

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

801



FROM: TLMA and Flood Control District

SUBMITTAL DATE:
June 18, 2014

SUBJECT: Adopt Amendment No. 3 to the Homeland/Romoland Area Drainage Plan and Ordinance No. 460.152 amending Ordinance No. 460 regarding drainage fees (Public hearing to be set July 15, 2014), 3rd/5th District, [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Introduce and set for public hearing on July 15, 2014 an amendment to Section 10.25 of Ordinance No. 460 regarding the drainage fees for the Homeland/Romoland Area Drainage Plan ("HRADP") and Amendment No. 3 to the HRADP; and
2. Direct the Clerk of the Board to publish notice of the public hearing; and
3. At the close of the public hearing, approve Resolution No. 2014-135 adopting Amendment No. 3 to the HRADP and adopt Ordinance No. 460.152 amending subsection J(13) of Section 10.25; and
4. Find the approval of Resolution No. 2014-135 adopting Amendment No. 3 and adoption of Ordinance No. 460.152 exempt from CEQA pursuant Guidelines Sections 15273 and 15061(b)(3).

Summary

The Board of Supervisors established the HRADP in 1988 pursuant its approval of Resolution No. 88-108 and adoption of Ordinance No. 460.90.

MHW:bad
P8/161324

Patricia Romo

Assistant Director of Transportation and Land Management

JUAN C. PEREZ

Director of Transportation and Land Management

WARREN D. WILLIAMS

General Manager-Chief Engineer

FINANCIAL DATA		Current Fiscal Year:		Next Fiscal Year:		Total Cost:		Ongoing Cost:		POLICY/CONSENT (Per Exec. Office)	
COST		\$	N/A	\$	N/A	\$	N/A	\$	N/A	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>	
NET COUNTY COST		\$	N/A	\$	N/A	\$	N/A	\$	N/A		
SOURCE OF FUNDS: N/A									Budget Adjustment: No		
									For Fiscal Year: N/A		

C.E.O. RECOMMENDATION:

APPROVE

BY: 

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

FORM APPROVED COUNTY COUNSEL
BY:  DATE: 6/17/14
TIFFANY N. NORTH

☐ A-30
☐ 4/5 Vote
☐ Positions Added
☐ Change Order

Prev. Agn. Ref.: 16.1 03/28/2006; 3-68 04/22/2014

District: 3rd/5th

Agenda Number: 1

3-49

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

FORM 11: Adopt Amendment No. 3 to the Homeland/Romoland Area Drainage Plan and Ordinance No. 460.152 amending Ordinance No. 460 regarding drainage fees (Public hearing to be set July 15, 2014), 3rd/5th District, [\$0]

DATE: June 18, 2014

PAGE: 2 of 3

BACKGROUND:

Summary (continued)

The HRADP drainage fee was last updated on March 28, 2006 following the Board's adoption of Ordinance No. 460.144 (agenda item 16.1). As set forth in the attached Amendment No. 3 to the HRADP, District staff has prepared an updated cost estimate for construction of the HRADP facilities and recommends that the HRADP drainage fee be updated as follows:

- 1) Line A sub-watershed: from \$12,636 per acre to \$21,052 per acre.
- 2) Line B sub-watershed: from \$5,923 per acre to \$15,505 per acre.

Per Government Code Section 66483, the County may, by ordinance, require the payment of fees for the purposes of defraying the actual or estimated costs of constructing planned drainage facilities.

The District's estimated cost of constructing the HRADP facilities is based on its 2014 analysis of unit prices for public works projects administered by the District. Right of way costs were estimated from recent property sales records within the HRADP area including certain properties acquired by the District.

The Flood Control District is committed to completing construction of the principal flood control facilities within the Line A sub-watershed (including Romoland MDP Lines A and A-2, Homeland MDP Line 1, Juniper Flats Basin and Briggs Road Basin) by the end of 2015 at an estimated cost of \$40 million dollars. HRADP revenues will be utilized to reimburse the District's Zone 4 ad valorem property tax revenues that are used to, among other items, fund the District's ongoing Capital Improvement Program within Zone 4.

Impact on Residents and Businesses

At present, the lack of adequate flood control and drainage infrastructure is a burden upon existing residents and businesses within the Homeland/Romoland watershed. Additionally, the lack of adequate flood protection and drainage facilities severely limits the future economic development potential of the area.

Pursuant to the provisions of the Subdivision Map Act (Gov't Code §66410, et seq.), a local agency may establish a drainage fee for the purpose of defraying the actual or estimated cost of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas. Pursuant to Section 10.25 of Ordinance No. 460, Area Drainage Plan fees are imposed as a condition of approval and paid directly to the Flood Control District at the time a grading or building permit is issued.

Current residents and businesses will not be required to pay HRADP drainage fees unless or until they subdivide their property or otherwise substantially expand their existing business operations; however, these entities will also benefit greatly from the construction of the HRADP flood control and drainage facilities. Future subdivisions and businesses will be required to pay HRADP drainage fees prior to the issuance of building or grading permits. Presumably, these entities will pass this cost along to future home buyers and customers.

Notice of Public Hearing to be made by Clerk of the Board

Consistent with Government Code sections 6602a and 66016 through 66018, prior to adopting the increase in the HRADP fees, a newspaper notice must be published for 10 days providing notice and details of the public hearing. Further, mailed notice must be given at least 14 days prior to public hearing to any interested person who has filed a written request with the Clerk of the Board for mailed notice of meetings on new or increased fees or changes. Finally, at least 10 days prior to the public hearing, the Clerk of the Board shall also make available to the public data indicating the amount of the cost, or estimated cost, required to provide the service for which the fee is being imposed and the revenue sources anticipated to provide the service.

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

FORM 11: Adopt Amendment No. 3 to the Homeland/Romoland Area Drainage Plan and Ordinance No. 460.152 amending Ordinance No. 460 regarding drainage fees (Public hearing to be set July 15, 2014), 3rd/5th District, [\$0]

DATE: June 18, 2014

PAGE: 3 of 3

California Environmental Quality Act

The increase in HRADP fees, including the adoption Ordinance No. 460.152 and Resolution No. 2014-135, is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15273 and Section 15061(b)(3). The increased fee is solely for the purpose of funding the actual costs of construction of drainage facilities and is therefore exempt under CEQA Guidelines Section 15273. The purposes of the charge is limited to the purposes authorized under subsections (a)(1) and (a)(2) of Section 15273, i.e. meeting operating expenses and purchasing or leasing supplies, equipment or materials. Further, the increased fee is also exempt under the common sense exemption of CEQA Guidelines Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the fee may have a significant effect on the environment. The increased fee proposed to be adopted by Ordinance No. 460.152 and Resolution No. 2014-135 is the only change being made to the HRADP. The environmental effects of the Homeland and Romoland Master Drainage Plans and the HRADP were previously analyzed and adequately addressed in a Final EIR (SCH#2003111131). As stated above, the only change being made by Amendment 3 to the HRADP is to increase the fee so as to reflect the latest construction and right of way cost estimates.

SUPPLEMENTAL:

Additional Fiscal Information

The cost of preparing, processing and administering the proposed Amendment No. 3 and Ordinance No. 460.152 is minimal and will be paid from the HRADP Facilities Fund. Sufficient funds are available in the District's FY 2013-2014 budget.

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

1. Ordinance No. 460.152
2. Resolution No. 2014-135
3. Homeland/Romoland Area Drainage Plan Amendment No. 3

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The Board of Supervisors of the County of Riverside ordains as follows:

“(13) Homeland/Romoland ADP

- Section 2. This ordinance shall take effect 60 days after the date of adoption.

By: _____
Chairman

CLERK OF THE BOARD:

(SEAL)

June 12, 2014

TNN:mld
05/13/14

Board of Supervisors

County of Riverside

RESOLUTION NO. 2014-135

A RESOLUTION OF THE BOARD OF SUPERVISORS

OF THE COUNTY OF RIVERSIDE

ADOPTING AMENDMENT NO. 3 TO THE

HOMELAND/ROMOLAND AREA DRAINAGE PLAN

WHEREAS, Resolution No. 88-108, adopted by this Board on April 12, 1988, implementing the Homeland/Romoland Area Drainage Plan ("Plan"), directs the Riverside County Flood Control and Water Conservation District to periodically review the Plan and to prepare an update of the Plan that reflects changed conditions and make required changes in facility cost estimates and drainage fees; and

WHEREAS, the Riverside County Flood Control and Water Conservation District has recommended the adoption of an amendment to the Plan, entitled Amendment No. 3, modifying the drainage fee in order to reflect inflationary trends in construction and right of way costs; and

WHEREAS, after published noticed, a public hearing was held on July 15, 2014 by the Board of Supervisors on Amendment No. 3 to the Homeland/Romoland Area Drainage Plan;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Riverside, in regular session assembled on July 15, 2014, that:

1. The revised estimated cost of the facilities and the recommended revised drainage fee are correct, necessary and fairly apportioned within the Plan area, both on the basis of benefit conferred on properties that are proposed for development and on the need for flood control facilities that is created by development of all properties within the boundaries of the Plan area.
2. Pursuant to Section 66483 of the Government Code and Section 10.25 of Riverside County Ordinance No. 460, that Amendment No. 3 to the

1 Homeland/Romoland Area Drainage Plan, dated June 2014, on file in the
2 Office of the Clerk of the Board and attached hereto, is incorporated
3 herein by reference and is adopted for the area shown on the map
4 contained in said Plan, and that the estimated cost of the facilities, the
5 drainage fees and the findings set forth in the adopted Plan are the findings
6 and determinations of this Board and that the drainage fee for the drainage
7 area is fixed in the amount of \$21,052 per acre for Line A Sub-Watershed
8 and \$15,505 per acre for Line B Sub-Watershed.
9

- 10 3. Amendment No. 3 to the Homeland/Romoland Area Drainage Plan is
11 exempt from the California Environmental Quality Act (CEQA) pursuant
12 to CEQA Guidelines Section 15273 and Section 15061(b)(3). The
13 increased fee set forth in the Amendment is solely for the purpose of
14 funding the actual costs of construction of drainage facilities and is
15 therefore exempt under CEQA Guidelines Section 15273. The purposes
16 of the charge is limited to the purposes authorized under subsections (a)(1)
17 and (a)(2) of Section 15273, i.e. meeting operating expenses and
18 purchasing or leasing supplies, equipment or materials. Further, the
19 increased fee is also exempt under the common sense exemption of CEQA
20 Guidelines Section 15061(b)(3) in that it can be seen with certainty that
21 there is no possibility that the fee may have a significant effect on the
22 environment. The increased fee is the only change being made to the
23 Homeland/Romoland Area Drainage Plan by Amendment No. 3. The
24 environmental effects of the Homeland and Romoland Master Drainage
25 Plans and the Homeland/Romoland Area Drainage Plan were previously
26 analyzed and adequately addressed in a Final EIR (SCH#2003111131).
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NOTICE OF PUBLIC HEARING BEFORE THE RIVERSIDE COUNTY BOARD OF SUPERVISORS ON AMENDMENT NO. 3 TO THE HOMELAND/ROMOLAND AREA DRAINAGE PLAN AND ORDINANCE NO. 460.152 AMENDING ORDINANCE NO. 460 REGARDING DRAINAGE FEES

Consistent with Government Code sections 6062a and 66016 through 66018, notice is hereby given that the Riverside County Board of Supervisors on Tuesday, July 15, 2014, at 9:30 a.m. or as soon as possible thereafter, at the County Administrative Center at 4080 Lemon Street, 1st Floor Board Chambers, Riverside, CA 92501, intends to consider adoption of Resolution No. 2014-135 and adoption of an amendment to Ordinance No. 460 (460.152) regarding drainage fees within the Homeland/Romoland Area Drainage Plan (HRADP).

The HRADP drainage fee was last updated on March 28, 2006. The Riverside County Flood Control and Water Conservation District (District) has completed an updated cost analysis for the construction of the HRADP facilities and recommends that the HRADP drainage fee be updated as follows:

- 1) Line A sub-watershed: from \$12,636 per acre to \$21,052 per acre.
- 2) Line B sub-watershed: from \$5,923 per acre to \$15,505 per acre.

Per Government Code section 66483, the County may, by ordinance, require the payment of fees for the purposes of defraying the actual or estimated costs of constructing planned drainage facilities. The District's estimated cost of constructing the HRADP facilities is based on its 2014 analysis of unit prices for public works projects administered by the District. Right-of-way costs were estimated from recent property sales records within the HRADP area including certain properties acquired by the District. Current residents and businesses will not be required to pay HRADP drainage fees unless or until they subdivide their property or otherwise substantially expand their existing business operations. Future subdivisions and businesses will be required to pay HRADP drainage fees prior to the issuance of building or grading permits.

The Resolution, Ordinance amendment and Engineer's Report, is available for review on the District's website at www.rcflood.org. For additional information, please contact Edwin Quinonez, Engineering Project Manager, at 951.955.1345.

The data regarding the HRADP fees shall be mailed at least 14 days prior to the July 15th meeting to any interested party who has filed a written request with the Clerk of the Board for mailed notice of the meeting on new or increased fees or service charges.

Any person wishing to testify in support of or in opposition to the HRADP fees may do so in writing between the date of this notice and the public hearing, or may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision on the item.

If you challenge the above item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of the public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the item.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147.

Dated: _____

Kecia Harper-Ihem, Clerk of the Board

By: Cecilia Gil, Board Assistant