



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, APPROVE ANNUAL INFLATION ADJUSTMENT AND ACCEPT AMENDMENTS TO THE 2023 NEXUS STUDIES

WHEREAS, the Board of Supervisors adopted Resolution 23-557, approving the Local Traffic Mitigation Fees and the Regional Transportation Mitigation Fees, and accepting the 2023 Nexus Studies; and

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

WHEREAS, based on corrections to the trips for residential properties, revisions are proposed to the LTMF and RTMF fees; and

WHEREAS, the 2024 Adjustment to Fees – Amendment to the 2023 LTMF Nexus Study and 2024 Adjustment to Fees – Amendment to the 2023 RTMF Nexus Study (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 Nevada County Transportation Commission has accepted the 2024 Adjustment to Fees – Amendment to the 2023 RTMF Nexus Study on March 20, 2024, 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 published for a public hearing held on April 23, 2024, for consideration of the amendments to the Nexus Studies and the revised CDA Traffic Mitigation Fee Schedule (Attachment 5, incorporated herein and made a part hereof) by the Nevada County Board of Supervisors.

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

1. Accepts the 2024 Adjustment to Fees – Amendment to the 2023 LTMF Nexus Study and 2024 Adjustment to Fees – Amendment to the 2023 RTMF Nexus Study (Attachments 2 and 3) 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;
 - d. Differentiating between small, medium, and large units within each category of housing would ensure that smaller developments are not charged disproportionate fees.
2. Approves the revised CDA Traffic Mitigation Fee Schedule and proposed FY24-25 fees as calculated with the 2024 Adjustment to Fees – Amendment to the 2023 LTMF Nexus Study and 2024 Adjustment to Fees – Amendment to the 2023 RTMF Nexus Study (Attachments 2 and 3).
3. Determines that the LTMF and RTMF shall be adjusted annually each year based up on 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).