

10/27/2016

Edcgov.us Mail - CIP-TIM Fee issues.



PC 10/27/2016
(Distributed during hearing by staff) Item# 2
3 pages
Planning Unknown <planning@edcgov.us>

CIP-TIM Fee issues.

1 message

Rusty Everett <rusty@speckproducts.com>

Wed, Oct 26, 2016 at 4:48 PM

To: "planning@edcgov.us" <planning@edcgov.us>, "claudia.wade@edcgov.us" <claudia.wade@edcgov.us>

Hi please see the attached document in regards to CIP-TIM Fee issues.

Regards

Rusty Everett

 CIP-TIM Fee DEIR-Preserve EDH Comment Letter 102616.final.pdf
70K

October 26, 2016

Honorable Planning Commissioners
c/o County of El Dorado Community Development Agency
Development Services Division – Planning Services
2850 Fairlane Court
Placerville, CA 95667
Email: planning@edcgov.us

cc: Claudia Wade, P.E., Senior Civil Engineer
Email: claudia.wade@edcgov.us

Re: Response/Comment Letter for Planning Commission Recommendation Hearing
10-27-16: Major Update of the Western Slope Roadway Capital Improvement Program
(CIP) and Traffic Impact Mitigation (TIM) Fee Program and Final Environmental Impact
Report, State Clearinghouse No. 2016022018

Dear Planning Commissioners:

Preserve El Dorado Hills (“Preserve EDH”) provides this response to County’s proposed adoption of the FEIR for its TIM Fee Program, and supplement its comments submitted July 5, 2016 [identified as No. 4 in County’s Response to Comments]. The adoption of Measure E guts a primary purpose of preparing the Traffic Impact Mitigation Fee Program, which is that the funds deposited by the development community as assigned by staff as “partial mitigation” for traffic impacts adequately resolve that developer’s obligation. Measure E puts the original meaning of Measure Y back in place – the development community cannot mitigate with partial funding for future road improvements, i.e. “paper roads”. Therefore the structure of the programmatic nature of the Project itself must be seriously reconsidered before the environmental impacts can be properly evaluated. We, therefore, reiterate that the Planning Commission should recommend that the Board of Supervisors deny this Project or its Final EIR until it has done so.

Measure Y/Measure E Violations

On June 7, 2016, the electorate passed Measure E challenging the County’s prior General Plan assumptions that contribution to the Traffic Impact Mitigation fund was properly allowed by the County General Plan [Measure E: “Initiative to Reinstate Measure Y’s Original Intent – No More “Paper Roads”]. As stated in our prior comment letter, with the passage of Measure E, the County’s General Plan policies as written result in an unintentional practical fraud on the voters. Staff’s response to our comment letter ignores that fact that Measure E mandates calculation of LOS, not just on U.S. 50 but at all intersections. The CIP/TIM Fee Program, which includes intersection improvements, is based on the concept that the development community uses TIM fees for suitable mitigation, regardless of whether the improvements to the roadways ever get built, or as has been the case on multiple occasions just get pushed farther back in the planning

chronology. Use of TIM fee payments allows the development community to evade the whole purpose of Measure E. Transportation projects are identified in the CIP and associated TIM Fee program, but never get completed because the horizon year for completion is constantly being extended through updates to the CIP/TIM Fee Program.

Although the long-term design and planning of roadways throughout the county is a valid and important obligation of the County, the funding of such roadways must be tied to the voter's demands.

Staff response to our Comment letter acknowledges the impact of Measure E but claims that the FEIR should be adopted authorizing the TIM Fee program anyway. We know of no way to sever adoption of the long range planning and timelines included in the EIR from the planning for construction funded under the deferred mitigation model, because the DEIR has not been modified to provide for construction funding for these critical improvements. Based on the foregoing, it is our position that the General Plan and CIP/TIM Fee Program need to be reconstructed so that planning for roadway improvements and funding of those improvements are identified without the deferred mitigation identified in the CIP TIM Fee program. The pending litigation against the County challenging the recent General Plan Amendment has only been further strengthened by the will of the citizens through the passage of Measure E.

As a result of Measure E, these connections must be improved by developers now, not allowed to be further deferred through the artifice of contributions to the TIM Fee fund. Further efforts by El Dorado County to permit payment of mitigation fees instead of actual construction of improvements to our impacted roadways should be terminated.

We note that Caltrans July 5, 2016 letter appears to concur with County generally in methodology, however the actual calculations applicable to intersections and to Highway 50, including Latrobe Road for 2016 have not be included in County's calculations of LOS. As mentioned above, the method of calculation is not the issue. El Dorado County does not evaluate intersections mandated by Measure E. Moreover, we understand that summer 2016 traffic calculations showing larger traffic numbers than used in 2015 LOS submissions is under current review by Caltrans District 3 but that no determination has been made at this time. For all these reasons, we respectfully request that the Planning Commission recommend denial of the Program and FEIR until essential traffic evaluations are completed in compliance with Measure E.

Sincerely,

Preserve El Dorado Hills

Rusty Everett
1321 Manchester Dr
El Dorado Hills, CA 95762

cc: Rural Communities United
Save Our County

(Provided during hearing
by Sue Taylor)

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#2
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**Comments regarding 10-27-16 Planning Commission Agenda
Item #2, #14-0425**

At the August 30, 2016 Board of Supervisors meeting, the Board directed staff to conduct Board workshops to address the traffic and circulation issues underlying Measure E. Staff has not done this. There has not been a "Board" workshop, nor have they had ANY workshop addressing this issue. Not only has this not been addressed, Measure E has not been fully implemented by the County. Below are the corrections that have yet to be implemented into the General Plan:

**Errors and omissions to move Measure E forward as written
and as it was before the voters:**

The 2004 El Dorado County General Plan is hereby amended as follows and shall remain in effect indefinitely unless amended by voter approval:

Policy TC-Xa ~~The following policies shall remain in effect until December 31, 2018:~~

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.
3. All necessary road capacity improvements shall be fully completed to prevent cumulative traffic impacts from new development from reaching Level of Service F during peak hours upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county before any form of discretionary approval can be given to a project.
4. County tax revenues shall not be used in any way to pay for building road capacity improvements to offset traffic impacts from new development projects. Non-county tax sources of revenue, such as federal and state grants, may be used to fund road projects. Exceptions are allowed if county voters first give their approval.
5. The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.

6. Mitigation fees and assessments collected for infrastructure shall be applied to the geographic zone from which they were originated and may be applied to existing roads for maintenance and improvement projects.

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-Xf: At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal.

For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element.

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.

IMPLEMENTATION PROGRAM

MEASURE TC-X

Develop and adopt a formal program to review signalized intersections that may benefit from synchronization. Include synchronization of intersections that could benefit in the Capital Improvement Program (see Measure TC-A). [Policy TC-3d]

| | |
|-----------------|--|
| Responsibility: | Department of Transportation |
| Time Frame: | Develop procedure within two years of General Plan adoption. |

LOS traffic levels on Highway 50 on-off ramps and road segments shall be determined by CalTrans and fully accepted by the County for traffic planning purposes.

TIM (Traffic Impact Mitigation) Fee

Notes:

1. All 2004 General Plan Traffic Impact Mitigation Fee Program fees for all projects shall be paid at the building permit stage. The fees charged will be the fees in effect on the date a completed building permit application is accepted by the Development Services Department's Building Services. ~~Pursuant to the terms of the Board of Supervisors Policy B-15 for fee deferral, some residential projects may be eligible to elect to pay the fee over a five-year period.~~
2. No Traffic mitigation fee shall be required for remodeling of existing residential units including adding a second kitchen, shower or bath in the house or garage that were built pursuant to a valid building permit from the County of El Dorado's Development Services Department's Building Services.
3. The fees for non-residential structures shall be based on the projected use of structures, as determined by plans submitted for building permits, and shall be paid prior to the issuance of a building permit. ~~Pursuant to the terms of Board of Supervisors Policy B-3 for fee deferral, some non-residential projects may be eligible to defer payment of the fee until issuance of the certificate of occupancy, or pursuant to the terms of Board of Supervisors Policy B-3, may elect to pay a portion of the fee over a five-year period. Tenant improvements of existing buildings shall receive T.I.M. fee credit for prior use, unless the new use is less impacting, then there shall be no fee required~~
4. Mobile homes on permanent foundations shall be subject to the single-family residential fee.
5. Second dwelling as defined under County Code Chapter 17.15.020 shall be subject to the multi-family fee.

The conclusion of the County that the "Adoption of Measure E does not create any additional impacts to projects discussed in the EIR and therefore does not require document revision. We disagree.

"All necessary road capacity improvements shall be fully completed to prevent cumulative traffic impacts from new development from reaching level of Service F during peak hours upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county before any form of discretionary approval can be give to a project."

Without the County first determining **current** levels of service on all highways, arterial roadways and intersections within the entire County system, the County cannot move forward.

Measure E changes the criteria of where and how and whether or not road funds should be collected and spent. Funds must be used to correct deficiencies to maintain traffic level of service or provided to eliminate level of service deficiencies prior to the County allowing projects to move forward, rather than being placed in areas where the Board of Supervisors desired future location of growth. Measure E stops the County's practice of allowing for paper roads.

The Measure E Committee requests that the planning Commission deny the Program and FEIR until Measure E is fully implemented and required improvements are determined based on the necessary infrastructure needed to prevent traffic gridlock, and which protects our rural environment and that new development pays its true cost for retaining level of service standards.

Sue Taylor

Save Our County

Measure E Committee