



PUBLIC NOTICE

**U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT**

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**APPLICATION FOR PERMIT
Horizons Residential Development Project**

Public Notice/Application No.: SPL-2016-00529-JEM

Project: Horizons Residential Development Project

Comment Period: May 3, 2018 through June 2, 2018

Project Manager: James Mace; 951-276-6624; James.E.Mace@usace.army.mil

Applicant

Strata Keith, LLC
Attn: Eric Flodine
4370 La Jolla Village Drive, Suite 960
San Diego, California 92122
Phone: (858) 875-0243

Contact

Glenn Lukos Associates
Attn: Martin Rasnick
29 Orchard
Lake Forest, California 92630
Phone: (949) 340-3851

Location

The Project site is located at latitude 33.592237 and longitude -117.229175 within the city of Wildomar, Riverside County, California [Exhibit 1 – Regional Map]. The Project site is generally bounded by undeveloped land and Clinton Keith Road to the north, the proposed extension of Elizabeth Lane to the east, Prielipp Road to the south, and undeveloped land to the west [Exhibit 2 – Vicinity Map]. Regional access to the Project site is provided by I-15 and Clinton Keith Road, and is located northwest of the intersection of Prielipp Road and Elizabeth Lane.

Activity

To permanently discharge fill material into 0.12 acre of non-wetland waters of the United States for the construction of a mixed-use residential and assisted living development on approximately 20 acres of land. The proposed Project would also include the proposed extension of Elizabeth Lane along the eastern boundary of the Project site, and would contain a 2-acre open space area along the western boundary. For more information, see the Additional Project Information section in this notice.

Interested parties are hereby notified an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawings. We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 404 of the Clean Water Act. Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
ATTN: James Mace
Riverside Regulatory Field Office
1451 Research Park Drive, Suite 100
Riverside, California 92507-2154

Alternatively, comments can be sent electronically to: James.E.Mace@usace.army.mil

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires any applicant for an individual Section 404 permit to provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

Coastal Zone Management-This project is located outside the coastal zone and preliminary review indicates it would not affect coastal zone resources.

Essential Fish Habitat- No Essential Fish Habitat (EFH), as defined by the Magnuson-Stevens Fishery Conservation and Management Act, occurs within the project area and no EFH is affected by the proposed project.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and the applicant has provided additional information indicating that cultural resources listed on or potentially eligible to be listed on the NRHP are not located within the proposed project site. The Corps will determine whether the proposed activity would have any effect on historic properties listed on, or determined eligible for listing in the National Register. The Corps may initiate consultation with the State Historic Preservation Officer (SHPO) to determine the adequacy of the inventory and the Corps evaluation of any cultural resources that may be located within the project's Area of Potential Effect. If the Corps determines there may be an effect within our scope, the Corps may also consult with the appropriate Native American Tribes regarding the proposed impacts of the project. Mitigation measures may also be incorporated as part of project implementation to reduce potential impacts to cultural resources, if deemed appropriate.

Endangered Species- The Project site is located within the Multiple Species Habitat Conservation Plan (MSHCP) area for Western Riverside County and does not support any U.S Fish and Wildlife (USFWS)-designated or proposed critical habitat. No federally-listed species have been identified within the Project area. Based on the above information, the Corps has made a preliminary determination that the proposed activity would not have any effect on ESA listed species and/or their critical habitat and no formal consultation with the USFWS pursuant to Section 7 of the Endangered Species Act is required.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). The basic project purpose for the proposed project is to provide a mixed-use residential and assisted living development, which is not water dependent.

Overall Project Purpose- The overall Project purpose and need is to construct a mixed-use residential and senior living development consistent with the goals and policies of the Wildomar General Plan Housing Element.

Proposed Impacts- The Project, as proposed, would result in permanent impacts to 0.12 acre of non-wetland waters of the U.S., and a total of 1,022 linear feet of streambed. The Project would also result in temporary impacts to 0.13 acre of non-wetland waters of the U.S., and 1,131 linear feet of streambed [Exhibit 3].

Additional Project Information

Baseline information- The Project site is located in the Elsinore Area Plan of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP). The Project site, and off-site areas, consist primarily of disturbed fallow agricultural fields, with a smaller component of native plant species which include California buckwheat (*Eriogonum fasciculatum*), chamise (*Adenostoma fasciculatum*), and Riversidean sage scrub. The topography of the Project site is relatively flat and is bisected on the western portion by a solitary meandering drainage feature (Drainage A) that is lower in elevation than the majority of the property, and is bounded by slopes of moderate topographic relief (Exhibit 3). The Project site slopes gently in a northeast to southwest direction, with the elevations ranging from approximately 1,330 feet above Mean Sea Level (MSL) along the southwestern boundary to approximately 1,380 feet above MSL along the northern boundary.

Drainage A bisects the western portion of the Project site and meanders from north to south for approximately 1,950 linear feet, prior to exiting the site for 131 linear feet and then reentering the site near the southwest corner of the property where flows enter an existing 36-inch corrugated metal pipe beneath Prielipp Road along the southern project site boundary¹. Drainage A exhibits ephemeral flow from headwaters commencing in the foothills located approximately 1.5-miles north of the Project site and has an ordinary high-water mark (OHWM) which averages approximately five (5) feet in width. Adjacent vegetation is characterized as upland habitat dominated by buckwheat. The drainage is situated within the Santa Margarita Watershed and conveys runoff into an unnamed tributary to Murrieta Creek that joins Murrieta Creek approximately 1.6 miles southwest of the Project site. No wetlands or other special aquatic sites occur within the project footprint.

A graphic depicting the limits of Corps jurisdiction associated with the Project is provided as Exhibit 4. Corps jurisdiction associated with Drainage A totals approximately 0.25 acre of non-wetland waters of the U.S. Drainage A supports approximately 2,162 linear feet of streambed (1,950 linear feet on-site

¹ Please note that an additional 81 linear feet of streambed north of the Project site within Drainage A is included as part of this delineation. This total, along with the 1,950 linear feet on site and the 212 linear feet off site, total 2,162 linear feet of streambed in the study area.

and 212 linear feet off-site).

Project description- The proposed Project consists of a mixed-use residential and assisted living development. The residential portion would include two-story townhomes on the majority of the Project site. Specifically, the townhomes are proposed within the northern and central portions of the site, including 135 units on approximately 10.5 gross acres. A recreation and leasing building is also proposed in the central portion of the townhome community, in addition to 350 parking spaces. The proposed assisted living facility is located in the southern portion of the Project site north of Prielipp Road, and would support up to 86 senior units. This facility would be comprised of skilled nursing units and assisted living units in addition to up to 86 parking spaces on approximately 4.9 acres [Exhibit 3].

The Project would include the proposed extension of Elizabeth Lane along the eastern boundary of the Project site, and a 2-acre open space area along the western boundary. The main entry for the assisted living facility would be located off Prielipp Road in the south, and the main entry for the townhomes would be located off Elizabeth Lane to the east. Emergency vehicle access roads would be provided for the assisted living facility and townhomes, and would be located off Elizabeth Lane and Bunny Trail Road respectively.

Proposed Mitigation- The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance: The Applicant originally requested the proposed Project receive a waiver for linear foot impacts to streambeds and be authorized by Nationwide Permit. A regulatory permit application package was submitted for the Project in June of 2016 for a waiver-approved NWP 29 authorization; however, the waiver request for streambed impacts in excess of 300 linear feet was denied by the Corps. Because the proposed Project would permanently fill 1,022 linear feet of streambed the Corps is processing a Standard Individual Permit. The Project as proposed would avoid approximately 0.13 acre of the total 0.25 acre of waters of the U.S., which provides a net avoidance of approximately 52%.

Minimization: The applicant proposes to follow Best Management Practices (BMP's) and low-impact development strategies (LIDs) during and after Project development.

Compensation: As mitigation for permanent impacts proposed to 0.12 acre of non-wetland waters of the U.S., the Applicant is proposing to purchase credit from the San Luis Rey Mitigation Bank, which is an approved Corps mitigation bank. The Applicant has proposed to purchase credits for the re-establishment of wetland waters of the U.S. (and waters of the State) at a 2:1 mitigation-to-impact ratio. Temporary impacts to Waters of the U.S. would be restored onsite to pre-project contours.

Preliminary Alternatives Analysis- The applicant will be submitting a preliminary alternatives analysis for the Corps' consideration in response to the requirement to demonstrate compliance with section 404(b)(1) of the Clean Water Act, i.e., the "404(b)(1) Guidelines". The Corps will evaluate the preliminary analysis of alternatives for compliance, once received, but is providing the following excerpts from the submittal for review and comment:

- *Alternative 1 - No Federal Action Alternative* [Exhibit 4] - The No Federal Action Alternative (Alternative 1) would result in no impacts to Corps jurisdiction. Alternative 1 would result in the construction of 75 townhomes, 54 senior assisted-living units, and zero skilled nursing units on 12 acres of land. Alternative 1 would also require the Applicant to construct two span bridges over Drainage A. One span bridge would be located at Prielipp Road and one span bridge would be located at Bunny Trail Road.
- *Alternative 2 – Approximate 300 Linear-Foot Impact Alternative* [Exhibit 5] - Under the Approximate 300 Linear-Foot Impact Alternative (Alternative 2), the Project would result in approximately 0.11 acre and 300 linear feet of permanent impacts to Corps jurisdiction and 0.01 acre and 80 linear feet of temporary impacts to Corps jurisdiction. Alternative 2 would limit Project construction to the northern, southern, and eastern portions of the Project, and would avoid the western portion of the site. Alternative 2 would result in the construction of 101 townhomes, 54 senior-assisted living units, and zero skilled nursing units on 13.30 acres of land. No span bridge would be required for either Prielipp Road or Bunny Trail Road.
- *Alternative 3 – Preferred Alternative* [Exhibit 3] - Under the Preferred Alternative (Alternative 3), the Project would result in 0.12 acre and 1,022 linear feet of permanent impacts to Corps jurisdiction and 0.13 acre and 1,131 linear feet of temporary impacts to Corps jurisdiction. Alternative 3 would result in the construction of 135 townhomes and approximately 54 senior-assisted living units and 32 skilled nursing units on 15.4 acres of land. No span bridge would be constructed on either Prielipp Road or Bunny Trail Road. Additional features of the Project would include the proposed extension of Elizabeth Lane along the eastern boundary of the Project site, and a 2-acre open space area along the western boundary.

Proposed Special Conditions

Special conditions providing for the avoidance, minimization and mitigation for impacts to threatened and endangered species, as well as to waters of the United States, would likely be incorporated into any Corps permit authorization, if issued. No permit special conditions are proposed at this time.

For additional information please call James Mace of my staff at 951-276-6624 x263 or via e-mail at James.E.Mace@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.



Regulatory Program Goals:

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

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Source: ESRI World Street Map



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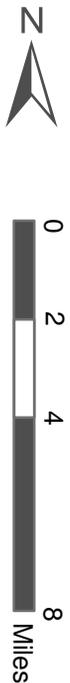
HORIZONS DEVELOPMENT PROJECT

Regional Map

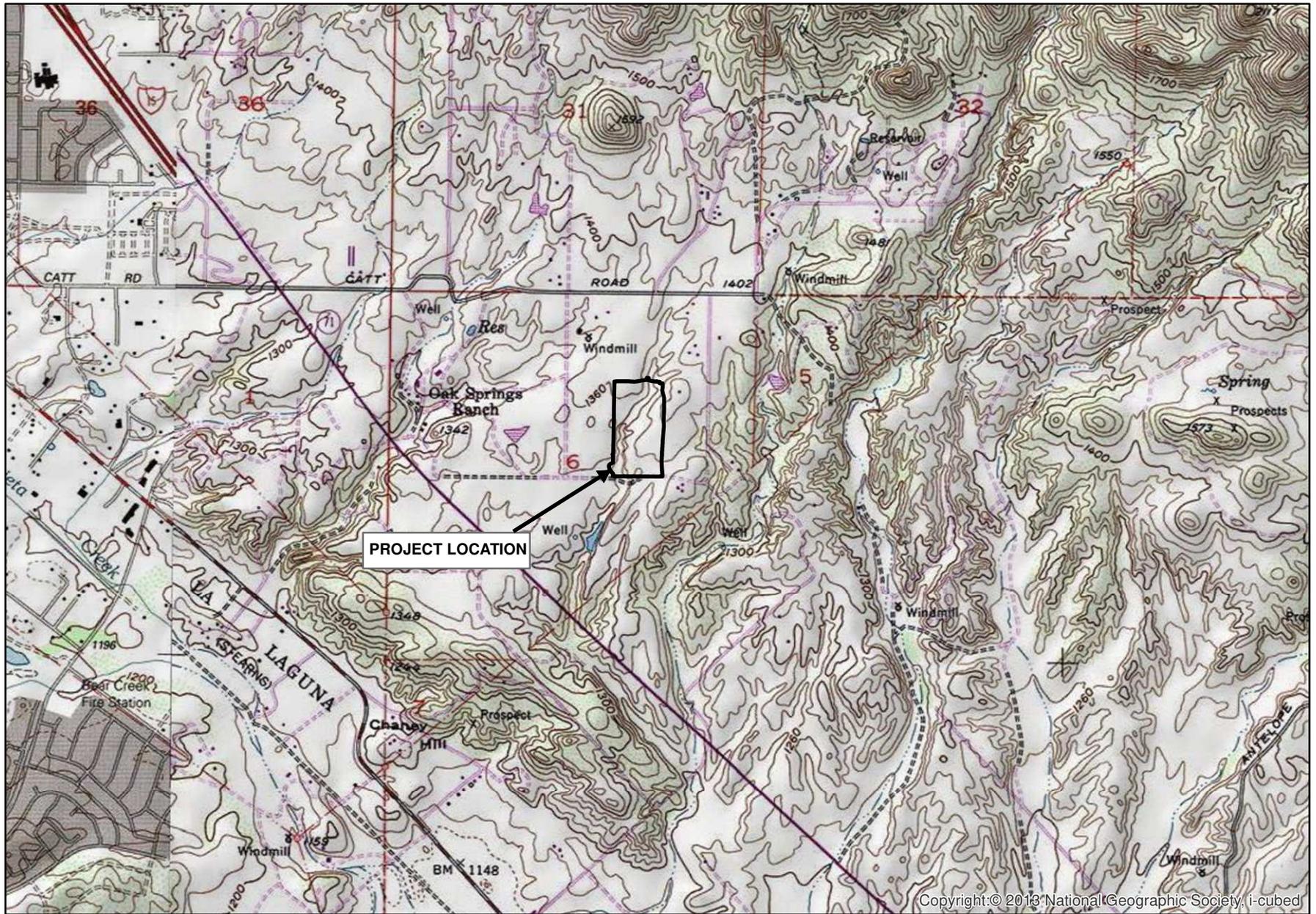
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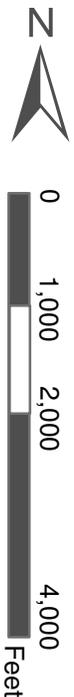
Exhibit 1



Adapted from USGS Murrieta, CA quadrangle



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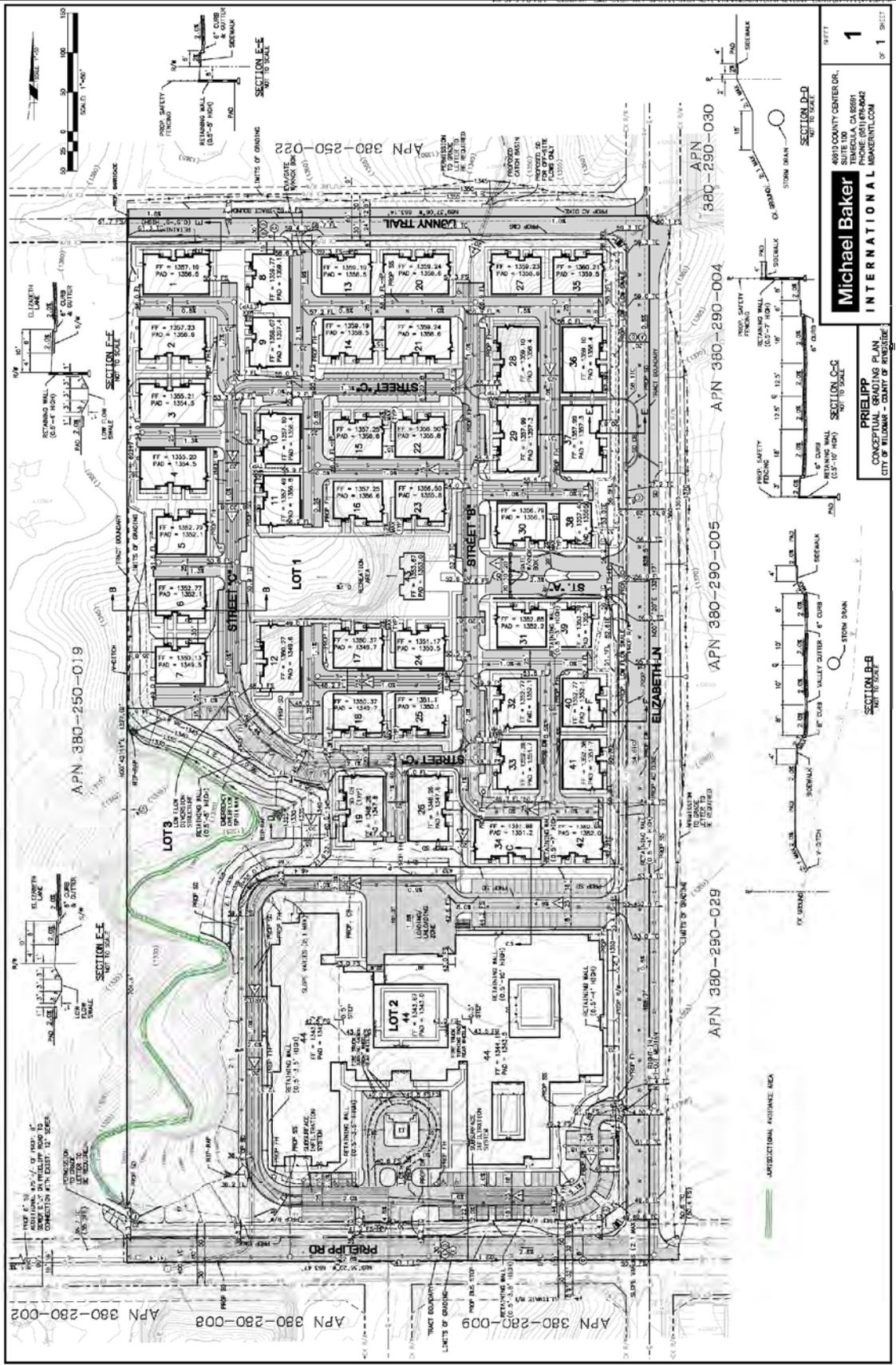
HORIZONS DEVELOPMENT PROJECT

Vicinity Map

GLENN LUKOS ASSOCIATES



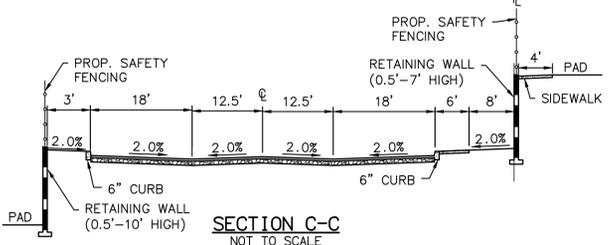
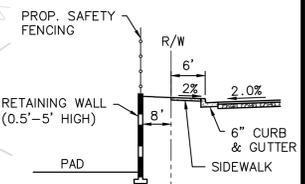
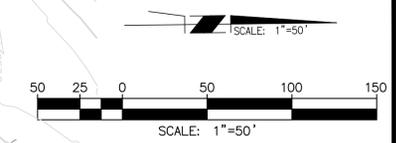
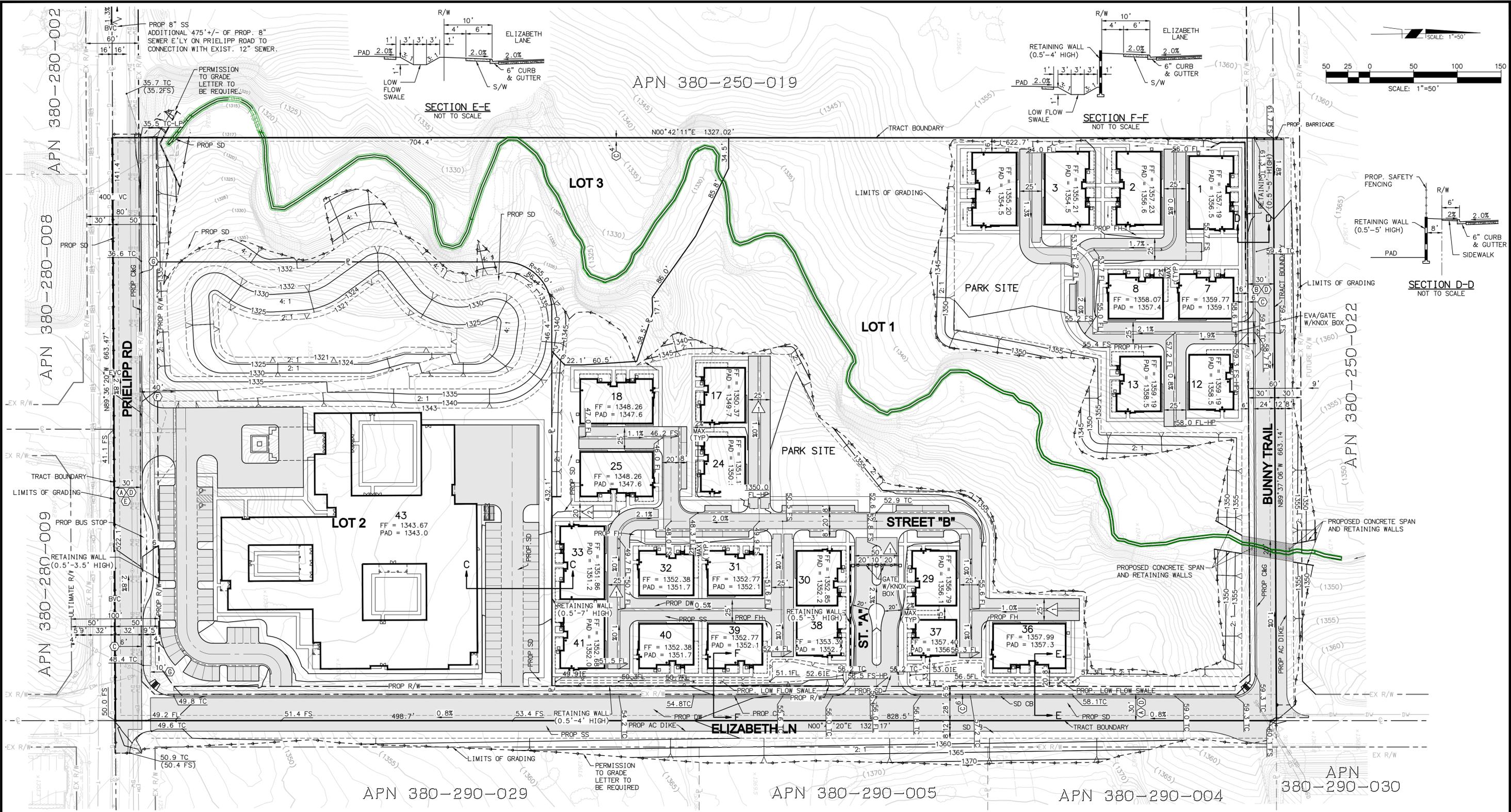
Exhibit 2



Site Plan

HORIZONS

Exhibit 3



LEGEND
 JURISDICTIONAL AVOIDANCE AREA

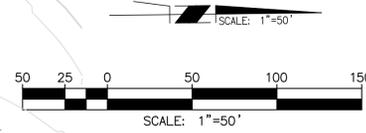
NOTES
 75 TOWNHOMES
 54 ASSISTED LIVING
 0 SKILLED NURSING

Michael Baker INTERNATIONAL
 40810 COUNTY CENTER DR., SUITE 200
 TEMECULA, CA 92591
 PHONE: (951) 676-8042
 MBAKERINTL.COM

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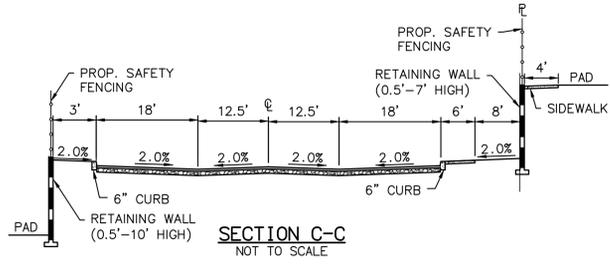
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SECTION D-D
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LEGEND
Jurisdictional Avoidance Area

NOTES
101 TOWNHOMES
54 ASSISTED LIVING
0 SKILLED NURSING



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