

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

118 B



**FROM:** TLMA and Flood Control and Water Conservation District

**SUBMITTAL DATE:**  
4/15/05

**SUBJECT:** Establishment of Interim Development Criteria Within the Lower San Jacinto River Floodplain

**RECOMMENDED MOTION:** The Board of Supervisors adopt Resolution No. 2005-220, which establishes interim development criteria for land development proposals located within the lower San Jacinto River floodplain.

**BACKGROUND:** The owners of real property located within or adjacent to the lower San Jacinto River floodplain are seeking to move forward with entitlements in advance of the final development and permitting of the proposed San Jacinto River Project (the "Project") as described in Volume 1 Section 7 of the Riverside County Multi-Species Conservation Plan. Current County land use policies preclude the consideration of development proposals affecting the lower San Jacinto River floodplain pending the approval and permitting of the Project. Resolution No. 2005-220 sets forth certain policies and procedures that would allow such development proposals, hereinafter called an "Interim Development Proposal", to proceed provided certain conditions are met. These policies and procedures are necessary to ensure that the County's goals for i) public health and safety, ii) habitat and species conservation and iii) traffic circulation are achieved while allowing development proposals to proceed in advance of the final development and permitting of the San Jacinto River Project.

In conjunction with the granting of entitlements for an Interim Development Proposal, prospective developers would be required to enter into an agreement with the Riverside County Flood Control and Water Conservation District wherein the proposed development project will be required to pay its fair share of the costs for planning, design, permitting, right of way acquisition and construction of the ultimate Project prior to final map recordation or the issuance of grading permits, whichever comes first.

This effort has been closely coordinated with the Flood Control District staff.

(Continued)

REVIEWED BY EXECUTIVE OFFICE  
*[Signature]*  
DATE 4/18/05

Departmental Concurrence

*[Signature]*  
Warren D. Williams  
General Manager-Chief Engineer

*[Signature]*  
Tony Carstens  
Transportation and Land Management Agency Director

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

Prev. Agn. Ref.: | District: | Agenda Number:

15.1

**FINANCIAL:**

- 1) The cost of implementing the Interim Development Criteria will be borne by developers who wish to obtain development rights in advance of the final development and permitting of the Project.

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4 RESOLUTION NO. 2005-220  
5 ESTABLISHMENT OF INTERIM DEVELOPMENT CRITERIA  
6 WITHIN THE LOWER SAN JACINTO RIVER FLOODPLAIN

7 **WHEREAS**, the Board of Supervisors of Riverside County (the "Board of Supervisors") has  
8 adopted the Riverside County Integrated General Plan with a Project that includes a Multiple Species  
9 Habitat Conservation Plan (the "MSHCP"), a Land Use Element, a Circulation Element, and a Safety  
10 Element; and

11 **WHEREAS**, Volume 1 Section 7 of the MSHCP contains certain provisions describing the  
12 proposed San Jacinto River Project (the "Project") located within the lower San Jacinto River 100-year  
13 floodplain between the Ramona Expressway and the upper mouth of Railroad Canyon (the "Project  
14 Area"); and

15 **WHEREAS**, the MSHCP sets forth certain criteria that will apply to the Project including (i)  
16 conservation of Mitigation Lands necessary for the continued survival of various plant species (the  
17 "Covered Species"), (ii) conservation of two identified thread-leaved brodiaea populations, and (iii) the  
18 establishment of a minimum 1000-foot wide multi-species linkage; and

19 **WHEREAS**, it is anticipated that development of the Project may involve refinements to Cell  
20 Criteria or Area Plan assumptions as set forth in the MSHCP; and

21 **WHEREAS**, the County of Riverside (the "County"), Riverside County Flood Control and Water  
22 Conservation District (the "District") and City of Perris (the "City") have entered into a Memorandum of  
23 Understanding (the "MOU") with certain land development companies (the "Properties Owners Group")  
24 that own property located within or adjacent to the Project Area setting forth their respective  
25 understandings and commitments with regard to the approval and permitting of the Project; and  
26

27 **WHEREAS**, the Property Owners Group, at its sole cost and expense, is willing to prepare the  
28 environmental studies, engineering studies, and permit applications necessary to approve the Project for  
construction; and

1           **WHEREAS**, the review, approval and permitting of the Project by the US Army Corps of  
2 Engineers, US Fish and Wildlife Service, California Department of Fish and Game, Santa Ana Regional  
3 Water Quality Control Board, County, City, and District (collectively "Reviewing Parties") may take  
4 several years to complete; and

5           **WHEREAS**, the Property Owners Group and other property owners within the Project Area are  
6 seeking to submit development applications within the unincorporated portion of the Project Area in  
7 advance of Project construction (an "Interim Development Proposal"); and

8           **WHEREAS**, the County wishes to advance the goals of the Riverside County Integrated Project  
9 and MSHCP, maintain good working relationships with the Regulatory Agencies and facilitate orderly  
10 development within the Project Area; and

11           **WHEREAS**, the County intends to develop an apportionment methodology and implement a fee  
12 collection and funding mechanism to ensure that any Interim Development Proposal pay its "fair share"  
13 of the Project costs on a voluntary basis.

14           **NOW, THEREFORE**, be it resolved, that Interim Development Proposals will be considered by  
15 the Board for approval and may be allowed to record final maps and receive permits provided such  
16 proposals conform with the following criteria:  
17

- 18           1. No encroachments into the floodplain shall be permitted except where it is  
19           demonstrated that such encroachments advance the goals of the Project.
- 20           2. All Interim Development Proposals shall respect the physical constraints set by each of  
21           the five Project alternatives currently being developed by A. A. Webb Associates.
- 22           3. No tentative map shall be considered by the Planning Commission for approval until  
23           the final draft alternative study for the Project has been submitted to the District and  
24           County for review.
- 25           4. Any plant communities, vernal pool areas, etc., that are identified or included as a  
26           conservation/mitigation area in any of the Project alternatives shall be avoided in the  
27           Interim Development Proposal design.
- 28

- 1 5. All Interim Development Proposals shall include a condition of approval stating that the  
2 developer shall execute an agreement with the District to pay its "fair share" of total  
3 Project costs prior to final map recordation or the issuance of grading permits,  
4 whichever comes first. The District shall determine the "fair share" per acre charge  
5 based on the District's best estimate of the most expensive Project alternative.
- 6 6. The "fair share" cost for an Interim Development Proposal shall be calculated based on  
7 the gross acreage within the Project Area. This per acre charge shall be paid prior to  
8 the issuance of building permits for Interim Development Proposals.
- 9 7. Interim Development Proposals in the shallow pond shall adhere to the guidelines set  
10 forth in the San Jacinto River Area Drainage Plan. Those guidelines are as follows: "Any  
11 fill used to provide floodproofing within the 'shallow pond' area must be offset by  
12 removing a minimum volume elsewhere within the ponding area equaling 130% of the  
13 in-place fill volume located below elevation 1415... and must be done in a manner that  
14 will grade to drain to the San Jacinto River."
- 15 8. All development in the Project Area floodplain and floodway shall comply with  
16 regulations implementing the National Flood Insurance Program (44CFR§60) and  
17 County Ordinance No. 458.
- 18 9. Roads and other infrastructure associated with an Interim Development Proposal shall  
19 not interfere with the Project alternatives, nor be in conflict with the goals of the Project,  
20 and be compatible with existing infrastructure. Moreover, development proposals  
21 adjacent to the Project Area that would have road and other infrastructure encroach into  
22 the Project Area shall be conditioned to have said infrastructure not interfere with any of  
23 the Project Alternatives.
- 24 10. Interim Development Proposals shall meet the criteria of the MSHCP.

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26 SEM:MHW: md  
27 4/15/05

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FORM APPROVED  
COUNTY COUNSEL

APR 19 2005  
BY Gordon V. Ubo