

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



FROM: Executive Office

SUBMITTAL DATE:
September 26, 2013

SUBJECT: Adoption of Ordinance 659.12, amending Ordinance No. 659 and Chapter 4.60 of the Riverside County Code establishing Development Impact Fees (DIF) to Extend the DIF Temporary Fee Reduction Retroactive to July 1, 2013 [\$126,000-\$400,000]

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Adopt Ordinance 659.12, temporarily reducing Development Impact Fees by 50%, commencing retroactively to July 1, 2013, and;
- 2) Direct the Executive Office to begin the process to adopt the DIF Nexus Update for an effective date no later than January 2014.

BACKGROUND:

Summary

On October 8, 2013 (Item 3-5) Ordinance 659.12 was introduced. Approval of this item will adopt Ordinance 659.12 which will extend the reduction in the County's Development Impact Fee (DIF) Program fees to 50%, effective retroactively to July 1, 2013, in accordance with the Board's direction on Item 3-103 approved on September 10, 2013.

Continued on Page 2 of 3

Serena Chow

Serena Chow
Principal Management Analyst

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 126,000-400,000	\$	\$ 126,000-400,000	\$	Policy
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS: DIF various sub-funds	Budget Adjustment: No
	For Fiscal Year: 13-14

C.E.O. RECOMMENDATION: The range of anticipated refund amounts are at minimum \$126,000 with a potential refund/revenue loss of \$400,000 based on the monthly average of actual DIF fee receipts in FY 13-14.

County Executive Office Signature

APPROVE
Ivan M. Chand 10/17/2013
BY: _____
Ivan M. Chand

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is approved as recommended and that Ordinance 659.12 is adopted.

Ayes: Tavaglione, Stone, Benoit and Ashley
Nays: Jeffries
Absent: None
Date: October 22, 2013
xc: EO, TLMA, MC, COB

Kecia Harper-Ihem
Clerk of the Board
By: *[Signature]*
Deputy

Prev. Agn. Ref.: 3-5 10/8/13 **District:** ALL **Agenda Number:**

3-9

A-30 Positions Added
 4/5 Vote Change Order
FORM APPROVED COUNTY COUNSEL
 BY: *[Signature]* 10-17-13
 ANITA C. WILLIS DATE

Departmental Concurrence

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Adoption of Ordinance 659.12, amending Ordinance No. 659 and Chapter 4.60 of the Riverside County Code establishing Development Impact Fees (DIF)

DATE: September 26, 2013

PAGE: Page 2 of 3

BACKGROUND:

Summary (continued):

The County's DIF program was created in 2001 in order to establish fees, assessed on new development only, which the County would collect in order to construct the public facilities (jail beds, roads, traffic signals, regional parks, trails, fire and other governmental facilities, etc.) needed to support growth in the residential, commercial, and industrial sectors.

The County implemented a 50% reduction in the DIF fees in August 2009 to temporarily lower development costs, as a policy tool to help stimulate growth and development activity during the recession. This temporary reduction was extended on several occasions and subsequently expired on June 30, 2013. It was anticipated that a comprehensive update to the DIF, including a revised fee structure, would be brought before the Board for consideration by that time. The fee update is currently under review by our non-County stakeholders and the revised fee structure is expected to begin the adoption process in the next few weeks for an effective date of January 2014.

Impact on Residents and Businesses

The 50% reduction in DIF fees will help those permit applicants who have been awaiting an improved construction climate to move forward with their construction projects.

As of September 16, the refund would immediately affect nine (9) applicants who have paid the 100% fee since July 1, 2013 with approximately \$51,000 to be refunded. An additional estimated amount of \$75,000 from other known projects in process may elect to pay the 100% fee before this Ordinance takes effect for a total of \$126,000 in known refunds. The average monthly fee revenue for FY 12-13 was \$400,000. Therefore the magnitude of refunds or savings to permit applicants is from \$126,000 to \$400,000; however this also represents a revenue shortfall for capital infrastructure. This Ordinance would take effect 30 days from Board adoption.

SUPPLEMENTAL (if needed, OR delete this section):

Additional Fiscal Information

To date, the temporary DIF reduction has resulted in a revenue loss is \$12,677,216 since the first fee reduction became effective August 20, 2009. Funding for development-related facilities has already been impacted due, in part, to this temporary reduction. It has resulted in a transfer of fiscal responsibility to the general fund to backfill the infrastructure needs from new development. As more development occurs, the burden on the general fund will continue for needed capital projects that would otherwise be funded by DIF.

Some DIF trust fund balances have been drawn down to levels insufficient to support new projects. These include: eastern county library books and regional trails; western county regional trails; road improvements in Highgrove, Woodcrest, Reche Canyon, Desert Center, and Southwest; and flood control facilities. The administration of the DIF program is operating on a loan from the General Fund for the fiscal year 2013-2014.

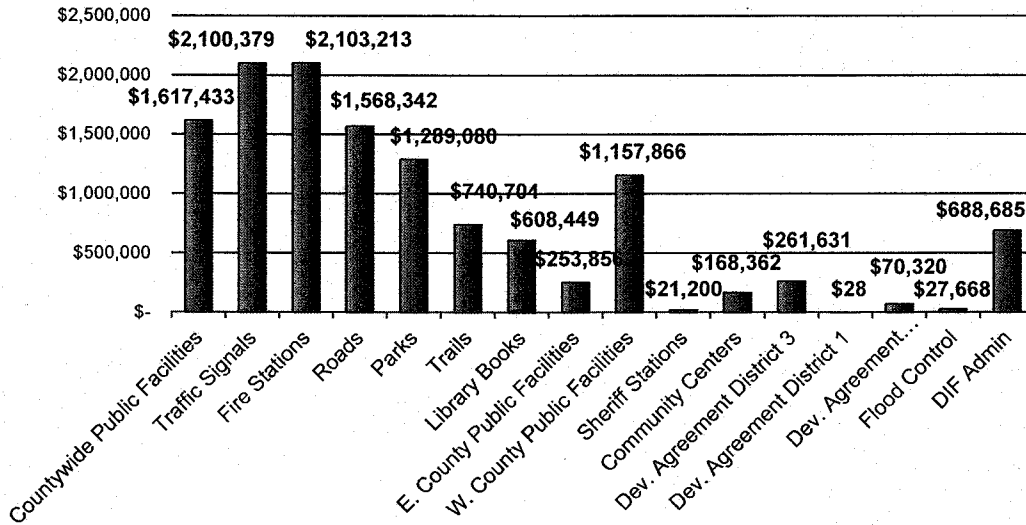
The chart below illustrates the DIF fee reduction losses in each capital category. Beginning in fiscal year 2011-2012, new development began to increase, as indicated by increasing DIF fee revenues.

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Adoption of Ordinance 659.12, amending Ordinance No. 659 and Chapter 4.60 of the Riverside
County Code establishing Development Impact Fees (DIF)

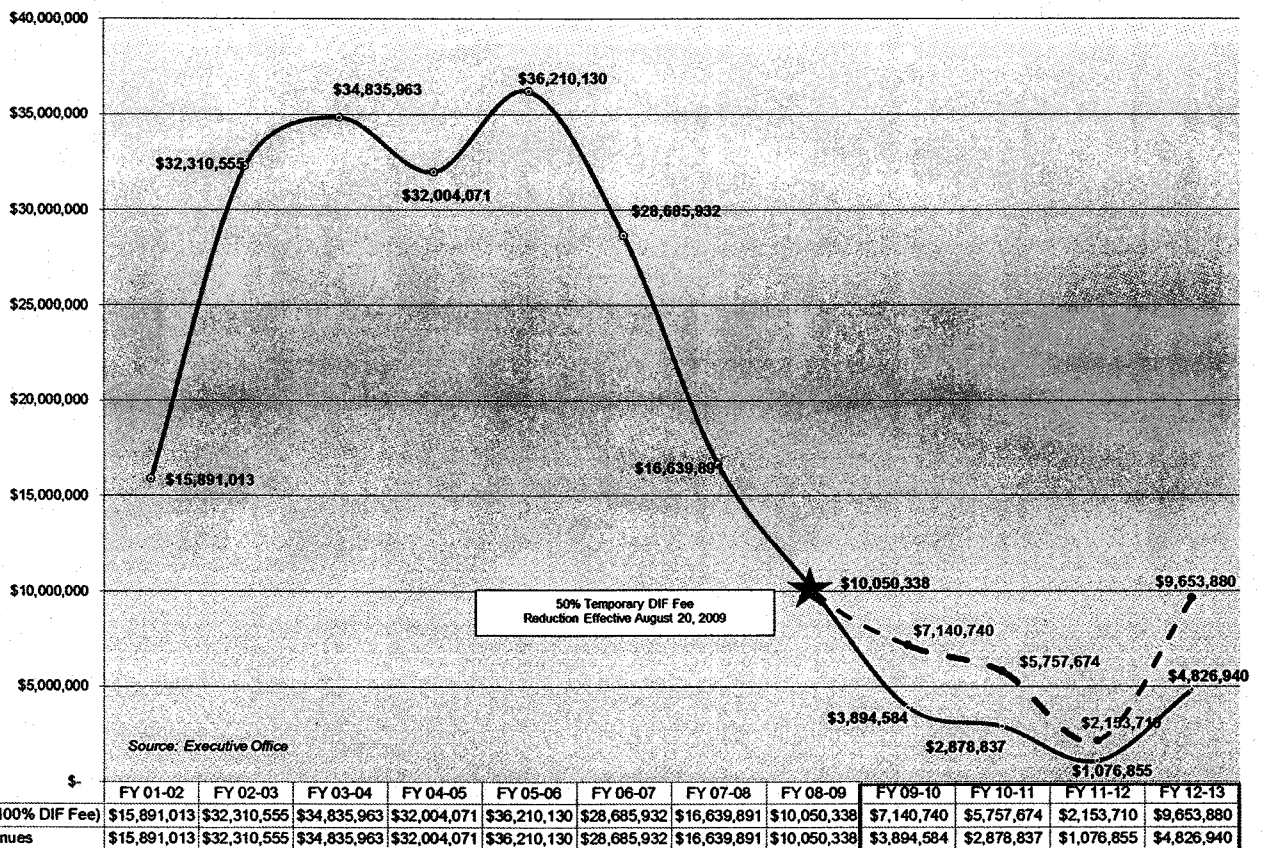
DATE: September 26, 2013

PAGE: Page 3 of 3

DIF Fee Reduction Losses
September 1, 2009 through June 30, 2013
\$12,677,216



Fee revenues reflect the pace of new development. The year-to-year comparison of DIF fee revenues indicates that the growth of new development is nearing a pace similar to that of fiscal year 2008-2009.



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ORDINANCE NO. 659.12

AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 659
AND CHAPTER 4.60 OF THE RIVERSIDE COUNTY CODE
ESTABLISHING DEVELOPMENT IMPACT FEES

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

Section 1. Section 15. of Ordinance No. 659 is amended to read as follows:

“**Section 15. TEMPORARY REDUCTION OF FEES.** Pursuant to the fee adjustment authority set forth in Section 14. of this ordinance and notwithstanding Section 7. or any other provision of this ordinance, the DIF amounts in effect on the effective date of Ordinance No. 659.12 shall be temporarily reduced by fifty percent (50%) commencing retroactively on July 1, 2013.

a. Application. The temporary fee reduction described in this section shall not apply to or affect fees owed under any development agreement or other contractual arrangement in effect on or before the effective date of Ordinance No. 659.12. If reduced fees are paid at the time application is made for a building permit and either the application or the building permit issued on the application expires, subsequent building permit applications on the same parcel shall be subject to the full DIF amount, unless the temporary fee reduction is still in effect at the time of the subsequent application.

b. Effect. The provision of this section shall entitle any person who has already paid Development Impact Fees between July 1, 2013 and the effective date of this ordinance to receive a refund, credit or reimbursement of such payment. This ordinance does not create any new Development Impact Fees or increase the

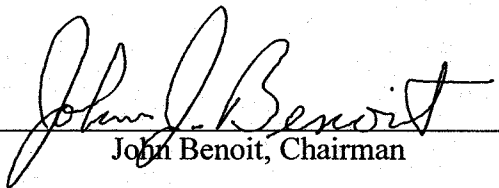
FORM APPROVED COUNTY COUNSEL

Michelle A. Gardner
MICHÈLE A. GARDNER
DATE 9/18/13

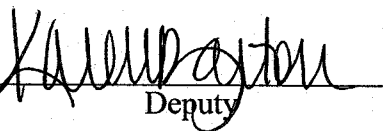
1 amount of any existing Development Impact Fees. This
2 ordinance only effects a reduction in the County's existing
3 Development Impact Fees."

4 Section 2. This ordinance shall take effect thirty (30) days after its adoption.
5

6 BOARD OF SUPERVISORS OF THE COUNTY
7 OF RIVERSIDE, STATE OF CALIFORNIA

8
9 By: 
10 John Benoit, Chairman

11 ATTEST: KECIA HARPER-IHEM
12 CLERK OF THE BOARD:

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14 By: 
15 Deputy

16 (SEAL)
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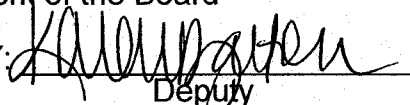
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STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE) ss

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on October 22, 2013, the foregoing ordinance consisting of 2 Sections was adopted by the following vote:

AYES: Tavaglione, Stone, Benoit and Ashley
NAYS: Jeffries
ABSENT: None

DATE: October 22, 2013

KECIA HARPER-IHEM
Clerk of the Board
BY: 
Deputy

SEAL

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



FROM: Executive Office

SUBMITTAL DATE:
September 26, 2013

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RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Introduce and adopt Ordinance 659.12, temporarily reducing Development Impact Fees by 50%, commencing retroactively to July 1, 2013, and;
- 2) Direct the Executive Office to begin the process to adopt the DIF Nexus Update for an effective date no later than January 2014.

BACKGROUND:

Summary

Approval of this item will extend the reduction in the County's Development Impact Fee (DIF) Program fees to 50%, effective retroactively to July 1, 2013, in accordance with the Board's direction on Item 3-103 approved on September 10, 2013.

Continued on Page 2 of 3

Serena Chow

 Serena Chow
 Principal Management Analyst

FINANCIAL DATA	Current Fiscal Year	Next Fiscal Year	Total Cost	Ongoing Cost	POLICY/CONSENT (per Exec. Office)
COST	\$ 126,000-400,000	\$	\$ 126,000-400,000	\$	Policy
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS: DIF various sub-funds

Budget Adjustment: No
For Fiscal Year: 13-14

C.E.O. RECOMMENDATION: The range of anticipated refund amounts are at minimum \$126,000 with a potential refund/revenue loss of \$400,000 based on the monthly average of actual DIF fee receipts in FY 12-13

APPROVE
Ivan M. Chand
 BY: _____
 Ivan M. Chand 10/1/13

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED that the above matter is approved as recommended; the Ordinance is approved as introduced with waiver of reading; and IT WAS FURTHER ORDERED that the Executive Office's recommendation is incorporated herein.

Ayes: Tavaglione, Stone, Benoit and Ashley
 Nays: Jeffries
 Absent: None
 Date: October 8, 2013
 xc: EO, TLMA, COB

Kecia Harper-Ihem
 Clerk of the Board
 By: *Kecia Harper-Ihem*
 Deputy

Prev. Agn. Ref.: 3-103, 9/10/13 | **District:** ALL | **Agenda Number:**

FORM APPROVED COUNTY COUNSEL
 BY: *Dale A. Gardner* 9/30/13
 DATE: _____
 DALE A. GARDNER
 Departmental Concurrence

- Positions Added
- Change Order
- A-30
- 4/5 Vote

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Summary (continued):

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SUPPLEMENTAL (if needed, OR delete this section):

Additional Fiscal Information

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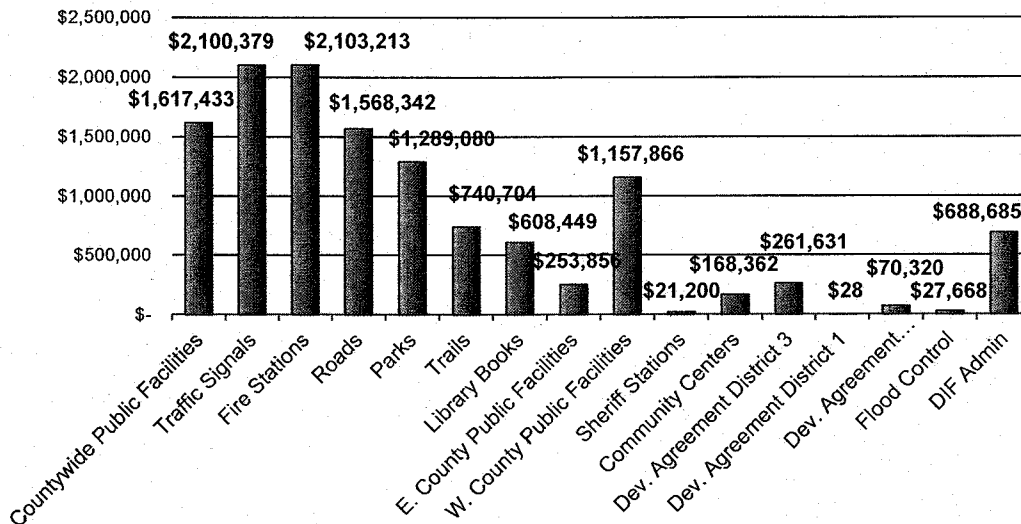
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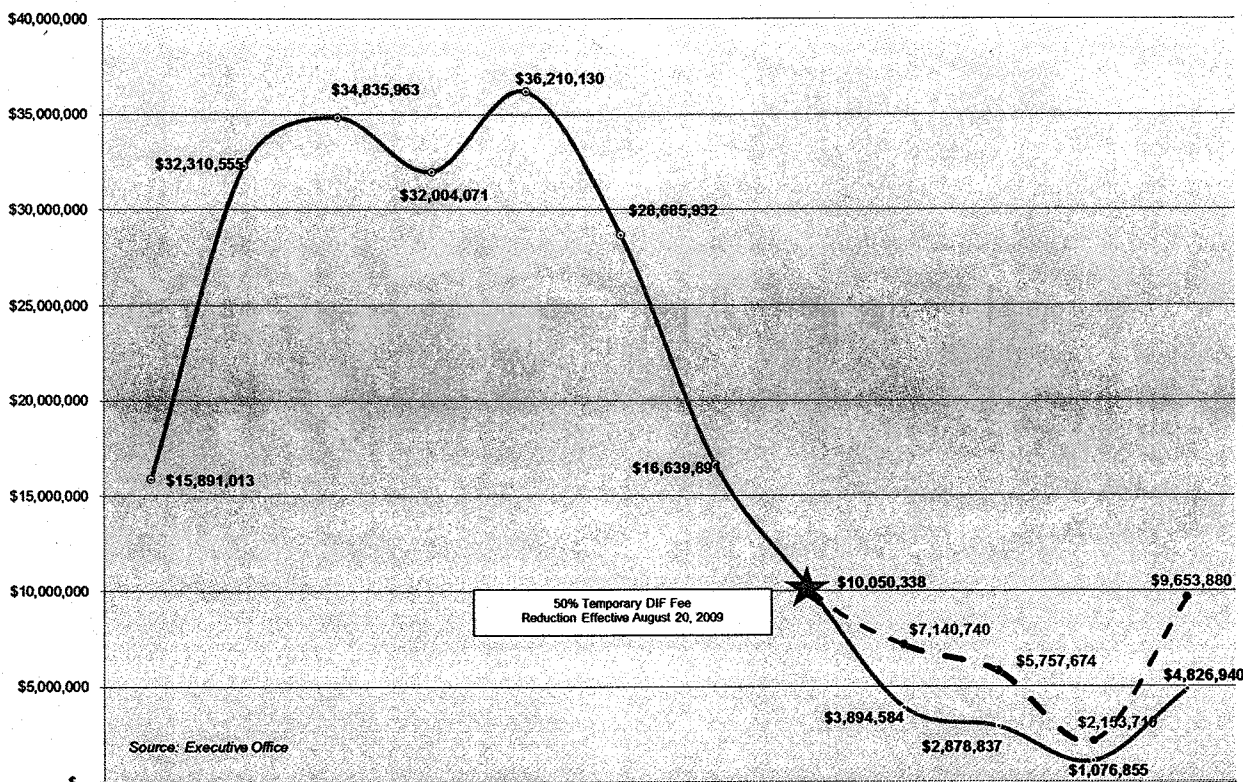
DATE: September 26, 2013

PAGE: Page 3 of 3

DIF Fee Reduction Losses
September 1, 2009 through June 30, 2013
\$12,677,216



Fee revenues reflect the pace of new development. The year-to-year comparison of DIF fee revenues indicates that the growth of new development is nearing a pace similar to that of fiscal year 2008-2009.



	FY 01-02	FY 02-03	FY 03-04	FY 04-05	FY 05-06	FY 06-07	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13
DIF Revenues (100% DIF Fee)	\$15,891,013	\$32,310,555	\$34,835,963	\$32,004,071	\$36,210,130	\$28,685,932	\$16,639,891	\$10,050,338	\$7,140,740	\$5,757,674	\$2,153,710	\$9,653,880
Actual DIF Revenues	\$15,891,013	\$32,310,555	\$34,835,963	\$32,004,071	\$36,210,130	\$28,685,932	\$16,639,891	\$10,050,338	\$3,894,584	\$2,878,837	\$1,076,855	\$4,826,940

Source: Executive Office

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: GARRY GRANT

Address: 27068 JARVIS ST
(only if follow-up mail response requested)

City: PERRIS **Zip:** 94576

Phone #: 951-657-2379

Date: OCT 22 2007 **Agenda #** 3.9

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support Oppose Neutral

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support Oppose Neutral

I give my 3 minutes to: _____

BOARD RULES

Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda:

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.

Power Point Presentations/Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

Individual Speaker Limits:

Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. **Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.**

Group/Organized Presentations:

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman may result in removal from the Board Chambers by Sheriff Deputies.

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
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Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Paul Jacobs

Address: _____
(only if follow-up mail response requested)

City: Temecula **Zip:** _____

Phone #: _____

Date: 10/22/13 **Agenda #** 3-9

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** _____ **Oppose** _____ **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____

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**Riverside County Board of Supervisors
Request to Speak**

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to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Nathan A. Miller

Address: B.T.A.
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: _____

Date: 10/22/13 **Agenda #** 3-9

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:
 Support **Oppose** **Neutral**

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for "Appeal", please state separately your position on
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I give my 3 minutes to: _____

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