



## RESOLUTION 191-2016

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

### **Adopting the El Dorado County General Plan Traffic Impact Mitigation (TIM) Fee Program 2016 TIM Fee Schedule**

**WHEREAS**, the County Board of Supervisors has long recognized the need for new development to help fund the roadway, bridge and transit improvements necessary to serve that new development; and

**WHEREAS**, starting in 1984 and continuing until the present time, the Board of Supervisors has adopted and updated various fee resolutions to ensure that new development on the western slope pay to fund its fair share of the costs of improving the County and state roadways necessary to serve that new development; and

**WHEREAS**, the County prepared a General Plan entitled “2004 El Dorado County General Plan: A Plan for Managed Growth and Open Roads; A Plan for Quality Neighborhoods and Traffic Relief,” and in July of 2004 adopted that plan; and

**WHEREAS**, pursuant to Public Resources Code Section 21000 et seq., on August 22, 2006, with Resolution 265-2006, the County certified the Traffic Impact Mitigation (TIM) Fee Program Supplement to the 2004 General Plan Environmental Impact Report, issued a Supplemental Statement of Overriding Considerations, and made Supplement Findings of Fact; and

**WHEREAS**, pursuant to Government Code Section 66001 et seq., the County adopted the 2004 General Plan TIM Fee Program on August 22, 2006, with Resolution 266-2006; and

**WHEREAS**, Resolution 205-2008 adopted on July 29, 2008, provided that said fees shall be adjusted annually by an increase or decrease in the project costs by updating improvement cost estimates using actual construction costs of ongoing and completed projects, the most current cost estimates for those projects that are far enough along in the project development cycle to have project cost estimates, and for all other projects, the Engineering News Record-Building Cost Index; and

**WHEREAS**, Resolution 114-2009, adopted on June 2, 2009, amended the 2004 General Plan TIM Fee Program and left the TIM Fee Rates unchanged from 2008; and

**WHEREAS**, Resolution 070-2010, adopted on June 8, 2010, amended the 2004 General Plan TIM Fee Program and left the TIM Fee Rates unchanged from 2009; and

**WHEREAS**, the County Board of Supervisors on December 19, 2011, directed single family and multi-family Age Restricted fee categories in Zone 8, and for all zones which are within community regions and have infrastructure in place, be established in the TIM Fee Program at 38% of the fee for single and multi-family residential categories, respectively; and that Age Restricted single family and multi-family housing shall be that as defined in California Civil Code Section 51.3; and

**WHEREAS**, the County Board of Supervisors on December 19, 2011, directed a lowering of the TIM fees by the balance of the savings identified in the annual review of the TIM Fee Program project costs, after the creation of the Age Restricted categories; and



**WHEREAS**, General Plan Policy TC-Xb requires the County to “at least every five years, prepare a TIM Fee Program specifying roadway improvements to be completed within the next 20 years to ensure compliance with all applicable level of service and other standards in this plan;” and

**WHEREAS**, studies were conducted to analyze the impacts of contemplated future development on existing public facilities in the County, and to determine the need for new public facilities and improvements required by the new development; and

**WHEREAS**, said studies set forth the relationship between new development, the needed facilities, and the estimated costs of these improvements; and

**WHEREAS**, after a full public hearing during which the fee structure was studied and reviewed, the Board made the following findings pursuant to Government Code Section 66001:

**Government Section 66001(a)(1): Identify the purpose of the fee.**

Finding for Government Code Section 66001(a)(1): The purpose of the TIM Fee is to fund capital transportation/circulation improvements which are related directly to the incremental traffic/vehicle burden imposed upon the County’s transportation/circulation system by new development in the unincorporated west slope of El Dorado County through 2035. The TIM Fee and TIM Fee program are an implementation measure, as required by Implementation Measure TC-B of the 2004 General Plan adopted by the County Board of Supervisors: “2004 El Dorado County General Plan: A Plan for Managed Growth and Open Road; A Plan for Quality Neighborhoods and Traffic Relief”. The TIM Fee program addresses the need to fund a road system capable of achieving the traffic level of service standards of the County’s General Plan. Transportation improvements funded by the TIM Fees include future improvements as well as improvements already installed which are subject to reimbursement agreements. Improvements included in the TIM Fee program are necessary to accommodate new development; such improvements include, but are not limited to, new local roads, local road upgrades and widenings, signalization and intersection improvements, operational and safety improvements, Highway 50 improvements, and bridge replacement and rehabilitation. The TIM Fee advances a legitimate County interest by enabling the County to provide infrastructure to new development and to require new development to pay its fair share.

**Government Code Section 66001(a)(2): Identify the use to which the fee is to be put. If the use is financing public facilities, the facilities shall be identified. That identification may, but need not, be made by reference to a capital improvement plan as specified in Section 65403 or 66002, may be made in applicable general or specific plan requirements, or may be made in other public documents that identify the public facilities for which the fee is charged.**

Finding for Government Code Section 66001(a)(2): The fee is to be used to fund transportation/circulation improvements necessary to accommodate new development in the unincorporated west slope of El Dorado County through 2035 as contemplated by the General Plan, including future improvements as well as improvements already installed which are subject to reimbursement agreements. The TIM Fee will fund new local roads, local road upgrades and widenings, signalization and intersection improvements, operational and safety improvements, Highway 50 improvements, bridge replacement and rehabilitation, provide funding for transit improvements in accordance to the El Dorado County Transit Authority’s CIP, and costs associated with ongoing program staff and consultant costs for annual updates, major updates, and ongoing administrated related to the TIM Fee Program. The County’s Capital Improvement Program (CIP) , which is updated and adopted annually, identifies every project to be funded by the TIM Fee and includes the following information for each project: detailed cash pro-formas which show all revenues by funding source and all expenditures per fiscal year; a current year work program; a future work program broken down into five year, ten year and twenty year timeframes; and additional details for each capital project, including project description, a financing plan and tentative schedule.



**Government Code Section 66001(a)(3): Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.**

Finding for Government Code Section 66001(a)(3): There is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed as set forth in:

- The *Traffic Impact Mitigation Fee Program Update Nexus & Funding Model* (Nexus Study) prepared by Urban Economics and Kittelson and Associates, Inc., dated December 6, 2016.
- The most currently adopted El Dorado County *Capital Improvement Program*.
- The 2016 Programmatic Environmental Impact Report for the Western Slope Roadway Capital Improvement Program and Traffic Impact Mitigation Fee Program for El Dorado County, certified on December 6, 2016.
- The *2035 Growth Projections* Memorandum prepared by BAE Urban Economics, dated March 14, 2013.

There is a reasonable relationship between the TIM Fee's use and the type of development projects on which the fee is imposed because the transportation/circulation facilities funded by the TIM Fee are needed to accommodate the incremental new traffic/vehicle burdens generated by the development of new commercial, industrial and residential uses upon which the fee is imposed. (See documents cited above.) There is a reasonable relationship between the need for the transportation/circulation facilities and the development of new commercial, industrial and residential projects upon which the fee is imposed because the new development projects paying the fee will receive a direct benefit from the transportation/circulation facilities funded by the fee; the transportation/circulation facilities funded by the fee will increase traffic/vehicle circulation capacity on streets and highways directly burdened by the increase in traffic/vehicles generated by new development projects upon which the fee is charged.

**Government Code Section 66001(a)(4): Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.**

Finding for Government Code Section 66001(a)(4): There is reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed as set forth in:

- The *Traffic Impact Mitigation Fee Program Update Nexus & Funding Model* (Nexus Study) prepared by Urban Economics and Kittelson and Associates, Inc., dated December 6, 2016.
- The most currently adopted El Dorado County *Capital Improvement Program*.
- The 2016 Programmatic Environmental Impact Report for the Western Slope Roadway Capital Improvement Program and Traffic Impact Mitigation Fee Program for El Dorado County, certified on December 6, 2016.
- The *2035 Growth Projections* Memorandum prepared by BAE Urban Economics, dated March 14, 2013.

There is a reasonable relationship between the need for the public facility and the type of development projects on which the fee is imposed because the transportation/circulation facilities funded by the TIM Fee are needed to accommodate the incremental new traffic/vehicle burdens generated by the development including those from new commercial, industrial and residential uses upon which the fee is imposed. (See documents cited above.) There is a reasonable relationship between the need for the transportation/circulation facilities and the development of projects including new commercial, industrial and residential projects upon which the fee is imposed because the new development projects paying the fee will receive a direct benefit from the transportation/circulation facilities funded by the fee; the transportation/circulation facilities funded by the fee will increase traffic/vehicle circulation capacity on streets and highways directly burdened by the increase in traffic/vehicles generated by new development projects upon which the fee is charged.

The *Traffic Impact Mitigation Fee Program Update Nexus & Funding Model* (Nexus Study) prepared by Urban Economics and Kittelson and Associates, Inc., dated December 6, 2016 provides a thorough analysis of the required transportation facilities to be improved, as a result of development, and provides information of the fair share analysis and fees required by Traffic Impact Mitigation Fee Zone, and further broken down by



development type. The TIM Fee Program Schedule Resolution, which may be amended from time to time, provides the most current TIM Fee rates per development type by TIM Fee Zone.

**WHEREAS**, the collection process and the amount of fees for improvement of roadways and intersections identified in the El Dorado County General Plan TIM Fee 2016 Update are set forth in Ordinance 5045 and in the TIM Fee Administration Manual.

**THEREFORE, BE IT HEREBY RESOLVED,**

- A. The Board of Supervisors hereby adopts the amended General Plan TIM Fee Program fees as shown in the attached Exhibit A;
- B. Applicants shall pay the TIM Fee rate in effect at time of building permit issuance or at time of approval of an application for a change in the use of a building or property as defined in the TIM Fee Ordinance and TIM Fee Administrative Manual;
- C. The fees listed in the attached Exhibit A will not apply to any permit issued prior to adoption of this Resolution;
- D. All TIM Fee Program receipts are to be expended on projects shown on Exhibit B, as may be amended from time to time in accordance with General Plan Policy TC-Xb;
- E. A map of the TIM Fee Zones is provided in Exhibit C;
- F. The TIM Fee Program Nexus study is provided in Exhibit D;
- G. All references to earlier programs in agreements, conditions of approval, mitigation measures, etc., will be assumed to apply to this updated TIM Fee Program where:
  1. References to the former TIM Fee Program are assumed to include the updated 2004 General Plan TIM Fee Program.
  2. References to the former State TIM and the former interim Highway 50 programs are assumed to also include the updated General Plan Highway 50 TIM Fee.
- H. Upon adoption of this Resolution, new TIM Fee accounts will be created. In order to simplify the accounting for TIM Fee funds, funds from existing TIM Fee accounts will be transferred into the new TIM Fee accounts as follows:
  1. TIM – Zone 8 El Dorado Hills : transferred from TIM – 2004 EDH TIM (7730503)
  2. TIM - Silva Valley Interchange: transferred from 2004 Silva Valley Interchange (7730504)
  3. TIM – Zones 1-7: transferred from TIM – 2004 TIM (7730505) and TIM – Traffic Impact Mitigation Fees (7730500)
  4. TIM – HWY 50: transferred from TIM – 2004 HWY 50 TIM (7730701) and TIM – Interim HWY 50 TIM Fees (7730700)

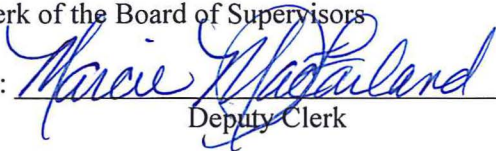
**PASSED AND ADOPTED** by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 6th day of December 2016, by the following vote of said Board:

Attest:

James S. Mitrison

Clerk of the Board of Supervisors

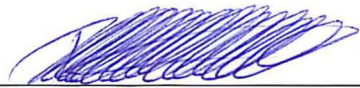
By:

  
Deputy Clerk

Ayes: Veerkamp, Ranalli, Mikulaco, Frentzen, Novasel

Noes: None

Absent: None

  
Ron Mikulaco, Chair, Board of Supervisors