

1 RESOLUTION OF THE BOARD OF SUPERVISORS OF
2 ORANGE COUNTY, CALIFORNIA

3 November 8, 2004

4 WHEREAS, Section 66484.3 of the California Government Code provides, in relevant
5 part, that the Board of Supervisors of the County of Orange may require the payment of a fee as a
6 condition of approval of a final map or as a condition of issuing a building permit for purposes of
7 defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways,
and canyons, or constructing major thoroughfares; and

8 WHEREAS, Section 7-9-316 of the Orange County Codified Ordinances provides for the
9 establishment and imposition of major thoroughfare and bridge construction fees in the County of
Orange; and

10 WHEREAS, the County of Orange has developed the South County Roadway
11 Improvement Program ("SCRIP") to provide for the imposition, collection and disbursement of
12 fees to facilitate the construction of certain transportation improvements in Orange County that
will relieve traffic congestion on existing and future transportation systems; and

13 WHEREAS, a copy of the SCRIP is attached hereto as Exhibit A and incorporated herein
14 by this reference; and

15 WHEREAS, the individual transportation improvements to be addressed vis-à-vis
16 implementation of the SCRIP are identified in Table 1 of the SCRIP; and

17 WHEREAS, Rancho Mission Viejo ("RMV") has submitted Planning Application PA01-
18 114, requesting a General Plan Amendment (GPA01-01), Zone Change (ZC01-02) and
Development Agreement (DA04-01) in connection with the proposed development of the Ranch
Plan Project; and

19 WHEREAS, in compliance with the California Environmental Quality Act (California
20 Public Resources Code Sections 21000 *et seq.*) ("CEQA"), the State CEQA Guidelines (Title 14,
21 California Code of Regulations Sections 15000 *et seq.*) ("CEQA Guidelines") and the County's
22 environmental analysis procedures, the County of Orange prepared Program Environmental
Impact Report No. 589 ("Program EIR No. 589") to address the environmental impacts of the
proposed Ranch Plan Project; and

23 WHEREAS, the SCRIP is addressed in Program EIR No. 589; and

24 WHEREAS, consistent with the provisions of Section 7-9-316(f) of the Orange County
25 Codified Ordinances, the County of Orange has identified the comprehensive Ranch Plan Project
26 development area as an "area of benefit" for purposes of assessing and collecting the fees
27 ascribed for the SCRIP; and

1 WHEREAS, legally noticed public hearings concerning the Ranch Plan Project (ala
2 PA01-114) and Program EIR No. 589 were conducted by the Orange County Planning
3 Commission on September 14, September 28, October 6 and October 12, 2004, respectively; and

4 WHEREAS, during said public hearings, the Planning Commission addressed the SCRIP
5 and the area of benefit ascribed therefore; and

6 WHEREAS, on October 14, 2004, the Planning Commission, in relevant part, issued its
7 recommendation that this Board adopt the SCRIP and identify and establish the comprehensive
8 Ranch Plan Project development area as an area of benefit thereunder; and

9 WHEREAS, this Board has carefully considered the recommendation of the Planning
10 Commission and all other documentation, information and public testimony provided to this
11 Board relative to the SCRIP and the proposed area of benefit;

12 NOW, THEREFORE, BE IT RESOLVED THAT this Board of Supervisors makes the
13 following findings:

14 1. The SCRIP establishes a comprehensive funding mechanism for the construction
15 of roadway improvements in South Orange County that advances the County's interest in
16 promoting the public health, safety and welfare. Specifically, the SCRIP will facilitate the
17 alleviation and mitigation of future traffic congestion impacts in the South County area associated
18 with anticipated population, employment and housing growth in said area.

19 2. The SCRIP is consistent with the requirements of Section 66484.3 of the
20 California Government Code and Section 7-9-316 of the Orange County Codified Ordinances.

21 3. The SCRIP is consistent with the Orange County General Plan in that it will
22 facilitate construction of circulation improvements identified on the County's Master Plan of
23 Arterial Highways ("MPAH").

24 4. The comprehensive Ranch Plan Project development area represents an
25 appropriate area of benefit for assessment and collection of the SCRIP fees. Specifically, the
26 Ranch Plan Project area will benefit from the ultimate construction of the transportation
27 improvements identified in Table 1 of Exhibit A.

28 5. Program EIR No. 589 fully and adequately addresses the significant environmental
impacts associated with establishment and adoption of the SCRIP.

BE IT FURTHER RESOLVED THAT this Board of Supervisors (i) formally adopts the
South County Roadway Improvement Program (SCRIP) and (ii) declares that the area of benefit
for the SCRIP shall include the comprehensive Ranch Plan Project development area, all as more
fully defined and described in PA01-114 and Program EIR No. 589.

BE IT FURTHER RESOLVED THAT this Board of Supervisors finds that the SCRIP, as
herein adopted, includes the following elements and features:

1 1. The estimated cost of the comprehensive circulation improvements contemplated
2 for the SCRIP (see Exhibit A) is \$304,652,000. The SCRIP will collect and provide monies
toward these costs, including \$143,775,000 from the Ranch Plan Project.

3 2. The SCRIP fees applicable to individual improvements/classes constructed within
4 the Ranch Plan Project area of benefit are set forth in Table 2 of the SCRIP (see Exhibit A); to
wit:

5 **FEE SCHEDULE**

6	Single-Family Detached:	\$ 14,225.99
7	Single-Family Attached:	\$ 11,380.79
8	Multi-Family Attached:	\$ 9,958.20
9	Age-Restricted Detached:	\$ 5,690.40
10	Age-Restricted Attached:	\$ 4,267.80
11	Non-Residential ¹ :	\$ 7,113.00

12
13 3. As identified in Table 2 of the SCRIP (see Exhibit A), the SCRIP fee calculation
and assessment program is based upon an "equivalent dwelling unit" factor.

14 4. An automatic adjustment of the SCRIP fees, based upon the California
15 Construction Cost Index prepared and published quarterly by the State Department of
Transportation, shall be made periodically.

16
17 5. Other than as provided in the preceding Paragraph 4, any adjustments to the
18 SCRIP fees based upon updated project cost estimates or other changed conditions may be made
in accordance with the provisions of the SCRIP, but only upon the approval of the Board of
19 Supervisors.

20 6. The SCRIP fees shall be applied at the time of building permit issuance, all as
more fully described in the SCRIP.

21 BE IT FURTHER RESOLVED that the Manager, Transportation Services (or such other
22 person designated by the Director, RDMD), is hereby directed to administer the SCRIP pursuant
to its terms and conditions.

23 BE IT FURTHER RESOLVED that the SCRIP shall become effective 30 days following
24 its adoption by this Board.

25 BE IT FURTHER RESOLVED that, pursuant to Section 66483.3 of the California
26 Government Code, the Clerk of the Board is directed to record a certified copy of this Resolution
and the attachments hereto.

27
28 ¹ Per 1,000 Sq. Ft.

1 The foregoing was passed and adopted by the following vote of the Orange County Board
2 of Supervisors on November 8, 2004; to wit:

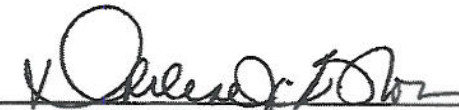
3 AYES:	Supervisors	THOMAS W. WILSON, CHARLES V. SMITH, JAMES W. SILVA, BILL CAMPBELL, CHRIS NORBY
4 NOES:	Supervisor(s)	
5 EXCUSED:	Supervisor(s)	
6 ABSTAINED:	Supervisor(s)	

7 
8 CHAIRMAN

9
10 STATE OF CALIFORNIA)
11) ss.
12 County of Orange)

13 I, DARLENE J. BLOOM, Clerk of the Board of Orange County, California, hereby
14 certify that a copy of this document has been delivered to the Chairman of the Board and that the
15 above and foregoing Resolution was duly and regularly adopted by the Orange County Board of
16 Supervisors.

17 IN WITNESS WHEREOF, I have hereto set my hand and seal.

18 
19 DARLENE J. BLOOM
20 Clerk of the Board of Supervisors
County of Orange, State of California

21 Resolution No.: 04-294
22 Agenda Date: 11/08/2004
23 Item No.: 1

24 I certify that the foregoing is a true and correct copy of the Resolution
25 adopted by the Board of Supervisors, County of Orange, State of
26 California

27 DARLENE J. BLOOM, Clerk of the Board of Supervisors

28 By: _____
Deputy

South County Roadway Improvement Program (SCRIP)

(Revised June 13, 2006)

[Part I]

– County of Orange –

SOUTH COUNTY ROADWAY IMPROVEMENT PROGRAM (SCRIP) – PART I

I. INTRODUCTION AND PROGRAM OVERVIEW

The South County Roadway Improvement Program (SCRIP), establishes a comprehensive framework for implementing transportation improvements throughout an “area of benefit” in south Orange County, as defined below. The SCRIP will be adopted by the County concurrently with the approval of the General Plan Amendment/Zone Change (“GPA/ZC”) for that project proposed by Rancho Mission Viejo (RMV) and commonly referred to as the “Ranch Plan,” and will establish the basic procedural and administrative protocols for implementing the transportation improvement program outlined in the Ranch Plan EIR (EIR No. 589). Participation in the SCRIP will be a condition of approval for the Ranch Plan development. RMV also will enter into a development agreement (Ranch Plan Development Agreement) with the County that, among other things, will describe RMV’s further commitment to the SCRIP over and above its fair share obligations pursuant to the GPA/ZC conditions of approval. In the future, the scope of the SCRIP could be expanded to include transportation improvements beyond those to be implemented in conjunction with the Ranch Plan project.

The SCRIP includes a funding program that is intended to complement, not replace, existing road fee programs in the south Orange County area. These existing fee programs include the Major Thoroughfare and Bridge Fee Program for the San Joaquin Hills and Foothill/Eastern Transportation Corridors established by the Orange County Board of Supervisors in October 1984. That program, now implemented by the Transportation Corridor Agencies, establishes developer obligations for the financing of the Transportation Corridors and is separate from the SCRIP.

Local and Regional Improvements

The SCRIP identifies three categories of road system improvements for construction: (1) “local County improvements” (improvements to arterials, including intersections and widening) within the County’s jurisdiction, (2) “local City improvements” within one or more cities’ jurisdictions, and (3) “regional improvements” (improvements to state highway facilities). These improvements (collectively, the “SCRIP Improvements”) are identified in the SCRIP and will be implemented consistent with the Ranch Plan Improvement Phasing Plan (Table 4 attached) with the goal of maintaining specified LOS goals/conditions at certain identified locations significantly impacted by traffic from the Ranch Plan project and other projects.

SCRIP Part 1

The SCRIP will be adopted in two parts. Part 1, which is described herein and which is the subject of the County’s present action, sets forth the overall goals and objectives of the SCRIP, defines the area of benefit, and establishes the basic procedural and administrative protocols to be followed in carrying out the program. The adoption of Part 1 of the SCRIP by the County also provides a complete framework for (1) implementing the transportation improvement program outlined in the Ranch Plan EIR and Ranch Plan Development Agreement for local County improvements, and (2) funding and completing certain other local City and regional improvements that are to be funded whether or not the affected cities/agencies elect to participate in the SCRIP. This framework includes mechanisms for determining the amount and timing of payments of monies committed by the Ranch Plan, and the methods for applying these monies towards the specified improvements.

It should be noted that, for those improvements located outside the County's jurisdiction, implementation will be contingent on the County reaching agreement with the affected cities/agencies. Thus, all monies collected for their funding will be held by the County in a trust account until the affected city/cities and/or agency/agencies (as applicable) has/have entered into an agreement with the County regarding implementation of the improvement(s). If an agreement for any improvement has not been reached with the affected city/agency within 15 years of the effective date of the SCRIP, the County will thereafter endeavor to enter into an agreement with OCTA that will provide for the application of the monies collected for those improvements towards regional improvements within the Area of Benefit.

SCRIP Part 2

Part 2 of the SCRIP, when adopted, would complement Part 1 with regard to (1) the identified local City improvements that require the participation of the cities located within the Area of Benefit for their full funding and implementation (i.e., improvements that require additional funding from public sources to supplement Ranch Plan funding), and (2) the identified regional improvements that require the participation of Caltrans and/or OCTA and/or the TCA and/or the cities for their full funding and implementation (i.e., improvements that require additional funding from public sources to supplement Ranch Plan funding). The specific mechanisms for funding the unfunded portion of any of the local City or regional improvements would be articulated as part of SCRIP Part 2. The adoption of Part 2 of the SCRIP will therefore be contingent upon the cities and agencies, as applicable, agreeing to participate in the SCRIP and reaching agreement with them on any required supplemental inter-jurisdictional implementing procedures. Discussions with the cities and agencies regarding their potential participation in SCRIP are already underway and the County's goal is to be in a position for the Board of Supervisors, and the cities and agencies, to adopt Part 2 of the SCRIP within twelve (12) months following the adoption of SCRIP Part 1 and approval of the Ranch Plan GPA/ZC.

II. BACKGROUND/LEGAL AUTHORITY

California Constitution Article 11, Section 7 and Government Code Sections 50029 and 66484.3 permit the establishment of local ordinances to require payment of fees as a condition of approval of a final map or as a condition of issuing a building permit for purposes of defraying the actual or estimated costs of constructing bridges over waterways, railways, freeways and canyons, or constructing major thoroughfares.

Pursuant to the above provisions of the Government Code, the Board of Supervisors adopted Section 79-316 of the Orange County Codified Ordinances providing for the establishment of major thoroughfare and bridge construction fees to be paid by subdividers and building permit applicants in the County of Orange.

The SCRIP is being enacted pursuant to the above-described legal authority.

III. AREA OF BENEFIT

The area of benefit ("Area of Benefit") includes portions of the Cities of San Juan Capistrano, Mission Viejo, San Clemente and Laguna Niguel, plus certain developed and undeveloped unincorporated areas in south Orange County (see Figure 1 attached). Within this Area of Benefit, transportation improvements have been identified for all locations at which significant cumulative impacts were identified in the Ranch Plan EIR. The improvements and their locations are described in Table 1 (attached).

It is expected that, ultimately, the SCRIP Area of Benefit may be divided into zones, with one zone for each participating jurisdiction. Each zone will be expected to support the funding/implementation of local improvements within the zone, and to participate in the funding of regional improvements within the zone, pursuant to the SCRIP. It is anticipated that all affected jurisdictions within the Area of Benefit will adopt and participate in the program. With the adoption of Part 1, a zone for the County jurisdiction will be established. Other zones will be created with the adoption of Part 2.

IV. GOALS AND OBJECTIVES OF THE SCRIP

The following are the goals and objectives of the SCRIP:

- To secure full funding for circulation improvements identified in the SCRIP.
- To establish an improvement phasing plan that is consistent with the Ranch Plan development milestones.
- To implement transportation improvements in a timely manner with the goal of maintaining service goals/policies of the affected jurisdictions at the identified locations.
- To establish an equitable cost for equivalent units of development that is applied to development in the Area of Benefit.
- To establish a development and traffic monitoring program to allow the Ranch Plan EIR traffic assumptions to be tracked.
- To establish funding partnerships between affected jurisdictions and regional planning and funding agencies (OCTA, Caltrans, etc.) in order to finance and implement regional traffic improvements within the Area of Benefit.

In summary, the overall goal of the SCRIP is to implement identified transportation improvements in a coordinated and timely manner, anticipating and monitoring growth (through development monitoring procedures) so that the improvements are in place to serve the Ranch Plan and other development as it occurs. The SCRIP will thereby mitigate the future traffic impacts of the Ranch Plan and of other growth in the Area of Benefit.

V. PROCEDURES AND PROTOCOLS

The SCRIP includes a number of procedural and administrative actions and protocols that define the manner in which development will be monitored, and how associated transportation improvements will be identified and implemented. These can be summarized as follows: [Note: All of the following procedures and protocols are established as part of SCRIP Part 1 and are of general application for the entire SCRIP program (both Part 1 and Part 2), except as otherwise noted.]

1. **List of SCRIP Improvements.** The overall transportation improvement program will primarily consist of (a) the improvements comprising the cumulative mitigation measures set out in the Ranch Plan EIR (and formalized in the conditions of development approval for the Ranch Plan), (b) the public benefits set forth in Exhibit D to the Ranch Plan Development Agreement, and/or (c) those supplemental improvements proposed by the participants pursuant to the SCRIP. The list will include:

- Roadway Segments
- Intersections
- State Highway Facilities

The SCRIP Improvements are listed and described in Table 1. Their locations are shown in Figure 2. It should be understood that, in fully defining and implementing the SCRIP, the listed improvements may be refined/modified; for example, in response to jurisdictional requests, in accordance with the provisions regarding consideration of alternative improvements (see No. 9 below).

Also, upon request by a city, the County could consider declaring any local improvement in that city a "County facility." In that event, the County would have responsibility for the implementation of that improvement. The declaration of an improvement as a County facility would be contingent on (1) the County reaching a mutually agreeable arrangement with the city and (2) approval of the agreement by the Board of Supervisors and the applicable city council.

[Note: For any improvements that have not yet been included in CEQA documentation, the formal inclusion of said improvements in the SCRIP will be contingent on completing any required supplemental CEQA review and/or documentation. Furthermore, it is understood that additional environmental review and/or documentation may be required when the final design of improvements is completed.]

2. **Cost of Improvements.** Cost estimates will be prepared for the listed improvements, and will include all costs associated with implementing each improvement (including planning, environmental clearance, design, right-of-way acquisition and construction) plus 5 percent administration costs and a 10 percent cost contingency. Indexing will be applied to both the costs and the associated fees for funding the improvements, in accordance with No. 14 below.
3. **Cost Share Methodology.** The SCRIP will identify the cost shares for each of the circulation improvements in the SCRIP based on traffic share/use of said improvement. For local City and regional improvements, the shares will be refined based on agreements with the affected jurisdictions and/or agencies in consideration of established impact fees within their respective jurisdictions, transportation improvement programs in the affected jurisdictions, conditions of approval and/or development agreements for development projects in the affected jurisdictions, and other pertinent factors. For SCRIP Improvements that have been funded by other means (e.g., the regional STIP), the agreements reached with jurisdictions/agencies in conjunction with SCRIP Part 2 will consider to what extent the fair share fees for those improvements may be rolled over to other projects.
4. **Unit Cost Methodology/SCRIP Fees.** For SCRIP Part 1, the various land uses in the County zone of the Area of Benefit (single family dwelling, multi family dwelling, senior dwelling and non-residential uses) that are approved as part of the Ranch Plan GPA/ZC, are proposed to be reduced to equivalent dwelling units ("EDUs") and assigned relative values based on their traffic generation (see Table 2 for proposed EDU factors for each type of land use). The monies that have been committed to be paid by the Ranch Plan developers towards the SCRIP improvements have been divided by the total of EDUs within the County zone to determine the SCRIP fees ("SCRIP Fees") for each Ranch Plan EDU or fraction thereof (see Table 3).

The methodology for determining unit costs and SCRIP fees for other zones will be established as part of SCRIP Part 2, taking into account any established impact fees within the affected jurisdictions, conditions of approval and/or development agreements for development projects in the affected jurisdictions, and other pertinent factors. The methodology may or may not utilize the EDU concept.

In any event, in determining the cost of SCRIP improvements that are the responsibility of the participants within each zone, only the remaining net costs of the improvements (*i.e.*, the shortfall after deducting any contributions made towards these improvements by the Ranch Plan developers) would be included.

5. **Fee Application.** SCRIP Fees are to be levied on “new development” only and are to be collected prior to issuance of any building permit for such development. (See definition of “new development” in definitions section below.) Existing development and tax exempt properties/users (see No. 12 below) will not be required to pay SCRIP Fees. SCRIP Fees will be applied consistent with the fee for the Area of Benefit zone in which the improvement is located.
6. **Sources of Funds.** SCRIP Fees paid at issuance of building permits will be the principal source of funds for the SCRIP Program. However, the Ranch Plan developers will be required to make an initial deposit of funds (amount and exact timing to be determined) to the SCRIP prior to the issuance of any building permit to facilitate implementation of SCRIP improvements if needed to comply with SCRIP goals and objectives. Other sources of funding may include local, state and federal funds. It is also anticipated that the road improvements could be partially funded through bond financing or other public financing which encumbers certain of the Ranch Plan properties.
7. **Development and Traffic Monitoring Program.** The County will utilize an Annual Monitoring Report (“AMR”) program to monitor development of the Ranch Plan (and other development subject to the SCRIP) and related traffic. (The “AMR” is defined in the definitions section below.)
8. **Improvement Phasing Plan.** An improvement phasing plan has been prepared to identify needed transportation improvements for anticipated Ranch Plan development (see Table 4). This improvement phasing plan has been prepared to be consistent with the Ranch Plan development milestones set forth in the Ranch Plan Development Agreement. The phasing plan will be updated to respond to information derived from the AMR and from agreements reached in conjunction with SCRIP Part 2, as well as to respond to significant developer-initiated changes in the Ranch Plan project phasing.
9. **Alternative Improvements.** The County may consider the implementation of alternative improvements, either on its own recommendation or upon a request by a jurisdiction/agency. Prior to approving any such alternative improvement, the County will consider whether (a) the jurisdiction/agency cost share, and obligation of SCRIP to fund, the alternative improvement is consistent with the cost share and funding obligation for the original improvement, and (b) whether the alternative improvement will provide an equivalent level of mitigation. If approved, the rationale for funding/implementing the alternative improvement will be memorialized in a written document.
10. **Documentation.** The SCRIP administrator (See No. 15 below) will prepare an annual written report, available to all participants. The documentation will report on development

milestones achieved, describe the phasing steps yet to be accomplished and will provide the supporting technical material for updates to the phasing program. The information/documentation will guide administrative actions, such as the issuance of building permits, and the timing of the steps involved in implementing improvements (planning, environmental clearance, design, right-of-way acquisition and construction).

11. Development Agreements. The County and Cities have adopted road fee programs and have entered into a number of development agreements that require developers to provide road improvements and participate in fee programs. The SCRIP does not supersede these programs or agreements; rather, it is intended to complement them. The applicability of, and means of application of, SCRIP to any development within areas covered by an approved development agreement (including the Ranch Plan Development Agreement) will be governed by the terms of that development agreement. In the event of any conflict between these provisions and the terms of the development agreement, the development agreement will prevail.

12. SCRIP Fee Exemption. All tax exempt properties/uses shall be exempt from the payment of SCRIP Fees. The final determination of whether a property is exempt will be based upon verification of a property tax exemption for those specified categories on the latest Assessor's roll as defined for Orange County by the State of California.

The construction of government-owned facilities or utilities shall be exempt from payment of SCRIP Fees to the extent that the facilities will not be used for generating revenue or commercial purposes. Examples of exempt public uses are city halls, park buildings, and other similar public building uses. The construction of privately owned utilities will not be exempt from payment of SCRIP Fees.

13. SCRIP Fee Credit. Development project proponents will be eligible to receive credit for (a) monies paid to SCRIP as a deposit in advance of the issuance of building permits (see No. 6 above), and (b) SCRIP improvements which they are required to construct pursuant to the provisions of development agreements, subdivision approvals or other discretionary permits/approvals. These credits ("SCRIP Fee Credits") may be used in lieu of the payment of SCRIP Fees in order to obtain building permits. SCRIP Fee Credits earned by a project proponent may be transferred to another landowner together with the transfer of land title. Otherwise, transfer of SCRIP Fee Credits will not be permitted.

The amount of any SCRIP Fee Credit will be fixed in a fee credit agreement and will be a credit towards the fee applicable at the time building permit(s) are issued for the subject EDU(s). With regard to credits for SCRIP improvements, no such credits will be granted unless the subject improvement is consistent with an approved SCRIP improvement. Furthermore, the amount of SCRIP Fee Credits available for SCRIP improvements will be based upon the costs included in the fee program or the actual costs of the improvement, whichever is less. Credit for the value of land dedicated by a developer for a SCRIP Improvement may be allowed to the extent the dedication is beyond the normal exaction associated with a subdivision approval.

SCRIP Fee Credits will also be given in the amount of any bond proceeds which have been received by the County (and allocated by the County) for the facilities covered by this SCRIP.

14. **Adjustment of Improvement Costs and SCRIP Fees.** The estimated costs of improvements and the SCRIP Fees will be automatically adjusted, periodically, based on the California Construction Cost Index (CCI Index) prepared and published by the State Department of Transportation. To the extent that such adjustments place a disproportionate burden on landowners or developers who are not limited by a maximum fee in a development agreement or vesting subdivision map, such adjustments may be appealed to the SCRIP administrator under the process outlined in No. 16 below.

Updated project cost estimates, substantial changes in General Plan elements, or other pertinent information which may also be cause for program and fee modification/adjustment will be presented to the Board of Supervisors for further action.

15. **Implementation Procedures.** The SCRIP will be administered by the Manager of Transportation Services, or other person designated by the Director RDMD. Following the adoption of SCRIP Part 2, the SCRIP administrator will consult with the SCRIP Advisory Team in implementing the SCRIP.

16. **Fee reconciliation, appeal process.** A fee reconciliation and appeal process is established as part of SCRIP. As part of that process, all disputes regarding the applicability of SCRIP Fees and/or SCRIP Fee Credits to specific projects, or the exemption of projects from SCRIP Fee requirements, will be presented to the Director of the Resource Development Management Department ("RDMD"), or his designee, for resolution. Following the adoption of SCRIP Part 2, the Director RDMD, or his designee, would consult with the SCRIP Advisory Team prior to rendering a decision on an appeal.

17. **SCRIP Advisory Team.** Following the adoption of Part 1 of the SCRIP, an Advisory Team consisting of one member each from the County of Orange, and each participating city and agency will be established to advise the County in SCRIP development, implementation and administration. The duties and responsibilities of the Advisory Team with regard to program monitoring, reporting, program costs and fees, etc., will be defined in Part 2 of SCRIP.

DEFINITIONS AND SPECIFICATIONS

The following are the key technical definitions and administrative specifications in the SCRIP.

Level of Service Goals. The level of service goals (i.e., “performance criteria”) for local County and City facilities included in the SCRIP are those used by the respective jurisdictions in the study area. For regional/CMP facilities, the level of service goals are those prescribed in the CMP.

Annual Monitoring Report (AMR). The AMR program is the program outlined in General Provision 11 of the Ranch Plan Planned Community Program Text and in Section 7.9-103.2(a)(11) of the County Zoning Code.

New Development. Residential units that are to be newly constructed for the first time and that require a building permit will be assessed a flat fee for each such unit (regardless of size) on a one-time basis, according to their respective EDU factors. Non-residential construction that requires a building permit will be assessed a fee based on its gross square footage, in accordance with its EDU factor. Supplemental construction that increases the square footage of non-residential structures will be assessed an additional fee if required according to the applicable EDU factor.

Table 1 – List and Description of SCRIP Improvements

IMPROVEMENT LOCATION/JURISDICTIONS	DESCRIPTION OF IMPROVEMENTS
<u>Mission Viejo</u>	
I-5 – Saddleback Connector	Per Caltrans design plans/PSR
CVP/I-5 Bridge widening	Per Caltrans design plans/PSR
Oso/I-5 – Southbound Ramp	Per Caltrans design plans/PSR
Oso Pkwy Widening (I-5/Marguerite)	Add 4th lane in each direction
Oso/Felipe Intersection	Felipe Road: Southbound – add 2nd left turn lane
CVP/Marguerite Parkway Intersection	CVP-Westbound – Add 2nd left lane, 4th thru-lane & 1 right turn lane
Oso/Marguerite Parkway Intersection	Per City design
<u>San Juan Capistrano</u>	
I-5/Ortega Interchange	Per Caltrans/City design plans/PSR
Ortega – Context sensitive design in City	Per Caltrans/City design plans/PSR
Rancho Viejo/Ortega Hwy. Intersection	Rancho Viejo Rd.-Northbound – add 2nd left turn lane
La Novia/Ortega Hwy. Intersection	Ortega – Add 2nd EB Left turn lane
Valle Rd/SJC Road Intersection	Per City nexus program
I-5/Junipero Sierra Road	Per Caltrans/City design plans/PSR
Camino Capistrano/Del Obispo	Per City nexus program
<u>San Clemente</u>	
I-5/SB Ramp @ Pico	Per Caltrans design plans PSR-SB off ramp restripe and Signal modification
Camino Vera Cruz/V. Hermosa Intersection	Vera Cruz – Add 2nd SB left lane
La Pata/V. Hermosa Intersection	La Pata – Add SB free right turn lane, Vista Hermosa/EB – Add 2nd & 3rd left turn lane
<u>Laguna Niguel</u>	
CVP/Railroad Bridge Improvement.	Per City Design
CVP/Forbes	Per City 'Gateway' Project conditions
CVP @ Cabot Road	Per City 'Gateway' Project conditions
CVP/I-5 Bridge widening	Per Caltrans design plans PSR
Avery/I-5 Interchange	Per Caltrans/City design plans/PSR
I-5/CVP SB Ramp Widening	Per Caltrans design plans/PSR
<u>County Of Orange</u>	
Oso Parkway Widening Meandering Trail to Solano	Add one lane (3rd lane) in each direction
La Pata construction & widening Ortega/Vista Hermosa	Add one lane from Ortega Hwy. to Landfill and 4 lanes from landfill to Calle Saluda
Antonio Parkway Widening – Ladera to Ortega Highway	Add one lane (3rd lane)in each direction and widen bridge
Antonio/Oso Intersection	Antonio – Add 4th SB through lane, add 3rd NB left land, Oso add 4th WB through lane
Antonio/La Pata/Ortega Intersection	Antonio – Add 2nd through lane & free right lane, La Pata Add 2nd NB left turn & 2nd through lane, Ortega – Add 2nd EB through lane
Antonio/CVP Intersection	CVP – Add 2nd EB right lane, Antonio-Add 3rd NB left lane

Table 2 – EDU Factors and SCRIP Fees for Ranch Plan

Proposed Land Use	EDU Factor^{1/}	Fee Per Unit^{2/}
Single-Family Detached	1.00	\$ 14,225.99
Single-Family Attached	0.80	\$ 11,380.79
Multi-Family Attached	0.70	\$ 9,958.20
Age-Restricted Detached	0.40	\$ 5,690.40
Age-Restricted Attached	0.30	\$ 4,267.80
Non-Residential ^{3/}	0.50	\$ 7,113.00

^{1/} To calculate the fees, the “equivalent dwelling unit” factor was used. An “equivalent dwelling unit” (EDU) is a unit of measure which expresses single-family, multi-family and non-residential development on a common trip generation basis.

^{2/} Fees are based on estimated contributions towards road improvement costs in the total amount of \$143,775,000 (see Table 3 for details regarding fee calculation). The fee for each unit of a proposed land use is the EDU Factor for that land use multiplied by the fee for a single-family detached unit.

^{3/} Each unit of non-residential is equal to 1,000 square feet of gross floor area.

Table 3 – Calculation of SCRIP Fee

Proposed Land Use	Total # of Units	EDU Factor Per Unit	Total EDU's	.85 EDU's ^{2/}	Adj # of Units ^{3/}	Fee Per Unit	Amount ^{4/}
Single-Family Detached	4400	1.00	4400	3740	3740	\$14,225.99	\$53,205,214
Single-Family Attached	2400	0.80	1920	1632	2040	\$11,380.79	\$23,216,821
Multi-Family Attached	1200	0.70	840	714	1020	\$9,958.20	\$10,157,359
Age-Restricted Detached	4300*	0.40	1720	1462	3655	\$5,690.40	\$20,798,402
Age-Restricted Attached	1700	0.30	510	434	1445	\$4,267.80	\$6,166,968
Non Residential ^{4/}	5000	0.50	2500	2125	4250	\$7,113.00	\$30,230,236
	19000		11890	10107	16150		\$143,775,000

Estimated Total Contributions towards Road Improvement Costs: **\$143,775,000**

SCRIP Fee Per EDU^{5/} **\$14,225.99**

Notes:

- ^{1/} Each unit of non-residential is equal to 1,000 square feet of gross floor area.
- ^{2/} The above calculation of the SCRIP Fee is based on the obligation that requires the Ranch Plan contribution of \$143,775,000 to be fully paid by the time building permits for 85 percent of the Ranch Plan EDU's have been issued.
- ^{3/} For each land use, the adjusted # of units is equal to the total number of units multiplied by .85.
- ^{4/} Adjusted number of units multiplied by fee per unit of land use.
- ^{5/} Estimated total contribution of \$143,775,000 divided by a number equal to 85 percent of the Total EDUs.

Table 4 – Improvement Phasing Plan

Development Milestone	Circulation Improvements	Cost of Improvements inc. Contingency (000's)	Engineering, Admin and Indirects (000's)	Project Fair Share (%)	Project Fair Share (000's)	Total Project Share (000's)	Other (Non-Project) Funding Req's (000's)	Jurisdictions
0 EDU - 1 EDU (Except for Model Homes)	Offer of Dedication of La Pata ROW including Slopes (Width to be determined per Project Report)	(TBD)	(TBD)	100%				County
	Fund Preliminary Designs, Env. Studies for Select Projects (25% of Admin/Contingency Amount)		\$12,200	0%	0	\$7,320	\$4,880	All
	Oso Parkway Widening in Unincorporated County (e/o Las Flores)	\$2,500	(INC)	50%	\$1,250	\$1,250	\$1,250	County
	Oso Parkway and Marguerite Parkway	\$5,585	(INC)	Note 4.	Note 4.	\$1,585	\$4,000	Mission Viejo
	Piccol-5 Interchange Improvements (See Note 1)	\$4,082	Note 2.	14%	\$571	\$571	\$3,511	Caltrans/San Clemente
1 EDU - 1000 EDU	I-5 SB Ramps @ Oso Parkway (See Note 3)	\$13,311	Note 2.	31%	\$4,126	0	\$13,311	Caltrans/Mission Viejo
	Widen Ortega Highway - Antonio Parkway to west of San Juan Creek (including bridge)	\$15,000	Note 2.	40%	\$6,000	\$6,000	\$9,000	Caltrans/County
	Crown Valley Parkway and Marguerite Parkway (See Note 5)	\$1,078	(INC)	19%	\$170	\$1,078	\$0	Mission Viejo
	Oso Parkway and Felipe (See Note 5)	\$1,750	(INC)	37%	\$324	\$1,750	\$0	Mission Viejo
	Flex Funds for Roadway Improvements (Part I)					\$5,000	(\$5,000)	
1001 EDU - 2500 EDU	I-5/Crown Valley Parkway (ramp improvements for SB off-ramp)	\$6,000	Note 2.	4%	\$240	\$240	\$5,760	Caltrans/Laguna Niguel
	Crown Valley Parkway/I-5 Bridge Widening	\$2,875	\$250	4%	\$109	\$109	\$3,016	Caltrans/Mission Viejo
	I-5/Ortega Highway Interchange	\$40,000	Note 2.	34%	\$13,600	\$13,600	\$26,400	Caltrans/SJC
	Flex Funds for Roadway Improvements (Part II)					\$5,000	(\$5,000)	

Development Milestone	Circulation Improvements	Cost of Improvements inc. Contingency (000's)	Engineering, Admin and Indirects (000's)	Project Fair Share (%)	Project Fair Share (000's)	Total Project Share (000's)	Other (Non-Project) Funding Req's (000's)	Jurisdictions
2501 EDU - 5000 EDU	La Pata Avenue - Phase 1 (Two Lane Ext. from Landfill s'ly to Vista Hermosa)	\$25,000	(INC)	21%	\$5,250	\$15,000	\$10,000	County/San Clemente
	Avenida La Pata and Avenida Vista Hermosa	\$331	\$41	14%	\$52	\$372	\$0	San Clemente
	Camino Vera Cruz and Avenida Vista Hermosa	\$833	\$104	7%	\$66	\$937	\$0	San Clemente
	Ortega Highway and Rancho Viejo Road	\$830	\$104	40%	\$374	\$374	\$561	Caltrans/SJC
	Ortega Highway and La Novia	\$491	\$61	45%	\$248	\$248	\$303	Caltrans/SJC
	Camino Capistrano and Del Obispo	\$300	(INC)	18%	\$54	\$54	\$246	Caltrans/SJC
	San Juan Creek Road and Valle Road	\$3,000	(INC)	10%	\$300	\$300	\$2,700	Caltrans/SJC
	Ortega Highway 4-Lane Widening (Context Sensitive Design) in SJC	\$10,000	Note 2.	40%	\$4,000	\$4,000	\$6,000	Caltrans/SJC
	Antonio Parkway and Oso Parkway	\$1,789	\$224	32%	\$644	\$1,349	\$664	County
	Antonio Parkway and Crown Valley Parkway	\$404	\$51	30%	\$137	\$305	\$150	County
	Antonio Parkway and Ortega Highway	\$557	\$70	48%	\$301	\$420	\$207	RMV/County
	Avery Parkway Interchange	\$1,725	\$150	8%	\$152	\$152	\$1,723	Caltrans/LN/MV
	Park and Ride Facility	\$1,200	(INC)	50%	\$600	\$600	\$600	Caltrans/RMV
	Fund Preliminary Designs, Env. Studies for Transportation Projects (25% of Admin/Contingency Amount)		\$12,200	0%	0	\$4,880	\$7,320	All
Oso Parkway Widening in Mission Viejo-Marguerite to I-5 (See Note 5)	\$9,211	(INC)	29%	\$2,741	\$8,861	\$350	Mission Viejo	
Flex Funds for Roadway Improvements (Part III)					\$6,000	(\$6,000)		

Development Milestone	Circulation Improvements	Cost of Improvements inc. Contingency (000's)	Engineering, Admin and Indirects (000's)	Project Fair Share (%)	Project Fair Share (000's)	Total Project Share (000's)	Other (Non-Project) Funding Req's (000's)	Jurisdictions
5001 EDU - 7500 EDU	Saddleback/I-5 Connectors (See Note 6)	\$70,000	Note 2.	10%	\$7,000	\$4,348	\$65,652	Caltrans/Mission Viejo
	Extend Cow Camp Road easterly to existing Ortega	\$48,000	(INC)	67%	\$32,160	\$32,160	\$15,840	TCA/RMV
	Antonio Parkway Widening	\$11,000	(INC)	67%	\$7,370	\$7,370	\$3,630	RMV/County
	Crown Valley Parkway and Cabot Road	\$2,699	\$235	4%	\$103	\$977	\$1,957	Laguna Niguel
	Crown Valley Parkway and Forbes	\$1,866	\$162	4%	\$71	\$676	\$1,353	Laguna Niguel
	Widen Railroad Bridge along Crown Valley Parkway	\$2,013	\$175	4%	\$77	\$728	\$1,459	Laguna Niguel
	Allocate 50% of Remaining Admin/Contingency		\$24,400	0%	\$0	\$0	\$24,400	All
	La Pata Avenue - Phase 2	\$25,000	(INC)	21%	\$5,250	\$10,000	\$15,000	County
	Road Improvements to Junipero Serra At I-5 Interchange	\$4,000	Note 2.	4%	\$160	\$160	\$3,840	Caltrans/SJC
	Ramp Improvements to SR 241	\$10	(N/A)	7%	\$1	\$1	\$9	TCA
Extend FTC-South or Arterial Connector (Cow Camp Road to FTC at Oso) (Contingency Project)	(TBD)		(TBD)				County/TCA/RMV	
Totals		\$312,440	\$50,427		\$93,500	\$143,775	\$215,092	
Grand Total			\$362,867					
Contribution in Excess of Fair Share						\$50,275		

NOTES:

- 1 This project is fully funded by OCTA/CALTRANS. Project's Fair Share assumed to be available for re-allocation to other State Highway projects.
- 2 Caltrans Support Costs/Overhead (inc design) is not included and is assumed to be the total responsibility of Caltrans as administrator of State Highway system.
- 3 This project is fully funded by OCTA. Project's Fair Share has been reallocated to Local City of Mission Viejo improvements.
- 4 This project will be funded pursuant to the 2005 Settlement Agreement between the County, City of Mission Viejo and RMV. No project fair share calculation is applicable.
- 5 The development milestone for this improvement as shown in this table is approximate only. The provision of funding will be coordinated with the funding for certain other Local City of Mission Viejo improvements pursuant to the 2005 Settlement Agreement between the County, City of Mission Viejo and RMV.
- 6 Total Project Share is less than Project Fair Share pursuant to the 2005 Settlement Agreement between the County, City of Mission Viejo and RMV.

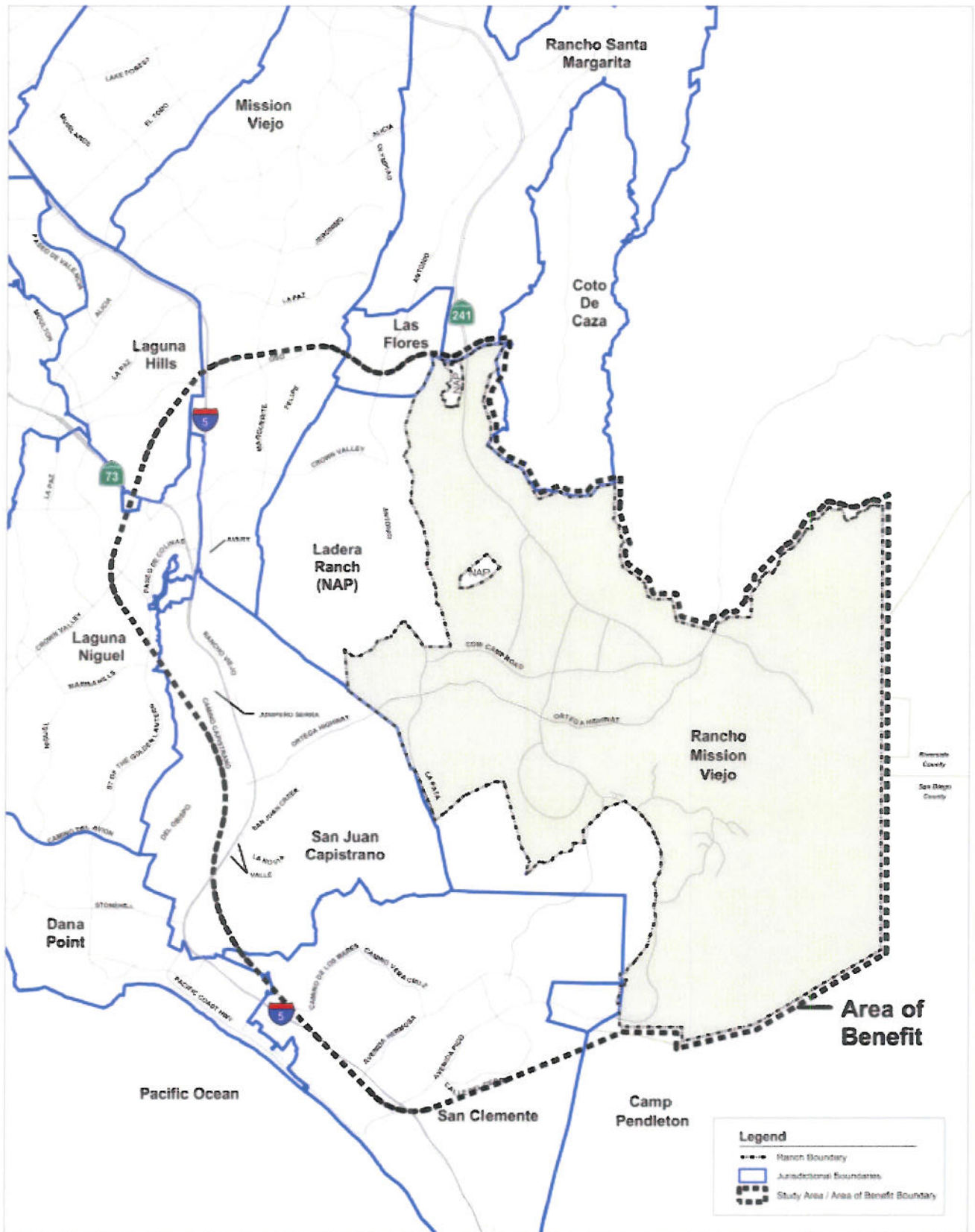


Figure 1 - Area of Benefit



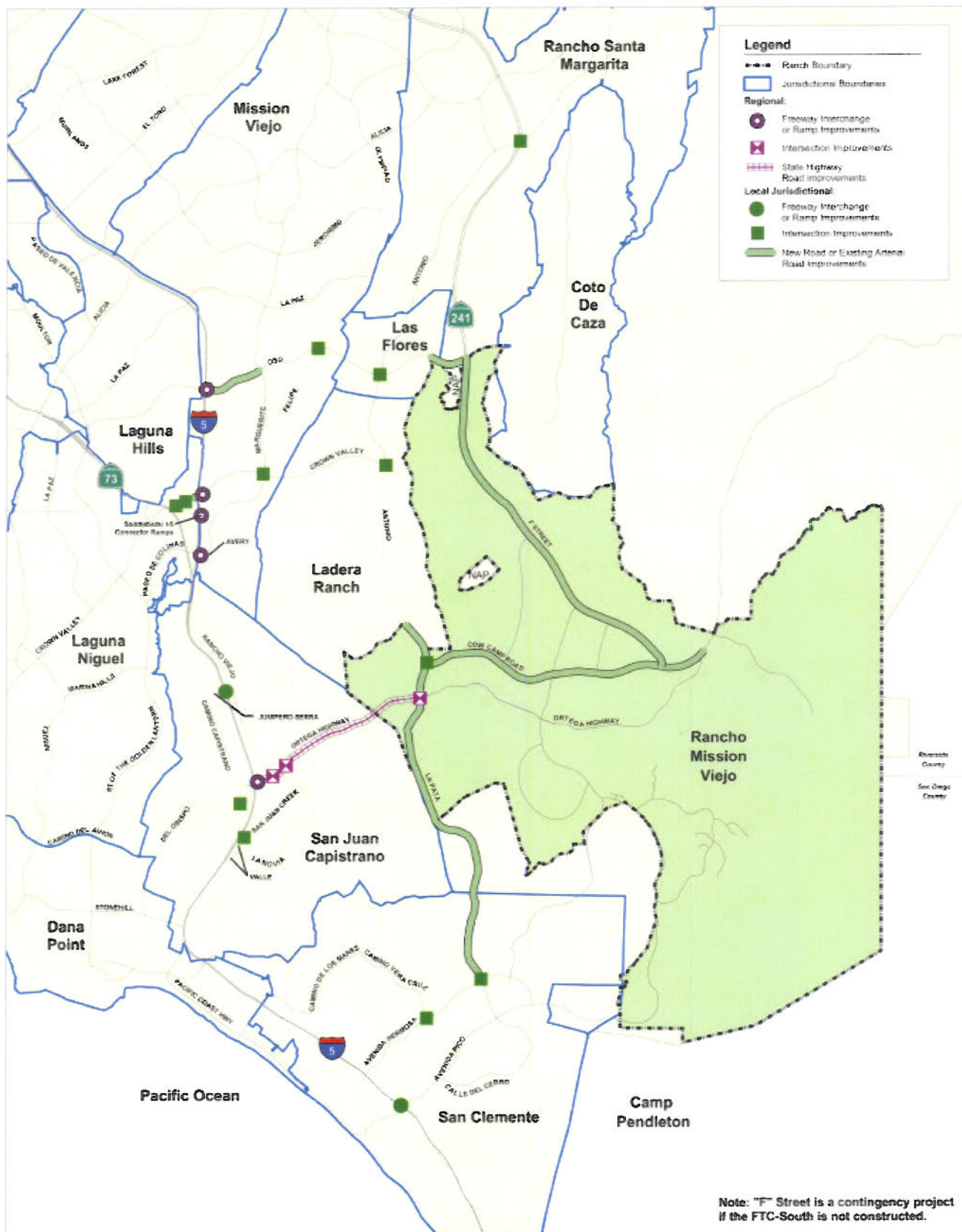


Figure 2 - Locations of SCRIP Improvements



October 7, 2004