

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



**ITEM: 3.40
(ID # 23171)**

MEETING DATE:
Tuesday, October 31, 2023

FROM : TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:
Adoption 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 Transportation (CVAG) Uniform Mitigation Fee (TUMF) Program. Not a project under California Environmental Quality Act (CEQA) based on State CEQA Guidelines Section 15378 and CEQA exempt pursuant to State CEQA Guidelines Section 15273. Districts 4 and 5. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

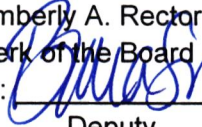
1. Find that Ordinance No. 673.7 is not a project under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15378 and is otherwise exempt from CEQA pursuant to State CEQA Guidelines section 15273 based on the findings and analysis contained herein and in the attached Notice of Exemption;
2. Adopt Ordinance 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; and
3. Direct the Clerk of the Board to file the attached Notice of Exemption with the County Clerk for posting in accordance with the California Environmental Quality Act.

ACTION: Clerk to Advertise, Policy

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Gutierrez, seconded by Supervisor Spiegel and duly carried, IT WAS ORDERED that the above matter is approved as recommended and Ordinance 673.7 is adopted with waiver of the reading.

Ayes: Jeffries, Spiegel, Washington and Gutierrez
Nays: None
Absent: Perez
Date: October 31, 2023
xc: Trans., Recorder, COBCF/AB/DL

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:

On September 12, 2023, the County of Riverside Board of Supervisors (Board) approved the Initiation of an Amendment to Ordinance No. 673 that directed the Transportation Department to prepare and process the ordinance amendment. On October 17, 2023, the Board held a public hearing and introduced Ordinance No. 673.7, which amends and updates the Transportation Uniform Mitigation Fee (TUMF) based on the County's participation in the Coachella Valley Association of Governments (CVAG) TUMF Program.

The County is a member agency of the CVAG, a joint powers agency comprised of the County of Riverside and cities located in Coachella Valley area of Riverside County. The member agencies of 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). In order to address this shortfall, the member agencies formulated a plan 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 TUMF Program.

Pursuant to the Mitigation Fee Act (Gov. Code §§ 66000 *et seq.*), CVAG prepared a new nexus study (2018 Nexus Study) to update fees for the TUMF Program. On April 30, 2018, the CVAG Executive Committee approved the 2018 Coachella Valley 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 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.

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

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

proposed ordinance amendment will establish the new fee schedule for TUMF, effective January 1, 2024, as follows:

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 Development	15% discount
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

Per the findings stated in the Notice of Exemption (NOE), attached hereto, and incorporated herein by reference, the California Environmental Quality Act (CEQA) does not apply to the proposed changes to Ordinance No. 673 or Ordinance No. 673.7 is exempt from CEQA based on the following:

1. Organizational or administrative activities of government entities do not constitute a project under CEQA pursuant to State CEQA Guidelines section 15378;
2. 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 because the purpose of this ordinance is to obtain funds for capital projects, necessary to maintain service within existing service areas; and
3. 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.

Impact on Residents and Businesses

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

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 10/24/2023

Sarah Moore 10/17/2023 Aaron Gettis, Deputy County Counsel 10/17/2023



Mark Lancaster, P.E.
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

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].

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



Lead Agency: COUNTY OF RIVERSIDE TRANSPORTATION DEPT.
ATTN: JAN BULINSKI, ENVIRONMENTAL PROJECT MANAGER
Address: 3525 14TH STREET
RIVERSIDE, CA 92501

FILED / POSTED

County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder

E-202301173
11/02/2023 11:18 AM Fee: \$ 50.00
Page 1 of 4

Removed: _____ By: _____ Deputy


Project Title

ADOPTION OF ORDINANCE NO. 673.7 TO REFLECT CHANGES IN RIVERSIDE COUNTY ORDINANCE NO. 673 TO COACHELLA VALLEY TRANSPORTATION UNIFORM MITIGATION FEE PROGRAM (TUMF)

Filing Type

- Environmental Impact Report
- Mitigated/Negative Declaration
- Notice of Exemption
- Other:

Notes

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.

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:

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 Development	15% discount
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 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.

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.

By: Don Copeland, Senior Transportation Planner

Signed: Jan Bulinski
Jan Bulinski, Environmental Project Manager

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ORDINANCE NO. 673.7
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. Subsection a. of Section 7. of Ordinance No. 673 is amended to read as follows:

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

Land Use Category:	Fee per Unit:
<u>Residential</u>	
Single-Family Detached	\$2,740/dwelling unit
Multi-Family and Mobile Home Parks	\$1,580/dwelling unit
Nursing/Congregate Care	\$585/dwelling unit
Transit Oriented Development	15% discount
Low Income Housing	Exempt from Fee
Employee Housing	Exempt from Fee
<u>Non-Residential</u>	
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”


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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 October 31, 2023, the foregoing ordinance consisting of 5 Sections was adopted by the following vote:

AYES: Jeffries, Spiegel, Washington, Perez, and Gutierrez
NAYS: None
ABSENT: None

DATE: October 31, 2023

KIMBERLY A. RECTOR
Clerk of the Board
BY:  Deputy

SEAL



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.

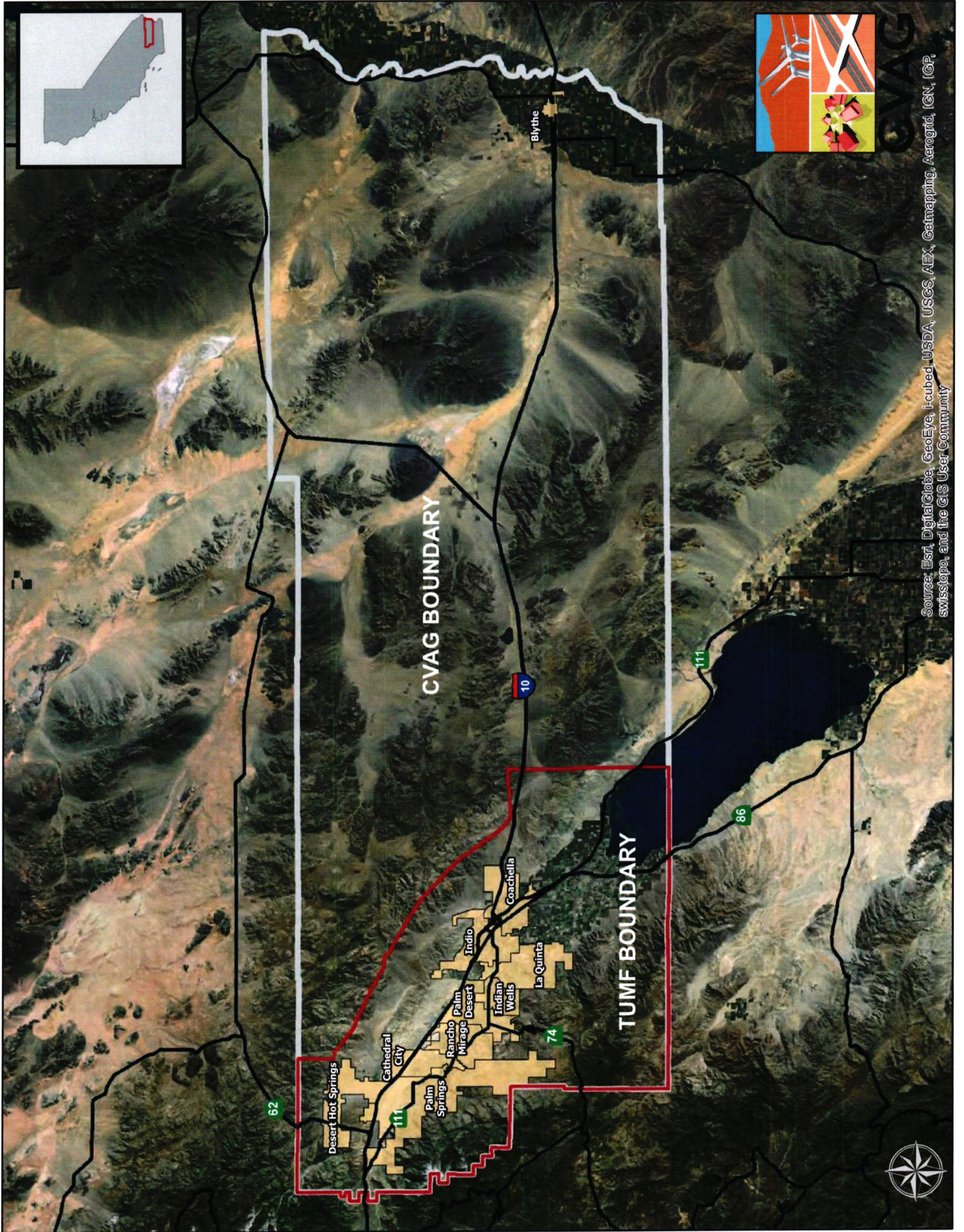
WHAT DOES THIS MEAN?

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



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

2023 NOV 14 AM 10:30



PART OF THE USA TODAY NETWORK

PO Box 23430
Green Bay, WI 54305-3430
Tel: 760-778-4578 / Fax 760-778-4731
Email: legals@thedesertsun.com

**PROOF OF
PUBLICATION**

**STATE OF CALIFORNIA SS.
COUNTY OF RIVERSIDE**

RIVERSIDE COUNTY-BOARD OF SUP.
4080 LEMON ST

RIVERSIDE CA 92501

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

**SUMMARY 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**

This summary is presented pursuant to California Government Code Section 25124(b): a certified copy of the full text of Ordinance No. 673.7 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.

In summary, Ordinance No. 673.7 amends Ordinance No. 673 in its entirety with comprehensive updates including, but not limited to, the following: updating the formatting, organization, and wording of provisions for consistency; increasing the Transportation Uniform Mitigation Fee (TUMF) by 7.4 percent, effective by January 1, 2024, based on the Coachella Valley Association of Governments (CVAG) annual adjustment of the TUMF, adopted on April 24, 2023. Ordinance No. 673.7 would take effect 60 days after its adoption.

K. Jeffries, Chair of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on October 31, 2023, the foregoing Ordinance was adopted by said Board by the following vote:

AYES: Jeffries, Spiegel, Washington and Gutierrez
NAYS: None
ABSENT: Perez
Kimberly A. Rector, Clerk of the Board
By: Cindy Fernandez, Clerk of the Board Assistant
Publication November 5, 2023

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 of the following issue dates, to wit:

11/05/2023

I acknowledge that I am a principal clerk of the printer of The Desert Sun, 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 certify under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.. Executed on this 5th of November 2023 in Green Bay, WI, County of Brown.

DECLARANT

Ad#:0005854229

P O : 673.7

This is not an invoice

of Affidavits 2

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

**SUMMARY OF ORDINANCE NO. 673.7
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 673 ESTABLISHING A COACHELLA VALLEY
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K. Jeffries, Chair of the Board

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AYES: Jeffries, Spiegel, Washington and Gutierrez
NAYS: None
ABSENT: Perez
Kimberly A. Rector, Clerk of the Board
By: Cindy Fernandez, Clerk of the Board Assistant
Publication November 5, 2023