

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

361



FROM: County Counsel

SUBMITTAL DATE:
June 14, 2006

SUBJECT: Memorandum of Understandings with the Cities of Indio and Palm Springs concerning the Coachella Valley MSHCP.

RECOMMENDED MOTION:

1. Approve and authorize the Chairman of the Board to execute the attached Memorandum of Understanding (MOU) with the City of Palm Springs.
2. Approve and authorize the Chairman of the Board to execute the attached MOU with the City of Indio concerning the Indio Trails Project.
3. Approve and authorize the Chairman of the Board to execute the attached MOU with the City of Indio concerning the Citrus Ranch Project.

Departmental Concurrence

BACKGROUND: The County and the Cities of Indio and Palm Springs have worked cooperatively with the Coachella Valley Association of Governments (CVAG) and the Coachella Valley Conservation Commission (CVCC) over the past few months to resolve concerns that these two cities have had with approving the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and agreeing to participate.

(CONTINUED ON NEXT PAGE)

Joe Rank
JOE RANK
County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$	In Current Year Budget:	
	Current F.Y. Net County Cost:	\$		Budget Adjustment:
	Annual Net County Cost:	\$		For Fiscal Year:

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:
APPROVE

County Executive Office Signature
[Signature]

- Policy
- Policy
- Consent
- Consent
- Dept't Recomm.:
- Per Exec. Ofc.:

The City of Palm Springs conditionally approved the CVMSHCP on May 17, 2006. Such conditions included the approval of the attached MOU. This MOU between the County, the City of Palm Springs and the CVCC allows for the transfer of up to 50 acres of take from the County to the City in the event its Shadowrock project does not receive take authorization through Section 7 of the Federal Endangered Species Act.

The City of Indio will be considering the CVMSHCP on June 20, 2006, as well as the two attached MOU's between the City of Indio, CVAG, CVCC and County, herein referred to as: Indio Trails MOU and Citrus Ranch MOU. The Indio Trails MOU commits the County to allocate up to 200 of 260 available acres of take from the Thousand Palms Conservation Area for the Indio Trails Project presently located in the unincorporated portion of Riverside County.

The Citrus Ranch MOU anticipates use of the Like Exchange process in order to remove the Citrus Ranch Project from the East Indio Hills Conservation Area in the CVMSHCP. One of the Like Exchanges involves the use of approximately 80 acres of County owned property. Of these 80 acres, 18 acres will be set aside and conserved for the Citrus Ranch Project, while the remaining 62 acres can be used by the Waste Management Department for impacts resulting from landfill activities. In the event that some or all of the Like Exchanges cannot be realized, the CVCC has committed to use its best efforts to facilitate alternative Like Exchanges.

Additionally, the MOU requires the City to annex the entire East Indio Hills Conservation Area of which the Citrus Ranch Project is partially located. Until such time as the East Indio Hills Conservation is annexed entirely to the City of Indio and the take allocation is transferred to the City, the County is committing through this MOU not to allocate take for any project within the East Indio Hills Conservation except for an application for a single family home without the City's approval, which approval shall not be unreasonably withheld.

It is anticipated that additional MOU's with individual property owners and potentially with the City of Desert Hot Springs will be brought forth for your consideration in the near future.