

**FRENCH VALLEY 170
Proposed General Plan
Amendment No. 1129**

4/29/14 15-1

**LEWIS
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April 28, 2014

File No.
32711.4

VIA HAND DELIVERY

Kecia Harper-Ihem
4080 Lemon Street, 1st Floor.
Riverside CA 92501
cob@rcbos.org

Re: French Valley 170 - Proposed GPA No. 1129

Dear Ms. Harper-Ihem:

Please include the attached submittal in the records of April 29, 2014, Board of Supervisors Hearing, Agenda Item 15.1. This submittal has been distributed to the board members and constitutes additional information to be included in the record of these proceedings.

Sincerely,



Samuel C. Alhadeff of
LEWIS BRISBOIS BISGAARD & SMITH LLP

SCA:ch
Attachments

Exhibit "A"
Letters submitted to
Supervisors

**LEWIS
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April 22, 2014

File No.
32711.4

Supervisor Kevin Jeffries
First District
31569 Canyon Estates Drive, Ste. 113
Lake Elsinore, CA 92532
Attention: Bob Magee

Re: French Valley 170

Dear Supervisor Jeffries:

On April 29, 2014, the Board will hear a request to allow our client, French Valley 170 (Applicant) to proceed through the GPIIP process and commence its full entitlement application process through the County of Riverside. The approval of a GPIIP does not in any way indicate that you are in favor or not in favor of the project. It simply allows an applicant to go through the entire process and proceed with its GPA and related entitlement requests.

This GPIIP is a little different since it involves an Extraordinary Foundation Element Change to the General Plan. We have gone through a Planning Commission hearing on February 19, 2014 and the Commission passed this project up to the Board of Supervisors. The attached documentation also provides the support for finding of an Extraordinary Foundation Element Change and we believe that working with Supervisor Stone's office and the County staff that we have demonstrated that we would be allowed to proceed from the GPIIP process to a General Plan Amendment Process.

Attached as Exhibits 1 and 2 to this correspondence, are previous letters to the County of Riverside concerning our application. Those letters are September 23, 2013 and a February 19, 2014, Exhibits 1 and 2 respectively.

Supervisor Kevin Jeffries
April 22, 2014
Page 2

After your review of the attached, we would be happy to answer any questions. We believe that the submittal we are making with this cover letter more than adequately provides for a basis to proceed through the GPIIP and on to a General Plan Amendment process in the County of Riverside.

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April 22, 2014

File No.
32711.4

Supervisor John Tavaglione
Second District
4080 Lemon Street
Riverside, CA 92502-1646
Attention: John Field

Re: French Valley 170

Dear Supervisor Tavaglione:

On April 29, 2014, the Board will hear a request to allow our client, French Valley 170 (Applicant) to proceed through the GPIP process and commence its full entitlement application process through the County of Riverside. The approval of a GPIP does not in any way indicate that you are in favor or not in favor of the project. It simply allows an applicant to go through the entire process and proceed with its GPA and related entitlement requests.

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Supervisor John Tavaglione
April 22, 2014
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April 22, 2014

File No.
32711.4

Supervisor Jeff Stone
Third District
4080 Lemon Street - 5th Floor
Riverside, California 92501
Attention: Olivia Barnes

Re: French Valley 170

Dear Supervisor Stone:

On April 29, 2014, the Board will hear a request to allow our client, French Valley 170 (Applicant) to proceed through the GPIP process and commence its full entitlement application process through the County of Riverside. The approval of a GPIP does not in any way indicate that you are in favor or not in favor of the project. It simply allows an applicant to go through the entire process and proceed with its GPA and related entitlement requests.

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Supervisor Jeff Stone
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Sincerely,

Samuel C. Alhadeff of
LEWIS BRISBOIS BISGAARD & SMITH LLP

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P.S. Olivia - This is a document that we have submitted to all of the Supervisors in line with what we had discussed about making sure that all Supervisors were contacted.

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April 22, 2014

File No.
32711.4

Supervisor John Benoit
Fourth District
73-710 Fred Waring Drive, Suite 222
Palm Desert, CA 92260
Attention: Mike Gialdini

Re: French Valley 170

Dear Supervisor Benoit:

On April 29, 2014, the Board will hear a request to allow our client, French Valley 170 (Applicant) to proceed through the GPIP process and commence its full entitlement application process through the County of Riverside. The approval of a GPIP does not in any way indicate that you are in favor or not in favor of the project. It simply allows an applicant to go through the entire process and proceed with its GPA and related entitlement requests.

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Supervisor John Benoit
April 22, 2014
Page 2

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April 22, 2014

File No.
32711.4

Supervisor Marion Ashley
Fifth District
4080 Lemon Street
Riverside, CA 92502-1646
Attention: Jaime Hurtado

Re: French Valley 170

Dear Supervisor Ashley:

On April 29, 2014, the Board will hear a request to allow our client, French Valley 170 (Applicant) to proceed through the GPIP process and commence its full entitlement application process through the County of Riverside. The approval of a GPIP does not in any way indicate that you are in favor or not in favor of the project. It simply allows an applicant to go through the entire process and proceed with its GPA and related entitlement requests.

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Supervisor Marion Ashley
April 22, 2014
Page 2

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Samuel C. Alhadeff of
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Exhibit "1"

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September 23, 2013

VIA ELECTRONIC MAIL ONLY

Jeff Stone, Supervisor
District No. 3
County Administration Center
4080 Lemon Street, 5th Floor
Riverside, CA 92501
jestone@rcbos.org

Olivia Barnes
Legislative Asst. to Supervisor Jeff Stone
County Administration Center
4080 Lemon Street, 5th Floor
Riverside, CA 92501
OBBarnes@rcbos.org

Re: Menifee 168 - Qualification for General Plan Amendment - Extraordinary
General Plan Amendment

Dear Supervisor Stone:

Project Background

The Project site is 168 acres owned by our client, Joseph Rivani, designated in the current General Plan as Rural Community, Rural Estate Density Residential. It is located at Leon and Wickerd Roads in an unincorporated area outside the sphere of influence of any city. This designation presently allows one unit per every 2 acres. The proposed Project ("Project") would change the designation to a Community Development, Medium Density Residential designation. The Project is proposed to have up to 600 units on lots ranging from 5000 to 8000 square feet, with a 2 acre neighborhood park and a significant detention basin to provide drainage for the entire site. We have had preliminary discussions with County staff and Planning Commissioner, John Petty to get preliminary review and comments.

The Project also includes the following regionally significant and extraordinary features not normally found in such a residential project: 1) an over-sized connection to the Elsinore Valley Municipal Water District (EVMWD) regional sewer station including a lift station which would allow the proposed high school to go forward; 2) 6 acres for soccer fields needed by the proposed high school (and area as a whole); 3) an aquatic park which

also would serve special needs children and adults needed by Valley-Wide Recreation and Park District to serve that region as a whole. These benefits are described in more detail below.

Project Benefits

The Project provides the following very specific and identified regional benefits:

1. Sewer Connection To EMWD To Enable Construction Of The New Perris Union High School District (PUHSD):

The Project site is located adjacent to the proposed Perris Union High School District High School #4 (HS#4). The School District successfully approved and issued \$150,000,000 in bonds, of which \$110,000,000 is allocated to build that high school; the Project is about to begin and the School District presently is looking for an architect. Under state regulations, the school cannot open without a sewer connection. The sewer provider is Eastern Municipal Water District, which plans future sewer connections by zone and region. PHUSD is waiting for the final plan for services from EMWD. Based upon detailed meetings with both PHUSD and EMWD, PHUSD requires the developer's assistance to meet the requirements of EMWD's plan for services and open HS#4.

Currently, PUHSD's HS #4 site is located some distance from the top end of a sewer tributary that extends up from the southwest and there are no existing facilities anywhere close the School site in that sewer zone. For the proposed residential development, EMWD is proposing a "sub-regional" sewer solution for the areas around the Leon Road, near Scott Road. The solution would require construction of an EMWD-maintained larger lift station to pump flows to the west to the next tributary zone. EMWD has indicated that there is additional capacity in this zone due to changes further south in the system. That additional capacity could accommodate the residential development and the sewer.

The provision of the lift station by the developer would allow HS#4 to open sooner. Schools in general typically do not generate enough effluent material to support any lift station without causing potential maintenance issues and definitely do not generate enough effluent for a larger, regional lift station. PUHSD does not have available funds to install such a lift station. Therefore, PUHSD will need surrounding robust residential development to generate enough effluent flows to support a larger lift station required by EMWD, and this Project provides for this lift station.

Additionally, the nearest sewer main, located in Wickerd Road, near Briggs Road, has capacity for approximately 300 units. According to EMWD, this will not support enough units to serve as part of a "sub-regional" solution. Therefore, in addition to the lift

station, a separate main line system will need to be installed. To meet that need, EMWD initially has recommended adding another connecting to the main trunk line located at Haleblain Road & Garbani Road, which would be 2-1/2 miles of the master -planned sewer main to be located in Garbani Road. Again, the installation exceeds the financial capacity of the school district and will require a substantial residential development, such as this one, to support. This work provides a valuable, much needed and unique benefit to PUHSD.

HS#4 is important to serve the growing population of the County as well as that of Menifee. HSD would like to open the facility as soon as possible. Apparently, Menifee Unified School District already has a conceptual agreement with PUHSD to take over HS#4. Therefore, in the two major ways described, the provision of a sewer connection by the developer will allow the school to open sooner rather than later and save a considerable amount of funding for the School District by providing a lift station and sewer line in Garbani Road with the capacity to serve the school as well.

2. Additional Soccer Fields Needed Immediately By The Community And PHUSD:

PUHSD and the developer also have discussed the nature and type of recreational facilities to be provided by the development. Based upon those discussions, the school district has requested, and the developer can provide, 6 acres for soccer fields located adjacent to the HS#4 school site. PHUSD has indicated that at the time the school district purchased that site, they could afford only 52 of the 60 acres actually needed if they were to include badly needed soccer fields. The developer owns and can provide those 6 acres for soccer fields. In addition, PHUSD and Valley-Wide Recreation & Park District already have entered into an MOU to provide joint use recreational facilities at HS#4, which would include such soccer fields.

3. Aquatic Park With Improvements To Specifically Serve Those With Disabilities, Including Disabled Veterans To Be Maintained By Valley-Wide Recreation & Park District.

In addition to the joint use soccer fields, Valley-Wide Recreation & Park District (Valley-Wide) has indicated a need for an aquatic center to specifically include amenities for special needs individuals. The nearest such facility is located at Diamond Valley Lake, outside the regional service area for the proposed new facility; that aquatic center is heavily utilized. This facility would serve all of the Menifee and surrounding communities; it would be available to those with special needs who are unable to travel to Diamond Valley Lake.

The ADA 2010 Guidelines, 28 CFR Part 36(D) set minimum scoping and technical requirements for newly designed and constructed or altered local government facilities,

public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities. New construction or alterations after March 15, 2012 must comply with the 2010 Standards and the alterations constructed must be in compliance with the revised ADA Standards "to the maximum extent feasible." (42 USC Section 12183(a)(2).) The aquatic park as proposed also offers more than mere ADA accessibility. This facility is needed for the whole area and will provide much needed recreation and service to the community.

Eligibility for Extraordinary General Plan Amendment

A. Requirements For Extraordinary General Plan Amendment:

The proposed Project would change the designation of the Project property from Rural Community to a Community Development, Medium Density Residential designation. That change constitutes a Foundation Element change to the County General Plan, which may occur only during the regular 4-year General Plan Amendment cycle unless there is justification for an Extraordinary Amendment.

Processing an Extraordinary Amendment to the General Plan does not operate on a planned cycle. It must be initiated either by vote of the Board of Supervisors or requested by others who believe such a consideration is needed. Once the request is submitted, the Board of Supervisors must make a determination that the degree of urgency for the change justifies an amendment consideration and, upon such determination, set a date for its consideration. The Board may also determine that the amendment may be included in the next scheduled amendment cycle, and has priority in that amendment package.

The Extraordinary Amendment procedure also requires that the Board of Supervisors accept evidence and make certain findings. The County must provide specific evidence to support such findings. (Statement of Decision, *Northern San Jacinto Valley v. County of Riverside*, April 11, 2012).

The following are the justifications for an Extraordinary Amendment that apply here and the type of specific evidence that will support the required findings. The first two findings are mandatory.

1. The foundation change is based on ample evidence that new conditions or circumstances disclosed during the review process justify modifying the General Plan, that the modifications do not conflict with the overall Riverside County Vision, and that they would not create an internal inconsistency among the elements of the General Plan; and

2. A condition exists or an event has occurred that is unusually compelling and can only be rectified by making changes in the current Riverside County Vision, Principles,

or Policies. An Extraordinary Amendment must still result in a consistent direction for the subsequent planning period. The condition stimulating such amendment may involve private properties, public properties or both.

In addition to the two (2) mandatory findings, one (1) or more of the following findings must also be made.

1. An unconstitutional taking of property would occur without the amendment, and the amendment alters the General Plan Foundation Component designation only to the extent necessary to avoid the taking;
2. A natural or man-made disaster or public emergency has occurred that warrants a change in the General Plan Foundation Component designations in order to protect the public health, safety and welfare;
3. A component amendment is required to conform to changes in State or Federal law, or applicable findings of a court of law;
4. A component change is required to comply with an update of the Housing Element or change in State Housing Element law;
5. A General Plan component amendment is required to significantly expand basic structural employment, such as industrial, agricultural, processing and research and development, excluding retail, service, commercial, warehousing, and residential uses not ancillary to the primary employment use; or
6. A component change is necessary to facilitate implementation of open space or transportation corridor designations arising from the MSHCP and Community Environmental Transportation Acceptability Program (CETAP) programs that are contained in the General Plan and that could not be accomplished by a lesser change to the General Plan.

B. Facts Supporting Extraordinary Amendment:

In this case, all or portions of requirement numbers 3 and 5 are met; taken together these meet the requirements for an Extraordinary Amendment.

Number 3, meeting changes in statutory and case law: The component amendment will meet changes in state and federal law as to sewer service to high schools. In addition, recent case law provides that public agencies may require dedications of park facilities in addition to the requirements of the Quimby Act. *Homebuilders Association of Tulare/Kings County v. City of Lemoore* (2010) 185 Cal. App. 4th 554. In addition, the proposed aquatic park will incorporate new ADA standards to better meet special needs.

Number 6, expansion of structural employment, is met by the jobs created for the installation of the sewer and its ongoing maintenance, as well as for the operation and maintenance of the aquatic park, and the numerous employees necessary to staff the school and provide faculty and administration.

The Rivani Project meets the requirements for such a change for the following reasons: there is specific, strong and documented evidence (which can be put into the record) of new conditions or circumstances, those new conditions are "unusually compelling," and, as discussed below, the General Plan change requested is not in conflict with the other portions of the General Plan or other County policies and the needs of community, Flood District and School District.

C. Consistency Of The Proposed Foundation Element Change With The Current General Plan

A careful review of the language of the General Plan confirms that the proposed Foundation Element change that the modifications do not conflict with the overall Riverside County Vision, and that do not create an internal inconsistency among the elements of the General Plan; and that are still provide consistent direction for upcoming planning periods.

The main vision of the General Plan is that *Riverside County is a family of special communities in a remarkable environmental setting*. Nothing in the proposal is inconsistent with that; in fact, the addition of recreational amenities and the facilitation and acceleration of HS#4's operation strengthens the surrounding community.

The change to allow for medium residential density in a formerly rural residential area is specially contemplated with a Foundation Element change as set out in the language of the Land Use element.

Land Use Policies:

LU 5.1 Ensure that development does not exceed the ability to adequately provide supporting infrastructure and services, such as libraries, recreational facilities, transportation systems, and fire/police/medical services. (AI 3, 4, 74)

LU 5.2 Monitor the capacities of infrastructure and services In coordination with service providers, utilities, and outside agencies and jurisdictions to ensure that growth does not exceed acceptable levels of service. (AI 3, 4, 32, 74)

LU 5.3 Review all projects for consistency with individual urban water management plans (AI 5)

The change to the Medium Density Residential designation is more compatible with the contiguous high school site and therefore logical for the adjacent parcels and would not create a leapfrogging situation disfavored by the General Plan. Nothing in the zoning change prevents or prohibits the recreational uses contemplated.

Land Use Compatibility

Policies:

LU 6.1 Require land uses to develop in accordance with the General Plan and

area plans to ensure compatibility and minimize impacts. (AI 1, 3)

LU 6.2 Direct public, educational, religious, and utility uses established to serve the surrounding community toward those areas designated for Community Development and Rural Community uses on the applicable Area Plan land use maps. These uses may be found consistent with any of the Community Development, Rural Community, or Rural foundation designations, including the Rural Village Overlay, as well as the Open Space B Rural and Agriculture designations, under the following conditions: (AI 1,3)

a. The facility is compatible in scale and design with surrounding land uses, and does not generate excessive noise, traffic, light, fumes, or odors that might have a negative impact on adjacent neighborhoods.

b. The location of the proposed use will not jeopardize public health, safety, and welfare, or the facility is necessary to ensure the continual public safety and welfare.

LU 6.3 Consider the positive characteristics and unique features of the project

site and surrounding community during the design and development process. (AI 3)

LU 6.4 Retain and enhance the integrity of existing residential, employment,

agricultural, and open space areas by protecting them from encroachment of land uses that would result in impacts from noise, noxious fumes, glare, shadowing, and traffic. (AI 3)

LU 6.5 Require buffering to the extent possible between urban uses and adjacent rural/equestrian oriented land uses. (AI 3)

LU 6.6 Require buffering between urban uses and adjacent rural/equestrian oriented land uses. (AI 3)

LU 6.7 Buffer and/or maintain a natural edge for proposed development directly adjacent to national forests Will not build on hillsides but leave open

The Medium Density Residential designation provides some of the same blend of rural uses as found in the Rural Residential designation. One of the goals of the General Plan is to provide balance:

“We acknowledge that balancing a variety of important considerations in making community decisions is a constant challenge. We have faith that the foundation provided through our participation in shaping this vision and its implementing mechanisms will achieve a workable balance of mutual benefit

Application of “balance” will allow the development, which will meet additional goals of the General Plan for housing balanced with open space; costs borne by development for facilities to serve the area of the development, and services for youth such as schools and recreational facilities such as soccer fields, as set out below:

Housing

We acknowledge shelter as one of the most basic community needs and value the willingness of our communities and their leaders to accept housing for our growing population in our communities, particularly with respect to the ongoing shortage of affordable housing and its negative impacts on our communities.

Costs

We know that community-building involves significant costs. We seek sharing of benefits and costs in a proportional manner: the community should fund community-wide benefits and development related benefits should be funded by the development, all as part of an equitable overall financing strategy. We seek shared funding methods through partnerships that improve overall cost effectiveness.

Youth in the Community

We affirm that the future of our community lies with our children and that their education and support are essential to community well-being. We dedicate ourselves to building and sustaining a network of support for the youth in our community.

In addition, the “Goals of the RCIP” include provisions for “Public facilities such as schools, law enforcement related facilities, libraries, fire stations, community centers and other facilities essential to providing community services” to be in place. Specifically, under Goal #7, public access to recreation opportunities is part of the overall open space system, with multi-purpose parks, play fields, and community facilities at varied sizes in accessible locations.

Infrastructure, Public Facilities & Service Provision

With the projected increase in population, demands on/for community facilities and infrastructure, such as roads, utilities, public safety and schools will increase. The challenge will be to correlate the provision of infrastructure, public facilities and services with these demands. In order to ensure the correlation between growth and service provisions as well as to minimize capital and service costs, the RCIP Vision dictates that development should only occur where adequate public facilities and services are available or are planned for at the time of development. In addition, it is an expressed desire of the County that those that benefit from these services and facilities bear a fair share of the cost of improvements, as illustrated in the RCIP Vision as follows:

We know that community building involves significant costs. We seek sharing of benefits and costs in a proportional manner: the community should fund community-wide benefits and development related benefits should be funded by the development, all as part of an equitable overall financing strategy. We seek shared funding methods through partnerships that improve overall cost-effectiveness.@

Finally, the medium density residential designation does not differ that greatly from the rural village designation, and the change from the second to the first is specifically contemplated with a Foundation Element change. (See Land Use Element, Chapter 3, Page LU-68). In summary, the change in density for this Project does not conflict with the overall vision of the Riverside County Plan or with any one of the 12 fundamental elements. The condition which is unusually compelling, allowing such change, is the ability to go forward now with a needed school facility, soccer fields and aquatic park.

We respectfully request your consensus to proceed through the GPIIP process and foundation element process as requested. We are happy to answer any questions and are prepared to proceed in conformance with applicable County requirements.

Very truly yours,



Samuel C. Alhadeff of
LEWIS BRISBOIS BISGAARD & SMITH LLP

SCA

Exhibit "2"

**LEWIS
BRISBOIS
BISGAARD
& SMITH LLP**
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February 19, 2014

VIA ELECTRONIC MAIL ONLY

Jeff Stone, Supervisor
District No. 3
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4080 Lemon Street, 5th Floor
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Olivia Barnes
Legislative Asst. to Supervisor Jeff Stone
County Administration Center
4080 Lemon Street, 5th Floor
Riverside, CA 92501
OBBarnes@rcbos.org

Re: Menifee 168 - Qualification for General Plan Amendment - Extraordinary
General Plan Amendment

Dear Supervisor Stone:

Please allow this letter to serve as our response to the County of Riverside Planning Department's Staff Report for General Plan Amendment No. 1129.

As an initial comment, in the General Plan Initiation Process, the staff should focus its report on the fundamental question of whether the proposed change to the General Plan is worthy of further analysis. The staff should not discuss or consider the details of the accompanying development proposal. It is our view that the staff exceeded its role by focusing its recommendations on the details of the development proposal rather than simply whether the proposed change is worthy of further analysis. This letter will provide you with our comments with respect to the Staff Report.

Staff Comment A.1 - Good planning should dictate where density is located.

In the "Consideration Analysis" portion of its report, the staff recognizes that the high school site is intended to serve the more urban uses planned to the east of the school site in the Dominagoni Specific Plan as well as the more rural area to the west of the high school site. The staff takes the position that "the high school site should not drive urban

development into existing areas” and “the value of land should not drive density, good planning should dictate where the density is located.”

General Plans cannot forecast potential changes that can occur and can provide a framework for amendment to adjust to changing conditions. The high school proposes a significant change to this location, we believe the staff’s last comment about “good planning should drive where density is located” as being appropriate in this situation. Good planning would necessitate that more transitional densities be used adjacent to a 52-acre high school site and not rural densities. In fact, medium density residential land uses exist adjacent to the high school on the east side.

Comment A.2 - Density should be along state highways.

In its second comment, the staff notes that in general, the density proposed by the General Plan is along state highways, not in rural areas. The staff incorrectly states that the “proposed project is not located along any significant transportation circulation corridors.” Actually, the area is surrounded by “transportation” corridors, starting with Garbani Road, located adjacent to the site, being planned as a major highway (118’ ROW) classification consisting of a 4-lane, divided, highway. One half-mile south is Scott Road, which has an urban arterial highway (152’ ROW) designation and a significant east-west corridor in the County’s system. Additionally, the site is located within 2.5 miles of I-215 and SR 79. There are areas of the County with less transportation capacity with similar land uses as being proposed here, thus we feel we meet this requirement.

There are also several projects that are increasing the transportation capacities in that area. The Riverside County Transportation Commission is working to widen 12.5 miles of I-215 between Scott Road in Menefee and Nuevo Road in Perris by adding one lane in each direction on I-215. Once completed, there will be three continuous northbound lanes and three continuous southbound lanes on I-215 between I-15 and SR 60. The Riverside County Transportation Commission has noted that this project will, in part, help to meet the transportation needs created by the area’s current and future population and business needs, facilitate the movement of people and goods in a more effective connection between San Diego and Riverside County.

The Riverside County Transportation Commission also widened Clinton Keith Road in the vicinity of the I-15 interchange to three lanes in each direction and is working to realign SR 79 between Domenigoni Parkway and Gillman Springs Road. It has noted that this project is developed to meet mobility goals including creating roadway capacity for the area’s population and business needs in 2030 and facilitating the regional movement of people and goods. Finally, the Winchester plan and the Spencer’s Crossing neighborhood are both medium density residential areas of 600 acres located between I-215 and SR 79.

Comment A.3 - Proposed change will be growth inducing.

In its third comment, the staff contends that the proposed land use change will likely be growth inducing. The fact is that the high school already presents a significant change in the area.

Comment A.4 - Proposed facilities should be placed in existing plans.

In its fourth comment, the staff incorrectly states that, "the applicant's materials indicate that the Valley Wide Parks and Recreation District (VWRPD) needs more soccer fields and a special needs aquatic park" and argues that these facilities should be placed in nearby specific plans that are seeking revisions.

First, as a point of clarification, it is Perris Union High School District, not VWRPD, that was identified as needing an additional area for soccer fields which needs to be contiguous with the school site for safety. With that, it makes more sense to combine the fields within a larger park concept to share valuable infrastructure. VWRPD only has one other aquatic park but it is not designed specifically for "special needs" children or military veterans that live within the proximity of the site. Second, staff is well aware that there are no guarantees that any adjacent specific plan redesign will propose a regional level, "special needs" aquatic feature that IS being proposed in this plan.

Comment A.5 - Aquatic center would best serve the community along a circulation corridor.

In its fifth comment, the staff proposes that an aquatic center would best serve the community along a significant circulation corridor and criticizes the proposed location for being miles from State Route 79 or I-215. In fact, every major VWRPD regional park facility (with the odd exception), including the existing aquatic center, is located much further from either State Route 79 and I-215 than the proposed project. Those parks are located within the communities that they serve. What makes this location even more unique is that it will be the only VWRPD facility directly off of a major highway (Garbani Road) with its own interchange on I-215. This location will have the necessary regional infrastructure to support it.

Comment A.6 - Proximity to High-Powered Gas Lines

The sixth comment takes issue with the proximity of the proposed project to three high-powered gas lines. The staff recognizes that a residential development can work around such high pressured lines, but points out that the proposed project will increase density around the gas lines. The County has yet to ever concern itself with allowing density within close proximity of the gas lines and has classically not allowed them to drive land planning. In the attached examples, notice the density in close proximity of gas lines;

in one case, a local road was designed over gas lines with houses lining each side. Gas lines have been incorporated within commercial centers (in Temecula) and even adjacent to a school classroom. If there was an issue with having homes within proximity of these transmission mains, it is not represented in many projects in this region. To be more precise, the County has no specific policy with regard to planning adjacent to major gas corridors.

Comment A.7 - Community concerns.

In comment seven, the staff points out that the proposed site, which includes the high school and aquatic center, is on the same site as Public Use Permit 907, the Santa Rosa Academy Charter School. The staff comments that in 2011, community members raised concerns with respect to the high-pressure gas lines, the increase in traffic and the increasing urban development. The proposed High School already has been approved and the EIR addressed many of the issues raised (growth, traffic, etc.). The aquatic park is located a half-mile from the gas lines. The proposed project supports a lot of the concerns raised by the local residents, including completing the paving of Garbani Road to Briggs Road which will reduce dust to local residents from students and parents potentially commuting. A more rural design might not bring similar improvements to the area.

Comments B.1(a-c) - Riverside County Vision.

The staff suggests that the proposed plan is inconsistent with the Riverside County Vision. It states that the vision of the General Plan is that this area is rural and increases in residential density are not permitted based on this policy. The conversion of rural areas to community development is discouraged. Any further erosion of the rural areas could jeopardize the appropriate mix and diversity envisioned by the General Plan.

Much of staff's discussion states opinion and guidance information (not requirements) that are not consistent with this setting. Again, the new high school has changed the rural character in the immediate vicinity and the proposed density will provide the necessary transition of land uses in the area. Additionally, staff keeps claiming this to be a strictly "rural area" but not presented that in close proximity to the project is medium density residential, both to the immediate southwest and along the eastside of Leon Road (connected to the project through the new high school). In fact, in the Winchester Area Plan, the County recently converted a significant portion of the rural and agricultural land uses land into medium density residential and even commercial land uses to better transition from the Domenigoni Specific Plan. This plan proposes to do the same.

Comment B.2.a - Consistency with the Estate Density Residential and Rural Residential Policy Areas.

The staff then contends that the density proposed is inconsistent with the Estate Density Residential and Rural Residential Policy Areas. It cites to a very vocal contingency in the area, which helped forge the General Plan in 2003 to prevent an increase in density to this rural area. This policy was instituted based on circumstance that have since changed, all policies are meant to be re-validated and possibly changed/eliminated, partially or wholly, based on changing circumstances on the ground.

Comment B.2.b - Consistency with the Highway 79 Policy Area

In comment B.2.b, the staff contends that the density proposed is inconsistent with the Highway 79 Policy Area and that the project must be 9% below the midpoint density of the land use designation and the increased density would be inconsistent with the policy. Staff did not mention that Section 1 of the Highway 79 Policy calls for the acceleration of the transportation infrastructure in the Highway 79 Policy Area. This policy was implemented when no such transportation infrastructure existed. With the current widening of Hwy 79, and the funding for the Clinton Keith Road connection from Hwy 79 to I-215, core elements of the Policy's basis have been met.

Essentially, Staff has presented a portion, and a general interpretation, of Section 2 of the Policy's requirements. Truthfully, the Policy has no requirement to meet "9% less than midpoint density", but talks of "trip generations". Moreover, Section 2 also states that "Individually, projects could exceed the General Plan traffic model trip generation level, provided it can be demonstrated that sufficient reductions have occurred on other projects in order to meet Level of Service standards". This requirement can be met in several ways, and will be a key aspect of the processing of this Project.

Comment B.2.c - A Community Separator.

The staff states that the density proposed is inconsistent with the requirement for a Community Separator. The plan is not inconsistent with the requirement for a community separator. There are significant physical features in the area which act as community separators. This project does not change this.

The Second Finding - An Unusually Compelling Condition or Event.

The staff cites that a condition must exist or an event must occur that is unusually compelling in order to make changes to the current policy. It argues that the conditions that we had pointed out (additional housing, cost sharing by developers, and help involve youths in sports) are not unusually compelling. As mentioned previously, this is the only project uniquely qualified to solve the specific issues presented. The high school must have fields adjacent to its borders, only this project can provide this solution. There are no other current projects in the County that can assist with the sewer solution. The fact is, no other project borders the High School and assist is solving several infrastructure issues. An aquatic "specific needs" project is needed and this is the only project proposing to construct it. This proposed project clearly meets the Second Finding.

Letter E: A Component Amendment is Required to Conform to Changes in State and Federal Law.

As we have pointed out, the component amendment will meet changes in federal and state law with respect to sewer services in the high school. The staff acknowledges that the proposed project and the increased density would assist the school, but then argues against the project that the school would be constructed with or without this project. The staff then speculates that urban density to the east of the school site could help carry costs and that a school site located ½ mile from the proposed high school could share costs. This is speculation. These facts are incorrect because the infrastructure is not related. There is no other project that can provide the fields or the sewer solution. This is the only project which can fulfill these needs. The proposed project would actually help in carrying the costs of the sewer run to the school.

Further, recent case law provides that public agencies may require dedications to park facilities in addition to the requirements of the Quimby Act. The staff acknowledges in its report that recent case law does support land use authority requesting more park land than is required by local law. The staff acknowledges that "the case law clarification increasing the ability to require park land may help support the proposed aquatic center." It then argues that such a change does not require an Extraordinary Amendment. It is our position that an Extraordinary Amendment is appropriate when the entirety of these issues is taken into account. Additionally, the proposed aquatic park will incorporate new ADA standards to better meet the special needs. The staff does not contest this assertion.

Letter G: Significant Expansion of Basic Structural Employment

We have established that the basic structural employment element is met because jobs will be created through the installation and ongoing maintenance of the sewer. Jobs will be created through the operations of the aquatic park and through staffing and administering the high school. The staff diminishes this approach by stating that the park would create some seasonable jobs "like lifeguards." While properly trained lifeguards and public safety are extremely important, the aquatic park will also create jobs for persons in maintenance, management, swim instruction, and emergency care.

We are happy to answer any questions and are prepared to proceed in conformance with applicable County requirements.

Very truly yours,

Samuel C. Alhadeff of
LEWIS BRISBOIS BISGAARD & SMITH LLP

SCA

**FRENCH VALLEY 170
PROPOSED GENERAL PLAN AMENDMENT
NO. 1129**

French Valley 170
Proposed General Plan Amendment No. 1129

Location:

Unincorporated area of Riverside County;
(North of Wickerd Road; South of Garbani Road; East of
El Centro Lane; and West of Brandon Lane)

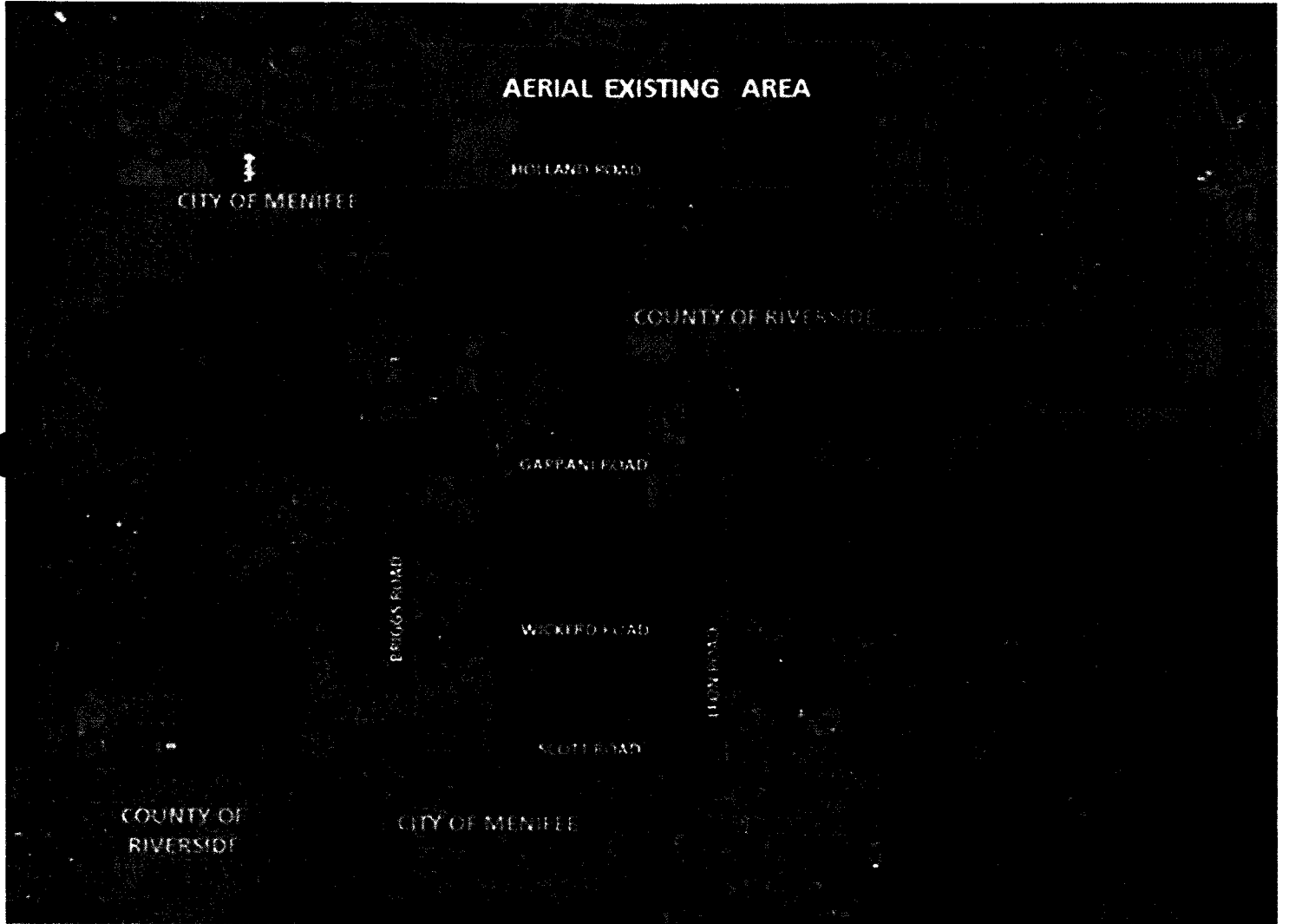
Extraordinary Foundation Amendment Proposed:

Amend the Riverside County General Plan Land Use
Element from Rural Community: Estate Density
Residential to Community Development: Medium
Density Residential

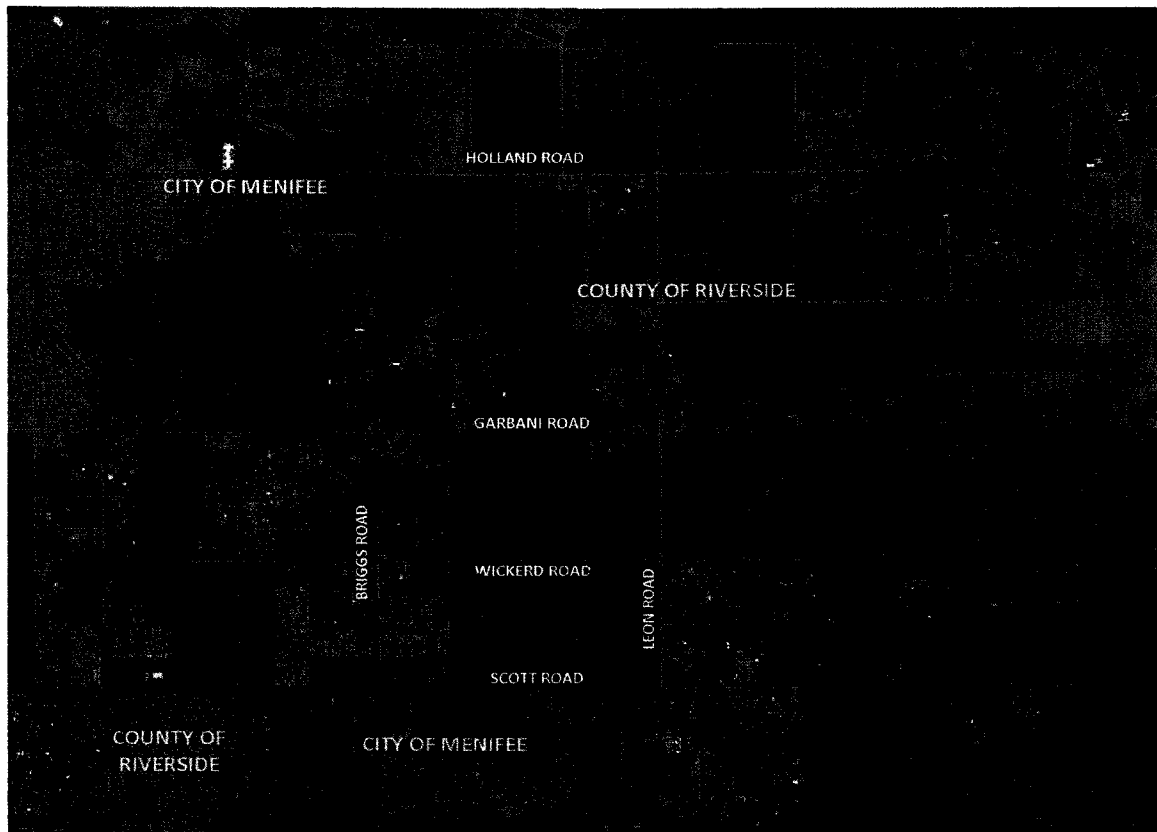
Proposed Development Overview:

- 170 acres.
- Eastern Municipal Water District regional sewer lift station.
- 15 acre park with an aquatic park for special needs children and military veterans, 6 acres of soccer fields.
- Perimeter horse and hiking trails.

Aerial Image of the Existing Area. (Image 1-A)



The Aerial Image with the Area of Focus. (Image 1-B)



The area of focus illustrates the general area for the proposed development. From this image, the area of focus appears to be surrounded by rural areas.

The Existing Land Uses for Menifee Valley. (Image 1-C)



This image depicts the existing land uses for Riverside County's remaining Menifee Valley Area Plan. The areas highlighted are primarily estate density residential with some areas of medium density residential.

The City of Menifee General Plan: Medium Density Residential and Estate Density Residential near the proposed site.

(Image 1-D)



This image adds the City of Menifee's General Plan for a further perspective of the surrounding area. Medium density residential areas exist to the southwest of the proposed development. Even though there is additional rural land uses to the west, there are also extensive amounts of medium density residential areas to the northwest of the proposed development.

Existing County Land Uses Harvest Valley / Winchester Area Plan (Image 1-E)



This image now depicts the surrounding area to the east of the proposed development. A significant medium density residential area to the east and the northeast of the proposed development within the Winchester Area Plan.

Proposed Perris Union High School District High School #4 (Image 1-F)



This image depicts the proposed high school #4 in relation to the surrounding area.

Schools change the rural character of the area because:

- It requires infrastructure for it to function properly.
- Thousands of people are added to the area every day.
- Increased noise, lights, traffic and children.
- The lack of infrastructure will result in increased dust and decrease safety.

Schools, by their nature, are growth inducing for the following reasons:

- Added infrastructure attracts development.
- Increased density provides a safer environment for children and surrounding community (i.e. walking/mischief/lighting).
- Buffers the impacts of the noise and lighting.

“We couldn’t feel more positive about the location of High School #4 – especially when considering the potential for future additional growth in this area over the next several decades.” -- **Candace Raines, Assistant Superintendent and Fred Good, Facilities Consultant to the PVUSD. [Appendix A.]**

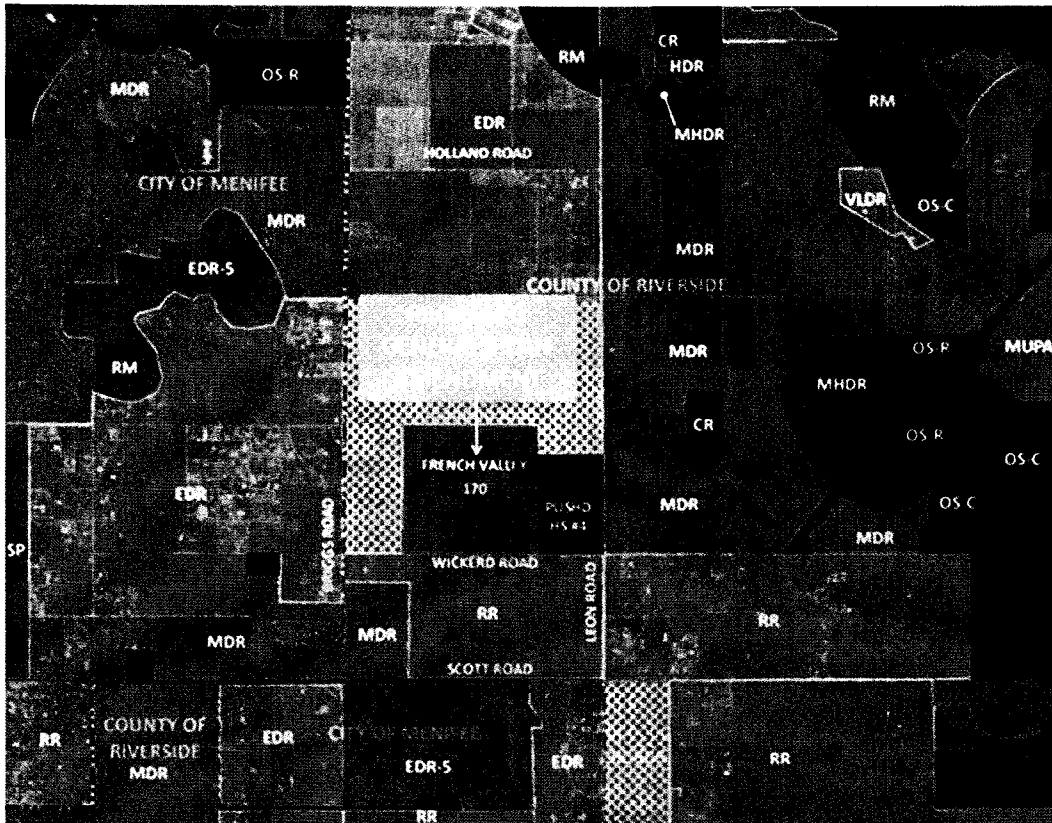
2nd District Planning Commissioner Ed Sloman recognized that the high school would be growth inducing. At the February 19, 2014 Planning Commission Hearing he commented as follows:

- “I support the rural area, however, the imposition of that high school to me is a game changer potentially and I would like to just see what the process as it unfolds and what all of the documents would say at the end of the day so I’m in the yellow light. Move it forward. Let the process begin.”

Estate Density Residential does not provide the necessary infrastructure or setting to address these issues.

Classically, higher density land uses are almost always considered around schools to properly address these impacts that schools create.

The Proposed General Plan Amendment provides a Transition between the Surrounding Communities and the New High School. (Image 1-G)



This image now shows the French Valley 170 project. The fifteen-acre park with a soccer fields and aquatic facility is depicted in green to the northwest of the proposed high school.

As stated, the high school is growth inducing and impacts the rural character of an area. It will provide critical infrastructure to better support the school. The proposed project supplies the necessary transition for that density change between the existing neighborhoods, provides a much safer environment for students, and better accommodates the increase in automobile traffic. There is no longer a place for estate homes in that area.

Changing Factors which are Growth Inducing warrant General Plan Amendment No. 1129.

The County of Riverside, Sun City Menifee Valley Area Plan of 2003 states:

“This residential area consists of rural estate development, with custom house development as the main pattern. The character is rural in intensity, but more in line with estate development as it has traditionally been developed. The low intensity qualities of this area are well established and strongly supported by local residents and property owners. Until that perspective changes significantly, growth and development should be focused elsewhere.”

The policy was established in 2003. The general plan could not have contemplated the growth when it was implemented because the factors to the growth did not exist at the time the general plan was adopted.

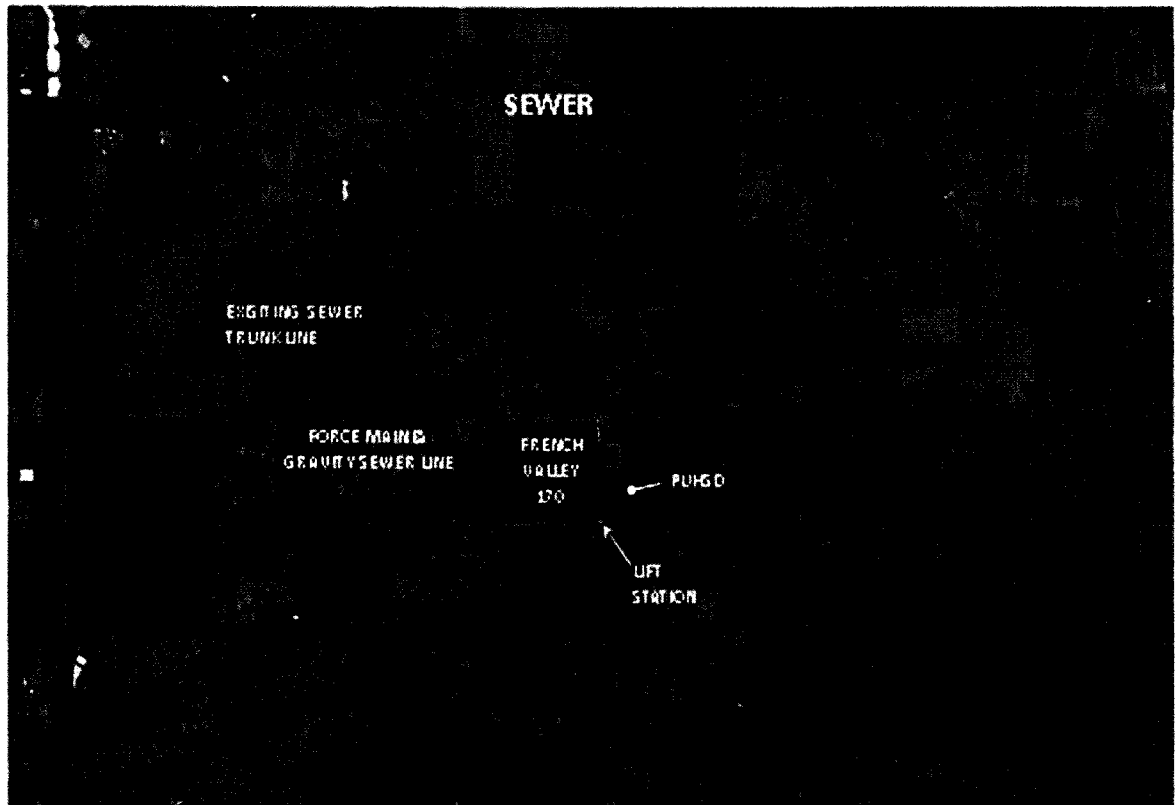
Since that time a number growth inducing changes have occurred:

- A new high school will be built. This high school will be developed in a previously undeveloped area. As the high school will certainly bring more noise, lights, traffic and children to the area, it will be growth inducing.
- Interstate 215 and State Route 79 policies have affected change. Extensions of roadways are growth inducing.
- The City of Menifee was incorporated since the 2003 area plan was established. Additional population growth which will lead to an increase in goods and services and will be growth inducing.

The 2003 policy needs to be re-evaluated.

The Proposed Project Provides a Regional Sewer Facility.

(Image 2)



This image depicts the positioning of the lift station and transmission lines to the existing sewer line. This regional sewer system proposed will not only serve this project and the school, it will provide a significant benefit to the areas east of Leon Road that do also not have service.

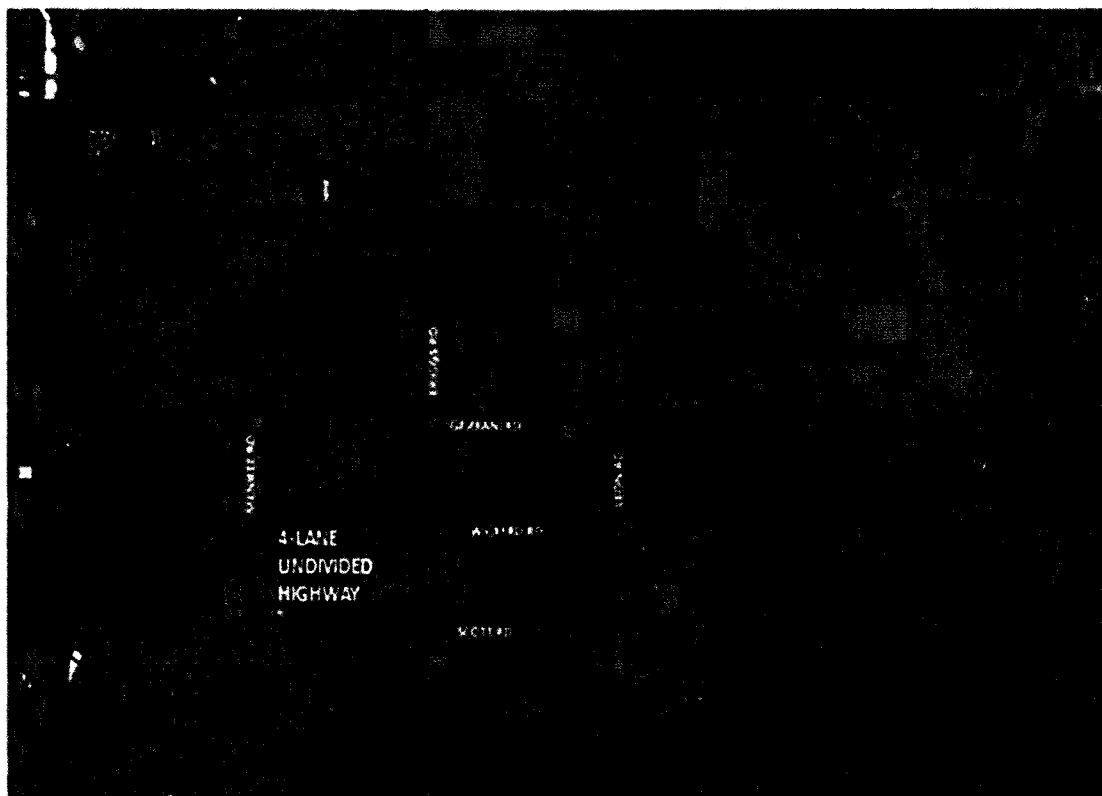
“Concurrent construction of High School #4 and the French Valley 170 project would result in requisite flows within the new sewer to allow it to more reliably and effectively function. Similar types of benefits would accrue to our project and the neighboring communities for other infrastructure and street improvements from concurrent construction schedules. We believe that the completion of the school and development projects on similar schedules will result in improvements to the area that far surpasses the individual needs of either High School #4 or French Valley 170.” -- **Candace Raines, Assistant Superintendent and Fred Good, Facilities Consultant to the PVUSD.** (APPENDIX A)

According to Eastern Municipal Water District ("EMWD") Planning Guidance, schools generate just 1/5th of an average daily sewage load (or 20 gallons per day ("GPD") per student), while a single residential unit generates 350-400 GPD or the equivalent of 18-20 students. With 1,000 students in the opening year, is only the equivalent of 50 homes. This would be considered a severely limited amount of sewer load to operate a lift station.

Severely low flows will cause significant maintenance and health issues. Residential units have nearly constant flows, while schools do not. Sewage would be left sitting for long periods of time as students break during summer and winter. This is an undesirable situation which can cause septic and other unsanitary conditions.

The French Valley 170 project would provide more than adequate sewer flow and on a constant basis to properly support a regional lift station that will not only create a more sanitary and safe condition, but also support future growth planned for the area.

Circulation and Transportation (Image 3)



"An aquatic center would best serve the community along a significant circulation corridor."--Planning Commission Staff Report, February 19, 2014.

The proposed project is surrounded by infrastructure:

- It is located in close proximity to two major transportation corridors – Interstate 215 to the west and State Route 79 to the east.
- Garbani Road, on the north side, planned as a four lane divided highway, to include a future interchange with I-215.
- Located within one half mile of a six lane divided highway, Scott Road.
- It is surrounded with a four lane undivided highway, Wickerd Road, on the southern border of the proposed development.
- And is also in close proximity to two, four lane divided highways, Briggs Road and Leon Road.

Gas Lines Exist in Close Proximity to Residential Neighborhoods

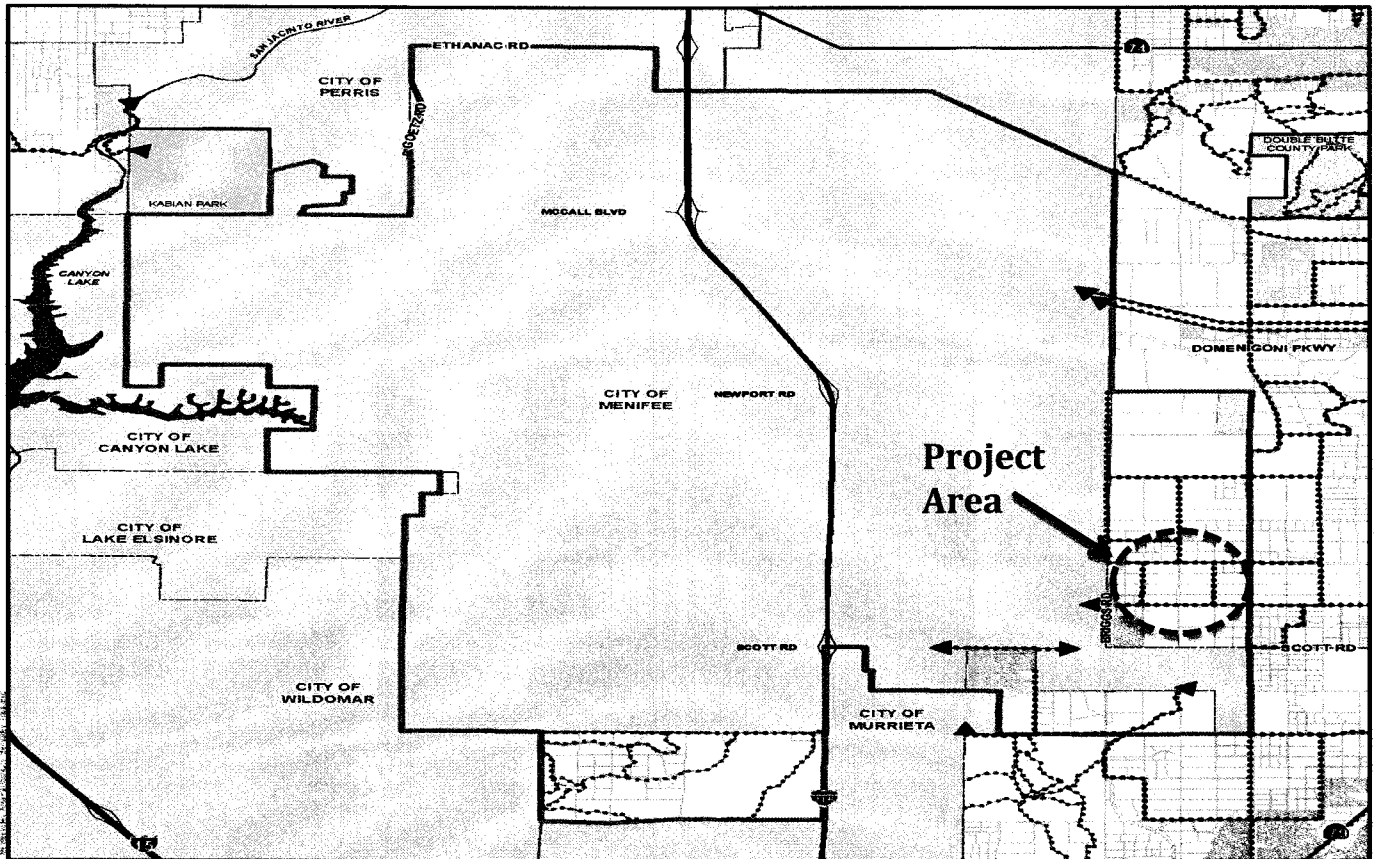
(Image 4)



This slide depicts how gas lines are run through residential areas. The County of Riverside Staff Report notes that, "A residential development can work around such high pressure lines."

- Riverside County has never enforced clustering residential developments away from gas lines.
- However, there are methods to appropriately buffer gas line/residential developments.

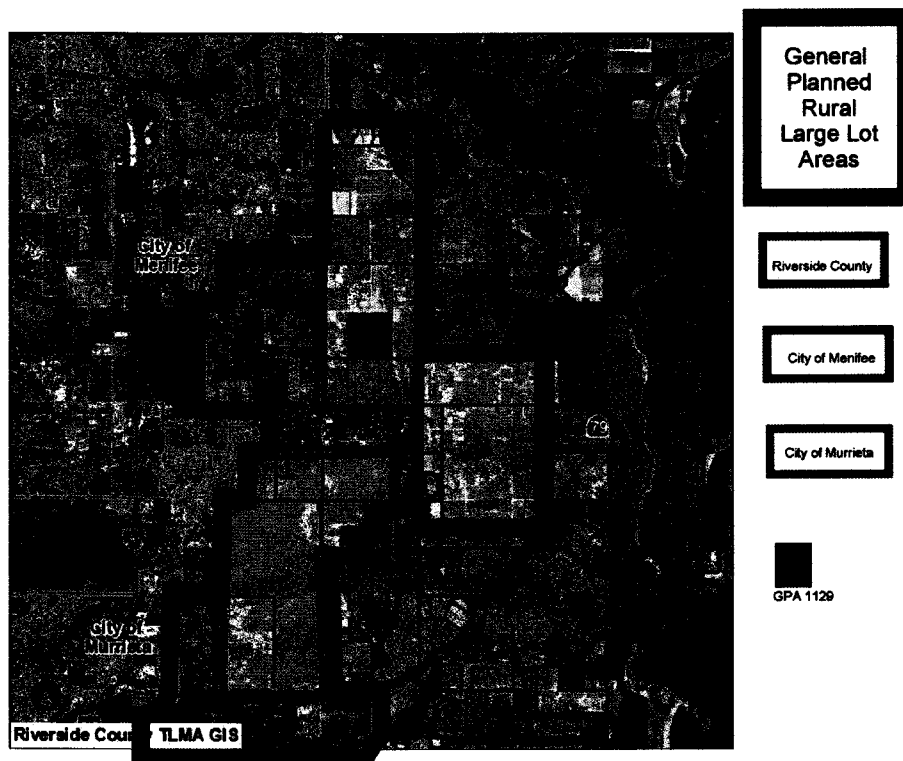
Continuity through the Community Trail and Bike Path Trail System (Image 5)



This image depicts various trails in the area surrounding the City of Menifee. The proposed development will establish continuity through the community and bike path trail system.

Public Comment to the Planning Commission failed to Accurately Reflect the Conditions Surrounding the Proposed Development.

(Image 6-A)



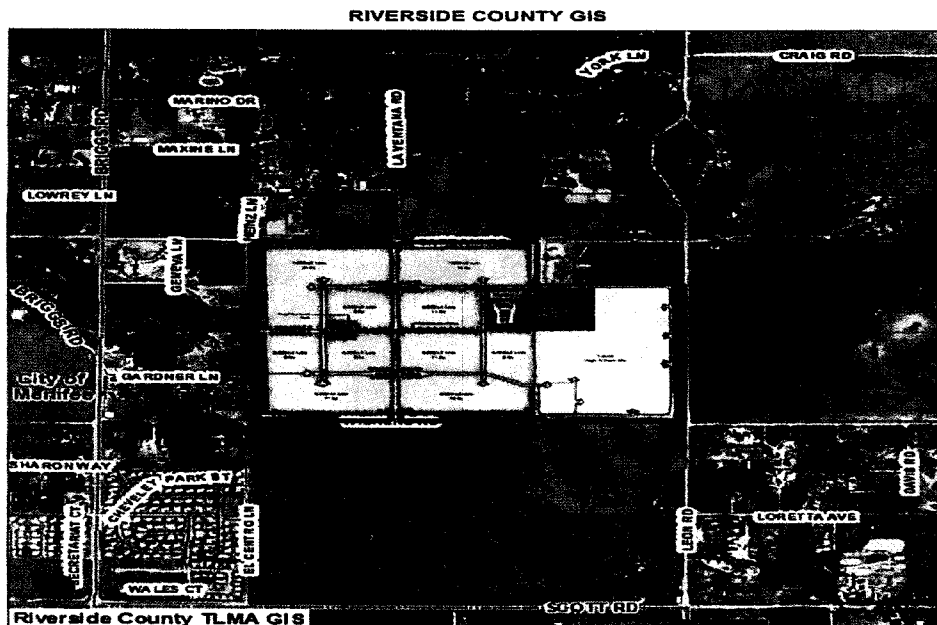
During the February 19, 2014, Planning Commission, citizen Grant Becklund showed this slide to the Planning Commission and made the following inaccurate statements regarding the surrounding areas:

- “The area in red is all of the areas that are large lots, 2 to 5 acres in size and you can see that the blue areas where this project is proposing they are putting this higher density right in the middle of this large area that all the counties and the cities have committed to rural areas.” – Grant Becklund

Mr. Becklund’s map clearly fails to portray the medium density residential areas surrounding the proposed development site and misled the commission. The project is not located in the middle of this map and it fails to consider the growth impacts of the high school. Mr. Becklund’s further misrepresentations led to confusion to 1st District Planning Commissioner Charissa Leach. During the February 19, 2014 hearing, the effect of the misinformation became apparent as Ms. Leach commented as follows:

- “I think I’m leaning more towards red because, well really because I think that Matt said it best – estate density is vital for a successful community. . . . There is no buffer. You are ... basically the people that are living there in their rural lifestyle. . . you are forcing them to live in a lifestyle that is not fair. I mean this is how they bought out there and then all of a sudden we are going to put this **little donut hole** and I hate to use that word I’m sorry of medium density residential and I have a little bit of passion for people that want to live in that larger lifestyle so I thin on this particular one I think the general plan got it right so I am leaning more toward the red light to the board. - **Charissa Leach, 1st District Planning Commissioner**

(Image 6-B)



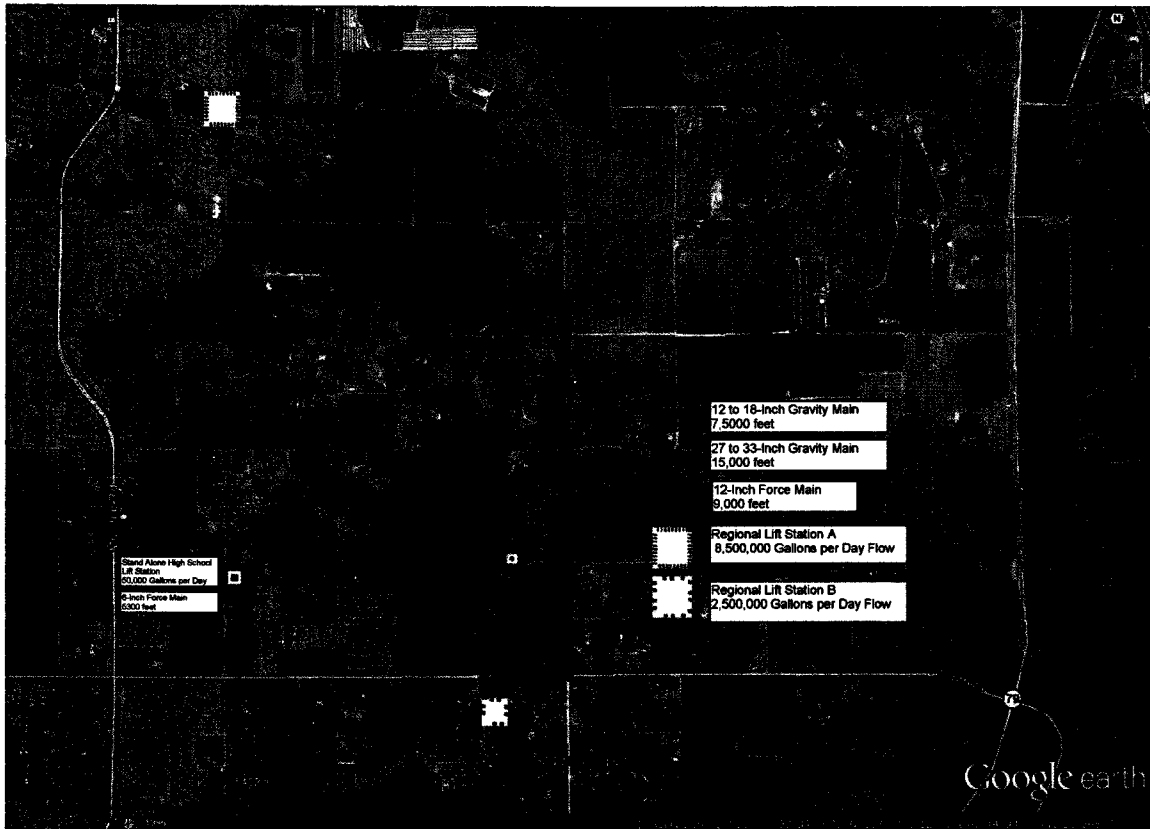
Also during the February 19, 2014, Planning Commission, citizen Grant Becklund showed this slide to the Planning Commission and made the following inaccurate statements:

- “This is just an exhibit where I have pasted in this project, go back I want to show this particular project is right in the middle of totally undeveloped areas except off to the southwest.” - Grant Becklund

There is no “donut hole.” Mr. Becklund’s map and comment both fail to accurately depict the zoning around the proposed development. There are medium density residential areas to the southwest, northwest, northeast and east.

Public Comment to the Planning Commission failed to Accurately Reflect the Conditions of the Surrounding Sewer System.

(Image 6-C)



During the February 19, 2014, Planning Commission, citizen Grant Becklund showed this slide to the Planning Commission and made the following inaccurate statement:

- “To sewer that property it takes a lift station down on the south end down below Scott Road and a gravity system and then it is pumped all the way up to the lakes way off to the northwest... I’m estimating a \$20 million cost the school can put a small lift station on the southwest corner.” – Grant Becklund

Grant Becklund has been informed by EMWD (See Appendix C) that the master plan was old, that it would take other projects to complete, and that they are looking at a much shorter alternative. The proposed alternative would be significantly cheaper. Schools produce only a fraction of the sewer load of a typical residential community or industrial complex. Plus a small lift station would cause significant maintenance and health concerns. Mr. Becklund clearly misrepresented the sewer issues and solutions.

Public Comment to the Planning Commission failed to Accurately Reflect the Development of the High School.

During the February 19, 2014, Planning Commission, citizen Grant Becklund made the following inaccurate statements:

- “They based their bond issue which is true but they only really have 40% of the money they need to build that school.” – Grant Becklund

Mr. Becklund’s misrepresentations led to confusion to 5th District Planning Commissioner Mickey Valdivia. During the February 19, 2014 hearing, the effect of the misinformation became apparent as Mr. Valdivia commented as follows:

- “I will be supporting the staff’s recommendation. I know typically school districts don’t always engage in purchasing property to build schools. . . . It is difficult to gage whether or not the school site had real intentions of doing a school site. There in my opinion . . . it could perhaps have been an investment so just keep that in mind please. – Mickey Valdivia, 5th District Planning Commissioner.

The Perris Union High School District provided the following comments on this issue which confirm that the school will in fact be proceeding on the proposed site:

- **“It has been brought to our attention that the Riverside County Planning Commission may have received testimony/public comment that does not accurately reflect the facts associated with our high school project. As such, we are providing the following information so that you clearly understand the potential impacts that the French Valley 170 Project could have on the badly needed High School #4 project.”**

“We can assure you that we are proceeding as expeditiously as possible on the design of this new school and we are extremely serious is out desire to advance the project toward the construction phase.”

“This sense of urgency is exacerbated by the fact that this school when constructed will be located within the Menifee Union High School District which is actively pursuing unification. If/when unification of the Menifee Union High School District occurs it will be necessary for them to provide approximately 1,000 additional seats for current high school students who attend our Heritage High School but reside within what would become the boundaries of the Menifee Unified School District.”

“We couldn’t feel more positive about the location of this school – especially when considering the potential for future additional growth in the area over the next several decades.” -- Candace Raines, Assistant Superintendent and Fred Good, Facilities Consultant to the PVUSD. [APPENDIX A.]

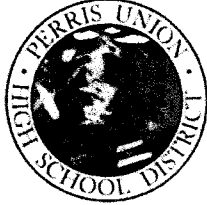
Corrections to the Riverside County Planning Department Staff Report

- In the “Consideration Analysis” portion of its report, the staff takes the position that “the high school site should not drive urban development into existing areas” and “the value of land should not drive density, good planning should dictate where the density is located.”
 - The high school proposes a significant change to this location. Good planning would necessitate that more transitional densities be used adjacent to a 52-acre high school site and not rural densities.
- The staff incorrectly states that the “proposed project is not located along any significant transportation circulation corridors.”
 - As set forth above, the area is surrounded by “transportation” corridors, starting with Garbani Road, located adjacent to the site, being planned as a major highway classification consisting of 4-lane, divided, highway. One half-mile south is Scott Road, which has an urban arterial highway designation and a significant east-west corridor in the County’s system. Additionally, the site is located within 2.5 miles of I-215 and SR 79.
- The staff is concerned that the development will be “growth inducing.”
 - The high school already presents a significant growth inducing change to the area.
 - Garbani Road provides a natural barrier with rural to the north.
- The staff takes the position that the soccer fields and special needs aquatic park should be placed in nearby specific plans that are seeking revisions.
 - The school needs soccer fields next to its boundary. French Valley 170 is the only project that can provide it.
 - It makes more sense to combine the fields within a larger park concept to share valuable infrastructure.
- The staff proposes that an aquatic center would best serve the community along a significant circulation corridor and criticizes the proposed location for being miles from State Route 79 or I-215.

- This location is in close proximity to State Route 79 and I-215. What makes this location even more unique is that it will be the only VWRPD facility directly off of a major highway (Garbani Road) with its own interchange on I-215. This location will have the necessary regional infrastructure to support it.
- The staff recognizes that a residential development can work around such high pressured lines, but takes issue with the development's proximity to high-powered gas lines.
 - The County has yet to ever concern itself with allowing density within close proximity of the gas lines and has classically not allowed them to drive land planning. The aquatic park is located a half-mile from the gas lines.
- The staff comments that in 2011, community members raised concerns with respect to the increase in traffic and the increasing urban development.
 - The proposed project supports a lot of the concerns raised by the local residents, including completing the paving of Garbani Road to Briggs Road which will reduce dust to local residents from students and parents potentially commuting. A more rural design might not bring similar improvements to the area.
- The staff states that the vision of the General Plan is that this area is rural and increases in residential density are not permitted based on this policy.
 - The new high school has changed the rural character in the immediate vicinity and the proposed density will provide the necessary transition of land uses in the area. The Winchester Area Plan, the County recently converted a significant portion of the rural and agricultural land uses land into medium density residential and even commercial land uses to better transition from the Domenigoni Specific Plan. This plan proposes to do the same.
- The staff contends that the density proposed is inconsistent with the Estate Density Residential and Rural Residential Policy Areas.
 - This policy was instituted based on circumstance that have new since changed, all policies are meant to be re-valuated and possibly changed/eliminated, partially or wholly, based on changing circumstances on the ground.
- The staff states that the density proposed is inconsistent with the requirement for a Community Separator.

- The plan is not inconsistent with the requirement for a community separator. There are significant physical features in the area which act as community separators. This project does not change this.
- The staff takes the position that unusually compelling conditions do not exist.
 - No other project borders the High School and assist is solving several infrastructure issues. An aquatic “specific needs” project is needed and this is the only project proposing to construct it.

APPENDIX A



*"Growing Together
Through Education"*

**2010-2011
Advanced Placement
Achievement District**

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Perris, CA 92570-2124
951-943-6369

Fax Numbers:
Superintendent's Office
951-940-5378
Business Services
951-940-5301
Human Resources
951-943-9852

Student Services Center
1161 N. "A" Street
Perris, CA 92570
951-943-6773
Fax: 951-943-6799

District Website:
www.puhsd.org

March 25, 2014

Mr. Juan Perez
Director Transportation and Land Management
County of Riverside
4080 Lemon Street, 14th Floor
Riverside, California 92501

Dear Mr. Perez:

We are writing to provide comments on behalf of the Perris Union High School District for a proposed development project (French Valley 170) that is located directly adjacent to our proposed high school site in the Winchester area – we refer to this new school as High School #4. We have been working cooperatively with representatives from French Valley 170 for the better part of the past year with regard to infrastructure and street improvement planning.

It has been brought to our attention that the Riverside County Planning Commission may have received testimony/public comment for this project at the February 13, 2014 hearing that does not necessarily accurately reflect facts associated with our high school project. As such, we are providing the following information so that you clearly understand the potential impacts that the French Valley 170 project could have upon our badly needed High School #4 project.

First of all, it appears that questions may have been raised during the February 13th Planning Commission hearing as to whether or not we are proceeding with this project and if, in fact, it is actually needed by the Perris Union High School District at this time. We can assure you that we are proceeding as expeditiously as possible on the design of this new school and we are extremely serious in our desire to advance the project toward the construction phase. This sense of urgency is exacerbated by the fact that this school – when constructed – will be located within the Menifee Union School District that is actively pursuing unification. If/when unification of the Menifee Union School District occurs it will be necessary for them to provide approximately 1,000 additional seats for current high school students who attend our Heritage High School but reside within what would become the boundaries of the Menifee Unified School District. The sole existing high school within Menifee – Paloma Valley – is currently operating at its functional capacity. Additionally, new residential development within this area of our District is very active and we are anticipating an influx of additional new high school students for whom new seats will need to be provided.

There have been a small number of critics who feel that our High School #4 site is not best located in consideration of current and future high school needs. We believe it is important for you to know that we couldn't feel more positive about the location of this school – especially when considering the potential for future additional growth in this area over the next several decades. We

Page two

March 25, 2014 Correspondence to Mr. Juan Perez re: High School #4 and French Valley 170

carefully studied and considered approximately 20 alternatives before choosing the site that we now own for High School #4. The California Department of Education was involved with us during all of these analytical activities and assisted us in determining the site that best met their site selection criteria in consideration of our long-range school facility needs.

As a public school district, we believe it is not our role to state an "advocate" or "opposition" opinion as pertains to a development proposal such as French Valley 170. In this instance, however, we feel it would be irresponsible for us to not provide you with comments on a development project that could significantly benefit our important public project. While current sewer capacity exists for our project, the eventual construction of sewer facilities for our school can be completed much more economically and qualitatively if done so in conjunction with a neighboring development project such as French Valley 170. Even though several development proposals exist within the anticipated attendance area for this new school, the French Valley 170 project is the only one that is physically proximate and whose timing appears to be on a similar track to that of our school project. Concurrent construction of our High School #4 and the French Valley 170 project would result in requisite flows within the new sewer to allow it to more reliably and effectively function. Similar types of benefits would accrue to our project and the neighboring communities for other infrastructure and street improvements from concurrent construction schedules. We believe the completion of the school and development projects on similar schedules will result in improvements to the area that far surpass the individual needs of either High School #4 or French Valley 170.

As we believe you are aware, the voters within the Perris Union High School District supported the long-term implementation of our Facilities Master Plan through their passage of our \$153,000,000 local bond ballot Measure T in November 2012. As we have done in the past, we will continue to pursue every possible alternative funding source with the goal of "leveraging" our local funds in order to be able to meet a wider range of facility needs. A portion of the Measure T proceeds will be allocated to the High School #4 project as we continue to aggressively pursue other "matching" funding opportunities.

In closing, it is our hope that this information provides greater clarification about the planning and working relationship we have had with the French Valley 170 representatives and the significant benefits that the eventual construction of their project could bring to our High School #4 project. It would be greatly appreciated if you could notify us as to when this development proposal will be considered by the Board of Supervisors as we would very much like to be in attendance at that meeting.

We appreciate the opportunity to provide this information and to continue the excellent working relationships we maintain with your staff.

Sincerely,



Candace Reines
Assistant Superintendent, Business Services



Fred Good
Facilities Consultant to the PUHSD

APPENDIX B



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City of San Jacinto

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Charles Landry
Executive Director

3403 10th Street, Suite 320
Riverside, California 92501

P.O. Box 1667
Riverside, California 92502-1667

Phone: (951) 955-9700
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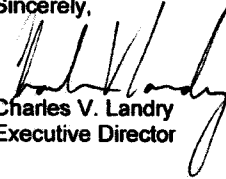
March 20, 2014

To Whom It May Concern:

RE: GENERAL PLAN AMENDMENT MENIFEE 170

The Western Riverside County Regional Conservation Authority would support the concept of an extraordinary foundation element change whereby in addition to the payment of the MSHCP Local Development Mitigation Fees, an assessment to be paid prior to Certificate of Occupancy was levied on each unit. Such a self-assessment would be unique and provide the Western Riverside County Regional Conservation Authority funding to acquire critical conservation lands within the Western Riverside County MSHCP Plan Area.

Sincerely,



Charles V. Landry
Executive Director

APPENDX C

----- Original message -----

From: "Raines, Brian"

Date:02/21/2014 4:33 PM (GMT-08:00)

To: Jeff Anderson

Cc: "El-Hage, Maroun" ,Joseph Rivani , "Alhadeff, Samuel" , "Tibayan, Rebecca"

Subject: RE: French Valley 170 - Due Diligence Meeting Minutes Package (PPI 2013/248)

Jeff,

Mr. Becklund approached us regarding a Regional LS solution being proposed @ Leon & Wickerd Rd to serve the future high school and your potential development. In discussing your projects over the phone with him, he asked me to provide him with any examples of proposed master plans to serve the area. I told him we have an old master plan from 1990 from Black & Veatch along with our latest Master Plan from 2008 and sewer study performed to serve the Holland Channel / Winchester South area in 2006 done by Dexter Wilson. I provided him a copy of the study and area map from each master plan for reference, noting that these are just potential solutions which would need to be explored in order to complete a Facilities Plan of Service for both projects. Without the appropriate sponsoring projects to facilitate either a regional or master-planned solution, we can only evaluate the options developed through the Plan of Service in coordination with Facilities Planning. I told him that both projects are early in the Plan of Service phase and that another option of a regional lift station with about 2 miles of force-main down Garbani was being suggested as an alternative by you given there are capacity and gravity issues with utilizing the El Centro LS. He did mention going to the Planning Commission hearing yesterday regarding your project. I've attached the documents provided to Mr. Becklund for your reference. *Due to the size of the Dexter-Wilson study, I will send via separate e-mail from Hightail for you to download from their website.*

As for your Plan of Service, we are awaiting submittal of your "*Documents Required...*" as noted below so that we can start to review and complete your Facilities Plan of Service. As soon as I get the work order number from Rebecca, I can provide that to you as reference. Thanks!

Best Regards,
Brian

APPENDIX D

**LEWIS
BRISBOIS
BISGAARD
& SMITH LLP**
ATTORNEYS AT LAW

One Ridgeway Drive, Suite 245
Temecula, California 92590
Telephone: (951) 252-6150
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www.lewisbrisbois.com

SAMUEL C. ALHADEFF
DIRECT DIAL: 951.252.6152
SAMUEL.ALHADEFF@LEWISBRISBOIS.COM

April 17, 2014

File No.
32711.4

VIA ELECTRONIC MAIL ONLY

Matt Straite
Riverside County Planning
4080 Lemon Street 12th Floor
Riverside, CA 92501
MSTRAITE@rcplma.org

Re: French Valley 170

Dear Mr. Straite:

As you know, we represent the applicant on the French Valley 170 project. In reviewing the Application, we are also going to be submitting, at the time we process through the GPA, a special assessment for the Scott Road and I-215 interchange. Although this property is burdened by a road and bridge benefit district fee and other fees related to transportation, the applicants are voluntarily agreeing to add a special assessment on each closing of the units in the proposed project. That special assessment will go directly to County funds earmarked for the development of design and engineering for the Scott Road interchange at 215.

Since we are only at the GPIP status, it would be inappropriate to discuss any specifics other than to advise that this special assessment will be a term and condition of project approval and it is voluntarily being suggested by the applicant.

We believe this process closely mirrors what the City of Temecula required from the Morgan Hill project at the time the Morgan Hill project was approved where the City asked that the County consider a special assessment be applied to that project approval for the benefit of the interchange at 15 and Temecula Parkway.

We also understand that this interchange is a vitally needed project by the City of Menifee, as well as, the County of Riverside. We want to acknowledge and be a participant in working with both entities and providing this special assessment.

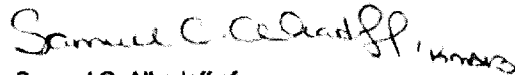
ATLANTA • BALTIMORE • BOSTON • CHARLESTON • CHICAGO • DALLAS • DENVER • FORT LAUDERDALE • HOUSTON • LAGUNA • LAFAYETTE • LAS VEGAS • LOS ANGELES • MADISON COUNTY
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4823-1988-4826.1

Matt Straite
April 17, 2014
Page 2

We have confirmed with the City of Menifee that, indeed, the interchange at Scott Road and 215 is a priority project and urgently needed by the City of Menifee. Should we be allowed to proceed with the GPA process, we will provide additional information from the City with regard to the specific needs and the urgency for an interchange at Scott Road and 215.

Sincerely,



Samuel C. Alhadeff of
LEWIS BRISBOIS BISGAARD & SMITH LLP

SCA:ch

cc: Juan Perez
Olivia Barnes

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