

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



ITEM: 19.1
(ID # 20167)

MEETING DATE:

Tuesday, October 18, 2022

FROM : TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:
Public Hearing for and Introduction of Ordinance No. 673.6, An Ordinance of the County of Riverside Amending Ordinance No. 673 Establishing a Coachella Valley Transportation Uniform Mitigation Fee Program to increase the fees based on the annual Consumer Price Index adjustment under the Coachella Valley Association of Governments (CVAG) Transportation Uniform Mitigation Fee (TUMF) Program and add the new Employee Housing exemption for TUMF based on CVAG's Program; CEQA Exempt; Districts 4 and 5. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Conduct a public hearing for and introduce, waive reading of the title and further reading of Ordinance No. 673.6, An Ordinance of the County of Riverside Amending Ordinance No. 673 Establishing a Coachella Valley Transportation Uniform Mitigation Fee Program to increase the fees based on the annual Consumer Price Index adjustment under the Coachella Valley Association of Governments (CVAG) Transportation Uniform Mitigation Fee (TUMF) Program and add the new Employee Housing exemption for TUMF based on CVAG's Program.

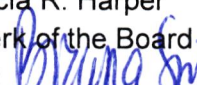
ACTION:Policy, Clerk to Advertise


Mark Lancaster, Director of Transportation 10/5/2022

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Perez, seconded by Supervisor Washington and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and that the above Ordinance is approved as introduced with a waiver of reading.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: October 18, 2022
xc: Trans., COB

Kecia R. Harper
Clerk of the Board
By: 
Deputy

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

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: Approve

BACKGROUND:

Summary

The County of Riverside (County) is a member agency of the Coachella Valley Association of Governments (CVAG), a joint powers agency comprised of the County of Riverside and cities located in Coachella Valley area of the County. The CVAG member agencies recognized that there was insufficient funding to address the impacts of new development on the regional system of highways and arterials (Regional System) in the Coachella Valley. In order to address this shortfall, the CVAG member agencies developed a program whereby a transportation mitigation fee would be assessed on new development and would be used to fund the necessary improvements for the Regional System. This is known as the Transportation Uniform Mitigation Fee (TUMF) Program.

Pursuant to the Mitigation Fee Act (Gov. Code §§ 66000 *et seq.*), CVAG prepared a new nexus study to update fees for the TUMF Program. On April 30, 2018, the CVAG Executive Committee reviewed and approved the 2018 TUMF Nexus Study to reflect changes in the TUMF Program based on changes in the TUMF network and costs of construction. The TUMF Nexus Study also included analysis of an annual inflation factor based on the Consumer Price Index for the Riverside-San Bernardino-Ontario metropolitan area. CVAG reviews the CPI annually to determine whether to apply the inflation factor to ensure that the TUMF is a fair and equitable method of distributing the costs of the improvements necessary to accommodate traffic volumes on the Regional System generated by future growth. On April 28, 2022, the CVAG Executive Committee approved an 8.24 percent annual increase to the TUMF based on the increase to the Consumer Price Index for Urban Consumers (CPI-U) for the Riverside-San Bernardino-Ontario metropolitan area in 2021. The increased TUMF is set to take effect on January 1, 2023. The CVAG Executive Committee recommends the member agencies prepare amendments to their respective ordinances to adopt and implement the increased TUMF.

Based on the recommendations of the CVAG Executive Committee on April 28, 2022, subsection a. of Section 7 of Riverside County Ordinance No. 673.6 will be amended and the proposed ordinance amendment will establish the new fee schedule for TUMF, effective January 1, 2023, as follows:

Land Use Category

Fee per Unit

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

Residential

Single-Family Detached	\$2,550/dwelling unit
Multi-Family, Mobile Home	\$1,470/dwelling unit
Nursing/Congregate Care	\$545/dwelling unit
Transit Oriented Development	15% discount
Low Income Housing	Exempt from Fee
Employee Housing	Exempt from Fee

Non-Residential

Industrial	\$1,340/1,000SF
Office	\$2,640/1,000SF
Retail	\$6,640/1,000SF
Fuel – Gas	\$9,515/dispenser
Fuel – Electric	\$100/dispenser
Golf Course	\$1,015/acre
Hotel	\$3,880/room

On June 23, 2022, the CVAG Executive Committee developed a process by which housing for agricultural employees may be exempt from the TUMF Program. An Employee Housing facility qualifies for the TUMF exemption if it meets the requirements of “employee housing” as defined in the California Employee Housing Act (EHA), Health and Safety Code section 17000 et seq. and is listed as active on the California Department of Housing and Community Development (HCD) registry. Owners of employee housing facilities that claim this TUMF exemption must record an Employee Housing Covenant requiring the property be operated in accordance with the State of California’s Employee Housing Act (EHA), Health and Safety Code 17000-17062.5. Monthly, the County is required to report exemptions granted for employee housing facilities to CVAG. Annually, the County and CVAG must coordinate to determine whether any facility that was granted a TUMF exemption for employee housing remains on the HCD registry and still qualifies for a TUMF exemption.

Based on CVAG’s new TUMF exemption for employee housing, the following changes will be made to Ordinance No. 673:

1. A new subsection c of Section 8 will be added to describe the rules of the employee housing exemption; and
2. A new subsection of section 4 will be added to include the term “Employee Housing” in accordance with the TUMF exemption.

Ordinance No. 673.6 will also revise the phrase “restricted covenant” to “restrictive covenant” in subsection a.2 and subsection a.3 to maintain consistency with the legal definition of a covenant.

Ordinance No. 673.6 will become effective sixty days after adoption.

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

Environmental Analysis

The California Environmental Quality Act (CEQA) does not apply to the proposed changes to Ordinance No. 673.6 or Ordinance No. 673.6 is exempt from CEQA for multiple reasons. First, organizational or administrative activities of government entities, such as the reorganization, formatting, addition of introductory explanation to the ordinance, and changes to administrative processing and application requirements do not constitute a project under CEQA pursuant to State CEQA Guidelines section 15378. Ordinance No. 673.6 is, in part, changing clarifying the type of covenant required for the TUMF exemptions and adding and renumbering some of the definitions.

Second, even if this is deemed to be a project subject to CEQA, the establishment or modification of fees charged by public agencies is statutorily exempt from CEQA pursuant to State CEQA Guidelines section 15273 when it is for the purpose of obtaining funds for capital projects, necessary to maintain service within existing service areas. CVAG recognized that there was insufficient funding to address the impacts of new development on the regional system of highways and arterials in Coachella Valley (Regional System) and created the transportation mitigation fee to fund the necessary improvements for the Regional System. CVAG increases the mitigation fees periodically pursuant to a nexus study and also annually. The member agencies of CVAG then review and adopt the increases to mitigation fee, as the County of Riverside is doing through the adoption of Ordinance No. 673.6.

Finally, Ordinance No. 673.6 is exempt pursuant to State CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the amendment to Ordinance No. 673 may have a significant effect on the environment. The revisions to Ordinance No. 673.6 involves adding a TUMF exemption for employee housing, adding a definition of employee housing, renumbering definitions, and increasing the fees based on the CVAG Executive Committee recommendation. None of these activities has any significant effect on the environment. Ordinance No. 673.6 with the increase in TUMF fees or exemption for employee housing facilities does not lead to any direct improvements, developments, or any other projects. Any future improvements, developments or other projects that may be constructed as a result of the fee increase or utilization of the employee housing exemption will be subject to a separate CEQA evaluation. As a result, adoption of Ordinance No. 673.6 is exempt from CEQA and there is no possibility that this amendment will cause a significant impact on the environment.

The Notice of Exemption will be filed upon the adoption of Ordinance No. 673.6

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 the Coachella Valley. 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 Coachella Valley regional transportation system. On April 28, 2022, the CVAG Executive Committee approved an increase in the TUMF fees based on an inflation factor from the Riverside-San Bernardino-Ontario Consumer Price Index (CPI) in order to sustain the Coachella Valley regional transportation system.

ATTACHMENTS:

Ordinance No. 673.6
CVAG TUMF Boundary
Data Sheet on Fee Increase



Jason Farin, Principal Management Analyst 10/12/2022

 _____ Sarah Moore	10/6/2022	 _____ Aaron Gettis, Deputy County Counsel	10/6/2022
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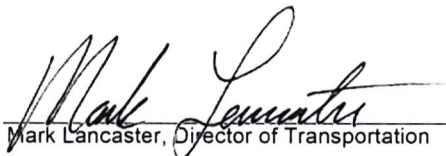
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ATTACHMENTS:

Ordinance No. 673.6

CVAG TUMF Boundary

Data Sheet on Fee Increase



Jason Farin, Principal Management Analyst 10/12/2022

 _____ Sarah Moore	 _____ Aaron Gettis, Deputy County Counsel	10/6/2022	10/6/2022
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ORDINANCE NO. 673.6
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 673
ESTABLISHING A COACHELLA VALLEY TRANSPORTATION
UNIFORM MITIGATION FEE PROGRAM

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

Section 1. Section 4. of Ordinance No. 673 is amended to read as follows:

“DEFINITIONS. As used in this ordinance, the following words, terms, and phrases shall have the following meanings:

- a. "Average Weekday Trips". The average number of daily vehicle trips to or from a designated land use Monday through Friday.
- b. "Change of Use". Any change in the use of an existing building that results in the increase of vehicular trips.
- c. "Coachella Valley". The TUMF collection boundary area as described by the Coachella Valley Association of Governments Transportation Uniform Mitigation Fee Handbook, as may be amended from time to time.
- d. "Coachella Valley Association of Governments" or "CVAG". The legal entity that manages and administers the TUMF in accordance with the laws of the State of California.
- e. "Development". Any activity which requires discretionary or ministerial action by the County resulting in the issuance of grading, building, plumbing, mechanical, or electrical permits, or certificates of occupancy issued by the County to construct, or change the use of, a building or property. Where Development applies to an enlargement of an existing building, or a change of use of an existing building which results in

1 increased vehicle trips, the average weekday trips shall be only the
2 additional trips in excess of those associated with the existing use.

3 f. "Employee Housing". Any housing which meets the definition of
4 "employee housing" as defined in the California Employee Housing Act
5 (EHA), Health and Safety Code section 17000 et seq.

6 g. "Industrial". Land uses including all light manufacturing, industrial parks,
7 warehouses, mini-warehouses, greenhouses and utilities.

8 h. "Low and Lower Income Housing". Single-family homes, apartments, and
9 mobile homes built for those whose income is no more than 80% of the
10 median income in the San Bernardino-Riverside Standard Metropolitan
11 Statistical Area and as determined and approved by the County. Single-
12 family homes are also known as One Family Dwellings as defined in
13 Ordinance No. 348, which may be amended from time to time.

14 i. "Multi-Family and Mobile Home Parks". Land uses typically include, but
15 are not limited to, high-rise and low-rise apartments, high-rise and low-rise
16 condominiums, and mobile home parks. A Mobile Home Park is a planned
17 development designed to accommodate mobile homes for recreational
18 vehicles on individual pad sites, for lease or rent. Multi-Family are also
19 known as Multiple Family Dwellings, as defined in Ordinance No. 348,
20 which may be amended from time to time.

21 j. "Nursing/Congregate Care". Nursing/Congregate Care uses provide a group
22 of rooms with shared living quarters for unrelated persons. Occupants of
23 Nursing/Congregate Care uses live and eat together with other persons in
24 the building sharing at a minimum communal kitchen, dining and living
25 facilities. Land uses typically include nursing homes, group homes,
26 correctional facilities, mental hospitals, college dormitories, military
27 barracks, missions, and shelters. Nursing/Congregate Care are also known

as Community Care Facilities, as defined in Ordinance No. 348, which may be amended from time to time.

k. "Office". Land uses including general office buildings, corporate headquarters, public facilities, medical office buildings, research centers, office parks, business parks, insurance offices, trade schools and other training centers.

l. "Regional System". The regional system of roads, streets and arterials, and highways identified by CVAG in its 2016 Transportation Project Prioritization Study ("TPPS") to accommodate growth in the Coachella Valley to the year 2040.

m. "Retail". All sales tax producing retail related uses. Retail uses include retail, general merchandise, specialty retail centers, discount stores, hardware or paint stores, beauty salons, supermarkets, wholesale markets, apparel stores, furniture stores, and automotive parts or supply stores.

n. "Single-Family Detached", also known as a One Family Dwelling as defined in Ordinance No. 348. A home on an individual lot, including subdivisions with public streets, or dwelling units within a planned unit development. Single-Family Detached also includes mobile homes not in a Mobile Home Park.

o. "Transit-Oriented Development" or "TOD". A development project consisting of residential use or mixed use, where not less than fifty (50%) percent of the floor space is for residential use if located within one-half mile of a transit station and with direct walking access to the transit station, within one-half mile of convenience retail uses including a store that sells food, and with a maximum number of parking spaces as required by Ordinance No. 348 as may be amended from time to time.

p. "Trip Generation Rate". The number of average weekday trips generated by a particular land use."

Section 2. Subsection a. of Section 7. of Ordinance No. 673 is amended to read as follows:

"a. The following TUMF schedule is effective through December 31, 2022:

Land Use Category:	Fee per Unit:
<u>Residential</u>	
Single-Family Detached	\$2,358/dwelling unit
Multi-Family and Mobile Home Parks	\$1,358/dwelling unit
Nursing/Congregate Care	\$505/dwelling unit
Transit Oriented Development	15% discount
Low Income Housing	Exempt from Fee
Employee Housing	Exempt from Fee

Non-Residential

Industrial	\$1,240/1,000SF
Office	\$2,440/1,000SF
Retail	\$6,135/1,000SF
Fuel – Gas	\$8,790/dispenser
Fuel – Electric	\$93/dispenser
Golf Course	\$939/acre
Hotel	\$3,583/room

The following TUMF schedule is effective beginning on January 1, 2023:

Land Use Category:	Fee per Unit:
<u>Residential</u>	
Single-Family Detached	\$2,550/dwelling unit
Multi-Family and Mobile Home Parks	\$1,470/dwelling unit

Nursing/Congregate Care	\$545/dwelling unit
Transit Oriented Development	15% discount
Low Income Housing	Exempt from Fee
Employee Housing	Exempt from Fee

Non-Residential

Industrial	\$1,340/1,000SF
Office	\$2,640/1,000SF
Retail	\$6,640/1,000SF
Fuel – Gas	\$9,515/dispenser
Fuel – Electric	\$100/dispenser
Golf Course	\$1,015/acre
Hotel	\$3,880/room”

Section 3. Subsection a. of Section 8 of Ordinance No. 673 is amended to read as follows:

“a. Low and Lower-Income Residential Housing. The following requirements apply:

1. Exemptions granted for Low and Lower-Income Residential Housing must be reported in the County’s monthly TUMF report.
2. For rental housing, the units shall be made available, rented and restricted to low-income households (as defined in Health and Safety Code section 50079.5 and section 50053 as may be amended from time to time) at an affordable rent for a period of at least fifty-five (55) years after the issuance of a certificate of occupancy for new residential development. A restrictive covenant shall be recorded with the County and shall run with the land for the term of fifty-five (55) years to qualify for the exemption.
3. For “for-sale” housing units, the units shall be sold to persons or families of low income (as defined in Health and Safety Code section 50093 as may be amended from time to time) at a purchase price that will not cause the

1 purchaser's monthly housing cost to exceed affordable housing cost (as
2 defined in Health and Safety Code section 50052.5 as may be amended
3 from time to time). Affordable units that are "for-sale" housing units shall
4 be restricted to ownership by persons and families of low income for at least
5 forty-five (45) years after the issuance of a certificate of occupancy for the
6 new residential development. A restrictive covenant shall be recorded with
7 the County and shall run with the land for the term of forty-five (45) years
8 to qualify for the exemption."

9 Section 4. New subsection c. is added to Section 8 of Ordinance No. 673 to read as follows:

10 "c. Employee Housing. The following requirements apply:

- 11 1. The Employee Housing facility must be listed as active on the California
12 Department of Housing and Community Development (HCD) registry. In
13 the event that an Employee Housing facility is no longer active on the HCD
14 registry, the TUMF shall immediately be due at the scheduled rate.
- 15 2. A restrictive covenant shall be recorded with the County and shall run with
16 the land requiring the Employee Housing facility to be operated in
17 accordance with the EHA, Health and Safety Code section 17000 et seq.
- 18 3. In the County's monthly TUMF report to CVAG, the County shall report
19 any exemptions granted for Employee Housing facilities.
- 20 4. Annually, the County and CVAG shall determine whether any facility that
21 was granted a TUMF exemption for Employee Housing remains on the
22 HCD registry, as required, and still qualifies for this TUMF exemption."

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1 Section 5. EFFECTIVE DATE. This ordinance shall take effect sixty (60) days after its
2 adoption.

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

5 By: _____
6 Chair, Board of Supervisors

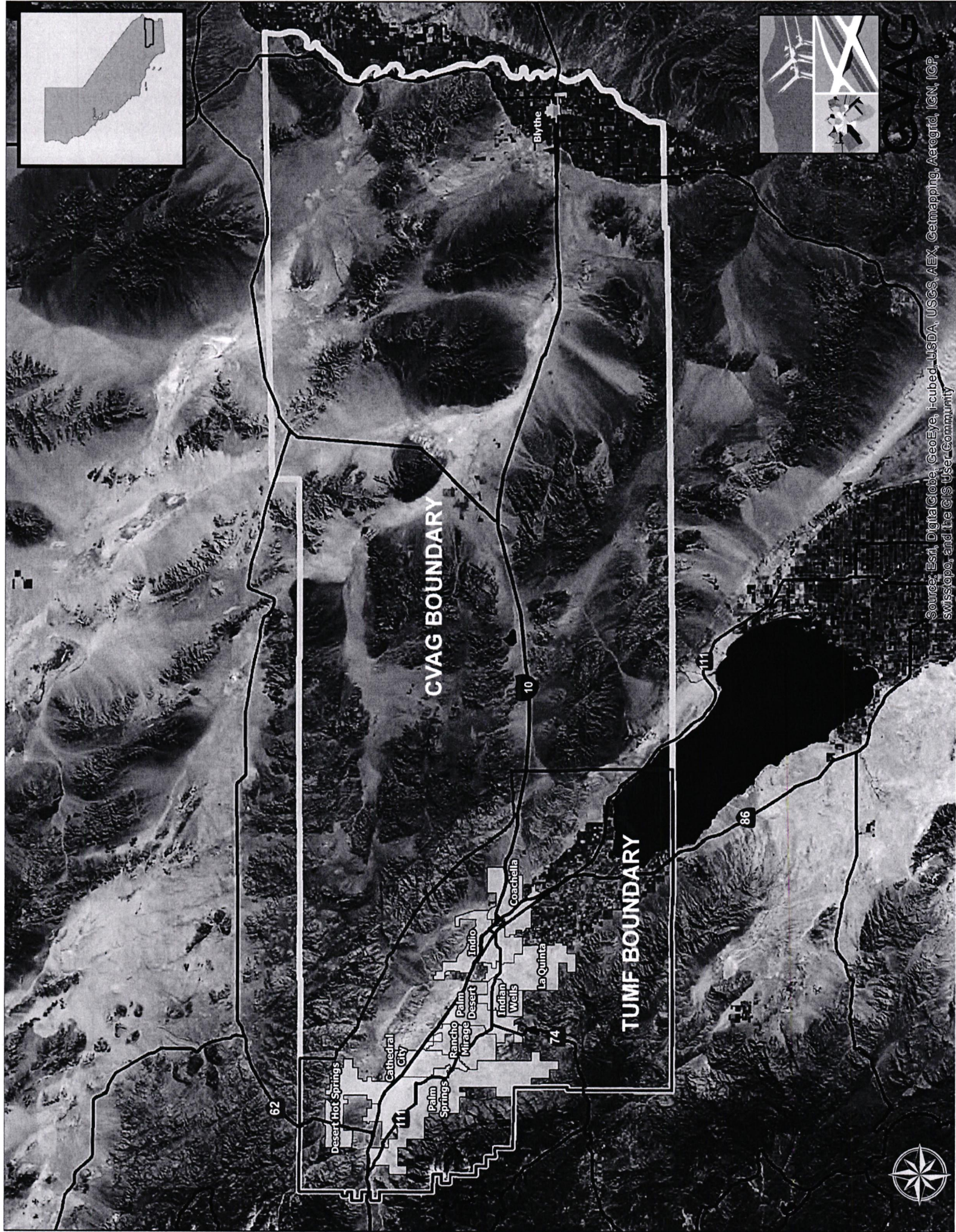
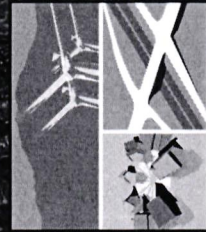
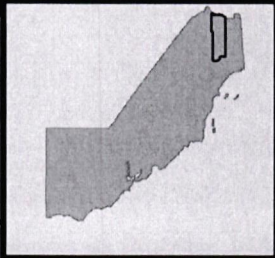
7 ATTEST:
8 KECIA R. HARPER
9 Clerk of the Board

10 By: _____

11
12 (SEAL)

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14
15 APPROVED AS TO FORM
16 October 3, 2022

17 By: Sarah K. Moore
18 Sarah K. Moore
19 Deputy County Counsel
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CVAG BOUNDARY

TUMF BOUNDARY

Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community





COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY



Transportation Department

Planning Department

Building & Safety Department

Code Enforcement Department

Important Announcement Mitigation Fee Increase

January 1, 2023, the Coachella Valley Transportation Uniform Mitigation Fee or Eastern TUMF, (Ordinance No. 673), fees will increase.

The CVAG Executive Committee has approved an annual inflation factor which is included in the Eastern TUMF to account for rising construction costs. The inflation factor is based on the Riverside-San Bernardino-Ontario Consumer Price Index (CPI).

Payment Category	Old Rate	New Rate
Single Family Detached	\$ 2,358 per unit	\$ 2,550 per unit
Multi-Family and Mobile Home Park Units (now one consolidated fee)	\$ 1,358 per unit	\$ 1,470 per unit
Nursing/Congregate Care	\$ 505 per unit	\$ 545 per unit
Industrial	\$1,240/1,000 sq ft	\$1,340/1,000 sq ft
Office	\$2,440/1,000 sq ft	\$2,640/1,000 sq ft
Retail	\$6,135/1,000 sq ft	\$6,640/1,000 sq ft
Fuel - Gas	\$8,790 per dispenser	\$9,515 per dispenser
Fuel - Electric	\$93 per dispenser	\$100 per dispenser
Golf Courses	\$939 per acre	\$1,015 per acre
Hotels	\$3,583 per room	\$3,880 per room

Important to Note:

Per Ordinance the mitigation fees that are due are those calculated at the rate in effect at the time of payment, not invoice creation.

WHAT DOES THIS MEAN?

If you have had mitigation fees calculated and invoiced, but are not able to pay prior to December 31, 2021, those calculated and invoiced fees will be voided. Updated calculated fees and invoices will be provided and will reflect the updated rates, as of January 1, 2023.

No Pre-Payment

In order to pay the fees you must have an approved entitlement (if applicable for your project) AND a building permit in PLAN CHECK status. Additionally, if you have previously paid mitigation fees but your permit expires after the fee increase you will be required to pay the difference in the mitigation fee rates when you renew your permit.

For questions, you may contact Fee Administration at (951) 955-6263 or Landuseinfo@rivco.org