

ORDINANCE NO. 875.1

AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 875
ESTABLISHING A LOCAL DEVELOPMENT MITIGATION FEE FOR FUNDING
THE PRESERVATION OF NATURAL ECOSYSTEMS IN ACCORDANCE WITH THE
COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. Subsection A. of Section 2. of Ordinance No. 875 is amended to read as follows:

“A. In order to implement the goals and objectives of the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan (“MSHCP”) and to mitigate the impacts caused by new development in the unincorporated area of Riverside County, lands supporting species covered by the MSHCP must be acquired, monitored and managed in order to achieve habitat conservation in perpetuity.”

Section 2. Subsection B. of Section 2. of Ordinance No. 875 is amended to read as follows:

“B. The Local Development Mitigation Fee is necessary in order to supplement the financing of the acquisition of lands supporting species covered by the MSHCP and related public services as well as to pay for new development’s fair share of the cost of acquisition and perpetual conservation.”

Section 3. Subsection D. of Section 2. of Ordinance No. 875 is amended to read as follows:

“D. The Fee does not reflect the entire cost of the lands which need to be acquired and perpetually conserved in order to implement the MSHCP and mitigate the impacts caused by new development. Additional revenues will be required from other sources. The County finds that the benefit to each development project is

1 greater than the amount of the Fee to be paid by that project.”

2 Section 4. Subsection H. of Section 2. of Ordinance No. 875 is amended to read as
3 follows:

4 “H. The facts and evidence provided to and considered by the
5 Board of Supervisors establish that there is a reasonable relationship between the need for
6 acquiring and conserving in perpetuity the natural ecosystems and covered species
7 identified in the MSHCP, and the impacts to such natural ecosystems and species created
8 by the types of development on which the Fee will be imposed; and that there is a
9 reasonable relationship between the Fee’s use and the types of development for which the
10 Fee is charged. This reasonable relationship is described in more detail in the MSHCP and
11 Mitigation Fee Nexus Report.”

12 Section 5. Subsection I. of Section 2. of Ordinance No. 875 is amended to read as
13 follows:

14 “I. The Fees collected pursuant to this Ordinance are reasonable
15 and will not exceed the estimated total cost of the acquisition and perpetual conservation of
16 the lands necessary to protect natural ecosystems and covered species set forth in the
17 MSHCP. Conservation of the land shall require monitoring and management beyond the
18 life of the MSHCP permit.”

19 Section 6. Subsection J. of Section 2. of Ordinance No. 875 is amended to read as
20 follows:

21 “J. The Fees shall be used to finance the acquisition and
22 perpetual conservation of lands and certain improvements necessary to implement the
23 goals and objectives of the MSHCP.”

24 Section 7. The definition of “Coachella Valley Conservation Commission” set forth in
25 Section 4. of Ordinance No. 875 is amended to read as follows:

26 “ ‘Coachella Valley Conservation Commission’ or ‘Commission’ means the
27 governing body established pursuant to the MSHCP that is delegated the authority to
28 oversee and implement the provisions of the MSHCP.”

1 Section 8. Section 4 of Ordinance No. 875 is amended to add the definition of
2 Conservation after the definition of Coachella Valley Conservation Commission to read as follows:

3 “ ‘Conservation’ means all the actions necessary for the permanent
4 protection of species, natural communities and habitat land as required of the Commission
5 under the MSHCP including land acquisition, land management, biological monitoring,
6 law enforcement and administration.”

7 Section 9. The definition of “Revenue” or “Revenues” set forth in Section 4. of
8 Ordinance No. 875 is amended to read as follows:

9 “ ‘Revenue’ or ‘Revenues’ means any funds received by the County
10 pursuant to the provisions of this Ordinance for the purpose of defraying all or a portion of
11 the cost of acquiring and perpetually conserving vegetation communities and natural areas
12 within the County and the region which are known to support threatened, endangered or
13 key sensitive populations of plant and wildlife species.”

14 Section 10. Section 5. of Ordinance No. 875 is amended to read as follows:

15 “Section 5. LOCAL DEVELOPMENT MITIGATION FEE.

16 A. To assist in providing revenue to acquire and conserve in
17 perpetuity lands necessary to implement the MSHCP, the Fee shall be paid for each
18 residential unit, Development Project or portion thereof to be constructed within the
19 County. Five categories of the Fee are defined and include: residential units, density less
20 than 8.0 dwelling units per acre; residential units, density between 8.1 and 14.0 dwelling
21 units per acre; residential units, density greater than 14.1 dwelling units per acre;
22 commercial acreage; and industrial acreage. Because there can be mixed traditional
23 commercial, industrial and residential uses within the same project, for Fee assessment
24 purposes only, the Fee which is applicable to commercial or industrial Development
25 Projects shall be applied to the whole Project based upon the existing underlying zoning
26 classification of the property at the time of issuance of a building permit. The following
27 Fee shall be paid for each Development Project to be constructed within the boundaries of
28 the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community

1 Conservation Plan fee area. The fees are calculated using an Equivalent Benefit Unit
2 methodology:

- 3 1. Residential, density less than 8.0 dwelling units per
4 acre - \$1,254.00 per dwelling unit.
- 5 2. Residential, density between 8.1 and 14.0 dwelling
6 units per acre – \$521.00 per dwelling unit.
- 7 3. Residential, density greater than 14.1 dwelling units
8 per acre – \$230.00 per dwelling unit.
- 9 4. Commercial - \$5,600.00 per acre.
- 10 5. Industrial - \$5,600.00 per acre.

11 B. The amount of the Local Development Mitigation Fee for a
12 commercial or industrial Development Project required to be paid shall be based on the
13 acreage to be developed and shall be calculated on the basis of Project Area, in accordance
14 with the following:

- 15 1. The Project Area shall be determined by County staff
16 based on the subdivision map, plot plan, and other information submitted to or required by
17 the County.
- 18 2. If the difference between the net acreage, as exhibited
19 on the plot plan, and the Project Area is less than one-quarter acre, the Fee shall be paid on
20 the full gross acreage.
- 21 3. An applicant may elect, at his or her own expense, to
22 have a Project Area dimensioned, calculated, and certified by a registered civil engineer or
23 licensed land surveyor. The engineer or land surveyor shall prepare a wet-stamped letter
24 of certification of the Project Area dimensions and a plot plan exhibit thereto that clearly
25 delineates the Project Area. Upon receipt of the letter of certification and plot plan exhibit,
26 the County shall review submitted documents. If the Project Area dimensions, the letter of
27 certificate, and the plot plan are acceptable to the County, the County shall calculate the
28 Local Development Mitigation Fee required to be paid based on the certified Project Area.

1 If the Project Area dimensions, the letter of certification, and the plot plan are not
2 acceptable to the County, the applicant shall perform such actions as directed by the
3 County in order to resolve any deficiencies perceived by the County.

4 4. Where construction or other improvements on Project
5 Area are prohibited due to legal restrictions on the Project Area, such as Federal
6 Emergency Management Agency designated floodways or areas legally required to remain
7 in their natural state, that portion of the Project Area so restricted shall be excluded for the
8 purpose of calculating the Local Development Mitigation Fee.”

9 Section 11. Section 6. of Ordinance No. 875 is amended to read as follows:

10 “Section 6. COACHELLA VALLEY MULTIPLE SPECIES HABITAT
11 CONSERVATION PLAN/NATURAL COMMUNITY CONSERVATION PLAN FEE
12 AREA BOUNDARY. The boundary of the Coachella Valley Multiple Species Habitat
13 Conservation Plan/Natural Community Conservation Plan fee area is the same as the
14 MSHCP boundary set forth in the MSHCP and in Exhibit A which is attached hereto and
15 incorporated herein by this reference.”

16 Section 12. Section 7. of Ordinance No. 875 is amended to read as follows:

17 “Section 7. IMPOSITION OF THE LOCAL DEVELOPMENT
18 MITIGATION FEE. No building permit shall be issued for any Development Project
19 except upon the condition that the Local Development Mitigation Fee applicable to such
20 Development Project has been paid in accordance with the provisions of this Ordinance.”

21 Section 13. Subsection B. of Section 8 of Ordinance No. 875 is amended to read as
22 follows:

23 “B. The Local Development Mitigation Fee shall be assessed one
24 time per lot or parcel, except in cases of changes in land use. The Fee required to be paid
25 when there is a change in land use shall be reduced by the amount of any previously paid
26 Fee for that property. No refunds shall be provided for changes in land use to a lower Fee
27 category. It shall be the responsibility of the applicant to provide documentation of any
28 previously paid Fee.”

1 Section 14. Subsection H. of Section 8 of Ordinance No. 875 is amended to read as
2 follows:

3 “H. For Development Projects which the County does not require
4 a final inspection or issuance of a certificate of occupancy, the Fee shall be paid prior to
5 any use or occupancy.”

6 Section 15. Subsection J. of Section 8 of Ordinance No. 875 is amended to read as
7 follows:

8 “J. The Local Development Mitigation Fee for wind turbines
9 and other structures and disturbances related to the location or siting of wind turbines shall
10 be calculated solely upon the net permanent above ground disturbance area. Said Fee shall
11 not in this instance be calculated based upon the size of the parcel of land containing the
12 wind turbine, other related structures or disturbances.”

13 Section 16. Subsection A. of Section 10. of Ordinance No. 875 is amended to read as
14 follows:

15 “A. All Fees paid pursuant to this Ordinance shall be deposited,
16 accounted for, and expended in accordance with Section 66006 of the Government Code
17 and all other applicable provisions of law.”

18 Section 17. Subsection B. of Section 10. of Ordinance No. 875 is amended to read as
19 follows:

20 “B. Subject to the provisions of this section, all Fees collected
21 pursuant to this Ordinance shall be remitted monthly to the Coachella Valley Conservation
22 Commission and will be expended solely for the purpose of conservation of the vegetation
23 communities and natural areas within the County and the region which support species
24 covered in the MSHCP in accordance with the provisions of the MSHCP.”

25 Section 18. Section 11. of Ordinance No. 875 is amended to read as follows:

26 “Section 11. AUTOMATIC ANNUAL FEE ADJUSTMENT. The Fee
27 established by this Ordinance shall be revised annually by means of an automatic
28 adjustment at the beginning of each fiscal year based on the average percentage change

1 over the previous calendar year set forth in the Consumer Price Index for “All Urban
2 Consumers” in the Los Angeles-Anaheim-Riverside Area, measured as of the month of
3 December in the calendar year which ends in the previous fiscal year. The first Fee
4 adjustment shall not be made prior to a minimum of ten (10) months subsequent to the
5 effective date of this Ordinance. The Fee, as revised annually, shall be compiled by the
6 Coachella Valley Conservation Commission and shall be included in an annual report to
7 the Board of Supervisors pertaining to the accounting for the MSHCP Fee as required by
8 Government Code section 66006.”

9 Section 19. Subsection G. of Section 12. of Ordinance No. 875 is amended to read as
10 follows:

11 “G. Guest Quarters as defined in Section 21.35a of Ordinance
12 No. 348.”

13 Section 20. Section 13. of Ordinance No. 875 is amended to read as follows:

14 “Section 13. FEE CREDITS. The County may grant to owners or
15 developers of real property, a Credit against the Fee that would otherwise be charged
16 pursuant to this Ordinance, for the dedication of land determined to be necessary for
17 inclusion in the MSHCP Conservation Area, provided, however, that no Credit shall be
18 given unless 1. the dedication is secured by a conservation easement acceptable to a
19 grantee legally authorized to accept and hold such easements pursuant to Civil Code
20 section 815.3 or pursuant to another legal instrument that ensures the area will be
21 conserved in perpetuity; 2. the land to be dedicated is appropriate for conservation and
22 dedication thereof is consistent with and furthers the goals of the MSHCP; and 3. the
23 dedication and Credit complies with all procedures and policies of the Coachella Valley
24 Conservation Commission. The amount of the Credit granted shall be determined by an
25 estimate of the fair market value of the land dedicated. Any Credit granted by the County
26 shall be given in stated dollar amounts only. An applicant for a proposed Development
27 Project may apply for Credit to reduce the amount of the Fee required to be paid prior to
28 approval of the Development Project. Any Credit granted and the amount of the Fee to be

1 paid shall be included as a condition of approval for the Development Project. However, if
2 an applicant has already received approval from the County and has not previously applied
3 for a Credit to reduce the amount of the Fee required to be paid, an applicant may apply for
4 such Credit at any time prior to issuance of a grading permit for the Development Project.
5 Any Credit granted and the amount of the Fee required to be paid shall be included as a
6 condition of approval on the grading permit issued for the Development Project.”

7 Section 21. This ordinance shall take effect on September 1, 2011.

8 BOARD OF SUPERVISORS OF THE COUNTY
9 OF RIVERSIDE, STATE OF CALIFORNIA

10 By: _____
11 Chairman

12 ATTEST:

13 CLERK OF THE BOARD:

14 By: _____
15 Deputy

16
17
18 (SEAL)

19
20
21 APPROVED AS TO FORM:

22 June 22, 2011

23
24 By: Karin Watts Bazan
25 KARIN WATTS-BAZAN
26 Principal Deputy County Counsel

27 KWB:ay
06/22/11

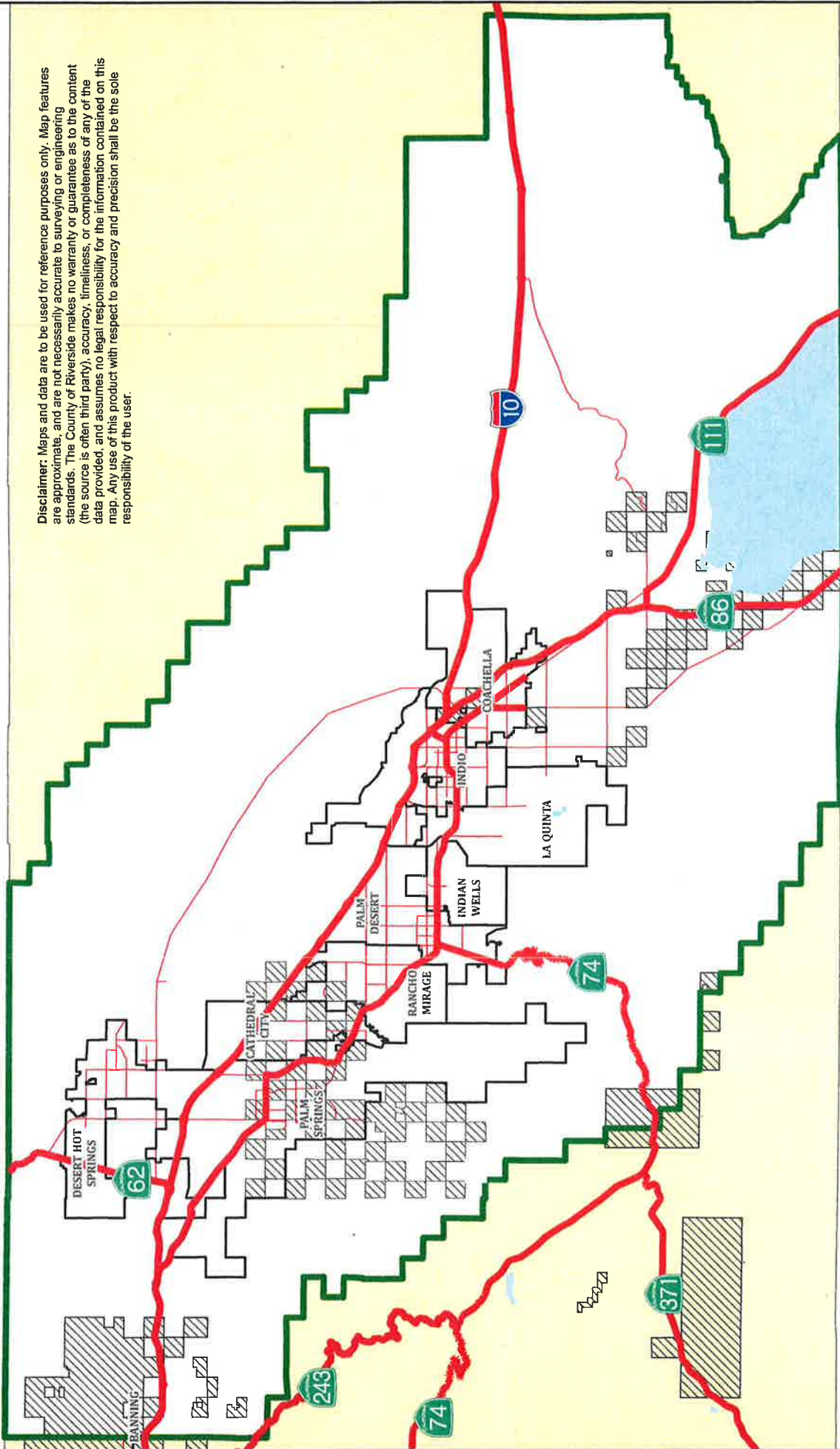
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Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) Area

SAN BERNARDINO COUNTY

Exhibit A

Disclaimer: Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.



- CVMSHCP Boundary
- City Boundaries
- Indian Reservation (Not a Part)
- Major Roads

SAN DIEGO COUNTY

IMPERIAL COUNTY



July 12 2011