

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



FROM: Supervisor Stone

SUBMITTAL DATE:
May 12, 2006

SUBJECT: Fee Exemption for Public Facilities and Roads Constructed by County Agencies

RECOMMENDED MOTION: That the Board of Supervisors exempt the construction of public facilities and roads constructed by County Agencies governed by the Board of Supervisors from the payment of environmental mitigation fees under Multi-Species Habitat Conservation Plan (MSHCP) and Development Impact Fees (DIF).

BACKGROUND: It has been brought to my attention that certain County agencies are being conditioned to pay MSHCP and DIF fees when constructing roads and other public facilities because they were not specifically exempted upon adoption of the MSHCP Plan and the DIF Fee Ordinance. Currently, the MSHCP Implementing Agreements state that certain County Agencies not previously exempted by the implementation agreement shall pay a fee in the amount of 5% of total capital costs or take such other action as may be agreed to by the Regional Conservation Authority and the Wildlife Agencies. In some cases, DIF fees are being imposed on public facilities in the same manner as private construction projects.

If the intent of the MSHCP and DIF fees is to assist with habitat conservation and provide for public facilities to mitigate development impacts, then by conditioning the County Agencies to pay these fees using the same funds to construct these projects is redundant.

Therefore, I recommend that the Board exempt the construction of public facilities and roads by County Agencies governed by the Board of Supervisors from the payment of MSHCP environmental mitigation fees and Development Impact Fees. This will give County Agencies and Departments not previously exempt the same consideration as other County Agencies constructing public facilities and roads.

Departmental Concurrence

Supervisor Jeff Stone
Third District

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