

RESOLUTION NO. 193-2008

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

WHEREAS, the County of El Dorado is mandated by the State of California to maintain an adequate and proper General Plan; and

WHEREAS, on November 3, 1998 the voters adopted Measure Y ("The Control Traffic Congestion Initiative") which added five policies to the Circulation Element of the 1996 General Plan; and

WHEREAS, Measure Y's terms stated that the policies added to the Circulation Element would remain in effect for a period of ten years unless extended for an additional ten years by the voters and can be amended only by voter approval; and

WHEREAS, proponents of Measure Y have agreed that certain clarifications to the General Plan Policies would be appropriate; and

WHEREAS, it is unclear whether the requirement of Measure Y that the policies be placed on the ballot to determine whether the voters wish to extend them is legally enforceable; and

WHEREAS, the Board of Supervisors agrees that voters should be granted the opportunity to consider these amendments to the General Plan policies and an extension of the policies as proposed; and

WHEREAS, the Board of Supervisors has reviewed and held public hearings on the proposed amendments to the Transportation and Circulation Element; and

WHEREAS, the Board of Supervisors finds that the proposed amendments to the General Plan are consistent with all elements of the General Plan not otherwise amended.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. The El Dorado County Board of Supervisors hereby approves and accepts the environmental document on the attached amendments (see Exhibit A - Policy TC-Xa Amendments) to the General Plan.

Section 2. The Board hereby places on the November 4, 2008 ballot for voter consideration the following question:

Shall Policy TC-Xa of the 2004 El Dorado County General Plan be amended to read as follows and, as amended, be extended for a period of ten years?

Policy TC-Xa The following policies shall remain in effect until December 31, 2018:

1. Traffic from single family residential subdivision development projects of five or more ~~units or~~ parcels of land shall not result in, or worsen, Level of Service F (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county.
2. The County shall not add any additional segments of U.S. Highway 50, or any other ~~highways and~~ roads, to the County's list of roads (~~shown in Table TC-2~~) that are allowed to operate at Level of Service F without first getting the voters' approval or by a 4/5ths vote of the Board of Supervisors.
3. 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 upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county.
4. ~~County tax revenues shall not be used in any way to pay for building road capacity improvements to offset traffic impacts from new development projects. Exceptions are allowed if county voters first give their approval.~~

~~5. Before giving approval of any kind to a residential development project of five or more units or parcels of land, the County shall make a finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.~~

If approved by the voters on November 4, 2008, this amended policy TC-Xa shall become effective on January 1, 2009, and shall expire in ten years. It may only be amended with voter approval during that term.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 1st day of July, 2008, by the following vote of said Board:

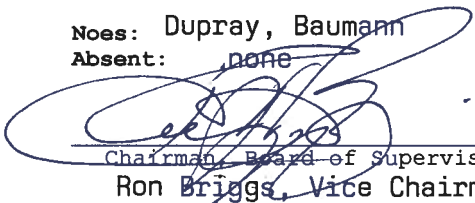
Attest:
Cindy Keck
Clerk of the Board of Supervisors

Ayes: Sweeney, Santiago, Briggs

Noes: Dupray, Baumann

Absent: none

By: 
Deputy Clerk


Chairman, Board of Supervisors
Ron Briggs, Vice Chairman

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DATE: _____

Attest: CINDY KECK, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

By: _____

EXHIBIT A

Proposed Amendments – Policy TC-Xa

The underline sections indicate proposed additions and the strikeouts indicate deletions.

Policy TC-Xa The following policies shall remain in effect until December 31, 2018.

1. Traffic from single family residential subdivision development projects of five or more ~~units or~~ parcels of land shall not result in, or worsen, Level of Service F (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county.
2. The County shall not add any additional segments of U.S. Highway 50, or any other ~~highways and~~ roads, to the County's list of roads (~~shown in Table TC-2~~) that are allowed to operate at Level of Service F without first getting the voters' approval or by a 4/5ths vote of the Board of Supervisors.
3. 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 upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county.
4. ~~County tax revenues shall not be used in any way to pay for building road capacity improvements to offset traffic impacts from new development projects. Exceptions are allowed if county voters first give their approval.~~
5. ~~Before giving approval of any kind to a residential development project of five or more units or parcels of land, the County shall make a finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.~~