

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

971A



**FROM:** TLMA and Flood Control District

**SUBMITTAL DATE:**  
July 2, 2014

**SUBJECT:** Resolution No. 2014-135 adopting Amendment No. 3 to the Homeland/Romoland Area Drainage Plan and Ordinance No. 460.152 amending Ordinance No. 460 regarding drainage fees – CEQA Exempt

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Open the public hearing on 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. 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
3. Find the approval of Resolution No. 2014-135 and adoption of Ordinance No. 460.152 exempt from CEQA pursuant to CEQA Guidelines section 15273 and 15061(b)(3) and direct the Clerk of the Board to file the Notice of Exemption with the County Clerk for posting.

**BACKGROUND:**

Pursuant to the Board's action on July 1, 2014, the Clerk of the Board published notice of a public hearing on July 15, 2014 for an amendment to Section 10.25 of Ordinance No. 460 regarding the drainage

(cont. page 2)

  
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	
<b>SOURCE OF FUNDS:</b> N/A				<b>Budget Adjustment:</b> No	
				<b>For Fiscal Year:</b> N/A	

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

APPROVE

BY:   
Tina Grande

**County Executive Office Signature**

**MINUTES OF THE BOARD OF SUPERVISORS**

FORM APPROVED COUNTY COUNSEL  
BY:   
TIFFANY N. NORTH  
DATE: 7/20/14  
Departmental Concurrence

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

**Prev. Agn. Ref.:** 16.1 03/28/2006; 3-68 04/22/2014; 3.49 of 07/01/2014 | **District:** 3<sup>rd</sup>/5<sup>th</sup> | **Agenda Number:** \_\_\_\_\_

9-8

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

**FORM 11:** Approve Resolution No. 2014-13 adopting Amendment No. 3 to the Homeland/Romoland Area Drainage Plan and Adopt Ordinance No. 460.152 amending Ordinance No. 460 regarding drainage fees – CEQA Exempt

**DATE:** July 2, 2014

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## **BACKGROUND:**

### **Summary (continued)**

fees for the Homeland/Romoland Area Drainage Plan ("HRADP") and Amendment No. 3 to the HRADP.

The Board of Supervisors established the HRADP in 1988 pursuant to its approval of Resolution No. 88-108 and adoption of Ordinance No. 460.90. The HRADP drainage fee was last updated on March 28, 2006 following the Board's adoption of Ordinance No. 460.144. 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 of end 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, amongst 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 purposes 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.

### **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

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

**FORM 11:** Approve Resolution No. 2014-13 adopting Amendment No. 3 to the Homeland/Romoland Area Drainage Plan and Adopt Ordinance No. 460.152 amending Ordinance No. 460 regarding drainage fees – CEQA Exempt

**DATE:** July 2, 2014

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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
4. Notice of Exemption



1 Board of Supervisors

County of Riverside

3 RESOLUTION NO. 2014-135

4 A RESOLUTION OF THE BOARD OF SUPERVISORS

5 OF THE COUNTY OF RIVERSIDE

6 ADOPTING AMENDMENT NO. 3 TO THE

7 HOMELAND/ROMOLAND AREA DRAINAGE PLAN


8  
9 WHEREAS, Resolution No. 88-108, adopted by this Board on April 12, 1988,  
10 implementing the Homeland/Romoland Area Drainage Plan ("Plan"), directs the Riverside  
11 County Flood Control and Water Conservation District to periodically review the Plan and to  
12 prepare an update of the Plan that reflects changed conditions and make required changes in  
13 facility cost estimates and drainage fees; and

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

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

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

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

FORM APPROVED COUNTY COUNSEL  
BY:  DATE: 7/15/14  
TIFFANY NORTH

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).  
27  
28

**NOTICE OF EXEMPTION**

To: \_\_\_\_\_ Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

From: County of Riverside  
4080 Lemon Street  
Riverside, CA 92501

To:  X  Office of the County Clerk & Recorder

**Project Title:** Resolution No. 2014-135 adopting Amendment No. 3 to the Homeland/Romoland Area Drainage Plan (HRADP) to increase drainage fees and Ordinance No. 460.152 amending Ordinance No. 460 regarding increased drainage fees

**Project Location:** The Homeland/Romoland area in unincorporated Riverside County.

**Project Description:**

The Board of Supervisors established the HRADP in 1988 pursuant to its approval of Resolution No. 88-108 and adoption of Ordinance No. 460.90. The HRADP drainage fee was last updated on March 28, 2006 following the Board’s adoption of Ordinance No. 460.144. 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 drainage facilities and recommends that the HRADP drainage fee be updated as follows:

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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.

**Name of Public Agency Approving Project:** County of Riverside

**Project Sponsor:** County of Riverside

**Exempt Status:** (check one)

- Ministerial
- Declared Emergency
- Emergency Project
- Categorical Exemption:
- Statutory Exemption: (State CEQA Guidelines Sec. 15273)
- Other: (State CEQA Guidelines Sec. 15061(b)(3))

**Reasons Why Project is Exempt:**

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.

Russell Williams  
County Contact Person

951-955-2016  
Phone Number

Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

**For County Clerk's Use Only**

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