





1                   ii. Provide general oversight of the Fee collection process, including  
2 insuring accuracy and accountability in all elements of the Fee collection process.

3                   iii. Establish and maintain a Fee trust fund for the purpose of depositing  
4 Fee monies and any income interest earned from monies on deposit in the Fee trust  
5 fund.  
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7                   iv. Prepare an annual report no later than December 27 of each year which  
8 includes:

- 9                               1. a brief description of the Fee;
- 10                              2. the amount of the Fee;
- 11                              3. the beginning and ending balance of the Fee trust fund;
- 12                              4. the amount of Fees collected and the interest earned during the  
13 previous year for monies deposited in the Fee trust fund;
- 14                              5. the amount of Fees transferred to the Western Riverside County  
15 Regional Conservation Authority (RCA) implementing the MSHCP;
- 16                              6. the amount of any refunds dispersed; and  
17                              7. the amount of any Credits given.

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19                   b. The Director of the Department of Building and Safety shall insure that the Fee  
20 is properly collected prior to the issuance of Certificates of Occupancy and/or Final  
21 Inspection for all buildings permits issued as required by Ordinance No. 810.

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23                   3. Operational procedures for the implementation of Ordinance No. 810:

24                           a. Any existing commercial and industrial buildings and corresponding parking  
25 and landscaping shall not be included when determining the amount of the Fee to be paid.  
26 The Fee shall be paid only on that gross acreage of the project site that was previously  
27 vacant and built subsequent to the effective date of Ordinance No. 810 when it was  
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1 first adopted on March 13, 2001.

2 b. If a commercial or industrial development was partially under construction at  
3 the time of the effective date of Ordinance No. 810 when it was first adopted on March 13,  
4 2001, the Fee shall be paid only on the area of the building footprint and corresponding  
5 parking and landscaping for those building permits issued subsequent to the  
6 aforementioned effective date. The issuance of a "foundation only" permit does not  
7 constitute partial construction of a commercial or industrial development. After the  
8 aforementioned effective date, any building permit issued subsequent to the "foundation  
9 only" permit shall be subject to the payment of the Fee pursuant to the Ordinance.  
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11 c. Phasing of the payment of the Fee for commercial and industrial development  
12 projects is permitted, if a development phasing plan has been approved by the Planning  
13 Department as part of the applicant's development plot plan. The area calculations for  
14 each phase, which shall be used for determining the amount of Fee required to be paid for  
15 each phase must be determined separately and included as part of the conditions of  
16 approval for the project. The Fee for each phase shall be paid prior to the first Final  
17 Inspection or Certificate of Occupancy issued for any building constructed within a phase  
18 of the development project.  
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20 d. The expansion of an existing legal non-conforming use permitted pursuant to  
21 Section 18.8 of Ordinance No. 348 shall not be subject to the payment of the Fee.  
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23 e. The Fee shall not apply when converting from an existing use to another similar  
24 use as long as there is no change in the intensity or category of use. For example, the Fee  
25 shall not apply to a project that changes from one commercial use to another commercial  
26 use affecting the same amount of acreage. In the case of a change of use from one  
27 category to another, for example, from a residential use to a commercial use, a Credit  
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1 amount equal to the current Fee for the existing use can be applied towards the new fee  
2 calculation. In this situation, the current per unit fee amount for any existing unit or units  
3 can be reduced from the amount of the fee calculated for the commercial acreage in the  
4 following manner:

5 Existing single family home on 1 acre of land to be converted to commercial use

6  $1 \text{ acre} \times \$5620 \text{ per acre} = \$5620 - 1 \text{ unit} \times \$1651 = \$3969 \text{ (amount of Fee due)}$

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8  
9 f. In no case shall an exemption apply or any fee credit be given if the property  
10 has been vacant longer than 3 years. For purposes of this section, vacant shall mean raw  
11 land without buildings or structures.

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13  
14 4. Credits: The County may grant to applicants a Credit against the Fee for the dedication of  
15 property determined to be necessary for inclusion in the MSHCP Conservation Area. Land which  
16 remains in open space due to environmental factors, such as topography, access, flooding, or other  
17 reasons, shall not be eligible for a Credit. Additionally, land required to be dedicated pursuant to  
18 Section 7 or Section 10(a) of the federal Endangered Species Act and which is determined to be  
19 necessary for inclusion in the MSHCP Conservation Area may be eligible for a Credit. The  
20 dedication of property must occur prior to, or simultaneously with, any Credit received under  
21 Ordinance No. 810.

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23 Applicants requesting formal consideration of Credit applicability shall submit a complete  
24 legal description of the property proposed for dedication along with a Preliminary Title Report to  
25 the Executive Officer, or his/her designee. The property should be free of any deed restrictions or  
26 other encumbrances or rights that would, if exercised, reduce the natural resource values of the  
27 land or result in taxation or assessment under Community Facilities Districts, Assessment

1 Districts, Community Services Districts, or other mechanisms.

2 If it is determined that a Credit may be appropriate, the County will cause to have prepared  
3 a fair market appraisal and a phase I environmental assessment for hazardous materials for the  
4 subject property. In addition, the procedures set forth in Section 6.1.1 of the MSHCP shall be  
5 complied with. Any real property identified in the phase I environmental assessment, or any  
6 further necessary assessment report, as containing hazardous substances or trash and other debris,  
7 will not be accepted unless such materials are removed and the land is certified as free of  
8 contaminants prior to the property conveyance.  
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10 Upon the determination that the property is acceptable for dedication, a Credit agreement  
11 shall be prepared and recorded concurrently with the transfer of title of the dedicated property. At  
12 a minimum, the Credit agreement shall contain the following:

- 13 a. The complete legal description of the property to be dedicated.
- 14 b. The development entitlements (Tract Maps, Specific Plans, ect.) which will be  
15 receiving the Credit.
- 16 c. The total number of residential lots and/or commercial/industrial acres, by  
17 development entitlement, on which the Credit amount was calculated.
- 18 d. The specific dollar amount Credit per residential unit and/or the specific dollar  
19 amount Credit per acre for commercial/industrial projects.
- 20 e. The Credit agreement shall expire and no further Credits shall be given upon the  
21 expiration of the development entitlements named in the Credit agreement.
- 22 f. No transfer of Credits may occur to a different development entitlement without a  
23 re-negotiation of the potential Credits and an amendment to the Credit agreement.
- 24
- 25

26 Implementation of the recorded Credit agreement shall be through the attachment of  
27 conditions of approval on the subject development entitlements. All Credit agreements  
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1 shall be agendized for consideration by the Board of Supervisors prior to the recordation of  
2 the final Credit agreement.

3 5. Fee adjustments, as contemplated by Section 13 of the Ordinance, shall be determined  
4 by the County Executive Officer, or his/her designee, in cooperation with the RCA, and scheduled  
5 for consideration by the Board of Supervisors no later than December 27 of each year. The  
6 County Executive Officer, or his/her designee, shall insure that the current fee schedule is made  
7 available to the public upon request.  
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9 6. The County Executive Officer, or his designee, shall prepare detailed procedures of the  
10 duties and responsibilities of each County staff member necessary to implement Ordinance No.  
11 810. Such procedures shall include those duties related to the identification, calculation,  
12 collection, and accounting of Fee revenues. Accounting of Fee revenues shall be performed in  
13 accordance with state law and County of Riverside policies and procedures.  
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15 7. Payment of the Fee shall be made by cash, check or other County approved method of  
16 payment, which shall be made payable to the County of Riverside. The person providing payment  
17 shall be issued an official County receipt as proof of payment. Each receipt shall include a  
18 reference to the property address, development case number (i.e. tract map [including specific lot  
19 numbers], parcel map [including specific lot numbers], CUP or plot plan number), payor's name  
20 and address, and any other pertinent information.  
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22 8. The County Executive Officer, or his/her designee, shall coordinate all negotiations  
23 with cities pertaining to Fee revenues affected by incorporations and annexations of  
24 unincorporated County territory.

25 9. Land subject to or covered by a development agreement or vesting subdivision map  
26 may not be subject to payment of the Fee. Whether or not such lands shall be subject to payment  
27 of the Fee shall be determined on a case by case basis upon review of the applicable  
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1 development agreement or vesting subdivision map by the County Executive Officer, or his/her  
2 designee.

3 10. In a limited number of circumstances, prior to the issuance of the state and federal take  
4 permits for the MSHCP, certain development projects may have been required to provide  
5 mitigation either on site or off site of the development project. The mitigation provided by these  
6 projects may contribute towards the goals and objectives of the MSHCP. In recognition of the  
7 effort to individually provide mitigation which benefits the MSHCP prior to its implementation, an  
8 expedited credit agreement process shall apply to projects meeting the following criteria:  
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10 a. Prior the effective date of Ordinance No. 810.2, the development project has been issued  
11 an environmental permit from a state or federal agency (for example, Section 10(a) Permit  
12 or a Section 404 Permit pursuant to the Clean Water Act) which include a requirement to  
13 conserve certain lands necessary to comply with such permits; and  
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15 b. The lands conserved through such environmental permits are within the Criteria Area  
16 established by the MSHCP or can be demonstrated as having made a contribution towards  
17 accomplishing the goals and objectives of the MSHCP.

18 In the event a development project can meet this criteria, the Credit agreement process described  
19 in Section 4 of this Resolution shall be modified to the following extent:  
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21 I. The County shall review and make a final determination as to whether Credit may be  
22 obtained within 30 days of the applicant submitting all necessary documentation as may be  
23 determined by the County in its sole discretion.

24 II. The fair market value for any land dedicated for conservation shall be determined  
25 through any existing appraisals, a review of similar properties in escrow or properties with signed  
26 purchase agreements, and any other property comparisons determined to be appropriate by the  
27 County in its sole discretion.  
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1           III. Land already purchased in a recognized conservation land bank (see Section 4.6 of the  
2 MSHCP) shall be credited the full amount of the purchase price. Written documentation  
3 confirming the purchase price received by the bank operator and the corresponding recorded  
4 conservation easement shall be provided by the applicant as well as any additional information that  
5 may be necessary as determined by the County in its sole discretion.  
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7           IV. Should an applicant disagree with the determination of land value and/or the amount  
8 of any available fee credit, an appeal may be filed with the Board of Supervisors for their review  
9 and consideration.

10           11. For purposes of implementing the terms of that certain settlement agreement  
11 entered into by the County with the Riverside County Farm Bureau in May of 2004, the following  
12 provisions shall apply to the imposition of the Fee established by Ordinance No. 810:

13           a. With respect to agricultural operations, the Fee shall only be imposed in  
14 connection with the issuance of a building permit for the new construction of commercial uses on  
15 agricultural properties. The Fee for the new construction of commercial uses on agricultural  
16 properties shall be calculated based on the area impacted as established by the boundaries of the  
17 approved plot plan, conditional use permit and/or grading permit. This may not include the entire  
18 acreage of the applicant's property.  
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20           b. Residential homes in rural and agricultural zoning classifications shall pay the  
21 applicable Fee for residential development.  
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23           c. Credit against the Fee for new projects on property shall be provided for the full  
24 amount of any Fee previously paid pursuant to Ordinance No. 810 on the same property.

25           12. Resolution No. 2002-100 is hereby rescinded.

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