

1 **BOARD OF SUPERVISORS**  
2 **COUNTY OF CALAVERAS, STATE OF CALIFORNIA**

3 **April 21, 2009**

4 **RESOLUTION UPDATING THE BRET HARTE TRAFFIC IMPACT**  
5 **NO. \_\_\_\_\_ MITIGATION FEE PROGRAM**

6 WHEREAS, the Calaveras County Board of Supervisors (Board) approved formation of  
7 the Bret Harte Benefit Basin, a traffic impact mitigation fee program (Program) by Board  
8 Resolution No. 95-59 on March 6, 1995, for the purpose of funding improvements to Bret Harte  
9 Drive; and,

10 WHEREAS, the Board adopted a negative declaration for that Program by passing  
11 Resolution No. 94-330 on August 15, 1994; and,

12 WHEREAS, the Board affirmed the Program without modification by Resolution  
13 No. 01-128, dated May 14, 2001; and,

14 WHEREAS, the formation of a traffic impact mitigation fee program provides the means  
15 by which the provisions of Calaveras County Code Section 12.02.080 may be met and the cost of  
16 the public road improvements necessitated by new development may be equitably allocated on  
17 the basis of projected trips generated by each new development; and,

18 WHEREAS, formation and implementation of impact mitigation fee programs are  
19 governed by Government Code Section 66000 et seq; and,

20 WHEREAS, since formation, \$217,266.88 in fees have been collected for the purpose of  
21 constructing improvements to Bret Harte Drive and its intersection with State Route (SR) 4; and,

22 WHEREAS, no funds have been expended for road improvements; and,

23 WHEREAS, certain conditions that were identified at the time of Program formation in  
24 1995 and affirmation in 2001 remain, namely that:

- 25
- 26 • Tentative subdivision tract maps (TSTMs) approved by the Calaveras County  
27 Board of Supervisors are anticipated to result in substantial population growth in  
28 the Bret Harte area of Calaveras County through 2030 and beyond; and,

- 2
- 3 • Traffic studies demonstrate that the capacity of the road system is not sufficient to
  - 4 carry the amount of traffic attributable to anticipated new development, which if
  - 5 unmitigated, will cause impacts on public roadways including increased
  - 6 congestion, accident rates, air quality, and related impacts; and,
  - 7 • New development creates the need for construction, expansion, or improvement
  - 8 of public roadways due to the generation of new traffic; and,
  - 9 • Construction of certain public facilities are necessary to implement the goals and
  - 10 policies of the County General Plan and to mitigate the impacts by new
  - 11 development; and,

12 WHEREAS, significant changes in land use and infrastructure improvements within the  
13 Benefit Basin have prompted the need for updating the Program to reflect current demands and  
14 opportunities, namely that:

- 15 • The State Department of Transportation (Caltrans) has restricted use of Bret Harte
- 16 Drive intersection with SR4; and,
- 17 • Conditions of TSTM approval and subdivision agreements require, or will
- 18 require, developers to construct certain public facilities; and,
- 19 • Highway construction costs have increased 120% since 1995; and,

20 WHEREAS, construction of certain public facilities will create supplemental capacity  
21 that exceeds project-specific traffic demands; and,

22 WHEREAS, developers are entitled to reimbursement for supplemental capacity  
23 consistent with the provisions of Calaveras County Code Section 12.02.080 *Supplemental*  
24 *Capacity Reimbursement*; and,

25 WHEREAS, no funding mechanism has been established to reimburse developers  
26 pursuant to Calaveras County Code Section 12.02.080 *Supplemental Capacity Reimbursement*;  
27 and,

28 WHEREAS, the nexus requirements of California Government Code Sections 66001 and  
66002 do not apply to a fee imposed pursuant to a reimbursement agreement by and between a

2 local agency and a property owner or developer for that portion of the cost of a public facility  
3 paid by the property owner or developer which exceeds the need for the public facility  
4 attributable to and reasonably related to the development; and,

5 WHEREAS, pursuant to the CEQA Guidelines, Section 15273 (a)(4), CEQA does not apply  
6 to fee programs for the purpose of funding capital projects, such as this Program; and,

7  
8 WHEREAS, immediate implementation of the revised provisions is necessary to assure full  
9 funding for construction of the public infrastructure; and,

10 WHEREAS, passage of an interim authorization is a matter of urgency to preclude a 60-  
11 day delay that would threaten the viability of the Program and, consequently, the public welfare.

12 NOW, THEREFORE BE IT RESOLVED, that the Calaveras County Board of  
13 Supervisors hereby adopts the provisions of Attachment A – *Implementation Plan*, thereby  
14 revising the Bret Harte Traffic Impact Mitigation Fee Program; and,

15 BE IT FURTHER RESOLVED, that in adopting Attachment A – *Implementation Plan*,  
16 the Board hereby:  
17

- 18 1. Affirms the boundaries of the Program shown as Exhibit A of Attachment A; and
- 19 2. Identifies public roadway improvements necessary to partially mitigate traffic  
20 impacts associated with new development shown as Exhibit B *Capital*  
21 *Improvement Plan* of Attachment A; and,
- 22 3. Adopts the *Fee Schedule* shown as Exhibit C of Attachment A, establishing a fee  
23 basis of \$14,184 per peak hour trip yielding a residential development fee of  
24 \$14,541 per dwelling unit; and,
- 25 4. Authorizes the establishment of a designated fund to receive all fees collected by  
26 the Program; and,

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2 5. Authorizes the transfer of all monies previously collected by the Program and  
3 deposited in the Road Commissioner’s Fund, including accumulated interest, to  
4 the fund established pursuant to action item “4” above; and,

5 BE IT FURTHER RESOLVED that this Resolution shall additionally serve as an interim  
6 measure pursuant to Government Code §66017 and shall take effect immediately.

7 ON A MOTION BY Supervisor \_\_\_\_\_, seconded by Supervisor  
8 \_\_\_\_\_, the foregoing Resolution was duly passed and adopted by the  
9 Board of Supervisor of the County of Calaveras, State of California, this \_\_\_\_ day of  
10 \_\_\_\_\_, 2009, by the following vote:

11 AYES:

12 NOES:

13 ABSENT:

14 ABSTAIN:

15  
16 \_\_\_\_\_  
17 Chair, Board of Supervisors

18 ATTEST:

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20  
21 \_\_\_\_\_  
22 County Clerk and Ex-Officio Clerk  
23 to the Board of Supervisors,  
24 County of Calaveras, California

25 RKH/tw  
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