

IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN LUIS OBISPO
CONTINUING THE ROAD IMPROVEMENT FEE
FOR ALL DEVELOPMENTS WITHIN PORTIONS OF
THE ESTERO PLANNING AREA
OF THE COUNTY OF SAN LUIS OBISPO,
ADOPTING THE REQUIRED ANNUAL UPDATE**

The following Resolution is hereby offered and read:

WHEREAS, the Board of Supervisors of the County of San Luis Obispo has adopted Ordinance No. 2379 creating and establishing the authority for imposing and charging a road improvement fee; and

WHEREAS, on April 5, 1994, the Board of Supervisors did adopt Resolution No. 94-146 imposing a road improvement fee for all developments within portions of the Estero Planning Area of the County of San Luis Obispo; and

WHEREAS, said Resolution No. 94-146 provided for an annual update of said road improvement fee; and

WHEREAS, the Board of Supervisors has reviewed the Los Osos Circulation Study Update of 2012 and found that it includes all required elements of the annual update (attached hereto and incorporated herein as Exhibit "A"); and

WHEREAS, the Circulation Study has previously been titled the South Bay Circulation Study, and is hereafter referred to as the Los Osos Circulation Study; and

WHEREAS, the “South Bay Circulation Study” of 1994 and the 2012 Update describe the impacts of new development on existing road facilities and improvements within certain portions of the Estero Planning Area of the Land Use Element of the San Luis Obispo County General Plan, and analyzes the need for new road facilities and improvements required by said new development, and sets forth the relationships among new development, the needed road facilities and improvements, and the estimated costs of those facilities and improvements; and

WHEREAS, on December 6, 2011, the Board of Supervisors did adopt Resolution No. 2011-390 approving a mitigated negative declaration for this Roadway Improvement Fee Program; and

WHEREAS, said Los Osos Circulation Study Update of 2012 was available for public inspection and review fourteen (14) days prior to the public hearing of this Resolution; and

WHEREAS, the Board of Supervisors finds as follows:

A. The purpose of this Road Improvement Fee is to finance road facilities and improvements in order to reduce the impacts of traffic generated and caused by new development within the Los Osos area.

B. The road improvement fees collected pursuant to this Resolution shall be used to finance only the capital improvements described in the text and/or identified in Appendix “A” of Exhibit “A,” attached hereto and incorporated herein.

C. After considering the South Bay Circulation Study of January 1994, prepared jointly by CH₂M Hill, the CSA-9 Advisory Group and the County Department of Public Works, and after considering the testimony received at the public hearing on this matter, the Board of Supervisors approved said Study on April 5, 1994, with findings that the new development in the South Bay area will generate additional traffic within said area and will contribute to the degradation of the level of service of the road system in said area.

D. The Board of Supervisors further finds that there is a need in the Los Osos area for road facilities and improvements and said facilities and improvements have been called for in or are consistent with the County's General Plan and the Los Osos Circulation Study.

E. The Board of Supervisors further finds that the facts and evidence presented establish that there is a reasonable relationship between the need for the described road facilities and improvements and the impacts of the types of development described in paragraph "2. Amount of Fee." below for which the corresponding fee is charged, and, also there is a reasonable relationship between the fees use and the type of development for which the fee is charged, as these reasonable relationships or nexus are in more detail described in the San Luis Obispo County General Plan and the South Bay Circulation Study and the Los Osos Circulation Study 2012 Update.

F. The Board of Supervisors further finds that the cost estimates set forth in Exhibit "A" are reasonable cost estimates for constructing the said facilities, and the fees expected to be generated by new development will not exceed the percentage of these costs attributable to new development.

G. The Board of Supervisors further finds that: (1) an account or fund has been established for capital road improvements and that funds have been appropriated and a proposed construction schedule including approximate funding and commitment dates has been adopted as set forth in Exhibit "A" hereto; and that (2) the County has already expended funds for capital road improvements within said area. As used in this section, "appropriated" means authorization by the Board of Supervisors to make expenditures and incur obligations for a road facility or improvement projects shown in the Capital Improvement Program (Exhibit "A").

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. The recitals set forth hereinabove are true, correct, and valid.

2. This Resolution is adopted for the purpose of imposing and collecting within the Los Osos area those road improvement fees established for new development by said Ordinance No. 2379, and the provisions of said Ordinance are incorporated herein.

3. No additional environmental review is required under the California Environmental Quality Act because no changes are being made to the Roadway Improvement Fee Program in the Estero Planning Area that was previously approved by the Board and addressed in the Mitigated Negative Declaration adopted on December 6, 2011. No substantial changes have occurred with respect to the circumstances under which the project is to be undertaken; and no new information of substantial importance has been presented indicating that the project will have any potential impacts not discussed in the Mitigated Negative Declaration.

4. Amount of Fee. The amount of the road improvement fee within the area of the Los Osos Circulation Study shall be reduced as follows:

Residential	pk hr trip	\$4,106
Retail	pk hr trip	\$2,023
Other	pk hr trip	\$3,112

For any new development wherein there are one or more residential uses combined with one or more other land uses, the number of peak hour trips caused or generated by said new development shall be determined as follows:

(1) The number of peak hour trips caused or generated by the residential use(s) and the number of peak hour trips caused or generated by the non-residential land uses shall be separately determined and then,

(2) The total road improvement fee for the new development shall be computed by multiplying the number of peak hour trips determined in subparagraph 4 above for each land use by the appropriate road improvement fee for each land use and then summing the results.

The number of peak hour trips caused or generated by a proposed new development project will be determined by the Director of Public Works in the manner set forth in the "Policy of the Board of Supervisors for Determination of Peak Hour Trips, "which is attached hereto as Exhibit "B" and incorporated herein by reference.

5. Time of Imposition of Fee. The amount of said road improvement fee for any new development project with said area shall be determined for, and shall be imposed upon, such new development project at the time of the grant of approval of an application for new development, and shall be a condition of approval of said new development project.

6. Time of Payment of Fee. The road improvement fee established by said Ordinance No. 2379 and adjusted by this and subsequent resolutions shall be paid for by new development as follows:

- (a) For new development that is solely residential (except for a mobile home park), the fee shall be paid prior to the issuance of a building permit for the new development.
- (b) For new development that is mobile home park, the fee shall be paid within 90 days after the date of approval of the development plan authorizing establishment of the mobile home park or prior to approval by the State Department of Housing and Community Development of an application for a permit to construct the mobile home park, whichever occurs first.
- (c) For new development that is non-residential or that is partly residential and combined with another land use(s) or which is a mobile home park, the fee shall be paid prior to issuance of any permit or approval required for the new development and prior to any commencement of a new development project or at the time of issuance of any required building permit, whichever is later.
- (d) The provisions above may be adjusted or modified regarding time of payment pursuant to resolution 2011-222 adopted on July 26, 2011.

7. Use of Fee. The road impact fee shall be solely used: (a) to pay for those road facilities and improvements described in Exhibit "A" hereto to be constructed by the County; (b) for reimbursing the County for the new development's fair share of those capital road facilities and improvements constructed by the County in anticipation of the new development; or (c) to reimburse prior developers who previously constructed road facilities and improvements described in Exhibit "A" attached hereto, where those facilities and improvements were beyond those needed to mitigate the impact of said prior developer's project or projects in order to mitigate the foreseeable impacts of anticipated new development.

8. Fee Review. Annually, the Director of Public Works shall review the estimated cost of the described road facilities and improvements, the continued need for those road facilities and improvements, and the reasonable relationship between such need and the impacts of the various types of new development pending or anticipated and for which this fee is charged. The Director of Public Works shall report his or her findings to the Board of Supervisors at a noticed public hearing and shall recommend to the Board of Supervisors any adjustment to this fee or any other action as may be needed.

9. Effective Date. Pursuant to Section 66017 of the California Government Code, the effective date of this Resolution shall be sixty (60) days from the date of adoption of this Resolution.

10. Judicial Action to Challenge This Resolution. Any judicial action or proceeding to attack, review, set aside, void, or annul this Resolution shall be brought within 120 days of its effective date.

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Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors
(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: November 5, 2012

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STATE OF CALIFORNIA, }
County of San Luis Obispo, } ss.

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 20 _____.

(SEAL)

County Clerk and Ex-Officio Clerk of the Board
of Supervisors

By _____
Deputy Clerk.

**Exhibit A
2012 Update
Los Osos Circulation Study**

On April 5, 1994, the Board of Supervisors approved the Los Osos Circulation Study and adopted a resolution imposing road improvement fees on new development under the provisions of Ordinance 2379. The Board adopted the most recent update of the Los Osos Circulation Study on December 6, 2011.

Building Activity

Since the last Update, there were no building permits issued in the Los Osos fee area. The reporting period of this update is from July 1, 2011 through June 30, 2012.

Road Improvement Fund

Road Improvement Fund	FY 2011/2012
Fees Received (+)	\$0
Interest (+)	\$1,130
Expenditures (-)	\$4,560
Ending Cash Balance (06/30/2012)	\$238,740

Fee Appeals

There were no Road Improvement Fee appeals during the last fiscal year.

Transportation Improvements

The Los Osos Circulation Study contains a list of recommended improvements for several modes of transportation in the community as well as projects from the adopted Capital Improvement Program that are funded through Road Improvement Fees.

PROJECTS UNDER DEVELOPMENT

South Bay Boulevard Bridge, Seismic Retrofit

The bridge has been identified as needing modifications and possibly a complete replacement. Public works staff is working with a consultant to complete the work and construction will be starting in 2015. Funding is through the Federal highway Bridge Program.

LOVR Street Improvements Pine to Doris Avenue

The Public Works Department has applied for a grant that would provide matching funds to allow for a portion of this project to be completed. This project will construct left turn channelization for driveway access, sidewalks and Class II bike lanes.

The County has received matching funds from the State-Local Partnership Program (SLPP). This program provides up to a 50% match for roadway impact fee funded projects from the RIF Program. Due to this additional funding, Public Works would then be able to construct the portion of this improvement between Pine and Doris Avenue.

Construction is anticipated to begin in 2013.

LOVR Corridor Study

This study looks at Los Osos Valley Road from the Creek to Bush Street and needed transportation improvements for buildout. These improvements include the final striping plan, median placement, and intersection improvements such as signals.

The final plan should be complete by December 2012.

Funding will be from an Urban Justice Grant and Roadway Impact Fees.

ROAD IMPROVEMENT FEES

Construction costs continue to be low. The lower costs are related to the current economic conditions, and the cost of labor and materials needed for constructing these projects have not decreased. This leads us to believe that the current low construction costs will not continue for the long run. In addition these costs are only a portion of the total project costs covered by the fee. The other costs include environmental work, permitting, design, right-of-way, and other project development costs. Over the last few years these costs have remained the same or risen. However the final costs for the constructed work at the intersection LOVR and Palisades has come in; and approximately \$570,000 less was used from the RIF than was anticipated. Additional funding also came from Prop 1B funds. As such the fee needs to be corrected downward to reflect this reduction.

Staff is recommending adjusting the fees. The current and proposed fees are in the table below:

Land Use	Existing Fee	Proposed Fee
Residential	\$4,303/pht	\$4,106/pht
Retail	\$2,120/pht	\$2,023/pht
Other	\$3,261/pht	\$3,112/pht

Attachments

- Figure 1 - Map of Study Area
- Table A - Capital Improvement Projects Table
- Table B - Road Impact Fee Fund Balance

Notes

Pk Hr Tp: PM peak hour trips, as determined by the Board of Supervisors' Policy

The "Residential" category includes single-family and multi-family dwellings, hotels, motels and camping facilities.

The "Retail" category includes retail merchandise, restaurants, service stations, post offices and financial institutions.

All other types of land use will be charged at the rate listed above as "Other."

List of Acronyms

- USHA = Urban State Highway Account
- RSHA = Regional State Highway Account
- pht = peak hour trip
- TBD = To be determined
- SHOPP = State Highway Operations Protection Program, Funding for Safety/Maintain
- STIP = State Transportation Improvement Program, Funding for Capacity
- TEA = Transportation Enhancement Activities, Federal Funding for Enhancements
- TDA = Transportation Development Act, Federal Funding for transit

Los Osos Circulation Study 2012 Update Appendix A - Capital Improvement Projects Table													
Project #	Road	From	To	Improvements	Cost Estimate	Less		Funding From Impact Fees	Percent of Cost Funded From Impact Fees	Actual Construction Cost	Other Funding	Expected Commencement ⁽¹⁾	
						Non-qualifying	Other Sources						
1	N/A	N/A	N/A	Circulation Study Updates Thru 2038	\$600,000			\$600,000	100%			2009	
3	LOVR	Palisades Ave	Ravenna Ave	Install TWLTL and Upgrade Drainage	\$1,104,000	\$160,000		\$849,600	90%			2015	
4	LOVR	Ravenna Ave	Doris Ave	Install TWLTL and Upgrade Drainage	\$1,345,000			\$134,500	90%			2015	
5	LOVR	Pine Avenue	At Intersection	Signalization	\$314,000			\$31,400	90%			2015	
6	LOVR	Ravenna Ave	At Intersection	Signalization	\$314,000			\$314,000	100%			2015	
7	Ramona Ave	9th	11th	Adjust Curve Construct Standard Section	\$439,000			\$439,000	100%			2025	
8	Ramona Ave	11th	South Bay	Construct Standard Section	\$1,042,000			\$1,042,000	100%			2025	
9	Ramona Ave	4th Street	Ravenna Ave	Intersection Realignment	\$1,569,000			\$1,569,000	100%			2025	
10	South Bay Blvd	LOVR	At Intersection	Dual Left Turn Pocket	\$479,000			\$479,000	100%			2025	
11	South Bay Blvd	Ramona Ave.	At Intersection	Signalization	\$314,000			\$314,000	100%			2015	
12	South Bay Blvd	Santa Ysabel Ave	At Intersection	Intersection Improvements	\$314,000			\$314,000	100%			2015	
13	South Bay Blvd	Santa Ysabel Avenue	Urban/Rural Reserve Line	Widen to 4 Lanes	\$1,059,000			\$741,300	70%			2024	
14	South Bay Blvd	Nipomo Ave	At Intersection	Signalization	\$314,000			\$314,000	100%			2012	
15	South Bay Blvd	El Moro	Santa Ysabel Avenue	Widen to 4 Lanes	\$1,023,000			\$716,100	70%			2013	
16	South Bay Blvd	Pismo Avenue	At Intersection	Signalization	\$314,000			\$314,000	100%			2027	
17	South Bay Blvd	LOVR	Nipomo Ave	Widen to 4 Lanes	\$1,234,000			\$863,800	70%			2013	
18	South Bay Blvd	Nipomo Ave	El Moro	Widen to 4 Lanes	\$1,691,000			\$1,183,700	70%			2013	
19	11th Street	El Moro Ave	Santa Ysabel Avenue	Install class II bike lanes	\$100,000			\$0	0%			N/A	
20	13th Street	Pismo Ave	Paso Robles	Roadway Extension	\$180,000		\$27,045	\$0	0%		Local	N/A	
21	17th/Mtn View	South End	Pismo Avenue	Construct Standard Section	\$120,000			\$0	0%			N/A	
22	17th/Mtn View	LOVR	South End	Install class I bike path	\$550,000		\$71,453	\$0	0%		Bikeways	N/A	
23	18th Street	Pismo Ave	Santa Maria	Roadway Extension	\$500,000		162382	\$0	0%		Local	N/A	
24	18th Street	Ramona Avenue	North End	Install class I bike path	\$200,000		\$15,248	\$0	0%		Bikeways	N/A	
25	2nd Street	El Moro Ave	Santa Ysabel Avenue	Parking Upgrade	\$310,000		\$0	\$0	0%		N/A	N/A	
26	3rd Street	Ramona Ave.	Pismo Avenue	(Abandoned) Install class I bike path	\$180,000			\$0	0%			N/A	
27	3rd Street	Pismo Avenue	El Moro	Install class II bike lanes	\$65,000			\$0	0%			N/A	
28	7th Street	Nipomo Ave	San Luis	Roadway Extension	\$240,000		\$27,045	\$0	0%		Local	N/A	
29	Binscarth Road	Pecho Road	Broderon	Construct Standard Section	\$390,000		\$0	\$0	0%		N/A	N/A	
30	Broderon Ave	LOVR	Binscarth	Install class I bike path	\$21,000		\$81,135	\$0	0%		Bikeways	N/A	
31	Broderon Ave	Binscarth	Ramona Ave	Install class I bike path	\$85,000		\$25,375	\$0	0%		Bikeways	N/A	
32	Doris Ave	Rosina	South Court	Road Extension with Class I bike path	\$350,000		\$195,953	\$0	0%		USHA	N/A	
33	Doris Ave	LOVR	Rosina	Install class II bike lanes	\$100,000			\$0	0%			N/A	
34	El Moro Ave	2nd	10th	Install class II bike lanes	\$200,000		\$27,045	\$0	0%		Bikeways	N/A	

**Los Osos Circulation Study
2012 Update
Appendix A - Capital Improvement Projects Table**

Project #	Road	From	To	Improvements	Cost Estimate	Less		Funding From Impact Fees	Percent of Cost Funded From Impact Fees	Actual Construction Cost	Other Funding	Expected Commencement ⁽¹⁾
						Non-qualifying	Through Traffic					
35	Fairchild Way	Los Olivos	Santa Ynez	Roadway Extension	\$450,000		\$93,935	\$0	0%		Local	N/A
36	Highland Drive	West End	Pecho Valley	Install class I bike path	\$500,000		\$71,008	\$0	0%		Bikeways	N/A
37	LOVR	Fairchild Avenue	At Intersection	Signalization	\$314,000	\$369,280	\$389,280	\$0	0%		USHA	2012
38	LOVR	10th	Los Osos Creek	Construct Roadway Following Corridor Study	\$2,000,000		\$274,007	\$0	0%			N/A
39	LOVR	9th	10th	Construct Roadway Following Corridor Study	\$400,000		\$0	\$0	0%		N/A	N/A
40	LOVR Access Control Study	9th Street	L.O. Creek	Access Control Along LOVR	\$75,000	\$75,000	\$75,000	\$0	0%		CBTP Grant & Road Fund	2007
41	Nipomo Ave	7th	Mtn View	Install class II bike lanes	\$500,000		\$0	\$0	0%		N/A	N/A
42	Palisades Ave	Highland	Skyline	Construct Class II Bikeways	\$600,000		\$0	\$0	0%		Parks/Trails	N/A
43	Paseo Robles Ave	3rd	10th	Roadway Extension	\$620,000		\$31,720	\$0	0%		Bikeways	N/A
44	Pecho Road	LOVR	Binscarth	Install class II bike lanes	\$270,000		\$54,090	\$0	0%		Bikeways	N/A
45	Pecho Valley Road	Pecho Road	Montano De Oro	Class I or II TBD	\$1,200,000		\$730,222	\$0	0%		Bikeways	N/A
46	Pismo Avenue	3rd	4th	Install class I bike path	\$150,000		\$15,248	\$0	0%		Bikeways	N/A
47	Pismo Avenue	4th Street	16th	Install class I bike path	\$750,000		\$152,143	\$0	0%		Bikeways	N/A
48	Pismo Avenue	16th	18th	Install class II bike lanes	\$120,000		\$20,256	\$0	0%		Bikeways	N/A
49	Pismo Avenue	18th	South Bay	Install class II bike lanes	\$140,000		\$20,256	\$0	0%		Bikeways	N/A
50	Ramona Ave	4th Street	9th Street	Install class II bike lanes	\$150,000		\$28,938	\$0	0%		Bikeways	N/A
51	Ravenna Ave	LOVR	Ramona Ave	Road Extension and Class I bike path	\$1,000,000			\$0	0%			N/A
52	Rosina Drive	Doris	Pine	Roadway Extension	\$400,000		\$94,714	\$0	0%		Local	N/A
53	San Luis Ave	6th	13th	Roadway Extension	\$800,000		\$243,407	\$0	0%		Local	N/A
54	Santa Maria Ave	12th	18th	Roadway Extension	\$800,000		\$202,895	\$0	0%		Local	N/A
55	Santa Paula	13th	16th	Multi Use Trail	\$150,000		\$38,036	\$0	0%		Parks/Trails	N/A
56	Santa Ynez Ave	9th	South Bay Blvd	Install class II bike lanes	\$300,000		\$60,880	\$0	0%		Bikeways	N/A
57	Skyline Drive	Doris	Palisades Ave	Road Extension and Class I bike path	\$500,000			\$0	0%			N/A
58	Skyline Drive	Palisades Ave	7th	Road Extension and Class II bike lanes	\$180,000			\$0	0%			N/A
59	Skyline Drive	Pecho Road	Doris	Roadway Extension	\$250,000			\$0	0%			N/A
60	South Bay Blvd	LOVR	Pismo Avenue	Install class I bike path	\$400,000			\$0	0%			N/A
complete	El Moro Ave	12th	South Bay	Class I Bikeway	\$173,085		\$173,085	\$0	0%	\$447,000	RSHA	COMPLETE
complete	Santa Maria Ave	8th	9th	Construct Standard Section	\$40,072		\$102,059	\$0	0%	\$73,798	USHA	COMPLETE
complete	South Bay Blvd	El Moro Ave	At Intersection	Signalization	\$154,308			\$163,500	100%	\$163,500		COMPLETE
complete	South Bay Blvd	LOVR	Bay Oaks	Road Extension	\$878,013			\$0	0%	\$38,330		COMPLETE
complete	LOVR Corridor Study	9th Street	Doris Ave	TBD	\$40,000			\$36,330	100%	\$38,330		COMPLETE
complete	LOVR	Palisades Ave	At Intersection	Signalization	\$354,305		\$71,718	\$262,587	80%		USHA	COMPLETE
complete	LOVR	Bush Drive	Palisades Avenue	Install WB-RT Lane and Upgrade Drainage	\$853,832		\$819,832	\$34,000	4%		USHA/Prop 1B	COMPLETE
abandoned	Ramona Ave	Fearn	Doris	ABANDONED	\$121,684		\$7,012	\$0	0%	disallowed under Est610	Parks/Trails	ABANDONED
abandoned	South Bay Blvd	Bay Oaks	Travis	ABANDONED	\$1,605,285			\$0	0%			ABANDONED
TOTALS					\$34,319,584		\$4,382,422	\$1,762,400		\$0		

(1) Expected construction commencement date is the approximate date on which funding is expected to be deposited to complete improvement.

Budgeted Projects Funded from Los Osos RIF				Total As of
				06/30/12
Project #	Description	Budgeted 2011/12		
	Los Osos RIF - Beginning Cash Balance		242,161.96	
	Fees	-	0.00	
	Interest		1,133.64	
	Subtotal Cash Balance		243,295.60	
	Project Costs:	Budgeted 2011/12		Total Spent This Fiscal Year As of
				06/30/12
300157	LOVR Bush to Doris	0.00	0.00	
245R12C126	P12C126 Los Osos Traffic Study	1,000.00	4,555.46	
	Total Project Costs	1,000	4,555.46	
	Total Cash Bal		238,740.14	

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Exhibit “B”
POLICY OF THE BOARD OF SUPERVISORS FOR
DETERMINATION OF THE NUMBER OF PEAK HOUR TRIPS

SECTION ONE: PURPOSE

1.01. This Policy is intended to be used in implementing the Resolution of the Board of Supervisors of the County of San Luis Obispo Imposing a Road Improvement Fee etc., (hereinafter referred to as Resolution) to which this Policy is attached as an exhibit, which Resolution is adopted under the authority of San Luis Obispo County Ordinance No. 2379.

SECTION TWO: DEFINITIONS

2.01. “Accident History.” A summary of the amount and type of reported vehicle collisions occurring during the preceding five years within the area of study.

2.02. “Fee Area.” The particular area(s) set forth in the Circulation Study, wherein the new development lies.

2.03. “Existing Trips.” Trips generated by a current or previous use of the property which use is being replaced by new development. In order to receive credit under Section 3.01(b) of this Policy, said current or previous use must have been in existence at the time the most recent Circulation Study was adopted.

2.04. “Floor Area.” The square footage of a building shall have the same meaning as the section entitled Gross Area: as set forth in Chapter 1 of the Institute of Transportation Engineers’ Trip Generation Manual, which book is more completely described in Section 3.01(a) of this Policy.

2.05. To “Generate Additional Traffic” shall mean both the production and the attraction of vehicular trips.

2.06. “Level of Service.” A qualitative measure describing operational conditions within a traffic system, and their perception by motorists, as defined in the most recent edition of the Highway Capacity Manual Transportation Research Board, Washington, DC (Highway Capacity Manual).

2.07. “Level of Service C” shall have the meaning as set forth in the Highway Capacity Manual:

Level of Service C is in the range of stable flow, but marks the beginning of the range of flow in which the operation of individual users becomes significantly affected by interactions with others in the traffic stream. The selection of speed is now

affected by the presence of others, and maneuvering within the traffic stream requires substantial vigilance on the part of the user. The general level of comfort and convenience declines noticeably at this level.

2.08. A “Pass-by Trip” is an existing trip that is diverted to a new development from an adjacent street and is not a new trip that is assigned to the adjacent streets due to the new development. Pass-by trips are excluded in calculating new trips to be generated by a new development.

2.09. “Peak Hour Trip” shall mean a single or one-directional vehicle movement which either enters or exists the site of a new development during the hour of the day in which the highest hourly traffic volume is measured on the road(s) adjacent to the new development.

2.10. “Prevailing Speed.” The speed, at or below which eighty-five percent of vehicles are traveling on a roadway.

2.11. A “Road Impact Fee Study.” or RIFS: is a written study that evaluates and comments on all of the following:

- A. Evaluate existing conditions on roads which will be affected by the proposed new development. These roads may be within the Fee Area and within any adjacent areas as required by the Director of Public Works. This evaluation of existing conditions on said roads shall include: (1) levels of service, (2) prevailing speeds, (3) stopping sight distance, and (4) accident history, and such other relevant and necessary items as are required by the Director of Public Works.
- B. Estimate future conditions on roads which are likely to be affected by the proposed new development. These roads may be within the Fee Area and within any adjacent areas as required by the Director of Public Works. The study shall include an estimate of trip generation, if any, for each unit of the proposed new development project. The trip generation estimate may be adjusted to reflect pass-by trips and may be used for computing the fees required by Chapter 13.01 of the San Luis Obispo County Ordinance Code.

The said forecast of future conditions shall be compared with the Circulation Study, to determine if the recommendations in the Circulation Study are adequate to maintain a Level of Service C, or better, for the affected roads after completion of the proposed new development project.

- C. Include such additional inquiries, evaluations and comments as the Director of Public Works determines are relevant and reasonably necessary for a comprehensive evaluation of the impacts of the proposed new development project on the said roads.

The RIFS shall be prepared by a qualified engineer licensed as a civil or traffic engineer by the State of California.

The RIFS shall be subject to the review and approval of method and accuracy by the Director of Public Works.

2.12. "Road." A way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. "Road" includes "street", and "highway", and "bridge."

2.13. "Stopping Sight Distance." The length of roadway ahead that is visible to the driver. The minimum sight distance available on a roadway should be sufficient to enable a vehicle traveling at or near the design speed to stop before reaching a stationary object in its path.

2.14. "Trip Generation." The total number of vehicle trips which will enter or exit a given development project. Trip generation includes trips per weekday, trips per hour for the peak hour, and other cases as determined necessary by the Director of Public Works.

2.15. "Trip." A single or one-direction vehicle movement which either enters or exits the site of a development project.

SECTION THREE: DETERMINATION OF PEAK HOUR TRIPS.

3.01. The number of peak hour trips generated by new development shall be computed using the following formula:

$$\begin{array}{l} \text{Number of} \\ \text{Units in the} \\ \text{New Development} \end{array} \quad \times \quad \begin{array}{l} \text{Trip Generation} \\ \text{per New Unit} \end{array} \quad = \quad \begin{array}{l} \text{Number of} \\ \text{New Peak Hour} \\ \text{Trips} \end{array}$$

A "Unit" is a physical, measurable or predictable variable which quantifies the particular new development (e.g., floor area, employees, acres, dwelling units, etc.). The peak hour trip generation rate shall be based upon the highest trip generation rate possible for the proposed new development. Eligible existing trips shall be deducted from the number of peak hour trips generated by the new development.

3.02. "Trip Generation per New Unit" shall be determined as follows:

- A. The trip generation rates, for the peak hour of adjacent streets, shall be based on the most recent edition of the Trip Generation Manual, Institute of Transportation Engineers, 525 School St., SW, Suite 140, Washington, DC 20024-2729.
- B. If no published rates are available from this source, trip generation rates will be determined by the Director of Public Works.
- C. If the Director of Public Works requires it or if the applicant for the new development so elects, the Trip Generation per New Unit which will be caused or generated by the proposed new development may be determined by the Director of Public Works through the use of a Road Impact Fee Study rather than by the method set forth in Section 3.02(A) or 3.02(B) hereof. If a Road Impact Fee Study is to be used, the Director of Public Works shall request proposals for this work from engineers licensed as civil or traffic engineers by the State of California, and shall award a contract for the production of the RIFS with all costs to be borne by the applicant for the new development.

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