

RESOLUTION #JPA 21-18

A RESOLUTION OF THE MARCH JOINT POWERS AUTHORITY AMENDING THE APPLICABLE TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) APPLICABLE TO ALL DEVELOPMENTS IN THE MARCH JOINT POWERS AUTHORITY BOUNDARIES

WHEREAS, the March Joint Powers Authority (JPA) is a member agency of the Western Riverside Council of Governments (“WRCOG”), a joint powers agency comprised of the County of Riverside and eighteen cities located in Western Riverside County; and

WHEREAS, the member agencies of WRCOG recognized that there was insufficient funding to address the impacts of new development on the regional system of highways and arterials in Western Riverside County (the “Regional System”); and

WHEREAS, 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; and

WHEREAS, WRCOG, with the assistance of TUMF Program participating jurisdictions, has prepared an updated Nexus Study entitled “Transportation Uniform Mitigation Fee Nexus Study: 2016 Update” (“2016 Nexus Study”) pursuant to California Government Code sections 66000 et seq. (the Mitigation Fee Act), for the purpose of updating the fees. On July 10, 2017, the WRCOG Executive Committee reviewed the 2016 Nexus Study and TUMF Program and recommended TUMF participating jurisdictions amend their applicable TUMF ordinances to reflect changes in the TUMF network and the cost of construction in order to update the TUMF Program; and

WHEREAS, consistent with its previous findings made in the adoption of Ordinance No. JPA #17-05, the March Joint Powers Commission (“JPC”) has been informed and advised, and hereby finds, that if the capacity of the Regional System is not enlarged and unless development contributes to the cost of improving the Regional System, the result will be substantial traffic congestion in all parts of Western Riverside County, with unacceptable Levels of Service. Furthermore, the failure to mitigate growing traffic impacts on the Regional System will substantially impair the ability of public safety services (police and fire) to respond and, thus, adversely affect the public health, safety and welfare. Therefore, continuation of a TUMF Program is essential; and

WHEREAS, the JPC finds and determines that there is a reasonable and rational relationship between the use of the TUMF and the type of development projects on which the fees are imposed because the fees will be used to construct the transportation improvements that are necessary for the safety, health, and welfare of the residential and non-residential users of the development in which the TUMF will be levied; and

WHEREAS, the JPC finds and determines that there is a reasonable and rational

relationship between the need for the improvements to the Regional System and the type of development projects on which the TUMF is imposed because it will be necessary for the residential and non-residential users of such projects to have access to the Regional system. Such development will benefit from the Regional System improvements and the burden of such developments will be mitigated in part by payment of the TUMF; and

WHEREAS, the JPC finds and determines that the cost estimates set forth in the new 2016 Nexus Study are reasonable cost estimates for constructing the Regional System improvements and the facilities that compromise the Regional System, and that the amount of the TUMF expected to be generated by new development will not exceed the total fair share cost to such development; and

WHEREAS, the fees collected pursuant to the TUMF Ordinance shall be used to help pay for the design, planning, construction of and real property acquisition for the Regional System improvements and its facilities as identified in the 2016 Nexus Study. The need for the improvements and facilities is related to new development because such development results in additional traffic and creates the demand for the improvements;

WHEREAS, by notice duly given and published, the JPC set the time and place for a public hearing on the 2016 Nexus Study and the fees proposed thereunder and at least ten (10) days prior to this hearing, the JPC made the 2016 Nexus Study available to the public; and

WHEREAS, at the time and place set for the hearing, the JPC duly considered data and information provided by the public relative to the cost of the improvements and facilities for which the fees are proposed and all other comments, whether written or oral, submitted prior to the conclusion of the hearing; and

WHEREAS, section 4.C. of the TUMF Ordinance authorizes periodic review and adjustment to the applicable TUMF in accordance with any adjustments made by the WRCOG Executive Committee; and

WHEREAS, the fees collected pursuant to this Resolution shall be used to finance the public facilities described or identified in the Nexus Study; and

WHEREAS, the levying of TUMF has been reviewed by the JPC and staff in accordance with the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines and it has been determined that the adoption of this ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

NOW, THEREFORE, the March Joint Powers Commission of the March Joint Powers Authority does resolve as follows:

SECTION 1. Findings. The recitals set forth above are hereby adopted as findings in support of this Resolution. In addition, the JPC re-adopts the findings contained in Section 2 of Ordinance JPA #17-05 in support of the adjusted TUMF contained herein.

SECTION 2. TUMF Schedule. In accordance with Section 4.C. of Ordinance JPA #17-

05 of the TUMF Ordinance, there is hereby adopted the following fee schedule for the TUMF which replaces the fee schedule set forth in Sections 2 and 3 of Resolution JPA #17-31 in its entirety as of September 8, 2021 provided that the fee for retail commercial projects shall go into effect upon the Effective Date set forth in Section 4, below:

A. There is hereby adopted the following TUMF schedule:

- (1) \$9,810.00 per single-family residential unit
- (2) \$6,389.00 per multi-family residential unit
- (3) \$1.81 per square foot of an industrial project
- (4) \$7.50 per square foot of a retail commercial project
- (5) \$4.75 per square foot of a service commercial project
- (6) \$2.38 per square foot of a service Class A and B Office

The resolution will establish the Fee Schedule as follows:

B. For single-family residential, multi-family residential, and non-residential projects, the fees set forth in Section 2.A. shall be as follows:

From January 1, 2022, the fee schedule shall be as follows:

- (1) \$10,104.00 per single family residential unit
- (2) \$6,580.00 per multi-family residential unit
- (3) \$1.86 per square foot of an industrial project
- (4) \$7.72 per square foot of a retail commercial project
- (5) \$4.89 per square foot of a service commercial project
- (6) \$2.45 per square foot of a service Class A and B Office

SECTION 3. CEQA Findings. The JPC hereby finds that in accordance with the California Environmental Quality Act ("CEQA") and the CEQA Guidelines the adoption of this Resolution is exempt from CEQA pursuant to Section 15061(b)(3).

SECTION 4. Effective Date. This Resolution shall become effective immediately.

PASSED, APPROVED, and ADOPTED this 8th day of September, 2021.




Rita Rogers, Chair
March Joint Powers Authority Commission

ATTEST

I, Cindy Camargo, Acting Clerk of the March Joint Powers Authority Commission, do hereby certify that the foregoing resolution #JPA 21-18 was duly and regularly adopted by the March Joint Powers Commission at its regularly scheduled meeting held on September 8, 2021, by the following vote of the Commission:

Ayes: Jeffries, Vargas, Baca (2 votes), Perry (2 votes), Hewitt, Rogers
Noes: None
Abstain: None
Absent: Conder

Date: September 8, 2021


Cindy Camargo, Acting Clerk
March Joint Powers Authority Commission

MARCH JOINT POWERS COMMISSION
OF THE
MARCH JOINT POWERS AUTHORITY

MJPA Operations - Consent Calendar
Agenda Item No. 7a (2)

Meeting Date: September 8, 2021

Action: **ADOPT RESOLUTION #JPA 21-18, AN AMENDMENT TO THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS CONSTRUCTION COST INDEX (CCI) ADJUSTED TUMF FEE SCHEDULE**

Motion: Move to adopt Resolution #JPA 21-18, an amendment to the Western Riverside Council of Government Construction Cost Index (CCI) Adjusted TUMF Fee Schedule.

Background:

The March JPA, as well as its member agencies, are members of the Western Riverside Council of Governments (WRCOG). Acting in concert, in 2002-2003, 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 or TUMF, on future residential, commercial, and industrial development. As a member jurisdiction of WRCOG and as a TUMF participating jurisdiction, the JPA adopted and implemented an ordinance authorizing the JPA's participation in the TUMF Program, including the collection of TUMF, and subsequent deferral to WRCOG for collection of fees.

WRCOG prepared a new Nexus Study to update the fees. 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. It should be noted that Member agencies do not have to adopt a new TUMF ordinance because language in the previously adopted ordinances (2016 and 2017) allows for amendments and updates to fee resolutions with a Resolution, thus no additional ordinance adoption is necessary.

In accordance with the Mitigation Fee Act, the proposed Ordinance and 2016 Nexus Study:

- (i) identify the purpose of the revised fees;
- (ii) identify the use to which the revised fees are to be put, including identification of any facilities to be financed;
- (iii) determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed;
- (iv) determine how 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

Preparation Date: September 2, 2021

- (v) determine how there is a reasonable relationship between the amount of the fees and the cost of the public facilities or portion of the public facility attributable to the development on which the fees are imposed.

The Fee Schedule for TUMF is as follows:

A. There is hereby adopted the following TUMF schedule:

- (1) \$9,810.00 per single-family residential unit
- (2) \$6,389.00 per multi-family residential unit
- (3) \$1.81 per square foot of an industrial project
- (4) \$7.50 per square foot of a retail commercial project
- (5) \$4.75 per square foot of a service commercial project
- (6) \$2.38 per square foot of a service Class A and B Office

The resolution will establish the Fee Schedule as follows:

B. For single-family residential, multi-family residential, and non-residential projects, the fees set forth in Section 2.A. shall be as follows:

From January 1, 2022, the fee schedule shall be as follows:

- (1) \$10,104.00 per single family residential unit
- (2) \$6,580.00 per multi-family residential unit
- (3) \$1.86 per square foot of an industrial project
- (4) \$7.72 per square foot of a retail commercial project
- (5) \$4.89 per square foot of a service commercial project
- (6) \$2.45 per square foot of a service Class A and B Office

Environmental Analysis:

The proposed Resolution #JPA 21-18 is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Sections 15061(b)(3) and 15378 (b)(4) of the CEQA Guidelines as amending and superseding TUMF fees does not approve the construction of any transportation improvements or any other development projects. As such, adoption of the resolution amending TUMF fees is merely “the creation of a government funding mechanism which does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment.” Additionally, through adopting Resolution #JPA 20-10, it is considered an activity covered by the general rule in that through amending and superseding TUMF fees, “it can be seen with certainty that there is no possibility that the activity of amending TUMF fees may have a significant effect on the environment, the activity is not subject to CEQA.” Accordingly, the amendment of the TUMF fees is not a “project” and is exempt from environmental review under CEQA.

Attachment: 1) Resolution #JPA 21-18.