

**Shingle Springs Community Alliance Response to
Roger Trout's White Paper on General Plan Amendments Related to
Community Region Boundary Lines, Agenda Item 4, File No 13-0510**

Shingle Springs Community Alliance (SSCA), Stop Tilden Park (STP) and No San Stino (NSS) fully understand that the density and mix of uses of San Stino and Tilden Park Projects are a problem because the density and intensity of uses proposed impact local roads, fire and public safety, and inadequate supply of water available from EID. We understand that removing the CRL and adopting a Rural Center designation for Shingle Springs will not stop the processing of those development applications. That is why we have asked the Board of Supervisors to exercise their discretion to immediately deny the projects, both of which require General Plan Amendments, without the need of an EIR, as permitted by law. SSCA-STP-NSS also recognize that other development proposals are, if not inevitable, highly likely for any vacant land close to the Hwy. 50 corridor, and possible infrastructure expansion of urban services. That is why we are always open to dialog about potential development that is more compatible with our rural community.

It is also clear, however, that the Community Region Line encourages irresponsible and incompatible development proposals like San Stino and Tilden Park. Changing the CRL and adopting the Rural Center designation (which for Shingle Springs we believe the term "Town Site Core" as used in the 1977 Shingle Springs area plan would be more appropriate), sends a signal to developers that high density urban and suburban-type development is not encouraged or welcome in Shingle Springs. For this reason SSCA-STP-NSS will continue to advocate for the modification of the CRL for Shingle Springs to a smaller Rural Center (or Town Site Core) area, no matter the outcome of the San Stino and Tilden Park development applications.

In his summary of the CEQA process relating to planning matters, Mr. Trout fails to acknowledge that a preliminary review for whether CEQA applies or whether the "common sense" exemption may apply to a General Plan amendment, such as removing the CRL, is a viable option, as presented in the detailed analysis by SSCA-NSS-STP counsel, Joel Ellinwood, previously presented to the Board in his letter dated April 25, 2013. Other than the application of the common sense exemption, Mr. Trout's itemization of the steps necessary to amend the General Plan to modify CRLs is identical to those in Mr. Ellinwood's letter and the outline presented to the Board at its May 7 meeting.

The concept of urban limit lines to direct growth to the most appropriate areas and with reasonable phasing is basic sound planning practice in the United States. However, as incorporated in the 2004 General Plan, Community Regions are a seriously flawed execution of the urban limit line concept. The primary flaw in the 2004 General Plan policies classifying all land in the County as being within a Community Region Line, a Rural Center or a Rural Region, is that these designations bear no relation to Land Use Designations or Zoning Ordinance Classifications or existing and planned future infrastructure capacity. High intensity, compact, urban or suburban-type development is being encouraged by the existence of CRLs within large areas that have Low Density Residential land use designations and 5-acre minimum zoning in the General Plan and Zoning Ordinance. It is impossible to reliably forecast or plan the extent or specific locations of growth that may ultimately occur because of CRL lines. As a result,

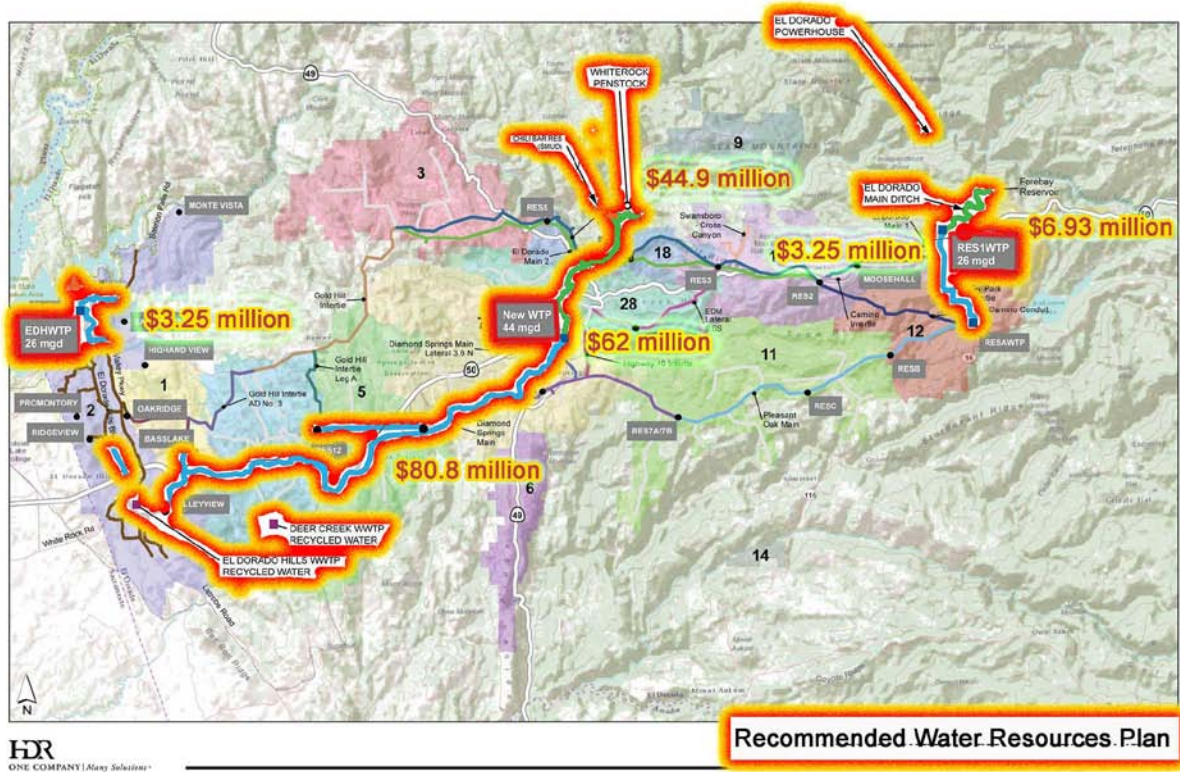
reasonable planning for the required infrastructure is virtually impossible. Were it adopted today and subjected to legal challenge for lack of internal consistency with the other elements of the General Plan, it is doubtful that the CRL policies, as currently incorporated in the plan, would pass legal muster.

This fundamental flaw is borne out by El Dorado Irrigation District's attempts to forecast demand in its recent Integrated Water Resources and Waste Water Master Plans. No account is given in EID's demand forecast for potential high intensity development within the CRLs that are not included within an already approved plan. Instead EID's demand projections are predicated entirely upon General Plan Land Use Designations. The mis-match is clearly evident with CRL-based development plans for Tilden Park (General Plan land use = medium density (1-5 acre) residential) and San Stino (General Plan land use = low density residential (5 and 10 acre minimum)). If any significant percentage of low and medium density residential-designated land within the CRLs is developed for high intensity compact urban or suburban type development, then EID's demand forecast will be seriously underestimated. Growth will then occur only in a hodge-podge of disconnected projects because of EID's "first-come-first-served" connection policy. Any existing or added supply may be exhausted by residential development, without providing desired employment centers and sales-tax generating commercial development. That only exacerbates El Dorado County's badly skewed jobs-housing balance and sales tax "leakage" (hemorrhage might be a more apt term, since sales tax revenue is the life blood of local government economic health). This unbalanced growth scenario is likely simply because residential developers are more nimble and persistent and market conditions favor development of residential rooftops before industrial or commercial development markets are ripe. The rationale for CRLs as suitable for more intensive development because infrastructure is available to support it completely falls apart. Ironically, CRLs as currently implemented will encourage, not prevent uncoordinated leap-frog development, as asserted by Mr. Trout.

No Water - No Growth Development in El Dorado County is seriously constrained by numerous factors,¹ none of which is more critical than the limited supply of public water. EID's annual water supply reports indicate that there are fewer available residential water service connections than there are already approved residential parcels in El Dorado Hills, Bass Lake and Cameron Park service areas, and only 2,000 dwelling-unit equivalents available for all types of uses for the rest of EID's entire service area east of Cameron Park. There is currently no significant available water supply to support any additional growth as contemplated by the CRL scheme in the General Plan. Existing excess sewer treatment capacity is superfluous without more water to flush. In order to meet just the growth anticipated from existing General Plan Land Use Designations, EID's IWRMP calls for \$187.7 million in new diversion, treatment and conveyance facilities, the first phase of which won't be online any sooner than 2020. Water rationing to support growth is not a viable water supply plan. **Until then a de facto development moratorium should be in effect due to the lack of available water**, whether or not the County or EID

¹ The distance and expense of commutes to employment centers in Sacramento and Placer Counties; the inadequacy of the local road network to handle a significant increase in traffic; topography and environmentally sensitive lands; the presence of threatened or endangered plant and animal species and historically and culturally significant archeological sites; the cost of expanding water and sewer distribution, collection and treatment facilities; rural fire risks; hazardous naturally occurring minerals; etc.

formally declares it. Perhaps the de facto moratorium will give the County time to put its seriously flawed planning assumptions and methodology in order.



Because EID's plans calls for the system expansion to be ultimately paid for entirely by developer Facilities Capital Charges (FCC), serious questions must be answered about the means of financing these improvements which must be in place *before* the FCCs can be charged and collected. How will the risk be handled that the anticipated development may not occur, or will occur within the estimated timeframe, without unduly burdening existing EID rate-payers? The only answer is more rate-payer "bondage" for growth. The high unit cost of these facilities may make providing low and moderate housing units unaffordable, even infeasible, without significant subsidies. The separation of land use authority and responsibility for critical infrastructure planning and development between the County and EID makes these problems even more complicated and difficult to resolve.

Lack of County Commitment to Limit Growth to CRLs and Rural Centers Mr. Trout's analysis reveals another flaw in the CRL concept - that the boundaries are subject to landowner-initiated General Plan Amendments at any time (several which are currently pending), which County staff feels obligated to process regardless of merit or lack of consistency with other General Plan policies. Because it receives substantial funding from developer application fees and charges, the Development Services Department has every incentive to fully process every development application that comes in the door -- no matter how ill-advised, or out of sync with General Plan policies and priorities. The only way that the Board of Supervisors can interject any integrity to the General Plan CRL's function as an urban limit line is to adopt a policy to summarily deny all General Plan Amendment applications for expansion of CRLs or for development outside of CRLs until such time as sufficient development has occurred within the CRLs as

defined in the 2004 General Plan. No such amendment should be considered until the need is demonstrated in subsequent five-year general plan reviews AND it can be demonstrated that adequate water supplies will be available, as required by law. This has been done successfully in other cities and counties in California. Option 5 in Mr. Trout's analysis doesn't go nearly far enough, nor does it meaningfully respond to Supervisor Veerkamp's request to evaluate the possibility of denying or deferring General Plan Amendments for new development projects until after the Land Use Policy Programmatic Update (LUPPU) process has been completed.

Existing viable agricultural operations within CRLs are not only not protected, but are in fact disallowed. The CRL is in effect an Agricultural Exclusion Line.

LUPPU and Shingle Springs CRL modification are not inconsistent Shingle Springs Community Alliance, No San Stino and Stop Tilden Park see no conflict between the Land Use Policy Programmatic Update (LUPPU) process (Targeted General Plan Amendment and Zoning Ordinance Update) and taking action to remove the CRL designation and adopt a new Town Site Core Area (Rural Center)-designation for Shingle Springs. This re-designation avoids any potential problem of inconsistency between current multi-family, commercial and industrial zoning and the General Plan. There is no credible evidence or rational basis for concluding that re-designating Shingle Springs from a Community Region to a Rural Center (Town Site Core) would put development pressure on any other area of the County. Development that is not yet planned (but only a gleam in a developer's eye) can't be displaced. Existing zoning and General Plan land use designations would have to be amended anywhere else that CRL-induced high-intensity compact urban or suburban type development would be proposed, just as it would in Shingle Springs. The Board of Supervisors has the discretion to just say no. The County is under no legal or policy obligation to find another vacant 645 acres for development elsewhere if the San Stino parcels are no longer within a CRL, as Mr. Trout seems to assume.

It is evident from the testimony of a number of well-informed and civically-active citizens of the County that the Community Region concept in the 350+ page 2004 General Plan was poorly understood, if it was understood at all. The fact that the General Plan was approved by the voters by a scant margin (.8 %), when the details of its contents were not well-known or clearly understood, is no argument for keeping the CRL designation for Shingle Springs or anywhere else. If other communities follow Shingle Springs in demanding that the CRL boundaries in their areas be eliminated or reduced, it would be in no small measure that the voters are now more informed and proactive. The General Plan should be responsive to the County's informed citizenry, not just slavishly pursuing a flawed course because it happens to be in the General Plan text.

There is sufficient land designated for development with the densities and uses identified in the land use element, general plan and approved specific plans that require \$187.7 million in new water supply, treatment and conveyance infrastructure without a single CRL-induced high intensity, compact, urban or suburban type development project being added to the mix. This would be true even if the CRL designations for the entire County were eliminated. EID's plans, based on the existing General Plan land use and zoning designations, fully utilize its available water rights. There is no room to further expand the system to serve additional unquantifiable growth within the CRLs. Meanwhile, the high cost of bond

financing for expanding water and sewer infrastructure has put severe rate pressure on El Dorado's agricultural economy and established large lot rural residential character.

El Dorado County has for too long engaged in fantasy planning because it assumes that EID can magically provide water and sewer services wherever high-intensity, compact urban or suburban type development might pop up along the Highway 50 corridor. It is high time the County engaged in responsible planning based on the resource constraints that exist, and not plan for growth without a realistic plan to pay for the infrastructure needed to support it. Passing the financial risk of speculative development to existing EID ratepayers and County taxpayers is unconscionable.