

Measure E Board Workshop

August 9, 2016

Presented by the El Dorado County Chief Administrative Office,
County Counsel, and Community Development Agency

Workshop Purpose: Interpret and implement Measure E consistent with applicable policies, regulations and laws

Agenda

1. Staff presentation
2. Board initial discussion and Q & A
3. Receive and consider public comment
4. Board discussion and deliberation
5. Board to provide general direction to staff

Staff Presentation Format

1. Background and Actions to Date
2. Initiative Implementation Provisions
3. Address Each Part of Measure E, One by One
 - Part of Measure E Text
 - Discussion
 - Recommendation
4. Summary of Requested Board Direction and Next Steps

Background and Actions to Date

1. Measure Y – 1998 and 2008
2. Measure E
3. Staff actions following June 2016 election

Initiative Implementation Provisions

1. Framework for Implementation
2. Principles of Statutory Construction

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.

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.

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.~~

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

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.

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.~~

TC-Xa 3 - 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.

TC-Xf - Recommendations:

1. Interpret TC-Xf under accepted principles of statutory construction to require conditions of approval on discretionary projects as follows:
 - 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.

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.

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.

TC-Xa 5: The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.

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

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.

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.

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.

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.

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.~~

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

Statements Under the Heading “Implementation”

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.”

Existing 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.**

Recommendations for Today's Workshop

1. Board Initial Discussion and Q & A
2. Receive and consider public comment
3. Direct staff to return in late August or early September with interpretive guidelines generally in accordance with the recommendations in Attachment 4A for Board adoption

Next Steps

- Staff will return to Board with interpretive guidelines
- Staff will follow up on potential impacts to Housing Element
- Resume CIP/TIM Fee Update process
- Staff will return to Board with recommendations for MC&FP