

ORDINANCE NO. 4246

AN ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS  
REPEALING AND RE-ENACTING TRAFFIC IMPACT MITIGATION FEES ON  
CERTAIN DEVELOPMENT

The Board of Supervisors of the County of Ventura ordains as follows:

Chapter 6 (commencing with section 8601-0) of Division 8 of the Ventura County Ordinance Code is hereby repealed and a new Chapter 6 (commencing with section 8601-0) Division 8 of the Ventura County Ordinance Code is re-enacted to read as follows:

CHAPTER 6 - TRAFFIC IMPACT MITIGATION FEES FOR MAINTENANCE AND  
IMPROVEMENT OF REGIONAL ROAD NETWORK AND CITY STREETS

Sec. 8601-0 - AUTHORITY AND TITLE - This Chapter is adopted pursuant to the authority vested in the County of Ventura by Section 7 of Article 11 of the California Constitution. This Chapter may be cited as the "Traffic Impact Mitigation Fee Ordinance."

Sec. 8601-1 - DEFINITIONS - For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them below.

- (a) Acceptable LOS. The term "acceptable LOS" means, with respect to any given road segment or intersection within the Regional Road Network, the applicable "minimum acceptable Level of Service (LOS)" specified in Policy 4.2.2-3 of the Goals, Policies and Programs volume of the General Plan.
- (b) ADI. The term "ADT" or "Average Daily Trips" means the total number of motor vehicle trips that will occur over the roads on the average weekday.
- (c) Traffic Impact Districts. The County has been subdivided into fourteen traffic impact districts for the purpose of determining the traffic impact fee related to a specific geographic location within the County. These Districts are depicted on Public Works Drawing #TIMF-1 and adopted by resolution of the Board of Supervisors subject to the provisions of this Ordinance.
- (d) City Road System. The term "city road system" means, with reference to any given city, all public roads maintained by that city and all portions of the Regional Road Network lying within the city.
- (e) Director. The term "Director" means the Director of the Ventura County Public Works Agency, or his or her designee.
- (f) Diverted Linked Trips. The term "diverted linked trips" has the meaning assigned to that term by the ITE Trip Generation Manual.

- (g) Estimated ADT. The term "estimated ADT" when used with reference to a particular development means the ADT that, according to estimates made in accordance with Section 8601-3, will be generated by that development.
- (h) General Plan. The term "General Plan" means the Ventura County General Plan as amended from time to time.
- (i) ITE Trip Generation Manual. The term "ITE Trip Generation Manual" means the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers.
- (j) LOS. The term "LOS" or "Level of Service" has the meaning assigned to that term by the Goals, Policies and Programs volume of the General Plan.
- (k) Pass-By Trips. The term "pass-by trips" has the meaning assigned to that term by the ITE Trip Generation Manual.
- (l) Regional Road Network. The term "Regional Road Network" has the meaning assigned to that term by the Goals, Policies and Programs volume of the General Plan.

Sec. 8601-2 - TRAFFIC IMPACT MITIGATION FEE - Except as otherwise provided in Sections 8601-7 and 8601-8, a traffic impact mitigation fee computed pursuant to Section 8601-3 shall be paid as a condition of approval of any building permit or zoning clearance.

Sec. 8601-3 - COMPUTATION OF FEE - Except as otherwise provided in this Section, and subject to the provisions of Section 8601-7, the amount of the traffic impact mitigation fee to be paid pursuant to Section 8601-2 for each traffic impact district shall be computed in accordance with the following formula:

$$\text{Fee} = [A \times B \times (1 + C) \times D] + E$$

where:

"A" equals the estimated ADT for the development for which the building permit or zoning clearance is issued;

"B" equals the estimated cost per ADT expressed in 2001 dollars of the pro-rata cost per ADT for each traffic district. To fund the improvements to that portion of the Regional Road Network lying within the unincorporated area of the County that are or will have to be made between January 1, 2001, and January 1, 2020, in order to maintain an acceptable LOS on that portion of the Regional Road Network, if the development that is projected by the General Plan to occur between January 1, 2001, and January 1, 2020, within both the incorporated and unincorporated areas of the County, actually occurs;

"C" equals 0% of the value "B" which 0% is hereby determined to be the estimated

amount, expressed in 2001 dollars of the development's pro-rata share of the cost of administering this Chapter;

"D" equals an inflation adjustment factor, based upon the Engineering News Record Construction Cost Index as published by the McGraw-Hill Companies, to account for inflation from January 1, 2001, to the date the fee is computed; and

"E" equals the amount of the traffic impact mitigation fee, if any, imposed by this Chapter on development located within the unincorporated portion of a traffic impact district pursuant to an agreement between the County and a city for the purposes of reimbursing the city or other responsible agency for the development's pro-rata share of the cost of improvements to the city road system that are needed to accommodate additional traffic generated by that development.

The value "E", with respect to development within the unincorporated portion of the traffic impact district, as identified above, of any city in the County is the dollar amount determined in accordance to a separate cooperative traffic impact fee agreement between the County and the city pursuant to County Ordinance Code section 8601 et seq. In the absence of a signed agreement between the County and the city, the value of "E" is zero. This amount equals the portion of the traffic impact mitigation fee imposed by the Traffic Impact Mitigation Fee Ordinance within the unincorporated portion of the city's area of interest pursuant to an agreement between the County and that city for the purposes of reimbursing the city or other responsible agency for the development's pro-rata share of the costs of improvements to the city road system that are needed to accommodate additional traffic generated by that development.

The specific number value to be assigned to "A" with respect to any development for which an adequate traffic study has been prepared shall be the estimated ADT specified in the traffic study for that development. The specific number value to be assigned to "A" with respect to any other development shall be the applicable estimated ADT determined by reference to a Traffic Generation Factor Table to be adopted from time to time by resolution of the Board of Supervisors based upon evidence presented to it. That table shall list appropriate land use categories, appropriate measurement units within each category, and the estimated ADT for each measurement unit. For example, the table might list senior citizen housing as one category of land use, list a dwelling unit as the appropriate measurement unit, and list an estimated ADT for each dwelling unit within such housing. The estimated ADT for each measurement unit on the table shall be computed in consideration of the average trip length, pass-by trips and diverted linked trips, if any, associated with the land use category to which the measurement unit belongs. In cases where the development use does not clearly fall within one of the land use categories listed on the table, the person issuing the building permit or zoning clearance shall assign the development to the category that he or she deems most nearly applicable, subject to the appeal process specified in section 8601-5. In any case where the development is the modification or replacement of an existing structure or use, the value "A" for the development shall be the estimated ADT for the new or modified structure or use minus the estimated ADT for the existing structure or use.

The specific number values to be assigned to "A" and "B" in the foregoing formula shall be determined by resolution of the Board of Supervisors from time to time on the basis of evidence submitted to it, subject to the provisions of this Ordinance.

Sec. 8601-4 - TIME AND MODE OF PAYMENT - Any traffic impact mitigation fee imposed as a condition of approval of a building permit shall be paid prior to issuance of the permit or, if otherwise specified in section 66007 of the Government Code, on the earliest date payment can be required under that section. Any traffic impact mitigation fee imposed as a condition of approval of a zoning clearance shall be paid prior to issuance of the zoning clearance.

Payment of the traffic impact mitigation fee shall be in cash; provided that, with the prior permission of the Director, any portion of the fee (except for the portion attributable to the a city and identified as "E" in section 8601-3, if any) may be paid by dedication to the County of certain road improvements having at least an equivalent value. The dedicated road improvements shall be to a portion of the Regional Road Network lying within the unincorporated area of the County. The value of the dedicated improvements shall, before payment by dedication is made, be determined by the Director based upon adequate engineering studies and cost data. If the value of the dedicated improvements is less than the portion of the fee that may be paid by dedication, the balance of the fee shall be paid in cash. If the value of the dedicated improvements is greater than the portion of the fee that may be paid by dedication, the County shall not pay for the difference and the portion of the fee attributable to the value "E", if any, shall be paid in cash. For the purposes of this Section, payment by dedication of improvements that have not yet been completed shall be deemed to have been paid when the County has title to the right of way to be improved and the improvements are to be completed pursuant to an improvement agreement secured in the manner required by this Code for improvement agreements pertaining to subdivisions.

Sec. 8601-5 - APPEALS - Any applicant for a building permit or a zoning clearance pertaining to a development for which the estimated ADT (i.e., the value "A") has been determined by reference to the Traffic Generation Factor Table adopted pursuant to section 8601-3 may, if he or she contends that the development was assigned to the wrong category listed on that table, appeal that assignment pursuant to this section. The sole issue on appeal shall be to determine which category listed on the table is the appropriate one for the development in question. The appeal shall be initiated and processed as follows:

- (a) Filing. The appeal shall be filed by the appellant with the Director prior to payment of the traffic impact mitigation fee. The appeal shall be in writing on a form provided by the Director within 60 days of the determination of, and shall provide such information as the form may require, and shall be accompanied by payment of an appeal fee in an amount established from time to time by resolution of the Board of Supervisors to be the estimated average cost to the County of each such appeal.

- (b) Notice of Hearing. Upon receipt of the completed appeal form and appeal fee, the Director shall mail to the appellant at the address indicated on the appeal form written notice of the time and place of the hearing on the appeal, which shall be within 15 calendar days after the appeal was filed.
- (c) Hearing. The Director shall conduct a hearing at the noticed time and place, provided that he or she may continue the hearing to a mutually convenient time and place at the appellant's request.
- (d) Evidence. Testimony may be given in an informal narrative style. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule that might make improper the admission of such evidence over objection in a civil action.
- (e) Record. The Director shall record the hearing on a recording device and shall maintain the recording and all documentary evidence submitted at the hearing in a file established for that purpose.
- (f) Determination. At the conclusion of the hearing, or within a reasonable time thereafter, the Director shall make a written determination as to which category listed on the table is the appropriate one. The written determination shall contain such findings as may be necessary to bridge the analytic gap between the raw evidence and the conclusion. Such findings shall be supported by the weight of the evidence presented at the hearing. Notwithstanding the foregoing, if no evidence is presented, the determination shall be to dismiss the appeal and no further findings need be made.
- (g) Notice of Determination. The Director shall promptly mail the written determination to the appellant at the address indicated on the appeal form. The written determination, once issued, shall be final and conclusive.

Sec. 8601-6 - USE OF FEES - All traffic impact mitigation fees collected pursuant to section 8601-2 shall be deposited in a restricted account within the County Treasury in accordance with section 66006 of the Government Code. Except as otherwise provided in this section, all moneys deposited in such account, together with any interest earned thereon, shall be used only for the purposes of administering this Chapter and of maintaining or making improvements to the Regional Road Network. That portion, if any, of the fee that is collected to reimburse a city or cities for the cost of city street improvements (the value "E" in the fee formula) shall be paid to that city or those cities in accordance with the applicable agreement or agreements between the County and that city or those cities pursuant to which that portion of the fee was imposed.

Sec. 8601-7 - EXEMPTIONS FROM FEE - The following are exempt from the traffic impact mitigation fee imposed pursuant to this Chapter:

- (a) zoning clearances for construction that requires a building permit; and
- (b) zoning clearances for subdivisions.

This Ordinance shall become operative 60 days after adoption.

PASSED AND ADOPTED this 6th day of November, 2001 by the following vote:

AYES: Supervisors Bennett, Long, Mikels, Flynn and Schillo.

NOES: None.

ABSENT: None

Frank Schillo  
CHAIR, BOARD OF SUPERVISORS

ATTEST:  
RICHARD D. DEAN, County Clerk,  
County of Ventura, State of California,  
and ex officio Clerk of the  
Board of Supervisors thereof.

By Roberta Rodriguez  
Deputy Clerk



## RESOLUTION

### RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA RESPECTING THE ESTABLISHMENT OF TRAFFIC IMPACT MITIGATION FEES

**WHEREAS**, the Traffic Impact Mitigation Fee Ordinance (Ventura County Ordinance Code section 8601-0 et seq.) imposes a traffic impact mitigation fee on certain development for the purposes of funding that development's pro-rata share of improvements to the Regional Road Network and city streets; and

**WHEREAS**, the traffic impact mitigation fee will be used solely for the purposes of maintaining and improving the Regional Road Network and city streets; and

**WHEREAS**, the formula for computing the traffic impact mitigation fee (set forth in Ventura County Ordinance Code section 8601-3) establishes a reasonable relationship between the need for and the use of the fee on the one hand and the development on which the fee is imposed on the other hand; and

**WHEREAS**, the Traffic Impact Mitigation Fee Ordinance contemplates that this Board will, by resolution, make certain findings respecting fees imposed thereby; and

**WHEREAS**, this Board has received and duly considered evidence to support such findings;

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** as follows:

1. Traffic Districts. Fourteen traffic districts are hereby established as depicted on Public Works Drawing #TIMF-1 dated October 11, 2001 a copy of which is attached and incorporated herein as Exhibit 1.

2. Traffic Impact Mitigation Fee. The specific number values assigned to "A" and "B" in the formula set forth in Ventura County Ordinance Code section 8601-3 are, or shall be computed, as follows:

- (a) The value "A", with respect to any given development for which there is no adequate traffic study specifying an estimated ADT, shall be determined by reference to the Traffic Generation Factor Table marked "Exhibit 2" and attached hereto.
- (b) The value "B" in each traffic impact district shall be the number shown in Exhibit 3 for each respective district and attached hereto. This number represents the pro-rata portion per ADT of the estimated unfunded cost of all improvements to that portion of the Regional Road Network that are or will have to be made between January 1, 2001 and January 1, 2020 in order to maintain an acceptable LOS on

that portion of the Regional Road Network if the development that is projected by the General Plan to occur between January 1, 2001 and January 1, 2020 within both the incorporated and unincorporated areas of the County actually occurs.

The derivation of the value of "B" is contained within Section 2.0 of the Final Traffic Impact Mitigation Fee Program Engineering Report (Engineering Report) a copy of which is on file with the Clerk of the Board and is incorporated herein by reference.

3. Appeal Fee. The appeal fee authorized by Ventura County Ordinance Code section 8601-5, subdivision (a), shall be \$500.00. This number equals the estimated average cost to the County of each appeal pursuant to that section.

4. Operative Date. This Resolution shall become operative on the date Ordinance # \_\_\_\_\_ becomes operative.

On motion by Supervisor Mikes, seconded by Supervisor Long, the foregoing resolution was passed and adopted on 23 day of October 2001.

Jim Schell  
CHAIR, BOARD OF SUPERVISORS

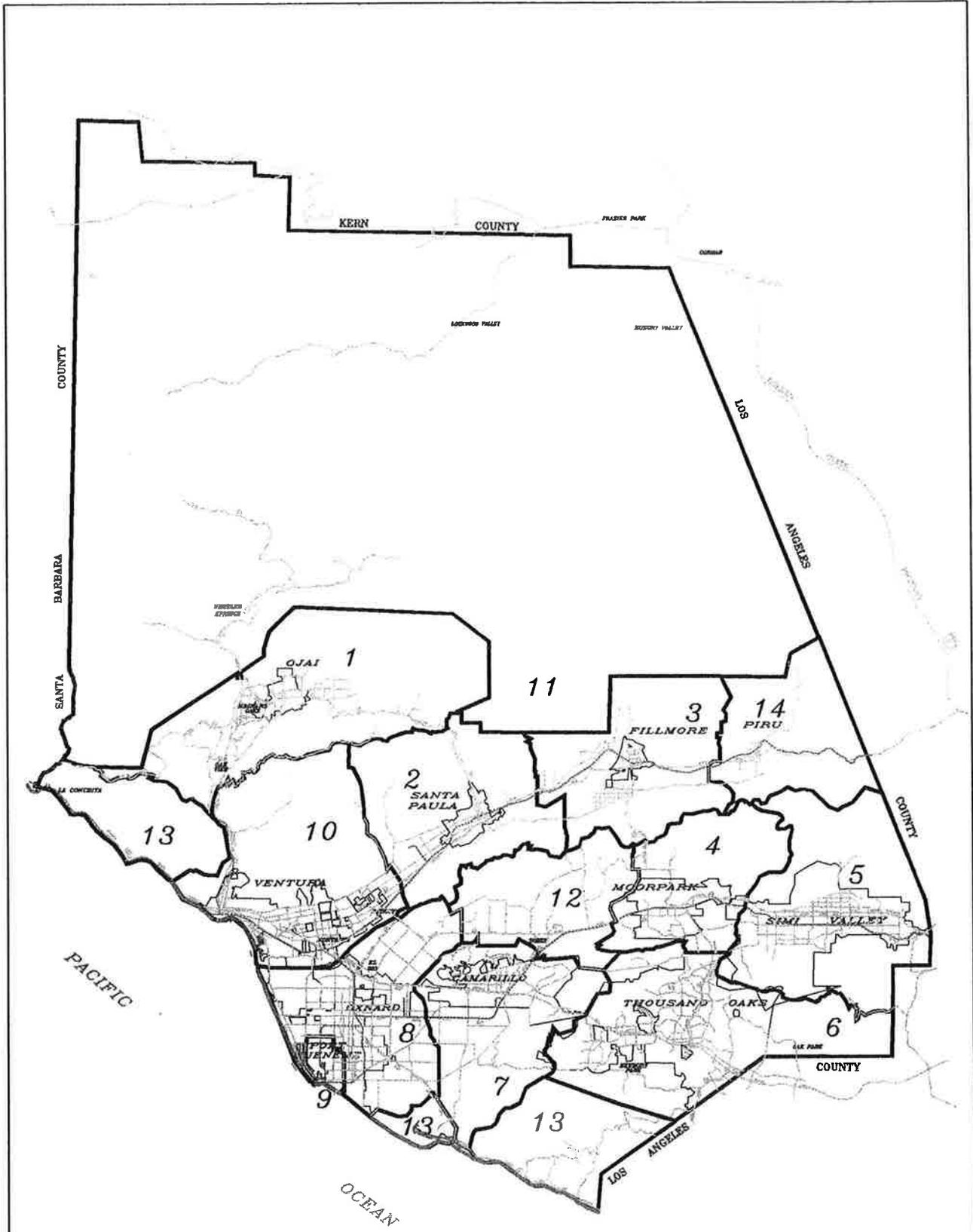
ATTEST:  
RICHARD D. DEAN, County Clerk,  
County of Ventura, State of California,  
and ex officio Clerk of the  
Board of Supervisors, thereof.

By Karl Placencia  
Deputy Clerk



Attachments

- Exhibit 1 - TIMF-1 Drawing
- Exhibit 2 - Traffic Generation Factor Table
- Exhibit 3 - Traffic District Values



**VENTURA COUNTY TRAFFIC MODEL  
TRAFFIC DISTRICTS**

**EXHIBIT 1**

**LEGEND**  
 ——— TRAFFIC DISTRICTS

**COUNTY OF VENTURA  
PUBLIC WORKS AGENCY**

Revision:	
Date	Oct. 11, 2001
Drawing No:	TIMF-1

**TRAFFIC GENERATION FACTOR TABLE**  
 (Derived from County Resolution dated August 30, 1994  
 pursuant to County Ordinance Code §8601-0, et seq.)

<b>Land Use Category</b>	<b>Sub-category</b>	<b>Measurement Unit</b>	<b>Estimated ADT per unit<sup>1</sup></b>
<b>Residential</b>	Single Family	DU	12.0
	Senior Housing	DU	3.6
	Other Housing	DU	8.4
<b>Commercial/ Industrial</b>	General Commercial/Retail	TSF	16.0
	General Industrial	TSF	3.2
	General Office	TSF	12.8
	Gas Station	VFS	30.0
	Auto Car Wash	Site	80.0
	Car Wash - Self Service	Stall	40.0
	Hotel	Room	9.0
	Quality Restaurant	TSF	62.0
	High turnover/ Sit-down Restaurant	TSF	130.0
	Fast Food Restaurant	TSF	182.0
	<b>Hospitals/ Care Facilities</b>	Hospitals General	TSF
Convel. Care		Bed	2.0
Day Care		Person	1.5
<b>Other Uses</b>	See attached notes		
<b>Exempt Uses</b>	See attached notes		

<sup>1</sup> Computed in consideration of average trip length, pass-by trips and diverted linked trips, if applicable.

**Measurement Unit Notes:**

1. DU = Dwelling Unit
2. TSF = Thousand square feet of gross building area or portion thereof
3. VFS = Vehicle fueling station
4. Person = student, pupil, client, or patient served

## TRAFFIC GENERATION FACTOR TABLE (NOTES)

<u>Land Use Category</u>	<u>Sub-Category</u>	<u>Uses</u>
<b>Residential</b>	Single Family	Detached single family home. includes conventional dwellings and mobile homes when built on an individual lot.
	Senior Housing	Housing qualified by State of California regulations as Senior Housing
	Other Housing	All other residential development including but not limited to: duplex, triplex, second dwelling units, farm worker or caretaker units, apartments, condominiums, etc.
<b>Commercial/ Industrial</b>	General Commercial	General commercial including but not limited to: arcades, apparel shops, auto dealers, convenience markets, discount stores, furniture stores, general merchandise stores, hardware or paint stores, health clubs, gymnasiums/spas, lumber yards, retail trade, pharmacy, rent/lease of durable goods, service establishments (such as swap meets, dry cleaners & laundries, sign painting, taxidermy, auction hall), shopping centers, specialty stores, supermarkets, truck stops, wholesale trade, hotel - convention facilities
	General Industrial	Manufacturing, repair and reconditioning facilities, agricultural processing or packaging plants, wineries, laboratories, warehouse & storage, repair and reconditioning (auto, electrical, instruments and heavy machinery), service, salvage, and storage yards
	General Office	General offices, insurance offices, lending offices, real estate offices, stockbroker or financial advisor, banks, medical, dental, veterinary offices, dog/cat grooming, ambulance service, recording studio
	Gas Station	Gas stations with or without car wash
	Auto Car Wash	Car wash facility, automatic
	Car Wash, self service	Car wash facility, self service
	Hotel	Hotel (not including convention facilities), motel, boarding house, bed and breakfast inn
	Food Service	Restaurants, cafes, cafeterias, bars, taverns

## *TRAFFIC GENERATION FACTOR TABLE (NOTES)*

Food Service. Con't	<p>nightclubs. food service is further subdivided into three categories:</p> <p>a. Quality service food service is characterized by turnover rates at least 1 hour or greater. generally do not serve breakfast</p> <p>b. High turnover sit-down food service is characterized by turnover rates less than one hour. generally open for breakfast, lunch, and dinner. frequently belong to a chain or franchise organization.</p> <p>c. Fast food service is characterized by large carryout clientele, extended hours of service, and high turnover rates for eat in customers; examples Taco Bell, Burger King, McDonald's, with or without drive-thru</p>
<b>Hospitals/Care Facilities</b>	<p><b>Hospitals General</b> All hospitals (excluding convalescent care and day care facilities) including emergency/outpatient and other hospital and medical clinics</p> <p><b>Convalescent Care</b> Intermediate and residential care facilities, hospitals for elderly</p> <p><b>Day Care</b> Facilities for daytime care only (no overnight)</p>
<b>Other Uses</b>	<p>"Other uses" include but are not limited to: mining, mineral resource development, energy production from renewable resources, bowling alleys, recreational and community centers, clubhouse, tennis courts, racquetball courts, campgrounds, recreational vehicle parks, marinas, golf courses, driving ranges, skating rinks, dance halls, public swimming pools, libraries, museums, art galleries, aquariums, riding stables, theaters, spectator sports facilities, camps, retreats, parks, athletic fields, shooting ranges and gun clubs, private schools, transportation services (bus, train, overnight truck storage), waste treatment facilities, churches, zoological gardens, aquariums, animal kennels</p> <p>Measurement units and estimated ADT per unit for the "Other uses" will be determined by a traffic study prepared to the satisfaction of the Public Works Director (or his/her designee) based on engineering analysis using available data such as traffic generation factors published by the San Diego Association of Governments (SANDAG), Institute of Transportation Engineers (ITE) or such other applicable data as is reasonably available.</p>
<b>Exempt Uses:</b>	<p>"Exempt Uses" are exempt from traffic impact mitigation fees either because they are exempted by law or because their ADT, if any, cannot be estimated reliably. They include agricultural uses, private airports, airfields or strips, private landing pads, communications, public utility facilities (except office and service yards), drilling - temporary geologic, pipelines, transmission lines, signs, private water purveyor production, storage or distribution facilities, commercial parking lots, cemeteries (including mausoleums and crematories), and intermittent uses such as: festivals, circuses, sporting events, motion picture filming, television filming, storage, and Christmas tree sales. (generally intermittent uses are less than 45 days in duration and conditions for traffic mitigation may be incorporated into use permit)</p>

<b>VENTURA COUNTY TRANSPORTATION DEPARTMENT</b>		
	<b>TRAFFIC DISTRICT</b>	<b>VALUE - "B" (\$ PER ADT)</b>
1	<b>Ojai Area</b>	\$ 6.40
2	<b>Santa Paula Area</b>	\$ 36.91
3	<b>Fillmore Area</b>	\$ 8.41
4	<b>Moorpark Area</b>	\$ 12.95
5	<b>Simi Valley Area</b>	\$ 3.28
6	<b>Thousand Oaks Area</b>	\$ 4.58
7	<b>Camarillo Area</b>	\$ 42.31
8	<b>Oxnard Area</b>	\$ 43.43
9	<b>Port Hueneme Area</b>	\$ 48.69
10	<b>Ventura Area</b>	\$ 34.55
11	<b>North Area (County)</b>	\$ 45.61
12	<b>Central Area (County)</b>	\$ 81.01
13	<b>Coastal Area (County)</b>	\$ 6.05
14	<b>Piru Area (County)</b>	\$ 13.05
<b>ADT = AVERAGE DAILY TRAFFIC</b>		