

CITY OF WILDOMAR  
**PLANNING COMMISSION**

Commission Members  
Chairman Robert Devine · Vice-Chairman  
Harv Dykstra · Gary Andre · Michael Kazmier

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REGULAR MEETING

**WEDNESDAY, MAY 5, 2010 AT 7:00 P.M.**

Council Chambers, Wildomar City Hall, 23873 Clinton Keith Road, Wildomar, CA 92595

**PUBLIC COMMENTS:** Prior to the business portion of the agenda, the Planning Commission will receive public comments regarding any agenda items or matters within the jurisdiction of the governing body. This is the only opportunity for public input except for scheduled public hearing items. The Chairperson will separately call for testimony at the time of each public hearing. If you wish to speak, please complete a "Public Speaker/Comment Card" available at the door. The completed form is to be submitted to the Chairperson prior to an individual being heard. Lengthy testimony should be presented to the Planning Commission in writing (8 copies) and only pertinent points presented orally. The time limit established for public comments is three minutes per speaker or less if a large number of requests are received on a particular item.

**AGENDA**

**1.0 CALL TO ORDER**

- 1.1 Roll Call
- 1.2 Pledge of Allegiance

**2.0 PUBLIC COMMENT:** *Members of the audience may comment on matters that are not included on the agenda. Each person will be allowed three (3) minutes or less if a large number of requests are received on a particular item. No action may be taken on a matter raised under "public comment" until the matter has been specifically included on an agenda as an action item.*

**3.0 CONSENT ITEMS:**

None.

**4.0 CONTINUED PUBLIC HEARING ITEMS:** The Planning Commission will review the proposed request, receive public input and consider action for the following items:

- 4.1. **PROJECT 08-0164 HOOVER RANCH - TENTATIVE TRACT MAP 31895, ZONE CHANGE NO. 6936 AND GENERAL PLAN NO. 801 (08-0164):** The project proposes to subdivide a 30 acre site into a 51 residential lots, change the zoning

from Rural Residential (R-R) to a combination of One-Family Residential (R-1), Open Area Combining Zone Residential Developments (R-5) and Water Course, Watershed & Conservation Area (W-1), and amend the General Plan Land Use Plan designation on the site from Very Low Density Residential to Low Density Residential. APNs: 380-160-016, 380-160-019, and 380-160-020.

**Recommendation:**

1. Continue Project 08-0164 off-calendar pending the preparation of an Environmental Impact Report.

**5.0 PUBLIC HEARING ITEMS:** The Planning Commission will review the proposed request, receive public input and consider action for the following items:

- 5.1 PROJECT 10-0092 CANYON VILLAGE D.R. HORTON- PLOT PLAN 10-0092** - The proposed project includes revised floor plans and elevations for 32 homes to be constructed in Canyon Village Tract (TR 31345) located on Dorof Court, Clovis Way and Coral Wood Court north of Canyon Drive in the City of Wildomar, County of Riverside, California.

Environmental Determinations: In accordance with the California Environmental Quality Act (CEQA) a Mitigated Negative Declaration was approved by the Riverside County Board of Supervisors on August 23, 2005 for TR31345.

**Recommendation:**

1. Approve Plot Plan 10-0092 subject to the conditions of approval contained in the staff report.

**6.0 GENERAL BUSINESS ITEMS:**

- 6.1 Selection of Vice Chairman.

**7.0 ADMINISTRATIVE HEARINGS REPORT:**

- 7.1 April 28, 2010 Director Hearing.

**8.0 PLANNING DIRECTOR'S REPORT:** This item is reserved for the Planning Director to comment or report on items not on the agenda. No action will be taken.

**9.0 PLANNING COMMISSION COMMENTS:** This portion of the agenda is reserved for Planning Commission business, for the Planning Commission to make comments on items not on the agenda, and/or for the Planning Commission to request information from staff.

## **10.0 ADJOURNMENT**

The next scheduled Regular Meeting of the City of Wildomar Planning Commission is June 2, 2010 at 7:00 P.M.

**RIGHT TO APPEAL:** Any decision of the Planning Commission may be appealed to the City Council within ten (10) calendar days after the date of Planning Commission's action.

**REPORTS:** All agenda items and reports are available for review at Wildomar City Hall, 23873 Clinton Keith Road, Suite 201, Wildomar, California 92595. Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda (other than writings legally exempt from public disclosure) will be made available for public inspection at City Hall during regular business hours. If you wish to be added to the regular mailing list to receive a copy of the agenda, a request must be made through the Planning Department in writing or by e-mail.

**PUBLIC COMMENTS:** Prior to the business portion of the agenda, the Planning Commission will receive public comments regarding any agenda items or matters within the jurisdiction of the governing body. This is the only opportunity for public input except for scheduled public hearing items. The Chairperson will separately call for testimony at the time of each public hearing. If you wish to speak, please complete a "Public Speaker/Comment Card" available at the door. The completed form is to be submitted to the Chairperson prior to an individual being heard. Lengthy testimony should be presented to the Planning Commission in writing (8 copies) and only pertinent points presented orally. The time limit established for public comments is three minutes per speaker.

**ADDITIONS/DELETIONS:** Items of business may be added to the agenda upon a motion adopted by a minimum 2/3 vote finding that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the agenda being posted. Items may be deleted from the agenda upon request of staff or upon action of the Planning Commission.

**ADA COMPLIANCE:** If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans With Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Planning Department either in person or by telephone at (951) 667-7751, no later than 10:00 A.M. on the day preceding the scheduled meeting.

**POSTING STATEMENT:** On April 30, 2010, a true and correct copy of this agenda was posted at the three designated posting places: Wildomar City Hall, 23873 Clinton Keith Road; U. S. Post Office, 21392 Palomar Street; and the Mission Trail Library, 34303 Mission Trail.

**CITY OF WILDOMAR – PLANNING COMMISSION**  
**Agenda Item 4.1**  
**PUBLIC HEARING**  
**Meeting Date: May 5, 2010**

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**TO:** Chairman Devine, Members of the Planning Commission  
**FROM:** Alia Kanani, Planner  
**SUBJECT:** Hoover Ranch (08-0164)

**General Plan Amendment 801, Zone Change 6936 and Tentative Tract Map 31895** - The proposed project includes a General Plan Amendment (GPA 801) from Very Low Density Residential (VLDR) to Low Density Residential (LDR); Change of Zone (CZ 6936) from Rural Residential (R-R) and Watercourse, Watershed & Conservation Area (W-1) to One-Family Dwelling (R-1), Open Area Combining Zone Residential Developments (R-5) and Watercourse, Watershed & Conservation Area (W-1); and Tentative Tract Map 31895 for the subdivision of 30.02 gross acre lot into a 51 residential lots and 3 open space lots at southeast of Huckaby Lane and northeast of Rancho Mirlo Road, in the City of Wildomar, County of Riverside, California

APN: 380-160-016, 380-160-019, and 380-160-020

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**RECOMMENDATION:**

It is recommended that the Planning Commission continue the Hoover Ranch project off calendar pending preparation of an environmental impact report.

**BACKGROUND:**

The proposed project includes a General Plan Amendment (GPA 801) from Very Low Density Residential (VLDR) to Low Density Residential (LDR); a Change of Zone (CZ 6936) from Rural Residential (R-R) and Watercourse, Watershed & Conservation Area (W-1) to One-Family Dwelling (R-1), Open Area Combining Zone Residential Developments (R-5) and Watercourse, Watershed & Conservation Area (W-1); and Tentative Tract Map 31895 for the subdivision of 30.02 gross acre lot into a 51-unit residential lots and open space community on the southeast of Huckaby Lane and northeast of Rancho Mirlo Road. The location of the project is shown in Attachment "Q".

This project was brought before the Planning Commission on March 17, 2010. At that meeting, staff presented the project and recommended that the Commission continue the public hearing to the May 5, 2010 meeting. The request for continuance allowed staff time to address comments and questions from the Commissioners and public

regarding the project. The applicant attended the meeting to listen to the various comments in preparation for the May 5<sup>th</sup> meeting. Comments and concerns received from the Commission and the public primarily centered on the Western Bypass Road, the change of zone, flooding and floodplain issues, environmental impacts, access to the project site from the Spirit Tract and trails.

The purpose of this staff report is to address the comments brought forth at the March 17<sup>th</sup> meeting and provide the Commission with supplemental information since the last meeting. The written communications received by the City after March 17<sup>th</sup> meeting are contained in Attachments "I" through "N." The correspondence that was previously provided to the Commission are contained in Attachments "B" through "H."

### **DISCUSSION:**

At the March 17, 2010 meeting, the members of the Planning Commission had questions on several aspects of the project. The additional information is provided below.

#### Development Density

The General Plan Land Use Designation for the project site is Very Low Density Residential (VLDR). The applicant is requesting an amendment of the General Plan Land Use map to Low Density Residential (LDR). According to the City of Wildomar General Plan, the Low Density Residential use designation allows the development of single-family detached residences in the densities of one to two units per acre. The proposed zoning designations are shown in Attachment S.

The proposed change of zone is from Rural Residential (R-R) and Watercourse, Watershed & Conservation Area (W-1) to One-Family Dwelling Zone (R-1), Open Area Combining Zone Residential Developments (R-5), and Watercourse, Watershed & Conservation Area (W-1). The R-1 portion of the site is the area proposed for future residential development. The minimum lot size in the R-1 zone is 7,200 square feet. The lots for the proposed project will range in size from 7,342 square feet to 18,535 square feet with an average lot size of 9,545 square feet. There will be approximately 51 residential lots on an approximate 30-acre site.

The sensitive habitat areas around the clusters of native oak trees and riparian forest adjacent to Murrieta Creek (Lot 52, Lot 53 and Lot A) will be designated R-5 and W-1. These zoning designations will insure the protection of these sensitive habitat and open space areas on the project site.

Staff used a clustering approach to determine the allowable units in order to minimize impacts to the floodplain and protect the existing oak trees. The LDR land use designation allows the development of single-family detached residences with density of between, two and one dwelling units per acre. Given the project site is approximately 30 acres, the overall maximum number of units allowed at two units is 60 units per the LDR land use designation. The applicant is proposing 51 units, which is less than the maximum allowable units. The R-1 zoning designation permits the developer to retain

the proposed density under the LDR land use designation while at the same time preserving the oak trees and habitat areas within the floodway and floodplain areas. The total number of lots is consistent with the overall density contained within the General Plan land use designation of LDR and is consistent with the existing development west of the site and the approved (but as yet unbuilt) tract on the east side of Murrieta Creek.

### Western Bypass

At the hearing, Commissioner Dykstra discussed the previously proposed Western Bypass which was planned to connect the City of Temecula to the Ortega Highway in the City of Lake Elsinore via Murrieta and Grand Avenue and inquired how the project might impact the Western Bypass. During the hearing Planning Director Hogan responded that the City of Murrieta did not continue the Western Bypass Road and consequently there are no plans to continue the western bypass in the City of Wildomar.

According to the City of Murrieta Circulation Element, the Western Bypass Road does not continue northward into the City of Murrieta. At Cherry Street and Diaz Road the bypass heads east and then stops at Diaz Road. The Western Bypass does not continue through the City of Murrieta and does not connect to the City of Wildomar. The City of Murrieta Circulation Element map is included as Attachment A and shows the location of the Western Bypass. Consequently, the Hoover Ranch project will not affect the Western Bypass Road.

### Flooding and Floodplain Issues

The existing site drainage is generally southeast into Murrieta Creek. A portion of the proposed project site lies within the 100 year floodplain of Murrieta Creek. The project has been designed so that all offsite flows entering the site will be collected and conveyed by underground storm drains across the site. Onsite flows will be conveyed by the proposed curb and gutter system to bioswales via reverse parkway drains. The project will be required to install an 18-inch downdrain at the north property line; install a double 48-inch barrel culvert within the open space parcel and install a 24-inch culvert from the 2.2 acre park area into Murrieta Creek in accordance with the design requirements defined in the Preliminary Drainage Study.

At the Planning Commission meeting, the Commission and the public expressed concern for the project's impact on the floodplain and potential flooding of Murrieta Creek. Several comment letters were submitted to the City regarding the floodplain and flooding impacts of the project (Attachments "J" and "N"), including two letters from Riverside County Flood Control and Water Conservation District (Attachments "B" and "K") during the project review phase and the public comment period for the Mitigated Negative Declaration. Both letters had similar requests to include specific conditions on the project from Riverside County Flood Control and Water Conservation District (District). The comment letters were reviewed by the Engineering Department and requested conditions from the District have been included for the project.

According to the Supervising Engineer, Jon Crawford, standard development review practices include review of the conceptual project and the potential effects on the flood flows and floodplain. During the preliminary review process, the Supervising Engineer

evaluated the capacity of the proposed channel to verify the flood flows predicted by the District can be handled within the capacity of the proposed channel. This analysis included the affects of any increases in upstream water elevations as a result of the flows passing though the project site. The results of this analysis concluded that the proposed channel has the capacity to handle the anticipated flood flows and that any increases in upstream water levels would be limited to just a few inches immediately above the project site. Prior to approval of grading and improvement plans, the project will be required to conduct a detailed hydrologic analysis to verify that the proposed flood control channel as designed will meet all the standards of the Riverside County Flood Control and Water Conservation District and the City.

#### Access to Project Site from the Spirit Tract

The project was originally brought forth to several hearings before the Riverside County Planning Commission prior to incorporation. At that time the neighbors in the adjacent tract located in the City of Murrieta voiced their opposition to the project. The neighbors were concerned that residents traveling to and from the proposed subdivision (Hoover Ranch) would drive through their neighborhood (known as the Spirit Tract) via Huckaby Lane and Jerome Lane. Staff received several letters from the residents in the Spirit Tract regarding access and requesting barriers be installed at Huckaby Lane and Jerome Lane. Copies of the letters are included in Attachment "D" and "L". At the Planning Commission meeting on March 17<sup>th</sup>, Rachel Jacobs, a resident of the Spirit Tract, also spoke to the Commission about access to the project site from the Spirit Tract including Jerome Lane and Huckby Lane (Attachment "H").

The closure of these two streets is included as part of the project. Conditions of approval on the project include that no access to or from the project site can be taken from the Huckaby Lane and Jerome Lane (in the City of Murrieta). The developer will be required to install walls between the residents of the Sprit Tract and residents of Wildomar as shown on the Tentative Tract Map. Also, included with this staff report is a letter from the City of Murrieta (Attachment "C"). The City of Murrieta stated that they are not opposed to the project and requested conditions be added to project to prevent access to Jerome Lane and Huckby Lane and an agreement be signed with the Murrieta Community Services District for the secondary access through Copper Canyon Park. Both items are incorporated into the project.

#### Regional Trail

At the Planning Commission meeting, several Commissioners and the public expressed a desire for regional trail connection along the project site. The approved County of Riverside Trails map dated May 27, 2009, do not clearly cover the site of the Hoover Ranch project. Staff hopes to have additional information at the meeting regarding regional trail connections. However staff has researched potential trail connections from the City of Murrieta to indentify where the regional trail for Murrieta Creek could connect in the City of Wildomar. The two trails within the City of Murrieta that could relate to the Hoover Ranch project are discussed below.

In the City of Murrieta the Sycamore Ranch Trail extends from Calle del Oso Oro on the east side of Murrieta Creek northward to the City limits (near the southern portion of the project site). The Sycamore Ranch Trail is a multi-purpose trail adopted by the City of Murrieta on January 21, 2003. Within the City of Wildoamr on the eastside of Murrieta Creek an adjacent subdivision, Tract 31896, is conditioned to provide for a community trail within the 15-foot flood control maintenance road to connect to the Sycamore Ranch Trail (by Condition 50.Planning.10 as approved on January 9, 2007 and adopted on March 20, 2007). The City Council's Ad Hoc Trail Committee is currently examining the approved citywide trail network. This process would be completed prior to the release of the future environmental impact report for public review.

Another trail, the Copper Canyon Trail, is a multi-purpose trail on the western side of the project site and connects Calle del Oso Oro to Copper Canyon Park. According to the City of Murrieta Parks, Recreation and Open Space Master Plan Update, both the Copper Canyon Trail and the Sycamore Ranch Trial are shown as potential linkages to Multi-Purpose and Regional County Trial system. Attachment "O" shows the City of Murrieta Proposed Multi-Use Trails System Map.

#### Mitigated Negative Declaration

The Planning Department prepared and circulated an Initial Study for the Mitigated Negative Declaration (EA 31895) for Planning Application (08-0164). The document was available for review from February 13, 2010 to March 15, 2010. The City received a letter from the California State Clearinghouse (SCH) dated March 18, 2010 that indicated no comment letters from state agencies were received at the SCH by the end of the comment period (Attachment I). Staff however received several letters regarding the Mitigated Negative Declaration (MND) prior to and after the March 17<sup>th</sup> Planning Commission meeting. Attachments "E", "F", "G" and "M" include various letters regarding the MND. At the March 17<sup>th</sup> meeting additional concerns on the MND were expressed by both the public and the Commission. Staff has determined that as a result of these concerns regarding the MND and increasing public controversy, an environmental impact report (EIR) will be prepared for the project. A scoping meeting for the EIR and community outreach meeting is expected to be scheduled for later in the month of May.

#### **STAFF RECOMMENDATION:**

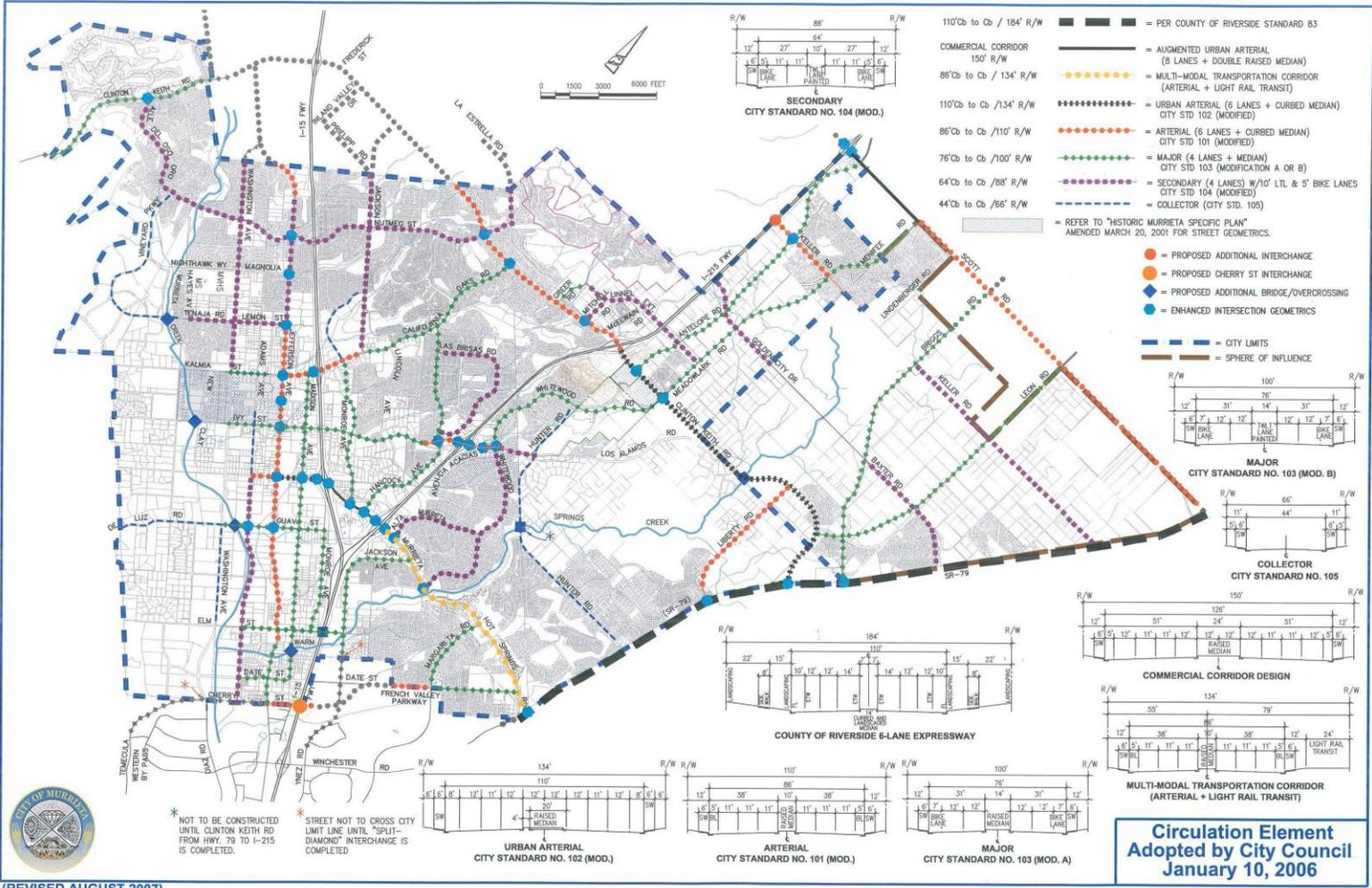
Staff recommends that the Planning Commission take any additional public testimony during the public hearing and continue the public hearing for the Hoover Ranch project (08-0164) off calendar pending preparation of an Environmental Impact Report.

**ATTACHMENTS:**

- A. City of Murrieta Circulation Map
- B. Riverside County Flood Control and Water Conservation District Letter – Dated 12/29/2009
- C. City of Murrieta Letter – Dated 1/13/2010
- D. Heidi Shimono Letter/Petition – Dated 3/10/2010
- E. Johnson and Sedlack Letter – Dated 3/16/2010
- F. Martha Bridges Email Letter – Dated 3/17/2010
- G. Sierra Club Letter - Dated 3/17/2010
- H. Rachel Jacobs Letter - Dated 3/17/2010
- I. California State Clearinghouse Letter – Dated 3/18/2010
- J. George Knapp Letter – Dated 3/24/2010
- K. Riverside County Flood Control and Water Conservation District Letter – Dated 4/6/2010
- L. Heidi Shimono Letter – Dated 4/6/2010
- M. Del Ross Letter – Dated 4/8/2010
- N. Planning Commissioner Gary Andre Letter – Dated 4/18/2010
- O. City of Murrieta – Proposed Multi-Use Trails System Map
- P. Planning Commission Staff Report – Dated March 17, 2010
- Q. Location Map
- R. General Plan Amendment Exhibit
- S. Change of Zone Exhibit
- T. Tentative Tract Map

# ATTACHMENT A

# City of Murrieta Circulation Map



(REVISED AUGUST 2007)

# ATTACHMENT B



## RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

December 29, 2009

Ms. Alia Kanani  
City of Wildomar  
Planning Department  
23873 Clinton Keith Road, Suite 201  
Wildomar, CA 92595

Dear Ms. Kanani:

Re: Project Number: 08-0164  
PA08-0164  
TR31895, CZ06936, and GPA00801

The District does not normally recommend conditions for land divisions or other land use cases in incorporated Cities. The District also does not plan check City land use cases or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

The District has not reviewed the proposed project in detail and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety or any other such issue:

1. This project proposes facilities that are to be maintained by the District, namely the slope revetment shown in tentative map exhibit TR31895 Amended No. 8. The tentative map exhibit shows that the construction (and future District maintenance) of the slope revetment can be accomplished without disturbing the jurisdictional area delineated for Murrieta Creek. This concept shall be executed as proposed.

If the City or the applicant requests the District to accept/maintain the slope revetment mentioned above in the proposed project, the Murrieta Creek design shall include the following minimum elements unless approved by the General Manager-Chief Engineer.

- All bank protection works shall be designed to District standards and all drawings prepared to District standard specifications.
- The conveyance area between the improved banks shall be dedicated in fee to the Flood Control District.
- If conservation easements or other constraints/encumbrances are placed on the wash area between the banks, the improvement plans shall depict the overlapping limits of the maintenance and conservation areas in plan form and in cross-section.
- An access road to District standards (15' minimum drivable) shall be provided on each side of the creek. Access roads shall be placed at the top of the proposed revetted slopes. Ramps shall be provided for the District to access the toes of the revetted

Ms. Alai Kanani  
City of Wildomar

-2-

December 29, 2009

Re: Project Number: 08-0164  
PA08-0164  
TR31895, CZ06936, and GPA00801

slopes. A total of four (4) ramps (two on each bank) are anticipated. (The access roads along the creek may be utilized as a joint use trail and access road as long as all of the District's criteria are met and an appropriate public agency indemnifies the District for the recreational use).

Facilities must be constructed to District standards and District plan check and inspection will be required for District acceptance. Plan check, inspection and administrative fees will be required.

2. The District is a signatory to the Western Riverside County Municipal Species Habitat Conservation Plan (MSHCP). If it is anticipated that the City requests that the District own, operate and maintain the proposed slope revetment in the project, the applicant will need to demonstrate that all construction related activities within the District right-of-way or easement are consistent with the MSHCP. To accomplish this, the CEQA document should include a MSHCP consistency report with all of its supporting documents and provide adequate mitigation in accordance with all applicable MSHCP requirements. The MSHCP consistency report should address, at a minimum, Sections 3.2, 3.2.1, 6.1.2, 6.1.3, 6.1.4, 6.3.2, 7.5.3 and Appendix C of the MSHCP.
3. This project involves a Federal Emergency Management Agency (FEMA) mapped floodway and floodplain, any impacts made to the floodway/floodplain will need to be reviewed by the City and the District's Floodplain Management Section. It is the City's responsibility to require the applicant to provide all studies, calculations, plans and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) in accordance with Section 60.3 (d) (4) of the National Flood Insurance Program (NFIP) regulations prior to final approval of the project, and a Letter of Map Revision (LOMR) immediately after completion of the project.
4. The site is within the 100-year Zone A floodplain limits as delineated on Panel No. 060245-2730 of the Flood Insurance Rate Maps issued in conjunction with the NFIP administered by FEMA. The developer will be required to obtain a CLOMR from FEMA prior to issuance of grading permits or recordation of the final map and shall obtain a LOMR prior to final building inspection for lots impacted by the floodplain.
5. This project is located within the limits of the Murrieta Valley sub-watershed of the District's Murrieta Creek Area Drainage Plan, for which drainage fees have been adopted; applicable fees should be paid by cashier's check or money order only to the Flood Control District or City prior to issuance of grading permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.

Ms. Alai Kanani  
City of Wildomar

-3-

December 29, 2009

Re: Project Number: 08-0164  
PA08-0164  
TR31895, CZ06936, and GPA00801

6. The City of Wildomar is a co-permittee under the Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit for the Santa Margarita River (SMR) Watershed adopted by San Diego Regional Water Quality Control Board. This permit requires development of a project specific Water Quality Management Plan (WQMP) for certain categories of new development and significant redevelopment projects, including housing subdivisions of 10 or more dwelling units, to implement site, source and treatment control best management practices (BMPs). The BMPs are intended to minimize the discharge of pollutants in stormwater and to prevent non-stormwater discharges to the MS4. A copy of the adopted order is available at [www.swrcb.ca.gov/rwqcb9/](http://www.swrcb.ca.gov/rwqcb9/). A copy of the WQMP guidance document (Appendix O to the Drainage Area Management Plan) is available at <http://www.floodcontrol.co.riverside.ca.us/districtsite/default.asp>.

### **GENERAL INFORMATION**

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain all applicable Federal, State and local regulatory permits. These regulatory permits include, but are not limited to: a Section 404 Permit issued by the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act; a California State Department of Fish and Game Streambed Alteration Agreement in compliance with the Fish and Game Code Section 1600 et seq.; and a 401 Water Quality Certification or a Report of Waste Discharge Requirements in compliance with Section 401 of the Clean Water Act or State Porter-Cologne Water Quality Act, respectively, from the appropriate Regional Water Quality Control Board. The applicant shall also be responsible for complying with all mitigation measures as required under CEQA and all Federal, State, and local environmental rules and regulations.

Very truly yours,



EDWIN QUINONEZ  
Senior Civil Engineer

ec: TLMA

Attn: Kathleen Browne

JRJ:EQ:blj

# ATTACHMENT C



## CITY OF MURRIETA

January 13, 2010

City of Wildomar  
23873 Clinton Keith Road,  
Suite 201  
Wildomar, CA 92595  
Attn: Alia Kanani,  
Project Planner

**Subject: Tentative Tract Maps 31895, Amended No. 8**

Dear Ms. Kanani:

Prior to incorporation by the City of Wildomar, the City of Murrieta commented on this proposed subdivision to the Riverside County Planning Department and Planning Commission. The City of Murrieta is not opposed to the project, and our concerns over impacts to the adjacent and existing Copper Canyon subdivision (TR23879) have been addressed with the redesign of Tentative Tract Map 31895, Amended No. 8. Traffic is no longer being allowed access to Huckaby Lane and Jerome Lane in the existing subdivision, which was our concern.

The City of Murrieta entered into a Memorandum of Understanding (MOU) with the Hoover Ranch developer prior to project submittal to Riverside County. The MOU allows the proposed subdivision secondary access through Copper Canyon Park, provided the developer negotiates an easement with the Murrieta Community Services District (CSD). This secondary access would be gated, and for emergencies only. We are requesting that the City of Wildomar include a condition of approval that requires the developer to enter into an agreement with the CSD for this easement and, if necessary, obtain appropriate permits from the City of Murrieta to construct the access.

Please contact Greg Smith in the Community Development Department at (951)461-6414 or email [gsmith@murrieta.org](mailto:gsmith@murrieta.org) for questions or comments.

Sincerely,

Cynthia Kinser,  
City Planner

CC: Jim Holston, Assistant City Manager  
Mary Lanier, Community Development Director

# ATTACHMENT D

37238 Huckaby Ln.  
Murrieta, CA 92562

RECEIVED

MAR 10 2010

CITY OF WILDOMAR

March 9, 2010

David Hogan, A.I.C.P.  
23873 Clinton Keith Road  
Suite 201  
Wildomar, CA 92595

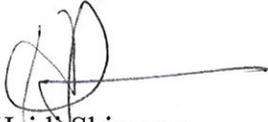
**In Reference to Project Number E.A. 39433**

Dear Mr. Hogan,

I would like it to be noted that in this proposed project, E.A. 39433, there is a plan to make a permanent barrier between the end of Huckaby Lane, located within Murrieta city limits, and Rancho Mirlo Road, which has yet to be paved.

I want to remind to planners that the residents of the Spirit Tract, which is the neighborhood encompassing Huckaby Lane, have overwhelmingly petitioned for the end of Huckaby Lane to remain barricaded from Rancho Mirlo Road. This was petitioned for and passed two to three years ago now, and I just want to make it clear that the residents of this tract still feel very strongly that Huckaby Lane should remain separated by a permanent barrier from Rancho Mirlo Road.

Sincerely,



Heidi Shimono  
37238 Huckaby Ln.  
Murrieta, CA 92562

Cynthia Lazaris 23382 Shooting Star Dr. Murrieta  
Kystal Brown 37280 Huckaby Ln Murrieta Ca 92562  
DAVE CHRISTENSEN 37232 FLORAL CREEK RINCLE, MURRIETA, CA 92562  
Eddie Ceena 37263 Huckaby Ln., Murrieta, CA 92562  
Lorna Yting 37251 Huckaby Ln. Murrieta CA 92562  
William Yu 23382 SHOOTING STAR LN MURRIETA CA 92562  
Dimitri Lazaris 23382 Shooting Star Ln Murrieta CA 92562

Louise Payse 37148 Santa Rosa Glen Murrieta Ca 92562

Brian & Constance Youens 23341 Red Willow Way " " "

~~David Payse~~ 37148 Santa Rosa Glen Drive Murrieta, CA 92562

Kenneth Sheirano 37238 Huckaby Lane, Murrieta, CA 92562

Axel A. Christman 37232 Floral Creek, Murrieta CA 92562

# ATTACHMENT E

**Johnson & Sedlack**  
ATTORNEYS at LAW

Raymond W. Johnson, Esq. AICP  
Carl T. Sedlack, Esq., *Retired*  
Abigail A. Broedling, Esq.  
Veera K. Tyagi, Esq.

26785 Camino Seco, Temecula CA 92590  
www.johnson-sedlack.com

*E-mail:* EsqAICP@Wildblue.net

Abby.JSLaw@Gmail.com  
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*Facsimile:* 951-506-9725

March 15, 2010

Dave Hogan  
City of Wildomar  
Via E-Mail

**RECEIVED**

**MAR 16 2010**

**CITY OF WILDOMAR**

RE: NOI Project # 08-0164

Dear Mr. Hogan:

I am submitting the attached comments on behalf of the Elsinore Murrieta Resource Conservation District, URGE, an unincorporated association and Nancy Backstrand, a nearby resident.

The Initial Study and supporting documents indicate that there is a fair argument that the Project will result in a potentially significant impact on the environment and an EIR must be prepared. There is a fair argument that the project will result in significant impacts to traffic, air quality, noise, biological resources, liquefaction, public safety, flooding, water quality as well as cumulative impacts.

The Initial Study and associated documents improperly defer analysis and mitigation of potential impacts until after project approval and the mitigation measures adopted are uncertain and unenforceable. Additionally, the Project as described in the Initial Study differs substantially from the project description in associated studies.

Historical Perspective:

In the 1980's the Riverside County Flood Control District proposed the channelization of Murrieta Creek. After years of opposition, primarily by URGE, the US Army Corps of Engineers held a public hearing on the 404 permit requested by RCFCWCD. At that hearing, hundreds of people were heard and as a result, the USACOE denied the 404 permit of the RCFCWCD because URGE had presented an environmentally superior alternative. After the denial of the permit, the RCFCWCD adopted the URGE proposal for Murrieta Creek. An integral part of the proposal was maintaining a substantial wildlife corridor within Murrieta Creek. The area north of Lemon St. (Tenaja Rd.) was to be retained in its natural state without channelization. In establishing the General Plan for the City of Murrieta, they adopted policies that prohibited the undergrounding of storm drainage unless it was technically infeasible to utilize above ground natural flows.

This Project undermines twenty years of work on preserving Murrieta Creek and the essential wildlife linkages connecting the Santa Ana mountains and the San Jacinto

Mountains through the Murrieta Creek-Warm Springs Creek with connections from Cole Canyon and Slaughterhouse Creek.

#### Agricultural Resources:

The project will eliminate farmland of Local Significance. The IS merely makes the conclusory statement that there will be no significant impact without any data to support that position. Agriculture is the largest industry in the County. The IS fails to consider the cumulative impact of the loss of farmland. This is a potentially significant impact that must be evaluated in an EIR.

#### Air Quality:

The air quality analysis is deeply flawed. Several years ago the SCAQMD stated that the screening tables in Chapter 6 of the CEQA Air Quality Manual were not to be used because the tables were unreliable. The analysis in the URBEMIS analysis was also deeply flawed. Without mitigation, the impacts from NOx were significant. With mitigation, the NOx impacts were lowered to just below the level of significance. The analysis relies upon slight of hand to achieve these results. The results relied upon extending the grading period to 60 working days yet the IS limits the grading to 90 calendar days. With this shortened work schedule the threshold of significance is exceeded. Additionally, the URBEMIS analysis is based upon a maximum work day of six hours while the IS only limits construction to 12 hours per day. Additionally, the URBEMIS analysis only applied mitigation to on-site diesel construction equipment yet the analysis reduced the on-road emissions by 24% in spite of not requiring any mitigation to do so. When the on-road haul of fill dirt is fully included the NOx emissions exceed the thresholds of significance. Additionally, the URBEMIS analysis does not consider the emissions from the import of the hundreds of truckloads of rip rap to be installed to armor Murrieta Creek. The analysis also does not consider the fact that the geotechnical report requires the over excavation of the existing dirt on the site, requiring that from 5-14 feet of dirt be removed from the site replaced and compacted in addition to the 92,000 cubic yards of fill to be imported. This over excavation will require the cut of an additional 306,533 cubic yards and the fill of an additional 306,533 cubic yards. Additionally, the URBEMIS analysis only considers the disturbance of 19 acres while the area to be disturbed is actually 21 acres, an additional 10.5%. Because of all of these factors, the Project will exceed the construction thresholds of significance for criteria pollutants and thus an EIR must be prepared.

#### Biological Resources:

The IS failed to consider the critical importance of the wildlife corridor within Murrieta Creek. Plans call for a large undisturbed wildlife corridor within Murrieta Creek, outside the water carrying portion of the channel. This wildlife corridor is one of the only remaining wildlife corridors connecting the Santa Ana mountains with the San Jacinto mountains. This corridor is critical to providing genetic diversity for all wildlife in the Santa Ana mountains. There are two connections to the Santa Ana mountains, Cole Creek and Slaughterhouse Creek. Part of the connection to the San Jacinto mountains is via the antelope hills which is accessed by line H, just upstream from the project. The Project would eliminate this possible connection. The Proposed project would eliminate the use of Slaughterhouse creek as a corridor. The EMARCD owns property just upstream of the

Project on Slaughterhouse Creek. This property is being held as mitigation land. The EMARCD property is known to harbor mountain lions as well as other protected species. Nancy Backstrand, long time local resident has observed the use of the property and creek by numerous protected species including badgers, mountain lions and other protected species. The IS does not evaluate the impact on wildlife corridors, it merely incorrectly states that there are no wildlife corridors. The mitigation measures provided are uncertain and unenforceable.

#### Geological impacts:

The IS ignores the potential impacts from liquefaction. The IS does not adopt the specific mitigation measures contained in the geotechnical study and specifically provides that mitigation measures may be altered as a result of revised geological studies.

#### Water Quality:

The IS relies upon a supposed water quality management plan to mitigate potential water quality impacts. The WQMP unfortunately is an incomplete document that does not provide specific mitigation requirements. The analysis and mitigation are thus improperly deferred. The initial study notes that groundwater in the area lies between 5 and fourteen feet below the surface and thus groundwater will not be intercepted by grading activities. This is not true. The geotechnical study requires that 5-15 feet of soil be removed from the site and recompacted. The excavation will thus reach the water table. The WQMP does claim to rely upon measures such as the use of pervious paving materials which are not required by the IS. The IS notes that the project will not result in increased flood levels downstream from the Project yet it ignores the fact that the Project will increase flood levels by over two feet upstream of the project. The analysis also does not consider the fact that the velocity project flows in the floodway fringe will be increased to a highly erosive velocity.

#### Land Use:

The analysis does not evaluate the impact of the change in zoning, changing the minimum lot size from five acres to .16 acres.

#### Noise:

The IS does not evaluate the impact of project construction on nearby residences. Noise from construction equipment will exceed 90 dBA at adjacent properties. The mitigation measure provided requires that noise be reduced below levels that would cause permanent hearing loss. This is not the proper threshold of significance for noise impacts. State standards are clearly exceeded and restricting construction to daylight hours does not reduce significant impacts, it merely prevents the really loud noises from happening during night time hours. The impacts are still significant during the daytime hours. Compliance with County Ordinance requirements is irrelevant since they do not apply within the City of Wildomar. They additionally do not reduce noise levels, they merely reduce potential legal liability for noise exceedances during specified periods of the day.

#### Traffic:

The traffic study does not consider the impact of the project on already overcrowded Clinton Keith Road or the interchanges of I-15 and Clinton Keith Road which are currently operating at unacceptable levels of significance.

Fire Safety:

The project is located in a high fire area yet the cul-de-sac length exceeds the maximum cul-de-sac length. Additionally, during flooding events, the properties will be totally cut off.

Global Climate Change:

There is no discussion of the impact of the project cumulatively on Global Climate Change.

Cumulative Impacts:

There is no discussion of the cumulative impacts of the project when combined with other past and future projects in the project vicinity.

Uncertain mitigation:

Proposed mitigation is uncertain and unenforceable. In many instances mitigation is limited to the payment of DIF fees. There is no indication that there is an existing DIF program and that the funds within the DIF program will be adequate to actually construct necessary improvements.

Because of these problems, an EIR must be prepared.

Sincerely,

Johnson & Sedlack

A handwritten signature in black ink, appearing to read "Raymond W. Johnson". The signature is fluid and cursive, with a long horizontal stroke at the end.

By:  
Raymond W. Johnson, Esq. AICP  
Attorneys for Petitioner

**RAYMOND W. JOHNSON, Esq. AICP**  
**26785 Camino Seco**  
**Temecula, CA 92590**  
**(951) 506-9925**  
**(951) 506-9725 Fax**  
**(951) 775-1912 Cellular**

**Johnson & Sedlack**, an Environmental Law firm representing plaintiff environmental groups in environmental law litigation, primarily CEQA.

**City Planning:**

Current Planning

- Two years principal planner, Lenexa, Kansas (consulting)
- Two and one half years principal planner, Lee's Summit, Missouri
- One year North Desert Regional Team, San Bernardino County
- Twenty-five years subdivision design: residential, commercial and industrial
- Twenty-five years as applicants representative in various jurisdictions in: Missouri, Texas, Florida, Georgia, Illinois, Wisconsin, Kansas and California
- Twelve years as applicants representative in the telecommunications field

General Plan

- Developed a policy oriented Comprehensive Plan for the City of Lenexa, Kansas.
- Updated Comprehensive Plan for the City of Lee's Summit, Missouri.
- Created innovative zoning ordinance for Lenexa, Kansas.
- Developed Draft Hillside Development Standards, San Bernardino County, CA.
- Developed Draft Grading Standards, San Bernardino County.
- Developed Draft Fiscal Impact Analysis, San Bernardino County

Environmental Analysis

- Two years, Environmental Team, San Bernardino County
  - Review and supervision of preparation of EIR's and joint EIR/EIS's
  - Preparation of Negative Declarations
  - Environmental review of proposed projects
- Eighteen years as an environmental consultant reviewing environmental documentation for plaintiffs in CEQA and NEPA litigation

**Representation:**

Raymond W. Johnson, Esq. AICP

- Represented various clients in litigation primarily in the fields of Environmental and Election law. Clients include:
  - Sierra Club
  - San Bernardino Valley Audubon Society
  - Sea & Sage Audubon Society
  - San Bernardino County Audubon Society
  - Center for Community Action and Environmental Justice
  - Endangered Habitats League
  - Rural Canyons Conservation Fund
  - California Native Plant Society
  - California Oak Foundation
  - Citizens for Responsible Growth in San Marcos
  - Union for a River Greenbelt Environment
  - Citizens to Enforce CEQA
  - Friends of Riverside's Hills
  - De Luz 2000
  - Save Walker Basin
  - Elsinore Murrieta Anza Resource Conservation District

**Education:**

- B. A. Economics and Political Science, Kansas State University 1970
- Masters of Community and Regional Planning, Kansas State University, 1974
- Additional graduate studies in Economics at the University of Missouri at Kansas City
- J.D. University of La Verne. 1997 Member, Law Review, Deans List, Class Valedictorian, Member Law Review, Published, Journal of Juvenile Law

**Professional Associations:**

- Member, American Planning Association
- Member, American Institute of Certified Planners
- Member, Association of Environmental Professionals

Raymond W. Johnson, Esq. AICP

**Johnson & Sedlack, Attorneys at Law**

26785 Camino Seco  
Temecula, CA 92590  
(951) 506-9925

12/97- Present

Principal in the environmental law firm of Johnson & Sedlack. Primary areas of practice are environmental and election law. Have provided representation to the Sierra Club, Audubon Society, AT&T Wireless, Endangered Habitats League, Center for Community Action and Environmental Justice, California Native Plant Society and numerous local environmental groups. Primary practice is writ of mandate under the California Environmental Quality Act.

**Planning-Environmental Solutions**

26785 Camino Seco  
Temecula, CA 92590  
(909) 506-9825

8/94- Present

Served as applicant's representative for planning issues to the telecommunications industry. Secured government entitlements for cell sites. Provided applicant's representative services to private developers of residential projects. Provided design services for private residential development projects. Provided project management of all technical consultants on private developments including traffic, geotechnical, survey, engineering, environmental, hydrogeological, hydrologic, landscape architectural, golf course design and fire consultants.

**San Bernardino County Planning Department**

Environmental Team  
385 N. Arrowhead  
San Bernardino, CA 92415  
(909) 387-4099

6/91-8/94

Responsible for coordination of production of EIR's and joint EIR/EIS's for numerous projects in the county. Prepared environmental documents for numerous projects within the county. Prepared environmental determinations and environmental review for projects within the county.

**San Bernardino County Planning Department**

General Plan Team  
385 N. Arrowhead  
San Bernardino, CA 92415  
(909) 387-4099

6/91-6/92

Created draft grading ordinance, hillside development standards, water efficient landscaping ordinance, multi-family development standards, revised planned development section and fiscal impact analysis. Completed land use plans and general plan amendment for approximately 250 square miles. Prepared proposal for specific plan for the Oak Hills community.

Raymond W. Johnson, Esq. AICP

**San Bernardino County Planning Department**

North Desert Regional Planning Team  
15505 Civic  
Victorville, CA  
(619) 243-8245

6/90-6/91

Worked on regional team. Reviewed general plan amendments, tentative tracts, parcel maps and conditional use permits. Prepared CEQA documents for projects.

**Broadmoor Associates/Johnson Consulting**

229 NW Blue Parkway  
Lee's Summit, MO 64063  
(816) 525-6640

2/86-6/90

Sold and leased commercial and industrial properties. Designed and developed an executive office park and an industrial park in Lee's Summit, Mo. Designed two additional industrial parks and residential subdivisions. Prepared study to determine target industries for the industrial parks. Prepared applications for tax increment financing district and grants under Economic Development Action Grant program. Prepared input/output analysis of proposed race track. Provided conceptual design of 800 acre mixed use development.

**Shepherd Realty Co.**

Lee's Summit, MO

6/84-2-86

Sold and leased commercial and industrial properties. Performed investment analysis on properties. Provided planning consulting in subdivision design and rezoning.

**Contemporary Concepts Inc.**

Lee's Summit, MO  
Owner

9/78-5/84

Designed and developed residential subdivision in Lee's Summit, Mo. Supervised all construction trades involved in the development process and the building of homes.

**Environmental Design Association**

Lee's Summit, Mo.  
Project Coordinator

6/77-9/78

Was responsible for site design and preliminary building design for retirement villages in Missouri, Texas and Florida. Was responsible for preparing feasibility studies of possible conversion projects. Was in charge of working with local governments on zoning issues and any problems that might arise with projects. Coordinated work of local architects on projects. Worked with marketing staff regarding design changes needed or contemplated.

Raymond W. Johnson, Esq. AICP

**City of Lee's Summit, MO**

220 SW Main

Lee's Summit, MO 64063

Community Development Director

4/75-6/77

Supervised Community Development Dept. staff. Responsible for preparation of departmental budget and C.D.B.G. budget. Administered Community Development Block Grant program. Developed initial Downtown redevelopment plan with funding from block grant funds. Served as a member of the Lee's Summit Economic Development Committee and provided staff support to them. Prepared study of available industrial sites within the City of Lee's Summit. In charge of all planning and zoning matters for the city including comprehensive plan.

**Howard Needles Tammen & Bergendoff**

9200 Ward Parkway

Kansas City, MO 64114

(816) 333-4800

Economist/Planner

5/73-4/75

Responsible for conducting economic and planning studies for Public and private sector clients. Consulting City Planner for Lenexa, KS.

Conducted environmental impact study on maintaining varying channel depth of the Columbia River including an input/output analysis. Environmental impact studies of dredging the Mississippi River. Worked on the Johnson County Industrial Airport industrial park master plan including a study on the demand for industrial land and the development of target industries based upon location analysis. Worked on various airport master plans. Developed policy oriented comprehensive plan for the City of Lenexa, KS. Developed innovative zoning ordinance heavily dependent upon performance standards for the City of Lenexa, KS.

# ATTACHMENT F

## Alia Kanani

---

**From:** Dave Hogan  
**Sent:** Thursday, March 18, 2010 8:58 AM  
**To:** 'James R. Bach'  
**Cc:** Alia Kanani  
**Subject:** FW: Murrieta Creek Agreement - Objections to Hoover Ranch Project  
**Attachments:** Murrieta Creek PCA between District and USACE (9-9-03).pdf; Murrieta Creek Coop Agreement with the Cities of Temecula and Murrieta.pdf; Environmental Assessment Form - Initial Study for Hoover Ranch Project.pdf

**Importance:** High

Here is the information that Martha Bridges provided to us.

---

**From:** MARTHA BRIDGES [mailto:martha.bridges@verizon.net]  
**Sent:** Wednesday, March 17, 2010 4:36 PM  
**To:** Dave Hogan  
**Cc:** Robert Devine; Scott Nowak; Harv Dykstra; Michael Kazmier; Gary Andre  
**Subject:** Murrieta Creek Agreement - Objections to Hoover Ranch Project  
**Importance:** High

City of Wildomar  
Planning Department  
23873 Clinton Keith Rd., Ste. 20  
Wildomar, CA 92595  
[Dhogan@cityofwildomar.org](mailto:Dhogan@cityofwildomar.org)

RE: Project # 08-0164, APN 380-160-016, 019, 020

Dear City of Wildomar Planning Commissioners and staff,

As a long time citizen of Wildomar, I am deeply concerned about many aspects of the Hoover Ranch Project, which is on the Planning Commission agenda for March 17, 2010.

I respectfully suggest that the commissioners, the city council and the public have not have adequate or accurate enough information on the substantial environmental impacts posed by this project, and that they are not sufficiently prepared to discuss it intelligently or vote on it at this time.

The proposed Mitigated Negative Declaration that has been submitted is incorrect, incomplete and the mitigation measures are woefully inadequate. The conditions of approval are similarly inadequate, unenforceable and unclear. I believe it would be prudent for the commissioners to carefully review the original County of Riverside **ENVIRONMENTAL ASSESSMENT FORM - INITIAL STUDY FOR HOOVER RANCH PROJECT**, and compare it with what the Wildomar Planning Department has submitted to them.

The Commissioners and the City Council members have not had access to numerous documents that may well influence their decisions, as well letters of objection to the project, which detail a clear necessity for a full EIR to be completed and submitted. I request that these materials be distributed to the commissioners and the council member, and that they have adequate time to consider the negative ramifications of the Hoover

Ranch Project to the Murrieta Creek's sensitive environment, and the City of Wildomar's legal obligations to adhere to the longstanding agreements that I am providing as attachments to this letter.

- **Murrieta Creek Coop Agreement with the Cities of Temecula and Murrieta.pdf**
- **Murrieta Creek PCA between District and USACE.pdf**

In addition to my concerns about the environmental impact of the Hoover Ranch Project, I need to express my opinion that the Wildomar Planning Department is taking a careless and often reckless approach to the use of Negative Declarations and Mitigated Negative Declarations that are presented to the commissioners with weak or negligible mitigation measures, rather than follow the CEQA guidelines which clearly call for an EIR for many of the projects under consideration.

In addition to taking a short term approach to development with the over use of Mitigated Negative Declarations that endangers Wildomar's environment, I also believe that your current pattern of using them will expose the city to costly and time consuming litigation, which Wildomar can ill afford to squander its meager financial resources on.

I request that you either reject this application or table it until a full EIR can be completed and submitted for further consideration along with other crucial and historic documents regarding the Murrieta Creek Flood Control documents.

Sincerely,

*Martha L. Bridges*

Martha L. Bridges  
35465 Woshka Lane  
Wildomar, CA 92595

951 678-7079  
951 526-6970

[martha.bridges@verizon.net](mailto:martha.bridges@verizon.net)

**"Never doubt that a small group of thoughtful, committed citizens can change the world; indeed it is the only thing that has,"** *Margaret Mead*

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This email message, and any files attached, are for the sole use of the intended recipient(s), and are confidential. The information is intended solely for use by the individual(s) or entity(ies) named as the recipient hereof, and is also covered by the electronic communications privacy act (18 USC Sections 2510-2521). Any unauthorized review, use, disclosure, copying or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email immediately and destroy copies of the original message.



202 B

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

**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
September 9, 2003

**SUBJECT:** Murrieta Creek Flood Control, Environmental Restoration and Recreation Project  
Project No. 7-8-0021

**RECOMMENDED MOTION:**

The Board approve the Project Cooperation Agreement between the District and the U.S. Army Corps of Engineers (Corps), which sets forth the terms and conditions by which the Corps will construct the Murrieta Creek Flood Control, Environmental Restoration and Recreation Project; and authorize the Chairman to execute the Agreement on behalf of the District.

**BACKGROUND:**

The Agreement is necessary to formalize the District's financial commitment toward the Corps' effort to design and construct the multifaceted project. Upon completion of construction, the District will operate and maintain the project. Construction of Phase One of the project, which will extend from the First Street Bridge in the city of Temecula to a point approximately 3,500 feet downstream, should begin next month. It is anticipated that the remaining three Phases, which progress upstream about seven miles to Tenaja Road in the city of Murrieta, will be constructed sequentially over the next three to five years.

Continued on page 2.

**WARREN D. WILLIAMS**  
General Manager-Chief Engineer

<b>FINANCIAL DATA</b>	Current F.Y. District Cost:	Not to exceed \$4,725,000	In Current Year Budget:	Yes
	Current F.Y. County Cost:	\$-0-	Budget Adjustment:	No
	Annual Net District Cost:	\$-0-	For Fiscal Year:	2003-2004

<b>SOURCE OF FUNDS:</b>	Sufficient funds are available in Zone 7 Sub Fund 25172 947520	Positions To Be Deleted Per A-30	<input type="checkbox"/>
		Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** **APPROVE**

**County Executive Office Signature**

**MINUTES OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT**

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

Ayes: Buster, Tavaglione, Venable, Wilson and Ashley  
Noes: None  
Absent: None  
Date: September 9, 2003  
xc: Flood, Co.Co., Auditor

Nancy Romero  
Clerk to the Board  
  
Deputy

Prev. Agn. Ref.: | District: 1<sup>st</sup> | Agenda Number: **114**

**ATTACHMENTS FILED WITH THE CLERK OF THE BOARD**

114

Dep't Recomm.:  Policy  
Per Exec. Ofc.:  Policy  
Consent:   
Consent:

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

**SUBJECT:** Murrieta Creek Flood Control, Environmental Restoration and Recreation Project  
**SUBMITTAL DATE:** September 9, 2003

**Page 2**

County Counsel has approved the Agreement as to legal form.

**FINANCIAL:**

The Corps is funding approximately 65% of the estimated \$90 million total cost of the entire project. Funding to cover the District's share will come from a combination of Zone 7 ad valorem revenues, applicable Area Drainage Plan revenues, funds allocated to the project by the Cities of Murrieta and Temecula and possible State grants. The District's share for Phase One of the project is included in the District's FY 2003-2004 budget for Zone 7.

PROJECT COOPERATION AGREEMENT  
BETWEEN  
THE DEPARTMENT OF THE ARMY  
AND  
RIVERSIDE COUNTY FLOOD CONTROL AND WATER  
CONSERVATION DISTRICT  
FOR CONSTRUCTION OF THE  
MURRIETA CREEK FLOOD CONTROL, ENVIRONMENTAL RESTORATION,  
AND RECREATION PROJECT

THIS AGREEMENT is entered into this 11th day of September, 2003, by and between the DEPARTMENT OF THE ARMY (hereinafter the "Government"), represented by the Assistant Secretary of the Army (Civil Works), and Riverside County Flood Control and Water Conservation District (hereinafter the "Non-Federal Sponsor, represented by the Chairman of the Riverside County Flood Control and Water Conservation District.

WITNESSETH, THAT:

WHEREAS, construction of the Murrieta Creek Flood Control, Environmental Restoration, and Recreation Project at within the cities of Murrieta and Temecula, Riverside County, California was authorized by the Energy and Water Development Appropriations Act of 2001 (Public Law 106-377), Section 103;

WHEREAS, the Government and the Non-Federal Sponsor desire to enter into a Project Cooperation Agreement for construction of the Murrieta Creek Flood Control, Environmental Restoration, and Recreation Project (hereinafter the "Project", as defined in Article I.A. of this Agreement);

WHEREAS, the Non-Federal Sponsor is authorized to administer land and water areas for recreational purposes, and to operate, maintain, and replace facilities provided for such purposes, and to enter into binding agreements for these purposes;

WHEREAS, Section 103 of the Water Resources Development Act of 1986, Public Law 99-662, as amended, specifies the cost-sharing requirements applicable to the Project;

WHEREAS, Section 221 of the Flood Control Act of 1970, Public Law 91-611, as amended, and Section 103 of the Water Resources Development Act of 1986, Public Law 99-662, as amended, provide that the Secretary of the Army shall not commence construction of any water resources project, or separable element thereof, until each non-Federal sponsor has entered into a written agreement to furnish its required cooperation for the project or separable element;

*and*

WHEREAS, the Non-Federal Sponsor does not qualify for a reduction of the maximum non-Federal cost share pursuant to the guidelines that implement Section 103(m) of the Water Resources Development Act of 1986, Public Law 99-662, as amended;

WHEREAS, Section 902 of Public Law 99-662 establishes the maximum amount of costs for the Murrieta Creek Flood Control, Environmental Restoration, and Recreation Project and sets forth procedures for adjusting such maximum amount; and

WHEREAS, the Government and Non-Federal Sponsor have the full authority and capability to perform as hereinafter set forth and intend to cooperate in cost-sharing and financing of the construction of the Project in accordance with the terms of this Agreement.

NOW, THEREFORE, the Government and the Non-Federal Sponsor agree as follows:

#### ARTICLE I -DEFINITIONS AND GENERAL PROVISIONS

For purposes of this Agreement:

A. The term "Project" shall mean construction of the flood control features, recreation features, and environmental features, as defined below in this Article, and as generally described in the Murrieta Creek Flood Control, Environmental Restoration, and Recreation Final Feasibility Report with Appendices I through IV dated, October 2000, and approved by South Pacific Division Commander on 11 October 2000.

B. The term "flood control features" shall mean the widening and deepening of Murrieta Creek from the U.S.G.S. streamgauge in the City of Temecula to Tenaja Road in the City of Murrieta, a flood control detention basin occupying approximately 270 acres on the eastern side of Murrieta Creek between Santa Gertrudis Channel to approximately 500 feet upstream of the confluence with Warm Springs Creek and bordering Adams Avenue, Cherry Street, and Jefferson Avenue and streambank protection features between Rancho California Road and First Street. The term also includes required mitigation features that will be identified during design and included in the plans and specifications for each construction phase of the Project.

C. The term "recreation features" shall mean the construction of a public park of approximately 49 acres in size within the easternmost portion of the detention basin (which will include a parking lot, a children's play area, shade structures, comfort station, barbecues, open space, walks, baseball and soccer fields, security lighting, and space for additional activities), a pedestrian/bicycle/equestrian bridges spanning Santa Gertrudis Creek and Murrieta Creek, bicycle and equestrian/hiking trails along the eastern and western sides, respectively, of Murrieta Creek from the U.S.G.S. streamgauge through the public park in the detention basin with appropriate undercrossing structures beneath the First Street, Main Street, Rancho California Road, Winchester Road, Guava Street, and Ivy Street bridges.

D. The term "environmental restoration features" shall mean the construction of low flow channels with natural backwaters, a transition of wetland habitats from freshwater marsh habitat to willow riparian woodland with an upland buffer of mulefat scrub and/or coastal sage scrub within a 163 acre site, along with a 13.7 acre sediment catchment area at the confluence of Murrieta and Warm Springs Creeks.

E. The term "total project costs" shall mean all costs incurred by the Non-Federal Sponsor and the Government in accordance with the terms of this Agreement directly related to construction of the Project. Subject to the provisions of this Agreement, the term shall include, but is not necessarily limited to: continuing planning and engineering costs incurred after October 1, 1985; advanced engineering and design costs; preconstruction engineering and design costs; engineering and design costs during construction; the costs of investigations to identify the existence and extent of hazardous substances in accordance with Article XV.A. of this Agreement; costs of historic preservation activities in accordance with Article XVIII.A. of this Agreement; actual construction costs, including the costs of alteration, lowering, raising, or replacement and attendant removal of existing railroad bridges and approaches thereto; supervision and administration costs; costs of participation in the Project Coordination Team in accordance with Article V of this Agreement; costs of contract dispute settlements or awards; the value of lands, easements, rights-of-way, relocations, and suitable borrow and dredged or excavated material disposal areas for which the Government affords credit in accordance with Article IV of this Agreement; and costs of audit in accordance with Article X of this Agreement. The term does not include any costs for operation, maintenance, repair, replacement, or rehabilitation; any costs due to betterments; or any costs of dispute resolution under Article VII of this Agreement

F. The term "total flood control costs" shall mean that portion of the total project costs that the Government assigns to the flood control features.

G. The term "total project recreation costs" shall mean that portion of the total project costs that the Government assigns to the recreation features, based upon the separable costs of such features. The Government shall also delineate that portion of total project recreation costs that result from recreation features constructed on flood control features lands.

H. The term "total project environmental restoration costs" shall mean that portion of the total project costs that the Government assigns to the environmental restoration features.

I. The term "financial obligation for construction" shall mean a financial obligation of the Government other than an obligation pertaining to the provision of lands, easements, rights-of-way, relocations, and borrow and dredged or excavated material disposal areas, that results or would result in a cost that is or would be included in total project costs.

J. The term "non-Federal proportionate share" shall mean the ratio of the Non-Federal Sponsor's total cash contribution required in accordance with Articles II.D.1. and

II.D.3. of this Agreement to total financial obligations for construction, as projected by the Government.

K. The term "period of construction" shall mean the time from the date the Government first notifies the Non-Federal Sponsor in writing, in accordance with Article VI.B. of this Agreement, of the scheduled date for issuance of the solicitation for the first construction contract to the date that the U.S. Army Engineer for the Los Angeles District (hereinafter the "District Engineer") notifies the Non-Federal Sponsor in writing of the Government's determination that construction of the Project is complete.

L. The term "highway" shall mean any public highway, roadway, street, or way, including any bridge thereof.

M. The term "relocation" shall mean providing a functionally equivalent facility to the owner of an existing utility, cemetery, highway or other public facility, or railroad (excluding existing railroad bridges and approaches thereto) when such action is authorized in accordance with applicable legal principles of just compensation or as otherwise provided in the authorizing legislation for the Project or any report referenced therein. Providing a functionally equivalent facility may take the form of alteration, lowering, raising, or replacement and attendant removal of the affected facility or part thereof.

N. The term "fiscal year" shall mean one fiscal year of the Government. The Government fiscal year begins on October 1 and ends on September 30.

O. The term "functional portion of the Project" shall mean a portion of the Project that is suitable for tender to the Non-Federal Sponsor to operate and maintain in advance of completion of the entire Project. For a portion of the Project to be suitable for tender, the District Engineer must notify the Non-Federal Sponsor in writing of the Government's determination that the portion of the Project is complete and can function independently and for a useful purpose, although the balance of the Project is not complete.

P. The term "betterment" shall mean a change in the design and construction of an element of the Project resulting from the application of standards that the Government determines exceed those that the Government would otherwise apply for accomplishing the design and construction of that element.

## ARTICLE II - OBLIGATIONS OF THE GOVERNMENT AND THE NON-FEDERAL SPONSOR

A. The Government, subject to receiving funds appropriated by the Congress of the United States (hereinafter, the "Congress") and using those funds and funds provided by the Non-Federal Sponsor, shall expeditiously construct the Project (including alteration, lowering, raising, or replacement and attendant removal of existing railroad bridges and approaches thereto), applying those procedures usually applied to Federal projects, pursuant to Federal laws, regulations, and policies.

1. The Government shall afford the Non-Federal Sponsor the opportunity to review and comment on the solicitations for all contracts, including relevant plans and specifications, prior to the Government's issuance of such solicitations. The Government shall not issue the solicitation for the first construction contract until the Non-Federal Sponsor has confirmed in writing its willingness to proceed with the Project. To the extent possible, the Government shall afford the Non-Federal Sponsor the opportunity to review and comment on all contract modifications, including change orders, prior to the issuance to the contractor of a Notice to Proceed. In any instance where providing the Non-Federal Sponsor with notification of a contract modification or change order is not possible prior to issuance of the Notice to Proceed, the Government shall provide such notification in writing at the earliest date possible. To the extent possible, the Government also shall afford the Non-Federal Sponsor the opportunity to review and comment on all contract claims prior to resolution thereof. The Government shall consider in good faith the comments of the Non-Federal Sponsor, but the contents of solicitations, award of contracts, execution of contract modifications, issuance of change orders, resolution of contract claims, and performance of all work on the Project (whether the work is performed under contract or by Government personnel), shall be exclusively within the control of the Government.

2. Throughout the period of construction, the District Engineer shall promptly furnish the Non-Federal Sponsor with a copy of the Government's Written Notice of Acceptance of Completed Work for each contract for the Project.

3. As of the effective date of this Agreement, \$ 2,942,000 of Federal funds have been provided for the Project. The Government makes no commitment to budget for additional Federal funds for the Project. Notwithstanding any other provision of this Agreement, the Government's financial participation in the Project is limited to this amount together with any additional funds that the Congress may appropriate for the Project. In the event that the Congress does not appropriate Federal funds for the Project sufficient to meet the Federal share of the costs of work on the Project in the then- current or upcoming fiscal year, the Government shall notify the Non-Federal Sponsor of the insufficiency of funds and the parties, within the Federal and non-Federal funds available for the Project, shall suspend construction or terminate this Agreement in accordance with Article XIV.B. of this Agreement. To provide for this eventuality, the Government may reserve a percentage of total Federal funds available for the Project and an equal percentage of the total funds contributed by the Non-Federal Sponsor in accordance with Articles II.D., IIE. and IIF. of this Agreement, as applicable, as a contingency to pay costs of termination, including any costs of resolution of contract claims and contract modifications.

B. The Non-Federal Sponsor may request the Government to accomplish betterments. Such requests shall be in writing and shall describe the betterments requested to be accomplished. If the Government in its sole discretion elects to accomplish the requested betterments or any portion thereof, it shall so notify the Non-Federal Sponsor in a writing that sets forth any applicable terms and conditions, which must be consistent with this Agreement. In the event of conflict between such a writing and this Agreement, this

Agreement shall control. The Non-Federal Sponsor shall be solely responsible for all costs due to the requested betterments and shall pay all such costs in accordance with Article VI.C. of this Agreement.

C. When the District Engineer determines that the entire Project is complete or that a portion of the Project has become a functional portion of the Project, the District Engineer shall so notify the Non-Federal Sponsor in writing and furnish the Non-Federal Sponsor with an Operation, Maintenance, Repair, Replacement, and Rehabilitation Manual (hereinafter the "OMRR&R Manual") and with copies of all of the Government's Written Notices of Acceptance of Completed Work for all contracts for the Project or the functional portion of the Project that have not been provided previously. Upon such notification, the Non-Federal Sponsor shall operate, maintain, repair, replace, and rehabilitate the entire Project or the functional portion of the Project in accordance with Article VIII of this Agreement.

D. The Non-Federal Sponsor shall contribute a minimum of 35 percent, but not to exceed 50 percent, of total flood control costs in accordance with the provisions of this paragraph.

1. The Non-Federal Sponsor shall provide a cash contribution equal to 5 percent of total flood control feature project costs in accordance with Article VI.B. of this Agreement.

2. In accordance with Article III of this Agreement, the Non-Federal Sponsor shall provide all lands, easements, rights-of-way, and suitable borrow and dredged or excavated material disposal areas that the Government determines the Non-Federal Sponsor must provide for the construction, operation, and maintenance of the Project, and shall perform or ensure performance of all relocations that the Government determines to be necessary for the construction, operation, and maintenance of the Project.

3. If the Government projects that the value of the Non-Federal Sponsor's contributions under paragraphs D.1. and D.2. of this Article and Articles V, X, and XV.A. of this Agreement will be less than 35 percent of total flood control costs, the Non-Federal Sponsor shall provide an additional cash contribution, in accordance with Article VI.B. of this Agreement, in the amount necessary to make the Non-Federal Sponsor's total contribution equal to 35 percent of total project costs.

4. If the Government determines that the value of the Non-Federal Sponsor's contributions provided under paragraphs D.2. and D.3. of this Article and Articles V, X, and XV.A. of this Agreement has exceeded 45 percent of total flood control project costs, the Government, subject to the availability of funds, shall reimburse the Non-Federal Sponsor for any such value in excess of 45 percent of total project costs. After such a determination, the Government, in its sole discretion, may provide any remaining Project lands, easements, rights-of-way, and suitable borrow and dredged or excavated material disposal areas and perform any remaining Project relocations on behalf of the Non-Federal Sponsor.

E. The Non-Federal Sponsor shall contribute 50 percent of total project recreation costs in accordance with the provisions of this paragraph.

1. In accordance with Article III of this Agreement, the Non-Federal Sponsor shall provide all lands, easements, rights-of-way, and suitable borrow and dredged or excavated material disposal areas that the Government determines the Non-Federal Sponsor must provide for the construction, operation, and maintenance of the recreation features, and shall perform or ensure performance of all relocations that the Government determines to be necessary for the construction, operation, and maintenance of the recreation features.

2. If the Government projects that the value of the Non-Federal Sponsor's contributions under paragraphs F.1. of this Article and Articles V, X, XV.A., XVIII.C., and XVIII.E. of this Agreement will be less than 50 percent of total project recreation costs, the Non-Federal Sponsor shall provide an additional cash contribution, in accordance with Article VI.B. of this Agreement, in the amount necessary to make the Non-Federal Sponsor's total contribution equal to 50 percent of total project recreation costs.

3. If the Government determines that the value of the Non-Federal Sponsor's contributions provided under paragraphs E.1. and E.2. of this Article and Articles V, X, XV.A., XVIII.C., and XVIII.E. of this Agreement has exceeded 50 percent of total project recreation costs, the Government, subject to the availability of funds, shall reimburse the Non-Federal Sponsor for any such value in excess of 50 percent of total project recreation costs. After such a determination, the Government, in its sole discretion, may provide any remaining recreation features lands, easements, rights-of-way, and suitable borrow and dredged or excavated material disposal areas and perform any remaining recreation features relocations on behalf of the Non-Federal Sponsor.

F. The Non-Federal Sponsor shall contribute a minimum of 35 percent of total project environmental restoration costs in accordance with the provisions of this paragraph.

1. In accordance with Article III of this Agreement, the Non-Federal Sponsor shall provide all lands, easements, rights-of-way, and suitable borrow and dredged or excavated material disposal areas that the Government determines the Non-Federal Sponsor must provide for the construction, operation, and maintenance of the environmental restoration features, and shall perform or ensure performance of all relocations that the Government determines to be necessary for the construction, operation, and maintenance of the environmental restoration features.

2. If the Government projects that the value of the Non-Federal Sponsor's contributions under paragraphs F.1. of this Article and Articles V, X, XV.A., XVIII.C., and XVIII.E. of this Agreement will be less than 35 percent of total project environmental restoration costs, the Non-Federal Sponsor shall provide an additional cash contribution, in accordance with Article VI.B. of this Agreement, in the amount

necessary to make the Non-Federal Sponsor's total contribution equal to 35 percent of total project environmental restoration costs.

3. If the Government determines that the value of the Non-Federal Sponsor's contributions provided under paragraphs F.1. and F.2. of this Article and Articles V, X, XV.A., XVIII.C., and XVIII.E. of this Agreement has exceeded 35 percent of total project environmental restoration costs, the Government, subject to the availability of funds, shall reimburse the Non-Federal Sponsor for any such value in excess of 35 percent of total project environmental restoration costs. After such a determination, the Government, in its sole discretion, may provide any remaining environmental restoration features lands, easements, rights-of-way, and suitable borrow and dredged or excavated material disposal areas and perform any remaining environmental restoration features relocations on behalf of the Non-Federal Sponsor.

G. The Non-Federal Sponsor may request the Government to provide lands, easements, rights-of-way, and suitable borrow and dredged or excavated material disposal areas or perform relocations on behalf of the Non-Federal Sponsor. Such requests shall be in writing and shall describe the services requested to be performed. If in its sole discretion the Government elects to perform the requested services or any portion thereof, it shall so notify the Non-Federal Sponsor in a writing that sets forth any applicable terms and conditions, which must be consistent with this Agreement. In the event of conflict between such a writing and this Agreement, this Agreement shall control. The Non-Federal Sponsor shall be solely responsible for all costs of the requested services and shall pay all such costs in accordance with Article VI.C. of this Agreement. Notwithstanding the provision of lands, easements, rights-of-way, and suitable borrow and dredged or excavated material disposal areas or performance of relocations by the Government, the Non-Federal Sponsor shall be responsible, as between the Government and the Non-Federal Sponsor, for the costs of cleanup and response in accordance with Article XV.C. of this Agreement.

H. The Government, in accordance with Federal Laws, regulations, and policies, shall assign all costs included or to be included in total project costs to either total flood control costs, total project recreation costs, or total project environmental restoration costs.

I. The Government shall perform a final accounting in accordance with Article VI.D. of this Agreement to determine the contributions provided by the Non-Federal Sponsor in accordance with paragraphs B., D., and E. of this Article and Articles V, X, and XV.A. of this Agreement and to determine whether the Non-Federal Sponsor has met its obligations under paragraphs B., D., and E. of this Article.

J. The Non-Federal Sponsor shall not use Federal funds to meet the Non-Federal Sponsor's share of total project costs under this Agreement unless the Federal granting agency verifies in writing that the expenditure of such funds is expressly authorized by statute.

K. The Non-Federal Sponsor agrees to participate in and comply with applicable Federal floodplain management and flood insurance programs.

L. Not less than once each year the Non-Federal Sponsor shall inform affected interests of the extent of protection afforded by the Project.

M. The Non-Federal Sponsor shall publicize flood plain information in the area concerned and shall provide this information to zoning and other regulatory agencies for their use in preventing unwise future development in the flood plain and in adopting such regulations as may be necessary to prevent unwise future development and to ensure compatibility with protection levels provided by the Project.

N. The Non-Federal Sponsor shall comply with Section 402 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 701b-12), which requires a Non-Federal interest to have prepared within one year after the date of signing this Agreement, a floodplain management plan. The plan shall be designed to reduce the impacts of future flood events in the project area, including but not limited to, addressing those measures to be undertaken by Non-Federal interests to preserve the level of flood protection provided by this Project. As required by Section 402, as amended, the Non-Federal interest shall implement such plan not later than one year after completion of construction of the Project. The Non-Federal Sponsor shall provide an information copy of the plan to the Government upon its preparation.

### ARTICLE III -LANDS, RELOCATIONS, DISPOSAL AREAS, AND PUBLIC LAW 91-646 COMPLIANCE

A. The Government, after consultation with the Non-Federal Sponsor, shall determine the lands, easements, and rights-of-way required for the construction, operation, and maintenance of the Project, including those required for relocations, borrow materials, and dredged or excavated material disposal. The Government in a timely manner shall provide the Non-Federal Sponsor with general written descriptions, including maps as appropriate, of the lands, easements, and rights-of-way that the Government determines the Non-Federal Sponsor must provide, in detail sufficient to enable the Non-Federal Sponsor to fulfill its obligations under this paragraph, and shall provide the Non-Federal Sponsor with a written notice to proceed with acquisition of such lands, easements, and rights-of-way. The Government shall indicate which of the required lands, easements, and rights-of-way are required for the flood control features, which are required for the environmental restoration features, and which are required for the recreation features. Prior to the end of the period of construction, the Non-Federal Sponsor shall acquire all lands, easements, and rights-of-way set forth in such descriptions. Furthermore, prior to issuance of the solicitation for each construction contract, the Non-Federal Sponsor shall provide the Government with authorization for entry to all lands, easements, and rights-of-way the Government determines the Non-Federal Sponsor must provide for that contract. For so long as the Project remains authorized, the Non-Federal Sponsor shall ensure that lands, easements, and rights-of-way that the Government determines to be required for the operation and maintenance of the Project and that were provided by the Non-Federal

Sponsor are retained in public ownership for uses compatible with the authorized purposes of the Project.

B. The Government, after consultation with the Non-Federal Sponsor, shall determine the improvements required on lands, easements, and rights-of-way to enable the proper disposal of dredged or excavated material associated with the construction, operation, and maintenance of the Project. Such improvements may include, but are not necessarily limited to, retaining dikes, wasteweirs, bulkheads, embankments, monitoring features, stilling basins, and de-watering pumps and pipes. The Government shall delineate which of the required improvements are associated with the flood control features, which are associated with the environmental restoration features, and which are associated with the recreation features. The Government in a timely manner shall provide the Non-Federal Sponsor with general written descriptions of such improvements in detail sufficient to enable the Non-Federal Sponsor to fulfill its obligations under this paragraph, and shall provide the Non-Federal Sponsor with a written notice to proceed with construction of such improvements. Prior to the end of the period of construction, the Non-Federal Sponsor shall provide all improvements set forth in such descriptions. Furthermore, prior to issuance of the solicitation for each Government construction contract, the Non-Federal Sponsor shall prepare plans and specifications for all improvements the Government determines to be required for the proper disposal of dredged or excavated material under that contract, submit such plans and specifications to the Government for approval, and provide such improvements in accordance with the approved plans and specifications.

C. The Government, after consultation with the Non-Federal Sponsor, shall determine the relocations necessary for the construction, operation, and maintenance of the Project, including those necessary to enable the removal of borrow materials and the proper disposal of dredged or excavated material. The Government in a timely manner shall provide the Non-Federal Sponsor with general written descriptions, including maps as appropriate, of such relocations in detail sufficient to enable the Non-Federal Sponsor to fulfill its obligations under this paragraph, and shall provide the Non-Federal Sponsor with a written notice to proceed with such relocations. The Government shall delineate which of the relocations are necessary for the flood control features, which are necessary for the environmental restoration features, and which are necessary for the recreation features. Prior to the end of the period of construction, the Non-Federal Sponsor shall perform or ensure the performance of all relocations as set forth in such descriptions. Furthermore, prior to issuance of the solicitation for each Government construction contract, the Non-Federal Sponsor shall prepare or ensure the preparation of plans and specifications for, and perform or ensure the performance of, all relocations the Government determines to be necessary for that contract.

D. The Non-Federal Sponsor in a timely manner shall provide the Government with such documents as are sufficient to enable the Government to determine the value of any contribution provided pursuant to paragraphs A., B., or C. of this Article. Upon receipt of such documents the Government, in accordance with Article IV of this Agreement and in a timely manner, shall determine the value of such contribution, include such value in total

project costs, and afford credit for such value toward the Non-Federal Sponsor's share of total project costs.

E. The Non-Federal Sponsor shall comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended by Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17), and the Uniform Regulations contained in 49 C.F.R. Part 24, in acquiring lands, easements, and rights-of-way required for the construction, operation, and maintenance of the Project, including those necessary for relocations, borrow materials, and dredged or excavated material disposal, and shall inform all affected persons of applicable benefits, policies, and procedures in connection with said Act.

#### ARTICLE IV -CREDIT FOR VALUE OF LANDS, RELOCATIONS, AND DISPOSAL AREAS

A. The Non-Federal Sponsor shall receive credit toward its share of total flood control costs for the value of the lands, easements, rights-of-way, and suitable borrow and dredged or excavated material disposal areas that the Non-Federal Sponsor must provide pursuant to Article III of this Agreement for flood control features, and for the value of the relocations that the Non-Federal Sponsor must perform or for which it must ensure performance pursuant to Article III of this Agreement for flood control features. The Non-Federal Sponsor shall receive credit toward its share of total project recreation costs for the value of the lands, easements, rights-of-way, and suitable borrow and dredged or excavated material disposal areas that the Non-Federal Sponsor must provide pursuant to Article III of this Agreement for recreation features, and for the value of the relocations that the Non-Federal Sponsor must perform or for which it must ensure performance pursuant to Article III of this Agreement for recreation features. The Non-Federal Sponsor shall receive credit toward its share of total project environmental restoration costs for the value of the lands, easements, rights-of-way, and suitable borrow and dredged or excavated material disposal areas that the Non-Federal Sponsor must provide pursuant to Article III of this Agreement for environmental restoration features, and for the value of the relocations that the Non-Federal Sponsor must perform or for which it must ensure performance pursuant to Article III of this Agreement for environmental restoration features. However, the Non-Federal Sponsor shall not receive credit for the value of any lands, easements, rights-of-way, relocations, or borrow and dredged or excavated material disposal areas that have been provided previously as an item of cooperation for another Federal project. The Non-Federal Sponsor also shall not receive credit for the value of lands, easements, rights-of-way, relocations, or borrow and dredged or excavated material disposal areas to the extent that such items are provided using Federal funds unless the Federal granting agency verifies in writing that such credit is expressly authorized by statute.

B. For the sole purpose of affording credit in accordance with this Agreement, the value of lands, easements, and rights-of-way, including those necessary for relocations,

borrow materials, and dredged or excavated material disposal, shall be the fair market value of the real property interests, plus certain incidental costs of acquiring those interests, as determined in accordance with the provisions of this paragraph.

1. Date of Valuation. The fair market value of lands, easements, or rights-of-way owned by the Non-Federal Sponsor on the effective date of this Agreement shall be the fair market value of such real property interests as of the date the Non-Federal Sponsor provides the Government with authorization for entry thereto. The fair market value of lands, easements, or rights-of-way acquired by the Non-Federal Sponsor after the effective date of this Agreement shall be the fair market value of such real property interests at the time the interests are acquired.

2. General Valuation Procedure. Except as provided in paragraph B.3. of this Article, the fair market value of lands, easements, or rights-of-way shall be determined in accordance with paragraph B.2.a. of this Article, unless thereafter a different amount is determined to represent fair market value in accordance with paragraph B.2.b. of this Article.

a. The Non-Federal Sponsor shall obtain, for each real property interest, an appraisal that is prepared by a qualified appraiser who is acceptable to the Non-Federal Sponsor and the Government. The appraisal must be prepared in accordance with the applicable rules of just compensation, as specified by the Government. The fair market value shall be the amount set forth in the Non-Federal Sponsor's appraisal, if such appraisal is approved by the Government. In the event the Government does not approve the Non-Federal Sponsor's appraisal, the Non-Federal Sponsor may obtain a second appraisal, and the fair market value shall be the amount set forth in the Non-Federal Sponsor's second appraisal, if such appraisal is approved by the Government. In the event the Government does not approve the Non-Federal Sponsor's second appraisal, or the Non-Federal Sponsor chooses not to obtain a second appraisal, the Government shall obtain an appraisal, and the fair market value shall be the amount set forth in the Government's appraisal, if such appraisal is approved by the Non-Federal Sponsor. In the event the Non-Federal Sponsor does not approve the Government's appraisal, the Government, after consultation with the Non-Federal Sponsor, shall consider the Government's and the Non-Federal Sponsor's appraisals and determine an amount based thereon, which shall be deemed to be the fair market value.

b. Where the amount paid or proposed to be paid by the Non-Federal Sponsor for the real property interest exceeds the amount determined pursuant to paragraph B.2.a. of this Article, the Government, at the request of the Non-Federal Sponsor, shall consider all factors relevant to determining fair market value and, in its sole discretion, after consultation with the Non-Federal Sponsor, may approve in writing an amount greater than the amount determined pursuant to paragraph B.2.a. of this Article, but not to exceed the amount actually paid or proposed to be paid. If the Government approves such an amount, the fair market value shall be the lesser of the approved amount or the amount paid by the Non-Federal Sponsor, but no less than the amount determined pursuant to paragraph B.2.a. of this Article.

3. Eminent Domain Valuation Procedure. For lands, easements, or rights-of-way acquired by eminent domain proceedings instituted after the effective date of this Agreement, the Non-Federal Sponsor shall, prior to instituting such proceedings, submit to the Government notification in writing of its intent to institute such proceedings and an appraisal of the specific real property interests to be acquired in such proceedings. The Government shall have 60 days after receipt of such a notice and appraisal within which to review the appraisal, if not previously approved by the Government in writing.

a. If the Government previously has approved the appraisal in writing, or if the Government provides written approval of, or takes no action on, the appraisal within such 60-day period, the Non-Federal Sponsor shall use the amount set forth in such appraisal as the estimate of just compensation for the purpose of instituting the eminent domain proceeding.

b. If the Government provides written disapproval of the appraisal, including the reasons for disapproval, within such 60-day period, the Government and the Non-Federal Sponsor shall consult in good faith to promptly resolve the issues or areas of disagreement that are identified in the Government's written disapproval. If, after such good faith consultation, the Government and the Non-Federal Sponsor agree as to an appropriate amount, then the Non-Federal Sponsor shall use that amount as the estimate of just compensation for the purpose of instituting the eminent domain proceeding. If, after such good faith consultation, the Government and the Non-Federal Sponsor cannot agree as to an appropriate amount, then the Non-Federal Sponsor may use the amount set forth in its appraisal as the estimate of just compensation for the purpose of instituting the eminent domain proceeding.

c. For lands, easements, or rights-of-way acquired by eminent domain proceedings instituted in accordance with sub-paragraph B.3. of this Article, fair market value shall be either the amount of the court award for the real property interests taken, to the extent the Government determined such interests are required for the construction, operation, and maintenance of the Project, or the amount of any stipulated settlement or portion thereof that the Government approves in writing.

4. Incidental Costs. For lands, easements, or rights-of-way acquired by the Non-Federal Sponsor within a five-year period preceding the effective date of this Agreement, or at any time after the effective date of this Agreement, the value of the interest shall include the documented incidental costs of acquiring the interest, as determined by the Government, subject to an audit in accordance with Article X.C. of this Agreement to determine reasonableness, allocability, and allowability of costs. Such incidental costs shall include, but not necessarily be limited to, closing and title costs, appraisal costs, survey costs, attorney's fees, plat maps, and mapping costs, as well as the actual amounts expended for payment of any Public Law 91-646 relocation assistance benefits provided in accordance with Article III.E. of this Agreement.

C. After consultation with the Non-Federal Sponsor, the Government shall determine the value of relocations in accordance with the provisions of this paragraph.

1. For a relocation other than a highway, the value shall be only that portion of relocation costs that the Government determines is necessary to provide a functionally equivalent facility, reduced by depreciation, as applicable, and by the salvage value of any removed items.

2. For a relocation of a highway, the value shall be only that portion of relocation costs that would be necessary to accomplish the relocation in accordance with the design standard that the State of California would apply under similar conditions of geography and traffic load, reduced by the salvage value of any removed items.

3. Relocation costs shall include, but not necessarily be limited to, actual costs of performing the relocation; planning, engineering and design costs; supervision and administration costs; and documented incidental costs associated with performance of the relocation, but shall not include any costs due to betterments, as determined by the Government, nor any additional cost of using new material when suitable used material is available. Relocation costs shall be subject to an audit in accordance with Article X.C. of this Agreement to determine reasonableness, allocability, and allowability of costs.

4. Crediting for relocations performed within the Project boundaries is subject to satisfactory compliance with applicable federal labor laws covering non-Federal construction, including, but not limited to, 40 U.S.C. 3141-3148 and 40 U.S.C. 3701-3708 (revising, codifying and enacting without substantive change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a *et seq.*), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 *et seq.*) and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c)). Crediting may be withheld, in whole or in part, as a result of the Non-Federal Sponsor's failure to comply with its obligations under these laws.

D. The value of the improvements made to lands, easements, and rights-of-way for the proper disposal of dredged or excavated material shall be the costs of the improvements, as determined by the Government, subject to an audit in accordance with Article X.C. of this Agreement to determine reasonableness, allocability, and allowability of costs. Such costs shall include, but not necessarily be limited to, actual costs of providing the improvements; planning, engineering and design costs; supervision and administration costs; and documented incidental costs associated with providing the improvements, but shall not include any costs due to betterments, as determined by the Government.

#### ARTICLE V -PROJECT COORDINATION TEAM

A. To provide for consistent and effective communication, the Non-Federal Sponsor and the Government, not later than 30 days after the effective date of this Agreement, shall appoint named senior representatives to a Project Coordination Team. Thereafter, the

Project Coordination Team shall meet regularly until the end of the period of construction. The Government's Project Manager and a counterpart named by the Non-Federal Sponsor shall co-chair the Project Coordination Team.

B. The Government's Project Manager and the Non-Federal Sponsor's counterpart shall keep the Project Coordination Team informed of the progress of construction and of significant pending issues and actions, and shall seek the views of the Project Coordination Team on matters that the Project Coordination Team generally oversees.

C. Until the end of the period of construction, the Project Coordination Team shall generally oversee the Project, including issues related to design; plans and specifications; scheduling; real property and relocation requirements; real property acquisition; contract awards and modifications; contract costs; the application of and compliance with 40 U.S.C. 3141-3148 and 40 U.S.C. 3701-3708 (revising, codifying and enacting without substantive change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a *et seq.*), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 *et seq.*) and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c)) for relocations; the Government's cost projections; final inspection of the entire Project or functional portions of the Project; preparation of the proposed OMRR&R Manual; anticipated requirements and needed capabilities for performance of operation, maintenance, repair, replacement, and rehabilitation of the Project; and other related matters. This oversight shall be consistent with a project management plan developed by the Government after consultation with the Non-Federal Sponsor.

D. The Project Coordination Team may make recommendations that it deems warranted to the District Engineer on matters that the Project Coordination Team generally oversees, including suggestions to avoid potential sources of dispute. The Government in good faith shall consider the recommendations of the Project Coordination Team. The Government, having the legal authority and responsibility for construction of the Project, has the discretion to accept, reject, or modify the Project Coordination Team's recommendations.

E. The costs of participation in the Project Coordination Team shall be included in total project costs and cost shared in accordance with the provisions of this Agreement.

## ARTICLE VI -METHOD OF PAYMENT

A. The Government shall maintain current records of contributions provided by the parties and current projections of total project costs and costs due to betterments. By June 30<sup>th</sup> of each year and at least quarterly thereafter, the Government shall provide the Non-Federal Sponsor with a report setting forth all contributions provided to date and the current projections of total project costs, of total costs due to betterments, of the maximum amount of total project costs determined in accordance with Article XIX of this Agreement, of the components of total project costs, of each party's share of total project costs, of the Non-Federal Sponsor's total cash contributions required in accordance with Articles II.B., II.D.,

Project Coordination Team shall meet regularly until the end of the period of construction. The Government's Project Manager and a counterpart named by the Non-Federal Sponsor shall co-chair the Project Coordination Team.

B. The Government's Project Manager and the Non-Federal Sponsor's counterpart shall keep the Project Coordination Team informed of the progress of construction and of significant pending issues and actions, and shall seek the views of the Project Coordination Team on matters that the Project Coordination Team generally oversees.

C. Until the end of the period of construction, the Project Coordination Team shall generally oversee the Project, including issues related to design; plans and specifications; scheduling; real property and relocation requirements; real property acquisition; contract awards and modifications; contract costs; the application of and compliance with 40 U.S.C. 3141-3148 and 40 U.S.C. 3701-3708 (revising, codifying and enacting without substantive change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a *et seq.*), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 *et seq.*) and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c)) for relocations; the Government's cost projections; final inspection of the entire Project or functional portions of the Project; preparation of the proposed OMRR&R Manual; anticipated requirements and needed capabilities for performance of operation, maintenance, repair, replacement, and rehabilitation of the Project; and other related matters. This oversight shall be consistent with a project management plan developed by the Government after consultation with the Non-Federal Sponsor.

D. The Project Coordination Team may make recommendations that it deems warranted to the District Engineer on matters that the Project Coordination Team generally oversees, including suggestions to avoid potential sources of dispute. The Government in good faith shall consider the recommendations of the Project Coordination Team. The Government, having the legal authority and responsibility for construction of the Project, has the discretion to accept, reject, or modify the Project Coordination Team's recommendations.

E. The costs of participation in the Project Coordination Team shall be included in total project costs and cost shared in accordance with the provisions of this Agreement.

## ARTICLE VI -METHOD OF PAYMENT

A. The Government shall maintain current records of contributions provided by the parties and current projections of total project costs and costs due to betterments. By June 30<sup>th</sup> of each year and at least quarterly thereafter, the Government shall provide the Non-Federal Sponsor with a report setting forth all contributions provided to date and the current projections of total project costs, of total costs due to betterments, of the maximum amount of total project costs determined in accordance with Article XIX of this Agreement, of the components of total project costs, of each party's share of total project costs, of the Non-Federal Sponsor's total cash contributions required in accordance with Articles II.B., II.D.,

non-Federal proportionate share of projected financial obligations for construction for the current fiscal year, the Government shall notify the Non-Federal Sponsor in writing of the additional funds required, and provide an explanation of why additional funds are required, and the Non-Federal Sponsor, no later than 60 calendar days from receipt of such notice, shall make the additional required funds available through any of the payment mechanisms specified in Article VI.B.1. of this Agreement.

C. In advance of the Government incurring any financial obligation associated with additional work under Article II.B. or II.E. of this Agreement, the Non-Federal Sponsor shall provide the Government with the full amount of the funds required to pay for such additional work through any of the payment mechanisms specified in Article VI.B.1. of this Agreement. The Government shall draw from the funds provided by the Non-Federal Sponsor such sums as the Government deems necessary to cover the Government's financial obligations for such additional work as they are incurred. In the event the Government determines that the Non-Federal Sponsor must provide additional funds to meet its cash contribution, the Government shall notify the Non-Federal Sponsor in writing of the additional funds required and provide an explanation of why additional funds are required. Within 30 calendar days thereafter, the Non-Federal Sponsor shall provide the Government with the full amount of the additional required funds through any of the payment mechanisms specified in Article VI.B.1. of this Agreement.

D. Upon completion of the Project or termination of this Agreement, and upon resolution of all relevant claims and appeals, the Government shall conduct a final accounting and furnish the Non-Federal Sponsor with the results of the final accounting. The final accounting shall determine total project costs, each party's contribution provided thereto, and each party's required share thereof. The final accounting also shall determine costs due to betterments and the Non-Federal Sponsor's cash contribution provided pursuant to Article II.B. of this Agreement.

1. In the event the final accounting shows that the total contribution provided by the Non-Federal Sponsor is less than its required share of total project costs plus costs due to any betterments provided in accordance with Article II.B. of this Agreement, the Non-Federal Sponsor shall, no later than 90 calendar days after receipt of written notice, make a cash payment to the Government of whatever sum is required to meet the Non-Federal Sponsor's required share of total project costs plus costs due to any betterments provided in accordance with Article II.B. of this Agreement by delivering a check payable to "FAO, USAED, Los Angeles District" to the District Engineer or providing an Electronic Funds Transfer in accordance with procedures established by the Government.

2. In the event the final accounting shows that the total contribution provided by the Non-Federal Sponsor exceeds its required share of total project costs plus costs due to any betterments provided in accordance with Article II.B. of this Agreement, the Government shall, subject to the availability of funds, refund the excess to the Non-Federal Sponsor no later than 90 calendar days after the final accounting is complete; however, the Non-Federal Sponsor shall not be entitled to any refund of the 5 percent cash contribution required pursuant to Article II.D.1. of this Agreement. In the event existing

funds are not available to refund the excess to the Non-Federal Sponsor, the Government shall seek such appropriations as are necessary to make the refund.

#### ARTICLE VII -DISPUTE RESOLUTION

As a condition precedent to a party bringing any suit for breach of this Agreement, that party must first notify the other party in writing of the nature of the purported breach and seek in good faith to resolve the dispute through negotiation. If the parties cannot resolve the dispute through negotiation, they may agree to a mutually acceptable method of non-binding alternative dispute resolution with a qualified third party acceptable to both parties. The parties shall each pay 50 percent of any costs for the services provided by such a third party as such costs are incurred. The existence of a dispute shall not excuse the parties from performance pursuant to this Agreement.

#### ARTICLE VIII - OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, AND REHABILITATION (OMRR&R)

A. Upon notification in accordance with Article II.C. of this Agreement and for so long as the Project remains authorized, the Non-Federal Sponsor shall operate, maintain, repair, replace, and rehabilitate the entire Project or the functional portion of the Project, at no cost to the Government, in a manner compatible with the Project's authorized purposes and in accordance with applicable Federal and State laws as provided in Article XI of this Agreement and specific directions prescribed by the Government in the OMRR&R Manual and any subsequent amendments thereto.

B. The Non-Federal Sponsor hereby gives the Government a right to enter, at reasonable times and in a reasonable manner, upon property that the Non-Federal Sponsor owns or controls for access to the Project for the purpose of inspection and, if necessary, for the purpose of completing, operating, maintaining, repairing, replacing, or rehabilitating the Project. If an inspection shows that the Non-Federal Sponsor for any reason is failing to perform its obligations under this Agreement, the Government shall send a written notice describing the non-performance to the Non-Federal Sponsor. If, after 30 calendar days from receipt of notice, the Non-Federal Sponsor continues to fail to perform, then the Government shall have the right to enter, at reasonable times and in a reasonable manner, upon property that the Non-Federal Sponsor owns or controls for access to the Project for the purpose of completing, operating, maintaining, repairing, replacing, or rehabilitating the Project. No completion, operation, maintenance, repair, replacement, or rehabilitation by the Government shall operate to relieve the Non-Federal Sponsor of responsibility to meet the Non-Federal Sponsor's obligations as set forth in this Agreement, or to preclude the Government from pursuing any other remedy at law or equity to ensure faithful performance pursuant to this Agreement.

## ARTICLE IX -INDEMNIFICATION

The Non-Federal Sponsor shall hold and save the Government free from all damages arising from the construction, operation, maintenance, repair, replacement, and rehabilitation of the Project and any Project-related betterments, except for damages due to the fault or negligence of the Government or its contractors.

## ARTICLE X -MAINTENANCE OF RECORDS AND AUDIT

A. Not later than 60 calendar days after the effective date of this Agreement, the Government and the Non-Federal Sponsor shall develop procedures for keeping books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to this Agreement. These procedures shall incorporate, and apply as appropriate, the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments at 32 C.F.R. Section 33.20. The Government and the Non-Federal Sponsor shall maintain such books, records, documents, and other evidence in accordance with these procedures and for a minimum of three years after the period of construction and resolution of all relevant claims arising therefrom. To the extent permitted under applicable Federal laws and regulations, the Government and the Non-Federal Sponsor shall each allow the other to inspect such books, documents, records, and other evidence.

B. Pursuant to 32 C.F.R. Section 33.26, the Non-Federal Sponsor is responsible for complying with the Single Audit Act Amendments of 1996, 31 U.S.C. Sections 7501-7507, as implemented by Office of Management and Budget (OMB) Circular No. A-133 and Department of Defense Directive 7600.10. Upon request of the Non-Federal Sponsor and to the extent permitted under applicable Federal laws and regulations, the Government shall provide to the Non-Federal Sponsor and independent auditors any information necessary to enable an audit of the Non-Federal Sponsor's activities under this Agreement. The costs of any non-Federal audits performed in accordance with this paragraph shall be allocated in accordance with the provisions of OMB Circulars A-87 and A-133, and such costs as are allocated to the Project shall be included in total project costs and cost shared in accordance with the provisions of this Agreement.

C. In accordance with 31 U.S.C. Section 7503, the Government may conduct audits in addition to any audit that the Non-Federal Sponsor is required to conduct under the Single Audit Act Amendments of 1996. Any such Government audits shall be conducted in accordance with Government Auditing Standards and the cost principles in OMB Circular No. A-87 and other applicable cost principles and regulations. The costs of Government audits performed in accordance with this paragraph shall be included in total project costs and cost shared in accordance with the provisions of this Agreement.

## ARTICLE XI -FEDERAL AND STATE LAWS

In the exercise of their respective rights and obligations under this Agreement, the Non-Federal Sponsor and the Government agree to comply with all applicable Federal and State laws and regulations, including, but not limited to: Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. 2000d) and Department of Defense Directive 5500.11 issued pursuant thereto; Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army;" and all applicable federal labor standards requirements including, but not limited to, 40 U.S.C. 3141-3148 and 40 U.S.C. 3701-3708 (revising, codifying and enacting without substantive change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a *et seq.*), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 *et seq.*) and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c)).

## ARTICLE XII -RELATIONSHIP OF PARTIES

A. In the exercise of their respective rights and obligations under this Agreement, the Government and the Non-Federal Sponsor each act in an independent capacity, and neither is to be considered the officer, agent, or employee of the other.

B. In the exercise of its rights and obligations under this Agreement, neither party shall provide, without the consent of the other party, any contractor with a release that waives or purports to waive any rights such other party may have to seek relief or redress against such contractor either pursuant to any cause of action that such other party may have or for violation of any law.

## ARTICLE XIII -OFFICIALS NOT TO BENEFIT

No member of or delegate to the Congress, nor any resident commissioner, shall be admitted to any share or part of this Agreement, or to any benefit that may arise therefrom.

## ARTICLE XIV -TERMINATION OR SUSPENSION

A. If at any time the Non-Federal Sponsor fails to fulfill its obligations under Article II.B., II.D., II.E., VI, or XVIII.C. of this Agreement, the Assistant Secretary of the Army (Civil Works) shall terminate this Agreement or suspend future performance under this Agreement unless he determines that continuation of work on the Project is in the interest of the United States or is necessary in order to satisfy agreements with any other non-Federal interests in connection with the Project.

B. If the Government fails to receive annual appropriations in amounts sufficient to meet Project expenditures for the then-current or upcoming fiscal year, the Government

shall so notify the Non-Federal Sponsor in writing, and 60 calendar days thereafter either party may elect without penalty to terminate this Agreement or to suspend future performance under this Agreement. In the event that either party elects to suspend future performance under this Agreement pursuant to this paragraph, such suspension shall remain in effect until such time as the Government receives sufficient appropriations or until either the Government or the Non-Federal Sponsor elects to terminate this Agreement.

C. In the event that either party elects to terminate this Agreement pursuant to this Article or Article XV of this Agreement, both parties shall conclude their activities relating to the Project and proceed to a final accounting in accordance with Article VI.D. of this Agreement.

D. Any termination of this Agreement or suspension of future performance under this Agreement in accordance with this Article or Article XV of this Agreement shall not relieve the parties of liability for any obligation previously incurred. Any delinquent payment shall be charged interest at a rate, to be determined by the Secretary of the Treasury, equal to 150 per centum of the average bond equivalent rate of the 13-week Treasury bills auctioned immediately prior to the date on which such payment became delinquent, or auctioned immediately prior to the beginning of each additional 3-month period if the period of delinquency exceeds 3 months.

## ARTICLE XV - HAZARDOUS SUBSTANCES

A. After execution of this Agreement and upon direction by the District Engineer, the Non-Federal Sponsor shall perform, or cause to be performed, any investigations for hazardous substances that the Government or the Non-Federal Sponsor determines to be necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (hereinafter "CERCLA"), 42 U.S.C. Sections 9601-9675, that may exist in, on, or under lands, easements, and rights-of-way that the Government determines, pursuant to Article III of this Agreement, to be required for the construction, operation, and maintenance of the Project. However, for lands that the Government determines to be subject to the navigation servitude, only the Government shall perform such investigations unless the District Engineer provides the Non-Federal Sponsor with prior specific written direction, in which case the Non-Federal Sponsor shall perform such investigations in accordance with such written direction. All actual costs incurred by the Non-Federal Sponsor for such investigations for hazardous substances shall be included in total project costs and cost shared in accordance with the provisions of this Agreement, subject to an audit in accordance with Article X.C. of this Agreement to determine reasonableness, allocability, and allowability of costs.

B. In the event it is discovered through any investigation for hazardous substances or other means that hazardous substances regulated under CERCLA exist in, on, or under any lands, easements, or rights-of-way that the Government determines, pursuant to Article III of this Agreement, to be required for the construction, operation, and maintenance of the

Project, the Non-Federal Sponsor and the Government shall provide prompt written notice to each other, and the Non-Federal Sponsor shall not proceed with the acquisition of the real property interests until both parties agree that the Non-Federal Sponsor should proceed.

C. The Government and the Non-Federal Sponsor shall determine whether to initiate construction of the Project, or, if already in construction, whether to continue with work on the Project, suspend future performance under this Agreement, or terminate this Agreement for the convenience of the Government, in any case where hazardous substances regulated under CERCLA are found to exist in, on, or under any lands, easements, or rights-of-way that the Government determines, pursuant to Article III of this Agreement, to be required for the construction, operation, and maintenance of the Project. Should the Government and the Non-Federal Sponsor determine to initiate or continue with construction after considering any liability that may arise under CERCLA, the Non-Federal Sponsor shall be responsible, as between the Government and the Non-Federal Sponsor, for the costs of clean-up and response, to include the costs of any studies and investigations necessary to determine an appropriate response to the contamination. Such costs shall not be considered a part of total project costs. In the event the Non-Federal Sponsor fails to provide any funds necessary to pay for clean up and response costs or to otherwise discharge the Non-Federal Sponsor's responsibilities under this paragraph upon direction by the Government, the Government may, in its sole discretion, either terminate this Agreement for the convenience of the Government, suspend future performance under this Agreement, or continue work on the Project.

D. The Non-Federal Sponsor and the Government shall consult with each other in accordance with Article V of this Agreement in an effort to ensure that responsible parties bear any necessary clean up and response costs as defined in CERCLA. Any decision made pursuant to paragraph C. of this Article shall not relieve any third party from any liability that may arise under CERCLA.

E. As between the Government and the Non-Federal Sponsor, the Non-Federal Sponsor shall be considered the operator of the Project for purposes of CERCLA liability. To the maximum extent practicable, the Non-Federal Sponsor shall operate, maintain, repair, replace, and rehabilitate the Project in a manner that will not cause liability to arise under CERCLA.

#### ARTICLE XVI -NOTICES

A. Any notice, request, demand, or other communication required or permitted to be given under this Agreement shall be deemed to have been duly given if in writing and either delivered personally or by telegram or mailed by first-class, registered, or certified mail, as follows:

If to the Non-Federal Sponsor:

Riverside County Flood Control and Water Conservation District  
1995 Market Street  
Riverside, California 92501

If to the Government:

Department of the Army  
Los Angeles District, Corps of Engineers  
P.O. Box 532711  
Los Angeles, California 90053-2325

B. A party may change the address to which such communications are to be directed by giving written notice to the other party in the manner provided in this Article.

C. Any notice, request, demand, or other communication made pursuant to this Article shall be deemed to have been received by the addressee at the earlier of such time as it is actually received or seven calendar days after it is mailed.

#### ARTICLE XVII -CONFIDENTIALITY

To the extent permitted by the laws governing each party, the parties agree to maintain the confidentiality of exchanged information when requested to do so by the providing party.

#### ARTICLE XVIII - HISTORIC PRESERVATION

A. The costs of identification, survey and evaluation of historic properties shall be included in total project costs and cost shared in accordance with the provisions of this Agreement.

B. As specified in Section 7(a) of Public Law 93-291 (16 U.S.C. Section 469c(a)), the costs of mitigation and data recovery activities associated with historic preservation shall be borne entirely by the Government and shall not be included in total project costs, up to the statutory limit of one percent of the total amount authorized to be appropriated for the Project.

C. The Government shall not incur costs for mitigation and data recovery that exceed the statutory one percent limit specified in paragraph B. of this Article unless and until the Assistant Secretary of the Army (Civil Works) has waived that limit in accordance with Section 208(3) of Public Law 96-515 (16 U.S.C. Section 469c-2(3)). Any costs of mitigation and data recovery that exceed the one percent limit shall not be included in total project costs but shall be cost shared between the Non-Federal Sponsor and the Government consistent with the minimum non-Federal cost sharing requirements for the underlying flood

control purpose, as follows: 35 percent borne by the Non-Federal Sponsor, and 65 percent borne by the Government.

ARTICLE XIX -SECTION 902 PROJECT COST LIMITS

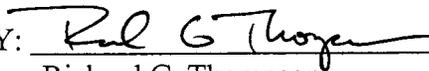
The Non-Federal Sponsor has reviewed the provisions set forth in Section 902 of Public Law 99-662, as amended, and understands that Section 902 establishes the maximum amount of total project costs for the Murrieta Creek Flood Control, Environmental Restoration, and Recreation project. Notwithstanding any other provision of this Agreement, the Government shall not make a new Project financial obligation, make a Project expenditure, or afford credit toward total project costs for the value of any contribution provided by the Non-Federal Sponsor, if such obligation, expenditure, or credit would result in total project costs exceeding this maximum amount, unless otherwise authorized by law. On the effective date of this Agreement, this maximum amount is estimated to be \$107,820,000, as calculated in accordance with ER 1105-2-100 using October 1, 2000 price levels and allowances for projected future inflation. The Government shall adjust this maximum amount in accordance with Section 902.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, which shall become effective upon the date it is signed by the U.S. Army Corps of Engineers, Los Angeles District Engineer.

DEPARTMENT OF THE ARMY

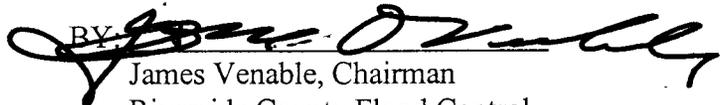
THE RIVERSIDE COUNTY FLOOD  
CONTROL AND WATER  
CONSERVATION DISTRICT

BY:



Richard G. Thompson  
Colonel, US Army  
District Engineer

BY:



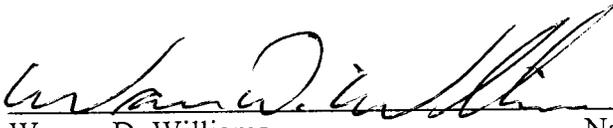
James Venable, Chairman  
Riverside County Flood Control  
and Water Conservation District  
Board of Supervisors

DATE: 11 SEP 2003

DATE: SEP 09 2003

Recommended for Approval:

Attest



Warren D. Williams  
General Manager-Chief Engineer  
Riverside County Flood Control and  
Water Conservation District



Nancy Romero  
Clerk to the Board

Approved as to form:

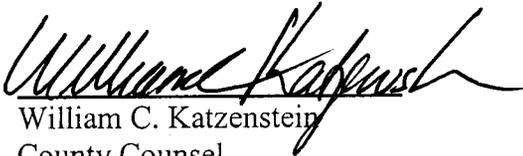


William C. Katzenstein  
County Counsel

CERTIFICATE OF AUTHORITY

WILLIAM C.  
I, KATZENSTEIN, do hereby certify that I am the principal legal officer of the Riverside County Flood Control and Water Conservation District, that the Riverside County Flood Control and Water Conservation District is a legally constituted public body with full authority and legal capability to perform the terms of the Agreement between the Department of the Army and the Riverside County Flood Control and Water Conservation District in connection with the Murrieta Creek Flood Control, Environmental Restoration, and Recreation project, and to pay damages in accordance with the terms of this Agreement, if necessary, in the event of the failure to perform, as required by Section 221 of Public Law 91-611 (42 U.S.C. Section 1962d-5b), and that the persons who have executed this Agreement on behalf of the Riverside County Flood Control and Water Conservation District have acted within their statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification this  
28th day of AUGUST 2003



William C. Katzenstein  
County Counsel  
County of Riverside, California

## CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.



Warren D. Williams  
General Manager-Chief Engineer  
Riverside County Flood Control and  
Water Conservation District

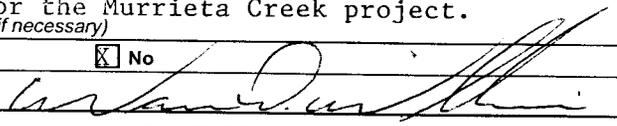
DATE: 9/9/03

## DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

Approved by OMB  
0348-0046

(See reverse for public burden disclosure.)

<b>1. Type of Federal Action:</b> <input checked="" type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	<b>2. Status of Federal Action:</b> <input checked="" type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	<b>3. Report Type:</b> <input checked="" type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change <b>For Material Change Only:</b> year _____ quarter _____ date of last report _____
<b>4. Name and Address of Reporting Entity:</b> <input checked="" type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known: Riverside County Flood Control and Water Conservation District 1995 Market Street Riverside, CA 92501 Congressional District, if known: 45th & 49th		<b>5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:</b>  Congressional District, if known:
<b>6. Federal Department/Agency:</b> U.S. Army Corps of Engineers	<b>7. Federal Program Name/Description:</b> Project Cooperation Agreement  CFDA Number, if applicable: _____	
<b>8. Federal Action Number, if known:</b>	<b>9. Award Amount, if known:</b> \$	
<b>10. a. Name and Address of Lobbying Entity</b> (if individual, last name, first name, MI): The Carmen Group 1299 Pennsylvania Avenue, N.W. Washington, DC 20004	<b>b. Individuals Performing Services (including address if different from No. 10a)</b> (last name, first name, MI): Mia O'Connell	
(attach Continuation Sheet(s) SF-LLLA, if necessary)		
<b>11. Amount of Payment (check all that apply):</b> \$ <u>30,525</u> <input checked="" type="checkbox"/> actual <input type="checkbox"/> planned	<b>13. Type of Payment (check all that apply):</b> <input checked="" type="checkbox"/> a. retainer <input type="checkbox"/> b. one-time fee <input type="checkbox"/> c. commission <input type="checkbox"/> d. contingent fee <input type="checkbox"/> e. deferred <input type="checkbox"/> f. other; specify: _____	
<b>12. Form of Payment (check all that apply):</b> <input checked="" type="checkbox"/> a. cash <input type="checkbox"/> b. in-kind; specify: nature _____ value _____		
<b>14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:</b> Assist District staff with interpretation and understanding of all aspects of the Project Cooperation Agreement. Provide Corps Headquarters with informational materials including pamphlets and exhibits prepared by Riverside County Flood Control and Water Conservation District for public distribution for the Murrieta Creek project. (attach Continuation Sheet(s) SF-LLLA, if necessary)		
<b>15. Continuation Sheet(s) SF-LLLA attached:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>16.</b> Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature:  Print Name: <u>Warren D. Williams</u> Title: <u>General Manager-Chief Engineer</u> Telephone No.: <u>909.955.1200</u> Date: <u>9/9/03</u>	
<b>Federal Use Only:</b>		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

# AGREEMENT DISTRIBUTION

DATE: 1/26/2005

PROJECT NAME: Murrieta Creek Flood Control, Environmental Restoration and Recreation Project

PROJECT NO.: 7-0-0021

COOPERATIVE AGREEMENT

CONSULTING SERVICES AGREEMENT

OTHER: \_\_\_\_\_

PARTIES: RCFC / Temecula / Murrieta

FROM: MHW

TO:	No. of Copies	Action/Comment
D. WILLIAMS		
M. RAWSON		
S. BOGGIO	X	Original w/ Form 11 for scanning.
Purchasing / Accounts Payable		
Dale Anderson		
S. MCKIBBIN		
D. STONE / L. VILLELA		
Zully Smith	X	1 Copy for your file.

COPY OF FORM 11 TO COUNTY COUNSEL:     YES     NO     N/A

COMMENTS: \_\_\_\_\_

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

70619



**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
January 11, 2005

**SUBJECT:** Murrieta Creek Flood Control, Environmental Restoration and Recreation Project  
Project No. 7-0-0021  
Cooperative Agreement

**RECOMMENDED MOTION:**

Approve the Cooperative Agreement (Agreement) by and among the District, City of Temecula and City of Murrieta; and authorize the Chairman to execute the Agreement documents on behalf of the District.

**BACKGROUND:**

The Agreement sets forth the parties' mutual understandings and commitments with regard to the funding, construction, operation and maintenance of the Federally sponsored Murrieta Creek Flood Control, Environmental Restoration and Recreation Project (Project).

Pursuant to the Project's authorizing legislation and U.S. Army Corps of Engineers (USACOE) cost sharing policy, it is currently estimated that the "local share" of the Project construction costs total approximately \$41,200,000. Under the Agreement, the cost of the Project's flood control and environmental restoration elements (exclusive of the corresponding Federal contribution) are to be divided on the basis 50%-25%-25%, respectively, between the District, City of Murrieta and City of Temecula. The cost of the Project's recreation elements (exclusive of the corresponding Federal contribution) are to be divided equally between the two Cities.

Continued on Page 2  
MHW:bjj

**WARREN D. WILLIAMS**  
General Manager-Chief Engineer

<b>FINANCIAL DATA</b>	Current F.Y. District Cost:	N/A	In Current Year Budget:	N/A
	Current F.Y. County Cost:	N/A	Budget Adjustment:	N/A
	Annual Net District Cost:	N/A	For Fiscal Year:	N/A

<b>SOURCE OF FUNDS:</b> N/A	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** APPROVE

**County Executive Office Signature**

**MINUTES OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT**

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

Ayes: Buster, Tavaglione, Stone, Wilson and Ashley  
Noes: None  
Absent: None  
Date: January 11, 2005  
xc: Flood

Nancy Romero  
Clerk of the Board  
  
Deputy

**Prev. Agn. Ref.:** 11.4 9/9/03 | **District:** 3<sup>rd</sup> | **Agenda Number:**

**ATTACHMENTS FILED WITH THE CLERK OF THE BOARD**

**11.1**

Dep't Recomm.:  Policy  
Per Exec. Ofc.:  Policy  
 Consent  
 Consent

Departmental Concurrence

AGREEMENT

## (JOINT FUNDING OF MURRIETA CREEK FLOOD CONTROL, ENVIRONMENTAL RESTORATION AND RECREATION PROJECT)

The RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, hereinafter called "DISTRICT", the CITY OF MURRIETA, hereinafter called "MURRIETA", and the CITY OF TEMECULA, hereinafter called "TEMECULA", hereby agree as follows:

RECITALS

A. In January 1993, the Cities of Murrieta and Temecula, together hereinafter called "CITIES", experienced approximately \$11,000,000 worth of flood damage to public and private property as a result of flooding along Murrieta Creek located in southwest Riverside County; and

B. On October 7, 2000, President Clinton signed the Energy and Water Appropriations Act of 2001 (Public Law 106-377); and

C. Public Law 106-377 includes House Report 5483 which authorized the Locally Preferred Plan (LLP) of the United States Army Corps of Engineers' (USACOE) Murrieta Creek Flood Control, Environmental Restoration and Recreation Project, hereinafter called "PROJECT", at a projected total cost of \$90,866,000, with an estimated Federal contribution of \$59,063,900 and an estimated non-federal cost of \$31,803,100; and

D. Pursuant to the appropriation of PROJECT funds by Congress and in accordance with USACOE cost sharing policy and guidelines, it is anticipated that USACOE will contribute approximately \$49,666,000 of PROJECT'S construction cost, hereinafter called "FEDERAL SHARE". The remaining PROJECT construction costs of approximately \$41,200,000 are to be borne by the DISTRICT and CITIES as set forth herein; and

E. The PROJECT will provide significantly improved flood protection to properties located within and adjacent to the Murrieta Creek flood plain and significantly enhance aquatic habitat and recreational opportunities in Southwest Riverside County; and

F. USACOE anticipates accomplishing PROJECT construction in four phases as follows:

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PHASE 1 – Consisting of a green-belt channel starting near the USGS gauging station located downstream of Old Town Temecula and extending approximately 3,000 feet upstream to First Street. Construction of PHASE 1 started in FY 2003;

PHASE 2 – Consisting of a green-belt channel starting at First Street in Old Town Temecula and extending approximately 15,000 feet upstream to Winchester Road. Construction of PHASE 2 is scheduled to commence in FY 2005;

PHASE 3 – Consisting of a 250 acre stormwater detention basin, hereinafter called "BASIN", located near the confluence of Santa Gertrudis, Warm Springs and Murrieta Creeks. Included within BASIN is an approximately 50 acre park and recreation site, hereinafter called "PARK SITE". Construction of PHASE 3 is scheduled to commence construction in FY 2007; and

PHASE 4 - Consisting of a green-belt channel starting from BASIN and extending approximately 19,000 feet upstream to Tenaja Road in the City of Murrieta. Construction of PHASE 4 is scheduled to commence construction in FY 2008.

G. Included within the scope of PROJECT are three bridges to be constructed at Main Street (Temecula), and Guava Street and Ivy Street (Murrieta), hereinafter altogether called "BRIDGES". Also included within the scope of PROJECT are a bike trail, an equestrian trail and PARK SITE, hereinafter altogether called "RECREATION ELEMENTS".

H. DISTRICT is continuing to work vigorously to obtain the full measure of available Federal funding for the entire PROJECT; and DISTRICT and CITIES are continuing to work cooperatively to identify potential funding sources and secure funding to meet PROJECT'S non-Federal cost obligation, hereinafter called "LOCAL SHARE", including engineering design, right of way acquisition and construction; and

1           I.     In Federal FY 2001, USACOE received an initial appropriation of \$748,000 to  
2 begin detailed engineering design of PHASE 1. In Federal FY 2002, USACOE received an additional  
3 appropriation of \$755,000 to continue detailed engineering design of PHASE 1. In Federal FY 2003,  
4 USACOE received an initial appropriation of \$1,069,000 to initiate construction of PHASE 1, and

5           J.     USACOE, in accordance with the National Environmental Policy Act (NEPA) and  
6 California Environmental Quality Act (CEQA), has prepared an Environmental Impact Statement /  
7 Environmental Impact Report (EIS/EIR). DISTRICT, acting as Lead Agency pursuant to CEQA, has  
8 circulated the Environmental Impact Report (EIR) identifying the PROJECT'S environmental impacts and  
9 mitigation measures and DISTRICT'S Board of Supervisor's adopted Resolution F2003-01 on January 28,  
10 2003, approving the EIR. Additionally, DISTRICT, working in conjunction with USACOE, is willing to  
11 secure all regulatory permits necessary to construct PROJECT; and

12           K.     DISTRICT has entered into a Project Cooperation Agreement, hereinafter called  
13 "PCA", with USACOE setting forth DISTRICT'S responsibilities as PROJECT'S Local Sponsor in  
14 accordance with USACOE rules and regulations. Additionally, DISTRICT is willing to secure all rights  
15 of way and accomplish all utility relocations necessary to construct project; and

16           L.     DISTRICT and CITIES have pledged to contribute cash and/or furnish in-kind  
17 PROJECT contributions and improvements, hereinafter called "CONTRIBUTIONS", necessary to  
18 accomplish PROJECT construction. As set forth herein, CITIES each agree to furnish  
19 CONTRIBUTIONS in an amount equal to 25% (twenty-five percent) of LOCAL SHARE exclusive of  
20 PROJECT'S RECREATION ELEMENTS, and DISTRICT herein agrees to fund the remaining 50% (fifty  
21 percent) of LOCAL SHARE exclusive of RECREATION ELEMENTS; and

22           N.     As provided herein, CITIES are willing to share equally all costs associated with  
23 the construction of RECREATION ELEMENTS that are not otherwise funded by USACOE and, within  
24 their respective jurisdictions, accept responsibility for operation and maintenance of said RECREATION  
25 ELEMENTS. It being further understood and agreed that each parties' respective responsibilities for  
26 operation and maintenance of RECREATION ELEMENTS and PARK SITE are to be formally  
27 established pursuant to separate agreement(s) between CITIES and DISTRICT; and  
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O. DISTRICT and CITIES may request that USACOE incorporate additional work or PROJECT amenities, including but not limited to supplemental landscaping, recreational amenities or bridge enhancements, etc., not otherwise included within the scope of USACOE'S funding for PROJECT. DISTRICT and CITIES understand and agree that such additional work or PROJECT amenities, hereinafter called "BETTERMENTS", shall be funded solely by the requesting party except as the other parties hereto may otherwise agree in writing. All requests for BETTERMENTS shall be submitted to USACOE in writing as set forth herein; and

It is in the community interest to complete PROJECT design and construction in the most expeditious manner possible.

NOW, THEREFORE, it is mutually agreed as follows:

SECTION I

DISTRICT shall:

- 1. Contribute PROJECT funding in the amount of fifty percent (50%) of LOCAL SHARE exclusive of PROJECT'S RECREATION ELEMENTS, hereinafter called "DISTRICT'S SHARE".
- 2. Continue to work closely with CITIES on all matters pertaining to PROJECT'S financing, design and construction.
- 3. Pursuant to the executed PCA, continue to serve as PROJECT'S Local Sponsor and act as liaison with USACOE for PROJECT design and construction.
- 4. Continue to actively pursue and coordinate efforts to secure both federal and non-Federal funding necessary to accomplish, in a timely manner, the construction of PROJECT in its entirety.
- 5. Keep an accurate accounting of all PROJECT costs and DISTRICT and CITIES' respective CONTRIBUTIONS to PROJECT. Furnish CITIES with a quarterly statement itemizing PROJECT costs incurred, PROJECT CONTRIBUTIONS received, PROJECT milestones achieved and anticipated PROJECT costs.
- 6. Serve as the conduit for transmitting CITIES' CONTRIBUTIONS to USACOE.



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6. Within its respective jurisdiction, accept sole responsibility for the ownership and operation of any BRIDGES including but not limited to matters of structural integrity, roadway condition, public safety and graffiti removal.

7. Within its respective jurisdiction, accept sole responsibility for operation and maintenance of PROJECT'S RECREATION ELEMENTS including but not limited to, repairing and/or replacing pathways, access roads, landscape maintenance and the routine removal of accumulated litter, trash and debris associated with public's use of PROJECT right of way upon completion of each PHASE of PROJECT construction, and transfer of PROJECT maintenance responsibilities from USACOE to DISTRICT in accordance with the PCA. It being further understood and agreed by the parties hereto that MURRIETA'S responsibilities for operation and maintenance of PARK SITE shall be in accordance with separate agreement(s) between DISTRICT and TEMECULA.

SECTION III

TEMECULA shall:

1. Furnish PROJECT CONTRIBUTIONS in the amount of twenty-five percent (25%) of LOCAL SHARE exclusive of RECREATION ELEMENTS and fifty percent (50%) of LOCAL SHARE for RECREATIONAL ELEMENTS, hereinafter called "TEMECULA'S SHARE".

2. Continue to actively pursue local efforts to secure all such non-Federal funding necessary to accomplish PROJECT construction.

3. Keep an accurate accounting of PROJECT CONTRIBUTIONS and submit quarterly statements to DISTRICT itemizing PROJECT CONTRIBUTIONS furnished.

4. Pay one hundred percent (100%) of the cost of all BETTERMENTS as may be requested in writing by TEMECULA.

5. As requested by DISTRICT, order the relocation of all utilities installed by permit or franchise within city rights of way which conflict with the construction of PROJECT and which must be relocated at the utility company's expense.



1           5. In the event DISTRICT receives any reimbursement funding for PROJECT from  
2 the State Flood Control Subvention Program for PROJECT, MURRIETA and TEMECULA shall each  
3 receive twenty-five percent (25%) of any such reimbursement(s) received.

4           6. Within PROJECT'S right of way, CITIES shall not construct any structures or  
5 improvements or cause any changes to or modifications of PROJECT without DISTRICT'S prior written  
6 permission and consent.

7           7. Within the PROJECT right of way, or as otherwise associated with this Agreement,  
8 CITIES shall indemnify and hold DISTRICT and County of Riverside, their officers, agents, employees  
9 and independent contractors free and harmless from any liability whatsoever, based or asserted upon any  
10 act or omission of DISTRICT or County of Riverside, its officers, agents, employees, subcontractors,  
11 independent contractors, guests and invitees for property damage, bodily injury or death or any other  
12 element of damage of any kind or nature, including but not limited to any action concerning this  
13 Agreement or related to or in any manner connected with or arising from public's use of PROJECT right  
14 of way to provide recreational amenities and the public's use associated therewith, or CITIES'  
15 responsibilities in connection therewith or the condition thereof, and CITIES shall defend, at its own  
16 expense, including reasonable attorneys' fees, DISTRICT and County of Riverside, their officers, agents,  
17 employees and independent contractors, in any legal action based upon such alleged acts or omissions.

18           8. Each party, as to any and all loss, damage, claim for damage, liability, expense or  
19 cost, including attorneys' fees, which arises out of such party's (including its employees, contractors,  
20 subcontractors or agents) act or omission regarding any work to be performed by or authority delegated to  
21 such party under this Agreement, shall defend, indemnify and hold harmless the other party and its  
22 officers and employees, except as to sole negligence or willful misconduct of the other party.

23           9. Any notices sent or required to be sent to any party shall be mailed to the following  
24 addresses:

25                   RIVERSIDE COUNTY FLOOD CONTROL  
26                   AND WATER CONSERVATION DISTRICT  
27                   1995 Market Street  
28                   Riverside, CA 92501

                  CITY OF TEMECULA  
                  43200 Business Park Drive  
                  Temecula, CA 92589-9033  
                  Attn: Ron Parks

1 CITY OF MURRIETA  
2 26442 Beckman Court  
3 Murrieta, CA 92562  
4 Attn: Jim Kinley

5 10. This Agreement is to be construed in accordance with the laws of the State of  
6 California.

7 11. If any provision of this Agreement is held by a court of competent jurisdiction to be  
8 invalid, void or unenforceable, the remaining provisions shall be declared severable and shall be given  
9 full force and effect to the extent possible.

10 12. Any action at law or in equity brought by any of the parties hereto for the purpose  
11 of enforcing a right or rights provided for by the Agreement shall be tried in a court of competent  
12 jurisdiction in the County of Riverside, State of California, and the parties hereto waive all provisions of  
13 law providing for change of venue in such proceedings to any other county.

14 13. This Agreement is the result of negotiations between the parties hereto and with the  
15 advice and assistance of their respective counsel. No provision contained herein shall be construed  
16 against DISTRICT solely because, as a matter of convenience, it prepared this Agreement in final form.

17 14. Any waiver by DISTRICT or CITIES of any breach by the other of any one or  
18 more of the terms of this Agreement shall not be construed to be a waiver of any subsequent or other  
19 breach of the same or of any other term hereof. Failure on the part of DISTRICT or CITIES to require  
20 from the other exact, full and complete compliance with any terms of the Agreement shall not be  
21 construed as in any manner changing the terms hereof, or stopping DISTRICT or CITIES from  
22 enforcement hereof.

23 15. This Agreement may be executed and delivered in any number of counterparts or  
24 copies, hereinafter called "COUNTERPART", by the parties hereto. When each party has signed and  
25 delivered at least one COUNTERPART to the other parties hereto, each COUNTERPART shall be  
26 deemed an original and, taken together, shall constitute one and the same Agreement, which shall be  
27 binding and effective as to the parties hereto.

28 16. This Agreement is intended by the parties hereto as their final expression with  
respect to the matters herein, and is a complete and exclusive statement of the terms and conditions

1 thereof. This Agreement shall not be changed or modified except by the written consent of both parties  
2 hereto.

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement on

**JAN 11 2004**

(to be filled in by Clerk to the Board)

RECOMMENDED FOR APPROVAL: RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

By Warren D. Williams  
WARREN D. WILLIAMS  
General Manager-Chief Engineer

By Marion Ashley  
MARION ASHLEY, Chairman  
Riverside County Flood Control and Water Conservation District Board of Supervisors

APPROVED AS TO FORM:

ATTEST:

WILLIAM C. KATZENSTEIN  
County Counsel

NANCY ROMERO  
Clerk to the Board

By Joe S. Rank  
JOE S. RANK  
Assistant County Counsel

By Sheryl Long  
Deputy

Dated 9/10/04

(SEAL)

MHW:bj

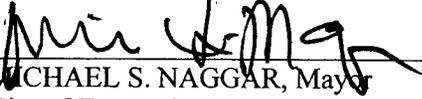
Cooperative Agreement: Murrieta Creek Flood Control, Environmental Restoration and Recreation Project

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RECOMMENDED FOR APPROVAL:

CITY OF TEMECULA

By   
BILL HUGHES  
Public Works Director

By   
MICHAEL S. NAGGAR, Mayor  
City of Temecula

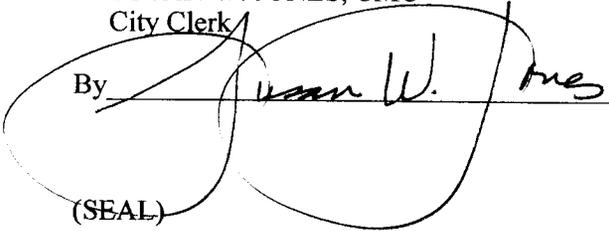
APPROVED AS TO FORM:

ATTEST:

PETER M. THORSON  
City Attorney

SUSAN W. JONES, CMC  
City Clerk

By: 

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Cooperative Agreement: Murrieta Creek Flood Control, Environmental  
Restoration and Recreation Project

1 RECOMMENDED FOR APPROVAL:

CITY OF MURRIETA

2 By 

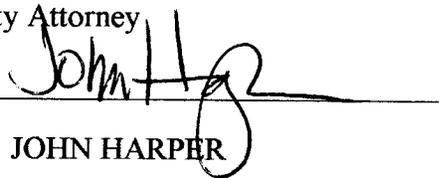
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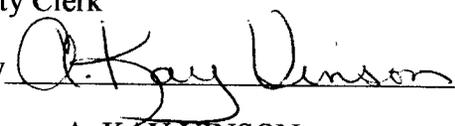
3 JAMES E. KINLEY  
4 Director of Public Works/City Engineer

JACK VAN HAASTER  
Mayor

6 APPROVED AS TO FORM:

ATTEST:

8 City Attorney  
9 By   
10 JOHN HARPER

City Clerk  
By   
A. KAY VINSON

(SEAL)

14 Cooperative Agreement: Murrieta Creek Flood Control, Environmental  
15 Restoration and Recreation Project

# COUNTY OF RIVERSIDE

## ENVIRONMENTAL ASSESSMENT FORM: INITIAL STUDY

**Environmental Assessment (E.A.) Number:** 39443

**Project Case Type (s) and Number(s):** General Plan Amendment No. 801, Change of Zone No. 6936, and Tentative Tract Map No. 31895

**Lead Agency Name:** County of Riverside Planning Department

**Address:** P.O. Box 1409, Riverside, CA 92502-1409

**Contact Person:** Bulmaro Canseco, Project Planner

**Telephone Number:** (951) 955-8632

**Applicant's Name:** Hoover Ranch, LLC

**Applicant's Address:** 1801 Parkcourt Place, Suite C, Santa Ana, CA 92702

**Engineer's Name:** Markham Development Management Group, Inc.

**Engineer's Address:** 41635 Enterprise Circle North, Suite B, Temecula, CA 92590

### I. PROJECT INFORMATION

#### A. Project Description:

**General Plan Amendment No. 801** proposes to amend portion of the project site's current general plan land use designation from Very Low Density Residential (VLDR) (1 Acre Minimum) to Medium Density Residential (MDR) (2 – 5 Dwelling Units per Acre) within the Community Development Foundation. This area is 14.69 acres, which equals 48.9 percent of the project site's total acreage. The proposed residential development will only be constructed on this area; hence, the general plan amendment is only being proposed for this area and not for the entire project site.

**Change of Zone No. 6936** proposes to change the project site's current zoning classifications from Rural Residential (R-R) and Watercourse, Watershed & Conservation Areas (W-1) to One-Family Dwellings (R-1), Open Area Combining Zone Residential Developments (R-5), and Watercourse, Watershed & Conservation Areas (W-1).

**Tentative Tract Map No. 31895** proposes a Schedule "A" subdivision of 30.02 gross acres into 57 single-family residential lots with a minimum lot size of 7,200 sq. ft. and two (2) Open Space Lots, which total 15.33 acres.

**B. Type of Project:** Site Specific ; Countywide ; Community ; Policy .

**C. Total Project Area:** 30.02 Gross Acres

<b>Residential Acres:</b> 14.69	<b>Lots:</b> 57	<b>Units:</b> 57	<b>Projected No. of Residents:</b> 170
<b>Commercial Acres:</b> N/A	<b>Lots:</b> N/A	<b>Sq. Ft. of Bldg. Area:</b> N/A	<b>Est. No. of Employees:</b> N/A
<b>Industrial Acres:</b> N/A	<b>Lots:</b> N/A	<b>Sq. Ft. of Bldg. Area:</b> N/A	<b>Est. No. of Employees:</b> N/A
<b>Other:</b> Open Space – 15.33 Acres	<b>Lots:</b> 2		

**D. Assessor's Parcel No(s):** 380-160-016, 380-160-019, and 380-160-020

**E. Street References:** The project site is located westerly of Palomar Street and southerly of Clinton Keith Road specifically west of the Murrieta Creek and east of the City of Murrieta City Limit.

**F. Section, Township & Range Description or reference/attach a Legal Description:**  
Section 12, Township 7 South, Range 4 West

**G. Brief description of the existing environmental setting of the project site and its surroundings:** The topography of the site consists of relatively flat to low rolling terrain. The site is currently being utilized as a horse ranch, consisting of corrals, service roads, and chicken coops. The site has been disturbed by rural residential activities. Vegetation on the easterly portion of the site is characterized by annual weeds and grasses. Numerous Oak trees and ornamental shrubs characterize the westerly portion of the site. Wind breaks and shade rows present on-site are characterized by eucalyptus and cottonwood trees. The project site is located adjacent to existing single-family homes (west of the project site) and to proposed single-family homes (east of the project site).

## **II. APPLICABLE GENERAL PLAN AND ZONING REGULATIONS**

### **A. General Plan Elements/Policies:**

- 1. Land Use:** The 30.02-acre project site is designated as Very Low Density Residential (VLDR) (1 Acre Minimum). The project site's existing land use designation does not permit the densities proposed under the proposed project; therefore, the project proponent is proposing a General Plan Amendment to permit the densities proposed for the project. As such, **General Plan Amendment No. 801** proposes to amend portion of the project site's current general plan land use designation from Very Low Density Residential (VLDR) (1 Acre Minimum) to Medium Density Residential (MDR) (2 – 5 Dwelling Units per Acre). To maintain land use and zoning consistency the project proponent is also proposing **Change of Zone No. 6936** which proposes to change the project site's current zoning classifications from Rural Residential (R-R) and Watercourse, Watershed & Conservation Areas (W-1) to One-Family Dwellings (R-1), Open Area Combining Zone Residential Developments (R-5), and Watercourse, Watershed & Conservation Areas (W-1). Hence, ensuring land use and zoning consistency for the project site. The proposed project meets all other applicable land use policies.
- 2. Circulation:** Adequate circulation facilities exist and are proposed to serve the proposed project. The project is being proposed as a gated community, which will take primary access off Rancho Mirlo Road on the northern side of the project site and secondary access will be taken through an existing city park located within the City of Murrieta off "B" Street. An emergency access easement has been secured for the proposed secondary access route. A paved road is currently under construction on the park site that will serve as the access route for the residents of the proposed project; this paved route connects the proposed project to existing dedicated and constructed right-of-way in the City of Murrieta (Via Alisol). The proposed project meets all other applicable circulation policies of the General Plan.
- 3. Multipurpose Open Space:** Two (2) Open Space Lots are proposed, which total 15.33 acres; furthermore, as part of the project design, a Flood Control Maintenance Road for the existing Murrieta Creek is being proposed as a dual use facility that will serve as a community trail for the proposed project. The proposed project meets all applicable Multipurpose Open Space element policies.
- 4. Safety:** The proposed project is located within FEMA Flood Zone A and falls almost completely within the 100-year floodplain for Murrieta Creek. The proposed project is not

located within any other special hazard zone (including fault zone, high fire hazard area, etc.). According to County records and GEO No. 1389, the project site is subject to liquefaction potential; however, a Geologic Report prepared for the project determined that “post-tensioned slabs” would mitigate the liquefaction-induced settlement. The proposed project has allowed for sufficient provision of emergency response services to the future users of the project. The proposed project meets all other applicable Safety element policies.

5. **Noise:** Sufficient mitigation against any foreseeable noise sources in the area have been provided for in the design of the project. The proposed project meets all other applicable Noise element policies.
6. **Housing:** The project proposes 57 single-family residential lots that will contribute to the overall housing supply in the area. The proposed project meets all applicable Housing element policies.
7. **Air Quality:** The proposed project has been conditioned to control any fugitive dust during grading and construction activities. The proposed project meets all other applicable Air Quality element policies.

**B. General Plan Area Plan(s):** Elsinore Area Plan

**C. Foundation Component(s):** Community Development

**D. Land Use Designation(s):** Very Low Density Residential (VLDR) (1 Acre Minimum)

**E. Overlay(s), if any:** N/A

**F. Policy Area(s), if any:** N/A

**G. Adjacent and Surrounding Area Plan(s), Foundation Component(s), Land Use Designation(s), and Overlay(s) and Policy Area(s), if any:** The project site is surrounded by properties which are designated Estate Density Residential (EDR) (2 Acre Minimum), Very Low Density Residential (VLDR) (1 Acre Minimum), and Commercial Office (CO) (0.25 – 1.00 Floor Area Ratio) to the north, Medium Density Residential (MDR) (2 – 5 Dwelling Units per Acre) to the east, and the City of Murrieta to the west and south.

**H. Adopted Specific Plan Information**

1. **Name and Number of Specific Plan, if any:** N/A

2. **Specific Plan Planning Area, and Policies, if any:** N/A

**I. Existing Zoning:** Rural Residential (R-R) and Watercourse, Watershed & Conservation Areas (W-1)

**J. Proposed Zoning, if any:** One-Family Dwellings (R-1), Open Area Combining Zone Residential Developments (R-5), and Watercourse, Watershed & Conservation Areas (W-1)

**K. Adjacent and Surrounding Zoning:** Rural Residential (R-R) and Commercial Office (C-O) to the north, Manufacturing-Service Commercial (M-SC) to the east, and the City of Murrieta to the west and south.

**III. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below ( x ) would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Less than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics           | <input type="checkbox"/> Hazards & Hazardous Materials      | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Agriculture Resources           | <input checked="" type="checkbox"/> Hydrology/Water Quality | <input checked="" type="checkbox"/> Recreation              |
| <input type="checkbox"/> Air Quality                     | <input checked="" type="checkbox"/> Land Use/Planning       | <input checked="" type="checkbox"/> Transportation/Traffic  |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Mineral Resources                  | <input type="checkbox"/> Utilities/Service Systems          |
| <input checked="" type="checkbox"/> Cultural Resources   | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Other                              |
| <input checked="" type="checkbox"/> Geology/Soils        | <input type="checkbox"/> Population/Housing                 | <input type="checkbox"/> Mandatory Findings of Significance |

**IV. DETERMINATION**

On the basis of this initial evaluation:

<b>A PREVIOUS ENVIRONMENTAL IMPACT REPORT/NEGATIVE DECLARATION WAS NOT PREPARED</b>
<input type="checkbox"/> I find that the proposed project <b>COULD NOT</b> have a significant effect on the environment, and a <b>NEGATIVE DECLARATION</b> will be prepared.
<input checked="" type="checkbox"/> I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project, described in this document, have been made or agreed to by the project proponent. <b>A MITIGATED NEGATIVE DECLARATION</b> will be prepared.
<input type="checkbox"/> I find that the proposed project <b>MAY</b> have a significant effect on the environment, and an <b>ENVIRONMENTAL IMPACT REPORT</b> is required.

<b>A PREVIOUS ENVIRONMENTAL IMPACT REPORT/NEGATIVE DECLARATION WAS PREPARED</b>
<input type="checkbox"/> I find that although the proposed project could have a significant effect on the environment <b>NOTHING FURTHER IS REQUIRED</b> because all potentially significant effects (a) have been adequately analyzed in an earlier EIR or Negative Declaration pursuant to applicable legal standards and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project.
<input type="checkbox"/> I find that although all potentially significant effects have been adequately analyzed in an earlier EIR or Negative Declaration pursuant to applicable legal standards, some changes or additions are necessary but none of the conditions described in California Code of Regulations, Section 15162 exist. An <b>ADDENDUM</b> to a previously-certified EIR or Negative Declaration has been prepared and will be considered by the approving body or bodies.
<input type="checkbox"/> I find that at least one of the conditions described in California Code of Regulations, Section 15162 exist, but I further find that only minor additions or changes are necessary to make the previous EIR adequately apply to the project in the changed situation; therefore a <b>SUPPLEMENT TO THE ENVIRONMENTAL IMPACT REPORT</b> is required that need only contain the information necessary to make the previous EIR adequate for the project as revised.
<input type="checkbox"/> I find that at least one of the following conditions described in California Code of Regulations, Section 15162, exist and a <b>SUBSEQUENT ENVIRONMENTAL IMPACT REPORT</b> is required: (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) Substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant

environmental effects or a substantial increase in the severity of previously identified significant effects; or (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any the following:(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR or negative declaration;(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives; or,(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR or negative declaration would substantially reduce one or more significant effects of the project on the environment, but the project proponents decline to adopt the mitigation measures or alternatives.

\_\_\_\_\_  
Signature

Bulmaro Canseco, Project Planner  
Printed Name

August 30, 2006

Date

For Robert C. Johnson, Planning Director

**V. ENVIRONMENTAL ISSUES ASSESSMENT**

In accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000-21178.1), this Initial Study has been prepared to analyze the proposed project to determine any potential significant impacts upon the environment that would result from construction and implementation of the project. In accordance with California Code of Regulations, Section 15063, this Initial Study is a preliminary analysis prepared by the Lead Agency, the County of Riverside, in consultation with other jurisdictional agencies, to determine whether a Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report is required for the proposed project. The purpose of this Initial Study is to inform the decision-makers, affected agencies, and the public of potential environmental impacts associated with the implementation of the proposed project.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>AESTHETICS</b> Would the project				
<b>1. Scenic Resources</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) Have a substantial effect upon a scenic highway corridor within which it is located?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and unique or landmark features; obstruct any prominent scenic vista or view open to the public; or result in the creation of an aesthetically offensive site open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: Riverside County General Plan Figure C-7 “Scenic Highways” and the Elsinore Area Plan Figure 9 “Scenic Highways”

Findings of Fact: The project site is located in a primarily suburban area of Riverside County and is not located within a scenic highway corridor. The closest Scenic Highway is Interstate 15; however, this state eligible scenic highway is located approximately 0.7 miles east of the project site and several physical barriers are located in between this state eligible scenic highway and the project site. Development of the project site will not affect any scenic resources, as adjacent lands are vacant, have been develop with residential developments, or are planned for residential developments.

The proposed project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and unique or landmark features, or obstruct a prominent scenic vista or view open to the public. Scenic resources consisting of Oak trees and of the Murrieta Creek and its riparian vegetation that borders the site will not be impacted by the proposed project as these areas are being protected and left as undeveloped Open Spaces lots. The design of this residential development will be compatible with the existing suburban residential architectural motif within the area, and will, therefore, have a less than significant impact as a result of its implementation. Additionally, the proposed project will not result in the creation of an aesthetically offensive site open to public view.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

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**2. Mt. Palomar Observatory**

a) Interfere with the nighttime use of the Mt. Palomar Observatory, as protected through [Riverside County Ordinance No. 655?](#)

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Source: GIS and Ord. No. 655 (Regulating Light Pollution)

Findings of Fact: According to the RCIP, the project site is located within (Zone B) Special Lighting Area that surrounds the Mt. Palomar Observatory. Riverside County Ordinance No. 655 (An Ordinance of the County of Riverside Regulating Light Pollution) was adopted by the County Board of Supervisors on June 7, 1988 and went into effect on July 7, 1988. The intent of Ordinance No. 655 is to restrict the permitted development of certain light fixtures emitting into the night sky undesirable light rays into the night sky that may have a detrimental effect on astronomical observation and research. Ordinance No. 655 contains approved materials and methods of installation, definition, general requirements, requirements for lamp source and shielding, prohibition and exceptions. With the incorporation of project lighting requirements of Riverside County Ordinance No. 655 into the proposed project, this impact will be reduced to a less than significant level.

Mitigation: All proposed outdoor lighting shall comply with Ordinance No. 655, which includes the use of low pressure sodium vapor lighting or overhead high pressure sodium vapor lighting with shields or luminaries and a note shall be placed on the ECS stating that all proposed outdoor lighting systems shall be in conformance with County Ordinance No. 655. (COA: 50.PLANNING.20)

Monitoring: Monitoring shall be conducted by the Department of Building and Safety.

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**3. Other Lighting Issues**

a) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

b) Expose residential property to unacceptable light levels?

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Source: On-site Inspection, Project Application Description, and Project Application Materials

Findings of Fact: The project will not create substantial light or glare, which would adversely affect day or nighttime views in the project's vicinity and it will not expose residential property to unacceptable levels of light or glare. The project site is adjacent to existing and planned compatible residential uses.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

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**AGRICULTURE RESOURCES** Would the project

**4. Agriculture**

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to

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	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
non-agricultural use?				
b) Conflict with existing agricultural use, or a Williamson Act (agricultural preserve) contract (Riv. Co. Agricultural Land Conservation Contract Maps)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Cause development of non-agricultural uses within 300 feet of agriculturally zoned property (Ordinance No. 625 "Right-to-Farm")?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Riverside County General Plan Figure OS-2 "Agricultural Resources," GIS, and Project Application Materials.

Findings of Fact: The project site is located in immediate proximity of residential uses. The project site is currently being utilized as a horse ranch; however, the property owner does not plan to continue this use on the property in the future and other than the horse ranching activities on the project site there are no other agricultural uses being conducted on the project site. Furthermore, no agricultural uses are being conducted within the immediate vicinity of the project site. The project site will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. The proposed project is not located within any existing agriculture preserves. This project is not under a Williamson Act contract and is not zoned for agricultural uses. The project site is zoned Rural Residential (R-R) and Watercourse, Watershed & Conservation Areas (W-1) and surrounding properties are zoned Rural Residential (R-R) and Commercial Office (C-O) to the north, Manufacturing-Service Commercial (M-SC) to the west and the City of Murrieta to the west and south. The proposed project will result in the development of non-agricultural uses; however, the proposed residential development is not within 300 feet of an agriculturally zoned property. Additionally, the proposed project will not involve other changes in the existing environment that will result in the conversion of farmland to non-agricultural uses.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

<b>AIR QUALITY</b> Would the project				
<b>5. Air Quality Impacts</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors which are located within 1 mile of the project site to project substantial point source	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
emissions?				
e) Involve the construction of a sensitive receptor located within one mile of an existing substantial point source emitter?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: SCAQMD CEQA Air Quality Handbook (Urbemis 2002 for Windows 8.7.0) and Project Application Materials

**Findings of Fact:** Residential developments, such as the proposed project, primarily impact air quality almost exclusively through increased automotive emissions. Single projects typically do not generate enough traffic and associated air pollutants to individually violate clean air standards. Typically the cumulative effect of hundreds of such developments can potentially cause significant impacts on air quality rather than the small incremental contribution from any one development to become cumulatively significant. Based on the analysis provided below, the proposed project will not individually create significant impacts on air quality; therefore, it is determined that it will not cumulative impact air quality resources either.

The project site is located within the South Coast Air Basin (SoCAB), which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The SCAQMD screening threshold for determining whether a single-family residential project will result in a potentially significant air quality impact is 166 units (Table 6-2, SCAQMD CEQA Air Quality Handbook). The proposed project, of 57 units, falls below this threshold. Based upon the fact that the proposed project complies with the County of Riverside General Plan, SCAG projections, and falls within the SCAQMD threshold for significance, the proposed project is not forecast to conflict or obstruct any applicable air quality plans.

The South Coast Air Basin is non-attainment area for federal and State ambient air quality standards for ozone (O3) and particulate matter less than microns in size (PM10). For the past two (2) years the Basin has been in compliance with the carbon monoxide (CO) standard and the District has submitted the data with a request to be designated attainment for this pollutant.

Although the proposed project contains substantially fewer units than identified in the screening table (Table 6-2 of the Handbook), the URBEMIS 2002 model (URBEMIS 2002 for Windows 8.7.0) was exercised to verify the project related emissions. The majority of emissions are caused by mobile sources (project-related traffic), with only minor area source emissions (use of natural gas and electricity). Below are the summarized emissions forecast based on the URBEMIS model ran for the project.

**Unmitigated Operating Emissions**

Reactive Organic Gases (ROG) =	11.11 lbs/day
Nitrogen Oxides (NOx) =	7.22 lbs/day
Carbon Monoxide (CO) =	74.91 lbs/day
Sulfur Oxides (SOx) =	<1 lbs/day
Particulate Matter (PM10) =	5.55 lbs/day

These emissions fall well below the thresholds of significance noted on the SCAQMD 1993 CEQA Air Quality Handbook Table 5.6. No mitigation is required for operational emissions in general.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Construction emissions are presented below for this project based on grading 19 acres of the 30.02 acre site. These emissions were identified as being potentially significant unless the mitigation measures presented below are implemented.

**Unmitigated Construction Emissions**

Reactive Organic Gases (ROG) =	13.02 lbs/day
Nitrogen Oxides (NOx) =	88.53 lbs/day
Carbon Monoxide (CO) =	108.34 lbs/day
Sulfur Oxides (SOx) =	<1 lbs/day
Particulate Matter (PM10) =	153.97 lbs/day

The above emissions are based on the following assumptions:

Off-Road Equipment: one (1) grader; two (2) off-highway trucks; one (1) rubber tired dozer; one (1) rubber tired loader; three (3) scrapers; one (1) skid steer loader; and one (1) tractor/loader/backhoe. Grading duration is assumed to required 1.2 months.

Building Construction Assumptions: 10.2 months duration and paving of approximately six (6) acres.

**Mitigated Construction Emissions**

Reactive Organic Gases (ROG) =	1.48 lbs/day
Nitrogen Oxides (NOx) =	45.86 lbs/day
Carbon Monoxide (CO) =	14.37 lbs/day
Sulfur Oxides (SOx) =	<1 lbs/day
Particulate Matter (PM10) =	48.06 lbs/day

The following standard mitigation measures shall be implemented during project construction:

**5b-1** Use appropriate emission control devices on gasoline and diesel construction equipment and maintain construction equipment engines by keeping them tuned.

**5b-2** Prohibit extended idling (more than 10 minutes) and other unnecessary operation of equipment.

**5b-3** Utilize existing electrical power sources (i.e., temporary power poles) and avoid onsite power generation.

**5b-4** Have sufficient equipment at the site to carry out dust-control measures in all areas covered by the contract work (not just the immediate area of construction).

**5b-5** Employ construction activity management techniques, such as: configuring the construction parking to minimize traffic interference; extending the construction period; reducing the number of pieces of equipment used simultaneously; increasing the distance between the emission sources; and reducing or changing the hours of construction to minimize construction activity emissions.

**5b-6** Cover loaded trucks used in construction operations with tarpaulins or maintain at least 2 feet of freeboard and wash off trucks leaving the site.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**5b-7** Sweep streets if silt is carried over to adjacent public thoroughfares.

Through implementation of the above mitigation measures, the operation of the proposed project will not result in potentially significant adverse impacts to air quality.

Construction activities have the potential to create significant quantities of fugitive dust. The EPA suggests the use of dust control measures, such as regular watering or dust palliative chemicals to reduce emission levels. Mitigation measures for potentially significant impacts are outlined below for construction impacts:

**5b-8** Contractors will be required to apply water to the disturbed portions of the project site at least two (2) times per day. On days where wind speeds are sufficient to transport fugitive dust beyond the working area boundary, contractors will be required to increase watering to the point that fugitive dust no longer leaves the property (typically a moisture content of 12%), and/or the contractor will terminate grading and loading operations.

**5b-9** The project will comply with regional Rule 403 set forth by the SCAQMD to assist in reducing short-term air pollutant emissions. Fugitive dust must be controlled with best available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. Dust suppression techniques must be implemented to prevent fugitive dust from creating a nuisance offsite. These dust suppression techniques are summarized below.

Portions of the construction site to remain inactive longer than a period of three (3) months will be seeded and watered until stabilized in a manner acceptable to the County.

All on-site roads will be paved as soon as feasible or watered periodically or chemically stabilized.

All material transported from or to the site will be either sufficiently watered or securely covered to prevent excessive amounts of dust.

The area disturbed by clearing, grading, earth moving, or excavation operations will be minimized at all times.

**5b-10** All material stockpiles subject to wind erosion during construction activities that will not be utilized within three (3) days will be covered with plastic, an alternative cover deemed equivalent to plastic, or sprayed with a nontoxic chemical stabilizer.

**5b-11** All vehicles on the construction site will travel at speeds less than 15 miles per hour. This will be enforced by including this requirement in the construction contract between the applicant and the contracted construction company with penalty clauses for violation of this speed limit.

**5b-12** Where vehicles leave the construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the work day to remove soil tracked onto the paved surface.

Implementation of these measures can reduce fugitive dust emissions by approximately 88%, or 156.32 lbs/day to 19.85 lbs/day. Nuisance dust will also be controlled through implementation of the above measures.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The equipment required to complete site grading is anticipated to be well below the number of pieces of equipment that would generate significant combustion emissions. To ensure that combustion emissions fall below SCAQMD thresholds, the following measures will be implemented.

**5b-13** All engines will be properly operated and maintained. These measures will be enforced through the monthly submission of certified mechanic's records.

**5b-14** All diesel-powered vehicles and equipment will be operated with the fuel injection timing retarded two (2) degrees from the manufacturer's recommendation and use high pressure injectors.

**5b-15** All diesel-powered vehicles will be turned off when not in use for more than 30 minutes and gasoline - powered equipment will be turned off when not in use for more than five minutes.

**5b-16** The construction contractor will utilize electric or natural gas powered equipment in lieu of gasoline or diesel powered engines, where feasible and where economically competitive.

With implementation of these standard mitigation measures, construction combustion emissions will be substantially below SCAQMD emission thresholds.

Through implementation of all of the above standard mitigation measures, the construction and operation emissions of the proposed project will fall below SCAQMD thresholds of significance and will not individually or cumulatively contribute to significant air quality impacts.

All of Southern California is within a non-attainment region for certain pollutants. Based upon the above discussion and through the implementation of mitigation measures, the proposed project is not forecast to create any incremental impact that would cumulatively contribute to significant air quality impacts.

According to the discussion of toxic emissions in SCAQMD's CEQA Air Quality Handbook (Chapter 10), residential projects are not the type of uses that would generate substantial toxic emissions that would be harmful to humans. A residential project such as the proposed has no potential to emit significant quantities of toxic air pollutants. No major stationary source emissions are located near the project site and the project does not include any major stationary source emissions.

The proposed project does not include uses or encompass a large enough project to cause significant changes in area climate.

During construction, the proposed project includes operations that will have diesel odors associated with equipment and materials. None of these odors are permanent, nor are they normally considered so offensive as to cause sensitive receptors to complain. Diesel fuel odors from construction equipment and new asphalt paving fall into this category. Both based on the short-term of the emissions and the characteristics of these emissions, no significant odor impacts are forecast to result from implementing the proposed project.

Implementation of the proposed project is not anticipated to emit objectionable odors in the project vicinity that would affect a substantial number of people. Grading and construction activities for the proposed project would involve activities and the use of equipment typical of residential development.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The emission of objectionable odors is not anticipated during construction and the ongoing uses of the proposed project. Nonetheless, the project will be conditioned for standard dust control measures.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

**BIOLOGICAL RESOURCES** Would the project

**6. Wildlife & Vegetation**

a) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect, either directly or through habitat modifications, on any endangered, or threatened species, as listed in Title 14 of the California Code of Regulations (Sections 670.2 or 670.5) or in Title 50, Code of Federal Regulations (Sections 17.11 or 17.12)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Source: GIS, WRCMSHCP, On-site Inspection, and EPD Review (PDB No. 3401 and PDB No. 3701)

Findings of Fact: The proposed project does not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan. According to the Riverside County Geographic Information System data, the

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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project site does not contain potential habitat for or candidate for, sensitive, or special status species, including the California Gnatcatcher, or the Quino Checkerspot Butterfly.

The project site has been previously disturbed due to existing residential and horse ranch uses on-site; furthermore, the majority of the project site supports non-native vegetation and un-vegetated areas, with the exception of a few large oak trees in the westerly portion of the project site which are to be preserved on-site. Species observed on-site were beechy ground squirrels, western meadowlark, cottontail rabbits, mourning doves, western kingbirds, and red-tailed hawks. The species for which the site was determined to consist of marginal foraging habitat for were the following: mountain lion, bobcat, and white-tailed kite. As such, the proposed project will not have a substantial adverse effect, either directly or through habitat modifications, on any endangered, or threatened species, as listed in Title 14 of the California Code of Regulations (Sections 670.2 or 670.5) or in Title 50, Code of Federal Regulations (Sections 17.11 or 17.12). The proposed project will not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites.

The project site is within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) fee area, but not within an MSHCP criteria area. Riparian habitat exists on the easterly portion of the project site; however, the proposed project has no potential to impact any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service because this areas will not be improved, it will be left as an open space lot.

The proposed project might have potential impacts to jurisdictional waters regulated by the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act, by the Regional Water Quality Control Board (RWQCB) under Section 401 of the Clean Water Act, or the California Department of Fish and Game (CDFG) under California Fish and Game Code Section 1602; therefore, the project has been condition to mitigate for any impacts on jurisdictional waters as well as to obtain the necessary permits needed from the U.S. Army Corps of Engineers (Corps) and California Department of Fish and Game (CDFG) if disturbances are proposed within this area. However, as designed the proposed project will not have any impacts on jurisdictional waters.

Mitigation: The areas mapped CALIFORNIA DEPT. OF FISH & GAME (JURISDICTIONAL LIMITS) on the TENTATIVE TRACT MAP dated 01/17/06 shall be clearly delineated on the Grading Plan to ensure that no disturbances are proposed within these areas. If disturbances on the jurisdictional limits is required, then Section 404 and Section 1601 and 1603 permits need to be obtain from the U.S. Army Corps of Engineers (Corps) and California Department of Fish and Game (CDFG). All existing Oak Trees shall be preserved on-site as noted on the tentative map. (COA: 10.FLOODRI.20, 60.EPD.1, 60.PLANNING.10, 60.PLANNING.12, AND 60.PLANNING.13)

Monitoring: Monitoring shall be conducted by the Department of Building and Safety, the Environmental Programs Department, the Riverside County Flood Control District, and the Planning Department.

**CULTURAL RESOURCES** Would the project

**7. Historic Resources**

a) Alter or destroy an historic site?

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Cause a substantial adverse change in the significance of a historical resource as defined in California Code of Regulations, Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: On-site Inspection, Project Application Materials, and PDA No. 4058

Findings of Fact: According to the Cultural Resources Assessment prepared for Tentative Tract Map No. 31895, by Jean A. Keller, dated January 2004, there are no “previously recorded cultural resources within the project area, and none were observed during the field survey. The area has been entirely disturbed by existing residential and horse ranching uses; it is not sensitive for cultural resources, and the potential for intact buried cultural materials is low.” Therefore, the proposed project would not cause substantial adverse change in the significance of a historical resource as defined in California Code of Regulations, Section 15064.5.

Pursuant to S. B. 18, a Tribal Consultation List was requested on May 12, 2006 from the Native American Heritage Commission. Subsequently Riverside County requested consultation with all the tribes that the Native American Heritage Commission identified as holding traditional lands or cultural places within the vicinity of the project site. The 90-day consultation period ended August 21, 2006. The Soboba Band of Luiseno Indians and the Pechanga Band of Mission Indians requested that a Native American Monitor(s) be present during any and all ground disturbing activities; other than this request, no other tribes made any other type of request and no tribes requested formal consultation. The proposed project has been condition to provide a tribal monitor from the appropriate Native American Tribe to be present at the site during all ground disturbing activities, including grading, stockpiling of materials, engineered fill, rock crushing, and as deem necessary. Furthermore, a qualified archaeologist shall be retained by the land divider for consultation and comment on the proposed grading with respect to potential impacts to sub-surface cultural resources. If human remains are encountered during grading activities, 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 to determine proper mitigation.

Mitigation: Tribal monitor(s) from the appropriate Native American Tribe(s) shall be required on-site during all ground disturbing activities, including grading, stockpiling of materials, engineered fill, rock crushing, etc. A qualified archaeologist shall be retained by the land divider for consultation and comment on the proposed grading with respect to potential impacts to sub-surface cultural resources prior to grading permit issuance. 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. (COA: 10.PLANNING.18, 60.PLANNING.23, AND 60.PLANNING.24)

Monitoring: Monitoring shall be conducted by the Department of Building and Safety and the Planning Department.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>8. Archaeological Resources</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a) Alter or destroy an archaeological site.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to California Code of Regulations, Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Restrict existing religious or sacred uses within the potential impact area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: On-site Inspection, Project Application Materials, and PDA No. 4058

Findings of Fact: According to the Cultural Resources Assessment prepared for Tentative Tract Map No. 31895, by Jean A. Keller, dated January 2004, there are no “previously recorded cultural resources within the project area, and none were observed during the field survey. The area has been entirely disturbed by existing residential and horse ranching uses; it is not sensitive for cultural resources, and the potential for intact buried cultural materials is low.” Therefore, the proposed project would not cause substantial adverse change in the significance of an archaeological resource as defined in California Code of Regulations, Section 15064.5. Furthermore, the propose project will not disturb any human remains, including those interred outside of formal cemeteries and it will not restrict existing religious or sacred uses within the potential impact area, since these uses are non-existent at the project site.

Pursuant to S. B. 18, a Tribal Consultation List was requested on May 12, 2006 from the Native American Heritage Commission. Subsequently Riverside County requested consultation with all the tribes that the Native American Heritage Commission identified as holding traditional lands or cultural places within the vicinity of the project site. The 90-day consultation period ended August 21, 2006. The Soboba Band of Luiseno Indians and the Pechanga Band of Mission Indians requested that a Native American Monitor(s) be present during any and all ground disturbing activities; other than this request, no other tribes made any other type of request and no tribes requested formal consultation. The proposed project has been condition to provide a tribal monitor from the appropriate Native American Tribe to be present at the site during all ground disturbing activities, including grading, stockpiling of materials, engineered fill, rock crushing, and as deem necessary. Furthermore, a qualified archaeologist shall be retained by the land divider for consultation and comment on the proposed grading with respect to potential impacts to sub-surface cultural resources. If human remains are encountered during grading activities, 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 to determine proper mitigation.

Mitigation: Tribal monitor(s) from the appropriate Native American Tribe(s) shall be required on-site during all ground disturbing activities, including grading, stockpiling of materials, engineered fill, rock crushing, etc. A qualified archaeologist shall be retained by the land divider for consultation and comment on the proposed grading with respect to potential impacts to sub-surface cultural resources prior to grading permit issuance. 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

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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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. (COA: 10.PLANNING.18, 60.PLANNING.23, AND 60.PLANNING.24)

**Monitoring:** Monitoring shall be conducted by the Department of Building and Safety and the Planning Department.

**9. Paleontological Resources**

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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a) Directly or indirectly destroy a unique paleontological resource, or site, or unique geologic feature?

**Source:** Riverside County General Plan Figure OS-8 "Paleontological Sensitivity"

**Findings of Fact:** Per RCIP, the project site is located within an area of high paleontological sensitivity; as such, the proposed project has been condition to retain a qualified paleontologist for consultation and comment on the proposed grading with respect to potential paleontological impacts. The paleontologist shall submit in writing to the Planning Department - Development Review Division the results of the initial consultation, and the paleontologist shall include details of the fossil recovery plan, if recovery is deemed necessary.

**Mitigation:** A qualified paleontologist for consultation and comment on the proposed grading with respect to potential paleontological impacts shall be retained prior to grading permit issuance. (COA: 60.PLANNING.22)

**Monitoring:** Monitoring shall be conducted by the Department of Building and Safety and the Planning Department.

**GEOLOGY AND SOILS** Would the project

**10. Alquist-Priolo Earthquake Fault Zone or County Fault Hazard Zones**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death?

b) Be subject to rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Source:** Riverside County General Plan Figure S-2 "Earthquake Fault Study Zones," GIS, and GEO No. 1389

**Findings of Fact:** According to the Preliminary Geotechnical Investigation prepared for the project site, there are no known active or potentially active faults crossing the site. However, GEO No. 1389 notes that the site is located within the Alquist-Priolo Fault Studies Zone for the Elsinore Fault, which is located approximately 900 feet northeast of the project site. Due to the project site's location in relation to the Elsinore Fault, impacts of the fault on the site are considered to be less that significant.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The topography within the vicinity of the project site consists of relatively flat terrain which slopes south and southeast toward Murrieta Creek. Alluvial soils were observed to be exposed at the ground surface throughout the site.

The proposed project site is located within a region of generally high seismicity. The site is expected to experience strong ground motions due to earthquakes. Based upon the site's geological conditions, the mitigation measures proposed within the Preliminary Geotechnical Investigation, which are in accordance with the provisions of the Uniform Building Code, shall be implemented in order to prevent potential impacts due to the rupture of a known fault.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

**11. Liquefaction Potential Zone**

a) Be subject to seismic-related ground failure, including liquefaction?

Source: Riverside County General Plan Figure S-3 "Generalized Liquefaction" and GEO No. 1389

Findings of Fact: Per RCIP, the project site is subject to liquefaction potential; as such, County Geologic Report (GEO) No. 1389 was prepared for this project (TR31895) by T.H.E. Soils Co., and is entitled: "Preliminary Geotechnical Investigation, Proposed 30.02-Acre (gross) Single-Family Residential Development, 59 Lot, Tentative Tract Map No. 31895, Rancho Mirlo Road, Wildomar Area, Riverside County, California," dated April 30, 2004. In addition, T.H.E Soils Co., prepared the following documents for this project:

1." Response to County of Riverside Department of Building & Safety's "Review Comments", County Geologic Report No. 1389 (Liquefaction)," dated April 15, 2005.

2. Response No. 2 to County of Riverside Department of Building & Safety's "Review Comments", County Geologic Report No. 1389 (Liquefaction)", dated May 10, 2005. These documents are herein incorporated as a part of GEO No.1389

GEO No. 1389 concluded:

1. There is a potential for liquefaction at this site.
2. The calculated total ground settlement is 3.08 inches with a differential settlement of 1.54 inches over a horizontal distance of 40 feet.
3. Post-tensioned slabs are proposed to mitigate this liquefaction-induced settlement.

An environmental constraints sheet (ECS) shall be prepared relative to the potential for liquefaction.

Mitigation: Post-tensioned slabs shall be use to mitigate liquefaction-induced settlement. An environmental constraints sheet (ECS) shall be prepared for this project. The ECS shall indicate the

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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area of the project site that is subject to the potential hazard of liquefaction. (COA: 10.PLANNING.16 and 50.PLANNING.35)

Monitoring: Monitoring shall be conducted by the Department of Building and Safety and the Planning Department.

<b>12. Ground-shaking Zone</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Be subject to strong seismic ground shaking?				

Source: Riverside County General Plan Figure S-4 “Earthquake-Induced Slope Instability Map,” Figures S-13 through S-21 (showing General Ground Shaking Risk), and Uniform Building Code

Findings of Fact: The project site is located in County Ground shaking Zone II and is considered “provisionally suitable” for the proposed project. The County Department of Building and Safety requires construction to conform to the Uniform Building Code. Upon compliance with Riverside County requirements related to geotechnical and soil reports, the potential impact of the proposed project due to ground shaking will be reduced to a less than significant impact.

Mitigation: Prior to the issuance of any grading permits, geotechnical soils reports shall be submitted to the Department of Building and Safety for review and approval. Construction of new structures on the project site shall comply with the Uniform Building Code seismic design standards for Ground-shaking Zone II. (COA: 10.BSGRADE.2 AND 60.BSGRADE.4)

Monitoring: Monitoring shall be conducted by the Department of Building and Safety.

<b>13. Landslide Risk</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, collapse, or rockfall hazards?				

Source: On-site Inspection and Riverside County General Plan Figure S-5 “Regions Underlain by Steep Slope”

Findings of Fact: The proposed project will not be located in areas where there are unstable soils that may cause landslides.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

<b>14. Ground Subsidence</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in ground subsidence?				

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Source: RCIP and GEO No. 1389

Findings of Fact: Reference Item No. 10 - Alquist-Priolo Earthquake Fault Zone or County Fault Hazard Zones and Item No. 11 - Liquefaction Potential Zone.

The ground subsidence (settlement) impacts and mitigation measures have been given detailed site specific consideration in the geotechnical evaluation for the project site. According to the Riverside County General Plan (RCIP), the project site is not located within an area of potential ground subsidence. However, the geotechnical investigation states that due to the site topography, any proposed structures shall be founded in either medium dense to dense compacted fill and or sedimentary bedrock in order to mitigate for potential seismically induced soil settlement. Implementation of the recommended geotechnical mitigation measures will ensure that potential ground subsidence impacts resulting from the proposed project would not exceed an amount that could harm the proposed structures.

Construction measures identified to reduce project site subsidence hazards to a level of non-significance are specified in the Preliminary Geotechnical Investigation. The above described mitigation measure will be identified in the grading plan and then verified in the field as each stage of construction takes place. Implementation of the proposed mitigation will not cause any additional area to be disturbed on the site or any additional environmental impacts, other than additional equipment excavation and compaction to achieve high densities of compacted material. This measure was incorporated into the construction timing and air quality impacts of the project.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

**15. Other Geologic Hazards**

a) Be subject to geologic hazards, such as seiche, mudflow, or volcanic hazard?

Source: On-site Inspection, Project Application Materials, and RCIP

Findings of Fact: The project site is not located in an area subject to seiche, mudflow, or volcanic hazards.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

**16. Slopes**

a) Change topography or ground surface relief features?

b) Create cut or fill slopes greater than 2:1 or higher than 10 feet?

c) Result in grading that affects or negates subsurface sewage disposal systems?

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Source: RCIP, Ordinance No. 457, and Project Application Materials

Findings of Fact: The proposed project will change the topography of the project site. Compliance with Riverside County Ordinance No. 457 will reduce the potential impacts due to changes in topography to a less than significant level. The proposed project does not propose cut or fill slopes that would exceed 2:1. Slopes over three (3) feet in vertical height are required to be landscaped to mitigate erosion. The proposed project will be utilizing a sewer system, which is to be installed per the specifications and requirements of the Department of Environmental Health and the Elsinore Valley Municipal Water District.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

**17. Soils**

a) Result in substantial soil erosion or the loss of topsoil?

b) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Source: RCIP, Staff Review, Project Application Materials, On-site Inspection, and GEO No. 1389

Findings of Fact: The development of the project site may have the potential to result in soil erosion during grading and construction. In addition, the site is largely covered with soils generally exhibiting medium dense to dense sedimentary bedrock. Fill materials/disturbed native soils characterized as a silty sands and silt were encountered at the site. A weathered bedrock consisting of fine to coarse grained, silty to clayey sand was encountered beneath the upper surface soils. The bedrock was observed to be dense to very dense and damp (NorCal 2003). According to the geotechnical investigation, all upper fills/disturbed soils will be removed, the exposed surface scarified, and then properly compacted as per the specifications of the geotechnical investigation prior to the addition of any additional compacted fills, foundations, slabs-on-grade, and pavement. With submittal of a grading plan, Water Quality Management Plan (WQMP), and incorporating the following mitigation measures, potential impacts to soil will be reduced to a less than significant level.

None of the soil types found on the project site could be considered expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), and thereby create substantial risks to life or property. The measures identified above are expected to mitigate potential impacts to a level of insignificance. In addition, mitigation measures have previously been identified within this document to address potential liquefaction and subsidence impacts on the site.

Furthermore, the project proposes 92,310 cubic yards of import which has been determine to be less than significant given the fact that this import is necessary to ensure that the proposed single-family dwellings are not affected by the Murrieta Creek while still preserving a significant portion of the project site unimproved as open space.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**Mitigation:** A geotechnical soils report shall be prepared and submitted the Department of Building and Safety prior to issuance of a grading permit. The project shall incorporate county grading standards, best management practices, and a WQMP to eliminate significant erosion hazards. (COA: 10.BSGRADE.3, 60.BSGRADE.4, AND 60.FLOODRI.8)

**Monitoring:** Monitoring shall be conducted by the Department of Building and Safety and the Flood Control District.

<b>18. Erosion</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a) Change deposition, siltation, or erosion that may modify the channel of a river or stream or the bed of a lake?				
b) Result in any increase in water erosion either on or off site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Source:** Department of Building and Safety: Grading and Riverside County Flood Control District

**Findings of Fact:** The proposed project may temporarily change deposition, siltation, or erosion on or off site. The following mitigation measures will reduce potential impacts related to erosion to less than significant levels.

**Mitigation:** The project shall incorporate county grading standards, best management practices, and a WQMP to eliminate significant erosion hazards. (COA: 10.BSGRADE.3, 60.BSGRADE.3, 60.FLOODRI.3, AND 60.FLOODRI.8)

**Monitoring:** Monitoring shall be conducted by the Department of Building and Safety and the Flood Control District.

<b>19. Wind Erosion and Blowsand from project either on or off site.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) Be impacted by or result in an increase in wind erosion and blowsand, either on or off site?				

**Source:** Riverside County General Plan Figure S-8 "Wind Erosion Susceptibility Map," Ord. 460, Sec. 14.2, and Ord. 484

**Findings of Fact:** The proposed development is not subject to on or off-site wind erosion or blowsand.

**Mitigation:** No mitigation measures are necessary.

**Monitoring:** No monitoring measures are necessary.

**HAZARDS AND HAZARDOUS MATERIALS** Would the project

<b>20. Hazards and Hazardous Materials</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Project Application Materials and RCIP

Findings of Fact: During the construction of the proposed development, there is a limited potential for accidental release of construction-related products although not in sufficient quantity to pose a significant hazard to people and the environment. The proposed residential development would not result in any activities or uses that would pose a potential health hazard to the local population through the release of hazardous materials into the environment. The proposed project will not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan; furthermore, the project site is not located within one-quarter mile of an existing or proposed school, as such implementation of the proposed project will not create a significant hazard to the public or the environment. According to RCIP, no sources of health hazards are known to exist on the project site or in the vicinity. In addition, the project site is not listed as a hazardous materials site. Therefore, no potential exists to expose people to such sources.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

<b>21. Airports</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) Result in an inconsistency with an Airport Master Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require review by the Airport Land Use Commission?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) For a project within the vicinity of a private airstrip, or heliport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Source: Riverside County General Plan Figure S-19 "Airport Locations," and GIS

Findings of Fact: According to the RCIP, the project site is not located within an Airport-Influence Area; because of the project site's location in relation to existing airports within the area, implementation of the proposed project will not result in an inconsistency with an Airport Master Plan and will not require review by the Airport Land Use Commission. The project site is not located within an airport land use plan or within two miles of a public airport or public use airport that would result in a safety hazard for people residing or working in the project area. The project site is also not located within the vicinity of a private airstrip, or heliport, which would result in a safety hazard for people residing or working in the project area.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

**22. Hazardous Fire Area**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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a) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Source: Riverside County General Plan Figure S-11 "Wildfire Susceptibility" and GIS

Findings of Fact: The project site is not located within a hazardous fire area.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

**HYDROLOGY AND WATER QUALITY** Would the project

**23. Water Quality Impacts**

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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a) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?

b) Violate any water quality standards or waste discharge requirements?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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d) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>polluted runoff?</u>				
e) Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Include new or retrofitted stormwater Treatment Control Best Management Practices (BMPs) (e.g. water quality treatment basins, constructed treatment wetlands), the operation of which could result in significant environmental effects (e.g. increased vectors and odors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Riverside County Flood Control District Flood Hazard Report/Condition and GIS

Findings of Fact: The Riverside County Flood Control District produced the following Flood Hazard Report:

“Tract Map 31895 is a proposal to divide 30.02 acres into 57 residential lots in the Murrieta area. The project site is located north of Rancho Mirlo Road, east of Jerome Road, and south of Palomar Street.

**MURRIETA CREEK:**

This site falls almost completely within the 100-year floodplain for Murrieta Creek. The tentative map proposes significant encroachment into the floodplain. The applicant has proposed revetted side slopes with toe protection down to the thalweg elevation of the well defined watercourse. The tentative map exhibit shows that the construction (and future District maintenance) of the slope revetment can be accomplished without disturbing the jurisdictional area delineated for Murrieta Creek. This concept shall be executed as proposed. Both the greenbelt channel facility and maintenance area setback are proposed to District standards. This setback area will also provide room for Murrieta Creek's low-flow channel to migrate and increase its sinuosity over time.

The site is within the 100-year Zone A floodplain limits as delineated on Panel No. 060245-2730 of the Flood Insurance Rate Maps issued in conjunction with the National Flood Insurance Program administered by the Federal Emergency Management Agency (FEMA). The developer will be required to obtain a Conditional Letter of Map Revision (CLOMR) from FEMA prior to issuance of grading permits or recordation of the final map which ever comes first and shall obtain a LOMR prior to final building inspections for lots impacted by the floodplain.

All letters of permission necessary for upstream impacts due the encroachment have been submitted to the District. The revised FEMA map will establish the new floodplain limits and depths on the adjacent properties. The bank protection design shown at the upstream end of the project (near the end of proposed 'A' cul-de-sac) is unacceptable. The applicant proposes to terminate the engineered banks about 100 feet away from the hillside in an armored turnaround.

The applicant has explained that options 1 and 2 create unacceptable impacts to the oak trees and that option 3 is economically unacceptable. Nevertheless, the District must require that the bank protection be tied to high ground and that the bank protection not have angle points or other design

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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features that would create unacceptable potential for scour and/or aggradations (see 10.FLOOD RI 2).

**MINOR DRAINAGE ISSUES:**

A revised "Tract 31895 Preliminary Drainage Study" was submitted to the District January 24th, 2006. Onsite and offsite hydrology flowrates are acceptable for the tentative stage. In addition, the drainage study proposes to direct both high and low-flows to the bioswales. Wherever possible, flows exceeding the water quality flowrate shall be conveyed directly to Murrieta Creek.

There are three minor offsite watersheds tributary to the project site.

(A) The tentative map proposes offsite improvements to collect the water between lots 11 and 12. Any offsite improvements will require written letters of cooperation from neighboring property owners prior to improvement plan approval otherwise the project shall be redesigned to eliminate the offsite impact.

(B)Runoff from a 68-acre watershed impacts the site from the south. The tentative map shows a proposed storm drain to collect flows from the 68-acre watershed. To ensure Lot 2 is protected, an adequate inlet works and vehicular access including a turnaround shall be provided otherwise Lot 2 shall be eliminated.

(C)An additional 61-acre watershed impacts the site from the south. For the 61-acre watershed, the tentative map shows a storm drain "by others" that will collect the resulting flows and convey them to Murrieta Creek. As-Built Plans for this storm drain will be required. Otherwise, Tract 31895 will be required to collect these flows and safely convey them to Murrieta Creek.

**WATER QUALITY MITIGATION:**

A preliminary Water Quality Management Plan (WQMP) for TR 31895 was submitted to the District on December 20th, 2005. The developer proposes a bioswale alongside the northeastern boundary of the property adjacent to the proposed maintenance road to mitigate for the developments impacts to water quality. Well into the tentative approval process for this tract, a new requirement by the San Diego Regional Water Quality Board with increased water quality mitigation requirements was imposed on new development projects. The District finds the developer's proposal to maximize the water quality mitigation features without complete redesign of the tentative map acceptable.

However, the proposed water quality swales shall be "enhanced" by adding bio-filtration design elements including a 2' deep trench filled with a sand/mulch mix and a subdrain located underneath the bioswale. The District believes that the "enhanced" swale should mitigate the pollutant of concern, phosphorus, at a medium level. Hydrological Conditions of Concern have been addressed in a letter from the engineer dated December 2, 2005.

The tentative map exhibit shows that the construction (and future District maintenance) of the slope revetment can be accomplished without disturbing the jurisdictional area delineated for Murrieta Creek. This concept shall be executed as proposed.

The Murrieta Creek design shall include the following minimum elements unless approved by the General Manager Chief Engineer.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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- a) All bank protection works shall be designed to District standards and all drawings prepared to District standard specifications.
- b) The conveyance area between the improved banks shall be dedicated in fee to the Flood Control District.
- c) If conservation easements or other constraints/encumbrances are placed on the wash area between the banks, the improvement plans shall depict the overlapping limits of the maintenance and conservation areas in plan form and in cross-section. (See also 10. FLOOD RI 23 for other regulatory obligations).
- d) An access road to District Standards (15' minimum drivable) shall be provided on each side of the creek. Access roads shall be placed at the top of the proposed reveted slopes. Ramps shall be provided for the District to access the toes of the revetted slopes. A total of 4 ramps (2 on each bank) are anticipated. (The access roads along the creek may be utilized as a joint use trail and access road as long as all of the Districts' criteria are met and as long as the an appropriate public agency indemnifies the District for the recreational use).

The bank protection at the upstream end of the project shall be designed to tie into high ground. This will mostly likely require the construction of offsite improvements or the elimination of as many as 6 lots. Although a letter of permission has been submitted from the affected property owner accepting the rise in water surface elevations, a letter of permission for the construction flood control improvements on the affected property owner has not. If offsite improvements are to be proposed, a letter of permission from the affect property owner shall be submitted to the District.”

Furthermore, the proposed project will not violate any water quality standards or waste discharge requirements and it will not substantially deplete or degrade groundwater supplies or interfere substantially with groundwater recharge. The residential development that will be constructed on the project site as a result of the proposed development is not anticipated to significantly impact the creation or contribution of runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.

Mitigation: The proposed project shall submit a copy of the proposed improvement plans, grading plans, final map, environmental constraints sheet and any other necessary documentation along with supporting hydrologic and hydraulic calculations to the Riverside County Flood Control District for approval prior to the issuance of grading and building permits. The developer must pay all associated fees that will be requested by the Flood Control District. A Conditional Letter of Map Revision (CLOMR) shall be obtained prior to grading permit issuance from FEMA. (COA: 10.FLOODRI.1, 10.FLOODRI.2, 10.FLOODRI.5, 10.FLOODRI.9, 10.FLOODRI.18, 10.FLOODRI.19, 10.FLOODRI.20, 60.FLOODRI.2, 60.FLOODRI.3, 60.FLOODRI.4, 60.FLOODRI.8, 60.FLOODRI.9, 80.FLOODRI.2, 80.FLOODRI.4, AND 80.FLOODRI.5)

Monitoring: Monitoring shall be conducted by the Riverside County Flood Control District.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**24. Floodplains**

Degree of Suitability in 100-Year Floodplains. As indicated below, the appropriate Degree of Suitability has been checked.

NA - Not Applicable <input type="checkbox"/>	U - Generally Unsuitable <input checked="" type="checkbox"/>	R - Restricted <input type="checkbox"/>		
a) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Changes in absorption rates or the rate and amount of surface runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam (Dam Inundation Area)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Changes in the amount of surface water in any water body?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Riverside County General Plan Figure S-9 “100- and 500-Year Flood Hazard Zones,” Figure S-10 “Dam Failure Inundation Zone,” Riverside County Flood Control District Flood Hazard Report/Condition, and GIS

Findings of Fact: The Riverside County Flood Control District produced the following Flood Hazard Report:

“Tract Map 31895 is a proposal to divide 30.02 acres into 57 residential lots in the Murrieta area. The project site is located north of Rancho Mirlo Road, east of Jerome Road, and south of Palomar Street.

**MURRIETA CREEK:**

This site falls almost completely within the 100-year floodplain for Murrieta Creek. The tentative map proposes significant encroachment into the floodplain. The applicant has proposed revetted side slopes with toe protection down to the thalweg elevation of the well defined watercourse. The tentative map exhibit shows that the construction (and future District maintenance) of the slope revetment can be accomplished without disturbing the jurisdictional area delineated for Murrieta Creek. This concept shall be executed as proposed. Both the greenbelt channel facility and maintenance area setback are proposed to District standards. This setback area will also provide room for Murrieta Creek's low-flow channel to migrate and increase its sinuosity over time.

The site is within the 100-year Zone A floodplain limits as delineated on Panel No. 060245-2730 of the Flood Insurance Rate Maps issued in conjunction with the National Flood Insurance Program administered by the Federal Emergency Management Agency (FEMA). The developer will be required to obtain a Conditional Letter of Map Revision (CLOMR) from FEMA prior to issuance of grading permits or recordation of the final map which ever comes first and shall obtain a LOMR prior to final building inspections for lots impacted by the floodplain.

All letters of permission necessary for upstream impacts due the encroachment have been submitted to the District. The revised FEMA map will establish the new floodplain limits and depths on the adjacent properties. The bank protection design shown at the upstream end of the project (near the

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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end of proposed 'A' cul-de-sac) is unacceptable. The applicant proposes to terminate the engineered banks about 100 feet away from the hillside in an armored turnaround.

The applicant has explained that options 1 and 2 create unacceptable impacts to the oak trees and that option 3 is economically unacceptable. Nevertheless, the District must require that the bank protection be tied to high ground and that the bank protection not have angle points or other design features that would create unacceptable potential for scour and/or aggradations (see 10.FLOOD RI 2).

**MINOR DRAINAGE ISSUES:**

A revised "Tract 31895 Preliminary Drainage Study" was submitted to the District January 24th, 2006. Onsite and offsite hydrology flowrates are acceptable for the tentative stage. In addition, the drainage study proposes to direct both high and low-flows to the bioswales. Wherever possible, flows exceeding the water quality flowrate shall be conveyed directly to Murrieta Creek.

There are three minor offsite watersheds tributary to the project site.

(A) The tentative map proposes offsite improvements to collect the water between lots 11 and 12. Any offsite improvements will require written letters of cooperation from neighboring property owners prior to improvement plan approval otherwise the project shall be redesigned to eliminate the offsite impact.

(B)Runoff from a 68-acre watershed impacts the site from the south. The tentative map shows a proposed storm drain to collect flows from the 68-acre watershed. To ensure Lot 2 is protected, an adequate inlet works and vehicular access including a turnaround shall be provided otherwise Lot 2 shall be eliminated.

(C)An additional 61-acre watershed impacts the site from the south. For the 61-acre watershed, the tentative map shows a storm drain "by others" that will collect the resulting flows and convey them to Murrieta Creek. As-Built Plans for this storm drain will be required. Otherwise, Tract 31895 will be required to collect these flows and safely convey them to Murrieta Creek.

**WATER QUALITY MITIGATION:**

A preliminary Water Quality Management Plan (WQMP) for TR 31895 was submitted to the District on December 20th, 2005. The developer proposes a bioswale alongside the northeastern boundary of the property adjacent to the proposed maintenance road to mitigate for the developments impacts to water quality. Well into the tentative approval process for this tract, a new requirement by the San Diego Regional Water Quality Board with increased water quality mitigation requirements was imposed on new development projects. The District finds the developer's proposal to maximize the water quality mitigation features without complete redesign of the tentative map acceptable.

However, the proposed water quality swales shall be "enhanced" by adding bio-filtration design elements including a 2' deep trench filled with a sand/mulch mix and a subdrain located underneath the bioswale. The District believes that the "enhanced" swale should mitigate the pollutant of concern, phosphorus, at a medium level. Hydrological Conditions of Concern have been addressed in a letter from the engineer dated December 2, 2005.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The tentative map exhibit shows that the construction (and future District maintenance) of the slope revetment can be accomplished without disturbing the jurisdictional area delineated for Murrieta Creek. This concept shall be executed as proposed.

The Murrieta Creek design shall include the following minimum elements unless approved by the General Manager Chief Engineer.

- a) All bank protection works shall be designed to District standards and all drawings prepared to District standard specifications.
- b) The conveyance area between the improved banks shall be dedicated in fee to the Flood Control District.
- c) If conservation easements or other constraints/encumbrances are placed on the wash area between the banks, the improvement plans shall depict the overlapping limits of the maintenance and conservation areas in plan form and in cross-section. (See also 10. FLOOD RI 23 for other regulatory obligations).
- d) An access road to District Standards (15' minimum drivable) shall be provided on each side of the creek. Access roads shall be placed at the top of the proposed reveted slopes. Ramps shall be provided for the District to access the toes of the revetted slopes. A total of 4 ramps (2 on each bank) are anticipated. (The access roads along the creek may be utilized as a joint use trail and access road as long as all of the Districts' criteria are met and as long as the an appropriate public agency indemnifies the District for the recreational use).

The bank protection at the upstream end of the project shall be designed to tie into high ground. This will mostly likely require the construction of offsite improvements or the elimination of as many as 6 lots. Although a letter of permission has been submitted from the affected property owner accepting the rise in water surface elevations, a letter of permission for the construction flood control improvements on the affected property owner has not. If offsite improvements are to be proposed, a letter of permission from the affect property owner shall be submitted to the District.”

Furthermore, the proposed project will not expose people or structures to a significant risk of loss, injury or death involving flooding; including flooding as a result of the failure of a levee or dam (Dam Inundation Area) and it will not change the amount of surface water in any water body with mitigation incorporated.

Mitigation: The proposed project shall submit a copy of the proposed improvement plans, grading plans, final map, environmental constraints sheet and any other necessary documentation along with supporting hydrologic and hydraulic calculations to the Riverside County Flood Control District for approval prior to the issuance of grading and building permits. The developer must pay all associated fees that will be requested by the Flood Control District. A Conditional Letter of Map Revision (CLOMR) shall be obtained prior to grading permit issuance from FEMA. (COA: 10.FLOODRI.1, 10.FLOODRI.2, 10.FLOODRI.5, 10.FLOODRI.9, 10.FLOODRI.18, 10.FLOODRI.19, 10.FLOODRI.20, 60.FLOODRI.2, 60.FLOODRI.3, 60.FLOODRI.4, 60.FLOODRI.8, 60.FLOODRI.9, 80.FLOODRI.2, 80.FLOODRI.4, AND 80.FLOODRI.5)

Monitoring: Monitoring shall be conducted by the Riverside County Flood Control District.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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<b>LAND USE/PLANNING</b> Would the project				
<b>25. Land Use</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Result in a substantial alteration of the present or planned land use of an area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Affect land use within a city sphere of influence and/or within adjacent city or county boundaries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: RCIP, GIS, Project Application Materials

Findings of Fact: **General Plan Amendment No. 801** proposes to amend portion of the project site's current general plan land use designation from Very Low Density Residential (VLDR) (1 Acre Minimum) to Medium Density Residential (MDR) (2 – 5 Dwelling Units per Acre) within the Community Development Foundation. This area is 14.69 acres, which equals 48.9 percent of the project site's total acreage. The proposed residential development will only be constructed on this area; hence, the general plan amendment is only being proposed for this area and not for the entire project site.

**Change of Zone No. 6936** proposes to change the project site's current zoning classifications from Rural Residential (R-R) and Watercourse, Watershed & Conservation Areas (W-1) to One-Family Dwellings (R-1), Open Area Combining Zone Residential Developments (R-5), and Watercourse, Watershed & Conservation Areas (W-1).

**Tentative Tract Map No. 31895** proposes a Schedule "A" subdivision of 30.02 gross acres into 57 single-family residential lots with a minimum lot size of 7,200 sq. ft. and two (2) Open Space Lots, which total 15.33 acres.

The proposed project will not result in an alteration of the present and future planned land uses of the area, because surrounding land uses include single-family residential homes to the north, west, and south and vacant land to the east. Furthermore, planned/proposed developments within the project site's vicinity are compatible with the development proposed; therefore, the proposed general plan amendment will further allow for compatible and consistent uses to be developed in the project site's vicinity.

The project site is not located within a City Sphere of Influence.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

<b>26. Planning</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a) Be consistent with the site's existing or proposed zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Be compatible with existing surrounding zoning?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be compatible with existing and planned surrounding land uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be consistent with the land use designations and policies of the Comprehensive General Plan (including those of any applicable Specific Plan)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Riverside County General Plan Land Use Element, Staff Review, GIS, and Project Application Materials

Findings of Fact: **General Plan Amendment No. 801** proposes to amend portion of the project site’s current general plan land use designation from Very Low Density Residential (VLDR) (1 Acre Minimum) to Medium Density Residential (MDR) (2 – 5 Dwelling Units per Acre) within the Community Development Foundation. This area is 14.69 acres, which equals 48.9 percent of the project site’s total acreage. The proposed residential development will only be constructed on this area; hence, the general plan amendment is only being proposed for this area and not for the entire project site.

**Change of Zone No. 6936** proposes to change the project site’s current zoning classifications from Rural Residential (R-R) and Watercourse, Watershed & Conservation Areas (W-1) to One-Family Dwellings (R-1), Open Area Combining Zone Residential Developments (R-5), and Watercourse, Watershed & Conservation Areas (W-1).

**Tentative Tract Map No. 31895** proposes a Schedule "A" subdivision of 30.02 gross acres into 57 single-family residential lots with a minimum lot size of 7,200 sq. ft. and two (2) Open Space Lots, which total 15.33 acres.

The proposed project is not consistent with the project site’s existing general plan land use designation and zoning classifications; therefore, a general plan amendment and change of zone applications are being process concurrently to permit the proposed residential development.

The proposed subdivision of 30.02 gross acres into 57 single-family residential lots with a minimum lot size of 7,200 sq. ft. is consistent with the proposed Riverside County Integrated Plan (RCIP) Medium Density Residential (MDR) (2 – 5 Dwelling Units per Acre) land use designation, but not with the existing Very Low Density Residential (VLDR) (1 Acre Minimum) land use designation and is consistent with the proposed One-Family Dwellings (R-1), Open Area Combining Zone Residential Developments (R-5), and Watercourse, Watershed & Conservation Areas (W-1) zones, but not with the existing Rural Residential (R-R) and Watercourse, Watershed & Conservation Areas (W-1) zoning classifications.

In order to obtain land use consistency, the subdivision’s proponent is concurrently seeking with the Tentative Tract Map a General Plan Amendment and a Change of Zone as follow:

**General Plan Amendment No. 801** proposes to amend portion of the project site’s current general plan land use designation from Very Low Density Residential (VLDR) (1 Acre Minimum) to Medium Density Residential (MDR) (2 – 5 Dwelling Units per Acre). This area is 14.69 acres, which equals 48.9 percent of the project site’s total acreage. The proposed residential development will only be constructed on this area; hence, the general plan amendment is only being proposed for this area and not for the entire project site. The proposed density for this area is 3.9 dwelling units per acre.

**Change of Zone No. 6936** proposes to change the project site’s current zoning classifications from Rural Residential (R-R) and Watercourse, Watershed & Conservation Areas (W-1) to One-Family Dwellings (R-1), Open Area Combining Zone Residential Developments (R-5), and Watercourse,

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Watershed & Conservation Areas (W-1) to maintain consistency with the proposed general plan amendment.

According to the Administration Chapter (Chapter 10) of the RCIP, the proposed General Plan Amendment falls into the Entitlement/Policy Amendment category which involves changes in land use designations or policies that involve land located entirely within a General Plan Foundation Component but that do not change the boundaries of that component. This type of amendment may also involve changes in General Plan policy as long as it does not change the Riverside County Vision, Foundation Component, or a General Plan Principle. This chapter also addresses the required and optional findings needed to justify a General Plan Amendment.

**Entitlement/Policy Amendment Findings**

The first two findings and any one or more of the subsequent findings would justify an entitlement/policy amendment:

- a. The proposed change does not involve a change in or conflict with:
  - (1) The Riverside County Vision;
  - (2) Any General Plan Principle; or
  - (3) Any Foundation Component designation in the General Plan.
- b. The proposed amendment would either contribute to the achievement of the purposes of the General Plan or, at a minimum, would not be detrimental to them.
- c. Special circumstances or conditions have emerged that were unanticipated in preparing the General Plan.
- d. A change in policy is required to conform to changes in state or federal law or applicable findings of a court of law.
- e. An amendment is required to comply with an update of the Housing Element or change in State Housing Element law.
- f. An amendment is required to expand basic employment job opportunities (jobs that contribute directly to the County's economic base) and that would improve the ratio of jobs-to-workers in the County.
- g. An amendment is required to address changes in public ownership of land or land not under Board of Supervisors' land use authority.

**The following findings are made in support of the proposed General Plan Amendment:**

- a. The proposed amendment from existing Very Low Density Residential (VLDR) (1 Acre Minimum) to Medium Density Residential (MDR) (2 – 5 Dwelling Units per Acre) land use designation does not involve a change in or conflict with:

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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(1) The Riverside County Vision – the proposed project conforms to the fundamental values stated in the RCIP Vision Chapter and in the Elsinore Area Plan Vision Summary section.

(2) Any General Plan Principle – the proposed project will not change or it will not be in conflict with any of the General Plan’s principles.

(3) Any Foundation Component designation in the General Plan – the project site’s existing Community Development Foundation Component will remain the same.

b. The proposed amendment would either contribute to the achievement of the purposes of the General Plan or, at a minimum, would not be detrimental to them – the proposed project will not be detrimental to the purposes of the General Plan or the Elsinore Area Plan. The proposed project is consistent with the proposed Medium Density Residential (MDR) (2 – 5 Dwelling Units per Acre) general plan land use designation, the proposed One-Family Dwellings (R-1), Open Area Combining Zone Residential Developments (R-5), and Watercourse, Watershed & Conservation Areas (W-1) zoning classifications, and is consistent and compatible with the existing surrounding general plan land use designations, zoning classifications, and land uses. The proposed general plan land use designation and zoning classifications will continue to reflect the intent of the RCIP by protecting the residential character of the area.

c. Special circumstances or conditions have emerged that were unanticipated in preparing the General Plan – the project site was designated with a general plan land use designation that seeks lower residential densities in anticipation that surrounding properties were to be develop with similar lower densities; however, adjacent parcels to the west have been develop as single-family residential lots with a minimum lot size of 7,200 sq. ft. and adjacent parcels to the east are being proposed to be develop as single-family residential lots with a minimum lot size of 7,200 sq. ft. (the parcels to the east are designated as Medium Density Residential (MDR) (2 – 5 Dwelling Units per Acre), which permits 7,200 sq. ft. lot residential developments). As such, the proposed project is consistent and compatible with the present and future logical development of the area and with surrounding existing and proposed land uses.

Surrounding land uses include single-family residential homes to the north, west, and south and vacant land to the east. Surrounding zoning classifications are Rural Residential (R-R) and Commercial Office (C-O) to the north, Manufacturing-Service Commercial (M-SC) to the east, and the City of Murrieta to the west and south. The proposed subdivision is compatible with the existing surrounding land use designations, zoning classifications, and land uses.

The proposed subdivision will be consistent with the proposed Medium Density Residential (MDR) (2 – 5 Dwelling Units per Acre) land use designation and One-Family Dwellings (R-1), Open Area Combining Zone Residential Developments (R-5), and Watercourse, Watershed & Conservation Areas (W-1) zoning classifications. The proposed zoning classifications are consistent with the proposed general plan land use designation of Medium Density Residential (MDR) (2 – 5 Dwelling Units per Acre). The proposed project meets all other applicable land use policies. Furthermore, the proposed project will not disrupt or divide the physical arrangement of an established community.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**Mitigation:** Prior to Final Map recordation, General Plan Amendment No. 801 and Change of Zone No. 6936 shall be approved and adopted by the Board of Supervisors and shall be made effective. (COA: 50.PLANNING.4)

**Monitoring:** Monitoring shall be conducted by the Planning Department.

**MINERAL RESOURCES** Would the project

**27. Mineral Resources**

a) Result in the loss of availability of a known mineral resource in an area classified or designated by the State that would be of value to the region or the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be an incompatible land use located adjacent to a State classified or designated area or existing surface mine?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or property to hazards from proposed, existing or abandoned quarries or mines?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Source:** Riverside County General Plan Figure OS-5 "Mineral Resources Area"

**Findings of Fact:** No mineral resources have been identified on the project site and there is no historical use of the site or surrounding area for mineral extraction purposes. No impacts are anticipated as a result of the implementation of the proposed project.

**Mitigation:** No mitigation measures are necessary.

**Monitoring:** No monitoring measures are necessary.

**NOISE** Would the project result in

**Definitions for Noise Acceptability Ratings**

Where indicated below, the appropriate Noise Acceptability Rating(s) has been checked.

NA - Not Applicable                      A - Generally Acceptable                      B - Conditionally Acceptable  
 C - Generally Unacceptable              D - Land Use Discouraged

**28. Airport Noise**

a) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NA <input checked="" type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/>				
b) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NA <input checked="" type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/>				

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Source: Riverside County General Plan Figure S-19 "Airport Locations"

Findings of Fact: The project site is not located within an airport land use plan or within two miles of a public airport or a public use airport that would expose people living in the project site to excessive noise levels; or within the vicinity of a private airstrip that would expose people living in the project site to excessive noise levels.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

**29. Railroad Noise**

NA  A  B  C  D

Source: Riverside County General Plan Figure C-1 "Circulation Plan", GIS database, On-site Inspection

Findings of Fact: The project site is not located near an active railroad line. No impacts will occur as a result of the proposed project.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

**30. Highway Noise**

NA  A  B  C  D

Source: On-site Inspection and Project Application Materials

Findings of Fact: The project site is not located near any highways or major thoroughfares; therefore, no impacts will occur as a result of the proposed project.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

**31. Other Noise**

NA  A  B  C  D

Source: Project Application Materials and GIS

Findings of Fact: No other noise pollution sources are anticipated to impact the project site.

Mitigation: No mitigation measures are necessary.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Monitoring: No monitoring measures are necessary.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>32. Noise Effects on or by the Project</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: Project Application Materials

Findings of Fact: The proposed project will create unavoidable incremental noise at a level less than significant. Persons might be exposed to groundborne vibration or groundborne noise levels during construction of the project; however, to minimize ambient noise levels during construction of the proposed project, grading and construction shall be restricted to daylight hours. Construction equipment shall be maintained in good working order and cannot be serviced or repaired on site. The construction of the residential development will result in an increase of noise levels, but these increased noise levels will be less than significant.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

<b>POPULATION AND HOUSING</b> Would the project				
<b>33. Housing</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a demand for additional housing, particularly housing affordable to households earning 80% or less of the County's median income?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Affect a County Redevelopment Project Area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Cumulatively exceed official regional or local population projections?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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roads or other infrastructure)?

Source: Project Application Materials, GIS, and Riverside County General Plan Housing Element

Findings of Fact: The proposed project will not have a significant impact related to population and housing in Riverside County. Future development of single-family homes will increase the number of available housing units and the population in the area. The proposed project will not displace existing housing or people, because the site is currently vacant. The proposed project will not create permanent employment opportunities; therefore, it will not create a demand for additional housing. The proposed project will not exceed cumulatively official regional or local population projections.

The project site is not located within a redevelopment project area.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

**PUBLIC SERVICES** Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

**34. Fire Services**

Source: Riverside County General Plan Safety Element

Findings of Fact: The proposed project will incrementally increase the demand for fire services within Riverside County. However, the project will not require the provision of new or altered government facilities at this time.

This project has been conditioned for the payment of standard mitigation fees pursuant to Ordinance No. 659.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

**35. Sheriff Services**

Source: RCIP Safety Element, Ordinance 659, and Project Review

Findings of Fact: The proposed project will incrementally increase the demand for Sheriff's services within Riverside County. However, the project will not require the provision of new or altered government facilities at this time.

This project has been conditioned for the payment of standard mitigation fees pursuant to Ordinance No. 659.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

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**36. Schools**

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Source: Lake Elsinore Unified School District Correspondence and RCIP

Findings of Fact: The proposed project is located within the Lake Elsinore Unified School District. This project is subject to the payment of school fees. However, the project will not require the provision of new or altered government facilities at this time.

This project has been conditioned for the payment of standard school impact fees in accordance with state law.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

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**37. Libraries**

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Source: RCIP

Findings of Fact: The proposed project will not create a significant incremental demand for library services. The project will not require the provision of new or altered government facilities at this time.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

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**38. Health Services**

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Source: RCIP

Findings of Fact: The proposed project will not create a significant incremental demand for health services. The project will not require the provision of new or altered government facilities at this time.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

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**RECREATION**

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**39. Parks and Recreation**

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a) Would the project include recreational facilities or

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				
b) Would the project include the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Is the project located within a C.S.A. or recreation and park district with a Community Parks and Recreation Plan (Quimby fees)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Source: GIS, Ord. No. 460, Section 10.35 (Regulating the Division of Land – Park and Recreation Fees and Dedications), Ord. No. 659 (Establishing Development Impact Fees), and Parks & Open Space Department Review

Findings of Fact: The project proposes a community trail within a flood control maintenance road; this road will serve as a dual use amenity. Any physical effect on the environment as a result of the proposed recreational amenity has been address and it has been concluded that the proposed recreational amenities will not have a significant effect on the environment. Residents of the proposed project might use existing neighborhood or regional parks or other recreational facilities; however, the number of residents that will house the proposed project will cause minimal use of existing neighborhood recreational amenities since only 57 units are being proposed to be constructed on the project site. Therefore, such use will not substantially cause for significant physical deterioration of the facility to occur or to be accelerated.

The proposed subdivision is located within the Sphere of Influence of County Service Area No. 152A, which is responsible for the collection of Quimby fees. The proposed project shall provide payment of Quimby fees. With the incorporation of the recommended mitigation measures, the project will not have a significant impact on parks or recreational facilities.

Mitigation: The proposed project shall provide payment of Quimby fees. (COA: 50.PLANNING.8 AND 90.PLANNING.6).

Monitoring: Monitoring shall be conducted by the Department of Building and Safety and Planning Department.

<b>40. Recreational Trails</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Source: RCIP and Elsinore Area Plan Figure 8 “Trails and Bikeway System”, and Parks & Open Space Department Review

Findings of Fact: RCIP notes that a Class I Bike Path/Regional Trail runs along Murrieta Creek. Physical constrains do not allow for full improvements of the required trail; however, a community trail is being constructed along the Murrieta Creek. The 15’ wide community trail is a dual use amenity that will serve primarily as a Flood Control Maintenance Road and a community trail. The community trail/maintenance road will be constructed as part of the required flood control facilities and maintenance of this facility will be through a joint venture between the Riverside County Flood Control District and a Trails Maintenance District.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**Mitigation:** The proposed community trail/flood control maintenance road shall be constructed as part of the required Flood Control facilities that will serve the proposed project. The proposed project shall be annex to a trails maintenance district or other maintenance entity approved by the County Planning Department for their fair share maintenance cost of the dual use community trail/flood control maintenance road. (COA: 10.FLOODRI.2 AND 50.PLANNING.10)

**Monitoring:** Monitoring shall be conducted by the Riverside County Flood Control District and the Planning Department.

**TRANSPORTATION/TRAFFIC** Would the project

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>41. Circulation</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated road or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Alter waterborne, rail or air traffic?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Cause an effect upon, or a need for new or altered maintenance of roads?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Cause an effect upon circulation during the project's construction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Result in inadequate emergency access or access to nearby uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Conflict with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Source:** RCIP and Project Review "Transportation Department"

**Findings of Fact:** "The Transportation Department has not required a traffic study for the subject project. It has been determined that the project is exempt from traffic study requirements.

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

Rancho Mirlo Road at entry shall be improved within the dedicated right-of-way in accordance with County Draft Standard No. 103. (76'/90') (Modified)

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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NOTE: Rancho Mirlo Road shall taper out from Huckaby Street easterly to entry section per Exhibit Amend No. 5.

With respect to the conditions of approval for the referenced tentative exhibit, the landowner 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 exhibit 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 exhibit 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."

Primary access for the proposed project is proposed of Rancho Mirlo Road on the northern side of the project site and secondary access will be taken through an existing city park located within the City of Murrieta off "B" Street. An easement agreement between the project proponent and the City of Murrieta was entered into on July 5, 2006 in which the City of Murrieta granted "secondary access for emergency ingress and egress for Tentative Tract Map No. 31895". As such, the project will not result in inadequate emergency access or access to nearby uses.

Furthermore, the proposed project will not result in inadequate parking capacity. The project will not result in a change in air traffic patterns or alter waterborne, rail or air traffic. The project will not substantially increase hazards to a design feature. The proposed project will not cause an effect upon circulation during the project's construction. The proposal will not conflict with adopted policies supporting alternative transportation.

Mitigation: The proposed project shall make the following improvements: a) all roads as identified by the Transportation Department shall be completed and paved to finish grade, b) storm drains and flood control facilities shall be completed, c) water systems including fire hydrants shall be installed and operational, d) sewer system shall be installed and operational, and e) landscaping and irrigation shall be installed and operational. All the facilities improvements noted shall be completed and operational upon completion of 80 percent of the project. All fees and dedications shall be paid to the appropriate agencies prior to building final inspection. Prior to the release of any building permit the Fire Department shall inspect the emergency egress off "B" Street. (COA: 10.TRANS.7, 50.TRANS.1, 90.TRANS.1, 90.TRANS.2, 90.TRANS.4, 90.TRANS.5, 50.FIRE.6, AND 80.FIRE.2)

Monitoring: Monitoring shall be conducted by the Fire Department and the Transportation Department.

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**42. Bike Trails**

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Source: RCIP

Findings of Fact: There are no bike trails within the project site or the vicinity.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**UTILITY AND SERVICE SYSTEMS** Would the project

<b>43. Water</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects?				
b) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Department of Environmental Health Review

Findings of Fact: The Elsinore Valley Municipal Water District will service the project with potable water. The Riverside County Department of Environmental Health has reviewed this project. The project does not require or will not result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects. There is a sufficient water supply available to serve the project from existing entitlements and resources.

This project has been conditioned to comply with the requirements of the Riverside County Department of Environmental Health. Water and sewer shall be installed in accordance with the requirements of the Riverside County Department of Environmental Health and the Elsinore Valley Municipal Water District.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

<b>44. Sewer</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Require or result in the construction of new wastewater treatment facilities, including septic systems, or expansion of existing facilities, the construction of which would cause significant environmental effects?				
b) Result in a determination by the wastewater treatment provider that serves or may service the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Department of Environmental Health Review

Findings of Fact: The Elsinore Valley Municipal Water District will service the project with sewer services. The Riverside County Department of Health has reviewed this project. The project will not require or will not result in the construction of new wastewater treatment facilities, including septic systems, or expansion of existing facilities, the construction of which would cause significant environmental effects.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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This project has been conditioned to comply with the requirements of the Riverside County Department of Environmental Health. Water and sewer shall be installed in accordance with the requirements of the Riverside County Department of Environmental Health and the Elsinore Valley Municipal Water District.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

**45. Solid Waste**

a) Is the project served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

b) Comply with federal, state, and local statutes and regulations related to solid wastes (including the CIWMP (County Integrated Waste Management Plan)?)

Source: RCIP and Riverside County Waste Management District Correspondence

Findings of Fact: The project will not substantially alter existing or future solid waste generation patterns and disposal services. The project will be consistent with the County Integrated Waste Management Plan.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

**46. Utilities**

a) Would the project impact the following facilities requiring or resulting in the construction of new facilities or the expansion of existing facilities; the construction of which could cause significant environmental effects?

a) Electricity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Natural gas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Communications systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Storm water drainage?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Street lighting?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Maintenance of public facilities, including roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Other governmental services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Conflict with adopted energy conservation plans?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: RCIP

Findings of Fact: The project will not require or result in the construction of new community utilities or the expansion of existing community utility facilities. Implementation of the project will result in an incremental system capacity demand for energy systems, communication systems, storm water drainage systems, street lighting systems, maintenance of public facilities, including roads and

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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potentially other governmental services. These impacts are considered less than significant based on the availability of existing public facilities (such as drainage facilities and wastewater collection and treatment systems (Elsinore Valley Municipal Water District, Wastewater Master Plan, 2002) that support local systems. The applicant or applicant-in-successor shall make arrangements with each utility provider to ensure each building is connected to the appropriate utilities. The project is not anticipated to be in conflict or create any significant impacts associated with the adopted energy conservation plans.

Mitigation: No mitigation measures are necessary.

Monitoring: No monitoring measures are necessary.

**MANDATORY FINDINGS OF SIGNIFICANCE**

47. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare, or endangered plant or animal to eliminate important examples of the major periods of California history or prehistory?

Source: Staff Review and Project Application Materials

Findings of Fact: Implementation of the proposed project would not degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife populations to drop below self sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory because all of these concerns were addressed through project design.

48. Does the project have the potential to achieve short-term environmental goals, to the disadvantage of long-term environmental goals? (A short-term impact on the environment is one that occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)

Source: Staff Review and Project Application Materials

Findings of Fact: The proposed project does not have the potential to achieve short-term environmental goals, to the disadvantage of long-term environmental goals. All environmental concerns have been address through the Environmental Assessment prepared for the proposed project.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
49. Does the project have impacts which are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects as defined in California Code of Regulations, Section 15130)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Staff Review and Project Application Materials

Findings of Fact: The project does not have impacts which are individually limited, but cumulatively considerable.

50. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Source: Staff Review and Project application

Findings of Fact: The proposed project would not result in environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly.

## VI. EARLIER ANALYSES

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration as per California Code of Regulations, Section 15063 (c) (3) (D). In this case, a brief discussion should identify the following:

Earlier Analyses Used, if any:

- RCIP: Riverside County Integrated Project
- PDA No. 4058: "Cultural Resources Assessment for Tentative Tract Map No. 31895," prepared by Jean A. Keller, dated January 2004
- PDB No. 3401 and 3701: "Biological Habitat Assessment & jurisdictional Delineation" and "Riparian Delineation Map," prepared by Tom Dodson & Associates, dated December 2004
- County Geologic Report (GEO) No. 1389: "Preliminary Geotechnical Investigation, Proposed 30.02-Acre (gross) Single-Family Residential Development, 59 Lot, Tentative Tract Map No. 31895, Rancho Mirlo Road, Wildomar Area, Riverside County, California," prepared by T.H.E. Soils Co., dated April 30, 2004. In addition, T.H.E Soils Co., prepared the following documents for this project:

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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- o "Response to County of Riverside Department of Building & Safety's "Review Comments", County Geologic Report No. 1389 (Liquefaction)," dated April 15, 2005
- o Response No. 2 to County of Riverside Department of Building & Safety's "Review Comments", County Geologic Report No. 1389 (Liquefaction)", dated May 10, 2005

Location Where Earlier Analyses, if used, are available for review:

Location: County of Riverside Planning Department  
 4080 Lemon Street, 9th Floor  
 Riverside, CA 92502

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Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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# ATTACHMENT G



Santa Margarita Group  
31915 Rancho California Road  
Ste. 200-133, Temecula, Ca. 92591  
(951)506-9607; fax (951)506-4497  
Email: [sierraclubsmg@gmail.com](mailto:sierraclubsmg@gmail.com)  
[www.sierraclubsmg.org](http://www.sierraclubsmg.org)

City of Wildomar, Planning Dept.  
23873 Clinton Keith Rd., Ste. 20  
Wildomar ,CA 92595  
[Dhogan@cityofwildomar.org](mailto:Dhogan@cityofwildomar.org)

RE: Project # 08-0164, APN 380-160-016, 019, 020

Dear City of Wildomar Planning Commissioners and staff,

As Chair of the Santa Margarita Group of the Sierra Club, I request that you deny the Hoover Ranch tentative parcel map 31895 as described in the NOI by applicant, Markham Development Management Group, Inc. Our Club's main focus is to preserve and enhance wildlife corridors. This project with the statement of a negative declaration of CEQA clearly is contrary to our goals.

The location, bordering Murrieta Creek and adjacent to Huckaby Lane and Rancho Mirlo Road would extremely impact the Creek by destroying unique and disappearing habitat, wetlands and riparian corridors. The project would fragment the present wildlife corridor that includes Warm Springs and Oak Springs creeks, as well as routes to the Santa Rosa Plateau and the Antelope Hills.

Please reject this application.

Sincerely,

Jim Mitchell, Chair  
Sierra Club, Santa Margarita Group  
31915 Rancho California Road, Ste 200-133  
Temecula, CA 92591

# ATTACHMENT H

March 17, 2010

City of Wildomar Planning Commission

Re: Environmental Assessment Number 39433  
Assessor's Parcel Nos 380-160-016, 019, and 020

RECEIVED

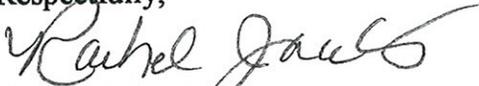
MAR 17 2010

I would like to voice my disapproval of the General Plan Amendment (GPA 801) from Very Low Density Residential to the 51-unit residential lots that are currently being proposed by the Markham Development Management Group. Though it is a reduction from the 57 homes that were in the plans submitted to the Riverside Planning Commission back in 2004, it is not a substantial reduction. That being said, these concerns of the residents in the Spirit Tract of Murrieta.:

- 1) That the streets of Huckaby and Jerome in the Spirit Tract are not be used in any way what so ever for the building of this development in Wildomar, or to be used by the future residents to reach their gated community. Recently the chain link gate at Jerome and Rancho Mirlo Road that is normally locked was wide open, letting traffic flow in and out of the Spirit Tract development (see picture #2).
- 2) That the paving of Rancho Mirlo Road, and the building of the bridge over Slaughterhouse Creek take place before the gated housing development is built.
- 3) That a brick wall be built along Rancho Mirlo Road on the Murrieta side to block the noise and lights from the vehicles that will be using this road, and to ensure that Huckaby and Jerome in the Spirit Tract will forever remain closed off from this development. I believe this point was brought before the Riverside Planning Commission back in 2007 and met with no resistance from the other side. Currently there is NO wall. Ten of the homes that sit on Shooting Star and back-up to Rancho Mirlo Road have wrought iron fencing, eight homes have wooden fencing and only one home, that sits at Jerome & Rancho Mirlo Road, has a brick wall. It should be mandated that a brick wall begin behind the first home at Shooting Star (& Wild Rose Lane) and extend all the way down Rancho Mirlo Road beyond the gated entrance to the private community (please see attached Goggle Map).

The Riverside Planning Commission was sensitive to the concerns of the Murrieta residents that will be impacted by this development. I ask that the City of Wildomar Planning Commission also take into consideration the concerns of their neighbors in the Spirit Tract.

Respectfully,

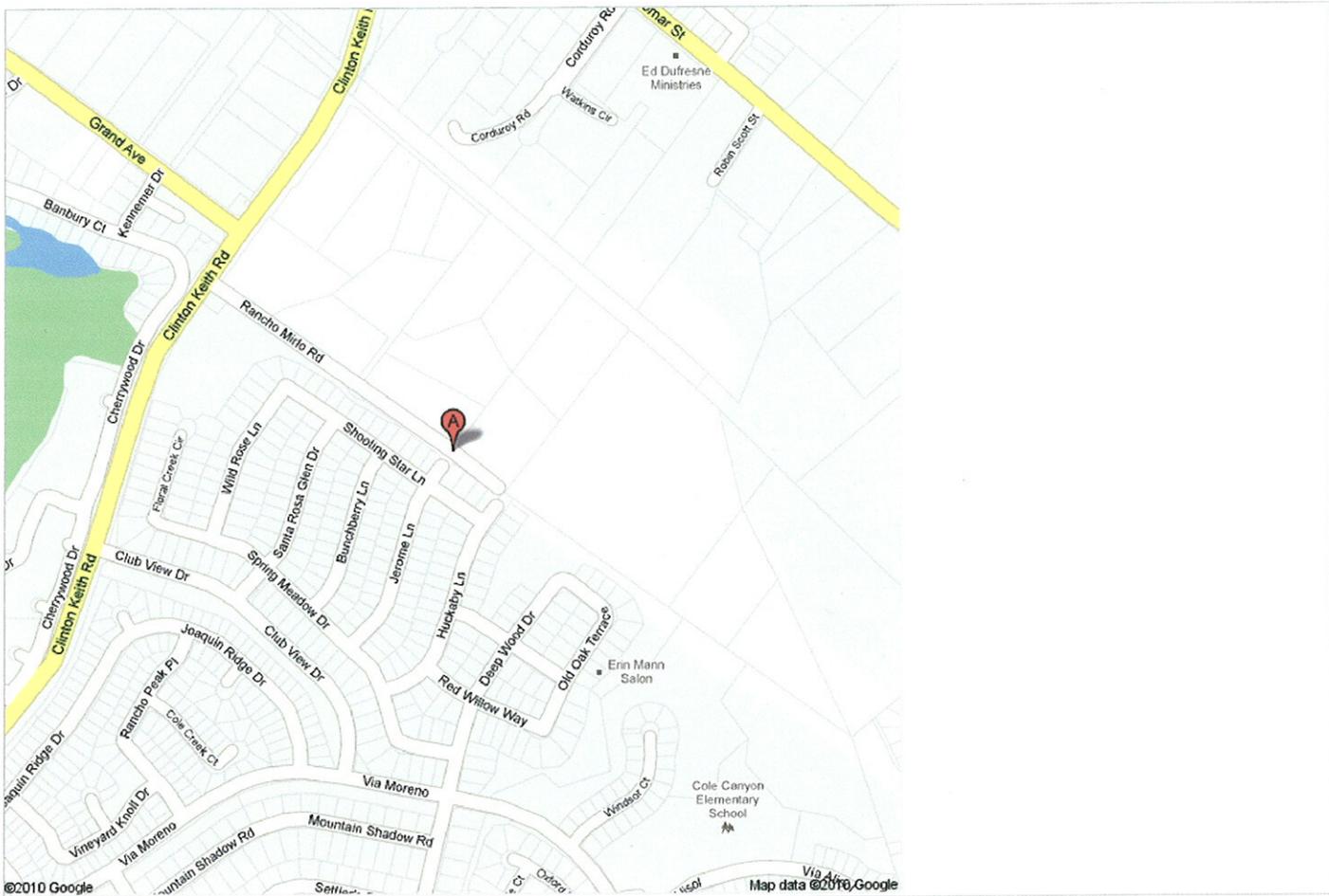


Rachel & Tim Jacobs  
37404 Old Oak Terrace  
Murrieta, CA 92562  
(951) 698-4098



Address **Rancho Mirlo Rd**  
**Murrieta, CA 92562**

Get Google Maps on your phone  
Text the word "GMAPS" to 466453

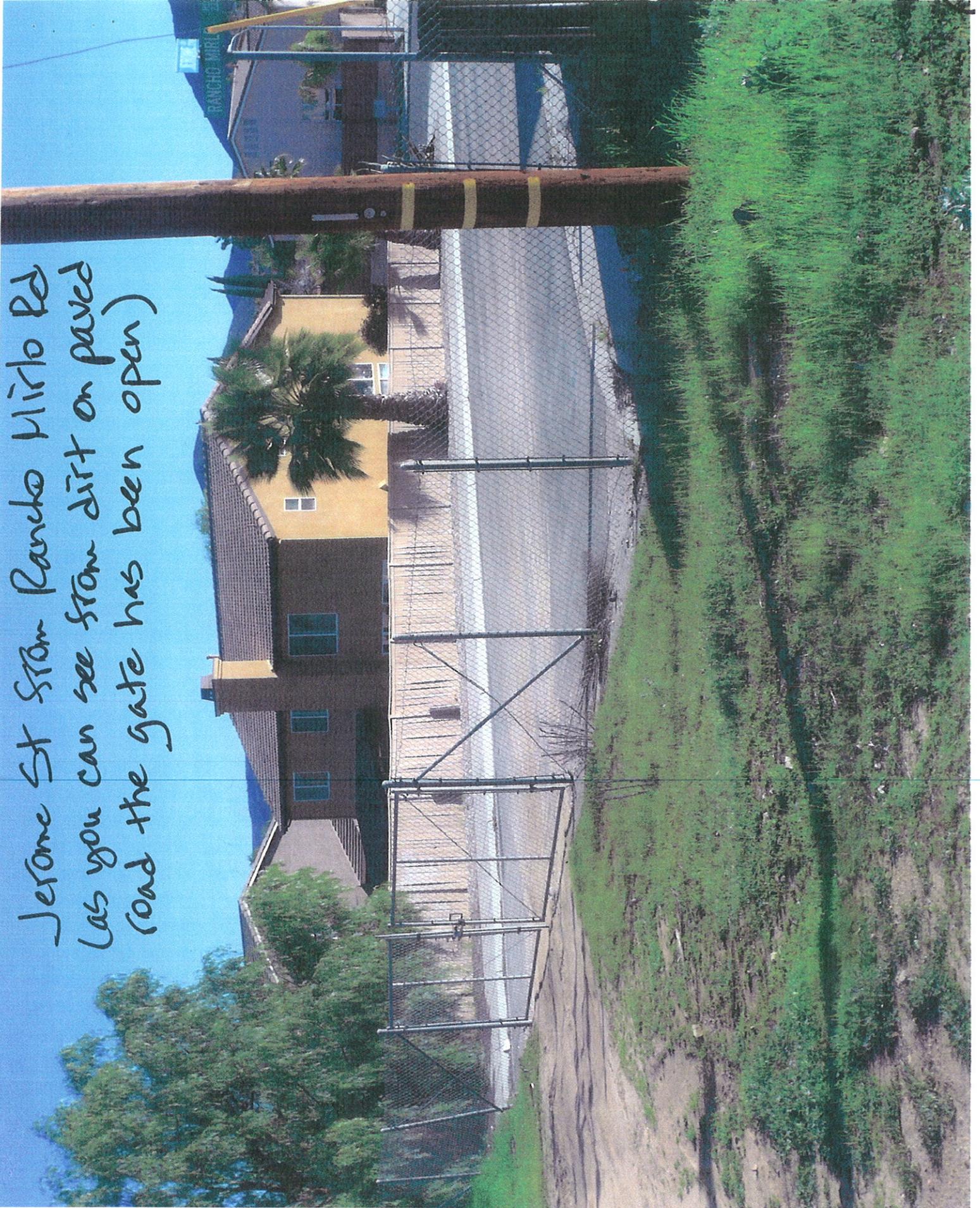


①



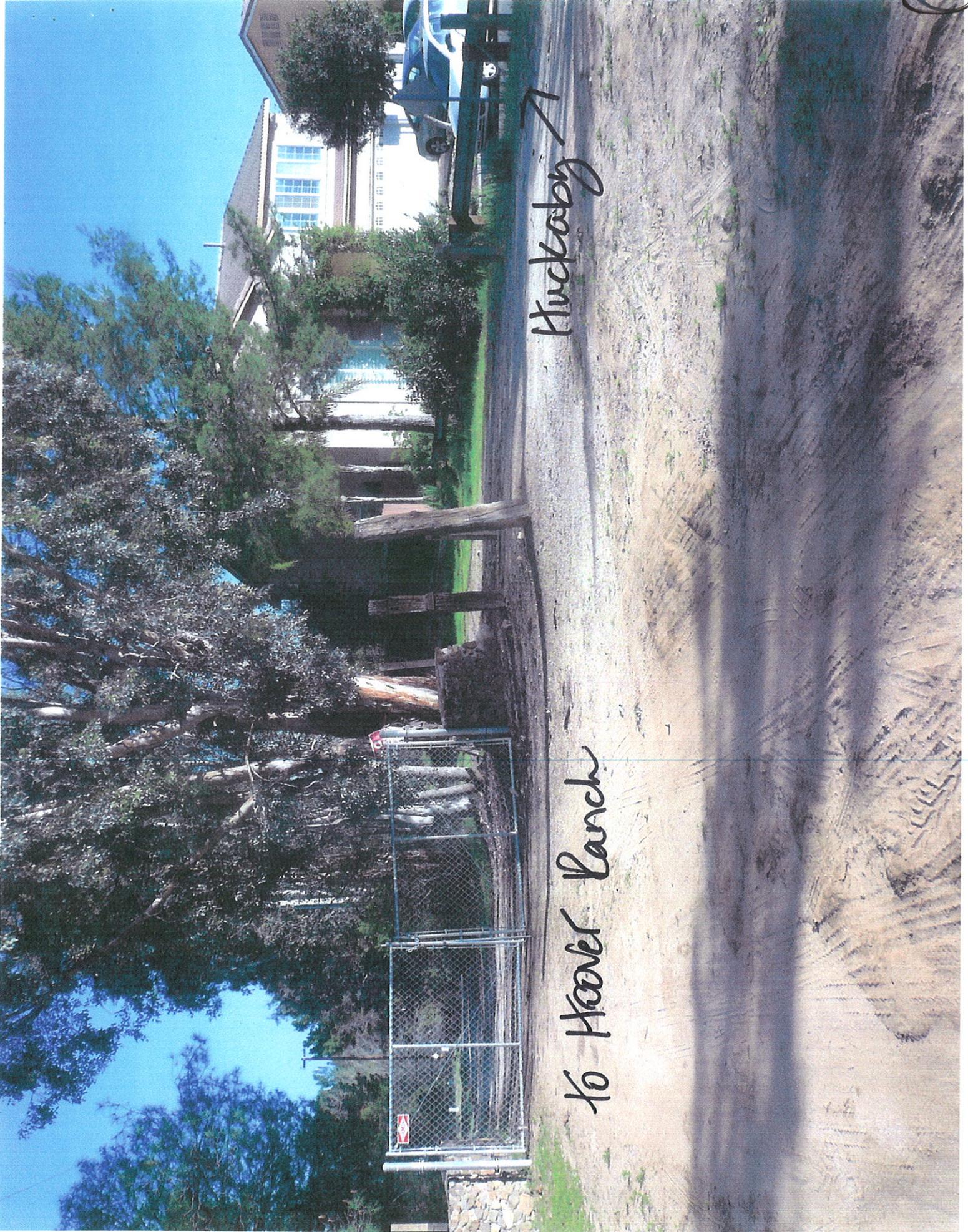
Jerome (from Spirit Tract)  
looking at Rancho Mirto Rd

Jerome St Stom Rancho Mirlo Rd  
(as you can see ston dirt on paved  
road the gate has been open)



Huckaby (from Spirit Tract)  
looking at Rancho Mirlo Rd

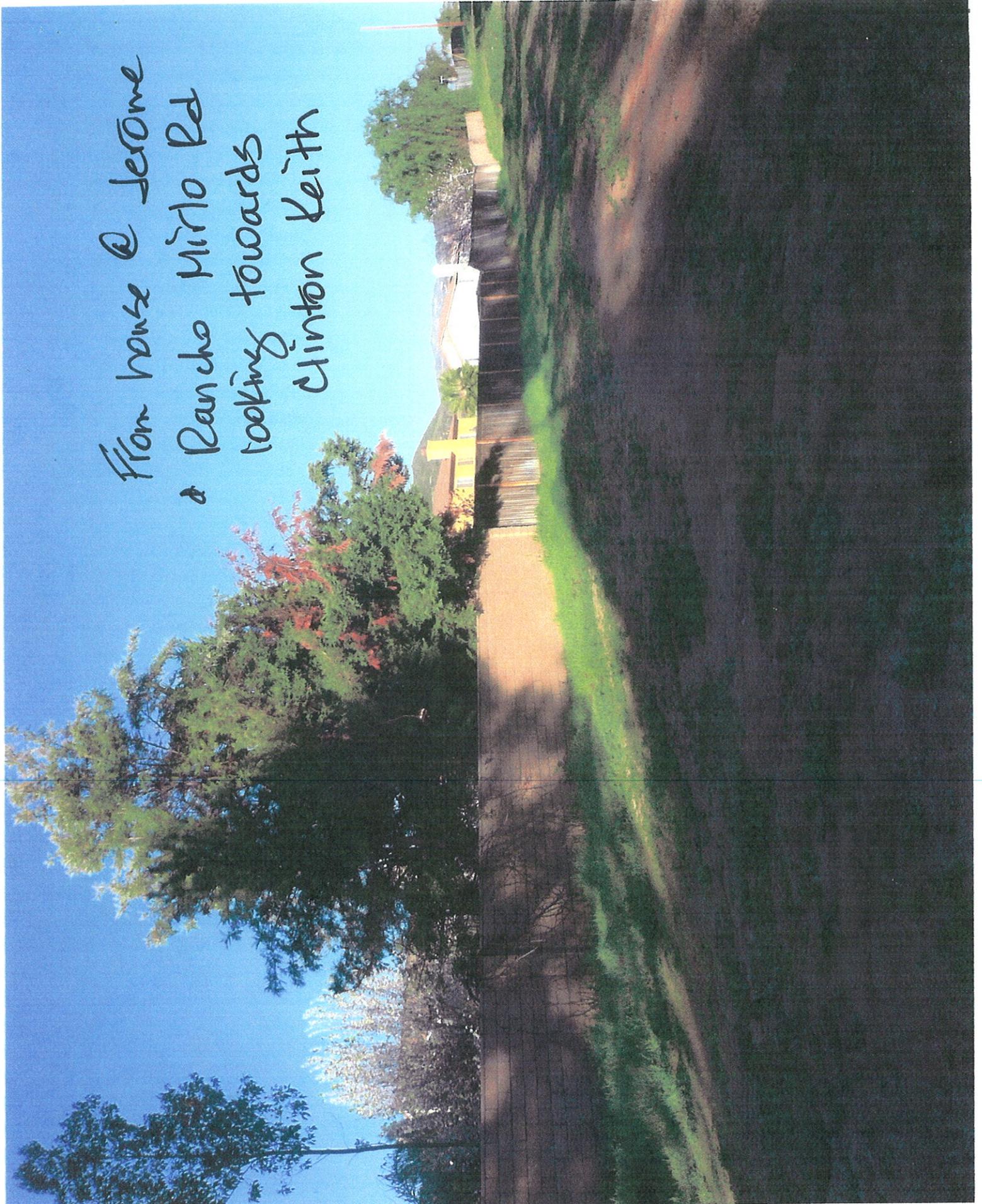




Huckaby 71

to Hoover Ranch

From house @ Jerome  
& Rancho Mirlo Rd  
looking towards  
Clinton Keith



Continuing towards Clinton Keith



Continuing towards Clinton Keith



# ATTACHMENT I



STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER  
GOVERNOR

CYNTHIA BRYANT  
DIRECTOR

March 18, 2010

David Hogan  
City of Wildomar  
23873 Clinton Keith Road, Suite 201  
Wildomar, CA 92595

Subject: Tentative Tract Map 31895 (Hoover Ranch) Project # 08-0164  
SCH#: 2010021039

Dear David Hogan:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on March 15, 2010, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Acting Director, State Clearinghouse

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2010021039  
**Project Title** Tentative Tract Map 31895 (Hoover Ranch) Project # 08-0164  
**Lead Agency** Wildomar, City of

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**Type** MND Mitigated Negative Declaration  
**Description** The proposed project includes a General Plan Amendment (GPA 801) from Very Low Density Residential (VLDR) to Low Density Residential (LDR); Change of Zone (CZ 6936) from Rural Residential (R-R) and Watercourse, Watershed & Conservation Area (W-1) to One-Family Dwelling (R-1), Open Area Combining Zone Residential Development (R-5) and Watercourse, Waterched & Conservation Area (W-1); and Tentative Tract Map 31895 for the subdivision of 30.02 gross acre lot into a 5 unit residential lots and open space community. The project site is located southeast of Huckaby Lane and northeast of Rancho Mirlo Road, in the City of Wildomar, County of Riverside, CA.

---

**Lead Agency Contact**

**Name** David Hogan  
**Agency** City of Wildomar  
**Phone** 951 677-7751 **Fax**  
**email**  
**Address** 23873 Clinton Keith Road, Suite 201  
**City** Wildomar **State** CA **Zip** 92595

---

**Project Location**

**County** Riverside  
**City** Wildomar  
**Region**  
**Lat / Long**  
**Cross Streets** Southeast of Huckaby Lane and northeast of Rancho Mirlo Rd  
**Parcel No.** 380-160-016, 019, 020  
**Township** 7S **Range** 4W **Section** 1,12 **Base**

---

**Proximity to:**

**Highways** 15  
**Airports**  
**Railways**  
**Waterways** Murrieta Creek, Slaughterhouse Creek  
**Schools** Cole Canyon ES  
**Land Use** Mostly Vacant former Horse Ranch/Rural Residential (R-R)/Very Low Density Residential (VLDR)

---

**Project Issues** Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian

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**Reviewing Agencies** Resources Agency; Department of Fish and Game, Region 6; Cal Fire; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 8; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Board, Region 9; Native American Heritage Commission

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**Date Received** 02/11/2010 **Start of Review** 02/11/2010 **End of Review** 03/15/2010

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# ATTACHMENT J

March 24, 2010

City of Wildomar  
Planning Commission  
23873 Clinton Keith Rd.  
Wildomar, CA 92595  
Attention: Chairman Robert Devine

Regarding: Project # 08-0164  
Tentative Tract Map 31895  
Hoover Ranch LLC

Dear Mr. Devine,

Last Wednesday, March 17, 2010, I attended the Planning Commission Meeting concerning the above referenced Public Hearing. The overview presented by Planner Alia Kanani, which included the past history of the project, was very informative and the power point presentation was well done.

Unfortunately not everyone understood the presentation and stated that there were still a lot of questions that need to be answered. Actually most questions and concerns were answered and explained by Director David Hogan and Jon Crawford of Public Works. Both of these gentlemen were very knowledgeable and gave explanations about the project implying that it had met all prior conditions.

The statement "How can we allow property located within the flood plain to be included as a part of this (proposed) development" or the one by committee member Gary Andre saying "I think a gated community is an elitist thing, where the hotsy totsie live and the rest of us pay the freight" were unnecessary and seemed a bit mean-spirited.

Some of the concerns mentioned by residents (who live off McVickers Road) seem to blame the civil engineer (Markham) for flooding in that area claiming that "this is another one of his projects". That was very disingenuous.

There were a few that had sincere concerns about flood control and environmental issues however it's unlikely that they have seen or read the hydrology study or really understand the contents of the Negative Declaration. I do believe that the developer has dealt with the sensitivity and environmental impact of both the Slaughterhouse and Murrieta Creek and has done his best to make everyone happy including individuals like Ray Johnson.

The reality is that this is a real opportunity for the City to take an unimproved undervalued property and create needed tax revenue once the homes are built. The City should actually consider exploring ways to create a Special Facilities District to complete some off-site improvements such as a bridge over Slaughterhouse Creek and a fence and landscaping along Rancho Mirlo Road to the development. This could possibly lead to commercial development along Clinton Keith similar to what has happened at Baron's and the other new businesses just up the road.

My family presently own two homes in Wildomar in addition to the 4 acre lot next to the proposed development. We support this project and hope to someday build on the property when the road improvements are completed.

We also voted **YES** to the City's incorporation so that the local residents would have a say in community issues instead of the County. We want and expect what's in the best interest of Wildomar, as a whole. There is always going to be some objections by those that want absolutely no changes but that doesn't sound like **Tradition, Opportunity or Progress**.

The Hoover Ranch proposal is a well-planned development that is a good fit for the community. We hope you agree and recommend approval. Thank you.

Very truly yours,

George Knapp  
36671 Kennemer Drive  
Murrieta, California 92562

Cc: Jeffrey P. Rhoades, JPR Homes  
Mr. & Mrs. Frank Gonzales  
Larry R. Markham, MDMG, Inc.  
City staff:  
Alia Kanani  
David Hogan  
Jon Crawford

# ATTACHMENT K



RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

April 6, 2010

Ms. Alia Kanani  
City of Wildomar  
Planning Department  
23873 Clinton Keith Road, Suite 201  
Wildomar, CA 92595

Dear Ms. Kanani:

Re: Notice of Intent to Adopt a  
Mitigated Negative Declaration for  
Hoover Ranch  
Project Number: 08-0164; PA08-0164  
Tract 31895, CZ06936 & GPA00801

This letter is written in response to the Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the Hoover Ranch Project (Tentative Tract Map No. 31895). The proposed project consists of a 51-unit residential and open space community on an approximately 30-acre site.

The District had previously sent a letter to the City, dated December 29, 2009, with comments on the proposed Hoover Ranch Project and would like to reiterate these comments in the District's response to the MND.

The District does not normally recommend conditions for land divisions or other land use cases in incorporated Cities. The District also does not plan check City land use cases, or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

The District has not reviewed the proposed project in detail and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety or any other such issue:

1. This project proposes facilities that are to be maintained by the District, namely the slope revetment shown in tentative map exhibit Tract 31895 Amended No. 8. The tentative map exhibit shows that the construction (and future District maintenance) of the slope revetment can be accomplished without disturbing the jurisdictional area delineated for Murrieta Creek. This concept shall be executed as proposed.

If the City or the applicant requests the District to accept/maintain the slope revetment mentioned above in the proposed project, the Murrieta Creek design shall include the following minimum elements unless otherwise approved by the General Manager Chief Engineer.

Ms. Ali Kanani

-2-

April 6, 2010

Re: Notice of Intent to Adopt a  
Mitigated Negative Declaration for  
Hoover Ranch  
Project Number: 08-0164  
PA08-0164; Tract 31895, CZ06936 & GPA00801

- All bank protection works shall be designed to District standards and all drawings prepared to District standard specifications.
  - The conveyance area between the improved banks shall be dedicated in fee to the Flood Control District.
  - If conservation easements or other constraints/encumbrances are placed on the wash area between the banks, the improvements plans shall depict the overlapping limits of the maintenance and conservation areas in plan form and in cross-section.
  - An access road to District standards (15' minimum drivable) shall be provided on each side of the creek. Access roads shall be placed at the top of the proposed revetted slopes. Ramps shall be provided for the District to access the toes of the revetted slopes. A total of 4 ramps (2 on each bank) are anticipated. (The access roads along the creek may be utilized as a joint use trail and access road as long as all of the District's criteria are met and as long as the appropriate public agency indemnifies the District for the recreational use). Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection and administrative fees will be required.
2. The District is signatory to the Western Riverside County Municipal Species Habitat Conservation Plan (MSHCP). If it is anticipated that the City request that the District own, operate and maintain the proposed slope revetment in the project, the applicant will need to demonstrate that all construction related activities within the District Right-of-way or easement are consistent with the MSHCP. To accomplish this, the CEQA document should include a MSHCP consistency report with all of its supporting documents and provide adequate mitigation in accordance with all applicable MSHCP requirements. The MSHCP consistency report should address, at a minimum, sections 3.2, 3.2.1, 6.1.2, 6.1.3, 6.1.4, 6.3.2, 7.5.3 and Appendix C of the MSHCP.
  3. This project involves a Federal Emergency Management Agency (FEMA) mapped floodway and floodplain, any impacts made to the floodway/floodplain will need to be reviewed by the City and the District's Floodplain Management Section. It is the City's responsibility to require the applicant to provide all studies, calculations, plans and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) in accordance with Section 60.3 (d)( 4) of the National Flood Insurance Program (NFIP) regulations prior to final approval of the project, and a Letter of Map Revision (LOMR) immediately after completion of the project.
  4. The site is within the 100-year Zone A floodplain limits as delineated on Panel No. 060245-2730 of the Flood Insurance Rate Maps issued in conjunction with the National Flood Insurance Program administered by the Federal Emergency Management Agency (FEMA). The developer will be required to obtain a Conditional Letter of Map Revision (CLOMR) from FEMA prior to issuance of grading permits or recordation of the final map and shall obtain a LOMR prior to final building inspection for lots impacted by the floodplain.

Ms. Ali Kanani

-3-

April 6, 2010

Re: Notice of Intent to Adopt a  
Mitigated Negative Declaration for  
Hoover Ranch  
Project Number: 08-0164; PA08-0164  
Tract 31895, CZ06936 & GPA00801

5. If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain all applicable Federal, State and local regulatory permits. These regulatory permits include, but are not limited to: a Section 404 Permit issued by the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act, a California State Department of Fish and Game Streambed Alteration Agreement in compliance with the Fish and Game Code Section 1600 et seq., and a 401 Water Quality Certification or a Report of Waste Discharge Requirements in compliance with Section 401 of the Clean Water Act or State Porter Cologne Water Quality Act, respectively, from the appropriate Regional Water Quality Control Board. The applicant shall also be responsible for complying with all mitigation measures as required under CEQA and all Federal, State, and local environmental rules and regulations.
6. This project is located within the limits of the Murrieta Valley sub-watershed of the District's Murrieta Creek Area Drainage Plan, for which drainage fees have been adopted; applicable fees should be paid by cashier's check or money order only to the Flood Control District or City prior to issuance of grading permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.
7. The City of Wildomar is a co-permittee under the Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit for the Santa Margarita River (SMR) Watershed adopted by San Diego Regional Water Quality Control Board. This permit requires development of a project specific Water Quality Management Plan (WQMP) for certain categories of new development and significant redevelopment projects, including housing subdivisions of 10 or more dwelling units, to implement site, source and treatment control best management practices (BMPs). The BMPs are intended to minimize the discharge of pollutants in stormwater and to prevent non-stormwater discharges to the MS4. A copy of the adopted order is available at [www.swrcb.ca.gov/rwqcb9/](http://www.swrcb.ca.gov/rwqcb9/). A copy of the WQMP guidance document (Appendix O to the Drainage Area Management Plan) is available at <http://www.floodcontrol.co.riverside.ca.us/districtsite/default.asp>.

Thank you for the opportunity to review the Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the Hoover Ranch Project (Tentative Tract Map No. 31895). Any questions concerning this letter may be referred to me at 951.955.1210.

Very truly yours,



EDWIN QUINONEZ  
Senior Civil Engineer

c: TLMA  
Attn: Kathleen Browne

JRJ:EQ:blj

# ATTACHMENT L

37238 Huckaby Ln.  
Murrieta, CA 92562

April 5, 2010

David Hogan, A.I.C.P.  
Larry Markham  
23873 Clinton Keith Road, Suite 201  
Wildomar, CA 92595

**RECEIVED**  
**APR 06 2010**  
**CITY OF WILDOMAR**

**In Reference to Project Number E.A. 39433**

Dear Mr. Hogan and Mr. Markham,

Due to personal conflicts I will not be able to attend the meeting scheduled for April 7, 2010, however, I did want to submit my suggestions as to the design of the permanent barrier that is to be constructed at the end of Huckaby Lane in Murrieta.

Obviously, I have no idea what the scope of the barrier will be – how long it will be, how high it will be, etcetera, but I did want to give my suggestions as to the material to be used.

I know the project is proposed as a gated entry community, and therefore, after much thought, I think your best solution may be a barrier that is designed to match the entry gate into the proposed community. I suggest that this be a wrought iron-looking aluminum railing with brick or stone veneer posts because this would meet all the criteria that you're probably looking for. It would be very aesthetically pleasing, easier to maintain than regular wrought iron, and difficult to graffiti on. It would also be very strong, and would let the wind pass through easily, which is something to consider because of the high winds that we can experience in the area.

My issues with other barrier materials are that none of them quite meet all the criteria that the brick/stone veneer posts and wrought iron-look aluminum railing do. Wood barriers require a lot of maintenance to keep them strong and looking good. Plastic barriers, although aesthetically pleasing, become brittle and break in time. Concrete barriers just beg for graffiti and are rather ugly and dated looking. Concrete barriers that have a stuccoed texture, while aesthetically pleasing, still can be graffitied unless they are covered with vines.

I thank you for your time, and appreciate the opportunity to offer my suggestions on this project. Please feel free to contact me if you have any questions or comments for me.

Sincerely,

Heidi Shimono  
37238 Huckaby Ln.  
Murrieta, CA 92562



# ATTACHMENT M

## Alia Kanani

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**From:** Dave Hogan  
**Sent:** Thursday, April 08, 2010 5:52 PM  
**To:** Alia Kanani  
**Subject:** FW: Responding to Initial Study Project # 08-0164 Hoover Ranch

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**From:** Del Ross [mailto:delross@verizon.net]  
**Sent:** Thursday, April 08, 2010 2:34 PM  
**To:** Dave Hogan  
**Cc:** Jim Mitchell; Ray Johnson; John B. Rogers, P.E.; Vicki Long  
**Subject:** Responding to Initial Study Project # 08-0164 Hoover Ranch

April 8, 2010

Dear City of Wildomar Planning Commissioners  
% Mr. David Hogan, Planning Director  
City of Wildomar  
23873 Clinton Keith Rd., Ste. 20  
Wildomar, CA 92595  
VIA EMAIL: [Dhogan@cityofwildomar.org](mailto:Dhogan@cityofwildomar.org)

RE: Initial Study Project # 08-0164 Hoover Ranch

Dear Commissioners and staff:

I am responding to your posting of the Initial Study and supporting Exhibits as a concerned citizen and as an independent environmental consultant with considerable experience in preparing and reviewing CEQA documents, and as the former Associate Director for Water Quality for the Elsinore-Murrieta-Anza Resource Conservation District (EMARCD). Further, I have conducted studies for clients involving the sub-watershed where the Murrieta and Slaughterhouse Creeks converge. These studies include advise to Bear Creek Golf Club re violations of the Clean Water Act in making stream alterations in Slaughterhouse Creek and of repeated Phase I Environmental Assessments of the Wildomar Senior Center property.

I have also reviewed the response of Raymond Johnson, Esq. to Mr. Hogan pointing out the many reasons for the need for a full Environmental Impact Report (EIR) for this project. I concur in every aspect of Johnson's letter and offer the additional comments:

1. Many of the supporting documents were generated in the 2004 to 2006 period and have not been updated to reflect current stormwater permit requirements. Further, the floodplains study and the water quality management plan mainly address issues of stormwater management in the area through historical documents and do not reflect a "boots-on-the-ground" observational perspective, and certainly do not address recent history of issues in the area.
2. Contrary to the opinions in the Initial Study, the property lies in an area adjacent to a "Water of the United States" (Murrieta Creek) and may be subject to the requirements of the Clean Water Act requiring review and / or permits by the Army Corps of Engineers.
3. Also, contrary to the opinions in the Initial Study, the property lies in an area adjacent to a "Water of the State of California" (Slaughterhouse Creek) and may be subject to the requirements of the Fish & Game 1600 series of streambank permits.
4. There was little notice in the supporting documents of the "ephemeral wetlands" which describe the areas surrounding the convergence of the two creeks. This is a major deficiency of the habitat studies and the water quality management plans that do not fully describe intended alterations of the streams and their potential impacts.
5. There appears to be no appreciation of the consequences of the flooding of the two streams on a regular basis. Slaughterhouse Creek is subject to flash flooding as drainage originating on the Santa Rosa Plateau can swell the Creek well over its banks and greatly impact the convergence of the two streams. The consultants seem oblivious to this reoccurring problem and have not addressed the issue.

6. There is mention in the documents of planned alterations to the roads and construction of a "bridge" over Slaughterhouse Creek to be erected as part of the project. The details and implications of these subprojects need substantially more detail than has been provided as well as more permits and reviews.

Finally, I do not know if these and other deficiencies of the proposed "Mitigated Negative Declaration" can be corrected, but certainly, a full EIR is called for.

Sincerely,

Del Ross, PE  
Dba EDAC  
(Environmental Damage Assessment Consultants)  
7465 Olivetas Ave # 214  
La Jolla, CA 92037  
Cell: (619) 616-9190

cc: Ray Johnson, Esq.  
Jim Mitchell, Sierra Club  
John B. Rogers, PE EMARCD  
Vicki Long, EMARCD

# ATTACHMENT N

Gary Andre  
Planning Commissioner  
City of Wildomar  
951-609-3737

David Hogan,

In reference to: (Hoover Ranch Project)  
Tentative Tract Map No. 31895 Project 08-0164:

Can you please provide me with a copy of the following reports/letters so I can effectively and correctly make a decision based on the Finding of Fact? David, I would like to know why I have to ask for the essential documentation listed below. It should be provided in our packets or an open file at the city ready for review at any time. We never had this problem with Gary Wayne.

- Please provide the date for the onsite meeting at Hoover ranch. I believe this meeting needs to be at least a week before the May 5<sup>th</sup> Planning Commission Hearing. So we have time to review the project related reports and make a decision based on the facts and information observed in the field.
- Please provide a copy of the Del Ross, PE E-mail, that was clearly addressed to the Planning Commission on April 9<sup>th</sup> 2010 RE: Initial Study Project # 08-0164 Hoover Ranch and Murrieta Creek.
- Please provide a copy of all letters/E-mails you have mailed or received from the Army Core of Engineers. In reference to: Project # 08-0164 Hoover Ranch, or in reference to Murrieta Creek.
- Please provide a copy of all letters/E-mails you have mailed or received from the Department of Fish and Game. In reference to: Project # 08-0164 Hoover Ranch or in reference to Murrieta Creek.
- In reference to: Project # 08-0164 Hoover Ranch. Please provide a Complete List of all Names and Address to whom you sent a Notice of Intent. Please provide a copy of all NOI letters you mailed or E-mailed.
- Please provide a copy of all letters/E-mails you have mailed or received from, San Diego Regional Water Quality Control Board, in reference to: Project # 08-0164 Hoover Ranch, or in reference to Murrieta creek.
- Please provide a copy of all letters/E-mails you have mailed or received from, the Sierra Club, In reference to: Project # 08-0164 Hoover Ranch, or in reference to Murrieta Creek.

- Please provide a copy of all letters/E-mails you have mailed or received from, Attorney Ray Johnson in reference to: Project # 08-0164 Hoover Ranch, or in reference to Murrieta Creek.
- Please provide a DVD of all previous Riverside County Planning Commission hearings. In reference to: Project # 08-0164 Hoover Ranch, or in reference to Murrieta creek.
- Please provide a copy of all letters/E-mails you have mailed or received from, the Riverside County Flood Control, in reference to: Project # 08-0164 Hoover Ranch or Murrieta Creek, including reports from Riverside County Flood that Jon Crawford referred to at the last Planning Commission meeting. He stated that Riverside County Flood was doing a three-year study that should help resolve Wildomar's flooding issues. Please provide detailed information in reference to the three-year flood study. A copy of the report would be great.

I would like you to provide a Current (Independent) Engineering Hydrology report with calculations at build out in Wildomar, in reference to the flooding that will directly affect Wildomar Channel, Slaughterhouse Creek and Murrieta Creek. What will be the projected Cubic Feet Per Second flow rate through this segment of Murrieta Creek? Please provide the high water mark level (elevation) in reference to the 100-year flood and its impact on Murrieta Creek at the City limits of Wildomar/City of Murrieta at Murrieta Creek.

Since we have no Current Flood Control Plan for the west side of the freeway, please be specific. A current 2010 letter from Riverside County Flood addressing this issue would also be helpful. A current 2010 letter from City of Murrieta addressing this issue would also be helpful. Since Murrieta has several homes sitting much lower in elevation than this proposed project at build out that are just a stone's throw from the proposed project, on the other side of the creek. Please be sure to let Murrieta know of the flooding issues we experienced up stream and the High water levels at the top of the creek's bank entering the City of Murrieta. As witnessed by homeowners at the Planning Commission who live next to Murrieta Creek.

- Please provide a copy of all letters/E-mails you have mailed or received from, the City of Murrieta, in reference to: Project # 08-0164 Hoover Ranch, or in reference to Murrieta Creek.
- This section of Murrieta Creek holds the key to all future development in the City of Wildomar. The maximum CFPS, clearly determines what we as a city can build in the future, without overflowing the banks of the creek bed and flooding people's property, without spending millions of dollars in the future and finding ways to resolve the flood issues. Let's not forget about the frivolous lawsuits. The need to buy back land to widen the Creek to resolve future flooding issues could and will cost millions of dollars. Protecting the flood plain that runs through Hoover Ranch is critical.

There are two questions that need to be answered. What is the Current 2010 Projected Cubic Feet per Second flow Rate through this segment of Murrieta Creek? What will be the high water mark level (elevation), in reference to the 100-year flood and its impact on Murrieta Creek at the City limits of Wildomar/City of Murrieta at Murrieta?

Thank You,

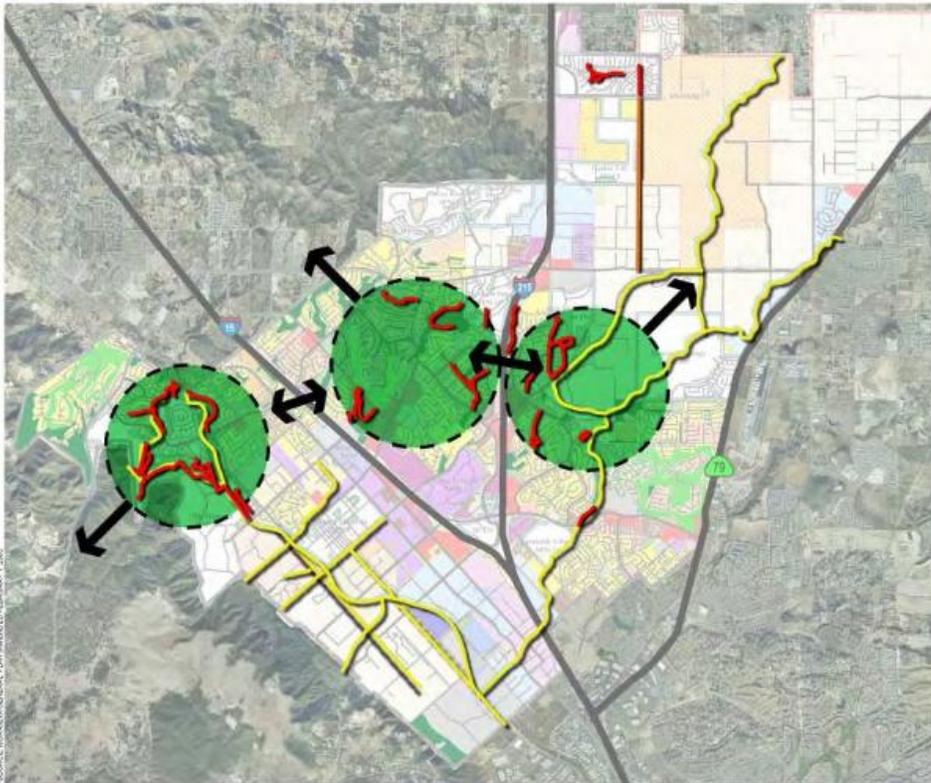
Gary Andre

CC: Frank Oviedo C.M.  
CC: Sheryl Ade C.C  
CC: Bob Cashman C.C  
CC: Bob Devine P.C  
CC: Gary Norquist

# ATTACHMENT O

# City of Murrieta – Proposed Multi-Use Trails System Map

Exhibit 5.2-4: Proposed Multi-Use Trail System



**LEGEND**

**TRAIL LEGEND**

-  Multi-Purpose Trails  
Adopted January 21, 2003
-  Existing Trails
-  Proposed Trail
-  Potential Connectivity and  
Trail Expansion Areas
-  Potential Linkage to  
Multi-Purpose & County Trail  
Networks

SOURCE: MURRIETA GENERAL PLAN AMENDED FEBRUARY 1, 2005


**RJM**  
 REALTY GROUP INC.  
 PLANNING AND LAND-USE SERVICES  
 10000 GREENWAY DRIVE, SUITE 100  
 SAN DIEGO, CA 92121



EXHIBIT 5.2-4  
 TRAIL RECOMMENDATIONS  
**PARKS, RECREATION, AND OPEN SPACE MASTER PLAN UPDATE**  
 CITY OF MURRIETA, CALIFORNIA

# ATTACHMENT P

**CITY OF WILDOMAR – PLANNING COMMISSION**  
**Agenda Item 5.1**  
**PUBLIC HEARING**  
**Meeting Date: March 17, 2010**

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**TO:** Chairman Devine, Members of the Planning Commission  
**FROM:** Alia Kanani, Planner  
**SUBJECT:** Hoover Ranch (08-0164)

**General Plan Amendment 801, Zone Change 6936 and Tentative Tract Map 31895** - The proposed project includes a General Plan Amendment (GPA 801) from Very Low Density Residential (VLDR) to Low Density Residential (LDR); Change of Zone (CZ 6936) from Rural Residential (R-R) and Watercourse, Watershed & Conservation Area (W-1) to One-Family Dwelling (R-1), Open Area Combining Zone Residential Developments (R-5) and Watercourse, Watershed & Conservation Area (W-1); and Tentative Tract Map 31895 for the subdivision of 30.02 gross acre lot into a 51 residential lots and 3 open space lots at southeast of Huckaby Lane and northeast of Rancho Mirlo Road, in the City of Wildomar, County of Riverside, California

APN: 380-160-016, 380-160-019 and 380-160-020

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**RECOMMENDATION:**

It is recommended that the Planning Commission:

1. Adopt a resolution entitled:

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR RECOMMENDING THAT THE CITY COUNCIL ADOPT A RESOLUTION ENTITLED “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR ADOPTING A MITIGATED NEGATIVE DECLARATION FOR PROJECT NO. 08-0164 LOCATED SOUTHEAST OF HUCKABY LANE AND NORTHEAST OF RANCHO MIRLO ROAD KNOWN AS ASSESSOR’S PARCEL NO. 380-160-016, 380-160-019, AND 380-160-020”**

2. Adopt a resolution entitled:

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT 801 TO CHANGE THE GENERAL PLAN DESIGNATION FROM VERY LOW RESIDENTIAL DENSITY (VLDR) TO LOW DENSITY RESIDENTIAL (LDR) ON A 30-ACRE SITE LOCATED SOUTHEAST OF HUCKABY LANE AND NORTHEAST OF RANCHO MIRLO ROAD KNOWN AS ASSESSOR'S PARCEL NO. 380-160-016, 380-160-019, AND 380-160-020"**

3. Adopt a resolution entitled:

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE TO CHANGE THE ZONING CLASSIFICATION FROM RURAL RESIDENTIAL (R-R) AND WATERCOURSE, WATERSHED & CONSERVATION AREA (W-1) TO ONE-FAMILY DWELLING (R-1), OPEN AREA COMBINING ZONE RESIDENTIAL DEVELOPMENTS (R-5) AND WATERCOURSE, WATERSHED & CONSERVATION AREA (W-1) 30-ACRE SITE LOCATED SOUTHEAST OF HUCKABY LANE AND NORTHEAST OF RANCHO MIRLO ROAD, KNOWN AS ASSESSOR'S PARCEL NO. 380-160-016, 380-160-019, AND 380-160-020**

4. Adopt a resolution entitled:

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR RECOMMENDING THAT THE CITY COUNCIL ADOPT A RESOLUTION ENTITLED "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR APPROVING TENTATIVE TRACT MAP 31895 TO SUBDIVIDE A 30-ACRE SITE LOCATED SOUTHEAST OF HUCKABY LANE AND NORTHEAST OF RANCHO MIRLO ROAD INTO 51-UNIT RESIDENTIAL LOTS, OPEN SPACE COMMUNITY AND PROVIDE FOR ROAD IMPROVEMENTS, KNOWN AS ASSESSOR'S PARCEL NO. 380-160-016, 380-160-019, AND 380-160-020"**

**BACKGROUND:**

The proposed project includes a General Plan Amendment (GPA 801) from Very Low Density Residential (VLDR) to Low Density Residential (LDR); Change of Zone (CZ 6936) from Rural Residential (R-R) and Watercourse, Watershed & Conservation Area (W-1) to One-Family Dwelling (R-1), Open Area Combining Zone Residential Developments (R-5) and Watercourse, Watershed & Conservation Area (W-1); and Tentative Tract Map 31895 for the subdivision of 30.02 gross acre lot into a 51-unit residential lots and open space community on the southeast of Huckaby Lane and northeast of Rancho Mirlo Road. The location of the project is shown in Attachment E.

The project is located on 30.02 acre site located southeast of Huckaby Lane and northeast of Rancho Mirlo Road. The project site has a General Plan Land Use designation Very Low Density Residential (VLDR). The site for the proposed subdivision consists of three parcels (380-160-016, 380-160-019, and 380-160-020) adjacent to Murrieta Creek which runs along the east boundary of the project site. The site was formerly used as a horse ranch, consisting of corrals, service roads, and chicken coops.

Currently, most of the site is vacant with the exception of a few mobile homes and dilapidated structures. The site is considered disturbed by rural residential activities that occurred previously on site. The topography of the site consists of relatively flat to low rolling terrain. A portion of the proposed project site lies within the 100 year floodplain of Murrieta Creek and drainage on the site flows generally southeast into Murrieta Creek. Elevations range approximately from 1,201 feet (Lot 4) to 1,174 feet (Lot 51) above mean sea level. Vegetation on the easterly portion of the site is characterized by annual weeds and grasses. Numerous oak trees and ornamental shrubs characterize the westerly portion of the site. The location of the project is provided in Attachment E.

The Hoover Ranch Project (Tract 31895) was originally submitted to the County of Riverside in 2004. The project included a General Plan Amendment (GPA 801) from Very Low Density Residential (VLDR) to Medium Density Residential (MDR); Change of Zone (CZ 6936) from Rural Residential (R-R) and Watercourse, Watershed & Conservation Area (W-1) to One-Family Dwelling (R-1), Open Area Combining Zone Residential Developments (R-5) and Watercourse, Watershed & Conservation Area (W-1); and Tentative Tract Map 31895 for the subdivision of 30.02 gross acre lot into 57 single-family residential lots with two open space lots.

The County of Riverside prepared an Initial Study for a Mitigated Negative Declaration (EA 39443) for GPA 801, CZ 6936 and TTM 31895. The Mitigated Negative Declaration was circulated for a period of 20 days from September 28, 2006 to October 18, 2006. The project was then brought before the Riverside County Planning Commission on October 18, 2006. At the meeting the hearing for the project was continued the December 6, 2006 meeting. At the December meeting the project was discussed and then continued to the February 21, 2007 meeting. No discussion was held at the February meeting and the project was again continued to April 4, 2007. Finally at the April 4, 2007 meeting, the project was continued off calendar. During the timeframe from the first Planning Commission meeting in October 2006 to April 2007, the project under went a series of revisions including reducing the number of residential lots from 57 down to 51. After the City's incorporation in July 2008, the application was subsequently transferred to the City of Wildomar for processing.

The General Plan Land Use and Zones designations, as well as the existing land uses for the project site and surrounding properties are provided in the following table.

<b>ADJACENT ZONING, LAND USE AND APPLICABLE STANDARDS</b>			
<b>Location</b>	<b>Current Use</b>	<b>General Plan Land Use Designation</b>	<b>Zoning</b>
<b>Subject Property</b>	Vacant	Very Low Density Residential (VLDR)	Rural Residential (R-R) and Watercourse, Watershed & Conservation Area (W-1)
<b>North*</b>	Residential	Estate Density Residential (EDR)	Rural Residential (R-R)
<b>South*</b>	Residential Subdivision	City of Murrieta Single-Family Residential	City of Murrieta Single-Family/SF-1
<b>East*</b>	Vacant	Very Low Density Residential (VLDR)/Medium Density Residential (MDR)	One-Family Dwelling (R-1)/ Watercourse, Watershed & Conservation Area (W-1)
<b>West*</b>	Residential Subdivision	City of Murrieta	City of Murrieta Single-Family/SF-1

\* *Clinton Keith Road is assumed to run east-west.*

## **DISCUSSION:**

The project consists of three components; an amendment to the General Plan Land Use Map, an amendment to the Official Zoning Map, and a tentative tract map. The project also includes the realignment of Rancho Mirlo Road. These components are discussed below.

### General Plan Amendment

The existing General Plan Land Use Designation for the project site is Very Low Density Residential (VLDR), which allows for the development of single-family detached residences on large parcels from 1.0 acre to 2.0 acres. The surrounding land use designations include a mixture of Very Low Density Residential, Medium Density Residential, Estate Density Residential, and Single-Family Residential (in the City of Murrieta). The applicant is requesting an amendment of the General Plan Land Use map to Low Density Residential (LDR).

According to the City of Wildomar General Plan, the Low Density Residential land use designation allows the development of single-family detached residences on large

parcels from ½ acre to 1.0 acre. Under the LDR land use designation the maximum allowable number of residential unit on the project site would be 60. The project proposes 51 residential lots with three open space lots, which is a lower density than the maximum allowable density for the project site. The proposed General Plan Amendment will not cause any internal inconsistencies in the General Plan or other General Plan Elements as both the existing land use designation (VLDR) and proposed land use designation (LDR) are a low density land use intensity requiring single-family homes on large parcels. The proposed General Plan Land Use changes are shown in Attachment F.

### Change of Zone

The General Plan Land Use Designation for the project site is Very Low Density Residential (VLDR). As previously discussed, the applicant is requesting an amendment of the General Plan Land Use map to Low Density Residential (LDR). According to the City of Wildomar General Plan, the Low Density Residential use designation allows the development of single-family detached residences on large parcels from ½ acre to 1.0 acre. The proposed zoning designations are shown in Attachment G.

The proposed change of zone from Rural Residential (R-R) and Watercourse, Watershed & Conservation Area (W-1) to One-Family Dwelling Zone (R-1) is consistent with the proposed LDR General Plan Land Use Designation. The R-1 portion of the site would be the areas proposed for future residential development. The minimum lot size in the R-1 zone is 7,200 square feet. The lots for the proposed project will range in size from 7,342 square feet to 18,535 square feet with an average lot size of 9,545 square feet. There will be approximately 51 residential lots on an approximate 30-acre site.

The sensitive habitat areas around the clusters of native oak trees and riparian forest adjacent to Murrieta Creek (Lot 52, Lot 53 and Lot A) will be designated Open Area Combining Zone Residential Developments (R-5) and Watercourse, Watershed & Conservation Area (W-1). The change of zone will insure the protection of the sensitive habitat and open space on the project site, which is consistent with the General Plan Open Space Land Use polices LU 20.2 and LU 20.4. LU 20.2 requires that developments be designed to blend in with undeveloped natural contours of the site and avoid unvaried, unnatural or manufactured appearance. LU 20.4 ensures that development does not adversely impact the open space and rural character of the surrounding area.

### Tract Map

To enable the development of the site, the applicant is also requesting approval of a tentative tract map. Tentative Tract Map 31895 would subdivide the three existing parcels (380-160-016, 380-160-019 and 380-160-020) into 51 residential lots, three open space lots (Lot 52, 53 and Lot A) and street system for the subdivision including a gated entry at Rancho Mirlo Road. The minimum lot size in the One-Dwelling Family (R-1) zone is 7,200 square feet (Section 17.24.020). The lots for the proposed project will range in size from 7,342 square feet to 18,535 square feet with an average lot size of 9,545 square

feet. The R-1 zone also requires a minimum lot width of 60 feet and a depth of 100 feet (Section 17.24.020). The lots widths range from 61 feet to 118 feet and all the lots have at least 100 feet of depth. The majority of project site where the 51 lots will be located supports non-native vegetation and un-vegetated areas, with the exception of a few large oak trees in the westerly portion of the project site and the creek channel. No construction or grading activities will take place within the Murrieta Creek channel as part of the proposed project. The sizes of the various residential lots are described below.

### Lot Areas for Tract 31895

Lot	Gross Lot Area (sq.ft)	Lot	Gross Lot Area (sq.ft)
1	8,517	27	8,264
2	8,778	28	8,306
3	8,904	29	8,425
4	13,500	30	8,935
5	13,973	31	8,935
6	13,824	32	10,539
7	13,831	33	9,735
8	13,984	34	8,433
9	16,094	35	9,495
10	18,535	36	12,866
11	8,415	37	8,168
12	7,800	38	9,005
13	7,387	39	9,090
14	7,428	40	8,396
15	7,544	41	8,131
16	7,544	42	6,886
17	7,544	43	7,479
18	7,482	44	7,951
19	9,645	45	8,020
20	7,740	46	12,715
21	7,740	47	11,743
22	7,740	48	10,042
23	8,337	49	8,286
24	7,342	50	7,673
25	7,518	51	12,514
26	9,620		
Developed Area		Lots 1 - 51	15.52 acres
Open Space Areas		Lots A, 52, 53	14.48 acres
<b>Total Project Area</b>			<b>30.02 acres</b>

The project proposes to protect sensitive habitat, including clusters of native oak trees and riparian forest adjacent to Murrieta Creek, by designating three open space lots (Lot 52, Lot 53 and Lot A). Lot 52, which is approximately 3.5 acres, is located on the western edge of the property will contain at least 15 coast live oak trees (*Quercus agrifolia* var. *agrifolia*) and a detention basin for the project. Lot 53, which is actually four lots totaling 0.64 acres, will be small open space lots at the end of the cul-du-sacs for Streets "B", "C", "D", and "E". Lot A is the largest open space lot at 10.36 acres and incorporates the channel and flood areas associated with Murrieta Creek along eastern portion of the project site. Lot A contains a Southern Cottonwood-Willow Riparian Forest. This type of riparian forest is dominated by western cottonwood (*Populus fremontii* subsp. *fremontii*) and black willow (*Salix gooddingii*) trees. Lot A will also include a dual 15-foot trail community trail and Flood Control Channel Maintenance Road along Murrieta Creek.

The existing site drainage is generally southeast into Murrieta Creek and a portion of the proposed project site lies within the 100 year floodplain of Murrieta Creek. The project has been designed so that all offsite flows will to be collected and conveyed by underground storm drains through the site. Onsite flows will to be conveyed by the proposed curb and gutter system to bioswales via reversed parkway drains. The project will be required to install an 18" downdrain at the north property line; install a double 48" barrel culvert within the open space parcel and install a 24" culvert from the 2.2 acre park area into Murrieta Creek in accordance with the design requirements defined in the Preliminary Drainage Study.

Primary access for the subdivision will be taken from Rancho Mirlo Road. Currently Rancho Mirlo Road is an unimproved dirt roadway that connects to Clinton Keith Road west of Grand Avenue. Rancho Mirlo Road is proposed to be realigned southwest of Slaughter House Canyon Creek in an S-shape curve to connect to Clinton Keith Road at Grand Avenue (further discussed under Realignment of Rancho Mirlo Road). The realignment of Rancho Mirlo Road will allow for a four-way intersection with Grand Avenue and Clinton Keith Road.

A secondary emergency access for the subdivision will be provided through Copper Canyon Park in the City of Murrieta at the south end of the project site. At the request of the City of Murrieta, the developer will be required to enter into an agreement with the Murrieta Community Services District (CSD) for an easement to allow a secondary access through Copper Canyon Park. The secondary access point will be gated and utilized for emergencies only. The County of Riverside Fire Department has approved the secondary access through Copper Canyon Park for an emergency access.

It is anticipated that approximately 15.52 acres of the site is to be graded for the subdivision. Estimated earthwork quantities include approximately 54,697 cubic yards of cut and 147,006 cubic yards of fill for a total of 92,310 cubic yards.

The project is proposed to be gated and the internal street will be private and maintained by the HOA. Based upon the layout of the proposed site plan, the proposed development lots will create developable pads in conformance with the requirements of

R-1 Zone. A plot plan application will be required for the final development plan for each phase of the development, model home complex and landscaping for typical front yards. The project has also been conditioned to provide a conceptual landscaping plan and safety lighting for the streets shall be required at the entrance, at the end of long cul-de-sacs and at all intersections. The configuration of Tentative Parcel Map 31895 is contained in Attachment H.

#### Realignment of Rancho Mirlo Road

As discussed, access to subdivision will be taken from Rancho Mirlo Road which will be realigned to connect to Clinton Keith Road opposite Grand Avenue and allow for a four way intersection. The realignment of Rancho Mirlo Road will cross an open parcel (380-160-007) that includes a span crossing of Slaughter House Canyon Creek realigning and improving Rancho Mirlo Road for a distance of approximately 2,065 feet. Realigning and improving the existing Rancho Mirlo Road, which is currently an unimproved dirt road, will be necessary to provide access to the new subdivision, while the span crossing will be necessary to accommodate the flow and velocity of water in Slaughter House Canyon Creek generated by a 100-year storm and to avoid U.S. Army Corps of Engineers jurisdiction along the Creek. The new Rancho Mirlo Road will have a 56-foot wide right-of-way, with 36 feet of pavement. The span of Slaughter House Canyon Creek will be located about 120 feet southeast of the existing culverts. The span is proposed to be a three-cell bottomless arch design. It will have a 48-foot center span and one 36-foot span on each end. It will completely span the channel and banks of the creek and will convey up to 7,200 cubic feet of runoff per second during a 100-year storm, with non-erosive flows. A Determination of Biologically Equivalent or Superior Preservation (DBESP) prepared by Principe and Associates dated April 2008 for the proposed realignment of Rancho Mirlo Road. Based on a detailed analysis, no Army Corps of Engineers jurisdictional "waters of the United States" will be impacted by the construction and installation of the arch crossing. California Department of Fish and Game (CDFG) jurisdictional areas impacted by the realignment will be subject by a Steambed Alteration Agreement (1602) and will be mitigated for as prescribed by CDFG. In addition conditions for the project require the developer to restore the natural profile of the Slaughter House Canyon Creek channel, re-vegetation of the restored channel and re-vegetation of an area (0.3 acre) located in the northeast corner of the Tentative Tract Map 31895 with native species.

#### Adjacent Neighborhood Concern

When the project was originally brought forth to a hearing before the Riverside County Planning Commission, neighbors in the adjacent tract located in the City of Murrieta voiced their opposition to the project. The neighbors were concerned that residents traveling to and from the proposed subdivision (Hoover Ranch) would drive through their neighborhood via Huckaby Lane and Jerome Lane. A letter was received by the City of Wildomar on March 10, 2010 from Heidi Shimono resident of the Spirit Tract in the City of Murrieta (Attachment J). The Spirit Tract is located off of Huckaby Lane adjacent to Rancho Mirlo Road. Conditions for the project include that no access to or from the project site can be taken from the Huckaby Lane and Jerome Lane (in the City of Murrieta). The developer will be required to install walls to create a permanent barrier between the residents of the Sprit Tract and residents of Wildomar.

Staff recommends that the Planning Commission recommend approval to the City Council for the requested General Plan Amendment 801, Change of Zone 6936, Tentative Tract Map 31895 for Project 08-0164 and subject to the attached conditions of approval. The resolutions and exhibits are located in Attachments A through D.

## **FINDINGS:**

### **General Plan Amendment**

- A. The proposed General Plan Amendment will not cause any internal inconsistencies in the General Plan.

*The existing General Plan Land Use Designation for the project site is Very Low Density Residential (VLDR), which allows for the development of single-family detached residences on large parcels from 1.0 acre to 2.0 acres. The applicant is requesting an amendment of the General Plan Land Use map to Low Density Residential (LDR). According to the City of Wildomar General Plan, the Low Density Residential land use designation allows the development of single-family detached residences on large parcels from ½ acre to 1.0 acre. Under the LDR land use designation the maximum allowable lots for the project site is 60. The project proposes 51 residential lots with three open space lots, which is a lower density than the maximum allowable density for the project site. The surrounding land use designations include a mixture of Very Low Density Residential, Medium Density Residential, Estate Density Residential and Single-Family Residential (City of Murrieta). The density of the proposed land use designation (LDR) is consistent with the surrounding land uses. The proposed General Plan Amendment will not cause any internal inconsistencies in the General Plan or other General Plan Elements as both the existing land use designation (VLDR) and proposed land use designation (LDR) are a low density land use intensity requiring single-family homes on large parcels.*

### **Zone Change**

- A. The proposed change of zone is in conformance with the adopted General Plan for the City.

*The General Plan Land Use Designation for the project site is Very Low Density Residential (VLDR). The applicant is requesting an amendment of the General Plan Land Use map from Very Low Density Residential (VLDR) to Low Density Residential (LDR) (General Plan Amendment No. 801). According to the City of Wildomar General Plan, the Low Density Residential use designation allows the development of single-family detached residences on large parcels from ½ acre to 1.0 acre. The proposed change of zone from Rural Residential (R-R) and Watercourse, Watershed & Conservation Area (W-1) to One-Family Dwelling Zone (R-1) is consistent with the proposed LDR General Plan Land Use Designation. The minimum lot size in the R-1 zone is 7,200 square feet. The lots for the*

*proposed project will range in size from 7,342 square feet to 18,535 square feet with an average lot size of 9,545 square feet. There will be approximately 51 residential lots on an approximate 30-acre site. The project also proposes to protect sensitive habitat, including clusters of native oak trees and riparian forest adjacent to Murrieta Creek, by designating three open space lots (Lot 52, Lot 53 and Lot A). The proposed change of zone for the open space lots (Lot 52, Lot 53 and Lot A) is from Rural Residential (R-R), to Open Area Combining Zone Residential Developments (R-5) and Watercourse, Watershed & Conservation Area (W-1). The change of zone will insure the protection of the sensitive habitat and open space on the project site, which is consistent with the General Plan Open Space Land Use polices LU 20.2 and LU 20.4. LU 20.2 requires that developments be designed to blend in with undeveloped natural contours of the site and avoid unvaried, unnatural or manufactured appearance. LU 20.4 ensures that development does not adversely impact the open space and rural character of the surrounding area.*

### **Tentative Tract Map**

- A. Tentative Tract Map 31895 is consistent and compatible with the objectives, policies, general land uses, and programs specified the City's General Plan.

*One of the primary applicable policies in the stated in the Land Use Element of the General Plan is to accommodate the development of single- and multi-family residential units in the areas appropriately designated by the General Plan and area land use maps (LU 22.1). The General Plan Land Use Designation for the project site is Very Low Density Residential (VLDR). The applicant is requesting an amendment of the General Plan Land Use map from Very Low Density Residential (VLDR) to Low Density Residential (LDR) (General Plan Amendment No. 801). According to the City of Wildomar General Plan, the Low Density Residential use designation allows the development of single-family detached residences on large parcels from ½ acre to 1.0 acre. The proposed change of zone from Rural Residential (R-R) and Watercourse, Watershed & Conservation Area (W-1) to One-Family Dwelling Zone (R-1) is consistent with the proposed LDR General Plan Land Use Designation and the density level does not exceed the range permitted under the General Plan land use designation for this site. The project is also consistent with the General Plan Open Space Land Use polices LU 20.2 and LU 20.4. LU 20.2 requires that developments be designed to blend in with undeveloped natural contours of the site and avoid unvaried, unnatural or manufactured appearance. LU 20.4 ensures that development does not adversely impact the open space and rural character of the surrounding area. The project proposes to protect sensitive habitat, including clusters of native oak trees and riparian forest adjacent to Murrieta Creek, by designating three open space lots (Lot 52, Lot 53 and Lot A). The change of zone for the open space lots (Lot 52, Lot 53 and Lot A) from Rural Residential (R-R), to Open Area Combining Zone Residential Developments (R-5) and Watercourse, Watershed & Conservation Area (W-1) will insure the protection of the sensitive habitat and open space on the project site. Considering all of these aspects, Parcel Map 31895 furthers the*

*objectives and policies of the General Plan and is compatible with the general land uses specific in the General Plan.*

- B. The design and improvement of the subdivision proposed under Tentative Tract Map 31895 is consistent with the City's General Plan.

*The proposed subdivision has been designed to meet City standards which provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access and on site improvements, such as streets, utilities, and drainage facilities have been designed and are conditioned to be constructed in conformance with City standards.*

- C. The site is physically suitable for the type of development proposed under Tentative Tract Map 31895.

*The site is has moderate slopes and low rolling terrain. Approximately 15.52 acres of the site will be graded for the development of the residential lots and street system improvements for the subdivision. A portion of the proposed project site lies within the 100-year floodplain of Murrieta Creek however none of the residential lots will be located within the Murrieta Creek channel as part of the proposed project (this area will be preserved as Lot A). Mitigation measures include the placement of adequately sized storm drains and culverts within the areas of potential flooding and riprap or other hard-armored slope protection along Murrieta Creek to protect the residential development. The project site contains no other major geologic hazards or other limited conditions that would render it unsuitable for residential development.*

- D. The site is physically suitable for the density of development proposed under Tentative Parcel Map 31895.

*The site is has moderate slopes and low rolling terrain. The subdivision has been designed to accommodate the development of 51 residential lots and three open space lots on an approximate 30-acre site. Approximately 15.52 acres of the site will be graded for the development of the residential lots and street system improvements for the subdivision. The minimum lot size in the R-1 zone is 7,200 square feet. The lots for the proposed project will range in size from 7,342 square feet to 18,535 square feet with an average lot size of 9,545 square feet. Approximately 14.5 acres of the site will be preserved in open space lots (Lot 51, Lot 52 and Lot A). The One-Family Dwelling Zone (R-1) is consistent with the proposed LDR General Plan Land Use Designation is appropriate for a site of this size and configuration.*

- E. The design of the subdivision and improvements proposed under Tentative Tract Map 31895 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

*The site was formerly used as a horse ranch, consisting of corrals, service roads, and chicken coops. Currently, most of the site is vacant with the exception of a few mobile homes and dilapidated structures. According the Initial Study for the Mitigated Negative Declaration (EA 39433) prepared in February 2010, the site has no threatened or endangered species and would not be considered viable habitat for any MSHCP-listed plant or animal species. The majority of project site supports non-native vegetation and un-vegetated areas, with the exception of a few large oak trees in the westerly portion of the project site and the creek channel. The project is designed to protect much of the native habitat including Murrieta and Slaughter House Canyon Creeks and their associated riparian forest as shown in Open Space Lot A (10.36 acres). The oak tress will be preserved as shown in Open Space Lot 52 (3.51 acres) and three trees in Lot A. The project will also include the realignment from Rancho Mirlo Road, which provides access to the subdivision from Clinton Keith Road. Realigning and improving the existing Rancho Mirlo Road (a graded dirt road) is necessary to provide access to Tentative Tract 31895, while the span crossing is necessary to accommodate the flow and velocity of water in Slaughter House Canyon Creek generated by a 100-year storm and to avoid U.S. Army Corps of Engineers jurisdiction along the Creek. A Determination of Biologically Equivalent or Superior Preservation (DBESP) report was prepared for the roadway crossing of Slaughter House Canyon Creek in April 2008. Based on a detailed analysis, no Army Corps of Engineers jurisdictional "waters of the United States" will be impacted by the construction and installation of the arch crossing. California Department of Fish and Game (CDFG) jurisdictional areas impacted by the realignment will be subject to a Steambed Alteration Agreement (1602) and will be mitigated for as prescribed by CDFG. Mitigation measures have been included to restore the natural profile of the Slaughter House Canyon Creek channel, re-vegetation of the restored channel and re-vegetation of an area (0.3 acre) located in the northeast corner of the Tentative Tract Map 31895 with native species. This determination is fully discussed in the Environmental Assessment/Mitigated Negative Declaration EA08-0166 prepared for the project. In addition, this project has been conditioned to comply with the environmental policies and regulations of the City of Wildomar and those of all local and regional governmental agencies having jurisdiction over the site.*

- F. The design of the subdivision and improvements proposed under Tentative Tract Map 31895 is not likely to cause serious public health problems.

*The design of the subdivision is in conformance with the City's General Plan, Zoning Ordinance, and Subdivision Ordinance, the construction of all improvements on the site has been conditioned to comply with all applicable City of Wildomar ordinances, codes, and standards including, but not limited to, the California Uniform Building Code, the City's Ordinances relating to stormwater runoff management and controls. In addition, the design and construction of all improvements for the subdivision has been conditioned to be in conformance with adopted public works standards. The City's ordinances, codes, and standards have been created based on currently accepted standards and*

*practices for the preservation of the public health, safety and welfare. Finally, the proposed street system improvements to the subdivision including the re-alignment of Rancho Mirlo Road will improve emergency vehicular access in the immediate neighborhood.*

- G. The design of the subdivision and improvements proposed under Tentative Tract Map 31895, will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

*No easements of record or easements established by judgment of a court of competent jurisdiction for public access across the site have been disclosed in a search of the title records for the site and the City does not otherwise have any constructive or actual knowledge of any such easements.*

- H. The design of the subdivision proposed Tentative Parcel Map 31895, adequately provides for future passive or natural heating and cooling opportunities in the subdivision.

*Taking into consideration local climate and the existing contour and configuration of the site and its surroundings, the size and configuration of parcels within the proposed subdivision have been arranged to permit orientation of structures to take advantage of natural shade, or to take advantage of prevailing breezes.*

#### **ENVIRONMENTAL ASSESSMENT:**

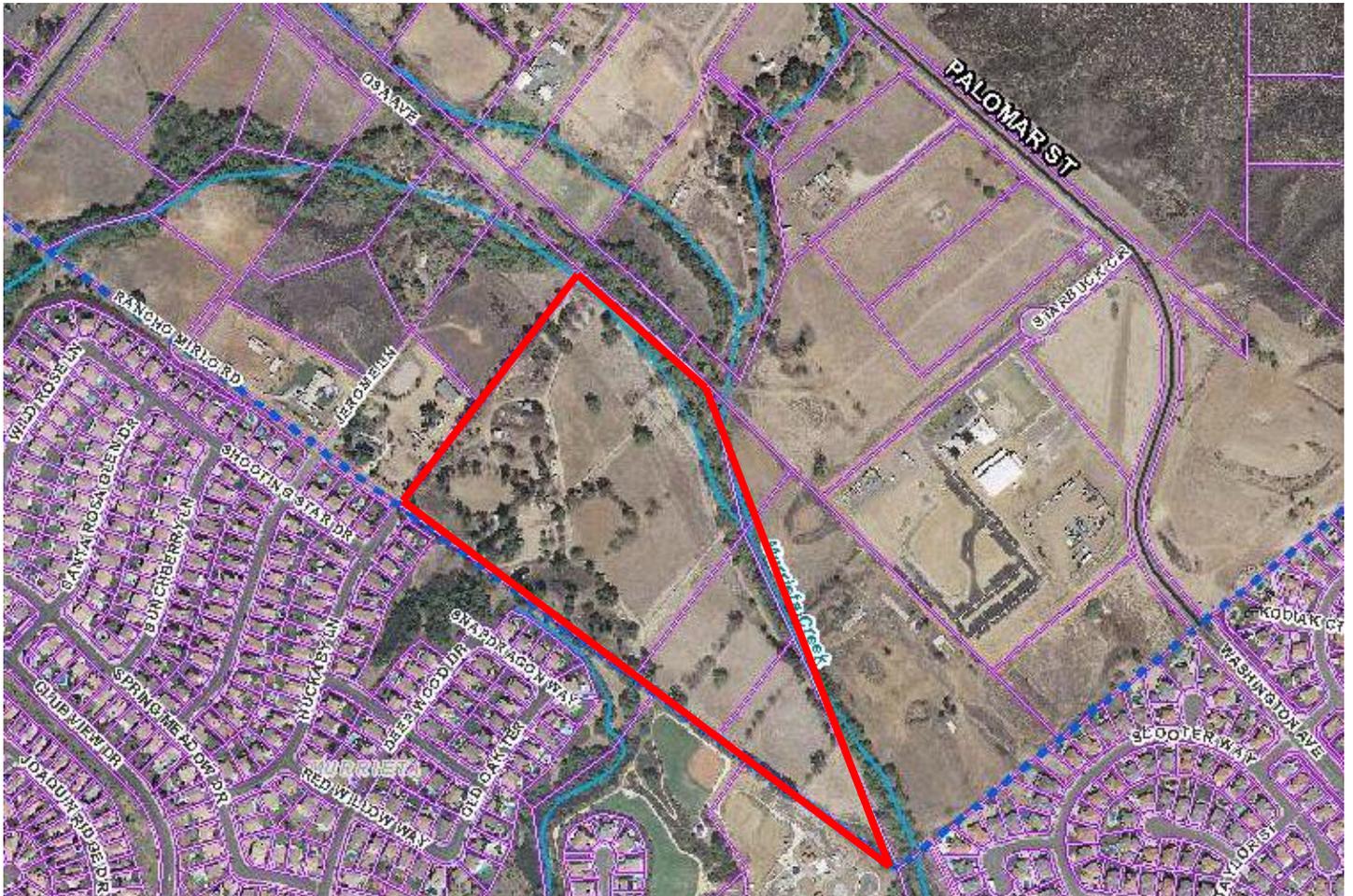
The Planning Department prepared and circulated an Initial Study for the Mitigated Negative Declaration (EA 31895) for Planning Application (08-0164). Notice was published in The Californian, and was mailed to all property owners within a 300 foot radius of the project site. A copy of the environmental review document was circulated to the State Clearinghouse, potentially interested agencies and was available for public review at City Hall. The document was available for review from February 13, 2010 to March 15, 2010. No "Potentially Significant" impacts were identified in the Initial Study. However, there were impacts determined to be "Less than Significant" with mitigating factors and mitigation measures identified in the Initial Study. During the public review period, the City no written comments. However, staff has been in contact with the Pechanga and Soboba Bands of Luiseño Indians to identify any potential impacts and expects to receive a comment letter outlining mitigation measures regarding the discovery of cultural resources. Standard mitigation measures and monitoring have already been incorporated into the proposed conditions of approval regarding the discovery of cultural resources. The Initial Study for the Mitigated Negative Declaration is contained in Attachment Exhibit I.

**ATTACHMENTS:**

- A. Resolution for Mitigated Negative Declaration
- B. Resolution for General Plan Amendment 801  
Exhibit A – General Plan Amendment
- C. Resolution for Change of Zone 6936  
Exhibit A – Change of Zone Ordinance
- D. Resolution for Tentative Tract Map 31895  
Exhibit A – Tentative Map  
Exhibit B – Conditions of Approval
- E. Location Map
- F. General Plan Amendment Exhibit
- G. Zoning Change Exhibit
- H. Tentative Tract Map Exhibit
- I. Initial Study/Mitigated Negative Declaration
- J. Letter from Heidi Shimono

# ATTACHMENT Q

# LOCATION MAP



# ATTACHMENT R



# ATTACHMENT S



# ATTACHMENT T



**CITY OF WILDOMAR – PLANNING COMMISSION**  
**Agenda Item 5.1**  
**PUBLIC HEARING**  
**Meeting Date: May 5, 2010**

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**TO:** Chairman Devine, Members of the Planning Commission  
**FROM:** Alia Kanani, Planner  
**SUBJECT:** Canyon Village Tract (TR 31345) (10-0092)

**Plot Plan 10-0092** - The proposed project includes revised floor plans and elevations for 32 homes to be constructed in Canyon Village Tract (TR 31345) located on Dorof Court, Clovis Way and Coral Wood Court north of Canyon Drive in the City of Wildomar, County of Riverside, California.

APN: 367-490-001 through 367-490-024; 367-491-007 through 367-491-012; 367-491-017, and 367-491-018

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**RECOMMENDATION:**

It is recommended that the Planning Commission:

1. Adopt a resolution entitled:

**“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR APPROVING PLOT PLAN 10-0092 TO ALLOW FOR REVISED FLOOR PLANS AND ELEVATIONS OF 32 HOMES TO BE CONSTRUCTED IN CANYON VILLAGE TRACT (TR 31345) LOCATED ALONG DOROF COURT, CLOVIS WAY AND CORAL WOOD COURT AND KNOWN AS ASSESSOR’S PARCEL NOS. 367-490-001 THROUGH 367-490-024; 367-491-007 THROUGH 367-491-012; 367-491-017, AND 367-491-018”**

**BACKGROUND:**

The project consists of the revision of floor plans and elevations for 32 homes to be constructed in the Canyon Village Tract (TR 31345). A General Plan Amendment (GPA 672), Change of Zone (CZ 6836), Tentative Tract Map (TR 31345) and a Mitigated Negative Declaration for an Environmental Assessment (EA 39136) for 50 residential lots and 3 open space lots on 14.9 acres (APN 367-020-008) was approved on August 23, 2005, by the Riverside County Board of Supervisors. The previous developer, RC Hobbs Company, constructed 18 of the 50 homes in 2008 and 2009 before abandoning the project. On February 2, 2010, D.R. Horton purchased the Canyon Village Tract with the intention to construct homes on the remaining 32 lots. The lots are located along Dorof

Court, Clovis Way and Coral Wood Court north of Canyon Drive. The location of the project is shown in Attachment B and a site plan is shown in Attachment C.

**DISCUSSION:**

The proposed revised floor plans and elevations for the 32 new homes by DR Horton complement the existing 18 constructed by the previous developer, RC Hobbs. D.R. Horton proposes three architectural styles; Spanish, Tuscan and Craftsman. Each of the three architectural styles proposes a single-story model and two 2-story models for a total of nine model home types.

Revised Floor Plans

D.R. Horton is proposing to build three new models; 1 one-story and 2 two-story floor plans. The single-story home, Plan 1.2351, have a total square footage of 2,351. The floor plan includes three bedrooms, a den, two and a half bathrooms and a three bay tandem garage. The optional floor plan includes four bedrooms and three bathrooms. The single-story homes come in all three architectural styles; Spanish, Tuscan and Craftsman. The floor plans are shown in Attachment D.

The developer proposes two different models for the two-story homes. Plan 2.2472 is 2,472 square feet with four bedrooms, a den three bathrooms and a three bay tandem garage. The optional floor plan includes five bedrooms, three bathrooms and a loft. Plan 3.2644 is 2,644 square feet with three bedrooms, a den two and a half bathrooms, retreat (attached to the master bedroom) and a three-bay garage. The optional floor plan includes four bedrooms and three bathrooms. Both the two-story models come in all three architectural styles; Spanish, Tuscan and Craftsman. The floor plans are shown in Attachment D.

Plan Type	Architectural Style	Square Footages	Floor Plan	Optional Floor Plan
Plan 1.2351 Single-Story	“A” Spanish “B” Tuscan “C” Craftsman	2,351	3 Bed/Den/2.5Bath 3 Bay Tandem Garage	4 Bed/3 Bath
Plan 2.2472 Two-Story	“A” Spanish “B” Tuscan “C” Craftsman	2,472	4 Bed/Den/3 Bath 3 Bay Tandem Garage	5 Bed/3 Bath Opt. Loft
Plan 3.2644 Two-Story	“A” Spanish “B” Tuscan “C” Craftsman	2,644	3 Bed/Den/2.5Bath/ Retreat 3 Bay Garage	4 Bed/3 Bath

The proposed homes by D.R. Horton have slightly smaller square footage than the existing homes built by RC Hobbs. However the number of bedrooms and bathrooms is fairly consistent between both the RC Hobbs homes and the proposed homes by D.R. Horton. For example, Lot 33 (34242 Dorof Court) has a one-story 2,414 square foot

home with four bedrooms, two bath and 564 square foot garage. Lot 27 (34185 Dorof Court) has a two-story square 2,989 foot home with four bedrooms, two and three-quarter bathrooms, and an 850 square foot garage. Staff has determined that the proposed homes, while have slightly less square footage than the existing homes, will overall be consistent with the existing homes in the tract.

### Revised Elevations

There are three architectural styles; Spanish, Tuscan and Craftsman proposed for new homes. The single-story home, Plan 1.2351, has an “A” Spanish, “B” Tuscan, and “C” Craftsman model. Both two-story homes, Plan 2.2472 and Plan 3.2644 also have an “A” Spanish, “B” Tuscan, and “C” Craftsman models. There are a total of nine model home types for the 32 homes. In addition, the 15 of the homes are a reversed model of one of the nine architectural styles. The existing homes in the Canyon Village tract include Spanish, Cottage and Craftsman architectural styles. Staff compared the existing and proposed design of the homes and determined that the revised elevations complement the existing homes in the tract.

Both the single-story and two-story homes with the Spanish style include the following architectural design: low profile “S” roofing, gable treatments, wood fascia, white vinyl windows with grids, recessed window on the two-story homes, stucco trim, plank shutters, arch or wood columns with corbel at entry porch, six panel entry door and sixteen panel garage doors with four windows. Attachment E shows the colored elevations for the Spanish style homes.

The existing homes in Canyon Tract included a cottage style architectural model home which D.R. Horton is proposing to replace the older Cottage style with a more updated Tuscan style home. Both designs of these are similar but have some basic architectural differences. Staff has determined that replacing the Cottage with the Tuscan style home will be consistent with the rest of the tract. The Tuscan model includes the following architectural features: flat roof concrete tile roofing, gable treatments, wood fascia, white vinyl windows with grids recessed window on one of the two-story models, stucco trim, panel shutters, arch entry porch, and thirty-two panel garage door with eight windows. Attachment E shows the colored elevations for the Tuscan style homes.

The Craftsman single-story and two-story homes include the following architectural details: flat roof concrete tile roofing, board and batts gable treatment, outlookers (some with braces) in gable, wood fascia, white vinyl windows with grids, recessed window on one of the two-story models, stucco trim, stone wainscoting, six panel entry door and sixteen panel garage doors with four windows. Attachment E shows the colored elevations for the Craftsman style homes.

In compliance with the Design Standards and Guidelines, the developer has provided additional trim and enhanced elevations on the homes that will be visible from the street and/or open spaces. Lots 1, 5, 6, 8, 9, 11, 13-15, 17, 20 and 21 have additional trim around the windows and doors on sides of the houses that are most visible from the

street and/or open spaces. Lots 3, 7, 22-24, 42 and 43 have additional trim around the windows and doors and enhanced elevations on the sides of the houses that are most visible from the street and/or open spaces. Enhanced elevations include the following architectural components: additional trim around the windows and doors, trim around gable vents, decorative architectural wall details, shutter enhancements around windows, enhanced gable ends and stucco recess. Attachment F shows the location of the homes with additional trim and enhanced elevations.

Each of the architectural styles (Spanish, Tuscan and Craftsman) proposes three various color schemes for a total of nine color schemes for the new homes. The base stucco colors for the homes are neutral earth tones including tans and browns. The colors for the trim, fascia, front door, garage door, shutters, prefab pipes and roofing are composed of shades of brown, red, green and gray. The Craftsman style homes also include stone wainscoting in natural/earth tones colors. The color schemes are listed in Attachment G. Staff compared the existing and proposed colors of the homes and determined that the new color schemes proposed by D.R Horton match the existing homes in the tract for a complete look to the tract.

#### **DESIGN GUIDELINES:**

The Residential Design Standards and Guidelines provide guidance for new single-family tracts. Approximately half of the twenty issues apply to the residential product revision. The other half relate to the design of the tract map and are not relevant here since the tract map has already been recorded. As demonstrated below, the project is consistent with the Design Standards and Guidelines.

#### **A. Design Style**

*A design style or a common palette of architectural features is encouraged for each neighborhood or community usually through a planned development, Specific Plan or the Incentive Program. A design style is not required; however, consistency in the design features and use of materials is encouraged.*

The proposed revised floor plans and elevations for the 32 new homes by DR Horton complement the existing 18 constructed by the previous developer, RC Hobbs. D.R. Horton proposes three architectural styles; Spanish, Tuscan and Craftsman. Each of the three architectural styles proposes a single-story model and two 2-story models for a total of nine model home types. This is consistent with the existing homes which are a combination of single-story and two-story homes in Spanish, Craftsman and Cottage architectural styles. Similar architectural details and building materials to the existing homes are proposed such as tile roofing, wood fascia, stucco trim, stone wainscoting, plank shutters, gables, and sixteen paneled garage doors with windows. The applicant proposes a combination of nine color schemes for the new homes. The color schemes, including the stucco colors for the homes, are similar to the existing homes in the subdivision with only minor modifications to some of the trim colors. Attachment E shows the color elevations for the new homes. The project is consistent with the Design

Standards and Guidelines as the proposed homes incorporate three architectural styles with various architectural details that complement the existing homes in the tract.

## **B. Articulation of Building Facades**

*Long unarticulated building facades shall be avoided by incorporating varying setbacks of the building footprint in a varied fashion along the residential street. Projecting architectural features such as bowed or bay windows, columns, offset roof planes, and similar features should be used to create both vertical and horizontal articulation on the building elevations. These design elements shall also be included on the rear facades and sides of homes which are adjacent to or visible from streets or open spaces. Houses shall be arranged in a manner that creates a harmonious, varied appearance of building heights and setbacks.*

The setback from the front property line for the proposed homes ranges from 20 feet (the minimum front yard setback in the One-Family Dwelling Zone) to 35 feet to create varying setbacks along the residential streets. All three architectural styles; Spanish, Tuscan and Craftsman, incorporate architectural treatments that create both vertical and horizontal articulation on the building elevations including recessed front doors, recessed windows, arch or wood columns with corbel at entry porches, arched entry porches, wood fascia, stone wainscoting, gables, hips and dormers. In addition the developer has provided additional trim and enhanced elevations on the homes that will be visible from the street and/or open spaces consistent with the Design Standards and Guidelines.

## **C. Varied Roof Planes**

*Roof articulation may be achieved by changes in plane or by the use of traditional roof forms such as gables, hips, and dormers. A-frame type roofs and mansard roofs are discouraged unless a part of a coordinated design theme style.*

There are three architectural styles; Spanish, Tuscan and Craftsman proposed for new homes. Each of these architectural styles incorporates gables, hips and dormers which creates varying rooflines as shown on the proposed elevations (Attachment E). The project is consistent with the Design Standards and Guidelines as the proposed homes have varied rooflines incorporating traditional roof forms such as gables, hips, and dormers.

## **D. 360 Degree Architecture**

*Architectural design treatments such as building offsets, recessed windows, trellises, overhangs, or other features shall occur on those facades of the residence that are visible from streets or open spaces.*

The developer has provided basic trim and architectural enhancements to all the proposed homes including gable treatments, wood fascia, stucco trim, panel shutters,

stone wainscoting, hips and dormers which comply with the criteria provided in the Design Standards and Guidelines.

However, staff also requested that they applicant provide additional trim and enhanced elevations on the homes that will be visible from the street and/or open spaces. The elevation enhancements include additional trim around the windows and doors, trim around gable vents, decorative architectural wall details, shutter enhancements around windows, enhanced gable ends and stucco recess. Lots 1, 5, 6, 8, 9, 11, 13, 14, 15, 17, 20, and 21 have additional trim around the windows and doors on sides of the houses that are most visible from the street and/or open spaces. Lots 3, 7, 22, 23, 24, 42, and 43 have additional trim around the windows and doors and enhanced elevations on the sides of the houses that are most visible from the street and/or open spaces. Attachment F shows the location of the homes with additional trim and enhanced elevations. The project is consistent with the Design Standards and Guidelines as the proposed homes exceed the design standards by proving enhanced elevations on homes that will be visible from the street and/or open spaces.

## **E. Streetscape Design**

### **1. Varied Building Heights/Rooflines**

*Minimum Number of Single Story Units Houses and garages shall be arranged in a manner that creates a harmonious, varied appearance of building heights. All projects of ten or more residential lots should include at least one single-story floor plan. In the Fourth District, single-story homes should be located on the perimeter of the development area.*

There are three architectural styles; Spanish, Tuscan and Craftsman proposed for new homes. The single-story home, Plan 1.2351, has an “A” Spanish, “B” Tuscan, and “C” Craftsman model. Twelve of the 32 proposed homes will be single-story homes. The single-story homes are distributed throughout the existing tract with three single-story homes located on lots at the entrance to the tract on Clovis Way. The proposed homes are consistent with the existing homes which are a combination of single and two-story homes in Spanish, Craftsman and Cottage architectural styles. The project is consistent with the Design Standards and Guidelines as twelve of the 32 proposed homes will be single-story homes.

### **2. Multiple Floor Plans and Elevations**

#### ***Floor Plans***

*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.*

The project includes three different floor plans with an additional three optional floor plans for each plan type. The single-story homes, Plan 1.2351, have a total square

footage of 2,351. The floor plan includes three bedrooms, a den, two and a half bathrooms and a three bay tandem garage. The optional floor plan includes four bedrooms and three bathrooms. The developer proposes two different models for the two-story homes. Plan 2.2472 is 2,472 square feet with four bedrooms, a den, three bathrooms and a three bay tandem garage. The optional floor plan includes five bedrooms, three bathrooms and a loft. Plan 3.2644 is 2,644 square feet with three bedrooms, a den two and a half bathrooms, retreat (attached to the master bathroom) and a three bay garage. The optional floor plan includes four bedrooms and three bathrooms. In addition to the six floor plans options, the 15 of the homes are a reversed model of one of the nine architectural styles. The floor plans are shown in Attachment D. The project is consistent with the Design Standards and Guidelines as it exceeds the minimum required floor plans for tract maps with 50 or less units by providing six floor plan options.

### ***Elevations***

*Each floor plan shall have at least three distinct elevations. One elevation shall not be repeated more than each fourth house. Please note that adding or deleting false shutters, or similar types of minimal elevation changes will not suffice as one of the required distinct elevations.*

D.R. Horton proposes three architectural styles; Spanish, Tuscan and Craftsman. Each of the three architectural styles proposes a single-story model, Plan 1.2351, and two 2-story models, Plan 2.2472 and Plan 3.2644, for a total of nine model home types. In addition, the 15 of the homes are a reverse model of one of the nine architectural styles. In compliance with the City of Wildomar Design Standards and Guidelines, the developer has provided additional trim and enhanced elevations on the homes that will be visible from the street and/or open spaces. The existing homes in the Canyon Village tract include Spanish, Cottage and Craftsman architectural styles. Staff compared the existing and proposed design of the homes and determined that the revised elevations complement the existing homes in the tract. Attachment E shows the color elevations for the new homes and Attachment F shows the location of the homes with additional trim and enhanced elevations. The project is consistent with the Design Standards and Guidelines as the developer is proposing three architectural styles for each floor plan for a total of nine model home types.

### **3. Variable Front Yard Setbacks**

*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.*

The setback from the front property line for the proposed homes ranges from 20 feet (the minimum front yard setback in the One-Family Dwelling Zone) to 35 feet to create varying setbacks along the residential streets. The front entries for the proposed homes

are recessed at varying distances on all of the proposed elevations. On both Plan 1.2351 and Plan 2.2472 the garage door is setback the same distance as a portion of the home containing the front bedroom (or den in the optional floor plan). In Plan 3.2644, the garage is set closer to the street than the rest of the home (but still meets the minimum front yard setback). The project is consistent with the Design Standards and Guidelines as the homes and garages are proposed at varying distances from the street and have varying entry locations.

#### 4. Colors and Materials

*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.*

Each of the architectural styles (Spanish, Tuscan and Craftsman) proposes three various color schemes for a total of nine color schemes for the new homes. The base stucco colors for the homes are neutral earth tones including tans and browns. The colors for the trim, fascia, front door, garage door, shutter and roofing are composed of shades of brown, red, green and gray. The Craftsman style homes also include stone wainscoting in natural/earth tones colors. The color schemes are listed in Attachment F. Staff compared the existing and proposed colors of the homes and determined that the new color schemes proposed by D.R Horton would complement the existing homes in the tract for a complete look to the tract. The project is consistent with the Design Standards and Guidelines as the developer is proposing nine color schemes for the new homes that will complement the existing homes.

#### F. Garage Location and Design

*The visual impact of garages should be reduced by the use of additional setback from the curb face where garage doors must face the street or by the use of side-facing or rear garages (including detached garages) where possible. Residential plans that feature attached garage designs whose entries are from the side (“sideloaded garages”) are also encouraged. Where more than two garage doors face the street, the third garage door should have an increased setback or offset.*

The setback from the front property line for the proposed homes ranges from 20 feet (the minimum front yard setback in the One-Family Dwelling Zone) to 35 feet to create varying setbacks along the residential streets. The front entries and garages for the proposed homes are recessed at varying distances on all of the proposed elevations. On both Plan 1.2351 and Plan 2.2472 the garage door is setback the same distance as a portion of the home containing the front bedroom (or den in the optional floor plan). In Plan 3.2644, the garage is set closer to the street than the rest of the home (but still meets the minimum front yard setback). In addition, Plan 1.2351 and Plan 2.2472 each have a two-car garage with a third tandem parking space and Plan 3.2644 has a three-

car garage. The project is consistent with the Design Standards and Guidelines as the visual impact of garages is reduced by incorporating various setbacks on the garage additional setback from the curb face.

## **K. Residential Design Features**

1. *All new residences should have at least one clean-burning fireplace.*

The Design Standards and Guidelines encourage the provision of clean burning fireplaces in new residences. In accordance with this suggestion, the developer will provide an option for buyers to have a low-emission gas fireplace installed. Unlike traditional fireplaces that require a chimney to vent the smoke and emissions, the low-emission gas fireplaces have a side vent through the exterior wall and do not require a chimney for ventilation. The project is consistent with the Design Standards and Guidelines as clean burning fireplaces are an option the home buyers may select.

### Community Meeting

Staff requested that D.R. Horton, hold a community meeting with the existing homeowners of the Canyon Village Tract to provide the residents with an opportunity to review the plans and ask questions about the construction of the new homes. The meeting was held by D.R. Horton representatives on Tuesday, April 6, 2010, at the Gracepoint Church of Nazarene located at 21400 Canyon Drive. Twelve families attended the meeting voicing their concerns about landscaping conditions, future construction dust and noise, and clean up of the detention basin. Overall the existing residents were satisfied with the plans and excited to see the completion of the tract.

### **CONCLUSION:**

Staff recommends that the Planning Commission approve the revised floor plans and elevations for the 32 homes in the Canyon Village Tract (TR 31345) as proposed by the developer, D.R. Horton, subject to the attached conditions of approval. The resolution and exhibit are located in Attachments A.

### **FINDINGS:**

#### **Plot Plan**

- A. The proposed use is consistent with the Zoning Code, General Plan, the Subdivision Ordinance and the City of Wildomar Municipal Code.

*The proposed use is consistent with the General Plan and the City of Wildomar Municipal Code. The project includes proposed revised floor plans and elevations for the 32 new homes by DR Horton in the Canyon Village Tract (TR31345). A General Plan Amendment (GPA 672), Change of Zone (CZ 6836), Tentative Tract Map (TR 31345) and a Mitigated Negative Declaration for an Environmental Assessment (EA 39136) for 50 residential lots and 3 open space lots on 14.9 acres (APN 367-020-008) was approved on August 23, 2005, by the Riverside County*

*Board of Supervisors. The previous developer, RC Hobbs Company, constructed 18 of the 50 homes in 2008 and 2009 before abandoning the project. The building floor plans and architectural design of the new homes will complement with the existing homes to provide a complete build-out of the tract. The project also complies with development standards including, but not limited to: setbacks, building height, lot coverage, and landscaping of the One-Dwelling Family (R-1) zone and as described in the staff report.*

- B. The overall development of the land shall be designed for the protection of the public health, safety, and general welfare.

*A General Plan Amendment (GPA 672), Change of Zone (CZ 6836), Tentative Tract Map (TR 31345) and a Mitigated Negative Declaration for an Environmental Assessment (EA 39136) for 50 residential lots and 3 open space lots on 14.9 acres (APN 367-020-008) was approved on August 23, 2005, by the Riverside County Board of Supervisors. The previous developer, RC Hobbs Company, constructed 18 of the 50 homes in 2008 and 2009 before abandoning the project. In addition the previous developer completed the required infrastructure for the tract including, but not limited to, roads, sidewalks, sewer and water per the conditions of approval for Tract 31345. The proposed project is limited to revised floor plans and elevations including primarily architectural design for 32 homes to be constructed on the remaining individual lots in the existing residential tract by D.R. Horton. Construction of the new homes will be in compliance with the development standards including, but not limited to: setbacks, building height, lot coverage, and landscaping of the One-Dwelling Family (R-1) zone and the building code. The overall development of the land shall was designed for the protection of the public health, safety, and general welfare.*

- C. The overall development of the land shall be designed to conform to the logical development of the land and to be compatible with the present and future logical development of the surrounding property.

*A General Plan Amendment (GPA 672), Change of Zone (CZ 6836), Tentative Tract Map (TR 31345) and a Mitigated Negative Declaration for an Environmental Assessment (EA 39136) for 50 residential lots and 3 open space lots on 14.9 acres (APN 367-020-008) was approved on August 23, 2005, by the Riverside County Board of Supervisors. The previous developer, RC Hobbs Company, constructed 18 of the 50 homes in 2008 and 2009 before abandoning the project. The proposed project is limited to revised floor plans and elevations including primarily architectural design for 32 homes to be constructed on the remaining individual lots in the existing residential tract by D.R. Horton. The construction of the new homes will comply with the conditions of approval for Tract 31345 and the additional conditions from Plot Plan 10-0092.*

- D. Plot Plan considers the location and need for dedication and improvement of necessary streets and sidewalks, including the avoidance of traffic congestion.

*Dedication and improvements of necessary streets and sidewalks for the Canyon Village Tract were completed by the previous developer.*

- E. The Plot Plan takes into consideration topographical and drainage conditions, including the need for dedication and improvements of necessary structures.

*The topographical and drainage conditions, including the need for dedication and improvements of necessary structures were completed by the previous developer. The precise grade plans and landscaping plans for the new homes will be review by the City Engineer and City Landscape Architect prior to the issuance of building permits.*

- F. All plot plans which permit the construction of more than one structure on a single legally divided parcel shall, in addition to all other requirements, be subject to a condition which prohibits the sale of any existing or subsequently constructed structures on the parcel until the parcel is divided and a final map recorded in accordance with Ordinance No. 460 in such a manner that each building is located on a separate legally divided parcel.

*A Final Map has already been recorded for this project and each home will be constructed on its own lot.*

#### **ENVIRONMENTAL ASSESSMENT:**

The Riverside County Board of Supervisors adopted Environmental Assessment 39048 on August 23, 2005 for TR31345. There has been no legal challenge brought against the project or the environmental determination. The Planning Director has reviewed the Environmental Assessment previously approved for the project that Plot Plan 10-0092 is a subsidiary and implementing approval contemplated under the larger project and that Plot Plan 10-0092 complies with the City's Zoning Ordinance and other applicable standards. As such, Plot Plan 10-0092 and any effects it may have on the environment, fall within the scope of, and were analyzed under the previously approved Environmental Assessment for the project. Furthermore, based on the Planning Department staff's knowledge of the project and surrounding developments, the Planning Director concludes that there has been no change in circumstances under which the project is being undertaken that would require additional analysis under CEQA.

**ATTACHMENTS:**

- A. Resolution for Plot Plan 10-0092  
Exhibit A – Conditions of Approval
- B. Location Map
- C. Site Plan
- D. Floor Plans
- E. Colored Elevations
- F. Enhanced Elevations Exhibit
- G. Color Schemes

# ATTACHMENT A

**RESOLUTION NO. 10-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR APPROVING PLOT PLAN 10-0092 TO ALLOW FOR REVISED FLOOR PLANS AND ELEVATIONS OF 32 HOMES TO BE CONSTRUCTED IN CANYON VILLAGE TRACT (TR 31345) LOCATED ALONG DOROF COURT, CLOVIS WAY AND CORAL WOOD COURT AND KNOWN AS ASSESSOR'S PARCEL NOS. 367-490-001 THROUGH 367-490-024; 367-491-007 THROUGH 367-491-012; 367-491-017, AND 367-491-018**

**WHEREAS**, an application for Plot Plan 10-0092 to allow revised floor plans and elevations for the 32 new homes by D.R. Horton in the Canyon Village Tract (TR31345) located along Dorof Court, Clovis Way and Coral Wood Court north of Canyon Drive has been filed by:

Applicant/Owner: D.R. Horton

Authorized Agent: D.R. Horton

Project Location: Dorof Court, Clovis Way and Coral Wood Court

APN Number: 367-490-001 through 367-490-024; 367-491-007 though 367-491-012; 367-491-017 and 367-491-018

**WHEREAS**, Chapter 17.216.010 of the Wildomar Municipal Code gives the Planning Department the authority to approve Plot Plan 10-0092 in accordance with that chapter; and

**WHEREAS**, on April 23, 2010 the City gave public notice by mailing to adjacent property owners and by placing an advertisement in a newspaper local circulation of the holding of a public hearing at which the project would be considered; and

**WHEREAS**, on May 5, 2010 the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Plot Plan 10-0092 and at which the Planning Commission considered the Plot Plan 10-0092; and

**WHEREAS**, at this public hearing on May 5, 2010 the Planning Commission considered, heard public comments on, and approved Plot Plan 10-0092; and

**NOW THEREFORE**, the Planning Commission of the City of Wildomar does Resolve, Determine, Find and Order as follows:

**SECTION 1. ENVIRONMENTAL FINDINGS**

The Planning Commission, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Planning Director as provided in the Staff Report dated May 5, 2010 and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

A. CEQA: The Riverside County Board of Supervisors adopted Environmental Assessment 39048 on August 23, 2005 for TR31345. There has been no legal challenge brought against the project or the environmental determination. The Planning Commission has reviewed the Environmental Assessment previously approved for the project in light of applicant's submittal of Plot Plan 10-0092. The Planning Commission has concluded that Plot Plan 10-0092 is a subsidiary and implementing approval contemplated under the larger project and that Plot Plan 10-0092 complies with the City's Zoning Ordinance and other applicable standards. The Planning Commission finds that Plot Plan 10-0092 will not result in an increase in the density or intensity of the project and will not result in project changes that were not previously analyzed under the approved Environmental Assessment. As such, Plot Plan 10-0092 and any effects it may have on the environment, fall within the scope of, and were analyzed under the previously approved Environmental Assessment for the project. Furthermore, based on the Planning Department staff's knowledge of the project and surrounding developments, the Planning Commission concludes that there has been no change in circumstances under which the project is being undertaken that would require additional analysis under CEQA. Finally, the Planning Commission has not been presented with any information contrary to this conclusion nor any information from which it could be fairly argued that Plot Plan 10-0092 involves new significant effects on the environment or substantially increases the severity of a previously identified effect. Based thereon, the Planning Commission makes the following findings in accordance with CEQA Guidelines Section 15162:

1. Plot Plan 10-0092 does not propose substantial changes to TR31345 that would require major revisions to the existing Environmental Assessment;

2. No substantial changes have occurred in the circumstances under which TR31345 or Plot Plan 10-0092 is being undertaken that would require major revisions to the Environmental Assessment; and

3. No new information has been presented from which it may be fairly argued that Plot Plan 10-0092 may involve a new significant environmental effect, or a substantial increase in the severity of previously identified significant effects, or demonstrating that a mitigation measure previously found to be infeasible is now feasible.

B. Multiple Species Habitat Conservation Plan (MSHCP). The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

## SECTION 2. PLOT PLAN FINDINGS.

Pursuant to Wildomar Municipal Code Chapter 17.216.040 and in light of the record before it including the staff report dated May 5, 2010 and all evidence and testimony heard at the public hearing of this item, the Planning Commission hereby finds as follows:

A. The proposed use must conform to all the requirements of the City of Wildomar general plan and with all applicable requirements of state law and the ordinances of the City of Wildomar.

*The proposed use is consistent with the General Plan and the City of Wildomar Municipal Code. The project includes proposed revised floor plans and elevations for the 32 new homes by DR Horton in the Canyon Village Tract (TR31345). A General Plan Amendment (GPA 672), Change of Zone (CZ 6836), Tentative Tract Map (TR 31345) and a Mitigated Negative Declaration for an*

*Environmental Assessment (EA 39136) for 50 residential lots and 3 open space lots on 14.9 acres (APN 367-020-008) was approved on August 23, 2005, by the Riverside County Board of Supervisors. The previous developer, RC Hobbs Company, constructed 18 of the 50 homes in 2008 and 2009 before abandoning the project. The building floor plans and architectural design of the new homes will complement with the existing homes to provide a complete build-out of the tract. The project also complies with development standards including, but not limited to: setbacks, building height, lot coverage, and landscaping of the One-Dwelling Family (R-1) zone and as described in the staff report.*

B. The overall development of the land shall be designed for the protection of the public health, safety, and general welfare.

*A General Plan Amendment (GPA 672), Change of Zone (CZ 6836), Tentative Tract Map (TR 31345) and a Mitigated Negative Declaration for an Environmental Assessment (EA 39136) for 50 residential lots and 3 open space lots on 14.9 acres (APN 367-020-008) was approved on August 23, 2005, by the Riverside County Board of Supervisors. The previous developer, RC Hobbs Company, constructed 18 of the 50 homes in 2008 and 2009 before abandoning the project. In addition the previous developer completed the required infrastructure for the tract including, but not limited to, roads, sidewalks, sewer and water per the conditions of approval for Tract 31345. The proposed project is limited to revised floor plans and elevations including primarily architectural design for 32 homes to be constructed on the remaining individual lots in the existing residential by D.R. Horton. Construction of the new homes will be in compliance with the development standards including, but not limited to: setbacks, building height, lot coverage, and landscaping of the One-Dwelling Family (R-1) zone and the building code. The overall development of the land shall be designed for the protection of the public health, safety, and general welfare.*

C. The overall development of the land shall be designed to conform to the logical development of the land and to be compatible with the present and future logical development of the surrounding property.

*A General Plan Amendment (GPA 672), Change of Zone (CZ 6836), Tentative Tract Map (TR 31345) and a Mitigated Negative Declaration for an Environmental Assessment (EA 39136) for 50 residential lots and 3 open space lots on 14.9 acres (APN 367-020-008) was approved on August 23, 2005, by the Riverside County Board of Supervisors. The previous developer, RC Hobbs Company, constructed 18 of the 50 homes in 2008 and 2009 before abandoning the project. The proposed project is limited to revised floor plans and elevations including primarily architectural design for 32 homes to be constructed on the remaining individual lots in the existing residential tract by D.R. Horton. The construction of the new homes will comply with the conditions of approval for Tract 31345 and the additional conditions from Plot Plan 10-0092.*

D. Plot Plan considers the location and need for dedication and improvement of necessary streets and sidewalks, including the avoidance of traffic congestion.

*Dedication and improvements of necessary streets and sidewalks for the Canyon Village Tract were completed by the previous developer.*

E. The Plot Plan takes into consideration topographical and drainage conditions, including the need for dedication and improvements of necessary structures.

*The topographical and drainage conditions, including the need for dedication and improvements of necessary structures were completed by the previous developer. The precise grade plans*

*and landscaping plans for the new homes will be review by the City Engineer and City Landscape Architect prior to the issuance of building permits.*

F. All plot plans which permit the construction of more than one structure on a single legally divided parcel shall, in addition to all other requirements, be subject to a condition which prohibits the sale of any existing or subsequently constructed structures on the parcel until the parcel is divided and a final map recorded in accordance with Ordinance No. 460 in such a manner that each building is located on a separate legally divided parcel.

A Final Map has already been recorded for this project and each home will be constructed on its own lot.

**SECTION 3. PLANNING COMMISSION ACTION.**

The Planning Commission hereby takes the following action:

A. Approves Plot Plan 10-0092 to allow revised floor plans and elevations for the 32 new homes by DR Horton in the Canyon Village Tract (TR31345) located on Dorof Court, Clovis Way and Coral Wood Court north of Canyon Drive as shown in Exhibit A which is attached hereto and incorporated herein by reference.

**PASSED, APPROVED AND ADOPTED** this 5<sup>th</sup> day of May 2010.

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Robert Devine  
Chairman

**APPROVED AS TO FORM:**

**ATTEST:**

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Erica Ball  
Deputy City Attorney

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David Hogan  
Planning Commission Secretary

**EXHIBIT A**  
**CITY OF WILDOMAR**  
**CONDITIONS OF APPROVAL**

<b>Planning Application Number:</b> Plot Plan 10-0092	
<b>Project Description.</b> A plot plan for revised elevations for 32 homes to be constructed in Canyon Village Tract 31345 on Dorof Court, Clovis Way and Coral Wood Court north of Canyon Drive in the City of Wildomar, County of Riverside, California.	
<b>Assessor's Parcel Number(s):</b> 367-490-001 through 367-490-024; 367-491-007 though 367-491-012; 367-491-017 and 367-491-018	
<b>Approval Date:</b> May 5, 2010	<b>Expiration Date:</b> May 5, 2012

**Within 48 Hours of the Approval of This Project**

1. The applicant shall review and sign the Acceptance of Conditions of Approval document that will be provided by the Planning Department staff and return the document with an original signature to the Planning Department.

**General Requirements**

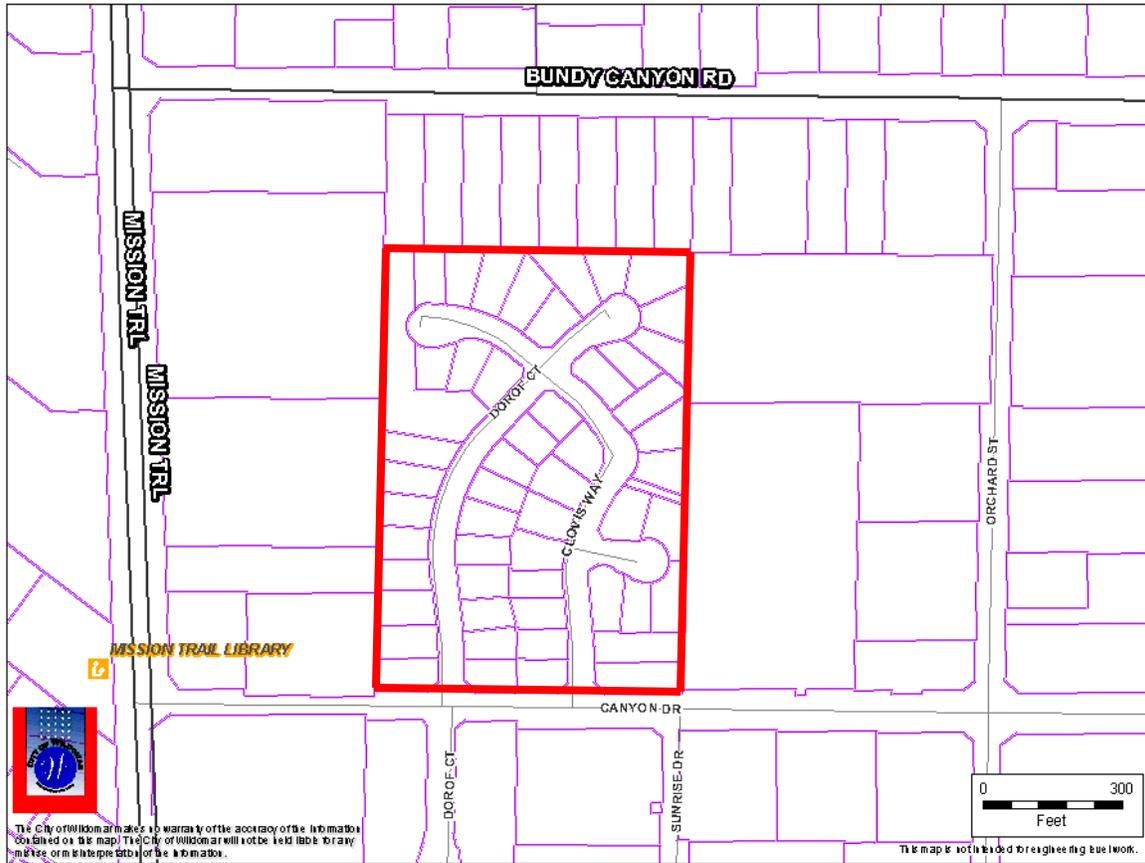
2. The applicant shall indemnify, protect, defend and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local stature, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and the applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

3. Approval of this request shall not waive compliance with the Zoning Code, California Building Code or any and all other applicable City Ordinances in effect at the time of Grading and Building Permit issuance.
4. The development of the premises including building footprints, setbacks, and elevation assignments by lot shall conform substantially with that as shown on the plot plan Exhibit, dated received on April 9, 2010 on file with this substantial conformance or as seen in Exhibit "C."
5. The elevations of the proposed homes for each of the three architectural styles; Spanish, Tuscan and Craftsman for a total of nine model home types shall conform substantially with that as shown on the plot plan Exhibit, dated received on April 16, 2010 on file with this substantial conformance or as seen in Exhibit "D."
6. The enhanced elevations shall substantially with those shown on the materials boards dated received on April 20, 2010, on file with this substantial conformance or as seen in exhibit "F."
7. The colors and materials shall conform substantially with those shown on the materials boards dated received on April 23, 2010, on file with this substantial conformance or as seen in exhibit "G."
8. This approval shall be used within two years from the date of approval; otherwise it shall become null and void and of no effect whatsoever. By use is meant the beginning of substantial construction contemplated by this approval within the two-year period which is thereafter diligently pursued to completion, or the beginning of substantial utilization contemplated by this approval. In the event the use permitted hereby ceases operation for a period of one-year or more, this approval shall become null and void. This permit shall become null and void on May 5, 2012 if the above condition is not complied with.

END

# ATTACHMENT B

# LOCATION MAP



# ATTACHMENT C

# SITE PLAN



# ATTACHMENT D

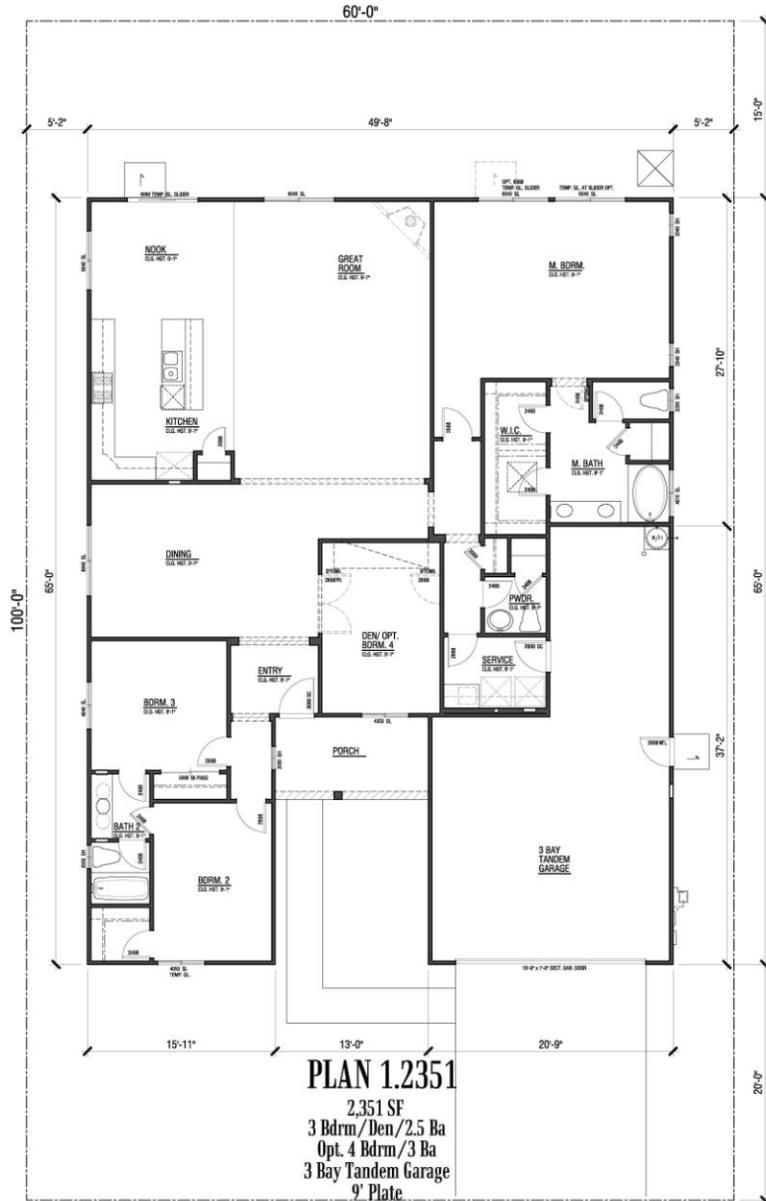
# FLOOR PLANS - PLAN 1.2351



Opt. M. Bath



Opt. Bdrm. 4 / Bath 3



## PLAN 1.2351

2,351 SF  
 3 Bdrm/Den/2.5 Ba  
 Opt. 4 Bdrm/3 Ba  
 3 Bay Tandem Garage  
 9" Plate

Canyon Village

Wildomar, CA

**DR-HORTON**  
 America's Builder



**PLAN 2.2472**



Opt. Bdrm. 5 / Bath 3



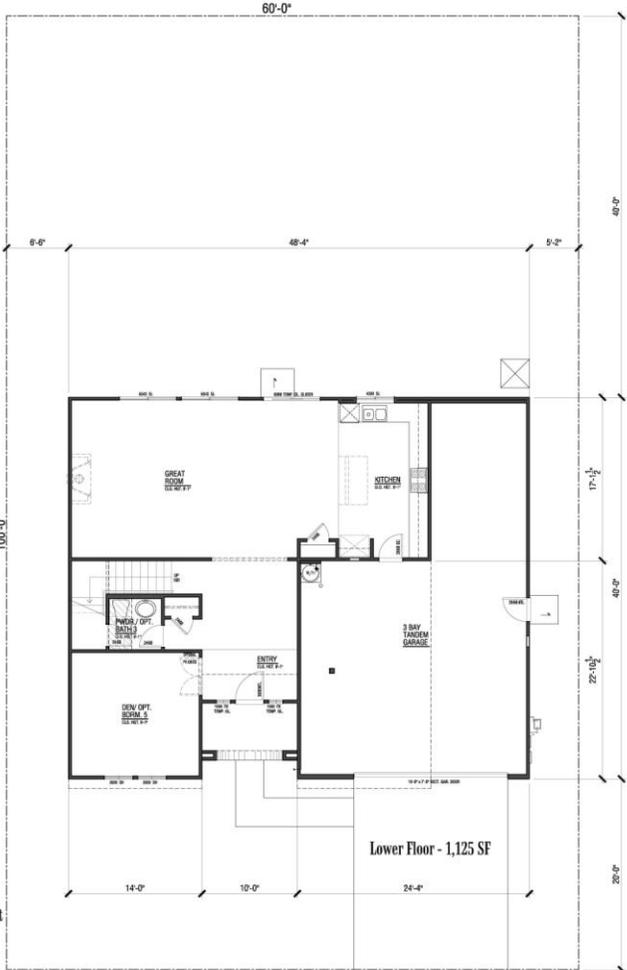
Opt. Loft



Opt. M. Bath



Upper Floor - 1,347 SF



Lower Floor - 1,125 SF

**Plan 2.2472**  
 2,472 SF  
 4 Bdrm/Den/ 3 Ba  
 Opt. 5 Bdrm/3 Ba/Opt. Loft  
 3 Bay Tandem Garage  
 8' / 9' Plates  
**Canyon Village**  
 Wildomar, CA  
**D. BOHANNON**  
*America's Builder*

**WILLIAM HEZMAI**  
 ARCHITECTS  
 3885 REDHILL AVENUE SUITE 200 SANRAE,  
 CA 94593 925.761.0827 www.wheh.com

**PLAN 3.2644**



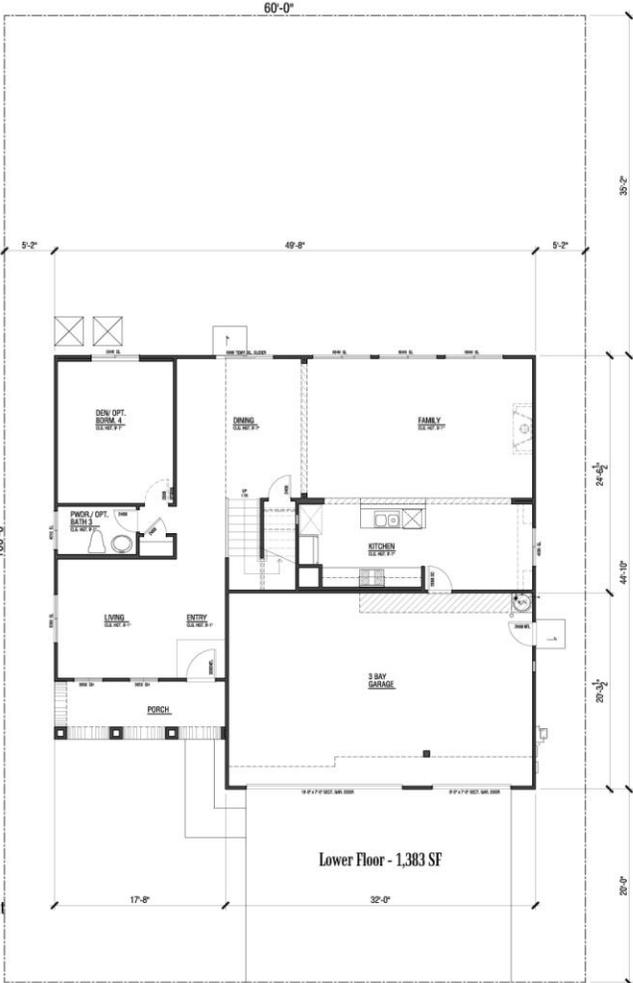
Opt. Bdrm. 4 / Bath 3



Opt. M. Bath



Upper Floor - 1,261 SF



Lower Floor - 1,383 SF

**Plan 3.2644**  
 2,644 SF  
 3 Bdrm/Den/2.5 Ba/Retreat  
 Opt. 4 Bdrm/3 Ba  
 3 Bay Garage  
 8' / 9' Plates  
**Canyon Village**  
 Wildomar, CA  
**D-H HORMON**  
 America's Builder

**WILLIAM HEZMAL ARCHITECTS**  
 2805 REEBELL AVENUE SUITE 200, SAN DIEGO, CA 92108

# ATTACHMENT E

# ELEVATIONS - PLAN 1.2351



"A" Spanish



"B" Tuscan



"C" Craftsman

Plan 1.2351  
Front Elevations

Canyon Village  
Wildomar, CA  
DORRINGTON  
America's Builder

0 4 8 12  
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April 16, 2010  
2010062

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949 220 2857 www.hezmalch.com 56 949 220 1523

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PLAN 2.2472



"A" Spanish



"B" Tuscan



"C" Craftsman

Plan 2.2472  
Front Elevations

Canyon Village  
Wildomar, CA

**DORRITT**  
America's Builder

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(925) 282-1807 • WWW.HEZMALHALCH.COM • 16' X 11' 25" 1/2

30100 CANYON VILLAGE

PLAN 3.2644



"A" Spanish



"B" Tuscan



"C" Craftsman

Plan 3.2644  
Front Elevations

Canyon Village  
Wildomar, CA  
DORRUM  
America's Builder

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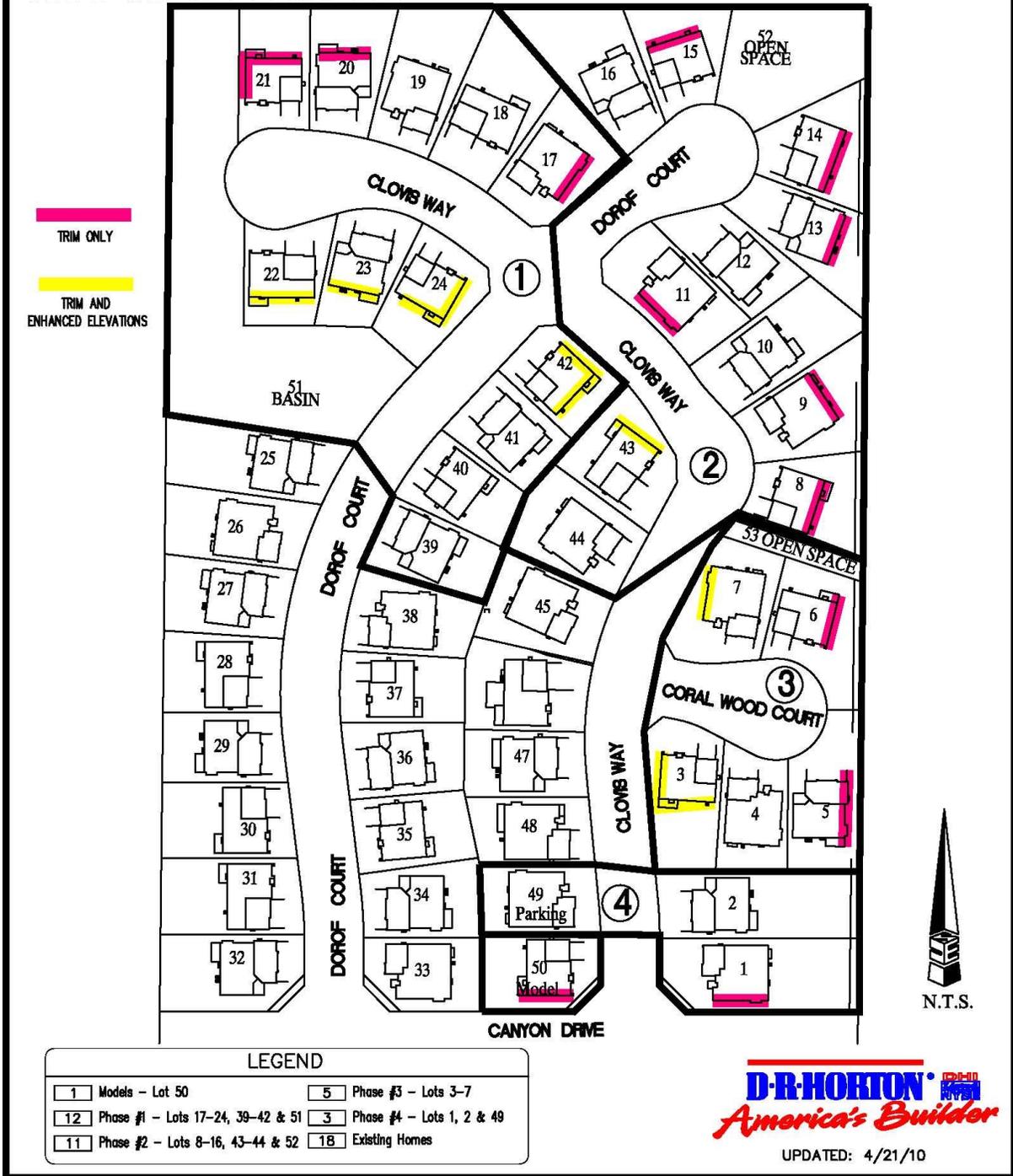
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# ATTACHMENT F

ENHANCED ELEVATIONS EXHIBIT

**CANYON VILLAGE**  
TRACT 31345  
CITY OF WILDOMAR

**ENHANCED  
ELEVATION EXHIBIT**



# ATTACHMENT G

**EXTERIOR COLOR & MATERIALS**  
1 of 9

**SCHEME 1A**

*'A' Elevations Only, Spanish*

MATERIAL	COLOR	MANUFACTURER
<b>ROOFING:</b> Low Profile Concrete Tile	2605 SAN BENITO BLEND	EAGLE
<b>GUTTERS &amp; DOWNSPOUTS</b> ( <i>Factory Finish</i> )	BEAVER BROWN	CUSTOM-BILT METALS
<b>STUCCO</b> ( <i>Lightlace Finish</i> )	DR 021	EXPO
<b>TRIM COLOR #1</b> ( <i>applied to</i> ): Garage Doors Trim	Match Frazee CLC 1272A BENTO	SHERWIN WILLIAMS
<b>TRIM COLOR #2</b> ( <i>applied to</i> ): Fascia Front Door	Match Frazee CLC 1282N CONSUMME	SHERWIN WILLIAMS
<b>ACCENT COLOR</b> ( <i>applied to</i> ): Prefab Pipes @ Gables Shutters	Match Frazee CLC 1266N WOODBURN	SHERWIN WILLIAMS

Color Designer: Donna Aldrich

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**EXTERIOR COLOR & MATERIALS**  
2 of 9

**SCHEME 2A**

*'A' Elevations Only, Spanish*

MATERIAL	COLOR	MANUFACTURER
<b>ROOFING:</b> Low Profile Concrete Tile	2604 CARLSBAD BLEND	EAGLE
<b>GUTTERS &amp; DOWNSPOUTS</b> ( <i>Factory Finish</i> )	BEAVER BROWN	CUSTOM-BILT METALS
<b>STUCCO</b> ( <i>Lightlace Finish</i> )	63	EXPO
<b>TRIM COLOR #1</b> ( <i>applied to</i> ): Garage Doors Trim	SQ 13651 Match to Frazee CL 2895A Teasle	SHERWIN WILLIAMS
<b>TRIM COLOR #2</b> ( <i>applied to</i> ): Fascia Front Door	SQ 13797 Match to Frazee CL 2867N Whisker	SHERWIN WILLIAMS
<b>ACCENT COLOR</b> ( <i>applied to</i> ): Shutters	SQ 14071 Match to Frazee CL 2966N Boreal	SHERWIN WILLIAMS
<b>PREFAB PIPES @ GABLES</b>	SQ 13631 Match to Frazee CLC 1266N Woodburn	SHERWIN WILLIAMS

Color Designer: Donna Aldrich

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**EXTERIOR COLOR & MATERIALS**  
3 of 9

**SCHEME 3A**

*'A' Elevations Only, Spanish*

MATERIAL	COLOR	MANUFACTURER
<b>ROOFING:</b> Low Profile Concrete Tile	SCM 8806 TUCSON BLEND	EAGLE
<b>GUTTERS &amp; DOWNSPOUTS</b> ( <i>Factory Finish</i> )	ROYAL BROWN	CUSTOM-BILT METALS
<b>STUCCO</b> ( <i>Lightlace Finish</i> )	DR 002	EXPO
<b>TRIM COLOR #1</b> ( <i>applied to</i> ): Garage Doors Trim	SQ 13632 Match to Frazee CL 2685A Logwood	SHERWIN WILLIAMS
<b>TRIM COLOR #2</b> ( <i>applied to</i> ): Fascia Front Door	SQ 13633 Match to Frazee CL 2875A Mosquito	SHERWIN WILLIAMS
<b>ACCENT COLOR</b> ( <i>applied to</i> ): Shutters	SQ 13634 Match to Frazee CL 2617N Bandit	SHERWIN WILLIAMS
<b>PREFAB PIPES @ GABLES</b>	SQ 13631 Match to Frazee CLC 1266N Woodburn	SHERWIN WILLIAMS

Color Designer: Donna Aldrich

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**EXTERIOR COLOR & MATERIALS**  
7 of 9

**SCHEME 1B** (*D.R. Horton Library Scheme 1D*)

*'B' Elevations Only, Tuscan*

MATERIAL	COLOR	MANUFACTURER
<b>ROOFING:</b> Low Profile Concrete Tile	2645 SUNRISE BLEND	EAGLE
<b>GUTTERS &amp; DOWNSPOUTS</b> ( <i>Factory Finish</i> )	BEAVER BROWN	CUSTOM-BILT METALS
<b>STUCCO</b> ( <i>Lightlace Finish</i> )	DR 022	EXPO
<b>TRIM COLOR #1</b> ( <i>applied to</i> ): Trim	Match Frazee CL 2902W OLD WASHER	SHERWIN WILLIAMS
<b>TRIM COLOR #2</b> ( <i>applied to</i> ): Fascia Garage Doors	Match Frazee CL 2677N ESPRESSO	SHERWIN WILLIAMS
<b>ACCENT COLOR</b> ( <i>applied to</i> ): Front Door Shutters	Match Frazee CLV 1131N BRUNO	SHERWIN WILLIAMS

Color Designer: Donna Aldrich

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**EXTERIOR COLOR & MATERIALS**  
8 of 9

**SCHEME 2B** (D.R. Horton Library Scheme 2D)

'B' Elevations Only, Tuscan

MATERIAL	COLOR	MANUFACTURER
<b>ROOFING:</b> Low Profile Concrete Tile	SCM 8823 PEBBLE BEACH	EAGLE
<b>GUTTERS &amp; DOWNSPOUTS</b> (Factory Finish)	BRONZE	CUSTOM-BILT METALS
<b>STUCCO</b> (Lightlace Finish)	DR 013	EXPO
<b>TRIM COLOR #1</b> (applied to): Trim	Match Frazee CLW 1018W GRIZZLY CREEK	SHERWIN WILLIAMS
<b>TRIM COLOR #2</b> (applied to): Fascia Garage Doors	Match Frazee CL 2837N MICROWRAP	SHERWIN WILLIAMS
<b>ACCENT COLOR</b> (applied to): Front Door Shutters	Match Frazee CL 2717N TURPENTINE	SHERWIN WILLIAMS

Color Designer: Donna Aldrich

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**EXTERIOR COLOR & MATERIALS**  
9 of 9

**SCHEME 4B** (D.R. Horton Library Scheme 4D)

'B' Elevations Only, Tuscan

MATERIAL	COLOR	MANUFACTURER
<b>ROOFING:</b> Low Profile Concrete Tile	2687 GRAY BROWN RANGE	EAGLE
<b>GUTTERS &amp; DOWNSPOUTS</b> (Factory Finish)	BEAVER BROWN	CUSTOM-BILT METALS
<b>STUCCO</b> (Lightlace Finish)	DR 023	EXPO
<b>TRIM COLOR #1</b> (applied to): Trim	Match Frazee CLC 1261W SARANA	SHERWIN WILLIAMS
<b>TRIM COLOR #2</b> (applied to): Fascia Garage Doors	Match Frazee CLC 2876N DUG UP	SHERWIN WILLIAMS
<b>ACCENT COLOR</b> (applied to): Front Door Shutters	Match Frazee CL 2986A JUMPSUIT	SHERWIN WILLIAMS

Color Designer: Donna Aldrich

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**EXTERIOR COLOR & MATERIALS**  
4 of 9

**SCHEME 1C**

*'C' Elevations Only, Craftsman*

MATERIAL	COLOR	MANUFACTURER
<b>ROOFING:</b> Concrete Shake Tile	5531 ORO VALLEY	EAGLE
<b>GUTTERS &amp; DOWNSPOUTS</b> ( <i>Factory Finish</i> )	BEAVER BROWN	CUSTOM-BILT METALS
<b>MANUFACTURED STONE</b> ( <i>Standard Raked Joints</i> )	CASCADE RUSTIC LEDGE	ELDORADO
<b>MORTAR @ STONE</b>	CAMEL	ORCO
<b>STUCCO</b> ( <i>Lightlace Finish</i> )	DR 018	EXPO
<b>TRIM COLOR #1</b> ( <i>applied to</i> ): Fascia Trim	SQ 13644 Match to Frazee CL 2636N Lumberjack	SHERWIN WILLIAMS
<b>TRIM COLOR #2</b> ( <i>applied to</i> ): Gable Board & Battens Garage Doors	SQ 13645 Match to Frazee <sup>SH</sup> CL 2936A Grass Clippings	ERWIN WILLIAMS
<b>ACCENT COLOR</b> ( <i>applied to</i> ): Front Door	SQ 13646 Match to Frazee CL 2687N Sepia	SHERWIN WILLIAMS

Color Designer: Donna Aldrich

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**EXTERIOR COLOR & MATERIALS**  
5 of 9

**SCHEME 2C**

*'C' Elevations Only, Craftsman*

MATERIAL	COLOR	MANUFACTURER
<b>ROOFING:</b> Concrete Shake Tile	5690 PEWTER BRONZE BLEND	EAGLE
<b>GUTTERS &amp; DOWNSPOUTS</b> ( <i>Factory Finish</i> )	BRONZE	CUSTOM-BILT METALS
<b>MANUFACTURED STONE</b> ( <i>Standard Raked Joints</i> )	MONTECITO CLIFFSTONE	ELDORADO
<b>MORTAR @ STONE</b>	CAMEL	ORCO
<b>STUCCO</b> ( <i>Lightlace Finish</i> )	DR 014	EXPO
<b>TRIM COLOR #1</b> ( <i>applied to</i> ): Fascia Trim	SQ 14074 Match to Frazee CL 2886N Sea-Blite	SHERWIN WILLIAMS
<b>TRIM COLOR #2</b> ( <i>applied to</i> ): Gable Board & Battens Garage Doors	SQ 13816 Match to Frazee CL 2676A Tia Maria	SHERWIN WILLIAMS
<b>ACCENT COLOR</b> ( <i>applied to</i> ): Front Door	SQ 13788 Match to Frazee CL 2977N Gippie	SHERWIN WILLIAMS

Color Designer: Donna Aldrich

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**EXTERIOR COLOR & MATERIALS**

6 of 9

**SCHEME 3C**

*'C' Elevations Only, Craftsman*

MATERIAL	COLOR	MANUFACTURER
<b>ROOFING:</b> Concrete Shake Tile	5634 KINGS CANYON BLEND	EAGLE
<b>GUTTERS &amp; DOWNSPOUTS</b> <i>(Factory Finish)</i>	BRONZE	CUSTOM-BILT METALS
<b>MANUFACTURED STONE</b> <i>(Standard Raked Joints)</i>	LA PLATA BLUFFSTONE	ELDORADO
<b>MORTAR @ STONE</b>	CARAMEL	ORCO
<b>STUCCO</b> <i>(Lightlace Finish)</i>	DR 012	EXPO
<b>TRIM COLOR #1</b> <i>(applied to):</i> Fascia Trim	Match Frazee CL 3016A GIANT	SHERWIN WILLIAMS
<b>TRIM COLOR #2</b> <i>(applied to):</i> Gable Board & Battens Garage Doors	Match Frazee CL 2845A NETWORK	SHERWIN WILLIAMS
<b>ACCENT COLOR</b> <i>(applied to):</i> Front Door	Match Frazee CL 2637N ANTHILL	SHERWIN WILLIAMS

Color Designer: Donna Aldrich

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# MEMORANDUM

CITY OF WILDOMAR

**DATE:** May 5, 2010  
**TO:** Chairman and Members of the Planning Commission  
**FROM:** David Hogan, Planning Director  
**SUBJECT:** Director's Hearing Report

---

The following project was conditionally approved by the Planning Director at the April 28, 2010 Director's Hearing.

1. 10-0074 – Minor Plot Plan Application  
A proposal to install and use a 1,400 square foot modular accessory building for storage  
20679 Grand Ave, Wildomar, California.