



RESOLUTION NO. 019-2016

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

WHEREAS, on July 29, 2014 the Board of Supervisors of the County of El Dorado accepted the certification of an initiative petition entitled, AN INITIATIVE MEASURE TO AMEND THE EL DORADO COUNTY GENERAL PLAN REGARDING TRAFFIC LEVELS OF SERVICE AND TRAFFIC IMPACT MITIGATION FEES; and

WHEREAS, pursuant to Elections Code section 9118(b), on August 26, 2014 the Board of Supervisors ordered the measure to be placed on the next statewide election.

NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors determines as follows:

1. The measure attached hereto as Exhibit A shall be submitted to the voters of the County of El Dorado at the Presidential Primary Election to be held on June 7, 2016.

2. The ballot question submitted to voters shall be as follows:

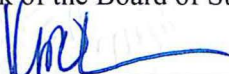
Shall the ordinance be adopted amending the El Dorado County General Plan to (1) change when and how El Dorado County mitigates impacts to traffic levels of service, (2) impose restrictions on use of tax revenue and mitigation fees and on formation of infrastructure financing districts, and (3) require El Dorado County to make findings of compliance with those policies prior to approving any residential development project of five or more units, as more fully described in the proposed ordinance?

3. The Registrar of Voters is hereby authorized and directed to take actions necessary for the conduct of the election, to canvass the results and to certify the results to the Board of Supervisors. Said Elections shall be consolidated with all other elections occurring in the County on that date.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 23rd day of February, 2016, by the following vote of said Board:

Attest:
James S. Mitrisin
Clerk of the Board of Supervisors

Ayes: Veerkamp, Ranalli, Mikulaco, Novasel
Noes: Frentzen
Absent: None

By: 
Deputy Clerk

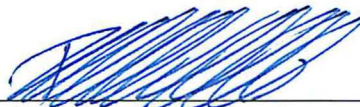
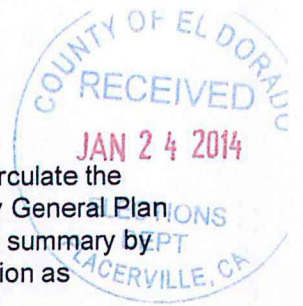

Chair, Board of Supervisors
Ron Mikulaco

Exhibit A

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 4/5th 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

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 2/3rds 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 A

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.

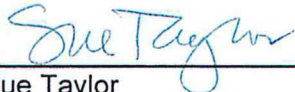
Mobile homes on permanent foundation shall be subject to the single-family residential fee.

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

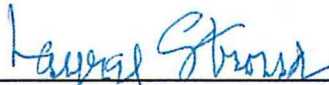
LOS traffic levels on Highway 50 on-off ramps and road segments shall be determined by CalTrans and fully accepted by the County for traffic planning purposes.

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



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