

ORDINANCE NO. 03833

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. 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. 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 has 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. On December 15, 1992, the Board of Supervisors enacted Ordinance No. 03649, effective January 15, 1993, adding Chapter 18.60 to the Monterey County Code, establishing a traffic mitigation fee for Carmel Valley Road improvements, and ratifying a previously adopted fee schedule for said improvements. Ordinance No. 03649 has been extended twice since its enactment.

G. The fee schedule adopted on August 25, 1992 and ratified by Ordinance No. 03649, was 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.

H. Ordinance No. 03649 and the fee resolution adopted pursuant thereto have proven to be a fair and equitable manner of allocating the costs of mitigating traffic impacts resulting from development in the area defined in this ordinance.

I. It is necessary for the County, on a more permanent basis, to mitigate traffic impacts resulting from development in the area defined in this Ordinance and to enact a fair and equitable 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.

J. Enactment of this ordinance, in view of the findings herein, is necessary for the protection of public health, safety, and welfare.

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 was issued a building permit prior to August 25, 1992, and such permit has not lapsed or become 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 a charge or levy is paid or obligated to be paid exclusively for street and road improvements to Carmel Valley Road, intersections with Carmel Valley Road, or any project designated on the Carmel Valley Road Improvement list, on file in the office of the Director of Public Works.

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. The Board may, at its discretion, review this ordinance and the fee schedule adopted pursuant thereto on an annual basis.

PASSED AND ADOPTED this 22nd day of August, 1995, by the following vote, to-wit:

AYES: Supervisors Salinas, Pennycook, Perkins, Johnsen, Karas

NOES: None

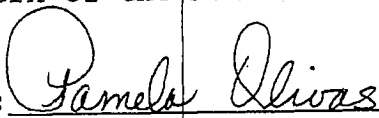
ABSENT: None



Tom Perkins, Chair

ATTEST:

ERNEST K. MORISHITA,
Clerk of the Board

By: 

Deputy

LALRO Geo

Report to Monterey County Board of Supervisors

SUBJECT	PUBLIC HEARING TO ADOPT AN ORDINANCE ESTABLISHING TRAFFIC MITIGATION FEES FOR CARMEL VALLEY ROAD AND APPROVE A RESOLUTION AMENDING THE SCHEDULE OF FEES.	BOARD MEETING DATE 8/22/95 2:30 P.M.	AGENDA NUMBER
DEPARTMENT	PUBLIC WORKS		

RECOMMENDATION

It is recommended the Board of Supervisors adopt an ordinance establishing Traffic Mitigation Fees for Carmel Valley Road, and approve a resolution amending the schedule of fees.

SUMMARY

On July 25, 1995 the Board of Supervisors introduced this ordinance and set this public hearing to consider establishing a permanent Carmel Valley Road Traffic Mitigation Fee. The interim fee ordinance was adopted by the Board in December 1992, was extended twice, and expired on August 4, 1995. The proposed ordinance will establish permanent Traffic Mitigation Fees.

DISCUSSION

The enabling Carmel Valley Traffic Mitigation Fee Ordinance No. 3649 was adopted by the Board on December 15, 1992 and became effective January 15, 1993. It expired January 15, 1994 and was extended by Ordinance No. 3730 for one year. Ordinance 3730 was extended by Ordinance No. 3808 for six months and expired on August 4, 1995. The Public Works Department recommends that this permanent ordinance be adopted.

The Carmel Valley Road Improvement Committee has been studying various improvements required to provide adequate levels of service for future traffic needs on Carmel Valley Road. The proposed resolution amending the schedule of fees reflects their recommendations.


OTHER AGENCY INVOLVEMENT

County Counsel has reviewed this Board Report and approved as to form the ordinance and fee resolution.

FINANCING

Fees collected pursuant to this ordinance and resolution are deposited in a separate account specifically for the improvement of Carmel Valley Road.


 GERALD J. GROMKO, PhD, PE
 PUBLIC WORKS DIRECTOR

 GD/sml
 Attachments: Ordinance; Resolution; Location Map
 Distribution: Clerk to Board (16); Public Works (8); Planning and Building Inspection Department; Efren Iglesia, County Counsel