

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

609 B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
January 4, 2005

SUBJECT: Joint Community Facilities Agreement by and among Riverside County Flood Control and Water Conservation District, City of Temecula, Temecula Public Financing Authority and Ashby USA, LLC, a California limited liability company

RECOMMENDED MOTION:

1. Adopt the attached Findings / Statement of Overriding Considerations which is Attachment 'A' to the subject Notice of Determination;
2. Approve the Infrastructure Funding and Acquisition Agreement by and among the District, County of Riverside, City of Temecula, Temecula Public Financing Authority and Ashby USA, LLC;
3. Authorize the Chairman to execute the Agreement documents on behalf of the District; and
4. Direct the Clerk to the Board to file the Notice of Determination.

BACKGROUND:

At the request of Ashby USA, LLC (the "Developer"), the Temecula Public Finance Authority (the "Authority") has initiated proceedings to establish Temecula Public Financing Authority Community Facilities District No. 03-02 (Roripaugh Ranch) (the "CFD") to finance certain public drainage improvements including portions of the Long Valley Wash Channel, the Santa Gertrudis Creek Channel and associated underground storm drains.

Continued on Page 2

TD:MHW:bjj

WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA	Current F.Y. District Cost:	N/A	In Current Year Budget:	N/A
	Current F.Y. County Cost:	N/A	Budget Adjustment:	N/A
	Annual Net District Cost:	N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

RECEIVED RIVERSIDE COUNTY
 OFFICE EXECUTIVE
 04 DEC 03 09:11:50
 03 DEC 03 09:38:50

- Dep't Recomm.: Consent Policy
- Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: ATTACHMENTS FILED WITH THE CLERK OF THE BOARD | **District:** 3rd | **Agenda Number:** 11.6

Departmental Concurrence

**FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD SUBMITTAL
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

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Page 2

The proposed drainage improvements are associated with Tract No. 29335 and the Roripaugh Ranch Specific Plan in the City of Temecula. The estimated aggregate cost of the flood control facilities that are to be financed through the CFD is \$11,770,694. Before the Authority can proceed with the establishment of the CFD, the Board of Supervisors must consider the Agreement and determine whether it consents to these improvements being financed through the CFD.

The proposed CFD contains approximately 805 vacant acres that are to be developed with 2,000 residential units and 15 acres of related commercial development. By entering into this Agreement, the Flood Control District is assuming no liability with regard to the formation of the CFD or the sale and issuance of any special tax bonds.

Pursuant to the California Environmental Quality Act (CEQA), the City of Temecula has certified the final environmental impact report for the Roripaugh Ranch specific plan and adopted certain environmental findings and a statement of overriding considerations in connection therewith. District staff has reviewed the City's findings and determined that construction of the proposed drainage improvements will result in a significant unavoidable impact upon locally important farmlands.

District staff concurs with the City that there are no feasible mitigation measures or alternatives available to avoid or reduce potential impacts to agricultural resources and that the project's benefits outweigh the significant unavoidable impacts to agricultural resources. The project will provide for needed flood control improvements and long-term maintenance along critical reaches of Santa Gertrudis Creek and Long Valley Wash.

Upon completion of construction and the transfer of necessary rights of way, the District will accept the proposed facilities for ownership, operation and maintenance. Ashby USA is providing a one time deposit of \$782,640 to offset the District's future operation and maintenance costs.

The County Executive Office and the Transportation Department have participated in the negotiation and preparation of this Agreement and are recommending its approval. A companion item appears on the County's agenda this same date.

MHW:bjj

California State Clearinghouse Handbook

Notice of Determination**Form C**

To: X Office of Planning and Research
P.O. Box 3044, 1400 Tenth Street, Room 222
Sacramento, CA 95812-3044

From: Riverside County Flood Control
1995 Market Street
Riverside, CA 92501

X County Clerk
County of Riverside
2724 Gateway Drive
Riverside, CA 92507

Subject:

Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resources Code.

Project Title

Joint Community Facilities Agreement for Long Valley Wash Channel, Santa Gertrudis Creek Channel and associated underground storm drains required to construct portions of the Roripaugh Ranch Specific Plan and Tract Map No. 29335.

97121030
State Clearinghouse Number
(If submitted to Clearinghouse)

Teresa Tung
Lead Agency
Contact Person

951.955.1233
Area Code/Telephone/Extension

Project Location (include county)

The proposed project is located along Santa Gertrudis Creek and Long Valley Wash within the city of Temecula in southwest Riverside County.

Project Description:

Approval of a Joint Community Facilities Agreement whereby the District's Board consents to financing the proposed construction of certain public drainage improvements, including portions of the Long Valley Wash Channel, the Santa Gertrudis Creek Channel and associated underground storm drains, through a Community Facilities District. Pursuant to CEQA, the City of Temecula has assumed the role of Lead Agency and has adopted a Final Environmental Impact Report (FEIR) for the Roripaugh Ranch Specific Plan, Tract Map No. 29335 and their associated infrastructure and improvements.

This is to advise that the Riverside County Flood Control and Water Conservation District has considered the FEIR and approved the above described project on January 04, 2005 and has made the following determinations regarding the above described project:

1. The project will have a significant effect on the environment. See Attachment 'A'
2. A Final Environmental Impact Report has been adopted by the Lead Agency.
3. Mitigation Measures were made a condition of the approval of the project. See Attachment 'A'
4. A statement of Overriding Considerations was adopted for this project. See Attachment 'A'.
5. Findings were made pursuant to the provisions of CEQA. See attachment 'A'

This is to certify that the record of project approval is available to the General Public at:

The Office of Clerk of the Board, County Administrative Center, 4080 Lemon Street, Riverside, CA 92501

Signature (Public Agency)

Date

Title

Date received for filing at OPR:

Revised January 2001

**CEQA Notice of Determination
Attachment 'A'**

Joint Community Facilities Agreement for Long Valley Wash Channel, Santa Gertrudis Creek Channel and associated underground storm drains (Tract No. 29335; Roripaugh Ranch Specific Plan)

Potential Significant Impacts

Construction of the proposed Project (drainage improvements) will result in potential significant impacts to Water Resources, Biological Resources, Noise, Scientific Resources (archaeological, historical, and paleontological), and Air Quality. To ensure that these potential impacts remain less than significant, all the applicable mitigation measures from the Roripaugh Ranch Specific Plan Mitigation Monitoring Plan Report, dated November 6, 2002, shall be incorporated into the construction of the proposed drainage improvements.

Significant Unavoidable Impacts

The CEQA Lead Agency (i.e. City of Temecula) determined that the Roripaugh Ranch Specific Plan would have significant adverse impacts to; 1) agriculture (loss of prime soils and locally important farmland); 2) traffic (two intersections exceed LOS D during peak hours); 3) air quality (both short-term and long-term); and 4) aesthetics (views and skyglow). The District's approval is limited to the portions of the Specific Plan associated with the proposed drainage improvements. Thus, the significant adverse impacts to traffic, air quality, and aesthetics are not associated with the District's approval. The proposed drainage improvements will result in the permanent impacts to approximately 57 acres of locally important farmlands and prime agricultural soils. Loss of agricultural activities on the site is unavoidable and is therefore a significant unavoidable impact of the project.

Findings/Statement of Overriding Considerations

Section 15091 of the CEQA Guidelines requires the lead agency to make one or more written findings for each significant impact. Section 15093 of the CEQA Guidelines requires the lead agency to balance the benefits of a proposed project against its unavoidable significant impacts, and to determine whether the project related significant impacts are overridden by the project benefits. Section 15096 of the Guidelines require a CEQA Responsible Agency to make its own determinations regarding significant impacts. As previously stated, the proposed project will have a significant unavoidable impact to agricultural resources. The District finds that there are no feasible mitigation measures or alternatives available to avoid or reduce potential impacts to agricultural resources. The District also finds that the project's benefits outweigh the significant unavoidable impacts to agricultural resources. The project will provide for needed flood control improvements and long-term maintenance along critical reaches of Santa Gertrudis Creek and Long Valley Wash. The City of Temecula's FEIR (SCH No. 97121030) and Resolution No. 02-111, dated November 26, 2002, are hereby incorporated by reference.