

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



**ITEM: 3.24
(ID # 18420)**

MEETING DATE:
Tuesday, March 22, 2022

FROM : OFFICE OF ECONOMIC DEVELOPMENT:

SUBJECT: OFFICE OF ECONOMIC DEVELOPMENT: Community Facilities District No. 21-2M (Sunset Crossing) of the County of Riverside; ADOPTION OF ORDINANCE NO. 969, an Ordinance of the County of Riverside Authorizing the Levy of a Special Tax Within Community Facilities District No. 21-2M (Sunset Crossing). District 3. [\$61,237 On-going Cost; 100% CFD No. 21-2M (Sunset Crossing)] (Clerk to file Notice of Exemption; Clerk to Publish and Post) (CEQA Exempt)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the adoption of Ordinance No. 969 is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15378, Section 15301 (Existing Facilities), and Section 15061(b)(3) (the Common Sense Exemption); and
2. Waive reading and Adopt Ordinance No. 969, authorizing the Levy of a Special Tax within Community Facilities District No. 21-2M (Sunset Crossing) of the County of Riverside; and
3. Direct the Clerk of the Board to file a Notice of Exemption with the County Clerk for posting upon approval; and
4. Direct the Clerk of the Board to publish a summary and post a copy of Ordinance No. 969 pursuant to Government Code Section 25124.


ACTION:Policy


Suzanne Holland, Director of Office of Economic Development 3/9/2022

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and Ordinance 969 is adopted with waiver of the reading.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: March 22, 2022
xc: O.E.D., MC, COBAb

Kecia R. Harper
Clerk of the Board
By: 
Deputy

(Because the Ordinance was not properly advertised the adoption will come back at a later date)

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$61,237	\$ 0	\$61,237
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: CFD 21-2M (Sunset Crossing) 100%			Budget Adjustment: N/A	
			For Fiscal Year: 22/23	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The State Legislature enacted the Mello-Roos Act of 1982, to assist public agencies in financing certain capital improvements, public services, and maintenance activities. On January 27, 2015, the Board of Supervisors revised Board Policy B-12 entitled "Land Secured Financing Districts" to include "Service and Maintenance CFDs" to fund the ongoing maintenance of landscape, storm water Best Management Practices (BMP), street lighting, or other similar improvements and set goals and policies concerning Community Facilities Districts (CFDs).

Lennar Homes of California, Inc. is the Developer of Tracts 29326, 29327, 29327-1, 29328 and 31820 and petitioned the Riverside County Office of Economic Development to assist them in forming a CFD to cover the costs associated with the maintenance of public improvements within the district. The boundaries of CFD No. 21-2M (Sunset Crossing) will encompass the entire Tract Map No's. 29326, 29327, 29327-1, 29328 and 31820, which is projected to include 209 assessable single-family dwelling units.

As approved by voters, a special tax is to be levied on each individual parcel located within the boundary of the CFD to fund the costs associated with (i) Administration, inspection, and maintenance of all fossil filters, and related devices and structures as approved and accepted by the CFD. Administration includes, but is not limited to, quality control and assurance of inspections and maintenance, general contract management, scheduling of inspections and maintenance, and general oversight of all fossil filter operations. Inspection includes, but is not limited to, travel time, visual inspection process and procedures to ensure fossil filter functionality, Maintenance includes, but is not limited to, repair or replacement of any deficiencies noted during inspection; (ii) street lighting maintenance, which includes energy charges, operation, maintenance, and administration of street lighting located within the designated boundaries of the Community Facilities District; and (iii) Traffic signal maintenance including energy charges, operation, maintenance, and administrative costs of traffic signals located within the boundaries of the CFD.

The special tax is levied according to a Rate and Method of Apportionment (RMA) which is developed with respect to the specific features of the residential development within the District and which is approved by the eligible voters and later adopted by ordinance. The special tax levy is annually placed on the tax roll for each Assessor Parcel Number noted in the CFD Boundary Map.

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

On January 25, 2022, the County of Riverside Board of Supervisors approved agenda item 3.37 and Resolution No. 2022-028, a resolution of intention as the initial step for forming the CFD and declared the intention of the Board of Supervisors as required by the Mello-Roos Act of 1982 to levy a special tax to fund the service and maintenance functions requested by the Developer.

On March 1, 2022 (Agenda Item 19.1), the County of Riverside Board of Supervisors held a public hearing to receive public comments and conduct a majority protest hearing concerning the establishment of the CFD and the levy of the special tax. At the conclusion of the public hearing, the Board of Supervisors adopted Resolution No. 2022-029, the Resolution of Formation of the CFD, which also authorized the levy of a special tax within the CFD subject to voter approval during a duly called election held that same day.

On March 8, 2022 (Agenda Item 3.14), the Board of Supervisors adopted Resolution No. 2022-030 declaring the results of the election regarding the proposed special tax and finding that 100% of the votes cast were in favor of the levy of the special tax. In addition, the Board introduced Riverside County Ordinance No. 969 authorizing the levy of the special tax pursuant to the Rate and Method of Apportionment approved by the voters. By today's action, the Board will formally adopt the special tax ordinance and levy the special tax.

Ordinance No. 969 was reviewed and determined to be exempt from CEQA pursuant to State CEQA Guidelines Section 15378, Section 15301, Class 1 – Existing facilities and Section 15061(b)(3) – Common Sense Exemption. The adoption of the ordinance is limited to the creation of a special tax ordinance to provide an alternative mechanism for financing maintenance activities involving the operation, maintenance, repair, and minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving no expansion of use. The adoption of the ordinance would not result in direct impacts to the physical environment or reasonably foreseeable indirect effects, as it would not include any changes to the existing land use or a physical degradation of the property,

County Counsel has approved the ordinance as to form.

Impact on Residents and Businesses

The voters within the CFD have voted to authorize the special tax levied by Riverside County Ordinance No. 969 on real property within the CFD to provide funds for authorized maintenance and service activities. The property owners within the CFD will be favorably impacted by the levy of the special tax and the associated maintenance and service activities it funds.

ATTACHMENTS:

- Riverside County Ordinance No. 969
- CEQA Notice of Exemption
- Summary of Ordinance

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

- CFD 21-2M Recorded Boundary Map

County of Riverside
Office of Economic Development
3133 Mission Inn Avenue, Riverside, CA

FOR COUNTY CLERK USE ONLY

NOTICE OF EXEMPTION

March 2, 2022

Project Name: Office of Economic Development, Community Facilities District (CFD) No. 21-2M Sunset Crossing) of the County of Riverside; Adoption of Ordinance No. 969, an Ordinance of the County of Riverside Authorizing the Levy of a Special Tax Within the Sunset Crossing CFD

Project Number: ED99121005

Project Location: Community Facilities District No. 21-2M (Sunset Crossing) of the County of Riverside

Description of Project: On January 27, 2015, the Board of Supervisors revised Board Policy B-12 entitled "Land Secured Financing Districts" to include "Service and Maintenance CFDs" to fund the ongoing maintenance of landscape, storm water Best Management Practices (BMP), street lighting, or other similar improvements and set goals and policies concerning Community Facilities Districts (CFD). As approved by voters, a special tax is to be levied on each individual parcel located within the boundary of the CFD to fund the costs associated with services for lighting and maintenance services for streets, roads, parks, parkways, and open space. The special tax is levied according to a Rate and Method of Apportionment which is developed with respect to the specific features of the particular development within the District and which is approved by the eligible voters and later adopted by ordinance. The special tax levy is annually placed on the tax roll for each Assessor Parcel Number noted in the CFD Boundary Map. Lennar Homes of California, Inc. is the Developer of Tracts 29326, 29327, 29327-1, 29328 and 31820 and petitioned the Riverside County Office of Economic Development to assist them in forming a CFD to cover the costs associated with the maintenance of public improvements within the district. The boundaries of CFD No. 21-2M (Sunset Crossing) will encompass the entire Tract Map No's. 29326, 29327, 29327-1, 29328 and 31820, which is projected to include 209 assessable single-family dwelling units. As approved by voters, a special tax is to be levied on each individual parcel located within the boundary of the CFD to fund the costs associated with (i) Administration, inspection, and maintenance of all fossil filters, and related devices and structures as approved and accepted by the CFD. Administration includes, but is not limited to, quality control and assurance of inspections and maintenance, general contract management, scheduling of inspections and maintenance, and general oversight of all fossil filter operations. Inspection includes, but is not limited to, travel time, visual inspection process and procedures to ensure fossil filter functionality, Maintenance includes, but is not limited to, repair or replacement of any deficiencies noted during inspection; (ii) street lighting maintenance, which includes energy charges, operation, maintenance, and administration of street lighting located within the designated boundaries of the Community Facilities District; and (iii) Traffic signal maintenance including energy charges, operation, maintenance, and administrative costs of traffic signals located within the boundaries of the CFD.

On January 25, 2022, the Board of Supervisors adopted Resolution 2022-028, a resolution of intention, as the initial step for forming the CFD and declaring the Board's intention to levy a special tax to fund the of Intention to establish a CFD for Sunset Crossing in order to authorize the levy of special taxes to fund, pay for, and finance authorized maintenance and service activities.

On March 1, 2022, the Board of Supervisors held a public hearing to receive public comments and conduct a majority protest hearing concerning the establishment of the CFD and the levy of the special tax. At the conclusion of the public hearing, the Board of Supervisors adopted Resolution No. 2022-029, the resolution of formation of the CFD, authorizing the levy of a special tax within the CFD to pay for services, calling a special election to submit to the respective qualified voters the question of levying such special tax, and establishing an appropriations limit for the CFD; and designating the election official for such matters.

On March 8, 2022, the Board of Supervisors adopted Resolution No. 2022-030 declaring the results of the election regarding the proposed special tax and finding that 100% of the votes cast were in favor of the levy of the special tax. In addition, the Board introduced Riverside County Ordinance No. 969 authorizing the levy of the special tax pursuant to the Rate and Method of Apportionment approved by the voters.

Riverside County Ordinance No. 969, which authorizes the levy of a special tax within the Sunset Crossing CFD to fund services for maintenance and service activities, is identified as the proposed project under the California Environmental Quality Act (CEQA). The Ordinance includes the creation of a funding mechanism to provide maintenance and service activities within the CFD. No expansion of an existing use will occur. No additional direct or indirect physical environmental impacts are anticipated from the provision of maintenance services identified in the Riverside County Ordinance No. 969.

Name of Public Agency Approving Project: County of Riverside


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

Exempt Status: Not a project as defined in California Environmental Quality Act (CEQA) Section 21065 and State CEQA Guidelines Section 15378; Section 15301, Existing Facilities Exemption; Section 15061(b) (3), General Rule or “Common Sense” Exemption. Codified under Public Resources Code Division 13, Chapter 2.5, Section 21065, and California Code of Regulations Title 14, Articles 5, 19, and 20, Sections 15061, 15301, and 15378.

Reasons Why Project is Exempt: The direct effects of the adoption of the Ordinance to levy a special tax within Sunset Crossing CFD would not constitute a project as defined by CEQA Section 21065 and State CEQA Guidelines Section 15378. Section 15378 (b) provides a list of five activities that are not considered a project under CEQA. The proposed Ordinance would qualify under two conditions identified in Section 15378 (b): (4) the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant impact on the environment and (5) organizational or administrative activity of the government that will not result in direct or indirect physical changes to the environment. The adoption of the Ordinance by the Board satisfies these conditions as the Ordinance would provide a funding mechanism to provide ongoing maintenance of existing buildings that would not result in direct or indirect physical changes to the environment. Based on the above conditions, the adoption of the Ordinance is not a project as defined by CEQA Section 21065 and State CEQA Guidelines Section 15378. The indirect effects of the adoption of the Ordinance which would result in continued maintenance activities within the Sunset Crossing CFD are categorically exempt from the provisions of CEQA specifically by the State CEQA Guidelines as identified below. The project will not result in any specific or general exceptions to the use of the categorical exemption as detailed under State CEQA Guidelines Section 15300.2. The project will not cause an impact to an environmental resource of hazardous or critical concern nor would the project include a reasonable possibility of having a significant effect on the environment due to unusual circumstances. The project would not result in impacts to scenic highways, hazardous waste sites, historic resources, or other sensitive natural environments, or have a cumulative effect to the environment. No significant environmental impacts are anticipated to occur with the provision of services to maintain the Sunset Crossing CFD.

- **Section 15301 – Class 1 Existing Facilities Exemption:** This categorical exemption includes the operation, repair, maintenance, leasing, or minor alteration of existing public or private structures or facilities, provided the exemption only involves negligible or no expansion of the site’s use. The development on the site was previously reviewed under CEQA which evaluated the effects of the development of 209 single-family homes within Tracts 29326, 29327, 29327-1, 29328 and 31820, which is the Sunset Crossing CFD and subsequently approved this development. This approved development represents the environmental baseline and existing conditions under CEQA, as it is a dependent condition for the project, as proposed, to occur. The project is limited to the maintenance of the approved development within the Sunset Crossing CFD. The maintenance within the Sunset Crossing CFD is consistent within the activities permitted under Section 15301 and would ensure that the area does not physically deteriorate and potentially result in blight. The continued maintenance would not require any expansion of public services and facilities beyond what was approved for development; therefore, the project is exempt as it meets the scope and intent of the Class 1 Exemption identified in Section 15301, Article 19, Categorical Exemptions of the CEQA Guidelines.
- **Section 15061 (b) (3) – “Common Sense” Exemption:** In accordance with CEQA, the use of the Common Sense Exemption is based on the “general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.” State CEQA Guidelines, Section 15061(b) (3). The use of this exemption is appropriate if “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” *Ibid*. This determination is an issue of fact and if sufficient evidence exists in the record that the activity cannot have a significant effect on the environment, then the exemption applies and no further evaluation under CEQA is required. See *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68. The ruling in this case stated that if a project falls within a category exempt by administrative regulation or 'it can be seen with certainty that the activity in question will not have a significant effect on the environment', no further agency evaluation is required. With certainty, there is no possibility that the project may have a significant effect on the environment. The adoption of the Ordinance and creation of funding to provide continued maintenance of the Sunset Crossing CFD will not result in any direct or indirect physical environmental impacts. The use and operation of the Sunset Crossing CFD will be substantially similar to the existing use and the ongoing maintenance will not create any new environmental impacts to the environment. No alterations and no impacts beyond the ongoing, existing use of the Sunset Crossing CFD would occur. 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.

Therefore, the County of Riverside 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: 3-2-2022
Mike Sullivan, Senior Environmental Planner
Senior Environmental Planner, County of Riverside

RIVERSIDE COUNTY CLERK & RECORDER

**AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER**

**Project Name: Sunset Crossing Community Facilities District Ordinance No. 969,
Authorizing the Levy of a Special Tax Within the 21-2M District, County of
Riverside**

Accounting String: 537180-23010-915202- ED99122001

DATE: March 2, 2022

AGENCY: Riverside County Office of Economic Development

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: Mike Sullivan, Senior Environmental Planner, Facilities Management

Signature: 

PRESENTED BY: Jason Aznoff, Office of Economic Development

-TO BE FILLED IN BY COUNTY CLERK-

ACCEPTED BY: -

DATE: -

RECEIPT # (S) -

County of Riverside
3133 Mission Inn Avenue, Riverside, CA 92507

Date: March 2, 2022

To: Kiyomi Moore/Josefina Castillo, Office of the County Clerk

From: Mike Sullivan, Senior Environmental Planner, County of Riverside

**Subject: County of Riverside Office of Economic Development Project #: ED99122001
Sunset Crossing Community Facilities District (CFD) Ordinance No. 969,
Authorizing the Levy of a Special Tax Within the CFD 21-2M District,
County of Riverside**

The Riverside County Office of Economic Development 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 #2600
Attention: Mike Sullivan, Senior Environmental Planner,
County of Riverside
3133 Mission Inn Avenue, Riverside, CA 92507

**If you have any questions, please contact Mike Sullivan at 955-8009 or email
at msullivan@rivco.org.**

Attachment

cc: file

SUMMARY OF ORDINANCE NO. 969
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN COMMUNITY FACILITIES
DISTRICT NO. 21-2M (SUNSET CROSSING) OF THE COUNTY OF RIVERSIDE

This summary is presented pursuant to California Government Code Section 25124(b). A certified copy of the full text of Ordinance No. 969 may be examined at the Office of the Clerk of the Board of Supervisors of the County of Riverside, located at 4080 Lemon Street 1st Floor, Riverside, California 92501.

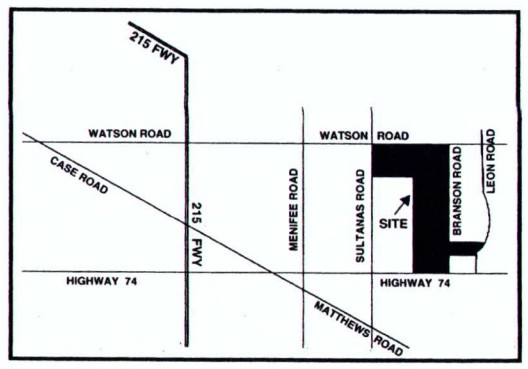
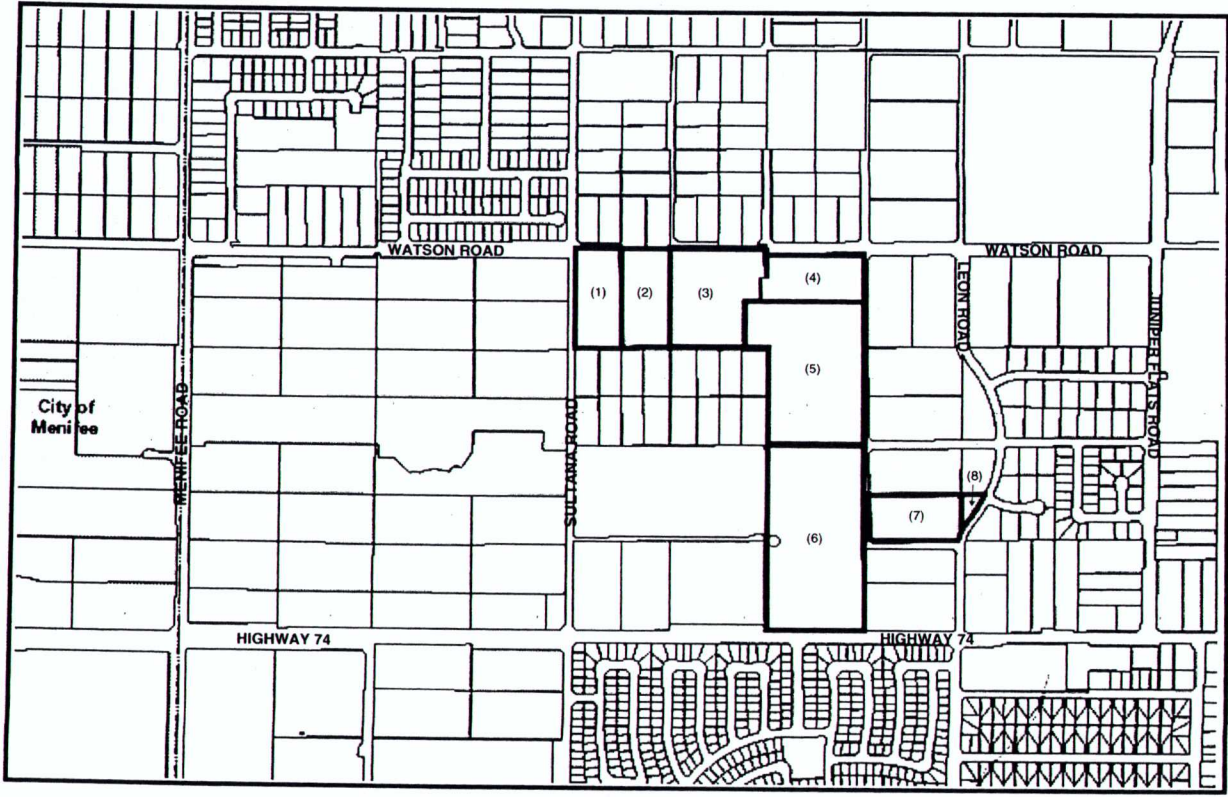
Pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the California Government Code (the "Government Code"), January 25, 2022 the Board of Supervisors (the "Board of Supervisors") of the County of Riverside adopted Resolution No. 2022-028, stating its intention to establish a community facilities district proposed to be named Community Facilities District No. 21-2M (Sunset Crossing) of the County of Riverside (the "District"), and to authorize the levy of special taxes to fund, pay for, and finance authorized maintenance of fossil filters, streetlights services and traffic signal services (the "Services") and to pay expenses incidental thereto and incidental to the levy and collection of the special taxes, so long as the special taxes are needed to fund the Services.

Ordinance No. 969 authorizes the levy of special taxes within the District at the rate and in accordance with the method of apportionment approved by the voters at an election held on March 1, 2022 regarding the proposed levy of special taxes. Ordinance No. 969 provides that the Board of Supervisors, as the legislative body of the District, is authorized and directed each fiscal year to determine or cause to be determined the specific special tax rate and amount to be levied for the next ensuing fiscal year for each parcel of real property within the District. The special tax revenues shall be used to fund, pay for, and finance the Services and shall be levied so long as special taxes are needed to fund such Services. In addition, the special tax revenue may be used to replenish a reserve fund for the District, to pay the costs of administering the District, and fund the cost of collecting and administering the special tax. Ordinance No. 969 provides that the special taxes may be collected on the secured property tax roll in the same manner as ordinary *ad valorem* taxes and that the special taxes shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for *ad valorem* taxes. The rate and method of apportionment of the special tax authorized by Ordinance No. 969 is the rate and method approved by voters within the District and as further reflected in Exhibit A "Rate and Method" to Ordinance No. 969. A complete copy of Exhibit A "Rate and Method" is on file with the Clerk of the Board of Supervisors and is available for public inspection and copying in that office in accordance with the California Public Records Act, Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code. Ordinance No. 969 takes effect immediately upon its adoption in accordance with section 25123(c) of the Government Code.

Copy 88/22

PROPOSED BOUNDARY COMMUNITY FACILITIES DISTRICT 21-2M (SUNSET CROSSING)

COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
SE 1/4 SEC. 7 & SE 1/4 SEC. 8, T. 5S., R. 2W



VICINITY MAP

Legend

Proposed Boundary

ASSESSOR PARCEL NUMBERS LOCATED
WITHIN PROPOSED BOUNDARIES OF
CFD 21-2 (SUNSET CROSSING) AS OF
FISCAL YEAR 2021-2022:

- (1) 457340028-5 (5) 457340033-9
- (2) 457340018-6 (6) 457350034-1
- (3) 457340031-7 (7) 457350008-8
- (4) 457340032-8 (8) 457350012-1

REFERENCE IS HEREBY MADE TO THE ASSESSOR
MAPS OF THE COUNTY OF RIVERSIDE, FOR FISCAL
YEAR 2021-2022, FOR AN EXACT DESCRIPTION OF
THE LINES AND DIMENSIONS OF EACH LOT/PARCEL.

Prepared By:
COUNTY OF RIVERSIDE
OFFICE OF ECONOMIC DEVELOPMENT
3403 Tenth Street, Ste. 400 Riverside, CA 92501
951-955-8916 Phone

FILED IN THE OFFICE OF THE COUNTY CLERK OF RIVERSIDE,
STATE OF CALIFORNIA THIS 27th DAY OF January 2022.

Krista R. Hayes
CLERK OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED
BOUNDARIES OF COMMUNITY FACILITIES DISTRICT 21-2M (SUNSET
CROSSING) OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA,
WAS APPROVED BY THE BOARD OF SUPERVISORS AT A REGULAR
MEETING THEREOF, HELD ON THE 25th DAY OF January 2022, BY
ITS RESOLUTION NO. 2022-028

She Maxwell (Deputy)
CLERK OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE

RECORDED THIS 27 DAY OF January 2022
AT THE HOUR OF 10:28 O'CLOCK A M IN BOOK 88 OF MAPS OF

ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 22
IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF
RIVERSIDE, STATE OF CALIFORNIA.
FEE 69 DOCUMENT NO. 2022-0044484

PETER ALDANA, RIVERSIDE COUNTY ASSESSOR-CLERK-RECORDER
Peter Aldana
DEPUTY



1 appropriations limit of \$4,000,000 for the District, subject to voter approval, and calling a special election
2 for the District for March 1, 2022 on the propositions to levy a special tax within the District and to
3 establish an appropriations limit for the District.

4 d. Pursuant to the terms of the Resolution of Formation and the provisions of
5 the Act, said special election was held on March 1, 2022. Each of the propositions was approved by more
6 than two-thirds of the votes cast at said special election.

7 e. Pursuant to the Act, the Board of Supervisors is the *ex officio* legislative
8 body (the "Legislative Body") of the District.

9 Section 2. PURPOSE. The purpose of this ordinance is to provide for the levy of a
10 special tax within the District.

11 Section 3. AUTHORITY. This ordinance is adopted pursuant to Sections 53328 and
12 53340 of the California Government Code, which authorizes counties to adopt ordinances to levy special
13 taxes at the rate and in accordance with the method of apportionment specified in the resolution of
14 formation of the community facilities district.

15 Section 4. LEVY OF SPECIAL TAXES.

16 a. By the passage of this Ordinance, the Board of Supervisors hereby
17 authorizes and levies special taxes within the District pursuant to Sections 53328 and 53340 of the
18 Government Code, at the rate and in accordance with the method of apportionment (the "Rate and
19 Method") set forth in the Resolution of Formation and attached as Exhibit A hereto and made a part
20 hereof. The special taxes are hereby levied commencing in the fiscal year 2022-2023 and in each fiscal
21 year thereafter for the period necessary to satisfy the Special Tax Requirement (as defined in the Rate and
22 Method) and until action is taken by the Board of Supervisors, acting as the Legislative Body of the
23 District, to dissolve the District.

24 b. The Board of Supervisors, acting as the Legislative Body of the District, is
25 hereby authorized and directed each fiscal year to determine, or cause to be determined, the specific
26 special tax rate and amount to be levied for the next ensuing fiscal year for each parcel of real property
27 within the District, in the manner and as provided in the Rate and Method.

1 c. All of the collections of the special tax shall be used as provided for in the
2 Act, the Rate and Method and the Resolution of Formation, including, but not limited to, to fund, pay for,
3 and finance authorized administration, inspection, and maintenance of all fossil filters, streetlights and
4 traffic signals and to pay expenses incidental thereto, so long as the special taxes are needed to fund such
5 services; to replenish the reserve fund for the District; to pay the costs of administering the District, and to
6 pay the costs of collecting and administering the special tax.

7 d. The special taxes shall be collected from time to time as necessary to meet
8 the financial obligations of the District on the secured real property tax roll in the same manner as
9 ordinary *ad valorem* taxes are collected, or may be collected in such other manner as set forth in the Rate
10 and Method. The special taxes shall have the same lien priority, and shall be subject to the same penalties
11 and the same procedure and sale in cases of delinquency as provided for *ad valorem* taxes. The Board of
12 Supervisors, acting as the Legislative Body of the District, is hereby authorized and directed to take all
13 actions necessary in order to affect the proper billing and collection of the special tax, so that the special
14 tax shall be levied and collected in sufficient amounts and at the times necessary to satisfy the financial
15 obligations of the District in each fiscal year.

16 e. Notwithstanding the foregoing, the Board of Supervisors, acting as the
17 Legislative Body of the District, may collect, or cause to be collected, one or more installments of the
18 special taxes by means of direct billing by the District of the property owners within the District if, in the
19 judgment of the Legislative body, such means of collection will reduce the burden of administering the
20 District or is otherwise appropriate in the circumstances. In such event, the special taxes shall become
21 delinquent if not paid when due as set forth in any such respective billing to the property owners.

22 Section 5. EXEMPTIONS. Properties or entities of the state, federal or other local
23 governments shall be exempt from any levy of the special taxes, to the extent set forth in the Rate and
24 Method. In no event shall the special taxes be levied on any parcel within the District in excess of the
25 maximum tax specified in the Rate and Method.

26 Section 6. SEVERABILITY. If for any reason any portion of this ordinance is found
27 to be invalid, or if the special tax is found inapplicable to any particular parcel within the District, by a
28

1 court of competent jurisdiction, the balance of this ordinance and the application of the special tax to the
2 remaining parcels within the District shall not be affected.

3 Section 7. EFFECTIVE DATE. This ordinance relating to the levy and collection of
4 special taxes in the District shall take effect immediately upon its passage in accordance with the
5 provisions of Section 25123(c) of the Government Code. The Chair of the Board of Supervisors shall
6 sign this ordinance, and the Clerk of the Board of Supervisors shall attest to the Chair's signature and then
7 cause a summary of the same to be published within 15 days after its passage at least once in *The Press-*
8 *Enterprise*, a newspaper of general circulation published and circulated in the area of the District.

9
10 BOARD OF SUPERVISORS OF THE COUNTY
11 OF RIVERSIDE, STATE OF CALIFORNIA
12

13 By: _____

14 Chair of the Board of Supervisors

15 ATTEST:

16 CLERK OF THE BOARD:

17
18 By: _____

19 Deputy

20 (SEAL)
21

22 APPROVED AS TO FORM

23 March 8, 2022

24 By:  _____

25  Darren Ziegler

26 Deputy County Counsel
27
28

1 **EXHIBIT A**

2 **RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX FOR**
3 **COMMUNITY FACILITIES DISTRICT 21-2M (SUNSET CROSSING)**

4 **OF THE COUNTY OF RIVERSIDE**

5 **STATE OF CALIFORNIA**

6
7 A Special Tax (all capitalized terms are defined in Section A. Definitions, below) shall be applicable to
8 each Parcel of Taxable Property located within the boundaries of Community Facilities District (CFD)
9 21-2M (Sunset Crossing). The amount of Special Tax to be levied on a Parcel in each Fiscal Year,
10 commencing in Fiscal Year 2022-2023, shall be determined by the Riverside County Board of
11 Supervisors, acting in its capacity as the legislative body of the CFD by applying the appropriate Special
12 Tax as set forth in Sections B., C., and D., below. All of the real property within the CFD, unless
13 exempted by law or by the provisions of Section E., below, shall be taxed for the purposes, to the extent,
14 and in the manner herein provided.

15
16 **A. DEFINITIONS**

17
18 The terms hereinafter set forth have the following meanings:

19
20 **“Acre” or “Acreage”** means the land area of a Parcel as indicated on the most recent Assessor’s Parcel
21 Map, or if the land area is not shown on the Assessor’s Parcel Map, the land area shown on the applicable
22 Final Map, condominium plan, or other recorded County map or the land area calculated to the reasonable
23 satisfaction of the Administrator using the boundaries set forth on such map or plan. The square footage
24 of a Parcel is equal to the Acreage of such Parcel multiplied by 43,560.

25
26 **“Act”** means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 of Part 1
27 of Division 2 of Title 5 of the Government Code of the State of California.

28

1 **“Administrative Expenses”** means all actual or reasonably estimated costs and expenses of the CFD that
2 are chargeable or allocable to carry out the duties of the Administrator of the CFD as allowed by the Act,
3 which shall include without limitation, all costs and expenses arising out of or resulting from the annual
4 levy and collection of the Special Tax (whether by the County or designee thereof, or both), any litigation
5 or appeal involving the CFD, and other administrative expenses of the County or designee thereof, or
6 both, directly related to the CFD. Administrative Expenses shall also include amounts estimated or
7 advanced by the County or CFD for attorney’s fees and other costs related to commencing and pursuing
8 to completion any foreclosure as a result of delinquent Special Taxes.

9
10 **“Administrator”** means an official of the County, or designee thereof, responsible for determining the
11 annual amount of the levy and collection of the Special Taxes.

12
13 **“Approved Property”** means all Parcels of Taxable Property: (i) that are included in a Final Map that
14 was recorded prior to the January 1st preceding the Fiscal Year in which the Special Tax is being levied,
15 and (ii) that have not been issued a Building Permit prior to the April 1st preceding the Fiscal Year in
16 which the Special Tax is being levied.

17
18 **“Assessor”** means the Assessor of the County.

19
20 **“Assessor’s Parcel Map”** means an official map of the Assessor of the County designating Parcels by
21 Assessor’s Parcel Number.

22
23 **“Assessor’s Parcel Number”** means the number assigned to a lot or Parcel for purposes of identification
24 as determined from an Assessor Parcel Map or the applicable assessment roll.

25
26 **“Base Year”** means the Fiscal Year ending June 30, 2022.

27
28

1 **“Board”** means Riverside County Board of Supervisors, acting in its capacity as the legislative body of
2 the CFD.

3
4 **“Boundary Map”** means a recorded map of the CFD which indicates by a boundary line the extent of the
5 territory identified to be subject to the levy of Special Taxes.

6
7 **“Building Permit”** means the first legal document issued by a local agency giving official permission for
8 new construction. For purposes of this definition, Building Permit shall not include any subsequent
9 Building Permits issued or changed after the first issuance.

10
11 **“CFD”** means Community Facilities District 21-2M (Sunset Crossing) of the County of Riverside.

12
13 **“Consumer Price Index”** means the cumulative percentage increase in the Consumer Price Index
14 published by the U.S. Bureau of Labor Statistics for All Urban Consumers in the Riverside-San
15 Bernardino-Ontario Area, as it stands in March of each year over the base index as of 2021. In the event
16 this index ceases to be published, the Consumer Price Index shall be another index as determined by the
17 Administrator that is reasonably comparable to the Consumer Price Index for the Riverside-San
18 Bernardino-Ontario Area.

19
20 **“County”** means the County of Riverside, California.

21
22 **“Developed Property”** means all Parcels of Taxable Property: (i) that are included in a Final Map that
23 was recorded prior to January 1st preceding the Fiscal Year in which the Special Tax is being levied, and
24 (ii) for which a Building Permit for new construction has been issued prior to April 1st preceding the
25 Fiscal Year in which the Special Tax is being levied.

26
27 **“Dwelling Unit” or “(D/U)”** means a residential unit that is used or intended to be used as a domicile by
28 one or more persons, as determined by the Administrator.

1 **“Exempt Property”** means any Parcel which is exempt from Special Taxes pursuant to Section E.,
2 below.

3
4 **“Final Map”** means a subdivision of property by recordation of a tract map, parcel map or lot line
5 adjustment, pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*) or
6 recordation of a condominium plan pursuant to California Civil Code 4200 that creates individual lots for
7 which Building Permits may be issued without further subdivision.

8
9 **“Fiscal Year”** means the 12 month period starting on July 1 of any calendar year and ending the
10 following June 30.

11
12 **“Land Use Class”** means any of the classes listed in Table 1 of Section C. below.

13
14 **“Maximum Special Tax”** means for each Parcel in each Fiscal Year, the greatest amount of Special Tax,
15 determined in accordance with Section C., below, which may be levied on such Parcel in each Fiscal
16 Year.

17
18 **“Multi-family Residential Property”** means all Parcels of Residential Property that consist of a building
19 or buildings comprised of attached Dwelling Units available for rental by the general public, not for sale
20 to an end user, and under common management.

21
22 **“Non-Residential Property”** means all Parcels of Developed Property for which a Building Permit was
23 issued, permitting the construction of one or more non-residential structures.

24
25 **“Parcel”** means a lot or parcel within the CFD shown on an Assessor’s Parcel Map with an assigned
26 Assessor’s Parcel Number valid as of July 1st for the Fiscal Year for which the Special Tax is being
27 levied.

28

1 **“Property Owner’s Association Property”** means all Parcels which have been conveyed, dedicated to,
2 or irrevocably offered for dedication to a property owner’s association, including any master or sub-
3 association, prior to April 1st preceding the Fiscal Year in which the Special Tax is being levied.

4 **“Proportionately”** means for Parcels of Taxable Property that are (i) Developed Property, that the ratio
5 of the actual Special Tax levy to Maximum Special Tax is the same for all Parcels of Developed Property,
6 (ii) Approved Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is the
7 same for all Parcels of Approved Property, and (iii) Undeveloped Property, Public Property or Property
8 Owner’s Association Property, that the ratios of the actual Special Tax levy per Acre to the Maximum
9 Special Tax per Acre is the same for all Parcels of Undeveloped Property, Public Property and Property
10 Owner’s Association Property.

11
12 **“Public Property”** means all Parcels which, as of April 1st preceding the Fiscal Year in which the
13 Special Tax is being levied, are (i) used for rights-of-way or any other purpose and is owned by, dedicated
14 to, or irrevocably offered for dedication to the federal government, the State, the County, City or any
15 other public agency, provided, however, that any property leased by a public agency to a private entity
16 and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to its use;
17 or (ii) encumbered by an unmanned utility easement making impractical its utilization for other than the
18 purpose set forth in the easement.

19
20 **“Residential Property”** means all Parcels of Developed Property for which a Building Permit has been
21 issued permitting the construction of one or more residential Dwelling Units.

22
23 **“Single Family Property”** means all Parcels of Residential Property, other than Multi-family Residential
24 Property.

25
26 **“Special Tax”** means the special tax to be levied in each Fiscal Year on each Parcel of Taxable Property
27 in accordance with Section D., to fund the Special Tax Requirement.

28

1 **“Special Tax Requirement”** means for each Fiscal Year, that amount required to: (i) pay the estimated
2 cost of Special Tax Services for such Fiscal Year as determined by the County; (ii) fund the Special Tax
3 Reserve Fund in an amount equal to the lesser of (a) an amount equal to 20% of the Special Tax Reserve
4 Fund Requirement or (b) the amount needed to fund the Special Tax Reserve Fund up to the Special Tax
5 Reserve Fund Requirement, (iii) pay Administrative Expenses; (iv) pay for anticipated Special Tax
6 delinquencies based on actual delinquencies from the prior Fiscal Year outstanding at the time the annual
7 Special Tax levy is determined; and (v) less a credit for funds available to reduce the annual Special Tax
8 levy as determined by the Administrator.

9
10 **“Special Tax Reserve Fund”** means a fund to be used for capital replacement and maintenance costs
11 related to the Special Tax Services.

12
13 **“Special Tax Reserve Fund Requirement”** means an amount up to 150% of the anticipated annual cost
14 of Special Tax Services of \$91,852.00 for the Base Year. The Special Tax Reserve Fund Requirement
15 shall be increased annually, commencing July 1, 2022, based on the percentage increase in the Consumer
16 Price Index with a maximum annual increase of six percent (6%) and a minimum annual increase of two
17 percent (2%) of the amount in effect in the previous Fiscal Year.

18
19 **“Special Tax Services”** means (i) Administration, inspection, and maintenance of all fossil filters, and
20 related devices and structures as approved and accepted by the CFD. Administration includes, but is not
21 limited to, quality control and assurance of inspections and maintenance, general contract management,
22 scheduling of inspections and maintenance, and general oversight of all fossil filter operations. Inspection
23 includes, but is not limited to, travel time, visual inspection process and procedures to ensure fossil filter
24 functionality, Maintenance includes, but is not limited to, repair or replacement of any deficiencies noted
25 during inspection, (ii) Street lighting maintenance, which includes energy charges, operation,
26 maintenance, and administration of street lighting located within the designated boundaries of the CFD,
27 (iii) Traffic signal maintenance including energy charges, operation, maintenance, and administrative
28 costs of traffic signals.

1 “State” means the State of California.

2
3 “Taxable Property” means all Parcels within the boundary of the CFD pursuant to the Boundary Map
4 which are not exempt from the Special Tax pursuant to Section E., below.

5
6 “Taxable Unit” means either a Dwelling Unit or an Acre, as shown in Table 1.

7
8 “Undeveloped Property” means all Parcels of Taxable Property not classified as Developed Property,
9 Approved Property, Public Property or Property Owner’s Association Property.

10
11 **B. ASSIGNMENT TO LAND USE CLASS**

12
13 Each Fiscal Year, commencing with Fiscal Year 2022-2023, all Parcels of Taxable Property shall be
14 classified as either Developed Property, Approved Property, Undeveloped Property, Public Property or
15 Property Owner’s Association Property, and subject to the levy of Special Taxes in accordance with this
16 Rate and Method of Apportionment as determined pursuant to Sections C. and D.

17
18 Parcels of Developed Property shall further be classified as Residential Property or Non-Residential
19 Property. Parcels of Residential Property shall further be classified as Single-Family Property or Multi-
20 family Residential Property.

21
22 **C. MAXIMUM SPECIAL TAX RATES**

23
24 **1. Developed Property**

25
26 The Maximum Special Tax that may be levied and escalated, as explained further in Section C.1.
27 (a) below, in each Fiscal Year for each Parcel classified as Developed Property shall be
28 determined by reference to Table 1, below.

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TABLE 1

**Maximum Special Tax Rates for Developed
Property for Fiscal Year 2021-2022**

Land Use Class	Description	Taxable Unit	Maximum Special Tax Per Taxable Unit
1	Single Family Property	D/U	\$293
2	Multi-family Residential Property	Acre	\$1,872
3	Non-Residential Property	Acre	\$1,872

(a) Increase in the Maximum Special Tax

On each July 1, following the Base Year, the Maximum Special Tax, identified in Table 1, above, shall be increased annually, commencing July 1, 2022, based on the percentage increase in the Consumer Price Index with a maximum annual increase of six percent (6%) and a minimum annual increase of two percent (2%) of the Maximum Special Tax in effect in the previous Fiscal Year.

(b) Multiple Land Use Classes

In some instances, a Parcel of Developed Property may contain more than one Land Use Class. The Maximum Special Tax that may be levied on such Parcel shall be the sum of the Maximum Special Tax that can be levied for each Land Use Class located on that Parcel. For a Parcel that contains more than one Land Use Class, the Acreage of such Parcel shall be allocated to each type of property based on the amount of Acreage designated for each land use as determined by

1 reference to the site plan approved for such Parcel. The Administrator's allocation to each Land
2 Use Class shall be final.

3
4 **2. Approved Property**

5
6 The Maximum Special Tax for each Parcel of Approved Property shall be equal to the product of
7 the applicable Undeveloped Property Maximum Special Tax per Acre times the Acreage of such
8 Parcel; provided, however, for a Parcel of Approved Property that is expected to become Single-
9 Family Property as reasonably determined by the Administrator based on the Final Map for such
10 Parcel, the Maximum Special Tax for such Parcel of Approved Property shall be calculated
11 pursuant to Section C.1. as if such Parcel were already designated as Developed Property and
12 classified as Single-Family Property.

13
14 The Maximum Special Tax for Approved Property shall be increased annually, commencing July
15 1, 2022, based on the percentage increase in the Consumer Price Index with a maximum annual
16 increase of six percent (6%) and a minimum annual increase of two percent (2%) of the
17 corresponding Maximum Special Tax in effect in the previous Fiscal Year.

18
19 **3. Undeveloped Property**

20
21 For Fiscal Year 2021-2022, the Maximum Special Tax that may be levied and escalated for each
22 Parcel classified as Undeveloped Property shall be \$1,872 per Acre.

23
24 The Maximum Special Tax for Undeveloped Property shall be increased annually, commencing
25 July 1, 2022, based on the percentage increase in the Consumer Price Index with a maximum
26 annual increase of six percent (6%) and a minimum annual increase of two percent (2%) of the
27 corresponding Maximum Special Tax in effect in the previous Fiscal Year.

28

1 **4. Public Property and/or Property Owner's Association Property**

2
3 The Maximum Special Tax that may be levied and escalated for each Parcel classified as Public
4 Property and/or Property Owner's Association Property shall be \$0.00 per Acre. **There shall be**
5 **no levy on Public Property and/or Property Owner's Association Property.**

6
7 **D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX**

8
9 Commencing with Fiscal Year 2022-2023 and for each following Fiscal Year, the Administrator
10 shall levy the Special Tax on all Taxable Property until the amount of Special Tax equals the
11 Special Tax Requirement in accordance with the following steps:

12
13 First: The Special Tax shall be levied Proportionately on each Parcel of Developed Property at up
14 to 100% of the applicable Maximum Special Tax as needed to satisfy the Special Tax
15 Requirement;

16
17 Second: If additional moneys are needed to satisfy the Special Tax Requirement after the first step
18 has been completed, the Special Tax shall be levied Proportionately on each Parcel of Approved
19 Property at up to 100% of the Maximum Special Tax for Approved Property.

20
21 Third: If additional moneys are needed to satisfy the Special Tax Requirement after the first two
22 steps have been completed, the Special Tax shall be levied Proportionately on each Parcel of
23 Undeveloped Property at up to 100% of the applicable Maximum Special Tax for Undeveloped
24 Property.

25
26 Notwithstanding the above, under no circumstances will the Special Taxes levied in any Fiscal Year
27 against any Parcel of Residential Property for which a Certificate of Occupancy has been issued be
28 increased by more than ten percent (10%) as a result of a delinquency in the payment of the Special Tax

1 applicable to any other Parcel above the amount that would have been levied in that Fiscal Year had there
2 never been any such delinquency or default.

3
4 **E. EXEMPTIONS**

5
6 The CFD shall not levy Special Taxes on Public Property or Property Owner's Association Property
7 within the CFD.

8
9 **F. MANNER OF COLLECTION**

10
11 The Special Tax shall be collected in the same manner and at the same time as ordinary *ad valorem*
12 property taxes and shall be subject to the same penalties, the same procedure, sale and lien priority in the
13 case of delinquency; provided, however, that the Administrator may directly bill the Special Tax, may
14 collect Special Taxes at a different time or in a different manner if necessary to meet the financial
15 obligations of the CFD, and provided further that the CFD may covenant to foreclose and may actually
16 foreclose on Parcels having delinquent Special Taxes as permitted by the Act.

17 **G. APPEALS**

18
19 Any taxpayer may file a written appeal of the Special Tax on his/her Parcel(s) with the Administrator,
20 provided that the appellant is current in his/her payments of Special Taxes. During pendency of an
21 appeal, all Special Taxes must be paid on or before the payment due date established when the levy was
22 made. The appeal must specify the reasons why the appellant claims the Special Tax is in error. The
23 Administrator shall review the appeal, meet with the appellant if the Administrator deems necessary, and
24 advise the appellant of its determination. If the Administrator agrees with the appellant, the Administrator
25 shall grant a credit to eliminate or reduce future Special Taxes on the appellant's Parcel(s). No refunds of
26 previously paid Special Taxes shall be made.

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1 The Administrator shall interpret this Rate and Method of Apportionment and make determinations
2 relative to the annual levy and administration of the Special Tax and any taxpayer who appeals, as herein
3 specified.

4 **H. TERM OF THE SPECIAL TAX**

5
6
7 The Special Tax shall be levied annually in perpetuity unless terminated earlier by the County.