ORDINANCE NO. 1610

AN ORDINANCE AMENDING CHAPTER 11 OF
THE SOLANO COUNTY CODE TO CREATE THE
SOLANO COUNTY TRANSPORTATION IMPACT FEE PROGRAM

The Board of Supervisors of the County of Solano ordains as follows:

SECTION I.

Chapter 11 of the Solano County Code (Finances, Fees, Taxation and Revenue) is amended to add Article XV (the Transportation Impact Fee Program), which is attached and incorporated by this reference.

SECTION II.

This ordinance to add Article XV to Chapter 11 of the Solano County Code will take effect SIXTY (60) days after its adoption.

SECTION III.

A summary of this ordinance will be published within fifteen (15) days after its adoption in the Fairfield Daily Republic, a newspaper of general circulation in Solano County.
ORDINANCE NO. 1610

PASSED AND ADOPTED by the Solano County Board of Supervisors at its regular meeting on June 26, 2001, by the following vote:

AYES: SUPERVISORS: Kondylis, Kromm, Silva, and Chairman Thomson

NOES: SUPERVISORS: None

EXCUSED: SUPERVISORS: Carroll

ATTEST:
Michael D. Johnson, Clerk
Board of Supervisors

By: Deputy Clerk

Skip Thomson, Chairman
Solano County Board of Supervisors

Public Hearing: June 26, 2001
Effective Date: August 26, 2001

Ordinance Amending Chapter 11 of the Solano County Code to Establish a Transportation Impact Fee Program
SOLANO COUNTY
TRANSPORTATION IMPACT FEE PROGRAM

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ORDINANCE NO. __________

CHAPTER 11 - TAXATION, FINANCES, FEES and REVENUE

ARTICLE XV. TRANSPORTATION IMPACT FEE PROGRAM

Sec. 11-000 - INTRODUCTION AND PURPOSE

The Solano County Transportation Impact Fee program is established to implement the goals and objectives of the County of Solano General Plan, including the Land Use and Circulation Element of the General Plan, to mitigate the impacts caused by new development in certain areas in the county and to implement certain public roadway improvements to ensure a safe and efficient level of service. The Board of Supervisors has determined that a transportation impact fee is needed in order to ensure that new development pays its "fair share" of the construction cost of these improvements, and thereby implement applicable General Plan policies. In establishing the fee described in the following sections, the Board of Supervisors has found the fee to be consistent with its General Plan and, pursuant to Government Code Section 65913.2, has considered the effects of the fee with respect to the county's housing needs as established in the housing element of the General Plan.

Sec. 11-310 - GENERAL PLAN RELATIONSHIP

The basis for the Solano County Transportation Impact Fee program is the County General Plan and its amendments, and the fee subscribes to the policies of the General Plan elements. Specifically the Land Use and Circulation Element of the General Plan, under the section on Streets and Roads, sets forth policies for achieving the goals of the Plan. These policies encourage the planning and design of street and road systems to serve areas where growth is desired and anticipated and ensuring that the cost of improvements to the road system to accommodate new development should be borne by the developer.

The General Plan and its various elements are available for review at the Environmental Management Department, 601 Texas Street, Fairfield, California during office hours.

Sec. 11-320 - ALTERNATIVE METHOD AND COMPLIANCE WITH OTHER LAWS.

The transportation impact fee program is intended to establish a supplemental method for funding the cost of certain facilities and services, the need for which will be generated by the level of development within the transportation impact fee area. The provisions of this ordinance shall not be construed to limit the power of the county to impose any other fees
or exactions, but shall be in addition to any other requirements which the county may impose, or has previously imposed, as a condition of approving entitlements within the transportation impact fee area pursuant to state and local laws.

The development fees established for this area are necessary for the mitigation of significant impacts, which will be created by future development in the transportation impact fee area. If, for any reason, any portion of this chapter is challenged in a court of competent jurisdiction, such challenge may constitute new information for purposes of CEQA that might, in turn, require additional environmental review of development projects.

The refusal to pay fees imposed herein represents a failure on the part of the developer to participate in area-wide mitigation fees and may constitute the basis for the county's refusal to make a statement of overriding consideration in connection with cumulative environmental impacts generated by such project.

**Sec. 11-330 - COLLECTION OF FEES**

(a) The fees imposed by this ordinance shall be required whenever the Building Division of the Department of Environmental Management approves building permits for new residential dwelling units, including second units authorized pursuant to this code.

(b) The fees imposed and required by this ordinance shall be paid prior to the issuance of the certificate of occupancy or at the time of final inspection, whichever occurs first; or after the establishment of a separate account for the transportation impact fees and the adoption of a capital improvement plan for the use of these monies, the fee shall be paid prior to issuance of a building permit.

**Sec. 11-340 - FEE ADJUSTMENTS**

(a) A developer of any project subject to the fee established by the Transportation Impact Fee Program may apply to the County Transportation Director for a reduction to the fee, or a waiver of that fee, based upon: (1) the absence of any reasonable relationship or nexus between the traffic and transportation impacts of that development and either the amount of the fee charged or the types of improvements to be financed; and/or (2) the nature of the development being sufficiently specialized such that the fee should be specially calculated so as to maintain a reasonable relationship between the type of the development project and the amount of the fee.

The application shall be made in writing and filed with the County Transportation Director no later than the time of filing the request for a building permit. The application shall state in detail the factual basis for the claim of waiver, reduction or adjustment. The director shall consider the application and render a decision.

(b) The decision of the County Transportation Director may be appealed to the Board of
Supervisors, by the developer, within 10 calendar days after any such decision has been made. Only filing an appeal application that shall state in detail the factual basis for the appeal may commence an appeal. No appeal application shall be accepted for processing unless it contains all information, data and papers prescribed by the forms supplied by the Clerk of the Board of Supervisors and is accompanied by payment of the fee, if any, specified by the Board of Supervisors. The decision of the Board of Supervisors on appeal shall be final and conclusive.

Sec. 11-350 - SEPARATE ACCOUNT FOR FEES

All fees received pursuant to this ordinance shall be deposited with the County Auditor-Controller into a separate account or fund pursuant to Government Code Section 66006.

Sec. 11-360 - INTEREST ON FEES

The interest accrued on the fees collected by the Solano County Transportation Impact Fee Program will continue to accumulate in the trust account and will be used for the purpose for which the fee was originally collected.

Sec. 11-370 - ANNUAL ADJUSTMENT AND REVIEW OF FEES

Beginning in the year 2001, the development fees imposed by this ordinance shall be adjusted by the Department of Transportation each January 1 and July 1 by a percentage amount equivalent to the percentage change in the Engineering News Record Construction Cost Index for the preceding six (6) month period. The fee amount shall be that amount in effect as of the date of the Building Division of the Department of Environmental Management's approval of the building permit.

The Board of Supervisors shall review the adequacy of the development fees established herein at least once every five (5) years pursuant to Government Code Section 66001(d).

The Department of Transportation and the Department of Environmental Management shall provide an annual report to the Board of Supervisors that meets the requirements of Government Code Section 66006(b).

Sec. 11-380 - IN LIEU DEDICATION AND/OR IMPROVEMENTS

As a condition of approval of a subdivision project, a developer may be required to dedicate right-of-way and/or complete road improvements on the roads being improved by the Transportation Impact Fee Program. Pursuant to Government Code Section 66006.5, cases where a subdivider dedicates or improves an adjoining road to a standard greater than that required by Chapter 26 of the Solano County Code, the subdivider or his/her successor in interest may be authorized by the Transportation Director to receive credit
toward the impact fee if the dedication and/or improvements have been made prior to issuance of the building permit. The developer should contact the Transportation Department to determine the eligibility for credit of the dedication or road improvement.

Sec. 11-410 - ENGLISH HILLS TRANSPORTATION IMPACT FEE AREA

a) The English Hills Transportation Impact Fee area is the same as the English Hills Specific Plan area shown in the English Hills Specific Plan, Final Draft, August 1994, Figure 3, which is on file with the Department of Environmental Management, and is incorporated herein.

b) There is created for the office of the Transportation Department a Public Works Improvement Trust Fund entitled "English Hills Area Road Improvement Reserve Account." All amounts collected from roadway development fees in the English Hills Transportation Impact Fee area shall be deposited in that account. The fees in this account shall not be commingled with other funds and the interest earned on the account shall be redeposited back into the account. These fees shall be expended in accordance with the provisions of the General Plan to finance the roadway facilities and improvements described in Exhibit A, attached hereto and incorporated herein. These funds may also be used to reimburse the developers within the fee area who have been required or permitted to install roadway facilities which are oversized with supplemental size, length or capacity.

Sec. 11-410 - BACKGROUND

For some time, development has had an increasingly adverse incremental impact on the existing network of County roads. There are vacant parcels of land in the English Hills Transportation Impact Fee area where homes may be built, and under the General Plan, subdivision of some of the existing parcels will create new parcels with potential for additional residential development. The existing transportation system is inadequate to handle the additional traffic that would be generated from the projected development. This transportation impact fee is needed to mitigate the impact of this projected development on the County road system and to provide a program that will distribute the cost of new improvements proportionally to the impact generated by the new development, rather than forcing existing residents to subsidize the roadway infrastructure needs of new growth.

One of the policy statements within the Streets and Roads section of the Circulation and Transportation Chapter of the Land Use and Circulation Element of the Solano County General Plan is as follows:

5. The cost of on and off-site improvements to County roads to accommodate new development should be borne by the developer. (Solano County Land Use and Circulation Element, page 128.)
Accordingly, development should not occur unless a mechanism is in place to provide the funding for the infrastructure necessary to serve the new development. This program institutes a fee to provide funds for constructing road improvements made necessary by new residential development. Requiring all new development to pay an impact fee will help ensure its participation in the cost of improving the road system. Because the fee is based on new development's impact on the road system and the costs of the improvements necessary to mitigate this impact, the fee amount is roughly proportional to the development impact.

Sec. 11-420 - FINDINGS AND DETERMINATIONS OF THE BOARD OF SUPERVISORS.

The following findings are made in compliance with Section 66001 of the Mitigation Fee Act (Government Code Section 66000, et. seq.)

Sec. 11-421 - PURPOSE OF THE FEE

The purpose of the fee is to pay the costs of roadway facilities and improvements in accordance with the provisions of the Solano County General Plan, including the Land Use and Circulation Element, to implement the County's General Plan, and to use the authority of Article XI, Section 7 of the California Constitution by imposing development fees to fund the costs of certain facilities and services, the need for which is generated by the type and level of development planned for the English Hills Transportation Impact Fee area.

Sec. 11-422 - USE OF THE FEES

The use to which the fees are to be put is to pay new development's proportionate share of the costs of the roadway facilities and improvements identified in Exhibit A, attached hereto and incorporated herein by reference. These fees will only finance the minimum roadways needed to meet traffic level of service and safety demands attributed to new development. Amenities that do not have a direct effect on capacity, such as general lighting, extensive longitudinal storm drain systems, and sidewalks, are not included. These improvements are considered to be frontage improvements by the Board of Supervisors, and as such are the responsibilities of the owner of the adjacent properties. As these properties develop, the frontage improvements may be provided by the developer through conditions of approval, or by other future means such as additional fees or assessment districts.

Sec. 11-423 - RELATIONSHIP BETWEEN USE OF FEES AND TYPE OF
DEVELOPMENT PROJECTS

There is a reasonable relationship between the fee's use and the type of development projects on which the fee is imposed for reasons set forth in the Solano County General Plan. The fee area is designated and zoned for residential development, and the fee will be imposed on the construction of new residences within the area. Road improvement projects for which the fees will be used will be needed to ensure and maintain the safety and the capacity of the road network serving the residents of the English Hills Transportation Impact Fee area of unincorporated Solano County, given the additional usage of these roadways by the new residential development.

Sec. 11-424 - RELATIONSHIP BETWEEN NEED FOR ROAD IMPROVEMENTS AND TYPE OF DEVELOPMENT

There is a reasonable relationship between the need for the roadway facilities and improvements identified in Exhibit A and the development projects on which the fee is imposed. New development will generate new demand for roadway facilities, which must be accommodated by construction of new or expanded facilities. The amount of demand generated and, therefore, the benefit gained, varies according to the number of vehicle trips the development generates.

The roads shall be designed and constructed in accordance with the Solano County Road Improvement Standards and Land Development and Subdivision Requirements (Road Standards), which list the minimum roadway standard width requirements for public roads. These minimum standard widths are based on the average daily traffic (ADT) that the roadway facilities can efficiently and safely carry.

For design and estimating traffic generated from a residential development, Section 1-2.1, Public Road Improvement Standards, Traffic Projections, of the Road Standards, states that the number of trips generated for a residential dwelling is assumed to be an average of ten trips (one-way) per day per homesite. Commercial developments within the English Hills Transportation Impact Fee Area will be evaluated on an individual basis and are not included in the English Hills Transportation Impact Fee Program.

The English Hills Transportation Impact Fee is based on distributing the cost of the road improvement program attributable to new development to that development in proportion to the number of average daily trips generated by each particular new dwelling unit. All new dwelling units will be required to pay a fee to fund the needed roadway improvements.
Without the adoption of this ordinance and the construction of infrastructure improvements as called for in Exhibit A, additional residential development in the English Hills Transportation Impact Fee area will result in decreased levels of service on certain roadways, increased congestion, decreased roadway safety, increased accidents, inadequate structural sections, road services deterioration to the point where they cannot be safely maintained, lack of shoulders meeting basic safety standards, substandard traffic intersections, and an increase in flooding potential.

Sec. 11-25 - RELATIONSHIP BETWEEN THE AMOUNT OF THE FEE AND THE COST OF THE ROAD IMPROVEMENTS ATTRIBUTABLE TO THE DEVELOPMENT

There is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed. While some county roads in the fee area do not currently meet county road standards, the fee for each new dwelling unit is limited to its proportionate share of the total cost of mitigating new development's impact on the county roads in the fee area. This mitigation amount was calculated by deducting the cost of improving the selected roads in the fee area to the minimum road standard required for the current dwelling units based on the current ADT from the cost of improving the same roads to the minimum road standard based on the projected ADT when all dwelling units are constructed that are now allowed by the General Plan for the same area.

The cost estimates in Exhibit B are based upon actual current costs of construction as determined by the County Transportation Director through an analysis of recent public works projects.

Sec. 11-430 - AMOUNT OF TRANSPORTATION IMPACT FEE

The transportation impact fee required for roadway improvements shall be apportioned equitably among new residential dwelling units in the English Hills Transportation Impact Fee area. The road network to be improved consists of the circulation routes for the study area, as determined by the Transportation Department, and as reflected in Exhibit A.

The amount of the fee was calculated by deducting the cost of improving the listed roads to the applicable road standards based on the existing average daily traffic (ADT) from the cost of improving the same roads to the applicable road standards based on the projected ADT at build-out of the General Plan. This cost difference,
attributable solely to the traffic impact of anticipated new dwellings, was then distributed equally among the projected additional dwelling units. Exhibit B outlines in detail the methodology for determining the fee.

The road improvements will be funded and constructed in conjunction with the actual development of the area and, therefore, the actual need for the improvements. As new development occurs and fees for road impacts are collected, the County will allocate its share of the total improvement costs (see Section 11-425) and systematically proceed to make the planned improvements.
Exhibit A

ENGLISH HILLS TRANSPORTATION IMPACT FEE AREA,
ROAD IMPROVEMENT LIST

ALLENDALE ROAD
from Timm Road to Interstate 505

BROWN VALLEY ROAD
from Cantelow Road to McMurtry Lane

CANTELOW ROAD
from Timm Road to Steiger Hill Road

ENGLISH HILLS ROAD
from Peaceful Glen Road to Cantelow Road

GIBSON CANYON ROAD
from Cantelow Road to 0.08 miles north of Pamela Lane

MIDWAY ROAD
from Timm Road to Vacaville City Limits

PEACEFUL GLEN ROAD
from English Hills Road to Timm Road

STEIGER HILL ROAD
from Cantelow Road to 0.19 miles west of Gibson Canyon Road

TIMM ROAD
from Cantelow Road to Allendale Road
Exhibit B

ENGLISH HILLS TRANSPORTATION IMPACT FEE AREA COSTS

1. The primary roads serving the fee area were determined by the Transportation Department based on the circulation patterns of the area.

2. For each existing road segment, the typical existing right of way width, road width, segment length, and average daily traffic (ADT) were determined. Segments or roads with poor horizontal and/or vertical alignments were identified.

3. Using the existing ADT’s, the right of way width and road width needed to meet the County Road Improvement Standards was determined for each segment. The estimated cost to acquire right of way and improve the existing roads to meet the standards was then calculated.

4. The estimated ADT’s at build out of the fee area under the current General Plan were then determined. These ADT’s were based on information in the English Hills Specific Plan, Final EIR, (Final EIR), except for Steiger Hill Road which was based on the Circulation Analysis contained in the Final Draft English Hills Specific Plan, and Cantelow Road (from English Hills Road to Steiger Hill Road) which was not analyzed in the EAR and is therefore based on a Transportation Department projection.

5. Using the ADT’s anticipated from build out of the current General Plan, the right of way width and road width needed to meet the County Road Improvement Standards was determined for each segment. The cost to acquire right of way and improve each road to the standard called for based on build out of the General Plan was then calculated.

6. By subtracting the cost of acquiring right of way and improving each road to the standard required in paragraph 3 above, (standards applicable to current level of development) from the cost of acquiring right of way and improving each road to the standard required in paragraph 5 above, (standards applicable at build out of the General Plan), the remainder represented the cost attributable to the impacts of the new development.

7. The cost to upgrade the road from the standard based on current ADT’s to the standard based on future ADT’s, as calculated in Section 6 above, was then divided by the number of new dwelling units allowable under the current General Plan (805), to determine the fee to be assessed per new dwelling unit. This amount includes both the costs for right of way acquisition and for road improvement. The number of potential new dwelling units was assumed to be the number of additional dwelling units allowed under the current General Plan, as identified in the Final EIR (805), minus the number of dwellings for which building permits have been issued since the Final EIR was prepared (41). The fee for residential dwellings was determined to be $288 for right of way acquisition and $4638 for roadway improvements.

NOTE: The English Hills Transportation Impact Fee Area is designated by the General
Plan and zoned for rural residential development. Due to the limited extent of nonresidential development expected in the fee area, this fee applies only to residential development. Should nonresidential development occur in the fee area, an impact mitigation fee would be determined on an individual basis based on the proportionate impact of such development on the primary road network, and the residential fee would then be adjusted accordingly.