



COMMUNITY DEVELOPMENT AGENCY

LONG RANGE PLANNING

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Date: December 12, 2016

To: Board of Supervisors

From: Shawna Purvines, Interim Assistant Director

Subject: Update on Impact of Measure E on the Housing Element and the County's Regional Housing Needs Allocation

PURPOSE

The following addresses the Board's direction to staff on August 30, 2016, to return to the Board with an update and additional information concerning the impact of Measure E General Plan Policy amendments on the sites identified in the [2013-2021 Housing Element](#) adequate sites inventory¹ necessary to satisfy the County's Regional Housing Needs Allocation (RHNA). The following also identifies potential measures to consider that maintain General Plan consistency, and where appropriate and legally possible, remove governmental constraints in compliance with Housing Element law.

BACKGROUND

On June 7, 2016, El Dorado County voters passed voter initiative Measure E, ("Reinstate Measure Y's Original Intent – No More Paper Roads"), which became effective on July 29, 2016, 10 days after the vote was declared by the Board. Measure E amended General Plan Transportation and Circulation Element Policies TC-Xa, TC-Xf, and TC-Xg. Based upon an analysis of the adequate site inventory contained in the County's Housing Element of the General Plan prepared by staff and discussed further in this report, it was determined that the Measure E amendments may create potential regulatory barriers and economic constraints to meeting the County's Regional Housing Needs Allocation (RHNA). California Government Code Section 65863 requires an inventory of adequate sites available to meet the RHNA to be maintained throughout the planning period. In addition, Government Code Section 65913.1 imposes a duty on local government bodies, in exercising their zoning authority and revising

¹ Source: General Plan 2013-2021 Housing Element, Appendix B, Table B-3 (Resident Vacant Land Inventory) and Table B-4 (Underutilized Residential Land Inventory).

their housing elements, to designate and zone sufficient vacant land for residential use with appropriate standards.

On August 9, 2016, the Board held a public workshop to discuss options to interpret and implement Measure E consistent with applicable policies, regulations and laws. At the conclusion of the workshop, the Board directed staff to return with Measure E interpretive guidelines.

On August 30, 2016, staff returned to the Board with a draft Resolution proposing interim guidelines for interpreting Measure E. The Board took the following actions/directives: 1) Receive and file the report on Measure E Implementation and Continue Resolution 149-2016 off Calendar; 2) Receive and file the report concerning Highway 50 and the Caltrans data and direct staff to post the report to the County website to address the recurring questions; 3) Move the implementation of the voter approved Measure E Initiative forward as written and as it was before the voters; 4) Direct staff to return to the Board by mid October 2016 with an update and additional information concerning the impact of Measure E on the sites identified in the Housing Element necessary to satisfy the County's Regional Housing Needs Allocation. Further answer the CEQA questions, provide the Board with a comprehensive list of General Plan inconsistencies and the impact on the County's budget; and 5) Direct staff to conduct Board workshops to address the traffic and circulation issues underlying Measure E.

Policy TC-Xa was expanded by Measure E to apply to more than single family residential subdivisions of five or more parcels. Multi-dwelling projects (i.e., apartments, duplexes, or any residential projects that include five or more units) must now construct roadway improvements as mitigation for traffic impacts in lieu of fee payment. As noted in the staff memo to the Board dated August 9, 2016 [page 20, Attachment 4A, Legistar File No. [14-1054](#)], Measure E amends TC-Xf and affects the conditions of approval of discretionary development, thus, creating potential conflict with goals in the Land Use, Transportation and Circulation, Housing, and Economic Development Elements. Most notably, without further General Plan or zoning amendments or mitigation policies, TC-Xa and TC-Xf may impact the County's ability to comply with State Housing Element law and adequately plan for the County's current and projected future Regional Housing Needs Allocation (RHNA).

The RHNA is part of state-mandated Housing Element law (Government Code Sections 65580 et seq.). The RHNA establishes the total number of housing units that each city and county must plan for within an eight-year planning period. Each city and county must update its Housing Element to demonstrate how the jurisdiction will meet the expected growth per the RHNA. Housing Element law specifies that jurisdictions must identify "adequate sites" (vacant and surplus lands with adequate infrastructure that are appropriate for residential development) to accommodate this growth. If a jurisdiction fails to identify adequate sites, Housing Element law requires the jurisdiction to rezone sites as necessary to accommodate its RHNA.

Unlike other General Plan Elements, jurisdictions are required to submit their Housing Element (which includes the “adequate sites” analysis) to the State Department of Housing and Community Development (HCD) for certification relative to State law compliance. HCD certified the County’s Housing Element in November 2013.

El Dorado County’s RHNA

The RHNA has two parts as required by state law. Part 1 is an allocation of the total number of housing units to each jurisdiction for which zoning capacity must be provided for the time period January 1, 2013 through October 31, 2021. Projected housing needs for each region in California are prepared by HCD, in accordance with Government Code Section 65584. This part is referred to as the "overall allocation." Part 2 is the distribution of the same total number of units among four income categories; the sum of the housing units within the four categories must add up to the total overall number of units. Part 2 is referred to as the "income category distribution."

HCD provides the regional data to the Sacramento Area Council of Governments (SACOG). Each city and county in the SAGOG Regional Housing Needs Plan, which includes El Dorado County, receives a RHNA of the total number of housing units it must plan for within an eight-year time period. Within the total number of units, allocations are also made for the number of units within four economic categories: very low, low, moderate, and above moderate incomes.

Based on the 2013-2021 RHNA, the County must plan for, at a minimum, a total of 2,357 housing units for low to moderate income households and 1,591 units for above moderate income as shown in Table 1 below.

**Table 1: Regional Housing Growth Needs 2013-2021
Unincorporated El Dorado County West Slope**

| Very Low | Low | Moderate | Above Moderate | Total |
|-----------------|------------|-----------------|-----------------------|--------------|
| 954 | 669 | 734 | 1,591 | 3,948 |
| 24% | 17% | 19% | 40% | 100% |

Source: General Plan 2013-2021 Housing Element, Table HO20

The 2013-2021 Housing Element includes the residential vacant land inventory for unincorporated El Dorado County (General Plan Housing Element Appendix B). This inventory identified 148 parcels totaling 450 acres (in the County’s West Slope area only) to accommodate the County’s fair share of regional housing for persons and households of low or moderate

income. The number of multi-family dwelling units that potentially could be built on this vacant land is estimated at 4,016.

Accommodating new housing units for above moderate income earners is generally not difficult for jurisdictions like El Dorado County, because new single family homes are the predominant product being built and often command prices that make them affordable to only above moderate income earners. Conversely, accommodating new housing units for very low and low income earners is difficult for many jurisdictions, like El Dorado County, which are very desirable places to live and where the market will bear relatively higher new home purchase costs. Jurisdictions across the state often find the most or only feasible way to accommodate new units for very low and low income earners (and sometimes even moderate) is through multi-family development, or similar higher density and/or more naturally affordable housing options, such as secondary dwelling units.

The County's Housing Element directly addresses this issue: "Because low-income households are severely limited in their ability to pay for housing, they typically need to rely on high-density or multi-family housing" (2013-2021 Housing Element, page 4-4). The County's certified 2013-2021 Housing Element accommodates new units for very low and low income earners as required by the RHNA through the Vacant Land Analysis – Realistic Capacity, found in Appendix B.

2008 General Plan Measure Y Reauthorization

As part of the 2008 reauthorization process for General Plan Measure Y policies related to concurrency requirements, the Board proposed modifications that reduced impacts on residential development. The modifications included allowing building of single-family residential subdivisions of five or more parcels, or all other residential developments, as long as construction of necessary roadway improvements are included and planned for in the County's 10-year CIP (for single family subdivisions of five parcels or more) or the 20-year CIP for other development (inclusive of multi-family subdivisions). 1998 Measure Y allowed projects to move forward if adequate funding was "identified and available", and improvements were "programmed". The 2008 modifications clarified when that criteria was met.

The County's current Housing Element discusses the original and 2008 amended Measure Y's potential impact on multi-family development and "adequate sites" prior to the changes made by Measure E.

A primary concern from HCD of the 2004 Housing Element was the impact of Measure Y on multi-family sites. The concern was the effect of costs of off-site improvements and feasibility of development in the planning period, and the high cost of the TIM fee, especially as it is applied to all multi-family development. HCD did not certify the 2004 General Plan Housing

Element, requesting that the County first mitigate for the impacts of Measure Y in respect to the availability of sites to accommodate higher density, multi-family housing for lower income households.

To help address these concerns, the County submitted to the voters a revised Measure Y that exempted multi-family unit projects from compliance with the LOS F standards in TC-X policies and implemented a fee waiver (offset) program to assist affordable housing projects (Board Policy B-14, TIM Fee Offset for Developments with Affordable Housing Units). If payment of a fee is no longer an option under Measure E amendments, then the TIM Fee Offset for Development with Affordable Housing Units program no longer mitigates the constraint. The Housing Element relies on the 2008 version of Measure Y and on the TIM Fee waiver (offset) process to mitigate the impact on affordable housing. However, the revised TC-X policies now requires projects to construct roadway improvements rather than relying solely on payment of TIM Fees as their “fair share” of the project impact.

DISCUSSION

2013-2021 Housing Element Adequate Sites Inventory

The 2013-2021 Housing Element identified 148 vacant and underutilized parcels totaling 450 acres (County West Slope only) to accommodate the County’s fair share of regional housing for persons and families of low or moderate income. Approximately 70 percent of all parcels zoned for multi-family uses have a Design Control or Historical overlay, making them subject to a discretionary action and current TC-Xa and TC-Xf’s requirements. A map showing multi-family zoned land that have a Design Control or Historical overlay was attached to the Measure E Memo presented to the Board on August 9, 2016 [Attachment 4A, Exhibit F, Legistar File [14-1054](#)]. Most of the County’s multi-family zoned land is within Community Regions near Highway 50. Most of the roads that will reach unacceptable LOS in the future without improvement are in the same vicinity. Given the location of multi-family zoned land and overlays that require discretionary action for development on these sites, proposed multi-family projects on sites the County relies on for the Housing Element’s “adequate sites” inventory will face offsite infrastructure requirements, and may be unbuildable until the County or another party makes significant roadway segment, intersection, and interchange and highway improvements.

Measure E 2016 Adequate Sites Analysis

In September 2016, the County prepared an Adequate Site Analysis which assessed if adequate sites for multi-family dwelling units may be available to meet the RHNA requirements through the current planning period, given changes to General Plan Policies TC-Xa, and TC-Xf amended by Measure E. The analysis determined which parcels may have new regulatory barriers as a

result of the passage of Measure E. Based on the assumptions and methodology discussed below, it was concluded that the impact of Measure E changes to Policies TC-Xa and TC-Xf has the potential to reduce availability of adequate sites needed to meet the County's statutory requirement for regional housing needs by up to 87 percent by 2035; thus, creating a potential General Plan consistency conflict with the Housing Element as well as with state law. The timing, location, and scope of these projects are unknown at this time. Therefore, this analysis assumes a worst-case scenario.

Assumptions and Methodology

On April 8, 2014, staff presented the Board with a 20-Year Growth Forecast with three scenarios for the Major Five-Year Capital Improvement Program (CIP) and Traffic Impact Mitigation (TIM) Fee Program Update. These scenarios included four different options for how future residential growth is distributed between Community Regions and the Rural Areas. The Board selected Scenario 3 (Historical Growth Rate with General Plan Distribution) with 75 percent of residential growth in Community Regions and 25 percent in Rural Regions/Rural Centers. [Agenda item 12, Legistar [14-0245](#)].

As part of the Major CIP and TIM Fee Program Update, Kittelson & Associates, Inc. (KAI) identified future roadway capacity deficiencies through 2035. The *Draft Technical Memorandum 2-3: Existing and Future Deficiencies and Nexus Assessment*, dated March 31, 2016, identifies the 2035 peak hour Level of Service (LOS) is based on the 20-year growth forecast and the County's LOS thresholds [Attachment 8E, Legistar [14-0245](#)].

As directed by the Board, the future deficiency analysis assumes the historical growth rate of 1.03 percent per year through 2035. The distribution of residential growth assumes 75 percent in Community Regions and 25 percent in Rural Regions/Rural Centers. The future deficiency analysis also assumes no further roadway capacity improvements, beyond improvements under construction as of January 1, 2015.

Adequate Sites Analysis Map

An Adequate Sites Analysis Map was developed to display the analysis discussed below (see attached Exhibit A). The LOS was calculated based on procedures and methodologies in the 2010 Highway Capacity Manual (Transportation Research Board, 2010). The map displays 2035 peak hour LOS (for the worst peak hour) for each roadway or freeway segment. For example, if a roadway is projected to operate at LOS F in the morning and LOS C in the evening, LOS F is displayed on the map for that roadway segment. It should be noted that the roadway segment LOS may be different than the LOS at an individual intersection along that roadway. Intersection LOS is not displayed on the map. The map also displays locations where interchange improvements will be required to maintain acceptable LOS through 2035 (indicated by red

squares). KAI confirmed the locations for interchange improvements. The analysis compared the projected volumes from the County's current Travel Demand Model (TDM) and the previous TDM. If traffic volumes are higher in the current model, the previously-identified deficiency was confirmed and interchange improvements are required by 2035.

Parcels highlighted in purple on the Adequate Sites Analysis Map are vacant or underutilized parcels with multi-family General Plan and zoning designations. (Source: General Plan 2013-2021 Housing Element, Appendix B, Table B-3 (Residential Vacant Land Inventory) and Table B-4 (Underutilized Residential Land Inventory)). Tables B-3 and B-4 identify parcels considered viable for development during the 2013-2021 Housing Element planning period. For purpose of this analysis, County staff removed parcels from the list that have been developed or rezoned since the tables were created. (For more information about the analysis and assumptions of the land inventory, refer to the General Plan [2013-2021 Housing Element](#) Appendix B.)

Measure E Amendment to Policy TC-Xa

Policy TC-Xa was changed by Measure E to reinstate provisions that will apply LOS F constraints to multi-dwelling projects (e.g., apartments, duplexes, or any residential projects that include five or more units), and to eliminate the payment of fee as a mitigation option. Multi-dwelling projects must now comply with the requirement to construct roadway improvements as mitigation for traffic impacts. Housing Element Appendix B identifies the number of realistic potential units (also referred to as realistic capacity) that could be constructed on each parcel. The analysis assumes that parcels with four or fewer realistic potential units are not affected by Measure E.

As stated previously, the County's Housing Element notes that low-income households are severely limited in their ability to pay for housing, and they typically need to rely on high-density or multi-family housing. SACOG's adopted [Regional Housing Needs Plan 2013-2021](#) also addresses this issue: "For the very low and low-income categories, jurisdictions generally are required to identify sites (constructed or vacant) zoned at multifamily residential densities."² Therefore, multi-family housing is critical to accomplishing the County's affordable housing goals and objectives.

Adequate Sites Analysis Conclusions

The Adequate Sites Analysis Map displays the projected 2035 LOS and the vacant or underutilized multi-family parcels in the County's West Slope. Some multi-family parcels in Cool, Camino, and Pollock Pines are outside the map boundaries, but are included in the analysis and conclusions discussed below. The analysis was conducted for 2021, 2025, and 2035 to determine the number of multi-family parcels, acreage, and dwelling units potentially affected by

² Approved 2013-21 SACOG Regional Housing Needs Plan, Adopted September 20, 2012

Measure E’s changes to Policies TC-Xa and TC-Xf. The analysis concluded that the results for 2021 and 2025 are substantially the same; therefore, the results for 2025 are not included in Table 2 below.

Table 2: Multi-Family Land Inventory Adequate Site Analysis Summary

| | Multi-Family Land Inventory | 2021 | | | 2025 | | |
|-----------------------------|-----------------------------|---------------------------------|---|---|---------------------------------|---|---|
| | | Potential Affected by Measure E | Multi-Family Land Inventory (after Measure E) | Potential Percent Reduction in Multi-Family Inventory | Potential Affected by Measure E | Multi-Family Land Inventory (after Measure E) | Potential Percent Reduction in Multi-Family Inventory |
| Total Parcels | 148 | 31 | 117 | 21% | 95 | 53 | 64% |
| Total Acreage | 450 | 260 | 190 | 58% | 374 | 76 | 83% |
| Total Dwelling Units | 4,016 | 2,306 | 1,710 | 57% | 3,487 | 529 | 87% |

Source: 2013-2021 Housing Element, Appendix B, Tables B-3 and B-4; and staff analysis of Measure E

According to General Plan Policy TC-Xa, as amended by Measure E, multi-family development projects of five or more units or parcels of land would not be approved if they result in, or worsen, LOS F (e.g., gridlock, stop-and-go) traffic conditions during weekday, peak hour periods. The map shows the majority of the County’s vacant or underutilized multi-family parcels are located near roadway or freeway segments projected to operate at LOS F. Development of these parcels would likely result in significant off-site infrastructure costs, including signaling intersections, widening roadway and freeway segments, and/or major interchange improvements. The increased cost of infrastructure improvements would significantly increase the cost of developing multi-family dwelling units. Depending on the pace of other residential development in the county over the next 20 years, roadway improvement projects may be constructed; thus alleviating the economic burden on the multi-family parcels.

Measure E Policy TC-Xa potentially constrains the County’s ability to meet the statutory requirements to accommodate the County’s fair share of the RHNA and maintain adequate sites for multi-family development at all income levels.

By 2021, Measure E changes to TC-Xa and TC-Xf could affect 31 parcels totaling 260 acres, thus reducing the available land inventory to 190 acres and approximately 1,710 achievable units that could be built by 2021, if each parcel is approved and developed at the maximum realistic capacity. This number is far below the minimum 2,357 units SACOG determined is El Dorado

County's fair share of the RHNA for the 2021 planning horizon to accommodate housing for low to moderate income households. By 2035, approximately 87 percent of the total multi-family dwelling units could be affected by the Measure E changes to Policy TC-Xa(1). This would reduce the available land inventory to approximately 76 acres and just 529 dwelling units.

The majority of the 76 acres not impacted by Measure E are located in the rural areas of Camino-Pollock Pines and Cool, where existing and planned growth would not result in unacceptable LOS. However, these areas have other multi-family residential development constraints including no public sewer facilities. The remainder of the available multi-family land consists of small parcels (generally less than one acre) with a realistic capacity of four or fewer dwelling units.

Adequate Sites Analysis Finding

Due to Measure E amendments made to General Plan Policies TC-Xa and TC-Xf, the General Plan and its implementing directives would be ineffective in minimizing cost impacts on the County's affordable housing goals and objectives. Therefore, implementation of the Housing Element goals related to the housing needs for all economic segments in the unincorporated portion of the County may be at risk. The adequate sites analysis suggest Measure E could impact the Housing Element, including the requirements to accommodate the County's fair share of RHNA, and maintain "adequate sites" pursuant to state housing element law [Government Code Section 65583].

Potential Effects/Inconsistencies of Measure E Amendments with General Plan Goals, Policies, and Implementation Measures

Measure E did not amend Policy TC-Xb which requires development of a CIP/TIM fee program, or Policy TC-Xd which requires maintaining LOS D in rural areas and LOS E in Community Regions where existing roads, public water/sewer and other public services are located. The County requires applicants for discretionary projects to demonstrate that the project will not exceed LOS standards established by the General Plan, as discussed in the Measure E staff report presented to the Board on August 9, 2016 [Attachment 4A, Legistar File No. [14-1054](#)].

Policies TC-Xa, TC-Xf (paragraph 2), and TC-Xg leave unclear the effects on lands identified in the vacant land inventory adopted in the County's [2013-2021 Housing Element](#) for the purpose of meeting the RHNA requirements per state law. The potential reduction in the number of housing units is inconsistent with the General Plan's Housing Element. The remaining sites identified in the Housing Element make it increasingly difficult and unlikely that the County will be able to meet its fair share of the regional housing needs established by SACOG and required under state law.

The changes made by TC-Xa(1), TC-Xa(3), and TC-Xf (paragraph 2) may require the County to revise its current Housing Element land inventory and could potentially result in the need to rezone parcels to accommodate multi-family dwellings. General Plan Objective 6 states that the County is “To concentrate and direct urban growth where infrastructure is present and/or can be more feasibly provided.” The Measure E changes may make it difficult for the County to satisfy the mandate to accommodate the County’s fair share of regional housing in revising its Housing Element. Therefore, substantial County funds and resources would likely be needed to amend the Housing Element and land inventory. This action would also require extensive environmental review by staff, consultants, and the public.

The Measure E amendments to General Plan Policies TC-Xa, TC-Xf, and TC-Xg create probable inconsistencies with General Plan Goals, Policies, and Implementation Measures. A list of these goals, policies, and measures, and the potential effects of Measure E are listed by General Plan Element on attached Exhibit B. The list identifies nine policies and 12 out of 40 implementation measures in the Housing Element; one policy and two measures in the Transportation and Circulation Element; one objective and two policies in the Public Services and Utility Element; and two policies under the Economic Development Element.

More detailed information about these General Plan Elements and referenced goals, policies, and measures are in the adopted 2004 General Plan available online on the County website at: http://www.edcgov.us/Government/Planning/Adopted_General_Plan.aspx.

RECOMMENDATION

Options for Interim Implementation of Affordable Multi-Family Housing/RHNA

State law requires Housing Elements to “address and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing” (Government Code Section 65583[c][3]). Therefore, the County must monitor its regulations to ensure there are no unnecessary restrictions on the operation of the housing market. If the County determines that a policy or regulation results in excessive constraints, the County must attempt to identify what steps can be taken to remove or minimize obstacles to affordable residential development.

The development of multi-family housing is critical to the County achieving its fundamental and statutory requirement to provide for housing for all income levels, specifically low to moderate income households. Policies TC-Xa, TC-Xf, and TC-Xg, as amended by Measure E, add regulatory barriers and constrain the economic feasibility for development of multi-family dwelling units affordable to low to moderate income households due to the discretionary review requirement that triggers up-front construction of road impact improvements in addition to TIM Fees. As a result, Measure E changes to TC-Xa, TC-Xf, and TC-Xg potentially constrain the

land inventory suitable for development of multi-family housing that is affordable for low to moderate income households as identified in the [state-certified](#) 2013-2021 Housing Element.

Housing Element Policy HO-1.1 requires that “When adopting or updating programs, procedures, or Specific Plans or other planning documents, [such as interim implementation guidelines for Measure E,] the County shall ensure that the goals, policies, and implementation programs are developed with the consideration of achieving and maintaining the County’s regional housing allocation.” To retain the ability to develop affordable multi-family housing, Policies TC-Xa, TC-Xf, and TC-Xg, as amended by Measure E, may require interim implementation mechanisms to reduce conflict with goals and policies of the General Plan.

As stated in the Measure E staff memo presented to the Board on August 9, 2016 [[Attachment 4A](#), Legistar File [14-1054](#)], a “measure cannot violate the California or United States Constitutions”;...”a measure may not contravene state law, even if there is no specific conflict but the state has enacted legislation on the subject before, or “preempted the field”;...”an initiative may not interfere with the efficacy of an essential government power.” Therefore, the Board may consider the development of ordinance, policies, and/or procedures to mitigate the potential constraints and conflicts of Policies TC-Xa, TC-Xf, and TC-Xg, as amended by Measure E, on the development of housing, specifically development of housing affordable for low to moderate income households.

Options for Development of Affordable Multi-Family Housing

Following are options the Board may consider for the implementation of Measure E to support the development of affordable multi-family housing and to achieve the County’s share of the RHNA.

- a. Develop and adopt design standards to provide for ministerial review of affordable multi-family development in accordance with Housing Element Policy HO-1.16: “The County shall minimize discretionary review requirements for affordable housing.” Standards may also be developed for ministerial review of commercial and/or small projects.
- b. Develop an Affordable Housing Ordinance to provide a regulatory framework for new residential development to include housing opportunities for households of low, very low and extremely low income to ensure a mix of new housing to meet the future housing needs of all income segments of the community. Ordinance may include but not be limited to identification of funding mechanisms for the County’s Affordable Housing Trust Fund and develop policies that could use funds to offset required construction of roadway improvements for affordable housing developed on sites identified in the [2013-2021 Housing Element](#) vacant land inventory.

- c. Remove Design Control (-DC) and Historic (-DH) Combining Zone Districts to provide for ministerial review of affordable multi-family development in accordance with Housing Element Policy HO-1.16: “The County shall minimize discretionary review requirements for affordable housing.” Standards may also be developed for ministerial review of commercial and/or small projects.
- d. Reprioritize CIP infrastructure priorities where feasible to address projected roadway capacity restraints for the sites identified in the 2013-2021 Housing Element vacant land inventory to accommodate reasonable capacity for affordable housing.
- e. Redefine the definition of “worsen” in relationship to road condition impacts allowing for overriding benefits and statutory requirements of and for affordable housing. This option would also require amendment to Policy TC-Xa (3).
- f. Identify additional parcels of land that support affordable housing and which do not have the potential to worsen road conditions, necessitating costly off-site road improvements.
- g. Consider exemption to policies TC-Xa, TC-Xf, and TC-Xg for the construction of housing units affordable to very low to moderate income households as defined by the County’s Zoning Ordinance, Title 130, [Chapter 130.31](#) (Affordable Housing Density Bonus). This could be accomplished at a project review level. A project review level could potentially result in a finding of inconsistency with General Plan policies and Housing Element law, resulting in the possibility for an exemption on an as applied basis.
- h. Delay additional action until a determination by the state or a court is issued requiring action by the County.
- i. Consider preparing an initiative to amend the General Plan to address Housing Element law and General Plan goals as they relate to affordable housing requirements.

As noted in the General Plan 2011-2015 Five-Year Review Report dated October 25, 2016 [page 21, Attachment 2B, Legistar File No. [16-0477](#)], if the County fails to take action to meet its RHNA, or violates other provisions of state law related to housing, the County could potentially be exposed to protracted litigation until the Housing Element can be found in compliance with state law. Any person can bring a writ of mandate to enforce the State RHNA requirements (Government Code Section 65751). Penalties for noncompliance can be severe. For example, a court can suspend the authority of the County to issue building permits (Section 65755(a)(1)); suspend the County’s authority to grant any and all categories of zoning changes, use permits, variances, or both (Section 65755(a)(2)); suspend the County’s authority to grant subdivision map approvals (Section 65755(a)(3)); and mandate the approval of all applications for residential housing where the approval will not impact the ability of the County to properly adopt and implement the Housing Element, if the applications are in compliance with other law

(Section 65755(a)(4)). Also, the County can be enjoined by a court for failure to comply with the cited statutes (Section 65757).

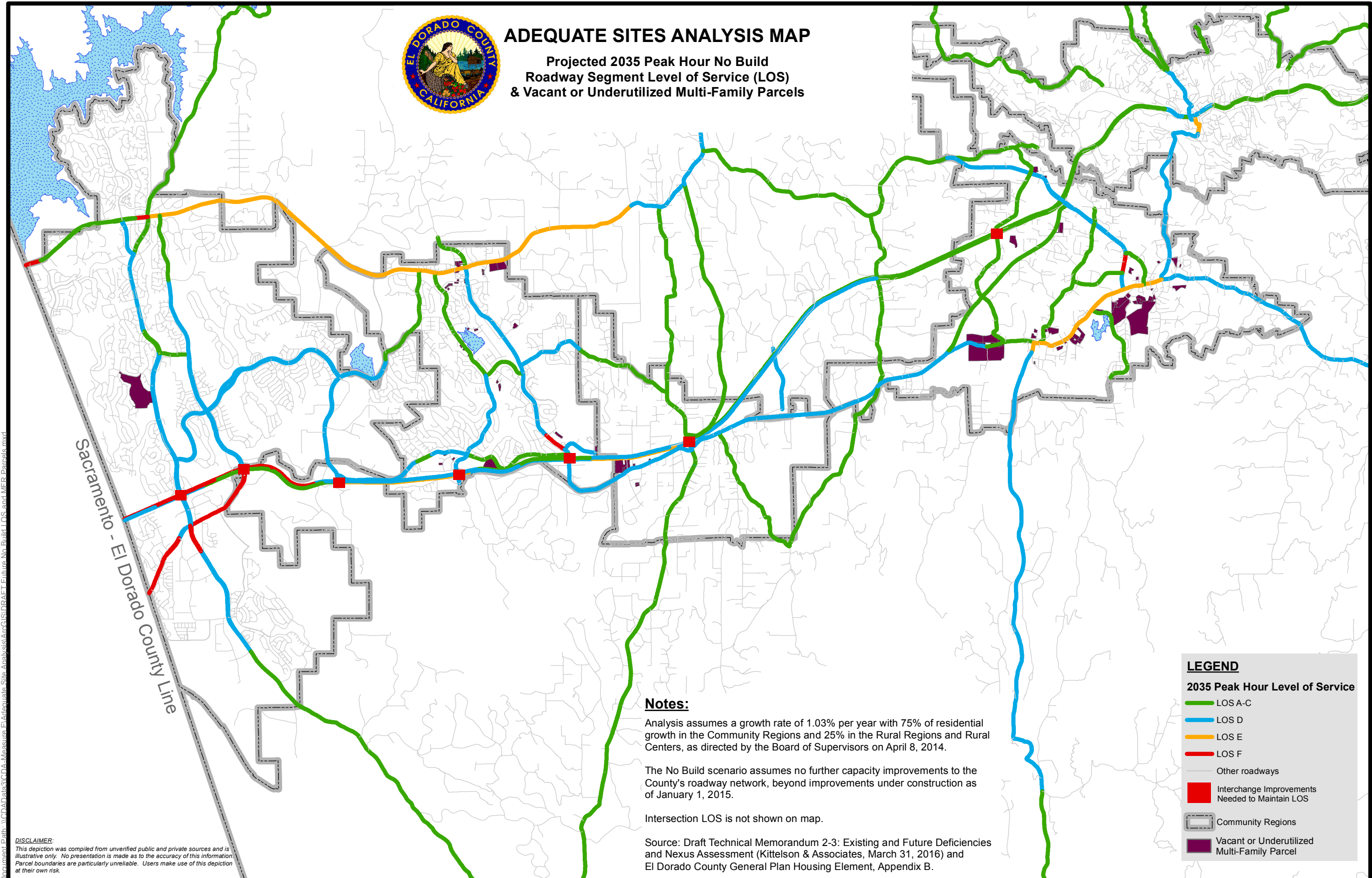
It is recommended that the Board consider the options provided, as well as any other options not included here, and provide direction to staff regarding the Board's preferences for next steps. Following the Board's discussion and consideration of Measure E implementation avenues for General Plan Housing Element consistency and with Board direction, staff will return to the Board with information regarding the requirements to implement the Board's direction including, but not limited to: estimated staff resource requirements, estimated cost, and estimated timeline. This may include amendments to County adopted plans, ordinances, programs, and environmental review, if required.

EXHIBIT A



ADEQUATE SITES ANALYSIS MAP

Projected 2035 Peak Hour No Build
Roadway Segment Level of Service (LOS)
& Vacant or Underutilized Multi-Family Parcels



LEGEND

2035 Peak Hour Level of Service

- LOS A-C
- LOS D
- LOS E
- LOS F
- Other roadways
- Interchange Improvements Needed to Maintain LOS
- Community Regions
- Vacant or Underutilized Multi-Family Parcel

Notes:

Analysis assumes a growth rate of 1.03% per year with 75% of residential growth in the Community Regions and 25% in the Rural Regions and Rural Centers, as directed by the Board of Supervisors on April 8, 2014.

The No Build scenario assumes no further capacity improvements to the County's roadway network, beyond improvements under construction as of January 1, 2015.

Intersection LOS is not shown on map.

Source: Draft Technical Memorandum 2-3: Existing and Future Deficiencies and Nexus Assessment (Kittelson & Associates, March 31, 2016) and El Dorado County General Plan Housing Element, Appendix B.

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DISCLAIMER:
 This depiction was compiled from unverified public and private sources and is illustrative only. No presentation is made as to the accuracy of this information. Parcel boundaries are particularly unreliable. Users make use of this depiction at their own risk.

EXHIBIT B

Summary of Potential Effects of Measure E on General Plan Goals, Policies and Implementation Measures

| Existing General Plan Goals, Policies and Implementation Measures | Related Policies/ Measures | Potential Effects of Measure E Amendments |
|--|--|--|
| HOUSING ELEMENT | | |
| GOAL HO-1: To provide for housing that meets the needs of existing and future residents in all income categories. | | |
| POLICY HO-1.1: When adopting or updating programs, procedures, or Specific Plans or other planning documents, the County shall ensure that the GOALS, policies, and implementation programs are developed with the consideration of achieving and maintaining the County's regional housing allocation. | MEASURE HO-2013-3 | TC-X Policy amendments due to Measure E add regulatory and economic constraints to affordable housing. Mitigation measures may be required to address economic feasibility of affordable housing on sites identified in Community Region areas prone to worsening road conditions. |
| POLICY HO-1.10: The County shall apply for funds from the state and federal government such as the Community Development Block Grant and Home Investment Partnerships Program and explore additional ways such funds may be used countywide to support construction of affordable housing. | MEASURE HO-2013-12 | Should the effects of TC-X policies amended by Measure E result in a Housing Element Out of Compliance, the County's eligibility for future grant funding opportunities may be compromised. |
| POLICY HO-1.12: To the extent feasible, extremely low-, very low-, low-, and moderate-income housing produced through government subsidies, incentives, and/or regulatory programs shall be distributed throughout the county and shall not be concentrated in a particular area or community. | | May require additional review pending Measure E analysis of "adequate sites" and Board direction. |
| POLICY HO-1.16: The County shall minimize discretionary review requirements for affordable housing. | MEASURE HO-2013-6 | TC-X Policy amendments due to Measure E add regulatory and economic constraints to affordable housing. Mitigation measures may be required to streamline affordable housing development on sites identified in Community Region areas prone to worsening road conditions. |
| POLICY HO-1.18: The County shall develop incentive programs and partnerships to encourage private development of affordable housing. | MEASURE HO-2013-10 HO-2013-10 HO-2013-12 HO-2013-13 | Existing mitigation policies may no longer be sufficient for private development of affordable multi-family housing due to added regulatory and economic constraints of TC-X policies amended by Measure E. |
| POLICY HO-1.19: The County shall review its surplus land inventory for potential sites to meet its affordable housing needs. | | May require additional review and amendments pending Measure E analysis of "adequate sites" and Board direction. |

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Summary of Potential Effects of Measure E on General Plan Goals, Policies and Implementation Measures

| Existing General Plan Goals, Policies and Implementation Measures | Related Policies/ Measures | Potential Effects of Measure E Amendments |
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| POLICY HO-1.2: To ensure that projected housing needs can be accommodated, the County shall maintain an adequate supply of suitable sites that are properly located based on environmental constraints, community facilities, and adequate public services. | MEASURE HO-2013-3 | TC-X Policy amendments due to Measure E potentially reduce adequate site inventory for affordable multi-family units in Community Regions. Alternate sites outside Community Regions and Rural Centers may pose additional conflicts with General Pan Land Use, Transportation and Circulation, and Economic Development Elements. |
| POLICY HO-1.5: The County shall direct higher density residential development to Community Regions and Rural Centers. | MEASURE HO-2013-14: | TC-X Policy amendments due to Measure E potentially reduce adequate site inventory for affordable multi-family units in Community Regions. Alternate sites outside Community Regions and Rural Centers may pose additional conflicts with General Pan Land Use, Transportation and Circulation, Public Service and Utilities, and Economic Development Elements. |
| GOAL HO-6: To assure equal access to sound, affordable housing for all persons regardless of age, race, religion, color, ancestry, national origin, sex, disability, familial status, or sexual orientation. | | |
| POLICY HO-6.1: When considering proposed development projects and adopting or updating programs, procedures, Specific Plans, or other planning documents, the County shall endeavor to ensure that all persons have equal access to sound and affordable housing, regardless of race, religion, color, ancestry, national origin, sex, disability, familial status, or sexual orientation. | MEASURE HO-2013-26 | TC-X policies amended by Measure E may result in denied access to sound and affordable housing due to the potential reduction in adequate sites for housing. |
| MEASURE HO-2013-1: Review land use patterns to identify areas for future housing objectives. (Government Code Section 65583, Government Code Section 65302[a], and Government Code 65860. | | May require additional review pending Measure E analysis of "adequate sites" and Board direction. |
| MEASURE HO-2013-3: Review and identify adequate sites for future affordable housing without need to fund major infrastructure. (California Government Code 65583.2(c)(iv) and (e). | Policies HO-1.1 HO-1.6 HO-1.9 | May require additional review pending Measure E analysis of "adequate sites" and Board direction. |

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| MEASURE HO-2013-6: Develop incentive based policy for affordable housing development. | Policies HO-1.6 HO-1.7 HO-1.16 HO-1.18 HO-1.21 HO-1.24 | Existing mitigation policies may no longer be sufficient for private development of affordable multi-family housing due to added regulatory and economic constraints of TC-X policies amended by Measure E. |
| MEASURE HO-2013-10: Provide more creativity and flexibility in development standards and guidelines as incentives for affordable housing. | Policies HO-1.3 HO-1.8 HO-1.18 | May require additional review pending Measure E analysis of "adequate sites" and related development constraints in addition to direction by the Board. |
| MEASURE HO-2013-12: Establish flexible, locally controlled source of funds dedicated to meeting local affordable housing needs for low income households. | Policies HO-1.10 HO-1.15 HO-1.18 | The County administers a dedicated revolving loan fund for affordable housing projects with Board approval. TC-X Policy amendments due to Measure E add regulatory and economic constraints to affordable housing. Additional revenue streams and uses for the affordable housing trust fund may be considered to mitigate potential due to Measure E regulatory and economic constraints to affordable housing. |
| MEASURE HO-2013-13: Identify additional opportunities to further streamline the procedures for affordable housing projects while maintaining adequate levels of public review (300 units). (Government Code Section 65583 and Government Code Section 65920 et seq.) | Policies HO-1.3 HO-1.7 HO-1.16 HO-1.18 | TC-X Policy amendments due to Measure E add regulatory and economic constraints to affordable housing. Mitigation measures may be required to streamline affordable housing development on sites identified in Community Region areas prone to worsening road conditions. |
| MEASURE HO-2013-14: Assist developers with incentives addressing barriers to infill development. (150 units) | Policy HO-1.5 | May require additional review pending Measure E analysis of "adequate sites" and related development constraints and further direction by the Board. |

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| MEASURE HO-2013-18: Amend the Planned Development combining zone district to provide adequate developer incentives to encourage inclusion of affordable housing. | Policy HO-1.18 | Existing incentive policies may no longer be sufficient to encourage private development of affordable multi-family housing due to added regulatory and economic constraints of TC-X policies amended by Measure E. |
| MEASURE HO-2013-21: Support County application for funds from a variety of sources in support of public improvements and/or community development on behalf of development for, and services that assist, affordable housing. | Policies HO-1.4 HO-1.10 | Should the effects of TC-X policies amended by Measure E result in a Housing Element Out of Compliance, the County's eligibility for future grant funding opportunities may be compromised. |
| MEASURE HO-2013-26: Adopt an ordinance, pursuant to the Fair Housing Amendments Act of 1988, to establish a process for making requests for reasonable accommodations to land use and zoning decisions and procedures regulating the siting, funding, development and use of housing for people with disabilities. Title 24 accessibility standards. | Policies HO-4.2 HO-4.7 HO-6.1 | TC-X Policy amendments due to Measure E add regulatory and economic constraints to affordable housing. Equal access to housing may be challenged. May require additional review pending Measure E analysis of "adequate sites" and Board direction. |
| MEASURE HO-2013-27: Explore models to encourage the creation of housing for persons with special needs, including developmental disabilities. Government Code Section 65583(e) | Policies HO-4.2 HO-4.3 | TC-X Policy amendments due to Measure E add regulatory and economic constraints to affordable housing. Equal access to housing may be challenged. May require additional review pending Measure E analysis of "adequate sites" and Board direction. |
| Measure HO-2013-30: Explore options to expand the TIM Fee Offset for Developments with Affordable Housing Policy to include developments of less than five units along with incentives for affordable workforce housing, including agricultural employee housing. | Policy HO-1.25 | Existing incentive policies may no longer be sufficient to encourage private development of affordable multi-family housing due to added regulatory and economic constraints of TC-X policies amended by Measure E. |

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| LAND USE ELEMENT | | |
| <p>OBJECTIVE 2.2.1: LAND USE DESIGNATIONS</p> <p>An appropriate range of land use designations that will distribute growth and development in a manner that maintains the rural character of the County, utilizes infrastructure in an efficient, cost-effective manner, and further the implementation of the Community Region, Rural Center, and Rural Region concept areas.</p> | | |
| <p>POLICY 2.2.1.2: To provide for an appropriate range of land use types and densities within the County, the following General Plan land use designations are established and defined.</p> <p><u>Multifamily Residential (MFR)</u>: This land use designation identifies those areas suitable for high-density, single family and multifamily design concepts such as apartments, single-family attached dwelling units (i.e., air-space condominiums, townhouses and multiplexes), and small-lot single-family detached dwellings subject to the standards set for in the Zoning Ordinance and which meet the minimum allowable density. Mobile home parks, as well as existing and proposed manufactured home parks, shall also be permitted under this designation. Lands identified as MFR shall be in locations with the highest degree of access to transportation facilities, shopping and services, employment, recreation, and other public facilities. Mixed use development within Community Regions and Rural Centers which combine commercial and residential uses shall be permitted. The minimum allowable density is five dwelling units per acre, with a maximum density of 24 dwelling units per acre. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers.</p> | | <p>TC-X Policy amendments due to Measure E potentially reduce adequate site inventory for affordable multi-family units in Community Regions. Alternate multi-family sites outside Community Regions and Rural Centers may pose additional conflicts with General Pan Housing, Transportation and Circulation, Public Service and Utilities, and Economic Development Elements.</p> |

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| <p>MEASURE LU-Q: Promote Infill Development: The program shall be linked to land-use, housing, air quality, transportation and circulation strategies that support development within existing communities, reduce vehicle miles traveled, increase energy efficiency, and encourage the development of affordable housing.</p> | <p>Objectives 2.1.4 2.4.1</p> | <p>TC-X Policy amendments due to Measure E add regulatory and economic constraints to affordable housing. Mitigation measures may be required to address economic feasibility of affordable housing on sites identified in Community Region areas prone to worsening road conditions.</p> |
| TRANSPORTATION AND CIRCULATION ELEMENT | | |
| <p>GOAL TC-8: To support the coordination of local, regional, State, and Federal transportation and circulation planning.</p> | | |
| <p>POLICY TC-8b: The County shall review the EDCTC’s Regional Transportation Plan and SACOG’s Metropolitan Transportation Plan, including the Sustainable Communities Strategy each time it reviews and updates the General Plan and any master plan, strategy, and zoning, to ensure overall consistency among all of these plans and strategies to allow for CEQA streamlining and to ensure eligibility for State transportation and housing funding.</p> | | <p>TC-X Policy amendments due to Measure E add regulatory and economic constraints to affordable housing. Mitigation measures may be required to address economic feasibility of affordable housing on sites identified in Community Region areas prone to worsening road conditions.</p> |
| <p>MEASURE TC-B: Revise and adopt traffic impact fee program(s) for unincorporated areas of the county and adopt additional funding mechanisms necessary to ensure that improvements contained in the fee programs are fully funded and capable of being implemented concurrently with new development as defined by Policy TC-Xf. The traffic fees should be designed to achieve the adopted level of service standards and preserve the integrity of the circulation system. The fee program(s) shall be updated annually for changes in project costs, and at least every five years with revised growth forecasts, revised improvement project analysis and list, and revised construction cost estimates to ensure the programs continue to meet the requirements contained in the policies of this General Plan.</p> | <p>Policies TC-Xa TC-Xb TC-Xg</p> | <p>TC-X Policy amendments due to Measure E add regulatory and economic constraints to affordable housing and potential General Plan inconsistency. Mitigation measures may be required to address economic feasibility of affordable housing on sites identified in Community Region areas prone to worsening road conditions.</p> |

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| <p>MEASURE TC-D: Continue to identify and pursue appropriate new funding sources for transportation improvements, road maintenance, and Department of Transportation operations. Grant funds from regional, state, and federal agencies should be pursued and utilized when compatible with the General Plan policies and long-term local funding capabilities.</p> | <p>Policies TC-1k TC-1l</p> | <p>Should the effects of TC-X policies amended by Measure E result in a Housing Element Out of Compliance, the County's eligibility for future grant funding opportunities may be compromised.</p> |
| PUBLIC SERVICES AND UTILITY ELEMENT | | |
| <p>GOAL 5.2: WATER SUPPLY The development or acquisition of an adequate water supply consistent with the geographical distribution or location of future land uses and planned developments.</p> | | |
| <p>OBJECTIVE 5.2.1: COUNTY-WIDE WATER RESOURCES PROGRAM Establish a County-wide water resources development and management program to include the activities necessary to ensure adequate future water supplies consistent with the General Plan</p> | | <p>TC-X Policy amendments due to Measure E potentially reduce adequate site inventory for affordable multi-family units in Community Regions. Alternate sites outside Community Regions and Rural Centers may pose additional conflicts with General Pan Land Use, Transportation and Circulation, and Economic Development Elements.</p> |
| <p>POLICY 5.2.1.11: The County shall direct new development to areas where public water service already exists. In Community Regions, all new development shall connect to a public water system. In Rural Centers, all new development shall connect either to a public water system or to an approved private water system.</p> | | <p>TC-X Policy amendments due to Measure E potentially reduce adequate site inventory in Community Regions. Alternate sites outside Community Regions and Rural Centers may pose additional conflicts with General Pan Housing, Transportation and Circulation, Land Use, and Economic Development Elements.</p> |
| <p>POLICY 5.2.1.7: In times of declared water shortages, the Board of Supervisors shall give priority within the affected water district to approving affordable housing and non-residential development projects.</p> | | <p>Should the effects of TC-X policies amended by Measure E result in a Housing Element Out of Compliance, the County's eligibility for future grant funding opportunities may be compromised.</p> |

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| ECONOMIC DEVELOPMENT ELEMENT | | |
| <p>OBJECTIVE 10.1.9: JOBS-HOUSING RELATIONSHIP The County shall monitor the jobs-housing balance and emphasize employment creation.</p> | | |
| <p>POLICY 10.1.9.1: The County shall use appropriate land use, zoning, and permit streamlining strategies, and other financial incentives to provide for and encourage a broad mix housing types that are compatible with wage structures associated with existing and forecasted employment</p> | | <p>Community Regions and Rural Centers contain the highest concentration of high- and medium-density residential uses and commercial lands. TC-X Policy amendments due to Measure E potentially reduce adequate site inventory for affordable multi-family units in Community Regions with proximity to employment. Alternate sites outside Community Regions and Rural Centers may pose additional conflicts with General Pan Housing, Transportation and Circulation, Land Use, and Economic Development Elements.</p> |
| <p>POLICY 10.1.9.2: Encourage specific plans and large planned developments in Community Regions and Rural Centers to include a broad mix of housing types and relate it to local wage structures to achieve balance with existing and forecasted resident household needs.</p> | | <p>Community Regions and Rural Centers contain the highest concentration of high- and medium-density residential uses and commercial lands. TC-X Policy amendments due to Measure E potentially reduce adequate site inventory for affordable multi-family units in Community Regions with proximity to employment. Alternate sites outside Community Regions and Rural Centers may pose additional conflicts with General Pan Housing, Transportation and Circulation, Land Use, and Economic Development Elements.</p> |