



August 14, 2016 | Posted by [Chris Daley](#)

Supervisors, public take Measure E 101

The El Dorado County Board of Supervisors hosted a nearly four-hour presentation along with public comment on the recently voter-approved Measure E. Tuesday's board workshop clarified a number of points the measure includes but left several yet to be explored.

Focused primarily on differences between existing policies and those contained in Measure E's language, deputy county counsel Dave Livingston, Planning Director Roger Trout and Long Range Planning chief Dave Defanti fielded supervisors' questions and explained the initiative's various elements.

Measure E passed by about 3 percentage points in the June 7 election. Its formal title is "Initiative to Reinstate Measure Y's Original Intent — No more paper roads." Measure E begins with Measure Y, the 1998 effort known as the "Control Traffic Congestion Initiative." That initiative "added five new policies to the 1996 General Plan regarding traffic impact mitigation by new development," as described in the Measure E documents the board received.

In 2008 voters approved amendments to Measure Y that related to residential developments of five or more units or parcels if it were determined that they would cause or worsen traffic congestion at a Level of Service F. The LOS is a set of traffic standards found in the Highway Capacity Manual, a publication of the National Academies of Science, Engineering and Medicine. Level F is considered gridlock or near-gridlock at specific times and/or days.

County staff recommended supervisors interpret the section of Measure E regarding conditions of discretionary approval of 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 (Traffic Impact Mitigation) 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."

In addition to the above, staff recommended the board consider a redefinition of "worsen" and "explore potential impacts to Housing Element and multi-family development." The Housing Element refers to the General Plan's requirement to adhere to the state-mandate to identify parcels for new development for affordable housing for residents ranging from low-income to moderate-income, including multi-family housing.

Of particular note in the 96-page staff memo to supervisors is the section regarding the Housing Element. The State Department of Housing and Community Development found that the 1998 Measure Y was "inconsistent with Government Code..." which states: "In order to make adequate provisions for the housing needs of all economic segments of the community, the program shall do all of the following ... Address and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing..."

The state agency determined that the original Measure Y "affects the cost of off-site improvements and feasibility of development in the planning period and rendered identified sites for affordable housing as unsuitable."

HCD eventually certified the Housing Element after the county enacted amendments to Measure Y in 2008. However, as Measure E reinstates the "original language of Measure Y," staff wrote that the initiative "generates a serious concern that HCD will find that Measure E, or portions of Measure E, create a governmental constraint to affordable housing."

The staff memo notes that HCD staff ultimately will decide whether or not the county's Housing Element complies with state law under Measure E, and supervisors eventually will hear details about the measure's impact on that issue as part of the implementation process.

Although a number of residents spoke in favor of and in opposition to Measure E, Livingston cautioned that the purpose of the workshop was "not to debate the merits of Measure E." Instead he explained that supervisors must adopt a "much narrower focus. The court says you are to construe its (the initiative's) validity and your authority is to discern and establish the voters' intent. If the language (in a particular element) is plain, no further action is required."

Livingston added, "More specific language is better than general language."

Of nine "implementation statements" only one was found to be inconsistent with existing General Plan policy, according to the memo. Statement 8 reads: "LOS (Level of Service) traffic levels on Highway 50 on-off ramps and road segments shall be determined by Caltrans and full accepted by the county for traffic planning purposes."

Citing three reasons for not relying solely on Caltrans data, the memo notes that the state agency acquires its information differently from the county and accepting "Caltrans LOS determination wholesale is contrary to General Plan Policy TC-Xd." That policy grants the county's Transportation Division the lead role in determining how and when traffic studies should be conducted based on its "professional judgment."

The second objection notes that "Caltrans' Highway 50 LOS conclusions cannot be substantiated." In effect, the memo states that Caltrans uses its LOS data for planning purposes only and to prioritize state and federal funding for its own facilities. A built-in disclaimer includes, "The information in the (Caltrans studies) does not constitute a standard, specification or regulation, nor is it intended to address design policies and procedures."

Finally, the memo notes, "Caltrans is already involved through the California Environmental Quality Act process." As a "responsible agency regarding Highway 50," under CEQA, Caltrans is entitled to review and comment on county projects that may impact on its roadway jurisdictions.

A letter from Caltrans to the county indicates the state agency agrees with the county's traffic analysis methodology and assumptions and concludes with the direction that "the county and project proponents continue to use the county's Travel Demand Model to determine LOS impacts on all road facilities in the county, including Highway 50, and send resulting traffic studies to Caltrans for review and comment."

District 4 Supervisor Michael Ranalli was absent from the Aug. 9 workshop, but the board voted 4-0 generally to accept the recommendations and to direct staff to return to the board for another detailed workshop no later than Sept. 13.