



## Legislation Text

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**File #:** 18-1245, **Version:** 1

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HEARING - Community Development Services, Planning and Building Department, recommending the Planning Commission forward a recommendation to the Board of Supervisors to approve General Plan Amendment GPA18-0001 to adopt Policy TC-Xc to the Transportation and Circulation Element of the General Plan that would duplicate current Policy TC-Xa 3. Policy TC-Xa 3 is a 2008 voter adopted Measure Y Policy that requires new development to fully pay for road capacity improvements and is scheduled to sunset on December 31, 2018. New Policy TC-Xc would replace it as a Board of Supervisors adopted General Plan Policy, but without any sunset date.

### **DISCUSSION / BACKGROUND**

Request to consider General Plan Amendment GPA18-0001 submitted by El Dorado County to adopt Policy TC-Xc to the Transportation and Circulation Element of the General Plan that would duplicate current Policy TC-Xa 3. Policy TC-Xa 3 is a 2008 voter-adopted Measure Y Policy that requires new development to fully pay for road capacity improvements and is scheduled to sunset on December 31, 2018. New Policy TC-Xc would replace it as a Board of Supervisors adopted General Plan Policy, but without any sunset date.

Measure Y was adopted by the voters in November 1998 and added five polices to the Transportation and Circulation Element of the General Plan. Measure Y was to be in effect for 10 years then given to the voters to consider re-adoption for another 10 years.

A revised Measure Y was adopted by the voters in 2008. The Measure Y Policies were labeled: TC-Xa 1, TC-Xa 2 and TC-Xa 3. They all had a sunset date of December 31, 2018.

Measure E, adopted by the voters in June 2016, amended the Measure Y Policies, but was subject to litigation. The Court decided on September 1, 2017, that some portions of Measure E were unconstitutional. The Board adopted Resolution 159-2017 (Exhibit A) on October 24, 2017, to implement the Court decision. A more detailed background is in Exhibit B "Measure Y Background and History."

Resolution 159-2017 amendments to the General Plan eliminated the sunset date of December 31, 2018, for all Measure Y Policies, except for Policy TC-Xa 3.

Policy TC-Xa 3 states: "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 during peak hours upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county. This policy shall remain in effect until December 31, 2018."

On January 9, 2018, the Board considered options regarding the December 31, 2018, sunset date for General Plan Policy TC-Xa 3. The Staff Memo (Exhibit C) recommended that the Board adopt Policy TC-Xa 3 in order to ensure stability in the County Capital Improvement and Traffic Impact Mitigation fee programs and retain flexibility to adjust to future needs of the County. The Board directed staff to

“adopt Policy TC-Xa 3 into the General Plan (Option 2)” and to conduct public outreach.

Staff recommends that the Planning Commission forward a recommendation to the Board to approve GPA18-0001 to adopt new Policy TC-Xc that is identical to current Policy TC-Xa 3 with the removal of the sunset date of December 31, 2018:

“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 during peak hours upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county.”

The reason staff is recommending adopting a new policy to replace the old policy is to improve the administration of the policy. Due to the complexity of the three voter initiatives and court decisions on litigation, staff recommends distinguishing the new Policy TC-Xc from the old Policy TC-Xa 3 by giving it a new Policy number that is located near, but distinctly separate from, the group of Measure Y Policies adopted by the voters.

Within the current General Plan there is no Policy TC-Xc. The Policy is listed as “intentionally blank” because it was removed after the 2008 Measure Y adoption by the voters and the approval of a set of companion Policies by the Board to implement and clarify Measure Y (Resolutions 193-2008 and 194-2008). The historical Policy TC-Xc was developed with the 2004 General Plan to address the potential of the voters not approving revised Measure Y Policies in 2008. Since the Measure Y Policies were readopted in 2008, the TC-Xc Policy became irrelevant and, therefore, removed by Resolution 194-2008. For further information on the 2008 Measure Y and companion Policies, see Legistar 08-0976.

The environmental analysis for extending Policy TC-Xa 3 by adopting Policy TC-Xc was addressed in the Environmental Impact Report (SCH 2012052074) for the Targeted General Plan Amendment and Zoning Ordinance Update (TGPA/ZOU) certified on December 15, 2015 (Resolution 195-2015).

The extension of Policy TC-Xa 3 was contemplated within Mitigation Measure TRA-1: “The Board of Supervisors shall review and consider a extension to Policy TC-Xa of the Transportation and Circulation Element of the General Plan prior to its expiration on December 31, 2018 “ (Exhibit D).

At the time, Policy TC-Xa contained three policies, but only TC-Xa 3 still contains the sunset date of December 31, 2018. The other two Policies were extended as a result of the Board’s adoption of Resolution 159-2017 implementing the Court’s decision on Measure E.

The TGPA/ZOU Environmental Impact Report recommended that the TC-Xa Policies be extended to reduce traffic impacts over the long term to less-than-significant. Short term (temporary) traffic impacts associated with the TGPA/ZOU before improvements are installed were found to be significant and unavoidable.

By the adoption of Policy TC-Xc (extending Policy TC-Xa 3), the County will have completed the implementation of TGPA/ZOU Mitigation Measure TRA-1. There were no impacts identified in the TGPA/ZOU for Mitigation Measure TRA-1 that were not addressed in the Environmental Impact Report. This conclusion is very reasonable since it was simply the extension of Policies that were currently in effect and used in the analysis of environmental impacts associated with the TGPA/ZOU.

Therefore, the adoption of Policy TC-Xc has been addressed in a certified Environmental Impact Report and no further CEQA analysis is required.

Additional outreach was conducted with sponsors of Measure E, including Sue Taylor. Mrs. Taylor argues that the County was implementing the wrong TC-X policies based on her interpretation that the County is automatically stayed once an appeal is filed regarding the Court's decision on Measure E. Staff disagrees with Mrs. Taylor's position and recommends the Planning Commission forward a recommendation to the Board to adopt Policy TC-Xc that is identical to current Policy TC-Xa 3 with the removal of the sunset date of December 31, 2018.

**CONTACT**

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