

Received After Agenda Printed

2/6/2024 - Regular Meeting

Public Comment - Handout - Received in meeting

LAFCO's are the Legislature's "watchdogs" over boundary changes to encourage and provide well-ordered urban development. As a responsible agency under CEQA, the Commission is required to review the environmental documentation.

- As a property owner who pays taxes, do you have the right to participate at public hearings about a public works project that affects your property both economically and environmentally?
- Do you have the right to receive a notice about those public hearings?
- Should an environmental review process for a public works project that includes benefitting a former Mayor be held to the same standard of review as anyone else?



September 29, 2022

**Subject: Important Information Regarding Annexation for Water Facilities**

Dear Neighbor:

In partnership with the City of Murrieta (City), Eastern Municipal Water District (EMWD) would like to gauge your interest in annexing into EMWD's service area in order for you to receive municipal water services.

On August 16, 2022, the City approved an interagency financial contribution agreement with EMWD to utilize American Relief Plan Act (ARPA) funding for water infrastructure in the Los Alamos region. Several wells that serve properties in this area have dried-up and are no longer capable of providing potable water to the existing homes. While your property is not currently located within EMWD's service area, nor within the Metropolitan Water District of Southern California's (MWD) service area, you are located within EMWD and MWD's sphere of influence and therefore could be serviced by EMWD for water services. EMWD and the City have funding allocated to support the water infrastructure phase of the project and move forward with delivering clean and reliable drinking water.

Over the next few weeks, you will see contractors in your neighborhood assessing needs for the design of the water service line and the necessary infrastructure required for the project. Additionally, you will be receiving information on a future town hall meeting which will provide information on the scope and schedule of the project as well as the annexation process.

NOT TRUE ✓

It is important to know that a satisfactory level of participation in annexation procedures is deemed to be 75 percent or greater for the application process. If you are interested in annexing into EMWD and MWD's service areas to receive water services, please email me at [routtree@emwd.org](mailto:routtree@emwd.org) with your full name and address. Also, please go to <https://www.emwd.org/murrieta-projects> and enter your information in the prompts to receive future communication about the project.

If you have any questions please contact me, Roxanne Rountree, Public Affairs Manager at (951) 928-3777, extension 4391 or by email at [routtree@emwd.org](mailto:routtree@emwd.org).

Sincerely,

Roxanne M. Rountree

2270 Trumble Road • P.O. Box 8300 • Perris, CA 92572-8300

T 951.928.3777 • F 951.928.6177 [www.emwd.org](http://www.emwd.org)

5/14



October 11, 2022

ROBERT A. LANDWEHR



**Subject: Information Regarding Annexation for Water Facilities - Letter #2**  
Reference APN: 900-370-001

Dear Neighbor: *NOT TRUE*

On September 8, 2022, a letter was mailed to your property in the Los Alamos Hills area regarding annexation for water facilities. Included in that letter was information about a future town hall meeting to provide information on the project, the costs associated, and the annexation process. This meeting is scheduled for 6pm on October 13, 2022 at the Alderwood Park Clubhouse located at 28610 Baxter Road Murrieta, CA 92563.

*ONE DAY NOTICE*

On August 16, 2022, the City of Murrieta City Council adopted a resolution to approve a financial contribution agreement with EMWD which authorized the City to utilize \$3 million through the American Rescue Plan Act (ARPA) for water infrastructure. EMWD prepared a preliminary cost estimate of approximately \$3.5 million for the planning, design, and construction of the water pipeline infrastructure and will cover the remaining difference.

To obtain service for water, your property will need to be annexed into the Metropolitan Water District (MWD). While the pipeline infrastructure costs will be paid by EMWD and the City, the annexation fees and the connection fees (estimated below) would be payable by you, the property owner. To assist with the financing of these costs, EMWD is proposing a financing program that will amortize the costs over 30 years at 4% interest payable through your annual property tax bill. Please note the below fees are an estimate prepared for your parcel and are subject to change.

MWD Annexation Fee:	\$16,650
EMWD Improvement District 22 Annexation Fee:	\$ 544
Connection Cost (3/4" Meter):	\$14,727
<b>Total Costs to Annex and Connect:</b>	<b>\$31,921</b>
Annual Assessment (30 years @ 4%):	\$1,846

EMWD HAS ALREADY  
RECEIVED \$ 1.5 MILLION  
FROM MURRIETA

In addition to the installation of the necessary water infrastructure, for properties to connect and receive water service from EMWD, a dual annexation process is required to annex into MWD and EMWD service areas. The application to annex is done through MWD and the Riverside Local Agency Formation Commission (LAFCO). EMWD will lead, as applicant, the required application processes for annexation and LAFCO approval. It is anticipated that all fees and costs for LAFCO and the dual annexation will be advanced by EMWD with repayment of the annexation fees to be made by property owners along with the associated connection fees.

Financing Program

Staff has developed a financing program to assist property owners with the financing of the costs of annexation and connection with the following key provisions:

Interest Rate:	4.0%
Financing Term:	30 years (not to exceed 2054)
Collection Method:	Annual property tax assessment
Prepayment Penalty:	No

The proposed financing program would only be available to participants who have entered into a signed agreement with EMWD, attached as Los Alamos Hills Water System Financing agreement (Exhibit D). The agreement will set forth the terms and conditions of the financing arrangements for each property owner.

In order to meet the requirements and deadlines of the lengthy annexation process, EMWD will need signed agreements from property owners by no later than December 2, 2022. The signed agreements will serve as an indication of the level of support from the community. The commitment level will be necessary for EMWD to determine if the annexation will include the whole area or specific parcels. A resolution to approve and begin the annexation process will be considered by the Board of Directors in February 2023.

Community Outreach

→ NOT TRUE

In early September 2022, a letter was mailed to property owners within the Los Alamos Hills community regarding the partnership between EMWD and the City pertaining to the annexation for water facilities. The letter included notifying property owners that contractors would soon be in the area assessing infrastructure needs for the design of water service lines. The letter also provided resources available for interested property owners to receive additional information.

→ NOT TRUE

In early October 2022, a letter was mailed to property owners in the community inviting residents to a townhall meeting scheduled at a clubhouse near the community. The letter also provided property-specific information regarding estimated annexation costs and connection fees for their property.



casetext

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California Code Of Re...

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Article 1 - General

## Cal. Code Regs. tit. 14 § 15004

I HANDED THIS  
TO EACH EMWD  
BOARD MEMBER  
ON NOV. 16, 2022

Current through Register 2022 Notice Reg. No. 44, November 4, 2022

### Section 15004 - Time of Preparation

(a) Before granting any approval of a project subject to CEQA, every lead agency or responsible agency shall consider a final EIR or negative declaration or another document authorized by these guidelines to be used in the place of an EIR or negative declaration. See the definition of "approval" in Section 15352.

(b) Choosing the precise time for CEQA compliance involves a balancing of competing factors. EIRs and negative declarations should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment.

(1) With public projects, at the earliest feasible time, project sponsors shall incorporate environmental considerations into project conceptualization, design, and planning. CEQA compliance should be completed prior to acquisition of a site for a public project.

(2) To implement the above principles, public agencies shall not undertake actions concerning the proposed public project that would have a significant adverse effect or limit the choice of alternatives or mitigation measures, before completion of CEQA compliance. For example, agencies shall not:

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Article 20 - Definitions

# Cal. Code Regs. tit. 14 § 15352

Download

I HANDED THIS TO EACH EMWD BOARD MEMBER ON NOV. 16, 2022

Current through Register 2022 Notice Reg. No. 44, November 4, 2022

## Section 15352 - Approval

(a) "Approval" means the decision by a public agency which commits the agency to a definite course of action in regard to a project intended to be carried out by any person. The exact date of approval of any project is a matter determined by each public agency according to its rules, regulations, and ordinances. Legislative action in regard to a project often constitutes approval.

(b) With private projects, approval occurs upon the earliest commitment to issue or the issuance by the public agency of a discretionary contract, grant, subsidy, loan, or other form of financial assistance, lease, permit, license, certificate, or other entitlement for use of the project.

Cal. Code Regs. Tit. 14, § 15352

Note: Authority cited: Section 31082, Public Resources Code. Reference: Sections 31061 and 31065, Public Resources Code.

1. Change without regulatory effect amending Note filed 10-6-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 40).

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MURRIETA CITY COUNCIL MEETING

AUGUST 16, 2022

*THERE WAS NO NOTICE  
TO PARCEL OWNERS*

1           MAYOR INGRAM: Mr. Holler. Item #8. I know you and  
2 I are -- we've been going at this for many, many years,  
3 so, this is -- this is good information, right?

4           MR. HOLLER: Yes, sir, I hope so. Good evening, Mr.  
5 Mayor, council members, this item is to consider entering  
6 into an interagency agreement with Eastern Municipal  
7 Water District, I will use EMWD to shorten that during  
8 the presentation a few times, to construct municipal  
9 water infrastructure in a portion of the Los Alamos area,  
10 using ARPA funds. If I can figure out how to operate  
11 this device, we'll move on. First, just a little  
12 background on ARPA funds. ARPA, or the American Rescue  
13 Plan Act was approved in March of 2021 to provide relief  
14 to communities by stimulating the economy. In May of  
15 '21, the U.S. Department of Treasury announced the  
16 availability of ARPA funds, and your city council adopted  
17 a resolution accepting ARPA funds in April of '22. The  
18 city received its first tranche of funds in '21 and the  
19 second tranche just recently in July of this year for a  
20 total of about \$16.4 million. One of the allowed uses  
21 for ARPA funds pursuant to the Drinking Water State



1           MAYOR INGRAM: Okay.

2           MS. WHITE: Just thought I'd ask. I was curious.

3 And the staff report, which is quite informative and very  
4 comprehensive, it says that as currently proposed, the 49  
5 adjacent parcels could benefit from the installation of  
6 the water line loop that would connect existing EMWD  
7 infrastructure on Ruth Ellen Way. And it goes on to say,

8           "However, this area is not currently within EMWDs  
9 district boundaries. Thus, to connect the future water  
10 line, each property would first need to annex into the  
11 MWD, or the Metropolitan Water District and EMWD.

12           Fortunately, annexation costs or eligible -- they are  
13 eligible for funding through ARPA." So, just for those  
14 who are listening and going to be curious about that, how  
15 would that process be kicked off, and who would be  
16 overseeing that project, and what information can you  
17 share to the members of the public and council please?

18           MR. HOLLER: So, I might actually -- this time I  
19 might actually defer to Mr. Kanetis because there are a  
20 couple of options for how an annexation process might  
21 move through LAFCO, if that's, okay? Nick?

1 MS. WHITE: Welcome. Thank you.

2 MR. KANETIS: Thank you. Thank you for having me up  
3 here. As Mr. Holler said, Eastern Municipal Water  
4 District Board is committed to moving this project  
5 forward aggressively and as quickly as we can. So, we've  
6 already embarked upon the necessary engineering to design  
7 the loop system, so, we'll be moving forward with that.  
8 In parallel with the design and construction of the loop  
9 system, we will be looking at a LAFCO and annexation  
10 process that would bring into our service area those  
11 properties that have a desire to make that connection.  
12 So fairly soon here, we will embark upon a public  
13 outreach to identify the property owners that wish to  
14 connect. There's an application process that needs to be  
15 submitted to LAFCO, and that process will run  
16 concurrently with design and construction. Typically,  
17 that's a 14 to 18-month process, but we are committed to  
18 move it forward aggressively, and we think that we can  
19 find creative ways to move that forward rapidly. And  
20 obviously, all this needs to be done in time to meet the  
21 deadline for the expenditure of the ARPA funding, and

## Re: LAFCO Agenda & Staff Report

BOB LANDWEHR <[REDACTED]>

Mon 1/22/2024 7:48 AM

To: Elizabeth Valdez <evaldez@lafco.org>; Crystal Craig <ccraig@lafco.org>

Good Morning and thank you for the link. I do not see the transcripts from the City Council meeting?

As you are aware one of my complaints was the absence of community outreach for this project. But what is written "The City also participated in an outreach and education process with EMWD to communicate the project benefits and encourage owner participation in Phase 1."

Would you please identify who from the City did this and when it occurred.

Sincerely,  
Bob Landwehr  
Sent from my iPhone

On Jan 18, 2024, at 4:58 PM, Elizabeth Valdez <evaldez@lafco.org> wrote:

Please go to the following link on our website to access the LAFCO Agenda and Staff Report for LAFCO 2023-06-3- Reorganization to Include Concurrent Annexations to Eastern Municipal Water District (Water) and Metropolitan Water District of Southern California (114th Fringe/Los Alamos Hills Area).

[LAFCO January 25, 2024 Agenda](#)

You can click on the title within the agenda to access the report. Please contact our office with any questions.

Sincerely,

Elizabeth R. Valdez  
Commission Clerk  
Riverside Local Agency Formation Commission (LAFCO)  
6216 Brockton Ave., Suite 111-B  
Riverside, CA 92506  
(951) 369-0631  
[www.lafco.org](http://www.lafco.org)  
Mail Stop #1030

*Inquiries requiring additional research or assistance from staff exceeding 30 min. will be billed at the rate of \$80 per hour payable to LAFCO.*

*Please note: This office is closed every other Friday. On regular business days office hours are Monday through Friday 8:00 a.m. to 5:30 p.m. On occasion, the office will be closed during the noon hour or during meetings of the Commission. Please call ahead.*

\$750,000

BOB LANDWEHR [REDACTED]

Wed 3/15/2023 12:15 PM

To: holliday@MurrietaCA.gov <hholliday@MurrietaCA.gov>

Hello Mr. Holliday,

Please help me try to understand why the "Fortunately, annexation costs are eligible for funding through ARPA" were not passed onto parcel owners for the Los Alamos Hills Water Project.

Thank You for your time and devotion to the City of Murrieta.

Sincerely,

Bob Landwehr

[REDACTED]

*I WILL HAVE SOMEONE FROM THE CITY CALL YOU ABOUT THE FIRE HYDRANTS*



Crime & Safety

# Excessive Speed Blamed In Murrieta Tesla Crash That Killed 3: PD

The fiery wreck occurred Saturday night in the Alta Murrieta Elementary School parking lot on Whitewood Road.

Toni McAllister, Patch Staff

Posted Mon, Jul 10, 2023 at 7:08 pm PT Updated Mon, Jul 10, 2023 at 7:39 pm PT



The single-vehicle wreck occurred just after 11 p.m. Saturday at 39475 Whitewood Road, according to the Murrieta Police Department. (Joe Fanaselle)



MURRIETA, CA — A fiery weekend Tesla crash that killed three and severely injured another in the parking lot of Alta Murrieta Elementary School was likely the result of speeding and loss of control, police announced Monday.

The single-vehicle wreck occurred just after 11 p.m. Saturday at 39475 Whitewood Road, according to the Murrieta Police Department.

the event of an emergency. Therefore, the proposed project would not impair an adopted emergency response plan or emergency evacuation plan, and impacts would be less than significant.

**b. No Impact**

Because the proposed project includes a below ground water pipeline, it would not, in combination with environmental factors such as slope or prevailing winds, exacerbate fire risks. In addition, aside from temporary construction and maintenance workers, there would be no occupants on-site. Therefore, no impact would occur.

**c. No Impact**

Pipeline construction would be limited to construction of a below ground water pipeline. Roadways would be restored to pre-existing conditions once construction is completed, and new fire risks would result. Therefore, the proposed project would not require the installation or maintenance of infrastructure that could exacerbate fire risk or result in temporary or ongoing impacts to the environment. No impact would occur.

**d. No Impact**

Upon completion of pipeline construction, roadways would be restored to pre-existing conditions. As described in Sections 4.8 and 4.10, the proposed project would not result in any impacts associated with landslides or flooding. Therefore, the proposed project would not expose people or structures to significant risks from runoff, post-fire slope instability, or drainage changes. No impact would occur.

All construction would be required to comply with fire protection and prevention requirements specific by state law (California Code of Regulations) and the California Division of Occupational Safety and Health. This includes various measures such as easy accessibility of firefighting equipment, proper storage of combustible liquids, no smoking in service and refueling areas, and worker training for firefighter extinguisher use. Further, all new construction would be required to comply with the California Fire and Building Codes. Additionally, the proposed project would be required to comply with all regulatory requirements concerning fire protection. As discussed in more detail in Section 4.10, Hydrology and Water Quality, the proposed project would not significantly impact drainage patterns, flooding, or cause landslides. Thus, although the proposed project is located in a high fire hazard area, it would not exacerbate wildfire risks, due to slope, prevailing winds, and other factors, thereby exposing project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire because the proposed project does not include occupants. Further, the proposed project does not require the installation maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment and does not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, impacts would be less than significant.

**City of Murrieta**  
 Office of the Fire Marshal  
 41825 Juniper Street, Murrieta, CA. 92532  
 Phone: (951) 461-6151

# Guideline for Fire Department Access & Water Requirements for Commercial & Residential Development

## PURPOSE

The effectiveness of emergency response and firefighting operations is directly related to the proper installation and maintenance of fire access roadways, the proper sitting of hydrants, adequate water supply, and access to structures. This document is a general guideline pertaining to the creation and maintenance of fire department access roadways, access walkways to and around buildings, and hydrant quantity and placement as required by the 2019 California Fire and Building Codes (CFC and CBC) and as amended by local ordinance. This guideline includes requirements for:

- Plan submittal
- Fire access roadway design
- Fire lane identification
- Premises identification
- Fire lane obstructions
- Access to residential development
- Alternative engineered fire access systems
- Access requirements in Very High Fire Hazard Severity Zones
- Hydrant quantity, spacing, placement, and identification
- Water availability and fire flow
- Access to structures
- Access during construction

## SCOPE

These guidelines apply to new, remodeled, reconstructed, or relocated residential or commercial structures and developments to which emergency response may be necessary. The information contained in this document is intended to assist the applicant in attaining compliance and to ensure that privately owned roadways necessary for emergency response purposes will be available for use at all times. Some of the issues discussed within this document may be covered in more detail through other Murrieta Fire & Rescue guidelines. Areas of particular importance and requirements that are commonly overlooked on fire department access and water plans submittals have been identified with a black arrow in the left margin.



- b) Access may be taken from an on-site fire apparatus access road or from a public road with an average daily trip (ADT) count below 30,000 unless a recorded access easement agreement is in effect to obtain access from adjacent properties. Contact the City Engineer's Office for ADT information.
  - c) Public roads with an ADT count of 30,000 or more may be acceptable as a fire department access point serving an adjacent site when certain conditions and features (e.g., vehicle turnouts, acceleration/deceleration lanes) are present that limit the hazard to firefighters and other drivers. Such access roads will be evaluated on a case-by-case basis.
- 4) Width of Fire Access Roads - The minimum width of a fire access roadway is 24 feet. If a center median is included, the required width shall be provided on both sides of the median.



In VHFHSZ, fire lanes shall be at least 28 feet wide; Exception: fire lanes that are 150 feet or less in length maybe 26 feet wide if serving one to three dwelling units. This width shall be provided to a logical termination outside of the VHFHSZ. Refer to the FHSZ maps or contact the Fire Marshal's Office of Murrieta Fire & Rescue to determine whether your project is located within a VHFHSZ.

The width of fire department access roads is measured from the top face of the curb to the top face of the curb on streets with standard vertical curbs and gutters, and from, flow line to flow line on streets with rolled, sloped, flared, or other non-vertical curb and gutter configurations. The flow line is the lowest continuous elevation on a curb. Road sections and curb details or approved city street improvement plans may be required to verify the method of measurement.



- 5) Parking Restrictions - No parking is permitted on roadways that are narrower than 28 feet in width. Parking on one side is permitted on a roadway that is at least 28 feet but less than 36 feet in width. Parking on two sides is permitted on a roadway 36 feet or more in width. These restrictions apply to all roads serving as fire lanes, including those located in VHFHSZ. See Attachment 3. *Note: Minimum street widths for allowed parking may be more restrictive. Check with the Planning Division for specific requirements.*
- 6) Vertical Clearance - Fire access roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches. If trees are located adjacent to the fire access roadway, place a note on the plans stating that all vegetation overhanging the fire access roadway shall be maintained to provide a clear height of 13 feet 6 inches at all times. See Attachments 4 and 5.
- 7) Fire Apparatus Access Road Grade - The grade for access roads shall not exceed 10% or 5.7 degrees. The grade may be increased to a maximum of 15% or 8.5 degrees for approved lengths of access roadways, when all structures served by the access road are





Photograph No. 5: Los Alamos Road (BH-13), facing northeast.



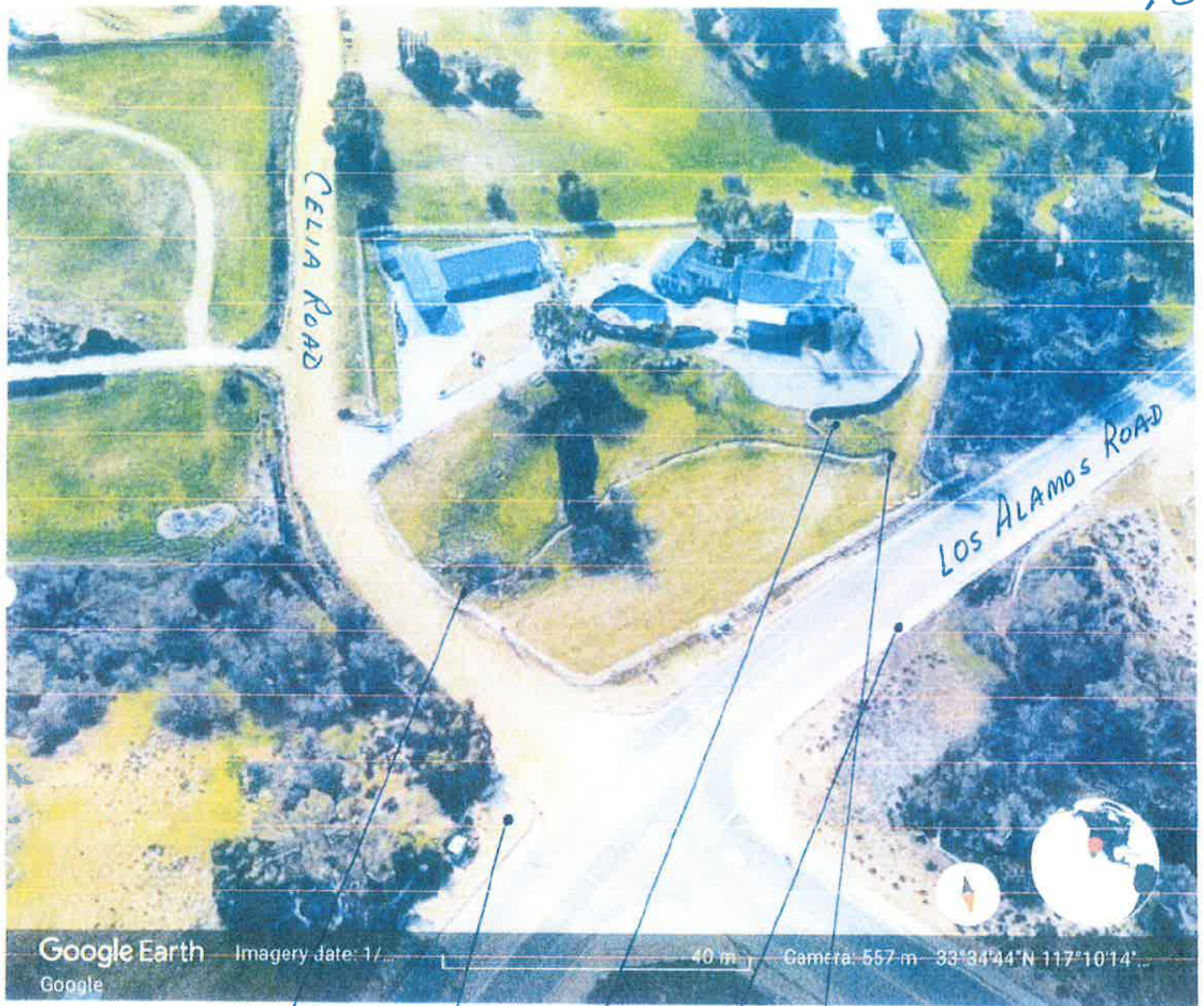
Photograph No. 6: Los Alamos Road at Mason Avenue (BH-12), facing southwest.

c. **Celia Road: Los Alamos Road to Mary Place (approx. 2,020 feet)**

- Bounded on both sides by residential horse property.
- Graded dirt road with single lane in each direction. The width of the road is approximately 25 feet.
- The posted speed limit sign is 15 miles per hour (mph).
- No overhead or overhanging streetlights.
- Light traffic was observed.







48" CULVERTS / WELL HEAD / BACK DRIVEWAY CULVERT  
 DEER AHEAD SIGN / FLOODED SIGN

24. All provisions of this agreement remain in force throughout the term of the agreement. Any provisions of the agreement may be amended or the agreement may be terminated at any time provided such amendment and/or termination is agreed to in writing by both parties. Mutually approved amendments become part of the original agreement and are subject to all previously negotiated provisions.

25. If the Operator or any of the individuals mentioned above, violate any of the terms or conditions of this agreement, all work shall terminate immediately and shall not proceed until the Department has taken all of its legal actions.

26. The Department reserves the right to enter the project site at any time to ensure compliance with terms/conditions of this agreement.

27. The Operator shall provide a copy of this agreement to all contractors, subcontractors, and the Operator's project supervisors. Copies of the agreement shall be readily available at work sites at all times during periods of active work and must be presented to any Department personnel, or personnel from another agency upon demand.

28. The Operator shall notify the Department, in writing, at least five (5) days prior to initiation of construction (project) activities, and at least five (5) days prior to completion of construction (project) activities. Notification shall be sent to the Department at 330 Golden Shore, Suite 50, Long Beach, CA 90802, Attn: Environmental Services.

11/22/00  
9/28/00

29. The Department reserves the right to suspend and/or cancel this agreement for other reasons, including but are not limited to, the following:

- a. The Department determines that the information provided by the Operator in support of the Notification/Agreement is incomplete or inaccurate;
- b. The Department obtains new information that was not known to it in preparing the terms and conditions of the Agreement;
- c. The project or project activities as described in the Notification/Agreement have changed; and
- d. The conditions of or affecting fish and wildlife resources change or the Department determines that project activities will result in a substantial adverse effect on the environment.

Concurrence (R6-057-00)

In WITNESS WHEREOF, the parties below have executed this Lake or Streambed Alteration Agreement Number R6-057-00 as indicated below:

8/14/00 \_\_\_\_\_  
 Date \_\_\_\_\_ Robert Landwehr

8/29/00 \_\_\_\_\_  
 Date \_\_\_\_\_ Prepared by:  
 Juan Hernandez  
 Environmental Specialist  
 Department of Fish and Game

9/5/00 \_\_\_\_\_  
 Date \_\_\_\_\_ Curt Taucher  
 Region 6 Manager  
 Department of Fish and Game



**b. Less Than Significant Impact**

Direct impacts associated with the proposed project would be limited to urban/developed land associated with the existing roadway. Project impacts to urban/developed land would be less than significant as this land cover type is not considered sensitive and, therefore, no mitigation would be required.

**c. Potentially Significant Unless Mitigation Incorporated**

The proposed project would avoid direct impacts to potentially jurisdictional non-wetland waters by avoiding the drainage culverts underlying the roadways. Specifically, construction of trenches would be in the roadway above culverts. If there is not enough depth from pavement to install the pipelines above the culverts, construction of the pipeline would require a tunnel beneath the culverts. Therefore, there would be no impact to culverts and associated drainages and non-wetland waters. However, the proposed project has potential to result in indirect impacts to potential jurisdictional resources occurring adjacent to the work areas (BIO-3). Implementation of mitigation measure BIO-3 would reduce this impact to a level less than significant.

**d. Less Than Significant Impact**

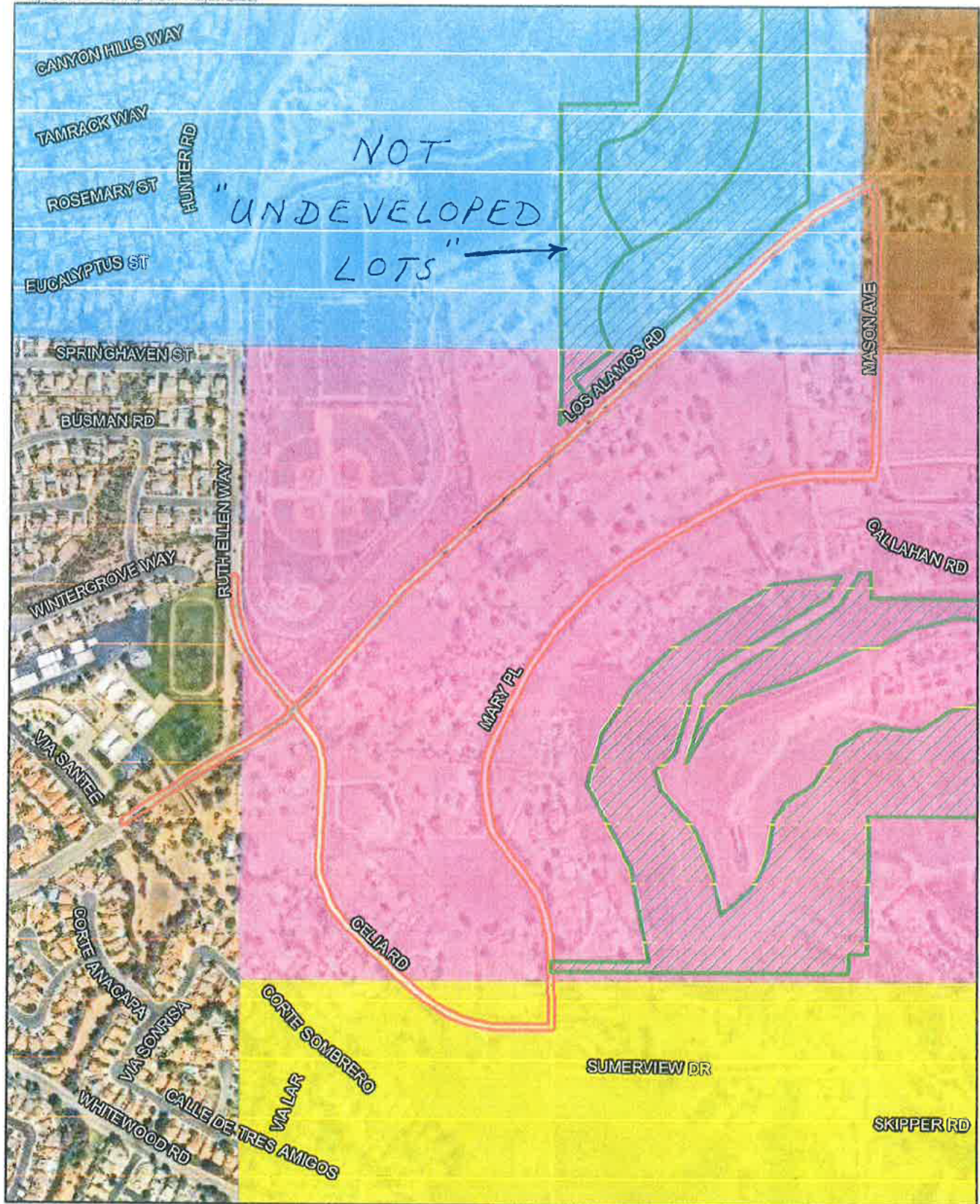
Wildlife movement corridors are defined as areas that connect suitable wildlife habitat areas in a region otherwise fragmented by rugged terrain, changes in vegetation, or human disturbance. Natural features such as canyon drainages, ridgelines, or areas with vegetation cover provide corridors for wildlife travel. Wildlife movement corridors are important because they provide access to mates, food, and water; allow the dispersal of individuals away from high population density areas; and facilitate the exchange of genetic traits between populations. **Wildlife movement corridors are considered sensitive by resource and conservation agencies.**

The project site is comprised of roadways within existing easements and rights-of-way along Los Alamos Road, Mason Avenue, Mary Place, Celia Road, and Ruth Ellen Way. **The project is generally bounded by a school and undeveloped lots to the north,** residential development and open space to the south, residential development to the west, and undeveloped lots to the east. Though habitats adjacent to the project site likely provides habitat for urban-adapted species and local wildlife movement, it is not anticipated that these habitats would constitute a significant regional corridor due to the project site's location in a developed area and lack of connectivity to off-site areas of open space. Also, the project site is unlikely to support wildlife nursery sites or large roosting or breeding colonies due to the developed nature of the project site. The project site is separated from any MSHCP Conservation Areas by residential development to the east and Summerview Drive, Somerville Road, Willie Lane, and Skipper Drive and existing residential development to the southeast. Therefore, impacts to wildlife movement corridors would be less than significant, and no mitigation required.

**e. Less Than Significant Impact**

The Murrieta General Plan 2035 (Conservation Element CSV-8: Biological) provides policies related to protecting biological resources and implementing the MSHCP. As discussed in further detail below, the proposed project is consistent with the MSHCP and, therefore, would not conflict within any Murrieta General Plan 2035 policies pertaining to the protection of biological resources. In addition, the City's Development Code (Article III, Chapter 16.42-Tree Preservation) has a Tree

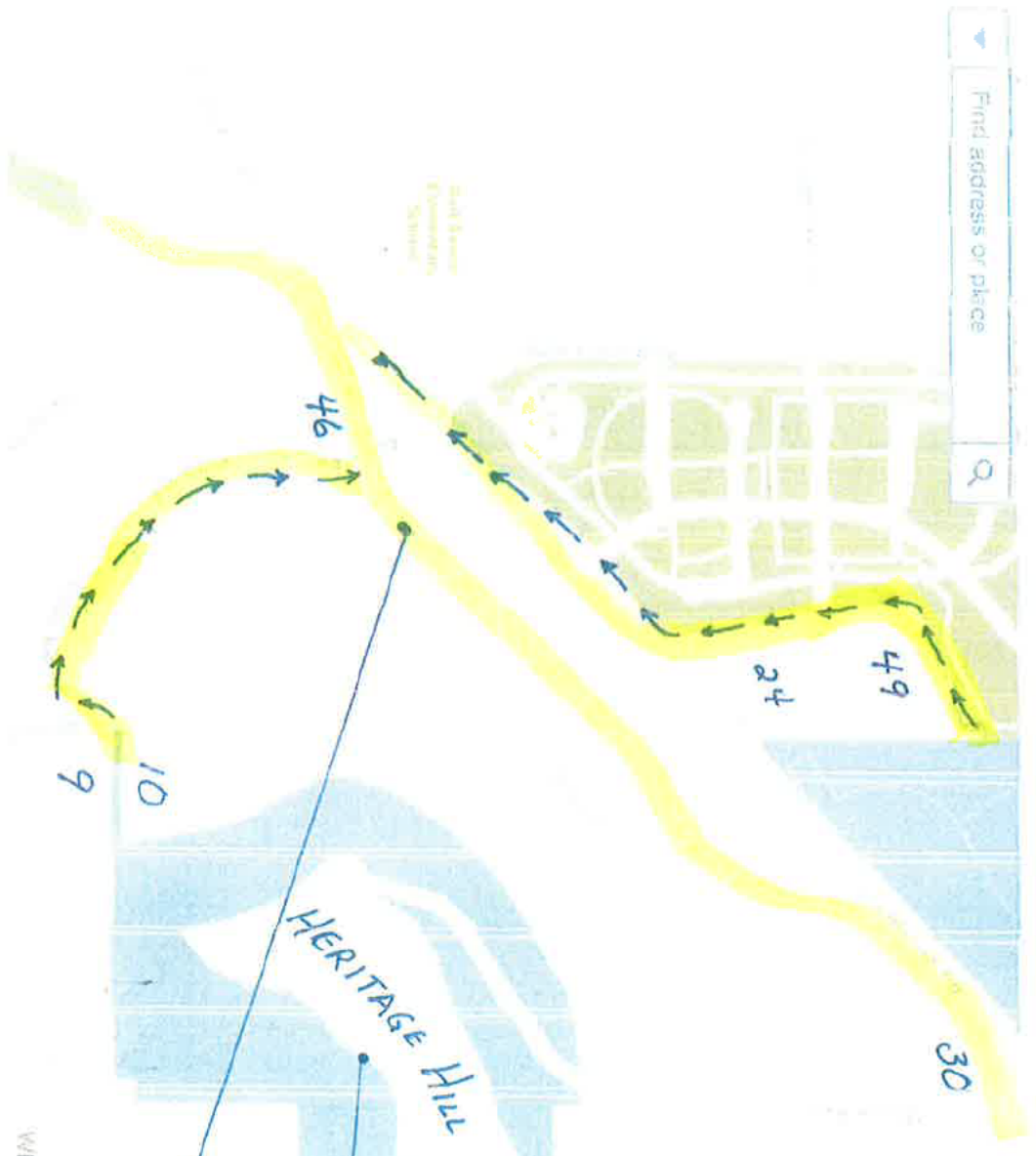




- Project Site
  - MSHCP Additional Reserve Land
- | Cell Groups |   |
|-------------|---|
|             | D |
|             | E |
|             | F |
|             | G |



FIGURE 4  
Project in Relation to MSHCP Area



→ DRAINAGE CHANNEL / DITCH

MARIETTA HOGBACKS RIDGELINE

"WETLAND" OR STREAMBED

WILDLIFE MOVEMENT CORRIDORS ARE HIGH LIGHTED IN YELLOW



A Lead Agency is also responsible for complying with all of the process-related aspects of CEQA, including the preparation and filing of all required notices, conducting all required public outreach activities, and the distribution of documents. Finally, the Lead Agency has a responsibility to consult with Responsible and Trustee Agencies, as described below.

## Coordination with Responsible and Trustee Agencies

The Lead Agency's decision whether to prepare an ND, MND, or an EIR is binding on all Responsible and Trustee Agencies, except in unusual circumstances (PRC Section 21080.1(a); State CEQA Guidelines Section 15050(c)). Therefore, a Lead Agency is required to consult with and involve all Responsible and Trustee Agencies throughout the CEQA process. First, the Lead Agency must consult with Responsible and Trustee Agencies prior to determining whether a negative declaration or an EIR is required for a project (PRC Section 21080.3(a); State CEQA Guidelines Section 15063(g)). If a Lead Agency determines an EIR is required for a project, the Lead Agency must send a notice of determination<sup>1</sup> to all Responsible and Trustee Agencies, who will then specify to the Lead Agency "the scope and content of the environmental information that is germane to the statutory responsibilities" of that agency in connection with the proposed project and which must be included in the EIR (PRC Section 21080.4; State CEQA Guidelines Section 15082(b)).

Next, the Lead Agency must send every Responsible and Trustee Agency a Notice of Preparation (NOP) prior to undertaking an EIR (PRC Section 21092; State CEQA Guidelines Section 15082(a)). Within 30 days of receiving the NOP, each Responsible and Trustee Agency and OPR must provide the Lead Agency with detail about the scope and content of the environmental information related to the agency's area of statutory responsibility to be included in the draft EIR. (Pub. Res. Code § 21080.4(a); State CEQA Guidelines Section 15082(b).) Prior to completing an EIR, the Lead Agency must again consult with and invite comments from all Responsible and Trustee Agencies (PRC Sections 21104(a), 21153(a); State CEQA Guidelines Section 15086). If a Lead Agency intends to adopt an ND or MND, the Lead Agency must send a Notice of Intent (NOI) to every Responsible and Trustee Agency (State CEQA Guidelines Section 15073(c)).

In addition to reaching out to Responsible and Trustee Agencies, other agencies that a Lead Agency must consult and request comments from include:

- Any other state, federal, or local agency that has jurisdiction by law with respect to the project or that exercises authority over resources which may be affected by the project (PRC Sections 21104(a), 21153(a); State CEQA Guidelines Section 15086(a)(3)); and
- Every city or county bordering the city or county within which the project is located (State CEQA Guidelines Section 15086(a)(4).)

Lead Agencies may also have special consultation requirements with other agencies in very specific situations—for example, when certain categories of large projects would affect water

<sup>1</sup> Not to be confused with the Notice of Determination to be filed by the Lead Agency once it has approved a project, as required by State CEQA Guidelines Section 15075 (for NDs and MNDs) and Section 15094 (for EIRs).

## Responsible and Trustee Agency Cases

- *Fall River Wild Trout Foundation v. County of Shasta* (1999) 70 Cal.App.4th 482, 492-93

In this case the Third District Court of Appeal held that a County's failure to send a copy of the mitigated negative declaration to CDFW as Trustee Agency deprived the County of information necessary to informed decision-making and informed public participation, and thus constituted prejudicial abuse of discretion.

- *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1389

In this case, the Fourth District Court of Appeal held that the city was not required to send a copy of the proposed negative declaration to the US Fish & Wildlife Service because it is a federal agency. The court reasoned that only a state agency specified in State CEQA Guidelines section 15386 can be a Trustee Agency. Thus, a federal cannot be a Trustee Agency.

## Related CEQA Portal Topics

- Overview of the CEQA Process (in process)
- CEQA Triggers (in process)
- Public Outreach and the Role of the Public (in process)
- NEPA (in process)

## Lead, Responsible and Trustee Agencies in the State CEQA Guidelines

- **Section 15006(j)** – Allows for preparation of joint CEQA/NEPA documents.
- **Section 15050 (a)** – Requires that only one Lead Agency be designated for each project.
- **Section 15050 (b)** – Mandates that Responsible Agencies shall consider the Lead Agency's CEQA document, prior to acting on a project, except as provided in 15050 (c). Each Responsible Agency must certify that they reviewed and considered the information in the document prior to making a decision on the project.
- **Section 15050 (c)** – Outlines the conditions when the decision of the Lead Agency regarding what type of CEQA document to prepare is not final and conclusive.
- **Section 15051** – Defines the criteria to be used in identifying the Lead Agency.
- **Section 15052** – Defines the conditions when a Lead Agency for a project may shift.
- **Section 15053** – Defines the conditions when OPR may designate the Lead Agency.
- **Section 15063(g)** – Requires the Lead Agency to consult with Responsible and Trustee Agencies prior to beginning work on environmental document.



a. Ruth Ellen Way: Beginning of Pipeline Alignments on Ruth Ellen Way to Los Alamos Road (approx. 670 feet)

- Bounded on west by Rail Ranch School Yard and drainage basin and to the east by a slope to Los Alamos Hills Sports Park.
- Paved road with single lane in each direction with shoulders, but no center painted median. The width of the road is approximately 45 feet.
- Sidewalk on west side of road with horse trail on the east.
- Overhanging streetlights.
- Parking lane on west side.
- Light traffic was observed.
- Professional traffic control was required.
- Drilling required the closure of the shoulder.
- Refer to Photograph Nos. 1 and 2.



Photograph No. 1: Ruth Ellen Way at beginning of pipeline alignments BH-02, facing south.



Photograph No. 2: Ruth Ellen Way at Los Alamos Road, facing north.



### 4.9 Hazards and Hazardous Materials

Would the proposed project:

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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. 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 checked="" type="checkbox"/>	<input type="checkbox"/>
d. 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 checked="" type="checkbox"/>	<input type="checkbox"/>
e. 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 or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



comply with the Code of Federal Regulations Section 1910.120. Furthermore, project construction would be conducted consistent with all applicable safety regulations and would not be expected to introduce accident conditions that could result in the release of hazardous materials into the environment. Therefore, the proposed project would not create upset and accident conditions that could result in the release of hazardous materials, and impacts would be less than significant.

#### c. Less Than Significant Impact

Avaxat Elementary School is located approximately 0.6 mile west of the project area. Construction of the water pipeline within the project site would not require the use of acutely hazardous materials and would be limited to the use of small amounts of lubricants, cleaners, paint, oils, adhesives, solvents, asphalt, and fuel for equipment. Use of these common hazardous materials in small quantities would not represent a significant hazard to the public or environment, and the use and handling of hazardous materials during construction would be conducted consistent with all applicable regulations (see Section 4.8a, above). Therefore, impacts related to hazardous emissions within 0.25 mile of a school would be less than significant.

#### d. Less Than Significant Impact

The project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Department of Toxic Substances Control 2022). The proposed project would be required to comply with all applicable federal, state, and local laws and regulations pertaining to the transport, use, disposal, handling, and storage of hazardous waste, including but not limited to Title 49 of the Code of Federal Regulations implemented by Title 13 of the California Code of Regulations, which describes strict regulations for the safe transportation of hazardous materials. Compliance with all applicable federal, state, and local laws related to hazardous materials will ensure that impacts related to emitting hazardous emissions or materials within one-quarter mile of a school will be less than significant. Thus, the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school and is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, impacts are less than significant.

#### e. No Impact

The project area is not located within the vicinity of a private airstrip. The nearest airport is the French Valley Airport, a County-owned public-use airport located on State Route 79, north of the city of Temecula in their sphere of influence, and adjacent to the City's eastern boundary and is located approximately 6.2 miles to the east. Therefore, the project site is not located within an airport land use plan or within two miles of a public airport and would not result in a safety hazard or excessive noise. No impact would occur.

#### f. Less Than Significant Impact

The emergency response plan in effect in the City is the Emergency Operations Plan approved by the City Council in 2017. The proposed project could temporarily impact street traffic adjacent to the project area during the construction phase due to construction activities into the ROW. Project



28

Google Maps

Oh, what a tangled web we weave, when first we practice to deceive!



Imagery ©2024 Airbus, Maxar Technologies, USDA/FPAC/Geo, Map data ©2024 100 ft



## Reference to Public Resources Code

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### **21151.2. School site proposed acquisition or addition; notice to planning commission; investigation; report**

To promote the safety of pupils and comprehensive community planning the governing board of each school district before acquiring title to property for a new school site or for an addition to a present school site, shall give the planning commission having jurisdiction notice in writing of the proposed acquisition. The planning commission shall investigate the proposed site and within 30 days after receipt of the notice shall submit to the governing board a written report of the investigation and its recommendations concerning acquisition of the site.

The governing board shall not acquire title to the property until the report of the planning commission has been received. If the report does not favor the acquisition of the property for a school site, or for an addition to a present school site, the governing board of the school district shall not acquire title to the property until 30 days after the commission's report is received. (Added by Stats. 1987, c. 1452, s. 533)

*Section 16. Section 21151.3 of the Public Resources Code is repealed.*

### **21151.4. Construction or alteration of facility within 1/4 mile of school; reasonable anticipation of air emission or handling of hazardous or acutely hazardous material; approval of environmental impact report or negative declaration**

An environmental impact report shall not be certified and a negative declaration shall not be approved for any project involving the construction or alteration of a facility within 1/4 or a mile of a school that might reasonably be anticipated to emit hazardous air emissions, or that would handle an extremely hazardous air emissions, or that would handle an extremely hazardous substance or a mixture containing extremely hazardous substances in a quantity equal to or greater than the state threshold quantity specified pursuant to subdivision (j) of Section 25532 of the *Health and Safety Code*, that may pose a health or safety hazard to persons who would attend or would be employed at the school, unless both of the following occur:

- a. The lead agency preparing the environmental impact report or negative declaration has consulted with the school district having jurisdiction regarding the potential impact of the project on the school.
- b. The school district has been given written notification of the project not less than 30 days prior to the proposed certification of the environmental impact report or approval of the negative declaration.

For review, 15002(a) *The basic purpose of CEQA are to: (1) inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities and (2) identify the ways that environmental damage can be avoided or significantly reduced.*

- 1) The Authority Having Jurisdiction with all regulatory requirements concerning fire protection is the City of Murrieta. There is no information in the MND from the Murrieta Fire and Rescue how a fire lane of at least 28 feet wide fits within a 25 feet wide road in a Very High Fire Hazard Severity Zone to comply with the City of Murrieta Guideline for Fire Department Access & Water Requirements for Commercial & Residential Development.
- 2) There is no information from CDFW, the Responsible Agency for the wetland/streambed/wildlife movement corridor that traverses this project as required per State CEQA Guidelines Section 15063(g).
- 3) There is no information from the Murrieta Valley Unified School District that the school district has been given written notification of the project not less than 30 days prior to the MND certification of March 15, 2022 in violation of Code of Regulation, Section 21151.4.

**Why is Riverside LAFCO recommending approval?**

**Commissioners: Are you a watchdog or a lapdog?**