



MEETING AGENDA

TIME/DATE: 12:30 p.m. / Monday, September 13, 2021

Pursuant to Governor Newsom's Executive Order N-29-20, (March 18, 2020), the meeting will only be conducted via video conferencing and by telephone. Please follow the instructions on the following page to join the meeting remotely.

BOARD OF DIRECTORS

Chair – Natasha Johnson

Vice Chair – Jeff Hewitt

Kevin Jeffries, County of Riverside, District 1
Karen Spiegel, County of Riverside, District 2
Chuck Washington, County of Riverside, District 3
V. Manuel Perez, County of Riverside, District 4
Jeff Hewitt, County of Riverside, District 5
Colleen Wallace / David Happe, City of Banning
Julio Martinez / Mike Lara, City of Beaumont
Jeff Cervantez / Bill Davis, City of Calimesa
Larry Greene / Jeremy Smith, City of Canyon Lake
Tony Daddario / Wes Speake, City of Corona
Jocelyn Yow / Todd Rigby, City of Eastvale
Linda Krupa / Russ Brown, City of Hemet
Lorena Barajas / Leslie Altamirano, City of Jurupa Valley
Natasha Johnson / Bob Magee, City of Lake Elsinore
Lesa Sobek / Bob Karwin, City of Meniffee
David Marquez / To Be Appointed, City of Moreno Valley
Jonathan Ingram / Christi White, City of Murrieta
Kevin Bash / Katherine Aleman, City of Norco
David Starr Rabb / Malcolm Corona, City of Perris
Patricia Lock Dawson / Steve Hemenway, City of Riverside
Crystal Ruiz / Phil Ayala, City of San Jacinto
Maryann Edwards / Zak Schwank, City of Temecula
Ben J. Benoit / Joseph Morabito, City of Wildomar



WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

www.wrc-rca.org

MEETING AGENDA*

***Actions may be taken on any item listed on the agenda**

12:30 p.m.

Monday, September 13, 2021

Pursuant to Governor Newsom's Executive Order N-29-20, (March 18, 2020), the Board meeting will only be conducted via video conferencing and by telephone. Please follow the instructions below to join the meeting remotely.

INSTRUCTIONS FOR ELECTRONIC PARTICIPATION

Join Zoom Meeting

<https://rctc.zoom.us/j/89974374281>

Call in: +1 669 900 6833

Meeting ID: 899 7437 4281

One tap mobile: +16699006833,,89974374281#

For members of the public wishing to submit comment in connection with the Board of Directors Meeting please email written comments to the Clerk of the Board at lmobley@rctc.org prior to September 12, 2021, at 5:00 p.m., and your comments will be made part of the official record of the proceedings. Members of the public may also make public comments through their telephone or Zoom connection when recognized by the Chair.

In compliance with the Brown Act and Government Code Section 54957.5, agenda materials distributed 72 hours prior to the meeting, which are public records relating to open session agenda items, will be available for inspection by members of the public prior to the meeting on the RCA's website, www.wrc-rca.org.

In compliance with the Americans with Disabilities Act, Government Code Section 54954.2, Executive Order N-29-20, and the Federal Transit Administration Title VI, please contact the Clerk of the Board at (951) 787-7141 if special assistance is needed to participate in a Board meeting, including accessibility and translation services. Assistance is provided free of charge. Notification of at least 48 hours prior to the meeting time will assist staff in assuring reasonable arrangements can be made to provide assistance at the meeting.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**

4. PUBLIC COMMENTS – *Under the Brown Act, the Board should not take action on or discuss matters raised during public comment portion of the agenda that are not listed on the agenda. The Board members may refer such matters to staff for factual information or to be placed on the subsequent agenda for consideration.*

5. ADDITIONS / REVISIONS – *The Board may add an item to the agenda after making a finding that there is a need to take immediate action on the item and that the item came to the attention of the Board subsequent to the posting of the agenda. An action adding an item to the agenda requires 2/3 vote of the Board. If there are less than 2/3 of the Board members present, adding an item to the agenda requires a unanimous vote. Added items will be placed for discussion at the end of the agenda.*

6. CLOSED SESSION

6A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Agency Negotiator: Executive Director or Designee

Item	Property Description	Property Owner	Buyer(s)
1	915-280-013	Chambers Family, LLC	RCA
2	426-420-008	Riverpark Investors LLC	RCA
3	470-410-025	Ramona Perez Greek Trust	RCA
4	424-190-020, 424-190-021, 424-190-022, and 424-190-024	County of Riverside	RCA

6B. REPORT OUT FROM CLOSED SESSION

7. CONSENT CALENDAR – *All matters on the Consent Calendar will be approved in a single motion unless a Board Member(s) requests separate action on specific item(s).*

7A. APPROVAL OF MINUTES – JULY 12, 2021

Page 1

7B. WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN FEE COLLECTION REPORTS FOR JUNE AND JULY 2021

Page 7

Overview

This item is for the Board of Directors to receive and file the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Fee Collection Reports for June and July 2021.

7C. SINGLE SIGNATURE AUTHORITY REPORT

Page 11

Overview

This item is for the Board of Directors to receive and file the Single Signature Authority report for the fourth quarter ended June 30, 2021.

7D. QUARTERLY PUBLIC ENGAGEMENT METRICS REPORT, APRIL-JUNE 2021 **Page 13**

Overview

This item is for the Board of Directors to receive and file report summarizing the Quarterly Public Engagement Metrics.

7E. ACQUISITIONS STATUS REPORT **Page 17**

Overview

This item is for the Board of Directors to receive and file the acquisitions status report as of July 31, 2021.

7F. FISCAL YEAR 2020/21 FOURTH QUARTER CONSULTANT REPORTS **Page 21**

Overview

This item is for the Board of Directors to receive and file the FY 2020/21 Fourth Quarter Consultant Reports.

8. FEE REDUCTION FOR HOME ADDITIONS **Page 47**

Overview

This item is for the Board of Directors to:

- 1) Approve the update to the MSHCP Mitigation Fee Implementation Manual providing reduced fees for home renovations that add square footage; and
- 2) Approve the retroactive implementation to July 1, 2021.

9. LEGISLATIVE UPDATE **Page 177**

Overview

This item is for the Board of Directors to receive and file an update on state and federal legislation.

10. PRESENTATION - GETTING TO KNOW THE MSHCP

11. BOARD OF DIRECTORS / EXECUTIVE DIRECTOR REPORT

Overview

This item provides the opportunity for the Board of Directors and the Executive Director to report on attended meetings/conferences and any other items related to Board activities.

12. ADJOURNMENT

The next meeting of the Board of Directors is scheduled to be held on **Monday, October 4, 2021**, Board Room, First Floor, County Administrative Center, 4080 Lemon Street, Riverside.

AGENDA ITEM 7A

MINUTES

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

BOARD OF DIRECTORS MEETING MINUTES

Monday, July 12, 2021

1. CALL TO ORDER

The Western Riverside County Regional Conservation Authority Board of Directors Meeting was called to order by Chair Natasha Johnson at 12:30 p.m., via Zoom Meeting ID 851 7288 2184, pursuant to Governor Newsom’s Executive Order N-29-20.

2. ROLL CALL

Board of Directors/Alternates Present

Karen Spiegel
Matt Rahn
Jeff Hewitt
Colleen Wallace
Julio Martinez
Jeff Cervantez
Tony Daddario
Linda Krupa
Natasha Johnson
Lesa Sobek

Kevin Bash
Erin Edwards
Maryann Edwards*

Board of Directors Absent

Kevin Jeffries
V. Manuel Perez
Larry Greene
Jocelyn Yow
Lorena Barajas
David Marquez
Jonathan Ingram
David Starr Rabb
Crystal Ruiz
Ben J. Benoit

*Arrived after the meeting was called to order.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Board Member Wallace.

4. PUBLIC COMMENTS

There were no requests to speak from the public.

5. ADDITIONS / REVISIONS

There were no additions or revisions to the agenda.

6. CLOSED SESSION

At this time, Steve DeBaun, legal counsel, announced the Board will be going in to Closed Session to discuss the two items on the agenda.

6A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Agency Negotiator: Executive Director or Designee

Item	Property Description	Property Owner	Buyer(s)
1	470-080-016	Dennis Munyon	RCA

6B. CONFERENCE WITH LEGAL COUNSEL: EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

Case No. RIC1901547

6C. REPORT OUT FROM CLOSE SESSION

There were no announcements from Closed Session.

7. CONSENT CALENDAR - All matters on the Consent Calendar will be approved in a single motion unless a Board Member(s) requests separate action on specific item(s).

M/S/C (Krupa/Wallace) to approve the following Consent Calendar items.

7A. APPROVAL OF MINUTES – JUNE 7, 2021

7B. WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN FEE COLLECTION REPORT FOR MAY 2021

This item is for the Board of Directors to receive and file the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Fee Collection Report for May 2021.

7C. UPDATE TO ADOPTED RESOLUTION NOS. 2021-008, 2021-009, 2021-010, 2021-011, AND 2021-012 AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FOR ACQUISITION OF REAL PROPERTY

This item is for the Board of Directors to:

- 1) Adopt Resolution No. 2021-008, *“Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Authorizing Entering into Grant Agreements with the Wildlife Conservation Board and Authorizing the Acquisition of All or a Portion of Assessor Parcel Number 932-160-026 Totaling Approximately 20.37 Acres in the County of Riverside”;*
- 2) Adopt Resolution No 2021-009, *“Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Authorizing Entering into Grant Agreements with the Wildlife Conservation Board and Authorizing the Acquisition of All or a Portion of Assessor Parcel Number’s 932-180-014, 932-180-015 and 032-200-024 Totaling Approximately 56.92 Acres in the County of Riverside”;*

- 3) Adopt Resolution No. 2021-010, *“Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Authorizing Entering into Grant Agreements with the Wildlife Conservation Board and Authorizing the Acquisition of All or a Portion of Assessor Parcel Number 932-170-016 Totaling Approximately 19.90 Acres in the County of Riverside”*;
- 4) Adopt Resolution No. 2021-011, *“Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Authorizing Entering into Grant Agreements with the Wildlife Conservation Board and Authorizing the Acquisition of All or a Portion of Assessor Parcel Numbers 932-270-005 and 932-270-006 Totaling Approximately 51.76 Acres in the County of Riverside”*; and
- 5) Adopt Resolution No. 2021-012, *“Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Authorizing Entering into Grant Agreements with the Wildlife Conservation Board and Authorizing the Acquisition of All or a Portion of Assessor Parcel Number 932-170-019 Totaling Approximately 20.18 Acres in the County of Riverside”*.

8. LEGISLATIVE UPDATE

David Knudsen, Legislative Affairs Manager, provided an update on state and federal legislative activities. The California State Legislature approved a \$262.6 billion budget proposal on June 28th, compromising with Governor Newsom on key topics such as economic stimulus and homelessness, among other issues. The legislature was able to reach the agreement just days before the start of the new fiscal year, and nearly two weeks after passing a place holder budget to meet the June 15th deadline. This newly approved budget meets the legal requirements to craft the spending plan by July 1st, but significant negotiations will continue. Key expenditures will likely be approved later this summer through budget trailer bills and junior bills. The legislature and the Governor have not decided how to spend billions of dollars to address the threat posed by wildfires and drought. The budget currently includes \$1 billion over seven years for wildfire prevention and \$3 billion to alleviate drought.

The Legislative Affairs team continues to advocate for RCA community project funding requests. Representative Takano was able to submit a \$3 million request to fund the Kevlar and Wolfskill Acquisition Project in May, unfortunately, the house appropriations sub-committee did not advance RCA’s request during the mark-up of the funding bill. However, on Friday the RCA learned that both Senators Feinstein and Padilla have submitted funding requests for the Wolfskill Acquisition Project to senate appropriations staff. Committee staff will now evaluate and determine if the requests will be submitted as part of the final appropriations bill. The requests are for the Bureau of Land Management, who is one of the eligible agencies to receive land acquisition funds. Senator Padilla requested \$4.2 million, and Senator Feinstein requested \$3 million.

The House Transportation and Infrastructure Committee approved the Invest in America Act, a comprehensive transportation bill. Working with Representative Calvert’s staff, the RCA Legislative Affairs team saw an opening in the Invest Act to add the Western Riverside County

Wildlife Refuge Bill as an amendment. Both bills aim at delivering infrastructure projects while meeting climate action policies.

On June 15th, a joint Press Enterprise op-ed, authored by Chair Johnson with RCTC Chair Jan Harnik and Representative Calvert, was published supporting Representative Calvert's bipartisan Refuge Bill. It makes the case that fixing bridges, alleviating traffic, addressing the housing shortage, and protecting the environment do not have to be conflicting priorities. The refuge bill was added to the Invest Act and passed off the House floor on June 30th. Legislative Staff took a comprehensive advocacy approach to get to this point: RCA provided its' support letter and position; staff worked behind the scenes with congressional staff; Senator Padilla referenced the importance of the Refuge Bill in the Senate's EPW Committee Hearing; a RCTC, RCA and Representative Calvert joint op-ed was published; and there was a robust social media effort that included tagging elected officials, agencies, and congressional committees.

At this time, Board Member M. Edwards joined the meeting.

This item is for the Board of Directors to receive and file an update on state and federal legislation.

9. PRESENTATION - GETTING TO KNOW THE MSHCP

Aaron Hake, Interim Regional Conservation Deputy Executive Director, provided a presentation on Joint Project Review (JPR). A JPR is detailed in Section 6.6.2 of Volume 1 of the MSHCP. The purpose of a JPR is to ensure that development and transportation projects in criteria cells are consistent with the MSHCP. The JPR provides a consistent method by which to evaluate projects and has an added streamlining benefit.

The steps in the JPR process are: the permittee works with the applicant to find the project is consistent with the MSHCP; the permittee sends a JPR application to the RCA to start coordination efforts, RCA then has 14 days to provide comments on the findings; RCA provides findings and sends documents to the Wildlife Agencies for their review; the Wildlife Agencies provide their findings pack to the permittee and the RCA within 10 days; finally the JPR is complete. If there is a disagreement in findings between reviewing entities, there is a meet and confirm process that is described in the MSHCP.

Currently, there are 11 JPRs in process, 3 public projects and 8 private projects. This year, the RCA has completed 13 JPRs, 3 public projects and 10 private projects.

Board Member Spiegel wanted clarification on whether the agency was able to turn someone down or if the RCA was only able to provide information. Mr. Hake clarified that if a project came to the RCA and it was clear it was not in line with the MSHCP, the findings documents would be very comprehensive and state whether the project was consistent or not. There have been times when the RCA has advised or suggested additional conditions of approval to comply with the plan.

Board Member Bash wanted to know if there was a way to add properties that were adjacent to the criteria cells in the MSHCP. Mr. Hake noted that the question would need to be deferred to legal counsel and would require some research.

Board Member M. Edwards noted that with the current protocols in place, developers have gone through the process locally, just to be denied by the RCA. The other more serious scenario that is possible, and has happened in the past, is a project is completely approved and finished by certain jurisdictions but hasn't been through the RCA process at all, resulting in fees to the developer. In these cases, it seems the best course of action would be to have the RCA completely manage that portion of local development, developer reporting, and fee collection, without giving away local control. In the past, there have been discussions to make RCA the oversight and collection agency for that part of the local development process, which should be seriously considered. Mr. Hake stated that one of the things the RCA is trying to do, is to be completely respectful and differential to the land use authorities and the decisions that the cities and the county want to make regarding the development in their communities. The way the MSHCP is currently structured limits RCA's ability to take over the process as suggested, though this could be a big picture discussion with the Board. Board Member M. Edwards asked that this discussion be brought back to the Board at a later date.

Anne Mayer, Executive Director, added that one of things that has been a focus in the transition during the listening sessions with city and county staff, as well as with developers, is hearing the examples where projects and the process didn't align, and challenges that arose. This leads to two different conversations that are both very important. The first is about the process, what has allowed a project to get all the way through without having been submitted to RCA, and where the break down occurred. The second conversation is related to fee collection, which is going to be discussed at the August Executive Committee.

10. BOARD OF DIRECTORS / EXECUTIVE DIRECTOR REPORT

Overview

Anne Mayer, Executive Director, reported that the Nexus Study Update has been fully implemented and approved, thanking all the city and county staff that made it possible, as well as the board members. RCA is now starting a process with member agency staff to review the implementation manual, as implementation starts and certain processes are flagged for improvement.

Board Member Martinez requested that an agenda item be brought forth to discuss the issue of pre-payment of fees and issues with consistency. The possibility of RCA directly collecting fees is something that should also be discussed.

Board Member Hewitt agreed and added that there are pre-payment issues that still need to be cleaned up and also protect member agencies from any issues.

Board Member Sobek asked that a status update agenda item on properties in the acquisition process be presented to the Board.

Chair Johnson noted that the next Board meeting on September 13th, will be in person with a hybrid option to begin to prepare for when in person meetings fully return.

11. ADJOURNMENT

There being no further business for consideration by the Western Riverside County Regional Conservation Authority Board of Directors, Chair Johnson adjourned the meeting at 1:21 p.m. The next meeting of the Board of Directors is scheduled to be held on **Monday, September 13, 2021**, Board Room, First Floor, County Administrative Center, 4080 Lemon Street, Riverside.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Lisa Mobley', with a long horizontal flourish extending to the right.

Lisa Mobley
Administrative Services Manager/
Clerk of the Board

AGENDA ITEM 7B

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY	
DATE:	September 13, 2021
TO:	Western Riverside County Regional Conservation Authority
FROM:	Executive Committee Jennifer Fuller, Financial Administration Manager
THROUGH:	Anne Mayer, Executive Director
SUBJECT:	Western Riverside County Multiple Species Habitat Conservation Plan Fee Collection Reports for June and July 2021

EXECUTIVE COMMITTEE AND STAFF RECOMMENDATION:

This item is for the Board of Directors to receive and file the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Fee Collection Reports for June and July 2021.

BACKGROUND INFORMATION:

The Western Riverside County MSHCP Local Development Mitigation Fee (LDMF) collections provide funding for the acquisition of additional reserve lands and related costs. RCA budgeted \$10.5 million in LDMF collections for FY 2020/21 and \$20 million for FY 2021/22. Other fees are contributed by Member Agencies and other jurisdictions for civic and infrastructure projects. RCA budgeted \$490,000 for such contributions in FY 2020/21 and \$559,000 for FY 2021/22.

Attached are the LDMF Collection and Civic/Infrastructure Contribution reports for June and July 2021, which reflect combined collections to date of \$28,377,544, for FY 2021 and \$857,469 for July 2021, the first month of FY 2022.

FISCAL IMPACT:

There is no fiscal impact to the receipt and file of these fee collection reports.

Attachments:

- 1) Western Riverside County MSHCP LDMF Collection and Civic/Infrastructure Contribution Report for June 2021
- 2) Western Riverside County MSHCP LDMF Collection and Civic/Infrastructure Contribution Report for July 2021

Approved by the Executive Committee on August 18, 2021

In Favor: 7 Abstain: 0 No: 0

**WESTERN RIVERSIDE COUNTY MSHCP LDMF COLLECTION AND CIVIC/INFRASTRUCTURE CONTRIBUTION REPORT
FOR JUNE 2021**

Amounts subject to rounding

LOCAL DEVELOPMENT MITIGATION FEE COLLECTIONS								
City/County	Month	REMITTED				EXEMPTIONS & FEE CREDITS		
		Residential Permits	Commercial Industrial Acres	Amount Remitted	Total FY 21 Year-to-Date	Residential Permits	Commercial Industrial Acres	Amount
City of Banning	April	1	1.24	\$ 11,686	\$ 314,180			
	May	72		160,848				
City of Beaumont	May	10		22,340	636,929			
City of Calimesa	May-No Activity			-	563,013			
City of Canyon Lake	May	3		6,702	24,574			
City of Corona	May		74.81	569,005	986,093			
City of Eastvale	May-No Activity			-	758,022			
City of Hemet	May	8		17,872	322,596			
City of Jurupa Valley	May	25	1.73	69,008	1,783,705			
	March-Add'l	14		31,276				
City of Lake Elsinore	May	20		30,405	254,448			
City of Menifee	May	186	14.28	393,298	2,972,574			
City of Moreno Valley	May	35		78,190	1,107,627			
City of Murrieta	May	2	35.35	273,340	509,006			
City of Norco	May-No Activity			-	2,234			
City of Perris	May	29	16.60	191,046	1,374,414			
City of Riverside	April-Rcvd July			-	325,126			
	May-Rcvd July			-				
City of San Jacinto	May-No Activity			-	541,475			
City of Temecula	May-Rcvd July			-	535,714			
	Roripaugh DA ¹			-		56		\$ 131,147
City of Wildomar	April-Pending			-	111,700			
	May-Pending			-				
County of Riverside	June ²	449	280.05	2,579,379	8,677,095			
	Total LDMF Collections	854	424.06	\$ 4,434,395	\$ 21,800,525	56	0.00	\$ 131,147

CIVIC AND INFRASTRUCTURE CONTRIBUTIONS			
			Total FY 21 Year-to-Date
City of Temecula	Trail Extension CG Creek	\$18,178	\$18,178
Flood Control and Water Conservation District	Bautista Creek Channel (Recharge Basin Expansion Stage 50)	52,687	52,687
Prior Civic and Infrastructure contributions from Member Agencies			331,287
Total Civic/Infrastructure Contributions			\$ 70,865

TOTAL JUNE 2021 \$ 4,505,260 \$ 22,202,678

¹ Roripaugh Development Agreement dated 12/17/02. Project is exempt under Assessment District 161.

² \$553,975 of FY 2021 revenues to be collected in the future is not reflected in the amount remitted

**WESTERN RIVERSIDE COUNTY MSHCP LDMF COLLECTION AND CIVIC/INFRASTRUCTURE CONTRIBUTION REPORT
FOR JULY 2021**

Amounts subject to rounding

LOCAL DEVELOPMENT MITIGATION FEE COLLECTIONS									
City/County	Month	REMITTED					EXEMPTIONS & FEE CREDITS		
		Residential Permits	Commercial Industrial Acres	Amount Remitted	Total FY 21 Year-to-Date	Total FY 22 Year-to-Date	Residential Permits	Commercial Industrial Acres	Amount
City of Banning	June-Rcvd Aug			\$ -	\$ 314,180	\$ -			
City of Beaumont	June	56	84.875	770,663	1,407,592	-			
City of Calimesa	June	19	262.37	2,038,032	2,601,045	-			
City of Canyon Lake	June	4		8,936	33,510	-			
City of Corona	June	2	4.11	35,729	1,021,822	-			
City of Eastvale	June-Pending			-	758,022	-			
City of Hemet	June	731		1,633,054	1,955,650	-			
City of Jurupa Valley	June	134	15.30	415,662	2,199,367	-			
City of Lake Elsinore	June	6		13,404	267,852	-			
City of Menifee	June-Rsvd Aug			-	2,972,574	-			
City of Moreno Valley	June	41	10.44	171,001	1,278,628	-			
City of Murrieta	June	283	5.38	673,142	1,182,148	-			
City of Norco	June-Rsvd Aug			-	2,234	-			
City of Perris	June	46	10.00	178,824	1,553,238	-			
City of Riverside	April May June-Pending	41 23 -	6.75	117,636 51,316 -	494,078	-			
City of San Jacinto	June	26		58,084	599,559	-			
City of Temecula	May June-Pending Roripaugh DA ¹	6 - -		9,384 - -	545,098	-	23		\$ 51,382
City of Wildomar	April-Pending May-Pending June-Pending			- - -	111,700	-			
County of Riverside	July	357	1.81	857,469	8,677,095	857,469			
Total LDMF Collections		1,775	401.03	\$ 7,032,337	\$ 27,975,392	\$ 857,469	23	0.00	\$ 51,382

CIVIC AND INFRASTRUCTURE CONTRIBUTIONS			
		Total FY 21 Year-to-Date	Total FY 22 Year-to-Date
Prior Civic and Infrastructure contributions from Member Agencies		\$402,152	\$0
Total Civic/Infrastructure Contributions		\$ -	\$0

TOTAL JULY 2021 \$ 7,032,337 \$ 28,377,544 \$ 857,469

¹ Roripaugh Development Agreement dated 12/17/02. Project is exempt under Assessment District 161.

AGENDA ITEM 7C

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

DATE:	September 13, 2021
TO:	Western Riverside County Regional Conservation Authority
FROM:	Executive Committee Alicia Johnson, Senior Procurement Analyst Jose Mendoza, Procurement Manager
THROUGH:	Anne Mayer, Executive Director
SUBJECT:	Single Signature Authority Report

EXECUTIVE COMMITTEE AND STAFF RECOMMENDATION:

This item is for the Board of Directors to receive and file the Single Signature Authority report for the fourth quarter ended June 30, 2021.

BACKGROUND INFORMATION:

Certain contracts are executed under single signature authority as permitted in the Riverside County Transportation Commission and Western Riverside County Regional Conservation Authority Procurement Policy Manual adopted in March 2021. The Executive Director is authorized to sign contracts for supplies, equipment, materials, public projects, and services that are less than \$100,000 individually and in an aggregate amount not to exceed \$300,000 in any given fiscal year.

The attached report details all contracts that have been executed through the fourth quarter ended June 30, 2021, under the single signature authority granted to the Executive Director. The unused capacity of single signature authority for services at June 30, 2021, is \$150,000.

Attachment: Single Signature Authority Report as of June 30, 2021

Approved by the Executive Committee on August 18, 2021

In Favor: 7 Abstain: 0 No: 0

**SINGLE SIGNATURE AUTHORITY
AS OF June 30, 2021**

CONTRACT #	CONSULTANT	DESCRIPTION OF SERVICES	ORIGINAL CONTRACT AMOUNT	PAID AMOUNT	REMAINING CONTRACT AMOUNT
AMOUNT AVAILABLE March 31, 2021			\$300,000.00		
21004	Michael J. Francis, MAI	Appraisal and appraisal review services	50,000.00	0.00	50,000.00
21005	Mission Property Advisors	Appraisal and appraisal review services	50,000.00	0.00	50,000.00
21010	Integra Realty Resources - Los Angeles	Appraisal services for grant properties	50,000.00	0.00	50,000.00

AMOUNT USED

150,000.00

AMOUNT USED

150,000.00

AMOUNT REMAINING through June 30, 2021

\$150,000.00

Alicia Johnson

Prepared by

Theresia Trevino

Reviewed by

Note: Shaded area represents new contracts listed in the fourth quarter.

AGENDA ITEM 7D

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY	
DATE:	September 13, 2021
TO:	Western Riverside County Regional Conservation Authority
FROM	Executive Committee Cheryl Donahue, Public Affairs Manager
THROUGH:	Anne Mayer, Executive Director
SUBJECT:	Quarterly Public Engagement Metrics Report, April-June 2021

EXECUTIVE COMMITTEE AND STAFF RECOMMENDATION:

This item is for the Board of Directors to receive and file report summarizing the Quarterly Public Engagement Metrics.

BACKGROUND INFORMATION:

One of the RCA’s renewed priorities, resulting from the consolidation with the Riverside County Transportation Commission (RCTC), is to strengthen communication and education about the Multiple Species Habitat Conservation Plan and progress toward its completion. Following the agencies’ consolidation in January 2021, the RCA's public engagement tools, including the website, social media channels, and newsletter, were transferred to the RCTC External Affairs Department to administer.

The External Affairs team prepared a Public Outreach Plan, which the RCA Board of Directors adopted in May. The Public Outreach Plan includes preparing Quarterly Public Engagement Metrics reports to present to the Board of Directors. This is the first report, based on the Public Outreach Plan. The quarterly reports are data-driven analytics designed to measure progress toward public engagement goals, analyze outreach efforts and campaigns, offer insight of audiences and their behaviors, and provide transparency of the outreach tools in use.

As noted in the Public Outreach Plan, the first year of outreach efforts feature a phased, deliberate approach of ramp-up activities to build upon previous efforts and to promote a two-way dialogue with identified audiences. The January-March quarter was used to research past practices, understand audiences, develop content, establish strategies, and gather baseline data.

The metrics provided in this report cover April-June 2021 and are a comparison to the January-March 2021 baseline data, prior to the adoption of the Public Outreach Plan. This initial report includes the following data sets:

1. Metrics for website audience and behaviors
2. Metrics for social media platforms: Facebook, Twitter, and Instagram
3. Metrics for *The Vista* newsletter

The data is summarized below and in a one-page graphic. Future metrics may be added to reports as warranted.

Website

The goal from the Public Outreach Plan is to increase website visitors by 375 per month during 2021-22.

1. From April to June, there were 9,534 website visits, a 2% increase from last quarter's 9,350 visits. Of these visits, 6,490 were unique users, an increase of 10% compared to the previous quarter's 5,892 unique users.
2. Most visitors (51.6%) accessed the website organically through a search engine. Others (37.5%) used direct referrals, either by typing in the URL or accessing it through an email. About 10% were referred by social media and other websites.
3. The majority of visitors reached the website via desktop versus mobile devices. The ratio was 65% for desktop and 35% for mobile.
4. The homepage is the most frequently visited page, followed this quarter by the Existing Reserves, RCA Maps, and Document Library pages.

Social Media

The goals from the Public Outreach Plan for 2021-22 are to increase Facebook followers from 249 to 1,000, increase Twitter followers from 28 to 112, and increase Instagram followers from 149 to 450. To date, the Facebook goal has been met, and growth is occurring on Twitter and Instagram. As part of the social media strategy, handles were aligned as @WesternRCA to promote consistency across platforms.

1. **Facebook:** At the end of the quarter, the Facebook page had 1,845 followers, a 541% increase over last quarter's 288 followers. The page had 11,420 forms of engagement, such as likes, comments and shares, a 2,658% boost from last quarter's 414 forms of engagement. Facebook also had 92,096 impressions. This was a very large increase – 4,140% – from last quarter's 2,172 impressions. The considerable increases in followers, engagement, and reach are due in part to a paid Facebook “Like” campaign. This campaign ran from April 12 to May 4 and targeted audiences interested in conservation, environmental issues, and construction in western Riverside County. While the Facebook goal has been achieved, we are continuing to post engaging content to grow our followers.
2. **Twitter:** The Twitter page showed a 68% rise in followers, from 28 to 47. Engagement increased by 121%, from 68 to 150. Impressions grew by 84% from 4,300 to

7,900. Engagement and reach are starting to grow on Twitter, with posts directed to agencies via tagging.

3. **Instagram:** Followers grew by 62%, from 149 to 242. Engagement improved significantly by 713%, from 112 forms of engagement to 992. Impressions grew 1,004% to 10,864, compared to last quarter's 984. Instagram engagement and reach have increased due to more posted content, including short videos.
4. **Social Media Public Sentiment:** This past quarter, overall sentiment was positive as engagement increased. Engagement was positive on posts related to Species of the Month, wildlife crossings on Route 60 Truck Lanes, and other posts on how the RCA and MSHCP functions.

The Vista E-Newsletter

The goals from the Public Outreach Plan for 2021-22 were to update the name and design of the electronic newsletter, to increase the distribution list to match the database contacts, to increase open rates to 35%, and to expand the link click-throughs to 20%.

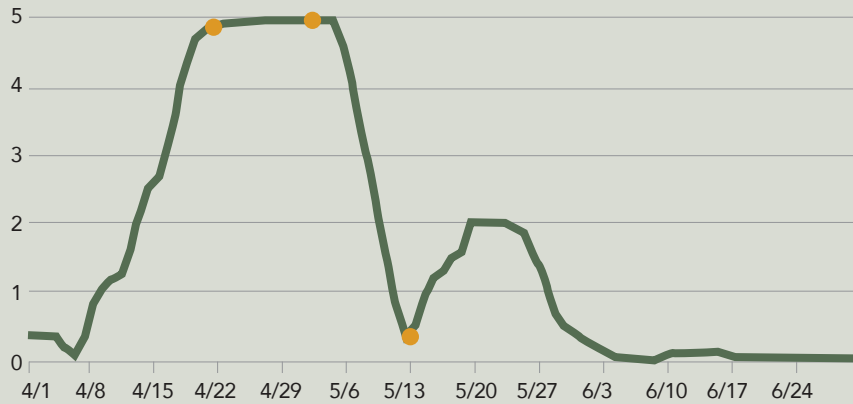
1. The publication was renamed from "RCA Newsletter" to "*The Vista*" in February to reflect the RCA view toward the future. It now features a brighter design, more engaging writing, and video links. *The Vista* includes MSHCP education, Species of the Month, recreation highlights, transportation connections, and advocacy efforts.
2. Since the consolidation, the newsletter distribution list has increased significantly. At the end of the last quarter, there were 1,517 subscribers, a 38% increase from the previous quarter. On average, 24% of subscribers opened *The Vista*, and 3% clicked on the links. Efforts are under way to increase the open rates and link clicks by readers.

Attachment: RCA Public Engagement Metrics, April-June 2021

Approved by the Executive Committee on August 18, 2021

In Favor: 7 Abstain: 0 No: 0

Overall Social Media Sentiment



- 4/12 (+) Positive trend due to start of paid "Like" campaign
- 4/22 (+) Positive trend following Earth Day posts
- 5/2 (+) Positive trend following The Vista post
- 5/13 (-) Negative trend due to end of paid "Like" campaign

The Vista



Subscribers
1,517

Average Open
24%

Average Click
3%

Web

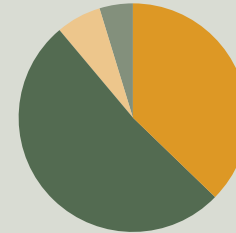
9,534
Number of Sessions

+2%

6,490
Number of Unique Users

+10%

Top Channels



- Organic (51.6%) - 2,481
- Direct (37.5%) - 3,417
- Social (6.4%) - 427
- Referral (4.5%) - 229

Top Pages Visited

Home Page is the #1 most visited page

- Existing Reserves
- RCA Maps
- Document Library

Social Media

Facebook

Followers
1,845 +541%

Engagement
11,420 +2,658%

Impressions
92,096 +4,140%

Twitter

Followers
47 +68%

Engagement
150 +121%

Impressions
7,900 +84%

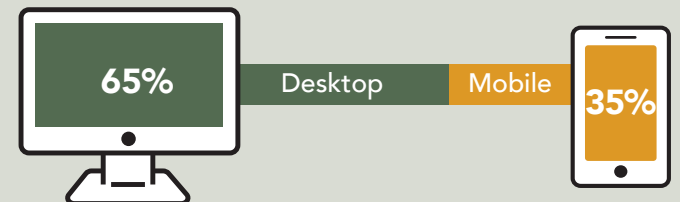
Instagram

Followers
242 +62%

Engagement
992 +713%

Impressions
10,864 +1,004%

Desktop vs. Mobile Users



AGENDA ITEM 7E

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

DATE:	September 13, 2021
TO:	Western Riverside County Regional Conservation Authority
FROM:	Executive Committee Hector Casillas, Right of Way Manager
THROUGH:	Anne Mayer, Executive Director
SUBJECT:	Acquisitions Status Report

EXECUTIVE COMMITTEE AND STAFF RECOMMENDATION:

This item is for the Board of Directors to receive and file the acquisitions status report as of July 31, 2021.

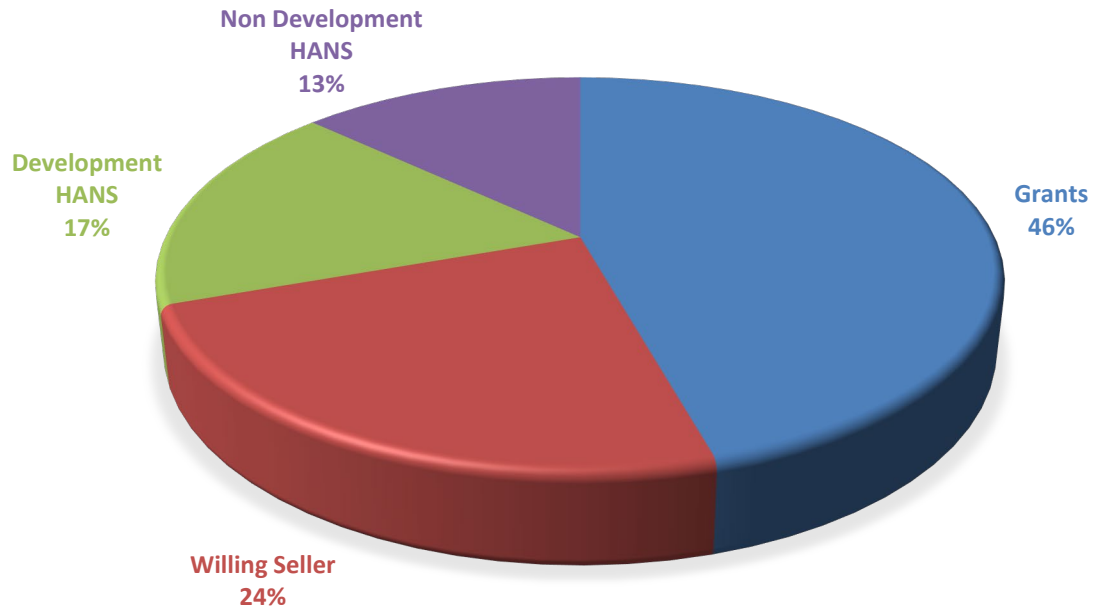
BACKGROUND INFORMATION:

The Board of Directors requested the Right of Way Department to provide a monthly report of the status of various acquisitions. This report is the first monthly report, and modifications can be made as is deemed necessary.

Since RCTC became the managing agency for RCA on January 1, 2021, 11 parcels closed escrow and 29 new parcels began the acquisition process. As of July 31, 2021, staff is managing 46 active parcels, including four new acquisition projects during July.

The attachment provides individual property details by type including location, owner representative, and acreage for active parcels as of July 31, 2021. Chart 1 illustrates the active parcels by type of acquisition: grant-funded, development Habitat Evaluation and Acquisition Negotiation Strategy (HANS), non-development HANS, and willing seller.

Chart 1: Active Parcels by Type



FISCAL IMPACT:

This is an information item. There is no fiscal impact.

Attachment: Status of Right of Way Acquisitions as of July 31, 2021

Western Riverside County Regional Conservation Authority
Status of Acquisitions
As of July 31, 2021

Project Number	Location	Supervisorial District	Owner Representative	Acreage
Grants				
R22171	Hemet	District 3	Dan Hollingsworth	65.18 acres
R22492*	Hemet	District 3	N/A	9.74 acres
R22493*	Winchester	District 3	N/A	4.36 acres
R22309	Hemet	District 3	Ed Sauls	40.39 acres
R22453	Murrieta	District 1	N/A	4.01 acres
R22494*	Murrieta	District 3	N/A	35.08 acres
R22462	Tenaja	District 1	Chris Basilevac	19.90 acres
R22467	Murrieta	District 1	Phil Percival	56.92 acres
R22469	Murrieta	District 1	Chris Basilevac	20.37 acres
R22471	Tenaja	District 1	Chris Basilevac	20.18 acres
R22470	Tenaja	District 1	Chris Basilevac	51.76 acres
R22435	Jurupa Valley	District 2	Glen Williams	25.48 acres
R22434	Jurupa Valley	District 2	Glen Williams	31.70 acres
R22479	Jurupa Valley	District 2	N/A	3.34 acres
R22480	Jurupa Valley	District 2	N/A	3.34 acres
R22481	Jurupa Valley	District 2	N/A	12.55 acres
R22482	Jurupa Valley	District 2	N/A	84.54 acres
R22483	Jurupa Valley	District 2	N/A	94.42 acres
R22484	Jurupa Valley	District 2	N/A	50.34 acres
R22486	Jurupa Valley	District 2	N/A	20 acres
R22487	Jurupa Valley	District 2	N/A	55.3 acres

Development HANS				
R22424	Temescal Canyon	District 1	Ed Sauls	420.78 acres
R22217	Sage	District 3	N/A	29.41 acres
R22476	Corona	District 1	Garret Sauls	17.23 acres
R22474	Hemet	District 3	Garret Sauls	20.72 acres
R22473	Hemet	District 3	Garret Sauls	20.36 acres
R22478	Temecula	District 3	Ron Schreiber	30.07 acres
R22475	Sage	District 3	Garret Sauls	20.4 acres
R22465	Hemet	District 3	Garret Sauls	20.00 acres

Non-Development HANS				
R22419	Aguanga	District 3	Garret Sauls	80.00 acres
R22444	Sage	District 3	Phil McElhinney/Garret Sauls	20.20 acres
R22440	Sage	District 3	John Culton/Garret Sauls	322.00 acres
R22407	Nuevo	District 5	Ed Sauls	7.92 acres
R22409	Murrieta	District 3	Ed Sauls	40.00 acres
R22449	Gavilan Hills	District 1	Ed Sauls	197.55 acres

Willing Seller				
R22459	Aguanga	District 3	Donna DeGenaro	262.02 acres
R22466	Juniper Flats	District 5	N/A	9.40 acres
R22433	Lake Elsinore	District 1	Glen Williams	239.87 acres
R22472	Temecula	District 3	Garret Sauls	22.88 acres
R22421	Calimesa	District 5	Jason Bennecke	306.93 acres
R22489	Temecula	District 1	Brian Bush	16.37 acres
R22490	Lakeview	District 5	Steve Letterly	85 acres
R22491	Lake Elsinore	District 1	Ed Sauls	129.87 acres
R22495*	Corona	District 1	N/A	80.00 acres
R22496	Murrieta	District 3	Sam Yoo	20.00 acres
R22485	Moreno Valley	District 5	Steve Hobbs	744.67 acres

* denotes a new acquisition project during July 2021

AGENDA ITEM 7F

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

DATE:	September 13, 2021
TO:	Western Riverside County Regional Conservation Authority
FROM:	Tricia Campbell, Reserve Management/Monitoring Manager
THROUGH:	Anne Mayer, Executive Director
SUBJECT:	Fiscal Year 2020/21 Fourth Quarter Consultant Reports

STAFF RECOMMENDATION:

This item is for the Board of Directors to receive and file the FY 2020/21 Fourth Quarter Consultant Reports.

BACKGROUND INFORMATION:

The RCA receives quarterly reports from three consultants that support the RCA in its Joint Project Reviews, species monitoring, and land management roles as required by the Western Riverside County Multiple Species Habitat Conservation Plan. The consultants are Dudek, Santa Ana Watershed Association, and Riverside County Regional Parks and Open-Space District, respectively.

Attached to this staff report are the most current quarterly reports (04/01/2021 – 06/30/2021).

Attachments:

- 1) Dudek
- 2) Santa Ana Watershed Association
- 3) Riverside County Regional Parks and Open-Space District

**CONSULTANT REPORT
DUDEK
FISCAL YEAR 2021 FOURTH QUARTER REPORT**

Report Covers Period: 04/01/2021 to 06/30/2021

Services Provided During Current Work Period:

Joint Project Reviews

As part of our ongoing duties related to Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) implementation for the Western Riverside County Regional Conservation Authority (RCA), Dudek continued to provide review of biological reports, analysis, and submittals related to Joint Project Reviews (JPRs) by Permittees (e.g., cities, county). Dudek reviewed, provided comments, and completed multiple JPRs for Permittees during this reporting period.

During the fourth quarter the following number of JPRs were completed: five in April, six in May, and one in June. This number only reflects those that were completed and finalized. There are many more JPRs that are in process across any given quarter with all responses to Permittee occurring within 14 days.

Permittee Trainings and Support

Dudek assists the RCA in providing training and support to Permittees on MSHCP implementation. These training sessions are provided once a year or upon request, and include an overview of the MSHCP, RCA responsibilities, Permittee responsibilities, rough step, JPR process, required surveys and mitigation, California Environmental Quality Act (CEQA) documents, changes to the MSHCP, reserve lands, and the Wildlife Agencies (U.S. Fish and Wildlife Service, California Department of Fish and Wildlife) role. Discussion of circumstances unique to each Permittee is also provided in the training. Due to COVID-19, no training occurred during this quarter and the training sessions have been temporarily placed on hold, but are anticipated to resume later in 2021.

Monthly meetings with the Riverside County Environmental Programs Department (EPD) are ongoing. These meetings are a forum to discuss upcoming or ongoing County Habitat Acquisition and Negotiation Strategy (HANS)/JPRs, conservation criteria, and other Permittee requirements to facilitate MSHCP consistency. RCA and EPD meetings this quarter were held on May 5, June 2, and July 21, 2021.

Additional separate meetings or conference calls were held with RCA, Dudek, Wildlife Agencies, Permittees and/or applicants and their consultants, including but not limited to, Murrieta Creek Trail in Lake Elsinore, Gilman Springs Road, and Temescal Valley Commerce Center.

Dudek also has numerous calls each week with applicants/biologists for projects regarding MSHCP implementation and compliance questions. Dudek fields questions on an ongoing basis

related to new projects, ongoing projects, and/or past projects, both inside and out of the criteria area. Dudek also provides assistance regarding how the MSHCP review process works in coordination with the CEQA process.

Pre-Application Meetings

Dudek also attended a Pre-Application Meeting with the U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) staff. Projects represented by Permittees and/or the project representatives are presented for consideration. The various regulatory agencies and RCA discuss, review, and seek solutions to issues related to permitting and MSHCP compliance. The review and analysis presented in these meetings is often subject to MSHCP Consistency review which is part of Dudek's role with the RCA. The only meeting with the regulated waters Permitting Agencies this quarter was held on June 9, 2021.

In addition, in this reporting period, Dudek provided documentation and support to CDFW and USFWS related to ongoing projects and questions on MSHCP implementation.

Wildlife Agency Coordination and Meetings

Dudek attended three monthly meetings with USFWS and CDFW staff hosted by the RCA. Duties included coordinating with attendees and review of materials ahead of the meeting. Meetings with the Wildlife Agencies this quarter were held on April 15, May 20, June 17, 2021. Meetings associated with the San Jacinto River Levee Phase 3 (Riverside County Flood Control) project also have a regularly scheduled timeslot during these RCA/Wildlife Agencies Monthly Meetings.

Participating Special Entities

Dudek staff provided support and coordination related to pending and existing Participating Special Entities (PSEs). Dudek remains involved in all processing of Southern California Edison (SCE) PSE application reviews, including completion of conditions required of the West of Devers System Upgrade Project (WODUP) such as finalizing riparian/riverine mitigation and replacement of Additional Reserve Lands (ARL) and Public/Quasi-Public (PQP) lands. The Holmes property proposed by SCE for ARL/PQP replacement land and riparian/riverine mitigation finally closed escrow with the Inland Empire Resource Conservation District (IERCD), and a release from SCE's Letter of Credit is pending. Revised documentation that finalizes this replacement and mitigation was submitted in February 2021, and information from SCE is pending regarding how the other Certificate of Inclusion (COI) measures have or are being fulfilled. Coordination between Dudek and SCE has also been ongoing to help with SCE's questions regarding mitigation implementation during construction.

Lockheed Martin Corporation (LMC) and RCA are coordinating on remaining provisions in the Amended COI for Site 2 Laborde Canyon. The PSE Amended Findings for Site 1 Potrero Canyon are currently undergoing revisions.

RCA and Dudek also met with Elsinore Valley Municipal Water District (EVMWD) regarding a possible PSE process for their pending Tomlin Pipeline. EVMWD is still evaluating if using the PSE process to obtain take coverage for species, such a California gnatcatcher, would be the most effective approach.

Criteria Refinements

A request for a Criteria Refinement for the Beaumont Pointe Specific Plan (City of Beaumont) was submitted on March 9, 2021. Comments were provided during a call on March 22, 2021, and revisions to the supporting documentation are still needed. Coordination with the applicant and their team is ongoing, including three conferences calls with the applicant team, along with continuing reviews as information to address various issues is submitted to RCA.

RCA and Management Support

Dudek staff provided various forms of analysis and provided staff support by attending meetings, conference calls and conducting research via email related to ongoing and past projects. During this reporting period, Dudek was involved in discussions on various projects, particularly those with substantial issues. Dudek works closely with Tricia Campbell (Reserve Management/Monitoring Manager) and other RCA staff to assist with past and ongoing JPRs, PSEs, Minor Amendments, Criteria Refinements, as well as report templates, Permittee and biological consultant coordination and training, and consistency with MSHCP implementation procedures, including Reserve Assembly (Cell/Cell Group/Subunit) analysis standards. In addition to all the aforementioned coordination, RCA and Dudek hold monthly meetings.

**CONSULTANT REPORT
SAWA – MSHCP BIOLOGICAL MONITORING PROGRAM (BPM) FISCAL
YEAR 2021 FOURTH QUARTER REPORT**

Report Covers Period: 04/01/2021 – 06/30/2021

Services provided during current work period:

Administrative

- Covid-19 update
 - Staff working remotely.
 - Updated COVID-19 protocol.
- Annual staff performance evaluations.
- Herp Taxa Lead candidates– new candidates to be interviewed in July.
- 2020 Survey reports completed.
- 2020 RCA Annual report section 8 being drafted.
- Management Monitoring Coordination Meetings resumed with the following presentations:
 - April 8, 2021: *Uncovering the hidden behavioral signatures of life below-ground using high-resolution motion sensing collars and machine learning algorithms to explore the unseen behavior of California ground squirrels.* Presenter: Amanda Robin – UCLA.
 - May 13, 2021: *Climate-Smart Connectivity for the South Coast.* Presenter: Dr. Erin Conlisk – Point Blue.
 - June 10, 2021: *Functional ecology in an era of environmental change.* Presenter: Dr. Marko Spasojevic – UCR.

Biological Monitoring

Avian

- **2020 Avian Projects:**
 - Data entry/checking complete.
 - Survey reports complete.
- **2021 Avian Projects:**
 - **California Gnatcatcher Nest Monitoring:** Reproduction confirmed in all Core Areas (8 of 9) except Alberhill (Temescal) to date. Nesting season ends in July.
 - **Burrowing Owl Trail Cameras:** San Jacinto Wildlife Area: One pair has nestlings. RCA's Nuevo Donation property: One pair has four nestlings. Johnson Ranch/Skunk Hollow: four pairs, with four fledglings and at least 9 nestlings.

- **Purple Martin:** Two rounds of surveys completed; none detected.
- **California Spotted Owls:** Four rounds of surveys completed with none detected. Surveys continue through August.

Herpetofauna

- **2020 Herpetofauna Projects:**
 - Data entry/checking complete. Reports in progress and under review.
- **2021 Herpetofauna Projects:**
 - **Vernal Pools:** No pools holding water in 2021.
 - **Herp Arrays:** Temporarily on hold due to absence of lead staff.

Mammals

- **2020 Mammal Projects:**
 - Data entry/checking complete. Reports completed.
- **2021 Mammal Projects:**
 - **Clinton Keith Undercrossing Camera Trapping:** Data collection and analysis in progress. Coyote, Bobcat, Human (restoration workers, some trespassers).
 - **Clinton Keith Wildlife Overcrossing Camera Trapping:** Data collection and analysis in progress: Coyote, Desert Cottontail, various avian species, Human (Program staff). Preparing for small mammal trapping in 2021.
 - **Clinton Keith Wildlife Overcrossing - Quino Checkerspot Butterfly Habitat Survey:** Three meetings have been held and surveys in progress.
 - **Los Angeles Pocket Mouse (LAPM):** LAPM trapping complete at San Jacinto River with Covered Species captured including LAPM, San Bernardino Kangaroo Rat, Dulzura Kangaroo Rat, San Diego Pocket Mouse, San Diego Desert Woodrat. Non-Covered species captured included California Towhee, California Quail, Western Harvest Mouse, Deer Mouse, House Mouse. Currently trapping at Temecula Creek and Anza Valley Core Areas.

Rare Plants

- **2020 Rare Plant Projects:**
 - Data entry/checking complete. Reports completed.
- **2021 Rare Plant Projects**
 - **Engelmann Oak:** Preparing for 2021 surveys.
 - **Rare Plant:** All Brandt's Phacelia data has been collected with data analysis in progress. Reconfirmed the three objectives for Santa Ana River Woolly Star in the Santa Ana River. Met MSHCP objectives for Chickweed Oxytheca. Both populations of San Diego Button Celery in the Santa Rosa Plateau vernal pools are confirmed with objectives met. The population of Palmer's Grapplinghook in Cleveland National Forest (CNF) in the Agua Tibia Mountains was reconfirmed. Reconfirmed Palmer's Grapplinghook at Harford Springs and observed some Munz's Onion and Long-spined Spineflower. Reconfirmed Prostate Spineflower at one location in CNF. Elsinore Peak in CNF was surveyed for Palomar Monkeyflower and Hammitt's Clay-cress but did not find them, but Palmer's Grapplinghook was observed. Small-flowered Microseris was incidentally detected at Santa Rosa Plateau and all three known populations of San Miguel Savory were

reconfirmed. At Alberhill, Small-flowered Morning-Glory, Palmer's Grapplinghook, and Munz's Onion were detected. Many-stemmed Dudleya and Vernal Barley were surveyed but not found. Found Davidson's Saltscale at new Hemet Marketplace property.

- **Agency Coordination:** Took the USFWS biologist on a tour of the San Jacinto Valley Crownscale population locations. During this tour, we reconfirmed the San Jacinto Wildlife Area population meeting the objective that would have expired this year.

Invertebrates

- **2020 Invertebrate Projects:**
 - Data entry/checking complete. Reports completed.
- **2021 Quino Checkerspot Butterfly (QCB) Projects**
 - Adults detected at Multiple Species Reserve (MSR), Oak Mountain and a new location east of the MSR Kiosk. Adults were not detected at Warm Springs Core, Clinton Keith Overcrossing, Johnson Ranch/Lake Skinner, El Sol, Veil Lake, Sage Core (Magee Hills), Aguanga, Wilson Valley, Brown Canyon. Bureau of Land Management reported adult QCB outside of conservation, near Oak Mountain. In May we surveyed the following areas: Anza Borrego, areas in Beauty Mountain and Silverado/Tule Peak Core Area, which includes the sentinel site. Also new areas near Barbara Trail, Burnt Valley Road, and Cooper Cienega Trail. New areas surveyed in San Bernardino National Forest include an area near Hog Lake, Rouse Hill Road, and Thomas Mountain Road, and a new area near State Routes 371 & 74. No QCB were detected. In June we completed four survey days and one scouting day at the San Bernardino National Forest by Rouse Hill Road and Thomas Mountain Road. We did not detect any QCB but we did find some good habitat for future surveys.
 - **Clinton Keith Wildlife Overcrossing QCB Habitat Survey:** Habitat assessment complete; pulled Stinknet (invasive exotic species). Data analysis in progress.
 - **Clinton Keith Undercrossing QCB Cameras:** Photos have yet to be reviewed due to staff availability.
- **2021 Delhi Sands Flower-loving Fly:** Two weeks of arthropod surveys were completed using 50 pitfall traps, each set for four days. Species identification in progress. Transects were setup in the second week of June. Scouting for adults began the same week. One exuviae (molted "skin") was found during a scouting survey on June 21, 2021 and one incidental exuviae by Jonathan Reinig on June 23, 2021. Three adults were found during scouting later in June and surveys were initiated.

Data/GIS

- **2020 Data/GIS:**
 - Data quality control/certification completed [2020 Manager's Dataset and metadata documentation; maps for 2020 survey and summary reports; and created maps of 2020 herp species observations and habitat cores for species objectives analysis].
- **2021 Data/GIS:**
 - Created new data entry form for arthropods study.

- Created new protocol for Taxa Leads for QC of incidentals and organized 2020 & 2021 digital datasheet files.
- Provided database support for taxa leads, and site access information for plant lead.
- Continual redesign (simplifying) of the Biological Monitoring Program database.
- Completed data request from USFWS for San Jacinto Valley Crownscale and associated alkali habitat.

Collaborations

- Coordinate with U.S. Forest Service to share effort of 2021 California Spotted Owl surveys.
- Collaboration with USFWS biologist reviewing the status of the federally listed San Jacinto Valley Crownscale.
- Coordination continuing with CDFW staff at the San Jacinto Wildlife Area regarding management for Burrowing Owl reporting.
- Coordination with Center for Natural Lands Management on QCB surveys and Rabbit Hemorrhagic Disease reporting.
- Collaborate mapping and monitoring of Alkali Vegetation Communities with Riverside County Parks-MSHCP.
- Manager collaborating with USFWS (Will Miller)/other Natural Community Conservation Plan's on region-wide herpetofauna monitoring

Training/Workshops

- Survey-specific training completed for all 2021 projects.
- QCB biologist(s) cross-training.
- Leads and all-hands monthly meetings.
- RCA monthly meetings.

Status of Deliverables

- **2020 Reporting**
 - Species Occurrence Dataset: Complete.
 - Survey Reports: Complete.
 - Annual Report Summary Reports: In progress.
- **FY2021/2022**
 - Monthly reporting for April, May, and June: Complete.

**CONSULTANT REPORT
RIVERSIDE COUNTY REGIONAL PARKS AND OPEN-SPACE DISTRICT
LAND MANAGEMENT UNIT
FISCAL YEAR 2021 FOURTH QUARTER REPORT**

Report Covers Period: 04/01/2021 – 06/30/2021

General Administration

Communications were held with the Rancho California Horseman's Association (RCHA) concerning modifications that were made to the horse-stepovers at the RCA Bell and Weigel properties in the Glen Oaks area of Temecula. In order to prevent dirt bikes from entering the property over the existing single step design, the properties' two stepovers were converted to a US Forest Service three step design. The new design posed challenges to the local equestrians, who reached out to the Riverside County Parks MSHCP Land Management Unit (Unit) to discuss options to modify the new stepovers to a more horse friendly design. While discussions were ongoing to resolve the issue, one of the horse stepovers was vandalized and no resolutions were made by the end of the fourth quarter (see Patrol/Enforcement and Maintenance/Fencing, Sage HMU sections below for more details).

Natural Resource Manager (NRM) Jonathan Reinig attended a virtual meeting with the RCA and Southern California Edison (SCE) to discuss remedial actions for damage caused to habitat at the RCA Wilder property and RCA EMWD San Jacinto River Conservation Easement during distribution line upgrades. The virtual meeting was followed by a field meeting with SCE and Eastern Municipal Water District (EMWD) at the properties. Areas that were disturbed by SCE during pole work in January were inspected and a plan for their restoration was devised. As part of the plan SCE agreed to recontour the areas to eliminate tire ruts, weed non-native vegetation for several seasons, and vertically mulch the impacted areas. All work was planned to be monitored by appropriately permitted biologist provided by SCE.

NRM Reinig attended a meeting with the RCA and the applicant of the Adobe Springs mitigation project to finalize the Property Analysis Record (PAR) endowment (required through the project's state Streambed Alteration Agreement) for the site's long-term management. The PAR for the mitigation included funds for the long-term management of the property's Southwestern Pond Turtles (*Actinemys pallida*).

A meeting was attended with the Ecosystems Investment Partners (EIP) and a surveying company to help delineate access easements for the future RCA EIP Glen Avon and EIP Granite Hills acquisitions.

A meeting was attended with the Redlands Conservancy to discuss progress with their experimental restoration project on the RCA Live Oak Canyon property. The plots for the experiment had been installed and buffer strips had been mowed around the plots.

NRM Reinig met with a local shepherd at the San Jacinto River properties of Hemet (EMWD San Jacinto River Conservation Easement, RCA Wilder, RCA Meadows at Lone Cone, etc.). While the shepherd was agreeable to the grazing job to benefit the properties' San Bernardino Kangaroo Rats (*Dipodomys merriami parvus*, SBKR), the job was never completed due to COVID-19 induced labor shortages.

SCE tree trimming subcontractors were met at the RCA Calvary Chapel property. SCE was interested in removing a strip of gum (*Eucalyptus* spp.) trees from the southern boundary of the property that posed a risk to distribution lines. Since the trees were non-native to the area, the work was planned to be permitted with some restrictions; namely that the work would be performed outside the bird breeding season, no vehicles would be permitted to be driven off existing roads, and native oaks would be provided for planting to replace the gum trees, once removed.

Two meetings were attended with the RCA, wildlife agencies (U.S. Fish and Wildlife Service [USFWS], California Department of Fish and Wildlife [CDFW]), and the San Diego Natural History Museum to discuss the museum's role in a research grant to occur on RCA lands. A research project headed by the museum was developed by the group to study the prey base for Burrowing Owl (*Athene cunicularia*) at existing occupied and potential future occupied sites. Six Burrowing Owl pellets from the El Sol property were collected and mailed to the San Diego Natural History Museum team so they could begin assessing potential workload of the study.

Several meetings were attended with the RCA, local entomologists, and the wildlife agencies to discuss and develop a separate research grant for which the RCA was pursuing. A study was designed to test if various soil types may affect the growth and longevity, and thus be a limiting factor for the Quino Checkerspot Butterfly's (*Euphydryas editha quino*) key host plant California plantain (*Plantago erecta*).

A meeting was attended with Riverside County Parks' staff to discuss potential projects for an ECORP grant/crew, which the Park and Open Space District was pursuing.

Ranger Supervisor (RS) Ruben Rodriguez reached out to the De Luz Community Services District requesting to work together on the trash issues on the Camino Gatillo cul-de-sac adjacent to the RCA Frances property. Pictures of recent cleanup and fence repair efforts completed in the area by the Unit were submitted to the service district to help highlight the issues the cul-de-sac faced. Eventually, an agreement was reached with a De Luz contracted deputy to increase patrols in the area (see Patrol/Enforcement and Maintenance/Fencing, Santa Ana Mountains HMU sections below for more details).

Following up on reports of vehicles within the Toscana Phase 3 property, communications were held with the reporting neighbor of the property who also managed lands north of the property. The neighbor gave a good overview of the history of issues within Temescal Wash in the vicinity of the property including news of several recently poached birds, homeless encampments, and Off-Highway Vehicle (OHV) use. As a result, staff increased patrols of the area and begun work to increase access controls of the property (see Patrol/Enforcement and Maintenance/Fencing, Gavilan HMU sections below for more details).

The former owner of the RCA Bishop property, Bill Bishop, and his wife were escorted into his family's former property. Bill's 90th birthday was approaching, and he wanted to see the old home site.

A PAR was created for the KPC-Promenade/SBKR mitigation site at the Soboba Donation Phase 2 property. Seven years of funding for post mitigation long-term maintenance was being sought by the RCA.

The Adobe Springs mitigation project long-term management PAR was reviewed.

NRM Reinig drafted a Common Raven (*Corvus corax*) Management Plan for the El Sol Burrowing Owl translocation site and submitted it to the RCA. During plan development, communications were held with APHIS Wildlife Services to garner information of their expertise on the subject (see Habitat/Species Management, Menifee HMU sections below for more details).

At the bequest of the RCA, NRM Reinig identified all weed abatement incursions and other encroachments on RCA conserved lands using on-the-ground knowledge and Google Earth.

RS Rodriguez met with Riverside County Agricultural Commissioner's investigator at the Unit's Hidden Valley Wildlife Area office. An inspection to review herbicide handling and training was completed. Pesticide use records were reviewed, an updated annual training packet was received to provide to staff, and minor infractions were conveyed.

An endowment spending request for FY21/22 was composed and submitted to the RCA.

Time was spent working with a County GIS specialist to reorganize and streamline the Unit's arcCollector map so that it could be used offline.

Monthly billing reviews were completed. As part of the process photos and notes of monthly activities were compiled and submitted.

Research continued for the California Climate Investments CALFIRE program grant-funded Skid steer tractor purchase. Equipment needs were finalized and submitted to the Parks District finance team. Quarterly progress reports for the grant were written and submitted.

RS Rodriguez completed the large annual RCA sign order.

Time was spent researching and obtaining quotes for an electrofishing backpack purchase. A Smith-Root model was eventually acquired.

NRM Reinig attended the monthly Santa Ana to Palomar Mountain linkage working group meeting.

A Southern California interagency Habitat Conservation Plan working group was attended.

Natural Resource Specialist (NRS) Kalee Koeslag attended an Emerging Tree Pests Education and Outreach working group.

NRM Reinig and Ranger Supervisor Rodriguez regularly attended bi-weekly Parks Managers and Supervisors COVID-19 conference calls. Discussions during the calls focused on local trends of the outbreak and changing County protocols.

The monthly RCA Management and Monitoring Coordination meeting and the monthly Parks Managers meeting were regularly attended virtually by NRM Reinig.

Monthly MSHCP Management and Monitoring meetings were attended.

Staff attended monthly MSHCP Land Management Unit staff meetings.

NRM Reinig, NRS Ana Sawyer, and NRS Koeslag attended virtual California Invasive Plant Council (Cal-IPC) non-chemical weed control workshop.

MSHCP Land Management Unit and Riv Co Parks Open Space staff participated in in-house herbicide safety training, welding safety training, and hazardous waste handling and disposal training. Parks Maintenance Worker (PMW) Stanley Miller did a good job instructing the herbicide and welding trainings as did RS Rodriguez with the hazmat training. The herbicide training was filed with Riv Co Agricultural Commission to retain the District's pesticide application permit for 2021.

NRM Reinig and RS Rodriguez participated in a Riv Co Pro training held by Parks District Finance. The program is in use by several county departments for purchasing needs.

Patrol/Enforcement

Badlands Habitat Management Unit (HMU)

The RCA CALMAT property was patrolled on an approximately weekly basis. Contact was made with a total of six OHV groups who were staging nearby. The riders were notified of the prohibition on OHV riding in the area and left. Throughout the quarter four cuts to the property's fencing were found and repaired.

The RCA Wolfskill/Driscoll property was patrolled on a monthly basis. One small OHV barricade adjacent to one of the property's gates was found bent over and was repaired, and a large fence breach along the property's northern boundary was located and repaired.

Cactus Valley HMU

Ranger Robert Fountain patrolled a portion of the RCA Sage 230 property on foot from Minto way. The Ranger found two marijuana grows on private property to the north that approached but did not encroach onto the RCA property. No other issues were observed.

Fencing repair recently completed at the RCA SSR Inv Co property's southern boundary were checked and found undisturbed. On a separate occasion one of the Unit's locks on the property's gate was found locked out of the system. The gate's chain was cut to reinsert the lock.

The northern boundary of the RCA Bautista property as well as RCA Tax Sale 2012 Detail 7 were checked with no issues to report.

Gavilan HMU

Following reports of illegal grading Ranger Richard Chagolla inspected the RCTC/Abusamra property. Contact was made with the adjacent resident. The neighbor confirmed that they were

responsible for the grading of a dirt bike tract that encroached onto 0.10 acre of the RCA property. A subsequent meeting was attended with the owners of the adjacent private property and their tenant who was responsible for the grading. The tenant agreed to pay for the seeding of the area with appropriate native species. The Unit then coordinated and monitored the seeding of the encroachment area by Canyon Hydroseed.

The El Toro Cut Off Road properties (Adams, Andrade, North Peak #2, etc.) continued to be a hot bed for dumping and vehicular trespassing. Ranger Chagolla continued to make contact with individuals based off of contact information found in the dumped piles. One individual was persuaded by the Ranger to return to the site and pick up his pile of refuse. Lake Elsinore Code Enforcement was a tremendous help to the Unit in the fourth quarter with regards to illegal dumping on the road. On two occasions private contractors working for Lake Elsinore cleaned up dumped refuse on the road. Several of the parties responsible for the dumping were to be billed for the cleanup by the city after admitting to the dumping to the Unit's Ranger. RCA fence lines along the road were routinely targeted by individuals seeking to OHV ride on the property. In total, six repairs, one fence extension, and several reinforcements were made to the fence line along El Toro Cut Off Road.

The North Peak properties (#1,3, and 4) were patrolled at least weekly. As is routine, undesirable and unauthorized activities continued in the area and were addressed as they arose. Fence and OHV barricades were repaired at five locations as was one cut lock. Two individuals were located on the properties after spending the night there. Both were persuaded to pick up their refuse and leave the area. Contacts with three OHV riders were also made at the properties by ranger staff.

The new Flood Gavilan Hills property was patrolled on two occasions. During the first patrol, a dirt bike trail was observed passing through the property. A downed tree that was cut out by the riders was put back in place to block access. A subsequent visit to the site found the OHV trail inactive, however a herd of goats was observed on the property. The animal's owner was eventually located in the nearby community. Land uses were explained to the individual who then removed his goats from the property.

At the Reynolds property Ranger Chagolla contacted two men with reptile handling equipment off Lake Street and Walker Canyon Road attempting to capture a Speckled Rattlesnake (*Crotalus mitchellii*). Chagolla had the individuals release the snakes and leave the area. On a separate patrol, a cut lock was replaced, one cut fence and one breached OHV barricade were repaired, and one OHV barricade was extended.

Ranger Fountain conducted a thorough check of the interior of the Toscana Donation Phase 3 property in search of homeless encampments. No camps were located but evidence of vehicle access to the property's dirt roads was observed, and two dirt bikes were seen just outside the property's boundaries.

At the Toscana Donation Phase 1 property Unit staff found a spilled blue substance adjacent to the fencing of the property. The suspected herbicide spill was reported to the Riverside County Agriculture Commissioner's office. The spill was approximately 15 feet x 15 feet and was near a waterway. The report was referred to Hazardous Materials Management (Hazmat) who created an incident report and investigated the spill.

The former marijuana grow in the creek area of the White Rock 1 property was checked. No new signs of marijuana grow activity were located.

At the Hariton property, staff discovered a large pile of dumped refuse and an abandoned motor home. The motorhome was subsequently removed by unknow individuals and a clean up of the site was scheduled.

Additional properties patrolled in the Gavilan HMU with no issues to report included Bolton, Dawson Canyon, Ordenez, Tax Sale Parcels 2018 Detail 1, and Toscana Donation Phase 2.

Menifee HMU

Ranger staff worked the Rullo property following reports of illegal grading on two separate occasions. The Unit was able to confirm that a sliver of grading encroached onto the property boundary in its northwest corner. At the northeast corner of the property contact was made with an adjacent private property resident following an OHV trail being graded into the property. The private resident denied being responsible for the trail, but assured Rangers that they would not use it. Both areas were heavily signed to dissuade further intrusions.

The Anheuser Busch properties were patrolled on nearly weekly basis via truck and/or e bike. On two occasions separate vehicular ingress and egress cuts were found in the properties' fences and gates and were repaired. Time was also spent by staff inspecting the transmission lines along the property's eastern boundary to assure recent SCE work did not impact any natural resources. The area was found in good condition with no habitat damage following the pole work completed on the property by SCE contractors.

Patrols of Chappell property occurred weekly in the fourth quarter. The property's old ranch buildings continued to be targeted for vandalism and access by local youth. Boarded windows and doors of the building were repaired or replaced on two occasions after being removed or vandalized. A motion activated camera was placed at the property prior to the second event, and photos of three teenaged individuals were captured throwing large rocks at a boarded door. An individual was found metal detecting at the property and was contacted by ranger staff. Land uses of the property was conveyed to the individual and they left without incident. Finally, staff escorted Murrieta Fire into the property so that a fire lock could be incorporated into its gate. The property was also toured by the agency to become more familiar with it should a fire ignite there.

A 20-year-old male individual was contacted after being found asleep at an impromptu campsite with a smoldering fire ring at the Fuller property. Ranger Fountain identified the individual and informed them of the prohibition on camping and fires on RCA lands. The individual left the area and the campfire was extinguished.

The Murrieta Hills area (Evandel-Wilson and Evandel-Bergstein properties) were regularly patrolled. The private Keller Road water tower gate, which was rebuilt prior to the quarter by Pulte Homes, faced repeated vandalisms early in the quarter. The gate was rebuilt with a more robust design by Pulte Homes later in the quarter. The Unit continued to monitor the gate and met with Murrieta Fire to incorporate their lock onto it. Contact was made with four OHVs beyond the gate throughout the quarter. On one occasion, Riverside County Sheriff (RSO) OHV patrol was contacted when three vehicles parked blocking the gate were suspected of belonging to OHVs inside the property. Without any riders in the immediate area, the responding deputy left. During a separate patrol, a homeless encampment with a fire ring was located in the historic stone building

of the property. Firewood was removed and information about the camp was forwarded to the local fire marshal and code enforcement. One "No OHV" sign was found removed from the RCA property boundary in the hills and was replaced.

Monthly patrols of the Cornerstone property continued to reveal cuts to the adjacent housing development's wildlife fencing. Residents in the area were keen on accessing the RCA and Quasi-public properties beyond the fencing for recreational purposes. Cuts to the wildlife fencing were repaired on four occasions. Late in the quarter work was started on replacing all of the property's temporary "Danger Unexploded Ordnances" signs to permanent versions.

At the El Sol property staff discovered a dead Coyote (*Canis latrans*) that had suffered a gunshot wound. It appeared someone had shot the animal from a public road approximately 200 yards away. The poaching incident was reported to California Department of Fish and Wildlife (CDFW); however, no suspects could be identified.

Owing to decreases in closed trail use at the Winchester 700 Murrieta property, patrols were scaled back to monthly checks. A small set of new bike jumps were discovered in a disturbed area and were removed.

Following a report by a neighbor experiencing large volumes of bees at their private property, the Delgado property was inspected by PMW Miller to see if a beekeeper with a canceled lease had returned. The source of the bees was not located as the Delgado property was free of hives. Several new mountain bike jumps were dismantled on the road leading to the old bee pad.

Three OHV related fence cuts were located and repaired at the Nelson property.

Ranger Fountain patrolled the western portion of the McElhinney-Stimmel property on e bike and found no issues to report.

Additional properties patrolled in the Menifee HMU with no issues to report included Bales, Benton 36, Dyer, Emerald Aliso, Greenwald, Holden, Kobashi, RHW Phase 1 and 2, Richmond America, Rindahl Martin, Shiang, and Winchester Road

River HMU

The Teledyne property was patrolled with no issues to report.

Sage HMU

Ranger Fountain and PMW Alfredo Salazar investigated suspected marijuana grow sites in the Anza area. Following up on reports from former Ranger Garcia of three large green houses suspected of being on the RCA Jennings property, the area was checked. However, access could not be regained to the area due to private roads being blocked with gates. At the Reden, Gregory and Carol #2 property, staff confirmed a marijuana grow among the property's shrubs. Both grows were reported to the CDFW Marijuana Enforcement Program who were interested in pursuing them. It was later learned from CDFW Wardens that the greenhouses suspected of being on the Jennings property were on an adjacent private parcel but that the Reden, Gregory and Carol #2 property grow was substantial.

The RCA properties on Oak Mountain in the Glen Oaks area (Bell, Selders, Tax Sale Parcels 2013 Detail 10, and Weigel) were regularly patrolled. Reports from a concerned neighbor of OHV use on the property in the fourth quarter were confirmed. Many dirt bike tracks traversing the properties were apparent, with access being gained over two existing horse stepovers. The ineffectiveness of the stepovers spurred the Unit to modify them to three step designs (see Maintenance/Fencing, Sage HMU section below for more details). Within one week of installation one of the horse step overs was reported as vandalized by a neighbor. Rangers found two of the three metal steps chopped out and laying on the ground. Threatening notes left on the adjacent gate with a marker implicated a disgruntled equestrian as being responsible. The vandalism was reported to Riverside Sheriff Office. Ranger Fountain also reported that the old closed illegally created mountain bike trails on the properties remained inactive.

The interior of the Brian Bush property was patrolled on two occasions with little issues to report. One of the patrols was completed following a report from the neighboring RV park of homeless individuals in the property. One recently cleared camp area was located. The neighboring properties in the Temecula Wash were also patrolled on foot (Geller Phase 2 and De Ortega). Western boundary fencing was found down in several spots, although for no apparent reason, and a cable gate was found vandalized open. Repairs were made to all breaches.

A stolen and abandoned jeep was located and reported to Riverside Sheriff Office (RS) at the Cordova Phase 2 property. A subsequent check confirmed that RSO had recovered the vehicle.

The Temecula Creek Conservation Easement was patrolled monthly for homeless issues. The property remained encampment free throughout the quarter. One repair was made to a cut in the property's chain-link fence.

OHV activity was observed on the closed dirt road bisecting the Bergman property. The steel gate of the property was discovered broken open and was scheduled for repair.

The interiors of the Wilson Creek properties (Pena, Odegaard, Terra Investors, United Five Star Capital, and Wilson Creek) were patrolled on several occasions. Fencing, gates, and OHV barricades that were recently installed at the properties by the Unit were found in good condition. The access controls proved to be effective as signs of OHV within the properties had decreased substantially. However, some alternate OHV routes into the properties were located and scheduled for additional access control installation.

At the Agua Tibia property Ranger Fountain repaired a fence segment blocking the western access road and reinstalled RCA boundary signs. A check of the interior of the property did not reveal any new evidence of illicit marijuana grows.

Rangers Salazar and Fountain patrolled the interior of the Winchester 700 Anza property with a utility vehicle. Numerous OHV tracks were observed on the property emanating from a private property to the north. Small fence segments and signage were installed blocking the routes into the RCA property. Two small trash piles were also located in the interior of the property and at the property's southwest corner. The piles of refuse were cleaned up.

The interior of the Cordova property was patrolled by Ranger Fountain on e bike. Renewed interest in the property by OHVs was noted as several old trails had become active. Some old interior fencing on the property was repaired and plans to address access points were devised. Later in the quarter the property was checked following reports from a neighbor of a vehicle

gaining access by ramming open the property's gate on Carol Road. The gate was found damaged but still secure, however an adjacent fence was knocked down. Two interior gates and one of the property's buildings were also found forced open. No items were taken from inside the building. The compromised building, gates, and fence were re-secured.

At the Catlin property two real estate signs were removed from the property's edge and replaced with RCA boundary signs.

Additional properties patrolled in the Sage HMU with no issues to report included Bustos, Dinh, Eustacio, JPR, Karam, Leb (Liliedahl), Martin, Mulder, Oldar # 2, Redden Phase 1 and 2, SDI Communities, Solis, Stump, Tax Sale 2009 Detail 6, Tax Parcels 2013 Detail 10, and Tax Parcels 2016 Detail 4.

San Jacinto HMU

Due to the combined efforts of RSO, Perris Code Enforcement, Riv Co Parks Open Space Unit and the MSHCP Land Management Unit the general area of the KB Homes SJ River property witnessed a marked decrease in OHV activity in the fourth quarter. Still, the problem persisted. Fence cuts to the west of the property's western gate necessitated repairs by rangers on two occasions. Contact was made with eleven OHV riders and two vehicles trailering OHVs. All individuals were urged to leave or risk citation. On one occasion Ranger Chagolla worked with RSO to contact an OHV who escaped to a nearby house. The individual would not answer; however, the deputy provided the ranger with a contact number. Ranger Chagolla followed up with phone calls to the individual, who assured he would not return to the property. Two hot air balloons which had landed on the property were also contacted. Parcel boundary information was exchanged, and the pilots were asked to not land within the RCA property.

Regular patrols occurred in the EMWD San Jacinto River Conservation Easement area throughout the quarter. A small homeless camp in the western portion of the property was located and posted to vacate. Upon a return a week later, the individual was contacted at the camp. Resource information available for homeless individuals were given to the camp occupant and a notice to vacate was reissued. A return visit found the camp vacated. Four large trash bags of refuse were removed. Later in the quarter, following reports from the San Diego Zoo Wildlife Alliance (SD Zoo) of OHV tracks in the San Bernardino Kangaroo Rat (*Dipodomys merriami parvus*, SBKR) translocation site, a thorough search of the area was conducted to find their source. One neighboring private property gate into the conservation easement was observed with some OHV tracks going through it. The gate was blocked with T posts and RCA boundary and "No OHV" signage. Two fence cuts near Cedar Avenue and Ramona Expressway were also located and blocked.

A small homeless camp at the Soboba Donation property was posted to vacate. On a return visit the camp was found vacated and cleared of refuse.

At the Ida Lane property Ranger Fountain confirmed that a neighbor had perimeter dirt roads on their property that encroached onto the RCA property in several locations. Contact was made with the neighbor and property boundaries were discussed. Fencing and signage at the two properties' interface may be forthcoming.

The Higgins and Higgins Nuevo properties were patrolled on an approximately bi-weekly basis. Throughout the quarter three repairs were made to the property's fencing.

At the Pico Thompson property OHV cut fences necessitated repairs on two occasions.

RCTC McAlister and the Meadows at Lone Cone property were patrolled with no issues to report.

Santa Ana Mountains HMU

Staff checked on the clean up and fence repairs made earlier in the quarter at the Camino Gatillo cul-de-sac adjacent to the Frances property. While fence repairs and new signage was found in good condition, roadside litter had begun to accumulate again (see Maintenance/Fencing, Santa Ana Mountains HMU section below for more details).

San Timoteo HMU

The Oak Valley Partners property had a resurgence of vehicle trespass issues stemming from a neighboring marijuana grow site which had become active. The grow site was familiar to staff as the private parcel was landlocked, trespass issues had occurred from it in the past, and the property owner had attempted to gain legal access from the RCA in 2018 and 2019. Ranger Chagolla made contact with individuals at the grow site after discovering cut fencing at the two properties' interface and clear signs of tire tracts going through the RCA property to the private greenhouses. It was also learned from the Inland Empire Resource Conservation District that they were experiencing similar issues arising from the grow on their nearby Holmes property. Fence repairs were made at the time and the grow operation and trespass issues were reported to Riverside Sheriff Office. Following the reporting of the grow, the area was regularly monitored. A motion activated camera was placed on the RCA property in an attempt to capture the vehicle trespassing in the act, however the camera was stolen just prior to the next trespass event. Repairs were then made to the cut fences for a second time. An area of San Timoteo Creek was also searched for marijuana activity following reports from Santa Ana Watershed Association (SAWA) biologists of individuals caring grow supplies through it. Rangers determined that the supplies were being carried into the known grow area on the private property. The grow operation culminated in being broken up by RSO following an attempted murder of one of the growers by his colleagues.

Routine issues at the Oak Valley property were also addressed as needed. Ranger Chagolla made contact with a total of 15 vehicles transporting OHVs into the area and five vehicles of target shooters and persuaded them to leave. Three homeless individuals were also posted to vacate within days of set up at the property. The individuals left without incident.

Ranger Chagolla checked on a report of possible additional grading issues on the west boundary of the Pecuniary property. No additional damage was found. An adjacent property owner who was also grading was contacted. Ranger Chagolla met the landowners and walked the property line with them to discuss the grading issues. They were requested to knock down the vegetation piles pushed onto RCA property. Additional RCA boundary signage was installed at the property's boundaries.

Ranger Chagolla inspected the new Bush property on Redlands Blvd. The gate lock was cut open and evidence was discovered of someone there to establish a camp or possible marijuana grow site. With the help of NRS Sawyer and Koeslag two truckloads of miscellaneous building supplies were collected and removed from the site. The gate was re-secured with two locks on the system.

Ranger Chagolla checked the Palmyrita Donation property on several occasions. Contact was made with an archer target shooting on the property and was asked to cease his activity, for which he complied. A vehicle go-around was observed at one of the property's fences and plans were initiated to remove it.

Ranger Chagolla monitored SCE pole upgrades/replacements at the Henry property on Box Springs Mountain. The SCE subcontractors abided with limitations set forth by the Unit on their scope of work; namely that work vehicles were required to stay only on existing drivable dirt roads and rodent burrow avoidance measures were performed. The work was completed with the help of a helicopter to reach some of the poles.

Additional properties patrolled in the San Timoteo HMU with no issues to report included Chandlee, Cuccia/Vogel, GSKM, Kramer, Lin, RLC/EI Casco, and Spring Mountain Ranch PA1.

Maintenance/ Fencing

General

Work was completed in-house on the Unit's quads. A clutch, tires, oil and air filters were changed.

Cactus Valley HMU

Staff worked to replace an aging refrigerator and oven at the Goodhart residence. Some difficulty was encountered due to vendors not being willing to remove and reinstall the old built-in fridge. Ultimately PMW staff completed the work.

Gavilan HMU

PMW staff worked to block vehicular access to the Toscana Phase 3 Donation. A gate fabricated from salvaged corral fencing from the Anheuser Busch property, as well as 122 feet of fencing were installed along the property's northern boundary.

At the North Peak 1 property PMW staff used a tractor to re-block an access road with boulders that were removed by SCE.

An interior gate for the Reynolds property was fabricated.

At the Chun property an old mine shaft was filled in with soil by PMW Salazar and PMW Jeff Burke. The shaft was discovered on the property shortly after its acquisition and contained the skeletons of several dead rabbits at its bottom.

Meniffee HMU

Ranger Fountain discovered several dumped trash piles along Borel Road at the Fleming French Valley Phase 1 property. The piles were cleaned up and included four large trash bags of refuse, a mini fridge, and 5 quarts of oil.

Sage HMU

At RCA properties in the Glen Oaks area of Temecula (Bell, Selders, and Weigle) work was completed modifying two of the properties' single step horse stepovers to a three-step setup. Staff was highly cautious with fire prevention measures to accommodate welding in the field. Vegetation clearance was completed around the work site and low wind/high humidity days were chosen for the work.

Signage was installed at the new Eustachio property.

San Jacinto HMU

At the Soboba Donation Phase 2 property, 45 dumped fluorescent lights were discovered during patrol and were removed by Ranger Fountain.

Staff coordinated contractor installation of a chain-link gate at the Wilhelm Ranch property. The gate was needed to complete the wildlife fencing installed along State Route 74 by Caltrans in previous quarters.

San Timoteo HMU

PMW Salazar and Burke graded over one mile of access road within the Palmyrita and Open Space properties to improve firefighting access.

Santa Ana Mountains HMU

A large crew off Land Management Unit staff participated in the cleanup of the Francis property at the Camino Gatillo cul-de-sac. Approximately 0.55 tons of litter, dumped trash, and car parts were removed from the very steep hillside on the property below the cul-de-sac. A 70-foot gap in the cul-de-sac chainlike fence was repaired with new fencing and the boundary was heavily signed. Steel cable was woven thru the chain-link to thwart future disassembly.

Most Unit staff participated in the closure of the "LTD" and spur mountain bike trails at the Francis and Kamyar properties of the Temecula escarpment. Fence segments, signage, natural debris, and a specific trail closure notice were utilized to complete the task. One crew fenced the southern terminus, one crew hiked the southern portion of the trail to remove infrastructure, and one crew biked in from the north to sign and fence central spur trails. The three plus mile trail had been illegally created through the Francis and Kamyar properties in 2020. Leading up to the closure communications were held with two prominent cyclists of the Temecula area. The cyclists notified the trail builders of the impending closure and urged them to remove their trail infrastructure. On the day of the closure, several bridges, signs, and miscellaneous trail markers (such as a giant stuffed panda) were found already removed from the trail by the mountain bike community. Only two small signs remained. The specific trail closure notice was posted on social media by the prominent cyclists and by RCTC/RCA. A check on the installed access controls was conducted two weeks later. While many bike trails were seen approaching the barriers, very little ventured beyond and all access controls and signs were found in good condition.

At the La Laguna property Ranger Chagolla repaired a gate which was discovered off its hinges by NRS Sawyer.

Weed Abatement

Maintenance staff completed tractor mowing weed abatement at roadside and/or structure interfaces of the Bautista, Carlsbad, Cuccia/Vogel, Hernandez, KB Home Coastal Donation, KB SJ River Donation, Kramer, Lin, Richmond American, RLC/El Casco, Stumps, Winchester Road, and Wolfskill/Driscoll properties.

String trimmer weed abatement at roadside and/or structure interfaces were completed predominantly by Temporary Assistance Program (TAP) PMW Francisco Guzman. Time was also spent by the TAP worker removing roadside litter from some of the same properties prior to treatment. Properties treated included Bautista, Calmat, Casa Modelo (ten bags of refuse removed), Goodhart Ranch, Meadows at Lone Cone, RCTC McAllister (five bags of refuse removed), Richmond American, Shiang (six bags of refuse removed), Sheer, and Soboba Donation Phase 1 and 2.

Contractor roadside and structure mowing was completed at the McElhinney/Srimmel property.

Herbicide weed abatement was completed by PMW Miller at the RLC/El Casco and Sheer properties.

*Note properties listed more than once above either needed a combination of different treatments or multiple treatments.

Habitat/Species Management

Badlands HMU

The Wolfskill/Driscoll and Reynolds property wildlife water guzzlers were cleaned and filled.

Photo point monitoring stations were completed at the Calmat property.

Cactus Valley HMU

NRS Koeslag and Sawyer looked for evidence of Goldspotted Oak Borer (*Agrilus auroguttatus*, GSOB) on dying Coast Live Oaks (*Quercus agrifolia*) at the Goodhart Ranch property near the old cabin site. Exit holes in the trees appeared to be from secondary borers which were likely working in conjunction with drought stress to weaken and kill some of the property's oaks. Nearby oaks were healthier but cracks in the bark were also observed indicating drought stress.

Gavilan HMU

Following a water release by Metropolitan Water District (MWD) at Lake Mathews the Bolton property ponds filled with water. The former Southwestern Pond Turtle occupied ponds were checked on a weekly basis for signs of turtles. No turtles were observed, and it appeared even more likely that the pond's numerous turtles were extirpated during the prolonged drought between 2010 and 2016.

Menifee HMU

Staff continued work on the El Sol translocated Burrowing Owls, which were translocated to the site as part of the Menifee Pacific Mayfield project in the previous quarter. In order to decrease the risk of the owl enclosures being compromised by the property's resident cattle, PMW Salazar installed hot wire setups around each of the four enclosures. Fishing line was installed above the hot wires to prevent them from being used as perch sites for Common Ravens and raptors. Subsequently, the enclosures were removed by staff and project biologists once it was confirmed that all four pairs of owls had laid eggs in their respective burrows. Three of the pairs continued to care for their eggs, however the fourth pair quickly abandoned their nest and relocated to another artificial burrow nearby. At the first sign of emergence of nestling owls above ground, a rigorous predator harassment regime was initiated to protect the chicks. The two-week period post-chick emergence is the most vulnerable life stage for Burrowing Owls. Two American Crow (*Corvus brachyrhynchos*) effigies that were acquired from CDFW were placed near the translocated owls to help dissuade Common Ravens from the area. In conjunction with the effigies, staff was on site most mornings and evenings with laser pointers to haze Common Ravens out of the area for a two-week period. The efforts proved effective as the numbers of Common Ravens utilizing the entire property rapidly dropped from about 40 to less than 10 Ravens observed per visit and no owlets were lost during that time. Mountain Lion (*Puma concolor*) urine was also placed around the translocated owl's artificial burrows (as well as three artificial burrows occupied by wild Burrowing Owl pairs) to dissuade mammalian predators. As the chicks neared fledging, staff joined project biologists (from Kidd Biological Inc.) and banded all chicks. Late in the quarter, chicks from three of the four translocated pairs had fledged.

Unit staff also monitored and managed the El Sol property's three wild pairs of Burrowing owls. All of the property's artificial burrows were scoped early in the quarter as part of the tri-annual checks and motion activated cameras were used to document reproduction status of the wild birds. One of the wild pairs of birds successfully fledged five offspring. Two other pairs of owls persisted throughout the quarter but never reproduced.

Management and monitoring of Burrowing Owls also commenced at the McElhinney-Stimmel property. All of the property's artificial burrows were scoped early in the quarter as part of tri-annual checks and motion activated cameras were used to document reproduction status of the wild birds. All burrows were string trimmed of annual vegetation and active burrows were later mowed by the Unit's contracted mower. Early in the quarter the property contained four wild pairs of Burrowing Owls with eggs. Once chicks began to emerge from the property's artificial burrows, efforts were made by Unit staff to band them. Unfortunately, it was discovered that two of the nests had failed; one due to a predation event of one of the adults and the other for unknown reasons. One chick was successfully captured and banded from the third pair but was found to have a bad infestation of stick tight flees (*Echidnophaga gallinacea*). Time was then spent researching treatments for the pest. A San Diego Zoo protocol was adopted for the treatments and resulted in all of the property's artificial burrows being treated with diatomaceous earth at tunnel entrances and Delta Dust® within each nest chamber. The one successful pair of owls fledged two young late in the quarter.

NRS Sawyer, Koeslag, and PMW Miller backpack sprayed approximately 1.75 acres of non-native weeds amongst annual vegetation at the Spencer's Crossing property's former restoration site.

NRS Sawyer and Koeslag met with Riverside Department of Transportation crew at the Clinton Keith wildlife fencing to show the crew issues that were identified with the fencing in the previous

quarter. New issues were also mapped, and vegetation was cleared away from the fence's one-way wildlife doors. A separate day was spent weeding the wildlife overcrossing of non-native weeds. One large trash bag of seeding Stinknet (*Oncosiphon piluliferum*) was removed from the overcrossing.

To facilitate the San Diego Zoo in the planning of their Burrowing Owl habitat rapid assessment survey throughout Western Riverside County, NRM Reinig escorted the crew to the El Sol, McElhinney-Stimmel, and Anheuser Busch properties.

The Shiang property's improved ephemeral pool was checked. Although dry, two desiccated Western Spadefoot (*Spea hammondi*) metamorphs were found in the pool bottom under rocks. Although dead, the two metamorphs confirmed that the pool was once again suitable for a complete spadefoot reproduction cycle.

The Benton 36 property's improved ephemeral pool was checked. The pool was dry and likely did not hold water long enough for the resident Spadefoots to complete a reproduction cycle.

River HMU

Three days were spent by large crews of MSHCP Land Management Unit staff weeding the upper dunes at the Delhi Sands Flower-loving Fly (*Rhaphiomidas terminatus abdominalis*) occupied Teledyne property. Although some patches existed of high densities of non-native vegetation, the site was in general covered by far fewer non-natives than in past years. As in previous years, Sahara Mustard (*Brassica tournefortii*), Shortpod Mustard (*Hirschfeldia incana*) and Golden Crownbeard (*Verbesina encelioides*) were the most dominant and targeted non-native weed. Unlike in previous years, young native California Buckwheat (*Eriogonum fasciculatum*) were also targeted. The seedling and sapling Buckwheat were removed to prevent the site from being choked out by them in the future as has happened in the northern section of the upper dunes. The property's open paths were treated with the quad/harrow setup for a third and final time of the season.

NRS Sawyer and Koeslag peeper scoped Burrowing Owl artificial burrows at Hidden Valley Wildlife Area. No burrowing owls were observed.

Sage HMU:

NRS Sawyer and Koeslag string-trimmed Shortpod Mustard in portions of the Quino Checkerspot Butterfly occupied meadow at Winchester 700 Anza.

In order to become more familiar with the Quino Checkerspot Butterfly and its habitat NRS Koeslag accompanied MSHCP Biological Monitoring Program (Biological Monitoring) biologists during their protocol surveys of the species on a weekly basis.

The wildlife water guzzler at the Cordova property was cleaned and filled.

San Jacinto HMU:

NRS Sawyer conducted a small experiment to test the efficacy of an aster specific herbicide on San Jacinto Valley Crownscale (*Atriplex coronata* var. *notiator*) occupied habitat in the Hemet playa area that was infested with non-native Stinknet. Transline® herbicide was applied on two

small test plots (20 inches x 20 inches) at Kaelin #2 property. The herbicide was extremely effective at killing the target Stinknet, which is an aster. However, some nonlethal effects were also seemingly apparent on the crownscale. Other native plants were not affected by the herbicide. Plans to expand the experiment in 2022 were developed and will include a more rigorous approach to assess the efficacy of various timings and dilutions of the application.

NRS' Sawyer and Koeslag conducted a thorough search of the RCTC Dilworth #2 property to look for and remove Stinknet. Fortunately, the property only had occasional occurrences of the weed.

NRS's Sawyer and Koeslag met with United States Fish and Wildlife Service (USFWS) staff and Biological Monitoring botanists at various San Jacinto Valley Crownscale occupied RCA properties (Carlsbad, Kaelin# 2, RCTC Dilworth Donation #2, and Wilhelm Ranch). USFWS was conducting a five-year review of San Jacinto Valley Crownscale in compliance with its status as an endangered species. The group discussed the threats, history, current population trends, and proposed management for San Jacinto Valley Crownscale in our area.

Management continued on the Burrowing Owl artificial burrow complex at the Nuevo Donation. Early in the quarter the north quadrant of the field, which contained the burrow complex, was tractor mowed and string trimmed by staff. Unsuccessful attempts were made to trap Striped Skunks (*Mephitis mephitis*) from the property after several were observed in various artificial burrows of the property by MSHCP Biological Monitoring staff. All burrows were checked with a peeper scope as part of their tri-annual checks. A wild pair of birds with an active nest and lone owl occupied the site throughout the quarter and were monitored by the Biological Monitoring crew.

A fire was reported in the San Jacinto River wash near EMWD SJ River Conservation Easement. MSHCP Ranger Fountain contacted Incident Command on the fire and stayed apprised of its status. Once the fire was contained Ranger Fountain mapped its perimeter. The entire burn scar was 7.5 acres, with a 5-acre portion of that on the EMWD Easement.

Photo point monitoring stations were visited at the Carlsbad, RCTC Dilworth #2, EMWD SJ River Conservation Easement, Kaelin #2, KB Coastal Home Donation, Warren Road Partners, and Wilhelm Ranch properties.

Santa Ana Mountains HMU:

NRS Sawyer and Koeslag hand-pulled and string trimmed invasive Shortpod Mustard and Tocalote (*Centaurea melitensis*) at the Trivalley property's San Diego Ambrosia (*Ambrosia pumila*) site prior to the weeds setting seed. A 10-foot buffer was also string trimmed around the Ambrosia population to help limit future invasions.

NRS Koeslag hand-pulled weeds at Saddleback Munz's Onion Salvage site. The target species were Tocalote, Shortpod Mustard, and Prickly Lettuce (*Lactuca serriola*).

NRS Koeslag escorted Biological Monitoring crew to the Trivalley property to surveys for several covered plant species that had historical records at this location.

Photo point monitoring stations were visited at the Bishop, La Laguna, Saddleback, and Trivalley properties.

San Timoteo HMU:

NRS Koeslag inspected stressed and dead Coast Live Oaks at the Oak Valley Partners property for Goldspotted Oak Borer. No exit holes of the tree pest were conclusively found. The trees appear to be declining due to multi-year droughts, periodic fire stressors, and possible lowered ground water levels.

Acquisitions

Initial Site Inspections:

The following properties were inspected and/or re-inspected by NRS staff prior to acquisition. All covered species were reported to the MSHCP Biological Monitoring Program and all outstanding issues were mapped and submitted to the RCTC/RCA Acquisition Team so that they could be addressed during the acquisition phase.

Cordaro - The property consists of Engelmann Oak (*Quercus engelmannii*) woodland, chaparral, and coastal sage scrub. A large portion of the property also contained active avocado groves. A large gazebo and black irrigation tubing throughout the avocado groves were documented. All witness markers were present.

EIP Glen Avon - The encroachment issues identified at the property during the initial pre-acquisition review were checked on two occasions. Eventually all outstanding issues were resolved in the encroachment area and a cleanup cost estimate was provided for the Unit to clean up remaining litter.

Hwang - The property mostly comprised of coastal sage scrub with some north-facing slopes becoming more densely vegetated (approaching chaparral). Within the interstitial spaces were a mix of native wildflowers, non-native grasses, and non-native mustards. Sparse riparian vegetation was also noted in the property's canyon bottom. The site was free of trash but some OHV trails on the north end of the property were noted. Several witness markers were missing.

Konno- The property was re-inspected for trash removal. All trash had been removed and the property's witness markers had been installed.

Leinen – The property was dominated by non-native grasses along its valley bottom and slopes with some native shrubs and herbs persisting throughout the site. The soil appeared to have some clay content and could potentially support several of the MSHCP Covered plant species during a good rain year. Along the hillside adjacent to the Waste Management road to the west, was miscellaneous trash. Some pieces of larger metal debris were also discovered. All witness markers were missing.

Munyon - The property is flat and supports non-native grassland with a wash and a coastal sage scrub and chaparral dominated hillside. Some small trash items, an old water tank, and couch were present.

Mustang Lane - The property was re-inspected for trash and encroachment issues. All witness markers had been installed. The installed witness markers revealed some additional areas of encroachment that needed to be removed. Items include part of a shed, water tanks, chain link fencing, and a doghouse/chicken coop. New dumping near the encroaching properties was also

documented. Granite Spiny Lizard (*Sceloporus orcutti*), and a Cactus Wren (*Campylorhynchus brunneicapillus*) nest were observed. NRS Sawyer continued working with EDA to address the encroachments.

RH Acquisition Company - The property was re-inspected. Witness markers were found installed and adjusted to omit adjacent landscaped areas and fencing along the eastern boundary. Trash was found adequately removed from the site.

Stoddard - On the north facing slope of the property several intermixed habitats were identified including Engelmann oak woodland, rocky volcanic native grassland, cactus patches, and coastal sage scrub. The south facing slope was comprised of coastal sage scrub and chaparral. Rufous-crowned Sparrow (*Aimophila ruficeps canescens*) and Coyote were observed. One witness marker was missing but no other outstanding issues were found.

Rodrigows - The property was re-inspected for trash removal. All trash had been removed and witness markers were installed.

Schreiber - The property is comprised of small hills and open flat areas and was dominated by non-native grassland. North facing slopes contained some remnant coastal sage scrub and chaparral habitats. Several dirt roads ran throughout property which were used by vehicles and horseback riders. Approximately 3.3 acres of the property were actively being used as a vineyard. Some miscellaneous trash and a dumped jacuzzi were also discovered and reported. Four of the property's witness markers were missing.

Small - The property consists of hills of open chaparral habitat. Many dirt roads were observed throughout the property. Five cement pipes were located, and two missing witness markers were documented.

TNC KC California - The property consists of a steep hillside of dense chaparral with volcanic rocky soil and an oak woodland at its base, Engelmann Oak was observed onsite. No trash issues were observed but a horse trail cutting through the oak woodland of the property was noted

TNC LaFleur - The property consists of mostly chaparral, with Coast Live Oak woodland along its drainages. Covered species observed include Cooper's Hawk (*Accipiter cooperii*) and Coyote scat. Two suspected Humboldt Lilies (*Lilium humboldtii*) were observed along the southeasterly dry creek of the property. A horse trail ran through the property. One witness marker in the northeast corner was missing.

TNC Schumacher - the property consists of steep hills of dense chaparral with large boulder outcrops. Engelmann Oak was observed at the base of the property's hills. No trash issues were observed.

AGENDA ITEM 8

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

DATE:	September 13, 2021
TO:	Board of Directors
FROM:	Jennifer Fuller, Financial Administration Manager Matthew Wallace, Deputy Director of Financial Administration Aaron Hake, Interim Regional Conservation Deputy Executive Director
THROUGH:	Anne Mayer, Executive Director
SUBJECT:	Fee Reduction for Home Additions

STAFF RECOMMENDATION:

This item is for the Board of Directors to:

- 1) Approve the update to the MSHCP Mitigation Fee Implementation Manual providing reduced fees for home renovations that add square footage; and
- 2) Approve the retroactive implementation to July 1, 2021.

BACKGROUND INFORMATION:

Board approved policies

On December 7, 2020, the RCA Board of Directors approved the 2020 Nexus Study, revised sample Local Development Mitigation Fee (LDMF) Ordinance, Resolution, and the MSHCP Mitigation Fee Implementation Manual (Manual). Subsequently, all Member Agencies adopted an updated Ordinance and Resolution.

Member agencies voice concerns to RCA

The city of Norco communicated concern to the RCA that the new fee Ordinance and Manual requires home renovations that add square footage be subject to the same fee amount as if the homeowner was building an entire new house. Soon after the city of Norco raised this concern, staff at the cities of Corona and Menifee expressed similar concerns regarding this inequity in the new RCA-adopted policies.

Brief history of exemptions for home additions

The previous sample Ordinance adopted by the RCA Board in 2004 (Implementing Agreement Exhibit G) exempted rehabilitation, remodeling, or minor additions to an existing Development Project. The initial intent of this exemption was to exempt only the most minor of additions to single family homes. However, as it evolved, Member Agencies used the exemption to exempt all additions of any kind.

The premise and legal requirement of mitigation fees such as the LDMF is that there is a nexus between fees and impacts. The 2020 Nexus Study thoroughly documented the nexus between all types of development and regional impacts on species covered under the MSHCP. Therefore, exemptions offered in the new Ordinance and Manual connected to the 2020 Nexus Study are limited. The 2004 exemption for minor additions to existing projects was removed.

Here is an illustration of the impact of the 2020 Ordinance and Manual on a hypothetical homeowner of a 2,000 sq. ft. home in a low density (<8 dwelling units/acre) development, for either a 200 sq. ft. addition or a 1,000 sq. ft. home addition. In both examples, we assume that the home was built prior to the inception of the MSHCP, which came into effect in 2004, and therefore the MSHCP fee was not previously assessed on the property.

Figure 1. Illustration of impact of 2004 policy vs. 2020 approved policy on a 2,000 sq. ft. home in a low-density neighborhood

Size of Addition to Home	Fee according to 2004 policy	Fee according to 2020 policy
200 sq. ft.	\$0	\$2,935
1,000 sq. ft.	\$0	\$2,935

The change in policy in 2020 led to the inequity raised by Member Agencies on behalf of those homeowners who are constructing smaller additions to their homes and are now subject to the entire per-unit fee. After thorough consultation with the cities who raised the concern and legal counsel, RCA staff presented the following recommendation to the Executive Committee, which voted unanimously to forward it to the full Board for discussion and action.

Proposed Manual Update

Staff proposes an immediate amendment to the Manual. In short, the proposed amendment protects homeowners from paying a full per-unit fee when they are only adding a small amount of square footage to their home. Instead, the homeowner will be subject to a fee that is proportional to the amount of square footage being added to their home, with the first 749 square feet being exempted from the fee altogether. If the home was previously charged the LDMF, no additional fee would be due, regardless of the size of the additional square footage.

Why this approach?

Staff recommends the proposed approach for its simplicity of implementation and consistency with how fees are assessed on Accessory Dwelling Units (ADUs) per state codes. Recent state law governs how fees can be assessed on ADUs. Staff believes it makes sense for RCA policy to treat additions to homes similar to ADUs. Conversely, staff believes it would not make sense for an addition to an existing home to be charged a higher fee than an ADU, which is the case under current policy. Staff also believes the formula in state law for fees on ADUs, which exempts the first 749 sq. ft. and charges a proportional fee for ADUs of 750 sq. ft. or more, is equitable. Note that even though the proposed amendment to RCA’s Manual uses ADU fee calculations as a benchmark, the proposal does not amend any element of how ADUs are treated under RCA policy or state law.

Not a fee increase

This proposed amendment does not increase fees on any homeowner compared to current RCA Board-approved policy. Instead, this proposed amendment will *reduce* fees to many homeowners compared to current policy.

Illustrative example

To illustrate the impact to a homeowner of both the current policy and the proposed amendment, here is a chart with the same hypothetical homeowner as in *Figure 1* who owns a 2,000 square foot home that is in a low density (<8 dwelling units/acre) development. In one example the homeowner is adding 200 sq. ft. to his/her home. In the other example the homeowner is adding 1,000 sq. ft. to his/her home. In both examples, we assume that the home was built prior to the inception of the MSHCP, which came into effect in 2004, and therefore the MSHCP fee was not previously assessed on the property.

Figure 2. Illustration of impact of current policy vs. proposed amendment

Size of Addition to Home	Fee Under Current RCA-approved Manual	Fee if proposed Manual amendment is adopted	Notes
200 sq. ft.	\$2,935	\$0	Additional square footage is exempt from fee because it is less than 750 sq. ft.
1,000 sq. ft.	\$2,935	\$1,467.50	Additional square footage is above 750 sq. ft. and therefore subject to a proportional fee. The new square footage is 50% of the square footage of the existing home; therefore, 50% of the fee is charged.

Retroactivity for homeowners who paid between July 1, 2021 and today

Finally, staff proposes that the RCA Board make the new policy retroactive to July 1, 2021, allowing homeowners to be eligible for a full or partial refund if they paid the full per-unit fee for a square footage addition to their home under the new Ordinance.

Member Agency input on proposed amendment

Staff and legal counsel discussed the proposed Manual change and sought input from some Member Agencies. The changes recommended are the results of these discussions. The proposal is designed to strike an equitable balance for homeowners and the regional impacts of development, while providing Member Agencies with a user-friendly way to calculate fees at the counter.

Redline and clean versions of the proposed updated Manual are included as attachments to this staff report. The proposed revisions are found on pages 17, 18, and 20 of the Manual.

Future Manual updates are in the works

Staff will work with Member Agencies over the next several months to draft a comprehensive update to the Manual to present to the RCA Board early in calendar year 2022. The 2022 comprehensive update will address other recommendations from the professionals at cities and the County who implement the fee daily.

FISCAL IMPACT:

Future LDMF payments will be lower than if the full LDMF fee was charged on all renovations or additions where the LDMF was not previously paid. As LDMF payments on additions or renovations were not collected prior to this Ordinance update, the difference is difficult to quantify.

Attachments:

- 1) MSHCP Mitigation Fee Implementation Manual Version 1 - Redline
- 2) MSHCP Mitigation Fee Implementation Manual Version 1 - Clean



MSHCP Mitigation Fee Implementation Manual

September 2021 (Retroactive to July 2021)



RCA's MSHCP MITIGATION FEE IMPLEMENTATION MANUAL

The Western Riverside County Regional Conservation Authority ("RCA") was formed in 2004 to achieve one of America's most ambitious environmental efforts, the Western Riverside County Multiple Species Habitat Conservation Plan ("MSHCP" or the "Plan"). As the nation's largest habitat conservation plan of its kind, the MSHCP strengthens the sustainability and quality of life in western Riverside County by nurturing economic development opportunities, alleviating traffic congestion, protecting natural resources, and improving air quality.

This MSHCP Mitigation Fee Implementation Manual ("Manual") provides direction to Local Jurisdictions under the MSHCP concerning their obligations under the MSHCP and Permits regarding the imposition, collection, accounting, remittance and calculation of the Local Development Mitigation Fee. The Local Development Mitigation Fee Program is administered by the RCA. The instructions in this Manual are intended to be consistent with and based on the MSHCP, the Implementing Agreement (IA), and the 2020 Nexus Study. The Manual is also intended to provide direction to Member Agencies concerning their Fee Ordinances and any related Resolutions. For questions and clarifications, please contact the RCA.

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I. Introduction



CHAPTER I. INTRODUCTION

A. Background on MSHCP and Implementation Agreements

The MSHCP, originally adopted in 2004, is a comprehensive, multi-jurisdictional Habitat Conservation Plan 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 while addressing the requirements of the State and federal Endangered Species Acts. 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 under the NCCP Act of 2001. The MSHCP streamlines these environmental permitting processes by allowing the participating jurisdictions to authorize “take” of plant and wildlife species identified within the Plan Area and has saved taxpayers more than \$500 million by expediting the construction of more than 30 major freeway and road improvements in Riverside County valued at more than \$5 billion. At the same time, Plan implementation provides a coordinated MSHCP Conservation Area and implementation program to preserve biological diversity and maintain the region’s quality of life.

The MSHCP and the associated Implementing Agreement (“IA”) and Incidental Take Permit collectively determine a set of conservation actions that must be taken to meet the terms of the Incidental Take Permit and benefit from the regulatory streamlining and other benefits of the MSHCP. This includes the identification of the responsible parties, including the responsibilities of the Local Permittees.¹ One of the key requirements of the MSHCP, IA , and Incidental Take Permit (consistent with the requirements of the federal Endangered Species Act) is the provision of adequate funding by Local Permittees to the Implementing Entity (the Western Riverside County Regional Conservation Authority²) (“RCA”) to conduct their portion of the conservation actions identified in the MSHCP.

B. Purpose of MSHCP and Local Development Mitigation Fee

The purpose of the Local Development Mitigation Fee (“LDMF”) is to contribute to the funding required to implement the MSHCP and, as a result, help maintain the Incidental Take Permit for new private and public development in western Riverside County under the federal and State Endangered Species Acts. Maintaining the Incidental Take Permit is necessary to allow for future development, and without the development community paying for the cost of the MSHCP, individual applicants would need to apply

¹Local Permittees include the western Riverside Cities, the County of Riverside, County Flood Control and Water Conservation District, County Regional Park and Open-Space District, County Department of Waste Resources, and Riverside County Transportation Commission.

²The Western Riverside County Regional Conservation Authority is a joint powers authority established in 2004 to implement the MSHCP.

independently for development approval under federal and State law if the project impacts a threatened or endangered species. The Federal Endangered Species Act specifically requires that the applicant for Incidental Take Permit “ensure that adequate funding for the [MSHCP] will be provided.”³ In addition, the LDMF helps provide the regional benefit of streamlined economic development in western Riverside County as well as the provision of contiguous open spaces that will serve as a community amenity to residents, workers, and visitors.

New development in the MSHCP Area will directly, indirectly, or cumulatively affect species and habitat in western Riverside County. Because of this, the County of Riverside along with several other agencies prepared and adopted the MSHCP to provide a regional, streamlined approach to benefit future development of all types in western Riverside County, including the development and improvements envisioned under the numerous General Plans and the Regional Transportation Improvement Program. The requirements of the MSHCP (habitat acquisition, management and monitoring, and program administration) are a direct result of the regional approach to mitigation that is engendered by all new development in the Plan Area under the pertinent environmental regulations. Consequently, the LDMF applies to all new development in western Riverside County whether or not the development is within a Criteria Cell.

The overall permit period was set at 75 years, ending in 2079. To cover ongoing management and monitoring costs beyond the duration when mitigation fees will be collected, the establishment of a non-depleting endowment is required. In other words, the endowment must be sufficient such that expected average interest revenues (after inflation and transaction costs) can cover the ongoing costs associated with management and monitoring in perpetuity. The endowment must be fully established by the end of the land acquisition period as it is assumed that no more mitigation fees will be collected after that time.

Finally, the LDMF is required by the MSHCP and the IA (IA §13.2(A); MSHCP § 8.5.1).

C. Public Projects

A number of Public Projects also pay fees related to the MSHCP in order to mitigate the impact of public projects in accordance with the terms of the IA. These different types of Public Projects and the fees related to them are discussed more in the later chapters of this Manual.

D. RCA Administration of Fee Program

Section 2 of the Member Agencies’ Fee Ordinance provides that the RCA is appointed as the Administrator of the Fee Ordinance. The RCA is authorized to receive all fees generated from the LDMF within the Cities or County, and to invest, account for, and expend such fees in accordance with the provisions of the Plan, IA, and Fee Ordinances.

³See Section 1539(a)(2)(B)(iii) of the federal Endangered Species Act.

The RCA's Executive Director or his/her designee is authorized to act on behalf of the RCA as the Administrator of the LDMF Program. Furthermore, the RCA shall have the final determination regarding collection of the fee, the appropriate methodology to calculate the fee based on the information provided, and the interpretation of this Manual.

E. Purpose of Implementation Manual

The purpose of this Manual is to provide those jurisdictions and agencies that are participants in the MSHCP and IA with direction and policies for implementation of the LDMF Ordinance and Resolution adopted by each of the member jurisdictions. The Manual specifies implementation and responsibilities for the LDMF Ordinance and Resolution. The instructions in this Manual shall control the administration of the Local Development Mitigation Fee except where directly in conflict with the adopting Ordinance. Capitalized terms in this Manual shall have the same meaning as in the adopting Ordinance.

The RCA may, from time to time, amend this Manual as necessary to add additional direction, clarification, or guidance regarding implementation of the LDMF Ordinance.

II. Local Jurisdiction Instructions



CHAPTER II. LOCAL JURISDICTION INSTRUCTIONS

A. Legal Authority

Any capitalized terms used within this Manual which are not defined herein are the same as those defined in the LDMF Ordinances.

The MSHCP notes that “new development affects the environment directly through construction activity and cumulatively through population bases that result from Development.” As a result, the Member Agencies are required to implement a LDMF that was expected to represent one of the primary sources of funding for the implementation of the MSHCP. The LDMF has been developed in accordance with California Government Code Section 66000 et seq. (the “Mitigation Fee Act”) that “allows cities and counties to charge new development for the costs of mitigating the impacts of new development.” Fees charged to Public Projects have been imposed pursuant to the MSHCP IA.

B. Member Agency Obligations under MSHCP and Implementation Agreements.

As set forth in Section 11.1 of the MSHCP Implementing Agreement, the Member Agencies and the RCA have selected legal mechanisms to ensure implementation of the terms of the MSHCP and the IA.

- 1. **Enactment of Fee Ordinance and Resolution.** Pursuant to Sections 11.1.1 and 11.1.2 of the MSHCP IA, the Member Agencies shall adopt an Ordinance imposing the LDMF in substantially the form proposed by the RCA and the related Resolution within 90 days’ notice from the RCA. The Member Agencies shall also adopt any updated Fee Ordinance or Resolution within 90 days’ notice from the RCA.
- 2. **Imposition of Fee.**
 - a. The LDMF will be paid no later than at the issuance of a building permit. Notwithstanding any other provision of the Municipal or County Ordinance, as relevant, no building permit shall be issued for any Development Project unless the LDMF applicable to such Development Project has been paid. The amount of the Fee shall be calculated in accordance with this Manual.
 - b. In lieu of the payment of the LDMF as provided above, the Fee for a Development may be paid through a Community Facilities District, provided that such arrangement is approved by the RCA in writing.

3. **Remittance of Fees to the RCA**

- a. Timing. The Member Agencies shall remit all LDMFs which are collected or should have been collected for any Development, as defined in the MSHCP, and contributions for Public Projects to the RCA on a monthly basis to be expended to fulfill the terms of the MSHCP. Payment to the RCA shall be made no later than 90 days after the LDMFs were collected. Payment to the RCA shall be made no later than 90 days after the construction contract for the Public Project is approved by the Member Agency.
- b. Documentation and Records Requirements. The Member Agencies shall maintain complete and accurate records with respect to all LDMF revenues collected under their LDMF Ordinances and the calculation of contributions for all Public Projects. All such records shall be clearly identifiable.
- c. Annual audits. The Member Agencies shall allow a representative of the RCA during normal business hours to examine, audit, and make transcripts or copies of such records.

4. **Imposition of CPI increases and other Fee Adjustments**

- a. Automatic Annual Fee Adjustment. The RCA will provide the Member Agencies with an automatic annual fee adjustment for the fee established by Resolution based on the average percentage change over the previous calendar year set forth in the Consumer Price Index for the Riverside-San Bernardino-Ontario metropolitan area or a replacement CPI index issued by the federal government. The Member Agencies shall adopt a resolution implementing the fee adjustment no later than 60 days after receiving notice from the RCA.
- b. Periodic Fee Adjustment. The fee schedule may be periodically reviewed, and the amounts adjusted by the RCA Board of Directors. By amendment to the fee Resolution referenced in the Fee Ordinance, the fees may be increased or decreased to reflect the changes in actual and estimated costs of the MSHCP including, but not limited to, management and monitoring, endowment, and acquisition costs. The adjustment of the fees may also reflect changes in the facilities required to be acquired, in estimated revenues received pursuant to the Fee Ordinances, as well as the availability or lack thereof of other funds with which to

implement the MSHCP. The Member Agencies shall adopt a resolution implementing the fee adjustment no later than 60 days after receiving notice from the RCA.

C. Fee Credits and Fee Credit Agreements

1. Fee Credits

When a Member Agency determines that a request for a fee credit (“Fee Credit”) is appropriate for on-site conservation which meets the standards in Section II below, the Member Agency shall notify the RCA’s Executive Director (“Executive Director”) in writing as part of the Joint Project Review (“JPR”) Application. This notification shall include all relevant documentation related to the project, including project description, map, criteria cells, and designation of land proposed for conservation.

Fee Credits shall be applied only to the Project they are associated with in the JPR. Fee Credits shall only be provided to the underlying property owner or development company at the time the LDMF applies and are not transferrable to other entities, individuals, or development projects. Fee Credits shall not be applied retroactively. Fee Credits shall not be granted for on-site conservation that would not be considered developable land in the absence of the MSHCP. Some examples of such undevelopable land include that which could not be developed under the California Environmental Quality Act, land with topography consisting of 50% or greater slopes, land that is in a flood way, or land that could not be developed due to other local ordinance restrictions. In cases where both developable and undevelopable land are included in on-site conservation, only that land that is developable in the absence of the MSHCP shall be considered for Fee Credit.

2. STANDARDS. Fee credits shall meet the following standards:

- a. Proposed conservation land must be within Criteria Cells and contribute to Reserve Assembly;
- b. Conservation land must be of a size, configuration, and location such that it can be managed as part of the MSHCP Conservation Area;
- c. In addition to the exclusions identified in Section I above, fuel modification/hazardous vegetation areas, manufactured slopes, storm drain or detention basin outfalls, constructed slope protection, utility easement areas, and Best Management Practices such as bioswales, infiltration trenches, and basins will be excluded from Fee Credits and will not be accepted for management by the RCA.

3. APPRAISAL

- a. The RCA or Member Agency will obtain an appraisal for the property being offered in exchange for the Fee Credit. The cost of the appraisal will be borne by the entity that commissions the appraisal.
- b. The appraisal shall be prepared by a licensed appraiser and meet the standards in Section 6.1.1 of the MSHCP. The property owner may select the appraiser from an approved list of appraisers used by the RCA.

4. DECISION.

- a. Member Agency – Approval Authority up to \$200,000 A Member Agency may approve Fee Credits up to \$200,000. The RCA will assist Member Agency in making a determination on the Fee Credits if requested. Notwithstanding the above, the RCA is authorized to review and audit a Member Agency's approval of Fee Credits hereunder. In the event of a disagreement between RCA and a Member Agency regarding Fee Credits provided under this Section IV.A, the matter shall be referred to the RCA Board of Directors for consideration and further action.
- b. Board of Directors – Approval Authority Over \$200,000 All Fee Credits over \$200,000 require approval of the RCA Board of Directors. The Executive Director shall place the Fee Credit request on the agenda for the next regularly scheduled meeting of the RCA Board of Directors for which an agenda has not been posted.

5. REPORTING. The Member Agency will provide the RCA with a copy of all Fee Credit agreements within 30 days of execution. The Executive Director shall provide monthly reports to the RCA Board of Directors of all notifications concerning Fee Credits.

6. CONVEYANCE OF CONSERVATION LAND. Conservation land associated with approved Fee Credits shall be conveyed in fee title to the RCA or another entity or organization lawfully authorized to acquire and hold conservation easements pursuant to Civil Code Section 815.3. The conservation land shall be free of encumbrances that could adversely impact the ability to manage the conservation land in accordance with the MSHCP. Conveyance of the conserved land must occur prior to the point in time when MSHCP Fee payment is due for the Project, and the Member Agency shall not issue occupancy permits for the Project until such time as the conservation

land has been conveyed and any Fee balance has been paid to the RCA. If a non-member agency holds title to the land, the entity must enter into a Management MOU with the RCA agreeing to manage the land in accordance with the MSHCP prior to issuance of a grading permit for the Project.

D. Fee Exemptions.

The following types of construction shall be exempt from the provisions of this Ordinance:

1. Reconstruction or improvements that were damaged or destroyed by fire or other natural causes, provided that the reconstruction or improvements do not result in additional usable square footage.
2. Rehabilitation or remodeling to an existing Development Project, provided that the rehabilitation or remodeling does not result in additional usable square footage.
3. Accessory Dwelling Units, but only to the extent such fee is exempted under state law.
4. Junior Accessory Dwelling Units, but only to the extent such fee is exempted under state law.
5. Existing structures where the use is changed from an existing permitted use to a different permitted use, provided that no additional improvements are constructed and does not result in additional usable square footage.
6. Certain Agricultural Operations as allowed by the MSHCP, as amended.
7. Vesting Tentative Tract Maps entered into pursuant to Government Code section 66452 et seq. (also, Government Code section 66498.1 et seq.) and Development Projects which are the subject of a development agreement entered into pursuant to Government Code section 65864 et seq., prior to the effective date of a Member Agency's original LMDF Ordinance, wherein the imposition of new fees are expressly prohibited, provided that if the term of such a vesting map or development agreement is extended by amendment or by any other manner after the effective date of the Member Agency's original LDMF Ordinance, the Fee shall be imposed.

Except as exempted above, all projects are required to make a mitigation payment/contribution and where no mitigation payment process is specified, the project will pay the updated per acre mitigation fee.

E. Project Area.

As defined in the Fee Ordinance, the "Project Area" means the area, measured in acres, within the Development Project including, without limitation, any areas to be developed as a condition of the Development Project. The Project Area shall be calculated in accordance with the following guidelines:

1. The Project Area shall be determined by the Member Agency staff based on the subdivision map, plot plan, and other information submitted to or required by the Member Agency.
2. An applicant may elect, at his or her own expense, to have a Project Area dimensioned, calculated, and certified by a registered civil engineer or licensed land surveyor. The engineer or land surveyor shall prepare a wet-stamped letter of certification of the Project Area dimensions and a plot plan exhibit thereto that clearly delineates the Project Area. Upon receipt of the letter of certification and plot plan exhibit, the Member Agency shall calculate the LDMF required to be paid based on the certified Project Area.
3. Where construction or other improvements on Project Area are prohibited due to legal restrictions on the Project Area, such as Federal Emergency Management Agency designated floodways or areas legally required to remain in their natural state, that portion of the Project Area so restricted shall be excluded for the purpose of calculating the LDMF.

F. Developer Refunds and Appeals

Under certain circumstances, such as double payment, expiration of a building permit, or fee miscalculation due to clerical error, an applicant may be entitled to a refund. Refunds will be reimbursed by the end of the fiscal year on a first come, first served basis, depending upon the net revenue stream. Refunds will only be considered reimbursable if requested within three (3) years of the original LDMF payment. In all cases, the applicant must promptly submit a refund request with proof of LDMF payment to the RCA if the RCA collected the LDMF, or if collected by a local jurisdiction, the refund request shall be submitted to that local jurisdiction, which will subsequently forward the request to the RCA for verification, review, and possible action.

1. **Expiration of Building Permits** If a building permit should expire, be revoked, or is voluntarily surrendered and is, therefore voided and no construction or improvement of land has commenced, then the applicant may be entitled to a refund of the LDMF collected which was paid as a condition of approval, less administration costs. Any refund must be requested within three (3) years of the original payment. The applicant shall pay the current LDMF in effect at the time in full if s/he reapplies for the permit.

2. **Double Payments** On occasion due to a clerical error, a developer has paid all or a portion of the required LDMF for project twice. In such cases, a refund of the double payment may be required if the request is made within three (3) years of the original payment.
3. **Balance Due** When LDMF is incorrectly calculated due to a Member Agency's clerical error, it is the Member Agency's responsibility to remit the balance due to the RCA. The error must be discovered within three (3) years of the original payment for the Member Agency to be held accountable. The amount due can be remitted through alternate methods agreed to by the RCA Executive Committee. If first approved through RCA staff in writing, the calculation is not subject to additional review.

G. Options for Administrative Add-On Costs to Fees

In the Fee Resolution mentioned in the Fee Ordinance, the Member Agencies are permitted to add an additional cost to the LDMF schedule to cover the Member Agency's costs of imposing, administering, collecting, and remitting the fees.

H. Public Project Fees

1. **City/County Roadways** The Member Agencies shall contribute 5% of the facility construction costs for city/County roads for impacts related to City/County roadways to the RCA as set forth herein.
 - a. The 5% contribution shall apply to the construction of new roads, the widening of existing roads, or other improvements which increase roadway throughput.
 - b. Maintenance projects, as defined herein, are exempt from the 5% contribution.
 - c. The 5% does not apply to:
 - i. Projects, or portions thereof, paid for by the existing Measure A (contribution already paid directly by RCTC); and
 - ii. Projects, or portions thereof, paid for by TUMF (contribution already paid directly by WRCOG).
 - d. The Member Agency will include the payment of MSHCP fees within its grant applications to the Federal Highway Administration.
 - e. Only contributions for the Caltrans-funded portion of a Caltrans highway project shall be exempted from the Public

Project fee. Caltrans contributions are covered pursuant to MSHCP section 8.4.4 (pages 8-11 & 8-12).

2. **City/County Civic Projects** The Member Agency will contribute a per acre mitigation fee based upon the current commercial/industrial fee for these types of facilities.
3. **Riverside County Flood Control District Projects.** Riverside County Flood Control District will contribute mitigation through payment of 3% of total capital costs for a Covered Activity. Such payment may be offset through acquisition of replacement habitat or creation of new habitat for the benefit of Covered Species, as appropriate. Such mitigation shall be implemented prior to impacts to Covered Species and their habitats.

I. Monthly Payment.

Pursuant to Section 8.5 of the MSHCP, Sections 12.2.1 and 12.2.2 of the IA, and Sections 19.A and 19.B of the Joint Powers Agreement (JPA), the Member Agencies shall remit all LDMFs which are collected or should have been collected for any Development, as defined in the MSHCP, and contributions for Public Projects to the RCA on a monthly basis to be expended to fulfill the terms of the MSHCP.

1. Payment to the RCA shall be made no later than 90 days after the LDMFs were collected.
2. Payment to the RCA shall be made no later than 90 days after the construction contract for the Public Project is approved by the County or the City/County.

J. No Withholding.

The Member Agencies may not recover the costs of administering the provisions of their LDMF Ordinance using the LDMF revenues generated by them through said Ordinance.

K. Audit.

Pursuant to the JPA, the Member Agencies shall maintain complete and accurate records with respect to all LDMFs collected under their LDMF Ordinance and the calculation of contributions for all Public Projects. All such records shall be clearly identifiable. The Member Agencies shall allow a representative of the RCA during normal business hours to examine, audit, and make transcripts or copies of such records.

L. Late Payments.

Starting January 1, 2008, if a Member Agency fails to remit the monthly payment within 90 days as required in Section 2.0 above, any delinquent amounts will be assessed interest at the rate of the RCA's prevailing rate for invested funds. Notwithstanding the

prior sentence, no interest shall be assessed on delinquent fees remitted prior to January 1, 2008.

M. No Effect on Withdrawal.

The obligations imposed under this Article on the Member Agencies shall not affect any more strict obligation imposed on each of them under Section 22.1 of the I A pertaining to withdrawal from the MSHCP.

N. Periodic Fee Adjustment.

The fee schedule may be periodically reviewed, and the amounts adjusted by the RCA Board of Directors; the LDMF may be increased or decreased to reflect the changes in actual and estimated costs of the MSHCP including, but not limited to, debt service, lease payments, and acquisition costs. The adjustment of the fees may also reflect changes in the facilities required to be acquired, in estimated revenues received pursuant to this Ordinance, as well as the availability or lack thereof of other funds with which to implement the MSHCP.

O. Automatic Annual Fee Adjustment.

In addition to the Periodic Fee Adjustment mentioned above, the RCA will provide the Member Agencies with an automatic annual fee adjustment for the fee established by this Ordinance based on the average percentage change over the previous calendar year set forth in the Construction Price Index for the Riverside-San Bernardino-Ontario metropolitan area.

P. Authority.

The RCA shall have final determination regarding the appropriate methodology to calculate the fee based on the information provided.

III. Mitigation Payment Requirements



CHAPTER III. MITIGATION PAYMENT REQUIREMENTS

New private, public, and other development activity in western Riverside County must comply with the MSHCP, IA, Ordinances, and Resolutions to obtain permits and make the appropriate mitigation payment. This Chapter describes the mitigation payment mechanisms and formulae that apply to different types of projects. It first defines three broad project categories and then provides more detail on the different mitigation payment calculations that apply to different types of projects under these broad categories. The subsequent **Chapter IV** provides illustrative fee calculations for Private and Public Project examples to clarify the appropriate calculation of mitigation payments.⁴ RCA staff is available to answer questions if there are questions about mitigation payment requirements for a specific project.

A. General Project Categories

All projects fall into one of three (3) general categories as described below. Local Permittees should first determine which general category any project falls under.

1. Private Projects

Private Projects include projects where the primary project purpose is for use by households, businesses, or other private entities (i.e. not accessible to the public except where allowed by private owner/ renter). These projects include homes, apartments, offices, industrial buildings, and retail stores, among others. This category also includes Private Projects that receive public support (e.g., support through direct public investments in infrastructure, ground leases of publicly owned land, or direct investment of public dollars in projects such as affordable housing).

Private Projects often require the development of public infrastructure, improvements, and amenities (e.g., streets, parks, and community buildings) by the project developer. In these cases, the Private Project developer will be responsible for making payments for the private and public components of the project. As discussed in more detail in subsequent sections, the mitigation fee payment calculation for privately developed public infrastructure, improvements, and amenities depends on the type of project (residential versus non-residential) and the nature and role of the improvements (whether they solely serve project residents or serve a broader community).

2. Public Projects

Public Projects include projects whose primary goal is to provide publicly accessible/ useable infrastructure, improvements, or other amenities. Public Projects include a broad range of project types, including transportation, flood control, water, wastewater, stormwater, parks, community centers and other public buildings, among others.

⁴All projects are required to make mitigation payments, except where specifically exempted in the Fee Ordinance.

Some Public Projects will involve the private sector. Private sector involvement could be through design, construction, operation, and/or funding. For mitigation purposes, these projects are considered Public Projects and are treated the same from a mitigation perspective.⁵

3. Participating Special Entities (PSE) Projects

Some types of projects can obtain the MSHCP benefits of permit streamlining by participating as Participating Special Entities (“PSE’s”). This is a third category of project and its mitigation payment requirements are described separately, though in many ways PSE projects are treated similarly to Public Projects.

B. Private Projects

This section categorizes the different types of Private Projects and the associated mitigation payment requirements. Private project mitigation payments are determined by the MSHCP LDMF for the current fiscal year and project characteristics. Chapter IV provides illustrative examples of different types of Private Projects to further clarify and support the calculation of the appropriate mitigation payment.

1. Private Project Types

Private Projects are further distinguished into three (3) types (along with some sub-types). In all cases, mitigation occurs through mitigation fee payment, though as described further below the mitigation fee type and calculation varies for these different types.

a. Non-Residential

The non-residential category of Private Projects encompasses the full and broad range of Private Projects that do not incorporate residential development. Uses include all commercial, industrial, and any other private non-residential projects.

b. Residential

The residential category of Private Projects covers the full range of residential development projects, including, but not limited to, residential subdivisions, apartment complexes, infill residential projects, affordable housing projects, single homesite developments, ~~and~~ Accessory Dwelling Units (“ADUs”), and Additions and Renovations. Mixed-use Private Projects (projects that combine residential and commercial/ industrial uses) are addressed distinctly, as described below.

⁵As described above under Private Projects and explained in more detail below, when public infrastructure/ improvements/ amenities are part of a Private Project, the mitigation for the public part of the Private Project is incorporated into the Private Project mitigation requirement.

Because of the variation in the type and extent of public infrastructure, improvements, and amenities developed as part of private residential projects, distinctions between different types of residential projects are required. Distinctions are also required as State law limits and specifies the application of mitigation fees to ADUs.

- **Type I. Residential Development with Resident-Serving Public Improvements Only.** Residential projects whose public infrastructure, improvements, and amenities only serve project residents (e.g., in-tract roads, resident clubhouses, pocket parks, and parking for project resident/ guest use) and do not provide broader community access or benefits.
- **Type II. Residential Development with Community-Serving Public Improvements.** Residential projects that include the development of public infrastructure, improvements, and amenities that serve more than project residents alone; e.g., backbone infrastructure such as roads that serve beyond the project residents or parks and amenities that serve more than just the new residential units.
- **Type III. Accessory Dwelling Units.** State law restricts the imposition of mitigation fees on ADUs of less than 750 square feet and provides a formula for ADUs above this size. ADUs are considered a separate dwelling unit. At the time this manual was adopted, Government Code 65852.2(f)(3)(A) governed the fee for ADUs. Any amendments to this code shall therefore amend the methodology for calculating the LDMF on ADUs.
- **Type IV. Additions and Renovations.** The LDMF fee shall be paid for residential additions and renovations that add square footage beyond what currently exists on the property, if the LDMF was not previously paid on the property. The LDMF will be calculated by applying the same methodology used for Type III Accessory Dwelling Units. If the LDMF fee was previously paid on the residential property, no additional fees are required for additions or renovations to the main home even if additional square footage is added.

c. Mixed-Use Projects

The mixed-use category of Private Projects encompasses projects that include private residential and private non-residential uses. The mixed-use project category is divided into two types because of the two distinct mixed-use project forms – horizontally mixed-use and vertically mixed-use.

- **Type I. Horizontally Mixed-Use Projects.** Mixed-use projects where a distinct portion of the project land area is developed as residential and a distinct portion as non-residential. For example, a project that includes a residential subdivision and neighborhood shopping center.

- **Type II. Vertically Mixed-Use Projects.** Mixed-use projects where one or more land use is developed vertically above another. For example, a project where apartment units are developed above ground floor retail.

2. Private Project Mitigation Fee Schedule

The updated 2020 Nexus Study developed a consistent per gross acre mitigation fee. For residential projects, this per gross acre fee was then translated into per residential unit fees for three different residential development density categories (to allow for a continuation of the existing fee structure). The mitigation fee schedule is shown in Table 3-1 and includes the mitigation fees provided under the updated 2020 Nexus Study (actual fee levels will vary with fee phase-in and annual adjustments).

Table 3-1: Updated Fee Levels (effective January 1, 2022)

Development Type	Fee
Residential Development	
Low Density (fewer less than or equal to 8.0 units per Gross Residential Project Acre)	\$3,635 per Unit
Medium Density (between 8.0 and 14.0 units per Gross Residential Project Acre)	\$1,515 per Unit
High Density (more than 14.0 units per Gross Residential Project Acre)	\$670 per Unit
Non-Residential Development	
Commercial/ Industrial/ Non-Residential Mitigation Fee ¹	\$16,358 per Gross Project Acre

[1] The per gross acre also applies to the public components to private projects and to certain types of public and PSE Projects.

Private Project Mitigation Fee Calculations by Project Type

The table below shows the mitigation payment approach for residential projects.

Table 3-2: Mitigation Payment Approach for Residential Projects

PRIVATE PROJECT MITIGATION PAYMENT APPROACH - RESIDENTIAL

MITIGATION PAYMENT FORMULA FOR DIFFERENT TYPES OF RESIDENTIAL PROJECTS *

Residential Developments - Type I

Residential Development with Resident-Serving Public Improvements Only

Fee Calculation:

Fee Payment = Number of Residential Units x Per Unit Mitigation Fee for Appropriate Density Category

Notes:

1. Density Category = Total Number of Residential Units / Gross Residential Project Acres
2. Type I Residential Development cannot include any public improvements that serve beyond the project residents (i.e. only resident-serving public improvements; not "community-serving" public improvements)

Residential Developments - Type II

Residential Development with Community-Serving Public Improvements

Fee Calculation:

Fee Payment = Number of Residential Units x Per Unit Mitigation Fee for Appropriate Density Category
plus Gross Acres of community-serving Public Improvements x Per Gross Acre Fee

Notes:

1. Density Category = Total Number of Residential Units / Gross Residential Project Acres
2. Type II Residential Development includes "Community-serving" Public Improvements that serve beyond the project residents and are not covered by the per residential unit mitigation fee
3. Gross Project Acres = Gross Residential Project Acres + Gross Community-Serving Public Improvement Acres

Residential Developments - Type III & IV

Development of an Accessory Dwelling Unit (ADU) or Additions/Renovations

Fee Calculation:

Fee Payment for ADUs or Additions/Renovations of less than 750 square feet
= \$0

Fee Payment for ADUs or Additions/Renovations of 750 or more ~~than 750~~ square feet
= Per Unit Mitigation Fee for **Appropriate Low**-Density Category x (ADU or Addition/Renovation square feet / Primary **(Current)** Residence square feet)

Notes:

1. California Government Code 65852.2(f)(3)(A) (as of September 13, 2021) provides the basis for calculating fees on ADUs. Jurisdictions should monitor any amendments to this state code or other state laws that govern fees on ADUs.
2. The above code ~~State law~~ does not allow charging of mitigation fees to ADUs of less than 750 square feet
3. The above code ~~State law~~ provides the formula for calculating fee payments by larger ADUs
4. Density Category = Total Lot Square Footage/1 acre.
5. Fees Previously Paid - If the LDMF fee was previously paid on the residential property, no additional fees are required for additions or renovations to the main home even if additional square footage is added.
6. Fees Not Previously Paid - The LDMF shall be paid for residential additions or renovations if the LDMF was not previously paid on that property. The fee is calculated using the state code for ADUs.

* The term "Public Improvements" is used as a collective term for all Public Infrastructure, Improvement, and Amenities.

The table below shows the approach for non-residential projects and mixed-use projects.

Table 3-3: Mitigation Payment Approach for Non-Residential and Mixed-Use Projects

MITIGATION PAYMENT FORMULA FOR NON-RESIDENTIAL AND MIXED USE PROJECTS *

Non Residential Projects

All Non-Residential Projects

Fee Calculation:

Fee Payment = Gross Project Acres x Per Gross Acre Fee

Notes:

1. Gross Project Acres include all project acres including non-residential development areas and all associated project acreage (i.e. including all parking, landscaping, public improvements etc.)
-

Mixed-Use Project - Type I

Horizontally mixed-use project with residential and non-residential private development

Fee Calculation:

Fee Payment = Number of Residential Units x Per Unit Mitigation Fee for Appropriate Density Category
plus Gross Acres of Community-serving Public Improvements x Per Gross Acre Fee
plus Gross Acres of Non-Residential Development x Per Gross Acre Fee

Notes:

1. Density Category = Total Number of Residential Units / Gross Residential Project Acres
2. All gross project acres outside of the Gross Residential Project Acres contribute through the per gross acre fee

Mixed-Use Project - Type II

Vertically mixed-use project with residential and non-residential private development

Fee Payment is the higher of two (2) calculations:

Calculation 1: Fee Payment = Gross Project Acres x Per Gross Acre Fee

Calculation 2:

Fee Payment = Number of Residential Units x Per Unit Mitigation Fee for Appropriate Density Category
plus Gross Acres of Community-serving Public Improvements x Per Gross Acre Fee

Notes:

1. Density Category = Total Number of Residential Units / Gross Project Residential Acres
(Gross Residential Acres = Gross Project Acres minus Community-serving Public Improvements Acres)
-

* The term "Public Improvements" is used as a collective term for all Public Infrastructure, Improvement, and Amenities.

Key definitions associated with the above mitigation formula table include:

- **Gross Project Area/ Acres.** This is the total or gross areas of the project. This overall acreage can only be reduced under unique circumstances.⁶
- **Gross Residential Area/ Acres.** This is the total area of the project dedicated to residential land uses and includes residential buildings as well as “Project Resident-Serving” Infrastructure/ Improvements/ Amenities.
- **Project Resident-Serving Infrastructure/ Improvements/ Amenities.** Infrastructure/ improvements, and amenities that only serve project residents and include, but are not limited to, roads, parks, and non-residential buildings that only serve project residents.
- **Gross “Community-Serving” Area/ Acres.** This is the area of residential projects that provide infrastructure, improvements, and amenities that go beyond only serving project residents and hence are “community-serving”. This includes, but is not limited to, roads that serve multiple projects, parks that serve more than one residential project, parking that serves other uses/ developments etc. The acreage associated with these improvements/ amenities are part of the gross project acreage but distinct from project resident-serving improvements/ amenities and the gross residential area.

For further clarification, mitigation fee payment calculations for illustrative Private Projects are provided in **Chapter IV**.

C. Public Projects

This section categorizes the different types of Public Projects and the associated mitigation payment requirements. The MSHCP, Implementing Agreement, and other documents established the mitigation system for Public Projects that includes a mix of approaches typically tied to a percent of capital cost or the adopted per gross acre mitigation fee for non-residential uses. The mitigation payments for road projects are more complex as certain funding sources (Measure A and TUMF) provide direct mitigation payments for the portions of transportation projects they fund. **Chapter IV** provides illustrative examples of selected Public Projects to further clarify and support the calculation of the appropriate mitigation payment.

1. Public Project Types

Public Projects include the full range of projects that provide public infrastructure, improvements, or amenities. This includes, but is not limited to, public roads, parks, libraries, administrative facilities, jails, courts, and flood control projects among others. As

⁶Specifically, the MSHCP exempts flood control areas that cannot be developed from mitigation fee calculations.

described in the following section, certain public/ quasi-public improvements are covered as Participating Special Entity projects (the third major project category type). These include public (and private) utility districts/ companies, School Districts, Special Districts, and other quasi-public entities.

Per the MSHCP, Implementing Agreement, and other documents, the mitigation payment requirement/ obligation varies between the following Public Project types.

- **City/ County Road Projects.** Includes all City and County road projects.
- **City/County Civic Projects.** Includes all non-road City and County projects, including City/ County administrative facilities, jails, courts, juvenile facilities, parks, libraries, and all other facilities that serve the public.
- **Riverside County Flood Control District Projects.** Includes all Riverside County Flood Control District projects.

As noted in the MSHCP and the Implementing Agreement, mitigation contributions for Caltrans Projects are intended to be covered through a combination of Measure A funds, 3,000 acres of land dedication, and support for the endowment and ongoing positions. Mitigation for federal projects (e.g., development of a federal building) occurs through the Section 7 consultation process of the Federal Endangered Species Act; in some cases, these projects might be required to provide mitigation similar to those of other Public Projects under the MSHCP.

2. Mitigation Requirements and Transportation Funding Sources

For transportation projects, the mitigation payment calculations are more complicated due to the distinct mitigation payments/ contributions directly incorporated into certain types of transportation funding, as described below:

- **TUMF Funding.** The TUMF includes a small component tied to the mitigation of the portions of projects funded by TUMF revenues. This portion of the TUMF is passed directly from WRCOG to the RCA. As a result, the proportion of transportation projects that are funded by TUMF revenues are netted out from transportation project mitigation payments (described in more detail below).
- **Measure A Funding.** A portion of the Measure A sales tax revenues was collected and provided to the RCA to support MSHCP implementation. This contribution represented the mitigation payment for the portions of projects funded with Measure A dollars. As a result, the proportion of transportation projects that are funded by Measure A funds are netted out from transportation project mitigation payments (described in more detail below).
- **Federal Funding.** Unlike TUMF and Measure A funding, direct mitigation funding has not been provided for the portions of transportation projects that are federally funded. As a result, federal funding is not excluded from the mitigation payment

calculation. It is recommended that Local Permittees incorporate the mitigation payment associated with federally funded portions of their transportation projects into any grant applications for federal transportation funding.

3. Public Project Mitigation Payment Approaches

There are two primary approaches that underlie the calculation of Public Project mitigation payments, including:

- **Per Gross Acre Fee Payments.** For some Public Projects, the required mitigation payment is based on the application of the per gross acre fee to the gross project acres. The per gross acre fee is the same fee that applies to Private Projects. The fee will vary each year/ periodically and is calculated at \$16,358 per Gross Project Acre in the updated 2020 Nexus Study.
- **Percent of Construction Costs.** For some Public Projects, the mitigation payment requirement is three (3) percent or five (5) percent of total construction costs (described in more detail below).

4. Public Project Mitigation Fee Calculations by Project Type

The table below shows fee calculations for different Public Projects types.

Table 3-4: Mitigation Payment Approach for Public Projects

MITIGATION PAYMENT FORMULA FOR DIFFERENT TYPES OF PUBLIC PROJECTS

City/ County Road Projects

All City and County Road Projects

Fee Calculation:

Fee Payment = 5% x Total Construction Costs

Notes:

1. Applies to all new road projects, all road widening projects, and other road investments that are not maintenance efforts.
2. The proportion of total project costs covered by TUMF funding and Measure A funding is discounted from the total construction costs (where applicable) prior to fee payment calculation.
3. Total construction costs are a portion of total project costs. Total construction costs include all direct/ hard costs, including contingencies and change orders. ROW acquisition costs and soft costs are not included in total construction costs.

City/ County Civic Projects

All City and County (non-road) public projects, including City/ County administrative facilities, jails, courts, juvenile facilities, parks, libraries, or other facilities that serve the public.

Fee Calculation:

Fee Payment = Gross Project Acres x Per Gross Acre Fee

Notes:

1. No exceptions unless specifically noted in the Ordinance.
2. School District, Special District, and certain other public projects are covered as PSE's.

Riverside County Flood Control District Projects

All Riverside County Flood Control District projects

Fee Calculation

Fee Payment = 3% x Total Construction Costs

Notes

1. Total construction costs are a portion of total project costs. Total construction costs include all direct/ hard costs, including contingencies and change orders. ROW acquisition costs and soft costs are not included in total construction costs.
-

D. Participating Special Entity Projects

Participating Special Entities (“PSE’s”) are entities that are not formally covered under the MSHCP but are allowed to obtain the same MSHCP streamlined permitting by making the appropriate mitigation payments. This section categorizes the different types of PSE projects and the associated mitigation payment requirements. The mitigation payment system for PSE projects is similar to the one for public projects and includes a mix of approaches typically tied to percent of construction costs or the adopted per gross acre mitigation fee for non-residential uses.

1. PSE Project Types

Participating Special Entities includes entities/ agencies such as public and private utility districts/ companies, School Districts, Special Districts, and Quasi-Public entities, among others. Public water districts, private water companies, telecommunication companies, Investor Owned Utilities (IOU’s), Schools, Colleges, and Universities would all fall in this project category.

The mitigation payment requirement/ obligation varies between the following Public Project types.

- Non-Linear Projects. Includes all projects that are non-linear in form.
- Linear Projects. Includes all linear projects with differentiation in payment amount between permanent and temporary projects.

2. PSE Mitigation Payment Approaches

There are two primary approaches that underlie the calculation of Public Project mitigation payments, including:

- Per Gross Acre Fee Payments. For non-linear Public Projects, the required mitigation payment is based on the application of the per gross acre fee to the gross project acres. The per gross acre fee is the same fee that applies to Private Projects. The fee will vary each year/ periodically and is calculated at \$16,358 per Gross Project Acre in the updated 2020 Nexus Study.
- Percent of Construction Costs. For linear projects, the mitigation payment requirement is 5 percent of total construction costs for permanent impacts and three (3) percent of total construction costs for temporary impacts.

3. PSE Project Mitigation Fee Calculations by Project Type

The table below shows fee calculations for different PSE project types.

Table 3-5: Mitigation Payment Approach for PSE Projects

MITIGATION PAYMENT FORMULA FOR DIFFERENT TYPES OF PSE PROJECTS

Non-Linear Projects

All PSE projects that are not linear in form

Fee Calculation:

Fee Payment = Gross Project Acres x Per Gross Acre Fee

Linear Projects - Permanent Impacts

All PSE projects that are linear in form and permanent

Fee Calculation

Fee Payment = 5% x Total Construction Costs

Linear Projects - Temporary Impacts

All PSE projects that are linear in form and temporary

Fee Calculation

Fee Payment = 3% x Total Construction Costs

Notes

1. Total construction costs are a portion of total project costs. Total construction costs include all direct/ hard costs, including contingencies and change orders. ROW acquisition costs and soft costs are not included in total construction costs.

IV. Mitigation Payment Examples



CHAPTER IV. MITIGATION PAYMENT EXAMPLES

This chapter provides illustrative fee calculations for examples of Private and Public Projects. Building off the comprehensive description of mitigation requirements and formulae by project type in **Chapter III**, this chapter provides fee calculations for an illustrative set of projects. Illustrative examples were developed for a range of circumstances and are designed to help Local Permittees identify the appropriate approach for estimating mitigation payments. The examples included in this chapter are for illustration purposes only. In the event of a conflict between these examples and the Fee Ordinance of the applicable City/County, the Fee Ordinance shall control the administration of the Local Development Mitigation Fee. Please contact RCA staff if you are unclear on how to conduct the mitigation payment calculation for a particular project.

A. Private Projects: Residential/Mixed Use Examples

This section contains six (6) examples of private development projects, including four (4) residential projects and two (2) mixed-use projects. More specifically, they include:

- Example 1: All Residential – Low Density
- Example 2: All Residential – Low Density – including Backbone Road Construction
- Example 3: All Residential – High Density - including Backbone Road Construction
- Example 4: All Residential – Combination of Densities
- Example 5: Horizontal Mixed Use – Residential/ Commercial – including Backbone Road Construction
- Example 6: Vertical Mixed Use – Residential/ Commercial

These examples are not intended to be all inclusive but rather give permittees guidance on calculating the mitigation fee payment given different project types and characteristics. Included in each example is a narrative of the example project, a figure representation of the project layout, the development program description, and the mitigation fee calculation. No stand-alone commercial project examples are included as the application of the per gross acre mitigation fee to the gross project acres is universal for all non-residential Private Projects.

Example 1 - All Residential – Low Density

Residential project to be developed on a total of ten acres (area inside red boundary). The project will include residential units, a community building/ area for the residents of the development (project residents only), and streets within the development (in-tract streets). All roads leading to the development have already been built and do not require investments by the developer. A total of 50 residential units are planned within the ten gross acres, resulting in an average residential density of five units per acre. This represents a low-density residential project for the purpose of the fee program. Please

see the visual representation of the project layout (Figure 1-1), the development program data (Table 1-1), and mitigation payment calculation (Table 1-2) below.

Figure 1-1: Illustrative Project Layout

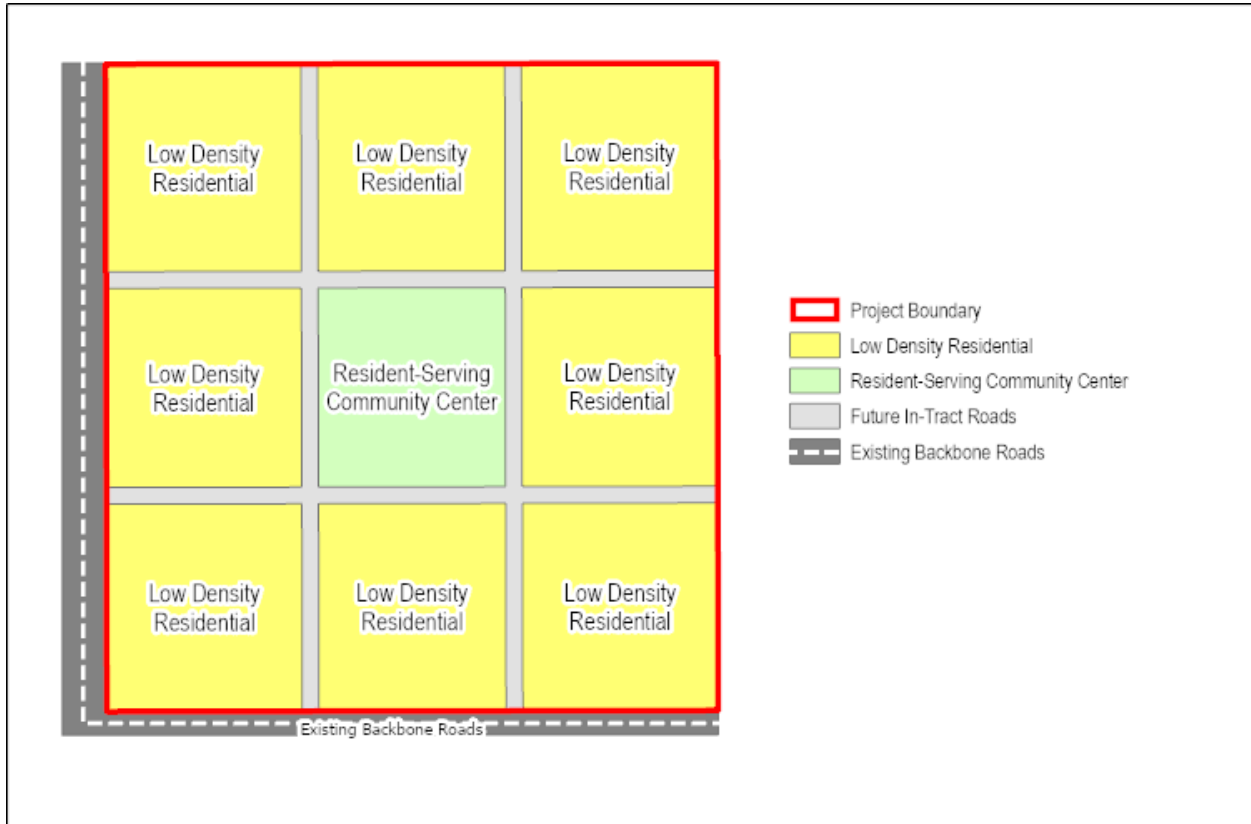


Table 1-1: Illustrative Development Program

Item	Amount
Gross Project Area	10 acres
<u>Residential Development Area</u>	
Residential Development Area	8.25
In-Tract/ Project Resident Serving (Residential)	<u>1.75</u>
Total/ Gross Residential Acres	10.00
<u>All Other Development</u>	
Non-Residential Development Area	0
Backbone/ Area-Serving	<u>0</u>
Total Non-Residential Development	0
Residential Development	
Low Density (1)	50
Medium Density (1)	0
High Density (1)	<u>0</u>
Total Units	50 units
Residential Project Density	
Residential Project Density	5 units/ acre
Residential Fee Density Category (1)	LOW

(1) Residential density categories as follows:
 - Low Density - less than or equal to 8 residential units/ gross residential acre.
 - Medium Density - greater than 8 and less than 16 residential units/ gross residential acre.
 - High Density - greater than 16 residential units/ gross residential acre.

Table 1-2: Mitigation Fee Payment Calculation

Item	Units/ Acres	Per Unit/ Per Acre Mitigation Fee (1)	Mitigation Fee Payment
Residential Development (2)	50 units	\$3,635 (low density)	\$181,750
Non-Residential Development (3)	0 acres	\$16,358	\$0
Backbone/ Community-Serving (4)	0 acres	\$16,358	\$0
Total Mitigation Fee Payment (5)			\$181,750

(1) Fee schedule will be updated periodically. Fee schedule used for Example Calculations as follows:

Residential Development

Low Density (on average)	\$3,635	per unit
Medium Density (on average)	\$1,515	per unit
High Density (on average)	\$670	per unit
<u>All Other Development</u>	\$16,358	per gross acre

(2) Residential mitigation fee payment covers residential units and associated in-tract infrastructure/ improvements and project resident-serving amenities. All infrastructure, improvements, and amenities that serve beyond the project residents is covered in separate component of the fee calculation.

(3) Includes land area associated with non-residential development, such as commercial/ industrial buildings, parking, and landscaping, among other components.

(4) All infrastructure/ improvements/ amenities that serve beyond the project/ project residents and that are not included in the non-residential development fee payment calculation included here.

(5) Mitigation fee payment calculation does not include any additional member jurisdiction administrative charges.

Example 2 – All Residential – Low Density – Including Backbone Road Construction

Residential project to be developed on a total of 12.5 acres (inside red boundary). The project will include residential units, a community building/ area for the residents of the development (project residents only), streets within the development (in-tract streets), and new streets leading to the project (backbone/ community-serving streets). The member agency has required the builder to construct backbone roads as a condition of the permit. The backbone roads will be built on an additional 2.5 acres of land distinct from the 10 acres that will incorporate the residential development and project resident-serving improvements/ amenities. A total of 50 residential units are planned within the 10 gross acres (gross residential acres) that exclude the backbone/community-serving infrastructure. This results in an average residential density of five units per acre and represents a low-density residential project for the purpose of the fee program. Please see the visual representation of the project layout (Figure 2-1), the development program data (Table 2-1), and the mitigation payment calculation (Table 2-2) below.

Figure 2-1: Illustrative Project Layout

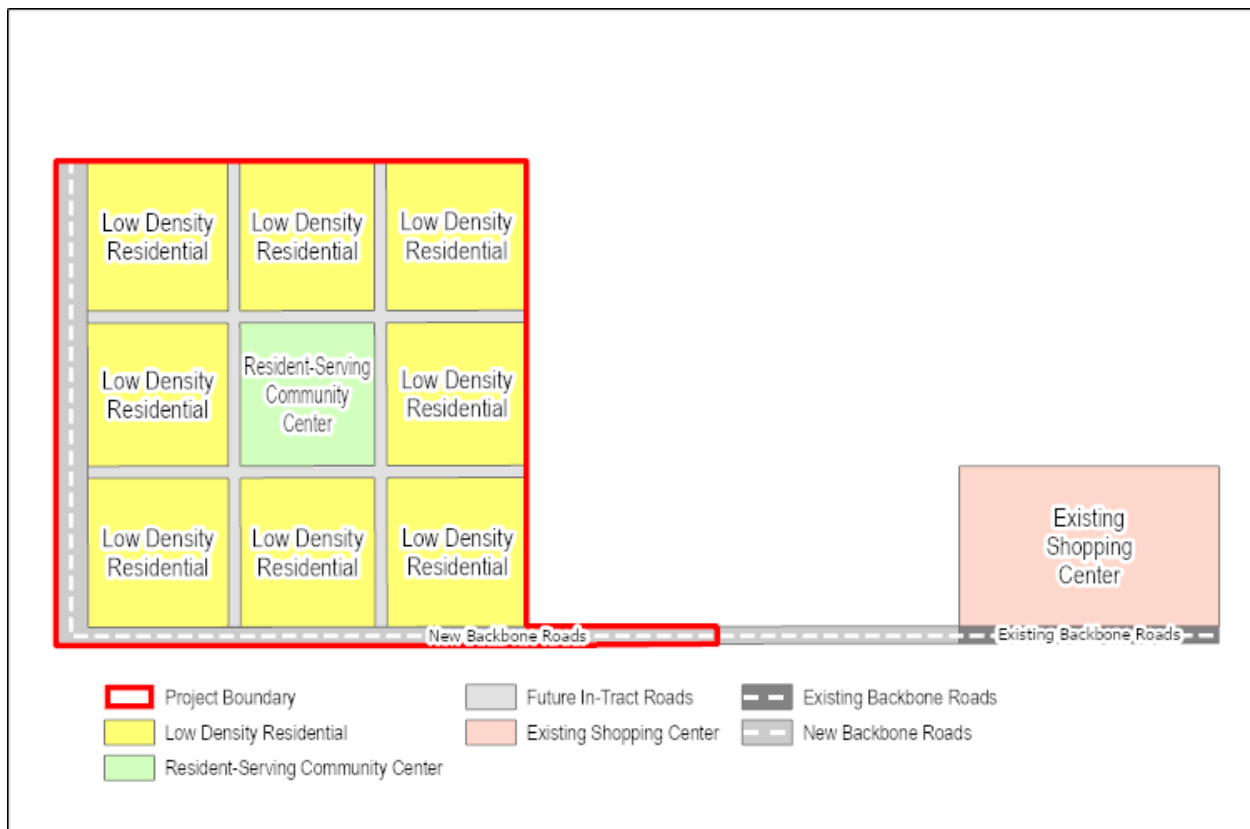


Table 2-1: Illustrative Development Program

Item	Amount
Gross Project Area	12.5 acres
<u>Residential Development Area</u>	
Residential Development Area	8.25
In-Tract/ Project Resident Serving (Residential)	<u>1.75</u>
Total/ Gross Residential Acres	10.00
<u>All Other Development</u>	
Non-Residential Development Area	0
Backbone/ Area-Serving	<u>2.5</u>
Total Non-Residential Development	2.5
Residential Development	
Low Density (1)	50
Medium Density (1)	0
High Density (1)	<u>0</u>
Total Units	50 units
Residential Project Density	
Residential Project Density	5 units/ acre
Residential Fee Density Category (1)	LOW

(1) Residential density categories as follows:
 - Low Density - less than or equal to 8 residential units/ gross residential acre.
 - Medium Density - greater than 8 and less than 16 residential units/ gross residential acre.
 - High Density - greater than 16 residential units/ gross residential acre.

Table 2-2: Mitigation Payment Calculation

Item	Units/ Acres	Per Unit/ Per Acre Mitigation Fee (1)	Mitigation Fee Payment
Residential Development (2)	50 units	\$3,635 (low density)	\$181,750
Non-Residential Development (3)	0 acres	\$16,358	\$0
Backbone/ Community-Serving (4)	2.5 acres	\$16,358	\$40,895
Total Mitigation Fee Payment (5)			\$222,645

(1) Fee schedule will be updated periodically. Fee schedule used for Example Calculations as follows:

Residential Development

Low Density (on average)	\$3,635	per unit
Medium Density (on average)	\$1,515	per unit
High Density (on average)	\$670	per unit
<u>All Other Development</u>	\$16,358	per gross acre

(2) Residential mitigation fee payment covers residential units and associated in-tract infrastructure/ improvements and project resident-serving amenities. All infrastructure, improvements, and amenities that serve beyond the project residents is covered in separate component of the fee calculation.

(3) Includes land area associated with non-residential development, such as commercial/ industrial buildings, parking, and landscaping, among other components.

(4) All infrastructure/ improvements/ amenities that serve beyond the project/ project residents and that are not included in the non-residential development fee payment calculation included here.

(5) Mitigation fee payment calculation does not include any additional member jurisdiction administrative charges.

Example 3 – All Residential – High Density – Including Backbone Road Construction

Residential project to be developed on a total of 12.5 acres (inside red boundary). The project will include residential units, a community building/area for the residents of the development (project residents only), streets within the development (in-tract streets), and new streets leading to the project (backbone/ community-serving streets). The member agency has required the builder to construct backbone roads as a condition of the permit. The backbone roads will be built on an additional 2.5 acres of land distinct from the 10 acres that will incorporate the residential development and project resident-serving improvements/ amenities. A total of 200 residential units are planned within the 10 gross acres that exclude the backbone/ community-serving infrastructure. This results in an average residential density of 20 units per acre and represents a high-density residential project for the purpose of the fee program. Please see the visual representation of the project layout (Figure 3-1), the illustrative development program data (Table 3-1), and the mitigation payment calculation (Table 3-2) below.

Figure 3-1: Project Layout

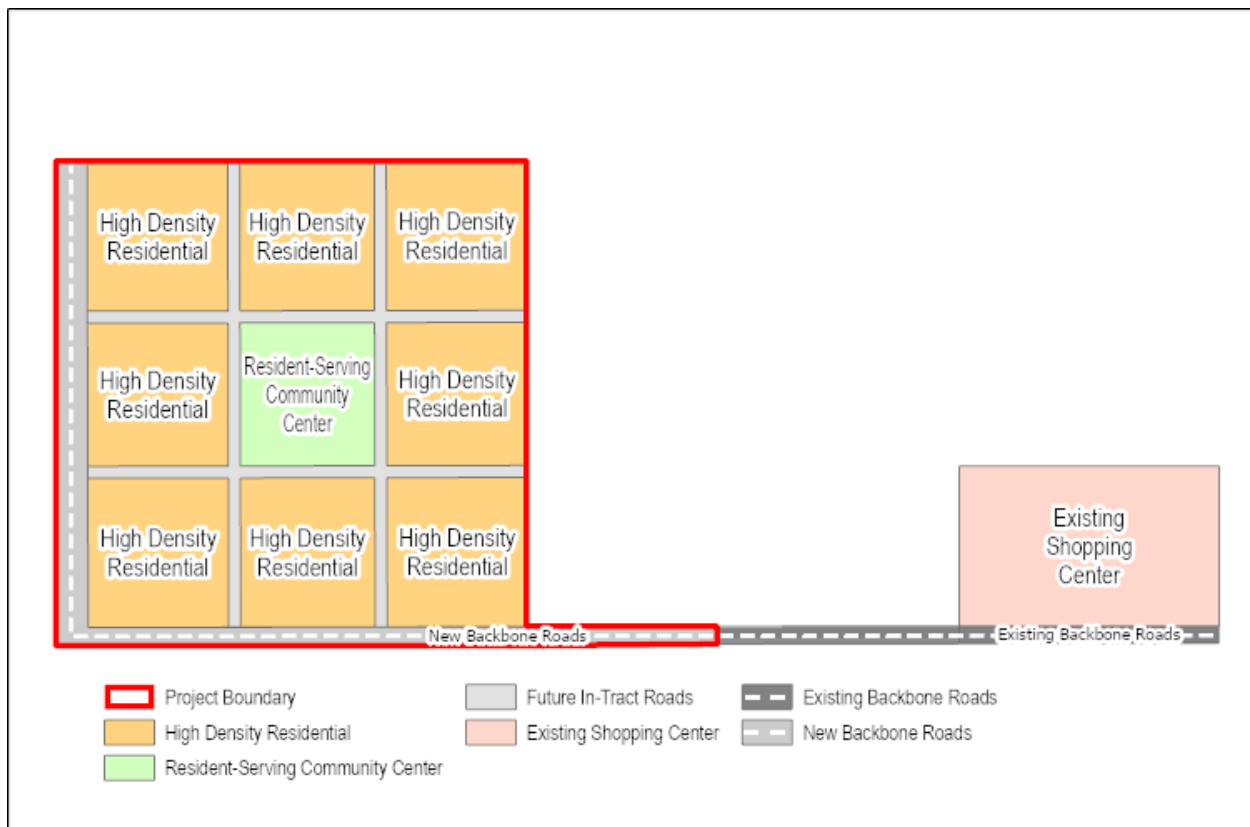


Table 3-1: Illustrative Development Program

Item	Amount
Gross Project Area	12.5 acres
<u>Residential Development Area</u>	
Residential Development Area	8.00
In-Tract/ Project Resident Serving (Residential)	<u>2.00</u>
Total/ Gross Residential Acres	10.00
<u>All Other Development</u>	
Non-Residential Development Area	0
Backbone/ Area-Serving	<u>2.5</u>
Total Non-Residential Development	2.5
Residential Development	
Low Density (1)	0
Medium Density (1)	0
High Density (1)	<u>200</u>
Total Units	200 units
Residential Project Density	
Residential Project Density	20 units/ acre
Residential Fee Density Category (1)	HIGH

(1) Residential density categories as follows:
 - Low Density - less than or equal to 8 residential units/ gross residential acre.
 - Medium Density - greater than 8 and less than 16 residential units/ gross residential acre.
 - High Density - greater than 16 residential units/ gross residential acre.

Table 3-2: Mitigation Payment Calculation

Item	Units/ Acres	Per Unit/ Per Acre Mitigation Fee (1)	Mitigation Fee Payment
Residential Development (2)	200 units	\$670 (high density)	\$134,000
Non-Residential Development (3)	0 acres	\$16,358	\$0
Backbone/ Community-Serving (4)	2.5 acres	\$16,358	\$40,895
Total Mitigation Fee Payment (5)			\$174,895

(1) Fee schedule will be updated periodically. Fee schedule used for Example Calculations as follows:

Residential Development

Low Density (on average)	\$3,635	per unit
Medium Density (on average)	\$1,515	per unit
High Density (on average)	\$670	per unit
<u>All Other Development</u>	\$16,358	per gross acre

(2) Residential mitigation fee payment covers residential units and associated in-tract infrastructure/ improvements and project resident-serving amenities. All infrastructure, improvements, and amenities that serve beyond the project residents is covered in separate component of the fee calculation.

(3) Includes land area associated with non-residential development, such as commercial/ industrial buildings, parking, and landscaping, among other components.

(4) All infrastructure/ improvements/ amenities that serve beyond the project/ project residents and that are not included in the non-residential development fee payment calculation included here.

(5) Mitigation fee payment calculation does not include any additional member jurisdiction administrative charges.

Example 4 – All Residential – Combination of Densities

Residential project to be developed on a total of 7.25 acres (area inside red boundary). The project will include residential units, a community building/area for the residents of the development (project residents only), and streets within the development (in-tract streets). All roads leading to the development have already been built and do not require investments by the developer. A total of 50 residential units are planned within the 7.25 gross acres, including a mix of low- and high-density development. The 50 residential units planned on 7.5 gross acres result in an average residential density of 6.9 units per acre. This represents a low-density residential project for the purpose of the fee program. Please see the visual representation of the project layout (Figure 4-1), the illustrative development program data (Table 4-1), and the mitigation payment calculation (Table 4-2) below.

Figure 4-1: Illustrative Project Layout

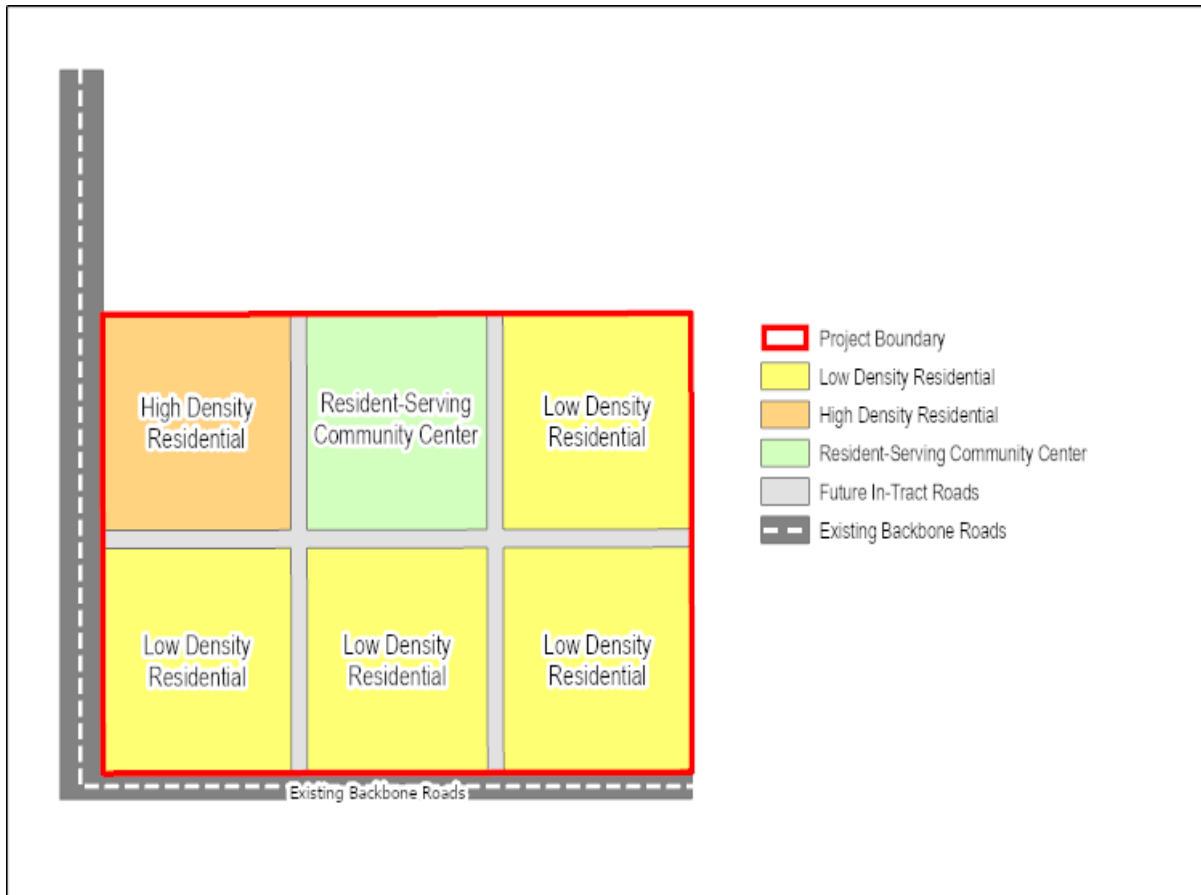


Table 4-1: Illustrative Development Program

Item	Amount
Gross Project Area	7.25 acres
<u>Residential Development Area</u>	
Residential Development Area	5.75
In-Tract/ Project Resident Serving (Residential)	<u>1.50</u>
Total/ Gross Residential Acres	7.25
<u>All Other Development</u>	
Non-Residential Development Area	0
Backbone/ Area-Serving	<u>0</u>
Total Non-Residential Development	0
Residential Development	
Low Density (1)	25
Medium Density (1)	0
High Density (1)	<u>25</u>
Total Units	50 units
Residential Project Density	
Residential Project Density	6.9 units/ acre
Residential Fee Density Category (1)	LOW

(1) Residential density categories as follows:
 - Low Density - less than or equal to 8 residential units/ gross residential acre.
 - Medium Density - greater than 8 and less than 16 residential units/ gross residential acre.
 - High Density - greater than 16 residential units/ gross residential acre.

Table 4-2: Mitigation Payment Calculation

Item	Units/ Acres	Per Unit/ Per Acre Mitigation Fee (1)	Mitigation Fee Payment
Residential Development (2)	50 units	\$3,635 (low density)	\$181,750
Non-Residential Development (3)	0 acres	\$16,358	\$0
Backbone/ Community-Serving (4)	0 acres	\$16,358	\$0
Total Mitigation Fee Payment (5)			\$181,750

(1) Fee schedule will be updated periodically. Fee schedule used for Example Calculations as follows:

Residential Development

Low Density (on average)	\$3,635	per unit
Medium Density (on average)	\$1,515	per unit
High Density (on average)	\$670	per unit
<u>All Other Development</u>	\$16,358	per gross acre

(2) Residential mitigation fee payment covers residential units and associated in-tract infrastructure/ improvements and project resident-serving amenities. All infrastructure, improvements, and amenities that serve beyond the project residents is covered in separate component of the fee calculation.

(3) Includes land area associated with non-residential development, such as commercial/ industrial buildings, parking, and landscaping, among other components.

(4) All infrastructure/ improvements/ amenities that serve beyond the project/ project residents and that are not included in the non-residential development fee payment calculation included here.

(5) Mitigation fee payment calculation does not include any additional member jurisdiction administrative charges.

Example 5 – Horizontal Mixed Use – Residential and Commercial – Including Backbone Road Construction

Mixed use project to be developed on a total of 22.5 acres (inside red boundary). Residential project to be developed on ten acres. The project will include three components: (1) residential units, a community building/area for the residents of the development (project residents only), and streets within the residential development (in-tract streets); (2) a commercial development (e.g. shopping center) and project -serving improvements (e.g. parking, landscaping, and any other component that is not restricted to use by the residents only); and, (3) backbone/community serving roads on 2.5 acres of land that the member agency has required the builder to construct as a condition of the permit. A total of 50 residential units are planned within the 10 gross residential acres that exclude the backbone/community-serving infrastructure and the commercial development. This results in an average residential density of five units per acre, meaning that the residential component of the project is low density for the purpose of the fee program. Please see the visual representation of the project layout (Figure 5-1), the

illustrative development program data (Table 5-1), and the mitigation payment calculation (Table 5-2) below.

Figure 5-1: Illustrative Project Layout

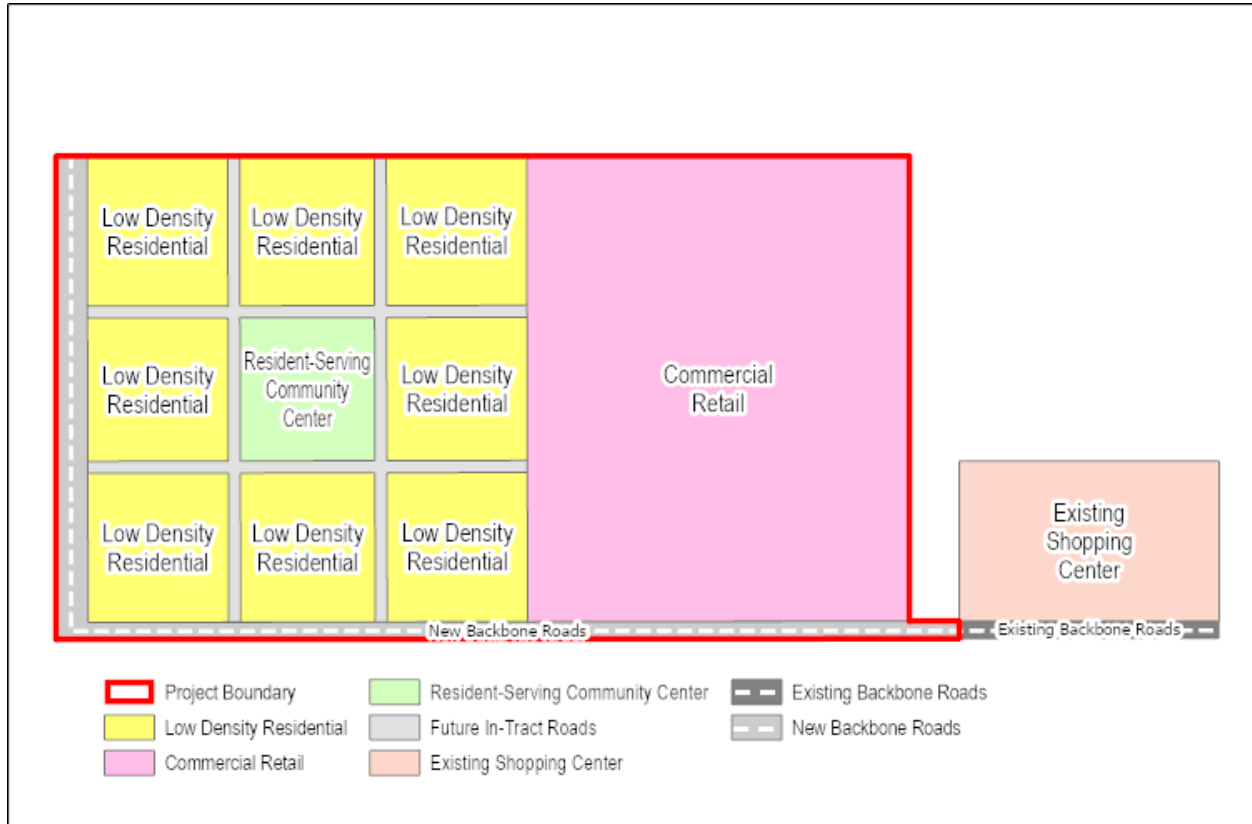


Table 5-1: Illustrative Development Program

Item	Amount
Gross Project Area	22.5 acres
<u>Residential Development Area</u>	
Residential Development Area	8.25
In-Tract/ Project Resident Serving (Residential)	<u>1.75</u>
Total/ Gross Residential Acres	10.00
<u>All Other Development</u>	
Non-Residential Development Area	10.0
Backbone/ Area-Serving	<u>2.5</u>
Total Non-Residential Development	12.5
Residential Development	
Low Density (1)	50
Medium Density (1)	0
High Density (1)	<u>0</u>
Total Units	50 units
Residential Project Density	
Residential Project Density	5.0 units/ acre
Residential Fee Density Category (1)	LOW

- (1) Residential density categories as follows:
- Low Density - less than or equal to 8 residential units/ gross residential acre.
 - Medium Density - greater than 8 and less than 16 residential units/ gross residential acre.
 - High Density - greater than 16 residential units/ gross residential acre.

Table 5-2: Mitigation Fee Payment Calculation

Item	Units/ Acres	Per Unit/ Per Acre Mitigation Fee (1)	Mitigation Fee Payment
Residential Development (2)	50 units	\$3,635 (low density)	\$181,750
Non-Residential Development (3)	10 acres	\$16,358	\$163,580
Backbone/ Community-Serving (4)	2.5 acres	\$16,358	\$40,895
Total Mitigation Fee Payment (5)			\$386,225

(1) Fee schedule will be updated periodically. Fee schedule used for Example Calculations as follows:

Residential Development

Low Density (on average)	\$3,635	per unit
Medium Density (on average)	\$1,515	per unit
High Density (on average)	\$670	per unit
<u>All Other Development</u>	\$16,358	per gross acre

(2) Residential mitigation fee payment covers residential units and associated in-tract infrastructure/ improvements and project resident-serving amenities. All infrastructure, improvements, and amenities that serve beyond the project residents is covered in separate component of the fee calculation.

(3) Includes land area associated with non-residential development, such as commercial/ industrial buildings, parking, and landscaping, among other components.

(4) All infrastructure/ improvements/ amenities that serve beyond the project/ project residents and that are not included in the non-residential development fee payment calculation included here.

(5) Mitigation fee payment calculation does not include any additional member jurisdiction administrative charges.

Example 6 – Vertical Mixed Use – Residential and Commercial

Mixed use project to be developed on a total of 3 acres (inside red boundary). The project will include a podium at street level that will include commercial/ retail as well as parking, residential units in the stories above the podium, as well as streets within the project area (in-tract streets). A total of 90 residential units are planned within the 3-acre project area. This results in an average residential density of 30 units per acre, meaning that the residential component of the project is high density for the purpose of the fee program. Please see the visual representations of the project layout (Figures 6-1 and 6-2), the illustrative development program data (Table 6-1), and the mitigation payment calculations (Tables 6-2 and 6-3) below. Two calculations must be conducted for mixed-use vertical projects and the higher of the two calculations must be used. One calculation treats the project like a residential project and the other calculation treats it like a commercial project. In the example below, the mitigation payment is \$60,300 under the first method and \$49,300 under the second method, so \$60,300 payment applies.

Figure 6-1: Illustrative Project Layout – Residential and Commercial Vertical View



Figure 6-2: Illustrative Project Layout – Residential and Commercial Horizontal View

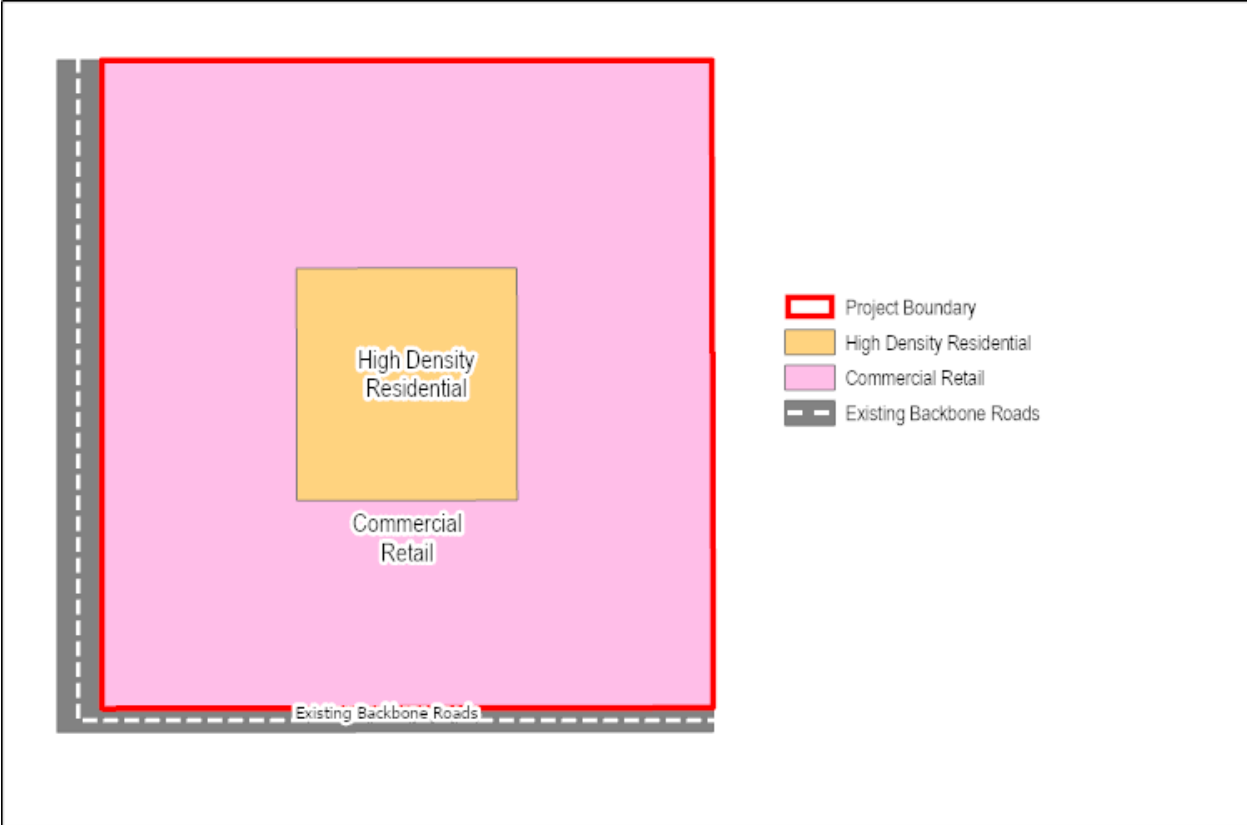


Table 6-1: Illustrative Development Program

Item	Amount
Gross Project Area	3 acres
<u>Residential Development Area</u>	
Residential Development Area	2.75
In-Tract/ Project Resident Serving (Residential)	<u>0.25</u>
Total/ Gross Residential Acres	3.00
<u>All Other Development</u>	
Non-Residential Development Area	0.0
Backbone/ Area-Serving	<u>0</u>
Total Non-Residential Development	0
Residential Development	
Low Density (1)	0
Medium Density (1)	0
High Density (1)	<u>90</u>
Total Units	90 units
Residential Project Density	
Residential Project Density	30.0 units/ acre
Residential Fee Density Category (1)	HIGH

(1) Residential density categories as follows:
 - Low Density - less than or equal to 8 residential units/ gross residential acre.
 - Medium Density - greater than 8 and less than 16 residential units/ gross residential acre.
 - High Density - greater than 16 residential units/ gross residential acre.

Table 6-2: Mitigation Fee Payment Calculation – Method 1 (Residential Focus)

Item	Units/ Acres	Per Unit/ Per Acre Mitigation Fee (1)	Mitigation Fee Payment
Residential Development (2)	90 units	\$670 (high density)	\$60,300
Non-Residential Development (3)	0 acres	\$16,358	\$0
Backbone/ Community-Serving (4)	0 acres	\$16,358	\$0
Total Mitigation Fee Payment (5)			\$60,300

(1) Fee schedule will be updated periodically. Fee schedule used for Example Calculations as follows:

Residential Development

Low Density (on average)	\$3,635	per unit
Medium Density (on average)	\$1,515	per unit
High Density (on average)	\$670	per unit
<u>All Other Development</u>	\$16,358	per gross acre

(2) Residential mitigation fee payment covers residential units and associated in-tract infrastructure/ improvements and project resident-serving amenities. All infrastructure, improvements, and amenities that serve beyond the project residents is covered in separate component of the fee calculation.

(3) Includes land area associated with non-residential development, such as commercial/ industrial buildings, parking, and landscaping, among other components.

(4) All infrastructure/ improvements/ amenities that serve beyond the project/ project residents and that are not included in the non-residential development fee payment calculation included here.

(5) Mitigation fee payment calculation does not include any additional member jurisdiction administrative charges.

Table 6-3: Mitigation Fee Payment Calculation – Method 2 (Commercial/ Project Area Focus)

Item	Units/ Acres	Per Unit/ Per Acre Mitigation Fee (1)	Mitigation Fee Payment
Residential Development (2)	0 units	\$670 (high density)	\$0
Non-Residential Development (3)	3 acres	\$16,358	\$49,074
Backbone/ Community-Serving (4)	0 acres	\$16,358	\$0
Total Mitigation Fee Payment (5)			\$49,074

(1) Fee schedule will be updated periodically. Fee schedule used for Example Calculations as follows:

Residential Development

Low Density (on average)	\$3,635	per unit
Medium Density (on average)	\$1,515	per unit
High Density (on average)	\$670	per unit
<u>All Other Development</u>	\$16,358	per gross acre

(2) Residential mitigation fee payment covers residential units and associated in-tract infrastructure/ improvements and project resident-serving amenities. All infrastructure, improvements, and amenities that serve beyond the project residents is covered in separate component of the fee calculation.

(3) Includes land area associated with non-residential development, such as commercial/ industrial buildings, parking, and landscaping, among other components.

(4) All infrastructure/ improvements/ amenities that serve beyond the project/ project residents and that are not included in the non-residential development fee payment calculation included here.

(5) Mitigation fee payment calculation does not include any additional member jurisdiction administrative charges.

B. Public Project Examples

This section contains four (4) examples of public development projects, including one (1) Member Agency Civic Project and three (3) transportation/ road projects. These examples are not intended to be all inclusive but rather give permittees guidance on calculating the mitigation fee payment given different project types, characteristics, and, in the case of road/ transportation projects, different sources of funding. The Member Agency Civic project example provides a brief narrative, a representation of the project layout, the development program description, and the mitigation payment calculation. The road/ transportation examples provide a brief narrative of the project, cost estimates, key funding source information, and the mitigation payment calculation. Graphic layouts for the public road projects are not provided as the mitigation payment calculation is tied to costs and funding sources (not the specific layout of the project.)

As described in Chapter III and illustrated in the private project examples provided above in this chapter, mitigation payments for road and Member Agency Civic Projects that are developed by a private developer as part of a Private Project are calculated and made as part of the Private Project development mitigation payment.

Example 7 – Member Agency Civic Project

Member Agency Civic Projects includes the development of a library and park with adjacent parking lot. The parking lot will also serve as a park and ride location. The total acreage of the project is 6 acres (area inside red boundary). Please see the visual representation of the project layout (Figure 7-1), the development program data (Table 7-1), and mitigation payment calculations (Table 7-2) below.

Figure 7-1: Project Layout

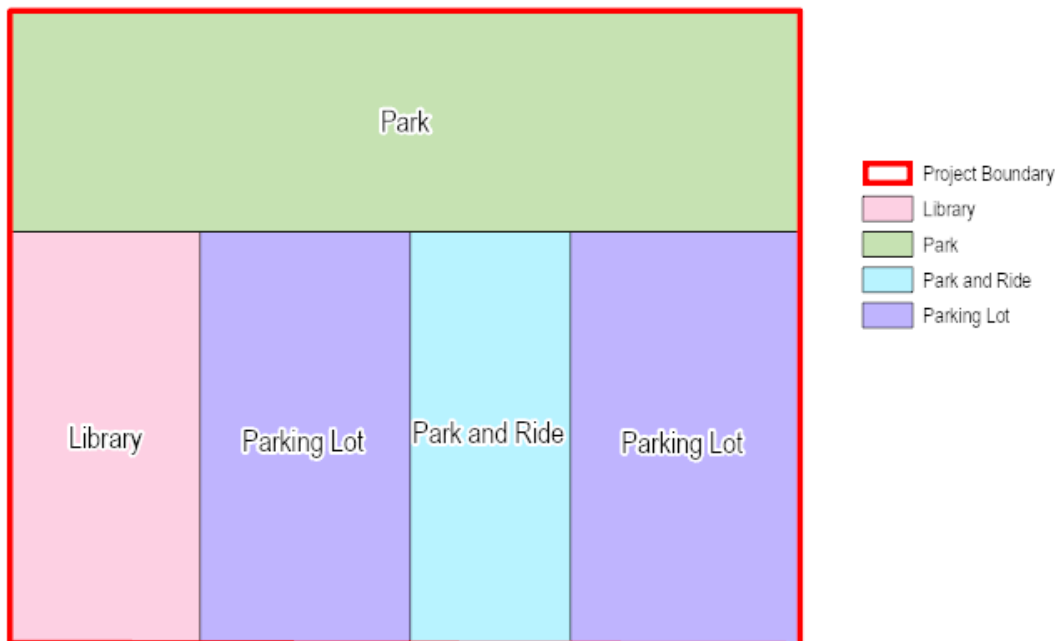


Table 7-1: Illustrative Development Program

Item	Amount
Library Area	1.0 acres
Park	2.0 acres
<u>Parking Area</u>	
Park and Ride Area	1.0 acres
General Parking Lot	<u>2.0</u> acres
Subtotal - Parking	3.0 acres
Gross Project Area	6.0 acres

Table 7-2: Mitigation Payment Calculation

Item	Amount
Gross Project Acres	6.0 acres
Mitigation Fee per Gross Acre (2)	\$16,358
Total Mitigation Payment	\$98,148

(1) Fee schedule will be updated periodically. Fee schedule used for Example Calculations as follows:

Commerical/ Industrial* \$16,358 per gross acre

* Per gross acre fee for Local Public Capital Projects is the same as for commerical/ industrial development.

Example 8 – Road Widening with No Measure A or TUMF Funding

Road widening project with no Measure A or TUMF funding. Whole project is required to mitigate as project falls into the “new road, road widening, and other non-maintenance road projects” category that are required to mitigate (only maintenance projects costs such as road rehabilitation, restriping, and resealing are not required to mitigate). Total project cost is estimated at \$5.5 million, including total direct construction costs of \$4.4 million (including the construction cost contingency), \$1.1 million in soft costs, and no land/ ROW acquisition costs. Please see the example road project cost estimates data

(Table 8-1), the funding source information (Table 8-2), and the mitigation payment calculations (Table 8-3) below.

Table 8-1: Illustrative Project Costs

Cost Item	Cost
NEW ROAD, ROAD WIDENING, OR OTHER NON-MAINTENANCE PROJECTS (1)	
Construction Costs	
Base Construction Costs	\$4,000,000
<u>Changes Orders/ Contingency</u>	\$400,000 (3)
Total Construction Costs	\$4,400,000
Soft Costs	\$1,100,000 (4)
Land Acquisition/ ROW Costs	\$0
Total Capacity-Increasing Cost	\$5,500,000
MAINTENANCE PROJECTS (2)	
Total Construction Costs	\$0
Total Soft Costs	\$0
Total Non-Capacity-Increasing Cost	\$0
TOTAL PROJECT COSTS/ USES	\$5,500,000

(1) Total Construction costs for new roads, road widening, and other non-maintenance projects are included in the mitigation fee payment calculation (see Table 8-3).

(2) Examples of maintenance projects include road rehabilitation, re-striping, and resealing. See Ordinance for full list of maintenance projects that are not required to mitigate.

(3) Initial fee payment calculations made on construction cost and construction contingency cost estimates. Additional fee payments also due on any change orders that add net costs above-and-beyond the initial construction cost contingency estimates

(3) For illustrative purposes shown as 10% of base construction cost. Contingency (and future Change Orders) will vary by project.

(4) For illustrative purposes shown as 25% of total construction costs.

Table 8-2: Illustrative Funding Sources

Cost Item	Amount	% of Total
TUMF/ Measure A Funding		
TUMF Fee Revenues	\$0	0%
Measure A Funding	\$0	0%
Subtotal	\$0	0%
Other Funding	\$5,500,000	100%
TOTAL PROJECT FUNDING/ SOURCES	\$5,500,000	100%

Table 8-3: Mitigation Payment Calculation

Cost Item	Amount	Source/ Calculation
TOTAL PROJECT COSTS	\$5,500,000	a See Table 8-1
TOTAL NON-MAINTENANCE CONSTRUCTION COSTS	\$4,400,000	b See Table 8-1
% of FUNDING FROM OTHER FUNDING SOURCES (1)	100%	c See Table 8-2
ELIGIBLE COST BASIS FOR MITIGATION PAYMENT CALCULATION	\$4,400,000	d = b *c Calculation
MITIGATION FEE PAYMENT DUE FROM LOCAL JURISDICTION (2)	\$220,000	e = d * 5% Calculation

(1) Other funding sources includes all costs not funded by TUMF or Measure A revenues as calculated in Table 8-2.

(2) Mitigation fee payment by permitting agency is 5% of eligible construction cost.

Example 9 – Road Widening Project with 20% Measure A/ TUMF Funding

Road widening project with 20% of funding from Measure A and TUMF funding. Whole project is required to mitigate as project - new road, road widening, and other non-maintenance road projects are required to mitigate (only maintenance costs are not required to mitigate). However, 20 percent of the project will be mitigated separately through TUMF or Measure A funding. Total projects cost is estimated at \$5.5 million, including total direct construction costs of \$4.4 million (including the construction cost contingency), \$1.1 million in soft costs, and no land/ ROW acquisition costs. Please see the example road project cost estimates data (Table 9-1), the funding source information (Table 9-2), and the mitigation payment calculations (Table 9-3) below.

Table 9-1: Illustrative Project Costs

Cost Item	Cost
NEW ROAD, ROAD WIDENING, OR OTHER NON-MAINTENANCE PROJECTS (1)	
Construction Costs (2)	
Base Construction Costs	\$4,000,000
<u>Changes Orders/ Contingency</u>	\$400,000 (3)
Total Construction Costs	\$4,400,000
Soft Costs	\$1,100,000 (4)
Land Acquisition/ ROW Costs	\$0
Total Capacity-Increasing Cost	\$5,500,000
MAINTENANCE PROJECTS (2)	
Total Construction Costs	\$0
Total Soft Costs	\$0
Total Non-Capacity-Increasing Cost	\$0
TOTAL PROJECT COSTS/ USES	\$5,500,000

(1) Total Construction costs for new roads, road widening, and other non-maintenance projects are included in the mitigation fee payment calculation (see Table 8-3).

(2) Examples of maintenance projects include road rehabilitation, re-striping, and resealing. See Ordinance for full list of maintenance projects that are not required to mitigate.

(3) Initial fee payment calculations made on construction cost and construction contingency cost estimates. Additional fee payments also due on any change orders that add net costs above-and-beyond the initial construction cost contingency estimates

(4) For illustrative purposes shown as 10% of base construction cost. Contingency (and future Change Orders) will vary by project.

(5) For illustrative purposes shown as 25% of total construction costs.

Table 9-2: Funding Sources

Cost Item	Amount	% of Total
TUMF/ Measue A Funding		
TUMF Fee Revenues	\$800,000	15%
Measure A Funding	<u>\$300,000</u>	<u>5%</u>
Subtotal	\$1,100,000	20%
Other Funding	\$4,400,000	80%
TOTAL PROJECT FUNDING/ SOURCES	\$5,500,000	100%

Table 9-3: Mitigation Fee Payment Calculation

Cost Item	Amount	Source/ Calculation
TOTAL PROJECT COSTS	\$5,500,000	a See Table 1
TOTAL NON-MAINTENANCE CONSTRUCTION COSTS	\$4,400,000	b See Table 1
% of FUNDING FROM OTHER FUNDING SOURCES (1)	80%	c See Table 2
ELIGIBLE COST BASIS FOR MITIGATION PAYMENT CALCULCATION	\$3,520,000	d = b *c Calculation
MITIGATION FEE PAYMENT DUE FROM LOCAL JURISDICTION (2)	\$176,000	e = d * 5% Calculation

(1) Other funding sources includes all costs not funded by TUMF or Measue A revenues as calculated in Table 9-2. In cases where Measure A/ TUMF funding is allocated for specifc project cost categories, additional calculations and allocations may be appropriate. In these cases, please contact RCA staff and provide documentation of funding restrictions for support on the appriorate mitigation fee payment calculation.

(2) Mitigation fee paymet by permitting agency is 5% of eligible construction cost.

Example 10 - Combined New Road/ Road Rehabilitation Project with 50% Measure A / TUMF Funding

Road project that includes the development of a new segment of road along with rehabilitation of a segment of existing roadway. Road project is 50% funded through Measure A or TUMF funds. Total project costs are \$8 million. About \$6 million is associated with the new road, including \$4.4 million in direct construction costs (including the construction cost contingency), \$1.1 million in soft costs, and \$500,000 in land acquisition costs. About \$2 million (25% of overall project cost) is associated with rehabilitation of the existing roadway, including \$1.6 million in direct construction costs (including the construction cost contingency) and \$400,000 in soft costs. Please see the

example road project cost estimates data (Table 10-1), the funding source information (Table 10-2), and the mitigation payment calculations (Table 10-3) below.

Table 10-1: Cost Estimates

Cost Item	Cost
NEW ROAD, ROAD WIDENING, OR OTHER NON-MAINTENANCE PROJECTS (1)	
Construction Costs (2)	
Base Construction Costs	\$4,000,000
<u>Changes Orders/ Contingency</u>	\$400,000 (3)
Total Construction Costs	\$4,400,000
Soft Costs	\$1,100,000 (4)
Land Acquisition/ ROW Costs	\$500,000
Total Capacity-Increasing Cost	\$6,000,000
MAINTENANCE PROJECTS (2)	
Total Construction Costs	\$1,600,000
Total Soft Costs	\$400,000 (4)
Total Non-Capacity-Increasing Cost	\$2,000,000
TOTAL PROJECT COSTS/ USES	\$8,000,000

(1) Total Construction costs for new roads, road widening, and other non-maintenance projects are included in the mitigation fee payment calculation (see Table 8-3).

(2) Examples of maintenance projects include road rehabilitation, re-striping, and resealing. See Ordinance for full list of maintenance projects that are not required to mitigate.

(3) Initial fee payment calculations made on construction cost and construction contingency cost estimates. Additional fee payments also due on any change orders that add net costs above-and-beyond the initial construction cost contingency estimates

(4) For illustrative purposes shown as 10% of base construction cost. Contingency (and future Change Orders) will vary by project.

(5) For illustrative purposes shown as 25% of total construction costs.

Table 10-2: Funding Sources

Cost Item	Amount	% of Total
TUMF/ Measue A Funding		
TUMF Fee Revenues	\$2,000,000	25%
Measure A Funding	<u>\$2,000,000</u>	<u>25%</u>
Subtotal	\$4,000,000	50%
Other Funding	\$4,000,000	50%
TOTAL PROJECT FUNDING/ SOURCES	\$8,000,000	100%

Table 10-3: Mitigation Payment Calculation

Cost Item	Amount	Source/ Calculation
TOTAL PROJECT COSTS	\$8,000,000	a See Table 1
TOTAL NON-MAINTENANCE CONSTRUCTION COSTS	\$4,400,000	b See Table 1
% of FUNDING FROM OTHER FUNDING SOURCES (1)	50%	c See Table 2
ELIGIBLE COST BASIS FOR MITIGATION PAYMENT CALCULATION	\$2,200,000	d = b *c Calculation
MITIGATION FEE PAYMENT DUE FROM LOCAL JURISDICTION (2)	\$110,000	e = d * 5% Calculation

(1) Other funding sources includes all costs not funded by TUMF or Measue A revenues as calculated in Table 10-2. In cases where Measue A/ TUMF funding is allocated for specific project cost categories, additional calculations and allocations may be appropriate. In these cases, please contact RCA staff and provide documentation of funding restrictions for support on the appropriate mitigation fee payment calculation.

(2) Mitigation fee payment by permitting agency is 5% of eligible construction cost.

V. Definitions



CHAPTER V. DEFINITIONS

DEFINITIONS

(Including Definitions defined in the Fee Ordinances):

“Accessory Dwelling Unit” means an accessory dwelling unit as defined by California Government Code section 65852.2(j)(1), or as defined in any successor statute.

“City/County Civic Projects” means all non-road City and County projects, including City/ County administrative facilities, jails, courts, juvenile facilities, parks, libraries, and all other facilities that serve the public.

“City/ County Road Projects” means all City and County road projects.

“Construction Cost” means and includes the cost of the entire construction of the roadway project, including all supervision, materials, supplies, labor, tools, equipment, transportation and/or other facilities furnished, used or consumed, without deduction on account of penalties, liquidated damages or other amounts withheld from payment to the contractor or contractors, but such cost shall not include the Consulting Engineer/Architect’s fee, or other payments to the Consulting Engineer/Architect and shall not include cost of land or Rights-of-Way and Easement acquisition.

“Credit” means a credit allowed pursuant to Section 10 of this Ordinance, which may be applied against the development impact fee paid.

“Development” means a human-created change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filing, grading, paving, excavating, and drilling.

“Development Project” or **“Project”** means any project undertaken for the purpose of development pursuant to the issuance of a building permit by the City/County pursuant to all applicable ordinances, regulations, and rules of the City/County and state law.

“Fuel modification area” means an area established adjacent to structures or roads in which highly combustible native plants, invasive introduced, or ornamental plants are modified and/or totally replaced with fire resistant or drought resistant alternatives; or areas subject to hazardous abatement orders.

“Gross “Community-Serving” Area/ Acres” means the area of residential projects that provide infrastructure, improvements, and amenities that go beyond only serving project residents and hence are “community-serving”. This includes, but is not limited to, roads that serve multiple projects, parks that serve more than one residential project, parking that serves other uses/ developments etc. The acreage associated with these improvements/ amenities are part of the gross project acreage but distinct from project resident-serving improvements/ amenities and the gross residential area.

“Gross Project Area/ Acres” means is the total or gross areas of the project. This overall acreage can only be reduced under unique circumstances.

“Gross Residential Area/ Acres” means the total area of the project dedicated to residential land uses and includes residential buildings as well as “Project Resident-Serving” Infrastructure/ Improvements/ Amenities.

“Hazardous vegetation” means vegetation that is flammable and endangers the public safety by creating a fire hazard, including, but not limited to, seasonal and recurrent weeds, stubble, brush, dry leaves, and tumbleweeds.

“Junior Accessory Dwelling Unit” means a junior accessory dwelling unit as defined by California Government Code section 65852.22(h)(1), or as defined in any successor statute.

“Linear Projects” means all linear PSE projects with differentiation in payment amount between permanent and temporary projects.

“Local Development Mitigation Fee” or **“Fee”** means the development impact fee imposed pursuant to the provisions of this Ordinance.

“Maintenance Projects” means projects that include, but are not limited to, pavement repairs, tree trimming, bridge maintenance, and pavement restriping and roadway reconstruction which do not add new lanes.

“Manufactured slope” means a slope created by natural landform alteration (grading), by cutting or filling a natural slope, or importing fill material to create a slope.

“Member Agency” or **“Member Agencies”** means those Cities and Counties that are signatories to the RCA Joint Powers Agreement.

“Multiple Species Habitat Conservation Plan” or **“MSHCP”** means the Western Riverside County Multiple Species Habitat Conservation Plan

“MSHCP Conservation Area” has the same meaning and intent as such term is defined and utilized in the MSHCP.

“Non-Linear Projects” means all PSE projects that are non-linear in form.

“Ordinance” means the Fee Ordinance adopted by the Cities and the County to implement the MSHCP Local Development Mitigation Fee.

“Private Projects” means those projects where the primary project purpose is for use by households, business, or other private entities (i.e. not accessible to the public except where allowed by private owner/ renter). This category also includes Private Projects that receive public support (e.g., support through direct public investments in infrastructure, ground leases of publicly owned land, or direct investment of public dollars in projects such as affordable housing).

“Project Area” means the area, measured in acres, within the Development Project including, without limitation, any areas to be developed as a condition of the Development Project. Except as otherwise provided herein, the Project Area is the area upon which the project will be assessed the Local Development Mitigation Fee. See the RCA Mitigation Fee Implementation Handbook Manual for additional guidance for calculating the Project Area.

“Project Resident-Serving Infrastructure/ Improvements/ Amenities” means Infrastructure/ improvements, and amenities that only serve project residents and include, but are not limited to, roads, parks, and non-residential buildings that only serve project residents.

“Public Projects” means all City/County Civic Projects and all City/County Road Projects. These Public Projects include infrastructure projects, civic projects and Riverside County Flood Control District projects.

“Revenue” or **“Revenues”** means any funds received by the City/County pursuant to the provisions of this Ordinance for the purpose of defraying all or a portion of the cost of acquiring and preserving vegetation communities and natural areas within the City/County and the region which are known to support threatened, endangered, or key sensitive populations of plant and wildlife species.

“Riverside County Flood Control District Projects” means all Riverside County Flood Control District projects.

“Western Riverside County Regional Conservation Authority” or **“RCA”** means the governing body established pursuant to the MSHCP that is delegated the authority to oversee and implement the provisions of the MSHCP.

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



MSHCP Mitigation Fee Implementation Manual

September 2021 (Retroactive to July 2021)



RCA's MSHCP MITIGATION FEE IMPLEMENTATION MANUAL

The Western Riverside County Regional Conservation Authority ("RCA") was formed in 2004 to achieve one of America's most ambitious environmental efforts, the Western Riverside County Multiple Species Habitat Conservation Plan ("MSHCP" or the "Plan"). As the nation's largest habitat conservation plan of its kind, the MSHCP strengthens the sustainability and quality of life in western Riverside County by nurturing economic development opportunities, alleviating traffic congestion, protecting natural resources, and improving air quality.

This MSHCP Mitigation Fee Implementation Manual ("Manual") provides direction to Local Jurisdictions under the MSHCP concerning their obligations under the MSHCP and Permits regarding the imposition, collection, accounting, remittance and calculation of the Local Development Mitigation Fee. The Local Development Mitigation Fee Program is administered by the RCA. The instructions in this Manual are intended to be consistent with and based on the MSHCP, the Implementing Agreement (IA), and the 2020 Nexus Study. The Manual is also intended to provide direction to Member Agencies concerning their Fee Ordinances and any related Resolutions. For questions and clarifications, please contact the RCA.

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CHAPTER I. INTRODUCTION

A. Background on MSHCP and Implementation Agreements

The MSHCP, originally adopted in 2004, is a comprehensive, multi-jurisdictional Habitat Conservation Plan 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 while addressing the requirements of the State and federal Endangered Species Acts. 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 under the NCCP Act of 2001. The MSHCP streamlines these environmental permitting processes by allowing the participating jurisdictions to authorize “take” of plant and wildlife species identified within the Plan Area and has saved taxpayers more than \$500 million by expediting the construction of more than 30 major freeway and road improvements in Riverside County valued at more than \$5 billion. At the same time, Plan implementation provides a coordinated MSHCP Conservation Area and implementation program to preserve biological diversity and maintain the region’s quality of life.

The MSHCP and the associated Implementing Agreement (“IA”) and Incidental Take Permit collectively determine a set of conservation actions that must be taken to meet the terms of the Incidental Take Permit and benefit from the regulatory streamlining and other benefits of the MSHCP. This includes the identification of the responsible parties, including the responsibilities of the Local Permittees.¹ One of the key requirements of the MSHCP, IA , and Incidental Take Permit (consistent with the requirements of the federal Endangered Species Act) is the provision of adequate funding by Local Permittees to the Implementing Entity (the Western Riverside County Regional Conservation Authority²) (“RCA”) to conduct their portion of the conservation actions identified in the MSHCP.

B. Purpose of MSHCP and Local Development Mitigation Fee

The purpose of the Local Development Mitigation Fee (“LDMF”) is to contribute to the funding required to implement the MSHCP and, as a result, help maintain the Incidental Take Permit for new private and public development in western Riverside County under the federal and State Endangered Species Acts. Maintaining the Incidental Take Permit is necessary to allow for future development, and without the development community paying for the cost of the MSHCP, individual applicants would need to apply

¹Local Permittees include the western Riverside Cities, the County of Riverside, County Flood Control and Water Conservation District, County Regional Park and Open-Space District, County Department of Waste Resources, and Riverside County Transportation Commission.

²The Western Riverside County Regional Conservation Authority is a joint powers authority established in 2004 to implement the MSHCP.

independently for development approval under federal and State law if the project impacts a threatened or endangered species. The Federal Endangered Species Act specifically requires that the applicant for Incidental Take Permit “ensure that adequate funding for the [MSHCP] will be provided.”³ In addition, the LDMF helps provide the regional benefit of streamlined economic development in western Riverside County as well as the provision of contiguous open spaces that will serve as a community amenity to residents, workers, and visitors.

New development in the MSHCP Area will directly, indirectly, or cumulatively affect species and habitat in western Riverside County. Because of this, the County of Riverside along with several other agencies prepared and adopted the MSHCP to provide a regional, streamlined approach to benefit future development of all types in western Riverside County, including the development and improvements envisioned under the numerous General Plans and the Regional Transportation Improvement Program. The requirements of the MSHCP (habitat acquisition, management and monitoring, and program administration) are a direct result of the regional approach to mitigation that is engendered by all new development in the Plan Area under the pertinent environmental regulations. Consequently, the LDMF applies to all new development in western Riverside County whether or not the development is within a Criteria Cell.

The overall permit period was set at 75 years, ending in 2079. To cover ongoing management and monitoring costs beyond the duration when mitigation fees will be collected, the establishment of a non-depleting endowment is required. In other words, the endowment must be sufficient such that expected average interest revenues (after inflation and transaction costs) can cover the ongoing costs associated with management and monitoring in perpetuity. The endowment must be fully established by the end of the land acquisition period as it is assumed that no more mitigation fees will be collected after that time.

Finally, the LDMF is required by the MSHCP and the IA (IA §13.2(A); MSHCP § 8.5.1).

C. Public Projects

A number of Public Projects also pay fees related to the MSHCP in order to mitigate the impact of public projects in accordance with the terms of the IA. These different types of Public Projects and the fees related to them are discussed more in the later chapters of this Manual.

D. RCA Administration of Fee Program

Section 2 of the Member Agencies’ Fee Ordinance provides that the RCA is appointed as the Administrator of the Fee Ordinance. The RCA is authorized to receive all fees generated from the LDMF within the Cities or County, and to invest, account for, and expend such fees in accordance with the provisions of the Plan, IA, and Fee Ordinances.

³See Section 1539(a)(2)(B)(iii) of the federal Endangered Species Act.

The RCA's Executive Director or his/her designee is authorized to act on behalf of the RCA as the Administrator of the LDMF Program. Furthermore, the RCA shall have the final determination regarding collection of the fee, the appropriate methodology to calculate the fee based on the information provided, and the interpretation of this Manual.

E. Purpose of Implementation Manual

The purpose of this Manual is to provide those jurisdictions and agencies that are participants in the MSHCP and IA with direction and policies for implementation of the LDMF Ordinance and Resolution adopted by each of the member jurisdictions. The Manual specifies implementation and responsibilities for the LDMF Ordinance and Resolution. The instructions in this Manual shall control the administration of the Local Development Mitigation Fee except where directly in conflict with the adopting Ordinance. Capitalized terms in this Manual shall have the same meaning as in the adopting Ordinance.

The RCA may, from time to time, amend this Manual as necessary to add additional direction, clarification, or guidance regarding implementation of the LDMF Ordinance.

CHAPTER II. LOCAL JURISDICTION INSTRUCTIONS

A. Legal Authority

Any capitalized terms used within this Manual which are not defined herein are the same as those defined in the LDMF Ordinances.

The MSHCP notes that “new development affects the environment directly through construction activity and cumulatively through population bases that result from Development.” As a result, the Member Agencies are required to implement a LDMF that was expected to represent one of the primary sources of funding for the implementation of the MSHCP. The LDMF has been developed in accordance with California Government Code Section 66000 et seq. (the “Mitigation Fee Act”) that “allows cities and counties to charge new development for the costs of mitigating the impacts of new development.” Fees charged to Public Projects have been imposed pursuant to the MSHCP IA.

B. Member Agency Obligations under MSHCP and Implementation Agreements.

As set forth in Section 11.1 of the MSHCP Implementing Agreement, the Member Agencies and the RCA have selected legal mechanisms to ensure implementation of the terms of the MSHCP and the IA.

- 1. **Enactment of Fee Ordinance and Resolution.** Pursuant to Sections 11.1.1 and 11.1.2 of the MSHCP IA, the Member Agencies shall adopt an Ordinance imposing the LDMF in substantially the form proposed by the RCA and the related Resolution within 90 days’ notice from the RCA. The Member Agencies shall also adopt any updated Fee Ordinance or Resolution within 90 days’ notice from the RCA.
- 2. **Imposition of Fee.**
 - a. The LDMF will be paid no later than at the issuance of a building permit. Notwithstanding any other provision of the Municipal or County Ordinance, as relevant, no building permit shall be issued for any Development Project unless the LDMF applicable to such Development Project has been paid. The amount of the Fee shall be calculated in accordance with this Manual.
 - b. In lieu of the payment of the LDMF as provided above, the Fee for a Development may be paid through a Community Facilities District, provided that such arrangement is approved by the RCA in writing.

3. Remittance of Fees to the RCA

- a. Timing. The Member Agencies shall remit all LDMFs which are collected or should have been collected for any Development, as defined in the MSHCP, and contributions for Public Projects to the RCA on a monthly basis to be expended to fulfill the terms of the MSHCP. Payment to the RCA shall be made no later than 90 days after the LDMFs were collected. Payment to the RCA shall be made no later than 90 days after the construction contract for the Public Project is approved by the Member Agency.
- b. Documentation and Records Requirements. The Member Agencies shall maintain complete and accurate records with respect to all LDMF revenues collected under their LDMF Ordinances and the calculation of contributions for all Public Projects. All such records shall be clearly identifiable.
- c. Annual audits. The Member Agencies shall allow a representative of the RCA during normal business hours to examine, audit, and make transcripts or copies of such records.

4. Imposition of CPI increases and other Fee Adjustments

- a. Automatic Annual Fee Adjustment. The RCA will provide the Member Agencies with an automatic annual fee adjustment for the fee established by Resolution based on the average percentage change over the previous calendar year set forth in the Consumer Price Index for the Riverside-San Bernardino-Ontario metropolitan area or a replacement CPI index issued by the federal government. The Member Agencies shall adopt a resolution implementing the fee adjustment no later than 60 days after receiving notice from the RCA.
- b. Periodic Fee Adjustment. The fee schedule may be periodically reviewed, and the amounts adjusted by the RCA Board of Directors. By amendment to the fee Resolution referenced in the Fee Ordinance, the fees may be increased or decreased to reflect the changes in actual and estimated costs of the MSHCP including, but not limited to, management and monitoring, endowment, and acquisition costs. The adjustment of the fees may also reflect changes in the facilities required to be acquired, in estimated revenues received pursuant to the Fee Ordinances, as well as the availability or lack thereof of other funds with which to

implement the MSHCP. The Member Agencies shall adopt a resolution implementing the fee adjustment no later than 60 days after receiving notice from the RCA.

C. Fee Credits and Fee Credit Agreements

1. Fee Credits

When a Member Agency determines that a request for a fee credit (“Fee Credit”) is appropriate for on-site conservation which meets the standards in Section II below, the Member Agency shall notify the RCA’s Executive Director (“Executive Director”) in writing as part of the Joint Project Review (“JPR”) Application. This notification shall include all relevant documentation related to the project, including project description, map, criteria cells, and designation of land proposed for conservation.

Fee Credits shall be applied only to the Project they are associated with in the JPR. Fee Credits shall only be provided to the underlying property owner or development company at the time the LDMF applies and are not transferrable to other entities, individuals, or development projects. Fee Credits shall not be applied retroactively. Fee Credits shall not be granted for on-site conservation that would not be considered developable land in the absence of the MSHCP. Some examples of such undevelopable land include that which could not be developed under the California Environmental Quality Act, land with topography consisting of 50% or greater slopes, land that is in a flood way, or land that could not be developed due to other local ordinance restrictions. In cases where both developable and undevelopable land are included in on-site conservation, only that land that is developable in the absence of the MSHCP shall be considered for Fee Credit.

2. STANDARDS. Fee credits shall meet the following standards:

- a. Proposed conservation land must be within Criteria Cells and contribute to Reserve Assembly;
- b. Conservation land must be of a size, configuration, and location such that it can be managed as part of the MSHCP Conservation Area;
- c. In addition to the exclusions identified in Section I above, fuel modification/hazardous vegetation areas, manufactured slopes, storm drain or detention basin outfalls, constructed slope protection, utility easement areas, and Best Management Practices such as bioswales, infiltration trenches, and basins will be excluded from Fee Credits and will not be accepted for management by the RCA.

3. APPRAISAL

- a. The RCA or Member Agency will obtain an appraisal for the property being offered in exchange for the Fee Credit. The cost of the appraisal will be borne by the entity that commissions the appraisal.
- b. The appraisal shall be prepared by a licensed appraiser and meet the standards in Section 6.1.1 of the MSHCP. The property owner may select the appraiser from an approved list of appraisers used by the RCA.

4. DECISION.

- a. Member Agency – Approval Authority up to \$200,000 A Member Agency may approve Fee Credits up to \$200,000. The RCA will assist Member Agency in making a determination on the Fee Credits if requested. Notwithstanding the above, the RCA is authorized to review and audit a Member Agency's approval of Fee Credits hereunder. In the event of a disagreement between RCA and a Member Agency regarding Fee Credits provided under this Section IV.A, the matter shall be referred to the RCA Board of Directors for consideration and further action.
- b. Board of Directors – Approval Authority Over \$200,000 All Fee Credits over \$200,000 require approval of the RCA Board of Directors. The Executive Director shall place the Fee Credit request on the agenda for the next regularly scheduled meeting of the RCA Board of Directors for which an agenda has not been posted.

5. REPORTING. The Member Agency will provide the RCA with a copy of all Fee Credit agreements within 30 days of execution. The Executive Director shall provide monthly reports to the RCA Board of Directors of all notifications concerning Fee Credits.

6. CONVEYANCE OF CONSERVATION LAND. Conservation land associated with approved Fee Credits shall be conveyed in fee title to the RCA or another entity or organization lawfully authorized to acquire and hold conservation easements pursuant to Civil Code Section 815.3. The conservation land shall be free of encumbrances that could adversely impact the ability to manage the conservation land in accordance with the MSHCP. Conveyance of the conserved land must occur prior to the point in time when MSHCP Fee payment is due for the Project, and the Member Agency shall not issue occupancy permits for the Project until such time as the conservation

land has been conveyed and any Fee balance has been paid to the RCA. If a non-member agency holds title to the land, the entity must enter into a Management MOU with the RCA agreeing to manage the land in accordance with the MSHCP prior to issuance of a grading permit for the Project.

D. Fee Exemptions.

The following types of construction shall be exempt from the provisions of this Ordinance:

1. Reconstruction or improvements that were damaged or destroyed by fire or other natural causes, provided that the reconstruction or improvements do not result in additional usable square footage.
2. Rehabilitation or remodeling to an existing Development Project, provided that the rehabilitation or remodeling does not result in additional usable square footage.
3. Accessory Dwelling Units, but only to the extent such fee is exempted under state law.
4. Junior Accessory Dwelling Units, but only to the extent such fee is exempted under state law.
5. Existing structures where the use is changed from an existing permitted use to a different permitted use, provided that no additional improvements are constructed and does not result in additional usable square footage.
6. Certain Agricultural Operations as allowed by the MSHCP, as amended.
7. Vesting Tentative Tract Maps entered into pursuant to Government Code section 66452 et seq. (also, Government Code section 66498.1 et seq.) and Development Projects which are the subject of a development agreement entered into pursuant to Government Code section 65864 et seq., prior to the effective date of a Member Agency's original LMDF Ordinance, wherein the imposition of new fees are expressly prohibited, provided that if the term of such a vesting map or development agreement is extended by amendment or by any other manner after the effective date of the Member Agency's original LDMF Ordinance, the Fee shall be imposed.

Except as exempted above, all projects are required to make a mitigation payment/contribution and where no mitigation payment process is specified, the project will pay the updated per acre mitigation fee.

E. Project Area.

As defined in the Fee Ordinance, the "Project Area" means the area, measured in acres, within the Development Project including, without limitation, any areas to be developed as a condition of the Development Project. The Project Area shall be calculated in accordance with the following guidelines:

1. The Project Area shall be determined by the Member Agency staff based on the subdivision map, plot plan, and other information submitted to or required by the Member Agency.
2. An applicant may elect, at his or her own expense, to have a Project Area dimensioned, calculated, and certified by a registered civil engineer or licensed land surveyor. The engineer or land surveyor shall prepare a wet-stamped letter of certification of the Project Area dimensions and a plot plan exhibit thereto that clearly delineates the Project Area. Upon receipt of the letter of certification and plot plan exhibit, the Member Agency shall calculate the LDMF required to be paid based on the certified Project Area.
3. Where construction or other improvements on Project Area are prohibited due to legal restrictions on the Project Area, such as Federal Emergency Management Agency designated floodways or areas legally required to remain in their natural state, that portion of the Project Area so restricted shall be excluded for the purpose of calculating the LDMF.

F. Developer Refunds and Appeals

Under certain circumstances, such as double payment, expiration of a building permit, or fee miscalculation due to clerical error, an applicant may be entitled to a refund. Refunds will be reimbursed by the end of the fiscal year on a first come, first served basis, depending upon the net revenue stream. Refunds will only be considered reimbursable if requested within three (3) years of the original LDMF payment. In all cases, the applicant must promptly submit a refund request with proof of LDMF payment to the RCA if the RCA collected the LDMF, or if collected by a local jurisdiction, the refund request shall be submitted to that local jurisdiction, which will subsequently forward the request to the RCA for verification, review, and possible action.

1. **Expiration of Building Permits** If a building permit should expire, be revoked, or is voluntarily surrendered and is, therefore voided and no construction or improvement of land has commenced, then the applicant may be entitled to a refund of the LDMF collected which was paid as a condition of approval, less administration costs. Any refund must be requested within three (3) years of the original payment. The applicant shall pay the current LDMF in effect at the time in full if s/he reapplies for the permit.

2. **Double Payments** On occasion due to a clerical error, a developer has paid all or a portion of the required LDMF for project twice. In such cases, a refund of the double payment may be required if the request is made within three (3) years of the original payment.
3. **Balance Due** When LDMF is incorrectly calculated due to a Member Agency's clerical error, it is the Member Agency's responsibility to remit the balance due to the RCA. The error must be discovered within three (3) years of the original payment for the Member Agency to be held accountable. The amount due can be remitted through alternate methods agreed to by the RCA Executive Committee. If first approved through RCA staff in writing, the calculation is not subject to additional review.

G. Options for Administrative Add-On Costs to Fees

In the Fee Resolution mentioned in the Fee Ordinance, the Member Agencies are permitted to add an additional cost to the LDMF schedule to cover the Member Agency's costs of imposing, administering, collecting, and remitting the fees.

H. Public Project Fees

1. **City/County Roadways** The Member Agencies shall contribute 5% of the facility construction costs for city/County roads for impacts related to City/County roadways to the RCA as set forth herein.
 - a. The 5% contribution shall apply to the construction of new roads, the widening of existing roads, or other improvements which increase roadway throughput.
 - b. Maintenance projects, as defined herein, are exempt from the 5% contribution.
 - c. The 5% does not apply to:
 - i. Projects, or portions thereof, paid for by the existing Measure A (contribution already paid directly by RCTC); and
 - ii. Projects, or portions thereof, paid for by TUMF (contribution already paid directly by WRCOG).
 - d. The Member Agency will include the payment of MSHCP fees within its grant applications to the Federal Highway Administration.
 - e. Only contributions for the Caltrans-funded portion of a Caltrans highway project shall be exempted from the Public

Project fee. Caltrans contributions are covered pursuant to MSHCP section 8.4.4 (pages 8-11 & 8-12).

2. **City/County Civic Projects** The Member Agency will contribute a per acre mitigation fee based upon the current commercial/industrial fee for these types of facilities.
3. **Riverside County Flood Control District Projects.** Riverside County Flood Control District will contribute mitigation through payment of 3% of total capital costs for a Covered Activity. Such payment may be offset through acquisition of replacement habitat or creation of new habitat for the benefit of Covered Species, as appropriate. Such mitigation shall be implemented prior to impacts to Covered Species and their habitats.

I. Monthly Payment.

Pursuant to Section 8.5 of the MSHCP, Sections 12.2.1 and 12.2.2 of the IA, and Sections 19.A and 19.B of the Joint Powers Agreement (JPA), the Member Agencies shall remit all LDMFs which are collected or should have been collected for any Development, as defined in the MSHCP, and contributions for Public Projects to the RCA on a monthly basis to be expended to fulfill the terms of the MSHCP.

1. Payment to the RCA shall be made no later than 90 days after the LDMFs were collected.
2. Payment to the RCA shall be made no later than 90 days after the construction contract for the Public Project is approved by the County or the City/County.

J. No Withholding.

The Member Agencies may not recover the costs of administering the provisions of their LDMF Ordinance using the LDMF revenues generated by them through said Ordinance.

K. Audit.

Pursuant to the JPA, the Member Agencies shall maintain complete and accurate records with respect to all LDMFs collected under their LDMF Ordinance and the calculation of contributions for all Public Projects. All such records shall be clearly identifiable. The Member Agencies shall allow a representative of the RCA during normal business hours to examine, audit, and make transcripts or copies of such records.

L. Late Payments.

Starting January 1, 2008, if a Member Agency fails to remit the monthly payment within 90 days as required in Section 2.0 above, any delinquent amounts will be assessed interest at the rate of the RCA's prevailing rate for invested funds. Notwithstanding the

prior sentence, no interest shall be assessed on delinquent fees remitted prior to January 1, 2008.

M. No Effect on Withdrawal.

The obligations imposed under this Article on the Member Agencies shall not affect any more strict obligation imposed on each of them under Section 22.1 of the I A pertaining to withdrawal from the MSHCP.

N. Periodic Fee Adjustment.

The fee schedule may be periodically reviewed, and the amounts adjusted by the RCA Board of Directors; the LDMF may be increased or decreased to reflect the changes in actual and estimated costs of the MSHCP including, but not limited to, debt service, lease payments, and acquisition costs. The adjustment of the fees may also reflect changes in the facilities required to be acquired, in estimated revenues received pursuant to this Ordinance, as well as the availability or lack thereof of other funds with which to implement the MSHCP.

O. Automatic Annual Fee Adjustment.

In addition to the Periodic Fee Adjustment mentioned above, the RCA will provide the Member Agencies with an automatic annual fee adjustment for the fee established by this Ordinance based on the average percentage change over the previous calendar year set forth in the Construction Price Index for the Riverside-San Bernardino-Ontario metropolitan area.

P. Authority.

The RCA shall have final determination regarding the appropriate methodology to calculate the fee based on the information provided.

CHAPTER III. MITIGATION PAYMENT REQUIREMENTS

New private, public, and other development activity in western Riverside County must comply with the MSHCP, IA, Ordinances, and Resolutions to obtain permits and make the appropriate mitigation payment. This Chapter describes the mitigation payment mechanisms and formulae that apply to different types of projects. It first defines three broad project categories and then provides more detail on the different mitigation payment calculations that apply to different types of projects under these broad categories. The subsequent **Chapter IV** provides illustrative fee calculations for Private and Public Project examples to clarify the appropriate calculation of mitigation payments.⁴ RCA staff is available to answer questions if there are questions about mitigation payment requirements for a specific project.

A. General Project Categories

All projects fall into one of three (3) general categories as described below. Local Permittees should first determine which general category any project falls under.

1. Private Projects

Private Projects include projects where the primary project purpose is for use by households, businesses, or other private entities (i.e. not accessible to the public except where allowed by private owner/ renter). These projects include homes, apartments, offices, industrial buildings, and retail stores, among others. This category also includes Private Projects that receive public support (e.g., support through direct public investments in infrastructure, ground leases of publicly owned land, or direct investment of public dollars in projects such as affordable housing).

Private Projects often require the development of public infrastructure, improvements, and amenities (e.g., streets, parks, and community buildings) by the project developer. In these cases, the Private Project developer will be responsible for making payments for the private and public components of the project. As discussed in more detail in subsequent sections, the mitigation fee payment calculation for privately developed public infrastructure, improvements, and amenities depends on the type of project (residential versus non-residential) and the nature and role of the improvements (whether they solely serve project residents or serve a broader community).

2. Public Projects

Public Projects include projects whose primary goal is to provide publicly accessible/ useable infrastructure, improvements, or other amenities. Public Projects include a broad range of project types, including transportation, flood control, water, wastewater, stormwater, parks, community centers and other public buildings, among others.

⁴All projects are required to make mitigation payments, except where specifically exempted in the Fee Ordinance.

Some Public Projects will involve the private sector. Private sector involvement could be through design, construction, operation, and/or funding. For mitigation purposes, these projects are considered Public Projects and are treated the same from a mitigation perspective.⁵

3. Participating Special Entities (PSE) Projects

Some types of projects can obtain the MSHCP benefits of permit streamlining by participating as Participating Special Entities (“PSE’s”). This is a third category of project and its mitigation payment requirements are described separately, though in many ways PSE projects are treated similarly to Public Projects.

B. Private Projects

This section categorizes the different types of Private Projects and the associated mitigation payment requirements. Private project mitigation payments are determined by the MSHCP LDMF for the current fiscal year and project characteristics. Chapter IV provides illustrative examples of different types of Private Projects to further clarify and support the calculation of the appropriate mitigation payment.

1. Private Project Types

Private Projects are further distinguished into three (3) types (along with some sub-types). In all cases, mitigation occurs through mitigation fee payment, though as described further below the mitigation fee type and calculation varies for these different types.

a. Non-Residential

The non-residential category of Private Projects encompasses the full and broad range of Private Projects that do not incorporate residential development. Uses include all commercial, industrial, and any other private non-residential projects.

b. Residential

The residential category of Private Projects covers the full range of residential development projects, including, but not limited to, residential subdivisions, apartment complexes, infill residential projects, affordable housing projects, single homesite developments, Accessory Dwelling Units (“ADUs”), and Additions and Renovations. Mixed-use Private Projects (projects that combine residential and commercial/ industrial uses) are addressed distinctly, as described below.

⁵As described above under Private Projects and explained in more detail below, when public infrastructure/ improvements/ amenities are part of a Private Project, the mitigation for the public part of the Private Project is incorporated into the Private Project mitigation requirement.

Because of the variation in the type and extent of public infrastructure, improvements, and amenities developed as part of private residential projects, distinctions between different types of residential projects are required. Distinctions are also required as State law limits and specifies the application of mitigation fees to ADUs.

- **Type I. Residential Development with Resident-Serving Public Improvements Only.** Residential projects whose public infrastructure, improvements, and amenities only serve project residents (e.g., in-tract roads, resident clubhouses, pocket parks, and parking for project resident/ guest use) and do not provide broader community access or benefits.
- **Type II. Residential Development with Community-Serving Public Improvements.** Residential projects that include the development of public infrastructure, improvements, and amenities that serve more than project residents alone; e.g., backbone infrastructure such as roads that serve beyond the project residents or parks and amenities that serve more than just the new residential units.
- **Type III. Accessory Dwelling Units.** State law restricts the imposition of mitigation fees on ADUs of less than 750 square feet and provides a formula for ADUs above this size. ADUs are considered a separate dwelling unit. At the time this manual was adopted, Government Code 65852.2(f)(3)(A) governed the fee for ADUs. Any amendments to this code shall therefore amend the methodology for calculating the LDMF on ADUs.
- **Type IV. Additions and Renovations.** The LDMF fee shall be paid for residential additions and renovations that add square footage beyond what currently exists on the property, if the LDMF was not previously paid on the property. The LDMF will be calculated by applying the same methodology used for Type III Accessory Dwelling Units. If the LDMF fee was previously paid on the residential property, no additional fees are required for additions or renovations to the main home even if additional square footage is added.

c. Mixed-Use Projects

The mixed-use category of Private Projects encompasses projects that include private residential and private non-residential uses. The mixed-use project category is divided into two types because of the two distinct mixed-use project forms – horizontally mixed-use and vertically mixed-use.

- **Type I. Horizontally Mixed-Use Projects.** Mixed-use projects where a distinct portion of the project land area is developed as residential and a distinct portion as non-residential. For example, a project that includes a residential subdivision and neighborhood shopping center.

- **Type II. Vertically Mixed-Use Projects.** Mixed-use projects where one or more land use is developed vertically above another. For example, a project where apartment units are developed above ground floor retail.

2. Private Project Mitigation Fee Schedule

The updated 2020 Nexus Study developed a consistent per gross acre mitigation fee. For residential projects, this per gross acre fee was then translated into per residential unit fees for three different residential development density categories (to allow for a continuation of the existing fee structure). The mitigation fee schedule is shown in Table 3-1 and includes the mitigation fees provided under the updated 2020 Nexus Study (actual fee levels will vary with fee phase-in and annual adjustments).

Table 3-1: Updated Fee Levels (effective January 1, 2022)

Development Type	Fee
Residential Development	
Low Density (fewer less than or equal to 8.0 units per Gross Residential Project Acre)	\$3,635 per Unit
Medium Density (between 8.0 and 14.0 units per Gross Residential Project Acre)	\$1,515 per Unit
High Density (more than 14.0 units per Gross Residential Project Acre)	\$670 per Unit
Non-Residential Development	
Commercial/ Industrial/ Non-Residential Mitigation Fee ¹	\$16,358 per Gross Project Acre

[1] The per gross acre also applies to the public components to private projects and to certain types of public and PSE Projects.

Private Project Mitigation Fee Calculations by Project Type

The table below shows the mitigation payment approach for residential projects.

Table 3-2: Mitigation Payment Approach for Residential Projects

PRIVATE PROJECT MITIGATION PAYMENT APPROACH - RESIDENTIAL

MITIGATION PAYMENT FORMULA FOR DIFFERENT TYPES OF RESIDENTIAL PROJECTS *

Residential Developments - Type I

Residential Development with Resident-Serving Public Improvements Only

Fee Calculation:

Fee Payment = Number of Residential Units x Per Unit Mitigation Fee for Appropriate Density Category

Notes:

1. Density Category = Total Number of Residential Units / Gross Residential Project Acres
2. Type I Residential Development cannot include any public improvements that serve beyond the project residents (i.e. only resident-serving public improvements; not "community-serving" public improvements)

Residential Developments - Type II

Residential Development with Community-Serving Public Improvements

Fee Calculation:

Fee Payment = Number of Residential Units x Per Unit Mitigation Fee for Appropriate Density Category
plus Gross Acres of community-serving Public Improvements x Per Gross Acre Fee

Notes:

1. Density Category = Total Number of Residential Units / Gross Residential Project Acres
2. Type II Residential Development includes "Community-serving" Public Improvements that serve beyond the project residents and are not covered by the per residential unit mitigation fee
3. Gross Project Acres = Gross Residential Project Acres + Gross Community-Serving Public Improvement Acres

Residential Developments - Type III & IV

Development of an Accessory Dwelling Unit (ADU) or Additions/Renovations

Fee Calculation:

Fee Payment for ADUs or Additions/Renovations of less than 750 square feet
= \$0

Fee Payment for ADUs or Additions/Renovations of 750 or more-square feet
= Per Unit Mitigation Fee for Appropriate Density Category x (ADU or Addition/Renovation square feet / Primary (Current) Residence square feet)

Notes:

1. California Government Code 65852.2(f)(3)(A) (as of September 13, 2021) provides the basis for calculating fees on ADUs. Jurisdictions should monitor any amendments to this state code or other state laws that govern fees on ADUs.
2. The above code does not allow charging of mitigation fees to ADUs of less than 750 square feet
3. The above code provides the formula for calculating fee payments by larger ADUs
4. Density Category = Total Lot Square Footage/1 acre.
5. Fees Previously Paid - If the LDMF fee was previously paid on the residential property, no additional fees are required for additions or renovations to the main home even if additional square footage is added.
6. Fees Not Previously Paid - The LDMF shall be paid for residential additions or renovations if the LDMF was not previously paid on that property. The fee is calculated using the state code for ADUs.

* The term "Public Improvements" is used as a collective term for all Public Infrastructure, Improvement, and Amenities.

The table below shows the approach for non-residential projects and mixed-use projects.

Table 3-3: Mitigation Payment Approach for Non-Residential and Mixed-Use Projects

MITIGATION PAYMENT FORMULA FOR NON-RESIDENTIAL AND MIXED USE PROJECTS *

Non Residential Projects

All Non-Residential Projects

Fee Calculation:

Fee Payment = Gross Project Acres x Per Gross Acre Fee

Notes:

1. Gross Project Acres include all project acres including non-residential development areas and all associated project acreage (i.e. including all parking, landscaping, public improvements etc.)
-

Mixed-Use Project - Type I

Horizontally mixed-use project with residential and non-residential private development

Fee Calculation:

Fee Payment = Number of Residential Units x Per Unit Mitigation Fee for Appropriate Density Category
plus Gross Acres of Community-serving Public Improvements x Per Gross Acre Fee
plus Gross Acres of Non-Residential Development x Per Gross Acre Fee

Notes:

1. Density Category = Total Number of Residential Units / Gross Residential Project Acres
2. All gross project acres outside of the Gross Residential Project Acres contribute through the per gross acre fee

Mixed-Use Project - Type II

Vertically mixed-use project with residential and non-residential private development

Fee Payment is the higher of two (2) calculations:

Calculation 1: Fee Payment = Gross Project Acres x Per Gross Acre Fee

Calculation 2:

Fee Payment = Number of Residential Units x Per Unit Mitigation Fee for Appropriate Density Category
plus Gross Acres of Community-serving Public Improvements x Per Gross Acre Fee

Notes:

1. Density Category = Total Number of Residential Units / Gross Project Residential Acres
(Gross Residential Acres = Gross Project Acres minus Community-serving Public Improvements Acres)

* The term "Public Improvements" is used as a collective term for all Public Infrastructure, Improvement, and Amenities.

Key definitions associated with the above mitigation formula table include:

- **Gross Project Area/ Acres.** This is the total or gross areas of the project. This overall acreage can only be reduced under unique circumstances.⁶
- **Gross Residential Area/ Acres.** This is the total area of the project dedicated to residential land uses and includes residential buildings as well as “Project Resident-Serving” Infrastructure/ Improvements/ Amenities.
- **Project Resident-Serving Infrastructure/ Improvements/ Amenities.** Infrastructure/ improvements, and amenities that only serve project residents and include, but are not limited to, roads, parks, and non-residential buildings that only serve project residents.
- **Gross “Community-Serving” Area/ Acres.** This is the area of residential projects that provide infrastructure, improvements, and amenities that go beyond only serving project residents and hence are “community-serving”. This includes, but is not limited to, roads that serve multiple projects, parks that serve more than one residential project, parking that serves other uses/ developments etc. The acreage associated with these improvements/ amenities are part of the gross project acreage but distinct from project resident-serving improvements/ amenities and the gross residential area.

For further clarification, mitigation fee payment calculations for illustrative Private Projects are provided in **Chapter IV**.

C. Public Projects

This section categorizes the different types of Public Projects and the associated mitigation payment requirements. The MSHCP, Implementing Agreement, and other documents established the mitigation system for Public Projects that includes a mix of approaches typically tied to a percent of capital cost or the adopted per gross acre mitigation fee for non-residential uses. The mitigation payments for road projects are more complex as certain funding sources (Measure A and TUMF) provide direct mitigation payments for the portions of transportation projects they fund. **Chapter IV** provides illustrative examples of selected Public Projects to further clarify and support the calculation of the appropriate mitigation payment.

1. Public Project Types

Public Projects include the full range of projects that provide public infrastructure, improvements, or amenities. This includes, but is not limited to, public roads, parks, libraries, administrative facilities, jails, courts, and flood control projects among others. As

⁶Specifically, the MSHCP exempts flood control areas that cannot be developed from mitigation fee calculations.

described in the following section, certain public/ quasi-public improvements are covered as Participating Special Entity projects (the third major project category type). These include public (and private) utility districts/ companies, School Districts, Special Districts, and other quasi-public entities.

Per the MSHCP, Implementing Agreement, and other documents, the mitigation payment requirement/ obligation varies between the following Public Project types.

- **City/ County Road Projects.** Includes all City and County road projects.
- **City/County Civic Projects.** Includes all non-road City and County projects, including City/ County administrative facilities, jails, courts, juvenile facilities, parks, libraries, and all other facilities that serve the public.
- **Riverside County Flood Control District Projects.** Includes all Riverside County Flood Control District projects.

As noted in the MSHCP and the Implementing Agreement, mitigation contributions for Caltrans Projects are intended to be covered through a combination of Measure A funds, 3,000 acres of land dedication, and support for the endowment and ongoing positions. Mitigation for federal projects (e.g., development of a federal building) occurs through the Section 7 consultation process of the Federal Endangered Species Act; in some cases, these projects might be required to provide mitigation similar to those of other Public Projects under the MSHCP.

2. Mitigation Requirements and Transportation Funding Sources

For transportation projects, the mitigation payment calculations are more complicated due to the distinct mitigation payments/ contributions directly incorporated into certain types of transportation funding, as described below:

- **TUMF Funding.** The TUMF includes a small component tied to the mitigation of the portions of projects funded by TUMF revenues. This portion of the TUMF is passed directly from WRCOG to the RCA. As a result, the proportion of transportation projects that are funded by TUMF revenues are netted out from transportation project mitigation payments (described in more detail below).
- **Measure A Funding.** A portion of the Measure A sales tax revenues was collected and provided to the RCA to support MSHCP implementation. This contribution represented the mitigation payment for the portions of projects funded with Measure A dollars. As a result, the proportion of transportation projects that are funded by Measure A funds are netted out from transportation project mitigation payments (described in more detail below).
- **Federal Funding.** Unlike TUMF and Measure A funding, direct mitigation funding has not been provided for the portions of transportation projects that are federally funded. As a result, federal funding is not excluded from the mitigation payment

calculation. It is recommended that Local Permittees incorporate the mitigation payment associated with federally funded portions of their transportation projects into any grant applications for federal transportation funding.

3. Public Project Mitigation Payment Approaches

There are two primary approaches that underlie the calculation of Public Project mitigation payments, including:

- **Per Gross Acre Fee Payments.** For some Public Projects, the required mitigation payment is based on the application of the per gross acre fee to the gross project acres. The per gross acre fee is the same fee that applies to Private Projects. The fee will vary each year/ periodically and is calculated at \$16,358 per Gross Project Acre in the updated 2020 Nexus Study.
- **Percent of Construction Costs.** For some Public Projects, the mitigation payment requirement is three (3) percent or five (5) percent of total construction costs (described in more detail below).

4. Public Project Mitigation Fee Calculations by Project Type

The table below shows fee calculations for different Public Projects types.

Table 3-4: Mitigation Payment Approach for Public Projects

MITIGATION PAYMENT FORMULA FOR DIFFERENT TYPES OF PUBLIC PROJECTS

City/ County Road Projects

All City and County Road Projects

Fee Calculation:

Fee Payment = 5% x Total Construction Costs

Notes:

1. Applies to all new road projects, all road widening projects, and other road investments that are not maintenance efforts.
2. The proportion of total project costs covered by TUMF funding and Measure A funding is discounted from the total construction costs (where applicable) prior to fee payment calculation.
3. Total construction costs are a portion of total project costs. Total construction costs include all direct/ hard costs, including contingencies and change orders. ROW acquisition costs and soft costs are not included in total construction costs.

City/ County Civic Projects

All City and County (non-road) public projects, including City/ County administrative facilities, jails, courts, juvenile facilities, parks, libraries, or other facilities that serve the public.

Fee Calculation:

Fee Payment = Gross Project Acres x Per Gross Acre Fee

Notes:

1. No exceptions unless specifically noted in the Ordinance.
2. School District, Special District, and certain other public projects are covered as PSE's.

Riverside County Flood Control District Projects

All Riverside County Flood Control District projects

Fee Calculation

Fee Payment = 3% x Total Construction Costs

Notes

1. Total construction costs are a portion of total project costs. Total construction costs include all direct/ hard costs, including contingencies and change orders. ROW acquisition costs and soft costs are not included in total construction costs.
-

D. Participating Special Entity Projects

Participating Special Entities (“PSE’s”) are entities that are not formally covered under the MSHCP but are allowed to obtain the same MSHCP streamlined permitting by making the appropriate mitigation payments. This section categorizes the different types of PSE projects and the associated mitigation payment requirements. The mitigation payment system for PSE projects is similar to the one for public projects and includes a mix of approaches typically tied to percent of construction costs or the adopted per gross acre mitigation fee for non-residential uses.

1. PSE Project Types

Participating Special Entities includes entities/ agencies such as public and private utility districts/ companies, School Districts, Special Districts, and Quasi-Public entities, among others. Public water districts, private water companies, telecommunication companies, Investor Owned Utilities (IOU’s), Schools, Colleges, and Universities would all fall in this project category.

The mitigation payment requirement/ obligation varies between the following Public Project types.

- Non-Linear Projects. Includes all projects that are non-linear in form.
- Linear Projects. Includes all linear projects with differentiation in payment amount between permanent and temporary projects.

2. PSE Mitigation Payment Approaches

There are two primary approaches that underlie the calculation of Public Project mitigation payments, including:

- Per Gross Acre Fee Payments. For non-linear Public Projects, the required mitigation payment is based on the application of the per gross acre fee to the gross project acres. The per gross acre fee is the same fee that applies to Private Projects. The fee will vary each year/ periodically and is calculated at \$16,358 per Gross Project Acre in the updated 2020 Nexus Study.
- Percent of Construction Costs. For linear projects, the mitigation payment requirement is 5 percent of total construction costs for permanent impacts and three (3) percent of total construction costs for temporary impacts.

3. PSE Project Mitigation Fee Calculations by Project Type

The table below shows fee calculations for different PSE project types.

Table 3-5: Mitigation Payment Approach for PSE Projects

MITIGATION PAYMENT FORMULA FOR DIFFERENT TYPES OF PSE PROJECTS

Non-Linear Projects

All PSE projects that are not linear in form

Fee Calculation:

Fee Payment = Gross Project Acres x Per Gross Acre Fee

Linear Projects - Permanent Impacts

All PSE projects that are linear in form and permanent

Fee Calculation

Fee Payment = 5% x Total Construction Costs

Linear Projects - Temporary Impacts

All PSE projects that are linear in form and temporary

Fee Calculation

Fee Payment = 3% x Total Construction Costs

Notes

1. Total construction costs are a portion of total project costs. Total construction costs include all direct/ hard costs, including contingencies and change orders. ROW acquisition costs and soft costs are not included in total construction costs.

CHAPTER IV. MITIGATION PAYMENT EXAMPLES

This chapter provides illustrative fee calculations for examples of Private and Public Projects. Building off the comprehensive description of mitigation requirements and formulae by project type in **Chapter III**, this chapter provides fee calculations for an illustrative set of projects. Illustrative examples were developed for a range of circumstances and are designed to help Local Permittees identify the appropriate approach for estimating mitigation payments. The examples included in this chapter are for illustration purposes only. In the event of a conflict between these examples and the Fee Ordinance of the applicable City/County, the Fee Ordinance shall control the administration of the Local Development Mitigation Fee. Please contact RCA staff if you are unclear on how to conduct the mitigation payment calculation for a particular project.

A. Private Projects: Residential/Mixed Use Examples

This section contains six (6) examples of private development projects, including four (4) residential projects and two (2) mixed-use projects. More specifically, they include:

- Example 1: All Residential – Low Density
- Example 2: All Residential – Low Density – including Backbone Road Construction
- Example 3: All Residential – High Density - including Backbone Road Construction
- Example 4: All Residential – Combination of Densities
- Example 5: Horizontal Mixed Use – Residential/ Commercial – including Backbone Road Construction
- Example 6: Vertical Mixed Use – Residential/ Commercial

These examples are not intended to be all inclusive but rather give permittees guidance on calculating the mitigation fee payment given different project types and characteristics. Included in each example is a narrative of the example project, a figure representation of the project layout, the development program description, and the mitigation fee calculation. No stand-alone commercial project examples are included as the application of the per gross acre mitigation fee to the gross project acres is universal for all non-residential Private Projects.

Example 1 - All Residential – Low Density

Residential project to be developed on a total of ten acres (area inside red boundary). The project will include residential units, a community building/ area for the residents of the development (project residents only), and streets within the development (in-tract streets). All roads leading to the development have already been built and do not require investments by the developer. A total of 50 residential units are planned within the ten gross acres, resulting in an average residential density of five units per acre. This represents a low-density residential project for the purpose of the fee program. Please

see the visual representation of the project layout (Figure 1-1), the development program data (Table 1-1), and mitigation payment calculation (Table 1-2) below.

Figure 1-1: Illustrative Project Layout

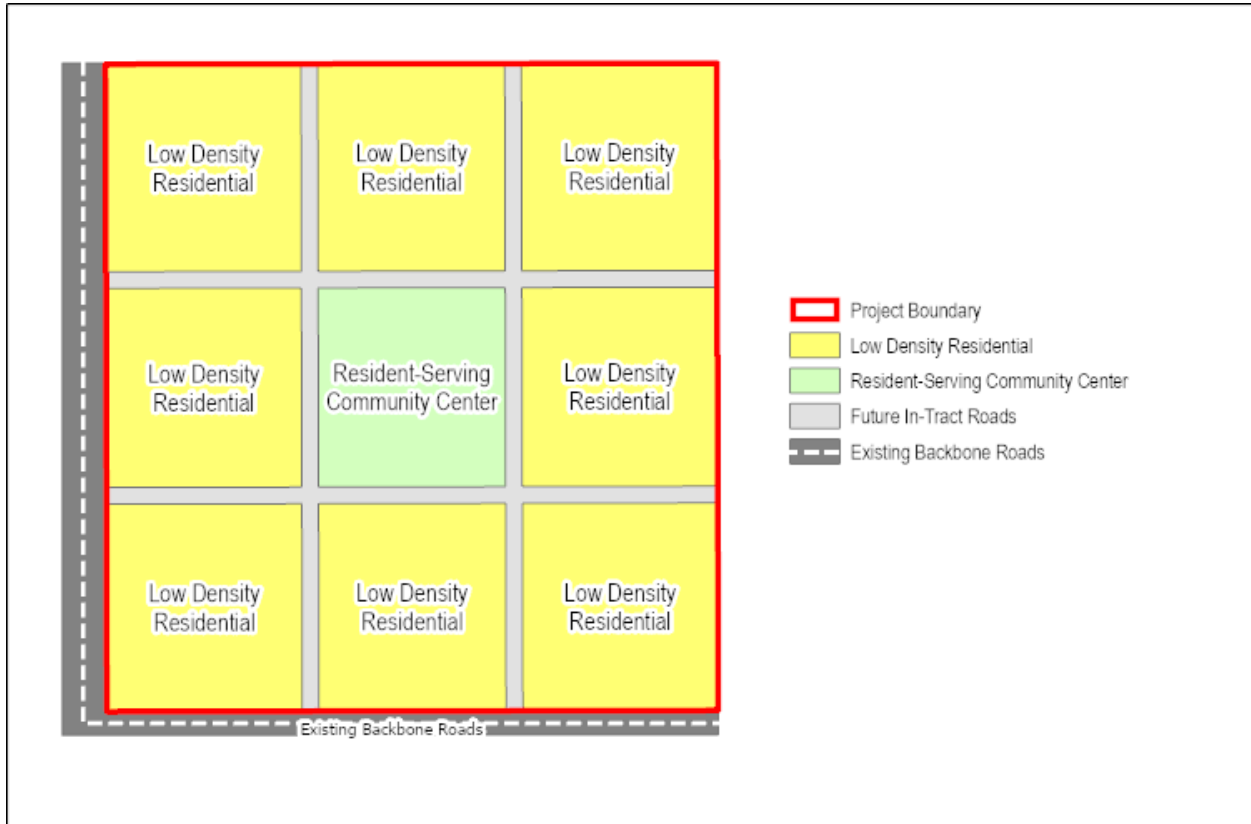


Table 1-1: Illustrative Development Program

Item	Amount
Gross Project Area	10 acres
<u>Residential Development Area</u>	
Residential Development Area	8.25
In-Tract/ Project Resident Serving (Residential)	<u>1.75</u>
Total/ Gross Residential Acres	10.00
<u>All Other Development</u>	
Non-Residential Development Area	0
Backbone/ Area-Serving	<u>0</u>
Total Non-Residential Development	0
Residential Development	
Low Density (1)	50
Medium Density (1)	0
High Density (1)	<u>0</u>
Total Units	50 units
Residential Project Density	
Residential Project Density	5 units/ acre
Residential Fee Density Category (1)	LOW

(1) Residential density categories as follows:
 - Low Density - less than or equal to 8 residential units/ gross residential acre.
 - Medium Density - greater than 8 and less than 16 residential units/ gross residential acre.
 - High Density - greater than 16 residential units/ gross residential acre.

Table 1-2: Mitigation Fee Payment Calculation

Item	Units/ Acres	Per Unit/ Per Acre Mitigation Fee (1)	Mitigation Fee Payment
Residential Development (2)	50 units	\$3,635 (low density)	\$181,750
Non-Residential Development (3)	0 acres	\$16,358	\$0
Backbone/ Community-Serving (4)	0 acres	\$16,358	\$0
Total Mitigation Fee Payment (5)			\$181,750

(1) Fee schedule will be updated periodically. Fee schedule used for Example Calculations as follows:

Residential Development

Low Density (on average)	\$3,635	per unit
Medium Density (on average)	\$1,515	per unit
High Density (on average)	\$670	per unit
<u>All Other Development</u>	\$16,358	per gross acre

(2) Residential mitigation fee payment covers residential units and associated in-tract infrastructure/ improvements and project resident-serving amenities. All infrastructure, improvements, and amenities that serve beyond the project residents is covered in separate component of the fee calculation.

(3) Includes land area associated with non-residential development, such as commercial/ industrial buildings, parking, and landscaping, among other components.

(4) All infrastructure/ improvements/ amenities that serve beyond the project/ project residents and that are not included in the non-residential development fee payment calculation included here.

(5) Mitigation fee payment calculation does not include any additional member jurisdiction administrative charges.

Example 2 – All Residential – Low Density – Including Backbone Road Construction

Residential project to be developed on a total of 12.5 acres (inside red boundary). The project will include residential units, a community building/ area for the residents of the development (project residents only), streets within the development (in-tract streets), and new streets leading to the project (backbone/ community-serving streets). The member agency has required the builder to construct backbone roads as a condition of the permit. The backbone roads will be built on an additional 2.5 acres of land distinct from the 10 acres that will incorporate the residential development and project resident-serving improvements/ amenities. A total of 50 residential units are planned within the 10 gross acres (gross residential acres) that exclude the backbone/community-serving infrastructure. This results in an average residential density of five units per acre and represents a low-density residential project for the purpose of the fee program. Please see the visual representation of the project layout (Figure 2-1), the development program data (Table 2-1), and the mitigation payment calculation (Table 2-2) below.

Figure 2-1: Illustrative Project Layout

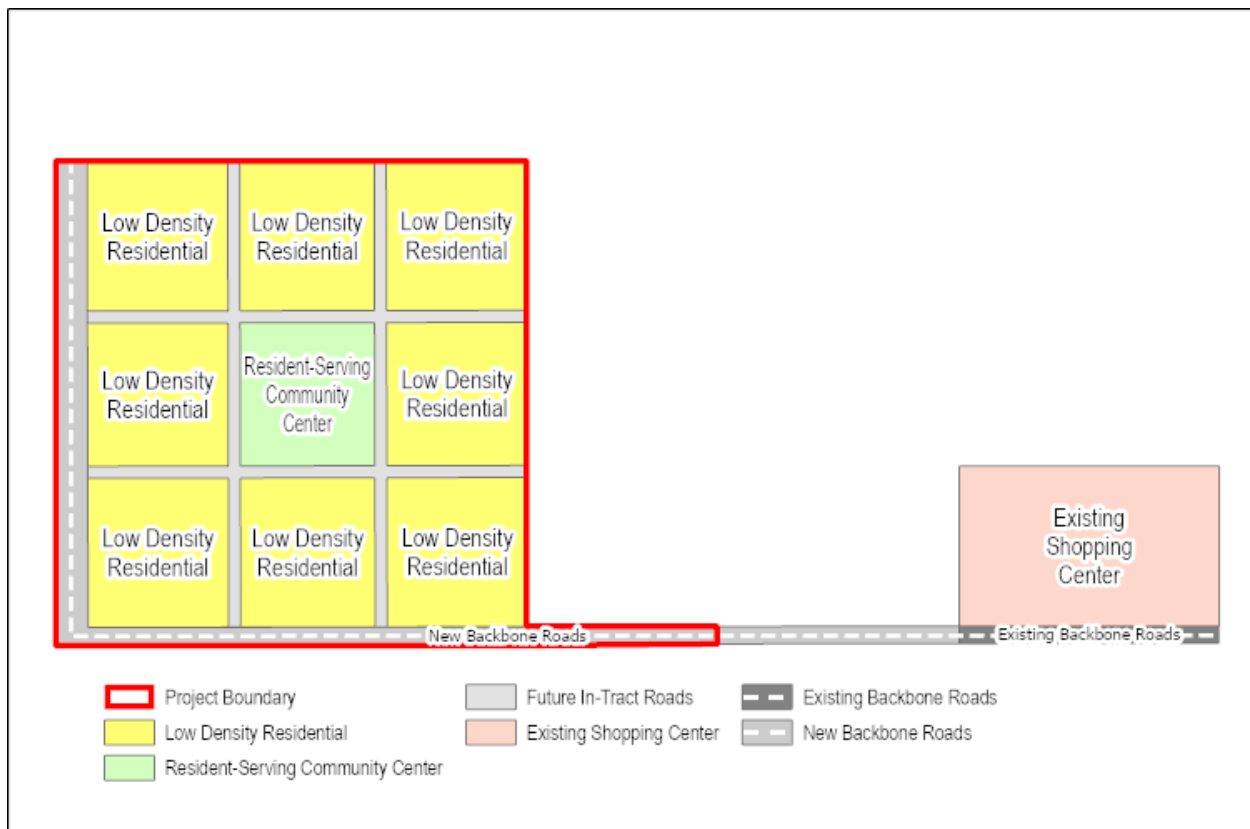


Table 2-1: Illustrative Development Program

Item	Amount
Gross Project Area	12.5 acres
<u>Residential Development Area</u>	
Residential Development Area	8.25
In-Tract/ Project Resident Serving (Residential)	<u>1.75</u>
Total/ Gross Residential Acres	10.00
<u>All Other Development</u>	
Non-Residential Development Area	0
Backbone/ Area-Serving	<u>2.5</u>
Total Non-Residential Development	2.5
Residential Development	
Low Density (1)	50
Medium Density (1)	0
High Density (1)	<u>0</u>
Total Units	50 units
Residential Project Density	
Residential Project Density	5 units/ acre
Residential Fee Density Category (1)	LOW

(1) Residential density categories as follows:
 - Low Density - less than or equal to 8 residential units/ gross residential acre.
 - Medium Density - greater than 8 and less than 16 residential units/ gross residential acre.
 - High Density - greater than 16 residential units/ gross residential acre.

Table 2-2: Mitigation Payment Calculation

Item	Units/ Acres	Per Unit/ Per Acre Mitigation Fee (1)	Mitigation Fee Payment
Residential Development (2)	50 units	\$3,635 (low density)	\$181,750
Non-Residential Development (3)	0 acres	\$16,358	\$0
Backbone/ Community-Serving (4)	2.5 acres	\$16,358	\$40,895
Total Mitigation Fee Payment (5)			\$222,645

(1) Fee schedule will be updated periodically. Fee schedule used for Example Calculations as follows:

Residential Development

Low Density (on average)	\$3,635	per unit
Medium Density (on average)	\$1,515	per unit
High Density (on average)	\$670	per unit
<u>All Other Development</u>	\$16,358	per gross acre

(2) Residential mitigation fee payment covers residential units and associated in-tract infrastructure/ improvements and project resident-serving amenities. All infrastructure, improvements, and amenities that serve beyond the project residents is covered in separate component of the fee calculation.

(3) Includes land area associated with non-residential development, such as commercial/ industrial buildings, parking, and landscaping, among other components.

(4) All infrastructure/ improvements/ amenities that serve beyond the project/ project residents and that are not included in the non-residential development fee payment calculation included here.

(5) Mitigation fee payment calculation does not include any additional member jurisdiction administrative charges.

Example 3 – All Residential – High Density – Including Backbone Road Construction

Residential project to be developed on a total of 12.5 acres (inside red boundary). The project will include residential units, a community building/area for the residents of the development (project residents only), streets within the development (in-tract streets), and new streets leading to the project (backbone/ community-serving streets). The member agency has required the builder to construct backbone roads as a condition of the permit. The backbone roads will be built on an additional 2.5 acres of land distinct from the 10 acres that will incorporate the residential development and project resident-serving improvements/ amenities. A total of 200 residential units are planned within the 10 gross acres that exclude the backbone/ community-serving infrastructure. This results in an average residential density of 20 units per acre and represents a high-density residential project for the purpose of the fee program. Please see the visual representation of the project layout (Figure 3-1), the illustrative development program data (Table 3-1), and the mitigation payment calculation (Table 3-2) below.

Figure 3-1: Project Layout



Table 3-1: Illustrative Development Program

Item	Amount
Gross Project Area	12.5 acres
<u>Residential Development Area</u>	
Residential Development Area	8.00
In-Tract/ Project Resident Serving (Residential)	<u>2.00</u>
Total/ Gross Residential Acres	10.00
<u>All Other Development</u>	
Non-Residential Development Area	0
Backbone/ Area-Serving	<u>2.5</u>
Total Non-Residential Development	2.5
Residential Development	
Low Density (1)	0
Medium Density (1)	0
High Density (1)	<u>200</u>
Total Units	200 units
Residential Project Density	
Residential Project Density	20 units/ acre
Residential Fee Density Category (1)	HIGH

(1) Residential density categories as follows:
 - Low Density - less than or equal to 8 residential units/ gross residential acre.
 - Medium Density - greater than 8 and less than 16 residential units/ gross residential acre.
 - High Density - greater than 16 residential units/ gross residential acre.

Table 3-2: Mitigation Payment Calculation

Item	Units/ Acres	Per Unit/ Per Acre Mitigation Fee (1)	Mitigation Fee Payment
Residential Development (2)	200 units	\$670 (high density)	\$134,000
Non-Residential Development (3)	0 acres	\$16,358	\$0
Backbone/ Community-Serving (4)	2.5 acres	\$16,358	\$40,895
Total Mitigation Fee Payment (5)			\$174,895

(1) Fee schedule will be updated periodically. Fee schedule used for Example Calculations as follows:

Residential Development

Low Density (on average)	\$3,635	per unit
Medium Density (on average)	\$1,515	per unit
High Density (on average)	\$670	per unit
<u>All Other Development</u>	\$16,358	per gross acre

(2) Residential mitigation fee payment covers residential units and associated in-tract infrastructure/ improvements and project resident-serving amenities. All infrastructure, improvements, and amenities that serve beyond the project residents is covered in separate component of the fee calculation.

(3) Includes land area associated with non-residential development, such as commercial/ industrial buildings, parking, and landscaping, among other components.

(4) All infrastructure/ improvements/ amenities that serve beyond the project/ project residents and that are not included in the non-residential development fee payment calculation included here.

(5) Mitigation fee payment calculation does not include any additional member jurisdiction administrative charges.

Example 4 – All Residential – Combination of Densities

Residential project to be developed on a total of 7.25 acres (area inside red boundary). The project will include residential units, a community building/area for the residents of the development (project residents only), and streets within the development (in-tract streets). All roads leading to the development have already been built and do not require investments by the developer. A total of 50 residential units are planned within the 7.25 gross acres, including a mix of low- and high-density development. The 50 residential units planned on 7.5 gross acres result in an average residential density of 6.9 units per acre. This represents a low-density residential project for the purpose of the fee program. Please see the visual representation of the project layout (Figure 4-1), the illustrative development program data (Table 4-1), and the mitigation payment calculation (Table 4-2) below.

Figure 4-1: Illustrative Project Layout

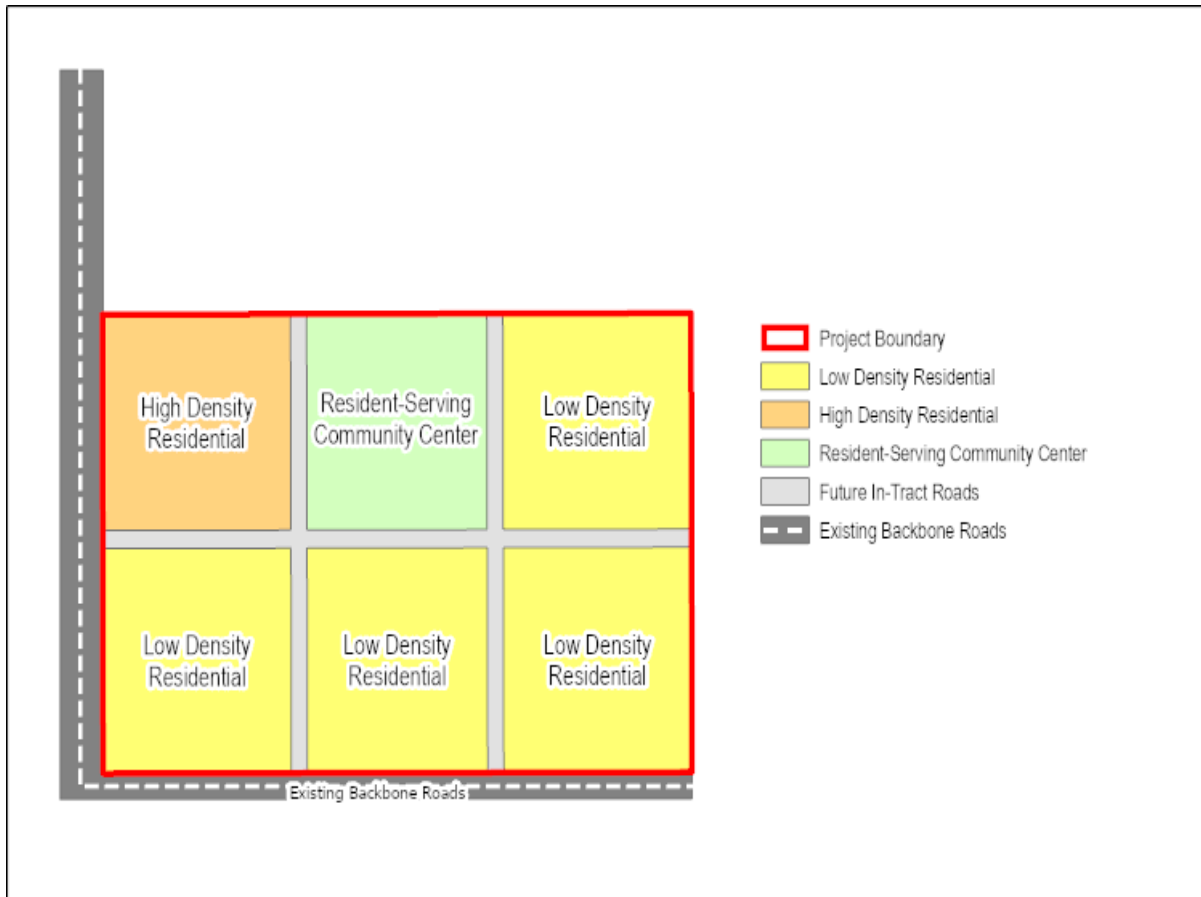


Table 4-1: Illustrative Development Program

Item	Amount
Gross Project Area	7.25 acres
<u>Residential Development Area</u>	
Residential Development Area	5.75
In-Tract/ Project Resident Serving (Residential)	<u>1.50</u>
Total/ Gross Residential Acres	7.25
<u>All Other Development</u>	
Non-Residential Development Area	0
Backbone/ Area-Serving	<u>0</u>
Total Non-Residential Development	0
Residential Development	
Low Density (1)	25
Medium Density (1)	0
High Density (1)	<u>25</u>
Total Units	50 units
Residential Project Density	
Residential Project Density	6.9 units/ acre
Residential Fee Density Category (1)	LOW

(1) Residential density categories as follows:
 - Low Density - less than or equal to 8 residential units/ gross residential acre.
 - Medium Density - greater than 8 and less than 16 residential units/ gross residential acre.
 - High Density - greater than 16 residential units/ gross residential acre.

Table 4-2: Mitigation Payment Calculation

Item	Units/ Acres	Per Unit/ Per Acre Mitigation Fee (1)	Mitigation Fee Payment
Residential Development (2)	50 units	\$3,635 (low density)	\$181,750
Non-Residential Development (3)	0 acres	\$16,358	\$0
Backbone/ Community-Serving (4)	0 acres	\$16,358	\$0
Total Mitigation Fee Payment (5)			\$181,750

(1) Fee schedule will be updated periodically. Fee schedule used for Example Calculations as follows:

Residential Development

Low Density (on average)	\$3,635	per unit
Medium Density (on average)	\$1,515	per unit
High Density (on average)	\$670	per unit
<u>All Other Development</u>	\$16,358	per gross acre

- (2) Residential mitigation fee payment covers residential units and associated in-tract infrastructure/ improvements and project resident-serving amenities. All infrastructure, improvements, and amenities that serve beyond the project residents is covered in separate component of the fee calculation.
- (3) Includes land area associated with non-residential development, such as commercial/ industrial buildings, parking, and landscaping, among other components.
- (4) All infrastructure/ improvements/ amenities that serve beyond the project/ project residents and that are not included in the non-residential development fee payment calculation included here.
- (5) Mitigation fee payment calculation does not include any additional member jurisdiction administrative charges.

Example 5 – Horizontal Mixed Use – Residential and Commercial – Including Backbone Road Construction

Mixed use project to be developed on a total of 22.5 acres (inside red boundary). Residential project to be developed on ten acres. The project will include three components: (1) residential units, a community building/area for the residents of the development (project residents only), and streets within the residential development (in-tract streets); (2) a commercial development (e.g. shopping center) and project -serving improvements (e.g. parking, landscaping, and any other component that is not restricted to use by the residents only); and, (3) backbone/community serving roads on 2.5 acres of land that the member agency has required the builder to construct as a condition of the permit. A total of 50 residential units are planned within the 10 gross residential acres that exclude the backbone/community-serving infrastructure and the commercial development. This results in an average residential density of five units per acre, meaning that the residential component of the project is low density for the purpose of the fee program. Please see the visual representation of the project layout (Figure 5-1), the

illustrative development program data (Table 5-1), and the mitigation payment calculation (Table 5-2) below.

Figure 5-1: Illustrative Project Layout

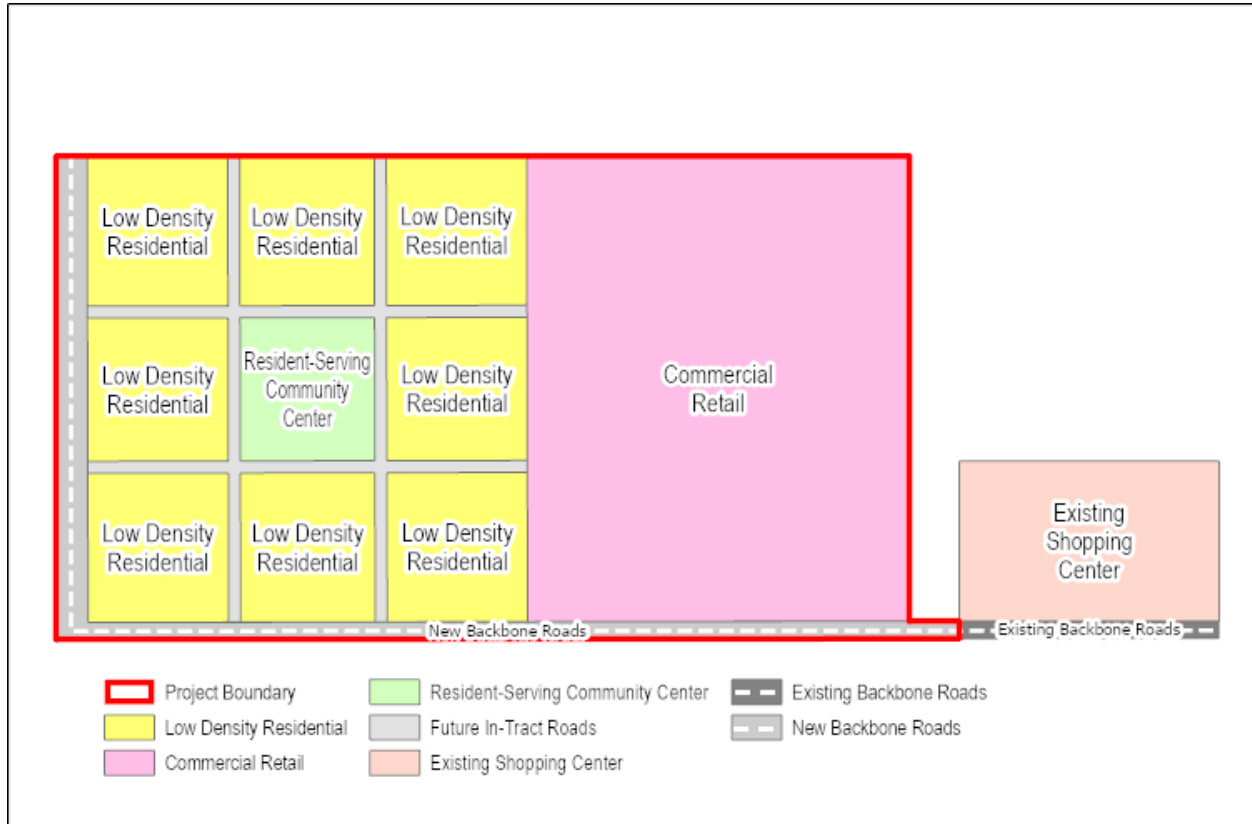


Table 5-1: Illustrative Development Program

Item	Amount
Gross Project Area	22.5 acres
<u>Residential Development Area</u>	
Residential Development Area	8.25
In-Tract/ Project Resident Serving (Residential)	<u>1.75</u>
Total/ Gross Residential Acres	10.00
<u>All Other Development</u>	
Non-Residential Development Area	10.0
Backbone/ Area-Serving	<u>2.5</u>
Total Non-Residential Development	12.5
Residential Development	
Low Density (1)	50
Medium Density (1)	0
High Density (1)	<u>0</u>
Total Units	50 units
Residential Project Density	
Residential Project Density	5.0 units/ acre
Residential Fee Density Category (1)	LOW

- (1) Residential density categories as follows:
- Low Density - less than or equal to 8 residential units/ gross residential acre.
 - Medium Density - greater than 8 and less than 16 residential units/ gross residential acre.
 - High Density - greater than 16 residential units/ gross residential acre.

Table 5-2: Mitigation Fee Payment Calculation

Item	Units/ Acres	Per Unit/ Per Acre Mitigation Fee (1)	Mitigation Fee Payment
Residential Development (2)	50 units	\$3,635 (low density)	\$181,750
Non-Residential Development (3)	10 acres	\$16,358	\$163,580
Backbone/ Community-Serving (4)	2.5 acres	\$16,358	\$40,895
Total Mitigation Fee Payment (5)			\$386,225

(1) Fee schedule will be updated periodically. Fee schedule used for Example Calculations as follows:

Residential Development

Low Density (on average)	\$3,635	per unit
Medium Density (on average)	\$1,515	per unit
High Density (on average)	\$670	per unit
<u>All Other Development</u>	\$16,358	per gross acre

(2) Residential mitigation fee payment covers residential units and associated in-tract infrastructure/ improvements and project resident-serving amenities. All infrastructure, improvements, and amenities that serve beyond the project residents is covered in separate component of the fee calculation.

(3) Includes land area associated with non-residential development, such as commercial/ industrial buildings, parking, and landscaping, among other components.

(4) All infrastructure/ improvements/ amenities that serve beyond the project/ project residents and that are not included in the non-residential development fee payment calculation included here.

(5) Mitigation fee payment calculation does not include any additional member jurisdiction administrative charges.

Example 6 – Vertical Mixed Use – Residential and Commercial

Mixed use project to be developed on a total of 3 acres (inside red boundary). The project will include a podium at street level that will include commercial/ retail as well as parking, residential units in the stories above the podium, as well as streets within the project area (in-tract streets). A total of 90 residential units are planned within the 3-acre project area. This results in an average residential density of 30 units per acre, meaning that the residential component of the project is high density for the purpose of the fee program. Please see the visual representations of the project layout (Figures 6-1 and 6-2), the illustrative development program data (Table 6-1), and the mitigation payment calculations (Tables 6-2 and 6-3) below. Two calculations must be conducted for mixed-use vertical projects and the higher of the two calculations must be used. One calculation treats the project like a residential project and the other calculation treats it like a commercial project. In the example below, the mitigation payment is \$60,300 under the first method and \$49,300 under the second method, so \$60,300 payment applies.

Figure 6-1: Illustrative Project Layout – Residential and Commercial Vertical View



Figure 6-2: Illustrative Project Layout – Residential and Commercial Horizontal View

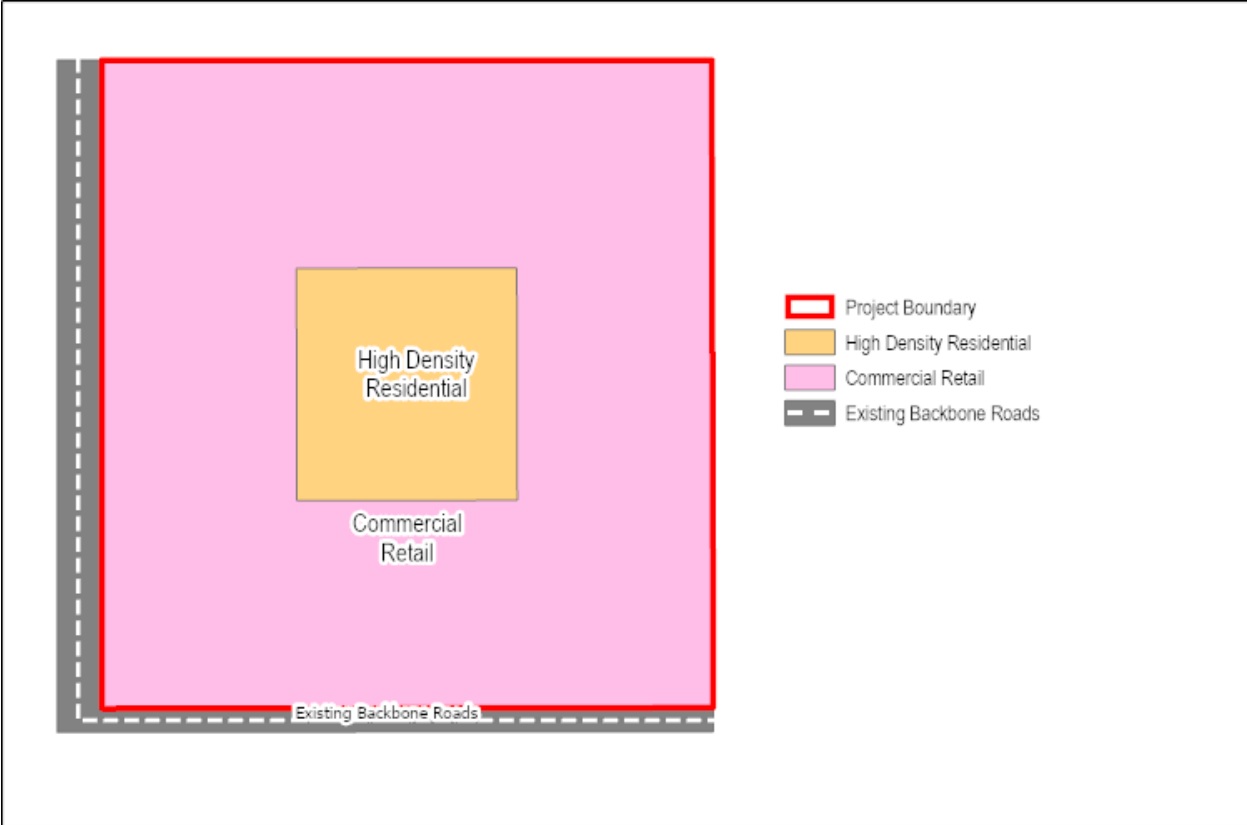


Table 6-1: Illustrative Development Program

Item	Amount
Gross Project Area	3 acres
<u>Residential Development Area</u>	
Residential Development Area	2.75
In-Tract/ Project Resident Serving (Residential)	<u>0.25</u>
Total/ Gross Residential Acres	3.00
<u>All Other Development</u>	
Non-Residential Development Area	0.0
Backbone/ Area-Serving	<u>0</u>
Total Non-Residential Development	0
Residential Development	
Low Density (1)	0
Medium Density (1)	0
High Density (1)	<u>90</u>
Total Units	90 units
Residential Project Density	
Residential Project Density	30.0 units/ acre
Residential Fee Density Category (1)	HIGH

- (1) Residential density categories as follows:
- Low Density - less than or equal to 8 residential units/ gross residential acre.
 - Medium Density - greater than 8 and less than 16 residential units/ gross residential acre.
 - High Density - greater than 16 residential units/ gross residential acre.

Table 6-2: Mitigation Fee Payment Calculation – Method 1 (Residential Focus)

Item	Units/ Acres	Per Unit/ Per Acre Mitigation Fee (1)	Mitigation Fee Payment
Residential Development (2)	90 units	\$670 (high density)	\$60,300
Non-Residential Development (3)	0 acres	\$16,358	\$0
Backbone/ Community-Serving (4)	0 acres	\$16,358	\$0
Total Mitigation Fee Payment (5)			\$60,300

(1) Fee schedule will be updated periodically. Fee schedule used for Example Calculations as follows:

Residential Development

Low Density (on average)	\$3,635	per unit
Medium Density (on average)	\$1,515	per unit
High Density (on average)	\$670	per unit
<u>All Other Development</u>	\$16,358	per gross acre

(2) Residential mitigation fee payment covers residential units and associated in-tract infrastructure/ improvements and project resident-serving amenities. All infrastructure, improvements, and amenities that serve beyond the project residents is covered in separate component of the fee calculation.

(3) Includes land area associated with non-residential development, such as commercial/ industrial buildings, parking, and landscaping, among other components.

(4) All infrastructure/ improvements/ amenities that serve beyond the project/ project residents and that are not included in the non-residential development fee payment calculation included here.

(5) Mitigation fee payment calculation does not include any additional member jurisdiction administrative charges.

Table 6-3: Mitigation Fee Payment Calculation – Method 2 (Commercial/ Project Area Focus)

Item	Units/ Acres	Per Unit/ Per Acre Mitigation Fee (1)	Mitigation Fee Payment
Residential Development (2)	0 units	\$670 (high density)	\$0
Non-Residential Development (3)	3 acres	\$16,358	\$49,074
Backbone/ Community-Serving (4)	0 acres	\$16,358	\$0
Total Mitigation Fee Payment (5)			\$49,074

(1) Fee schedule will be updated periodically. Fee schedule used for Example Calculations as follows:

Residential Development

Low Density (on average)	\$3,635	per unit
Medium Density (on average)	\$1,515	per unit
High Density (on average)	\$670	per unit
<u>All Other Development</u>	\$16,358	per gross acre

(2) Residential mitigation fee payment covers residential units and associated in-tract infrastructure/ improvements and project resident-serving amenities. All infrastructure, improvements, and amenities that serve beyond the project residents is covered in separate component of the fee calculation.

(3) Includes land area associated with non-residential development, such as commercial/ industrial buildings, parking, and landscaping, among other components.

(4) All infrastructure/ improvements/ amenities that serve beyond the project/ project residents and that are not included in the non-residential development fee payment calculation included here.

(5) Mitigation fee payment calculation does not include any additional member jurisdiction administrative charges.

B. Public Project Examples

This section contains four (4) examples of public development projects, including one (1) Member Agency Civic Project and three (3) transportation/ road projects. These examples are not intended to be all inclusive but rather give permittees guidance on calculating the mitigation fee payment given different project types, characteristics, and, in the case of road/ transportation projects, different sources of funding. The Member Agency Civic project example provides a brief narrative, a representation of the project layout, the development program description, and the mitigation payment calculation. The road/ transportation examples provide a brief narrative of the project, cost estimates, key funding source information, and the mitigation payment calculation. Graphic layouts for the public road projects are not provided as the mitigation payment calculation is tied to costs and funding sources (not the specific layout of the project.)

As described in Chapter III and illustrated in the private project examples provided above in this chapter, mitigation payments for road and Member Agency Civic Projects that are developed by a private developer as part of a Private Project are calculated and made as part of the Private Project development mitigation payment.

Example 7 – Member Agency Civic Project

Member Agency Civic Projects includes the development of a library and park with adjacent parking lot. The parking lot will also serve as a park and ride location. The total acreage of the project is 6 acres (area inside red boundary). Please see the visual representation of the project layout (Figure 7-1), the development program data (Table 7-1), and mitigation payment calculations (Table 7-2) below.

Figure 7-1: Project Layout

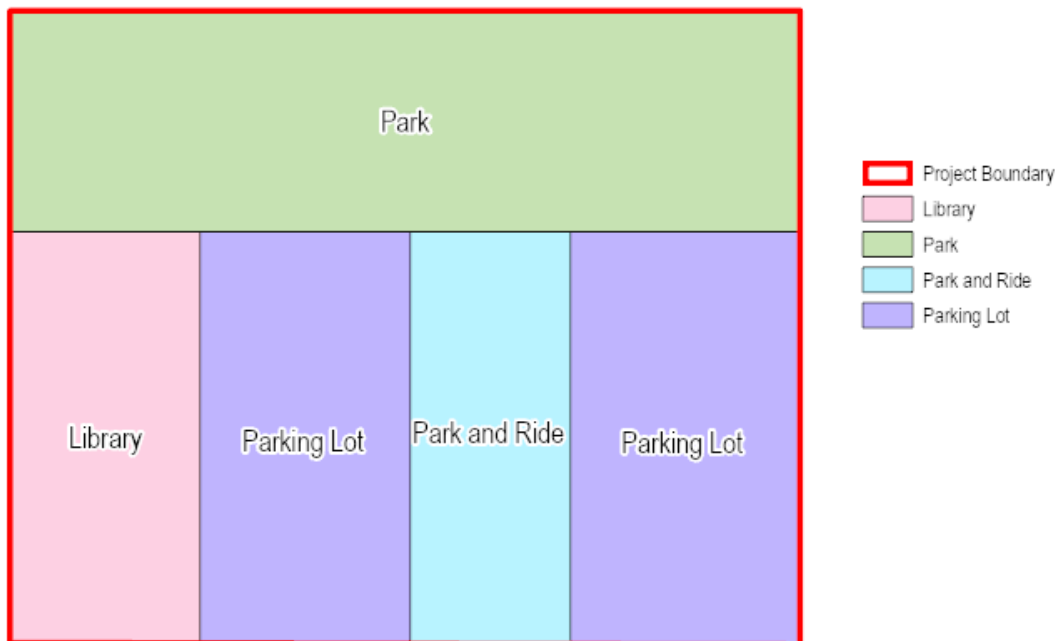


Table 7-1: Illustrative Development Program

Item	Amount
Library Area	1.0 acres
Park	2.0 acres
<u>Parking Area</u>	
Park and Ride Area	1.0 acres
General Parking Lot	<u>2.0</u> acres
Subtotal - Parking	3.0 acres
Gross Project Area	6.0 acres

Table 7-2: Mitigation Payment Calculation

Item	Amount
Gross Project Acres	6.0 acres
Mitigation Fee per Gross Acre (2)	\$16,358
Total Mitigation Payment	\$98,148

(1) Fee schedule will be updated periodically. Fee schedule used for Example Calculations as follows:

Commerical/ Industrial* \$16,358 per gross acre

* Per gross acre fee for Local Public Capital Projects is the same as for commerical/ industrial development.

Example 8 – Road Widening with No Measure A or TUMF Funding

Road widening project with no Measure A or TUMF funding. Whole project is required to mitigate as project falls into the “new road, road widening, and other non-maintenance road projects” category that are required to mitigate (only maintenance projects costs such as road rehabilitation, restriping, and resealing are not required to mitigate). Total project cost is estimated at \$5.5 million, including total direct construction costs of \$4.4 million (including the construction cost contingency), \$1.1 million in soft costs, and no land/ ROW acquisition costs. Please see the example road project cost estimates data

(Table 8-1), the funding source information (Table 8-2), and the mitigation payment calculations (Table 8-3) below.

Table 8-1: Illustrative Project Costs

Cost Item	Cost
NEW ROAD, ROAD WIDENING, OR OTHER NON-MAINTENANCE PROJECTS (1)	
Construction Costs	
Base Construction Costs	\$4,000,000
<u>Changes Orders/ Contingency</u>	\$400,000 (3)
Total Construction Costs	\$4,400,000
Soft Costs	\$1,100,000 (4)
Land Acquisition/ ROW Costs	\$0
Total Capacity-Increasing Cost	\$5,500,000
MAINTENANCE PROJECTS (2)	
Total Construction Costs	\$0
Total Soft Costs	\$0
Total Non-Capacity-Increasing Cost	\$0
TOTAL PROJECT COSTS/ USES	\$5,500,000

(1) Total Construction costs for new roads, road widening, and other non-maintenance projects are included in the mitigation fee payment calculation (see Table 8-3).

(2) Examples of maintenance projects include road rehabilitation, re-striping, and resealing. See Ordinance for full list of maintenance projects that are not required to mitigate.

(3) Initial fee payment calculations made on construction cost and construction contingency cost estimates. Additional fee payments also due on any change orders that add net costs above-and-beyond the initial construction cost contingency estimates

(3) For illustrative purposes shown as 10% of base construction cost. Contingency (and future Change Orders) will vary by project.

(4) For illustrative purposes shown as 25% of total construction costs.

Table 8-2: Illustrative Funding Sources

Cost Item	Amount	% of Total
TUMF/ Measure A Funding		
TUMF Fee Revenues	\$0	0%
Measure A Funding	\$0	0%
Subtotal	\$0	0%
Other Funding	\$5,500,000	100%
TOTAL PROJECT FUNDING/ SOURCES	\$5,500,000	100%

Table 8-3: Mitigation Payment Calculation

Cost Item	Amount	Source/ Calculation
TOTAL PROJECT COSTS	\$5,500,000	a See Table 8-1
TOTAL NON-MAINTENANCE CONSTRUCTION COSTS	\$4,400,000	b See Table 8-1
% of FUNDING FROM OTHER FUNDING SOURCES (1)	100%	c See Table 8-2
ELIGIBLE COST BASIS FOR MITIGATION PAYMENT CALCULATION	\$4,400,000	d = b *c Calculation
MITIGATION FEE PAYMENT DUE FROM LOCAL JURISDICTION (2)	\$220,000	e = d * 5% Calculation

(1) Other funding sources includes all costs not funded by TUMF or Measure A revenues as calculated in Table 8-2.

(2) Mitigation fee payment by permitting agency is 5% of eligible construction cost.

Example 9 – Road Widening Project with 20% Measure A/ TUMF Funding

Road widening project with 20% of funding from Measure A and TUMF funding. Whole project is required to mitigate as project - new road, road widening, and other non-maintenance road projects are required to mitigate (only maintenance costs are not required to mitigate). However, 20 percent of the project will be mitigated separately through TUMF or Measure A funding. Total projects cost is estimated at \$5.5 million, including total direct construction costs of \$4.4 million (including the construction cost contingency), \$1.1 million in soft costs, and no land/ ROW acquisition costs. Please see the example road project cost estimates data (Table 9-1), the funding source information (Table 9-2), and the mitigation payment calculations (Table 9-3) below.

Table 9-1: Illustrative Project Costs

Cost Item	Cost
NEW ROAD, ROAD WIDENING, OR OTHER NON-MAINTENANCE PROJECTS (1)	
Construction Costs (2)	
Base Construction Costs	\$4,000,000
<u>Changes Orders/ Contingency</u>	\$400,000 (3)
Total Construction Costs	\$4,400,000
Soft Costs	\$1,100,000 (4)
Land Acquisition/ ROW Costs	\$0
Total Capacity-Increasing Cost	\$5,500,000
MAINTENANCE PROJECTS (2)	
Total Construction Costs	\$0
Total Soft Costs	\$0
Total Non-Capacity-Increasing Cost	\$0
TOTAL PROJECT COSTS/ USES	\$5,500,000

(1) Total Construction costs for new roads, road widening, and other non-maintenance projects are included in the mitigation fee payment calculation (see Table 8-3).

(2) Examples of maintenance projects include road rehabilitation, re-striping, and resealing. See Ordinance for full list of maintenance projects that are not required to mitigate.

(3) Initial fee payment calculations made on construction cost and construction contingency cost estimates. Additional fee payments also due on any change orders that add net costs above-and-beyond the initial construction cost contingency estimates

(4) For illustrative purposes shown as 10% of base construction cost. Contingency (and future Change Orders) will vary by project.

(5) For illustrative purposes shown as 25% of total construction costs.

Table 9-2: Funding Sources

Cost Item	Amount	% of Total
TUMF/ Measue A Funding		
TUMF Fee Revenues	\$800,000	15%
Measure A Funding	<u>\$300,000</u>	<u>5%</u>
Subtotal	\$1,100,000	20%
Other Funding	\$4,400,000	80%
TOTAL PROJECT FUNDING/ SOURCES	\$5,500,000	100%

Table 9-3: Mitigation Fee Payment Calculation

Cost Item	Amount	Source/ Calculation
TOTAL PROJECT COSTS	\$5,500,000	a See Table 1
TOTAL NON-MAINTENANCE CONSTRUCTION COSTS	\$4,400,000	b See Table 1
% of FUNDING FROM OTHER FUNDING SOURCES (1)	80%	c See Table 2
ELIGIBLE COST BASIS FOR MITIGATION PAYMENT CALCULATION	\$3,520,000	d = b *c Calculation
MITIGATION FEE PAYMENT DUE FROM LOCAL JURISDICTION (2)	\$176,000	e = d * 5% Calculation

(1) Other funding sources includes all costs not funded by TUMF or Measue A revenues as calculated in Table 9-2. In cases where Measure A/ TUMF funding is allocated for specific project cost categories, additional calculations and allocations may be appropriate. In these cases, please contact RCA staff and provide documentation of funding restrictions for support on the appropriate mitigation fee payment calculation.

(2) Mitigation fee payment by permitting agency is 5% of eligible construction cost.

Example 10 - Combined New Road/ Road Rehabilitation Project with 50% Measure A / TUMF Funding

Road project that includes the development of a new segment of road along with rehabilitation of a segment of existing roadway. Road project is 50% funded through Measure A or TUMF funds. Total project costs are \$8 million. About \$6 million is associated with the new road, including \$4.4 million in direct construction costs (including the construction cost contingency), \$1.1 million in soft costs, and \$500,000 in land acquisition costs. About \$2 million (25% of overall project cost) is associated with rehabilitation of the existing roadway, including \$1.6 million in direct construction costs (including the construction cost contingency) and \$400,000 in soft costs. Please see the

example road project cost estimates data (Table 10-1), the funding source information (Table 10-2), and the mitigation payment calculations (Table 10-3) below.

Table 10-1: Cost Estimates

Cost Item	Cost
NEW ROAD, ROAD WIDENING, OR OTHER NON-MAINTENANCE PROJECTS (1)	
Construction Costs (2)	
Base Construction Costs	\$4,000,000
<u>Changes Orders/ Contingency</u>	\$400,000 (3)
Total Construction Costs	\$4,400,000
Soft Costs	\$1,100,000 (4)
Land Acquisition/ ROW Costs	\$500,000
Total Capacity-Increasing Cost	\$6,000,000
MAINTENANCE PROJECTS (2)	
Total Construction Costs	\$1,600,000
Total Soft Costs	\$400,000 (4)
Total Non-Capacity-Increasing Cost	\$2,000,000
TOTAL PROJECT COSTS/ USES	\$8,000,000

(1) Total Construction costs for new roads, road widening, and other non-maintenance projects are included in the mitigation fee payment calculation (see Table 8-3).

(2) Examples of maintenance projects include road rehabilitation, re-striping, and resealing. See Ordinance for full list of maintenance projects that are not required to mitigate.

(3) Initial fee payment calculations made on construction cost and construction contingency cost estimates. Additional fee payments also due on any change orders that add net costs above-and-beyond the initial construction cost contingency estimates

(4) For illustrative purposes shown as 10% of base construction cost. Contingency (and future Change Orders) will vary by project.

(5) For illustrative purposes shown as 25% of total construction costs.

Table 10-2: Funding Sources

Cost Item	Amount	% of Total
TUMF/ Measue A Funding		
TUMF Fee Revenues	\$2,000,000	25%
Measure A Funding	<u>\$2,000,000</u>	<u>25%</u>
Subtotal	\$4,000,000	50%
Other Funding	\$4,000,000	50%
TOTAL PROJECT FUNDING/ SOURCES	\$8,000,000	100%

Table 10-3: Mitigation Payment Calculation

Cost Item	Amount	Source/ Calculation
TOTAL PROJECT COSTS	\$8,000,000	a See Table 1
TOTAL NON-MAINTENANCE CONSTRUCTION COSTS	\$4,400,000	b See Table 1
% of FUNDING FROM OTHER FUNDING SOURCES (1)	50%	c See Table 2
ELIGIBLE COST BASIS FOR MITIGATION PAYMENT CALCULATION	\$2,200,000	d = b *c Calculation
MITIGATION FEE PAYMENT DUE FROM LOCAL JURISDICTION (2)	\$110,000	e = d * 5% Calculation

(1) Other funding sources includes all costs not funded by TUMF or Measue A revenues as calculated in Table 10-2. In cases where Measue A/ TUMF funding is allocated for specific project cost categories, additional calculations and allocations may be appropriate. In these cases, please contact RCA staff and provide documentation of funding restrictions for support on the appropriate mitigation fee payment calculation.

(2) Mitigation fee payment by permitting agency is 5% of eligible construction cost.

CHAPTER V. DEFINITIONS

DEFINITIONS

(Including Definitions defined in the Fee Ordinances):

“Accessory Dwelling Unit” means an accessory dwelling unit as defined by California Government Code section 65852.2(j)(1), or as defined in any successor statute.

“City/County Civic Projects” means all non-road City and County projects, including City/ County administrative facilities, jails, courts, juvenile facilities, parks, libraries, and all other facilities that serve the public.

“City/ County Road Projects” means all City and County road projects.

“Construction Cost” means and includes the cost of the entire construction of the roadway project, including all supervision, materials, supplies, labor, tools, equipment, transportation and/or other facilities furnished, used or consumed, without deduction on account of penalties, liquidated damages or other amounts withheld from payment to the contractor or contractors, but such cost shall not include the Consulting Engineer/Architect’s fee, or other payments to the Consulting Engineer/Architect and shall not include cost of land or Rights-of-Way and Easement acquisition.

“Credit” means a credit allowed pursuant to Section 10 of this Ordinance, which may be applied against the development impact fee paid.

“Development” means a human-created change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filing, grading, paving, excavating, and drilling.

“Development Project” or **“Project”** means any project undertaken for the purpose of development pursuant to the issuance of a building permit by the City/County pursuant to all applicable ordinances, regulations, and rules of the City/County and state law.

“Fuel modification area” means an area established adjacent to structures or roads in which highly combustible native plants, invasive introduced, or ornamental plants are modified and/or totally replaced with fire resistant or drought resistant alternatives; or areas subject to hazardous abatement orders.

“Gross “Community-Serving” Area/ Acres” means the area of residential projects that provide infrastructure, improvements, and amenities that go beyond only serving project residents and hence are “community-serving”. This includes, but is not limited to, roads that serve multiple projects, parks that serve more than one residential project, parking that serves other uses/ developments etc. The acreage associated with these improvements/ amenities are part of the gross project acreage but distinct from project resident-serving improvements/ amenities and the gross residential area.

“Gross Project Area/ Acres” means is the total or gross areas of the project. This overall acreage can only be reduced under unique circumstances.

“Gross Residential Area/ Acres” means the total area of the project dedicated to residential land uses and includes residential buildings as well as “Project Resident-Serving” Infrastructure/ Improvements/ Amenities.

“Hazardous vegetation” means vegetation that is flammable and endangers the public safety by creating a fire hazard, including, but not limited to, seasonal and recurrent weeds, stubble, brush, dry leaves, and tumbleweeds.

“Junior Accessory Dwelling Unit” means a junior accessory dwelling unit as defined by California Government Code section 65852.22(h)(1), or as defined in any successor statute.

“Linear Projects” means all linear PSE projects with differentiation in payment amount between permanent and temporary projects.

“Local Development Mitigation Fee” or **“Fee”** means the development impact fee imposed pursuant to the provisions of this Ordinance.

“Maintenance Projects” means projects that include, but are not limited to, pavement repairs, tree trimming, bridge maintenance, and pavement restriping and roadway reconstruction which do not add new lanes.

“Manufactured slope” means a slope created by natural landform alteration (grading), by cutting or filling a natural slope, or importing fill material to create a slope.

“Member Agency” or **“Member Agencies”** means those Cities and Counties that are signatories to the RCA Joint Powers Agreement.

“Multiple Species Habitat Conservation Plan” or **“MSHCP”** means the Western Riverside County Multiple Species Habitat Conservation Plan

“MSHCP Conservation Area” has the same meaning and intent as such term is defined and utilized in the MSHCP.

“Non-Linear Projects” means all PSE projects that are non-linear in form.

“Ordinance” means the Fee Ordinance adopted by the Cities and the County to implement the MSHCP Local Development Mitigation Fee.

“Private Projects” means those projects where the primary project purpose is for use by households, business, or other private entities (i.e. not accessible to the public except where allowed by private owner/ renter). This category also includes Private Projects that receive public support (e.g., support through direct public investments in infrastructure, ground leases of publicly owned land, or direct investment of public dollars in projects such as affordable housing).

“Project Area” means the area, measured in acres, within the Development Project including, without limitation, any areas to be developed as a condition of the Development Project. Except as otherwise provided herein, the Project Area is the area upon which the project will be assessed the Local Development Mitigation Fee. See the RCA Mitigation Fee Implementation Handbook Manual for additional guidance for calculating the Project Area.

“Project Resident-Serving Infrastructure/ Improvements/ Amenities” means Infrastructure/ improvements, and amenities that only serve project residents and include, but are not limited to, roads, parks, and non-residential buildings that only serve project residents.

“Public Projects” means all City/County Civic Projects and all City/County Road Projects. These Public Projects include infrastructure projects, civic projects and Riverside County Flood Control District projects.

“Revenue” or **“Revenues”** means any funds received by the City/County pursuant to the provisions of this Ordinance for the purpose of defraying all or a portion of the cost of acquiring and preserving vegetation communities and natural areas within the City/County and the region which are known to support threatened, endangered, or key sensitive populations of plant and wildlife species.

“Riverside County Flood Control District Projects” means all Riverside County Flood Control District projects.

“Western Riverside County Regional Conservation Authority” or **“RCA”** means the governing body established pursuant to the MSHCP that is delegated the authority to oversee and implement the provisions of the MSHCP.

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

AGENDA ITEM 9

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY	
DATE:	September 13, 2021
TO:	Western Riverside County Regional Conservation Authority
FROM:	Executive Committee David Knudsen, Interim External Affairs Director
THROUGH:	Anne Mayer, Executive Director
SUBJECT:	Legislative Update

EXECUTIVE COMMITTEE AND STAFF RECOMMENDATION:

This item is for the Board of Directors to receive and file an update on state and federal legislation.

BACKGROUND INFORMATION:

State Update

The Legislature returned from their monthlong summer recess on August 16, 2021. As the September 10, 2021, deadline to pass legislation fast approaches, legislators will be voting on policy and finalizing budget trailer bills associated with the enacted 2021-22 state budget. Governor Newsom has already signed over 140 bills since July 15, 2021, with hundreds more expected over the next four weeks.

Staff is awaiting budget trailer bills that provide the programmatic allocations which were authorized in previous budget bill frameworks. This includes the Climate Resiliency Budget Package, including:

- \$3.2 billion Drought Package. This is to address and get ahead of the emerging drought. \$2.4 billion has already been appropriated to ensure timely response to drought conditions, and the remaining details of the package will continue to be worked out between the Legislature and the Governor.
- \$758 million Wildfire Prevention, over two years. In addition to the \$536 million early action package and ongoing \$200 million annual commitment from the Greenhouse Gas Reduction Fund, this budget provides \$758 million general funding over two years for wildfire prevention efforts. Budget language allows next year’s wildfire funding to be pulled forward to this year if there are shovel ready projects. Details of the package will continue to be worked out through the three-party negotiations.
- \$3.7 billion Climate Resiliency Package. This package will be spread out over three years on climate resiliency investments, or about \$2.4 billion more than what was proposed in the Governor’s May Revision. However, the Legislature and Governor do not have the

authority to dictate obligate discretionary spending in future budget cycles. While they may commit to certain funding levels in future fiscal years, only the \$440 million funding allocation for FY 2021-22 will have certainty. Details of the package will continue to be worked out between the Legislature and the Governor.

Federal Update

Policy committees in the House and Senate have been working for several months on infrastructure and surface transportation reauthorization legislation. In July, the House passed the Invest in America (INVEST) Act which included an amendment to establish the Western Riverside County Wildlife Refuge.

Meanwhile, a bipartisan group of Senators continued to negotiate an infrastructure package directly with President Biden and White House officials with momentum building toward a vote in the Senate on a bill that may look significantly different than the House-passed INVEST Act.

The legislative affairs team is working to determine how the Senate infrastructure bill will impact the amendment establishing a refuge in the House legislation and will continue to educate officials to show that land and habitat conservation go hand-in-hand with infrastructure development.

Wildlife Refuge Bill

The legislative affairs team has provided information to Senator Feinstein's office to ensure bicameral support for establishing a refuge in western Riverside County. An important part of the work underway is ensuring that Senator Feinstein's bill language is consistent with Representative Calvert's western Riverside Wildlife Refuge bill, H.R. 972.

The legislative affairs team will continue to work with Senator Feinstein's staff throughout the drafting of this bill.

Attachment: State and Federal Update Legislative Matrix

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY POSITIONS ON STATE AND FEDERAL LEGISLATION – AUGUST 2021

Legislation/ Author	Description	Bill Status	Position	Date of Board Adoption
SB 45 (Portantino)	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022. This bill would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$5,595,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.	Ordered to inactive file on request of Senator Portantino June 1, 2021	<i>Support, if amended</i> <i>(based on platform)</i>	April 8, 2021
AB 1500 (Garcia)	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022. This bill, which if approved by the voters, would authorize the issuance of bonds in the amount of \$6,955,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.	Re-referred to Assembly Rules Committee May 20, 2021	<i>Support, if amended</i> <i>(based on platform)</i>	March 30, 2021
H.R. 972 (Calvert)	A bill to establish the Western Riverside County Wildlife Refuge. This legislation creates the federal government's framework to meet its obligations under the Multiple Species Habitat Conservation Plan (MSHCP) Implementing agreement.	Ordered Reported by the House Committee on Natural Resources July 14, 2021	<i>Support</i>	April 5, 2021

AGENDA ITEM 10

PRESENTATION