

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # B-10

Urgent Routine

AGENDA DATE October 30, 2007

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Consideration of "Stanislaus County Responsible Planning and Growth Control Initiative" and Approval to Place the Initiative on the Ballot for Voter Consideration

STAFF RECOMMENDATIONS:

1. Consider the proposed "Stanislaus County Responsible Planning and Growth Control Initiative".
2. Find and determine that the Initiative ordinance is not subject to the California Environmental Quality Act (Public Resources Code sections 21000 et seq.).
3. Approve the language of the Initiative, order an election and direct the County Elections Official to place the Initiative on the ballot for the February 5, 2008 Presidential Primary election.

FISCAL IMPACT:

The proposed measure, if adopted by the voters, will require the development of a new comprehensive General Plan within a 2-year period, under the direction of a 15-member General Plan Review Commission. While exact costs to perform this update are unknown at this time, the Planning and Community Development Department estimates that these costs may range between \$1.6 to \$2 million. This cost estimate includes the preparation of an Environmental Impact Report as required under State law. For the past several years, the Planning and Community Development Department has been collecting a General Plan Update Fee on all applications and permits. - C O N T I N U E D -

BOARD ACTION AS FOLLOWS:

No. 2007-858

On motion of Supervisor Grover, Seconded by Supervisor Monteith
and approved by the following vote,

Ayes: Supervisors: Grover, Monteith, DeMartini, and Chairman O'Brien

Noes: Supervisors: Mayfield

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

- 1) X Approved as recommended
- 2) _____ Denied
- 3) _____ Approved as amended
- 4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Consideration of "Stanislaus County Responsible Planning and Growth Control Initiative" and Approval to Place the Initiative on the Ballot for Voter Consideration

Fiscal Impact Continued:

This fund has a current balance of approximately \$825,000, which can be applied towards the comprehensive update. Staff is also exploring the potential of using Public Facility Fee - Administrative Fees to fund a portion of the General Plan Update. The balance of costs for the update would need to be advanced by the County General Fund against future General Plan Update fees.

County departments participating in the comprehensive General Plan update process may incur additional costs which will need to be considered in the development of an overall project budget.

Funding for costs associated with conducting the February 5, 2008 Presidential Primary Election were included as part of the Clerk-Recorder - Elections Division 2007-2008 Proposed Budget. There are no additional costs anticipated at this time to place this measure on that ballot.

Discussion:

At the July 17, 2007 Board of Supervisors meeting, staff was requested to review alternatives or options to the "30-Year Land Use Restriction Initiative" (Measure E) that is scheduled for the February 5, 2008 ballot. Measure E, if approved, would amend the Stanislaus County General Plan to require voter approval of decisions by the Board of Supervisors to redesignate or rezone land in the unincorporated area of the County from agricultural or open space designation to a residential designation.

As directed by the Board of Supervisors, staff from the Chief Executive Office, County Counsel, Environmental Resources, Planning and Community Development and Public Works discussed the options available and are recommending that the Board of Supervisors place an alternative measure on the ballot. In developing the alternative measure, staff considered some of the primary concerns identified in the 30-day study presented to the Board of Supervisors on August 15, 2006 regarding the 30-Year Land Use Restriction Initiative:

- It does little to stop sprawl in urban areas. While the vast majority of historical growth has occurred within incorporated cities, the 30-Year Land Use Initiative only seeks to address the unincorporated areas of the County.
- It encourages "ballot box" planning (i.e. the placing of individual land use planning decisions before voters), allowing someone to only vote "yes" or "no" on complicated and detailed matters, of which the complete ramifications could take months to understand and work through.

Consideration of “Stanislaus County Responsible Planning and Growth Control Initiative” and Approval to Place the Initiative on the Ballot for Voter Consideration

- It promotes “Developer planning” whereby individual development projects are proposed to voters on a case by case basis. These proposals could place an emphasis on expensive campaigns while falling short on preparation of a comprehensive analysis that includes addressing broader regional considerations or environmental impacts normally identified in the development of a General Plan and as part of a California Environmental Quality Act (CEQA) review process. A likely result would be uncoordinated developer-driven planning that does not adequately address traffic, education and public safety issues that our communities need.

The Responsible Planning and Growth Control Initiative has similar objectives as Measure E, such as an emphasis on farmland conservation and growth control, but provides an alternate and comprehensive approach to achieve those results. This measure has been prepared to offer voters an option or alternative that speaks to the larger issue of growth management in a comprehensive, rather than piecemeal, manner. The measure is built on the direction that the County will have two years in which to prepare and submit to voters a new General Plan based on the following principles:

- Development of a new General Plan must involve broad public participation. The proposed measure would call for the formation of a 15-member General Plan Review Commission that would be tasked with creating the new General Plan.
- Development of a new General Plan will strive to maintain Stanislaus County's agricultural heritage and quality of life. The General Plan Review Commission will consider policies that would encourage cities to adopt community boundaries and buffers to develop community identities. They will also consider whether or not growth should be directed to areas of poorer quality or less productive farmland, such as areas with poorer soils in the foothill regions of the County.
- Development of a new General Plan will strive for the protection and conservation of existing agricultural lands. In developing the new General Plan, the General Plan Review Commission will consider the inclusion of mitigation measures to permanently protect farmland.
- Development of a new General Plan must ensure that proper planning occurs to address Stanislaus County's projected growth. The General Plan Review Commission will consider policies that ensure that new growth is placed in locations that discourage urban sprawl, minimize impacts to agriculture, encourage economic development, require adequate infrastructure and ensure that new growth pays its own way.

Consideration of "Stanislaus County Responsible Planning and Growth Control Initiative" and Approval to Place the Initiative on the Ballot for Voter Consideration

Within 60 days of the effective date of this measure, the Board of Supervisors will be required to appoint a 15-member General Plan Review Commission. The membership of this commission shall be a broad-based coalition of citizens from throughout the County representing diverse stakeholder interests including, but not limited to, residents; agriculture; business/manufacturing; and, environmental, development and community based organizations. The Board of Supervisors will adopt the procedures for appointing and replacing members of this Commission and shall adopt rules for conducting Commission proceedings.

The General Plan Review Commission will be tasked with drafting a new General Plan that would be submitted to the voters within two years of the effective date of this measure. The specific process would involve the Commission forwarding a preferred alternative for the new General Plan, along with a reasonable range of alternatives, to the Planning Commission and the Board of Supervisors prior to conducting the environmental review of the Plan pursuant to State Law. Upon completion of the environmental review for the new General Plan, the Board of Supervisors would select its preferred alternative from the General Plan Review Commission's range of alternatives and submit its preferred alternative to the voters at either a special or regular election.

The new General Plan will become effective upon approval by the voters. If the voters reject the new General Plan, the Board of Supervisors would submit a revised plan to the voters for their subsequent consideration. If the voters reject that revised plan, the Board of Supervisors would consider the reasons for rejection and, given the legal requirement to update the General Plan, would be authorized to proceed with the adoption of a further revised General Plan in accordance with applicable law and consistent with the principles of the Initiative.

Staff conducted a preliminary review of the proposed initiative ordinance to determine whether the California Environmental Quality Act ("CEQA") applies to the recommended action. The action being considered would place the ordinance on the ballot for voter approval and, if the voters adopt the ordinance, would establish a General Plan Review Committee that would work toward development of a new General Plan. That action will have legal, social, and economic impacts, but will not have an effect on the physical environment. Implementation of a new General Plan would have impacts on the physical environment and that is why the initiative ordinance requires CEQA review of the revised General Plan prior to placing it on a subsequent ballot for voter approval. (See Section 6.A.) Although the decision to place the ordinance on the ballot is a discretionary decision, it is not a project under CEQA, which may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Staff recommends that the Board find and determine that the recommended actions are exempt from CEQA under CEQA Guidelines section 15060 (c).

Staff recommends that the Board of Supervisors review and approve the language of the Initiative, order an election and direct the County Elections Official to place the Initiative on the ballot for the February 5, 2008 Presidential Primary election.

Consideration of “Stanislaus County Responsible Planning and Growth Control Initiative” and Approval to Place the Initiative on the Ballot for Voter Consideration

Policy Issue:

Elections Code section 9140 authorizes the Board of Supervisors to submit to the voters, without a petition, an ordinance for repeal, amendment, or enactment of an ordinance. The ordinance shall be voted upon at any succeeding regular or special election.

Staffing Impacts:

Staff from the Chief Executive Office, County Counsel, Environmental Resources, Planning and Community Development and Public Works have all been involved in the preparation of the proposed measure. If adopted by the voters, the measure will require the commitment of significant staff time and resources to assist in the preparation of the new General Plan. While a request for additional staff is not anticipated at this time, the development of a new General Plan will require additional resources, most likely in the form of outside contractors.

AN INITIATIVE ORDINANCE SUBMITTED DIRECTLY TO THE VOTERS

The People of the County of Stanislaus do ordain as follows:

Section 1. Title and Intent.

This Initiative measure (this "Initiative") shall be known as the "Stanislaus County Responsible Planning and Growth Control Initiative."

Section 2. Intent.

This Initiative is an alternative to the Thirty Year Land Use Restriction Initiative ("Measure E"), which has qualified for the ballot at the February 5, 2008 election. Under Measure E, certain amendments to the existing General Plan and specified land use approvals must be submitted to the voters on a case by case basis for approval prior to becoming effective.

A more comprehensive and fundamental method is necessary to allow citizen involvement in the planning process through the establishment of a broad-based commission of Stanislaus County residents to recommend a new General Plan, guided by the principles contained in this Initiative. The recommended General Plan would be submitted to the voters for their approval.

Section 3. Findings.

- A. In order to promote conservation of agricultural lands and orderly growth in the unincorporated areas of the County, the new General Plan should include the following principles:
- (1) It is essential to have broad public participation in creating and approving Stanislaus County's land use blueprint for its future. This Initiative establishes a process for citizens to participate in the development of a new General Plan that would be submitted to voters countywide for their approval. The drafters of this new General Plan will be a broad-based coalition of citizens that represent a variety of stakeholder interests countywide.
 - (2) Maintaining Stanislaus County's agricultural heritage and the quality of life enjoyed by County residents depends on the protection and conservation of agricultural and open space lands. The protection of such lands aids the continued viability of agriculture and defines urban/rural boundaries.
 - (3) The protection of agricultural lands in Stanislaus County is of critical importance to present and future residents. Agriculture has been and remains a major contributor to the local and regional economy. Agriculture creates direct and indirect employment for many people and provides valuable food crops distributed worldwide.

- (4) Proper planning must occur for Stanislaus County's projected growth. New growth must be placed in locations that discourage urban sprawl, minimize impacts to agriculture and encourage economic development. New growth must be supported by adequate in-place infrastructure to prevent degradation of the quality of life of existing residents. Most importantly, new growth must be required to pay its own way so that existing residents are not left to bear the burden of the financial cost of providing essential services to new residents.
- B. Measure E's stated intent is to "maintain farmland," but Measure E has no such provisions. The only way to guarantee farmland preservation is to require it. By contrast, this Initiative, promotes the development of mitigation measures to permanently protect farmland.
- C. Another concern with Measure E, is its stated intent to provide for "direct citizen participation in land use decisions affecting County policies." A likely result of this policy would be to encourage uncoordinated piecemeal, developer-driven planning initiatives. This form of planning does not address regional consideration of and imposition of mitigation measures for traffic, education and public safety issues that our communities need.
- D. Measure E requires voters to approve every subdivision of 10 or more lots. By contrast, this Initiative proposes that a new General Plan be drafted by a broad-based coalition of citizens that represent a variety of stakeholder interests countywide. The new General Plan would be guided by the principles contained in this Initiative and would be submitted to the voters countywide for their approval. Instead of the entire electorate potentially voting on every subdivision of 10 or more lots throughout the County, the voters would give direction on the broader question of where, how and to what degree the County should grow.
- E. This Initiative places a limitation on General Plan amendments which would redesignate land from an agricultural or open space use to a residential use until a new General Plan is adopted, unless required by state law. The existing General Plan is legally sufficient and adequate to allow orderly development of the County and to assure that no property owner is denied economic use of their property for the two-year period during the development of the new General Plan. This provision is included to ensure that uses are not approved that would be in conflict with or otherwise inconsistent with the intent of the contemplated new General Plan.
- F. This Initiative establishes a process and guiding principles to amend the General Plan. It is not intended to be an amendment of the County's existing General Plan.

Section 4. Establishment of General Plan Review Commission.

- A. Within sixty (60) days following the effective date of this Initiative ordinance, the Board of Supervisors shall appoint a 15-member commission. The membership of this commission shall be a broad-based coalition of citizens from throughout the

County representing diverse stakeholder interests including, but not limited to, residents, agriculture, business/manufacturing, environmental, development and community based organizations.

- B. The Board of Supervisors shall adopt procedures for appointing and replacing members on the General Plan Review Commission, and shall adopt rules for conduct of Commission proceedings.

Section 5. Task of Commission.

- A. The General Plan Review Commission, appointed by the Board of Supervisors under Section 4 above, shall undertake such studies and work as may be necessary to draft a new General Plan. In creating a new General Plan, a reasonable range of alternatives will be considered as set forth in Section 6. The Commission shall take into consideration the principles set forth in Section 3. The work of the Commission shall be pursued with diligence so that the General Plan drafted by the Commission may be submitted to the voters prior to expiration of the two-year period established under Section 8 of this ordinance. The work of the Commission shall conclude upon adoption of the new General Plan.
- B. The policies contained in this section shall be considered by the General Plan Review Commission in preparation of a new General Plan, in accordance with the California Environmental Quality Act and State Planning Law.

(1) Farmland Preservation Policies

The General Plan Review Commission shall consider new General Plan Agricultural Element standards, policies and implementation measures designed to protect the economic viability of agricultural land.

The Commission shall consider a policy that would require new development to permanently protect farmland of equivalent quality elsewhere in Stanislaus County through the establishment of permanent conservation easement(s) at a 1:1 ratio. The Commission shall recommend guidelines that address both the purchase of, and payment of fees for the purchase of farmland conservation easements.

(2) Growth Management Policies

- (a) The Commission shall consider and, if appropriate, recommend establishment of a residential development allocation program which sets an annual limit on the number of single-family residential units which may be constructed in the unincorporated portions of the County in any given year. The Commission should consider exemptions to this annual limit for the following types of uses:

1. Income-restricted housing needed to meet quantified objectives for

very low and low income housing, along with “density bonus” dwelling units.

2. Dwelling units designed for one or more Special Needs Groups (i.e., disabled, income-restricted senior housing), as needed to meet quantified objectives for housing of special needs groups.
 3. Dwelling units within development projects having vested rights prior to the effective date of this Initiative through a valid (unexpired) development agreement or vesting map.
 4. Single dwelling unit by or for the owner of the lot of record on which the dwelling unit is to be constructed.
 5. Second dwelling unit on a lot of record consistent with the current zone classification.
- (b) The Commission shall consider whether or not growth should be directed to areas of poorer quality or less productive farmland, such as areas with poorer soils in the foothill regions of the County.
- (c) The Commission shall consider policies that would encourage cities to adopt community boundaries and buffers to develop community identities.
- (d) The Commission shall ensure that the Housing Element of the new General Plan conforms to state housing requirements and ensures its capacity to accommodate a variety of housing types throughout the County as required by the State Planning Act.

(3) Fiscal, Service and Infrastructure Policies

The Commission shall consider fiscal policies that would require projects to pay their own way, meaning that the project will generate adequate revenues to cover the service needs of the project. These policies should include a requirement that all projects prepare a fiscal analysis demonstrating that the project completely covers the cost of providing infrastructure and ongoing services. Notwithstanding the foregoing, the Board of Supervisors may make findings of necessity that exceptions be made to the foregoing policies to allow the County to meet its fair share of affordable housing and other state housing requirements.

C. No violation of Law by this Section

- (1) Nothing contained in this Section shall constitute an amendment of the existing General Plan. Upon approval of this Initiative by the voters, the County shall take all necessary and appropriate steps to implement the

procedures set forth in this Initiative consistent with the requirements of California Environmental Quality Act and in conformance with State Planning Law.

- (2) Nothing in this Section shall be construed or interpreted in such a manner as to operate to deprive any landowner of substantially all of the market value of his/her property or otherwise constitute an unconstitutional taking without compensation. If application of any of the provisions of this chapter to any specific project or landowner would create an unconstitutional taking, the Board of Supervisors may take such other actions to the extent necessary to avoid what otherwise might be construed to be a taking, and any actions shall be designed to carry out the goals and provisions of this Section to the maximum extent feasible.

Section 6. Voter Approval.

- A. The General Plan Review Commission shall forward a preferred alternative for the new General Plan, along with a reasonable range of alternatives, to the Planning Commission and the Board of Supervisors prior to conducting the environmental review of the Plan pursuant to the California Environmental Quality Act (Public Resources Code, section 21000 et seq.). Upon completion of the environmental review for the new General Plan, the Board of Supervisors shall select its preferred alternative from the General Plan Review Commission's range of alternatives. The Board of Supervisors shall submit its preferred alternative to the voters at either a special or regular election.
- B. The new General Plan will become effective upon approval by the voters. If the voters reject the new General Plan, the Board of Supervisors shall submit a revised plan to the voters for their subsequent consideration. If the voters reject the revised plan, the Board of Supervisors should consider the reasons for rejection, and given the legal requirement to update the General Plan, is authorized to proceed with the adoption of a further revised General Plan in accordance with applicable law and consistent with the principles of this Initiative.

Section 7. Subsequent Amendment of General Plan.

The General Plan adopted pursuant to Section 6 may only be amended or updated by a 4/5 vote of the Board of Supervisors. The Board of Supervisors shall not vote until the Planning Commission has made a recommendation on the amendment and the Board of Supervisors has heard the matter at two separate Board of Supervisors meetings at least 14 days apart, with the vote being taken at an evening meeting. Notice of these meetings shall be published in accordance with applicable State law.

Section 8. Limitation of General Plan Amendments.

For a period of two years from the effective date of this ordinance the General Plan of the County of Stanislaus may not be amended in a manner which would redesignate land from

an agricultural or open space use to a residential use without voter approval. If the General Plan has not been adopted by the voters within the initial two-year period, the Board of Supervisors shall, in a manner consistent with State law and upon making all required findings, adopt a moratorium on any General Plan amendments that would change the permitted use of land designated for agricultural or open space use to residential use. Notwithstanding the foregoing, the County may process and take action, including approval or denial, of any proposed amendments resulting from completed applications that are on file with the County prior to the effective date of this Initiative, or which are required to allow the County to meet its fair share of affordable housing and other state housing requirements.

Section 9. Severability.

If any portion of this Initiative ordinance is declared invalid by a court of proper jurisdiction, the remaining portions shall remain valid and enforceable. In the event the Board of Supervisors can cure any such deficiency in a manner consistent with the intent of this ordinance, the Board of Supervisors shall take whatever action may be necessary to cure the defect in compliance with applicable State law relating to the adoption and amendment of general plans.

Section 10. Effective Date.

Pursuant to subdivision (b) of Elections Code section 9141, this Initiative ordinance shall become effective 30 days from and after the date of final passage.

Section 11. Conflicting Measures.

- A. There is a clear conflict between this Initiative and Measure E. If both measures are approved on February 5, 2008, the measure receiving the greater number of affirmative votes shall supersede the other measure. No provision of the superseded measure shall be implemented or enforced.
- B. In the event that the voters approve any initiative or referendum other than Measure E related to the County's general plan contemporaneously with the approval of this ordinance, the measure receiving the greater number of affirmative votes shall supersede the other measure(s). No provision of the superseded measure(s) shall be implemented or enforced.

Section 12. Duration.

The provisions of this Initiative shall remain in effect until 30 years after its effective date.

10-30-07
B-10
available at
meeting

“Stanislaus County Responsible Planning and Growth Control Initiative”
Frequently Asked Questions

1. If this Initiative passes, what exactly does it do?

A: It establishes a process and guiding principles to update the County's General Plan, and in doing so, sets a two year limitation on the conversion of agricultural lands to residential land use designations in the unincorporated portion of the County. The development of a new General Plan would be guided by the principles suggested in the initiative, such as farmland mitigation, discouraging urban sprawl, requiring projects to pay their own way and ensuring broad public participation. The Initiative also requires the Board of Supervisors to establish a General Plan Review Commission to draft the new General Plan. The new General Plan would require voter approval before it becomes effective.

2. Was this Initiative modeled after another initiative somewhere?

A: The Initiative was modeled after a similar measure in San Ramon, California that was approved by the voters in 1999.

3. How does the limitation on the conversion of agricultural lands to residential uses work?

A: Any General Plan amendment applications within the unincorporated county that would change land use designations from “agriculture” to “residential” would have to be approved by voters while the new General Plan is being developed. If the new General Plan is not approved by the voters within the two-year period, the Board of Supervisors would adopt a moratorium for up to two years.

4. How does this Initiative affect existing General Plan amendment applications prior to the new General Plan being adopted?

A: Complete applications on file with the County prior to the effective date of the Initiative are not affected by the Initiative, even though the project may not have been considered for approval yet.

5. If I own a parcel designated as “Agriculture” on the Land Use Element of the General Plan, does this mean I can not build a home on it?

A: No. This Initiative does not restrict the construction of a new dwelling on agriculturally zoned land.

6. Since this Initiative would remain in effect for 30 years, does that mean the General Plan approved by the voters pursuant to the Initiative would be in place for 30 years or could it be updated?

A: State law requires periodic review and update of the General Plan or elements of it (e.g. Housing Element). Under the Initiative, any future General Plan updates would require two separate Public Hearings, 14 days apart, and a 4/5th vote of the Board of Supervisors. Subsequent updates of the General Plan would not require review by the General Plan Review Commission (established by the Initiative) or voter approval.

7. Why would future amendments to the General Plan require a 4/5th “super-majority” vote?

A: Since the new General Plan would be adopted by the voters, any future changes to the Plan should face a higher standard for approval and a broad consensus that the change is appropriate.

8. Will the General Plan Review Commission take into consideration the Blueprint Project?

A: The Blueprint Project is a regional planning effort currently being facilitated by StanCOG for Stanislaus County that has involved broad public participation and input. The General Plan Review Commission should consider the Blueprint Project, and all other planning efforts throughout the County and region, and decide whether elements of those efforts are applicable to the development of policies and/or implementation measures in the new General Plan.

9. The County is updating the Agricultural Element with the goal of adding farmland mitigation requirements – how would this Initiative and a new Agricultural Element interact?

A: The General Plan Review Commission should give strong consideration to the policies and implementation measures within the Agricultural Element, and all other elements, and determine whether those policies are still appropriate. Ultimately the voters will determine whether the policies and implementation measures in the new General Plan are appropriate.

10. The initiative indicates that the Commission should consider a number of policies including farmland mitigation - why not just require them?

A: The theme of this Initiative is citizen involvement in the development of appropriate policies and mitigation measures without mandating an outcome. Several issues of apparent concern to the public and have been identified in the Initiative, which the General Plan Review Commission will need to consider.

11. If the appointed Commission decides not to include farmland mitigation, what other options are available to achieve such a policy?

A: The new General Plan will be subject to a vote of the people – if the citizens are not satisfied with the proposed General Plan, they can reject it and send it back to the Board of Supervisors to further revise.

12. How does this initiative address the proliferation of ranchettes in unincorporated areas of the County?

A: That issue will be considered by the General Plan Review Commission, and possibly reflected in the policies of the new General Plan which will be brought back to the voters for their approval.

13. What type of policies would “encourage” cities to adopt community boundaries and buffers?

A. This Initiative has no binding effect on the cities within the County. The General Plan Review Commission could include policies that specify criteria, such as community separators, that must be considered before the County would support a city sphere of influence expansion request. Ultimately, the decision to incorporate those policies rest with the cities and LAFCO.

14. How is the General Plan update process described in the Initiative any different than any other General Plan update process?

A: The General Plan Update will be directed by the 15-member General Plan Review Commission which is a broad based coalition of citizens representing diverse stakeholder interests. The new General Plan will not become effective until approved by the voters. The process outlined in the Initiative increases the level of direct citizen participation in the General Plan update process and requires voter approval of the General Plan.

15. How is this still not "ballot box planning"?

A: "Ballot box planning" is normally reflective of direct voter approval of land use planning decisions and in that sense, this Initiative could be considered ballot box planning. However, ballot box planning for specific projects encourages uncoordinated piecemeal, developer-driven planning, rather than a comprehensive approach. This Initiative requires direct voter approval of the planning process and completed product, but avoids piecemeal project specific ballot box planning.

16. What's to ensure that the General Plan Review Commission is really representative of the public when the Board of Supervisors gets to pick the members?

A: The Initiative identifies the diverse stakeholder interests that will be represented in the General Plan Review Commission. These stakeholders include, but are not limited to, residents, agriculture, business/manufacturing, environmental, development and community based organizations.

17. If Measure E, the 30-year Land Use Restriction Initiative, were to receive more votes than this Responsible Planning and Growth Control Initiative, would projects going out to a vote of the people require an Environmental Impact Report (EIR) or California Environmental Quality Act (CEQA) analysis?

A: Measure E requires environmental analysis under CEQA either before, or after, going out to a vote of the public. However, if developers are required to obtain voter approval for their project, then they could likely seek approval of a project specific initiative that does not require review under CEQA.

18. If a goal is to direct growth to poorer soils, how can we plan for adequate infrastructure to serve these areas since most of the in-place infrastructure is in or near existing cities?

A: The current General Plan has policies that remote development will provide for adequate infrastructure. The new General Plan could bolster that by requiring community based infrastructure and policies requiring that development pay for that infrastructure. The question of how to develop policies that encourage development in these remote areas will be one of the more difficult challenges the General Plan Review Commission will need to face.

19. Why is staff not recommending that this Initiative go through a 30-day study much like the previous two initiatives?

A: The answer has a technical and a practical answer. Technically, the 30-day study is an option for the Board to consider the effects of an initiative submitted by the electorate under Elections Code sections 9116 or 9118. In contrast, however, the Responsible Planning and Growth Control Initiative is considered by the Board under section 9140, which is essentially a procedural device to permit a county board of supervisors to put a legislative matter on the ballot without waiting for the electorate to do so by initiative and is commonly done if the matter is politically sensitive or controversial. Unlike voter sponsored initiatives, however, section 9140 does not give the Board an option to request a 30-day study. The practical answer is that the purpose of a 30-day study is to allow the Board of Supervisors to gain staff input regarding potential impacts prior to making a determination as to whether to adopt an ordinance or place it on the ballot. This particular Initiative, developed and prepared by staff, outlines a process and develops a plan, the impacts of which will be analyzed through a full CEQA review. At this point, the only things that could be analyzed are the impacts of a process and those impacts, to the degree we understand them, will be included in the staff report that will be presented to the Board of Supervisors.

20. Is it true that this Initiative is being placed on the ballot in an attempt to confuse voters so that they will vote no against both initiatives?

A. No. This initiative is an alternative to the 30-year Land Use Restriction Initiative, that has similar objectives as Measure E, such as an emphasis on farmland preservation and growth control, but provides an alternative approach to achieve those results. It has been prepared to offer voters an option or alternative that speaks to the larger issue of growth management in a comprehensive, rather than piecemeal, manner.