

1 ORDINANCE NO. 824.10

2 AN ORDINANCE OF THE COUNTY OF RIVERSIDE

3 AMENDING ORDINANCE NO. 824

4 AUTHORIZING PARTICIPATION IN THE WESTERN RIVERSIDE COUNTY

5 TRANSPORTATION UNIFORM MITIGATION FEE PROGRAM

6
7 The Board of Supervisors of the County of Riverside ordains as follows:

8 Section 1. Section 1. of Ordinance No. 824 is amended, in its entirety, to read as follows:

9 "Section 1. TITLE. This ordinance shall be known as the "Western Riverside
10 County Transportation Uniform Mitigation Fee Program Ordinance of 2010"
11 ("Ordinance")."

12 Section 2. Section 7. of Ordinance No. 824 is amended, in its entirety, to read as follows:

13 "Section 7. TEMPORARY FEE REDUCTION PERIOD. Pursuant to the fee
14 adjustment authority set forth in Section 6.c. and notwithstanding Section 6.a., or any
15 other provision of this ordinance, the following TUMF fee schedule shall apply:

16 a. Temporary Fee Schedule.

- 17 1) \$4,437.00 per single-family residential unit
18 2) \$3,115.00 per multi-family residential unit
19 3) \$ 0.86 per square foot of an industrial project
20 4) \$ 5.24 per square foot of a retail commercial project
21 5) \$ 2.10 per square foot of a service commercial project
22 6) \$ 1.10 per square foot of a service Class A and B Office

23 b. Application. The temporary fee reduction described in this
24 section shall not apply to or affect fees owed under any
25 development agreement or other contractual arrangement in effect
26 on or before the effective date of Ordinance No. 824.10. If
27 reduced fees are paid pursuant to this section at the issuance of a
28 building permit and either the building permit or the application

1 there for expires, subsequent building permit applications on the
2 same parcel shall be subject to the full TUMF amount, unless the
3 temporary fee reduction is still in effect at the time of the
4 subsequent application.

5 c. Effect. No provision of this section shall entitle any person who
6 has already paid the Transportation Uniform Mitigation Fees to
7 receive a refund, credit or reimbursement of such payment. This
8 section only effects a temporary change in the County's
9 Transportation Uniform Mitigation Fees.

10 d. Expiration. As of December 31, 2011, this section is repealed
11 without further action by the Board of Supervisors, unless the
12 Board of Supervisors repeals or modifies this section prior to that
13 date. The repeal of this section shall not affect the validity of
14 actions taken or Transportation Uniform Mitigation Fees paid
15 under the authority of this section."

16 Section 3. This ordinance shall take effect thirty (30) days after its adoption.

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

19 By: _____
20 Chairman

21 ATTEST:
CLERK OF THE BOARD:

22 By: _____
23 Deputy

24 (SEAL)

25 APPROVED AS TO FORM

26 December 29, 2010

27 By: Synthia M. Gunzel
28 Synthia M. Gunzel
Deputy County Counsel

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

188A



FROM: TLMA - Transportation Department


SUBMITTAL DATE:
December 28, 2010

SUBJECT: Ordinance No. 824.9, Extending Urgency Interim Ordinance No. 824.8; Ordinance No. 824.10, Extending the Temporary Fee Reduction Period for the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Ordinance No. 824.9, extending for an additional 30 days the initial 30-day extension of the temporary fee reduction period for the TUMF Program authorized by Urgency Interim Ordinance 824.8; and

(Continued on Attached Page)



Juan C. Perez, Director of Transportation

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

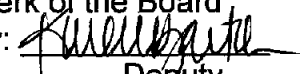
County Executive Office Signature


BY: Jennifer L. Sargent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Stone and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: January 11, 2011
xc: Transp., cog

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

Prev. Agn. Ref.: 12/1/09 3.33 12/14/10 **District:** 1,2,3,5 **Agenda Number:** 3.70

FORM APPROVED COUNTY COUNSEL
BY:  12-29-10
CYNTHIA M. GUNZEL / Department of Administration

Policy Policy
Consent Consent

Dep't Recomm.:
Per Exec. Ofc.:

The Honorable Board of Supervisors

RE: Ordinance No. 824.9, Extending Urgency Interim Ordinance No. 824.8; Ordinance No. 824.10, Extending the Temporary Fee Reduction Period for the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program.

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RECOMMENDED MOTION: (continued)

2. Introduce and adopt, on successive weeks, Ordinance No. 824.10, Extending for one year the Temporary Fee Reduction Period for the TUMF Program; and
3. Find the adoption of Ordinance Nos. 824.9 and 824.10 are exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) in that it can be seen with certainty there is no possibility the ordinance may have a significant effect on the environment.

BACKGROUND:

Urgency Interim Ordinance No. 824.9 immediately extends the 50% temporary fee reduction for an additional thirty days, which otherwise would have expired on December 31, 2010. Ordinance No. 824.10 is an amendment that would extend the temporary fee reduction for one year until December 31, 2011 unless the WRCOG Executive Committee directs that the temporary fee reduction be terminated or modified sooner than one year, if at such time, the aggregate amount of fees that would have been collected, from inception of the fee reduction, reach \$20 million. County would modify this ordinance prior to December 31, 2011 in accordance with WRCOG's directive.

At the December 6, 2010 meeting of the Western Riverside Council of Governments (WRCOG), the Executive Committee unanimously endorsed giving local jurisdictions the options of extending the 50% temporary TUMF fee reduction adopted in December 2009, adopting a 25% temporary fee reduction or not agreeing to any fee reduction. This Board took a position last year to adopt the 50% temporary fee reduction to stimulate development activity and construction jobs. The reduction was also taken in recognition of the fact that the cost of delivering transportation projects had been reduced during this economic cycle. A number of cities also adopted the 50% fee reduction at that time.

The information gathered by WRCOG indicates that the amount of additional funds that would have been collected, had the 50% reduction not been adopted, is estimated to be roughly \$10 million for the entire Western County area. It is unknown if this is truly lost revenue, or if some development projects would not have moved forward without the fee reduction, thereby creating even less revenue for the program. By extending this temporary fee reduction, the County understands it will need to demonstrate that any loss of fees that would have been collected will be made up through recommended specific, effective costs savings, repayment methods or alternative funding sources. A reduction in project costs and cost saving measures is the County's preferred choice. The \$10 million is a small percentage of the overall TUMF Program, which is expected to generate over \$3.7 billion over the next 25 years. Over \$520 million has been collected since the inception of the program in February 2003.

The Honorable Board of Supervisors

RE: Ordinance No. 824.9, Extending Urgency Interim Ordinance No. 824.8; Ordinance No. 824.10, Extending the Temporary Fee Reduction Period for the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program.

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We are not seeing any signs of a rebound in economic conditions, and we are still seeing significantly lower construction costs that can offset the reduction in revenue. However, there is a recognition that this needs to be monitored closely so that we are able to react to significant changes in either development activity or a rise in construction prices. Given this, the WRCOG Executive Committee recommended that the allowance of the temporary fee reduction be brought back for another look should the aggregate amount of the fees that would have been collected, from inception of the fee reduction, reach \$20 million.

It is imperative to make the same fee reduction adjustment to the entire TUMF Schedule to assure that each development continues to contribute a fair share of the total TUMF Program costs. The benefit of extending the temporary fee reduction outweighs the resulting limited decrease in TUMF revenues and will not have a material effect on the ability to fulfill the purposes of the TUMF program. Temporary fee reductions, while they serve as an important economic stimulus mechanism, must be balanced with extending such reductions for the proposed limited time so as to not jeopardize the applicability of the Nexus Study, the integrity of the TUMF Program, and the ability to deliver currently programmed and future planned projects.

County Counsel has approved as to form.

1 c. Absent an immediate extension of the temporary fee reduction, permits and
2 construction starts anticipated from pending development projects will either be halted or
3 delayed until expiration of the otherwise required thirty (30) day waiting period; and

4 d. WRCOG has directed the County to take action concerning the temporary fee
5 reduction schedule before the schedule expires; and

6 e. Failure to comply with WRCOG's directive may limit the County's ability to
7 provide necessary road improvements. Absent these improvements, an unacceptably high level
8 of traffic congestion would occur within and around Western Riverside County.

9
10 BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

11 By: Bob Buster
12 Chairman Bob Buster

13 ATTEST: Kecia Harper-Ithem
CLERK OF THE BOARD:

14 By: Kecia Harper-Ithem
15 Deputy

16 (SEAL)
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21 APPROVED AS TO FORM
December 29, 2010

22
23 By: Synthia M. Gunzel
24 Synthia M. Gunzel
Deputy County Counsel

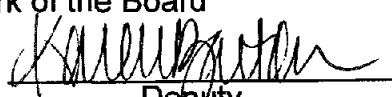
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STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE) ss

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on January 11, 2011, the foregoing ordinance consisting of 3 Sections was adopted by the following vote:

AYES: Buster, Tavaglione, Stone, Benoit, and Ashley
NAYS: None
ABSENT: None

DATE: January 11, 2011

KECIA HARPER-IHEM
Clerk of the Board
BY: 
Deputy

SEAL