

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



ITEM: 3.5
(ID # 24354)

MEETING DATE:
Tuesday, April 02, 2024

FROM : EXECUTIVE OFFICE AND TRANSPORTATION AND LAND MANAGEMENT
AGENCY/TRANSPORTATION :

SUBJECT: EXECUTIVE OFFICE and TRANSPORTATION AND LAND MANAGEMENT
AGENCY/TRANSPORTATION: Approve new Board Policy B-36: Transportation Cash-in-Lieu;
All Districts. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt new Board Policy B-36: Transportation Cash-in-Lieu; and
2. Direct the Clerk of the Board to update the Board Policy website to include the new Board Policy.

ACTION:Policy




Jeff Van Wageningen, County Executive Officer 3/19/2024

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Gutierrez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: April 2, 2024
xc: E.O., Trans., COBAB

Kimberly A. Rector
Clerk of the Board
By: 
Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment:	No
			For Fiscal Year:	23/24

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On January 30, 2024, Minute Order 3.2, Supervisors Kevin Jeffries, and Karen Spiegel brought an item to the Board of Supervisors directing the Executive Office and the Transportation Department to develop a new Board Policy to require “Cash-in-Lieu of Construction” funds to be used solely within the Area Plans they are collected, and a method for a transparent accounting of the funds.

Per Ordinance No. 659, a developer is required to pay Development Impact Fees to help alleviate the impacts to the community caused by their development. The fees assessed are based on the anticipated needs of the community due to future development and are used for specific purposes, including such things as fire protection, library construction, trails, traffic signals, and transportation improvements within the County. Those funds are then expended generally within the Area Plan in which they are collected for the stated purposes described in Ordinance No. 659.

Proposed development projects that contribute to traffic in a community are also conditioned for the construction of appropriate transportation improvements, through Conditions of Approval placed on the project. In some circumstances the Transportation Department may enter into a Cash-In-Lieu of construction agreement (CIL) with the Developer. A CIL is where the County receives funding instead of the actual construction of an improvement. CIL is used by the Transportation Department as a last resort to satisfy the intent of a condition of approval that may be placed on a project at the entitlement phase or determined during the plan check phase when a more detailed design is available. Once a nexus is determined related to the project traffic impacts, a condition may be placed on a project if a necessary improvement is planned, yet not quite ready for full construction, or as a contribution to a larger improvement, ‘fair share’ of an improvement. It can also be used when it may not be feasible to construct an improvement that is required of a project.

The Board recognizes the need for CIL in limited situations, as these agreements allow projects to move forward when large improvements are being planned yet cannot be the financial responsibility of one project developer. However, the County wants to ensure that

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

those communities that are affected by new development are the beneficiaries of the improvements.

This policy applies to the Transportation Department CIL in all instances, unless specifically exempted by the Board of Supervisors.

Impact on Residents and Businesses

This policy would ensure that cash-in-lieu funds are kept and expended within the area plan from which they are collected, directly benefiting the community that is impacted by the new development.

ATTACHMENTS:

- A. Board Policy B-36 – Transportation Cash-in-Lieu**

**COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject: TRANSPORTATION CASH CASH-IN-LIEU	Policy Number B-36	Page 1 of 2
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Purpose:

Per Ordinance No. 659, a developer is required to pay Development Impact Fees to help alleviate the impacts to the community caused by their development. The fees assessed are based on the anticipated needs of the community due to future development and are used for specific purposes, including such things as fire protection, library construction, trails, traffic signals, and transportation improvements within the County. Those funds are then expended generally within the Area Plan in which they are collected for the stated purposes described in Ordinance No. 659.

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The Board recognizes the need for CIL in limited situations, as these agreements allow projects to move forward when large improvements are being planned yet cannot be the financial responsibility of one project developer. However, the County wants to ensure that those communities that are affected by new development are the beneficiaries of the improvements.

This policy applies to the Transportation Department CIL in all instances, unless specifically exempted by the Board of Supervisors.

Policy:

- A. The Cash-In-Lieu deposited funds shall be for the intended (conditioned) improvement first. Second, and only if the intended improvement has been completed or has been replaced with an in-kind improvement, CIL funds shall be expended on a transportation project within the vicinity of the contributing project's location. Lastly, in all cases, CIL funds shall be used within the Area Plan (as defined in Riverside County Ordinance No. 659) where the contributing project is located.

- B. The Transportation Department will update and present a Cash-In-Lieu report annually to the Board of Supervisors as a companion document to the county annual operating budget. The report will document projects that were started or completed in the previous Fiscal Year utilizing Cash-In-Lieu funding.

**COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject: TRANSPORTATION CASH CASH-IN-LIEU	Policy <u>Number</u> B-36	<u>Page</u> 2 of 2
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Reference:
Minute Order 3.XX of 03/19/24

Riverside County Board of Supervisors
Request to Speak

Online

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

SPEAKER'S NAME: Ben Brown

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

City: _____ **Zip:** _____

Phone #: _____

Date: _____ **Agenda #** 3.5

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: _____

Lopez, Daniel

From: Aquia Mail
Sent: Monday, April 1, 2024 12:15 PM
To: glansing@lansingcompanies.com
Cc: Clerk of the Board
Subject: Request to Speak Web Submission



Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use **Meeting ID # 864 4411 6015 . Password is 20240402**. You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am with the phone number you provided in the form so you can be identified during the meeting.

Submitted on April 1, 2024

Submitted values are:

First Name

gregory

Last Name

lansing

Address (Street, City and Zip)

505 Lomas Santa Fe

Phone

3107390708

Email

glansing@lansingcompanies.com

Agenda Date

04/02/2024

Agenda Item # or Public Comment

Item 3.5, Transportation policy

State your position below

Oppose

Comments

I would to speak and ask that this item be pulled to move to a Stakeholders meeting. The intent of the policy is on the right track but falls short of what is needed by all parties.

thanks

Lopez, Daniel

From: Aquia Mail
Sent: Monday, April 1, 2024 11:56 AM
Cc: Clerk of the Board
Subject: Request to Speak Web Submission
Attachments: letter-to-bos-re-board-policy-b-36.pdf



Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use **Meeting ID # 864 4411 6015 . Password is 20240402**. You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am with the phone number you provided in the form so you can be identified during the meeting.

Submitted on April 1, 2024

Submitted values are:

First Name

Benjamin

Last Name

Brown

Phone

619-235-1546

Agenda Date

04/02/2024

Agenda Item # or Public Comment

Agenda Item No. 3.5

State your position below

Oppose

Attachments (Must be .pdf, .doc, or .docx)

letter-to-bos-re-board-policy-b-36.pdf

Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law
One America Plaza
600 West Broadway, 27th Floor | San Diego, CA 92101-0903
Telephone: 619.233.1155 | Facsimile: 619.233.1158
www.allenmatkins.com

Benjamin S. Brown
E-mail: bsbrown@allenmatkins.com
Direct Dial: 619.235.1546 File Number: 391301.00005/4867-7903-9410.1

April 1, 2024

Board of Supervisors
County of Riverside
4080 Lemon Street
Riverside, CA 92501

Re: Agenda Item 3.5: Board Policy B-36, Transportation Cash-in-Lieu

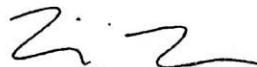
Dear County Supervisors:

This firm represents Lansing Companies, which is currently processing the StoneCreek (TR36365) and Eucalyptus (TR32394R01) projects in the County of Riverside ("County"). We wish to express the following concerns regarding proposed Board Policy B-36, agendized as Item 3.5 for the Board of Supervisors' April 2, 2024 meeting:

1. The proposed policy allows Cash-In-Lieu funds to be used for transportation projects other than the intended/conditioned improvements, so long as those projects are in the same vicinity and Area Plan as the contributing project. However, such transportation projects may not have a nexus to the contributing project. Instead, we propose that the Cash-In-Lieu funds should be used solely for the purpose of constructing the intended/conditioned improvements or reimbursing the party that constructs those improvements.
2. Board Policy B-36 is limited to conditions imposed by the County's Transportation Department. We propose that the Cash-In-Lieu framework should apply to all County departments.

For these reasons, we request that Item 3.5 is pulled from the current agenda and tabled until the County can hold stakeholder meetings to address the above issues.

Best,



Benjamin S. Brown

BSB

Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law
One America Plaza
600 West Broadway, 27th Floor | San Diego, CA 92101-0903
Telephone: 619.233.1155 | Facsimile: 619.233.1158
www.allenmatkins.com

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E-mail: bsbrown@allenmatkins.com
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April 1, 2024

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County of Riverside
4080 Lemon Street
Riverside, CA 92501

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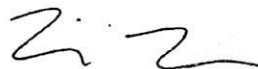
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Best,



Benjamin S. Brown

BSB

Lopez, Daniel

From: Aquia Mail
Sent: Monday, April 1, 2024 9:40 AM
To: Clerk of the Board
Subject: Public Comments Web Submission
Attachments: letter-to-bos-re-board-policy-b-36.pdf



The Clerk of the Board has received your public comments and will forward them to the Board of Supervisors. If you wish to call in and speak at the Board of Supervisors meeting, please select <https://rivcocob.org/request-to-speak> and fill out the request to speak form.

Thank you,
Riverside County Clerk of the Board

Submitted on April 1, 2024

Submitted values are:

First Name

Benjamin

Last Name

Brown

Address (Street, City and Zip)

600 West Broadway, 27th Floor, San Diego 92101-0903

Phone

619 235 1546

Email

bsbrown@allenmatkins.com

Agenda Date

04/02/2024

Agenda Item # or Public Comment

Agenda Item No. 3.5

State your position below

Oppose

Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law
One America Plaza
600 West Broadway, 27th Floor | San Diego, CA 92101-0903
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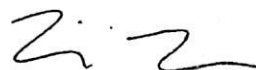
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Best,



Benjamin S. Brown

BSB

Lopez, Daniel

From: Lewis, Pamela <plewis@allenmatkins.com>
Sent: Monday, April 1, 2024 9:39 AM
To: Clerk of the Board
Cc: Brown, Benjamin
Subject: Agenda Item 3.5: Board Policy B-36, Transportation Cash-in-Lieu
Attachments: Letter to BOS re Board Policy B-36.pdf

CAUTION: This email originated externally from the Riverside County email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Please see attached correspondence dated April 1, 2024.

Thank you.

Pamela T. Lewis | Legal Secretary for
Debra Riley; Jeff Chine; Heather Riley; Ted Fates;
Jennifer Jeffers; Bo Peterson; Ben Brown

Allen Matkins Leck Gamble Mallory & Natsis LLP
600 West Broadway, 27th Floor, San Diego, CA 92101-0903
plewis@allenmatkins.com | Direct (619) 235-1583

Allen Matkins

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3.5

Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law
One America Plaza
600 West Broadway, 27th Floor | San Diego, CA 92101-0903
Telephone: 619.233.1155 | Facsimile: 619.233.1158
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April 1, 2024

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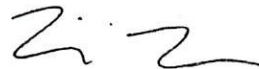
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