

#38

**LATE DISTRIBUTION**DATE 2/24/17  
BOS 2/28/17

EDC COB &lt;edc.cob@edcgov.us&gt;

**Public comment, BOS 2/28/17, item 38, file 16-0839**

1 message

vandyke.5@sbcglobal.net &lt;vandyke.5@sbcglobal.net&gt;

Fri, Feb 24, 2017 at 8:00 AM

To: Brian Veerkamp <bosthree@edcgov.us>, John Hidahl <bosone@edcgov.us>, Shiva Frentzen <bostwo@edcgov.us>, Jim Mitrison <edc.cob@edcgov.us>, Sue Novasel <bosfive@edcgov.us>, Michael Ranalli <bosfour@edcgov.us>  
Cc: sue-taylor@comcast.net, Lori Parlin <loriparlin@sbcglobal.net>, Don Ashton <don.ashton@edcgov.us>, Michael Ciccuzzi <michael.ciccuzzi@edcgov.us>

RE: Public comment, BOS 2/28/17, item 38, file 16-0839

Dear Supervisors-

As you are being briefed by County Counsel on the case regarding Measure E (item 38), please consider:

1. Measure E verbiage has not yet been added to the General Plan as required and per your direction on 8/30/16 (see my email to the Board dated 1/10/17 and 1/24/17, attached here).
2. Right or wrong, there are no project denials associated with Measure E to date. Contrary to hysterical claims from some groups, there is no evidence the County will be forced to shut down building permits altogether.
3. County residents voted on Measure E and want you to utilize it, not ignore it.

The time to strike the measure down was *before* it went to a vote, when placement on the ballot was delayed so Counsel could provide the Board with a detailed analysis. The measure passed muster, went on the ballot, and was approved by voters. Now is the time to implement it.

Sincerely,  
Ellen Van Dyke, Rescue

From the Feb 28, 2017 BOS Agenda, Closed Session, item 38:

**38. 16-0839**

**Conference with Legal Counsel - Existing Litigation** pursuant to Government Code Section 54956.9(d)(1). Title: Alliance for Responsible Planning, A California Non-Profit Public Benefit Corporation v. El Dorado County Board of Supervisors, County of El Dorado, Sue Taylor, and Save Our County, Case No. PC20160346  
Number of potential cases: (1). (Est. Time: 45 Min.)

----- Forwarded message -----

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To: Brian Veerkamp <bosthree@edcgov.us>, John Hidahl <bosone@edcgov.us>, Shiva Frentzen <bostwo@edcgov.us>, Sue Novasel <bosfive@edcgov.us>, Michael Ranalli <bosfour@edcgov.us>, Don Ashton <don.ashton@edcgov.us>  
Cc: David Livingston <david.livingston@edcgov.us>, Lori Parlin <loriparlin@sbcglobal.net>, <sue-taylor@comcast.net>, Tim White <tjwhitejd@gmail.com>

Date: Tue, 24 Jan 2017 08:01:55 -0800

Subject: EDC non-compliance with Measure E

To CAO Don Ashton, and the Board of Supervisors-

It is not clear to me who is most remiss here- the CAO's office or the Board of Supervisors. You ALL know that Measure E has not been incorporated into the General Plan as directed by the voters, yet there has been no action to correct this.

On Aug 30th, 3 of 5 currently sitting Board members chose to discard the cooperative efforts of the measure's proponents and County Counsel for a smooth implementation, reconfirming instead that the exact verbiage of the measure must be incorporated into the General Plan. *This has yet to be done, and project applications are being processed daily.*

To summarize the 1/10/17 email message attached below, policy TC-Xa must have the expiration date removed, and the TC-X implementation verbiage must include the Caltrans references to Hwy 50.

On January 10th, County Counsel gave permission to the measure's proponents to share their response on this issue, which was:

*" I assure you that the County has amended the General Plan in accordance with Measure E's command -- no more, no less."*

and:

*"I understand that you disagree with my analysis and I expect that this issue will have to be resolved by the Court in the pending action."*

The pending legal action against Measure E does not involve correcting these errors. This sounds as though Counsel is through with this issue and residents are being told "so sue us". Don't we have enough cases filed against El Dorado County right now?

I don't particularly wish to escalate this, and would appreciate an acknowledgement that incorporation of the Measure E verbiage into the General Plan will be corrected, as directed by the Board of Supervisors last August.

Ellen Van Dyke

*minutes from 8/30/16 BOS hearing where staff was directed to incorporate the exact verbiage of the measure into General Plan policy, rather than further working with the measure's proponents:*

Board of Supervisors

Minutes - Final

August 30, 2016

**2:00 P.M. - TIME ALLOCATION**

**Present:** 5- Supervisor Mikulaco, Supervisor Veerkamp, Supervisor Frentzen, Supervisor Ranalli and Supervisor Novasel

**32. 14-1054**

Chief Administrative Office, County Counsel, and Community Development Agency recommending the Board;

- 1) Adopt and authorize the Chair to sign Resolution **149-2016** adopting interim guidelines for interpreting Measure E, a voter initiative passed on June 7, 2016, which affects elements of the El Dorado County General Plan;
- 2) Discuss key issues and next steps; and
- 3) Provide direction to staff as necessary.

**FUNDING: General Fund.**

*Public Comment: S. Ferry, J. Sweeney, D. VanDyke, B. Center, J. Hidal, B. Smart, L. Boeger, C. Bursen, E. VanDyke, C. Sandberg, S. Taylor, M. Lane, J. Harper, N. Brown*

A motion was made by Supervisor Frentzen to:

- 1) Adopt and authorize the Chair to sign Resolution 149-2016; and
- 2) Direct staff to work on the inconsistencies of the traffic interpretation of the level of service for the County's highways.

Motion Failed for lack of a second

A motion was made by Supervisor Ranalli, seconded by Supervisor Veerkamp to:

- 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 Need 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.

**Yes:** 4 - Mikulaco, Veerkamp, Ranalli and Novasel

**Noes:** 1 - Frentzen

**From:** vandyke.5@sbcglobal.net

**Sent:** Tuesday, January 10, 2017 7:23 AM

**To:** Brian Veerkamp ; Shiva Frentzen ; Sue Novasel ; John Hidahl ; Michael Ranalli

**Cc:** Don Ashton ; Tim White ; sue-taylor@comcast.net ; Lori Parlin ; David Livingston ; Rob Peters

**Subject:** (Resending) EDC non-compliance with Measure E

January 10, 2017

El Dorado County Board of Supervisors

**Re: County Staff Failure to Comply with Board Direction regarding Measure E**

Dear Supervisors:

Measure E passed June 7th 2016, yet to date, fully 7 months after the Measure's passage, the General Plan policies have NOT been correctly incorporated per the ballot language. There are 31,405 people who voted for Measure E that may not actually be aware of this. You five are not among them- you *are* aware.

This is how the General Plan policy was to be revised for TC-Xa and its associated implementation program, the blue text being part of the Measure's verbiage, and the ~~red strike-out~~ being old policy verbiage to be removed:

**Errors and omissions to move Measure E forward as written and as it was before the voters:**

The 2004 El Dorado County General Plan is hereby amended as follows and shall remain in effect indefinitely unless amended by voter approval:

~~Policy TC-Xa The following policies shall remain in effect until December 31, 2018:~~

- 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.

**IMPLEMENTATION PROGRAM**

**MEASURE TC-X**

Develop and adopt a formal program to review signalized intersections that may benefit from synchronization. Include synchronization of intersections that could benefit in the Capital Improvement Program (see Measure TC-A). [Policy TC-3d]

Responsibility:	Department of Transportation
Time Frame:	Develop procedure within two years of General Plan adoption.

LOS traffic levels on Highway 50 on-off ramps and road segments shall be determined by CalTrans and fully accepted by the County for traffic planning purposes.

**But THIS is how the policy continues to read within the General Plan, retaining the policy expiration date and omitting Hwy 50 references:**

**Policy TC-Xa**

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3. All necessary road capacity improvements shall be fully completed to prevent cumulative traffic impacts from new development from reaching Level of Service F during peak hours upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county before any form of discretionary approval can be given to a project.
4. County tax revenues shall not be used in any way to pay for building road capacity improvements to offset traffic impacts from new development projects. Non-county tax sources of revenue, such as federal and state grants, may be used to fund road projects. Exceptions are allowed if county voters first give their approval.
5. The County shall not create an Infrastructure Financing District unless allowed by a 2/3<sup>rd</sup>s majority vote of the people within that district.
6. Mitigation fees and assessments collected for infrastructure shall be applied to the geographic zone from which they were originated and may be applied to existing roads for maintenance and improvement projects.
7. Before giving approval of any kind to a residential development project of five or more units or parcels of land, the County shall make a finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project

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**MEASURE TC-Y**


Update the Land Development Manual to incorporate elements in support of all users including but not limited to Complete Streets design where appropriate for new higher-density developments. [Policy TC-9a]


I can think of no good excuse for this, and would expect to see it corrected immediately, as there are many projects moving forward utilizing these policies. The EDH Area Planning Advisory Committee will be reviewing the Vineyards at El Dorado Hills project this week, and need to be informed of this error. I noticed Highway 50 was not even mentioned in the projects' Traffic Impact Analysis.

Thank you  
Ellen Van Dyke, Rescue

cc: Don Ashton, CAO  
Tim White, EDH APAC  
David Livingston, EDC County Counsel  
Sue Taylor, Measure E Proponent  
Lori Parlin, Measure E Proponent  
Rob Peters, 'Vineyards at EDH' project planner

**2 attachments**

 **EDC Failure to Comply with Meas E\_1.10.17.pdf**  
738K

 **EDC non-compliance with Measure E\_1.24.17 .eml**  
1692K

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EDC COB &lt;edc.cob@edcgov.us&gt;

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**Van Dyke Email to the BOS 1/24/17 re: EDC non-compliance with Measure E**

1 message

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**vandyke.5@sbcglobal.net** <vandyke.5@sbcglobal.net>

Fri, Feb 24, 2017 at 10:43 AM

To: Jim Mitrisin &lt;edc.cob@edcgov.us&gt;

Kim-

Below are the 1/24/17 and 1/10/17 emails referenced in the public comment to the Board for item 38 on 2/28/17 (file 16-0839) that you were not able to open.

Let me know if this does not work, and thank you! -Ellen

**From:** vandyke.5@sbcglobal.net**Sent:** Tuesday, January 24, 2017 8:01 AM**To:** Brian Veerkamp ; John Hidahl ; Shiva Frentzen ; Sue Novasel ; Michael Ranalli ; Don Ashton**Cc:** David Livingston ; Lori Parlin ; sue-taylor@comcast.net ; Tim White**Subject:** EDC non-compliance with Measure E

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Board of Supervisors	Minutes - Final	August 30, 2016
<b>2:00 P.M. - TIME ALLOCATION</b>		
<b>Present:</b> 5- Supervisor Mikulaco, Supervisor Veerkamp, Supervisor Frentzen, Supervisor Ranalli and Supervisor Novasel		
<b>32. <u>14-1054</u></b>	<p>Chief Administrative Office, County Counsel, and Community Development Agency recommending the Board;</p> <p>1) Adopt and authorize the Chair to sign Resolution <b>149-2016</b> adopting interim guidelines for interpreting Measure E, a voter initiative passed on June 7, 2016, which affects elements of the El Dorado County General Plan;</p> <p>2) Discuss key issues and next steps; and</p> <p>3) Provide direction to staff as necessary.</p> <p><b>FUNDING:</b> General Fund.</p> <p><i>Public Comment: S. Ferry, J. Sweeney, D. VanDyke, B. Center, J. Hidal, B. Smart, L. Boeger, C. Bursen, E. VanDyke, C. Sandberg, S. Taylor, M. Lane, J. Harper, N. Brown</i></p> <p>A motion was made by Supervisor Frentzen to:</p> <p>1) Adopt and authorize the Chair to sign Resolution 149-2016; and</p> <p>2) Direct staff to work on the inconsistencies of the traffic interpretation of the level of service for the County's highways.</p> <p><b>Motion Failed for lack of a second</b></p> <p>A motion was made by Supervisor Ranalli, seconded by Supervisor Veerkamp to:</p> <p>1) Receive and file the report on Measure E Implementation and Continue Resolution 149-2016 off Calendar;</p> <p>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;</p> <p>3) Move the implementation of the voter approved Measure E Initiative forward as written and as it was before the voters;</p> <p>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 Need 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</p> <p>5) Direct staff to conduct Board workshops to address the traffic and circulation issues underlying Measure E.</p> <p><b>Yes:</b> 4 - Mikulaco, Veerkamp, Ranalli and Novasel</p> <p><b>Noes:</b> 1 - Frentzen</p>	

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