

**ORDINANCE NO. 2014-09**

**AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING THE CITY'S TRANSPORTATION UNIFORM MITIGATION FEE ORDINANCE TO INCLUDE NEW EXEMPTIONS FOR NEWLY CONSTRUCTED SPECIALLY ADAPTED HOMES FOR SEVERELY DISABLED VETERANS UNDER THE WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) PROGRAM**

**THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES ORDAIN AS FOLLOWS:**

Section 1.     Title.

This Ordinance shall be known as Amendment No. 1 to the "Western Riverside County Transportation Uniform Mitigation Fee Program Ordinance of 2009."

Section 2.     Findings.

A.     The City is a member agency of the Western Riverside Council of Governments ("WRCOG"), a joint powers agency comprised of the County of Riverside, the March Joint Powers Authority, and 17 cities located in Western Riverside County. Acting in concert, the WRCOG Member Agencies 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 ("TUMF") on future residential, commercial and industrial development.

B.     WRCOG, upon the recommendation of the WRCOG Executive Committee, now desires to adopt one new exemption under the Western Riverside County Transportation Uniform Mitigation Fee Program Ordinance of 2009. The exemption is for newly constructed, specially adapted homes for severely disabled veterans designed for maximum freedom movement and the ability to live more independently at no cost to qualifying disabled veterans.

C.     The City Council finds and determines that the new exemption because of its small number of estimated properties, will not threaten the 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. The City Council has also estimated the cost of the new exemption and understands that the TUMF fees will not be used to cover the fair share of these exempted properties on the Regional System.

D.     The City of Jurupa Valley incorporated on July 1, 2011. On July 1, 2011, the City Council adopted Ordinance No. 2011-01 adopting by reference all ordinances of the County of Riverside in effect on July 1, 2014 and all resolutions, rules and regulations of the County of Riverside implementing those ordinances for the interim period as provided in Government Code Section 57376. On September 15, 2011, the City Council adopted Ordinance No. 2011-10

adding Chapter 1.35 to the Jurupa Valley Municipal Code adopting by reference all ordinances of the County of Riverside in effect on July 1, 2014 and all resolutions, rules and regulations of the County of Riverside implementing those ordinances on a permanent basis as provided in Government Code Section 57376.

E. Prior to July 1, 2011, the County of Riverside adopted its Ordinance Nos. 824.7, 824.8, 824.9, 824.10, and 824.11, codified in Chapter 4.58 of the Riverside County Code of Ordinances and known as the “Western Riverside County Transportation Uniform Mitigation Fee Program Ordinance of 2009” and through the provisions of City of Jurupa Valley Ordinance Nos. 2011-01 and 2011-10 became ordinances in full force and effect in the City of Jurupa Valley (hereinafter “Jurupa Valley TUMF Ordinance.”

F. The Transportation Uniform Mitigation Fee Program as described in this Ordinance is not a “project” within the meaning of Section 15378(b)(4) of the CEQA Guidelines, and is therefore exempt from the requirements of CEQA. Section 15378(b)(4) of the CEQA Guidelines states that a project does not include the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. The proposed exemption to the Jurupa Valley TUMF Ordinance establishes that a certain development type is exempt from paying TUMF fees, which is a funding mechanism for potential transportation improvements, and does not approve the construction nor cause the construction of any specific transportation improvements within Riverside County. This proposed amendment to the Jurupa Valley TUMF Ordinance will have no effect on the environment. Pursuant to CEQA Guidelines Section 15061(d) and 15062, a Notice of Exemption will be prepared, executed and filed for the foregoing determination in the manner required by law, that this is not a project under the California Environmental Quality Act and therefore, no environmental impact assessment is necessary.

### Section 3. Definitions.

The portion of the Jurupa Valley TUMF Ordinance consisting of Riverside County Ordinance No. 824.7, § 5, as codified in § 4.58.050 of the Riverside County Code of Ordinances, Definitions, is hereby amended to provide for the addition of the following definitions to this section:

“Disabled Veteran” means any veteran who is retired or is in process of medical retirement from military service who is or was severely injured in a theatre of combat operations, and has or received a letter of eligibility for the Veterans Administration Specially Adapted Housing (SAH) Grant Program.”

“Non-Profit Organization” means an organization operated exclusively for exempt purposes set forth in section 501(c)(3) of the Internal Revenue Code, and none of its earnings may inure to any private shareholder or individual. In addition, it may not be an action organization, i.e., it may not attempt to influence legislation as a substantial part of its activities and it may not participate in any campaign activity for or against political candidates. For the purposes of the TUMF Program the non-profit must be a 501(c)(3) charitable organization as defined by the Internal Revenue Service.

Section 4. Exemption: Specially Adapted Homes for Severely Disabled Veterans.

The portion of the Jurupa Valley TUMF Ordinance consisting of Riverside County Ordinance No. 824.7, § 8 as codified in § 4.58.080 of the Riverside County Code of Ordinances, Exemptions, is hereby amended to provide for the addition of the following new exemption for specially adapted homes for severely disabled veterans to this section:

“New homes, constructed by non-profit organizations, specially adapted and designed for maximum freedom of movement and independent living for qualified Disabled Veterans.”

Section 5. Effect.

No provisions of this Ordinance shall entitle any person who has already paid the TUMF to receive a refund, credit or reimbursement of such payment because of this new exemption.

Section 6. Severability.

If any one or more of the terms, provisions or sections of this Ordinance shall to any extent be judged invalid, unenforceable and/or voidable for any reason whatsoever by a court of competent jurisdiction, then each and all of the remaining terms, provisions and sections of this Ordinance shall not be affected thereby and shall be valid and enforceable.

Section 7. Judicial Review.

In accordance with State law, any judicial action or proceeding to attack, review, set aside, void or annul this Ordinance shall be commenced within ninety (90) days of the date of adoption of this Ordinance.

Section 8. Effective Date.

This Ordinance shall take effect thirty (30) days after its adoption.

Section 9. Full Force and Effect.

Except to the extent the Jurupa Valley TUMF Ordinance is specifically modified or amended hereunder, all of the terms, covenants, and conditions of the Jurupa Valley TUMF Ordinance shall remain in full force and effect.

Section 10. Certification.

The City Clerk of the City of Jurupa Valley shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Jurupa Valley on this 19<sup>th</sup> day of June, 2014.

  
Frank Johnston  
Mayor

ATTEST:  
  
Victoria Wasko, CMC  
City Clerk

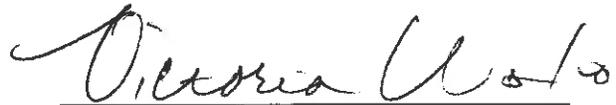
**CERTIFICATION**

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF JURUPA VALLEY        )

I, Victoria Wasko, CMC, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Ordinance was regularly introduced at a regular meeting of the City Council held on the 5<sup>th</sup> day of June, 2014 and thereafter at a regular meeting held on the 19<sup>th</sup> day of June, 2014, it was duly passed and adopted by the following vote of the City Council:

**AYES:           GOODLAND, HANCOCK, JOHNSTON, LAURITZEN, ROUGHTON**  
**NOES:           NONE**  
**ABSENT:        NONE**  
**ABSTAIN:       NONE**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 19<sup>th</sup> day of June, 2014



Victoria Wasko, CMC, City Clerk  
City of Jurupa Valley

# Affidavit of Publication

(2015.5 C.C.P.)

## County of Riverside

## State of California

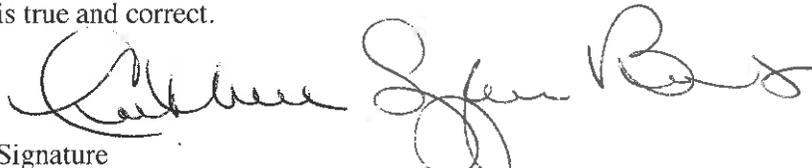
Catherine Sypin-Barnes, being first duly sworn, deposes and says: That at all times hereinafter, mentioned that she was a citizen of the United States, over the age of eighteen years, and a resident of said County, and was at and during all said times the principal clerk of the printer and publisher of The Riverside County Record-News, a newspaper of general circulation, adjudicated by court decree, printed and published weekly in said County of Riverside, State of California, that said Riverside County Record-News is and was at all times herein mentioned, a newspaper of general circulation as that term is defined in section 4460 of the Political Code, and, as provided by that section, is published for the dissemination of local and telegraphic news and intelligence of a general character, having a bona fide subscription list of paying subscribers, and is not devoted to nor published for the interest, entertainment or instruction of a particular class, profession, trade, calling, race or denominations; that at all said time said newspaper has been established, printed and published in said County and State at regular intervals for more than one year preceding the date of publication of the notice hereinafter mentioned; that said notice was set in type not smaller than nonpareil and was preceded with words printed in black face type not smaller than nonpareil describing and expressing in general terms the purport and character of the notice intended to be given; that the

### RIVERSIDE COUNTY RECORD NEWSPAPER

of which the annexed is a printed copy, published and printed in said newspaper in at least 1 weekly issues, as follows:

June 12, 2014

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature

Dated: June 12, 2014  
at Riverside, California

**CITY OF JURUPA VALLEY**  
Office of the City Clerk  
**NOTICE OF PROPOSED ORDINANCE**

**NOTICE IS HEREBY GIVEN** that on June 5, 2014, the City Council of the City of Jurupa Valley, California, introduced the following ordinance by the following vote to wit:

1. Ordinance No. 2014-09 – AMENDING THE CITY'S TRANSPORTATION UNIFORM MITIGATION FEE ("TUMF") ORDINANCE TO INCLUDE NEW EXEMPTIONS FOR NEWLY CONSTRUCTED SPECIALLY ADAPTED HOMES FOR SEVERELY DISABLED VETERANS UNDER THE WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE PROGRAM AND DETERMINING THAT THE ORDINANCE IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW UNDER SECTION 15378(B)(4) OF THE CEQA GUIDELINES

Summary: The proposed ordinance would amend the Jurupa Valley Transportation Uniform Mitigation Fee ("TUMF") Ordinance to add the following:

Exempt non-profit 501(c)(3) organizations who build new single-family homes specifically constructed and adapted for qualifying severely disabled veterans injured in theatre of combat operations from the obligation to pay TUMF.

Define "Disabled Veteran" to mean any veteran who is retired or is in process of medical retirement from military service who is or was severely injured in a theatre of combat operations, and has or received a letter of eligibility for the Veterans Administration Specially Adapted Housing (SAH) Grant Program.

Define "Non-Profit Organization" to mean an organization operated exclusively for exempt purposes set forth in section 501(c)(3) of the Internal Revenue Code, and none of its earnings may inure to any private shareholder or individual. In addition, it may not be an action organization, i.e., it may not attempt to influence legislation as a substantial part of its activities and it may not participate in any campaign activity for or against political candidates. For the purposes of the TUMF Program the non-profit must be a 501(c)(3) charitable organization as defined by the Internal Revenue Service.

**AYES: GOODLAND, HANCOCK, JOHNSTON, LAURITZEN, ROUGHTON**  
**NOES: NONE**  
**ABSENT: NONE**

The proposed ordinance will be considered for adoption by the City Council at their June 19, 2014 meeting.

The full text of the ordinance is available for review in the City Clerk's Office, 8304 Limonite Avenue, Suite M, Jurupa Valley, California (951) 332-6464.

Victoria Wasko, CMC  
City Clerk

Published: June 12, 2014 0471

# Affidavit of Publication

(2015.5 C.C.P.)

## County of Riverside

## State of California

Catherine Sypin-Barnes, being first duly sworn, deposes and says: That at all times hereinafter, mentioned that she was a citizen of the United States, over the age of eighteen years, and a resident of said County, and was at and during all said times the principal clerk of the printer and publisher of The Riverside County Record-News, a newspaper of general circulation, adjudicated by court decree, printed and published weekly in said County of Riverside, State of California, that said Riverside County Record-News is and was at all times herein mentioned, a newspaper of general circulation as that term is defined in section 4460 of the Political Code, and, as provided by that section, is published for the dissemination of local and telegraphic news and intelligence of a general character, having a bona fide subscription list of paying subscribers, and is not devoted to nor published for the interest, entertainment or instruction of a particular class, profession, trade, calling, race or denominations; that at all said time said newspaper has been established, printed and published in said County and State at regular intervals for more than one year preceding the date of publication of the notice hereinafter mentioned; that said notice was set in type not smaller than nonpareil and was preceded with words printed in black face type not smaller than nonpareil describing and expressing in general terms the purport and character of the notice intended to be given; that the

### RIVERSIDE COUNTY RECORD NEWSPAPER

of which the annexed is a printed copy, published and printed in said newspaper in at least 1 weekly issues, as follows:

June 26, 2014

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature

Dated: June 26, 2014  
at Riverside, California

#### CITY OF JURUPA VALLEY

Office of the City Clerk

#### NOTICE OF NEW ORDINANCE

**NOTICE IS HEREBY GIVEN** that on June 19, 2014, the City Council of the City of Jurupa Valley, California, adopted the following ordinance by the following vote to wit:

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**AYES: GOODLAND, HANCOCK, JOHNSTON, LAURITZEN, ROUGHTON**

**NOES: NONE**

**ABSENT: NONE**

The full text of the ordinance is available for review in the City Clerk’s Office, 8304 Limonite Avenue, Suite M, Jurupa Valley, California (951) 332-6464.

Victoria Wasko, CMC  
City Clerk

Published: June 26, 2014

RCR0506