

COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

George A. Johnson · Agency Director

Planning Department

Ron Goldman · Planning Director

July 13, 2009

SUBJECT: Conditional Use Permit No. 2885, Revised Permit No. 4

SECTION: Development Review – Desert Office

TO: Clerk of the Board of Supervisors

FROM: Planning Department

The attached item(s) require the following action(s) by the Board of Supervisors:

- | | |
|---|---|
| ☐ Approve | ☐ Set for Hearing |
| ☐ Deny | ☐ Publish in Newspaper: Press Enterprise |
| ☐ Place on Policy Calendar | ☐ Adopt Mitigated Negative Declaration |
| ☐ Place on Consent Calendar | ☐ 10 Day ☐ 20 Day ☐ 30 day |
| ☒ Place on Administrative Action | ☐ Certify Environmental Impact Report |
| ☐ Place on Section of Initiation Proceeding | ☐ Notify Property Owners |
| ☒ File: NOD and Mit. Neg. Declaration | ☐ Labels provided |
| ☒ Labels provided: Yes | Controversial: ☐ YES ☐ NO |
| ☐ If Set For Hearing: | |
| ☐ 10 Day ☐ 20 Day ☐ 30 day | |

Designate Newspaper used by Planning Department for Notice of Hearing: Press Enterprise

Clerk Of The Board

Please charge your time to case number(s): ZCUP02885R4
ZEA41691

FILE COPY

BOS Sent
7/30/09
RB

Documents to be sent to County Clerk's Office for Posting:

Notice of Determination
Mitigated Negative Declaration
Fish & Game Receipt (CFG5039)

Revised: 07/13/09

T:\11_PLANNING Primary Folder\Planning Cases-Desert Office\CUP02885R4\DH-PC-BOS Hearings\CUP02885R4 11A coversheet.doc

Riverside Office · 4080 Lemon Street, 9th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-3157

Desert Office · 38686 El Cerrito Road
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

RM
7.29.09

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



FROM: TLMA - Planning Department

SUBMITTAL DATE:
June 18, 2009

SUBJECT: CONDITIONAL USE PERMIT NO. 2885, REVISED PERMIT NO. 4 – Intent to Adopt a Mitigated Negative Declaration – Applicant: Paul T. Welsh – Engineering/Representative: Massaro and Welsh – Fifth Supervisorial District – Whitewater Zoning District – Western Coachella Valley Area Plan: Community Development: Commercial Retail (CD-CR) (0.2-0.35 FAR) – Location: Northerly of Interstate 10 and easterly of Whitewater Canyon Road – 23.3 Gross Acres – Zoning: Rural Residential (R-R) – REQUEST: This revised permit to the conditional use permit proposes to expand the storage area of an existing outdoor decorative rock and gravel material sales and supply storage yard from approximately 18.3 acres to approximately 23.3 acres and utilize an existing on-site building for storage purposes.

RECOMMENDED MOTION:

RECEIVE AND FILE the Notice of Decision for the above referenced case acted on by the Planning Commission in La Quinta on June 10, 2009.

The Planning Department recommended Approval; and,
THE PLANNING COMMISSION:

ADOPTED a **MITIGATED NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT NO. 41691**, based on the findings incorporated in the initial study and the conclusion that the project will not have a significant effect on the environment; and,

APPROVED **CONDITIONAL USE PERMIT NO. 2885, REVISED PERMIT NO. 4**, subject to the attached conditions of approval, based upon the findings and conclusions incorporated in the staff report.

Ron Goldman
Planning Director

RG:mb
BMA

DATE _____
Tina Grande
Departmental Concurrence

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

☐ Consent
☐ Consent

Prev. Agn. Ref.

District: Fifth

Agenda Number:

**PLANNING COMMISSION
MINUTE ORDER JUNE 10, 2009
LA QUINTA COUNCIL CHAMBERS**

- I. AGENDA ITEM 7.2: CONDITIONAL USE PERMIT NO. 2885, REVISED PERMIT NO. 4** – Intent to Adopt a Mitigated Negative Declaration – Applicant: Paul T. Welsh - Engineering/Representative: Massaro and Welsh – Fifth Supervisorial District – Whitewater Zoning District – Western Coachella Valley Area Plan: Community Development: Commercial Retail (CD-CR) (0.2-0.35 FAR) – Location: Northerly of Interstate 10 and easterly of Whitewater Canyon Road – 26.3 Gross Acres – Zoning: Rural Residential (R-R) – APN(s): 516-110-006, 012, 017, 018, 021, and 023. (Continued from 4/29/09). (Quasi-Judicial)

II. PROJECT DESCRIPTION

This revised permit to the conditional use permit proposes to expand the storage area of an existing outdoor decorative rock and gravel material sales and supply storage yard from approximately 21.3 acres to approximately 26.3 acres and utilize an existing on-site building for storage purposes. The use also allows the extraction of river boulders as a mining operation on APN No. 616-110-012 which is exempt from the provisions of Ordinance No. 555.

III. MEETING SUMMARY

The following staff presented the subject proposal:

Project Planner, Maurice Borrows, at 760-863-7063 or e-mail mborrows@rctlma.org.

The following spoke in favor of the subject proposal:

Allan Bankus Jr., Applicant, 58645 Old Hwy 60, Whitewater, California 9228

Paul T. Welsh, Applicant, 1572 N. Waterman Ave. #5, San Bernardino, California 92404

No one spoke in a neutral position or in opposition of the subject proposal.

IV. CONTROVERSIAL ISSUES
NONE

V. PLANNING COMMISSION ACTION

The Planning Commission, by a vote of 3-0 (Commissioner Petty and Commissioner Snell Absent), recommended to the Board of Supervisors with modifications to the Conditions of Approval;

ADOPTION of a **MITIGATED NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT NO. 41691** based on the findings incorporated in the initial study and the conclusion that the project will not have a significant effect on the environment; and,

APPROVAL of **CONDITIONAL USE PERMIT NO. 2885, REVISED PERMIT NO. 4** subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.

VI. CD

The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Chantell Griffin, Planning Commission Secretary, at (951) 955-3251 or E-mail at cgriffin@rctlma.org.

Agenda Item No.: 7.2
Area Plan: Western Coachella Valley
Zoning District: Whitewater
Supervisory District: Fifth
Project Planner: Maurice Borrows
Planning Commission: June 10, 2009
Continued From: April 29, 2009

CONDITIONAL USE PERMIT NO. 2885,
REVISED PERMIT NO. 4
E.A. Number: 41691
Applicant: Paul T. Welsh
Engineer/Rep.: Paul T. Welsh

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

The revised conditional use permit proposes to expand the storage area of an existing outdoor rock materials sales yard with accessory office and decorative rock and gravel storage from approximately 17.3 acres to approximately 23.3 acres; and the extraction of river boulders as a mining operation which is exempt from the provisions of Ordinance No. 555 (less than 1,000 cu. yd. limit). This revised permit adds additional outdoor decorative rock and gravel storage area and the use of an existing building for storage purposes. The project site is located northerly of Interstate 10 and easterly of Whitewater Canyon Road in the Whitewater Zoning District.

ISSUES OF POTENTIAL CONCERN:

Approximately 11 acres of the 23.3-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 for "take" was granted by the Board of Supervisor's on April 7, 2009. 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.

The project will add an additional five acres to the existing 17.3-acre site. The applicant proposes to grade the entire five acres to be used for material storage. Additionally, the project includes another 5.8-acre parcel, now impacted by Ordinance No. 875 (mitigation fee for CVMSHCP) which will also be graded and used for material storage. The total acreage for Conditional Use Permit No. 2885R4 which will be disturbed is calculated to be 10.8 acres of the 23.3-acre site.

FURTHER PLANNING CONSIDERATION:

June 10, 2009

Due to a family emergency, the applicant was unable to attend the April 29, 2009 Planning Commission hearing and requested continuance to the June 10, 2009 hearing. The project was continued without discussion.

SUMMARY OF FINDINGS:

1. Existing General Plan Land Use (Ex. #5): Commercial Retail (CR) and Rural Desert (RD)
2. Surrounding General Plan Land Use (Ex. #5): Commercial Retail exists to the west; Open

3. Existing Zoning (Ex. #2):	Space-Rural and Rural Desert exists to the north; Rural Desert exists to the east and City of Palm Springs is located to the south
4. Surrounding Zoning (Ex. #2):	Rural Residential (R-R)
5. Existing Land Use (Ex. #1):	Rural Residential (R-R) to the north, east and west; City of Palm Springs to the south
6. Surrounding Land Use:	Decorative rock/material storage yard
7. Project Data:	Vacant and scattered single family dwellings
8. Environmental Concerns:	23.3 acres; 6 parcels
	See attached environmental assessment

RECOMMENDATIONS:

ADOPTION of a **MITIGATED NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT NO. 41691** based on the findings incorporated in the initial study and the conclusion that the project will not have a significant effect on the environment; and,

APPROVAL of **CONDITIONAL USE PERMIT NO. 2885, REVISED PERMIT NO. 4** subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.

CONCLUSIONS:

1. The proposed project is in conformance with the Community Development: Commercial Retail (CD-CR) Land Use Designation, and with all elements of the Riverside County General Plan.
2. The proposed project is consistent with the Rural Residential (R-R) zoning classification of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
3. The public's health, safety and general welfare are protected through project design.
4. The proposed project is conditionally compatible with the present and future logical development of the area.
5. The proposed project will not have a significant effect on the environment.
6. Additional "take" greater than 8% pursuant to Board Policy A-61 for an outdoor decorative rock and gravel supply storage yard was granted by the Board of Supervisor's on April 7, 2009. 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.
7. The proposed project will not preclude reserve design for the Multi-Species Habitat Conservation Plan (MSHCP).

FINDINGS: The following findings are in addition to those incorporated in the summary of findings, and in the attached environmental assessment, which is incorporated herein by reference.

1. The project site and surrounding lands are designated Commercial Retail (CR) on the Western Coachella Valley Area Plan.
2. The proposed use for decorative rock and gravel storage, and the extraction of river boulders as a mining operation which is exempt from the provisions of Ordinance No. 555 is a permitted use in the Commercial Retail land use designation.
3. The project site is surrounded by properties, which are designated Commercial Retail to the west, Open Space-Rural (OS-RUR) to the north, Rural Desert (RD) to the east and the City of Palm Springs to the south.
4. The zoning for the subject site is Rural Residential (R-R).
5. The proposed use for decorative rock and gravel storage, and the extraction of river boulders as a mining operation which is exempt from the provisions of Ordinance No. 555 is a permitted use, subject to approval of a conditional use permit in the R-R zone.
6. The proposed use for decorative rock and gravel storage and the extraction of river boulders as a mining operation which is exempt from the provisions of Ordinance No. 555 is consistent with the development standards set forth in the R-R zone.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.

12. Domestic water and sewer will be provided by the Desert Water Agency (DWA) as stated in their letter dated October 27, 2008. Domestic water and sanitation shall be provided in conformance with the water and sewer policies of the General Plan.
13. The project is approximately nine miles from a fire station and will provide additional on-site fire protection improvements, such as water system and fire hydrant, in conformance with the fire services policies of the General Plan.
14. The findings of the initial study performed pursuant to Environmental Assessment No. 41691 are incorporated herein by reference and are attached to the staff report. The initial study concluded that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project, described in this document, have been made or agreed to by the project proponent. Also, there is no evidence that the project will have a potential for adverse effects on wildlife resources, and incorporated a mitigation monitoring/reporting program.
15. Environmental Assessment No. 41691 identified the following potentially significant impacts:
 - a. Aesthetics
 - b. Air Quality
 - c. Biological Resources
 - d. Cultural Resources
 - e. Geology /Soils
 - f. Hazards and Hazardous Materials
 - g. Hydrology/Water Quality
 - h. Land Use/Planning
 - i. Transportation/Traffic
 - j. Utilities/Service Systems

These listed impacts will be fully mitigated by the measures indicated in the environmental assessment, conditions of approval, and attached letters. No other significant impacts were identified.

INFORMATIONAL ITEMS:

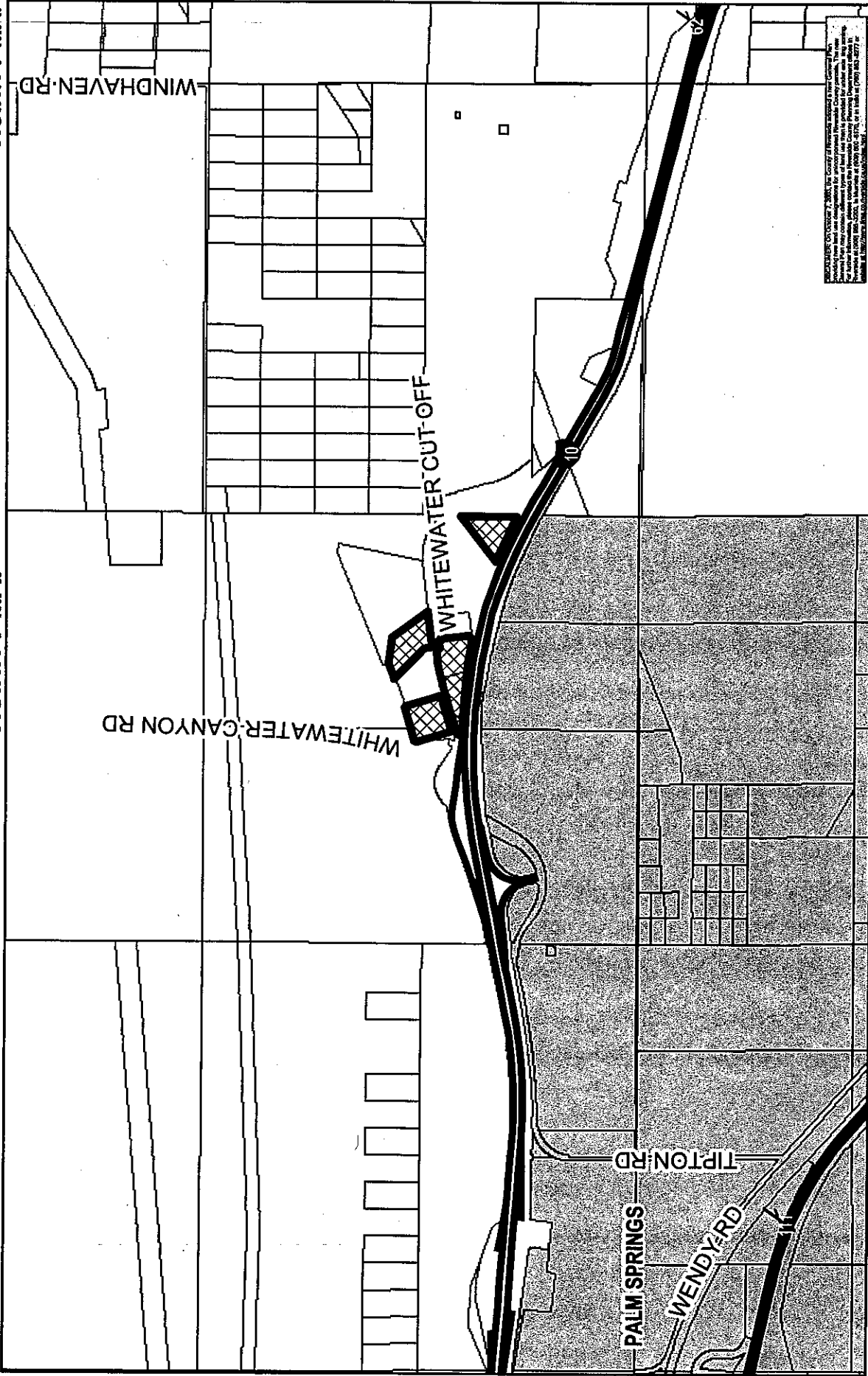
1. As of this writing (5/13/09), no letters in support or in opposition have been received.
2. The project site is not located within:
 - a. Fringe Toed Lizard sand source area
 - b. General Plan Policy Overlay Area
 - c. California Gnatcatcher, Quino Checkerspot Butterfly habitat.
3. The project site is locate within:
 - a. The boundaries of the Palm Springs Unified School District.
 - b. Whitewater Canyon Conservation Area.
 - c. The CVMHSCP fee area.
4. The subject site is currently designated as Assessor's Parcel Numbers 516-110-006, 012, 017, 018, 021, and 023.
5. The project was filed with the Planning Department on January 3, 2008.
6. The project was reviewed by the Land Development Committee three times on the following dates, February 14, 2008; March 13, 2008; April 17, 2008; May 22, 2008; and June 12, 2008.

7. Deposit based fee charged for this project, as of the time of staff report preparation, total \$47,459.73.

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

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



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

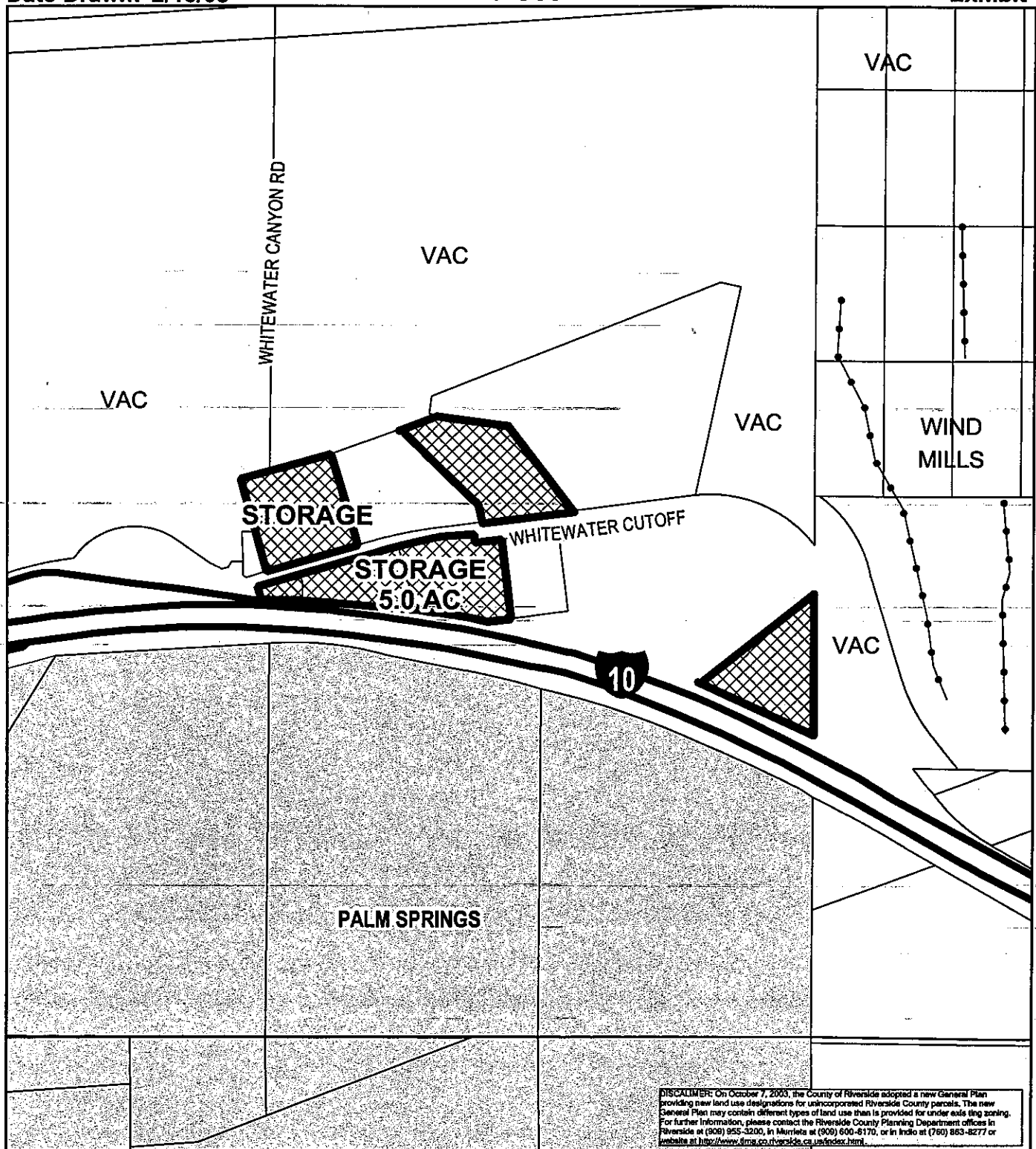


Supervisor Ashley
District 5
Date Drawn: 2/13/08

CUP02885R4

Land Use

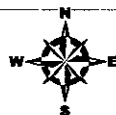
Planner: Robert Powell
Date: 3/07/08
Exhibit 1



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

RIVERSIDE COUNTY PLANNING DEPARTMENT

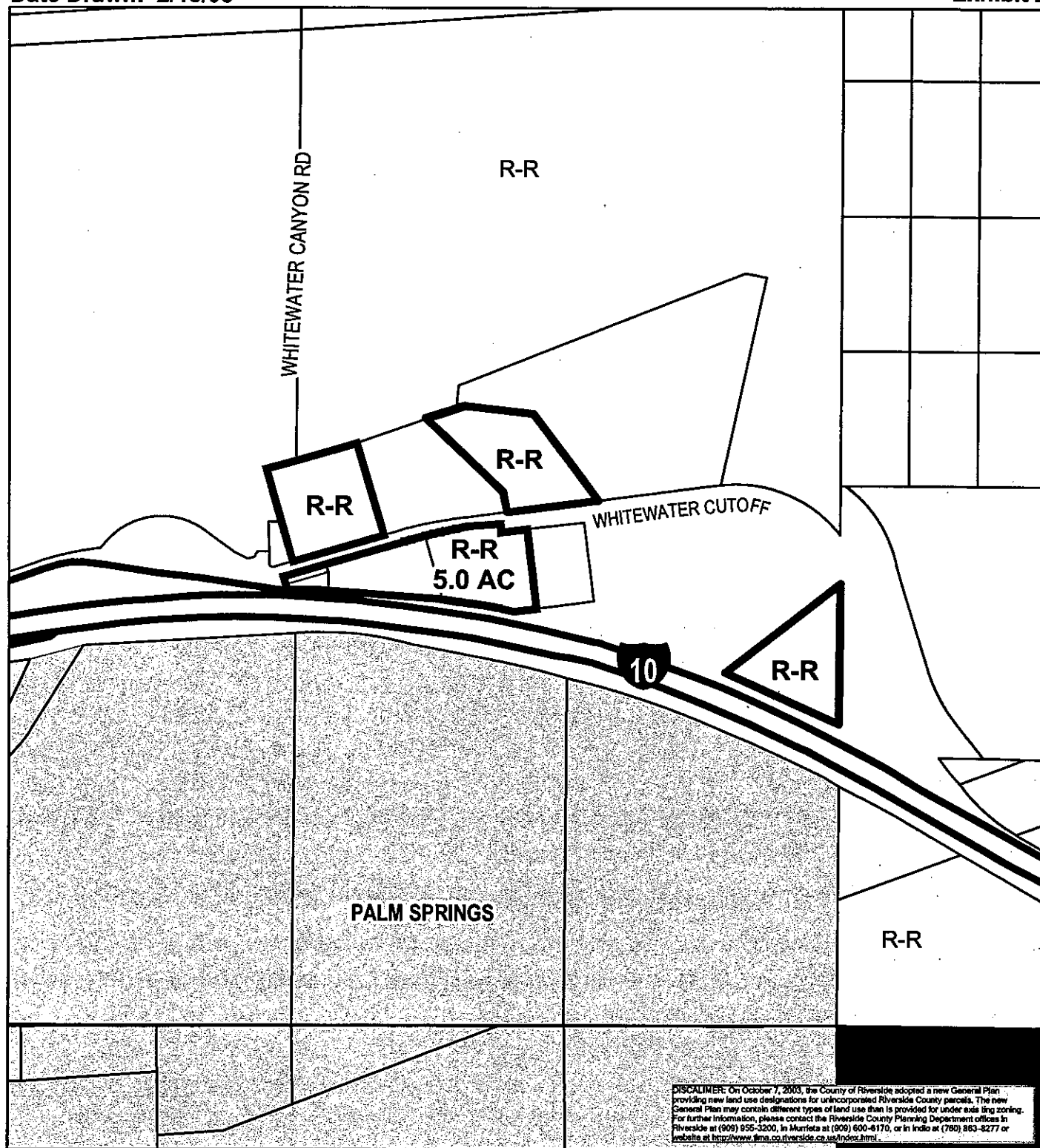
Assessors
Bk. Pg. 516-11
Thomas
Bros. Pg. 725 B2



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

CUP02885R4
EXISTING ZONING

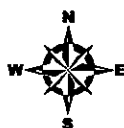
Planner: Robert Powell
Date: 3/07/08
Exhibit 2



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

RIVERSIDE COUNTY PLANNING DEPARTMENT

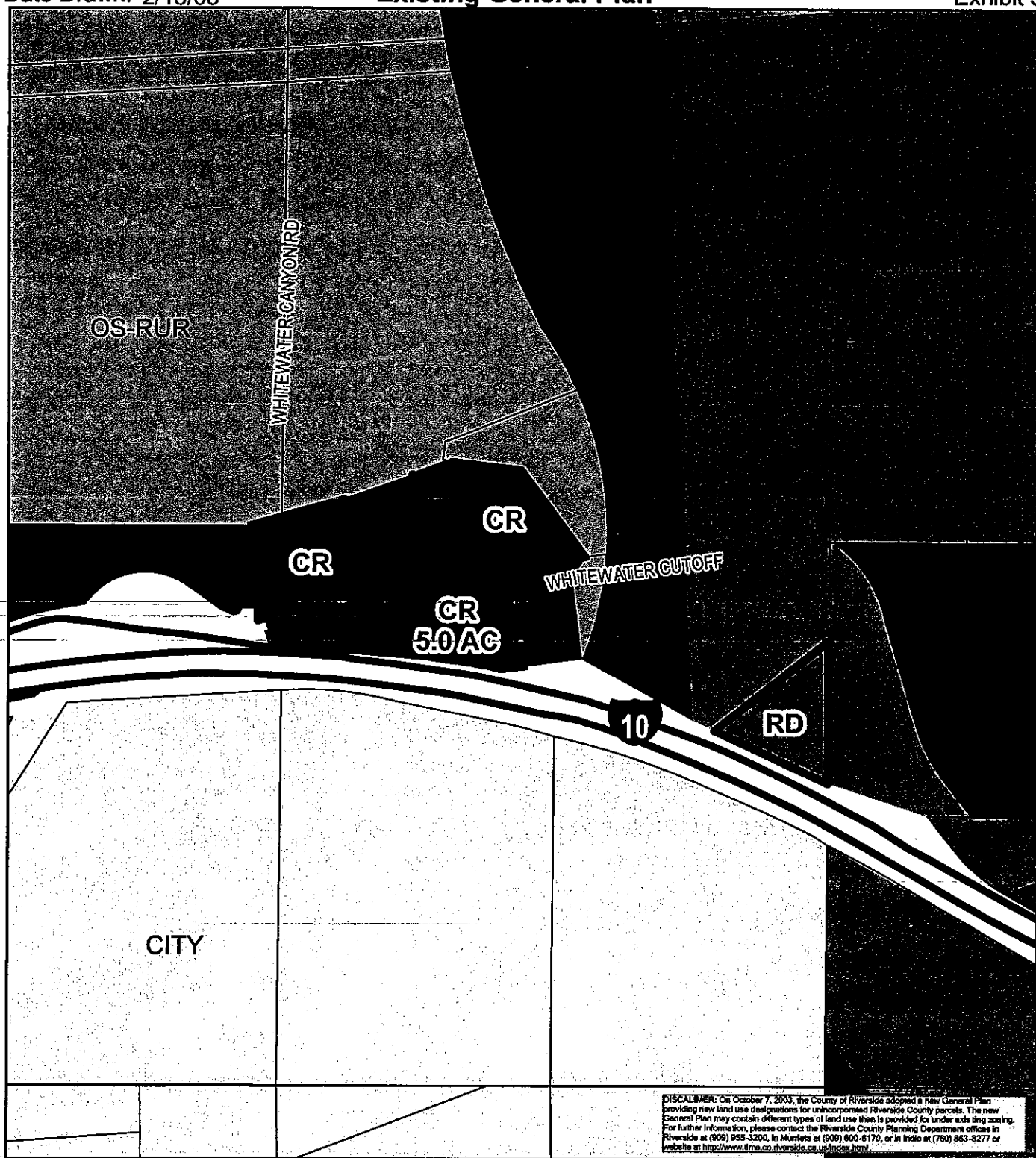
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Supervisor Ashley
District 5
Date Drawn: 2/13/08

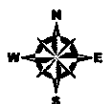
CUP02885R4
Existing General Plan

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



RIVERSIDE COUNTY PLANNING DEPARTMENT

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



Assessors
Bk.Pg. 516-11
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RIVERSIDE COUNTY GIS



COACHELLA VLY MSHCP CONS. AREA

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| PARCELS | HIGHWAY 111/I-10 CONSERVATION AREA | STUBBE AND COTTONWOOD CANYONS CONSERVATION AREA | UPPER MISSION CREEK/BIG MORONGO CANYON CONSERVATION AREA |
| WHITEWATER CANYON CONSERVATION AREA | WHITEWATER FLOODPLAIN CONSERVATION AREA | CITY BOUNDARY | |

IMPORTANT

This information is made available through the Riverside County Geographic Information System. The information is for reference purposes only. It is intended to be used as base level information only and is not intended to replace any recorded documents or other public records. Contact appropriate County Department or Agency if necessary. Reference to recorded documents and public records may be necessary and is advisable.

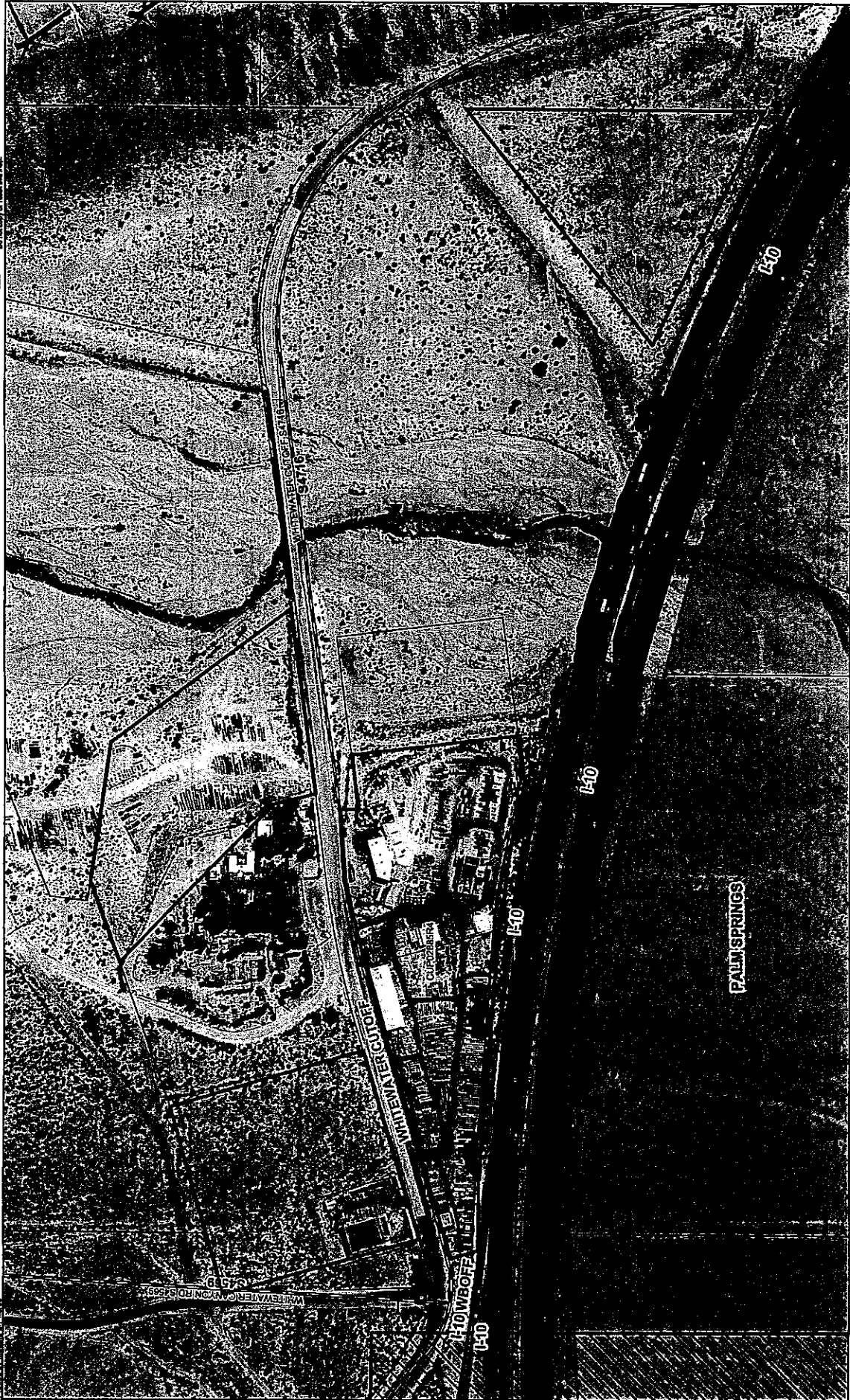
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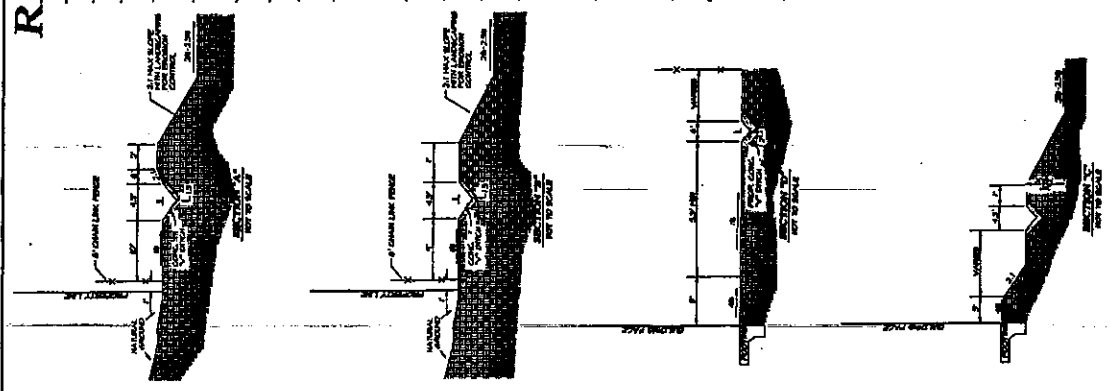
0 100 200 400 Feet
1 inch = 200 feet
Copyright © 2007
Aerial Imagery from 2006



The County of Riverside assumes no responsibility for the accuracy or completeness of the information presented in this map. It is subject to change, modification, and deletion without notice. The County of Riverside does not warrant the accuracy or completeness of the information presented in this map. The County of Riverside does not warrant the accuracy or completeness of the information presented in this map.



VICINITY MAP
NTS



- ① CONSTRUCTION NOTES:
- ② EXISTING METAL STORAGE SHED (NO REMAIN)
- ③ EXISTING WATER TANKS (2) MOVED IN A METAL SHED (NO REMAIN)
- ④ EXISTING ASPHALT PAVEMENT (NO REMAIN)
- ⑤ CONSTRUCT 4.5" DEEP "X" DITCH ALB SHOWN PER DETAIL
- ⑥ THIS STREET
- ⑦ PLACE THAT HAS BEEN ABANDONED FOR MANY YEARS
- ⑧ REMOVED THE EXISTING CONCRETE TOP OF THE WALL

ZONING AND LAND USE:
EXISTING ZONING: R-4
EXISTING LAND USE: C.R.

WATER SERVICE:
MONTANA TIME MUTUAL WATER COMPANY

SEWER: 6.000.000.000

CLASS:

FLUCTUATING
EDISON

**NORMA
TELEPHONE**

CABLE TV:
NONE

SCHOOL DISTRICT:
PALM SPRINGS UNITED
BROOKLYN 1224

PROPERTY AREA
30 ACRES
LIQUEFACTION POTENTIAL

**MODERATE
PAIN:**

FLY MAP PANEL B75 OF 2600
ZONE 'C'

A.P.N. 516-110-017

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7-1-77

TR. SECTION
ATTENTION CUT-OFF ROAD

— 3 —

12/18/88

GROUP 2 DETAIL
NOT TO SCALE

המחלקה לבריאות הציבור

USE PERMIT (CUP) # _____
WATERMASTER NOOK _____

AND SUPPLY COMPANY

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APPENDIX 97:

PAUL T. WELSH, P.T., L.S.
R.C.E. 37304
EXPIRATION DATE: 6/30/10

MASSARO & WELSH
CIVIL ENGINEERS LAND SURVEYORS
1572 N. WATKINS AVE., SUITE 3
SAN BERNARDINO, CA 92404
(909) 843-3365 TELEPHONE
(909) 888-9460 FAX

INTERVIEW FOR:

ILLIAN BARAKAT, JR.
WINTERWATER ROCK AND SUPPLY CO.
19449 OLD HWY. 60
WINTERWATER, CA 92282
760/328-2747

PROJECT:

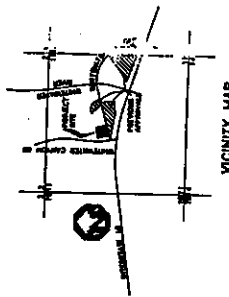
REVISED CONDITIONAL USE PERMIT (CUP) #2885-R4

WHITMETER ROCK
AND SUPPLY COMPANY

SHEET 1 OF 4 SHEET

LEADS + JO + LEADS

SECTION A-6



OWNER/APPLICANT
SOUTHWEST AIRCRAFT SUPPLY CO.
C/O ALLAN E. SMITH
P.O. BOX 204
WHEATSTON, CA 92383
PHOENIX, ARIZ

ASSESSOR'S PARCEL NUMBER

HOIL1P1:3530 T19277

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THOMAS PROS. MAP INFORMATION
1949

ESTIMATING & LAND USE

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UTILITY SURVEYORS
FIELD - REGISTERED SURVEY WATER COMPANY

JUN - JUNE
JULY - JULY
AUGUST - AUGUST
SEPTEMBER - SEPTEMBER
OCTOBER - OCTOBER
NOVEMBER - NOVEMBER
DECEMBER - DECEMBER

SOURCE OF TOPOGRAPHY

PLANT COUNTY JUDGE CORNELIUS
JAMES BROWN - 4 FEET

AREA CALCULATIONS

24. SITE NO. - 23.73 AC NET
STRA. PLANTING - 14,000 SF
STRA. PLANTING - 14,000 SF
STRA. PLANTING - 14,000 SF

DISCUSSION

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AMENDED # 3
 EXHIBIT FILE
 CASE NO. 12-88574

PROJECT: REVISED CONDITIONAL USE PERMIT (CUP) #2885-R4
 SUBMITTER: ROCK AND SUPPLY COMPANY

INTERVIEW WITH:
ALAN MARCUS JR.
WASHINGTON WOOD AND SUPPLY CO.
2814 OLD HWY. 92
INTERVIEWED ON 02/22/82
CWA/MSB-TNAJ

MASSARO & WELSH
CH. ENGINEERS 1400 KEMPSON
1572 N. BAYVIEW AVE., SUITE 2
3400 BILTMORE BLVD. #2404
(408) 833-8268 TELEPHONE
(408) 888-6880 FAX

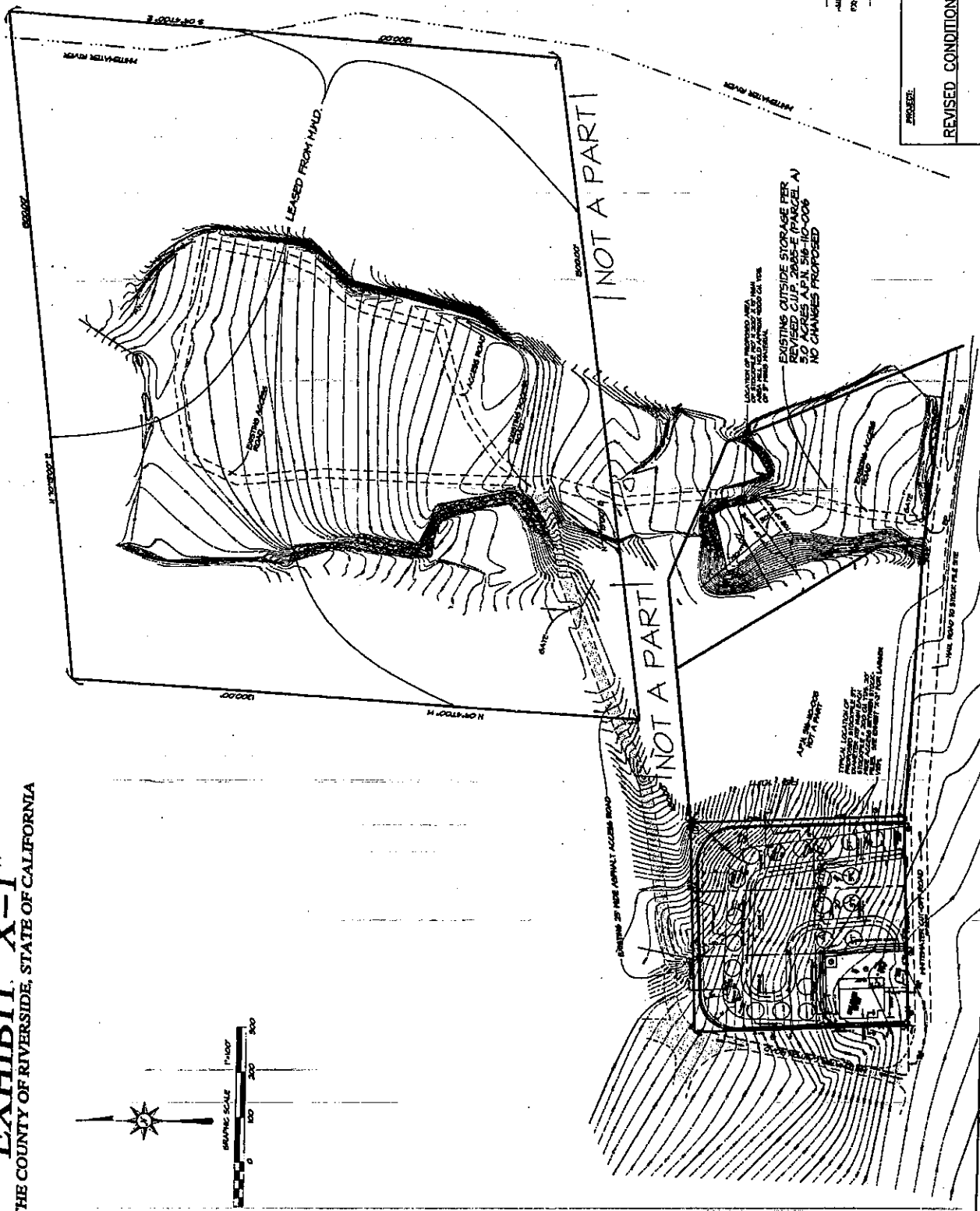
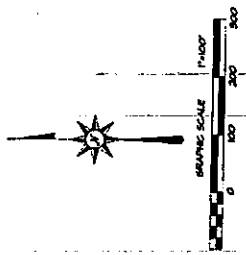
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 24 HRS. TOLL FREE
1-800
227-2400

PAGE 2 OF 4 PAGES

EXHIBIT "X-1"

IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



MASSARO & WELSH
1872 N. WATSON AVENUE, SUITE 2
SAN BERNARDINO, CA 92404
(909) 866-8490 FAX
(909) 866-8255 TELEPHONE
PREPARED: JULY 2008



APPROVED BY: *[Signature]*
DATE: 7/1/08
PROJECT: EXHIBIT "X-1"
CUP NO. 2005-E
NO CHANGES TO 30-10-006
NO CHANGES PROPOSED

EXHIBIT "X-1"
REVISED CONDITIONAL USE PERMIT (CUP) #2885-R4
WATSON ROCK
AND SUPPLY COMPANY
SHEET 3 OF 4 SHEET

COUNTY OF RIVERSIDE

ENVIRONMENTAL ASSESSMENT FORM: INITIAL STUDY

Environmental Assessment (E.A.) Number: 41691

Project Case Type (s) and Number(s): Conditional Use Permit No. 2885, Revised Permit No. 4

Lead Agency Name: County of Riverside Planning Department

Address: 38686 El Cerrito Road, Palm Desert, CA 92211

Contact Person: Maurice Borrows

Telephone Number: 760-863-8277

Applicant's Name: Paul T. Welsh

Applicant's Address: 1572 N. Waterman Avenue, San Bernardino, CA 92404

I. PROJECT INFORMATION

A. **Project Description:** The use hereby permitted is for an outdoor rock materials sales yard with accessory office and decorative rock and gravel storage from approximately 17.3 acres to 23.3 acres; and the extraction of river boulders as a mining operation which is exempt from the provisions of Ordinance No. 555 (less than 1,000 cu. yd. limit). This revised permit adds additional outdoor decorative rock and gravel storage area and the use of an existing building for storage purposes. The project is located within Assessors Parcel Numbers 516-110-006, 012, 017, 018, 021 and 023. The facility is located northerly of Interstate 10 (I-10) and easterly of Whitewater Canyon Road in the Whitewater Zoning District.

B. **Type of Project:** Site Specific ☒; Countywide ☐; Community ☐; Policy ☐.

C. **Total Project Area:** 23.3 Acres

Residential Acres: N/A

Commercial Acres: 5.0

Industrial Acres: N/A

Other: N/A

Lots: N/A

Lots: 6

Lots: N/A

Units: N/A

Sq. Ft. of Bldg. Area: N/A

Sq. Ft. of Bldg. Area: N/A

Projected No. of Residents: N/A

Est. No. of Employees: N/A

Est. No. of Employees: N/A

D. **Assessor's Parcel No(s):** 516-110-006, 012, 017, 018, 021, and 023

E. **Street References:** The project site is located northerly of I-10 and easterly of Whitewater Canyon Road.

F. **Section, Township & Range Description or reference/attach a Legal Description:**
Section 11, Township 3 South, Range 3 East, SBBM

G. **Brief description of the existing environmental setting of the project site and its surroundings:** The site contains 6 lots consisting of an existing rock and building materials sales yard, former telephone exchange building, and an existing material/supply building. Surrounding land use consist of sand and gravel extraction to the north, I-10 Freeway to the south, vacant land to the west, and the Whitewater River channel and existing wind turbines to the east. Existing one-family dwellings are located within the central portion of the project on a parcel which is not a part of this revised conditional use permit.

II. APPLICABLE GENERAL PLAN AND ZONING REGULATIONS

A. **General Plan Elements/Policies:**

1. **Land Use:** The Riverside County General Plan currently designates the project site as "Commercial Retail" and "Rural Desert." The proposed project meets the requirements for the Commercial Retail (CR) and Rural Desert (RD) land use designation and all other applicable land use policies. The project will not conflict with the overall intent of the CR and RD designation; it is a continuation of an existing use.
2. **Circulation:** Adequate circulation facilities exist, are under construction, or will be constructed as part of the proposed project to serve the surrounding area and the project. The proposed project meets with all other applicable circulation policies of the General Plan.
3. **Multipurpose Open Space:** No natural open space land was required to be preserved within the boundaries of this project. The proposed project meets all other applicable Multipurpose Open Space element policies.
4. **Safety:** The proposed project has allowed for sufficient provision of emergency response services to the future business activities of this project. The proposed project will be built per building code regulations (Riverside County Ordinance No. 457) and will meet with all other applicable Safety Element policies.
5. **Noise:** Mitigation against any foreseeable noise sources in the area will be provided for in the design of any future projects. The proposed project meets with all other applicable Noise element policies.
6. **Housing:** The proposed project does not include any housing.
7. **Air Quality:** The proposed project has been conditioned to control any fugitive dust during grading and construction activities. The proposed project meets with all other applicable Air Quality Element policies.

B. General Plan Area Plan(s): Western Coachella Valley

C. Foundation Component(s): Community Development and Rural

D. Land Use Designation(s): Commercial Retail (CR) and Rural Desert

E. Overlay(s), if any: N/A

F. Policy Area(s), if any: The project is located within the mapped Planning Area of the San Geronio Pass Wind Energy Policy Area.

G. Adjacent and Surrounding Area Plan(s), Foundation Component(s), Land Use Designation(s), and Overlay(s) and Policy Area(s), if any:

	Foundation Component	Land Use Designation	Overlay/Policy Area
County of Riverside:			
north	Open Space and Rural	Rural Desert (RR)	N/A
south	City of Palm Springs	City of Palm Springs	N/A
east	Open Space and Rural	Water (W) and Rural Desert (RD)	N/A

west	Community Development and Open Space	Commercial Retail (CR) and Rural (RUR)	N/A
------	--------------------------------------	--	-----

H. Adopted Specific Plan Information

1. Name and Number of Specific Plan, if any: N/A
2. Specific Plan Planning Area, and Policies, if any: N/A

I. Existing Zoning: Rural Residential (R-R)

J. Proposed Zoning, if any: N/A

K. Adjacent and Surrounding Zoning: To the north, south, and east, the land is zoned Rural Residential (R-R) and to the south is the boundary of the City of Palm Springs.

III. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below (x) would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Less than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| ☒ Aesthetics | ☐ Hazards & Hazardous Materials | ☐ Public Services |
| ☐ Agriculture Resources | ☒ Hydrology/Water Quality | ☐ Recreation |
| ☒ Air Quality | ☒ Land Use/Planning | ☒ Transportation/Traffic |
| ☒ Biological Resources | ☐ Mineral Resources | ☒ Utilities/Service Systems |
| ☒ Cultural Resources | ☐ Noise | ☐ Other |
| ☒ Geology/Soils | ☐ Population/Housing | ☐ Mandatory Findings of Significance |

IV. DETERMINATION

On the basis of this initial evaluation:

A PREVIOUS ENVIRONMENTAL IMPACT REPORT/NEGATIVE DECLARATION WAS NOT PREPARED

- ☐ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project, described in this document, have been made or agreed to by the project proponent. **A MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

A PREVIOUS ENVIRONMENTAL IMPACT REPORT/NEGATIVE DECLARATION WAS PREPARED

- ☐ I find that although the proposed project could have a significant effect on the environment, **NO NEW ENVIRONMENTAL DOCUMENTATION IS REQUIRED** because (a) all potentially significant effects of the proposed project have been adequately analyzed in an earlier EIR or Negative Declaration pursuant to applicable legal standards, (b) all potentially significant effects of the proposed

project have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, (c) the proposed project will not result in any new significant environmental effects not identified in the earlier EIR or Negative Declaration, (d) the proposed project will not substantially increase the severity of the environmental effects identified in the earlier EIR or Negative Declaration, (e) no considerably different mitigation measures have been identified and (f) no mitigation measures found infeasible have become feasible.

☐ I find that although all potentially significant effects have been adequately analyzed in an earlier EIR or Negative Declaration pursuant to applicable legal standards, some changes or additions are necessary but none of the conditions described in California Code of Regulations, Section 15162 exist. An **ADDENDUM** to a previously-certified EIR or Negative Declaration has been prepared and will be considered by the approving body or bodies.

☐ I find that at least one of the conditions described in California Code of Regulations, Section 15162 exist, but I further find that only minor additions or changes are necessary to make the previous EIR adequately apply to the project in the changed situation; therefore a **SUPPLEMENT TO THE ENVIRONMENTAL IMPACT REPORT** is required that need only contain the information necessary to make the previous EIR adequate for the project as revised.

☐ I find that at least one of the following conditions described in California Code of Regulations, Section 15162, exist and a **SUBSEQUENT ENVIRONMENTAL IMPACT REPORT** is required: (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) Substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any the following: (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration; (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR or negative declaration; (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives; or, (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR or negative declaration would substantially reduce one or more significant effects of the project on the environment, but the project proponents decline to adopt the mitigation measures or alternatives.

Maurice Borrows
Signature

April 8, 2009
Date

Maurice Borrows
Printed Name

For Ron Goldman, Planning Director

V. ENVIRONMENTAL ISSUES ASSESSMENT

In accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000-21178.1), this Initial Study has been prepared to analyze the proposed project to determine any potential significant impacts upon the environment that would result from construction and implementation of the project. In accordance with California Code of Regulations, Section 15063, this Initial Study is a preliminary analysis prepared by the Lead Agency, the County of Riverside, in consultation with other jurisdictional agencies, to determine whether a Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report is required for the proposed project. The purpose of this Initial Study is to inform the decision-makers, affected agencies, and the public of potential environmental impacts associated with the implementation of the proposed project.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
AESTHETICS Would the project				
1. Scenic Resources	☐	☒	☐	☐
a) Have a substantial effect upon a scenic highway corridor within which it is located?	☐	☒	☐	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and unique or landmark features; obstruct any prominent scenic vista or view open to the public; or result in the creation of an aesthetically offensive site open to public view?	☐	☐	☐	☒

Source: Riverside County General Plan Figure C-7 "Scenic Highways"

Findings of Fact: The project is adjacent to Interstate 10 (I-10) which is listed as a scenic corridor in the RCIP. The pre-existing rock and gravel supply yard would be highly visible from I-10 and from the existing residential property close to the site. The existing project straddles the Whitewater Cut-off Road with two parcels on the north side and four parcels located on the south side. The existing site contains a material supply building (Whitewater Repeater Station), an existing block wall along the southern boundary adjacent to the I-10 Freeway. Additional landscaping and keeping pile heights at seven feet will reduce visual impacts below a significant level.

The Whitewater Repeater Station building, located within the project boundaries, has been determined to be eligible for the California Register of Historic Resources, for its historical integrity of location, design, materials, workmanship, feeling and association. The building was constructed in 1930. No modifications or alterations are permitted to the exterior of this building that would adversely impact the historical integrity or the surrounding yard area within the existing perimeter fence. Because the Whitewater Repeater Station has been determined to meet the California Register of Historical Resources criteria for a significant historical site, the landscape plans for the Station yard area shall include a stone plaque with the name "Whitewater Repeater Station 1930" incised into the stone and positioned in the southwest corner of the yard area visible to the public upon approach. The stone plaque shall be large enough to rest on the ground and still be visible to the public. The proposed use of the interior of the building is for storage purposes only of bagged decorative rock material, and shall not have a negative impact to the building.

The California Desert is a recreational resort area attracting substantial numbers of tourists and travelers. Desert area residents in the past have expressed concerns regarding obstructions of scenic vistas or views open to the public, including views of surrounding mountains. No landmark or unique features are part of the project. Due to the nature of the project as a commercial development, the project will create visual impacts to the surrounding area, especially to visitors travelling along I-10.

Visual impacts would be reduced with site improvements including new landscaping, and dust control. The size, height and type of on-site advertising shall be the minimum necessary for identification and shall be approved pursuant to Ordinance No. 348 standards.

The property shall be required to conform to appropriate property maintenance standards. Construction related rubbish and debris shall be removed as provided by Section 1(F) of Ordinance No. 457.

Mitigation: Compliance with the conditions of approval on file in the County Land Management System (LMS), including 10 .PLANNING. 22- Outdoor Storage Regulation.

Monitoring: Monitoring to be provided by the Building and Safety and Planning Departments and through Ordinance Nos. 348 and 457.

2. Mt. Palomar Observatory

a) Interfere with the nighttime use of the Mt. Palomar Observatory, as protected through Riverside County Ordinance No. 655?

☐ ☒ ☐ ☐

Source: GIS database, Ord. No. 655 (Regulating Light Pollution)

Findings of Fact: The project is within 45 miles of the Mt. Palomar Observatory (Zone B) and light and glare from this project may reduce the usefulness of or interfere with the night time use of this major astronomical facility.

Mitigation: Compliance with Ordinance No. 655 as contained in condition of approval in the LMS, specifically 10 .PLANNING. 19 – Mt. Palomar Lighting Area.

Monitoring: Monitoring to be provided by the Building and Safety Department and by the California Institute of Technology, or other responsible organization, associated with the maintenance of the Mt. Palomar Observatory and through Ordinance No. 655.

3. Other Lighting Issues

a) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

☐ ☐ ☒ ☐

b) Expose residential property to unacceptable light levels?

☐ ☐ ☐ ☒

Source: On-site Inspection, Project Application Description

Findings of Fact: The project will introduce new sources of nighttime light and glare into the area from street lighting, as well as outdoor lighting from other project-related uses. Spill of light onto surrounding properties, and "night glow" can be reduced by using hoods and other design features on light fixtures used within the proposed project. Inclusion of these design features in the project will be required through standard County conditions of approval, plan checks, permitting procedures, and code enforcement. Potential impacts associated with substantial light glare are reduced to below the level of significance through these standard County practices and procedures.

Mitigation: None required

Monitoring: None required

AGRICULTURE RESOURCES Would the project

4. Agriculture

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

☐ ☐ ☐ ☒

b) Conflict with existing agricultural use, or a Williamson Act (agricultural preserve) contract (Riv. Co.

☐ ☐ ☐ ☒

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Agricultural Land Conservation Contract Maps)?

c) Cause development of non-agricultural uses within 300 feet of agriculturally zoned property (Ordinance No. 625 "Right-to-Farm")?

☐ ☐ ☐ ☒

d) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

☐ ☐ ☐ ☒

Source: Riverside County General Plan Figure OS-2 "Agricultural Resources," GIS database, and Project Application Materials.

Findings of Fact: The project is not directly affected by agriculture programs and land use standards of the RCIP. The project site is not designated as prime, statewide important, unique, or locally important farm land. The project is not adjacent to or within 300 feet of agricultural zones (A-1, A-2, C/V, A-D and A-P). The project is not located within or adjacent to an agricultural preserve established pursuant to the Williamson Act.

Mitigation: None required

Monitoring: None required

AIR QUALITY Would the project

5. Air Quality Impacts

a) Conflict with or obstruct implementation of the applicable air quality plan?

☐ ☒ ☐ ☐

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

☐ ☒ ☐ ☐

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

☐ ☐ ☐ ☒

d) Expose sensitive receptors which are located within 1 mile of the project site to project substantial point source emissions?

☐ ☐ ☐ ☒

e) Involve the construction of a sensitive receptor located within one mile of an existing substantial point source emitter?

☐ ☐ ☐ ☒

f) Create objectionable odors affecting a substantial number of people?

☐ ☐ ☐ ☒

Source: SCAQMD CEQA Air Quality Handbook Table 6-2

Findings of Fact: The project affects air quality issues as defined by the Air Quality Element of the RCIP, the threshold criteria of the Air Quality Handbook, 1993, South Coast Air Quality Management District and the 1990 SIP for PM10. While the project may exceed certain threshold criteria, this is not considered significant due to applied mitigation. Building construction shall comply with energy use guidelines in Title 24, CAC. The project shall comply with the applicable requirements of Ordinance No. 742 (PM10 Control in Urban Areas) and Installation of shade trees within the project area to reduce heat and act as wind barriers. Blowsand concerns are addressed in Section 19, below.

This approval process will address the short term (construction) impacts to air quality with the submittal of individual PM10 programs that comply with State and Federal Air regulations for the precise grading plans for this development application.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Mitigation: Compliance with the conditions of approval on file in the LMS, including 10 BS GRADE 1 – "PM10 Mitigation Plan" and 60 .PLANNING. 1 – "PM 10 Mitigation Plan."

Monitoring: Monitoring to be provided by the Building and Safety Department, Planning Department and affected state agencies and through Ordinance Nos. 457, 564 and 742

BIOLOGICAL RESOURCES Would the project

6. Wildlife & Vegetation

a) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan?

☐	☒	☐	☐
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b) Have a substantial adverse effect, either directly or through habitat modifications, on any endangered, or threatened species, as listed in Title 14 of the California Code of Regulations (Sections 670.2 or 670.5) or in Title 50, Code of Federal Regulations (Sections 17.11 or 17.12)?

☐	☒	☐	☐
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c) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Wildlife Service?

☐	☒	☐	☐
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d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?

☐	☐	☒	☐
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e) 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 Game or U. S. Fish and Wildlife Service?

☐	☐	☐	☒
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f) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

☐	☐	☐	☒
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g) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

☐	☒	☐	☐
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Source: GIS database, CVMSHCP, On-site Inspection

Findings of Fact: The project site lies within the mitigation fee area of the Coachella Valley Multi-Species Habitat Conservation Plan (CVMSHCP) and mitigation fees will be paid through Ordinance 875. The project also lies within the fee area for the Coachella Valley Multi-Species Habitat Conservation Plan (CVMSHCP). Two of the six parcels that comprise this project are located within the Whitewater Canyon Conservation Area. The Environmental Programs Department conducted a site visit and collaborated with the GIS Department and concluded that majority of the site disturbances within the conservation areas are pre-1996, however, post 1996 disturbance does affect the intent of the CVMSHCP.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The property contains several overlapping habitat types as part of the CVMSHCP. A request for additional "Take" was granted by the Board of Supervisors on April 7, 2009. The purpose of this request is to grant extra "Take" greater than the 8% allowance for commercial use pursuant to Board Policy A-61.

Mitigation: Compliance with the measures set forth by the above referenced Habitat Conservation Plan, as required, and so contained in the conditions of approval on file in the LMS, including 10 .PLANNING. 21 – "Ordinance 875 CVMSHCP Fee" and 60 .EPD. 1 – "Burrowing Owl Preconstruction Survey."

Monitoring: Monitoring to be provided by the Building and Safety Department through Ordinance No. 875.

CULTURAL RESOURCES Would the project

7. Historic Resources

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Alter or destroy an historic site? | ☐ | ☒ | ☐ | ☐ |
| b) Cause a substantial adverse change in the significance of a historical resource as defined in California Code of Regulations, Section 15064.5? | ☐ | ☒ | ☐ | ☐ |

Source: On-site Inspection, Project Application Materials

Findings of Fact: The site currently contains an existing rock and gravel supply yard and contain six structures one of which is deemed as a significant historic resources. The Whitewater Repeater Station building, located within the project boundaries, has been determined to be eligible for the California Register of Historic Resources, constructed in 1930, for its historical integrity of location, design, materials, workmanship, feeling and association. No modifications or alterations are permitted to the exterior of this building that would adversely impact the historical integrity or the surrounding yard area within an existing perimeter fence. The proposed project would not cause substantial adverse change in the significance of a historical resource as defined in California Code of Regulations, Section 15064.5.

Site inspection concluded that prehistoric cultural resources are "low" for the site; however, the project area has the potential to contained buried cultural resources. In the event of an accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, State Health and Safety Code Section 7050.5 state that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to Public Resources Code Section 5097.98.

Mitigation: Compliance with conditions of approval on file in the LMS, including 10 .PLANNING. 23 – "If Human Remains Found" and 10 .PLANNING. 24 – "Inadvertent Archaeological Find."

Monitoring: Monitoring to be provided by the Building and Safety Department.

8. Archaeological Resources

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Alter or destroy an archaeological site. | ☐ | ☒ | ☐ | ☐ |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to California Code of Regulations, Section 15064.5? | ☐ | ☐ | ☒ | ☐ |
| c) Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☐ | ☐ | ☒ |
| d) Restrict existing religious or sacred uses within the potential impact area? | ☐ | ☐ | ☐ | ☒ |

Source: Project Application Materials

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Findings of Fact: No historic, prehistoric sites or isolated artifacts were detected during the pedestrian survey of the project site. The project proposes to add storage area for rock and masonry products. Future construction and earth disturbance shall need to comply with the conditions of approval as mitigation to any archaeological impacts.

Mitigation: Compliance with conditions of approval on file in the LMS, including 10 .PLANNING. 23- "If Human Remains Found" and 10 .PLANNING. 24 - "Inadvertent Archaeological Find."

Monitoring: Monitoring to be provided by the Building and Safety Department.

9. Paleontological Resources

a) Directly or indirectly destroy a unique paleontological resource, or site, or unique geologic feature?

☐	☐	☐	☒
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Source: Riverside County General Plan Figure OS-8 "Paleontological Sensitivity"

Findings of Fact: The site exhibits relatively flat topography and has a low probability of containing non-renewable paleontological resources and the nature of the proposed grading will not likely encounter buried paleontological resources. No unique geological feature exists within the project boundaries.

Mitigation: None required

Monitoring: None required

GEOLOGY AND SOILS Would the project

10. Alquist-Priolo Earthquake Fault Zone or County Fault-Hazard Zones

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death?

☐	☒	☐	☐
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b) Be subject to rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

☐	☒	☐	☐
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Source: Riverside County General Plan Figure S-2 "Earthquake Fault Study Zones," GIS database, Geologist Comments

Findings of Fact: The geology report for the proposed project state that the entire site is located within the State Earthquake Fault Zone associated with the San Andres and Garnett Hill Fault. A mapped fault trace is depicted through the site and appears to be closely linked to the scrap area observed on the northeasterly portion of the property. The report concluded that potential for ground rupture on the site is high. Thus, no habitable structures are planned for this project site.

The project will be required to implement the site-specific recommendations in the recommendations presented in Geo-No. 2049 such as the proposed development must be designed in accordance with the requirements of the latest edition of the Uniform Building Code (UBC) or the California Building Code (CBC). The UBC/CBC provides procedures for earthquake-resistant structural design that include considerations for on-site soil conditions, seismic zoning, occupancy, and the configuration of the structure including the structural system and height.

If habitable structures are planned in the future, then, additional detailed geotechnical investigations and recommendations should be provided to the County of Riverside for review and acceptance prior to any approval for on-site construction and improvements.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Mitigation: Compliance with conditions of approval on file in the LMS, including 10 .PLANNING. 25 – "Geo02049"

Monitoring: Monitoring to be provided by the Building and Safety Department.

11. Liquefaction Potential Zone

a) Be subject to seismic-related ground failure, including liquefaction?

☐ ☐ ☐ ☒

Source: Riverside County General Plan Figure S-3 "Generalized Liquefaction"

Findings of Fact: Except for the potential for strong seismic shaking, the potential for the site to be affected by other secondary seismic hazards such as liquefaction is also considered nil as groundwater is anticipated to be greater than 450 feet beneath the existing ground surface.

Mitigation: None required

Monitoring: None required

12. Ground-shaking Zone

Be subject to strong seismic ground shaking?

☐ ☐ ☒ ☐

Source: Riverside County General Plan Figure S-4 "Earthquake-Induced Slope Instability Map," and Figures S-13 through S-21 (showing General Ground Shaking Risk)

Findings of Fact: Project development would be conditionally compatible within the subject ground shaking zone subject to compliance with the Uniform Building Code and Ordinance No. 457, as required prior to issuance of building permits. Site parameters indicate that there is a 10 % probability that a site acceleration of 0.83 g will be exceeded in a 50-year period. To reduce the risks associated with seismically-induced ground shaking, engineered design and earthquake-resistant construction increases safety and allows development in seismic areas. The UBC requires the developer to take the location and type of subsurface materials into consideration when designing or retrofitting foundations and structures for a particular site.

Only the water tank and shed at the top of the slope may be affected by slope instability. The existing buildings on site has a low impact for human habitat inside the buildings, thus, no detailed geologic study is needed.

Mitigation: None required

Monitoring: None required

13. Landslide Risk

a) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, collapse, or rockfall hazards?

☐ ☐ ☐ ☒

Source: On-site inspection, Riverside County General Plan Figure S-5 "Regions Underlain by Steep Slope"

Findings of Fact: The project is not affected by landslide or rockfall risks as the project site is relatively level and not adjacent to any cliffs or boulder covered slopes.

Mitigation: None required

Monitoring: None required

14. Ground Subsidence

a) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in ground subsidence?

☐ ☐ ☐ ☒

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Source: Resolution No. 94-125

Findings of Fact: Land subsidence occurs when large amounts of ground water have been withdrawn from certain types of rocks, such as fine-grained sediments. The rock compacts because the water is partly responsible for holding the ground up. When the water is withdrawn, the rocks fall in on itself. The project will not be affected by ground subsidence.

Mitigation: None required

Monitoring: None required

15. Other Geologic Hazards

a) Be subject to geologic hazards, such as seiche, mudflow, or volcanic hazard?

☐	☐	☐	☒
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Source: On-site Inspection, Project Application Materials

Findings of Fact: Except for the potential for strong seismic shaking, the potential for the site to be affected by other secondary seismic hazards such as seiche/tsunami, liquefaction, subsidence, land sliding or seismically induced flooding is also considered low.

Mitigation: None required

Monitoring: None required

16. Slopes

a) Change topography or ground surface relief features?

☐	☐	☒	☐
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b) Create cut or fill slopes greater than 2:1 or higher than 10 feet?

☐	☐	☐	☒
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c) Result in grading that affects or negates subsurface sewage disposal systems?

☐	☐	☐	☒
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Source: Riv. Co. 800 Scale Slope Maps, Project Application Materials

Findings of Fact: The project is not affected by significant topography, surface features, or slopes. The elevation varies slightly on the site, which is largely flat in nature. The Environmental Health Department will review for any impacts to subsurface sewage disposal systems, if proposed for the project, prior to the issuance of construction permits as required by Ordinance No. 457 and conditions of that department on file in the LMS.

Mitigation: None required

Monitoring: None required

17. Soils

a) Result in substantial soil erosion or the loss of topsoil?

☐	☐	☒	☐
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b) Be located on expansive soil, as defined in 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?

☐	☐	☐	☒
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Source: U.S.D.A. Soil Conservation Service Soil Surveys, Project Application Materials, On-site Inspection

Findings of Fact: The project will not result in substantial soil erosion or loss of topsoil, and is not located on expansive soil. However, at the completion of grading, the building pad soils should be tested to confirm the expansion characteristics of the graded site relative to the footing and slab design provisions.

Mitigation: None required

Monitoring: None required

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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18. Erosion

a) Change deposition, siltation, or erosion that may modify the channel of a river or stream or the bed of a lake?

☐ ☒ ☐ ☐

b) Result in any increase in water erosion either on or off site?

☐ ☒ ☐ ☐

Source: U.S.D.A. Soil Conservation Service Soil Surveys

Findings of Fact: The proposed project is in relatively flat terrain. The site is adjacent to a river, stream, or lake bed. Therefore, the project will result in a significant change in disposition, siltation or erosion. The County's SCA and BMPs in conjunction with the SWPPP will minimize the potential for erosion and siltation during construction.

Mitigation: Compliance with conditions of approval on file in the LMS, including 70 .BS GRADE. 1- "Compaction Report" and 80 .BS GRADE. 1 - BP 3.0.A Certificate and Compaction Report."

Monitoring: Monitoring to be provided by the Building and Safety Department.

19. Wind Erosion and Blowsand from project either on or off site.

☐ ☒ ☐ ☐

a) Be impacted by or result in an increase in wind erosion and blowsand, either on or off site?

Source: Riverside County General Plan Figure S-8 "Wind Erosion Susceptibility Map," Ord. 460, Sec. 14.2 & Ord. 484

Findings of Fact: The project would be influenced by wind erosion and blowsand issues during project grading. Blowsand is a maintenance concern as it creates drifting sand dunes and also acts as an abrasive on metal, glass and wood surfaces such as cars, windows, and siding of existing homes. Air quality and PM10 concerns are addressed in Section No. 5, above.

Mitigation: Compliance with the Building Department's Grading Section's requirements as contained within the conditions of approval on file in the LMS. Soil stabilization methods shall be utilized to control wind and water erosion on graded but undeveloped portions of the project site as provided by conditions of approval on file in the LMS, including 10 .PLANNING. 12- Prevent Dust & Blowsand.

Monitoring: Monitoring to be provided by the Building and Safety Department, and through Ordinance Nos. 348 and 457.

HAZARDS AND HAZARDOUS MATERIALS Would the project

20. Hazards and Hazardous Materials

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

☐ ☐ ☒ ☐

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

☐ ☐ ☒ ☐

c) Impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan?

☐ ☐ ☒ ☐

d) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

☐ ☐ ☐ ☒

e) Be located on a site which is included on a list of

☐ ☐ ☐ ☒

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Source: Project Application Materials

Findings of Fact: The project is for the continuation of a rock and gravel supply yard. Utility easements of record shall be observed and unauthorized disturbance shall be prohibited as provided by law. No known hazardous waste site exists on or near the project site. The nearest school is located approximately five miles from the project site.

Mitigation: None required

Monitoring: None required

21. Airports

a) Result in an inconsistency with an Airport Master Plan?

☐ ☐ ☐ ☒

b) Require review by the Airport Land Use Commission?

☐ ☐ ☐ ☒

c) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

☐ ☐ ☐ ☒

d) For a project within the vicinity of a private airstrip, or heliport, would the project result in a safety hazard for people residing or working in the project area?

☐ ☐ ☐ ☒

Source: Riverside County General Plan Figure S-19 "Airport Locations," GIS database

Findings of Fact: The project site is not within an airport influence area. The project is not inconsistent with an Airport Master Plan and does not require review by the Airport Land Use Commission. The project is not adjacent to or significantly influenced by a private airstrip or heliport.

Mitigation: None required.

Monitoring: None required.

22. Hazardous Fire Area

a) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

☐ ☐ ☐ ☒

Source: Riverside County General Plan Figure S-11 "Wildfire Susceptibility," GIS database

Findings of Fact: The project is not located within a High Fire Area identified by Ordinance No. 546.

Mitigation: None required.

Monitoring: None required.

HYDROLOGY AND WATER QUALITY Would the project

23. Water Quality Impacts

a) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?

☐ ☒ ☐ ☐

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
c) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
d) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
e) Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
f) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
g) Otherwise substantially degrade water quality?	☐	☐	☒	☐
h) Include new or retrofitted stormwater Treatment Control Best Management Practices (BMPs) (e.g. water quality treatment basins, constructed treatment wetlands), the operation of which could result in significant environmental effects (e.g. increased vectors and odors)?	☐	☐	☒	☐

Source: Riverside County Flood Control District Flood Hazard Report/Condition

Findings of Fact: The project may have an effect on water quality issues identified in the RCIP, such as erosion-sedimentation, "nonpoint source" pollution and agricultural runoff. The project is located close to the Whitewater River and it is protected from the Whitewater River flows by an existing California Department of Transportation Levee that direct flows under Interstate 10 and towards Palm Springs. Projects five acres or greater in size, individually or cumulatively, are subject to NPDES regulations, including provisions for best management practices, both during and after construction activities. The project will require water service as provided by the Desert Water Agency (White Water Mutual Water Company), the water server draws groundwater by local wells in the area and the proposed development will use these supplies, however, the demand of the project will be individually minimal on regional groundwater resources.

The project shall provide for water conservation as provided by the building code and by the applicable water-efficient landscaping requirements of Article XIXf of Ordinance No. 348, and through Planning Department review of landscaping and irrigation plans required by conditions of approval on file in the LMS.

Mitigation: The project shall comply with the requirements for water service by the Desert Water Agency (for the Whitewater Mutual Water Company), as contained in the conditions of approval in LMS including 10 .PLANNING. 26 – DWA Letter and 10 FLOOD 2 – Flood Hazard Report.

Monitoring: The monitoring will be provided by the Building and Safety Department.

24. Floodplains

Degree of Suitability in 100-Year Floodplains. As indicated below, the appropriate Degree of Suitability has been checked.

NA - Not Applicable ☒

U - Generally Unsuitable ☐

R - Restricted ☐

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☒	☐	☐
b) Changes in absorption rates or the rate and amount of surface runoff?	☐	☒	☐	☐
c) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam (Dam Inundation Area)?	☐	☐	☒	☐
d) Changes in the amount of surface water in any water body?	☐	☐	☐	☒

Source: Riverside County General Plan Figure S-9 "100- and 500-Year Flood Hazard Zones," Figure S-10 "Dam Failure Inundation Zone," Riverside County Flood Control District Flood Hazard Report/Condition, GIS database

Findings of Fact: According to the Riverside County Flood Hazard Report, the proposed storage area is subject to some sheet flow runoff from the hills to the north. The entire site is located within the delineated Flood Zone C on the federal Insurance Rate Maps. Approximately 120 acres is tributary to the site's northern boundary. Typical for desert sites located at the base of hills, high debris potential is expected. Thus, a V-ditch is proposed along the north, west and east perimeters. Maintenance of this V-ditch will be the responsibility of the owner/developer. Should significant debris-laden storm runoff flow over the V-ditch and enter the site, the materials located in the storage area may be damaged. The finished-floor elevation of the existing storage building located in the proposed storage area is well elevated above the adjacent ground and considered flood proofed. However, a storm of unusual magnitude could cause damage.

Mitigation: The project shall comply with the requirements for flood protection by Riverside County Flood Control District, as contained in the conditions of approval in LMS including 10 .FLOOD RI. 2 – Flood Hazard Report.

Monitoring: The monitoring will be provided by the Building and Safety Department.

LAND USE/PLANNING Would the project

25. Land Use

a) Result in a substantial alteration of the present or planned land use of an area?	☐	☐	☒	☐
b) Affect land use within a city sphere of influence and/or within adjacent city or county boundaries?	☐	☒	☐	☐

Source: RCIP, GIS database, Project Application Materials

Findings of Fact: Majority of the site is designated Commercial Retail (CR) and an approximately 5-acre portion is designated as Rural Desert (RD) in the Western Coachella Valley Area Plan. CR land use designation allows commercial retail and service uses. RD land use designation allows compatible resource development. The proposed project is consistent with this existing General Plan designation as shown on Figure 9, Riverside County General Plan Land Use Designations.

The proposed project is adjacent to Interstate 10 and is located close to the City of Palm Springs (across Interstate 10). No comments were received from the City of Palm Springs in response to transmitted plans for review and comment.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project's proponent has been operating a rock and gravel business in this area since 1966 when CUP No. 863, located north of the project site was approved for a rock crusher plant. CUP2885 was approved in 1987 for a rock and gravel sales yard on 6.9 acres. The project was given a 20-year life.

Further expansion continued and CUP No. 2885R1 was approved in 1993 for the expansion of the existing rock and gravel sales yard to include rock and boulder storage outdoors and the extraction of river boulders. Approximately 11 acres were added to the project site. In 19996 CUP No. 2885R2 was approved and included the previous uses, in addition, an accessory sales office and ½ acre was added to the permit. The permit was given an 11-year life to be expired in 2007.

CUP No. 2885R3 was approved in 2001 for the expansion of the rock and gravel storage yard from 17 acres to 23 acres and to utilize an existing building (Whitewater Repeater Station) for material storage. The Whitewater Repeater Station building, located within the project boundaries, has been determined to be eligible for the California Register of Historic Resources, constructed in 1930, for its historical integrity of location, some of the setting, design, materials, workmanship, feeling and association. No modifications or alterations are permitted to the exterior of this building that would adversely impact the historical integrity or the surrounding yard area within an existing perimeter fence.

CUP2885R3 was approved without a life limitation (no life). However, the permit was not used within the specified time period, thus, it expired and the applicant has since applied for CUP No. 2885R4 for the identical uses that were approved for CUP No. 2885R4.

The project would allow alterations to the present land use of the area by expanding and existing rock and gravel supply yard from seventeen to twenty-three acres. The alteration would not be significant with mitigation measures as the rock and gravel supply yard and has been previously established with fencing, parking, landscaping, and limiting the pile height for material storage outdoors.

See also discussion under Sections I and II, herein, as it relates to project land use, zoning and general plan consistency.

Mitigation: Compliance with requirements of ordinance and conditions to ensure land use compatibility, on file in the LMS, including 10 .PLANNING. 1 – Compliance with Ordinances/Codes, 10 .PLANNING. 22 – Outdoor Storage Regulation and 60 .PLANNING. 3 – Whitewater Repeater Station.

Monitoring: Monitoring to be provided by Planning Department and Building and Safety Department through Ordinance No. 348.

26. Planning

a) Be consistent with the site's existing or proposed zoning?	☐	☐	☐	☒
b) Be compatible with existing surrounding zoning?	☐	☐	☐	☒
c) Be compatible with existing and planned surrounding land uses?	☐	☐	☐	☒
d) Be consistent with the land use designations and policies of the Comprehensive General Plan (including those of any applicable Specific Plan)?	☐	☐	☐	☒
e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?	☐	☐	☒	☐

Source: Riverside County General Plan Land Use Element, Staff review, GIS database

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Findings of Fact: Conditional Use Permit No. 2885, Revision Number 4 is a proposal to expand the storage area of a rock and gravel supply yard from seventeen to twenty-three acres just north of Palm Springs and along Interstate 10 Freeway. The zoning at the project site is Rural Residential (R-R) for all six parcels that constitute this project.

The project will be consistent with the R-R zoning designation as the mining operation is exempt from California Surface Mining and Reclamation Act of 1975 and the rock and gravel supply yard is a permitted use with the approval of a conditional use permit. All applicable development standards are being met as shown on submitted plans and project application materials.

The project does not divide and will not disrupt the physical arrangement of the existing community or the cities of Palm Springs. Impacts are considered less than significant.

Mitigation: None required

Monitoring: None required

MINERAL RESOURCES Would the project

27. Mineral Resources

a) Result in the loss of availability of a known mineral resource in an area classified or designated by the State that would be of value to the region or the residents of the State?

☐	☐	☐	☒
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b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land-use plan?

☐	☐	☐	☒
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c) Be an incompatible land use located adjacent to a State classified or designated area or existing surface mine?

☐	☐	☐	☒
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d) Expose people or property to hazards from proposed, existing or abandoned quarries or mines?

☐	☐	☐	☒
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Source: Riverside County General Plan Figure OS-5 "Mineral Resources Area"

Findings of Fact: The project site is not designated as a mineral resource zone or contains potential mineral resources; the project is not located adjacent to an existing or abandoned mine or quarry.

Mitigation: None required

Monitoring: None required

NOISE Would the project result in

Definitions for Noise Acceptability Ratings

Where indicated below, the appropriate Noise Acceptability Rating(s) has been checked.

NA - Not Applicable

A - Generally Acceptable

B - Conditionally Acceptable

C - Generally Unacceptable

D - Land Use Discouraged

28. Airport Noise

a) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport would the project expose people residing or working in the project area to excessive noise levels?

☐	☐	☐	☒
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NA ☐ A ☐ B ☐ C ☐ D ☐

b) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the

☐	☐	☐	☒
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Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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project area to excessive noise levels?

NA ☐ A ☐ B ☐ C ☐ D ☐

Source: Riverside County General Plan Figure S-19 "Airport Locations," County of Riverside Airport Facilities Map

Findings of Fact: The project site is not located within an airport influence area or private airstrip.

Mitigation: None required

Monitoring: None required

29. Railroad Noise

NA ☐ A ☐ B ☐ C ☐ D ☐

Source: Riverside County General Plan Figure C-1 "Circulation Plan", GIS database, On-site Inspection

Findings of Fact: The project site is located approximately ¼ mile from an active railroad line but the nature of the use is commercial and is considered compatible with railroad noise element which is considered moderate in the RCIP.

Mitigation: None required

Monitoring: None required

30. Highway Noise

NA ☐ A ☐ B ☐ C ☐ D ☐

Source: On-site Inspection, Project Application Materials

Findings of Fact: The project is influenced by noise issues as identified in the General Plan, Noise Section, the nearest highway (I-10) is approximately ¼ mile to the south of the project site, but the nature of the use is commercial and is considered compatible with highway noise element which is considered moderate in the RCIP.

Mitigation: None required

Monitoring: None required

31. Other Noise

NA ☐ A ☐ B ☐ C ☐ D ☐

Source: Project Application Materials, GIS database

Findings of Fact: No other noise sources have been identified near the project site that would contribute a significant amount of noise to the project.

Mitigation: None required

Monitoring: None required

32. Noise Effects on or by the Project

a) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

b) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

c) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

d) Exposure of persons to or generation of excessive

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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ground-borne vibration or ground-borne noise levels?

Source: Project Application Materials

Findings of Fact: The proposed project is for the continuation of an existing outdoor rock and material storage/sale yard. The project will increase the ambient noise level in the immediate vicinity and the general ambient noise level will increase slightly after project completion, the impacts are not considered significant. All noise generated during project operation must comply with the County's noise standards, which restricts construction (short-term) and operational (long-term) noise levels. The project will not expose any person to excessive ground-borne vibration or ground-borne noise levels.

Mitigation: None required

Monitoring: None required

POPULATION AND HOUSING Would the project

33. Housing

a) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

☐ ☐ ☒ ☐

b) Create a demand for additional housing, particularly housing affordable to households earning 80% or less of the County's median income?

☐ ☐ ☐ ☒

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

☐ ☐ ☐ ☒

d) Affect a County Redevelopment Project Area?

☐ ☐ ☐ ☒

e) Cumulatively exceed official regional or local population projections?

☐ ☐ ☐ ☒

f) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

☐ ☐ ☐ ☒

Source: Project Application Materials, GIS database, Riverside County General Plan Housing Element

Findings of Fact: There are no existing habitable residences on the site, thus the project will not displace existing housing. The site is not located in a County Redevelopment Area. The project could encourage additional residential developments in the area, but the development would have to be consistent with the land uses designated with the General Plan; therefore, the project would not cumulatively exceed regional or local population projections.

Mitigation: None required

Monitoring: None required

PUBLIC SERVICES Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

34. Fire Services

☐ ☐ ☒ ☐

Source: Riverside County General Plan Safety Element

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Findings of Fact: The project area is serviced by the Riverside County Fire Department. Any significant effects will be mitigated by the payment of standard fees to the County of Riverside. The project will not directly physically alter existing facilities or result in the construction of new physically altered facilities. Any construction of new facilities required by the cumulative effects of this project and surrounding projects would have to meet all applicable standards. This project has been conditioned to comply with County Ordinance No. 659 in order to mitigate the potential effects to fire services. This is a standard condition of approval and pursuant to CEQA is not considered mitigation.

Mitigation: None required

Monitoring: None required

35. Sheriff Services

☐	☐	☒	☐
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Source: RCIP, Sheriff's letter dated March 7, 2008

Findings of Fact: The proposed area is serviced by the Riverside County Sheriff's Department. The proposed project would not have an incremental effect on the level of sheriff services provided in the vicinity of the project area. Any construction of new facilities required by the cumulative effects of this project and surrounding projects would have to meet all applicable environmental standards. This project has been conditioned to comply with County Ordinance No. 659 in order to mitigate the potential effects to sheriff services.

Mitigation: None required

Monitoring: None required

36. Schools

☐	☐	☒	☐
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Source: Palm Springs Unified School District correspondence, GIS database

Findings of Fact: The project will not physically alter existing facilities or result in the construction of new or physically altered facilities. The proposed project is located within the boundary of the Palm Springs Unified School District. Any construction of new facilities required by the cumulative effects of this project and surrounding projects would have to meet all applicable environmental standards. This project has been conditioned to comply with school mitigation impact fees in order to mitigate the potential effects to school services.

Mitigation: None required

Monitoring: None required

37. Libraries

☐	☐	☒	☐
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Source: RCIP

Findings of Fact: The project will not physically alter existing facilities or result in the construction of new or physically altered facilities. Development fees required by the Riverside County Ordinance No. 659 may be used at the County's discretion to provide additional library facilities. Any construction of new facilities required by the cumulative effects of this project and surrounding projects would have to meet all applicable environmental standards. This project has been conditioned to comply with County Ordinance No. 659 in order to mitigate the potential effects to library services.

Mitigation: None required

Monitoring: None required

38. Health Services

☐	☐	☒	☐
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Source: RCIP

Findings of Fact: The use of the approximately 23-acre site would not cause an impact on health services. The site is located within the service parameters of County health centers. The project will not physically alter existing facilities or result in the construction of new or physically altered facilities. The presence of medical communities generally corresponds with the increase in population

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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associated with the new development. Any construction of new facilities required by the cumulative effects of this project and surrounding projects would have to meet all applicable environmental standards.

Mitigation: None required

Monitoring: None required

RECREATION

39. Parks and Recreation

a) Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

☐	☐	☐	☒
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b) Would the project include the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

☐	☐	☐	☒
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c) Is the project located within a C.S.A. or recreation and park district with a Community Parks and Recreation Plan (Quimby fees)?

☐	☐	☐	☒
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Source: GIS database, Ord. No. 460, Section 10.35 (Regulating the Division of Land – Park and Recreation Fees and Dedications), Ord. No. 659 (Establishing Development Impact Fees), Parks & Open Space Department Review

Findings of Fact: The proposed project will not require the construction or expansion of recreational facilities. Therefore, there are no impacts associated with recreational facilities.

The project is not located within a C.S.A. or recreation and park district. The proposed project is not subject to Quimby Fees (Section 10.35 of Ordinance No. 460) as these fees only apply to residential developments. Therefore, there will be no impacts associated with recreational facilities.

Mitigation: None required

Monitoring: None required

40. Recreational Trails

☐	☐	☐	☒
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Source: Riv. Co. 800 Scale Equestrian Trail Maps, Open Space and Conservation Map for Western County trail alignments

Findings of Fact: The proposed project is not required to provide recreational trails within the project area nor along the adjacent roadways. The project proponent will be required to pay development impact fees pursuant to Riverside County Ordinance No. 659, which includes a component for the development of Regional Multipurpose Trails. Compliance with this regulatory requirement reduces the project's impact to below the level of significance.

Mitigation: None required

Monitoring: None required

TRANSPORTATION/TRAFFIC Would the project

41. Circulation

☐	☒	☐	☐
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a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in inadequate parking capacity?	☐	☐	☐	☒
c) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated road or highways?	☐	☒	☐	☐
d) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
e) Alter waterborne, rail or air traffic?	☐	☐	☐	☒
f) Substantially-increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	☐	☐	☐	☒
g) Cause an effect upon, or a need for new or altered maintenance of roads?	☐	☐	☒	☐
h) Cause an effect upon circulation during the project's construction?	☐	☐	☒	☐
i) Result in inadequate emergency access or access to nearby uses?	☐	☐	☐	☒
j) Conflict with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?	☐	☐	☐	☒

Source: RCIP

Findings of Fact: The project is existing and generates traffic on a daily base. The project will generate traffic to the area and regional transportation system. The addition of project-traffic to the existing and planned circulation system has the potential to result in direct and cumulative impacts to intersections, roadway segments, and would increase trip generation and alter the distribution of traffic.

Mitigation: None required

Monitoring: None required

42. Bike Trails

☐ ☐ ☒ ☐

Source: RCIP

Findings of Fact: No bike path exists on the project site. A class one bike path that follows the Whitewater River is located close to the project but does not affect the project.

Mitigation: None required

Monitoring: None required

UTILITY AND SERVICE SYSTEMS Would the project

43. Water

☐ ☐ ☒ ☐

a) Require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects?

b) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

☐ ☒ ☐ ☐

Source: Department of Environmental Health Review, Desert Water Agency letter dated October 27, 2008

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Findings of Fact: The Desert Water Agency shall provide water services to the proposed project site. The project will not result in the construction of new water treatment facilities or expansion of existing facilities.

Mitigation: Compliance with conditions of approval on file in LMS, including 10 .PLANNING. 26 – DWA Letter.

Monitoring: Monitoring shall be done by both the Planning and Building and Safety Departments.

44. Sewer

a) ~~Require or result in the construction of new wastewater treatment facilities, including septic systems, or expansion of existing facilities, the construction of which would cause significant environmental effects?~~

☐	☐	☒	☐
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b) ~~Result in a determination by the wastewater treatment provider that serves or may service the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?~~

☐	☐	☒	☐
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Source: Department of Environmental Health Review

Findings of Fact: Sewer services to the proposed project site is provided by an on site septic system. Significant impacts to sewer and waste water facilities are not anticipated with existing or future development.

Mitigation: None required.

Monitoring: None required.

45. Solid Waste

a) ~~Is the project served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?~~

☐	☒	☐	☐
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b) ~~Comply with federal, state, and local statutes and regulations related to solid wastes (including the CIWMP (County Integrated Waste Management Plan)?~~

☐	☐	☒	☐
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Source: RCIP, Riverside County Waste Management District correspondence dated February 25, 2008

Findings of Fact: The proposed project is expected to have an impact upon the area landfills. However, overall impacts are expected to be less than significant. The County Integrated Waste Management Plan shall govern collection, disposal and recycling of solid waste generated by this project.

Mitigation: Compliance with conditions of approval on file in LMS, including 10 .PLANNING. 27 – Waste Management Department Letter.

Monitoring: Monitoring shall be done by both the Planning and Building and Safety Departments.

46. Utilities

a) ~~Would the project impact the following facilities requiring or resulting in the construction of new facilities or the expansion of existing facilities; the construction of which could cause significant environmental effects?~~

a) Electricity?

☐	☐	☒	☐
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b) Natural gas?

☐	☐	☒	☐
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c) Communications systems?

☐	☐	☒	☐
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	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Storm water drainage?	☐	☐	☒	☐
e) Street lighting?	☐	☐	☒	☐
f) Maintenance of public facilities, including roads?	☐	☐	☒	☐
g) Other governmental services?	☐	☐	☒	☐
h) Conflict with adopted energy conservation plans?	☐	☐	☒	☐

Source: RCIP

Findings of Fact: Implementation of the project will result in an incremental system capacity demand for energy systems, communication systems, storm water drainage systems, street lighting systems, maintenance of public facilities, including roads and potentially other governmental services. Each of the utility systems, including collection of solid waste, is available at the project site and lines will have to be extended onto the site, which will already be disturbed by grading and other construction activities. These impacts are considered less than significant based on the availability of existing public facilities (drainage facilities) that support local systems. The project will not conflict with adopted energy conservation plans.

Mitigation: None required

Monitoring: None required

MANDATORY FINDINGS OF SIGNIFICANCE

47. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare, or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?
- ☐ ☐ ☐ ☒

Source: Staff review, Project Application Materials

Findings of Fact: Implementation of the proposed project would not degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife populations to drop below self sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

48. Does the project have impacts which are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of other current projects)?
- ☐ ☐ ☒ ☐

Source: Staff review, Project Application Materials

Findings of Fact: The project does not have impacts which are individually limited, but cumulatively considerable.

49. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?
- ☐ ☐ ☒ ☐

Source: Staff review, project application

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Findings of Fact: The project as proposed would have cumulative, but non-significant, impacts on Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hydrology and Water Quality, Land Use/ Planning, Transportation/Traffic, and Utilities/Service Systems. These items are discussed individually elsewhere in this initial study.

50. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? ☐ ☐ ☒ ☐

Source: Staff review, project application

Findings of Fact: The proposed project would not result in environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly.

VI. EARLIER ANALYSES

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration as per California Code of Regulations, Section 15063 (c) (3) (D). In this case, a brief discussion should identify the following:

Earlier Analyses Used, if any: While no prior CEQA documents were used in preparing the EA, other non CEQA documents listed below were considered.

RCIP: Riverside County Integrated Project

Riverside County Waste Management Department's letter dated February 25, 2008

Location Where Earlier Analyses, if used, are available for review:

County of Riverside Planning Department
38686 El Cerrito Road
Palm Desert, CA 92211

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Findings of Fact: The project as proposed would have cumulative, but non-significant, impacts on Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hydrology and Water Quality, Land Use/ Planning, Transportation/Traffic, and Utilities/Service Systems. These items are discussed individually elsewhere in this initial study.

50. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? ☐ ☐ ☒ ☐

Source: Staff review, project application

Findings of Fact: The proposed project would not result in environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly.

VI. EARLIER ANALYSES

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration as per California Code of Regulations, Section 15063 (c) (3) (D). In this case, a brief discussion should identify the following:

Earlier Analyses Used, if any: While no prior CEQA documents were used in preparing the EA, other non CEQA documents listed below were considered.

RCIP: Riverside County Integrated Project

Riverside County Waste Management Department's letter dated February 25, 2008

Location Where Earlier Analyses, if used, are available for review:

County of Riverside Planning Department
38686 El Cerrito Road
Palm Desert, CA 92211

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09:14

Riverside County LMS
CONDITIONS OF APPROVAL

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CONDITIONAL USE PERMIT Case #: CUP02885R4

Parcel: 516-110-012

10. GENERAL CONDITIONS

EVERY DEPARTMENT

10. EVERY. 1

USE - PROJECT DESCRIPTION

RECOMMND

The use hereby permitted is for an outdoor rock materials sales yard with accessory office and decorative rock and gravel storage, and the extraction of river boulders as a mining operation which is exempt from the provisions of Ordinance No. 555 (less than 1,000 cu. yd. limit). This revised permit adds additional outdoor decorative rock and gravel storage area and the use of an existing building for storage purposes. The project is located within Assessors Parcel Numbers 516-110-006, 012, 017, 018, 021 and 023.

10. EVERY. 2

USE - HOLD HARMLESS

RECOMMND

The applicant/permittee or any successor-in-interest shall defend, indemnify, and hold harmless the County of Riverside (COUNTY) its agents, officers, or employees from any claim, action, or proceeding against the COUNTY, its agents, officers, or employees to attack, set aside, void, or annul an approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning CUP2885R4. The COUNTY will promptly notify the applicant/permittee of any such claim, action, or proceeding against the COUNTY and will cooperate fully in the defense. If the COUNTY fails to promptly notify the applicant/permittee of any such claim, action, or proceeding or fails to cooperate fully in the defense, the applicant/permittee shall not, thereafter, be responsible to defend, indemnify, or hold harmless the COUNTY.

10. EVERY. 3

USE - DEFINITIONS

RECOMMND

The words identified in the following list that appear in all capitals in the attached conditions of Conditional Use Permit No. 2885, Revised Permit No.4, shall be henceforth defined as follows:

APPROVED EXHIBIT A = Conditional Use Permit No. 2885, Revised Permit No. 4

Exhibit A-1, Amended No. 3 (site plan),
Exhibit A-2, Amended No. 3 (site plan),
Exhibit A-3, Amended No. 3 (site plan),
Exhibit A-4, Amended No. 3 (site plan),
Exhibit A-5, (circulation site plan),
Exhibit E, Amended No. 1 (conceptual planting plan),
Exhibit H, (site disturbance plan).

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Riverside County LMS
CONDITIONS OF APPROVAL

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CONDITIONAL USE PERMIT Case #: CUP02885R4

Parcel: 516-110-012

10. GENERAL CONDITIONS

10. EVERY. 3 USE - DEFINITIONS (cont.)

RECOMMND

NOTE: MODIFIED BY THE PLANNING COMMISSION ON JUNE 10, 2009.

10. EVERY. 4 USE - 90 DAYS TO PROTEST

RECOMMND

The project developer has 90 days from the date of approval of these conditions to protest, in accordance with the procedures set forth in Government Code Section 66020, the imposition of any and all fees, dedications, reservations and/or other exactions imposed on this project as a result of this approval or conditional approval of this project.

BS GRADE DEPARTMENT

10.BS GRADE. 1 USE* -PM10 PLAN REQUIRED

RECOMMND

A PM10 Fugitive Dust Mitigation Plan, prepared in accordance with AQMD Rule 403.1, shall be submitted to the Building and Safety Department for review and approval prior to the issuance of a grading permit.

1.NOTE: The PM 10 plan shall require the posting of signs in accordance with Building and Safety form "Signage Recommendations".

2.NOTE: All PM 10 measures must be in place prior to commencing any grading activity on site.

10.BS GRADE. 2 USE*TRANS & CVWD REVIEW REQ'D

RECOMMND

The applicant or developer shall submit copies of the grading plan and hydrologic calculations to the Riverside County Transportation Department (RCTD) and the Coachella Valley Water District (CVWD) for their review and approval. Additional flood plain management fees may be required by CVWD. Prior to the issuance of a grading permit, the applicant or developer shall provide, to the Department of Building and Safety Grading Division, a letter from RCTD and CVWD indicating their approval of the plans or waiver of the review.

E HEALTH DEPARTMENT

10.E HEALTH. 1 USE-PREVIOUS CONDITIONS APPLY

RECOMMND

The Department of Environmental Health's Conditions of Approval for Conditional Use Permit No. 2885, Conditional

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Riverside County LMS
CONDITIONS OF APPROVAL

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CONDITIONAL USE PERMIT Case #: CUP02885R4

Parcel: 516-110-012

10. GENERAL CONDITIONS

10.E HEALTH. 1

USE-PREVIOUS CONDITIONS APPLY (cont.)

RECOMMEND

Use Permit No. 2885 Revised Permit No. 1, Condition Use Permit No. 2885 Revised Permit No. 2, and Conditional Use Permit No. 2885 Revised Permit No. 3 will remain as stated in our previous transmittal letters submitted, dated November 5 1986, July 20, 1993, and February 20, 1996, and will apply to Conditional Use Permit No 2885, Revised Permit No. 4.

FIRE DEPARTMENT

10.FIRE. 1

USE - ADDED CONDITIONS

INEFFECT

ORIGINAL CONDITIONS SHALL APPLY FROM CUP02285. IN ADDITION THERE SHALL BE NO COMBUSTABLE MATERIALS PLACED ON SITE WITHOUT FIRE DEPARTMENT APPROVAL.

NEW CONDITIONS THAT APPLY ARE ATTACHED AS SECONDARY ACCESS FOR CONNECTED PROJECT AND ROAD WIDTH COMPLIANCE WITH COUNTY STANDARDS.

FLOOD RI DEPARTMENT

10.FLOOD RI. 2

USE FLOOD HAZARD REPORT

RECOMMEND

Conditional Use Permit 02885, Revised Permit No. 4, is a proposal to add an approximately 5-acre storage area for rock and masonry products. The site is located in the Whitewater area north of Interstate 10 and east of Whitewater Canyon Road. An existing storage building located on the proposed storage area is to remain.

The proposed storage area is subject to some sheet flow runoff from the hills to the north. As is typical for desert sites located at the base of hills, high debris potential can be expected. A V-ditch is proposed along the north, west and east perimeters. Maintenance of this V-ditch will be the responsibility of the owner/developer. Should significant debris-laden storm runoff overtop the V-ditch and enter the site, the materials located in the storage area may be damaged. As shown on the exhibit, the finished floor elevation of the existing storage building located in the proposed storage area is well elevated above the adjacent ground and considered floodproofed. However, a storm of unusual magnitude could cause damage.

The District does not object to this current proposal.

CONDITIONAL USE PERMIT Case #: CUP02885R4

Parcel: 516-110-012

10. GENERAL CONDITIONS

PLANNING DEPARTMENT

10.PLANNING. 1 USE - COMPLY WITH ORD./CODES

RECOMMND

The development of these premises shall comply with the standards of Ordinance No. 348 and all other applicable Riverside County ordinances and State and Federal codes.

The development of the premises shall conform substantially with that as shown on APPROVED EXHIBIT A, unless otherwise amended by these conditions of approval.

10.PLANNING. 2 USE - FEES FOR REVIEW

RECOMMND

Any subsequent submittals required by these conditions of approval, including but not limited to grading plan, building plan or mitigation monitoring review, shall be reviewed on an hourly basis (research fee), or other such review fee as may be in effect at the time of submittal, as required by Ordinance No. 671. Each submittal shall be accompanied with a letter clearly indicating which condition or conditions the submittal is intended to comply with.

10.PLANNING. 3 USE - LIGHTING HOODED/DIRECTED

RECOMMND

Any outside lighting shall be hooded and directed so as not to shine directly upon adjoining property or public rights-of-way.

10.PLANNING. 4 USE - PERMIT SIGNS SEPARATELY

RECOMMND

No signs are approved pursuant to this project approval. Prior to the installation of any on-site advertising or directional signs, a signing plan shall be submitted to and approved by the Planning Department pursuant to the requirements of Section 18.30 (Planning Department review only) of Ordinance No. 348.

10.PLANNING. 5 USE - PHASE BY NEW PERMIT

RECOMMND

Construction of this project may be done progressively in phases provided a plan is submitted with appropriate fees to the Planning Department and approved prior to issuance of any building permits. Phasing approval shall not apply to the requirements of any agency other than the Planning Department unless so indicated by the affected agency.

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10. GENERAL CONDITIONS

10.PLANNING. 6 USE - LANDSCAPE MAINTENANCE

RECOMMNE

Landscape planting within ten (10) feet of an entry or exit driveway shall not be permitted to grow higher than thirty (30) inches and no trees shall be planted within 10 feet of driveways, alleys, or street intersections.

10.PLANNING. 7 USE - NO OFF-ROAD USES ALLOWED

RECOMMND

Trail bikes, dune buggies, off-road vehicles and other similar powered apparatus shall not be operated for purposes such as, but not limited to, hill climbing, trail riding, scrambling, racing and riding exhibitions.

10.PLANNING. 8 USE - EXTERIOR NOISE LEVELS

RECOMMND

Exterior noise levels produced by any use allowed under this permit, including, but not limited to, any outdoor public address system, shall not exceed 5 db(A), 10-minute LEQ, between the hours of 10:00 p.m. to 8:00 a.m., and 65 db(A), 10-minute LEQ, at all other times as measured at any residential, hospital, school, library, nursing home or other similar noise sensitive land use. In the event noise exceeds this standard, the permittee or the permittee's successor-in-interest shall take the necessary steps to remedy the situation, which may include discontinued operation of the facilities. he permit holder shall comply with the applicable standards of Ordinance No. 847.

10.PLANNING. 9 USE - NOISE MONITORING REPORTS

RECOMMND

The permit holder may be required to submit periodic noise monitoring reports as determined by the Department of Building and Safety as part of a code enforcement action. Upon written notice from the Department of Building and Safety requiring such a report, the permittee or the permittee's successor-in-interest shall prepare and submit an approved report within thirty (30) calendar days to the Department of Building and Safety, unless more time is allowed through written agreement by the Department of Building and Safety. The noise monitoring report shall be approved by the Office of Industrial Hygiene of the Health Service Agency (the permittee or the permittee's successor-in-interest shall be required to place on deposit sufficient funds to cover the costs of this approval prior to commencing the required report).

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10. GENERAL CONDITIONS

10.PLANNING. 10 USE - AGRICULTURE CODES

RECOMMND

This property is located within the Coachella Valley and all landscape planting shall comply with the requirements of the State Agriculture Code and the directives of the Riverside County Agricultural Commissioner. All landscaping plans submitted to the Planning Department shall included the following notation: "Warning: Plant material listed may or may not have been approved by the Agricultural Commissioner's office. Landscape contractor, please contact the developer for status of Agricultural Commissioner's approval or denial. Plan material not conforming with quarantine laws may be destroyed and civil action taken. All plant material is subject to inspection at the discretion of the Agricultural Commissioner's office. All plant material must be free from Red Scale (Aonidiella aurantii.)"

10.PLANNING. 11 USE - NO EA FOR GRADING

RECOMMND

No environmental assessment for grading within the project boundaries shall be required provided such grading substantially conforms to the grading plan submitted as APPROVED EXHIBIT A, and does not exceed 1,000 cubic yards of cut and 1,000 cubic yards of fill.

NOTE: MODIFIED BY THE PLANNING COMMISSION ON JUNE 10, 2009.

10.PLANNING. 12 USE - PREVENT DUST & BLOWSAND

RECOMMND

Graded but undeveloped land shall be maintained in a condition so as to prevent a dust and/or blowsand nuisance and shall be either planted with interim landscaping or provided with other wind and water erosion control measures as approved by the Building and Safety Department and the State air quality management authorities.

10.PLANNING. 13 USE - VOID RELATED PROJECT

RECOMMND

Any approval for use of or development on this property that was made pursuant to CUP02885R3 shall become null and void upon final approval of CUP02885R4 by the County of Riverside.

10.PLANNING. 14 USE - CAUSES FOR REVOCATION

RECOMMND

In the event the use hereby permitted under this permit, a) is found to be in violation of the terms and conditions of

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10. GENERAL CONDITIONS

10.PLANNING. 14 USE - CAUSES FOR REVOCATION (cont.) RECOMMND

this permit, b) is found to have been obtained by fraud or perjured testimony, or c) is found to be detrimental to the public health, safety or general welfare, or is a public nuisance, this permit shall be subject to the revocation procedures.

10.PLANNING. 15 USE - CEASED OPERATIONS RECOMMND

In the event the use hereby permitted ceases operation for ~~a period of one (1) year or more~~, this approval shall become null and void.

10.PLANNING. 16 USE - SITE MAINTENANCE RECOMMND

The project site shall be kept in good repair. Graffiti shall be removed from any structures within one week of observation and/or notification.

10.PLANNING. 17 USE - CLOSURE CLEAN UP RECOMMND

The permit holder shall be responsible for the final clean up and restoration of the site. Any remaining materials, equipment and structures (except the building shown on the APPROVED EXHIBIT A as "Exst. Building to remain for Storage") associated with the permitted use on the property shall be removed and legally disposed of within thirty (30) days following the cessation of operations allowed by this permit. Additional time may be granted through written determinations by the Director of the Department of ~~Building and Safety~~.

10.PLANNING. 18 USE - COMPLY WITH NPDES RECOMMND

Since this project is one (1) acre or more, the permit holder shall comply with all of the applicable requirements of the National Pollution Discharge Elimination System (NPDES) and shall conform to NPDES Best Management Practices for Stormwater Pollution Prevention Plans during the life of this permit.

10.PLANNING. 19 USE - MT PALOMAR LIGHTING AREA RECOMMND

~~Within the Mt. Palomar Special Lighting Area, as defined in Ordinance No. 655, low pressure sodium vapor lighting or overhead high pressure sodium vapor lighting with shields or cutoff luminaires, shall be utilized.~~

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10. GENERAL CONDITIONS

10.PLANNING. 20 USE - BUSINESS LICENSING

RECOMMND

Every person conducting a business within the unincorporated area of Riverside County, as defined in Riverside County Ordinance No. 857, shall obtain a business license. For more information regarding business registration, contact the Business Registration and License Program Office of the Building and Safety Department at www.rctlma.org.buslic.

10.PLANNING. 21 USE - ORD 875 CVMSHCP FEE (1)

RECOMMND

In accordance with Riverside County Ordinance No. 875, to assist in providing revenue to acquire and preserve open space and habitat, a local development mitigation fee shall be paid for each development project or portion of an expanded development project to be constructed in the Coachella Valley and surrounding mountains. The amount of the fee for commercial or industrial development shall be calculated on the basis of "project area," which shall mean the net area, measured in acres, from the adjacent road right-of-way to the limits of the project development. The site disturbance for CUP2885R4 is 5.74 acres of the 23.3-acre site.

NOTE: MODIFIED BY THE PLANNING COMMISSION ON JUNE 10, 2009.

10.PLANNING. 22 USE - OUTDOOR STORAGE REGULATN

RECOMMND

The outdoor storage area shall comply with the following regulations:

a. No chemical or hazardous materials shall be stored on the site.

b. Piles or stacks of construction materials/supplies shall not exceed seven feet high as measured from the ground level.

c. If storage racks are installed, the height of the racks and all materials stored upon the racks shall not exceed seven feet high. Prior to installation of any and all storage racks, clearance shall be obtained from the Department of Building and Safety.

d. Piles of open materials shall not exceed a height of seven feet. Graded material stored temporarily on APN 516-110-017 shall not exceed a height of 15 feet.

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10. GENERAL CONDITIONS

10.PLANNING. 22 USE - OUTDOOR STORAGE REGULATN (cont.) RECOMMND

NOTE: MODIFIED BY THE PLANNING COMMISSION ON JUNE 10, 2009.

10.PLANNING. 23 MAP - IF HUMAN REMAINS FOUND RECOMMND

If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to ~~Public Resource Code Section 5097.98(b) remains shall~~ be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within a resonable timeframe. Subsequently, the Native American Heritage Commission shall identify the "most likely descendant." The most likely descendant shall then ~~make recommendations and engage in consultation concerning~~ the treatment of the remains as provided in Public Resources Code Section 5097.98.

10.PLANNING. 24 MAP - INADVERTENT ARCHAEO FIND RECOMMND

If during ground disturbance activities, unique cultural resources are discovered that were not assessed by the archaeological report(s) and/or environemntal assessment conducted prior to project approval, the following procedures shall be followed. Unique cultural resources are ~~defined, for this condition, as being multiple artifacts in~~ close association with each other, but may include fewer artifacts if the area of the find is determined to be of significance due to its sacred or cultural importance.

1. All ground disturbance activities within 100 feet of the discovered cultural resources shall be halted until a meeting is convened between the developer, the archaeologist, the Native American tribal respresentative and the Planning Director to discuss the significance of the find.

2. At the meeting, the significance of the discoveries ~~shall be discussed and after consultation with the Native~~ American tribal representative and the archaeologist, a decision shall be made, with the concurrence of the Planning Director, as to the appropriate mitigation

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10. GENERAL CONDITIONS

10.PLANNING. 24 MAP - INADVERTENT ARCHAEO FIND (cont.)

RECOMMND

(documentation, recovery, avoidance, etc.) for the cultural resources.

~~3. Grading of further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation.~~

10.PLANNING. 25 USE - GEO02049

RECOMMND

County Geologic Report (GEO) No. 2049, submitted for this project (CUP02885R4) was prepared by Inland Foundation Engineering, Inc. and is entitled: "Geotechnical Feasibility Update, Proposed Site Grading, Whitewater Rock & Supply Facility, Whitewater, California, Project No. W311-002," dated May 13, 2008. In addition, Inland submitted the following documents:

~~"Geotechnical Feasibility Study, Proposed Site Grading, Whitewater Rock & Supply Facility, Whitewater, California", Project No. W311-001, dated October 29, 2002.~~

~~"Response to Review Comments, GEO No. 2049, Geotechnical Feasibility Update, Proposed Site Grading, Whitewater Rock & Supply Facility, Whitewater, California, Project No. W311-002", dated June 17, 2008.~~

These reports are herein incorporated as a part of GEO No. 2049.

GEO No. 2049 concluded:

~~1.The entire site lies within the State Earthquake Fault Zone Associated with the Garnet Hill Fault.~~

~~2.A mapped fault trace is depicted through the site. This appears to closely correlate with the scarp area observed on the northeasterly portion of the property.~~

~~3.The potential for ground rupture on the site is considered to be high.~~

~~4.No habitable structures are planned for the planned rock and masonry storage site. This report is not applicable for use for the design or any structures on the site.~~

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10. GENERAL CONDITIONS

10.PLANNING. 25 USE - GEO02049 (cont.)

RECOMMND

5.Groundwater is anticipated to be greater than 450 feet beneath the existing ground surface.

6.Probabilistic site parameters indicate that there is a 10% probability that a site acceleration of 0.83g will be exceeded in a 50-year period.

7.Given the proposed use, it is likely that no structures will be affected by slope instability other than the shed and water tanks at the top of the slope.

8.No research or detailed geological study is needed for the existing building on the site because of the low impact of human habitat inside the building.

9.The potential for liquefaction to occur at the site is nil.

10.A potential for rockfall exists associated with the proposed cut slope.

11.Seismically-induced settlement is not considered a significant hazard to this project.

GEO No. 2049 recommended:

1.If habitable structures are planned in the proposed development or at any time in the future then additional detailed geotechnical investigations and recommendations should be provided to the County for review and final acceptance prior to any approval for on-site construction and improvement.

2.The project planners should consider, in the design and location of any large rock stockpiles that slope failure and/or rockfall could occur on large stockpiles of rock at this site.

3.Mitigation for rockfall includes, but is not limited to: identification of potentially loose rocks on an individual basis for removal or stabilization, construction of a buffer in the form of green-belt zones, catchment basins and/or walls/fences, and/or relocation of sensitive materials a safe distance away from hillsides.

GEO No. 2049 satisfies the requirement for a Geologic Study

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10. GENERAL CONDITIONS

10.PLANNING. 25

USE - GEO02049 (cont.) (cont.)

RECOMMND

for Planning / CEQA purposes. GEO No. 2049 is hereby accepted for Planning purposes. This approval is not intended, and should not be misconstrued as approval for grading permit. Engineering and other building code parameters will be reviewed and additional comments and/or conditions may be imposed by the Building and Safety Department upon application for grading and/or building permits.

This approval is also not intended for any project, permit, other improvement or action which would result in an increase in the occupancy level of the existing structure on this site (structure shall remain a non-habitable structure).

10.PLANNING. 26

USE - DWA LETTER

RECOMMND

The permit holder shall remain in compliance with the water district requirements of the Desert Water Agency's letter dated October 27, 2008, a copy of which is on file with the Riverside County Planning Department.

10.PLANNING. 27

USE - WASTE MANAGEMENT LETTER

RECOMMND

The permit holder shall remain in compliance with the solid waste management requirements of the Riverside County Integrated Waste Management's letter dated February 25, 2008, a copy of which is on file with the Riverside County Planning Department.

10.PLANNING. 28

USE - CONCERTINA WIRE

RECOMMND

The applicant/permittee or any successor-in-interest shall remove any trash/debris from the concertina wire that sits above the CMU brick wall along the project southern boundary adjacent to Interstate 10. Debris/trash shall be removed once per quarter at a minimum to prevent unsightly accumulation.

10.PLANNING. 29

USE - CIRCULATION

RECOMMND

Circulation within APN 526-110-017 shall be referenced on EXHIBIT A-5 (circulation site plan).

NOTE: ADDED BY THE PLANNING COMMISSION ON JUNE 10, 2009.

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10. GENERAL CONDITIONS

TRANS DEPARTMENT

10.TRANS. 1 USE - ENCROACHMENT PERMIT

RECOMMND

An encroachment permit must be obtained from the Transportation Department prior to the commencement of any work within the County road right-of-way.

20. PRIOR TO A CERTAIN DATE

PLANNING DEPARTMENT

20.PLANNING. 1 USE - EXPIRATION DATE-CUP/PUP

RECOMMND

This approval shall be used within two (2) years of the approval date; otherwise, it shall become null and void and of no effect whatsoever. By use is meant the beginning of substantial construction contemplated by this approval within two (2) year period which is thereafter diligently pursued to completion or to the actual occupancy of existing buildings or land under the terms of the authorized use. Prior to the expiration of the two year period, the permittee may request a one (1) year extension of time in which to begin substantial construction or use of this permit. Should the one year extension be obtained and no substantial construction or use of this permit be initiated within three (3) years of the approval date this permit, shall become null and void.

20.PLANNING. 2 USE - LIFE OF THE PERMIT

RECOMMND

The life of Conditional Use Permit No. 2885, Revised Permit No.4 shall terminate on July 1, 2039. This permit shall thereafter be null and void and of no effect whatsoever.

NOTE: ADDED BY THE PLANNING COMMISSION ON JUNE 10, 2009.

60. PRIOR TO GRADING PRMT ISSUANCE

BS GRADE DEPARTMENT

60.BS GRADE. 1 USE* -PM10 PLAN REQUIRED

RECOMMND

A PM10 Fugitive Dust Mitigation Plan, prepared in accordance with AQMD Rule 403.1, shall be submitted to the Building and Safety Department for review and approval prior to the issuance of a grading permit.

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60. PRIOR TO GRADING PRMT ISSUANCE

60.BS GRADE. 1 USE* -PM10 PLAN REQUIRED (cont.)

RECOMMNI

1.NOTE: The PM 10 plan shall require the posting of signs in accordance with Building and Safety form "Signage Recommendations".

2.NOTE: All PM 10 measures must be in place prior to commencing any grading activity on site.

60.BS GRADE. 2 USE*TRANS& CVWD REVIEW REQ'D

RECOMMND

The applicant or developer shall submit copies of the grading plan and hydrologic calculations to the Riverside County Transportation Department (RCTD) and the Coachella Valley Water District (CVWD) for their review and approval. Additional flood plain management fees may be required by CVWD. Prior to the issuance of a grading permit, the applicant or developer shall provide, to the Department of Building and Safety Grading Division, a letter from RCTD and CVWD indicating their approval of the plans or a waiver of the review.

60.BS GRADE. 3 USE* PM 10 CLASS REQUIRED

RECOMMND

Prior to the issuance of a grading permit, as a requirement of the CIP, the owner, developer, contractor, and their assignees must attend the PM10 class conducted by SCAQMD. Currently, classes are scheduled monthly by SCAQMD.

EPD DEPARTMENT

60.EPD. 1 EPD - BUR OWL PRECONST SURVEY

RECOMMND

WITHIN 30 DAYS OF COMMENCEMENT OF ANY GROUND DISTURBANCE ACTIVITIES ON THIS SITE A PRECONSTRUCTION SURVEY FOR BURROWING OWL MUST BE CONDUCTED BY A QUALIFIED BIOLOGIST HOLDING AN MOU WITH RIVERSIDE COUNTY AND RESULTS OF THIS SURVEY SUBMITTED TO EPD (ENVIRONMENTAL PROGRAMS DEPARTMENT) FOR REVIEW.

PLANNING DEPARTMENT

60.PLANNING. 1 USE - PM10 MITIGATION PLAN

RECOMMND

Notwithstanding any provision of Riverside County Ordinance No. 742 (Control of Fugitive Dust & PM10) to the contrary, this project shall comply with the requirements of Ordinance No. 742, including, but not necessarily limited to, the submission of a PM10 Mitigation Plan containing all

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60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 1 USE - PM10 MITIGATION PLAN (cont.)

RECOMMND

reasonably available fugitive dust control measures, and, thereafter, the permit holder shall comply with all provisions of the approved PM10 Mitigation Plan during grading, earth movement operations and construction of the project as determined by the Director of the Department of Building and Safety.

The permit holder shall submit a copy of the approved PM10 Mitigation Plan to the Planning Department and the submitted copy shall include a cover letter containing a written certification from a state licensed professional that the control measures of the plan are included in the grading and building plans submitted to the Department of Building and Safety pursuant to obtaining a grading permit.

60.PLANNING. 2 USE - FEE STATUS

RECOMMND

Prior to the issuance of grading permits for Conditional Use Permit No. 2885, Revised Permit No.4, the Planning Department shall determine the status of the deposit based fees. If the fees are in a negative status, the permit holder shall pay the outstanding balance.

60.PLANNING. 3 USE- WHITEWATER REPEATER STAT

RECOMMND

The Whitewater Repeater Station building, constructed in 1930, is located within a fenced compound the project boundaries, and has been determined to be eligible for the California Register of Historic Resources, based upon its historical integrity of location, some of the setting, design, materials, workmanship, feeling and association. No modifications or alterations are permitted to the exterior of this building that would adversely impact the historical integrity or the surrounding yard area within an existing perimeter fence.

Because the Whitewater Repeater Station has been determined to meet the California Register of Historical Resources criteria for a significant historical site, the landscape plan for the Station yard area shall include a monument stone with a plaquard of the name "Whitewater Repeater Station 1930" incised into the stone and positioned in the southwest corner of the yard area visible to the public upon approach. The stone plaquard shall be four feet in height and width and placed on the ground visible to the public.

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60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 3

USE- WHITEWATER REPEATER STAT (cont.)

RECOMMND

The proposed use of the interior of the building is for storage purposes of mainly bagged decorative rock material, and shall not negatively impact the building in any way. The stored materials shall not touch or damage in any way the walls, floors or ceiling of the interior of the building. The front doors shall not be widened or modified. No signs have been approved for this building. The exterior stucco shall be repaired on the walls of the ~~historic building using the same color, pattern and texture of the existing stucco.~~ No materials shall be stored outside of the building in such a way that they would touch the building. A twenty-five (25 ft.) foot (or ~~a distance that meets Fire Code safety setbacks~~) preservation setback shall be maintained around the perimeter of the building at all times, that complies with the required Fire Code safety setback and engine turnaround area.

~~Outdoor storage of decorative rock materials may be permitted in areas not required for Fire Code safety setbacks, turn-around, parking spaces and drive aisle, in neat rows of bins or crates shall be allowed as an adaptive use of the historic property within the fenced compound near the Repeater Station within an area measuring forty (40) feet (or as required by Fire Code safety setbacks) measured from the existing east fenceline for the length of the fenced compound. A painted white line shall be applied (and maintained) to the asphalt parking area to identify the extent of the outdoor storage area and the Fire Code safety/Historic Preservation/parking space and drive aisle setback line within the fenced compound.~~

NOTE: MODIFIED BY THE PLANNING COMMISSION ON JUNE 10, 2009.

60.PLANNING. 7

USE- STUCCO REPAIR REPEATER ST

RECOMMND

The stucco shall be repaired and maintained on the exterior walls of the historic Whitewater Repeater Station matching the existing color, pattern and texture.

60.PLANNING. 8

USE- OUTDOOR STORAGE LINE

RECOMMND

Within the fenced compound where the historic Whiewater Repeater Station building is located, the line of

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60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 8 USE- OUTDOOR STORAGE LINE (cont.)

RECOMMND

demarcation for the allowed outdoor storage/historic preservation setback/Fire Code safety setback and turn-around area within the fenced compound shall be completed prior to issuance of any grading permit for the project, shall comply with the approved detail exhibit to be submitted for this purpose, and will be subject to annual inspection for compliance.

60.PLANNING. 9 USE - NOTIFY MWD

RECOMMND

Provide confirmation that notice of construction activities was given to the Water System Operations Department (951-926-7002) of the Metropolitan Water District (MWD) at least two working days prior to the start of construction.

60.PLANNING. 13 USE - GEOLOGIST CLEARANCE

RECOMMND

Prior to obtaining a grading permit or before any excavation of any material from APN 516-119-012 (triangular parcel), the permit holder shall obtain written clearance from the County Geologist to confirm that the boulder removal is exempt from Ordinance No.555.

60.PLANNING. 14 USE- HISTORIC NOMINATION

RECOMMND

The Whitewater Repeater Station has been determined to be eligible for the California Register of Historical Resources under Criterion 3 of the Section 5024.1 of the California Public Resources Code. The building embodies the distinctive characteristics of a type, the Pueblo Revival, a regional style used in the southwest. Furthermore, it is an excellent example of the building design philosophy of AT&T. While the Pueblo Revival style originated in California, such buildings are rare and not well-represented in the state. The Whitewater Repeater Station has retained its integrity of location, some of the setting, design, materials, workmanship, feeling and association. The significance theme is Public Works and the period of significance is 1930. The Station is part of the Long Line between Los Angeles and Phoenix. To mitigate the potential adverse impacts to the historic setting of the building (storage of rock materials both inside the building and within certain areas of the fenced compound) posed by this project, the Applicant shall cause to have prepared a nomination for listing on the California

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60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 14 USE- HISTORIC NOMINATION (cont.)

RECOMMND

Register of Historical Places. The nomination package shall be submitted to the County prior to issuance of any grading permit. The County shall pursue the nomination with the State Historic Resources Commission toward register listing consideration.

60.PLANNING. 15 USE- HISTORIC BLDG LANDSCAPING

RECOMMND

Prior to issuance of a grading permit, the Applicant/Permittee shall submit for review and approval a focused rock garden plan for the front yard area of the White Water Repeater Station building, located at the southwest corner of the fenced compound. This area shall be designed for use as a decorative demonstration area with small rock product displays for customer viewing, and shall include pathways and decorative rock features and the historic building monument stone on the southwest corner of the yard area. This area shall not adversely impact the historic building in any way, but shall be designed so as to be compatible with the historicity of the building and its' setting.

60.PLANNING. 16 USE - CIRCULATION

RECOMMND

Circulation within APN 526-110-017 shall be referenced on EXHIBIT A-5 (circulation site plan).

NOTE: ADDED BY THE PLANNING COMMISSION ON JUNE 10, 2009.

70. ~~PRIOR TO GRADING FINAL INSPECT~~

~~BS GRADE DEPARTMENT~~

70.BS GRADE. 1 USE*-GP2.0.a COMPACTION REPORT

RECOMMND

Prior to requesting paving inspections and subsequent final grading inspection, the applicant shall submit to the Department of Building and Safety, Grading Division, two (2) copies of the compaction report for subgrade in pavement areas and all other areas not addressed in the compaction report submitted for the building pad(s).

~~70.BS GRADE. 2 USE*-GP2.1a ENG. CERTIFICATION~~

~~RECOMMND~~

Prior to paving inspection(s) and subsequent final grading inspection, the civil engineer of record shall submit to

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70. PRIOR TO GRADING FINAL INSPECT

70.BS GRADE. 2 USE*-GP2.1a ENG. CERTIFICATION (cont.) RECOMMND

the Department of Building and Safety, Grading Division,
written certification of completion of final grading in
accordance with the approved grading plan.

70.BS GRADE. 3 USE*-GP2.0.b CERT. & COMP. RPT RECOMMND

Prior to requesting final grading inspection, the
developer or applicant shall submit to the Grading Division
of the Building and Safety Department the following for
~~review and approval:~~

1. From the registered civil engineer of record, written
certification of completion of final grading is in
~~accordance with the approved grading plans.~~

2. Final compaction report from the soils engineer of
record including parking area subgrades and other areas not
covered in the report submitted for the building pad(s).

80. PRIOR TO BLDG PRMT ISSUANCE

BS GRADE DEPARTMENT

80.BS GRADE. 1 USE*BP3.0.A CERT. & COMP. RPT RECOMMND

Prior to issuance of a building permit, the developer or
applicant shall submit to the Grading Division of the
Building and Safety Department the following for review and
approval:

1. Certification from the registered civil engineer of
~~record that the building pad(s) were constructed in the~~
locations and to the elevations shown on the approved
grading plan.

2. Compaction report from the soils engineer of record
certifying that all grading was performed in accordance
with the preliminary soils report and that all fill was
compacted to a minimum of 90% of maximum density. The
report shall include an exhibit and chart showing the
locations, depths, and results of compaction tests.

06/26/09
09:14

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 20

CONDITIONAL USE PERMIT Case #: CUP02885R4

Parcel: 516-110-012

80. PRIOR TO BLDG PRMT ISSUANCE

FIRE DEPARTMENT

80.FIRE. 1

MAP - SECONDARY/ALTER ACCESS

RECOMMND

In the interest of Public Safety, the project shall provide An Alternate or Secondary Access(s). Said Alternate or Secondary Access(s) shall have concurrence and approval of both the Transportation Department and the Riverside County Fire Department. Alternate and/or Secondary Access(s) shall be completed and inspected per the approved plans.

TRANS DEPARTMENT

80.TRANS. 1

USE - TUMF

RECOMMND

Prior to the issuance of a building permit, the project proponent shall pay the Transportation Uniform Mitigation Fee (TUMF) in accordance with the fee schedule in effect at the time of issuance, pursuant to Ordinance No. 673.

90. PRIOR TO BLDG FINAL INSPECTION

B&S DEPARTMENT

90.B&S. 1

BP*FEMA FORM APPRVL REQUIRED

INEFFECT

Prior to building permit final, a development in FEMA mapped flood zones "A" or "AO" shall provide a FEMA form, filled out, wet stamped and signed by a registered civil engineer or licensed land surveyor, to the Building and Safety Department Grading Division.

The Grading division will transmit the form to the proper flood control district for their review and approval.

Upon receipt of their approval, this condition will be classified as "MET" and the building permit will be eligible for final approval.

PLANNING DEPARTMENT

90.PLANNING. 4

USE - ORD 875 CVMSHCP FEE (2)

RECOMMND

Prior to a certificate of occupancy or upon building permit final inspection, whichever comes first, the permit holder shall comply with the provisions of Riverside County

06/26/09
09:14

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 21

CONDITIONAL USE PERMIT Case #: CUP02885R4

Parcel: 516-110-012

90. PRIOR TO BLDG FINAL INSPECTION

90.PLANNING. 4

USE - ORD 875 CVMSHCP FEE (2) (cont.)

RECOMMND

Ordinance No. 875, which requires the payment of the appropriate fee set forth in the ordinance. The amount of the fee will be based on the "Project Area" as defined in the ordinance and the aforementioned condition of approval. The Project Area for Conditional Use Permit No. 2885R4 is calculated to be 5.74 acres of the 23.3-acre site. In the event Riverside County Ordinance No. 875 is rescinded, this condition will no longer be applicable, However, in the event Riverside County Ordinance No. 875 is rescinded and ~~superseded by a subsequent mitigation fee ordinance,~~ payment of the appropriate fee set forth in that ordinance shall be required.

~~NOTE: MODIFIED BY THE PLANNING COMMISSION ON JUNE 10, 2009.~~

F. Thomas Kieley, III
President

Ronald E. Starrs
Vice President

F. Gillar Boyd, Jr.
Secretary/Treasurer

Patricia G. Oyar

Craig A. Ewing

David K. Luker
General Manager

Chief Engineer

Best, Best & Krieger
General Counsel

Krieger & Stewart
Consulting Engineers

DESERT WATER



RECEIVED

NOV 05 2008

Riverside County
Planning Department
Desert Office

Desert Water Agency
1200 Gene Autry Trail South
P.O. Box 1710
Palm Springs, CA 92263-1710
Telephone 760 323-4971
Fax 760 325-6505
www.dwa.org

RECEIVED
NOV 04 2008

RIVERSIDE COUNTY
Transportation Dept.

October 27, 2008

County of Riverside
Desert Office
38686 El Cerrito Road
Palm Desert, CA 92211

**RE: CASE #02885R4 -- WHITEWATER ROCK & SUPPLY CO.
EXPANSION OF OUTDOOR STORAGE AREA YARD FROM 17 TO 25 ACRES**

Dear Maurice:

As we discussed, Desert Water Agency will be addressing the water issues on this project on behalf of Whitewater Mutual Water Company. Pursuant to your written request received in our office October 17, 2008, we offer the following comments on the above project.

This site is currently served by Whitewater Mutual Water Co. The proposed expansion plan does not show the point of connection or any piping on or near this site. The plans should be revised to show this as any conflicting piping in the distribution system will need to be relocated by the developer at the developer's expense. All work will be done under direct Desert Water Agency approval and supervision. All required easement acquisition will also be done by the developer at the developer's expense.

We can not determine from the plan provided if any additional water is needed to satisfy the expansion's demand. Any deficiency in water flow and also any required changes in delivery piping may drastically impact this project. The developer is urged to contact this Agency as soon as possible to discuss these issues.

Should you have any comments please do not hesitate to call.

Sincerely,

DESERT WATER AGENCY

Debbie A. Randall
Sr. Engineering Technician

DAR/dj



Riverside County
Waste Management Department

Hans W. Kernkamp, General Manager-Chief Engineer

February 25, 2008

Robert Powell, Project Planner
Riverside County Planning Department
38686 El Cerrito Road
Palm Desert, California 92211

RECEIVED

FEB 29 2008

RIVERSIDE COUNTY
PLANNING DEPARTMENT
INDIO OFFICE

RE: Conditional Use Permit (CUP) No. 02885R4
Build a storage area for rock and masonry products
APN: 516-110-023

Dear Mr. Powell:

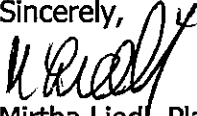
The Riverside County Waste Management Department has reviewed the proposed project located north of Interstate 10, east of Whitewater Canyon Road, in the Whitewater Zoning District. The proposed project is a commercial use, and as such it is subject to the State Model Ordinance, implemented 9/1/94 in accordance with AB 1327, Chapter 18, California Solid Waste Reuse and Recycling Access Act of 1991, which requires that all commercial, industrial and multi-family residential projects provide adequate area(s) for collecting and loading recyclable materials (i.e., paper products, glass and other recyclables).

The Department recommends that the following conditions of approval be attached to the project:

1. **Prior to issuance of a building permit for EACH commercial building**, the applicant shall submit three (3) copies of a Recyclables Collection and Loading Area plot plan to the Riverside County Waste Management Department for review and approval. The plot plan shall conform to ***Design Guidelines for Recyclables Collection and Loading Areas***, provided by the Waste Management Department, and shall show the location of and access to the collection area for recyclable materials, along with its dimensions and construction detail, including elevation/façade, construction materials and signage. The plot plan shall clearly indicate how the trash and recycling enclosures shall be accessed by the hauler.
2. **Prior to final inspection for EACH commercial building**, the applicant shall construct the recyclables collection and loading area in compliance with the Recyclables Collection and Loading Area plot plan, as approved and stamped by the Riverside County Waste Management Department and as verified by the Riverside County Building and Safety Department through site inspection.

3. a) **Prior to the issuance of a building permit**, a *Waste Recycling Plan* (WRP) shall be submitted to the Waste Management Department for approval. At a minimum, the WRP must identify the materials (i.e., concrete, asphalt, wood, etc.) that will be generated by construction and development, the projected amounts, the measures/methods that will be taken to recycle, reuse, and/or reduce the amount of materials, the facilities and/or haulers that will be utilized, and the targeted recycling or reduction rate. Materials can be taken directly to recycling facilities (Riverside County Waste Management Department, Recycling Section, can be contacted directly at 951.486.3200 for a list of facilities), or arrangements can be made through the franchise hauler and/or a construction clean-up business.
- b) Prior to **occupancy permit**, evidence (i.e., receipts or other type of verification) to demonstrate project compliance with the approved WRP shall be presented by the project proponent to the Planning/Recycling Division of the Riverside County Waste Management Department in order to clear the project for occupancy permits.
4. Since hazardous materials are not accepted at Riverside County landfills, the project proponent shall take any hazardous wastes, including paint used during construction, to facilities that are permitted to receive them, in accordance with local, state, and federal regulations. For further information, please contact the Riverside County Household Hazardous Waste Collection Program at 1-800-304-2226.
5. Use mulch and/or compost in the development and maintenance of landscaped areas within the project boundaries. Recycle green waste through either onsite composting of grass, i.e., leaving the grass clippings on the lawn, or sending separated green waste to a composting facility.
6. Consider xeriscaping and using drought tolerant/low maintenance vegetation in all landscaped areas of the project.

Thank you for the opportunity to review this proposal. If you have any questions, please call me at (951) 486-3284.

Sincerely,

Mirtha Lied, Planner

COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY
Planning Department
Ron Goldman · Planning Director

APPLICATION FOR LAND USE AND DEVELOPMENT

CHECK ONE AS APPROPRIATE:

- ☐ PLOT PLAN ☒ CONDITIONAL USE PERMIT ☐ TEMPORARY USE PERMIT
☒ REVISED PERMIT ☐ PUBLIC USE PERMIT ☐ VARIANCE

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

CASE NUMBER: CNP02885R4 DATE SUBMITTED: 1/3/08
EA41691/CF605039

APPLICATION INFORMATION

Applicant's Name: PAUL T. WELSH P.E., L.S. E-Mail: Paulwelsh@massaroandwelsh.com

Mailing Address: 1572 N. WATERMAN AVE. SUITE #5
SAN BERNARDINO CA 92404
City State ZIP

Daytime Phone No: (909) 883-9355 Fax No: (909) 889-9490

Engineer/Representative's Name: Same as above E-Mail: same as above

Mailing Address: same as above
same as above Street
City State ZIP

Daytime Phone No: () n/a Fax No: () n/a

Property Owner's Name: Allan Bankus Jr. E-Mail:

Mailing Address: 58645 old hwy. 60/ P.O. Box 254 Whitewater
whitewater Ca 92282
City State ZIP

Daytime Phone No: (760) 325-2747 Fax No: (760) 325-3666

If the property is owned by more than one person, attach a separate page that reference the application case number and lists the names, mailing addresses, and phone numbers of all persons having an interest in the real property or properties involved in this application.

The Planning Department will primarily direct communications regarding this application to the person identified above as the Applicant. The Applicant may be the property owner, representative, or other assigned agent.

APPLICATION FOR LAND USE AND DEVELOPMENT

AUTHORIZATION FOR CONCURRENT FEE TRANSFER

The signature below authorizes the Planning Department and TLMA to expedite the refund and billing process by transferring monies among concurrent applications to cover processing costs as necessary. Fees collected in excess of the actual cost of providing specific services will be refunded. If additional funds are needed to complete the processing of your application, you will be billed, and processing of the application will cease until the outstanding balance is paid and sufficient funds are available to continue the processing of the application. The applicant understands the deposit fee process as described above, and that there will be NO refund of fees which have been expended as part of the application review or other related activities or services, even if the application is withdrawn or the application is ultimately denied.

All signatures must be originals ("wet-signed"). Photocopies of signatures are not acceptable.

Paul T. Welsh

PRINTED NAME OF APPLICANT

Paul T. Welsh

SIGNATURE OF APPLICANT

AUTHORITY FOR THIS APPLICATION IS HEREBY GIVEN:

I certify that I am/we are the record owner(s) or authorized agent and that the information filed is true and correct to the best of my knowledge. An authorized agent must submit a letter from the owner(s) indicating authority to sign the application on the owner's behalf.

All signatures must be originals ("wet-signed"). Photocopies of signatures are not acceptable.

Allan Bankus

PRINTED NAME OF PROPERTY OWNER(S)

X Allan Bankus

SIGNATURE OF PROPERTY OWNER(S)

Irene E. Bankus

PRINTED NAME OF PROPERTY OWNER(S)

X Irene E. Bankus

SIGNATURE OF PROPERTY OWNER(S)

If the property is owned by more than one person, attach a separate sheet that references the application case number and lists the printed names and signatures of all persons having an interest in the property.

☒ See attached sheet(s) for other property owners signatures.

PROPERTY INFORMATION:

Assessor's Parcel Number(s): 516-110-017

Section: 11 Township: 3 South Range: 3 East

Approximate Gross Acreage: 5.0 Acres

General location (nearby or cross streets): North of Interstate 10 Fwy, South of _____, East of Whitewater Canyon Rd., West of A.P.N. 516-110-005

Thomas Brothers map, edition year, page number, and coordinates: 2000, page 725, B-2

RE: AUTHORITY FOR THIS APPLICATION IS HEREBY GIVEN
(ADDITIONAL PROPERTY OWNERS SIGNATURES)

I certify that I am/we are the record owner(s) or authorized agent and that the information filed is true and correct to the best of my knowledge. An authorized agent must submit a letter from the owner(s) indicating authority to sign the application on the owner's behalf.

Allan E. Bankus, Jr.

PRINTED NAME OF PROPERTY OWNER



SIGNATURE OF PROPERTY OWNER

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
Conserve Core Habitat for Arroyo Toad	784	190	78	8	13	2	23	78	55			0
Conserve Core Habitat for Desert Grackle	1204	512	120	12	17	24	53	120	67			0
Conserve Core Habitat for San Bernardino Mountains Lizards	387	96	39	4	1	7	12	39	27			0
Conserve Core Habitat for Tule Wren	409	97	41	4	1	7	12	41	29			0
Conserve Sonoran Cottonwood-Willow Riparian Forest	107	59	11	1	0	5	6	11	5			0
Conserve Sand Source Areas	944	403	94	9	15	17	42	94	52			0
Conserve Riparian Sand Traps	483	119	48	5	1	9	14	48	34			0
Conserve Biological Resources	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
--	----

5.0 AC 5.8 Acreaded 4.3 mapped

(A)	(B)	(C)	(D)	(E)	(F)
Conservation Objective	Total Acres on Parcel	Maximum Allowable Disturbance (8% of B)	Proposed Disturbance	Pre-1996 Disturbance	Net Proposed Disturbance (D-E)
Conserve Core Habitat for Arroyo Toad	0	0.0	0	0	0
Conserve Core Habitat for Desert Grackle	9.5	0.8	9.5	9.2	0.3
Conserve Core Habitat for San Bernardino Mountains Lizards	3.7	0.3	3.7	3.7	0
Conserve Core Habitat for Tule Wren	4.2	0.3	4.2	4.1	0.1
Conserve Sonoran Cottonwood-Willow Riparian Forest	0	0.0	0	0	0
Conserve Sand Source Areas	0	0.0	0	0	0
Conserve Riparian Sand Traps	9.5	0.8	9.5	9.2	0.3
Total	9.5	0.8	9.5	9.2	0.3

All measurements are in acres

CONSERVATION AREA TAKE ANALYSIS
 ENVIRONMENTAL PROGRAM DEPARTMENT



COACHELLA VALLEY ASSOCIATION of GOVERNMENTS

Blythe • Cathedral City • Coachella • Desert Hot Springs • Indian Wells • Indio • La Quinta • Palm Desert • Palm Springs • Rancho Mirage
County of Riverside • Agua Caliente Band of Cahuilla Indians • Cabazon Band of Mission Indians • Torres Martinez Desert Cahuilla Indians

January 29, 2009

RECEIVED

FEB 03 2009

Riverside County
Planning Department
Desert Office

Paul F. Clark, AICP
Planning Department
County of Riverside
38686 El Cerrito Road
Palm Desert, CA 92211

RE: Joint Project Review (JPR) for Whitewater Rock and Supply in the Whitewater
Canyon Conservation Area (CVCC ID No. 09-001a)

Dear Mr. Clark:

This letter is to document the results of Coachella Valley Conservation Commission Joint
Project Review (JPR) for Whitewater Rock and Supply (CUP 02885R4) in the
Whitewater Canyon Conservation Area (CVCC ID No. 09-001a). The results of the JPR
are detailed in the enclosed report.

If you have any further questions on this JPR, please do not hesitate to contact Jim
Sullivan or myself at CVAG, (760) 346-1127.

Sincerely,

Katie Barrows
Director of Environmental Resources

Cc: Craig Weightman, CDFG
Kim Nicol, CDFG
Carol Roberts, USFWS
Carolyn Syms Luna, County of Riverside
Maurice Borrows, County of Riverside

enclosure

**Coachella Valley Conservation Commission
Joint Project Review (JPR)**

Date: January 28, 2009

Project Information

Permittee: County of Riverside

Applicant/Project Name: Whitewater Rock & Supply

Permit ID: CUP02885R4

CVCC ID: 09-001a

Conservation Area: Whitewater Canyon Conservation Area

Total Project Acreage: 22.73 Acres

Project Acreage within Conservation Area: 10.8 Acres

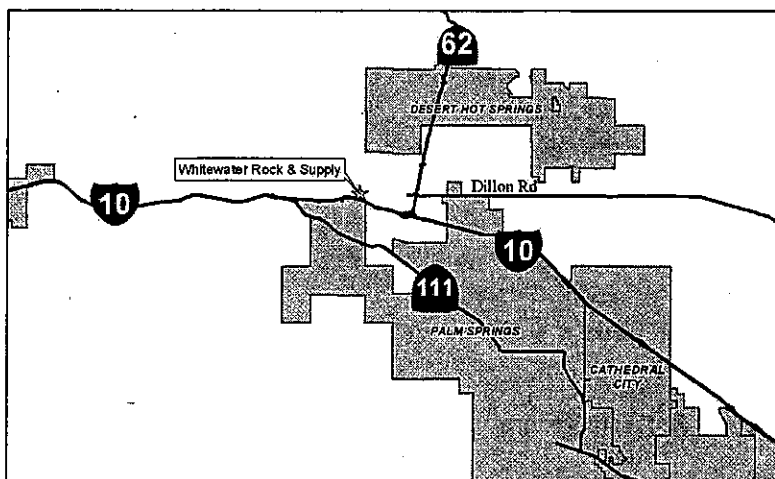
APNs within Conservation Area: 516-110-006, 012

Project Description: Revised CUP No. 2885R4. Whitewater Rock and Supply. Near the Northeast Quad of Interstate 10 Freeway and Whitewater Road

Acres of Proposed New Disturbance: 1.5 Acres

Acres of Pre-1996 Disturbance on property: 8.25 Acres

Acres of Proposed Conservation: 0 Acres



Conservation Objectives Review:

The Conservation Objectives for the Whitewater Canyon Conservation Area are described in Section 4.3 of the CVM SHCP. These Conservation Objectives are summarized in the table below.

Whitewater Rock & Supply Whitewater Canyon Conservation Area

Conservation Objective	Total Acres of Proposed New Disturbance	Acres of Disturbance Authorized by Plan	Proposed Disturbance as Percentage of Authorized Disturbance	Total Acres of Existing Disturbance	Rough Step (Acres of Disturbance Currently Available)	Total Acres of Proposed Conservation	Acres of Conservation Required by Plan	Proposed Conservation as Percentage of Required Conservation	Total Amount of Take Allocated to Other Projects
Conserve Core Habitat for desert tortoise	1.50	120	1%	8.25	62	0.00	1084	0%	0
Conserve Other Cons. Habitat for Little San Bernardino Mountains Linanthus	0.00	39	0%	3.75	26	0.00	348	0%	0
Conserve Core Habitat for triple-ribbed milkvetch	0.00	41	0%	4.25	26	0.00	368	0%	0
Conserve fluvial sand transport areas	1.50	48	3%	8.25	32	0.00	435	0%	0
Conserve Biological Corridors	1.50	22	7%	8.25	2	0.00	201	0%	0

Required Measures for the Conservation Area Applicable to this Proposed Project

Required Measure 2

For proposed Development in Little San Bernardino Mountains linanthus modeled Habitat, Development in Essential Ecological Process fluvial sand transport areas shall not obstruct natural watercourses, and the rate of flow and sediment transport shall not be impeded.

Required Measure 3

The Permittees shall comply with applicable avoidance, minimization, and mitigation measures described in Section 4.4 and the Land Use Adjacency Guidelines as described in Section 4.5.

Other Plan Requirements

Section 4.4: Avoidance, Minimization, and Mitigation Measures

Biological Corridors. Specific roads in Conservation Areas, where culverts or undercrossings are required to maintain Biological Corridors, are delineated in the Section 4.3 subsections on individual Conservation Areas.

Burrowing Owl. This measure does not apply to single-family residences and any non-commercial accessory uses and structures including but not limited to second units on an existing legal lot, or to O&M of Covered Activities other than levees, berms, dikes, and similar features that are known to contain burrowing owl burrows. O&M of roads is not subject to this requirement. For other projects that are subject to CEQA, the Permittees will require burrowing owl surveys in the Conservation Areas using an accepted protocol (as determined by the CVCC in coordination with the Permittees and the Wildlife Agencies). Prior to Development, the construction area and adjacent areas within 500 feet of the Development site, or to the edge of the property if less than 500 feet, will be surveyed by an Acceptable Biologist for burrows that could be used by burrowing owl. If a burrow is located, the biologist will determine if an owl is present in the burrow. If the burrow is determined to be occupied, the burrow will be flagged and a 160-foot buffer during the non-breeding season and a 250-foot buffer during the breeding season, or a buffer to the edge of the property boundary if less than 500 feet, will be established around the burrow. The buffer will be staked and flagged. No Development or O&M activities will be permitted within the buffer until the young are no longer dependent on the burrow.

If the burrow is unoccupied, the burrow will be made inaccessible to owls, and the Covered-Activity may proceed. If either a nesting or escape burrow is occupied, owls shall be relocated pursuant to accepted Wildlife Agency protocols. A burrow is assumed occupied if records indicate that, based on surveys conducted following protocol, at least one burrowing owl has been observed occupying a burrow on site during the past three years. If there are no records for the site, surveys must be conducted to determine, prior to construction, if burrowing owls are present. Determination of the appropriate method of relocation, such as eviction/passive relocation or active relocation, shall be based on the specific site conditions (e.g., distance to nearest suitable habitat and presence of burrows within that habitat) in coordination with the

Wildlife Agencies. Active relocation and eviction/passive relocation require the preservation and maintenance of suitable burrowing owl habitat determined through coordination with the Wildlife Agencies.

Within one (1) year of Permit issuance, CVCC will cooperate with County Flood Control, CVWD and IID to conduct an inventory of levees, berms, dikes, and similar features in the Plan Area maintained by those Permittees. Burrowing owl burrow locations will be mapped and each of these Permittees will incorporate the information into its O&M practices to avoid impacts to the burrowing owl to the maximum extent Feasible. CVCC in cooperation with County Flood Control, CVWD, and IID will prepare a manual for maintenance staff, educating them about the burrowing owl and appropriate actions to take when owls are encountered to avoid impacts to the maximum extent Feasible. The manual will be submitted to the Wildlife Agencies for review and comment within two (2) years of Permit issuance. In conjunction with the Monitoring Program, the maps of the burrowing owl locations along the above-described levees, berms, dikes, and similar features will be periodically updated.

Desert tortoise. This measure does not apply to single-family residences and any non-commercial accessory uses and structures, including but not limited to second units on an existing-legal-lot, or to O&M of Covered Activities for Permittee infrastructure facilities. Within Conservation Areas, the Permittees will require surveys for desert tortoise for Development in modeled desert tortoise Habitat. Prior to Development, an Acceptable Biologist will conduct a presence/absence survey of the Development area and adjacent areas within 200 feet of the Development area, or to the property boundary if less than 200 feet and permission from the adjacent landowner cannot be obtained, for fresh sign of desert tortoise, including live tortoises, tortoise remains, burrows, tracks, scat, or egg shells. The presence/absence survey must be conducted during the window between February 15 and October 31. Presence/absence surveys require 100% coverage of the survey area. If no sign is found, a clearance survey is not required. A presence/absence survey is valid for 90 days or indefinitely if tortoise-proof fencing is installed around the Development site.

If fresh sign is located, the Development area must be fenced with tortoise-proof fencing and a clearance survey conducted during the clearance window. Desert tortoise clearance surveys shall be conducted during the clearance window from February 15 to June 15 and September 1 to October 31 or in accordance with the most recent Wildlife Agency protocols. Clearance surveys must cover 100% of the Development area. A clearance survey must be conducted during different tortoise activity periods (morning and afternoon). All tortoises encountered will be moved from the Development site to a specified location. Prior to issuance of the Permits, CVCC will either use the *Permit Statement Pertaining to High Temperatures for Handling Desert Tortoises* and *Guidelines for Handling Desert Tortoises During Construction Projects*, revised July 1999, or develop a similar protocol for relocation and monitoring of desert tortoise, to be reviewed and approved by the Wildlife Agencies. Thereafter, the protocol will be revised as needed based on the results of monitoring and other information that becomes available.

For O&M activities in the Conservation Areas, the Permittees shall ensure that personnel conducting such activities are instructed to be alert for the presence of desert tortoise. If a tortoise is spotted, activities adjacent to the tortoise's location will be halted and the tortoise will

be allowed to move away from the activity area. If the tortoise is not moving, it will be relocated by an Acceptable Biologist to nearby suitable Habitat and placed in the shade of a shrub. To the maximum extent Feasible, O&M activities will avoid the period from February 15 and October 31. Utility development protocols have been developed to avoid or minimize potential adverse impacts to the desert tortoise in the Conservation Areas from utility and road right-of-way projects, such as the installation and maintenance of water, sewer, and electric lines and roadway maintenance. The objectives of these protocols are to provide reliable and consistent direction on utility development within the Conservation Areas. Two utility development protocols, inactive and active season, provide specific direction on site preparation and construction phases of utility projects in the Conservation Areas. The protocols include steps to be followed during the desert tortoise active and/or inactive season. The inactive season protocol must be used for utility maintenance or development within the November 1 to February 14 time frame; the active season protocol must be used for utility maintenance or development within the February 15 to October 31 time frame. Deviations from these time frames must be presented to the RMOC.

Inactive Season Protocol. This protocol is applicable to pre-construction and construction phases of utility Covered Activity projects occurring between November 1 and February 14. These protocols apply only to the site preparation and construction phases of projects. The project proponent must follow the eight pre-construction protocol requirements listed below.

1. A person from the entity contracting the construction shall act as the contact person with the representative of the appropriate RMUC. He/she will be responsible for overseeing compliance with the protective stipulations as stated in this protocol.
2. Prior to any construction activity within the Conservation Areas, the contact person will meet with the representative of the appropriate RMUC to review the plans for the project. The representative of the appropriate RMUC will review alignment, pole spacing, clearing limits, burrow locations, and other specific project plans which have the potential to affect the desert tortoise. He or she may recommend modifications to the contact person to further avoid or minimize potential impacts to desert tortoise.
3. The construction area shall be clearly fenced, marked, or flagged at the outer boundaries to define the limits of construction activities. The construction right-of-way shall normally not exceed 50 feet in width for standard pipeline corridors, access roads and transmission corridors, and shall be minimized to the maximum extent Feasible. Existing access roads shall be used when available, and rights-of-way for new and existing access roads shall not exceed 20 feet in width unless topographic obstacles require greater road width. Other construction areas including well sites, storage tank sites, substation sites, turnarounds, and laydown/staging sites which require larger areas will be determined in the preconstruction phase. All construction workers shall be instructed that their activities shall be confined to locations within the fenced, flagged, or marked areas.
4. An Acceptable Biologist shall conduct pre-construction clearance surveys of all areas potentially disturbed by the proposed project. Any winter burrows discovered in the Conservation Areas during the pre-construction survey shall be avoided or mitigated. The survey shall be submitted to the representative of the appropriate RMUC as part of plan review.
5. All-site mitigation criteria shall be determined in the pre-construction phase, including but not limited to seeding, barrier fences, leveling, and laydown/staging areas, and will be reviewed by the representative of the appropriate RMUC prior to implementation.

6. A worker education program shall be implemented prior to the onset of each construction project. All construction employees shall be required to read an educational brochure prepared by the representative of the appropriate RMUC and/or the RMOC and attend a tortoise education class prior to the onset of construction or site entry. The class will describe the sensitive species which may be found in the area, the purpose of the MSHCP Reserve System, and the appropriate measures to take upon discovery of a sensitive species. It will also cover construction techniques to minimize potential adverse impacts.
7. All pre-construction activities which could Take tortoises in any manner (e.g., driving off an established road, clearing vegetation, etc.) shall occur under the supervision of an Acceptable Biologist.
8. If there are unresolvable conflicts between the representative of the appropriate RMUC and the contact person, then the matter will be arbitrated by the RMOC and, if necessary, by CVCC.

The following terms are established to protect the desert tortoise during utilityrelated construction activities in the Conservation Areas and are to be conducted by an Acceptable Biologist.

- ❖ An Acceptable Biologist shall oversee construction activities to ensure compliance with the protective stipulations for the desert tortoise.
- ❖ Desert tortoises found above ground inside the project area during construction shall be moved by an Acceptable Biologist out of harm's way and placed in a winter den (at a distance no greater than 250 feet). If a winter den cannot be located, the USFWS or CDFG shall determine appropriate action with respect to the tortoise. Tortoises found above ground shall be turned over to the Acceptable Biologist
- ❖ No handling of tortoises will occur when the air temperature at 15 centimeters above ground exceeds 90 degrees Fahrenheit.
- ❖ Desert tortoise burrows shall be avoided to the maximum extent Feasible. An Acceptable Biologist shall excavate any burrows which cannot be avoided and will be disturbed by construction. Burrow excavation shall be conducted with the use of hand tools only, unless the Acceptable Biologist determines that the burrow is unoccupied immediately prior to burrow destruction.
- ❖ Only burrows within the limits of clearing and surface disturbance shall be excavated. Burrows outside these limits, but at risk from accidental crushing, shall be protected by the placement of deterrent barrier fencing between the burrow and the construction area. Installation and removal of such barrier fencing shall be under the direction and supervision of an Acceptable Biologist.
- ❖ For electrical transmission line and road construction projects, only burrows within the right-of-way shall be excavated. Burrows outside the right-of-way, but at risk from accidental crushing, shall be protected by the placement of deterrent barrier fencing between the burrow and the right-of-way. Installation and removal of such barrier fencing shall be under the direction and supervision of an Acceptable Biologist.
- ❖ Tortoises in the Conservation Areas are not to be removed from burrows until appropriate action is determined by USFWS or CDFG with respect to the tortoise. The response shall be carried out within 72 hours.
- ❖ Blasting is not permissible within 100 feet of an occupied tortoise burrow.

During construction, contractors will comply with the mitigation and minimization measures contained within this protocol. These measures are:

- ❖ All trenches, pits, or other excavations shall be inspected for tortoises by an Acceptable Biologist prior to filling.
- ❖ All pipes and culverts stored within desert tortoise Habitat shall have both ends capped to prevent entry by desert tortoises. During construction, all open ended pipeline segments that are welded in place shall be capped during periods of construction inactivity to prevent entry by desert tortoises.
- ❖ Topsoil removed during trenching shall be re-spread on the pipeline construction area following compaction of the backfill. The area shall be restored as determined during the environmental review.
- ❖ All test pump water will be routed to the nearest wash or natural drainage. The route will be surveyed by an Acceptable Biologist. If tortoises are found in the drainage area the Acceptable Biologist will remove the tortoises.
- ❖ Powerlines associated with water development, such as to provide power for pumps, should be buried underground adjacent to the pipe. All above ground structures deemed to be necessary shall be equipped with functional anti-perching devices that would prevent their use by ravens and other predatory birds, and shall adhere to the electrical distribution protocol which follows.
- ❖ In order to perform routine O&M of the water systems such as wells, pumps, water lines and storage tanks, etc., employees are to be trained in the area of desert tortoise education. This training will be performed on a regular basis by an Acceptable Biologist for those personnel not previously trained. The training will include at a minimum the following: identification of tortoises, burrows, and other sign; and instructions on installing tortoise barrier fencing. During the course of basic O&M, desert tortoise will be avoided. Untrained employees shall not perform maintenance operations within the reserve.
- ❖ All disturbance areas around poles or concrete pads will be reduced to a size just large enough for the construction activity.
- ❖ Areas disturbed around poles or construction pads will be restored as determined during the pre-construction process.
- ❖ Poles or other above ground structures necessary for electrical distribution development shall be minimized as much as possible. All above ground structures shall be equipped with functional anti-perching devices that would prevent their use by ravens and other predatory birds.
- ❖ In order to perform routine O&M of the electrical distribution systems such as transmission lines and poles, substations, etc., employees are to be trained in the area of desert tortoise education. This training will be performed on a regular basis by a qualified biologist for those personnel not previously trained. The training will include at a minimum the following: identification of tortoises, burrows, and other sign; and instructions on installing tortoise barrier fencing. During the course of basic O&M, desert tortoise will be avoided. Untrained employees shall not perform maintenance operations within the non-Take areas.
- ❖ All trash and food items shall be promptly contained and removed daily from the project site to reduce the attractiveness of the area to common ravens and other desert tortoise predators.
- ❖ Construction activities which occur between dusk and dawn shall be limited to areas which have already been cleared of desert tortoises by the Acceptable Biologist and graded or located in a fenced right-of-way. Construction activities shall not be permitted between dusk and dawn in areas not previously graded.

Active Season Protocol. This protocol is applicable to pre-construction and construction phases of utility development projects occurring between February 15 and November 1. It is identical to the Inactive Season Protocol with the following additions:

- ❖ Work areas shall be inspected for desert tortoises within 24 hours of the onset of construction. To facilitate implementation of this condition, burrow inspection and excavation may begin no more than seven (7) days in advance of construction activities, as long as a final check for desert tortoises is conducted at the time of construction.
- ❖ All pre-construction activities which could take tortoises in any manner (e.g., driving off an established road, clearing vegetation, etc.) shall occur under the overall supervision of an Acceptable Biologist. Any hazards to tortoises created by this activity, such as drill holes, open trenches, pits, other excavations, or any steep-sided depressions, shall be checked three times a day for desert tortoises. These hazards shall be eliminated each day prior to the work crew leaving the site, which may include installing a barrier that will preclude entry by tortoises. Open trenches, pits or other excavations will be backfilled within 72 hours, whenever possible. A 3:1 slope shall be left at the end of every open trench to allow trapped desert tortoises to escape. Trenches not backfilled within 72 hours shall have a barrier installed around them to preclude entry by desert tortoises. All trenches, pits, or other excavations shall be inspected for tortoises by a biological monitor trained and approved by the Acceptable Biologist prior to filling.
- ❖ If a desert tortoise is found, the biological monitor shall notify the Acceptable Biologist who will remove the animal as soon as possible.
- ❖ Only burrows within the limits of clearing and surface disturbance shall be excavated. Burrows outside these limits, but at risk from accidental crushing, shall be protected by the placement of deterrent barrier fencing between the burrow and the construction area. The barrier fence shall be at least 20 feet long and shall be installed to direct the tortoise leaving the burrow away from the construction area. Installation and removal of such barrier fencing shall be under the direction and supervision of the biological monitor.
- ❖ If blasting is necessary for construction, all tortoises shall be removed from burrows within 100 feet of the blast area.

Disposition of Sick, Injured, or Dead Specimens. Upon locating dead, injured, or sick desert tortoises under any utility or road project, initial notification by the contact representative or Acceptable Biologist must be made to the USFWS or CDFG within three (3) working days of its finding. Written notification must be made within five (5) calendar days with the following information: date; time; location of the carcass; photograph of the carcass; and any other pertinent information. Care must be taken in handling sick or injured animals to ensure effective treatment and care. Injured animals shall be taken care of by the Acceptable Biologist or an appropriately trained veterinarian. Should any treated tortoises survive, USFWS or CDFG should be contacted regarding the final disposition of the animals.

Fluvial Sand Transport. Activities, including O&M of facilities and construction of permitted new projects, in fluvial sand transport areas in the Cabazon, Stubbe and Cottonwood Canyons, Snow Creek/Windy Point, Whitewater Canyon, Whitewater Floodplain, Upper

Mission Creek/Big Morongo Canyon, Mission Creek/Morongo Wash, Willow Hole, Long Canyon, Edom Hill, Thousand Palms, West Deception Canyon, and Indio Hills/Joshua Tree National Park Linkage Conservation Areas will be conducted in a manner to maintain the fluvial sand transport capacity of the system.

Little San Bernardino Mountains Linanthus. This measure does not apply to single-family residences and any non-commercial accessory uses and structures, including but not limited to second units on an existing legal lot, or to O&M of Covered Activities. To avoid and minimize impacts to this species as much as possible, the following avoidance and minimization effort shall occur:

- ❖ **Salvage:** Salvage of top soil and/or seeds should occur prior to ground disturbance in accordance with Section 6.6.1. Salvage should be conducted by or in cooperation with the CVCC.

Triple-ribbed milkvetch. This measure does not apply to single-family residences and any non-commercial accessory uses and structures including but not limited to second units on an existing legal lot, or to O&M of Covered Activities. It is understood that O&M for infrastructure developed as part of a private development approved in compliance with the MSHCP that is later transferred to a public entity is included as a Covered Activity. For Covered Activities within modeled triple-ribbed milkvetch Habitat in the Whitewater Canyon, Whitewater Floodplain, Upper Mission Creek/Big Morongo Canyon, and Santa Rosa and San Jacinto Mountains Conservation Areas, surveys by an Acceptable Biologist will be required for activities during the growing and flowering period from February 1 -- May 15. Any occurrences of the species will be flagged and public infrastructure projects shall avoid impacts to the plants to the maximum extent Feasible. In particular, known occurrences on a map maintained by CVCC shall not be disturbed.

Section 4.5 Land Use Adjacency Guidelines

The purpose of Land Use Adjacency Guidelines is to avoid or minimize indirect effects from Development adjacent to or within the Conservation Areas. Adjacent means sharing a common boundary with any parcel in a Conservation Area. Such indirect effects are commonly referred to as edge effects, and may include noise, lighting, drainage, intrusion of people, and the introduction of non-native plants and non-native predators such as dogs and cats. Edge effects will also be addressed through reserve management activities such as fencing. The following Land Use Adjacency Guidelines shall be considered by the Permittees in their review of individual public and private Development projects adjacent to or within the Conservation Areas to minimize edge effects, and shall be implemented where applicable.

4.5.1 Drainage

Proposed Development adjacent to or within a Conservation Area shall incorporate plans to ensure that the quantity and quality of runoff discharged to the adjacent Conservation Area is not altered in an adverse way when compared with existing conditions. Stormwater systems shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials or other elements that might degrade or harm biological resources or ecosystem processes within the adjacent Conservation Area.

4.5.2 Toxics

Land uses proposed adjacent to or within a Conservation Area that use chemicals or generate bioproducts such as manure that are potentially toxic or may adversely affect wildlife and plant species, Habitat, or water quality shall incorporate measures to ensure that application of such chemicals does not result in any discharge to the adjacent Conservation Area.

4.5. Lighting

Numerous studies have shown artificial light to negatively impact a variety of wildlife species (see, for example, Ecological consequences of artificial night lighting 2006, Rich, C. and Longcore, T. (eds.). Island Press: Washington, D.C.). The purpose of this guideline is to minimize the impact of artificial light on wildlife within Conservation Areas. For proposed Development adjacent to or within a Conservation Area, lighting shall be shielded and directed toward the developed area. Landscape shielding or other appropriate methods shall be incorporated in project designs to minimize the effects of lighting adjacent to or within the adjacent Conservation Area. Projects requiring discretionary approval shall provide the permitting jurisdiction with a light study showing the proposed methods to minimize escape of light from the project into Conservation Areas. This study shall include all exterior lighting including street lights and security lighting.

4.5.4 Noise

Noise has been shown to negatively impact numerous species of wildlife (see, for example, Bowles, A.E. 1995. Responses of wildlife to noise. pp. 109-156. In: Knight, R.L. and K.J. Gutzwiller. (eds.) Wildlife and Recreationists: Coexistence through Management and Research. Island Press: Washington, D.C.). The purpose of this guideline is to minimize the impact the noise on wildlife within Conservation Areas. Proposed Development adjacent to or within a Conservation Area that generates noise in excess of 75 dBA L_{eq} hourly, as measured at the property line, shall incorporate setbacks, berms, or walls, as appropriate, to minimize the effects of noise on the adjacent Conservation Area. Required Measures in any Conservation Area that preclude or limit berms or walls shall have precedence over this guideline. This guideline is intended to apply to land uses that generate noise on a permanent basis such as race tracks, night clubs and shooting ranges and does not apply to temporary noise due to construction or special events. Public safety activities are exempt from this guideline.

4.5.5 Invasives

Invasive species are a known threat to native wildlife and wildlife habitat in the Coachella Valley. Impacts of invasive species on wildlife in the Coachella Valley have been documented in research conducted by the Center for Conservation Biology at the University of California, Riverside. Invasive, non-native plant species shall not be incorporated in the landscape for land uses adjacent to or within a Conservation Area. Landscape treatments within or adjacent to a Conservation Area shall incorporate native plant materials to the maximum extent Feasible; recommended native species are listed in Table 4-112. The plants listed in Table 4-113 shall not be used within or adjacent to a Conservation Area. This list may be amended from time to time through a Minor Amendment with Wildlife Agencies' concurrence.

Table 4-112: Coachella Valley Native Plants Recommended for Landscaping¹

BOTANICAL NAME	COMMON NAME
Trees	
<i>Washingtonia filifera</i>	California Fan Palm
~~<i>Cercidium floridum</i>~~	~~Blue-Palo-Verde~~
<i>Chilopsis linearis</i>	Desert Willow
<i>Olneya tesota</i>	Ironwood Tree
<i>Prosopis glandulosa</i> var. <i>torreyana</i>	Honey Mesquite
Shrubs	
<i>Acacia greggii</i>	Cat's Claw Acacia
<i>Ambrosia dumosa</i>	Burro Bush
<i>Atriplex canescens</i>	Four Wing Saltbush
<i>Atriplex lentiformis</i>	Quailbush
<i>Atriplex polycarpa</i>	Cattle Spinach
<i>Baccharis sergiloides</i>	Squaw Water-weed
<i>Bebia juncea</i>	Sweet Bush
<i>Cassia (Senna) covesii</i>	Desert Senna
<i>Condalia parryi</i>	Crucillo
<i>Crossosoma bigelovii</i>	Crossosoma
<i>Dalea emoryi</i>	Dye Weed
<i>Dalea (Psoralea) schottii</i>	Indigo Bush
<i>Datura meteloides</i>	Jimson Weed
<i>Encelia farinosa</i>	Brittle Bush
<i>Ephedra aspera</i>	Mormon Tea
<i>Eriogonum fasciculatum</i>	California Buckwheat
~~<i>Eriogonum wrightii-membranaceum</i>~~	~~Wright's Buckwheat~~
<i>Fagonia laevis</i>	(No Common Name)
<i>Gutierrezia sarothrae</i>	Matchweed
<i>Haplopappus acradenius</i>	Goldenbush
<i>Hibiscus denudatus</i>	Desert Hibiscus
<i>Hoffmannseggia microphylla</i>	Rush Pea
<i>Hymenoclea salsola</i>	Cheesebush
<i>Hyptis emoryi</i>	Desert Lavender

BOTANICAL NAME	COMMON NAME
<i>Isomeris arborea</i>	Bladder Pod
<i>Juniperus californica</i>	California Juniper
<i>Krameria grayi</i>	Ratany
<i>Krameria parvifolia</i>	Little-leaved Ratany
<i>Larrea tridentate</i>	Creosote Bush
<i>Lotus rigidus</i>	Desert Rock Pea
<i>Lycium andersonii</i>	Box Thorn
<i>Petalonyx linearis</i>	Long-leaved Sandpaper Plant
<i>Petalonyx thurberi</i>	Sandpaper Plant
<i>Peucephyllum schottii</i>	Pygmy Cedar
<i>Prunus fremontii</i>	Desert Apricot
<i>Rhus ovata</i>	Sugar-bush
<i>Salazaria mexicana</i>	Paper-bag Bush
<i>Salvia apiana</i>	White Sage
<i>Salvia eremostachya</i>	Santa Rosa Sage
<i>Salvia vaseyi</i>	Wand Sage
<i>Simmondsia chinensis</i>	Joboa
<i>Sphaeralcea ambigua</i>	Globemallow (Desert Mallow)
<i>Sphaeralcea ambigua rosacea</i>	Apricot Mallow
<i>Trixis californica</i>	Trixis
<i>Zauschneria californica</i>	California Fuchsia
Groundcovers	
<i>Mirabilis bigelovii</i>	Wishbone Bush (Four O'Clock)
<i>Mirabilis tenuiloba</i>	White Four O'Clock (Thin-lobed)
Vines	
<i>Vitis girdiana</i>	Desert Grape
Accent	
<i>Muhlenbergia rigens</i>	Deer Grass
Herbaceous Perennials²	
<i>Adiantum capillus-veneris</i>	Maiden-hair Fern (w)
<i>Carex alma</i>	Sedge (w)
<i>Dalea parryi</i>	Parry Dalea
<i>Eleocharis montevidensis</i>	Spike Rush (w)
<i>Equisetum laevigatum</i>	Horsetail (w)
<i>Juncus bufonis</i>	Toad Rush (w)
<i>Juncus effuses</i>	Juncus (w)
<i>Juncus macrophyllus</i>	Juncus (w)
<i>Juncus mexicanus</i>	Mexican Rush (w)
<i>Juncus xiphioides</i>	Juncus (w)
<i>Notholaena parryi</i>	Parry Cloak Fern
<i>Pallaea mucronata</i>	Bird-foot Fern
Cacti and Succulents	
<i>Agave deserti</i>	Desert Agave
<i>Asclepias albicans</i>	Desert Milkweed (Buggy-whip)
<i>Asclepias subulata</i>	Ajamete
<i>Dudleya arizonica</i>	Live-forever
<i>Dudleya saxosa</i>	Rock Dudleya
<i>Echinocereus engelmannii</i>	Calico Hedgehog Cactus
<i>Ferocactus acanthodes</i>	Barrel Cactus

BOTANICAL NAME	COMMON NAME
<i>Fouquieria splendens</i>	Ocotillo
<i>Mamillaria dioica</i>	Nipple Cactus
<i>Mamillaria tetrancistra</i>	Corkseed Cactus
<i>Nolina parryi</i>	Parry Nolina
<i>Opuntia acanthocarpa</i>	Stag-horn or Deer-horn Cholla
<i>Opuntia bigelovii</i>	Teddy Bear or Jumping Cholla
<i>Opuntia basilaris</i>	Beavertail Cactus
<i>Opuntia echinocarpa</i>	Silver or Golden Cholla
<i>Opuntia ramosissima</i>	Pencil Cholla, Darning Needle Cholla
<i>Yucca schidigera</i>	Mojave Yucca, Spanish Dagger
<i>Yucca whipplei</i>	Our Lord's Candle

¹ Source: "Coachella Valley Native Plants, Excluding Annuals (0 ft. to approximately 3,000 ft. elevation)."
Compiled by Dave Heveron, Garden Collections Manager, and Kirk Anderson, Horticulturist, The Living Desert,
May, 2000, for the Coachella Valley Mountains Conservancy.

² Common names for herbaceous perennials that are followed by "(w)" indicate a water or riparian species.

Table 4-113: Prohibited Invasive Ornamental Plants¹

BOTANICAL NAME	COMMON NAME
<i>Acacia</i> spp. (all species except <i>A. greggii</i>)	Acacia (all species except native catclaw acacia)
<i>Arundo donax</i> (✓)	Giant Reed or Arundo Grass
<i>Atriplex semibaccata</i> (✓)	Australian Saltbush
<i>Avena barbata</i>	Slender Wild Oat
<i>Avena fatua</i>	Wild Oat
<i>Brassica tournefortii</i> (✓✓)	African or Saharan Mustard
<i>Bromus madritensis</i> ssp. <i>rubens</i> (✓)	Red Brome
<i>Bromus tectorum</i> (✓✓)	Cheat Grass or Downy Brome
<i>Cortaderia jubata</i> [syn. <i>C. atacamensis</i>]	Jubata Grass or Andean Pampas Grass
<i>Cortaderia dioica</i> [syn. <i>C. selloana</i>]	Pampas Grass
<i>Descurainia sophia</i>	Tansy Mustard
<i>Eichhornia crassipes</i>	Water Hyacinth
<i>Elaeagnus angustifolia</i>	Russian Olive
<i>Foeniculum vulgare</i>	Sweet Fennel
<i>Hirschfeldia incana</i>	Mediterranean or Short-pod Mustard
<i>Lepidium latifolium</i>	Perennial Pepperweed
<i>Lolium multiflorum</i>	Italian Ryegrass
<i>Nerium oleander</i>	Oleander
<i>Nicotiana glauca</i> (✓)	Tree Tobacco
<i>Oenothera berlandieri</i> (#)	Mexican Evening Primrose
<i>Olea europea</i>	European Olive Tree
<i>Parkinsonia aculeata</i> (✓)	Mexican Palo Verde
<i>Pennisetum clandestinum</i>	Kikuyu Grass
<i>Pennisetum setaceum</i> (✓✓)	Fountain Grass
<i>Phoenix canariensis</i> (#)	Canary Island Date Palm
<i>Phoenix dactylifera</i> (#)	Date Palm
<i>Ricinus communis</i> (✓)	Castorbean
<i>Salsola tragus</i> (✓)	Russian Thistle
<i>Schinus molle</i>	Peruvian Pepper Tree or California Pepper
<i>Schinus terebinthifolius</i>	Brazilian Pepper Tree

BOTANICAL NAME	COMMON NAME
<i>Schismus arabicus</i>	Mediterranean Grass
<i>Schismus barbatus</i> (✓✓)	Saharan Grass, Abu Mashi
<i>Stipa capensis</i> (✓✓)	No Common Name
<i>Tamarix</i> spp. (all species) (✓✓)	Tamarisk or Salt Cedar
<i>Taeniatherum caput-medusae</i>	Medusa-head
<i>Tribulus terrestris</i>	Puncturevine
<i>Vinca major</i>	Periwinkle
<i>Washingtonia robusta</i>	Mexican fan palm
<i>Yucca gloriosa</i> (#)	Spanish Dagger

Sources: California Exotic Pest Plant Council, United States Department of Agriculture-Division of Plant Health and Pest Prevention Services, California Native Plant Society, Fremontia Vol. 26 No. 4, October 1998, The Jepson Manual; Higher Plants of California, and County of San Diego Department of Agriculture.

Key to Table 4-113:

- # indicates species not on CalEPPC October 1999 "Exotic Pest Plants of Greatest Ecological Concern in California" list
- ✓ indicates species known to be invasive in the Plan Area
- ✓✓ indicates particularly troublesome invasive species

4.5.6 Barriers

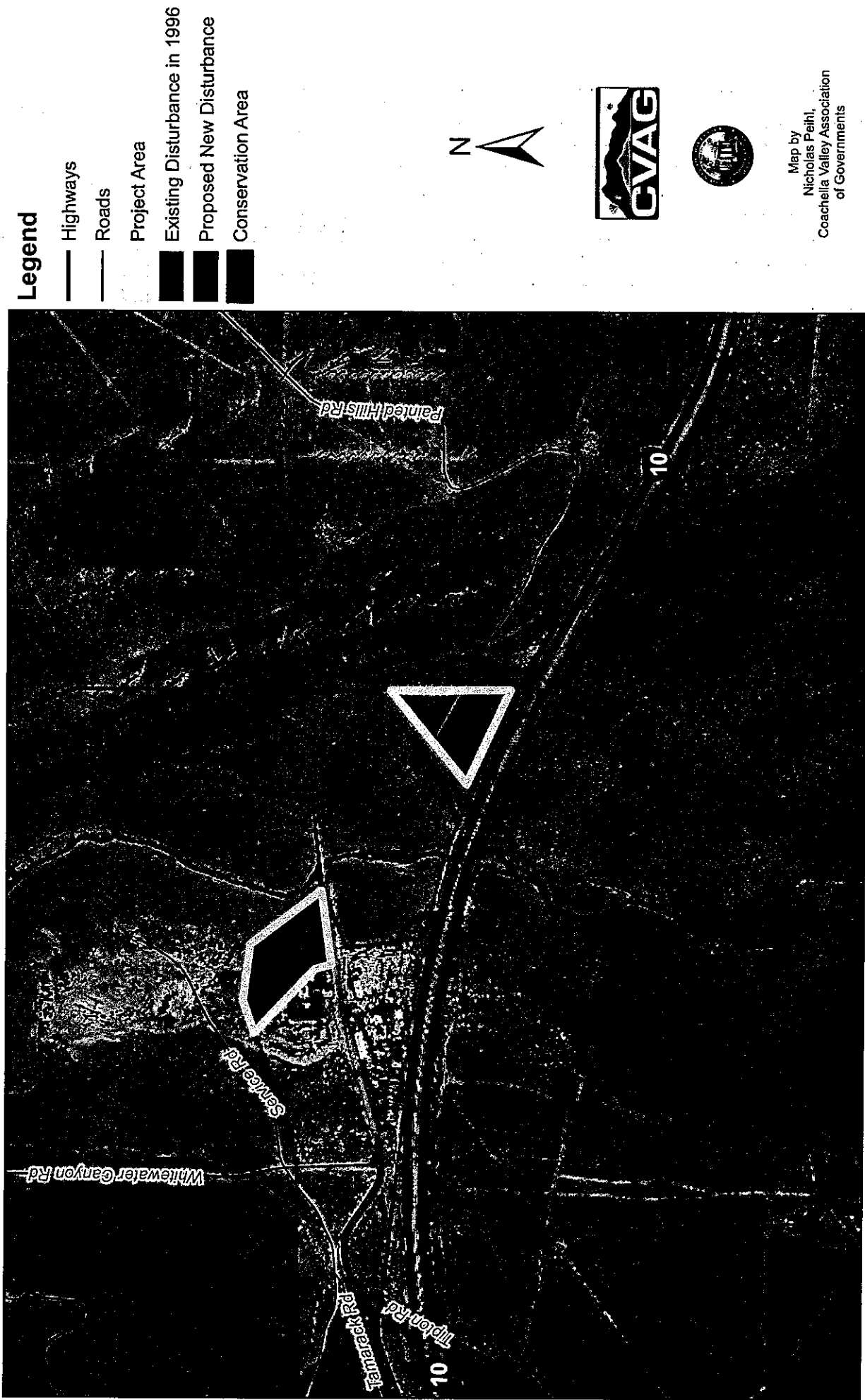
Land uses adjacent to or within a Conservation Area shall incorporate barriers in individual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping in a Conservation Area. Such barriers may include native landscaping, rocks/boulders, fencing, walls and/or signage.

4.5.7 Grading/Land Development

Manufactured slopes associated with site Development shall not extend into adjacent land in a Conservation Area.

~~Map of Project Vicinity in Conservation Area~~
Map(s) of Project Boundaries and Species etc Disturbance

Whitewater Rock & Supply - Joint Project Review Project Area Map



Legend

- Highways
- Roads
- Project Area
- Existing Disturbance in 1996
- Proposed New Disturbance
- Conservation Area



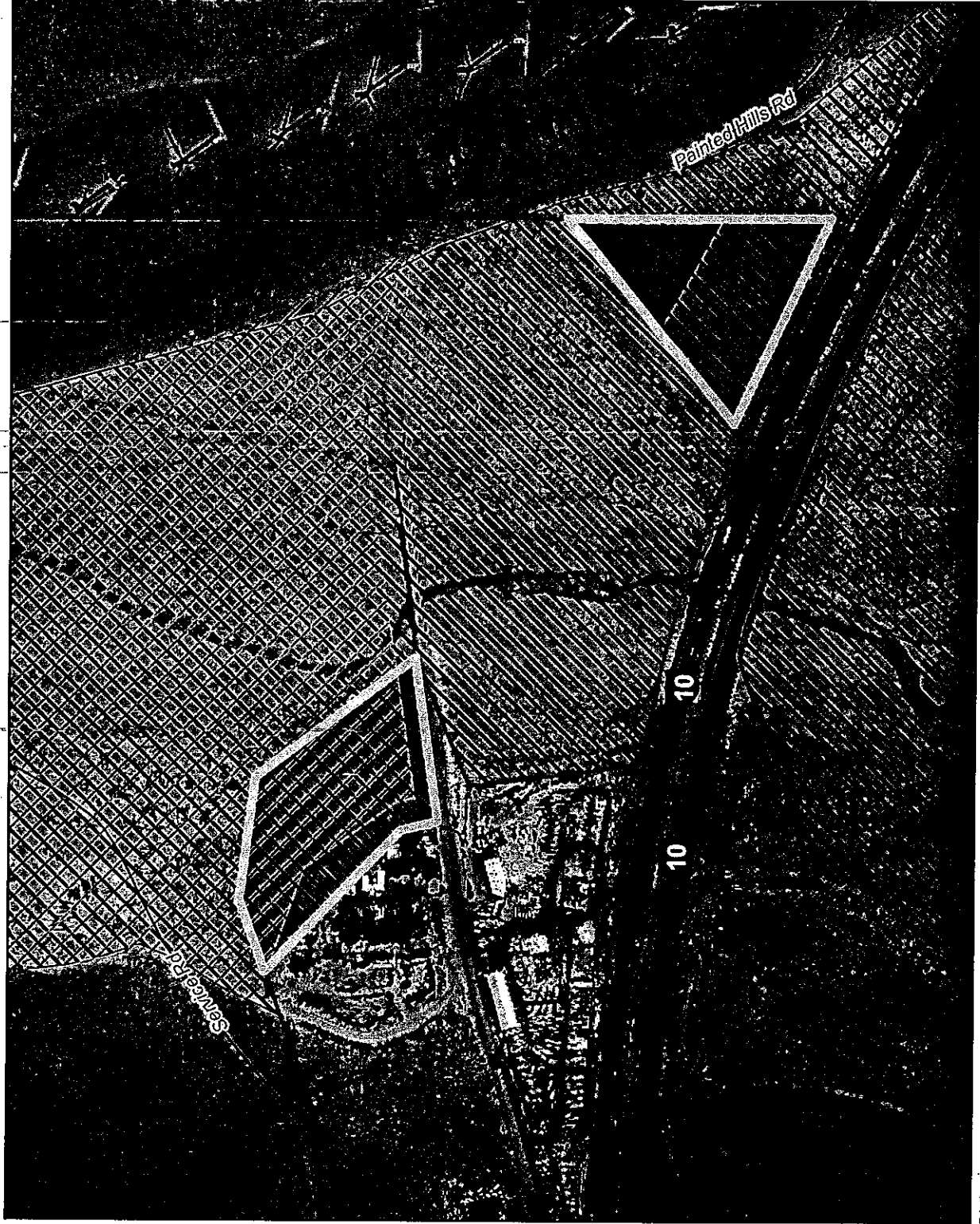
Map by
Nicholas Peihl,
Coachella Valley Association
of Governments

Printing Date: January 28, 2009
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0 750 1,500 2,250 3,000 Feet

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Whitewater Rock & Supply - Joint Project Review Conservation Objectives Map



Legend

Highways

Roads

Project Area

Existing Disturbance in 1996

Proposed New Disturbance

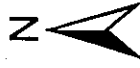
Conservation Area

Conservation Objectives

Little S.B. Mountains Linanthus

Fluvial Sand Transport

Entire Conservation Area shown on map is Desert Tortoise Habitat and Whitewater River Corridor.



Map by
Nicholas Pehli,
Coachella Valley Association
of Governments

Printing Date: January 28, 2009

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NOTICE OF PUBLIC HEARING
and
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

A **PUBLIC HEARING** has been scheduled, pursuant to Riverside County Land Use Ordinance No. 348, before the **RIVERSIDE COUNTY PLANNING COMMISSION** to consider the project shown below:

CONDITIONAL USE PERMIT NO. 2885, REVISED PERMIT NO. 4 – Intent to Adopt a Mitigated Negative Declaration – Applicant: Paul T. Welsh - Engineering/Representative: Massaro and Welsh – Fifth Supervisorial District – Whitewater Zoning District – Western Coachella Valley Area Plan: Community Development: Commercial Retail (CD-CR) (0.2-0.35 FAR) – Location: Northerly of Interstate 10 and easterly of Whitewater Canyon Road – 26.3 Gross Acres – Zoning: Rural Residential (R-R) – **REQUEST:** This revised permit to the conditional use permit proposes to expand the storage area of an existing outdoor decorative rock and gravel material sales and supply storage yard from approximately 21.3 acres to approximately 26.3 acres and utilize an existing on-site building for storage purposes. The use also allows the extraction of river boulders as a mining operation on APN No. 616-110-012 which is exempt from the provisions of Ordinance No. 555. APN(s): 516-110-006, 012, 017, 018, 021, and 023 (Quasi-Judicial)

TIME OF HEARING: 9:30 A.M. or as soon as possible thereafter.
DATE OF HEARING: April 29, 2009
PLACE OF HEARING: City of La Quinta Council Chambers
78-495 Calle Tampico, La Quinta, CA 92253

For further information regarding this project, please contact Maurice Borrows, Project Planner at 760-863-8277 or e-mail mborrows@rctlma.org, or go to the County Planning Department's Planning Commission agenda web page at www.tlma.co.riverside.ca.us/planning/pc.html

The Riverside County Planning Department has determined that the above project will not have a significant effect on the environment and has recommended adoption of a mitigated negative declaration. The Planning Commission will consider the proposed project and the proposed mitigated negative declaration, at the public hearing. The case file for the proposed project and the proposed mitigated negative declaration may be viewed Monday through Friday, 8:30 a.m. to 4:30 p.m., (with the exception of Noon-1:00 p.m. and holidays) at the County of Riverside Planning Department, 38686 El Cerrito Road, Palm Desert, CA 92211. For further information or an appointment, contact the project planner.

Any person wishing to comment on a proposed project may do so, in writing, between the date of this notice and the public hearing or appear and be heard at the time and place noted above. All comments received prior to the public hearing will be submitted to the Planning Commission, and the Planning Commission will consider such comments, in addition to any oral testimony, before making a decision on the proposed project.

If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing, described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. Be advised that, as a result of public hearings and comment, the Planning Commission may amend, in whole or in part, the proposed project. Accordingly, the designations, development standards, design or improvements, or any properties or lands, within the boundaries of the proposed project, may be changed in a way other than specifically proposed.

Please send all written correspondence to:

COUNTY OF RIVERSIDE PLANNING DEPARTMENT
Attn: Maurice Borrows, Project Planner
38686 El Cerrito Road, Palm Desert, CA 92211

PROPERTY OWNERS CERTIFICATION FORM

I, CARLOS MUNOZ certify that on April 7, 2009

The attached property owners list was prepared by Riverside County GIS

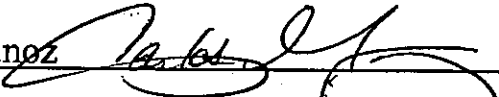
APN (s) or case numbers 516-110-012, 516-110-006, 516-110-023, 516-110-021, 516-110-018, and 516-110-017 For

Company or Individual's Name Riverside County Planning Department

Distance buffered 2,400'

Pursuant to application requirements furnished by the Riverside County Planning Department. Said list is a complete and true compilation of the owners of the subject property and all other property owners within 600 feet of the property involved, or if that area yields less than 25 different owners, all property owners within a notification area expanded to yield a minimum of 25 different owners, to a maximum notification area of 2,400 feet from the project boundaries, based upon the latest equalized assessment rolls. If the project is a subdivision with identified off-site access/improvements, said list includes a complete and true compilation of the names and mailing addresses of the owners of all property that is adjacent to the proposed off-site improvement/alignment.

I further certify that the information filed is true and correct to the best of my knowledge. I understand that incorrect or incomplete information may be grounds for rejection or denial of the application.

NAME: Carlos Munoz 

TITLE Planning Technician II 

ADDRESS: 38686 El Cerrito Road

Palm Desert, CA 92211

TELEPHONE NUMBER (8 a.m. – 5 p.m.): (760) 863-8277

CASE # CUP02885R4

CUPO2885R4

APN: 516100003 ASMT: 516100003
FISHERMANS WHARF
C/O BERNARD TOHL
848 N LA CIENEGA NO 207
LOS ANGELES CA 90069

APN: 516100006 ASMT: 516100006
MWD
C/O ASSEST MANAGEMENT
P O BOX 54153
LOS ANGELES CA 90054

APN: 516110004 ASMT: 516110004
ALLAN EDWARD BANKUS
IRENE EDNA BANKUS
216 SERENA DR
PALM DESERT CA 92260

APN: 516110012 ASMT: 516110012
ALLAN BANKUS
8642 EL DORADO CT
YUCCA VALLEY CA 92284

APN: 516110012 ASMT: 516110012
ALLAN BANKUS
8642 EL DORADO CT
YUCCA VALLEY CA 92284

APN: 516110014 ASMT: 516110014
CVWD
P O BOX 1058
COACHELLA CA 92236

APN: 516110015 ASMT: 516110015
STATE OF CALIF
STATE OF CALIF
P O BOX 1799
SACRAMENTO CA 95808

APN: 516120007 ASMT: 516120007
ERNEST W BLANK
19826 BUTTON WILLOW DR
CANOGA PARK CA 91306

APN: 516120008 ASMT: 516120008
HELEN GORDON
703 PHOENIX AVE
CLEARWATER FL 33516

APN: 516120009 ASMT: 516120009
WIND ENERGY PARTNERSHIP
C/O SAN GORGONIO FARMS
21515 HAWTHORNE BLV 1059
TORRANCE CA 90503

APN: 516120016 ASMT: 516120016
JOHN E KAVANAUGH
9085 LAS TUNAS
TEMEPLE CITY CA 91780

APN: 516120017 ASMT: 516120017
DENISE A DIANNE
351 GUERRERO
SAN FRANCISCO CA 94103

APN: 516120057 ASMT: 516120057
SAM WOZNICA
SUSANNA WOZNICA
12818 ERWIN ST
NORTH HOLLYWOOD CA 91606

APN: 516130003 ASMT: 516130003
E L YEAGER CONSTRUCTION CO INC
C/O YEAGER SKANSKA
1995 AGUA MANSA RD
RIVERSIDE CA 92509

APN: 516130004 ASMT: 516130004
CLEMENT J SENATRO
EUGENIA S SENATRO
117 GRIST MILL RD
WETHERSFIELD CT 6109

APN: 516130005 ASMT: 516130005
THOMAS B MARTIN
RITA C MARTIN
29 EVENING STAR DR
RANCHO MIRAGE CA 92270

APN: 516130009 ASMT: 516130009
SOUTHERN CALIFORNIA EDISON CO
C S REENDERS ASST COMPTROLLER
P O BOX 800
ROSEMEAD CA 91770

APN: 516130011 ASMT: 516130011
USA 516
C/O JESSE TAPSCOTT
4559 CREEKMONT CT
SANTA ROSA CA 95404

APN: 522070027 ASMT: 522070027
EUGENE M GABRYCH
MARIAN G GABRYCH
2006 OLD HIGHWAY 395
FALLBROOK CA 92028

APN: 522080054 ASMT: 522080054
ROBIN EVON HARRIS
59511 HIGHWAY 111
PALM SPRINGS CA 92262

APN: 522080065 ASMT: 522080065
RAY R COULTER
P O BOX 3065
PALM SPRINGS CA 92263

Mission Springs Water District
66575 E. Second Street
Desert Hot Springs, CA 92240

Southern California Edison
36100 Cathedral Canyon
Cathedral City, CA 92234

Southern California Gas Co.
211 N. Sunrise Way
Palm Springs, CA 92262

Verizon
295 N. Sunrise Way
Palm Springs, CA 92262

Palm Springs Unified School Dist.
980 E. Tahquitz Cyn. Way. Ste. #204
Palm Springs, CA 92262

EASTERN INFORMATION CENTER
Archeological Research Unit
University of California
Riverside, CA 92521

CALTRANS #8
Attn: William Mosby
464 4th MS 726
San Bernardino, CA 92401

City of Palm Springs
Planning & Zoning
3200 E. Tahquitz Canyon
Palm Springs, CA 92262

Whitewater Mutual Water Co.
P. O. Box 2821
Palm Springs, CA 92263

Bonnie Bell Homeowners Assoc.
~~C/O: Peter MacKenzie~~
11490 Whitewater Cyn. Road
Whitewater, CA 92282

Banning Unified School Dist.
161 W. Williams
Banning, CA 92220

Applicant:
~~Paul T. Welsh~~
1572 N Waterman Ave, Suite 5
San Bernardino, CA 92404

Owner:
Allan E. Bankus
58645 Old Highway 60
Whitewater, CA 92282

Extra Labels for
CUP02885R4

FOR COUNTY CLERK'S USE ONLY

COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

George A. Johnson · Agency Director

Planning Department

Ron Goldman · Planning Director

TO: ☐ Office of Planning and Research (OPR)
P.O. Box 3044
Sacramento, CA 95812-3044
☒ County of Riverside County Clerk

FROM: Riverside County Planning Department
☐ 4080 Lemon Street, 9th Floor
P. O. Box 1409
Riverside, CA 92502-1409

☒ 38686 El Cerrito Road
Palm Desert, California 92211

SUBJECT: Filing of Notice of Determination in compliance with Section 21152 of the California Public Resources Code.

EA41691/Conditional Use Permit No. 2885, Revised Permit No. 4

Project Title/Case Numbers

Maurice Borrows
County Contact Person

760-863-8277
Phone Number

N/A

State Clearinghouse Number (if submitted to the State Clearinghouse)

Paul T. Welsh
Project Applicant

1572 N. Waterman Avenue, San Bernardino, CA 92404
Address

The project site is located northerly of Interstate 10 and easterly of Whitewater Canyon Road in the Whitewater Zoning District.
Project Location

The revised conditional use permit proposes to expand the storage area of an existing outdoor rock materials sales yard with accessory office and decorative rock and gravel storage from approximately 17.3 acres to approximately 23.3 acres; and the extraction of river boulders as a mining operation which is exempt from the provisions of Ordinance No. 555 (less than 1,000 cu. yd. limit). This revised permit adds additional outdoor decorative rock and gravel storage area and the use of an existing building for storage purposes.
Project Description

This is to advise that the Riverside County Planning Department, as the lead agency, has approved the above-referenced project on June 10, 2009, and has made the following determinations regarding that project:

1. The project WILL NOT have a significant effect on the environment.
2. A Mitigated Negative Declaration was prepared for the project pursuant to the provisions of the California Environmental Quality Act. (\$1,993.00 plus \$64.00)
3. Mitigation measures WERE made a condition of the approval of the project.
4. A Mitigation Monitoring and Reporting Plan/Program WAS adopted.
5. A statement of Overriding Considerations WAS NOT adopted for the project.

This is to certify that the Mitigated Negative Declaration, with comments, responses, and record of project approval is available to the general public at: Riverside County Planning Department, 38686 El Cerrito Road, Palm Desert, CA 92211.


Signature

Project Planner
Title

June 17, 2009
Date

Date Received for Filing and Posting at OPR: _____

Y:\11_PLANNING Primary Folder\Planning Cases-Desert Office\CUP02885R4\DH-PC-BOS Hearings\NOD for CUP2884R4.doc
Revised 9/14/07

Please charge deposit fee case#: ZEA41691

ZCFG05039.

FOR COUNTY CLERK'S USE ONLY

COUNTY OF RIVERSIDE
SPECIALIZED DEPARTMENT RECEIPT
Permit Assistance Center

* REPRINTED * I0800235

4080 Lemon Street
Second Floor
Riverside, CA 92502
(951) 955-3200

39493 Los Alamos Road
Suite A
Murrieta, CA 92563
(951) 600-6100

38686 El Cerrito Road
Palm Desert, CA 92211
(760) 863-8277

Received from: WHITEWATER ROCK & SUPPLY CO \$64.00
paid by: RC 19699
paid towards: CFG05039 CALIF FISH & GAME - NEG DECL
CFG FOR EA41691 (CUP02885R4)
at parcel #: 58500 HIGHWAY 60 WHIT
appl type: CFG1

By TDELEONI Jan 22, 2008 16:04
posting date Jan 22, 2008

Account Code	Description	Amount
658353120100208100	CF&G TRUST: RECORD FEES	\$64.00

Overpayments of less than \$5.00 will not be refunded!

Additional info at www.rctlma.org

COUNTY OF RIVERSIDE
SPECIALIZED DEPARTMENT RECEIPT
Permit Assistance Center

J* REPRINTED * I0901494

4080 Lemon Street
Second Floor
Riverside, CA 92502
(951) 955-3200

39493 Los Alamos Road
Suite A
Murrieta, CA 92563
(951) 694-5242

38686 El Cerrito Rd
Indio, CA 92211
(760) 863-8271

Received from: WHITEWATER ROCK & SUPPLY CO
paid by: CK 20193

\$116.25

CFG FOR EA41691 (CUP02885R4)

paid towards: CFG05039 CALIF FISH & GAME - NEG DECL
at parcel: 58500 HIGHWAY 60 WHIT
appl type: CFG1

By KHAFLIGE Jun 19, 2009 09:57
posting date Jun 19, 2009

Account Code	Description	Amount
658353120100208100	CF&G TRUST	\$116.25

Overpayments of less than \$5.00 will not be refunded!

COUNTY OF RIVERSIDE
SPECIALIZED DEPARTMENT RECEIPT
Permit Assistance Center

* REPRINTED * I0800734

4080 Lemon Street
Second Floor
Riverside, CA 92502
(951) 955-3200

39493 Los Alamos Road
Suite A
Murrieta, CA 92563
(951) 600-6100

38686 El Cerrito Road
Palm Desert, CA 92211
(760) 863-8277

Received from: WHITEWATER ROCK & SUPPLY CO

\$1,876.75

paid by: CK 19771

paid towards: CFG05039

CALIF FISH & GAME - NEG DECL

CFG FOR EA41691 (CUP02885R4)

at parcel #: 58500 HIGHWAY 60 WHIT

appl type: CFG1

By

VWOODARD

Mar 10, 2008 11:48

posting date Mar 10, 2008

Account Code
658353120100208100

Description
CF&G TRUST

Amount
\$1,876.75

~~Overpayments of less than \$5.00 will not be refunded!~~

Additional info at www.rctlma.org

County of Riverside
Planning Department Desert Office
38686 El Cerrito Rd
Palm Desert, CA 92211

PAUL T. WELSH
1572 N WATERMAN AVE, SUITE 5
SAN BERNARDINO, CA 92404

FIRST CLASS

County of Riverside
Planning Department Desert Office
38686 El Cerrito Rd
Palm Desert, CA 92211

ALLAN E. BANKUS
58645 OLD HIGHWAY 60
WHITTEWATER, CA 92282

FIRST CLASS

91 1000 205-111