

**RESOLUTION NUMBER 4638**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING MITIGATED NEGATIVE DECLARATION 2304 AND STOCKPILE PERMIT 13-05-0020, TO MOVE AND PILE 72,000 CUBIC YARDS OF EXCESS DIRT MATERIAL GENERATED FROM THE WIDENING OF THE PERRIS VALLEY STORM CHANNEL ON APPROXIMATELY 15 ACRES LOCATED BETWEEN THE PERRIS VALLY STORM CHANNEL AND EVANS ROAD, NORTHERLY OF RAMONA EXPRESSWAY AND MAKING FINDINGS IN SUPPORT THEREOF.**

**WHEREAS**, Stockpile Permit 13-05-0020 is for the proposed to move and pile 72,000 cubic yards of excess dirt material generated from the widening of the Perris Valley Storm Channel on approximately 15 acres located between the Perris Valley Storm Channel and Evans Road, northerly of Ramona Expressway (APN# 302-160-003 through 022); and

**WHEREAS**, proposed Stockpile Permit 13-05-0020, is considered a “project” as defined by the California Environmental Quality Act (“CEQA”); and Public Resources Code Section 21000 et seq., and State and Agency Guidelines adopted pursuant thereto; and

**WHEREAS**, the consent item is scheduled for October 8, 2013 before the City Council, at which time all interested persons were given full opportunity to be heard and to present evidence; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Perris, as follows:

**Section 1.** The above recitals are all true and correct.

**Section 2.** The City Council hereby determines that based upon on the Initial Study prepared for the project in accordance with the City's guidelines implementing the California Environmental Quality Act (CEQA), all potential significant effects on the environment can be reduced to a less than significant level through mitigation measures, the design of the development, the zoning code and standard requirements of the City, therefore a Mitigated Negative Declaration (2304) has been prepared, with findings that:

- (a) The City has complied with the California Environmental Quality Act; and
- (b) This determination reflects the independent judgment of the City.

**Section 3.** The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Resolution shall remain in full force and effect.

**Section 4.** The Mayor shall sign this Resolution and the City Clerk shall certify to the adoption of this Resolution.

**ADOPTED, SIGNED and APPROVED** this 8th day of October 2013.

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Daryl R. Busch, Mayor

ATTEST:

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Nancy Salazar, City Clerk

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

I, **Nancy Salazar**, City Clerk of the City of Perris, do hereby certify that the foregoing Resolution Number 4638 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 8th day of October, 2013, by the following vote:

AYES: LANDERS, ROGERS, RODRIGUEZ, YARBROUGH, BUSCH

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

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Nancy Salazar, City Clerk

Attachment: Planning Conditions of Approval and Mitigation Monitoring Program

**CITY OF PERRIS  
DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION**

**CONDITIONS OF APPROVAL**

**Stock Pile Permit No. 13-05-0002**

**October 8, 2013**

**PROJECT:** Stockpile Permit 13-05-0020 – Proposal to move and pile approximately 72,000 cubic yards of excess dirt material generated from the widening of the Perris Valley Storm Channel onto approximately 15 undeveloped acres, located between the Perris Valley Storm Channel and Evans Road, northerly of Ramona Expressway (APN# 302-160-003 through 022). Applicant: Stratford Ranch Investors, LLC.

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**\*MITIGATION, MONITORING AND REPORTING PROGRAM (MMRP)**

The Mitigation Monitoring and Reporting Program (MMRP) Checklist is attached to reduce air quality, biological resources, cultural, hydrology, and noise impacts, and shall be implemented in accordance with the timeline, reporting and monitoring intervals listed in the MMRP. The applicant is required to meet all the mitigation measures as conditions of approval.

**General Requirements:**

- 1. Environmental Impact Report Mitigation Monitoring Program.** The project shall at all times comply with all provisions of the adopted Mitigation Monitoring and Reporting Program (MMRP) of the Mitigated Negative Declaration.
- 2. Development Standards.** The project shall conform to all requirements of the City of Perris Municipal Code Title 19.
- 3. Change or Expansion of Plans.** Any future expansion or change of this stockpile permit shall require review and approval of the City Engineer.
- 4. Conformance to Approved Plans.** Development of the project site shall conform substantially to the approved set of plans presented at the October 8, 2013 City Council meeting, or as amended by these conditions. Any deviation shall require appropriate Planning Division review and approval.
- 5. Term of Approval.** This approval shall be used within three (3) years of approval date; otherwise it shall become null and void. By use is meant the beginning of substantial construction contemplated by this approval within the three (3) year period which is thereafter diligently pursued to completion, or the beginning of substantial utilization contemplated by this approval. A maximum of three (3) one-year time extensions shall be permitted.
- 6. Expiration of Stockpile Permit.** This approval shall allow any stockpile to remain for a maximum period of 5 years. Any stockpile to remain beyond the maximum allowed 5-year period shall require a written request to the Planning Division, subject to the review and approval of the City Engineer and Planning staff.
- 7. Temporary Office/Trailer or Structures.** The stock pile permit does not include

approval of any temporary building(s) such as an office or a trailer. Any temporary office/trailer or structures shall require a separate application by a Temporary Use Permit.

8. **Indemnification.** The developer/applicant shall indemnify, protect, defend, and hold harmless, the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City, or any agency or instrumentality thereof, or any of its officers, employees and agents, to attack, set aside, void, annul, or seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voters of the City, concerning Stockpile Permit 13-05-0002. The City shall promptly notify the developer/applicant of any claim, action, or proceeding for which indemnification is sought and shall further cooperate fully in the defense of the action.
9. **Fish and Game Fee.** Within two (2) days of City Council approval, the applicant shall submit a check to the City Planning Division, payable to "Riverside County Clerk-recorder," for a \$2,206.25 for payment of State Fish and Game fees and County documentary handling fee. In accordance with Section 711.4 of the State Fish and Game Code, no project shall be operative, vested, or final and no permit shall be issued until the filing fees have been paid.
10. **Construction Equipment and Trucks.** All staging of any construction equipment or construction trucks is prohibited on city streets or within 100' feet of the public right-of-way. Please note that any transportation of these vehicles that damage existing city streets by their transportation is required to repair or pay a fee in lieu of repair.
11. **Stockpile Height and Location.** The stock pile shall not exceed a height of 4' feet and shall not be within a 100' feet of Evans Road.
12. **Stage Lighting.** No outdoor lighting is permitted with this stockpile permit.

#### **Prior to Issuance of Stock Pile Permit**

13. **Compliance with Flood Plain/Way Standards.** Prior to issuance of permit for this work, the applicant shall demonstrate to City that the proposed work will not block drainage from the north property and it is in compliance with the flood plain/way ordinance and standards.
14. **Biological Survey.** A qualified biologist shall conduct a pre-construction survey/pre-stock piling survey for burrowing owls no more than 20 days prior to proposed grading or other site disturbance that might impact occupied burrows. If burrowing owls are detected onsite, the owls will be excluded from the site following accepted protocols. The applicant or Biologist shall provide Planning Division Staff with a copy of the pre-construction survey.
15. **Notice of Intent (NOI).** Prior to the issuance of a stock pile permit/grading permit, the project proponent shall file a Notice of Intent (NOI) with the Santa Ana Regional Water Quality Control Board to be covered under the State National Pollutant Discharge Elimination System (NPDES) General Construction Permit for discharge of stormwater

associated with construction activities. The project proponent shall submit the Waste Discharge Identification Number to the City of Perris as proof that the project's Notice of Intent (NOI) has been filed with the Santa Ana Regional Water Quality Control Board.

16. **SWPPP.** Prior to the first issuance of a stock pile permit/grading permit by the City for the project, the project design shall receive approval from the City of Perris a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall include a surface water control plan and erosion control plan citing specific measures to control on-site and off-site erosion during the entire grading and construction period. In addition, the SWPPP shall emphasize structural and nonstructural best management practices (BMPs) to control sediment and non-visible discharges from the site. Some of the BMPs to be implemented may include (but shall not be limited to the following:

- Sediment discharges from the site may be controlled by the following: sandbags, silt fences, straw wattles and temporary debris basins (if deemed necessary), and other discharge control devices. The construction and condition of the BMPs would be periodically inspected during construction, and repairs would be made when necessary as required by the SWPPP.
- All materials that have the potential to contribute non-visible pollutants to stormwater must not be placed in drainage ways and must be contained, elevated, and placed in temporary storage containment areas.
- All loose piles of soil, silt, clay, sand, debris, and other earthen material shall be protected in a reasonable manner to eliminate any discharge from the site. Stockpiles would be surrounded by silt fences and covered with plastic tarps.
- The SWPPP would include inspection forms for routine monitoring of the site during the construction phase to ensure NPDES compliance.
- Additional BMPs and erosion control measures would be documented in the SWPPP and utilized if necessary.
- The SWPPP would be kept on site for the entire duration of project construction and will also be available to the local RWQCB for inspection at any time.

The superintendent or other representative shall be responsible for performing and documenting the application of BMPs identified in the SWPPP. Weekly inspections shall be performed on sediment control measures called for in the SWPPP. Monthly reports shall be maintained by the superintendent or other representative and available for City inspection. In addition, the superintendent or other representative would also be required to maintain an inspection log and have the log on site available for review by the City of Perris and the representatives of the Regional Water Quality Control Board.

17. **Erosion Control/Maintenance of Stock Pile.** The applicant is required to provide temporary erosion protection up to five (5) years. An erosion control plan shall be submitted for approval by the City Engineer and Planning Division staff. The following shall be included in the erosion control plan:

- Hydro-seed twice a year (mulch prohibited).
- Conduct weed abatement by mowing twice year.
- Provide continual silt fence perimeter protection such as fiber rolls across the stockpile to reduce fugitive dust and erosion.

18. **Cash Maintenance Bond.** The applicant is required to pay a cash bond/letter of credit (based on estimated fees) to assure maintenance of stockpile and provide temporary erosion protection to the satisfaction of the City Engineer and Planning Division. The estimated fees shall be based on the first five years.
19. **Schedule.** The applicant or representative shall provide to the City Engineer and Planning Division a schedule to include estimated start of stockpiling of dirt, estimated date of completion, and proposed schedule of hydro-seeding and weed abatement (mowing).

### **During Stock Piling**

20. **Stockpiling Practices.** To reduce potential noise and air quality nuisances, the following items shall be enforced:
  - a. Any equipment activity and equipment maintenance is limited to the hours between 7:00 a.m. and 7:00 p.m. Per Zoning Ordinance, Noise Control, Section 7.34.060, it is unlawful for any persons between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on a legal holiday, or on Sundays to erect, construct, demolish, excavate, alter or repair any building or structure in a manner as to create disturbing excessive or offensive noise. Construction activity shall not exceed 80 dBA in residential zones in the City.
  - b. Stationary equipment that generates noise in excess of 65 dBA at the project boundaries must be shielded and located at least 100 feet from occupied residences. The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. Equipment and shielding shall remain in the designated location throughout construction activities.
  - c. All stockpiling activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.
  - d. The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.
  - e. Water trucks or sprinkler systems shall be used during clearing, grading, earth moving, excavation, transportation of cut or fill materials and construction phases to prevent dust from leaving the site and to create a crust after each day's activities cease. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
  - f. The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less.
  - g. A person or persons shall be designated to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. The name and telephone number of such persons shall be provided to the City Engineer and Planning Division.
21. **Cultural Resource.** 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 PRC Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials

**Operational Requirements:**

- 22. **Yearly Inspection.** The applicant shall contact Engineering and Planning staff to conduct a yearly inspection.

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**APPROVAL DATE**

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**PROJECT PLANNER**

## MITIGATION MONITORING & REPORTING PLAN

The following environmental mitigation measures shall be incorporated into the project development as Conditions of Approval (MND 2304). The Project Applicant shall secure a signed verification for the mitigation measures to ensure compliance with each mitigation measure, as required by the City of Perris to meet CEQA obligations and other requirements (Public Resources Code Section 21081.6.) Final clearance shall require all verifications applicable to the attached table. The Perris Development Services Department has primary responsibility for monitoring and reporting the implementation of each mitigation measure.

<b>STRATFORD RANCH STOCK PILE PERMIT</b> <b>(Stockpile Permit 13-05-0020)</b> <b>MITIGATION MEASURES</b>				
MITIGATION MEASURE		VERIFICATION OF COMPLIANCE		
	TIMING	DEPARTMENT	SIGNATURE	DATE
<b>AIR QUALITY</b>				
<p><b>AQ-1</b> The following measures shall be incorporated into Project plans and specifications as implementation of Rule 403:</p> <ul style="list-style-type: none"> <li>• All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.</li> <li>• The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.</li> <li>• The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less.</li> </ul>	During Movement and Piling of Dirt	Planning Division		
<p><b>AQ-2</b> Additional regulatory requirements that are in effect during Project construction include the following:                      Plans, specifications and contract documents shall note that a sign shall be posted on-site stating that construction workers shall not idle diesel engines in excess of five minutes.</p>	During Movement and Piling of Dirt	Planning Division		



**STRATFORD RANCH STOCK PILE PERMIT**  
**(Stockpile Permit 13-05-0020)**  
**MITIGATION MEASURES**

MITIGATION MEASURE	VERIFICATION OF COMPLIANCE			
	TIMING	DEPARTMENT	SIGNATURE	DATE
<b>BIOLOGICAL RESOURCES</b>				
<b>BIO 1:</b> A qualified biologist shall conduct a pre-construction survey/pre-stock piling survey for burrowing owls no more than 20 days prior to proposed grading or other site disturbance that might impact occupied burrows. If burrowing owls are detected onsite, the owls will be excluded from the site following accepted protocols. Owl exclusion, if necessary, will occur outside of the nesting season (Feb 1 through Aug 31).	Pre-movement and Piling of Dirt	Planning Division		
<b>BIO 2:</b> If feasible, the removal of vegetation (trees, shrubs, and groundcover) shall occur outside of the nesting season, which extends from February 1 through August 31. If avoidance of the nesting season is not feasible, then a qualified biologist shall conduct a nesting bird survey to identify any active nests at the Project site. The survey shall be conducted within three days prior to proposed vegetation disturbance. If active nests are identified, then the biologist shall establish adequate buffers around the active nests, and the buffers shall be maintained until the nests are no longer active, and the juveniles are able to survive independently from the nest. The buffers shall not exceed 200 feet for non-raptors and 500 feet for raptors	Pre-movement and Piling of Dirt	Planning Division		
<b>CULTURAL RESOURCES</b>				
<b>CR-1</b> Prior to commencement of ground-disturbing construction activities, the City shall retain an archaeological monitor who shall be present at the pregrade conference in order to explain the cultural mitigation measures associated with the project. Due to the presence of a documented prehistoric resource (CA-RIV-7758) near the southwest corner of the project area, the potential for cultural resources exists. Therefore, monitoring of	Pre-movement and Piling of Dirt	Planning Division		

**STRATFORD RANCH STOCK PILE PERMIT**  
**(Stockpile Permit 13-05-0020)**  
**MITIGATION MEASURES**

MITIGATION MEASURE	VERIFICATION OF COMPLIANCE			
	TIMING	DEPARTMENT	SIGNATURE	DATE
<p>earth-moving activities by a qualified archaeologist is recommended on a spot-check basis. In the event previously undocumented archaeological resources are identified during earth-moving activities, work in the area should be redirected until the nature and significance of the find can be assessed and adequate mitigation measures implemented.</p>				
<p><b><u>CR-2</u></b> 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 PRC Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.</p>	Pre-movement and Piling of Dirt	Planning Division		
<p><b>HYDROLOGY</b></p>				
<p><b><u>HYD-01</u></b> Prior to the issuance of a stock pile permit/grading permit, the project proponent shall file a Notice of Intent (NOI) with the Santa Ana Regional Water Quality Control Board to be covered under the State National Pollutant Discharge Elimination System (NPDES) General Construction Permit for discharge of stormwater associated with construction activities. The project proponent shall submit the Waste Discharge Identification Number to the City of Perris as proof that the project's Notice of Intent (NOI) has been filed with the Santa Ana Regional</p>	Prior to Issuance of Stock Pile Permit	City Engineer		

**STRATFORD RANCH STOCK PILE PERMIT**  
**(Stockpile Permit 13-05-0020)**  
**MITIGATION MEASURES**

MITIGATION MEASURE	VERIFICATION OF COMPLIANCE			
	TIMING	DEPARTMENT	SIGNATURE	DATE
Water Quality Control Board.				
<p><b>HYD-02</b> Prior to the first issuance of a stock pile permit/grading permit by the City for the project, the project design shall receive approval from the City of Perris a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall include a surface water control plan and erosion control plan citing specific measures to control on-site and off-site erosion during the entire grading and construction period. In addition, the SWPPP shall emphasize structural and nonstructural best management practices (BMPs) to control sediment and non-visible discharges from the site. Some of the BMPs to be implemented may include (but shall not be limited to the following:</p> <ul style="list-style-type: none"> <li>• Sediment discharges from the site may be controlled by the following: sandbags, silt fences, straw wattles and temporary debris basins (if deemed necessary), and other discharge control devices. The construction and condition of the BMPs would be periodically inspected during construction, and repairs would be made when necessary as required by the SWPPP.</li> <li>• All materials that have the potential to contribute non-visible pollutants to stormwater must not be placed in drainage ways and must be contained, elevated, and placed in temporary storage containment areas.</li> <li>• All loose piles of soil, silt, clay, sand, debris, and other earthen material shall be protected in a reasonable manner to eliminate any discharge from the site.</li> </ul>	Prior to Issuance of Stock Pile Permit	City Engineer		

**STRATFORD RANCH STOCK PILE PERMIT**  
**(Stockpile Permit 13-05-0020)**  
**MITIGATION MEASURES**

MITIGATION MEASURE	VERIFICATION OF COMPLIANCE			
	TIMING	DEPARTMENT	SIGNATURE	DATE
<p>Stockpiles would be surrounded by silt fences.</p> <ul style="list-style-type: none"> <li>• The SWPPP would include inspection forms for routine monitoring of the site during the construction phase to ensure NPDES compliance.</li> <li>• Additional BMPs and erosion control measures would be documented in the SWPPP and utilized if necessary.</li> <li>• The SWPPP would be kept on site for the entire duration of project construction and will also be available to the local RWQCB for inspection at any time.</li> </ul>				
<p><b>HYD-03</b> The superintendent or other representative shall be responsible for performing and documenting the application of BMPs identified in the SWPPP. Weekly inspections shall be performed on sediment control measures called for in the SWPPP. Monthly reports shall be maintained by the superintendent or other representative and available for City inspection. In addition, the superintendent or other representative would also be required to maintain an inspection log and have the log on site available for review by the City of Perris and the representatives of the Regional Water Quality Control Board.</p>	Commencement of movement and Piling of Dirt	Applicant's Superintendent or other responsible representative		
<p><b>HYD-04</b> Prior to issuance of permit for this work, the applicant shall demonstrate to City that the proposed work will not block drainage from the north property and it is in compliance with the flood plain/way ordinance and standards.</p>	Prior to issuance of stockpile permit	Applicant		

**STRATFORD RANCH STOCK PILE PERMIT**  
**(Stockpile Permit 13-05-0020)**  
**MITIGATION MEASURES**

MITIGATION MEASURE	VERIFICATION OF COMPLIANCE			
	TIMING	DEPARTMENT	SIGNATURE	DATE
<b>NOISE</b>				
<b>NOISE 1:</b> Any equipment activity and equipment maintenance is limited to the hours between 7:00 a.m. and 7:00 p.m. Per Zoning Ordinance, Noise Control, Section 7.34.060, it is unlawful for any persons between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on a legal holiday, or on Sundays to erect, construct, demolish, excavate, alter or repair any building or structure in a manner as to create disturbing excessive or offensive noise. Construction activity shall not exceed 80 dBA in residential zones in the City.	Commencement of movement and Piling of Dirt	Building Division		
<b>NOISE 2:</b> Stationary equipment that generates noise in excess of 65 dBA at the project boundaries must be shielded and located at least 100 feet from occupied residences. The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. Equipment and shielding shall remain in the designated location throughout construction activities.	Commencement of movement and Piling of Dirt	Building Division		