

1 Transportation Uniform Fee Nexus Study,” dated October 18, 2002
2 (“2002 Nexus Study”) in compliance with the Mitigation Fee Act
3 (Gov. Code §§ 66000 *et seq.*); whereby the County adopted and
4 implemented an ordinance, based on the 2002 Nexus Study,
5 authorizing the County’s participation in the TUMF Program.

6 c. As a TUMF Participating Jurisdiction, the County must follow the
7 recommendation made by the WRCOG Executive Committee and
8 amend its TUMF ordinance, based on the new nexus study entitled
9 “Transportation Uniform Mitigation Fee Nexus Study: 2009
10 Update” (“2009 Nexus Study”) to reflect changes in the TUMF
11 network and the cost of construction in order to update, among other
12 things, the TUMF Program Fee schedules.

13 d. It has considered the 2009 Nexus Study, including its Addendum
14 regarding temporary fee reduction, and its findings in adopting this
15 ordinance.

16 e. Continuation of a TUMF Program is essential because if the
17 capacity of the Regional System is not enlarged and unless
18 development contributes to the cost of improving the Regional
19 System, the result will be substantial traffic congestion in all parts of
20 Western Riverside County, with unacceptable Levels of Service.
21 Furthermore, the failure to mitigate growing traffic impacts on the
22 Regional System will substantially impair the ability of public safety
23 services (police and fire) to respond and, thus, adversely affect the
24 public health, safety and welfare.

25 f. There is a reasonable and rational relationship between the use of
26 the TUMF and the type of development projects on which the fees
27 are imposed because the Fees will be used to construct the
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1 transportation improvements that are necessary for the safety, health
2 and welfare of the residential and non-residential users of the
3 development in which the TUMF will be levied.

4 g. There is a reasonable and rational relationship between the need for
5 the improvements to the Regional System and the type of
6 development projects on which the TUMF is imposed because it
7 will be necessary for the residential and non-residential users of
8 such projects to have access to the Regional system. Such
9 development will benefit from the Regional System improvements
10 and the burden of such developments will be mitigated in part by
11 payment of the TUMF.

12 h. The cost estimates set forth in the new 2009 Nexus Study are
13 reasonable cost estimates for constructing the Regional System
14 improvements and the facilities that compromise the Regional
15 System, and that the amount of the TUMF expected to be generated
16 by new development will not exceed the total fair share cost to such
17 development.

18 i. The impact of an economic recession on development and the
19 construction sector in Western Riverside County, as indicated in the
20 Addendum to the 2009 Nexus Study, has been substantial and a
21 temporary fifty percent (50%) reduction in TUMF through
22 December 31, 2010 will encourage economic development by
23 reducing the overall cost of development. An adjustment of the
24 entire TUMF Program will also assure that each development
25 continues to contribute a fair share of the total Program costs.

26 j. A minor decrease in TUMF revenues will not have a material effect
27 on the ability to fulfill the purposes of the TUMF Program or the
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1 ability to make the findings recited herein pursuant to the Mitigation
2 Fee Act.

- 3 k. The Fees collected pursuant to this ordinance shall be used to help
4 pay for the design, planning, construction of and real acquisition for
5 the Regional System improvements and its facilities as identified in
6 the 2009 Nexus Study. The need for the improvements and
7 facilities is related to new development because such development
8 results in additional traffic and creates the demand for the
9 improvements.

10 Section 3. PURPOSE. The purpose of this ordinance is to authorize the
11 County's participation in the TUMF Program which establishes and sets forth policies,
12 regulations, and authorized uses of fees collected relating to the funding for the
13 construction of improvements and facilities to enlarge the capacity of the Regional System
14 of Highways and Arterials in Western Riverside County necessary to address the direct and
15 cumulative environmental effects generated by new development projects described and
16 defined in this ordinance.

17 Section 4. AUTHORITY. This ordinance is established under the authority of
18 Article 11, Section 7 of the California Constitution and Title 7, Division 1, Chapter 5 of the
19 Government Code, beginning with Section 66000 et seq., which provides that a local
20 agency may establish fees for the purpose of defraying all or a portion of the cost of public
21 facilities related to development projects.

22 Section 5. DEFINITIONS. As used in this ordinance, the following terms
23 shall have the following meanings:

- 24 a. Area Plan. The area plan as it is depicted in Exhibit "B" and noted
25 as the unincorporated areas of Riverside County as referenced and
26 attached to this ordinance.
- 27 b. Board of Supervisors or Board. The Board of Supervisors of the
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County of Riverside.

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2 c. Class "A" Office. An office building that is typically characterized
3 by high quality design, use of high end building materials, state of
4 the art technology for voice and data, on-site support
5 services/maintenance, and often includes full service ancillary uses
6 such as, but not limited to a bank, restaurant/office coffee shop,
7 health club, printing shop, and reserved parking. The minimum
8 requirements of an office building classified as Class "A" Office
9 shall be as follows: (1) minimum of three stories (exception will be
10 made for March JPA, where height requirements exist); (2)
11 minimum of 10,000 square feet per floor; (3) steel frame
12 construction; (4) central, interior lobby; and (5) access to suites shall
13 be from inside the building unless the building is located in a central
14 business district with major foot traffic, in which case the first floor
15 may be accessed from the street to provide entrances/ exits for
16 commercial uses within the building.

17 d. Class "B" Office. An office building that is typically characterized
18 by high quality design, use of high end building materials, state of
19 the art technology for voice and data, on-site support
20 services/maintenance, and often includes full service ancillary uses
21 such as, but not limited to a bank, restaurant/office coffee shop,
22 health club, printing shop, and reserved parking. The minimum
23 requirements of an office building classified as Class "B" Office
24 shall be as follows: (1) minimum of two stories; (2) minimum of
25 15,000 square feet per floor; (3) steel frame, concrete or masonry
26 shell construction; (4) central, interior lobby; and (5) access to suites
27 shall be from inside the building unless the building is located in a
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1 central business district with major foot traffic, in which case the
2 first floor may be accessed from the street to provide entrances/exits
3 for commercial uses within the building.

4 e. County. The County of Riverside.

5 f. Development Project or Project. Any project undertaking for the
6 purposes of development including the issuance of a permit for
7 construction.

8 g. Gross Acreage. The total property area as shown on a land division
9 of a map of record, or described through a recorded legal description
10 of the property. This area shall be bounded by road rights of way
11 and property lines.

12 h. Habitable Structure. Any structure or part thereof where persons
13 reside, congregate or work and which is legally occupied in whole
14 or part in accordance with applicable building codes, and state and
15 local laws.

16 i. Industrial Project. Any development project that proposes any
17 industrial or manufacturing use allowed in the following ordinance
18 No. 348 zoning classifications: I-P, M-S-C, M-M, M-H, M-R, M-R-
19 A, A-1, A-P, A-2, A-D, W-E, or SP with one of the aforementioned
20 zones used as the base zone.

21 j. Lower Income Residential Housing. Residential units in publicly
22 subsidized projects constructed as housing for lower income
23 households as such households are defined pursuant to section
24 50079.5 of the Health and Safety Code. "Publicly subsidized
25 projects," as the term is used herein, shall not include any project or
26 project applicant receiving a tax credit provided by the State of
27 California Franchise Tax Board.

- 1 k. Multi Family Residential Unit. A development project that has a
2 density of greater than eight (8) residential dwelling units per gross
3 acre.
- 4 l. Non-Residential Unit. A retail commercial, service commercial and
5 industrial development which is designed primarily for non-dwelling
6 use, but shall include hotels and motels.
- 7 m. Recognized Financing District. A Financing District as defined in
8 the TUMF Administrative Plan as may be amended from time to
9 time.
- 10 n. Residential Dwelling Unit. A building or portion thereof used by
11 one (1) family and containing but one (1) kitchen, which is designed
12 primarily for residential occupancy including single-family and
13 multi-family dwellings. "Residential Dwelling Unit" shall not
14 include hotels or motels.
- 15 o. Retail Commercial Project. Any development project that proposes
16 any commercial use which does not fall within the definition of a
17 service commercial project as it is defined within this ordinance that
18 are allowed in the following Ordinance No. 348 classifications: R-1,
19 R-R, R-R-O, R-1-A, R-A, R-2, R-2-A, R-3, R-3-A, R-T, R-T-R, R-
20 4, R-5, R-6, C-1/C-P, C-T, C-P-S, C-R, C-O, R-V-C, C-V, W-2, R-
21 D, N-A, W-2-M, W-1, or SP with one of the aforementioned zones
22 used as the base zone.
- 23 p. Service Commercial Project. Any development project that is
24 predominately dedicated to business activities associated with
25 professional or administrative services, and typically consists of
26 corporate offices, financial institutions, legal and medical offices,
27 except any development project which falls under the definitions of
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1 a Class "A" or Class "B" Office defined above.

2 q. Single Family Residential Unit. Each residential dwelling unit in a
3 development that has a density of eight (8) units to the gross acre or
4 less.

5 r. Transportation Uniform Mitigation Fees or TUMF or Fees. The
6 Fees imposed pursuant to the provisions of Ordinance No. 824.

7 s. TUMF Participating Jurisdiction. A jurisdiction in Western
8 Riverside County which has adopted and implemented an ordinance
9 authorizing participation in the TUMF Program and complies with
10 all regulations established in the TUMF Administrative Plan, as
11 adopted and amended from time to time by the WRCOG.

12 t. TUMF Program. The Process of collecting and expending
13 Transportation Uniform Mitigation Fees.

14 Section 6. TRANSPORTATION UNIFORM MITIGATION FEE. The
15 following fees collected pursuant to this ordinance shall provide revenue to pay for the
16 design, planning, construction of and real property acquisition for the Regional System
17 improvements and its facilities as identified in the 2009 Nexus Study. The Transportation
18 Uniform Mitigation Fees shall be paid for each residential unit, development project or a
19 portion thereof to be constructed, in the amounts specified for each category as defined
20 herein and shown below commencing on the effective date of this ordinance:

21 a. Adoption of TUMF Schedule. The following TUMF schedule is
22 hereby adopted:

- 23 1) \$8,873.00 per single family residential unit
24 2) \$6,231.00 per multi-family residential unit
25 3) \$ 1.73 per square foot of an industrial project
26 4) \$ 10.49 per square foot of a retail commercial project
27 5) \$ 4.19 per square foot of a service commercial project

1 WRCOG Boundary of County, as identified by Exhibit "B",
2 attached hereto and by this reference incorporated herein, unless
3 otherwise exempt hereunder.

4 Section 7. TEMPORARY FEE REDUCTION PERIOD. Pursuant to the fee
5 adjustment authority set forth in Section 6.c. and notwithstanding Section 6.a. above, or
6 any other provision of this ordinance, the following TUMF fee schedule shall apply for the
7 period commencing on January 1, 2010 and ending on December 31, 2010.

8 a. Temporary Fee Schedule.

- 9 1) \$4,437.00 per single family residential unit
10 2) \$3,115.00 per multi-family residential unit
11 3) \$ 0.86 per square foot of an industrial project
12 4) \$ 5.24 per square foot of a retail commercial project
13 5) \$ 2.10 per square foot of a service commercial project
14 6) \$ 1.10 per square foot of a service Class A and B Office

15 b. Application. The temporary fee reduction described in this
16 section shall not apply to or affect fees owed under any
17 development agreement or other contractual arrangement in
18 effect on or before the effective date of Ordinance No. 824.7. If
19 reduced fees are paid pursuant to this Section 7. at issuance of a
20 building permit and either the application or the building permit
21 issued on the application expires, subsequent building permit
22 applications on the same parcel shall be subject to the full
23 TUMF amount, unless the temporary fee reduction is still in
24 effect at the time of the subsequent application.

25 b. Effect. No provision of this section shall entitle any person
26 who has already paid the Transportation Uniform Mitigation
27 Fees to receive a refund, credit or reimbursement of such
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1 payment. This section only effects a temporary change in the
2 County's Transportation Uniform Mitigation Fees.

- 3 c. Expiration. As of December 31, 2010, this section is
4 repealed without further action by the Board of Supervisors,
5 unless the Board of Supervisors repeals or modifies this section
6 prior to that date. The repeal of this section shall not affect the
7 validity of actions taken or Transportation Uniform Mitigation
8 Fees paid under the authority of this section.

9 Section 8. EXEMPTIONS. The following types of new development shall be
10 exempt from the provisions of this ordinance:

- 11 a. Lower income residential housing.
- 12 b. Government/public buildings, public schools and public facilities.
- 13 c. The rehabilitation and/or reconstruction of any habitable structure in
14 use on or after January 1, 2000, provided that the same or fewer
15 traffic trips are generated as a result thereof.
- 16 d. Development Projects which are the subject of a Public Facilities
17 Development Agreement ("Development Agreement") entered into
18 pursuant to Government Code section 65864 *et seq*, prior to the
19 effective date of Ordinance No. 824, wherein the imposition of new
20 fees are expressly prohibited provided that if the term of such a
21 Development Agreement is extended by amendment or by any other
22 manner after the effective date of Ordinance No. 824, the TUMF
23 shall be imposed.
- 24 e. Guest Dwellings, as defined in Section 21.31 of Ordinance No. 348.
- 25 f. Additional single family residential units located on the same parcel
26 pursuant to the provisions of any agricultural zoning classifications
27 set forth in Ordinance No. 348.
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- 1 g. Kennels and Catteries established in connection with an existing
- 2 single family residential unit and as defined in Sections 21.40a and
- 3 21.20 of Ordinance No. 348.
- 4 h. Detached Second Units pursuant to Section 18.28a of Ordinance No.
- 5 348.
- 6 i. The sanctuary building of a church or other house of worship,
- 7 eligible for a property tax exemption.
- 8 j. Any nonprofit corporation or nonprofit organization offering and
- 9 conducting full-time day school at the elementary, middle school or
- 10 high school level for students between the ages of five and eighteen
- 11 years.

12 Section 9. CREDIT. Regional System improvements may be credited toward
13 the TUMF in accordance with the TUMF Administrative Plan and the following:

14 a. Regional Tier.

- 15 1) Arterial Credits. If a developer constructs arterial
- 16 improvements identified in the Regional System, the
- 17 developer shall receive credit for all costs associated with the
- 18 arterial component based on approved the Nexus Study for
- 19 the Regional System effective at the time the parties enter
- 20 the credit agreement. WRCOG staff must pre-approve any
- 21 credit agreements that deviate from the standard WRCOG
- 22 approved format.
- 23 2) Other Credits. In special circumstances, when a developer
- 24 constructs off-site improvements such as an interchange,
- 25 bridge, or railroad grade separation, credits shall be
- 26 determined by WRCOG and the County in consultation with
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1 the developer. All such credits must have prior written
2 approval by WRCOG.

- 3 3) The amount of the Fee credit shall not exceed the maximum
4 amount determined by the 2009 Nexus Study for the
5 Regional System at the time the credit agreement is entered
6 into or actual costs, whichever is less.

7 b. Local Tier.

- 8 1) The local jurisdictions shall compare facilities in local fee
9 programs against the Regional System and eliminate any
10 overlap in its local fee program except where there is a
11 Recognized Financing District has been established.

- 12 2) If there is a Recognized Financing District established, the
13 local agency may credit that portion of the facility identified
14 in both programs against the TUMF in accordance with the
15 TUMF Administrative Plan.

16 Section 10. REIMBURSEMENTS. Should the developer construct Regional
17 System improvements in excess of the TUMF obligation, the developer may be reimbursed
18 based on actual costs or the approved Nexus Study, including Addendum 1, effective at the
19 time the agreement was entered into, whichever is less. Reimbursements shall be enacted
20 through an agreement between the developer and the County, contingent on funds being
21 available and approved by WRCOG. In all cases, however, reimbursements under such
22 special agreements must coincide with construction of the transportation improvements as
23 scheduled in the five-year Capital Improvements Program adopted annually by WRCOG.

24 Section 11. PROCEDURES FOR THE LEVY, COLLECTION AND
25 DISPOSITION OF FEES.
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1 a. Authority of the Building Department. The Director of Building &
2 Safety, or his/her designee, is hereby authorized to levy and collect the
3 TUMF and make all determinations required by this ordinance.

4 b. Payment. Payment of the fees shall be as follows:

5 1) The fees shall be paid at the time a certificate of occupancy
6 is issued for the Development Project or upon final
7 inspection, whichever comes first ("Payment Date").
8 However, this section should not be construed to prevent
9 payment of the fees prior to issuance of an occupancy permit
10 or final inspection. Fees may be paid at the issuance of a
11 building permit and the fee payment shall be calculated
12 based on the fee in effect at that time, provided the developer
13 tenders the full amount of his/her TUMF obligation. If the
14 developer makes only a partial payment pursuant to a
15 WRCOG-Developer Deferral Agreement prior to the
16 Payment Date, the amount of the fee due shall be based on
17 the TUMF schedule in place on the Payment Date. The fees
18 shall be calculated according to fee schedule set forth in the
19 ordinance and the calculation methodology set forth in the
20 Fee Calculation Handbook adopted July 14, 2003, as
21 amended from time to time.

22 2) The fees required to be paid shall be the fee amounts in
23 effect at the time of payment is due under this ordinance, not
24 the date the ordinance is initially adopted. The County shall
25 not enter into a development agreement which freezes future
26 adjustments of the TUMF.
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1 time. Furthermore, the TUMF Administrator shall use the Fee Calculation Handbook
2 adopted July 14, 2003, as amended from time to time, for the purpose of calculating a
3 developer's TUMF obligation. In addition to detailing the methodology for calculating all
4 TUMF obligations of different categories of new development, the purpose of the Fee
5 Calculation Handbook is to clarify for the TUMF Administrator, where necessary, the
6 definition and calculation methodology for uses not otherwise clearly defined in the
7 ordinance. WRCOG shall expend only that amount of the funds generated from the TUMF
8 for staff support, audit, administrative expenses, and contract services that are necessary
9 and reasonable to carry out its responsibilities and in no case shall the funds expended for
10 salaries and benefits exceed one percent (1%) of the revenue raised by the TUMF Program.
11 The TUMF Administrative Plan further outlines the fiscal responsibilities and limitations
12 of the Administrator.

13 Section 13. VIOLATIONS AND PENALTIES. A violation of any provision of
14 this ordinance is an infraction as hereinafter specified. A person is guilty of a separate
15 offense for each and every day or portion thereof during which any violation of any of the
16 provisions of this ordinance is committed or continued. Any violation of this ordinance
17 may be prosecuted by county authorities in the name of the people of the State of
18 California, or redressed by civil action. Every violation determined to be an infraction is
19 punishable by (1) a fine not exceeding one hundred dollars (\$100) for a first violation; (2)
20 a fine not exceeding two hundred dollars (\$200) for a second violation within one year; (3)
21 a fine not exceeding five hundred dollars (\$500) for each additional violation within one
22 year. The penalties herein are in addition to any other remedies provided by law and the
23 payment of any penalty herein shall not relieve a person of the obligation to correct the
24 violation.

25 Section 14. SEVERABILITY. If any of the terms, provisions or sections of this
26 ordinance or the application thereof to any person or circumstances shall to any extent be
27 judged invalid, unenforceable and/or voidable for any reason whatsoever by a court of
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1 competent jurisdiction, such invalidity or determination shall not affect the other
2 provisions of this ordinance which can be given effect without the invalid provision or
3 application, and to this end, the provisions of this ordinance are hereby declared to be
4 severable.

5 Section 15. JUDICIAL REVIEW. In accordance with State law, any judicial
6 action or proceeding to attack, review, set aside, void or annul this ordinance shall be
7 commenced within ninety (90) days of the date of adoption of this ordinance.

8 Section 16. SUPERSESION OF OTHER FEES. The Fees established by this
9 ordinance shall supersede and replace those fees previously established and applicable
10 under Riverside County Ordinance No. 824 and shall apply to the issuance of any
11 development permit or entitlement made on and after the date that this ordinance takes
12 effect.

13 Section 17. EFFECTIVE DATE. This ordinance shall take effect thirty (30)
14 days after its adoption except that Section 6. subsection a.(4) shall take effect sixty (60)
15 days after its adoption.

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17 BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

18 By: _____
Chairman

19 ATTEST:
20 CLERK OF THE BOARD:

21 By: _____
Deputy

22
23 (SEAL)

24 APPROVED AS TO FORM

11-11, 2009

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26 By: Synthia M. Gunzel
27 Cynthia M. Gunzel
Deputy County Counsel

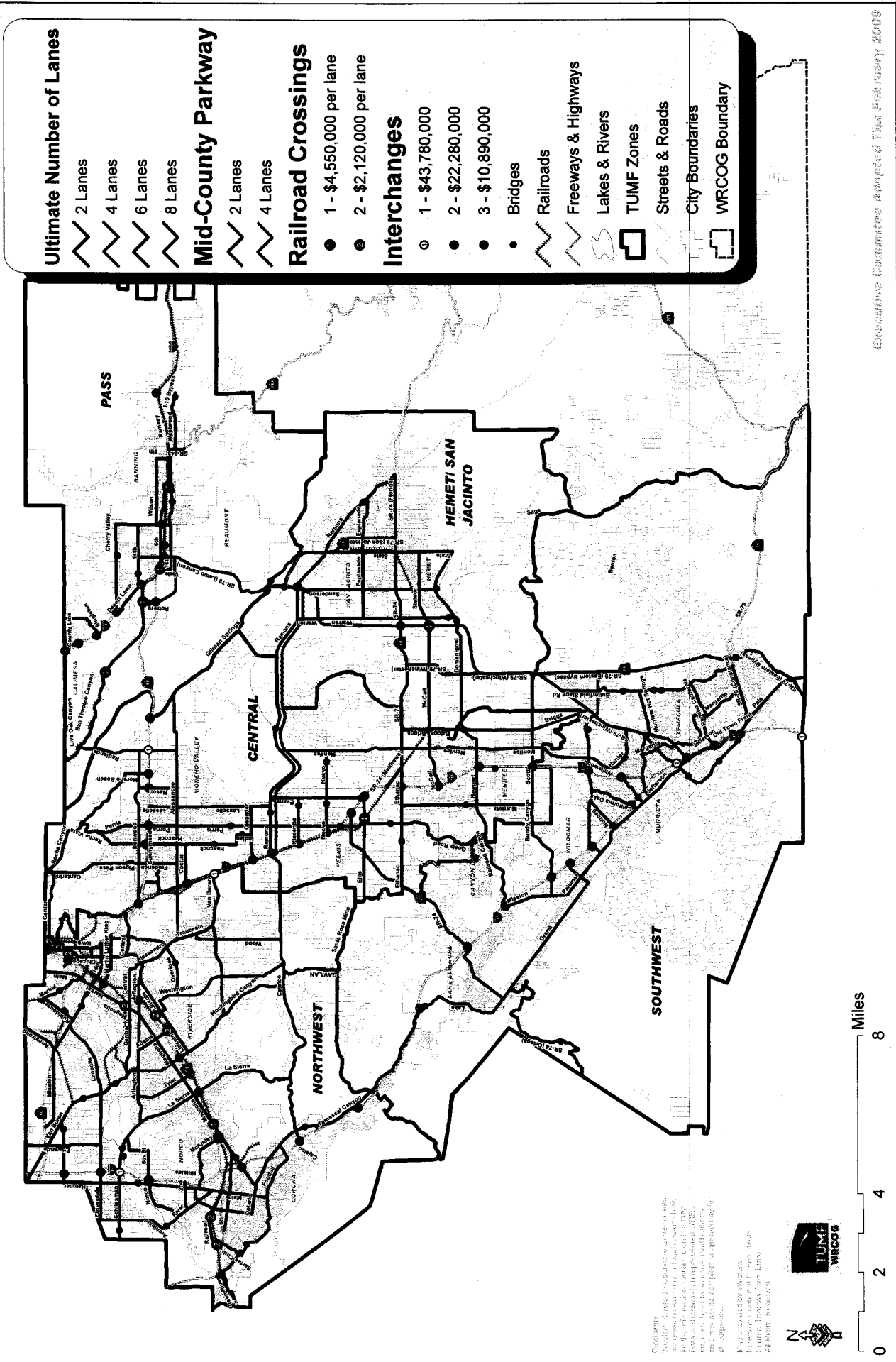
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EXHIBIT "A"

MAP OF WESTERN RIVERSIDE COUNTY & REGIONAL SYSTEM

The Regional System of Highways & Arterials - TUMF Network Improvements

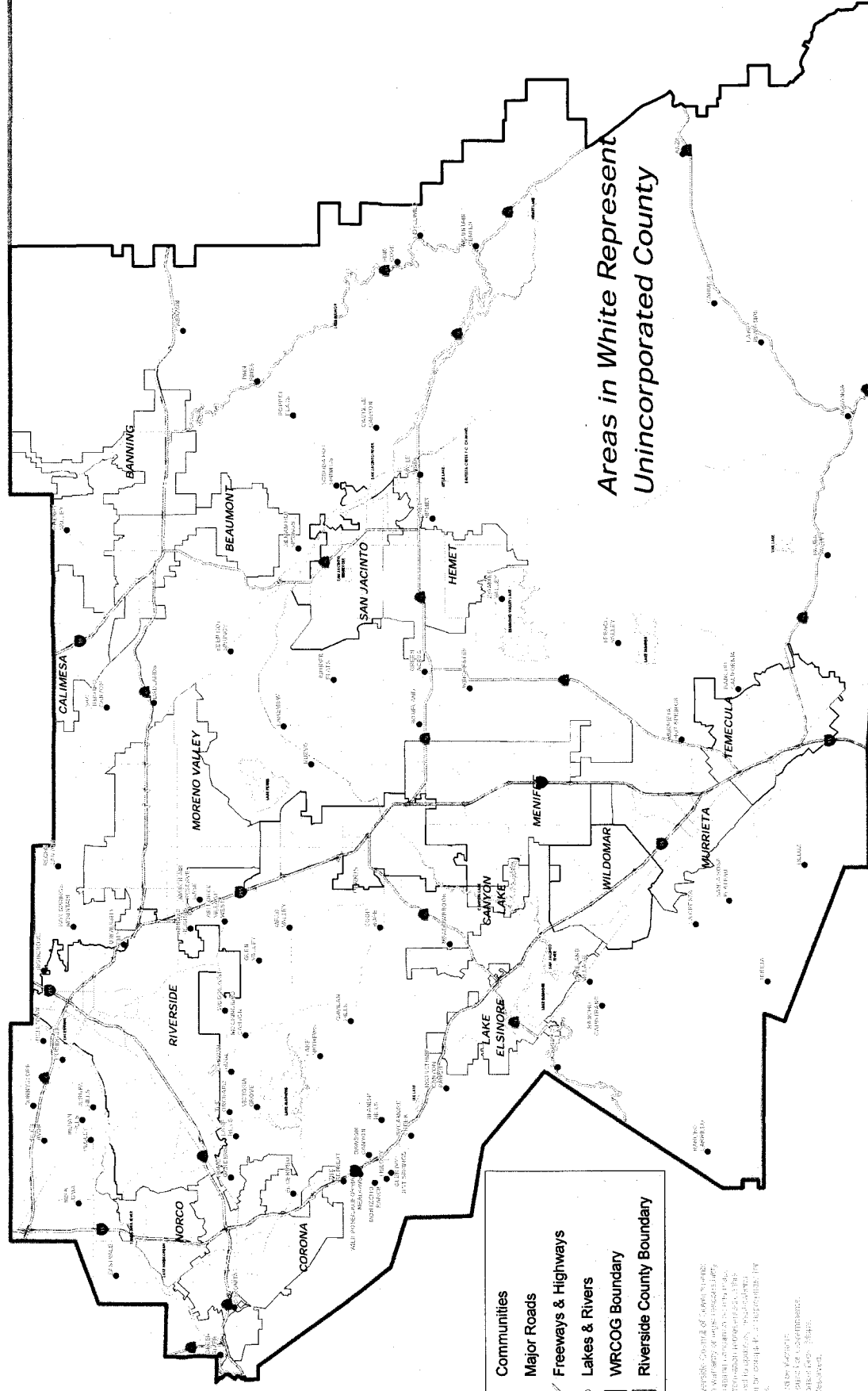
Figure ES.2



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EXHIBIT "B"

WRCOG BOUNDARY OF COUNTY



Areas in White Represent
Unincorporated County

- Communities
- Major Roads
- Freeways & Highways
- Lakes & Rivers
- WRCOG Boundary
- Riverside County Boundary

This map is for informational purposes only. It is not intended to be used as a legal document. The map is subject to change without notice. All rights reserved.



The Western Riverside Council Of Governments Boundary & Jurisdiction Boundaries