

Attachment A  
CEQA Findings of Facts

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### **A. Environmental Review**

On November 16, 2021, the City of Murrieta, as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2014031045) for the Project and filed a Notice of Determination (NOD) at the SCH on December 8, 2021. The State Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that City of Murrieta's certified environmental document comports with the requirements of CEQA and is valid. (Cal. Code Regs., tit. 14, § 15231.) The State Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by City of Murrieta addresses the Project's water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by City of Murrieta for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (d).)

### **B. Incorporation by Reference**

Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Order based on the Project FEIR, the application for this Order, and other supplemental documentation, including the Project's Water Quality Management Plan (WQMP); the Project's Mitigation Monitoring and Reporting Program (MMRP); and the Project's Compensatory Mitigation Plan.

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project FEIR which is incorporated herein by reference. The Project FEIR is available at:

<https://www.murrietaca.gov/DocumentCenter/View/5445/Murrieta-Hills-Specific-Plan-Amendment-FINAL-Environmental-Impact-Report---April-2021>

Requirements under the purview of the State Water Board in the MMRP are incorporated herein by reference.

The Permittee's application for this Order, including all supplemental information provided, is incorporated herein by reference.

### **C. Findings**

The FEIR describes the potential significant environmental effects to water resources. Having considered the whole of the record, including comments received during the public review process, the State Water Board makes the following findings:

1. Findings regarding impacts that will be avoided or mitigated to a less than significant level. (Pub. Resources Code, § 21081, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (a)(1).)

*Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.*

a.i. Potential Significant Impact:

Biological Resources Impact 4.3-2: The Project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

a.ii. Facts in Support of Finding:

Mitigation Measure MM BIO-5: Direct Impacts to Riparian/Riverine Habitat

Mitigation Measure MM BIO-6: Indirect Impacts to Riparian/Riverine Habitat

Mitigation Measure MM BIO-7: MSHCP Section 6.1.2 Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools

Mitigation Measure MM BIO-8: Jurisdictional Delineation

These mitigation measures will reduce this impact to a level that is less than significant.

b.i. Potential Significant Impact:

Biological Resources Impact 4.3-3: The Project would have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

b.ii. Facts in Support of Finding:

Mitigation Measure MM BIO-5: Direct Impacts to Riparian/Riverine Habitat

Mitigation Measure MM BIO-6: Indirect Impacts to Riparian/Riverine Habitat

Mitigation Measure MM BIO-7: MSHCP Section 6.1.2 Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools

Mitigation Measure MM BIO-8: Jurisdictional Delineation

These mitigation measures will reduce this impact to a level that is less than significant.

c.i. Potential Significant Impact:

Geology and Soils Impact 4.6-2: The Project would result in substantial soil erosion or the loss of topsoil.

c.ii. Facts in Support of Finding:

Mitigation Measure MM GEO-1: Prior to the issuance of grading permits, the City shall verify that all (on-site and off-site) Project design, building, and safety recommendations outlined in the Project geotechnical/geologic review reports (located in Appendix 9.5.1 and Appendix 9.5.2) are approved by the City Engineer and have been successfully incorporated into the Project plans for implementation during the Project grading and construction phases. Documentation of the implementation of the recommendations into the Project plans shall be conducted by the Project Applicant or designated representative. Successful incorporation of these specifications into the Project plans shall be verified by the Lead Agency prior to the issuance of building permits.

Mitigation Measure MM HYD-1: Prior to commencing grading, the Project Applicant shall comply with applicable construction water quality regulations including the NPDES General Construction Permit, which shall be obtained from the Regional Water Quality Control Board. This process requires that the applicant electronically submit Permit Registration Documents (PRDs) prior to commencement of construction activities in the Storm Water Multiple Application and Report Tracking System (SMARTS). PRDs consist of the NOI, Risk Assessment, Post-Construction Calculations, a Site Map, the SWPPP, a signed certification statement by the Legally Responsible Person, and the first annual fee.

The required SWPPP must be submitted to the City of Murrieta, identifying specific actions and BMPs to prevent stormwater pollution during construction activities. The SWPPP shall identify a practical sequence for BMP implementation, site restoration, contingency measures, responsible parties, and agency contacts. The SWPPP shall include but not be limited to the following elements:

- a. Comply with the requirements of the State of California's most current Construction Stormwater Permit.
- b. Temporary erosion control measures shall be implemented on all disturbed areas.
- c. Disturbed surfaces shall be treated with erosion control measures during the October 15 to April 15 rainy season.
- d. Sediment shall be retained on-site by a system of sediment basins, traps, or other BMPs.
- e. The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate discharge of materials to storm drains.
- f. BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment

release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the SARWQCB to determine adequacy of the measure.

- g. In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the duration of construction.
- h. Prior to the issuance of the first grading permit, the Project Applicant shall submit the Final Tentative Tract Map that includes the water quality BMPs for approval by the City of Murrieta Engineer. The City of Murrieta Engineer shall ensure that all applicable water quality standards are met before approving the SWPPP

Mitigation Measure MM HYD-3: Prior to issuance of grading permits, the Project Applicant shall submit final tract map(s) for review and approval by the City of Murrieta and the City of Menifee, including final drainage design plans supported by a final drainage study. The tract maps, grading plans, and final drainage study shall demonstrate compliance with applicable City and County drainage plans, policies, design guidelines and regulations including but not limited to City of Murrieta Municipal Code Chapter 15.52 Grading, Erosion, and Sediment Control and Chapter 16.94 Tentative Maps, and City of Menifee Municipal Code Chapter 8.26 Grading Regulations.

These mitigation measures will reduce this impact to a level that is less than significant.

d.i. Potential Significant Impact:

Hydrology and Water Quality Impact 4.9-1: The Project would result in substantial soil erosion or the loss of topsoil.

d.ii. Facts in Support of Finding:

Mitigation Measure MM HYD-1: Prior to commencing grading, the Project Applicant shall comply with applicable construction water quality regulations including the NPDES General Construction Permit, which shall be obtained from the Regional Water Quality Control Board. This process requires that the applicant electronically submit Permit Registration Documents (PRDs) prior to commencement of construction activities in the Storm Water Multiple Application and Report Tracking System (SMARTS). PRDs consist of the NOI, Risk Assessment, Post-Construction Calculations, a Site Map, the SWPPP, a signed certification statement by the Legally Responsible Person, and the first annual fee.

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- e. The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate discharge of materials to storm drains.
- f. BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the SARWQCB to determine adequacy of the measure.
- g. In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the duration of construction.
- h. Prior to the issuance of the first grading permit, the Project Applicant shall submit the Final Tentative Tract Map that includes the water quality BMPs for approval by the City of Murrieta Engineer. The City of Murrieta Engineer shall ensure that all applicable water quality standards are met before approving the SWPPP.

Mitigation Measure MM HYD-2: The Project Applicant shall prepare a Final Project-Specific WQMP with O&M Plan for submittal together with the associated grading and improvement plans which must be approved prior to the issuance of a building or grading permit. These documents shall be prepared in accordance with applicable City (Murrieta) and County (Riverside) water quality requirements, for review and approval by the City of Murrieta, including the following:

- Site Design BMPs
- Source Control BMPs
- Treatment Control BMPs
- BMP Sizing
- Equivalent Treatment Control Alternatives
- Regionally-Based Treatment Control BMPs
- O&M Responsibility for Treatment Control BMPs

These mitigation measures will reduce this impact to a level that is less than significant.

e.i. Potential Significant Impact:

Hydrology and Water Quality Impact 4.9-3: The Project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

- i. Result in substantial erosion or siltation on- or off-site.

e.ii. Facts in Support of Finding:

Mitigation Measure MM HYD-1: Prior to commencing grading, the Project Applicant shall comply with applicable construction water quality regulations including the NPDES General Construction Permit, which shall be obtained from the Regional Water Quality Control Board. This process requires that the applicant electronically submit Permit Registration Documents (PRDs) prior to commencement of construction activities in the Storm Water Multiple Application and Report Tracking System (SMARTS). PRDs consist of the NOI, Risk Assessment, Post-Construction Calculations, a Site Map, the SWPPP, a signed certification statement by the Legally Responsible Person, and the first annual fee.

The required SWPPP must be submitted to the City of Murrieta, identifying specific actions and BMPs to prevent stormwater pollution during construction activities. The SWPPP shall identify a practical sequence for BMP implementation, site restoration, contingency measures, responsible parties, and agency contacts. The SWPPP shall include but not be limited to the following elements:

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- d. Sediment shall be retained on-site by a system of sediment basins, traps, or other BMPs.
- e. The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate discharge of materials to storm drains.
- f. BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the SARWQCB to determine adequacy of the measure.



- g. In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the duration of construction.
- h. Prior to the issuance of the first grading permit, the Project Applicant shall submit the Final Tentative Tract Map that includes the water quality BMPs for approval by the City of Murrieta Engineer. The City of Murrieta Engineer shall ensure that all applicable water quality standards are met before approving the SWPPP.

Mitigation Measure MM HYD-2: The Project Applicant shall prepare a Final Project-Specific WQMP with O&M Plan for submittal together with the associated grading and improvement plans which must be approved prior to the issuance of a building or grading permit. These documents shall be prepared in accordance with applicable City (Murrieta) and County (Riverside) water quality requirements, for review and approval by the City of Murrieta, including the following:

- Site Design BMPs
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- Equivalent Treatment Control Alternatives
- Regionally-Based Treatment Control BMPs
- O&M Responsibility for Treatment Control BMPs

These mitigation measures will reduce this impact to a level that is less than significant.

Mitigation Measure MM HYD-3: Prior to issuance of grading permits, the Project Applicant shall submit final tract map(s) for review and approval by the City of Murrieta and the City of Menifee, including final drainage design plans supported by a final drainage study. The tract maps, grading plans, and final drainage study shall demonstrate compliance with applicable City and County drainage plans, policies, design guidelines and regulations including but not limited to City of Murrieta Municipal Code Chapter 15.52 Grading, Erosion, and Sediment Control and Chapter 16.94 Tentative Maps, and City of Menifee Municipal Code Chapter 8.26 Grading Regulations.

2. Findings regarding mitigation measures which are the responsibility of another agency. (Pub. Resources Code, § 21081, subd. (a)(2); Cal. Code Regs., tit. 14, §15091, subd.(a)(2).)

*There are changes or alterations that are within the responsibility and jurisdiction of another public agency and not the jurisdiction of the State Water Board. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

a.i. Potential Significant Impact:

Biological Resources Impact 4.3-5: The Project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

a.ii. Facts in Support of Finding:

Mitigation Measure MM BIO-10: Tree Preservation

This mitigation measure will reduce this impact to a level that is less than significant.

b.i. Potential Significant Impact:

Biological Resources Impact 4.3-6: The Project would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

b.ii. Facts in Support of Finding:

Mitigation Measure MM BIO-11: RCA Dedication

Mitigation Measure MM BIO-12: MSHCP Local Mitigation Development Fee

Mitigation Measure MM BIO-13: Indirect Impacts

Mitigation Measure MM BIO-14: MSCHP Sections 7.5.1 Guidelines for the Siting and Design of Planned Roads Within the Criteria Area and Public/Quasi-Public Lands and 7.5.2 Guidelines for Construction of Wildlife Crossings

These mitigation measures will reduce this impact to a level that is less than significant.

#### **D. Determination**

The State Water Board has determined that the Project, when implemented in accordance with the MMRP and the conditions in this Order, will not result in any significant adverse water quality or supply impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (h).) The State Water Board will file a NOD with the SCH within five (5) working days from the issuance of this Order. (Cal. Code Regs., tit. 14, § 15096, subd. (i).)