AN ORDINANCE AMENDING ARTICLE X AND XV OF CHAPTER 11 OF THE
SOLANO COUNTY CODE, RELATING TO PUBLIC FACILITIES FEES

The Solano County Board of Supervisors ordains as follows:

Section 1. Article X of Chapter 11 of the Solano County Code is amended as follows:

ARTICLE X. PUBLIC FACILITIES FEES

Sec. 11-130. Findings
(a) Beginning in January 1990, the Board of Supervisors and County staff have continued to express concern that new residential, commercial and industrial development in the County was placing increasing demands on a variety of County facilities. This concern was evidenced by Resolution 90-16 of the Solano County Board of Supervisors, which was jointly adopted by all of the cities in the County.

(b) Resolution No. 90-16 led to the hiring by the County of Recht Hausrath & Associates to identify the needs for new public facilities caused by additional residential, commercial and industrial development in the County, and to advise the County on appropriate means of recovering those costs.

(c) In order to mitigate impacts caused by new development projects within the County and to implement the goals and objectives of the County General Plan, Public Facilities Fees are necessary to finance public facilities and to assure that new development projects pay their fair share for these facilities.

(d) Title 7, Chapter 5, section 66000 et seq. of the California Government Code provides that Public Facilities Fees may be enacted and imposed on development projects. The board of supervisors finds and determines that:

(1) New development projects both in cities and the unincorporated area of Solano County cause the need for construction, expansion or improvement of public facilities within Solano County.

(2) Without fees from a dedicated funding source, funds for construction, expansion or improvement of public facilities are not available to accommodate the needs caused by development projects; which will result in inadequate public facilities within Solano County.

(e) The board of supervisors finds that the public health, safety, peace, morals, convenience, comfort, prosperity and general welfare will be promoted by the adoption of Public Facilities Fees for the construction, expansion or
improvement of public facilities, the need for which is caused by new development projects. In establishing Public Facilities Fees, the board of supervisors finds the fees to be consistent with the County General Plan and, pursuant to Government Code section 65913.2, has considered the effects of the fees with respect to the County's housing needs as established in the Housing Element of the County's General Plan.

(f) Adoption of this ordinance does not have the potential to cause a significant effect on the environment. This ordinance does not authorize new development or require it. Rather it provides that if and when development is approved, under whatever laws and policies are otherwise in effect, it will be subject to a fee. This ordinance does not approve or foreordain approval of any public facilities nor mandate or alter the level of facilities to be constructed. Therefore, further review of this ordinance under the California Environmental Quality Act ("CEQA") is not required.

(g) This ordinance is also exempt from review under CEQA pursuant to California Public Resources Code section 21080(b)(8) and CEQA Guidelines section 15273(a)(4). This ordinance does not contemplate, identify, or approve expansion of the area for which County services are provided.

Sec. 11-131. Definitions
(a) Construction for which fees apply means all residential, multi-family, commercial, manufacturing, office, retail, wholesale buildings, and other land uses as defined in the applicable building and/or zoning ordinances of each city in Solano County, and in the building and zoning ordinances of the County itself.

(b) Exempt construction means (1) those projects for which a building permit was issued prior to October 26, 1992; or (2) projects which do not require the payment of city development fees. For purposes of this section, exempt construction does not include projects for which development fees have been waived by a local agency.

Sec. 11-132. Imposing public facilities fees
(a) All construction not otherwise exempt pursuant to provisions of Section 11-131(b), shall be subject to and pay the County public facilities fee. Such development fee shall be paid and collected as provided in Sections 11-133 and 11-134. Construction and development shall not be otherwise regulated under this ordinance.

(b) The imposition of public facilities fees shall be accomplished, from time to time, by resolution of the board of supervisors after a noticed public hearing. Such fees, when imposed, shall be a condition of the issuance of permits for, or the approval of, development projects. In adopting each such resolution, the board of supervisors shall:

(1) Identify the purpose of the fee;
(2) Identify the use to which the fee is to be put;

(3) Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed;

(4) Determine that there is a reasonable relationship between the need for the public facilities and the impacts caused by the type of development project on which the fee is imposed;

(5) Determine that there is a reasonable relationship between the amount of the fees and the cost of the public facilities, or portion of the public facilities, attributable to the development projects on which the fees are imposed; and

(6) Establish, as a part of each such resolution, a schedule of fees.

Sec. 11-133. Payment of fee

(a) Time for Payment of Fee. Fees for applicable development shall be paid prior to the issuance of the certificate of occupancy, or at the time of final inspection, whichever comes first, or, if the provisions of Government Code section 66007 are met, at the time of issuance of a building permit for any non-exempt construction under the provisions of this ordinance. Section 66007 requires that to collect fees at the building permit stage, an account has to be established for the fees to be collected and funds appropriated, and the board has to adopt a proposed construction schedule or plan prior to final inspection of issuance of the certificate of occupancy.

(b) Fee Amounts. Except to the extent reduced by an in-lieu contribution approved pursuant to subdivision (e), which in-lieu contribution will only apply to development within the unincorporated areas of the County, fees under this section shall be payable in those specific amounts designated by the board of supervisors, and amended from time to time by board resolution. The amount payable shall be reduced by the amount of any fee charged to the developer by any other jurisdiction to provide funding for the same County facilities. The board of supervisors may adjust by resolution the fee amounts one time annually based on the percentage increase in the Engineering News Record Construction Cost Index or a similar index which measures typical construction costs for facilities generally similar to those to be built by the County.

(c) Appeal. Any person may protest the imposition of any fee imposed under the provisions of this ordinance by meeting the following requirements:

(1) Tendering any required payment in full or providing satisfactory evidence of arrangements to ensure performance of the conditions necessary to meet the requirements imposed.

(2) Serving written notice on the clerk to the board of supervisors, which notice shall contain all of the following information:
(A) A statement that the required payment is tendered, or that any conditions which have been imposed are provided for or satisfied, under protest.

(B) A statement informing the board of supervisors of the factual elements of the dispute and the legal theory forming the basis of the protest.

(3) The protest must be filed no later than 90 days after the date of the imposition of the fee hereunder.

Where a protest has been filed in compliance with these provisions, the protest resolution procedure shall be as set forth under the provisions of Government Code section 66020 et seq.

(d) Demolition or destruction offset. Where a building permit is issued within two years after demolition on the same lot, or where new construction replaces a structure on the same lot which was damaged or destroyed by fire, earthquake or other causes similarly beyond the owner's control, the amount of new construction taken into account under this ordinance shall be reduced by the number of square feet which were demolished or destroyed.

(e) In-lieu Contribution. The County may authorize for affected development within the unincorporated areas of the County, in connection with approval of a subdivision map or any other development approval subject to a required public hearing before any agency of the County, the substitution of completed facilities or another contribution of at least equivalent value to the public facilities fee in place of all or part of the fees required under this ordinance. The facilities or other contribution must reduce the need for new County public facilities in one or more of the areas specifically identified in this ordinance as being supported by these fees. Where the facilities or other contribution exceed in value the fee amount in the category or categories in which a benefit is provided, the County may (but shall not be required to credit the excess value against fees in other categories and may further provide for a compensating allocation to the other categories of future fee receipts from the category in which a benefit is provided.

(f) Information Required. Where the County is to issue a building permit, the person liable for the fee shall submit to the Department of Resource Management such information as the department may require to calculate the amount due, or, where a city certifies square footage and use, or number of dwelling units, pursuant to section 11-134(b), the information necessary to calculate the fee shall be submitted to the city by the applicant.

Sec. 11-134. City collection of fees
(a) Collection of fee. Each incorporated city within the County shall, pursuant to a separate agreement entered into between that city and the County, collect
the fee required under the provisions of this ordinance, and in the amount as may be amended by subsequent County resolution, on behalf of the County. The city will collect a fee for all non-exempt property pursuant to provisions of this ordinance, or as that fee may be modified from time to time, at the time of the issuance of a certificate of occupancy or upon final inspection, whichever occurs first, or if the provisions of Government Code section 66007 are met, at the time of issuance of a building permit.

(b) Remitting of fee by city. Each city shall remit to the County, on a quarterly basis, the sum of those fees collected during that quarter. The quarter shall be based upon a fiscal year quarter. The remittance shall be less any administrative charges as set out in (c) below.

(c) Administrative charge for city. Each city which collects the County facilities fee pursuant to subsection (a) and pays the fee to the County Tax Collector pursuant to subsection (b) shall be entitled to retain an administration charge specified pursuant to section 11-136.

(d) County to defend. Upon reasonable notice by a city after notice of any claim or challenge, the County will defend, at its expense and with counsel of its choice, indemnify and hold harmless any city for any losses incurred as a result of implementation of the collection system, including claims, demands, protest, or causes of action and/or judgments, including attorney fees and costs, except to the extent of the city's own willful misconduct or gross negligence.

Sec. 11-135. Use of fees
(a) Fee allocation. The County Auditor-Controller shall allocate all fees received into separate accounts to be expended for the purpose for which the fees were collected. The auditor-controller shall maintain such accounts from year to year.

(b) Use limitation. Amounts in each of the accounts shall be expended exclusively to determine the necessity of, plan, design, carry to completion, acquire or lease-purchase expanded or additional public facilities of the type corresponding to that fund, except as provided in subsections (1) and (2). In no event shall any fee collected pursuant to this ordinance (other than an administrative or processing charge) be expended for any purpose other than expanded or additional public facilities established pursuant section 11-132(b).

(1) Funds may be advanced from one account to another where the advance is for public facilities which are proceeding sooner than those public facilities to be funded by the account from which the advance is furnished, and where the advance will be repaid from future fee revenue allocations to the account receiving the advance.
(2) Funds may be transferred between accounts where the transferred amount is used for a public facility for which the actual cost attributable to new development as shown by subsequent evidence exceeds the corresponding amount established pursuant section 11-132(b), provided that this subsection provides no authority to increase in any respect the aggregate fee amount payable by any development.

(c) Government Code requirements. The auditor-controller shall deposit, invest and account for all fees received under this ordinance pursuant to Government Code section 66006 (and any successor provision). Any fees received under this ordinance and not expended or committed within five (5) years after receipt shall be refunded pursuant to Government Code section 66001 (and any successor provision), unless the County otherwise complies with the requirements of section 66006.

(d) Annual Report. An annual report shall be prepared by the County and provided to all cities to account for the use of all the fees collected under this ordinance. This report shall be prepared pursuant to the provisions of Government Code section 66006. The cities will provide any fiscal information relative to the collection of these fees that is requested by the auditor-controller, in order to facilitate the preparation of these reports.

Sec. 11-136. Administration

(a) Charge. The auditor-controller shall determine the estimated costs of administration of this ordinance and may recommend to the board of supervisors a charge to recover those costs. Initially, costs shall be estimated and the board of supervisors may establish a charge separately, by resolution, for at least the following two types of administration:

(1) Administration through a city which collects and pays over to the County the County facilities fee pursuant to Section 11-135(a). In lieu of an administrative charge based upon the calculations set forth in subdivision (a), a city may elect to retain the interest earned on those fees collected while the city retains the fees, prior to remittance at the end of each quarter.

(2) Administration by the County, including any additional costs resulting from implementing a County review process to identify applicable developments and carry out this ordinance, or from analysis by the County, not otherwise required, of the number of dwelling units, use or square footage of a development, in order to determine the facilities fee payable.

(3) The board of supervisors may, by ordinance, modify or terminate any charge set under this section and may establish additional charges related to administration of this ordinance.
(b) **Additional rules and regulations.** The board of supervisors may adopt by resolution rules, regulations, guidelines and procedures for administration of this ordinance. The County Department of Resource Management shall provide estimates of fees payable by impacting developments. The County Department of Resource Management, County Administrator's Office and Auditor-Controller may each adopt such further rules or regulations not in conflict with any action of the board of supervisors, as may be appropriate to carry out this ordinance.

**Sec. 11-137. Enforcement**

(a) **Civil proceedings.** The County Counsel may institute civil proceedings to enforce this ordinance, including without limitation actions for injunction and civil penalties. Construction without the authorization required by this ordinance and the payment of the fees required may be suspended by a court of competent jurisdiction. Violation of this ordinance interferes with provision of public services, and shall be a public nuisance.

(b) **Costs of securing compliance.** Any person or entity not in compliance with this ordinance shall be liable, in addition to other amounts provided for in this section, for attorneys' fees, or the reasonable costs of staff legal services incurred by the County, and all other reasonable costs of securing compliance, including the collection of the fees.

(c) **Interest.** Interest shall accrue on all fees not paid when due pursuant to this ordinance at the rate prescribed by law for interest on judgments, from the date when payment was due until the date payment is received in full.

**Sec. 11-138. Termination of ordinance as it applies to cities**

It is provided that the provisions of this ordinance, as they apply to the imposition and collection of capital facilities fees by the cities in Solano County on behalf of the County, for non-exempt construction within the incorporated limits of cities, shall terminate upon any of the following events occurring:

(a) The board of supervisors fails to adopt, impose, and levy a Solano County Public Facilities Fee as authorized by provisions of Government Code section 66000 et seq.

(b) The County fails to maintain the land use policy of "what is urban shall be municipal," or unreasonably modifies, amends, or alters the Solano County General Plan to increase existing densities or existing designations of residential, commercial and industrial land uses as presently in place or presently under study, and so long as existing County land uses are subject to limitations on land use development similar to those provided by County Measure "A," whether those provisions continue in effect by act of the electorate or are imposed by the board of supervisors.
(c) The County public facilities fee to be collected by cities is greater than the rate imposed on development occurring in the unincorporated areas of the County.

(d) The County fails to adopt a public facilities capital improvement plan in support of the fee, such plan having been initially adopted, and thereafter annually updated, following a noticed public meeting between representatives of the County and the cities within the County, so that close cooperation can be maintained between the County and the cities within the County with respect to the capital improvements proposed to be funded by the County public facilities fee.

Sec. 11-139. Severability
If any provision of this ordinance, or its application to any person or circumstances, shall be held invalid or unenforceable, the remainder of this ordinance shall not be affected; the provisions of this ordinance are intended to be severable. If the amount of any fee payable under this ordinance is held excessive, or invalid or unenforceable in part, the remainder of the fee shall nonetheless be due and payable.

Section 2 Article XV of Chapter 11 of the Solano County Code is amended as follows:

ARTICLE XV. ENGLISH HILLS TRANSPORTATION IMPACT FEE PROGRAM

Sec. 11-400. Introduction and purpose
The Solano County English Hills 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 in English Hills is needed in order to ensure that new development pays its fair share of the construction costs 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. 11-410. General plan relationship
The basis for the Solano County English Hills 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 Department of Resource Management, during office hours.

Sec. 11-420. Alternative method and compliance with other laws
The English Hills 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. 11-430. Collection of fees
(a) The fees imposed by this ordinance shall be required whenever the Building Division of the Department of Resource 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. 11-440. Fee adjustments
(a) A developer of any project subject to the fee established by the English Hills 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

(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.

(3) 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 are 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. 11-450. 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. 11-460. Interest on fees
The interest accrued on the fees collected by the Solano County English Hills 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. 11-470. 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 Resource Management 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 Resource Management’s approval of the building permit. The board of supervisors shall view 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 Resource Management shall provide an annual report to the board of supervisors that meets the requirements of Government Code section 66006(b).
Sec. 11.480. 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 English Hills 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 Department of Resource Management to determine the eligibility for credit of the dedication or road improvement.

Sec. 11-500. 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 Resource Management, and is incorporated by this reference.

(b) There is created for the office of the Department of Resource Management 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 deposited 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 to and incorporated by this reference. 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. 11-510. Background
(a) 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 English Hills 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.
(b) One of the policy statements within the Transportation and Circulation Chapter of the Solano County General Plan is as follows:

TC.P-5: Fairly attribute to each development the cost of on- and off-site improvements needed for state and county roads and other transportation systems to accommodate that development, including the use of development impact fees to generate revenue.

(c) Accordingly, development in the English Hills Transportation Impact Fee area 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. 11-520. 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. 11-521. 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, 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. 11-522. 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 to 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. 11-523. 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. 11-524. 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 vehicles trips the development generates. The road 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 with 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 home site. 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. 11-525. 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. 11-530. Amount of English Hills Transportation Impact Fee

The transportation impact fee required for roadway improvements shall be apportioned equitably amount 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 Department of Resource Management, 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 amount the projected additional dwelling units. Exhibit B outlines in details 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 11-525) and systematically proceed to make the planned improvements.

Section 3. This ordinance shall take effect thirty (30) days after its passage.

Section 4. A summary of this ordinance shall be published once within fifteen (15) days after its adoption, in the Fairfield Daily Republic, a newspaper of general circulation in Solano County.
Ordinance No. 2013-1737

Passed and adopted by the Solano County Board of Supervisors on August 27, 2013 by the following vote:

AYES: SUPERVISORS

Hannigan, Spering, Vasquez, and Vice-Chair Thomson.

NOES: SUPERVISORS

None.

EXCUSED: SUPERVISORS

Seifert.

Skip Thomson, Vice-Chair
Solano County Board of Supervisors

ATTEST:

Birgitta E. Corsello, Clerk
Board of Supervisors

By: Patricia J. Crittenden, Chief Deputy Clerk

Introduced: August 13, 2013
Adopted: August 27, 2013
Effective: September 27, 2013
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 McMurty Lane

CANTELOW ROAD
    from Timm Road to Steiger Hill Road

ENGLISH HILL 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 Timm Road to Vacaville City Limits

STEIGER HILL ROAD
    from English Hills Road to Timm 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 Circulation Analysis contained in the Final Draft 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 Department of Resource Management projection.
5. Using the ADT's anticipated from build out of the 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.