

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



ITEM: 3.16
(ID # 18896)

MEETING DATE:
Tuesday, May 24, 2022

FROM : OFFICE OF ECONOMIC DEVELOPMENT:

SUBJECT: OFFICE OF ECONOMIC DEVELOPMENT: Community Facilities District No. 22-2M (Mountains Edge) of the County of Riverside; Adoption of Ordinance No. 973, an Ordinance of the County of Riverside Authorizing the Levy of a Special Tax Within Community Facilities District No. 22-2M (Mountains Edge). District 3. [\$33,440 On-going Cost; 100% CFD No. 22-2M (Mountains Edge)] (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. 973 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. 973, authorizing the Levy of a Special Tax within Community Facilities District No. 22-2M (Mountains Edge) 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

ACTION:Policy


Suzanne Holland, Director of Office of Economic Development 5/3/2022

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 973 is adopted with waiver of the reading.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: May 24, 2022
xc: O.E.D, MC, Recorder, COB&B

Kecia R. Harper
Clerk of the Board

By: 
Deputy

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

4. Direct the Clerk of the Board to publish a summary and post a copy of Ordinance No. 973 pursuant to Government Code Section 25124.

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$33,440	\$ 0	\$33,440
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: CFD 22-2M (Mountains Edge) 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).

Cal Hearthstone Lot Option Pool 03, L.P. is the Developer of Tract 36430-2 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. 22-2M (Mountains Edge) will encompass the entire Tract Map No. 36430-2, which is projected to include 190 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; and (ii) street lighting maintenance 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 April 5, 2022, the County of Riverside Board of Supervisors approved agenda item 3.15 and Resolution No. 2022-082, 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 May 10, 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. 2022-083, 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 17, 2022 (Agenda Item 3.14), the Board of Supervisors adopted Resolution No. 2022-084 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. 973 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. 973 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. 973 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. 973
- CEQA Notice of Exemption
- Summary of Ordinance
- CFD 22-2M Recorded Boundary Map

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


Scott Bruckner 5/16/2022

1 c. Subsequent to said public hearing, the Board of Supervisors adopted
2 Resolution No. 2022-083 (the “Resolution of Formation”), establishing the District, authorizing the levy
3 of a special tax within the District to fund the Services, subject to voter approval, establishing an annual
4 appropriations limit of \$4,000,000 for the District, subject to voter approval, and calling a special election
5 for the District for May 10, 2022 on the propositions to levy a special tax within the District and to
6 establish an appropriations limit for the District.

7 d. Pursuant to the terms of the Resolution of Formation and the provisions of
8 the Act, said special election was held on May 10, 2022. Each of the propositions was approved by more
9 than two-thirds of the votes cast at said special election.

10 e. Pursuant to the Act, the Board of Supervisors is the *ex officio* legislative
11 body (the “Legislative Body”) of the District.

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

14 Section 3. AUTHORITY. This ordinance is adopted pursuant to Sections 53328 and
15 53340 of the California Government Code, which authorizes counties to adopt ordinances to levy special
16 taxes at the rate and in accordance with the method of apportionment specified in the resolution of
17 formation of the community facilities district.

18 Section 4. LEVY OF SPECIAL TAXES.

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

27 b. The Board of Supervisors, acting as the Legislative Body of the District, is
28 hereby authorized and directed each fiscal year to determine, or cause to be determined, the specific

1 special tax rate and amount to be levied for the next ensuing fiscal year for each parcel of real property
2 within the District, in the manner and as provided in the Rate and Method.

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

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

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

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

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A
RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX FOR
COMMUNITY FACILITIES DISTRICT 22-2M (MOUNTAINS EDGE)
OF THE COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

A Special Tax (all capitalized terms are defined in Section A. Definitions, below) shall be applicable to each Parcel of Taxable Property located within the boundaries of Community Facilities District (CFD) 22-2M (Mountains Edge). The amount of Special Tax to be levied on a Parcel in each Fiscal Year, commencing in Fiscal Year 2022-2023, shall be determined by the Riverside County Board of Supervisors, acting in its capacity as the legislative body of the CFD by applying the appropriate Special Tax as set forth in Sections B., C., and D., below. All property within the CFD, unless exempted by law or by the provisions of Section E., below, shall be taxed for the purposes, to the extent, and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

“Accessory Dwelling Unit(s)” means a residential unit of limited size, as defined in California Government Code Section 65852.2 that shares an Assessor’s Parcel Number with Single-Family Property.

“Acre” or **“Acreage”** means the land area of a Parcel as shown on the most recent Assessor’s Parcel Map, or if the land area is not shown on the Assessor’s Parcel Map, the land area shown on the applicable Final Map, condominium plan, or other recorded County map. If the preceding maps are not available,

1 the Acreage of an Assessor's Parcel Number may be determined utilizing GIS. The square footage of a
2 Parcel is equal to the Acreage of such Parcel multiplied by 43,560.

3
4 **"Act"** means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 of Part 1
5 of Division 2 of Title 5 of the Government Code of the State of California.

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

15
16 **"Administrator"** means an official of the County, or designee thereof, responsible for determining the
17 Special Tax Requirement and providing for the levy and collection of the Special Taxes.

18
19 **"Approved Property"** means all Parcels of Taxable Property: (i) that are included in a Final Map that
20 was recorded prior to the January 1st preceding the Fiscal Year in which the Special Tax is being levied,
21 and (ii) that have not been issued a Building Permit(s) prior to the April 1st preceding the Fiscal Year in
22 which the Special Tax is being levied.

23
24 **"Assessor"** means the Assessor of the County.

25
26 **"Assessor's Parcel Map"** means an official map of the Assessor of the County designating a Parcel by an
27 Assessor's Parcel Number.

28

1 **“Assessor’s Parcel Number”** means the number assigned to a lot or Parcel for purposes of identification
2 as determined from an Assessor Parcel Map.

3
4 **“Board”** means Riverside County Board of Supervisors, acting in its capacity as the legislative body of
5 the CFD.

6
7 **“Boundary Map”** means a recorded map of the CFD which indicates by a boundary line the extent of the
8 territory within the CFD identified to be subject to the levy of Special Taxes.

9
10 **“Building Permit(s)”** means a legal document(s) issued by a local agency that allows for new vertical
11 construction of a building or buildings.

12
13 **“CFD”** means Community Facilities District 22-2M (Mountains Edge) of the County of Riverside.

14
15 **“Consumer Price Index”** means the cumulative percentage increase in the Consumer Price Index (CPI)
16 published by the U.S. Bureau of Labor Statistics for All Urban Consumers in the Riverside-San
17 Bernardino-Ontario Area, as it stands in March of each year over the base index as of 2021. In the event
18 this index ceases to be published, the Consumer Price Index shall be another index as determined by the
19 Administrator that is reasonably comparable to the Consumer Price Index for the Riverside-San
20 Bernardino-Ontario Area. In the event that the percentage change in the annualized CPI is negative, the
21 Special Tax shall not be decreased.

22
23 **“County”** means the County of Riverside, California.

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

1 **“Development Class”** means either Developed Property, Approved Property, Taxable Property Owner’s
2 Association Property, Taxable Public Property, or Undeveloped property.

3 **“Dwelling Unit(s)” or “(D/U)”** means a residential building(s) that is used or intended to be used as a
4 domicile by one or more persons, as determined by the Administrator. An Accessory Dwelling Unit shall
5 be considered a separate Taxable Unit for purposes of calculating the Special Tax.

6
7 **“Exempt Property”** means any Parcel which is exempt from Special Taxes pursuant to Section E.,
8 below.

9
10 **“Final Map”** means a subdivision of property by recordation of a tract map, parcel map or lot line
11 adjustment, pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*) or
12 recordation of a condominium plan pursuant to California Civil Code 4200 that creates individual lots for
13 which Building Permit(s) may be issued without further subdivision.

14
15 **“Fiscal Year”** means the 12-month period starting on July 1 of any calendar year and ending the
16 following June 30.

17
18 **“Maximum Special Tax”** means for each Parcel in each Fiscal Year, the greatest amount of Special Tax,
19 determined in accordance with Section C., below, which may be levied on such Parcel in each Fiscal
20 Year.

21
22 **“Multi-family Residential Property”** means all Parcels of Residential Property that consist of a two or
23 more buildings comprised of attached Dwelling Units available for rental by the general public, not for
24 sale to an end user, and under common management. An Accessory Dwelling Unit that may be rented
25 and under common management does not qualify as Multifamily Residential Property.

26
27 **“Non-Residential Property”** means all Parcels of Developed Property for which a Building Permit(s)
28 was issued permitting the construction of one or more non-residential structures.

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

4
5 **“Property Owner’s Association Property”** means all Parcels which have been conveyed, dedicated to,
6 or irrevocably offered for dedication to a home-owner’s association, condominium owner’s association or
7 any master or sub-association, prior to April 1st preceding the Fiscal Year in which the Special Tax is
8 being levied.

9
10 **“Proportionately”** means for each Parcel of Taxable Property that are Developed Property, Approved
11 Property, Taxable Property Owner’s Association Property, Taxable Public Property or Undeveloped
12 Property, that the ratio of the actual Special Tax levy to Maximum Special Tax is the same for all Parcels
13 assigned within each Development Class.

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

22
23 **“Residential Property”** means all Parcels of Developed Property for which a Building Permit(s) has
24 been issued permitting the construction of one or more residential Dwelling Units. An Accessory
25 Dwelling Unit(s) that shares a Parcel shall be considered a separate Single-Family Property for the
26 purposes of the Special Tax.

27
28

1 **“Single-Family Property”** means all Parcels of Residential Property, other than Multi-family Residential
2 Property.

3
4 **“Special Tax(es)”** means the amount to be levied in each Fiscal Year on each Parcel of Taxable Property
5 in accordance with Section D., below to fund the Special Tax Requirement.

6
7 **“Special Tax Requirement(s)”** means that amount required in any Fiscal Year to: (i) pay the estimated
8 cost of Special Tax Services such Fiscal Year as determined by the County; (ii) fund the Special Tax
9 Reserve Fund to the extent that the inclusion of such amount does not increase the Special Tax for
10 Undeveloped Property unless requested by the developer or the amount needed to fund the Special Tax
11 Reserve Fund up to the Special Tax Reserve Fund Requirement; (iii) pay Administrative Expenses; (iv)
12 pay any anticipated Special Tax delinquencies based on actual delinquencies from the prior Fiscal Year
13 outstanding at the time the annual Special Tax levy is determined; and (v) less a credit for funds available
14 to reduce the annual Special Tax levy at the sole discretion of the Administrator.

15
16 **“Special Tax Reserve Fund”** means an amount up to 150% of the anticipated annual cost of Special Tax
17 Services of \$33,440. The Special Tax Reserve Fund Requirement shall be increased annually,
18 commencing July 1, 2022, by the amount equal to the greater of two percent (2%) or up to the percentage
19 increase in the Consumer Price Index of the corresponding Maximum Special Tax in effect in the
20 previous Fiscal Year at the sole discretion of the Administrator.

21
22 **“Special Tax Services”** means (i) Administration, inspection, and maintenance of all fossil filters, and
23 related devices and structures as approved and accepted by the CFD. Administration includes, but is not
24 limited to, quality control and assurance of inspections and maintenance, general contract management,
25 scheduling of inspections and maintenance, and general oversight of all fossil filter operations. Inspection
26 includes, but is not limited to, travel time, visual inspection process and procedures to ensure fossil filter
27 functionality, Maintenance includes, but is not limited to, repair or replacement of any deficiencies noted

28

1 during inspection (ii) Street lighting maintenance, which includes energy charges, operation, maintenance,
2 and administration of street lighting located within and/or surrounding the CFD.

3
4 **“State”** means the State of California.

5
6 **“Taxable Property”** means all Parcels within the boundary of the CFD pursuant to the Boundary Map
7 which are not exempt from the Special Tax pursuant to Section E., below.

8
9 **“Taxable Property Owner’s Association Property”** means all Parcels of Property Owner’s Association
10 Property that satisfies both of the following conditions: (i) based on reference to the maps used during the
11 formation of the district, the Parcel was not anticipated to be Property Owner’s Association Property, as
12 determined by the Administrator, and (ii) if the Parcel were to be exempt from the Special Tax because it
13 is Property Owner’s Association Property, the County has determined that there would be a reduction in
14 Special Tax revenues that would create a deficit in funding the Special Tax Requirement.

15
16 **“Taxable Public Property”** means all Parcels of Public Property that satisfies both of the following
17 conditions: (i) based on reference to the maps used during the formation of the district, the Parcel was not
18 anticipated to be Public Property, as determined by the Administrator, and (ii) if the Parcel were to be
19 exempt from the Special Tax because it is Public Property, the County has determined that there would be
20 a reduction in Special Tax revenues that would create a deficit in funding the Special Tax Requirement.

21
22 **“Taxable Unit”** means either a Dwelling Unit(s) or an Acre. An Accessory Dwelling Unit on a Parcel
23 shall be considered a separate Taxable Unit for purposes of calculating the Special Tax.

24
25 **“Undeveloped Property”** means all Parcels of Taxable Property not classified as Developed Property,
26 Approved Property, Taxable Property Owner’s Association Property or Taxable Public Property.

27

28

1 **B. ASSIGNMENT TO DEVELOPMENT CLASS**

2
3 Each Fiscal Year, commencing with Fiscal Year 2022-2023, all Parcels of Taxable Property shall be
4 classified as either Developed Property, Approved Property, Taxable Property Owner's Association
5 Property, Taxable Public Property, or Undeveloped Property, and subject to the levy of Special Taxes in
6 accordance with this Rate and Method of Apportionment as determined pursuant to Sections C. and D.,
7 below.

8
9 Parcels of Developed Property shall further be classified as Residential Property or Non-Residential
10 Property. Parcels of Residential Property shall further be classified as Single-Family Property or Multi-
11 family Residential Property.

12
13 **C. MAXIMUM SPECIAL TAX RATES**

14
15 **1. Developed Property**

16
17 The Maximum Special Tax that may be levied and escalated, as explained further in Section C.1.
18 (a) below, in each Fiscal Year for each Parcel classified as
19 Developed Property shall be determined by reference to Table 1 below.

20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE 1
Maximum Special Tax Rates for Developed
Property for Fiscal Year 2021-2022

Description	Taxable Unit Per	Maximum Special Tax Per Taxable Unit
Single-Family Property	D/U	\$176
Multi-family Residential Property	Acre	\$1,467
Non-Residential Property	Acre	\$1,467

(a) Increase in the Maximum Special Tax

On each July 1, the Maximum Special Tax identified in Tables 1 and Table 2 above, shall be increased annually, commencing July 1, 2022, by the amount equal to the greater of two percent (2%) or up to the percentage increase in the Consumer Price Index of the corresponding Maximum Special Tax in effect in the previous Fiscal Year at the sole discretion of the Administrator.

(b) Multiple Development Classes

In some instances, a Parcel of Developed Property may contain more than one Development 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 Development Class located on that Parcel. For a Parcel that contains two or more different Development Classes, 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

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

3
4 Once a Maximum Special Tax has been assigned to a Parcel of Developed Property, the Maximum
5 Special Tax shall not be reduced in future Fiscal Years regardless of changes in Development
6 Class, Square Footage, or Acreage, unless a reduction in the Maximum Special Tax is approved
7 by the Board for the entire CFD.

8
9 (c) Accessory Dwelling Unit(s)

10
11 Where an Accessory Dwelling Unit(s) is on the same Assessor Parcel Number as another Taxable
12 Unit, the Accessory Dwelling Unit(s) is considered a separate Taxable Unit that will be added to
13 the calculation of the Maximum Special Tax for a Parcel.

14
15 **2. Approved Property**

16
17 The Maximum Special Tax for each Parcel of Approved Property shall be equal to the product of
18 the applicable Undeveloped Property Maximum Special Tax per Acre times the Acreage of such
19 Parcel; provided, however, for a Parcel of Approved Property that is expected to become Single-
20 Family Property as reasonably determined by the Administrator based on the Final Map for such
21 Parcel, the Maximum Special Tax for such Parcel of Approved Property shall be calculated
22 pursuant to Section C.1., as if such Parcel were already designated as Developed Property and
23 classified as Single-Family Property.

24
25 The Maximum Special Tax for Approved Property shall be increased annually, commencing July
26 1, 2022, by the amount equal to the greater of two percent (2%) or up to the percentage increase in
27 the Consumer Price Index of the corresponding Maximum Special Tax in effect in the previous
28 Fiscal Year at the sole discretion of the Administrator.

1 **3. Taxable Property Owner’s Association Property and Taxable Public Property**

2
3 The Maximum Special Tax for each Parcel of Taxable Property Owner’s Association Property or
4 Taxable Public Property shall be equal to the product of the applicable Undeveloped Property
5 Maximum Special Tax per Acre times the Acreage of such Parcel.

6
7 The Maximum Special Tax for Taxable Property Owner’s Association Property and Taxable
8 Public Property shall be increased annually, commencing July 1, 2022, by the amount equal to the
9 greater of two percent (2%) or up to the percentage increase in the Consumer Price Index of the
10 corresponding Maximum Special Tax in effect in the previous Fiscal Year at the sole discretion of
11 the Administrator.

12
13 **4. Undeveloped Property**

14
15 The Maximum Special Tax that may be levied and escalated for each Parcel classified as
16 Undeveloped Property is shown in Table 1 for each Parcel shall be \$1,467.00 per Acre.

17
18 The Maximum Special Tax for Undeveloped Property shall be increased annually, commencing
19 July 1, 2022, by the amount equal to the greater of two percent (2%) or up to the percentage
20 increase in the Consumer Price Index of the corresponding Maximum Special Tax in effect in the
21 previous Fiscal Year at the sole discretion of the Administrator.

22
23 **5. Public Property and/or Property Owner’s Association Property**

24
25 The Maximum Special Tax that may be levied and escalated for each Parcel classified as Property
26 Owner’s Association Property and/or Public Property shall be \$0.00 per Acre. **There shall be no**
27 **levy on Property Owner’s Association Property and/or Public Property.**

28

1 **D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX**

2
3 Commencing with Fiscal Year 2022-2023 and for each following Fiscal Year, the Administrator
4 shall levy the Special Tax on all Taxable Property until the amount of Special Tax equals the
5 Special Tax Requirement in accordance with the following steps:

6
7 First: The Special Tax shall be levied Proportionately on each Parcel of Developed Property at up
8 to 100% of the applicable Maximum Special Tax as needed to satisfy the Special Tax
9 Requirement;

10
11 Second: If additional moneys are needed to satisfy the Special Tax Requirement after the first step
12 has been completed, the Special Tax shall be levied Proportionately on each Parcel of Approved
13 Property at up to 100% of the Maximum Special Tax for Approved Property.

14
15 Third: If additional moneys are needed to satisfy the Special Tax Requirement after the first two
16 steps have been completed, the Special Tax shall be levied Proportionately on each Parcel of
17 Taxable Property Owner's Associations Property up to 100% of the applicable Maximum Special
18 Tax for Taxable Property Owner's Association.

19
20 Fourth: If additional moneys are needed to satisfy the Special Tax requirement after the first three
21 steps have been completed, the Special Tax shall be levied Proportionately on each Parcel of
22 Taxable Public Property at up to 100% of the applicable Maximum Special Tax for Taxable Public
23 Property.

24
25 Fifth: If additional moneys are needed to satisfy the Special Tax Requirement after the first four
26 steps have been completed, the Special Tax shall be levied Proportionately on each Parcel of
27 Undeveloped Property at up to 100% of the applicable Maximum Special Tax for Undeveloped
28 Property.

1 Notwithstanding the above, under no circumstances will the Special Taxes levied in any Fiscal Year
2 against any Parcel of Residential Property for which a Certificate of Occupancy has been issued be
3 increased by more than ten percent (10%) as a result of a delinquency in the payment of the Special Tax
4 applicable to any other Parcel above the amount that would have been levied in that Fiscal Year had there
5 never been any such delinquency or default of the CFD.

6
7 **E. EXEMPTIONS**

8
9 The CFD shall not levy Special Taxes on Property Owner's Association Property (except Taxable
10 Property Owner's Association Property) or Public Property (except Taxable Public Property) within the
11 CFD.

12
13 **F. MANNER OF COLLECTION**

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

21
22 **G. APPEALS**

23
24 Any taxpayer may file a written appeal of the Special Tax on his/her Parcel(s) with the Administrator,
25 provided that the appellant is current in his/her payments of Special Taxes. During pendency of an
26 appeal, all Special Taxes must be paid on or before the payment due date established when the levy was
27 made. The appeal must specify the reasons why the appellant claims the Special Tax is in error. The
28 Administrator shall review the appeal, meet with the appellant if the Administrator deems necessary, and

1 advise the appellant of its determination. If the Administrator agrees with the appellant, the Administrator
2 shall grant a credit to eliminate or reduce future Special Taxes on the appellant's Parcel(s). No refunds of
3 previously paid Special Taxes shall be made. The Administrator shall interpret this Rate and Method of
4 Apportionment and make determinations relative to the annual levy and administration of the Special Tax
5 and any taxpayer who appeals, as herein specified.

6
7 **H. PREPAYMENT OF SPECIAL TAX**

8
9 The Special Tax may not be prepaid.

10
11 **I. TERM OF THE SPECIAL TAX**

12
13 The Special Tax shall be levied annually in perpetuity unless terminated earlier by the County.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE) SS

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on May 24, 2022, the foregoing ordinance consisting of 7 Sections was adopted by the following vote:

AYES: Jeffries, Spiegel, Washington, Perez and Hewitt
NAYS: None
ABSENT: None

DATE: May 24, 2022

KECIA R. HARPER
Clerk of the Board
BY: *Julie Martiny*
Deputy

SEAL

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

COPY

Date: May 9, 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 #:FM05915012019
Mountains Edge Community Facilities District (CFD) Ordinance No. 973,
Authorizing the Levy of a Special Tax Within the CFD 22-2M 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

RIVERSIDE COUNTY CLERK & RECORDER

**AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER**

**Project Name: Mountains Edge Community Facilities District Ordinance No. 973,
Authorizing the Levy of a Special Tax Within the 22-2M District, County of
Riverside**

Accounting String: 528500-10000-72005000000 FM05915012019

DATE: May 9, 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: **Leni Zarate, Office of Economic Development**

-TO BE FILLED IN BY COUNTY CLERK-

ACCEPTED BY: -

DATE: -

RECEIPT # (S) -

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

FOR COUNTY CLERK USE ONLY	
Original Negative Declaration/Notice of Determination was routed to County Clerks for posting on.	
<u>8/20/22</u> Date	<u>ZM</u> Initial

NOTICE OF EXEMPTION

May 9, 2022

Project Name: Office of Economic Development, Community Facilities District (CFD) No. 22-2M (Mountains Edge) of the County of Riverside; Adoption of Ordinance No. 973, an Ordinance of the County of Riverside Authorizing the Levy of a Special Tax Within the Mountains Edge CFD

Project Number: FM05915012019

Project Location: Community Facilities District No. 22-2M (Mountains Edge) 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. Cal Hearthstone Lot Option Pool 03, L.P. is the Developer of Tract 36430-2 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. 22-2M (Mountains Edge) will encompass the entire Tract Map No. 36430-2, which is projected to include 190 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; and (ii) street lighting maintenance within the designated boundaries of the Community Facilities District.

On April 5, 2022, the Board of Supervisors adopted Resolution 2022-082, 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 Mountains Edge in order to authorize the levy of special taxes to fund, pay for, and finance authorized maintenance and service activities.

MAY 24 2022 3.16

On May 10, 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. 2022-083, 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 May 17, 2022, the Board of Supervisors adopted Resolution No. 2022-084 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. 973 authorizing the levy of the special tax pursuant to the Rate and Method of Apportionment approved by the voters.

Riverside County Ordinance No. 973, which authorizes the levy of a special tax within the Mountains Edge 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. 973.

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 Mountains Edge 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 Mountains Edge 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 Mountains Edge 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 190 single-family homes within Tract 36430-2, which is the Mountains Edge 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 Mountains Edge CFD. The maintenance within the Mountains Edge 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 Mountains Edge CFD will not result in any direct or indirect physical environmental impacts. The use and operation of the Mountains Edge 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 Mountains Edge 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: 5-9-2022

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

SUMMARY OF ORDINANCE NO. XXX
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN COMMUNITY FACILITIES
DISTRICT NO. 22-2M (MOUNTAINS EDGE) OF THE COUNTY OF RIVERSIDE

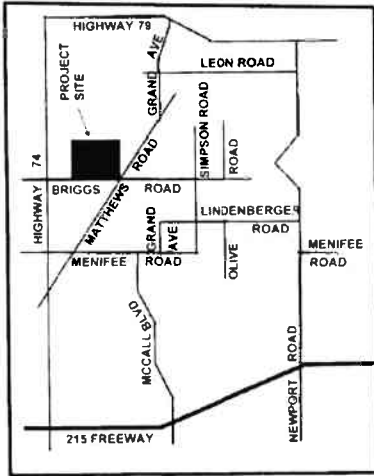
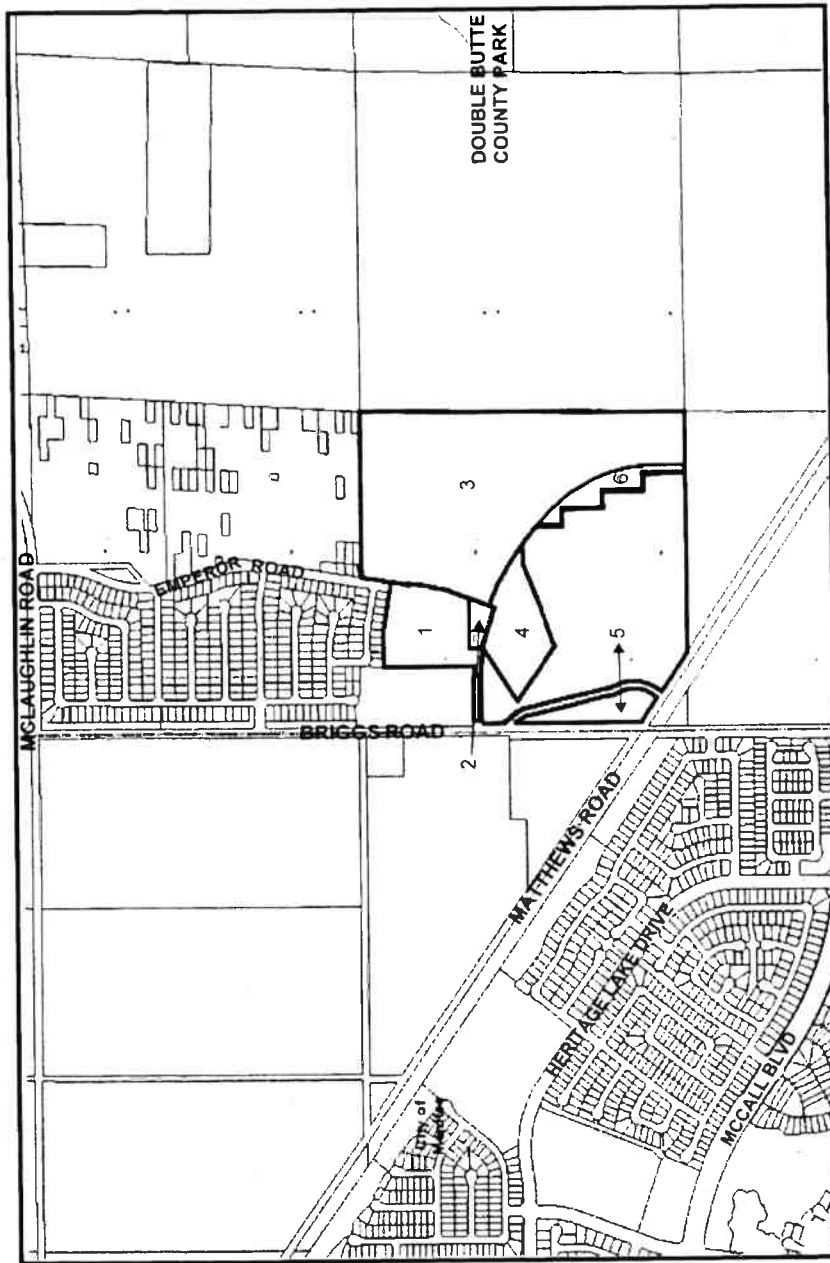
This summary is presented pursuant to California Government Code Section 25124(b). A certified copy of the full text of Ordinance No. XXX may be examined at the Office of the Clerk of the Board of Supervisors of the County of Riverside, located at 4080 Lemon Street 1st Floor, Riverside, California 92501.

Pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the California Government Code (the "Government Code"), April 5, 2022 the Board of Supervisors (the "Board of Supervisors") of the County of Riverside adopted Resolution No. 2022-082, stating its intention to establish a community facilities district proposed to be named Community Facilities District No. 22-2M (Mountains Edge) 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, and streetlights 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. XXX 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 May 10, 2022 regarding the proposed levy of special taxes. Ordinance No XXX 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. XXX 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. XXX is the rate and method approved by voters within the District and as further reflected in Exhibit A "Rate and Method" to Ordinance No. XXX. 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. XXX takes effect immediately upon its adoption in accordance with section 25123(c) of the Government Code.

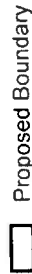
1884

PROPOSED BOUNDARY
 COMMUNITY FACILITIES DISTRICT 22-2M (MOUNTAINS EDGE)
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
 N 1/2 OF SEC. 19, T. 5S., R. 2W.



VICINITY MAP

Legend



ASSESSOR PARCEL NUMBERS LOCATED WITHIN PROPOSED BOUNDARIES OF CFD 22-2M (MOUNTAINS EDGE) AS OF FISCAL YEAR 2021-2022:

- (1) 461020041-8 (4) 461020043-0
- (2) 461020034-2 (5) 461020042-9
- (3) 461020044-1 (6) 461020038-6

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.

FILED IN THE OFFICE OF THE COUNTY CLERK OF RIVERSIDE, STATE OF CALIFORNIA THIS 5th DAY OF April, 2022

Steve R. Hager
 CLERK OF THE BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE

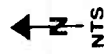
Prepared By:
COUNTY OF RIVERSIDE
OFFICE OF ECONOMIC DEVELOPMENT
 3403 Tenth Street, Ste. 400 Riverside, CA 92501
 951-955-8916 Phone

RECORDED THIS 7th DAY OF April, 2022
 AT THE HOUR OF 11:58 O'CLOCK A.M. IN BOOK 88 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 63
 IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
 FEE \$94 DOCUMENT NO. 2022-0166475

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT 22-2M (MOUNTAINS EDGE) OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA WAS APPROVED BY THE BOARD OF SUPERVISORS AT A REGULAR MEETING THEREOF HELD ON THE 5th DAY OF April, 2022 BY ITS RESOLUTION NO. 2022-082

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

PETER ALDANA, RIVERSIDE COUNTY ASSESSOR-CLERK-RECORDER
 DEPUTY





State of California - Department of Fish and Wildlife
2022 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753.5a (REV. 01/01/22) Previously DFG 753.5a

RECEIPT NUMBER: 22-210722
STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY RIVERSIDE OFFICE OF ECONOMIC DEVELOPMENT	LEAD AGENCY EMAIL	DATE 06/01/2022
COUNTY/STATE AGENCY OF FILING RIVERSIDE	DOCUMENT NUMBER E-202200501	

PROJECT TITLE
NO. 22-2M (MOUNTAINS EDGE) ADOPTION OF ORDINANCE NO. 973 OF A SPECIAL TAX WITHIN THE MOUNTAINS EDGE CFD

PROJECT APPLICANT NAME RIVERSIDE OFFICE OF ECONOMIC	PROJECT APPLICANT EMAIL	PHONE NUMBER (951) 955-8009
PROJECT APPLICANT ADDRESS 3450 14TH ST. #2,	CITY RIVERSIDE	STATE CA
		ZIP CODE 92501

PROJECT APPLICANT (Check appropriate box)

Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,539.25	\$ _____
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,548.00	\$ _____
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,203.25	\$ _____
<input checked="" type="checkbox"/> Exempt from fee		
<input checked="" type="checkbox"/> Notice of Exemption (attach)		
<input type="checkbox"/> CDFW No Effect Determination (attach)		
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)		
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$ _____
<input checked="" type="checkbox"/> County documentary handling fee		\$ 50.00
<input type="checkbox"/> Other		\$ _____


PAYMENT METHOD:

Cash
 Credit
 Check
 Other

TOTAL RECEIVED \$ **50.00**

SIGNATURE X <i>W. Sandoval</i>	AGENCY OF FILING PRINTED NAME AND TITLE Deputy
--	--

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

FOR COUNTY CLERK USE ONLY		
FILED / POSTED		
County of Riverside		
Peter Aldana		
Assessor-County Clerk-Recorder		
E-202200501		
06/01/2022 02:52 PM Fee: \$ 50.00		
Page 1 of 3		
Removed:	By:	Deputy
		

NOTICE OF EXEMPTION

May 9, 2022

Project Name: Office of Economic Development, Community Facilities District (CFD) No. 22-2M (Mountains Edge) of the County of Riverside; Adoption of Ordinance No. 973, an Ordinance of the County of Riverside Authorizing the Levy of a Special Tax Within the Mountains Edge CFD

Project Number: FM05915012019

Project Location: Community Facilities District No. 22-2M (Mountains Edge) 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. Cal Hearthstone Lot Option Pool 03, L.P. is the Developer of Tract 36430-2 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. 22-2M (Mountains Edge) will encompass the entire Tract Map No. 36430-2, which is projected to include 190 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; and (ii) street lighting maintenance within the designated boundaries of the Community Facilities District.

On April 5, 2022, the Board of Supervisors adopted Resolution 2022-082, 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 Mountains Edge in order to authorize the levy of special taxes to fund, pay for, and finance authorized maintenance and service activities.

MAY 24 2022 3.16

On May 10, 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. 2022-083, 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 May 17, 2022, the Board of Supervisors adopted Resolution No. 2022-084 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. 973 authorizing the levy of the special tax pursuant to the Rate and Method of Apportionment approved by the voters.

Riverside County Ordinance No. 973, which authorizes the levy of a special tax within the Mountains Edge 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. 973.

Name of Public Agency Approving Project: County of Riverside

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

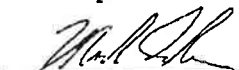
Exempt Status: Not a project as defined in California Environmental Quality Act (CEQA) Section 21065 and State CEQA Guidelines Section 15378; Section 15301, Existing Facilities Exemption; Section 15061(b) (3), General Rule or "Common Sense" Exemption. Codified under Public Resources Code Division 13, 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 Mountains Edge 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 Mountains Edge 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 Mountains Edge 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 190 single-family homes within Tract 36430-2, which is the Mountains Edge 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 Mountains Edge CFD. The maintenance within the Mountains Edge 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 Mountains Edge CFD will not result in any direct or indirect physical environmental impacts. The use and operation of the Mountains Edge 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 Mountains Edge 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: 5-9-2022

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

THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
951-684-1200
951-368-9018 FAX

PROOF OF PUBLICATION (2010, 2015.5 C.C.P)

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: LVEF7YOU3WXPVRN0YZV1-1 / ADOPTION OF ORDINANCE NO 973

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

06/03/2022

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: June 03, 2022
At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE
PO BOX 1147
RIVERSIDE, CA 92502

Ad Number: 0011540093-03

P.O. Number: ADOPTION OF ORDINANCE NO. 973

Ad Copy:

BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA SUMMARY OF ORDINANCE NO. 973 AN ORDINANCE OF THE COUNTY OF RIVERSIDE AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 22-2M (MOUNTAINS EDGE) 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. 973 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"), on April 5, 2022, the Board of Supervisors (the "Board of Supervisors") of the County of Riverside adopted Resolution No. 2022-082, stating its intention to establish a community facilities district proposed to be named Community Facilities District No. 22-2M (Mountains Edge) of the County of Riverside (the "District"), and to authorize the levy of special taxes to fund, pay for, and finance authorized administration, inspection, and maintenance of all fossil filters and streetlights (as specified and reflected in the Resolution of Intention, the Resolution of Formation, and the Rate and Method of Apportionment of Special Tax) (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. 973 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 May 10, 2022, regarding the proposed levy of special taxes. Ordinance No. 973 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 to fund the cost of collecting and administering the special tax. Ordinance No. 973 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. 973 is the rate and method approved by voters within the District and as further reflected in Exhibit A "Rate and Method" to Ordinance No. 973. 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. 973 takes effect immediately upon its adoption in accordance with section 25123(c) of the Government Code.

J. Hewitt, Chair of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **May 24, 2022**, the foregoing Ordinance was adopted by said Board by the following vote:

AYES: Jeffries, Spiegel, Washington, Perez,
and Hewitt
NAYS: None
ABSENT: None

Kecia R. Harper, Clerk of the Board
By: Zuly Martinez, Board Assistant
The Press-Enterprise
Published: 6/3/22

060
5/24/22
B.IV