

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

|  |  |  |                      |
|--|--|--|----------------------|
| (1) DEPARTMENT<br>Public Works   | (2) MEETING DATE<br>7/8/2014             | (3) CONTACT/PHONE<br>Frank Honeycutt PE, Development Services Engineer<br>(805) 781-1596   |                      |
| (4) SUBJECT<br>Hearing to consider an appeal of the Templeton Area A Road Improvement Fee by Barbara Condon. District 1.   |  |  |                      |
| (5) RECOMMENDED ACTION<br>It is recommended that the Board:<br>1. Deny the appeal to waive or reduce the projects' Road Improvement Fee and,<br>2. Deny the request to waive the appeal fee of \$513.                                    |  |  |                      |
| (6) FUNDING SOURCE(S)<br>N/A   | (7) CURRENT YEAR FINANCIAL IMPACT<br>N/A | (8) ANNUAL FINANCIAL IMPACT<br>N/A   | (9) BUDGETED?<br>N/A |
| (10) AGENDA PLACEMENT<br><input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. <u>30 min.</u> ) <input type="checkbox"/> Board Business (Time Est. <u>    </u> ) |  |  |                      |
| (11) EXECUTED DOCUMENTS<br><input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input checked="" type="checkbox"/> N/A   |  |  |                      |
| (12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR)<br>N/A   |  | (13) BUDGET ADJUSTMENT REQUIRED?<br>BAR ID Number: N/A<br><input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A |                      |
| (14) LOCATION MAP<br>Attached  | (15) BUSINESS IMPACT STATEMENT?<br>No    | (16) AGENDA ITEM HISTORY<br><input checked="" type="checkbox"/> N/A    Date: _____   |                      |
| (17) ADMINISTRATIVE OFFICE REVIEW<br><i>Nikki J. Schmidt</i>   |  |  |                      |
| (18) SUPERVISOR DISTRICT(S)<br>District 1  |  |  |                      |

Reference: 14JUL08-H-2

## County of San Luis Obispo



TO: Board of Supervisors

FROM: Public Works  
Frank Honeycutt PE, Development Services Engineer

VIA: Mark Hutchinson, Deputy Director of Public Works

DATE: 7/8/2014

SUBJECT: Hearing to consider an appeal of the Templeton Area A Road Improvement Fee by Barbara Condon. District 1.

### **RECOMMENDATION**

It is recommended that the Board:

1. Deny the appeal to waive or reduce the projects' Road Improvement Fee and,
2. Deny the request to waive the appeal fee of \$513.

### **DISCUSSION**

Ms. Condon applied for a building permit (PMT2013-00626) to install a new single family home and garage on her residential parcel at 518 Eddy Street in Templeton (see Attachment "A"). The project is also situated within the Templeton Road Improvement Fee Area A and is subject to pay a road improvement fee of \$13,921. Ms. Condon has filed an appeal of the Road Improvement Fee (RIF) along with a request for a waiver of the appeal fee. The appeal letter is provided as Attachment "C."

The underlying parcel for the subject permit was created from Parcel Map CO11-0022 which was recently recorded on May 29, 2014. There were a number of conditions placed upon the project before that map could be recorded. Two of these conditions are relevant to this appeal.

Condition No. 2b requires the portion of Cayucos Street fronting the property be improved (paved) to County standard.

- 2.b. Cayucos Avenue shall be constructed to an A-1 rural road section, full improvements on the project side plus a full travel lane on the opposite side (20-foot minimum paved width).*

This road work was completed and accepted by the Public Works Department for the parcel map approval.

Secondly, condition No. 16g requires notification be given to future parcel owners of the Templeton Road Improvement fee.

- g. In accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the Templeton Road Improvement Fees for each future building permit in the amount prevailing at the time of payment.*

As required, this notification was included on the recently recorded parcel map. A copy of the parcel map conditions are provided in Attachment D.

### Evaluation of Appeal Issues

In the letter provided as Attachment "C," Ms. Condon raises the following comments, which are paraphrased below, along with staff's response:

*Appeal point 1: My family has been established in the community for over 63 years and my parents intended to leave the family property for my sister and me to share. Therefore, we split the parcel in two to allow my sister to occupy the existing residence and for me to separately own and build a new home.*

*Response 1:* The Road Improvement Fee ordinance enumerates the criteria on which a waiver or adjustment of the fee may be based, as noted later in this staff report. Inheritance of property and the length of standing within the community are not identified as acceptable criteria for a waiver of the fee. The Templeton Circulation Study does provide the relationship between the construction of new residences and the need for road improvements in key locations to serve the additional traffic that will be generated.

*Appeal point 2: I have already paid approximately \$89,000 for road improvements on Cayucos Avenue; a street that I do not necessarily need to access my parcel. Paying an additional fee of \$13,921 for more road improvements in the community seems excessive or unfair.*

*Response 2:* The Road Improvement Fee is used for specific improvements that are needed at the major interchanges, arterial and collector roads in the Templeton area. They are not used for the construction of local streets. Improvements to Cayucos Avenue is not one of the identified congestion relieving projects in the Road Improvement Fee program as it was a condition of the specific parcel map. Therefore, the cost of those improvements cannot be used to offset the fee.

*Appeal point 3: I am also appealing the waiver filing costs (\$513.00).*

*Response 3:* The appeal fee is necessary to offset the time spent by County staff to prepare and present this item to the Board of Supervisors at public hearing.

Templeton Road Improvement Fee Area Appeal History

Since 1991, there have been 23 road improvement fee appeals within the Templeton Road Fee Area. The following summarizes your Board’s actions on each of these appeals:

| Category       | No. of Appeals | Board Action |        |        | RIF Losses |
|----------------|----------------|--------------|--------|--------|------------|
|                |                | Adjusted     | Waived | Denied |            |
| Residential    | 12             | 2            | 2      | 8      | \$19,218   |
| Senior Housing | 1              |              | 1      |        | \$202,364  |
| Industrial     | 2              | -            | 1      | 1      | \$29,089   |
| Commercial     | 1              | -            | -      | 1      | \$983      |
| Church         | 2              | 1            | -      | 1      | \$2,385    |
| Winery         | 2              | 1            | -      | 1      | \$40,437   |
| Library        | 1              | 1            | -      | -      | \$83,637   |
| Medical        | 1              | 1            | -      | -      | \$5,145    |
| Post Office    | 1              | 1            | -      | -      | \$28,257   |
|                | 23             | 7            | 4      | 12     | \$411,515  |

Basis for Adjustment or Waiver of the Fee

Section 13.01.050 of the San Luis Obispo County Code states that an adjustment or waiver of the fee may be granted, “based on the absence of any reasonable relationship or nexus between the traffic-generating impacts of that new development, and either the amount of the fee imposed or the type of road facilities or improvements to be financed by the fee.”

The Templeton Circulation Study establishes the reasonable relationship, or nexus, required for the imposition of fees within its study area. The most recent update of the Study was adopted by your Board on December 10, 2013, and the fees recommended in that update became effective February 10, 2014. The current fee for Templeton Area A is \$13,921 per residential pm peak hour trip.

All new developments or changes in use of existing development within the area will contribute to the need for road and other transportation improvements, the Study recommends. The improvement program is designed to provide the necessary capacity, in the network of arterial and collector streets, to meet the County’s established level of service criteria. The Road Improvement Fee was designed to apportion the cost of the needed improvements to all development based on the amount of traffic generated.

Based on the specific facts of this request, staff recommends denial.

**OTHER AGENCY INVOLVEMENT/IMPACT**

The Building Permit is processed by the Department of Planning and Building.

## **FINANCIAL CONSIDERATIONS**

The Templeton Circulation Study establishes a Capital Improvement Program identifying road improvements necessary to support new development. The majority of program funding is derived from the Road Improvement Fee, with additional funding from other sources. Supporting this appeal may set a precedent that could result in substantial loss of road improvement fee revenue in the future. Loss of revenues from specific building permits creates a demand to identify additional funding sources to address revenue deficiency in the established program.

A fee of \$513 was paid by the applicant to process this appeal request. This fee is applied to offset the time spent by County staff to prepare this report and present this item to the Board of Supervisors at public hearing.

## **RESULTS**

The results of considering this appeal will include your determination on how costs are allocated to new development, which will promote a well-governed community.

c: Barbara Condon, PO Box 63, Templeton, CA 93465

Reference: 14JUL08-H-2

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## **ATTACHMENTS**

1. Attachment A - Vicinity Map
2. Attachment B - Templeton Road Improvement Fee Area
3. Attachment C - Appellant's Letter
4. Attachment D - Parcel Map CO11-0022 Findings and Conditions