

FORM APPROVED COUNTY COUNSEL
 BY: *Anita C. Willis* 10-5-15
 DATE

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

601



FROM: Economic Development Agency

SUBMITTAL DATE:
 October 22, 2015

SUBJECT: Adopt Resolution No. 2015-232 Finding that the County of Riverside Has No Interest in Lot 159 of Tract No. 20319 Property and Accepts the Proposal By Riverside County Flood Control And Water Conservation District Concerning A Portion Of Lot 159; CEQA Exempt; Temecula/Pechanga Creek Slope Protection; District 3 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Finds that this action is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15060(c)(2)&(3) and 15061(b)(3); and
2. Adopt Resolution No. 2015-232 Finding that the County of Riverside Has No Interest in Lot 159 of Tract No. 20319 and Accepts the Proposal By Riverside County Flood Control And Water Conservation District Concerning A Portion Of Lot 159; and
3. Direct the Clerk of the Board to file the Notice of Exemption with the County Clerk upon approval by the Board.

BACKGROUND:

Summary: Commences on Page 2

Robert Field
 Robert Field
 Assistant County Executive Officer/EDA

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	
SOURCE OF FUNDS: N/A				Budget Adjustment: No	
				For Fiscal Year: 2015/16	

C.E.O. RECOMMENDATION:

APPROVE
 BY: *Rohini Dasika*
 Rohini Dasika

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley
 Nays: None
 Absent: None
 Date: November 3, 2015
 xc: EDA, Recorder

Kecia Harper-Ihem
 Clerk of the Board
 By: *Kecia Harper-Ihem*
 Deputy

Prev. Agn. Ref.: 3.15 of 01/27/2004 | District: 3 | Agenda Number:

3-9

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

Departmental Concurrence

BACKGROUND:
Summary

On January 27, 2004, the Board of Supervisors approved a Cooperative Agreement (Agreement) concerning certain real property, consisting of approximately 52 acres of land, identified as Lot 159 of Tract No. 20319, located east of Interstate 15 and south of Pala Road in the City of Temecula, County of Riverside, State of California (Property). The Agreement was entered into between the County of Riverside (County), the Riverside County Flood Control and Water Conservation District (District), and the other parties collectively referenced as the "Associations", the California Sunset Homeowners Association and the Homes by the Green Homeowners Association whereby the Associations were to dedicate the Property to the District for the purpose of conveying flood flows and for certain flood control improvements along Temecula and Pechanga Creeks to protect area properties from flooding and for conservation/preservation purposes as further described below. The Associations have performed pursuant to the Agreement and the property is now owned by the District in fee title. As stated in the Cooperative Agreement, the District and County intended to enter into a Purchase and Sale Agreement (PSA) whereby the County would purchase from the District and the District would convey a portion of the Property not being utilized for flood drainage purposes (non-flood control facility areas) to the County for habitat preservation under the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

On January 22, 2015, through Streambed Alteration Agreement No. 1600-2012-0200-R6 Revision 1, the California Department of Fish and Wildlife (CDFW) required the District to establish a 15.0 acre mitigation site for the Murrieta Creek Phase II project within Lot 159 (a.k.a. APN 922-220-030). The CDFW also required that the mitigation area be carried out through fee title transfer or conservation easement to a local conservation entity such as the Western Riverside County Regional Conservation Agency (RCA). The RCA owns, has conservation easements, and manages MSHCP conservation areas. At this time, the District has proposed the following to implement the intention of the parties under the Agreement and provide a substantial cost savings to the County by not requiring the County to purchase the non-flood control facility areas of the Property: The District desires to preserve the 15.0 acre mitigation site by directly conveying a conservation easement to the RCA to protect fish and wildlife resources in perpetuity. Furthermore, for now, the District desires to retain fee title on the remainder of the non-flood control facility areas of the Property (Remainder) and convey any of the Remainder to the RCA for MSHCP conservation purposes when appropriate in the future. A subsequent item will appear on the District's agenda to approve the District's conveyance of a conservation easement to the RCA.

Therefore, Resolution No. 2015-232 contains the following findings and determinations:

1. The conveyance directly from the District to the RCA satisfies and meets the purpose and intent of the Cooperative Agreement, and therefore the County's performance is satisfied;
2. The County finds that it does not have any interest in the Lot 159 Property;
3. That the County concurs that a purchase and sale agreement between the District and the County is no longer necessary;
4. The conveyance transaction from the District to RCA directly would be at a great cost savings to the County because it would no longer need to purchase real property and the costs associated with processing the purchase;
5. The land (15.0 acres and the remainder to be determined by the District) would still be for preservation purposes as the non-flood control facilities areas of the Property would ultimately be conveyed to the RCA for MSHCP conservation purposes;
6. RCA is willing to accept a conservation easement and prefers not to acquire the fee interest in the 15.0 acres or the Remainder;

(Continued)

BACKGROUND:

Summary (Continued)

7. Except for the areas that are needed for the flood facilities, the Lot 159 Property is in its natural condition and would ultimately be preserved for habitat consistent with the MSHCP.

Furthermore, if the County were to negotiate a purchase and sale agreement, pursuant to the Agreement the County was to pay consideration to purchase the property from the District. The County's acceptance of this proposal would provide a mutual public benefit in that the District has the benefit of offsite mitigation through the conveyance of the conservation easement and the County benefits by seeing that the property is placed in a preservation status in perpetuity as the parties had intended in the Cooperative Agreement without having to expend any funds to accomplish this intention.

Pursuant to the California Environmental Quality Act (CEQA), the County's finding that it does not have any interest in the District's Lot 159 Property and acceptance of the District's proposal concerning a portion of Lot 159 will not result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Therefore, this action is not a project as defined under the State CEQA Guidelines Section 15060(c)(2) and (3). However, even if it was determined to be a project under CEQA for analysis purposes, the Proposed Action is exempt from the provisions of CEQA specifically by the State CEQA Guidelines as identified below. The County's finding that it does not have any interest in the Lot 159 Property (Project) was reviewed and determined to be categorically exempt from CEQA under State CEQA Guidelines Section 15061(b)(3). The Proposed Action is merely a finding that the County does not have any interest in the Lot 159 Property and acceptance of the District's proposal concerning a portion of Lot 159 and will not prompt physical changes to the environment or the land. The Lot 159 Property has existing flood control facilities, and the District intends to convey any areas not needed for flood control to the RCA for MSHCP conservation as intended in the Cooperative Agreement. Therefore, the project is exempt under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment. It is merely a clarification of ownership between the County and District, and will not prompt physical changes to the Property.

Resolution No. 2015-232 has been approved as to form by County Counsel.

Impact on Residents and Businesses

This action is a clarification of ownership intent between the County and District pursuant to a previously approved Cooperative Agreement and there is no impact to the Residences or Business.

ATTACHMENTS:

Resolution No. 2015-232
Notice of Exemption
Aerial Image

2
3 RESOLUTION NO. 2015-232

4
5 A RESOLUTION OF THE BOARD OF SUPERVISORS OF
6 THE COUNTY OF RIVERSIDE FINDING THAT THE COUNTY HAS NO INTEREST IN LOT 159
7 OF TRACT NO. 20319 AND ACCEPTS THE PROPOSAL BY RIVERSIDE COUNTY FLOOD
8 CONTROL AND WATER CONSERVATION DISTRICT CONCERNING A PORTION OF LOT 159
9

10 **WHEREAS**, the Riverside County Flood Control and Water Conservation District
11 (“District”) owns certain real property, consisting of approximately 52 acres of land, identified as Lot 159
12 of Tract No. 20319, located east of Interstate 15 and south of Pala Road in the City of Temecula, County
13 of Riverside, State of California, (“Property”) that was dedicated to the District pursuant to that certain
14 Cooperative Agreement between the County of Riverside (“County”), District and the California Sunset
15 Homeowners Association and the Homes by the Green Homeowners Association dated January 27, 2004
16 (“Agreement”) for the purposes of conveying flood flows to protect area properties from flooding and for
17 future conservation/preservation purposes; and

18 **WHEREAS**, a portion of the Property is required for flood drainage purposes and the
19 District will be maintaining and improving the area of the Property needed for this purpose; and

20 **WHEREAS**, a portion of the Property was intended to be designated for conservation and
21 habitat preservation purposes after the District determined what was necessary for the flood drainage
22 purposes (“Remainder “); and

23 **WHEREAS**, pursuant to the Agreement, the County was to enter into a purchase and sale
24 agreement with the District to purchase at fair market value the Remainder portion of the Property from
25 the District with the intention of the County then conveying this acquired portion to the Western
26 Riverside County Regional Conservation Authority (“RCA”) for conservation and habitat preservation
27 purposes under the Multiple Species Habitat Conservation Plan; and
28

FORM APPROVED COUNTY COUNSEL
BY: *Synthia M. Gunzel* 10-3-15
DATE: *SYNTHIA M. GUNZEL*

1
2 **WHEREAS**, the District has proposed to directly convey to the RCA a conservation
3 easement, consisting of a 15 acre portion of the Property, for conservation and mitigation purposes
4 associated with the District's Murrieta Creek Phase II Project to satisfy the requirements of Streambed
5 Alteration Agreement No. 1600-2012-0200-R6 Revision 1, instead of requiring the County to first
6 purchase the real property interest and to retain fee interest in any remaining portion of the Property not
7 presently being used for flood drainage purposes until such time future mitigation and conservation is
8 needed; and

9 **WHEREAS**, the District will convey to RCA additional property interests in any
10 remaining portion of the Property not used for flood drainage purposes to satisfy mitigation requirements
11 and conservation/preservation purposes; and

12 **WHEREAS**, the County and the District have determined that the conveyances to the
13 RCA will satisfy the intent and purpose of the Agreement and will be a mutual benefit of the parties; now,
14 therefore,

15 **BE IT RESOLVED, DETERMINED AND ORDERED** by the Board of Supervisors of the
16 County of Riverside, in regular session assembled at its public meeting on November 3, 2015, at 9:00
17 a.m. or soon thereafter, in the meeting room of the Board of Supervisors located on the 1st floor of the
18 County Administrative Center, 4080 Lemon Street, Riverside, California, that this Board makes certain
19 findings described below and accepts the proposal by the District concerning a portion of the Property due
20 to following:

- 21 1. Pursuant to the California Environmental Quality Act ("CEQA"), the proposed action is exempt
22 from CEQA pursuant to State CEQA Guidelines Sections 15060(c)(2) and (3) and 15061(b)(3);
- 23 2. The conveyance directly from the District to the RCA satisfies and meets the purpose and intent of
24 the Cooperative Agreement, and therefore the County's performance is satisfied;
- 25 3. The County finds that it does not have any interest in the Lot 159 Property;
- 26 4. That the County concurs that a purchase and sale agreement between the District and the County is
27 no longer necessary;

- 1 5. The conveyance transaction from the District to RCA directly would be at a great cost savings to
2 the County because it would no longer need to purchase real property and the costs associated with
3 processing the purchase;
- 4 6. The land (15.0 acres and the remainder to be determined by the District) would still be for
5 preservation purposes as the non-flood control facilities areas of the Property would ultimately be
6 conveyed to the RCA for MSHCP conservation purposes;
- 7 7. RCA is willing to accept a conservation easement and prefers not to acquire the fee interest in the
8 15.0 acres or the Remainder; and
- 9 8. Except for the areas that are needed for the flood facilities, the Lot 159 Property is in its natural
10 condition and would ultimately be preserved for habitat consistent with the MSHCP.

11 BE IT FURTHER RESOLVED that the Board concurs with the District that the proposal to directly
12 convey portion(s) of the Property to RCA will be of great benefit to the parties and result in great cost
13 savings of public resources and to the County.

14
15 ROLL CALL:

16 Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley
17 Nays: None
18 Absent: None

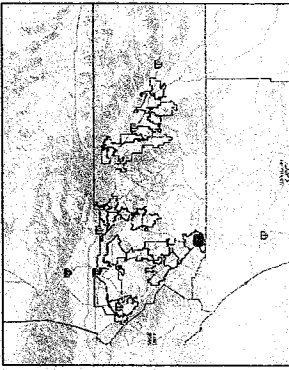
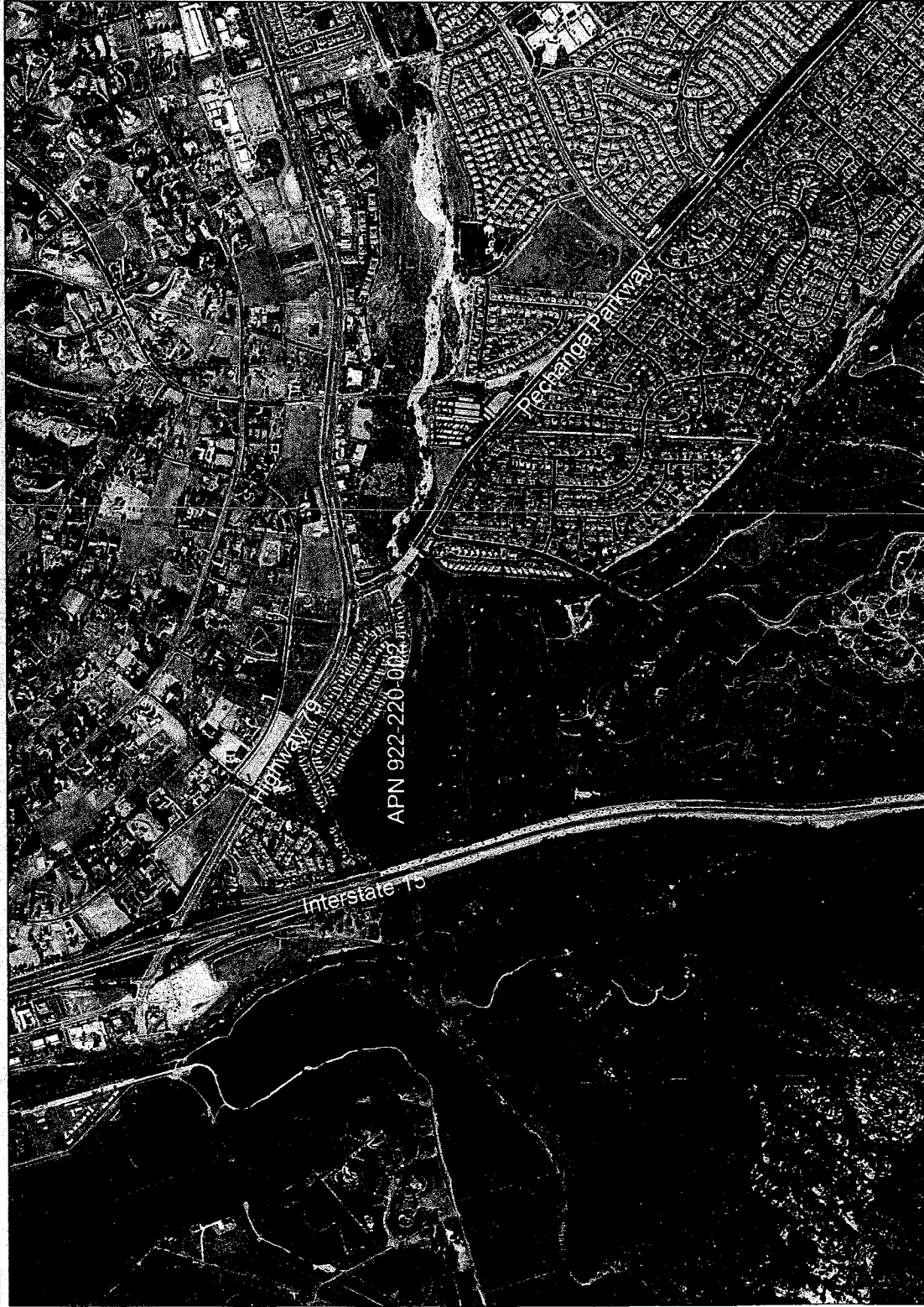
19 The foregoing is certified to be a true copy of a resolution duly
20 adopted by said Board of Supervisors on the date therein set forth.

21 KECIA HARPER-IHEM, Clerk of said Board

22 By  _____
23 Deputy

Riverside County Flood Control Lot 159

Conservation Easement



Legend

□ RCLIS Parcels



0 1,889

3,778 Feet



REPORT PRINTED ON... 9/24/2015 9:56:20 AM

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Notes

APN 922-220-002

IMPORTANT Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.



Original Negative Declaration/Notice of Determination was routed to County Clerks for posting on.

11/3/15
Date

KO
Initial

NOTICE OF EXEMPTION

September 24, 2015

Project Name: County of Riverside, Proposal by the Riverside County Flood Control and Water Conservation District, Temecula Creek Property

Project Number: N/A

Project Location: Lot 159 of Tract No. 20319, located east of Interstate 15 and south of Pala Road in the City of Temecula, County of Riverside, State of California; Assessor Parcel Number 922-220-002 (See attached exhibits)

Description of Project: On January 27, 2004, the Board of Supervisors (Board) approved a Cooperative Agreement ("Agreement") concerning certain real property, consisting of approximately 52 acres of land, identified as Lot 159 of Tract No. 20319, located east of Interstate 15 and south of Pala Road in the City of Temecula, County of Riverside, State of California ("Property"). The Agreement was entered into between the County of Riverside ("County"), the Riverside County Flood Control and Water Conservation District ("District"), and the other parties collectively referenced as the "Associations", the California Sunset Homeowners Association and the Homes by the Green Homeowners Association whereby the Associations were to dedicate the Property to the District for the purpose of conveying flood flows and for certain flood control improvements along Temecula and Pechanga Creeks to protect area properties from flooding and for conservation/preservation purposes as further described below. The Associations have performed pursuant to the Agreement and the property is now owned by the District in fee title. As stated in the Cooperative Agreement, the District and County intended to enter into a Purchase and Sale Agreement ("PSA") whereby the County would purchase from the District and the District would convey a portion of the Property not being utilized for flood drainage purposes ("non-flood control facility areas") to the County for habitat preservation under the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

On January 22, 2015, through Streambed Alteration Agreement No. 1600-2012-0200-R6 Revision 1, the California Department of Fish and Wildlife (CDFW) required the District to establish a 15.0 acre mitigation site for the Murrieta Creek Phase II project within Lot 159 (a.k.a. APN 922-220-030). The CDFW also required that the mitigation area be carried out through fee title transfer or conservation easement to a local conservation entity such as the Western Riverside County Regional Conservation Agency (RCA). The RCA owns, has conservation easements, and manages MSHCP conservation areas. At this time, the District has proposed the following to implement the intention of the parties under the Agreement and provide a substantial cost savings to the County by not requiring the County to purchase the non-flood control facility areas of the Property: The District desires to preserve the 15.0 acre mitigation site by directly conveying a conservation easement to the RCA to protect fish and wildlife resources in perpetuity. Furthermore, for now, the District desires to retain fee title on the remainder of the non-flood control facility areas of the Property ("Remainder") and convey any of the Remainder to the RCA for

NOV 03 2015 39

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Workforce Development

MSHCP conservation purposes when appropriate in the future. A subsequent item will appear on the District's agenda to approve the District's conveyance of a conservation easement to the RCA.

Therefore, Resolution No. 2015-232 contains the following findings and determinations:

1. The conveyance directly from the District to the RCA satisfies and meets the purpose and intent of the Cooperative Agreement, and therefore the County's performance is satisfied;
2. The County finds that it does not have any interest in the Lot 159 Property;
3. That the County concurs that a purchase and sale agreement between the District and the County is no longer necessary;
4. The conveyance transaction from the District to RCA directly would be at a great cost savings to the County because it would no longer need to purchase real property and the costs associated with processing the purchase;
5. The land (15.0 acres and the remainder to be determined by the District) would still be for preservation purposes as the non-flood control facilities areas of the Property would ultimately be conveyed to the RCA for MSHCP conservation purposes;
6. RCA is willing to accept a conservation easement and prefers not to acquire the fee interest in the 15.0 acres or the Remainder;
7. Except for the areas that are needed for the flood facilities, the Lot 159 Property is in its natural condition and would ultimately be preserved for habitat consistent with the MSHCP.

Furthermore, if the County were to negotiate a purchase and sale agreement, pursuant to the Agreement the County was to pay consideration to purchase the property from the District. The County's acceptance of this proposal would provide a mutual public benefit in that the District has the benefit of offsite mitigation through the conveyance of the conservation easement and the County benefits by seeing that the property is placed in a preservation status in perpetuity as the parties had intended in the Cooperative Agreement without having to expend any funds to accomplish this intention. The proposed action is limited to a disclaimer to interest in Property and acceptance of proposal by the District concerning a portion of said Property, and as such, has been determined to not be a "project" as defined and described under State CEQA Guidelines section 15060(c)(2) and (3). The action would not result in any physical changes or significant effect on the environment.

Name of Public Agency Approving Project: County of Riverside, Economic Development Agency

Name of Person or Agency Carrying Out Project: County of Riverside, Economic Development Agency

Exempt Status: State California Environmental Quality Act (CEQA) Guideline, Section 15061(b)(3), General Rule or "Common Sense" Exemption. No physical change and not a "project" as defined under State CEQA Guidelines, Section 15060(c)(2) and (3).

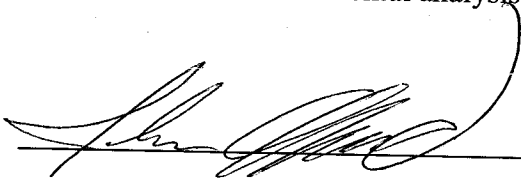
Reasons Why Project is Exempt: The present action to disclaim any interest in Lot 159 of Tract 20319 and accept the proposal by the Riverside County Flood Control and Water Conservation District concerning a portion of Lot 159 ("Proposed Action") has been determined to not be a "project" as defined and described under State CEQA Guidelines section 15060(c)(2) and (3). However, even if it was determined to be a project under CEQA for analysis purposes, the Proposed Action is exempt from the provisions of CEQA specifically by the State CEQA

Guidelines as identified below. The Proposed Action will not have an effect on the environment; thus, the County has deemed this does not meet the definition of a "project" under CEQA and no environmental impacts are anticipated to occur.

- 15061 (b)(3) - General Rule "Common Sense" Exemption. With certainty, there is no possibility that the proposed action may have a significant effect on the environment. The Proposed Action will not require any construction activities, change the use or intensity of the existing site to create a physical environmental impact, and would not lead to any direct or reasonably foreseeable indirect physical environmental impacts. Therefore, in no way would the project as proposed have the potential to cause a significant environmental impact and the project is exempt from further CEQA analysis.
- Section 15060(c)(2) and (3) – for purposes of analysis under CEQA, the Proposed Action is not a "project" under CEQA pursuant to Section 15060(c)(2) and (3). An action by a public agency is only a "project" subject to CEQA if the action might result in a physical change in the environment or if this action meets the CEQA Guidelines Section 15378 definition of a project subject to CEQA. Based upon a review of the whole action undertaken, supported, or authorized by the County, in no way will the Proposed Action increase the use of the site, result in increased development or construction impacts, or lead to any direct, indirect, or cumulative physical environmental impacts.

Based upon the identified exemptions above, the County of Riverside, Economic Development Agency hereby concludes that no physical environmental impacts are anticipated to occur and the project as proposed is exempt under CEQA. No further environmental analysis is warranted.

Signed: _____

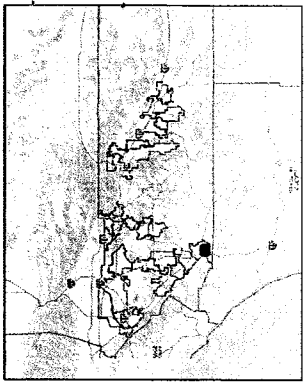


Date: _____

9/24/15

John Alfred, Acting Senior Environmental Planner
County of Riverside, Economic Development Agency

Riverside County Flood Control Lot 159 Conservation Easement



Legend
RCLIS Parcels

Notes
APN 922-220-002

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0 1,889 3,778 Feet



REPORT PRINTED ON... 9/24/2015 9:56:20 AM

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RIVERSIDE COUNTY CLERK & RECORDER

**AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER**

Project Name: Proposal by Riverside County Flood Control and Water Conservation District,
Temecula Creek Property

Accounting String: 524830-47220-7200400000-FM041000

DATE: September 24, 2015

AGENCY: Riverside County Economic Development Agency

THIS AUTHORIZES THE COUNTY CLERK & RECORDER TO BILL FOR FILING AND
HANDLING FEES FOR THE ACCOMPANYING DOCUMENT(S).

NUMBER OF DOCUMENTS INCLUDED: One (1)

AUTHORIZED BY: John Alfred, Acting Senior Environmental Planner, Economic
Development Agency

Signature:  _____

PRESENTED BY: James Force, Supervising Real Property Agent, Economic
Development Agency

-TO BE FILLED IN BY COUNTY CLERK-

ACCEPTED BY: _____

DATE: _____

RECEIPT # (S) _____



Date: September 24, 2015

To: Mary Ann Meyer, Office of the County Clerk

From: John Alfred, Acting Senior Environmental Planner, Project Management Office

Subject: County of Riverside Economic Development Agency Project # N/A
Proposal by Riverside County Flood Control and Water Conservation District, Temecula Creek Property

The Riverside County's Economic Development Agency's Project Management Office is requesting that you post the attached Notice of Exemption. Attached you will find an authorization to bill by journal voucher for your posting fee.

After posting, please return the document to Mail Stop #1330 Attention: John Alfred, Acting Senior Environmental Planner, Economic Development Agency, 3403 10th Street, Suite 400. Riverside, CA 92501. If you have any questions, please contact John Alfred at 955-4844.

Attachment

cc: file

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