

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE,
3 CALIFORNIA, ESTABLISHING THE WESTERN RIVERSIDE COUNTY
4 MULTIPLE SPECIES HABITAT CONSERVATION PLAN LOCAL
DEVELOPMENT MITIGATION FEE APPLICABLE TO ALL
DEVELOPMENTS IN THE PLAN AREA.

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

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

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

16 WHEREAS, in furtherance of the MSHCP, the City is approving and adopting the updated
17 “Western Riverside County Multiple Species Habitat Conservation Plan Nexus Fee Study”, dated
18 October, 2020 (the “2020 Nexus Study”) attached hereto and incorporated herein by this reference as
19 Exhibit “A;” and

20 WHEREAS, based on the 2020 Nexus Study, the City introduced an ordinance on April 13,
21 2021, (the “2021 Local Development Mitigation Fee Ordinance”) pursuant to California Government
22 Code sections 66000 *et seq.* authorizing the County to impose the Local Development Mitigation Fee
23 upon new development; and

24 WHEREAS, section 4.A. of the 2021 Local Development Mitigation Fee Ordinance authorizes
25 the City to adopt an applicable Local Development Mitigation Fee schedule by resolution; and

26 WHEREAS, the fees collected pursuant to this Resolution shall be used to finance the public
27 facilities described or identified in the 2020 Nexus Study; and

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

6 NOW, THEREFORE BE IT RESOLVED the City Council of the City of Riverside,
7 California, as follows:

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

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

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

18 C. A proper funding source to pay the costs associated with mitigating the direct, indirect
19 and cumulative impacts of development to the natural ecosystems within the City and the region, as
20 identified in the MSHCP, is a development impact fee for residential, commercial, and industrial
21 development. The amount of the fee is determined by the nature and extent of the impacts from the
22 development to the identified natural ecosystems and or the relative cost of mitigating such impacts.

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

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

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

4 G. The facts and evidence provided to the City establish that there is a reasonable
5 relationship between the need for preserving the natural ecosystems in the City and the region, as
6 defined in the MSHCP, and the direct, indirect and cumulative impacts to such natural ecosystems and
7 biological resources created by the types of development on which the fee will be imposed, and that
8 there is a reasonable relationship between the fee's use and the types of development for which the
9 fee is charged. This reasonable relationship is described in more detail in the MSHCP and the 2020
10 Nexus Study.

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

14 I. The fee set forth herein does not reflect the entire cost of the lands which need to be
15 acquired in order to implement the MSHCP and mitigate the impact caused by new development.
16 Additional revenues will be required from other sources. The City Council finds that the benefit to
17 each development project is greater than the amount of the fee to be paid by the project.

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

21 Section 2. Local Development Mitigation Fee. There is hereby adopted the Local
22 Development Mitigation Fee schedule as set forth below:

MSHCP Local Development Mitigation Fee Schedule	
Effective July 1, 2021 through December 31, 2021	
Fee Category	Fee
Residential density less than 8.0 dwelling units per acre (fee per dwelling unit)	\$2,935

1	Residential density between 8.0 and 14.0	\$1,473
2	dwelling units per acre (fee per dwelling unit)	
3	Residential density greater than 14.0 dwelling	\$670
4	units per acre (fee per dwelling unit)	
5	Non-Residential/Commercial (fee per acre)	\$11,982
6	Industrial (fee per acre)	\$11,982

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

20 Section 3: Periodic Fee Adjustment. The Local Development Mitigation Fee schedule set
21 forth above may be periodically reviewed and the amounts adjusted as set forth in the MSHCP
22 Mitigation Fee Implementation Manual adopted pursuant to the Local Development Mitigation Fee
23 Ordinance

24 Section 4. Automatic Annual Fee Adjustment. In addition to the Periodic Fee Adjustment
25 mentioned above, the RCA shall provide the City with an automatic annual fee adjustment for the
26 Local Development Mitigation Fee established by this Ordinance as set forth in the MSHCP
27 Mitigation Fee Implementation Manual adopted pursuant to the Local Development Mitigation Fee
28 Ordinance.

1 Section 5. Adoption of 2020 Nexus Study. The City Council hereby adopts the 2020 Nexus
2 Study and its findings.

3 Section 6. CEQA Findings. The City Council hereby finds that in accordance with CEQA
4 and the State CEQA Guidelines the adoption of this Resolution is exempt from CEQA pursuant to
5 Section 21080(b)(8) of the California Public Resources Code and Sections 15273 and 15378(b)(4) of
6 the State CEQA Guidelines.

7 Section 7. Severability. This Resolution and the various parts, sections, and clauses thereof,
8 are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged
9 unconstitutional or invalid, the remainder of this Resolution shall not be affected thereby. If any part,
10 sentence, paragraph, section, or clause of this Resolution, or its application to any person entity is
11 adjudged unconstitutional or invalid, such unconstitutionality or invalidity shall affect only such part,
12 sentence, paragraph, section, or clause of this Resolution, or person or entity; and shall not affect or
13 impair any of the remaining provision, parts, sentences, paragraphs, sections, or clauses of this
14 Resolution, or its application to other persons or entities. The Board of Supervisors hereby declares
15 that this Resolution would have been adopted had such unconstitutional or invalid part, sentence,
16 paragraph, section, or clause of this Resolution not been included herein; or had such person or entity
17 been expressly exempted from the application of this Resolution.

18 If the fees collected for the conservation of the land, including the monitoring and management
19 thereof, are later adjudged by a final unappealable judgment of a court of competent jurisdiction to be
20 unconstitutional or invalid, the prior Local Development Mitigation Fee adopted under the prior 2003
21 Local Development Mitigation Fee Nexus Study and the corresponding Ordinance No. 6709, shall
22 each be revived and shall continue for the life of the MSHCP.

23 Section 8. Effective Date. This Resolution shall become effective on July 1, 2021.

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1 ADOPTED by the City Council this _____ day of _____, 2021.

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PATRICIA LOCK DAWSON
Mayor of the City of Riverside

Attest:

EVA ARSEO
Interim City Clerk of the City of Riverside

I, Eva Arseo, Interim City Clerk of the City of Riverside, California, hereby certify that the foregoing resolution was duly and regularly adopted at a meeting of the City Council of said City at its meeting held on the _____ day of _____, 2021, by the following vote, to wit:

- Ayes:
- Noes:
- Absent:
- Abstain:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Riverside, California, this _____ day of _____, 2021.

EVA ARSEO
Interim City Clerk of the City of Riverside

21-0175 03/25/21
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