



**COMMUNITY DEVELOPMENT AGENCY
LONG RANGE PLANNING DIVISION**

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October 27, 2016

TO: Planning Commission

FROM: Claudia Wade, Senior Civil Engineer

Subject: Major Capital Improvement Program and Traffic Impact Mitigation Fee Program Update

PURPOSE AND SUMMARY

The County is updating its Capital Improvement Program (CIP) and Traffic Impact Mitigation (TIM) Fee Program as required by the General Plan and state law. The purpose of today's hearing is to provide the Planning Commission with information on the following:

1. CIP Findings of Consistency with the General Plan
2. Programmatic Environmental Impact Report (EIR)
3. Proposed General Plan Amendments
4. Mitigation Monitoring and Reporting Plan (MMRP)
5. Amendment to County of El Dorado's Ordinance Code

Staff is recommending that the Planning Commission take the following action:

1. Approve Finding of Consistency of the Major CIP Update with the General Plan (Attachment 201B).

Staff is recommending the Planning Commission make the following recommendations to the Board of Supervisors (Board):

2. Adopt Resolution **XXX-2016** certifying the EIR (SCH No. 2016022018) for the proposed Western Slope Roadway Capital Improvement Program and Traffic Impact Mitigation Fee Program for El Dorado County (Attachment 201C), subject to the California Environmental Quality Act (CEQA) Findings (Attachment 201D) and Statement of Overriding Considerations (Attachment 201E)
3. Adopt Resolution **XXX-2016** amending the General Plan Transportation and Circulation Element (Attachment 201F)
4. Adopt the Mitigation Monitoring and Reporting Plan (MMRP) (Attachment 201G), in compliance with CEQA Guidelines Section 15097(a)

Staff is also recommending that the Planning Commission receive and file the following:

5. Draft Frontage Improvement Ordinance (Attachment 201H)
6. Draft TIM Fee Program Ordinance and Draft TIM Fee Program Schedule Resolution (Attachment 201)

BACKGROUND

On September 22, 2016, staff provided the Planning Commission with a comprehensive background on the CIP and TIM Fee Programs (Legistar Item No. 16-0927). In summary, a CIP is a planning document that identifies capital improvement projects (e.g., roads and bridges) a local government or public agency intends to build over a certain time horizon (usually between 5 and 20 years). CIPs typically provide key information for each project, including a general scope, schedule (includes planning, design, and construction), cost and revenue sources. The County's CIP provides a means for the Board to define capital improvement project and funding priorities over a 20-Year horizon.

In order to maintain the integrity of its roadway network, the County is required to develop and maintain a 10- and 20-Year CIP pursuant to General Plan Policy TC-Xb and Implementation Measure TC-A.

A TIM Fee is a fee levied by a local government or public agency to ensure that new development projects pay for all or a portion of the costs of providing public infrastructure or services to the new development. Since 1984, the County has adopted and updated various TIM Fee programs to ensure that new development on the western slope pays the costs of constructing and improving county and state roads necessary to serve new development. The TIM Fee is paid at the time of issuance of a building permit (e.g., for single family home or non-residential buildings). TIM Fees are calculated pursuant to Government Code 66000 et. seq. and the County's General Plan policy. Generally, fees are based on the type of land use, quantity, location, impact on roads, and level of service (LOS).

The CIP is the planning, prioritization, and scheduling mechanism, while the TIM Fee Program is one of the funding mechanisms for funding CIP projects within the County. The County's CIP includes TIM Fee and non-TIM Fee funded projects.

TIM Fee funded projects are CIP projects that are needed to accommodate new development projected over the next 20 years, which may include road widenings, interchange improvements, etc. Since these new projects are needed to accommodate new development, there is a nexus, pursuant to the Mitigation Fee Act, to charge new development a fee to pay for these new projects.

Other (non-TIM Fee funded) CIP projects are also included in the CIP and funded with a variety of other sources. Since these projects are not needed to accommodate new development, they do not meet the nexus requirements per the Mitigation Fee Act and are not eligible for TIM Fee funding. Non-TIM Fee funded CIP projects include bike/pedestrian facilities, bridge replacement projects, and projects that address a safety concern or existing deficiency.

The General Plan requires the CIP and TIM Fee Program to be updated every five years to revise the 20-Year growth forecast and comprehensively re-evaluate the programs. This is often referred to as the "Major Update."

As part of the major update effort, on April 8, 2014, the Board directed staff to use a 20-year growth forecast which assumes a 1.03% annual growth rate, with 75% of residential growth occurring within Community Regions and 25% occurring outside of Community Regions. This growth forecast and distribution is consistent with the County's historical growth rate and with the General Plan's goals and policies. The County's Travel Demand Model (TDM) was used to determine what roadway projects would be required to accommodate the projected growth through 2035 while maintaining the roadway capacity in accordance with General Plan LOS thresholds (General Plan Policy TC-Xd). The TDM was also used to determine when these projects would need to be built.

After the Board adopted the Targeted General Plan Amendment and Zoning Ordinance Update on December 15, 2015, the TDM's future year (2035) land use was amended to incorporate the adopted General Plan land use and the traffic analysis was re-evaluated to determine what roadway projects would be required through 2035.

A comprehensive TIM Fee Program Nexus Study (Attachment 17M) was prepared consistent with General Plan policies, State law (the Mitigation Fee Act), and industry standard. The Nexus Study ensures that the County will be able to fund the roadway projects needed as a result of growth and that future developments will pay their fair share of these needed projects. The TIM Fee Program Nexus Study establishes the reasonable relationship between new development and the portion of the necessary roadway improvements that will be funded by the proposed TIM Fee Program. The Nexus Study establishes a fee schedule to fund the required roadways which are incorporated into the Major CIP Update.

TIM Fees can be combined with other funding sources, such as Federal, State, and local funding, to build projects. The El Dorado County Transportation Commission developed an estimate of future grant funding from State and Federal sources. Based on Board direction and government code requirements, 55% of future grant funding will be used for TIM Fee funded projects and 45% will be available for other uses outside the TIM Fee Program (i.e., non-TIM Fee funded projects in the CIP). The CIP also takes into account other revenue sources, including but not limited to the Road Fund, the Missouri Flat Master Circulation and Funding Plan, etc.

Construction for each CIP project is scheduled in the Current Year, 5-Year CIP, 10-Year CIP or 20-Year CIP. Project construction schedules are included in the proposed 2016 CIP Book. Construction schedules for TIM Fee funded CIP projects were determined by the technical analysis performed by the County's consultant Kittelson & Associates, Inc. The construction schedules ensure that acceptable LOS is maintained on the County roadway network, as required by General Plan Policy TC-Xd. The non-TIM Fee funded CIP projects are prioritized based on a number of factors (in no particular order), such as:

- Existing operational deficiencies
- Available funding
- Economic development
- Site limitations
- Capacity

- Development projects’ conditions of approval
- Regulatory requirements
- General Plan policies (e.g., TC-Xa)

Ultimately, the Board determines the timing of CIP projects, taking into account project need and available resources.

DISCUSSION

1. CIP Findings of Consistency with the General Plan

On September 20, 2016, the Board provided tentative approval of the 2016 CIP Book. Pursuant to California Government Code §65103(c) and §65401, a county's CIP must be periodically reviewed and submitted to the county's planning agency for review in order to determine conformity with the adopted General Plan. The General Plan policies and implementation measures which specify requirements for the CIP include, but are not limited to, those policies and implementation measures included in Attachment 201B. Attachment 201B includes an explanation of the CIP consistency with the General Plan policies and implementation measures.

The proposed Major CIP and TIM Fee Program Update was developed consistent with the General Plan policies. The process involved developing a 20-year growth forecast, using the TDM to determine the infrastructure needed to maintain acceptable LOS, and determining the funding sources available for those improvements. Finally, the construction schedule for each project was determined by the technical analysis and Board direction. Each step is described in the background section of this report.

Recommended Action: Approve Finding of Consistency of the Major CIP Update with the General Plan (Attachment 201B).

2. Programmatic EIR

As discussed at the September 22, 2016 Planning Commission hearing, based on the traffic analysis and the need for General Plan Amendments, it was determined that a Programmatic EIR is the most appropriate document to prepare pursuant to the California Environmental Quality Act (CEQA) for the Major CIP and TIM Fee Program Update. The Board directed staff to proceed with the Programmatic EIR on December 15, 2015. A Programmatic EIR differs from the typical “project EIR” that is prepared for a site-specific project such as a highway interchange. The degree of specificity in the Western Slope Roadway CIP and TIM Fee Program Update EIR corresponds to the degree of specificity contained in the proposed updated CIP and TIM Fee Program, consistent with CEQA Guidelines Section 15146.

Because the Western Slope Roadway CIP and TIM Fee Program Update does not include design level documents for the transportation projects, it does not have the degree of specificity that would be expected of the EIR prepared for a transportation project. This approach corresponds with CEQA Guidelines Section 15146(b), which states:

An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.

The Western Slope Roadway CIP and TIM Fee Program Update is not required to, nor does it speculate about, the specific development that might someday be proposed which would impact the transportation network. CEQA does not require lead agencies “to engage in speculation in order to analyze a ‘worst case scenario’” (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 373). CEQA Guidelines Section 15151 describes the standard for adequacy of an EIR as follows:

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

CEQA will apply to future transportation-specific projects, even after the Final Western Slope Roadway CIP and TIM Fee Program Update EIR is certified. The CEQA analyses prepared for those proposed projects will provide decision-makers and the public with information on the potential project-specific impacts, as well as mitigation measures. The holding in *Town of Atherton v. California High-Speed Rail Authority* (2014) __ Cal.App.4th __ explains the expected level of detail in a program EIR in relation to that expected in a project-level CEQA document.

... Requiring a first-tier program EIR to provide greater detail as revealed by project-level analyses, “undermine[s] the purpose of tiering and burden[s] the program EIR with detail that would be more feasibly given and more useful at the second tier stage.” (Bay-Delta, supra, 43 Cal.4th at p. 1173.) While significant new information must be included in an EIR, requiring a program EIR to include everything discovered in project-level analyses before the program EIR is certified would result in “endless rounds of revision and recirculation” of EIRs that the Legislature did not intend. (Laurel Heights Improvement Assn. v. Regents of University of California (1993) 6 Cal.4th 1112, 1132.)

The Programmatic EIR (Attachment 201C) discusses the impacts of the proposed Major CIP and TIM Fee Program Update, as well as the proposed General Plan Amendments.

The following steps have been taken as part of the CEQA process:

- The Environmental Constraints Analysis was prepared by Rincon Consultants

- The Notice of Preparation (NOP) for the Programmatic EIR was filed with the state clearinghouse on February 5, 2016
- The public scoping meeting was held on March 3, 2016
- The 30-day comment period for the NOP closed on March 7, 2016
- The Draft Programmatic EIR and Notice of Availability were released for a 45-day public review on May 19, 2016.
- The Review Period for the Draft EIR ended on Tuesday, July 5, 2016 at 5:00 p.m.

Comments received on the Draft Programmatic EIR can be found in the Final EIR (Attachment 201C). Staff and their consultants have prepared responses to each comment, pursuant to CEQA requirements and prepared a Final EIR (Attachment 201C) for the Commission's consideration.

*Recommended Action: Recommend the Board adopt **Resolution XX-2016** certify the EIR (SCH No. 2016022018) for the proposed Western Slope Roadway Capital Improvement Program and Traffic Impact Mitigation Fee Program for El Dorado County (Attachment 201C), subject to CEQA Findings (Attachment 201D) and Statement of Overriding Considerations (Attachment 201E)*

3. Proposed General Plan Amendments

The Major CIP and TIM Fee Program Update has necessitated changes to the Transportation and Circulation Element (Element) of the General Plan. These changes are proposed in order to ensure the CIP and TIM Fee Programs are consistent with the General Plan. These proposed changes also include clean-up items, clarifications, and corrections to the Element and Figure TC-1. The proposed revisions to the Element are displayed in Table 1 below and in Attachment 201F. The highlighting indicates where text has been edited or added.

**Table 1
 Summary of Revisions to General Plan Transportation and Circulation Element**

Location of Proposed Change	Current Language	Proposed Language
Page 61	<p><u>Impact Fee Programs</u> “The County has four traffic impact mitigation fee programs that are used to fund capital improvements to the road system to mitigate traffic impacts resulting from development. These programs are:</p> <ul style="list-style-type: none"> • West Slope Area of Benefit Traffic Impact Mitigation Fee Program: this program was originally adopted in 1991. The Board adopted major revisions to the program in August 1996. • Transportation Impact Fee Program for the State System’s Capacity and Interchanges: this program was adopted in August 1996. • El Dorado Hills/Salmon Falls Area Road Impact Fee Program: this program was originally adopted in 1984. The Board adopted major revisions to the program in August 1996 and December 2000. • Interim Transportation Impact Fee for Highway 50 Corridor Improvements: this program was adopted in October 2002. 	<p><u>Impact Fee Program</u> “The County has a Traffic Impact Mitigation (TIM) Fee Program for the unincorporated West Slope 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 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.”</p>

**Table 1
 Summary of Revisions to General Plan Transportation and Circulation Element**

Location of Proposed Change	Current Language	Proposed Language
Page 61 – 62	“The Circulation Map (Figure TC-1) depicts the proposed circulation system to support existing, approved, and planned development in unincorporated El Dorado County through 2025.”	“The Circulation Map (Figure TC-1) depicts the proposed circulation system to support existing, approved, and planned development in unincorporated El Dorado County through 2035. ”
Page 62	<p>“Regional highways are shown on the Circulation Map in the following two forms:</p> <ul style="list-style-type: none"> • Established alignments: depicted by solid lines on the map. These include existing highways where the centerline is the precise centerline and future highways where the Board of Supervisors, a City Council, or the subdivision process has established a precise alignment. • Conceptually proposed alignments: depicted by dashed lines indicating future facilities, the precise alignments of which have yet to be determined.” 	<p>“Regional roadways are shown on the Circulation Map in the following three forms:</p> <ul style="list-style-type: none"> • Existing roadways: depicted by solid lines on the map. • Established alignments: depicted by dashed lines on the map. These include future roadways where the Board of Supervisors, a City Council, or the subdivision process has established a precise alignment. • Conceptually proposed alignments: depicted by center lines with background shading indicating future facilities, the precise alignments of which have yet to be determined.
Page 62	None	Figure TC-1 contains a table of the 2035 and Potential Future Roadway Facilities (post-2035) for select locations. The 2035 roadway widenings shown on the table are needed to support planned growth consistent with the current General Plan land use , and the potential future facilities (post-2035) are identified for longer-range planning purposes.
Page 63	N/A	Add the following paragraph under the “ Other Facilities ” heading: “ In addition to other highway facilities, the Circulation Map includes the Capital Southeast Connector, a future regional multi-modal facility. The Capital Southeast Connector shall be consistent with the most current Capital Southeast Connector Joint Powers Authority’s approved

**Table 1
 Summary of Revisions to General Plan Transportation and Circulation Element**

Location of Proposed Change	Current Language	Proposed Language
		Project Design Guidelines, provided that the Project Design Guidelines will not be applied to diminish or alter the rights of County approved projects or the County’s land use authority.”
Page 67 Table TC-1	Table Title is “GENERAL ROADWAY STANDARDS FOR NEW DEVELOPMENT BY FUNCTIONAL CLASS”	Change Table Title to “GENERAL ROADWAY STANDARDS FOR NEW DEVELOPMENT BY ROAD CLASSIFICATION”
Page 67 Table TC-1	Column heading “Functional Class”	Change Column heading to “Road Classification”
Page 69 Policy TC-1u	“The County shall amend the circulation diagram to include a new arterial roadway from the west side of the El Dorado Hills Business Park to US 50.”	Delete policy due to the inclusion of the Latrobe Connection on Figure TC-1.
Page 69 Policy TC-1y	“Development through 2025, within Traffic Analysis Zones 148 and 344, shall be conditioned so that a cap of 10,045 full-time employees is not exceeded, unless it can be demonstrated that a higher number of employees would not violate established level of service standards.”	Delete policy due to the inclusion of the Latrobe Connection on Figure TC-1. The Latrobe Connection provides additional roadway capacity to and from the El Dorado Hills Business Park, such that the level of service standards in Policy TC-Xd would not be violated through the General Plan horizon year of 2035.
Page 84 Measure TC-V(1)	“Work with the Sacramento Area Council of Governments (SACOG), Sacramento County, and the City of Folsom to identify potential alignments for the new arterial roadway from the west side of El Dorado Hills Business Park to US Highway 50. [Policy TC-1u]”	Delete implementation measure due to the inclusion of the Latrobe Connection on Figure TC-1.

The changes to Figure TC-1 are detailed in Table 2 below and Attachment 201F. For comparison purposes the proposed Figure TC-1 and the existing Figure TC-1 are included as Attachment 201F.

Table 2
Summary of Revisions to General Plan Figure TC-1

Roadway / Location of Proposed Change	Proposed Changes
Bass Lake Road	<ul style="list-style-type: none"> • Change from “Future Road” to existing road (i.e., change from dashed line to solid line) near intersection with Serrano Parkway • Remove old alignment of Bass Lake Road (near Serrano Parkway) • Change from 4-Lane Undivided Road to Major 2-Lane Road from Country Club Drive (realignment) to Silver Springs Parkway
Cameron Park Drive	Change from 4-Lane Divided Road to Major 2-Lane Road from Oxford Road to Hacienda Road
Country Club Drive	<ul style="list-style-type: none"> • Add Major 2-Lane Road from Silva Valley Parkway to El Dorado Hills Boulevard (Conceptually Proposed Alignment) • Update alignment of roadway between Bass Lake Road and Silva Valley Parkway (Conceptually Proposed Alignment) • Change from 2-Lane Regional Road to Major 2-Lane Road from Cameron Park Drive to Bass Lake Road
Diamond Springs Parkway	Update alignment of future roadway, per most recent draft plans (Established Alignment)
El Dorado Hills Boulevard	Change from 4-Lane Divided Road to Major 2-Lane Road from Governor Drive/St Andrews Drive to Francisco Drive
Francisco Drive	Change from 4-Lane Divided Road to Major 2-Lane Road from El Dorado Hills Boulevard to Green Valley Road
Green Valley Road	<ul style="list-style-type: none"> • Change to blue Major 2-Lane Road from Cameron Park Drive to Ponderosa Road • Change from 4-Lane Divided Road to Major 2-Lane Road from just east of Silva Valley Parkway to Deer Valley Road (West)
Headington Road	Add extension project as future Major 2-lane Road from Missouri Flat Road to El Dorado Road. (Conceptually Proposed Alignment)
Latrobe Connection	Add Major 2-Lane Road from County Line to Golden Foothills Parkway
Latrobe Road	Change from 6-Lane Divided Road to 4-Lane Divided Road from White Rock Road to just south of Suncast Lane
Ray Lawyer Drive	Add adopted extension of Ray Lawyer Drive between Forni Road and SR 49 (Established Alignment)
Serrano Parkway	<ul style="list-style-type: none"> • Change from “Future Road” to existing road (i.e. change from dashed line to solid line) near intersection with Bass Lake Road • Change from Major 2-Lane Road to 4-Lane, Divided Road from Silva Valley Parkway to Villagio Drive, based on current configuration
Silva Valley Parkway	Change from 4-Lane Divided Road to Major 2-Lane Road from Harvard Way to Green Valley Road
SR 49	Change to the blue Major 2-Lane Road throughout unincorporated County
US 50 / Red Hawk	Remove “Proposed New US 50 Interchange Location” icon

**Table 2
 Summary of Revisions to General Plan Figure TC-1**

Roadway / Location of Proposed Change	Proposed Changes
Parkway	
US 50 / Silva Valley Parkway	Change from “Proposed New US 50 Interchange Location” to 4-Lane, Divided Road, including new alignment near US 50
White Rock Road	Change White Rock Road from County Line to US 50 to the Capitol Southeast Connector Corridor. Includes Change from “6-Lane, Divided Road” to “4-Lane, Divided Road”
Map Legend	<ul style="list-style-type: none"> • Change title from “2025 Level Improvements” to “2035 Circulation System” • Reorder legend items • Minor changes to line types, colors, and legend items • Divided item for “Future Road” into two different items: “Future Road – Established Alignments” and “Future Road – Conceptually Proposed Alignments” • Change item labeled “2-Lane Regional Road (Potential Spot Improvements)” to “Major 2-Lane Road”
Source Note	Change from “July, 2004” to “July, 2004 (Amended [date amended])”
Add Table	Added “2035 and Potential Future Roadway Facility” Table
Map Notes	<ul style="list-style-type: none"> • Remove note that starts “Note: This is a reduced version...” • Add standard map disclaimers

Staff is proposing the addition of a new table to Figure TC-1 to identify potential future roadway facilities (post-2035). When the General Plan was adopted in 2004, the circulation system shown on Figure TC-1 was based on a growth rate of approximately 3% per year. In 2014, the Board directed staff to adjust the growth rate to 1.03% per year, which is better aligned the County’s historical growth rate. As a result, some of the facilities shown on the existing Figure TC-1 are larger than what will be required by 2035. Staff is proposing to change Figure TC-1 to reflect the 2035 circulation system and add the “2035 and Potential Future Roadway Facility” Table to Figure TC-1. The table displays the future facility size for roadways which need fewer lanes by 2035 than what is currently shown on the existing Figure TC-1. The potential future facility list is generally consistent with the existing Figure TC-1 and would be for longer-range planning purposes.

2035 and Potential Future Roadway Facilities

Roadway	Segment	2035 Facility	Potential Future Facility
Bass Lake Road	US 50 to Silver Springs Parkway	Major 2-Lane	4-Lane Divided
Cameron Park Drive	Hacienda Drive to Meder Road	Major 2-Lane	4-Lane Divided
El Dorado Hills Boulevard	Governor Drive/St Andrews Drive to Francisco Drive	Major 2-Lane	4-Lane Divided
Francisco Drive	El Dorado Hills Boulevard to Green Valley Road	Major 2-Lane	4-Lane Divided
Green Valley Road	Silva Valley Parkway to Deer Valley Road (West)	Major 2-Lane	4-Lane Divided
Latrobe Connection (Carson Crossing Drive)	Golden Foothills Parkway to El Dorado County Line	Major 2-Lane	4-Lane Divided
Latrobe Road	White Rock Road to Suncast Lane	4-Lane Divided	6-Lane Divided
Silva Valley Parkway	Harvard Way to Green Valley Road	Major 2-Lane	4-Lane Divided
White Rock Road	Latrobe Road to US 50	4-Lane Divided ¹	6-Lane Divided ¹

¹ White Rock Road is the eastern end of the Capital Southeast Connector Corridor.

On December 7, 2015 the Board adopted Resolution of Intent (ROI) 204-2015 (Attachment 13F) and directed staff to proceed with the General Plan Amendment. This General Plan Amendment is necessary to ensure consistency between the General Plan and the CIP.

Recommended Action: Option 1: Recommend the Board adopt Resolution XXX-2016 to amend the General Plan Transportation and Circulation Element (Attachment 201F)

4. MMRP

As discussed, a programmatic EIR was required as a result of the necessary proposed General Plan Amendments. As part of certification of the EIR, an MMRP is also required. CEQA requires the public agency approving a project for which an EIR was certified to adopt a reporting or monitoring program for the measures adopted in order to mitigate or avoid the project's significant effects on the environment. (Public Resources Code Section 21081.6). Attachment 201G includes the proposed MMRP for adoption by the Board.

Recommended Action: Option 1: Recommend the Board adopt the Mitigation Monitoring Plan (MMRP), in compliance with CEQA Guidelines Section 15097 (a) (Attachment 201G)

5. Amendment to County of El Dorado's Ordinance Code

As part of the Major CIP and TIM Fee Program Update, two new ordinances are proposed: a Frontage Improvement Ordinance and a TIM Fee Program Ordinance. Draft versions of these ordinances are included in Attachments 201H and 201I, respectively. On September 20, 2016, in accordance to Board Policy A-3, the Board authorized staff to amend the appropriate County of El Dorado Ordinance Code(s) to include the Frontage Improvement Ordinance and TIM Fee Program Ordinance.

On February 23, 2016 the Board approved removal of right-of-way, sidewalk, and curb and gutter costs (i.e., frontage improvement costs) from TIM Fee projects in locations where development could build and pay for the improvements. Attachment 201H provides a detailed list of the cost savings to the TIM Fee Program and the specific frontage improvements proposed for removal. As a result, the Frontage Improvement Ordinance is necessary in order to require development to construct its frontage improvements and dedicate right-of-way.

Additionally, staff is also proposing a TIM Fee Program Ordinance. Currently El Dorado County adopts the TIM Fee Program via Resolution. It is standard practice for other jurisdictions, including Placer County, to adopt a TIM Fee Program with an Ordinance. Staff proposes the Board adopt the TIM Fee Program via ordinance, and adopt the fee schedule via resolution (Attachment 201I). The Resolution would be easier to amend on a yearly basis for rate adjustments.

Recommended Action: Receive and file the Frontage Improvement Ordinance (Attachment 201H), TIM Fee Program Ordinance and TIM Fee Program Schedule Resolution (Attachment 201I)

RECOMMENDATION

Staff is recommending that the Planning Commission take the following action:

1. Approve Finding of Consistency of the Major CIP Update with the General Plan (Attachment 201B).

Staff is recommending the Planning Commission make the following recommendations to the Board:

2. Adopt Resolution XXX-2016 certifying the EIR (SCH No. 2016022018) for the proposed Western Slope Roadway Capital Improvement Program and Traffic Impact Mitigation Fee Program for El Dorado County (Attachment 201C), subject to the California Environmental Quality Act (CEQA) Findings (Attachment 201D) and Statement of Overriding Considerations (Attachment 201E)
3. Adopt Resolution XXX-2016 amending the General Plan Transportation and Circulation Element (Attachment 201F)
4. Adopt the Mitigation Monitoring and Reporting Plan (MMRP) (Attachment 201G), in compliance with CEQA Guidelines Section 15097(a)

Staff is also recommending that the Planning Commission receive and file the following:

7. Draft Frontage Improvement Ordinance (Attachment 201H)

8. Draft TIM Fee Program Ordinance xxx-xxxx and TIM Fee Program Schedule Resolution XXX-2016 (Attachment 201I)

NEXT STEPS

- In December, staff will return to the Board for a Hearing on:
 1. Final adoption of the TIM Fee Program roadway list,
 2. Final adoption of the TIM Fee Program Nexus Study,
 3. Final adoption of the 2016 CIP Book,
 4. Final adoption of the TIM Fee Program,
 5. Adoption of and first reading of the TIM Fee Program Ordinance,
 6. Adoption of and first reading of the Frontage Improvements Ordinance,
 7. Adoption of the TIM Fee Program Schedule Resolution,
 8. Certification of the EIR, and
 9. Adoption of the General Plan Amendment for the Transportation and Circulation Element.
 10. Adoption of the Mitigation Monitoring and Reporting Plan (MMRP)
- In December/January, staff will return to the Board for the second reading of the TIM Fee Program Ordinance and the Frontage Improvements Ordinance. TIM Fees will go into effect 60 days after the second reading of the TIM Fee Program Ordinance.

Contact

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