

ORDINANCE NO. 4500

**AUGMENTED PIRU TRANSPORTATION IMPACT MITIGATION FEE**

AN ORDINANCE CREATING THE AUGMENTED PIRU  
TRANSPORTATION IMPACT MITIGATION FEE FOR  
TRANSPORTATION IMPROVEMENTS IDENTIFIED IN  
THE PIRU AREA PLAN, AS AMENDED JUNE 28, 2011

The Board of Supervisors of the County of Ventura, State of California, ordains as follows:

**SECTION I**

Chapter 11 (beginning with section 81100) is added to Division 8 of the Ventura County Ordinance Code, to read:

**81100 General**

- (a) This Chapter may be referred to as the "Augmented Piru Transportation Impact Mitigation Fee Ordinance."
- (b) The purpose and intent of this Chapter are to mitigate traffic impacts within the Piru community area, by imposing fees that will be used to cover the cost of the transportation improvements identified in the General Plan, Piru Area Plan, as amended on June 28, 2011.
- (c) This Chapter is intended to operate as a supplement to, not a replacement for, the Traffic Impact Mitigation Fee Ordinance (Division 8, Chapter 6, of the Ventura County Ordinance Code). If any provision of this Chapter conflicts with any provision of the Traffic Impact Mitigation Fee Ordinance, the provision of this Chapter must prevail.
- (d) This Chapter is adopted under the authority of Government Code section 66016.

**81101 Definitions**

The following definitions govern construction of this Chapter unless the particular provision or the context clearly requires otherwise. Words used in the present tense include the future tense, and words used in the singular include the plural, unless the particular provision or the context clearly requires otherwise.

- (a) ADT or Average Daily Trips. The total number of motor vehicle trips that will occur over the roads in the Piru Area of Interest as a result of the development for which the building permit or zoning clearance is issued, as determined by the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers or per Trip Generation Factor Table derived from County Resolution dated August 30, 1994, pursuant to Ventura County Ordinance Code section 8601-0, et seq.

- (b) Director. The director of the Ventura County Public Works Agency, or his or her designee.
- (c) ENR Construction Cost Index. The 20-city construction cost index published annually by the Engineering News-Record for the Los Angeles area.
- (d) General Plan. The Ventura County General Plan.
- (e) Piru Area of Interest. As defined in the General Plan, Goals, Policies & Programs.

#### **81102 Transportation impact mitigation fee**

- (a) As a condition of approval of any building permit or zoning clearance for a development in the Piru Area of Interest, the applicant must pay a transportation impact mitigation fee, as calculated according to subdivision (b).
- (b) The transportation impact mitigation fee must be calculated according to the following formula:

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

where:

"A" equals the estimated ADT;

"B" equals \$88.94, as approved by the Board of Supervisors in amending the Piru Area Plan;

"C" equals the total percentage change in the ENR Construction Cost Index between January 1, 2016 and the year in which the application for a building permit or zoning clearance is filed to adjust for inflation (for example, if the ENR Construction Cost Index for 2016 were 2,000, and that for the year of the permit application were 3,000, "C" would equal 0.5  $((3,000 - 2,000) / 2,000 = 0.5)$ ; and

"D" equals \$4.15, representing the pro-rata cost of writing the ordinance adding this Chapter, as approved by the Board of Supervisors in amending the Piru Area Plan.

- (c) Any transportation impact mitigation fee imposed as a condition of approval of a building permit must be paid before 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 transportation impact mitigation fee imposed as a condition of approval of a zoning clearance must be paid before issuance of the zoning clearance.
- (d) The transportation impact mitigation fee must be paid in cash, except as provided in subdivision (e).
- (e) With the prior permission of the Director, an applicant for a building permit or zoning

clearance may pay any portion of the transportation impact mitigation fee by dedication to the County of certain road improvements identified in the Piru Area Plan having at least an equivalent value. Before payment by dedication is made, the Director must first determine the value of the dedicated improvements, based on 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 applicant must pay the balance of the fee in cash. If the value of the dedicated improvements is greater than the portion of the fee that may be paid by dedication, the applicant must forfeit the difference. For the purposes of this section, payment by dedication of improvements that have not yet been completed is 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 under an improvement agreement secured in the manner required by this Code for improvement agreements pertaining to subdivisions.

#### **81103 Use of fees**

All traffic impact mitigation fees collected under this Chapter must 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, must be used only for the purposes of administering this Chapter and maintaining or making the road improvements identified in the Piru Area Plan.

#### **81104 Severability**

If any provision or clause of this Chapter or its application to any person or circumstance is found to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity will not affect other provisions, clauses, or applications, and to this end the provisions and clauses of this ordinance are declared to be severable.

### **SECTION II**

This ordinance will take effect and be in full force and effect thirty (30) days after its passage. Before the expiration of fifteen (15) days after passage of this ordinance, a summary of this ordinance must be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in the \_\_\_\_\_, a newspaper of general circulation published in the County of Ventura, State of California.

PASSED AND ADOPTED this 13 day of December, 2016, by the following vote:

AYES: Supervisors Bennett, Long, Foy, Zaragoza, Parks  
NOES: none  
ABSENT: none

Linda Parks  
CHAIR, BOARD OF SUPERVISORS

ATTEST:  
Michael Powers, Clerk of the Board of Supervisors,  
County of Ventura,  
State of California

By Don Darnis  
Deputy Clerk of the Board

