

**SUBMITTAL TO THE FLOOD CONTROL AND
WATER CONSERVATION DISTRICT
BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 11.2
(ID # 20881)

MEETING DATE:

Tuesday, March 28, 2023

FROM : FLOOD CONTROL DISTRICT:

SUBJECT: FLOOD CONTROL DISTRICT: Approval of the Assignment and Assumption of and Amendment to Cooperative Agreement Between the Riverside County Flood Control and Water Conservation District, the County of Riverside, La Ventana 242, LLC and Forestar (USA) Real Estate Group, Inc. for Winchester Hills Line F, Stage 1, Salt Creek – Camino De Las Flores Storm Drain, Stage 1, Salt Creek – Luga Del Sur Storm Drain, Stage 1, Salt Creek – Camino Santiago Storm Drain Stage 1 and Salt Creek – La Ventana Storm Drain, Stage 1 (Tract No. 31100), Project Nos. 4-0-00372, 4-0-00373, 4-0-00374, 4-0-00375 and 4-0-00376, Not a Project per State CEQA Guidelines Section 15378(b)(5). District 3. [\$0] (Companion Item to MT Item No. 20896)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find the Assignment and Assumption of and Amendment to Cooperative Agreement is not a project for the purposes of CEQA under Section 15378(b)(5) of the State CEQA Guidelines;

Continued on Page 2

ACTION:Policy

Jason Uhley, GENERAL MGR-CHF FLD CNTRL ENG 3/14/2023

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: March 28, 2023
xc: Flood

Kimberly A. Rector
Clerk of the Board

By:
Deputy

(Companion Item 3.38)

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD
OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

RECOMMENDED MOTION: That the Board of Supervisors:

2. Approve the Approval of the Assignment and Assumption of and Amendment to Cooperative Agreement between the Riverside County Flood Control and Water Conservation District ("District"), the County of Riverside ("County"), La Ventana 242, LLC ("Assignor"), and Forestar (USA) Real Estate Group, Inc. ("Assignee");
3. Authorize the Chair of the District's Board of Supervisors to execute the Approval of the Assignment and Assumption of and Amendment to Cooperative Agreement documents on behalf of the District;
4. Authorize the General Manager-Chief Engineer or designee to take all necessary steps to implement the Approval of the Assignment and Assumption of and Amendment to Cooperative Agreement, including, but not limited to, negotiating, approving and executing any non-substantive amendments and any assignment and assumption associated with change of ownership of the property, subject to approval by County Counsel; and
5. Direct the Clerk of the Board to return four (4) executed Approval of the Assignment and Assumption of and Amendment to Cooperative Agreement to the District and one (1) executed Approval of the Assignment and Assumption of and Amendment to Cooperative Agreement to the County.

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: The Assignee is funding all construction and construction inspection costs (100%)			Budget Adjustment: No	
			For Fiscal Year: N/A	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The Approval of the Assignment and Assumption of and Amendment to Cooperative Agreement ("Agreement") transfers the rights and responsibilities as established by the Cooperative Agreement executed on October 31, 2017 (District Board Agenda Item No. 11.1), from La Ventana 242, LLC ("Assignor") to Forestar (USA) Real Estate Group Inc. ("Assignee"). Once executed, the Assignee will assume responsibility for the construction of the storm drain facilities as originally required as a condition of development for Tract No. 31100.

Upon completion of the facility's construction, the District will assume ownership, operation and maintenance of the underground storm drain system and trapezoidal channels, the mainline

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD
OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

storm drains greater than 36 inches in diameter, riprap structures, two (2) storm drains that are 36 inches or less in diameter and a maintenance access road.

The County will assume ownership and responsibility for the operation and maintenance of (i) an 8' x 4' reinforced concrete box and (ii) the project's associated catch basins, inlets, concrete swale, connector pipes and laterals that are 36 inches or less in diameter and height located within County rights of way. The Assignee will assume ownership, operation and maintenance of (i) a 6' x 4' reinforced concrete box; (ii) three (3) basins and landscape features and (iii) various lateral storm drains that are 36 inches or less in diameter that are located within its rights of way, until the formation of a maintenance Community Facilities District assumes operation and maintenance of said facilities.

County Counsel has approved the Agreement as to legal form and the Assignor and Assignee have executed the Agreement. A companion item appears on the Riverside County Transportation Department's agenda this same date.

Environmental Findings

The transfer of rights and responsibilities from the Assignor to the Assignee is not a "project" pursuant to Section 15378(b)(5) of the California Environmental Quality Act ("CEQA") Guidelines which states that a "project" does not include "organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment."

The transfer of rights and responsibilities will not, in and of itself, result in a physical change to the environment and does not authorize to any extent whatsoever actual physical development. Any future development, if it occurs at all, will be the result of subsequent actions subject to further CEQA review. Therefore, the transfer of rights and responsibilities is not a project within the meaning of CEQA. No further CEQA analysis is required for this action.

Impact on Residents and Businesses

Assignee's planned development will benefit from the storm drain facilities that are to be constructed by the Assignee. Ancillary benefits will accrue to the public who will utilize the tract's roadways.

Prev. Agn. Ref.: 11.1 of 10/31/17

Additional Fiscal Information


The Assignee is funding all construction and construction inspection costs. Future operation and maintenance costs associated with said mainline storm drain facility will accrue to the District.

SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD
OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

ATTACHMENTS:

1. Vicinity Map
2. Assignment and Assumption of and Amendment to Cooperative Agreement

AMR:blm
P8/248329



Jason Farin, Principal Management Analyst 3/20/2023



Aaron Gettis, Deputy County Counsel 3/15/2023