

TO: BOARD OF SUPERVISORS

FROM: J. MICHAEL WALFORD, PUBLIC WORKS DIRECTOR

DATE: AUGUST 6, 1996

SUBJECT: Hearing on the Revision of the South County Area of Benefit Fee Schedule and Boundaries.  
Project No. 0676-2310-6P4045; CDD-CP # 94-43

**RESOLUTION NO. 96/344**

SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION

I. Recommended Action:

- A. It is recommended that the Board take the following actions:
1. ADOPT and APPROVE the Revised Development Program Report pertaining to the revision of the South County Area of Benefit.
  2. DETERMINE that the project is not subject to the California Environmental Quality Act pursuant to Article 5, Section 15061(b)(3) CEQA guidelines.
  3. DIRECT the Director of Community Development to file the Notice of Exemption with the County Clerk.
  4. DIRECT the Public Works Director to arrange for payment of the \$ 25.00 handling fee to the County Clerk for the filing of the Notice of Exemption.
  5. DETERMINE that a majority protest does not exist.
  6. INCORPORATE in this resolution by reference the boundaries, costs, and method of fee apportionment set forth in the Revised Development Program Report and the attached ordinance.

Continued on Attachment: X

SIGNATURE: Milton Hubert

RECOMMENDATION OF COUNTY ADMINISTRATOR  
 RECOMMENDATION OF BOARD COMMITTEE  
 APPROVE  OTHER

SIGNATURE(S):

ACTION OF BOARD ON August 6, 1996 APPROVED AS RECOMMENDED  OTHER

The Public Hearing on the above matter was opened,  
and no one appearing to speak, the hearing was closed.

VOTE OF SUPERVISORS  
 UNANIMOUS (ABSENT \_\_\_\_\_)  
 AYES: \_\_\_\_\_ NOES: \_\_\_\_\_  
 ABSENT: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

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Orig. Div: Public Works (T/E)  
 Contact: Martin Lysons, Tel. 313-2295  
 cc: M. Shiu, Deputy PW Director  
 Community Development  
 County Auditor-Controller  
 Treasurer-Tax Collector  
 P.W. Accounting  
 P.W. Design-Environmental

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: August 6, 1996  
 PHIL BATCHELOR, Clerk of the Board of Supervisors and County Administrator

By Shirley Cadden Deputy

I. **Recommended Action:** (Cont.)

7. DIRECT the Director of Public Works and Auditor/Controller to continue the existing trust fund for the South County subarea, that was established by Board Resolution 88/122 on March 15, 1988, and that this trust fund shall now be specific for the South County Area of Benefit, and that the Treasurer shall continue the investment of said monies with interest to accrue in the trust fund account.
  8. DIRECT the Public Works Department and Department of Community Development to review the fee schedule periodically, and to adjust for the effects of inflation as described in the attached ordinance. The adjustment for inflation is not subject to CEQA.
  9. DIRECT the Director of Community Development to monitor future amendments to the currently adopted General Plan and their impact on traffic within the South County Area of Benefit, and to report those amendments to the Public Works Director as necessary to facilitate updating of the South County Area of Benefit.
  10. DIRECT the Public Works Department and Department of Community Development to comply with CEQA on development applications and road projects to be constructed pursuant to the Revised Development Program Report for the South County Area of Benefit.
- B. It is recommended that the Board ADOPT the attached ordinance, which revises the South County Area of Benefit, and ordains the following:

Traffic Mitigation Fees (Ordinance No. 96 - 27)

1. Adopt traffic mitigation fees, as recommended in the Revised Development Program Report.
2. Adjust the fee schedule every year that the Area of Benefit is in effect, to account for the affects of inflation and that at no time will the fee schedule be increased at a rate of more that 5% per year.

II. **Financial Impact:**

The total estimated cost of the road improvement projects identified in the Revised Program Development Report for the South County area, is approximately \$6.6 million. The proposed projects however, will only be partially funded by South County Area of Benefit fees. Adoption of the revised Area of Benefit will generate approximately \$825,000 for road improvement projects, when all the fees are collected by the year 2010 target date. Other sources will fund the remaining project costs.

III. **Reasons for Recommendations and Background:**

The Countywide Area of Benefit was adopted by the Board of Supervisors on March 15, 1988 (Resolution 88/122), to improve the capacity and safety of the arterial road network in Contra Costa County through the establishment of a traffic mitigation fee. The traffic mitigation fees apply to the unincorporated areas of the County and are required of all new development. The Countywide Area of Benefit consisted of seven regions, named West County, Central County, Lamorinda, Alamo, South County, East County, and Bethel Island. There was a separate fee schedule established for each region, and a separate trust fund established for fees collected from South County developments. In 1993, the Countywide Area of Benefit was revised by the formation of seven Regional Areas of Benefit corresponding to the

III. **Reasons for Recommendations and Background:** (Cont.)

seven regions of the Countywide Area of Benefit. These seven Regional Areas of Benefit had the same boundaries, development potentials, projects, and fees as the seven regions of the Countywide Area of Benefit formed in 1988. Resolution 93/25 passed by the Board of Supervisor on March 9, 1993 replaced and repealed Resolution 88/122.

This revision is necessary in order to coordinate the South County Area of Benefit Fees with the Southern Contra Costa Joint Exercise of Powers Agreement between Contra Costa County, the Town of Danville, and the City of San Ramon. One of the projects of the original South County Area of Benefit was to improve Dougherty Road to a two-lane rural highway standard. The proposed Shapeil and Windemere Developments within Dougherty Valley will replace the existing Dougherty Road with a new six-lane facility.

There are two projects that are needed to accommodate potential development in the South County Area of Benefit. First, there is a section of Crow Canyon Road that lies west of the San Ramon City Limits. This approximately 2,000 foot section leads into Alameda County. The proposed project is for a truck climbing lane. As there is a limited amount of development potential in the area, the percentage share of project funding for the South County Area of Benefit is only 5%. The second Area of Benefit project (a project that was on the original 1988 Countywide Area of Benefit) is the improvement of Camino Tassajara from the eastern boundary of the Blackhawk Development to the Alameda County Line. This proposed project would not be adequate to accommodate the estimated traffic generated by the proposed TVPOA developments. If and when that General Plan Amendment is approved, the South County Area of Benefit will again need to be revised.

Government Code Section 66484 and Division 913, Title 9 of the Contra Costa County Ordinance Code provide for assessing and collecting fees for bridge and/or major thoroughfare construction within a designated area of benefit and as a condition of issuing a building permit. The Public Works Director and Director of Community Development have completed a Revised Development Program Report for the South County Area of Benefit, which was filed with the Clerk of the Board. Notice of the hearing was duly given in accordance with Government Code Sections 54986, 65091, 66016, and 66484.

IV. **Consequences of Negative Action:**

Failure to revise the South County Area of Benefit may result in the loss of crucial road funds needed to construct necessary road improvements for the area.