

# **WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY**

## **BOARD OF DIRECTORS MEETING MINUTES**

**Monday, September 13, 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 899 7437 4281, pursuant to Governor Newsom’s Executive Order N-29-20.

### **2. ROLL CALL**

#### **Board of Directors/Alternates Present**

Kevin Jeffries  
Karen Spiegel  
Chuck Washington  
Jeff Hewitt\*  
Colleen Wallace  
Julio Martinez  
Jeff Cervantez  
Larry Greene  
Tony Daddario  
Jocelyn Yow  
Linda Krupa

Lorena Barajas  
Natasha Johnson  
Lesa Sobek  
David Marquez  
Jonathan Ingram  
Kevin Bash  
David Starr Rabb  
Patricia Lock Dawson  
Crystal Ruiz  
Maryann Edwards  
Ben J. Benoit

#### **Board of Directors Absent**

V. Manuel Perez

\*Arrived after the meeting was called to order.

### **3. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Board Member Daddario.

### **4. PUBLIC COMMENTS**

Mike Lara, Mayor of Beaumont, offered comments on pre-payments of MSHCP ordinance fees. As a former County employee who regularly reviewed fee ordinances and was responsible for collecting various developer fees, he believes RCA should take advantage of Section 2, Administrative Responsibilities, of the ordinance and adopt a policy to allow the cities to authorize RCA to calculate and collect fees directly. This action should take place prior to the next fee increase. With each city developing their own process, there is no consistency, and the details of pre-payment agreements are unknown to RCA.

At this time, Board Member Hewitt joined the meeting.

**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 property 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	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**

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).**

Board Member Sobek requested Agenda Item 7E be pulled from the Consent Calendar for further discussion.

**M/S/C (Sobek/Ingram) to approve the following Consent Calendar items.**

**7A. APPROVAL OF MINUTES – JULY 12, 2021**

**7B. WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN FEE COLLECTION REPORTS FOR JUNE AND JULY 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 Reports for June and July 2021.

**7C. SINGLE SIGNATURE AUTHORITY REPORT**

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**

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

**7E. ACQUISITIONS STATUS REPORT**

Hector Casillas, Right of Way Manager, provided an explanation of this new monthly item that will detail the status of current acquisitions. The item is indented to give the Board Members an idea of how many acquisition projects are being managed by staff and categorize them. There are currently 46 active acquisitions in progress, and there have been 11 closed escrows since January.

Board Member Sobek wanted to know why some listed properties have a representative listed, while others do not. Mr. Casillas noted that the representatives listed are not the actual property owners, they are individuals hired by the owners to work on their behalf. Board Member Sobek also wanted to know if the properties listed were in order by date received and whether the date received would affect purchasing a property. Mr. Casillas stated that there isn't a particular order to the listing. When RCTC took over RCA, there was a large document of acquisition status, that was modified and split into categories. The order of the properties and date received would only come into play for Non-Development HANS, as they are done on a first come, first served basis.

**M/S/C (Sobek/Wallace) to:**

**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**

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**

Aaron Hake, Interim Regional Conservation Deputy Executive Director, provided a presentation on a proposal to reduce the MSHCP fee for homeowners who are adding square footage to their home through renovations or remodels. This proposal is a solution to a problem that member agencies identified in the new MSHCP ordinance, that resulted in higher fees charged to local residents. The 2020 Nexus Study, Model Fee Ordinance and Resolution, and the Mitigation Fee Implementation Manual were all approved by the RCA Board in December 2020, and then forwarded to member agencies for their approval.

Earlier this year, the City of Norco staff raised a concern that someone just adding a few square feet to their residence could trigger a full per-unit MSHCP fee. This would be the same fee a developer would pay when building a new house. The city requested RCA take action to create a more equitable fee structure for home remodels. RCA staff agreed, as the intent with the 2020 Ordinance was to correct a past practice in the original MSHCP, where all additions and renovations, no matter the size, were practically exempt from the fee. Fees are charged to remodels because the Nexus Study must be compliant with the California Mitigation Fee Act, and it addresses regional impacts of new development on habitat, as any development could create an increased impact.

The proposed solution is to amend the implementation manual to treat additions to homes the same as Additional Dwelling Units (ADUs), whose fee calculation is rooted in state government code. On a home where the property had not previously paid the MSHCP fee because it was built or received its' permit prior to inception, an addition of 749 square feet or less would not incur a fee, but an addition of 750 square feet or more would incur a proportional fee. This amendment would be retroactive and effective as of July 1, 2021, meaning a homeowner who had already paid a whole unit fee after July 1<sup>st</sup> could be eligible for a partial or full refund. This amendment would not increase fees on any homeowner compared to the current RCA Board approved policy.

If the amendment is adopted, a 2,000 square foot home, that had not previously paid the MSHCP fee, in a low-density area adding a 200 square feet addition would not have to pay a fee. That same home adding a 1,000 square foot addition would only have to pay \$1,467.50. As the implementation manual is currently, any addition on the same house would pay \$2,935.

Board Member Ingram wanted to know what kind of impact this amendment would have on a structure that was destroyed by a fire or natural disaster. Mr. Hake noted that the model ordinance that was approved states that properties destroyed by fire or other natural causes are exempt from fee, so long as the improvements do not result in additional usable square footage. If the property owner were to build a larger home that what was previously there, the same methodology would be used for any additional square footage.

Board Member Ingram stated he was not a fan of retroactively charging fees on properties that existed prior to the MSHCP. It's concerning to do a track map on a property, as they are assessed based on the square footage of the lot and/or acreage of the development, and the offsite and onsite improvements have already been charged. This amendment comes across as double dipping. He is opposed to this amendment.

Board Member Edwards asked Board Member Ingram if he was opposed to the MSHCP fees in the beginning. Board Member Ingram stated he was opposed to the fees from the beginning.

Chair Johnson noted that the Board had already approved the fee as is and wanted to confirm that Board Member Ingram's opposition was to the basis of the MSHCP.

Board Member Ingram stated that he was not opposed to the MSHCP, but during the transition to RCTC, this concept came full circle after speaking with people who were out there. He is not opposed to charging for an ADU, but rather opposed to owners who had existing properties and already paid a fee being charged when they aren't increasing their footprint and wouldn't have an impact on the MSHCP. Mr. Hake clarified that this amendment would only apply to homes on properties that have not already paid the MSHCP fee. A home that was developed after 2004, would have presumably paid the MSHCP fee and would not be subject to an additional fee if additional square footage was added. This amendment is only to address those homes where the original construction of the house was prior to MSHCP inception and have not triggered another discretionary permit on the property.

Board Member Ingram does not understand why building an addition of over 750 square feet would trigger a fee, when the extra hundred or more square feet does not impact the plan. RCA should not be charging any fees retroactively unless a direct correlation to the impact of the plan can be shown.

Board Member Washington thought this amendment could be confusing and wanted to clarify that Board Member Ingram was not opposed to fees on ADUs but to home additions, of which the distinction is unclear, when both would have people living in them. The foundation of the MSHCP is development, and therefore people living in the developments are impacting the MSHCP. Also, the use of the term retroactive is used in the amendment to refer to the decrease of fees going back to July 1, 2021, whereas Board Member Ingram is speaking to properties built prior to 2004 that have never been subject to an MSHCP fee. Mr. Hake confirmed the statements, noting that the complicated issue was distilled down to a few sentences.

Board Member Ingram stated that the MSHCP is there to protect habitat and species against the impact of development, not the individuals who live in a structure. An ADU could create additional vehicles and travel.

Board Member Ruiz agreed that this is a complicated issue and Board Member Ingram raises some good points. She wondered if a house that was built prior to 2004, would be subjected to a fee if it had decided to enclose a porch. Mr. Hake noted that an enclosed porch is not something that triggers the MSHCP fee, and the implementation manual does provide guidance on what is considered eligible as usable square footage. The intent is based on the square footage of the house and living space.

Board Member Bash understands Board Member Ingram's position, but the state of California has stepped in on the building and use of ADUs, noting they can be detached as well as attached. The reality is there are sometimes 2 and 3 families living in a home and that is the true impact of this. If someone is adding living space, per the state it is considered an ADU, and it will have an impact on the MSHCP.

Board Member Jeffries wanted to clarify that every residential property adding on to their home even if they were no direct impacts to any criteria cell would pay a fee under normal

circumstances to contribute to the overall plan to acquire land, with no existing residential neighborhoods being exempt. Mr. Hake confirmed that was true.

Board Member Edwards expressed concerns about whether applying these fees would be considered discouraging to ADUs. With the new California law, we can't discourage or impede the construction of ADUs. Mr. Hake assured the Board the proposed amendment does not address or change the way fees are assessed on ADUs. The amendment simply states that home additions will be treated in the same way as ADUs. The ADU formula used is set in state law, which the RCA would not be able to amend.

Board Member Hewitt noted that homes built prior to the MSHCP have previously been grandfathered in, and this amendment would rectify that.

Board Member Sobek appreciated the discussion, but noted that differences aside, action did need to be taken to correct the current fees, whereby even a small addition would be subject to the full fee.

**M/S/C (Dawson/Wallace) to:**

**No: Ingram**

- 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**

David Knudsen, Interim External Affairs Manager, provided an update on state and federal legislative activities. With the conclusion of the 2021 Legislative Session, Governor Newsom will be considering over 800 bills until October 10<sup>th</sup>. A priority for RCA this year has been to advocate for state investment in habitat conservation and land acquisition. Through the approved legislative platform, Legislative Affairs staff advocated for the proposed Climate Wildfire Resiliency Bond Measures (AB 1500/SB 45) to include \$500 million in dedicated funding to the Wildlife Conservation Board (WCB), with a \$100 million carve out for California's Habitat Conservation Plans (HCP). As a result of the \$85 billion surplus, the Legislature opted to table the bond measures in favor of an expansive one-time Climate Resiliency Spending Package. The package includes a proposal to spend \$3.7 billion over three years, however, only \$440 million has been allocated for Fiscal Year 2021/2022. It's important to note that no budget may obligate general fund spending of future fiscal years, therefore, the \$3.7 billion figure should be seen as advisory.

The Legislature followed an irregular budget cycle this year sending broad spending levels in June and July, with details to be negotiated in the following months in the form of budget trailer bills. During that time, the Legislative Affairs team engaged the Western Riverside Delegation and worked with the State HCP Coalition to engage legislative leadership to advocate for

\$500 million in dedicated funding to the WCB. Last week, the Legislature unveiled details of the negotiated Climate Resiliency Package, which only included a \$31 million increase to WCB's local assistance budget, bringing the total to \$96 million for Fiscal Year 2021/2022. The modest increase is appreciated, but the real issue remains ensuring that the Legislature upholds its' three-year funding commitment with increased funding to the WCB.

The House is expected to take up the bi-partisan Infrastructure Invest and Jobs Act no later than September 27<sup>th</sup>, as well as pass a budget reconciliation resolution which is being drafted in both the House and the Senate. There will also be a debt limit increase to contend with, as well as a mark-up of senate appropriation bills. All these issues must be settled by the end of September, which represents the end of the federal fiscal year.

Lastly, the Legislative Affairs team continues to monitor progress on the effort to establish the Western Riverside County Wildlife Refuge. While language is no longer included in the Surface Transportation Reauthorization Bill, Representative Calvert's bill HR 972 continues to move through the House committee process and Senator Feinstein is drafting a bill with RCA's consultation. The Legislative Affairs team will continue to engage in the legislative process to seek out resources that will support the MSHCP in Western Riverside County.

**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**

Tricia Campbell, Reserve Management and Monitoring Manager, provided a presentation on the Meet and Confer, which is a central responsibility of RCA in the administering of the MSHCP. The Meet and Confer is a step that may be needed once a Joint Project Review (JPR) is performed. The Meet and Confer process is addressed in Section 6.6.2 in Volume I of the MSHCP.

A Meet and Confer can only occur for projects that are within cells, or in other words where potential reserve assembly may be needed. Projects that are within cells go through the JPR process, when the permittee with land use authority and the RCA disagree that a project is consistent with the plan a Meet and Confer can occur. The Meet and Confer would include the land use permittee and RCA, with the project applicant also being invited, and must occur within 30 calendar days of RCA's JPR findings.

During the Meet and Confer, the permittee and RCA meet to resolve issues, including the development of conditions of approval or other requirements to ensure compliance. If resolution occurs, no further action is taken. If there is no resolution, then the matter goes to an elected official Ad Hoc Committee for MSHCP consistency determination. Since the inception of the MSHCP in 2004, the RCA has been involved in 9 Meet and Confers.

**11. BOARD OF DIRECTORS / EXECUTIVE DIRECTOR REPORT**

Aaron Hake, Interim Regional Conservation Deputy Executive Director, wanted to announce that RCA is working with Chair Johnson to organize a plan to implement the RCA Stakeholder Committee. This committee is in the RCA by-laws and was one of the objectives identified for this year. There will be more information sent out in the coming weeks.

**12. 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 1:51 p.m. The next meeting of the Board of Directors is scheduled to be held on **Monday, October 4, 2021**, via Zoom.

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