



**COUNTY OF EL DORADO, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

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| Subject: TRAFFIC FEE CREDIT TO ACCOUNT FOR PRIOR OCCUPANCY USE | Policy Number J-5 | Page Number: 1 of 4 |
| | Date Adopted: 11/07/2000 | Revised Date: |

POLICY:

When calculating a traffic fee for a new development project pursuant to the County’s traffic fee ordinances, the Department of Transportation shall determine any prior use of the parcel as evidenced by any pre-existing structure. A credit shall be given in the new fee calculation for any approved, documented prior use in effect after October 1961. Further, said credit shall be limited in dollar amount to the fee for the new development project for which the fee is calculated.

Determination of Prior Parcel Usage:

1. Building Department Records - Department of Transportation staff shall review the Building Department records to determine the previous building size, the previously represented use, and whether or not any traffic fees were previously paid.

To be eligible for credit, any square footage of building area must have been appropriately permitted, inspected and approved by the Building Department. Pre-existing buildings, constructed after October 1961 without a valid permit history, will not be eligible for credit.

2. County Assessor’s Records - When Building Department Records do not confirm a previously represented use, Department of Transportation staff shall inform the applicant that Building Department records do not document an eligible use. The applicant may then obtain an “Assessor’s Computation” sheet from the County Assessor’s office and submit same to staff for further review. This sheet will show what, if any structure’s exist on the site, the date that the Assessor first recognized the structure, the structure’s use, the building size and other related details. If an “Assessor’s Computation” sheet contains adequate information that reflects the



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existence of an creditable structure then staff will consider it as acceptable evidence to document a prior site use for a traffic fee credit.

Determination of Credit Towards Traffic Fee:

When a prior use is determined to be eligible for a credit, staff will proceed to calculate the amount of credit to apply to a current fee calculation. An eligible use shall be credited the corresponding fee amount that the use would be charged under the current fee schedule.

1. Non-Residential Prior Use - For most non-residential uses, the fee is currently, categorized by use and calculated on the basis of documented square footage of pre-existing building floor area. Fees for gas stations are based on number of pumps, for golf courses are based on number of holes and fees for campgrounds are based on number of sites.

In those situations where the prior use is not identified in any of the categories on the adopted fee schedule, then staff will determine the trip generation rates for the eligible use as provided in the most recent edition of the "Trip Generation Manual" published by the institute of Traffic Engineers. Staff will then equate the trip generation rates to a recognized category in the adopted fee schedule to determine the fee credit.

2. Residential Prior Use:

For residential uses, the fee is currently calculated per each building unit as either a single-family use or as a multi-family use.



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Appeal Process:

Review by the Director of the Department of Transportation:

1. An applicant who disagrees with staff determination regarding credit may submit a written request for review of said determination by the Director of the Department of Transportation. The applicant is responsible for presenting any and all material in support of the applicant's position for consideration of credit by the Director at the time of the written request. If the director finds that there was a creditable prior use, then DOT staff will recalculate the Traffic Fee reflecting the appropriate credit.
2. The Director shall make a finding whether or not the evidence presented adequately documents that a building existed and was occupied and used after October 1961. The Director will have thirty (30) calendar days to investigate the request and render a written decision regarding the request. The Director's decision shall be final unless appealed to the Board of supervisors within ten (10) working days of the Director's decision, in accordance with the procedures set forth herein, including the standardized form for appeal and accompanied y the appeal fee.

Formal Appeal to the Board of Supervisors:

1. If the applicant chooses to appeal the Department's decision to the Board of Supervisors, then the applicant shall complete, sign and submit the form titled "Appeal of Traffic Impact Mitigation or Road Impact Fees" together with any relevant documentation and an appeal fee of \$100 to offset the administrative cost to process the appeal.



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2. The applicant, on appeal, shall clearly identify on the appeal form the specific reasons for the appeal. The Board of Supervisors shall consider all issues raised by the appellant, and may in its sole discretion, consider other relevant evidence related to the existence of the prior use, at the time of the hearing.
3. The Department of Transportation shall set the hearing before the Board of Supervisors within forty-five (45) days of receipt of the appeal.
4. In any appeal action brought pursuant to this section, the appellant may withdraw his or her appeal, with prejudice, at any time prior to commencement of the public hearing.
5. A decision by the Board of Supervisors shall be final. If no action is taken by the Board of Supervisors, the appeal shall be deemed to be denied.