

**ORDINANCE NO. 575
(AS AMENDED THROUGH 575.1)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO.
575 RELATING TO DEDICATION OF LAND AND FEES FOR SCHOOL FACILITIES**

The Board of Supervisors of the County of Riverside, State of California, do ordain as follows:

**ARTICLE I
GENERAL PROVISIONS**

Section 1.1. PURPOSE AND INTENT. This ordinance is adopted to implement school facilities land dedication and fee requirements in the unincorporated area of the County of Riverside, pursuant to the provisions of Chapter 4.7 (65970 et. seq.) of Division 1 of Title 7 of the Government Code. The Board of Supervisors may, from time to time by resolution, issue regulations to provide for the administration of this ordinance.

Section 1.2. PRIOR AGREEMENTS. Any agreement existing, prior to the effective date of this ordinance, between an applicant for a residential development and a school district pertaining to the dedication of land or payment of fees for school facilities to serve the property which is the subject of the application, or any portion thereof, shall be recognized by a decision-making body hereunder and shall be considered by it as satisfying the requirements of this ordinance.

**ARTICLE II
DEFINITIONS**

SECTION 2.1. DEFINITIONS

- a. **Conditions of Overcrowding** means that the total enrollment of a school, including enrollment from a proposed development, exceeds the capacity of such school as determined by the governing body of the school district.
- b. **Decision-Making Body** means the Board of Supervisors; Planning Commission; an Area Planning Council; the Planning Director; the Director of Building and Safety.
- c. **Dwelling Unit** means a building or a portion thereof, or a mobile home, designed for residential occupancy by one person or a group of two or more persons living together as a domestic unit.
- d. **Reasonable Methods for Mitigating Conditions of Overcrowding** includes, but is not limited to, agreements between a sub divider or other developer of a residential development and an affected school district whereby temporary-use buildings will be leased to or for the benefit of the school district or temporary-use buildings owned by the school district will be used.
- e. **Residential Development** means a project containing residential dwellings, including mobile homes, of one or more units, or a division of land for the purpose of constructing one or more residential dwelling units. Residential development includes, but is not limited to:
 - 1. A General plan or specific plan, or amendment thereto, which would allow an increase in residential density.
 - 2. An ordinance rezoning property to a residential use or to a more intense residential use.

3. A tentative or final subdivision map or parcel map, or a time extension for filing a final map.
4. A conditional use permit for a residential development, including but not limited to, planned residential developments and mobile home parks.
5. A plot plan for any multi-family project.
6. A building permit.
7. A mobile home setup permit.
8. Any other discretionary permit for residential use.

ARTICLE III EXEMPTIONS

Section 3.1. EXEMPTIONS. A residential development shall be exempt from the requirements of this division when it consists only of any of the following:

- a. The modification or remodeling of an existing dwelling unit, provided no additional dwelling units are created.
- b. The rebuilding of a dwelling unit that is destroyed or damaged, provided no additional dwelling units are created, or the use of a temporary dwelling unit by residents of a damaged structure that is being rebuilt.
- c. The relocation of a mobile home from one space in an impacted school district to another location in the same school district.
- d. The rebuilding of a designated historical building.
- e. A development specifically limited to senior citizens and approved under the provision of Section 18.6 of Ordinance No. 348, and all development constructed in a zone containing the "SCD" (Senior Citizens Development) suffix as part of its zoning designation.
- f. The conversion of an existing apartment building into a planned residential development provided no new dwelling units are created.
- g. A mobile home setup permit within a mobile home park approved prior to June 7, 1984.

ARTICLE IV FINDINGS OF OVERCROWDED ATTENDANCE AREAS

Section 4.1. SCHOOL DISTRICT FINDINGS. If the governing body of a school district, located partly or entirely within the unincorporated area of Riverside County, which operates elementary, junior high or high school facilities, makes findings supported by clear and convincing evidence that:

- a. Conditions of overcrowding exist in one or more attendance areas, which conditions impair the normal functioning of educational programs, including the reasons for the existence of such conditions;
- b. That all reasonable methods, within established school district policies of mitigating conditions of overcrowding have been evaluated and no feasible method for reducing such conditions exist; the governing body of the school district shall notify the Board of

Supervisors.

Section 4.2. REQUIREMENTS FOR FINDINGS. A notice of findings sent by a school district to the Board shall specify:

- a. The findings required by Section 4.1 including the factual basis and a summary of the evidence upon which the findings were based;
- b. The mitigation measures and methods, considered by the school district;
- c. The precise geographic boundaries of the overcrowded attendance area or areas;
- d. Any agreements entered into by the school district that would alleviate conditions of overcrowding caused by new residential development;
- e. Such other information as may be required by a regulation of the Board of Supervisors.

Section 4.3. CONCURRENCE BY BOARD. If the Board of Supervisors concurs in the district's findings, the provisions of this ordinance shall be applicable to actions taken on residential development applications by a decision-making body.

Section 4.4. RESTRICTIONS ON APPROVAL OF RESIDENTIAL DEVELOPMENT. Within any attendance area of a school district where the Board has concurred that conditions of overcrowding exist, no decision-making body shall approve an application for a residential development within that attendance area, unless the decision-making body makes one of the following findings:

- a. That action will be taken pursuant to this ordinance to provide dedication of land or payment of fees to mitigate the conditions of overcrowding within that attendance area.
- b. That there are specific overriding fiscal, economic, social or environmental factors which, in the judgment of the decision-making body, will benefit the County, thereby justifying the approval of a residential development, otherwise subject to the provisions of this ordinance without requiring dedication of land or payment of fees. Overriding factors may include, but are not limited to, an agreement between the applicant for a residential development and the school district to mitigate conditions of overcrowding within an attendance area.

ARTICLE V REQUIREMENTS, STANDARDS AND PROCEDURES

Section 5.1. REQUIREMENTS OF FEES OR DEDICATIONS. In an attendance area where the Board has concurred that conditions of overcrowding exist, an applicant for a proposed residential development shall, as a condition of approval of the development, dedicate land, pay fees, or both, as determined by the decision-making body having jurisdiction, during its proceedings on the application, provided the decision-making body determines that the facilities to be constructed, purchased, leased or rented from such fees or the land to be dedicated, or both, is consistent with the General Plan.

- Section 5.2. REQUIREMENT FOR USE OF FEES OR DEDICATIONS.**
- a. The land or fees, or both, paid to a school district shall be used only for the purpose of providing elementary, junior high or high school classroom and related facilities as defined

by the governing body of the district.

- b. The location and amount of land to be dedicated or the amount of fees to be paid, or both, shall bear a reasonable relationship and will be limited to the needs of the community for interim elementary, junior high or high school facilities and shall be reasonably related and limited to the need for schools caused by the development.
- c. Only the payment of fees shall be required in subdivisions containing 50 parcels or less.

Section 5.3. STANDARDS FOR LAND DEDICATION AND FEES. The standards for the amount of land to be dedicated or fees to be paid shall be established by the governing body of each school district where a determination has been made that conditions of overcrowding exist. The standards and supporting facts shall be transmitted to the Board of Supervisors. If the Board of Supervisors has concurred that conditions of overcrowding exist, and also concurs in the standards, they shall be used by decision-making bodies to determine the dedication of land or fees required as a condition to the approval of a residential development. If the Board of Supervisors does not concur with the standards established by the school district for dedications and fees, it shall adopt, by resolution, land dedication and fee requirements for those areas, which shall be used by the decision-making bodies.

Section 5.4. FILING APPLICATION FOR RESIDENTIAL DEVELOPMENT. At the time of filing an application for approval of a residential development containing more than 50 parcels or dwellings units, located within an attendance area where the Board of Supervisors has concurred that conditions of overcrowding exist, the applicant shall, as a part of the application, indicate a preference to dedicate land, to pay fees in lieu thereof, or both. If the applicant prefers to dedicate land, the application shall recommend the specific land; however the recommendation shall not be binding upon the decision-making body or the governing body of the school district.

Section 5.5. ACTION UPON APPLICATION.

- a. Upon receipt of an application for a residential development within an attendance area where the Board of Supervisors has concurred that conditions of overcrowding exist, not including applications for building permits or mobile home setup permits, the Planning Director shall notify the affected school districts at least 30 days prior to consideration of the application by a decision-making body. The Planning Director may also notify school districts of any other applications for residential developments that may affect the districts.
- b. Upon receipt of an application for a building permit or mobile home setup permit, within an attendance area where the Board of Supervisors has concurred that conditions of overcrowding exist, the Building Director shall determine if specific dedication or fee requirements have been fixed for the development by a decision-making body as part of the determinations on an application for approval of a development. If no specific requirements have been fixed for the development, the Building Director shall apply to the development the approved fees adopted pursuant to Section 5.3 of this ordinance.

Section 5.6. DECISION FACTORS.

- a. Upon receipt of notice from the Planning Director, pursuant to Section 5.5a regarding an application for a residential development, the governing body of the affected school district shall determine if it desires a dedication of land, payment of fees in lieu thereof, or a combination of both, and shall transmit the decision to the Planning Director for submission to the appropriate decision-making body. The request shall not exceed the approved dedication and fee standards that are on file pursuant to Section 5.3. In the deliberations regarding the determination, the school district and thereafter, the decision-making body shall consider the following factors:

1. Whether lands offered for dedication will be consistent with the County general Plan;
 2. Whether the lands offered for dedication meet the criteria established by Education Code Section 39000 et. seq.;
 3. The topography, soils, soil stability, drainage, access, location and general utility of land in the development available for dedication;
 4. Whether the location and amount of lands proposed to be dedicated or the amount of fees to be paid, or both, will bear a reasonable relationship and will be limited to the needs of the community for interim elementary, junior or high school facilities and will be reasonably related and limited to the need for schools caused by the development;
 5. If only a subdivision is proposed, whether it will contain 50 parcels or less.
- b. A decision-making body shall impose the requirements transmitted by the school district, if they are in accordance with the standards approved pursuant to Section 5.3, unless the decision-making body finds here are overriding factors pursuant to

Section 4.4b in which case nothing herein shall prevent a decision-making body from imposing lesser requirements than those transmitted by the school district. A determination by a decision-making body to impose lesser requirements shall be final only upon approval by the Board of Supervisors.

- c. If the school district has entered into an agreement with an applicant for a residential development to mitigate conditions of overcrowding within the attendance area covered by the application, the governing body shall, upon receipt of notification from the Planning Director that an application for a residential development has been filed, so advise both the Planning Director and the Director of Building and Safety and transmit a copy of the agreement for submission to the appropriate decision-making body.

Section 5.7. SCHOOL DISTRICT SCHEDULE. Following the action by a decision-making body to require the dedication of land or the payment of fees, or both, the Planning Director shall notify each affected school district. The governing body of the school district shall submit a schedule specifying how it will use the land or fees, or both, to solve the conditions of overcrowding. The schedule shall include the school sites to be used, the classroom facilities to be made available and the time when such facilities will be available. In the event the governing body of the school district cannot meet the schedule, it shall submit modifications to the Board of Supervisors and the reasons for the modifications.

Section 5.8. LAND DEDICATION. When land is to be dedicated, it shall be deeded directly to the affected school district. If dedicated land is subsequently determined by the school district to be unsuitable for school purposes, it may be sold at the option of the school district, but the funds derived therefrom must be used in accordance with this ordinance.

Section 5.9. FEE PAYMENT.

- a. If the payment of a fee is required, it shall be paid to the affected school district at the time the building permit is issued, unless payment is made earlier pursuant to agreement between the developer and the school district. The school district shall provide the Director of Building and Safety with a statement that all dedication or fee requirements have been completed.
- b. When application is made for a new building permit following the expiration of a previously issued building permit for which a fee has been paid, the fee shall not be required.

Section 5.10. REFUNDS OF PAID FEES. If a residential development approval is vacated or voided and if the affected school district still retains the land or fees collected therefor, and if the

applicant so requests, the governing body of the school district shall order the land or fees returned to the applicant.

ARTICLE VI USES AND LIMITATIONS ON USE OF LAND AND FEES

Section 6.1. USE OF LAND AND FEES. All land or fees, or both, collected pursuant to this ordinance and transferred to a school district shall be used only for the purpose of providing elementary, junior high or high school classroom and related facilities.

Section 6.2. ANNUAL REPORT. Any school district receiving funds or land, pursuant to this ordinance, shall maintain a separate account for any fees paid and money received for disposition of land, and shall file a report with the Board of Supervisors on the balance in the account at the end of the previous fiscal year and the facilities leased, purchased or constructed during the previous fiscal year. In addition, the report shall specify which attendance areas will continue to be overcrowded when the fall term begins and where conditions of overcrowding will no longer exist. Such report shall be filed more frequently at the request of the Board of Supervisors.

Section 6.3. TERMINATION OF DEDICATION AND FEE REQUIREMENTS. When it is determined by the Board of Supervisors that conditions of overcrowding no longer exist in an attendance area, which includes unincorporated territory of the County, decision-making bodies shall cease levying any fee or requiring the dedication of any land for that area pursuant to this ordinance. Action under this section shall not affect the validity of conditions already imposed for levy of fees and dedications of land and such conditions shall remain binding.

Adopted: 575 02/20/1979 (Eff: 03/22/1979)

Amended: 575.1 Item 9.1 of 05/08/1984 (Eff: 06/07/1984)