



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION TO APPROVE THE LOCAL TRAFFIC MITIGATION FEES AND THE REGIONAL TRANSPORTATION MITIGATION FEES AND ACCEPT ASSOCIATED 2023 NEXUS STUDY UPDATES

WHEREAS, the Board of Supervisors adopted Resolution 97-141, adopting a Local Traffic Mitigation Fee (LTMF) program; and

WHEREAS, the Board of Supervisors adopted revisions to the LTMF through Resolutions 03-460, 08-336 and 17-030; and

WHEREAS, the Board of Supervisors adopted Resolution 01-71, adopting the Regional Transportation Mitigation Fee (RTMF) program as recommended by the Nevada County Transportation Commission (NCTC); and

WHEREAS, the Board of Supervisors adopted revisions to the RTMF through Resolutions 03-460, 08-337 AND 17-031; and

WHEREAS, the revised LTMF and RTMF are based on updated land use forecasts and recent traffic modeling; and

WHEREAS, based on the new list of projects and updated land use forecasts, the proposed LTMF and RTMF fees have changed; and

WHEREAS, documentations including the 2023 LTMF Nexus Study Update and the 2023 RTMF Nexus Study Update (Attachments 2 and 3, respectively, incorporated herein and made a part hereof) have been submitted which establish compliance with the provisions of the Mitigation Fee Act, Government Code 66000 et seq; and

WHEREAS, the NCTC adopted the RTMF and associated 2023 Nexus Study Update Report (Attachment 3) on July 19, 2023, in compliance with the provisions of the Mitigation Fee Act, Government Code 66000 et seq; and

WHEREAS, Government Code Sections 66004 and 66018(a) require that Development Fees be adopted in a public hearing; and

WHEREAS, A Public Hearing Notice (Attachment 4, incorporated herein and made a part hereof) was given, and a public hearing held on September 12, 2023 for consideration of the Nexus Studies and revised CDA Fees Schedule (Attachment 5, incorporated herein and made a part hereof) by the Nevada County Board of Supervisors; and

WHEREAS, the LTMF and RTMF will be reviewed annually for necessary adjustments for the effects of inflation on the fee amounts.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Supervisors of the County of Nevada, State of California:

1. Approves the revised LTMF and RTMF Fee Schedule as calculated in the 2023 LTMF Nexus Study Update (Attachment 2) and the 2023 RTMF Nexus Study Update (Attachment 3) and replaces these traffic mitigation fees in the Consolidated User Fee Schedule Community Development Exhibit E (Attachment 5) as adopted in Resolution 23-288.
2. Accepts the July 11, 2023 LTMF and RTMF Nexus Studies and finds that:
 - (A) Square footage is not an appropriate metric for calculating traffic impact fees for residential developments, based on substantial evidence showing that the number of vehicle trips generated by residential units is not proportional to the floor area;
 - (B) An alternative basis of calculating traffic impact fees, based on the expected number of trips generated by small, medium, and large units, but not directly proportional to floor area, would bear a reasonable relationship between the fee charged and the burden posed by the development;
 - (C) The differences in trip generation characteristics between single-family residences, multi-family residences, mobile homes in mobile home parks, and age-restricted senior residences, justify using separate fee levels for these different types of units; and,
 - (D) Differentiating between small, medium, and large units within each category of housing would ensure that smaller developments are not charged disproportionate fees.
3. Determines that the LTMF and RTMF shall be adjusted annually each year based upon the Engineering News Record Construction Cost Index for the 12-month period ending December of the prior year.
4. Determines that this Resolution shall become effective and operative 60 days from the date of its adoption, pursuant to Government Code Section 66017(a).