

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

717



FROM: Executive Office

SUBMITTAL DATE:
March 25, 2005

SUBJECT: Adoption of Resolution No. 2005-144, a Revision to Resolution No. 2002-95, Establishing Policies and Responsibilities Related to the Development Impact Fee Program

RECOMMENDED MOTION: Adoption of Resolution No. 2005-144, which will supersede and replace Resolution No. 2002-95.

BACKGROUND: This resolution update includes clean-up items for policies and responsibilities related to the Development Impact Fee Program (DIF). The Executive Office has been working with the surface mining industry to refine the policies and procedures involved with the application of DIF. There are two distinct areas involved with surface mining: the mineral extraction area and the intensive use area. DIF will apply to the intensive use area, which has the most impact to county infrastructure. The surface mining industry has agreed to the language update. Also revised is the due date for the Annual Report, as the closing of each fiscal year varies according to various year-end adjustments. The Annual Report will be due no later than six months after the closing of the fiscal year as determined by the Auditor-Controller's office. County Counsel has approved the resolution as to form. The new Resolution No. 2005-144 supersedes and replaces Resolution No. 2002-95.

Departmental Concurrence

Lisa Brandl

LISA BRANDL
Senior Management Analyst

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	04-05

SOURCE OF FUNDS: N/A

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

Mary M. Christman

Policy Policy

Consent Consent

Dept's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 3.1 3/12/02; 3.3 8/28/01; 3.5 1/8/02

District: All

Agenda Number:

3.3

2 **RESOLUTION NO. 2005-144**

3 **ESTABLISHING POLICIES AND RESPONSIBILITIES**
4 **RELATED TO THE DEVELOPMENT IMPACT FEE PROGRAM**

5
6 WHEREAS, the Board of Supervisors of the County of Riverside, State of California, did adopt
7 Ordinance No. 659.6, establishing Development Impact Fees, and

8
9 WHEREAS, Section 5 of Ordinance No. 659.6 states that administrative responsibility and
10 procedures for administration of the Development Impact fee program will be described in a resolution
11 of the Board of Supervisors, which shall supplement Ordinance No. 659.6, and

12
13 WHEREAS, the description of administrative responsibility and procedures contained herein do
14 not constitute the adoption of a new fee or the increase of an existing fee as provided for in Sections
15 66000 through 66025 of the California Government Code.

16
17 NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of the County of
18 Riverside, State of California, in regular session assembled on March 19, 2002, that the following
19 policies and responsibilities pertaining to Development Impact Fees ("DIF") are hereby established:

20
21 1. This Resolution shall supplement and be companion to Riverside County Ordinance No. 659.6,
22 known as the Development Impact Fees Ordinance ("Ordinance"), and all policies and
23 responsibilities described herein shall be in accordance with the requirements of the Ordinance.

24 2. As used in the resolution, the following terms shall have the following meanings:

- 25
26 **a. AREA PLAN OR AREA PLANS.** The areas set forth in Section 7 of this ordinance.
27 **b. BOARD OF SUPERVISORS or BOARD.** The Board of Supervisors of the County
28 of Riverside.

- 1 c. **BUILDING COST INDEX.** “Building Cost Index” means that index of building
2 costs for the Greater Los Angeles Area published monthly in the Engineering News
3 Record.
- 4 d. **CONSTRUCTION COST INDEX.** “Construction Cost Index” means that index of
5 construction costs for the Greater Los Angeles Area and published monthly in the
6 Engineering News Record.
- 7 e. **CONSUMER PRICE INDEX OR CPI.** “Consumer Price Index” or “CPI” means
8 that index of prices published by the United States Government.
- 9 f. **COUNTY.** The County of Riverside.
- 10 g. **“DEVELOPMENT.”** “Development” mean the improvement or change of use of a
11 parcel of property
- 12 h. **DEVELOPMENT AGREEMENT.** An agreement entered into between the County,
13 and an owner of real property pursuant to Section 65864 et seq. of the Government
14 Code that includes provisions requiring the payment of a Public Facilities and
15 Services Mitigation Fee.
- 16 i. **DEVELOPMENT IMPACT FEE or DIF or FEES.** The fee imposed pursuant to
17 the provisions of Ordinance No. 659.6.
- 18 j. **DIF PROGRAM.** “DIF Program” means the process of the collection and
19 expenditure of Development Impact Fees to mitigate the Impacts
- 20 k. **FACILITIES.** The Facilities shall mean the public facilities financed, the habitat
21 and open space preserves, and the regional parkland and recreational trails acquired
22 by the DIF Program and shall include all of the facilities set forth in the Needs List
23 and any subsequently approved revision thereof.
- 24 l. **PUBLIC FACILITIES NEEDS LIST.** The list entitled Riverside County Public
25 Facilities Needs Through the Year 2010, which Report is on file with the Clerk of the
26 Board.
- 27 m. **SIGNAL PRIORITY LIST.** Means that working document which is maintained by
28 the Transportation and Land Management Agency to assist in the determination of

1 locations for signalization. The Signal Priority List is a dynamic listing of locations
2 that have been determined to have met Traffic Signal Warrants, which locations are
3 prioritized based on traffic volume and collision theory.

4 **n. RESIDENTIAL UNIT.** A building or portion thereof used by one (1) family and
5 containing but one (1) kitchen, which unit is designed or occupied for residential
6 purposes, including single-family and multiple family dwellings, but not including
7 hotels and motels.

8 **o. REVENUE or REVENUES.** Any funds received by the County pursuant to the
9 provisions of this ordinance for the purpose of defraying all or a portion of the cost of
10 the facilities set forth in the Public Facilities Needs Report, purchasing regional
11 parkland, and preserving habitat and open space.

12 **p. TRAFFIC SIGNAL WARRANTS.** "Traffic Signal Warrants" means those criteria,
13 described in the State of California Department of Transportation Traffic Manual and
14 the U.S. Department of Transportation Federal Highway Administration Manual on
15 Uniform Traffic Control Devices. Inasmuch as those criteria for the installation of
16 traffic signals are nationally accepted, those warrants, and any subsequent revisions
17 are hereby adopted as the County of Riverside Traffic Signal Warrants.

18 I Administrative and program responsibilities for the DIF shall be as follows:

- 19 a. The County Executive Officer shall be responsible for:
 - 20 i. Administration of the DIF.
 - 21 ii. General oversight of the DIF collection process, including assurance of the accuracy
22 and accountability in all elements of the DIF collection process.
 - 23 iii. Establishing and maintaining the following Trust Funds for the purpose of depositing
24 DIF Revenues and any income interest earned from moneys on deposit in each Trust
25 Fund:
 - 26 1. Countywide Public Facilities Fund
 - 27 2. San Gorgonio Pass Area Plan (AP 20) Public Facilities Fund
 - 28 3. Western Riverside County Traffic Signal Fund

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4. Eastern Riverside County Traffic Signal Fund
5. Western Riverside County Fire Facilities Fund
6. Eastern Riverside County Fire Facilities Fund
7. Jurupa Area Plan (AP 1) Roads, Bridges, Major Improvements Fund
8. Coachella – Western Area Plan (AP 2) Roads, Bridges, Major Improvements Fund
9. Highgrove/Northside/University City Area Plan (AP 3) Roads, Bridges, Major Improvements Fund
10. Reche Canyon/Badlands (AP 4) Roads, Bridges, Major Improvements Fund
11. Eastvale Area Plan (AP 5) Roads, Bridges, Major Improvements Fund
12. Temescal Canyon Area Plan (AP 6) Roads, Bridges, Major Improvements Fund
13. Woodcrest/Lake Matthews (AP 7) Roads, Bridges, Major Improvements Fund
14. March Air Force Base (AP 8) Roads, Bridges, Major Improvements Fund
15. Desert Center Area Plan (AP 9) Roads, Bridges, Major Improvements Fund
16. Upper San Jacinto Valley Area Plan (AP 10) Roads, Bridges, Major Improvements Fund
17. REMAP Area Plan (AP 11) Roads, Bridges, Major Improvements Fund
18. Lakeview/Nuevo Area Plan (AP 12) Roads, Bridges, Major Improvements Fund
19. Mead Valley/Goodhope Area Plan (AP 13) Roads, Bridges, Major Improvements Fund
20. Palo Verde Valley Area Plan (AP 14) Roads, Bridges, Major Improvements Fund
21. Greater Elsinore Area Plan (AP 15) Roads, Bridges, Major Improvements Fund
22. Highway 74/79 Area Plan (AP 16) Roads, Bridges, Major Improvements Fund

- 1 23. Sun City/Menifee Valley Area Plan (AP 17) Roads, Bridges, Major
- 2 Improvements Fund
- 3 24. Coachella – Eastern Area Plan (AP 18) Roads, Bridges, Major Improvements
- 4 Fund
- 5 25. Southwest Area Plan (SWAP) (AP 19) Roads, Bridges, Major Improvements
- 6 Fund
- 7 26. San Gorgonio Pass Area Plan (AP 20) Roads, Bridges, Major Improvements
- 8 Fund
- 9 27. Fourth District Conservation Land Bank Fund
- 10 28. Western Riverside County Regional Park Facilities Fund
- 11 29. Eastern Riverside County Regional Park Facilities Fund
- 12 30. Eastvale Area Plan (AP 5) Community Center/Park Facilities Fund
- 13 31. Temescal Canyon Area Plan (AP 6) Community Center/Park Facilities Fund
- 14 32. Woodcrest/Lake Matthews (AP 7) Community Center/Park Facilities Fund
- 15 33. Palo Verde Valley Area Plan (AP 14) Community Center/Park Facilities Fund
- 16 34. Greater Elsinore Area Plan (AP 15) Community Center/Park Facilities Fund
- 17 35. Coachella – Eastern Area Plan (AP 18) Community Center/Park Facilities
- 18 Fund
- 19 36. Western Riverside County Regional Multipurpose Trail Facilities Fund
- 20 37. Eastern Riverside County Regional Multipurpose Trail Facilities Fund
- 21 38. Eastvale Area Plan (AP 5) Flood Control Facilities Fund
- 22 39. Upper San Jacinto Valley Area Plan (AP 10) Flood Control Facilities Fund
- 23 40. Mead Valley/Goodhope Area Plan (AP 13) Flood Control Facilities Fund
- 24 41. San Gorgonio Pass Area Plan (AP 20) Flood Control Facilities Fund
- 25 42. Western Riverside County Library Book Fund
- 26 43. Eastern Riverside County Library Book Fund
- 27 44. Countywide DIF Program Administration.
- 28 45. Eastern Riverside County Public Facilities

1 46. Western Riverside County Public Facilities

2 iv. Preparation of an Annual Report no later than six (6) months after the closing of the
3 fiscal year, as determined by the County of Riverside Auditor-Controller's office the
4 contents of which are:

- 5 1. A brief description of the Fee
- 6 2. The amount of the Fee
- 7 3. The beginning and ending balance in each Trust Fund
- 8 4. The amount of Fees collected and the interest earned within each Trust Fund
- 9 5. An identification of each public improvement on which Fees were expended
10 and the amount of the expenditure on each improvement including the total
11 percentage of the cost of the public improvement that was funded with Fees
- 12 6. An identification of an approximate date by which the construction of the
13 public improvements will commence once the CEO has determined that
14 sufficient funds have been collected to complete financing of an incomplete
15 public improvement
- 16 7. The amount of any Refunds or Allocations

17 v. Consulting with the Board on an annual basis to update the Public Facilities Needs
18 List Through the Year 2010.

- 19 b. The County Executive Officer is authorized to expend moneys from the Countywide DIF
20 Program Administration Fund (identified in section 4.a.iii.130) without additional approval
21 from the Board.
- 22 c. The Director of the Building and Safety Department shall be responsible for the verification
23 that the DIFs are properly collected prior to the issuance of certificates of occupancy and/or
24 final inspection.
- 25 d. All affected County Departments and special districts, including but not limited to the
26 Riverside County Flood Control and Water Conservation District and the Riverside County
27 Regional Parks and Open Space District shall be responsible for coordination with the
28

1 County Executive Officer regarding fee credits and development agreements pertaining to
2 the types of facilities included in the DIF program.

3 3. Operational procedures for the implementation of Ordinance 659.6.

- 4 a. Any existing commercial and industrial buildings and corresponding parking and
5 landscaping, batch/asphalt/concrete plants, crushing and screening areas, recycling
6 operations, materials stock pile area, scales and scale house shall not be included when
7 determining the amount of the DIF to be paid. The DIF shall be paid only on that gross
8 acreage of the project site that was previously vacant and built subsequent to the effective
9 date of the ordinance, and for surface mining operations, DIF shall be paid only on the
10 Intensive Use Area as defined in section 3.h. below.
- 11 b. If a commercial or industrial development is partially under construction at the time of the
12 effective date of the ordinance, the DIF shall be paid only on the area of the building
13 footprint and corresponding parking and landscaping for those building permits issued
14 subsequent to the effective date of the ordinance. The issuance of a "foundation only" permit
15 shall be subject to the payment of the DIF pursuant to the ordinance.
- 16 c. Phasing of the payment of the DIF for commercial and industrial development projects is
17 permitted, if a development phasing plan has been approved by the Planning Department as
18 part of the applicant's development plot plan. The area calculations for each phase must be
19 defined separately and included as part of the conditions of approval for the project. The DIF
20 for each phase shall be paid prior to the first final inspection or occupancy permit issued for
21 any building constructed within a phase of the development project.
- 22 d. The expansion of a legal non-conforming use permitted pursuant to Section 18.8 of
23 Ordinance No. 348 shall not be subject to the payment of the DIF.
- 24 e. DIF fees for development of golf courses shall be determined by the total square footage of
25 active areas. Active areas include but are not limited to the following: building areas,
26 parking lots, driving ranges, restroom buildings and maintenance buildings. Golf course
27 holes shall be excluded in the calculation of DIF fees.
- 28

- 1 f. DIF fees for development of schools, public and private parks, child care facilities,
2 cemeteries, churches and similar facilities shall be determined by the total square footage of
3 active areas. Active areas include but are not limited to the following: school buildings,
4 parking lots, administrative buildings, restroom buildings and maintenance buildings.
5 Playground and open space areas of such facilities shall be excluded from the calculation of
6 DIF fees.
- 7 g. DIF fees for development of Wind Energy Conversion Systems (WECS) will be determined
8 by the total square footage of the permanent facilities. Permanent facilities include but are
9 not limited to the following: turbines, maintenance buildings and access roads.
- 10 h. DIF fees for surface mining operations will be determined by the total acreage of the
11 "Intensive Use Area". The Intensive Use Area is defined as follows: roadways, parking
12 areas, building areas, office areas, batch/asphalt/concrete plants, crushing and screening
13 areas, recycling operations, materials stock pile areas (area for calculation of fee for stock
14 piles not to exceed 2 acres), maintenance and refueling buildings, scales and scale house,
15 block plant buildings and material testing buildings. DIF fees shall not be assessed on the
16 area designated as the "Mineral Extraction Area" within the surface mining operation. The
17 Mineral Extraction Area is defined as follows: quarry/mineral extraction area,
18 settling/situation ponds, mining setbacks/buffer areas, mining roads within the
19 quarry/mineral extraction area, conveyers, topsoil stockpiles set aside for reclamation
20 purposes, reclamation test re-vegetation areas, waste fines stockpiles in the quarry/mineral
21 extraction area to be utilized in the reclamation, and other similar types of operations not
22 specifically listed above, as determined applicable by County staff.

23 4. Rules for consideration of fee credits.

24 The fee credit option as defined in Section 17(c) of Ordinance 659.6 for the construction of a
25 transportation facility as identified on the Public Facility Needs List should be limited to those
26 circumstances that meet all of the following criteria:

- 27 a. The facility that is being constructed is on the approved Public Facility Needs List.
28 b. The facility is off-site relative to the project boundary that is being developed.

1 c. The facility is completed to the improvement standard envisioned for that facility in the
2 Public Facility Needs List.

3 d. The fee credit shall not exceed the level of the calculated DIF fee contribution towards
4 the construction of that facility in accordance with the Public Facility Needs List.

5 5. Traffic Signal Warrants are as set out in the State of California Department of Transportation Traffic
6 Manual.

7 6. Traffic Signal installations to be funded from the DIF shall be included in the Transportation
8 Department's Transportation Improvement Program and the Signal Priority List. Design activities
9 relating to the Traffic Signal Component of the DIF may be performed without inclusion in the
10 Transportation Improvement Program if Traffic Signal Funds are available.

11 7. Annual DIF adjustments shall be calculated by the County Executive Officer and presented to the
12 Board of Supervisors by September 30 of each year for implementation sixty (60) days after Board
13 approval. The County Executive Officer shall insure that the current fee schedule is readily
14 available to the public upon request.

15 8. The Annual DIF adjustments shall be calculated as follows:

16 a. The Public Facilities and Fire Facilities Components of the DIF shall be adjusted by an
17 amount equal to the percentage change in the Building Cost Index as measured from the most
18 recent available data over a twelve (12) month period.

19 b. The Transportation, Conservation and Land Bank, Regional Park, Community Center/Park,
20 Regional Multipurpose Trails, and Flood Control Components of the DIF shall be adjusted
21 by an amount equal to the percentage change in the Construction Cost Index as measured
22 from the most recent available data over a twelve (12) month period.

23 c. The Library Books Component of the DIF shall be adjusted by an amount equal to the
24 Consumer Price Index as measured from the most recent available data over a twelve (12)
25 month period.

26 9. The County Executive Officer shall prepare or cause to be prepared detailed procedures of the duties
27 and responsibilities of each County Staff member that is connected with the Ordinance. Procedures
28 shall be especially defined for those duties related to the identification, collection, and accounting of

1 DIF funds. Accounting of DIF funds shall be performed in accordance with federal and state law,
2 and in accordance with the County of Riverside policies and procedures.

3 10. Payment of the DIF shall be made by cash, check, or other County approved methods of payment,
4 which shall be made payable to the County or Riverside. The person making said payment shall be
5 issued an official County receipt as proof of payment. Each receipt shall include a reference to the
6 property or development number(s), applicant name, and other pertinent and required information.

7 11. DIF funds shall be programmed for the purposes for which they were collected pursuant to the
8 Ordinance.

9 12. The County Executive Officer shall coordinate all negotiations with cities pertaining to DIF funds
10 and projects affected by incorporations and annexations of unincorporated County territory.

11 13. When adopted, this resolution shall replace and supersede Resolution 2002-95 and Resolution 2002-
12 95 shall be of no further force and effect.

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14 FORM APPROVED
COUNTY COUNSEL

15 MAR 25 2005

16 BY 
17 ASSISTANT COUNTY COUNSEL
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