

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

801



FROM: TLMA and Flood Control District

SUBMITTAL DATE:
June 18, 2014

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

RECOMMENDED MOTION: That the Board of Supervisors:

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

Summary

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

MHW:bad
P8/161324

Patricia Romo
Assistant Director of Transportation

JUAN C. PEREZ
Director of Transportation and
Department of Transportation

WARREN D. WILLIAMS
General Manager-Chief Engineer

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

C.E.O. RECOMMENDATION:

APPROVE

BY:

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above ordinance is approved as introduced with waiver of reading, and is set for public hearing on Tuesday, July 15, 2014, at 10:30 a.m.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: July 1, 2014
xc: TLMA, Flood, COB

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

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

District: 3rd/5th

Agenda Number:

3-49

Departmental Concurrence

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

FORM APPROVED COUNTY COUNSEL
BY:
DATE: 6/17/14

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

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

DATE: June 18, 2014

PAGE: 2 of 3

BACKGROUND:

Summary (continued)

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

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

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

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

The Flood Control District is committed to completing construction of the principal flood control facilities within the Line A sub-watershed (including Romoland MDP Lines A and A-2, Homeland MDP Line 1, Juniper Flats Basin and Briggs Road Basin) by the 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, among other items, fund the District's ongoing Capital Improvement Program within Zone 4.

Impact on Residents and Businesses

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

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

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

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

Consistent with Government Code sections 6062a and 66016 through 66018, prior to adopting the increase in the HRADP fees, a newspaper notice must be published for 10 days providing notice and details of the public hearing. Further, mailed notice must be given at least 14 days prior to public hearing to any interested person who has filed a written request with the Clerk of the Board for mailed notice of meetings on new or increased fees or changes. Finally, at least 10 days prior to the public hearing, the Clerk of the Board shall also make available to the public data indicating the amount of the cost, or estimated cost, required to provide the service for which the fee is being imposed and the revenue sources anticipated to provide the service.

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

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

DATE: June 18, 2014

PAGE: 3 of 3

California Environmental Quality Act

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

SUPPLEMENTAL:

Additional Fiscal Information

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

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

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

P8/161324