

CHAPTER 17.24

**REGIONAL TRANSPORTATION
IMPACT FEE (RTIF)**

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17.24.010 Title

This chapter shall be known as the San Joaquin County Regional Transportation Impact Fee Program Ordinance (hereinafter “Ordinance”). (Ord. 732, §2, 2006)

17.24.020 Intent and Purpose

Substantial population and employment growth is expected in San Joaquin County through 2025 and beyond. This growth will cause impacts on the Regional Transportation Network (“Regional Transportation Network” or “RTIF Network”) including increased congestion and related impacts unless substantial improvements are completed. The Regional Transportation Impact Fee Program (“RTIF Program”) is intended to impose a fee to provide funding for transportation and transit improvements that help mitigate these impacts. New development throughout the County will be subject to the fee which will be proportional to the impact caused on the Regional Transportation Network by such new development. The funding derived from the RTIF Program shall be used in combination with other funding available to complete the needed transportation and transit improvements.(Ord. 732, §2, 2006)

17.24.030 Definitions

For the purpose of this Ordinance, and any resolution implementing this Ordinance, the following words, terms and phrases shall have the following meanings:

(a). “Development Project” or “Project” means any project undertaken for the purpose of development including the issuance of a permit for construction or reconstruction, but not a permit to operate.

(b). “Industrial Project” means any Development Project that proposes manufacturing, transportation, logistics or warehousing as identified in the RTIF Land Use Fee Category Summary.

(c). “Measure K” means the San Joaquin County Transportation Authority Local Transportation Improvement Plan: Air Quality, Mandatory Developer Fees and Growth Management Ordinance which establishes and implements a retail transactions and use tax, as may be extended from time to time.

(d). “Multi-Family Residential Unit” means a Development Project that uses a single parcel for two or more dwelling units within one or more buildings, including duplexes, townhouses, condominiums, and apartments as identified in the RTIF Land Use Fee Category Summary.

(e). “Office Project” means any Development Project that involves business activities associated with professional or administrative services, and typically consists of corporate offices, financial institutions, legal and medical offices, personal and laundry services, or similar uses, and religious centers as identified in the RTIF Land Use Fee Category Summary.

(f). “Participating Agencies” means the County of San Joaquin and each of the cities situated in San Joaquin County if such agencies have (1) adopted the RTIF Program Fee by ordinance and/or resolution and (2) entered into the Operating Agreement.

(g). "Regional Transportation Impact Fee Program" or "RTIF Program" is the regional program established by the Operating Agreement by the Participating Agencies and SJCOG to impose, collect and distribute a RTIF Program Fee to assist in the funding of transportation improvements to the Regional Transportation Network.

(h). "Regional Transportation Impact Program Fee" or "RTIF Program Fee" or "RTIF Fee" means the fee established by each Participating Agency consistent with the RTIF Program and the Operating Agreement.

(i). "Regional Transportation Network" means the regional network of highways and arterials as identified in the RTIF Technical Report and which may be amended from time to time by SJCOG.

(j). "RTIF Capital Projects" or "Capital Projects" or "RTIF Project List" is the RTIF Program improvements and projects as identified in the RTIF Technical Report and which may be amended from time to time by SJCOG's adoption and amendment of a "RTIF Capital Projects Report."

(k). "RTIF Capital Projects Report" means the report adopted by SJCOG annually which identifies the RTIF Capital Projects as amended from time to time by SJCOG.

(l). "RTIF Operating Agreement" or "Operating Agreement" is the Regional Transportation Impact Fee Program Operating Agreement establishing the administration of the RTIF Program as adopted by each Participating Agencies and SJCOG which may be amended from time to time by the parties thereto.

(m). "RTIF Technical Report" means the San Joaquin County Regional Transportation Impact Fee RTIF Technical Report dated October 27, 2005, and prepared pursuant to California Government Code, Section 66000 et seq., the Mitigation Fee Act.

(n). "Residential Dwelling Unit" means a building or portion thereof which is designed primarily for residential occupancy by one family including single-family and multi-family dwellings.

"Residential Dwelling Unit" shall not include hotels or motels.

(o). "Retail Project" means any Development Project that retailing merchandise, generally without transformation, and rendering services incidental to the sale of merchandise at a fixed point of sale as identified in the RTIF Land Use Fee Category Summary.

(p). "Single-Family Residential Unit" means the use of a parcel for only one residential dwelling unit as identified in the RTIF Land Use Fee Category Summary. (Ord. 732, §2, 2006)

17.24.040 Fee Rate and Calculation

A. Establishing the RTIF Program Fee. The amount of the RTIF Program Fee for Development Projects shall be consistent with the provisions of this Ordinance and the RTIF Technical Report and shall be established by a resolution of the City Council.

B. Annual adjustment. The RTIF Program Fee shall be automatically adjusted on an annual basis at the beginning of each fiscal year (July 1) based on the Engineering News Record California Construction Cost Index. (Ord. 732, §2, 2006)

17.24.050 Collection of RTIF Program Fees

A. Authority of the Community Development Department. The Director of Planning and Economic Development or his/her designee, is hereby authorized to levy and collect the RTIF Program Fee in connection with development project approval and make all determinations required by this Ordinance.

B. Payment of RTIF Program Fees. Payment of the RTIF Program Fees shall be as follows:

1. The RTIF Program Fees shall be paid at the time of issuance of a building permit for the Development Project, or as otherwise required or permitted pursuant to Government Code section 66007.

2. The amount of the RTIF Program Fees

shall be the fee amounts in effect at the time of payment.

3. RTIF Program Fees shall not be waived.

C. Payment by all Development Projects.

Except as otherwise expressly provided by this Ordinance, the RTIF Program Fee required hereunder shall be payable by (1) all Development Projects within the City for which building permits or other entitlements for Development Projects are issued on or after the effective date of this Ordinance, and (2) all Development Projects within the City for which building permits or other entitlements for Development Projects were issued prior to the effective date of this Ordinance and which permits or entitlements were issued subject to a condition requiring the developer to pay a RTIF Program Fee to be imposed upon such Development Project within the City.

D. Exemptions from the RTIF Program Fee.

The following Development Projects shall not be subject to the RTIF Program Fee:

1. The rehabilitation and/or reconstruction of any legal, residential structure and/or the replacement of a previously existing legal dwelling unit, including an expansion of an existing dwelling unit that does not create an additional dwelling unit.

2. The rehabilitation and/or reconstruction of any non-residential structure where there is no net increase in square footage. Any increase in square footage shall pay the established applicable fee rate for that portion of square footage that is new.

3. Development Projects for which an application for a vesting tentative map authorized by Government Code Section 66498.1 was deemed complete on or prior to the effective date of the introduction of this Ordinance.

4. Development Projects which are the subject of a development agreement entered into pursuant to Government Code section 65864 et seq. prior to the effective date of the adoption of this Ordinance, wherein the imposition of new fees are expressly prohibited by the development agreement,

provided, however, that if the term of such a development agreement is extended after the effective date of this Ordinance, the RTIF Program Fee shall be imposed.

E. Future Development Agreements. All future development agreements entered into after the effective date of this Ordinance shall require the full payment of the RTIF Program Fee.

F. Payments for non-residential projects. For non-residential projects the amount of the fee imposed on the entire Development Project shall be determined based upon (1) the gross floor area and (2) the predominant use of the building or structure as identified in the building permit.

G. Payment for mixed use projects. For mixed land use projects, which are projects that have both residential and non-residential uses, the amount of the fee imposed on the entire Development Project shall be proportionally determined based on the following:

1. The fee associated with the type of residence; and,

2. The predominant use of the non-residential portion of the project.

H. Previously Paid RTIF Program Fees. In the event that RTIF Program Fees have previously been paid for an existing building which is a new Development Project with a new or different RTIF Fee category, the previously paid RTIF Program Fees for that existing building shall be credited against the amount of the RTIF Program Fee attributable to the new Development Project, up to the amount of the previously paid RTIF Program Fee. A rebate will not be granted if the change in land use represents a lower fee.

I. Reimbursements and Credits. In the event that RTIF Capital Projects are constructed by a developer in excess of the Development Project's RTIF Program Fee obligation or in lieu of payment of RTIF Program Fees by a developer pursuant to an agreement between the developer and the City, the developer may be reimbursed or credited for future application for any costs based on the actual costs of

construction of the RTIF Capital Project incurred by the developer in excess of the amount the RTIF Program Fees that apply to the Development Project. (Ord. 732, §2, 2006)

17.24.060 Administration of the RTIF Program

A. RTIF account or RTIF funds. All fees collected pursuant to the RTIF Program Fee shall be deposited in a RTIF account or RTIF fund and shall not be commingled with other funds. The contents of this RTIF fund shall be designated solely for the purpose of contributing to the financing of the RTIF Capital Projects included in the RTIF Capital Projects Report and for the funding of incidental administrative costs. Any interest income earned on

the RTIF fund shall also be deposited therein and shall only be expended for the purposes as set forth in this Ordinance.

B. Prohibition on Interfund Transfers or Loans. Notwithstanding subsection (b)(1)(G) of section 66006 of the Government Code there shall be no interfund transfer, grant or loan of the RTIF Program Fees or RTIF fund or RTIF account to other City accounts, funds, programs or fees. However, City may provide loans, grants or transfers of RTIF Program Fees to other Participating Agencies or SJCOG provided that such funds are consistent with the RTIF Program and used for the development or construction of RTIF Capital Projects. (Ord. 732, §2, 2006)