

RESOLUTION NO. 2021-016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA ESTABLISHING THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN MITIGATION FEE APPLICABLE TO ALL NEW DEVELOPMENT PROJECTS.

WHEREAS, the City of Corona (“City”) is a member agency of the Western Riverside County Regional Conservation Authority (“RCA”), a joint powers agency comprised of the County of Riverside and the 18 cities located in western Riverside County; and

WHEREAS, the member agencies of RCA recognize that a habitat conservation plan is necessary to provide special protections for vegetation communities and natural areas containing habitat values to prevent future endangerment of the plant and animal species impacted by new development in western Riverside County; and

WHEREAS, in order to address these issues, the member agencies formulated a plan called the Western Riverside County Multiple Species Habitat Conservation Plan (the “MSHCP”) whereby a mitigation fee would be assessed on new development and would be used to fund the implementation of the MSHCP; and

WHEREAS, in furtherance of the MSHCP, the City Council has enacted Chapter 16.33 of the Corona Municipal Code (“CMC”) to establish the Multiple Species Habitat Conservation Plan mitigation fee and to authorize the imposition of such fees upon new development pursuant to California Government Code sections 66000 *et seq.*; and

WHEREAS, CMC Section 16.33.070(A), as enacted by Ordinance No. 3326 provides that the MSHCP mitigation fee schedule shall be established by resolution of the City Council; and

WHEREAS, the RCA has prepared an updated nexus study entitled “Western Riverside County Multiple Species Habitat Conservation Plan Nexus Fee Study Update” (“2020 Nexus Study”) pursuant to California Government code sections 66000 *et seq.* for the purpose of updating the MSHCP Mitigation Fee. On December 7, 2020, the RCA Board of Directors reviewed the 2020 Nexus Study and directed all RCA permittees to update the MSHCP mitigation fee; and

WHEREAS, the City Council finds and determines that there is a reasonable and rational relationship between the use of the MSHCP mitigation fees and the type of development projects on which the fees are imposed because the fees will be used to provide necessary funding and public facilities required to mitigate the impacts of new development projects on the natural ecosystems within the City and western Riverside County; and

WHEREAS, the fees collected pursuant to the CMC Chapter 16.33 shall be used

to finance the public facilities described or identified in the 2020 Nexus Study, which will preserve vegetation communities and natural areas within the City and western Riverside County that are known to support plant and wildlife species covered by the MSHCP; and

WHEREAS, by notice duly given and published, the City Council set the time and place for a public hearing on the proposed updated to the MSHCP mitigation fees and, at least ten (10) days prior to this hearing, the City Council made information concerning such increase available to the public; and

WHEREAS, at the time and place set for the hearing, the City Council duly considered data and information provided by the public relative to the proposed update to the MSHCP mitigation fees, whether written or oral, submitted prior to the conclusion of the hearing; and

WHEREAS, the levying of the MSHCP mitigation fees has been reviewed by the City Council and staff in accordance with the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines and it has been determined that the adoption of this resolution is exempt from CEQA pursuant to Section 21080(b)(8) of the California Public Resources Code and Sections 15273 and 15378(b)(4) of the State CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA, AS FOLLOWS:

SECTION 1. Findings. The City Council finds and determines as follows:

A. The preservation of vegetation communities and natural areas within the City and western Riverside County which support species covered by the MSHCP is necessary to protect and promote the health, safety, and welfare of all the residents of the City by reducing the adverse direct, indirect, and cumulative effects of urbanization and development and providing for permanent conservation of habitat for species covered by the MSHCP.

B. It is necessary to establish a mitigation fee to ensure that all new development within the City pays its fair share of the costs of acquiring and preserving vegetation communities and natural areas within the City and the region which are known to support plant and wildlife species covered by the MSHCP.

C. A proper funding source to pay the costs associated with mitigating the direct, indirect and cumulative impacts of development to the natural ecosystems within the City and the region, as identified in the MSHCP, is a development impact 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 or the relative cost of mitigating such impacts.

D. The MSHCP and the 2020 Nexus Study, a copy of which is on file in the City Clerk’s office, provides a basis for the imposition of development impact fees on new construction.

E. The use of the development impact fees to mitigate the impacts to the City's and the region's natural ecosystems is reasonably related to the type and extent of impacts caused by new development within the City.

F. The costs of funding the proper mitigation of natural ecosystems and biological resources impacted by new development within the City and the region are apportioned relative to the type and extent of impacts caused by the development.

G. The facts and evidence provided to the City establish that there is a reasonable relationship between the need for preserving the natural ecosystems in the City and the region, as defined in the MSHCP, and the direct, indirect and cumulative impacts to such natural ecosystems and biological resources 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 the 2020 Nexus Study.

H. The cost estimates for mitigating the impact of development on the City's and the region's natural ecosystem and biological resources, as set forth in the MSHCP, are reasonable and will not exceed the reasonably estimated total of these costs.

I. 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 City Council finds that the benefit to each development project is greater than the amount of the fee to be paid by the project.

J. The fees collected pursuant to this Resolution and CMC Chapter 16.33 shall be used to finance the acquisition and perpetual conservation of the natural ecosystems and certain improvements necessary to implement the goals and objectives of the MSHCP.

SECTION 2. CEQA Findings. As the decision-making body for this Resolution, the City Council finds that this action is exempt pursuant to Section 21080(b)(8) of the California Public Resources Code and Section 15273(a)(4) of the State CEQA Guidelines, which states that CEQA does not apply to the establishment, modification, or approval of rates, tolls, fares, or other charges for the purpose of obtaining funds for capital projects to maintain service within existing service areas, and Section 15378(b)(4) of the State CEQA Guidelines, which states that CEQA does not apply to the creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. This action approves updated fees that will be used to fund public facilities which will preserve vegetation communities and natural areas within the City and western Riverside County that are known to support plant and wildlife species covered by the MSHCP and there is no possibility that adopting this Ordinance will have a significant effect on the environment. Therefore, no environmental analysis is required.

SECTION 3. Fee Schedule. . In accordance with Section 16.33.070(A) of the CMC, there is hereby adopted the following fee schedule for the MSHCP Mitigation Fee:

MSHCP Local Development Mitigation Fee Schedule	
Effective July 1, 2021 through December 31, 2021	
Fee Category	Fee
Residential density less than 8.0 dwelling units per acre (fee per dwelling unit)	\$2,935
Residential density between 8.0 and 14.0 dwelling units per acre (fee per dwelling unit)	\$1,473
Residential density greater than 14.0 dwelling units per acre (fee per dwelling unit)	\$670
Non-Residential/Commercial (fee per acre)	\$11,982
Industrial (fee per acre)	\$11,982

MSHCP Local Development Mitigation Fee Schedule	
Effective January 1, 2022	
Fee Category	Fee
Residential density less than 8.0 dwelling units per acre (fee per dwelling unit)	\$3,635
Residential density between 8.0 and 14.0 dwelling units per acre (fee per dwelling unit)	\$1,515
Residential density greater than 14.0 dwelling units per acre (fee per dwelling unit)	\$670
Non-Residential/Commercial (fee per acre)	\$16,358
Industrial (fee per acre)	\$16,358

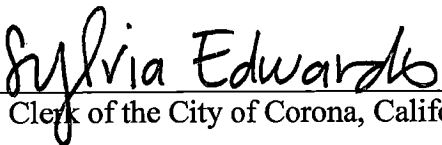
SECTION 4. Effective Date. The Mayor shall sign this Resolution and the City Clerk shall attest thereto, and this Resolution shall take effect and be in force on July 1, 2021.

PASSED, APPROVED AND ADOPTED this 21st day of April, 2021.



Mayor of the City of Corona, California

ATTEST:



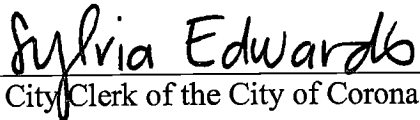
City Clerk of the City of Corona, California

CERTIFICATION

I, Sylvia Edwards, City Clerk of the City of Corona, California, do hereby certify that the foregoing Resolution was regularly passed and adopted by the City Council of the City of Corona, California, at a regular meeting thereof held on the 21st day of April 2021, by the following vote:

AYES: CASILLAS, DADDARIO, RICHINS, SPEAKE, STEINER
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 21st day of April 2021.



City Clerk of the City of Corona, California

(SEAL)