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# EL DORADO COUNTY GENERAL PLAN



**TRAFFIC IMPACT MITIGATION FEE PROGRAM  
FINAL SUPPLEMENT  
TO THE  
EL DORADO COUNTY GENERAL PLAN  
ENVIRONMENTAL IMPACT REPORT**

STATE CLEARINGHOUSE NO. 2001082030

AUGUST 2006

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## **TRAFFIC IMPACT MITIGATION FEE PROGRAM FINAL SUPPLEMENT TO THE EL DORADO COUNTY GENERAL PLAN ENVIRONMENTAL IMPACT REPORT**

STATE CLEARINGHOUSE No. 2001082030

PREPARED BY:  
EL DORADO COUNTY

WITH ASSISTANCE FROM:  
ENVIRONMENTAL STEWARDSHIP & PLANNING, INC.

AUGUST 2006

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# 1 INTRODUCTION

This document is a Final Supplement to the El Dorado County General Plan Final Environmental Impact Report (El Dorado County, 2003). This Final Supplement has been prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines (14 California Code of Regulations [CCR] Section 15000 et seq.). This Final Supplement, with incorporation of information presented in the March 2006 Draft Supplement to the El Dorado County General Plan EIR (Draft Supplement), considers the adoption of a proposed Traffic Impact Mitigation (TIM) Fee Program in order to implement Measure TC-B of the El Dorado County General Plan. The Draft Supplement (El Dorado County, 2006) is incorporated in its entirety to this Final Supplement by this reference.

The Draft and Final Supplement have been prepared in connection with the County's consideration of a proposed TIM Fee Program in order to implement Measure TC-B of the El Dorado County General Plan<sup>1</sup>. Measure TC-B states, in part, that "traffic fees should be designed to achieve the adopted level of service standards and preserve the integrity of the circulation system." The TIM Fee Program is an implementation measure called for by the General Plan and constitutes a subsequent activity contemplated by the General Plan Environmental Impact Report<sup>2</sup> (General Plan EIR). Together, the Draft Supplement and this Final Supplement provide CEQA review documentation for the TIM Fee Program and, when certified by the County Board of Supervisors, will become a component of the General Plan EIR.

## 1.1 OVERVIEW AND SUMMARY OF IMPACTS

As discussed in more detail in Section 1 of the Draft Supplement, the General Plan EIR included analysis of the traffic-generating impacts of the various General Plan alternatives and the traffic levels of service that were anticipated as a result of adoption of any of the General Plan alternatives. Both the General Plan EIR and the TIM Fee Program analysis considered traffic operations on 184 roadway segments within the County<sup>3</sup>. Of these, the General Plan EIR analysis identified 75 roadway segments that were

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<sup>1</sup> The TIM Fee Program consists of several elements. One is the development of a road improvement plan that forms the basis of the program. From that program, the actual TIM Fees are developed. The TIM Fees themselves constitute only the financing for various road improvements. The focus of the analysis in this TIM Fee Program CEQA review is the road plan that underlies the TIM Fee Program as opposed to the fees themselves, and any references herein to the TIM Fee Program includes the road plan developed as a part of that program.

<sup>2</sup> The 2004 General Plan and CEQA documentation prepared in conjunction with the preparation and adoption of the General Plan and certification of the General Plan EIR are listed and discussed in more detail in Section 1.3.1 of the Draft Supplement. These documents are available for review at the Placerville Office of the El Dorado County Development Services Department at: 2850 Fairlane Court, Building "C", Placerville, CA 95667. The documents are also available for viewing or downloading from the County's website at: <http://www.co.el-dorado.ca.us/planning/GeneralPlanDocuments.html>.

<sup>3</sup> These 184 segments are comprised of 156 non-U.S. 50 road segments, eight U.S. 50 segments east of the City of Placerville and twenty U.S. 50 segments west of the City of Placerville. The twenty U.S. 50 segments west of Placerville are comprised of ten sections of U.S. 50, with each included in the analyses with a separate eastbound and westbound segment. Each of these segments and a comparison of the levels of service projected under both the General Plan EIR analysis and the TIM Fee Program analysis are listed in Table 1 of the Draft Supplement.

projected to experience declines in levels of service that exceed the thresholds of significance used in the General Plan EIR review. Impact 5.4-2 of the General Plan EIR identified the exceedance of the threshold as a *significant and unavoidable* impact associated with the 2004 General Plan.

The analysis conducted in developing the proposed TIM Fee Program determined that of the 184 segments analyzed, 94 segments are projected to exceed the General Plan EIR thresholds of significance<sup>4</sup>. As compared to the General Plan EIR analysis, this results in an additional 19 segments that are projected to exceed the General Plan EIR thresholds of significance under the TIM Fee Program analysis. In all instances, the levels of service identified through the TIM Fee Program analysis are projected to achieve the level of service standards contained within the General Plan policies. However, because the TIM Fee Program analysis has identified an additional 19 segments projected to exceed the level of service threshold used for the EIR analysis, the County decided to prepare a supplement to the General Plan EIR to fully identify and disclose this change in the severity of Impact 5.4-2.

The evaluation conducted for this supplement has determined that the variation in impacts associated with the proposed TIM Fee Program (when compared to the impacts identified in the General Plan EIR) are solely associated with the level of service variations discussed above. A review of other resource issues addressed in the General Plan EIR determined that, with the exception of Impact 5.4-2, the proposed TIM Fee Program would not cause new, previously unidentified impacts or substantially contribute to impacts previously identified in the General Plan EIR.

## 1.2 PUBLIC REVIEW AND INPUT

Pursuant to the requirements of CEQA Guidelines Sections 15163(c) and 15087, the Draft Supplement was made available for a public and agency review and comment period of at least 45 days, beginning on March 17, 2006. **Appendix A** includes the Notice of Availability, Notice of Availability distribution list and Notice of Completion for the Draft Supplement. The Notice of Availability was filed with the El Dorado County Recorder-Clerk on March 17 and published in the Mountain Democrat newspaper. The Notice of Availability was also mailed directly to individuals, organizations and agencies. The Notice of Completion was submitted to the State Clearinghouse with 15 copies of the Draft Supplement per guidelines of the State of California Governor's Office of Planning and Research for State Clearinghouse distribution of the documents to certain state agencies.

A total of 30 comment sets (including letters and electronic mail messages/attachments) were received during the review and comment period. All comments received were from individuals (some of who represented, or otherwise identified their association with, organizations) and no comments from local, state or federal agencies were received<sup>5</sup>. All comments received on the Draft Supplement are included in

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<sup>4</sup> As discussed in the Draft Supplement (Section 2.3.2, pages 2-3 through 2-6), the TIM Fee Program analysis allowed a more refined definition of the precise road specifications that would be needed than was possible with the General Plan EIR analysis because of the more detailed work done such as consideration of specific traffic volumes and traffic movements along specified segments of roadways (in contrast to the General Plan EIR analysis which was based on traffic volumes), consideration of the effects of specific interchange and intersection improvements, and more precise construction detail.

<sup>5</sup> A letter was received from the State Clearinghouse; however, this letter did not comment on the Draft Supplement and was correspondence only to confirm that none of the state agencies which received the Draft Supplement through the State Clearinghouse had commented.

their entirety in Chapter 2 of this Final Supplement and the County's responses to the individual comments/issues contained within each comment set are provided. This Final Supplement will be made available for public and agency review and will be mailed or otherwise transmitted to all individuals whom provided comments on the Draft Supplement prior to the Board of Supervisors' consideration of certification of the document and adoption of a TIM Fee Program. During its hearing to consider certification of the Final Supplement, the Board will provide an opportunity for members of the public and agency representatives to provide oral comments.

At the time of preparation of this Final Supplement, the date on which the Board may consider this Final Supplement and the adoption of a TIM Fee Program has not yet been determined. Additional information regarding Board meeting schedules and agenda items (including the Board meeting date at which the Final Supplement and other TIM Fee Program issues may be discussed) can be found on the Board of Supervisors' website: <http://www.co.el-dorado.ca.us/bos/index.html> or by contacting Cindy Keck, Clerk of the Board, by telephone at: (530) 621-5390.

### **1.3 TIM FEE PROGRAM RATES**

Appendix A of the Draft Supplement identified specific TIM Fee Program rates for 12 development types within each of the eight fee zones. As discussed in Section 2.2 of the Draft Supplement, several factors contribute to the calculation of rates including growth and traffic projections, roadway improvement requirements and estimated improvement costs, existing sources of roadway funding revenue and potential alternative funding sources, methods used to allocate costs associated with vehicle trip origin and destination locations, and methods used to allocate costs associated with various land use/development types. Based on consideration of comments received on the Draft Supplement, the County has refined certain cost allocation methods which has therefore resulted in changes to the specific rates published in Appendix A of the Draft Supplement.

The final proposed TIM Fee rates and specific cost allocation methods used to develop the final TIM Fee Program rates will be presented in the August 2006 staff report which will accompany this Final Supplement in the package of materials the Board of Supervisors will consider in making its decision about adoption of the proposed TIM Fee Program. Although the refined rate calculation methodology results in changes to the specific rates identified in the Draft Supplement, the refined methods and rates do not alter the environmental impact conclusions presented in the Draft Supplement.

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## 2 COMMENTS AND RESPONSES

This chapter provides responses to comments received on the Draft Supplement which address the CEQA review of the proposed TIM Fee Program. Sections 2.1 and 2.2 of this Chapter provide general discussion regarding comments received which (1) address policy issues associated with the proposed TIM Fee Program (Section 2.1) and (2) comment on the County's decision to prepare a supplement to the General Plan EIR (Section 2.2). Section 2.3 includes each of the written comment sets submitted to the County and the County's responses to each of the issues raised. Table 1 lists the individuals whom provided comments on the Draft Supplement. Each comment set is individually numbered for reference and for providing a reference for responses provided in Section 2.3.

**Table 1.  
Persons, Organizations and Public Agencies from  
which Comments on Draft Supplement were Received**

Comment Set	Name	Agency/Organization
1	Dwain Haines	
2	Al Hubbard & Carl Ross	Safari Vineyards
3	Richard Holmes	
4	Butch Gardner	
5	Arthur Stidfole	
6	Brad Gardner	Tullis Mine Condominiums
7	Robert, Virginia and Kristen Meyer	
8	Robin Ruddock Borre	
9	Al Vargas	
10	Phil Stokes	
11	Kelly N. Ahola	
12	Julie Leimbach and Kurt Seckington	
13	Alice Q. Howard	
14	Robert S. Slater, P.E.	
15	Beverley Van Meurs	
16	Harry Mercado	
17	Michael L. Boli, Esq.	Law Offices of Michael L. Boli
18	John Hidahl	
19	Howard Kastan	
20	Thomas P. Infusino, Esq.	
21	Jamie Beutler, Chuck Harrell and Sherry Cushman	
22	Jennifer Monteiro	
23	Joseph G. and Margrit A. Petrofsky	
24	Joseph G. and Margrit A. Petrofsky	
25	Dennis M. Wilson	Wilson Law Firm
26	Ray Griffiths	
27	V. Dale Smith	Friends of Placer County Communities, Inc.
28	Steven Proe	
29	Brady Hodge	
30	Ken R. Greenwood	Straight Shot Consulting

## **2.1 COMMENTS RAISING POLICY ISSUES**

Many of the comments submitted in response to the Draft Supplement concern various policy choices associated with social and/or economic issues, but do not raise issues regarding the Draft Supplement's analysis of the potential impacts to the physical environment that may occur as a result of the proposed TIM Fee Program. In its preparation of this Final Supplement, County staff considered these policy issues to determine whether the Board's decision with regard to specific policy issues would change the environmental effects of the proposed TIM Fee Program. As a result of this review, staff has determined that the Board's decision on these policy issues would not result in a change to the environmental effects identified in the Draft Supplement.

In accordance with CEQA Guidelines Section 15088(a), the responses contained within Section 2.2 of this Final Supplement address comments on the Draft Supplement which raise environmental issues. Commentors who raised policy issues are directed to the August 2006 TIM Fee Program staff report to the Board of Supervisors; that staff report contains a full discussion of many policy issues associated with the proposed program, including those issues which were raised in comments on the Draft Supplement. The County recognizes that these policy choices are of concern to commentors and, therefore, has included the following sections which briefly discuss several of the policy issues which were raised in comments on the Draft Supplement. For a more detailed discussion of these and other policy issues associated with the proposed TIM Fee Program readers are directed to the staff report. Copies of the August 2006 staff report for the proposed TIM Fee Program are available at the El Dorado County Department of Transportation, 2850 Fairlane Court, Placerville, CA 95667 (phone: 530-621-5900) between the hours of 8:00 am and 5:00 p.m. and on the County's website at: [www.co.el-dorado.ca.us/DOT/TIMfees.html](http://www.co.el-dorado.ca.us/DOT/TIMfees.html).

### **2.1.1 Road Improvements Funding and General Plan Policies**

Comments were received which expressed concerns that the proposed TIM Fee Program would not fully fund roadway improvements and that the lack the full funding for roadway improvements would be inconsistent with the General Plan.

The proposed TIM Fee Program is the implementation of Measure TC-B of the County's 2004 General Plan Transportation and Circulation element. The analysis conducted for the proposed TIM Fee Program identified the road improvements necessary to achieve General Plan level of service requirements through the General Plan 20-year planning period. The increased traffic which creates the need for the roadway improvements identified through the TIM Fee Program analysis is not entirely a result of new development within the County. Vehicle trips which utilize roadways within unincorporated El Dorado County but which begin and/or end outside of the County (or within the Lake Tahoe basin or the City of Placerville) place additional demands on U.S. 50 and non-U.S. 50 County roads and may not be attributed to new development within unincorporated areas of the County. The proposed TIM Fee Program has been developed to fund the portion of the total necessary roadway improvement costs that is attributed to new development within the unincorporated areas of the County.

As noted in the Draft Supplement (page 2-7), methods of accounting for trip origins and/or destinations outside of unincorporated areas of the County are policy decisions which would influence the specific rates necessary under the TIM Fee Program, but which do not affect the roadway improvements or level of service projections identified in the TIM Fee Program analysis and in the Draft Supplement. Therefore, these policy choices are not included in the CEQA analysis for the TIM Fee Program.

### **2.1.2 Concurrency Issues and Policies**

Comments were received which expressed concerns that the proposed TIM Fee Program would not fully fund roadway improvements in a timely manner and that the lack funding for roadway improvements concurrent with development, or the inability of the County to deliver those improvement projects, would be inconsistent with the General Plan. The proposed TIM Fee Program is fully funded, through a combination of previously collected TIM fees, expected revenues from the MC&FP, and new TIM fee revenues from the program. The timing of roadway improvements involves several variables such as the actual rates of development and payment of fees, lead time of projects (particularly for large interchange and freeway projects), construction time of a project, inflation of project costs, construction season timing, ability to provide necessary staffing, and other factors.

Many of the comments on the Draft Supplement which raised issues associated with roadway funding and timing are similar or identical to concerns previously raised and addressed during the review and adoption of the 2004 General Plan. For example, Master Response 13 (pages 4.1-33 - 4.1-38 of the General Plan Final EIR) demonstrates that (1) the County contemplated that it might elect to have residential development fund the majority or entirety of the costs of new road improvements (Final EIR Master Response 13, pages 4.1-37 - 4.1-38); (2) recognized that any road improvement program funded by development fees would necessarily result in a lag between the time development was built and the time the infrastructure was completed, which could result in a period of time when traffic congestion temporarily exceeded the level of service standards (Final EIR Master Response 13, pages 4.1-37 - 4.1-38); and (3) recognized that if the payment of fees would not be adequate to ensure the road improvements would be built within a reasonable amount of time, a development would either be denied or conditioned to require that the development fund the necessary road improvement (Final EIR Master Response 13, pages 4.1-37). In recognition of this, the Board of Supervisors included policies in the 2004 General Plan (policies under Goal TC-X of the 2004 General Plan, pages 68 through 72) that strengthens the concurrency requirements so that periods of traffic congestion as a result of new development occurring prior to roadway improvements would be limited. Policy TC-X(f) discusses the need for new development to either construct the improvements necessary to maintain or attain General Plan level of service standards or to ensure that funding is identified and available and that the projects are programmed. The programming document is the County's five-year Capital Improvements Program (CIP). One of the issues raised by several commentors was a 10-year program versus a 20-year program (see Section 2.1.3, below). The concern expressed was that the proposed TIM Fee Program would not adequately fund all of the projects necessary to meet General Plan level of service policy requirements during the initial 10-year period. However, the General Plan policies discussed above address this by requiring the County to deny new development proposals if the necessary roadway improvements have not been funded and programmed.

### **2.1.3 20-Year Program/10-Year Program**

Comments were received which expressed concerns that the proposed TIM Fee Program would not fully fund roadway improvements during the first ten years of the program and that this would violate the concurrency policies in the General Plan.

During its development of the proposed TIM Fee Program, the County considered improvements needed to serve the first ten years of growth (through 2015) using a "straight line" growth forecast based on the General Plan's projected 2025 growth. The roadway improvements identified as necessary through 2015 (i.e., those that would be funded by a ten-year fee program) would cost of approximately \$616 million, compared to the \$420 million in fees that would be collected through year 2015 under a 20-year program.

The difference of \$196 million does not take into account the fee revenue already collected, but not spent or committed, and does not include the that some of the other revenue sources are not “straight line” functions. When these items are taken into account, the difference in TIM fees collected through 2015 is estimated to be approximately \$130 million – an amount approximately equal to four years of revenue that would be generated through the proposed TIM Fee Program. This will require the Department to closely monitor proposed development project impacts and the fee program cash flow to ensure that the concurrency polices (discussed above) are not violated. The proposed annual TIM Fee Program updates and rate adjustments will serve this purpose as will your Board’s review and approval of the Department’s Five-Year Capital Improvement Program.

The Board of Supervisors directed staff to develop the TIM Fee Program to spread the cost of improvements that would serve 20 years worth of growth across all development that would occur over those 20 years. The decision on a 10-year or 20-year fee program, or how and when to collect the fees, does not affect the ultimate 20-year roadway network identified through the TIM Fee Program analysis and, due to the concurrency policies contained within the General Plan, the decision on the time period would not adversely affect the level of service on any road segment. Therefore, the choice regarding the timeframe for collection of fees would not result in any different CEQA impacts.

#### **2.1.4 Affordable Housing**

Comments were received which expressed concerns that the proposed TIM Fee Program would create a situation where developers would not be able to cover the costs of the fees and still build income restricted housing.

County staff has explored options for ways to offset the TIM fees for affordable housing and to include a measure of relief for affordable housing development in the TIM Fee Program. The proposed TIM Fee Program identifies that a portion of expected Federal and State revenue could be set aside to provide such relief. The proposal would set aside \$1 million per year for a total of \$20 million over the life of the twenty-year TIM Fee Program to offset the TIM fees for affordable housing. This funding would be cumulative (e.g., if funds for affordable housing TIM fee relief were not fully utilized during a particular year the remaining amount would be added to the next year’s set aside).

#### **2.1.5 Amounts of State and Federal Funding**

Comments were received which expressed concerns that the estimates of the State and Federal revenues are overstated and that there is no guarantees that revenue will be available to the County.

While Federal and State revenue can never be stated to be 100 percent guaranteed, the estimates of anticipated Federal and State roadway improvement funds used in developing the TIM Fee Program costs/rates are reasonable and reflect information provided to the County by various agencies. The estimates are also considered to very conservative, as a very large share of the total revenue was assumed to be received by the City of Placerville (approximately one third). Further, a large part of the annual updates the Department will be preparing will be to review these revenue forecasts and make adjustments should there be any variances from the current estimates.

### **2.1.6 Nexus and Cost Allocations by Location**

Comments were received which expressed concerns that the proposed TIM Fee Program would not meet nexus requirements by charging new development in some areas more than in other areas. Related comments were received which expressed concerns that the fee zones in the proposed TIM Fee Program were not appropriately delineated and would lead to development in certain areas being disproportionately subject to higher fees.

The TIM Fee Program is subject to the Mitigation Fee Act (California Government Code Chapter 5 Section 66000-66008 Fees for Development Projects) which governs imposing development impact fees in California. The Mitigation Fee Act requires that all local agencies in California, including El Dorado County, follow two basic rules when instituting impact fees: 1) establish a nexus or reasonable relationship between the development impact fee's use and the type of project for which the fee is required, and 2) the fee must not exceed the project's proportional "fair share" of the proposed improvement and cannot be used to correct current problems or to make improvements for existing development. The County has determined that the proposed TIM Fee Program meets these requirements.

The proposed TIM Fee Program would apply to each development based on the fee zone within which the development is located and the type of development (e.g., single family residential, commercial, office, etc.) and would not differentiate by location within that zone nor developer. Even approved development agreements are subject to the fees that are in effect at the time building permits are issued for each individual residence or other structure.

The traffic analysis completed for the fee program shows that development within any given location of the County results in a distribution of vehicle trips throughout the County. Traffic modeling develops a percentage of traffic from each zone using each road segment studied. The costs of improvements for each roadway segment are then allocated to each zone based on those percentages. Those allocated costs are summed to result in a total improvement costs share for which each fee zone is responsible. The cost is then allocated to the various land uses in the zone based on the growth forecasted for that zone. As a result of these calculations, the proposed TIM Fee Program rates allocated to each fee zone provide a reasonable relationship between the TIM fee and the roadway improvement requirements attributed to development within the given fee zone.

It should also be noted that the benefits of achieving General Plan level of service requirements provides a direct benefit to all County residents that use these roads and it is reasonable to assume that development would result in a marginal contribution to the need for increased capacity on roads within the County and would receive a direct benefit from roadway improvements for which TIM Fee Program funding would be used.

## **2.2 TYPE OF ENVIRONMENTAL IMPACT REPORT**

Several comments were received which expressed that a "full EIR" should be prepared for the proposed TIM Fee Program. As discussed in the Draft Supplement (page 1-20), the proposed TIM Fee Program implements Measure TC-B of the El Dorado County General Plan. Measure TC-B, which requires the County to "revise and adopt traffic impact fee program(s)", was included in the General Plan as a measure to mitigate the impacts of increased traffic associated with development within the County. The General Plan EIR is a full EIR that considered a range of alternative policy sets, circulation diagrams, and mitigation measures pertaining to traffic and included the consideration and incorporation of Measure TC-B into the General Plan.

The adoption of a fee program to fund improvements identified in an approved general plan would not normally require additional CEQA review. However, as a result of more precise traffic information developed as part of the TIM Fee Program analysis, which showed that slightly fewer roadway improvements were needed to achieve General Plan LOS standards than had been assumed in the General Plan EIR, the County identified the increase in severity of one impact identified in the General Plan EIR (Impact 5.4-2). The County decided to prepare CEQA documentation to *supplement* the information presented in the General Plan EIR to provide a full and updated analysis of the traffic and circulation impacts of the General Plan that would remain if the roadway improvements identified through the TIM Fee Program are built to mitigate the impacts of General Plan growth.

CEQA requires that either a subsequent EIR or EIR supplement be prepared when project changes or new information result in the identification of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. CEQA Guidelines at Section 15163(a)(2) enable a Lead Agency to prepare a supplement to an EIR when the agency determines that “only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation”. Based on these CEQA Guidelines, the County determined that a supplement to the General Plan EIR would be the appropriate CEQA documentation for the proposed TIM Fee Program to account for the change in the severity of Impact 5.4-2.

## **2.3 INDIVIDUAL COMMENTS AND RESPONSES**

This section presents a complete copy of each of the written comments that were received addressing the Draft Supplement. Each comment set has been individually numbered (see Table 1 for comment set index) and each individual comment/issue has been identified with a vertical bar and reference number in the right margin of each comment page. Immediately following each comment set are the County’s responses to each comment/issue raised. Note that to avoid modification to written comments, page numbering in this section is only included for those pages which provide the County’s responses to comments. Pages which contain comment sets submitted to the County are not separately numbered in this document to generally retain the format as received by the County. (Comments submitted electronically may vary slightly in appearance/format as compared to that which may have been viewed/printed from the preparer’s personal computer/printer; however, the text of all comments is provided verbatim as received by the County.)

"Dwain Haines" <d.haines@comcast.net>

04/25/2006 01:32 AM

To <cmckibbin@co.el-dorado.ca.us>

cc

Subject TIM Fee.

**I am writing concerning the EIR that is coming up for consideration.**

**IF the proposed TIM Fee is inconsistent with the General Plan because it does not require new development to fully mitigate its traffic impacts then it should not be approved.**

**As a long time resident of El Dorado County I have seen the relationship between increased growth and the decrease in the quality of the roads and highways. The developers put in houses and they should pay for the improvements needed to prevent traffic gridlock like is happening more and more every day! If the new people buying those houses can't afford to pay the price of those houses because the TIM Fees are too high then maybe the developers will not build the houses! Why should the rest of us pay to help others move to this County! If this is "No Growth" then so be it! Maybe "No Growth" is what is needed so the rest of us can have a "Quality of Life" free from sitting in our cars going nowhere!**

**It seems to me the only people wanting "More Growth" as those making money from it! It also sounds like those people are not from here and when there is no "More Growth" they will move on to other areas. Maybe we should help them "MOVE ON!"**

**Thank you,  
Dwain Haines,  
PO Box 55,  
Shingle Springs,  
CA 95682.**

### **Responses to Comment Set 1 (Haines)**

- 1-1 Comments regarding growth in El Dorado County are noted for the record and will be considered by the Board of Supervisors in its consideration of the proposed TIM Fee Program. Please see Section 2.1 of this Final Supplement and the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of how the TIM Fee Program was developed, how the rates for new development were derived and the General Plan policies that require concurrency of roadway improvements and new development.



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## Safari Vineyards

4/21/6

To: Craig McKibbin c/o  
Development Services Department  
2850 Fairlane Court  
Placerville, CA 95667

From: Al Hubbard & Carl Ross  
4272 Safari Trail  
Pilot Hill, CA 95664

re: T/M Fee Program Draft  
Supplement to the General Plan E/R

RECEIVED  
DOT  
2006 APR 26 PM 12: 09

Dear Craig,

The March 2006 TIM Fee 13.000 per parcel program documents seem to have more than a 1 million dollar impact on our property in Pilot Hill - please help us understand what is going on here.

According to table one, page 1-8 of the Traffic Impact Mitigation Fee Program Draft Supplement dated March 2006. Salmon Falls Rd. between Manzanita Lane and Rattlesnake Bar Rd. is documented as condition B in 2001, and condition C in 2004 and 2006 with no significant GP EIR thresholds based on GP Analysis for 2004

and 2006.

On the segment of Salmon Falls Rd., which we frequent, between Safari Trail and State Hwy. 49 at Salmon Falls Cutoff, may we suggest that any novice can easily observe major road bed failure from years of inadequate road maintenance to the extent that major sections may no longer be salvageable with asphalt overlays, but will require complete road base reconstruction.

I have been fortunate in blowing out only 2 tires in 9 years of residency in Pilot Hill - one in the vicinity of South Fork American River Bridge, and the other while exiting State Hwy. 49 onto Salmon Falls Cutoff. Fortunately within 2 or 3 months, both holes were filled with asphalt patch. Unfortunately the entire road segment between State Hwy. 49 and the south fork of the American River needs major repair and improvement.

We are the owners of 72 of the 83 lots at Safari Estates originally developed as Pilot Hill Crossings, an 835 acre Planned Unit Development approved in the early 1990's. It is our understanding that under our development agreement, the road fees which we have paid by contractual agreement were to have been spent on the

2-1  
(cont.)

2-2

improvement of Salmon Falls Rd. We have yet to see any road improvements occur on Salmon Falls Rd., in the vicinity of our property. I have spent the past several days studying a large stack (150+ pages) of documents discussing TIM Fees of the general plan. I must confess that I have no clue when it comes to understanding what the documents mean or how they got to their conclusions. I only have a clear understanding of one thing: page A4 of the Appendix A proposed TIM fee program Rates. It states if I want a building permit, I will pay an additional \$13,650 per lot on top of any anticipated \$13,000 to \$16,000. in other building permit fees to be able to build a single family residence on my property in Pilot Hill. We are more than happy to pay our fair share of fees or assessments that are reasonable and necessary to support our community and repair our roads. What we do not appreciate and have decided not to tolerate are deception, lies and fraudulent dealings. We are not mushrooms, we are very tired of digging through mountains of documents and still not understanding what is going on in the county administration and government.

2-2  
(cont.)

We need the straight answers to the following rumors:

1. We have heard that there is a lawsuit against the county

2-3

which claims these fees as recommended in the March 2006 reports are grossly understated - that the real fees need to be 3 to 5 times higher to address the real costs as adjusted for inflation! True or False?

2-3  
(cont.)

2. We have heard that the board of supervisors has or will agree to raise TIM Fees every few months to reach those levels stated in the lawsuit and that such a settlement has already been made? True or False?

2-4

3. We have heard that these numbers are so astronomical because a small group of developers has made sweetheart development deals with the county and that more than 23,000 approved lots in the vicinity of Eldorado Hills and Hwy. 50 are exempt from the TIM Fees? True or False?

2-5

4. Is it true that the 23,000 units are exempt from the TIM Fees? That these 23,000 lots would fall into the \$28,500 TIM Fee category if they did not have a "sweetheart" development deal and would be able to pay their fair share which should be \$656,650,000. True or False?

5. Is it true that if no one steps forward to challenge the

2-6

validity and fairness of these "sweetheart" development agreements, and investigates them for the possibility of fraud, extortion, bribery, etc, the TIM Fees for the rest of us (lot owners) will be increased to pay for the 650 million dollars these developers do not have to pay? True or false? If it is true that the TIM Fees as presently represented are 3 to 5 times understated - who will make up the 1.5 to 2 billion dollars these developers do not presently have to pay! True or False?

2-6  
(cont.)

6. We have heard that it would take \$700 to \$800 million dollars to bring the existing county road system up to a "completely repaired and serviceable condition." What is the correct number? How will these repairs be funded?

2-7

Here is a summary of how we see things. We are more than happy to pay our fair share of road improvements, school improvements, park improvements, etc.. We are willing to pay our 72 lots, 90% of the \$1,092,000 in road fees charged against our project in Pilot Hill; however your report has no improvements scheduled within 8 miles of our property, no improvements at Salmon Falls Rd. in the vicinity of Pilot Hill, no proposed fund for a bridge between Cool and

2-8

Auburn - we find no improvements that in any way will improve the road system in the vicinity of our project. We understand that there is something called the NEXUS Rule or law, that states, governments may not levy fees and assessments against properties unless a relationship of burden and benefits can be demonstrated. We are also concerned that the county has not shown good faith in that the monies already paid for our road improvement fees have obviously not been spent to improve Salmon Falls Rd. in our area (4 miles in each direction). Where does the county intend to spend the one million dollar contribution collected from our property?

2-8  
(cont.)

If it is true that the county has failed to fund adequate road repairs for the past 20 years, we believe this error should be corrected with funds from the overall property tax rolls or from a special increase in gasoline tax - it won't matter what the price of gasoline is, if there are no serviceable roads to drive on.

2-9

Finally if it is true that the county has given a few wealthy developers hundreds of millions of dollars of windfall profits at the expense of the citizens of this county we will be happy to contribute our proration share of whatever it may cost in legal fees to bring in enough

2-10

investigators and prosecutors to get to the bottom of what happened and recover the funds! Or cancel the sub-divisions so the rest of us don't bear the burden of providing the infrastructure, so that a few wealthy developers can ride the backs of the local taxpayers.

2-10  
(cont.)

Thanking you in advance, for your prompt response to our questions.

Sincerely *Al Hubbard*

Al Hubbard & Carl Ross

Cell 916 799 -1027

Pilot Hill, CA 95664



## Responses to Comment Set 2 (Hubbard/Ross)

- 2-1 Comments concerning the conditions of Salmon Falls Road are noted for the record. The proposed TIM Fee Program is intended to provide funding for roadway improvements required as a result of new development. Maintenance on County roads is funded primarily through State gas tax revenue; maintenance generally cannot be funded through a development impact fee.
- 2-2 This comment is noted for the record. The comment does not raise environmental issues pertinent to the CEQA review. For a discussion of how the proposed TIM fees were calculated and the improvements that they would finance, please see the August 2006 staff report for the 2004 General Plan TIM Fee Program.
- 2-3 This comment is noted for the record. There has been a lawsuit filed challenging the adequacy of the interim TIM fee program adopted in September 2005, entitled No Gridlock v. El Dorado County Board of Supervisors, et al. The lawsuit is El Dorado County Superior Court Case PC20050589. The complaint filed in the lawsuit sets forth the claims asserted by the plaintiff in the aforementioned lawsuit.
- 2-4 This comment is noted for the record; however, the comment does not raise environmental issues. Please note that the General Plan requires that the TIM fees be updated on an annual basis. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion regarding TIM Fee Program implementation.
- 2-5 This comment is noted for the record; however, the comment does not raise environmental issues. Please note that all new development, including development subject to existing Development Agreements, will be subject to the TIM fees at the time of building permit issuance.
- 2-6 The Development Agreements referenced in the comment were approved in the 1980s and 1990s. As noted above in Response 2-5, approved development agreements are subject to the fees that are in effect at the time building permits are issued for each individual residence. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion regarding TIM Fee Program implementation.
- 2-7 This comment is noted for the record; however, the comment does not raise environmental issues. Note that the County's annual roadway maintenance budget is approximately \$14 million and is primarily funded through state gas tax revenues.
- 2-8 This comment regarding roadway improvements within the vicinity of Pilot Hill is noted for the record; however, the comment does not raise environmental issues. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion nexus and of how the rates for new development were derived.
- 2-9 This comment regarding road repairs is noted for the record; however, the comment does not raise environmental issues. Note that the proposed TIM Fee Program provides funding for roadway improvements that have been determined necessary based on projected new development/growth within El Dorado County and does not provided funding for on-going or deferred roadway maintenance. Maintenance on County roads is funded primarily through State gas tax revenue; maintenance generally can not be funded through a development impact fee.

2-10 This comment is noted for the record; however, the comment does not raise environmental issues.

**Comment Set 3**

RHolmes001@aol.com

To cmckibbin@co.el-dorado.ca.us

cc

04/30/2006 08:41 PM

Subject TIM Fee CEQA

Dear Mr. McKibbin:

When we voted last March to approve the General Plan by the narrowest of margins, we were promised by the leadership that our County would "LIMIT GROWTH, FIX TRAFFIC"

What we see now looks nothing like that. We are seeing traffic more like that of San Jose in our county, rather than one of the more beautiful parts of the Sierra Nevada. We need traffic problems addressed now, not 10 or 20 years from now, as the current traffic impact mitigation plan indicates.

3-1

Apparently, road improvements needed to fix extra traffic occurring in the near future are being scaled back from those identified in the General Plan and its Environmental Impact Report. Alternatives are being ignored. I think it is imperative (and the only legal thing to do) that we have a full Environmental Impact Report on the traffic fees. Our county should make all road improvements the county promised, as specified in the General Plan we voted for.

3-2

3-3

3-4

Thanks for your attention and consideration,

Richard Holmes  
3357 Chasen Drive  
Cameron Park, CA 95682  
530-676-0999

### **Responses to Comment Set 3 (Holmes)**

- 3-1 These comments regarding the timing of roadway improvements are noted for the record; however, they do not raise environmental issues. The County is in the process of constructing and designing several roadway improvement projects. The proposed TIM Fee Program would provide a mechanism for continued and on-going funding of roadway improvements necessary as a result of development within the County.
- 3-2 As discussed in the Draft Supplement, the TIM Fee Program analysis identified roadway improvements that are different from those identified in the General Plan EIR analysis (see Draft Supplement Section 2.3.2, pages 2-3 - 2-6 for a discussion of the analyses). There is an overall reduction in the number of improvements, but the improvement set is based on what is necessary to meet all General Plan level of service standards. Levels of service on some roads will vary from the levels projected in the General Plan EIR analysis, and for this reason the County has prepared the Supplement to the General Plan EIR. However, the variations do not change the determination that all roadway segments will achieve General Plan level of service policies.
- 3-3 This comment regarding the preparation of a full EIR is noted. Please see Section 2.2 of this Final Supplement for discussion of the decision to prepare a Supplement to the General Plan EIR.
- 3-4 Comments regarding the roadway network identified in the General Plan are noted and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of the roadway improvements associated with the TIM Fee Program. The proposed TIM Fee Program would not preclude the County from constructing additional roadway segments consistent with the General Plan, should subsequent TIM Fee Program updates demonstrate the need for such improvements or if other funding should become available for those additional improvements. But additional improvements are not anticipated to be necessary to meet General Plan level of service standards under current projections.

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**Comment Set 4**

"Butch Gardner" <kroozesafe@d-web.com>

To <cmckibbin@co.el-dorado.ca.us>

cc

04/30/2006 05:35 PM

Subject Traffic Impact Fee decisions!

Mr. Craig Kibbon,  
c/o Development Services Dept.

As a private citizen of Shingle Springs in El Dorado Co. for the past 27 years I would like to see the following decisions made when the TIM is reviewed!! Respectfully I would like to see our Supervisors do the job we elected them for and what most of them promised when they ran for election!! Here are the points I would like to see discussed and decided upon:

- |   |  |            |
|---|--|------------|
| The TIM fees should be fully funded for the next 10 years!!!! Yes, that's "Fully Funded!"   |  | <b>4-1</b> |
| Make all the "ROAD" improvements that were listed in the approved General Plan!!!!  |  | <b>4-2</b> |
| I insist that as an elected official, you request and have a full EIR performed on the proposed 2006 final TIM fee program!!!!  |  | <b>4-3</b> |
| I also feel that "ALL" developers should "Pay" up front for all the required road improvements that their project requires !!!!!<br>** AS a private homeowner I must pay all these fees if I want to split property or build, why are developers any different? |  | <b>4-4</b> |
| I request all the supervisors to remember their campaign pledge to "LIMIT GROWTH and FIX TRAFFIC!!!!"   |  | <b>4-5</b> |

Respectfully submitted -- Butch Gardner  
677-4761

#### **Responses to Comment Set 4 (Gardner)**

- 4-1 This comment regarding the period of the TIM Fee Program is noted for the record, and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of policy issues associated with the proposed TIM Fee Program.
- 4-2 This comment regarding the road improvements identified in the General Plan is noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of the roadway improvements associated with the TIM Fee Program.
- 4-3 This comment regarding the preparation of a full EIR is noted for the record. Please see Section 2.2 of this Final Supplement for discussion of the decision to prepare a Supplement to the General Plan EIR.
- 4-4 This comment is noted for the record. Under the proposed TIM Fee Program, all new development is required to pay fees prior to the issuance of a building permit.
- 4-5 This comment and request is noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program.

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**Comment Set 5**

**Arthur Stidfole & Kathryn Bauer**  
<stidfole@mac.com>

To cmckibbin@co.el-dorado.ca.us  
cc

04/30/2006 05:37 PM

Subject TIM fee changes

Dear folks,

Please let it be known that a full EIR needs to be done on the 2006 TIM fee plans; TIM fees should not be extended to 20 years, all needed fund should be collected in 10 years; General Plan road improvements should not be skimmed upon just to make development easier. Please stop selling us out to the lowest bidder!!!!

Your culture of graft and dishonesty has gone on long enough. The people deserve better.

Sincerely,  
Arthur Stidfole

5-1

5-2

### **Responses to Comment Set 5 (Stidfole)**

- 5-1 This comment regarding the preparation of a full EIR is noted for the record. Please see Section 2.2 of this Final Supplement for discussion of the decision to prepare a Supplement to the General Plan EIR.
- 5-2 These comments are noted for the record; however, they do not raise environmental issues.

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Brad Gardner <bradgardner@prodigy.net>

To cmckibbin@co.el-dorado.ca.us

cc

04/28/2006 02:59 PM

Subject TIM Fee CEQA comment

Craig,

It appears you are the official repository of comments on this which are due by May 1.

My comments are based purely on my self interest in a development project recently on the books with Development Services known as Tullis Mine Condominiums. The 6.5 ac parcel is located in the Diamond Springs / El Dorado community district, and is located approx 1 mile down Patterson Dr on the north, at the intersection of Anteres Dr and Tullis Mine.

As a former commissioner for the City of Folsom, I know just enough to be dangerous about the Nexus (sp?) requirement for your new TIM fees. However, after reviewing the documents involved, I could no more trace the Nexus than if was reading hieroglyphics. So, how can I object to what are certain to be very onerous DOT mitigation fees for a 40 unit condominium complex when I need a schooled interpreter to make an intelligent comment? Layman such as myself need a "quick start" guide or some such synopsis (similar to the voting pamphlets pro / con) that helps layout the major impacts and to whom they apply. If one exists, my apologies I simply missed it.

To go on the record, I object to paying these substantial impact fee increases when I am unable to determine how the nexus was derived.

Sincerely,

Brad Gardner  
P.O. Box 1705  
Diamond Springs, CA 95619

530-344-0222

### **Responses to Comment Set 6 (Gardner)**

- 6-1 These comments regarding nexus and objections to the proposed TIM fees are noted for the record and will be considered by the Board of Supervisors in its deliberation of the Proposed TIM Fee Program. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of policy issues associated with the proposed TIM Fee Program.

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**Comment Set 7**

"Robert W. Meyer" <rwmeier@mac.com>

To cmckibbin@co.el-dorado.ca.us

cc

04/30/2006 04:32 PM

Subject TIM Fee CEQA

Mr McKibbin,

We have been residents of the county for 21 years. In that time we have been mightily disappointed by the actions of the the BoS regarding traffic mitigation measures.

We really believe it is past time for the BoS to competently and adequately address the traffic and development problems in the county.

We really expect the County to make all the road improvements previously promised and what the General Plan specified. To accomplish all that was promised to the citizens of this County, a fully funded 10-year TIM fee is required. We expect to see exactly that.

7-1

We certainly recall the "Limit Growth, Fix Traffic" campaign, and we expect to see enough money to improve or build new roads as needed to fix the traffic problems, as promised.

The funds need to be collected up front, no more letting the development community get by, and we end up having to pay.

Finally, we believe that a complete and full Environmental Impact Report on the 2006 Final Traffic Impact mitigation fee program is required, and should certainly be completed. A so-called Supplemental Study is simply not adequate for the problems involved.

7-2

We do not accept that making rich developers richer, and taxpayers poorer. We also really want to know, on what basis is the 8 lane improvement from Ponderosa to the county line no longer necessary to accommodate growth? We drive that section every day, and can attest it is a problem now, without the growth.

7-3

Robert, Virginia and Kristen Meyer  
3821 Crosswood Drive  
Shingle Springs

### Responses to Comment Set 7 (Meyer)

- 7-1 These comments and expectations concerning roadway improvements are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of policy issues associated with the proposed TIM Fee Program.
- 7-2 This comment regarding the preparation of a full EIR is noted for the record. Please see Section 2.2 of this Final Supplement for discussion of the decision to prepare a Supplement to the General Plan EIR.
- 7-3 The program level of analysis conducted for the General Plan EIR considered individual segments of mainline U.S. 50, but did not account for certain specific U.S. 50 factors such as road geometry, interchanges, and interchange ramps and auxiliary lane influences on mainline operations. The program level of analysis was appropriate for the General Plan EIR. However, the County determined that a more detailed analysis was necessary for the TIM Fee Program to more specifically determine the U.S. 50 improvements necessary for achieving General Plan level of service requirements. As such, the TIM Fee Program analysis of U.S. 50 (Dowling, 2006a) considered specific roadway geometry and interchange ramp and auxiliary lane operations. In addition, the TIM Fee Program analysis of U.S. 50 considered projected traffic volumes based on two separate model forecasts – the El Dorado County model (which was also used for the General Plan EIR analysis) and the SACMET model (Metropolitan Transportation Plan 2027 version) – and identified improvements necessary based on the maximum forecast produced by the two models for each given directional segment of U.S. 50 (see Dowling 2006a page 2). As a result of this more detailed modeling input and the multiple forecast inputs, the TIM Fee Program more precisely identified U.S. 50 improvements necessary to achieve General Plan level of service policies for U.S. 50 and determined that the improvements identified in Table 5 of the Draft Supplement (page 2-6) would be necessary for achieving General Plan level of service requirements for U.S. 50.



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April 28, 2006

El Dorado County  
 Department of Transportation  
 Richard Shepard, Director  
 2850 Fairlane Court  
 Placerville, California 95667

VIA FACSIMILE: 530-626-0387

RE: Comments to the Draft Supplement to the General Plan EIR - Traffic Impact Mitigation (TIM) Fee Program and protest to paying the Interim TIM Fees in Zone 1

Dear Mr. Shepard:

I have the following objections to the validity of the Traffic Impact Mitigation (TIM) Fee Program:

1. Residential Unit bearing 94% of the cost of improvements is not justifiable especially since other uses (retail, office, AM/PMs, restaurants, shopping malls, etc.) are proven to generate more trips and increase traffic per the ITE Trip Generation Manual. The argument that if the residences were not there then other uses would not be built is a false statement.
2. The County must use common use factors for calculating fees for all uses. The nexus refers to the number of trips generated however fails to justify the rationale that residential use is responsible for 94% of the total improvements. This is not in compliance with an acceptable calculation method and does not use the appropriate common use factor.
3. By identifying 6% of the fees for all other uses the County is not collecting a fair share from the various uses. Residential use produces significantly fewer trips than retail, restaurant, convenience stores, drive thru – fast food restaurants, office and other commercial uses. This appears to favor big developers at the cost to individuals.
4. Justification that Zone 1 needs to mitigate traffic by contributing to improvements that are over 50 miles away is illegal under AB1600 since there is not a reasonable relationship to the impact the fee is intended to mitigate. Additionally, each fee collected must be clearly accounted for and when I requested a list of all the TIM fees collected in Zone 1 and El Dorado County was not able to provide this information.
5. Impact fees can not be collected on new development to correct existing deficiencies. Zone 1 is a slow-growth community. All the claimed impacts are

8-1



already existing. I was told by El Dorado County staff the TIM fees would be used for maintenance, traffic improvements on Highway 50 at the two signals in Placerville, various on and off ramps and highway interchanges. The issues at the two signals in Placerville are existing deficiencies, maintenance is not an impact that can be mitigated, and Zone 1 is projected to only have 95 dwelling units that do not support the enormous impact fees.

6. A deficiency that is the responsibility of the State of California can not be mitigated by the County of El Dorado. El Dorado County is not responsible for maintaining Highway 50.
7. The need for interchanges throughout other Zones in the County are not a result of new development in Twin Bridges. There are no identified projects in Zone 1. Zone 1 fees can not be substantiated.
8. Development impact fees can not be assessed for operation and maintenance of capital facilities.
9. How were the Zones determined and why is Zone 1 so large?
10. Explain to me how the collection of this fee is justifiable under the Subdivision Map Act. How can you mitigate impacts on an existing subdivision? Please identify the impacts that are mitigated by the Zone 1 fees and which projects are in Zone 1? How will the funds be tracked to determine if the funds are expended on constructed improvements within five (5) years of being collected?
11. Due to all the above reasons, the TIM fees are a tax and subject to approval of 2/3 of the registered voters in El Dorado County.

8-1  
(cont.)

In addition to my comments and concerns of the Draft Supplement to the General Plan EIR and the Interim TIM Fees, please consider this my written protest to paying the Traffic Impact Mitigation (TIM) fees for Zone 1.

8-2

Cordially,



Robin Ruddock Borre  
9008 Hooded Crane Court  
Sacramento, California 95829  
916/681-5505  
916/681-5507 fax  
Permit number 172555

cc: Norma Santiago, Supervisor District Five  
330 Fair Lane  
Placerville, California 95667  
VIA FACSIMILE: 530-622-3645

### **Responses to Comment Set 8 (Borre)**

- 8-1 These comments are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of policy issues associated with the proposed TIM Fee Program.
- 8-2 This comment is noted for the record.

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**Comment Set 9**

Al Vargas <vargas@directcon.net>

To cmckibbin@co.el-dorado.ca.us

cc

05/01/2006 07:29 AM

Subject TIM Fee CEQA

Dear Mr. Craig McKibbin:

Thank you for the opportunity to comment on the Draft Supplement to the El Dorado County General Plan Environmental Impact Report (Draft Supplement). In July 2004, the El Dorado County Board of Supervisors adopted the General Plan. The voters subsequently, ratified this General Plan by a slim majority but a majority nevertheless. The Board of Supervisors sold this initiative as a means to fix traffic and embodied in the General Plan are policies to accomplish this promise.

You are calling your proposal a "refinement" of the prior analyze. I do not think this term is appropriate. An alteration would or a departure would be more appropriate. I do not see how this is possible given that the voters approved the General Plan.

The General Plan contains the policies, goals, objectives, and standards the will guide its implementation. Since there is a covenant with the voters, by way of Measure B, these policies and standards must not be altered. I find your proposal inconsistent with Policy TC-Xa items 2 and 3. By my count, you are proposing to add 24 segments of roads to those significantly impacted. You do on the basis that a more "refined" and detail analysis leads to this conclusion. This is unacceptable. No such caveats were placed on the General Plan when it was developed. Policy TC-Xa(2) is clear and unambiguous that any additional segments would require voter approval. Clearly this proposal is inconsistent and not in compliance with the provisions of the General Plan.

9-1

The Traffic Impact Fee Program must also be consistent with General Plan policy TC-Xa(3) in that impact fees must mitigate the impacts. That includes a fee structure that matches the development of the impacts so that improvements may be made in a timely manner to maintain service. Your proposed schedules do not accomplish that.

Finally, the proposal is a significant deviation from the General Plan and as such a General Plan amendment would be appropriate. I would appreciate in being informed as how this is possible after the commitments made by the Board of Supervisors and the covenant with the citizens. Nevertheless, if the county insists on proceeding with this proposal, then a supplement to the EIR is inadequate avenue for compliance with the California Environmental Quality Act (CEQA). Appropriate would be a complete EIR with identification of alternatives and mitigation measures.

9-2

Thank you for the opportunity to comment.

Al Vargas

### Responses to Comment Set 9 (Vargas)

- 9-1 These comments are noted for the record. The TIM Fee Program would not alter the policies or standards contained within the General Plan. The road improvements funded through the TIM Fee Program, though not inclusive of all of the improvements identified in the General Plan circulation diagram, would achieve the level of service policies of the General Plan. With the improvements called for under the proposed TIM Fee Program, all roadway segments will achieve General Plan level of service policies. The analysis conducted for the TIM Fee Program and presented in the Draft Supplement identified 19 additional roadway segments (as compared to the General Plan EIR analysis) that are projected to exceed the General Plan EIR thresholds of significance. These additional impacts are not inconsistent with the General Plan level of service policies. As discussed in the Draft Supplement (page 2-2), Policy TC-Xa(2) requires that the County shall not allow roadway segments to operate at LOS F excepting the roadway segments identified in Table TC-2 of the General Plan (and Table TC-3 after December 31, 2008) without voter approval. The roadway improvements funded by the proposed TIM Fee Program would not result in any additional roadway segments that would operate at LOS F or worsen the levels of service on the segments listed in Table TC-2. Policies of Goal TC-X of the 2004 General Plan address the issue of concurrency of roadway improvements and new development. Please see Section 2.1 of this Final Supplement and the August, 2006, staff report for the 2004 General Plan TIM Fee Program for discussion of the General Plan policies that require concurrency of roadway improvements and new development.
- 9-2 As discussed in the Draft Supplement, the proposed TIM Fee Program would implement Measure TC-B of the General Plan and the analysis conducted for the proposed TIM Fee Program identifies and includes funding for roadway improvements necessary to achieve General Plan level of service policies. As such, the proposed TIM Fee Program is consistent with the General Plan and would not require an amendment to the General Plan. Please see Section 2.1 of this Final Supplement for discussion of the decision to prepare a Supplement to the General Plan EIR.

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**Comment Set 10**

Phil Stokes <eslhotel@yahoo.com>

To cmckibbin@co.el-dorado.ca.us

cc

05/01/2006 12:26 AM

Subject TIM

We expect the County Board of Supervisors to keep the promises they made to the voters of this county in the last election, i.e. LIMIT GROWTH & FIX TRAFFIC. We expect you to:

Collect enough money to build or improve the roads needed to fix traffic, as promised in the General Plan.

**10-1**

Approve a fully funded 10-year TIM Fee. Collect the money for road improvements up front, in 10 years, and build the roads as they are needed to accommodate new growth.

Make all road improvements the County promised and the General Plan specified.

Conduct a full Environmental Impact Report (EIR) on the 2006 Final Traffic Impact Mitigation Fee Program.

**10-2**

Phil Stokes  
4070 Cactus Road  
Shingle Springs

Phil

### **Responses to Comment Set 10 (Stokes)**

- 10-1 These comments are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of policy issues and roadway improvements associated with the proposed TIM Fee Program.
- 10-2 This comment regarding the preparation of a full EIR is noted for the record. Please see Section 2.2 of this Final Supplement for discussion of the decision to prepare a Supplement to the General Plan EIR.

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**Comment Set 11**

Ahola <Riverbox@sunset.net>

To cmckibbin@co.el-dorado.ca.us

cc

04/30/2006 10:29 PM

Subject TIM Fee CEQA

Craig McKibbin  
c/o Developmental Services  
2850 Fairlane Court  
Placerville, CA 95667

April 30, 2006

Dear Mr. McKibbin,

I would like to state that El Dorado County needs to conduct a full Environmental Impact Report on the 2006 Final Traffic Impact Mitigation Fee Program. In addition, the County needs to collect enough monies to build or improve the roads needed to fix traffic, as promised in the General Plan. If we are really going to "LIMIT GROWTH & FIX TRAFFIC" then some serious thought should be put into it, right?

11-1

11-2

All road improvements that the County has promised (and that the General Plan has specified) need to happen. And we need a fully funded TEN year TIM Fee.

Thank you very much for your consideration.

Sincerely,

Kelly N. Ahola  
P.O. Box 932  
Lotus, CA 95651

### **Responses to Comment Set 11 (Ahola)**

- 11-1 This comment regarding the preparation of a full EIR is noted for the record. Please see Section 2.2 of this Final Supplement for discussion of the decision to prepare a Supplement to the General Plan EIR.
- 11-2 These comments are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of policy issues and funding assumptions associated with the proposed TIM Fee Program and a discussion of the differences between a 10-year TIM Fee Program and 20-year program.

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Comment Set 12

"Julie Leimbach"  
<julie@sierranevadaalliance.org>

To <cmckibbin@co.el-dorado.ca.us>  
cc

04/30/2006 09:36 PM

Subject Comments on the Supplement to the General Plan EIR addressing  
Traffic Impact Mitigation (TIM) Fees

Please respond to  
<julie@sierranevadaalliance.org>

To Whom It May Concern,

I am writing to give comments on the Supplement to the General Plan EIR addressing Traffic Impact Mitigation (TIM) Fees.

I think it imperative that El Dorado County develop and implement a **fully funded 10-year** TIM Fee. In order to do develop such a TIM Fee Plan, I also think it necessary the County conduct a full Environmental Impact Report (EIR) on the 2006 Final Traffic Impact Mitigation Fee Program. How can the County analyze options if a full EIR has not been conducted?

12-1

12-2

The County should absolutely collect enough money to build or improve the roads needed to fix traffic, as promised in their General Plan since this was promised when voters voted in the 2004 General Plan. The Limit Growth and Fix Traffic promise the Supervisors made to the voters needs to be validated by collecting enough money to actually come through on the promise. In order to do this, it is crucial that the County collect money for road improvements up front, in 10 years, and build the roads as they are needed, concurrent with growth. The alternative - collecting money after the road deteriorate further due to further growth is a negligent, reactionary, too late, too little kind of response to a problem we are already having now. So, collect the money now, start working on the roads now, and when they get to a serviceable level again, then allow development. These road improvements should include all those that the County promised and the 2004 General Plan specified. That's what we voted on and that's what we want to receive in road improvements - if not more!

12-3

The core of my message is the TIM Fee must be a fully funded 10-year plan.

Thank you for taking public input and making our recommendations part of your strategy as you go forward with the Traffic Impact Mitigation Fee Plans.

Sincerely,  
Julie Leimbach and Kurt Seckington

P.O. Box 713

1230 Scott Rd.

Lotus, CA 95651

### **Responses to Comment Set 12 (Leimbach/Seckington)**

- 12-1 This comment is noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of policy issues associated with the proposed TIM Fee Program.
- 12-2 This comment regarding the preparation of a full EIR is noted for the record. Please see Section 2.2 of this Final Supplement for discussion of the decision to prepare a Supplement to the General Plan EIR.
- 12-3 These comments are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of policy issues associated with the proposed TIM Fee Program.

Note that roadway improvements throughout the County are being implemented and planned on an on-going basis. The TIM Fee Program would provide revenue for roadway improvements associated with new development within the County and fees would be collected concurrent with the issuance of building permits.



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05/01/2006 09:20 10300410014 ALPUBRMCU PAGE 01

RECEIVED  
DOT

2006 MAY -1 AM 8:50

Alice Q. Howard  
1487 Crooked Mile Court  
Placerville, California 95667

06 MAY -1 AM 8:30  
RECEIVED  
PLANNING DEPARTMENT

30 April 2006

Craig McKibbin  
C/O Development Services Department  
2850 Fairlane Court  
Placerville, California 95667

Fax: 530/642-0508  
email: cmckibbin@co.el-dorado.ca.us

Re: Draft Supplement to the El Dorado County General Plan EIR  
Traffic Impact Mitigation Fee Program

Dear Mr. McKibbin:

Please accept these comments on the Draft Supplement to the El Dorado County General Plan EIR.

I note with dismay that this document makes major changes to the Circulation Element proposed in the General Plan and its EIR in the interest of making Traffic Impact Mitigation (TIM) fees more affordable. This is unacceptable. Supervisors who voted for and, with others, campaigned for the approval of the General Plan in the referendum in March 2005 promised to "Limit Growth, Fix Traffic". Now they are having to face the fact that TIM fees needed to conform to the requirements of Measure Y, approved by the voters in 1998, are very large. The Supplement to the General Plan treats creative ways to reduce the size of those TIM fees to make them more acceptable.

13-1

**Legal requirements**

Measure Y requires that "Developer-paid traffic impact fees shall *fully pay* [emphasis added] for building all necessary road capacity improvement to full 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."

Further, Measure Y states that "The County shall not add any additional segments of Highway 50, or any other roads, to the County's list of roads that are allowed to operate at Level of Service 'F' (gridlock) without first getting the voter's [sic] approval."

13-2

Further, general planning law requires that growth be limited to existing road capacity or that road capacity must be increased.

If TIM fees aren't adequate to fulfill these conditions, traffic levels will exceed LOS F and the supervisors will be in violation of their own general plan.

**What is being proposed**

In order to accomplish reducing the TIM fees, the County is proposing, first, to stretch the period over which to collect those fees from ten years to twenty years. This will approximately halve the money collected in the first ten years, to \$356 million, whereas we were told that \$630 million was needed to "Fix Traffic". Even that amount is suspect because the figures are not current and do not.

13-3

Howard to McKibben  
30 April 2006, pg. 2

therefore, take into consideration the considerable escalation in cost that has occurred since, especially with the recent spiraling cost of oil (asphalt) and other building materials. (Note that recent bids for widening Green Valley Road exceeded the Department of Transportation's estimates by \$2.3 million according to the Mountain Democrat of 24 April 2006, while the low bid on the Missouri Flat Road-Highway 50 Interchange Project came in about 37% higher than the allocated funding according to the Sacramento Bee of 9 March 2006. According to the Business Journal of 21 April 2006, cement prices in the last year rose 14.2% and diesel prices rose by 31%. Oil, which we all know has risen sharply, is also involved in the cost of asphalt.)

13- 3  
(cont.)

A second proposal is to scale back the road improvements "needed" to meet the Measure Y requirements from those identified in the General Plan. One example of this is the change from the General Plan's specifying that Highway 50 will have to have eight lanes east from the Sacramento County boundary lane to Ponderosa Road (Shingle Springs). Now we are told that eight lanes won't be needed. And 19 road segments that will be allowed to deteriorate in LOS have been added in the Supplement to those listed in the General Plan EIR (Table 2, p. 20; p. 3-3). We were supposed to believe the accuracy of the Fehr and Peers analysis for the General Plan EIR; now we are supposed to believe the accuracy of the changes proposed by the Dowling Associates analysis. A consequence for at least one reader is to lose confidence in the accuracy of either analysis.

13-4

In summary, the Supplement to the EIR proposes to take twice as long to raise about half as much funding, and necessary road improvements appear to allow deterioration in level of service over that identified in the original EIR.

13-5

Third, the Supplement analyses only one alternative, whereas the citizens advisory committee developed some ten approaches to TIM fees.

13-6

#### Summary

The only acceptable course of action is to:

- Conduct a full EIR, including alternatives, on the 2006 Final Traffic Impact Mitigation (TIM) Fee Program.
- Collect enough money to fully fund building or improving the roads as promised in the General Plan. Remember the campaign promise to **LIMIT GROWTH, FIX TRAFFIC.**
- Collect the needed money over ten years, not twenty years, and make the needed improvements concurrent with growth.

13-7

Thank you for this opportunity to comment.

Very truly yours,

*Alice Q. Howard*

Alice Q. Howard

### Responses to Comment Set 13 (Howard)

- 13-1 These comments are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. As discussed in the Draft Supplement, the proposed TIM Fee Program would implement Measure TC-B of the General Plan Circulation Element and the analysis conducted for the proposed TIM Fee Program identifies and includes funding for roadway improvements necessary to achieve General Plan level of service policies. The proposed TIM Fee Program is consistent with, and does not make changes to, the General Plan Circulation Element.
- 13-2 This comment is noted for the record. As noted in Response 13-3, the proposed TIM Fee Program would not result in any additional roadway segments that would operate at LOS F or otherwise result in any exceedance of the General Plan's level of service requirements. The 19 additional roadway segments that would exceed the threshold of significance for traffic impacts (compared to the General Plan EIR analysis) would operate at levels of service consistent with General Plan requirements.
- 13-3 These comments are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of funding and other policy issues associated with the proposed TIM Fee Program.
- 13-4 As discussed in the Draft Supplement (Section 2.3.2, pages 2-3 through 2-6), the traffic analysis performed for the TIM Fee Program was able to incorporate more precise data and methodology than that used for the program-level traffic analysis conducted for the General Plan EIR. The consideration of this additional information allowed for a greater degree of refinement in traffic projections. The analysis also showed that certain improvements were not necessary to attain General Plan level of service standards. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for a more detailed discussion of the additional analysis completed and the roadway improvements identified through that process. As noted earlier, although certain roadway segments will experience lower levels of service than previously projected, the levels of service are projected to achieve the standards established in the General Plan.
- 13-5 This comment is noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of the funding differences between a 10-year TIM Fee Program and 20-year TIM Fee Program.
- 13-6 The General Plan EIR evaluated a full range of General Plan alternatives. These alternatives included several different Circulation Element policy sets and circulation diagrams. The roadway improvement program that underlies the proposed TIM Fee Program is consistent with the Circulation Element ultimately adopted by the Board. The Supplement to the General Plan EIR prepared for the proposed TIM Fee Program is intended to provide supplemental information regarding the variations in the impacts previously identified in the General Plan EIR that have been identified through the traffic analysis conducted for the TIM Fee Program, and does not require a new alternatives analysis.

The various options developed by the Citizens Advisory Committee and referenced by the commentor, identified various ways to spread the costs of the TIM fee program; these options did not alter the roadway improvements called for as part of the program and required no revision of the traffic analysis. The proposed allocation of fees is based on growth projections contained in the General Plan EIR and will not result in any environmental impacts. Accordingly, a CEQA review of various TIM fee cost allocation options is not required. In the event that future information regarding development warrants a revision in the assumptions underlying the TIM Fee allocation, that information will be considered as part of the TIM Fee Program update process, and the need for further CEQA review will be considered at that time.

- 13-7 These summary comments are noted for the record. Please see responses to each of the issues above.

**Robert S. Slater, P.E.  
4551 Rivendale Road  
Placerville, CA 95667**

**April 30, 2006**

**County of El Dorado, Department of Development Services  
2850 Fairlane Court  
Placerville, CA 95667**

**Attention: Craig McKibbin**

**Subject: Comments to *Traffic Impact Mitigation (TIM) Fee Program Draft Supplement to the General Plan EIR***

Dear Mr. McKibbin:

Pursuant the Department of Transportation's invitation to comment to the *Traffic Impact Mitigation (TIM) Fee Program Draft Supplement to the General Plan EIR*, I submit the comments to follow.

As with many County employees, I live in El Dorado County. In fact, I have lived in El Dorado County for the past twenty three years. Since private property ownership and land use issues sometimes intersect with my duties as a Department of Transportation employee, I request that your treat these comments as my own, written with the perspective of a property owner and citizen of this County.

My comments are as follows:

- 1.) A fair and reasonable argument can be made that the environmental impacts associated with the current County of El Dorado Ranch Marketing and Winery Ordinances have not been properly mitigated in the proposed Traffic Impact Mitigation Program. Specific uses allowed by right through provisions of these two ordinances allow for the generation of non-mitigated traffic impacts. The Circulation Element of the General Plan does not acknowledge the trip generation for the highest allowable use from agriculturally zoned properties covered by the two ordinances and therefore the proposed Traffic Impact Mitigation program fails to mitigate impacts from these land uses. This lack of appropriate mitigation is especially evident in cases of agricultural development, such as wineries, where many trip generating events, such as weddings or events such as passport weekend, are hosted in temporary facilities located outdoors on the grounds of the agriculturally-zoned property.

Additionally, I submit that the rights allowed for in the Ranch Marketing and Winery Ordinances result in conversion of undeveloped open space or agricultural land to more intense commercial land uses than those which have been contemplated in the General Plan Circulation Element, and therefore in the proposed Traffic Impact Mitigation Program. With land uses such as these, the traffic volumes generated through promotional and other similar events are disproportional to traffic volumes that are computed by utilizing the size or type of use of a commercial structure located on the property. An example is a tasting room. It is not evident from the body of evidence that a mitigation fee based upon the size (square-footage) of structures sited on parcels with qualifying zoning will provide for ample mitigation when related to the actual amounts of traffic generated through land use entitlements allowed by these ordinances.

Additionally, it is not evident that a correlation to the amount of agricultural product produced by a commercial agricultural land use reflects actual trips generated by the kinds of events allowed by these ordinances.

- 2.) Impacts created by uses allowed by the Ranch Marketing and Winery Ordinances were never evaluated through a previous programmatic environmental assessment and therefore impacts resulting from these allowed uses have not been previously mitigated through prior Traffic Impact Mitigation Programs. Cumulative impacts associated with prior and future uses allowed by the Ranch Marketing and Winery Ordinances are not identified or adequately addressed in the General Plan Circulation Element and therefore these impacts are not mitigated in the proposed Traffic Impact Mitigation Program. An example of the cumulative effects of an unmitigated condition is the condition the currently exists during the fall promotional harvest season in the Apple Hill area of Camino.
- 3.) Some of the promotional events permitted by the Ranch Marketing and Winery Ordinances are allowed with no limits on the number of events and attendance levels. These events are allowed by right to properties with applicable agricultural zoning such that the analysis to evaluate environmental or traffic-related impacts is intricate.

Examples are:

- Ranch Marketing permitted by right:
  - Picnic Areas
  - Sale of handicrafts
  - Vendors may use site for overnight RV camping
  - Gift areas not including handicraft, pre-packaged goods
  - Bake shop
  - Prepared food stand

- Special Events that may last for three days up to 125 people
  - Marketing Promotional events with no limit on number in attendance or number of events
  - Sale of alcoholic beverages
  - Museums
  - Agricultural Homestays (lodging)
- Added in addition to above through Winery Ordinance:
    - Tasting rooms
    - Winery tours
    - Special Events up to 250 people

Therefore, a fair and reasonable argument can be made that the trip generations represented in the General Plan Circulation Element and associated proposed Traffic Impact Mitigation Program analysis have not been calibrated to the highest permissible uses provided for by the Ranch Marketing and the Winery Ordinances, and therefore are likely understated. Again, one just has to look at the cumulative impacts in the Apple Hill area that were a direct result of the same unmitigated allowable uses.

- 4.) Peak timing of traffic on roadways located in rural areas does not necessarily occur during the traditional months, on weekdays or at the same time of day as on roadways that experience large work week commutes. Many of the County's rural roadways provide for recreational access and traffic peaks are highest on weekends. It is not evident from the body of evidence that impacts from traffic generated by commercial events associated with highest allowable use on agricultural land provided for by the Ranch Marketing and Winery Ordinances have been analyzed relative to the true corresponding peak. Therefore one is unable to determine the actual level of service during these peak periods and whether the General Plan traffic level of service worsening provisions are triggered. This element does not appear to have been appropriately evaluated in the General Plan Circulation Element or in the proposed Traffic Impact Mitigation Program. Again, one can look at the Apple Hill area on weekends during the fall marketing season to witness the effects.
- 5.) An assumption contained within the methodology of the proposed Traffic Impact Mitigation Program is to shift the burden of traffic impacts generated by commercial land uses to residential uses. At the January 2006 Board of Supervisors workshop, it was stated that the traffic model predicted a trip-generation relationship of approximately 60% residential and 40% commercial; however the corresponding responsibility for commercial was placed at approximately 6%. This shift is evident in the lower fee component associated with commercial uses as compared to



corresponding fee component of the residential uses. This shift was rationalized under the assumption that the commercial land uses located within the County serve the existing residences.

In the case commercial land uses associated with agriculturally zoned properties that are entitled to provisions contained within the Ranch Marketing and Winery Ordinances, the assumptions associated with this shift to residential land use are inappropriate. Most of the trip-generating activities associated with commercial agricultural events serve tourism and the traffic generated is from predominately outside the County. It is therefore inappropriate to propose a Traffic Impact Mitigation Program that contemplates having existing residents subsidize agro-tourism land uses, especially when the agricultural land owners are profiting from these kinds of endeavors. The nexus cannot be supported in the case of agricultural development.

14-2  
(cont.)

- 6.) The proposed Traffic Impact Mitigation Program traffic analysis utilizes standard roadway geometric factors and capacity criteria to determine impacts and omits critical geometric factors that exist along many of the County's rural roadways. A fair and reasonable argument can be made that a traffic impact analysis which includes such non-standard geometric factors would likely identify lower traffic volume thresholds and potentially trigger additional mitigation requirements. This is especially evident at specific point locations within rural transportation network of the General Plan Circulation Element.

Examples are:

- a. Narrow, two-lane roadways with no shoulders.
- b. Roadways with multiple, non-standard encroachments having limited, non-standard sight distance.
- c. Deep open drainages located immediately adjacent to the traveled way.
- d. Mixed uses with pedestrians and cyclists traveling in roadways with no sidewalks or walkable paths alongside due to steep side slope terrain.
- e. Non-standard, curvilinear alignments that do not meet the current design standards.
- f. Narrow, single lane bridges.

14-3

The above factors add to the complexity of analysis in terms of environmental or traffic-related impacts for commercial agricultural lands subject to the provisions of the Ranch Marketing and Winery Ordinances, since most of these agricultural lands are located in the rural portions of the County. Therefore the parameter estimation, analysis of levels of service, General Plan triggers for levels of service worsening and related

impacts resulting from allowable uses through the Ranch Marketing and Winery Ordinances are effected by the above factors. The resulting impacts and corresponding mitigation created by the associated agricultural land uses are not adequately considered in the General Plan Circulation Element and proposed Traffic Impact Mitigation Program.

14-3  
(cont.)

- 7.) The proposed Traffic Impact Mitigation Program traffic modeling analysis has not anticipated or predicted the traffic volumes generated by commercial agricultural developments located outside of the rural commercial center land use designations that are identified in the General Plan. The unlimited special events provided by the Ranch Marketing and Winery Ordinances allow for excessive amounts of traffic impacts at locations outside these rural commercial centers. These trip-generating land uses were not considered within the rural commercial center trip-generation component of the traffic analysis performed at the time of the General Plan and are inconsistent with the current General Plan.

Therefore, the resulting level of service required by road systems due the higher traffic-producing agricultural land uses on properties that are allowed to develop outside of these rural centers are also not acknowledged within the General Plan Circulation Element. A fair and reasonable argument can be made that the transportation element of the General Plan has assumed less intense land uses for lands with agricultural zoning subject to the provisions of the Ranch Marketing and Winery Ordinances. The corresponding Traffic Impact Mitigation Program analysis has not considered the high traffic volume producing agricultural developments located outside the rural commercial land use areas as commercial.

14-4

I have attached a recent promotional flyer from the Marble Valley Regional Center for the Arts that Ranch that I recently received in the mail as an example. This promotional flyer advertises concert events at the Gold Hill Winery/Brewery - Crystal Basin Cellars and at the High Hill Ranch. These kinds of traffic-generating uses were not considered in the analysis.

As the Circulation Element of the General Plan does not acknowledge the trip generation for the highest allowable use from agriculturally zoned properties covered by the Ranch Marketing and Winery Ordinances, and as the proposed Traffic Impact Mitigation program fails to mitigate impacts from these land uses, the County should:

14-5

- a.) Discontinue all discretionary approvals of agricultural development proposals that generate non-mitigated traffic.
- b.) The proposed Traffic Impact Mitigation Program should suitably factor in the issues and impacts outlined in my comments above.

As I have identified numerous concerns and ambiguities associated with the proposed Traffic Impact Mitigation Program as it relates to agricultural land uses allowed by the Ranch Marketing and Winery Ordinances, I respectfully request a written response addressing these comments and concerns be provided to me by the County.

**14-5**  
**(cont.)**

Thank you for your consideration of my comments, concerns and requests.

Sincerely,

Robert S. Slater  
RCE 38772 (CA)

Attachment

Presented in partnership with



**MARBLE VALLEY**  
REGIONAL CENTER FOR THE ARTS

# Catch it Live! In El Dorado County

Evening concert to be held at  
Gold Hill Winery/Brewery  
Crystal Basin Cellars

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**SATURDAY MAY 13**

Concert in the Vineyards

## TOM RIGNEY & FLAMBEAU

Tickets \$17 Pre-sale, \$20 at entrance  
Gates open at 5pm, Music at 6:30pm  
Lawn Seating, Food & Beverages  
available for purchase.

Event Sponsors:  
Gold Hill Winery  
McCarty Building Companies

*Electrifying  
electric  
violinist ...  
a mixture of  
Blues, Cajun,  
Zydeco music,  
and fun!*





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**FRIDAY JUNE 16**

Classical Violin Virtuoso

## Christine Choi

Union Mine High School Theatre • 7pm • Tickets \$12

Recipient of numerous awards,  
Christine, who grew up in  
Folsom Pines, returns from  
the San Francisco Conservatory  
of Music for this one night  
engagement.

Event Sponsor:  
El Dorado Community  
Concert Association

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**SATURDAY AUGUST 5**

## Moonlight in Margaritaville

"A Celebration of Jimmy Buffett's Music"  
On the Green at High Hill Ranch in Apple Hill

Featuring **Gerritt Wilkin & The Parrotheads**  
Opening Act by **El Dorado Musical Theatre**  
Great music, cheeseburgers, margaritas & more.  
Dress for the tropical occasion!  
\$20 Pre-sale, \$25 at Gate

One FREE child admission  
(12 & under) with one adult ticket

Gates Open at 5:30pm  
Opening Act 6pm  
Parrotheads at 7pm

Event Sponsorships Available

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**SUNDAY SEPTEMBER 10**

28th Annual

## Butterfly Pops Concert

"Wings Across the USA" - Songs of America  
Featuring Henrik Ju Hansen conducting the Sierra Symphony,  
Cantore, El Dorado Musical Theatre and Special Guests

EL DORADO COUNTY FAIRGROUNDS GATES OPEN 4PM CONCERT AT 6PM



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[www.edmt.info](http://www.edmt.info)

### **Responses to Comment Set 14 (Slater)**

- 14-1 These comments regarding the use of agricultural and open space lands for commercial purposes and the resulting traffic issues associated with such use are noted for the record. The roadway improvements identified through the TIM Fee Program analysis are based on the land use forecasts used in the 2004 General Plan EIR analysis. These land use forecasts have not changed and are appropriate for use in the TIM Fee Program analysis.

In areas where ranch marketing is allowed, road improvements identified through the TIM Fee Program analysis are not projected to result in levels of service which differ from those identified in the General Plan EIR analysis. The General Plan EIR analysis recognized that these ranch/winery marketing activities would occur on agricultural properties and recommended a mitigation measure, which the Board of Supervisors adopted, limiting the amount of land on each parcel that could be dedicated to these activities. These circumstances would not be changed with the adoption of the proposed TIM Fee Program.

- 14-2 Comments regarding the allocation of TIM fees among commercial and residential uses are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of policy issues associated with the proposed TIM Fee Program.
- 14-3 Comments regarding rural roadway considerations are noted for the record. The TIM Fee Program analysis used a refined and more detailed approach to consider County road types than was used for the General Plan EIR analysis. However, analysis considering each of the specific parameters referenced in the comment would require a greater degree of specificity than the County has determined is necessary for the development of the TIM Fee Program and consideration of regional road improvements and levels of service. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program and the attached traffic studies for a more detailed discussion of the additional analysis completed and the roadway improvements identified through that process.
- 14-4 These comments are noted for the record. Please see Response 14-1, above, for discussion of the TIM Fee Program and General Plan EIR traffic modeling and land use assumptions.
- 14-5 These comments are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program.

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**Comment Set 15**

"Beverley Van Meurs" <bev\_vm@d-web.com>

To <cmckibbin@co.el-dorado.ca.us>

cc

05/01/2006 09:02 AM

Subject TIM Fee CEQA

Please remind the Board of Supervisors that they promised to "Limit Growth & Fix Traffic" and the residents of this county expect them to do just that.

In order to accomplish this, they must make all the road improvements that the General Plan specifies, AS THEY ARE NEEDED by collecting the TIM fees up front.

We're counting on them to fulfill their promise!!

Beverley Van Meurs

15-1

### **Responses to Comment Set 15 (Van Meurs)**

- 15-1 These comments are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of roadway improvements and policy issues associated with the proposed TIM Fee Program.



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**Comment Set 16**

"Harry Mercado" <mercado@riverfast.net>

To <cmckibbin@co.el-dorado.ca.us>

cc

05/01/2006 12:08 PM

Subject TIM Fee CEQA Comment

Craig McKibbin  
Development Services Dept.  
El Dorado County

Sir,

In September of 2004, responding to a Board of Supervisors request, County General Counsel Green sent them a report on the impact of the General Plans on Highway 50 traffic congestion. He told the Board that even after the HOV lanes were installed, highway 50 would drop to LOS "F" when 13,000 new homes were built. This was calculated to happen in 7 - 8 years. The adopted General Plan enables over 70,000 new homes. Green proposed draconian remedies that might need to be adopted at that point, including a suspension of all building permits for new residences.

Since that 2004 analysis and report our DOT has a better handle on cost estimates, some interchange projects are in sight, and the actual residential growth rate is better known. More recently, in the case for bids on the Green Valley Road widening, much higher costs can be predicted.

Will the TIM fees raise enough money quickly enough to prevent LOS F "gridlock" on Highway 50 ? If the answer is not "yes", are the TIM fees out of compliance with CEQA, the General Plan, and the Charter?

Sincerely,

Harry Mercado  
Lotus, CA

16-1

### **Responses to Comment Set 16 (Mercado)**

- 16-1 These comments are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. Please see Section 2.1 of this Final Supplement and the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of General Plan policies that require concurrency of roadway improvements and new development.

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"Michael Boli" <mlboli@pacbell.net>

To <cmckibbin@co.el-dorado.ca.us>

cc

05/01/2006 12:20 PM

Subject TIM Fee CEQA

Dear Mr. McKibbin;

I own property in what I think would be Traffic Zone 4 (near Pilot Hill).

The TIM Fee Program Draft Supplement would impose highly disparate (and expensive) traffic mitigation fees on all property owners who would improve their property, even those who propose to build just one dwelling ("SFD"). The result is an unfair and excessive fee on small property owners who prudently have deferred improving their property pending the General Plan review.

In my view this TIM Fee program would result in arbitrary, disparate and unfairly punitive financial impacts on owners based on when they happened to decide to improve their property and whether they just happened to be caught up (delayed) by the General Plan litigation and injunction.

The TIM fees are not dependent on whether the owner's proposed improvement actually change traffic or decrease LOS for the local county roads or access corridors. The TIM fees and fee zones bear no logical relationship to the value of the property being improved or developed, nor to the supposed change (assumed increase) in the value of the property which is to be improved or developed. This seems both arbitrary and unfair.

I think the share of TIM fees borne by existing county residents (i.e. to be paid by County general budget), should be more than what the proposed TIM fees allocate. If I understand correctly, the proposed TIM fees require the owner-developer to pay for about 75% of all the projected costs for all TIM measures foreseen over the next 20 years. All county residents benefit by such TIM measures, not just those who recently moved to the County or recently have improved their property.

Michael L. Boli, Esq.  
Law Office of Michael L. Boli  
1815 Clement Avenue, Building 25  
Alameda, CA 94501  
ph. 510.749.9001 fax 510.749.9005  
email [mlboli@pacbell.net](mailto:mlboli@pacbell.net)

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### **Responses to Comment Set 17 (Boli)**

- 17-1 These comments are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of policy issues associated with the proposed TIM Fee Program.

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**Comment Set 18**

"Hidahl, John W (Mission Systems)"  
<John.Hidahl@ngc.com>

To <cmckibbin@co.el-dorado.ca.us>, <gfuz@co.el-dorado.ca.us>  
cc <Hidahl@aol.com>, <BOSONE@co.el-dorado.ca.us>,  
<bostwo@co.el-dorado.ca.us>, <bosthree@co.el-dorado.ca.us>,  
<bosfour@co.el-dorado.ca.us>, <bosfive@co.el-dorado.ca.us>  
Subject Questions on Supplemental EIR to the General Plan EIR

05/01/2006 01:12 PM

**Questions on County Supplemental EIR to the General Plan EIR**

Mr. Craig McKibbin  
El Dorado County  
Development Services Department  
2850 Fairlane Court  
Placerville, Ca 95667

Dear Mr. McKibbin,

After reviewing the Supplemental EIR to the General Plan EIR addressing the Traffic Impact Mitigation Fees, I have the following specific questions and some general **BOS** concerns:

- 1) How can this supplemental EIR be used to modify the findings of the General Plan EIR traffic analysis (which included a public vote of approval) when it does not meet the State CEQA requirements for an EIR (primarily a list of alternatives including the "no project" alternative)? 18-1
- 2) Several of the defined roadway improvements in the General Plan EIR for El Dorado Hills have been eliminated from this new Supplemental EIR, how does the County defend this finding without amending the General Plan EIR?
- 3) Where the two separate EIR consultants produced different findings in terms of roadway improvement needs, what kind of comparative analysis was performed to document the differences in assumptions of the traffic models? 18-2
- 4) Most of the eliminated EDH roadway improvements are in areas which are known problem spots, that are only going to get worse with time. These areas are primarily large dollar value projects that seem to have been arbitrarily removed from the supplemental EIR and presumably the 10 year Capital Improvement Project (CIP). What is the justification for this?
- 5) Were local groups such as the EDH Area Plan Advisory Committee (APAC) consulted about these changes during the supplemental EIR preparation? Whom and when? 18-3
- 6) With the difficulty that the County DOT has had in being able to plan and deliver timely projects in EDH (i.e. Green Valley Road widening from 2 to 4 lanes was part of the EDH Northwest Specific Plan criteria for implementation in the late 1990's and remains uncompleted), not to mention project cost estimating problems (i.e. \$8.6 M against a \$5.35 M budget for the next phase of Green Valley Road improvements), how does the supplemental EIR provide mitigations for late and over budget project deliveries? Why aren't interim traffic mitigation measures defined in the EIR to accommodate the Counties history of plan vs. delivered roadway improvement projects (typically 3-10 years late)? 18-4

I believe that there are several things that the **County BOS** must take action on to remedy the



current inadequacies. First-The General Plan EIR should be amended and sent back to the voters for approval of any changes. The supplemental EIR approach taken is fraught with legal and ethical issues. Since the primary intent of the supplemental EIR is to provide the basis for the 2006 "FINAL" Traffic Mitigation Fee Program, the board needs to accept nothing less than a EIR amendment or a new Full EIR. Second- The BOS must set TIM fee structures that will collect enough money to build new roads, or expand existing ones to fix the EDH traffic problems, as defined by the 'voter approved' General Plan and General Plan campaign literature ("Limit growth, Fix Traffic). Third, the collection of road improvement funding must be 'front loaded' to finance and deliver the road improvements concurrent with growth, rather than in a catch-up mode, several years later. Lastly, the TIM fees must be based on a 10 year TIM fee forecast, consistent with the 10 year Capital Improvement Project CIP forecast, which is the longest range roadway planning mechanism that County DOT can reasonably project.

18-5

18-6

Thanks for your consideration of my requests,

John Hidahl  
El Dorado Hills Resident  
622 Torero Way  
El Dorado Hills, Ca. 95762  
(916) 933-2703

### Responses to Comment Set 18 (Hidahl)

- 18-1 For discussion regarding the County's decision to prepare a Supplement to the General Plan EIR for the proposed TIM Fee Program, please see Section 2.2 of this Final Supplement. A full range of General Plan alternatives was evaluated in the General Plan EIR, including a No Project alternative. The Supplement to the General Plan EIR prepared for the proposed TIM Fee Program is intended to provide new information regarding variations in the impacts identified in the General Plan EIR that have been identified through the analysis conducted for the TIM Fee Program. Alternative fee structures that have been proposed would not affect the environmental analysis and therefore need not be considered in the TIM Fee Program Supplement to the General Plan EIR.
- 18-2 These comments are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. The differences in the traffic models used for the General Plan EIR and the proposed TIM Fee Program are discussed in the Draft Supplement (Section 2.3.2, pages 2-3 through 2-6). Please also see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of policy issues and roadway improvements associated with the proposed TIM Fee Program.
- 18-3 The El Dorado Hills/Salmon Falls APAC was mailed the *Notice of Availability* for the Draft Supplement at the time of the public release of the Draft Supplement in May of 2006.
- 18-4 These comments and questions are noted for the record. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of roadway improvements, cost estimates and policy issues associated with the proposed TIM Fee Program. Please also see Section 2.1 of this Final Supplement and the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of General Plan policies that require concurrency of roadway improvements and new development.
- 18-5 This comment regarding the preparation of a full EIR is noted. Please see Section 2.2 of this Final Supplement for discussion of the decision to prepare a Supplement to the General Plan EIR.
- 18-6 This comment is noted and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. The roadway improvements underlying the TIM fee program have been identified as necessary to ensure compliance with the General Plan LOS policies, and the fee structure is based on the cost of constructing the necessary improvements. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of roadway funding and other policy issues associated with the proposed TIM Fee Program.

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"howard kastan" <kastan@directcon.net>

To <cmckibbin@co.el-dorado.ca.us>

cc

05/01/2006 01:27 PM

Subject Traffic Impact Mitigation Fee

As a long term resident who has seen the County repeatedly ignore the concerns of its residents in favor of developers I must, once again, urge you to defeat the move to extend the TIM fees to 20 years and to complete improvements, including widening Route US 50 to eight lanes from Ponderosa Rd. to County line in 10 years. These were some of the measures that the Board of Supervisors assured the public would be done in order to accomodate growth while minimizing traffic gridlock. So much for political promises. How about a little honesty and concern for the people who pay your salaries .

19-1

Howard Kastan  
Cameron Park

### **Responses to Comment Set 19 (Kastan)**

- 19-1 These comments are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program.

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**Comment Set 20**

"Tom Infusino" <tomi@volcano.net>

To <cmckibbin@co.el-dorado.ca.us>

cc

05/01/2006 01:33 PM

Subject TIM Fee CEQA

Attached are my comments on the TIM Fee CEQA document.

THOMAS P. INFUSINO, ESQ  
P.O. BOX 792  
PINE GROVE, CA 95665  
(209) 295-8866

5/1/06

Craig McKibbin  
c/o Development Services Department  
2850 Fairlane Court, Placerville, CA 95667

RE: TIM Fee CEQA

Dear Sir:

At the request of the No Gridlock Committee, I have reviewed the Traffic Impact Mitigation Fee Program Draft Supplement to the General Plan EIR.

### **I. General Comments**

I am greatly disappointed that despite my request for an EIR on the impacts of the TIM Fee Program, and despite my Initial Study identifying the potentially significant impacts from the TIM Fee Program, the County continues to refuse to provide such an EIR. (See my Comments submitted to the Board of Supervisors on 7/12/05 & 9/20/05).

20-1

In general, I find the County's proposed Final TIM Fee Program and its "refined" roadway improvements to be a most hypocritical implementation of the 2004 General Plan. The 2004 General Plan is entitled, "A Plan for Managed Growth and Open Roads; A Plan for Quality Neighborhoods and Traffic Relief." Yet the "refined" roadway improvements will significantly impact another 19 road segments (including some on Highway 50), in addition to the 75 road segments significantly impacted by the 2004 General Plan. (DSEIR, pp. 1-2, 1-16.) Also, rather than ensuring that new development pays to fully mitigate its transportation impacts as required by the 2004 General Plan, the County is planning to allow new development to routinely push roadways to the most extreme traffic congestion limits allowed. (DSEIR, pp. 2-4 to 2-6, 3-5 to 3-6.) As a result, the Final TIM Fee Program and its "refined" roadway improvements provide for neither "Open Roads" nor "Traffic Relief."

20-2

Furthermore, I find this gross departure from the theme of the 2004 General Plan to be a harsh betrayal of the tens of thousands of voters who approved Measure Y in 1998, and who approved the 2004 General Plan that incorporates Measure Y into the Circulation Element. How long will the County government continue to refuse to collect hundreds of millions of dollars in desperately needed revenues that the County is legally obligated to collect on behalf of its citizens?



Finally, in combination with the revised Traffic Impact Study Protocols and Procedures, the Final TIM Fee Program, and the “refined” roadway improvements will sidestep the 2004 General Plan concurrency and accountability requirements. These are the very requirements that Superior Court found justified the adequacy of the 2004 General Plan. (Sacramento County Superior Court, Case No. 96CS01290, Ruling on Submitted Matter, 8/31/05, pp. 10-11.) It is sobering to watch the County government use its powers to perpetrate this “bait and switch” con game, rather than to protect the health, safety, and well being of its citizens. One can only hope that the system of checks and balances will foil this scheme before any more irreparable damage is done.

20-2  
(cont.)

Below are my specific comments on the EIR.

## II. Specific Comments

### A) An EIR is Still Needed on the TIM Fee Program.

Page 1-1 of the SDEIR states:

This Draft Supplement was prepared in connection with the consideration and adoption of a proposed Traffic Impact Mitigation (TIM) Fee Program<sup>1</sup> in order to implement Measure TC-B of the El Dorado County General Plan. That policy states, in part, that the “traffic fees should be designed to achieve the adopted level of service standards and preserve the integrity of the circulation system.” The TIM Fee Program is an implementation measure called for by the General Plan and constitutes a subsequent activity contemplated by the General Plan EIR. The Supplement to the General Plan EIR provides environmental documentation for the TIM Fee Program and a Final Supplement certified by the County Board of Supervisors will become a component of the General Plan EIR.

<sup>1</sup> The TIM Fee Program consists of several elements. One is the development of a road improvement plan that forms the basis of the program. From that program, the actual TIM Fees are developed. The TIM Fees themselves constitute only the financing for various road improvements. The focus of the analysis in this Draft Supplement is the road plan that underlies the TIM Fee Program as opposed to the fees themselves, and any references herein to the TIM Fee Program includes the road plan developed as a part of that program.

As the footnote explains, this is a Supplement to the General Plan EIR to demonstrate that the modified project list meets the General Plan Level of Service standards, and to disclose that some roadway level of service will be worse than evaluated in the General Plan EIR. This is only an SDEIR about roads. THIS IS NOT AN EIR ON THE IMPACTS OF THE TIM Fee Program!

20-3

On September 20, 2005, I submitted an Initial Study to the County that identifies potentially significant impacts from the TIM Fee Program. (See my Comments submitted to the Board of Supervisors on 7/12/05 & 9/20/05). That initial study provides a “fair argument” that the TIM Fee Program may have significant impacts on the environment through conversion of farmlands to non-agricultural uses, worsening air pollution, conflicting with provisions of the 2004 General Plan, skewing development patterns away from community regions, and exposing more people to lower level of emergency services. In addition, the County’s failure to develop a timely fee waiver ordinance for low income housing projects may significantly impact the construction and

20-4

availability of affordable housing. The General Plan EIR and the DSEIR do not properly address these issues.

20-4  
(cont.)

The SDEIR does not quantitatively assesses the potentially significant impacts of the TIM Fee, does not quantitatively compare a reasonable a range of TIM fee alternatives, and does not recommends mitigation measures, as required by CEQA. (CEQA Guidelines, secs. 15126, 15126.2, 15126.4, 15126.6.) The Citizens Advisory Committee worked for months developing alternatives and proposing mitigation measures that would better ensure traffic congestion relief, better comply with the 2004 General Plan, better conform to air quality plans, and reduce the impact on affordable housing. None of this work was analyzed in this DSEIR. Rather than inform the public debate by evaluating a reasonable range of alternatives, the DSEIR does not consider any TIM Fee Alternatives.

20-5

**B) Why is the County Investing \$840 Million for a Road System Dominated by LOS D, E, and F?**

Table 1 of the SDEIR indicates that the road system of the proposed TIM Fee Program will be dominated by LOS D, E, & F. Page 2-7 of the SDEIR indicates that the price tag for this system is \$840 million. Page 56 of the General Plan describes LOS D, E, and F as follows:

- LOS D represents high-density, but stable flow. Users experience severe restriction in speed and freedom to maneuver, with poor levels of comfort and convenience.
- LOS E represents operating conditions at or near capacity. Speeds are reduced to a low but relatively uniform value. Freedom to maneuver is difficult with users experiencing frustration and poor comfort and convenience. Unstable operation is frequent, and minor disturbances in traffic flow can cause breakdown conditions.
- LOS F is used to define forced or breakdown conditions. This condition exists wherever the volume of traffic exceeds the capacity of the roadway. Long queues can form behind these bottleneck points with queued traffic traveling in a stop-and-go fashion.

20-6

Why is the Board of Supervisor proposing a road system in which,

- “users experience severe restrictions in speed and freedom to maneuver, with poor levels of comfort and convenience,”
- Users experience “frustration and poor comfort and convenience”
- “minor disturbances in traffic flow can cause breakdown conditions,” and
- “Long queues can form behind these bottleneck points with queued traffic traveling in a stop-and-go fashion?”

From a public policy perspective, it is an odd choice to spend \$840 million to construct an uncomfortable, inconvenient, frustrating and bottlenecked road system. The Board of Supervisors should consider an alternative that better funds the needed roadway improvements and provides for better levels of service.

**C) The DSEIR Incorrectly describes the 2004 General Plan LOS Requirements.**

The CEQA Guidelines state that in the environmental setting section of an EIR:

“The EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans. Such regional plans include, but are not limited to, the applicable air quality attainment or maintenance plan or State Implementation Plan, area-wide waste treatment and water quality control plans, regional transportation plans, regional housing allocation plans, habitat conservation plans, natural community conservation plans and regional land use plans for the protection of the Coastal Zone, Lake Tahoe Basin, San Francisco Bay, and Santa Monica Mountains.” (CEQA Guidelines, sec. 15125.)

On page 1-21, the DSEIR notes the existence of General Plan Policy TC-Xa:

**Policy TC-Xa(3):** Developer-paid traffic impact fees 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.<sup>9</sup>

However, there is no discussion in the DSEIR to explain that the proposed TIM Fee Program is not consistent with this provision of the General Plan.

20-7

The DSEIR properly identifies the threshold of significance for traffic impacts on page 3-2:

Specific criteria were established in the General Plan EIR to determine thresholds at which impacts would be deemed significant. These thresholds of significance were also used for the review conducted for this Draft Supplement to the General Plan EIR. The thresholds state that the General Plan would result in a significant impact if development would:

1. Conflict with policies contained in the General Plan alternatives;
2. Degrade LOS based on the following criteria for significance:
  - a) LOS reaching D or worse, if existing LOS is A, B, or C; and
  - b) Any measurable increase in traffic (defined as at least 10 vehicles in a peak hour), if existing LOS is D, E, or F; or
3. Conflict with policies, plans, or programs supporting alternative transportation (e.g., transit service, carpooling, bicycling, walking).

Both the DSEIR and other documents in the record indicate that the roadway improvements will fail to “fully offset and mitigate” cumulative traffic impacts from new development. However, this conflict between the proposed TIM Fee Program and Policy TC-Xa(3) is not disclosed in the DSEIR.

This omission is exacerbated by a confusing discussion of the “refined” road improvements and their alleged achievement of the General Plan LOS requirements.

The DSEIR claims to list the Level of Service policies in the General Plan on Page 2-2.

### 2.3.1 General Plan Level of Service Requirements

The General Plan level of service policies are<sup>13</sup>:

**Policy TC-Xa:** The following policies shall remain in effect until December 31, 2008 unless extended by the voters prior to that time:

1. Traffic from residential 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<sup>14</sup>) that are allowed to operate at Level of Service F without first getting the voters' approval.

20-7  
(cont.)

While the list includes the provisions of Policy TC-Xa (1) & (2), it omits the provisions of Policy TC-Xa(3), which is the central policy linking the TIM Fee and the LOS. If one ignores Policy TC-Xa(3), new development could convert currently free flowing roads into highly congested roads at LOS D & E.

That is exactly what the DSEIR concludes. Page 1-2 of the DSEIR states:

The analysis conducted in developing the proposed TIM Fee Program determined that of the 184 segments analyzed, 94 segments are projected to exceed the General Plan EIR thresholds of significance. As compared to the General Plan EIR analysis, this results in an additional 19 segments that are projected to exceed the General Plan EIR thresholds of significance under the TIM Fee Program analysis. In all instances, the levels of service identified through the TIM Fee Program analysis are projected to achieve the level of service standards contained within the General Plan policies.

By unreasonably redefining TC-Xa(3) as not imposing a level of service standard, this DSEIR leads its readers to believe that the proposed TIM Fee Program meets the General Plan level of service standards. This is not the good faith effort at full disclosure required by the CEQA Guidelines. (CEQA Guidelines, secs. 15003, 15151.)

### D) The DSEIR's Analysis of General Plan Consistency is Incomplete.

As noted above, the CEQA Guidelines state that, "The EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans." (CEQA Guidelines, sec. 15125.)

20-8

On September 20, 2005, I submitted to the County Board of Supervisors a list of the General Plan provisions with which the TIM Fee Program is inconsistent. This list includes not only provisions of the Circulation Element, but also provisions of the Housing Element, the Public Services and Utilities Element, the Public Health, Safety, and Noise Element, and the Economic Development Element. The Final SEIR must

include such a comprehensive discussion of the inconsistencies between the Proposed TIM Fee Program and the 2004 General Plan.

**E) The SDEIR fails to Analyze Relevant TIM Fee Program Impacts.**

On page 1-15, the SDEIR concluded,

The evaluation conducted for this supplement has determined that the variation in impacts associated with the proposed TIM Fee Program (when compared to the impacts identified in the General Plan EIR) are solely associated with the level of service variations discussed above. A review of other resource issues addressed in the General Plan EIR determined that, with the exception of Impact 5.4-2, the proposed TIM Fee Program would not cause new, previously unidentified impacts or substantially contribute to impacts previously identified in the General Plan EIR.

As noted below, the impact analyses in the DSEIR are flawed in many respects. As a result, the DSEIR does not provide substantial evidence to support the conclusion that the TIM Fee Program impacts were adequately analyzed in the General Plan EIR and DSEIR.

On October 20, 2005, I served on the County a Petition for Writ of mandate that identifies the reasons why the General Plan EIR could not serve as the EIR for the Interim TIM Fee Program. The same remains true for the proposed TIM Fee Program.

CEQA Guidelines Section 15168, Subdivision (2), states that, "If the agency finds that, pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required." Thus, for a lead agency to use a program EIR under CEQA Guidelines Section 15168, it must first apply the test for subsequent EIRs and negative declarations set forth in CEQA Guidelines Section 15162.

CEQA Guidelines Section 15162 indicates that a subsequent EIR or negative declaration is required only when substantial evidence in the record indicates that:

"(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

"(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

"(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following;

"(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

"(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

"(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative; or

"(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative."

If any of these conditions occurs, "a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any."

The Board of Supervisors substantially changed both the TIM Fee Program, and the circumstances under which it will be implemented, relative to those presented in the General Plan and analyzed in the General Plan EIR. This information could not have been known at the time the General Plan EIR was certified. These changes will result in different traffic impacts, and will increase the severity of significant impacts identified in the General Plan EIR.

**20-9  
(cont.)**

For example, the General Plan EIR indicates that under the policies in the Transportation and Circulation Element, "the County's fee programs must include the full cost responsibility of new development, and the County is prohibited from using County tax revenues to pay for improvements needed to accommodate new development. This has eliminated the Board of Supervisors' authority to reduce impact fee levels for economic or other reasons." The EIR went on to explain the impacts of these limitations. (General Plan EIR, p. 5.4-60.) The General Plan CEQA findings concluded that the policies in the Transportation & Circulation Element would help the County to meet the level of service standards in the General Plan, thus mitigating an otherwise significant environmental impact. (General Plan CEQA Findings of Fact, pp. 57-63.) These Findings also listed among the benefits of the 2004 General Plan that it:

"\* Limits traffic congestion by applying all the policies of 'Measure Y' adopted by the voters in 1998.

"\* Applies new, more restrictive standards to limit traffic congestion and ensure that new roads are developed concurrently with new development and paid for by that development and not taxpayer funds." (General Plan CEQA Findings of Fact, p. 14.)

However, the TIM Fee Program approved by the County is different in at least four ways from that analyzed above. First, the fees do not cover the full road cost of new development. This subsidy to new development suggests that more development will occur than without the subsidy. Also, since the revenues do not cover the needed road costs, traffic congestion is likely. Second, the County is using "County tax revenues" (as

**20-10**

**20-11**

that term was defined at the time of the General Plan EIR) to accommodate new development. This is one source of the aforementioned subsidy. Third, the TIM Fee Program is not linked to other funding mechanisms sufficient to fund the road improvements needed to meet the level of service standards in the General Plan. Thus, the likelihood for funding shortfalls and traffic congestion remains. Fourth, the TIM Fee Program increases residential TIM fees prior to the County's implementation of its fee reduction program for affordable housing projects. Thus, the General Plan EIR's project description of the TIM Fee Program is incorrect, in violation of CEQA Guidelines Section 15124, and El Dorado County Code Section 17.72.090. The DSEIR does not cure this problem.

20-11  
(cont.)

20-12

Given that the General Plan EIR's description of the TIM Fee Program is wrong, it is not surprising that the impact analysis is also wrong.

For example, the EIR anticipated that the high fees would limit development and population growth in the County, and limit the ability of the County to make road improvements. Under the new TIM Fee Program, it is likely that lower initial fees, liberal approval on new development under the new Traffic Impact Study Protocols and Procedures, and subsequent funding shortfalls will expose more people to substandard roadways, as well as the other unmitigated impacts of the General Plan. This scenario was neither anticipated nor quantitatively evaluated in the General Plan EIR. Thus, the EIR's impact analysis is flawed in violation of CEQA Guidelines Sections 15126 & 15126.2, and El Dorado County Code Section 17.72.110. The DSEIR does not cure this problem.

20-13

In addition, despite the efforts of community members who proposed feasible means of mitigating the impact of the TIM Fee Program on affordable housing projects, the Board has refused to adopt such mitigation. Also, because affordable housing projects are not buffered from the new TIM fee as anticipated by the General Plan, the impact of the fee on affordable housing may be greater than anticipated.

20-14

## **F) The DSEIR Air Quality Analysis is Incomplete.**

### **1) The Impact Analysis is Incorrect.**

On pages 2-4&5, the DSEIR notes that 4 improvements on non-Highway 50 segments included in the General Plan have been decreased under the TIM Fee program. The LOS does go down on these 4 roads. Later, on page 2-6, the DSEIR shows significant reductions in the improvements to Highway 50, that will also increase traffic congestion. However, on page 3-8, the DSEIR concludes that the new roadways will have no impact on ozone precursor emissions because, "the proposed TIM Fee Program would not have the effect of either increasing the number of vehicle trips or increasing the distance traveled within the County." This analysis jumps to the wrong conclusion, and provides no data to support its assertion.

20-15

As noted in the Initial Study I submitted on September 20, 2005, as congestion increases and average speeds decline, ozone precursor emissions per mile increase. Thus, the increased congestion caused by the “refined” road improvements can cause increased smog, even if the number of trips and the trip distances are exactly the same as previously anticipated. This is why congestion management is a key component in the region’s (and the nation’s) fight to reduce smog. Hundreds of millions of dollars in road improvements are justified by the desire to reduce both traffic congestion and smog. Without the data to support the assertion in the DSEIR, the presumption is not sufficient to support a finding of no significant air quality impact.

20-15  
(cont.)

The DSEIR does not quantitatively evaluate the increase in ozone precursor emissions resulting from the additional congestion. The Final SEIR must do so.

## **2) The DSEIR fails to Update the Air Quality Circumstances.**

The General Plan EIR was prepared when the Federal Government used a 1-hour standard for ozone pollution, when the 1994 Regional Attainment Plan was the ruling regional document, and before the region suffered a conformity lapse between the regional transportation plan and the regional air quality plan. All of these conditions have changed. The 1-hour standard has been replaced by the stricter 8-hour standard. The 1994 Regional Attainment Plan for the 1-hour standard has been replaced with a new Rate of Progress Plan (ROP) for the 8-hour standard. That plan has new Motor Vehicle Emissions Budgets (MVEB) for use in evaluating conformity between the regional transportation plan and the Rate of Progress Plan. The region is just coming out of a conformity lapse during which federal funding was cut off for new capacity increasing roadway projects. The DSEIR fails to update these circumstances.

20-16

## **3) The Air Quality Analysis is Incomplete.**

As noted in *County of El Dorado v. Department of Transportation* (35 Cal.Rptr.3d 353), it is proper for an EIR to determine if a project’s ozone precursor impacts contribute substantially to the violation of air quality standards or result in a cumulatively considerable net increase in the pollutants. Similarly, a proper EIR will determine if the ozone precursor emissions will interfere with attainment of both the federal ambient air quality standard for ozone, and the stricter state ambient air quality standards for ozone. Finally, the EIR should quantitatively determine if the proposed modifications to the regional transportation infrastructure will result in a lack of conformity with the MVEB in the 8-hour Rate of Progress Plan. The DSEIR does not include such analyses.

20-17



**G) The Project Description is Inadequate.**

CEQA Guidelines, Section 15124, requires that an EIR include, “A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities.” “An accurate, stable, and finite project description is the sine qua non of an informative and legally sufficient EIR.” (*County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 Cal.App.3d 185, 193, [139 Cal.Rptr. 396].) The DSEIR fails to meet this standard in three respects.

- 1) The underlying study by Dowling on the TIM Fee Update provides inadequate detail in its description of the Highway 50 interchange improvements to enable a fair assessment of the environmental impacts of the proposed road improvements on traffic congestion and air quality, and of the financial feasibility of these traffic congestion mitigation measures. The study indicates that the interchange improvements remain subject to future revisions. The Project Description needs to be stable. 20-18
  
- 2) The underlying Dowling study on Highway 50 from Mather Field to Ponderosa Road suggests that improvements to Highway 50 in El Dorado County can be reduced from the levels identified in the 2004 General Plan, provided that other Highway 50 improvements are made in Sacramento County. However, there is no indication of the funding and approval status of these Sacramento County improvements. In addition, the TIM Fee Project List does not identify any contribution from El Dorado County TIM Fees to help fund the County’s fair share of these improvements. The Final SEIR should clarify these aspects of the project. 20-19
  
- 3) Page 3-4 indicates that the TIM Fee Program will fund park-and-ride facilities. What park and ride facilities are funded by the TIM Fee Program? Are traffic signals also funded by the TIM Fee Program? If so, which ones? The Final SEIR should clarify what the TIM Fee Program will fund. 20-20

**H) The Track Record of Mitigation is Not Evaluated.**

"Because an EIR cannot be meaningfully considered in a vacuum devoid of reality, a project proponent's prior environmental record is properly a subject of close consideration in determining the sufficiency of the proponent's promises in an EIR." "In balancing a proponent's prior shortcomings and its promises for future action, a court should consider relevant factors including: the length, number, and severity of prior environmental errors and the harm caused; whether errors were intentional, negligent, or unavoidable; whether the proponent's environmental record has improved or declined; whether he has attempted in good faith to correct prior problems; and whether the proposed activity will be regulated and monitored by a public entity." (*Laurel Heights*

20-21

↓

*Improvement Association of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 420 [253 Cal.Rptr. 426.]

20-21  
(cont.)

On page 1-26, the SDEIR notes that the county has had some form of TIM Fee program in existence since 1984. However, the SDEIR fails quantitatively document any over 20-year history of the implementation of this mitigation program. It does not provide any data to show whether the programs have historically been accurately and fully funded. It does not provide data to show whether the road projects have been delivered concurrent with development. It does not provided data to show whether fee collection and road production have been improving or declining. The Final SEIR must include such an analysis.

20-22

### I) Failure to Implement General Plan Mitigation

CEQA requires that mitigation measures actually be implemented, not merely adopted and then neglected or disregarded. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4<sup>th</sup> 1173.)

The 2004 General Plan Findings of Fact identify General Plan Goal TC-X, and Policies TC-Xa through TC-Xi, as mitigation measure 5.4-1(e). (General Plan CEQA Findings of Fact, p. 58.) Among other things, these General Plan provisions incorporate Measure Y into the 2004 General Plan. The Board of Supervisors adopted the measure to mitigate potential inconsistencies with level of service policies, and to reduce daily and peak hour traffic. (General Plan CEQA Findings of Fact, pp. 57-63.)

20-23

As noted above, the TIM Fee Program fails to implement the provisions of Goal Policy TC-Xa. Thus, the County is not implementing mitigation measure 5.4-1(e) of the 2004 General Plan, in violation of CEQA.

Rather than mitigating the significant traffic impacts as required by the General Plan, the Board of Supervisors is proposing to institutionalize the significant impacts by planning to under-funding necessary road improvements.

### J) A General Plan Amendment is Required.

DSEIR Page 1-16 discusses the uses of the DSEIR. It does not indicate that the DSEIR will be used to process a general plan amendment.

Pursuant to Government Code Section 65302, Subdivision b, a General Plan circulation element includes, “the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals and other local public utilities and facilities.” The 2004 General Plan identified the location and extent of proposed major thoroughfares and transportation routes. (See 2004 General Plan p. 63 & Figure TC-1.) The “refined” roadway improvement plans are a significant departure from those in the

20-24

2004 General Plan. (DSEIR, p. 2-6, Table 5.) The extent of the ‘refined’ improvements is not consistent with those identified in the 2004 General Plan. Thus, the County must amend the general plan to adopt the TIM Fee Program and “refined” roadway improvements. Such an amendment requires the proper notice, coordination, and hearings required by Government Code Sections 65350 et seq. If the County intends to use the EIR in adopting a general plan amendment, the Final SEIR should indicate that.

**K) Implementation of the TIM Fee Program will Result in Unconstitutional Gifts of Public Funds.**

**1) The California Constitution prohibits local governments from making a gift of public funds.**

Article XVI, section 6 of the California Constitution provides in part:

"The Legislature shall have no power . . . to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever . . . ."

**2) Relieving a person of a debt, and receiving nothing in return, is a gift of public funds.**

Recently, the Third District Court of Appeals has ruled that canceling a debt, without receiving something in return from the debtor, is a gift of public funds:

“The cancellation of a debt may constitute a gift even though nothing is transferred. (See *County of San Bernardino v. Way* (1941) [18 Cal.2d 647](#), 654 [act of canceling county taxes is a gift of public funds even though nothing is literally handed over].) Thus, the cancellation of uncollected property taxes is a gift that is unconstitutional unless it is for a public purpose. (*City of Ojai v. Chaffee* (1943) [60 Cal.App.2d 54](#), 59.) Likewise, release of a tax lien without consideration would violate article XVI, section 6. (*Community Television of Southern California v. County of Los Angeles* (1975) [44 Cal.App.3d 990](#), 996-997.) Inheritance taxes, which are fixed and determined at the date of death, may not be reduced thereafter. (*In re Skinker's Estate* (1956) [47 Cal.2d 290](#), 296.)” (See, *Westly v. U.S. Bancorp* (2003) 114 Cal.App.4<sup>th</sup> 577, 582.)

The General Plan requires that “Developer-paid traffic impact fees shall fully pay for building all necessary road capacity improvements for 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.” (2004 General Plan, Policy TC-Xa.) The 2004 General Plan also requires the County to adopt such TIM fees. (2004 General Plan, Measure TC-B.) However, as acknowledge in this EIR, and in other documents in the record, the proposed TIM Fee Program will not collect sufficient funds to “fully offset and mitigate” the traffic impacts of new development. Thus, whenever the County implements this TIM Fee program, by

collecting an insufficient TIM Fee, the County will be making an illegal gift of public funds. The record indicates that the cumulative amount of these gifts over the next twenty years may run into the hundreds of millions of dollars.

### **3) Legal remedies**

There are at least three legal remedies that may be pursued if a local government violates the prohibition against gifts of public funds.

First, a city resident and taxpayer can seek an injunction against the gift pursuant to Code of Civil Procedure, Section 526a.

Second, under Government Code, Section 8314, the Attorney General or the District Attorney may seek civil damages against the entity for misuse of public funds. The violator is subject to a fine of no more than \$1,000 per day of violation, plus three times the amount of the unlawful gift.

Third, under Penal Code, Section 424, government officers who misappropriate government funds are guilty of a crime punishable by two, three, or four years in state prison, and are prohibited from holding public office in the future. (See *Webb. v. Superior Court* (1988) 202 Cal.App. 3d 872.)

Given the severity of these legal remedies, a wise local government would avoid making an illegal gift.

### **4) Consider an Alternative that is Feasible.**

CEQA calls for the analysis and consideration of feasible alternatives, and for the rejection of infeasible alternatives. (CEQA Guidelines, sec. 15126.6, 15091.) As inconsistent with the 2004 General Plan and the California Constitution, the proposed TIM Fee Program and its “refined” roadway system are not feasible. Please consider adopting a feasible TIM Fee Program.

Sincerely,

Thomas P. Infusino

**20-25**  
**(cont.)**

**20-26**

## Responses to Comment Set 20 (Infusino)

- 20-1 This comment regarding the preparation of a full EIR is noted for the record. Please see Section 2.2 of this Final Supplement for discussion of the decision to prepare a Supplement to the General Plan EIR.
- 20-2 These comments are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. Please note that the proposed TIM Fee Program analysis identifies the roadway improvements necessary to achieve the level of service policies of the General Plan. The adequacy of General Plan levels of service policies are not a subject of the TIM Fee Program CEQA review. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of roadway funding provisions and other policy issues associated with the proposed TIM Fee Program.
- 20-3 These comments are noted for the record. During its review of the TIM Fee Program, the County considered the potential for the TIM Fee Program to result in variations to impacts previously identified in the General Plan EIR (see Draft Supplement discussion at page 3-6 through 3-8) and identified one impact, Impact 5.4-2, that would have the potential to vary substantially from that presented in the General Plan EIR. See Response 20-4 regarding the commentor's contention that the program would result in other impacts.
- 20-4 The County has reviewed and considered the information presented in the prior comments submitted by the commentor. The County does not concur with these suggestions regarding impacts associated with the TIM Fee Program, nor does the County find that the prior comments constitute substantial evidence of possible environmental impacts.

The cost allocations among the various TIM fee zones were developed based on the analysis of how much traffic would be generated by development in different parts of the County, based on the General Plan and the forecasts in the General Plan EIR. The environmental impacts of this development, including impacts on farmland conversion, air quality, land use, services, and housing, were analyzed in the General Plan EIR.

The TIM Fee Program fee structure is consistent with growth patterns projected in the General Plan EIR and based on General Plan land use designations. Because the General Plan concentrates future growth in the community regions, there is not as much traffic anticipated in the rural areas and, therefore, not as many road improvements are projected as necessary in those areas. The rates allocated to development within rural areas are lower because development in rural areas does not create the need for as many costly road improvements. The fee program does not alter the land use designations in the rural areas and therefore does not create an inconsistency with the policies that encourage the more intensive development to occur in the community regions. If growth rates in the rural areas change, and more road improvements become necessary in those outlying areas, the fee rates will be changed in future updates to reflect those road improvements. The impacts of development in rural areas under the General Plan land use designations – both as forecast and assuming maximum buildout – were fully analyzed in the General Plan EIR.

Please see Response 20-12 for discussion of affordable housing issues raised in this comment.

- 20-5 Please see Response 13-6.

- 20-6 These comments are noted for the record. The proposed improvements would attain the level of service standards adopted by the Board of Supervisors in the 2004 General Plan. Modifications to the level of service requirements specified by General Plan policies are not a subject of the TIM Fee Program CEQA review. Note that level of service projections are based on peak-hour projections. Although the General Plan allows for LOS D and E (and F for a limited number of roadway segments), these roads would operate at better levels of service most of the time. The General Plan polices recognize that to improve roads to operate at LOS C or higher during peak-hour conditions would result in significant excess capacity. Please see Response 13-6 for further discussion of alternatives consideration.
- 20-7 The TIM Fee Program analysis fully considers all applicable General Plan policies. Policies TC-Xa(1) and (2) are correctly used as providing the basis for the TIM Fee Program analysis of required General Plan levels of service. These policies are discussed and provided verbatim in the Draft Supplement (page 2-2) as are policies TC-Xc and TC-Xd. Policy TC-Xa(3), which is included in its entirety in the Draft Supplement (pages 1-20 through 1-22) along with other funding-related policies, does not provide specific levels of service requirements but speaks to the requirement for developer-paid traffic impact fees. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of General Plan consistency and policy issues associated with the proposed TIM Fee Program.
- 20-8 The proposed TIM Fee Program is not inconsistent with any of the elements of the General Plan. The traffic generation and growth projections used for the TIM Fee Program analysis are consistent with the data used in the other elements of the General Plan and CEQA review. State law mandates that all General Plans contain an implementation plan. The various elements of the County's General Plan are currently being implemented and the development of the TIM Fee Program is necessary to implement specific traffic policies of the General Plan. The TIM Fee Program will work in conjunction with the other measures undertaken by the County to implement General Plan goals, objectives and policies contained in the other elements of the plan. For example, the commentor questions whether the TIM Fee Program will impede the County's ability to achieve its affordable housing goals. Implementation Measure HO-I requires that the County develop a program to waive or defer fees for certain affordable housing projects. The County is in the process of developing that program. There is no basis for concluding that the TIM Fee Program is inconsistent with the any policies of the Housing Element. For additional discussion of affordable housing issues, please to the August 2006 staff report for the 2004 General Plan TIM Fee Program.
- 20-9 These comments are noted for the record. Please see Section 2.2 of this Final Supplement for discussion of the decision to prepare a Supplement to the General Plan EIR.
- 20-10 During its review of the TIM Fee Program, the County considered the potential for the TIM Fee Program to result in variations to impacts previously identified in the General Plan EIR (see Draft Supplement discussion at page 3-6 through 3-8) and identified one impact, Impact 5.4-2, that would have the potential to vary substantially from that presented in the General Plan EIR. The TIM Fee Program analysis identified roadway improvements that are different from those identified in the General Plan EIR analysis (see Draft Supplement Section 2.3.2, pages 2-3 through 2-6 for a discussion of the analyses). These differences and the variation in levels of service projected in the General Plan EIR analysis are the reasons that the County has prepared the Supplement to the General Plan EIR.

- 20-11 This comment is noted for the record. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for a discussion of road improvement funding associated with the proposed TIM Fee Program.
- 20-12 Comments regarding the potential for residential TIM fees to adversely affect the development of affordable housing are noted for the record and have been considered in the development of the proposed TIM Fee Program. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for provisions included in the proposed TIM Fee Program which would utilize a portion of federal roadway improvement funds to reduce residential TIM fees for affordable housing units.
- 20-13 These comments are noted for the record. As discussed in Section 2.1 of this Final Supplement, responses to comments on the General Plan Draft EIR indicate that any road improvement program funded by development fees would necessarily result in a lag between the time development was built and the time the infrastructure was completed, which could result in a period of time when traffic congestion exceeded the level of service standards (Final EIR Master Response 13, pages 4.1-37 - 4.1-38) and also recognized that that if the payment of fees would not be adequate to ensure the road improvements would be built within a reasonable amount of time, a development would either be denied or conditioned to require that the development fund the necessary road improvement (Final EIR Master Response 13, pages 4.1-37). The TIM Fee Program fee structure is based on the cost of constructing all roadway improvements required under the program. The traffic impacts resulting from the construction of these improvements, to the extent they differ from the impacts analyzed in the General Plan EIR, are fully analyzed in the Draft Supplement.
- 20-14 This comment is noted for the record. Please see Response 20-12 for discussion of affordable housing issues raised in this comment.
- 20-15 As discussed in the Draft Supplement, the air quality analysis conducted for the General Plan EIR determined that adoption/implementation of the 2004 General Plan would result in a significant and unavoidable impact associated with long-term operational (regional) emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> (Impact 5.11-2). Mobile source emissions were projected to contribute a portion of these emissions. The General Plan EIR analysis determined the estimated contribution of mobile source emissions by estimating Vehicle Miles Traveled (VMT) and the emissions of certain pollutants associated with projected VMTs. The use of VMT to estimate mobile source emissions was considered to provide the appropriate level of detail necessary for CEQA review of the General Plan.

As discussed in the Draft Supplement (pages 3-7 and 3-8) the County has considered the potential for increases in motor vehicle emissions as a result of decreased levels of service on a limited number of roadways identified in the TIM Fee Program analysis to increase the severity of air quality impacts identified in the General Plan EIR. Although this potential increase is not readily measurable, the County has determined the slight increase in motor vehicle emissions that may occur would not be expected to result in a substantial increase in the long-term (regional) emissions as compared to those identified in Impact 5.11-2 of the General Plan EIR. The conclusion of the General Plan EIR review that long-term (regional) emissions would be significant and unavoidable remains unchanged.

- 20-16 The County recognizes that the developments in regional air quality circumstances referenced in this comment have occurred. These developments do not constitute new information or circumstances that alter the conclusions of the General Plan EIR regarding air quality impacts. The General Plan EIR fully analyzed ozone-related impacts and concluded that, after mitigation, the impacts were significant and unavoidable. The new information and circumstances noted by the commenter would not result in any new significant impact or a substantial change in the severity of the air quality impacts identified in the General Plan EIR.
- 20-17 The *County of El Dorado v. Department of Transportation* (35 Cal.Rptr.3d 353) referenced by the commenter constitutes a legal challenge concerning a specific proposed roadway improvement project. The General Plan EIR is a programmatic document and is not intended or required to evaluate project-specific impacts. The TIM Fee Program Supplement to the General Plan requires the same level of assessment as the General Plan and does not require an assessment of project-specific impacts. Although the TIM Fee Program identifies roadway improvements projected as necessary to achieve General Plan level of service policies, neither the General Plan nor the proposed TIM Fee Program are subject to conformity with the motor-vehicle emissions budgets of the 8-hour rate-of-progress plan. Each roadway improvement identified in the TIM Fee Program analysis will require a project-specific CEQA review which will address the appropriate project specific ozone precursor analyses and conformity review.
- 20-18 The TIM Fee Program Supplement to the General Plan EIR provides information regarding the variations in the impacts identified in the General Plan EIR that have been identified through the analysis conducted for the TIM Fee Program. The “project description” for the General Plan EIR is the General Plan itself. (As presented in the various General Plan CEQA documents, the General Plan EIR considered several General Plan alternatives, including the 2004 General Plan which was adopted by the Board of Supervisors. The adopted 2004 General Plan therefore provides the relevant “project description” of the General Plan.) The Draft Supplement provides a description of the proposed TIM Fee Program (Chapter 2), the analysis and projected levels of service, and other information necessary to describe the proposed implementation of Measure TC-B. The description of the TIM Fee Program in the Draft Supplement provides the appropriate level of detail for the County’s CEQA documentation for the proposed program and to describe the projected variation in Impact 5.4-2.

The specific final design of roadway and interchange improvements is not necessary for the programmatic assessment of the proposed TIM Fee Program. The various improvements identified in the TIM Fee analyses documents (Dowling 2006/2006a) are appropriate to support TIM Fee Program CEQA review.

Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for additional discussion of the proposed TIM Fee Program.

- 20-19 A lack of improvements to U.S. 50 west of the county line would not increase the need for U.S. 50 improvements within El Dorado County. In the eastbound direction, failure of other jurisdictions to provide needed improvements will only create a metering effect that will limit the amount of traffic on U.S. 50 in El Dorado County. Such an effect may actually reduce the need for improvements within El Dorado County. In the westbound direction, failure of other jurisdictions to provide needed improvements could cause traffic to experience such delays that a queue of slow moving or stopped vehicles could form. Depending on the location and magnitude of that facility capacity breakdown, that queue could extend back across the El Dorado County



line. However, adding lanes in El Dorado County would do nothing to relieve the “bottleneck” caused by the lack of downstream improvements and would not be providing any necessary capacity increase. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for additional discussion of the relationship of the U.S. 50 improvements identified within the TIM Fee Program analysis to U.S. 50 improvements in Sacramento County.

- 20-20 The proposed TIM Fee Program includes funding for Transit Enhancements. This would be in support of the El Dorado County Transit Authority’s capital improvement efforts. Specifics of those improvements have not been determined and the transit enhancements would not alter the conclusions of the traffic assessment or impacts identified in the Draft Supplement. Funding for the construction and installation of new traffic signals is also included in the proposed TIM Fee program; however the locations of necessary traffic signals will be dependent upon the specific type and location of future development and as such can not be specifically determined at this time. The County’s 5-year Capital Improvement Program will identify the improvement locations as they are determined. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for further discussion of the inclusion of park-and-ride and traffic signals included in the TIM Fee Program cost estimates.
- 20-21 This comment referencing issues that may be considered in a legal challenge of adequacy of a CEQA document is noted for the record.
- 20-22 This comment referencing the history of the County’s road improvement fee programs is noted for the record. The proposed TIM Fee Program implements Measure TC-B of the 2004 General Plan to meet the requirements of specific transportation and circulation elements of the General Plan. Previous fee programs were developed under a General Plan that did not contain those same policy requirements. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for further discussion of roadway funding associated with the proposed TIM Fee Program.
- 20-23 The General Plan is self-mitigating in that the mitigation measures identified through the General Plan EIR analysis were incorporated as policies of the final General Plan. As discussed, the proposed TIM Fee Program would implement Measure TC-B of the General Plan. See Response 20-7 for discussion of the County’s consideration of Policy TC-Xa in TIM Fee Program review. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for further discussion of roadway funding associated with the proposed TIM Fee Program.
- 20-24 This comment asserting the need for a General Plan amendment for the proposed TIM Fee Program is noted for the record; however, the County has determined that the TIM Fee Program is consistent with the General Plan and does not require a General Plan amendment. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for additional discussion of the roadway improvements identified through the proposed TIM Fee Program analysis.
- 20-25 This comment is noted for the record. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of the sufficiency of the roadway improvement funding associated with the proposed TIM Fee Program.
- 20-26 This comment is noted for the record. Please see Response 20-5 for discussion of alternatives.

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**Comment Set 21**

Jamie blitzer <beutlerjamie@yahoo.com>

To cmckibbin@co.el-dorado.ca.us

cc

05/01/2006 01:52 PM

Subject TIM Fee CEQA

Dear Mr. McKibbin,

We are residents of El Dorado County and wish to provide input and suggestions regarding the Supplement to the General Plan EIR.

First, we believe this plan is not consistent with the intent of the provisions in the General Plan, nor does it offer the solution to "Limit Growth or Fix Traffic" as was promised to the voters.

There are ten alternative approaches to impact fees, yet the county appears to have analyzed only one in their EIR Supplement. We would like to encourage the county to examine the other alternatives as we believe that this Supplement as it currently stands, will reduce developer TIM Fees resulting in road improvements that come slower, but growth that will come faster.

21-1

We believe that this is not what the voters of El Dorado County had in mind when they approved the General Plan.

We would like to offer the following suggestions:

- Conduct a full Environmental Impact Report (EIR) on the 2006 Final Traffic Impact Mitigation Fee Program.
- Collect enough money to build or improve the roads needed to fix traffic, as promised in the General Plan.
- Collect the money for road improvements up front, in 10 years, and build the roads as they are needed, concurrent with growth.
- Make all road improvements the County promised and the General Plan specified. and lastly,
- **We must insist on a fully funded 10 year TIM Fee.**

21-2

21-3

Thank you for your consideration,

Jamie Beutler  
Chuck Harrell  
Sherry Cushman

### **Responses to Comment Set 21 (Beutler/Harrell/Cushman)**

- 21-1 These comments are noted for the record. Please see Response 13-6 regarding consideration of alternative fee structures.
- 21-2 This comment regarding the preparation of a full EIR is noted for the record. Please see Section 2.2 of this Final Supplement for discussion of the decision to prepare a Supplement to the General Plan EIR.
- 21-3 These comments are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. The improvements in the proposed TIM Fee Program are consistent with the General Plan and will result in traffic levels of service that meet General Plan requirements. Please see Section 2.1 of this Final Supplement and the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of General Plan policies that require concurrency of roadway improvements and new development.

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**Comment Set 22**

Jennifer Monteiro  
<jennymonteiro@sbcglobal.net>

To cmckibbin@co.el-dorado.ca.us  
cc

05/01/2006 02:25 PM

Subject TIM Fee CEQA

Hello Craig McKibbin,

- We are requesting a full Environmental Impact Report (EIR) on the 2006 Final Traffic Impact Mitigation Fee Program. | **22-1**
- That enough money be collected to build or improve all of our roads to sufficiently meet the traffic needs for El Dorado County.
- That enough money be collected for the roads insure traffic needs for the next 10 years. | **22-2**
- We expect you to hold true to your promise of LIMIT GROWTH- FIX TRAFFIC!
- We expect all improvements promised from the newly voted General Plan as specified.

We, Ray and Jenny Monteiro, would like an update sent to us as to the outcome of this new supplement. via email [JennyMonteiro@sbcglobal.net](mailto:JennyMonteiro@sbcglobal.net) Thank you, Jenny

### **Responses to Comment Set 22 (Monteiro)**

- 22-1 This comment regarding the preparation of a full EIR is noted for the record. Please see Section 2.2 of this Final Supplement for discussion of the decision to prepare a Supplement to the General Plan EIR.
- 22-2 These comments are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. The improvements in the proposed TIM Fee Program are consistent with the General Plan and will result in traffic levels of service that meet General Plan requirements. Please see Section 2.1 of this Final Supplement and the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of General Plan policies that require concurrency of roadway improvements and new development.

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Joe and Margrit Petrofsky  
<joeandmargrit@earthlink.net>

To cmckibbin@co.el-dorado.ca.us  
cc

05/01/2006 02:35 PM

Subject TIM Fee CEQA

Please respond to  
Joe and Margrit Petrofsky  
<joeandmargrit@earthlink.net>

Mr. Craig McKibbin  
c/o Development Services Department  
2850 Fairlane Court  
Placerville, CA 95667

Mr. McKibbin,

Please convey our concerns about the Traffic Impact Mitigation Fee program to the supervisors.

A majority of the supervisors prevailed in the duelling Measure B/Measure D campaigns last year by promising to "Limit Growth & Fix Traffic."

However, now those same supervisors have changed the rules from that outlined in the general plan by not collecting the TIM fees over the next ten years. Even worse, the 2006 Final Traffic Impact Mitigation Fee Program won't even collect as much money over the course of twenty years as was planned to be collected over ten years. And this is against a backdrop of rapidly increasing road construction costs. This is outrageous! Even a school child could tell you this is not a viable plan. {Except if your plan is to grow like gangbusters and suffer traffic later.}

We urge the supervisors to do the right thing, including collecting the money for road improvements up front, in ten years, and build the roads as they are needed, concurrent with growth. You owe the county all road improvements promised in the General Plan. And to do that by implementing a fully funded 10-year TIM Fee.

As a bare minimum, stop trying to hoodwink us by refusing to conduct a full Environmental Impact Report (EIR) on the 2006 Final Traffic Impact Mitigation Fee Program.

Sincerely,

Joseph G. Petrofsky  
Margrit A. Petrofsky  
5531 Bassi Rd  
Lotus CA 95651

23-1

23-2

### **Responses to Comment Set 23 (Petrofsky)**

- 23-1 These comments are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. The improvements in the proposed TIM Fee Program are consistent with the General Plan and will result in traffic levels of service that meet General Plan requirements. Please see Section 2.1 of this Final Supplement and the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of General Plan policies that require concurrency of roadway improvements and new development.
- 23-2 This comment regarding the preparation of a full EIR is noted for the record. Please see Section 2.2 of this Final Supplement for discussion of the decision to prepare a Supplement to the General Plan EIR.

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Joe and Margrit Petrofsky  
<joeandmargrit@earthlink.net>

To cmckibbin@co.el-dorado.ca.us  
cc

05/01/2006 02:36 PM

Subject TIM Fee CEQA

Please respond to  
Joe and Margrit Petrofsky  
<joeandmargrit@earthlink.net>

Mr. Craig McKibbin  
c/o Development Services Department  
2850 Fairlane Court  
Placerville, CA 95667

Mr. McKibbin,

Please convey our concerns about the Traffic Impact Mitigation Fee program to the supervisors.

A majority of the supervisors prevailed in the duelling Measure B/Measure D campaigns last year by promising to "Limit Growth & Fix Traffic."

However, now those same supervisors have changed the rules from that outlined in the general plan by not collecting the TIM fees over the next ten years. Even worse, the 2006 Final Traffic Impact Mitigation Fee Program won't even collect as much money over the course of twenty years as was planned to be collected over ten years. And this is against a backdrop of rapidly increasing road construction costs. This is outrageous! Even a school child could tell you this is not a viable plan. {Except if your plan is to grow like gangbusters and suffer traffic later.}

We urge the supervisors to do the right thing, including collecting the money for road improvements up front, in ten years, and build the roads as they are needed, concurrent with growth. You owe the county all road improvements promised in the General Plan. And to do that by implementing a fully funded 10-year TIM Fee.

As a bare minimum, stop trying to hoodwink us by refusing to conduct a full Environmental Impact Report (EIR) on the 2006 Final Traffic Impact Mitigation Fee Program.

Sincerely,

Joseph G. Petrofsky  
Margrit A. Petrofsky  
5531 Bassi Rd  
Lotus CA 95651

24-1

24-2

### **Responses to Comment Set 24 (Petrofsky)**

- 24-1 These comments are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. The improvements in the proposed TIM Fee Program are consistent with the General Plan and will result in traffic levels of service that meet General Plan requirements. Please see Section 2.1 of this Final Supplement and the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of General Plan policies that require concurrency of roadway improvements and new development.
- 24-2 This comment regarding the preparation of a full EIR is noted for the record. Please see Section 2.2 of this Final Supplement for discussion of the decision to prepare a Supplement to the General Plan EIR.

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**Comment Set 25**

"Dennis M. Wilson" <denniswilson@covad.net>

To "Craig McKibbin" <cmckibbin@co.el-dorado.ca.us>

cc

05/01/2006 03:07 PM

Subject Comments on Draft Supplement to El Dorado County General Plan  
EIR

Mr. McKibbin:

Attached are my comments to the Traffic Impact Mitigation Fee Program Draft Supplement to the El Dorado County General Plan Environmental Impact Report.

Dennis M. Wilson

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**WILSON LAW FIRM**  
A Professional Corporation

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May 1, 2006

Craig McKibbin  
c/o Development Services Department  
El Dorado County  
2850 Fairlane Court,  
Placerville, California 95667

Re: El Dorado County Traffic Mitigation Fee Program  
Draft Supplement to the El Dorado County General Plan  
Environmental Impact Report  
March 2006

Dear Mr. McKibbin:

Please consider these my comments on the above described draft supplement to the El Dorado County General Plan.

The proposed fees do not meet the requirement for a reasonable relationship and a nexus between the project's impact and the fees being imposed by the agency. The draft supplemental EIR does not adequately address the issues of nexus between the impact of the residential lots in zone four and the costs of fees being imposed on those residential lots.

The proposed fees constitute an unconstitutional taking of property because there is not a substantial relationship between the impact and the specific lots being charged for the impacts. The supplemental EIR does not adequately address this issue. Furthermore, the fees do not meet the rough proportionality test required for fees by the United States Supreme Court. The supplemental draft EIR also does not adequately discuss this issue.

The draft EIR does not adequately discuss facts regarding the statutory requirement that a reasonable relationship exist between a development fee and a project's impacts for the lots in zone four.

25-1



The draft supplemental EIR does not adequately discuss facts regarding the statutory requirement that development fees not exceed the reasonable cost of providing the service for which the fee is charged. The draft EIR does not even discuss the cost of providing the road improvements that benefit the lots on Salmon River Drive south of Cool, probably because there are no such improvements.

25-1  
(cont.)

The draft EIR does not adequately discuss the impact of imposing the new fees on subdivision PUD lots which were approved over 20 years ago and were not subject to these fees at the time, or the legality of imposing those fees on such lots.

25-2

The supplemental draft EIR does not adequately discuss the conflict between imposing the fees on existing PUD subdivision lots and the general plan requirement that new subdivisions bear the costs of the additional traffic impacts. The supplemental draft EIR does not discuss the impact of subdivisions that predate the adoption of the 2004 general plan and impact of those subsequent to the 2004 general plan.

The supplemental draft EIR does not discuss the basis for creating the fee zones. In fact there are 267 TAZ's, and those TAZ's have been lumped together into fee areas such as area four that are much too large to provide any reasonable relationship, nexus, or rough proportionality of the construction which is to be done in those large zones and the individual lots in those zones. In particular, my property at the Safari Estates subdivision near Cool will receive no benefit whatsoever from any of the improvements being funded by the fees. There is no discussion of how my lots will be benefitted in any way by the construction which is included in the improvement list. What attempts there are to discuss impact are mere conclusions and based on faulty assumptions.

25-3

The draft EIR does not adequately discuss the justification for shifting millions of dollars of impact costs caused by residential uses onto residential users. The studies cited show that

nonresidential uses will generate 60% of the trips, but over 90% of the costs are being attributed to residential users. The study states that homes over \$500,000 can support the additional burden but does not say anything about the ability of homes under \$500,000 to absorb the cost. The study does not take into account the state of the real estate market and does not adequately discuss the number of home sales in area four which would be made within any projected price range. The logic and analysis supporting a multi-million dollar profit making subsidy of businesses by homeowners ignores the fact that if the businesses are not economically feasible, then they will not be, and should not be, built and there will be no need to have homeowners subsidize those costs. If the businesses are economically feasible, the TIM will be a cost of business appropriately paid by the businesses' customers, not arbitrarily assigned to all residents. Furthermore, there is no analysis of where the non-residential uses will be located and no analysis of the proper nexus for imposing the cost of the non-residential uses in one part of the county on homeowners in other parts of the county.

There is no discussion of how the transfer of millions of dollars from homeowners to nonresidential business uses will meet the requirement in CEQA Guideline 15021 that the agency "has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian." (Emphasis added.)

The guideline requirement for providing a decent home for every Californian is clearly violated by imposing upon the residential homeowner the costs incurred or caused by nonresidential uses in order to subsidize the nonresidential users, particularly when there is no relationship between the location of the nonresidential uses and the lots being charged for them. There is no discussion of the fact that nonresidential users are profit-making institutions which either can pass the costs on to their customers or should not be in business if they are not

economically viable in the first place.

The draft EIR does not give an adequate discussion of the possibility of other funding sources to replace these fees nor does it give an adequate discussion of the projected fee increases in the annual reviews. It is impossible to tell what the county really thinks the ultimate fees will be. Nor is there any discussion of when improvements will be built compared to when fees will be collected and the impact of such staging.

The draft EIR states that there was a study calculating the effect of imposing any additional fees on residences and whether that would reduce the number of trips, however I could find no supporting documentation for that assertion.

The draft EIR assumes 9.2 trips per day for a residential use, but provides no documentation or explanation of how the 9.2 trips was selected. The EIR simply states that there was an estimated range provided by the state and then arbitrarily picks 9.2 trips per day as being within that range. That number bears no realistic relationship to properties in area four, and particularly no realistic relationship to my property. There are not enough places to go to in the area to add up to 9.2 trips a day from a house in the Safari Estates subdivision. The use of that assumption causes an over estimation of the impact of residential uses, particularly in rural areas such as area 4.

The supplemental draft EIR does not explain why PUD's are not included in certain calculations and does not explain why Placerville is not included in some calculations. Nor does the draft EIR explain the consequences of excluding those areas.

The draft EIR states that the DOT initially assumed that there would be 32 million additional dollars available for construction. The draft EIR provides no explanation whatsoever about why that additional \$32 million is not available.

It is unclear from the draft EIR whether the proposed fees will be applied to all PUDS and

whether the proposed fees will be applied to all of them on the same basis.

25-3  
(cont.)

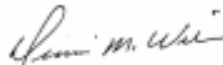
I am informed that the traffic study is erroneous at least with regard to traffic along Salmon Falls Road from the Cool area, because the study was done at a location just before people arrive at the local school to drop off their children. The vast majority of those people turn around and go home, but the assumption was made that they all continue on down Salmon Falls Road for the full length of the highway in question. It almost seems that a deliberate effort was made to overstate the number of trips down that road.

25-4

An EIR that relies solely on the agency's bare conclusions and opinions is not an adequate EIR. This draft EIR is fully of unsubstantiated conclusions and opinions and should be prepared in much more detail.

25-5

Very truly yours,



Dennis M. Wilson

SLW

### Responses to Comment Set 25 (Wilson)

- 25-1 These comments are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. The County disagrees with the comment that statutory and constitutional nexus requirements have not been met. Further, the Supplement to the General Plan EIR is not required to provide information relating to nexus, because that information does not relate to environmental impacts. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of how the TIM Fee Program was developed and how the rates for new development were derived.
- 25-2 This comment is noted for the record; however, the comment does not raise environmental issues. Please note that all new development is subject to fees at the time a building permit is issued by the County.
- 25-3 These comments are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of several of these policy issues associated with the proposed TIM Fee Program.
- 25-4 The analysis conducted for the proposed TIM Fee Program utilized the same trip generation and distribution assumptions for County (non-U.S. 50) roads used for the General Plan EIR analysis. These assumptions are appropriate estimates for determining roadway improvement requirements and level of service projections. The level of detail described in the comment deals with a specific operational issue at one finite location and is not appropriate for development of a county-wide TIM Fee program, which requires consideration of hundreds of roadway segments, many of which are several miles long.
- 25-5 These comments are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. The TIM Fee Program analysis and the information presented in the Draft Supplement provide the necessary information and appropriate level of detail for the County's CEQA review of the proposed TIM Fee Program. Please see Section 2.2 of this Final Supplement for discussion of the decision to prepare a Supplement to the General Plan EIR.

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**Comment Set 26**

Ray Griffiths <raygriff1299@sbcglobal.net>

To cmckibbin@co.el-dorado.ca.us

cc

05/01/2006 03:33 PM

Subject TIM Fee CEQA

Ray Griffiths  
PO Box 617  
Georgetown CA 95634

Hello,  
Please add my comments to the file regarding the TIM fee and the environmental document. I urge El Dorado County to do the following:

- 1) Develop a EIR on the 2006 TIM fee program.
- 2) Collect sufficient funds to build or improve all roads needed to fix traffic problems generated by the 2005 General Plan.
- 3) Collect TIM fees prior to approving subdivisions so that they are concurrent with growth.
- 3) Fully fund the 10 year TIM fees, and improve the roads specified in the 2005 General Plan.

**26-1**

**26-2**

Thank you for your consideration.  
Ray Griffiths  
333-1299

### **Responses to Comment Set 26 (Griffiths)**

- 26-1 This comment regarding the preparation of a full EIR is noted for the record. Please see Section 2.2 of this Final Supplement for discussion of the decision to prepare a Supplement to the General Plan EIR.
- 26-2 These comments are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. The improvements in the proposed TIM Fee Program are consistent with the General Plan and will result in traffic levels of service that meet General Plan requirements. Please see Section 2.1 of this Final Supplement and the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of General Plan policies that require concurrency of roadway improvements and new development.



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"Dr. Dale Smith" <drdalesmith@aoaenviro.net>

To "Craig McKibbin" <cmckibbin@co.el-dorado.ca.us>

cc <nogridlock@sbcglobal.net>, "Steven Proe" <trails@d-web.com>

05/01/2006 03:48 PM

Subject Filing on Traffic Impact Mitigation Fees

## *Friends of Placer County Communities, Inc.*

*PO Box 55 • Auburn, CA 95604 • Tel: 530-885-8487 Fax: 530-885-8886*

### **RE: Environmental Corporation comments to be entered into the administrative record in El Dorado County on the matter of General Plan EIR addressing Traffic Impact Mitigation (TIM) Fees.**

5/1/2006 3:40 PM

At Mid afternoon today we received an urgent message from the NO GRIDLOCK group in El Dorado County. The close proximity between Placer and El Dorado Counties makes it imperative that we comment on this proposal. We simply do not have the time to do the research necessary, so we take action to make our comments, first of all, by incorporating by reference, all materials filed by NO GRIDLOCK, as being those also of the Friends of Placer County Communities, Inc.

27-1

Secondly, we believe that the following points are exactly correct and we support the adoption of these by the Board of Supervisors of El Dorado County.

- Conduct a full Environmental Impact Report (EIR) on the 2006 Final Traffic Impact Mitigation Fee Program.
- Collect enough money to build or improve the roads needed to fix traffic, as promised in their General Plan. (Tell the Supervisors you expect them to live up to their campaign promise to "LIMIT GROWTH, FIX TRAFFIC".)
- Collect the money for road improvements up front, in 10 years, and build the roads as they are needed, concurrent with growth.
- Make all road improvements the County promised and the General Plan specified.
- **Most importantly overall**, demand and insist on a fully funded 10-year TIM Fee.

27-2

27-3

We believe that NO GRIDLOCK has proven that El Dorado County's new plan for collecting road improvement fees (Traffic Impact Mitigation, TIM Fees) worsens, rather than fixes the traffic problems that also impact Placer County on many occasions.

27-4

The County's plan reduces developer fees yet again, making the TIM fees even less adequate to fix traffic. The plan reduces these road improvement fees as has been adequately documented by NO GRIDLOCK.

27-4  
(cont.)

We ask that these comments be entered into the record as they have been transmitted prior to the 4:00pm deadline for e-mail submissions on this 1<sup>st</sup> of May, 2006.

27-5

Sincerely yours,

/s/ **V. Dale Smith**

V. Dale Smith, H.H.D., Executive Director  
*Friends of Placer County Communities, Inc.*

### **Responses to Comment Set 27 (Smith)**

- 27-1 These comments are noted for the record.
- 27-2 This comment regarding the preparation of a full EIR is noted for the record. Please see Section 2.2 of this Final Supplement for discussion of the decision to prepare a Supplement to the General Plan EIR.
- 27-3 These comments are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. The improvements in the proposed TIM Fee Program are consistent with the General Plan and will result in traffic levels of service that meet General Plan requirements. Please see Section 2.1 of this Final Supplement and the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of General Plan policies that require concurrency of roadway improvements and new development.
- 27-4 This comment is noted for the record. The Draft Supplement discusses and fully discloses projected worsening of levels of service on certain roadways identified through the TIM Fee Program analysis.
- 27-5 These comments have been entered into the project record by their inclusion in this Final Supplement.

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**Comment Set 28**

"Steven Proe" <trails@d-web.com>

To "Craig McKibbin" <cmckibbin@co.el-dorado.ca.us.>

cc "NO Gridlock" <nogridlock@sbcglobal.net>

05/01/2006 03:57 PM

Subject 2006, May 1. comment Tim fee's,Craig McKibbin.doc

Dear Craig: Please respond to these comments in a timely manner.

Thank You  
Steven Proe

May 1, 2006

Craig McKibbin, c/o Development Services Department,  
2850 Fairlane Court  
Placerville, CA 95667.

Re: Tim Fee's Comments

Dear Craig/El Dorado County:

- I hereby comment and request that El Dorado County, Conduct a full Environmental Impact Report (EIR) on the 2006 Final Traffic Impact Mitigation Fee Program. 28-1
- Collect enough money to build or improve the roads needed to fix traffic, as promised in their General Plan. (Tell the Supervisors you expect them to live up to their campaign promise to "LIMIT GROWTH, FIX TRAFFIC".) 28-2
- Collect the money for road improvements up front, in 10 years, and build the roads as they are needed, concurrent with growth.
- Make all road improvements the County promised and the General Plan specified.

1. I also hereby demand and insist on a fully funded 10-year TIM Fee.

2. I hereby comment that a full and complete inventory be taken of all of the roads in El Dorado County, as they now exist after this wet winter.

3. I comment that the road in front of my home on Sliger Mine Road has already failed on approximately 50% of the overlay that is not even a year old and needs to be redone to a higher road standard that is equal to the types of heavy truck traffic that are using Sliger Mine Road and many other Roads in El Dorado County, When will the County do this inventory and what will the standards be for the repair of the County Roads? 28-3

4. I comment that existing roads are so badly broken down that there should not be the option to resurface our roads with a oil and stone overly, your inventory and baseline report of existing conditions must include a standard of quality by the County for longer lasting roads that do not crumble in 8(eight) months.

5. The materials that the County uses for roads must also consider the Noise factor impact which I consider to be significant, when I am awaked thru out the evening and nights by the sounds produced by using a unsmooth surface for roads or road repairs, What will the County do to mitigate the Noise impacts from it's road surfaces that are not meeting the Sound decibel requirements for Noise impacts in this area and the rest of the County? 28-4

6. I as a taxpayer and as a member of the El Dorado County Taxpayers for Quality Growth a well know and respected community group, do hereby request that the County complete a full EIR as required by CEQA. During the interim period all building, construction activities that may have a impact on the environment and the residents and visitors to El Dorado County agree to pay the final Tim fee's that are finally adopted by the El Dorado County Board of Supervisors. 28-5

7. I further comment until the Board of Supervisors, completes it's studies on Tim Fee's that a moratorium on all building must occur. The reasoning for this is once building is allowed to 28-6

proceed it is extremely difficult to collect additional fee's and thus creates another significant impact that will remain un mitigated and significant.  
Thank You

**28-6**  
**(cont.)**

Steven Proe  
PO Box # 94  
2905 Sliger Mine Road  
Greenwood, CA 95635  
530-823-1662

May 1, 2006

Craig McKibbin, c/o Development Services Department,  
2850 Fairlane Court  
Placerville, CA 95667.  
Re: Tim Fee's Comments

Dear Craig/El Dorado County:

- I hereby comment and request that El Dorado County, Conduct a full Environmental Impact Report (EIR) on the 2006 Final Traffic Impact Mitigation Fee Program.
  - Collect enough money to build or improve the roads needed to fix traffic, as promised in their General Plan. (Tell the Supervisors you expect them to live up to their campaign promise to "LIMIT GROWTH, FIX TRAFFIC".)
  - Collect the money for road improvements up front, in 10 years, and build the roads as they are needed, concurrent with growth.
  - Make all road improvements the County promised and the General Plan specified.
1. I also hereby demand and insist on a fully funded 10-year TIM Fee.
  2. I hereby comment that a full and complete inventory be taken of all of the roads in El Dorado County, as they now exist after this wet winter.
  3. I comment that the road in front of my home on Sliger Mine Road has already failed on approximately 50% of the overlay that is not even a year old and needs to be redone to a higher road standard that is equal to the types of heavy truck traffic that are using Sliger Mine Road and many other Roads in El Dorado County, When will the County do this inventory and what will the standards be for the repair of the County Roads?
  4. I comment that existing roads are so badly broken down that there should not be the option to resurface our roads with a oil and stone overly, your inventory and baseline report of existing conditions must include a standard of quality by the County for longer lasting roads that do not crumble in 8(eight) months.
  5. The materials that the County uses for roads must also consider the Noise factor impact which I consider to be significant, when I am awaked thru out the evening and nights by the sounds produced by using a unsmooth surface for roads or road repairs, What will the County do to mitigate the Noise impacts from it's road surfaces that are not meeting the Sound decibel requirements for Noise impacts in this area and the rest of the County?
  6. I as a taxpayer and as a member of the El Dorado County Taxpayers for Quality Growth a well know and respected community group, do hereby request that the County complete a full EIR as required by CEQA. During the interim period all building, construction activities that may have a impact on the environment and the residents and visitors to El Dorado County agree to pay the final Tim fee's that are finally adopted by the El Dorado County Board of Supervisors.
  7. I further comment until the Board of Supervisors, completes it's studies on Tim Fee's that a moratorium on all building must occur. The reasoning for this is once building is allowed to proceed it is extremely difficult to collect additional fee's and thus creates another significant impact that will remain un mitigated and significant.

Thank You

Steven Proe  
PO Box # 94  
2905 Sliger Mine Road  
Greenwood, CA 95635  
530-823-1662

28-7



### Responses to Comment Set 28 (Proe)

- 28-1 This comment regarding the preparation of a full EIR is noted for the record. Please see Section 2.2 of this Final Supplement for discussion of the decision to prepare a Supplement to the General Plan EIR.
- 28-2 These comments are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. The improvements in the proposed TIM Fee Program are consistent with the General Plan and will result in traffic levels of service that meet General Plan requirements. Please see Section 2.1 of this Final Supplement and the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of General Plan policies that require concurrency of roadway improvements and new development.
- 28-3 These comments and concerns associated with existing roadway conditions are noted for the record. The proposed TIM Fee Program would not provide funding for on-going roadway maintenance and an inventory of specific roadway conditions to determine maintenance requirements is not necessary for the CEQA evaluation of the proposed TIM Fee Program. Maintenance on County roads is funded primarily through State gas tax revenue; maintenance generally can not be funded through a development impact fee.
- 28-4 Existing and future noise conditions evaluated in the General Plan EIR would not change with the adoption of the TIM Fee Program and therefore do not require further evaluation in the TIM Fee Program Supplement to the General Plan EIR. Individual road improvement projects will undergo project-specific CEQA review where required by law. At that time, a determination of potential noise impacts associated with the specific road improvements will be conducted and the need for noise mitigation will be assessed and considered in connection with the approval of those projects.
- 28-5 This comment regarding the preparation of a full EIR is noted for the record. Please see Section 2.2 of this Final Supplement for discussion of the decision to prepare a Supplement to the General Plan EIR.
- 28-6 These comments are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. Until such time as the Board of Supervisors adopts a TIM Fee Program, the Interim TIM Fee Program which is in effect at the time of preparation of this Final Supplement and building permits issued during that time will be subject to the interim TIM fees. Please see the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of policy issues associated with the proposed TIM Fee Program.
- 28-7 Please see Responses 28-1 through 28-6 for responses to these comments.

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Comment Set 29

Brady Hodge <bhodgeusa@yahoo.com>

To cmckibbin@co.el-dorado.ca.us

cc

05/02/2006 07:21 AM

Subject Public Comment: TIM Fee CEQA

The following is submitted in response to El Dorado County's proposed Supplement to the General Plan EIR addressing Traffic Impact Mitigation Fees.

As a full-time El Dorado County resident, I urge El Dorado County to:

- Conduct a full Environmental Impact Report (EIR) on the 2006 Final Traffic Impact Mitigation Fee Program. 29-1
- Collect enough money to build or improve the roads needed to fix traffic, as promised in the General Plan.
- 
- Collect the money for road improvements up front, in 10 years, and build the roads as they are needed, concurrent with growth. 29-2
- Make all road improvements the County promised and the General Plan specified.
- **Most importantly overall**, I urge a fully funded 10-year TIM Fee.

I want to take this opportunity to remind El Dorado County Supervisors that you promised voters that you would "Limit Growth, Fix Traffic" in your recent campaign materials and you will be held fully accountable for such promises. To fail to keep such promises made will be wholly unacceptable.

Thank you for this opportunity to provide my input.

Brady Hodge  
402 Wedeln Court  
South Lake Tahoe, CA 96150

(530) 544-1994

### **Responses to Comment Set 29 (Hodge)**

- 29-1 This comment regarding the preparation of a full EIR is noted for the record. Please see Section 2.2 of this Final Supplement for discussion of the decision to prepare a Supplement to the General Plan EIR.
- 29-2 These comments are noted for the record and will be considered by the Board of Supervisors in its deliberation of the proposed TIM Fee Program. The improvements in the proposed TIM Fee Program are consistent with the General Plan and will result in traffic levels of service that meet General Plan requirements. Please see Section 2.1 of this Final Supplement and the August 2006 staff report for the 2004 General Plan TIM Fee Program for discussion of General Plan policies that require concurrency of roadway improvements and new development.

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**Comment Set 30**

Ken Greenwood <kg@d-web.com>

To Craig McKibbin <cmckibbin@co.el-dorado.ca.us>

cc

05/04/2006 12:19 PM

Subject TIM fee CEQA comments

Dear Craig,

Regardless of timing, there is an issue that should be analyzed in the Draft Supplement to the the General Plan EIR. That is the necessity to somehow mitigate the impacts of so called "Special Events," "Promotional Events," "Agricultural Homestays" and all other non-agricultural related activities allowed in the Winery Ordinance (Section 17.14.190 et. seq.. of the El Dorado County Code). Similarly, there needs to be a way to mitigate the traffic impacts of "Special Events," "Promotional Events," "Agricultural Homestays" and all other non-agricultural related activities allowed in the "Ranch Marketing Ordinance" (Section 17.14.180 et.seq. of the El Dorado County Code). These events are allowed by right in properties that are identified in the referenced section of the Code.

30-1

Unfortunately for us all, there is no accommodation for the impacts resulting from these unlimited uses allowed by right on these selected properties. The impacts of these additional trips must be identified and mitigated.

Please contact me with any questions. 530-647-2456

Please put me on your (e) mailing list to be noticed of future hearings and actions pertaining to this TIM Fee review. kg@d-web.com

30-2

Sincerely,

Ken R. Greenwood  
Straight Shot Consulting  
6400 Kristin Lee Way  
Placerville, CA 95667  
530-647-2456  
kg@d-web.com

### **Responses to Comment Set 30 (Greenwood)**

*Please note that this comment set was received after the close of the public comment period on the Draft Supplement. Pursuant to CEQA Guidelines Section 15207, a CEQA lead agency need not respond to late comments; however, the lead agency may choose to respond and the County has chosen to respond to these comments.*

30-1 Please see Response 14-1.

30-2 This request is noted and you will receive future TIM Fee Program-related public notifications distributed to individuals by the County.

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### **3 REFERENCES**

Dowling, 2006. El Dorado County Traffic Impact Mitigation Fee Update 2005. February 14, 2006. Dowling Associates, Inc. Sacramento, CA.

Dowling, 2006a. US 50 Strategic Corridor Operations Study – Ponderosa Road to Mather Field Road. January 31, 2006. Dowling Associates, Inc. Sacramento, CA.

EDAW, 2004. Environmental Assessment of General Plan Policy Modifications as Part of the Final Environmental Impact Report. EDAW. July, 2004.

El Dorado County, 2003. El Dorado County General Plan Final Environmental Impact Report. Certified July 19, 2004. SCH# 2001082030.

El Dorado County, 2004. 2004 El Dorado County General Plan: A Plan for Managed Growth and Open Roads; A Plan for Quality Neighborhoods and Traffic Relief. Adopted July 19, 2004. El Dorado County Planning Department. Placerville, CA.

El Dorado County, 2006. Traffic Impact Mitigation Fee Program Draft Supplement to the El Dorado County General Plan Environmental Impact Report (SCH#2001082030)

Fehr & Peers, 2004. Ronald T. Milam, Fehr & Peers, Technical Memorandum re: Modified 1996 General Plan Alternative Modeling. July 7, 2004. (Exhibit 2 of Attachment 3 to EDAW, 2004.)

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## 4 REPORT PREPARATION

### El Dorado County

Richard Shepard	Director of Transportation
Jim Ware	Deputy Director of Transportation
Craig McKibbin	Senior Traffic Civil Engineer
Lou Green	County Counsel
Paula Frantz	Deputy County Counsel
Peter Maurer	Deputy Director of Development Services

### Environmental Stewardship & Planning, Inc. (ESP)

Steve Peterson	Principal-in-Charge
Bob Delp	Project Manager
Amanda Rose	Editing/Production
Shelley King	Word Processing

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