (“LOS”) F. The indirect effects, however, are less than clear. For example, if the County is precluded from approving housing subdivisions of 5 or more parcels, it is possible that the residential growth rate may slow. However, it is also possible that the rate may remain the same, with residential development simply shifting within the County to areas more appropriate to development through ministerial building permits or parcel maps (less than five parcels), which would not be precluded by the measure.

The uncertain effect on growth also results in an unknown effect on Traffic Impact Mitigation (“TIM”) Fees and the Capital Improvement Program (“CIP”). For instance, the measure may lead to a reduction in TIM Fees if fewer CIP projects are deemed necessary due to changes in forecasted residential development (either lowered projections or shifts in location). Alternatively, the measure may lead to an increase in TIM Fees if additional CIP projects are deemed necessary to improve LOS on Highway 50 or if the current CIP is still required but there are fewer new residential units over which to spread CIP costs. In making any changes to the TIM Fee program, the County will have to consider the effect on outstanding reimbursement agreements as well.

Further uncertainty arises due to questions concerning the interpretation and implementation of the measure, such as the following:

- Unclear how new policy would interact with existing TC-X policies, such as TC-Xa(2) which authorizes the Board or voters to allow road segments to operate at LOS F.
- Need to define timeframe associated with “forecast”.
- Inconsistent approach to determining LOS in the County. Two separate parties would use two potentially different methodologies: (1) Caltrans determining LOS for Highway 50, and (2) County staff determining LOS for all other roads.

PART TWO

Background

The Land Use Element describes, and maps, the numerous designations that are assigned to all land within El Dorado County. Those designations identify which areas are suitable for certain uses and sets limits on the density and intensity of those uses. Property cannot be developed for a use inconsistent with its assigned designation without an amendment to the General Plan. This initiative would add a new policy to the General Plan, Policy 2.2.1.3.1, which would require that land designated in the current General Plan as open space, agricultural lands, or natural resources as of the effective date of the initiative remain in those categories. The new policy would also preclude the County from rezoning low density residential, medium density residential, or rural residential parcels to a higher allowed density. Land use designation and zoning changes necessary for non-residential (economic development) projects or agricultural purposes may be allowed so long as the proposed use is compatible with surrounding land uses.

Initiative Language

Keep Us Rural: New Policy 2.2.1.3.1. “Lands designated in the General Plan on the effective date of this measure as: (1) open space, agricultural lands or natural resource shall remain in these land use categories, and (2) low density residential, medium density residential or rural residential housing shall not be rezoned to higher densities. Land use designations and zoning changes may be allowed in these categories (1, 2) for non-residential (economic development) projects or agricultural purposes if compatible with surrounding land uses.”

Discussion

The direct effect of this part of the measure is also fairly straightforward: it freezes the land use designations or zoning for the specified areas, subject to exceptions for economic development projects or for agricultural purposes. As above, however, the indirect effects are more difficult to state. Initially, it appears that this part of the measure could limit opportunities for residential development within Community Regions, as contemplated in the General Plan. It is also unclear what effect, if any, this measure would have on the County’s ability to comply with state Housing Element laws, which require the County to prepare an inventory of “land suitable for residential development” to accommodate the County’s fair share of regional housing needs and, if the County cannot identify enough “adequate sites,” to identify additional sites that can be rezoned to allow necessary development. There are also interpretive questions, such as whether this measure affects lands designated in the General Plan as “Adopted Plan,” which is used to designate areas governed by a specific plan or community plan.

Initiative 2 (Measure O)- Protect Rural Communities- Fix Community Region Line Flaws

Background

The General Plan establishes "Community Regions" within the County "to define those areas which are appropriate for the highest intensity of self-sustaining compact urban-type development or suburban type development within the County based on the municipal spheres of influence, availability of infrastructure, public services, major transportation corridors and travel patterns, the location of major topographic patterns and features, and the ability to provide and maintain appropriate transitions at Community Region boundaries." The General Plan also establishes "Rural Centers," which are "areas of higher intensity development throughout the rural areas of the County based on the availability of infrastructure, public services, existing uses, parcelization, impact on natural resources, etc."

Areas not contained within a Community Region or a Rural Center are classified as "Rural Regions." Within Rural Regions, parcels may be designated with the "Platted Lands" overlay. The Platted Lands overlay identifies isolated areas consisting of contiguous existing smaller parcels where the existing density level of the parcels is considered an inappropriate land use designation for the area based on capability constraints and/or the existence of important natural resources. The existence of the Platted Lands overlay cannot be used as a criteria to expand or establish new incompatible land uses on adjacent parcels.

The Community Region, Rural Center, and Rural Region concepts separate the County into areas for new development and areas where new development would be limited. In this manner, the General Plan meets goals such as those for setting aside open space and protecting agriculture, by allowing most commercial and residential development in less than 12 percent of the County. By focusing new development in limited areas of the County, the capital and operating costs of infrastructure can be optimized. The stated goals for the General Plan include providing for sufficient opportunities for new development so that there would not be an artificial constraint created in the market that would result in increased land and housing costs.

This measure makes changes to the General Plan relating to Community Regions and Rural Centers, by: (1) converting the communities of Camino, Pollock Pines, Shingle Springs, and Cedar Grove to Rural Centers; and (2) placing the Platted Lands overlay on certain areas contiguous to those communities as well as certain areas in the communities of Sly Park Hills and Sierra Springs; and (3) removing specified areas from the El Dorado Hills and Cameron Park Community Regions and apply the Platted Lands overlay thereto.

Initiative Language

The 2004 El Dorado County General Plan is hereby amended as follows:

(deletions are shown as ~~strikeouts~~, additions are shown as underlined)

Policy 2.1.1.1: The Communities within the County are identified as: ~~Camino/Pollock Pines~~, El Dorado Hills, Cameron Park, El Dorado, Diamond Springs, ~~Shingle Springs~~, and the City of Placerville and immediate surroundings.

Policy 2.1.2.1: The Rural Centers within the County are identified as Camino, Cedar Grove, Coloma, Cool, Fairplay, Garden Valley, Greenwood, Georgetown, Grey's Corner, Grizzly Flat, Kelsey, Kyburz, Latrobe, Little Norway, Lotus, Mosquito, Mount Ralston, Mt. Aukum, Nashville, Oak Hill, Phillips, Pilot Hill, Pleasant Valley, Pollock Pines, Quintette, Rescue, Somerset, Shingle Springs, Strawberry, and Chrome Ridge.

The Rural Center boundaries for Camino, Cedar Grove, Pollock Pines and Shingle Springs shall consist of those areas with land use designations of Multi-Family Residential, High Density Residential, Commercial or Industrial as shown on the 2004 General Plan Land Use Map, LU-1 as of October 1, 2013. Areas contiguous to those communities with Medium Density Residential land use designations shall be classified with the Platted Lands overlay designation PL-MDR consistent with Policy 2.2.2.3. The residential communities of Sly Park Hills and Sierra Springs with High Density Residential land use designation and the area contiguous to those communities with Medium Density Residential land use designations shall be classified with the Platted Lands overlay designation of PL-HDR and PL-MDR, respectively, consistent with Policy 2.2.2.3.

The areas of the El Dorado Hills and Cameron Park Community Regions within one mile of Green Valley Road with a Low Density Residential land use designation as shown on the 2004 General Plan Land Use Map, LU-1 as of October 1, 2013, shall be classified with the Platted Lands overlay designation PL-LDR consistent with Policy 2.2.2.3, and removed from the Community Region designated area.

Discussion

One direct effect of this measure's conversion of certain areas from Community Regions to Rural Centers or Rural Regions is that the development standards applicable to the subject areas will change because the General Plan prescribes different standards for Community Regions, Rural Centers, and Rural Regions. Analysis would be required to determine fiscal, safety and other effects (e.g., revisions to applicable capital improvement plans) resulting from such changes, including changing roadway Level of Service ("LOS") standards from E to D and reducing required response times for fire districts, sheriff, and ambulances.

The measure could have the indirect effect of reducing the amount of opportunities and land available for residential development within Community Regions as contemplated in the General Plan. Such a reduction could potentially lead to the underutilization of existing infrastructure (roads, water, and sewer).

Finally, by applying the Platted Lands overlay to the specified areas, the measure would potentially freeze the land use designation for those areas. The indirect effect on adjacent parcels, however, is unclear. It is possible that parcels adjacent to the Platted Lands would also be affected because the

Platted Lands overlay precludes adjacent parcels from using the existence of the Platted lands overlay as precedent to expand or establish new incompatible land uses.

Initiative 6 (Measure N)- Control Growth to Fix Our Local Roads

PART ONE

Background

The original Measure Y was adopted in 1998 and later incorporated into the 2004 General Plan as Policy TC-Xa. Because Measure Y was to be in effect for only ten years, in 2008, the Board put a successor measure (also identified as Measure Y) on the ballot. The successor measure proposed certain revisions to Policy TC-Xa, the most significant ones being that (1) the Board can, on a 4/5 vote, add roads to the list of roads allowed to operate at LOS F and (2) the County can use financial resources other than developer fees to pay for necessary road improvements. Measure Y (2008) was to remain in effect for ten years.

This part of the measure makes numerous revisions to the traffic policies that implement Measure Y. First, it extends Policy TC-Xa (Measure Y 2008) to December 31, 2025. Second, it requires annual reporting on traffic volumes and allocation of traffic impact mitigation fees. Third, it establishes policies emphasizing improvements to local roadways when specifying expenditures in the Capital Improvement Program. Fourth, it establishes policies to whenever possible rely first on state or federal funding for Highway 50 capacity-enhancing projects.

Initiative Language

Policy TC-Xa: Extended to 2025.

(deletions are shown as ~~strikeouts~~, additions are shown as underlined)

Addition to Policy TC-Xb(C): *Annually monitor traffic volumes on the county's major roadway system depicted in the Circulation Diagram **and provide an annual report to County taxpayers detailing the traffic volume of major roads and highways and how TIM fees have been allocated, and [continue to new TC-Xb(D)]**.*

New Policy TC-Xb(D): ***In specifying expenditures in the CIP, emphasis shall be placed on providing improvements to local roadways serving existing communities which are experiencing traffic congestion and areas designated as Community Regions in the General Plan.***

Additions to Policy TC-Xi: *The planning for widening of U.S. Highway 50, **and other improvements to State (Caltrans) facilities**, consistent with the policies of this General Plan, **including to prevent level of service F as provided in Policy TC-Xa (Measure Y)**, shall be a priority of the County. The County shall coordinate with other affected agencies, such as the City of Folsom, the County of Sacramento, and Sacramento Area Council of Governments (SACOG) to ensure that U.S. Highway 50 capacity enhancing projects are coordinated with these agencies with the goal of delivering these projects on a schedule to meet the requirements of the policies of this General Plan, **and whenever possible shall rely first on the use of State and/or federal***

funding for these projects rather than County TIM fee revenues, in order to better utilize the TIM funding for County road improvements. Notwithstanding the foregoing, TIM fee revenues may be utilized for Caltrans facilities as matching funds, for various grants or programs, for any purpose consistent with or required by Policy TC-Xa (Measure Y), or when no other means of financing is available.

Discussion

This part of the measure clearly does two things: it extends Policy TC-Xa to 2025 and it requires the County to provide an annual report concerning traffic volumes and allocation of TIM Fees. However, the ultimate effect of the remainder of the measure's new and revised policies is unclear because those new and revised policies are not phrased in mandatory terms. Instead, the proposed additions to Policies TC-Xb(D) and TC-Xi use language such as "emphasis shall be placed," "whenever possible," and "may be utilized." Such language appears to afford the County some level of discretion in how it implements those provisions of the measure.

Accordingly, it is difficult to determine the full effect of this measure. For instance, because the measure only requires the County to rely on state or federal funding for Highway 50 capacity enhancing improvements "whenever possible," it is unclear how this measure may affect the County's discretion regarding use of federal, state and other funding for local roadways. Similarly, it is unclear how to resolve the apparent inconsistency in stated priorities: in Policy TC-Xb(D), "emphasis shall be placed on providing improvements to local roadways" while in Policy TC-Xi, "The planning for widening of U.S. Highway 50, and other improvements to State (Caltrans) facilities...shall be a priority of the County." Additionally, though the measure allows use of TIM fees for Caltrans facilities in certain enumerated circumstances, the precise scope and meaning of those enumerated circumstances will need to be determined.

PART TWO

Background

As discussed previously, the General Plan establishes "Community Regions" within the County "to define those areas which are appropriate for the highest intensity of self-sustaining compact urban-type development or suburban type development within the County based on the municipal spheres of influence, availability of infrastructure, public services, major transportation corridors and travel patterns, the location of major topographic patterns and features, and the ability to provide and maintain appropriate transitions at Community Region boundaries." One of the "Plan Concepts" in the General Plan notes that Community Regions are "where growth will be directed and facilitated." To that end, the General Plan further provides that "[h]igher levels of infrastructure and public services of all types shall be provided within Community Regions to minimize the demands on services in Rural Regions." Moreover, Policy 5.1.3.1 states, "Growth and development and public facility expenditures shall be primarily directed to Community Regions and Rural Centers."

Initiative Language

Additions to LU Policy 2.1.1.2: *Establish Community Regions to define those areas which are appropriate for the highest intensity of self-sustaining compact urban-type development or*

*suburban type development within the County based on the municipal spheres of influence, availability of infrastructure, public serves, major transportation corridors and travel patterns, the location of major topographic patterns and features, and the ability to provide and maintain appropriate transition at Community Region boundaries. These boundaries shall be shown on the General Plan land use map. **In order to achieve the goals and objectives of protecting the County's rural environment and agricultural uses, the County shall, consistent with Policy 2.1.1.7, encourage planning and zoning within the Community Regions where existing infrastructure, such as roads, water, sewers, and power is nearby.***

Reference to Policy 2.1.1.2 added to Policy 2.1.1.7.

Discussion

Given that the General Plan already contains a number of statements and policies intended to direct growth to Community Regions, the additional language from this part of the measure does not seem to change the intent of existing General Plan policies. Moreover, the meaning of “encourage planning and zoning within the Community Regions” is unclear.