

**ORDINANCE NO. 810**  
**(AS AMENDED THROUGH 810.3)**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE**  
**TO ESTABLISH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES**  
**HABITAT CONSERVATION PLAN MITIGATION FEE**

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. TITLE. This Ordinance shall be known as the Western Riverside County Multiple Species Habitat Conservation Plan Mitigation Fee Ordinance.

Section 2. FINDINGS AND PURPOSE. The Board of Supervisors finds and determines as follows:

- a. The preservation of vegetation communities and natural areas within the County of Riverside (County) which support species covered by the Multiple Species Habitat Conservation Plan (MSHCP) is necessary to protect and promote the health, safety, and welfare of all the citizens of the County by reducing the adverse direct, indirect, and cumulative effects of urbanization and development and providing for permanent conservation of habitat for species covered by the MSHCP.
- b. The MSHCP was approved by the County of Riverside Board of Supervisors on June 17, 2003; federal and State permits were issues for the MSHCP on June 22, 2004. Riverside County is a Member Agency of the Western Riverside County Regional Conservation Authority (RCA), a joint powers authority comprised of the County and eighteen (18) cities located within western Riverside County.
- c. It is necessary to update as needed certain development impact fees to ensure that all new development within the County pays its fair share of the costs of acquiring and preserving vegetation communities and natural areas within the County and the region which are known to support plant and wildlife species covered by the MSHCP.

- d. A proper funding source to pay the costs associated with mitigating the direct, indirect, and cumulative impacts of development to the natural ecosystems within the County and the region, as identified in the MSHCP, is a development impact fee for residential, commercial, and industrial development (Local Development Mitigation Fee). The amount of the fee is determined by the nature and extent of the impacts from the development to the identified natural ecosystems and the relative cost of mitigating such impacts.
- e. The Western Riverside County Regional Conservation Authority (RCA) has prepared an updated fee nexus study entitled “Western Riverside County Multiple Species Habitat Conservation Plan Nexus Fee Study Update” (2020 Nexus Study), and on December 7, 2020, the RCA Board of Directors reviewed the 2020 Nexus Study and directed all RCA Permittees to adopt the updated MSHCP fees.
- f. The MSHCP and the 2020 Nexus Study, a copy of which is on file in the County Clerk’s office, provides the basis for the imposition of the updated Local Development Mitigation Fee on new construction and development projects.
- g. The use of the Local Development Mitigation Fee to mitigate the impacts to the County’s and the region’s natural ecosystems is reasonably related to the type and extent of impacts caused by development within the County.
- h. The costs of funding the proper mitigation of natural ecosystems and biological resources impacted by development within the County and the region are apportioned relative to the type and extent of impacts caused by the development.
- i. The cost estimates for mitigating the impact of development on the County’s and the region’s natural ecosystem and biological resources, as set forth in the MSHCP, are reasonable and will not exceed the reasonably estimated total of these costs.
- j. The Local Development Mitigation Fee collected pursuant to this Ordinance shall be used to finance the acquisition and perpetual

- conservation of the natural ecosystems and certain improvements necessary to implement the goals and objectives of the MSHCP.
- k. The detailed administrative procedures concerning the implementation of this Ordinance shall be contained in the MSHCP Mitigation Fee Implementation Manual adopted December 7, 2020.
  - l. The boundary of the Western Riverside County Multiple Species Habitat Conservation Plan Fee Area is the same as the MSHCP boundary as set forth in that document entitled MSHCP Plan Area map dated June 2003, which is on file with the Clerk of the Board.

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

Section 4. DEFINITIONS. As used in this Ordinance, the following terms shall have the following meanings:

- a. "Accessory Dwelling Unit" means an accessory dwelling unit as defined by Ordinance No. 348, as may be amended, or as defined under State law.
- b. "Board of Supervisors" means the Board of Supervisors of the County of Riverside, California.
- c. "Certificate of Occupancy" means a certificate of occupancy as defined by Ordinance No. 457, as may be amended, or as defined under State law.
- d. "County" means the County of Riverside, California.
- e. "Credit" means a credit allowed pursuant to Section 11 of this Ordinance, which may be applied against the Local Development Mitigation Fee paid.
- f. "Development" means a human-created change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavating, and drilling.

- g. “Development Project” or “Project” means any project undertaken for the purpose of development, including but not limited to, the issuance of a building or grading permit by the County pursuant to all applicable ordinances, regulations, and rules of the County and State law.
- h. “Final Inspection” means a final inspection as defined by Ordinance No. 457, as may be amended, or as defined under State law.
- i. “Junior Accessory Dwelling Unit” means a junior accessory dwelling unit as defined by Ordinance No. 348, as may be amended, or as defined under State law.
- j. “Local Development Mitigation Fee” or “Fee” means the development impact fee imposed pursuant to the provisions of this Ordinance and as part of the MSHCP.
- k. “Multiple Species Habitat Conservation Plan” or “MSHCP” means the Western Riverside County Multiple Species Habitat Conservation Plan, adopted by the Board of Supervisors on June 17, 2003.
- l. “MSHCP Conservation Area” has the same meaning and intent as such term is defined and utilized in the MSHCP.
- m. “MSHCP Mitigation Fee Implementation Manual” is the fee implementation manual created and adopted in December 2020 by the RCA to provide direction to local jurisdictions concerning the imposition, collection, accounting, remittance, and calculation of the Local Development Mitigation Fee Program.
- n. “Ordinance” means this Ordinance No. 810 of the County of Riverside, California
- o. “Project Area” means the area, measured in acres, within the Development Project including, without limitation, any areas to be developed as a condition of a 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 MSHCP Mitigation Fee Implementation Manual for additional guidance for calculating the Project Area.

- p. “Residential Unit” means a building or portion thereof used by one (1) family and containing but one (1) kitchen, which unit is designed or occupied for residential purposes, including single family dwellings and mobile homes but not including hotels, motels, congregate care residential facilities or individual spaces within recreational vehicle parks.
- q. “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.

Section 5. LOCAL DEVELOPMENT MITIGATION FEE.

- a. Public Projects. The County is required to mitigate the impacts of Public Projects pursuant to the MSHCP and the MSHCP Implementing Agreement. The definition of Public Project and the method for mitigating Public Projects is set forth in the MSHCP Mitigation Fee Implementation Manual.
- b. Periodic Fee Adjustment. The Local Development Mitigation Fee schedule set forth in this Ordinance referenced above may be periodically reviewed and the amounts adjusted by the RCA as set forth in the MSHCP Mitigation Fee Implementation Manual.
- c. Automatic Annual Fee Adjustment. In addition to the Periodic Fee Adjustment mentioned above, the RCA shall provide the County with an automatic annual fee adjustment for the Local Development Mitigation Fee established by this Ordinance as set forth in the MSHCP Mitigation Fee Implementation Manual.

Section 6. IMPOSITION OF THE LOCAL DEVELOPMENT MITIGATION FEE.

- a. The Local Development Mitigation Fee will be paid no later than at the issuance of a certificate of occupancy or final inspection for a

building permit. Notwithstanding any other provision of the this Ordinance, no building permit shall be finalized for any Development Project unless the Local Development Mitigation Fee applicable to such Development Project has been paid. The amount of the Fee shall be calculated in accordance with the MSHCP Mitigation Fee Implementation Manual and this Ordinance. However, this section shall not be construed to prevent payment of the Local Development Mitigation Fee prior to the issuance of an occupancy permit or final inspection as long as a building permit has been applied for and the fees paid.

- b. In lieu of the payment of the Local Development Mitigation Fee as provided above, the fee for a Development Project may be paid through a Community Facilities District, provided that such arrangement is approved by the RCA in writing.
- c. Local Development Mitigation Fees Attributed to Development Projects.
  1. Residential Development Projects (per dwelling unit)
    - a. Residential (Effective July 1, 2021 through December 31, 2021)

Density less than 8.0 dwelling units per acre = \$2,935 per dwelling unit;  
Density between 8.0 and 14.0 dwelling units per acre = \$1,473 per dwelling unit;  
Density greater than 14.0 dwelling units per acre = \$670 per dwelling unit.
    - b. Residential (Effective January 1, 2022)

Density less than 8.0 dwelling units per acre = \$3,635 per dwelling unit;  
Density between 8.0 and 14.0 dwelling units per acre = \$1,515 per dwelling unit;  
Density greater than 14.0 dwelling units per acre = \$670 per dwelling unit.
  2. Commercial or Industrial Projects (per acreage)

- a. Commercial or Industrial (Effective July 1, 2021 through December 31, 2021)  
Commercial = \$11,982 per acre.  
Industrial = \$11,982 per acre.
- b. Commercial or Industrial (Effective January 1, 2022)  
Commercial = \$16,358 per acre.  
Industrial = \$16,358 per acre.

Section 7. PAYMENT OF LOCAL DEVELOPMENT MITIGATION FEE.

- a. The Local Development Mitigation Fee shall be paid in full in accordance with applicable State and local law, including, but not limited to, this Ordinance.
- b. The Local Development Mitigation Fee required to be paid under this Ordinance shall be the fee in effect at the time the fee is paid for which the Local Development Mitigation Fee is assessed; provided, however, that Housing Development Projects as defined by California Government Code section 65589.5(h)(2) may be entitled to pay the fee in effect at the time of the preliminary application was submitted.
- c. Notwithstanding anything in this Ordinance, or any other written documentation to the contrary, the Local Development Mitigation Fee shall be paid whether or not the Development Project is subject to conditions of approval by the County imposing the requirement to pay the fee.
- d. If all or part of the Development Project is sold prior to payment of the Local Development Mitigation Fee, the Development Project shall continue to be subject to the requirement to pay the fee as provided herein.
- e. The fee title owner(s) of the Property is responsible for the payment of the Local Development Mitigation Fee.
- f. Any Local Development Mitigation Fees that are required to be paid when there is a change in land use shall be reduced by the amount

of any previously paid fee for that property. No refunds shall be provided for changes in land use to a lower fee category. It shall be the responsibility of the applicant to provide documentation of any previously paid fee.

- g. The Local Development Mitigation Fees required to be paid shall be the fee in effect at the time of payment; provided, however, that should the associated building permit expire, be voided or withdrawn without a final inspection or certificate of occupancy and the fee had been previously paid and not refunded, then the applicant is responsible to pay for the difference in fees from the time of the last payment to the time the fee is required to be paid at final inspection or certificate of occupancy on any new development permit.
- h. There shall be no deferment of the Local Development Mitigation Fee beyond final inspection or issuance of certificate(s) of occupancy.
- i. For Development Projects which the County of Riverside does not require a final inspection or issuance of a certificate of occupancy, the Local Development Mitigation Fee shall be paid prior to commencement of any use or occupancy.
- j. The Local Development Mitigation Fee for commercial and industrial Development Projects shall be paid in its entirety for the Project Area and shall not be prorated.

Section 8. REFUNDS. 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. The process for refunds are detailed in the MSHCP Mitigation Fee Implementation Manual, which include the following:

- a. Expiration of Building Permits. If a building permit should expire, is 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 Local Development Mitigation Fee 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



- Local Development Mitigation Fee in effect at the time in full if the applicant reapplies for the permit.
- b. Double Payments. If a developer or applicant has paid all, or a portion, of the Local Development Mitigation Fee for a Development Project twice, a refund of the double payment would be required. Per the MSHCP Mitigation Fee Implementation Manual, such requests for a refund of double payments must be made within three (3) years of the original payment.
  - c. In the case of a refund, only the person or the entity which paid the Local Development Mitigation Fee shall be entitled to any refund.

Section 9. ACCOUNTING AND DISBURSEMENT OF COLLECTED LOCAL DEVELOPMENT MITIGATION FEES.

- a. All fees paid pursuant to this Ordinance shall be deposited, invested, accounted for, and expended in accordance with Section 66006 of the Government Code and all other applicable provisions of law.
- b. Subject to the provisions of this section, all fees collected pursuant to this Ordinance shall be remitted to the Western Riverside County Regional Conservation Authority no later than 90 days after the collection of the Local Development Mitigation Fee.
- c. The County may also add an additional cost to the Local Development Mitigation Fee schedule to cover the costs of collecting the fees from project proponents. Any amounts collected by the County shall not reduce the amount collected and remitted to the RCA under this Ordinance.

Section 10. FEE EXEMPTIONS. The following types of construction shall be exempt from the provisions of this Ordinance:

- a. 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 Project Area.
- b. Rehabilitation or remodeling to an existing Development Project, provided that the rehabilitation or remodeling does not result in

additional Project Area, and as long as said addition does not substantially change the use of the structure resulting in a higher fee payment category.

- c. Accessory Dwelling Units, as defined by Ordinance No. 348, as may be amended, and State law; but only to the extent such fee is exempted under State law.
- d. Junior Accessory Dwelling Units, as defined by Ordinance No. 348, as may be amended, and State law; but only to the extent such fee is exempted under State law.
- e. 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 outside of the previously approved Project Area, where upon fees have already been paid.
- f. Certain Agricultural Operations as allowed by the MSHCP, as amended and defined in the MSHCP Mitigation Fee Implementation Manual and the MSHCP.
- g. 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 Ordinance No. 810, 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 Ordinance No.810, the Local Development Mitigation Fee shall be imposed.
- h. Second Units and Guest Quarters as defined in Ordinance No. 348, as may be amended, but only to the extent such fee is exempted under State law.
- i. Construction of a replacement single family residential unit or replacement manufactured home, upon property wherein a single family residential unit or manufactured home was permitted and

granted occupancy and/or final inspection, dated prior to the effective date of this Ordinance.

- j. Kennels and Catteries established in connection with an existing single family residential unit and defined, as may be amended, in Ordinance No. 348.
- k. Additional single-family residential units located on the same parcel of land pursuant to the provisions of any agricultural zoning classifications set forth in Ordinance No. 348, but only to the extent such fee is exempted under State law.

Section 11. FEE CREDITS. Any Local Development Mitigation Fee credit that may be applicable to a Development Project shall be determined by the County and approved by the RCA. All Fee Credits shall comply with the resolutions, ordinances, Implementing Agreement, and policies of the RCA including, without limitation, the MSHCP Mitigation Fee Implementation Manual.

Section 12. SEVERABILITY. This Ordinance and the various parts, sections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall be affected thereby. If any part, sentence, paragraph, section, or clause of this Ordinance, or its application to any person entity is adjudged unconstitutional or invalid, such unconstitutionality or invalidity shall affect only such part, sentence, paragraph, section, or clause of this Ordinance, or person or entity; and shall not affect or impair any of the remaining provision, parts, sentences, paragraphs, sections, or clauses of this Ordinance, or its application to other persons or entities. The Board of Supervisors hereby declares that this Ordinance would have been adopted had such unconstitutional or invalid part, sentence, paragraph, section, or clause of this Ordinance not been included herein; or had such person or entity been expressly exempted from the application of this Ordinance.”

EFFECTIVE DATE. This Ordinance shall take effect sixty (60) days after its adoption.

**Adopted:** 810 Item 13.1 of 03/13/2001 (Eff: 05/12/2001)

**Amended:**

810.1 Item 9.11 of 11/26/2002 (Eff: 01/25/2002)

810.2 Item 15.1 of 07/22/2003 (Eff: 09/20/2003)

810.3 Item 19.3 of 06/08/2021 (Eff: 08/06/2021)