



# County of El Dorado

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## Legislation Details (With Text)

**File #:** 15-1420 **Version:** 3  
**Type:** Agenda Item **Status:** Approved  
**File created:** 11/25/2015 **In control:** Board of Supervisors  
**On agenda:** 1/26/2016 **Final action:** 1/26/2016  
**Title:** Chief Administrative Office and Community Development Agency recommending the Board discontinue consideration of an interim Traffic Impact Mitigation Fee refund policy for residential development due to recent litigation filed challenging the validity of the County's current Traffic Impact Mitigation Fee program.

FUNDING: TIM Fees and Road Fund.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. A - Approved Blue Route 12-08-15, 2. B - Interim TIM Fee Refund Resolution 12-8-15, 3. Executed Resolution 208-2015 (12-15-15)

Date	Ver.	Action By	Action	Result
1/26/2016	3	Board of Supervisors	Approved	Pass
12/15/2015	2	Board of Supervisors	Approved	Pass
12/8/2015	1	Board of Supervisors	Approved	Pass

Chief Administrative Office and Community Development Agency recommending the Board discontinue consideration of an interim Traffic Impact Mitigation Fee refund policy for residential development due to recent litigation filed challenging the validity of the County's current Traffic Impact Mitigation Fee program.

**FUNDING:** TIM Fees and Road Fund.

### DEPARTMENT RECOMMENDATION

Chief Administrative Office (CAO) and Community Development Agency (CDA) recommending the Board discontinue consideration of an interim Traffic Impact Mitigation (TIM) Fee refund policy for residential development due to recent litigation filed challenging the validity of the County's current TIM Fee program.

### DISCUSSION/BACKGROUND

On December 15, 2015, the Board approved an interim TIM Fee refund policy for non-residential development applications and directed the CAO, CDA and County Counsel to return in January 2016 with a Resolution and related analysis for an interim TIM Fee refund policy for residential (single family) development applications.

In December 2015, a lawsuit was filed challenging the validity of the County's current TIM Fee program. On the advice of County Counsel, staff recommends the Board discontinue consideration of an interim TIM Fee refund policy for residential (single family) development applications.

### ALTERNATIVE

Direct staff to draft an interim TIM Fee refund policy for residential (single family) development applications and return to the Board in March 2016.

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

CAO, CDA and County Counsel

**CAO RECOMMENDATION**

Chief Administrative Office recommends moving staff's recommendations.

**FINANCIAL IMPACT**

County costs associated with refunding TIM Fees have not been quantified; however, analysis conducted during the economic downturn indicated that it costs the County approximately \$300 in staff time to refund application fees when an application is rescinded. As such, an interim TIM fee refund policy would include provisions to recover the administrative costs associated with issuing such refunds.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

**STRATEGIC PLAN COMPONENT**

Infrastructure, Good Governance

**CONTACT**

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