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 THE SAN MIGUEL ROAD FEE 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 April 25, 2006, the Board of Supervisors did adopt Resolution No. 06-154 imposing a road improvement fee for all developments within the San Miguel Road Fee Area of the County of San Luis Obispo; and

WHEREAS, the said Resolution No. 06-154 provided for an annual update of said road improvement fee; and

WHEREAS, the "San Miguel Traffic Circulation Study" of April 2006 describes the impacts of new development on existing road facilities and improvements within certain portions of the Salinas River Planning Area of the Land Use Element of the San Luis Obispo County General Plan (the "San Miguel Road Fee Area"), and 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 San Miguel 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. 2011-394 approving a mitigated negative declaration for this Roadway Improvement Fee Program; and

WHEREAS, the said San Miguel Traffic Circulation Study of April 2006 and 2014 Annual 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 San Miguel Road Fee Area.

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

C. After considering the San Miguel Traffic Circulation Study of 2006 and 2014 Annual Update, prepared by the County Public Works Department, and after considering the testimony received at the public hearing on this matter, the Board of Supervisors approved said Study and finds that the new development will generate additional traffic within the said San Miguel Road Fee Area and will contribute to the degradation of the level of service of the road system in said San Miguel Road Fee Area.

D. The Board of Supervisors further finds that there is a need in the San Miguel Road Fee 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 San Miguel Traffic 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 in more detail described in the San Luis Obispo County General Plan, the San Miguel Traffic Circulation Study of 2006, and the 2014 Annual 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 San Miguel Road Fee Area will not exceed the total of these costs.

G. The Board of Supervisors further finds that for the San Miguel Road Fee Area of Benefit: (1) an account or fund has been established for capital road

improvements, that funds have been appropriated, and a proposed construction schedule or plan has been adopted as set forth in Exhibit “A” hereto; and that (2) the County has already expended funds for capital road improvements within said Area of Benefit. 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 maintaining these road improvement fees heretofore imposed within the San Miguel Road Fee Area by said Resolution No. 06-154 and for the purpose of authorizing the continuing collection of said fees, all 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 San Miguel Road Fee 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 fee within the area of the San Miguel Traffic Circulation Study shall be as follows:

Land Use	**RIF**
Residential	$6,148/pht
Retail	$6,148/pht
Other	$6,148/pht

pht: P.M. peak hour trip as determined by Board of Supervisors’ Policy.

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 said 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 adjusted by this and subsequent resolutions 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 of 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. 06-154, certain new developments within the area of the San Miguel Traffic Circulation Study received approvals or permits, which were conditioned upon 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 fee was required in order to mitigate the new burdens imposed on the roads within the San Miguel Road Fee Area which burdens were reasonably related to the new development.

Inasmuch as one of the purposes of Ordinance 2379 and Resolution No. 06-154 and this Resolution is to mitigate the new burdens imposed on the roads and the road system within the said Area, which are reasonably related to new development, the payment of the road improvement fee 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)

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: _____
Assistant County Counsel

Dated: December 2, 2014

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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 _____.

_____
County Clerk and Ex-Officio Clerk of the Board of Supervisors

(SEAL)

By _____
Deputy Clerk.

Exhibit A
2014 Update
San Miguel Circulation Study

On April 25th, 2006, the San Luis Obispo County Board of Supervisors adopted the San Miguel Traffic Circulation Study and adopted a resolution imposing road improvement fees on new development under the provisions of Ordinance No. 2379. The Board also adopted the most recent update of the San Miguel Road Improvement Fee Resolution on December 10, 2013.

See attached map *San Miguel Road Fee Area* for boundaries.

BUILDING ACTIVITY

For the period from July 1, 2013, through June 30, 2014, two (2) single family home building permits subject to road improvement fees paid the fees.

ROAD IMPROVEMENT FUND

	FY 13/14
Balance (07/01/13)	**$3,402**
Fees Received (+)	$12,296
Interest (+)	$14
Expenditures (-)	$56
Balance (06/30/14)	**$15,656**

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

FEE APPEALS

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

TRANSPORTATION IMPROVEMENTS

The San Miguel Circulation Study contains an adopted Capital Improvement Program *(see attached)* for funding by Road Improvement Fees and other sources. No road improvement fee projects are currently being developed.

ROAD IMPROVEMENT FEES

Road Improvement Fees 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:

Land Use	Fee
Residential	$6,148/pht
Retail	$6,148/pht
Other	$6,148/pht

ALTERNATIVE MODES OF TRANSPORTATION

The following sections describe alternative modes of transportation.

Pedestrian Circulation Network

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

Public Works has been working on enhancing the sidewalks along Mission Street through the phased Mission Street Enhancement projects. Construction will commence during FY 14/15 for the portion of Mission Street between 9th Street and 11th Street.

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 San Miguel is provided by the San Luis Obispo Regional Transit Authority (RTA). RTA provides a bus route connecting San Miguel to Paso Robles, Templeton, Atascadero, Santa Margarita and San Luis Obispo. Service is provided Monday through Friday. For more information on these services visit 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 Miguel Road Improvement Fee Area
San Miguel Capital Improvement Projects Table
San Miguel 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/Maintenance
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 Miguel Road Improvement Fee Area

Map Updated: 10/7/2014

San Miguel Capital Improvement Projects Table

Road	From	To	Recommended Improvement	Pavement Width	Cost Estimate	Less: Existing Deficiencies (Rd. Funds)	Less: Other Sources	Less: Through Traffic (STIP)	Funding From Impact Fees	Percent From Impact Fees	Expected Construction Commencement
-	-	-	Circulation Study Update	-	$170,000	$0	$0	$0	$170,000	100%	NA
Mission St.	14th Street		Install Traffic signal with Rail Road Preemption	-	$919,000	$0	$0	$0	$919,000	100%	2025
River Rd.	TR 2647	Magdelina St.	Construct roadway; 2 - 12' lanes, 2 - 5' bike lanes	34'	$2,096,000	$922,240	$0	$0	$1,173,760	56%	2010
				TOTAL	**$3,185,000**	**$922,240**	**$0**	**$0**	**$2,262,760**		

9/16/2014

Budgeted Projects Funded from San Miguel East RIF			Total As of
			6/30/2014
Project #	Description	Budgeted 2013/14	
SAN MIGUEL BEGINNING CASH BAL			3,401.92
	Fees	0.00	12,296.00
	Interest		13.55
Subtotal Cash Balance			15,711.47
	Project Costs:	Budgeted 2013/14	Total Spent This Fiscal Year As of
			6/30/2014
245R12C131	San Mig Traffic Study	1,500	55.64
		Balance	15,655.83

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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: <u>DETERMINATION OF PEAK HOUR TRIPS</u>.

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

Number of Units in the New Development	X	Trip Generation per New Unit	=	Number of New Peak Hour Trips

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.

3.02. "Trip Generation per New Unit" shall be determined as follows:

A. The trip generation rates, for the peak hour of adjacent streets, shall be based on the most recent edition of the Trip Generation Manual, Institute of Transportation Engineers, 525 School St., SW, Suite 140, Washington, DC 20024-2729.

B. If no published rates are available from this source, trip generation rates will be determined by the Director of Public Works.

C. If the Director of Public Works requires it or if the applicant for the new development so elects, the Trip Generation per New Unit which will be caused or generated by the proposed new development may be determined by the Director of Public Works through the use of a Road Impact Fee Study rather than by the method set forth in Section 3.02(A) or 3.02(B) hereof. If a Road Impact Fee Study is to be used, the Director of Public Works shall request proposals for this work from engineers licensed as civil or traffic engineers by the State of California, and shall award a contract for the production of the RIFS with all costs to be borne by the applicant for the new development.