

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works		(2) MEETING DATE August 15, 2006		(3) CONTACT/PHONE Richard Marshall, Development Services Engineer (805) 781-5280	
(4) SUBJECT Public Hearing to Consider an Appeal of the South County Road Improvement Fee by Domenico Della Penna					
(5) SUMMARY OF REQUEST Domenico Della Penna has applied for a building permit (PMT 2005-03536) to construct a single family residence (secondary) on Fowler Lane in the South County Road Fee area. The fee associated with this permit application is \$8,391. Mr. Della Penna has filed an appeal of the fee. The appeal letter is attached as Exhibit A.					
(6) RECOMMENDED ACTION It is our recommendation that you Honorable Board deny the appeal.					
(7) FUNDING SOURCE(S) N/A		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Planning & Building, County Counsel					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input checked="" type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input type="checkbox"/> All			(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board <input type="checkbox"/>
(16) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. 20 minutes) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(19) BUDGET ADJUSTMENT REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A			(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input type="checkbox"/> N/A
(23) ADMINISTRATIVE OFFICE REVIEW <div style="text-align: right; font-size: 2em; font-family: cursive;">8-15-06</div>					

Reference: 06AUG15-H-1

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C-3



SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Noel King, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

TO: Board of Supervisors

FROM: Richard Marshall, Development Services Engineer *REM*

VIA: Glen L. Priddy, Deputy Director of Public Works - Engineering Services *REM for GP*

DATE: August 15, 2006

SUBJECT: Hearing to Consider an Appeal of the South County Road Improvement Fee by Domenico Della Penna

Recommendation

It is our recommendation that your Honorable Board deny the appeal.

Discussion

Domenico Della Penna has applied for a building permit (PMT 2005-03536) to construct a single family residence (secondary) on Fowler Lane in the South County Road Fee area. The fee associated with this permit application is \$8,391. Mr. Della Penna has filed an appeal of the fee. The appeal letter is attached as Exhibit A.

Basis for adjustment or waiver of the fee. Section 13.01.050 of the San Luis Obispo County Code states that an adjustment or waiver of the fee may be granted, "based on the absence of any reasonable relationship or nexus between the traffic-generating impacts of that new development, and either the amount of the fee imposed or the type of road facilities or improvements to be financed by the fee."

The South County Study establishes the reasonable relationship, or nexus, required for the imposition of fees within its study area. Mr. Della Penna filed the permit application on June 5, 2006. The most recent update of the Study was adopted by the Board of Supervisors on December 13, 2005 and the fees recommended in that update became effective February 14, 2006. The Public Works Department sent a notice of the Road Improvement Fee by mail on June 12, 2006. The appeal was filed June 26, 2006.

All new developments in the area will contribute to the need for road and other transportation improvements the study recommends. The improvement package is designed to provide the necessary capacity in the network of arterial and collector streets to meet the County's established level of service criteria, as traffic volumes increase with additional development. The road improvement fee was designed to apportion the cost of the needed improvements to all new development, based on the amount of traffic generated.

C-3 a

Evaluation of appeal issues. In the letter attached as Exhibit A, Mr. Della Penna raises one main issue, which is paraphrased below, along with staff response:

Appeal point: Since the fee has been paid once for the previous dwelling on this property, we would like this fee to be waived or modified.

Response: This application is for a new secondary dwelling, thus adding traffic to the roadway system. The Road Improvement Fees spread the cost of needed improvements over all the new development which is contributing to the need for it. The current Road Improvement Fee at the time of payment is applied to each applicable permit.

The Road Improvement Fees are being utilized to fund improvements to the major arterial and collector streets which serve the entire community. Improvements in this area already constructed with these fees include Los Berros Road at El Campo Road. Future improvements include Halcyon Road re-alignment at Hwy 1 among others.

Other Agency Involvement/Impact

The building permit was processed by the Department of Planning and Building. We have reviewed this item with the office of County Counsel, who concurs with our recommendation.

Financial Considerations

The South County Circulation Study apportions over \$65 million to the payment of road improvement fees by new development. It also allocates approximately \$58 million to other sources, for some of which the County will be responsible to seek other sources of funding. Granting this appeal and adjusting the road improvement fee will result in a small increase in the County's share. Granting this appeal may also have the effect of encouraging other people to seek this same adjustment. This could result in substantial loss of road improvement fee revenue in the future.

Results

The result of the recommended action before your Board today will be a determination that the amount charged to the appellant was appropriate, and consistent with applicable legal requirements and Board Policy, and then no refund would be made.

Attachments: Exhibit A - Appeal letter from Domenico Della Penna

c: Domenico Della Penna, 2596 Fowler Lane, Arroyo Grande, CA 93420

C-33

Domenico Della Penna
2596 Fowler Ln
Arroyo Grande, CA 93420
805-481-2176
June 21, 2006
Re: Permit: PMT2005-03536

FILED

JUN 26 2006

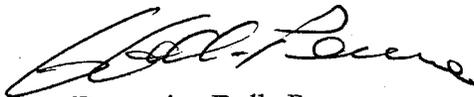
Attn: Clerk
Board of Supervisors
Room D-430, County Government Center
San Luis Obispo, CA 93408

JULIE L. RODEWALD, COUNTY CLERK
By Vicki M. Shelby
DEPUTY CLERK

Attention: Clerk of Board of Supervisors,

This letter is being sent to you to request a waiver or modification to the County's Road Improvement Fee for the South County Area 2. We are adding a second dwelling to the property located at 2596 Fowler Ln Arroyo Grande, CA 93420. Since this fee has been paid once already for the Dwelling that is currently located at the address, we would like to request that the fee of \$8391.00 be either waived or modified to a more reasonable amount. We would like to request a hearing for this subject, please either call or reply to this letter to let us know where we are to go to discuss this issue further.

Sincerely,



Domenico Della Penna

EXHIBIT A

C34