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**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Economic Development Agency

SUBMITTAL DATE: April 28, 2003

SUBJECT: Second Amended Agreement with EDAW for Consulting Services for Proposed OHV Park

RECOMMENDED MOTION: That the Board of Supervisors:

- (1) Receive and File the "Final Feasibility Study for the Lockheed/Laborde Canyon Off-Highway Vehicle (OHV) Park; and
- (2) Approve the Second Amendment to the Agreement for Consulting Services Between EDAW, INC., and the County of Riverside Pertaining to A Potential Off-Highway Vehicle Park for \$724,182.50 and authorize the Chairman of the Board to sign the Agreement.

BACKGROUND:

Early History

In 1968, the County Parks Department (now the Riverside County Parks and Open Space District) began to study the idea of developing a site for recreational motorcycle uses. In 1971, a concessionaire was selected by the County Parks Department to operate what was known historically as the DeAnza Cycle Park ("DeAnza facility") in the north Badlands area, adjacent to the County landfill.

Due to the desire on the part of the County Parks Department to expand the DeAnza facility, funds were sought from the Division of Off-Highway Motor Vehicle Recreation of the State Department of Parks and Recreation (the "State").

(Continued on next page)

Bradley J. Hudson, Assistant County Executive Officer/EDA

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FINANCIAL DATA:

CURRENT YEAR COST: \$724,182.50

NET COUNTY COST: \$0

BUDGET ADJUSTMENT: No

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: No

SOURCE OF FUNDS: State OHV Grant Funds (#OR-0117)

ANNUAL COST \$0

IN CURRENT YEAR BUDGET: Yes

FOR FY: 2003-04

FORM APPROVED
COUNTY COUNSEL

C.E.O. RECOMMENDATIONS:

APPROVE

APR 28 2003

County Executive Officer Signature:

BY

Department Recommendation: Consent Policy
Per Executive Office: Consent Policy

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On September 20, 1979, the Governor of California signed into law Senate Bill 727, which provided \$6,800,000 from the State Off-Highway Vehicle (OHV) Fund to the County of Riverside for the acquisition, planning and development of an off-highway vehicle recreational complex. The funding from Senate Bill 727 was to be used to construct an OHV recreational facility at or near the existing De Anza facility. Acquisition of approximately 1,981 acres with State OHV funds and the purchase/assembly of an additional 2,136 acres was completed by the County Parks Department in 1981, which, including the existing 70-acre cycle park, resulted in a total of 4,117 acres.

An environmental impact report was completed on the project development plan in 1982 [*Final Environmental Impact Report: De Anza Motorcycle Park, Riverside County, California (SCH 81101206)*, ENVICOM Corporation, September 20, 1982] and in 1983, at the request of the Board of Supervisors for additional information, a follow-up supplement was completed in 1983 [*Final De Anza Cycle Park EIR Supplement: No. 18*, EDAW, November, 1983]. In 1984, discussions with Caltrans indicated that a costly interchange would be required at the approximate location of Jackrabbit Trail and SR60, in order to appropriately service the proposed expanded DeAnza OHV park. In 1984 the County Parks Department applied for a separate grant (No. OR-0117) of \$1,000,000 from the State. The \$1,000,000 grant was to provide supplemental construction funding for the planned expansion of the De Anza facility. The County signed a "Project Agreement" with the State in 1989 for the use of Grant No. OR-0117 as supplemental site development funds for the De Anza Cycle Park. The grant funds, however, were never used. Substantial opposition to expanding the existing DeAnza facility was voiced by property owners, developers and environmental groups. The De Anza facility was permanently closed in 1993 due to a number of issues including, but not limited to, lawsuits from rider injuries and difficulty in obtaining appropriate supplemental liability insurance.

Stakeholders' Meeting Group

Interest in locating a site for an OHV park has been renewed in recent years by the State and the OHV community. The County Lobbyist and County staff have been meeting periodically over the past year with a diverse group of stakeholders. The group includes representatives from the State Department of Parks and Recreation, the State Department of Fish and Game, the Sierra Club and Audubon Society, OHV interest groups, and other interested parties. Group discussions have focused on issues such as illegal OHV riding in the County, the need for an OHV park in the County, the potential use of portions of a site in the Badlands that includes Laborde Canyon for a possible OHV park, etc.

Feasibility Study

On January 15, 2002 the Board of Supervisors approved a budget adjustment for the receipt of the first half of Grant No. OR-0117 (\$500,000) and approved the preparation of a feasibility study and related environmental work. Grant No. OR-0117 was converted by the State from a facilities/construction grant to a planning grant. A site of approximately 2,640 acres, located north of Gilman Springs Road, west of Highway 79, South of SR 60 and east of Jack Rabbit Trail, and known as the Lockheed/Laborde site ("proposed project site") was selected for feasibility determination based on a number of considerations, including but not limited to, existing topography, the amount of illegal riding that had been observed by County staff and others during land use trips into the proposed Multi-species Habitat Conservation Plan (MSHCP) core area of the southern Badlands and the desire to provide a replacement site for the previously proposed but now defunct DeAnza OHV park. Formerly in the Third Supervisorial District, this site is now located in the Fifth Supervisorial District. A consulting services agreement for completion of the feasibility study was signed by the County and EDAW on March 26, 2002 and amended on May 20, 2002. Both the Agreement and the amendment were consistent with County Resolution No. 2001-277, which authorizes the Assistant county Executive Officer/EDA or his designee to execute certain documents, including certain contracts for environmental studies and reports, in the amount of \$75,000 or less. The

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Final Feasibility Study was completed in late November 2002, and it's submittal completed the first phase of the project and contract with EDAW. The Final Feasibility Study indicated that portions of the proposed project site appeared suitable for an OHV park, but that additional studies and an environmental impact report would be needed prior to any final determination on the issue.

Agreement With Consultant (EDAW, INC.) for the EIR/Design Phase (Second Phase) of the OHV Park

On October 22, 2002, the State requested in writing that EDAW be retained to complete the second phase of the project, including the development of a preliminary OHV park design and completion of an environmental impact report. The proposed contract is for \$724,182.50. The Scope of Work includes an alternative sites analysis, alternative project analyses, additional environmental studies and an environmental impact report. It is anticipated that the second phase of the proposed project will take approximately 1 to 1.5 years to complete; the source of funds will continue to be Grant No. OR-0117. The State has requested in writing that EDAW complete the second phase of the project (see Exhibit "A", attached).

The amended Agreement contains a clause requiring receipt of legal assurances in writing from the State of the delegation of certain responsibilities relating to CEQA project review, certification of the final environmental impact report and related documentation completed for the proposed project, compliance with *State Public Resources Code Section No. 5990.32*, and indemnification of the County from liability. The aforementioned legal assurances must be received by July 1, 2003 in order for work to continue beyond that date on the project. The attached amended Agreement has been approved as to form by County Counsel and executed by EDAW.

Proposed OHV Park: State Vehicular Recreation Area

There are currently six (6) State Vehicular Recreation Areas (SVRAs) located throughout California, including facilities at Rancho Cordova, Livermore, Hollister, Arroyo Grande, Lebec, and Borrego Springs. Regardless of its ultimate location, if approved, it is the County's intention that the proposed OHV park be designed, constructed, insured, operated and managed by the State Department of Parks and Recreation, Off-Highway Motor Vehicle Recreation Division, as a State Vehicular Recreation Area (SVRA) as per the requirements of *State Public Resources Code Section No. 5090.32*. Section No. 5090.32 delineates the duties and responsibilities of the State Department of Parks, Division of Off-Highway Motor Vehicle Recreation, in the acquisition, planning, approval, construction and operation of SVRA projects.

Financial Impact

The amended Agreement will have no impact on the County's general fund.

BJH:RZ:DL:KT:LN:ln

All Supervisorial Districts