

**RESOLUTION NO. 2002-97**

**RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS  
ESTABLISHING PUBLIC TRANSPORTATION FACILITIES FEES  
AND ZONES OF BENEFIT FOR NEEDED TRANSPORTATION IMPROVEMENTS  
IN VARIOUS SUB-REGIONAL AREAS THROUGHOUT MARIN COUNTY; AND  
RESCINDING CONDITION 4 OF BOARD OF SUPERVISORS RESOLUTION 84-501  
CONCERNING AREA-WIDE IMPROVEMENT CREDITS ESTABLISHED IN  
THE NORTHGATE ACTIVITY CENTER PLAN**

**SECTION 1. FINDINGS**

Whereas the Marin County Board of Supervisors does hereby find and declare the following:

- I. In order to implement the goals and objectives of the Marin Countywide Plan, and to mitigate traffic impacts caused by future development in Marin County, certain public transportation facilities must be constructed. Consistent with Marin Countywide Plan Policies T-1.1 and T-1.3 and Programs T-1.1b and T-1.3a, the Board of Supervisors has determined that fair-share public transportation facilities fees imposed on new development are needed in order to finance such facilities.
- II. The Marin County Department of Public Works, Transportation Services Division, has prepared a "Marin County Sub-Regional Transportation Improvement Fee Study" that documents: (1) the capacity of specific transportation systems, which will be exceeded by additional travel demand generated by new development; and (2) new public transportation facilities within these specific areas needed to keep the systems operating at or better than the conditions currently in existence.
- III. On July 9, 2002, the Board of Supervisors adopted the Marin County Public Transportation Facilities Fee Ordinance No. 3348, adding Chapter 15.07 to the Marin County Code that requires new developments to pay their fair share for needed public transportation improvements. Pursuant to Section 15.07.040(2) of Marin County Code, the Board of Supervisors shall, in subsequent Board resolutions, set forth the amount of each such fee so established, describe the benefit and impact area on which the fee is imposed, identify the public transportation facilities to be financed, describe the estimated cost of these facilities, describe the reasonable relationship between this fee and the various types of new developments, and set forth time of payment.
- IV. On October 16, 1984, the Board of Supervisors conditionally adopted the Northgate Activity Center Plan by Resolution 84-501, enabling the County to collect traffic mitigation fees from new development in the plan area for needed transportation improvements called for by the plan. Condition 4 of Resolution 84-501 allows a fee credit of 55 percent of the total cost of local transportation improvements required by the County for a new development that represent area-wide improvements and benefit a constituency larger than those properties nearby the development. This credit condition should be rescinded because it could result in unfair fee participation rates for projects that construct needed, regional improvements at full costs, which then are expected to pay additional fees that may exceed their total fair-share participation costs for the plan area. It is not necessary at this time to revise any other condition of Resolution 84-501.

- V. Legal notices were given of the public hearing scheduled before the Board of Supervisors to consider a resolution establishing public transportation facilities fees and zones of benefit for transportation improvements in various sub-regional areas throughout Marin County. The Board of Supervisors conducted a public hearing on this resolution on July 9, 2002.

## SECTION 2. ADOPTION

Now, therefore, the Board of Supervisors of the County of Marin does hereby resolve that pursuant to Chapter 15.07 of Marin County Code, all new development projects and other projects determined to add traffic to the following listed areas shall pay a public transportation facilities improvement fee to pay for long-term, sub-regional transportation improvements necessary to handle increased traffic according to the following schedule by area:

### 1. Tamalpais Community Plan Area:

- a) **Fee** – A fee of \$3,393.57 per new weekday PM peak-hour trip (April 2002 dollars) shall be required, which will be adjusted for inflation by the ENR construction cost index at the time the fee is paid.
- b) **Trip Generation Rate** – The number of new weekday PM peak-hour trips generated by a proposed development shall be based on the latest ITE Trip Generation Standards or an approved traffic study prepared by a qualified professional.
- c) **Zone of Benefit** – The Zone of Benefit shall include all properties located within the Tamalpais Community Plan area, as shown on the attached Exhibit 1.
- d) **Transportation Improvements** – The proposed transportation improvements necessary to handle increased traffic in the Zone of Benefit are State Route 1 improvements from U.S. Highway 101 to Loring Avenue as described in the Tamalpais Community Plan. These improvements are expected to cost \$4,751,000.00 in April 2002 dollars and are to be funded by 1,400 new, weekday PM peak-hour trips in the Zone of Benefit.

### 2. Strawberry Interchange (U.S. Highway 101/State Route 131 Interchange):

- a) **Fee** – A fee of \$3,560.11 per new weekday PM peak-hour trip (April 2002 dollars) shall be required, which will be adjusted for inflation by the ENR construction cost index at the time the fee is paid.
- b) **Trip Generation Rate** – The number of new weekday PM peak-hour trips generated by a proposed development shall be based on the latest ITE Trip Generation Standards or an approved traffic study prepared by a qualified professional.
- c) **Zone of Benefit** – The Zone of Benefit shall include all properties located within an area tributary to the U. S. Highway 101/State Route 131 (Tiburon Boulevard) interchange, as shown on the attached Exhibit 2.
- d) **Transportation Improvements** – The proposed transportation improvements necessary to handle increased traffic in the Zone of Benefit are generally lane additions to the main roadways leading to and through the interchange, as described in more detail in the 1991 "Project Study Report On Route 131 Between Tower Drive/Kipling Drive and North Knoll Road." These improvements are expected to cost \$3,909,000 in April 2002 dollars and are to be funded by 1,098 new, weekday PM peak-hour trips in the Zone of Benefit.

**3. West Sir Francis Drake Boulevard (San Geronimo Valley/Nicasio):**

- a) **Fee** – A fee of \$4,113.33 per new weekday PM peak-hour trip (April 2002 dollars) shall be required, which will be adjusted for inflation by the ENR construction cost index at the time the fee is paid.
- b) **Trip Generation Rate** – The number of new weekday PM peak-hour trips generated by a proposed development shall be based on the latest ITE Trip Generation Standards or an approved traffic study prepared by a qualified professional.
- c) **Zone of Benefit** – The Zone of Benefit shall include all properties located within an area tributary to Sir Francis Drake Boulevard west of Fairfax, as shown on the attached Exhibit 3.
- d) **Transportation Improvements** – The proposed transportation improvements necessary to handle increased traffic in the Zone of Benefit are generally the White's Hill Slide Repair and Nicasio Valley Road/Sir Francis Drake Boulevard intersection modifications such as lane channelization, signalization, or a roundabout. These improvements are expected to cost \$1,851,000 in April 2002 dollars and are to be funded by 450 new, weekday PM peak-hour trips in the Zone of Benefit.

**4. Northgate Activity Center Plan Area:**

- a) **Fee** – A fee of \$5,315.65 per new weekday PM peak-hour trip (April 2002 dollars) shall be required, which will be adjusted for inflation by the ENR construction cost index at the time the fee is paid.
- b) **Trip Generation Rate** – The number of new weekday PM peak-hour trips generated by a proposed development shall be based on the latest ITE Trip Generation Standards or an approved traffic study prepared by a qualified professional.
- c) **Zone of Benefit** – The Zone of Benefit shall include all properties located within the Northgate Activity Center Plan area, an area tributary to the U. S. Highway 101 interchanges at North San Pedro Road, Manuel Freitas Parkway, and Lucas Valley Road, as shown on the attached Exhibit 4.
- d) **Transportation Improvements** – The proposed transportation improvements necessary to handle increased traffic in the Zone of Benefit are interchange improvements and interchange access improvements as described in the Northgate Activity Center Plan. These improvements are expected to cost \$28,056,000 in April 2002 dollars and are to be funded by 5,278 new, weekday PM peak-hour trips in the Zone of Benefit.

**5. Atherton Avenue:**

- a) **Fee** – A fee of \$2,530.00 per new weekday PM peak-hour trip (April 2002 dollars) shall be required, which will be adjusted for inflation by the ENR construction cost index at the time the fee is paid.
- b) **Trip Generation Rate** – The number of new weekday PM peak-hour trips generated by a proposed development shall be based on the latest ITE Trip Generation Standards or an approved traffic study prepared by a qualified professional.
- c) **Zone of Benefit** – The Zone of Benefit shall include all properties located within an area tributary to Atherton Avenue, as shown on the attached Exhibit 5.
- d) **Transportation Improvements** – The proposed transportation improvements necessary to handle increased traffic in the Zone of Benefit include the Binford Road/Atherton Avenue intersection and a bike path along Atherton Avenue from

Bugeia Lane to Olive Avenue. These improvements are expected to cost \$1,518,000 in April 2002 dollars and are to be funded by 600 new, weekday PM peak-hour trips in the Zone of Benefit.

Now, therefore, the Board of Supervisors of the County of Marin does hereby further resolve that Condition 4 of Board of Supervisors Resolution 84-501, which allows a 55 percent traffic mitigation fee credit for construction of area-wide transportation improvements required for new development in the Northgate Activity Center Plan area, is hereby rescinded. All other conditions of Resolution 84-501 shall remain in full force and effect.

**SECTION 3. EFFECTIVE DATE**

Now, therefore, the Board of Supervisors of the County of Marin does hereby further resolve that this resolution shall be, and is hereby declared to be, in full force and effect on September 8, 2002.

**SECTION 4. VOTE**

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Marin held on this 9th day of July, 2002, by the following vote:

AYES: SUPERVISORS: John B. Kress, Steve Kinsey, Cynthia L. Murray, President

NOES: NONE

ABSENT: SUPERVISORS: Harold C. Brown, Jr., Annette Rose

*Cynthia L. Murray*

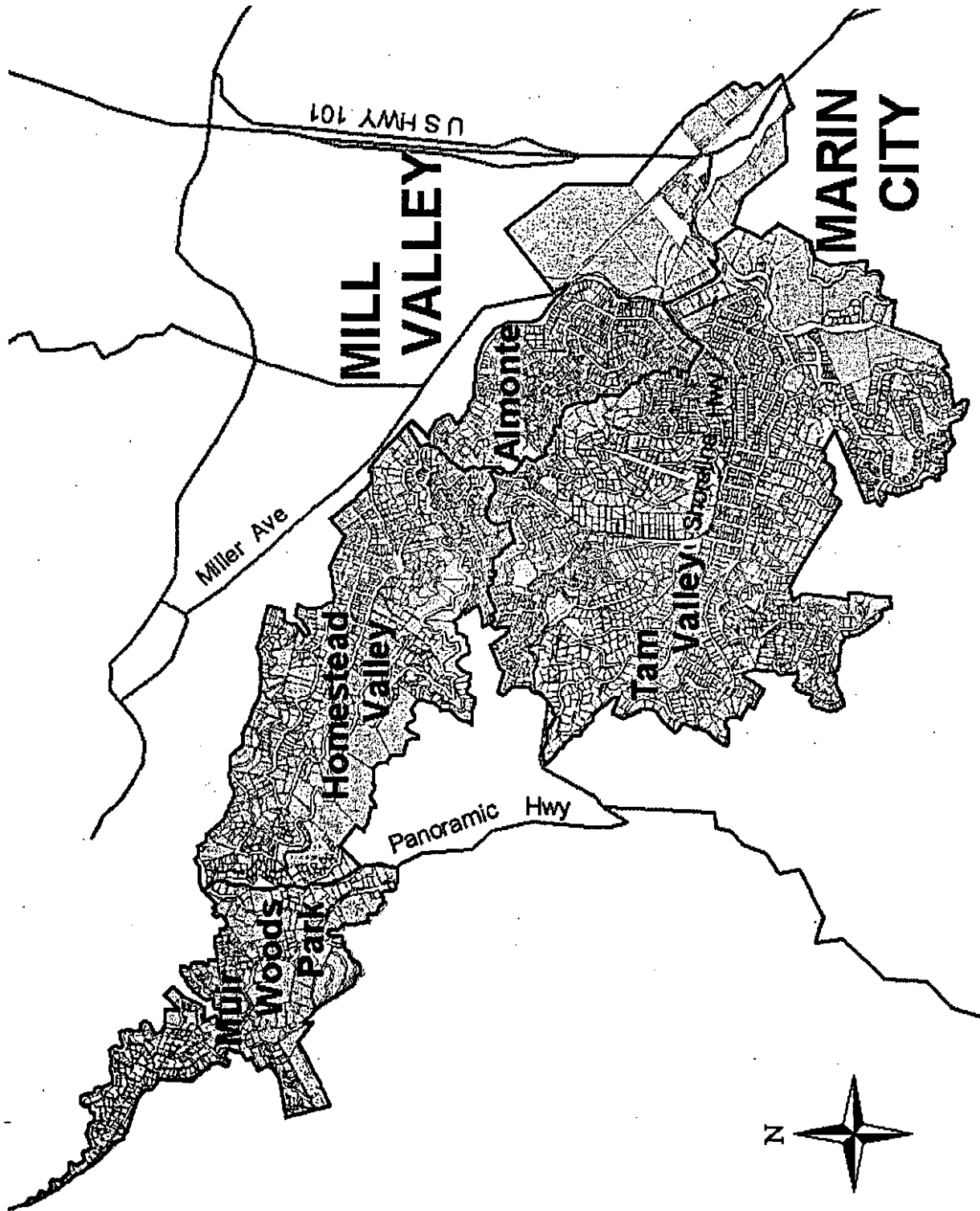
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PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

*Mary Rose*  
\_\_\_\_\_  
CLERK

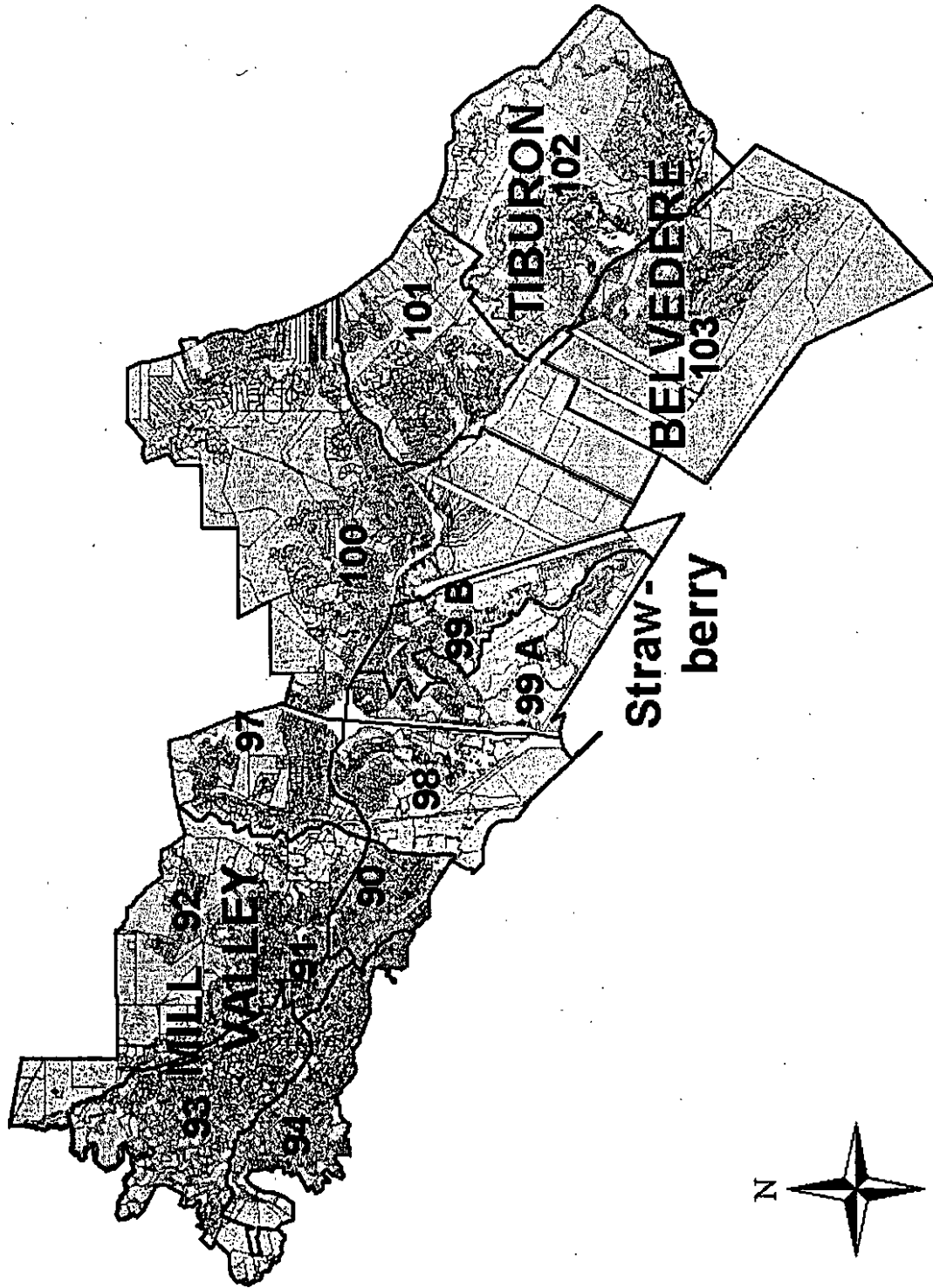
**EXHIBIT 1**

**Tamalpais Community Plan Zone of Benefit**



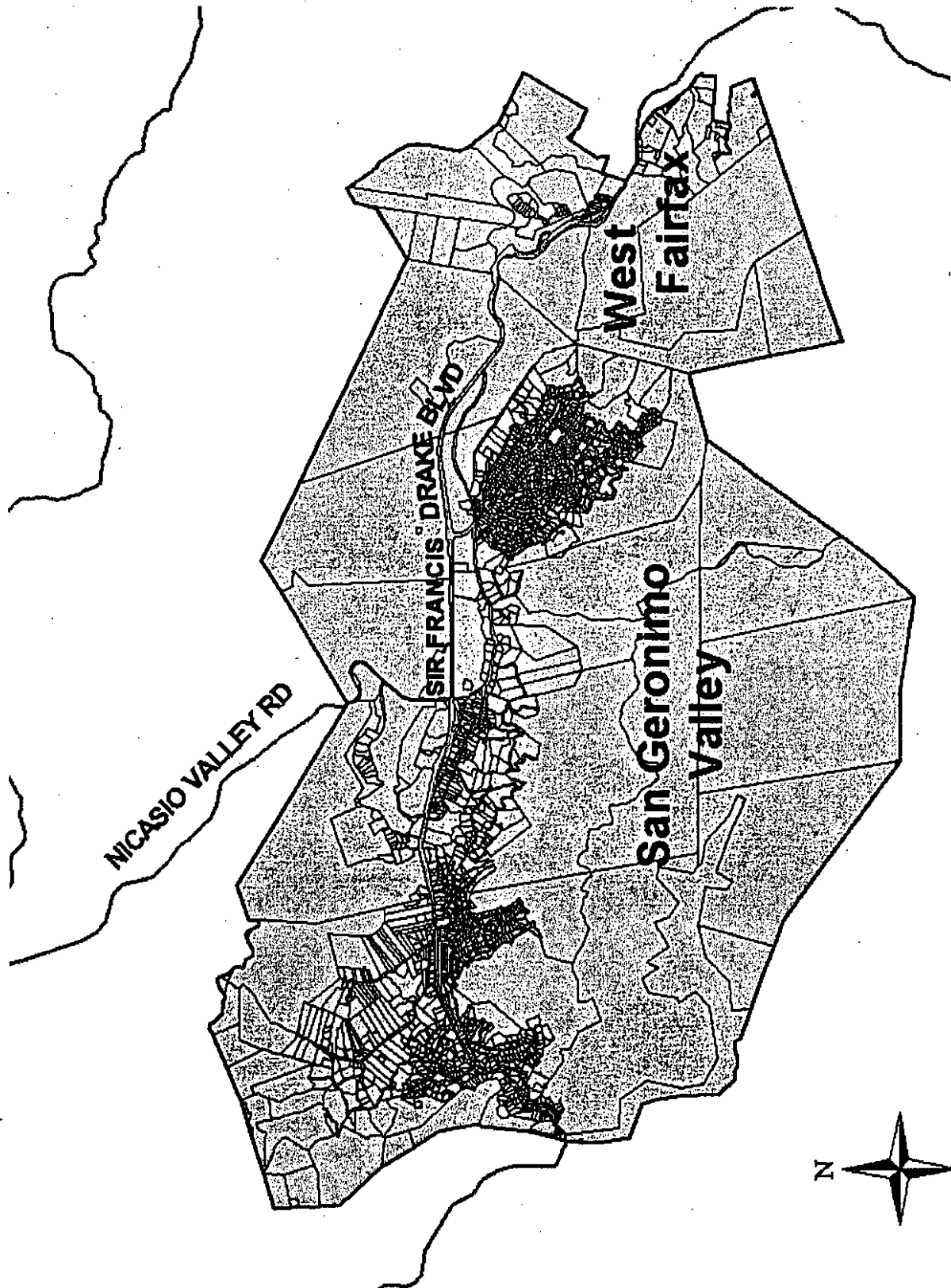
**EXHIBIT 2**

**Strawberry Interchange Zone of Benefit**



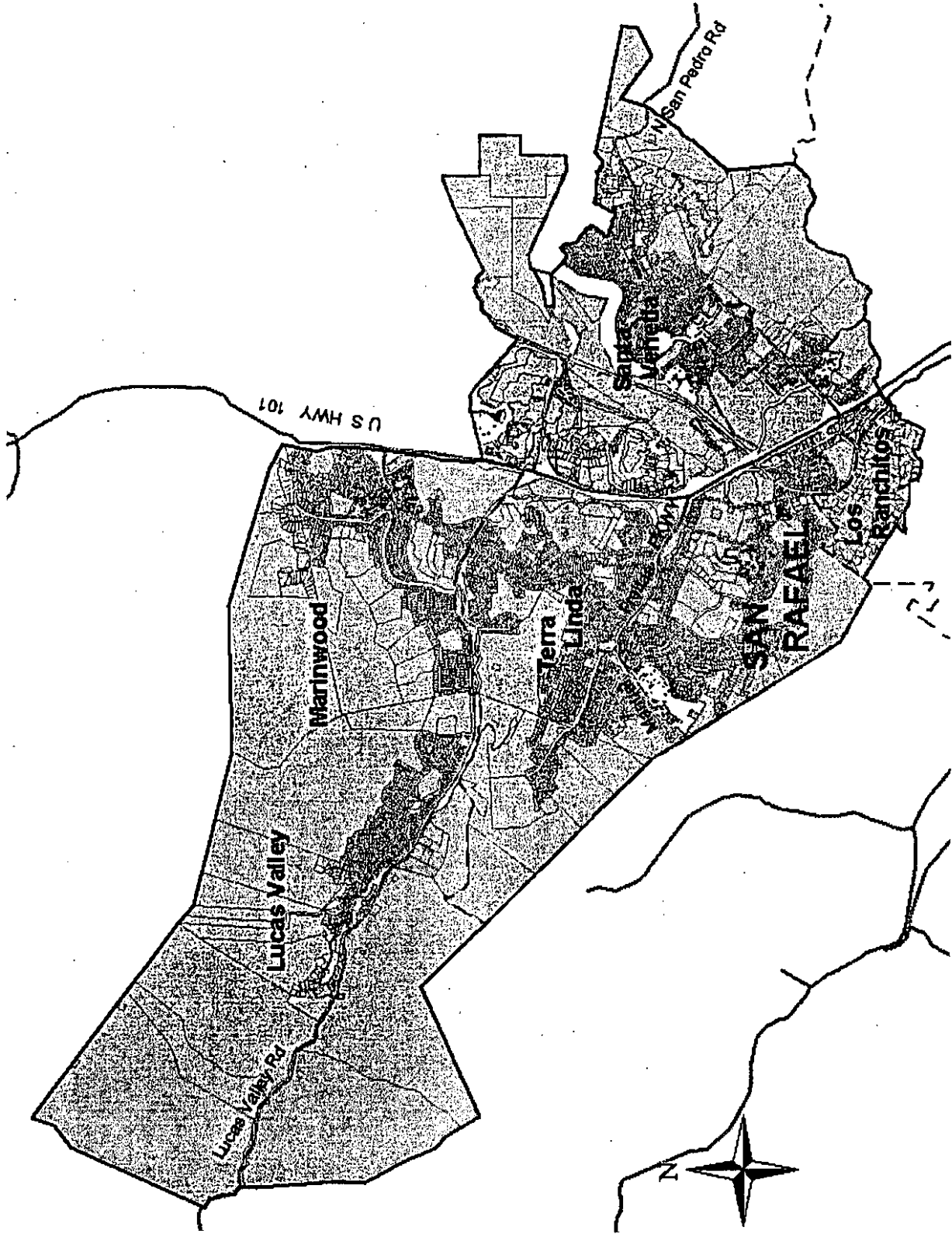
**EXHIBIT 3**

**West Sir Francis Drake Boulevard Zone of Benefit**



# EXHIBIT 4

## Northgate Activity Center Plan Zone of Benefit





**EXHIBIT 5**

**Atherton Avenue Zone of Benefit**

