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Sept. 22, 2005- County ups road fees on new construction

By NOEL STACK, City editor

"A \$250 million giveaway."

"The big lie."

"Unjust"

El Dorado County's latest interim traffic impact mitigation fee program endured a verbal beating from the public before its adoption Tuesday evening, an adoption approved 3-1, reluctantly.

For most of the evening, the El Dorado County Board of Supervisors seemed split 2-2 on whether or not to adopt the interim program. It was Supervisor Rusty Dupray who tipped the balance in favor of adoption, but only after four hours of discussion and some cautionary words.

"I'm not happy with this but we need to stop the bleeding," Dupray said after making his motion to accept staff's recommendation.

Many grumbled in the audience after the vote. Supervisors Helen Baumann and Jack Sweeney, who seconded the motion, voted with Dupray. Supervisor Charlie Paine vote against it.

Paine said he didn't have enough confidence in the numbers presented to approve the new interim fee program.

The fees in the interim program are based on the expected cost of projects deemed necessary by the General Plan (\$630 million) minus fund balance already set aside for such projects (\$74 million), expected state and federal funding (\$99 million), cost reductions from phasing certain interchange projects over 20 years (\$128 million) and unfunded external trips (\$77 million).

County Department of Transportation staff arrived at the new fee rates based on a series of questions the board answered during an August meeting on impact fees.

However, most in the audience disagreed with the calculations.

Siding with the minority in the audience, Realtor Maryal Boumann said the fees are too high. For 15 years, Boumann said she's waited for the county to get its General Plan so she could build a home. With these fees, as well as other fee increases dealt out by other agencies, Boumann said she didn't think she could afford to build.

Another county resident hoping to build a home said the interim program really 'socks it to the little guys,' and more of the burden should be put on those who can afford it (developers).

Sue Olmstead, a member of the Measure Y Committee and the No Gridlock Committee, called the interim fees program before the Board of Supervisors a "giveaway" to developers. She asked the board to make developers pay the full \$630 million, not just the \$241 million proposed in the interim program.

"There are not any factual or technical studies that can justify this poorly thought-out decision," Olmstead said of adopting lower fees. "... it's certainly not what your constituents would approve of."

Kathi Lishman, former Placerville city councilwoman and one-time Sweeney opponent for the District 3 seat, told the board that under the proposed fee program "new subdivisions will continue to be approved and built while our local roads and highways become even more congested."

Land-use attorney Tom Enfacino took the talk one step further, calling the fees unjust and hinting at a lawsuit. Adopting this program, he said, will violate the Mitigation Fee Act, doesn't comply with the General Plan and violates the California Environmental Quality Act.

"You may discount this as one attorney's opinion but that would be a mistake," Enfacino said, citing other

instances in which the county lost lawsuits for which he was arguing the other side.

"In each of those instances the court proved me correct. They will do so again," he added.

Enfacino's comments prompted the supervisors to go into closed session for about an hour after the public hearing had closed. County Counsel Lou Green reported out that he didn't believe the interim program violated anything legally.

The point to remember Baumann repeatedly said is that the proposed program is "interim," not permanent. Right now the county's not collecting nearly enough in fees, she said, and this interim program will at least bring in more revenue while staff continues to answer questions and work on a permanent fee program.

Baumann estimated that the county could lose about \$2 million a month in fees if the interim program adoption is delayed.

After the hearing, former Supervisor Bill Center said Baumann's numbers were optimistic. During the hearing, Center said the interim fee program dashes his hopes that the supervisors will fix the roads as they had previously promised.

Sweeney said after public comment that he felt the anger directed at the board was misdirected.

The state and federal governments have money in reserves set aside for road projects and they aren't allocating it.

"Therein lies the problem," Sweeney said. "They don't bring (the funds) forward. They're not letting us get our hands on them."

The county needs to capture some of what it's losing and "this is the only way that we can find to collect the fees, the money we need, to build a highway system in this county to serve the population that's here now and is going to come."

"If we do nothing," he added, "we stay at the same wrong place we've been for some time."

In addition to approving the interim fee program, the supervisors gave DOT staff direction to continue exploring other funding options and fee scenarios. The interim traffic impact mitigation fee program will be up for review on Jan. 10, 2006.