

RESOLUTION NO. 90-152

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF NAPA, STATE OF CALIFORNIA, MAKING THE  
REQUIRED ENVIRONMENTAL DETERMINATIONS AND ADOPTING A  
TRAFFIC MITIGATION FEE TO BE IMPOSED UPON  
DEVELOPMENT WITHIN THE AREA SUBJECT TO THE AIRPORT  
INDUSTRIAL AREA SPECIFIC PLAN

WHEREAS, Sections IV(F)(3), VI, and VIII (E)(2) of the Airport Industrial Area Specific Plan (hereinafter referred to as the "AIASP"), as adopted by the Board of Supervisors on July 29, 1986, and subsequently amended, acknowledges that the general industrial and business/industrial park growth permitted by the Specific Plan within its planning area will generate additional adverse impacts upon certain portions of the road system in the unincorporated area of the County of Napa requiring improvements to existing roads and the construction of certain new roads and supplementary transportation facilities; and

WHEREAS, the AIASP requires that industrial development in the airport area should be provided an adequate level of highway facilities within a reasonable period of time and indicates that such facilities can be constructed through a variety of means reflective of the degree to which the various developments have contributed to the adverse impacts in the County highway system and will be benefitted by the alleviation thereof; and

WHEREAS, construction of such highway facilities will substantially mitigate the adverse impacts the increased development in the airport industrial area will have on the roadways of Napa County; and

WHEREAS, sections 66004 and 65962 of the Government Code provide that the establishment of development fees of the type herein contemplated is subject to the requirements of Chapters 13 (commencing with section 54990) and 13.1 (commencing with section 54994.1) of Part 1 of Division 2 of Title 5 of the Government Code; and

WHEREAS, in compliance with Chapter 13 at least ten days prior to December 11, 1990, the data required by Government Code section 54986 was made available to the public at the Department of Public Works and at least fourteen days prior to December 11, 1990, notice meeting the requirements of Government Code section 54986 that a hearing would be held to determine whether or not the proposed traffic mitigation fee should be adopted was mailed to those persons who had, pursuant to section 54986 or 54992 of the

Government Code, requested same; and

WHEREAS, in compliance with Chapter 13.1 notice that a hearing would be held regarding imposing the proposed fee has been published twice in the manner required by section 54994.1 of the Government Code; and

WHEREAS, evidence has been submitted demonstrating that imposition of a traffic mitigation fee, based upon a development project's contribution to local vehicle trips and payable at the time of issuance of each building permit for the project, is a method for financing the above-described road improvements which is rationally-related to the impacts caused and benefits derived, is fair and equitable, is consistent with the goals and objectives of the AIASP, and falls within the police power granted to the County by Article 11, Section 7 of the California Constitution when adopted in compliance with section 66000 et seq. of the Government Code; and

WHEREAS, after having completed an initial study the Director of the Conservation, Development and Planning Department determined that the Environmental Impact Report prepared in conjunction with the adoption of the Airport Industrial Area Specific Plan adequately addresses the environmental effects of the proposed project; and

WHEREAS, all persons wishing to testify were given an opportunity to do so and the hearing having been closed; and

WHEREAS, the EIR prepared in conjunction with the adoption of the AIASP, including comments received during the review period and responses to those comments, as well as the testimony at the hearing, having been considered by the Board prior to adopting this Resolution and based on that review it having been determined that the EIR is adequate for the project herein being considered;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Board of Supervisors hereby imposes an Airport Industrial Area Traffic Mitigation Fee (hereinafter referred to as "Fee") in the amount and for the purposes set forth in Exhibit "A". The manner of calculating the fees shall be as set forth in Exhibit "A".

a. The purpose of and authority for the Fee is set forth in the recitals above and Exhibit "A", which Exhibit is incorporated herein by reference and adopted in its entirety. The Board specifically finds that the Fee as a method of financing the Projects described in subparagraph (i), below, is rationally-related to the impacts caused by development authorized by the building permit upon which the Fee is levied; is fair and equitable; is consistent with the goals and objectives of the AIASP; and is authorized by both Article 11, Section 7 of the California Constitution and by section 66000 et seq. of the Government Code.

b. There is a reasonable relationship between the amount of the fee and the cost of the transportation improvements attributable to each development which will be assessed a fee.

c. The cost estimates set forth in Appendix B-1 of Exhibit "A" are reasonable cost estimates for constructing these transportation improvements,

and the fees expected to be generated by future development will not exceed the total costs of constructing the improvements identified in Exhibit "A".

d. The amount of the Fee is based upon the data utilized in the AIASP and was determined in the manner set forth in that document entitled "County of Napa: Napa County Airport Industrial Area: Road Improvement Program and Development Fee Schedule" prepared by Terrence E. Lowell and Associates (September, 1990), a true copy of which is attached hereto as Exhibit "A".

e. Except as specifically exempted in this Resolution, the Fee shall be imposed as a condition of the issuance of any building permit, or Certificate of Occupancy if a building permit is already issued (hereafter collectively referred to as "building permit" for ease of reference), within the area set forth in subparagraph (f), below, and shall be paid prior to issuance of the building permit.

f. The Fee shall be imposed upon any new development within the boundaries of the AIASP planning area as shown in Appendix "A" of Exhibit "A" and within areas designated in the AIASP as General Industrial or Business/Industrial Park. New development shall mean original construction of non-residential improvements and additions to existing non-residential improvements. (The Fee shall also be imposed on changes in use not involving new construction. See subparagraph "l" below.)

g. The amount of the fee shall be annually adjusted on a prospective basis to conform to changes in the California Department of Transportation Construction Cost Index.

h. There is hereby created in the Napa County Treasury in accordance with Government Code section 66006 a special trust fund which shall be entitled the Airport Industrial Area Traffic Mitigation Fee Trust Fund (hereinafter referred to as the "Fund"). All Fees collected pursuant to this Resolution shall be placed in the Fund and shall bear interest thereon at the rate generally earned by County funds. Other than the Fees and the interest earned thereon, no other monies shall be placed in the Fund. Except as provided otherwise by Government Code section 66001, monies shall be withdrawn from the Fund only to finance the Projects described in subparagraph (i), below, and in such amounts and at such times as the Board of Supervisors in its discretion shall determine necessary.

i. The Fees shall be used solely and exclusively to fund that portion of those traffic-related improvements (referred to in this Resolution as the "Projects") which are set forth in Appendix B-1 and B-2 of Exhibit "A" that are necessitated by new development in the AIASP area.

j. Credit/Reimbursements for Developer-Constructed Improvements shall be calculated and processed in the manner set forth in IV(C)(E) of Exhibit "A" (see pp. 8-9 of Exhibit "A").

k. The following shall be exempt from the Fee:

(1) A building permit for a single family residence determined to be a legal nonconformity in accordance with Napa County Code section 12850 et seq. where the permit is for construction permitted under those Code provisions.

(2) A building permit for replacement, reconstruction, or repair of an existing structure which was destroyed, damaged, or demolished, as long as the permit will not change the character of occupancy of the structure, increase the square footage, or otherwise increase the number of daily vehicle trip ends generated by the use of the structure over those generated prior to the destruction, damage, or demolition.

1. The Fee shall be applicable to any change of use that would result in a higher fee category than the fee category that was originally applied when the building was constructed, or, if the building was constructed prior to the enactment of this Resolution, the fee category that relates to the actual use of the building upon the enactment of the fee. This provision shall only be applicable if the change of land use involves more than fifty percent (50%) of a building regardless of square footage, or an area exceeding ten thousand square feet in floor area, regardless of the percentage of use of the building being changed. The additional fee required shall be the difference between the current fee for the prior use of the building and the fee for the proposed use of the building.

2. Nothing contained in this Resolution is intended to modify the requirement that every development is required to continue to pay all other applicable fees which currently exist or may be adopted in the future.

3. The Director of Public Works shall develop rules and regulations for the effective implementation and administration of this fee, including procedures to provide for the reduction or refund of the fee in any circumstance where such adjustment is legally required.

4. Imposition of the Fees authorized by this Resolution, as required by Government Code Section 65962, shall commence sixty days following the adoption of this Resolution.

5. A copy of this Resolution shall be placed in and thereafter kept on file in Section III of the Policy Manual of the Board of Supervisors.

6. The Director of Public Works shall annually comply with subparagraph (d) of section 66001 of the Government Code.

7. The Napa County Auditor/Controller shall comply with subparagraph (b) of section 66006 of the Government Code within 60 days of the close of each fiscal year.

8. Based upon a review of the final EIR and all comments received and the testimony at the public hearing, it has been determined that no substantial evidence was presented that the adoption of the proposed traffic mitigation fees might have a significant impact on the environment either individually or cumulatively.

9. The certification of the final EIR is attached hereto as Exhibit "B." and by this reference is adopted in its entirety.

10. The Final EIR does not identify any significant environmental effects that the adoption of traffic mitigation fees will cause and therefore the findings that otherwise would be required by 14 Calif. Admin. Code sections

15091 and 19093 are not required. The Final EIR does identify certain adverse environmental effects relating to traffic which increased development in the AIASP area will cause, and the imposition of the proposed traffic mitigation fees will substantial lessen or avoid such adverse environmental impacts.

11. The Director of Conservation, Development and Planning is directed to file the required Notice of Determination.

THE FOREGOING RESOLUTION WAS ADOPTED by the Board of Supervisors at a regular meeting of the Board held on December 11, 1990, by the following vote:

AYES: SUPERVISORS VARRELMAN, NEGRI, WHITE, BATTISTI AND MIKOLAJCIK

NOES: SUPERVISORS NONE

ABSENT: SUPERVISORS NONE

ATTEST:

AGNES DEL ZOMPO, Clerk  
of the Board of Supervisors

By Agnes Del Zompo

APPROVED DEC 11 1990  
BOARD OF SUPERVISORS  
COUNTY OF NAPA

AGNES DEL ZOMPO  
CLERK OF THE BOARD

BY Harold Prescott Deputy