

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



ITEM: 19.2
(ID # 22933)

MEETING DATE:

Tuesday, -October 17, 2023

FROM : TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:
Public Hearing for and Introduction of Ordinance No. 673.7, 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; Not a Project under CEQA per State CEQA Guidelines Section 15378 or CEQA Exempt per Sections 15273 and 15061(b)(3); Districts 4 and 5. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find the Update to Ordinance No. 673.7 is not a Project under CEQA per State CEQA Guidelines Section 15378 and is also Exempt per State CEQA Guidelines Sections 15273 and 15061(b)(3); and,
2. Conduct a public hearing for and introduce, waive reading of the title and further reading of Ordinance No. 673.7, 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.

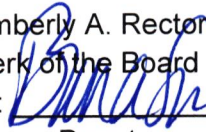
ACTION:Clerk to Advertise, Policy


Mark Lancaster, Director of Transportation 9/7/2023

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: October 17, 2023
xc: Trans.

Kimberly A. Rector
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 24, 2023, the CVAG Executive Committee approved a 7.4 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 2023. The increased TUMF is set to take effect on January 1, 2024. 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 24, 2023, subsection a. of Section 7 of Riverside County Ordinance No. 673.7 will be amended and the proposed ordinance amendment will establish the new fee schedule for TUMF, effective January 1, 2024, as follows:

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

Land Use Category	Fee per Unit
Residential	
Single-Family Detached	\$2,740/dwelling unit
Multi-Family, Mobile Home	\$1,580/dwelling unit
Nursing/Congregate Care	\$585/dwelling unit
Transit Oriented Single Family	\$2,330/dwelling unit
Transit Oriented Multi-Family	\$1,345/dwelling unit
Low Income Housing	Exempt from Fee
Employee Housing	Exempt from Fee
Non-Residential	
Industrial	\$1,440/1,000SF
Office	\$2,835/1,000SF
Retail	\$7,130/1,000SF
Fuel – Gas	\$10,220/dispenser
Fuel – Electric	\$105/dispenser
Golf Course	\$1,090/acre
Hotel	\$4,165/room

Ordinance No. 673.7 will become effective sixty days after adoption.

Environmental Analysis

The California Environmental Quality Act (CEQA) does not apply to the proposed changes to Ordinance No. 673.7 or Ordinance No. 673.7 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. 673.7 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. 673.7.

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
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Finally, Ordinance No. 673.7 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. Ordinance No. 673.7 with the increase in TUMF fees 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 will be subject to a separate CEQA evaluation. As a result, adoption of Ordinance No. 673.7 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. 673.7.

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 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 24, 2023, 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. 673.7
CVAG TUMF Boundary
Data Sheet on Fee Increase
Notice of Exemption



Jason Farin, Principal Management Analyst 10/11/2023



Aaron Gettis, Deputy County Counsel 10/4/2023

1 ORDINANCE NO. 673.7

2 AN ORDINANCE OF THE COUNTY OF RIVERSIDE

3 AMENDING ORDINANCE NO. 673

4 ESTABLISHING A COACHELLA VALLEY TRANSPORTATION

5 UNIFORM MITIGATION FEE PROGRAM

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

8 Section 1. Subsection a. of Section 7. of Ordinance No. 673 is amended to read as follows:

9 “a. The following TUMF schedule is effective beginning on January 1, 2024:

10 Land Use Category:	Fee per Unit:
11 <u>Residential</u>	
12 Single-Family Detached	\$2,740/dwelling unit
13 Multi-Family and Mobile Home Parks	\$1,580/dwelling unit
14 Nursing/Congregate Care	\$585/dwelling unit
15 Transit Oriented Single Family	\$2,330/dwelling unit
16 Transit Oriented Multi-Family	\$1,345/dwelling unit
17 Low Income Housing	Exempt from Fee
18 Employee Housing	Exempt from Fee
19	
20 <u>Non-Residential</u>	
21 Industrial	\$1,440/1,000SF
22 Office	\$2,835/1,000SF
23 Retail	\$7,130/1,000SF
24 Fuel – Gas	\$10,220/dispenser
25 Fuel – Electric	\$105/dispenser
26 Golf Course	\$1,090/acre
27 Hotel	\$4,165/room”

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

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

By: _____
Chair, Board of Supervisors

ATTEST:
KIMBERLY RECTOR
Clerk of the Board

By: _____

(SEAL)

APPROVED AS TO FORM
October 4, 2023

By: *Steph Nelson*
Stephanie K. Nelson
Deputy County Counsel



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, 2024, 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	\$ 2,550 per unit	\$ 2,740 per unit
Multi-Family and Mobile Home Park Units (now one consolidated fee)	\$ 1,470 per unit	\$ 1,580 per unit
Nursing/Congregate Care	\$ 545 per unit	\$ 585 per unit
Industrial	\$1,340/1,000 sq ft	\$1,440/1,000 sq ft
Office	\$2,640/1,000 sq ft	\$2,835/1,000 sq ft
Retail	\$6,640/1,000 sq ft	\$7,130/1,000 sq ft
Fuel - Gas	\$9,515 per dispenser	\$10,220 per dispenser
Fuel - Electric	\$100 per dispenser	\$105 per dispenser
Golf Courses	\$1,015 per acre	\$1,090 per acre
Hotels	\$3,880 per room	\$4,165 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, 2023, 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, 2024.

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



Mark Lancaster, P.E.
Director of Transportation

COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

Transportation Department

Mojahed Salama, P.E.
Deputy for Transportation/Capital
Projects

Russell Williams
Deputy for Transportation/Planning and
Development

NOTICE OF EXEMPTION

August 31, 2023

PROJECT TITLE: Adoption of Ordinance No. 673.7 to reflect changes in Riverside County Ordinance No. 673 relating to Coachella Valley Transportation Uniform Mitigation Fee Program (TUMF).

Work Order #ZTR1100 Task Code #ZADM

PROJECT SPONSOR: County of Riverside Transportation Department

PROJECT LOCATION: Unincorporated Riverside County

SUPERVISORIAL DISTRICT: Districts 4 and 5

PROJECT DESCRIPTION: Ordinance No. 673.7 is an amendment to Ordinance 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; CEQA Exempt; Districts 4 and 5. [\$0].

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on the Regional System generated by future growth. On April 24, 2023, the CVAG Executive Committee approved a 7.4 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, 2024. The CVAG Executive Committee recommends the member agencies prepare amendments to their respective ordinances to adopt and implement the increased TUMF.

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Employee Housing	Exempt from Fee
Non-Residential	
Industrial	\$1,440/1,000SF
Office	\$2,835/1,000SF
Retail	\$7,130/1,000SF
Fuel – Gas	\$10,220/dispenser
Fuel – Electric	\$105/dispenser
Golf Course	\$1,090/acre
Hotel	\$4,165/room

Ordinance No. 673.7 will become effective sixty days after adoption.

ENVIRONMENTAL ANALYSIS:

The County of Riverside Transportation Department has found that the above-described project is exempt from the provisions of the California Environmental Quality Act (CEQA), based on the following:

Section 15378 – Not a Project - 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. The proposed amendment to Ordinance 673 updates and modernizes the Ordinance language.

Section 15273 - Rates, Tolls, Fares, and Charges (a) CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies which the public agency finds are for the purpose of:

- (1) Meeting operating expenses, including employee wage rates and fringe benefits,
 - (2) Purchasing or leasing supplies, equipment, or materials,
 - (3) Meeting financial reserve needs and requirements,
 - (4) Obtaining funds for capital projects, necessary to maintain service within existing service areas, or
 - (5) Obtaining funds necessary to maintain such intra-city transfers as are authorized by city charter.
- (b) Rate increases to fund capital projects for the expansion of a system remain subject to CEQA. The agency granting the rate increase shall act either as the lead agency if no other agency has prepared environmental documents for the capital project or as a responsible agency if another agency has already complied with CEQA as the lead agency.
- (c) The public agency shall incorporate written findings in the record of any proceeding in which an exemption under this section is claimed setting forth with specificity the basis for the claim of exemption.

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By: Don Copeland, Senior Transportation Planner

Signed: Jan Bulinski
Jan Bulinski, Environmental Project Manager



Mark Lancaster
Director of Transportation

COUNTY OF RIVERSIDE
TRANSPORTATION AND
LAND MANAGEMENT AGENCY

Mojahed Salama, P.E.
Deputy for Transportation/Capital
Projects

Russell Williams
Deputy for Transportation/Planning and
Development

Transportation Department

DATE: August 31, 2023
TO: Josefina Castillo-Avila, ACR Technician III
FROM: Jan Bulinski, Environmental Project Manager *JRB*
RE: **Project Name: Adoption of Ordinance No. 673.7**
W.O.#ZTR1100 Task Code # ZADM

The County of Riverside Transportation Department is requesting that you post the attached Notice of Exemption per County Implementing Resolution No. 82-213, Division 11, Section 205C. Attached you will find an authorization to bill by journal voucher in the amount of \$50.00 for your posting fee.

After posting, please return the document to Mail Stop #2136, Attention: _Don Copeland. If you have any questions, please contact Don at dcopelan@rivco.org.

Attachment

cc: file

COUNTY OF RIVERSIDE CLERK & RECORDER

**AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER**

-TO BE FILLED IN BY SUBMITTING AGENCY-
537280-20000-3130500000 ZTR1100 ZADM

AUTHORIZATION NUMBER: W.O.#ZTR1100, Task Code ZADM

AMOUNT: \$50.00

DATE: August 31, 2023

AGENCY: County of Riverside Transportation Department

THIS AUTHORIZES THE COUNTY CLERK & RECORDER TO ISSUE A VOUCHER FOR PAYMENT OF ALL FILING AND HANDLING FEES FOR THE ACCOMPANYING DOCUMENT(S).

NUMBER OF DOCUMENTS INCLUDED: One (1)

AUTHORIZED BY: Jan Bulinski, Environmental Project Manager

Signature: *Jan Bulinski*

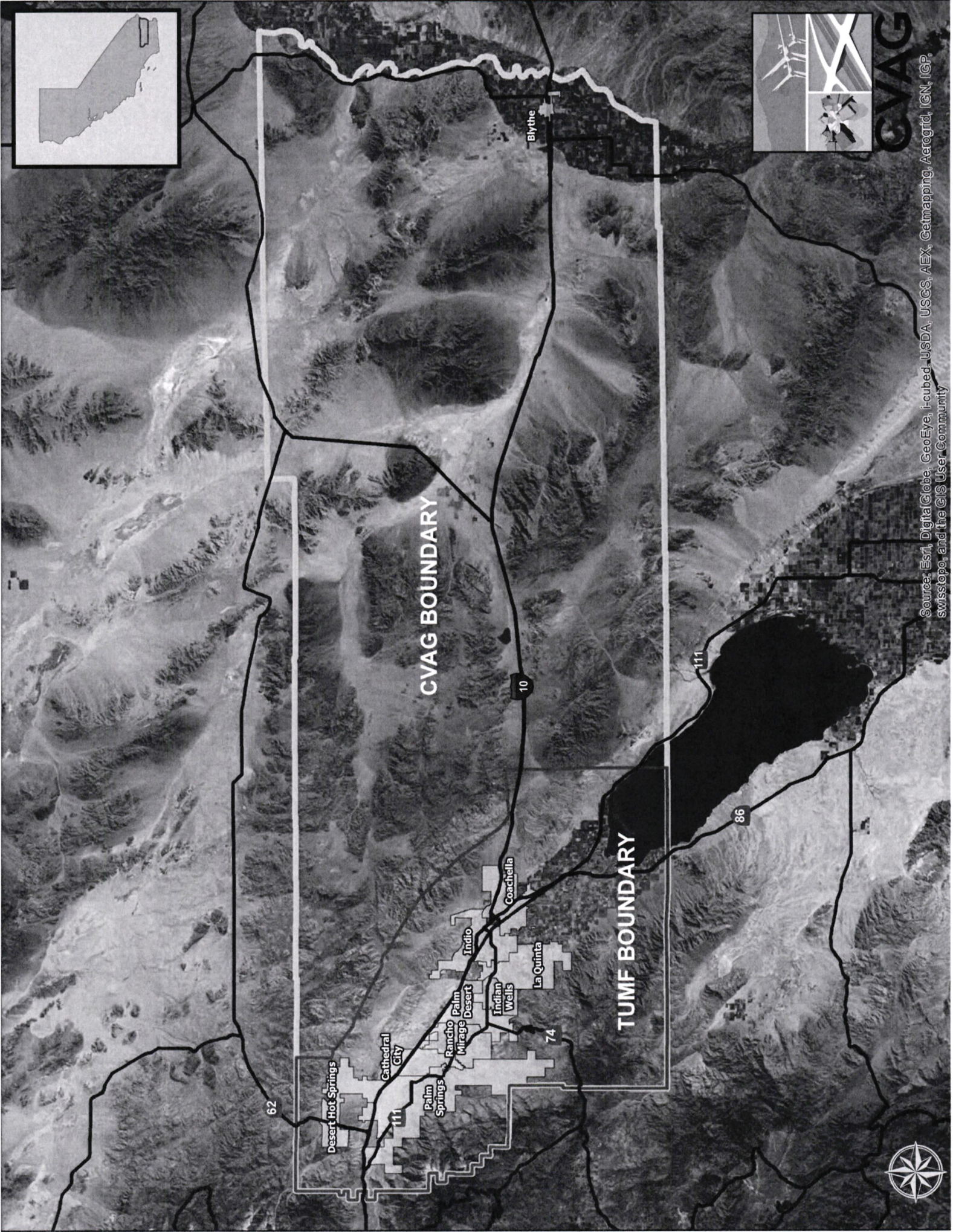
PRESENTED BY: Don Copeland, Senior Transportation Planner

-TO BE FILLED IN BY COUNTY CLERK-

ACCEPTED BY: -

DATE: -

RECEIPT # (S) -



CVAG BOUNDARY

TUMF BOUNDARY

Desert Hot Springs

Cathedral City

Palm Springs

Rancho Mirage

Desert

Indian Wells

La Quinta

Indio

Coachella

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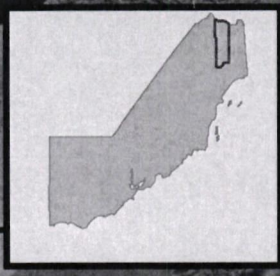
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CVAG

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

