

RESOLUTION #JPA 06-05

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

WHEREAS, the March Joint Powers Authority (“Authority”) is a Member Agency of the Western Riverside Council of Governments (“WRCOG”), a joint powers agency consisting of the Authority, the County of Riverside, and the thirteen Cities situated in Western Riverside County. Acting in concert, the Member Agencies of WRCOG 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”) could be made up in part by a Transportation Uniform Mitigation Fee on future residential, commercial and industrial development. A map depicting the boundaries of Western Riverside County and the system is attached hereto as Exhibit “A” and made a part hereof. As a Member Agency of WRCOG, the Authority participated in the preparation of a certain “Western Riverside County Transportation Uniform Mitigation Fee Nexus Study”, dated October 18, 2002 (“2002 Nexus Study”) prepared pursuant to California Government Code, Section 66000 et seq., the Mitigation Fee Act. Based on this nexus study, the Authority adopted and implemented Ordinance No. JPA 03-03 authorizing its participation in a Transportation Uniform Mitigation Fee Program; and

WHEREAS, WRCOG with the assistance of its member agencies have now prepared an updated “Western Riverside County Transportation Fee Nexus Study” (“Nexus Study”) pursuant to California Government Code Section 66000 et seq., the Mitigation Fee Act for the purpose of updating the fees imposed by Ordinance No. JPA 06-01; and

WHEREAS, consistent with its previous findings made in the adoption of Ordinance No. JPA 06-01, the Commission has been informed and advised, and hereby finds, that future development within Western Riverside County and the Cities therein will result in traffic volumes exceeding the capacity of the Regional System as it presently exists; and

WHEREAS, consistent with its previous findings made in the adoption of Ordinance No. JPA 06-01, the Commission of the March Joint Powers Authority has been further informed and advised, and hereby finds, that if the capacity of the Regional System is not enlarged, the result will be substantial traffic congestion in all parts of Western Riverside County and the Authority, with unacceptable Levels of Service throughout Western Riverside County by 2030; and

WHEREAS, the Commission has been further advised, and so finds that fees adopted pursuant to the 2002 Nexus Study, will be inadequate to fund construction of the Regional System. Absent an update of the “Transportation Uniform Mitigation Fee” (“TUMF”) based on the Nexus Study, existing and known future funding sources will be

inadequate to provide necessary improvements to the Regional System, resulting in an unacceptably high level of traffic congestion within and around Western Riverside County and the Authority; and

WHEREAS, the Commission has reviewed the Nexus Study, and hereby finds that future development within the County and Authority will substantially adversely affect the Regional System, and that unless such development contributes to the cost of improving the Regional System, the Regional System will operate at unacceptable Levels of Service; and

WHEREAS, the Commission hereby finds and determines that the failure to mitigate growing traffic impacts on the Regional System within Western Riverside County and the Authority will substantially impair the ability of public safety services (police and fire) to respond. The failure to mitigate impacts on the Regional System will adversely affect the public health, safety and welfare; and

WHEREAS, the Commission further 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 nonresidential users of the development projects on which the TUMF will be levied; and

WHEREAS, the Commission 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 development will be mitigated in part by the payment of the TUMF; and

WHEREAS, the Commission further finds and determines that the cost estimates set forth in the Nexus Study are reasonable cost estimates for constructing the Regional System improvements, 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 Commission further finds that the cost estimates set forth in the Nexus Study are reasonable cost estimates for the facilities that comprise the Regional System; and that TUMF program revenues to be generated by new development will not exceed the total fair share of these costs; and

WHEREAS, the fees collected pursuant to this Resolution and the ordinance amending and superseding Ordinance No. JPA 03-03 shall be used to help pay for the construction and acquisition of the Regional System improvements identified in the updated Nexus Study. The need for the improvements is related to new development because such development results in additional traffic thus creating the demand for the improvements; and

WHEREAS, by notice duly given and published in the Press Enterprise on May 7, 2006, the Commission set the time and place for a public hearing on the Nexus Study and the fee proposed thereunder, and at least ten days prior to the hearing, the Authority made the Nexus Study available to the public; and

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

WHEREAS, the Commission finds that the Nexus Study proposes a fair and equitable method for distributing a portion of the unfunded costs of improvements to the Regional System; and

WHEREAS, the Commission hereby adopts the Nexus Study, which Study is attached hereto as Exhibit "B", and incorporates it herein as though set forth in full; and

WHEREAS, the Commission hereby adopts the fees contained herein and by this adoption hereby repeals the fees previously adopted pursuant to Ordinance JPA 03-03.

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

Section 1. Findings. The recitals set forth above are hereby adopted as findings in support of this Resolution.

Section 2. Definitions. The terms of this Resolution shall have the same meaning ascribed to them in Section 3 of Ordinance No. JPA 03-03.

Section 3. TUMF Fee Schedule.

A. There is hereby adopted the following TUMF fee schedule:

- (1) \$9,693.00 per single family residential unit
- (2) \$6,806.00 per multi-family residential unit
- (3) \$2.27 per square foot of an industrial project
- (4) \$12.49 per square foot of a retail commercial project
- (5) \$6.33 per square foot of a service commercial project
- (6) \$2.11 per square foot of a Class A Office project until June 30, 2007 plus any CCI adjustments that may occur
- (7) \$2.11 per square foot of a Class B Office project until June 30, 2007 plus any CCI adjustments that may occur

B. For non-residential projects, the fees set forth in Section 3.A. shall be phased in as follows:

From July 1, 2006 to June 30, 2007, the fee schedule shall be as follows:

- (1) \$1.58 per square foot of an industrial project

- (2) \$8.51 per square foot of a retail commercial project
- (3) \$5.28 per square foot of a service commercial project
- (4) \$2.11 per square foot of a Class A Office project and Class B Office project until June 30, 2007 plus any CCI adjustments that may occur

From July 1, 2007 to June 30, 2008, the fee schedule shall be as follows:

- (1) \$1.81 per square foot of an industrial project
- (2) \$9.83 per square foot of a retail commercial project
- (3) \$5.63 per square foot of a service commercial project

From July 1, 2008 to June 30, 2009, the fee schedule shall be as follows:

- (1) \$2.04 per square foot of an industrial project
- (2) \$11.16 per square foot of a retail commercial project
- (3) \$5.98 per square foot of a service commercial project

From July 1, 2009, the fee schedule shall be as follows:

- (1) \$2.27 per square foot of an industrial project
- (2) \$12.49 per square foot of a retail commercial project
- (3) \$6.33 per square foot of a service commercial project

Section 3. CEQA Findings. The Commission 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. Ordinance No. JPA 06-01. In the event Ordinance No. JPA 06-01 and this Resolution are declared invalid or unenforceable by a court of competent jurisdiction, the TUMF fees adopted pursuant to Ordinance JPA 03-03 shall remain in full force and effect.

Section 5. Effective Date. This Resolution shall become effective July 17, 2006. This Resolution shall not become effective unless Ordinance No. JPA 06-01 also becomes effective.

ADOPTED this 17th day of May, 2006.

Ayes: Schiavone, Ashley, White, Yarbrough, Loveridge, Busch, Buster
Noes: None
Abstains: None
Absent: Stewart
Date: May 17, 2006

By: 
Bob Buster, Vice Chairman,
Commission of the March Joint Powers Authority

ATTEST:

By: 

Carey L. Allen

Secretary, March Joint Powers Authority

Exhibit A

Regional System of Highways and Arterials in Western Riverside County

(Following Page)

Exhibit B

Western Riverside County Transportation Fee Nexus Study

(Available at Office of March JPA)