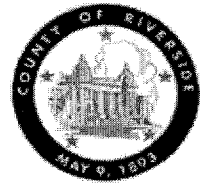


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

207B



**FROM:** TLMA - Planning Department

**SUBMITTAL DATE:**  
May 25, 2010

**SUBJECT:**

ORDINANCE NO. 810 FEE CREDIT AGREEMENT BETWEEN THE COUNTY OF RIVERSIDE AND LAKE MATHEWS ASSOCIATES, LLC.

**RECOMMENDED MOTION:**

That the Board of Supervisors Approve Ordinance No. 810 Fee Credit Agreement between the County of Riverside and Lake Mathews Associates, LLC and authorize the Chairman to execute said Agreement.

Ron Goldman  
Planning Director

Initials:  
RG:ar

(Continued on Attached Page)

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ 0	For Fiscal Year:	N/A
<b>SOURCE OF FUNDS: N/A</b>				Positions To Be Deleted Per A-30 <input type="checkbox"/>
				Requires 4/5 Vote <input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE

BY:

Tina Grande

County Executive Office Signature

FORM APPROVED BY COUNTY COUNSEL  
 BY: *Karin L. Watts-Bazan* DATE: 7/10  
 Departmental Concurrence

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

**Prev. Agn. Ref.** 5/25/10 Item No's 3.51 / 3.54 | **District:** First | **Agenda Number:**

3.44

**BACKGROUND:**

On March 23, 2010, the Riverside County Board of Supervisors tentatively approved a Fee Credit Agreement, between the project developer (Lake Mathews Associates, LLC ) and the County of Riverside, for the Gavilan Hills Estates Specific Plan (Specific Plan No. 308, Amendment No. 1).

The Gavilan Hills Estates Specific Plan lies within the criteria area for the Western Riverside County Multiple Species Habitat Conservation Plan (Western MSHCP), and therefore was required to process a HANS application (Hans No. 1773) in accordance with the procedures of the Western MSHCP. Hans No. 1773 identified a need to conserve 536.4 acres to contribute towards proposed Linkage 3, one of two connections between the Lake Mathews/Estelle Mountain Reserve and Core Areas in Alberhill.

The Gavilan Hills Estates Specific Plan site contains significant biological resources including several listed plant and animal species, including a significant colony of Burrowing Owls, and subsequently was required to redesign the project to avoid the significant Burrowing Owl habitat, resulting in a loss of 40 tentatively designed lots. The developer has agreed to obtain credit for the value of the 40 lots against the fees that would otherwise be required to be paid in connection with its development of the Gavilan Hills Estates Specific Plan pursuant to Riverside County Ordinance No. 810.2.

The below listed recommendations were made on the Form 11 to the Board of Supervisor's on **March 23, 2010** as Agenda Item No. **16.1** and the following actions were taken.

**TENTATIVE APPROVAL** of **ORDINANCE NO. 810** Fee Credit Agreement between the County of Riverside and Lake Mathews Associates, LLC.;

**CERTIFICATION** of **ENVIRONMENTAL IMPACT REPORT NO. 453**, which has been completed in compliance with the EIR Guidelines and the Riverside County CEQA Implementation Procedure;

**APPROVAL** of **GENERAL PLAN AMENDMENT NO. 662** from Specific Plan (SP00308), Rural Community: Estate Density Residential (RC: EDR) (2 Acre Minimum), Rural Community: Low Density Residential (RC: LDR) (½ Acre Minimum), Rural: Rural Mountainous (R: RM) (10 Acre Minimum), and Rural: Rural Residential (R: RR) (5 Acre Minimum) to Specific Plan No. 308, Amendment No. 1 in the Lake Mathews/Woodcrest Area Plan in accordance with Exhibit #5;

**APPROVAL** of **SPECIFIC PLAN NO. 308, AMENDMENT NO. 1**, subject to the attached conditions of approval, and based on the findings and conclusions incorporated in the staff report;

**APPROVAL** of **CHANGE OF ZONE NO. 6730**, amending the zoning classification for the subject property from Residential Agricultural (2 Acre Minimum) (R-A-2), Residential Agricultural (5 Acre Minimum) (R-A-5), and Residential Agricultural (10 Acre Minimum) (R-A-10) to Specific Plan (SP Zone), in accordance with Exhibit #2; and,

**APPROVAL** of **TENTATIVE TRACT MAP NO. 31554**, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.

On **May 25, 2010** The Board of Supervisors adopted Resolution No. 2010-125 Certifying Environmental Impact Report No. 453, adopting Specific Plan No. 308A1, and approving Tentative Tract Map No.31554; adopted Ordinance No. 348.4699 for Zoning Map No. 56.011 and Change of Zone No. 6730 amending Ordinance No. 348 text to reflect Specific Plan development standards, and establishing the Specific Plan Boundary and Planning Area Boundaries; and adopted the Second Cycle General Plan Amendment as Resolution No. 2010-138.



1 resources.

2       2. Fee Credit. The fee credit provided herein applies only to the development of property within  
3 the Gavilan Hills Estates Specific Plan and to the payment of fees pursuant to Ordinance No. 810.2 or any  
4 subsequently approved amendment to Ordinance No. 810. No transfer of credit may occur to a different  
5 development entitlement. The total number of approved residential lots within the Gavilan Hills Estates  
6 Specific Plan subject to this Agreement is 432. Each individual approved residential lot shall receive a  
7 total fee credit not to exceed \$3,333. The total fee credit shall be \$1,440,000.00 and shall not exceed this  
8 amount. Any Ordinance No. 810.2 fees required to be paid that exceed \$3,333 per lot shall remain the  
9 responsibility of Developer or its successor in interest.

10       3. Recordation of Agreement. This Agreement and any amendments thereto shall be recorded in  
11 the Office of the Riverside County Recorder for the County of Riverside.

12       4. Consistency with Ordinance No. 810 and Resolution No. 2004- 223. This fee credit is  
13 consistent with and meets the requirements for fee credits set forth in Ordinance No. 810 and Resolution  
14 No. 2004-223.

15       5. Paragraph Headings. The paragraph headings herein are for the convenience of the parties  
16 only, and shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or  
17 intent of the provisions or language of this Agreement.

18       6. Authority to Execute Agreement. The Developer warrants that its authorized officer has the  
19 authority vested in him or her to execute this Agreement.

20       7. Entire Agreement. This Agreement is intended by the parties hereto as a final expression of  
21 their understanding with respect to the subject matter hereof and as a complete and exclusive statement of  
22 the terms and conditions thereof and supersedes any and all prior and contemporaneous leases,  
23 agreements and understandings, oral or written, in connection herewith. No provision contained herein  
24 shall be construed against the County solely because it prepared this Agreement in its executed form.

25       8. Amendment. This Agreement shall not be changed, modified, or amended except upon written  
26 consent of the parties hereto. In the event the Gavilan Hills Estates Specific Plan is amended to increase  
27 the number of approved residential lots subject to this Agreement as set forth in paragraph 2 above, an  
28 amendment to this Agreement shall be submitted by the Developer to the County for its consideration.

1 IN WITNESS WHEREOF, County and Developer have entered into this Agreement on the last  
2 date indicated below.

3  
4 Lake Mathews Associates, LLC  
A limited liability corporation

5  
6 Dated: \_\_\_\_\_

7 By: \_\_\_\_\_  
Authorized Officer

8  
9 County of Riverside

10  
11 Dated: \_\_\_\_\_

12 By: \_\_\_\_\_  
Chairman, Board of Supervisors

13  
14 ATTEST:  
15 Clerk of the Board

16  
17 By: \_\_\_\_\_  
Deputy

18  
19  
20 APPROVED AS TO FORM:  
County Counsel

21  
22 By: Karin Watts  
23 Deputy

24  
25  
26 KWB/mdk  
021110

27 G:\PROPERTY\KWATTSBA\ORD 810 FEE CREDIT AGREEMENT GAVILLAN HILLS.DOC

# COUNTY OF RIVERSIDE

## TRANSPORTATION AND LAND MANAGEMENT AGENCY

George A. Johnson · Agency Director

### Planning Department

Ron Goldman · Planning Director

TO:  Office of Planning and Research (OPR)  
P.O. Box 3044  
Sacramento, CA 95812-3044  
 County of Riverside County Clerk

FROM: Riverside County Planning Department  
 4080 Lemon Street, 9th Floor  
P. O. Box 1409  
Riverside, CA 92502-1409

38686 El Cerrito Road  
Palm Desert, California 92211

**SUBJECT: Filing of Notice of Determination in compliance with Section 21152 of the California Public Resources Code.**

**ORDINANCE NO. 810 FEE CREDIT AGREEMENT BETWEEN THE COUNTY OF RIVERSIDE AND LAKE MATHEWS ASSOCIATES, LLC.**

*Project Title/Case Numbers*

**JEFF HORN**

*County Contact Person*

**951-955-4641**

*Phone Number*

**SCH# 2007 041 067**

*State Clearinghouse Number (if submitted to the State Clearinghouse)*

**Lake Mathews Associates LLC**

*Project Applicant*

**2716 Ocean Park Blvd, Suite 2025, Santa Monica CA 90405**

*Address*

**The project is located southerly of Multiview Drive, northerly of Lake Mathews Drive, and westerly of Gavilan Road in the community of Gavilan Hills.**

*Project Location*

**On May 25, 2010 The Board of Supervisors adopted Resolution No. 2010-125 Certifying Environmental Impact Report No. 453, adopting Specific Plan No. 308A1, and approving Tentative Tract Map No. 31554; adopted Ordinance No. 348.4699 for Zoning Map No. 56.011 and Change of Zone No. 6730 amending Ordinance No. 348 text to reflect Specific Plan development standards, and establishing the Specific Plan Boundary and Planning Area Boundaries; and adopted the Second Cycle General Plan Amendment as Resolution No. 2010-138. The Gavilan Hills Estates Specific Plan (Specific Plan No. 308, Amendment No. 1) site contains significant biological resources including several listed plant and animal species, including a significant colony of Burrowing Owls, and subsequently was required to redesign the project to avoid the significant Burrowing Owl habitat, resulting in a loss of 40 tentatively designed lots. The developer has agreed to obtain credit for the value of the 40 lots against the fees that would otherwise be required to be paid in connection with its development of the Gavilan Hills Estates Specific Plan pursuant to Riverside County Ordinance No. 810.2.**

*Project Description*

This is to advise that the Riverside County Board of Supervisors as the lead agency, has approved the above-referenced project on \_\_\_\_\_, and has made the following determinations regarding that project:

1. The project WILL have a significant effect on the environment.
2. An Environmental Impact Report was prepared for the project pursuant to the provisions of the California Environmental Quality Act (\$64.00).
3. Mitigation measures WERE made a condition of the approval of the project.
4. A Mitigation Monitoring and Reporting Plan/Program WAS adopted.
5. A statement of Overriding Considerations was adopted for the project.

This is to certify that the Environmental Impact Report, with comments, responses, and record of project approval is available to the general public at: Riverside County Planning Department, 4080 Lemon Street, 9th Floor, Riverside, CA 92501.

*Signature*

*Title*

*Date*

Date Received for Filing and Posting at OPR: \_\_\_\_\_

DM/rj

Revised 8/25/2009

Y:\Planning Case Files-Riverside office\SP00308A1\BOS\Ord 810 Fee Agreement NOD.doc

Please charge deposit fee case#: ZCFG2787 \$64.00 (\$2,768.25 -paid- CFG2787)

**FOR COUNTY CLERK'S USE ONLY**

COUNTY OF RIVERSIDE  
SPECIALIZED DEPARTMENT RECEIPT  
Permit Assistance Center

J\* REPRINTED \* R0322114

4080 Lemon Street  
Second Floor  
Riverside, CA 92502  
(951) 955-3200

39493 Los Alamos Road  
Suite A  
Murrieta, CA 92563  
(951) 694-5242

38686 El Cerrito Rd  
Indio, CA 92211  
(760) 863-8271

\*\*\*\*\*  
\*\*\*\*\*

Received from: LAKE MATHEWS ASSOCIATES LLC \$64.00  
paid by: CK 1196  
EIR00453  
paid towards: CFG02787 CALIF FISH & GAME: DOC FEE  
at parcel:  
appl type: CFG3

By \_\_\_\_\_ Nov 25, 2003 10:11  
MBRASWEL posting date Nov 25, 2003

\*\*\*\*\*  
\*\*\*\*\*

Account Code	Description	Amount
658353120100208100	CF&G TRUST: RECORD FEES	\$64.00

Overpayments of less than \$5.00 will not be refunded!



COUNTY OF RIVERSIDE  
SPECIALIZED DEPARTMENT RECEIPT  
Permit Assistance Center

J\* REPRINTED \* I1000625

4080 Lemon Street  
Second Floor  
Riverside, CA 92502  
(951) 955-3200

39493 Los Alamos Road  
Suite A  
Murrieta, CA 92563  
(951) 694-5242

38686 El Cerrito Rd  
Indio, CA 92211  
(760) 863-8271

\*\*\*\*\*  
\*\*\*\*\*

Received from: LAKE MATHEWS ASSOCIATES LLC \$24.00  
paid by: VI 06509D  
EIR00453  
paid towards: CFG02787 CALIF FISH & GAME: DOC FEE  
at parcel:  
appl type: CFG3

By \_\_\_\_\_ Mar 08, 2010 14:18  
JCMITCHE posting date Mar 08, 2010

\*\*\*\*\*  
\*\*\*\*\*

Account Code	Description	Amount
658353120100208100	CF&G TRUST	\$24.00

Overpayments of less than \$5.00 will not be refunded!

COUNTY OF RIVERSIDE  
SPECIALIZED DEPARTMENT RECEIPT  
Permit Assistance Center

J\* REPRINTED \* R0914613

4080 Lemon Street  
Second Floor  
Riverside, CA 92502  
(951) 955-3200

39493 Los Alamos Road  
Suite A  
Murrieta, CA 92563  
(951) 694-5242

38686 El Cerrito Rd  
Indio, CA 92211  
(760) 863-8271

\*\*\*\*\*  
\*\*\*\*\*

Received from: LAKE MATHEWS ASSOCIATES LLC \$2,768.25  
paid by: CK 001027  
EIR00453  
paid towards: CFG02787 CALIF FISH & GAME: DOC FEE  
at parcel:  
appl type: CFG3

By \_\_\_\_\_ Oct 19, 2009 12:27  
SBROSTRO posting date Oct 19, 2009

\*\*\*\*\*  
\*\*\*\*\*

Account Code	Description	Amount
658353120100208100	CF&G TRUST	\$2,768.25

Overpayments of less than \$5.00 will not be refunded!