

**ORDINANCE NO. 748
(AS AMENDED THROUGH 748.1)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING
ORDINANCE NO. 748 TO MITIGATE TRAFFIC CONGESTION
THROUGH SIGNALIZATION**

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

Section 1. TITLE. This ordinance shall be known as the Traffic Signal Mitigation Program Ordinance.

Section 2. FINDINGS. The Board of Supervisors finds and determines that:

- (a) This ordinance establishes a means of equitably assessing the costs of Traffic Signal installations needed to mitigate the cumulative environmental impacts resulting from the additional traffic generated by new development projects.
- (b) The installation of warranted Traffic Signals and other control devices provides for improved intersection safety and efficiency, and reduces overall commuter delay, traffic congestion, air pollution, and fuel consumption.
- (c) A system of regulations and fees to cover the estimated reasonable costs of installing needed signalization devices, in combination with other development requirements, is a practical method for insuring that adequate mitigation of traffic related environmental impacts will be achieved.

Section 3. AUTHORITY. This ordinance is established under the authority of Chapter Five of Division 1 of Title 7 of the Government Code which provides that a local agency may establish fees for the purpose of financing public facilities.

Section 4. ADMINISTRATIVE RESPONSIBILITY. The Director of the Transportation and Land Management Agency shall be responsible for the administration of the Signal Mitigation Program. Detailed administrative responsibility and additional program procedures shall be described in a resolution of the Board of Supervisors, which document shall supplement this ordinance. Specific details of the program shall be prepared as a document of the Transportation and Land Management Agency.

Section 5. DEFINITIONS. For purposes of this ordinance, the following terms shall have the indicated definitions:

- (a) **"Signal Mitigation Program"** means the process of the collection and expenditure of environmental fees for traffic congestion mitigation purposes through signalization.
- (b) **"Signal Mitigation Program Fee Area"** means the geographic area, encompassed by the boundaries of the County of Riverside, excluding areas incorporated as, or annexed to municipalities, for the uniform collection and expenditure of Signal Mitigation Program fees.
- (c) **"Fee area"** means the Signal Mitigation Program Fee Area
- (d) **"Traffic Signal(s)"** are electrically powered traffic control devices, other than barricade warning lights or steady burning electric lamps, by which traffic is warned or directed to take some specific action. As used herein, Traffic Signals shall

include traffic control signals, pedestrian crossing signals, ramp metering signals, flashing beacons, lane-use control signals, priority control of traffic signals, and all appurtenant and ancillary equipment.

- (e) **"Construction Cost Index"** means that index of construction costs established and published monthly in the Engineering News Record and known as the "Construction Cost Index" (CCI).
- (f) **"Traffic Signal Warrants"** means those criteria described in the State of California Department of Transportation Traffic Manual, and the U.S. Department of Transportation Federal Highway Administration Manual on Uniform Traffic Control Devices. Inasmuch as those criteria for the installation of Traffic Signals are nationally accepted, those warrants, and any subsequent revisions are hereby adopted as the County of Riverside Traffic Signal Warrants.
- (g) **"Signal Priority List"** means that working document which is maintained by the Transportation and Land Management Agency to assist in the determination of locations for signalization. The Signal Priority List is a dynamic listing of locations that have been determined to have met Traffic Signal Warrants, which locations are prioritized based on traffic volume and collision history.
- (h) **"Gross Acreage"** means the total property area as shown on a land division map of record, or described through a recorded legal description of the property. This area shall be bounded by road right of way and property lines.
- (i) **"Project Area" ("ac.")** for fee purposes means the area, measured in acres, from the adjacent road right of way line to the limits of project improvements. Project Area shall include all project improvements and areas of intensive use on applicant's gross acreage, including all areas depicted on the applicant's exhibit, as submitted to the County of Riverside Planning Department. Except as otherwise provided herein, the Project Area is the area upon which the development will be assessed Signal Mitigation Program fees.
- (j) **" Dwelling Unit" ("d.u.")** as defined in the 1991 edition of the Uniform Building Code, which is from time to time amended, and adopted by Riverside County Ordinance No. 457, is any mobile home or building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, for not more than one family. Dwelling unit based fees will be based on the actual number of proposed dwelling units.
- (k) **"Transportation Improvement Program"** is that seven year program of proposed transportation improvements, prepared by the Transportation and Land Management Agency, and submitted annually to the Board of Supervisors by the Director of the Transportation and Land Management Agency for approval. The Transportation Improvement Program is incorporated as a component of the County of Riverside Capital Improvement Program.
- (l) **"Development"** means the improvement or change of use of a parcel of property. The context of use may also refer to the growth process by which change occurs.

Section 6. PURPOSE.

- (a) This ordinance adopts and sets forth policies, regulations and fees relating to the funding and installation of Traffic Signals that are a part of the mitigation of the cumulative environmental impacts of traffic congestion generated by new developments and land use changes.

- (b) This ordinance establishes the authorized uses of the fees collected hereby.
- (c) This ordinance formalizes and revises a signal mitigation program that previously had been made a condition of approval of development projects on a case by case basis since 1982. The fee amounts are brought current by recalculating the fees, based on current construction and program costs, using the original fee calculation methodology.
- (d) This ordinance establishes procedures and requirements regarding the Signal Mitigation Program as applied to development projects which impact the environment through the generation of additional vehicular traffic.
- (e) This ordinance establishes the Signal Mitigation Program as a uniform county-wide Traffic Signal fee collection program. Fee amounts collected within the Signal Mitigation Program Fee Area shall be in accordance with the Signal Mitigation Program Fee schedule set forth hereby.

Section 7. AUTHORIZED USE OF SIGNAL MITIGATION PROGRAM FEES.

- (a) Signal Mitigation Program fees shall be utilized for the direct and indirect costs associated with the installation, modification and upgrading of Traffic Signals and related improvements, and as provided herein. Said improvements shall be included in the County of Riverside Transportation Improvement Program.
- (b) Locations proposed for signalization shall meet a minimum of one of the established Traffic Signal Warrants based on existing conditions, or based on projections of conditions not to exceed five years from the study date. Authorized use of Signal Mitigation Program fees shall include, but shall not be limited to, the following:
 - (1) General Signal Mitigation Program management, including planning, studies, record keeping, meetings, travel, training, staff supervision, accounting, data processing, and other related administrative tasks.
 - (2) Design and other preliminary, engineering-related functions.
 - (3) Environmental clearance procedures, right-of-way acquisitions, and associated activities.
 - (4) Cooperative agreement preparation and related activities.
 - (5) Construction contract preparation, and related activities.
 - (6) Construction, construction materials, construction inspection, surveys, materials testing, procurement, and related activities.
 - (7) Equipment, materials, and labor to support the above-described activities.
- (c) Improvements at or near Traffic Signal project locations are authorized to be funded from the Signal Mitigation Program providing that the improvements are related to the installation of Traffic Signals and create additional intersection capacity, improve roadway safety, increase the life of Traffic Signal improvements, or provide other benefits to the traveling public. These authorized improvements may include, but are not limited to, safety lighting, flashing beacons, traffic signal coordination hardware and software, standard and changeable message signing, striping, pavement markings, raised pavement markers, pre-emption controls, access ramps, intersection area sidewalks, street pavement improvements, roadway widening, curbs, gutters and other drainage improvements, central traffic signal control and monitoring equipment and software, and other items that meet the criteria listed

above.

- (d) The Intelligent Vehicle Highway Systems (IVHS) element of the Signal Mitigation Program fee shall be utilized for administrative, planning, design, and construction activities related to IVHS. IVHS related expenses may include costs for those advanced traffic management and information systems that are related to IVHS. Prior to expenditure of any of the funds authorized herein for capital purchases, the Director of Transportation shall submit proposed IVHS funding policy and procedures for review and approval by the Board of Supervisors. Said policy shall include a listing of proposed improvements to be funded from the IVHS fee element. The IVHS element of the Signal Mitigation Program fee shall be an established percentage of the Signal Mitigation Program fee that is current at the time of payment. This fee may apply to certain geographic areas or travel corridors, dependent upon the final, adopted policies and procedures.

Section 8. SIGNAL MITIGATION PROGRAM FEES. The Signal Mitigation Program fees are hereby adopted as follows:

- (a) The Signal Mitigation Program fees shall be in accordance with the fee schedule set out in the attached Exhibit "A," which is incorporated herein, and shall be adjusted annually in accordance with the annual change in the Construction Cost Index or similar index that may be established by the Board of Supervisors.
- (b) Signal Mitigation Program fees shall be comprised of a calculated base fee and additional fee elements calculated as a percentage of the base fee. Those additional fee elements are as follows:
- (1) Traffic signal coordination/inter-connect.
 - (2) Intelligent Vehicle Highway Systems (IVHS).
 - (3) Administrative
- (c) Fee categories are hereby established for the land uses, listed and described as follows:
- (1) **"Residential Single Family"** means all single family residential dwellings, including those within mobile home subdivisions.
 - (2) **"Residential Multiple Family"** means all residential dwellings other than Residential Single Family. This category shall include but shall not be limited to multiple family dwellings, two family dwellings, apartment houses, boarding, rooming, and lodging houses, congregate care residential facilities, and individual spaces within mobile home parks and recreational vehicle parks.
 - (3) **"Institutional/Non-profit"** means all property used exclusively for institutions such as churches, museums, or schools, as well as properties used exclusively for non-profit religious, scientific, or hospital purposes. Said exclusive use of the property shall be considered to mean that no profit making uses shall be allowed on the properties. The applicant shall provide documentation from the California Franchise Tax Board certifying that the proposed use of the property is for non-profit purposes to qualify for this fee category.

- (4) **"Industrial/Commercial"** means land uses that are consistent with any of the following descriptions:
- (a) An industrial or manufacturing business that employs personnel and capital in a productive or profit making enterprise.
 - (b) A commercial business engaged in wholesale or retail marketing or products **or services with an intent to make a profit.**
 - (c) A commercial business engaged in the growth, production, or processing of plant and animal products. This shall include, but shall not be limited to, agricultural, dairy, and poultry uses.
- (5) **"Senior/Retirement Residential Single Family"** means all Residential Single Family dwellings which are legally restricted to occupancy by senior citizens, pursuant to a senior citizen zoning classification adopted in accordance with Section 18.7 of Riverside County Ordinance No. 348.
- (6) **"Senior/Retirement Residential Multiple Family"** means all Residential Multiple Family dwellings which are legally restricted to occupancy by senior citizens, pursuant to a senior citizen zoning classification adopted in accordance with Section 18.7 of Riverside County Ordinance No. 348.
- (d) The fees established by this ordinance shall be revised annually by means of an automatic adjustment at the beginning of each fiscal year based on the average percentage change over the previous calendar year in the Construction Cost Index for the Los Angeles metropolitan area. The first fee adjustment shall not be made prior to a minimum of 10 months subsequent to the effective date of this ordinance. The fees, as adjusted annually, shall be compiled by the Transportation and Land Management Agency, and shall be included in an annual report to the Board of Supervisors pertaining to the Signal Mitigation Program. The annual report shall be presented to the Board of Supervisors by May 15 of each year, and fee adjustments shall be effective on July 1 of each year. The continued validity of the fee calculation methodology shall be evaluated by the Transportation and Land Management Agency, and a summary of the evaluation shall be presented to the Board of Supervisors every 5 years subsequent to the date of the enactment of this ordinance. The individual fee element percentages may be adjusted by a resolution of the Board of Supervisors.
- (e) All applicants for building permits shall pay Signal Mitigation Program fees to the Transportation and Land Management Agency as a condition of the building permit, and as follows:
- (1) Notwithstanding any written requirements to the contrary, the Signal Mitigation Program fee shall be paid whether or not the property is subject to Riverside County conditions of approval for payment of the fees.
 - (2) Said fees shall be included in the County of Riverside conditions of approval for land divisions and discretionary permits.
 - (3) The Signal Mitigation Program fee shall be paid in full at the time of final inspection, or at the time that a certificate of occupancy is issued, whichever occurs first. Advance payment may be made concurrent with application for Building Permits. Advance payments prior to issuance of a Building Permit may be made if formally agreed upon by the County and the applicant.

- (4) The Signal Mitigation Program fee for residential developments which contain more than one dwelling, and for which County of Riverside conditions of approval for payment of said fees have been imposed, shall be paid on a pro rata basis for each dwelling when it receives its final inspection or certificate of occupancy, whichever occurs first, notwithstanding any provisions to the contrary that may be contained in the conditions of approval.
 - (5) The Signal Mitigation Program fee for industrial/commercial developments shall be paid on a lump sum basis for the entire Project Area as approved for the discretionary permit.
 - (6) If all or part of development properties are sold prior to payment of the Signal Mitigation Program fee, such property shall continue to be subject to the requirement for payment of the fees by the purchaser of the development property, as provided herein.
 - (7) No final inspection shall be made, and no certificate of occupancy shall be issued, prior to full payment of the Signal Mitigation Program fee.
 - (8) Discretionary uses, for which the County of Riverside does not require a final inspection or issuance of a certificate of occupancy, shall pay required Signal Mitigation Program fees prior to any use allowed under the discretionary permit, or as otherwise provided in the conditions of approval.
- (f) Fee payment shall be assessed one time per lot or parcel except in cases of changes in land use. Fees for changes in land use shall be reduced by the amount of any previously paid fees for that property, and no refunds will be provided for changes in land use to a lower fee category. It shall be the responsibility of the applicant to provide documentation of any previously paid fees.
- (g) Fees shall be in accordance with the Signal Mitigation Program fee schedule in effect at the time of payment, unless a prior condition of approval or agreement between the County of Riverside and the applicant includes a requirement for a different fee amount. It shall be the responsibility of the applicant to provide documentation of a prior fee amount requirement. Fee credits or in-lieu payments shall be allowed only as specifically provided within this ordinance. There shall be no deferments of Signal Mitigation Program fees.
- (h) Acreage-based contributions shall be computed on the basis of the Project Area in accordance with the following:
- (1) The Project Area shall be determined or verified by County staff based upon the applicant's development plot plan as submitted to the Planning Department.
 - (2) If the difference between the net acreage, as exhibited on the plot plan, and the Project Area is less than one-quarter acre, the fees shall be charged on the full gross acreage.
 - (3) The applicant may elect, at his own expense, to have the Project Area evaluated, dimensioned, and certified by a registered civil engineer or a licensed land surveyor. The engineer or land surveyor shall prepare a wet-stamped letter of certification of the Project Area dimensions and a plot plan

exhibit that clearly delineates the Project Area. Upon receipt of the letter of certification and plot plan exhibit, the fees will be established based upon the certified Project Area.

- (4) Appeals regarding the determination of a Project Area or fee shall be submitted in writing to the Director of Transportation.
- (l) Accounting, record keeping, expenditure, and management of Signal Mitigation Program funds shall be in accordance with the established procedures of the Transportation and Land Management Agency, this ordinance, and all applicable federal and state laws. For accounting purposes, Signal Mitigation Program funds expended shall be considered to be the earliest deposited funds in the Signal Mitigation Program account.
- (j) Refunds of Signal Mitigation Program fees shall not be made, except in cases of overpayment or miscalculation of fees.

Section 9. FEE EXEMPTIONS. The Signal Mitigation Program fee shall not be required for the following:

- (a) Permitted uses, as found within Riverside County Ordinance 348, with the exception of Single Family Dwellings. Permitted uses are those uses that do not require discretionary approval.
- (b) Reconstruction of buildings damaged or destroyed by fire or other natural causes, providing that said reconstruction does not include a change in land use.
- (c) Rehabilitation or remodeling of an existing residential unit, or additions to an existing residential unit.
- (d) Building permits for which an application was filed, pursuant to section 302 of the Uniform Building Code, prior to the effective date of this ordinance, except for those improvements subject to County of Riverside conditions of approval requirements for the payment of Signal Mitigation Program fees.
- (e) Detached Second Units, pursuant to Section 18.28a of Ordinance No. 348, and Attached Second Units, pursuant to Section 18.28b of Ordinance No. 348.
- (f) Construction of a single family residential unit upon property wherein a mobile home had previously been installed pursuant to an installation permit.
- (g) Guest Dwellings, as defined in Section 21.31 of Ordinance No. 348.
- (h) The following areas shall be excluded from the acreage based Project Area calculations:
 - (1) Areas of legally restricted construction, such as Federal Emergency Management Agency designated floodways and open space lots.
 - (2) Areas dedicated to a public entity for public use.

Section 10. DEVELOPER FUNDED TRAFFIC SIGNALS. The following policies relating to the funding of Traffic Signals by land developers are hereby adopted:

- (a) Land developers may be required to fund and install signals at new intersections and locations that are created by particular developments and which will meet Traffic Signal Warrants based on existing or projected traffic volumes and that are wholly or partly contained within the development boundaries. Such requirements

shall be established and included as a condition of approval of the particular development. Signalization of such locations that are wholly or partly contained within a development and are created by that development shall be the responsibility of the land developer. No Signal Mitigation Program fee credits or reimbursement for the cost of design and construction of such Traffic Signals shall be given or made.

- (b) Land developers may be required to fund and install Traffic Signals at existing locations that are in the vicinity of their developments and that meet Traffic Signal Warrants based on existing or projected traffic volumes when such locations are directly impacted by the traffic generated by the developments. Such requirements shall be included as a condition of approval of these particular developments. Developers may request the Transportation and Land Management Agency Director or his or her designee to enter into an agreement providing for a partial reimbursement of Signal Mitigation Program fees or an equivalent credit to the developer for the design and construction costs of the Traffic Signal improvements. Said agreements may be referenced in the development conditions of approval and shall be executed by all parties prior to the beginning of project construction. If such an agreement is executed, reimbursements or fee credits shall be made only after completion of construction, and final acceptance by the County of project improvements. Said reimbursements or fee credits shall be in accordance with the terms of a fully executed agreement, and shall be for verifiable project costs. Such agreements shall be negotiated on a case by case basis after review and consideration of the following:
- (1) Ranking on the Signal Priority List.
 - (2) Availability of Signal Mitigation Program funds.
 - (3) The benefits of the installation of the Traffic Signals to the developer and the development project.
- (c) The Transportation and Land Management Agency Director or his or her designee shall negotiate for the most favorable agreement terms for the funding of capital and maintenance costs for privately funded Traffic Signals. County funding resource commitments shall be minimized. Such funding agreements are subject to approval of the Board of Supervisors.
- (d) It is recognized that land developers may desire to advance the schedule for the installation of Traffic Signals at locations close to their developments which meet the established warrants for signalization and which are on the County's list for signalization. A developer may install warranted Traffic Signals in advance of the County's schedule for installation, at the developer's own expense, if approved by the Transportation and Land Management Agency Director or his or her designee. Inasmuch as there is a benefit to the land developer for the installation of certain Traffic Signals, the developer shall fund a portion of the improvement costs in proportion to the benefit received. Developers may request the Transportation and Land Management Agency Director or his or her designee to enter into an agreement providing for a partial reimbursement or Signal Mitigation Program fee credit to the developer for the design and construction costs of the Traffic Signal and associated improvements. Said agreements shall be executed by all parties prior to the beginning of project construction. Reimbursements or fee credits shall be made after completion of construction, and final acceptance by the County of project improvements, and shall be in accordance with the terms of a fully executed

agreement, and shall be for verifiable project costs. Such agreements shall be negotiated on a case by case basis after review and consideration of the following:

- (1) Ranking on the Signal Priority List.
 - (2) Availability of Signal Mitigation Program funds.
 - (3) The benefits of the installation of the Traffic Signals to the developer and the development project.
- (e) Traffic Signal modifications, when required because of development related improvements, shall be funded by the land developer and constructed in accordance with the provisions of an encroachment permit issued by the Transportation and Land Management Agency. The land developer shall deposit with the Transportation and Land Management Agency non-reimbursable fees for plan checking and construction inspection in accordance with County of Riverside Ordinance 671, or as otherwise established by the Board of Supervisors. No Signal Mitigation Program fee credits or reimbursement for the cost of design and construction of such Traffic Signal modifications shall be made.
- (f) All Traffic Signal plans and all related improvement plans shall be submitted to the Transportation and Land Management Agency, Transportation Department for review. All improvement designs shall be in accordance with County of Riverside standards, policies, and procedures. Plans and specifications for all improvements shall be signed as approved by the Transportation and Land Management Agency. A County of Riverside encroachment Permit must be secured by the applicant prior to construction.

Section 11. INCORPORATIONS AND ANNEXATIONS. The Signal Mitigation Program fee area shall be modified, by incorporations of cities, and by annexations of areas of land into existing cities, or by county boundary changes, to exclude those areas of land. Said modifications to the fee area shall become effective at the effective time of the incorporation, annexation, or boundary change. The County of Riverside shall not be responsible for the collection of Signal Mitigation Program fees on behalf of cities, or adjacent counties, except as mandated by law. The following policies are hereby established with regard to incorporations and annexations:

- (a) **Incorporations:** The County of Riverside Administrative Office, with assistance from the Transportation and Land Management Agency, shall determine which fees were collected within the city boundaries of a newly formed city, and compare that amount with the expenditures and obligations of Signal Mitigation Program fees within the city boundaries. Unexpended and uncommitted funds may be reimbursed to the newly formed city with the stipulation that the funds be utilized exclusively for Traffic Signal construction improvements in accordance with all applicable laws. If expenditures and obligations of Signal Mitigation Program funds within the city exceed program revenues collected within the city, the city shall be liable for repayment of the fees. These procedures shall be undertaken through a formal agreement within 2 years of the effective date of incorporation, and concurrently with the normal expenditure and revenue negotiations that occur between the County of Riverside and newly formed cities. The County of Riverside Administrative Office has the authority to negotiate terms and conditions of fund transfers with the incorporating city to the full extent provided under law.

(b) Annexations: Annexations of land by existing cities shall not entitle the annexing agency to any un-programmed Signal Mitigation Program funds. Un-programmed funds shall be allocated for use in the unincorporated Riverside County in accordance with the policies and procedures of the Transportation and Land Management Agency, this ordinance, and any companion or subsequent actions of the Board of Supervisors. Proposed Signal Mitigation Program construction projects, for which construction contracts have not yet been issued as of the effective date of annexation, and that are within areas that are annexed by a city shall be relinquished to the annexing agency, and no additional County of Riverside funds shall be expended on said project. Signal Mitigation Program construction projects for which construction contracts have been issued by the County of Riverside on the effective date of annexation shall be completed, and funding for said projects shall be from the Signal Mitigation Program.

Section 12. QUALITY CONTROL. The Director of the Transportation and Land Management Agency shall establish a quality control program for the annual reporting of program revenues and expenditures to the Board of Supervisors, internal auditing of records and accounts, and overall program reviews.

Section 13. SEVERABILITY. If any provision, clause, sentence, or paragraph of this ordinance, or the application thereof to any person, entity, or circumstances, shall be held invalid, such invalidity shall not affect the other remaining provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 14. EFFECTIVE DATE. This ordinance shall take effect 60 days after adoption.

Adopted: 748 Item 3.3a of 12/13/1994 (Eff: 02/11/1995)

Amended: 748.1 Item 3.29 of 02/03/1998 (Eff: 04/30/1998)

(FOLLOWING IS “EXHIBIT A”)

ORDINANCE NO. 748

EXHIBIT "A"

SIGNAL MITIGATION PROGRAM BASE FEE SCHEDULE

(To be adjusted annually in accordance with the increase/ decrease in the Engineering News Record Construction Cost Index or similar index that may be established by the Board of Supervisors.)

<u>LAND USE</u>	<u>FEE</u>
Residential Single family	\$ 232.00 / d.u.
Residential Multiple Family	\$ 216.00 / d.u.
Institutional/ Non-profit	Exempt
Industrial	\$2,704.00 / ac.
Commercial	\$3,863.00 / ac.

SPECIAL FEE RATES

Senior/Retirement Residential Single Family	\$ 155.00 / d.u.
Senior/Retirement Residential Multiple Family	\$ 144.00 / d.u.