

MEMORANDUM

DEPARTMENT OF PUBLIC WORKS County of Placer

TO: BOARD OF SUPERVISORS

DATE: April 27, 2010

FROM: KEN GREHM / ANDREW GABER

SUBJECT: **TRAFFIC FEE ORDINANCE MODIFICATION**

ACTION REQUESTED / RECOMMENDATION

Conduct a Public Hearing and Approve an Ordinance modifying the County Code regarding Countywide Traffic Mitigation Fees.

BACKGROUND / SUMMARY

In April 1996, the Board adopted the Countywide Traffic Mitigation Fee Program. This program established traffic mitigation fees for eleven (11) separate districts in the County, each with its own Capital Improvement Program (CIP). The CIP consists of intersection and roadway improvements necessary to support the level of traffic created by new growth and development at acceptable service levels.

Two changes are being proposed to the Code language. The first is that the current Code contains references to several Exhibits which show the specific fee zones, fee tables, trip generation rates or Capital Improvement Programs. These Exhibits are published and updated by the Public Works Department in two booklets each year. Public Works is proposing to rename the booklets to the Public Works Countywide Traffic Fee Program Schedule and replace the references to the specific Exhibits with a reference to the new Fee Schedule. The new Fee Schedule would not be attached to the County Code but would continue to be available to the public at the CDRA counter and on the County website.

The second change would be to add language to the Code that would allow funds to be transferred, or non-interest earning loans made, between districts. While the fees in each district are calculated to generate sufficient funds to construct the capital improvement projects within that district, there are instances when a district may not have sufficient cash on hand to fund construction of needed improvements. This proposed language would set guidelines under which the Public Works Director would be allowed to transfer or loan funds interest free between districts. Funds would be repaid as they become available.

Public Works intends to convert a loan to the Auburn-Bowman TIF Zone to a transfer for the Bell Road Widening Project completed in 2003. This proposal will mirror the program by which the Granite Bay Fee District was assisted in constructing the Middle Phase of the Auburn-Folsom Widening Project.

ENVIRONMENTAL

This action is categorically exempt from CEQA as it relates to obtaining funds for capital projects necessary to maintain service within existing service areas (Section 21080(b)(8)).

FISCAL IMPACT

There would be no direct fiscal impact of this action. Potential fiscal impacts could occur in the future if funds are loaned/transferred between districts, but those impacts would be disclosed and discussed at the time the action is made.

Attachment: Ordinance

On File with Clerk of the Board: Public Works Countywide Traffic Fee Program Schedule

**Before the Board of Supervisors
County of Placer, State of California**

In the matter of: AN ORDINANCE MODIFYING
THE PLACER COUNTYWIDE TRAFFIC MITIGATION FEE
Amending Chapter 15, Article 28,
County Road Network

Ord. No: _____

FIRST READING: _____
SECOND READING: _____

The following **Ordinance** was duly passed by the Board of Supervisors of the
County of Placer at a regular meeting held _____, by
the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman, Board of Supervisors

Attest:
Clerk of said Board

Ann Holman

Ord # _____

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 15.28.010 (A) of Chapter 15 of the Placer County Code shall be amended to read as follows:

15.28.010 Purpose.

A. This article establishes a road network capital improvement program for unincorporated Placer County, and requires the payment of specified fees for coordinated transportation improvements as a condition of development within the Placer County road network traffic limitation zone (TL zone), the area shown **in the Public Works Countywide Traffic Fee Program Schedule** ~~on Exhibit A~~. This TL zone boundary is identical to that of the unincorporated area of Placer County.

B ...

C. The fee requirements established in this article shall be applicable to all new development located within the boundaries of the traffic limitation zone and districts therein, as shown **in the Public Works Countywide Traffic Fee Program Schedule** ~~on Exhibit A~~, attached to the ordinance codified in this article and incorporated in this article by reference. New development projects undertaken by Placer County and other public agencies which must obtain permits from Placer County are subject to requirements of this article. It is a specific purpose of this article to implement the fee alternative, as set forth in Section 17.52.140(B)(3) of Chapter 17 of the Placer County Code.

Section 2. Section 15.28.020 of Chapter 15 of the Placer County Code shall be amended to read as follows:

15.28.020 Definitions

"District" means any of the several local fee areas within the Placer County road network TL zone boundaries, as shown **in the Public Works Countywide Traffic Fee Program Schedule** ~~on Exhibit A~~.

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"Public Works Countywide Traffic Fee Program Schedule" shall mean the zone boundary and fee schedule on file with the Director.

Section 3. Section 15.28.030 of Chapter 15 of the Placer County Code shall be amended to read as follows:

15.28.030 Funding and collection process.

The collection process and the amount of fees for improvement of roadways and intersections identified in **the Public Works Countywide Traffic Fee Program Schedule and Exhibit D**, the Capital Improvement Program (~~see DPW for publication~~) for the Placer County road network TL zone shall be as specified below:

A. Imposition of Fee.

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2. When an application for a building permit is filed to convert an existing development to another type of development that falls within a different land use category listed in **the Public Works Countywide Traffic Fee Program Schedule Exhibit B** (~~the DPW Guide for DUE Calculations; see DPW for publication~~), the director shall determine the amount of traffic impact fee under this subsection. The amount of the traffic impact fee shall be the difference obtained by subtracting the traffic impact fee calculated for the existing development from the traffic impact fee calculated for the proposed development. If the difference is zero or a negative number, no impact fee shall be owed.

B. Amount of Fee.

1. Fees for all new development within the Placer County TL zone shall be calculated using the information and formulas shown in **the Public Works Countywide Traffic Fee Program Schedule Exhibit B**, ~~the DPW Guide for DUE Calculations and Exhibit C (Fees per DUE for Placer County Fee Districts)~~ attached to the ordinance codified in this article. The director may also use such additional information as is necessary to assist in determining the fees for any new development. The director may require the representative of such new development to provide such information or data.

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F. Fee Review and Adjustments.

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2...

3. Fees are ~~adjusted~~ **established** as described **in the Public Works Countywide Traffic Fee Program Schedule**, ~~on the fee schedule attached to the ordinance codified in this article as Exhibit C. The fee adjustments described on attached Exhibit C shall be effective on July 9, 2007.~~ Future adjustments to the fee schedule may be made by board resolution.

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I. Trust Fund. **Subject to Section 15.28.030(P), an** An interest-bearing trust fund shall be maintained exclusively for each district and shall be identified by the name of that district. **Further subject to Section 15.28.030(P), these** ~~These~~ district trust funds and interest

earned by each of these district trust funds shall be used solely for improvements included in the Placer County capital improvement program for each respective district. Upon receipt by Placer County, fees collected shall be segregated and deposited in the several district trust funds by the department of public works.

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P. Transfers. Transfers and/or non-interest earning loans shall be allowed between the different trust funds upon the recommendation of the Director and shall comply with the following:

1. The transfer or loan is to provide funding for a specific capital improvement project already contained within the CIP of one of the other districts;

2. The Director determines in writing that special circumstances exist to justify the transfer or loan. "Special circumstances" shall include, but not be limited to, opportunities to obtain grants or other funding, coordination with other project(s) and/or project timing.

3. Transferred or loaned funds will be repaid as funds become available, and;

4. The Board is notified of the transfer or loan.

Section 4. The fee district boundaries contained in Exhibit A, "Benefit Districts", of Article 15.28 of Chapter 15 of the Placer County Code are hereby made a part of the Public Works Countywide Traffic Fee Program Schedule.

Section 5. The fees contained in Exhibit C, "Fees by District", of Article 15.28 of Chapter 15 of the Placer County Code are hereby made a part of the Public Works Countywide Traffic Fee Program Schedule.

Section 6. Exhibit A, "Benefit Districts", and Exhibit C, "Fees by District", of Article 15.28 of Chapter 15 of the Placer County Code are each hereby deleted from the Placer County Code.

Section 7. This Ordinance shall take effect and be in full force and effect sixty (60) days after its passage. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code Section 25124.

