

ORDINANCE NO. 810.2
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 810 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. Ordinance No. 810 and Chapter 4.62, Sections 4.62.010 through 4.62.190 of the Riverside County Code are hereby amended in their entirety to read as follows:

Section 1. Short Title. This ordinance shall be known as the “Western Riverside County Multiple Species Habitat Conservation Plan Mitigation Fee Ordinance”.

Section 2. Findings. The Board of Supervisors finds and determines that:

- A. In order to implement the goals and objectives of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and to mitigate the impacts caused by new development in the unincorporated area of western Riverside County, lands supporting species covered by the MSHCP must be acquired and conserved.
- B. A development mitigation fee (Fee) is necessary in order to supplement the financing of the acquisition of lands supporting species covered by the MSHCP and to pay for new development’s fair share of this cost.
- C. The appropriate funding source to pay the costs associated with mitigating the impacts of new development to the natural ecosystems and covered species within the unincorporated area of western Riverside County, as identified in the MSHCP, is a Fee for residential, commercial and industrial development. The amount of the Fee is determined by the nature and extent of the impacts from the development to the identified natural ecosystems and the relative cost of mitigating such impacts.
- D. The Fee set forth herein does not reflect the entire cost of the lands which need to be acquired in order to implement the MSHCP and mitigate the impact caused by new development. Additional revenues will be required from other sources. The Board finds that the benefit to each development project is greater than the amount of the Fee to be paid by that project.

E. The MSHCP and Mitigation Fee Nexus Report, a copy of which is on file in the Clerk of the Board's Office, provide a basis for the imposition of the Fee on new development.

F. The use of the Fee to mitigate the impacts to the County's natural ecosystems and covered species identified in the MSHCP is reasonably related to the type and extent of impacts caused by development within the unincorporated area of western Riverside County.

G. The costs of funding the proper mitigation for natural ecosystems and covered species identified in the MSHCP which are impacted by new development are apportioned relative to the type and extent of impacts caused by the development.

H. The facts and evidence provided to and considered by the Board establish that there is a reasonable relationship between the need for preserving the natural ecosystems and covered species identified in the MSHCP, and the impacts to such natural ecosystems and species created by the types of development on which the Fee will be imposed, and that there is a reasonable relationship between the Fee's use and the types of development for which the Fee is charged. This reasonable relationship is described in more detail in the MSHCP and Mitigation Fee Nexus Report.

I. The cost estimates for mitigating the impact of new development on the County's natural ecosystems and covered species, as set forth in the MSHCP, are reasonable and will not exceed the reasonably estimated total of these costs.

J. The Fees collected pursuant to this Ordinance shall be used to finance the acquisition of lands and certain improvements necessary to implement the goals and objectives of the MSHCP.

K. Even though second units on existing single family lots may also contribute to the need for acquisition of lands necessary to implement the MSHCP, the Board refrains from imposing the Fee on such development at this time, and in this regard finds that second units: (1) provide a cost effective means of serving development through the use of existing infrastructure, as contrasted to requiring the construction of

new costly infrastructure to serve development in undeveloped areas; and (2) provide relatively affordable housing for low and moderate income households without public subsidy.

Section 3. Authority. This Ordinance is established under the authority of Title 7, Division 1, Chapter 5 of the Government Code, beginning with Section 66000, which provides that a local agency may establish fees for the purpose of defraying all or a portion of the cost of public facilities related to development projects.

Section 4. Purpose. This Ordinance establishes and sets forth policies, regulations, and a Fee to fund the acquisition of lands necessary to implement the goals and objectives of the MSHCP and to mitigate the direct, indirect and cumulative environmental effects generated by new development projects described and defined in this Ordinance and establishes the authorized use of the Fees collected.

Section 5. Administrative Responsibility. The County Executive Officer shall be responsible for the administration of this Ordinance. Detailed administrative procedures concerning the implementation of this Ordinance shall be established and set forth in a resolution adopted by the Board of Supervisors.

Section 6. Definitions. As used in this Ordinance, the following terms shall have the following meanings:

“Board of Supervisors” or “Board” means the Board of Supervisors of the County of Riverside.

“Certificate of Occupancy” means a certificate of occupancy as defined by Ordinance No. 457 or state law.

“County” means the County of Riverside.

“Credit” means a credit allowed pursuant to Section 16 hereof which may be applied against the Fee paid.

“Development Project” or “Project” means any project undertaken for the purpose of development including the issuance of a permit for construction pursuant to Ordinance No. 457.

“Final Inspection” means a final inspection.