

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



ITEM
3.28
(ID # 5741)

MEETING DATE:

Tuesday, November 14, 2017

FROM : TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/ TRANSPORTATION:

Introduction of Ordinance No. 824.15, an ordinance of the County of Riverside amending Ordinance No. 824 to update fees, definitions, and exemptions under the Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program to reflect changes in the TUMF Network and associated cost of construction. Districts 1,2,3,5; [\$0] [Set for Public Hearing December 5, 2017 – Clerk to Advertise]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Introduce, read title, and waive further reading of Ordinance No. 824.15, an ordinance of the County of Riverside amending Ordinance No. 824 to update fees, definitions, and exemptions under the Western Riverside County TUMF Program to reflect changes in the TUMF Network and associated cost of construction; and
2. Set a Public Hearing for the adoption of Ordinance No. 824.15 for December 5, 2017 [Clerk to Advertise].

ACTION: Policy

Patricia Romo, Director of Transportation 11/2/2017

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above Ordinance is approved as introduced with waiver of reading and is set for public hearing December 5, 2017 at 9:00 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None
Date: November 14, 2017
xc: Transp., COB

Kecia Harper-Ihem
Clerk of the Board

By:
Deputy

3.28

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment: No	
			For Fiscal Year: N/A	

C.E.O. RECOMMENDATION:

BACKGROUND:

Summary

The County is a Member Jurisdiction of the Western Riverside Council of Governments (“WRCOG”), a joint powers agency comprised of the County of Riverside and eighteen (18) cities located in Western Riverside County. In 2002-2003 the WRCOG Member Jurisdictions developed a plan whereby the shortfall in funds needed to enlarge the capacity of the Regional System of Highways and Arterials due to new development in Western Riverside County could be made up in part by a Transportation Uniform Mitigation Fee (“TUMF”) on future residential, commercial and industrial development. As a Member Jurisdiction of WRCOG and as a TUMF Participating Jurisdiction, the County participated in the preparation of a certain “Western Riverside County Transportation Uniform Fee Nexus Study,” (“2002 Nexus Study”) later adopted by the WRCOG Executive Committee. Based on the 2002 Nexus Study, the County adopted and implemented an ordinance authorizing the County’s participation in a TUMF Program.

Pursuant to the Mitigation Fee Act (Gov. Code §§ 66000 *et seq.*), WRCOG has prepared a new nexus study (“2016 Nexus Study”) to update the fees for the TUMF Program. On July 10, 2017, the WRCOG Executive Committee reviewed the 2016 Nexus Study and recommended TUMF Participating Jurisdictions update their fees by amending their applicable TUMF ordinances to reflect changes in the TUMF network and the cost of construction. Ordinance No. 824.15 provides the legal basis for a revised TUMF schedule. In addition, the definition of Low Income Residential Housing, which is exempt from the collection of TUMF fees per Section 6.E.1. of this ordinance, has been expanded with this update.

In accordance with the Mitigation Fee Act, the 2016 Nexus Study: (i) identifies the purpose of the revised fees; (ii) identifies the use to which the revised fees are to be put, including identification of any facilities to be financed; (iii) determines whether there is a reasonable relationship between the fee’s use and the type of development project on which the fee is imposed; (iv) determines whether there is a reasonable relationship between the need for the public facilities and the type of development project upon which the fees are imposed; and (v) determines whether there is a reasonable relationship between the amount of the fees and the cost of the public facilities or portion of the public facilities attributable to the development on which the fees are imposed.

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Based on the recommendations of the WRCOG Executive Committee on July 10, 2017, the proposed ordinance amendment will establish the following Fee Schedule and phase-in periods for TUMF as follows:

From the effective date of the ordinance amendment to June 30, 2019, the fee schedule shall be as follows:

- (1) \$8,873.00 per Single Family Residential Unit
- (2) \$6,134.00 per Multi-Family Residential Unit
- (3) \$1.77 per square foot of an Industrial Project
- (4) \$7.50 per square foot of a Retail Commercial Project
- (5) \$4.56 per square foot of a Service Commercial Project
- (6) \$2.19 per square foot of a Class A Office
- (7) \$2.19 per square foot of a Class B Office

From July 1, 2019 to June 30, 2020, the fee schedule shall be as follows:

- (1) \$9,146.00 per Single Family Residential Unit
- (2) \$6,134.00 per Multi-Family Residential Unit
- (3) \$1.77 per square foot of an Industrial Project
- (4) \$7.50 per square foot of a Retail Commercial Project
- (5) \$4.56 per square foot of a Service Commercial Project
- (6) \$2.19 per square foot of a Class A Office
- (7) \$2.19 per square foot of a Class B Office

From July 1, 2020, the fee schedule shall be as follows:

- (1) \$9,418.00 per Single Family Residential Unit
- (2) \$6,134.00 per Multi-Family Residential Unit
- (3) \$1.77 per square foot of an Industrial Project
- (4) \$7.50 per square foot of a Retail Commercial Project
- (5) \$4.56 per square foot of a Service Commercial Project
- (6) \$2.19 per square foot of a Class A Office
- (7) \$2.19 per square foot of a Class B Office

Ordinance No. 824.15 will be effective sixty days after adoption.

Impact on Residents and Businesses

The TUMF Program is intended to ensure that future development will contribute toward addressing the impacts of new growth on regional transportation infrastructure. Funding collected through the TUMF Program is used to construct transportation improvements that will

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be needed to accommodate future travel demand in Western Riverside County. By levying a fee on new developments in the region, developers and in turn new county residents and employees will effectively contribute their "fair share" toward sustaining the regional transportation system.

Based on the results of the Nexus Study evaluation, it can be demonstrated that there is reasonable relationship between the cumulative regional transportation impacts of new land development projects in Western Riverside County and the need to mitigate these transportation impacts using funds levied through the TUMF Program.

ATTACHMENTS:

Ordinance No. 824.15

TUMF RSHA Map

2016 Nexus Study Report

2016 Nexus Study Appendices



Gregory V. Priamos, Director County Counsel 11/2/2017

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ORDINANCE NO. 824.15

AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 824
AUTHORIZING PARTICIPATION IN THE WESTERN RIVERSIDE COUNTY TRANSPORTATION
UNIFORM MITIGATION FEE (TUMF) PROGRAM

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

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

“ORDINANCE NO. 824

AN ORDINANCE OF THE COUNTY OF RIVERSIDE AUTHORIZING PARTICIPATION IN THE
WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE PROGRAM

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

Section 1. TITLE. This ordinance shall be known as the “Western Riverside County Transportation Uniform Mitigation Fee Program Ordinance of 2017” (“Ordinance”).

Section 2. FINDINGS. The Board of Supervisors finds that:

- A. The County is a member agency of the Western Riverside Council of Governments (“WRCOG”), a joint powers agency comprised of the County of Riverside and eighteen (18) cities located in Western Riverside County. Acting in concert, the WRCOG Member Agencies developed a plan whereby the shortfall in funds needed to enlarge the capacity of the Regional System of Highways and Arterials in Western Riverside County (the “Regional System”), depicted in Exhibit “A”, attached hereto and by this reference incorporated herein, could be made up in part by a Transportation Uniform Mitigation Fee (“TUMF”) on future residential, commercial and industrial development. As a Member Agency of WRCOG and as a TUMF Participating Jurisdiction, the County participated in the preparation of a certain “Western Riverside County Transportation Uniform Fee Nexus Study,” dated October 18, 2002 (the “2002 Nexus Study”) prepared in compliance with the Mitigation Fee Act (Gov. Code §§ 66000 *et seq.*) and adopted by the WRCOG Executive Committee. Based on the 2002 Nexus

1 Study, the County adopted and implemented an ordinance authorizing the
2 County's participation in a TUMF Program.

3
4 B. WRCOG, with the assistance of TUMF Participating Jurisdictions, has
5 prepared an updated nexus study entitled "Transportation Uniform
6 Mitigation Fee Nexus Study: 2016 Update" ("2016 Nexus Study") in
7 compliance with the Mitigation Fee Act (Gov. Code § § 66000 *et seq.*), for
8 the purpose of updating the fees. On July 10, 2017, the WRCOG Executive
9 Committee reviewed the 2016 Nexus Study and TUMF Program and
10 recommended TUMF Participating Jurisdictions amend their applicable
11 TUMF ordinances to reflect changes in the TUMF network and the cost of
12 construction in order to update the TUMF Program.

13 C. As a TUMF Participating Jurisdiction, the County must follow the
14 recommendation made by the WRCOG Executive Committee and amend its
15 TUMF ordinance.

16 D. The County has considered the 2016 Nexus Study and its findings in adopting
17 this ordinance.

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

26 F. There is a reasonable and rational relationship between the use of the TUMF
27 and the type of development projects on which the fees are imposed, because
28 the fees will be used to construct the transportation improvements that are
necessary for the safety, health and welfare of the residential and non-

1 residential users of the development in which the TUMF will be levied.

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

9 H. The cost estimates set forth in the 2016 Nexus Study are reasonable cost
10 estimates for constructing the Regional System improvements and the
11 facilities that comprise the Regional System, and the amount of the TUMF
12 expected to be generated by new development will not exceed the total fair
13 share cost to such development.

14 I. The fees collected pursuant to this ordinance shall be used to help pay for the
15 design, planning, construction of, and real property acquisition for the
16 Regional System improvements and its facilities as identified in the 2016
17 Nexus Study. The need for the improvements and facilities is related to new
18 development, because such development results in additional traffic and
19 creates the demand for the improvements.

20 Section 3. PURPOSE. The purpose of this ordinance is to authorize the County's
21 participation in the TUMF Program, which establishes and sets forth policies, regulations, and authorized
22 uses of fees collected relating to the funding for the construction of improvements and facilities to enlarge
23 the capacity of the Regional System necessary to address the direct and cumulative environmental effects
24 generated by new development projects described and defined in this ordinance. The purpose of the TUMF
25 is to fund those certain improvements to the Regional System as depicted in Exhibit "A" and identified in
26 the 2016 Nexus Study.

27 Section 4. AUTHORITY. This ordinance is established under the authority of Article
28 11, Section 7 of the California Constitution and Title 7, Division 1, Chapter 5 of the California Government

1 Code, beginning with Section 66000 et seq., which provides that a local agency may establish fees for the
2 purpose of defraying all or a portion of the cost of public facilities related to development projects.

3 Section 5. DEFINITIONS. As used in this ordinance, the following words, terms and
4 phrases shall have the following meanings:

5 A. Board of Supervisors or Board. The Board of Supervisors of the County of
6 Riverside.

7 B. Class "A" Office. An office building that is typically characterized by high
8 quality design, use of high end building materials, state of the art technology
9 for voice and data, onsite support services/maintenance, and often includes
10 full service ancillary uses such as, but not limited to a bank, restaurant/office
11 coffee shop, health club, printing shop, and reserved parking. The
12 requirements of an office building classified as Class "A" Office shall be as
13 follows:

- 14 1. Minimum of three stories (exception will be made for the March Joint
15 Powers Authority, where height requirements exist);
- 16 2. Minimum of 10,000 square feet per floor;
- 17 3. Steel frame construction;
- 18 4. Central, interior lobby; and
- 19 5. Access to suites shall be from inside the building unless the building
20 is located in a central business district with major foot traffic, in which
21 case the first floor may be accessed from the street to provide
22 entrances/ exits for commercial uses within the building.

23 C. Class "B" Office. An office building that is typically characterized by high
24 quality design, use of high-end building materials, state of the art technology
25 for voice and data, onsite support services/maintenance, and often includes
26 full service ancillary uses such as, but not limited to a bank, restaurant/office
27 coffee shop, health club, printing shop, and reserved parking. The
28 requirements of an office building classified as Class "B" Office shall be as

1 follows:

- 2 1. Minimum of two stories;
- 3 2. Minimum of 15,000 square feet per floor;
- 4 3. Steel frame, concrete or masonry shell construction;
- 5 4. Central, interior lobby; and
- 6 5. Access to suites shall be from inside the building unless the building
- 7 is located in a central business district with major foot traffic, in which
- 8 case the first floor may be accessed from the street to provide
- 9 entrances/exits for commercial uses within the building.

10 D. Development Project or Project. Any project undertaken for the purposes of

11 development, including the issuance of a permit for construction.

12 E. Disabled Veteran. Any veteran who is retired or is in process of medical

13 retirement from military service who is, or was, severely injured in a theatre

14 of combat operations and has received a letter of eligibility for the Veterans

15 Administration Specially Adapted Housing (SAH) Grant Program.

16 F. Government/Public Buildings, Public Schools, and Public Facilities. Any

17 facilities owned and operated by a government entity. A new development

18 that is subject to a long-term lease with a government agency for

19 government/public buildings, public schools, and public facilities shall apply

20 only if all of the following conditions are met:

- 21 1. The new development being constructed is subject to a long-term
- 22 lease with a government agency;
- 23 2. The project shall have a deed restriction placed on the property that
- 24 limits the use to government/public facility for the term of the lease,
- 25 including all extension options, for a period of not less than 20 years.
- 26 Any change in the use of the facility from government shall trigger
- 27 the payment of the TUMF in effect at the time of the change is made;
- 28 3. No less than ninety percent of the total square footage of the building

1 is leased to the government agency during the term of the deed
2 restriction and any extensions thereof;

- 3 4. The new development is constructed at prevailing wage rates;
4 5. A copy of the lease is provided to the County of Riverside and to
5 WRCOG; and
6 6. The intent of the lease is to provide for a long-term government use,
7 and not to evade payment of TUMF.

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

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

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

18 J. Long-Term Lease. A lease with a term of no less than twenty years.

19 K. Low Income Residential Housing. Residential units consisting of rental
20 housing units or for-sale housing units made available, rented and restricted,
21 or sold to "lower income households" (as defined in Health and Safety Code
22 Section 50079.5). The following conditions must be met for this definition
23 to apply:

- 24 1. Rental housing units shall be made available, rented, and restricted to
25 lower income households at an "affordable rent" (as defined in Health
26 and Safety Code Section 50053) for a period of at least fifty-five (55)
27 years after the issuance of a certificate of occupancy for new
28 residential development; and

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2. For-sale housing units shall be sold to “persons or families of low or moderate income” (as defined in Health and Safety Code Section 50093) at a purchase price that will not cause the purchaser’s monthly housing cost to exceed “affordable housing cost” (as defined in Health and Safety Code Section 50052.5). For-sale housing units shall be restricted to ownership by persons and families of low or moderate income for at least forty-five (45) years after the issuance of a certificate of occupancy for the new residential development.

L. Mixed-Use Development. As used in the TUMF Program, means developments with the following criteria: (1) three or more significant revenue-producing uses, and (2) significant physical and functional integration of project components.

M. Multi-Family Residential Unit. A “multiple family dwelling” as defined in Section 21.30. of Ordinance No. 348, in a development that has a density of greater than eight (8) residential dwelling units per gross acre.

N. Non-Profit Organization. An organization operated exclusively for exempt purposes set forth in section 501(c)(3) of the Internal Revenue Code.

O. Non-Residential Unit. A retail commercial, service commercial and industrial development that is designed primarily for non-dwelling use, but shall include hotels and motels.

P. Recognized Financing District. A Financing District as defined in the TUMF Administrative Plan as may be amended from time to time.

Q. Residential Dwelling Unit. A building or portion thereof used by one (1) family and containing but one (1) kitchen, which is designed primarily for residential occupancy including single-family and multi-family dwellings. Residential Dwelling Unit shall not include hotels or motels.

R. Retail Commercial Project. Any development project that proposes any retail commercial activity use that is not defined as a service commercial project

1 and is allowed in the following Ordinance No. 348 classifications: R-1, R-
2 R, R-R-O, R-1A, R-A, R-2, R-2A, R-3, R-3A, R-T, R-T-R, R-4, R-5, R-6, C-
3 1/C-P, C-T, C-P-S, C-R, C-O, R-VC, C/V, W-2, R-D, N-A, W-2-M, W-1, or
4 SP with one of the aforementioned zones used as the base zone. A Retail
5 Commercial Project can include any eating/dining facility located on the
6 retail commercial development premises.

7 S. Service Commercial Project. Any development project that is predominately
8 dedicated to business activities associated with professional or administrative
9 services, and typically consists of corporate offices, financial institutions,
10 legal, and medical offices, eating/dining facilities, and other uses related to
11 personal or professional services.

12 T. Single Family Residential Unit. A “one family dwelling” as defined in
13 Section 21.29. of Ordinance No. 348, in a development that has a density of
14 eight (8) units to the gross acre or less.

15 U. TUMF Administrative Plan. TUMF Administration Plan adopted by the
16 WRCOG Executive Committee on May 5, 2003, as amended, setting forth
17 detailed administration procedures and requirements for the TUMF program.

18 V. TUMF Participating Jurisdiction. A jurisdiction in Western Riverside
19 County that has adopted and implemented an ordinance authorizing
20 participation in the TUMF Program, and complies with all regulations
21 established in the TUMF Administrative Plan, as adopted and amended from
22 time to time by WRCOG.

23 Section 6. TRANSPORTATION UNIFORM MITIGATION FEE. The following fees
24 collected pursuant to this ordinance shall provide revenue to pay for the design, planning, construction of
25 and real property acquisition for the Regional System improvements and its facilities as identified in the
26 2016 Nexus Study. The Transportation Uniform Mitigation Fees shall be paid for each residential unit,
27 development project or a portion thereof to be constructed, in the amounts specified for each category as
28 defined herein and shown below commencing on the effective date of this ordinance:

1 A. Adoption of TUMF Schedule. The following TUMF schedule is hereby
2 adopted:

- 3 1. \$9,418.00 per Single Family Residential Unit
4 2. \$6,134.00 per Multi-Family Residential Unit
5 3. \$1.77 per square foot of an Industrial Project
6 4. \$7.50 per square foot of a Retail Commercial Project
7 5. \$4.56 per square foot of a Service Commercial Project
8 6. \$2.19 per square foot of a Class A Office
9 7. \$2.19 per square foot of a Class B Office

10 For Single-Family Residential projects, the fees set forth in Section 6.A. shall
11 be phased in as follows:

12 From the effective date of this ordinance to June 30, 2019, the fee schedule
13 shall be as follows:

- 14 1. \$8,873.00 per Single Family Residential Unit
15 2. \$6,134.00 per Multi-Family Residential Unit
16 3. \$1.77 per square foot of an Industrial Project
17 4. \$7.50 per square foot of a Retail Commercial Project
18 5. \$4.56 per square foot of a Service Commercial Project
19 6. \$2.19 per square foot of a Class A Office
20 7. \$2.19 per square foot of a Class B Office

21 From July 1, 2019 to June 30, 2020, the fee schedule shall be as follows:

- 22 1. \$9,146.00 per Single Family Residential Unit
23 2. \$6,134.00 per Multi-Family Residential Unit
24 3. \$1.77 per square foot of an Industrial Project
25 4. \$7.50 per square foot of a Retail Commercial Project
26 5. \$4.56 per square foot of a Service Commercial Project
27 6. \$2.19 per square foot of a Class A Office
28 7. \$2.19 per square foot of a Class B Office

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B. Fee Calculation. The fees shall be calculated according to the calculation methodology fee set forth in the WRCOG TUMF Fee Calculation Handbook adopted July 14, 2003, as amended from time to time. In addition to data in the Fee Calculation Handbook, WRCOG Staff and the County may consider the following items when establishing the appropriate fee calculation methodology:

1. Underlying zoning of the site
2. Land-use classifications in the latest Nexus Study
3. Project-specific traffic studies
4. Latest standardized reference manuals such as the Institute of Traffic Engineers Trip Generation Manual
5. Previous TUMF calculations for similar uses

Prior to execution, the County shall transmit all draft credit/reimbursement agreements to WRCOG staff for review and comment. The County retains the discretion and authority to approve or deny all credit/reimbursement agreements under this ordinance.

The County shall determine the appropriate methodology to calculate the fee based upon the items identified in this section and the WRCOG TUMF Fee Calculation Handbook, subject to annual auditing procedures by WRCOG as provided in the Joint Powers Agreement of the Western Riverside Council of Governments and the TUMF Administrative Plan.

C. Fee Adjustment. The fee schedule may be periodically reviewed and the amounts adjusted by the WRCOG Executive Committee. By amendment to this ordinance, the fees may be increased or decreased to reflect the changes in actual and estimated costs of the Regional System including, but not limited to, debt service, lease payments and construction costs. The adjustment of the fees may also reflect changes in the facilities required to be constructed, in estimated revenues received pursuant to this ordinance, as

1 well as the availability or lack thereof of other funds with which to construct
2 the Regional System. WRCOG shall review the TUMF Program no less than
3 every four (4) years after the effective date of this ordinance.

4 D. Applicability. The TUMF shall apply to all new development within the
5 County, unless otherwise exempt under this ordinance.

6 E. Exemptions. The following types of new development shall be exempt from
7 the provisions of this ordinance and the TUMF Administrative Plan:

- 8 1. Low Income Residential Housing as defined in Section 5.K. of this
9 ordinance.
- 10 2. Government/Public Buildings, Public Schools, and Public Facilities
11 as defined in Section 5.F. of this ordinance.
- 12 3. Public use airports appropriately permitted by the California
13 Department of Transportation or other state agency.
- 14 4. Development Projects that are the subject of a Public Facilities
15 Development Agreement entered into pursuant to Government Code
16 section 65864 *et seq*, prior to February 8, 2003, wherein the
17 imposition of new fees are expressly prohibited, provided that if the
18 term of such a Development Agreement is extended by amendment
19 or by any other manner after February 8, 2003, the TUMF shall be
20 imposed.
- 21 5. The rehabilitation and/or reconstruction of any habitable structure in
22 use on or after January 1, 2000, provided that the same or fewer traffic
23 trips are generated as a result thereof.
- 24 6. Guest Quarters as defined in Section 21.35.a. of Ordinance No. 348
25 and pursuant to Section 18.18.d. of Ordinance No. 348.
- 26 7. Second Units pursuant to Section 18.18.f. of Ordinance No. 348.
- 27 8. Kennels and Catteries established in connection with an existing
28 single family residential unit and as defined in Sections 21.40.a. and

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21.20., respectively, of Ordinance No. 348.

9. The sanctuary building of a church, temple or other house of worship, that is not revenue-generating and is eligible for a property tax exemption. This exemption excludes revenue-generating uses such as, but not limited to, concert venues, coffee or snack shops, book stores and for-profit day-care centers.
10. Any non-profit, full-time day school at the elementary, middle school or high school level for students between the ages of five (5) and eighteen (18) years.
11. New Single Family Residential Units constructed by Non-Profit Organizations, as defined in Sections 5.T. and 5.K., respectively, of this ordinance, specially adapted and designed for maximum freedom of movement and independent living for qualified Disabled Veterans, as defined in Section 5.E. of this ordinance.
12. Other uses may be exempt as determined by the WRCOG Executive Committee as further defined in the TUMF Administrative Plan.

F. Credit. Regional System improvements may be credited toward the TUMF in accordance with the TUMF Administrative Plan and the following:

1. Regional Tier
 - i. Arterial Credits: If a developer constructs arterial improvements identified on the Regional System, the developer shall receive credit for all costs associated with the arterial component based on the approved Nexus Study for the Regional System effective at the time the credit agreement is entered into. WRCOG staff must pre-approve any credit agreements that deviate from the standard WRCOG approved format.
 - ii. Other Credits: In special circumstances, when a developer

1 constructs off-site improvements such as an interchange,
2 bridge, or railroad grade separation, credits shall be
3 determined by WRCOG and the County in consultation with
4 the developer. All such credits must have prior written
5 approval from WRCOG.

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- iii. The amount of the development fee credit shall not exceed the maximum amount determined by the Nexus Study for the Regional System at the time the credit agreement is entered into or actual costs, whichever is less.

2. Local Tier

- i. The County shall compare facilities in local fee programs against the Regional System and eliminate any overlap in its local fee program except where a Recognized Financing District has been established.
- ii. If there is a Recognized Financing District established, the County may credit that portion of the facility identified in both programs against the TUMF in accordance with the TUMF Administrative Plan.

Section 7. REIMBURSEMENTS. Should the developer construct Regional System improvements in excess of the TUMF fee obligation, the developer may be reimbursed based on actual costs or the approved Nexus Study effective at the time the agreement was entered into, whichever is less. Reimbursements shall be enacted through an agreement between the developer and the County, contingent on funds being available and approved by WRCOG. In all cases, however, reimbursements under such special agreements must coincide with construction of the transportation improvements as scheduled in the five-year Zone Transportation Improvement Program adopted annually by WRCOG.

Section 8. PROCEDURES FOR THE LEVY, COLLECTION AND DISPOSITION OF FEES.

- A. Authority of the Transportation and Land Management Agency. The

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Director of the Transportation and Land Management Agency, or designee, is hereby authorized to levy and collect the TUMF and make all determinations required by this ordinance in a manner consistent with the TUMF Administrative Plan.

B. Payment. Payment of the fees shall be as follows:

1. The fees shall be paid at the time a certificate of occupancy is issued for the Development Project or upon final inspection, whichever comes first (the "Payment Date"). However this section should not be construed to prevent payment of the fees prior to issuance of an occupancy permit or final inspection. Fees may be paid at the issuance of a building permit, and the fee payment shall be calculated based on the fee in effect at that time, provided the developer tenders the full amount of the TUMF obligation. If the developer makes only a partial payment prior to the Payment Date, the amount of the fee due shall be based on the TUMF fee schedule in place on the Payment Date. The fees shall be calculated according to the fee schedule set forth in this ordinance and the calculation methodology set forth in the Fee Calculation Handbook adopted July 14, 2003, as amended from time to time.
2. The fees required to be paid shall be the fee amounts in effect at the time payment is due under this ordinance, not the date the ordinance is initially adopted. The County shall not enter into a development agreement that freezes future adjustments of the TUMF.
3. If all or part of any development project is sold prior to payment of the fee, the property shall continue to be subject to the requirement for payment of the fee. The obligation to pay the fee shall run with the land and be binding on all the successors in interest to the property.

1 4. Fees shall not be waived.

2 C. Disposition of Fees. All fees collected hereunder shall be transmitted to the
3 Executive Director of WRCOG along with a corresponding Remittance
4 Report by the tenth (10) day of the close of the month for the previous month
5 in which the fees were collected for deposit, investment, accounting and
6 expenditure in accordance with the provisions of this ordinance, TUMF
7 Administrative Plan, and the Mitigation Fee Act.

8 D. Appeals. Appeals shall be filed with WRCOG in accordance with the
9 provisions of the TUMF Administrative Plan. Appealable issues shall be the
10 application of the fee, application of credits, application of reimbursement,
11 application of the legal action stay and application of exemption.

12 E. Reports to WRCOG. The Director of the Transportation and Land
13 Management Agency, or designee, shall prepare and deliver to the Executive
14 Director of WRCOG, periodic reports as will be established under Section 9
15 of this ordinance.

16 Section 9. APPOINTMENT OF THE TUMF ADMINISTRATOR. WRCOG is hereby
17 appointed as the Administrator of the Transportation Uniform Mitigation Fee Program. WRCOG is hereby
18 authorized to receive all fees generated from the TUMF within the County, and to invest, account for and
19 expend such fees in accordance with the provisions of this ordinance and the Mitigation Fee Act. The
20 detailed administrative procedures concerning the implementation of this ordinance shall be contained in
21 the TUMF Administrative Plan. Furthermore, the TUMF Administrator shall use the Fee Calculation
22 Handbook adopted July 14, 2003, as amended from time to time, for the purpose of calculating a developer's
23 TUMF obligation. In addition to detailing the methodology for calculating all TUMF obligations of
24 different categories of new development, the purpose of the Fee Calculation Handbook is to clarify for the
25 TUMF Administrator, where necessary, the definition and calculation methodology for uses not clearly
26 defined in the respective TUMF ordinances. WRCOG shall expend only that amount of the funds generated
27 from the TUMF for staff support, audit, administrative expenses, and contract services that are necessary
28 and reasonable to carry out its responsibilities and in no case shall the funds expended for salaries and

1 benefits exceed one percent (1%) of the revenue raised by the TUMF Program. The TUMF Administrative
2 Plan further outlines the fiscal responsibilities and limitations of the Administrator.

3 Section 10. TOLLING. County hereby agrees to the tolling, for a period of three (3) years from
4 the completion of the fiscal year in which monthly remittances are or should have been made under this
5 ordinance, or any statute of limitations for the commencement of legal action and any requirement for the
6 prior submission of claims, as provided under state or local law, that is applicable to WRCOG's collection
7 of TUMF Program Fees as required under the TUMF Administrative Plan.

8 Section 11. EFFECT. No provisions of this Ordinance shall entitle any person who has
9 already paid the TUMF to receive a refund, credit or reimbursement of such payment.

10 Section 12. SEVERABILITY. If any provision, clause, sentence or paragraph of this
11 ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity
12 shall not affect the other provisions of this ordinance, which can be given effect without the invalid
13 provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.
14 If this ordinance is declared invalid or unenforceable in its entirety by a court of competent jurisdiction,
15 Ordinance No. 824, as adopted through July 15, 2014, shall remain in full force and effect.

16 Section 13. JUDICIAL REVIEW. In accordance with State law, any judicial action or
17 proceeding to attack, review, set aside, void or annul this ordinance shall be commenced within ninety (90)
18 days of the date of adoption of this ordinance.

19 Section 14. SUPERSESION OF OTHER FEES. The fees established by this ordinance
20 shall supersede and replace those fees previously established and applicable under Riverside County
21 Ordinance No. 824, and shall apply to the issuance of any development permit or entitlement made on and
22 after the date that this ordinance takes effect.

23 Section 15. EFFECTIVE DATE. This ordinance shall take effect sixty (60) days after its
24 adoption.”

25 ///

26 ///

27 ///

1 Section 2. This ordinance shall take effect sixty (60) days after its adoption.
2

3 BOARD OF SUPERVISORS OF THE COUNTY
4 OF RIVERSIDE, STATE OF CALIFORNIA

5 By: _____
6 JOHN TAVAGLIONE
7 Chairman, Board of Supervisors

8 ATTEST:
9 KECIA HARPER-IHEM
10 Clerk of the Board

11 By: _____
12 Deputy

13
14 (SEAL)

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16
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18 APPROVED AS TO FORM:
19 October 30, 2017

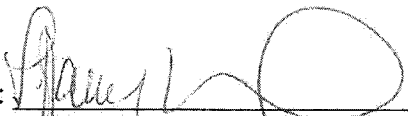
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21 By: 
22 TIFFANY N. NORTH
23 Chief Deputy County Counsel

EXHIBIT A
MAP OF REGIONAL SYSTEM

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SOUTHERN CALIFORNIA NEWS GROUP

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EMAIL legal@s@pe.com

THE PRESS-ENTERPRISE

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Invoice text: Notice of Hearing and Summary of Ord. no. 824.15

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 2017 NOV 27 AM 11:45

*Transp.
3.28 of 11/14/17*

Placed by: Cecilia Gil

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BALANCE DUE
323.70

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	BILLING DATE	BILLED ACCOUNT NUMBER	ADVERTISER/CLIENT NUMBER	ADVERTISER/CLIENT NAME
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SOUTHERN CALIFORNIA NEWS GROUP

THE PRESS-ENTERPRISE

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11/21/2017	5209148	5209148
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323.70	0011041693	DUE UPON RECEIPT

BILLING ACCOUNT NAME AND ADDRESS

REMITTANCE ADDRESS

BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE
'PO BOX 1147'
RIVERSIDE, CA 92502

CALIFORNIA NEWSPAPERS PARTNERSHIP
Riverside Press-Enterprise
PO BOX 54880
LOS ANGELES CA 90054-0880

THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
951-684-1200
951-368-9018 FAX

PROOF OF PUBLICATION
(2010, 2015.5 C.C.P)

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: Notice of Hearing and Summary of Ord. no. 824.15 /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

11/21/2017

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: November 21, 2017
At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE
PO BOX 1147
RIVERSIDE, CA 92502

Ad Number: 0011041693-01

P.O. Number:

Ad Copy:

NOTICE OF PUBLIC HEARING/SUMMARY OF ORDINANCE NO. 824.15

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on Tuesday, December 5, 2017 at 9:00 a.m., or as soon as possible thereafter, to consider adoption of the following Ordinance:

ORDINANCE NO. 824.15 AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 824 AUTHORIZING PARTICIPATION IN THE WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) PROGRAM

This summary of Ordinance No. 824.15 is presented pursuant to California Government Code Section 25124(b): a certified copy of the full text of Ordinance No. 824.15 may be examined at the Office of the Clerk of the Board of Supervisors of the County of Riverside, located at 4080 Lemon Street, 1st Floor, Riverside, California. Ordinance No. 824.15 amends the adopted Ordinance No. 824, which authorizes Riverside County's participation in the Western Riverside County Transportation Uniform Mitigation Fee ("TUMF") Program. The TUMF Program establishes and sets forth policies, regulations, and authorized uses of fees collected relating to the funding for the construction of improvements and facilities to enlarge the capacity of the Regional System of Highways and Arterials. The TUMF Program is necessary to address the direct and cumulative environmental effects generated by certain new development projects, as defined in the ordinance. Ordinance No. 824.15 updates TUMF fees based the Transportation Uniform Mitigation Fee Nexus Study: 2016 Update, in compliance with the Mitigation Fee Act. Ordinance No. 824.15 also adds definitions for disabled veterans, government/public buildings, public schools, and public facilities, long-term leases, mixed-use developments, and non-profit organizations. Additionally, Ordinance No. 824.15 refines the definitions of low income residential housing, multi-family residential units, service commercial projects, and single family residential units. Finally, Ordinance No. 824.15 expands the types of new development that are exempt from TUMF. Ordinance No. 824.15 would take effect 60 days after its adoption.

Any person wishing to testify in support of or in opposition to the above-mentioned Ordinance, may do so in writing between the date of this notice and the public hearing; or, may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors, and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision on Ordinance No. 824.15.

If you challenge the above ordinance in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the proposed ordinance.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Lisa Wagner at (951) 955-1063 or email at LWagner@rivco.org, 72 hours prior to the hearing.

Dated: November 16, 2017
Kecia Harper-Ihern, Clerk of the Board
By: Cecilia Gil, Board Assistant

11/21

The Desert Sun
750 N Gene Autry Trail
Palm Springs, CA 92262
760-778-4578 / Fax 760-778-4731

Certificate of Publication

State Of California ss:
County of Riverside

Advertiser: RIVERSIDE COUNTY-BOARD OF SUP.
4080 LEMON ST
RIVERSIDE, CA 92501
Order # 0002548394

I am over the age of 18 years old, a citizen of the United States and not a party to, or have interest in this matter. I hereby certify that the attached advertisement appeared in said newspaper (set in type not smaller than non pariel) in each and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

Newspaper: The Desert Sun

11/19/2017

I acknowledge that I am a principal clerk of the printer of The Desert Sun, printed and published weekly in the City of Palm Springs, County of Riverside, State of California. The Desert Sun was adjudicated a Newspaper of general circulation on March 24, 1988 by the Superior Court of the County of Riverside, State of California Case No. 191236.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 19th day of NOVEMBER, 2017 in Palm Springs, California.


Declarant

Public Notices

NO 1606:
NOTICE OF PUBLIC HEARING/SUMMARY OF ORDINANCE NO. 824.15

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Dated: November 16, 2017
Kecia Harger-Ihem, Clerk of the Board
By: Cecilla Gil, Board Assistant

PUBLISHED: 11/19/2017

Public Notices

Public Notices