

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



ITEM: 3.29  
(ID # 15303)

**MEETING DATE:**

Tuesday, May 25, 2021

**FROM:** TRANSPORTATION AND LAND MANAGEMENT AGENCY (TLMA):

**SUBJECT:** TRANSPORTATION AND LAND MANAGEMENT AGENCY (TLMA): Set for Public Hearing and Introduction of Ordinance No. 810.3, an Amendment to Ordinance No. 810 Multiple Species Habitat Conservation Plan (MSHCP) Mitigation Fee, to update the Local Development Mitigation Fee in accordance with the December 2020 Nexus Study. All Districts. [\$10,000 Total Cost - TLMA Administrative Budget 100%] (Set for Public Hearing – Clerk to Advertise)

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Introduce, read title and waive further reading of, and adopt on successive weeks Ordinance No. 810.3, an Ordinance of the County of Riverside, amending Ordinance No. 810, to update the Local Development Mitigation Fee for Funding the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) in accordance with the December 2020 Nexus Study; and
2. Set a Public Hearing on June 8, 2021, or as soon thereafter, for Adoption of Ordinance No. 810.3.

**ACTION:** Policy, Set for Hearing

Charissa Leach, Interim TLMA Director

5/17/2021

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Perez, seconded by Supervisor Hewitt and duly carried by unanimous vote, IT WAS ORDERED that the above Ordinance is approved as introduced with waiver of reading, and is set for public hearing June 8, 2021, at 9:30 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Spiegel, Washington, Perez, and Hewitt  
Nays: None  
Absent: None  
Date: May 25, 2021  
xc: TLMA, COB

Kecia R. Harper  
Clerk of the Board  
By:   
Deputy

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<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 10,000	\$ 0	\$ 10,000	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS:</b> 100% TLMA Admin Budget			<b>Budget Adjustment:</b> No	
			<b>For Fiscal Year:</b> 20/21	

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Summary**

Riverside County is a Member Agency of the Western Riverside County Regional Conservation Authority (RCA), a joint powers authority comprised of the County of Riverside and the eighteen (18) cities located in western Riverside County. The RCA was formed to acquire, administer, operate, and maintain land and facilities to establish habitat reserves for the conservation and protection of species covered by the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP or Plan).

The Western Riverside County MSHCP, originally adopted in 2004, is a comprehensive, multi-jurisdictional Habitat Conservation Plan (HCP) focusing on the permanent conservation of 500,000 acres and the protection of 146 species, including 33 that are currently listed as threatened or endangered. The MSHCP was developed in response to the need for future growth opportunities in western Riverside County, from housing developments to transportation and infrastructure, while addressing the requirements of the State and federal Endangered Species Acts (ESA). The MSHCP serves as an HCP pursuant to Section 10(a)(1)(B) of the federal Endangered Species Act of 1973 as well as a Natural Communities Conservation Plan (NCCP) under California's NCCP Act of 2001. The MSHCP streamlines environmental permitting processes by allowing the participating jurisdictions such as Riverside County, to authorize "take" of plant and wildlife species identified within the Plan Area. Without the MSHCP, each development and transportation project would need to conduct an individual assessment and mitigation for impacts to endangered species, an approach that would be less efficient and effective, and more costly.

The MSHCP required a Nexus Study under the Mitigation Fee Act (Gov. Code §§ 66000 et seq.) to establish a Local Development Mitigation Fee (LDMF) that would then be adopted by each jurisdiction participating in the MSHCP. The LDMF pays for acquisition of Additional Reserve Lands (ARL) to meet the target conservation acreage that local governments are responsible to acquire per the Plan. The original Nexus Study was completed in 2003 coinciding with the adoption of the MSHCP, Implementing Agreement, and signing of the Permits. Section 8.5.1 of the MSHCP allows the LDMF to be reevaluated and revised should it be found to insufficiently cover mitigation of new development. Based on the 2003 Nexus Study, Riverside County adopted and implemented Ordinance No. 810, authorizing the imposition of the LDMF.



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Pursuant to the Mitigation Fee Act, RCA – the agency charged with setting the LDMF - prepared a new nexus study (2020 Nexus Study) to update the fees for the first time since original adoption. On December 7, 2020, the RCA Board of Directors adopted the 2020 Nexus Study. The RCA Board of Directors also approved the use of the MSHCP Mitigation Fee Implementation Manual to assist Member Agencies with LDMF collection questions.

An updated Nexus Study was needed to ensure adequate funding to complete reserve acquisition to fulfill local governments' responsibilities under the MSHCP. The Nexus Study extended the reserve acquisition period by an additional fifteen years. Currently, the acquisition period ends in 2029. By extending the acquisition period, the LDMF increase is lower because it covers more development over a longer period. The RCA Board also adopted a phased increase of the new fee, with 50 percent of the fee increase taking effect on July 1, 2021 and the remainder of the increase taking effect on January 1, 2022. Public deliberation over the 2020 Nexus Study stretched over a year in multiple public meetings. Pursuant to Board Policy A-67, the Board of Supervisors directed the Transportation and Land Management Agency to amend Ordinance No. 810 to update the fees, definitions, and exemptions on March 9, 2021 (MT#14643).

The ordinance will establish the updated Fee Schedule set by the RCA for the MSHCP LDMF as described in the two right-hand columns below:

Category	Current	July 1, 2021 – Dec 31, 2021	Jan 1, 2022 – June 30, 2022
Residential, density less than 8.0 dwelling units per acre (fee per dwelling unit)	\$2,234	\$2,935	\$3,635
Residential, density between 8.0 and 14.0 dwelling units per acre (fee per dwelling unit)	\$1,430	\$1,473	\$1,515
Residential density greater than 14.0 dwelling units per acre (fee per dwelling unit)	\$1,161	\$670	\$670
Commercial (fee per acre)	\$7,606	\$11,982	\$16,358
Industrial (fee per acre)	\$7,606	\$11,982	\$16,358

The Ordinance Amendment also updates and clarifies additional terminology and procedures related to the fees, in accordance with changes in local regulations and State law, including changes to the Ordinance's standard exemptions.

**Impact on Residents and Businesses**

The MSHCP is intended to ensure that future development will contribute toward addressing the impacts of new development on plant and wildlife species identified in the Plan Area. Funding

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collected through the LDMF is used to ensure adequate funding to complete reserve acquisition and other responsibilities required by the local governments' responsibilities under the MSHCP. By levying a fee on new developments in the region, developers and in turn new county residents and employees will effectively contribute their "fair share" toward protecting the species covered by the MSHCP.

**Additional Fiscal Information**

The amount of \$10,000 was budgeted for the staff time required to amend the Ordinance.

**Contract History and Price Reasonableness**

N/A

**ATTACHMENTS**

A. Ordinance No. 810.3



Jason Farin, Principal Management Analyst 5/19/2021



Gregory H. Priamos, Director County Counsel 5/17/2021



COPY

ORDINANCE NO. 810.3

AN ORDINANCE OF THE COUNTY OF RIVERSIDE TO  
UPDATE THE LOCAL DEVELOPMENT MITIGATION FEE FOR  
FUNDING THE WESTERN RIVERSIDE COUNTY MULTIPLE  
SPECIES HABITAT CONSERVATION PLAN

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

Section 1. Ordinance No. 810 is amended in its entirety to read as follows:

"ORDINANCE NO. 810

AN ORDINANCE OF THE COUNTY OF RIVERSIDE  
TO ESTABLISH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT  
CONSERVATION PLAN MITIGATION FEE

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

Section 1. TITLE. This Ordinance shall be known as the Western Riverside County Multiple Species Habitat Conservation Plan Mitigation Fee Ordinance.

Section 2. FINDINGS AND PURPOSE. The Board of Supervisors finds and determines as follows:

- a. The preservation of vegetation communities and natural areas within the County of Riverside (County) which support species covered by the Multiple Species Habitat Conservation Plan (MSHCP) is necessary to protect and promote the health, safety, and welfare of all the citizens of the County by reducing the adverse direct, indirect, and cumulative effects of urbanization

1 and development and providing for permanent conservation of habitat for  
2 species covered by the MSHCP.

3 b. The MSHCP was approved by the County of Riverside Board of Supervisors  
4 on June 17, 2003; federal and State permits were issues for the MSHCP on  
5 June 22, 2004. Riverside County is a Member Agency of the Western  
6 Riverside County Regional Conservation Authority (RCA), a joint powers  
7 authority comprised of the County and eighteen (18) cities located within  
8 western Riverside County.

9 c. It is necessary to update as needed certain development impact fees to ensure  
10 that all new development within the County pays its fair share of the costs of  
11 acquiring and preserving vegetation communities and natural areas within the  
12 County and the region which are known to support plant and wildlife species  
13 covered by the MSHCP.

14 d. A proper funding source to pay the costs associated with mitigating the direct,  
15 indirect, and cumulative impacts of development to the natural ecosystems  
16 within the County and the region, as identified in the MSHCP, is a  
17 development impact fee for residential, commercial, and industrial  
18 development (Local Development Mitigation Fee). The amount of the fee is  
19 determined by the nature and extent of the impacts from the development to  
20 the identified natural ecosystems and the relative cost of mitigating such  
21 impacts.

22 e. The Western Riverside County Regional Conservation Authority (RCA) has  
23 prepared an updated fee nexus study entitled "Western Riverside County  
24 Multiple Species Habitat Conservation Plan Nexus Fee Study Update" (2020  
25 Nexus Study), and on December 7, 2020, the RCA Board of Directors  
26 reviewed the 2020 Nexus Study and directed all RCA Permittees to adopt the  
27 updated MSHCP fees.  
28



- 1 f. The MSHCP and the 2020 Nexus Study, a copy of which is on file in the  
2 County Clerk's office, provides the basis for the imposition of the updated  
3 Local Development Mitigation Fee on new construction and development  
4 projects.
- 5 g. The use of the Local Development Mitigation Fee to mitigate the impacts to  
6 the County's and the region's natural ecosystems is reasonably related to the  
7 type and extent of impacts caused by development within the County.
- 8 h. The costs of funding the proper mitigation of natural ecosystems and  
9 biological resources impacted by development within the County and the  
10 region are apportioned relative to the type and extent of impacts caused by  
11 the development.
- 12 i. The cost estimates for mitigating the impact of development on the County's  
13 and the region's natural ecosystem and biological resources, as set forth in  
14 the MSHCP, are reasonable and will not exceed the reasonably estimated  
15 total of these costs.
- 16 j. The Local Development Mitigation Fee collected pursuant to this Ordinance  
17 shall be used to finance the acquisition and perpetual conservation of the  
18 natural ecosystems and certain improvements necessary to implement the  
19 goals and objectives of the MSHCP.
- 20 k. The detailed administrative procedures concerning the implementation of this  
21 Ordinance shall be contained in the MSHCP Mitigation Fee Implementation  
22 Manual adopted December 7, 2020.
- 23 l. The boundary of the Western Riverside County Multiple Species Habitat  
24 Conservation Plan Fee Area is the same as the MSHCP boundary as set forth  
25 in that document entitled MSHCP Plan Area map dated June 2003, which is  
26 on file with the Clerk of the Board.

27 Section 3. AUTHORITY. This Ordinance is established under the authority of Title 7,  
28 Division 1, Chapter 5 of the Government Code, beginning with Section 66000, which provides that a local

1 agency may establish fees for the purpose of defraying all or a portion of the cost of public facilities related  
2 to Development Projects.

3 Section 4. DEFINITIONS. As used in this Ordinance, the following terms shall have  
4 the following meanings:

- 5 a. "Accessory Dwelling Unit" means an accessory dwelling unit as defined by  
6 Ordinance No. 348, as may be amended, or as defined under State law.
- 7 b. "Board of Supervisors" means the Board of Supervisors of the County of  
8 Riverside, California.
- 9 c. "Certificate of Occupancy" means a certificate of occupancy as defined by  
10 Ordinance No. 457, as may be amended, or as defined under State law.
- 11 d. "County" means the County of Riverside, California.
- 12 e. "Credit" means a credit allowed pursuant to Section 11 of this Ordinance,  
13 which may be applied against the Local Development Mitigation Fee paid.
- 14 f. "Development" means a human-created change to improved or unimproved  
15 real estate, including buildings or other structures, mining, dredging, filing,  
16 grading, paving, excavating, and drilling.
- 17 g. "Development Project" or "Project" means any project undertaken for the  
18 purpose of development, including but not limited to, the issuance of a  
19 building or grading permit by the County pursuant to all applicable  
20 ordinances, regulations, and rules of the County and State law.
- 21 h. "Final Inspection" means a final inspection as defined by Ordinance No. 457,  
22 as may be amended, or as defined under State law.
- 23 i. "Junior Accessory Dwelling Unit" means a junior accessory dwelling unit as  
24 defined by Ordinance No. 348, as may be amended, or as defined under State  
25 law.
- 26 j. "Local Development Mitigation Fee" or "Fee" means the development  
27 impact fee imposed pursuant to the provisions of this Ordinance and as part  
28 of the MSHCP.



- 1 k. "Multiple Species Habitat Conservation Plan" or "MSHCP" means the  
2 Western Riverside County Multiple Species Habitat Conservation Plan,  
3 adopted by the Board of Supervisors on June 17, 2003.
- 4 l. "MSHCP Conservation Area" has the same meaning and intent as such term  
5 is defined and utilized in the MSHCP.
- 6 m. "MSHCP Mitigation Fee Implementation Manual" is the fee implementation  
7 manual created and adopted in December 2020 by the RCA to provide  
8 direction to local jurisdictions concerning the imposition, collection,  
9 accounting, remittance, and calculation of the Local Development Mitigation  
10 Fee Program.
- 11 n. "Ordinance" means this Ordinance No. 810 of the County of Riverside,  
12 California
- 13 o. "Project Area" means the area, measured in acres, within the Development  
14 Project including, without limitation, any areas to be developed as a condition  
15 of a Development Project. Except as otherwise provided herein, the Project  
16 Area is the area upon which the project will be assessed the Local  
17 Development Mitigation Fee. See the MSHCP Mitigation Fee  
18 Implementation Manual for additional guidance for calculating the Project  
19 Area.
- 20 p. "Residential Unit" means a building or portion thereof used by one (1) family  
21 and containing but one (1) kitchen, which unit is designed or occupied for  
22 residential purposes, including single family dwellings and mobile homes but  
23 not including hotels, motels, congregate care residential facilities or  
24 individual spaces within recreational vehicle parks.
- 25 q. "Western Riverside County Regional Conservation Authority" or "RCA"  
26 means the governing body established pursuant to the MSHCP that is  
27 delegated the authority to oversee and implement the provisions of the  
28 MSHCP.

1 Any capitalized term not otherwise defined herein shall carry the same meaning and  
2 definition as that term is used and defined in the MSHCP.

3 Section 5. LOCAL DEVELOPMENT MITIGATION FEE.

- 4 a. Public Projects. The County is required to mitigate the impacts of Public  
5 Projects pursuant to the MSHCP and the MSHCP Implementing Agreement.  
6 The definition of Public Project and the method for mitigating Public Projects  
7 is set forth in the MSHCP Mitigation Fee Implementation Manual.
- 8 b. Periodic Fee Adjustment. The Local Development Mitigation Fee schedule  
9 set forth in this Ordinance referenced above may be periodically reviewed  
10 and the amounts adjusted by the RCA as set forth in the MSHCP Mitigation  
11 Fee Implementation Manual.
- 12 c. Automatic Annual Fee Adjustment. In addition to the Periodic Fee  
13 Adjustment mentioned above, the RCA shall provide the County with an  
14 automatic annual fee adjustment for the Local Development Mitigation Fee  
15 established by this Ordinance as set forth in the MSHCP Mitigation Fee  
16 Implementation Manual.

17 Section 6. IMPOSITION OF THE LOCAL DEVELOPMENT MITIGATION FEE.

- 18 a. The Local Development Mitigation Fee will be paid no later than at the  
19 issuance of a certificate of occupancy or final inspection for a building permit.  
20 Notwithstanding any other provision of the this Ordinance, no building  
21 permit shall be finalized for any Development Project unless the Local  
22 Development Mitigation Fee applicable to such Development Project has  
23 been paid. The amount of the Fee shall be calculated in accordance with the  
24 MSHCP Mitigation Fee Implementation Manual and this Ordinance.  
25 However, this section shall not be construed to prevent payment of the Local  
26 Development Mitigation Fee prior to the issuance of an occupancy permit or  
27 final inspection as long as a building permit has been applied for and the fees  
28 paid.



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b. In lieu of the payment of the Local Development Mitigation Fee as provided above, the fee for a Development Project may be paid through a Community Facilities District, provided that such arrangement is approved by the RCA in writing.

c. Local Development Mitigation Fees Attributed to Development Projects.

1. Residential Development Projects (per dwelling unit)

a. Residential (Effective July 1, 2021 through December 31, 2021)

Density less than 8.0 dwelling units per acre = \$2,935 per dwelling unit;

Density between 8.0 and 14.0 dwelling units per acre = \$1,473 per dwelling unit;

Density greater than 14.0 dwelling units per acre = \$670 per dwelling unit.

b. Residential (Effective January 1, 2022)

Density less than 8.0 dwelling units per acre = \$3,635 per dwelling unit;

Density between 8.0 and 14.0 dwelling units per acre = \$1,515 per dwelling unit;

Density greater than 14.0 dwelling units per acre = \$670 per dwelling unit.

2. Commercial or Industrial Projects (per acreage)

a. Commercial or Industrial (Effective July 1, 2021 through December 31, 2021)

Commercial = \$11,982 per acre.

Industrial = \$11,982 per acre.

b. Commercial or Industrial (Effective January 1, 2022)

Commercial = \$16,358 per acre.

Industrial = \$16,358 per acre.

Section 7. PAYMENT OF LOCAL DEVELOPMENT MITIGATION FEE.

- a. The Local Development Mitigation Fee shall be paid in full in accordance with applicable State and local law, including, but not limited to, this Ordinance.
- b. The Local Development Mitigation Fee required to be paid under this Ordinance shall be the fee in effect at the time the fee is paid for which the Local Development Mitigation Fee is assessed; provided, however, that Housing Development Projects as defined by California Government Code section 65589.5(h)(2) may be entitled to pay the fee in effect at the time of the preliminary application was submitted.
- c. Notwithstanding anything in this Ordinance, or any other written documentation to the contrary, the Local Development Mitigation Fee shall be paid whether or not the Development Project is subject to conditions of approval by the County imposing the requirement to pay the fee.
- d. If all or part of the Development Project is sold prior to payment of the Local Development Mitigation Fee, the Development Project shall continue to be subject to the requirement to pay the fee as provided herein.
- e. The fee title owner(s) of the Property is responsible for the payment of the Local Development Mitigation Fee.
- f. Any Local Development Mitigation Fees that are required to be paid when there is a change in land use shall be reduced by the amount of any previously paid fee for that property. No refunds shall be provided for changes in land use to a lower fee category. It shall be the responsibility of the applicant to provide documentation of any previously paid fee.
- g. The Local Development Mitigation Fees required to be paid shall be the fee in effect at the time of payment; provided, however, that should the associated building permit expire, be voided or withdrawn without a final inspection or



1 certificate of occupancy and the fee had been previously paid and not  
2 refunded, then the applicant is responsible to pay for the difference in fees  
3 from the time of the last payment to the time the fee is required to be paid at  
4 final inspection or certificate of occupancy on any new development permit.

5 h. There shall be no deferment of the Local Development Mitigation Fee  
6 beyond final inspection or issuance of certificate(s) of occupancy.

7 i. For Development Projects which the County of Riverside does not require a  
8 final inspection or issuance of a certificate of occupancy, the Local  
9 Development Mitigation Fee shall be paid prior to commencement of any use  
10 or occupancy.

11 j. The Local Development Mitigation Fee for commercial and industrial  
12 Development Projects shall be paid in its entirety for the Project Area and  
13 shall not be prorated.

14 Section 8. REFUNDS. Under certain circumstances, such as double payment,  
15 expiration of a building permit, or fee miscalculation due to clerical error, an applicant may be entitled to a  
16 refund. The process for refunds are detailed in the MSHCP Mitigation Fee Implementation Manual, which  
17 include the following:

18 a. Expiration of Building Permits. If a building permit should expire, is revoked,  
19 or is voluntarily surrendered and is, therefore voided and no construction or  
20 improvement of land has commenced, then the applicant may be entitled to a  
21 refund of the Local Development Mitigation Fee collected which was paid as  
22 a condition of approval, less administration costs. Any refund must be  
23 requested within three (3) years of the original payment. The applicant shall  
24 pay the current Local Development Mitigation Fee in effect at the time in full  
25 if the applicant reapplies for the permit.

26 b. Double Payments. If a developer or applicant has paid all, or a portion, of the  
27 Local Development Mitigation Fee for a Development Project twice, a refund  
28 of the double payment would be required. Per the MSHCP Mitigation Fee

1 Implementation Manual, such requests for a refund of double payments must  
2 be made within three (3) years of the original payment.

- 3 c. In the case of a refund, only the person or the entity which paid the Local  
4 Development Mitigation Fee shall be entitled to any refund.

5 Section 9. ACCOUNTING AND DISBURSEMENT OF COLLECTED LOCAL  
6 DEVELOPMENT MITIGATION FEES.

- 7 a. All fees paid pursuant to this Ordinance shall be deposited, invested,  
8 accounted for, and expended in accordance with Section 66006 of the  
9 Government Code and all other applicable provisions of law.

- 10 b. Subject to the provisions of this section, all fees collected pursuant to this  
11 Ordinance shall be remitted to the Western Riverside County Regional  
12 Conservation Authority no later than 90 days after the collection of the Local  
13 Development Mitigation Fee.

- 14 c. The County may also add an additional cost to the Local Development  
15 Mitigation Fee schedule to cover the costs of collecting the fees from project  
16 proponents. Any amounts collected by the County shall not reduce the  
17 amount collected and remitted to the RCA under this Ordinance.

18 Section 10. FEE EXEMPTIONS. The following types of construction shall be exempt  
19 from the provisions of this Ordinance:

- 20 a. Reconstruction or improvements that were damaged or destroyed by fire or  
21 other natural causes, provided that the reconstruction or improvements do not  
22 result in additional Project Area.

- 23 b. Rehabilitation or remodeling to an existing Development Project, provided  
24 that the rehabilitation or remodeling does not result in additional Project  
25 Area, and as long as said addition does not substantially change the use of the  
26 structure resulting in a higher fee payment category.

- 27 c. Accessory Dwelling Units, as defined by Ordinance No. 348, as may be  
28 amended, and State law; but only to the extent such fee is exempted under



1 State law.

2 d. Junior Accessory Dwelling Units, as defined by Ordinance No. 348, as may  
3 be amended, and State law; but only to the extent such fee is exempted under  
4 State law.

5 e. Existing structures where the use is changed from an existing permitted use  
6 to a different permitted use, provided that no additional improvements are  
7 constructed and does not result in additional usable square footage outside of  
8 the previously approved Project Area, where upon fees have already been  
9 paid.

10 f. Certain Agricultural Operations as allowed by the MSHCP, as amended and  
11 defined in the MSHCP Mitigation Fee Implementation Manual and the  
12 MSHCP.

13 g. Vesting Tentative Tract Maps entered into pursuant to Government Code  
14 section 66452 et seq. (also, Government Code section 66498.1 et seq.) and  
15 Development Projects which are the subject of a development agreement  
16 entered into pursuant to Government Code section 65864 et seq., prior to the  
17 effective date of Ordinance No. 810, wherein the imposition of new fees are  
18 expressly prohibited, provided that if the term of such a vesting map or  
19 development agreement is extended by amendment or by any other manner  
20 after the effective date of Ordinance No.810, the Local Development  
21 Mitigation Fee shall be imposed.

22 h. Second Units and Guest Quarters as defined in Ordinance No. 348, as may  
23 be amended, but only to the extent such fee is exempted under State law.

24 i. Construction of a replacement single family residential unit or replacement  
25 manufactured home, upon property wherein a single family residential unit  
26 or manufactured home was permitted and granted occupancy and/or final  
27 inspection, dated prior to the effective date of this Ordinance.

28 j. Kennels and Catteries established in connection with an existing single

1 family residential unit and defined, as may be amended, in Ordinance No.  
2 348.

3 k. Additional single-family residential units located on the same parcel of land  
4 pursuant to the provisions of any agricultural zoning classifications set forth  
5 in Ordinance No. 348, but only to the extent such fee is exempted under State  
6 law.

7 Section 11. FEE CREDITS. Any Local Development Mitigation Fee credit that may be  
8 applicable to a Development Project shall be determined by the County and approved by the RCA. All Fee  
9 Credits shall comply with the resolutions, ordinances, Implementing Agreement, and policies of the RCA  
10 including, without limitation, the MSHCP Mitigation Fee Implementation Manual.

11 Section 12. SEVERABILITY. This Ordinance and the various parts, sections, and  
12 clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is  
13 adjudged unconstitutional or invalid, the remainder of this Ordinance shall be affected thereby. If any part,  
14 sentence, paragraph, section, or clause of this Ordinance, or its application to any person entity is adjudged  
15 unconstitutional or invalid, such unconstitutionality or invalidity shall affect only such part, sentence,  
16 paragraph, section, or clause of this Ordinance, or person or entity; and shall not affect or impair any of the  
17 remaining provision, parts, sentences, paragraphs, sections, or clauses of this Ordinance, or its application  
18 to other persons or entities. The Board of Supervisors hereby declares that this Ordinance would have been  
19 adopted had such unconstitutional or invalid part, sentence, paragraph, section, or clause of this Ordinance  
20 not been included herein; or had such person or entity been expressly exempted from the application of this  
21 Ordinance.”

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1                    Section 2.      EFFECTIVE DATE. This Ordinance shall take effect sixty (60) days after  
2 its adoption.

4                    BOARD OF SUPERVISORS OF THE COUNTY  
5                    OF RIVERSIDE, STATE OF CALIFORNIA

6                    By: \_\_\_\_\_  
7                    Chair, Board of Supervisors


9                    ATTEST:  
10                    KECIA R. HARPER  
11                    Clerk of the Board

12                    By: \_\_\_\_\_

14                    (SEAL)

17                    APPROVED AS TO FORM

18                    May 17, 2020

19                    By:   
20                    \_\_\_\_\_  
21                    AARON C. GETTIS  
22                    Supervising Deputy County Counsel