

# ATTACHMENT 4A

## Measure E Memo

August 9, 2016

*Prepared by El Dorado County's Chief Administrative Office,  
County Counsel and Community Development Agency*

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### 1. Introduction

Measure E was passed by the voters on June 7, 2016. The election results were certified by the Recorder-Clerk-Registrar of Voters on July 1, 2016. On July 19, 2016, the Board of Supervisors (Board) declared the results of the official canvass of the election. In accordance with Election Code Section 9122, Measure E became effective 10 days after the vote was declared by the Board, which was on July 29, 2016. Measure E amended General Plan Policies TC-Xa, TC-Xf, and TC-Xg and included a number of statements under the heading "Implementation."

### 2. Purpose of this Memo

On July 29, 2014, the Board directed staff to produce a report pursuant to Section 9111 of the California Elections Code (9111 report) regarding Measure E's potential impacts (Exhibit A). This memo expands on the analysis provided in the 9111 report. Both the 9111 report and this memo identify a number of potential legal conflicts, ambiguities, and internal inconsistencies relative to Measure E's language. This memo provides recommendations regarding how to ascertain the voters' intent in order to resolve those issues and interpret and implement Measure E consistent with applicable policies, regulations and laws.

### 3. Background

#### *Measure Y*

In 1998, the voters enacted the "Control Traffic Congestion Initiative" (Measure Y), which added five policies to the 1996 General Plan regarding traffic impact mitigation by new development: Policies 3.2.1.5, 3.2.2.4, 3.2.2.5, 3.5.1.6.1, and 3.5.1.6.2 (Exhibit B). The Board adopted interpretations to the Measure Y Policies on December 7, 1999 (Exhibit C).

Those policies were scheduled to expire in 2008. The Board placed policies on the ballot for amendment and renewal in 2008 (Exhibit D). The 2008 amendments included: (1) clarification that the prohibition against residential projects of five or more units causing or worsening Level of Service ("LOS") F applies only to single-family subdivisions; (2) a provision that a road may be allowed to operate at LOS F by a 4/5 vote of the Board; and (3) deletion of the prohibition against using county tax revenues to fund road projects that serve new development. The measure passed.

Measure Y has been and currently is being implemented through the land development review process, the Capital Improvement Program (CIP), and the Traffic Impact Mitigation (TIM) Fee Program.

#### *Measure E*

The "Notice of Intention to Circulate Petition" stated that Measure E was an "Initiative to Reinstate Measure Y's Original Intent." Measure E rescinded the 2008 amendments to Measure Y and made further amendments to the General Plan's policies regarding traffic impact mitigation by new development. It amended Policy TC-Xa to require that road capacity improvements needed to prevent new development's cumulative traffic impacts from reaching LOS F be completed "before any form of discretionary approval can be given to a project." It also amended Policy TC-Xf, which currently provides two methods for the County to mitigate traffic impacts: (1) condition the project to construct necessary road improvements or (2) ensure that the necessary road improvements are scheduled for construction within the County's CIP, which is primarily funded by impact fees collected with each building permit. Measure E eliminated the second option.

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Measure E requires that mitigation fees and assessments be applied to the geographic zone from which they originated and that they may be applied to existing roads for maintenance and improvement projects. Measure E also added a policy requiring voter approval before creating an Infrastructure Financing District, a requirement already imposed by state law. In addition, Measure E requires that the County make findings of compliance before approving certain development projects. Finally, a number of statements were included in Measure E under the heading "Implementation."

Policies adopted or amended by Measure E will remain in effect indefinitely unless amended or repealed by voter approval.

#### 4. Initiative Implementation Provisions

##### Framework for Implementation

Before discussing the specific provisions of Measure E, it is important to first establish the framework for those discussions. As a general matter, it is the Board's responsibility to, wherever possible, construe an initiative measure to ensure its validity. (*Leshar Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 543.) However, the Board's authority in that regard is not unlimited. When interpreting a voter-adopted initiative, the Board must attempt to ascertain the intent of the voters and implement the measure in accordance with that intent. The Board does not possess the authority to substitute its policy preferences for those of the voters and to implement a voter-approved measure in a manner inconsistent with the intent of the voters. The intent of the voters is to be ascertained in accordance with established rules of interpretation, which are set forth below.

Obviously, there may be instances where Measure E is susceptible to several different interpretations that can be supported by the language of the measure or its legislative history. Ultimately, the courts may be called upon to determine the correctness of the Board's action interpreting Measure E. The action of the Board normally will be given substantial weight by the courts since the Board is the body charged with implementing the measure.

##### Principles of Statutory Construction

All laws, whether enacted by a legislative body or directly by the voters, are subject to the same rules of interpretation. As previously stated, the goal in interpreting a ballot measure is to ascertain the intent of the voters so as to best effectuate the purpose of the measure. This process can involve multiple steps. (*See Ailanto Properties, Inc. v. City of Half Moon Bay* (2006) 142 Cal.App.4<sup>th</sup> 572, 582-583.)

The starting point for ascertaining the intent of the voters is the language of the measure itself, giving it a plain and commonsense meaning. The language must be viewed in the context of the measure as a whole and the entire statutory scheme to determine its scope and to harmonize its various parts. If the language is clear and unambiguous, there is nothing to interpret and, thus, no need to resort to other indicia of the voters' intent.

Uncertainty, however, can arise in several different ways. Language may be unclear on its face. It may be internally inconsistent. Or it may be ambiguous only when considered in conjunction with other policies or when considering whether a literal reading would result in absurd consequences or a construction antagonistic to the measure's apparent purpose. In such a case, it is appropriate to go beyond the plain language of the measure and to review the legislative history of the measure to ascertain the intent of the voters. That legislative history includes the ballot title and summary and the arguments and analysis contained in the official ballot pamphlet.

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If the meaning of the measure remains unclear after considering both the measure's plain language and its legislative history, then it is appropriate to utilize established principles of statutory construction in order to ascertain the voters' intent and to effectuate the purpose of the measure. There are many principles of statutory construction that can be used to aid in interpretation of a law, some of which will be discussed as part of the analysis of certain provisions of Measure E. Some of the more frequently cited principles of statutory construction are as follows: (1) if the language is susceptible of multiple constructions, the one that leads to the more reasonable result should be followed; (2) unless the language permits no alternative, a literal construction that would lead to absurd consequences should be avoided; (3) a measure should be construed to harmonize its various parts, reconciling, whenever possible, seemingly conflicting or inconsistent provisions; (4) a more specific provision will control over a more general one; and (5) voters are presumed to be aware of existing laws when enacting a measure. As a general matter, at this stage in the interpretive process, the Board should apply "reason, practicality, and common sense to the language at hand." (*Ailanto, supra*, 142 Cal.App.4<sup>th</sup> at p. 583.) The words of the measure should be interpreted "to make them workable and reasonable" and the Board should consider the consequences that will flow from a particular interpretation. (*Ibid.*)

Finally, because a measure should be construed to ensure its validity, it is important to recognize some of the limitations on the initiative power. Just as the Board's ability to adopt legislation is subject to certain limits, so too is the electorate's power to adopt legislation by initiative. One primary limitation is that the measure cannot violate the California or United States Constitutions. This comes into play in the land use context in the form of the constitutional prohibition on taking property without just compensation and the requirement that there be an "essential nexus" and "rough proportionality" between an exaction or dedication requirement and the burdens imposed by a project (the "Nolan-Dolan" test). Another related limitation on the initiative power is that a measure may not contravene state law, even if there is no specific conflict but the state has enacted legislation on the subject before, or "preempted the field." That includes state statutes requiring general plan consistency, such as Government Code section 65300.5. (*See DeVita v. County of Napa* (1995) 9 Cal.4<sup>th</sup> 763, 796, n.12.) Yet another limitation is that the power of initiative extends only to legislative acts, and does not encompass administrative or other non-legislative matters. (*See Arnel Development Co. v. City of Costa Mesa* (1980) 28 Cal.3d 511, 516.) Consequently, actions that are administrative in nature can neither be enacted nor overturned by initiative or referendum. Finally, an initiative may not interfere with the efficacy of an essential governmental power. (*See Citizens for Jobs and the Economy v. County of Orange* (2002) 94 Cal.App.4<sup>th</sup> 1311, 1330; *see also Geiger v. Board of Sup'rs of Butte County* (1957) 48 Cal.2d 832, 839 ["If essential governmental functions would be seriously impaired by the referendum process, the courts, in construing the applicable constitutional and statutory provisions, will assume that no such result was intended"].)

Having now established the framework for implementation and interpretation of Measure E, the following sections analyze each component of Measure E with a discussion of implementation strategies for those Policies based on the legal parameters outlined above.

### 5. Actions to Date

Soon after the June 7, 2016 election, staff from the County's Chief Administrative Office, County Counsel and Community Development Agency began meeting to determine how to interpret and implement Measure E. Staff met twice with the initiative proponents and their legal counsel, and met with others upon request, including developers, individuals with applications being processed (ranging from farm stands to subdivisions), members of the public, and the Community and Economic Development

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Advisory Committee. These meetings helped staff understand both the intent and challenges of Measure E's language and helped to shape the analysis and recommendations contained herein.

### **6. Measure E Analysis, Impacts and Recommendations**

Each component of Measure E is analyzed in the following sections with a discussion of implementation strategies for those policies, based on the legal parameters outlined previously. Each section contains the following:

- Component of Measure E's language
- General Discussion/Analysis of that Component
- Discussion/Effect on Major 5-Year CIP and TIM Update
- Discussion/Effect on the Missouri Flat Area Master Circulation & Financing Plan Phases I and II, in specified section(s)
- Discussion/Effect on Discretionary Projects
- Discussion/Effect on General Plan
- Recommendation

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**TC-Xa 1:** Traffic from ~~single-family residential subdivision~~ 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.

**Discussion/Analysis:** Policy TC-Xa 1 has been expanded to apply to more than single family residential subdivisions. Multi-dwelling projects (apartments, duplexes, or any residential projects that include five or more units) are now required to comply with the Policy. TC-Xa 1 does not apply to non-residential projects (i.e. commercial, office, industrial projects).

The first Measure Y in 1998 contained language identical to the new TC-Xa 1. The 2008 voter approved amendments to Measure Y changed the policy to exempt multi-family development to satisfy the affordable housing Policies of the General Plan as required by the State. Measure E has now changed it back, which could impact State certification of the County's Housing Element.

**Discussion on CIP/TIM:** No impact to CIP/TIM program.

**Effect on discretionary projects:** Discretionary review for multi-dwelling projects will need to comply with this Policy. Traffic analysis will need to demonstrate consistency with the General Plan, with further consideration of changes to TC-Xf and the 10 year/20 year CIP provisions that were removed. A subset of ministerial multi-dwelling projects, for which findings of General Plan consistency would be required pursuant to Policy 2.2.5.20<sup>1</sup>, may also be subject to these same requirements. TC-Xa 1 may now require a more robust review for such ministerial projects (i.e. traffic studies) to ensure consistency.

**Discussion on General Plan:** Multi-family projects may now be subject to a higher level of review and scrutiny. This change could have potential impacts to the Housing Element, including the requirements to accommodate the County's fair share of the Regional Housing Needs Allocation (RHNA) and maintaining "adequate sites" pursuant to State Housing Element law. The discussion with Policy TC-Xf later in this document identifies Measure E's potential impacts to multi-dwelling development and the Housing Element.

**Recommendation:** No interpretation is necessary at this time. Procedural changes may need to be made to the ministerial approval process. Other issues identified above are discussed in more detail later in this memo.

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<sup>1</sup> Policy 2.2.5.20. All non-residential development, all subdivisions, residential development on existing legal lots involving any structure greater than 4,000 square feet of living area or requiring a grading permit for which land disturbance of an area of 20,000 square feet or more occurs, and all development located on lands identified as Important Biological Corridor (-IBC) on the Land Use Diagram, Figure LU-1, shall be permitted only upon a finding that the development is consistent with this General Plan and the requirements of all applicable County ordinances, policies, and regulations. For projects that do not require approval of the Planning Commission or Board of Supervisors, this requirement shall be satisfied by information supplied by the applicant demonstrating compliance. All building permits shall be consistent with the land uses described in the land use designation established for the site, as provided in Policy 2.2.1.2 and set forth on Figure LU-1.

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**TC-Xa 2:** The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at Level of Service F without first getting the voters' approval ~~or by a 4/5ths vote of the Board of Supervisors.~~

**Discussion/Analysis:** Table TC-2 identifies road segments that are allowed to operate at LOS F. Policy TC-Xa 2 has removed authority for the Board to add a road segment to Table TC-2 by a 4/5 vote. The 4/5 vote provision was not part of the original Measure Y; it was added to Measure Y by the voters in 2008.

Measure E also extends the permanence of Table TC-2 which, along with Policy TC-Xa, would have otherwise expired in December 31, 2018.

The Policy has no other effect. Table TC-2 has never been amended by the voters or the Board.

**Discussion on CIP/TIM:** No direct impact to CIP/TIM program. The purpose of the TIM Fee program is to fund and build road improvements necessary to accommodate new development and maintain acceptable LOS. The TIM Fee project list includes all road improvements necessary to ensure LOS remains acceptable. TC-Xa 2 now precludes the Board from considering removing a road improvement project from the TIM Fee project list without seeking voter approval. Table TC-2 has never been amended by the voters or by a Board's 4/5 vote. Since TC-2 has never changed, there is no expected effect.

**Effect on discretionary projects:** Table TC-2 has never been amended by the voters or by a Board's 4/5 vote. Since TC-2 has never changed, there is no expected effect.

**Discussion on General Plan:** The Board is no longer allowed to add a road to Table TC-2 in an effort to seek balance between issues addressed in the General Plan, such as: traffic impacts; cost of necessary improvements; aesthetic, environmental and growth-inducing impacts of improvements; site constraints; job creation and sales tax generation; etc.

**Recommendation:** No interpretation or procedural changes are necessary at this time.

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~~TC-Xa 3: Developer paid traffic impact fees combined with any other available funds shall fully pay for building~~ All necessary road capacity improvements shall be fully completed to prevent to fully offset and mitigate all direct and 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.

**Discussion/Analysis:** Policy TC-Xa 3 deviates from the original 1998 Measure Y Policy 3.2.2.4 by requiring road capacity improvements prior to discretionary approval of a project<sup>2</sup>, which is problematic in the discretionary process, inconsistent with many provisions of State law, and potentially unconstitutional.

The literal application of this language would seem to require that “all necessary road capacity improvements...to prevent cumulative traffic impacts from new development from reaching Level of Service F” (e.g. \$400,000,000+ of TIM Fee projects) be completed “before any form of discretionary approval can be given to a project.”

The literal application of the language would essentially prohibit approval of any project requiring a discretionary approval until all roads are built necessary to address cumulative traffic impacts forecasted in the future.

It would be nearly impossible for a private individual or group to fund all necessary improvements Countywide prior to their project being approved. Therefore, the literal application would result in a de facto moratorium on all projects requiring some form of discretionary approval. Prohibiting approval of all discretionary projects would severely reduce TIM Fee revenue, thereby complicating the County’s ability to meet its reimbursement obligations and its ability to fund and build necessary roadway improvements which, in turn, could have the effect of prolonging the de facto moratorium indefinitely.

Subsequent litigation would be likely, such as for unconstitutional “takings” claims. Property owners may claim that County regulations have limited the use of their private property to such a degree that the regulation effectively deprives them of economically reasonable use or value of their property.

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<sup>2</sup> Government Code Section 15357 defined a discretionary project as follows: “Discretionary project’ means a project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.”

Discretionary decisions and projects are defined by El Dorado County’s General Plan as follows:

- **Discretionary Decision.** As used in CEQA, an action taken by a governmental agency that calls for the exercise of judgement in deciding whether to approve and/or how to carry out a project. Includes such activities as the subdivision of property, the granting of general plan amendments or zone changes, the approval of specific plans, the approval of Williamson Act contracts, the granting of variances, special use permits, and others.
- **Discretionary Project.** A project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.



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General Plan Policy 2.9.1.6 requires that other General Plan Policies avoid the “takings” claims: “The policies and implementation measures of this plan shall be implemented in a manner that does not take private property for public use without just compensation as required by applicable law.”

A different, but still literal, application of this language could require that each discretionary project fully complete “all necessary road capacity improvements...to prevent cumulative traffic impacts” from *their* proposed development combined with other development in the future (i.e. “cumulative”) before any form of discretionary approval can be given to *their* project. This approach would allow discretionary projects to be approved that do not result in traffic impacts (e.g. cell towers, variances to allow increased fence height, etc.) However, this approach does not resolve a potentially significant and insurmountable hurdle for other residential and non-residential discretionary projects.

For example, if a business is proposed on an appropriately-zoned commercial parcel which requires design review (a discretionary action), but generates enough vehicle trips that, when combined with other development in the future, will trigger the need for a major road infrastructure improvement (e.g. an interchange), that small business would need to fully complete the improvement before its design review could be approved. However, the County cannot legally condition an applicant to build an improvement that far exceeds the project’s impacts; the condition (or “exaction”) must be “roughly proportional” to the project’s impacts (*Dolan v. City of Tigard* (1994) 512U.S.687). The only alternative is for the small business to wait until the County or another private party fully completes the improvement. However, as previously noted, with no ability to approve discretionary projects, the County would have a significantly reduced TIM Fee revenue stream to fund and build necessary road improvements. Again, the net result would be a de facto moratorium on many projects requiring some form of discretionary approval.

Both approaches noted above are problematic in the discretionary review process, inconsistent with many provisions of State law, and potentially in conflict with other provisions of the General Plan (Land Use Element, Housing Element, and Economic Development Element).

Because a literal reading would lead to absurd or unconstitutional consequences, we must resort to accepted principles of statutory construction to ascertain the voters’ intent and interpret this provision<sup>3</sup>. As previously discussed, under such principles, a measure should be construed to harmonize its various parts and more specific provisions will control over more general ones. Accordingly, Policy TC-Xa 3 is to be read within the context of the rest of the General Plan, especially other TC-X Policies.

Policy TC-Xf is a more specific policy describing the manner in which projects are to be conditioned to assure concurrency between a project’s impacts and the construction of the improvements needed to mitigate those impacts. Measure E’s amendments to Policy TC-Xf, leave in place the language, “At the time of approval of a tentative map for a single family residential subdivision of five or more parcels ... the County shall ... condition the project to construct all road improvements necessary to maintain or attain Level of Service standards ... ,” and, “For all other discretionary projects that worsen ... traffic on the County road system, the County shall condition the project to construct all road improvements necessary to maintain or attain Level of Service standards... .” This more specific language must control over and satisfy the more general language of Policy TC-Xa 3.

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<sup>3</sup> The legislative history of Measure E provides no clear guidance on this issue. In fact, the impartial analysis notes the potential inconsistency between Policy TC-Xa 3 and Policy TC-Xf.

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When read in the context of the Measure and the General Plan as a whole, the timing requirements of Policy TC-Xa 3 should be interpreted as a concurrency requirement rather than a strict condition precedent to discretionary action by the County. Therefore, rather than a literal interpretation of Measure E's TC-Xa 3, the County may apply TC-Xa 3 to require that conditions of approval be required as part of the discretionary approval process. The conditions of approval, which are authorized in the more specific Policy TC-Xf (as amended by Measure E), would require the construction of road improvements to maintain or attain LOS standards of the General Plan.

Indeed, this same view was espoused by the initiative proponents prior to Measure E being placed on the ballot. The initiative proponent provided the following analysis in a letter to the Board of Supervisors which supports the use of statutory construction principles (emphasis added):

**"All limitations or exactions in land use regulations must be interpreted insofar as is possible and implemented in a manner that is in accord with constitutional legal principles that there must be a rational nexus between the impacts of a particular project and the limitations or exactions that are imposed. (*Dolan v. City of Tigard* (1994) 512 U.S. 687.) Thus, discretionary projects that have no cumulative traffic impacts may not be conditioned or denied because necessary road capacity improvements have not been completed. The claim that this initiative language would prohibit discretionary approvals of any kind no matter how small is therefore completely unfounded.**

Furthermore, under the accepted principles of statutory construction, when differing sections of a law conflict, they must be interpreted in a manner insofar as possible to harmonize them to give the law its full, intended effect. The initiative's amendments to Policy TC-Xf, leave in place the language, "At the time of approval of a tentative map for a single family residential subdivision of five or more parcels ... the County shall ... condition the project to construct all road improvements necessary to maintain or attain Level of Service standards ... ," and, "For all other discretionary projects that worsen ... traffic on the County road system, the County shall condition the project to construct all road improvements necessary to maintain or attain Level of Service standards... ." Again under accepted principles of statutory construction, the more specific provision will prevail over the more general language in the same law or regulation. **Because the initiative specifically contemplates that approvals of tentative subdivision maps and all other discretionary projects shall include conditions of approval that necessary road improvements be constructed, the more general provision for completion of all necessary road capacity improvements before any form of discretionary approval will be satisfied.**

Discretionary approvals in the exercise of County's land use authority include General Plan Amendments, Zoning Ordinance Amendments, Subdivision Map Approvals, Conditional Use Permit Approvals and approvals of variances. **Land uses that are permitted as of right under the existing General Plan and Zoning Ordinance, whether residential, commercial, agricultural or industrial, would not be affected. Discretionary approvals that will not contribute to cumulative traffic impacts, such as variances for set backs or fence heights or other exceptions to generally prevailing land use standards, would also not be affected."**

*Joel Ellinwood, AICP LEED, AP, Lawyer-Planner, Attorney for Shingle Springs Community Alliance and Campaign Committee for Local Voter Control of Land Use in El Dorado County, August 26, 2014 (Legistar Reference: 14-1054 Attachment 8).*

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**Discussion on CIP/TIM:** If Policy TC-Xa 3 is read under the accepted principles of statutory construction, there would likely be no effect on the CIP or TIM program. The change does not prohibit developer paid traffic fees, which are further authorized in other policies, such as TC-Xb and TC-Xh and Implementation measures TC-A and TC-B. The Policy does not change LOS standards of TC-Xd, the land use map diagram, or projected growth patterns. If discretionary projects are delayed, disapproved, or determined to be infeasible and result in changes to the County growth pattern, it would be reflected in a future CIP/TIM Fee update.

**Effect on discretionary projects:** If Policy TC-Xa 3 is read under the accepted principles of statutory construction, discretionary projects that have cumulative traffic impacts (based on the worsen definition in TC-Xe) will be required to comply with the Policy by building infrastructure as a condition of approval, notwithstanding the Policy statement: “before any form of discretionary approval can be given to a project.”

Therefore, conditions of approval that require construction of road improvements under Policy TC-Xf, as revised by Measure E, will satisfy the requirements of TC-Xa 3. Measure E also changed TC-Xf; the impacts of those changes are discussed in the TC-Xf section of this report.

**Discussion on General Plan:** If Policy TC-Xa 3 is read under the accepted principles of statutory construction, this policy alone may not have a direct effect on the Housing Element or other General Plan Elements. However, Measure E’s changes to TC-Xf (which are inextricably tied to TC-Xa 3) may have a significant effect on the Housing Element; the impacts of those changes are discussed in the TC-Xf section of this report.

**Recommendation:** Interpret TC-Xa 3 under accepted principles of statutory construction such that conditions of approval that require construction of road improvements under Policy TC-Xf, as revised by Measure E, will satisfy the requirements of TC-Xa 3.

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**TC-Xa 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.

**Discussion/Analysis:** The first and third sentences of this Policy were part of original Measure Y in 1998. They were deleted by voters in the 2008 Measure Y amendments. Measure E added the Policy back and added the second sentence which clarified that the use of federal and state grants is allowed “to fund road projects”. However, this provision was difficult to administer in 1998 due to the highly variable and complex set of funding sources for road improvements. The 2016 Interim CIP identified the following sources of revenue for the transportation CIP for Fiscal Year 2015/16 (Figure 1-4):

Traffic Impact Mitigation Fee Funds	27.5 %
Fed: Highway Bridge Program	26.0 %
Local Tribe Funds	11.0 %
Federal Land Access Program	8.4 %
Missouri Flat MC&FP	6.5 %
State: High Risk Rural Roads	5.2 %
Utility Company Reimbursement	4.8 %
State: Regional Surface Transportation Program	2.6 %
Fed: Congestion Mitigation Air Quality	2.2 %
Road Fund Balance	2.1 %
Miscellaneous Local Funds	2.1%
Miscellaneous State & Federal	1.8%

Nearly all of these revenue sources are funded, in whole or in part, by Federal, State and/or local taxes. It is nearly impossible to determine what portion of these funding sources originates from taxes paid in El Dorado County.

However, since TC-Xa 4 clearly allows “non-county tax sources of revenue, such as federal and state grants, may be used to fund road projects”, it appears that the intent was to prohibit any tax revenue that does or would otherwise come directly to the County (that can be used at the County’s discretion) from “building road capacity improvements to offset traffic impacts from new development projects”. If the policy were applied in this manner, funds generated by the Missouri Flat Master Circulation and Financing Plan (MC&FP) and the “County tax revenue” portion of the Road Fund would no longer be eligible funding sources for such projects.

**Discussion on CIP/TIM:** The current TIM Fee program and proposed TIM Fee Update allocates MC&FP and Road Fund monies to road capacity projects needed to accommodate future development. This would no longer be allowed pursuant to Measure E. Other funding sources would need to be identified for these projects. The County could allocate additional state or federal grant monies to these projects, but that would reduce the amount of grant money available for other projects needed to address existing deficiencies, safety projects, bicycle and pedestrian facilities, etc. Alternatively, the County could increase TIM Fees to fund these projects. Finally, the County could seek voter approval to allow these roads to operate at LOS F.

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**Effect on MC&FP Phase 2:** The MC&FP, adopted December 15, 1998, identified a series of road improvements and funding mechanisms (including tax revenue that would otherwise come to the County's General Fund) in the Missouri Flat area for existing deficiencies and for new development. After Measure Y was passed, the MC&FP was amended to only address that portion of the road improvements attributable to existing deficiencies.

MC&FP Phase 2 was initiated in 2015 to help fund road capacity projects to support new commercial development in the area. TC-Xa 4 now prohibits "County tax revenues" from being used to pay for road capacity projects needed to accommodate new development. Therefore, revenue generated via the proposed MC&FP Phase 2 would not be available for road capacity projects.

MC&FP Phase 2 could still be structured to fund roads needed for new commercial development, but would be subject to voter approval as allowed in TC-Xa 4. Alternatively, MC&FP Phase 2 could be restructured to only fund existing deficiencies or non-capacity improvements. Finally, the MC&FP Phase 2 funding program could be abandoned altogether. Either alternative would require identifying other revenues to fund projects needed to address cumulative traffic impacts in the Missouri Flat area.

**Effect on discretionary projects:** There is no direct effect on discretionary project considerations. Possible secondary effects could occur if discretionary development and associated road improvements are delayed due to Measure E conformance issues or TC-Xa 4 funding constraints. TIM Fees may need to be increased to replace other funding sources that are no longer eligible for certain projects.

**Discussion on General Plan:** There is no direct effect on other General Plan elements. However, road improvements may be delayed due to TC-Xa 4 restrictions, which could affect delivery of economic development projects, multi-dwelling housing projects, or other projects envisioned in the General Plan. The discussion of Policy TC-Xf later in this document identifies Measure E's potential impacts to multi-dwelling development and Housing Element.

### Recommendations:

1. Define "County tax revenues" as follows: "Any tax revenue collected directly by the County or would otherwise be directly collected by the County that can be used at the County's discretion."
2. Update the draft CIP/TIM Fee Update to remove MC&FP and "County tax revenue" related Road Fund monies as funding sources for projects necessary for new development (i.e. TIM Fee projects). Find other sources of revenue for these projects (e.g. TIM Fees, grants).
3. Schedule future workshop to determine whether to continue preparing MC&FP Phase 2 as planned (which would require voter approval), re-scope the project, or abandon the effort.

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**TC-Xa 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.

**Discussion/Analysis:** An Infrastructure Financing District (and Enhanced Infrastructure Financing Districts, SB 628) has not been established in El Dorado County. State law already requires a 2/3 majority vote of the people within that district.

**Discussion on CIP/TIM:** None.

**Effect on discretionary projects:** No effect.

**Discussion on General Plan:** No effect.

**Recommendation:** No interpretation or procedural changes are necessary at this time.

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**TC-Xa 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.

**Discussion/Analysis:** Existing General Plan Policy 10.2.2.3 states “Fees and assessments collected shall be applied to the geographic zone from which they are originated.” The first part of Policy TC-Xa 6 reiterates existing policy 10.2.2.3; if the intent was to change the County’s current process, it is likely that more specific language would have been proposed.

Moreover, Measure E itself does not define the term “geographic zone”. The impartial analysis and ballot arguments of the measure do not provide any guidance on how to define the term. Accordingly, because voters are presumed to be aware of existing laws when enacting a measure, this policy should be interpreted with State law on the subject (i.e. the Mitigation Fee Act). The process to establish mitigation fees consistent with the Mitigation Fee Act (Government Code 66000 et. seq.) requires a technical analysis to demonstrate a nexus between the fee and the impact generated from projected future development. So long as the TIM Fee program complies with the Mitigation Fee Act, it will satisfy the requirements of TC-Xa 6. The TIM fee program is comprised of multiple fee zones, but the fees are nearly all spent in the geographic area of Highway 50 from El Dorado Hills to Placerville, since that is where impacts from new development are projected to occur. All existing and future TIM Fees are collected and expended within the unincorporated territory of El Dorado County consistent with the Mitigation Fee Act.

If the language were to be read and applied in a manner that requires TIM Fees collected in a particular *TIM Fee* zone to be spent only within that zone, it would likely not be possible to establish a “fair share” funding mechanism that is both consistent with Measure E and Government Code 66000. Development in each TIM Fee zone has transportation impacts both within that zone and in other adjacent TIM Fee zones. These impacts often cross multiple TIM Fee zones. The County’s TIM Fee program was created to ensure that development fully pays for its fair share of impacts, regardless of where those impacts occur (i.e. if development in Zone 4 impacts roads in Zone 3, development in Zone 4 would pay their fair share of the improvements needed in Zone 3 to address that impact). If each TIM Fee zone were its own island and TIM Fees collected in one zone could not be used to fund improvements to address that zone’s impact in an adjacent zone, this “fair share” concept is no longer possible.

Furthermore, the TIM Fee amount set for each zone would need to cover all improvements in that zone, even if it exceeds that zone’s fair share, because other zones could not contribute their fair share toward funding those improvements. For example, the draft TIM Fee Update indicates that Zone 2’s fair share of the \$40 million Ponderosa Interchange is approximately 65%. Under this reading of TC-Xa 6, Zone 2 would now be responsible for approximately 87% of the cost (100% of cost minus 13% for “external” trips) because other zones can no longer contribute their fair share toward funding the improvement. However, charging new development above and beyond their fair share (as would be the case in Zone 2 under this scenario) is contrary to Government Code Section 66000 and case law. One potential way to resolve this issue would be to consider any trip that starts in one zone and passes through an adjacent zone an “external” trip that the adjacent zone is not responsible for funding. The effect would be to under collect TIM Fee revenue in many zones, creating a large funding shortfall in the TIM Fee program, which is contrary to Measures Y and E. This funding shortfall would have to be filled. The County could theoretically increase the amount of state or federal grant monies to pay for these “external trips”, but it is unknown if there is enough forecasted grant money to do so.

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The second part of Policy TC-Xa 6 states that “Mitigation fees...may be applied to existing roads for maintenance and improvement projects.” However, mitigation fees collected pursuant to Government Code 66000, including but not limited to TIM Fees, cannot be used for maintenance or to address existing deficiencies.

**Discussion on CIP/TIM:** There should be no effect on the CIP/TIM Fee Update. If the language were to be read and applied in a manner that requires TIM Fees collected in a particular *TIM Fee* zone to be spent only within that zone, significant technical and legal challenges would arise.

**Effect on discretionary projects:** There should be no effect.

**Discussion on General Plan:** No effect.

**Recommendation:** Interpret TC-Xa 6 in the same manner that Policy 10.2.2.3 has been interpreted, which is to say that fees created, collected and expended in compliance with the Mitigation Fee Act will satisfy the requirements of TC-Xa 6 and Policy 10.2.2.3.



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**TC-Xa 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 in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

**Discussion/Analysis:** TC-Xa 7 was an original 1998 Measure Y provision (Policy 3.2.1.5) and carried into the 2004 General Plan under Policy TC-Xa. It was deleted in the 2008 Measure Y amendment by the voters. The Policy was removed because it “has no formal effect, since the County is required to make findings of consistency with the General Plan for discretionary projects” *General Plan EIR Addendum, page 4 of 59, Legistar Reference 08-0976*. Findings are already required to be made pursuant to General Plan Policy 2.2.5.2 and 2.2.5.20.

**Discussion on CIP/TIM:** None.

**Effect on discretionary projects:** The requirement to make findings will not significantly change project review. However, as discussed in TC-Xf, the substantive requirements of Measure E may impose additional requirements on both discretionary and ministerial projects for which findings of consistency with the General Plan are required.

**Discussion on General Plan:** This policy has no direct effect on the General Plan. However, as discussed in TC-Xf, the substantive requirements of Measure E may impose additional requirements on both discretionary and ministerial projects.

**Recommendation:** No interpretation or procedural changes are necessary at this time. However, the Board may wish to revise Policy 2.2.5.20 to ensure ministerial projects do not become quasi-discretionary and are not subject findings of General Plan consistency.

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**Policy TC-Xf:** At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall ~~do one of the following:~~ (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; ~~or (2) ensure the commencement of construction of the necessary road improvements are included in the County's 10-year CIP.~~

For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall ~~do one of the following:~~ (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element; ~~or (2) ensure the construction of the necessary road improvements are included in the County's 20-year CIP.~~

**Discussion/Analysis:** Measure E changed Policy TC-Xf for tentative maps for single family residential subdivisions by removing the phrase "...or ensure the commencement of construction of the necessary road improvements are included in the County's 10-year CIP" and for all other discretionary projects "...in the County's 20 year CIP." This Policy has been in effect since the 2004 General Plan and was amended in 2008.

The Policy mostly affects discretionary projects. TC-Xf now requires conditions of approval to construct road improvements that might have otherwise been adequately addressed by the payment of TIM fees. As noted in the discussion for Policy TC-Xa 3, Measure E's TC-Xf amendments are more specific and generally control over the general provisions of TC-Xa 3.

The changes to Policy TC-Xf are possibly the most significant changes required by Measure E. By removing reference to the CIP, the literal application of TC-Xf seems to require:

- **Single family residential subdivisions of five or more parcels** that worsen traffic on the County road system to have conditions of approval to construct all necessary road improvements based on **existing traffic, plus traffic generated from the development, plus forecasted traffic growth at 10-years from project submittal.**
- **All other discretionary projects** that worsen traffic on the County road system to have conditions of approval to construct all necessary road improvements based on **existing traffic plus traffic generated from the development.**

As more specifically discussed below, this will require projects to construct specific improvements rather than relying solely on payment of TIM Fees. However, though the language mandates the manner in which certain project impacts are mitigated (i.e. requires construction of improvements to address existing traffic plus project traffic [plus 10 years in the case of subdivisions]), it is otherwise silent regarding how to address longer term ("cumulative") impacts. To that end, Measure E did not eliminate the CIP/TIM Fee program, nor did it remove Policy TC-Xh which requires that "All subdivisions shall be conditioned to pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision." Though the Measure made revisions to Policy TC-Xg, it left in place language requiring a project to construct or fund necessary road improvements. As such, payment of TIM Fees remains a viable means for addressing longer term impacts.

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**Discussion on CIP/TIM:** Unknown at this time, although TIM Fee cash flows may be impacted, thereby impacting project prioritization and/or delivery timelines.

**Effect on discretionary projects:** TC-Xf will change the conditions of approval for new discretionary project approvals. The effect will vary based on the location of the project, the traffic impacts generated from the project, as well as the ability of the project to complete necessary road improvements.

The primary effect of TC-Xf changes is to require conditions of approval that guarantee that the short term LOS impacts of new development does not exceed the applicable LOS threshold. Past application of TC-Xf potentially allowed traffic from new development to temporarily exceed road capacity thresholds. This temporary exceedance would only occur if the traffic from new development resulted in LOS threshold changes before the CIP/TIM fee program road improvements were completed.

Measure E's TC-Xf will require that new conditions of approval provide a tighter linkage between the project impacts and road capacity thresholds. Examples of this type of condition have been established soon after Measure Y was adopted, such as mitigation measure T16 in the Valley View Specific Plan and Condition 25 for the West Valley Village Tentative Map regarding the Silva Valley interchange (Exhibit E).

Larger and/or phased projects can be conditioned to build necessary infrastructure before LOS impacts materialize. Examples of new conditions of approval include the following:

- Condition residential projects and other phased projects to require a Road Improvement Agreement that requires building improvements before X number of building permits or X phase of development (X number set at building permit or phase that is projected to trigger LOS impact).
- Condition of approval for phased projects that require new Transportation Impact Studies (TIS) at regular time periods or prior to filing each final map.
- Condition of approval that requires Road Improvement Agreement that requires building improvements before an LOS threshold is hit (i.e. require TIS for each final map of a phased project), but a Development Agreement (DA) commitment to build all improvements before first building permit.

Policy TC-Xf will significantly impact both large developments and smaller projects, although potentially in a disproportionate fashion. Large developments have a better chance of complying with this type of condition, as they typically have access to financing for funding large improvements, can phase in improvements, and can spread those costs over a larger number of new homes and/or businesses. Smaller projects do not have similar access to financing, cannot phase in improvements, and cannot spread the cost in the same manner.

Unfortunately, none of the conditions discussed above address the challenge regarding smaller projects and/or projects that cannot be phased (e.g. multi-family, single commercial or industrial building etc.) If such a project is projected to cause an LOS deficiency, and the County cannot legally condition the project to build the necessary improvement (because it fails the "rough proportionality" test), the County will likely have to deny the project based on General Plan inconsistency. It is very difficult to know what projects may be facing such a situation; definitive answers will only be available once an applicant funds and completes a traffic study that shows their projected impacts and necessary improvements.

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For example, if a business wants to locate on an appropriately-zoned commercial parcel that requires design review (a discretionary action),<sup>4</sup> and the business will generate vehicle trips that will trigger the need for an interchange improvement (e.g. result in a 2% increase in traffic during the peak hour or add 10 trips to the peak hour, thereby exceeding LOS thresholds), that business would be conditioned to fully complete the interchange improvement. Conditioning a project in this manner would likely fail the “rough proportionality” requirement pursuant to *Dolan v. City of Tigard* (1994) 512U.S.687. Alternatively, the small business could wait until the County or another private party fully completes the interchange improvement.

One potential means to remedy this issue is to amend the General Plan to redefine TC-Xe’s definition of “worsen”. The current thresholds for “worsening” traffic and triggering the need to construct improvements pursuant to TC-Xf are set very low: 2% increase in traffic during the a.m. peak hour, p.m. peak hour, or daily; the addition of 100 or more daily trips; or the addition of 10 or more trips during the a.m. peak hour or the p.m. peak hour. Setting higher thresholds would allow the County to still capture and appropriately condition larger projects as envisioned by Measure E, but allow smaller projects to move forward without onerous construction requirements. Redefining “worsen” would require a separate County-initiated General Plan amendment and associated environmental review.

**Discussion on General Plan:** Since TC-Xf affects the conditions of approval of discretionary development, there is a potential conflict with Land Use, Transportation, Housing, and Economic Development Element goals. Most notably, without further General Plan or zoning amendments, TC-Xf may impact the County’s ability to comply with State Housing Element law and adequately plan for the County’s current and projected future Regional Housing Needs Allocation (RHNA).

The RHNA is part of state-mandated Housing Element law (Government Code Sections 65580 et seq.) The RHNA establishes the total number of housing units that each city and county must plan for within an eight-year planning period. Each city and county must update its Housing Element to demonstrate how the jurisdiction will meet the expected growth per the RHNA. Housing Element law specifies that jurisdictions must identify “adequate sites” (vacant and surplus lands with adequate infrastructure that are appropriate for residential development) to accommodate this growth. If a jurisdiction fails to identify adequate sites, Housing Element law requires the jurisdiction to rezone sites as necessary to accommodate its RHNA.

Unlike other General Plan Elements, jurisdictions are required to submit their Housing Element (which includes the “adequate sites” analysis) to the State Department of Housing and Community Development (HCD) for certification relative to State law compliance. HCD certified the County’s Housing Element in November 2013.

### *El Dorado County’s RHNA*

Accommodating new units for above moderate income earners is generally not difficult for jurisdictions like El Dorado County because new single family homes are the predominant product being built and often command prices that make them affordable to only above moderate income earners. Conversely, accommodating new units for very low and low income earners is difficult for many jurisdictions, particularly those like El Dorado County, which are very desirable places to live and where the market will bear relatively higher new home purchase costs.

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<sup>4</sup> Approximately 53% of land zoned for commercial uses has a Design Control or Historical overlay, making them subject to a discretionary action and TC-Xf’s requirements (Exhibit F).

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Jurisdictions across the state often find the most or only feasible way to accommodate new units for very low and low income earners (and sometimes even moderate) is through multi-family development or similar higher density and/or more naturally affordable housing options, such as secondary dwelling units. The County's Housing Element directly addresses this issue: "Because low-income households are severely limited in their ability to pay for housing, they typically need to rely on high-density or multi-family housing" (page 4-4). SACOG's adopted RHNA also addresses this issue: "For the very low and low-income categories, jurisdictions generally are required to identify sites zoned at multi-family residential densities."

The County's current certified Housing Element (adopted in 2013) accommodates new units for very low and low income earners as required by the RHNA.

### *TC-Xf Revision's Effect on the Housing Element and RHNA*

The County's current Housing Element discusses Measure Y's potential impact on multi-family development and "adequate sites":

Since adoption of the TIM Fee Program, the primary constraint of the TC-X Policies is not direct control of development, but the amount of the TIM fee, especially as it is applied to (market rate) multi-family development.

One of the primary concerns of the HCD of the previous Housing Element was the impact of Measure Y on multi-family sites. The concern was the effects of cost of off-site improvements and feasibility of development in the planning period. HCD recommended the county mitigate the impacts of Measure Y in respect to the availability of sites to accommodate higher density, multi-family housing for lower income households.

To help address these concerns, the County has implemented fee waiver (offset) programs to assist affordable housing projects, including Board Policy B-14 - TIM Fee Offset for Developments with Affordable Housing Units, and is proposing numerous policies to lessen the impact of the TC-X Policies including an amendment of the Zoning Ordinance to allow mixed-use development by right within Commercial zoning districts (Measure HO-2013-31)<sup>5</sup> and prepare a study on the benefits of mixed-use development on traffic impacts (Measure HO-2013-35). It is anticipated that based on the findings from the mixed use analysis, the TIM fees applied to multi-family development can be reduced when constructed as part of a mixed-use development. This policy greatly increases the number of sites where multi-family housing is allowed by right.

The Housing Element also states:

Cost factors of up to \$35,740 per unit could constrain development, especially multi-family housing, second units, and special needs housing. In order to lessen the cost burden on affordable housing, the County has adopted a TIM fee waiver process for the development of affordable housing. The waiver is not an exemption from TIM fees, but is a fee offset program funded at approximately \$1,000,000 per year. Offsets of 25 percent to 100 percent per affordable unit are available depending on the level and length of affordability and other policy requirements. The Board of Supervisors has approved additional TIM fee offset amounts specified in this policy when the project by design has met additional goals and objectives in the General Plan (i.e. infill, density, energy efficient, transit oriented and pedestrian friendly).

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<sup>5</sup> Completed through the Targeted General Plan Amendment and Zoning Ordinance Update project

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The Housing Element relies on the TIM Fee waiver (offset) process to mitigate the impact of high TIM Fees on affordable housing. However, since TC-Xf now requires projects to construct some improvements rather than relying solely on payment of TIM Fees as their “fair share” of the project, this offset will no longer provide the same benefit to many projects.

Requiring multi-family projects to construct large road improvement projects up front will often be a significant and potentially insurmountable hurdle for many projects and may impact the Housing Element’s “adequate sites” inventory.

The Housing Element identified 148 vacant and underutilized parcels totaling 450 acres (County west slope only) to accommodate the County’s fair share of regional housing for persons and families of low or moderate income. Approximately 70% of all parcels zoned for multi-family uses have a Design Control or Historical overlay, making them subject to a discretionary action and TC-Xf’s requirements (Exhibit F). Most of the County’s multi-family zoned land is within Community Regions near Highway 50, and most of the roads that will reach unacceptable LOS in the future without improvement are in the same vicinity. Therefore, given the location of multi-family zoned land and overlays that require discretionary action for development of these sites, many multi-family sites that the County relied on for the Housing Element’s “adequate sites” inventory will face infrastructure hurdles and may be unbuildable until the County or another party makes significant road segment, intersection, interchange and highway improvements.

Again, one potential remedy may be to redefine “worsen” as discussed above. Another option could be to amend the Zoning Ordinance to remove or revise any Design Control or Historic overlays on land zoned for multi-family development to avoid making development of these parcels subject to a discretionary action that triggers Measure E’s requirements. A final option could be to explore exemptions or allowances for multi-family development (as done with 2008 Measure Y) to ensure State HCD certification of the Housing Element.

### Recommendations:

1. Interpret TC-Xf under accepted principles of statutory construction to require conditions of approval on discretionary projects as follows:<sup>6</sup>
  - Single family residential subdivisions of five or more parcels that worsen traffic on the County road system must construct all necessary road improvements based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal and pay all applicable TIM Fees to address cumulative impacts.
  - All other discretionary projects that worsen traffic on the County road system must construct all necessary road improvements based on existing traffic plus traffic generated from the development and pay all applicable TIM Fees to address cumulative impacts.
2. Explore options for allowing smaller projects to move forward, including redefining “worsen” and removing or revising any Design Control or Historic overlays on land zoned for multi-family development.
3. Further explore potential impacts to Housing Element and multi-family development.

<sup>6</sup> The intent of such conditions is to ensure General Plan consistency. Project level analysis and CEQA analysis may conclude that additional improvements are needed.

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### Policy TC-Xg

Each development project shall dedicate right-of-way, design<sup>7</sup> and construct or fund any improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of the development. ~~For road improvements that provide significant benefit to other development, the County may allow a project to fund its fair share of improvement costs through traffic impact fees or receive reimbursement from impact fees for construction of improvements beyond the project's fair share. The amount and timing of reimbursements shall be determined by the County.~~

**Discussion/Analysis:** Reimbursement agreements are not prohibited by this Policy and are subject to Transportation Director and Board approval pursuant to the County Subdivision Ordinance, 120.16.080 Reimbursement Agreements.

If this change were interpreted to prohibit the County from entering into reimbursement agreements, it would make implementation of Measure E's changes to TC-Xf nearly impossible at the project level. It would also conflict with the County Subdivision Ordinance and General Plan Implementation Measure TC-T, which reads: "Develop and adopt a program of guidelines for reimbursement of development for costs associated with construction of regional road improvements."

The revised TC-Xf now requires all projects that worsen traffic to construct certain road improvements necessary to maintain or attain LOS standards. Discretionary projects no longer have the option to solely pay TIM Fees as their fair share of the road improvement if the improvement is in the 10/20 year CIP. If a project is conditioned to construct an improvement pursuant to TC-Xf, and the cost of that improvement far exceeds that project's fair share, the County must be allowed to reimburse the project proponent for the cost incurred that exceeded their fair share or risk violating the "rough proportionality" requirement pursuant to *Dolan v. City of Tigard* (1994) 512U.S.687.

**Discussion on CIP/TIM:** None.

**Effect on discretionary projects:** None. The County will continue to "require an analysis of the impact of traffic from the development project...require dedication of needed right-of-way and construction of road facilities as a condition of the development." Projects conditioned as recommended earlier in this report pursuant to Policy TC-Xf would be required to "construct or fund any improvements necessary to mitigate the effects of traffic from the project".

**Discussion on General Plan:** No impact.

**Recommendation:** Reaffirm that reimbursement agreements remain necessary and allowable to implement the General Plan, including Measure E's policies changes, without violating State law.

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<sup>7</sup> The existing General Plan includes the word "design". Measure E omitted this word but did not show it as deleted via strike-out. Staff presumes this was an error and the word "design" should remain in the Policy. The inclusion or deletion of this word has no practical effect either way as it relates to the County's practices.

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### IMPLEMENTATION STATEMENTS within Measure E

The following statements were included in Measure E under the heading “Implementation.” They are not amendments to the General Plan and have no force or effect except as potential guidance in implementing the intent of Measure E. Statements 1-7 are noted and appear to be consistent with existing County General Plan Elements, programs and policies. Statement 8 is inconsistent with existing General Plan policy. Statement 9 is a standard severability clause.

**Implementation Statement 1:** “This measure is not applicable within the jurisdictions of the Tahoe Regional Planning Agency and the City of Placerville.”

**Discussion:** Consistent with existing General Plan, including Housing Element, existing CIP/TIM program, and proposed CIP/TIM program.

**Implementation Statement 2:** “This measure shall take effect upon certification of election results.”

**Discussion:** No conflicts. By law, measure takes effect ten calendar days after the Board of Supervisors declares the results of the election (July 29, 2016).

**Implementation Statement 3:** “All 2004 General Plan Traffic Impact Mitigation Fees for all projects shall be paid at the building permit stage.”

**Discussion:** Consistent with adopted TIM fee Resolution 021-2012, “Notes” number 1.

**Implementation Statement 4:** “No Traffic mitigation fee shall be required for remodeling of existing residential units including adding a second kitchen, shower or bath in the house or garage that were built pursuant to a valid building permit from the County of El Dorado.”

**Discussion:** Consistent with adopted TIM fee Resolution 021-2012, “Notes” number 2.

**Implementation Statement 5:** “Tenant Improvements of existing buildings shall receive T.I.M. fee credit for prior use, unless the new use is less impacting, then there shall be no fee required.”

**Discussion:** Consistent with Board Policy J-5.

**Implementation Statement 6:** “Mobile homes on permanent foundation shall be subject to the single-family residential fee.”

**Discussion:** Consistent with adopted TIM fee Resolution 021-2012, “Notes” number 4.

**Implementation Statement 7:** “Second dwelling as defined under County Code Chapter 17.15.030 shall be subject to the multi-family fee.”

**Discussion:** Consistent with TIM fee Resolution 021-2012, “Notes” number 5. Secondary dwelling units are currently subject to the multi-family TIM Fee. As part of the CIP/TIM Fee Update, secondary dwelling units continue to be subject to the multi-family TIM Fee. However, the Board directed that TIM



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fees for secondary dwelling units be fully offset using grant revenue. Measure E should not affect the Board's ability to offset TIM Fees for secondary dwelling units.

**Implementation Statement 8:** "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."

**Discussion:** This implementation statement is new and not contained in any other General Plan Policy, Board Policy, or Board Resolution. This statement is inconsistent with existing General Plan Policy. Revising other General Plan Policies to conform to this statement would be problematic for reasons discussed below. Three issues regarding this implementation statement are discussed below.

1. Inconsistent with General Plan Policies

Relying on Caltrans' LOS determination wholesale is contrary to General Plan Policy TC-Xd, which reads (emphasis added):

Level of Service (LOS) for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table. Level of Service will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. **Analysis periods shall be based on the professional judgment of the Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes.**

This implementation statement does not purport to amend that General Plan Policy. TC-Xd clearly states that "analysis periods shall be based on the professional judgment of the Department of Transportation" (now the El Dorado County Transportation Division). Abdicating responsibility to Caltrans would be contrary to this policy. This is particularly important given that the County typically focuses on weekday peak hour traffic volumes (pursuant to Measure Y and TC-Xa), whereas Caltrans often looks at the entire seven day week and/or annual average daily traffic.

2. Caltrans' Highway 50 LOS Conclusions Cannot be Substantiated

Caltrans regularly produces a report regarding Highway 50 LOS. Caltrans' *Transportation Concept Report and Corridor System Management Plan, United States Route 50*, dated June 2014 is generally used to prioritize state and federal funding for Caltrans transportation facilities. The report contains this disclaimer:

Disclaimer: The information and data contained in this document are for planning purposes only and should not be relied upon for final design of any project. Any information in this Transportation Concept Report (TCR) and Corridor System Management Plan (CSMP) is subject to modification as conditions change and new information is obtained. Although planning information is dynamic and continually changing, the District 3 Office of System and Freight Planning makes every effort to ensure the accuracy and timeliness of the information contained in the TCR/CSMP. **The information in the TCR/CSMP does not**

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**constitute a standard, specification, or regulation, nor is it intended to address design policies and procedures.**

The TCR/CSMP shows Highway 50 from the Sacramento/El Dorado County line to El Dorado Hills Boulevard as LOS F. This conclusion is contrary to the County's findings and traffic counts collected through Caltrans' Performance Measurement System (PEMS) (e.g. loops in Highway 50 that counts passing cars).

Master Response 14 included in the Targeted General Plan Amendment and Zoning Ordinance Update (TGPA-ZOU) Final Environmental Impact Report (FEIR) and staff reports prepared for the TGPA-ZOU (including Attachment 16Y, Legistar number 11-0356) address this issue in detail.

Table 8-5 included in Master Response 14 shows that the volume (vehicles per hour) Caltrans used to calculate LOS on Highway 50 is approximately 50% higher than the single highest daily volume observed by Caltrans' PEMS system in spring or fall of 2014, which was the most recent data available at the time (4,590 trips vs. 3,012 trips respectively). If Caltrans' analysis conducted for the TCR/CSMP is replicated precisely, only changing the volume to reflect observed traffic counts, this analysis would conclude that Highway 50 is at LOS C.

Knowing that the volume input used for the TCR/CSMP is far higher than can be substantiated by observed traffic counts, and therefore the resulting conclusions are overstated, the County cannot rely on the TCR/CSMP's LOS determinations for the CIP/TIM Fee Update or to condition proposed projects. First, relying on information that is demonstrably inaccurate as the basis for the TIM Fee nexus study would significantly jeopardize the County's ability to establish a legally-justifiable nexus pursuant to Government Code 66000 (cited as the "Mitigation Fee Act"). If the TIM Fee program were built on the unfounded assumption that Highway 50 is at LOS F, additional road improvement projects (new auxiliary lanes and/or mixed flow lanes on Highway 50) would need to be included in the TIM Fee program. This would increase TIM Fee rates substantially without a clear nexus demonstrating the need for these improvements to accommodate new development. Similarly, conditioning projects to mitigate a LOS F condition on Highway 50 that cannot be substantiated leaves the County vulnerable to claims of excessive mitigation requirements above what are allowed by law (i.e. that exceed "rough proportionality" and "nexus" doctrines).

### 3. Caltrans is already involved through the CEQA process

Caltrans is considered to be a Responsible Agency regarding Highway 50 pursuant to the California Environmental Quality Act (CEQA). Caltrans comments are routinely sought out and accepted on County projects and discretionary development applications. CEQA documents (EIRs, Negative Declarations) that affect State jurisdiction are required to be distributed to the Office of Planning and Research (State Clearinghouse) which routes the CEQA documents to responsible State Agencies, including Caltrans. State Agencies comment on the documents within statutory timeframes. For example, the County sent the Draft EIR and traffic analysis prepared for the Major CIP/TIM Fee Update to Caltrans for review and comment. On July 5, 2016, Caltrans sent a letter to the County (Exhibit G) with comments on the CIP/TIM Fee Update and associated traffic study. The letter includes the following statement:

"We agree with the traffic analysis methodology, traffic analysis assumptions, and associated analysis results for US 50 for the existing and future scenarios."

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The County and project proponents will continue to use the County Travel Demand Model to determine LOS impacts on all road facilities in the County, including Highway 50, and send the resulting traffic studies to Caltrans for review and comment.

**Implementation Statement 9:** If any provision of this measure is for any reason held to be invalid, the remaining provisions shall remain in full force and effect.

**Discussion:** Standard severability clause that allows portions of Measure E can be “held invalid.” Potentially invalid components include portions of TC-Xa 3 that may exceed constitutional provisions of “fair share” (nexus, rough proportionality concepts) on development permit exactions, unless accepted principals of statutory construction are applied.

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### 7. Next Steps

#### Housing Element

A city or county is required to ensure that its Housing Element inventory can accommodate its share of regional housing needs through the planning period (See, generally, Govt. Code 65863 and 65584). The County has an adopted and State-certified Housing Element for the planning period of 2013-2021. The housing element was found to be in compliance with state law by the State Department of Housing and Community Development (HCD) on November 13, 2013.

HCD had expressed concerns over the 1998 Measure Y as being inconsistent with California Government Code §65583(c)(3), which reads as follows:

*In order to make adequate provisions for the housing needs of all economic segments of the community, the program shall do all of the following: ...Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing...*

HCD identified that Measure Y “affects the cost of off-site improvements and feasibility of development in the planning period” and rendered identified sites for affordable housing as unsuitable.

The County responded to HCD’s points of concern with the 2008 amendments to Measure Y, the TC-X series of policies and an affordable TIM fee offset program. HCD then certified the County Housing Element in 2009 (Resolution 83-2009).

Measure E’s amendments that “reinstate the original language” of Measure Y generates a serious concern that HCD will find that Measure E, or portions of Measure E, create a governmental constraint to affordable housing.

Ultimately, HCD will determine if the County’s Housing Element as affected by Measure E is in compliance with State law.

After analysis of the policy interpretations associated with Measure E, staff will review in greater detail the potential impacts to the Housing Element and provide additional recommendations to the Board.

#### Potential General Plan Amendments

After concluding interpretations of Measure E, staff may determine that General Plan amendments are warranted to implement Measure E or provide clarification to other General Plan policies, such as to avoid misinterpretations or inconsistencies. If such amendments appear warranted, staff will bring recommendations back before the Board of Supervisors for consideration and direction.

#### CIP/TIM Fee Program

Resume update of CIP/TIM programs with any changes required to comply with Measure E.

#### Missouri Flat MC&FP

MC&FP Phase 1: No change to existing program.

MC&FP Phase 2: After concluding interpretations of Measure E, staff will return with recommendations on the MC&FP Phase 2.

## ATTACHMENT 4A

### 8. Measure E inserted with TC-X policies (“redline version”)

Measure E was approved by the voters on June 7, 2016. It amended the 2004 General Plan. The full text of El Dorado County General Plan Transportation and Circulation Elements “TC” Policies, with Measure E included, follows. Additions are underlined and removals are shown with a ~~single strike-out~~ line:

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

1. Traffic from ~~single-family residential subdivision~~ 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.
2. The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County’s list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at Level of Service F without first getting the voters’ approval. ~~or by a 4/5ths vote of the Board of Supervisors.~~
3. ~~Developer-paid traffic impact fees combined with any other available funds shall fully pay for building~~ All necessary road capacity improvements shall be fully completed to prevent to fully offset and mitigate all direct and 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 in order to protect the public’s health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

## ATTACHMENT 4A

<b>TABLE TC-2</b>		
<b>EL DORADO COUNTY ROADS ALLOWED TO OPERATE AT LEVEL OF SERVICE F<sup>1</sup></b>		
<b>(Through December 31, 2018)</b>		
<b>Road Segment(s)</b>		<b>Max. V/C<sup>2</sup></b>
Cambridge Road	Country Club Drive to Oxford Road	1.07
Cameron Park Drive	Robin Lane to Coach Lane	1.11
Missouri Flat Road	U.S. Highway 50 to Mother Lode Drive	1.12
	Mother Lode Drive to China Garden Road	1.20
Pleasant Valley Road	El Dorado Road to State Route 49	1.28
U.S. Highway 50	Canal Street to junction of State Route 49 (Spring Street)	1.25
	Junction of State Route 49 (Spring Street) to Coloma Street	1.59
	Coloma Street to Bedford Avenue	1.61
	Bedford Avenue to beginning of freeway	1.73
	Beginning of freeway to Washington overhead	1.16
	Ice House Road to Echo Lake	1.16
State Route 49	Pacific/Sacramento Street to new four-lane section	1.31
	U.S. Highway 50 to State Route 193	1.32
	State Route 193 to county line	1.51
<b>Notes:</b>		
<sup>1</sup> Roads improved to their maximum width given right-of-way and physical limitations.		
<sup>2</sup> Volume to Capacity ratio.		

- Policy TC-Xb      To ensure that potential development in the County does not exceed available roadway capacity, the County shall:
- A. Every year prepare an annual Capital Improvement Program (CIP) specifying expenditures for roadway improvements within the next 10 years. At least every five years prepare a CIP specifying expenditures for roadway improvements within the next 20 years. Each plan shall contain identification of funding sources sufficient to develop the improvements identified;
  - B. At least every five years, prepare a Traffic Impact Mitigation (TIM) Fee Program specifying roadway improvements to be completed within the next 20 years to ensure compliance with all applicable level of service and other standards in this plan; and
  - C. Annually monitor traffic volumes on the county's major roadway system depicted in Figure TC-1.

Policy TC-Xc      *intentionally blank*

## ATTACHMENT 4A

- Policy TC-Xd Level of Service (LOS) for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table. Level of Service will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be based on the professional judgment of the Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes.
- Policy TC-Xe For the purposes of this Transportation and Circulation Element, “worsen” is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:
- A. A 2 percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily, or
  - B. The addition of 100 or more daily trips, or
  - C. The addition of 10 or more trips during the a.m. peak hour or the p.m. peak hour.
- Policy TC-Xf At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall ~~do one of the following:~~ (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; ~~or~~ (2) ensure the commencement of construction of the necessary road improvements are included in the County’s 10-year CIP.
- For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall ~~do one of the following:~~ (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element; ~~or~~ (2) ensure the construction of the necessary road improvements are included in the County’s 20-year CIP.
- Policy TC-Xg Each development project shall dedicate right-of-way, design and construct or fund any improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of the development. ~~For road improvements that provide significant benefit to other development, the County may allow a project to fund its fair share of improvement costs through traffic impact fees or receive reimbursement from impact fees for construction of~~

## ATTACHMENT 4A

~~improvements beyond the project's fair share. The amount and timing of reimbursements shall be determined by the County.~~

Policy TC-Xh All subdivisions shall be conditioned to pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.

Policy TC-Xi The planning for the widening of U.S. Highway 50, consistent with the policies of this General Plan, shall be a priority of the County. The County shall coordinate with other affected agencies, such as the City of Folsom, the County of Sacramento, and Sacramento Area Council of Governments (SACOG) to ensure that U.S. Highway 50 capacity enhancing projects are coordinated with these agencies with the goal of delivering these projects on a schedule agreed to by related regional agencies.



**El Dorado County Elections Code Section 9111 Report**

**Initiative 3- Reinstate Measure Y's Original Intent-**  
**No More Paper Roads**



**Prepared under the direction**  
**of the Chief Administrative Office**

**Date: August 26, 2014**

**A. Introduction**

This report evaluates the potential impacts of the proposed initiative titled “Reinstate Measure Y’s Original Intent – No More Paper Roads” (Initiative 3, full Initiative language as Appendix A) as requested by the El Dorado County Board of Supervisor’s (Board) at its July 29, 2014 Board meeting. At the referenced meeting the Board had a discussion on additional information for consideration regarding the potential impacts of Initiative 3. The main topics of the conversation included the potential impacts on; economic development, financial implications including Traffic Impact Mitigation (TIM) fees, the use of land, and the effect on the internal consistency of the county’s general and specific plans.

When an initiative is circulated and qualifies for the ballot, Section 9111 of the California Elections Code authorizes a County Board of Supervisors to request a report regarding the potential impacts of the initiative prior to deciding whether to adopt the initiative in the form of a County ordinance or to place the initiative on the ballot for the next statewide election for the purpose enabling the people of El Dorado County to vote on the initiative, as provided in Elections Code Section 9118. Section 9111 is reproduced in full in Appendix B.

**B. Scope and Assumptions**

Pursuant to direction from the El Dorado County Board of Supervisors, this report addresses Initiative 3’s (Initiative) potential impacts on the following (as provided in the California Elections Code Section 9111):

- (1) Its effect on economic development.*
- (2) Its financial impact including Traffic Impact Mitigation fees.*
- (3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the County to meet its regional housing needs/ on the internal consistency of the county’s general and specific plans.*

The analysis included in this report assumes that the Initiative is adopted by the voters and implemented as proposed. The Initiative, if adopted, would likely require an in-depth legal analysis to help determine if any constitutional limitations would constrain a portion or portions of the proposed Initiative. Additionally this report highlights many unanswered questions that would need to be further considered and analyzed during the implementation phase should the voters adopt the Initiative. Further the Initiative addresses only the proposed initiative language as submitted by the initiative proponents and has not been analyzed with or compared to any other ballot initiative currently under consideration.

**C. Description of Initiative**

The El Dorado County General Plan provides for long range direction and policy for land use within El Dorado County. The initiative would add new policies to the General Plan and reinstate some policies

## **EXHIBIT A 8-9-16**

that existed prior to voter-approved amendments made in 2008.

Current Policy TC-Xa states that "Traffic from single-family residential subdivision development projects of five or more 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 initiative would revise that policy so that it would apply to residential development projects of five or more units or parcels.

Current Policy TC-Xa provides two methods for the County to add to the list of roads allowed to operate at Level of Service F: (1) by obtaining the voters' approval or (2) by a 4/5 vote of the Board of Supervisors. The initiative would remove the second method.

Current Policy TC-Xa requires that developer-paid traffic impact fees combined with any other available funds fully pay for building all necessary improvements to mitigate new development's traffic impacts. The initiative would revise this policy to require that road improvements necessary to prevent cumulative traffic impacts of new development from reaching Level of Service F during peak hours be fully completed before any form of discretionary approval can be given to a project. The initiative would also add a policy prohibiting the use of County tax revenues to pay for building road capacity improvements to offset traffic impacts from new development, unless County voters first approve. The initiative would allow non-County tax revenue, such as federal and state grants, to be used to pay for such improvements.

Policy TC-Xf requires that, at the time of approval of a project that worsens traffic on the County road system, the County shall: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in the Transportation and Circulation Element; or (2) ensure the commencement of construction of the necessary road improvements are included in either the County's 10-or 20-year Capital Improvement Program, depending on the type of project. The initiative would remove the second option.

The initiative would add a new policy to the General Plan requiring that mitigation fees and assessments collected for infrastructure be applied to the geographic zone from which they were originated. –

As part of its implementation measures, the initiative seeks to exempt remodels of existing permitted units from the obligation to pay traffic impact mitigation fees. It seeks to require that tenant improvements to existing buildings receive a fee credit for prior use. It also seeks to mandate that traffic levels of service on Highway 50 on and off ramps and road segments be determined by the California Department of Transportation (CalTrans) and fully accepted by the County for traffic planning purposes. The initiative provides that the policies added by the initiative are to remain in effect indefinitely.

### **D. Potential Impacts of the Initiative**

The El Dorado County Board of Supervisor's has requested an evaluation of the potential effects of the

proposed Initiative on the matters described in sub-sections 1, 2 and 3 below. The potential impacts of the Initiative have been addressed from a variety of perspectives and may not be comprehensive in nature due to the short timeframe available for analysis work combined with the numerous complexities associated with interpretation of the Initiative language. The potential impact is dependent on many variables that are not fully known at this time. As such, the analysis below has been crafted to highlight potential impacts or implementation questions that may be present should county voters approve the initiative.

**1. Effect on Economic Development**

The El Dorado County economy possesses a diversity similar to adjacent Sierra foothill counties, though slightly more diverse than the Sacramento region. Government, health care, tourism, retail trade, and finance/insurance comprise the largest employment sectors in the County. Current forecasts indicate a greater concentration of jobs over the next 10 years, with finance/insurance, health care, tourism, and retail trade showing the most growth. (Source: Center for Strategic Economic Research (CSER), and Economic Modeling Specialists International, (EMSI) [www.economicmodeling.com](http://www.economicmodeling.com))

The potential economic impact of the proposed initiative is difficult to quantify, in part because the language of the initiative allows significant room for interpretation, and as a result the assumptions necessary to quantify a realistic impact are difficult to discern. Therefore, staff is taking a conservative approach in identifying potential employment impacts.

At minimum, the proposed initiative will likely have a noticeable impact on construction jobs, particularly sub-sectors of the construction industry involved with single-family residential development. It is also appropriate to assume stagnancy in retail jobs, at minimum, based on the potential challenge to increase retail sales capacity. For the purpose of this analysis, however, the focus will remain on the overall potential impact of further construction job losses.

The specific sub-sectors identified below are currently forecasted to lose jobs in the next 10 years, therefore it is a fair assumption that these sectors will see an even greater loss of jobs with passage of the proposed initiative. For the purpose this analysis, staff is forecasting an increased job loss of 10% over the next 10 years in those specific business sectors. Staff considers this to be a very conservative estimate of the potential impacts.

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The table below indicates job loss in those specific industry sectors if current policies remain in effect:

NAICS*	Description	2014 Total Earnings	2014 Jobs	2024 Jobs	2014 - 2024 Change
236115	New Single-Family Housing Construction	\$47,191	236	48	(188)
238130	Framing Contractors	\$56,438	387	227	(160)
236220	Commercial and Institutional Building Construction	\$84,154	214	93	(121)
238320	Painting and Wall Covering Contractors	\$34,170	124	41	(83)
238220	Plumbing, Heating, and Air-Conditioning Contractors	\$56,826	340	291	(49)
238140	Masonry Contractors	\$33,006	42	12	(30)
238910	Site Preparation Contractors	\$83,874	283	260	(23)
238330	Flooring Contractors	\$35,999	28	21	(7)
238150	Glass and Glazing Contractors	\$35,562	19	16	(3)

(Source: EMSI, U.S. Bureau of Labor Statistics, California Employment Development Department)

\*North American Industrial Classification System

Assuming a roughly 10 percent decrease in jobs in the above construction sub-sectors over a 10 year period, the cumulative direct impact is aggregated below:

<b>-\$6,438,097</b>	<b>-159</b>	<b>\$40,556</b>
<b>Change in Earnings</b>	<b>Change in Jobs</b>	<b>Average Earnings Per Job (2012)</b>
1.18 Multiplier	1.21 Multiplier	

(Source: EMSI Input-Output Economic Impact Scenario Analysis)

The broader impact on El Dorado County of the proposed initiative is the feasibility of attracting new jobs to the region. The minimum quantifiable impact has already been discussed, but a broader issue could include limiting the ability of the County to implement economic development policies, procedures, or incentives to assist with attracting new commercial or industrial construction.

While there is still, for the moment, vacancy in the various commercial and industrial sectors in the County, and absorption rates remain slow, this available capacity will likely not persist into the long term future. This includes the R&D-zoned space in the El Dorado Hills business park. Outside of the three major business parks on the West Slope, there are only small, isolated industrial sites in the County, most currently in use, few with the level of amenities that make them marketable sites.

Therefore, the proposed initiative would likely impact the ability of the County to increase economic development activities that would result in increased capacity for the type of high-wage, quality jobs sought by the County. If the language of the proposed initiative is interpreted strictly, even moderately, it will significantly restrict new commercial and/or industrial investment in the County. The result could impede the creation of higher-paying jobs that will be in much greater need in order to maintain any level of housing affordability.

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Assuming current conditions and policies remain intact, current trends indicated in the table below demonstrates that a majority of fastest increase in jobs are lower wage in nature.

Description	2014 Jobs	2024 Jobs	2014 - 2024 Change	2012 Avg. Hourly Earnings
Food Preparation and Serving Workers, Including Fast Food	1,226	1,467	241	\$9.55
Personal Care Aides	558	785	227	\$9.45
Customer Service Representatives	794	1,018	224	\$18.46
Waiters and Waitresses	1,218	1,422	204	\$9.87
Janitors, Except Maids and Housekeeping Cleaners	733	924	191	\$12.31
Retail Salespersons	1,210	1,389	179	\$11.66
Elementary School Teachers, Except Special Ed	915	1,078	163	\$31.16
Cashiers	1,538	1,701	163	\$10.83

(Source: EMSI, U.S. Bureau of Labor Statistics, California Employment Development Department Data)

Conversely, the majority of jobs lost during the recession paid middle-income wages or better:

Description	2007 Jobs	2012 Jobs	2007 - 2012 Change	2012 Avg. Hourly Earnings
Carpenters	747	420	(327)	\$22.70
Construction Laborers	719	400	(319)	\$22.56
Laborers and Freight, Stock, and Material Movers, Hand	753	519	(234)	\$12.25
Retail Salespersons	1,402	1,185	(217)	\$11.66
Office Clerks, General	1,443	1,233	(210)	\$14.23
First-Line Supervisors of Construction Trades and Extraction Workers	345	207	(138)	\$32.86
Heavy and Tractor-Trailer Truck Drivers	389	263	(126)	\$21.84
Secretaries & Administrative Assistants, Except Legal, Medical, Executive	734	614	(120)	\$16.34
Electricians	370	256	(114)	\$27.85
Bookkeeping, Accounting, and Auditing Clerks	722	610	(112)	\$17.92
Painters, Construction and Maintenance	195	91	(104)	\$16.60
General and Operations Managers	811	708	(103)	\$50.25
Accountants and Auditors	724	627	(97)	\$29.03

(Source: EMSI, U.S. Bureau of Labor Statistics, California Employment Development Department Data)

The data indicates there will continue to be growth in the tourism sector, but without the opportunity to increase accommodations capacity, available resources will likely be stretched, possibly causing inflation of room rates and other tourism-related pricing. The same may be said for the finance/insurance, health care and public sectors. There is potential for continued growth in those sectors, but this trend indicates a greater concentration of jobs in a smaller number of sectors, and a weakening in economic diversity; a loss of economic diversity in a region can cause the region to become more prone to volatility and increased instability.

## 2. Financial Impact

The potential financial impact could affect residents, home owners, developers, businesses, the county, and the TIM fee program among others. Consequently the exact impact on each of the previously stated sectors cannot be isolated due to the complexities that surround interpretation of the Initiative language.

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As written, the Initiative would likely require either the County or developers to construct traffic improvements "...before any form of discretionary approval can be given to a project". The primary funding sources the County utilizes for the construction of Capital Road Projects are the TIM fee funds, state and federal grants, the Missouri Flat Master Circulation & Funding plan, and the Shingle Springs Band of Miwok Tribe funding. The Initiative further states that "County tax revenues shall not be used in any way to pay for building road capacity improvements to offset traffic impacts from new development" and "Exceptions are allowed if county voters first give their approval". This language indicates that the Highway Users Tax ("Gas Tax") and Road District Tax, two funding sources that currently are not but could be utilized to help fund road capacity improvements, would no longer be available for such uses without county voter approval. The Gas Tax and Road District provide roughly \$12.2 million annually to the Road Fund. The impact associated with this language would likely result in less available county funding being available for road capacity improvement projects. Major funding mechanisms for providing such improvements would be limited to TIM fees, state and federal grants, and Shingle Springs Band of Miwok Tribe funding.

Just as the Initiative could affect the County's revenue stream needed to fund future road improvements, it could also affect the County's ability to meet its existing reimbursement obligations. The County has a number of agreements to reimburse developers who advanced construction of road improvements and/or constructed improvements beyond the project's "fair share."<sup>1</sup> Pursuant to those agreements, the County has over \$25 million in outstanding reimbursement obligations to be paid from TIM Fee revenue. New revenue from development is required to pay for road capacity infrastructure liabilities that are currently programmed in the Capital Improvement Program (CIP) and to provide sufficient cash within a TIM fee fund to construct the necessary improvements. If this Initiative precludes discretionary approvals until after construction of all road improvements necessary to prevent cumulative traffic from reaching LOS F, TIM Fee revenues will likely decrease, potentially affecting the County's ability to meet its outstanding reimbursement obligations.

Initiative language states "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". Originally the county collected and retained Road Impact fees for application within the zone in which they were borne. However the inequity in fees received per zone severely limited the availability of funds to construct road capacity improvements within the zone needed to mitigate the traffic impacts associated with the development. To address this issue, the County "pooled" funds for TIM fee zones 1-7, and created a stand-alone zone 8 (Appendix C). Zone 8 was left as a stand-alone primarily due to pre-existing agreements and the development of the El Dorado Hills area under a previously created fee program. The initiative language would essentially bring back the previous system where fees are separated by the zone they were borne in and would likely

<sup>1</sup> This Initiative appears to preclude such a practice going-forward by striking language from Policy TC-Xg that specifically allows "reimbursement from impact fees for construction of improvements beyond the project's fair share."

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present the same issues that resulted in changing to the “pooled” concept. In calendar year 2013 annual fee collection in zone 8 was \$1.7 million with zones 1-7 ranging from \$11,000 to \$470,000 per zone. The pooling of funds in zones 1-7 provides funding that contributes to all road improvements and gives the County flexibility to deliver projects when and where needed, including projects that support economic development. The initiative would likely preclude that practice, potentially require more time for each zone to collect sufficient fees to complete road projects.

### **3. Effect on Land Use/Consistency with General & Specific Plans**

The Initiative would extend policy TC-Xa requirements to multi-family residential development. It is unknown how this new requirement may affect the County’s ability to comply with state Housing Element requirements. Government Code Section 65580 et seq. requires jurisdictions’ Housing Elements to include “An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs.” This assessment must include “An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites” and “An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels...including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters...” (emphasis added).

By extending Policy TC-Xa requirements to multi-family residential development, the Initiative’s requirements could be considered an additional governmental constraint on the development of housing for all income levels. It is unclear how this new requirement may affect the County’s ability to comply with State Housing Element law, including maintaining “adequate sites” per Government Code Section 65583 and/or accommodating its share of the regional housing need per Government Code Section 65584.

In addition, the Initiative potentially requires anyone requesting “discretionary approval” for a “project” to build roadway improvements to address cumulative traffic impacts prior to their project being considered by the appropriate hearing body. This requirement would impose a significant and often insurmountable hurdle for proposed residential and non-residential discretionary projects. The County would need to clarify what types of discretionary projects would be subject to this requirement. For instance, this could be interpreted to include minor discretionary requests such as accessory structures. Application of these requirements would ultimately be constrained by constitutional restrictions on nexus and rough proportionality.

The Initiative would also remove some discretion provided to the Board by the voters in 2008. Policy TC-Xa was amended by the voters in 2008 to provide two methods for the County to add to the list of



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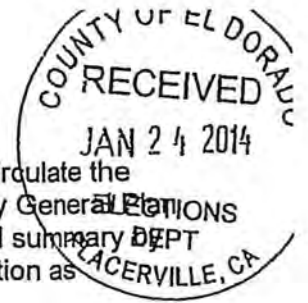
roads allowed to operate at Level of Service F: (1) by obtaining the voters' approval or (2) by a 4/5 vote of the Board of Supervisors. The initiative would remove the second method. The Board has never attempted to exercise the 4/5 vote option.

Finally, it is unclear if “mitigation fees” can be “applied to existing roads for maintenance” as directed by the Initiative. Mitigation fees, such as the County’s TIM fee program, must be adopted pursuant to Government Code Section 66001 et seq. The intent of such fee programs is to mitigate impacts arising from new development. Government Code Section 66001 states that “A fee shall not include the costs attributable to existing deficiencies in public facilities, but may include the costs attributable to the increased demand for public facilities reasonably related to the development project in order to (1) refurbish existing facilities to maintain the existing level of service or (2) achieve an adopted level of service that is consistent with the general plan.”

### **E. Conclusion**

Pursuant to Elections Code section 9116 once the report is presented to the Board of Supervisors the Board shall either adopt the proposed ordinance within 10 days or order the election.

## NOTICE OF INTENTION TO CIRCULATE PETITION



Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the County of El Dorado for the purpose of amending the El Dorado County General Plan in order to reinstate Measure Y's 1998 original intent. The preparation of a ballot title and summary by the County Counsel is hereby requested. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

**Measure \_ - Initiative to Reinstate Measure Y's original intent – no more paper roads**

In 1998, the voters enacted the "Control Traffic Congestion Initiative" (Measure Y), which added five policies to the 1996 General Plan. The policies included: (1) a prohibition of residential development projects of five or more units causing, or worsening, Level of Service (LOS) F traffic congestion during weekday, peak-hour periods; (2) a prohibition against adding roads to the list of roads allowed to operate at LOS F without voter approval; (3) a requirement that developers pay fees to mitigate traffic impacts of new development; and, (4) a prohibition against county tax revenues being used to mitigate such impacts without voter approval. Measure Y stated that the policies would remain in effect for ten years. It provided that the policies should be placed on the ballot prior to expiration for the voters to decide on a 10 year extension.

In 2008, The Board of Supervisors decided to put the policies of Measure Y on the ballot for an extension, with certain modifications. These modifications included the ability of the Board to override LOS F with a 4/5 vote, enabled the county to use taxpayer funds to pay for road improvements needed for new development and allowed developers to move forward with projects as long as the roads needed for their projects were in the County's \$851,990,000+ Capital Improvement Program. Basically, if the road was on paper to be built in the future, then development could move forward.

Due to the fact that the El Dorado County Board of Supervisors, Department of Transportation and Planning Staff continue to ignore that Highway 50 has reached LOS F, that the Board has used the power of the 4/5<sup>th</sup> vote to favor certain developers over others in regards to traffic mitigation and that the County is actively moving forward using taxpayer funds to facilitate developer favored projects, it has become necessary to hold our representatives feet to the fire by restoring the original intent of Measure Y. Doing so will bring us back to preventing traffic gridlock, protecting our rural environment, and requiring new development to pay its true cost for new roads.

Also by removing paper roads from the options used by the Board of Supervisors, their forecasting of the County's Capital Improvement Program should come down to a realistic amount, which would therefore reduce the Traffic Mitigation Fees, creating more jobs locally.

Initiative Measure to be Submitted Directly to the Voters

[Insert County Counsel's title and summary]

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

(deletions are shown as ~~strikeouts~~, additions are shown as underlined)

Policy TC-Xa:

1. Traffic from ~~single-family residential subdivision~~ development projects of five or more units or parcels of land or 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.

## EXHIBIT A 8-9-16

2. The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at Level of Service F without first getting the voters' approval. ~~or by a 4/5ths vote of the Board of Supervisors.~~
3. ~~Developer-paid traffic impact fees combined with any other available funds shall fully pay for building~~ All necessary road capacity improvements shall be fully completed to prevent to fully offset and mitigate all direct and 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 in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

Policy TC-Xf: At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall ~~do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County's 10-year CIP.~~

For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall ~~do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County's 20-year CIP.~~

Policy TC-Xg: Each development project shall dedicate right-of-way and construct or fund improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of the development. For road improvements that provide significant benefit to other development, the County may allow a project to fund its fair share of improvement costs through traffic impact fees or receive reimbursement from impact fees for construction of improvements beyond the project's fair share. The amount and timing of reimbursements shall be determined by the County.

**IMPLEMENTATION:**

This measure is not applicable within the jurisdictions of the Tahoe Regional Planning Agency and the City of Placerville.

This measure shall take effect upon certification of election results.

All 2004 General Plan Traffic Impact Mitigation Fees for all projects shall be paid at the building permit stage.

No Traffic mitigation fee shall be required for remodeling of existing residential units including adding a second kitchen, shower or bath in the house or garage that were built pursuant to a valid building permit from the County of El Dorado.

Tenant Improvements of existing buildings shall receive T.I.M. fee credit for prior use, unless the new use is less impacting, then there shall be no fee required.

Mobile homes on permanent foundation shall be subject to the single-family residential fee.

Second dwelling as defined under County Code Chapter 17.15.030 shall be subject to the multi-family fee.

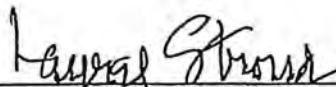
LOS traffic levels on Highway 50 on-off ramps and road segments shall be determined by CalTrans and fully accepted by the County for traffic planning purposes.

If any provision of this measure is for any reason held to be invalid, the remaining provisions shall remain in full force and effect.

Proponents



Sue Taylor  
Save Our County (SOC)  
P. O. Box 961  
Camino, CA 95709



Laurel Stroud  
Residents Involved in Positive Planning (RIPP)  
4072 Clear Court  
Placerville, CA 95667



## **California Elections Code §9111**

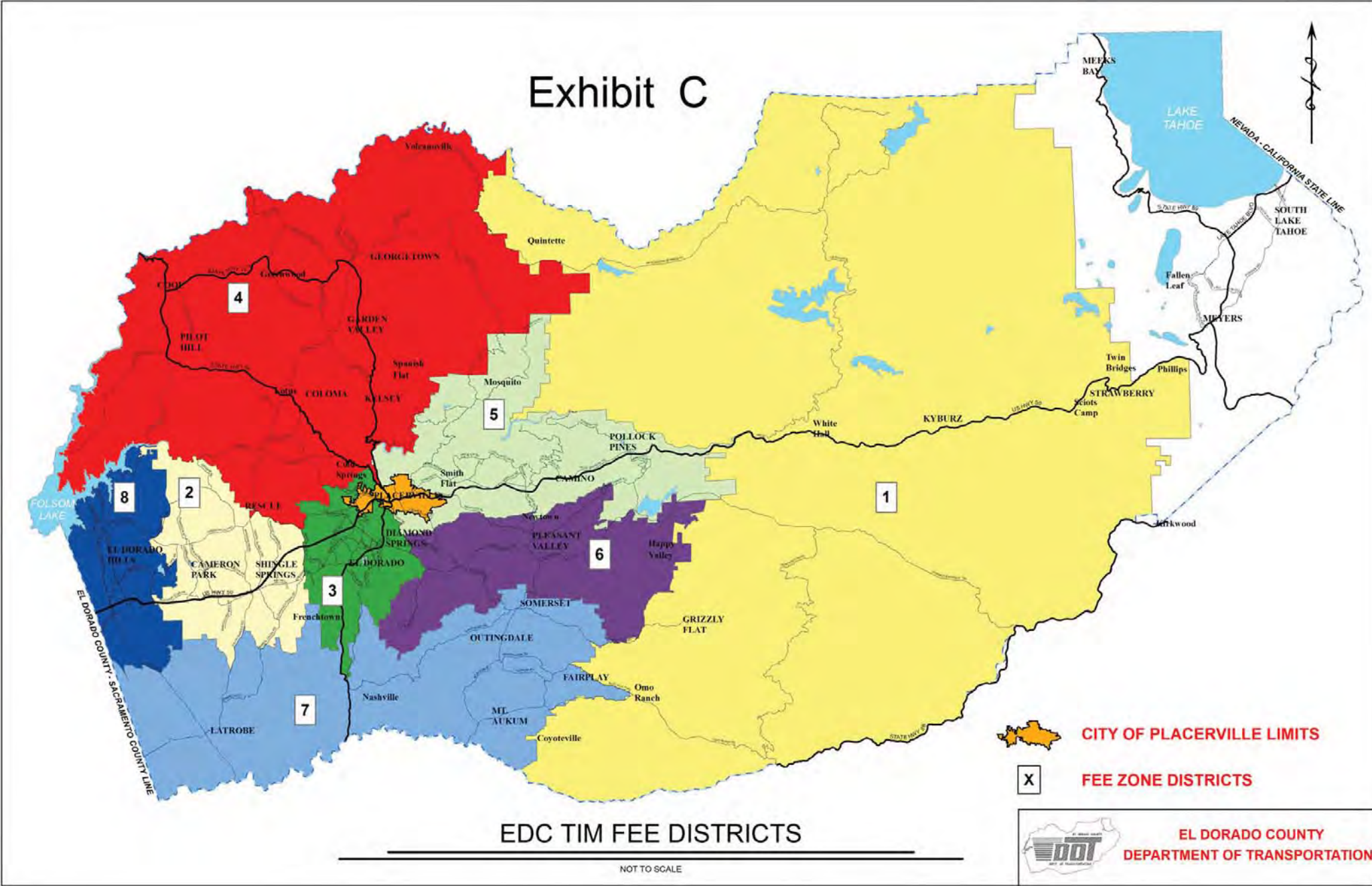
### **§9111. Report from county agencies on effect of proposed initiative measure**

(a) During the circulation of the petition or before taking either action described in subdivisions (a) and (b) of Section 9116, or Section 9118, the board of supervisors may refer the proposed initiative measure to any county agency or agencies for a report on any or all of the following:

- (1) Its fiscal impact.
- (2) Its effect on the internal consistency of the county's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on county actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.
- (3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the county to meet its regional housing needs.
- (4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.
- (5) Its impact on the community's ability to attract and retain business and employment.
- (6) Its impact on the uses of vacant parcels of land.
- (7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
- (8) Any other matters the board of supervisors request to be in the report.

(b) The report shall be presented to the board of supervisors within the time prescribed by the board of supervisors, but no later than 30 days after the county elections official certifies to the board of supervisors the sufficiency of the petition.

# Exhibit C



## EDC TIM FEE DISTRICTS

NOT TO SCALE



CITY OF PLACERVILLE LIMITS



FEE ZONE DISTRICTS



EL DORADO COUNTY  
DEPARTMENT OF TRANSPORTATION

## EXHIBIT B 8-9-16

This is an archive of a past election.

See <http://www.smartvoter.org/ca/ed/> for current information.



League of Women Voters of California Education Fund



El Dorado County, CA

November 4, 2008 Election

### Measure Y

Shall the current Meas. Y be amended and extended for ten years?

El Dorado County

Amendment to the 2004 El Dorado County General Plan - Majority Approval Required



Pass: 48333 / 71.47% Yes votes ..... 19293 / 28.53% No votes

See Also: [Index of all Measures](#)

Results as of Nov 5 12:56am, 100.0% of Precincts Reporting (150/150)  
60.7% Voter Turnout (67626/111325)

Information shown below: [Impartial Analysis](#) | [Arguments](#) | [Full Text](#)

***Shall the voter-enacted Measure Y General Plan policies be extended ten years and amended to provide: (1) Traffic from major single-family residential subdivisions shall not result in, or worsen, Level of Service F (gridlock) traffic congestion; (2) No additional county roadways may operate at Level of Service F without voter approval or 4/5ths vote of County Supervisors; (3) Developer-paid traffic fees, combined with any other funding source, shall pay to build necessary road improvements?***

#### Impartial Analysis from the County Counsel

This measure, if adopted by a majority vote, would amend the original Measure Y policies and, as amended, extend them for ten years. The policies cannot be further amended or repealed except by a vote of the people.

In 1998, the voters enacted the "Control Traffic Congestion Initiative" (Measure Y), which added five policies to the 1996 General Plan. They included: (1) a prohibition of residential development projects of five or more units causing, or worsening, Level of Service (LOS) F traffic congestion during weekday, peak-hour periods; (2) a prohibition against adding roads to the list of roads allowed to operate at LOS F without voter approval; (3) a requirement that developers pay fees to mitigate traffic impacts of new development; and, (4) a prohibition against county tax revenues being used to mitigate such impacts without voter approval. Measure Y stated that the policies would remain in effect for ten years. It provided that they should be placed on the ballot prior to expiration for the

This election is archived. Any links to sources outside of Smart Voter may no longer be active. No further links will be added to this page.

Links to sources outside of Smart Voter are provided for information only and do not imply endorsement.

another ten years as follows:

- Prohibits approval of any new single-family housing subdivision of five or more parcels if the development creates or worsens traffic congestion (known as "Level of Service F" gridlock).
- Prohibits "Level of Service F" gridlock on any additional county roads, unless approved by voters or a four-fifths vote of our county supervisors.
- Requires developers to pay for any road improvements that are needed to prevent new traffic from causing gridlock or exceeding acceptable traffic levels.

Measure Y is endorsed by local business, agriculture, slow-growth, taxpayer and environmental advocates, along with the El Dorado County Republican and Democratic Parties, the Chamber of Commerce and the League of Women Voters. All agree Measure Y will control traffic and protect our rural quality of life, while encouraging jobs creation and balanced economic growth. Police and firefighters support Measure Y because it will help prevent gridlock on our county roads during emergencies.

The original Measure Y has been working effectively for the past ten years. Your "YES" vote on today's Measure Y will keep these successful policies working for the next ten years to prevent traffic gridlock, protect our rural environment and require new development to pay its fair share for new roads.

Vote YES on Measure Y.

Michael Kobus - President, El Dorado County Chamber of Commerce; Jack Sweeney - District 3 Supervisor -- County of El Dorado; Bill Center - Author, Original Measure Y; John Stelzmler - Chair, El Dorado County Republican Central Committee; Rich Meagher - Chair, El Dorado County Democratic Central Committee

**Full Text of Measure Y**

Shall Policy TC-Xa of the 2004 El Dorado County General Plan be amended to read as follows and, as



STATE PROPOSITION 4 - WAITING PERIOD AND PARENTAL NOTIFICATION BEFORE TERMINATION OF MINOR'S PREGNANCY. INITIATIVE CONSTITUTIONAL AMENDMENT. Changes California Constitution, prohibiting abortion for unemancipated minor until 48 hours after physician notifies minor's parent, legal guardian, or, in limited cases, substitute adult relative. Provides an exception for medical emergency or parental waiver. Fiscal Impact: Potential unknown net state costs of several million dollars annually for health and social services programs, court administration, and state health agency administration combined.

YES  NO

STATE PROPOSITION 5 - NONVIOLENT DRUG OFFENSES. SENTENCING, PAROLE AND REHABILITATION. INITIATIVE STATUTE. Allocates \$460,000,000 annually to improve and expand treatment programs. Limits court authority to incarcerate offenders who commit certain drug crimes, break drug treatment rules or violate parole. Fiscal Impact: Increased state costs potentially exceeding \$1 billion annually primarily for expansion of offender treatment programs. State savings potentially exceeding \$1 billion annually on corrections operations. Net one-time state prison capital outlay savings potentially exceeding \$2.5 billion.

YES  NO

STATE PROPOSITION 6 - POLICE AND LAW ENFORCEMENT FUNDING. CRIMINAL PENALTIES AND LAWS. INITIATIVE STATUTE. Requires minimum of \$965,000,000 of state funding each year for police and local law enforcement. Makes approximately 30 revisions to California criminal law. Fiscal Impact: Increased net state costs exceeding \$500 million annually due to increasing spending on criminal justice programs to at least \$965 million and for corrections operating costs. Potential one-time state prison capital outlay costs exceeding \$500 million.

YES  NO

STATE PROPOSITION 7 - RENEWABLE ENERGY GENERATION. INITIATIVE STATUTE. Requires government-owned utilities to generate 20% of their electricity from renewable energy by 2010, a standard currently applicable to private electrical corporations. Raises requirement for all utilities to 40% by 2020 and 50% by 2025. Fiscal Impact: Increased state administrative costs up to \$3.4 million annually, paid by fees. Unknown impact on state and local government costs and revenues due to the measure's uncertain impact on retail electricity rates.

YES  NO

STATE PROPOSITION 8 - ELIMINATES RIGHT OF SAME-SEX COUPLES TO MARRY. INITIATIVE CONSTITUTIONAL AMENDMENT. Changes California Constitution to eliminate the right of same-sex couples to marry. Provides that only marriage between a man and a woman is valid or recognized in California. Fiscal Impact: Over next few years, potential revenue loss, mainly sales taxes, totaling in the several tens of millions of dollars, to state and local governments. In the long run, likely little fiscal impact on state and local governments.

YES  NO

STATE PROPOSITION 9 - CRIMINAL JUSTICE SYSTEM. VICTIMS' RIGHTS. PAROLE. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE. Requires notification to victim and opportunity for input during phases of criminal justice process, including bail, pleas, sentencing and parole. Establishes victim safety as consideration for bail or parole. Fiscal Impact: Potential loss of state savings on prison operations and increased county jail costs amounting to hundreds of millions of dollars annually. Potential net savings in the low tens of millions of dollars annually on parole procedures.

YES  NO

STATE PROPOSITION 10 - ALTERNATIVE FUEL VEHICLES AND RENEWABLE ENERGY. BONDS. INITIATIVE STATUTE. Authorizes \$5 billion in bonds paid from state's General Fund, to help consumers and others purchase certain vehicles, and to fund research in renewable energy and alternative fuel vehicles. Fiscal Impact: State cost of about \$10 billion over 30 years to repay bonds. Increased state and local revenues, potentially totaling several tens of millions of dollars through 2019. Potential state administrative costs up to about \$10 million annually.

YES  NO

STATE PROPOSITION 11 - REDISTRICTING. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE. Changes authority for establishing state office boundaries from elected representatives to commission. Establishes multilevel process to select commissioners from registered voter pool. Commission comprised of Democrats, Republicans, and representatives of neither party. Fiscal Impact: Potential increase in state redistricting costs once every ten years due to two entities performing redistricting. Any increase in costs probably would not be significant.

YES  NO

STATE PROPOSITION 12 - VETERANS' BOND ACT OF 2008. This act provides for a bond issue of nine hundred million dollars (\$900,000,000) to provide farm and home aid for California veterans. Fiscal Impact: Costs of about \$1.8 billion to pay off both the principal (\$900 million) and interest (\$856 million) on the bonds; costs paid by participating veterans. Average payment for principal and interest of about \$59 million per year for 30 years.

YES  NO

SCHOOL

LOS RIOS COMMUNITY COLLEGE DISTRICT MEASURE M

"Shall the Los Rios Community College District be authorized to issue \$475,000,000 million in bonds at the lowest available interest rates to improve student academic performance by building classrooms, facilities and labs throughout the district including for teaching green technologies; nursing and health care programs; architecture, engineering and construction management; computer sciences; early childhood development; and fire and police public safety programs at the American River, Cosumnes River, El Dorado, Folsom, and Sacramento City College campuses?"

BONDS - YES  BONDS - NO

COUNTY

EL DORADO COUNTY MEASURE Y 2008

"Shall the voter-enacted Measure Y General Plan policies be extended ten years and amended to provide: (1) Traffic from major single-family residential subdivisions shall not result in, or worsen, Level of Service F (gridlock) traffic congestion; (2) No additional county roadways may operate at Level of Service F without voter approval or 4/5ths vote of County Supervisors; (3) Developer-paid traffic fees, combined with any other funding source, shall pay to build necessary road improvements?"

YES  NO



## EXHIBIT B 8-9-16

### FULL TEXT OF MEASURE Y 2008

Shall Policy TC-Xa of the 2004 El Dorado County General Plan be amended to read as follows and, as amended, be extended for a period of ten years?

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

1. Traffic from single family residential subdivision 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.
2. The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads (~~shown in Table TC-2~~) that are allowed to operate at Level of Service F without first getting the voters' approval or by a 4/5ths vote of the Board of Supervisors.
3. Developer-paid traffic impact fees combined with any other available funds 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.
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. Exceptions are allowed if county voters first give their approval.~~
5. ~~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 in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.~~

If approved by the voters on November 4, 2008, this amended policy TC-Xa shall become effective on January 1, 2009, and shall expire in ten years. It may only be amended with voter approval during that term.

### IMPARTIAL ANALYSIS OF MEASURE Y 2008

This measure, if adopted by a majority vote, would amend the original Measure Y policies and, as amended, extend them for ten years. The policies cannot be further amended or repealed except by a vote of the people.

In 1998, the voters enacted the "Control Traffic Congestion Initiative" (Measure Y), which added five policies to the 1996 General Plan. They included: (1) a prohibition of residential development projects of five or more units causing, or worsening, Level of Service (LOS) F traffic congestion during weekday, peak-hour periods; (2) a prohibition against adding roads to the list of roads allowed to operate at LOS F without voter approval; (3) a requirement that developers pay fees to mitigate traffic impacts of new development; and, (4) a prohibition against county tax revenues being used to mitigate such impacts without voter approval. Measure Y stated that the policies would remain in effect for ten years. It provided that they should be placed on the ballot prior to expiration for the voters to decide on a 10 year extension.

In 1999, the court invalidated the 1996 General Plan. In readopting a general plan in 2004, the Board of Supervisors incorporated the Measure Y policies, which were to remain in effect until 2008. They included alternative policies to take effect upon their expiration. But, it remains unclear whether Measure Y itself, including its provision to place it back on the ballot, remains legally enforceable. However, the Board of Supervisors decided to put the policies on the ballot for an extension, with certain modifications.

The amendments to the Measure Y policies made by this measure include: (1) clarification that the prohibition against residential projects of five or more units causing or worsening LOS F applies only to single-family subdivisions; (2) a provision that a road may be added to the list of roadways which can operate LOS F by a vote of the people or by a 4/5 vote of the Board of Supervisors; (3) clarification that non-tax sources of revenue such as federal and state grants can be used to fund road projects to serve new development; and, (4) deletion of the prohibition against using county tax revenues to fund road projects to serve new development. The amended policies still require that developer fees, together with other revenue sources, fully pay to mitigate the traffic impacts of new development.

If this measure fails, the alternative policies will go into effect. They could be amended by the Board of Supervisors at their discretion. The alternative policies generally follow the Measure Y policies, but include: (1) extension of the prohibition against causing or worsening LOS F to all residential projects (less than five units); (2) clarification that non-tax sources of revenue such as federal and state grants can be used to fund road projects to serve new development; and, (3) a provision that road segments can be added to the list of roads allowed to operate at LOS F by a 3/5 vote of the Board.

Louis B. Green - El Dorado County Counsel



## EXHIBIT B 8-9-16

### ARGUMENT IN FAVOR OF MEASURE Y 2008

To control traffic congestion, El Dorado County voters approved the original Measure Y in 1998 with 61% of the vote. Since then, the measure has been working to control congestion by requiring developers to pay for the road improvements needed to keep traffic flowing.

Today's Measure Y simply extends the original Measure Y for another ten years as follows:

- Prohibits approval of any new single-family housing subdivision of five or more parcels if the development creates or worsens traffic congestion (known as "Level of Service F" gridlock).
- Prohibits "Level of Service F" gridlock on any additional county roads, unless approved by voters or a four-fifths vote of our county supervisors.
- Requires developers to pay for any road improvements that are needed to prevent new traffic from causing gridlock or exceeding acceptable traffic levels.

Measure Y is endorsed by local business, agriculture, slow-growth, taxpayer and environmental advocates, along with the El Dorado County Republican and Democratic Parties, the Chamber of Commerce and the League of Women Voters. All agree Measure Y will control traffic and protect our rural quality of life, while encouraging jobs creation and balanced economic growth. Police and firefighters support Measure Y because it will help prevent gridlock on our county roads during emergencies.

The original Measure Y has been working effectively for the past ten years. Your "YES" vote on today's Measure Y will keep these successful policies working for the next ten years to prevent traffic gridlock, protect our rural environment and require new development to pay its fair share for new roads.

Vote YES on Measure Y.

Michael Kobus - President, El Dorado County Chamber of Commerce

Jack Sweeney - District 3 Supervisor - County of El Dorado

Bill Center - Author, Original Measure Y

John Stelzmler - Chair, El Dorado County Republican Central Committee

Rich Meagher - Chair, El Dorado County Democratic Central Committee

**NO ARGUMENT AGAINST THIS MEASURE WAS SUBMITTED**



**EXHIBIT B 8-9-16**



**RESOLUTION NO. 194-2008  
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO**

WHEREAS, the County of El Dorado is mandated by the State of California to maintain an adequate and proper General Plan; and

WHEREAS, because of that mandate El Dorado County's General Plan and the various elements thereof must be continually updated with current data, recommendations, and policies; and

WHEREAS, the Development Services/Planning Services Department and the Planning Commission have made recommendations to the Board of Supervisors regarding potential amendments to the Transportation and Circulation Element of the General Plan; and

WHEREAS, the Board of Supervisors has reviewed and held public hearings on the recommended amendments to the Transportation and Circulation Element; and

WHEREAS, the Board of Supervisors finds that the proposed amendments to the General Plan are consistent with all elements of the General Plan not otherwise amended.

NOW, THEREFORE, BE IT RESOLVED that the El Dorado County Board of Supervisors hereby approves and accepts the environmental document on the attached amendments (see Exhibit A - Proposed Amendments to Transportation Element Policies) to the General Plan, and approves and adopts the amendments to Policies TC-Xb, TC-Xc, TC-Xd, TC-Xf, and TC-Xh; Tables: TC-2 and TC-3; and Implementation Measures TC-A and

**EXHIBIT B 8-9-16**

Page 2  
Resolution No. 194-2008

TC-B based on the findings and reasons set forth in the staff report and Planning Commission's action, except as may be noted herein.

This Resolution becomes effective 30 days after adoption but shall become operative January 1, 2009 and only if the amendments to TC-Xa are approved by the voters on November 4, 2008.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 1st day of July, 2008, by the following vote of said Board:

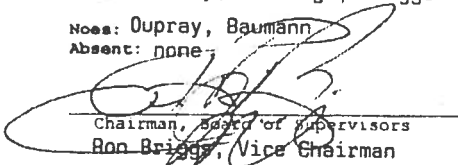
**Attest:**  
Cindy Keck  
Clerk of the Board of Supervisors

By:   
Deputy Clerk

**Ayes:** Sweeney, Santiago, Briggs

**Noes:** Oupray, Baumann

**Absent:** none

  
Chairman, Board of Supervisors  
Ron Briggs, Vice Chairman

**I CERTIFY THAT:**  
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

**DATE:** \_\_\_\_\_

**Attest:** CINDY KECK, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

**By:** \_\_\_\_\_

**EXHIBIT B 8-9-16**

**EXHIBIT A**

**Proposed Amendments to Transportation Element Policies**

The underlined sections indicate proposed additions and the strikeouts indicate deletions.

TABLE TC-2 EL DORADO COUNTY ROADS ALLOWED TO OPERATE AT LEVEL OF SERVICE F <sup>1</sup> (Through December 31, <del>2008</del> 2018)		
Road Segment(s)		Max. V/C <sup>2</sup>
Cambridge Road	Country Club Drive to Oxford Road	1.07
Cameron Park Drive	Robin Lane to Coach Lane	1.11
Missouri Flat Road	U.S. Highway 50 to Mother Lode Drive	1.12
	Mother Lode Drive to China Garden Road	1.20
Pleasant Valley Road	El Dorado Road to State Route 49	1.28
U.S. Highway 50	Canal Street to junction of State Route 49 (Spring Street)	1.25
	Junction of State Route 49 (Spring Street) to Coloma Street	1.59
	Coloma Street to Bedford Avenue	1.61
	Bedford Avenue to beginning of freeway	1.73
	Beginning of freeway to Washington overhead	1.16
	Ice House Road to Echo Lake	1.16
State Route 49	Pacific/Sacramento Street to new four-lane section	1.31
	U.S. Highway 50 to State Route 193	1.32
	State Route 193 to county line	1.51
Notes:		
<sup>1</sup> Roads improved to their maximum width given right-of-way and physical limitations.		
<sup>2</sup> Volume to Capacity ratio.		

Policy TC-Xb To ensure that potential development in the County does not exceed available roadway capacity, the County shall:

A. Every year P prepare an annual Capital Improvement Program (CIP) specifying expenditures for roadway improvements to be completed within the next 10 years, to ensure compliance with all applicable level of service and other standards in this plan, identifying improvements expected to be required within the next 20 years, and specifying funding sources sufficient to develop the improvements identified in the 10-year plan; At least every five years prepare a CIP specifying expenditures for roadway improvements within the

## EXHIBIT B 8-9-16

Resolution No  
Exhibit A Transportation Element Policies  
TC-Xb, TC-Xd, TC-XI, TC-Xh, Tables TC-2 and TC-3;  
Implementation Measures TC-A and TC-B  
Page 2 of 5

next 20 years. Each plan shall contain identification of funding sources sufficient to develop the improvements identified.

B. At least every five years, prepare a Traffic Impact Mitigation (TIM) Fee Program specifying roadway improvements to be completed within the next 20 years to ensure compliance with all applicable level of service and other standards in this plan; and

C. B. Annually monitor traffic volumes on the county's major roadway system depicted in the Circulation Diagram.

C. Review development proposals to ensure that the development would not generate traffic in excess of that contemplated by the Capital Improvement Program for the next ten years or cause levels of service on any affected roadway segments to fall below the levels specified in this plan.

~~Policy TC-Xe — The following policies shall take effect upon the expiration of the policies in Policy TC-Xa:~~

~~1. Traffic from residential development projects 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 except as specified in Table TC-3.~~

~~2. Additional segments of U.S. Highway 50 and other highways and roads may be added to Table TC-3 only upon approval of a majority of the Board of Supervisors.~~

~~3. Developer paid traffic impact fees shall pay for the portion of road capacity improvements, which would not be paid for through other County revenue sources, necessary to offset and mitigate the traffic impacts reasonably attributable to new development upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county.~~

~~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. Exceptions are allowed if County voters first give their approval.~~

**EXHIBIT B 8-9-16**

TABLE TC-3 El Dorado County Roads Allowed to Operate at Level of Service F <sup>1</sup> (After December 31, 2008)	
Road Segment(s)	Max. V/C <sup>2</sup>
U.S. Highway 50 Canal Street to junction of State Route 49 (Spring Street)	1.23
Bedford Avenue to beginning of freeway	1.13
Beginning of freeway to Washington overhead	1.13
Ice House Road to Echo Lake	1.03

Notes:  
<sup>1</sup> Roads improved to their maximum width given right-of-way and physical limitations.  
<sup>2</sup> Volume to Capacity ratio.

Policy TC-Xd Level of Service (LOS) for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2 or, after December 31, 2008, Table TC-3. The volume to capacity ratio of the roadway segments listed in Tables TC-2 and TC-3 as applicable shall not exceed the ratio specified in that table. Level of Service will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be based on the professional judgment of the Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes.

Policy TC-Xf At the time of approval of a tentative map for a single family residential subdivision of five or more parcels ~~Prior to occupancy for development~~ that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the ~~developer~~ County shall do one of the following: (1) condition the project to construct all road improvements necessary to regional and local roads needed to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure adequate funding is identified and available the commencement of construction of for the necessary road improvements are included in the county's 10 year CIP, and those projects are programmed. ~~The determination of compliance with this requirement shall be based on existing traffic plus traffic generated from the and from other reasonably foreseeable projects.~~



For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County's 20-year CIP.

Policy TC-Xh All subdivisions shall be conditioned to pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision. ~~Until such time as updated traffic impact fees are adopted pursuant to this General Plan, any subdivisions will be required to either (1) execute an agreement agreeing to pay the higher fees, even after building permits have been issued or (2) have a notice of restriction placed on the final map prohibiting the issuance of building permits until the updated traffic impact fees are adopted.~~

**IMPLEMENTATION PROGRAM**

**MEASURE TC-A**

Prepare and adopt a priority list of road and highway improvements for the Capital Improvement Program (CIP) based on a horizon of ~~five~~ ten years. The Board of Supervisors shall update the CIP every ~~two~~ years, or more frequently as recommended by the responsible departments. The CIP shall prioritize capital maintenance and rehabilitation, reconstruction, capacity, and operational and safety improvements. Non-capital maintenance activities need not be included in the CIP. The CIP shall be coordinated with the five-year major review of the General Plan and shall be included in the annual General Plan review. [Policies TC-1k, TC-1m, and TC-1n]

Responsibility:	Department of Transportation, Planning Department, and Board of Supervisors
Time Frame:	Within six months of General Plan <u>amendment</u> adoption; every one year thereafter.

**IMPLEMENTATION PROGRAM**

**MEASURE TC-B**

Revise and adopt traffic impact fee program(s) for unincorporated areas of the county and adopt additional funding mechanisms necessary to ensure that improvements contained in the fee programs are fully funded and capable of being implemented concurrently with new development as defined by Policy TC-Xf. The traffic fees should be designed to achieve the adopted level of service standards and preserve the integrity of the circulation system. The fee program(s) shall be updated annually for changes in project costs, and at least every five years with revised growth forecasts, revised improvement project analysis and list, and revised

# EXHIBIT B 8-9-16

Resolution No.  
Exhibit A – Transportation Element Policies  
TC-Xb, TC-Xd, TC-Xf, TC-Xh; Tables TC-2 and TC-3;  
Implementation Measures TC-A and TC-B  
Page 5 of 5

construction cost estimates to ensure the programs continue to meet the requirements contained in the policies of this General Plan. [Policies TC-Xa, TC-Xb, and TC-Xg]

Responsibility:	Department of Transportation and Planning Department
Time Frame:	First full fiscal year following General Plan adoption.

S:\DISCRETIONARY\2008\408-0005\Option A2 Exhibit A.doc

**Measure Y Interpretations  
Board of Supervisors  
December 7, 1999**

**Policy 3.2.2.5: 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. Exceptions are allowed if County voters first give their approval.**

1. What are county tax revenues?

“County tax revenues” include grants and other funding sources which could be used to address existing roadway problems and to pay for future capacity improvements that are needed to accommodate increases in pass through trips. (Excluding special taxes, Mello-Roos Districts and grants which are restricted to providing new capacity.)

2. May county tax revenues be used to fund roadway improvements needed to address existing roadway deficiencies, even if the required roadway improvements will also provide capacity for future development?

“County tax revenues” may be used in an amount proportionate to the relationship the existing deficiencies bear to the overall benefit to be derived from the improvements. Notwithstanding the foregoing, State and Federal grant funds may be used to fund that portion of the cost attributable to new development provided that expenditures are to be reimbursed through reimbursement agreements, Transportation Impact Mitigation (TIM) fees, or other developer paid sources.

**Policy 3.2.2.4: 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.**

3. Does the language of Policy 3.2.2.4 that “developer-paid traffic impact fees” fully pay to offset the impacts of new development prohibit the use of funding sources other than County tax revenues for such capacity improvements?

Policy 3.2.2.4 prohibits the use of revenue sources other than those which are supported by the new development. This would allow the use of Mello-Roos districts, assessment districts and special taxes, and would allow use of grants and other funding sources which are restricted to new capacity improvements and could not be used to improve existing roadway conditions.

4. To what level of service does new development need to “fully offset and mitigate” its impacts?

Level of service standards established pursuant to the 1996 General Plan as it existed on November 3, 1998.

**Policy 3.5.1.6.1: Traffic from residential development projects of 5 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.**

5. What is meant by the term “worsen”?

“Worsen” means to increase traffic by some measurable amount which is deemed by traffic engineering standards to have a perceptible impact on traffic congestion.

6. When does Policy 3.5.1.6.1 require that roadway improvements intended to prevent traffic from causing or worsening LOS F be installed?

The development project may proceed if the mitigation measures and roadway improvements are shown in the roadway plan adopted pursuant to General Plan Policy 3.5.1.1 are included in a Capital Improvement Plan which calls for the completion of the improvements within an identified, reasonable period of time, and funding sources have been identified for the full funding of the improvements and are reasonably anticipated to be available.

7. Does Policy 3.5.1.6.1 require latent demand to be taken into account in determining whether a project will cause or worsen LOS F conditions?

Policy 3.5.1.6.1 requires consideration of the direct impacts of the project along with future development of latent demand (i.e. development of existing vacant parcels or projects which have already obtained discretionary approvals.

## EXHIBIT D 8-9-16

This is an archive of a past election.

See <http://www.smartvoter.org/ca/ed/> for current information.



League of Women Voters of California Education Fund



El Dorado County, CA

November 4, 2008 Election

### Measure Y

Shall the current Meas. Y be amended and extended for ten years?

El Dorado County

Amendment to the 2004 El Dorado County General Plan - Majority Approval Required



Pass: 48333 / 71.47% Yes votes ..... 19293 / 28.53% No votes

See Also: [Index of all Measures](#)

Results as of Nov 5 12:56am, 100.0% of Precincts Reporting (150/150)  
60.7% Voter Turnout (67626/111325)

Information shown below: [Impartial Analysis](#) | [Arguments](#) | [Full Text](#)

***Shall the voter-enacted Measure Y General Plan policies be extended ten years and amended to provide: (1) Traffic from major single-family residential subdivisions shall not result in, or worsen, Level of Service F (gridlock) traffic congestion; (2) No additional county roadways may operate at Level of Service F without voter approval or 4/5ths vote of County Supervisors; (3) Developer-paid traffic fees, combined with any other funding source, shall pay to build necessary road improvements?***

#### Impartial Analysis from the County Counsel

This measure, if adopted by a majority vote, would amend the original Measure Y policies and, as amended, extend them for ten years. The policies cannot be further amended or repealed except by a vote of the people.

In 1998, the voters enacted the "Control Traffic Congestion Initiative" (Measure Y), which added five policies to the 1996 General Plan. They included: (1) a prohibition of residential development projects of five or more units causing, or worsening, Level of Service (LOS) F traffic congestion during weekday, peak-hour periods; (2) a prohibition against adding roads to the list of roads allowed to operate at LOS F without voter approval; (3) a requirement that developers pay fees to mitigate traffic impacts of new development; and, (4) a prohibition against county tax revenues being used to mitigate such impacts without voter approval. Measure Y stated that the policies would remain in effect for ten years. It provided that they should be placed on the ballot prior to expiration for the

This election is archived. Any links to sources outside of Smart Voter may no longer be active. No further links will be added to this page.

Links to sources outside of Smart Voter are provided for information only and do not imply endorsement.

another ten years as follows:

- Prohibits approval of any new single-family housing subdivision of five or more parcels if the development creates or worsens traffic congestion (known as "Level of Service F" gridlock).
- Prohibits "Level of Service F" gridlock on any additional county roads, unless approved by voters or a four-fifths vote of our county supervisors.
- Requires developers to pay for any road improvements that are needed to prevent new traffic from causing gridlock or exceeding acceptable traffic levels.

Measure Y is endorsed by local business, agriculture, slow-growth, taxpayer and environmental advocates, along with the El Dorado County Republican and Democratic Parties, the Chamber of Commerce and the League of Women Voters. All agree Measure Y will control traffic and protect our rural quality of life, while encouraging jobs creation and balanced economic growth. Police and firefighters support Measure Y because it will help prevent gridlock on our county roads during emergencies.

The original Measure Y has been working effectively for the past ten years. Your "YES" vote on today's Measure Y will keep these successful policies working for the next ten years to prevent traffic gridlock, protect our rural environment and require new development to pay its fair share for new roads.

Vote YES on Measure Y.

Michael Kobus - President, El Dorado County Chamber of Commerce; Jack Sweeney - District 3 Supervisor -- County of El Dorado; Bill Center - Author, Original Measure Y; John Stelzmler - Chair, El Dorado County Republican Central Committee; Rich Meagher - Chair, El Dorado County Democratic Central Committee

#### **Full Text of Measure Y**

Shall Policy TC-Xa of the 2004 El Dorado County General Plan be amended to read as follows and, as

**STATE PROPOSITION 4 - WAITING PERIOD AND PARENTAL NOTIFICATION BEFORE TERMINATION OF MINOR'S PREGNANCY. INITIATIVE CONSTITUTIONAL AMENDMENT.** Changes California Constitution, prohibiting abortion for unemancipated minor until 48 hours after physician notifies minor's parent, legal guardian, or, in limited cases, substitute adult relative. Provides an exception for medical emergency or parental waiver. Fiscal Impact: Potential unknown net state costs of several million dollars annually for health and social services programs, court administration, and state health agency administration combined.

YES  NO

**STATE PROPOSITION 5 - NONVIOLENT DRUG OFFENSES. SENTENCING, PAROLE AND REHABILITATION. INITIATIVE STATUTE.** Allocates \$460,000,000 annually to improve and expand treatment programs. Limits court authority to incarcerate offenders who commit certain drug crimes, break drug treatment rules or violate parole. Fiscal Impact: Increased state costs potentially exceeding \$1 billion annually primarily for expansion of offender treatment programs. State savings potentially exceeding \$1 billion annually on corrections operations. Net one-time state prison capital outlay savings potentially exceeding \$2.5 billion.

YES  NO

**STATE PROPOSITION 6 - POLICE AND LAW ENFORCEMENT FUNDING. CRIMINAL PENALTIES AND LAWS. INITIATIVE STATUTE.** Requires minimum of \$965,000,000 of state funding each year for police and local law enforcement. Makes approximately 30 revisions to California criminal law. Fiscal Impact: Increased net state costs exceeding \$500 million annually due to increasing spending on criminal justice programs to at least \$965 million and for corrections operating costs. Potential one-time state prison capital outlay costs exceeding \$500 million.

YES  NO

**STATE PROPOSITION 7 - RENEWABLE ENERGY GENERATION. INITIATIVE STATUTE.** Requires government-owned utilities to generate 20% of their electricity from renewable energy by 2010, a standard currently applicable to private electrical corporations. Raises requirement for all utilities to 40% by 2020 and 50% by 2025. Fiscal Impact: Increased state administrative costs up to \$3.4 million annually, paid by fees. Unknown impact on state and local government costs and revenues due to the measure's uncertain impact on retail electricity rates.

YES  NO

**STATE PROPOSITION 8 - ELIMINATES RIGHT OF SAME-SEX COUPLES TO MARRY. INITIATIVE CONSTITUTIONAL AMENDMENT.** Changes California Constitution to eliminate the right of same-sex couples to marry. Provides that only marriage between a man and a woman is valid or recognized in California. Fiscal Impact: Over next few years, potential revenue loss, mainly sales taxes, totaling in the several tens of millions of dollars, to state and local governments. In the long run, likely little fiscal impact on state and local governments.

YES  NO

**STATE PROPOSITION 9 - CRIMINAL JUSTICE SYSTEM. VICTIMS' RIGHTS. PAROLE. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.** Requires notification to victim and opportunity for input during phases of criminal justice process, including bail, pleas, sentencing and parole. Establishes victim safety as consideration for bail or parole. Fiscal Impact: Potential loss of state savings on prison operations and increased county jail costs amounting to hundreds of millions of dollars annually. Potential net savings in the low tens of millions of dollars annually on parole procedures.

YES  NO

**STATE PROPOSITION 10 - ALTERNATIVE FUEL VEHICLES AND RENEWABLE ENERGY. BONDS. INITIATIVE STATUTE.** Authorizes \$5 billion in bonds paid from state's General Fund, to help consumers and others purchase certain vehicles, and to fund research in renewable energy and alternative fuel vehicles. Fiscal Impact: State cost of about \$10 billion over 30 years to repay bonds. Increased state and local revenues, potentially totaling several tens of millions of dollars through 2019. Potential state administrative costs up to about \$10 million annually.

YES  NO

**STATE PROPOSITION 11 - REDISTRICTING. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.** Changes authority for establishing state office boundaries from elected representatives to commission. Establishes multilevel process to select commissioners from registered voter pool. Commission comprised of Democrats, Republicans, and representatives of neither party. Fiscal Impact: Potential increase in state redistricting costs once every ten years due to two entities performing redistricting. Any increase in costs probably would not be significant.

YES  NO

**STATE PROPOSITION 12 - VETERANS' BOND ACT OF 2008.** This act provides for a bond issue of nine hundred million dollars (\$900,000,000) to provide farm and home aid for California veterans. Fiscal Impact: Costs of about \$1.8 billion to pay off both the principal (\$900 million) and interest (\$856 million) on the bonds; costs paid by participating veterans. Average payment for principal and interest of about \$59 million per year for 30 years.

YES  NO

**SCHOOL**

**LOS RIOS COMMUNITY COLLEGE DISTRICT MEASURE M**

"Shall the Los Rios Community College District be authorized to issue \$475,000,000 million in bonds at the lowest available interest rates to improve student academic performance by building classrooms, facilities and labs throughout the district including for teaching green technologies; nursing and health care programs; architecture, engineering and construction management; computer sciences; early childhood development; and fire and police public safety programs at the American River, Cosumnes River, El Dorado, Folsom, and Sacramento City College campuses?"

BONDS - YES  BONDS - NO

**COUNTY**

**EL DORADO COUNTY MEASURE Y 2008**

"Shall the voter-enacted Measure Y General Plan policies be extended ten years and amended to provide: (1) Traffic from major single-family residential subdivisions shall not result in, or worsen, Level of Service F (gridlock) traffic congestion; (2) No additional county roadways may operate at Level of Service F without voter approval or 4/5ths vote of County Supervisors; (3) Developer-paid traffic fees, combined with any other funding source, shall pay to build necessary road improvements?"

YES  NO



## EXHIBIT D 8-9-16

### FULL TEXT OF MEASURE Y 2008

Shall Policy TC-Xa of the 2004 El Dorado County General Plan be amended to read as follows and, as amended, be extended for a period of ten years?

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

1. Traffic from single family residential subdivision 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.
2. The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads (~~shown in Table TC-2~~) that are allowed to operate at Level of Service F without first getting the voters' approval or by a 4/5ths vote of the Board of Supervisors.
3. Developer-paid traffic impact fees combined with any other available funds 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.
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. Exceptions are allowed if county voters first give their approval.~~
5. ~~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 in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.~~

If approved by the voters on November 4, 2008, this amended policy TC-Xa shall become effective on January 1, 2009, and shall expire in ten years. It may only be amended with voter approval during that term.

### IMPARTIAL ANALYSIS OF MEASURE Y 2008

This measure, if adopted by a majority vote, would amend the original Measure Y policies and, as amended, extend them for ten years. The policies cannot be further amended or repealed except by a vote of the people.

In 1998, the voters enacted the "Control Traffic Congestion Initiative" (Measure Y), which added five policies to the 1996 General Plan. They included: (1) a prohibition of residential development projects of five or more units causing, or worsening, Level of Service (LOS) F traffic congestion during weekday, peak-hour periods; (2) a prohibition against adding roads to the list of roads allowed to operate at LOS F without voter approval; (3) a requirement that developers pay fees to mitigate traffic impacts of new development; and, (4) a prohibition against county tax revenues being used to mitigate such impacts without voter approval. Measure Y stated that the policies would remain in effect for ten years. It provided that they should be placed on the ballot prior to expiration for the voters to decide on a 10 year extension.

In 1999, the court invalidated the 1996 General Plan. In readopting a general plan in 2004, the Board of Supervisors incorporated the Measure Y policies, which were to remain in effect until 2008. They included alternative policies to take effect upon their expiration. But, it remains unclear whether Measure Y itself, including its provision to place it back on the ballot, remains legally enforceable. However, the Board of Supervisors decided to put the policies on the ballot for an extension, with certain modifications.

The amendments to the Measure Y policies made by this measure include: (1) clarification that the prohibition against residential projects of five or more units causing or worsening LOS F applies only to single-family subdivisions; (2) a provision that a road may be added to the list of roadways which can operate LOS F by a vote of the people or by a 4/5 vote of the Board of Supervisors; (3) clarification that non-tax sources of revenue such as federal and state grants can be used to fund road projects to serve new development; and, (4) deletion of the prohibition against using county tax revenues to fund road projects to serve new development. The amended policies still require that developer fees, together with other revenue sources, fully pay to mitigate the traffic impacts of new development.

If this measure fails, the alternative policies will go into effect. They could be amended by the Board of Supervisors at their discretion. The alternative policies generally follow the Measure Y policies, but include: (1) extension of the prohibition against causing or worsening LOS F to all residential projects (less than five units); (2) clarification that non-tax sources of revenue such as federal and state grants can be used to fund road projects to serve new development; and, (3) a provision that road segments can be added to the list of roads allowed to operate at LOS F by a 3/5 vote of the Board.

Louis B. Green - El Dorado County Counsel





**ARGUMENT IN FAVOR OF MEASURE Y 2008**

To control traffic congestion, El Dorado County voters approved the original Measure Y in 1998 with 61% of the vote. Since then, the measure has been working to control congestion by requiring developers to pay for the road improvements needed to keep traffic flowing.

Today's Measure Y simply extends the original Measure Y for another ten years as follows:

- Prohibits approval of any new single-family housing subdivision of five or more parcels if the development creates or worsens traffic congestion (known as "Level of Service F" gridlock).
- Prohibits "Level of Service F" gridlock on any additional county roads, unless approved by voters or a four-fifths vote of our county supervisors.
- Requires developers to pay for any road improvements that are needed to prevent new traffic from causing gridlock or exceeding acceptable traffic levels.

Measure Y is endorsed by local business, agriculture, slow-growth, taxpayer and environmental advocates, along with the El Dorado County Republican and Democratic Parties, the Chamber of Commerce and the League of Women Voters. All agree Measure Y will control traffic and protect our rural quality of life, while encouraging jobs creation and balanced economic growth. Police and firefighters support Measure Y because it will help prevent gridlock on our county roads during emergencies.

The original Measure Y has been working effectively for the past ten years. Your "YES" vote on today's Measure Y will keep these successful policies working for the next ten years to prevent traffic gridlock, protect our rural environment and require new development to pay its fair share for new roads.

Vote YES on Measure Y.

Michael Kobus - President, El Dorado County Chamber of Commerce

Jack Sweeney - District 3 Supervisor - County of El Dorado

Bill Center - Author, Original Measure Y

John Stelzmler - Chair, El Dorado County Republican Central Committee

Rich Meagher - Chair, El Dorado County Democratic Central Committee

**NO ARGUMENT AGAINST THIS MEASURE WAS SUBMITTED**





**RESOLUTION NO. 194-2008**  
**OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO**

WHEREAS, the County of El Dorado is mandated by the State of California to maintain an adequate and proper General Plan; and

WHEREAS, because of that mandate El Dorado County's General Plan and the various elements thereof must be continually updated with current data, recommendations, and policies; and

WHEREAS, the Development Services/Planning Services Department and the Planning Commission have made recommendations to the Board of Supervisors regarding potential amendments to the Transportation and Circulation Element of the General Plan; and

WHEREAS, the Board of Supervisors has reviewed and held public hearings on the recommended amendments to the Transportation and Circulation Element; and

WHEREAS, the Board of Supervisors finds that the proposed amendments to the General Plan are consistent with all elements of the General Plan not otherwise amended.

NOW, THEREFORE, BE IT RESOLVED that the El Dorado County Board of Supervisors hereby approves and accepts the environmental document on the attached amendments (see Exhibit A - Proposed Amendments to Transportation Element Policies) to the General Plan, and approves and adopts the amendments to Policies TC-Xb, TC-Xc, TC-Xd, TC-Xf, and TC-Xh; Tables: TC-2 and TC-3; and Implementation Measures TC-A and

**EXHIBIT D 8-9-16**

Page 2  
Resolution No. 194-2008

TC-B based on the findings and reasons set forth in the staff report and Planning Commission's action, except as may be noted herein.

This Resolution becomes effective 30 days after adoption but shall become operative January 1, 2009 and only if the amendments to TC-Xa are approved by the voters on November 4, 2008.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 1st day of July, 2008, by the following vote of said Board:

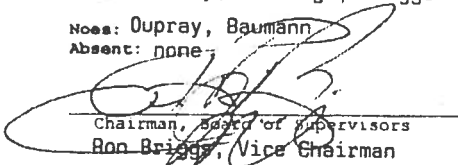
**Attest:**  
Cindy Keck  
Clerk of the Board of Supervisors

By:   
Deputy Clerk

**Ayes:** Sweeney, Santiago, Briggs

**Noes:** Oupray, Baumann

**Absent:** none

  
Chairman, Board of Supervisors  
Ron Briggs, Vice Chairman

**I CERTIFY THAT:**  
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

**DATE:** \_\_\_\_\_

**Attest:** CINDY KECK, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

**By:** \_\_\_\_\_

**EXHIBIT D 8-9-16**

**EXHIBIT A**

**Proposed Amendments to Transportation Element Policies**

The underlined sections indicate proposed additions and the strikeouts indicate deletions.

TABLE TC-2 EL DORADO COUNTY ROADS ALLOWED TO OPERATE AT LEVEL OF SERVICE F <sup>1</sup> (Through December 31, <del>2008</del> 2018)		
Road Segment(s)		Max. V/C <sup>2</sup>
Cambridge Road	Country Club Drive to Oxford Road	1.07
Cameron Park Drive	Robin Lane to Coach Lane	1.11
Missouri Flat Road	U.S. Highway 50 to Mother Lode Drive	1.12
	Mother Lode Drive to China Garden Road	1.20
Pleasant Valley Road	El Dorado Road to State Route 49	1.28
U.S. Highway 50	Canal Street to junction of State Route 49 (Spring Street)	1.25
	Junction of State Route 49 (Spring Street) to Coloma Street	1.59
	Coloma Street to Bedford Avenue	1.61
	Bedford Avenue to beginning of freeway	1.73
	Beginning of freeway to Washington overhead	1.16
	Ice House Road to Echo Lake	1.16
State Route 49	Pacific/Sacramento Street to new four-lane section	1.31
	U.S. Highway 50 to State Route 193	1.32
	State Route 193 to county line	1.51
Notes:		
<sup>1</sup> Roads improved to their maximum width given right-of-way and physical limitations.		
<sup>2</sup> Volume to Capacity ratio.		

Policy TC-Xb To ensure that potential development in the County does not exceed available roadway capacity, the County shall:

A. Every year P prepare an annual Capital Improvement Program (CIP) specifying expenditures for roadway improvements to be completed within the next 10 years, to ensure compliance with all applicable level of service and other standards in this plan, identifying improvements expected to be required within the next 20 years, and specifying funding sources sufficient to develop the improvements identified in the 10-year plan; At least every five years prepare a CIP specifying expenditures for roadway improvements within the

## EXHIBIT D 8-9-16

Resolution No  
Exhibit A Transportation Element Policies  
TC-Xb, TC-Xd, TC-XI, TC-Xh, Tables TC-2 and TC-3;  
Implementation Measures TC-A and TC-B  
Page 2 of 5

next 20 years. Each plan shall contain identification of funding sources sufficient to develop the improvements identified.

B. At least every five years, prepare a Traffic Impact Mitigation (TIM) Fee Program specifying roadway improvements to be completed within the next 20 years to ensure compliance with all applicable level of service and other standards in this plan; and

C. B. Annually monitor traffic volumes on the county's major roadway system depicted in the Circulation Diagram.

C. Review development proposals to ensure that the development would not generate traffic in excess of that contemplated by the Capital Improvement Program for the next ten years or cause levels of service on any affected roadway segments to fall below the levels specified in this plan.

~~Policy TC-Xe — The following policies shall take effect upon the expiration of the policies in Policy TC-Xa:~~

~~1. Traffic from residential development projects 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 except as specified in Table TC-3.~~

~~2. Additional segments of U.S. Highway 50 and other highways and roads may be added to Table TC-3 only upon approval of a majority of the Board of Supervisors.~~

~~3. Developer paid traffic impact fees shall pay for the portion of road capacity improvements, which would not be paid for through other County revenue sources, necessary to offset and mitigate the traffic impacts reasonably attributable to new development upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county.~~

~~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. Exceptions are allowed if County voters first give their approval.~~

TABLE TC-3 El Dorado County Roads Allowed to Operate at Level of Service F <sup>1</sup> (After December 31, 2008)	
Road Segment(s)	Max. V/C <sup>2</sup>
U.S. Highway 50 Canal Street to junction of State Route 49 (Spring Street)	1.23
Bedford Avenue to beginning of freeway	1.13
Beginning of freeway to Washington overhead	1.13
Ice House Road to Echo Lake	1.03

Notes:  
<sup>1</sup> Roads improved to their maximum width given right-of-way and physical limitations.  
<sup>2</sup> Volume to Capacity ratio.

Policy TC-Xd Level of Service (LOS) for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2 or, after December 31, 2008, Table TC-3. The volume to capacity ratio of the roadway segments listed in Tables TC-2 and TC-3 as applicable shall not exceed the ratio specified in that table. Level of Service will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be based on the professional judgment of the Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes.

Policy TC-Xf At the time of approval of a tentative map for a single family residential subdivision of five or more parcels ~~Prior to occupancy for development~~ that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the ~~developer~~ County shall do one of the following: (1) condition the project to construct all road improvements necessary to regional and local roads needed to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure adequate funding is identified and available the commencement of construction of for the necessary road improvements are included in the county's 10 year CIP, and those projects are programmed. ~~The determination of compliance with this requirement shall be based on existing traffic plus traffic generated from the and from other reasonably foreseeable projects.~~

For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County’s 20-year CIP.

Policy TC-Xh All subdivisions shall be conditioned to pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision. ~~Until such time as updated traffic impact fees are adopted pursuant to this General Plan, any subdivisions will be required to either (1) execute an agreement agreeing to pay the higher fees, even after building permits have been issued or (2) have a notice of restriction placed on the final map prohibiting the issuance of building permits until the updated traffic impact fees are adopted.~~

**IMPLEMENTATION PROGRAM**

**MEASURE TC-A**

Prepare and adopt a priority list of road and highway improvements for the Capital Improvement Program (CIP) based on a horizon of ~~five~~ ten years. The Board of Supervisors shall update the CIP every ~~two~~ years, or more frequently as recommended by the responsible departments. The CIP shall prioritize capital maintenance and rehabilitation, reconstruction, capacity, and operational and safety improvements. Non-capital maintenance activities need not be included in the CIP. The CIP shall be coordinated with the five-year major review of the General Plan and shall be included in the annual General Plan review. [Policies TC-1k, TC-1m, and TC-1n]

Responsibility:	Department of Transportation, Planning Department, and Board of Supervisors
Time Frame:	Within six months of General Plan <u>amendment</u> adoption; every one year thereafter.

**IMPLEMENTATION PROGRAM**

**MEASURE TC-B**

Revise and adopt traffic impact fee program(s) for unincorporated areas of the county and adopt additional funding mechanisms necessary to ensure that improvements contained in the fee programs are fully funded and capable of being implemented concurrently with new development as defined by Policy TC-Xf. The traffic fees should be designed to achieve the adopted level of service standards and preserve the integrity of the circulation system. The fee program(s) shall be updated annually for changes in project costs, and at least every five years with revised growth forecasts, revised improvement project analysis and list, and revised

**EXHIBIT D 8-9-16**

Resolution No.  
Exhibit A – Transportation Element Policies  
TC-Xb, TC-Xd, TC-Xf, TC-Xh; Tables TC-2 and TC-3;  
Implementation Measures TC-A and TC-B  
Page 5 of 5

construction cost estimates to ensure the programs continue to meet the requirements contained in the policies of this General Plan. [Policies TC-Xa, TC-Xb, and TC-Xg]

Responsibility:	Department of Transportation and Planning Department
Time Frame:	First full fiscal year following General Plan adoption.

S:\DISCRETIONARY\2008\A08-0005\Option A2 Exhibit A.doc



IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (CONDITION OF APPROVAL)	MONITORING			VERIFICATION	
		Impl. Entity <sup>1</sup>	Type of Monitoring Action <sup>2</sup>	Timing Requirements <sup>3</sup>	Monitoring and Verification Entity <sup>4</sup>	Signature
<p>LOS F for both the "Cumulative" and the "Cumulative-Plus-Project" scenarios. The project would exacerbate a projected base case LOS F condition.</p>	<p>would be widened to become a six-lane freeway prior to the year 2015. As the projections indicate, the capacity of the freeway at six lanes would be exceeded by the year 2015. This would be a base case condition not attributable to the project. However, the project would exacerbate this base case condition. The project shall contribute its fair share to the cost of widening US 50 to eight lanes as is proposed by the 20-year CIP. The state TIM currently includes, and is periodically revised, to partially fund the widening of Highway 50 to six lanes by 2010 and eight lanes by 2015. The project is subject to County state TIM requirements and El Dorado Hills RIF requirements. All future project development will be required to make state TIM payments. Once this widening is implemented, the freeway would operate at an acceptable LOS E west of El Dorado Hills Boulevard and LOS C east of El Dorado Hills Boulevard for the "Cumulative-Plus-Project" scenario. Because future funding for the widening is not currently assured (i.e., not currently in place), this impact represents a <i>significant unavoidable impact</i>.</p>					
<p><b>Impact T-16: County Roadway Improvement Phasing Needs.</b> If the offsite roadway system improvements identified in this EIR as necessary to meet General Plan specified LOS standards are not completed as each development increment occurs, the project could result in an interim LOS deficiency.</p>	<p><b>Mitigation Measure T-16:</b> Ongoing traffic study and mitigation monitoring measures shall be implemented by project developers and the County. The County's General Plan includes policies calling for such ongoing traffic study and monitoring. As detailed in section IV.D.6 of the EIR, these policies shall be implemented with the project through the following two mechanisms:</p> <ul style="list-style-type: none"> <li>• T-16a: Interim Traffic Studies, and</li> <li>• T-16b: The DOT Annual Monitoring</li> </ul>	EDC; Appl.	SMS	STR	EDCDOT	

<sup>1</sup> Appl. = Applicant; EDC = El Dorado County  
<sup>2</sup> CIP = Construction Period Inspection; OTC = One-time Confirmation Action; PC = Plan Check; POC = Post-Occupancy Inspection; SMS = Specialized Monitoring Study; SSR = Subsequent Standard Review  
<sup>3</sup> DPC = During Project Construction; PGP = Prior to issuance of Building Permit; PPO = Prior to Project Occupancy; STR = Specialized Timing Requirement; PTM = Prior to Tentative Map Approval; PFM = Prior to Final Map  
<sup>4</sup> EDCPD = El Dorado County Planning Department; EDCSD = El Dorado County Sheriff's Department; EDHFD = El Dorado Hills Fire District; EDCCDOT = El Dorado County Department of Transportation; EDCBD = El Dorado County Building Department; EDCDEN = El Dorado County Department of Environmental Health

provide for the long-term maintenance of the roads. Said offer may be rejected at the time of the final map, in which case, a homeowners' agreement and association, or other entity, shall be established in order to provide for the long-term maintenance of the roads.

*An IOD for major collector roads shall be filed with the West Valley Zone of Benefit prior to approval of the final map. A Homeowner' Association (HOA) will be established for the long-term maintenance of the roadways in this unit.*

23. Bus turnouts and shelters shall be constructed at locations required by El Dorado Transit and the appropriate school district.

*Bus turnouts and shelters shall be constructed in coordination with the El Dorado Transit District.*

24. A secondary access road, providing permanent or temporary looped circulation for each phase of development, shall be constructed prior to the first building permit being issued for any residential structure except where the issuance of building permits is for model homes, which shall be unoccupied. Such looped circulation shall be subject to the approval of, or may be modified by, the El Dorado Hills Fire District, and shall be in conformance with the approved West Valley Wildfire Safety Plan.

*The approval of the West Valley Village Unit 1A Improvement Plans by the Department of Transportation and El Dorado Hills Fire Protection District substantiates compliance with this condition.*

25. The applicant shall provide funding for each of the road improvements listed in this condition together with submittal, after review and approval by the Department of Transportation, to the County of a complete package consisting of bid-ready documents for the County's use in advertising for construction bids and awarding a construction contract for each public improvement. The applicant shall contract for the design and engineering of the identified improvements and shall secure any additional right-of-way, regulatory permits and utility relocation provisions necessary for each public improvement and provide evidence of same as part of the complete package of bid-ready documents. All improvements shall be designed to County standards, which include paved shoulders.

Such funding shall be through a Community Facilities District (CFD) or other financing mechanism acceptable to the County and shall be in place prior to the approval of a small lot final map, or at such time as indicated below. Large lot final maps will be allowed as may be needed for the formation of the CFD and financing purposes.

For the purposes of this condition of approval the term "funding the construction" shall include the entire cost of the identified improvement(s) including design, engineering,

environmental clearances, necessary permits, necessary right-of-way acquisition, surveying and construction, as determined by current engineer's estimates.

Once the complete package for each improvement is provided to the County this condition with respect to such improvement shall be deemed satisfied and the County shall thereafter take full responsibility for causing the construction of the improvement. In imposing these conditions the County is cognizant of the fact that in order to accomplish the construction of the identified improvements in a timely manner, significant cooperation will be necessary between the County and the applicant. To that end, and in recognition of the significant commitment on the part of the applicant herein, the County will fully cooperate in the processing and in the review of improvement plans, in obtaining necessary rights of way through eminent domain if good faith efforts by the applicant to obtain necessary right-of-way are unsuccessful, and otherwise committing the time and resources necessary to accomplish the tasks in a timely manner.

The improvements specified in this condition of approval, subject to the review and approval of the County Engineer, may be eligible for reimbursements and/or credits against the *El Dorado Hills/Salmon Falls Area Road Impact Fee* (R.I.F.), the *Transportation Impact Fee* (T.I.M) for the State System's Capacity and Interchanges-El Dorado Hills/Salmon Falls Area and the *Interim Highway 50 Variable Traffic Impact Mitigation Fee* programs. The reimbursement agreement will reflect that these improvements are high priority improvements being funded by the applicant while recognizing that funding for additional high priority improvements still needs to be accrued. As such, the reimbursement agreement will reflect the equal need for reimbursement and accrual of RIF revenues.

The applicant and County shall enter into a credit/reimbursement agreement, consistent with any Board of Supervisors' adopted reimbursement policies in effect at the time the agreement is executed, prior to the recording of a small lot final map.

- a) Prior to the approval of the first small lot final map, the applicant shall provide funding and bid-ready package as described above for widening and restriping of Latrobe Road between US Highway 50 south to White Rock Road, to provide for three through lanes in the northbound and southbound directions between the interchange and White Rock Road. In addition, the applicant shall provide funding and bid-ready package as described above for Intersection improvements at Latrobe Road and White Rock Road to provide additional lanes as follows providing for a right turn and two through lanes on northbound approach, a left turn lane and a through lane on westbound approach, realign the eastbound approach and add a right turn lane and a left turn lane and a through lane on eastbound approach, a right turn lane on southbound approach, a northbound through lane from White Rock Road to Town Center Boulevard connecting to the right turn lane at Town Center Boulevard, and reconstruct signal at Latrobe Road and White Rock Road to eight phases.

- b) Prior to the approval of the first small lot final map, the applicant shall provide funding and bid-ready package as described above for the widening of Latrobe Road to four lanes from its intersection with Golden Foothill Parkway (south) to Suncast Lane together with signalized intersection improvements at Latrobe Road/Golden Foothill Parkway (south). In addition, the applicant shall provide the funding and bid-ready package for the installation of intersection improvements at Latrobe Road/Golden Foothill Parkway (south). The Entrance Parkway into West Valley Village shall provide for one left/through shared lane and one right-turn-only lane in this westbound direction. The existing Golden Foothill Parkway (south) shall be restriped to provide one left-turn and one through/right shared lane in the eastbound direction. Latrobe Road in the northbound direction will not change leaving the existing single lane configuration. Latrobe Road in the southbound direction will provide one left-turn-only lane and one right/through lane at this intersection.
- c) Prior to the approval of the first small lot final map, but in no case later than a time sufficient for the County to solicit bids for the construction of the improvements commencing in summer 2004, the applicant shall pay to the County the estimated cost of reconfiguring/reconstruction of the following elements of the El Dorado Hills/Latrobe interchange. Such payment shall be considered an advance payment for the purposes of reimbursement from the CFD. No building permits may be issued for any lots in the Tentative Map prior January 31, 2005, unless the Board of Supervisors has authorized the advertisement for construction bids for the following elements.
1. Providing dual right turn lanes onto the westbound on ramp in the southbound direction on El Dorado Hills Boulevard consisting of a right turn lane onto the on ramp and a shared through/right turn lane southbound;
  2. Construction of a sound wall adjacent to the town homes and residential properties along the realigned Saratoga Way.
  3. Construct the realigned Saratoga Way to its new intersection with El Dorado Hills Boulevard at Park Avenue, consistent with approved interchange project report and Environmental Impact Report.
  4. Construction of a third southbound travel lane on El Dorado Hills Boulevard from Park Avenue to the Highway 50 westbound on-ramp.
  5. Construction of the El Dorado Hills Blvd Interchange Enhancement Improvements as identified below subject to final approval by Caltrans:
    - I. Widening/restriping the westbound off ramp to provide for a right turn lane onto El Dorado Hills Blvd. in the northbound direction, a left turn lane onto Latrobe Road in the southbound direction and shared through/left/right turn lane;

- II. Widening/restriping the westbound on ramp for two lanes with a merge into one lane, which shall be extended 500 feet, prior to entering the highway;
- III. Providing dual left turn lanes northbound on Latrobe Road onto the westbound on ramp;
- IV. Additional northbound through lane on Latrobe Road between the eastbound onramp and the existing Saratoga Way intersection together with any necessary facilities to accommodate pedestrian and bicycle traffic along the east side of Latrobe Road at this location.

Conditions a) and b) above shall be satisfied upon payment of the funds and delivery of bid-ready package as provided herein and the County shall be responsible for completion of the improvements.

Condition c) above shall be satisfied upon payment of the funds in a time sufficient for the County to solicit bids for the construction of the improvements commencing in summer 2004, and the County shall be responsible for completion of the improvements. The County will be responsible for obtaining the necessary right of way to complete the condition c) improvements. The County has collected funds and will continue collecting funds from the RIF for these improvements. The Applicant shall pay the difference between the funds allocated in the RIF program to this project, at the time of advertisement soliciting bids for the construction contract, and the total engineer's estimated amount of the project, with an additional funding contribution from the applicant, if necessary, to cover any shortfall between the total engineer's estimated amount of the project and the actual bid amount at time of award of contract plus an amount for contingencies not to exceed 10 percent of the contract amount. The applicant and County shall enter into a credit/reimbursement agreement, consistent with any Board of Supervisors' adopted reimbursement policies in effect at the time the agreement is executed, prior to the recording of a small lot final map. No building permits shall be issued within the tentative map area until the project is bid-ready approved and the applicant has made the funding contribution or until January 31, 2005, and the applicant has made the funding contribution, which ever occurs first.

*The required submittal for off-site roadway improvements identified in the condition has been provided, reviewed and approved by DOT.*

26. The applicant shall fund the Silva Valley Parkway interchange in the manner set forth below.

The applicant shall, immediately upon recording of the first small lot final map, begin the design, engineering and processing necessary with County Department of Transportation and Caltrans to achieve all necessary approvals for bidding the contract for construction of the improvements described below, as conceptually depicted in the Supplemental Traffic Analysis for the West Valley TM99-1359 of the Valley View Specific Plan,

# ZONING = RM RESIDENTIAL MULTI-UNIT

## Western Slope County of El Dorado State of California

EXHIBIT F 8-9-16

PLACER COUNTY



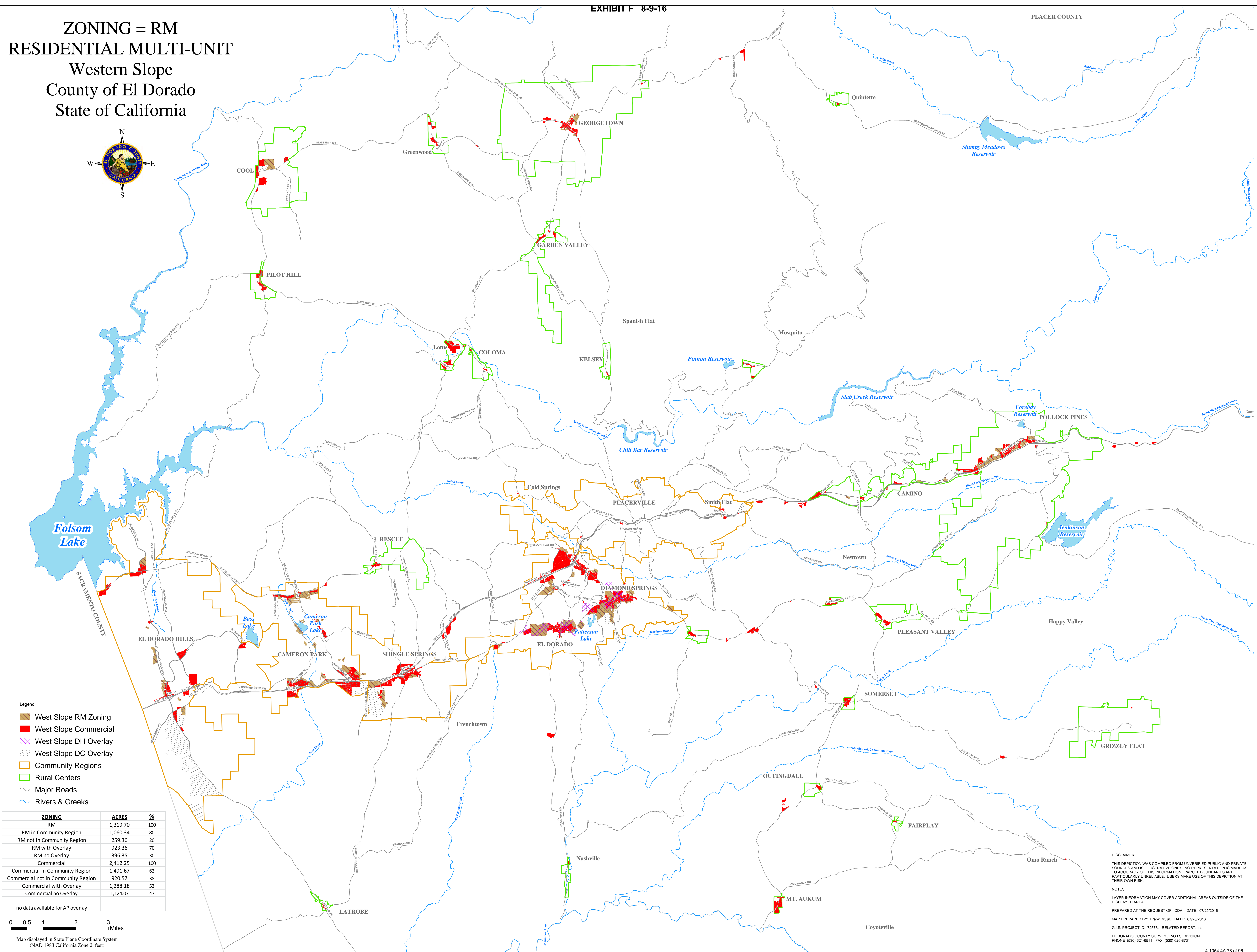
**Legend**

- West Slope RM Zoning
- West Slope Commercial
- West Slope DH Overlay
- West Slope DC Overlay
- Community Regions
- Rural Centers
- Major Roads
- Rivers & Creeks

ZONING	ACRES	%
RM	1,319.70	100
RM in Community Region	1,060.34	80
RM not in Community Region	259.36	20
RM with Overlay	923.36	70
RM no Overlay	396.35	30
Commercial	2,412.25	100
Commercial in Community Region	1,491.67	62
Commercial not in Community Region	920.57	38
Commercial with Overlay	1,288.18	53
Commercial no Overlay	1,124.07	47
no data available for AP overlay		

0 0.5 1 2 3 Miles

Map displayed in State Plane Coordinate System (NAD 1983 California Zone 2, feet)



**DISCLAIMER:**  
THIS DEPICTION WAS COMPILED FROM UNVERIFIED PUBLIC AND PRIVATE SOURCES AND IS ILLUSTRATIVE ONLY. NO REPRESENTATION IS MADE AS TO ACCURACY OF THIS INFORMATION. PARCEL BOUNDARIES ARE PARTICULARLY UNRELIABLE. USERS MAKE USE OF THIS DEPICTION AT THEIR OWN RISK.

**NOTES:**  
LAYER INFORMATION MAY COVER ADDITIONAL AREAS OUTSIDE OF THE DISPLAYED AREA.  
PREPARED AT THE REQUEST OF: CDA, DATE: 07/25/2016  
MAP PREPARED BY: Frank Bruijn, DATE: 07/28/2016  
G.I.S. PROJECT ID: 72576, RELATED REPORT: na  
EL DORADO COUNTY SURVEYOR/G.I.S. DIVISION  
PHONE (530) 621-6511 FAX (530) 626-8731

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 3 – SACRAMENTO AREA OFFICE  
 2379 GATEWAY OAKS DRIVE, STE 150 - MS 19  
 SACRAMENTO, CA 95833  
 PHONE (916) 274-0635  
 FAX (916) 263-1796  
 TTY 711  
 www.dot.ca.gov/dist3



*Serious drought.  
 Help save water!*

July 5, 2016

032016-ELD-0024  
 03-ELD-Various

Ms. Claudia Wade  
 County of El Dorado  
 Community Development Agency  
 Planning Services  
 2850 Fairlane Court  
 Placerville, CA 95667

**Western Slope Capital Improvement Plan (CIP) and Traffic Impact Mitigation (TIM) Fee Program – Draft Environmental Impact Report (DEIR)**

Dear Ms. Wade:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review for the project referenced above. Caltrans' new mission, vision, and goals signal a modernization of our approach to California's transportation system. We review this project for impacts to the State Highway System (SHS) in keeping with our mission, vision and goals for sustainability/livability economy, and safety/health. We provide these comments consistent with the state's smart mobility goals that support a vibrant economy, and build communities, not sprawl.

The proposed project includes the major five-year update of the CIP and TIM Fee Program. The CIP identifies and prioritizes future transportation investments that will be required to meet the County's existing and future transportation needs for the next twenty-years. The TIM Fee Program collects development fees to offset the costs of impacts to the transportation system created by new development. The TIM Fee update ensures that the TIM Fees are appropriate and reasonable based on current market conditions and costs of construction/investment. The project compasses the Western Slope of El Dorado County. The following comments are based on the DEIR.

***Transportation and Circulation***

The Transportation and Circulation section of the EIR relies heavily on the Memo 2-3 Caltrans previously reviewed and commented on.

*"Provide a safe, sustainable, integrated and efficient transportation system  
 to enhance California's economy and livability"*

July 5, 2016

Page 2

1. We understand that the Missouri Flat Master Circulation & Financing Plan Phase II (MC&FP II) is in progress and that it will address circulation issues in the area. However, the MC&FP II relies heavily on the Diamond Springs Parkway study, and we anticipate that is going to show the same results.
2. Subsequent analysis to Memo 2-3 has been completed (Diamond Springs Parkway Phase 1B, April 2016) for the Missouri Flat Interchange area. The analysis indicates that improvements will be needed at the interchange area to prevent ramp traffic from interfering with mainline traffic. These improvements should be incorporated into the CIP. The study also shows excessive southbound queuing north of Plaza Drive and Forni Road could have impacts on the operations of the interchange. These impacts should be addressed.
3. Are the proposed revisions to the General Plan (Table 2-2, page 2-11), to reduce some of the four-lane and six-lane future facilities shown on Table 2-4 (page 2-14) to major two-lane facilities? If so, have the traffic impacts been analyzed?
4. Please indicate the scope of improvements included in the United States Highway 50 (US 50)/Bass Lake Road Interchange Improvements – Phase 1 and Phase 2 project, (No. 58, Table 2-1, page 2-9) listed in the Proposed CIP Project List.
5. We would like to see the County find a method to preserve the ultimate footprint of the Bass Lake Road interchange, especially should the major development projects in the vicinity of the interchange be approved.

### ***Travel Forecasting and Modeling***

The use of a comparison between the previous model and current model outputs to eliminate potential projects, such as Missouri Flat Road Interchange, is not the most effective way to analyze future deficiencies.

We agree with the traffic analysis methodology, traffic analysis assumptions, and associated analysis results for US 50 for the existing and future scenarios.

Please provide our office with copies of any further actions regarding this project.

If you have any questions regarding these comments or require additional information, please contact Eileen Cunningham, Intergovernmental Review Coordinator, at (916) 274-0639 or [eileen.cunningham@dot.ca.gov](mailto:eileen.cunningham@dot.ca.gov).

Sincerely,

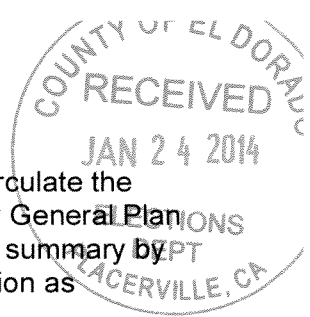


ERIC FREDERICKS, Chief  
Transportation Planning – South Branch

c: Scott Morgan, State Clearinghouse



**EXHIBIT H 8-9-16**  
**NOTICE OF INTENTION TO CIRCULATE PETITION**



Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the County of El Dorado for the purpose of amending the El Dorado County General Plan in order to reinstate Measure Y's 1998 original intent. The preparation of a ballot title and summary by the County Counsel is hereby requested. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

**Measure \_\_ - Initiative to Reinstate Measure Y's original intent – no more paper roads**

In 1998, the voters enacted the "Control Traffic Congestion Initiative" (Measure Y), which added five policies to the 1996 General Plan. The policies included: (1) a prohibition of residential development projects of five or more units causing, or worsening, Level of Service (LOS) F traffic congestion during weekday, peak-hour periods; (2) a prohibition against adding roads to the list of roads allowed to operate at LOS F without voter approval; (3) a requirement that developers pay fees to mitigate traffic impacts of new development; and, (4) a prohibition against county tax revenues being used to mitigate such impacts without voter approval. Measure Y stated that the policies would remain in effect for ten years. It provided that the policies should be placed on the ballot prior to expiration for the voters to decide on a 10 year extension.

In 2008, The Board of Supervisors decided to put the policies of Measure Y on the ballot for an extension, with certain modifications. These modifications included the ability of the Board to override LOS F with a 4/5 vote, enabled the county to use taxpayer funds to pay for road improvements needed for new development and allowed developers to move forward with projects as long as the roads needed for their projects were in the County's \$851,990,000+ Capital Improvement Program. Basically, if the road was on paper to be built in the future, then development could move forward.

Due to the fact that the El Dorado County Board of Supervisors, Department of Transportation and Planning Staff continue to ignore that Highway 50 has reached LOS F, that the Board has used the power of the 4/5<sup>th</sup> vote to favor certain developers over others in regards to traffic mitigation and that the County is actively moving forward using taxpayer funds to facilitate developer favored projects, it has become necessary to hold our representatives feet to the fire by restoring the original intent of Measure Y. Doing so will bring us back to preventing traffic gridlock, protecting our rural environment, and requiring new development to pay its true cost for new roads.

Also by removing paper roads from the options used by the Board of Supervisors, their forecasting of the County's Capital Improvement Program should come down to a realistic amount, which would therefore reduce the Traffic Mitigation Fees, creating more jobs locally.

Initiative Measure to be Submitted Directly to the Voters

[Insert County Counsel's title and summary]

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

(deletions are shown as ~~strikeouts~~, additions are shown as underlined)

Policy TC-Xa:

1. Traffic from ~~single family residential subdivision~~ development projects of five or more units or parcels of land or 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.

## EXHIBIT H 8-9-16

2. The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at Level of Service F without first getting the voters' approval. ~~or by a 4/5ths vote of the Board of Supervisors.~~
3. ~~Developer-paid traffic impact fees combined with any other available funds shall fully pay for building~~ All necessary road capacity improvements shall be fully completed to prevent to fully offset and mitigate all direct and 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 in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

Policy TC-Xf: At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall ~~do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County's 10-year CIP.~~

For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall ~~do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County's 20-year CIP.~~

Policy TC-Xg: Each development project shall dedicate right-of-way and construct or fund improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of the development. ~~For road improvements that provide significant benefit to other development, the County may allow a project to fund its fair share of improvement costs through traffic impact fees or receive reimbursement from impact fees for construction of improvements beyond the project's fair share. The amount and timing of reimbursements shall be determined by the County.~~

**EXHIBIT H 8-9-16**

**IMPLEMENTATION:**

This measure is not applicable within the jurisdictions of the Tahoe Regional Planning Agency and the City of Placerville.

This measure shall take effect upon certification of election results.

All 2004 General Plan Traffic Impact Mitigation Fees for all projects shall be paid at the building permit stage.

No Traffic mitigation fee shall be required for remodeling of existing residential units including adding a second kitchen, shower or bath in the house or garage that were built pursuant to a valid building permit from the County of El Dorado.

Tenant Improvements of existing buildings shall receive T.I.M. fee credit for prior use, unless the new use is less impacting, then there shall be no fee required.

Mobile homes on permanent foundation shall be subject to the single-family residential fee.

Second dwelling as defined under County Code Chapter 17.15.030 shall be subject to the multi-family fee.

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.

If any provision of this measure is for any reason held to be invalid, the remaining provisions shall remain in full force and effect.

Proponents



Sue Taylor  
Save Our County (SOC)  
P. O. Box 961  
Camino, CA 95709



Laurel Stroud  
Residents Involved in Positive Planning (RIPP)  
4072 Clear Court  
Placerville, CA 95667



## EXHIBIT H 8-9-16

### AN INITIATIVE MEASURE TO AMEND THE EL DORADO COUNTY GENERAL PLAN REGARDING TRAFFIC LEVELS OF SERVICE AND TRAFFIC IMPACT MITIGATION FEES

The El Dorado County General Plan provides for long range direction and policy for land use within El Dorado County. The initiative would add new policies to the General Plan and reinstate some policies that existed prior to voter-approved amendments made in 2008.

Current Policy TC-Xa states that “Traffic from single-family residential subdivision development projects of five or more 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 initiative would revise that policy so that it would apply to residential development projects of five or more units or parcels.

Current Policy TC-Xa provides two methods for the County to add to the list of roads allowed to operate at Level of Service F: (1) by obtaining the voters’ approval or (2) by a 4/5 vote of the Board of Supervisors. The initiative would remove the second method.

Current Policy TC-Xa requires that developer-paid traffic impact fees combined with any other available funds fully pay for building all necessary improvements to mitigate new development’s traffic impacts. The initiative would revise this policy to require that road improvements necessary to prevent cumulative traffic impacts of new development from reaching Level of Service F during peak hours be fully completed before any form of discretionary approval can be given to a project. The initiative would also add a policy prohibiting the use of County tax revenues to pay for building road capacity improvements to offset traffic impacts from new development, unless County voters first approve. The initiative would allow non-County tax revenue, such as federal and state grants, to be used to pay for such improvements.

Policy TC-Xf requires that, at the time of approval of a project that worsens traffic on the County road system, the County shall: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in the Transportation and Circulation Element; or (2) ensure the commencement of construction of the necessary road improvements are included in either the County’s 10- or 20-year Capital Improvement Program, depending on the type of project. The initiative would remove the second option.

The initiative would add a new policy to the General Plan requiring that mitigation fees and assessments collected for infrastructure be applied to the geographic zone from which they were originated.

As part of its implementation measures, the initiative seeks to exempt remodels of existing permitted units from the obligation to pay traffic impact mitigation fees. It seeks to require that tenant improvements to existing buildings receive a fee credit for prior use. It also seeks to mandate that traffic levels of service on Highway 50 on and off ramps and road

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segments be determined by the California Department of Transportation (CalTrans) and fully accepted by the County for traffic planning purposes.

The initiative provides that the policies added by the initiative are to remain in effect indefinitely.

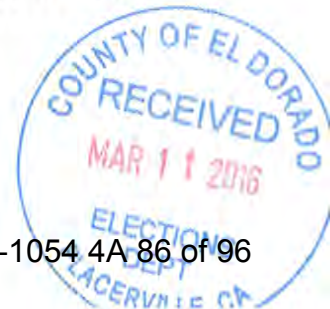
COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF **MEASURE E**, AN INITIATIVE MEASURE TO AMEND THE EL DORADO COUNTY GENERAL PLAN REGARDING TRAFFIC LEVELS OF SERVICE AND TRAFFIC IMPACT MITIGATION FEES

This measure was placed on the ballot by a petition signed by the requisite number of voters. If adopted by a majority vote, this measure would amend policies in the Traffic and Circulation Element of the El Dorado County General Plan. The amended policies would remain in effect indefinitely and could only be amended by voter approval.

In 1998, the voters enacted the "Control Traffic Congestion Initiative" (Measure Y), which added five policies to the 1996 General Plan regarding traffic impact mitigation by new development. Those policies were scheduled to expire in 2008. The policies were placed on the ballot for amendment and renewal in 2008. The 2008 amendments included: (1) clarification that the prohibition against residential projects of five or more units causing or worsening Level of Service ("LOS") F applies only to single-family subdivisions; (2) a provision that a road may be allowed to operate at LOS F by a 4/5 vote of the Board of Supervisors; and (3) deletion of the prohibition against using county tax revenues to fund road projects to serve new development. The measure passed.

This measure would rescind the 2008 amendments and make further amendments to the General Plan's policies regarding traffic impact mitigation by new development. It would amend Policy TC-Xa to require that road capacity improvements needed to prevent new development's cumulative traffic impacts from reaching LOS F be completed "before any form of discretionary approval can be given to a project." It would also amend Policy TC-Xf, which currently provides two methods for the County to mitigate traffic impacts: (1) condition the project to construct necessary road improvements or (2) ensure that the necessary road improvements are scheduled for construction within the County's Capital Improvement Program, which is primarily funded by impact fees collected with each building permit. This measure would eliminate the second option. The effect of these amendments is unclear, in large part because the amendment to Policy TC-Xa—requiring completion of necessary road improvements *before* project approval—appears to conflict with the part of Policy TC-Xf left unchanged by this measure—allowing the County to approve a project so long as it conditions the project to construct the necessary road improvements.


The measure would further require that mitigation fees and assessments be applied to the geographic zone from which they originated and that they may be applied to existing roads for maintenance and improvement projects. It is unclear whether such fees could be used for maintenance as state law generally prohibits the use of impact fees for maintenance of an improvement. The measure would add a policy requiring voter approval before creating an Infrastructure Financing District, a requirement already imposed by state law. Finally, this measure would require that the County make findings of compliance before approving certain development projects.



A “yes” vote is a vote in favor of amending the subject policies of the El Dorado County General Plan.

A “no” vote is a vote against amending the subject policies of the El Dorado County General Plan.

Date: March 11, 2016



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MICHAEL J. CICCOTZI  
Interim County Counsel

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### Argument In Favor of Measure E (Initiative to Reinstate Measure Y's original intent – no more paper roads)

To prevent traffic congestion, El Dorado County voters approved the original Measure Y in 1998 with 61% of the vote. From 1998 to 2008, the measure worked to prevent traffic gridlock and required developers to fully fund the roads needed to keep traffic flowing.

In 2008, Measure Y was amended by the Board of Supervisors and extended ten years by a 71.47% vote. However, unknown by most of the public, language was changed in the 2008 measure which weakened its purpose.

- A "YES" vote on Measure E will restore Measure Y to its original intent.
- A "YES" vote means, the Board of Supervisors will no longer be able to use the 4/5ths vote to allow gridlock.
- A "YES" vote means, land use changes which severely impact traffic levels cannot be allowed based on hypothetical road improvements being built in the future.
- A "YES" vote means, road funds acquired can be used to pay for maintenance of our County roads.

**MEASURE E** is endorsed by local businesses, agriculture, slow-growth, taxpayer and environmental advocates along with numerous community organizations.

All agree that returning Measure Y to its original intent by voting "YES" on Measure E will control traffic and protect our rural quality of life, while encouraging local job creation and balanced growth.

Police and firefighters support Measure E because it will help prevent gridlock on our county roads during emergencies.

The original Measure Y worked effectively from 1998 to 2008.

Your "YES" vote on today's Measure E will restore those successful policies of the original 1998 Measure Y which prevented traffic gridlock, protected our rural environment and required new development to pay its fair share for new roads.

Vote **"YES" on Measure E** to restore the intent of Measure Y and protect our open roads into the future!





Measure E

Lori Parlin  
Shingle Springs Community Alliance

Frank Verbin  
No San Stino, Founder

Terry Crumpley, CPA  
El Dorado Hills Small Business Owner

Ellen Van Dyke  
Rural Communities United

Laurel Stroud  
Residents Involved in Positive Planning (RIPP)





**ARGUMENT AGAINST MEASURE E**

Measure E is a flawed proposal that will result in countless lawsuits paralyzing local planning and costing El Dorado County taxpayers millions — and it won't protect our rural quality of life.

Measure E overturns the carefully crafted and voter approved El Dorado County General Plan that along with Measure Y controls growth, limits traffic, protects open space and preserves our rural quality of life.

That's why farmers, business, labor, public safety, educators and other County leaders oppose Measure E.

EL DORADO COUNTY'S OFFICIAL MEASURE E ANALYSIS REPORTS THE PROPOSAL COULD FINANCIALLY HURT "RESIDENTS, HOMEOWNERS AND BUSINESSES." The analysis also states Measure E could weaken our local economy — costing "jobs" and making the economy more "volatile."

We'll lose local jobs and small businesses — severely damaging our economy.

AND MEASURE E WILL NOT REDUCE TRAFFIC — the County analysis says Measure E would likely result in "less available money" for road improvements. And instead of well-planned projects near Highway 50 where infrastructure and transportation facilities already exist, Measure E would push projects to more rural areas of the County — clogging traffic on our rural roads and neighborhood streets.

MEASURE E WILL COST EL DORADO COUNTY MILLIONS. If approved, it will take years and millions in County legal costs to sort out the differences between

County and State law. The official County analysis says the initiative language “allows significant room for interpretation.” And that means lawsuits and more lawsuits. It's bad planning and it's bad for El Dorado County.

Get the facts. Read the El Dorado County Measure E analysis at [edcgov.us/Government/Elections/Attempting\\_to\\_Qualify\\_or\\_Qualified.aspx](http://edcgov.us/Government/Elections/Attempting_to_Qualify_or_Qualified.aspx). See for yourself how Measure E could hurt El Dorado County.

MEASURE E IS DEEPLY FLAWED AND COMPLETELY UNECESSARY.

Join farmers, business, labor, public safety, educators and other community leaders who are voting “no” on Measure E — protect our rural open space.

Jim Davies, President  
El Dorado County Farm Bureau

Ann Wofford, Secretary  
El Dorado Winery Association

Doug Leisz, Chairman  
Citizens for Water

Debbie Manning, President/CEO  
El Dorado Hills Chamber of Commerce

Laurel Brent-Bumb, CEO  
El Dorado County Chamber of Commerce

Rebuttal to Argument Against Measure E

The claim that Measure E will cause countless lawsuits is FALSE. In fact, it is the ill-advised actions of the County to favor developers that have interfered with proper planning and led to expensive lawsuits.

Measure E does nothing to overturn the General Plan.

Contrary to what the opposition states, MEASURE E WILL **NOT** PUSH PROJECTS TO MORE RURAL AREAS OF THE COUNTY. Only our Board of Supervisors can do that by amending our voter-approved General Plan.

Measure Y was overwhelmingly approved by voters in 1998 and functioned with NONE of the doomsday repercussions predicted by the opposition.

Measure Y, which prevents traffic gridlock, **WILL EXPIRE IN 2018.**

Without Measure E, large high-density developments can flourish and the burden for road improvements will be on taxpayers, rather than wealthy developers.

Measure E will NOT stop growth! The County currently has over 17,000 parcels available for development.

Remember, Parker Development joined forces with the Chamber of Commerce and the Farm Bureau to spend over \$1,000,000 to confuse voters during the 2014 election. Don't let them do it again!

Stop developers from destroying El Dorado County!

The opposition to Measure E stands to gain BILLIONS OF DOLLARS if hypothetical paper roads are allowed to continue without Measure E protections.

**Measure E** is endorsed by public safety officers, small farmers, local contractors, firemen, educators, tradespeople and the grassroots volunteers who gathered thousands of signatures to put the "yellow petition" on the ballot.

Vote **"Yes"** on **Measure E** to protect our rural quality of life.

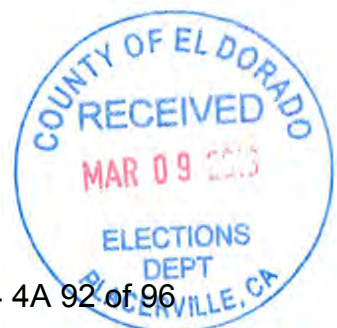




EXHIBIT H 8-9-16  
REGISTRAR OF VOTERS



ARGUMENT  
DECLARATION BY AUTHOR(S) OR PROPONENT(S)  
(Elections Code § 9161, 9164, 9501, 9501.5, 9600)

The undersigned author(s) of the argument in favor of/against ballot measure E at the Presidential Primary election  
(circle one) (letter) (title of election)  
for the El Dorado County, to be held on June 7, 2016 hereby state that  
(name of jurisdiction) (date of election)  
such argument is true and correct to the best of their knowledge and belief.  
(his, / her / their)

1. [Redacted] 3/7/16 [Redacted]  
Signature Date Residential Address

Candidate for District 3 Supervisor C. J. Louis  
Type Title to Appear on Argument Type Name as Signed

2. Author meets criteria of:  Gov. Bd. Member;  Proponent or Bona Fide Assoc.;  Registered Voter in District  
[Redacted] 3/9/16 [Redacted]  
Signature Date Residential Address

Save Our County Sue Taylor  
Type Title to Appear on Argument Type Name as Signed

3. Author meets criteria of:  Gov. Bd. Member;  Proponent or Bona Fide Assoc.;  Registered Voter in District  
[Redacted] 3/9/16 [Redacted]  
Signature Date Residential Address

Placerville Downtown Merchant STEPHANIE A. SORENSON  
Type Title to Appear on Argument Type Name as Signed

4. Author meets criteria of:  Gov. Bd. Member;  Proponent or Bona Fide Assoc.;  Registered Voter in District  
[Redacted] 3-9-16 [Redacted]  
Signature Date Residential Address

My Sisters' Farm Valerie L. Chelseth  
Type Title to Appear on Argument Type Name as Signed

5. Author meets criteria of:  Gov. Bd. Member;  Proponent or Bona Fide Assoc.;  Registered Voter in District  
Signature Date Residential Address

Type Title to Appear on Argument Type Name as Signed

Author meets criteria of:  Gov. Bd. Member;  Proponent or Bona Fide Assoc.;  Registered Voter in District



COUNTY OF EL DORADO  
**EXHIBIT H- 8-9-16**  
REGISTRAR OF VOTERS



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such argument is true and correct to the best of her knowledge and belief.  
(his (her) / their)

Signature

Date March 9, 2016

Residential Address

Debating Edc local Politics, FACEBOOK, ADMIN  
Type Title to Appear on Argument

Fran Duchamp  
Type Name as Signed

Author meets criteria of: \_\_\_ Gov. Bd. Member; \_\_\_ Proponent or Bona Fide Assoc.;  Registered Voter in District

2. Signature \_\_\_\_\_ Date \_\_\_\_\_

Residential Address \_\_\_\_\_

Type Title to Appear on Argument

Type Name as Signed

Author meets criteria of: \_\_\_ Gov. Bd. Member; \_\_\_ Proponent or Bona Fide Assoc.; \_\_\_ Registered Voter in District

3. Signature \_\_\_\_\_ Date \_\_\_\_\_

Residential Address \_\_\_\_\_

Type Title to Appear on Argument

Type Name as Signed

Author meets criteria of: \_\_\_ Gov. Bd. Member; \_\_\_ Proponent or Bona Fide Assoc.; \_\_\_ Registered Voter in District

4. Signature \_\_\_\_\_ Date \_\_\_\_\_

Residential Address \_\_\_\_\_

Type Title to Appear on Argument

Type Name as Signed

Author meets criteria of: \_\_\_ Gov. Bd. Member; \_\_\_ Proponent or Bona Fide Assoc.; \_\_\_ Registered Voter in District

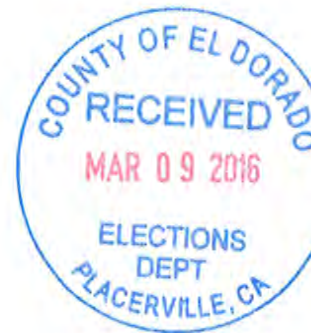
5. Signature \_\_\_\_\_ Date \_\_\_\_\_

Residential Address \_\_\_\_\_

Type Title to Appear on Argument

Type Name as Signed

Author meets criteria of: \_\_\_ Gov. Bd. Member; \_\_\_ Proponent or Bona Fide Assoc.; \_\_\_ Registered Voter in District



**REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE E**

Measure E does not restore the intent of Measure Y. Instead, it tries to dictate to us the narrow view of what Measure E proponents want for El Dorado County.

And Measure E does not protect our open roads — it will clog traffic on our rural roads and neighborhood streets by pushing development to more rural areas of El Dorado County.

FARMERS OPPOSE MEASURE E. El Dorado County Farm Bureau President Jim Davies says, “Measure E is deeply flawed and completely unnecessary.” El Dorado Winery Association Secretary Ann Wofford says, “Measure E won’t protect our rural quality of life.”

BUSINESS LEADERS OPPOSE MEASURE E. El Dorado County Chamber of Commerce CEO Laurel Brent-Bumb says with Measure E, “We’ll lose jobs and small businesses — severely damaging our economy.” And El Dorado Hills Chamber of Commerce President Debbie Manning says, “Measure E will result in countless lawsuits paralyzing local planning and costing El Dorado County taxpayers millions.”

Measure E overturns the carefully crafted and voter approved El Dorado County General Plan that along with Measure Y controls growth, limits traffic, protects open space and preserves our rural quality of life.

MEASURE E IS BAD PLANNING AND IS BAD FOR EL DORADO COUNTY.



Get the facts. Read the impartial El Dorado County Measure E analysis at [edcgov.us/Government/Elections/Attempting\\_to\\_Qualify\\_or\\_Qualified.aspx](http://edcgov.us/Government/Elections/Attempting_to_Qualify_or_Qualified.aspx). See for yourself how Measure E could hurt El Dorado County.

Join farmers, business, labor, public safety, educators and other community leaders who are voting "NO" on Measure E — protect our rural open space.

Tom Heflin, Owner  
Rainbow Orchards

Mike Kobus  
El Dorado County Small Business Owner

Bryan Payne, Vice President  
Deputy Sheriffs Association of  
El Dorado County

Lloyd Walker, Owner  
Walker Vineyard

Christa Campbell  
Retired El Dorado County School Teacher