

ORDINANCE NO. 9712 (N.S.)

AN ORDINANCE REPEALING EXISTING TITLE 7, DIVISION 7 OF THE SAN DIEGO COUNTY REGULATORY CODE AND ADOPTING NEW TITLE 7, DIVISION 7 RELATED TO TRANSPORTATION IMPACT FEES – ALTERNATIVE APPORTIONMENT

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that it is necessary to repeal the existing ordinance titled Bridge Crossings and Major Thoroughfares and replace it with a new ordinance titled Transportation Impact Fees. This new ordinance will enable implementation of the County's Transportation Impact Fee programs for the purpose of assessing and collecting fees from future development to offset the costs of constructing planned transportation facilities necessary to accommodate increased traffic generated by future development consistent with §§ 66000 et seq. of the California Government Code (Mitigation Fee Act). This ordinance will apply to development for residential, commercial and industrial land uses, and any others associated with the generation of traffic. The existing ordinance shall be repealed, as it will be rendered obsolete by this new replacement ordinance.

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Section 2. Existing Title 7, Division 7 of the San Diego County Regulatory Code is hereby repealed:

TRANSPORTATION IMPACT FEES

SEC. 77.201. TITLE.

This Division shall be known as the Transportation Impact Fee (TIF) Ordinance and may be cited as such.

SEC. 77.202. PURPOSE.

The purpose of this Division is to make provision for assessing and collecting fees as a condition of approval of a subdivision map or prior to issuance of a development permit, including a building permit, to defray the actual or estimated costs of constructing planned transportation facilities necessary to accommodate increased traffic generated by future development consistent with §§ 66000 et seq. of the California Government Code (Mitigation Fee Act). Application of this fee will include, but is not limited to, development for residential, commercial and industrial land uses.

The fees collected pursuant to this Division are to fund identified transportation facilities, or portions thereof, that will provide increased road capacity necessitated by the cumulative impacts of future development. The transportation facilities for which these fees are collected are identified as “TIF Facilities” in the adopted TIF Reports. Further studies, including environmental review, may show superior alternative facilities that also provide the needed increased capacity. Once such studies are completed, fees collected under this Division may be used to fund those superior alternative facilities.

Development projects required to provide transportation improvements that are not part of an identified TIF Facility, will be required to construct those improvements, in addition to payment of the TIF.

SEC. 77.203. FINDINGS.

The Board of Supervisors, consistent with §§ 66000 et seq. of the Mitigation Fee Act, finds that:

1. The further development of property within the County, as detailed on the Transportation Impact Fee (TIF) Area Maps, will require the construction of additional transportation facilities.
2. The fees established herein are based upon estimated costs of identified transportation facilities, or portions thereof, the costs of which have been apportioned to each TIF Area based on relative vehicular volumes attributable to future development.
3. There is a reasonable relationship between construction of identified transportation facilities, or portions thereof, and the additional vehicular trips attributable to future development.
4. There is a reasonable relationship between the need for identified transportation facilities, or portions thereof, and the future development.
5. There is a reasonable relationship between the amount of the fee and the cost of transportation facilities, or portions thereof, attributable to future development.

6. The imposition of Transportation Impact Fees on all new development associated with the generation of new traffic within the TIF Areas is necessary in order to protect the public health, safety and welfare and in order to assure effective implementation of the County's General Plan.

SEC. 77.204. DEFINITIONS.

Whenever the following words are used in this Division, they shall have the meaning ascribed to them in this section.

- (a) "Applicant" means developer or person seeking a development permit.
- (b) "Building permit" means a permit required by and issued pursuant to the Uniform Building Code.
- (c) "Construction" means design, performance of estimates, environmental assessments and studies, determination of fees, acquisition of right-of-way, administration of construction contracts and actual construction.
- (d) "County" means the County of San Diego, State of California.
- (e) "County hearing body" means the County of San Diego, Board of Supervisors, Planning Commission, or any other official, board, or commission designated by the County for decision-making on discretionary actions.
- (f) "Developer" means the owner or developer of a development seeking a development permit.
- (g) "Development permit" means any discretionary permit, entitlement, approval for a development project, or any ministerial permit, including building permit, associated with the generation of traffic issued under any ordinance of the County.
- (h) "Development project" or "development" means any activity described in § 66000 of the Mitigation Fee Act.
- (i) "DPW Director" means the County Director of the Department of Public Works, or his or her designee.
- (j) "Equivalent dwelling unit" or "EDU" means a unit of measure representative of the estimated number of average daily vehicular trips associated with a single family residential dwelling. Equivalent dwelling units for non-single family land uses are based on a comparison of relative average daily vehicular trip rates, as identified and summarized in the TIF Reports.
- (k) "Fee" means the fee as set forth in Section 77.208 of this Division.
- (l) "TIF" means Transportation Impact Fee.
- (m) "TIF Area" means the area lying within the boundaries designated on the TIF Area Map.
- (n) "TIF Area Map" means a map showing the boundaries of each TIF Area. The TIF Area Map may be changed or periodically updated by action of the Board of Supervisors. The TIF Area Map is included as Figure 1 of the TIF Reports.
- (o) "TIF Facilities" means the transportation facilities, or portions thereof, identified in the TIF Reports, or future County approved alternatives that substantially fulfill the transportation needs identified and represented by a listed facility.

- (p) "TIF Region" means the area lying within the boundaries designated on the TIF Region Map.
- (q) "TIF Region Map" means a map showing the boundaries of each TIF Region. The TIF Region Map may be changed or periodically updated by action of the Board of Supervisors. The TIF Region Map is included as Figure 2 of the TIF Reports.
- (r) "TIF Reports" means the "Fallbrook and Ramona Transportation Impact Fee Report" and the "County of San Diego Transportation Impact Fee Report" both dated January 2005 and adopted by the Board of Supervisors on April 13, 2005. These reports shall be changed or periodically updated by action of the Board of Supervisors pursuant to Section 77.213 of this Division. The current adopted reports are on file with the Clerk of the Board.
- (s) "Alternative Fee Schedules" means the fees described in the report entitled Alternative Fee Schedules with Pass-by Trips Addendum to TIF Reports, dated March 2005 and adopted by the Board of Supervisors on April 13, 2005. These may be changed or periodically updated by action of the Board of Supervisors. The current adopted reports are on file with the Clerk of the Board.

SEC. 77.205. TIF AREAS ESTABLISHED.

TIF Areas for the County are hereby established. Said TIF Areas are depicted upon the TIF Area Map and any amendments thereto.

SEC. 77.206. PLANNED TRANSPORTATION FACILITIES.

The Board of Supervisors hereby finds that future development projects will require the construction of identified transportation facilities, or portions thereof, or alternatives thereto described in the TIF Reports. Said transportation facilities, or portions thereof, shall hereinafter be referred to as "TIF Facilities." The Board of Supervisors further finds that future development projects within each said TIF Area will be benefited by construction of the TIF Facilities proposed. The listed facilities and their alternatives represent future needs and are not proposed projects. To become a Proposed Improvement Project requires a complete study of alternative routes, environmental review, and approval by the Board of Supervisors as part of the DPW detail-work program.

SEC. 77.207. ESTIMATED COSTS.

The Board of Supervisors also finds that the total estimated costs effective through September 2004, for all TIF Facilities within each said TIF Area are as set forth in the TIF Reports.

SEC. 77.208. FEE ESTABLISHED.

Pursuant to §§ 66000 et seq. of the Mitigation Fee Act, the fee set forth in said TIF Reports and Alternative Fee Schedules adopted by action of the Board of Supervisors shall be paid by development within the TIF Areas established herein.

The fee shall be based on the following:

TIF AREA	TIF RATE (\$/EDU)		
	Local	Regional	Total
Alpine	\$1,605	\$2,945	\$4,550
Bonsall	\$5,598	\$4,857	\$10,455
Central Mountain	\$0	\$2,709	\$2,709
County Islands	\$0	\$2,945	\$2,945
Crest-Dehesa	\$891	\$2,945	\$3,836
Desert	\$274	\$2,709	\$2,983
Fallbrook	\$5,398	\$4,857	\$10,255
Jamul-Dulzura	\$1,932	\$2,945	\$4,877
Julian	\$0	\$2,709	\$2,709
Lakeside (includes Pepper Dr-Bostonia)	\$3,569	\$2,945	\$6,514
Mountain Empire	\$0	\$2,709	\$2,709
North County Metro	\$1,526	\$4,857	\$6,383
North Mountain	\$0	\$2,709	\$2,709
Otay	\$585	\$2,945	\$3,530
Pala-Pauma	\$1,045	\$4,857	\$5,902
Pendleton-De Luz	\$7	\$4,857	\$4,864
Rainbow	\$3,956	\$4,857	\$8,813
Ramona	\$5,264	\$2,709	\$7,973
San Dieguito	\$2,874	\$4,857	\$7,731
Spring Valley	\$587	\$2,945	\$3,532
Sweetwater	\$1,156	\$2,945	\$4,101
Valle De Oro	\$4,088	\$2,945	\$7,033
Valley Center	\$2,282	\$4,857	\$7,139

Fees for land uses not explicitly identified in the Alternative fee schedules will be based on estimated trip rates published in the Addendum and the “Other” land use category of the applicable fee schedule. If an applicant can adequately quantify the number of vehicular trips associated with his project, by way of a traffic study or other method approved by the County, he may request calculation of the fee based on the project-specific trip rate and “Other” land use category of the applicable fee schedule. In such cases, the DPW Director shall have the authority to grant or deny such requests.

Unless otherwise approved in writing by the County’s designee, equivalent dwelling units shall be based on those land uses identified on the approved subdivision map or development permit.

Commercial development that exceeds 30,000 square feet in total proposed floor space, may prepare both a fee amount calculated based upon square footage rates in adopted fee schedule, and a project-specific trip generation exhibit and fee calculation using the “Other” land use category of the applicable alternative fee schedule. The lesser of the two amounts shall be the project’s impact fee.

Adjustment of fees may be made pursuant to Section 77.213 of this Division.

SEC. 77.209. PAYMENT OF FEES.

The fees required pursuant to this Division are intended to mitigate cumulative traffic impacts and shall be paid to the County as a condition of approval of a development permit, including a building permit. For development projects that require both discretionary and building permits, the fees shall be paid at time of building permit issuance. In the case of discretionary permits that will not involve a building permit, but which will generate additional traffic, payment of the fee shall be recommended as a condition of permitting to the decision-making body that would approve such permit.

SEC. 77.210. DEVELOPER CONSTRUCTION OF TRANSPORTATION FACILITIES.

Whenever a developer of a development project would be required by application of County ordinance or policy, as a condition of approval of a development permit to construct or finance the construction of a portion of a TIF Facility, the County may impose an additional requirement that the developer install the improvements with supplemental size, length or capacity in order to ensure efficient and timely construction of the transportation facilities network. Similarly, when development project impacts create an accelerated need for transportation improvements, the County may require accelerated construction of TIF Facilities to assure project conformance with California Environmental Quality Act (CEQA). If such a requirement is imposed, the developer will be entitled to compensation for eligible construction costs that exceed the total development impact fee required for the developer's project. The developer may request reimbursement, or a credit against fees, for work to be done or paid for by the developer and said request shall be submitted in writing to the DPW Director. The County will enter into a reimbursement agreement with the developer and grant either a cash reimbursement or credit against the fee otherwise levied by this Division on the development project, or some combination thereof.

- (a) The reimbursement request shall contain a description of the project with a detailed cost estimate that itemizes those costs of the construction attributable to the TIF Facility and excludes any work attributable to non-TIF facilities. The estimate is preliminary and the amount of reimbursement or credit against fees is subject to final determination by County's designee. Additional information shall be provided to the County by the developer upon request of the County.
- (b) The developer is also required to:
 - i. Prepare plans and specifications for approval by the County;
 - ii. Secure and dedicate any right-of-way required for the transportation facility project;
 - iii. Secure all required permits and environmental clearances necessary for the transportation facility project;
 - iv. Provide performance bonds for 100 percent of the value of the transportation facility project (the County shall give full credit against payment of the TIF for the cost of any TIF Facility work covered by the performance bond);
 - v. Pay all fees and costs for construction of the transportation facility project.
- (c) The County will not be responsible for any of the costs of constructing the transportation facility project. The developer shall advance all necessary funds to construct the transportation facility project. Cost includes cost of Civil Engineering, Soils Engineering, Landscape Architecture, Surveying, Utility Engineering/Coordination, and Environmental Consulting in addition to construction costs.

- (d) The developer shall secure at least three qualified and responsible bids for work to be done and shall award the construction contract to the lowest qualified bidder. Should the construction contract be awarded to a qualified bidder who did not submit the lowest bid for the transportation facility project portion of the contract, the developer will only receive Transportation Impact Fee reimbursement or credit based on the lowest responsible bid for the transportation facility portion of the contract. The developer is allowed to combine the supplemental work with other work being completed for the project in order to obtain the most competitive bids, but costs of the TIF improvement must be segregated within such bids.
- (e) All bids must be reviewed by the County. If the lowest bid received exceeds the total estimated cost of the facility as set out in the TIF Reports, the County may require the developer to obtain a revised bid or if necessary, submit a redesign of the facility to bring the cost into the estimated range. If the total actual cost of construction is less than the total estimated cost of the facility, the County shall allow the developer full credit for the cost savings.
- (f) When all work has been completed to the satisfaction of the County, the developer shall submit verification of payments made for the construction of the transportation facility project to the County. The County's designee shall make the final determination relative to expenditures that may be eligible for credit or cash reimbursement.
- (g) If the amount of the applicable credit is less than the deferred fee obligation and the TIF Fee is otherwise due and payable, then the developer shall have 30 days to pay the deferred fee. If the deferred fees are not paid within the 30-day period, the County may make a demand against the security and apply the proceeds to the fee obligation.

SEC. 77.211. CONSTRUCTION CREDITS.

When a transportation facility, or portion thereof, as described in the TIF Reports, is constructed by the developer, either as a requirement of a development permit or by written agreement with the County, the County shall grant either construction credits or a cash reimbursement to the developer for eligible construction costs. In most cases, the County's preferred reimbursement mechanism will be use of construction credits. The developer must request reimbursement from the County to initiate this process. The terms of construction credit issuance will be described in a reimbursement agreement between the developer and the County.

The County will either: (1) incrementally apply credit which the developer has accrued in lieu of collecting the required Transportation Impact Fees as each building permit is issued, based upon the fee schedule in effect at the time of the building permit issuance; or (2) convert excess credit into equivalent dwelling units (EDU) at the applicable fee rate in effect at the time of conversion, for developer's use against future development impact fee obligations within the same TIF Region in which the facilities were constructed.

Credit will be limited to the total actual construction cost, provided, however, any credit in excess of the estimated TIF Facility cost must be pre-approved by the County prior to construction and conform to Section 77.210 of this Division. An applicant may, with the approval of the County, also receive credit for cost overruns or change orders that result in a total construction cost in excess of the cost originally estimated for the TIF Facility.

Construction credits are transferable, at the holder's sole and absolute discretion, but may only be applied within the same TIF Region in which the facilities were constructed. As referenced in Section 77.202 and Section 77.210(a) of this Division, no TIF Facility credit will be given for non-TIF facilities, unless such facilities are approved by County as an alternative to a listed facility.

SEC. 77.212. CASH REIMBURSEMENT.

When a transportation facility, or portion thereof, as described in the TIF Reports, is to be constructed by the developer, the County may (as an alternative to issuance of construction credits) provide a cash reimbursement to the developer for eligible actual costs. Actual costs can include cost of Civil Engineering, Soils Engineering, Landscape Architecture, Surveying, Utility Engineering/Coordination, and Environmental Consulting in addition to physical construction costs. The developer must request reimbursement from the County to initiate this process. The terms of reimbursement will be described in a reimbursement agreement between the developer and the County.

Reimbursement from the appropriate TIF Facilities fund shall be made only as fees are collected in connection with the development of other property in the same TIF Area in which said facilities were constructed, or when funds are otherwise available as determined by the County. Cash reimbursement will be limited to the actual construction cost of the TIF Facility, provided, however, reimbursement for any cost in excess of the estimate TIF Facility cost must be pre-approved by the County prior to construction and conform to Section 77.210 of this Division.

As referenced in Section 77.202 and Section 77.210(a) of this Division, no TIF Facility reimbursement will be given for non-TIF facilities. No developer shall receive cash reimbursement from the appropriate TIF Facility fund until all developers who have previously executed reimbursement agreements payable from the same fund have been fully reimbursed or until such agreements have expired. The maximum term of any reimbursement agreement shall be twenty-five (25) years.

SEC 77.212.5 REIMBURSEMENT OR PAYMENT OF FEES THROUGH FORMATION OF ASSESSMENT DISTRICT

In addition to any other reimbursement provision of this division, applicants shall have the option of seeking an assessment district under the Statewide Community Infrastructure Program (SCIP) or any similar assessment district program to finance (A) any fees required pursuant to this Division or (B) the construction of any TIF Facilities or portions thereof as required by the County. Through the SCIP, fees are funded by tax-exempt bonds and an applicant can be either reimbursed for fees paid to the County pursuant to this Division or the fees can be paid directly with bond proceeds.

SEC. 77.213. ADJUSTMENT OF FEES.

The fees established by Section 77.208 hereof have been established based in part on estimated costs to construct TIF Facilities as of September 2004. The amount of the fee shall be adjusted, starting on January 1, 2006, and on each January 1st there-after. Said adjustment shall be based on the following criteria:

- (a) The one-year change (from September to September) in the Los Angeles Construction Cost Index as determined by *Engineering News Record* published by McGraw-Hill Publishing Company, or any successor thereof. The Board of Supervisors shall review the fee annually as required by Government Code Section 66006 and the adjustments shall not exceed the percentage increase set forth in the Los Angeles Construction Cost Index. Adjustments to the fees based upon the Construction Cost Index shall be automatic and shall not require further action of the Board of Supervisors.

- (b) Changes in the type, size, location or cost of the transportation facilities (if any) to be financed by the fee, changes in land use designations in the County's general plan, and upon other sound engineering, financing and planning information. Adjustments to the fees resulting from the above reviews may be made by resolution amending the fee schedules contained in the TIF Reports and subject to the notice and public meeting requirements of Government Code Section 66016.

The Board of Supervisors may reduce the fee by up to 50% for a specific project if it determines there are public financial benefits that warrant such a reduction, and funding to replace the excused fee amounts is committed as part of such action. The Board of Supervisors may create an zone of “reduced impact fees” to encourage growth within that area by supplementing public funds to replace fees in the same amount that would have been collected as such growth occurred.

SEC. 77.214. USE OF FEES.

Fees collected hereunder in satisfaction of the local portion of the total TIF rate, as set forth in Section 77.208 of this Division, shall be segregated into a TIF Facilities fund with an interest-bearing account established for each TIF Area, and the funds therein and interest accruing thereto shall be expended solely for the construction or reimbursement for construction of TIF Facilities within the TIF Area from which the fees comprising the fund were collected. Fees collected hereunder in satisfaction of the regional portion of the total TIF rate, as set forth in Section 77.208 of this Division, shall be segregated into a TIF Facilities fund with an account established for each TIF Region, and the funds therein and interest accruing thereto shall be expended solely for the construction or reimbursement for construction of TIF Facilities within the TIF Region from which the fees comprising the fund were collected. These fees may also be used to reimburse the County for TIF Facilities constructed by the County with funds from other sources.

TIF Facilities and funds shall be identified in a Department of Public Works Detailed Work Program, which includes capital improvements and other transportation related expenditures. The TIF facilities within the Detailed Work Program (DWP-TIF) will be presented for Board approval as part of the annual budget approval process. TIF Facilities funds within the DWP-TIF will not be co-mingled with other project funds to ensure that revenues and expenditures are solely and exclusively used for TIF Facility construction. However, these funds may be augmented by other sources, if available, in order to complete TIF Facility projects.

Expenditure for interim improvements that provide incremental progress and measurable benefits such as increased capacity or traffic flow, will be allowed. These interim improvements will be consistent with the long-term objectives of full TIF facility construction as determined by the DPW Director. When recommended by the DPW Director, interim improvements will be identified in the DWP-TIF and expenditures from the TIF Facilities funds will be authorized commensurate with DWP-TIF approval. In selecting which specific road improvements shall be recommended, priority shall be given to those roads that serve projects that have paid impact fees.

SEC. 77.215. APPLICABILITY.

This Division shall apply to all development permits, including building permits, associated with the generation of traffic, as determined by the County. However, examples of building permits to which this Division shall not apply, include but are not limited to: alterations or additions to an existing single

family dwelling, or rebuilding of a destroyed single family dwelling that does not change its classification of occupancy; permits for accessory buildings such as garages, barns, workshops, agricultural buildings; and building permits for signs, tanks, wells or similar structures. The Director of Public Works is authorized to prepare and maintain a list of all permits types to which the fee will apply.

This Division shall not exempt any new development except as required by state or federal law. In cases where a development is specifically exempt by law from this Division, but said development has transportation impacts required to be mitigated by CEQA, the County can accept TIF payment for mitigation purposes.

Upon the effective date of this ordinance, if approved, project applicants for permits requesting adjustment of the adopted fee, other than as provided for in section 77.208, must have completed a cumulative traffic study and already fully mitigated cumulative impacts. Applicants claiming exemption from the fee must demonstrate to the County that all cumulative impacts were clearly identified, through a cumulative traffic study, and fully mitigated through physical improvements, or contribution to future road network improvements in an amount equal to the fee. However, if the project has changed from the time of original approval so that the proposed use is now more impactive to traffic, applicants must pay a portion of the TIF equal to the cumulative impact increase. For approved projects with identified cumulative mitigation measures that have not yet been implemented, the County may, at its option and, upon further environmental review if necessary, require either completion of the originally identified mitigation, or payment of the TIF.

The requirement of this chapter shall not apply to projects for which fees for an unexpired building plan check were paid on or before March 29, 2005 regardless of whether they obtain their building permit prior to the effective date of this ordinance.

SEC. 77.216. APPEAL.

Notwithstanding any other provision of this Division, the applicant as defined in this Division shall, as a part of the development permit process, have the right to present evidence to the DPW Director to demonstrate that the fee calculation and/or amount of fee established by the Board of Supervisors is incorrect or inequitable as applied in such case. The applicant shall have the burden of demonstrating any inaccuracy or inequity by serving on the DPW Director engineering studies and cost estimates necessary to support the applicant's contentions.

If the applicant is processing an application for which the TIF fee is a condition of approval, the studies and cost estimates must be served on the DPW Director no later than thirty (30) days prior to approval of the project. The DPW Director shall then make a recommendation regarding fee adjustment to the County hearing body. Upon review of the DPW Director's recommendation, the hearing body shall have the authority to change the amount of fee when it finds the amount so established is incorrect or inequitable in the specific case. The decision of the County's hearing body shall be final, and any additional appeals shall be in accordance with the County subdivision ordinance or zoning ordinance, which ever applies to the application being processed.

If the applicant is seeking a ministerial permit, the appeal, required engineering studies and cost estimates can be served on the DPW Director anytime prior to development permit issuance. The DPW Director shall review the requested fee adjustment and shall have the authority to change the amount of fee when it finds the amount so established is incorrect or inequitable in the specific case. The decision of the DPW Director shall be final.

SEC. 77.217. WAIVER.

A development which is designed and intended as a temporary use (3 years or less) and which is conducted in facilities which are, by their nature, short-term interim facilities such as a portable or modular building (including mobile homes, trailers, etc.) may apply to the DPW Director for a waiver, reduction, or deferral. The DPW Director shall have the authority to grant such waivers, reductions, or deferrals.

SEC. 77.218. REFUND OF FEES

If a building permit or development permit expires, is cancelled, or is voided and if any fees paid pursuant to this Division have not been expended and no construction has taken place pursuant to such building permit or development permit, the DPW Director shall, upon written request, refund the fee and any interest earned on the fee, less any administrative costs, to the record property owner or his or her legally court appointed representative.

SEC. 77.219. EXPIRATION.

This Division shall be of no further force when the County determines that the amount of fees which have been collected reaches an amount equal to the cost of the transportation facilities or reimbursements.

SEC. 77.220. EFFECTIVE DATE.

This Division shall become effective 60 days after its adoption.

Section 4 (UNCODIFIED). Peppertree Park Specific Plan (SP 87-007). The Board of Supervisors hereby finds that the Peppertree Park Specific Plan development in the Fallbrook Community Planning Area as approved by the Board of Supervisors fully analyzed its cumulative traffic impacts and has fully mitigated those impacts through construction of portions of Peppertree Lane, South Mission Road, and other traffic-related roadway and intersection improvements included in that development's conditions of approval. Accordingly, the Peppertree Park Specific Plan development, including any changes or amendments to that development which do not increase the number of vehicular trips from that identified in the documents supporting that development's approval by the Board of Supervisors, is exempt from payment of any fee or fees imposed by adoption of this Transportation Impact Fees ordinance. Alpine Village Center (S99-047). The Board of Supervisors hereby finds that the Alpine Village Center Site Plan development in the Alpine Community Planning Area as approved by the Board of Supervisors fully analyzed its cumulative traffic impacts and has fully mitigated those impacts through improvements to portions of Alpine Boulevard, South Grade Road, Marshall Way, financial contributions to construction of ramp improvements on Interstate 8 at Tavern Road, and other traffic-related roadway and intersection improvements included in that development's conditions of approval. Accordingly, the Alpine Village Center Site Plan development is exempt from payment of any fee or fees imposed by adoption of this Transportation Impact Fees ordinance.

Section 5. Operative Date. This Ordinance shall be operative on June 19, 2005.

PASSED, APPROVED AND ADOPTED this 20th day of April 2005.