

El Dorado Hills Telegraph

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Following the Plan

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Editor's Note: In seventeen years of forming, debating and litigating a General Plan for El Dorado County, two distinct camps have found no middle ground on the mountain of hyperbole.

It's perhaps the only thing on which Measure B and Measure D authors can agree.

Recent debate on the two measures have likely caused as much confusion as it's aided the public in the difficult decision.

Voters will get their say in with the March 8 ballot.

Because of the importance of this vote, the Telegraph has chosen not to take an editorial stance on either measure. The intent of this analysis is to inform the public without consciously biased argumentation.

The following is a history of the General Plan law in California and El Dorado County, and an analysis of the measures, those that support them and three possible scenarios after the election. No officials are directly sourced in this article, however, dozens of interviews and public comments were used to extrapolate points of view.

General Plan History

The El Dorado County Board of Supervisors began planning and researching for a General Plan in 1988. The county had been operating under a collection of Area Plans that had proven difficult to manage and control growth, especially along the western slope that includes El Dorado Hills.

A General Plan is high-level policy for the future evolution of a community. It is meant to guide officials and agencies in their decisions. Developed by local government and informed by public hearings, it limits what elected and appointed officials can do by what's written in a public document.

It is written in broad language and can be amended by elected officials after public discussion, so the General Plan can be truly reflective of conditions as they change. State law mandates General Plans include seven listed categories, but it may have more.

The history of the General Plan law in this state shows intent to prevent mistakes that could not be undone once committed. It took some time before lawmakers knew how to implement such a thorough undertaking, though.

In 1927, the California legislature authorized local governments to create planning commissions and general plans - then known as master plans - for their communities. The plans were not enforceable until 1971, when counties and cities were required by law to conform their zoning laws to their General Plans.

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Traffic has become a central issue in the debate between Measure B and Measure D supporters. Both measures – one a General Plan and the other a county charter amendment – attempt to address potential gridlock on Highway 50 and arterial roads in the western slope of El Dorado County. Photo by Philip Wood/The Telegraph

The General Plan hanging in the balance for Measure B has eight categories: land use, transportation, public services and utilities, health/safety/noise, conservation/open space, agriculture/forestry, parks and economic development.

The board adopted a General Plan in 1996, but it was promptly challenged in court by a group of citizens who believe it was inadequate. In February 1999, Sacramento County Superior Court Judge Cecily Bond ruled the General Plan did not accurately disclose growth impacts and issued a writ constraining the adoption of the plan until the EIR was remedied.

The lack of a plan did not stop progress - decisions can be made after an assessment of needs and values. The county approved five high-density developments between 1996 and 1999 - El Dorado Hills developments Bass Lake Hills, The Promontory and Valley View were among the five - growing the county by over 14,000 homes and approximately 38,000 people. During that time, El Dorado Hills was approved for an approximate 97 percent build-out. But those decisions were made without the guidance of a General Plan, because none was in force, and these existing rights cannot be rescinded by any subsequently-adopted General Plan.

Last spring, El Dorado County became the first California government to attempt to pass a General Plan measure at the ballot box. Measure G was overwhelmingly defeated, with 70 percent of voters denying its passage.

The board responded by adopting a plan in July 2004. Some citizens, believing the plan was adopted in haste, introduced Measure B as a referendum on the board's actions.

Traditional opponents to all of the previous General Plans immediately responded by authoring Measure D as a competing ballot option. If passed, Measure D would amend the county charter to prevent the board of supervisors from adopting any General Plan ever that would allow gridlock on Highway 50 (officially defined as Service Level F). The more controversial aspect of Measure D is the aspect that would prevent the county from issuing residential building permits of two parcels or more until Highway 50 reaches eight lanes wide from the Sacramento County line to Cameron Park Road.

The Disagreements

Traffic and infrastructure are the rallying points for Measure D supporters, and that same group is driving political discourse.

While the 2004 General Plan speaks specifically to traffic circulation, opponents of the plan quickly locked in on the hypothetical growth numbers the plan uses in Housing Element, Section 2.

Critics say the 2004 General Plan, ardently supported by developers and others who would benefit from sale and development of land, uses the biggest growth number possible. Measure D supporters argue the General Plan would more than double the county's population, potentially adding 78,000 homes over the next two decades. The claim is a source of possible confusion. The plan refers to 78,000 people, not homes.

The dire population forecast is based the "build-out" scenario included in the General Plan: "Economic & Planning Systems estimates that, based on market research, historical growth patterns, and SACOG projections, El Dorado County could be home to an additional 78,000 persons by 2025."

That growth would occur in a wide variety of specific areas, mostly on the western slope and much of it along the 50 corridor.

While critics say the General Plan would allow 78,000 housing units by 2025, General Plan language concedes to the current permit approval rate of about 1,300 homes per year, which projects to about an additional 26,000 housing units by 2025.

Measure D Supporters counter this by arguing if the General Plan allows for the most growth possible, then the most growth possible will be allowed, thus there would be more homes than the current rate of approval. They refute the Measure B camp's argument that conditions, such as terrain, parcels inaccessible by roads or economic conditions would serve to limit growth.

However, supervisor Jack Sweeney claimed at last week's Town Hall meeting in El Dorado Hills that the maximum number was chosen because of the county's courtroom experience in 1996. The crux of the judgement against that plan was based on the county's failure to project heavy build-out. By including the large number, they said, they have successfully met the state's environmental requirements, giving it a strengthened legal position.

The four of five board members who approved the 2004 General Plan have consistently stated their preference for slower growth, pointing out the General Plan sets policy, but it does not lay out specific plans. The power to control growth is always in the hands of elected officials, they argue, by way of the voters who put them in office.

The 2004 General Plan is billed by Measure B supporters as the "Managed Growth and Open Roads" plan, calculated terminology because of the nature of rhetoric in the debate.

Timing is key because a report is being prepared for the board that may call for as much as \$600 million for road improvement and expansion over the next 10 years. According to one committee member, the money would come from impact fees paid for by new residential development.

The report, generated by the Traffic Impact Mitigation Fee Community Advisory Committee - heavily represented by staunch supporters of both measures, has become infamous before even being accepted into the county board's minutes.

The report was not on the county board's agenda at the time of publication.

While one Measure B supporter estimated road impact fees to be around \$9,900 per home, a Measure D supporter ominously predicted impact fees exceeding \$50,000 if the numbers are to be met, and incredulous amount in his opinion.

It's important to note while policies in the General Plan may impact these numbers, the General Plan does not lock in dollar figures. It does, however, give much reverence to 1988's Measure Y traffic initiative in Policy TC-Xa, Item 1:

"Traffic from residential development projects of five or more units or parcels of land shall not 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."

The plan further places the burden of paying for highways on new development: "Developer-paid traffic impact fees shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county."

Critics of Measure B, who refer to Measure D as the "No Gridlock" measure, argue the language in the General Plan is not specific enough. Supporters of the General Plan say not only is this part of the general nature, the plan is not supposed to be any more specific. That authority, they say, still rests with elected officials.

Looking Ahead

If Measure B passes and Measure D fails, the county would be operating under a General Plan without any immediate complications.

However, it would likely face the same legal scrutiny as the 1996 General Plan. Supporters tout the strength of the new plan because it was specifically written to meet Judge Bond's 13 environmental concerns.

In theory, Measure D would trump Measure B if both pass. Measure D would amend the county charter, which would therefore govern any future General Plan or changes. Measure B would be adopted, but Measure D will also go into effect, which would affect any future General Plan or its amendments.

However, Measure D would most certainly face a legal challenge. Opponents to Measure D challenged the legality of amending the county charter through a ballot measure. The challenge was denied, but Measure B supporters theorized it was only because ballot measures are only successfully challenged once they're passed.

If Measure B fails and Measure D passes, the board would be forced to adopt a new General Plan using the specific agenda set by Measure D supporters. More specifically, it would halt all new residential development of more than two parcels in El Dorado County until Highway 50 is expanded to eight lanes from the Sacramento County line to Cameron Park Road.

CalTrans, the state agency responsible for highway construction and improvements, has no current plans to expand the highway to eight lanes. State budget woes and cutbacks have forced the department to delay other scheduled plans for years into the future.

Measure D also appears to introduce a Catch-22: No expansion of Highway 50 to eight lanes would prohibit high-density development that generates traffic, and no forecasted traffic due to lack of development would prohibit the expansion of the highway.

Measure D advocates argue putting stringent limits on development would force influential developers in the county to use their political clout and expedite the process. They offer no other alternative, however, if the political maneuver fails to work, and appears to be satisfied if growth is halted into the future.

What your vote means

County supervisors proclaim the plan as the best possible plan reached with the best possible consensus. Measure B supporters say opponents to the plan disagree on principle, and only come to the bargaining table when they are in position to block progress. While it's not often said in public, many in this camp acknowledge Measure D as nothing more than a blocking technique.

Measure D supporters say they disagree fundamentally with Measure B because it leaves too much to interpretation to elected representatives which they don't trust as a general rule. Measure B was written with developers' best interests in mind, they argue, and for no other reason.

The General Plan is just that: general. It is state-mandated, and until one is in force, decisions can only be made case-by-case. While the plan was written to include concepts put forth by Measure D supporters, it is incapable of guarantees. The General Plan eventually must give way to the day-to-day decisions made by county staff and the board of supervisors.

The election boils down to a vote of confidence in elected leaders or a rejection of their ability to carry out the will of the voters.

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