

**IN THE BOARD OF SUPERVISORS**

County of San Luis Obispo, State of California

\_\_\_\_\_ day \_\_\_\_\_, 20\_\_

PRESENT: Supervisors

ABSENT:

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SAN LUIS OBISPO  
CONTINUING THE ROAD IMPROVEMENT FEE  
FOR ALL DEVELOPMENT WITHIN PORTIONS  
OF THE SAN LUIS BAY PLANNING AREA  
OF THE COUNTY OF SAN LUIS OBISPO, AND  
ADOPTING THE REQUIRED ANNUAL UPDATE**

The following Resolution is hereby offered and read:

**WHEREAS**, the Board of Supervisors of the County of San Luis Obispo has adopted Ordinance No. 2379 creating and establishing the authority for imposing, charging, and modifying a road improvement fee; and

**WHEREAS**, on March 27, 1990, the Board of Supervisors did adopt Resolution No. 90-181 imposing a road improvement fee for all developments within portions of the San Luis Bay Planning Area of the County of San Luis Obispo (referred to herein as the “Avila Area”); and

**WHEREAS**, said Resolution No. 90-181 provided for an annual update of said road improvement fee; and

**WHEREAS**, the “Avila Circulation Study” of February 1990 describes the impacts of new development on existing road facilities, improvements within the Avila Area, analyzes the need for new road facilities and improvements required by said new development, and sets forth the relationships, among new development, the needed road facilities and improvements and the estimated costs of those facilities and improvements; and

**WHEREAS**, The Board of Supervisors has reviewed the 2014 Annual Update of the Avila Circulation Study, a copy of which is attached hereto as Exhibit “A” and incorporated by reference herein and found that it includes all required elements of the annual update; and

**WHEREAS**, on December 6, 2011, the Board of Supervisors did adopt Resolution No. 2011-391 approving a mitigated negative declaration for this Roadway Improvement Fee Program; and

**WHEREAS**, the said “Avila Circulation Study” of 1990 and the 2014 Update was available for public inspection and review fourteen (14) days prior to the public hearing of this Resolution; and

**WHEREAS**, the Board of Supervisors finds as follows:

A. The purpose of this Road Improvement Fee is to finance road facilities and improvements in order to reduce the impacts of traffic generated and caused by new development within the said Avila Area.

B. The road improvement fees collected pursuant to this Resolution shall be used to finance only the capital improvements described in Exhibit “A” attached hereto and incorporated herein.

C. After considering the Avila Circulation Study of February 1990, prepared by DKS Associates and the County Engineering Department, and after considering the testimony received at the public hearing on the matter, the Board of Supervisors approved said Study on March 27, 1990, with findings that new development will generate additional traffic within the Avila Area and will contribute to the degradation of the level of service of the road system in said Area.

D. The Board of Supervisors further finds that there is a continuing need in the Avila Area for road facilities and improvements and said facilities and improvements have been called for in or are consistent with the County's General Plan and the Avila Circulation Study.

E. The Board of Supervisors further finds that the facts and evidence presented establish that there is a reasonable relationship between the need for the described road facilities and improvements and the impacts of the types of development described in Paragraph "2. Amount of Fee" below, for which the corresponding fee is charged; and also, there is a reasonable relationship between the fee's use and the type of development for which the fee is charged, as these reasonable relationships or nexus are described in more detail in the San Luis Obispo County General Plan, the Avila Circulation Study of February 1990, the subsequent Update report prepared by TPG Consulting in 2009, and the 2014 Update.

F. The Board of Supervisors further finds that the cost estimates set forth in Exhibit “A” are reasonable cost estimates for constructing the said facilities, and the fees expected to be generated by new development within the Avila Area will not exceed the total of these costs.

G. The Board of Supervisors further finds that for the Avila Circulation Study Area: (1) an account or fund has been established for Capital Road Improvements, that funds have been appropriated, and a proposed construction schedule or plan be adopted as set forth in Exhibit “A” hereto; and that (2) the County has already expended funds for Capital Road Improvements within said Avila Circulation Study Area. As used in this section, "appropriated" means authorization by the Board of Supervisors to make expenditures and incur obligations for a road facility or improvement project shown in the Capital Improvement Program Exhibit “A.”

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. The recitals set forth hereinabove are true, correct, and valid.

2. This Resolution is adopted for the purpose of continuing those road improvement fees heretofore imposed by said Resolution No. 90-181, under the authority of Ordinance No. 2379, the provisions of which are incorporated herein.

3. No additional environmental review is required under the California Environmental Quality Act because no changes are being made to the Roadway Improvement Fee Program in the Avila Area of the San Luis Bay Planning Area that was previously approved by the Board and addressed in the Mitigated Negative Declaration adopted on December 6, 2011. No substantial changes have occurred with respect to the circumstances under which the project is to be undertaken; and no new information of substantial importance has been presented indicating that the project will have any potential impacts not discussed in the Mitigated Negative Declaration.

4. Amount of Fee. The amount of the road improvement fees within the Area of the Avila Circulation Study shall be as follows:

This new fee per pht produces the fees listed below per land use type

<b>Land Use Type</b>	<b>Fee</b>
<b>Residential</b>	\$3,846/pht
<b>Retail</b>	\$3,846/pht
<b>Other</b>	\$3,846/pht

These values are based on the ITE trip generation rates (8<sup>th</sup> Edition)

For any new development wherein there are one or more residential uses combined with one or more other land uses, the number of peak hour trips caused or generated by said new development shall be determined as follows:

- (1) The number of peak hour trips caused or generated by the residential use(s) and the number of peak hour trips caused or generated by the non-residential land uses shall be separately determined; and then,
- (2) The total road improvement fee for the new development shall be computed by multiplying the number of peak hour trips determined in subparagraph 4 above for each land use by the appropriate road improvement fee for each land use and then summing the results.

The number of peak hour trips caused or generated by a proposed new development project will be determined by the Director of Public Works in the manner set forth in the "Policy of the Board of Supervisors for Determination of Peak Hour Trips," which is attached hereto as Exhibit "B" and incorporated herein by reference.

5. Time of Imposition of Fee. The amount of said road improvement fee for any new development project with the Avila Area shall be determined for, and shall be imposed upon, such new development project at the time of the grant of approval of an application for new development, and shall be a condition of approval of said new development project.

6. Time of Payment of Fee. The road improvement fee established by said Ordinance No. 2379 and as modified and re-imposed by this Resolution shall be paid for by new development as follows:

- (a) For new development that is solely residential (except for a mobile home park), the fee shall be paid prior to the issuance of a building permit for the new development.
- (b) For new development that is a mobile home park, the fee shall be paid within 90 days after the date of approval of the development plan authorizing establishment of the mobile home park or prior to approval by the State Department of Housing and Community Development of an application for a permit to construct the mobile home park, whichever occurs first.
- (c) For new development that is non-residential or that is partly residential and combined with another land use(s) the fee shall be paid prior to issuance of any permit or approval required for the new development and prior to any commencement of a new development project or at the time of issuance of any required building permit, whichever is later.
- (d) The provisions above may be adjusted or modified regarding time of payment pursuant to resolution 2011-222 adopted on July 26, 2011.

7. Use of Fee. The road impact fee shall be solely used: (a) to pay for those road facilities and improvements described in Exhibit "A" hereto to be constructed by the County; (b) for reimbursing the County for the new development's fair share of those capital road facilities and improvements constructed by the County in anticipation to the new development; or (c) to reimburse prior developers who previously constructed road facilities and improvements described in Exhibit "A" attached hereto, where those facilities and improvements were beyond those needed to mitigate the impacts of said prior developer's project or projects in order to mitigate the foreseeable impacts of anticipated new development.

8. Fee Review. Annually, the Director of Public Works shall review the estimated cost of the described road facilities and improvements, the continued need for those road facilities and improvements, and the reasonable relationship between such need and the impacts of the various types of new development pending or anticipated and for which this fee is charged. The Director of Public Works shall report his or her findings to the Board of Supervisors at a noticed public hearing and shall recommend to the Board of Supervisors any adjustment to this fee or any other action as may be needed.

9. Road Improvement Fee Agreements. Prior to the enactment of Ordinance No. 2379 and the adoption of Resolution No. 2005-367, certain new developments within the Avila Area received approvals or permits which were conditioned upon the execution of a Road Improvement Agreement by the developer. Each Road Improvement Agreement, when executed, required the payment of a specified road improvement fee for the new development, with the fee to be paid either at the date of final inspection or the date the certificate of occupancy is issued. The Road Improvement Agreement was required in order to mitigate the new burdens imposed on the roads within the areas which burdens were reasonably related to the new development.

Inasmuch as one of the purposes of Ordinance 2379 and Resolution No. 2005-367 and this Resolution is to mitigate the new burdens imposed on the roads and road system within the said Area of Benefit, which are reasonably related to new development, the payment of the road improvement fees, established by said Ordinance No. 2379 and by this Resolution, shall be deemed a credit, on a dollar-for-dollar basis, for purposes of satisfying a portion or all of any obligation established by any such Road Improvement Agreement for the same new development.

10. Judicial Action to Challenge This Resolution. Any judicial action or proceeding to attack, review, set aside, void, or annul this Resolution shall be brought within 120 days of its effective date.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted.

\_\_\_\_\_  
Chairperson of the Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors  
(SEAL)

RITA L. NEAL  
County Counsel

By:   
Assistant County Counsel

Dated: December 2, 2014

STATE OF CALIFORNIA, }  
County of San Luis Obispo, } ss.

I, \_\_\_\_\_, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk of the Board  
of Supervisors

By \_\_\_\_\_  
Deputy Clerk.

**Exhibit A  
2014 Update  
Avila Circulation Study**

On March 27, 1990, the Board of Supervisors approved the Avila Circulation Study and adopted a Resolution imposing road improvement fees on new development under the provisions of Ordinance 2379. The Board adopted the most recent update of the Avila Road Improvement Fee Resolution on December 10, 2013.

See attached map *Avila Road Fee Area* for boundaries.

**BUILDING ACTIVITY**

For the period from July 1, 2013, through June 30, 2014, eighteen building permits subject to road improvement fees paid the fees. Fifteen were for single family residences and three (3) were for condos.

**ROAD IMPROVEMENT FUND**

FY 13/14	
<b>Balance (07/01/13)</b>	<b>\$453,685</b>
Fees Received (+)	\$64,845
Interest (+)	\$1,016
Expenditures (-)	\$2,243
<b>Balance (06/30/14)</b>	<b>\$517,304</b>

See attached table *Avila Road Improvement Fee Budget* for detailed expenditure details.

**FEE APPEALS**

There were no Road Improvement Fee appeals since the last update.

**TRANSPORTATION IMPROVEMENTS**

The Avila Circulation Study contains a list of recommended improvements for all modes of transportation in the community as well an adopted Capital Improvement Program (*see attached*) for funding by Road Improvement Fees and other sources. The following is a list of road improvement fee projects currently under development in the Avila Area.

**Travel Demand Model and Circulation Study Update**

Public Works is currently completing the comprehensive five year update of the Avila Travel Demand Model (TDM) and Circulation Study Update. The update will be completed during FY 14/15.

**Avila Beach I/C**

The Public Works Department is performing a traffic operations analysis of the interchange and is working with Caltrans to begin the Pre-Project Initiation Document.

## **ROAD IMPROVEMENT FEES**

Road Improvement Fee are used to fund all phases of project development including: environmental work, permitting, design, right-of-way, contract administration and construction. The costs of developing roadway projects has been increasing from year to year while the cost of construction is lower than the peak in 2006.

Staff is recommending continuing the fees at their current schedule for this year and reevaluating the fee annually. The fees are listed in the table below:

<b>Land Use</b>	<b>Fee</b>
Residential	\$3,846/pht
Retail	\$3,846/pht
Other	\$3,846/pht

## **ALTERNATIVE MODES OF TRANSPORTATION**

The following sections describe alternative modes of transportation. Under AB 1600, Road Improvement Fees cannot be used to correct existing deficiencies.

### **Pedestrian Circulation Network**

Many streets within Avila originated as unpaved minor roads without shoulders or sidewalks. In these cases, pedestrians must use intermittent paths adjacent to the roadways. Along parts of Front Street and some adjacent streets, sidewalks are provided. In addition, sidewalks are available along streets serving new development, in accordance with the applicable design standards.

### **Bicycle Circulation Network**

The County Bicycle Advisory Committee (BAC) is an ad hoc advisory committee which provides a recognized formal source of input and perspective for bicycle transportation planning and implementation within the unincorporated areas of the County. The BAC meets quarterly and works together with County staff to prepare and update The County Bikeways Plan which was last adopted by the Board of Supervisors in 2010.

The County Bikeways Plan is located at the following website:

<http://www.slocounty.ca.gov/Assets/PW/Traffic/BAC/2010+Bikeways+Plan.pdf>. The 2015 County Bikeways Plan is currently under development.

### **Trail Network**

The Board of Supervisors adopted the County Parks and Recreation Element in December 2006. The Parks and Recreation Element establishes policies and programs to provide and maintain parks, recreation, and natural areas within San Luis Obispo County, including trails.

The Parks and Recreation Element is located at the following website:

<http://www.slocountyparks.com/information/parkprojects.htm#parksrecreationelement>.

### **Public Transportation System**

Transit service in Avila is provided by the San Luis Obispo Regional Transit Authority (RTA). The RTA provides a trolley service from Avila to Pismo Beach. For more information on this service, including the operating times, visit [www.slorta.org/](http://www.slorta.org/).

San Luis Obispo County Regional Rideshare facilitates programs and incentives encouraging reduced vehicle miles traveled. They have on-line commuter resources to match carpools, vanpools, school pools, bike buddies and track commuter trips. More information about Rideshare can be found at <http://rideshare.org>.

### **ATTACHMENTS**

San Luis Bay (Avila) Road Improvement Fee Area  
Avila Capital Improvement Projects Table  
Avila Road Improvement Fee Budget

### **NOTES AND ACRONYMS**

Pk Hr Tp: PM peak hour trips, as determined by the Board of Supervisors' Policy

Residential: Land Use category includes single-family and multi-family dwellings, hotels, motels and camping facilities.

Retail: Land Use category includes retail merchandise, restaurants, service stations, post offices and financial institutions.

Other: Land Use category includes all other types that are not defined by Residential or Retail.

USHA = Urban State Highway Account

RSHA = Regional State Highway Account

pht = peak hour trip

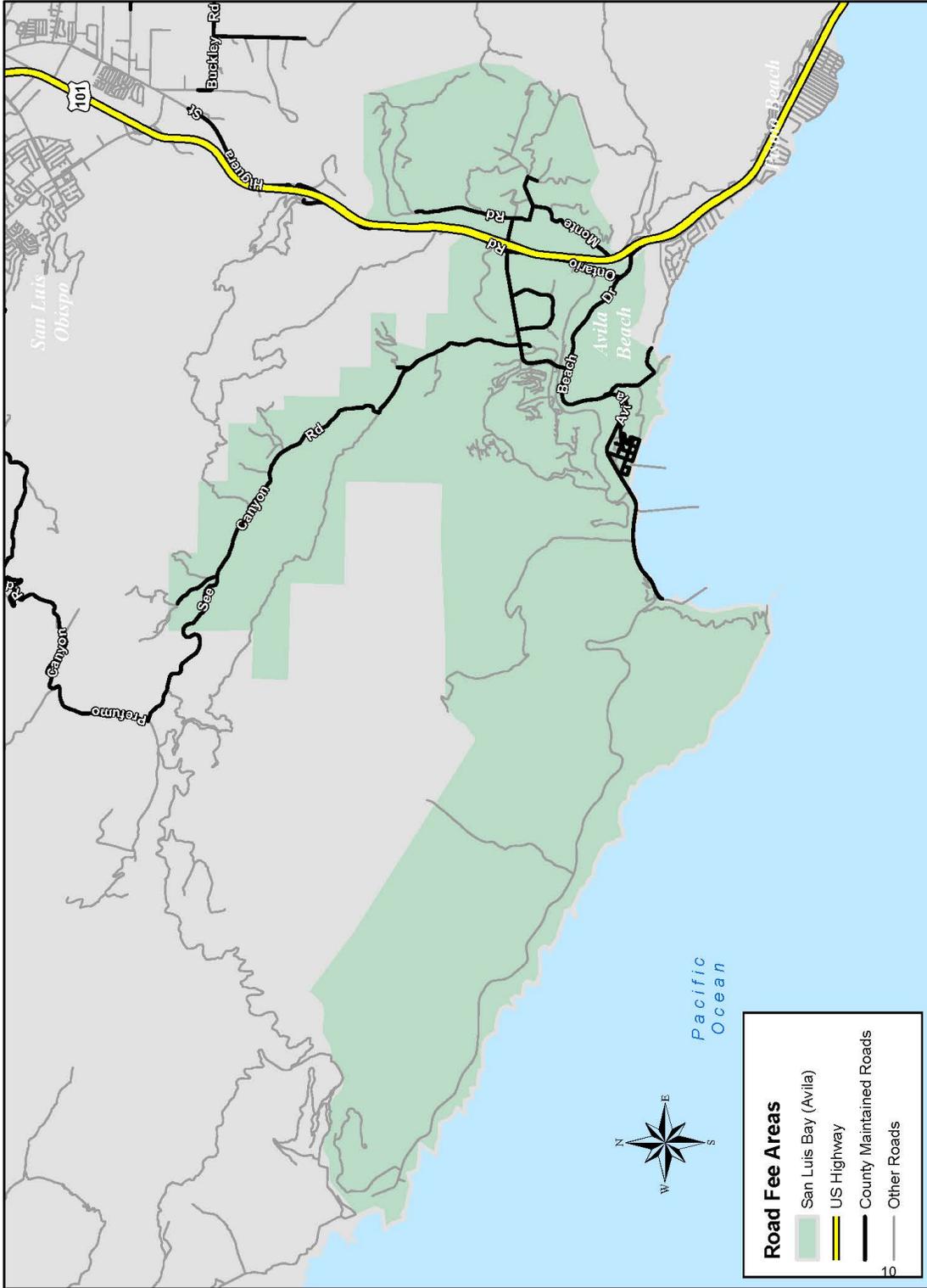
TBD = To be determined

SHOPP = State Highway Operations Protection Program, Funding for Safety/Maintain

STIP = State Transportation Improvement Program, Funding for Capacity

TEA = Transportation Enhancement Activities, Federal Funding for Enhancements

TDA = Transportation Development Act, Federal Funding for transit



San Luis Bay (Avila) Road Improvement Fee Area

Map Updated: 10/7/2014

Avila Capital Improvement Projects Table										
Priority	Project	Cost Estimate	Less		Funding From Impact Fees	Other Funding	Expected Construction Commencement (b)			
			Existing Deficiencies	Other Sources						
<b>San Luis Bay Drive</b>										
7	Widening for Bike Lanes	\$822,824		\$822,824	\$0	APCD (potential)	2025			
	San Luis Creek Bridge Replacement	\$6,935,420		\$5,418,106	\$1,517,314	HBR/RS/HA/TEA	Complete			
	Study Intersection Operations at See Canyon Road	\$10,000		\$10,000	\$0	Roads Funds	Complete			
<b>Avila Beach Drive</b>										
8	Widening for Bike Lanes	\$2,250,838		\$2,250,838	\$0	APCD (potential)	2020			
6	Signal - San Miguel Street and Intersection Improvements	\$240,500			\$240,500		2025			
9	Signal - San Luis Street and Intersection Improvements	\$227,500			\$227,500		2025			
	Signal - First Street and Intersection Improvements	\$260,000			\$0		Complete			
1	Pedestrian Walkway - Port San Luis to CalPoly Pier*	\$300,000		\$300,000	\$0	PG&E Steam Generator Mitigation Funds	2011			
5	Construct 100 Stall Intercept Parking Lot	\$1,093,178		\$1,093,178	\$0	County Parking In-Lieu Fee Program/APCD	2020			
<b>Ontario Road</b>										
	Widening for Bike Lanes	\$650,600		\$650,600	\$0	APCD (potential)	Complete			
<b>State Route 101</b>										
4	Modify Avila Interchange	\$7,920,000		\$3,960,000	\$3,960,000	STIP (potential)	2020			
3	San Luis Bay Drive @ SR 101 Bridge Widening	\$4,000,000		\$2,000,000	\$2,000,000	STIP (potential)	2015			
2	San Luis Bay Drive Interchange Project Study Report	\$250,000			\$250,000		2012			
<b>Cave Landing Bike Trails</b>										
	Construct Trail Between Shell Beach and Avila Beach (Planning Stage Only)	\$379,000		\$379,000	\$0	Department of Fish and Game	In Progress			
	<b>Totals</b>	\$25,339,860		\$16,884,546	\$8,195,314					

\* Current funding is from a mitigation account created to offset impacts from the Diablo Canyon Steam Generator Replacement and should complete the final plans and environmental work. Other sources will have to be identified for construction.

9/16/2014

Budgeted Projects Funded from Avila RIF			Total As of
			06/30/14
Project #	Description	Budgeted 2013/14	
<b>AVILA RIF - Beginning Cash Balance</b>			<b>453,685.44</b>
	<b>Fees</b>	-	<b>64,845.00</b>
	<b>Interest</b>		<b>1,016.16</b>
	<b>Subtotal Cash Balance</b>		<b>519,546.60</b>
	Project Costs:	Budgeted 2013/14	Total Spent This Fiscal Year As of
			<b>06/30/14</b>
<b>300364</b>	San Luis Bay Dr Interchange	50,000	<b>6.70</b>
<b>300506</b>	Avila Beach Hwy 101 Oper Imp	241,300	<b>344.27</b>
<b>245R12C123</b>	AVILA TRAFFIC STUDIES	1,500	1891.65
	Totals	292,800	<b>2,242.62</b>
	<b>Total Cash Bal</b>		<b>517,303.98</b>

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**Exhibit "B"**  
**POLICY OF THE BOARD OF SUPERVISORS FOR  
DETERMINATION OF THE NUMBER OF PEAK HOUR TRIPS**

SECTION ONE: PURPOSE

1.01. This Policy is intended to be used in implementing the Resolution of the Board of Supervisors of the County of San Luis Obispo Imposing a Road Improvement Fee etc., (hereinafter referred to as Resolution) to which this Policy is attached as an exhibit, which Resolution is adopted under the authority of San Luis Obispo County Ordinance No. 2379.

SECTION TWO: DEFINITIONS

2.01. "Accident History." A summary of the amount and type of reported vehicle collisions occurring during the preceding five years within the area of study.

2.02. "Fee Area." The particular area(s) set forth in the Circulation Study, wherein the new development lies.

2.03. "Existing Trips." Trips generated by a current or previous use of the property which use is being replaced by new development. In order to receive credit under Section 3.01(b) of this Policy, said current or previous use must have been in existence at the time the most recent Circulation Study was adopted.

2.04 "Floor Area." The square footage of a building shall have the same meaning as the section entitled Gross Area: as set forth in Chapter 1 of the Institute of Transportation Engineers' Trip Generation Manual, which book is more completely described in Section 3.01(a) of this Policy.

2.05. To "Generate Additional Traffic" shall mean both the production and the attraction of vehicular trips.

2.06. "Level of Service." A qualitative measure describing operational conditions within a traffic system, and their perception by motorists, as defined in the most recent edition of the Highway Capacity Manual Transportation Research Board, Washington, DC (Highway Capacity Manual).

2.07. "Level of Service C" shall have the meaning as set forth in the Highway Capacity Manual:

Level of Service C is in the range of stable flow, but marks the beginning of the range of flow in which the operation of individual users becomes significantly affected by interactions with others in the traffic stream. The selection of speed is now affected by the presence of others, and

maneuvering within the traffic stream requires substantial vigilance on the part of the user. The general level of comfort and convenience declines noticeably at this level.

2.08. A "Pass-by Trip" is an existing trip that is diverted to a new development from an adjacent street and is not a new trip that is assigned to the adjacent streets due to the new development. Pass-by trips are excluded in calculating new trips to be generated by a new development.

2.09. "Peak Hour Trip" shall mean a single or one-directional vehicle movement which either enters or exists the site of a new development during the hour of the day in which the highest hourly traffic volume is measured on the road(s) adjacent to the new development.

2.10. "Prevailing Speed." The speed, at or below which eighty-five percent of vehicles are traveling on a roadway.

2.11. A "Road Impact Fee Study." or RIFS: is a written study that evaluates and comments on all of the following:

- A. Evaluate existing conditions on roads which will be affected by the proposed new development. These roads may be within the Fee Area and within any adjacent areas as required by the Director of Public Works. This evaluation of existing conditions on said roads shall include: (1) levels of service, (2) prevailing speeds, (3) stopping sight distance, and (4) accident history, and such other relevant and necessary items as are required by the Director of Public Works.
- B. Estimate future conditions on roads which are likely to be affected by the proposed new development. These roads may be within the Fee Area and within any adjacent areas as required by the Director of Public Works. The study shall include an estimate of trip generation, if any, for each unit of the proposed new development project. The trip generation estimate may be adjusted to reflect pass-by trips and may be used for computing the fees required by Chapter 13.01 of the San Luis Obispo County Ordinance Code.

The said forecast of future conditions shall be compared with the Circulation Study, to determine if the recommendations in the Circulation Study are adequate to maintain a Level of Service C, or better, for the affected roads after completion of the proposed new development project.

- C. Include such additional inquiries, evaluations and comments as the Director of Public Works determines are relevant and reasonably necessary for a comprehensive evaluation of the impacts of the proposed new development project on the said roads.

The RIFS shall be prepared by a qualified engineer licensed as a civil or traffic engineer by the State of California.

The RIFS shall be subject to the review and approval of method and accuracy by the Director of Public Works.

2.12. "Road." A way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. "Road" includes "street", and "highway", and "bridge."

2.13. "Stopping Sight Distance." The length of roadway ahead that is visible to the driver. The minimum sight distance available on a roadway should be sufficient to enable a vehicle traveling at or near the design speed to stop before reaching a stationary object in its path.

2.14. "Trip Generation." The total number of vehicle trips which will enter or exit a given development project. Trip generation includes trips per weekday, trips per hour for the peak hour, and other cases as determined necessary by the Director of Public Works.

2.15. "Trip." A single or one-direction vehicle movement which either enters or exits the site of a development project.

SECTION THREE: DETERMINATION OF PEAK HOUR TRIPS.

3.01. The number of peak hour trips generated by new development shall be computed using the following formula:

$$\begin{array}{rclcl} \text{Number of} & & & & \text{Number of} \\ \text{Units in the} & \text{X} & \text{Trip Generation} & = & \text{New Peak Hour} \\ \text{New Development} & & \text{per New Unit} & & \text{Trips} \end{array}$$

A "Unit" is a physical, measurable or predictable variable which quantifies the particular new development (e.g., floor area, employees, acres, dwelling units, etc.). The peak hour trip generation rate shall be based upon the highest trip generation rate possible for the proposed new development. Eligible existing trips shall be deducted from the number of peak hour trips generated by the new development.