



RESOLUTION NO. 208-2015  
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

Providing an interim refund period for non-residential Traffic Impact Mitigation (TIM) fees paid between December 15, 2015 and December 15, 2016.

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

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

**WHEREAS**, in July 2004 the County adopted 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

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

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

**WHEREAS**, the County adopted various resolutions since that time that revised the TIM fee program and/or adjusted TIM fee rates; and

**WHEREAS**, pursuant to Government Code Section 66001 et seq. and General Plan policy, the County initiated an update to the County’s Capital Improvement Program (CIP) and TIM Fee Program in February 2015; and

**WHEREAS**, County staff presented draft information to the Board of Supervisors in September 2015 indicating that the updated TIM Fees, once adopted and in effect, may be lower than the current TIM fees in certain zones, particularly for non-residential development; and

**WHEREAS**, potential applicants may refrain from filing applications or pulling building permits for new non-residential development until the updated TIM Fee Program and rate schedule is adopted and goes in to effect; and

**WHEREAS**, a delay in application submittals may postpone implementation of new or expanded economic development projects that would provide employment opportunities, provide services, generate sales tax, and generate new property taxes, consistent with the Board Policy J-2 titled “Economic Development Policy/ - Priority Industrial and Commercial Priorities”; and

**WHEREAS**, in order to address this concern, the Board of Supervisors directed that a refund policy be established during this interim period prior to the adoption and implementation of said potential lower non-residential TIM fees.

**NOW, THEREFORE, BE IT RESOLVED**

- A. The Board of Supervisors hereby adopts an interim policy to provide partial TIM Fee refunds so as to not discourage the filing of applications, the pulling of building permits, and/or the payment of TIM Fees for new non-residential development until the updated TIM Fee Program and rate schedule is adopted and goes in to effect.
- B. This policy shall be in effect from December 15, 2015 to December 15, 2016, or until the revised TIM fees are effective, whichever is sooner.
- C. The County shall refund a portion of TIM Fees paid between December 15, 2015 to December 15, 2016 if all of the following conditions are met:
  - a. The TIM Fees due under the existing TIM fee program are paid in full during the applicable time period; and
  - b. The TIM Fees paid are for non-residential development, including but not limited to commercial, industrial, office, hotel, and multiple family residential. TIM Fees paid for single family residential homes shall not be refunded; and
  - c. The County adopts a revised TIM Fee Program with lower fees on or before December 15, 2016; and
  - d. No legal action is filed challenging the validity of the revised Capital Improvement Program, TIM Fee Program, TIM Fee rate schedule, or any part thereof.
- D. For non-residential TIM Fees paid in TIM Fee Zones 1 through 7, the refund due shall be the difference between the fees paid during the applicable time period and the fees required under the new fee schedule, less a \$300 administration fee that will be retained to process said refund. In no event shall the administration fee exceed 25 percent (25%) of the refund due. If the \$300 administration fee is greater than 25% of the refund due, the administration fee shall be set at 25% of the refund due, rounded to the nearest dollar.
- E. For non-residential TIM Fees paid in TIM Fee Zone 8, the refund due shall be seventy percent (70%) of the difference between the fees paid during the applicable time period and the fees required under the new fee schedule, less a \$300 administration fee that will be retained to process said refund. In no event shall the administration fee exceed 25 percent (25%) of the refund due. If the \$300 administration fee is greater than 25% of the refund due, the administration fee shall be set at 25% of the refund due, rounded to the nearest dollar.

- F. The County will process refunds, with payment due to the person of record that paid the referenced TIM fee(s) subject to partial refund, within 180 days of the updated TIM fee program going in to effect.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 15th day of December, 2015, by the following vote of said Board:

Ayes: Mikulaco, Ranalli, Frentzen, Veerkamp, Novasel  
Noes: None  
Absent: None

Attest:

James S. Mitrising

Clerk of the Board of Supervisors

By: Marcie MacFarland  
Deputy Clerk

B.K. Veerkamp  
Brian K. Veerkamp, Chair, Board of Supervisors