

Opinion: Understanding EDC measures E and G

By Larry Weitzman

A few days ago in the *Lake Tahoe News* was a story written by Joann Eisenbrandt, attempting to “untangle” measures E and G. In reading the story it appears the lead issue was buried unintentionally for both measures in the story as these measures are almost impossible to decipher without special knowledge and understanding. But after spending hours and days studying E and G, the intent is to shut down almost all county growth and development, but not government growth. So let’s get right to it.



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Measure E would attempt to stop most all, if not all development through the use of its paragraph 3 which says: “All necessary road capacity improvements shall be fully completed to prevent cumulative traffic impacts from new development from reaching Level of Service F (LOS F) during peak hours upon any highways, arterial roads and their intersections during, peak-hour periods in unincorporated areas of the county before any form of discretionary approval can be given to a project.”

Without getting into the ambiguities of the language as written, this basically says before one building permit can be pulled relative to a project of five or more units and/or

parcels, a developer would have to build all offsite transportation improvements to prevent a LOS F for even one minute as dictated by the government (including a nebulous Caltrans projection done by crystal ball) that such a development will be forecast to cause. It's unclear if a LOS F on Highway 50 outside the county (it reads that way) could also be attributed to an EDC development that would require remediation as well, but this measure should be renamed "The lawyers full employment act."

As you can see it will stop all development of five parcels or more as it will be argued that the impact of such developments will cause a LOS F and cost the developer tens or hundreds of million dollars before he can start construction. And what if a LOS F occurs because of unforeseen causes, traffic accidents, issuance of traffic tickets or some other cause? That's a lot of authority for a couple of bureaucrats. The cost of housing is going up as litigation (maybe even payola) becomes a major housing cost.

Currently, builders pay the total traffic improvements required via adding on a proportionate cost to each building permit via TIM Fees, otherwise there will be no building industry large or small in EDC. This no growth faction has perhaps become extreme because our BOS and CAO's office in the past have let developers off the hook of some of their obligations after or during the project. This measure would take any discretion out of the politically hyper BOS and leave all discretion with other non-responsible, state bureaucrats. The second choice could be worse. Measure E is fraught with legal issues and interpretations that are totally unknown at this time. It's an open book for bigger government and control.

If you don't think mistakes aren't made by the BOS and staff, recently the BOS approved a Serrano build project that said it was being recommended by staff (the CDA and its head, Roger Trout). Nobody in the county administration or government

understood that the development agreement had expired eight years ago and had no force and effect, but it was too late to protest. Let's see who is going to be held accountable?

Measure G uses another tactic to stop development cold and that is water. It requires that all projects shall be required to be connected to a public water system. No private water need apply. A water connection could run in the tens of millions of dollars (see new water policy 5.2.1.3.). Policy 5.2.1.4 says rezoning, discretionary development and subdivision approvals dependent on public water supply shall be subject to the availability of a permanent and reliable water supply necessary for all uses including fire prevention and the water issues go on. EID has only so much water, so who is going to pay for additional water rights? As with LOS F, it could price development out of sight.

But there is more potential bad stuff having to do with zoning. The measure changes the general plan wherein land use must conform to preexisting zoning before the general plan adopted 12 years ago. To understand how it is supposed to work, a general plan sets land use throughout the county. Land use is a broader definition of how land should be used, an example being residential 1-5 acres. To further refine and define the zoning of the land use a zoning update ordinance will update zoning to a more specific number within the designated land use in that area.

So the zoning gets fixed at 2-acre zoning. The zoning defines the land use. The BOS could limit it to 5-acre parcels or one-acre zoning after many public hearings, but it will be between 1-5-acre zoning as prescribed by the land use.

Measure G wants the exact opposite to happen. If there were zoning prior to the General Plan that said it was 10-acre zoning before the General Plan, then G provides that it must be downzoned to 10 acres. This kind of thinking destroys the General Plan that was approved by the voters in 2004. The

failure of the General Plan under these measures, if it could withstand legal challenges, could destroy the county. Measure G wants to do things backassward. This will also cost the county millions in litigation and raise the price of developed real estate.

While this small faction wants to take away development decisions from the BOS, this measure will make our current budget issues look like pocket change. These measures demonstrate that there is a small coalition in EDC that is just fed up with continuing illegal BOS actions and are looking for ways to stop it, even though Measure E and G are poor solutions that are off the end of the other side. What would work better is a better BOS and administrative staff that know what they are doing.

Just look at the problems now with the financing of the new sheriff's facility. That's what you get with a part time CAO who hasn't got a clue and a CDA that seems to be asleep at the job. The first thing the BOS needs to do is hire a new CAO who knows the job and how to do it. That man is already in house. One thing you should know is that Shiva Frentzen is the only BOS member that understands what is going on. It's a shame the recall didn't work for the rest of the BOS.

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