

Public Comment #34  
BOS Recd. 12-3-24

**From:** Sue Taylor <sue-taylor@comcast.net>  
**Sent:** Tuesday, December 3, 2024 12:28 AM  
**To:** BOS-Clerk of the Board; BOS-District II; BOS-District III; BOS-District IV; BOS-District V  
**Subject:** Regarding 12-3-24 Agenda #34, Legistar #24-1686  
**Attachments:** 12-3-24 Comments SOC .pdf

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Please add my comments to Agenda Item #34.  
Thank you,  
Sue Taylor

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12-3-2024

To the El Dorado County Board of Supervisors:

Regarding 12-3-24 Agenda #34, Legistar #24-1686

First, I would ask that the County stop using the term "TIF" program. TIF conflicts with the verbiage in the County's general plan and with the intent of the program. The fees were to "mitigate" the impact of new development on our roadways to suitable levels, thus why they were called "Traffic Impact Mitigation" (TIM) fees.

From the Transportation Element of the General Plan,

*"Impact Fee Programs:*

*The County has a countywide traffic impact mitigation (TIM) fee program that is used to fund capital improvements to the local and State Road system to mitigate traffic impacts resulting from development. This program originated as several individual fee programs, which were adopted between 1984 and 2002. The countywide TIM Fee program incorporates former fee programs, including the West Slope Area of Benefit Traffic Impact Mitigation Fee Program, the Transportation Impact Fee Program for the State System's Capacity and Interchanges, the El Dorado Hills/Salmon Falls Area Road Impact Fee Program, and the Interim Transportation Impact Fee for Highway 50 Corridor Improvements."*

This proposed 2024 program is flawed because it fails to address the deficiencies in our current road system and how those deficiencies are going to be addressed along with how road capacity will be added to actually meet county required levels of service as stated in Policy TC-Xd of the General Plan. There are already numerous roadways that have gone over their allowed levels of service within the County, in which it is physically impossible to add more capacity without taking out existing towns and neighborhoods. Also, merely asking for developers to pay a fee, in lieu of providing the roads, does not facilitate an action that has any possibility of meeting the requirements in General Plan Policies TC-Xa 1, 2, 7, Policy TC-Xc, Policy TC-Xd, and Policy TC-Xg:

**Policy TC-Xa** Except as otherwise provided, the following TC-Xa policies shall remain in effect indefinitely, unless amended by voters:

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 from the original Table TC-2 of the 2004 General Plan that are allowed to operate at Level of Service F without first getting the voters' approval.

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

**Policy TC-Xc** Developer paid traffic impact fees combined with any other available funds shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development during peak hours upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county. (Resolution 201-2018, September 25, 2018)

**Policy TC-Xd** Level of Service (LOS) for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table. Level of Service will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be based on the professional judgment of the Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes.

**Policy TC-Xg** Each development project shall dedicate right-of-way, design and construct or fund any improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of the development. This policy shall remain in effect indefinitely unless amended by voters.

Also, when the county changed the road zones from 1-7 and 8 as being separate zones in which the funds would be acquired and spent, this action allowed developers to access the funds created in zones 1-7 (Western Slope less El Dorado Hills) to pay off the debt in zone 8 (El Dorado Hills). This was in violation of our General Plan, specifically Policy 10.2.2.3 which states that "Fees and Assessments collected shall be applied to the geographic zone from which they are originated." This is also a violation of past agreements and not complying with the nexus of the funds generated from the area being spend in the area they were acquired.

By the county shifting zones and projects in the Capital Improvement Program around, in and out, developers have been able to sidestep their impacts to our existing road system without any clear path to rectify current, past and future

deficiencies. The County acts like the deficiencies don't exist. This program being proposed just continues this unlawful practice. There does not seem to be a clear nexus of how mitigation is happening to keep our general plan, "A PLAN FOR MANAGED GROWTH AND OPEN ROADS; A PLAN FOR QUALITY NEIGHBORHOODS AND TRAFFIC RELIEF" possible.

The plan that is being presented today, will probably be sued by the developers for raising the rates so high without a clear nexus in zone C and to those that already provided the infrastructure in zone C and are now being assessed again.

The other part is that this plan will be pushing all new development into zone A. Meanwhile, the circulation requirements in our General Plan are being completely ignored. This whole process needs to be revamped in order to actually make the developers pay the true cost of their road and water infrastructure and down zone areas where facilitating the required infrastructure is impossible.... The county has been playing this shell game for far too long and may be headed for another multi-million-dollar lawsuit for not having a legit nexus between development and required infrastructure.

The County would be wise to remove the majority of projects from the Capital Improvement Plan, which are needed for developers to meet required capacity levels, thus requiring them to bare their full impact of the cost of the infrastructure, rather than putting that burden and impact on the back of the taxpayer. Then these developers, knowing the real cost of the required infrastructure, can spread that among their new housing units and through mutual agreements from the county, be reimbursed as these homes are developed as was done prior to 2008.

New development has not been paying their fair share nor is the County adhering to the required levels of service within many of our communities. They are also not laying out how those levels of services will be improved.

And lastly, this program fails to meet many of the elements in our El Dorado County 2004 General Plan. In fact, during the Planning Commission meeting a planner made the remark to the effect that due to the lawsuit against Measure E, the county no longer looks at it as it was intended. Is the Planning Department even aware that most of the requirements are still a part of the General Plan. Due how this program is ignores many of the policies within the County's general plan, it does make this a project for purposes of the California Environmental Quality Act (CEQA) and should be evaluated as such.

Thank you for the opportunity to comment,

Sue Taylor

And Sue Taylor representing Save Our County