

**RESOLUTION NUMBER 3403**

***A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS ADOPTING INTERIM DEVELOPMENT CRITERIA FOR THE SAN JACINTO RIVER PLAN PROJECT AREA AND DESIGNATING ALTERNATIVE 5 AS THE PREFERRED ALTERNATIVE FOR THE PROJECT***

**WHEREAS**, the City of Perris, along with the County of Riverside and the 13 other cities that make up the Western Riverside Council of Governments, has adopted the Multiple Species Habitat Conservation Plan (the "MSHCP"); and

**WHEREAS**, Volume 1, Section 7 of the MSHCP contains certain provisions describing the proposed San Jacinto River Plan Project (the "Project") located along the Perris Valley Storm Drain and within the lower San Jacinto River 100-year floodplain between the Ramona Expressway and the upper mouth of Railroad Canyon (the "Project Area"); and

**WHEREAS**, the MSHCP sets forth certain criteria that will apply to the Project including (i) conservation of Mitigation Lands necessary for the continued survival of various plant species (the "Covered Species"), (ii) conservation of two identified thread-leaved brodiaea populations, and (iii) the establishment of a minimum 1000-foot wide multi-species linkage; and

**WHEREAS**, it is anticipated that development of the Project may involve refinements to Cell Criteria or Area Plan assumptions as set forth in the MSHCP; and

**WHEREAS**, the County of Riverside (the "County"), Riverside County Flood Control and Water Conservation District (the "District") and the City of Perris (the "City") have entered into a Memorandum of Understanding (the "MOU") with certain land development companies (the "Properties Owners Group") that own property located within or adjacent to the Project Area setting forth their respective understandings and commitments with regard to the approval and permitting of the Project; and

**WHEREAS**, the parties to the MOU have been conducting a study of six different Project Alternatives ranging from no project ("Alternative 1") to the construction of improvements and the lowering of the Metropolitan Water District Aqueduct ("Alternative 5A"), all of which are depicted in Exhibit "A" attached hereto; and

**WHEREAS**, Alternative 5 consists generally of (i) a flow control structure and levee system at the existing Ramona Expressway crossing of the San Jacinto River; (ii) a levee system along the edge of the Project Area downstream of Ramona Expressway to Nuevo Road; (iii) a detention basin on either side of the Perris Valley Storm Drain upstream of Ramona Expressway and other improvements to the Storm Drain; (iv) a flow control structure at the existing Interstate 215; and (v) improvements to the existing earthen channel from Interstate 215 to Railroad Canyon; and

**WHEREAS**, after due consideration of the relative benefits and impacts of each Alternative, the City Council has determined that Alternative 5 is the best and most feasible Alternative for the implementation of the Project; and

**WHEREAS**, the Property Owners Group, at its sole cost and expense, is willing to prepare the environmental studies, engineering studies, and permit applications necessary to approve the Project for construction; and

**WHEREAS**, the review, approval and permitting of the Project by the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Game, Santa Ana Regional Water Quality Control Board, County, City, and District (collectively, the "Reviewing Parties") may take several years to complete; and

**WHEREAS**, the Property Owners Group and other property owners within the Project Area are seeking to submit development applications within the Project Area in advance of Project construction (an "Interim Development Proposal"); and

**WHEREAS**, the City wishes to advance the goals of the Project and the MSHCP, maintain good working relationships with the Reviewing Parties, and facilitate orderly development within the Project Area, in part by establishing interim development criteria that will allow development to proceed with certain limitations; and

**WHEREAS**, the City, in cooperation with the County and the District, intends to develop an apportionment methodology and implement a fee collection and funding mechanism to ensure that any Interim Development Proposal pay its "fair share" of the Project costs on a voluntary basis.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS RESOLVES AS FOLLOWS:**

**Section 1. Recitals Incorporated.** The foregoing Recitals are incorporated herein by reference as if set forth in full.

**Section 2. Preferred Alternative.** The City Council hereby designates Alternative 5 as the City's preferred Alternative for the implementation of the Project.

**Section 3. Interim Development Criteria.** Interim Development Proposals will be considered by the City for approval and may be allowed to record final maps and receive permits provided such Interim Development Proposals conform to the interim development criteria listed below. The interim development criteria shall apply to any Interim Development Proposal within the Project Area that encompasses all of the Alternatives in Exhibit "A."

**A. No. 1.** No encroachments into the floodplain shall be permitted except where it is demonstrated that such encroachments advance the goals of the Project.

- B. **No. 2.** All Interim Development Proposals shall respect the physical constraints set by each of the six Project Alternatives.
- C. **No. 3.** Any plant communities, vernal pool areas, etc., that are identified or included as a conservation/mitigation area in any of the Project Alternatives shall be avoided in the Interim Development Proposal design.
- D. **No. 4.** All Interim Development Proposals shall include a condition of approval stating that the developer shall execute an agreement with the District to pay its "fair share" of total Project costs prior to final map recordation or the issuance of grading permits, whichever comes first. The District and the City shall determine the "fair share" per acre and per residential unit charge based on the District's best estimate of the cost of the most expensive Project Alternative.
- E. **No. 5.** The "fair share" cost for an Interim Development Proposal shall be calculated based on the amount of development or gross acreage located within the Project Area, or as amended after the area benefit study is approved. The "fair share" charge shall be paid prior to the issuance of building permits for Interim Development Proposals.
- F. **No. 6.** Interim Development Proposals in any shallow pond area shall adhere to the guidelines set forth in the San Jacinto River Area Drainage Plan. Those guidelines are currently as follows: "Any fill used to provide floodproofing within the 'shallow pond' area must be offset by removing a minimum volume elsewhere within the ponding area equaling 130% of the in-place fill volume located below elevation 1415... and must be done in a manner that will grade to drain to the San Jacinto River."
- G. **No. 7.** All development in the Project Area floodplain and floodway shall comply with regulations implementing the National Flood Insurance Program (44 CFR §60) and City Codes.
- H. **No. 8.** Streets and other infrastructure associated with an Interim Development Proposal shall not interfere with any of the Project Alternatives, nor be in conflict with the goals of the Project, but shall be compatible with existing infrastructure. Moreover, Interim Development Proposals adjacent to the Project Area that would have street improvements or other infrastructure encroach into the Project Area shall be conditioned to have said infrastructure not interfere with any of the Project Alternatives.

- I. **No. 9.** Interim Development Proposals shall meet the criteria of the MSHCP.

**Section 4. Certification.** The City Clerk shall certify as to the adoption of this Resolution.

***ADOPTED, SIGNED and APPROVED*** this 10<sup>th</sup> day of May, 2005.

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Mayor, Daryl R. Busch

ATTEST:

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City Clerk, Margaret Rey

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) §  
CITY OF PERRIS )

I, Margaret Rey, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 3403 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 10<sup>th</sup> day of May, 2005, and that it was so adopted by the following called vote:

AYES: Landers, Motte, Rogers, Yarbrough, Busch  
NOES:  
ABSENT:  
ABSTAIN:

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City Clerk, Margaret Rey

**EXHIBIT “A”**  
**(RESOLUTION NUMBER 3403)**

**SAN JACINTO RIVER PLAN PROJECT ALTERNATIVES**

**[ON FOLLOWING PAGES]**