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Measure E ahead; Measure G behind

The bitterly contested Measures E and G split votes almost into a mirror image of each other.

As reported by the El Dorado County Elections Department on June 8, yes on Measure E received 51 percent of the vote and no on E got 48 percent, a swing of 1,711 votes; G is losing by swapped percentages and a difference of 1,168 votes. Elections officials still have more votes to tally.

Measure E sets strict limits primarily on new residential development of “five or more units or parcels” by requiring developers to complete road and infrastructure improvements before building permits can be issued. It represents a return to the 1998 voter-approved Measure Y and overrides amendments approved by voters in 2008.

If certified by the Elections Department (officials have 28 days to finish counting all ballots and certify), the new law could prevent proposed projects that are determined to impact or increase the impact on local roads to the extent that those roads become overly congested according to standardized Levels of Service. Known familiarly as LOS, a scale of impact from A to F describes the amount of traffic on a given roadway. LOS A is basically no traffic problems. LOS F represents failing, that is gridlock or stop-and-go congestion during peak commute hours.

A project that leads to or worsens an already F-rated roadway requires that the developer complete the needed improvements prior to receiving permits and discretionary approval from the El Dorado County Board of Supervisors. The measure eliminates a 2008 amendment to Measure Y that allowed a four-fifths vote of the board to grant approval. Now any exception to the LOS F rule will require countywide voter approval. It also eliminates an option that allowed a project to go forward as long as the needed improvements were assured to be included in the county’s 10- and 20-year Capital Improvement Program. Measure E proponents called that alternative process “paper roads.”

Measure E also precludes the use of county taxpayer money for road maintenance and improvements related to new developments, subject to voter approval, the Mountain Democrat reported last month. Under California’s Development Impact Mitigation laws, Traffic Impact Mitigation fees, with few exceptions, are limited to mitigating the impacts most related and nearest to the development and generally not approved for regular maintenance or repair of roads not directly impacted by the project. The measure does not prevent the use of state, federal or other available funding for new development infrastructure.

Measure E also overturns a 2008 amendment that gave supervisors the authority to spend collected TIM fee funds throughout the county where and when needed. The measure reverts back to an earlier policy under which TIM fees collected in one zone could only be spent in that zone.

Proponents had cautioned that without the measure, Board of Supervisors' discretion would lead to unchecked development that would impact and potentially harm the rural nature of the county. They contended that "paper roads" would spread farther out from the Highway 50 Community Regions corridors, causing unwanted congestion and disruption of "country life." They identified themselves as farmers, small business people and regular folks. As was reported late last month, proponents, including the Save Our County group, had received somewhat less than about \$2,000 in donations or contributions since Jan. 1.

Opponents of Measure E included the El Dorado County and El Dorado Hills chambers of commerce, farmers, business owners, winery operators and the development community in general. One of their most powerful objections stated that Measure E would be a "job killer" and thus contrary to one of the General Plan's key elements — job creation. County Counsel's report from last year indicates that jobs, particularly in the construction industries, likely would be lost at least in the short-term. The No on E & G groups had received approximately \$500,000 in contributions and loans during the same period. Parker Development, the owner of Serrano and proponent of the Marble Valley project, was the most significant source of the group's money.

As reported earlier, Measure E is somewhat cloudy with respect to the viability of multi-family, low and moderate housing projects that are required by state law and are significant concerns within the General Plan's Housing Element, according to the County Counsel's analysis.

El Dorado County Counsel Mike Ciccozzi advised in an e-mail to the Mountain Democrat Wednesday, "At this point county staff is reviewing Measure E in order to develop our recommendations."

In response to a question about lawsuits or appeals, Ciccozzi said, "I don't want to speculate on what outside parties might or might not do."

Former District 4 County Supervisor Bill Center was active in the original Measure Y campaign and his voice was heard on robocalls leading up to Tuesday's election urging a yes vote. In a phone call Wednesday, speaking only for himself and not representing Rural Communities United, a major proponent of Measure E, Center said, "My basic message was it's time the people were listened to instead of the special interests, who spent a tremendous amount of money opposing the measures."

Center said rereading the measure at his polling place reminded him, "This is just common sense." He also remarked on "how symmetrical the votes were on Measures E and G."

Had it passed, Measure G would also have restricted development to an extent by only permitting "medium-density residential, high-density residential, multi-family residential, commercial, industrial and research and development projects" to connect to a public water system within Rural Centers. Relevant elements of the General Plan that allow such development where there is a public water system "or an approved, private water system" will remain in place.

Laurel Brent-Bumb, CEO of the El Dorado County Chamber of Commerce, expressed disappointment during a phone call Thursday saying that her organization's members "remain concerned about a range of potential negative consequences" that may result from the passage of E. At this point, few seem to know what exactly those negative consequences would look like, she said.