



Legislation Text

File #: 17-1114, **Version:** 1

HEARING - Community Development Services, Planning and Building Department, and County Counsel recommending the Board take the following action directed in the Peremptory Writ of Mandate dated September 1, 2017, in Alliance For Responsible Planning v. El Dorado County Board of Supervisors, et al. (Case PC20160346) adopt and authorize the Chair to sign Resolution **159-2017** approving the Court-ordered actions to strike out text of the Measure E amendments in the Transportation and Circulation Element, Policies TC-Xa 3, TC-Xa 4, TC-Xa 6, and TC-Xf, restoring those policies to the language in effect immediately prior to the July 29, 2016, effective date of Measure E, and add the identified Measure E "Implementation Statements." (Est. Time: 30 Min.)

FUNDING: N/A

DEPARTMENT RECOMMENDATION

Community Development Services (CDS), Planning and Building Department, and County Counsel recommending the Board comply with the Peremptory Writ of Mandate (Writ) dated September 1, 2017 (Case PC20160346), and adopt and authorize the Chair to sign Resolution **159-2017**.

DISCUSSION / BACKGROUND

The 2004 El Dorado County General Plan Transportation and Circulation Element Policy TC-Xa represents the Measure Y Policies adopted in 1998 by initiative (Measure Y) and amended by ballot in 2008 (also labeled Measure Y). On June 7, 2016, the voters approved Measure E, which amended Policy TC-Xa and related Policies of the General Plan and included "Implementation Statements."

Measure E was the subject of litigation that has recently been decided by the Court. The Court upheld parts of Measure E and struck others. The judgement directs the County to amend the General Plan in accordance with the Court's decision within 60 days of the date the Writ was served on the County, which was September 25, 2017. The Court's decision, judgment, and Writ are attached to this item for reference (Attachments).

Resolution **159-2017** states the chain of events and provides the detailed General Plan Transportation and Circulation Element amendments to comply with the judgement.

In summary and in compliance with the Writ, Resolution **159-2017** amends Policy TC-Xa 3 and Policy TC-Xf by deleting Measure E amendments and deletes Measure E's Policy TC-Xa 4 and Policy TC-Xa 6 entirely. The Writ also directs the County to add Measure E's Implementation Statements 1, 3, 4, 5, 6, and 7 to the General Plan Transportation and Circulation Element.

This action is not subject to the California Environmental Quality Act (CEQA) since it is implementing Court direction to remove portions of a voter initiative that was not subject to CEQA. (*Cf. Tuolumne Jobs & Small Business Alliance v. Superior Court* (2014) 59 Cal.4th 1029, 1036.)

General Plan law limits the frequency of General Plan Amendments to four per mandatory element

per calendar year. This action does not count against the frequency limitation pursuant to Government Code Section 65358(d)(1), which exempts amendments that are directed by a court.

ALTERNATIVES

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT

N/A

CAO RECOMMENDATION

It is recommended that the Board approve this item.

FINANCIAL IMPACT

N/A

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) Clerk of the Board to obtain the Chair's signature on the one (1) original copy of the Resolution.
- 2) Clerk of the Board to provide one (1) fully executed copy of the Resolution to the CDS Planning and Building Department, attention of Char Tim, Clerk of the Planning Commission.

STRATEGIC PLAN COMPONENT

N/A

CONTACT

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Community Development Services, Planning and Building Department

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County Counsel