

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

980



**FROM:** Transportation Land Management Agency: Environmental Programs Department

**SUBMITTAL DATE:**  
February 13, 2008

**SUBJECT:** Adoption of Board Policy A-61: Riverside County Allocation of Take Policy For the Coachella Valley Multiple Species Habitat Conservation Plan.

**RECOMMENDED MOTION:** That the Board of Supervisors adopt Board Policy A-61, which establishes the Riverside County Allocation of Take Policy for the Coachella Valley Multiple Species Habitat Conservation Plan (Attachment A).

**BACKGROUND:** The Coachella Valley Multiple Species Habitat Plan (Plan) was approved by the Board of Supervisors on October 2, 2007 (Item 3.63). It is anticipated that the requisite federal and state permits will be issued March 2008. Since, the 75 year plan allows for a limited amount of disturbance (Take) in identified conservation areas, it is important that the county establish principles and policies concerning this critical component of the Plan. To ensure fair, consistent, and effective implementation of the Plan, these principles and policies would apply to both private and public projects.

*Carolyn Syms Luna*  
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Carolyn Syms Luna, Director

Continued on the next page

FORM APPROVED COUNTY COUNSEL  
BY: *Karin Watts-Bazan* 2/14/08  
KARIN L. WATTS-BAZAN DATE

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

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

**C.E.O. RECOMMENDATION:**

APPROVE  
BY: *Tina Grande*  
Tina Grande

County Executive Office Signature

Consent     Policy  
 Consent     Policy

Dep't Recomm.:  
 Per Exec. Ofc.:

**3.56**

Adoption of Board Policy A-61: Riverside County Allocation of Take Policy For the Coachella Valley Multiple Species Habitat Conservation Plan.

Page 2

To ensure fair, consistent, and effective implementation of the Plan, these principles and policies would apply to both private and public projects.

The fundamental cornerstone of the Plan is that it has a "not to exceed take limit" of 10% per habitat type within each conservation area. In order to effectuate that objective, the proposed Take policy distributes take so that the 8% is reserved for development entitlements, 1% is reserved for uncovered public projects, and 1% is set aside for a contingency reserve, which is in keeping with the cornerstone of the Plan.

Parcelization in the conservation areas of the Plan is wide ranging. The one-half acre single-family residential reserve of take affords for a reasonable development opportunity. In addition, it maintains the rural residential lifestyle that has come to be expected without compromising the conservation objectives of the Plan.

The policy provides background and guiding principles for clarification. The department will continue to monitor the progress of the policy and bring forward suggestions for modification if appropriate.

TLMA Environmental Programs Department reviewed the policy with the Coachella Valley Association of Governments (CVAG) and the Desert Building Industry Association.

**COUNTY OF RIVERSIDE  
BOARD OF SUPERVISORS POLICY**

Subject:	<u>Policy</u>	
<b>RIVERSIDE COUNTY ALLOCATION OF TAKE POLICY FOR THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN</b>	<u>Number</u>	<u>Page</u>
	<b>A-61</b>	<b>1 of 3</b>

**BACKGROUND:**

The County of Riverside approved the Coachella Valley Multiple Species Habitat Conservation Plan (Plan) on October 2, 2007. It is anticipated that the requisite federal and state permits will be issued March 2008. Since the 75 year Plan allows for a limited amount of disturbance (Take) in identified conservation areas, it is important that the county establish principles and policies concerning this critical component of the Plan. To ensure fair, consistent, and effective implementation of the Plan, these principles and polices would apply to both private and public projects.

**GUIDING PRINCIPLES:**

1. The Board of Supervisors recognizes that the intent of the Plan is to conserve the majority of the land and habitat within the boundaries of the identified conservation areas. To that extent, the Board of Supervisors encourages future development to occur outside of the conservation areas.
2. In certain circumstances, the Board of Supervisors acknowledges the need for some development of compatible land uses within the conservation areas to serve the need of the existing community. This Take policy is established to give guidance on where and how much development should occur.
3. In order to address the need for public infrastructure within the conservation areas that were not identified as covered activities, the Board of Supervisors will reserve a portion of the county's Take allocation for public projects.
4. The Board of Supervisors first priority is to reserve enough allocation for the building of new single family residences on existing legal privately owned parcels.
5. The county will work closely with, and strongly encourage, the Coachella Valley Conservation Commission (CVCC) to prioritize their acquisition of property where development pressures are occurring.
6. Because the county's Take allocation is limited, Take allocations will not automatically be granted to cities that annex new lands, but must be evaluated and potentially negotiated with the city.

**POLICY:**

**COUNTY OF RIVERSIDE  
BOARD OF SUPERVISORS POLICY**

Subject: <b>RIVERSIDE COUNTY ALLOCATION OF TAKE POLICY FOR THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN</b>	<u>Policy Number</u>  <b>A-61</b>	<u>Page</u>  <b>2 of 3</b>
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1. It shall be the policy of the county that each existing legal lot shall be allotted 1/2 acre gross (21,780 square feet) of Take to accommodate one single family residence and all associated disturbances.
2. The maximum amount of Take that shall be permitted in each plan conservation area shall be limited to a maximum of 8% of each Plan habitat type within the proposed projects' gross acreage for privately sponsored development proposals, unless otherwise provided for by this policy.
3. Take is permitted for each privately sponsored or county government project only in accordance with the "rough step" provisions of the Plan, on two levels:
  - a) By conservation area, and
  - b) By conservation objective.
4. Whenever Take is awarded by the county in conjunction with any development proposal, it shall be awarded only for the period of time for which any associated entitlements or permits are approved, and this shall be reflected in the project's conditions of approval. Any future discretionary action for the project, including extensions of time to use the entitlement or permit, shall be subject to the county's determination of Take available at the time such discretionary action is considered.
5. An unallocated reserve pool of Take that includes a 1% contingency shall be created to be used at the discretion of the Board of Supervisors as certain circumstances warrant. This Take would potentially be available for both public and private projects. This unallocated reserve pool will be comprised of the Take that has not been reserved by this policy. As the CVCC acquires conservation lands the unallocated reserve pool grows.
6. To ensure that future Take is available for unanticipated/uncovered county projects, the county will "reserve" 1% of the total Take within each conservation area by habitat type, to be allocated to such projects. As part of the annual review of the Capital Improvement Program (CIP), county departments should analyze the need for reservation of take for long range projects. Where the need for Take might exceed the "1%" reserve, the Board of Supervisors may set aside additional take from the unallocated reserve pool.

**COUNTY OF RIVERSIDE  
BOARD OF SUPERVISORS POLICY**

Subject:	<u>Policy Number</u>	<u>Page</u>
<b>RIVERSIDE COUNTY ALLOCATION OF TAKE POLICY FOR THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN</b>	<b>A-61</b>	<b>3 of 3</b>

7. Private projects requesting Take in excess of the 8% allocation shall submit their request for additional Take prior to applying for their land use entitlement. In considering the merit of granting additional Take allocation, the planning director shall consider the community need for the proposed development, such as the provision of low income housing and/or the creation of job producing projects. The planning director shall provide a recommendation to the Board of Supervisors for final action. Additional Take allocation will not be granted in excess of that amount currently available in the unallocated reserve pool.

Reference:  
Minute Order dated 02/26/2008