



# City Council Memorandum

City of Arts & Innovation

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**TO: HONORABLE MAYOR AND CITY COUNCIL      DATE: NOVEMBER 19, 2019**

**FROM: PARKS, RECREATION AND COMMUNITY      WARD: 7**  
**SERVICES DEPARTMENT**

**SUBJECT: CONCEPTUAL FRAMEWORK TO FACILITATE A CONSERVATION EASEMENT OF 6.1 ACRES TO THE RIVERSIDE-CORONA RESOURCE CONSERVATION DISTRICT TO CREATE A RIPARIAN/WETLANDS HABITAT MITIGATION WITHIN THE HOLE LAKE AREA FOR THE AG PARK PROJECT**

**ISSUE:**

Approve conceptual framework to facilitate a conservation easement of 6.1 acres to the Riverside-Corona Resource Conservation District to create a riparian/wetlands habitat mitigation within the Hole Lake area for the Ag Park Project.

**RECOMMENDATIONS:**

That the City Council:

1. Approve conceptual framework to facilitate a conservation easement of 6.1 acres to the Riverside-Corona Resource Conservation District to create a riparian/wetlands habitat mitigation within the Hole Lake area for the Ag Park Project;
2. Direct staff to work with Riverside-Corona Resource Conservation District, California Department of Fish and Wildlife, and Friends of Riverside Airport, LLC on a plan that meets all conditions identified in the framework, and return to City Council for approval; and
3. Authorize the City Manager, or his designee, to execute a Conservation Easement Deed and Agreement on behalf of the City in substantially the same form as attached (Attachment 1), making minor and non-substantive changes.

**BACKGROUND:**

On May 20, 2003, the City of Riverside (City) City Council approved the Exchange, Disposition and Development Agreement (Agreement) between the City, Friends of Riverside Airport, LLC (FRA), Van Buren Golf Center, LLC, and Riverside Gateway Plaza. This Agreement authorized the exchange of the Ag Park site on Jurupa Avenue between Crest Avenue and Rutland Avenue

with the site commonly referred to as Hole Lake. It also outlined other exchanges and obligations of all parties in the Agreement. Details of the Agreement can be found in the City Council Memorandum dated May 20, 2003, and in City Council Memoranda for subsequent amendments to the Agreement dated March 7, 2006, February 17, 2009, and October 16, 2018.

As stated above, one of the requirements of the Agreement was the transfer of the Ag Park site from the City to FRA, which occurred around 2006. Since that time, development activities conducted at the Ag Park site have resulted in the loss of habitat areas for which FRA is required to mitigate. The City owns the property in the Hole Lake area (identified as Assessor Parcel Numbers 155-060-025 and 155-280-002), and more particularly described and depicted in Attachment 2. FRA is requesting to use 6.1 acres of this property for the mitigation they are required to perform for their private development on the Ag Park site.

### **DISCUSSION:**

FRA proposes that a conservation easement be created and granted to Riverside-Corona Resource Conservation District (RCRCD) for which FRA would fund and create a wetlands as well as provide funding for its perpetual maintenance.

The creation of a wetlands in the area could create wildlife and habitat values of great importance to RCRCD and the people of the State of California. The property would provide high quality natural, restored and/or enhanced habitat for wetland/riparian plant species which may include, but are not limited to velvet ash, black willow, red willow, arroyo willow, mulefat, broadleaf cattail, California sagebrush, California encelia, California buckwheat, and wildlife species which includes, but is not limited to, the Santa Ana sucker. Individually and collectively, these wildlife and habitat values comprise the "Conservation Values" of the Property.

FRA has held discussions with multiple agencies regarding this proposal for several years. Since September 2018, staff has held discussions with RCRCD and regulatory agencies to understand if the proposed wetlands is a viable project that could meet the needs of FRA's required mitigation. Receiving feedback from regulatory agencies has been especially difficult. Staff has drafted a proposed conservation easement and a legal description for the area in question, but continued efforts will require additional staff resources and time.

If the City Council proposes that staff continue to support this effort, staff proposes that the following framework be established to set forth expectations for all parties involved. Future staff involvement would be dependent on approval of this framework by the City Council.

### **FRAMEWORK REQUIREMENTS:**

In order for the City to move forward with the conservation easement, all of the following requirements must be satisfied, and failure to accomplish any of the requirements will void this recommendation.

1. FRA will commit to creating a wetlands habitat over the 6.1 acres identified in Attachment
2. FRA will create the wetlands at it's own cost and expense.

2. RCRCDC will provide a cost estimate for all perpetual maintenance and work associated with the wetlands habitat and conditions of the conservation easement.
3. FRA will provide funds to establish a non-extinguishing endowment fund to pay for the wetlands habitat and conditions of the conservation easement. The amount of the fund will be based on the cost estimate provided by RCRCDC.
4. RCRCDC accepts the conservation easement with all associated duties and obligations in perpetuity.
5. The California Department of Fish and Wildlife agrees to accept this conservation easement, habitat creation, and perpetual maintenance as mitigation for the private development of FRA.
6. The City will not pay for any maintenance of habitat area or other work associated with the Conservation Easement.

**FISCAL IMPACT:**

Approval of this framework may result in the City granting a conservation easement for 6.1 acres of City-owned property. The value of that land and associated uses has not been determined.

Prepared by: Adolfo Cruz, Parks, Recreation and Community Services Director  
Certified as to  
availability of funds: Edward Enriquez, Chief Financial Officer/Treasurer  
Approved by: Rafael Guzman, Assistant City Manager  
Approved as to form: Gary G. Geuss, City Attorney

Attachments:

1. Sample Conservation Easement
2. Hole Lake Map