



## Legislation Text

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**File #:** 17-1386, **Version:** 1

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Community Development Services, Planning and Building Department, recommending the Board provide direction on the Measure Y, General Plan Policy TC-Xa 3, which has a sunset date of December 31, 2018. (Est. Time: 30 Min.)

**FUNDING:** N/A

### **DEPARTMENT RECOMMENDATION**

Community Development Services, Planning and Building Department, recommending the Board provide direction on the Measure Y, General Plan Policy TC-Xa 3 (Policy TC-Xa 3), which has a sunset date of December 31, 2018.

### **DISCUSSION/BACKGROUND**

The voter approved Measure Y, Policy TC-Xa 3, has a sunset date of December 31, 2018. On September 19, 2017 (Item 20), the Board directed staff to:

- 1) Analyze and return to the Board with recommendations regarding the extension of the Measure Y, Policy TC-Xa 3, sunset date;
- 2) Analyze and return to the Board with recommendations to memorialize the General Plan Transportation and Circulation Element, Table TC-2 sunset date extension;
- 3) Determine what is necessary to meet California Environmental Quality Act (CEQA) requirements for both these actions; and
- 4) Return to the Board in approximately 30 days with the timeline necessary to meet the June 2018 ballot.

Staff has prepared an analysis to address Item 1 of the Board's direction in Attachment A - Board Memo.

Item 2 of the Board's direction has been resolved. The Court's findings on Measure E resulted in the conclusion that General Plan Table TC-2 does not sunset in 2018. It is linked to Policy TC-Xa 2, which is extended in perpetuity as part of Measure E. The Board action on October 24, 2017 (Item 32), amending the General Plan to implement the Court decision, can be viewed under Legistar 17-1114. The General Plan Policy amendments were approved by Resolution 159-2017.

Item 3 of the Board's direction asks about the required environmental analysis for the recommendations of Policy TC-Xa 3 expiration. Staff has prepared three options for the Policy TC-Xa 3 sunset date in the analysis discussed in Attachment A. Option 1 is to allow the Policy to expire, which is not a project and, therefore, requires no environmental analysis. Options 2 and 3 consider adoption of Policy TC-Xa 3 by the Board (Option 2) or by the voters (Option 3), which is a project and requires environmental analysis. Staff believes this analysis can be done with an Addendum to the General Plan Environmental Impact Report.

Item 4 of the Board's direction asks for the timeline to meet the June 2018 ballot. The County's Elections Department has established January 31, 2018, as the deadline for Resolutions calling for a

measure to be placed on the ballot. See Attachment B for the Elections Measure Calendar for the June 5, 2018, Primary Election.

Policy TC-Xa 3 is a policy in the General Plan's Transportation and Circulation Element. It was approved by the voters as part of 2008's Measure Y. A comprehensive background and history of Measure Y is contained in Attachment C for reference.

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."

Analysis of Policy TC-Xa 3: This Policy requires new development to "fully pay" its fair share of costs associated with new development's traffic impacts. This is an important Policy and has caused the County to create a Capital Improvement Program (CIP) and Traffic Impact Mitigation (TIM) Fee Program. The TIM Fee Program quantifies new development's impacts and allocates costs. TIM fees are collected at the time a building permit is issued. The fees are then spent to design and construct roads identified in the CIP. The CIP and TIM Fee Programs are updated annually, with major updates every five years, to keep the programs accurate and relevant.

The Board has three primary options, which are analyzed in the attached Board Memo (Attachment A).

Option 1: Allow Policy TC-Xa 3 to sunset on December 31, 2018;

Option 2: Adopt Policy TC-Xa 3 into the General Plan; or

Option 3: Place Policy TC-Xa 3 on the ballot.

Staff recommends Option 2, adopting Policy TC-Xa 3 into the General Plan, for the following reasons, as further described in the attached Board Memo (Attachment A):

- 1) Any unintended consequences of not having Policy TC-Xa 3 would be avoided;
- 2) Limited County staff or resources are needed to implement this option, depending on any revisions being considered concurrently;
- 3) The current CIP and TIM Fee Programs will continue to operate as designed;
- 4) The CIP and TIM Fee Programs will continue to require developers to fully pay for their impacts;
- 5) Traffic congestion policies will continue to require minimum Level of Service Standards; and
- 6) Policy TC-Xa 3 will be a General Plan Policy that the Board retains flexibility to comprehensively update to address changing circumstances and priorities including, but not limited to:
  - a) Affordable housing;
  - b) State Laws requiring traffic analysis using the Vehicle Miles Traveled metric;
  - c) Safety on rural roads;
  - d) Economic Development;
  - e) Environmental analysis for discretionary land use applications ( i.e. subdivisions, use permits);
  - f) Balance with other General Plan Policies, including transportation goals and policies; and
  - g) Traffic congestion relief from tourist weekend traffic.

#### **ALTERNATIVES:**

No action will result in the expiration of Measure Y, Policy TC-Xa 3, on December 31, 2018.

## **OTHER DEPARTMENT/AGENCY INVOLVEMENT**

County Counsel

## **CAO RECOMMENDATION**

It is recommended that the Board approve this item.

## **FINANCIAL IMPACT**

Option 1 would have an impact on staff time due to administrative changes that would need to be completed. Both option 2 and 3 would result in additional cost and staff time, at varying levels, required to amend the General Plan (Option 2) or to place the item on the ballot (Option 3).

For reference, TIM Fee program expenditures, over a five year period, added up to approximately \$48,000,000.

## **CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

## **STRATEGIC PLAN COMPONENT**

This item addresses implementation measures in the County General Plan. Therefore, this supports the County's strategic plan goal related to Good Governance, Economic Development, Infrastructure, and Healthy Communities.

## **CONTACT**

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