

Attachment C

Measure Y Background and History

History of Policy TC-Xa 3

2008 Measure Y included an expiration date for General Plan Policies TC-Xa 1, TC-Xa 2, and TC-Xa 3. The expiration date placed on Table TC-2 was part of the companion policies that the Board adopted separately and was not part of the ballot.

Policy TC-Xa 1 and Policy TC-Xa 2 were amended by the voters in Measure E and upheld by the Court. Since Measure E did not include an expiration date, those policies do not expire and can only be amended by the voters.

Policy TC-Xa 3 was amended by the voters in Measure E, but was struck down by the Court as unconstitutional. Therefore, Policy TC-Xa 3 remains the same as the 2008 Measure Y, including its December 31, 2018 expiration date.

Table TC-2 is extended indefinitely because Policy TC-Xa 2, as amended by Measure Y, states “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.” Therefore, since Table TC-2 is directly referenced by 2016 Measure E’s TC-Xa 2 and was upheld by the Court, Table TC-2 does not expire and cannot be amended or repealed without voter approval.

The following pages detail the evolution of Measure Y Policies from 1998 to 2017.

November 3, 1998

Original Measure Y: 1998 Measure Y was originally approved by the voters in November 1998 with five General Plan Policies. Measure Y stated that it had a ten year term and was to be placed on the ballot for the voters in 2008. The five policies were labeled consistent with the Transportation and Circulation Element of the 1996 General Plan as Policies 3.2.1.5, 3.2.2.4, 3.2.2.5, 3.5.1.6.1, and 3.5.1.6.2.

Policy 3.2.1.5

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 added by this initiative. If this finding cannot be made, then the County shall not approve the project, or give final approval to a tentative subdivision map, until all these policy findings can be made, in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads are in place as such development occurs.

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.

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.

Policy 3.5.1.6.1

Traffic from residential development projects of five or more units or parcels of land shall not result in, or worsen, Level of Service "F" (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the County.

Policy 3.5.1.6.2

The County shall not add any additional segments of Highway 50, or any other roads, to the County's list of roads that are allowed to operate at Level of Service "F" (gridlock) without first getting the voters' approval.

"Note: This policy was added to the Circulation Element of the El Dorado County General Plan by initiative (a.k.a. Measure Y) of the people of El Dorado County on November 3, 1998. This policy may only be amended by a majority of County voters and shall remain in effect for ten years. Prior to expiration, it shall be placed on the ballot again to let the voters decide on a further ten-year extension."

July 19, 2004

2004 General Plan: The adoption of the 2004 General Plan on July 19, 2004 resulted in no changes to the Measure Y Policies other than renumbering them into Policy TC-Xa. The original Measure Y policy numbers are shown in italics for reference.

Measure Y: adopted by the Board of Supervisors in the July 19, 2004 General Plan as Policy TC-Xa:

1. Traffic from residential development projects of five or more units or parcels of land shall not result in, or worsen, Level of Service F (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county. (*Policy 3.5.1.6.1*)
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. (*Policy 3.5.1.6.2*)
3. 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. (*Policy 3.2.2.4*)
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. (*Policy 3.2.2.5*)
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. (*Policy 3.2.1.5*)

The preamble to Policy TC-Xa in the 2004 General Plan stated:

"In 1998, El Dorado County voters adopted an initiative measure known as Measure Y, the "Control Traffic Congestion Initiative." The initiative added several policies to the former General Plan, intended to require new development to fully pay its way to prevent traffic congestion from worsening in the County. The initiative provided that the new policies should remain in effect for ten years and that the voters should be given the opportunity to readopt those policies for an additional 10 years. The policies in this section reflect the voters' intent in adopting Measure Y by (1) applying the Measure Y policies through 2008, (2) providing for the possible re-adoption of those policies in 2008, and (3) providing alternative policies that will take effect in 2009 if the Measure Y policies are not extended."

November 4, 2008

The Board of Supervisors proposed amendments to Measure Y by placing an amended Measure Y on the ballot in 2008 (Legistar 08-0976). The proposed changes to Measure Y are noted with strikeouts representing removals and underlines representing additions.

2008 Measure Y

Policy 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.
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.~~

November 4, 2008

On November 4, 2008 the voters approved the 2008 Measure Y. The amended Policy TC-Xa became part of the County General Plan and included a ten year term, expiring on December 31, 2018.

Policy TC-Xa	<p>The following policies shall remain in effect until December 31, 2018:</p> <ol style="list-style-type: none"><li data-bbox="470 441 1427 619">1. 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.<li data-bbox="470 640 1427 777">2. The County shall not add any additional segments of U.S. Highway 50, or any other roads, to the County's list of roads 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.<li data-bbox="470 798 1427 997">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.
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June 7, 2016:

On June 7, 2016 voters approved Measure E, amending the 2008 Measure Y Policy TC-Xa, Policy TC-Xf, Policy TC-Xg, and adding Implementation Statements 1 through 9:

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 2/3rd'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, 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 improvements beyond the project's fair share. The amount and timing of reimbursements shall be determined by the County.~~

Implementation Statements

1. This measure is not applicable within the jurisdictions of the Tahoe Regional Planning Agency and the City of Placerville.
2. This measure shall take effect upon certification of election results.
3. All 2004 General Plan Traffic Impact Mitigation Fees for all projects shall be paid at the building permit stage.
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.
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.
6. Mobile homes on permanent foundation shall be subject to the single-family residential fee.
7. Second dwelling as defined under County Code Chapter 17.15.030 shall be subject to the multi-family fee.
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.
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.

July 31, 2017

On July 31, 2017, the Court issued a ruling on Measure E litigation. The Court found that certain parts of Measure E were unconstitutional. On October 24, 2017 the Board approved amendments, via Resolution 159-2017, to the General Plan based on Court direction striking down Measure E's TC-Xa 3, TC-Xa 4, TC-Xa 6, TC-Xf, and Implementation Statement 8.

Policy TC-Xa

Except as otherwise provided, the following TC-Xa policies shall remain in effect until December 31, 2018 indefinitely, unless amended by voters:

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. This policy shall remain in effect until December 31, 2018.
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. intentionally blank (Resolution 159-2017, October 24, 2017)
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. intentionally blank (Resolution 159-2017, October 24, 2017)

**TABLE TC-2
EL DORADO COUNTY ROADS ALLOWED TO OPERATE AT LEVEL OF SERVICE F
(Through December 31, 2018)**

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. This policy shall remain in effect indefinitely unless amended by voters.

2016 Measure E Implementation Statements

1. This measure is not applicable within the jurisdictions of the Tahoe Regional Planning Agency and the City of Placerville.
2. *intentionally blank* (Resolution 159-2017, October 24, 2017)
3. All 2004 General Plan Traffic Impact Mitigation Fees for all projects shall be paid at the building permit stage.
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.
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.
6. Mobile homes on permanent foundation shall be subject to the single-family residential fee.
7. Second dwellings as defined under County Code Chapter 130.80.020 shall be subject to the multi-family fee.
8. *intentionally blank* (Resolution ~~XXX~~ 159-2017, October 24, 2017)