

RESOLUTION NO. 2006- 183

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SHASTA
ADOPTING THE SHASTA COUNTY SOUTHERN REGION TRANSPORTATION PLANNING STUDY AND
TRAFFIC IMPACT FEE PROGRAM PROJECT REPORT
AND ESTABLISHING ZONES OF BENEFIT AND TRAFFIC IMPACT FEES
FOR ALL DEVELOPMENT WITHIN THE SOUTHERN REGION OF SHASTA COUNTY

WHEREAS, the Board of Supervisors of the County of Shasta promulgated in Resolution 91-115 a traffic impact mitigation fee to ensure that the approval of new development in South Central Shasta County included funding for the costs of improving the County roadways necessary to serve that new development; and

WHEREAS, pursuant to section 66001 of the Government Code and, consistent with the General Plan, to provide for improved traffic circulation and additional traffic-carrying capacity required to support the development of new housing and other new construction, the Shasta County Board of Supervisors desires to enact a new traffic impact fee in order to fund the construction of planned improvements to the transportation system within certain defined Zones of Benefit within the Southern Region of Shasta County, lying within a portion of the existing fee area; and

WHEREAS, the Shasta County Regional Transportation Planning Agency has engaged a qualified traffic engineering firm, Omni-Means Engineers and Planners ("Omni-Means") of Roseville, California, to prepare the required reasonable relationship analysis for the Board of Supervisors to establish Zones of Benefit and to enact the new traffic impact fees; and

WHEREAS, Omni-Means has completed the required reasonable relationship analysis in a report entitled "*Shasta County Southern Region Transportation Planning Study and Traffic Impact Fee Program Project*" (the "Report"), a copy of which shall remain on file in the office of the Shasta County Department of Public Works and is hereby incorporated in this resolution by reference; and

WHEREAS, pursuant to sections 66004 and 66018 of the Government Code, a public hearing has been properly noticed and conducted; and

WHEREAS, the construction of the needed improvements to the transportation system within the Southern Region of Shasta County cannot proceed in accordance with the *Report* without establishment of the recommended Zones of Benefit and imposition of the proposed traffic impact fees; and

WHEREAS, pursuant to section 66001, subdivision (d) of the Government Code, a comprehensive update of the traffic impact fee instituted pursuant to this resolution will be completed prior to the end of the fifth fiscal year following the first deposit and every five years thereafter.

NOW, THEREFORE, BE IT RESOLVED that the Shasta County Board of Supervisors hereby finds as follows:

P/C

NOV 21 2006

1. The *Report* complies with section 66001 of the Government Code by establishing the basis for imposition of traffic impact fees on new development. In particular, the *Report*:
 - a. Identifies the purpose of the fees.
 - b. Identifies the use to which the fees will be put.
 - c. Establishes a reasonable relationship between the fees' use and the type of development project on which the fees shall be imposed.
 - d. Establishes a reasonable relationship between the need for the public facility and the type of development project on which the fees are imposed.
 - e. Establishes a reasonable relationship between the amount of the fees and the cost of the public facility or portion of the public facility attributable to the development on which the fees are imposed.
2. The traffic impact fees collected pursuant to this resolution shall be used to finance the public facilities described or identified in the *Report*.
3. The project descriptions and cost estimates are a reasonable basis for calculating and imposing the proposed traffic impact fees.
4. The projects and fee methodology identified in the *Report* is consistent with the County's General Plan.
5. The adoption of this resolution is categorically exempt from environmental review pursuant to the California Environmental Quality Act guidelines (Cal. Code Regs., Tit. 14, §15061(b)(3)), and that the intent of the *Report* and proposed fees is to provide one means of mitigating potential environmental impacts which have been identified in environmental analyses of other planning efforts.

BE IT FURTHER RESOLVED by the Board of Supervisors of the County of Shasta, that:

1. The *Report* is hereby adopted, and the Board of Supervisors hereby establishes two Zones of Benefit for the area defined in the *Report*. A map depicting the Zones of Benefit shown on Figure 12 of the *Report* is attached hereto and made a part hereof.
2. For the purposes of this resolution, the following shall apply:
 - a. *Definitions*:
 - 1) "Building Permit" means the permit issued or required by the County of Shasta for the construction of any structure pursuant to law.
 - 2) "Department" means the Shasta County Department of Public Works.
 - 3) "Director" means the Director of the Shasta County Department of Public Works, or his or her designee.
 - 4) "Equivalent Dwelling Units" or "EDU" means the number of single-family dwellings to which a particular type of development or use

is equivalent in terms of expected or estimated p.m. peak hour traffic impact.

- 5) "Equivalent Dwelling Unit Rates" or "EDU Rates" means multiplication factors used to convert a particular type of development or use to Equivalent Dwelling Units. These factors shall be expressed as the number of EDU's per unit of a particular use.
- 6) "Improvement Plan" means a site plan of property proposed for development showing all required improvements that must be approved by the County of Shasta prior to the issuance of a Building Permit for the property.
- 7) "Fee," "Fees," "Traffic Mitigation Fee," or "Traffic Impact Fee," means the fees imposed pursuant to this resolution to mitigate the cumulative traffic impacts of developments within the Zones of Benefit.

b. *Timing of Fee.*

The Traffic Impact Fee shall be imposed upon issuance of any Building Permit and shall be paid at the rate in effect on the day of payment, prior to issuance of a certificate of occupancy, or at such earlier time permitted by law as set forth in section 66007 of the Government Code. Building Permit applications accepted as complete submitted by the effective date of this resolution shall not be subject to this resolution.

c. *Fee Adjustments.*

The Director may, upon application for a reduction or adjustment to the Fee based upon the absence of any reasonable relationship or nexus between the impacts of the construction and either the amount of the Fee or the facilities to be financed by the Fee. The application shall be made in writing and filed with the Director not later than 20 calendar days after notification of the amount of the Fee is either given or mailed to the developer of the project requiring the Building Permit. The application for a reduction or adjustment shall state in detail the factual basis for the claim of reduction or adjustment and the amount of the proposed reduction or adjustment. The Director shall consider the application and render his or her decision in writing not later than 45 calendar days after the filing of the Fee adjustment application. Any person aggrieved by the decision of the Director may, within 20 calendar days thereafter, appeal the decision in writing to the Board of Supervisors by filing an appeal with the Clerk of the Board of Supervisors. The Board of Supervisors shall consider such appeals within 45 calendar days after filing. The decision of the Board of Supervisors shall be final. No Building Permit shall be issued for a structure until the final decision pursuant to this provision has been made. No application for a Building Permit shall be considered final or complete for purposes of the Permit Streamlining Act (Government Code, section 65920, et seq.),

or any other purpose, until a final decision pursuant to this provision has been made.

Notwithstanding, an applicant for a reduction or adjustment in the Fee may pay the Traffic Impact Fee "under protest" and receive a Building Permit; provided, however, that the application for reduction or adjustment shall thereafter be filed within 10 calendar days after receipt of the Building Permit, or any objection shall be deemed waived. If an application for reduction or adjustment is approved after payment is made, a refund shall be made of that amount by which the Traffic Impact Fee is reduced or adjusted.

The applicant applying for a reduction or adjustment shall have the burden of proof, by a preponderance of the evidence, that a reasonable relationship or nexus is lacking between the Fee, or the facilities to be financed by the Fee, and the particular project.

In the event of any reduction or adjustment in the Fee granted pursuant to this provision, any later change in the use, zoning, or land use designation for the property involved shall subject the then owner to payment of the then applicable Fee for such new uses, zoning, or land-use designation.

- d. *Establishment and Administration of Capital Improvement Funds.*
The Director shall establish a special interest-bearing fund entitled "Southern Region Traffic Impact Fee Capital Facilities Account." All Fees collected pursuant to this resolution shall be deposited in this account and expended solely to finance the improvements described in the Report.
- e. *Determination of EDU Rates and Total Amount of Fee.*
The Fee shall be as set forth in the Report. EDU rates shall be determined in accordance with the Report, or determined using generally accepted engineering practice and the best available information. EDU rates shall be based on the actual uses proposed, and shall consider trip generation and any other information deemed pertinent. The Director shall have final determination of EDU rates and total Fees for any development, project, or building for which a Building Permit is issued.

BE IT FURTHER RESOLVED by the Board of Supervisors of the County of Shasta, that:

1. *The Traffic Impact Fee for the Southern Region Zones of Benefit, as defined in this resolution, shall be as follows:*
 - Zone of Benefit 1 - \$5,229 per Equivalent Dwelling Unit (EDU)
 - Zone of Benefit 2 - \$2,801 per Equivalent Dwelling Unit (EDU)

2. *Fee Review and Inflationary Adjustment.*

Commencing December 1, 2007, and annually thereafter, the amount of the Fee shall be automatically adjusted by a percentage equal to the percentage change in the Engineering News Record's ENR.com construction cost index from the index for December of the preceding calendar year to the index for December of the adjustment year.

3. *Existing Development.*

No Fee shall be charged for an already existing development or for projects which rebuild or remodel without increasing the trips generated, except as provided hereinafter:

- 1) Where the development or project changes to a different land use, it shall be charged the appropriate Fee as otherwise provided in this resolution, less any amount previously paid pursuant to this resolution.
- 2) Where the development or project expands or remodels the same land use, it shall be charged the appropriate Fee as provided in this resolution; except that the Fee shall be calculated only as to that portion of the development or project which is expanded or remodeled. Where the Fee is calculated based upon the number of dwelling units, no fee shall be charged unless at least one additional dwelling unit is added.

4. *Payment of Traffic Impact Fee where Building Permits are not Issued by the County.*

Where a building permit has been issued by an agency other than the County of Shasta, Fees imposed pursuant to this resolution shall be paid at or prior to a request for electric, water, or sewer service, whichever request first occurs. The Fee shall be calculated in the same manner as any other Fee imposed pursuant to this resolution.

5. *Use of Fee.*

The Fee shall be solely used for the purposes described in the Report.

6. *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 the date of adoption of this resolution.

7. *Severability.*

If any provision or clause, or paragraph of this resolution or the imposition of the Fee for any project or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions of this resolution or any other project to which this resolution may apply. Fees levied by this resolution which can be given effect without the invalid provisions or application of the Fee, and to this end, the provisions of this resolution, are declared to be severable.

8. *Supersedes Prior Resolution.*

Sixty days following adoption, this resolution shall supersede Resolution Number 91-115 with respect to Fees imposed on development in the Zones of Benefit established pursuant to this resolution.

DULY PASSED AND ADOPTED this 14th day of November 2006, by the Board of Supervisors of the County of Shasta, by the following vote:

AYES: Supervisors Clarke, Hawes, Kehoe, Cibula, and Hartman

NOES: None

ABSENT: None

ABSTAIN: None

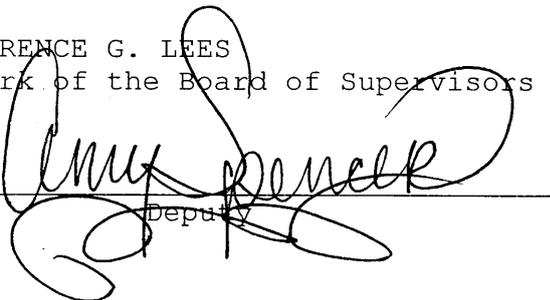
RECUSE: None



PATRICIA A. CLARKE, CHAIRMAN
Board of Supervisors
County of Shasta, State of California

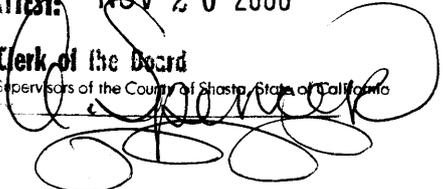
ATTEST:

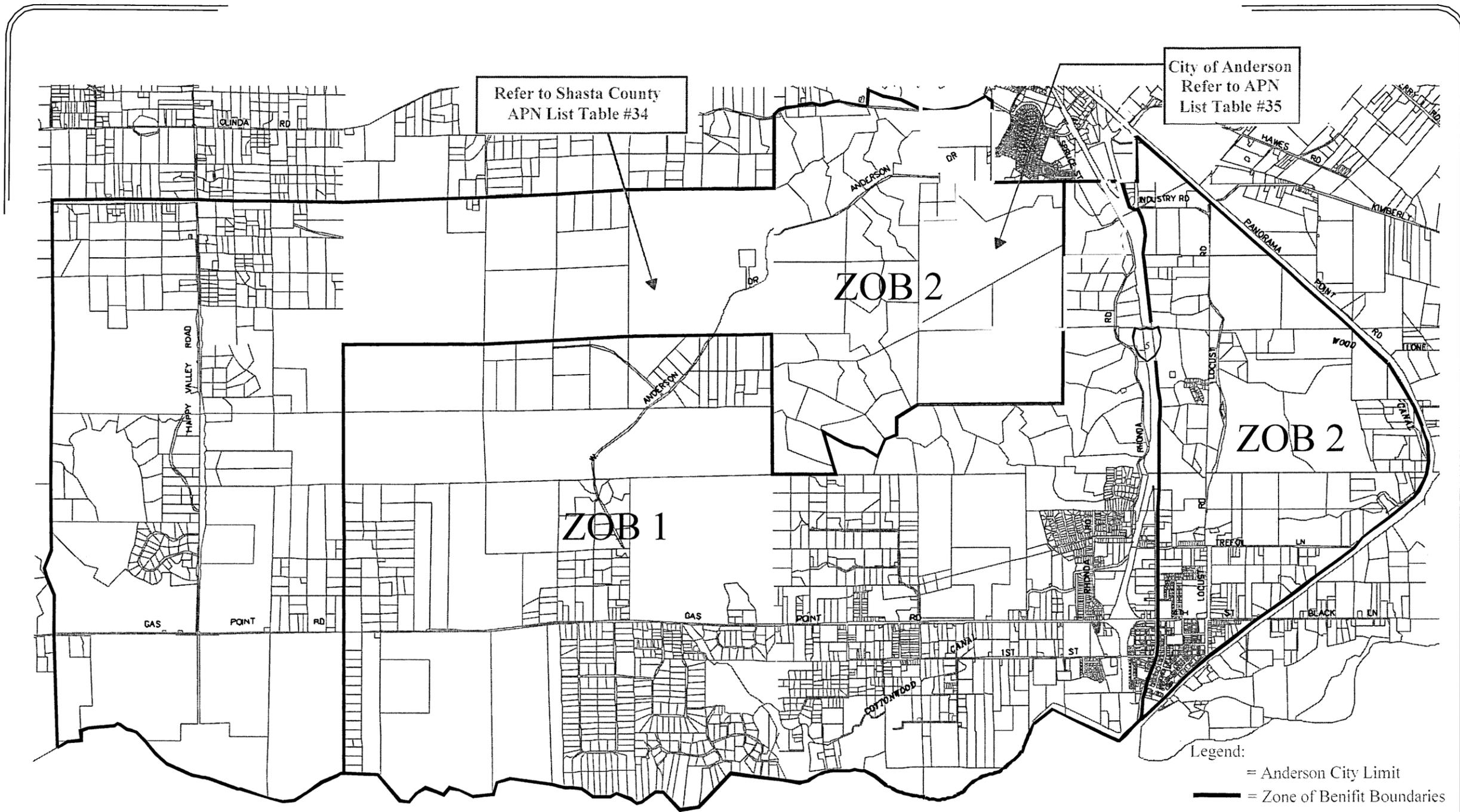
LAWRENCE G. LEES
Clerk of the Board of Supervisors

By 

Deputy

This instrument is a correct copy
of the original on file in this office.

ATTEST: NOV 20 2006

Clerk of the Board
Supervisors of the County of Shasta, State of California



Shasta County Southern Region Fee Program

Figure 12

Shasta County Southern Region Fee Ordinance Zone of Benefit