

ORDINANCE NO. 3649

AN ORDINANCE OF THE COUNTY OF MONTEREY ADDING CHAPTER 18.60 TO THE MONTEREY COUNTY CODE, RELATING TO THE ESTABLISHMENT OF A TRAFFIC MITIGATION FEE FOR CARMEL VALLEY ROAD IMPROVEMENTS.

County Counsel Synopsis

This Ordinance establishes a traffic mitigation fee to fund certain road improvements along Carmel Valley Road. This fee would be levied on all building permits within the Carmel Valley Master Plan Area and the Carmel Valley Area, as defined, subject to specified exceptions.

THE BOARD OF SUPERVISORS HEREBY FINDS AND DECLARES AS FOLLOWS:

A. The County of Monterey, pursuant to Article XI of the California Constitution, may adopt and enforce ordinances and regulations to protect and promote the public health, safety, and welfare of its citizens.

B. The County of Monterey is charged, among other things, with the responsibility of planning for the future growth and development of the County.

C. Recent growth in population, housing units, commerce, and industry, in the County within the Carmel Valley Master Plan Area and surrounding environs, including the Greater Carmel Valley Area, as defined or described in this Ordinance, has led to significant reductions in existing traffic levels of service, traffic congestion, and other attendant land use and environmental problems for the area.

D. Recent traffic studies conducted by the Monterey County Department of Public Works in connection with its review of applications for discretionary permits reveal that the level of service on Carmel Valley Road have deteriorated to an unacceptable level as defined in Policy 39.3.2.1 of the Carmel Valley Master Plan.

E. On January 28, 1992, following a noticed public hearing, the Board of Supervisors determined that the level of service on that segment of Carmel Valley Road between Schulte Road and Robinson Canyon Road has dropped from "D" to "E." This impact has been caused in part by traffic generated by new development within the Carmel Valley Planning Area and the Greater Carmel Valley Area.

F. It is necessary for the County to conduct studies regarding appropriate financing mechanisms for road and

infrastructure improvements to address and mitigate traffic impacts resulting from development in the area defined in this Ordinance and to enact a fee program that will enable the County to fund on a pay-as-you-go basis, certain safety improvements to Carmel Valley Road, including, but not limited to, construction of shoulder widening and left turn channelization pending completion of such further studies and establishment of a final design and program of improvements.

G. The Board of Supervisors, on August 25, 1992, adopted a fee schedule based on evidence presented to the Board at that time and on other dates in the review of issues and concerns relating to Carmel Valley Road improvements. The adoption of this fee schedule was in lieu of the adoption of a moratorium or the implementation of other measures that would affect development of properties within the Carmel Valley Master Plan Area or the Greater Carmel Valley Area.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTEREY ORDAINS:

SECTION 1. Chapter 18.60 is added to the Monterey County Code to read:

Chapter 18.60

Carmel Valley Road Traffic Mitigation Fee

Sections:

18.60.010	Imposition of Fees.
18.60.020	Definitions.
18.60.030	Amount and Payment of Fees.
18.60.040	Exemptions.
18.60.050	Credits.
18.60.060	Deposit, Accumulation, and Use of Fees.

18.60.010 IMPOSITION OF FEE.

As of August 25, 1992, there is hereby imposed on all building permits issued for development within the Carmel Valley Master Plan Area and the Greater Carmel Valley Area a traffic mitigation fee which shall be assessed and collected as provided in this Chapter.

18.60.020 DEFINITIONS.

A. Building Permit.

"Building Permit" shall mean any building permit issued by the Director of the Planning and Building Inspection

Department of the County pursuant to the provisions of the Monterey County Code. Nothing in this Ordinance shall be construed as prohibiting the issuance of a building permit for any project which has been issued a foundation permit prior to February 18, 1992, if such foundation permit is valid on the effective date of this Ordinance.

B. Carmel Valley Master Plan Area.

"Carmel Valley Master Plan" shall mean the area as defined in the document entitled "Monterey County Carmel Valley Master Plan" and adopted by the Board of Supervisors on December 16, 1986, and depicted on Exhibit "A" to this Chapter.

C. Greater Carmel Valley Area.

"Greater Carmel Valley Area" shall mean that area depicted as the "area of potential benefit" on Exhibit "A" to this Chapter.

18.60.030 AMOUNT AND PAYMENT OF FEE.

Prior to the issuance of any building permit for property within the Carmel Valley Master Plan or the Greater Carmel Valley Area, the applicant for such building permit shall pay a traffic mitigation fee in an amount as established by the Board of Supervisors by resolution.

18.60.040 EXEMPTIONS

The following categories of development are exempt from the provisions of this Ordinance:

1. Any development which has been issued a building permit prior to February 18, 1992, or which received design approval and submitted plans for a building permit prior to February 18, 1992, and which were issued a building permit prior to August 25, 1992, and such permit has not lapsed or became void for any reason.
2. Any development (a) submitted to the County prior to the effective date of Ordinance 52, as amended, of the Monterey Peninsula Water Management District, (b) approved subject to the condition that building permits not be issued until water was made available, and (c) for which an application for a building permit is filed with the County prior to February 1, 1993.
3. Any remodeling or alterations to an existing commercial or industrial use which does not result in an increase in total leasable floor area of the building or structure or diminishes the parking required under the current provisions of

the Monterey County Code, or which will not result in an increase in vehicle trips as determined by the Director of Public Works.

4. Any remodeling or alterations to an existing residential development which does not result in an increase in the number of dwelling units within the building or structure or diminishes the parking required under the current provisions of the Monterey County Code.

5. Any development for which a building permit is required (1) in order to comply with an order issued by the Director of the Planning and Building Inspection Department to repair an unsafe or substandard condition; or (2) in order to rebuild as a result of destruction by fire, earthquake, or other natural disaster, provided that such development is not prohibited by any provision of the Monterey County Code.

18.60.050 CREDITS.

Any fee that may be otherwise required pursuant to this Chapter shall be reduced by the amount of any charge or levy required as a condition of approval of any subdivision map or pursuant to any agreement between the County and a developer and such charge or levy is paid or obligated to be paid exclusively for street and road improvements to Carmel Valley Road.

18.60.060 DEPOSIT, ACCUMULATION, AND USE OF FEES.

A. Deposit and Accumulation of Funds. The Director of Planning and Building Inspection shall collect the traffic mitigation fees and deposit such fees in a separate, interest bearing account to be used for the purposes specified in this section.

B. Use of Funds. The traffic mitigation fees shall be used for road and street improvements to Carmel Valley Road generally consistent with the Carmel Valley Master Plan and as may be approved or authorized by the Board of Supervisors.

SECTION 2. RESOLUTION NO. 92-77. Resolution No. 92-77 as amended, shall be null and void and shall be deemed repealed and no longer in effect. Payment of the applicable fee specified in this ordinance shall be deemed full compliance with any agreement or condition of approval required pursuant to Resolution No. 92-77.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective on the thirty-first day after passage. This Ordinance shall also become null and void one year after its effective date unless

otherwise extended by the adoption of an Ordinance of the Board of Supervisors authorizing such extension.

PASSED AND ADOPTED this 15th day of December, 1992, by the following vote:

AYES: Supervisors Pennycook, Perkins, & Strasser Kauffman


NOES: None

ABSENT: Supervisors Shipnuck & Karas


KARIN STRASSER KAUFFMAN, Chair

ATTEST:

ERNEST K. MORISHITA
Clerk of the Board

By 
Deputy

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