

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



ITEM: 11.2
(ID # 22714)

MEETING DATE:

FROM : FLOOD CONTROL DISTRICT:

Tuesday, October 17, 2023

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, I10 Logistics Owner, LLC and IV1 Cherry Valley Logistics, LLC for Cherry Valley – Cherry Valley Boulevard Storm Drain, Stage 1, Cherry Valley – Cherry Valley Boulevard Lateral A-1, Stage 1, Cherry Valley – Cherry Valley Boulevard Lateral A-2, Stage 1, Cherry Valley – Cherry Valley Boulevard Lateral A-8, Stage 1 and Cherry Valley – Cherry Valley Boulevard Lateral A-9, Stage 1 (Parcel Map No. 36564), Project Nos. 5-0-00230, 5-0-00231, 5-0-00232, 5-0-00233 and 5-0-00234, Nothing Further is Required Under CEQA, District 5. [\$0] (Companion Item to MT Item No. 22771)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that nothing further is required under the California Environmental Quality Act ("CEQA") because all potentially significant effects have been adequately analyzed in the Final Environmental Impact Report (EIR; SCH No. 20144011009) by the Riverside County Planning Department (Lead Agency) and Resolution No. F2021-08, Making Responsible Agency Findings Pursuant to the CEQA and Issuing Certain Limited Approvals for the Cooperative Agreement, adopted by this Board on March 2, 2021 (Board Agenda Item No. 11.2);

Continued on Page 2

ACTION:Policy

Jason Uhley, GENERAL MGR-CHF FLD CNTRL ENG

9/12/2023

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: October 17, 2023
xc: Flood, Trans.

Kimberly A. Rector
Clerk of the Board
By:
Deputy

(Companion Item 3.37)

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RECOMMENDED MOTION: That the Board of Supervisors:

2. Approve the Assignment and Assumption of and Amendment to Cooperative Agreement ("Agreement") between the Riverside County Flood Control and Water Conservation District ("District"), the County of Riverside ("County"), I10 Logistics Owner, LLC ("Assignor") and IV1 Cherry Valley Logistics, LLC ("Assignee");
3. Authorize the Chair of the District's Board of Supervisors to execute the Agreement documents on behalf of the District;
4. Authorize the General Manager-Chief Engineer or designee to take all necessary steps to implement the 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 copies of the Agreement to the District and one (1) executed copy of the 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

This Agreement transfers the rights and responsibilities as established by the Cooperative Agreement executed on March 2, 2021 (District Board Agenda Item No. 11.2) from Assignor to 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 Parcel Map No. 36564.

Upon completion of the facility's construction, the District will assume ownership, operation and maintenance of (i) Line A underground storm drain and associated features, excluding the upstream training berms, (ii) Line A outlet spreading structure, (iii) Lateral A-1 storm drain and all associated features, (iv) Lateral A-2 storm drain and all associated features, excluding the upstream training berm and (v) Laterals A-8 and A-9 storm drains and all associated features.

The County will assume ownership and responsibility for the operation and maintenance of (i) Lateral A-10 storm drain and all associated features and (ii) all storm drains within public right of way located on Roberts Street, excluding the District's portion of Line A and Lateral A-2 located within Roberts Street.

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The Assignee will assume ownership, operation and maintenance of (i) Line B underground storm drain and all associated features, (ii) Line B outlet spreading structure, (iii) Lateral A-3, A-4, A-5, A-6 and A-7 storm drains and all associated features, (iv) Training Berms A and A-2 and (v) Mitigation channels, two (2) water quality basins and associated features.

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 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.

Impact on Residents and Businesses

As noted above, construction of these drainage improvements is a requirement for the development of Parcel Map No. 36564. The key beneficiaries are the future owners of the industrial building(s). Ancillary benefits will accrue to the public who will utilize Cherry Valley Boulevard.

Prev. Agn. Ref: MT Item No. 13908, 1.2 of 03/02/21

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.

ATTACHMENTS:

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

MM:blm
P8/252389

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Jason Farin, Principal Management Analyst 10/10/2023



Aaron Gettis, Deputy County Counsel 9/26/2023