

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

925B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
February 27, 2009

SUBJECT: ALLOCATION OF ADDITIONAL "TAKE" PURSUANT TO BOARD POLICY A-61 (CUP2885R4) – Applicant: Paul T. Welsh – Engineer/Representative: Massaro and Welsh – Fifth Supervisorial District – Whitewater Zoning District – Western Coachella Valley Area Plan: Community Development: Commercial Retail (CD-CR) and Rural: Rural Desert (R-RD) (10 Acre Minimum) – Location: Northerly of I-10 and easterly of Whitewater Canyon Road – 26.3 Gross Acres - Zoning: Rural Residential (R-R) (1/2 Acre Minimum) - **REQUEST:** Allocation of additional "take" pursuant to Board Policy A-61 and the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) for the expansion and modification of an existing outdoor decorative rock and gravel materials sales yard.

RECOMMENDED MOTION:

APPROVAL of additional "take" greater than 8% for the extraction of river rocks and outdoor storage of rocks and masonry products within APN 516-110-012 pursuant to Board Policy A-61 and the recommendations and findings in the attached staff report. This allocation of additional "take" shall be valid until July 1, 2011 or through the validity of the proposed entitlement, should it be approved, Conditional Use Permit No. 2885, Revised Permit No. 4, whichever is greater.

BACKGROUND:

The landowner for APN's 516-110-006, 012, 017, 018, 021, and 023 proposes to extract river rocks from an existing six-acre parcel and the storage of rocks and masonry products on said parcel (APN 516-110-012); add five acres for material storage (APN 516-110-017) to an existing outdoor decorative rock and gravel materials sales yard with an accessory office and accessory storage building. The property contains several overlapping habitat types as part of the CVMSHCP. The purpose of this request is to grant extra "take" greater than the 8% allowance for commercial use pursuant to Board Policy A-61.

Ron Goldman
Planning Director

RG: mb

REVIEWED BY EXECUTIVE OFFICE

DATE 3/23/09

Tina Grande
Departmental Concurrence

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

Prev. Agn. Ref. | District: Fifth | Agenda Number: N/A

3.44

Area Plan: Western Coachella Valley
Zoning District: Whitewater
Supervisory District: Fifth
Project Planner: Maurice Borrows

Conditional Use Permit No. 2885, Revised Permit
No. 4
E.A. Number: 41691
Applicant: Paul T. Welsh
Representative: Massaro and Welsh

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

Allocation request for extra "take" greater than 8% pursuant to Board Policy A-61, as part of a proposed outdoor rock and gravel supply storage yard located within APN's 516-110-006, 012, 017, 018, 021, and 023; also located within the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). An application Conditional Use Permit No. 2885, Revised Permit No. 4 (CUP2885R4) was submitted by the applicant in January 2008 which caused the need to review for conformance with the CVMSHCP and this "take" authorization request.

The subject property of 26.3 acres is located northerly of I-10 and easterly of Whitewater Canyon Road at 54645 Old Hwy 60.

ISSUES OF POTENTIAL CONCERN:

The landowner for APN's 516-110-006, 012, 017, 018, 021, and 023 proposes to add five acres for material storage to an existing outdoor decorative rock and gravel materials sales yard with accessory office on a 26.3 acre site. Approximately 11 acres of the 26.3-acre site are located within the Whitewater Canyon Conservation Area of the Coachella Valley Multi-Species Habitat Conservation Plan. Of the 11 acres within the conservation plan, all five acres of APN 516-110-006 has pre-1996 disturbance and approximately 1/3 of APN 516-110-012 (triangular shaped parcel) has pre-1996 disturbance. The triangular shaped parcel presents unusual problems for habitat allocation. The parcel is bisected by trails crossing majority of the property. In addition, the subject parcel is located adjacent to the Whitewater River, in an area designated as a flood zone. This request seeks extra "take" greater than the 8% allowance within APN 516-110-012 for each Plan habitat type within the proposed project's gross acreage pursuant to Board Policy A-61. Due to the fairly unique pattern of habitats, the development constraints of this parcel due to its location, and the established nature of the commercial business; the allocation is merited. The allocation is proposed to be tied to specific habitat areas, which may be used in the future for grading and construction permits on a "not to exceed" basis. No exact location for development or specific grading or other plans are approved by this Board action. The "take" allocation shall be valid for approximately two years or through the validity of the proposed entitlement, whichever is greater.

SUMMARY OF FINDINGS:

- | | |
|------------------------------------|--|
| 1. General Plan Land Use (Ex. #5): | Commercial Retail (CR) and Rural Desert (RD) |
| 2. Existing Zoning (Ex. #2): | Rural Residential (R-R) |
| 3. Surrounding Zoning (Ex. #2): | Rural Residential (R-R) |
| 4. Existing Land Use (Ex. #1): | Material storage yard |
| 5. Surrounding Land Use (Ex. #1): | Vacant and scattered single family dwellings |
| 6. Project Data: | Total Acreage: 26.3 Acres |
| 7. Environmental Concerns: | Coachella Valley Multiple Species Habitat Conservation Plan; flood and drainage. |

RECOMMENDATION:

APPROVAL of additional "take" greater than 8% pursuant to Board Policy A-61 for an outdoor decorative

rock and gravel supply storage yard; total "take" on the APN 516-110-012 will be allocated among the various habitats within the property as follows: 3.3 acres of take within Habitat for the Desert Tortoise, 0.1 acres of take within the Habitat for the Tripled-Ribbed Milkveth, 3.3 acres of take within the Habitat for Fluvial Sand Transport Areas, 3.3 acres of take for Biological Corridors. Future applications for grading and construction permits shall utilize this "take" authorization on a "not to exceed" basis. This allocation of additional "take" shall be valid until July 1, 2011 or through the validity of the proposed entitlement, should it be approved, Conditional Use Permit No. 2885, Revised Permit No. 4, whichever is greater.

FINDINGS:

1. The properties with APN's 516-110-006, 012, 017, 018, 021, and 023 are within the boundaries of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and APN's 516-110-006 and 516-110-012 are within the Whitewater Canyon Conservation Area of that plan.
2. The County of Riverside approved the CVMSHCP on October 2, 2007. State and Federal permits for the plan were obtained in October 2008. In order to implement the CVMSHCP and provide for an orderly and fair allocation of "take" within conservation areas, the Board adopted Policy A-61 on February 26, 2008.
3. This allocation of "take" is for the addition of approximately six acres for the removal of river rocks and the storage of rocks and masonry products to an existing outdoor decorative rock and gravel materials sales yard with accessory office within APN's 516-110-006, 012, 017, 018, 021, and 023; and the "take" will be allocated among habitat types as follows: 3.3 acres of take within Habitat for the Desert Tortoise, 0.1 acres of take within the Habitat for the Tripled-Ribbed Milkveth, 3.3 acres of take within the Habitat for Fluvial Sand Transport Areas, 3.3 acres of take for Biological Corridors. The "take" allocation is provided in specific increments per habitat on a "not to exceed" basis.
4. The validity of the allocation of "take" shall be until July 1, 2011, approximately two years, within which time the land owner shall be required to obtain grading permits and begin site disturbance activities pursuant to the proposed entitlement CUP2885R4. If the allocation of "take" expires without being utilized, the land owner shall have the opportunity to return to the Board through Planning Department procedures for a re-evaluation of the project at that time.
5. This allocation of "take" was reviewed through the CUP2285R4 and included comments from a range of county departments, with the Environmental Programs Department providing a conservation area take analysis for the Whitewater Canyon Conservation Area and the proposed allocation of take within APN 516-110-012, which is attached to this staff report and incorporated herein by this reference. The evaluation found that the additional "take" is not in excess of that amount currently available in the unallocated reserve pool for all habitat types in this conservation area.
6. The subject property currently has an existing outdoor decorative rock and gravel materials sales yard with accessory office; some parcels are vacant with desert brush and trails traversing in several locations. The subject site is located within a flood plane and is adjacent to the Whitewater River. A number of small roadways or driveways exist with some portions of this representing disturbance prior to 1996.
7. The subject property is designated Community Development: Commercial Retail (CD-CR) and Rural: Rural Desert (R-RD) (10 Acre Minimum) on the Western Coachella Valley Area Plan.

8. The subject property is zoned Rural Residential (R-R).
9. The development proposed for the site is for the extraction of river rocks and the storage of rock and gravel materials which is consistent with the existing general plan and zoning and reflects a use otherwise permitted in the R-R zone. The existing business has been operating at the site for over 20 years. Use of the property for extraction and storage of decorative rocks and gravel merits consideration of additional "take" as it reflects the community need for employment and economic development. The additional "take" is further appropriate in the case of APN 516-110-012 when balanced against the development constraints of this particular parcel located within a flood zone.
10. The land owner has been operating the decorative rock and gravel materials sales yard business on this property prior to the adoption of Board Policy A-61, as evidenced by CUP2285 which was approved in 1987 with subsequent revisions in 1993, 1996 and 2001. The Board directed the Planning Director to be sensitive towards potential hardships and special circumstances of projects in process when Board Policy A-61 was adopted.
11. The applicant has submitted preliminary and conceptual grading plans to county staff which indicate site disturbance for rock and material storage, moving approximately 40,000 cubic yards of earth within the entire five acre parcel for APN 516-110-006. No structures will be constructed with this submission.
12. No grading plan is approved as part of this allocation of "take" action; all grading plans presented by the applicant and reviewed pursuant to this allocation are informational only with regards to this "take" request action.
13. Future development within this 26.3-acre property shall be subject to all applicable county ordinances and requirements, including, but not necessarily limited to, Ordinance No. 875 (CVMSHCP fee), Coachella Valley Conservation Commission Joint Project Review (CVCCJPR), and rough-step determinations of the Coachella Valley Conservation Commission.

INFORMATIONAL ITEMS:

1. As of this writing (2/26/09), no letters in favor or opposition have been received from the general public. A joint project review for the project entitlement (CUP2885R4) was completed on January 29, 2009 by the Coachella Valley Conservation Commission and their report is attached.
2. The subject site consists of Assessor's Parcel Numbers 516-110-006, 012, 017, 018, 021, and 023.

Whitewater Canyon Conservation Area Box Score DRAFT

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)
Conservation Objective	Land in Private Ownership 1996	Land Currently in Private Ownership	Acres of Disturbance Authorized by Plan	Public Project Reserve Take	Single Family Reserve Take (up to 0.5 acres per parcel)	Private Development Reserve Take (8% of remaining private ownership)	Total Reserved Take (E+F+G)	Total Available Take	Unreserved Take - "Bonus Bucket"	"Bonus Bucket" Requested Take	Approved Accrued Take	Acres of Take Since 1996
Conserv Core Habitat for Arroyo Toad	784	180	78	8	13	2	23	78	55			0
Conserv Core Habitat for Desert Tortoise	1204	512	120	12	17	24	53	120	67			0
Conserv Other Cons. Habitat - White Snail	387	96	39	4	1	7	12	39	27			0
Conserv Other Cons. Habitat - Montain	468	97	41	4	1	7	12	41	29			0
Conserv Sonoran Cottonwood-Willow Riparian Forest	107	59	11	1	0	5	6	11	5			0
Conserv Sand Source Areas	944	403	94	9	15	17	42	84	52			0
Conserv Riparian Sand	483	119	48	5	1	9	14	48	34			0
Conserv Biological	223	89	22	2	2	5	9	22	13			0

All measurements are in acres
 Disturbance of no more than 11 acres may occur, but it would be replaced to ensure that no net loss occurs and the conservation objective is achieved.

Estimated Number of Parcels in Private Ownership	50
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5.0 AC

5.8 recorded
4.3 proposed

CUP 2865R4
 APNs 616-410-006 and 616-110-012
 Whitewater Canyon Conservation Area

(A)	(B)	(C)	(D)	(E)	(F)
Conservation Objective	Total Acres on parcel	Maximum Allowable Disturbance (% of B)	Proposed Disturbance	Pre-1993 Disturbance	Net Proposed Disturbance (D-E)
Arroyo Toad	0	0.0	0	0	0
Conserv Core Habitat for Arroyo Toad	9.5	0.5	9.5	0.2	3.3
Conserv Other Cons. Habitat - White Snail	3.7	0.3	3.7	3.7	0
Conserv Other Cons. Habitat - Montain	4.2	0.3	4.2	4.1	0.1
Conserv Sonoran Cottonwood-Willow Riparian Forest	0	0.0	0	0	0
Conserv Sand Source Areas	0	0.0	0	0	0
Conserv Riparian Sand	9.5	0.5	9.5	0.2	3.3
Conserv Biological	9.5	0.5	9.5	0.2	3.3

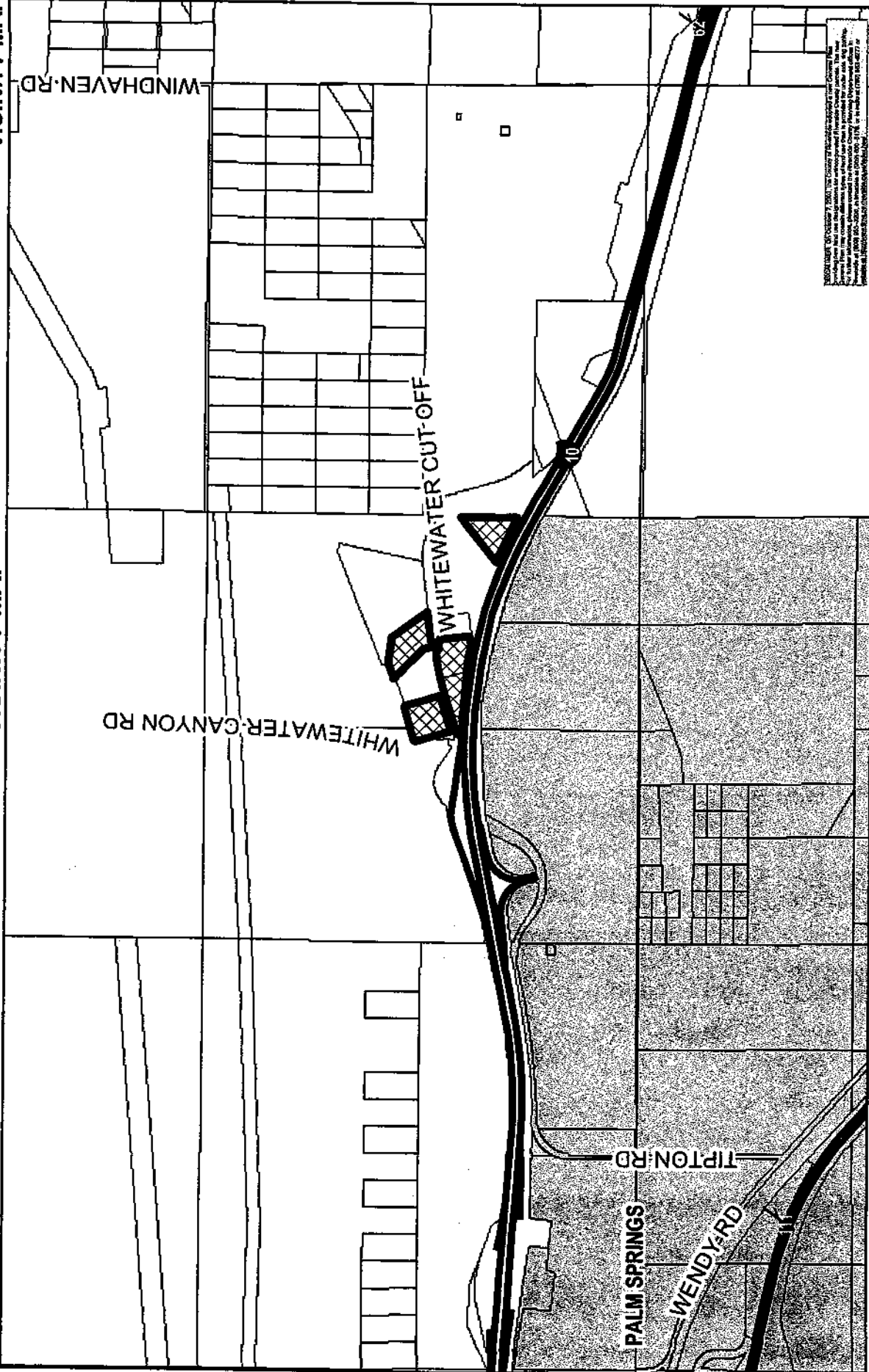
All measurements are in acres

CONSERVATION AREA TAKE ANALYSIS
 ENVIRONMENTAL PROGRAM DEPARTMENT

Supervisor Ashley
District 5
Date Drawn: 2/13/08

CUP02885R4
VICINITY MAP

Planner: Robert Powell
Date: 3/07/08
VICINITY MAP



Zone
Area: Whitewater
Township/Range: T3SR3E
Section : 11

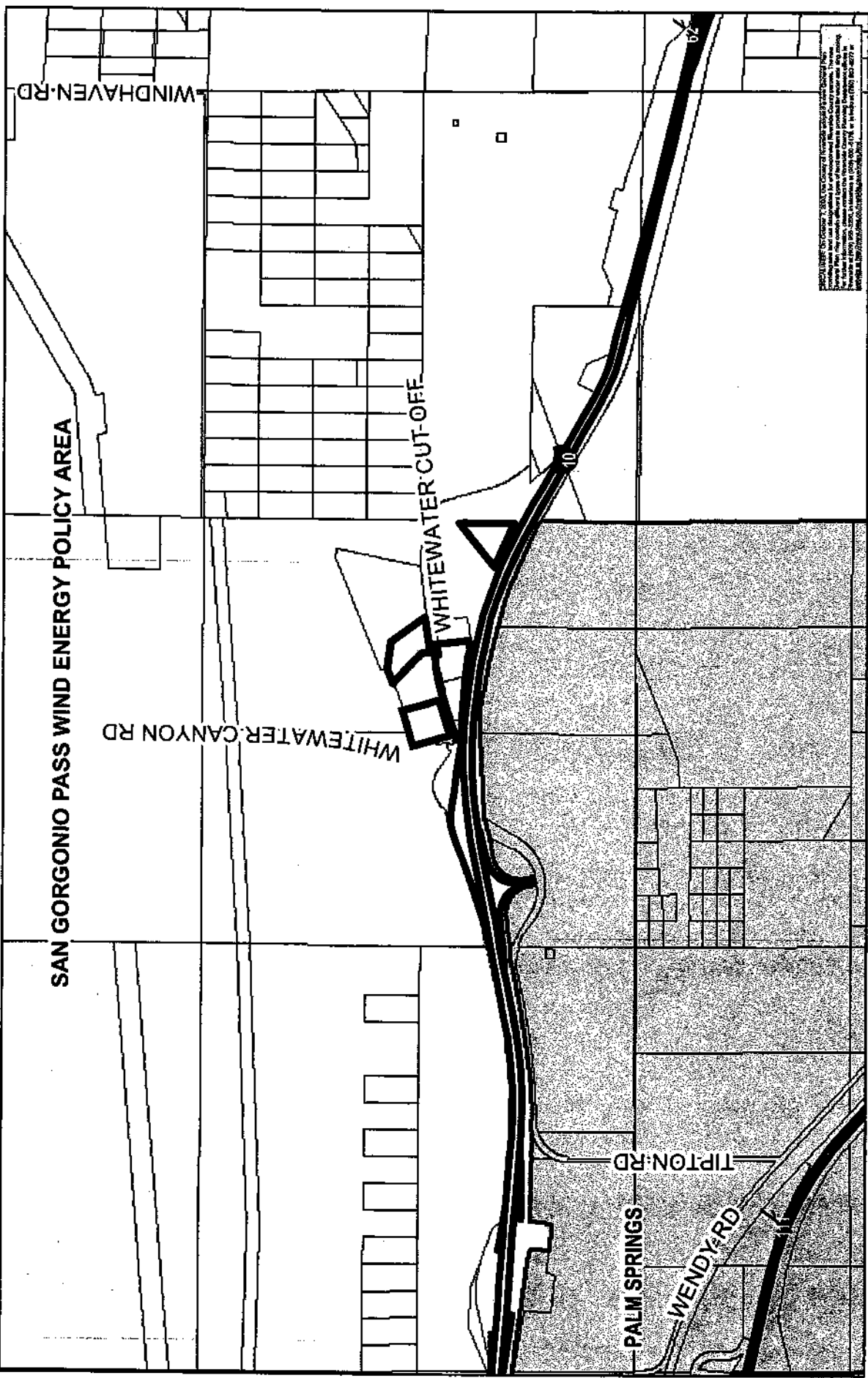
RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors
Bk. Pg. 516-11
Thomas
Bros. Pg. 725 B2

Supervisor Ashley
District 5
Date Drawn: 2/13/08

CUP02885R4 POLICY AREAS

Planner: Robert Powell
Date: 3/07/08
Exhibit 8



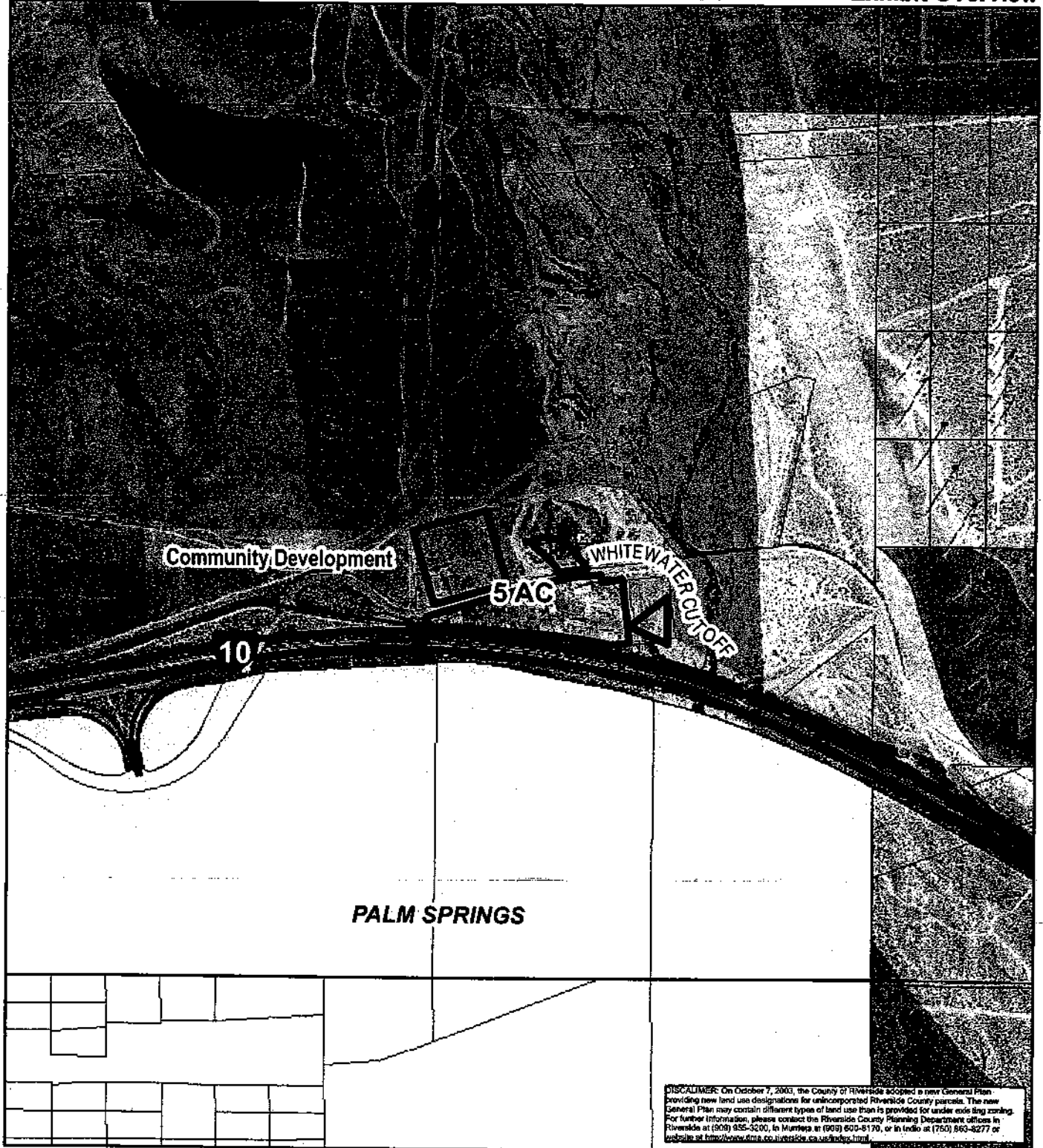
PREPARED BY COUNTY OF RIVERSIDE COUNTY PLANNING DEPARTMENT
This map was prepared for the County of Riverside, California. The County of Riverside Planning Department is not responsible for the accuracy of the information shown on this map. The County of Riverside Planning Department is not responsible for the accuracy of the information shown on this map. The County of Riverside Planning Department is not responsible for the accuracy of the information shown on this map.

RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
Area: Whitewater
Township/Range: T3SR3E
Section: 11

Assessors
Bk. Pg. 516-11
Thomas
Bros. Pg. 725 B2

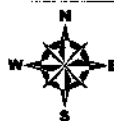




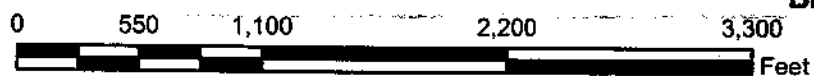
DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (909) 955-3200, in Murrieta at (909) 600-8170, or in Indio at (760) 863-8277 or website at <http://www.ctra.ca.gov/riverside.ca.us/rlp/rlp.html>

RIVERSIDE COUNTY PLANNING DEPARTMENT

Area
Plan: Whitewater
Township/Range: T3SR3E
Section: 11



Assessors
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Bros. Pg. 725 B2

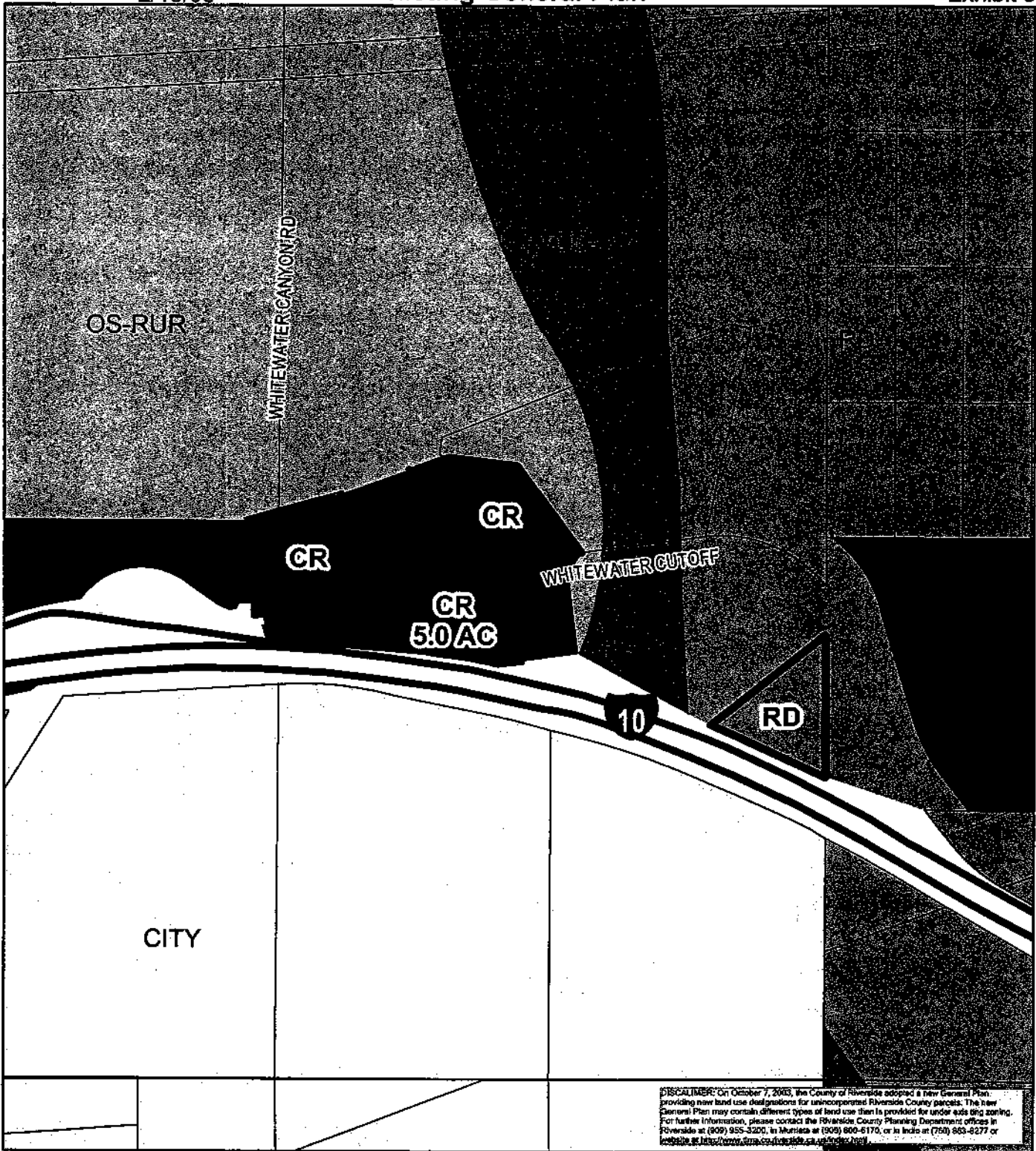


Supervisor Ashley
District 5
Date Drawn: 2/13/08

CUP02885R4

Existing General Plan

Planner: Robert Powell
Date: 3/07/08
Exhibit 5



DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (909) 955-3200, in Murrieta at (909) 600-6170, or in Indio at (760) 963-8277 or info@riversidecountyplanning.com.

RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
Area: Whitewater
Township/Range: T3SR3E
Section: 11



Assessors
Bk.Pg. 516-11
Thomas
Bros. Pg. 725-B2

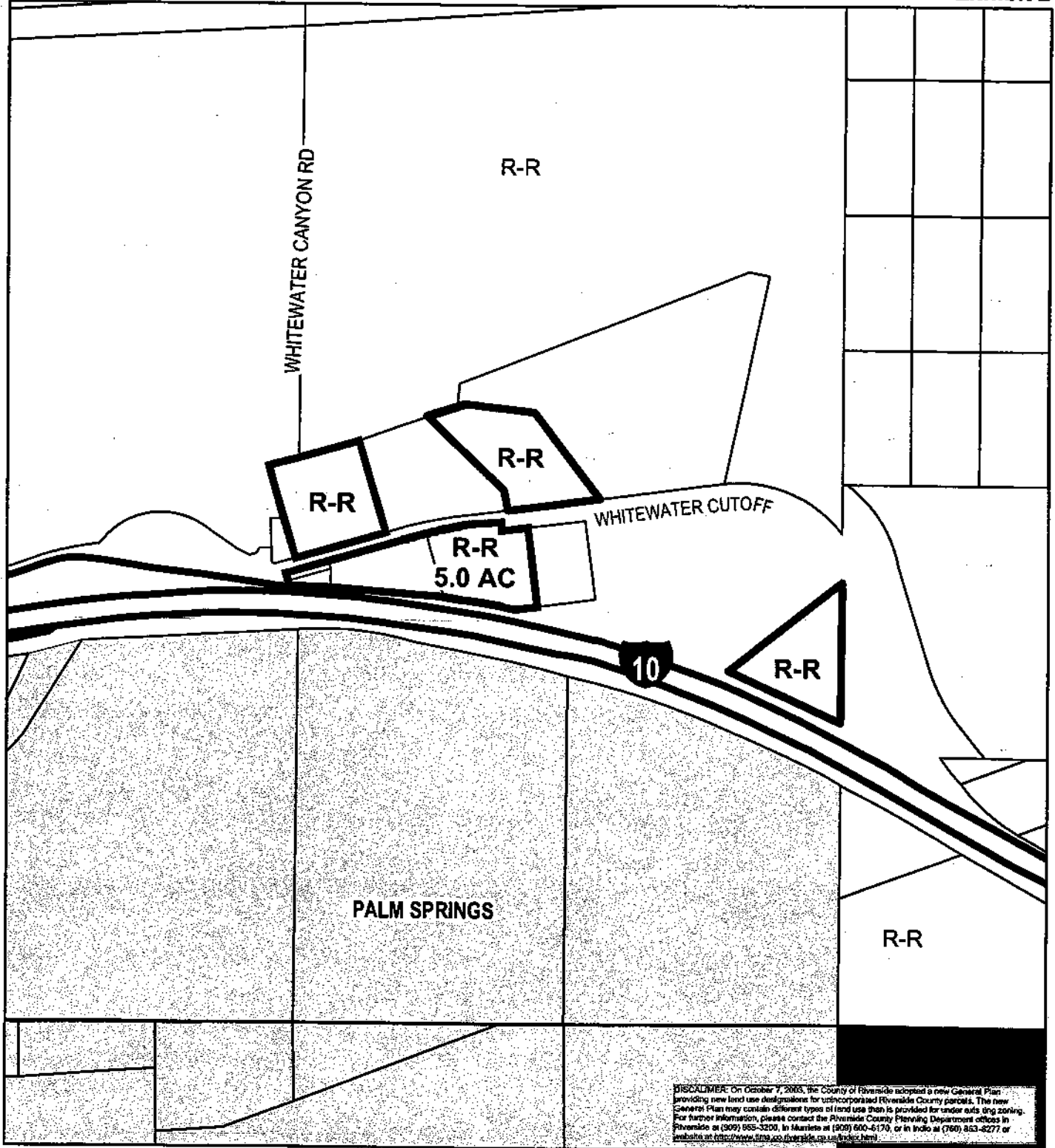


Supervisor Ashley
District 5
Date Drawn: 2/13/08

CUP02885R4

EXISTING ZONING

Planner: Robert Powell
Date: 3/07/08
Exhibit 2



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RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
Area: Whitewater
Township/Range: T3SR3E
Section: 11

Assessors
Bk. Pg. 516-11
Thomas
Bros. Pg. 725 B2

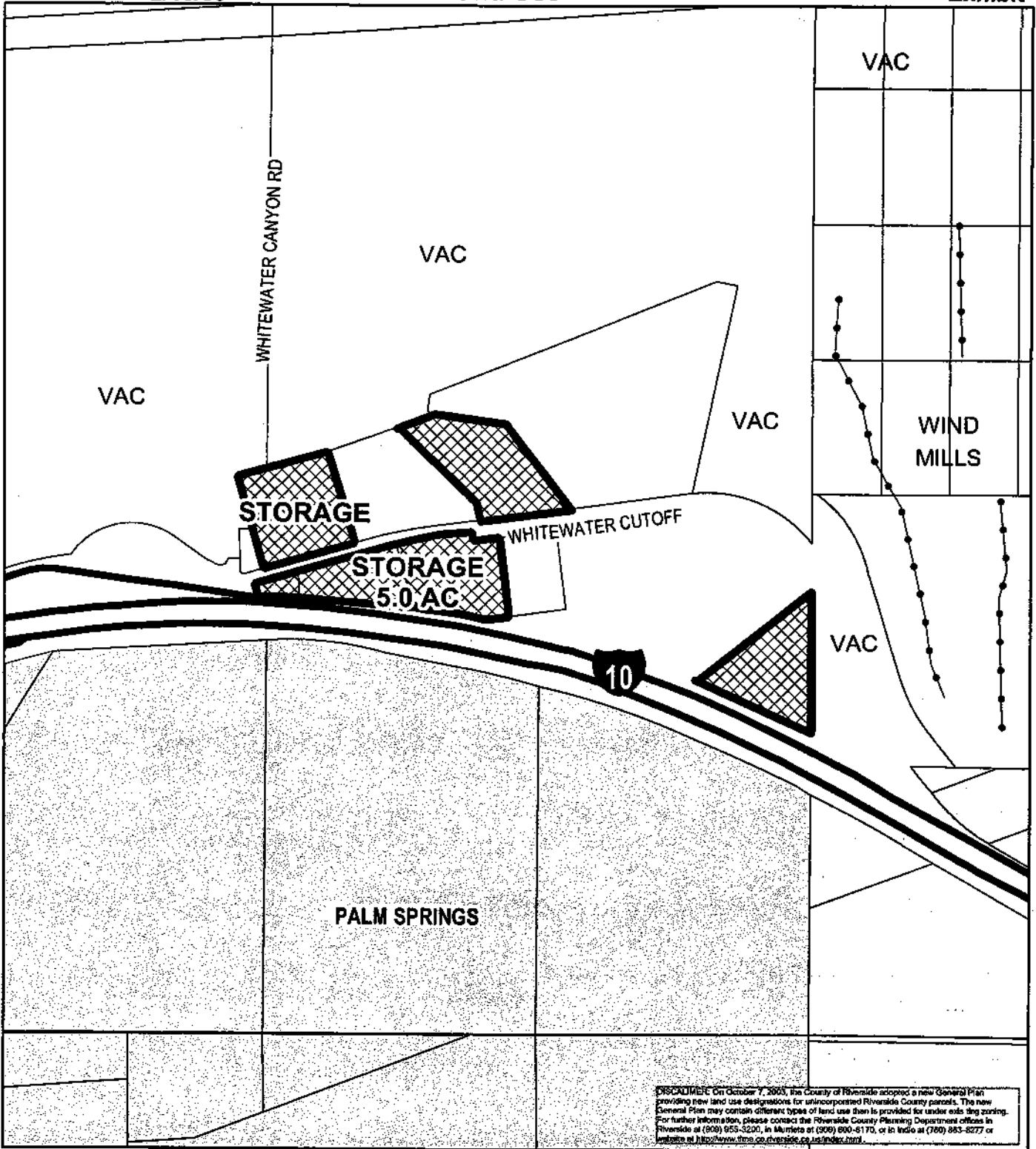


Supervisor Ashley
District 5
Date Drawn: 2/13/08

CUP02885R4

Land Use

Planner: Robert Powell
Date: 3/07/08
Exhibit 1

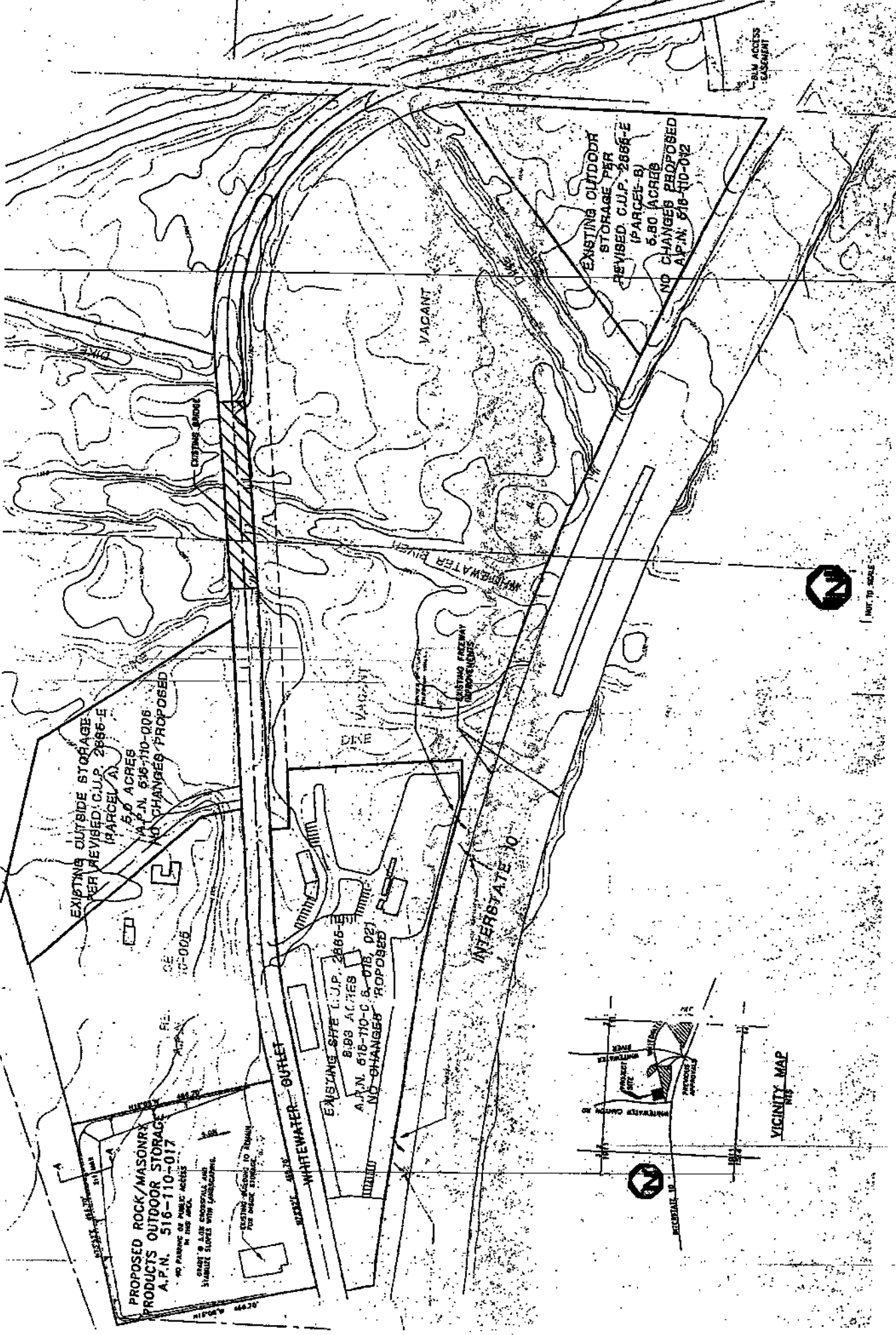


Zone
Area: Whitewater
Township/Range: T3SR3E
Section : 11

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors
Bk. Pg. 516-11
Thomas
Bros. Pg. 725 B2



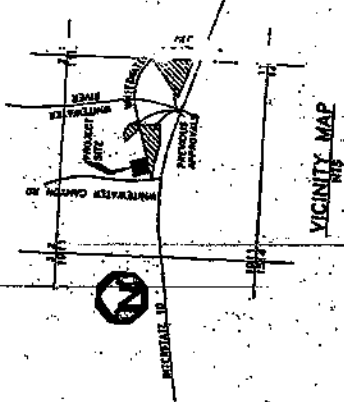


PROPOSED ROCK/MASONRY PRODUCTS OUTDOOR STORAGE
 A.P.N. 516-110-017
 NO PARKING OR PUBLIC ACCESS IN THIS AREA.
 SHALL BE ADEQUATE CROSSFALL AND STABLE SLOPES WITH LANDSCAPING.

EXISTING OUTSIDE STORAGE PER REVISED C.U.P. 2886-E
 PARCEL A
 5.6 ACRES
 A.P.N. 516-110-006
 NO CHANGES PROPOSED

EXISTING SITE C.U.P. 2886-E
 8.98 ACRES
 A.P.N. 516-110-C-5-018, 021
 NO CHANGES PROPOSED

EXISTING OUTDOOR STORAGE PER REVISED C.U.P. 2886-E
 PARCEL-B
 5.80 ACRES
 NO CHANGES PROPOSED
 A.P.N. 516-110-012



1" = 200'