



The *Business Alliance...Update* is a bi-monthly publication of the El Dorado Business Alliance (BA). The BA is made up of the following organizations: El Dorado Builders' Exchange, El Dorado County Association of Realtors (EDCAR), El Dorado County Chamber of Commerce, North State Building Industry Association (NSBIA) and Shingle Springs-Cameron Park Chamber of Commerce. Web Address for Subscription Info: [KathyeRussell@gmail.com](mailto:KathyeRussell@gmail.com)

## *“Developing Mutual Support on Community-Wide Issues”*

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It is disappointing that those involved in the land-use activities currently underway in El Dorado County (EDC) via the proposed 6 land use voter initiatives and signature gathering process, cannot simply disagree agreeably. The actions of initiative activists have been highlighted by personal attacks on everyone from LUPPU (Land Use Policy Programmatic Update) process volunteers, to staff, to Board of Supervisors individually. Those who disagree with activists are being called the worst (apparently) of all insults: “A Developer”. Seems that label now includes every business entity that has any clients involved in land development, from a bookkeeper to a builder to an electrician or plumber, to a realtor, and even agriculturists and business association managers (e.g.: Chamber of Commerce, Board of Realtors).

It's unclear why this climate of attacking anyone who disagrees by name calling and intimidation has taken hold. One school of thought claims those who are weak in facts resort to name calling and that may be the case. In fairness, there are some activists who have taken a high road and have stuck to the issues and not engaged in personal attacks – but they seem few and far between.

The Business Alliance is perhaps more pragmatic and is much more comfortable dealing with facts and issues, thus we discuss below claims contained in recent publications and correspondence, to provide a reality check.

### **CURRENT DISPUTES OVER LAND USE CLAIMS**

The first discrepancy we note was a claim that signature gathering is being done by volunteers – not paid signature gatherers. I personally talked with a vivacious young man who had all the land use initiatives set out. I asked where he was from and he said Sonoma County and pleasantly stated that if I didn't like the local initiatives I could sign a State one (no relationship to the local ones). Clearly he was a paid signature gatherer.

The second discrepancy was triggered by the El Dorado County (EDC) Chamber of Commerce (Chamber) that has run full page advertisements in the *Mountain Democrat* encouraging locals not to sign the land use initiatives. Their claim is that passage of one or more of the initiatives may result in EDC's loss of land use authority locally. The ads were untrue according to a local activist pushing for the initiatives, and she disputes the Chamber's claims by citing *her own understanding* of the initiatives. However, that doesn't resolve the matter (recall our warning of 'unintended (unexpected) consequences' in past issues). This woman may be unaware of State requirements and/or of the consequences of non-compliance with State mandates.

**The fact is EDC is at risk of being unable to maintain the State of California's requirements for accommodating housing availability for all income levels.** The mandated EDC Housing Element was completed and its required update submitted in 2013 based on the current General Plan (GP) now in effect (including the current land use designations and assuming compatible zoning). The State Housing and Community Development (HCD) Department approved it on November 13, 2013. The document is very specific as to an analysis of EDC's housing stock, population income, special housing needs, and an analysis of local inventory of lands now available to accommodate local housing needs. The State responds by giving counties the number of affordable housing units *required* (aka RHNA numbers). **The State has the authority to impose sanctions on jurisdictions that fail to comply with RHNA projections, including loss of local permitting authority (as EDC would be unable to provide proof of General Plan consistency).** In other jurisdictions the result of failing to obtain HCD certification of the Housing Element resulted in lawsuits by affordable housing advocacy groups, some resulting in cities and counties being forced to provide *additional* affordable housing requirements just to settle the lawsuits.

**The changes proposed in the various land use initiatives would change the GP land uses now assigned and subsequently the residential zoning impacts would be significant.** The current Housing Element would no longer work, and one initiative even attempts to force EDC's archaic zoning to be retained. The zoning simply must work consistently with the land use designation which, again, is the foundation of the GP, and no playing around with words will change that reality. An entire body of law is dedicated to this fact.

For example: Current land use designations have clustered the bulk of new residential and commercial/retail uses along Highway 50. Known as Community Regions (CR), these are those areas that already have access to

infrastructure such as water, sewer and roads. Since HCD is primarily concerned about jurisdictions including lands zoned for low-to-very-low income families, (NOTE: EDC has failed to supply even moderate-income level housing) CRs are intended to provide higher density (e.g.: less expensive) housing *with access to public transportation* along the Highway 50 corridor. Even accepting the Center/Moore initiative to force CR housing into the rural regions does not accommodate the densities needed for lower-to-moderate income level housing, nor do the rural areas provide *convenient* (or it won't be used) access to public transportation. Again we note that several of the most active opponents to the current GP and Community Regions are those who live on or close to Highway 50. Does the County want to change the GP altogether to accommodate those few living near a freeway? If yes – then where does EDC provide for the mandated housing to be located?

This brings us to the **activists' claim that Measure Y's "intent" is being ignored**. EDC has collected hundreds of millions of dollars (around \$400 million) in Highway 50 fees, specifically due to Measure Y, and EDC has invested the bulk in improvements to Highway 50. It is apparent to all who drive on Highway 50 *during rush hours* that significant improvements have been made to keep traffic moving and to eliminate gridlock, with more in process. What the activist is really saying is that she thought Measure Y would stop all growth. But it wasn't written with that intent, nor has it resulted in it. Measure Y is part of the current GP and it's expensive but workable. It does not require changes to retain its success (unless the burden for improvements is put back on the State to provide funding solutions, which is unlikely to occur).

We'll continue to address issues effected by the land use initiatives in future issues, but now – some good news:

### **THE 'GOOD' NEWS REMEMBERED...**

It has been years since volunteers came together with the Regulatory Reform Subcommittee, resulting in many changes that were subsequently embraced by others and the BOS. Here is a recap of some of the issues the volunteers recommended to improve local economic development in EDC. These are specifically focused on this area and the General Plan goal of retaining the bulk of EDC in rural, agricultural lands (frequently known as "working landscapes").

**HOME OCCUPATION ORDINANCE:** A new Home Occupation Ordinance (HOO) was included in LUPPU for analysis and subsequent BOS decision. A revised HOO was developed that recognized the needs of the rural areas as well as the urban areas within the county. It was an alternative to EDC's original ordinance that didn't allow for any employees and thus business growth. If adopted by the BOS, this more flexible ordinance will stimulate rural commerce activities.

**COMMUNITY REGION BOUNDARY CHANGE:** In support of the community's request, the BOS directed that the Camino/Pollock Pines Community Region Boundary be changed to create three separate, distinct Rural Centers.

**COMMERCIAL and INDUSTRIAL LANDS ALLOWED IN RURAL REGIONS:** BOS agreed to include analysis of including commercial and industrial uses (currently prohibited) in Rural Regions as part of the LUPPU process.

**COMMERCIAL vs. RESIDENTIAL MIXED USE FORMULA:** The policy requiring that the commercial component of a mixed use project be constructed before the residential component was unworkable, as projects commonly require the income and population base from residential units to justify and support attracting commercial and retail ventures. The LUPPU analysis will provide specific data to use if a change is adopted.

**COMMERCIAL and MULTI-FAMILY in MIXED USE:** Change would amend Multi-Family land uses to allow commercial as part of a mixed-use project, and change residential densities from 16 to 20 units per acre. These changes are *necessary to meet housing mandates* as well as to retain higher densities within appropriate areas with adequate infrastructure. Analysis of impacts included in LUPPU.

**INDUSTRIAL LAND USE:** LUPPU is analyzing removing restrictions to Industrial Lands only within, or in close proximity to, Community Regions and Rural Centers. LUPPU is also analyzing removing the requirement that Industrial Lands in Rural Regions are *only* allowed for on-site support of agriculture and natural resource uses. The change supports industrial uses in various areas of the county (working landscapes) and broadens the types of industrial uses actually allowed throughout the county.

**MULTI-FAMILY LANDS and DETACHED HOMES:** This recommendation proposed changing Multi-Family land uses to encourage a *full range of housing types* without a Planned Development (PD) process. The change will allow small lot single family detached homes in multi-family areas (instead of *only apartments/duplex units*) and will streamline an automatic PD process. This is an important change for residents who WANT alternatives to apartments only, as most residents prefer detached homes to apartments, even if on small lots. This was a valid way to address the need for moderate income level housing. As part of LUPPU the analysis will be of interest to all!

**NEXT ISSUE:** We will continue the list of LUPPU issues being analyzed and we'll continue to address false claims and misinformation being used to convince, and/or intimidate, voters, by providing factual information for each. Don't forget the reality of intended consequences.....they can be very costly to taxpayers!