

**BOULDER SPRINGS SPECIFIC PLAN
SPECIFIC PLAN NO. 229 AMENDMENT No. 1**

SECTION 2. PROJECT SUMMARY

Project History

Boulder Springs is an amendment to Specific Plan No. 229, H.B. Ranches approved in September 1988. That plan proposed 1421 residential and equestrian estate lots, a majority of which were 20,000 square feet. The project also included the following:

- A 15-acre commercial site that was intended to reflect the commercial classification in the Lake Mathews Community Plan.
- An elementary school site (10 acres).
- 92 acres of open space.

The proposed Boulder Springs amendment will include many of the same features as the original plan but calls for more conventional single family lots. However, the overall number of dwellings has been reduced to 1321, and the "impact" on the surrounding communities and services largely will be unchanged. However the area devoted to open space has more than doubled. The following is a summary of this proposition.

Table 1
Project Features

Feature	HB Ranches	Boulder Springs
Piped Water Service	Required	Required
Sewer Service	Required	Required
Traffic	Traffic based on 1421 dwelling units	Traffic based on 1421 dwelling units
Recreation	Equestrian / Park	Trails and Parks
Open Space	92 acres	214 acres

**BOULDER SPRINGS SPECIFIC PLAN
SPECIFIC PLAN NO. 229 AMENDMENT No. 1**

Project Overview

The Boulder Springs Plan has been designed as a single-family residential community, with abundant landscaping that creates a sense of “neighborhood”. Approximately 214 acres (23%) of the site will be preserved and enhanced for natural open space resources, including multi-purpose trails. Also included in the proposed land uses are an elementary school site, parks, and two 15- acre commercial parcels. Table 3 summarizes the project’s land use classifications and Table 4 overall density calculations.

**Table 3
Land Use Classifications**

Land Use	Approx. Acres	Approx. Percent	No. DU's	DU/AC
Residential	663	71	1321	1.9
Commercial	30	3		
Open Space	210	22		
School	12	1		
Parks	7	1		
Roads	16	2		
Total	938	100		

**Table 4
Density Summary**

Overall Density	1.4 DU/AC
Overall Residential Density	1.9 DU/AC

**BOULDER SPRINGS SPECIFIC PLAN
SPECIFIC PLAN NO. 229 AMENDMENT No. 1**

Project Goals

Boulder Springs LLC identified several goals as it proceeded to redesign the original specific Plan. Those goals and how they are being achieved through the specific plan revision are expressed below.

Table 2
Project Goals

GOAL:	ACHIEVED BY:
Greater diversity in housing and greater purchasing opportunities.	Designing distinct neighborhoods with the following lot sizes: <input type="checkbox"/> 12,000 square feet. <input type="checkbox"/> 15,000 square feet. <input type="checkbox"/> 20,000 square feet.
Provide more amenities	<input type="checkbox"/> Provide more accessible trails. <input type="checkbox"/> Include parks within plan.
Increase open space areas	Identify and preserve 214 acres of permanent open space along Cajalco Creek and in the south portion of the property.
Re-define function of Rider Road	Reduce Rider Road to a collector facility, to provide local access and circulation.
Maintain original unit yield	Transfer densities, and reduce lot sizes to accommodate more open space and community use parcel.

**SECTION 11(f). PLANNING AREA 6: OPEN SPACE / CAJALCO CREEK
CORRIDOR**

Descriptive Summary

Planning Area 6, as illustrated in Figure 23, consists of approximately 76 acres, and is located north and south of Cajalco Road. This corridor is characterized by riparian and other native and non-native vegetation.

Land Use and Development Standards

For standards and permitted uses refer to the Specific Plan Zoning Ordinance contained in Section 15. However, no permanent structures are to be permitted.

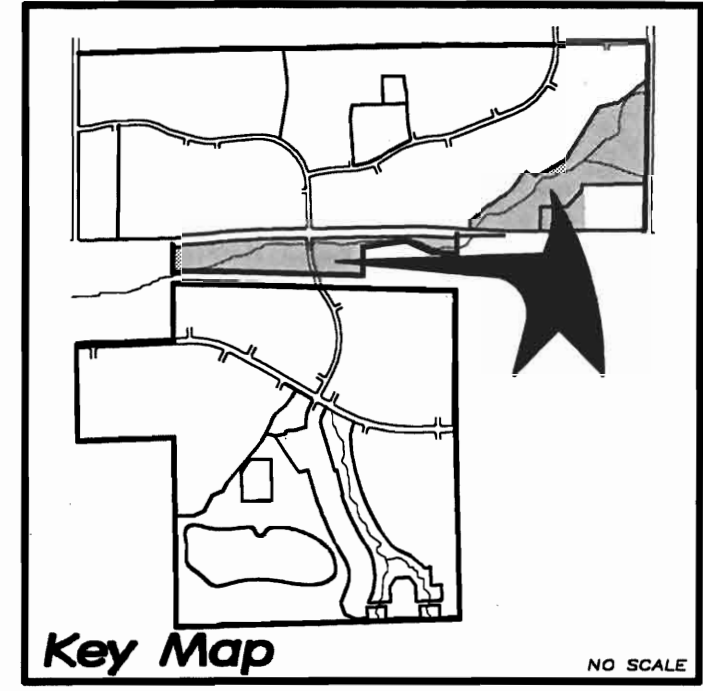
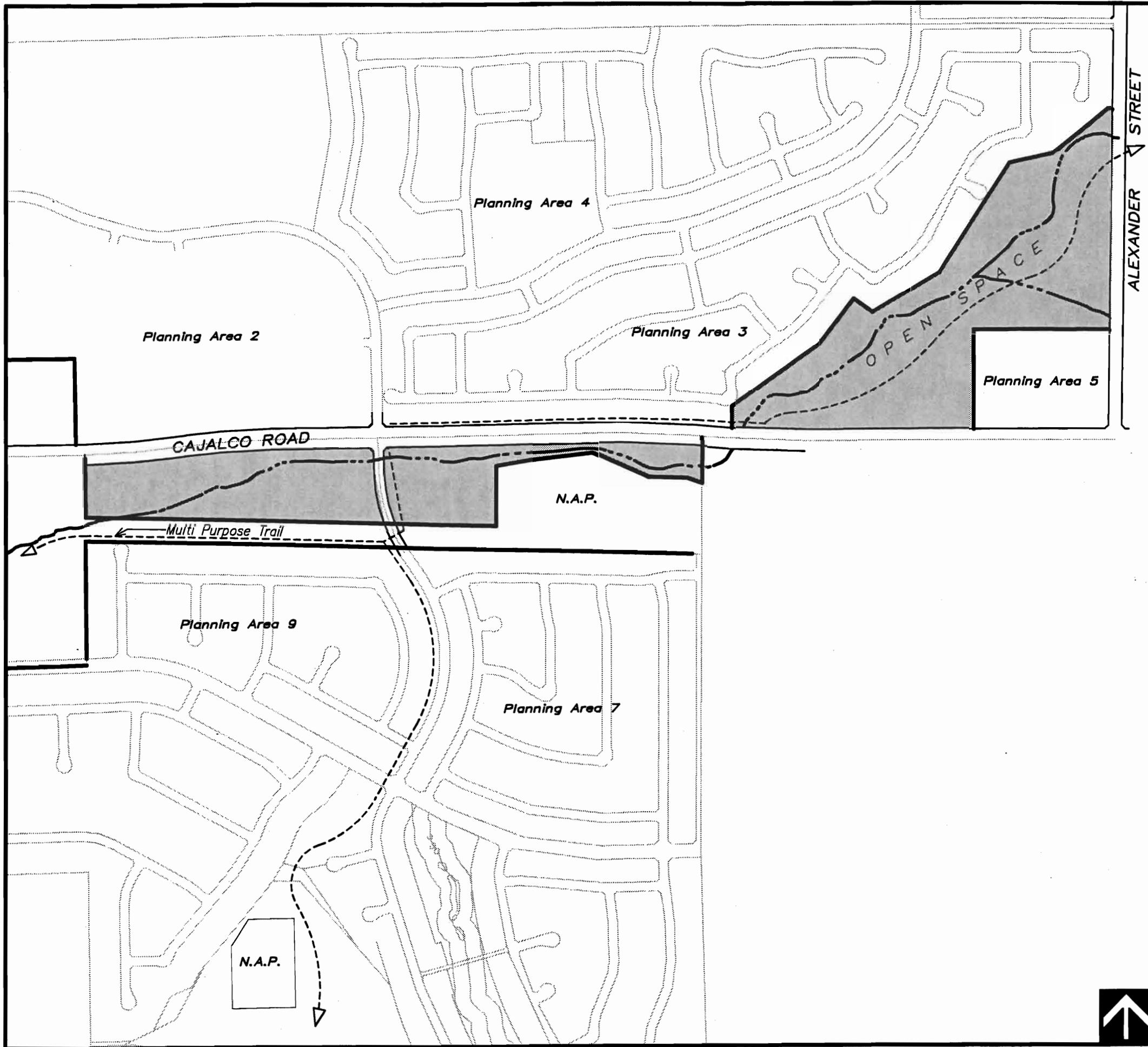
Design Standards/Guidelines

Planning Area 6 will be retained as open space.

Primary Access: Alexander Street will provide primary access into the Planning Area, and will be developed pursuant to guidelines contained in Section 13, and as depicted on Figure 9, Typical Road Sections.

Trail: A multi-purpose community trail is planned to be located within the open space corridor. The trail identified along Cajalco Creek will be adjusted to avoid biologically constrained areas. The trail alignment is intended to be conceptual at this time and will be finalized at the tentative map stage.

Also refer to Section 13, Landscape Design Guidelines.



PLANNING AREA 6
Figure 23

Land Use: CAJALCO CREEK OPEN SPACE
Area: 76 Acres



SECTION 11(g). PLANNING AREA 7: RESIDENTIAL

Descriptive Summary

Planning Area 7, as illustrated in Figure 24, consists of approximately 71 acres, located in the north portion of the project site. The Planning Area will include 177 single-family residences. The minimum residential lot size is 12,000 square feet. To buffer the 20,000 square-foot lots to the west (P.A. No. 9), a tier of 15,000 square-foot lots is proposed along the west edge of the Planning Area. A second tier is proposed along the north edge to buffer the MWD parcel, which in all likelihood will remain vacant. These "buffer" lots will have a minimum width of 100 feet.

Land Use and Development Standards

For development standards such as building setbacks, minimum lot size, lot dimensions, building height, permitted uses, etc., refer to the Specific Plan Zoning Ordinance contained in Section 15.

Design Standards/Guidelines

Primary Access: Cajalco Road will provide primary access into the Planning Area via Starglow Drive, and will be developed as depicted on Figure 9, Typical Road Sections.

Primary Entry Feature: Cajalco Road will include a major entry feature as illustrated in Figure 16, Primary Project Entry.

Secondary Access: Secondary access to the Planning Area will be taken from Rider Road.

Secondary Entry Feature: Rider Road at the east project boundary will include a minor entry feature as illustrated in Figure 16, Secondary Project Entry.

**BOULDER SPRINGS SPECIFIC PLAN
SPECIFIC PLAN NO. 229 AMENDMENT No. 1**

Internal Local Streets: Internal streets shall be developed as illustrated on Figure 9, Typical Road Sections.

Special Conditions: The following special considerations apply to this Planning Area:

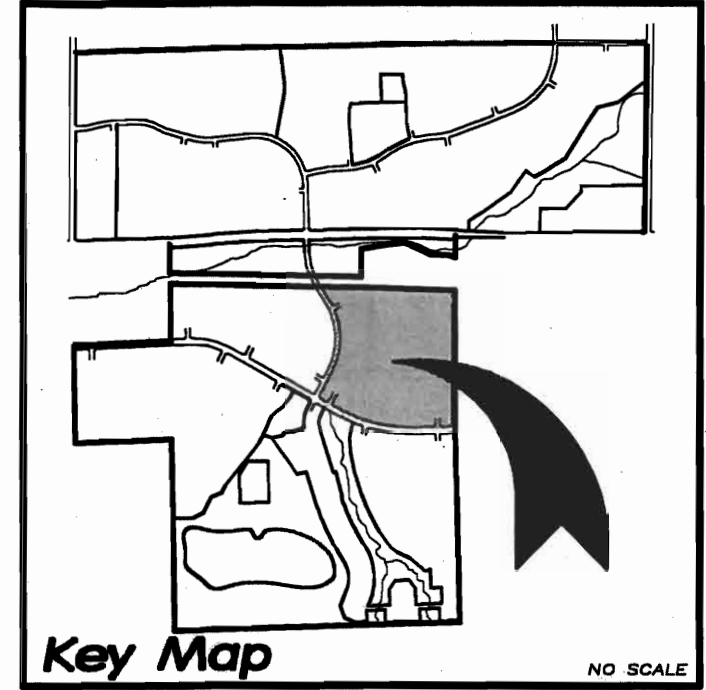
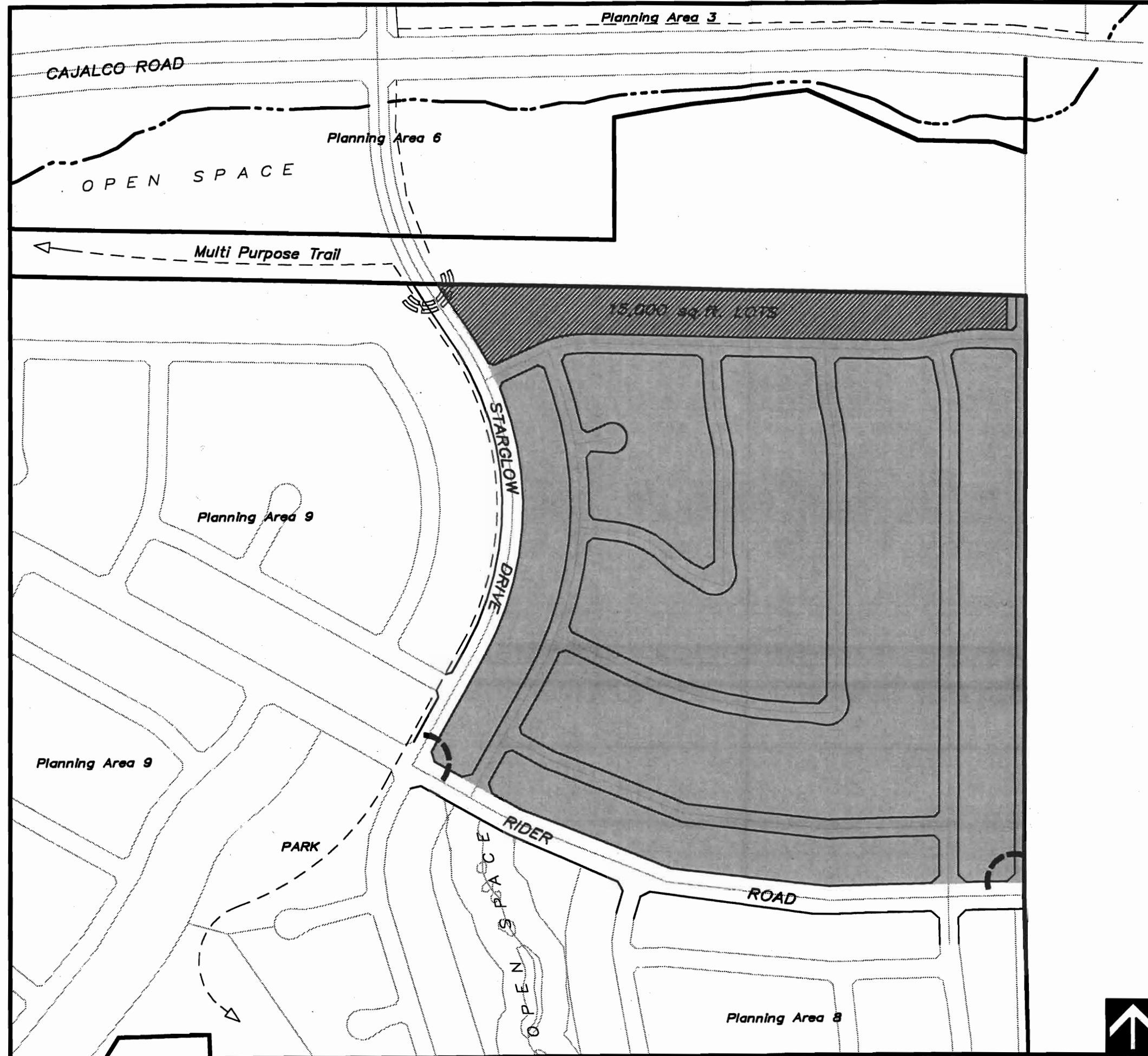
Condition	Response
Borders Planning Area 9, 20,000 square-foot lots.	15,000 square foot lots located along Starglow Drive.
Borders Cajalco open space corridor.	15,000 square foot lots located along interface.

Please refer to the following sections regarding specific design guidelines for the planning area:

Section 13, Landscape Design Guidelines

Section 12, Architectural Design Guidelines

Please refer to Section 3, Project Wide Planning Standards, for those standards that apply project wide.



**PLANNING AREA 7
Figure 24**

Land Use: SINGLE FAMILY RESIDENTIAL
Planned Dwelling Units: 177
Area: 71 acres
Planned Density: 2.5 du/ac.
Min. Lot Size: 12,000 sq.ft.
(except as noted)



SECTION 11(h). PLANNING AREA 8: RESIDENTIAL

Descriptive Summary

Planning Area 8, as illustrated in Figure 25, consists of approximately 92 acres, located in the north portion of the project site. The Planning Area will include 217 single-family residences. The minimum residential lot size is 12,000 square feet. An open space corridor, which follows a small natural swale, is proposed to traverse Planning Area 8. It is approximately 32 acres and is identified as Planning Area 8A.

Land Use and Development Standards

For development standards such as building setbacks, minimum lot size, lot dimensions, building height, permitted uses, etc., refer to the Specific Plan Zoning Ordinance contained in Section 15.

Design Standards/Guidelines

Primary Access: Cajalco Road, via Starglow Drive and Rider Road, will provide primary access into the Planning Area, and will be developed as depicted on Figure 9, Typical Road Sections.

Primary Entry Feature: Cajalco Road will include a major entry feature as illustrated in Figure 16, Primary Project Entry.

Secondary Access: Secondary access to the Planning Area will be taken from Rider Road.

Secondary Entry Feature: Rider Road will include a minor entry feature as illustrated in Figure 16, Secondary Project Entry.

Internal Local Streets: Internal streets shall be developed as illustrated on Figure 9,

**BOULDER SPRINGS SPECIFIC PLAN
SPECIFIC PLAN NO. 229 AMENDMENT No. 1**

Typical Road Sections.

Special Conditions: The following special considerations apply to this Planning Area:

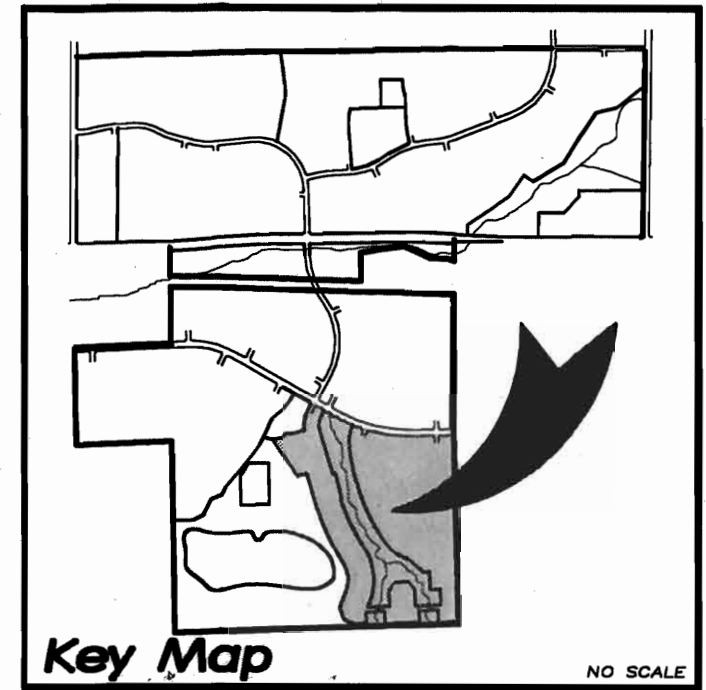
Condition	Response
Borders Planning Area 10, open space.	Fuel modification along interface.
A road will be constructed across the open swale, that links the two portions of the Planning Area for emergency access purposes.	Design crossing to minimize impact on swale (see Design Guidelines).

Please refer to the following sections regarding specific design guidelines for the planning area:

Section 13, Landscape Design Guidelines

Section 12, Architectural Design Guidelines

Please refer to Section 3, Project Wide Planning Standards, for those standards that apply project wide.



**PLANNING AREA 8
Figure 25**

Land Use: SINGLE FAMILY RESIDENTIAL
Planned Dwelling Units: 217
Area: 92 acres
Planned Density: 2.4du/ac.
Min. Lot Size: 12,000 sq.ft.
Open Space: 32 acres



Engineering, Inc.



RICHARDS MUETING WILKES



North

SECTION 11(i). PLANNING AREA 9: RESIDENTIAL

Descriptive Summary

Planning Area 9, as illustrated in Figure 26, consists of approximately 147 acres, located in the north portion of the project site. The Planning Area will include 241 single-family residences. The minimum residential lot size is 20,000 square feet.

Land Use and Development Standards

For development standards such as building setbacks, minimum lot size, lot dimensions, building height, permitted uses, etc., refer to the Specific Plan Zoning Ordinance contained in Section 15.

Design Standards/Guidelines

Primary Access: Cajalco Road, via the extension of Carpinus, will provide primary access into the Planning Area, and will be developed as depicted on Figure 9, Typical Road Sections.

Primary Entry Feature: Cajalco Road will include a major entry feature as illustrated in Figure 16, Primary Project Entry.

Secondary Access: Secondary access to the Planning Area will be taken from Rider Road.

Secondary Entry Feature: Rider Road will include a minor entry feature as illustrated in Figure 16, Secondary Project Entry.

Internal Local Streets: Internal streets shall be developed as illustrated on Figure 9, Typical Road Sections.

**BOULDER SPRINGS SPECIFIC PLAN
SPECIFIC PLAN NO. 229 AMENDMENT No. 1**

Special Conditions: The following special considerations apply to this Planning Area:

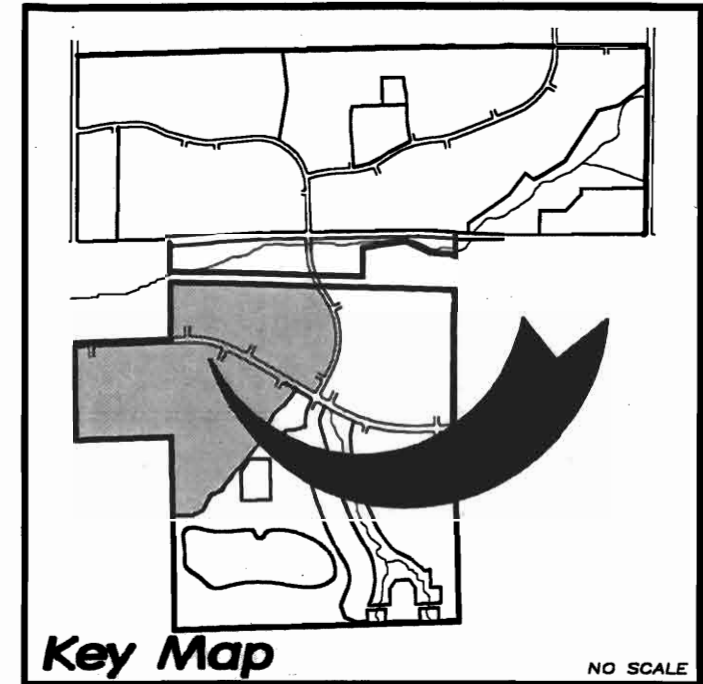
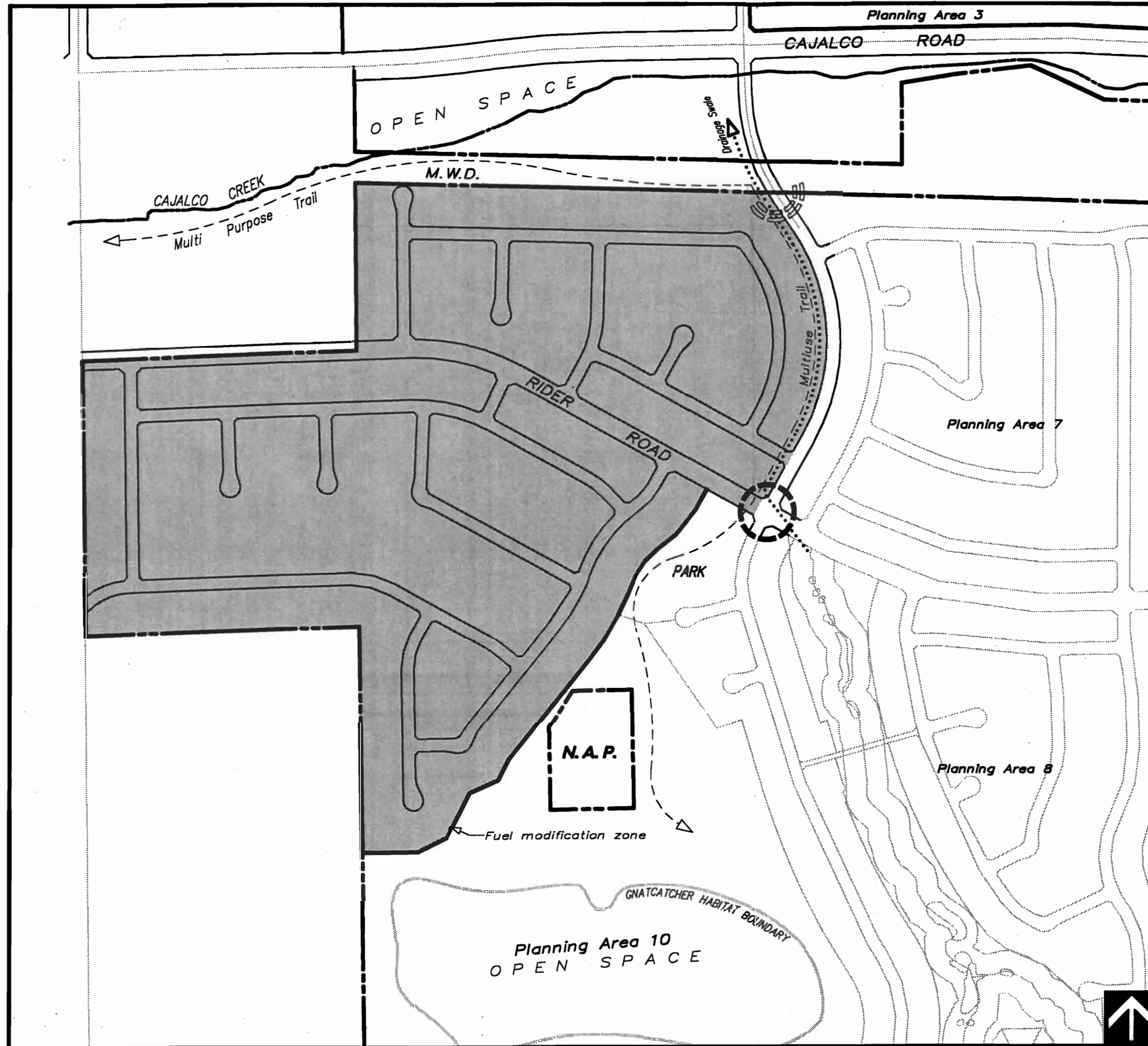
Condition	Response
Borders Planning Area 10, open space.	Fuel modification along interface.

Please refer to the following sections regarding specific design guidelines for the planning area:

Section 13, Landscape Design Guidelines

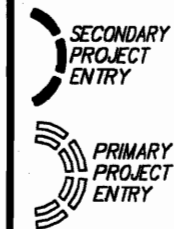
Section 12, Architectural Design Guidelines

Please refer to Section 3, Project Wide Planning Standards, for those standards that apply project wide.



PLANNING AREA 9
Figure 26

Land Use: SINGLE FAMILY RESIDENTIAL
Planned Dwelling Units: 241
Area: 147 acres
Planned Density: 1.6 du/ac.
Min. Lot Size: 20,000 sq.ft.



Engineering, Inc.

RICHARDS MUETING WILKES



SECTION 11(j). PLANNING AREA 10: OPEN SPACE / HABITAT AREA

Descriptive Summary

Planning Area 10, as illustrated in Figure 27, consists of approximately 102 acres, and is located in the south area of the project. This area is characterized by coastal sage scrub and other native and non-native vegetation, and is habitat to the California Gnatcatcher.

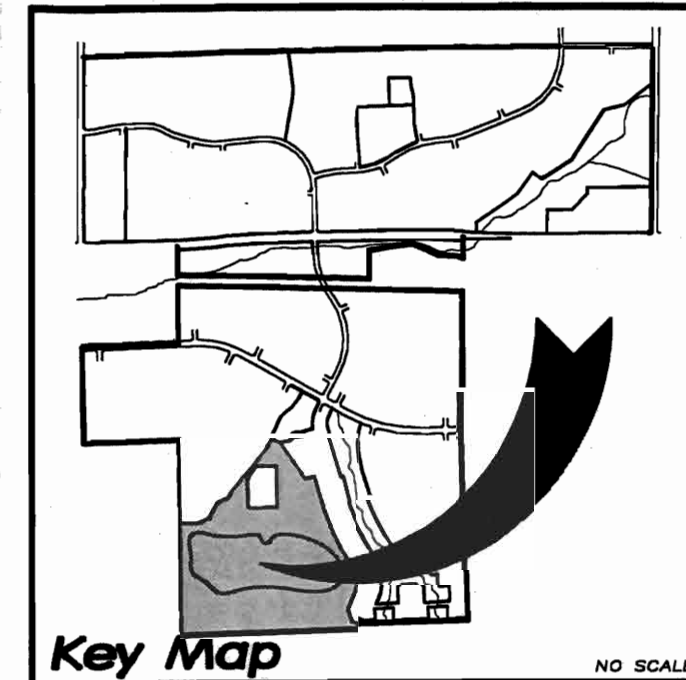
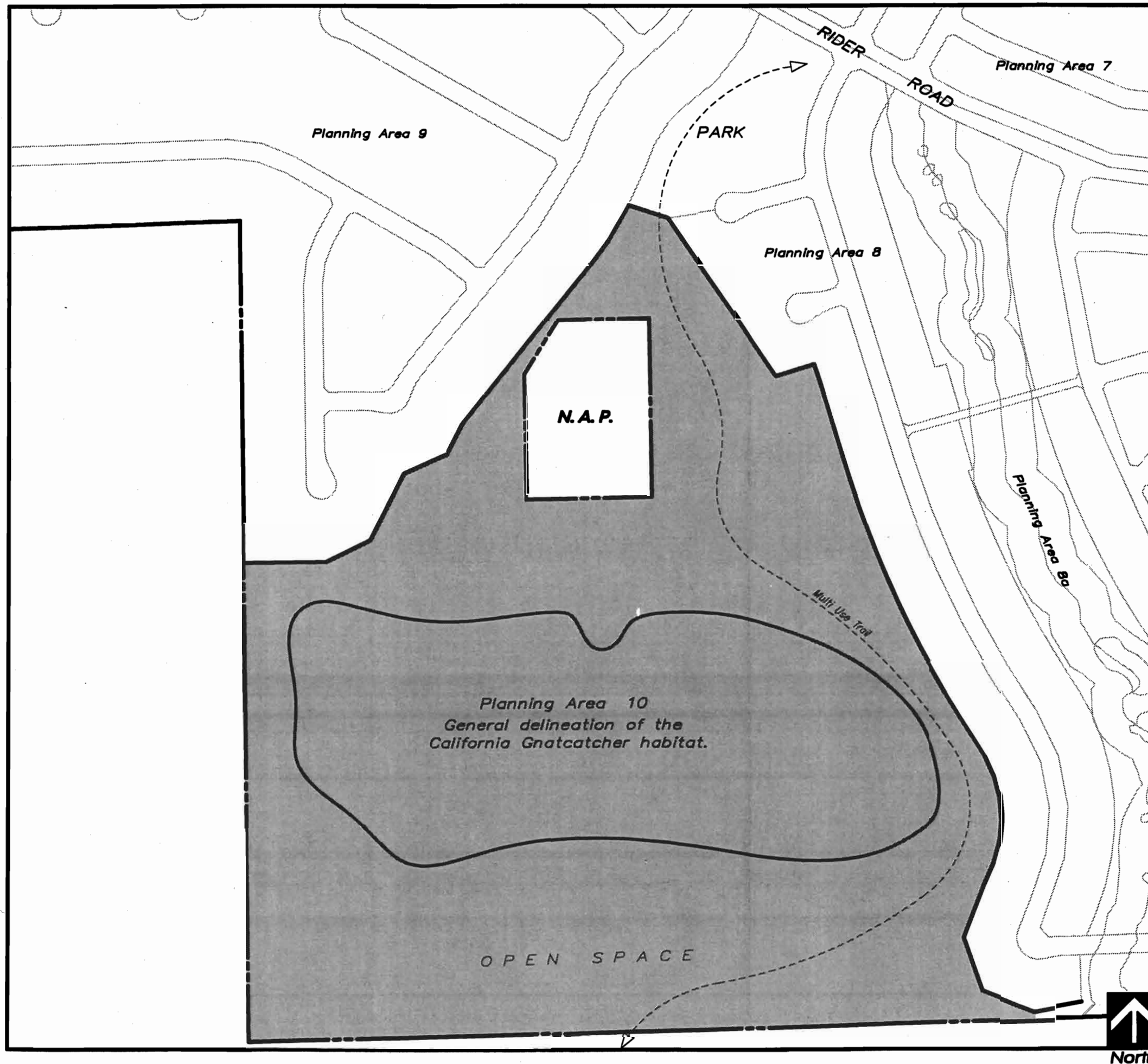
Land Use and Development Standards

For development standards such as building setbacks, minimum lot size, lot dimensions, building height, permitted uses, etc., refer to the Specific Plan Zoning Ordinance contained in Section 15. However, no permanent structures are anticipated.

Design Standards/Guidelines

Planning Area 10 will be retained as open space with the exception of the neighborhood park.

Primary Access: No vehicular access is proposed into the Planning Area, however, trail access may be provided. However, a single drive will be provided to the Butler parcel (N.A.P.).



PLANNING AREA 10

Figure 27

Land Use: OPEN SPACE
Area: 102 acres

SECTION 11(I). PLANNING AREA 12: PARK, SOUTH AREA

Descriptive Summary

Planning Area 11, as illustrated in Figure 29, is a park that consists of approximately 5 acres, located in the south area of the project.

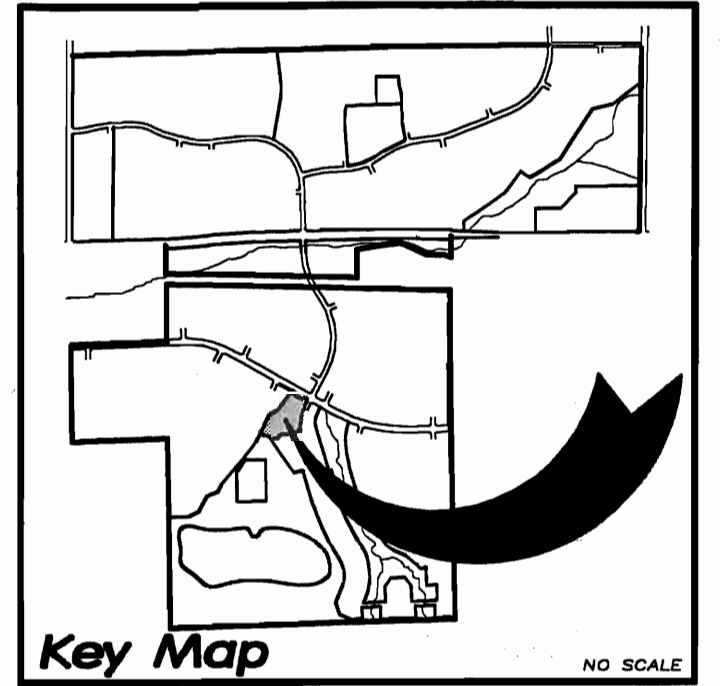
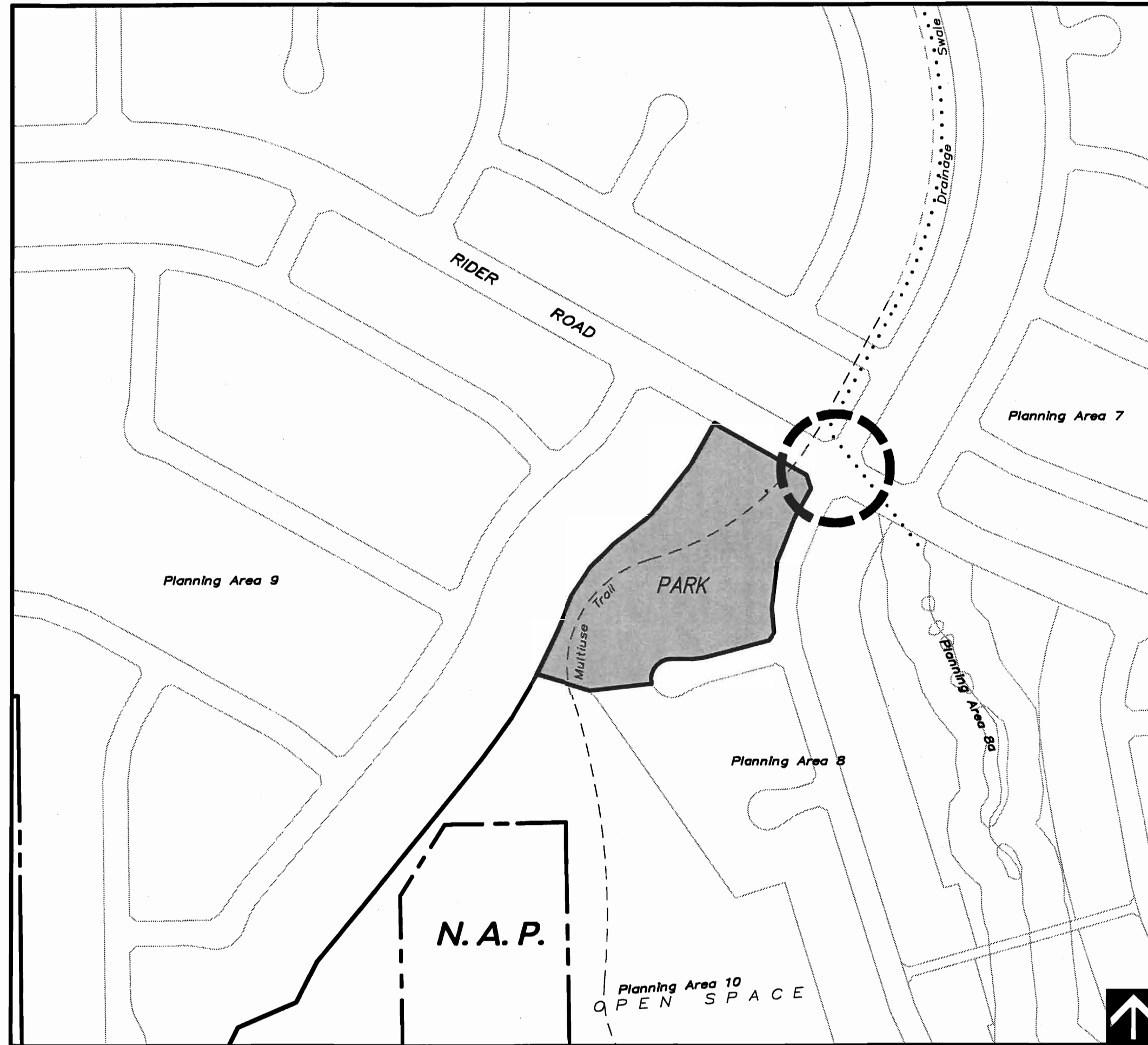
Land Use and Development Standards

The Planning Area will be used as a park, with an emphasis on more passive uses. For development standards refer to the Specific Plan Zoning Ordinance contained in Section 15.

Design Standards/Guidelines

Primary Access: Rider Road will provide primary access into the Planning Area, and will be developed pursuant to guidelines contained in Section 13, and as depicted on Figure 9, Typical Road Sections. For landscaping details associated with Rider Road, please refer to Section 13 and Figure 16.

Also refer to Section 13, Landscape Design Guidelines.



PLANNING AREA 12

Figure 29

Land Use: PARK
Area: 5 acres



1 (2) The development standards for Planning Areas 2 and 9 of Specific Plan No. 229
2 shall be the same as those standards identified in Article VI, Section 6.2 of Ordinance No. 348,
3 except that the development standard set forth in Article VI, Section 6.2.b. shall be deleted and
4 replaced with the following:

5 A. The minimum lot size shall be twenty thousand (20,000) square feet. The
6 minimum lot area shall be determined by excluding that portion of a lot that is used solely
7 for access to the portion of a lot used as a building site.

8 (3) Except as provided above, all other zoning requirements shall be the same as
9 those requirements identified in Article VI of Ordinance No. 348.

10 c. Planning Areas 3, 7, and 8.

11 (1) The uses permitted in Planning Areas 3, 7, and 8 of Specific Plan No. 229 shall be
12 the same as those uses permitted in Article VI, Section 6.1 of Ordinance No. 348, except that the
13 uses permitted pursuant to Section 6.1 of Ordinance No. 348, except that the uses permitted
14 pursuant to Section 6.1.a.(2) and (3); and b.(3), (5), (7) and 8 shall not be permitted.

15 (2) The development standards for Planning Areas 3, 7, and 8 of Specific Plan No.
16 229 shall be the same as those standards identified in Article VI, Section 6.2 of Ordinance No.
17 348, except that the development standard set forth in Section 6.2.b. shall be deleted and
18 replaced by the following:

19 A. The minimum lot size shall be twelve thousand (12,000) square feet. The
20 minimum lot area shall be determined by excluding that portion of a lot that is used solely
21 for access to the portion of a lot used as a building site.

22 (3) Except as provided above, all other zoning requirements shall be the same as
23 those requirements identified in Article VI of Ordinance No. 348.

24 d. Planning Area 4.

25 (1) The uses permitted in Planning Area 4 of Specific Plan No. 229 shall be the same
26 as those uses permitted in Article VIIIe, Section 8.100 of Ordinance No. 348, except that the uses
27 permitted pursuant to Sections 8.100.a.(1), (2), (3), (4), (5), (6),(7) and (8); b.(1); and c. (1) shall
28 not be permitted. In addition, the permitted uses identified under Section 8.100.a. shall include

1 public schools.

2 (2) The development standards for Planning Area 4 of Specific Plan No. 229 shall be
3 the same as those standards identified in Article VIIIe, Section 8.101 of Ordinance No. 348.

4 (3) Except as provided above, all other zoning requirements shall be the same as
5 those requirements identified in Article VIIIe of Ordinance No. 348.

6 e. Planning Areas 6, 8A and 10.

7 (1) The uses permitted in Planning Areas 6, 8A, and 10 of Specific Plan No. 229 shall
8 be the same as those uses permitted in Article VIIIe, Section 8.100 of Ordinance No. 348, except
9 that uses permitted pursuant to Sections 8.100.a.(1), (2), (3), (4), (5), (6),(7) and (8) shall not be
10 permitted. In addition, the permitted uses identified under Section 8.100.a. shall also include
11 open space and trails.

12 (2) The development standards for Planning Areas 6, 8A and 10 of Specific Plan No.
13 229 shall be the same as those standards identified in Article VIIIe, Section 8.101 of Ordinance
14 No. 348.

15 (3) Except as provided above, all other requirements shall be the same as those
16 requirements identified in Article VIIIe of Ordinance No. 348.

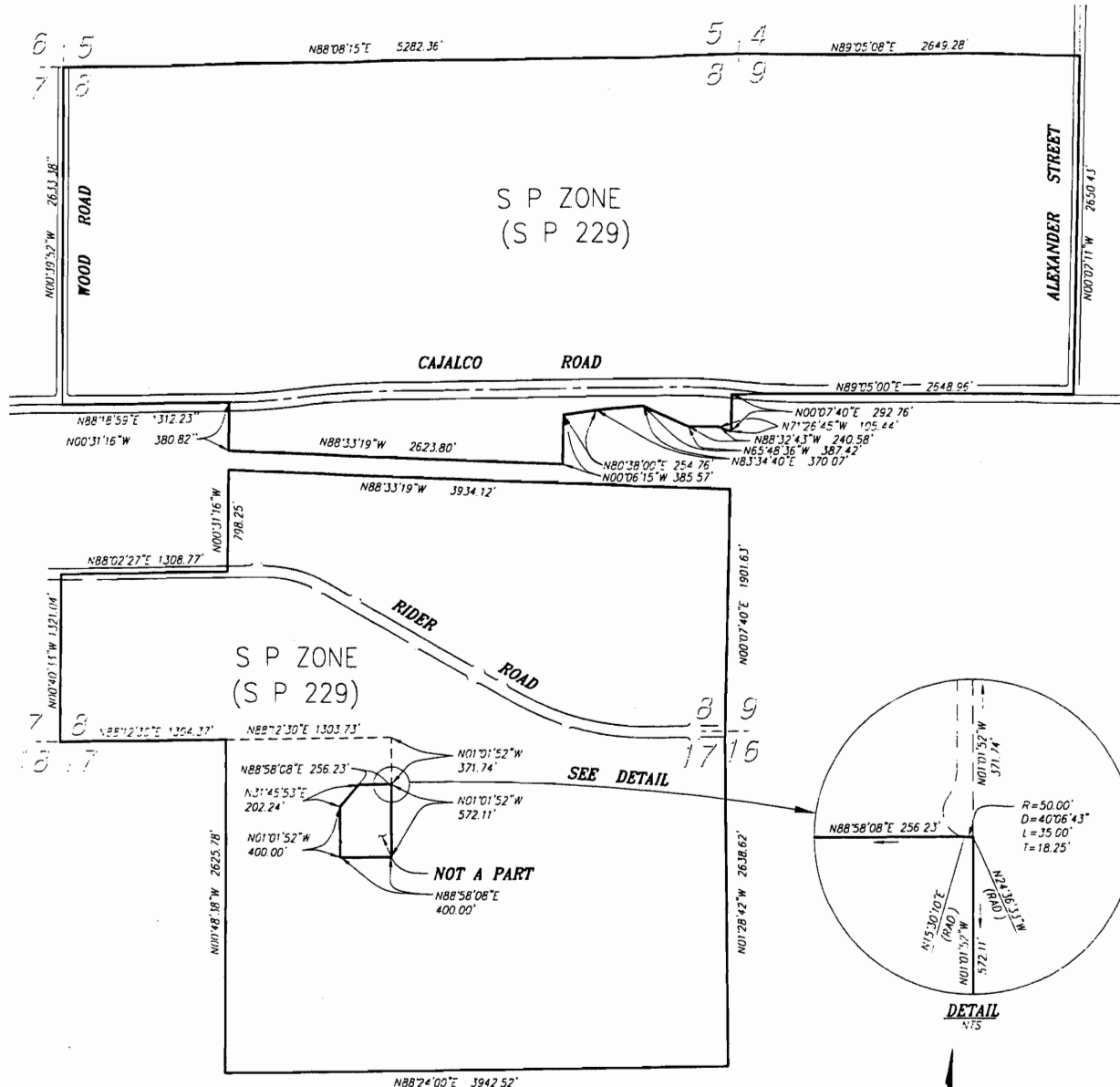
17 f. Planning Areas 11 and 12.

18 (1) The uses permitted in Planning Areas 11 and 12 of Specific Plan No. 229 shall be
19 the same as those uses permitted in Article VIIIe, Section 8.100 of Ordinance No. 348, except
20 that the uses permitted pursuant to Section 8.100.a. (1), (2), (6) and (8); b.(1); and c.(1) shall not
21 be permitted. In addition, the permitted uses identified under Section 8.100.a. shall also include
22 parks.

23 (2) The development standards for Planning Areas 11 and 12 of Specific Plan No.
24 229 shall be the same as those standards identified in Article VIII.e., Section 8.101 of Ordinance
25 No. 348.

26 (3) Except as provided above, all other zoning requirements shall be the same as
27 those requirements identified in Article VIII.e. of Ordinance No. 348.

SECTIONS 8, 9, & 17, T4S., R.4W., S.B.M.



LEGEND

S P ZONE

SPECIFIC PLAN (SP 229 A1)

MAP NO. 62.016

CHANGE OF OFFICIAL ZONING PLAN

MEAD VALLEY DISTRICT

CHANGE OF ZONE CASE NO. 06681

AMENDING ORDINANCE NO. 348

ADOPTED BY ORDINANCE NO. 348.4186

MAY 4, 2004

RIVERSIDE COUNTY BOARD OF SUPERVISORS



1 ORDINANCE NO. 664.106

2 AN ORDINANCE OF THE COUNTY OF RIVERSIDE

3 APPROVING DEVELOPMENT AGREEMENT NO. 2400002

4
5 The Board of Supervisors of the County of Riverside ordains as follows:

6 Section 1. Pursuant to Government Code Section 65867.5, Development Agreement
7 No. 2400002, a copy of which is on file with the Clerk of the Board of Supervisors and incorporated herein
8 by reference, is hereby approved.

9 Section 2. The Chairman of the Board of Supervisors is hereby authorized to execute
10 said Development Agreement on behalf of the County of Riverside within ten (10) days after the Effective
11 Date of this ordinance, provided that all owners listed in Development Agreement No. 2400002 have
12 executed said Development Agreement within thirty (30) days after adoption of this ordinance.

13 Section 3. Effective Date. This ordinance shall take effect thirty (30) days after its
14 adoption.

15 BOARD OF SUPERVISORS OF THE COUNTY
16 OF RIVERSIDE, STATE OF CALIFORNIA

17 By: _____
Chairman, Board of Supervisors

18 ATTEST:
19 KECIA R. HARPER
Clerk of the Board

20
21 By: _____

22
23 (SEAL)

24 APPROVED AS TO FORM
25 May 16, 2024

26
27 By:  _____
AARON C. GETTIS
28 Chief Deputy County Counsel



**COUNTY OF RIVERSIDE
PLANNING DEPARTMENT
STAFF REPORT**

Agenda Item No.

4.1

(ID # 24954)

MEETING DATE:

Thursday, May 09, 2024

SUBJECT: DEVELOPMENT AGREEMENT NO. 2400002 – Not a Project under CEQA or Exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines section 15061(b)(3) – Applicant:– Representative/Engineer: KWC Engineers c/o John Snell – First and Second Supervisorial Districts – Mead Valley Zoning District – Lake Matthews/Woodcrest / Mead Valley Area Plans – Open Space: Recreation (OS: R); Rural Community: Low Density Residential (RC: LDR); Rural Community: Estate Density Residential (RC: EDR) – Open Space: Conservation (OS: C) – Open Space: Recreation (OS: R) – Location: north of Rider Street, south of Cajalco Road, east of Wood Road, and west of Barton Street – 364.27+/- acres – Specific Plan: Boulder Springs #229 – REQUEST: Development Agreement No. 2400002 is a proposal to extend the expiration date for six (6) approved tract maps, TR31607 thru TR31612, for a minimum of 5 years to July 9, 2029 and to provide community benefits throughout the tract maps, including but not limited to the following: widen and improve Cajalco Road between Wood Road & Alexander Street, widen and improve Rider Street including a trail section on the northern roadway of Rider Street; trail connects throughout the development, dedicate land for a future fire station and the establishment of a CFD for the fire station, and additional funds collected from the tract map developments for affordable housing – APNs: 321-140-027, 019, 321-140-023, 024, 031, 032, 321-410-011, 013, 014, 015, 321-140-020, 321-410-001, 006, 321-140-022. Project Planner Tim Wheeler at (951) 955-6060 or email at twheeler@rivco.org.

PROPOSED PROJECT

Case Number(s):	DA2400002
Environmental Type:	No New Environmental Docs Required
Area Plan No.	Lake Matthews/Woodcrest
Zoning Area/District:	Mead Valley District
Supervisorial District:	First District, Second District
Project Planner:	Sarah Moore
Project APN(s):	See Staff Report
Continued From:	



John Hildebrand, Planning Director

5/8/2024

PROJECT DESCRIPTION AND LOCATION

**COUNTY OF RIVERSIDE PLANNING DEPARTMENT
STAFF REPORT**

Development Agreement No. 2400002 (DA2400002) is a proposal for an extension of time on the expiration of Tentative Tract Maps (TTM) 31607, 31608, 31609, 31610, 31611, and 31612 (“the Maps”) to July 9, 2029 pursuant to a Development Agreement (“the Project”). The Maps consist of 6 tracts which include a total of 632 residential lots, 17 open space lots, 1 park (2.3 acres) comprising approximately 365 acres. The 632 residential lots vary in size with 217 residential lots in TTM Nos. 31607, 31608, and 31609 (Schedule “B” maps) with a minimum lot size of 20,000 square feet and the remaining 415 residential lots in TTM Nos. 31610, 31611, and 31612 (Schedule “A” maps) with a minimum lot size of 12,000 square feet.

The Maps were originally approved along with a larger Specific Plan (Boulder Springs) by the Board of Supervisors on January 9, 2007 and had an original expiration date of January 9, 2010 (3 years from the date of approval). Since that time, the life of the maps have been extended multiple times with five automatic statutory extensions (SB1185, AB333, AB208, AB116, AB1516) and two discretionary extensions (Ordinance No. 460) for a current expiration date of July 9, 2024.

Pursuant to state law, the County is permitted to allow a further discretionary extension of time with approval of a development agreement, which is the subject of the Project before the Planning Commission today. The Applicant requests to extend the expiration of TTM Nos. 31607, 31608, 31609, 31610, 31611, and 31612 for an additional 5 years from July 9, 2024 to July 9, 2029. The request is for an extension of time of the Maps only, and no development is proposed under the submitted scope of work.

The above is hereinafter referred to in this staff report as the “Project.”

The Project site is presently vacant, and located north of Rider Street, south of Cajalco Road, east of Wood Road, and west of Starglow Drive within the Lake Mathews/Woodcrest Area Plan.

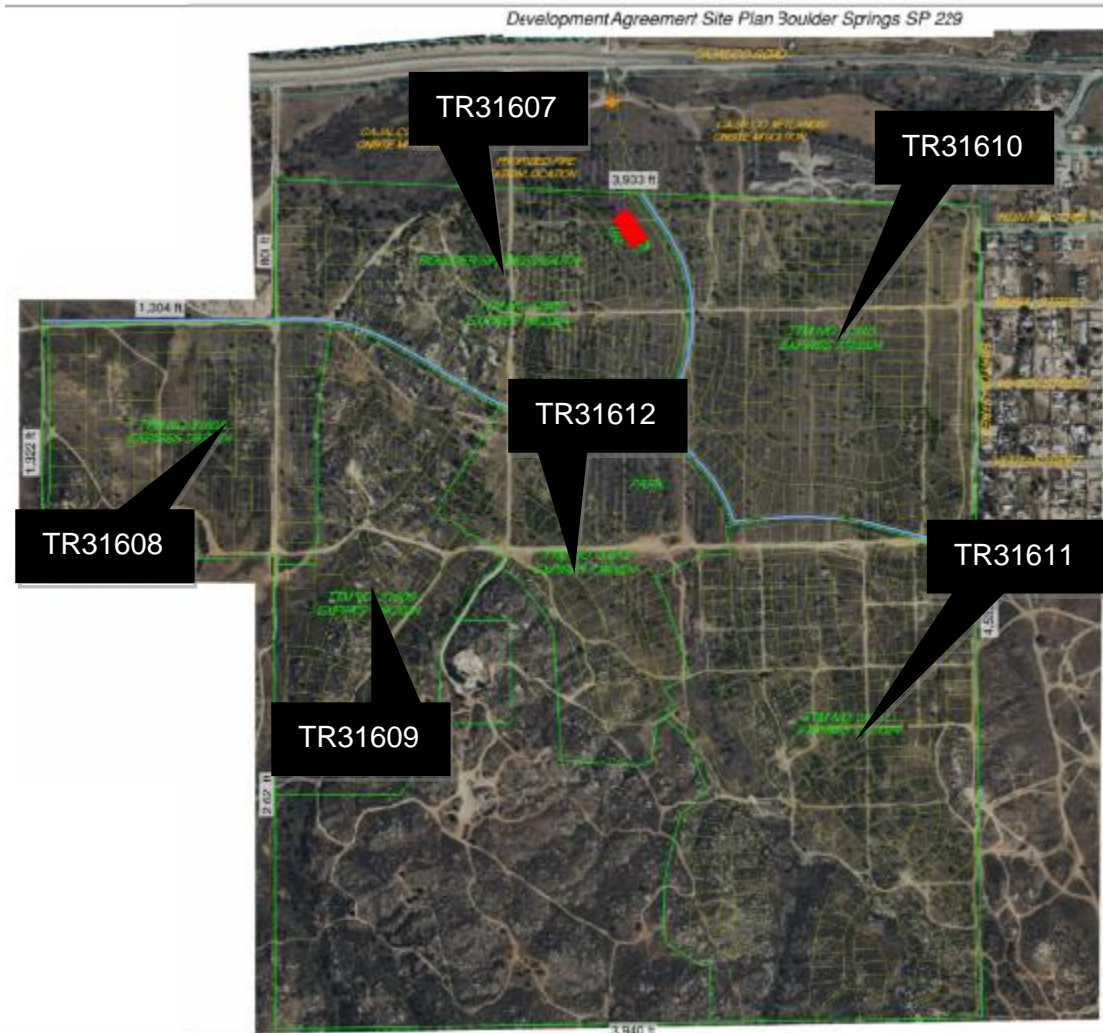
PROJECT RECOMMENDATION

PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTION:

TENTATIVELY APPROVE DEVELOPMENT AGREEMENT NO. 2400002, TO EXTEND THE EXPIRATION OF TENTATIVE TRACT MAP NOS. 31607, 31608, 31609, 31610, 31611, and 31612 from July 9, 2024 to July 9, 2029 based on the findings and conclusions in this staff report and all exhibits and subject to all previously approved and/or amended Advisory Notification Documents and Conditions of Approval.

PROJECT LOCATION MAP

COUNTY OF RIVERSIDE PLANNING DEPARTMENT
STAFF REPORT



PROJECT BACKGROUND AND ANALYSIS

Background

Boulder Springs Specific Plan (SP) No. 229 Amendment No. 1

TTM Nos. 31607, 31608, 31609, 31610, 31611, and 31612 (“the Maps”) are located within a larger approved land use plan spanning 938 acres located to the north and south of Cajalco Road and identified as Specific Plan (SP) No. 229 (formerly known as HB Ranches). SP No 229 was originally approved in September of 1988 and Amendment No. 1 to SP No. 229 (“SP No. 229 A1” or “Boulder Springs SP”) was subsequently approved by the Board of Supervisors on

**COUNTY OF RIVERSIDE PLANNING DEPARTMENT
STAFF REPORT**

October 28, 2003. The approved land use plan for the Boulder Springs SP provides 13 distinct Planning Areas consisting of 1,321 single-family residential lots (1.9 dwelling units per acre), 214 acres of open space (23% of the overall plan area), two 15 acre lots for commercial use, a 14 acre school site, 7 acres of parks, and 16 acres for roadways.

The Boulder Springs SP envisions a planning community, composed of single-family residential land uses with abundant landscaping within an evolving suburban setting. The residential element of the plan contains approximately 663 acres and consists of 1,321 single-family residences on lots ranging from a minimum of 12,000 square feet to 20,000 square feet. A major design feature of the Boulder Springs SP is the inclusion of a significant amount of open space (214 acres or 23% of the overall plan area) which will include: preservation and enhancement of the Cajalco Creek corridor; development of multi-purpose trails, including an equestrian underpass at Cajalco Road; and preservation of a large open space area, including California Gnatcatcher habitat.

TTM Nos. 31607, 31608, 31609, 31610, 31611, and 31612

The Development Agreement before the Planning Commission today seeks to extend the life of the Maps which are located to the south of Cajalco Road within the Boulder Springs SP. The Maps were originally approved by the Board of Supervisors on January 9, 2007 and had an original expiration date of January 9, 2010 (3 years from the date of approval).

The Maps comprise portions of the Boulder Springs SP known as Planning Areas 6, 7, 8, 8a, 9, 10, which consist of 632 residential lots, 1 park of approximately 2.3 acres, and open space consisting of 47.7 acres. The development standards of the Maps are outlined in the Zoning Ordinance for the Boulder Springs SP. The 632 residential lots within the Maps are described, as follows:

<u>TTM</u>	<u># of Lots</u>	<u>Acres</u>	<u>Schedule of Map</u>	<u>Minimum Lot Size</u>
TTM No. 31607	78 lots	56.52 acres	Schedule "B" Map	20,000 sq. ft.
TTM No. 31608	67 lots	44.8 acres	Schedule "B" Map	20,000 sq. ft.
TTM No. 31609	72 lots	47.34 acres	Schedule "B" Map	20,000 sq. ft.
TTM No. 31610	165 lots	70.1 acres	Schedule "A" Map	12,000 sq. ft.
TTM No. 31611	186 lots	98 acres	Schedule "A" Map	12,000 sq. ft.
TTM No. 31612	64 lots	48.7 acres	Schedule "A" Map	12,000 sq. ft.

The tract maps to the north of Cajalco Road within the Boulder Springs SP have already expired and the Applicant is currently processing new maps and a revision to the Boulder Springs SP for that location, which will be considered by the Planning Commission at a future public hearing.

**COUNTY OF RIVERSIDE PLANNING DEPARTMENT
STAFF REPORT**

Riverside County Map Extensions of Time

There are three types of extensions to extend the life of tentative tract and parcel maps: discretionary extensions and statutory extensions. If a final map has not been recorded prior to the expiration date, the tentative map will officially expire.

1. Discretionary extensions of time: Pursuant to Ordinance No. 460 (Subdivision Regulations), tentative tract and parcel maps have an initial lifespan of three years. In addition, and with submittal of a timely filed extension request, the Planning Commission (acting in its capacity as the County’s “Advisory Agency”) may grant two, three-year extensions, allowing for a total, potential tentative map lifespan of 9 years.
2. Statutory extensions of time: In response to a state and national economic downturn between 2007 and 2009, the California Legislature approved the following series of bills for purpose of extending the expiration of subdivision maps and ultimately facilitating the continued production of housing pursuant to the following state bills: SB1185, AB333, AB208, AB116, and AB1561.
3. Development agreements: According to the California Subdivision Map Act (California Government Code section 66452.6) and case law (*North Murrieta Community v. City of Murrieta* (2020) 50 Cal.App.5th 31.), development agreements may extend the life of unexpired tentative maps.

History of the Extensions of Time for the Maps

As previously discussed, the Maps were originally approved by the Board of Supervisors on January 9, 2007 and had an original expiration date of January 9, 2010 (3 years from the date of approval). Since that time, the life of the maps have been extended multiple times with five automatic statutory extensions (SB1185, AB333, AB208, AB116, AB1516) and two discretionary extensions (Ordinance No. 460) for a current expiration date of July 9, 2024, as follows:

1. SENATE BILL NO. 1185 (SB1185) granted a statutory extension of 12 months:
On July 15, 2008, SB1185 was signed into law granting a one-time 12-month extension for approved subdivision maps that would otherwise expire between July 15, 2008 and January 1, 2011. **SB1185 automatically extended the expiration of the Maps to January 9, 2011.**
2. ASSEMBLY BILL NO. 333 (AB333) granted a statutory extension of 24 months:
On July 15, 2009, AB333 was signed into law, which grants a one-time extension of existing subdivision maps so developers can build immediately when the demand for

**COUNTY OF RIVERSIDE PLANNING DEPARTMENT
STAFF REPORT**

housing goes up. It gives developers an automatic 24-month extension on previously approved subdivision maps set to expire between July 15, 2009, and January 1, 2012. **AB333 automatically extended the expiration of the Maps to January 9, 2013.**

3. ASSEMBLY BILL NO. 208 (AB208) granted a statutory extension of 24 months:
On July 13, 2011, AB208 was signed into law, which grants a one-time extension of existing subdivision maps so developers can build immediately when the demand for housing goes up. It gives developers an automatic 24-month extension on previously approved subdivision maps set to expire between July 13, 2011, and January 1, 2014. **AB208 automatically extended the expiration of the Maps to January 9, 2015.**

4. ASSEMBLY BILL NO. 116 (AB116) granted a statutory extension of 24 months:
On July 11, 2013, AB116 was signed into law, which grants a one-time extension of existing subdivision maps so developers can build immediately when the demand for housing goes up. It gives developers an automatic 24-month extension on previously approved subdivision maps set to expire between January 1, 2000, and July 11, 2013. **AB116 automatically extended the expiration of the Maps to January 9, 2017.**

5. ORDINANCE NO. 460 EXTENSION OF TIME granted a discretionary extension of 1 year:
The first Extension of Time (EOT) was received by the Planning Department on April 10, 2017, and subsequently approved by the Planning Commission on May 17, 2017, **extending the expiration of the Tentative Map to January 9, 2018.**

6. ORDINANCE NO. 460 EXTENSION OF TIME granted a discretionary extension of 2 years:
The second EOT was received by the Planning Department on December 28, 2017, and subsequently approved by the Planning Commission on February 7, 2018, **extending the expiration of the Maps to January 9, 2021.**

7. ASSEMBLY BILL NO. 1561 (AB1561) granted a statutory extension of 18 months: On September 30, 2020, AB1561 was signed into law, which grants a one-time extension of existing subdivision maps so developers can build immediately when the demand for housing goes up. It gives developers an automatic 18-month extension on previously approved subdivision maps set to expire between March 4, 2020, and December 30, 2021. **AB1561 extended the expiration of the Maps to July 9, 2022.**

8. ORDINANCE NO. 460 EXTENSION OF TIME granted a discretionary extension of 3 years:

**COUNTY OF RIVERSIDE PLANNING DEPARTMENT
STAFF REPORT**

The subject (Third) EOT was received on June 23, 2022, ahead of the Map's expiration date of August 7, 2022. The Applicant reviewed and agreed to all the previously approved and amended Conditions of Approval on September 2, 2022. With approval by the Planning Commission, a subsequent "receive and file" action by the Board of Supervisors, and the conclusion of the 10-day appeal period, **the expiration of the Maps became July 9, 2024.**

If approved, the Development Agreement before the Planning Commission today would further extend the life of the Maps from July 9, 2024 to July 9, 2029.

ENVIRONMENTAL REVIEW / ENVIRONMENTAL FINDINGS

In accordance with the requirements of the California Environmental Quality Act (CEQA), an Initial Study resulting in a Mitigated Negative Declaration (CEQ No. 39157) (MND) was adopted by the Planning Commission with the original approval of the Maps. All potentially significant effects on the environment have been adequately analyzed, pursuant to applicable legal standards, and have been avoided or mitigated as part of the approved MND. As no changes to the approved Maps are proposed pursuant to the requested extension of time and approval of the development agreement, no new impacts would occur, and no additional environmental documentation is required. Approval of the development agreement would merely extend the existing Maps, and any potential future environmental impacts tied to the public benefit terms within the development agreement would be evaluated at that time. As such, the action under consideration is not deemed a project pursuant to CEQA. Moreover, even if the action was deemed a project pursuant to CEQA, the action would be exempt under State CEQA Guidelines Section 15061(b)(3) as there is no potential for a physical environmental impact to occur. The prior Initial Study and MND, along with all supporting documentation, is located at the Planning Department, as the custodian of records, at 4080 Lemon Street, 12th Floor, Riverside, CA 92501.

FINDINGS AND CONCLUSIONS

In order to extend the expiration date of TTM Nos. 31607, 31608, 31609, 31610, 31611, and 31612 ("the Maps") the County must approve the Development Agreement.

Development Agreement

Broadly speaking, development agreements grant applicants vesting rights to develop the Project in accordance with the terms of the DA. In exchange, the DA provides certain public benefits that go beyond the basic requirements of the County including annual public benefit

**COUNTY OF RIVERSIDE PLANNING DEPARTMENT
STAFF REPORT**

payments, which will be used for additional public safety services, infrastructure improvements, or community enhancement programs.

Development Agreement No. 2400002 (DA) proposes extending the expiration date of the Maps from July 9, 2024 to July 9, 2029. The DA is consistent with the General Plan and Ordinance No. 348. Additionally, the prior advisory notification document, conditions of approval, and entitlement approvals will remain in effect and will ensure that the project is developed in a way that would not conflict with the public's health, safety, or general welfare.

The negotiated terms of the DA are described in the last Exhibit of the DA and include the following:

- (1) Widen AND improve Cajalco between Alexander and Wood pursuant to the following:
 - a. Ultimate half-width improvements along the north half of Cajalco Rd between Wood Rd and Alexander St including curb, gutter, sidewalk, and parkway landscaping.
 - b. Ultimate half-width improvements along the south of half of Cajalco Rd along the Boulder Springs Specific Plan frontage, including curb, gutter, sidewalk, and parkway landscaping.
 - c. Transition tapers shall be provided at the approach and departure of the widened section of Cajalco Rd.

Timing: improvements shall start at time of grading and be completed prior to occupancy of any new home):
- (2) Exact \$3,000,000 for the County Cajalco widening project. *Timing:* collected prior to final map recordation.
- (3) Widen and improve Rider Trail in preparation of connection to the north.

Timing: at time of frontage improvements and / or development of Tract Map closest to Cajalco.
- (4) Dedicate land for future fire station. *Timing:* identify location on final map / at recordation.
- (5) Establish a CFD for fire station. *Timing:* create before final map recordation.

**COUNTY OF RIVERSIDE PLANNING DEPARTMENT
STAFF REPORT**

(6) Exact a \$4,500k per unit fee for affordable housing. *Timing:* collected upon each of the 632 dwelling unit building permit issuances.

All the terms of the DA will become Conditions of Approval with the final Project.

Conclusion

Approval of the Development Agreement No. 2400002 would extend the expiration date of TTM Nos. 31607, 31608, 31609, 31610, 31611, and 31612 from July 9, 2024 to July 9, 2029. As discussed, the Project complies with all requirements of state law and ordinances of Riverside County. The Maps are found to be consistent with Ordinance No. 348 (Zoning Code) and Ordinance No. 460 (Subdivision Regulations), pursuant to the originally approved findings and conditions of approval. This Extension of Time proposes no changes to the map design and is therefore still found to be consistent and all impacts have been analyzed to protect public health, safety, and welfare.

PUBLIC HEARING NOTIFICATION AND COMMUNITY OUTREACH

This Project was advertised in the Press Enterprise Newspaper. Additionally, public hearing notices were mailed to property owners within 300 feet of the Project site. As of the writing of this report, Planning Staff has not received written communication/phone calls from the public who indicated support/opposition to the proposed Project.

ATTACHMENTS

Exhibit A - Draft Development Agreement_TR31607-TR31612_050524
Exhibit B - TR31607_Vicinity, Tentative Tract Map, AND & COA
Exhibit C - TR31608_Vicinity, Tentative Tract Map, AND & COA
Exhibit D - TR31609_Vicinity, Tentative Tract Map, AND & COA
Exhibit E - TR31610_Vicinity, Tentative Tract Map, AND & COA
Exhibit F - TR31611_Vicinity, Tentative Tract Map, AND & COA
Exhibit G - TR31612_Vicinity, Tentative Tract Map, AND & COA
Exhibit H - SP No. 229 A1 Boulder Springs_Land Use Plan
Exhibit I - SP No. 229 A1 Boulder Springs_Summary of Planning Areas
Exhibit J - SP No. 229 A1 Boulder Springs_Zoning Ordinance

Rural Association of Mead Valley
Debbie Walsh
PO Box 2244
Perris, CA 92572

May 8, 2024

Riverside County Planning Commission
4080 Lemon Street
Riverside, CA 92501
Project Planner - Tim Wheeler

Dear Honorable Commissioners:

PLANNING COMMISSION HEARING May 9, 2024: AGENDA ITEM 4.1. Development Agreement No. 2400002 (DA2400002).

The Rural Association of Mead Valley is opposed to the proposed Development Agreement No. 2400002.

The County of Riverside did not give adequate public notice that this Project was going before the Planning Commission. The County of Riverside has not held a Planning Commission meeting on a Thursday. All meetings are held on Wednesdays. The Project is hundreds of acres in size and yet only residents 300 feet from the project were notified. Only a few residents living near the project were notified and yet it impacts the entire communities of Lake Mathews and Mead Valley.

No details are described as to what the proposed changes will be in Specific Plan 229 as required in Ordinance 348.

Ordinance 348

SECTION 2.8. SPECIFIC PLANS.

Specific plans, and amendments thereto, shall be heard and adopted in accordance with the provisions of Section 65450 et seq. of the Government Code, as now written or hereafter amended, and in accordance with Section 2.10. of this Article. The Board of Supervisors may, by affirmative vote of not less than a majority of the entire membership of the Board, order the preparation and hearing of a new specific plan or the amendment of any existing specific plan. Any such order for preparation and hearing shall not imply that any new specific plan or amendment to an existing specific plan will be approved.

SECTION 2.11. DETERMINATION OF PROJECT CONFORMANCE WITH ADOPTED SPECIFIC PLAN.

A. Whenever an application for an implementing project varies from and is not in substantial conformance with an adopted specific plan, an amendment to that specific plan shall be adopted pursuant to the provisions of Section 2.8. of this ordinance prior to the approval of the implementing project.

B. Whenever an application for an implementing project varies from but is in substantial conformance with the adopted specific plan, a determination of substantial conformance shall be issued as provided in this Subsection prior to the approval of the implementing project.

1. For purposes of this Subsection, the term "substantial conformance" shall mean a non-substantial modification of a condition of approval, diagram, or text of the specific plan that does not change the basic design or improvements required and is consistent with the original resolution adopting the specific plan, the conditions of approval, and the specific plan text. Substantial conformance may include a modification or deletion of a condition which will not substantially or adversely affect the underlying purpose for which the condition was initially required, construction of an implementing project out of phase so long as all infrastructure and public facilities required for the intervening phases are provided, a modification of the approved land uses in a phase which does not increase the land use density or intensity in any phase or planning area beyond that allowed by the specific plan or a modification of the project design which improves circulation, protects topographic features, minimizes grading, or improves drainage or improves infrastructure.

2. An application for a determination of substantial conformance shall be made on forms provided by the Planning Department, shall be accompanied by the fee set forth in County Ordinance No. 671 and shall include the following:

a. An accurate and complete description of the modification and how it affects the adopted specific plan, along with any necessary exhibits or diagrams.

b. Any other information, exhibits or drawings the Planning Director may require.

3. The Planning Director shall transmit all such applications to the appropriate agencies for review and comment and shall then forward them, along with a recommendation, to the Planning Commission for decision. A copy of the notice of decision of the Planning Commission shall be mailed to the applicant and to any person who has made a written request therefore. The Planning Director shall also file a copy of the notice of decision of the Planning Commission with the Clerk of the Board of Supervisors, together with a report of the proceedings, not more than 15 days after the decision. The Clerk of the Board shall place the notice of decision on the next agenda of the Board of Supervisors held five or more days after the Clerk receives the notice from the Planning Director. The decision of the Planning Commission shall be considered final unless the applicant or an interested party files an appeal with the Clerk of the Board of

Supervisors accompanied by the fee set forth in County Ordinance No. 671 within ten days after the notice of decision appear on the Board's agenda. If a timely appeal is filed, the Clerk shall place the matter on the next available agenda, and the Board of Supervisors shall determine whether the determination of substantial conformance should be made. An application for a determination of substantial conformance shall not require a noticed public hearing; however, if the Planning Director, the Commission, or the Board decides that notice of the application should be given, notice shall be given at the applicant's expense in the manner provided for by Section 1.6. and 1.7. of this ordinance. Whenever such a decision requiring notice is made, no further action shall be taken on the application until proper notice has been given. The Commission or Board of Supervisors may, at their discretion, allow testimony to be given on the proposed modification.

4. An application for a determination of substantial conformance may be approved only if the following findings are made:

a. That the project as modified meets the intent and purpose of the adopted specific plan; and b. That the project as modified is consistent with the findings and conclusions contained in the resolution adopting the specific plan.

C. Notwithstanding any other provision in this Section to the contrary, and even if the application for a determination of substantial conformance otherwise could be approved under this section, an applicant may be required to process a specific plan amendment pursuant to the provisions of Section 2.9. of this ordinance if it is determined that an amendment to the specific plan is required.

The Proposed “Development Agreement” states the following changes will be permitted to Boulder Springs Specific Plan 229.

1.1.4 “Development Approvals” means all permits and other entitlements for use subject to approval or issuance by COUNTY in connection with use of the Property and for development of the Property including, but not limited to:

- (a) Conditional use permits (or similar entitlements), and site plans;
- (b) Zoning amendments;
- (c) General Plan amendments
- (d) Tentative and final subdivision and parcel maps;
- (e) Grading and building permits;
- (f) Any permits or entitlements necessary from the COUNTY;
- (g) Any easements necessary from COUNTY or any other landowner;
- (h) Specific plans and specific plan amendments;
- (i) Right of Entry agreements

1.1.6 "Development Plan" means the Existing or Proposed Development. Approvals and the Existing Land Use Regulations applicable to development of the Property.

3.1 The Project shall remain subject to all Subsequent Development Approvals required to complete the Project as contemplated by the Development Plan. Except as otherwise provided in this Agreement, the permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings and structures, and provisions for reservation and dedication of land for public purposes shall be those set forth in the Development Plan
COUNTY OF RIVERSIDE PLANNING DEPARTMENT

3.4 Changes and Amendments. **The parties acknowledge that refinement and further development of the Project will require Subsequent Development Approvals and may demonstrate that changes are appropriate, required, and mutually desirable in the Existing Development**

Approvals. In the event OWNER finds that a change in the Existing Development Approvals is necessary or appropriate, OWNER shall apply for a Subsequent Development Approval to effectuate such change and COUNTY shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. If approved, any such change in the Existing Development Approvals shall be incorporated herein as an addendum to Exhibit "C", and may be further changed from time to time as provided in this Section. Unless otherwise required by law, as determined in COUNTY's reasonable discretion, a change to the Existing Development Approvals shall be deemed "minor" – subject to Planning Director's concurrence - and not require an amendment to this Agreement provided such change does not:

- (a) Alter the permitted uses of the Property as a whole;
- (b) Increase the density or intensity of use of the Property as a whole;
- (c) Significantly increase the maximum height and size of permitted buildings or structures;
- (d) Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or,
- (e) Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

3.5 Reservations of Authority.

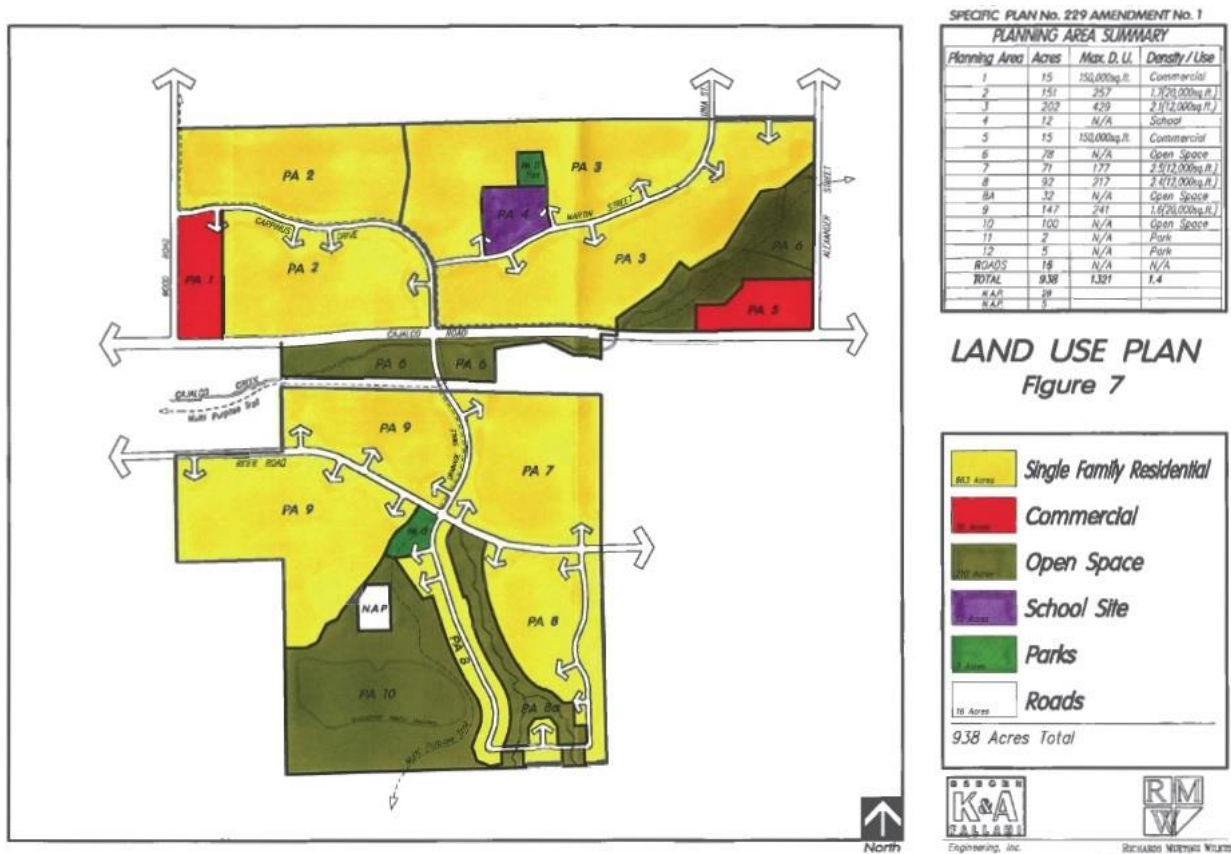
3.5.2 Subsequent Development Approvals. This Agreement shall not prevent COUNTY, in acting on Subsequent Development Approvals, from applying Subsequent Land Use Regulations which do not conflict with the Development Plan, nor shall this Agreement prevent COUNTY from denying or conditionally approving any Subsequent Development Approval on the basis of the Existing Land Use Regulations or any Subsequent Land Use Regulation not in conflict with the Development Plan.

EXHIBIT “F”

- (4) Dedicate land for future fire station. Timing: identify location on final map / at recordation.
- (5) Establish a CFD for fire station. Timing: create before final map recordation.

PRIOR TO THE ISSUANCE OF THE 1136th building permit within the SPECIFIC PLAN, the park designated as Planning Area 12 shall be constructed and fully operable. The park should be under constructions along with the first tract of homes.

Specific Plan 229 states that the Developer will construct the park and it will be fully operational. Planning Area 12.



I urge you to deny Development Agreement No. 2400002. Development Agreement No. 2400002 fails to describe what the proposed changes will be in Specific Plan 229 as required in Ordinance 348. Therefore no changes can be made to Boulder Springs Specific Plan 229.

Debbie Walsh

Debbie Walsh

951-317-6868

Wheeler, Timothy

From: Debbie Walsh <abilene149@gmail.com>
Sent: Wednesday, May 8, 2024 4:21 PM
To: Wheeler, Timothy; Brady, Russell; Camacho, Maria
Subject: Development Agreement No. 2400002
Attachments: BSdevelopmentagreement(2).pdf

CAUTION: This email originated externally from the **Riverside County** email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Tim,

Please find the attached letter regarding the Development Agreement No. 240000 agenda item 4.1 for the Planning Commission meeting May 9, 2024. Please add this letter to the public record.

Debbie Walsh

Wheeler, Timothy

From: Dr. John L. MINNELLA-Romano <drjminnella@yahoo.com>
Sent: Thursday, May 9, 2024 5:04 AM
To: Wheeler, Timothy
Cc: Elaine WILSON; Vicki Sanchez; Ronald "Jake" Somers
Subject: Re: PLANNING COMMISSION HEARING May 9, 2024; AGENDA ITEM 4.1. Development Agreement No. 2400002 (DA2400002).

CAUTION: This email originated externally from the **Riverside County** email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

May 9, 2024

Riverside County Planning Commission

4080 Lemon Street
Riverside, CA 92501

Attention: **Tim Wheeler**, Project Planner

Re: **PLANNING COMMISSION HEARING May 9, 2024;**
4.1. Development Agreement No. 2400002 (DA2400002).

AGENDA ITEM

Honorable Commissioners:

The Residents Association of Greater Lake Mathews, Inc. ("RAGLM") opposes the proposed Development Agreement No. 2400002 before you.

A) THE COUNTY OF RIVERSIDE DID NOT GIVE ADEQUATE PUBLIC NOTICE THAT THIS PROJECT WAS GOING BEFORE THE PLANNING COMMISSION. The County of Riverside has not held a Planning Commission meeting on a Thursday. All meetings are held on Wednesdays. The Project is hundreds of acres in size and yet only some residents 300 feet from the project were notified. Only a few residents living near the project were notified despite its significant impacts on the entire communities of Lake Mathews and Mead Valley.

B) INSUFFICIENT DETAILS ARE DESCRIBED AS TO WHAT THE PROPOSED CHANGES WILL BE IN SPECIFIC PLAN 229 AS REQUIRED IN ORDINANCE 348.

County Ordinance 348 provides that:

SECTION 2.8. SPECIFIC PLANS.

Specific plans, and amendments thereto, shall be heard and adopted in accordance with the provisions of Section 65450 et seq. of the Government Code, as now written or hereafter amended, and in accordance with Section 2.10. of this Article. The Board of Supervisors may, by affirmative vote of not less than a majority of the entire membership of the Board, order the preparation and hearing of a new specific plan or the amendment of any existing specific plan. Any such order for preparation and hearing shall not imply that any new specific plan or amendment to an existing specific plan will be approved.

SECTION 2.11. DETERMINATION OF PROJECT CONFORMANCE WITH ADOPTED SPECIFIC PLAN.

A. Whenever an application for an implementing project varies from and is not in substantial conformance with an adopted specific plan, an amendment to that specific plan shall be adopted pursuant to the provisions of Section 2.8. of this ordinance prior to the approval of the implementing project.

B. Whenever an application for an implementing project varies from but is in substantial conformance with the adopted specific plan, a determination of substantial conformance shall be issued as provided in this Subsection prior to the approval of the implementing project.

1. For purposes of this Subsection, the term "substantial conformance" shall mean a non-substantial modification of a condition of approval, diagram, or text of the specific plan that does not change the basic design or improvements required and is consistent with the original resolution adopting the specific plan, the conditions of approval, and the specific plan text. Substantial conformance may include a modification or deletion of a condition which will not substantially or adversely affect the underlying purpose for which the condition was initially required, construction of an implementing project out of phase so long as all infrastructure and public facilities required for the intervening phases are provided, a modification of the approved land uses in a phase which does not increase the land use density or intensity in any phase or planning area beyond that allowed by the specific plan or a modification of the project design which improves circulation, protects topographic features, minimizes grading, or improves drainage or improves infrastructure.

2. An application for a determination of substantial conformance shall be made on forms provided by the Planning Department, shall be accompanied by the fee set forth in County Ordinance No. 671 and shall include the following:

a. An accurate and complete description of the modification and how it affects the adopted specific plan, along with any necessary exhibits or diagrams.

b. Any other information, exhibits or drawings the Planning Director may require.

3. The Planning Director shall transmit all such applications to the appropriate agencies for review and comment and shall then forward them, along with a recommendation, to the Planning Commission for decision. A copy of the notice of decision of the Planning Commission shall be mailed to the applicant and to any person who has made a written request therefore. The Planning Director shall also file a copy of the notice of decision of the Planning Commission with the Clerk of the Board of Supervisors,

together with a report of the proceedings, not more than 15 days after the decision. The Clerk of the Board shall place the notice of decision on the next agenda of the Board of Supervisors held five or more days after the Clerk receives the notice from the Planning Director. The decision of the Planning Commission shall be considered final unless the applicant or an interested party files an appeal with the Clerk of the Board of Supervisors accompanied by the fee set forth in County Ordinance No. 671 within ten days after the notice of decision appear on the Board's agenda. If a timely appeal is filed, the Clerk shall place the matter on the next available agenda, and the Board of Supervisors shall determine whether the determination of substantial conformance should be made. An application for a determination of substantial conformance shall not require a noticed public hearing; however, if the Planning Director, the Commission, or the Board decides that notice of the application should be given, notice shall be given at the applicant's expense in the manner provided for by Section 1.6. and 1.7. of this ordinance. Whenever such a decision requiring notice is made, no further action shall be taken on the application until proper notice has been given. The Commission or Board of Supervisors may, at their discretion, allow testimony to be given on the proposed modification.

4. An application for a determination of substantial conformance may be approved only if the following findings are made:

a. That the project as modified meets the intent and purpose of the adopted specific plan; and b. That the project as modified is consistent with the findings and conclusions contained in the resolution adopting the specific plan.

C. Notwithstanding any other provision in this Section to the contrary, and even if the application for a determination of substantial conformance otherwise could be approved under this section, an applicant may be required to process a specific plan amendment pursuant to the provisions of Section 2.9. of this ordinance if it is determined that an amendment to the specific plan is required.

The Proposed “Development Agreement” states the following changes will be permitted to Boulder Springs Specific Plan 229.

1.1.4 “Development Approvals” means all permits and other entitlements for use subject to approval or issuance by COUNTY in connection with use of the Property and for development of the Property including, but not limited to:

(a) Conditional use permits (or similar entitlements), and site plans;

(b) Zoning amendments;

(c) General Plan amendments

(d) Tentative and final subdivision and parcel maps;

(e) Grading and building permits;

(f) Any permits or entitlements necessary from the COUNTY;

(g) Any easements necessary from COUNTY or any other landowner;

(h) Specific plans and specific plan amendments;

(i) Right of Entry agreements

1.1.6 “Development Plan” means the Existing or Proposed Development. Approvals and the Existing Land Use Regulations applicable to development of the Property.

3.1 The Project shall remain subject to all Subsequent Development Approvals required to complete the Project as contemplated by the Development Plan. Except as otherwise provided in this Agreement, the permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings and structures, and provisions for reservation and dedication of land for public purposes shall be those set forth in the Development Plan COUNTY OF RIVERSIDE PLANNING DEPARTMENT

3.4 Changes and Amendments. The parties acknowledge that refinement and further development of the Project will require Subsequent Development Approvals and may demonstrate that changes are appropriate, required, and mutually desirable in the Existing Development

Approvals. In the event OWNER finds that a change in the Existing Development Approvals is necessary or appropriate, OWNER shall apply for a Subsequent Development Approval to effectuate such change and COUNTY shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. If approved, any such change in the Existing Development Approvals shall be incorporated herein as an addendum to Exhibit “C”, and may be further changed from time to time as provided in this Section. Unless otherwise required by law, as determined in COUNTY’s reasonable discretion, a change to the Existing Development Approvals shall be deemed “minor” – subject to Planning Director’s concurrence - and not require an amendment to this Agreement provided such change does not:

(a) Alter the permitted uses of the Property as a whole;

- (b) Increase the density or intensity of use of the Property as a whole;
- (c) Significantly increase the maximum height and size of permitted buildings or structures;
- (d) Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or,
- (e) Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

3.5 Reservations of Authority.

3.5.2 Subsequent Development Approvals. This Agreement shall not prevent COUNTY, in acting on Subsequent Development Approvals, from applying Subsequent Land Use Regulations which do not conflict with the Development Plan, nor shall this Agreement prevent COUNTY from denying or conditionally approving any Subsequent Development Approval on the basis of the Existing Land Use Regulations or any Subsequent Land Use Regulation not in conflict with the Development Plan.

EXHIBIT "F"

- (4) Dedicate land for future fire station. Timing: identify location on final map / at recordation.
- (5) Establish a CFD for fire station. Timing: create before final map recordation.

PRIOR TO THE ISSUANCE OF THE 1136th building permit within the SPECIFIC PLAN, the park designated as Planning Area 12 shall be constructed and fully operable. The park should be under constructions along with the first tract of homes.

Specific Plan 229 states that the Developer will construct the park and it will be fully operational. Planning Area 12.

C) THE PROPOSAL AS SET FORTH ABOVE BEFORE THE COMMISSION DOES NOT COMPLY WITH COUNTY ORDINANCE 348 AND THEREFORE MUST BE DENIED.

We therefore urge you to deny Development Agreement No. 2400002. Development Agreement No. 2400002 fails to describe what the proposed changes will be in Specific Plan 229 as required in Ordinance 348. **Therefore no changes can be made to Boulder Springs Specific Plan 229.**

Respectfully submitted,

**FOR THE BOARD OF DIRECTORS OF
THE RESIDENTS ASSOCIATION OF
GREATER LAKE MATHEWS, INC.**

[signed]

**John L. Minnella
President**

Wheeler, Timothy

From: Dr. John L. MINNELLA-Romano <drjminnella@yahoo.com>
Sent: Thursday, May 9, 2024 8:29 AM
To: Wheeler, Timothy
Subject: Re: PLANNING COMMISSION HEARING May 9, 2024; AGENDA ITEM 4.1. Development Agreement No. 2400002 (DA2400002).

Thank you as always, Tim.

Sincerely,

**J.L. MINNELLA AND ASSOCIATES/ MINNELLA ROMANO
AND ASSOCIATES**

[signed] Dr. John L. Minnella

California, USA address: 1820 East 17th Street, Santa Ana, California 92705-8604. Telephone: 714/543-9005; Facsimile: 714/542-2495. Email: drjminnella@yahoo.com or minnellalaw@sbcglobal.net. Affiliated offices also in: Managua, NICARAGUA (Headquarters); Port Harcourt, NIGERIA; and Phnom Penh, CAMBODIA. Website: <http://www.minnellalaw.com>.

This e-mail is confidential and may contain attorney client or otherwise privileged or private information. Unless you are an intended or authorized recipient, you may not use, copy or disclose this message or any information contained herein. If you have received this message in error, please advise us by reply email to: drjminnella@yahoo.com and/or minnellalaw@sbcglobal.net; and delete the message and any attachments.

Thank you.

Wheeler, Timothy

From: Debbie Walsh <abilene149@gmail.com>
Sent: Friday, May 10, 2024 10:42 AM
To: Brady, Russell; Wheeler, Timothy
Subject: Fwd: Boulder Springs Specific Plan 229- DEVELOPMENT AGREEMENT NO. 2400002

CAUTION: This email originated externally from the Riverside County email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Russell,

Would you please send additional information on Development Agreement No 2400002.

Staff report shows the following information on the community benefits. The community benefits are not fully described such as Cajalco Road improvements to widen Cajalco between Wood and Alexander streets to full width may require the removal of a number of homes and right of way (part of the Cajalco improvement project) the trails are part of the original plan, dedicate future land for a fire station. Perhaps this could be dedicated for additional park area as we do not need a fire station. Currently we have Station 4, 59 and 8 servicing the area.

What is not wanted is funding for high density housing, additional sewer projects and sidewalks. Funding for additional trails would be a benefit to this rural equestrian community. Also a signal light at Carpetinus and Cajalco was part of the original agreement. Equestrian oriented crosswalks that allow safely crossing Cajalco along the equestrian trails joining the north and south trails. No mention of the equestrian center promised to the community in the original plan. Where is the funding for that? South side of project. The Mead Valley and Lake Mathews communities are equestrian rural large lot communities and not urban cities.

Staff report

and to provide community benefits throughout the tract maps, including but not limited to the following: widen and improve

Cajalco Road between Wood Road & Alexander Street, widen and improve Rider Street including a trail section on the northern roadway of Rider Street; trail connects throughout the development, dedicate land for a future fire station and the establishment of a CFD for the fire station, and additional funds collected from the tract map developments for affordable housing – APNs: 321-140-027, 019, 321-140-023, 024, 031, 032, 321-410-011, 013, 014, 015, 321-140-020, 321-410-001, 006, 321-140-022. Project Planner Tim Wheeler at (951) 955-6060 or email at twheeler@rivco.org.

----- Forwarded message -----

From: Debbie Walsh <abilene149@gmail.com>
Date: Tue, May 7, 2024 at 3:16 PM
Subject: Boulder Springs Specific Plan 229- DEVELOPMENT AGREEMENT NO. 2400002
To: Wheeler, Timothy <twheeler@rivco.org>

Tim,

Please send me information on the development agreement for Boulder Springs.

Why is this meeting of the Planning Commission on May 9 a Thursday.?

This is the first time that the Planning Commission is meeting on a Thursday.

Debbie

4. PUBLIC HEARINGS - NEW ITEMS:

24954 : DEVELOPMENT AGREEMENT NO. 2400002 – Not a Project under CEQA or Exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines section 15061(b)(3) – Applicant:– Representative/Engineer: KWC Engineers c/o John Snell – First and Second Supervisorial Districts – Mead Valley Zoning District – Lake Matthews/Woodcrest / Mead Valley Area Plans – Open Space: Recreation (OS: R); Rural Community: Low Density Residential (RC: LDR); Rural Community: Estate Density Residential (RC: EDR) – Open Space: Conservation (OS: C) – Open Space: Recreation (OS: R) – Location: north of Rider Street, south of Cajalco Road, east of Wood Road, and west of Barton Street – 364.27+/- acres – Specific Plan: Boulder Springs #229 – REQUEST:

1. Development Agreement No. 2400002 is a proposal to extend the expiration date for six (6) approved tract maps, TR31607 thru TR31612, for a minimum of 5 years to July 9, 2029 and to provide community benefits throughout the tract maps, including but not limited to the following: widen and improve Cajalco Road between Wood Road & Alexander Street, widen and improve Rider Street including a trail section on the northern roadway of Rider Street; trail connects throughout the development, dedicate land for a future fire station and the establishment of a CFD for the fire station, and additional funds collected from the tract map developments for affordable housing – APNs: 321-140-027, 019, 321-140-023, 024, 031, 032, 321-410-011, 013, 014, 015, 321-140-020, 321-410-001, 006, 321-140-022. Project Planner Tim Wheeler at (951) 955-6060 or email at twheeler@rivco.org.

Wheeler, Timothy

From: Dr. John L. MINNELLA-Romano <drjminnella@yahoo.com>
Sent: Tuesday, May 21, 2024 8:42 AM
To: Supervisor Jeffries - 1st District; Office of 2nd District Supervisor; District3; District 5; District 4 Supervisor V. Manuel Perez; Clerk of the Board; Wheeler, Timothy
Subject: May 21, 2024; AGENDA ITEM: Proposed Development Agreement No. 2400002 (DA2400002)

CAUTION: This email originated externally from the **Riverside County** email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

RESIDENTS ASSOCIATION OF GREATER LAKE MATHEWS, INC.

3410 La Sierra Ave., PMB F41, Riverside, CA 92503

Tel: 714/543-9005; Email: drjminnella@yahoo.com

May 21, 2024

Riverside County Board of Supervisors

4080 Lemon Street

Riverside, CA 92501

Attention: Clerk of the Board

Re: **May 21, 2024; AGENDA ITEM: Proposed Development Agreement No. 2400002 (DA2400002).**

Honorable Supervisors:

The Residents Association of Greater Lake Mathews, Inc. (“RAGLM”) vehemently opposes the proposed Development Agreement No. 2400002 to Boulder Springs SP 229.

The County of Riverside did not give adequate public notice that this Project was going before the Planning Commission or the Board of Supervisors. The residents living in the Boulder Springs area who are part of the Specific Plan 229 housing community including myself were not given public notice. Changes are being made to their Specific Plan without any input or knowledge. The County notice for the BOS meeting Item 21.2 in the Press Enterprise one time on Sunday, May 13, 2024 for this project. Public Notice is required 10 days before an item goes to the Board of Supervisors.

The County of Riverside has not held a Planning Commission meeting on a Thursday in the past 30 years. All meetings are held on Wednesdays. The Project is hundreds of acres in size and yet only residents 300 feet from the project were notified. Residents of Boulder Springs were not notified outside of the Specific Plan. Only a few residents outside of the Plan along Barton Road were given notice.

This is more than a Development Agreement for an Extension of Time. The County is making major changes to the original Specific Plan 229 without notifying the Community or residents of Boulder Springs making changes to their Specific Plan 229.

The changes proposed in Development Agreement No 240002 will required a new Specific Plan, EIR, CEQA and Traffic Study. Taking out the Signal Light at Carpinus changes the Traffic Study. This is not a simple change, but huge changes to SP229. No park will be built under this agreement.

For these and many more reasons we oppose proposed Development Agreement No. 2400002 to Boulder Springs SP 229.

Respectfully submitted,

**FOR THE BOARD OF DIRECTORS OF
THE RESIDENTS ASSOCIATION OF
GREATER LAKE MATHEWS, INC.**

[signature]

John L. Minnella

President

RESIDENTS ASSOCIATION OF GREATER LAKE MATHEWS, INC.

3410 La Sierra Ave., PMB F41, Riverside, CA 92503

Tel: 714/543-9005; Email: drjminnella@yahoo.com

May 9, 2024

Riverside County Planning Commission

4080 Lemon Street
Riverside, CA 92501

Attention: **Tim Wheeler**, Project Planner

Re: **PLANNING COMMISSION HEARING May 9, 2024;**
AGENDA ITEM 4.1. Development Agreement No. 2400002 (DA2400002).

Honorable Commissioners:

The Residents Association of Greater Lake Mathews, Inc. (“RAGLM”) opposes the proposed Development Agreement No. 2400002 before you.

A) THE COUNTY OF RIVERSIDE DID NOT GIVE ADEQUATE PUBLIC NOTICE THAT THIS PROJECT WAS GOING BEFORE THE PLANNING COMMISSION. The County of Riverside has not held a Planning Commission meeting on a Thursday. All meetings are held on Wednesdays. The Project is hundreds of acres in size and yet only some residents 300 feet from the project were notified. Only a few residents living near the project were notified despite its significant impacts on the entire communities of Lake Mathews and Mead Valley.

B) INSUFFICIENT DETAILS ARE DESCRIBED AS TO WHAT THE PROPOSED CHANGES WILL BE IN SPECIFIC PLAN 229 AS REQUIRED IN ORDINANCE 348.

County Ordinance 348 provides that:

SECTION 2.8. SPECIFIC PLANS.

Specific plans, and amendments thereto, shall be heard and adopted in accordance with the provisions of Section 65450 et seq. of the Government Code, as now written or hereafter amended, and in accordance with Section 2.10. of this Article. The Board of Supervisors may, by affirmative vote of not less than a majority of the entire membership of the Board, order the preparation and hearing of a new specific plan or the amendment of any existing specific plan. Any such order for preparation and hearing shall not imply that any new specific plan or amendment to an existing specific plan will be approved.

SECTION 2.11. DETERMINATION OF PROJECT CONFORMANCE WITH ADOPTED SPECIFIC PLAN.

A. Whenever an application for an implementing project varies from and is not in substantial conformance with an adopted specific plan, an amendment to that specific plan shall be adopted pursuant to the provisions of Section 2.8. of this ordinance prior to the approval of the implementing project.

B. Whenever an application for an implementing project varies from but is in substantial conformance with the adopted specific plan, a determination of substantial conformance shall be issued as provided in this Subsection prior to the approval of the implementing project.

1. For purposes of this Subsection, the term "substantial conformance" shall mean a non-substantial modification of a condition of approval, diagram, or text of the specific plan that does not change the basic design or improvements required and is consistent with the original resolution adopting the specific plan, the conditions of approval, and the specific plan text. Substantial conformance may include a modification or deletion of a condition which will not substantially or adversely affect the underlying purpose for which the condition was initially required, construction of an implementing project out of phase so long as all infrastructure and public facilities required for the intervening phases are provided, a modification of the approved land uses in a phase which does not increase the land use density or intensity in any phase or planning area beyond that allowed by the specific plan or a modification of the project design which improves circulation, protects topographic features, minimizes grading, or improves drainage or improves infrastructure.

2. An application for a determination of substantial conformance shall be made on forms provided by the Planning Department, shall be accompanied by the fee set forth in County Ordinance No. 671 and shall include the following:

a. An accurate and complete description of the modification and how it affects the adopted specific plan, along with any necessary exhibits or diagrams.

b. Any other information, exhibits or drawings the Planning Director may require.

3. The Planning Director shall transmit all such applications to the appropriate agencies for review and comment and shall then forward them, along with a recommendation, to the Planning Commission for decision. A copy of the notice of decision of the Planning Commission shall be mailed to the applicant and to any person who has made a written request therefore. The Planning Director shall also file a copy of the notice of decision of the Planning Commission with the Clerk of the Board of Supervisors, together with a report of the proceedings, not more than 15 days after the decision. The Clerk of the Board shall place the notice of decision on the next agenda of the Board of Supervisors held five or more days after the Clerk receives the notice from the Planning Director. The decision of the Planning Commission shall be considered final unless the applicant or an

interested party files an appeal with the Clerk of the Board of Supervisors accompanied by the fee set forth in County Ordinance No. 671 within ten days after the notice of decision appear on the Board's agenda. If a timely appeal is filed, the Clerk shall place the matter on the next available agenda, and the Board of Supervisors shall determine whether the determination of substantial conformance should be made. An application for a determination of substantial conformance shall not require a noticed public hearing; however, if the Planning Director, the Commission, or the Board decides that notice of the application should be given, notice shall be given at the applicant's expense in the manner provided for by Section 1.6. and 1.7. of this ordinance. Whenever such a decision requiring notice is made, no further action shall be taken on the application until proper notice has been given. The Commission or Board of Supervisors may, at their discretion, allow testimony to be given on the proposed modification.

4. An application for a determination of substantial conformance may be approved only if the following findings are made:

a. That the project as modified meets the intent and purpose of the adopted specific plan; and b. That the project as modified is consistent with the findings and conclusions contained in the resolution adopting the specific plan.

C. Notwithstanding any other provision in this Section to the contrary, and even if the application for a determination of substantial conformance otherwise could be approved under this section, an applicant may be required to process a specific plan amendment pursuant to the provisions of Section 2.9. of this ordinance if it is determined that an amendment to the specific plan is required.

The Proposed “Development Agreement” states the following changes will be permitted to Boulder Springs Specific Plan 229.

1.1.4 “Development Approvals” means all permits and other entitlements for use subject to approval or issuance by COUNTY in connection with use of the Property and for development of the Property including, but not limited to:

- (a) Conditional use permits (or similar entitlements), and site plans;
- (b) Zoning amendments;
- (c) General Plan amendments
- (d) Tentative and final subdivision and parcel maps;
- (e) Grading and building permits;
- (f) Any permits or entitlements necessary from the COUNTY;
- (g) Any easements necessary from COUNTY or any other landowner;
- (h) Specific plans and specific plan amendments;
- (i) Right of Entry agreements

1.1.6 “Development Plan” means the Existing or Proposed Development. Approvals and the Existing Land Use Regulations applicable to development of the Property.

3.1 The Project shall remain subject to all Subsequent Development Approvals required to complete the Project as contemplated by the Development Plan. Except as otherwise provided in this Agreement, the permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings and structures, and provisions for reservation and dedication of land for public purposes shall be those set forth in the Development Plan
COUNTY OF RIVERSIDE PLANNING DEPARTMENT

3.4 Changes and Amendments. **The parties acknowledge that refinement and further development of the Project will require Subsequent Development Approvals and may demonstrate that changes are appropriate, required, and mutually desirable in the Existing Development**

Approvals. In the event OWNER finds that a change in the Existing Development Approvals is necessary or appropriate, OWNER shall apply for a Subsequent Development Approval to effectuate such change and COUNTY shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. If approved, any such change in the Existing Development Approvals shall be incorporated herein as an addendum to Exhibit “C”, and may be further changed from time to time as provided in this Section. Unless otherwise required by law, as determined in COUNTY’s reasonable discretion, a change to the Existing Development Approvals shall be deemed “minor” – subject to Planning Director’s concurrence - and not require an amendment to this Agreement provided such change does not:

- (a) Alter the permitted uses of the Property as a whole;
- (b) Increase the density or intensity of use of the Property as a whole;
- (c) Significantly increase the maximum height and size of permitted buildings or structures;
- (d) Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or,
- (e) Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

3.5 Reservations of Authority.

3.5.2 Subsequent Development Approvals. This Agreement shall not prevent COUNTY, in acting on Subsequent Development Approvals, from applying Subsequent Land Use Regulations which do not conflict with the Development Plan, nor shall this

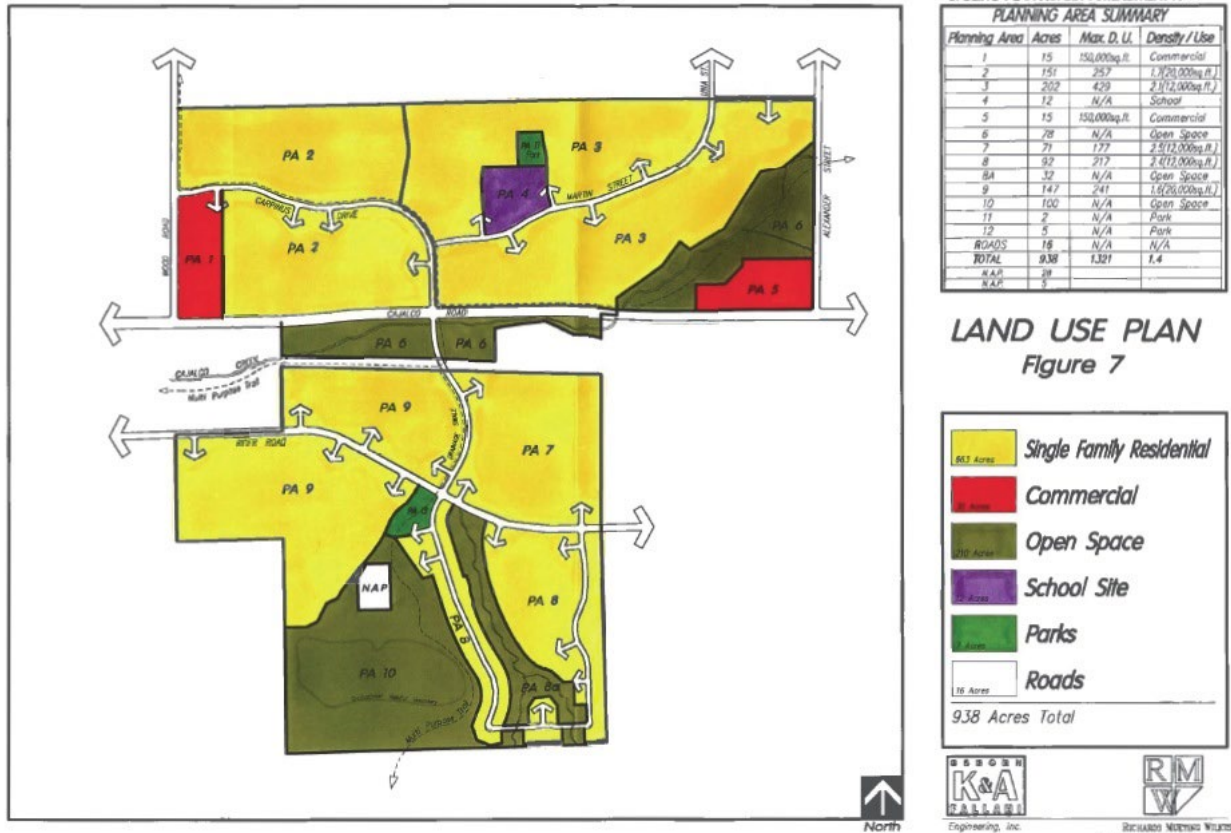
Agreement prevent COUNTY from denying or conditionally approving any Subsequent Development Approval on the basis of the Existing Land Use Regulations or any Subsequent Land Use Regulation not in conflict with the Development Plan.

EXHIBIT “F”

- (4) Dedicate land for future fire station. Timing: identify location on final map / at recordation.
- (5) Establish a CFD for fire station. Timing: create before final map recordation.

PRIOR TO THE ISSUANCE OF THE 1136th building permit within the SPECIFIC PLAN, the park designated as Planning Area 12 shall be constructed and fully operable. The park should be under constructions along with the first tract of homes.

Specific Plan 229 states that the Developer will construct the park and it will be fully operational. Planning Area 12.



C) THE PROPOSAL AS SET FORTH ABOVE BEFORE THE COMMISSION DOES NOT COMPLY WITH COUNTY ORDINANCE 348 AND THEREFORE MUST BE DENIED.

We therefore urge you to deny Development Agreement **No. 2400002**. Development Agreement **No. 2400002** fails to describe what the proposed changes will be in Specific Plan 229 as required in Ordinance 348. **Therefore no changes can be made to Boulder Springs Specific Plan 229.** Respectfully submitted,

**FOR THE BOARD OF DIRECTORS OF
THE RESIDENTS ASSOCIATION OF
GREATER LAKE MATHEWS, INC.**

[signed]

**John L. Minnella
President**

Rural Association of Mead Valley
Debbie Walsh
PO Box 2244
Perris, CA 92572

May 21, 2024

Riverside County Board of Supervisors
4080 Lemon Street
Riverside, CA 92501
Project Planner - Tim Wheeler

Dear Honorable Supervisors:

Board of Supervisors: AGENDA ITEM 21.2. Development Agreement No. 2400002 (DA2400002).

The Rural Association of Mead Valley is opposed to the proposed Development Agreement No. 2400002 to Boulder Springs SP 229.

The County of Riverside did not give adequate public notice that this Project was going before the Planning Commission or the Board of Supervisors. The Residents living in the Boulder Springs who are part of the Specific Plan 229 housing community were not given public notice. Changes are being made to their Specific Plan without any input or knowledge. The County notice for the BOS meeting Item 21.2 in the Press Enterprise one time on Sunday, May 13, 2024 for this project. Public Notice is required 10 days before items goes to the Board of Supervisors.

The County of Riverside has not held a Planning Commission meeting on a Thursday in the entire 30 + years I have attended. All meeting are held on Wednesdays. The Project is hundreds of acres in size and yet only residents 300 feet from the project were notified. Residents of Boulder Springs were not notified outside of the Specific Plan along Barton Road.

This is more than a Development Agreement for an Extension of Time. The County is making major changes to the original Specific Plan 229 without notifying the Community or residents of Boulder Springs making changes to their Specific Plan 229.

The changes proposed in Development Agreement No 240002 will required a new Specific Plan, EIR, CEQA and Traffic Study. Taking out the Signal Light at Carpinus changes the Traffic Study. This is not a simple change, but huge changes to SP229. Hard to build the 1136th home for this park when the Specific plan only has 1131 homes. No park will be built under this agreement.

Staff Report Page 7.

FINDINGS AND CONCLUSIONS

In order to extend the expiration date of TTM Nos. 31607, 31608, 31609, 31610, 31611, and 31612 (“the Maps”) the County must approve the Development Agreement.

Development Agreement

Broadly speaking, development agreements grant applicants vesting rights to develop the Project in accordance with the terms of the DA. In exchange, the DA provides certain public benefits that go beyond the basic requirements of the County including annual public benefit

payments, which will be used for additional public safety services, infrastructure improvements, or community enhancement programs.

Development Agreement No. 2400002 (DA) proposes extending the expiration date of the Maps from July 9, 2024 to July 9, 2029. The DA is consistent with the General Plan and Ordinance No. 348. Additionally, the prior advisory notification document, conditions of approval, and entitlement approvals will remain in effect and will ensure that the project is developed in a way that would not conflict with the public’s health, safety, or general welfare.

Staff report

Development Agreement

Broadly speaking, development agreements grant applicants vesting rights to develop the Project in accordance with the terms of the DA. In exchange, the DA provides certain public benefits that go beyond the basic requirements of the County including annual public benefit payments, which will be used for additional public safety services, infrastructure improvements, or community enhancement programs.

No details are described in the Development Agreement as to what the proposed changes will be in Specific Plan 229 as required in Ordinance 348.

Development Agreement No. 2400002 (DA) proposes extending the expiration date of the Maps from July 9, 2024 to July 9, 2029. The DA is consistent with the General Plan and Ordinance No. 348. Additionally, the prior advisory notification document, conditions of approval, and entitlement approvals will remain in effect and will ensure that the project is developed in a way that would not conflict with the public’s health, safety, or general welfare.

The negotiated terms of the DA are described in the last Exhibit of the DA and include the following:

The Development Agreement states the Specific plan 229 can be changed by the owner (developer). Justified by any public benefit of their choosing. No notice to the Community residents or residents of SP229. What qualifies as a public benefit? Whatever the “Owner” Wants.

The Developer Agreement.

(1) Widen AND improve Cajalco between Alexander and Wood pursuant to the following:

- a. Ultimate half-width improvements along the north half of Cajalco Rd between Wood Rd and Alexander St including curb, gutter, sidewalk, and parkway landscaping.
- b. Ultimate half-width improvements along the south of half of Cajalco Rd along the Boulder Springs Specific Plan frontage, including curb, gutter, sidewalk, and parkway landscaping.
- c. Transition tapers shall be provided at the approach and departure of the widened section of Cajalco Rd.

Timing: improvements shall start at time of grading and be completed prior to occupancy of any new home):

(2) Exact \$3,000,000 for the County Cajalco widening project. *Timing:* collected prior to final map recordation.

(3) Widen and improve Rider Trail in preparation of connection to the north.

Timing: at time of frontage improvements and / or development of Tract Map closest to Cajalco.

(4) Dedicate land for future fire station. *Timing:* identify location on final map / at recordation.

(5) Establish a CFD for fire station. *Timing:* create before final map recordation.

(6) Exact a \$4,500k per unit fee for affordable housing. *Timing:* collected upon each of the 632 dwelling unit building permit issuances.

Current Boulder Springs SP 229 Conditions of Approval

Developers to improve all of Cajalco Road from Wood to Alexander. (Improvements have already been made to Cajalco between Wood and Carpinus). ***No public benefit from the Developers agreement.***

Developer to add an Equestrian designed Signal Light at Carpinus and Cajalco. ***Not included in the Developers Agreement.***

Developer to add trail head and trails throughout the entire project. ***No added benefit from the Developers Agreement.***

Communities of Lake Mathews and Mead Valley have fire stations 5 miles from this project. There is no public benefit for a fire station. Stations 4 and 59 exist. **Not needed.** Conditions of Approval require a Library and School site. ***Not in the Developers Agreement.***

Conditions require the developer to build the parks and the CSA 117 and Parks to run the parks when they are completed. ***No added benefit from the Developers Agreement.***

County of Riverside General Plan Mead Valley Area Plan - Page 15

Land Use Concept

The Mead Valley land use plan provides for a predominantly rural community character with an equestrian focus. This is reflected by the Very Low Density Residential and Low Density Residential land use designations within the Rural Community Foundation Component and Rural Residential designation within the Rural Foundation Component that dominate the planning area. Pockets of open space, including the Motte-Rimrock Reserve and Steele Peak, are designated as Open Space Conservation Habitat to preserve their scenic and natural qualities.

No conditions for (affordable housing) are located in Mead Valley and Lake Mathews as they are rural communities with an equestrian focus and this is **“not” a community benefit**. These communities do not want urban land uses such as high density - low income homes in their communities.

The Proposed Developer Agreement adds \$4500 per home for low cost housing. **Where is this low cost housing being proposed?**

The owner / developer must pay for parks, maintaining the water quality basins and create and maintain a library and land for a School site which is in the SP 229 Conditions of Approval already.

The water quality basins must be maintained. This is required by the conditions of Approval, Federal and State law.

The Water Quality basins must be tested as they smell like raw sewage. This water is going into Lake Mathews.

Who is currently maintaining these basins? Who will maintain them in the future? Costs are well over \$77,000 in 2006 in public funds. **See letter from RCRC.**

Violating Regional Water Quality for water that goes directly into Lake Mathews. Lake Mathews from Cajalco Creek is polluted and stagenunt. The smell from the rotting vegetation and pollution is creating a massive ordor and insect infestation into the Lake Mathews community. Health and Safety to the community is being compromised. This is polluting Lake Mathews and drinking water for Orange County.



December 15, 2010

Chris Courtney, Land Planning Manager
K. Hovnanian Communities, Inc.
1500 South Haven Avenue, Suite 100
Ontario, CA 91761

Dear Chris:

As you will recall, representatives from RCRCD met with you, Wally Miller and Jeff Davis on October 6, 2010. At that meeting, we presented a written proposal for RCRCD to undertake the mitigation installation work at the "Area B" Cajalco Creek Wetlands required of K. Hovnanian Homes under its regulatory permits. The proposal also included estimates regarding the endowment needed by RCRCD to undertake the perpetual management and maintenance of Area B, as also required by the regulatory permits. In the same proposal, we informed K Hovnanian about the remaining endowment amount needed for RCRCD to maintain the "Area A" water quality basins in perpetuity, as also required by your regulatory permits. The proposal also included figures related to weeding, administrative, legal and other costs incurred by RCRCD, which have not yet been reimbursed by K Hovnanian to RCRCD, as required by the March 2006 Memorandum of Understanding as well as individual authorizations we have received from K Hovnanian over time to do this work.

Subsequent to the October 6 meeting, we also scheduled meetings for November 1 and November 4, both of which K Hovnanian cancelled. Because K Hovnanian did not accept the RCRCD proposal by November 15, 2010, that proposal has expired by its own terms.

RCRCD understands and appreciates that K Hovnanian has had significant turnover and loss of staff, and that the building industry is not returning to health as quickly as we all would like. However, at this time, RCRCD can no longer afford to expend public funds on Areas A and B, even with K Hovnanian's obligation to reimburse or otherwise provide the funds for these efforts. Indeed, as explained in greater detail below, significant funds are due and owing from K Hovnanian to the RCRCD under the terms of the JCFA, MOU, and other relevant documents.

Area A

As you know, K Hovnanian provided RCRC D a payment of \$77,374 in 2006; however, all of those funds were spent undertaking the installation and related mitigation, monitoring and reporting work on the water quality basin portion of the site. As a result, we believe developer funds are not available at this time to maintain the water quality basins. Thus, RCRC D can no longer maintain these basins and, consistent with the JCFA, it appears K Hovnanian is required to do so until the facility can be formally accepted by RCRC D. (JCFA, §4.11, p. 23.) RCRC D will continue to search for outside funding that may be available to help maintain the water quality basins; however, it will remain K Hovnanian's responsibility to maintain those basins. In this regard, we believe the most crucial tasks are to ensure that sediment and other debris are timely removed from the "first flush" basin and that the outlet pipes of the vegetated basin are regularly maintained so that the basins continue to work as intended (and not cause any violations of Regional Water Board or other legal requirements).¹ Because RCRC D expects, in time, to receive one or more conservation easements over Area A, we want to ensure that the basins are maintained, to the greatest extent possible. Thus, we will endeavor to make our staff available to assist K Hovnanian with any questions they may have about the Area maintenance, including contractors available to assist. Alternatively, if K Hovnanian wants to deposit funds, in advance, with RCRC D for the purpose of maintaining the basins, we could certainly explore that option as well.

As part of the RCRC D written proposal, we also explained that Area A weeding, administrative and legal costs already due and owing to RCRC D at this time amount to Forty Two Thousand Eight Hundred Forty Four and 40/100's (\$42,844.40). We would appreciate receiving K Hovnanian's prompt payment of this amount as quickly as possible. We have also attached, as Exhibit A, documentation relating to these costs, and an invoice in this amount. We would appreciate receiving prompt payment of this amount. An interest rate of 1% per month will be charged on any amount outstanding starting after January 31, 2011.

Area B

With respect to the Area B Cajalco Creek Wetlands, RCRC D can no longer afford to expend public funds to undertake weeding, plant production, or any other activity on that site. While we think that it is in K Hovnanian's best interests to continue the weeding in order to ensure the success of any mitigation ultimately installed there, RCRC D will leave it to K Hovnanian and Trimont to determine the best course of action. Because RCRC D has no further funds to expend on Area B, we will not be able to review any public bidding or other documents K Hovnanian may produce in conjunction with its mitigation installation activities, unless K Hovnanian provides an advance deposit and sufficient time to RCRC D to review such documents. (JCFA, § 4.3(j), p. 18.)

¹ For proper function, the pipes that carry water out of the primary and vegetated basins must be maintained in a way that provides a balanced flow of water and minimal erosion of the maintenance road and downstream areas.

To the extent K Hovnanian still intends at some future date to seek to have RCRC D accept the completed Area B Facility, we would appreciate it if K Hovnanian would comply with all regulatory agency, JCFA and other requirements so that there will be no unnecessary hurdle to RCRC D acceptance of the facility. If K Hovnanian's intention is not to seek to have RCRC D accept the Area B facility, we would appreciate knowing that as soon as possible.

Also, over the last several years RCRC D has grown thousands of dollars worth of special plants and seeds suitable for planting in the alkaline soils of the Cajalco Creek Wetlands, which were intended to be used as part of the mitigation activities. Because these plants were grown and seeds collected for the benefit of the site, we can make them available for K Hovnanian or its contractors to pick up at RCRC D's headquarters through Monday, February 28, 2011. After that date, we will no longer have the money, space or time to keep the plants alive. Thus, unless you pick them up, they will be discarded. Whether K Hovnanian retrieves them or not, RCRC D is compelled to charge K Hovnanian for the costs of growing them for the last several years since the work was undertaken for K Hovnanian's benefit.

We have attached to this letter as Exhibit "B", documentation, including an invoice, relating to the unreimbursed expenses incurred by RCRC D on Area B to be paid by K Hovnanian. In total, the amount due and payable to RCRC D immediately is One Hundred Twelve Thousand Five Hundred Forty Six and 43/100'S (\$112,546.43). We would appreciate receiving prompt payment of this amount. An interest rate of 1% per month will be charged on any amount outstanding starting after January 31, 2011.

In sum, because K Hovnanian has elected not to accept our written proposal, we have now been directed by our Board of Directors to limit RCRC D's expenditures on these projects. Should circumstances change regarding funding or any other aspect of this project, we would appreciate promptly hearing about that.

Sincerely,



SHELLI LAMB
District Manager

Cc: William Devine, Esq., attorney for Trimont
Walter Miller, K Hovnanian



Boulder Springs at Wood road and Cajalco.

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



FROM: Supervisor Bob Buster

SUBMITTAL DATE:

April 23, 2004

SUBJECT: FAST TRACK REQUEST FOR BOULDER SPRINGS SPECIFIC PLAN 229

RECOMMENDED MOTION: That the Board of Supervisors grant Fast Track status to Tentative Parcel Map No. 32312 and Tentative Tract Nos. 31243, 31244, and 31245

BACKGROUND: Economic Development Agency staff has received a request for Fast Track status from Coussoulis Development for Tentative Parcel Map No. 32312 and Tentative Tract Nos. 31243, 31244, and 31245. These cases are part of the Boulder Springs Specific Plan which is located in the unincorporated area of Mead Valley on approximately 980 acres north of Cajalco Expressway and east of Wood Road.

The Tracts will provide much needed infrastructure and land necessary for an elementary school and county library. Coussoulis Development will be dedicating and constructing approximately 1.5 miles of the north half of Cajalco Expressway which is a CETAP corridor. Additionally, a site will be conveyed to the Verde School District for an elementary school and two acres will be conveyed for a county library site in an adjacent planning area.

In order to help expedite the public improvements associated with this project along with the dedication of school and library land, I am recommending Fast Track status be granted to Tentative Parcel Map No. 32312 and Tentative Tract Nos. 31243, 31244, and 31245.

Bob Buster, First District Supervisor

Issues of concern

Current Conditions of Approval. See complete attached Conditions of Approval.

Conditions of Approval for Equestrian improved Signal Light at Cajalco x Carpunis. (**Developer Agreement no longer requires this signal light**).

Developer/ Owner currently paying for full width improvements to Cajalco between Wood and Alexander (**No longer required developer pay full cost, only \$3 million**).

Library, School and completed parks no longer required under this **Developer Agreement**

Current Conditions of Approval

General. 2 0100-Planning-SP - Park Plans required

PRIOR TO THE ISSUANCE OF THE 284th building permit within the SPECIFIC PLAN, detailed park plans shall be submitted to and approved by the Planning Department and the Riverside County Recreation and Parks District County Service Area No.117 or other entity set

forth in the Planning Department's condition entitled "SP - Common Area Maintenance" for the park site designated as Planning Area

11. The detailed park plans shall conform with the design criteria in the specific plan document for Planning Area 11 and with the requirements of the Riverside County Recreation and Parks District County Service Area 117 or other entity set forth in the Planning Department entitled "SP - Common Area Maintenance". The park plans need not be working drawings, but shall include landscape and irrigation plans, descriptions and placement of recreational facilities and documentation evidencing a permanent maintenance mechanism for the park and its facilities.

General. 3 0100-Regional Parks and Open Space-MAP - TRAIL CONSTRUCTION

Prior to the issuance of the 81st building permit, the applicant shall build the trails as shown on the approved trails plan. (Trails required along Wood at the Gas Station were taken out of the plans.)

50. Prior To Map Recordation

Transportation

Not Satisfied0050-Transportation-MAP -SP229A1/CETAP CORRIDOR050 - Transportation. 15
Cajalco Road has been identified by the Riverside County Transportation Commission as the locally preferred route for the east-west, Hemet to Corona/Lake Elsinore CETAP Corridor. The Specific Plan shall be designed to set aside a 134 foot right-of-way for Cajalco Road, and an additional 86 foot area (to be deeded to the County) north of the 134 foot right-of-way to be designated for future public use.

The street improvements to be constructed within the right-of-way shall be as determined by the Transportation Department in consultation with RCTC and Caltrans.

Right-of-way and street improvements on Cajalco Road are eligible for consideration for TUMF fee credits, since Cajalco Road is a TUMF designated facility.

050 - Transportation. 22

The project proponent shall be responsible for the design of traffic signal(s) at the intersection(s) of: Carpinus Drive (Starglow Drive) (NS) at:

Cajalco Road (EW)

With no fee credit eligibility

Alexander Street (NS) at:

Cajalco Road (EW)

With no fee credit eligibility

Smith/Harley John Road (NS) at:

Cajalco Road (EW)

With fee credit eligibility

50. Prior To Map Recordation

Transportation

Not Satisfied0050-Transportation-MAP - TS/DESIGN (cont.)050 - Transportation. 22
or as approved by the Transportation Department.

Traffic Signal Interconnect shall be provided as approved by the Transportation Department

Installation of the signal (s) shall be per 90.TRANS.6

Not Satisfied0050-Transportation-MAP - TS/GEOMETRICS050 - Transportation. 23

The intersection of Carpinus Drive/Starglow Drive (NS) and Cajalco Road (EW) shall be improved to provide the following geometrics:

Northbound: One left-turn lane and one shared through/right-turn lane

Southbound: N/A

Eastbound: One left-turn lane, one through lane, and one right-turn lane

Westbound: One left-turn lane and one through lane

The intersection of Alexander Street (NS) and Cajalco Road (EW) shall be improved to provide the following geometrics:

Northbound: One left-turn lane and one through lane

Southbound: One left-turn lane and one through lane

Eastbound: One left-turn lane and two through lanes

Westbound: One left-turn lane and two through lanes

The intersection of Smith/Harley John Road (NS) and Cajalco Road (EW) shall be improved to provide the following geometrics:

Northbound: One shared left-turn/through/right-turn lane

Southbound: One shared left-turn/through/right-turn lane

Eastbound: One left-turn lane, one through lane, and one

right-turn lane Westbound: One left-turn lane and one through lane

50. Prior To Map Recordation

Transportation

Not Satisfied0050-Transportation-MAP - TS/GEOMETRICS (cont.)050 - Transportation. 23

The intersection of Clark Street (NS) and Cajalco Road (EW) shall be improved to provide the following geometrics: Northbound: One left-turn lane and one through lane

Southbound: One left-turn lane and one through lane

Eastbound: One left-turn lane and two through lanes

Westbound: One left-turn lane and two through lanes

The intersection of Rider Road (EW) and Carpinus

Drive/Starglow Drive (NS) shall be improved to provide the following geometrics:

Northbound: N/A

Southbound: One left-turn lane and one right-turn lane

Eastbound: One left-turn lane and one through lane

Westbound: One left-turn lane and one through lane

The intersection of Rider Road (EW) and "LL" Street/Rider Road (NS) shall be improved to provide the following geometrics:

Northbound: N/A

Southbound: One left-turn lane and one through lane

Eastbound: N/A

Westbound: One left-turn lane and one right-turn lane

or as approved by the Transportation Department.

Any off-site widening required to provide these geometrics shall be the responsibility of the landowner/developer. (Owner to pay in full).



Carpinus /Cajalco required to have a signal light. Already 4 lanes from Carpinus to Wood.

060 - Planning. 9

PRIOR TO THE ISSUANCE OF GRADING PERMITS, the applicant shall obtain written notification to the County Planning Department that the alteration of any watercourse or wetland, located either on-site or on any required off-site improvement areas, complies with the U.S. Army Corps of Engineers Nationwide Permit Conditions, or obtain a permit under Section 404 of the Clean Water Act should any grading or construction be proposed within or along the banks of any natural watercourse or wetland. Copies of any agreement shall be submitted with the notification.

No details are described in the Development Agreement as to what the proposed changes will be in Specific Plan 229 as required in Ordinance 348.

Ordinance 348

SECTION 2.8. SPECIFIC PLANS.

Specific plans, and amendments thereto, shall be heard and adopted in accordance with the provisions of Section 65450 et seq. of the Government Code, as now written or hereafter amended, and in accordance with Section 2.10. of this Article. The Board of Supervisors may, by affirmative vote of not less than a majority of the entire membership of the Board, order the preparation and hearing of a new specific plan or the amendment of any existing specific plan. Any such order for preparation and hearing shall not imply that any new specific plan or amendment to an existing specific plan will be approved.

SECTION 2.11. DETERMINATION OF PROJECT CONFORMANCE WITH ADOPTED SPECIFIC PLAN.

A. Whenever an application for an implementing project varies from and is not in substantial conformance with an adopted specific plan, an amendment to that specific plan shall be adopted pursuant to the provisions of Section 2.8. of this ordinance prior to the approval of the implementing project.

B. Whenever an application for an implementing project varies from but is in substantial conformance with the adopted specific plan, a determination of substantial conformance shall be issued as provided in this Subsection prior to the approval of the implementing project.

1. For purposes of this Subsection, the term "substantial conformance" shall mean a non-substantial modification of a condition of approval, diagram, or text of the specific plan that does not change the basic design or improvements required and is consistent with the original resolution adopting the specific plan, the conditions of approval, and the specific plan text. Substantial conformance may include a modification or deletion of a condition which will not substantially or adversely affect the underlying purpose for which the condition was initially required, construction of an implementing project out of phase so long as all infrastructure and public facilities required for the intervening phases are provided, a modification of the approved land uses in a phase which does not increase the land use density or intensity in any phase or planning area beyond that allowed by the specific plan or a modification of the project design which improves circulation, protects topographic features, minimizes grading, or improves drainage or improves infrastructure.

2. An application for a determination of substantial conformance shall be made on forms provided by the Planning Department, shall be accompanied by the fee set forth in County Ordinance No. 671 and shall include the following:

a. An accurate and complete description of the modification and how it affects the adopted specific plan, along with any necessary exhibits or diagrams.

b. Any other information, exhibits or drawings the Planning Director may require.

3. The Planning Director shall transmit all such applications to the appropriate agencies for review and comment and shall then forward them, along with a recommendation, to the Planning Commission for decision. A copy of the notice of decision of the Planning Commission shall be mailed to the applicant and to any person who has made a written request therefore. The Planning Director shall also file a copy of the notice of decision of the Planning Commission with the Clerk of the Board of Supervisors, together with a report of the proceedings, not more than 15 days after the decision. The Clerk of the Board shall place the notice of decision on the next agenda of the Board of Supervisors held five or more days after the Clerk receives the notice from the Planning Director. The decision of the Planning Commission shall be considered final unless the applicant or an interested party files an appeal with the Clerk of the Board of Supervisors accompanied by the fee set forth in County Ordinance No. 671 within ten days after the notice of decision appear on the Board's agenda. If a timely appeal is filed, the Clerk shall place the matter on the next available agenda, and the Board of Supervisors shall determine whether the determination of substantial conformance should be made. An application for a determination of substantial conformance shall not require a noticed public hearing; however, if the Planning Director, the Commission, or the Board decides that notice of the application should be given, notice shall be given at the applicant's expense in the manner provided for by Section 1.6. and 1.7. of this ordinance. Whenever such a decision requiring notice is made, no further

action shall be taken on the application until proper notice has been given. The Commission or Board of Supervisors may, at their discretion, allow testimony to be given on the proposed modification.

4. An application for a determination of substantial conformance may be approved only if the following findings are made:

a. That the project as modified meets the intent and purpose of the adopted specific plan; and b. That the project as modified is consistent with the findings and conclusions contained in the resolution adopting the specific plan.

C. Notwithstanding any other provision in this Section to the contrary, and even if the application for a determination of substantial conformance otherwise could be approved under this section, an applicant may be required to process a specific plan amendment pursuant to the provisions of Section 2.9. of this ordinance if it is determined that an amendment to the specific plan is required.

The Proposed “Development Agreement” states the following changes will be permitted to Boulder Springs Specific Plan 229.

1.1.4 “Development Approvals” means all permits and other entitlements for use subject to approval or issuance by COUNTY in connection with use of the Property and for development of the Property including, but not limited to:

- (a) Conditional use permits (or similar entitlements), and site plans;
- (b) Zoning amendments;
- (c) General Plan amendments
- (d) Tentative and final subdivision and parcel maps;
- (e) Grading and building permits;
- (f) Any permits or entitlements necessary from the COUNTY;
- (g) Any easements necessary from COUNTY or any other landowner;
- (h) Specific plans and specific plan amendments;
- (i) Right of Entry agreements

1.1.6 “Development Plan” means the Existing or Proposed Development. Approvals and the Existing Land Use Regulations applicable to development of the Property.

3.1 The Project shall remain subject to all Subsequent Development Approvals required to complete the Project as contemplated by the Development Plan. Except as otherwise provided in this Agreement, the permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings and structures, and provisions for reservation and dedication of land for public purposes shall be those set forth in the Development Plan
COUNTY OF RIVERSIDE PLANNING DEPARTMENT

3.4 Changes and Amendments. **The parties acknowledge that refinement and further development of the Project will require Subsequent Development Approvals and may demonstrate that changes are appropriate, required, and mutually desirable in the Existing Development Approvals. In the event OWNER finds that a change in the Existing Development Approvals is necessary or appropriate, OWNER shall apply for a Subsequent Development Approval to effectuate such change and COUNTY shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. If approved, any such change in the Existing Development Approvals shall be incorporated herein as an addendum to Exhibit “C”, and may be further changed from time to time as provided in this Section.** Unless otherwise required by law, as determined in COUNTY’s reasonable discretion, a change to the Existing Development Approvals shall be deemed “minor” – subject to Planning Director’s concurrence - and not require an amendment to this Agreement provided such change does not:

- (a) Alter the permitted uses of the Property as a whole;
- (b) Increase the density or intensity of use of the Property as a whole;
- (c) Significantly increase the maximum height and size of permitted buildings or structures;
- (d) Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or,
- (e) Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

3.5 Reservations of Authority.

3.5.2 Subsequent Development Approvals. This Agreement shall not prevent COUNTY, in acting on Subsequent Development Approvals, from applying Subsequent Land Use Regulations which do not conflict with the Development Plan, nor shall this Agreement prevent COUNTY from denying or conditionally approving any Subsequent Development Approval on the basis of the Existing Land Use Regulations or any Subsequent Land Use Regulation not in conflict with the Development Plan.

EXHIBIT “F”

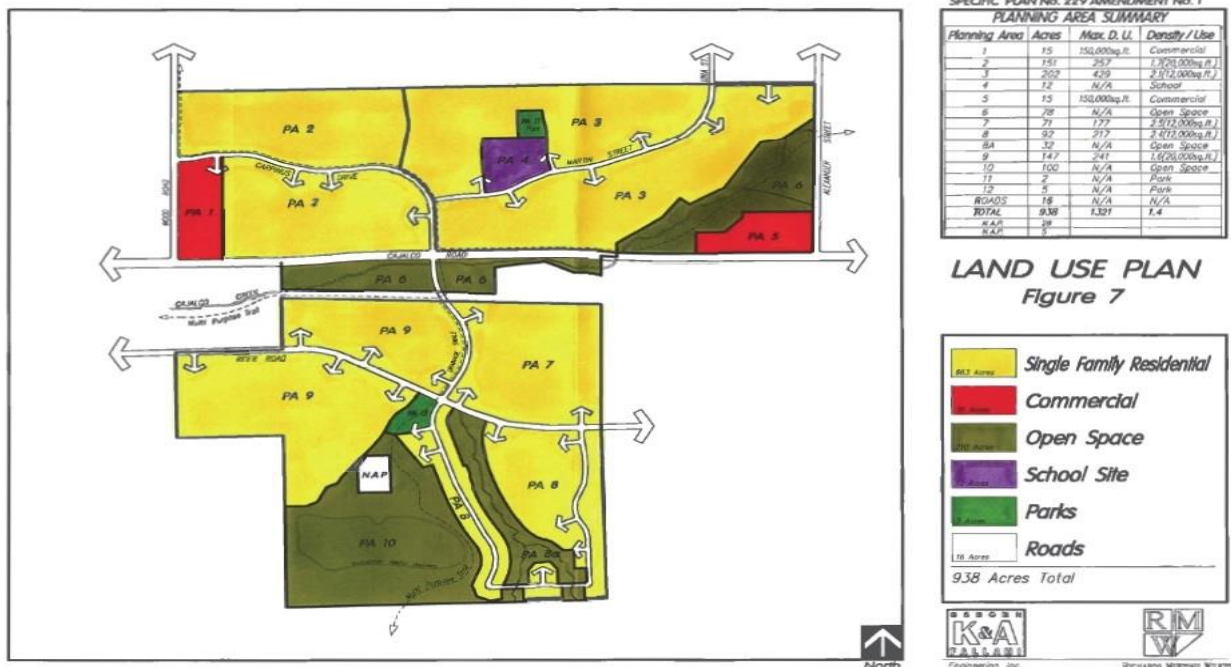
- (4) Dedicate land for future fire station. Timing: identify location on final map / at recordation.
- (5) Establish a CFD for fire station. Timing: create before final map recordation.

PRIOR TO THE ISSUANCE OF THE 1136th building permit within the SPECIFIC PLAN, the park designated as Planning Area 12 shall be constructed and fully operable. Current Conditions of Approval: **PRIOR TO THE ISSUANCE OF THE 284th building permit within the SPECIFIC PLAN the park Planning Area 12 shall be constructed.**

There are only 1131 homes in the Specific Plan. The park was never constructed, the Library was never constructed, the school was never constructed, the Signal Light at Carpinus was never

constructed. Twenty years later and the owner wants to take out many of the conditions of approval to this project. No benefit to the community.

Specific Plan 229 already states that the Developer will construct the park and it will be fully operational. Planning Area 12.



I urge you to deny Development Agreement No. 2400002

Certainly the changes proposed in Development Agreement No 240002 will required a new Specific Plan, EIR, CEQA and Traffic Study. Taking out the traffic signal at Carpinus X Cajalco is not a simple change, but huge changes to SP229 and require a new traffic study. Hard to build the 1136th home for this park when the Specific plan only has 1131 homes. No park will be built under this agreement.

Development Agreement No 240002 Failed to include:

- a. An accurate and complete description of the modifications and how it affects the adopted specific plan, along with any necessary exhibits or diagrams.**

Development Agreement No. 2400002 fails in every way to benefit the community and to describe what the proposed changes will be to Specific Plan 229 as required in Ordinance 348. **Therefore no changes can be made to the Boulder Springs Specific Plan 229.**

Debbie Walsh

President, RAMV

ADVISORY NOTIFICATION DOCUMENT

BS-Grade

BS-Grade. 14

0010-BS-Grade-SP-NO GRADING & SUBDIVIDING (cont.)

If grading of the entire - or any portion there of - Specific Plan site is proposed, UNDER A SUBDIVISION OR LAND USE CASE ALREADY APPROVED FOR THIS SPECIFIC PLAN, at the same time that application for further subdivision of any of its parcels is being applied for, an exception to Ordinance 460, Section 4.5.B, shall be obtained from the Planning Director, prior to issuance of the grading permit (Ord. 460 Section 3.1). THIS EXCEPTION WILL NOT APPLY TO ANY CASE HAVING ONLY AN APPROVED SPECIFIC PLAN.

E Health

E Health. 1

0010-E Health-SP - AMENDED NO 1

The lots in this Amended 1 map shall be connected to sanitary sewer only. PRIOR to regular map submittal to the Planning Department, a SAN 53 shall be issued by this Department.

Fire

Fire. 1

0010-Fire-MAP-#16-HYDRANT/SPACING

Schedule B fire protection approved standard fire hydrants, (6"x4"x2 1/2") located one at each street intersection and spaced no more than 660 feet apart in any direction, with no portion of any lot frontage more than 330 feet from a hydrant. Minimum fire flow shall be 1000 GPM for 2 hour duration at 20 PSI. Shall include perimeter streets at each intersection and spaced 660 feet apart.

Fire. 2

0010-Fire-MAP-#50-BLUE DOT REFLECTORS

Blue retroreflective pavement markers shall be mounted on private streets, public streets and driveways to indicate location of fire hydrants. Prior to installation, placement of markers must be approved by the Riverside County Fire Department.

Fire. 3

0010-Fire-SP-#100-FIRE STATION

Based on national fire standards, one new fire station and/or engine company could be required for every 2,000 new dwelling units, or 3.5 million square feet of commercial/industrial occupancy. Given the project's

ADVISORY NOTIFICATION DOCUMENT

Flood

Flood. 4 **0010-Flood-MAP BMP - TRASH RACKS (cont.)**

Trash Racks shall be installed at all inlet structures that collect runoff from open areas with potential for large, floatable debris.

Flood. 5 **0010-Flood-MAP CAJALCO CREEK WETLANDS**

The Cajalco Creek Wetlands per the Lake Mathews Area Drainage Plan shall be constructed prior to the issuance of grading permits or recordation for this tract per the conditions of approval for Specific Plan 229 A1 Planning Area 9.

Flood. 6 **0010-Flood-MAP COORDINATE DRAINAGE DESIGN**

Development of this property shall be coordinated with the development of adjacent properties to ensure that watercourses remain unobstructed and stormwaters are not diverted from one watershed to another. This may require the construction of temporary drainage facilities or offsite construction and grading. A drainage easement shall be obtained from the affected property owners for the release of concentrated or diverted storm flows. A copy of the recorded drainage easement shall be submitted to the District for review.

Flood. 7 **0010-Flood-MAP FLOOD HAZARD REPORT**

This is a proposal to subdivide 47.3 acres into residential lots in the Cajalco Creek area. The site is located on the northside of Rider Road approximately 900 feet south of the intersection of Wood Road and Cajalco Road.. This project is within the Boulder Springs Specific Plan (SP 229) Planning Area 9.

The site is subject to potentially debris laden offsite storm flows from the hills to the south. A large portion of these flows are proposed to be collected in a debris basin and storm drain/channel at the southwest corner of the site. The upstream perimeter of the basin shall be stabilized to assure that headcutting will not occur because offsite flows could potentially flank the debris basin site. A channel is proposed along the west side of "MM" Street to collect offsite flows tributary to the southwest portion of the tract. This channel is proposed within the street right-of-way. The County Transportation

ADVISORY NOTIFICATION DOCUMENT

Flood

Flood. 7

0010-Flood-MAP FLOOD HAZARD REPORT (cont.)

Department has acknowledged that they are willing to maintain the channel if it is no more than 2-feet in depth.

Drop inlets are proposed within the channel to de-water it at regular intervals.

Storm flows tributary to the back of lots that adjoin the open space to the south and east shall be collected using the following criteria: The criteria for maintenance access of terrace/interceptor is as follows: flows between 1-5 cfs shall have a 5-foot wide access road, flows between 6-10 cfs shall be a minimum 6-foot rectangular channel.

Terrace/interceptor drains are unacceptable for flows greater than 10 cfs. Flows greater than 10 cfs shall be brought to the street. A splash wall shall be provided on the downstream side of the interceptor drain unless a block wall with a minimum of 3 courses of block is provided at the back property line of the affected lots.

Onsite and offsite storm flows are proposed to be conveyed in a storm drain system to a proposed water quality basins to the west and north. Storm drains that do not have debris basins constructed at the upstream collection point shall be designed for a bulked flow-rate of 110 percent. These basins are located offsite within property currently (February 2006) controlled by the developer of this site. Treated flows from the basin would outlet to Cajalco Creek.

Some temporary drainage facilities may be necessary until

The Cajalco Creek Wetlands per the Lake Mathews Area Drainage Plan shall be constructed prior to the issuance of grading permits or recordation for this tract per the conditions of approval for Specific Plan 229 A1 Planning Area 9.

The site is located within the bounds of the Lake Mathews Area Drainage Plan (ADP) for which drainage fees have been established by the Board of Supervisors. Applicable ADP fees will be due (in accordance with the Rules and Regulations for Administration of Area Drainage Plans) prior to permits for this project. Although the current fee for this ADP is \$3815 per acre, the fee due will be based on the fee in effect at the time of payment.

Flood. 8

0010-Flood-MAP INLET/OUTLET ACCESS

ADVISORY NOTIFICATION DOCUMENT

Flood

Flood. 8 **0010-Flood-MAP INLET/OUTLET ACCESS (cont.)**

Provide vehicular access to the flowline at inlet and outlet for all District maintained facilities. A turnaround shall be provided outside of the nuisance flow area.

Flood. 9 **0010-Flood-MAP INTERCEPTOR DRAIN CRITERIA**

The criteria for maintenance access of terrace/interceptor is as follows:
flows between 1-5 cfs shall have a 5-foot wide access road,
flows between 6-10 cfs shall be a minimum 6-foot rectangular channel.
Terrace/interceptor drains are unacceptable for flows greater than 10 cfs. Flows greater than 10 cfs shall be brought to the street.

Flood. 10 **0010-Flood-MAP MAJOR FACILITIES**

Major flood control facilities are being proposed. These shall be designed and constructed to District standards including those related to alignment and access to both inlets and outlets. The applicant shall consult the District early in the design process regarding materials, hydraulic design, and transfer of rights of way.

Flood. 11 **0010-Flood-MAP MAJOR FACILITIES - ADP**

Prior to initiation of the final construction drawings for those facilities required to be built as part of the Lake Mathews Area Drainage Plan, the developer shall contact the Riverside County Flood Control and Water Conservation District to ascertain the terms and conditions of design, construction, inspection, transfer of rights of way, project credit in lieu of charges and reimbursement schedules which may apply. The developer shall note that if the estimated cost for required Area Drainage Plan facilities exceeds the required mitigation charges and the developer wishes to receive credit for reimbursement in excess of his charges, the facilities will be constructed as a public works contract. Scheduling for construction of these facilities will be at the discretion of the District.

Flood. 12 **0010-Flood-MAP PERP DRAINAGE PATTERNS**

The property's street and lot grading shall be designed in

ADVISORY NOTIFICATION DOCUMENT

Flood

Flood. 12 **0010-Flood-MAP PERP DRAINAGE PATTERNS (cont.)**

a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. Otherwise, a drainage easement shall be obtained from the affected property owners for the release of concentrated or diverted storm flows. A copy of the recorded drainage easement shall be submitted to the District for review.

Flood. 13 **0010-Flood-MAP WATERS OF THE US (NO FEMA)**

A portion of the proposed project may affect "waters of the United States", "wetlands" or "jurisdictional streambeds". Therefore, a copy of appropriate correspondence and necessary permits, or correspondence showing the project to be exempt, from those government agencies from which approval is required by Federal or State law (such as Corps of Engineers 404 permit or Department of Fish and Game 1603 agreement) shall be provided to the District prior to the recordation of the final map.

All Regulatory Permits (and any attachments pertaining thereto such as Habitat Mitigation and Monitoring Plans, Conservation Plans/Easements) to be secured by the Developer shall be submitted to the District for review. The terms of the Regulatory Permits shall be approved by the District prior to improvement plan approval, map recordation or finalization of the Regulatory Permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility to protect public health and safety.

Flood. 14 **0010-Flood-SP FLOOD HAZARD REPORT**

Boulder Springs Specific Plan 229 amendment No.1 proposes to increase permanent open space from 92 acres to 214 acres to preserve the California Gnatcatcher habitat. The planning areas would be reconfigured to maintain the 1,421 dwelling units by reducing minimum lot sizes from 20,000 square feet to 12,000 square feet.

This proposed development is located within the limits of the Lake Mathews Master Drainage Plan (MDP). The MDP proposes several water quality basins. These water quality basins shall be constructed prior to any individual development within the Specific Plan tributary to one of

ADVISORY NOTIFICATION DOCUMENT

Flood

Flood. 14 **0010-Flood-SP FLOOD HAZARD REPORT (cont.)**

these proposed MDP facilities.

The District has reviewed this project and finds the drainage plan included in the report appropriate for flood control. In addition, the District has the following recommendations to protect the public health and safety:

1. The major tributary to Lake Mathews is Cajalco Creek. The District is not contemplating any structural solutions for the Creek. The specific plan proposes Planning Area 6 to be open space all along the Creek. The natural floodplain of Cajalco Creek and its major tributaries shall be mapped and preserved as open space.

2. The eastern portions of Planning Areas 2 and 9, Planning Areas 3 and 4, and the western portions of Planning Area 7 and 8 drain into the proposed Master Planned "Cajalco Creek Wetlands". Development within these residential areas shall be responsible for the construction of this facility.

3. Planning Area 5 and the eastern portion of Planning Area 3 drain to the proposed "Alexander Street Water Quality Wetland (West)". Proposed development within these areas shall construct the proposed MDP facility.

General

General. 1 **0100-Planning-SP - Park Construction**

PRIOR TO THE ISSUANCE OF THE 568th building permit within the SPECIFIC PLAN, the park designated as Planning Area 11 shall be constructed and fully operable.

General. 1 **0100-Planning-SP - Park Construction**

PRIOR TO THE ISSUANCE OF THE 1136th building permit within the SPECIFIC PLAN, the park designated as Planning Area 12 shall be constructed and fully operable.

General. 2 **0100-Planning-SP - Park Plans required**

PRIOR TO THE ISSUANCE OF THE 852th building permit within the SPECIFIC PLAN, detailed park plans shall be submitted to and approved by the Planning Department and the Riverside County Recreation and Parks District County Service Area No. 117 or other entity set forth in the

ADVISORY NOTIFICATION DOCUMENT

General

General. 2 **0100-Planning-SP - Park Plans required (cont.)**

Planning Department's condition entitled "SP - Common Area Maintenance" for the park site designated as Planning Area 12. The detailed park plans shall conform with the design criteria in the specific plan document for Planning Area 12 and with the requirements of the Riverside Recreation and Parks District County Service Area 117 or other entity set forth in the Planning Department entitled "SP - Common Area Maintenance". The park plans need not be working drawings, but shall include landscape and irrigation plans, descriptions and placement of recreational facilities and documentation evidencing a permanent maintenance mechanism for the park and its facilities.

General. 2 **0100-Planning-SP - Park Plans required**

PRIOR TO THE ISSUANCE OF THE 284th building permit within the SPECIFIC PLAN, detailed park plans shall be submitted to and approved by the Planning Department and the Riverside County Recreation and Parks District County Service Area No.117 or other entity set forth in the Planning Department's condition entitled "SP - Common Area Maintenance" for the park site designated as Planning Area 11. The detailed park plans shall conform with the design criteria in the specific plan document for Planning Area 11 and with the requirements of the Riverside County Recreation and Parks District County Service Area 117 or other entity set forth in the Planning Department entitled "SP - Common Area Maintenance". The park plans need not be working drawings, but shall include landscape and irrigation plans, descriptions and placement of recreational facilities and documentation evidencing a permanent maintenance mechanism for the park and its facilities.

General. 3 **0100-Regional Parks and Open Space-MAP - TRAIL CONSTRUCTION**

Prior to the issuance of the 81st building permit, the applicant shall build the trails as shown on the approved trails plan.

Planning

Planning. 1 **0010-Planning-MAP - DESIGN GUIDELINES**

The project shall conform to Countywide Design Standards and Guidelines adopted January 13, 2004.

ADVISORY NOTIFICATION DOCUMENT

Planning

Planning. 3

0010-Planning-MAP - GEO NO. 1562 (cont.)

diorite bedrock.

6. Proposed cut and fill slopes are determined to be grossly and surficially stable as designed.

GEO No. 1562 recommended:

1. The project geologist should inspect all cut slopes during site grading operations.

2. The geotechnical consultant should review the project 40-scale grading plans so as to confirm the removal of the boulders and outcrops, or provide mitigation (such as rock catchment basins, rock debris fences, etc) for those areas where a rockfall hazard exists adjacent to ascending natural topography. Also, potentially unstable and hazardous rock material should be removed from all bedrock cut slopes during grading.

3. The bedrock is expected to be nonrippable at depth in areas of fresh bedrock outcrops, such as hilltop and ridges in the southwest portion of the site. In these areas where hard bedrock exists, heavy ripping, secondary breaking, and/or blasting may be required.

GEO No. 1562 satisfies the requirement for a Geotechnical study for Planning/CEQA purposes. GEO No. 1562 is hereby accepted for planning purposes. Engineering and other Uniform Building Code parameters were not included, as a part of this review or approval and this approval is not intended, and should not be misconstrued as approval for grading permit. Engineering and other building code parameters will be reviewed and additional comments and/or conditions may be imposed by the Building and Safety Department upon application for grading and/or building permits.

An environmental constraints sheet (ECS) shall be created for this project relative to the rockfall potential, as described elsewhere in this conditions set.

Planning. 4

0010-Planning-MAP - INADVERTENT ARCHAEO FIND

If during ground disturbance activities, unique cultural resources are discovered that were not assessed by the archaeological report(s) and/or environmental assessment

ADVISORY NOTIFICATION DOCUMENT

Planning

Planning. 10

0010-Planning-MAP - ORD NO. 659 (DIF) (cont.)

construction of facilities necessary to address the direct and cumulative environmental effects generated by new development projects described and defined in this Ordinance, and it establishes the authorized uses of the fees collected.

The fee shall be paid for each residential unit to be constructed within this land division. In the event Riverside County Ordinance No. 659 is rescinded, this condition will no longer be applicable. However, should Riverside County Ordinance No. 659 be rescinded and superseded by a subsequent mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required.

Planning. 11

0010-Planning-MAP - RES. DESIGN STANDARDS

The design standards for the subdivision are as follows:

- a. Lots created by this map shall conform to the design standards of the SP zone.
- b. The front yard setback is 20 feet.
- c. The side yard setback is 5 feet.
- d. The street side yard setback is 5 feet.
- e. The rear yard setback is 10 feet, except where a rear yard abuts a street, then the setback shall be the same as the front yard setback, in accordance with Section 21.77 of Ordinance No. 348.
- f. The minimum average width of each lot is 60 feet.
- g. The maximum height of any building is 40 feet.
- h. The minimum parcel size is 20,000 square feet.
- j. No more than 50% of the lot shall be covered by structure.
- k. Residential driveway approaches shall be a minimum of 12 feet and a maximum of 30 feet in width, and 20 feet of full height curb is required between driveways within any one property frontage, in accordance with Ord. No. 461, Standard No. 207.

EXCEPT AS ALLOWED BY ORDINANCE NO. 348, AND THE COUNTYWIDE DESIGN STANDARDS AND GUIDELINES, THERE SHALL BE NO ENCROACHMENT INTO ANY SETBACK.

Planning. 12

0010-Planning-MAP - SUBMIT BUILDING PLANS

The developer shall cause building plans to be submitted to

ADVISORY NOTIFICATION DOCUMENT

Planning-All

Planning-All. 6 **0010-Planning-All-SP - SP Document (cont.)**

must include, but not be limited to, the following items:

1. Mitigation Reporting/Monitoring Program (M/M).
2. Agency Notice of Preparation (NOP).
3. Draft EIR
4. Agency Notice of Completion (NOC).
5. Comments on the NOC.
6. Final EIR, including the responses to comments on the NOC.
7. Technical Appendices

If any specific plan conditions of approval differ from the specific plan text or exhibits, the specific plan conditions of approval shall take precedence.

Planning-All. 7 **0010-Planning-All-SP - Hold Harmless**

The applicant or any successor-in-interest shall defend, indemnify, and hold harmless the County of Riverside (COUNTY), its agents, officers, or employees from any claim, action, or proceeding against the COUNTY, its agents, officers, or employees to attack, set aside, void or annul an approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning this SPECIFIC PLAN. The COUNTY will promptly notify the applicant of any such claim, action, or proceeding against the COUNTY and will cooperate fully in the defense. If the COUNTY fails to promptly notify the applicant of any such claim, action, or proceeding or fails to cooperate fully in the defense, the subdivider shall not, thereafter, be responsible to defend, indemnify, or hold harmless the COUNTY.

Planning-All. 8 **0010-Planning-All-SP - Limits of SP DOCUMENT**

No portion of the SPECIFIC PLAN which purports or proposes to change, waive or modify any ordinance or other legal requirement for the development shall be considered to be part of the adopted specific plan. Notwithstanding o above, the design guidelines and development standards of the SPECIFIC PLAN or hillside development and grading shall apply in place of more general County guidelines and standards.

Planning-All. 9 **0010-Planning-All-SP - Ordinance Requirements**

ADVISORY NOTIFICATION DOCUMENT

Transportation

Transportation. 3 **0010-Transportation-MAP - OFF-SITE PHASE (cont.)**

Transportation. 3 **0010-Transportation-MAP - OFF-SITE PHASE**

Should the applicant choose to phase any portion of this project, said applicant shall provide off-site access roads to County maintained roads as approved by the Transportation Department.

Transportation. 4 **0010-Transportation-MAP - STD INTRO 3(ORD 460/461)**

With respect to the conditions of approval for the referenced tentative exhibit, the land divider shall provide all street improvements, street improvement plans and/or road dedications set forth herein in accordance with Ordinance 460 and Riverside County Road Improvement Standards (Ordinance 461). It is understood that the tentative map correctly shows acceptable centerline elevations, all existing easements, traveled ways, and drainage courses with appropriate Q's, and that their omission or unacceptability may require the map to be resubmitted for further consideration. These Ordinances and all conditions of approval are essential parts and a requirement occurring in ONE is as binding as though occurring in all. All questions regarding the true meaning of the conditions shall be referred to the Transportation Department.

Transportation. 5 **0010-Transportation-MAP - TS/CONDITIONS**

The Transportation Department has reviewed the traffic study submitted for the referenced project. The study has been prepared in accordance with County-approved guidelines. We generally concur with the findings relative to traffic impacts.

The Comprehensive General Plan circulation policies require a minimum of Level of Service 'C', except that level of Service 'D' may be allowed in community development areas at intersections of any combination of secondary highways, major highways, arterials, urban arterials, expressways or state highways and ramp intersections.

The study indicates that it is possible to achieve adequate levels of service for the following intersections based on the traffic study assumptions.

ADVISORY NOTIFICATION DOCUMENT

Transportation

Transportation. 5

0010-Transportation-MAP - TS/CONDITIONS (cont.)

Cajalco Road (EW) at:
 El Sobrante Road (NS)
 Gavilan Road (NS)
 Smith/Harley John Road (NS)
 Project Access (NS)
 Wood Road (NS)
 Carpinus Drive (NS)
 Alexander Street (NS)
 Brown Street (NS)
 Clark Street (NS)

Wood Road (NS) at:
 Markham Street (EW)
 Van Buren Blvd (EW)

Rider Street (EW) at:
 Alexander Street (NS)

As such, the proposed project is consistent with this General Plan policy.

The associated conditions of approval incorporate mitigation measures identified in the traffic study, which are necessary to achieve or maintain the required level of service.

Transportation. 6

0010-Transportation-SP - SP229A1/IMPROVEMENTS

All roads shall be improved per the recommended General Plan designation, as approved by the County Board of Supervisors, or as approved by the Transportation Department.

Transportation. 7

0010-Transportation-SP - SP229A1/TS/CONDITIONS 1

The Transportation Department has reviewed the traffic study submitted for the referenced project. The study has been prepared in accordance with County-approved guidelines. We generally concur with the findings relative traffic impacts.

The Comprehensive General Plan circulation policies require a minimum of Level of Service 'C', except that Level of Service 'D' may be allowed with Board of Supervisors'

ADVISORY NOTIFICATION DOCUMENT

Transportation

Transportation. 7 0010-Transportation-SP - SP229A1/TS/CONDITIONS 1 (cont.)

approval in urban areas at intersections of any combination of major highways, arterials, expressways or state highways within one mile of a freeway interchange.

The study indicates that it is possible to achieve a 'C' (or Level of Service 'D' within one mile of a freeway interchange) for the following intersections based on the traffic study assumptions:

Gavilan Road (NS) at:

Cajalco Road (EW)

Harley John Road (NS) at:

Cajalco Road (EW)

Wood Road (NS) at:

Van Buren Boulevard (EW)

Markham Street (EW)

Carpinus Drive (EW)

Cajalco Road (EW)

Carpinus Drive (NS) at:

Cajalco Road (EW)

Alexander Street (NS) at:

Martin Street (EW)

Cajalco Road (EW)

Brown Street (NS) at:

Cajalco Road (EW)

Clark Street (NS) at:

Cajalco Road (EW)

As such, the proposed project is consistent with this General Plan policy.

The associated conditions of approval incorporate mitigation measures identified in the traffic study, which are necessary to achieve or maintain the required level of service.

Transportation. 8 0010-Transportation-SP - SP229A1/WRCOG TUMF

The project proponent shall be required to pay the Transportation Uniform Mitigation Fee (TUMF) in accordance

ADVISORY NOTIFICATION DOCUMENT

Transportation

Transportation. 8 0010-Transportation-SP - SP229A1/WRCOG TUMF (cont.)

with the fee schedule in effect at the time of issuance of
a building permit, pursuant to Ordinance No. 824.

Plan: TR31609E03

Parcel: 321410011

50. Prior To Map Recordation

E Health

050 - E Health. 1 0050-E Health-EOT1 - REQ E HEALTH DOCUMENTS Not Satisfied

Prior to map recordation, provide the following documents to the Riverside County Environmental Health Department:

1. Provide current documentation from the appropriate purveyor(s) for the establishment of water and/or sewer service for this project.
2. Provide documentation from an approved waste hauler in regards to solid waste service. Please call (951)955-8980 for additional details.
3. Provide written clearance from DEH Environmental Cleanup Programs. Please note that an Environmental Site Assessment, Phase 1 study may be required at their discretion. For further information, please contact (951) 955-8982.

(This Extension of Time condition may be considered "Met" if it duplicates another similar condition issued by this department)

050 - E Health. 2 0050-E Health-MAP - ANNEX FINALIZED Not Satisfied

Annexation proceedings must be finalized with the applicable purveyor for sanitation service.

050 - E Health. 3 0050-E Health-MAP - HAZMAT PHASE II Not Satisfied

A Phase II Environmental Assessment is required to be completed for pesticides or other hazardous materials used on the property. The results must be reviewed by Haz Mat to verify that the levels are below hazardous waste criteria. If there are questions regarding the number of samples or other requirements, contact Doug Thompson at (951) 358-5055.

050 - E Health. 4 0050-E Health-MAP - MONEY Not Satisfied

Financial arrangements (securities posted) must be made for the water improvement plans and be approved by County Counsel.

050 - E Health. 5 0050-E Health-MAP - SEWER PLAN - COUNTY Not Satisfied

A sewer system shall have mylar plans and specifications as approved by the District, the County Survey Department and the Department of Environmental Health.

050 - E Health. 6 0050-E Health-MAP - WATER PLAN Not Satisfied

Plan: TR31609E03

Parcel: 321410011

50. Prior To Map Recordation

E Health

050 - E Health. 6 0050-E Health-MAP - WATER PLAN (cont.) Not Satisfied

A water system shall have plans and specifications approved by the water company and the Department of Environmental Health.

050 - E Health. 7 EOT2 - REQ E HEALTH DOCUMENTS Not Satisfied

Prior to map recordation, provide the following documents to the Riverside County Environmental Health Department:

1. Provide current documentation from the appropriate purveyor(s) for the establishment of water and/or sewer service for this project.
2. Provide documentation from an approved waste hauler in regards to solid waste service. Please call (951)955-8980 for additional details.
3. Provide written clearance from DEH Environmental Cleanup Programs. Please note that an Environmental Site Assessment, Phase 1 study may be required at their discretion. For further information, please contact (951) 955-8982.
(This Extension of Time condition may be considered "Met" if it duplicates another similar condition issued by this department)

Fire

050 - Fire. 1 0050-Fire-MAP-#004-ECS-FUEL MODIFICATION Not Satisfied

ECS map must be stamped by the Riverside County Surveyor with the following note: Prior to the issuance of a grading permit, the developer shall prepare and submit to the fire department for approval a fire protection/vegetation management that should include but not limited to the following items: a) Fuel modification to reduce fire loading. b) Appropriate fire breaks according to fuel load, slope and terrain. c) Non flammable walls along common boundaries between rear yards and open space. d) Emergency vehicle access into open space areas shall be provided at intervals not to exceed 1500'. e) A homeowner's association or appropriate district shall be responsible for maintenance of all fire protection measures within the open space areas.

ANY HABITAT CONSERVATION ISSUE AFFECTING THE FIRE DEPARTMENT FUEL MODIFICATION REQUIREMENT, SHALL HAVE CONCURRENCE WITH THE RESPONSIBLE WILDLIFE AND/OR OTHER CONSERVATION AGENCY.

050 - Fire. 2 0050-Fire-MAP-#46-WATER PLANS Not Satisfied

The applicant or developer shall furnish one copy of the water system plans to the Fire Department for review. Plans shall be signed by a registered civil engineer, containing a Fire Department approval signature block, and shall conform to hydrant type, location, spacing and

Plan: TR31609E03

Parcel: 321410011

50. Prior To Map Recordation

Fire

050 - Fire. 2 0050-Fire-MAP-#46-WATER PLANS (cont.) Not Satisfied
minimum fire flow. Once plans are signed by the local water company, the originals shall be presented to the Fire Department for signature.

050 - Fire. 3 0050-Fire-MAP-#47-SECONDARY ACCESS Not Satisfied
In the interest of Public Safety, the project shall provide an Alternate or Secondary Access(s). Said Alternate or Secondary Access(s) shall have concurrence and approval of both the Transportation Department and the Riverside County Fire Department.

050 - Fire. 4 0050-Fire-MAP-#53-ECS-WTR PRIOR/COMBUS Not Satisfied
Ecs map must be stamped by the Riverside County Surveyor with the following note: The required water system, including fire hydrants, shall be installed and accepted by the appropriate water agency prior to any combustible building material placed on an individual lot.

Flood

050 - Flood. 1 0050-Flood-MAP 3 ITEMS TO ACCEPT FACILITY Not Satisfied
Inspection and maintenance of the flood control facility/ies to be constructed with this tract must be performed by either the County Transportation Department or the Flood Control District. The engineer (owner) must request in writing that one of these agencies accept the proposed system. The request shall note the project number, location, briefly describe the system (sizes and lengths) and include an exhibit that shows the proposed alignment. The request to the District shall be addressed to the General Manager-Chief Engineer, Attn: Chief of the Planning Division.

If the District is willing to maintain the proposed facility three items must be accomplished prior to recordation of the final map or starting construction of the drainage facility: 1) the developer shall submit to the District the preliminary title reports, plats and legal descriptions for all right of way to be conveyed to the District and secure that right of way to the satisfaction of the District; 2) an agreement with the District and any maintenance partners must be executed which establishes the terms and conditions of inspection, operation and maintenance; and 3) plans for the facility must be signed by the District's General Manager-Chief Engineer. The plans cannot be signed prior to execution of the agreement. An application to prepare the agreement must be submitted

Plan: TR31609E03

Parcel: 321410011

50. Prior To Map Recordation

Flood

050 - Flood. 1 0050-Flood-MAP 3 ITEMS TO ACCEPT FACILITY (cont.) Not Satisfied

to the attention of the District's Administrative Services Section. All right of way transfer issues must be coordinated with the District's Right of Way Section.

The engineer/developer will need to submit proof of flood control facility bonds and a certificate of insurance to the District's Inspection section before a pre-construction meeting can be scheduled.

050 - Flood. 2 0050-Flood-MAP ADP FEES Not Satisfied

A notice of drainage fees shall be placed on the environmental constraint sheet and final map. The exact wording of the note shall be as follows:

NOTICE OF DRAINAGE FEES

Notice is hereby given that this property is located in the Lake Mathews Area Drainage Plan which was adopted by the Board of Supervisors of the County of Riverside pursuant to Section 10.25 of Ordinance 460 and Section 66483, et seq, of the Government Code and that said property is subject to fees for said drainage area.

Notice is further given that, pursuant to Section 10.25 of Ordinance 460, payment of the drainage fees shall be paid with cashier's check or money order only to the Riverside County Flood Control and Water Conservation District at the time of issuance of the grading or building permit for said parcels, whichever occurs first, and that the owner of each parcel, at the time of issuance of either the grading or building permit, shall pay the fee required at the rate in effect at the time of issuance of the actual permit.

050 - Flood. 3 0050-Flood-MAP BMP - MAINT & INSPECT Not Satisfied

Unless an alternate viable maintenance entity is established, the CC&R's for the development's Homeowners Association (HOA) shall contain provisions for all structural BMPs to be inspected, and if required, cleaned no later than October 15 each year. The CC&R's shall identify the entity that will inspect and maintain all structural BMP's within the project boundaries. A copy of the CC&R's shall be submitted to the District for review and approval.

050 - Flood. 4 0050-Flood-MAP CAJALCO CREEK WETLANDS Not Satisfied

The Cajalco Creek Wetlands per the Lake Mathews Area

Plan: TR31609E03

Parcel: 321410011

50. Prior To Map Recordation

Flood

050 - Flood. 4 0050-Flood-MAP CAJALCO CREEK WETLANDS (cont.) Not Satisfied
Drainage Plan shall be constructed prior to the issuance of grading permits or recordation for this tract per the conditions of approval for Specific Plan 229 A1 Planning Area 9.

050 - Flood. 5 0050-Flood-MAP OFFSITE EASE OR REDESIGN Not Satisfied
Offsite drainage facilities shall be located within dedicated drainage easements obtained from the affected property owner(s). Document(s) shall be recorded and a copy submitted to the District prior to recordation of the final map. If the developer cannot obtain such rights, the map should be redesigned to eliminate the need for the easement.

050 - Flood. 6 0050-Flood-MAP ONSITE EASE ON FINAL MAP Not Satisfied
Onsite drainage facilities located outside of road right of way shall be contained within drainage easements shown on the final map. A note shall be added to the final map stating, "Drainage easements shall be kept free of buildings and obstructions".

050 - Flood. 7 0050-Flood-MAP SUBMIT PLANS Not Satisfied
A copy of the improvement plans, grading plans, final map, environmental constraint sheet, BMP improvement plans, and any other necessary documentation along with supporting hydrologic and hydraulic calculations shall be submitted to the District for review. All submittals shall be date stamped by the engineer and include a completed Flood Control Deposit Based Fee Worksheet and the appropriate plan check fee deposit.

050 - Flood. 8 0050-Flood-MAP WRITTEN PERM FOR GRADING Not Satisfied
Written permission shall be obtained from the affected property owners allowing the proposed grading and/or facilities to be installed outside of the tract boundaries. A copy of the written authorization shall be submitted to the District for review and approval.

Planning

050 - Planning. 1 0050-Planning-MAP - ANNEX TO PARK DISTRICT Not Satisfied
The land divider shall submit written proof to the County Planning Department - Development Review Division that the subject property has been annexed to County Service Area No. 152.

Plan: TR31609E03

Parcel: 321410011

50. Prior To Map Recordation

Planning

050 - Planning. 1 0050-Planning-MAP - ANNEX TO PARK DISTRICT (cont.) Not Satisfied

050 - Planning. 2 0050-Planning-MAP - CCOC FOR REMNDR PARCEL Not Satisfied

Prior to the recordation of the FINAL MAP, the land divider shall file an application for a Conditional Certificate of Land Division Compliance (CCOC) with the County Planning Department for review and approval, for the "Remainder Parcel" or any parcel shown as "NOT A PART", as delineated on the approved TENTATIVE MAP. Any FINAL MAP containing such a parcel shall not be permitted to record until the Planning Department determines that the CCOC will be suitable for recordation within sixty (60) days of the recordation of the FINAL MAP.

050 - Planning. 3 0050-Planning-MAP - COMPLY WITH ORD 457 Not Satisfied

The land divider shall provide proof to The Land Management Agency - Land Use Section that all structures for human occupancy presently existing and proposed for retention comply with Ordinance Nos. 457 and 348.

050 - Planning. 4 0050-Planning-MAP - ECS NOTE MT PALOMAR LIGH Not Satisfied

The following Environmental Constraint Note shall be placed on the ECS:

"This property is subject to lighting restrictions as required by County Ordinance No. 655, which are intended to reduce the effects of night lighting on the Mount Palomar Observatory. All proposed outdoor lighting systems shall be in conformance with County Ordinance No. 655."

050 - Planning. 5 0050-Planning-MAP - ECS ROCKFALL Not Satisfied

An environmental constraints sheet (ECS) shall be prepared for this project. The ECS shall indicate the area of the project site that is subject to potential rockfall. In addition, a note shall be placed on the ECS as follows:

"Portions of this site, as delineated on this ECS map and as indicated in County Geologic Report (GEO) No. 1562, contain areas of potential rockfall hazards. These areas must be assessed by the project engineering geologist and/or geotechnical engineer and appropriately mitigated during site grading. All slopes must be maintained by the property owner to protect against erosion and future potential rockfall."

Plan: TR31609E03

Parcel: 321410011

50. Prior To Map Recordation

Planning

050 - Planning. 6 0050-Planning-MAP - FEE BALANCE Not Satisfied

Prior to recordation, the Planning Department shall determine if the deposit based fees for the TENTATIVE MAP are in a negative balance. If so, any unpaid fees shall be paid by the land divider and/or the land divider's successor-in-interest.

050 - Planning. 7 0050-Planning-MAP - FINAL MAP PREPARER Not Satisfied

The FINAL MAP shall be prepared by a licensed land surveyor or registered civil engineer.

050 - Planning. 8 0050-Planning-MAP - PREPARE A FINAL MAP Not Satisfied

After the approval of the TENTATIVE MAP and prior to the expiration of said map, the land divider shall cause the real property included within the TENTATIVE MAP, or any part thereof, to be surveyed and a FINAL MAP thereof prepared in accordance with the current County Transportation Department - Survey Division requirements, the conditionally approved TENTATIVE MAP, and in accordance with Article IX of County Ordinance No. 460.

050 - Planning. 9 0050-Planning-MAP - QUIMBY FEES (1) Not Satisfied

The land divider shall submit to the County Planning Department - Development Review Division a duly and completely executed agreement with the County Service Area No. 152 which demonstrates to the satisfaction of the County that the land divider has provided for the payment of parks and recreation fees and/or dedication of land for the TENTATIVE MAP in accordance with Section 10.35 of County Ordinance No. 460.

050 - Planning. 10 0050-Planning-MAP - SURVEYOR CHECK LIST Not Satisfied

The County Transportation Department - Survey Division shall review any FINAL MAP and ensure compliance with the following:

A. All lots on the FINAL MAP shall be in substantial conformance with the approved TENTATIVE MAP relative to size and configuration.

B. All lots on the FINAL MAP shall have a minimum lot size of 20,000 square feet net.

C. All lot sizes and dimensions on the FINAL MAP shall be in conformance with the development standards of the SP

Plan: TR31609E03

Parcel: 321410011

50. Prior To Map Recordation

Planning

050 - Planning. 10 0050-Planning-MAP - SURVEYOR CHECK LIST (cont.) Not Satisfied
zone, and with the Riverside County Integrated Project
(RCIP).

D. All lots on the FINAL MAP shall comply with the length to width ratios, as established by Section 3.8.C. of County Ordinance No. 460.

E. All knuckle or cul-de-sac lots shall have a minimum of 35 feet of frontage measured at the front lot line.

F. The common open space area shall be shown as a numbered lot on the FINAL MAP.

050 - Planning. 11 0050-Planning-MAP - TRAILS EASEMENT Not Satisfied
An offer of dedication to the County of Riverside for a fourteen foot (14') wide community trail along Rider Road shall be noted on both the FINAL MAP and the Environmental Constraints Sheet.

050 - Planning. 12 0050-Planning-SP - CC&R PRI COMN AREA Not Satisfied
Prior to the approval of any implementing land division project within the SPECIFIC PLAN (tract map or parcel map), the following condition shall be placed on the implementing project PRIOR TO MAP RECORDATION if the permanent master maintenance organization referenced in the condition entitled "SP - Common Area Maintenance" is a private organization:

"The applicant shall notify the Planning Department that the following documents shall be submitted to the Office of County Counsel and submit said documents for review along with the current fee, which shall be subject to County Counsel approval:

1. A cover letter identifying the project for which approval is sought;
2. A signed and notarized declaration of covenants, conditions and restrictions;
3. A sample document, conveying title to the purchaser of an individual lot or unit, which provides that the declaration of covenants, conditions and restrictions is incorporated therein by reference; and,
4. A deposit equaling three (3) hours of the current hourly fee for Review if Covenants, Conditions and Restrictions

Plan: TR31609E03

Parcel: 321410011

50. Prior To Map Recordation

Planning

050 - Planning. 12 0050-Planning-SP - CC&R PRI COMN AREA (cont.)

Not Satisfied

established pursuant to County Ordinance No. 671 at the time the above referenced documents are submitted for County Counsel review.

The declaration of covenants, conditions and restrictions submitted for review shall a) provide for a minimum term of 60 years, b) provide for the establishment of a property owners' association comprised of the owners of each individual lot or unit as tenants in common, c) provide for ownership of the common area by either the property owners' association or the owners of each individual lot or unit as tenants in common, and (d) contain the following provisions verbatim:

"Notwithstanding, any provision in this Declaration to the contrary, the following provisions shall apply:

The property owners' association established herein shall manage and continuously maintain the 'common area', more particularly described on Exhibit '____', attached hereto, and shall not sell or transfer the 'common area' or any part thereof, absent the prior written consent of the Planning Director of the County of Riverside or the County's successor-in-interest.

The property owners' association shall have the right to assess the owners of each individual lot or unit for the reasonable cost of maintaining such 'common area' and shall have the right to lien the property of any such owner who defaults in the payment of a maintenance assessment. An assessment lien, once created, shall be prior to all other liens recorded subsequent to the notice of assessment or other document creating the assessment lien.

This Declaration shall not be terminated, 'substantially' amended, or property deannexed therefrom absent the prior written consent of the Planning Director of the County of Riverside or the County's successor-in-interest. A proposed amendment shall be considered 'substantial' if it affects the extent, usage or maintenance of the 'common area' established pursuant to this Declaration.

In the event of any conflict between this Declaration and the Articles of Incorporation, the Bylaws, or the property owners' association Rules and Regulations, if any, this Declaration shall control."

Once approved by the Office of County Counsel, the declaration of covenants, conditions and restrictions shall

Plan: TR31609E03

Parcel: 321410011

50. Prior To Map Recordation

Planning

050 - Planning. 12 0050-Planning-SP - CC&R PRI COMN AREA (cont.) Not Satisfied

be recorded the Planning Department with one copy retained Transportation Department - Survey Division." the request of the County of Riverside, and the property owners' association shall unconditionally accept from the County of Riverside, upon the County's demand, title to all or any part of the 'common area', more particularly described on Exhibit '___' attached hereto. Such acceptance shall be through the president of the property owner's association, who shall be authorized to execute any documents required to facilitate transfer of the 'common area'. The decision to require activation of the property owners' association and the decision to require that the association unconditionally accept title to the 'common area' shall be at the sole discretion of the County of Riverside. In the event that the 'common area', or any part thereof, is conveyed to the property owners' association, the association, thereafter, shall own such 'common area', shall manage and continuously maintain such 'common area', and shall not sell or transfer such 'common area' or any part thereof, absent the prior written consent of the Planning Director of the County of Riverside or the County's successor-in-interest. The property owners' association shall have the right to assess the owner of each individual lot or unit for the reasonable cost of maintaining such 'common area', and shall have the right to lien the property of any such owner who defaults in the payment of a maintenance assessment. An assessment lien, once created, shall be prior to all other liens recorded subsequent to the notice of assessment or other document creating the assessment lien. This declaration shall not be terminated, 'substantially' amended, or property deannexed therefrom absent the prior written consent of the Planning Director of the County of Riverside or the County's successor-in-interest. A proposed amendment shall be considered 'substantial' if it affects the extent, usage or maintenance of the 'common area' established pursuant to this Declaration. In the event of any conflict between this Declaration and the Articles of Incorporation, the Bylaws, or the property owners' association Rules and Regulations, if any, this Declaration shall control." Once approved by the Office of County Counsel, the declaration of covenants, conditions and restrictions shall be recorded by the Planning Department with one copy retained for the case file, and one copy provided to the County Transportation Department - Survey Division.

050 - Planning. 13 0050-Planning-SP - CC&R PUB COMN AREA Not Satisfied

Prior to the approval of any implementing land division

Plan: TR31609E03

Parcel: 321410011

50. Prior To Map Recordation

Planning

050 - Planning. 13 0050-Planning-SP - CC&R PUB COMN AREA (cont.) Not Satisfied

project (i.e. tract map or parcel map), the following condition shall be applied to the land division PRIOR TO MAP RECORDATION if the permanent master maintenance organization referenced in the condition entitled "SP - Common Area Maintenance" is a public organization:

"The applicant shall convey to the County fee simple title, to all common open space areas, free and clear of all liens, taxes, assessments, leases (recorded or unrecorded) and easement, except those easements which in the sole discretion of the County are acceptable. As a condition precedent to the County accepting title to such areas, the applicant shall notify the Planning Department that the following documents shall be submitted to the Office of the County Counsel and submit said documents for review along with the current fee, which shall be subject to County Counsel approval:

1. A cover letter identifying the project for which approval is sought;
2. A signed and notarized declaration of covenants, conditions and restrictions;
3. A sample document, conveying title to the purchaser, of an individual lot or unit which provides that the declaration of covenants, conditions and restrictions is incorporated therein by reference; and,
4. A deposit equaling three (3) hours of the current hourly fee for Review of Covenants, Conditions and Restrictions established pursuant to County Ordinance No. 671 at the time the above referenced documents are submitted for County Counsel review.

The declaration of covenants, conditions and restrictions submitted for review shall a) provide for a minimum term of 60 years, b) provide for the establishment of a property owners' association comprised of the owners of each individual lot or unit as tenants in common, and c) contain the following provisions verbatim:

"Notwithstanding any provision in this Declaration to the contrary, the following provisions shall apply:

The property owners' association established herein shall, if dormant, be activated, by incorporation or otherwise, at the request of the County of Riverside, and the property

Plan: TR31609E03

Parcel: 321410011

50. Prior To Map Recordation

Planning

050 - Planning. 13 0050-Planning-SP - CC&R PUB COMN AREA (cont.) Not Satisfied

owners' association shall unconditionally accept from the County of Riverside, upon the County's demand, title to all or any part of the 'common area', more particularly described on Exhibit '____' attached hereto. Such acceptance shall be through the president of the property owner's association, who shall be authorized to execute any documents required to facilitate transfer of the 'common area'. The decision to require activation of the property owners' association and the decision to require that the association unconditionally accept title to the 'common area' shall be at the sole discretion of the County of Riverside.

In the event that the 'common area', or any part thereof, is conveyed to the property owners' association, the association, thereafter, shall own such 'common area', shall manage and continuously maintain such 'common area', and shall not sell or transfer such 'common area' or any part thereof, absent the prior written consent of the Planning Director of the County of Riverside or the County's successor-in-interest. The property owners' association shall have the right to assess the owner of each individual lot or unit for the reasonable cost of maintaining such 'common area', and shall have the right to lien the property of any such owner who defaults in the payment of a maintenance assessment. An assessment lien, once created, shall be prior to all other liens recorded subsequent to the notice of assessment or other document creating the assessment lien.

This declaration shall not be terminated, 'substantially' amended, or property deannexed therefrom absent the prior written consent of the Planning Director of the County of Riverside or the County's successor-in-interest. A proposed amendment shall be considered 'substantial' if it affects the extent, usage or maintenance of the 'common area' established pursuant to this Declaration.

In the event of any conflict between this Declaration and the Articles of Incorporation, the Bylaws, or the property owners' association Rules and Regulations, if any, this Declaration shall control."

Once approved by the Office of County Counsel, the declaration of covenants, conditions and restrictions shall be recorded by the Planning Department with one copy retained for the case file, and one copy provided to the County Transportation Department - Survey Division."

Plan: TR31609E03

Parcel: 321410011

50. Prior To Map Recordation

Planning

050 - Planning. 13 0050-Planning-SP - CC&R PUB COMN AREA (cont.) Not Satisfied

050 - Planning. 14 0050-Planning-SP - COMMON AREA MAINTENANCE Not Satisfied

PRIOR TO MAP RECORDATION, the following procedures for common area maintenance procedures shall be complied with:

- a. A permanent master maintenance organization shall be established for the specific plan area, to assume ownership and maintenance responsibility for all common recreation, open space, circulation systems and landscaped areas. The organization may be public or private. Merger with an area-wide or regional organization shall satisfy this condition provided that such organization is legally and financially capable of assuming the responsibilities for ownership and maintenance. If the organization is a private association then neighborhood associations shall be established for each residential development, where required, and such associations may assume ownership and maintenance responsibility for neighborhood common areas.
- b. Unless otherwise provided for in these conditions of approval, common open areas shall be conveyed to the maintenance organization as implementing development is approved or any subdivision as recorded.
- c. The maintenance organization shall be established prior to or concurrent with the recordation of the first land division.
- d. The common areas to be maintained by the master maintenance organization shall include, but not be limited to, the following OPEN SPACE, PARKS, GREENBELTS, AND DETENTION BASINS.

050 - Planning. 15 0050-Planning-SP - PA PROCEDURES Not Satisfied

Prior to the approval of any implementing project within the SPECIFIC PLAN (i.e.: tract map or parcel map), the following condition shall be placed on the implementing project PRIOR TO MAP RECORDATION in the case of land division applications (tentative parcel maps or tentative tract maps):

"The planning areas for which this land division application is located must be legally defined. Any of the following procedures may be used in order to legally define these planning areas:

1. The project proponent has processed a FINAL CHANGE OF ZONE MAP concurrent with the SPECIFIC PLAN which legally defined this [these] planning area[s].
2. The project proponent shall file a change of zone application along with a legal description defining the boundaries of the planning area affected by this land

Plan: TR31609E03

Parcel: 321410011

50. Prior To Map Recordation

Planning

050 - Planning. 15 0050-Planning-SP - PA PROCEDURES (cont.) Not Satisfied
division application. The applicant will not be changing the allowed uses or standards within the existing zone but will merely be providing an accurate legal description of the affected planning area. The change of zone shall be approved and adopted by the Board of Supervisors."

050 - Planning. 16 0050-Planning-SP - PARK AGENCY REQD Not Satisfied
PRIOR TO MAP RECORDATION of any subdivision, or other residential development application, all portions of this implementing project shall be annexed into an entity such as the County Service Area/District, Valley Wide Recreation and Open Space, or Homeowners' Association that has been designated by the Board of Supervisors, pursuant to Section 10.35(G) of Ordinance No. 460, to receive park dedications and fees. Documentation of said annexation shall be provided to the Planning Department. This condition shall be considered as NOT APPLICABLE if Riverside County Recreation and Parks District, County Service Area, Valley Wide or Homeowners' Association is unwilling or unable to annex the property in question.

Regional Parks and Open Space

050 - Regional Parks and Open Space-MAP - TRAIL EASEM Not Satisfied
Prior to or in conjunction with the recordation of the final map, the applicant shall offer for dedication to the County of Riverside an easement for trails purposes. This easement shall be as shown on the approved trails plan.

A Community Trail (14') trail is shown generally along the northerly and westerly boundaries of the proposed project. The trails plan shall show the 14' easement and be located out of the road right-of-way.

Transportation

050 - Transportation. 1 0050-Transportation-EOT1 - FINAL ACCESS AND MAINT Not Satisfied
Prior to the map recordation, the applicant shall submit a Water Quality Management Plan (WQMP) subject to the State Regional Water Quality Board Order No. (See watershed below) to Transportation Department for review and approval. However, the applicant may be required to comply with the latest version of the WQMP manual if required by the State Regional Water Quality Board. All water quality features shall be included on the grading plan. WQMP applicability checklist, templates, LID design requirements, and guidance can be found on-line at: www.rcflood.org/npdes. For any questions, please contact

Plan: TR31609E03

Parcel: 321410011

50. Prior To Map Recordation

Transportation

050 - Transportation. 1 0050-Transportation-EOT1 - FINAL ACCESS AND MAINT (α Not Satisfied
(951) 712-5494.

Watersheds: Santa Ana No. R8-2013-0024 / Santa Margarita
No. R9-2010-0016 / Whitewater No. R7-2013-0011

Additionally, prior to the map recordation, the applicant shall ensure that BMP facilities are placed in dedicated easements and that sufficient legal access to the BMPs are provided. This requirement is for both onsite and offsite property.

(This Extension of Time condition may be considered "Met" if it duplicates another similar condition issued by this department)

050 - Transportation. 2 0050-Transportation-MAP - ACCESS RESTRICTION Not Satisfied
Lot access shall be restricted on Rider Road and so noted on the final map.

050 - Transportation. 3 0050-Transportation-MAP - ASSESSMENT DIST 1 Not Satisfied
Should this project lie within any assessment/benefit district, the applicant shall, prior to recordation, make application for and pay for their reapportionment of the assessments or pay the unit fees in the benefit district.

050 - Transportation. 4 0050-Transportation-MAP - CORNER CUT-BACK I Not Satisfied
All corner cutbacks shall be applied per Standard 805, Ordinance 461, except for corners at Entry streets intersecting with General Plan roads, they shall be applied per Exhibit 'C' of the Countywide Design Guidelines.

050 - Transportation. 5 0050-Transportation-MAP - DEDICATIONS Not Satisfied
Rider Road shall be improved within the dedicated right-of-way in accordance with County Draft Standard No. 103. (44'/74')

Standard knuckle for CC-Street shall be designed and constructed in conformance with Ordinance No. 461, Standard Plan 801.

All interior streets shall be improved within the dedicated right-of-way in accordance with County Draft Standard No. 105, Section A (Sheet 1 of 2). (36'/56')

Offset cul-de-sac streets (MM-Street) shall be designed and constructed in conformance with Ordinance No. 461, Standard

Plan: TR31609E03

Parcel: 321410011

50. Prior To Map Recordation

Transportation

050 - Transportation. 5 0050-Transportation-MAP - DEDICATIONS (cont.) Not Satisfied
Plan 800(A).

050 - Transportation. 6 0050-Transportation-MAP - EASEMENT Not Satisfied

Any easement not owned by a public utility, public entity or subsidiary, not relocated or eliminated prior to final map approval, shall be delineated on the final map in addition to having the name of the easement holder, and the nature of their interests, shown on the map.

050 - Transportation. 7 0050-Transportation-MAP - IMP PLANS Not Satisfied

Improvement plans for the required improvements must be prepared and shall be based upon a design profile extending a minimum of 300 feet beyond the project boundaries at a grade and alignment as approved by the Riverside County Transportation Department. Completion of road improvements does not imply acceptance for maintenance by County.

050 - Transportation. 8 0050-Transportation-MAP - INTERSECTION/50' TANGENT Not Satisfied

All enterline intersections shall be at 90 degrees, plus or minus 5 degrees, with a minimum 50' tangent, measured from flowline/curbface or as approved by the Transportation Planning and Development Review Division Engineer.

050 - Transportation. 9 0050-Transportation-MAP - LANDSCAPING Not Satisfied

The project proponent shall comply in accordance with landscaping requirements within public road rights-of-way, in accordance with Ordinance 461. Landscaping shall be installed within Rider Road. Landscaping plans shall be submitted on standard County Plan sheet format (24" X 36"). Landscaping plans shall be submitted with the street improvement plans. If landscaping maintenance to be annexed to County Service Area, or Landscaping and Lighting Maintenance District, landscaping plans shall depict ONLY such landscaping, irrigation and related facilities as are to be placed within the public road rights-of-way.

Note: The project shall comply with the landscaping conditions set forth by Planning Department.

050 - Transportation. 10 0050-Transportation-MAP - LANDSCAPING APP. ANNEX Not Satisfied

Landscaping within public road rights-of-way shall comply with Transportation Department standards and require approval by the Transportation Department. Assurance of continuing maintenance is required by filing an application for annexation into a County Service Area, Landscaping and

Plan: TR31609E03

Parcel: 321410011

50. Prior To Map Recordation

Transportation

050 - Transportation. 10 0050-Transportation-MAP - LANDSCAPING APP. ANNEX (α Not Satisfied
Lighting Maintenance District NO. 89-1-Consolidated and/or
Assessment District.

050 - Transportation. 11 0050-Transportation-MAP - OFF-SITE ACCESS 1 Not Satisfied

The landowner/developer shall provide/acquire sufficient public off-site rights-of-way to provide for two paved access roads to a paved and maintained road. Said access roads shall be constructed in accordance with County Standard No. 106, Section B (32'/60') at a grade and alignment as approved by the Transportation Department. Should the applicant fail to provide/acquire said off-site right-of-way, the map shall be returned for redesign. The applicant shall provide the appropriate environmental clearances for said off-site improvements prior to recordation or the signature of any street improvement plans.

Said off-site access road shall be the extension of Rider Road to the easterly section of the paved and County maintained portion of Rider Road east of Una Street.

Said off-site access road shall be the southeasterly extension of V-Street through various tracts of Boulder Springs (South and East) as depicted on the index map for the primary and secondary access roads to Rider Road.

The index map shall conform to the street layout of Parcel Map 32311 and its underlying tract maps.

050 - Transportation. 12 0050-Transportation-MAP - OFF-SITE INFO Not Satisfied

The off-site rights-of-way required for said access road(s) shall be accepted to vest title in the name of the public if not already accepted.

050 - Transportation. 13 0050-Transportation-MAP - PART-WIDTH Not Satisfied

"MM Street" shall be improved with 32 feet of asphalt concrete pavement within a 54' part-width dedicated right-of-way in accordance with County Standard No. 105, (Modified) Section A. (18'/28')

NOTE: Proposed V-Ditch adjacent to the westerly shoulder shall not exceed 2 feet in depth.

050 - Transportation. 14 0050-Transportation-MAP - SOILS 2 Not Satisfied

The developer/owner shall submit a preliminary soils and pavement investigation report addressing the construction

Plan: TR31609E03

Parcel: 321410011

50. Prior To Map Recordation

Transportation

050 - Transportation. 14 0050-Transportation-MAP - SOILS 2 (cont.) Not Satisfied
 requirements within the road right-of-way.

050 - Transportation. 15 0050-Transportation-MAP - SP229A1/CETAP CORRIDOR Not Satisfied

Cajalco Road has been identified by the Riverside County Transportation Commission as the locally preferred route for the east-west, Hemet to Corona/Lake Elsinore CETAP Corridor. The Specific Plan shall be designed to set aside a 134 foot right-of-way for Cajalco Road, and an additional 86 foot area (to be deeded to the County) north of the 134 foot right-of-way to be designated for future public use.

The street improvements to be constructed within the right-of-way shall be as determined by the Transportation Department in consultation with RCTC and Caltrans. Right-of-way and street improvements on Cajalco Road are eligible for consideration for TUMF fee credits, since Cajalco Road is a TUMF designated facility.

050 - Transportation. 16 0050-Transportation-MAP - SP229A1/PERMITS Not Satisfied

Prior to the construction of any improvements to Cajalco Road or the recordation of any maps setting an alignment, the applicant shall obtain and provide copies of all necessary permits from the appropriate Resource Agencies indicating that permits have been issued for the construction of Cajalco Road as designed by the applicant.

050 - Transportation. 17 0050-Transportation-MAP - STREET LIGHTS-CSA/L&LMD Not Satisfied

The project proponent shall contact the County Service Area (CSA) Project Manager who determines whether the development is within an existing CSA or will require annexation into the CSA.

If the project is outside boundaries of a CSA, the project proponent shall contact the Transportation Department L&LMD 89-1-C Administrator and submit the following:

1. Completed Transportation Department application
2. Appropriate fees for annexation.
3. (2)Sets of street lighting plans approved by Transportation Department.
4. "Streetlight Authorization" form from SCE, IID or other electric provider.

Plan: TR31609E03

Parcel: 321410011

50. Prior To Map Recordation

Transportation

050 - Transportation. 18 0050-Transportation-MAP - STREET NAME SIGN Not Satisfied

The land divider shall install street name sign(s) in accordance with County Standard No. 816 as directed by the Transportation Department.

050 - Transportation. 19 0050-Transportation-MAP - STREET SWEEPING Not Satisfied

The project proponent shall contact the County Service Area (CSA) Project Manager to file an application for annexation or inclusion into CSA for street sweeping; or enter into a similar mechanism as approved by the Transportation Department.

050 - Transportation. 20 0050-Transportation-MAP - STREETLIGHT PLAN Not Satisfied

A separate streetlight plan is required for this project.

Street lighting shall be designed in accordance with County Ordinance 460 and Street Light Specification Chart found in Specification Section 22 of Ordinance 461. For projects within SCE boundaries use County of Riverside Ordinance 461, Standard No's 1000 or 1001. For projects within Imperial Irrigation District (IID) use IID's pole standard.

050 - Transportation. 21 0050-Transportation-MAP - STRIPING PLAN Not Satisfied

A signing and striping plan is required for this project. The applicant shall be responsible for any additional paving and/or striping removal caused by the striping plan. Traffic signing and striping shall be performed by County forces with all incurred costs borne by the applicant, unless otherwise approved by the County Traffic Engineer.

050 - Transportation. 22 0050-Transportation-MAP - TS/DESIGN Not Satisfied

The project proponent shall be responsible for the design of traffic signal(s) at the intersection(s) of:

Carpinus Drive (Starglow Drive) (NS) at:
Cajalco Road (EW)
With no fee credit eligibility

Alexander Street (NS) at:
Cajalco Road (EW)
With no fee credit eligibility

Smith/Harley John Road (NS) at:
Cajalco Road (EW)
With fee credit eligibility

Plan: TR31609E03

Parcel: 321410011

50. Prior To Map Recordation

Transportation

050 - Transportation. 22 0050-Transportation-MAP - TS/DESIGN (cont.)
or as approved by the Transportation Department.

Not Satisfied

Traffic Signal Interconnect shall be provided as approved
by the Transportation Department

Installation of the signal (s) shall be per 90.TRANS.6

050 - Transportation. 23 0050-Transportation-MAP - TS/GEOMETRICS

Not Satisfied

The intersection of Carpinus Drive/Starglow Drive (NS) and
Cajalco Road (EW) shall be improved to provide the
following geometrics:

Northbound: One left-turn lane and one shared
through/right-turn lane

Southbound: N/A

Eastbound: One left-turn lane, one through lane, and one
right-turn lane

Westbound: One left-turn lane and one through lane

The intersection of Alexander Street (NS) and Cajalco Road
(EW) shall be improved to provide the following geometrics:

Northbound: One left-turn lane and one through lane

Southbound: One left-turn lane and one through lane

Eastbound: One left-turn lane and two through lanes

Westbound: One left-turn lane and two through lanes

The intersection of Smith/Harley John Road (NS) and Cajalco
Road (EW) shall be improved to provide the following
geometrics:

Northbound: One shared left-turn/through/right-turn lane

Southbound: One shared left-turn/through/right-turn lane

Eastbound: One left-turn lane, one through lane, and one
right-turn lane

Westbound: One left-turn lane and one through lane

Plan: TR31609E03

Parcel: 321410011

50. Prior To Map Recordation

Transportation

050 - Transportation. 23 0050-Transportation-MAP - TS/GEOMETRICS (cont.) Not Satisfied

The intersection of Clark Street (NS) and Cajalco Road (EW) shall be improved to provide the following geometrics:

Northbound: One left-turn lane and one through lane

Southbound: One left-turn lane and one through lane

Eastbound: One left-turn lane and two through lanes

Westbound: One left-turn lane and two through lanes

The intersection of Rider Road (EW) and Carpinus Drive/Starglow Drive (NS) shall be improved to provide the following geometrics:

Northbound: N/A

Southbound: One left-turn lane and one right-turn lane

Eastbound: One left-turn lane and one through lane

Westbound: One left-turn lane and one through lane

The intersection of Rider Road (EW) and "LL" Street/Rider Road (NS) shall be improved to provide the following geometrics:

Northbound: N/A

Southbound: One left-turn lane and one through lane

Eastbound: N/A

Westbound: One left-turn lane and one right-turn lane

or as approved by the Transportation Department.

Any off-site widening required to provide these geometrics shall be the responsibility of the landowner/developer.

050 - Transportation. 24 0050-Transportation-MAP - UTILITY PLAN Not Satisfied

Electrical power, telephone, communication, street lighting, and cable television lines shall be designed to be placed underground in accordance with ordinance 460 and 461, or as approved by the Transportation Department. The applicant is responsible for coordinating the work with the serving utility company. This also applies to existing

Plan: TR31609E03

Parcel: 321410011

50. Prior To Map Recordation

Transportation

050 - Transportation. 24 0050-Transportation-MAP - UTILITY PLAN (cont.) Not Satisfied

overhead lines which are 33.6 kilovolts or below along the project frontage and between the nearest poles offsite in each direction of the project site. A disposition note describing the above shall be reflected on design improvement plans whenever those plans are required. A written proof for initiating the design and/or application of the relocation issued by the utility company shall be submitted to the Transportation Department for verification purposes.

050 - Transportation. 25 0050-Transportation-MAP - VACATION Not Satisfied

The applicant, by his/her design, is requesting a vacation of the existing dedicated rights-of-way along Dreamglow Lane. Accordingly, prior to recordation of the final map, the applicant shall have filed a separate application with the County Surveyor for a conditional vacation of the above-referenced rights-of-way, and the Board of Supervisors shall have approved the vacation request. If the Board of Supervisors denies the vacation request, the tentative map as designed may not record. The applicant may, however, redesign the map utilizing the existing rights-of-way, and may then reprocess the map after paying all appropriate fees and charges.

The applicant, by his/her design, is requesting a vacation of the existing dedicated rights-of-way along Rider Road. Accordingly, prior to recordation of the final map, the applicant shall have filed a separate application with the County Surveyor for a conditional vacation of the above-referenced rights-of-way, and the Board of Supervisors shall have approved the vacation request. If the Board of Supervisors denies the vacation request, the tentative map as designed may not record. The applicant may, however, redesign the map utilizing the existing rights-of-way, and may then reprocess the map after paying all appropriate fees and charges.

050 - Transportation. 26 0050-Transportation-MAP-PARKWAY TREES/INTER.STREE Not Satisfied

The project proponent shall comply in accordance with landscaping requirements within public road rights-of-way, in accordance with Ordinance 461. Parkway trees shall be installed in the interior streets within the subdivision. Landscape plans shall be submitted on standard County Plan sheet format (24" X 36"). Landscaping plans shall be submitted with the street improvement plans. Parkway tree maintenance shall be annexed to Lighting and Landscaping Maintenance District, landscaping plans shall depict ONLY

Plan: TR31609E03

Parcel: 321410011

50. Prior To Map Recordation

Transportation

050 - Transportation. 26 0050-Transportation-MAP-PARKWAY TREES/INTER.STREE Not Satisfied
such parkway trees as are to be placed within the public
road rights-of-way.

050 - Transportation. 27 EOT2 - FINAL ACCESS AND MAINT Not Satisfied

Prior to the map recordation, the applicant shall submit a Water Quality Management Plan (WQMP) subject to the State Regional Water Quality Board Order No. (See watershed below) to Transportation Department for review and approval. However, the applicant may be required to comply with the latest version of the WQMP manual if required by the State Regional Water Quality Board. All water quality features shall be included on the grading plan. WQMP applicability checklist, templates, LID design requirements, and guidance can be found on-line at: www.rcflood.org/npdes. For any questions, please contact (951) 712-5494.

Watersheds: Santa Ana No. R8-2013-0024 / Santa Margarita No. R9-2010-0016 / Whitewater No. R7-2013-0011

Additionally, prior to the map recordation, the applicant shall ensure that BMP facilities are placed in dedicated easements and that sufficient legal access to the BMPs are provided. This requirement is for both onsite and offsite property.

(This Extension of Time condition may be considered "Met" if it duplicates another similar condition issued by this department)

60. Prior To Grading Permit Issuance

BS-Grade

060 - BS-Grade. 1 0060-BS-Grade-EOT1 - REQ BMP SWPPP WQMP Not Satisfied

Prior to the issuance of a grading permit, the owner / applicant shall obtain a BMP (Best Management Practices) Permit for the monitoring of the erosion and sediment control BMPs for the site. The Department of Building and Safety will conduct NPDES (National Pollutant Discharge Elimination System) inspections of the site based on Risk Level to verify compliance with the Construction General Permit, Stormwater ordinances and regulations until completion of the construction activities, permanent stabilization of the site and permit final.

Grading and construction sites of "ONE" acre or larger required to develop a STORM WATER POLLUTION PREVENTION PLAN (SWPPP) - the owner/applicant shall submit the SWPPP to the Building and Safety Department Environmental Compliance Division for review and approval prior to issuance of a grading permit.

If a Water Quality Management Plan (WQMP) is required, the owner / applicant shall submit to the Building & Safety Department, the approved project - specific Water Quality Management Plan (WQMP) and ensure that all approved water quality treatment control BMPs have been included on the grading plan.

Plan: TR31609E03

Parcel: 321410011

60. Prior To Grading Permit Issuance

BS-Grade

060 - BS-Grade. 1 0060-BS-Grade-EOT1 - REQ BMP SWPPP WQMP (cont.) Not Satisfied

(This Extension of Time condition may be considered "Met" if it duplicates another similar condition issued by this department)

060 - BS-Grade. 2 0060-BS-Grade-MAP IMPORT/EXPORT Not Satisfied

In instances where a grading plan involves import or export, prior to obtaining a grading permit, the applicant shall have obtained approval for the import/export location from the Building and Safety department. If an Environmental Assessment, prior to issuing a grading permit, did not previously approve either location, a Grading Environmental Assessment shall be submitted to the Planning Director for review and comment and to the Building and Safety Department Director for approval. Additionally, if the movement of import/export occurs using county roads, review and approval of the haul routes by the Transportation Department will be required.

060 - BS-Grade. 3 0060-BS-Grade-MAP-G1.4 NPDES/SWPPP Not Satisfied

Prior to issuance of any grading or construction permits - whichever comes first - the applicant shall provide the Building and Safety Department evidence of compliance with the following: "Effective March 10, 2003 owner operators of grading or construction projects are required to comply with the N.P.D.E.S. (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of "ONE" acre or larger. The owner operator can comply by submitting a "Notice of Intent" (NOI), develop and implement a STORM WATER POLLUTION PREVENTION PLAN (SWPPP) and a monitoring program and reporting plan for the construction site. For additional information and to obtain a copy of the NPDES State Construction Permit contact the SWRCB at (916) 341-5455.

Additionally, at the time the county adopts, as part of any ordinance, regulations specific to the N.P.D.E.S., this project (or subdivision) shall comply with them.

060 - BS-Grade. 4 0060-BS-Grade-MAP-G2.1 GRADING BONDS Not Satisfied

Grading in excess of 199 cubic yards will require performance security to be posted with the Building and Safety Department. Single Family Dwelling units graded one lot per permit and proposing to grade less than 5,000 cubic

Plan: TR31609E03

Parcel: 321410011

60. Prior To Grading Permit Issuance

BS-Grade

060 - BS-Grade. 4 0060-BS-Grade-MAP-G2.1 GRADING BONDS (cont.) Not Satisfied
yards are exempt.

060 - BS-Grade. 5 0060-BS-Grade-MAP-G2.14OFFSITE GDG ONUS Not Satisfied
Prior to the issuance of a grading permit, it shall be the sole responsibility of the owner/applicant to obtain any and all proposed or required easements and/or permissions necessary to perform the grading herein proposed.

060 - BS-Grade. 6 0060-BS-Grade-MAP-G2.3SLOPE EROS CL PLAN Not Satisfied
Erosion control- landscape plans, required for manufactured slopes greater than 3 feet in vertical height, are to be signed by a registered landscape architect and bonded per the requirements of Ordinance 457, see form 284-47.

060 - BS-Grade. 7 0060-BS-Grade-MAP-G2.4GEOTECH/SOILS RPTS Not Satisfied
Geotechnical soils reports, required in order to obtain a grading permit, shall be submitted to the Building and Safety Department's Grading Division for review and approval prior to issuance of a grading permit.

All grading shall be in conformance with the recommendations of the geotechnical/soils reports as approved by Riverside County.*

*The geotechnical/soils, compaction and inspection reports will be reviewed in accordance with the RIVERSIDE COUNTY GEOTECHNICAL GUIDELINES FOR REVIEW OF GEOTECHNICAL AND GEOLOGIC REPORTS.

060 - BS-Grade. 8 0060-BS-Grade-MAP-G2.7DRNAGE DESIGN Q100 Not Satisfied
All grading and drainage shall be designed in accordance with Riverside County Flood Control & Water Conservation District's conditions of approval regarding this application. If not specifically addressed in their conditions, drainage shall be designed to accommodate 100 year storm flows.

Additionally, the Building and Safety Department's conditional approval of this application includes an expectation that the conceptual grading plan reviewed and approved for it complies or can comply with any WQMP (Water Quality Management Plan) required by Riverside County Flood Control and Water Conservation District.

Plan: TR31609E03

Parcel: 321410011

60. Prior To Grading Permit Issuance

BS-Grade

060 - BS-Grade. 9 EOT2 - REQ BMP SWPPP WQMP Not Satisfied

Prior to the issuance of a grading permit, the owner / applicant shall obtain a BMP (Best Management Practices) Permit for the monitoring of the erosion and sediment control BMPs for the site. The Department of Building and Safety will conduct NPDES (National Pollutant Discharge Elimination System) inspections of the site based on Risk Level to verify compliance with the Construction General Permit, Storm water ordinances and regulations until completion of the construction activities, permanent stabilization of the site and permit final.

Grading and construction sites of "ONE" acre or larger required to develop a STORM WATER POLLUTION PREVENTION PLAN (SWPPP) - the owner/applicant shall submit the SWPPP to the Building and Safety Department Environmental Compliance Division for review and approval prior to issuance of a grading permit.

If a Water Quality Management Plan (WQMP) is required, the owner / applicant shall submit to the Building & Safety Department, the approved project - specific Water Quality Management Plan (WQMP) and ensure that all approved water quality treatment control BMPs have been included on the grading plan.

(This Extension of Time condition may be considered "Met" if it duplicates another similar condition issued by this department)

Fire

060 - Fire. 1 0060-Fire-MAP -TEMP CULDESAC Not Satisfied

ASPHALT CULDESAC SHALL BE INSTALLED AT END OF STREETS BY LOTS 8 AND 20 AS APPROVED BY THE RIVERSIDE COUNTY FIRE DEPT.

060 - Fire. 2 0060-Fire-MAP-#004 FUEL MODIFICATION Not Satisfied

Prior to the issuance of a grading permit, the developer shall prepare and submit to the fire department for approval a fire protection/vegetation management that should include but not limited to the following items:

- a) fuel modification to reduce fire loading
- b) appropriate fire breaks according to fuel load, slope and terrain.
- c) non flammable walls along common boundaries between rear yards and open space.
- d) emergency vehicle access into open space areas shall be provided at intervals not to exceed 1500 feet
- e) a homeowner's association or appropriate district shall be responsible for maintenance of all fire protection measures within open space areas.

ANY HABITAT CONSERVATION ISSUE AFFECTING THE FIRE DEPARTMENT FUEL MODIFICATION REQUIREMENT, SHALL HAVE CONCURRENCE WITH THE RESPONSIBLE WILDLIFE AND/OR OTHER CONSERVATION AGENCY.

Plan: TR31609E03

Parcel: 321410011

60. Prior To Grading Permit Issuance

Flood

060 - Flood. 1 0060-Flood-MAP ADP FEES Not Satisfied

Tract 31609 is located within the limits of the Lake Mathews Area Drainage Plan for which drainage fees have been adopted.

Drainage fees shall be paid with cashier's check or money order only to the District at the time of the issuance of grading permits for the approved parcels or at the time of issuance of building permits if no grading permits are issued for the parcels and may be paid, at the option of the land owner, in pro rata amounts. The amount of the drainage fee required to be paid shall be the amount that is in effect for the particular Area Drainage Plan at the time of issuance of the grading permits or issuance of the building permits if grading permits are not issued.

060 - Flood. 2 0060-Flood-MAP BMP - FILTRATION Not Satisfied

Impervious areas shall be graded or constructed to drain to a filtration BMP or equally effective alternative. Filtration BMPs can be found in the attachment to Supplement A, "Selection and Design of Stormwater Quality Controls".

060 - Flood. 3 0060-Flood-MAP CAJALCO CREEK WETLANDS Not Satisfied

060 - Flood. 4 0060-Flood-MAP CONSTRUCT OFFSITE FAC Not Satisfied

The flood protection for this project is dependent on facilities proposed by neighboring tentative maps. Therefore, plans for the necessary offsite facilities shall be approved and bonded prior to issuance of grading permits.

060 - Flood. 5 0060-Flood-MAP EROS CNTRL AFTER RGH GRAD Not Satisfied

Temporary erosion control measures shall be implemented immediately following rough grading to prevent deposition of debris onto downstream properties or drainage facilities. Plans showing these measures shall be submitted to the District for review.

060 - Flood. 6 0060-Flood-MAP OFFSITE EASE OR REDESIGN Not Satisfied

Offsite drainage facilities shall be located within dedicated drainage easements obtained from the affected property owner(s). Document(s) shall be recorded and a copy submitted to the District prior to recordation of the

Plan: TR31609E03

Parcel: 321410011

60. Prior To Grading Permit Issuance

Flood

060 - Flood. 6 0060-Flood-MAP OFFSITE EASE OR REDESIGN (cont.) Not Satisfied
final map. If the developer cannot obtain such rights,
the map should be redesigned to eliminate the need for the
easement.

060 - Flood. 7 0060-Flood-MAP PHASING Not Satisfied
If the tract is built in phases, each phase shall be
protected from the 1 in 100 year tributary storm flows.

060 - Flood. 8 0060-Flood-MAP SUBMIT PLANS Not Satisfied
A copy of the improvement plans, grading plans, BMP
improvement plans and any other necessary documentation
along with supporting hydrologic and hydraulic calculations
shall be submitted to the District for review. The plans
must receive District approval prior to the issuance of
grading permits. All submittals shall be date stamped by
the engineer and include a completed Flood Control Deposit
Based Fee Worksheet and the appropriate plan check fee
deposit.

Planning

060 - Planning. 1 0060-Planning-MAP - FEE BALANCE Not Satisfied
Prior to issuance of grading permits, the Planning

Department shall determine if the deposit based fees are in
a negative balance. If so, any outstanding fees shall be
paid by the applicant/developer.

060 - Planning. 2 0060-Planning-MAP - GNTCTCHR CLEARANCE Not Satisfied
Prior to the issuance of any grading permit or
recordation of any final map the applicant shall obtain
written approval from the United States Fish and
Wildlife Service to "take" habitat occupied by the
California Gnatcatcher (*Polioptila californica*
californica). Said approval shall be obtained through a)
the initiation of a consultation with the United States
Fish and Wildlife Service pursuant to Section 7 of the
Endangered Species Act of 1973; or b) approval by the
Secretary of the Interior of a 10(a) Permit pursuant to
Section 10 of the Endangered Species Act of 1973; or c)
participation in the Natural Community Conservation
Planning program established by the State of California. A
copy of the approval shall be submitted to the County
Planning Department for review and clearance.

Plan: TR31609E03

Parcel: 321410011

60. Prior To Grading Permit Issuance

Planning

060 - Planning. 3 0060-Planning-MAP - GRADING PLAN REVIEW Not Satisfied

The land divider/permit holder shall cause a plan check application for a grading plan to be submitted to the county T.L.M.A - Land Use Division for review by the County Department of Building and Safety - Grading Division. Said grading plan shall be in conformance with the approved tentative map, in compliance with County Ordinance No. 457, and the conditions of approval for the tentative map.

060 - Planning. 4 0060-Planning-MAP - IF HUMAN REMAINS FOUND Not Satisfied

If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner shall be notified of the find immediately. If the remains are determined to be prehistoric, the coroner shall notify the Native American Heritage Commission, which will determine and notify the appropriate NATIVE AMERICAN TRIBE who is the most likely descendent. The descendent shall inspect the site of the discovery and make a recommendation as to the appropriate mitigation. After the recommendation has been made, the property owner, a Native American Tribe representative, and a County representative shall meet to determine the appropriate mitigation measures and corrective actions to be implemented.

060 - Planning. 5 0060-Planning-MAP - PECHANGA CLEARANCE Not Satisfied

A clearance letter from the Pechanga Band shall be provided to the Riverside County Planning Department verifying compliance with the conditions stated in their letter dated November 28, 2005, summarized as follows:

1. Prior to the issuance of grading permits, the Developer is required to enter into a Treatment Agreement with the Pechanga Band of Luiseno Indians. The Agreement shall contain provisions for the treatment of cultural and Native American human remains. It shall also contain provisions for tribal monitoring of all grading and ground-disturbing work, to be compensated by developer.

2. Tribal monitors from the Pechanga Band of Luiseno Indians shall be allowed to monitor all grading, excavation and ground breaking activities, including further archaeological surveys and testing. Tribal monitors will have the authority to stop and redirect grading activities in the event significant resources are discovered.

Plan: TR31609E03

Parcel: 321410011

60. Prior To Grading Permit Issuance

Planning

060 - Planning. 5 0060-Planning-MAP - PECHANGA CLEARANCE (cont.) Not Satisfied

3. A qualified archaeological monitor will be present during all ground disturbing activities, and will have the authority to stop and redirect grading activities to evaluate the significance of any archaeological resources discovered on the property, in consultation with the Pechanga Band of Luiseno Indians and their designated Tribal monitors.

4. The land owner agrees to relinquish ownership of all cultural resources, including all Luiseno sacred items, burial goods and all archaeological artifacts that are found on the Project area to the Pechanga Band of Luiseno Indians for proper treatment and disposition.

5. Prior to start of grading operations and throughout the grading process as necessary, the Developer agrees to discuss appropriate grading and ground-disturbing methods at locations with significant cultural resources, with the Pechanga Band. At the Pechanga Band's request, the Developer agrees to perform controlled excavation in areas where significant cultural resources are located, including, but not limited to, changing the size of the grade cut, slowing the grading process, utilizing alternative grading equipment, allowing additional time to recover materials, and limited controlled archaeological investigations in and immediately around the new significant finds or cultural resources.

060 - Planning. 6 0060-Planning-MAP - PLANNING DEPT REVIEW Not Satisfied

As part of the plan check review of the proposed grading plan for the subject property, the Department of Building and Safety - Grading Division shall submit a copy of the proposed grading plan, along with the applicable Log/Permit Numbers for reference, to the county Planning Department to be reviewed for compliance with the approved tentative map.

060 - Planning. 7 0060-Planning-MAP - SKR FEE CONDITION Not Satisfied

Prior to the issuance of a grading permit, the land divider/permit holder shall comply with the provisions of Riverside County Ordinance No. 663, which generally requires the payment of the appropriate fee set forth in that ordinance. The amount of the fee required to be paid may vary depending upon a variety of factors, including the type of development application submitted and the applicability of any fee reduction or exemption provisions contained in Riverside County Ordinance No. 663. Said fee shall be calculated on the approved development project

Plan: TR31609E03

Parcel: 321410011

60. Prior To Grading Permit Issuance

Planning

060 - Planning. 7 0060-Planning-MAP - SKR FEE CONDITION (cont.) Not Satisfied

which is anticipated to be 47.3 acres (gross) in accordance with the TENTATIVE MAP. If the development is subsequently revised, this acreage amount may be modified in order to reflect the revised development project acreage amount. In the event Riverside County Ordinance No. 663 is rescinded, this condition will no longer be applicable. However, should Riverside County Ordinance No. 663 be rescinded and superseded by a subsequent mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required.

060 - Planning. 8 0060-Planning-MAP - TRAILS PLAN Not Satisfied

Prior to the issuance of any grading permit, the applicant shall submit a trails plan to the Riverside County Parks and Open Space District for review and approval. This trails plan shall show the trail(s) as follows:

A 10' Community Trail within a landscape / trail easement located north of lots 1-8 along Rider Road.

The trail shall be outside of the road right-of-way. The trails plan shall show the trail with topography, grading, cross sections, signage program, and plans for all street crossing and under crossings.

060 - Planning. 9 0060-Planning-SP - ACOE CLEARANCE Not Satisfied

PRIOR TO THE ISSUANCE OF GRADING PERMITS, the applicant shall obtain written notification to the County Planning Department that the alteration of any watercourse or wetland, located either on-site or on any required off-site improvement areas, complies with the U.S. Army Corps of Engineers Nationwide Permit Conditions, or obtain a permit under Section 404 of the Clean Water Act should any grading or construction be proposed within or along the banks of any natural watercourse or wetland. Copies of any agreement shall be submitted with the notification.

060 - Planning. 10 0060-Planning-SP - ARCHAEO M/M PROGRAM Not Satisfied

PRIOR TO THE ISSUANCE OF GRADING PERMITS, the project applicant shall enter into an agreement with a qualified archaeologist. This agreement shall include, but not be limited to, the preliminary mitigation and monitoring procedures to be implemented during the process of grading, as found in the EIR. A copy of said agreement shall be submitted to the Planning Department. No grading permits will be issued unless the preliminary mitigation and

Plan: TR31609E03

Parcel: 321410011

60. Prior To Grading Permit Issuance

Planning

060 - Planning. 10 0060-Planning-SP - ARCHAEO M/M PROGRAM (cont.) Not Satisfied
monitoring procedures required prior to grading permits as described in the EIR are substantially complied with.

060 - Planning. 11 0060-Planning-SP - CILS Not Satisfied
PRIOR TO THE ISSUANCE OF A GRADING PERMIT, THE DEVELOPER SHALL ENTER INTO A MONITORING AND TREATMENT AGREEMENT WITH THE PECHANGA BAND OF LUISENO INDIANS. THE AGREEMENT SHALL CONTAIN PROVISIONS FOR TREATMENT OF CULTURAL RESOURCES AND NATIVE AMERICAN HUMAN REMAINS. IT SHALL ALSO CONTAIN PROVISIONS FOR TRIBAL MONITORING OF ALL GRADING AND GROUND -DISTURBING WORK, TO BE COMPENSATED BY THE DEVELOPER.

060 - Planning. 12 0060-Planning-SP - F&G CLEARANCE Not Satisfied
PRIOR TO THE ISSUANCE OF GRADING PERMITS, the applicant shall obtain written notification to the County Planning Department that the appropriate California Department of Fish and Game notification pursuant to Sections 1601/1603 of the California Fish and Game Code has taken place, or obtain an "Agreement Regarding Proposed Stream or Lake Alteration" (Sections 1601/1603 Permit) should any grading or construction be proposed within or along the banks of any natural watercourse or wetland, located either on-site or any required off-site improvement areas. Copies of any agreement shall be submitted with the notification.

060 - Planning. 13 0060-Planning-SP - GENERAL M/M PROGRAM Not Satisfied
PRIOR TO THE ISSUANCE OF GRADING PERMITS, the project applicant shall provide to the Planning Department a detailed proposal for complying with the preliminary mitigation and monitoring procedures described in the EIR for ___ during the process of grading. Grading permits will not be issued unless the preliminary mitigation and monitoring procedures as described in the EIR are substantially complied with.

060 - Planning. 14 0060-Planning-SP - PALEON M/M PROGRAM Not Satisfied
PRIOR TO THE ISSUANCE OF GRADING PERMITS, the project applicant shall enter into an agreement with a qualified paleontologist. This agreement shall include, but not be limited to, the preliminary mitigation and monitoring procedures to be implemented during the process of grading. A copy of said agreement shall be submitted to the Planning Department. No grading permits will be issued unless the preliminary mitigation and monitoring procedures as described in the EIR are substantially complied with.

Plan: TR31609E03

Parcel: 321410011

60. Prior To Grading Permit Issuance

Planning

060 - Planning. 14 0060-Planning-SP - PALEON M/M PROGRAM (cont.) Not Satisfied

Planning-EPD

060 - Planning-EPD. 1 0060-Planning-EPD-EPD - 30 DAY BURROWING OWL SUR Not Satisfied

Pursuant to Objective 6 and Objective 7 of the Species Account for the Burrowing Owl included in the Western Riverside County Multiple Species Habitat Conservation Plan, within 30 days prior to the issuance of a grading permit, a pre-construction presence/absence survey for the burrowing owl shall be conducted by a qualified biologist and the results of this presence/absence survey shall be provided in writing to the Environmental Programs Department. If it is determined that the project site is occupied by the Burrowing Owl, take of "active" nests shall be avoided pursuant to the MSHCP and the Migratory Bird Treaty Act. However, when the Burrowing Owl is present, relocation outside of the nesting season (March 1 through August 31) by a qualified biologist shall be required. The County Biologist shall be consulted to determine appropriate type of relocation (active or passive) and translocation sites. Occupation of this species on the project site may result in the need to revise grading plans so that take of "active" nests is avoided or alternatively, a grading permit may be issued once the species has been actively relocated.

If the grading permit is not obtained within 30 days of the survey a new survey shall be required.

060 - Planning-EPD. 2 0060-Planning-EPD-EPD - GNATCATCHER NESTING SURV Not Satisfied

Potential suitable habitat for California gnatcatcher is present onsite and this property occurs within an MSHCP Cell, thus no grading permits may be issued during the breeding season (March 1 - August 15) without written documentation that no California gnatcatchers currently inhabit this site. A presence/absence survey for this species shall be conducted by a biologist that has an MOU with EPD and the findings submitted to EPD for review prior to issuance of any grading permit.

Regional Parks and Open Space

060 - Regional Parks and Open Space-MAP - TRAIL PLAN Not Satisfied

Prior to the issuance of any grading permits, the applicant shall submit a trails plan to the Riverside County Regional Park and Open-Space District for review and approval. This trails plan shall show the trail as follows:

Plan: TR31609E03

Parcel: 321410011

60. Prior To Grading Permit Issuance

Regional Parks and Open Space

060 - Regional Parks and Open Space-0060-Regional Parks and Open Space-MAP - TRAIL PLAN (c) Not Satisfied

The trails plan shall show the trail in final and workable condition with all topography, grading, cross-sections, signage program and plans for all street crossings/under crossings.

Transportation

060 - Transportation. 1 0060-Transportation-EOT1 - FINAL WQMP FOR GRADING Not Satisfied

This condition would apply when grading occurs before map recordation. Prior to the issuance of a grading permit, the applicant shall submit a Water Quality Management Plan (WQMP) subject to the State Regional Water Quality Board Order No. (See watershed below) to Transportation Department for review and approval. However, the applicant may be required to comply with the latest version of the WQMP manual if required by the State Regional Water Quality Board. All water quality features shall be included on the grading plan. WQMP applicability checklist, templates, LID design requirements, and guidance can be found on-line at: www.rcflood.org/npdes. For any questions, please contact (951) 712-5494.

Watersheds: Santa Ana No. R8-2013-0024 / Santa Margarita No. R9-2010-0016 / Whitewater No. R7-2013-0011

(This Extension of Time condition may be considered "Met" if it duplicates another similar condition issued by this department)

060 - Transportation. 2 EOT2 - FINAL WQMP FOR GRADING Not Satisfied

This condition would apply when grading occurs before map recordation. Prior to the issuance of a grading permit, the applicant shall submit a Water Quality Management Plan (WQMP) subject to the State Regional Water Quality Board Order No. (See watershed below) to Transportation Department for review and approval. However, the applicant may be required to comply with the latest version of the WQMP manual if required by the State Regional Water Quality Board. All water quality features shall be included on the grading plan. WQMP applicability checklist, templates, LID design requirements, and guidance can be found on-line at: www.rcflood.org/npdes. For any questions, please contact (951) 712-5494.

Watersheds: Santa Ana No. R8-2013-0024 / Santa Margarita No. R9-2010-0016 / Whitewater No. R7-2013-0011

(This Extension of Time condition may be considered "Met" if it duplicates another similar condition issued by this department)

80. Prior To Building Permit Issuance

BS-Grade

080 - BS-Grade. 1 0080-BS-Grade-MAP-G3.1NO B/PMT W/O G/PMT Not Satisfied

Plan: TR31609E03

Parcel: 321410011

80. Prior To Building Permit Issuance

BS-Grade

080 - BS-Grade. 1 0080-BS-Grade-MAP-G3.1NO B/PMT W/O G/PMT (cont.) Not Satisfied

Prior to issuance of any building permit, the property owner shall obtain a grading permit and/or approval to construct from the Grading Divisin of the Building and Safety Department.

Fire

080 - Fire. 1 0080-Fire-MAP - SECONDARY/ALTER ACCESS Not Satisfied

In the interest of Public Safety, the project shall provide An Alternate or Secondary Access(s). Said Alternate or Secondary Access(s) shall have concurrence and approval of both the Transportation Department and the Riverside County Fire Department. Alternate and/or Secondary Access(s) shall be completed and inspected per the approved plans.

080 - Fire. 2 0080-Fire-MAP-#50C-TRACT WATER VERIFICA Not Satisfied

The required water system, including all fire hydrant(s), shall be installed and accepted by the appropriate water agency and the Riverside County Fire Department prior to any combustible building material placed on an individual lot. Contact the Riverside County Fire Department to inspect the required fire flow, street signs, all weather surface, and all access and/or secondary.

Approved water plans must be a the job site.

Flood

080 - Flood. 1 0080-Flood-MAP ADP FEES Not Satisfied

Tract 31609 is located within the limits of the Lake Mathews Area Drainage Plan for which drainage fees have been adopted.

Drainage fees shall be paid with cashier's check or money order only to the District at the time of the issuance of grading permits for the approved parcels or at the time of issuance of building permits if no grading permits are issued for the parcels and may be paid, at the option of the land owner, in pro rata amounts. The amount of the drainage fee required to be paid shall be the amount that is in effect for the particular Area Drainage Plan at the time of issuance of the grading permits or issuance of the building permits if grading permits are not issued.

080 - Flood. 2 0080-Flood-MAP SUBMIT PLANS Not Satisfied

A copy of the improvement plans, grading plans,BMP improvement plans and any other necessary documentation

Plan: TR31609E03

Parcel: 321410011

80. Prior To Building Permit Issuance

Flood

080 - Flood. 2 0080-Flood-MAP SUBMIT PLANS (cont.) Not Satisfied
along with supporting hydrologic and hydraulic calculations shall be submitted to the District for review. The plans must receive District approval prior to the issuance of building permits. All submittals shall be date stamped by the engineer and include a completed Flood Control Deposit Based Fee Worksheet and the appropriate plan check fee deposit.

Planning

080 - Planning. 1 0080-Planning-MAP - BUILDING SEPARATION 2 Not Satisfied
Building separation between all buildings shall not be less than ten (10) feet. Additional encroachments are only allowed as permitted by County Ordinance No. 348.

080 - Planning. 2 0080-Planning-MAP - COMMON AREA PLANS Not Satisfied
Design plans for the common areas specifying the location an extent of landscaping an irrigation systems as specified in Riverside County Ordinance No. 348, Section 18.12, and Sections 19.300 through 19.304, and circulation (vehicular, pedestrian, equestrian and/or bicycle) shall be submitted during the review process for development applications, which incorporate common areas. Additionally, all proposed structures shall be shown on said plans. A land division file for the purposes of phasing or financing shall not be considered an implementing development application.

080 - Planning. 3 0080-Planning-MAP - CONFORM FINAL SITE PLAN Not Satisfied
Final clearance shall be obtained from the County Planning Department - Development Review Division stipulating that the building plans submitted conform to the approved Final Plan of Development.

080 - Planning. 4 0080-Planning-MAP - ENTRY MONUMENT PLOT PLAN Not Satisfied
The land divider/permit holder shall file four (4) sets of an Entry Monument and Gate plot plan to the County Planning Department for review and approval. Said plan shall be submitted to the Department in the form of a plot plan application pursuant to County Ordinance No. 348, Section 18.30.a.(1) (Plot Plans not subject to the California Environmental Quality Act and not subject to review by any governmental agency other than the Planning Department), along with the current fee. The plan shall be in compliance with Section 18.12, and the TENTATIVE MAP conditions of approval.

Plan: TR31609E03

Parcel: 321410011

80. Prior To Building Permit Issuance

Planning

080 - Planning. 4 0080-Planning-MAP - ENTRY MONUMENT PLOT PLAN (cor Not Satisfied

The plot plan shall contain the following elements:

1. A color photosimulation of a frontal view of all/the entry monument(s) and gate(s) with landscaping.
2. A plot plan of the entry monuments) and/or gate(s) with landscaping drawn to an engineer's scale. If lighting is planned, the location of lights, their intended direction, and proposed power shall be indicated.
3. An irrigation plan for the entry monument(s) and/or gate(s).
4. There shall be a primary and secondary project entry within Planning Area No. 9. The Primary project entry will be located at the Cajalco Road access and the secondary entry monument will be located at the Rider Road access as shown within the Boulder Springs Specific Plan Amendment No. 1, Figure 16 (Primary Project Entry and Secondary Project Entry) and illustrated in exhibit 1 (Primary Monument) and exhibit 2 (Secondary Monument).

NOTE: The requirements of this plot plan may be incorporated with any minor plot plan required by the conditions of approval for this subdivision. However, this ENTRY MONUMENT and GATES PLAN condition of approval shall be cleared individually.

080 - Planning. 5 0080-Planning-MAP - FEE BALANCE Not Satisfied

Prior to issuance of building permits, the Planning Department shall determine if the deposit based fees are in a negative balance. If so, any outstanding fees shall be paid by the applicant/developer.

080 - Planning. 6 0080-Planning-MAP - FINAL SITE PLAN Not Satisfied

A plot plan application shall be submitted to the County Planning Department pursuant to Section 18.30.a.(1) of County Ordinance No. 348 (Plot Plans not subject to the California Environmental Quality Act and not subject to review by any governmental agency other than the Planning Department), along with the current fee.

Subdivision development shall conform to the approved plot plan and shall conform to the Design Guidelines for Riverside County.

Plan: TR31609E03

Parcel: 321410011

80. Prior To Building Permit Issuance

Planning

080 - Planning. 6 0080-Planning-MAP - FINAL SITE PLAN (cont.)

Not Satisfied

The plot plan shall be approved by the Planning Director prior to issuance of building permits for lots included within that plot plan.

The plot plan shall contain the following elements:

1. A final site plan (40' scale precise grading plan) showing all lots, building footprints, setbacks, mechanical equipment and model assignments on individual lots.
2. Each model floor plan and elevations (all sides).
3. Six (6) sets of photographic or color laser prints (8" x 10") of the sample board and colored elevations shall be submitted for permanent filing and agency distribution after the Planning Department has reviewed and approved the sample board and colored elevations in accordance with the approved Design Manual and other applicable standards. All writing must be legible. Six (6) matrix sheets showing structure colors and texture schemes shall be submitted.
4. At a minimum there should be three different floor plans for tract maps with 50 or less units. Reverse floor plans are not included as different floor plan. For tract maps with from 51 to 99 units, there shall be at least four different floor plans. Tract maps with 100 units or more shall provide five different floor plans and an additional floor plan for every 100 dwelling units above 100 units. For development projects that are to constructed in phases, a phasing plan shall be submitted to assure that the requirements for the number of floor plans is being met.
5. Homes and garages shall be placed at varying distances from the street and have varying entry locations. Front yard setbacks shall average 20 feet and may be varied by up to 25%, in increments of any size. The minimum front yard setback shall not be less than 15 feet.
6. The colors and materials on adjacent residential structures should be varied to establish a separate identity for the dwellings. A variety of colors and textures of building materials is encouraged, while maintaining overall design continuity in the neighborhood. Color sample boards shall be submitted as a part of the application and review process.
7. All new residences with garages shall be provided with

Plan: TR31609E03

Parcel: 321410011

80. Prior To Building Permit Issuance

Planning

080 - Planning. 6 0080-Planning-MAP - FINAL SITE PLAN (cont.) Not Satisfied
roll-up (i.e. on tracks) garage doors (either sectional wood or steel). At least 25% of the garage doors in any project should have windows.

8. Final Site Plan shall be in compliance with Specific Plan No. 229, Amendment No. 1.

NOTE: The requirements of this plot plan may be incorporated with any minor plot plan required by this subdivision's conditions of approval. However, this FINAL SITE DEVELOPMENT plot plan condition of approval shall be cleared individually.

080 - Planning. 7 0080-Planning-MAP - FRONT YARD LANDSCAPING Not Satisfied
All front yards shall be provided with landscaping and automatic irrigation, as defined by County Ordinance No. 348.

080 - Planning. 8 0080-Planning-MAP - LANDSCAPE PLOT PLAN Not Satisfied
The land divider/permit holder shall file seven (7) sets of a Landscaping and Irrigation Plan to the County Planning Department for review and approval. Said plan shall be submitted to the Department in the form of a plot plan application pursuant to County Ordinance No. 348, Section 18.30.a.(1) (Plot Plans not subject to the California Environmental Quality Act and not subject to review by any governmental agency other than the Planning Department), along with the current fee. The plan shall be in compliance with Section 18.12, Sections 19.300 through 19.304., and the TENTATIVE MAP conditions of approval.

The plan shall show all common open space areas. The plan shall address all areas and conditions of the tract requiring landscaping and irrigation to be installed including, but not limited to, (slope planting, common area and/or park landscaping, and individual front yard landscaping). Emphasis shall be placed on using plant species that are drought tolerant and low water using. The plans shall provide for the following:

1. Permanent automatic irrigation systems shall be installed on all landscaped areas requiring irrigation. Low water use systems are encouraged.
2. All utility service areas and enclosures shall be screened from view with landscaping and decorative barriers or baffle treatments, as approved by the Planning

Plan: TR31609E03

Parcel: 321410011

80. Prior To Building Permit Issuance

Planning

080 - Planning. 8 0080-Planning-MAP - LANDSCAPE PLOT PLAN (cont.) Not Satisfied
Department. Utilities shall be placed underground.

3. Any required landscape screening shall be designed to be opaque up to a minimum height of six (6) feet at maturity.
4. Parkways and landscaped building setbacks shall be landscaped to provide visual screening or a transition into the primary use area of the site. Landscape elements shall include earth berming, ground cover, shrubs, and specimen trees in conjunction with meandering sidewalks, benches, and other pedestrian amenities where appropriate as approved by the Planning Department.
5. Landscaping plans shall incorporate the use of specimen accent trees at key visual focal points within the project.
6. Landscaping plans shall incorporate native and drought tolerant plants where appropriate.
7. All specimen trees and significant rock outcroppings on the subject property intended for retention shall be shown on the project's grading plans. Replacement trees for those to be removed shall also be shown.
8. All trees shall be minimum double-staked. Weaker and/or slow-growing trees shall be steel-staked.
9. Multi-programmable irrigation controllers which have enough programs to break up all irrigation stations into hydro zones shall be used. If practical and feasible, rain shutoff devices shall be employed to prevent irrigation after significant precipitation. Irrigation systems shall be designed so areas which have different water use requirements are not mixed on the same station (hydro zones). Assistance in implementing a schedule based on plant water needs is available from CIMIS or Mobile Lab. The use of drip irrigation should be considered for all planter areas that have a shrub density that will cause excessive spray interference of an overhead irrigation system. Use flow reducers to mitigate broken heads next to sidewalks, streets, and driveways. (BMP S2)
10. Plants with similar water requirements shall be grouped together in order to reduce excessive irrigation runoff and promote surface filtration, where possible. (BMP S3)

Plan: TR31609E03

Parcel: 321410011

80. Prior To Building Permit Issuance

Planning

080 - Planning. 8 0080-Planning-MAP - LANDSCAPE PLOT PLAN (cont.) Not Satisfied

NOTES:

The Landscape plot plan may include the requirements of any other minor plot plan required by the subdivision conditions of approval. However, minor plot plan conditions of approval shall be cleared individually.

Landscaping plans for areas that are totally within the road right-of-way shall be submitted to the Transportation Department ONLY.

080 - Planning. 9 0080-Planning-MAP - MODEL HOME COMPLEX Not Satisfied

A plot plan application shall be submitted to the County Planning Department pursuant to Section 18.30.a.(1) of County Ordinance No. 348 (Plot Plans not subject to the California Environmental Quality Act and not subject to review by any governmental agency other than the Planning Department), along with the current fee.

The Model Home Complex plot plan shall contain the following elements:

1. An engineer's scaled plan showing the model home lots, lot numbers, tract number, and north arrow.
2. Show front, side and rear yard setbacks.
3. Provide two dementioned off street parking spaces per model and one parking space for office use. The plan must have one accessible parking space.
4. Show detailed fencing plan including height and location.
5. Show typical model tour sign locations and elevation.
6. Six (6) sets of photographic or color laser prints (8" X 10") of the sample board and colored elevations shall be submitted for permanent filing and agency distribution after the Planning Department has reviewed and approved the sample board and colored elevations in accordance with the approved Design Manual and other applicable standards. All writing must be legible. Six (6) matrix sheets showing structure colors and texture schemes shall be submitted.
7. Provide a Model Home Complex landscape and irrigation

Plan: TR31609E03

Parcel: 321410011

80. Prior To Building Permit Issuance

Planning

080 - Planning. 9 0080-Planning-MAP - MODEL HOME COMPLEX (cont.) Not Satisfied
plan.

NOTES: The Model Home Complex plot plan shall not be approved without Final Site Development Plan approval, or concurrent approval of both. See the Planning Department Model Home Complex application for detailed requirements.

The requirements of this plot plan may be incorporated with any minor plot plan required by the subdivision's conditions of approval. However, this MODEL HOME COMPLEX condition of approval shall be cleared individually.

080 - Planning. 10 0080-Planning-MAP - PARKING SPACES Not Satisfied

Parking spaces are required in accordance with County Ordinance No. 348. All parking areas and driveways shall be surfaced with asphaltic concrete to current standards as approved by the Riverside County Department of Building and Safety.

080 - Planning. 11 0080-Planning-MAP - SCHOOL MITIGATION Not Satisfied

Impacts to the Val Verde School District shall be mitigated in accordance with California State law.

080 - Planning. 12 0080-Planning-MAP - UNDERGROUND UTILITIES Not Satisfied

All utility extensions within a lot shall be placed underground.

080 - Planning. 13 0080-Planning-MAP - Walls/Fencing Plans Not Satisfied

The land divider/permit holder shall file seven (7) sets of a Wall/Fencing Plan to the County Planning Department for review and approval. Said plan shall be submitted to the Department in the form of a plot plan application pursuant to County Ordinance No. 348, Section 18.30.a.(1) (Plot Plans not subject to the California Environmental Quality Act and not subject to review by any governmental agency other than the Planning Department), along with the current fee. The plan shall be in compliance with Section 18.12, and the TENTATIVE MAP conditions of approval.

A. The plan shall show all project fencing including, but not limited to, perimeter fencing, side and rear yard fencing, and open space or park fencing. A typical frontal view of all fences shall be shown on the fencing plan.

B. All utility service areas and enclosures shall be screened from view with landscaping or decorative barriers

Plan: TR31609E03

Parcel: 321410011

80. Prior To Building Permit Issuance

Planning

080 - Planning. 13 0080-Planning-MAP - Walls/Fencing Plans (cont.) Not Satisfied
or baffle treatments, as approved by the Planning
Department.

C. All wood fencing shall be treated with heavy oil stain to match the natural shade to prevent bleaching from irrigation spray.

D. Front yard return walls shall be constructed of masonry (slump stone or material of similar appearance, maintenance, and structural durability) and shall be a minimum of five feet in height.

E. Side yard gates are required on one side of front yard, and shall be constructed of wrought iron, wood, vinyl or tubular steel. Side and rear yard fencing shall be masonry, slump stone or other material of similar appearance, maintenance, and structural durability. Chain link fencing is not permitted. All construction must be of good quality and sufficient durability with an approved stain and/or sealant to minimize water staining. (Applicants shall provide specifications that shall be approved by the Planning Department).

F. All new residences constructed on lots of less than 20,000 square feet shall include rear and side yard fencing constructed of masonry block that is a minimum of five (5) feet in height. The maximum height of walls or fencing shall be six (6) feet in height. In the desert areas, block walls are discouraged on the perimeter in favor of increased setbacks with extensive drought tolerant landscaping, berms and fencing such as split rails.

G. Except for the desert areas, all lots having rear and/or side yards facing local streets or otherwise open to public view shall have fences or walls constructed of decorative block,

H. Corner lots shall be constructed with wrap-around decorative block wall returns. (Note: exceptions for the desert area discussed above.)

I. Side yard gates are required on one side of the home and shall be constructed of powder-coated wrought iron or tubular steel.

J. Wrought iron or tubular steel fence sections may be included within tracts where view opportunities and/or terrain warrant its use. Where privacy of views is not an

Plan: TR31609E03

Parcel: 321410011

80. Prior To Building Permit Issuance

Planning

080 - Planning. 13 0080-Planning-MAP - Walls/Fencing Plans (cont.) Not Satisfied
issue, tubular steel or wrought iron sections should be constructed in perimeter walls in order to take advantage of casual view opportunities.

080 - Planning. 14 0080-Planning-SP - POST GRADING REPORT Not Satisfied
PRIOR TO THE ISSUANCE OF BUILDING PERMITS, the project applicant shall provide to the Planning Department a post grading report. The report shall describe how the mitigation and monitoring program as described in the EIR and pre-grading agreements with the qualified archaeologist/paleontologist/other were complied with.

Transportation

080 - Transportation. 1 0080-Transportation-EOT1 -WQMP AND MAINTENANCE Not Satisfied
The project shall begin constructing and installing the BMP facilities described in the approved Final WQMP. The project shall be responsible for performing all activities described in the WQMP and that copies of the approved Final WQMP are available for the future owners/occupants.

A maintenance plan and signed maintenance agreement shall be submitted to the Transportation Department for review and approval prior to issuance of occupancy permits. A maintenance organization will be established with a funding source for the permanent maintenance. The maintenance plan shall require that all BMP facilities are inspected, if required, cleaned no later than October 15 each year.

(This Extension of Time condition may be considered "Met" if it duplicates another similar condition issued by this department)

080 - Transportation. 2 0080-Transportation-MAP - GARAGE DOOR 1 Not Satisfied
Garage door setbacks for all residential zones shall be 20 feet for roll up doors, measured from the street right-of-way to the face of garage. If conventional swing out doors are used, an additional 4 feet will be required. Side entry garages shall comply with minimum building setback requirements.

080 - Transportation. 3 EOT2 - WQMP AND MAINTENANCE Not Satisfied
The project shall begin constructing and installing the BMP facilities described in the approved Final WQMP. The project shall be responsible for performing all activities described in the WQMP and that copies of the approved Final WQMP are available for the future owners/occupants.
A maintenance plan and signed maintenance agreement shall be submitted to the Transportation

Plan: TR31609E03

Parcel: 321410011

80. Prior To Building Permit Issuance

Transportation

080 - Transportation. 3 EOT2 - WQMP AND MAINTENANCE (cont.) Not Satisfied

Department for review and approval prior to issuance of occupancy permits. A maintenance organization will be established with a funding source for the permanent maintenance. The maintenance plan shall require that all BMP facilities are inspected, if required, cleaned no later than October 15 each year.
(This Extension of Time condition may be considered "Met" if it duplicates another similar condition issued by this department)

90. Prior to Building Final Inspection

BS-Grade

090 - BS-Grade. 1 0090-BS-Grade-EOT1 - WQMP REQUIRED Not Satisfied

Prior to final building inspection, the applicant shall comply with the following:

1. Obtain inspection of all treatment control BMPs and/or clearance from the Building and Safety Department. All structural BMPs described in the project - specific WQMP and indicated on the approved grading plan shall be constructed and installed in conformance with the approved plans and specifications.
2. The applicant/owner shall submit a "Wet Signed" copy of the Water Quality Management Plan (WQMP) Certification from a Registered Civil Engineer certifying that the project - specific WQMP treatment control BMPs have been installed in accordance with the approved WQMP.
3. The applicant/owner shall provide the Department of Building Safety with GPS coordinates for the location of the project - specific WQMP treatment control BMPs.
4. The applicant/owner shall register the project - specific WQMP treatment control BMPs with the Department of Building Safety Business Registration Division. Any person or entity that owns or operates a commercial and/or industrial facility shall register such facility for annual inspections.
5. The applicant shall make payment to the Building and Safety Department for the Water Quality Management Plan (WQMP) Annual Inspection.

(This Extension of Time condition may be considered "Met" if it duplicates another similar condition issued by this department)

090 - BS-Grade. 2 0090-BS-Grade-MAP-G4.1E-CL 4:1 OR STEEPER Not Satisfied

Plan: TR31609E03

Parcel: 321410011

90. Prior to Building Final Inspection

BS-Grade

090 - BS-Grade. 2 0090-BS-Grade-MAP-G4.1E-CL 4:1 OR STEEPER (cont.) Not Satisfied

Plant and irrigate all manufactured slopes steeper than a 4:1 (horizontal to vertical) ratio and 3 feet or greater in vertical height with grass or ground cover; slopes 15 feet or greater in vertical height shall be planted with additional shrubs or trees as approved by the Building & Safety Department's Erosion Control Specialist.

090 - BS-Grade. 3 0090-BS-Grade-MAP-G4.2 1/2"/FT/3FT MIN Not Satisfied

Finish grade shall be sloped to provide proper drainage away from all exterior foundation walls. The slope shall be not less than one-half inch per foot for a distance of not less than 3 feet from any point of exterior foundation. Drainage swales shall not be less than 1 1/2 inches deeper than the adjacent finish grade at the foundation.

090 - BS-Grade. 4 EOT2 - WQMP REQUIRED Not Satisfied

Prior to final building inspection, the applicant shall comply with the following:

1. Obtain inspection of all treatment control BMPs and/or clearance from the Building and Safety Department. All structural BMPs described in the project - specific WQMP and indicated on the approved grading plan shall be constructed and installed in conformance with the approved plans and specifications.
 2. The applicant/owner shall submit a "Wet Signed" copy of the Water Quality Management Plan (WQMP) Certification from a Registered Civil Engineer certifying that the project - specific WQMP treatment control BMPs have been installed in accordance with the approved WQMP.
 3. The applicant/owner shall provide the Department of Building Safety with GPS coordinates for the location of the project - specific WQMP treatment control BMPs.
 4. The applicant/owner shall register the project - specific WQMP treatment control BMPs with the Department of Building Safety Business Registration Division. Any person or entity that owns or operates a commercial and/or industrial facility shall register such facility for annual inspections.
 5. The applicant shall make payment to the Building and Safety Department for the Water Quality Management Plan (WQMP) Annual Inspection.
- (This Extension of Time condition may be considered "Met" if it duplicates another similar condition issued by this department)

Flood

090 - Flood. 1 0090-Flood-MAP BMP - EDUCATION Not Satisfied

The developer shall distribute environmental awareness education materials on general good housekeeping practices that contribute to protection of stormwater quality to all initial residents. The developer may obtain NPDES Public Educational Program materials from the District's website: www.rcwatershed.org/about/materials-library.

The developer must provide to the District's Plan Check Department a notarized affidavit stating that the distribution of educational materials to the tenants is

Plan: TR31609E03

Parcel: 321410011

90. Prior to Building Final Inspection

Flood

090 - Flood. 1 0090-Flood-MAP BMP - EDUCATION (cont.) Not Satisfied
assured prior to the issuance of occupancy permits.

If conditioned for a Water Quality Management Report (WQMP), a copy of the notarized affidavit must be placed in the report. The District MUST also receive the original notarized affidavit with the plan check submittal in order to clear the appropriate condition. Placing a copy of the affidavit without submitting the original will not guarantee clearance of the condition.

090 - Flood. 2 0090-Flood-MAP OFFSITE FACILITIES Not Satisfied
No occupancy permits shall be granted until the necessary offsite drainage facilities are functional.

Planning

090 - Planning. 1 0090-Planning-MAP - BLOCK WALL ANTIGRAFFITI Not Satisfied
The land divider/permit holder shall construct a six (6) foot high decorative block wall from along the perimeter of the Tract. The required wall shall be subject to the approval of the County Department of Building and Safety. An anti-graffiti coating shall be provided on all block walls, and written verification from the developer shall be provided to both the TLMA - Land Use Division, and the Development Review Division.

090 - Planning. 2 0090-Planning-MAP - FENCING COMPLIANCE Not Satisfied
Fencing shall be provided throughout the subdivision in accordance with the approved final site development plans.

090 - Planning. 3 0090-Planning-MAP - LANDSCAPING COMPLIANCE Not Satisfied
The land divider/permit holder's landscape architect or other state licensed party responsible for preparing the landscape and irrigation plans shall provide a Compliance Letter to the County Planning Department and the County Department of Building and Safety stating that the landscape and irrigation system has been installed in compliance with the approved landscaping and irrigation plans. The Compliance letter shall be submitted at least three (3) working days prior to final inspection of the structure or issuance of occupancy permit, whichever comes first.

090 - Planning. 4 0090-Planning-MAP - MITIGATION MONITORING Not Satisfied
The land divider/permit holder shall prepare and submit a

Plan: TR31609E03

Parcel: 321410011

90. Prior to Building Final Inspection

Planning

090 - Planning. 4 0090-Planning-MAP - MITIGATION MONITORING (cont.) Not Satisfied

written report to the Riverside County Planning Department demonstrating compliance with all these conditions of approval and mitigation measures of this permit and

Environmental Assessment No. 31957.

The Planning Director may require inspection or other monitoring to ensure such compliance.

090 - Planning. 5 0090-Planning-MAP - QUIMBY FEES (2) Not Satisfied

The land divider/permit holder shall present certification to the Riverside County Planning Department that payment of parks and recreation fees and/or dedication of land for park use in accordance with Section 10.35 of County Ordinance No. 460 has taken place. Said certification shall be obtained from the County of Riverside Economic Development Agency (EDA) for CSA No. 152.

090 - Planning. 6 0090-Planning-MAP - ROOF RUN-OFF DISCHARGE Not Satisfied

Since this project is a zero lot line situation, all dwellings shall be provided with roof gutters and downspouts so that runoff is properly discharged.

090 - Planning. 7 0090-Planning-MAP - SKR FEE CONDITION Not Satisfied

Prior to the issuance of a certificate of occupancy, or upon building permit final inspection, whichever comes first, the land divider/permit holder shall comply with the provisions of Riverside County Ordinance No. 663, which generally requires the payment of the appropriate fee set forth in that ordinance. The amount of the fee required to be paid may vary, depending upon a variety of factors, including the type of development application submitted and the applicability of any fee reduction or exemption provisions contained in Riverside County Ordinance No. 663. Said fee shall be calculated on the approved development project which is anticipated to be 47.3 acres (gross) in accordance with TENTATIVE MAP. If the development is subsequently revised, this acreage amount may be modified in order to reflect the revised development project acreage amount. In the event Riverside County Ordinance No. 663 is rescinded, this condition will no longer be applicable. However, should Riverside County Ordinance No. 663 be rescinded and superseded by a subsequent mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required.

Plan: TR31609E03

Parcel: 321410011

90. Prior to Building Final Inspection

Planning

090 - Planning. 7 0090-Planning-MAP - SKR FEE CONDITION (cont.) Not Satisfied

090 - Planning. 8 0090-Planning-MAP- ROLL-UP GARAGE DOORS Not Satisfied

All residences shall have automatic roll-up garage doors.

Planning-EPD

090 - Planning-EPD. 1 0090-Planning-EPD-MAP - DBESP Not Satisfied

THE TOTAL PROJECT MITIGATION RATIO IS IDENTIFIED AS 2.4:1 FOR THE IMPACTED AREAS. A TOTAL OF 7.49 ACRES OF WETLAND/RIPARIAN/RIVERINE HABITAT WILL NEED TO BE PROVIDED PRIOR TO FINAL INSPECTION.

DOCUMENTATION SHALL INCLUDE MAPS OF IMPACTED AREAS, PHOTOGRAPHS, AND CORRESPONDENCE WITH STATE AND FEDERAL WILDLIFE AGENCIES INDICATING COMPLIANCE WITH THE APPROVED MITIGATION PLAN.

TR31607, TR31608, TR31609, TR31610, TR31611 AND TR31612 ARE CONDITIONED ACCORDINGLY, SATISFYING THIS CONDITION FOR ANY ONE OF THE ABOVEMENTIONED TRACTS SATISFIES ALL REMAINING ASSOCIATED TRACTS TO BE SET TO MET.

Transportation

090 - Transportation. 1 0090-Transportation-EOT1 - WQMP COMP AND BNS REG Not Satisfied

Prior to Building Final Inspection, the applicant will be required to hand out educational materials regarding water quality, provide a engineered WQMP certification, inspection of BMPs, GPS location of BMPs, and ensure that the requirements for inspection and cleaning the BMPs are established. Additionally, the applicant will be required to register BMPs with the Transportation Department's Business Registration Division.

(This Extension of Time condition may be considered "Met" if it duplicates another similar condition issued by this department)

090 - Transportation. 2 0090-Transportation-MAP - 80% COMPLETION Not Satisfied

Occupancy releases will not be issued to Building and Safety for any lot exceeding 80% of the total recorded residential lots within any map or phase of map prior to completion of the following improvements:

- a) Primary and Alternate (secondary) access roads shall be completed and paved to finish grade

Plan: TR31609E03

Parcel: 321410011

90. Prior to Building Final Inspection

Transportation

090 - Transportation. 2 0090-Transportation-MAP - 80% COMPLETION (cont.) Not Satisfied
 according to the limits indicated in the
 improvement plans and as noted elsewhere in these
 conditions.

- b) Interior roads shall be completed and paved to finish grade according to the limits indicated in the improvement plans and as noted elsewhere in these conditions. All curbs, gutters, sidewalks and driveway approaches shall be installed.
- c) Storm drains and flood control facilities shall be completed according to the improvement plans and as noted elsewhere in these conditions. Written confirmation of acceptance for use by the Flood Control District, if applicable, is required.
- d) Water system, including fire hydrants, shall be installed and operational, according to the improvement plans and as noted elsewhere in these conditions. All water valves shall be raised to pavement finished grade. Written confirmation of acceptance from water purveyor is required.
- e) Sewer system shall be installed and operational, according to the improvement plans and as noted elsewhere in these conditions. All sewer manholes shall be raised to pavement finished grade. Written confirmation of acceptance from sewer purveyor is required.
- f) Landscaping and irrigation, water and electrical systems shall be installed and operational in accordance with County Ordinance 461.

090 - Transportation. 3 0090-Transportation-MAP - STREET LIGHTS INSTALL Not Satisfied

Install streetlights along the streets associated with development in accordance with the approved street lighting plan and standards of County Ordinance 460 and 461. For projects within Imperial Irrigation District (IID) use (IID's) pole standard. Streetlight annexation into L&LMD or similar mechanism as approved by the Transportation Department shall be completed.

It shall be the responsibility of the Developer to ensure that streetlights are energized along the streets of those lots where the Developer is seeking Building Final Inspection (Occupancy).

Plan: TR31609E03

Parcel: 321410011

90. Prior to Building Final Inspection

Transportation

090 - Transportation. 4 0090-Transportation-MAP - STREET SWEEPING Not Satisfied

Street sweeping annexation or inclusion into CSA or similar mechanism as approved by the Transportation Department shall be completed.

090 - Transportation. 5 0090-Transportation-MAP - TS/INSTALLATION Not Satisfied

Prior to the final building inspection of the first dwelling unit, the following traffic signal(s) shall be installed and operational:

Carpinus Drive (Starglow Drive) (NS) at:
Cajalco Road (EW)
With no fee credit eligibility

Alexander Street (NS) at:
Cajalco Road (EW)
With no fee credit eligibility

Smith/Harley John Road (NS) at:
Cajalco Road (EW)
With fee credit eligibility

or as approved by the Transportation Department

Traffic Signal Interconnect shall be provided as approved by the Transportation Department.

The project proponent shall contact the Transportation Department and enter into an agreement for signal mitigation fee credit or reimbursement prior to start of construction of the signal (s). All work shall be pre-approved by and shall comply with the requirements of the Transportation Department and the public contract code in order to be eligible for fee credit or reimbursement.

090 - Transportation. 6 0090-Transportation-MAP - UTILITY INSTALL Not Satisfied

Electrical power, telephone, communication, street lighting, and cable television lines shall be placed underground in accordance with ordinance 460 and 461, or as approved by the Transportation Department. This also applies to existing overhead lines which are 33.6 kilovolts or below along the project frontage and between the nearest poles offsite in each direction of the project site.

A certificate should be obtained from the pertinent utility company and submitted to the Department of Transportation as proof of completion.

Plan: TR31609E03

Parcel: 321410011

90. Prior to Building Final Inspection

Transportation

090 - Transportation. 6 0090-Transportation-MAP - UTILITY INSTALL (cont.) Not Satisfied

090 - Transportation. 7 0090-Transportation-MAP - WRCOG TUMF Not Satisfied

Prior to the issuance of an occupancy permit, the project proponent shall pay the Transportation Uniform Mitigation Fee (TUMF) in accordance with the fee schedule in effect at the time of issuance, pursuant to Ordinance No. 824.

090 - Transportation. 8 EOT2 - WQMP COMP AND BNS REG Not Satisfied

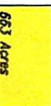




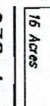
Prior to Building Final Inspection, the applicant will be required to hand out educational materials regarding water quality, provide a engineered WQMP certification, inspection of BMPs, GPS location of BMPs, and ensure that the requirements for inspection and cleaning the BMPs are established. Additionally, the applicant will be required to register BMPs with the Transportation Department's Business Registration Division.
(This Extension of Time condition may be considered "Met" if it duplicates another similar condition issued by this department)

PLANNING AREA SUMMARY

Planning Area	Acre	Mox. D. U.	Density / Use
1	15	150,000sq.ft.	Commercial
2	151	257	1,7(20,000sq.ft.)
3	202	429	2,1(12,000sq.ft.)
4	12	N/A	School
5	15	150,000sq.ft.	Commercial
6	78	N/A	Open Space
7	71	177	2,5(12,000sq.ft.)
8	92	217	2,4(12,000sq.ft.)
8A	32	N/A	Open Space
9	147	241	1,6(20,000sq.ft.)
10	100	N/A	Open Space
11	2	N/A	Park
12	5	N/A	Park
ROADS	16	N/A	N/A
TOTAL	938	1321	1.4
N.A.P.	28		
N.A.P.	5		

LAND USE PLAN

Figure 7

	663 Acres	Single Family Residential
		Commercial
	440 Acres	Open Space
	12 Acres	School Site
	7 Acres	Parks
	16 Acres	Roads
938 Acres Total		



ENGINEERING
 K&A
 KALAMATI

Engineering, Inc.



RICHARDS MUEHNS WILKINS



North

2024-0225582

07/29/2024 04:07 PM Fee: \$ 0.00

Page 1 of 46

Recorded in Official Records
County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder



Recorded at request of
Clerk, Board of Supervisors
County of Riverside

When recorded return to
Assistant TLMA Director – Planning and Land Use
4080 Lemon Street, 12th Floor
Riverside, CA 92501

6080

DEVELOPMENT AGREEMENT NO. 2400002

A DEVELOPMENT AGREEMENT BETWEEN

COUNTY OF RIVERSIDE

AND

BOULDER SPRINGS RIVERSIDE, LLC.

JUN 25 2024

3.72

TABLE OF CONTENTS

RECITALS	1
COVENANTS	2
1. DEFINITIONS AND EXHIBITS	2
1.1 Definitions	2
1.1.1 “Agreement”	2
1.1.2 “COUNTY”	2
1.1.3 “Development”	2
1.1.4 “Development Approvals”	2
1.1.5 “Development Exaction”	3
1.1.6 “Development Plan”	3
1.1.7 “Effective Date”	3
1.1.8 “Existing Development Approvals”	3
1.1.9 “Existing Land Use Regulations”	3
1.1.10 “Land Use Regulations”	3
1.1.11 “Mortgagee”	4
1.1.12 “OWNER”	4
1.1.13 “Project”	4
1.1.14 “Property”	4
1.1.15 “Reservations of Authority”	4
1.1.16 “Subsequent Development Approvals”	4
1.1.17 “Subsequent Land Use Regulations”	4

1.1.18	“Transfer”	4
1.2	Exhibits	4
2.	GENERAL PROVISIONS	4
2.1	Binding Effect of Agreement	5
2.2	Ownership of Property	5
2.3	Term	5
2.4	Transfer	5
2.4.1	Right to Transfer	5
2.4.2	Release of Transferring Owner	5
2.4.3	Subsequent Transfer	6
2.5	Amendment or Cancellation of Agreement	6
2.6	Termination	6
2.7	Notices	7
3.	DEVELOPMENT OF THE PROPERTY	8
3.1	Rights to Develop	8
3.2	Effect of Agreement on Land Use Regulations	8
3.3	Timing of Development	9
3.4	Changes and Amendments	9
3.5	Reservations of Authority	9
3.5.1	Limitations, Reservations and Exceptions	9
3.5.2	Subsequent Development Approvals	10
3.5.3	Modification or Suspension by State or Federal Law	10
3.5.4	Intent	11

3.6	Public Works	11
3.7	Provision of Real Property Interests by COUNTY	11
3.8	Regulation by Other Public Agencies	11
3.9	Tentative Tract Map Extension	11
3.10	Vesting Tentative Maps	12
4.	PUBLIC BENEFITS	12
4.1	Intent	12
4.2	Public Benefits	12
4.3	Taxes	12
4.4	Assessments	12
4.5	Vote on Future Assessments and Fees	12
4.6	Development Impact Fees and Additional Community Benefit Fee	12
5.	FINANCING OF PUBLIC IMPROVEMENTS	13
6.	REVIEW FOR COMPLIANCE	13
6.1	Annual Review	13
6.2	Special Review	14
6.3	Procedure	14
6.4	Proceedings Upon Modification or Termination	14
6.5	Hearing on Modification or Termination	14
6.6	Certificate of Agreement Compliance	15
7.	INCORPORATION AND ANNEXATION	15
7.1	Intent	15
7.2	Incorporation	15

7.3	Annexation	15
8.	DEFAULT AND REMEDIES	15
8.1	Remedies in General	15
8.2	Specific Performance	16
8.3	General Release	16
8.4	Termination or Modification of Agreement for Default of OWNER	16
8.5	Termination of Agreement for Default of COUNTY	17
8.6	Attorneys' Fees	17
9.	THIRD PARTY LITIGATION	17
9.1	General Plan Litigation	17
9.2	Third Party Litigation Concerning Agreement	17
9.3	Indemnity	18
9.4	Environment Assurances	18
9.5	Reservation of Rights	18
9.6	Survival	18
10.	MORTGAGEE PROTECTION	18
11.	MISCELLANEOUS PROVISIONS	19
11.1	Recordation of Agreement	19
11.2	Entire Agreement	20
11.3	Severability	20
11.4	Interpretation and Governing Law	20
11.5	Section Headings	20
11.6	Gender and Number	20

11.7	Joint and Several Obligations	20
11.8	Time of Essence	20
11.9	Waiver	20
11.10	No Third Party Beneficiaries	21
11.11	Force Majeure	21
11.12	Mutual Covenants	21
11.13	Successors in Interest	21
11.14	Counterparts	21
11.15	Jurisdiction and Venue	21
11.16	Project as a Private Undertaking	21
11.17	Further Actions and Instruments	21
11.18	Eminent Domain	22
11.19	Agent for Service of Process	22
11.20	Designation of COUNTY Officials	22
11.21	Authority to Execute	22
SIGNATURES		23
Exhibits	24
	Exhibit "A" - Legal Description of the Property.	
	Exhibit "B" - Map of Property and Its Location.	
	Exhibit "C" - Existing Development Approvals.	
	Exhibit "D" - Existing Land Use Regulations.	
	Exhibit "E" – Approved Tract Maps and Description.	
	Exhibit "F" – Identified Improvements, Enhancement, Fees Due by OWNER.	
	Exhibit "G" – Rider Trail	

DEVELOPMENT AGREEMENT NO. 2400002

This Development Agreement (hereinafter "Agreement") is entered into effective on the date it is recorded with the Riverside County Recorder (hereinafter the "Effective Date") by and among the COUNTY OF RIVERSIDE (hereinafter "COUNTY"), and the persons and entities listed below (hereinafter "OWNER"):

Boulder Springs Riverside, LLC

RECITALS

WHEREAS, COUNTY is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Article 11, Section 7 of the California Constitution and Section 65864, et seq. of the Government Code; and,

WHEREAS, COUNTY has adopted Procedures and Requirements of the County of Riverside for the Consideration of Development Agreements (hereinafter "Procedures and Requirements"), pursuant to Section 65865 of the Government Code, and Resolution No. 2014-034 adopted by the Board of Supervisors on May 30, 2014; and,

WHEREAS, OWNER has requested COUNTY to enter into a development agreement and proceedings have been taken in accordance with the Procedures and Requirements of COUNTY; and,

WHEREAS, by electing to enter into this Agreement, COUNTY shall bind future Boards of Supervisors of COUNTY by the obligations specified herein and limit the future exercise of certain governmental and proprietary powers of COUNTY; and,

WHEREAS, the terms and conditions of this Agreement have undergone extensive review by COUNTY and the Board of Supervisors and have been found to be fair, just and reasonable; and,

WHEREAS, the best interests of the citizens of Riverside County and the public health, safety and welfare will be served by entering into this Agreement; and,

WHEREAS, all of the procedures of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) have been met with respect to the Project and the Agreement; and,

WHEREAS, this Agreement and the Project are consistent with the Riverside County General Plan and any specific plan applicable thereto; and,

WHEREAS, all actions taken and approvals given by COUNTY have been duly taken or approved in accordance with all applicable legal requirements for notice, public hearings, findings,

votes, and other procedural matters; and,

WHEREAS, this Agreement will confer substantial private benefits on OWNER by granting vested rights to develop the Property in accordance with the provisions of this Agreement; and,

WHEREAS, OWNER proposes to develop the Property to be used approximately for the activities described/shown in Exhibit E ("the Development Plan"); and,

WHEREAS, this Agreement will eliminate uncertainty in planning and provide for the orderly development of the Property, ensure progressive installation of necessary improvements, provide for public services appropriate to the development of the Project, and generally serve the purposes for which development agreements under Sections 65864, et seq. of the Government Code are intended; and,

WHEREAS, OWNER has incurred and will in the future incur substantial costs in order to assure development of the Property in accordance with this Agreement; and,

WHEREAS, OWNER has incurred and will in the future incur substantial costs in excess of the generally applicable requirements in order to assure vesting of legal rights to develop the Property in accordance with this Agreement.

COVENANTS

NOW, THEREFORE, in consideration of the above recitals and of the mutual covenants hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. DEFINITIONS AND EXHIBITS.

1.1 Definitions. The following terms when used in this Agreement shall be defined as follows:

1.1.1 "Agreement" means this Development Agreement.

1.1.2 "COUNTY" means the County of Riverside, a political subdivision of the State of California.

1.1.3 "Development" means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of infrastructure and public facilities related to the Project whether located within or outside the Property; the construction or reconstruction of buildings and structures; the tenant improvements of structures, and the installation of landscaping. When authorized by a Subsequent Development Approval as provided by this Agreement, "development" includes the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.1.4 “Development Approvals” means all permits and other entitlements for use subject to approval or issuance by COUNTY in connection with use of the Property and for development of the Property including, but not limited to:

- (a) Conditional use permits (or similar entitlements), and site plans;
- (b) Zoning amendments;
- (c) General Plan amendments
- (d) Tentative and final subdivision and parcel maps;
- (e) Grading and building permits;
- (f) Any permits or entitlements necessary from the COUNTY;
- (g) Any easements necessary from COUNTY or any other landowner;
- (h) Specific plans and specific plan amendments;
- (i) Right of Entry agreements

1.1.5 “Development Exaction” means any requirement of the COUNTY in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of fees in order to lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests.

1.1.6 “Development Plan” means the Existing or Proposed Development Approvals and the Existing Land Use Regulations applicable to development of the Property.

1.1.7 “Effective Date” means the date this Agreement is recorded with the County Recorder. Any subsequent amendment to the Agreement will not alter the original Effective Date, unless negotiated specifically.

1.1.8 “Existing Development Approvals” means all Development Approvals approved or issued prior to the Effective Date. Existing Development Approvals includes the Development Approvals incorporated herein as Exhibit “C” and all other Development Approvals which are a matter of public record on the Effective Date.

1.1.9 “Existing Land Use Regulations” means all Land Use Regulations in effect on the Effective Date. Existing Land Use Regulations includes the Land Use Regulations incorporated herein as Exhibit “D” and all other Land Use Regulations which are a matter of public record on the Effective Date.

1.1.10 “Land Use Regulations” means all ordinances, resolutions, codes, rules, regulations and official policies of COUNTY governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings and structures, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the

development of the Property. "Land Use Regulations" does not include any COUNTY ordinance, resolution, code, rule, regulation, or official policy, governing:

- (a) The conduct of businesses, professions, and occupations;
- (b) Taxes and assessments;
- (c) The control and abatement of nuisances;
- (d) The granting of encroachment permits and the conveyance of rights and interests which provide for the use of or the entry upon public property;
- (e) The exercise of the power of eminent domain.

1.1.11 "Mortgagee" means a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security-device lender, and their successors and assigns.

1.1.12 "OWNER" means the owner of the PROPERTY and the persons and entities listed as OWNER on the first page of this Agreement.

1.1.13 "Project" means the development of the Property contemplated by the Development Plan as such Plan may be further defined, enhanced, or modified pursuant to the provisions of this Agreement.

1.1.14 "Property" means the real property described on Exhibit "A" and shown on Exhibit "B" to this Agreement.

1.1.15 "Reservations of Authority" means the rights and authority excepted from the assurances and rights provided to OWNER under this Agreement and reserved to COUNTY under Section 3.5 of this Agreement.

1.1.16 "Subsequent Development Approvals" means all Development Approvals approved subsequent to the Effective Date in connection with development of the Property.

1.1.17 "Subsequent Land Use Regulations" means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

1.1.18 "Transfer" means sale, assignment, lease, sublease, or any other transfer of a legal or equitable interest in the Property.

1.2 Exhibits. The following documents are attached to, and by this reference made a part of, this Agreement:

- Exhibit "A" - Legal Description of the Property
- Exhibit "B" - Map Showing Property and Its Location
- Exhibit "C" - Existing Development Approvals
- Exhibit "D" - Existing Land Use Regulations
- Exhibit "E" - Approved Tract Map & Description

Exhibit "F" - Identified Improvements, Enhancements, Fees Due by OWNER
Exhibit "G" - Rider Trail

2. GENERAL PROVISIONS.

2.1 Binding Effect of Agreement. The Property is hereby made subject to this Agreement. Development of the Property is hereby authorized and shall be carried out only in accordance with the terms of this Agreement.

2.2 Ownership of Property. OWNER represents and covenants that it is the owner of a legal or equitable interest in the Property or a portion thereof, with the ability and authority to enter into the Agreement or make other decisions contemplated within the Agreement.

2.3 Term. This Agreement shall commence on the Effective Date and shall continue for a period of five (5) years thereafter unless this term is modified or extended in writing by both the COUNTY and OWNER.

2.4 Transfer.

2.4.1 Right to Transfer. Right to Transfer. OWNER shall have the right to transfer the Property in whole or in part (provided that no such partial transfer shall violate the Subdivision Map Act, Government Code Section 66410, et seq., or Riverside County Ordinance No. 460), or the OWNER may transfer the rights under the Agreement, to any person, partnership, joint venture, firm or corporation at any time during the term of this Agreement; provided, however, that any such transfer shall include the assignment and assumption of the rights, duties and obligations arising under or from this Agreement and be made in strict compliance with the following conditions precedent:

(a) For an Assignment of Property rights, no transfer of any right or interest under this Agreement shall be made unless made together with the sale, transfer or assignment of all or a part of the Property.

(b) Concurrent with any such transfer or within fifteen (15) business days thereafter, for either the transfer of the Property interest or any interests under this Agreement, OWNER shall notify COUNTY, in writing, of such transfer and shall provide COUNTY with an executed agreement by the transferee, in a form reasonably acceptable to COUNTY, providing therein that the transferee expressly and unconditionally assumes all the duties and obligations of OWNER under this Agreement.

Any transfer not made in strict compliance with the foregoing conditions shall constitute a default by OWNER under this Agreement. Notwithstanding the failure of any transferee to execute the agreement required by Paragraph (b) of this Subsection 2.4.1, the burdens of this Agreement shall be binding upon such transferee, but the benefits of this Agreement shall not inure to such transferee until and unless such agreement is executed.

2.4.2 Release of Transferring Owner. Notwithstanding any transfer, a transferring

OWNER shall continue to be obligated under this Agreement unless such transferring OWNER is given a release in writing by COUNTY, which release shall be provided by COUNTY upon the full satisfaction by such transferring OWNER of the following conditions:

- (a) OWNER no longer has a legal or equitable interest in all or any part of the Property.
- (b) OWNER is not then in default under this Agreement.
- (c) OWNER has provided COUNTY with the notice and executed agreement required under Paragraph (b) of Subsection 2.4.1 above.
- (d) The transferee provides COUNTY with security equivalent to any security previously provided by OWNER to secure performance of its obligations hereunder.

2.4.3 Subsequent Transfer. Any subsequent transfer after an initial transfer shall be made only in accordance with and subject to the terms and conditions of this Section.

2.5 Amendment or Cancellation of Agreement. This Agreement may be amended or cancelled in whole or in part only by written consent of all parties in the manner provided for in Government Code Section 65868. This provision shall not limit any remedy of COUNTY or OWNER as provided by this Agreement.

2.6 Termination. This Agreement shall be deemed terminated and of no further effect upon the occurrence of any of the following events:

- (a) Expiration of the stated term of this Agreement as set forth in Section 2.3.
- (b) Entry of a final judgment by a court of competent jurisdiction setting aside, voiding, or annulling the adoption of the ordinance approving this Agreement.
- (c) The adoption of a referendum measure overriding or repealing the ordinance approving this Agreement.
- (d) OWNER's election to terminate this Agreement. If OWNER elects not to Develop the Property, OWNER shall provide notice of such election to the COUNTY, such notice by OWNER shall (i) seek to terminate this Agreement as to the portion of the Property that is the subject of such notice of termination; and (ii) shall acknowledge that the identified Development and Development Approvals tied to the Property shall be null and void as to the Property that is the subject of such notice of termination. Following receipt of OWNER's notice of election to terminate this Agreement, OWNER and COUNTY shall execute an appropriate instrument in recordable form evidencing such termination and shall cause such instrument to bear amendment to this Agreement to be processed in accordance with COUNTY's Procedures and Requirements for the Consideration of

Development Agreements (Residential Properties)” set forth in Resolution No. 2014-034.

(e) Cancellation of the Agreement by the parties or the COUNTY and a particular OWNER with respect to that OWNER’S interest in accordance with section 2.5 of this Agreement.

Upon the termination of this Agreement, no party shall have any further right or obligation hereunder except with respect to any obligation to have been performed prior to such termination or with respect to any default in the performance of the provisions of this Agreement which has occurred prior to such termination or with respect to any obligations which are specifically set forth as surviving this Agreement.

2.7 Notices.

(a) As used in this Agreement, “notice” includes, but is not limited to, the communication of notice, request, demand, approval, statement, report, acceptance, consent, waiver, appointment, or other communication required or permitted hereunder.

(b) All notices shall be in writing and shall be considered given either:

(i) when delivered in person to the recipient named below; (ii) on the date of delivery shown on the return receipt, after deposit in the United States mail in a sealed envelope as either registered or certified mail with return receipt requested, and postage and postal charges prepaid, and addressed to the recipient named below; (iii) on the next business day when delivered by overnight United States mail or courier service; or (iv) on the date of delivery shown in the facsimile records of the party sending the facsimile after transmission by facsimile to the recipient named below. All notices shall be addressed as follows:

If to COUNTY:

Clerk of the Board of Supervisors
Riverside County Administrative Center
4080 Lemon Street, First Floor
Riverside, CA 92502
Fax No. (951) 955-1071

with copies to:

County Executive Officer
Riverside County Administrative Center
4080 Lemon Street, 4th Floor
Riverside, CA 92501
Fax No. (951) 955-1105
and

Assistant TLMA Director — Planning and Land Use
Transportation and Land Management Agency
Riverside County Administrative Center,
4080 Lemon Street, 12th Floor
Riverside, CA 92501
Fax No. (951) 955-1817

and

County Counsel
County of Riverside
3960 Orange Street, Suite 500
Riverside, CA 92501
Fax No. (951) 955-6363

If to OWNER:

Gregory Lansing
Boulder Springs Riverside, LLC
12671 High Bluff Drive, Suite 150
San Diego, CA 92130

(c) Either party may, by notice given at any time, require subsequent notices to be given to another person or entity, whether a party or an officer or representative of a party, or to a different address, or both. Notices given before actual receipt of notice of change shall not be invalidated by any such change.

3. DEVELOPMENT OF THE PROPERTY.

3.1 Rights to Develop. Subject to the terms of this Agreement including the Reservations of Authority, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, the Development Plan. The Existing Development Approvals shall not expire and shall remain valid for the Term of this Agreement so long as the Project remains in overall compliance with all conditions of approval for the Existing Development Approvals and in compliance with this Agreement, including any actions or fees required on the part of the OWNER. The Project shall remain subject to all Subsequent Development Approvals required to complete the Project as contemplated by the Development Plan. Except as otherwise provided in this Agreement, the permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings and structures, and provisions for reservation and dedication of land for public purposes shall be those set forth in the Development Plan.

3.2 Effect of Agreement on Land Use Regulations. Except as otherwise provided under the terms of this Agreement including the Reservations of Authority, the rules, regulations, and official policies governing permitted uses of the Property, the density and intensity of use of the

Property, the maximum height and size of proposed buildings and structures, and the design, improvement and construction standards and specifications applicable to development of the Property shall be the Existing Land Use Regulations. In connection with any Subsequent Development Approval, COUNTY shall exercise its discretion in accordance with the Development Plan, and as provided by this Agreement including, but not limited to, the Reservations of Authority. COUNTY shall accept for processing, review, and action all applications for Subsequent Development Approvals, and such applications shall be processed in the normal manner for processing such matters.

3.3 Timing of Development. The parties acknowledge that OWNER cannot at this time predict when, or the rate, or which phase, of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of OWNER, such as market orientation and demand, interest rates, absorption, completion, and other similar factors. Since the California Supreme Court held in Pardee Construction Co. v. City of Camarillo (1984) 37 Cal.3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that OWNER shall have the right to develop the Property in such order and at such rate and at such times as OWNER deems appropriate within the exercise of its subjective business judgment.

3.4 Changes and Amendments. The parties acknowledge that refinement and further development of the Project will require Subsequent Development Approvals and may demonstrate that changes are appropriate, required, and mutually desirable in the Existing Development Approvals. In the event OWNER finds that a change in the Existing Development Approvals is necessary or appropriate, OWNER shall apply for a Subsequent Development Approval to effectuate such change and COUNTY shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. If approved, any such change in the Existing Development Approvals shall be incorporated herein as an addendum to Exhibit "C", and may be further changed from time to time as provided in this Section. Unless otherwise required by law, as determined in COUNTY's reasonable discretion, a change to the Existing Development Approvals shall be deemed "minor" – subject to Planning Director's concurrence - and not require an amendment to this Agreement provided such change does not:

- (a) Alter the permitted uses of the Property as a whole;
- (b) Increase the density or intensity of use of the Property as a whole;
- (c) Significantly increase the maximum height and size of permitted buildings or structures;
- (d) Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or,
- (e) Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

3.5 Reservations of Authority.

3.5.1 Limitations, Reservations and Exceptions. Notwithstanding any other provision of this Agreement, the following Subsequent Land Use Regulations shall apply to the development of the Property.

(a) Processing fees and charges of every kind and nature imposed by COUNTY to cover the estimated actual costs to COUNTY of processing applications for Development Approvals or for monitoring compliance with any Development Approvals granted or issued.

(b) Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure.

(c) Regulations governing construction standards and specifications including, without limitation, the Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code and Grading Code applicable in the County.

(d) Regulations imposing Development Exactions. Development Exactions shall be applicable to development of the Property if such Development Exaction is applied uniformly to development, either throughout the COUNTY or within a defined area of benefit which includes the Property. No such subsequently adopted Development Exaction shall apply if its application to the Property would physically prevent development of the Property for the uses and to the density or intensity of development set forth in the Development Plan.

(e) Regulations which may be in conflict with the Development Plan but which are reasonably necessary to protect the public health and safety. To the extent possible, any such regulations shall be applied and construed so as to provide OWNER with the rights and assurances provided under this Agreement.

(f) Regulations which are not in conflict with the Development Plan. Any regulation, whether adopted by initiative or otherwise, limiting the rate or timing of development of the Property shall be deemed to conflict with the Development Plan and shall therefore not be applicable to the development of the Property.

(g) Regulations which are in conflict with the Development Plan provided OWNER has given written consent to the application of such regulations to development of the Property.

(h) As a condition of Development Agreement No. 2400002, the OWNER shall comply with Section 66473.7 of the California Government Code related to water supply

3.5.2 Subsequent Development Approvals. This Agreement shall not prevent

COUNTY, in acting on Subsequent Development Approvals, from applying Subsequent Land Use Regulations which do not conflict with the Development Plan, nor shall this Agreement prevent COUNTY from denying or conditionally approving any Subsequent Development Approval on the basis of the Existing Land Use Regulations or any Subsequent Land Use Regulation not in conflict with the Development Plan.

3.5.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date of this Agreement, prevent or preclude compliance with one or more of the provisions of this Agreement or require changes in plans, maps or permits approved by the COUNTY, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent it is not inconsistent with such laws or regulations and to the extent such laws or regulations do not render such remaining provisions impractical to enforce.

3.5.4 Intent. The parties acknowledge and agree that COUNTY is restricted in its authority to limit its police power by contract and that the foregoing limitations, reservations and exceptions are intended to reserve to COUNTY all of its police power which cannot be so limited. This Agreement shall be construed, contrary to its stated terms, if necessary, to reserve to COUNTY all such power and authority which cannot be restricted by contract.

3.6. Public Works. If OWNER is required by this Agreement to construct any public works facilities which will be dedicated to COUNTY or any other public agency upon completion, and if required by applicable laws to do so, OWNER shall perform such work in the same manner and subject to the same requirements as would be applicable to COUNTY or such other public agency if it would have undertaken such construction.

3.7 Provision of Real Property Interests by COUNTY. In any instance where OWNER is required to construct any public improvement on land not owned by OWNER, OWNER shall at its sole cost and expense provide or cause to be provided, the real property interests necessary for the construction of such public improvements. In the event OWNER is unable, after exercising reasonable efforts to acquire the real property interests necessary for the construction of such public improvements, and if so instructed by OWNER and upon OWNER'S provision of adequate security for costs COUNTY may reasonably incur, COUNTY shall negotiate the purchase of the necessary real property interests to allow OWNER to construct the public improvements as required by this Agreement and, if necessary, in accordance with the procedures established by law, use its power of eminent domain to acquire such required real property interests. OWNER shall pay all costs associated with such acquisition or condemnation proceedings. This Section 3.7 is not intended by the parties to impose upon the OWNER an enforceable duty to acquire land or construct any public improvements on land not owned by OWNER, except to the extent that the OWNER elects to proceed with the development of the Project, and then only in accordance with valid conditions imposed by the COUNTY upon the development of the Project under the Subdivision Map Act, Government Code Section 66410 et seq., or other legal authority.

3.8 Regulation by Other Public Agencies. It is acknowledged by the parties that other public agencies not within the control of COUNTY possess authority to regulate aspects of the development of the Property separately from or jointly with COUNTY and this Agreement does not limit the authority of such other public agencies. For example, pursuant to Government Code Section 66477 and Section 10.35 of Riverside County Ordinance No. 460, another local public agency may provide local park and recreation services and facilities and in that event, it is permitted, and therefore shall be permitted by the parties, to participate jointly with COUNTY to determine the location of land to be dedicated or in lieu fees to be paid for local park purposes, provided that COUNTY shall exercise its authority subject to the terms of this Agreement.

3.9 Tentative Tract Map Extension. As stated within the provisions of Section 66452.6(a)(1) of the Government Code within the Subdivision Map Act, a tentative tract map may be extended for the period of time provided for within the Agreement but shall not extend beyond the duration of the Agreement.

3.10 Vesting Tentative Maps. If any tentative or final subdivision map, or tentative or final parcel map, heretofore or hereafter approved in connection with development of the Property, is a vesting map under the Subdivision Map Act (Government Code Section 66410, et seq.) and Riverside County Ordinance No. 460 and if this Agreement is determined by a final judgment to be invalid or unenforceable insofar as it grants a vested right to develop to OWNER, then and to that extent the rights and protections afforded OWNER under the laws and ordinances applicable to vesting maps shall supersede the provisions of this Agreement. Except as set forth immediately above, development of the Property shall occur only as provided in this Agreement, and the provisions in this Agreement shall be controlling over any conflicting provision of law or ordinance concerning vesting maps.

4. PUBLIC BENEFITS.

4.1 Intent. The parties acknowledge and agree that development of the Property will detrimentally affect public interests which will not be fully addressed by the Development Plan and further acknowledge and agree that this Agreement confers substantial private benefits on OWNER which should be balanced by commensurate public benefits. Accordingly, the parties intend to provide consideration to the public to balance the private benefits conferred on OWNER by providing more fully for the satisfaction of public interests.

4.2 Public Benefits. As identified within Exhibit "F" (Identified Improvements, Enhancements, Fees Due by OWNER), the OWNER has agreed to confer the additional Public Benefits negotiated as part of the Agreement. Exhibit "F" includes anticipated timelines, where applicable and reasonable, for completion of those public benefits.

4.3 Taxes. Nothing herein shall be construed to relieve OWNER from paying and remitting all applicable federal, state, and local taxes applicable to the Project.

4.4 Assessments. Nothing herein shall be construed to relieve the Property from assessments levied against it by the County pursuant to any statutory procedure for the assessment

of property to pay for infrastructure and/or services which benefit the Property.

4.5 Vote on Future Assessments and Fees. In the event that any assessment, fee or charge which is applicable to the Property is subject to Article XIID of the California Constitution and OWNER does not return its ballot, OWNER agrees, on behalf of itself and its successors that the County may count OWNER's ballot as affirmatively voting in favor of such assessment, fee or charge.

4.6 Development Impact Fees and Additional Community Benefit Fee. Ordinance No. 659 is the COUNTY'S Development Impact Fee (DIF) Program adopted under the authority of the Mitigation Fee Act. DIF applies to all development in the COUNTY under the COUNTY'S land use jurisdiction. Per Ordinance No. 659, the fees collected under the DIF program "shall be used toward the construction and acquisition of Facilities identified in the Needs List and the acquisition of open space and habitat."

5. **FINANCING OF PUBLIC IMPROVEMENTS.** If deemed appropriate, COUNTY and OWNER will cooperate in the formation of any special assessment district, community facilities district or alternate financing mechanism to pay for the construction and/or maintenance and operation of public infrastructure facilities required as part of the Development Plan. OWNER also agrees that it will not initiate and/or cooperate in the formation of any such special assessment district, community facilities district or alternate financing mechanism involving any other public agency without the prior written consent of the COUNTY.

Should the Property be included within such a special assessment district, community facilities district or other financing entity, the following provisions shall be applicable:

(a) In the event OWNER conveys any portion of the Property and/or public facilities constructed on any portion of the Property to COUNTY or any other public entity and said Property is subject to payment of taxes and/or assessments, such taxes and/or assessments shall be paid in full by OWNER prior to completion of any such conveyance.

(b) If OWNER is in default in the payment of any taxes and/or assessments, OWNER shall be considered to be in default of this Agreement and COUNTY may, in its sole discretion, initiate proceedings pursuant to Section 8.4 of this Agreement.

Notwithstanding the foregoing, it is acknowledged and agreed by the parties that nothing contained in this Agreement shall be construed as requiring COUNTY or the COUNTY Board of Supervisors to form any such district or to issue and sell bonds.

6. REVIEW FOR COMPLIANCE.

6.1 Annual Review. The TLMA Director, in consultation with the County Executive Officer and County Counsel, shall review this Agreement annually, on or before the Effective Date, in order to ascertain the good faith compliance by OWNER with the terms of the Agreement. In order to facilitate this review, OWNER shall submit an annual monitoring report, in a form

specified by the TLMA Director providing all information necessary to evaluate such good faith compliance as determined by the TLMA Director. OWNER shall pay the annual review and administration fee set forth in Ordinance No. 671 prior to submission of each annual monitoring report. Prior to the issuance of any grading permit or building permit for any part of the Project, OWNER shall prepay a fee deposit and administration fee as set forth in Ordinance No. 671 (the "Monitoring Fee Prepayment"). The Monitoring Fee Prepayment shall be retained by the COUNTY until termination of this Agreement, may be used by the COUNTY at any time if there is a failure to pay any part of the annual monitoring and administration fees required under Ordinance No. 671, and shall be promptly replenished by OWNER up to the original required amount after notice by COUNTY to OWNER. Failure by OWNER to submit an annual monitoring report, on or before the Effective Date of each year in the form specified by the TLMA Director, to pay any part of the annual monitoring and administration fee required under Ordinance No. 671, to make the Monitoring Fee Prepayment or to replenish the Monitoring Fee Prepayment shall constitute a default by OWNER under this Agreement.

6.2 Special Review. The Board of Supervisors may order a special review of compliance with this Agreement at any time. The TLMA Director, in consultation with the County Executive Officer and County Counsel, shall conduct such special reviews.

6.3 Procedure.

(a) During either an annual review or a special review, OWNER shall be required to demonstrate good faith compliance with the terms of the Agreement. The burden of proof on this issue shall be on OWNER.

(b) Upon completion of an annual review or a special review, the TLMA Director shall submit a report to the Board of Supervisors setting forth the evidence concerning good faith compliance by OWNER with the terms of this Agreement and hisrecommended finding on that issue.

(c) If the Board finds on the basis of substantial evidence that OWNER has complied in good faith with the terms and conditions of this Agreement, the review shall be concluded.

(d) If the Board makes a preliminary finding that OWNER has not complied in good faith with the terms and conditions of this Agreement, the Board may modify or terminate this Agreement as provided in Section 6.4 and Section 6.5. Notice of default as provided under Section 8.4 of this Agreement shall be given to OWNER prior to or concurrent with, proceedings under Section 6.4 and Section 6.5.

6.4 Proceedings Upon Modification or Termination. If, upon a preliminary finding under Section 6.3, COUNTY determines to proceed with modification or termination of this Agreement, COUNTY shall give written notice to OWNER of its intention so to do. The notice shall be given at least ten calendar days prior to the scheduled hearing and shall contain:

- (a) The time and place of the hearing;
- (b) A statement as to whether or not COUNTY proposes to terminate or to modify the Agreement; and,
- (c) Such other information as is reasonably necessary to inform OWNER of the nature of the proceeding.

6.6 Hearing on Modification or Termination. At the time and place set for the hearing on modification or termination, OWNER shall be given an opportunity to be heard and shall be entitled to present written and oral evidence. OWNER shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. The burden of proof on this issue shall be on OWNER. If the Board of Supervisors finds, based upon substantial evidence, that OWNER has not complied in good faith with the terms or conditions of the Agreement, the Board may terminate this Agreement or modify this Agreement and impose such conditions as are reasonably necessary to protect the interests of the County. The decision of the Board of Supervisors shall be final, subject only to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.

6.7 Certificate of Agreement Compliance. If, at the conclusion of an annual or special review, OWNER is found to be in compliance with this Agreement, COUNTY shall, upon request by OWNER, issue a Certificate of Agreement Compliance ("Certificate") to OWNER stating that after the most recent annual or special review and based upon the information known or made known to the TLMA Director and Board of Supervisors that (1) this Agreement remains in effect and (2) OWNER is not in default. The Certificate shall be in recordable form, shall contain information necessary to communicate constructive record notice of the finding of compliance, shall state whether the Certificate is issued after an annual or a special review and shall state the anticipated date of commencement of the next annual review. OWNER may record the Certificate with the County Recorder. Whether or not the Certificate is relied upon by transferees or OWNER, COUNTY shall not be bound by a Certificate if a default existed at the time of the Periodic or Special Review but was concealed from or otherwise not known to the TLMA Director or Board of Supervisors.

7. INCORPORATION AND ANNEXATION.

7.1 Intent. If all or any portion of the Property is annexed to or otherwise becomes a part of a city or another county, it is the intent of the parties that this Agreement shall survive and be binding upon such other jurisdiction.

7.2 Incorporation. If at any time during the term of this Agreement, a city is incorporated comprising all or any portion of the Property, the validity and effect of this Agreement shall be governed by Section 65865.3 of the Government Code.

7.3 Annexation. OWNER and COUNTY shall oppose, in accordance with the procedures provided by law, the annexation to any city of all or any portion of the Property unless both OWNER and COUNTY give written consent to such annexation.

8. DEFAULT AND REMEDIES.

8.1 Remedies in General. It is acknowledged by the parties that COUNTY would not have entered into this Agreement if it were to be liable in damages under this Agreement, or with respect to this Agreement or the application thereof.

In general, each of the parties hereto may pursue any remedy at law or equity available for the breach of any provision of this Agreement, except that COUNTY shall not be liable in damages to OWNER, or to any successor in interest of OWNER, or to any other person, and OWNER covenants not to sue for damages or claim any damages:

- (a) For any breach of this Agreement or for any cause of action which arises out of this Agreement; or
- (b) For the taking, impairment or restriction of any right or interest conveyed or provided under or pursuant to this Agreement; or
- (c) Arising out of or connected with any dispute, controversy or issue regarding the application, validity, interpretation, or effect of the provisions of this Agreement.

Notwithstanding anything in this Article 8 to the contrary, OWNER's liability to COUNTY in connection with this Agreement shall be limited to direct damages and shall exclude any other liability, including without limitation liability for special, indirect, punitive, or consequential damages in contract, tort, warranty, strict liability or otherwise.

8.2 Specific Performance. The parties acknowledge that money damages and remedies at law generally are inadequate and specific performance and other non-monetary relief are particularly appropriate remedies for the enforcement of this Agreement and should be available to all parties for the following reasons:

- (a) Money damages are unavailable against COUNTY as provided in Section 8.1 above.
- (b) Due to the size, nature, and scope of the project, it may not be practical or possible to restore the Property to its natural condition once implementation of this Agreement has begun. After such implementation, OWNER may be foreclosed from other choices it may have had to utilize the Property or portions thereof. OWNER has invested significant time and resources and performed extensive planning and processing of the Project in agreeing to the terms of this Agreement and will be investing even more significant time and resources in implementing the Project in reliance upon the terms of this Agreement, and it is not possible to determine the sum of money which would adequately compensate OWNER for such efforts.

8.3 General Release. Except for non-damage remedies, including the remedy of specific performance and judicial review as provided for in Section 8, OWNER, for itself, its successors and assignees, hereby releases the COUNTY, its officers, agents, employees, and independent contractors from any and all claims, demands, actions, or suits of any kind or nature whatsoever arising out of any liability, known or unknown, present or future, including, but not limited to, any

claim or liability, based or asserted, pursuant to Article I, Section 19 of the California Constitution, the Fifth Amendment of the United States Constitution, or any other law or ordinance which seeks to impose any other monetary liability or damages, whatsoever, upon the COUNTY because it entered into this Agreement or because of the terms of this Agreement. OWNER hereby waives the provisions of Section 1542 of the Civil Code which provides:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY.

GL
OWNER Initials

MC
OWNER Initials

8.4 Termination or Modification of Agreement for Default of OWNER. Subject to the provisions contained in Subsection 2.5 herein, COUNTY may terminate or modify this Agreement for any failure of OWNER to perform any material duty or obligation of OWNER under this Agreement, or to comply in good faith with the terms of this Agreement (hereinafter referred to as "default"); provided, however, COUNTY may terminate or modify this Agreement pursuant to this Section only after providing written notice to OWNER of default setting forth the nature of the default and the actions, if any, required by OWNER to cure such default and, where the default can be cured, OWNER has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

8.5 Termination of Agreement for Default of COUNTY. OWNER may terminate this Agreement only in the event of a default by COUNTY in the performance of a material term of this Agreement and only after providing written notice to COUNTY of default setting forth the nature of the default and the actions, if any, required by COUNTY to cure such default and, where the default can be cured, COUNTY has failed to take such actions and cure such default within 60 days after the effective date of such notice or, in the event that such default cannot be cured within such 60 day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such 60 day period and to diligently proceed to complete such actions and cure such default.

8.6 Attorneys' Fees. In any action at law or in equity to enforce or interpret this Agreement, or otherwise arising out of this Agreement, including without limitation any action for declaratory relief or petition for writ of mandate, the parties shall bear their own attorneys' fees.

9. THIRD PARTY LITIGATION.

9.1 General Plan Litigation. COUNTY has determined that this Agreement is

consistent with its General Plan, and that the General Plan meets all requirements of law. OWNER has reviewed the General Plan and concurs with COUNTY's determination. The parties acknowledge that:

(a) Litigation may be filed challenging the legality, validity and adequacy of the General Plan; and,

(b) If successful, such challenges could delay or prevent the performance of this Agreement and the development of the Property.

COUNTY shall have no liability in damages under this Agreement for any failure of COUNTY to perform under this Agreement or the inability of OWNER to develop the Property as contemplated by the Development Plan of this Agreement as the result of a judicial determination that on the Effective Date, or at any time thereafter, the General Plan, or portions thereof, are invalid or inadequate or not in compliance with law.

9.2 Third Party Litigation Concerning Agreement. OWNER shall defend, at its expense, including attorneys' fees, indemnify, and hold harmless COUNTY, its officers, agents, employees and independent contractors from any claim, action or proceeding against COUNTY, its officers, agents, employees or independent contractors to attack, set aside, void, or annul the approval of this Agreement or the approval of any permit granted pursuant to this Agreement. COUNTY shall promptly notify OWNER of any such claim, action or proceeding, and COUNTY shall cooperate in the defense. If COUNTY fails to promptly notify OWNER of any such claim, action or proceeding, or if COUNTY fails to cooperate in the defense, OWNER shall not thereafter be responsible to defend, indemnify, or hold harmless COUNTY. COUNTY may in its discretion participate in the defense of any such claim, action or proceeding.

9.3 Indemnity. In addition to the provisions of 9.2 above, OWNER shall indemnify and hold COUNTY, its officers, agents, employees and independent contractors free and harmless from any liability whatsoever, based or asserted upon any act or omission of OWNER, its officers, agents, employees, subcontractors and independent contractors, for property damage, bodily injury, or death (OWNER's employees included) or any other element of damage of any kind or nature, relating to or in any way connected with or arising from the activities contemplated hereunder, including, but not limited to, the study, design, engineering, construction, completion, failure and conveyance of the public improvements, save and except claims for damages arising through the sole active negligence or sole willful misconduct of COUNTY. OWNER shall defend, at its expense, including attorneys' fees, COUNTY, its officers, agents, employees and independent contractors in any legal action based upon such alleged acts or omissions. COUNTY may in its discretion participate in the defense of any such legal action.

9.4 Environment Assurances. OWNER shall indemnify and hold COUNTY, its officers, agents, employees and independent contractors free and harmless from any liability, based or asserted, upon any act or omission of OWNER, its officers, agents, employees, subcontractors, predecessors in interest, successors, assigns and independent contractors for any violation of any federal, state or local law, ordinance or regulation relating to industrial hygiene or to environmental conditions on, under or about the Property, including, but not limited to, soil and groundwater conditions, and OWNER shall defend, at its expense, including attorneys' fees, COUNTY, its officers, agents, employees and independent contractors in any action based or asserted upon any

such alleged act or omission. COUNTY may in its discretion participate in the defense of any such action.

9.5 Reservation of Rights. With respect to Sections 9.2, 9.3 and 9.4 herein, COUNTY reserves the right to either (1) approve the attorney(s) which OWNER selects, hires or otherwise engages to defend COUNTY hereunder, which approval shall not be unreasonably withheld, or (2) conduct its own defense, provided, however, that OWNER shall reimburse COUNTY forthwith for any and all reasonable expenses incurred for such defense, including attorneys' fees, upon billing and accounting therefor.

9.6 Survival. The provisions of Sections 8.1 through 8.3, inclusive, Section 8.6 and Sections 9.1 through 9.6, inclusive, shall survive the termination of this Agreement.

10. MORTGAGEE PROTECTION.

The parties hereto agree that this Agreement shall not prevent or limit OWNER, in any manner, at OWNER's sole discretion, from encumbering the Property or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to the Property. COUNTY acknowledges that the lenders providing such financing may require certain Agreement interpretations and modifications and agrees upon request, from time to time, to meet with OWNER and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. COUNTY will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement. Any Mortgagee of the Property shall be entitled to the following rights and privileges:

(a) Neither entering into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage on the Property made in good faith and for value, unless otherwise required by law.

(b) The Mortgagee of any mortgage or deed of trust encumbering the Property, or any part thereof, which Mortgagee, has submitted a request in writing to the COUNTY in the manner specified herein for giving notices, shall be entitled to receive written notification from COUNTY of any default by OWNER in the performance of OWNER's obligations under this Agreement.

(c) If COUNTY timely receives a request from a Mortgagee requesting a copy of any notice of default given to OWNER under the terms of this Agreement, COUNTY shall provide a copy of that notice to the Mortgagee within ten (10) days of sending the notice of default to OWNER. The Mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed such party under this Agreement.

(d) Any Mortgagee who comes into possession of the Property, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Property, or part thereof, subject to the terms of this Agreement. No Mortgagee (including one who acquires title or possession to the Property, or any portion thereof, by foreclosure,

trustee's sale, deed in lieu of foreclosure, lease termination, eviction or otherwise) shall have any obligation to construct or complete construction of improvements, or to guarantee such construction or completion; provided, however, that a Mortgagee shall not be entitled to devote the Property to a similar development except in full compliance with this Agreement. A Mortgagee in possession shall not have an obligation or duty under this Agreement to perform any of OWNER's obligations or other affirmative covenants of OWNER hereunder, or to guarantee such performance; provided, however, that to the extent that any covenant to be performed by OWNER is a condition precedent to the performance of a covenant by COUNTY, the performance thereof shall continue to be a condition precedent to COUNTY's performance hereunder. All payments called for under Section 4 of this Agreement shall be a condition precedent to COUNTY's performance under this Agreement. Any transfer by any Mortgagee in possession shall be subject to the provisions of Section 2.4 of this Agreement.

11. MISCELLANEOUS PROVISIONS.

11.1 Recordation of Agreement. This Agreement and any amendment, modification, termination, or cancellation thereof shall be recorded with the County Recorder by the Clerk of the Board of Supervisors within the period required by Section 65868.5 of the Government Code.

11.2 Entire Agreement. This Agreement sets forth and contains the entire understanding and agreement of the parties, and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein. No testimony or evidence of any such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.

11.3 Severability. If any term, provision, covenant or condition of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provision of the Public Benefits set forth in Sections 4.2 of this Agreement, including the payments set forth therein, are essential elements of this Agreement and COUNTY would not have entered into this Agreement but for such provisions, and therefore in the event such provisions are determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

11.4 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

11.5 Section Headings. All section headings and subheadings are inserted for

convenience only and shall not affect any construction or interpretation of this Agreement.

11.6 Gender and Number. As used herein, the neuter gender includes the masculine and feminine, the feminine gender includes the masculine, and the masculine gender includes the feminine. As used herein, the singular of any word includes the plural.

11.7 Joint and Several Obligations. If this Agreement is signed by more than one OWNER, all obligations of such OWNERS under this Agreement shall be joint and several, and the default of any such OWNER shall be the default of all such OWNERS.

11.8 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

11.9 Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party; shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

11.10 No Third Party Beneficiaries. Unless expressly stated herein, this Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

11.11 Force Majeure. Neither party shall be deemed to be in default where failure or delay in performance of any of its obligations under this Agreement is caused by floods, earthquakes, other Acts of God, fires, wars, riots, or similar hostilities, strikes and other labor difficulties beyond the party's control, (including the party's employment force). If any such events shall occur, the term of this Agreement and the time for performance by either party of any of its obligations hereunder may be extended by the written agreement of the parties for the period of time that such events prevented such performance, provided that the term of this Agreement shall not be extended under any circumstances for more than five (5) years.

11.12 Mutual Covenants. The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.

11.13 Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the Property: (a) is for the benefit of and is a burden upon every portion of the Property; (b) runs with the Property and each portion thereof; and, (c) is binding upon each party and each successor in interest during ownership of the Property or any portion thereof.

11.14 Counterparts. This Agreement may be executed by the parties in counterparts,

which counterparts shall be construed together and have the same effect as if all of the parties had executed the same instrument.

11.15 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Riverside Historic Courthouse of the Superior Court of the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

11.16 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between COUNTY and OWNER is that of a government entity regulating the development of private property and the owner of such property.

11.17 Further Actions and Instruments. Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either party at any time, the other party shall promptly execute, with acknowledgement or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement or to evidence or consummate the transactions contemplated by this Agreement.

11.18 Eminent Domain. No provision of this Agreement shall be construed to limit or restrict the exercise by COUNTY of its power of eminent domain. As used herein, "Material Condemnation" means a condemnation of all or a portion of the Property that will have the effect of preventing development of the Project in accordance with this Agreement. In the event of a Material Condemnation, OWNER may (i) request the COUNTY to amend this Agreement and/or to amend the Development Plan, which amendment shall not be unreasonably withheld, (ii) decide, in its sole discretion, to challenge the condemnation, or (iii) request that COUNTY agree to terminate this Agreement by mutual agreement, which agreement shall not be unreasonably withheld, by giving a written request for termination to the COUNTY.

11.19 Agent for Service of Process. In the event OWNER is not a resident of the State of California or it is an association, partnership or joint venture without a member, partner or joint venturer resident of the State of California, or it is a foreign corporation, then in any such event, OWNER shall file with the TLMA Director, upon its execution of this Agreement, a designation of a natural person residing in the State of California, giving his or her name, residence and business addresses, as its agent for the purpose of service of process in any court action arising out of or based upon this Agreement, and the delivery to such agent of a copy of any process in any such action shall constitute valid service upon OWNER. If for any reason service of such process upon such agent is not feasible, then in such event OWNER may be personally served with such process out of this County and such service shall constitute valid service upon OWNER. OWNER

is amenable to the process so served, submits to the jurisdiction of the Court so obtained and waives any and all objections and protests thereto. OWNER for itself, assigns and successors hereby waives the provisions of the Hague Convention (Convention on the Service Abroad of Judicial and Extra Judicial Documents in Civil or Commercial Matters, 20 U.S.T. 361, T.I.A.S. No. 6638).

11.20 Designation of COUNTY Officials. Except for functions to be performed by the Board of Supervisors, COUNTY may, at any time and in its sole discretion, substitute any COUNTY official to perform any function identified in this Agreement as the designated responsibility of any other official. COUNTY shall provide notice of such substitution pursuant to Section 2.7; provided, however, the failure to give such notice shall not affect the authority of the substitute official in any way.

11.21 Authority to Execute. The person executing this Agreement on behalf of OWNER warrants and represents that he has the authority to execute this Agreement on behalf of his corporation, partnership or business entity and warrants and represents that he has the authority to bind OWNER to the performance of its obligations hereunder.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set forth below.

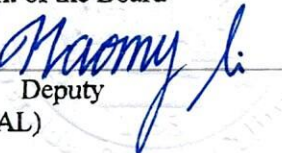
COUNTY OF RIVERSIDE, a political subdivision of the State of California

Dated: 7/29/2024

By: 
Chuck Washington
Chair, Board of Supervisors

ATTEST:

KIMBERLY RECTOR
Clerk of the Board

By: 
Deputy
(SEAL)

FORM APPROVED COUNTY COUNSEL
BY:  5-12-24
AARON C. GETTIS DATE

**PETER ALDANA
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER**

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000

www.riversideacr.com

CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION FOR SEAL for the Riverside County Board of Supervisors
(EMBOSSSED ON DOCUMENT)



Date: 07/29/2024

Signature: _____

Naomy Sicra

Print Name: Naomy Sicra, Clerk of the Board Assistant

OWNER:

Boulder Springs Riverside, LLC, a California
Limited Liability Company

By: Lansing Industries, Inc., a California
Corporation, its Manager

Dated: 07-03-2024

By: 
Gregory Lansing, Chief Executive Officer

Dated: 07-03-2024

By: 
Mark Clairmont, Secretary

(ALL SIGNATURES SHALL BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.
EXECUTION ON BEHALF OF ANY CORPORATION SHALL BE BY TWO
CORPORATE OFFICERS.)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

On this 3rd day of July, 2024, before me, W.STANLEY, Notary Public, personally appeared GREGORY P. LANSING who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument..

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature



(Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

On this 3rd day of July, 2024, before me, W.STANLEY, Notary Public, personally appeared MARK CLAIRMONT who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument..

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature



(Seal)

EXHIBIT "A"

Development Agreement No. 2400002

LEGAL DESCRIPTION OF THE PROPERTY

Lots 9-16 inclusive of Tract 23536, Map Book 239 pages 71-84 of records of Riverside County.

APNs: 321-140-027, 019, 321-140-023, 024, 031, 032, 321-410-011, 013, 014, 015, 321-140-020, 321-410-001, 006, 321-140-022

EXHIBIT "B"

Development Agreement No. 2400002

MAP OF PROPERTY AND ITS LOCATION

Development Agreement Site Plan Boulder Springs SP 229



LEGEND

- PROPOSED FIRE STATION
- PROPOSED RIDGE TRAIL EXTENSION
- FUTURE BRIDGE/CULVERT LOCATION

Exhibit Prepared by:
 KWC Engineers
 1880 Compton Drive, Ste 100
 Corona, Ca 92881
 951-318-5806

Applicant/Owner:
 Gregory Lansing
 Lansing Companies
 505 Lomas Santa Fe Dr, St 230
 Solana Beach, Ca 92075
 909-213-8460

Utility Purveyors:
 Water/Sewer: Western Municipal Water District
 Water and Sewer are available to the project
 Gas: Southern California Gas Company
 Electricity: Southern California Edison
 Telephone: AT&T
 Cable Television: Spectrum

Lake Mathews/Woodcrest Area Plan
 SP 229A1 governs land use and zoning
 Planning Areas 7, 8, 9 and 12
 7, 8 and 9 are single family residential, 12 is park space

The site is not within a park district, a CSA will collect fees and for park and recreation services

Project Assessor's Parcel Numbers
 321-140-019, 020, 021, 022, 023, 024, 025, 027, 028, 029, 030, 031,
 032, 034
 321-410-001, 002, 003, 004, 005, 006, 009, 011, 012, 013, 014, 015

Legal Description
 Lots 9-16 inclusive, Tr 23536 MB 239, pages 71-84

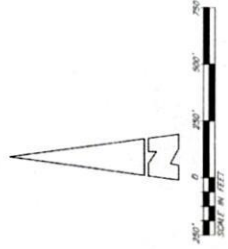


EXHIBIT "C"

Development Agreement No. 2400002

EXISTING DEVELOPMENT APPROVALS

Tentative Tract Maps (TTM) 31607, 31608, 31609, 31610, 31611, and 31612

Specific Plan No. 229

Amendment No. 1 to Specific Plan No. 229

The development approvals listed above include the approved maps and all conditions of approval.

COPIES OF THE EXISTING DEVELOPMENT APPROVALS LISTED ABOVE ARE ON FILE IN THE RIVERSIDE COUNTY PLANNING DEPARTMENT AND ARE INCORPORATED HEREIN BY REFERENCE.

EXHIBIT "D"

Development Agreement No. 2400002

EXISTING LAND USE REGULATIONS

1. Riverside County Comprehensive General Plan as amended through Resolution No. 2021-108
2. Ordinance No. 348 as amended through Ordinance No. 348.5013
3. Ordinance No. 448 as amended through Ordinance No. 448.A
4. Ordinance No. 457 as amended through Ordinance No. 457.106
5. Ordinance No. 458 as amended through Ordinance No. 458.17
6. Ordinance No. 460 as amended through Ordinance No. 460.154
7. Ordinance No. 461 as amended through Ordinance No. 461.11
8. Ordinance No. 509 as amended through Ordinance No. 509.2
9. Ordinance No. 547 as amended through Ordinance No. 547.7
10. Ordinance No. 555 as amended through Ordinance No. 555.20
11. Ordinance No. 617 as amended through Ordinance No. 617.4
12. Ordinance No. 650 as amended through Ordinance No. 650.7
13. Ordinance No. 659 as amended through Ordinance No. 659.13
14. Ordinance No. 663 as amended through Ordinance No. 663.10
15. Ordinance No. 671 as amended through Ordinance No. 671.22
16. Ordinance No. 673 as amended through Ordinance No. 673.7
17. Ordinance No. 679 as amended through Ordinance No. 679.4
18. Ordinance No. 682 as amended through Ordinance No. 682.6
19. Ordinance No. 726 as amended through Ordinance No. 726
20. Ordinance No. 743 as amended through Ordinance No. 743.3

21. Ordinance No. 748 as amended through Ordinance No. 748.1
22. Ordinance No. 749 as amended through Ordinance No. 749.1
23. Ordinance No. 752 as amended through Ordinance No. 752.2
24. Ordinance No. 754 as amended through Ordinance No. 754.3
25. Ordinance No. 787 as amended through Ordinance No. 787.10
26. Ordinance No. 806 as amended through Ordinance No. 806
27. Ordinance No. 810 as amended through Ordinance No. 810.3
28. Ordinance No. 817 as amended through Ordinance No. 817.1
29. Ordinance No. 824 as amended through Ordinance No. 824.17
30. Ordinance No. 847 as amended through Ordinance No. 847.1
31. Ordinance No. 859 as amended through Ordinance No. 859.3
32. Ordinance No. 875 as amended through Ordinance No. 875.1
33. Ordinance No. 915 as amended through Ordinance No. 915
34. Ordinance No. 925 as amended through Ordinance No. 925.1
35. Ordinance No. 926 as amended through Ordinance No. 926
36. Ordinance No. 927 as amended through Ordinance No. 927.2
37. Ordinance No. 931 as amended through Ordinance No. 931
38. Resolution No. 2014-034 Amending Procedures and Requirements for the
Consideration of Development Agreements (Residential Projects)

COPIES OF THE EXISTING LAND USE REGULATIONS LISTED ABOVE ARE ON FILE IN THE RIVERSIDE COUNTY PLANNING DEPARTMENT AND ARE INCORPORATED HEREIN BY REFERENCE.

EXHIBIT "E"

Development Agreement No. 2400002

APPROVED TRACT MAPS AND DESCRIPTION

Tentative Tract No. 31607, 78 residential lots and 2 open space lots

Tentative Tract No. 31608, 67 residential lots and 2 open space lots

Tentative Tract No. 31609, 72 residential lots and 1 open space lots

Tentative Tract No. 31610, 165 residential lots and 3 open space lots

Tentative Tract No. 31611, 186 residential lots and 7 open space lots

Tentative Tract No. 31612, 64 residential lots and 3 open space lots

EXHIBIT "F"

Development Agreement No. 2400002

IDENTIFIED IMPROVEMENTS, ENHANCEMENTS, FEES DUE BY OWNER

(1) Widen and improve Cajalco Rd. between Alexander St. and Wood Rd. pursuant to the following:

- Ultimate half-width improvements along the north half of Cajalco Rd. between Wood Rd. and Alexander St. including curb, gutter, sidewalk, and parkway landscaping.
- Ultimate half-width improvements along the south of half of Cajalco Rd. adjacent to Specific Plan No. 229 ("Boulder Springs") frontage, including curb, gutter, sidewalk, and parkway landscaping.
- Transition tapers shall be provided at the approach and departure of the widened section of Cajalco Rd.
- Improvements may be modified, subject to approval by Riverside County Transportation Department, based on right of way that is not in the control of the property owner.

Timing: Commence improvements at the time of grading for the Maps and complete all above-listed improvements prior to certificate of occupancy of the first dwelling unit within Tract Map Nos. 31607, 31608, 31609, 31610, 31611, and 31612 ("the Maps"):

(2) Contribute \$3,000,000 to the County for the purpose of the Cajalco Rd. widening project between Wood Rd. and Seaton Ave.

Timing: At the time of recordation of any of the Final Maps included in this Agreement, contribute \$4,746 per dwelling unit within the recorded Map.

(3) Construct the Rider trail, as indicated in blue on the attached Exhibit "G", pursuant to County standards and designs.

Timing: Construct the Rider trail at the same time the adjacent roadway improvements are constructed.

(4) Dedicate land for one (1) future fire station with a minimum size of 2 acres. Site selection is subject to the approval of the Riverside County Fire Department.

Timing: Identify and dedicate land to the County prior to recordation of the final Maps.

- (5) Establish a CFD for construction, maintenance, and/or services related to one (1) fire station. The boundary of the CFD shall include the Maps.
Timing: Establish CFD prior to recordation of the final Maps.
- (6) Contribute \$4,500 per dwelling unit within the Maps to the County for the purpose of affordable housing. The funds collected will be allocated to a County special designated fund to be spent for affordable housing in the larger area at the discretion of the County.
Timing: Contribute the \$4,500 per dwelling unit at the time of each building permit issuance.
- (7) The County will approve no further extensions or revisions to the Maps beyond anything necessary or required in congruence with this Agreement.

EXHIBIT "G"

Development Agreement No. 2400002

RIDER TRAIL

Development Agreement Site Plan Boulder Springs SP 229



LEGEND

- PROPOSED FIRE STATION
- PROPOSED RIDER TRAIL EXTENSION
- FUTURE BRIDGE/CULVERT LOCATION

Exhibit Prepared by:
 KWC Engineers
 Gregory Lansing
 Lansing Companies
 1880 Compton Drive, Site 100
 Corona, Ca 92881
 951-318-5806

Applicant/Owner:
 Gregory Lansing
 Lansing Companies
 505 Lomas Santa Fe Dr, St 230
 Solana Beach, Ca 92075
 909-213-8460

Utility Purveyors:
 Water/Sewer: Western Municipal Water District
 Water and Sewer are available to the project
 Gas: Southern California Gas Company
 Electricity: Southern California Edison
 Telephone: AT&T
 Cable Television: Spectrum

Lake Mathews/Woodcrest Area Plan
 SP 229A1 governs land use and zoning
 Planning Areas 7, 8, 9 and 12
 7, 8 and 9 are single family residential, 12 is park space

The site is not within a park district, a CSA will collect fees and for park and recreation services

Project Assessor's Parcel Numbers
 321-140-019, 020, 021, 022, 023, 024, 025, 027, 028, 029, 030, 031, 032, 034
 321-410-001, 002, 003, 004, 005, 006, 009, 011, 012, 013, 014, 015

Legal Description
 Lots 9-16 inclusive, Tr 23536 MB 239, pages 71-84

