

ORDINANCE #JPA 07-01

AN ORDINANCE OF THE MARCH JOINT POWERS AUTHORITY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, REVISING PLANNING REVIEW FEES AND AMENDING AND REPLACING, IN ITS ENTIRETY, ORDINANCE #JPA 03-06

WHEREAS, the March Joint Powers Authority ("March JPA") is a joint powers agency created by a joint powers agreement dated September 7, 1993 pursuant to Article 1, Chapter 5, Division 7, ~~Title 1~~ (commencing with section 6500) of the Government Code;

WHEREAS, the March JPA is composed of the member entities of the County of Riverside, the City of Riverside, the City of Moreno Valley, and the City of Perris;

WHEREAS, the approximately 6,500 acres formerly known as the March Air Force Base ("MIPA Planning Area") was placed under the jurisdiction of the March JPA pursuant to the Retrocession of Legislative Jurisdiction from the United States, recorded in the County of Riverside on May 17, 1996, and Chapter 663 of the Statutes of ~~1996~~ of the State of California, effective on September 19, 1996;

WHEREAS, pursuant to Government Code section 6502 and section 1 of the JPA, as amended, the member entities have delegated to the March JPA the power and authority to exercise the powers and perform the duties set forth in Division 1 of Title 7 (commencing with section 65000) of the Government Code for the MIPA Planning Area, which includes the power to collect fees for the purpose of defraying all or a portion of the costs of planning administration, including zoning variances, building permits and processing applications in accordance with Government Code section 66000 et seq. (the "Mitigation Fee Act");

WHEREAS, in accordance with Government Code section 66014 fees may be charged for planning review activities as performed by the March JPA staff, when those fees do not exceed the estimated reasonable cost of providing the services for which the fees are charged;

WHEREAS, pursuant to Ordinance #JPA 03-06 ~~March JPA~~ has adopted and implemented certain planning review fees, as further set forth in said ordinance; however, due to the effects of economic conditions and other factors, the revenues from said fees are no longer sufficient to defray the full cost or in some cases exceed the cost of furnishing some of said services; and

WHEREAS, the March Joint Powers Commission (Joint Powers Commission") has determined, based on the report prepared by the City of Moreno Valley authored by Maximus, entitled "City of Moreno Valley User Fee Study" (referred to herein as "User Fee Study") that it is necessary to adjust the March JPA's planning review fees so that said fees reflect the current cost of providing the planning

review services. The User Fee Study provides the factual and legal basis for the establishment and collection by March JPA of the revised planning review fees, set forth in Exhibit "A" of this Ordinance ("Planning Review Fees");

WHEREAS, as the March JPA has adopted the Moreno Valley Development Code, and the planning process is nearly identical in the City of Moreno Valley and the March JPA, the Joint Powers Commission finds there is a clear and rational relationship between the fees levied in the City of Moreno Valley and in the March JPA;

WHEREAS, the User Fee Study contains detailed descriptions of the associated expenses of project reviews, inclusive of cost of legal advertisement, notice through U. S. mail, staff review time and administrative expenses;

WHEREAS, the March JPA desires to amend certain planning review fees that are imposed upon development project applications to help defray the current costs incurred by March JPA by such applications;

WHEREAS, the Joint Powers Commission finds and determines that there is a reasonable and rational relationship between the each specific planning review process and the costs incurred by the March JPA;

WHEREAS, a copy of the User Fee Study is on file in the office of the March JPA Executive Director and has been made available for public review in accordance with state law, as more fully described below;

WHEREAS, in addition to imposing the Planning Review Fees based on the User Fee Study, March JPA also wishes to require deposits for legal and environmental fees related to the planning application review process, which deposits are for services that may be required in addition to and not covered by the Planning Review Fees ("Legal and Environmental Deposits"). The Legal and Environmental Deposits will be held by March JPA to pay for actual legal and environmental costs related to the relevant planning application, if any, in excess of the Planning Review Fees;

WHEREAS, Government Code Sections 66016 and 66018 require that the March JPA adopt new development fees, or revise said fees, only after providing notice and holding a public hearing;

WHEREAS, the Joint Powers Commission conducted a duly noticed public hearing on February 21, 2007, at which time the public was invited to make oral and written presentations as part of the regularly scheduled meeting prior to the adoption of this Ordinance;

WHEREAS, at least ten (10) days prior to the public hearing held on February 21, 2007, March JPA made available for public inspection the User Fee Study;

WHEREAS, the March JPA published notice of the public hearing as described above in accordance with Government Code Sections 6062(a) and 66018; and

WHEREAS, the adoption of this Ordinance is statutorily and categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") because the adoption of planning review fees merely establishes a funding mechanism for the provision of future projects and it does not authorize the construction or development of specific future projects in future locations; and, as such, this Ordinance is not "an essential step culminating in action which may affect the environment" and environmental review required under CEQA will be performed when projects funded by the Fees are chosen and defined (*Kaufman & Broad-South Bay, Inc. v. Morgan Hill Unified School District*, (1993) 9 Cal.App.4th 464).

NOW, THEREFORE, THE JOINT POWERS COMMISSION OF THE MARCH JOINT POWERS AUTHORITY, COUNTY OF RIVERSIDE, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Approval of User Fee Study. The Joint Powers Commission hereby approves the User Fee Study findings to the extent the User Fee Study provides the factual and legal basis for the establishment and collection by March JPA of the revised planning review fees, as such fees are described and detailed in the User Fee Study ("Planning Review Fees"). The User Fee Study is on file with the March JPA Executive Director and available for public inspection, and to the extent applicable, by this reference is made a part of this Ordinance as though fully set forth herein. The Planning Review Fees do not exceed the reasonable cost of providing the planning review services.

SECTION 2. Administrative Responsibility. The March JPA Executive Director shall be responsible for the administration of this Ordinance. Detailed administrative procedures concerning the implementation of this Ordinance may be established and set forth in a resolution adopted by the Joint Powers Commission.

SECTION 3. Adoption of Findings. The Joint Powers Commission hereby adopts the findings set forth in the Recitals above.

SECTION 4. Adoption of Planning Review Fees and Legal and Environmental Deposits. The Joint Powers Commission hereby adopts the Planning Review Fees and the Legal and Environmental Deposits set forth in the "March Joint Powers Planning Review Fee Schedule" attached hereto as Exhibit "A".

SECTION 5. Applicability and Calculation of Fees. The Planning Review Fees and the Legal and Environmental Deposits shall apply to all new Development Projects within the jurisdictional boundaries of the March JPA.

SECTION 6. Payment of Fees. Planning Review Fees and the Legal

and Environmental Deposits shall be paid as follows:

A. All applicable Planning Review Fees and Legal and Environmental Deposits shall be paid at the time of planning application submittal.

B. The Planning Review Fees and the Legal and Environmental Deposits required to be paid shall be the fee amounts in effect at the time of payment.

SECTION 7. Fee Adjustment. The Joint Powers Commission may periodically review and cause an adjustment to be made to the Planning Review Fees and/or the Legal and Environmental Deposits. By amendment to this Ordinance, the Planning Review Fees may be increased or decreased to reflect changes in actual and estimated costs incurred by the March JPA. Any adjustment in the Planning Review Fees and/or Legal and Environmental Deposits will be prospective only and will become effective as of the date any such amendment is effective.

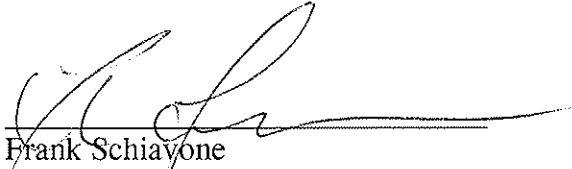
SECTION 8. Exemptions. The following Development Projects shall be exempt from the provisions of this Ordinance:

A. Government/public buildings, public schools, or other public facilities.

SECTION 9. Ordinance #JPA 03-06. This Ordinance amends and replaces, in its entirety, Ordinance #JPA 03-06.

SECTION 10. The Chair of Joint Powers Commission shall sign this Ordinance and the Clerk of the Joint Powers Commission shall attest thereto and shall within fifteen (15) days of its adoption cause it, or a summary of it, to be published in the Press Enterprise, a newspaper published and circulated within the boundaries of the March JPA. This ordinance shall take effect and be in force according to law within sixty (60) days after the date of its adoption as set forth below.

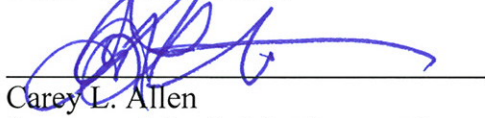
ADOPTED, by the members of the Joint Powers Commission of the March Joint Powers Authority this 7th day of March 2007.


Frank Schiavone
Vice Chairman, March Joint Powers Commission

I, Carey Allen, Secretary of the March Joint Powers Commission of the March Joint Powers Authority, do hereby certify that the foregoing Ordinance #JPA 07-01 was duly and regularly introduced, passed, and adopted by the Joint Powers Commission of the March Joint Powers Authority at the regular meeting thereof held on the 7th day of March 2007, and the foregoing is a full, true, and correct copy of said Ordinance, and it has not been amended or repealed.

Ayes: Buster, Busch, Loveidge, Yarbrough, White, Stewart, Schiavone
Noes: None
Abstain: None
Absent: Ashley

Date: March 7, 2007



Carey L. Allen
Secretary, March Joint Powers Commission

ORDINANCE #JPA 07-01

Exhibit "A"

Attached: Planning Review Fee Schedule

Planning Application Review Fees

Type of Application	Legal Deposit*	Environmental Deposit* **	Planning Fee Amount
Change of Zone	\$2,000.00	\$2,000.00	\$2,700.00 (Deposit; actual charge is full cost)
Conditional Use Permit			
New Development	\$1,000.00	\$2,000.00	\$7,370.00
Existing Building	\$1,000.00	\$1,000.00	\$4,327.00
Development Agreement	\$5,000.00		\$7,400.00 (Deposit; actual charge is full cost)
Development Code Amendment	\$2,000.00		\$5,000.00
Environmental Review EIR Report Preparation	\$5,000.00	\$5,000.00	\$7,000.00 (Deposit; actual charge is full cost)
Environmental Initial Assessment	\$2,000.00	\$2,000.00	\$719.00
Environmental Mitigation Monitoring	\$1,000.00	\$1,000.00	\$3,500.00 (Deposit; actual charge is full cost)
General Plan Amendment	\$5,000.00	\$2,000.00	\$2,500.00 (Deposit; actual charge is full cost)
Home Occupation Permit			\$61.00
Planning Letter/Basic Information (Zoning Confirmation Letter)			\$78.00
Interpretation and research required	\$200.00		\$197.00
Plot Plan w/ Hearing			
with Hearing	\$2,000.00	\$2,000.00	\$7,753.00
without Hearing (notice)	\$2,000.00	\$2,000.00	\$2,532.00
amended Plot Plan	\$1,000.00		\$2,756.00
Design Plan Review			
Ministerial (Meridian Only)	\$2,000.00		\$2,532.00
Reversion to Acreage			\$1,500.00 (Deposit; actual charge is full cost)

Type of Application	Legal Deposit*	Environmental Deposit* **	Planning Fee Amount
Signs			
Banner			\$50.00
Sign Permit (Wall)			\$81.00
Sign Permit (Monument)			\$325.00
Sign Permit (Freeway)			\$542.00
Sign Program Review			\$600.00
Sign Program- Amended			\$300.00
Special Event Sign Permit			\$32.00
Specific Plan	\$10,000.00	\$5,000.00	\$17,000.00 (Deposit; actual charge is full cost)
Specific Plan Amendment	\$2,000.00	\$2,000.00	\$8,000.00 (Deposit; actual charge is full cost)
Temporary Use Permits (includes pumpkin patches, Christmas trees, Produce stands etc.)			\$226.00
Tentative Parcel Map - Res (includes review of CC&Rs)	\$2,000.00	\$2,000.00	\$6,287.00 + \$81.00/lot
Tentative Parcel Map Com/Ind (includes review of CC&Rs)	\$2,000.00	\$2,000.00	\$6,955.00 + \$81.00/lot
Tentative Tract or Condo Map (includes review of CC&Rs)	\$2,000.00	\$2,000.00	\$7,962.00 + \$68.00/lot
Vesting Tentative Map (includes review of CC&Rs)	\$2,000.00	\$2,000.00	\$8,253.00 + \$74.25/lot or unit applicable
Lot Line Adjustment			\$369.00
Traffic Study Review			\$1,300.00 (Deposit; actual charge is full cost)
Variance from Standards			
Public Hearing Variance	\$1,000.00		\$2,453.00
Administrative Variance			\$444.00

* Deposits will be held to pay for actual legal and environmental costs related to the relevant planning application, if any, in excess of the Planning Fee amount.** Funding is for peer review purposes. Preparation of environmental document by JPA would require additional funds.

**PUBLIC NOTICE OF ORDINANCE ADOPTION BY THE COMMISSION
OF THE MARCH JOINT POWERS AUTHORITY
ORDINANCE #JPA 07-01**

*Posted
3/9/07
[Signature]*

At its regular meeting on March 7, 2007 the Commission of the March Joint Powers Authority adopted Ordinance #JPA 07-01, approving revised Planning Review Fees.

AYES: Schiavone, White, Buster, Loveridge, Yarbrough, Stewart and Busch.
NOES: none. ABSTAIN: none. ABSENT: Ashley.

The following is a summary of the provisions of the ordinance: The March JPA Planning Process is based on the Commission's prior adoption of the Moreno Valley Development Code (adopted June 1997) and the Moreno Valley Planning Fees (adopted Dec. 2003). Since the 2003 adoption of JPA Planning Fees, the JPA's costs have increased in processing planning applications. On April 25, 2006 the City of Moreno Valley adopted new fees based on a new Municipal Services Study that identifies a general increase in planning relate fees. That fee study, performed by Maximus, recommends increased planning fees for most applications, but in some instances (review of environmental assessments and issuance of sign permits) fees would actually be decreased.

The revised fee schedule will better associate the planning fees paid by applicants to the cost of processed planning applications. It is also anticipated that the revised fees will provide for an increase in planning revenue, which will assist in the hiring of the additional planning position authorized by the Joint Powers Commission. The fee schedule recommended for adoption also includes deposits for environmental and legal costs. All unused deposits will be refunded, and thus will only reflect actual JPA costs.

The above is a summary of the major highlights of the ordinance. A reading of the entire ordinance is necessary to obtain a full understanding of the ordinance. A certified copy of the full text of the ordinance is available at the March Joint Powers Authority office at 3430 Bundy Avenue, Suite 107, Riverside CA 92518. A copy may be obtained from that office upon payment of the fees based on the March Joint Powers Authority's actual cost of providing the copy. Please contact Brett Dawson, Associate Planner (951) 656-7000 for further information.