



## Legislation Text

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**File #:** 10-0301, **Version:** 1

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HEARING - Consider adoption of Resolution amending the 2004 General Plan Traffic Impact Mitigation Fee Program and Revised Traffic Impact Mitigation Fee Rates. (Est. Time: 30 Min.)

### **Resolution 070-2010**

Fiscal Impact/Change to Net County Cost:

There is no fiscal impact associated and no Net County Cost associated with this agenda item.

#### Background:

Adoption of the Resolution will allow the Traffic Impact Mitigation (TIM) Fee Program to continue to maintain fees, providing necessary funding for Capital Improvement Program (CIP) Projects as set forth in Resolution No. 266-2006 and amended by Resolution No. 205-2008.

On August 22, 2006, the Board approved Resolution No. 266-2006 adopting the 2004 General Plan TIM Fee Program pursuant to a comprehensive review. The Board also adopted Resolution No. 265-2006, which 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.

Resolution 266-2006 requires the annual review of the TIM Fee Program and directs the Department of Transportation (Department) to return to the Board with a recommendation to adjust the TIM fees, up or down, based upon changes in the cost of construction or other costs. On September 25, 2007, the Board adopted Resolution 243-2007 to adjust the fees based on inflation of construction costs during the proceeding year. The inflation index used in that adjustment was the Caltrans Price Index for Selected California Construction Items. On July 29, 2008, the Board adopted Resolution 205-2008 to:

- adjust the fees based upon inflation of construction costs during the preceding year;
- switch the inflation cost index from Caltrans to the Engineering News Record-Building Cost Index;
- shift the index from third quarter (October) to fourth quarter (December).

On June 2, 2009, the Board adopted Resolution 114-2009, which left the TIM Fee Program rates unchanged from the 2008 annual review.

The Department is again recommending that TIM Fee Program rates be left unchanged this year.

The Department is further recommending an addition to the Resolution to clarify that the Director of Transportation will not authorize a refund of any TIM fees unless no work of any sort has been done under the associated permit in question (e.g., single family dwelling building permit). This policy is modeled after Resolution 180-2007 which sets forth the County's Building Fee Schedule containing a similar policy on refunds of building fees.

Based upon the Board's feedback at the January 25, 2010 CIP Workshop, the Department plans to perform California Environmental Quality Act (CEQA) analysis on CIP Project #71365 Palmer Drive to

Wild Chaparral Drive Connection, and then subsequently to add the project into the TIM Fee Program as part of next year's TIM Fee annual update.

Reason for Recommendation:

The Department has reviewed all of the projects contained in the TIM Fee Program and recommends that the fee rates remain unchanged this year, as was recommended by staff and approved by the Board in 2009. The rates are shown in Exhibit A of the attached Resolution. The list of projects included in the TIM Fee Program, the costs and allocations of those costs to the various components are shown on Exhibit B. A map showing the fee zones is included as Exhibit C.

Exhibit B shows the TIM Fee Program projects, their associated costs, and how the project costs have been adjusted, up or down, using the most current detailed engineering cost estimates as shown in the Department's 2010 10-Year CIP, adopted by the Board of Supervisors on April 27, 2010. The analysis shows an overall increase of 1.4% in the total TIM Fee Program project costs between 2009 and 2010, from \$982.1 million to \$995.7 million. This is in addition to the 4.2% increase between 2008 and 2009 (i.e., \$942.9 million to \$982.1 million). The total increase in the cost of the TIM Fee Program between 2008 and 2010 is 5.6%, from \$942.9 million to \$995.7 million.

There are, however, specific projects (e.g., US 50/Cameron Park Drive Interchange and US 50/Silva Valley Interchange) that are driving the escalation in the TIM Fee Program due to major cost increases. These projects, therefore, merit further analysis and discussion with the Board. The 2010 CIP currently includes these projects at their full Level of Service (LOS) E build-out and costs. Instead of adopting new fees based upon the full construction costs associated with these projects, the Department proposes to return to the Board at subsequent meetings to continue the dialogue begun in recent months to include alternatives, costs, LOS trade-offs, and other issues associated with each project. Until the Board can review and provide direction to the Department on each project, the Department proposes to use Other Agency funds (i.e., state and federal dollars) to cover any funding shortfall that may arise in the short term.

Action to be taken following Board approval:

- 1) The Board Clerk will have the Chairman sign the Resolution adopting the TIM Fee Program rates with no change to the existing fee schedule.

Action to be taken by the Department following Board approval:

- 1) Continue to collect applicable 2004 General Plan TIM fees pursuant to the existing fee schedule;
- 2) Return within the next several months to present options and issues related to the US 50/Cameron Park Drive Interchange and US 50/Silva Valley Interchange projects.

Contact:

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Concurrences: Approved by County Counsel