

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

457A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
September 1, 2006

SUBJECT: Public Hearing - Amendment No. 8 to the Menifee Valley Road and Bridge Benefit District and Related Environmental Documents and Findings.

RECOMMENDED MOTION: That the Board: Conduct the Public Hearing and after closing the public hearing, adopt Resolution No. 2006-359 Approving Amendment No. 8 to the Menifee Valley Road and Bridge Benefit District, Related Environmental Documents, and Findings.

BACKGROUND: On August 29, 2006, the Board of Supervisors set a public hearing for Amendment No. 8 to the Menifee Valley Road and Bridge Benefit District (the "Menifee Valley District") that would change boundaries for Zones B, D, E, and F including the transfer of property from Zone D to Zone E; add three(3) new facilities; expand two(2) currently included facilities; remove two facilities funded by the Transportation Uniform Mitigation Program(TUMF); and adjust the fee schedules for Zones B, C, D, E, and F. The Board also noticed a public hearing for the Environmental Assessment 41009 and adoption of a negative declaration based on said Assessment.

Departmental Concurrence

FORM APPROVED
COUNTY COUNSEL

AUG 30 2006

George Johnson
George Johnson
Director of Transportation

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0.00	In Current Year Budget:
	Current F.Y. Net County Cost:	\$ 0.00	Budget Adjustment:
	Annual Net County Cost:	\$ 0.00	For Fiscal Year:

SOURCE OF FUNDS: The Planned Facilities will be funded by Menifee Valley District Fees	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

Steve Jones

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

Prev. Agn. Ref.: 8/29/2006 - 3.93 | District: 3 | Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

9.6

The public hearing was properly noticed for September 12, 2006 in the Press Enterprise at least ten(10) days prior to the public hearing date. A copy of the Resolution No. 2006-310 along with the "Report for the Amendment No. 8 to the Menifee Valley Road and Bridge Benefit District" was placed on the official bulletin board customarily used by the Board of Supervisors for the posting of notices, and in several other places in the community of Menifee Valley and Riverside.

Adoption of Resolution 2006-359 confirms:

1. that the "Final Report for the Amendment No. 8 to the Menifee Valley Road and Bridge Benefit District" will be approved as the "Final Plan;"
2. the amended estimated costs for constructing major thoroughfares and the basis on which said costs are to be equitably apportioned within said District;
3. the adoption of the Negative Declaration for Environmental Assessment No. 41009 that was publicly notices twenty(21) days prior to the public hearing date;
4. the proper adjustment of the estimated construction costs for each facility to reflect the addition/removal, or the modification of facilities within the Menifee Valley District;
5. the land use assumptions used to determine the fee schedule for the District to be updated to reflect the Riverside County Integrated Project;
6. the proper adjustment of Menifee Valley Road and Bridge Benefit District fees to be charged within Zones "B," "C," "D," "E," and "F" to be consistent with changes herein and as stated in the "Final Plan" and
7. the effective date for the new fees to be November 13, 2006.

Attachment Table 1 summarizes the land use projections and fee schedules for affected Zones in the Menifee Valley District proposed for adoption. Attachment A provides an overview of the Menifee Valley District map with the proposed facilities to be adopted.

ATTACHMENT TABLE 1

Zone B - Proposed Fee

Proposed Fee / Revenues			Proposed	
Description	Qty		Fee	
Residential (Less Developed DUs)	3,678	/du	\$1,842	/du
Commercial (Less Developed Acres)	39	/ac	\$2,521	/ac
Service Commercial (Less Developed Acres)	0	/ac	\$2,521	/ac
Industrial/Manufacturing (Less Developed Acres)	0	/ac	\$2,521	/ac

Zone C - Proposed Fee

Proposed Fee / Revenues			Proposed	
Description	Qty		Fee	
Residential (Less Developed DUs)	2,030	/du	\$4,546	/du
Commercial (Less Developed Acres)	132	/ac	\$4,705	/ac
Office Commercial (Less Developed Acres)	14	/ac	\$4,705	/ac
Industrial/Manufacturing (Less Developed Acres)	74	/ac	\$4,705	/ac

Zone D - Proposed Fee

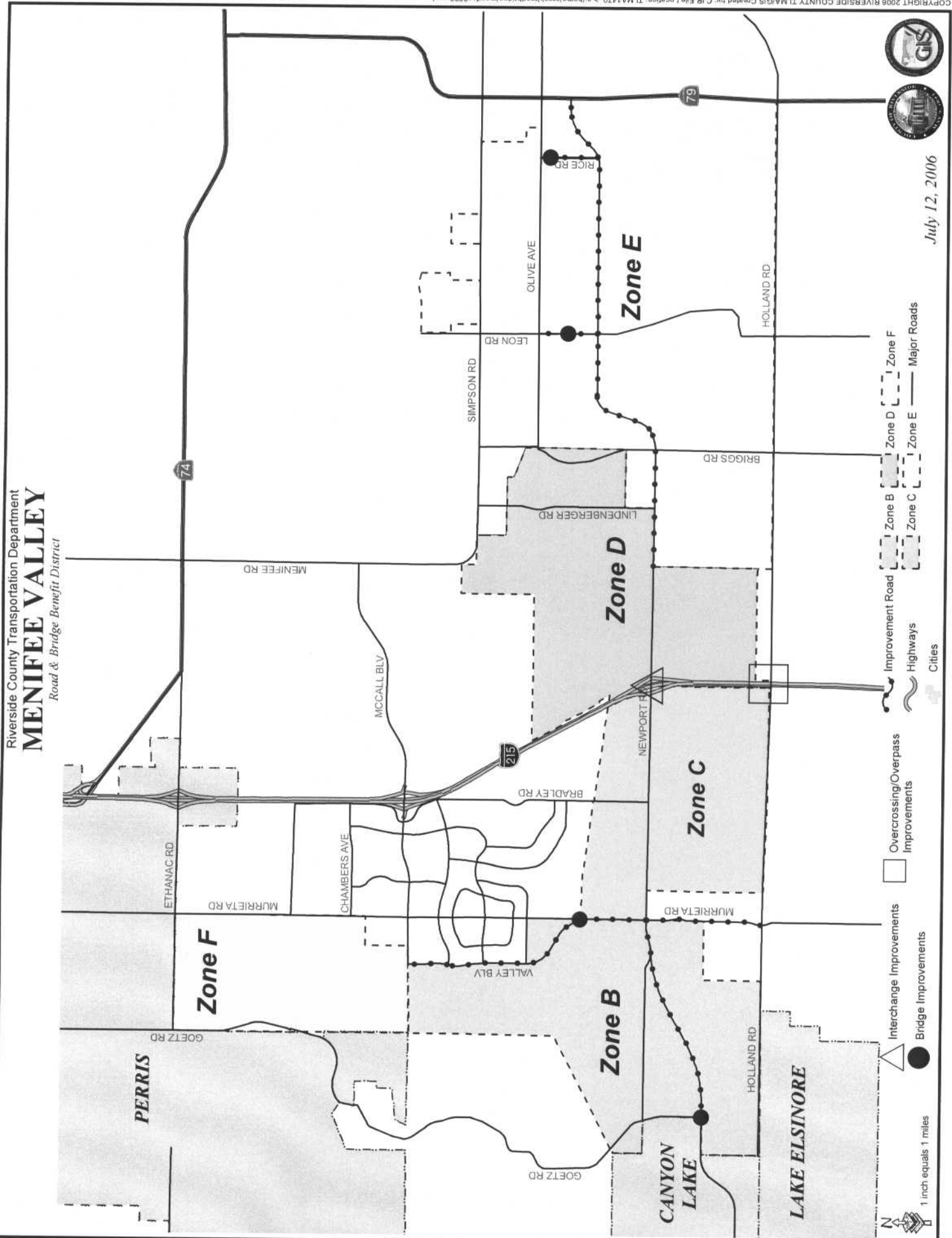
SP 158A4/DA 20A1				
Existing Fee / Revenues			Proposed	
Description	Qty		Fee	
Residential (Less Developed DUs)	861	/du	\$1,488	/du
Commercial (Less Developed Acres)		/ac	\$2,165	/ac
Industrial/Manufacturing (Less Developed Acres)	85	/ac	\$2,165	/ac

Zone E - Proposed Fee

Proposed Fee / Revenues			Proposed	
Description	Qty		Fee	
Residential (Less Developed DUs)- Schedule E₁	1,217	/du	\$5,074	/du
Residential (Less Developed DUs)- Schedule E₂(Newport Road CFD 03-1)	1,420	/du	\$2,918	/du
Residential (Less Developed DUs)- Schedule E₃(Bridges CFD 05-1)	1,468	/du	\$2,153	/du
Residential (Less Developed DUs)- Schedule E₄(CFD 03-1/05-1)	6,749	/du	\$0	/du
Commercial (Less Developed Acres)	156	/ac	\$6,945	/ac
Office Commercial (Less Developed Acres)	74	/ac	\$6,945	/ac
Industrial/Manufacturing (Less Developed Acres)	0	/ac	\$6,945	/ac

ATTACHMENT A

Riverside County Transportation Department
MENIFEE VALLEY
Road & Bridge Benefit District



July 12, 2006

2
3 **RESOLUTION NO. 2006-359**

4 **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY**
5 **OF RIVERSIDE APPROVING THE 8TH AMENDMENT OF THE MENIFEE VALLEY ROAD**
6 **AND BRIDGE BENEFIT DISTRICT, AMENDING THE BOUNDARIES OF ZONES “B”, “D”,**
7 **“E” AND “F”; FEE SCHEDULES AND DESIGNATED FACILITIES FOR SAID DISTRICT;**
8 **AND APPROVING RELATED ENVIRONMENTAL DOCUMENTS AND FINDINGS**
9 **OF THE MENIFEE VALLEY ROAD AND BRIDGE BENEFIT DISTRICT**

10 **(AMENDMENT NO. 8)**

11
12 WHEREAS, the Board of Supervisors (the “Board”) of the County of Riverside (the “County”)
13 pursuant to Section 66484 of the California Government Code and Section 10.30 of Riverside County
14 Ordinance No. 460, as amended, (the “Ordinance”), has established a program whereby an area of benefit
15 may be established to charge a fee to defray the actual or estimated costs for the construction of bridges
16 and major thoroughfares as a condition of approval of a final map or as a condition of issuing a building
17 permit; and

18
19 WHEREAS, the Board adopted Resolution No. 88-242 on May 24, 1988, pursuant to Subsection
20 D of Section 10.30 of the Ordinance, establishing the Meniffee Valley Road and Bridge Benefit District
21 (the “Road and Bridge Benefit District”) and a fee schedule for said Road and Bridge Benefit District
22 regarding the approved designated improvements; and,

23
24 WHEREAS, the “Rules and Regulations for the Administration of Road and Bridge Benefit
25 Districts,” as adopted by Resolution No. 85-92 on April 2, 1985, and subsequently amended, provides that
26 the boundaries of a road and bridge benefit district may be adjusted from time to time in response to
27 changed conditions, that new improvements may be designated as improvements to be constructed by a
28 road and bridge benefit district to address changed conditions and that the County's Director of

1 Transportation, as administrator, shall review a road and bridge benefit district annually to determine if
2 any revisions to the geographical boundaries or modifications of the designated improvements should be
3 considered by the Board; and,

4 WHEREAS, the Transportation Department has determined that: the Menifee Valley
5 District will include changes to boundaries for Zones "B," "D," "E," and "F including the transfer of
6 property from Zone "D" to Zone "E;" three(3) new facilities(Holland Over Pass @ I-215, Leon Rd.
7 Bridge, and Rice Rd. Bridge) need to be incorporated into the District; the cost estimates for several
8 facilities should be increased and/or decreased to reflect additional design and engineering information;
9 two(2) currently included facilities(Newport Road between Menifee Road and Winchester Road/Highway
10 79 from (4) lanes to six(6) lanes and the funding of ultimate improvements on Newport Road Interchange
11 at Interstate 215) need to be expanded; two(2) facilities(Newport Road from Murrieta to I-215 and Valley
12 Boulevard from McCall Blvd. to Goetz Road) within the District that are funded by the
13 TUMF(Transportation Uniform Mitigation Fund) need to be removed from the District; the land use
14 assumptions used to determine the fee schedules for the District should be updated to reflect the Riverside
15 County Integrated Plan; and the fees need to be adjusted to be consistent with the aforementioned
16 changes; and

17 WHEREAS, the County, on June 25, 1996, entered into an agreement entitled "First Amendment
18 to Development Agreement No. 20" that was recorded as Instrument No. 236925 on June 26, 1996 (the
19 "Amended Agreement"), that, in part, added Section 4.5 to Development Agreement No. 20 and
20 established a fee to be charged for residential properties within Zone "D" of the Road and Bridge Benefit
21 District that were subject to the Amended Agreement to be \$1,488 per residential unit of which 59.2%
22 was to be applied toward the costs of the I-215 interchange at Newport Road; and

23 WHEREAS, the territory left within Zone "D" after the transfer of territory to Zone "E" of the
24 Road and Bridge Benefit District is subject to the Amended Agreement represents approximately all of
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1 the territory left within Zone "D" and shall be identified as "D.A. No. 20 Property and whose fee schedule
2 will remain unchanged;" and

3 WHEREAS, property owners within Zone "E" have since the last amendment to the Menifee
4 Valley District, participated in the formation of CFD 03-1, that provides approximately \$17.6 million in
5 funding towards the construction on Newport Road, and will participate in the formation of CFD 05-1,
6 that intends to provide approximately \$24 million towards the construction of the Salt Creek Bridges after
7 the sale of bonds is approved by the Riverside County Board of Supervisors, to finance facilities within
8 Zone "E;" and to spread the cost among the properties that benefit from it, some of which are not
9 participating in the CFD; and
10

11 WHEREAS, the County's Transportation Department, at the request of its Director, has prepared a
12 report entitled "Analysis for Amendment No. 8 To The Menifee Valley Road and Bridge Benefit District
13 July 2006"(hereinafter referred to as Analysis Report and further outlined herein) that proposes to:
14 expand the area of benefit that is identified as the Menifee Valley Road and Bridge Benefit District by
15 annexing territories to Zones "B", "E," and "F", including a transfer of properties within Zone "D" to
16 Zone "E"; add three(3) new facilities; expand two(2) currently included facilities; remove two(2)
17 existing facilities funded by TUMF; make appropriate adjustments to the estimated construction costs for
18 identified facilities to be funded by each zone of the Menifee Valley District; update the land use
19 assumptions used to determine the fee schedule for the District to reflect the Riverside County Integrated
20 Project; and make consistent adjustments to the requested fee schedules for each zone of the Menifee
21 Valley District; and,
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23

24 WHEREAS, the Transportation Department has prepared an initial study for the Menifee Valley
25 District also identified in the Analysis Report as described in the Environmental Assessment No. 41009
26 and recommends the adoption of a Negative Declaration based upon the finding that there is no
27 substantial evidence that Menifee Valley Road and Bridge Benefit District will have a significant effect
28 on the environment, and the adoption of a "*De Minimus* Finding" relative to wildlife resources based upon

1 the conclusion that the Menifee Valley District will not have an adverse effect on wildlife resources, as
2 defined in Section 711.2 of the Fish and Game Code of the State of California; and,

3 WHEREAS, on August 29, 2006, Resolution 2006-310 was adopted declaring the Board's
4 Intention to hold a public hearing for Amendment 8 of the Menifee Valley District that: proposes
5 boundary changes to Zones "B," "D," "E," and "F" including the transfer of property from Zone "D" to
6 Zone "E"; provides funding for three(3) new facilities; expands two(2) currently included facilities;
7 removes two(2) TUMF funded facilities; recommends updating the land use assumptions used to
8 determine the fee schedule for the District to reflect the Riverside County Integrated Project; adopts a
9 Negative Declaration for Environmental Assessment No. 41009; makes appropriate adjustments to the
10 estimated construction costs for those identified facilities to be funded by each zone of the Menifee Valley
11 District; and requests changes to the fee schedules needed to be consistent with adjustments made to each
12 zone of the Menifee Valley District and are to be charged as a condition of a final map or as a condition to
13 issuing a building permit;
14

15
16 WHEREAS, the pursuant to Section 16.28.040 of the Riverside County Code, the public hearing
17 was duly noticed on August 29, 2006 to be set for September 12, 2006 to consider any written or oral
18 protests that interested parties had with regard to the 8th Amendment of the Menifee Valley Road and
19 Bridge Benefit District: that adopts a Negative Declaration for Environmental Assessment No. 41009;
20 that proposes boundary changes to Zones "B," "D," "E," and "F" including the transfer of property from
21 Zone "D" to Zone "E"; that provides funding for three(3) new facilities; that expands two(2) currently
22 included facilities; that removes two(2) TUMF funded facilities; that the land use assumptions used to
23 determine the fee schedule for the District should be updated to reflect the Riverside County Integrated
24 Project; that makes appropriate adjustments to the estimated construction costs for those identified
25 facilities to be funded by each zone of the Menifee Valley District; and requests changes to the fee
26 schedules needed to be consistent with adjustments made to each zone of the Menifee Valley District and
27 are to be charged as a condition of a final map or as a condition to issuing a building permit:
28

1 NOW, THEREFORE, BE IT RESOLVED, DETERMINED, FOUND AND ORDERED by the
2 Board of Supervisors of the County of Riverside, State of California, in regular session assembled on
3 September 12, 2006, as follows:

4 **Section 1.** The above recitals are true and correct.

5 **Section 2.** The public hearing was opened and closed on September 12, 2006. All protests and
6 objections of every kind and nature be, and the same hereby are, overruled and denied, and it is
7 determined that said protests and objections are made by the owners of less than one-half(1/2) of the
8 property within the boundaries of the Menifee Valley District to be assessed for the identified facilities.
9

10 **Section 3.** The Analysis Report filed with the Clerk of the Board of Supervisors is adopted as the
11 "Final Plan" for the area of benefit that is to identify Zones "B," "C," "D," "E," and "F" of the "Menifee
12 Valley Road and Bridge Benefit District." The Board hereby adopts and approves each of the proposals,
13 (as more specifically identified and reflected in the Analysis Report/Final Plan), to expand the area of
14 benefit that is identified as the Menifee Valley Road and Bridge Benefit District by annexing territories to
15 Zones "B", "E," and "F", including a transfer of properties within Zone "D" to Zone "E" as reflected in
16 the Analysis Report/Final Plan and in accordance with the boundaries of the zones (including the areas of
17 annexation) as reflected in Exhibit A to this resolution; to add three (3) new facilities (Holland Over Pass
18 at I-215, Leon Rd. Bridge, and Rice Rd. Bridge); to expand two (2) currently included facilities (Newport
19 Road between Menifee Road and Winchester Road/Highway 79 and Newport Road Interchange at
20 Interstate 215); to remove two (2) existing facilities funded by TUMF (Newport Road from Murrieta to I-
21 215 and Valley Boulevard from McCall Blvd. to Goetz Road); to make appropriate adjustments to the
22 estimated construction costs for identified facilities to be funded by each zone of the Menifee Valley
23 District as reflected in the Analysis Report/Final Plan; to update the land use assumptions used to
24 determine the fee schedule for the District to reflect the Riverside County Integrated Project as reflected
25 in the Analysis Report/Final Plan; and to make consistent adjustments to the fee schedules for each zone
26 of the Menifee Valley District as identified in the Analysis Report/Final Plan.
27
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1 **Section 4.** The amended estimated costs for construction said major thoroughfares and facilities
2 and the bases on which said costs are to be equitably apportioned within said District as set forth in the
3 Analysis Report/Final Plan are adopted and approved.

4 **Section 5.** The Transportation Department is directed to adjust the estimated construction costs
5 for each facility to reflect the addition/removal, or the modification of facilities within the Menifee Valley
6 District as reflected in the Analysis Report/Final Plan; to update the land use assumptions used to
7 determine the fee schedule for the District to reflect the Riverside County Integrated Plan as reflected in
8 the Analysis Report/Final Plan; and to adjust the fees to be charged within Zones "B", "C", "D", "E", and
9 "F" as reflected in the Analysis Report/Final Plan. The resulting fee for Zones "B," "C," "D," "E," and
10 "F" shall be paid by each landowner whose property lies within such zone upon the recordation of a final
11 map or the issuance of a building permit.

12 **Section 6.** The Clerk of the Board is authorized and directed to cause a certified copy of this
13 resolution to be filed with the Office of the County Clerk and Recorder of the County of Riverside.
14

15 **Section 7.** The Final Plan for Amendment 8 of the Menifee Valley Road and Bridge Benefit
16 District is to be used as a guide for all future developments in the District and any developments in said
17 District are to be required to conform to that Final Plan.
18

19 **Section 8.** The Board of Supervisors adopts the Negative Declaration for Environmental
20 Assessment No. 41009 based upon the finding that there is no substantial evidence that the District's
21 Projects will have a significant effect on the environment, and adopts a "De Minimus Finding" relative to
22 wildlife resources based upon the conclusions that the Projects will not have an adverse effect on wildlife
23 resources, as defined in Section 711.2 of the Fish and Game Code of the State of California.
24

25 **Section 9.** The Clerk of the Board is authorized and directed to file the Notice of Determination
26 relative to the Negative Declaration for Environmental Assessment No. 41009 with the Office of the
27 County Clerk and Recorder of the County of Riverside.
28

Section 10. The effective date of this resolution shall be November 13, 2006.

FORM APPROVED
COUNTY COUNSEL

AUG 28 2006

BY 

1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF RIVERSIDE)
4

5 I, Nancy Romero, Clerk of the Board of Supervisors of the County of Riverside, California, do
6 hereby certify that the foregoing Resolution No. 2006-359 was duly adopted by the Board of Supervisors
7 of said County at a meeting of said Board held on the 12th day of September, 2006, and that it was so
8 adopted by the following vote:
9

10 AYES:

12 NOES:

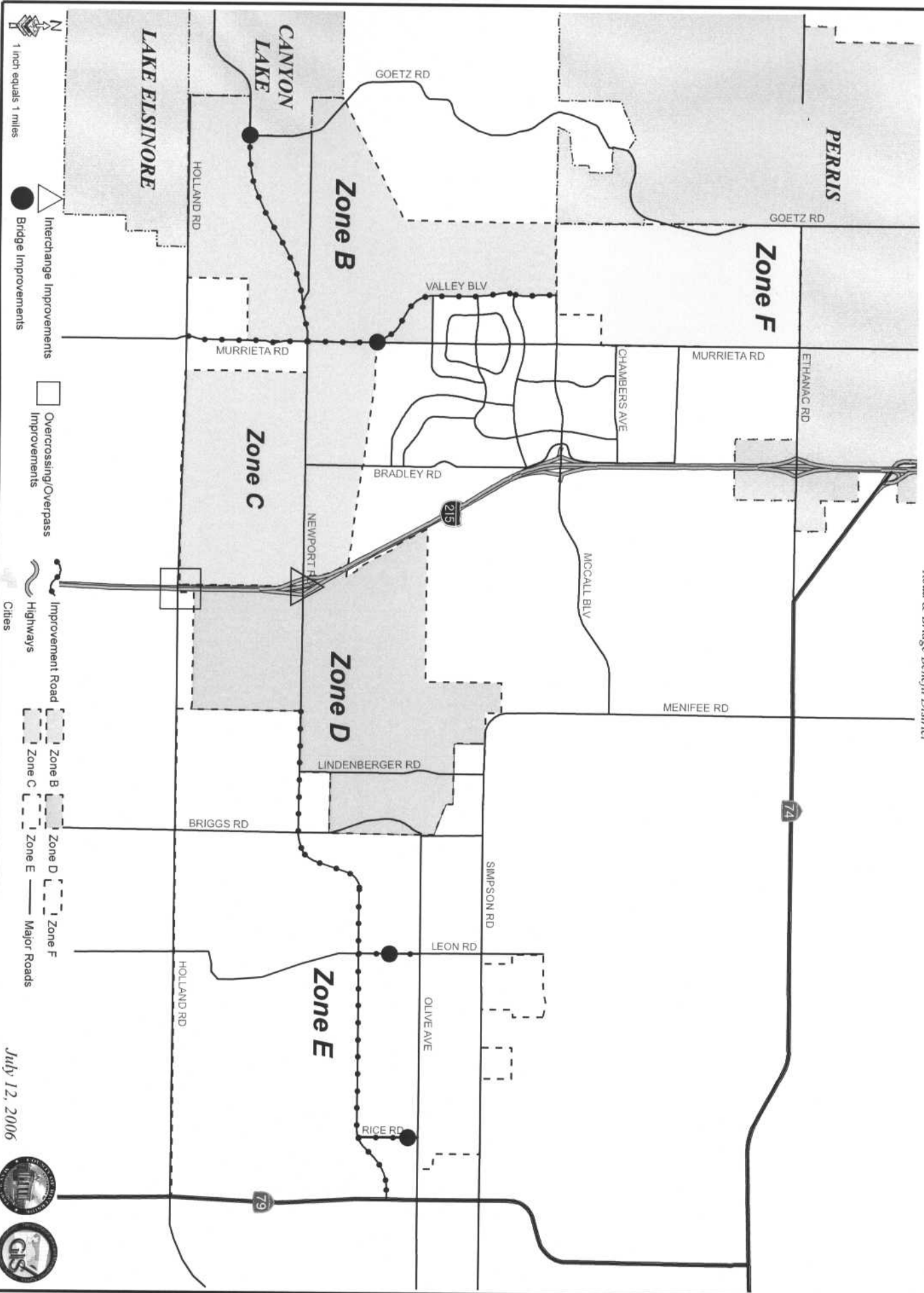
14 ABSTAIN:

16 ABSENT:

19 _____, Deputy
20 Clerk of the Board of Supervisors of the
21 County of Riverside
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EXHIBIT A

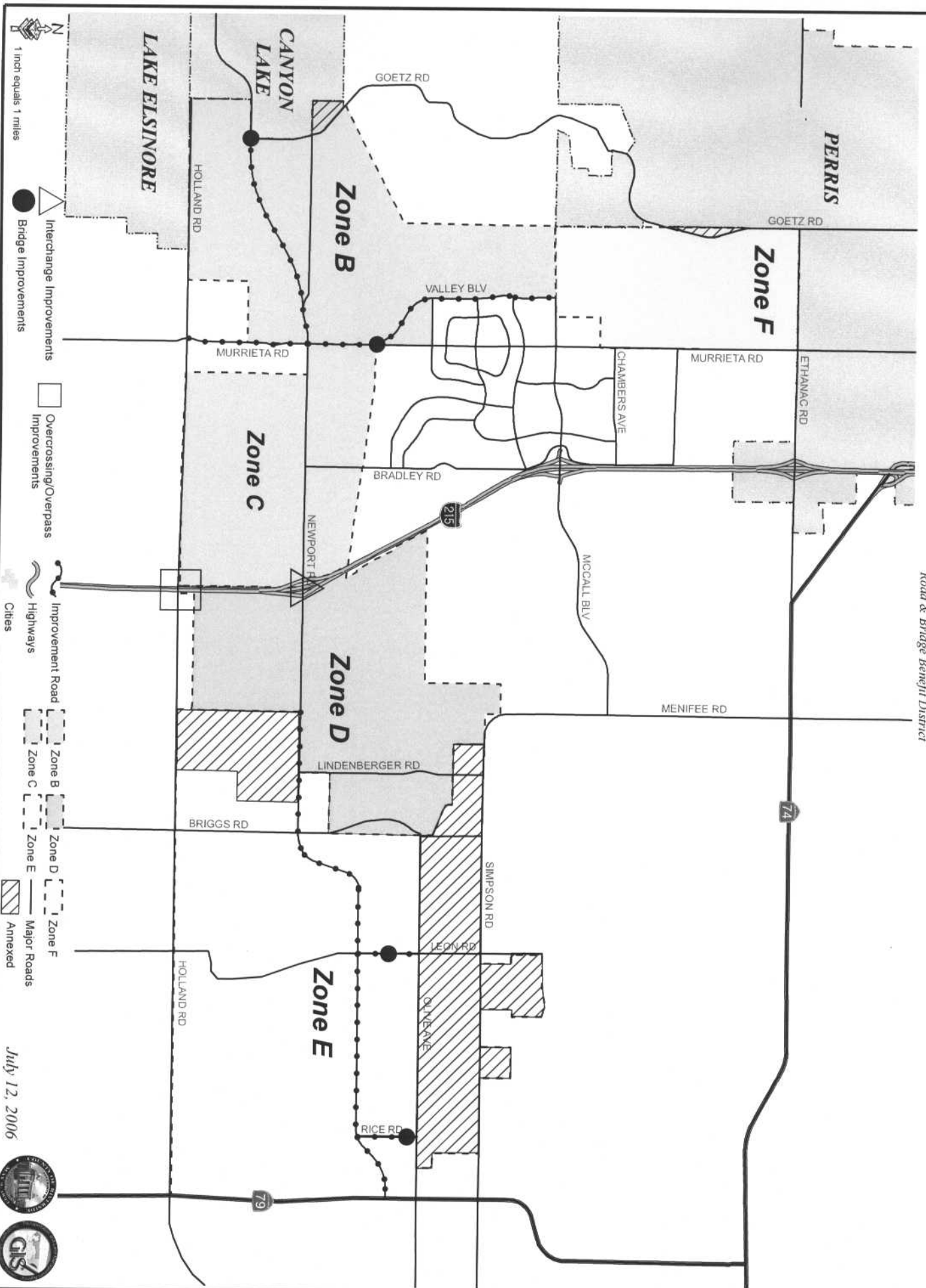
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