



COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

Agenda Item No.

Board of Supervisor's Hearing: February 28, 2023

PROPOSED PROJECT

Case Number(s): PAR210273

Applicant: Robertson's Ready Mix

Environmental: Not a project under CEQA

Representative: Christine Goeyvaerts

Area Plan: Temescal Canyon

Zoning Area/District: El Cerrito District

Supervisory District: Second District

Project Planner: Darren Edgington

Project APN(s): Refer to Staff Report

Continued From: N/A

John Hildebrand
John Hildebrand
Planning Director

PROJECT INFORMATION

Vesting Rights Determination Request: PAR210273

PROJECT RECOMMENDATION

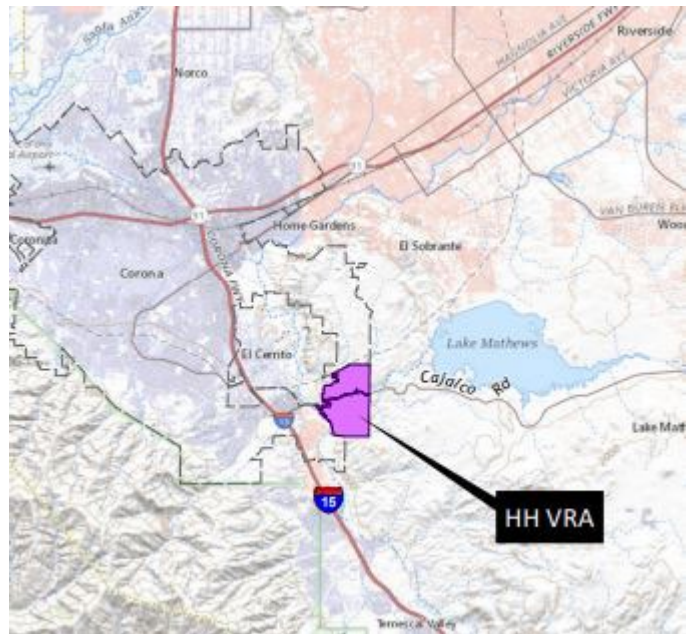
STAFF RECOMMENDATIONS:

THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTIONS:

- Hold public hearing and receive testimony regarding the existence of vested rights to mine approximately 792.22 acres, the majority of which is leased by Robertson's Ready Mix ("Proposed Vested Rights Area"); and
- Tentatively determine that there is no vested right to conduct quarrying and related mining operations on approximately 657.05 acres under consideration because Robertson's Ready Mix (RRM) has not shown by a preponderance of the evidence that their predecessors in interest manifested an objective intent to extend surface mining activities for aggregate to the entire Proposed Vested Rights Area as of the 1949 vesting date, and even if they have shown the predecessor in interest had manifested an objective intent to extend surface mining activities for aggregate to the entire Proposed Vested Rights area as of the 1949 vesting date, there is clear and convincing evidence that any vested right was abandoned when this property was sold to a third party, who did not mine the property and then sold to a developer who sought to build a residential community on this land; and

- Confirm and determine that there is a vested right to surface mine for aggregate on approximately 135.17 acres of the Proposed Vested Rights Area where RRM currently operates, and that based on the evidence of historical mining activities, RRM's vested activity is aggregate mining, which may include excavation, crushing, washing, sorting, stockpiling, loading, transporting, and otherwise managing an aggregate surface mine and utilizing equipment to do so long as the equipment does not affect a prohibited intensification or expansion of the use; and
- Direct staff to prepare findings consistent with the Board's determination, and to prepare a notice of determination reaffirming upon which specific property the vested right is established, and the scope and nature of surface mining operations included within the established vested right.

PROJECT LOCATION MAP



PROJECT SUMMARY

PROJECT BACKGROUND AND SUMMARY

Robertson's Ready Mix (RRM) operates an aggregate surface mining operation on approximately 135.17 acres of land located immediately east of the Dos Lagos Golf Course and south of Cajalco Road, along the Temescal Wash. RRM conducts these operations primarily on land leased from Corona Road Quarry, LLC (CRQ) and Corona Cajalco Road Development LP (CCRD), and also conducts operations on parcels owned by third parties. The mining operation includes extraction of aggregate material from the hillside and conveying the excavated and initially crushed material to the existing processing area. Aggregate material is then fed to the crushing and screening plant for sorting, sizing, crushing of oversized rock, and stockpiling of the finished materials. Equipment used at the site in the mining operations includes mobile equipment such as dozers and front-end loaders as well as the

fixed processing plant. This operation has an approved Reclamation Plan 118 (as amended in 2020 by Substantial Conformance 4) (“RP118S4” or “RCL118S-4”).

In December 2021, RRM applied to the County of Riverside (“County”) for a Determination of Vested Rights (“Application”) under section 2776 of the Surface Mining and Reclamation Act (SMARA)¹ and Riverside County Ordinance (RCO) No. 555. RRM requests that its “previously confirmed vested right (to mine aggregate and conduct related surface mining operations, across approximately 132 acres of RRM’s property) be confirmed to include the remaining area of RRM’s contiguous mining property, which encompasses approximately 792.22 total acres of land, colloquially known as the Hubbs Harlow Quarry (‘HH VRA’), inclusive of the previously confirmed 132 acre vested right area.”² More specifically, RRM seeks a determination that:

1. *RRM’s previously established vested mining rights, previously confirmed by the County on multiple occasions with respect to the 132 acres within the RCL118S-4 area (“S-4 VRA”), apply to and encompass the entire 792.22 acres of land within the HH VRA, as depicted in Figure B-1.2.*³
2. *RRM’s previously established vested mining rights within the S-4 VRA to utilize equipment as reasonable and necessary to blast, excavate, crush, wash, sort, stockpile, load, transport and otherwise manage commercial rock products operations be confirmed for the entire HH VRA.*
3. *RRM may continue surface mining operations, currently ongoing within the S-4 VRA, within the [792.22] HH VRA on the basis of RRM’s confirmed vested rights and a valid, approved, reclamation plan.*⁴

If RRM obtained a vested right to conduct surface mining operations on the property that is subject to this application (hereinafter “Proposed Vested Rights Area”) by January 1, 1976, which requires RRM to show that the operation was a legal nonconforming use on January 31, 1949, the first date the County required a permit for mining this property,⁵ it shall not be required to secure a permit in accordance with Chapter 9 of SMARA as long as the vested right continues and no substantial changes are made in the operation. To establish a vested right to mine without a permit, RRM must show that its operation was established as a legal nonconforming use when the County first required a permit in 1949 pursuant to Ordinance No. 348. RRM would still be required to submit a reclamation plan and financial assurance. If RRM does not have a vested right to conduct surface mining operations on the Proposed Vested Rights Area, mining activities must be conducted in accordance with current land use and mining ordinances and laws, which require a permit in addition to a reclamation plan and financial assurance.

This determination is not a project for the purposes of the California Environmental Quality Act (CEQA). CEQA applies to discretionary activities. This determination is not a discretionary project for the purposes of CEQA because the standards that govern the determination do not provide the County with the authority or discretion to condition, modify, or deny the application based on environmental concerns.

¹ Pub. Res. Code § 2776, subd. (a).

² Request for Determination of Vested Rights (hereinafter “Application”) at p. 1.

³ RRM submitted a revised Figure B-1.2 on September 22, 2022.

⁴ Application at p. 1.

⁵ SMARA provides that “[n]o person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit pursuant to this chapter” Pub. Res. Code, § 2776. Riverside County first required a permit to mine on January 31, 1949. [Ex. 1] Riverside County Ordinance No. 348 (Jan. 31, 1949) at Art. XXIV, § 3.1. Therefore, to establish a vested right to mine without a permit, RRM must show that its operation was established as a legal nonconforming use when the County first required a permit in 1949.

RRM bears the burden of establishing their vested right by a preponderance of the evidence (in other words, “more likely than not”). If RRM meets their initial burden, and the County asserts that the vested right has been abandoned, the County bears the burden of proving abandonment by clear and convincing evidence. To assist the Board of Supervisors in making this determination, County staff has reviewed the application, undertaken considerable research, and prepared a staff analysis with the following recommendations:

1. Tentatively determine that there is no vested right to conduct quarrying and related mining operations on approximately 657.05 acres under consideration because Robertson’s Ready Mix has not shown by a preponderance of the evidence that their predecessors in interest manifested an objective intent to extend surface mining activities for aggregate to the entire Proposed Vested Rights Area as of 1949, and even if they have shown the predecessor in interest had manifested an objective intent to extend surface mining activities for aggregate to the entire Proposed Vested Rights area as of 1949, there is clear and convincing evidence that any vested right was abandoned when this property was sold to a third party, who did not mine the property and then sold to a developer who sought to build a residential community on this land; and,
2. Confirm and determine that based on evidence of historical mining activities and prior County determinations, there is a vested right to conduct aggregate quarrying on approximately 135.17 acres of the Proposed Vested Rights Area where RRM currently operates, and that based on the evidence of historical mining activities, RRM’s vested activity is aggregate mining which may include excavation, crushing, washing, sorting, stockpiling, loading, transporting, and otherwise managing an aggregate surface mine and utilizing equipment to do so long as the equipment does not affect a prohibited intensification or expansion of the use.

These recommendations are based on the following facts:

1. The County first required a permit for surface mining on January 31, 1949, under the County’s Land Use Ordinance No. 348. Existing ongoing mining operations would be permitted to continue operations after January 31, 1949, without obtaining a permit. Mining operations began on or after January 31, 1949, would need to obtain permits.
2. In 1924 and 1925, the Proposed Vested Rights Area was divested from a larger land holding and sold to E.E. Peacock.
3. The record does not reflect that E.E. Peacock pursued mining on the Proposed Vested Rights Area before his death in 1930.
4. After Peacock’s death in 1930, F.M. Kuhry and Leilamae Harlow acquired the Proposed Vested Rights Area. Kuhry and Harlow owned the property on the January 31, 1949 “vesting date.” There is no direct evidence of Kuhry or Harlow engaging in mining activities on the Proposed Vested Rights Area in 1949 or leasing the property for mining operations.
5. In the 1930s, the Cajalco Clay Pit (approximately 100 ft. x 10-30 ft. high) was established south of Cajalco Road, and east of the railroad. The operator did not own the Proposed Vested Rights Area and this pit is described in state reports as existing offsite, to the west of the Proposed Vested Rights Area. However, the Cajalco Clay Pit may have encroached upon on the Proposed Vested Rights Area. This activity is not attributed to the owner or operator of the Proposed Vested Rights Area and ceased over a decade before the 1949 vesting date. Therefore, the Cajalco Clay Pit does not support a determination that a vested right to mine aggregate without a permit was established as of 1949 for the property within the Proposed Vested Rights Area.

6. By 1938, a quarry was established on the southwest $\frac{1}{4}$ of Section 15 (where RRM operates today) to supply Prado Dam. Harlow leased approximately 42 acres of the Proposed Vested Rights Area to this quarry operation, which was known as the Blarney Stone Quarry. The Blarney Stone Quarry was active through 1938-40 and became idle and ceased operations between 1940 and the mid-1950s. The establishment of the Blarney Stone Quarry supports a finding that at least a portion of the Proposed Vested Rights Area within the existing RRM's current mining operation had been used for stone and gravel quarrying prior to 1949 and that mining had commenced, and substantial liabilities may have been incurred for the operation. However, because the quarry was not active for approximately nine years before the 1949 vesting date and at least four years after the vesting date, the lack of activity weighs against finding a vested right to continue quarrying without a permit because quarrying was not an active use to which the land was being put on the vesting date and therefore was not a legal, nonconforming use after 1949.
7. Although no permit was sought until 1959 (as discussed below at paragraph 9), the Blarney Stone Quarry (later known as the Harlow Quarry) may have been reopened as early as 1953 and may have supplied projects such as the Long Beach drainage canal (1955), San Gabriel canyon (1957), Sana Ana River levee (1958), and Long Beach flood control channels (1958-1962). However, mining after the vesting date is poor evidence of a vested right to continue mining because such activity may be consistent with unpermitted mining.
8. From as early as 1953 to the present, quarrying activities continued on the southwest portion of the Proposed Vested Rights Area (within the existing RRM's operations), including by operators Livingston Rock & Gravel Co., Paul Hubbs Construction Company, Barney Northcote, and now Robertson's Ready Mix. Also from 1954, clay mining was operated on a small scale north of the existing quarry. The clay mining began after a permit was required and is weak evidence of a vested right to continue mining this area without a permit.
9. In 1959, Livingston Rock & Gravel Co. obtained an M-3 permit for rock crushing and quarrying. This permit suggests that the operators did not believe that their operations were legal, nonconforming uses allowed to continue without a permit after the 1949 requirement for a permit under Ordinance No. 348 became effective.
10. In 1970, Paul Hubbs Construction Company obtained a Conditional Use Permit to construct a rock crushing and screening plant and an asphalt plant. This permit likewise suggests that operating rock crushing and screening plants and asphalt plants were not a continuing, legal nonconforming use after 1949.
11. In 1982, Paul Hubbs Construction Company submitted a reclamation plan. The County approved the reclamation plan and in doing so, recognized vested rights for the mining operation based on the understanding that quarrying operations were ongoing since the 1950s.
12. In 1983, Paul Hubbs sold approximately 660 acres (the "Brion Parcel") of the Proposed Vested Rights Area to S.T. & Koo International. Hubbs did not lease the Brion Parcel back for mining operations nor did Hubbs retain subsurface mineral rights in the Brion Parcel. The purchasers did not mine the Brion Parcel, and authorized Cajalco Associates to seek entitlements for a residential development before selling the Brion Parcel to Cajalco Associates in 2004. Cajalco Associates proposed to develop a single-family residential community on the property and submitted Pre-Application Review, General Plan Foundation Amendment, and Habitat Evaluation and Acquisition and Negotiation Strategy documents to the County. Hubbs' sale of the property without retaining any subsurface mineral rights or other restrictions on the sale of the Brion Parcel establishes a clear intent to abandon any

vested rights to mine the property without a permit and is an overt act to abandon those rights. The purchaser's substantial investment in seeking to develop the property for residential use and failure to pursue any mining activities for several decades also shows an intent and overt act to abandon any vested right to mine the Brion Parcel property without a permit.

13. The County sued Paul Hubbs in 2004 for illegal mining activities. The suit was settled and the Court entered a stipulated settlement and judgment that the parties have amended three times to allow the operator to implement reclamation activities and to confirm the operation's vested rights to mine the 135.17-acre quarry site.
14. In 2009, CCRD acquired the Brion Parcel, and in 2011, CRQ acquired the land underneath the primary quarrying operation.
15. In 2013, RRM leased the Proposed Vested Rights Area from CCRD and CRQ and continued aggregate mining activities on the portion of the 135.17-acre property where the County has recognized vested rights.

Based on the foregoing facts, staff asserts that RRM has not met its burden of proof to show that it is more likely than not that their predecessors in interest established a vested right to mine the entirety of the Proposed Vested Rights Area. While some mining and quarrying occurred on the site prior to 1949, those activities were limited to a fraction of the nearly 800-acre Proposed Vested Rights Area and ceased years before the County adopted a restrictive land use ordinance requiring a permit for mining. Notwithstanding the evidence that quarrying and mining ceased by 1940 and were only reestablished in the mid-1950s, the County has previously recognized vested rights on 135.17 acres underlying the quarry site where RRM operates today, and those decisions date back to 1982. Staff recommends that the vested right be confirmed for this area based on prior decisions. However, these prior decisions did not consider and made no findings or representations about the remainder of the Proposed Vested Rights Area (the 600+ acre Brion Parcel).

With respect to the remainder of the Proposed Vested Rights Area, staff asserts that RRM has not carried its burden, which requires showing a vested right and an objective intent to extend mining to the entire property as of 1949. Staff also asserts that even if RRM has met this burden, there is clear and convincing evidence that the vested right was abandoned in 1983, when the quarry operator at the time sold the Brion Parcel and retained no rights to continue mining the parcel. Furthermore, the purchaser did not conduct mining activities and authorized Cajalco Associates to seek entitlements to develop a residential community. The purchaser then sold the property to Cajalco Associates in 2004, and Cajalco Associates continued to seek entitlements for this residential development. This development did not occur, and the current landowners acquired the Proposed Vested Rights Area between 2009 and 2011. RRM leased the property in 2013, and staff's opinion is that RRM must seek a permit to mine the reacquired Brion Parcel.

I. SETTING

RRM operates an aggregate (surface) mine near the intersections of Cajalco Road and Eagle Canyon Road. RRM leases approximately 792.22 acres but its operations are limited to a 135.17-acre area that is subject to a reclamation plan. The operation is approximately one mile east of the Interstate 15 (east of the Dos Lagos Golf Course and the limits of the City of Corona) and south of Cajalco Road, along the Temescal Wash. To conduct these operations, RRM leased property from CRQ and CCRD,

who own the land under and adjacent to the operation.⁶ RRM also operates on parcels owned by third parties.⁷

The mining operation includes extraction of aggregate material from the hillside and conveying the excavated and initially crushed material to the existing processing area. Aggregate material is then fed to the crushing and screening plant for sorting, sizing, crushing of oversized rock, and stockpiling of the finished materials. Equipment used at the site in the mining operations includes mobile equipment such as dozers and front-end loaders as well as the fixed processing plant.

The project site has a Zoning Classification of Mineral Resources & Related Manufacturing (M-R-A) and Natural Assets (N-A). Ordinance No. 348, Section 12.60, subdivision B allows for mining, quarrying, excavating, beneficiating, concentrating, processing, and stockpiling of rock provided the operator thereof holds a permit to conduct surface mining operations, issued pursuant to RCO No. 555, which has not been revoked or suspended within the M-R-A Zone. Ordinance No. 348, Section 15.200, subdivision D allows mining provided the operator holds a permit to conduct surface mining operations issued pursuant to RCO No. 555 within the N-A Zone.

II. RRM'S VESTED RIGHTS APPLICATION

On December 16, 2021, RRM applied to the County for a Determination of Vested Rights under SMARA section 2776 and RCO No. 555. RRM submitted additional and revised documents and figures on January 12, 2022, September 22, 2022, and on January 11, 2023. RRM also revised its Application to remove certain parcels from its request on September 22, 2022.

The County reviewed RRM's submitted materials and deemed RRM's application complete on November 16, 2022. On December 16, 2022, the County informed RRM that a public hearing on the application had been scheduled for February 28, 2023.

On January 25, 2023, and in accordance with RCO No. 555, Section 10, the County mailed notice of the public hearing to owners of real property located within 600 feet of the exterior boundaries of the proposed vested right determination area. The County also published the notice in the Press Enterprise on January 28, 2023. The Assistant TLMA Director required additional notice to be given outside the minimum 600-foot radius along local transportation routes, including but not limited to Cajalco Road and Temescal Canyon Road.

III. LEGAL STANDARD AND APPLICABLE LAWS

A. SMARA

Under Section 2770 of SMARA, "a person shall not conduct surface mining operations unless a permit is obtained from, a reclamation plan has been submitted to and approved by, and financial assurances for reclamation have been approved by the lead agency." However, those operating under vested rights are exempted from the permit requirement. Specifically:

No person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit

⁶ [Ex. A-33] Memorandum of Lease (Dec. 29, 2012) at pp. 1, 4 (listing the leased parcels).

⁷ RRM asserts that it owns the mineral rights under the parcels owned by third parties, and therefore may continue operations across these parcels. Supplemental Appendix A-2 at p. 1, fn. 2 & p. 5. Staff is unable to verify whether CRQ and CCRD own all relevant mineral rights from the documents provided (see e.g. Ex. A-11 at pp. 162 and 406, which show that in 1946, Harlow did not hold certain mineral rights to her property, and in 2007, certain mineral rights are still excluded from the deed to CCRD). However, the standards for this determination do not require the Board to assess whether the current landowners have clear title. A vested right to mine as a nonconforming land use is a separate inquiry from the right to mine as a property owner.

pursuant to this chapter as long as the vested right continues and as long as no substantial changes are made in the operation except in accordance with this chapter. A person shall be deemed to have vested rights if, prior to January 1, 1976, the person has, in good faith and in reliance upon a permit or other authorization, if the permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary for the surface mining operations. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a permit shall not be deemed liabilities for work or materials.⁸

Stated differently, if a person has, in good faith and with the requisite authorizations (that is, legally), diligently commenced surface mining operations and incurred substantial liabilities for surface mining work and materials before 1976, that person has a vested right to conduct surface mining operations and need not secure the permit otherwise required by SMARA, provided those vested rights have continued and no substantial changes to the operation have occurred. Here, the County first required a permit to mine in 1949, therefore any person who seeks to mine without a permit must show that their operation was a legal nonconforming use since 1949.

B. Riverside County Land Use Ordinance No. 348

The County of Riverside first required a permit for surface mining on January 31, 1949, through Ordinance No. 348 (“RCO No. 348 (1949)”).⁹ Except for a small area east of the City of Riverside, the ordinance placed the entire unincorporated area of the County into “Zone M-3 (Regulated Industrial).”¹⁰ Zone M-3 required a permit for mining and mining-related uses such as “borrow pits, commercial”; “rock crushers or quarries”; and “rock, sand or gravel pits.”¹¹

RCO No. 348 (1949) required that land be used in conformity with the ordinance but allowed nonconforming uses existing on the effective date of the ordinance to continue, subject to several conditions.¹² Therefore a mine in operation prior to 1949 could be a legal nonconforming use exempt from the permit requirement under RCO No. 348 (1949).

RCO No. 348 has been amended many times since and has consistently required a permit for mining operations in nearly all zones in which it is permitted.

⁸ Pub. Res. Code, § 2776, subd. (a).

⁹ [Ex. 1] Riverside County Ordinance No. 348 (Jan. 31, 1949) [hereinafter “RCO No. 348 (1949)”] at Art. XXIV.

¹⁰ [Ex. 1] RCO No. 348 (1949) at Art. I, § 1.3 & Map No. 1 and 2 (illustrating Zone M-3 and Zone U); see *also* Appendix B at Figure B-5.2, 1949 Zoning Map.

¹¹ [Ex. 1] RCO No. 348 (1949) at Art. III, § 3.1 (numbers 5, 25, and 26).

¹² [Ex. 1] RCO No. 348 (1949) at Art. XVIII, § 18.6. Conditions for nonconforming uses included the following:

(b) Any nonconforming use may be continued provided there is no increase of the space devoted to such use.

(c) Any part of a building or land occupied by a nonconforming use which is changed to or replaced by a use conforming to the provisions of this ordinance as they apply to the particular zone shall not thereafter be used or occupied by a nonconforming use.

(d) Any part of a building or land occupied by a nonconforming use, which use is discontinued for one (1) year or more, shall thereafter be used in conformity with the provisions of this ordinance and the nonconforming right shall be lost.

(e) A nonconforming use of property may be changed to another nonconforming use of a more restrictive classification, provided no structural alterations are made, and that application is made to the Commission for the change of use and allowed by resolution of record.

C. Riverside County Ordinance No. 555

Section 17 of RCO No. 555 adopts SMARA Section 2776 and provides the process for a vested rights determination:

1. The Operator shall submit to the Assistant TLMA Director a written request for a vested rights determination with information on the existence and scope of the vested right.
2. Within 30 calendar days of deeming the request complete, the Assistant TLMA Director shall set a public hearing before the Board of Supervisors and give notice.
3. The Board of Supervisors shall utilize a preponderance of the evidence standard to determine whether the Operator has demonstrated its claim.
4. The record before the Board of Supervisor shall consist of the written materials received by the Assistant TLMA Director, relevant written comments on the request for determination and relevant testimony received at the hearing. Written comments and oral testimony other than that related to demonstrating or delimiting the existence, nature, and scope of the claimed vested rights shall not be considered.
5. The Board of Supervisors shall issue a written vested rights determination within 60 calendar days following the public hearing. The determination shall identify the specific property subject to the vested right, and the scope and nature of the vested rights.¹³

If it is determined that a person has obtained a vested right, he or she shall submit a Reclamation Plan to the Planning Department.¹⁴

D. Specific Rules for Vested Mining Rights

Generally, legal nonconforming land uses are not required to comply with current zoning requirements because the use began before the restrictive land use regulation was adopted. Zoning ordinances customarily permit existing uses to continue (sometimes for a limited “amortization” period) to avoid questions about the constitutionality of the regulation.¹⁵ Intensification, expansion, or moving a nonconforming use is typically prohibited.¹⁶

Mining is unique because it typically anticipates extension of mining into areas of the property that were not being exploited at the time the use becomes nonconforming.¹⁷ Therefore, special rules apply to nonconforming mining operations.

First, a nonconforming mining use includes all activities that were “integral parts” of the mining operation at the time a restrictive zoning ordinance was adopted. This includes “uses normally incidental and auxiliary to the nonconforming use.”¹⁸

Second, modernization is permitted. Nonconforming mines may change plants and equipment as technology evolve. However, modernization does not authorize or allow an operation to effectively change uses. While replacement of equipment is allowed, addition of new plants not previously used or

¹³ RCO No. 555, Section 17.B.

¹⁴ RCO No. 555, Section 17.C.

¹⁵ *Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, 551-552 [hereinafter, *Hansen Bros.*] (“[I]f [a] law effects an unreasonable, oppressive, or unwarranted interference with an existing use, or a planned use for which a substantial investment in development costs has been made, the ordinance may be invalid as applied to that property unless compensation is paid.” (citing *Beverly Oil Co. v. City of Los Angeles* (1953) 40 Cal.2d 552, 559)).

¹⁶ *Hansen Bros.*, 12 Cal.4th at 552.

¹⁷ *Hansen Bros.*, 12 Cal.4th at 553.

¹⁸ *Hansen Bros.*, 12 Cal.4th at 565.

use of equipment that expands product lines or creates a “substantially different and adverse impact on the neighborhood” may be impermissible.¹⁹

Third, increased production may be allowed. A gradual and natural increase in a lawful, nonconforming use—for example, to meet growing demand—is not necessarily a prohibited expansion or intensification of the use.²⁰

Fourth, vested mining rights are limited to the area into which the operator exhibited an intent to expand at the time the restrictive ordinance was passed. Unlike typical nonconforming uses that operate within an existing boundary and are prohibited from expanding, mining anticipates extension into areas of the property that may not be exploited at the time of a zoning change.²¹ Under the “diminishing asset doctrine,” mining or quarrying may progress into other areas of a property if there is objective evidence of the owner’s intent to expand the use into those areas at the time of the zoning change.²²

This rule requires more than use of a part of the property for mining. And the “mere intention or hope on the part of the landowner to extend the use over the entire tract is insufficient” to establish a vested right to mine an entire property.²³ Even where multiple parcels are under the same ownership at the time a zoning law renders mining a nonconforming use, extension into unmined parcels is allowed only if the parcels were part of the mining operation.²⁴ While there are no bright line determining factors, courts commonly analyze the following to determine whether a property owner exhibited an intent to expand across their entire property:

- Length of mining operations: The longer a property has been mined before adoption of a restrictive zoning, the more likely an owner intends to mine the entire property, and vice versa.²⁵
- Size of excavated area compared to entire property: Excavating a small portion of a property may support the conclusion the owner did not intend to mine the entire property.²⁶
- Use of property to support operations: Using unexcavated areas to support mining operations supports intent to mine this area.²⁷ However, carrying equipment across an adjacent tract

¹⁹ *E.g. Paramount Rock Co., Inc. v. County of San Diego* (1960) 180 Cal.App. 2d 217, 230 (addition of rock crusher was not part of vested right); *Town of Wolfeboro v. Smith* (N.H. 1989) 556 A.2d 755, 759; *County of Orange v. Goldring* (1953) 121 Cal.App.2d 442, 448.

²⁰ *Hansen Bros.*, 12 Cal.4th at 573.

²¹ *Hansen Bros.*, 12 Cal.4th at 553.

²² *Ibid.*

²³ *Id.* at 557.

²⁴ *Id.* at 558.

²⁵ *Compare Syracuse Aggregate Corp. v. Weise* (N.Y. 1980) 414 N.E.2d 651, 655 (noting a mine had “substantial quarrying activities on a distinct parcel of land over a long period of time and these activities clearly manifest an intent to appropriate the entire parcel”), with *Skenesborough Stone, Inc. v. Vill. of Whitehall* (N.Y. App. Div. 2000) 708 N.Y.S.2d 171, 173-74 (minimal preparation and limited excavation shortly before site became nonconforming did not evidence intent to mine entire 400-acre property).

²⁶ *Skenesborough Stone*, 708 N.Y.S.2d at 173-74; *Stephan & Sons v. Municipality of Anchorage Zoning Board of Examiners & Appeals* (Alaska 1984) 685 P.2d 98, 102 (upholding decision to restrict expansion to 13 of 55 acres because only two to five acres had been disturbed in the four years preceding adoption of restrictive ordinance).

²⁷ *County of DuPage v. Elmhurst-Chicago Stone Co.* (Ill. 1960) 165 N.E. 2d 310, 312 (stockpiling and switch tracks show area was appropriated for mining); *Bainter v. Vill. of Algonquin* (Ill. App. Ct. 1996) 675 N.E. 2d 120, 123 (tract connected by underground tunnel to mining area was evidence of intent to expand); *Gibbons & Reed Co. v. N. Salt Lake City* (Utah 1967) 431 P.2d 559, 564-65.

belonging to another does not establish a vested right to continue operations across this property.²⁸

- Preparation of reserve areas for mining: Preparatory activities such as constructing roads for heavy machinery access, clearing land, or construction of a berm around unexcavated property may reflect an intent to mine these areas.²⁹
- Existence of separate parcels and barriers: A lack of extraction on separate “reserve” parcels, or the existence of barriers separating active and reserve areas weigh against finding an intent to mine all parcels.³⁰
- Pursuing non-mining uses: Allowing non-mining uses on the property may indicate an owner does not intend to mine their entire property.³¹

Fifth, the right to expand mining or quarrying operations on the property is limited by the extent that the particular material is being excavated when the zoning law became effective.³²

Sixth, the use of the land, not its ownership, at the time the use becomes nonconforming determines the right to continue the use, and transfer of title does not affect the right to continue a lawful nonconforming use which runs with the land.³³

E. Abandonment

A vested right to mine without a permit may be abandoned. Generally, a nonconforming use that is discontinued cannot thereafter be returned to a nonconforming use.³⁴ Courts sometimes interpret discontinuance as synonymous with the doctrine of “abandonment.”³⁵ Abandonment of a nonconforming use requires a showing of (1) intention to abandon; and (2) an overt act, or failure to act, which carries the implication the owner does not claim or retain any interest in the right to the nonconforming use.³⁶

²⁸ *Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, 558 (citing *Struyk v. Samuel Braen’s Sons* (1951) 17 N.J.Super. 1 [85 A.2d 279, 281]).

²⁹ *Gibbons & Reed Co. v. N. Salt Lake City* (Utah 1967) 431 P.2d 559, 564-65; *Syracuse Aggregates v. Weise* (N.Y. 1980) 414 N.E.2d 561, 655; *Town of W. Greenwich v. A. Cardi Realty Assocs.* (R.I. 2001) 786 A.2d 354, 364; *Bainter v. Vill. Of Algonquin* (Ill. App. Ct. 1996) 675 N.E. 2d 120, 123.

³⁰ *Dolomite Prods. Co., Inc. v. Kipers* (N.Y. App. Div. 1965) 260 N.Y.S. 2d 918, 921 (“It is not consonant . . . to permit one to purchase a large parcel of real property, work thirty-five acres of it and do nothing for 40 years within [the other parcel] but nevertheless, have the right of some time in the distant future to make a nonconforming use of it.”); *Fred McDowell, Inc. v. Bd. of Adjust. Of Township of Wall* (N.J. Super. Ct. App. Div. 2000) 757 A.2d 822, 827 (construction of freeway separating lots made access to reserve lot impractical).

³¹ *R.K. Kibblehouse Quarries v. Marlborough Township Zoning Hrg. Bd.* (Pa. Commw. 1993) 630 A.2d 937, 944.

³² *Hansen Bro.*, 12 Cal.4th at 557.

³³ *Id.* at 540 n. 1. The California Attorney General concluded otherwise in 59 Ops.Cal.Atty.Gen. 641, at 656-658, explaining that “only the person who acted in reliance on a governmental permit . . . may claim that his reliance has ripened into a vested right” and “a successor in interest to real property may not assert that his predecessor’s actions created a vested right in favor of the successor, where the predecessor did not himself establish the vested right.” The County does not rely on the Attorney General’s Opinion in its recommendations.

³⁴ RCO No. 348 (as amended through RCO No. 348.4983, effective May 25, 2022) (hereinafter “RCO No. 348 (2022)”), Art. XVIII, Section 18.8, subd. F & G (“[L]and occupied by a nonconforming use which is changed to or replaced by a use that conforms to the provisions of this ordinance . . . shall not thereafter be used or occupied by a nonconforming use” and “land occupied by a nonconforming use, which use is discontinued for one year or more, shall thereafter be used in conformity with the provisions of this ordinance and any nonconforming right shall be lost.”).

³⁵ *Hansen Brothers*, 12 Cal.4th at 569.

³⁶ *Ibid.*

Under this standard, temporary cessation of activities is insufficient to show abandonment. However, the duration of nonuse may be a factor in determining abandonment.³⁷ When examining periods of nonuse or cessation of activities, courts have examined whether the owner conducted any activities reflecting an intent to continue the vested right such as selling or attempting to sell stored or stockpiled materials or maintaining their plants and equipment in good order.³⁸

Alternatively, ordinances that provide that discontinuance of a nonconforming use for a statutory period terminates the use may be interpreted as (1) creating a presumption of abandonment by nonuse for a statutory period, (2) being evidence of abandonment, or (3) terminating the nonconforming use regardless of the landowner's intent.

On the other hand, RRM asserts that a vested right to mine is extinguished only through voluntary waiver and requires a knowing intent to relinquish the right including actual knowledge of the right. The County asserts that this is a novel standard that courts have not adopted for this issue. However, Staff considers and applies both standards in formulating its recommendations.

As previously stated, once a vested right has been established by an applicant, the burden of showing abandonment rests on the County.

IV. PROPOSED VESTED RIGHTS AREA

A. Regional Mining Activities

Mining operations in the Corona South quadrangle began in the late nineteenth century.³⁹ The Corona South quadrangle lies within western Riverside County, has a geographical center four miles southwest of Corona, and includes the Proposed Vested Rights Area.⁴⁰

B. History of the Proposed Vested Rights Area

1. Rancho El Sobrante (1880s-1924)

RRM asserts that from the 1880s to 1924, the Proposed Vested Rights Area was part of a large, commonly owned, and mineral-rich land holding. RRM also asserts that the Proposed Vested Rights Area supported multiple mine operations within its boundaries and was a component of and provided ancillary support for the adjacent tin mine.⁴¹ Staff agrees that the Proposed Vested Rights Area was part of a large mineral-rich land holding under common ownership, and that access and haul roads crossed portions of the Proposed Vested Rights Area. However, staff sees limited evidence establishing that the Proposed Vested Rights Area contained "multiple mine operations" or was a component of the neighboring mines during this period.

The Proposed Vested Rights Area was originally a part of Mexican land grant known as Rancho El Sobrante de San Jacinto ("Sobrante"), which encompassed upwards of 45,000 acres.⁴² The Sobrante supported various land uses including mining and agriculture.⁴³ The mineral richness of the region was

³⁷ *Ibid.* See also RCO No. 348 (2022), Art. XVIII, Section 18.8, subd. G.

³⁸ *Union Quarries, Inc. v. Bd. Of County Commr's* (Kan. 1970) 478 P.2d 181, 187; *S. Equip. Co., Inc. v. Winstead* (N.C. Ct. App. 1986) 342 S.E. 2d 524, 527.

³⁹ [Ex. C-2.3] Gray, Clifton, *Geology and Mineral Resources of the Corona South Quadrangle*, California Division of Mines (San Francisco 1961) at p. 5.

⁴⁰ [Ex. C-2.3] Gray, Clifton, *Geology and Mineral Resources of the Corona South Quadrangle* at p. 8.

⁴¹ Application at pp. 4-5, 19-26, 54-68.

⁴² [Ex. C-4.1] *United States v. San Jacinto Tin Co.* (1888) 125 U.S. 273, 274 (describing the land to be 11 square leagues); see also [Ex. C-2.21] Report of E.N. Robinson in *Temescal Tin District: Reports* (1890) at p. 2 (describing the grant as 45,126 acres).

⁴³ [Ex. C-3.8] *Oranges Lemons at Riverside*, Sunset Homeseekers' Bureau of Information (1911) (advertising fertile agricultural lands and mineral resources); [Ex. C-3.9] *Sale of 43,000 Acres in Riverside County*, Corona Independent

well known, and one early report asserted that over 600 mining claims had been laid to the Sobrante before the United States surveyed the boundaries of the estate and ejected the miners in the late 1800s.⁴⁴

The Sobrante included a regionally significant “Tin District.”⁴⁵ The San Jacinto Tin Company purchased the Sobrante estate in 1867 to develop tin deposits.⁴⁶ Litigation stalled development for twenty years,⁴⁷ and an English syndicate began work again in the 1890s.⁴⁸ Tin was intensely developed in the 1890s and operations were revived shortly in the late 1910s,⁴⁹ late 1920s, and—unsuccessfully—in 1942.⁵⁰ This work, including excavation of tin veins, was located to the northeast of the Proposed Vested Rights Area. A report commissioned by Robertson’s identifies a single tin mining excavation within the Proposed Vested Rights Area that is consistent with the tin activities that were conducted offsite to the north.⁵¹ Staff understands that little tin excavation occurred on the Proposed Vested Rights Area and the road connecting the tin mine to the Corona-Elsinore Road crossed southwesterly through the north half of the Proposed Vested Rights Area.⁵²

Around the same period that tin was being explored, rock quarrying and crushing and clay businesses grew around Corona.⁵³ RRM asserts that “clay mineral resources [were] evaluated” and an unnamed porphyry quarry was established on the Proposed Vested Rights Area around 1911.⁵⁴ RRM also asserts that clay operations south of the Proposed Vested Rights Area had used roads, including an “interior haul road” through the Proposed Vested Rights Area, to transport products to Corona and

(Jan. 26, 1911) (reporting that the San Jacinto Land Company, Ltd. purchased 43,000 acres including land containing the twenty-year dormant tin mine and gold mines and approximately 40,000 acres of cultivable land); [Ex. C-3.1] *South Riverside: A Town Which Has Sprung up as if by Magic*, South Riverside Bee (Sept. 24, 1887) (touting Corona’s (then known as South Riverside) agriculture, water, and mineral resources including a granite quarry, limestone deposit, clays and minerals).

⁴⁴ [Ex. C-2.21] Report of E.N. Robinson in *Temescal Tin District: Reports* (1890) at p. 3.

⁴⁵ *Id.* at pp. 2-3.

⁴⁶ [Ex. C-2.21] Maps A & B in *Temescal Tin District: Reports* at PDF pp. 7-8 (showing locations of Tin District); [Ex. C-2.21] Report of E.N. Robinson in *Temescal Tin District: Reports* at pp. 2-3.

⁴⁷ [Ex. C-2.21] Report of E.N. Robinson in *Temescal Tin District: Reports* at p. 3 (operations stalled from approximately 1868-1888).

⁴⁸ *The Cajalco Digs: Exploring an Early California Mining Camp*, available www.archaeologicalassociates.com/aa3.html (last accessed Feb. 7, 2022).

⁴⁹ [Ex. A-6] Copy of Agreement with E.J. Genereux (Jul. 26, 1917); [C-3.18] *Deal for Temescal Tin Mine and Other Property Closed*, Corona Independent (Aug. 25, 1917) (reporting on the anticipated reopening of the tin mine by E.J. Genereux, who purchased the portion of the Sobrante property that had not already been sold to farmers); [C-3.20] *Tin Mine Not to Be Worked at Present*, Corona Courier (Mar. 22, 1918) (reporting Genereux’s tin enterprise to be “dead”).

⁵⁰ [Ex. C-2.15] *Report XLI of State Mineralogist*, California Journal of Mines and Geology (1945) at p. 153-54.

⁵¹ Appendix D at p. 2 & Site Map 1 & Site Map 4 (noting “clear” mining use at a dike located within the Proposed Vested Rights Area based on aerial imagery, maps, and field observations including hand samples to test mineral composition, but only locating one tin site at the northeast edge of the Proposed Vested Rights Area); *see also* Appendix B at Figure B-6.1 (locating tin mine north of the Proposed Vested Rights Area).

⁵² Application at 19-20, 59; [B-5.5.1] Temescal Mining District Activity, Pre-1925; Appendix B at Fig. B-4.1 Tin Mine Haul Road Through HH VRA (Pre-1917) (identifying road on 1931 aerial photograph).

⁵³ [Ex. C-3.11] *Our Crushed Rock Industry*, Corona Independent (Mar. 30, 1911) (noting crushed rock is becoming a “big industry” in Corona); [Ex. C-3.13] *The Fourth Big Rock Plant to Operate Soon*, Corona Independent (Oct. 19, 1911) (describing plan to open a rock quarry in Hoag canyon); [Ex. C-3.7] *Much Interest Manifested in Organization*, Corona Independent (Dec. 15, 1910) (reporting on proposal that Corona purchase a rock quarry). *See generally* Application at pp. 63-64 & fns. 192-198 (identifying operations around the general Corona area).

⁵⁴ Application at pp. 64, 80.

markets.⁵⁵ Staff's review of the Application does not show clay mineral evaluations or establishment of a rock quarry on the Proposed Vested Rights Area until the 1920s and 1930s, but staff recognizes that aerial photographs from 1931 depicts a road running northwesterly across the southern half of the Proposed Vested Rights Area that may have been used by clay mines.⁵⁶

RRM also asserts that between 1920 and 1923, the area along the western edge of the Proposed Vested Rights Area and adjacent areas "were explored and evaluated for the potential to support a commercial silica sand mining operation."⁵⁷ The supporting exhibit references an operation established after 1924 on 620 acres known as Craig Ranch,⁵⁸ but this may refer to what was later known as the Corona Silica Sand Deposit operated by P.J. Weisel and the Owens-Illinois Glass Company on Section 16 (neighboring the Proposed Vested Rights Area).⁵⁹ RRM also notes the construction of a small silica plant adjacent to the Proposed Vested Rights Area.⁶⁰

A 1931 aerial photo⁶¹ shows disturbance of land along the southwest boundary of the Proposed Vested Rights Area that could be consistent with mining activities, or other disturbances. Two roads also cross the Proposed Vested Rights Area. RRM asserts that these were haul roads that connected the tin mines to the northeast and the clay pits to the west and south to reach transportation and markets. Staff does not find clear evidence in the record establishing whether hauling was the primary or exclusive use of the roads, however, the northerly road was known as "the tin mine road" by the 1930s and certainly would have been used by the tin mine.⁶² Either way, two roads crossed the Proposed Vested Rights Area, and each may have been used by offsite mines to haul mineral resources.

With respect to the southern road, RRM explains that when A.T. & S. F. extended a spur line from Corona to the Alberhill-Elsinore region in the 1920s, the rail link "eliminated the need to use the previous haulage trail, which ran from the clay pits south of the property, through the [Proposed Vested Rights Area]."⁶³ RRM asserts that the elimination of the road "free[d] up" property for quarrying and mineral production.⁶⁴

2. Development under E. E. Peacock (1924-1930)

RRM asserts that when the San Jacinto Land Company divested itself of a significant portion of the Sobrante estate, creating the Proposed Vested Rights Area, mineral development accelerated.⁶⁵ E.E. Peacock was the first owner to acquire the distinct Proposed Vested Rights Area. Peacock "would give away essentially value-less pieces of the [property] with sales of an encyclopedia," though RRM asserts he "maintained the mining character of the [property]" through "consistent, universal reservation

⁵⁵ Application at p. 65.

⁵⁶ Appendix B at Figure B-3.1, *HH VRA 1867-1925*; see also Appendix B at Figure B-5.5.1, *Temescal Mining District Activity, Pre-1925*.

⁵⁷ Application at p. 65 (citing Exhibit C-3.31).

⁵⁸ [Ex. C-3.31] *Silica Industry Will be Started in Corona*, Corona Courier (Dec. 19, 1924).

⁵⁹ [Ex. C-2.4] Saul, R. B., et al., *Mines and Mineral Resources of Riverside County, California*, California Division of Mines and Geology (unpublished, preliminary manuscript, 1963) at p. 1116.

⁶⁰ Application at p. 65, fn. 209 (citing Exs. C-2.9 and C-2.10). Ex. C-2.9 at page 46 describes a single sand deposit in Section 29 of Township 2 South, Range 5 West, whereas Ex. C-2.10 at page 504 describes P.J. Weisel's silica sand operation as 6 miles southeast of Corona but does not describe the construction dates or specific location of the operation.

⁶¹ Appendix B to Application at Figure B-3.1.

⁶² [Ex. C-3.49] *Meeting Mostly Talk*, Corona Daily Independent (July 26, 1930) (proposing a road be built from Corona to Hemet "via the tin mine road").

⁶³ Application at p. 70.

⁶⁴ *Id.* at p. 71.

⁶⁵ *Id.* at p. 68.

of all minerals and related mining rights from every single parcel conveyed.”⁶⁶ Staff is aware of these mineral reservations, but finds no evidence that Peacock continued mining or exhibited an intent to mine the Proposed Vested Rights Area during his ownership of the property.

In 1924 and 1925, E. E. Peacock purchased the parcels that form the rough footprint of the Proposed Vested Rights Area from Frank D. Hudson and the San Jacinto Land Company, Ltd.⁶⁷ Peacock’s purchases included most of Section 15 and the south half of Section 10, in Township 4 South, Range 6 West, San Bernardino Base and Meridian. The deeds reserved certain mineral rights and improvements to the sellers, and Peacock’s ownership excluded the following:

- Southeast ¼ of Section 10 – excluded “all of the tin ore . . . or ores carrying tin”⁶⁸
- Southwest ¼ of Section 10 – excluded “minerals and mineral rights”⁶⁹
- Southeast ¼ of Section 15 – excluded “all of the tin ore . . . or ores carrying tin”⁷⁰
- Southwest ¼ of Section 15 – excluded “minerals and mineral rights”⁷¹
- Northeast ¼ of Section 15 – excluded “all of the tin ore . . . or ores carrying tin”⁷²
- Northwest ¼ of Section 15 – excluded “all of the tin ore . . . or ores carrying tin”⁷³

Before his death in 1930,⁷⁴ Peacock sold hundreds of small parcels located within these sections. The deeds to these parcels reserved “oil and mineral rights,” right-of-way and easements for utilities, and “all water rights” except for domestic uses.⁷⁵ As a result, the purchasers of these small, landlocked parcels obtained “surface rights” but no “subsurface rights” to these properties. Peacock did not necessarily retain the mineral or tin or water rights underlying many of these small lots because he had not acquired those subsurface estates from Frank D. Hudson and San Jacinto Land Company, Ltd in the first place.⁷⁶

⁶⁶ Application at p. 69.

⁶⁷ [Ex. A-7] Deed dated July 12, 1924, at p. 1; [Ex. A-8] Deed dated November 10, 1924; [Ex. A-9] Deed dated October 30, 1925; [Ex. A-11] E-Lot Deeds at p. 424. Peacock acquired nearly all of the south half of Section 10 and Section 15 of Township 4 South, Range 6 West, San Bernardino Base and Meridian.

⁶⁸ [A-8] Deed dated November 10, 1924, at p. 124 (also reserving water except for domestic use and existing roads and highways).

⁶⁹ [A-7] Deed dated July 12, 1924, at p. 493 (also reserving water except for domestic use).

⁷⁰ [A-9] Deed dated October 30, 1925, at p. 506 (also reserving water except for domestic use).

⁷¹ [A-7] Deed dated July 12, 1924, at p. 493 (also reserving water except for domestic use).

⁷² [A-8] Deed dated November 10, 1924, at p. 124 (also reserving water except for domestic use and existing roads and highways).

⁷³ [A-11] E-Lot Deeds at PDF p. 424 (also reserving water except for domestic use).

⁷⁴ [Ex. 2] *Taylor Named New President of Oil Company*, L.A. Times (November 24, 1930).

⁷⁵ *E.g.*, [S-Exh. 1.1] Warranty Deed dated July 1, 1927 (parcel in Southeast ¼ of Section 10); [S-Exh. 1.9] Warranty Deed dated March 22, 1926 (parcel in Southwest ¼ of Section 10); [S-Exh. 1.20] Warranty Deed dated March 23, 1925 (parcel in Northwest ¼ of Section 15); [S-Exh. 1.70] Warranty Deed dated November 16, 1925 (parcel in Northeast ¼ of Section 15); [S-Exh. 1.80] Warranty Deed dated November 15, 1926 (parcel in Southeast ¼ of Section 15); [S-Exh. 1-115] Warranty Deed dated July 6, 1925 (parcel in Southwest ¼ of Section 15). The requested determination is not a determination of the rights of the surface estate owner, or whether RRM holds the property rights to the subsurface estate. This determination is based on the uses to which the land was put at the “vesting date,” and whether that establishes a vested right. The Board of Supervisor’s determination is not dispositive of the title or other property rights held by owners of the parcels within the Proposed Vested Rights Area.

⁷⁶ *Supra* fns. 67-73.

There is no evidence in the record that Peacock engaged in rock or gravel mining on this property between acquiring the land in 1924 and 1925 and his death in 1930. About three months before his death, Peacock became director of the new Pan Gulf Petroleum Company, Ltd., which obtained a corporation permit for “[o]il developing.”⁷⁷ Leilamae Harlow, who acquired Peacock’s property after his death, was also a director of Pan Gulf Petroleum Company, Ltd.⁷⁸ The California Department of Conservation Well Finder does not reflect any oil wells on the Proposed Vested Rights Area, but shows idle and plugged wells south and west of the property.⁷⁹

RRM, on the other hand, asserts that porphyry was quarried from Peacock’s property to provide railroad track ballast and rip rap for five thousand yards of track for the Atchison, Topeka and Santa Fe (“A.T. & S.F.”) Railway expansion in 1927.⁸⁰ Staff concurs that A.T. & S.F. planned expansion in the 1920s,⁸¹ but understands that A.T. & S.F. produced that “five thousand yard of rip rap materials” from its own company quarry located “near the Blue Diamond” in 1927.⁸² The Blue Diamond was a porphyry quarry situated approximately 2 miles north of the area on Peacock’s property that RRM asserts produced this product.⁸³

3. Development under F.M. Kuhry and Leilamae Harlow (1933-1949)

F.M. Kuhry acquired the Proposed Vested Rights Area in 1933 after Peacock’s death through execution of a judgment lien and entered a joint tenancy with Leilamae Harlow.⁸⁴ During this period of 1933 through 1949, more mining activities on the Proposed Vested Rights Area can be identified.

Clay Disturbances

RRM notes that the Temescal Valley was an important clay-producing area for California and by 1930 was producing upwards 100,000 tons of clay.⁸⁵ Staff focuses its analysis on clay production with the Proposed Vested Rights Area.

In the 1930s, Pacific Clay Products established the Cajalco Clay Pit (“Cajalco Pit”). The Cajalco Pit was reported to be situated on the Northeast ¼ of Section 16, south of Cajalco Road, east of the

⁷⁷ [Ex. 3] *Permits Issued*, L.A. Times (August 22, 1930).

⁷⁸ *Ibid.*

⁷⁹ See Well Finder, CalGem, available at <https://maps.conservation.ca.gov/doggr/wellfinder/#/-117.49924/33.81802/14> (showing no wells on the Proposed VRA area, but two idle wells (including a well dug in 1933, designated as Keeley-Damron 1, and more plugged wells in the vicinity).

⁸⁰ Appendix B and Figure B-1: Ground Disturbances and Surface Mining Activity (revised January 12, 2022) at p. 4, row M-19; Application at p. 11, 70.

⁸¹ [Ex. C-3.26] *Plan Rail Line Into Temescal: Road Up Canyon Will Afford Outlet for Large Mineral Deposits* (Los Angeles Times, (Feb. 24, 1923) (reporting on A.T. & S.F.’s extension plans); [C-3.36] *Santa Fe Asks to Lease Proposed Railway*, Corona Courier (May 14, 1926) (same).

⁸² [Ex. C-3.42] *Santa Fe Finishes Rip-Rap Quarrying*, Corona Daily Independent (Apr. 29, 1927).

⁸³ Blue Diamond Materials Company purchased and operated a porphyry quarry in the south half of Section 4, Township 4 South, Range 6 West, between 1920 and 1927. [Ex. C-2.4] Saul, R. B., et al., *Mines and Mineral Resources of Riverside County, California*, California Division of Mines and Geology (unpublished, preliminary manuscript, 1963) at p. 1091; see also [Ex. C-2.18] *County Report: Riverside Vol. 1*, California Division of Mines and Geology at p. 946 (describing the Blue Diamond operation). RRM asserts this material was sourced from the southwest ¼ of Section 15, which is identified as point M-19 in Exhibit B-3.2.

⁸⁴ [Ex. A-12] Receiver’s Deed dated May 27, 1933; [Ex. A-13] Grant Deed dated October 12, 1933; [Ex. A-14] Deed of Trust from Richard A. Terrell to F. M. Kuhry (October 12, 1933) (creating joint tenancy with Leilamae Harlow); [Ex. A-15] Record of Survey (1948); [Ex. A-16] Grant Deed from F. M. Kuhry to Leilamae Harlow (Mar. 5, 1952).

⁸⁵ Application at 76.

railroad and on the east side of the Temescal Wash.⁸⁶ The Cajalco Pit was an irregular pit about 100 feet long and 10 to 30 feet high with “apparently small” production of clays between 1930 and 1938.⁸⁷ The deposit is believed to have “very little areal extent beyond the pit limits.”⁸⁸ Clay production from this site ceased in 1938.⁸⁹

RRM asserts that the Cajalco Clay pit was actually located on the Proposed Vested Rights Area in Section 15.⁹⁰ The record does not establish a relationship between Pacific Clay Products’ clay extraction and F. M. Kuhry and Leilamae Harlow, however it is possible that the clay pit encroached onto Harlow’s property. Historical aerial photographs of the Proposed Vested Rights Area dated 1931 & 1938 show disturbances on portions of Section 15 consistent with this description of the Cajalco Pit.⁹¹

In addition to the establishment of the Cajalco Pit on the edge of the Proposed Vested Rights Area, RRM asserts that exploration for clay deposits occurred across the Proposed Vested Rights Area throughout the 1930s.⁹² Clay deposits are found along the Temescal Wash between Corona and Elsinore,⁹³ and the clay resources were evaluated in the region.⁹⁴ However, RRM’s cited documents do not establish that these exploration activities occurred on the Proposed Vested Rights Area at this time.⁹⁵ Nonetheless, historical aerial photographs of the Proposed Vested Rights Area dated 1931 show disturbances consistent with clay prospecting, sampling, and exploration. These disturbances appear

⁸⁶ [Ex. C-2.3] Gray, Clifton, *Geology and Mineral Resources of the Corona South Quadrangle, Bulletin No. 178* at p. 110.

⁸⁷ *Ibid.*

⁸⁸ [Ex. C-2.18] *County Report: Riverside Vol. 1*, California Division of Mines and Geology at p. 82; [Ex. C-2.3] Gray, Clifton, *Geology and Mineral Resources of the Corona South Quadrangle, Bulletin No. 178* at 110.

⁸⁹ [Ex. C-2.18] *County Report: Riverside Vol. 1*, California Division of Mines and Geology at p. 82; [C-2.3] Gray, Clifton, *Geology and Mineral Resources of the Corona South Quadrangle, Bulletin No. 178* at p. 110; [Ex. C-2.4] Saul, R. B., et al., *Mines and Mineral Resources of Riverside County, California*, California Division of Mines and Geology (unpublished, preliminary manuscript) at p. 78.

⁹⁰ Application at p. 76.

⁹¹ 2010: (3-29-2010) Photos 8-8 & 8-12, RCFCD Archives.

1974: (5-24-74) Photos 369 & 370, RCFCD Archives.

1967: (5-15-67) Flight AXM_1967, Frames 4HH-99 & 4HH-100, UCSB Library.

1964: (10-1-64) Flight C_24868, Frame 9-173, UCSB Library.

1963: (6-24-63) Flight RCFCD, Frames 151, 152, 158, UCSB Library.

1962: (1-30-62) Flight C_24244, Frames 3-487, 3-488 & 3-489 RCFCD Archives.

1961: (8-10-61) Flight C_24153, Frames 30 & 31, UCSB Library.

1959: (10-15-59) Flight AXM_1959, Frame 15W-31, UCSB Library.

1949: (5-6-49) Flight AXM_1949, Frame 3F-8, RCFCD Archives.

1949: (5-5-49) Flight AXM_1949, Frames 4F-182 & 4F-184, RCFCD Archives.

1938: (5-24-38) Flight AXM_1938A, Frames 45-76, 45-77, & 45-78, UCSB Library.

1931: (9-18-31) Flight C_1740, Frames A-338, A-339, A-356, A-357, A-358, A-368, A-471, A-476, A-477, A-496 & A-497, UCSB Library.

⁹² Application at p. 12, 77.

⁹³ [Ex. C-2.2] Davies, S. N. & Branlette, M. N., *The Alberhill and Other Clay Deposits of Temescal Canyon, Riverside County, California* (1942) at p. 1.

⁹⁴ [Ex. C-2.22] Richard, L. M., *Californian Clays Require Special Treatment to Meet Metallurgical Demands*, Pacific Mining News (May 1922) at p. 2.

⁹⁵ RRM cites Exhibits C-2.11, C-2.13, and C-2.22 generally for this proposition. Exhibit C-2.11 describes mineral resources in the San Jacinto Quadrangle, which does not include the Proposed Vested Rights Area; Exhibit C-2.13 at page 338 notes that “any likelihood that California will play an important part in the aluminum industry is small”; and Exhibit C-2.22 describes the discovery of bauxite in Section 26, Township 4 South, Range 6 West, which does not include the Proposed Vested Rights Area.

within the boundary of the currently approved Reclamation Plan 118, Substantial Conformance 4, where RRM currently operates.

Blarney Stone Quarry

California mining reports suggest that quarrying on the Proposed Vested Rights Area may have begun as early as the 1935 by Pantages Construction,⁹⁶ at a site that came to be known as the Blarney Stone Quarry. However, Rodney Pantages did not begin operations on the site until 1938,⁹⁷ with Henry Charles and Blarney Stone, Inc. It is unclear whether references to 1935 are erroneous or whether quarry activities began prior to Blarney Stone commencing operations.

Regardless, in the 1930s, a quarry was established on the southwest ¼ of Section 15, where RRM operates today.⁹⁸ In 1938, Kuhry and Harlow leased 41.6483 acres of the Proposed Vested Rights area to Henry F. Charles “to carry on generally upon and from said property the business of mining, milling, quarrying and otherwise preparing for market, producing, and/or dealing in minerals, quartz, stone, sand and gravel” and allowed Charles to sublease to Blarney Stone, Inc.⁹⁹ The next year, Kuhry and Harlow amended the lease to list Blarney Stone, Inc., as a lessor.¹⁰⁰

The quarry was thought to have supplied track ballast to A.T. & S.F. and stones for construction of Prado Dam.¹⁰¹ Development of the quarry was initially “hampered” but the operation was supplying Prado Dam by 1939 (though most of the rock was originally sourced from Norco).¹⁰² The U.S. Army Corps of Engineers District Laboratory tested three samples from the Blarney Stone quarry in 1939.¹⁰³ The report notes that the quarry is used mostly as a source of rip rap but also yields some derrick stones.¹⁰⁴ A newspaper article from around the same period reported that the quarry contained 200,000,000 tons of rock.¹⁰⁵

While one manuscript reported the Blarney Stone Quarry as remaining dormant from 1939 to 1953,¹⁰⁶ production continued at least through 1940.¹⁰⁷ Harlow attempted to terminate the quarry lease in 1940 on the grounds that the lessees breached the lease by permitting another company to take possession of the property.¹⁰⁸ An attorney for Blarney Stone, Inc., informed Harlow that the operator would not vacate the property but would “continue to occupy and work . . . and remove rock and gravel”

⁹⁶ [Ex. C-2.18] *County Report: Riverside Vol. 1*, California Division of Mines and Geology at p. 894 (stating that quarrying by Pantages Construction began in 1935).

⁹⁷ [Ex. C-3.70] *Paving Stone Company Opens Plant Near City*, Corona Daily Independent (Nov. 28, 1938).

⁹⁸ [Ex. C-2.4] Saul, R. B., et al., *Mines and Mineral Resources of Riverside County, California*, California Division of Mines and Geology (unpublished, preliminary manuscript) at p. 1028.

⁹⁹ [Ex. C-4.2] *Harlow v. Charles*, Case No. 33195 (Exhibit “A” at p. 1-2; Exhibit “C” at p. 1; Exhibit “D” at p. 1).

¹⁰⁰ [Ex. C-4.2] *Harlow v. Charles*, Case No. 33195 (Exhibit “C” at p. 1).

¹⁰¹ [Ex. C-2.4] Saul, R. B., et al., *Mines and Mineral Resources of Riverside County, California* at p. 1028; [Ex. C-3.69] *Dodge Party Views Rock Quarries: News Auto Party Follows Shell Directions to Destination*, Daily News (Sept. 28, 1938) (reporting the quarry was opened for the “express purpose” of supplying Prado Dam); [Ex. C-3.70] *Paving Stone Company Opens Plant Near City*, Corona Daily Independent (Nov. 28, 1938) (reporting that the “new” Blarney Stone company quarry “is being hampered” but “is working toward the production of commercial paving stone blocks” as of November 1938).

¹⁰² [Ex. C-3.75] *Blarney Stone Rock Goes to Prado Dam*, Corona Daily Independent (Dec. 14, 1939).

¹⁰³ [Ex. C-2.4] Saul, R. B., et al., *Mines and Mineral Resources of Riverside County, California* at p. 1029.

¹⁰⁴ *Ibid.* (“Because of the joint pattern, large size rock is not purposely produced as it would result in excessive waste.”)

¹⁰⁵ [Ex. C-3.69] *News Auto Party Follows Shell Directions to Destination*, L.A. Daily News (Sept. 28, 1938).

¹⁰⁶ [Ex. C-2.4] Saul, R. B., et al., *Mines and Mineral Resources of Riverside County, California* at p. 1028.

¹⁰⁷ [Ex. C-4.2] *Harlow v. Charles*, Case No. 33195 (Exhibit “D”).

¹⁰⁸ *Id.* at Exhibit “D” at p. 1-2).

in July and August of 1940.¹⁰⁹ Harlow sued for unlawful detainer before dismissing the case in 1942. Thus, quarrying must have continued at least through 1940, before idling and resuming operations sometime after the County adopted its first restrictive zoning ordinance.

A comparison of historical aerial photos dated 1938 and 1949 show surficial disturbances located within the existing Reclamation Plan limits as amended in 2020. These disturbances can be observed around the Cajalco Clay Pit just south of the Cajalco Road alignment and further to the southeast. Further disturbances can be seen south of the clay pit and adjacent to the railroad tracks, which appears to be the beginnings of the Blarney Stone Quarry. The disturbances appear to be shallow and contained within a small footprint (approximately three acres for the clay pit, and one acre for the quarry), but a distinct excavation wall can be seen along the eastern edge of the quarry. No equipment can be seen onsite, and the 1938 and 1949 photos indicate that revegetation may have been occurring on the quarry floor, evidence that the mine had been idle for some time during these periods.

Gravel Disturbances

RRM asserts that Carl Bliss, an associate of Blarney Stone, Inc., sourced gravel from the Proposed Vested Rights Area during the same period.¹¹⁰ However, records indicate that Bliss sourced gravel offsite from a property west of the Proposed Vested Rights Area and west of the Corona city center. Carl Bliss reportedly observed a “gravelly” wash while flying over Roy Wardlow’s La Sierra Rancho and dug test pits in the area to supply Prado Dam.¹¹¹ The La Sierra Rancho was situated west of Rancho El Sobrante and the Proposed Vested Rights Area.¹¹² CERCLA litigation established that gravel had indeed been excavated from the Wardlow property in 1938 for “a nearby dam,” and that Carl Bliss had arranged for disposal of acid tar in the four gravel pits in 1941 and 1942.¹¹³

A review of historical aerial photographs (1938 and 1949) shows some disturbances that could be consistent with other gravel production/extraction in the wash south of Cajalco Road and north of the clay pits. These areas are denoted as “M-41” by RRM on Ex. B-3.2, 3.3, 3.5, 3.6, 3.8, 3.9, 4.13, 4.14, 6.5, 6.6, 6.7 and Appendix D at 10 and 11. However, these disturbances appear shallow in nature, occupy small (less than one acre) footprints, and are not indicative of a substantial mining operations capable of supplying adequate quantities of aggregate for a large dam project.

Silica Sand

RRM identifies silica-sand operations to the west of the Proposed Vested Rights Area and argues that the operation was connected to, and utilized resources from, the Proposed Vested Rights Area through the late 1920s, 1930s, and 1940s.¹¹⁴ This silica sand operation began in 1924 and continued at least through the latter half of the 20th century.¹¹⁵ RRM explains that a partner in the silica sand operation successfully sued to acquire property straddling the western edge of the Proposed Vested Rights Area and used roads on the Proposed Vested Rights Area to access the railroad.¹¹⁶ Staff

¹⁰⁹ *Id.* at Exhibit “D” at p. 1 & Exhibit “E” at p. 1.

¹¹⁰ Application at pp. 74-75 (citing [C-3.76] *Story of the Carl Bliss Batch Plant*, Corona Daily Independent: Prado Dam Cross-Section (Dec. 20, 1939). See also C-3.70] *Paving Stone Company Opens Plan Near City*, Corona Daily Independent (Nov. 28, 1938) (reporting Carl Bliss to be an associate of Blarney Stone, Inc.).

¹¹¹ [C-3.76] *Story of the Carl Bliss Batch Plant*, Corona Daily Independent: Prado Dam Cross-Section (Dec. 20, 1939).

¹¹² Hansen & Solano, *Map of the Rancho La Sierra* (1877), available at <https://hdl.huntington.org/digital/collection/p15150coll4/id/13261> (last accessed February 2, 2023).

¹¹³ *Western Properties Service Corp. v. Shell Oil Co.* (9th Cir. 2004) 358 F.3d 678, 681.

¹¹⁴ Application at p. 85-87.

¹¹⁵ [Ex. C-2.4] Saul, R. B., et al., *Mines and Mineral Resources of Riverside County, California* at p. 1116.

¹¹⁶ [Ex. C-3.37] *Sheriff’s Sale on Execution Notice*, Corona Courier (Oct. 15, 1926).

understands that RRM is not asserting the silica sand operation was conducted by Harlow or her lessees.

Cajalco Road and Cajalco Dam

RRM also asserts that the Proposed Vested Rights Area supplied the construction of Cajalco Road and Cajalco Dam beginning in 1932.¹¹⁷ Staff agrees that common sense dictates that these projects may have sourced materials from nearby but is not aware of any contemporaneous evidence that the Proposed Vested Rights Area supplied the reservoir project and other sources report that soil and materials were excavated within the reservoir boundaries.¹¹⁸ Staff also sees no evidence in RRM's supporting exhibits that Cajalco Road used "materials and desert-mix surfacing" specifically from the Proposed Vested Rights Area."¹¹⁹

Voters approved a bond in 1931 to finance construction of the Cajalco reservoir (now known as Lake Mathews) and two distribution lines, including the Metropolitan Water District's Lower Feeder Line.¹²⁰ Following success of the bond issue, the chairman of the County Board of Supervisors instructed surveyors to run lines for a possible road leading from Temescal Canyon to the dam site.¹²¹ This was not the only access point, as another road into the area already extended southward from Arlington.¹²² The Arlington road was surfaced concurrent with the widening and improvement of the Cajalco Highway, and it was hoped that the Cajalco Highway would be ready for construction on the reservoir.¹²³ However, reports indicated that the water district "in most instances" constructed and surfaced its own roads.¹²⁴ Indeed in 1937, MWD shipped most graders, shovels, tractors, and other heavy equipment by rail to Val Verde and then pulled the equipment west across an MWD right-of-way to the job site.¹²⁵

RRM identifies disturbances on the Proposed Vested Rights Area "consistent with surface mining disturbances to provide gravel and other mined materials associated with road construction."¹²⁶ A report commissioned by RRM identifies some mining disturbances that "may" have served either project, including a trench and road segment first visible in 1959, a road along the south side of the ridgetop visible in 1931, a borrow area adjacent to Cajalco Road, a drill hole, dozer pit of indeterminate use, and abandoned roads.¹²⁷ Staff believes that the 1931 road must predate the Cajalco road and reservoir projects and should not be attributed to those projects. The County geologist reviewed RRM's report and aerial photographs and concludes that the borrow pit adjacent to Cajalco Road (identified within "Area 9" of RRM's report) may have served the construction of Cajalco Road. However, staff asserts that the dates and purposes of the disturbances has not been established by the report.

¹¹⁷ Application at pp. 12, 71-72.

¹¹⁸ Kathleen Dever, *Lake Mathews and Gavilan Hills* (Arcadia Publishing 2007) at p. 51, 62, 67, 76.

¹¹⁹ Application at p. 72 (citing Ex. C-3.62, *Cajalco Highway Open to Travel*, Corona Daily Independent (Sept. 9, 1935) (reporting that "supervision and surfacing materials have been paid for by Supervisor Stanfield from his district's funds" and "[s]urfacing with desert-mix has also been completed").

¹²⁰ [Ex. C-3.54] *Success of Bond Election Means Much to Corona and Reservoir's Dam Near Corona to Cost Nine Million*, Corona Daily Independent (Sept. 30, 1931).

¹²¹ [Ex. C-3.54] *Dam Site to Be Made Accessible by Modern Highway From Corona, Plan*, Corona Daily Independent (Sept. 30, 1931).

¹²² *Ibid.*

¹²³ [Ex. C-3.56] *Arlington Road to Cajalco Dam Being Surfaced*, Corona Courier (Oct. 13, 1933).

¹²⁴ *Ibid.*

¹²⁵ Kathleen Dever, *Lake Mathews and Gavilan Hills* (Arcadia Publishing 2007) at p. 70.

¹²⁶ Application at p. 73.

¹²⁷ Appendix D at pp. 4-5 (Areas 9 and 10).

Kincheloe Lawsuit

In May 1946, Kuhry and Harlow agreed to purchase 617 acres located in portions of Sections 17, 19 and 20 from James and Jakie Kincheloe.¹²⁸ In January 1947, the Kincheloe's sued Harlow alleging that Harlow had failed to pay them.¹²⁹ The Kincheloe's dismissed the case shortly thereafter, and Harlow never acquired their property.¹³⁰

RRM asserts that the Kincheloe property supported several clay and sand operations, and if Kuhry and Harlow had acquired the Kincheloe property, they would have sought to compete with the Owens-Illinois Glass Co. Sand operation.¹³¹ However, this is merely conjecture as Kuhry and Harlow did not acquire the operation, and the record does not reflect why they agreed to buy the land or why they withdrew from the agreement.

Record of Survey

In 1948, a Record of Survey for Sections 15, 16 and portions of Sections 9 and 10 was filed with the County Recorder.¹³² RRM infers that the survey "confirms the owners of the [Proposed Vested Rights Area] had fully appropriated the property for mining" because the record shows the property boundaries and therefore the land that may be mined.¹³³ The evidence does not establish Harlow's purpose in ordering the survey. The record of survey states that it "was made to show the relative locations of corners used by previous surveys; the theoretical corners shown on original Gov't. and Rancho Maps; and the corners and property lines established by the Compromise Agreement of 1895 and other deeds of record."¹³⁴ This description is consistent with Harlow identifying her property boundaries and does not identify to what use she intended to put her property.

4. Development Post-Vesting Date (1949-present)

As a preliminary matter, staff asserts that post-vesting date activities should be given less weight in determining vested rights. A vested rights determination should examine the use to which a property was put, and whether or not evidence established an objective intent to extend mining activities across a certain property, at the time a restrictive zoning ordinance took effect. While RRM asserts that post-vesting date activities are indicative of the owners understanding that they held a vested right to continue mining operations, staff asserts that these activities may also be consistent with unpermitted operations.

Significant mining activities continued on the Proposed Vested Rights Area beginning in the mid-1950s, primarily on the southwest ¼ of Section 15, where RRM currently operates today. However, mining was not the only use considered for the property.

Around the time quarrying was restarted at the Blarney Stone (or Harlow) Quarry, Leilamae Harlow sought a permit to use up to 640 acres of her property as a garbage dump. In 1955, Leilamae Harlow applied for a permit to operate a cut and cover garbage dump.¹³⁵ Although she reduced the project from the originally proposed 640 acres to just 60 acres, the Riverside County Planning

¹²⁸ [Ex. C-4.3] *Kincheloe v. Harlow*, Case No. 42415 (filed Jan. 20, 1947) at PDF p. 6; Appendix D at Figure B-5.10] Harlow Mineral Properties Subject to Ownership or Contract as of 1947 (showing Kincheloe property southwest of Harlow's property).

¹²⁹ [Ex. C-4.3] *Kincheloe v. Harlow*, Case No. 42415 at PDF pp. 1-3.

¹³⁰ *Id.* at p. 18.

¹³¹ Application at p. 14.

¹³² Appendix B at Figure B-5.8: Record of Survey (May 1948).

¹³³ Application at pp. 14, 89.

¹³⁴ [Ex. B-5.8] Record of Survey (May 1948).

¹³⁵ [Ex. C-3.99] *Planners Deny Permit for Garbage Dump Near Corona*, Corona Daily Independent (Aug. 10, 1955).

Commission denied her application.¹³⁶ Harlow appealed the denial to the Board of Supervisors, which also denied the permit.¹³⁷ RRM asserts that Harlow's garbage dump application showed an understanding of her vested right to mine because she did not request permission to "remove mined or excavated material" but only sought permission "to place refuse in excavated spaces."¹³⁸ Staff asserts that this interpretation does not accord with how cut and cover garbage dumps operate, as cut and cover dumps typically involve digging trenches to hold solid waste and using the excavated material as cover material.¹³⁹

M-3 Permit No. 404 (1959)

In the 1950s, quarrying was restarted. The Blarney Stone quarry was reportedly idle from approximately 1940 until the 1950s. Complaints about rock trucks in the vicinity of the old quarry were reported in 1958,¹⁴⁰ and the Stringfellow Company together with the Livingston Rock and Gravel Company, Inc., began large scale operations under the name Corona Quarries, Inc. in 1959.¹⁴¹

In February 1959, Livingston Rock & Gravel Co. Inc, obtained an M-3 use permit for an approximately 32-acre¹⁴² "Rock Crusher and Quarry" to be operated $\frac{3}{4}$ of a mile south of Cajalco Road, and $\frac{3}{4}$ of a mile east of Highway 71.¹⁴³ The Riverside County Planning Commission recommended approval and Board of Supervisors approved a permit "to establish, operate and maintain a rock crusher and quarry" on Harlow's property south of Cajalco Road and east of the A.T. & S.F. and State Highway No. 71 on Section 15.¹⁴⁴ This permit was issued in accordance with RCO No. 348, Article III as the operation was located in an M-3 (Regulated Industrial) Zone.

The quarry was likely operating prior to issuance of the permit. The California Division of Mines reported that the quarry was operating in 1953 and had supplied the following public works projects beginning in the mid-1950s, and was "intermittently active" and "maintained on a stand-by basis" in the 1960s:

- 1955: Long Beach drainage canal
- 1957: San Gabriel canyon
- 1958: Sana Ana River levee
- 1958-64: Long Beach flood control channels¹⁴⁵

A lawsuit filed in 1965 verified that production continued in the 1960s. In the lawsuit, plaintiff William Stringfellow alleged that "308,932.28 tons [of rock] were hauled" for Corona Quarries, Inc., during the

¹³⁶ [Ex. C-3.99] *Planners Deny Permit for Garbage Dump Near Corona*, Corona Daily Independent (Aug. 10, 1955).

¹³⁷ [Ex. C-3.101] *Thumbs Down on Proposed Garbage Dump*, Corona Daily Independent (Oct. 18, 1955).

¹³⁸ Application at p. 111.

¹³⁹ Bell, J., *Sanitary Landfill Method of Solid Waste Disposal* (Purdue University 1973) at p. 118.

¹⁴⁰ [Ex. C-3.105] *Rock Truck Complaints*, Corona Daily Independent (Aug. 7, 1958).

¹⁴¹ [Ex. C-2.4] Saul, R. B., et al., *Mines and Mineral Resources of Riverside County, California*, California Division of Mines and Geology (unpublished, preliminary manuscript) at p. 1028.

¹⁴² [Ex. 4] Notice of Public Hearing for M-3 No. 404 Permit.

¹⁴³ [Ex. C-1.1] M-3 Permit No. 404 (Jan. 8, 1959) at p. 1.

¹⁴⁴ *Id.* at PDF pp. 1-2.

¹⁴⁵ [Ex. C-2.4] Saul, R. B., et al., *Mines and Mineral Resources of Riverside County, California*, California Division of Mines and Geology (unpublished, preliminary manuscript) at p. 1028; [Ex. C-3.108] *County Steps Pushed for Flood Control*, Los Angeles Times (Jul. 12, 1964) (awarding flood channel contract to Corona Quarries).

period of May 1962 through December 1963 and payment was not made.¹⁴⁶ News articles from this period also report on contract awards to the quarry.¹⁴⁷

Unpermitted Activities

RRM asserts that around the same time the M-3 Permit No. 404 was approved, other unpermitted mining activities were ongoing during this period.

Liston Brick Company: RRM asserts that between 1948 and 1960, Liston mined shale, alluvium and soil and sandstone to supply its brick production plant using unnamed plots on the east side of Temescal Canyon, along Cajalco Road within the Proposed Vested Rights Area.¹⁴⁸ Liston in fact began constructing a brick plant near the Harlow property in 1949.¹⁴⁹ But it was not until 1954 that Liston opened a 100' x 150' clay pit on the southwest and northwest quarters of Section 15 of Harlow's property and mined Silverado Formation and residual claystone on a small scale until at least 1963.¹⁵⁰ Liston may have sourced soil from the Proposed Vested Rights Area prior to the establishing this clay pit and prior to the vesting date but there is no evidence establishing this. Liston sometimes used "local soil"¹⁵¹ and intermittently mined "small tonnage of soil" on the east side of Temescal Canyon about 4 ½ miles southeast of Corona in the 1950s.¹⁵² This unnamed pit is described as situated on the northeast ¼ of Section 16, which would have been property neighboring Harlow's property. Aerial photographs provided by RRM shows disturbances (marked M-43) but staff cannot determine the purpose or depth of the disturbances.

Gladding: RRM also asserts Gladding "discovered" viable red clay within the Proposed Vested Rights Area. Gladding discovered the Bedford Canyon deposit on the north half of Section 16, adjacent to Harlow's property in August 1954. Gladding constructed a plant in 1956, which began operating in 1958.¹⁵³ There is no record of Gladding or its Bedford Canyon claim extending onto Harlow's property.¹⁵⁴

MWD Lower Feeder Line: RRM also identifies 1962 disturbances that "may be associated with either clay exploration or construction of MWD lower-feeder line."¹⁵⁵

¹⁴⁶ [Ex. C-3.110] *Trucker Sues Corona Firm*, Corona Daily Independent (Apr. 15, 1965).

¹⁴⁷ [Ex. C-3.108] *County Steps Pushed for Flood Control*, L.A. Times (Jul. 12, 1964) (awarding flood channel contract to Corona Quarries); [Ex. C-3.107] *Rock Trucks Will Continue to Roll*, L.A. Times (Oct. 10, 1962).

¹⁴⁸ [Appendix B-1 (revised)] at row M-43.

¹⁴⁹ [Ex. C-3.91] *New Brick Plant is Being Started South of Corona*, Corona Daily Independent (Jan. 18, 1949).

¹⁵⁰ [Ex. C-2.4] Saul, R. B., et al., *Mines and Mineral Resources of Riverside County, California*, California Division of Mines and Geology (unpublished, preliminary manuscript, 1961) at PDF p. 1272.

¹⁵¹ [Ex. C-2.3] *Geology and Mineral Resources of the Corona South Quadrangle: Bulletin 178*, California Division of Mines (1961) at p. 74.

¹⁵² [Ex. C-2.3] *Geology and Mineral Resources of the Corona South Quadrangle: Bulletin 178* at p. 74 & 113 (Liston sourced shale and alluvium from the Chocolate Drop deposit, the Owens-Illinois Glass Company, neither of which are located on the Proposed Vested Rights Area.); see also [Ex. C-2.5] *Special Report 165 - Mineral Land Classification of the Temescal Valley Area* (1991) at p. A-14.

¹⁵³ [Ex. C-2.4] Saul, R. B., et al., *Mines and Mineral Resources of Riverside County, California*, California Division of Mines and Geology (unpublished, preliminary manuscript, 1961) at p. 72; [Ex. C-2.3] *Geology and Mineral Resources of the Corona South Quadrangle: Bulletin 178*, California Division of Mines (1961) at p. 110; [Ex. C-2.5] *Special Report 165 - Mineral Land Classification of the Temescal Valley Area* (1991) at p. 36; [Ex. C-2.18] CDMG Open File Report 77-14, Riverside County, V.1 at PDF p. 94.

¹⁵⁴ See fn. 153, *supra*.

¹⁵⁵ Table B-1 at row M-51; Appendix D at p. 3 (describing road like features and ground disturbance consistent with construction of the Metropolitan Water District's lower feeder line or small-scale exploration for surface clay resources and noting lack of feature feature indicate of intensive mining).

Clay Scraping and Exploration: RRM identifies surface disturbances in aerial imagery dated 1967 in an “area of property associated with clay mining during 1962 and 1967.” In the 1961 aerial photographs, disturbances are also observed immediately adjacent to the northeast of the RP118-S4 boundary.

Other Notes: RRM also submitted a report summarizing field reconnaissance of a 10-acre parcel and adjacent land within the Proposed Vested Rights Area.¹⁵⁶ Staff reviewed the report and notes no clear evidence or inconclusive evidence of mining in Areas 1, 2, 4, 6 (offsite), and 8. Mining disturbances are identified in Areas 3 (partially offsite), 5 (consistent with mining but shows no “features indicative of intensive mining use”), 7 (staff opines this is a road improvement along Eagle Canyon Road), 9-10 (discussed *supra* at fn. 127), 10 (discussed *supra* at fn. 127), and 11-14 (potential clay deposit explorations). Staff asserts that the disturbances associated with mining activities are largely undated and may be consistent with pre- or post-1949 activities. Staff also observes the report includes operations conducted offsite by others, dirt roads that may have served as haul roads or other uses, and miscellaneous minor disturbances that may or may not be consistent with mining. Overall, staff identifies apparent trench explorations on the southern portion of the Proposed Vested Rights Area (immediately north and northeast of the present quarry site) that demonstrate past mining activity. With respect to the northern portion of the Proposed Vested Rights Area, staff finds a lack of demonstrable evidence of relevant mining activity.

Conditional Use Permit No. 1146 (1970)

In 1972, Leilamae Harlow died, and disposition of her estate took several years to resolve. During this time, RRM asserts Paul Hubbs continued operations. He ultimately acquired the property in 1979.

Shortly before Harlow’s death, Paul J. Hubbs discontinued business under the name Corona Quarries, Inc. and applied for a permit to construct a rock crushing and screening plant and asphalt plant under the name Paul Hubbs Construction Co.¹⁵⁷ The staff report described the applicant’s request as “an expansion of his rock quarry which was granted under M-3 Case No. 404. The expansion will include the establishing of a rock crusher and asphalt plant.”¹⁵⁸ The County approved the permit in 1970 with conditions, including but not limited to:

- Quarrying, crushing and asphalt operations shall be conducted not less than fifty (50) feet from all exterior boundaries of the property No blasting shall be permitted.
- Access to the site shall be limited to that shown on Exhibit “A” on file and shall be suitable surfaced [¶¶¶]
- In the event the use permitted hereby ceases operation for a period of two or more years, this permit shall become null and void.
- This permit shall terminate on June 1, 1990.¹⁵⁹

¹⁵⁶ Appendix D at p. 1.

¹⁵⁷ [Ex. C-3.113] *Certificate of Discontinuance of Use and/or Abandonment of Fictitious Name # 15788*, Corona Daily Independent (Sept. 19, 1968); [Ex. C-1.2] Conditional Use Permit 1146 (Apr. 9, 1970). Paul Hubbs also acquired property upon Harlow’s death in 1972. Occidental College initially acquired Harlow’s estate from 1976 to cover her debts, and then sold the property to Hubbs in 1979. [A-21] Grant Deed to Paul J. Hubbs and Lucile Hubbs.

¹⁵⁸ [Ex. 5] Staff Report to Riverside County Planning Commission (May 6, 1970) at p. 1; [Ex. 6] Public Hearing Minutes, Riverside County Planning Commission at p. 1.

¹⁵⁹ [Ex. C-1.2] Condition Use Permit No. 1146 at ¶¶¶ 1-3, 7, 10.

The Permit identified an irregular area south of Cajalco Road and east of the A.T. & S.F. railroad as hosting “rock quarrying in process” and “misc[ellaneous] equipment,” as well as the proposed asphalt plant site, rock crushing plant, and screening plant.¹⁶⁰ Exhibit A showed that the quarry occupied a small footprint on the property, and shows vacant land south and east of the area.

As of November 8, 1976, no asphalt plant had been constructed pursuant to the permit, but a borrow pit and rock crushing operation were active.¹⁶¹

Reclamation Plan (1982)

In 1976, the California Legislature enacted SMARA, which required all surface mining operations have a permit (unless vested) and a reclamation plan.¹⁶²

In 1982, the County approved Paul Hubbs’s Reclamation Plan 118 (“RP-118”). RP-118 covered an area of approximately 50 to 60 acres, which are within the boundaries of the area where RRM currently operates today. The County acknowledged in RP 118 that the quarry operations had been continuous since at least the mid-1950s and determined that the quarry “had a vested right of operations since 1976.”¹⁶³ RP-118 described the “primary mining activity” as “an open pit rock quarry called Harlow Quarry” encompassing a 20-acre operating area. RP-118 also identified a “secondary” “small open pit clay mining operation” located at the north end of the property.¹⁶⁴ The site included “substantial man made modifications due to quarrying operations” with “roads, road cuts, quarry benches, and quarry walls” and quarry-related alterations on approximately one third of its area.¹⁶⁵

The operational lifetime for both quarries was projected to be 20 years. For the rock quarry, “this time frame [wa]s based on the mine site boundaries as currently configured.”¹⁶⁶ RP-118 acknowledged “[t]he rock resource adjacent to the quarry could extend the operational lifetime if incorporated, but no plans presently exist to do this.”¹⁶⁷ Figures 7A, 7D, 12, and 13 showed that the “mine in its final form” would be 50 to 60 acres and the clay mine would be 10 acres.¹⁶⁸ Figure 7 indicated that “clay mining activities are not authorized until Riverside County has an approved surface mining permit for this operation.”¹⁶⁹ No mining permit for clay operations was ever submitted.

Paul Hubbs continued to produce rip rap and construction aggregates and clay from the north end of the property (described as west half of Section 15).¹⁷⁰ And by 1991, the “main quarry” was approximately 1000 feet wide and extends into the hillside about 800 feet.¹⁷¹

Application to the County for Approval of Rock Crushing and Screening Plant (1998)

At some point, Hubbs leased land to the Tonko Corporation (“Tonko”) for mining operations. In 1998, the County of Riverside reviewed and approved an application from Michael J. Tonkinson of Tonko Corporation to construct a rock crushing and screening plant within the limits of the M-3 permit.¹⁷² The Staff Report stated that the subject property “operates under M-3 Case No. 404, granted by the

¹⁶⁰ [Ex. C-1.2] Condition Use Permit No. 1146 (1970) at Exhibit 1 and Exhibit A.

¹⁶¹ [Ex. 7] Report to Planning Department dated November 8, 1976.

¹⁶² Pub. Res. Code, Section 2770(a).

¹⁶³ [Ex. C-1.2] Condition Use Permit No. 1146 (1970) at PDF p. 4.

¹⁶⁴ [Ex. C-1.3] Reclamation Plan 118 (“RP-118”) (1982) at A.

¹⁶⁵ [Ex. C-1.3] RP-118 at C.1. & C.4.

¹⁶⁶ [Ex. C-1.3] RP-118 at p. 4.

¹⁶⁷ [Ex. C-1.3] RP-118 at p. 4.

¹⁶⁸ [Ex. C-1.3] RP-118 at PDF pp. 4, 6.

¹⁶⁹ [Ex. C-1.3] RP-118 at Fig. 7.

¹⁷⁰ [Ex. C-2.5] Special Report 165 - Mineral Land Classification of the Temescal Valley Area (1991) at PDF p. 211.

¹⁷¹ [Ex. C-2.5] Special Report 165 - Mineral Land Classification of the Temescal Valley Area (1991) at PDF p. 211.

¹⁷² [Ex. 8] Letter to Michael Tonkinson in Approval of Crushing and Screening Plant dated May 21, 1998 at p.1.

County in 1959” and produces rip rap rock and construction aggregate for asphalt, road base and similar uses.¹⁷³ Tonko had a lease with Hubbs and their new plant was intended to replace a similar operation that Hubbs “ha[d] previously operated on the site.”¹⁷⁴

The Staff Report explained that portions of the proposed plan had already been constructed outside the M-3 permit area, and which used to be covered under the now expired 1970 CUP 1146. Thus, “a new permit would be required if the operator were to keep their new plant in this area.”¹⁷⁵ As a result, Tonko agreed to construct the plant within the M-3 area.

Sale of Hubbs Property to Temescal Cliffs-8, LLC

Paul Hubbs retained ownership of the land under the active mining operation until 2005, when he sold his remaining property within the Proposed Vested Rights Area to Temescal Cliffs – 8, LLC.¹⁷⁶ Just prior to the same, in 2003, the County sued Paul Hubbs Construction Company, Inc., and Lucile M. Hubbs for illegal surface mining operations related to mining outside its permitted area, mining plan and reclamation plan.¹⁷⁷ The parties settled the lawsuit in 2004 with a stipulated settlement, which the Court entered as its order in the case (“2004 Settlement”).

The 2004 Settlement required Hubbs to apply for and obtain a revised reclamation plan.¹⁷⁸ Hubbs also acknowledged “the current mining operation will be limited to the area described in the permitted mining area[.]”¹⁷⁹ This permitted mining area was identified as “the ‘permitted mining area’ reflected in approved Reclamation Plan 118 and further described as the area within the M3 [No. 404] mining permit plus the area directly north of the north boundary of the M3 mining permit which has previously been approved by the County and the State Department of Conservation for mining operations. Nevertheless, the ‘permitted mining area’ does not include the area designated as the clay mining area on Reclamation Plan 118.”¹⁸⁰

The 2004 Settlement also acknowledged that Realty Advisor Group had contracted with Lucile Hubbs to purchase and operate the quarrying operation, and “had filed or intended to file an application to extend the mining operation to the applicable property boundaries”¹⁸¹ and submit an amended reclamation plan.¹⁸² The County “acknowledge[d], but t[ook] no position” on Realty Advisor Group’s plan to submit an application “to expand the Surface Mining Permit to the applicable borders of said property.”¹⁸³ This sale did not occur.

After the Court entered the settlement, Paul Hubbs Construction Company retained Lilburn Corporation to prepare a mine reclamation plan and application for a surface mine permit.¹⁸⁴ Prior to complying with the settlement, Hubbs sold his property to Temescal Cliffs-8, LLC (“Temescal Cliffs”), a company managed by Ali Sahabi and associated with S.E. Corporation and the Dos Lagos development

¹⁷³ [Ex. 8] Staff Report in Approval of Crushing and Screening Plant dated May 21, 1998 at PDF p. 2.

¹⁷⁴ *Ibid.*

¹⁷⁵ *Id.* at PDF p. 3-4.

¹⁷⁶ [Ex. A-31] Grant Deed dated Oct. 27, 2005.

¹⁷⁷ *County of Riverside v. Paul Hubbs Construction Company, Inc.* (Case No. RIC387195).

¹⁷⁸ [Ex. C-1.7] Stipulated Settlement and Judgment Thereon at p. 2.

¹⁷⁹ [Ex. C-1.7] Stipulated Settlement and Judgment Thereon at p. 4.

¹⁸⁰ [Ex. C-1.7] Stipulated Settlement and Judgment Thereon at p. 4.

¹⁸¹ *Id.* at p. 3.

¹⁸² *Id.* at pp. 2-3.

¹⁸³ *Id.* at p. 4.

¹⁸⁴ [Ex. 9] Letter from Stephen T. Lilburn to Robert C. Johnson, Planning Director, dated Nov. 19, 2004.

by Temescal Canyon Properties-8, LLC.¹⁸⁵ The sale was recorded January 13, 2006, and Paul Hubbs was allowed to continue operations until January 12, 2008.¹⁸⁶ Temescal Cliffs then licensed operations to Barney Northcote, Inc. and Baglady Sandbags, Inc. in 2008.¹⁸⁷ While the 2007 surface mining inspection report indicated that Hubbs was operating pursuant to permit M-3 No. 404,¹⁸⁸ Temescal Cliffs asserted in a 2008 document that the project site is operated “under vested rights and approved permit” on 50 acres and the Hubbs/Harlow Quarry has been in operation since the 1950s.¹⁸⁹

Temescal Cliffs submitted a revised Reclamation Plan in 2006 for a “110-acre Hubbs/Harlow Quarry site.”¹⁹⁰ Temescal Cliffs asserted that “[t]he majority of the property is disturbed.”¹⁹¹ Temescal Cliffs planned an operational lifetime of two years and “anticipated closing within two years” but asserted that mining could continue if they are unable to obtain permits “for productive reuse as a housing tract or other development.”¹⁹² The proposed post-mining land use, or future land use, was to be a “residential tract or other appropriate development.”¹⁹³ The revised Reclamation Plan included maps showing the 110-acre “existing permit limits” and “an aerial photograph depicting the property boundary and mine disturbance” which appeared to extend outside of the property and permit limits.¹⁹⁴ It also identified the neighboring land uses as “vacant” or “single family.”¹⁹⁵ The reclamation also acknowledges the need for a Blasting Permit.¹⁹⁶

Temescal Cliffs-8, LLC’s property was reconveyed to Thomas M. Ward in 2011, and the LLC was dissolved in 2012.¹⁹⁷ Cajalco Road Quarry acquired this property in 2011 at a public auction.¹⁹⁸ This property forms the rough footprint where RRM currently operates.

Sale of Brion Parcel to Cajalco Associates

In 1983, Paul J. Hubbs sold the majority of the Proposed Vested Rights Area. Hubbs retained the parcels underlying the existing mining operation (the ownership and permitting history of which are described above).¹⁹⁹

¹⁸⁵ See generally [Ex. 10] Letters re Ownership of Harlow Quarry; Community Facilities District No. 2002-1 (Dos Lagos) of the City of Corona 2007 Special Tax Bonds (Improvement Area No. 1) at pp. 2, 43 (available at <http://cdiacdocs.sto.ca.gov/2007-0292.pdf>; last accessed Feb. 5, 2022).

¹⁸⁶ [Ex. 10] Letters re Ownership of Harlow Quarry at PDF p. 3.

¹⁸⁷ [Ex. 10] Letters re Ownership of Harlow Quarry at PDF p. 4.

¹⁸⁸ [Ex. 11] Surface Mine Inspection Report (April 4, 2007) at p. 1.

¹⁸⁹ [Ex. 12] Summary, Financial Assurance Cost Estimate (2008) at p. 1.

¹⁹⁰ [Ex. 13] Reclamation Plan, Lilburn Corporation (May 15, 2006) at p. 1. According to County records, the application for this revised reclamation plan was abandoned in 2017.

¹⁹¹ *Ibid.*

¹⁹² *Id.* at pp. 1, 12.

¹⁹³ *Id.* pp. 1, 5 (“The following objectives have been incorporated . . . to reclaim the site for post-mining uses as residential land uses” and “to render the site suitable for conversion to a residential or other development consistent with surrounding land uses.”)

¹⁹⁴ *Id.* at p. 1, Figure 2, Figure 3.

¹⁹⁵ *Id.* at p. 1, Figure 2, Figure 4.

¹⁹⁶ *Id.* at p. 20.

¹⁹⁷ [Ex. A-32] Full Reconveyance, Doc. 2011-0047028; Limited Liability Company Certificate of Cancellation, File No. 200527210052 (filed Dec. 18, 2012) (available at <https://bizfileonline.sos.ca.gov/search/business>).

¹⁹⁸ Application at Appendix at p. 1; [Ex. C-1.8] First Amended Judgment at Recital H.

¹⁹⁹ [Ex. A-22] Grant Deed recorded Dec. 20, 1983. The reason for the sale is not known, however, Hubbs had signed a nearly \$2 million contract to clean up a toxic waste disposal site in nearby Jurupa Valley, and in 1983 was sued by the United States in a multi-defendant CERCLA lawsuit for owning and operating this “Stringfellow” toxic waste disposal site. *United States v. Stringfellow, et al.*, Case No. 2:83-cv-02501 (C.D. Cal. filed Apr. 21, 1983).

This Brion Parcel was transferred from Brion Corporation, to S.T. & Koo International, First American Title Insurance Co., Sun-On Enterprises, and then to S.T. & Koo International, again.²⁰⁰ In 2004, S.T. & Koo International Corp., sold the property to Cajalco Associates, LLC.²⁰¹ Paul Hubbs did not reserve mineral rights to himself when deeding the property to S.T. & Koo International.

In 2003, Cajalco Associates²⁰² proposed a Memorandum of Understanding to the County for development of 640 acres, conveyance of 400 acres to the County for MSHCP compliance (i.e. retained as open space), and development of a residential project on 240 acres.²⁰³ In 2004, with the authorization of the landowner S.T. & Koo International, Cajalco Associates submitted a Pre-Application Review to the County for a 680-acre, 380-unit single-family community ("PAR-504").²⁰⁴ Cajalco Associates asserted in its PAR-504:

It is our intention to develop the property and to secure the following land use entitlements:

- *A proposed General Plan Amendment for the northerly 313 acres . . . to Medium Density Residential (2-5 du/ac). The southerly 367 acres would remain under the current designation of Open Space-Rural, and be retained for open space/habitat conservation purposes (MSHCP) and potential right-of-way for the future CETAP corridor.*
- *A proposed Specific Plan . . . establishing a master planned residential community of approximately 380 single family detached homes. . . .*
- *A proposed Master Tentative Tract Map (Conveyance Map) to establish large builder parcels on the 313 acres residential area located north of Cajalco Road.*
- *A proposed Tentative Tract Map to establish lots for development and associated infrastructure on the 313 acres residential area located north of Cajalco Road.*²⁰⁵

The project was envisioned to "become one of the premier residential hillside communities within southwestern Riverside County."²⁰⁶ Cajalco Associates had the project land under contract, attended preliminary meetings with the Riverside County Planning Department officials about the proposed General Plan Amendment, entered into talks with the Metropolitan Water District and adjacent property owners to improve Eagle Valley Road, hired a geotechnical consultant to complete a subsurface investigation" that included borings to test the bedrock, hired biologists to complete species surveys and develop vegetation community maps, retained a consultant to evaluate CEQA significance, and

²⁰⁰ [Exs. A-22, A-23, A-24, A-25, A-26].

²⁰¹ [Ex. A-27] Grant Deed dated August 24, 2004.

²⁰² The Memorandum was proposed by Armada, LLC, an agent of Cajalco Associates. Resource Design Technologies, a consultant for Cajalco Associates, addressed its CEQA report to Cajalco Associates and to Armada, LLC, as the authorized agent of Cajalco Associates.

²⁰³ [Ex. 14] Discussion Outline: Proposed Memorandum of Understanding (October 1, 2003).

²⁰⁴ Pre-Application Review for the 680-Acre Twin Creeks Property (March 2004). At that time of submission, Cajalco Associates had ninety-four percent of the land under contract. (*Id.* at p. 5). S.T. & Koo International Corp., the landowner at the time, also wrote a letter stating that it "has granted to [Cajalco Associates, LLC] authority to process and file any necessary applications . . . deemed necessary or appropriate with [their] intended development . . ." [Ex. 15] Letter from S.T. & Koo International Corp. to Cajalco Associates, LLC re Authority of Cajalco Associates, LLC to Process Entitlements (Jan. 26, 2004).

²⁰⁵ [Ex. 16] Pre-Application Review for the 680-Acre Twin Creeks Property (March 2004) at p. 6.

²⁰⁶ *Id.* at p. 11.

discussed water and sewer service with the Western Municipal Water District and the City of Corona.²⁰⁷ In August 2004, Cajalco Associates purchased the land for the project.²⁰⁸

In May 2005, Cajalco Associates submitted their General Plan Foundation Amendment for 665 acres they acquired, and restated their proposal to develop a “rural-themed gated community with its own private streets and recreational areas” and to “contribute[] a large addition of open space to the County’s MSHCP program.”²⁰⁹ In this application, Cajalco Associates addressed proximate mining activity and asserted that a foundation amendment was justified because:

1. The property . . . is not owned or leased by any mining interest and historically has not been used for any mining purpose.
2. The Metropolitan Water District has an existing major water transmission line, the 108” Lower Feeder, which runs along the northern edge of the amendment area. . . . Blasting, grading, and related mining activity would be constrained in the area . . . effectively prohibiting the extension of mineral resource excavation south of the MWD line
3. . . . Any expansion of mineral extraction operations into the existing buffer property (that property located to the northwest of the project site between the existing mining operations and the MWD Lower Feeder Line) is explicitly prohibited by an existing deed restriction recorded on September 10, 1985, (Instrument Number 202713). . . .
4. Cajalco Associates recently commissioned a report by Resource Design Technology (March 23, 2005), to determine the significance of any potential mineral resource deposits on the subject property The report concludes that “. . . the re-designation . . . is not a significant impact to the availability of a known mineral resource that would be of value to the region and the residents of the state, or the availability of a locally important mineral resource recovery site delineated on a local general plan”²¹⁰

In addition, the Biological Resources Assessment conducted across 680 acres noted that the site had been disturbed by “trash dumping,” “recent fires, previous grazing activity, and off-road vehicles” but did not mention mining activities.²¹¹

Cajalco Associates proposed a 451-acre conservation area, “expended significant sums and hundreds of hours in assembling properties in order to consolidate ownership of the overall project area,” and reaffirmed its proposal “to dedicate a substantial portion of its property, well in excess of 400 acres (inclusive of it[]s entire holdings south of Cajalco Road and those areas it owns within the conservation area north of Cajalco Road), to the County of Riverside for conservation and transportation purposes.”²¹²

However, activity on the project ceased by 2006. Cajalco Associates in turn sold the property to Corona Twin Creeks LLC in 2007,²¹³ and the County deemed Cajalco Associates’ application abandoned in 2008.²¹⁴

RRM asserts that the sale of the Brion Parcel does not implicate abandonment on the grounds that during the entirety of the Twin Creeks PAR, Cajalco Associates “was not the owner of the Brion

²⁰⁷ *Id.* at pp. 5-6, 13-14.

²⁰⁸ [Ex. A-27] Grant Deed dated August 24, 2004.

²⁰⁹ [Ex. 17] General Plan Foundation Amendment (May 2005) at p. 6.

²¹⁰ [Ex. 16] Pre-Application Review for the 680-Acre Twin Creeks Property (March 2004) at p. 10.

²¹¹ [Ex. 18] *Biological Resources Assessment*, Michael Brandman Associates (June 2004) at p. 1-1 & 4-1.

²¹² [Ex. 17] General Plan Foundation Amendment (May 2005) at p. 15.

²¹³ [Ex. A-28] Grant Deed dated June 19, 2007.

²¹⁴ [Ex. A-19] Letter from Ken Baez to Steve Jenkins dated Feb. 27, 2008.

Parcel and thus had no power or ability to express an intent or otherwise take action to waive vested rights” and that “there is no evidence to demonstrate any intent or affirmative act (the requirements for waiver) that actually waived the vested rights.”²¹⁵ Staff disagrees with this assessment because the landowner gave permission to Cajalco Associates to seek entitlements for the project, and Cajalco Associates continued to seek entitlements after purchasing the property. In addition, Cajalco Associates expressly addressed mining and asserted that the area was “remov[ed] . . . from consideration for mineral extraction,” and extension of mining onto the property was “infeasible.”

Sale of Brion Parcel to Corona Twin Creeks

RRM asserts that Corona Twin Creeks had “sought to continue mining development throughout the [Proposed Vested Rights Area]”²¹⁶ and cites two undated images entitled “Mining Opportunities at Dos Arroyos.”²¹⁷ Corona Cajalco Road Development LP later merged with Corona Twin Creeks (disappearing entity) in 2009, acquiring the Brion Parcel.²¹⁸

However, in 2010, the Regional Conservation Authority began Joint Project Review for a residential and commercial development with Watermarke and the City of Corona in 2009. The Regional Conservation Authority issued a Joint Project Review report for the “Watermarke/Twin Creeks Project” in November 2010.²¹⁹ The Watermarke/Twin Creeks project site was described as 697.69 acres (427.80 acres of which were to be dedicated to conservation).²²⁰ The proposed project was “a master-planned development consisting of residential, commercial and open space.”²²¹ The “majority of the site [i]s undeveloped” and surrounding land uses were described as “undeveloped and some limited mining activities.”²²² Terracor submitted a Revised MSHCP Consistency Analysis in February 2010 and prepared a Programmatic Determination of Biologically Equivalent or Superior Preservation and Letter of Revision and Addendum Analysis in October 2010.

Unlike Cajalco Associates’ proposed development that concentrated housing north of Cajalco, the Watermarke/Twin Creeks property placed their proposed development immediately adjoining the Hubbs Quarry site, which was then owned by Temescal Cliffs-8, LLC.²²³ Conservation area was to be concentrated on the eastern portions of the property.

Staff does not believe that the project is active nor is staff aware of proposed annexation to the City of Corona at this time. The documents obtained by the County regarding this “Watermarke/Twin Creeks Project” do not propose mining or discuss vested mining rights on the property.

First Amended Settlement and Reclamation Plan 118, Substantial Conformance 1

CRQ acquired Hubbs’s property in October 2011.²²⁴ Upon leasing the property, the landowners and RRM sought to amend the Reclamation Plan for the site and the Stipulated Settlement with the County. On October 15, 2012, the Board of Supervisors directed the County to work with the current

²¹⁵ Memorandum from Kerry Shapiro and Daniel Quinley dated September 22, 2022, re: Abandonment Principles Applicable to Vested Mining Rights at pp. 1-2.

²¹⁶ Appendix A to Application at p. 6.

²¹⁷ Declaration of Christine Goeyvarts at ¶¶ 4-5.

²¹⁸ [Ex. A-30] Certificate of Merger (filed July 30, 2009).

²¹⁹ [Ex. 20] Joint Project Review, Regional Conservation Authority (Nov. 18, 2010) at p. 1.

²²⁰ [Ex. 20] Joint Project Review, Regional Conservation Authority (Nov. 18, 2010) at p. 1.

²²¹ [Ex. 20] Joint Project Review, Regional Conservation Authority (Nov. 18, 2010) at comment f.

²²² [Ex. 20] Joint Project Review, Regional Conservation Authority (Nov. 18, 2010) at comment f.

²²³ [Ex. 20] Joint Project Review, Regional Conservation Authority (Nov. 18, 2010) at Exhibit C.

²²⁴ [C-1.8] First Amended Judgment at Recitals B & H; see also [A-32] Full Reconveyance (recorded Jan. 28, 2011).

property owner to remedy prior violations and continuing hazardous conditions²²⁵ and formulate a framework that will meet the terms and conditions of the 2004 Stipulated Settlement and Judgment.²²⁶

In accordance with this direction, the County and CRQ amended the Stipulated Settlement and Reclamation Plan in 2013 to require CRQ to apply to modify RP-118 through a “non-substantial modification.” This First Amended Settlement defined slightly larger boundaries for the amended reclamation area,²²⁷ which would be adopted in Reclamation Plan 118, Substantial Conformance 1 (“RCL118S1” or “RP118S1”). The RP118S1 boundary is larger than the original RP118 area that had been defined by the M-3 No. 404 Permit.²²⁸ RP118S1 described the property as 110-acres with approximately 59-acres of disturbed land.²²⁹

RP118S1 found “the site is subject to a vested right to mine within the area of Amended RCL00118S1” and that “[m]ining has occurred in the area that is the subject of the Amended RCL00118S1 since at least the 1930s.”²³⁰ This First Amended Settlement and Judgment similarly acknowledges vested rights on portion of CRQ’s property. Specifically, the parties agreed:

*Surface mining operations have been conducted on portions of the Real Property continuously since the 1930s, and a vested right to conduct legal, non-conforming surface mining operations on portions of the Real Property based upon historic use of the site was established in 1948 when the County enacted its first surface mining ordinance.*²³¹

The parties also recognize that under the amended Reclamation Plan 118 (“RP118S1” or “RCL118S1”), “no use permit or other approval is required to conduct such activities within the [amended Reclamation Plan] boundary.”²³² The parties agreed that the activities were “substantially within the scope of historic vested mining operations” and “any mining and/or reclamation activities proposed outside of the scope of RCL118S1 . . . will be subject to future applicable County review.”²³³

Second Amended Settlement and Reclamation Plan 118, Substantial Conformance 2

After entry of the First Amended Settlement, CRQ undertook extensive efforts to implement RCL118S1 and remediate site conditions.²³⁴ CRQ also modified, upgraded, or expanded processing and other surface mining equipment within the RCL118S1 boundary, which the parties agreed was consistent with the vested scope of operations.²³⁵

However, in 2015, the County issued a Notice of Violation to CRQ for “several areas of non-compliance with RCL118S1.”²³⁶ These noncompliance issues related to establishment of a realigned

²²⁵ The amendments were intended to address continuing hazardous conditions including unstable slopes and sheer vertical faces over 300 feet in height that presented immediate and significant threats to public health and safety. [C-1.8] First Amended Judgment at Recital I.

²²⁶ Item 3.60, Board of Supervisors Meeting, County of Riverside (Oct. 16, 2012) (available at http://rivcocob.org/proceeds/2012/10_16_2012_files/03.60001.pdf).

²²⁷ [C-1.8] First Amended Judgment at Exhibits A and B.

²²⁸ [C-1.8] First Amended Judgment at Exhibit B; [C-1.7] Stipulated Settlement and Judgment at Exhibit A and Section 3 (describing the permitted mining area as “the area within the M3 mining permit plus the area directly to the north” and excluding the clay mining area identified in RP-118).

²²⁹ [C-1.4] Reclamation Plan 118, Substantial Conformance 1 [“RP118-S1” or “RCL118-S1”] at PDF p. 11.

²³⁰ [C-1.4] RP118-S1 at p. 2.

²³¹ [C-1.8] First Amended Judgment at Recital C; see also [C-1.4] RP118-S1 at PDF p. 13.

²³² [C-1.8] First Amended Judgment at Section 1.c.3.

²³³ [C-1.8] First Amended Judgment at Section 1.c.3.

²³⁴ [Ex. 21] Second Amendment to Stipulated Settlement Agreement (“Second Amended Settlement”) at Recital Q.

²³⁵ [Ex. 21] Second Amended Settlement at Recital Q.

²³⁶ [Ex. 21] Second Amended Settlement at Recital R.

and upgraded access road, deposition of material and clearing vegetation outside the RCL118S1 boundary, relocation of explosive magazine bunkers, adjustment of the mine plan boundary to satisfy grading requirements and light vehicle parking areas, establishment of berms and a lay-down area, and establishment of a water quality basin.²³⁷

The parties agreed that RCL118S1 could not fully accommodate the necessary facility upgrades and modifications and in fact made “fulfilling the intent and objectives” of the First Amended Settlement logistically and operationally infeasible.²³⁸ Therefore, the County and CRQ entered a Second Amended Settlement on July 29, 2016, to address outstanding issues and refine RCL118S1.²³⁹

The Second Amended Settlement sought amendments to the mine plan boundary in RCL118S2. In doing so, the parties agreed that “no use permit” would be required for activities conducted in accordance with RCL118S2 and the revised boundaries.²⁴⁰ The parties agreed that the adjustments “will be within the scope of historic mining operations on the Real Property,” “none of the upgraded or modernized equipment or facilities change the original vested mining use” and “all other non-mining activities will either be on areas within the footprint of historic vested mining operations; or are necessary to satisfy various public agency requirements or facility upgrades.”²⁴¹

In 2017, CRQ and the County amended the Reclamation Plan accordingly (“RCL118S2”).²⁴² RCL118S2 described the project site as 135 acres with 62 acres of disturbed areas.²⁴³ As directed, RCL118S2 sought to “allow the applicant to continue to operate the quarry in its intended and lawful manner, by among other things, permitting the applicant sufficient area within the Reclamation Plan to better accommodate needed facility upgrades and compliance with requirements of various public agencies that will allow for completion of the process to rectify existing site conditions”²⁴⁴ RP118S2 also found that “the site is subject to a vested right to mine within the area of [RP] 118S2” no permit was required for this area.²⁴⁵ In addition, RP118S2 recognized the vested right included “crushing, screening, processing, trucking, mining, and related activities historically on-going at the site which further the existing quarry operations, including a processing plant, screens, and conveyors.”²⁴⁶

RCL118S2 also made findings about the vested rights, explaining that (1) as of 1948, “the existing operation within the RCL No. 118S1 area established a vested right to continue mining activities,” (2) the CUP No. 1146 issued in 1970 “included a site plan identifying the available mine site . . . demonstrating that this mining area was within the area subject to vested rights,” and (3) the original RCL118 recognized and clarified that the mining operation at the site operated pursuant to vested rights.”²⁴⁷

Reclamation Plan 118, Substantial Conformance 4²⁴⁸

The next and most recent substantial conformance was approved in 2020. RCL118-S4’s objectives were to “adjust final reclamation contours,” “incorporate beneficial reclamation of disturbed areas of the site not presently required to be reclaimed or authorized for disturbance,” “achieve

²³⁷ [Ex. 21] Second Amended Settlement at Recital R.

²³⁸ [Ex. 21] Second Amended Settlement at Recital S.

²³⁹ See generally [Ex. 21] Second Amended Settlement.

²⁴⁰ [Ex. 21] Second Amended Settlement at ¶ 3.

²⁴¹ [Ex. 21] Second Amended Settlement at ¶ 3.

²⁴² [C-1.5] Reclamation Plan 118, Substantial Conformance 2 [“RP118S2”] at PDF p. 3.

²⁴³ [C-1.5] RP118S2 at PDF p. 3.

²⁴⁴ [C-1.5] RP118S2 at PDF p. 3.

²⁴⁵ [C-1.5] RP118S2 at PDF p. 5.

²⁴⁶ [C-1.5] RP118S2 at PDF p. 4.

²⁴⁷ [C-1.5] RP118S2 at PDF pp. 5-6.

²⁴⁸ No substantial conformance 3 was issued and the identifier RCL118S3 has been skipped.

compliance with two prior settlement agreements,” and “provide for improved operational efficiency and environmentally beneficial operations.”²⁴⁹ RCL118-S2 encompassed a 135-acre site, but only identified 62 acres of “Active Mining Area” for reclamation treatment.²⁵⁰ RCL118-S4 determined the site was 135.17 acres, and authorized “the extension of current RCL118S2 reclamation standards across the *entire* 135-acre RCL118S2.”²⁵¹

RCL118S4 recognized that “[n]o fundamental element of the existing operation . . . will be intensified or substantially changed” by the amendment, and that the activities were authorized in the existing vested rights area, and that the applicant would need to demonstrate the scope of its vested right to mine outside the RCL118S4 boundaries.²⁵²

Current Operations on the Proposed Vested Rights Area

Currently, Corona Cajalco Road Development and Cajalco Road Quarry, LLC, own the majority of the Proposed Vested Rights Area. Certain small parcels are owned by third parties. On December 21, 2012, RRM entered a five-year lease with Corona Cajalco Road Development, LP (“CCRD”), and Corona Road Quarry, LLC (“CRQ”) and is operating the quarry.²⁵³

V. ANALYSIS

To have a vested right to mine all approximately 792.22 acres that are the subject of this Application, RRM must establish that as of 1949 its predecessors in interest:

- Diligently commenced surface mining operations and incurred substantial liabilities for necessary work and materials on the Proposed Vested Rights Area with a permit or other authorization if required; and
- Objectively manifested an intent to expand across unmined lands.

If the Board determines that RRM has demonstrated vested rights under these standards, it must also assess whether the vested right continues and confirm that there have been no substantial changes in the operation.

A. 1949 Vested Rights

RRM asserts that the Proposed Vested Rights Area was subject to numerous mining activities and operations dating back to the 1880s, and the owners have always had the “singular purpose to realize the mineral development” of the Proposed Vested Rights Area.²⁵⁴ Staff agrees that the region was known for mineral resources and that mining has taken place in the vicinity since the late nineteenth century. Staff further acknowledges that mining was commenced on the site prior to 1949. However, staff finds insufficient evidence that RRM’s predecessors in interests established a vested right to mine without a permit or had manifested an objective intent to extend mining to the whole of the Proposed Vested Rights Area in 1949.

As a preliminary matter, a vested rights determination must identify the specific property that is subject to a vested right and should be based on the use to which that particular property was being put at the time the restrictive zoning ordinance took effect. In addition, vested rights are limited to the extent that a particular resource was being mined at the vesting date. A vested right to mine also extends to all

²⁴⁹ [C-1.6] Reclamation Plan 118, Substantial Conformance 4 [“RP118S4”] at PDF p. 2.

²⁵⁰ [C-1.6] RP118S4 at PDF p. 5.

²⁵¹ [C-1.6] RP118S4 at PDF p. 5.

²⁵² [C-1.6] Reclamation Plan 118, Substantial Conformance 4 [“RP118S4”] at PDF p. 8.

²⁵³ [A-33] Memorandum of Lease (Dec. 29, 2012) at Recital A and Section 1 (including three options to extend, each option for five years).

²⁵⁴ Application at p. 107.

property for which there was an objective intent to extend mining operations at the time the restrictive zoning ordinance was adopted.

Because the primary request before the Board concerns the geographical scope of the vested right to mine the Proposed Vested Rights Area, staff addresses some common factors for determining whether there is an objective intent to expand mining across an entire property:

- Length of mining operations: Regional mining activities are well established, but operations specifically on the Proposed Vested Rights Area began primarily around 1938-1940 with the establishment of the Blarney Stone Quarry. These operations were idle in 1949 and therefore staff finds a short history of mining on the site.
- Size of excavated area compared to entire property: Harlow had leased approximately 42 acres (of the approximately 792.22-acre Proposed Vested Rights Area) to Blarney Stone, Inc. to operate a quarry between 1938 and 1940. Staff finds that the size of the operation, actual disturbance, and size of the lease weigh against an objective intent to mine the entire site.
- Use of property to support operations: Access and haul roads crossed the Proposed Vested Rights Area in 1949, however, there is no evidence in the record that the major haul roads for neighboring mining operations were established or used to support mining activities on the Proposed Vested Rights Area. Rather, evidence shows that these roads primarily served tin and clay operations located offsite and operated by other companies, were not created for the purpose of supporting ongoing mining operations on the Proposed Vested Rights Area, and were likely disused by the vesting date.
- Preparation of reserve areas for mining: Staff does not find evidence that the landowner in 1949 had undertaken preparatory activities such as building roads, clearing land, or building berms to prepare the entire Proposed Vested Rights Area for future mining.
- Existence of separate parcels and barriers: RRM identifies discrete mining exploration activities on separate parcels that were not actively mined in 1949. Staff believes these disturbances could be consistent with establishment of a vested right on these parcels, but notes that there is little evidence in the record of when these disturbances were made, and staff ultimately finds that the disturbances are insufficient to establish that Harlow intended to extend mining activities across the entire Proposed Vested Rights Area in 1949.
- Pursuing non-mining uses: Staff is unaware of any evidence suggesting that Harlow pursued non-mining uses on the Proposed Vested Rights Area in 1949, but also notes that the evidence suggests that the quarry on the property had been idled for nine years prior to the vesting date.

Staff recognizes evidence of historical mining in the region from tin to clay to silica sand development on neighboring properties and small portions on the Proposed Vested Rights Area. However, a review of supporting documents shows limited mining activities on the Proposed Vested Rights Area as of 1949 and therefore staff recommends that no vested rights should be recognized beyond those areas already subject to Reclamation Plan 118, as amended by Substantial Conformance 4.

Rock and Gravel

Quarrying of rock and gravel including rip rap and large derrick stone began on the southwest portion of the Proposed Vested Rights Area around 1938 (and potentially as early as 1935), before the adoption of a zoning ordinance that required a use permit in 1949. By 1938, Blarney Stone Quarry was quarrying porphyry on just under 42 acres of land leased from Leilamae Harlow. Contrary to mining reports describing the activity on the property as idling in 1939, the unlawful detainer lawsuit filed by Harlow in 1940 against Blarney Stone demonstrates quarrying continued until at least fall 1940.

Between approximately 1940 and 1953, the quarry was idle. An unpublished manuscript from the California Division of Mines states that the quarry remained idle until 1953, and when the Stringfellow Company together with Livingston Rock and Gravel Company, Inc. reopened the quarry and began large scale operations.²⁵⁵ A permit was issued for a rock quarry in 1959, though quarrying may have begun before that date.

Staff understands that no mining activities were occurring in the Blarney Stone Quarry (later, Harlow Quarry) as of the 1949 vesting date. Staff does not find this fact dispositive as production may change to meet market demands and temporary cessation of activities does not mean that quarrying was eliminated as a use on the property. However, there is no evidence in the record why the quarry idled and in what condition the property was kept as of 1949 and staff notes that the period of inactivity was significant. Evidence is limited and establishes that the quarry was not in operation for about nine years before the County adopted its zoning ordinance and did not resume until at least 4 years after the ordinance was passed. Because “nonuse” of a property is not a use that is protected against restrictive zoning ordinance,²⁵⁶ the lack of activity in the main quarry as of 1949 weighs against finding that the quarry was a legal nonconforming use exempt from obtaining a permit after 1949. Indeed, a quarrying permit was obtained in 1959, which corroborates this understanding. As a result, a vested right under SMARA should be limited to the permitted area as of 1976 and should not extend to the entirety of Proposed Vested Rights Area. As discussed below, the County has already recognized vested rights in the portion of the Proposed Vested Rights Area where this quarry has historically been operated.

Tin

RRM also provides a detailed history of tin mining activities in the region as evidence of their vested rights. Staff agrees that tin mining and exploration had been pursued in the region since the 1800s and through 1945 but finds that nearly all activities occurred offsite, on land northwest of the Proposed Vested Rights Area, and all such mining had permanently ceased by 1945. Staff asserts that evidence of tin mining pursued by another company primarily on a neighboring parcel of land does not establish a vested right to mine tin (or aggregate) on the Proposed Vested Rights Area.

First, staff notes that tin mining in the region ceased by 1945. The tin mine was operated in the late 1890s, and then abruptly closed with its facilities dismantled and sold. While different operators had attempted to revitalize the tin mines in the 1910s, 1920s, and 1940s, all tin mining ceased before the 1949 vesting date. Therefore, at the time of the County adopted RCO No. 348, no part of the Proposed Vested Rights Area was being used by a tin mining operation.

Second, the tin mines were not located on the Proposed Vested Rights Area. RRM identifies a tin haul road that crosses a portion of the Proposed Vested Rights Area, as well as a single disturbance at the northwestern edge of the Proposed Vested Rights Area as evidence the property was fully appropriated for mining. Staff notes that these disturbances are not attributable to the landowner at the time of vesting and therefore concludes that the disturbances are not objective evidence of the landowner’s intent to extend mining activities across her entire property. Rather, staff asserts that the actions should be attributed to the prior operator of the tin mine (who reserved rights to tin, tin ores, and existing roads on the Proposed Vested Rights Area) and are more suggestive of a vested right to continue the tin operation on the neighboring property and do not support a vested right to mine aggregate across the whole of the Property Vested Rights Area.

The *Hansen Brothers* case instructs that when determining the use to which a parcel of land was being put at the time the use became nonconforming, one should consider the overall business operation. Because Harlow did not pursue tin mining, and indeed did not obtain the rights to tin or tin

²⁵⁵ [Ex. C-2.4] Mines and Mineral Resources of Riverside County (1963) at p. 1028.

²⁵⁶ *Hansen Bros.*, 12 Cal.4th at 552.

ores or existing roads in multiple parts of the Proposed Vested Rights Area, staff concludes that these pre-1945 disturbances are not part of the business operation in 1949 and are not evidence of a vested right to mine tin or aggregate across the entirety of the Proposed Vested Rights Area.

Tin and Clay Haul Roads

RRM asserts that haul roads from the tin mine to the northeast and the clay pits to the southeast crossed portions of the Proposed Vested Rights Area, thereby showing the entire property was appropriated to mining. RRM also asserts that borrow pits of sand, rock, and gravel would have been established to maintain such haul roads. Staff agrees that roads crossed portions of the Proposed Vested Rights Area and that the roads served offsite tin and clay mining operations but recommends this is insufficient evidence of an intent to appropriate the entire Proposed Vested Rights Area to mining.

As noted above, the tin mine ceased operations in 1945. RRM acknowledges that the building of a spur line to service the Alberhill clay pits eliminated the need to use the clay haul road by the 1920s. These roads were not established to serve or support mining operations on the Proposed Vested Rights Area, but served other operations not located on the Proposed Vested Rights Area, and therefore are not evidence of an intent to extend mining activities across the Proposed Vested Rights Area. Furthermore, staff asserts that the tin road (and possibly the clay road) were no longer being used by the tin and clay operations by the 1940s, and therefore are weak evidence that the Proposed Vested Rights Area supported those neighboring mining operations in 1949.

Therefore, staff finds the existence of these roads to be weak evidence of a vested right to mine aggregate across the entire Proposed Vested Rights Area.

Clay

As a preliminary matter, staff notes that a vested right to mine is based on the business operations at the time of vesting and should not be expanded to include other products.

RRM asserts that clay mining had been conducted on the Proposed Vested Rights Area. Staff notes that the Cajalco Clay Pit operated northwest of the Blarney Stone Quarry was identified by multiple sources as having been operated until 1938 by Pacific Clay Products on the Southeast $\frac{1}{4}$ of Section 16, which is not part of the Proposed Vested Rights Area. However, staff understands that aerial photographs show disturbances on Section 15, which is consistent with clay operations extending or encroaching onto Section 15 (within the Proposed Vested Rights Area).

However, activities at the Cajalco Clay pit reportedly ceased in 1938 and therefore clay mining was not a use to which the Proposed Vested Rights Area was being put as of the vesting date. In addition, as with the tin operation, the Cajalco Clay Pit was operated by a person who did not own or lease land from Harlow. Therefore, staff understands the Cajalco Clay Pit disturbances to be no evidence of either an active mining use on the Proposed Vested Rights Area or an intent by Harlow to extend mining operations for clay (or aggregate) across the remainder of her property as of 1949.

Clay excavation was described in the 1982 Reclamation Plan issued to Paul Hubbs Construction Company, which RRM asserts is consistent with the understanding that there was a vested right to continue clay mining. However, staff notes that the original reclamation plan contains mixed evidence. Reclamation Plan 118 acknowledges that “quarry operations began in the 1950s” and that “the operators have had a vested right of operation since 1976.”²⁵⁷ However, the Reclamation Plan continues, explaining that intermittent “clay mining operations have been conducted at a low volume of removal since the 1960s.”²⁵⁸ The attached figure also shows the footprint of the operation and explicitly

²⁵⁷ [Ex. C-1.3] Reclamation Plan 118 at PDF p. 4.

²⁵⁸ [Ex. C-1.3] Reclamation Plan 118 at PDF p. 4.

state that “clay mining activities are not authorized until Riverside County has approved a surface mining permit for this operation.”²⁵⁹ Staff understands a clay mining permit was never issued under the reclamation plan and has now ceased.

The reclamation plan is consistent with staff’s understanding that clay mining activities were not part of the overall business operation when the County adopted a permit requirement for mining (rather, they commenced in the 1950s and 1960s). However, the stipulated settlement and judgment later entered between the County and Paul Hubbs accepted a vested right on the footprint of the clay pit.

Silica

RRM describes the neighboring Corona Silica Sand Deposit operated by P.J. Weisel (and later the Owens-Illinois Glass Company) as being “connected to” and “immediately adjacent to the [Proposed Vested Rights Area],” using access roads in the property and “utilizing . . . resources” from the property.

Staff is aware of the silica sand operations but does not view the operation as establishing a vested right on the Proposed Vested Rights Area because the operation was located on a neighboring property to the west (as illustrated by RRM’s Appendix B), accessed the railroad on the Proposed Vested Rights Area, and was not part of Harlow’s business operations. This evidence does not establish that the Proposed Vested Rights Area was being used for silica sand mining or that the Harlow intended to extend mining operations easterly across the remainder of her property as of 1949.

B. Post-1949 Activities and Prior County Determinations

Staff asserts that vested right determinations are to be based on the use and intended use of the property as of the vesting date. Therefore, post-1949 activities are weak evidence and insufficient to establish a vested right. Staff notes that mining activities pursued without permits after 1949 could be consistent with either unauthorized, unpermitted mining or mining as a legal nonconforming use.

Here, however, staff notes that the County has issued mining permits for the Proposed Vested Rights Area after 1949, and also issued multiple determinations regarding vested rights on the Proposed Vested Rights Area. These decisions were based on the Reclamation Plan approved for Paul Hubbs Construction Company in 1982 and therefore predate the requirement that a vested rights determination be made only after a public hearing on the matter. Staff therefore addresses prior County authorizations and vested rights determinations on the property.

Harlow’s lessee’s, Livingston Rock and Gravel, first obtained a permit in 1959 to operate a rock quarry. Obtaining a permit does not mean a vested right did not exist. However, seeking a permit indicates that the operator may have understood that their operation was not a legal nonconforming use. Staff believes obtaining a permit is consistent with reports that the quarry had been idle for about ten years prior to the adoption of the zoning ordinance and therefore was not an existing or continuing nonconforming use in 1949.

Subsequently, in 1970, Paul Hubbs’ applied for a Conditional Use Permit for his mining operation. The Conditional Use Permit application was described by County as an “expansion” of the original 1959 permit. This permit also had a termination date of 1990. This permit shows that the County and the operators understood that permits were required to authorize such uses, and that conditions could be placed on the operation.

Nonetheless, just two years later, the County recognized vested rights for Paul Hubbs’s operations in the 1982 Reclamation Plan on the grounds that the quarry operations had continuously operated since the 1950s. Subsequent County decisions were made based on this initial determination and the current Reclamation Plan recognizes a vested rights boundary of approximately 135.17 acres

²⁵⁹ [Ex. C-1.3] Reclamation Plan 118 at PDF p. 11.

on land surrounding the historical quarry operations. Given the extent of prior determinations, staff recommends that the vested rights be confirmed in this 135.17-acre area.

C. Abandonment

Staff recommends that there is insufficient evidence to establish an objective intent to expand mining across the entire Proposed Vested Rights Area as of 1949. However, if a vested right were acknowledged on the entirety of the Proposed Vested Rights Area on the basis that the owner had exhibited an objective intent to extend mining across the entire site in 1949, staff finds clear and convincing evidence that mining activities were abandoned on approximately 660 acres of the Proposed Vested Rights Area beginning in 1983.

In 1983, Paul Hubbs sold an approximately 660-acre "Brion" parcel to a third party. During this time, Hubbs continued to operate the quarry located on the southwest quarter of Section 15. Notably, however, he did not retain any rights to continue mining operations on the sold Brion parcel. The record does not reflect a lease to operate on the Brion parcel or any retained rights to the mineral or rocks underlying the parcel. There is no evidence the purchasers continued mining on this parcel either.

Subsequently, in 2004, Cajalco Associates purchased the Brion Parcel and began heavily investing in a proposed residential development. Cajalco Associates intended to develop a residential community and submitted documents to the County asserting that the land was not leased, owned, or used by a mining interest, mining expansion would be infeasible due to deed restrictions and the MWD feeder line, and re-designation to residential use would not significantly impact the availability of a known valuable mineral resource. Cajalco Associates later sold the parcel to Corona Twin Creeks, which also proposed a residential development.

Here, Paul Hubbs's sale of the Brion Parcel and failure to retain any rights to continue his mining operation across the land is evidence of (1) an intent to abandon any existing right to mine the parcel; and (2) an overt act, and failure to act, that shows he did not claim or retain any interest in the right to mine the parcel.

RRM asserts that a vested right may be intentionally relinquished with knowledge of the right and facts, with sufficient awareness of the relevant circumstances and likely consequences.²⁶⁰ Staff asserts that this is a novel standard that has not been applied by courts, and that the standard articulated by the California Supreme Court requires only an intent to abandon and an overt act or failure to act that shows the owner did not claim or retain any interest in the vested right. Nonetheless, staff recommends that abandonment is demonstrated under either standard.

First, the 1982 Reclamation Plan recognized vested rights for the Paul Hubbs Construction Company, thereby showing that Paul Hubbs was aware that a vested right had been recognized by the County.

Second, by selling approximately 660 acres of his property and failing to either lease the land back or retain any mineral rights on the property, Paul Hubbs not only showed an intent to abandon his right to continue mining without a permit across this area but also made an overt act that showed he did not claim or retain any interest in the right to mine the property.

Third, even if Paul Hubbs or the purchaser intended to retain a vested right to mine without a permit, no mining has occurred on this property since then. Rather, in 2004, the owner authorized Cajalco Associates to apply for entitlements to develop a residential community on the 660-acre parcel, and then sold the property to Cajalco Associates so they could do so. In documents submitted to the County, Cajalco Associates reviewed historical mining activities, expressed no intention to mine and

²⁶⁰ Supplemental Memorandum re Abandonment at p. 3.

asserted that mining would not approach the residential development. As a result, clear and convincing evidence exists to demonstrate that Cajalco Associates intended not to mine without a permit and took several overt acts showing they did not claim or retain any interest in mining without a permit.

While this project was later abandoned (and briefly explored again around 2010 by Corona Twin Creeks, a company affiliated with current owner CCRD), the lack of mining on the property for the past thirty years and the substantial investments exploring residential development constitute clear and convincing evidence of an intention and overt act to abandon mining operations (or in the alternative, that any right to mine the property without a permit was knowingly waived).

PUBLIC HEARING NOTIFICATION AND COMMUNITY OUTREACH

In accordance with Riverside County Ordinance No. 555, section 10, on January 25, 2023, the County mailed notice of the public hearing to owners of real property located within 600 feet of the exterior boundaries of the proposed vested right determination area. The County also published the notice in the Press Enterprise on January 28, 2023. The County has also posted application materials on the County website, which can be accessed via the following link:

<https://planning.rctlma.org/Home/Planning-Notices/Robertsons-Ready-Mix-Vesting-Determination-Request>

Because of the regional significance of the proposed request for determination, and how the determination may affect communities along Cajalco Road, which is a local transportation route, the Assistant TLMA Director required additional notice to be given to property owners and persons/agencies/communities beyond the 600 feet radius.

ATTACHMENTS

- Exhibit 1 - Riverside County Ordinance No. 348 (January 31, 1949)
- Exhibit 2 - Taylor Named New President of Oil Company, L.A. Times (November 24, 1930)
- Exhibit 3 - Permits Issued, L.A. Times (August 22, 1930)
- Exhibit 4 - Notice of Public Hearing for M-3 No. 404 Permit
- Exhibit 5 - Staff Report to Riverside County Planning Commission (May 6, 1970)
- Exhibit 6 - Public Hearing Minutes, Riverside County Planning Commission
- Exhibit 7 - Report to Planning Department (November 8, 1976)
- Exhibit 8 - Approval of Crushing and Screening Plant
- Exhibit 9 - Lilburn Construction Letter to Planning Director re Harlow Quarry (November 19, 2004)
- Exhibit 10 - Letters re Ownership of Harlow Quarry
- Exhibit 11 - Surface Mine Inspection Report (April 4, 2007)
- Exhibit 12 - Summary, Financial Assurance Cost Estimate for Hubbs Harlow Quarry (2008)

Exhibit 13 - Reclamation Plan, Lilburn Corporation (May 15, 2006)

Exhibit 14 - Discussion Outline Proposed Memorandum of Understanding (October 1, 2003)

Exhibit 15 - Letter from S.T. & Koo International Corp to Cajalco Associates, LLC (January 26, 2004)

Exhibit 16 - Pre-Application Review for the 680-Acre Twin Creeks Property (March 2004)

Exhibit 17 - General Plan Foundation Amendment, Cajalco Associates (2005)

Exhibit 18 - Biological Resources Assessment, Michael Brandman Associates (June 2004)

Exhibit 19 - Letter to Steve Jenkins (February 27, 2008)

Exhibit 20 - Joint Project Review (November 18, 2010)

Exhibit 21 - Joint Stipulation and Second Amendment to Stipulated Settlement Agreement; Judgment Thereon (Filed 7.29.2016)

Exhibit 22 - Staff Field Visit (May 25, 2022)

EXHIBIT 1

LIBRARY OF
COUNTY COUNSEL
RIVERSIDE COUNTY, CALIFORNIA

ZONING ORDINANCE COUNTY OF RIVERSIDE

Ordinance No. 348

Effective January 31, 1949

PRICE, ONE DOLLAR

For Information Regarding County Zoning Call
THE RIVERSIDE COUNTY PLANNING COMMISSION
Court House, Riverside, California
Phone: Riverside 4000, Extension 239

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ORDINANCE NO. 348

AN ORDINANCE PROVIDING FOR THE CREATION AND ESTABLISHMENT OF ZONES IN THE UNINCORPORATED AREA OF THE COUNTY OF RIVERSIDE, DEFINING, CLASSIFYING, RESTRICTING AND REGULATING LAND USES AND PRESCRIBING AREA REQUIREMENTS AND CLASSES OF USES OF BUILDINGS, STRUCTURES, IMPROVEMENTS AND PREMISES IN THE SEVERAL ZONES; REPEALING ORDINANCES No. 341 AND No. 341-A.

THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DOES ORDAIN AS FOLLOWS:

ARTICLE I.

In order to classify, restrict, regulate, and encourage the orderly use of land in the County of Riverside and to conserve and promote public health, peace, safety, comfort, convenience, and general welfare, there is hereby adopted and established an official land use plan for the said County of Riverside. This plan is adopted as a part of the Master Plan of Land Use (pursuant to the “Conservation and Planning Act” of the State of California) for the unincorporated area of the County of Riverside.

SECTION 1.1 LAND USE ORDINANCE. This ordinance shall be known and cited as the Riverside County Zoning Ordinance.

SECTION 1.2 It is further declared that the progressive adoption by ordinances of official plans under this Master Plan of Land Use shall place various portions of the unincorporated territory of Riverside County into the respective zones applicable thereto as soon as the due and careful consideration by the Planning Commission and by the Board of Supervisors will permit; and that said Planning Commission shall work in conjunction with and at the request of property owners in the por-

tions affected. It is intended that eventually comprehensive and well-considered plans shall be created and adopted for the entire unincorporated area of the County of Riverside.

SECTION 1.3 That prior to and pending the adoption by ordinances of official plans for comprehensive and detailed zone classifications throughout the County of Riverside, the entire unincorporated area of said County shall be and is hereby placed into Zone M-3 (Regulated Industrial), as hereinafter defined in Article III of this ordinance, with the exception of that specific area which is hereinafter designated and described in Article IV, and declared to be in Zone U (University and College Zone), as defined in Article II hereof.

SECTION 1.4 If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 1.5 That this ordinance be and the same is hereby substituted for Ordinances No. 341 and No. 341-a, and said Ordinances No. 341 and No. 341-a are hereby expressly repealed; provided, however, that such substitution and repeal shall not be deemed to ratify or legalize any violation of any provision of said Ordinances No. 341 or No. 341-a, nor to affect nor prevent the prosecution or punishment of any person, firm, or corporation for any act done or committed in violation of any provision of said ordinances prior to the taking effect of this ordinance, and shall not affect any prosecution which may be pending in any court for the violation of any provision of said ordinances; and further provided that as to any such violation of said ordinances and as to any such prosecution and punishment and as to any such pending prosecution, said ordinances shall be deemed to continue and be in full force and effect.

ARTICLE II.

U ZONE (UNIVERSITIES and COLLEGES)

Zone U is intended as a district wherein a college or university, offering a four-year course and authorized by law to confer a recognized degree or degrees, is or may be established. Except as subsequently provided elsewhere herein, any and every building and all premises or lands in Zone U shall be used or occupied and any and every building shall be erected, constructed, established, altered, enlarged, moved into or within said Zone U exclusively and only for the following purposes:

1. A single-family dwelling, two-family dwellings, duplex, multiple-family dwelling, bungalow courts, clubhouses, apartments, residential hotels, fraternal organizations, clubs, lodges, boardinghouses, lodginghouses,

dormitories, and buildings required for university purposes.

2. Parks, playgrounds, public schools, public libraries, museums and stadiums.

3. Retail stores and shops limited to use as needed to serve a residential district, such as banks, beauty parlors, barbershops, conservatories, tearooms, restaurants or cafes, provided no sale or consumption of intoxicating liquor is permitted in connection therewith, dressmaking, millinery, shoe and tailor shops of a retail nature, professional and business offices, messenger, telephone and telegraph offices, retail sale of bakery products, drugs, groceries, dressed meats, dry goods, clothing, notions, stationery, books, confectionery, jewelry, objects of art, antiques, and similar goods, wares and merchandise.

4. Such business uses as: Amusement place within a building, assembly hall, auto paint and repair shop, cleaning and dyeing, retail gasoline and fuel oil station, ice delivery station, laundry, needle and millinery craft, newspaper and job printing, plumbing shop, public garage, restaurants, shoe repair, shop for custom work, theater, paint and paper-hanging.

5. Agricultural uses, including all uses or enterprises customarily carried on in the field of general agriculture and not obnoxious or detrimental to the public welfare.

6. Accessory buildings, home occupancy and uses customarily incident to any of the above-permitted uses.

In Zone U:

(a) All lots or sites used for residential purposes shall have at least a sixty-foot (60') frontage and shall contain at least nine thousand (9,000) square feet, provided this limitation shall not apply to any lot appearing of record on a plat filed in the office of the County Recorder prior to the date of this ordinance.

(b) A front yard shall be required of not less than twenty-five (25) feet;

(c) Side yards of not less than ten (10) feet on each side shall be required;

(d) Height of buildings shall not exceed two and one-half stories nor in any case thirty-six (36) feet in height.

ARTICLE III.

M-3 ZONE — (REGULATED INDUSTRIAL)

All the unincorporated territory of the County which is not included under the terms of this ordinance in any other zone is hereby designated and classified as M-3 Zone.

The restrictions pertaining to other zone classifications shall not be deemed or construed to apply to land or property in Zone M-3. The restrictions applicable to land use in M-3 Zone shall be only as hereinafter in this Article specifically set forth.

SECTION 3.1. USES FOR WHICH A PERMIT IS REQUIRED IN ZONE

M-3: A person shall not, without first having obtained a permit therefor, use any premises or erect any building in Zone M-3 which is designed, occupied or used or intended to be occupied or used for any of the following businesses, occupations or purposes:

1. Abattoir (slaughterhouse).
2. Airport or landing field.
3. Auto wrecking, except where carried on wholly within a building or buildings or behind compact walls not less than six (6) feet in height.
4. Blast furnace.
5. Borrow pit, commercial.
6. Boiler shop or works.
7. Commercial cattle feeding yard or sales or auction yard. This does not include cattle feeding in conjunction with farming operations nor community auction and sales yards.
8. Cemetery, pet or human.
9. Coke ovens.
10. Drive-in theater.
11. Fat rendering.
12. Fish cannery.
13. Gas, storage of, in excess of one thousand (1,000) cubic feet.
14. Incineration, reduction or dumping of offal, garbage or refuse on a commercial scale.
15. Junk yard or storage, except where carried on wholly within a building or buildings or behind compact walls not less than six (6) feet in height.
16. Lumber mill.
17. Manufacture of:
 - (1) Acetylene gas
 - (2) Acid
 - (3) Ammonia
 - (4) Asphalt or products
 - (5) Asbestos
 - (6) Brick, tile or terra cotta
 - (7) Babbit metal
 - (8) Bleaching powder
 - (9) Carbon, lampblack or graphite
 - (10) Cement
 - (11) Celluloid
 - (12) Chlorine gas
 - (13) Coal tar or products
 - (14) Creosote or products
 - (15) Explosives
 - (16) Fireworks
 - (17) Fertilizer, including open storage on a commercial scale.
 - (18) Gas, illuminating.
 - (19) Gelatine
 - (20) Glucose
 - (21) Glue or size
 - (22) Guncotton or products.
 - (23) Gypsum
 - (24) Insulating material (Such as "Rock Wool," and similar products.)
 - (25) Lime or products.
 - (26) Matches
 - (27) Phenol
 - (28) Pickles
 - (29) Plaster of Paris
 - (30) Poison
 - (31) Potash
 - (32) Pulp, paper and strawboard.
 - (33) Rubber.
 - (34) Sauerkraut
 - (35) Soap, except by cold process.
 - (36) Tar or asphalt roofing
 - (37) Turpentine
 - (38) Vinegar
18. Meat packing plant.
19. Oil reclaiming plant.
20. Ore reduction plant.
21. Petroleum refinery.
22. Public utilities traversing pri-

vate property and not designed or intended primarily to serve the area so traversed.

23. Race track, except for contests between human beings only.

24. Rifle range, including pistol range.

25. Rock crusher or quarry.

26. Rock, sand or gravel pit.

27. Rolling mill.

28. Rubber reclaiming plant.

29. Salt works.

30. Sand blasting plant.

31. Sewer farm or sewage disposal.

32. Smelting.

33. Stockyards, commercial, except in conjunction with farming.

34. Storage of petroleum products above ground in excess of one thousand (1,000) barrels.

35. Storage or baling of rags or paper except wholly within a building or behind a compact wall not less than six (6) feet in height.

36. Tannery.

37. Trailer court.

38. Wool pulling or scouring plant.

39. Wood or bone distillation.

That this section shall not be interpreted or construed to require a permit in the carrying on of any of the aforementioned businesses, occupations or purposes where such businesses, occupations or purposes are merely incidental or accessory to a farming or domestic operation.

SECTION 3.2 PERMIT PROCEDURE.

Any person desiring a permit to establish any use referred to in this Article shall make written application therefor to the Commission on forms which shall be provided by the County for this purpose. Such application shall state the name and address of the applicant therefor; evidence that he is the owner of the premises involved or that he has the permission of the owner to make such application; the address, if any, together with the general location and legal description of the premises upon which such business, occupation or purpose is to be established; the nature of the business, occupation or purpose for which such building or premises is to be erected or used.

Upon the filing of an application for a permit, the Commission or its duly authorized representative shall fix a time and place for a public hearing thereon before the Commission not less than ten (10) days nor more than forty (40) days thereafter. Thereupon notice shall be made of such hearing to the County Health Officer and the Chief Engineer of the Riverside County Flood Control and Water Conservation District, the Riverside County Agricultural Commissioner and such other public officials as in the opinion of the Commission may be affected by the proposed use. The aforementioned officers and others, prior to the date of such hearing, shall furnish the Commission with a report thereon concerning the effect, if any, the granting of the permit might have on the public health, safety and general welfare.

Not later than five (5) days prior to the date of such hearing on the granting of a permit, the Commission shall:

(a) Cause a copy of notice of such hearing to be published once in a newspaper of general circulation in the County;

(b) Cause a post card notice to be mailed to the owners of all property within a distance of five hundred (500) feet from the exterior boundaries of the premises involved in the application, and the owners of such other property as in the judgment of the Commission might be affected by the establishment of the use requested; as such owners are shown by the latest assessment roll of the County.

Within forty (40) days after the conclusion of the public hearing, the Commission shall report to the Board of Supervisors its findings as to whether the erection or use of such building or premises for the business, occupation, or purpose designated in the manner set forth in the application, or under restrictions or conditions will endanger the public health or safety or conflict with or be adverse to the general welfare.

The Commission shall also recommend to the Board of Supervisors the granting of such permit as applied for or under such restrictions or conditions as it finds necessary to prevent such use from becoming a menace to or endangering the public health, safety or general welfare; or shall recommend denial thereof.

The Commission, in recommending action by the Board of Supervisors on a permit, shall transmit to the Board of Supervisors:

(a) A summary of the testimony presented before the Commission.

(b) All reports and exhibits introduced in evidence.

(c) All reports made to the Commission.

Within forty (40) days after receiving the recommendation and other required material from the Commission, the Board of Supervisors shall determine whether the proposed use requested in the application for a permit, together with such conditions or restrictions as may have been recommended by the Commission, will or will not endanger the public health or safety or conflict with or be adverse to the general welfare, and shall grant such permit as applied for subject to such conditions and restrictions as it shall find to be necessary or shall deny the permit accordingly.

The secretary of the Commission shall keep a permanent and accurate account of all deposits received under this Article III, giving the name of the applicant upon whose account such deposit is made, and the date and amount thereof, together with the location of the premises to which they relate. In the event that the actual cost of the publication in this Article provided for shall be more than the amount deposited by the applicant, such applicant shall be required to deposit the deficiency; if less, the unused balance of such deposit shall be refunded in the same manner provided for by law for the repayment of trust monies.

The Board of Supervisors may hear and consider evidence in addition to the report and supporting material

from the Commission before granting, denying, revoking, modifying or refusing to revoke any permit, but shall not consider any statement, argument or evidence of any kind or nature whatsoever except such report and summary except at a public hearing, notice of the time and place of which shall be given to all persons by publication in a newspaper of general circulation, not less than five (5) days prior to such hearing, and notice to the applicant, where issuance of a permit is in question, or to the person owning the property the permit affecting which it is sought to revoke or modify, not less than five (5) days prior to such hearing, either by personal service as required for the serving of summons or by first class mail, postage prepaid.

SECTION 3.3 REQUEST FOR PUBLIC HEARING BEFORE BOARD OF SUPERVISORS. Within ten (10) days after the Commission has notified the Board of Supervisors in writing of its recommendation, a request for public hearing before the Board of Supervisors may be made by the applicant or any owner of property within five hundred (500) feet of the exterior boundaries of the property described in such application. Such request shall be presented in writing to the County Clerk.

At its next regular meeting after the filing of such a request, the Board of Supervisors shall set a date for public hearing thereon, not less than ten (10) days nor more than forty (40) days thereafter. The Board of Supervisors shall give notice of such hearing in the manner provided for notice of public hearing before the Commission as set forth in Section 3.2. The Board of Supervisors at such public hearing shall proceed to hear any person or persons interested. After hearing such request, the Board of Supervisors may sustain the recommendation of the Commission by a majority vote, or may reverse or modify such recommendation by a three-fifths (3/5) vote.

SECTION 3.4 PROCEDURE FOR REVOCATION OF PERMITS. The Commission on its own motion may, and upon the direction of the Board of Supervisors shall, hold a hearing upon the revocation of a permit hereafter granted by or pursuant to the provisions of this Article.

The Commission shall serve upon the owner of the property for which a permit has been granted, written notice of the time and place of the hearing, either in the manner required for the service of summons or by registered mail, postage prepaid. The Commission shall also give the same notice of such hearing as is required of a hearing for the granting of a permit after application.

A permit may be revoked after the Board of Supervisors finds:

(a) That the use is detrimental to the public health, safety or is a public nuisance.

(b) That the permit was obtained by fraud.

(c) That the use for which the permit was granted is not being exercised.

(d) That the use for which the permit was granted has ceased or has been suspended for one year or more.

After a hearing upon the revocation of a permit, the Commission shall report to the Board of Supervisors its findings as to facts which it has found, except that if the Commission has held such hearings on its own motion and is of the opinion that the permit should not be revoked nor modified, the Commission need not so report. If in its report the Commission shall recommend that the permit be revoked, modified or allowed to be unchanged, such recommendations shall be accompanied by a summary of the testimony received at such hearings. Upon receipt of such report, the Board of Supervisors shall determine the facts and shall revoke, modify or allow to remain unchanged the permit accordingly. The Board of Supervisors may also set the matter for hearing before itself and receive additional testimony as hereinabove provided for the granting of permits.

SECTION 3.5 FILING FEES AND DEPOSITS. For the purposes of defraying the expenses involved in investigating matters connected with applications and the granting of permits pursuant to this Article, each such application shall be accompanied by a filing fee of Ten Dollars (\$10.00), which shall be paid into the Salary Fund of the County.

In addition, the Commission shall require the applicant to deposit Ten Dollars (\$10.00) or such sum as is estimated to be ample to cover publication costs involved.

SECTION 3.6 ACTION BY BOARD OF SUPERVISORS. The decision of the Board of Supervisors upon an application or upon the revocation of a permit is final and conclusive as to all things involved.

ARTICLE IV.

ZONED DISTRICTS — OFFICIAL ZONING PLANS

That whenever a comprehensive and specific zoning plan has been duly and regularly adopted pursuant to the provisions of the State Conservation and Planning Act pertaining to a described and designated area within the unincorporated territory of the County, and such area has been properly defined and identified by a map, designated by a number, the zoned area shall be adopted and listed as a part of this Article IV, entitled Zoned Districts, and given appropriate section number hereunder.

That the following described and designated areas, as further identified by maps thereof, which are hereto attached and made a part hereof, are hereby adopted pursuant to the provisions of this ordinance:

SECTION 4.1 MAP NO. 1. The following-described area, as delineated on map attached hereto and made a part hereof, which for purposes of this ordinance is designated as "Map No. 1, Zone U — University and College

Zone," is hereby declared and designated to be in Zone U:

Beginning at a point on the easterly boundary of the City of Riverside, said point being the southwest corner of Sec. 6, T. 3 S., R. 4 W., S.B.B. & M.;

Thence north on the easterly boundary of the City of Riverside being the westerly boundary of Sec. 6, T. 3 S., R. 4 W., S.B.B. & M., and the westerly boundary of Sections 31, 30 and 19, T. 2 S., R. 4 W., S.B.B. & M., 4 miles to the northwest corner of said Section 19;

Thence continuing northerly on said City limits and the westerly boundary of Sec. 18, T. 2 S., R. 4 W., S.B.B. & M., a distance of about 2750 feet to the center line of the Atchison, Topeka and Santa Fe Railroad; thence northeasterly along the center line of said Railroad to the northerly boundary of said Sec. 18; Thence east on the north boundary of Sections 18, 17 and 16, T. 2 S., R. 4 W., S.B.B. & M., to the northeast corner of the W-1/2 of said Section 16, said line being in part identical with the center line of Palmyrita Avenue;

Thence South following one-half section lines through the center of Sections 16, 21, 28 and 33, T. 2 S., R. 4 W., S.B.B. & M., and Section 4, T. 3 S., R. 4 W., S.B.B. & M., a distance of 5 miles to the southeast corner of the W-1/2 of said Section 4, then west on the southerly boundary of Sections 4, 5 and 6 T. 3 S., R. 4 W., S.B.B. & M., 2 1/2 miles to a point on the easterly boundary of the City of Riverside at the southwest corner of said Section 6, the point of beginning.

SECTION 4.2 MAP NO. 2. That unless and until a specific plan of detailed zoning has been adopted for a designated and defined area of the unincorporated territory of the entire unincorporated area of the County, except the area designated as constituting Zone U, shall be and is hereby designated and declared to be in Zone M-3 (Regulated Industrial). A map of the unincorporated territory of the County, designating areas placed into Zone M-3, is hereunto attached, made a part hereof, and for the purposes of this ordinance designated as Map No. 2—Zone M-3, (Regulated Industrial).

ARTICLE V.

ZONE DISTRICTS

For the purpose of providing in this ordinance a uniform basis for future specific and detailed zoning plans and for the progressive and eventual adoption of such plans in designated areas of the County, as referred to in Articles I and IV hereof, it is hereby declared that any such plans may include, in addition to Zone M-3 and Zone U heretofore adopted by the provisions of Article IV of this ordinance, any or all, or any combination of the following zones:

SECTION 5.1. ZONES:

R-1 Single-Family Dwellings

R-2 Multiple-Family Dwellings
R-3 General Residential
C-1 General Commercial
C-P Restricted Commercial
M-1 Light Manufacturing
M-2 Industrial
M-3 Regulated Industrial
A-1 Light Agriculture
A-2 Heavy Agriculture
W Watercourse Area
I Interim
U University and College

The areas in the future assigned to these zones, the designation of the same and the exact boundaries of the zones, shall be shown upon a map, which shall be attached and made a part of this ordinance as provided in Article IV hereof. Said map shall be designated as the "Official Zoning Plan" and said map and its proper notices, references and other material shown thereon shall be as much a part of this ordinance as if the matters and information set forth by said map were fully described herein.

SECTION 5.2 UNCERTAINTY AS TO ZONE BOUNDARIES. Where uncertainty exists as to the boundaries of any zone shown on the Official Zoning Plan, the following rules shall apply:

(a) Where district boundaries are indicated as approximately following street lines, alley lines, or lot lines, such lines shall be construed to be such boundaries.

(b) In undivided property or where the district boundary line divides a lot, the location of such boundary, unless the same is indicated by specific dimensions, shall be determined by use of the scale appearing on the Official Zoning Plan.

(c) In case any further uncertainty exists, the Commission shall interpret the intent of the Official Zoning Plan as to the location of such zone boundaries.

(d) Where any public street or alley or other public right of way is hereafter vacated or abandoned, the land formerly in such street, alley or right of way shall be included within the district of the adjoining property on either side; and in the event such street, alley or right of way was a district boundary line between two or more different districts, the new district boundary line shall be the former center line of such street, alley or right of way.

ARTICLE VI.

R-1 ZONE (ONE-FAMILY DWELLINGS)

The following regulations shall apply in all R-1 Zones:

SECTION 6.1 USES PERMITTED

(a) A one-family dwelling of a permanent character and placed in a permanent location.

(b) Private garage for the accommodation of not more than four (4) automobiles.

(c) Agriculture and horticulture, flower and vegetable gardening, nurseries and greenhouses used only for purposes of propagation and culture,

including the wholesaling of products thereof, but not including any sale from the premises nor any signs or displays.

(d) The keeping of poultry for domestic, noncommercial use only.

(e) Home occupations customarily conducted within a dwelling by the inhabitants thereof where no assistants are employed and where there is no external evidence of such home occupation except a nameplate not exceeding two (2) square feet in area.

(f) One sign not exceeding six (6) square feet in area appertaining only to the lease, hire or sale of the particular lot or building upon which displayed.

(g) Public parks and public playgrounds, golf courses with standard length fairways, and country clubs.

(h) Accessory buildings and uses, including a guest dwelling, provided there is a main building on the lot.

(i) Public functions and uses, provided a permit has been granted pursuant to the provisions of Article XVII.

(j) If, on the effective date of this ordinance, a temporary one-family dwelling shall exist on the rear half of a lot in Zone R-1, a one-family dwelling may be erected and maintained on the front portion of the same lot in the manner provided herein, whereupon said temporary one-family dwelling shall assume the status of a nonconforming use.

SECTION 6.2 BUILDING HEIGHT LIMIT. Two and one-half (2½) stories but not exceeding thirty-five (35) feet.

SECTION 6.3 REQUIRED LOT AREA. Six thousand (6,000) square feet; the minimum lot frontage shall be sixty (60) feet, and the minimum depth shall be one hundred (100) feet.

SECTION 6.4 FRONT YARD REQUIRED. Twenty (20) feet, except as provided in Section 18.19. The front yard shall be measured from any existing street line or from any future street line as shown on any official street plan of the County.

SECTION 6.5 SIDE YARDS REQUIRED.

(a) On interior and through lots, ten (10) per cent of the width of the lot, provided no side yard shall be less than three (3) feet and need not exceed five (5) feet.

(b) On corner and reversed corner lots, the side yard shall be ten (10) feet from the street line upon which the main building sides except that where a corner or reversed corner lot is less than fifty (50) feet wide, such side yard need not exceed twenty (20) per cent of the width of the lot. The interior side yard for such lots shall be the same as for interior lots, provided, however, that no accessory building on the rear of such lots may project beyond the front yard line on the lots in the rear unless it is found by the Commission or its authorized representative that this regulation cannot reasonably be complied with.

SECTION 6.6 REAR YARD REQUIRED. Ten (10) feet, except as

provided in Section 18.19.

SECTION 6.7 ADDITIONAL DWELLINGS ON A LOT. When more than one (1) single-family dwelling is erected on a lot in an R-1 zone, which lot has twice the required area or more, the owner of such lot shall file in the office of the Commission for the administrative records and for revision and verification of compliance, a plot plan showing the size of said lot, the use and locations of all buildings thereon, and the area provided for each single-family dwelling as required by this ordinance. In the event the plan shows that the proposed development will not maintain the character and integrity of the zone in which such dwelling is to be erected, or will be detrimental to the welfare of the community, the Commission may require such revision of the plan as may be necessary to correct these conditions. Each area shown on said plot plan and approved by the Commission as a building site, shall be permanently maintained.

SECTION 6.8 AUTOMOBILE STORAGE SPACE REQUIRED. (See Section 18.12)

ARTICLE VII.

R-2 ZONE (MULTIPLE FAMILY DWELLINGS)

The following regulations shall apply in all R-2 Zones:

SECTION 7.1 USES PERMITTED.

(a) Any use permitted in the R-1 Zone.

(b) Two (2) family dwellings, multiple family dwellings, bungalow courts and apartment houses.

(c) Boarding, rooming and lodging houses.

(d) Churches, educational institutions, public libraries, museums and art galleries not operated for compensation or profit.

SECTION 7.2 BUILDING HEIGHT LIMIT. The same as in R-1 Zones. (See Sec. 6.2)

SECTION 7.3 REQUIRED LOT AREA. The same as for R-1 Zones (See Sec. 6.3)

SECTION 7.4 FRONT YARD REQUIRED. The same as in R-1 Zones. (See Sec. 6.4)

SECTION 7.5 SIDE YARDS REQUIRED. The same as in R-1 Zones. (See Sec. 6.5)

SECTION 7.6 REAR YARD REQUIRED. The same as in R-1 Zones. (See Sec. 6.6)

SECTION 7.7 LOT COVERAGE PERMITTED. In no case shall more than sixty (60) per cent of any lot be covered by buildings.

SECTION 7.8 AUTOMOBILE STORAGE SPACE REQUIRED. (See Sec. 18.12)

SECTION 7.9 DISTANCE REQUIRED BETWEEN MAIN BUILDINGS. No two-story main building shall be closer than fifteen (15) feet to any other main building on the same lot and no one-story building shall be closer than ten (10) feet to any other one-story main building on the same lot.

SECTION 7.10 AREA PER DWELLING UNIT. Every main building hereafter erected or structurally altered shall have a lot or building site area of not less than two thousand (2,000) square feet for each dwelling unit in such main building.

ARTICLE VIII.

R-3 ZONES -- (GENERAL RESIDENTIAL)

The following regulations shall apply to all R-3 Zones:

SECTION 8.1 USES PERMITTED.

(a) Any use permitted in R-2 Zones.

(b) Hotels, resort hotels and auto courts.

(c) Clubs, lodge halls, fraternity and sorority houses.

(d) Clinics, professional offices, medical and dental offices, hospitals and sanitariums.

SECTION 8.2 BUILDING HEIGHT LIMIT. Three (3) stories and not exceeding forty-five (45) feet.

SECTION 8.3 REQUIRED LOT AREA. The same as in R-1 Zones. (See Sec. 6.3)

SECTION 8.4 FRONT YARD REQUIRED. Ten (10) feet. The front yard shall be measured from any existing street line or from any future street line as shown on any official street plan of the County.

SECTION 8.5 SIDE YARDS REQUIRED. The same as in R-1 Zones. (See Sec. 6.5)

SECTION 8.6 REAR YARD REQUIRED. The same as in R-1 Zones. (See Sec. 6.6)

SECTION 8.7 LOT COVERAGE PERMITTED. The same as in R-2 Zones. (See Sec. 7.9)

SECTION 8.8 AUTOMOBILE STORAGE SPACE REQUIRED. (See Sec. 18.12)

SECTION 8.9 DISTANCE BETWEEN MAIN BUILDINGS. The same as in R-2 Zones. (See Sec. 7.5)

The required distance shall be the same for three-story buildings as for two-story buildings.

ARTICLE IX.

C-1 ZONE (GENERAL COMMERCIAL)

The following regulations shall apply in all C-1 Zones:

SECTION 9.1 USES PERMITTED

(a) Any use permitted in the R-3 Zone.

(b) Stores, shops and premises for the conduct of general retail or wholesale business.

(c) Light manufacturing incidental to the sale of goods from the premises; provided not more than twenty-five (25) per cent of the ground floor area of any building may be used for such purpose and that the total horsepower in electric motors operated in connection with such use shall not exceed five (5) horsepower and provided further, that such use shall not be nearer than fifty (50) feet to any residential zone.

SECTION 9.2 USES PROHIBITED.

(a) General manufacturing uses as set forth in Article XI.

(b) Any use for which a permit is required under Article III.

(c) Dairies and hog ranches.

Where uncertainty exists, the Commission shall determine by resolution of record the proper zone in which a commercial or manufacturing use shall be classified.

SECTION 9.3 DWELLING OVER COMMERCIAL USE. Where a dwelling is erected over a commercial use there shall be no yard requirements.

SECTION 9.4 BUILDING HEIGHT LIMIT. Four (4) stories and not exceeding sixty (60) feet.

SECTION 9.5 FRONT YARD REQUIRED. None, except that no building shall be erected or altered so as to encroach upon any existing or proposed future street line as shown on any official plans of the County.

ARTICLE X.

C-P ZONES -- (RESTRICTED COMMERCIAL)

The following regulations shall apply to all C-P Zones:

SECTION 10.1 USES PERMITTED.

(a) Any use permitted in the C-1 Zones.

SECTION 10.2 OFF-STREET PARKING AND SITE DEVELOPMENT REQUIREMENTS. Before any building or structure is hereafter erected, or a lot hereafter used in Zone C-P, a plot plan, showing location of proposed buildings and development of the property shall be approved by the Planning Commission. Said plot plan shall show that the development will conform with the following minimum standards:

(a) Where the property abuts upon a State highway or a primary County highway, provide a service road not less than 40 feet in width, parallel with and adjacent to the street upon which the property fronts. In the event the property fronts on two or more streets, the County Board of Supervisors, after recommendation by the Planning Commission, may require service road facilities on more than one street frontage. The service

road or roads required by this section shall be effectively separated from the main roadway by a planting strip or other suitable barrier and shall be designed and arranged so as to provide the principal means of access to abutting commercial areas.

(b) Provide off-street automobile storage space on the same or adjacent lot or parcel of land as the building or buildings it is intended to serve. Such automobile storage space shall be graded and surfaced so as to provide proper drainage and to prevent dust arising therefrom, and shall have an area at least equal to the floor area used for commercial purposes, exclusive of storage and warehousing, and shall be readily accessible to passenger automobiles of average size, under their own power. In no event shall any use be established in Zone C-P which provides less than one thousand (1,000) square feet of such automobile storage space, including driveways, and turning areas. Two or more commercial uses may cooperate in the provision of automobile storage space required by this section, provided the nearest boundary of such storage space is not more than three hundred (300) feet from any such commercial use it is intended to serve.

(c) Provide adequate loading space on private property for standing, and for loading and unloading service for any commercial use involving the receipt or distribution by vehicles of materials or merchandise. Such loading space shall be of such size, and so located and designed as to avoid undue interference with the use of public streets and alleys, and shall be graded and surfaced to provide proper drainage and prevent dust arising therefrom.

(d) Providing adequate off-street automobile storage space for residential uses and for places of public assembly, located within the C-P Zone, as may be required by the Planning Commission. Off-street automobile storage space suitably located contiguous to the use it is designed to serve may be included in computing required loading space.

(e) Provide that the architectural and general appearance of all buildings and grounds shall be in keeping with good architectural and landscaping practice and such as not to be detrimental to the general welfare of the community in which the development is located.

SECTION 10.3 BUILDING HEIGHT LIMIT. Four (4) stories and not exceeding sixty (60) feet.

ARTICLE XI.

M-1 ZONES (LIGHT MANUFACTURING)

The following regulations shall apply in all M-1 Zones:

SECTION 11.1 USES PERMITTED.

(a) Any use permitted in the C-1 Zone.

(b) Light manufacturing uses including lumber yards, dog and cat hospitals, machine shops, furniture

and cabinet manufacturing, metal working shops and the like.

SECTION 11.2 USES PROHIBITED.

(a) Any use for which a permit is required under Article III.

(b) Dairies and hog ranches.

Where uncertainty exists, the Commission shall determine by resolution of record the proper zone in which a commercial or manufacturing use shall be classified.

SECTION 11.3 BUILDING HEIGHT LIMIT. Four (4) stories and not exceeding sixty (60) feet.

SECTION 11.4 DWELLING OVER COMMERCIAL OR MANUFACTURING USE. Where a dwelling is erected over a commercial or manufacturing use there shall be no yard requirements.

SECTION 11.5 FRONT YARD REQUIRED. None, except that no building shall be erected or altered so as to encroach upon any existing or proposed future street line as shown on any official plans of the County.

ARTICLE XII.

M-2 ZONES (INDUSTRIAL)

The following regulations shall apply in all M-2 Zones:

SECTION 12.1 USES PERMITTED.
(a) Any use permitted in M-1 Zones.

(b) Any use for which a permit is required under Article III shall be automatically permitted without such permit in M-2 Zones except where the exterior boundaries of the lot upon which such use is to be located are nearer than five hundred (500) feet to any residential zone. Where any such boundary is nearer than the said five hundred (500) feet to any residential zone, a permit shall first be secured as provided in Article III.

(c) Auditoriums which are an accessory use to a use permitted in M-2 Zones.

(d) Union halls and labor temples.

SECTION 12.2 USES PROHIBITED.

(a) Dwellings, except on the same lot as a factory or industry and used exclusively by a caretaker or superintendent of such factory and by his family.

(b) Places of public assembly, churches, schools, hospitals, hotels, sanitariums, and the like.

SECTION 12.3 FRONT YARD REQUIRED. None, except that no building shall be erected or altered so as to encroach upon any existing or proposed future street line as shown on any official plans of the County.

ARTICLE XIII.

A-1 ZONE — (LIGHT AGRICULTURE)

That for the protection and development of agricultural areas of the

County, plans shall be prepared and formulated respecting the land use regulations which shall apply in an A-1 Zone, Light Agriculture, and after detailed study and analysis, an applicable plan will be adopted by amendment hereto.

ARTICLE XIV.

A-2 ZONES — (HEAVY AGRICULTURE)

That for the protection and development of agricultural areas of the County, plans shall be prepared and formulated respecting the land use regulations which shall apply in an A-2 Zone, Heavy Agriculture; and, after detailed study and analysis, an applicable plan will be adopted by amendment hereto.

ARTICLE XV.

W ZONES (WATERCOURSE AREA)

That plans shall be prepared and formulated respecting appropriate land use regulation which shall apply in a W Zone (Watercourse); and, after detailed study and analysis, an applicable plan will be adopted by amendment hereto.

ARTICLE XVI.

I ZONE (INTERIM)

The Board of Supervisors finds that there are some areas in the unincorporated County territory which, because of imminent development, will need immediate regulations to insure a well-ordered growth.

Therefore, for the public safety and interest, health, comfort, convenience, preservation of the public peace, morals, order and the public welfare, there is hereby created an interim zone classification to be known as "Zone I," which shall have the following regulations:

SECTION 16.1 INITIATION OF PROCEEDINGS: Upon the verified petition of a substantial number of representative property owners of any unincorporated County territory or district, filed with the Commission, setting forth the approximate boundaries of the proposed zone, together with the general type of regulations desired, the Commission shall make such investigation of facts as will enable it to recommend an interim plan to the Board of Supervisors, which, in the opinion of the Commission, will reasonably preserve and maintain the character of said district until necessary studies, meetings and hearings can be held pursuant to effecting a comprehensive plan in accordance with the State Conservation and Planning Act.

SECTION 16.2 COMBINING WITH OTHER ZONES: The "I" or Interim Zone classification may be combined with one or more of the other zone

classifications set forth in Article V in order to impose all the regulations of both the "I" and such other zone classification as it may be combined with, for example—"I"-A-1 Zone would mean that all the regulations in the A-1 Zone would apply to the area so zoned, etc.

SECTION 16.3 DURATION OF INTERIM ZONING: An interim zoning plan may be enacted for a period of not to exceed one year, except that such period may be extended for not to exceed one additional year if it is shown that good reason exists for the necessity of such extended period and, further, that the Commission recommends such extension.

SECTION 16.4 PERMITS FOR NON-CONFORMING USES: Any property owner or owners may file with the Commission, on forms provided by the County for this purpose, an application to erect a building or use property in a manner that does not conform to the regulations of the Interim Zone. The Commission may act on such application with or without holding a public hearing.

Before approving or denying any such application, the Commission shall cause to be made such investigations of fact as will assure the carrying-out of the intent and purposes of the Interim Zoning Ordinance and shall include in its action a report of its reasons therefor.

SECTION 16.5 ADOPTION OF INTERIM ZONING PLAN BY BOARD OF SUPERVISORS: The Board of Supervisors shall adopt an interim zoning plan by ordinance. It shall not be necessary to publish a map of said district showing the interim zoning plan; however, the Board of Supervisors may publish such map if it so elects. Otherwise, sufficient description of the district shall be given in the ordinance to determine its purpose and boundaries.

SECTION 16.6 PREPARATION OF COMPREHENSIVE ZONING PLAN: Upon receipt of a petition as set forth in Section 16.1, the Commission shall proceed immediately to prepare a tentative comprehensive zoning plan for the district described in the petition, together with such adjoining areas as it may deem necessary for the purposes of study. Such tentative plan shall be submitted to the property owners in the district at public meetings and otherwise for their suggestions and scrutiny. Changes may be made in such plan by the Commission from time to time and such plan shall be used as the basis for consideration of application for permits as set forth in Section 16.4.

SECTION 16.7 OFFICIAL ACTION ON PROPOSED ZONING PLAN: At the earliest practicable time following receipt of a petition as set forth in Section 16.1, the Commission shall hold public hearings on a proposed comprehensive zoning plan pursuant to the provisions of the State Conservation and Planning Act. It shall thereafter make its recommendations to the Board of Supervisors who shall take appropriate action on the matter.

ARTICLE XVII.

PUBLIC FUNCTIONS OR USES

SECTION 17.1 SCOPE AND CONDITIONS. The following functions or uses may be allowed when not expressly permitted in any district when by specific action by resolution of record in each instance, the Commission and Board of Supervisors shall have determined that such use is necessary and not detrimental to the welfare of a particular community. Conditions may be specified to which such approval is subject and no such use shall be established or maintained in a manner inconsistent to or in violation of such conditions.

SECTION 17.2 USES PERMITTED. The following uses may be permitted under this Article:

(1) Any use necessary to the maintenance of the public health convenience or general welfare.

(2) Churches, temples or other places used exclusively for religious worship.

(3) Public utility uses, both public and privately owned.

(4) Educational institutions.

(5) Governmental and civic uses.

(6) Hospitals, sanitariums, convalescent and rest homes.

(7) Clubs, museums and libraries.

(8) Institutions of a philanthropic nature.

(9) Real estate tract offices.

(10) Athletic, sport and recreation uses.

(11) Storage garages.

(12) Resort hotels and guest ranches, and such other uses as in the opinion of the Commission are similar to the ones hereinabove set forth.

SECTION 17.3 HEARING REQUIRED. Upon the verified petition to establish a use set forth in Section 17.2 the Commission shall hold a public hearing thereon. Notice of such public hearing shall be made as provided in Article XIX of this ordinance and the applicant shall pay a fee sufficient to cover the cost of publication and mailing for the required notice of such hearing. The Commission from time to time shall fix the amount of the filing fee by resolution.

SECTION 17.4 DURATION OF PERMIT. Any permit granted under the provisions of this Article shall be used within one (1) year, otherwise it shall become null and void and have no force or effect whatever.

By "use" is meant substantial construction of facilities and improvements required by the permit.

ARTICLE XVIII.

GENERAL PROVISIONS

SECTION 18.1 CONFLICTING REGULATIONS. Wherever any provision of this ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law, ordinance, restriction or

covenant, then the provisions of this ordinance shall govern.

SECTION 18.2 SCOPE. No building or land or any portion thereof shall hereafter be erected or used except in conformity with the provisions of this ordinance.

SECTION 18.3 LESSER RESTRICTIVE USES IN MORE RESTRICTIVE ZONES. The express enumeration and authorization in this ordinance of a particular class of building or use in any zone shall be deemed a prohibition of such building or use in all more restrictive zones, except as otherwise specified.

SECTION 18.4 ADDITIONAL PERMITTED USES. Uses other than those specifically mentioned in this ordinance as uses permitted in each of the zones also may be allowed therein, provided such additional uses are similar to those mentioned and are, in the opinion of the Commission as evidenced by resolution of record, not more obnoxious or detrimental to the welfare of the community than the permitted uses specifically mentioned for any zone.

SECTION 18.5 ADDITIONAL EXCLUDED USES. Uses other than those specifically mentioned in this ordinance as uses excluded from any zone also may be excluded therefrom, provided such additional uses are, in the opinion of the Commission as evidenced by resolution of record, equally or more obnoxious or detrimental to the welfare of the community than the excluded uses specifically mentioned for any zone.

SECTION 18.6 NONCONFORMING BUILDINGS AND USES. The following regulations shall apply to all nonconforming buildings and uses existing on the effective date of this ordinance:

(a) Any nonconforming building may be continued and maintained provided there are no structural alterations except as provided in Sections 18.7 and 18.8 of this ordinance.

(b) Any nonconforming use may be continued provided there is no increase of the space devoted to such use.

(c) Any part of a building or land occupied by a nonconforming use which is changed to or replaced by a use conforming to the provisions of this ordinance as they apply to the particular zone shall not thereafter be used or occupied by a nonconforming use.

(d) Any part of a building or land occupied by a nonconforming use, which use is discontinued for one (1) year or more, shall thereafter be used in conformity with the provisions of this ordinance and the nonconforming right shall be lost.

(e) A nonconforming use of property may be changed to another nonconforming use of a more restrictive classification, provided no structural alterations are made, and that application is made to the Commission for the change of use and allowed by resolution of record.

SECTION 18.7 BUILDINGS UNDER CONSTRUCTION. Any building for which a permit has been issued under the provisions of earlier ordinances of the County in conflict herewith, and on which substantial construction has been performed by integration of materials on the site before the effective date of this ordinance, may nevertheless be continued and completed in accordance with the plans and specifications upon which the permit was issued.

SECTION 18.8 RECONSTRUCTION OF DAMAGED NONCONFORMING BUILDINGS. The provisions of this ordinance shall not prevent the reconstruction, repairing or rebuilding and continued use of any nonconforming building damaged by fire, explosion or acts of God or the enemy subsequent to the effective date of this ordinance, wherein the cost of such reconstruction, repairing or rebuilding does not exceed seventy-five (75) per cent of the reasonable value of such building at the time such damage occurred.

SECTION 18.9 NONCONFORMING USES RESULTING FROM AMENDMENTS. The provisions of this ordinance shall apply to uses which become nonconforming by reason of the adoption of this ordinance, or any amendment thereof as of the effective date of such adoption or amendment.

SECTION 18.10 LOCATION OF DWELLINGS. Except in multiple dwelling developments or where otherwise provided in this ordinance, every dwelling shall face or front upon a street or permanent means of access to a street, and in no event shall any dwelling face or front upon an alley.

SECTION 18.11 SIZE OF DWELLINGS. Every dwelling erected after the effective date of this ordinance in any R Zone, shall have a minimum ground floor area of not less than four hundred eighty (480) square feet, exclusive of unroofed porches and garages and shall provide indoor sanitary facilities; its architecture and general appearance shall be in keeping with the character of the neighborhood and such as not to be detrimental to the general welfare of the community in which it is located.

SECTION 18.12 AUTOMOBILE STORAGE SPACE. There shall be provided at the time of the erection of any main building or structure, or at the time any main building or structure is enlarged or increased in capacity, automobile storage space, except in Zone M-3, as follows:

(a) For one-family dwellings, at least one (1) such storage space for each dwelling.

(b) For multiple-family dwellings, such storage space shall be provided on the basis of at least three (3) such spaces for each four (4) dwelling units or the nearest equivalent ratio there-to.

(c) For hotels, apartment hotels, resort hotels and clubs, at least one (1) storage space for each of the first twelve (12) guest rooms or suites; one additional storage space for every four

(4) guest rooms or suites in excess of twelve (12) but not exceeding forty (40); and one additional storage space for each additional five (5) guest rooms or suites provided in said buildings.

(d) For church, high school, college and university auditoriums, stadiums, theaters, nightclubs and other similar places of assembly, at least one (1) storage space for each twenty (20) seats provided in said buildings or structures.

(e) For hospitals, at least one (1) storage space for each one thousand (1,000) square feet of floor area in said building.

(f) For commercial or industrial buildings having a floor area of four thousand (4,000) square feet or more, at least one (1) storage space for each one thousand (1,000) square feet of gross floor area in said buildings, except as otherwise provided in this ordinance.

Storage space as required above shall be on the same lot or building site with the main building or structure. Wherever such storage space is provided for multiple dwelling, hotel, commercial or industrial uses, it shall be properly surfaced so as to prevent the emanation of dust, and shall be developed in such manner as not to be detrimental to surrounding properties and in accordance with the plan approved by the Commission or its duly authorized representative.

In cases where it is impossible or impracticable to carry out the provisions of this Section, the Commission shall have authority, with or without hearing as prescribed for the granting of variances, to approve without hearing as provided in Article XIX, any modification of the requirements of this Section.

SECTION 18.13 LOADING SPACE. On the same lot with every building or part thereof, used for manufacturing, storage, warehousing, goods display, department store, wholesale store, market, hotel, hospital, laundry, dry cleaning or other uses similarly involving the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained adequate loading space for standing and for loading and unloading service of such size and so located and designed as to avoid undue interference with the public use of streets and alleys.

In cases where it is impossible or impracticable to carry out the provisions of this Section, the Commission shall have authority, with or without hearing as prescribed for the granting of variances in Article XIX, to approve any modification of the requirements of this Section.

SECTION 18.14 SALE OF A PORTION OF A LOT. Where a lot is divided into separate ownerships and the area of either portion is such that the number and location of the buildings thereon no longer conform to the lot area requirements of the particular zone, then, in the determination of the permissible number and location of any buildings on either portion of the lot, both parts shall be considered as one parcel or lot.

SECTION 18.15 YARD REQUIREMENTS. No required yard or other open space around an existing building, or any building hereafter erected, shall be considered as providing a yard or other open space for any other building on an adjoining lot or building site.

SECTION 18.16 TRANSFERAL OF RESIDENTIAL REQUIREMENTS. Where a building for dwelling purposes is erected on a lot in a zone other than the zone in which such building for dwelling purposes is first ordinarily or primarily permitted by this ordinance, such lot shall be subject to the same requirements for yards, minimum lot area and percentage of lot coverage as are specified in this ordinance for a lot in the zone in which such building for dwelling purposes is first ordinarily or primarily permitted.

SECTION 18.17 ACCESSORY USES. The express enumeration of permitted uses in all districts shall be construed to include necessary accessory uses.

SECTION 18.18 LOCATION OF DETACHED ACCESSORY BUILDINGS. The provisions of this Section do not apply in A-1 or A-2 Zones.

(a) A detached accessory building may occupy not more than one-half (1/2) of the required rear yard.

(b) No detached accessory building shall be within five (5) feet of the front half of an adjacent lot. For the purpose of this regulation a depth of not more than seventy-five (75) feet shall be deemed to be such front half of such adjacent lot.

(c) Where the average slope of the front half of the lot is greater than one (1) foot rise or fall in a seven (7) foot run from the established street elevation at the property line, or where the front half of the lot is more than four (4) feet above or below such established street elevation, a private garage may be built to the street and side lines.

(d) In the case of an interior lot, no detached accessory building shall be erected so as to encroach upon the front half of the lot, provided however, such accessory building need not be more than seventy-five (75) feet from the street line.

(e) In the case of a corner lot abutting upon more than two (2) streets, no accessory building shall be nearer any street line than one-fifth (1/5) of the width or length of the lot.

(f) In the case of through lots, no accessory building shall encroach upon the required front yard on either street.

SECTION 18.19 YARD ENCROACHMENTS. Where yards are required by this ordinance, they shall be open and unobstructed from the ground to the sky, except as follows:

(a) Outside stairways or landing places, if unroofed and unenclosed, may extend into a required side yard for a distance of not to exceed three (3) feet and/or into the required rear yard a distance of not to exceed five (5) feet.

(b) Cornices, canopies, or other similar architectural features not provid-

ing additional floor space within the building may extend into a required yard not to exceed one (1) foot. Eaves may extend three (3) feet into the required yard. One (1) pergola or one (1) covered but unenclosed passenger landing may extend into either side yard provided it does not reduce the side yard below five (5) feet and its depth does not exceed twenty (20) feet.

SECTION 18.20 HEIGHT EXCEPTIONS.

(a) Public or semi-public buildings in Zones R-1, R-2 or R-3 may be erected to a height of not exceeding four (4) stories or sixty (60) feet when the required yards are increased an additional one (1) foot for each four (4) feet in height, such building exceeds thirty-five (35) feet.

(b) Structures necessary for the maintenance and operation of a building and flagpoles, wireless masts, chimneys or similar structures may exceed the prescribed height limits where such structures do not provide additional floor space.

SECTION 18.21 THROUGH LOTS, REGULATIONS. On through lots, either lot line separating such lot from a street may be designated as the front lot line. In such cases the minimum rear yard shall be not less than a required front yard in the zone in which such lot is located.

Through lots one hundred fifty (150) feet or more in depth may be improved as two (2) separate lots with the dividing line midway between the street frontages, and each such resulting half shall be subject to the same regulations applying to the street upon which each such half faces.

SECTION 18.22 LOTS RECORDED. Any lot shown upon an official subdivision map or record of survey map duly approved and recorded, or any lot for which a bona fide deed has been duly recorded prior to the effective date of this Ordinance, and in the U zone prior to the effective date of Ordinance No. 341, may be used as a building site.

SECTION 18.23 BUILDING PERMIT REQUIRED. A building permit shall be required for the erection of any building or structure established by the provisions of this ordinance, except in any M-3 Zone. A fee of One Dollar (\$1.00) shall be charged for such permit.

ARTICLE XIX.

VARIANCES

The following regulations shall apply to the granting of all variances:

SECTION 19.1 INITIATION OF PROCEEDINGS. When practical difficulties, unnecessary hardships or results inconsistent with the general purposes of this ordinance occur through a strict interpretation of its provisions, the Board of Supervisors or the Commission on its own motion may, or

upon the verified application of any property owner or owners shall, in specific cases, initiate proceedings for the granting of a variance from the provisions of this ordinance under such conditions as may be necessary to assure that the spirit and purpose of this ordinance will be observed, public safety and welfare secured, and substantial justice done. All acts of the Board of Supervisors and the Commission under this Article shall be construed as administrative acts for the purpose of assuring that the intent and purpose of this ordinance shall apply in specific cases as provided in this Article, and shall not be construed as amendments to the provisions of this ordinance or as a change of zone.

SECTION 19.2—NECESSARY CONDITIONS. Before any variance may be granted it shall be affirmatively shown:

(a) That there are special circumstances attached to the property referred to in the application or motion which do not apply generally to other properties in the same district.

(b) That the granting of such variance is necessary to do substantial justice and to avoid practical difficulty, unnecessary hardship or results inconsistent with the general purposes of this ordinance.

(c) That the granting of the variance will not result in material damage or prejudice to other property in the vicinity, nor be detrimental to the public safety or welfare.

A variance may also be granted to permit a use essential to the prosecution of any war in which the United States may be engaged, provided paragraph (c) of this Section applies; and further provided that such variance shall expire, not later than six (6) months after cessation of physical hostilities in connection with such war.

SECTION 19.3 FILING OF APPLICATION. Applications for variances shall be made to the Commission in writing on forms provided by the County for this purpose. The Commission, from time to time, shall prescribe the information to be provided thereon; such applications shall become consecutive in the order of their filing and shall become a part of the permanent official records of the County and there shall be attached to each such application a copy of all notices, reports and actions pertaining thereto.

The uniform fee of Fifteen Dollars (\$15.00) shall be paid to the County upon the filing of each application for the purposes of defraying expenses incidental to the proceedings.

SECTION 19.4 INFORMATION REQUIRED WITH APPLICATION FOR VARIANCE. The application for variance shall set forth in detail such facts as may be required by the Commission and as may relate to the conditions specified in Section 19.2 of this ordinance, and shall be accompanied by:

(a) Legal description of the property involved and the proposed use, with complete plans and also ground plans

and elevations of all proposed buildings and locations of existing buildings; also description of the proposed use.

(b) A reference to the specific provisions of this ordinance from which such property is sought to be excepted.

(c) Evidence of the ability and intention of the applicant to proceed with actual construction work in accordance with said plans within six (6) months from the date of filing an application.

SECTION 19.5 INVESTIGATION OF APPLICATION FOR VARIANCE. The Commission shall cause to be made such investigation of facts bearing on the application for variance as will provide necessary information to assure that the action on each such application is consistent with the intent and purpose of this ordinance.

SECTION 19.6 PUBLIC HEARINGS ON APPLICATION FOR VARIANCE. Upon receipt of an application for variance, the Commission shall fix a time and place of public hearing thereon, not less than ten (10) days nor more than forty (40) days thereafter. No less than five (5) days before the date of such public hearing, notice shall be given of such hearing in the following manner:

(a) By one (1) publication in a newspaper of general circulation in the County. Such notice shall state the name of the applicant, nature of request, location of property, and time and place of the hearing.

(b) By mailing postage prepaid to the owners of all property within a distance of three hundred (300) feet from the exterior boundaries of the premises involved in the application, as such owners are shown on the latest assessment roll of the County of Riverside, a post card containing the same information as mentioned in subdivision (a) of this section. Public hearings as provided in this Section shall be held before the Commission, which may establish its own rules for the conduct thereof. A summary of all pertinent testimony offered at a public hearing, together with the names of all persons testifying, shall be recorded and made a part of the permanent files of the case. Any such hearing may be continued by oral pronouncement prior to its close.

SECTION 19.7 ADMINISTRATION OF OATHS. The chairman or the acting chairman of the Commission may administer oaths and compel attendance of witnesses.

SECTION 19.8 FINDINGS OF THE COMMISSION. Within forty (40) days from the conclusion of the public hearing, the Commission shall render its decision. If, in the opinion of the Commission, the necessary facts and conditions set forth in Section 19.2 apply in fact to the property referred to in the application for variance, the Commission shall grant the variance. If such facts and conditions do not apply, the Commission shall deny the application.

SECTION 19.9 CONDITIONS. The Commission in granting a variance

may establish conditions under which a lot or parcel of land may be used or a building erected and altered, or make requirements as to architecture, height of building, open spaces, parking areas, and conditions of operation of any enterprise or make any requirements that the Commission may consider necessary to prevent damage or prejudice to adjacent properties, or detrimental to the welfare of the community.

SECTION 19.10 NOTICE OF DECISION. A written report of the decision of the Commission shall be filed with the Board of Supervisors not later than ten (10) days after the Commission has reached a decision, and a notice of such decision shall be sent by registered mail to the applicant for variance, not more than three (3) days after such report is filed with the Board of Supervisors. The failure of the Commission to notify the Board of Supervisors within forty (40) days after the conclusion of the public hearings shall be deemed to constitute a denial, unless such time limit be extended by common consent and agreement signed by both the applicant and the Chairman of the Commission and/or his duly authorized representative, and made a part of said records of said Commission.

SECTION 19.11 FORCE OF CONDITIONS. Any restrictions or conditions required by the Commission and the Board of Supervisors in the granting of a variance or permit under the provisions of this article must be complied with. Violation of such conditions or requirements shall result in the revocation of the permit granted to so use the property and further use of the property or maintenance of any building constructed thereon, by authority of such variance or permit shall constitute a violation of this ordinance and shall be punishable in the manner set forth herein.

SECTION 19.12 VOIDING OF VARIANCES. Each variance granted under the provisions of this article shall become null and void unless:

(a) The construction authorized by such variance or permit has been commenced within one hundred eighty (180) days after the granting of such variance and pursued diligently to completion; or

(b) The occupancy of land or buildings authorized by such variance has taken place within one hundred and eighty (180) days after the granting of such variance.

SECTION 19.13 APPEAL TO BOARD OF SUPERVISORS. The granting, either with or without conditions or the denial of any application for variance made under the provisions of this article by the Commission shall be final unless within ten (10) days after said Commission has notified the Board of Supervisors in writing of its decision, an appeal to the Board of Supervisors is made by the applicant or any owner of property within three hundred (300) feet of the exterior boundaries of the property described in such application. Such appeal shall be presented in writing to the County Clerk.

SECTION 19.14 HEARING ON APPEAL BY BOARD OF SUPERVISORS. At its next regular meeting after the filing of such an appeal, the Board of Supervisors shall set a date for public hearing thereon, not less than ten (10) days nor more than forty (40) days thereafter. The Board of Supervisors shall give notice of such hearing in the manner provided for notice of public hearing as set forth in Section 19.6. The Board of Supervisors at such public hearing shall proceed to hear any person or persons interested. After hearing such appeal the Board of Supervisors may sustain the action of the Commission by a majority vote, or may reverse or modify such action by a two-thirds (2/3) vote.

SECTION 19.15 VARIANCES WHICH MAY BE GRANTED WITHOUT HEARING AND REDUCTION OF FILING FEE. Notwithstanding any other provisions of this article, the Commission may, if it so elects, act on the following without a public hearing as required in this article:

(a) Allow a reduction of lot area requirements and front, side, and rear yard regulations where, in its judgment, the shape of the building site, topography, the location of existing buildings, or other conditions, make a strict compliance with said regulations impossible without practical difficulty or hardship.

(b) Allow the extension of a zone where the boundary line thereof divides a lot in one ownership at the time of passage of this ordinance.

(c) Permit the reconstruction or remodeling of a nonconforming building, where, in its judgment, such reconstruction or remodeling will bring such building and its subsequent use into fairer conformity with its surroundings.

(d) Allow the construction of commercial buildings with side walks, arcades and similar architectural features where such construction requires a variance of yard or setback regulations and is in conformity with a general architectural plan applicable to the entire frontage of the block.

Where a petition is granted without hearing, the filing fee shall be reduced to Five Dollars (\$5.00).

ARTICLE XX.

AMENDMENTS AND CHANGE OF ZONE

SECTION 20.1 INITIATION OF PROCEEDINGS BY COMMISSION OR BOARD OF SUPERVISORS. The Board of Supervisors may from time to time amend, supplement or change this ordinance and the regulations and maps appurtenant thereto by proceedings in conformity with the State Conservation and Planning Act, Chapter 807, Statutes 1947, as amended, or any Statutes superseding the said Act. An amendment, supplement or change may be initiated by the Board of Supervisors or the Commission.

SECTION 20.2 PETITION FOR CHANGE BY PROPERTY OWNERS. Whenever the owner of any land or

building desires a reclassification of his property or a change in the regulations applicable thereto, he may file with the Commission on forms provided by the county for this purpose, a petition duly signed and verified by him requesting such amendment, supplement or change of regulation prescribed for such property.

SECTION 20.3 FILING FEES. A uniform fee of twenty (\$20.00) dollars shall be paid to the county upon the filing of each such petition, to cover the cost of making maps, sending notices and other expenses involved.

SECTION 20.4 HEARINGS ON PETITIONS FOR CHANGE BY COMMISSION. The Commission shall hold public hearings upon the matters referred to in such petitions as required by said State Conservation and Planning Act, or any Statute superseding the said Act, and thereupon make reports and recommendations to the Board of Supervisors as therein provided.

SECTION 20.5 HEARING BY BOARD OF SUPERVISORS ON PETITIONS FOR CHANGE OF ZONE. The Board of Supervisors after receipt of the report and recommendations of the Commission shall hold a final public hearing upon said matters in accordance with the said State Conservation and Planning Act or any Statutes superseding the said Act and thereupon take appropriate action.

ARTICLE XXI.

DEFINITIONS

For the purpose of this ordinance, certain words and terms used herein are herewith defined.

When not inconsistent with the context, words used in the present tense include the future tense; words in the singular number include the plural number and words in the plural number include the singular number. The masculine gender includes the feminine and neuter gender. The word "shall" is always mandatory and not merely directory. The word "may" is permissive.

SECTION 21.1 ACCESSORY BUILDING. A subordinate building or a part of the main building on the same lot or building site, the use of which is incidental to that of the main building, and which is used exclusively by the occupants of the main building. The provisions of this Section do not apply in A-1 and A-2 Zones.

SECTION 21.2 ACCESSORY USE. A use customarily incidental and accessory to the principal use of a lot or a building located upon the same lot or building site. The provisions of this Section do not apply in A-1 and A-2 Zones.

SECTION 21.3 AGRICULTURAL ZONE. Zone A-1 or A-2.

SECTION 21.4 ALLEY. A public or private thoroughfare or way, permanently reserved and having a width of

not more than twenty (20) feet, which affords only a secondary means of access to abutting property.

SECTION 21.5 APARTMENT. A room or suite of two (2) or more rooms in a multiple dwelling, occupied or suitable for occupancy as a residence for one (1) family.

SECTION 21.6 APARTMENT HOUSE. A building or portion thereof designed for or occupied by two (2) or more families living independently of each other.

SECTION 21.7 AUTO COURT. A group of attached or detached buildings containing individual sleeping or living units with garage attached or parking space conveniently located to each unit, all for the temporary use by automobile tourists or transients; including tourist courts, motels or motor lodges.

SECTION 21.8 AUTOMOBILE STORAGE SPACE. A permanently maintained space on the same lot or building site as the use it is designed to serve, having an area of not less than two hundred (200) square feet, and so located and arranged as to permit the storage of, and be readily accessible to, a passenger automobile of average size under its own power.

SECTION 21.9 AUTOMOBILE WRECKING. The dismantling or wrecking of used motor vehicles or trailers or the storage, sale or dumping of dismantled or wrecked motor vehicles or their parts. The use of more than two hundred (200) square feet of the area of any lot for this purpose shall be deemed auto wrecking.

SECTION 21.10 BASEMENT. A story partly underground and having at least one-half its height measured from its floor to its finished ceiling, below the average adjoining grade. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its finished ceiling is over five (5) feet.

SECTION 21.11 BOARD OF SUPERVISORS. The Board of Supervisors of the County of Riverside.

SECTION 21.12 BOARDING, ROOMING OR LODGING HOUSE. A building where lodging and meals are provided for compensation for six (6) but not more than fifteen (15) persons, not including rest homes.

SECTION 21.13 BORROW PIT. Any lot where dirt, soil, sand, gravel or other material is removed by excavation, or otherwise below the grade of surrounding land for any purpose other than that necessary and essential to grading or preparation for building construction or operation on the premises; excluding necessary excavations for installation of public utilities and public rights of way or easements.

SECTION 21.14 BUILDING. A structure having a roof supported by columns or walls. (See "Structure").

SECTION 21.15 BUILDING HEIGHT. The vertical distance measured from the average level of the highest and lowest points of that portion of the lot covered by the building to the uppermost portion of the building.

SECTION 21.16 BUILDING SITE. The ground area of a building or buildings together with all open spaces adjacent thereto, as required by this ordinance.

SECTION 21.17 BUNGALOW COURT. Two (2) or more dwelling units detached or connected.

SECTION 21.18 BUILDING SETBACK LINE. The distance between the proposed building line and the highway line.

SECTION 21.19 BUILDING, MAIN. A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the main building on the lot on which the same is situated.

SECTION 21.20 CAMP, PUBLIC. The area or tract of land used or designed to accommodate two (2) or more camping parties, including tents or other camping outfits.

SECTION 21.21 CLINIC. A place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room, nor kept overnight on the premises.

SECTION 21.22 CLUB. A non-profit association of persons who are bona fide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

SECTION 21.23 COMMISSION. The Riverside County Planning Commission.

SECTION 21.24 COMPENSATION. The word "compensation" means anything of value.

SECTION 21.25 COUNTY. The County of Riverside.

SECTION 21.26 COURT. An open unoccupied space other than a yard on the same lot with a building, and which is bounded on two (2) or more sides by such building or buildings.

SECTION 21.27 DWELLING. A building or portion thereof designed for or occupied exclusively for residential purposes including one family and multiple dwellings but not including hotels, auto courts, boarding or lodgings or houses.

SECTION 21.28 DWELLING UNIT. A building or portion thereof used by one (1) family and containing but one (1) kitchen.

SECTION 21.29 DWELLING, ONE FAMILY. A building containing but one (1) kitchen and used to house

not more than one (1) family, including domestic employees of such family.

SECTION 21.30 DWELLING, MULTIPLE FAMILY. A building or portion thereof used to house two (2) or more families, including domestic employees of each such family, living independently of each other, and doing their own cooking.

SECTION 21.31 DWELLING, GUEST. A building which occupies not more than one-fiftieth (1/50) of the area of the lot on which it is situated, which contains no cooking facilities and which is used exclusively for housing of members of a single family and their non-paying guests. No reduction of the general side or rear yard setbacks shall be allowed for guest dwelling despite any other provisions of this ordinance.

SECTION 21.32 EDUCATIONAL INSTITUTIONS. Schools, colleges, or universities, supported wholly or in part by public funds, and other schools, colleges and universities giving general instructions, as determined by the California State Board of Education.

SECTION 21.33 ERECTED. The word "erected" includes built, built upon, added to, altered, constructed, reconstructed, moved upon, or any physical operations on the land, required for a building.

SECTION 21.34 FAMILY. An individual or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons, excluding servants, who are not related by blood or marriage, living together as a single house-keeping unit in a dwelling unit.

SECTION 21.35 GARAGE, PRIVATE. An accessory building or a main building or portion thereof, used for the shelter or storage of self-propelled vehicles, owned or operated by the occupants of a main building and wherein there is no service or storage for compensation.

SECTION 21.36 GARAGE, PUBLIC. Any building, except one herein defined as a private or storage garage, used for the storage, care or repair of self-propelled vehicles or where any such vehicles are equipped for operation or kept for hire.

SECTION 21.37 GARAGE, STORAGE. Any building or portion thereof, other than one defined herein as a public garage or private garage, used only for the storage of self-propelled vehicles.

SECTION 21.38 HOTEL. A building designed for or occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, in which there are six (6) or more guest rooms, and in which no provision is made for cooking in any individual room or suite; jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes or similar buildings where human be-

ings are housed and detained under legal restraint, are specifically not included.

SECTION 21.39 HOTEL, RESORT. A hotel, including all accessory buildings as defined in Section 21.38 of this ordinance, and having a building site or hotel grounds containing not less than fifty thousand (50,000) square feet. Such hotel may have accessory commercial uses operated primarily for the convenience of the guests thereof, provided there is no street entrance directly to such commercial uses, and further provided such commercial uses shall not occupy more than twenty (20) per cent of the ground floor area of such hotel building.

SECTION 21.40 JUNK YARD. The use of more than two hundred (200) square feet of the area of any lot for the storage of junk, including scrap metals or other scrap materials.

SECTION 21.41 KITCHEN. Any room in a building or dwelling unit which is used for cooking or preparation of food.

SECTION 21.42 LABOR CAMP. Any building or group of buildings where any number of farm help is housed where such farm help is employed principally in the general area of the building site.

SECTION 21.43 LOADING SPACE. Any off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading materials.

SECTION 21.44 LOT. (1) A parcel of real property as shown on a delineated parcel of land with a separate and a distinct number or other designation on a plat recorded in the Office of the County Recorder of Riverside County; or (2) a parcel of real property not so delineated and containing not less than six thousand (6,000) square feet and abutting on a street or alley and held under separate ownership from adjacent property prior to the effective date of this ordinance; or (3) a parcel of real property not so delineated containing not less than six thousand (6,000) square feet, abutting on a street or alley, if the same was a portion of a larger piece of real property held under the same ownership prior to the effective date of this ordinance.

SECTION 21.45 LOT AREA. The total horizontal area within the lot lines of a lot.

SECTION 21.46 LOT, CORNER. A lot located at the junction of two (2) or more intersecting streets having an angle of intersection of not more than one hundred thirty-five (135) degrees, with a boundary line thereof bordering on two (2) of the streets.

SECTION 21.47 LOT LINES. The boundary lines of lots are:
Front Lot Line: The line dividing a lot

from the street. On a corner lot only one (1) street line shall be considered as a front lot line, and such front lot line shall be determined by the Commission.

Rear Lot Line: The line opposite the front lot line.

Side Lot Lines: Any lot lines other than the front lot line or the rear lot line.

SECTION 21.48 LOT, REVERSED CORNER. A corner lot, the side street line of which is substantially a continuation of the front lot line of the lot upon which it rears.

SECTION 21.49 LOT, INTERIOR. A lot other than a corner lot.

SECTION 21.50 LOT, KEY. The first lot to the rear of a reversed corner lot and not separated by an alley.

SECTION 21.51 LOT, THROUGH. An interior lot having frontage on two (2) parallel or approximately parallel streets.

SECTION 21.52 NON-CONFORMING BUILDING. A building which was legal when established, but which because of the adoption or amendment of this ordinance conflicts with the provisions of this ordinance applicable to the district in which such building is situated.

SECTION 21.53 NON-CONFORMING USE. The use of a building or land which was legal when established, but which because of the adoption or amendment of this ordinance conflicts with the provisions of this ordinance applicable to the district in which such use is located.

SECTION 21.54 OCCUPANCY, CHANGE OF. The term "change of occupancy" shall mean a discontinuance of an existing use and substitution thereof of a use of a different kind or class.

SECTION 21.55 OCCUPIED. The word "occupied" includes: used, arranged, converted to, rented, leased, or intended to be occupied.

SECTION 21.56 OUTDOOR ADVERTISING OR SIGN. As defined by the Business and Professions Code of the State of California.

SECTION 21.57 PARKING AREA, PUBLIC. An open area other than a street or alley used for the temporary parking of more than four (4) automobiles, and available for public use whether free, for compensation, or as an accommodation for clients or customers.

SECTION 21.58 PERSON. The word "person" includes association, company, firm, corporation, partnership, co-partnership or joint venture.

SECTION 21.59 PLACE OF PUBLIC ASSEMBLY. Any place designed for or used for the congregation or gathering of twenty (20) or more persons in one room where such gathering is of a public nature assembly hall,

church, auditorium, recreational hall, pavilion, place of amusement, dance hall, opera house, motion picture theater, outdoor theater, or theater, are included within this term.

SECTION 21.60 RANCH, GUEST. A hotel, including all accessory buildings and commercial uses operated primarily for the convenience of the guests thereof, having a building site or hotel grounds containing not less than four and one-half (4½) acres.

SECTION 21.61 REQUIRED LOT AREA. Where a number follows the zoning symbol on any map hereafter adopted: (1) the number of acres shown by such number if such number is less than one hundred (100); (2) the number of square feet shown by such number if such number is greater than one hundred (100). If no number follows the zoning symbol the required area is six thousand (6,000) square feet in Zones R-1 and A-1 and twenty thousand (20,000) square feet in Zone A-2.

SECTION 21.62 ROOF. The solid cover of a building.

SECTION 21.63 STABLE, COMMERCIAL. A stable for horses which are let, hired, used or boarded on a commercial basis and for compensation.

SECTION 21.65 STORY. That portion of a building included between the surface of any floor and the finished ceiling next above it or the finished under surface or the roof directly over that particular floor.

SECTION 21.66 STREET. A public or an approved private thoroughfare or road easement which affords the principal means of access to abutting property but not including an alley.

SECTION 21.67 STREET LINE. The boundary line between a street and abutting property.

SECTION 21.68 STREET, SIDE. That street bounding a corner lot and which extends in the same general direction as the line deemed the depth of the lot.

SECTION 21.69 STRUCTURE. Anything constructed or erected and the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground, but not including walls and fences less than six (6) feet in height. (See Building.)

SECTION 21.70 STRUCTURAL ALTERATIONS. Any change in the supporting members of a building, such as bearing walls, columns, beams, girders, floor joists or roof joists.

SECTION 21.71 TRAILER. A vehicle designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons or property, including a trailer coach. The term "trailer" shall also include self-propelled vehicles used for human habitatic

SECTION 21.72 TRAILER PARK. Any lot, open area or parcel of land used for parking or storage of trailers used for housekeeping or sleeping or living quarters.

SECTION 21.73 USE. The purpose for which land or a building is arranged, designed, or intended, or for which either is or may be occupied or maintained.

SECTION 21.74 USED. The word "used" includes occupied, arranged, designed for or intended to be used.

SECTION 21.75 YARD. An open and unoccupied space on a lot on which a building is situated and, except where otherwise provided in this ordinance, open and unobstructed from the ground to the sky.

SECTION 21.76 YARD, FRONT. A yard extending across the full width of the lot between the side lot lines and between the front lot line and either the nearest line of the main building or the nearest line of any enclosed or covered porch.

SECTION 21.77 YARD, REAR. A yard extending across the full width of the lot between the side lot lines and measured between the rear lot line and the nearest rear line of the main building or the nearest line of any enclosed or covered porch. Where a rear yard abuts a street it shall meet front yard requirements of the district.

SECTION 21.78 YARD, SIDE. A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the main building, or of any accessory building attached thereto.

ARTICLE XXII.

ENFORCEMENT, LEGAL PROCEDURE AND PENALTIES

SECTION 22.1 ENFORCEMENT. The Sheriff, County Surveyor, Building Inspector, County Clerk and all officials charged with the issuance of licenses and permits shall enforce the provisions of this ordinance.

SECTION 22.2 BUILDING PERMIT NOT TO BE ISSUED. No building permit shall be issued for the erection or use of any structure or part thereof, or for the use of any land which is not in accordance with the provisions of this ordinance. Any permit issued contrary to the provisions of this ordinance shall be void and of no effect.

SECTION 22.3 LEGAL PROCEDURE. Any building or structure erected or maintained, or any use of property, contrary to the provisions of this ordinance shall be and the same is hereby declared to be unlawful and a public nuisance and the District Attorney shall, upon order of the Board of Supervisors, immediately commence action or actions, proceeding or proceedings for the abatement, removal and enjoinder thereof, in

the manner provided by law; and shall take such other steps, and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such building, structure or use and restrain and enjoin any person from setting up, erecting or maintaining such building or structure, or using any property contrary to the provisions of this ordinance. It shall be the right and duty of every citizen to participate and assist the County Officials in the enforcement of the provisions of this ordinance.

SECTION 22.4 REMEDIES. All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility of correcting, prohibited conditions or removing prohibited buildings, structures or improvements, nor prevent the enforced correction or removal thereof.

SECTION 22.5 PENALTIES. Any person, firm or corporation violating any of the provisions of this ordinance or of any permit or exception granted hereunder shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the County Jail for not to exceed six (6) months, or by both such fine and imprisonment. Each separate day or any portion thereof during which any violation of this ordinance occurs or continues shall be deemed to constitute a separate offense and upon conviction thereof shall be punishable as herein provided.

SECTION 22.6 SALE OF COPIES. Copies of the zoning ordinance may be sold by the County Clerk at the uniform charge of One Dollar (\$1.00) per copy and all monies received therefrom shall be paid into the County Treasury as prescribed by law.

ARTICLE XXIII.

VALIDITY

This ordinance and the various parts, sections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby. The County Board of Supervisors hereby declares that it would

have passed this ordinance and each part thereof, regardless of the fact that one or more parts thereof be declared unconstitutional or invalid.

ARTICLE XXIV.

AUTHENTICATION

It is hereby expressly provided and declared that this Ordinance shall take effect thirty (30) days from and after its passage, and prior to the expiration of fifteen (15) days from the passage thereof shall be published once in the RIVERSIDE ENTERPRISE, a newspaper of general circulation, printed and published in the County of Riverside, together with the names of the members of the Board of Supervisors voting for and against the same.

BOARD OF SUPERVISORS OF
THE COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA.
By W. V. PITTMAN,
Chairman.

ATTEST:
G. A. PEQUEGNAT,
County Clerk and ex-officio
Clerk of the Board of
Supervisors.
By H. C. BEGOLE, Deputy.
(SEAL)

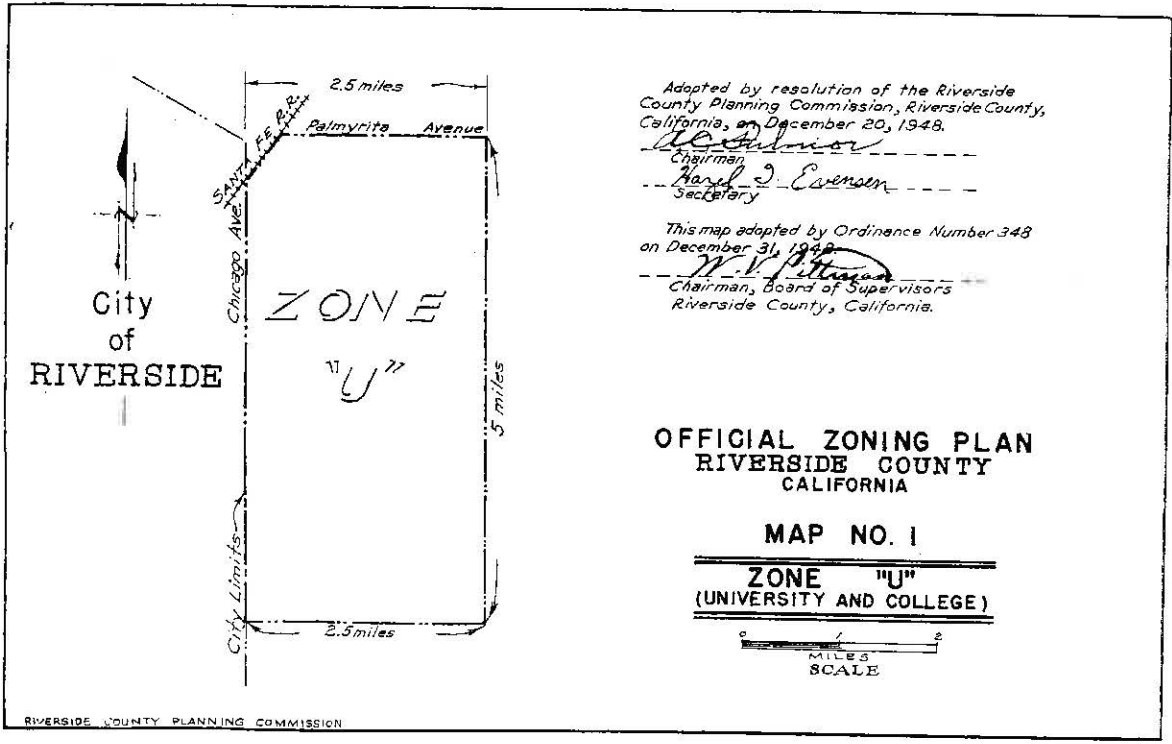
County of Riverside) ss.
State of California)

I, G. A. PEQUEGNAT, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Riverside, State of California, do hereby certify that at an adjourned meeting of the Board of Supervisors held on the 31st day of December, 1948, the foregoing ordinance consisting of twenty-four (24) Articles, was adopted by vote of the Board of Supervisors as follows:

Supervisor Weirick voted Aye.
Supervisor Hill voted No
Supervisor Easley voted Aye
Supervisor Gilmore voted Aye
Supervisor Pittman voted Aye
Ayes Four Noes One
Absent: None.

IN WITNESS WHEREOF I have hereunto set my hand and official seal this 31st day of December, 1948.

G. A. PEQUEGNAT,
County Clerk and ex-officio
Clerk of the Board of
Supervisors of the County of
Riverside, State of California.
(SEAL)
By H. C. BEGOLE,
Deputy



Adopted by resolution of the Riverside County Planning Commission, Riverside County, California, on December 20, 1948.

Allen Johnson
Chairman
Harold J. Evenden
Secretary

This map adopted by Ordinance Number 348 on December 31, 1948.

M. V. Pittman
Chairman, Board of Supervisors
Riverside County, California.

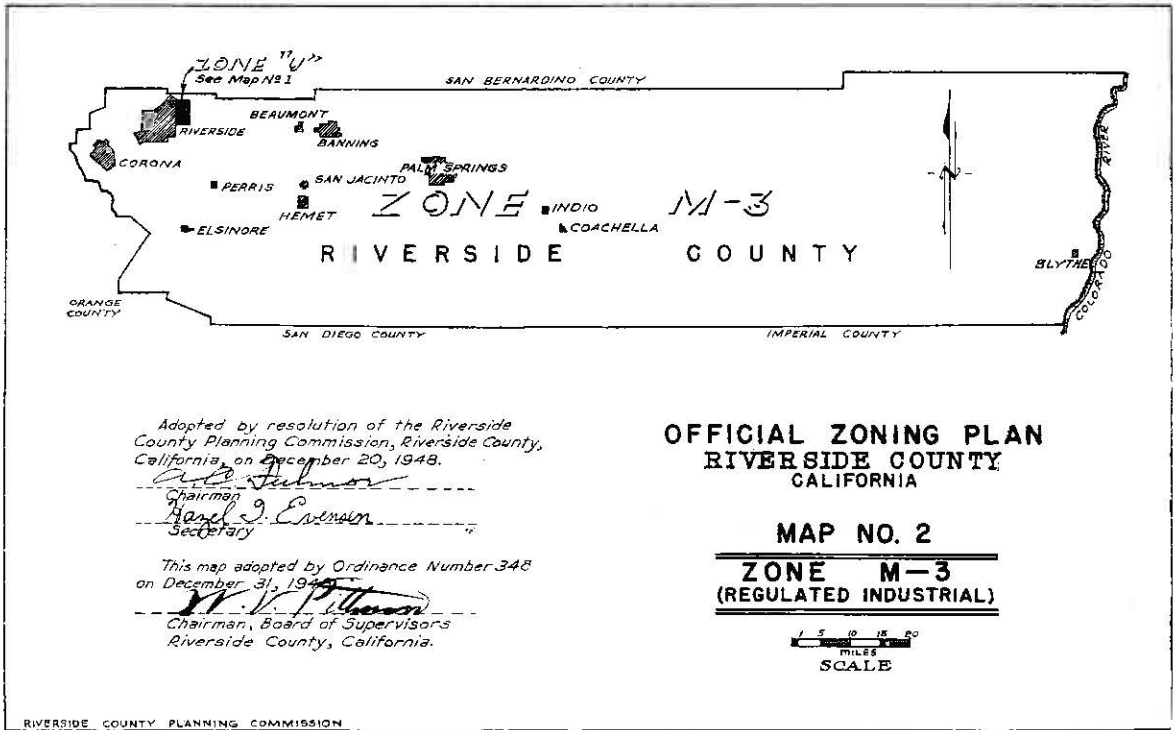
**OFFICIAL ZONING PLAN
RIVERSIDE COUNTY
CALIFORNIA**

MAP NO. 1

**ZONE "U"
(UNIVERSITY AND COLLEGE)**



RIVERSIDE COUNTY PLANNING COMMISSION



Adopted by resolution of the Riverside County Planning Commission, Riverside County, California, on December 20, 1948.

Allen Johnson
Chairman
Harold J. Evenden
Secretary

This map adopted by Ordinance Number 348 on December 31, 1948.

M. V. Pittman
Chairman, Board of Supervisors
Riverside County, California.

**OFFICIAL ZONING PLAN
RIVERSIDE COUNTY
CALIFORNIA**

MAP NO. 2

**ZONE M-3
(REGULATED INDUSTRIAL)**



RIVERSIDE COUNTY PLANNING COMMISSION

EXHIBIT 2

STATION AT PEACE BRINGS THANKSGIVING TO FORE

Observation of Day Must Continue Its Religious Distinction, Pastor Declares

Declaring that "great love demands great recognition," Dr. John M. Baxter, in his sermon at the Rosewood Methodist Church yesterday said that in spite of the demands that beset the world, and which come as a result of a violation of divine laws, the world, and especially the people of America have much to be grateful for during this Thanksgiving season.

HUNT NEW RELIGION. CHURCHMAN ADVISES

Discussing "A Religion for the Skeptical," Dr. Shubert Howard, in his sermon yesterday at First Universalist Church said that every person should be skeptical enough to be always looking for a new and better religion. Dr. Howard said that we have mistaken stewardship for ownership.

E. F. MAGNIN ANSWERS CRITICS OF RELIGION

"It is up to religious leaders to explain to young people that their period of youth is natural and that they will outgrow it," declared Rabbi E. F. Magnin in his sermon yesterday at Temple B'nai B'rith.

GOVERNMENT NEEDS CHURCH, PASTOR SAYS

"Rev. George White, pastor of Bethany Lutheran Church, preached yesterday on "One Great, Good Reason for Thanksgiving."

SPRITUAL FAILURES ABOUND, DIVINE SAYS

"The fact that our Constitution upholds the principle of separation of church and state is one reason for devout thanksgiving on the part of every fair-minded and law-abiding Christian."

SEAL CAMPAIGN CALL ISSUED

Proclamation by Mayor Sets Drive for Funds to Fight Plague

A Christmas Seal proclamation to the citizens of Los Angeles issued by Mayor Porter says: "Whereas, for many years there has been conducted an annual nation-wide sale of Christmas Seals, the proceeds of which in the past furnished the financial means that aided and accelerated the triumphant endeavors of the medical profession and benevolent and charitable organizations to curb tuberculosis, and

"Whereas, we are confronted with the necessity of continuing the good fight, Now, therefore, I, John C. Porter, Mayor of the city of Los Angeles, do proclaim to all of our people 'The Annual Sale of Christmas Seals' to be conducted from next Thursday to the beginning of the year 1951 by the Los Angeles Tuberculosis Association, at the same time urging them to lend every support to this great humanitarian endeavor by purchasing these seals of surety, thus insuring that the benevolent work of eradicating tuberculosis will be consummated."

Taylor Named New President of Oil Company

A. V. Taylor, oil operator, geologist and attorney, has been elected to the presidency of the Pan-California Petroleum Company, Ltd., and the California United Gasoline Corporation to succeed Eugene Edward Peacock, who died Friday at his home in San Antonio.

Wife Reports Mate Missing

Police have been asked to search for John P. Goyhenich, 47 years of age, an oil man, who has been missing from his home, 317 Wetherby Drive, Beverly Hills, for three weeks.

CHRISTIAN SCIENTISTS HEAR HEALING SERMON

"Soul and Body" was the subject of the Christian Science lesson-sermon yesterday in all branches of the Mother Church, the First Church of Christ, Scientist, in Boston.

SEVERAL ASSESSMENT MAPS WIN APPROVAL

The City Council has approved the assessment district maps for the improvement of Colton street between Broadway avenue and Birch street, for the Croft avenue and First street district, for the improvement of Seventh street at Boyle avenue and Rio street, for the improvement of Madison avenue at First street, for the improvement of Cornelia Drive near Avenue 51 and for the improvement of the Glister Blise Drive and Oryal Drive districts.

ANYONE CAN LEARN TO FLY, AERONAUTIC EXPERT SAYS

"If you can drive an automobile you can learn to fly," says Maj. T. G. Lanphier. He is president of the Bird Aircraft Corporation of Brooklyn, N. Y., and consulting engineer for the Bird Aircraft Company of Detroit and the E. W. Bliss Motor Company of Brooklyn.

BULLOCKS WISHIRE November Reductions

SPORTSWEAR

—winter fashions and accessories—many acceptable for gifts—at reductions in accordance with the policy of bullock's-wishire—all carefully selected fine merchandise at greatly lowered prices—read the partial list

STREET FLOOR

costume jewelry including necklaces, bracelets, brooches, at a fraction, \$4.75 afternoon and evening bags, mostly brocades—less than half price at . . . \$4.75

COLLEGIENNE

little group of dresses in sizes 18—originally \$39.50—now . . . \$27 dresses in street and afternoon types originally \$50 and \$39.50 now . . . \$37

collegienne footwear

casual wool dresses in sizes 12 to 40 originally \$25 and \$35, now . . . \$18 casual wool dresses and suits originally \$16.75 and \$19.50—limited number—\$13

—winter fashions and accessories—many acceptable for gifts—at reductions in accordance with the policy of bullock's-wishire—all carefully selected fine merchandise at greatly lowered prices—read the partial list

boys' navy blue suits

for boys 13 to 20, these exceptionally desirable suits; chevots and unfinished worsteds regularly higher—\$25 (street floor)

women's fine millinery

just a mere fraction of original prices: felt, velvets, chenilles and soles included in this \$5 group (on the second floor)

imported silk step-in girdles

complete range of sizes from 27 to 32 in these silk faille girdles with sections of silk elastic—originally \$45 (second floor)

misses' finer evening gowns

exclusive one-of-a-kind models, sizes 18, gowns designed for youthful figures—originally \$89.50 to \$350—half price (third floor)

SECOND FLOOR

winter coats in sizes 14 to 38, at less; some originally \$95 to \$350

select group of suits in sizes 14 to 40; originally \$165 to \$465—reduced

fur-trimmed winter coats in sizes 14 to 40—were \$125 to \$150—reduced

street and afternoon dresses that were originally \$89.50 to \$198.50

group of dresses including street and afternoon types—were \$69.50 to \$89.50

dresses in town and afternoon types—originally \$89.50 to \$125—reduced

little collection of evening gowns—exclusive models originally \$125 to \$325

evening gowns that were originally \$69.50 to \$98.50—now reduced

lovely little group of evening gowns originally \$89.50 to \$125—reduced

CHILDREN'S STORE

girls' imported coats, some embroidered—were \$25 to \$75 . . . now at half

tailored coats for girls 2 to 6; originally \$15 to \$25—now reduced to . . . \$9.75

girls' silk dresses sizes 2 to 12 and some imports have been reduced to . . . \$9.75

100 girls' sweaters, sizes 4 to 14 years, were originally \$7.50 to \$12.50—now . . . \$5.95

girls' felt hats—desired colors at a mere fraction of their original price . . . \$3.95

girls' camelote coats, in sizes 4 to 12—were originally \$40 to \$65—now . . . \$35

boys' four-piece knicker suits in sizes 6 to 12—reduced for this event to . . . \$19.50

Jury Selection Resumes Today in Their Trial

Friday, will be resumed when the case is called again this morning. The defendants are accused of misappropriating funds entrusted to their care for investment by clients.

TOM MIX VICTIM OF AUTO TIRE THIEVES

An automobile accessory thief yesterday included Tom Mix, cowboy film actor, among his victims. While Mix was in his home at 8125 Sunland, he had the thief removed and escaped with two tires which were from the actor's car, which he had parked

FROM OVERSEAS

"Please, sir, will you give the something? Just imagine how terrible it is to be an outcast from human society, and also to be hated by every one."

Landay: You will either pay the two months' rent you owe or go to the lodge. Thanks for the alternative. My last husband's wanted box. —Buen Humor, Madrid. "I am proud of the way my son has worked his way up."

EXHIBIT 3

Nervous Tone Marks Trading in Grain Pit

CHICAGO, Aug. 21.—(Special)—Wheat futures closed higher at a grain trade market today, but the nervous tone of the market was evident in the trading of other grain contracts.

MARKET FLASHES

NEW YORK, Aug. 21.—(Special)—Wheat futures closed higher at a grain trade market today, but the nervous tone of the market was evident in the trading of other grain contracts.

NEW YORK CURB STOCKS

Table listing New York Curb Stocks with columns for stock names, prices, and changes. Includes stocks like American Express, United Fruit, and various industrial shares.

MARKET AVERAGES

Table showing Market Averages for various stock indices and categories, including Dow Jones Industrial Average and other market baskets.

PRODUCE MARKET

(United States Bureau of Markets)—The following reports have been prepared by the United States Bureau of Markets, Washington, D. C., for the week ending August 21, 1930.

PERMITS ISSUED

The following permits have been granted by the California State Board of Public Works, Sacramento, California, for the week ending August 21, 1930.

Wanted \$1,000 to \$10,000

Well-managed Corporation desires additional capital because of profitable opportunities available at this time in their line of business.

Investment Securities of the Highest Type

R. L. Dunn, Jr. & Co. 330 West Sixth St., Los Angeles Telephone: Trinity 8891.

Transamerica

We have prepared a special report on Transamerica and copies are now available on request.

INVESTMENT ADVISORS

550 So. Spring St., Trinity 5581 Los Angeles, Calif. Room 513, Security Bank Building 315 and Pine, Long Beach Phone: 6345-63422

Putting \$100. to work

Whenever you have \$100. or multiples of \$100., that you wish to invest safely and profitably, Pacific Coast 6% Coupon Certificates offer you an ideal investment.

Pacific Coast BUILDING-LOAN ASSOCIATION

"WHAT INVESTMENT IS BEST FOR ME?" Recently a client came to us and said, "I have \$5000 to invest in a good investment trust. Which trust would you suggest?"

COLLATERAL TRUSTEE SHARES

This trust not only offered a liberal current return, but afforded unusual diversification and security, together with attractive appreciation possibilities.

W. N. ANDERSON & Co. 650 S. Spring St., Los Angeles Telephone: VanDike 2168

LOCAL GRAINS

Table listing local grain prices for various types of wheat, corn, and other grains.

COTTON MARKET

Table listing cotton market prices for different grades and types of cotton.

POULTRY PRICES

Table listing poultry prices for various types of chickens, turkeys, and ducks.

RUBBER MARKET

Table listing rubber market prices for different grades of rubber.

NAVAL STORES

SAVANNAH, Aug. 21.—(Special)—The following reports have been prepared by the United States Bureau of Markets, Washington, D. C., for the week ending August 21, 1930.

Safe Marketable Investments

Recently we have been associated in the underwriting and offering of substantial bond issues for (\$25,000,000) Pacific Gas & Electric Company (\$8,000,000) Indianapolis Power & Light Company Pacific Power & Light Company

Here are Bargains in TAX-FREE BONDS

The upward movement in the high-grade bond market over the past nine months has been particularly marked in the field of municipals. General obligations and school district bonds are today selling to yield 4% to 4.20%—approximately 1/2% less than a year ago.

MUNICIPAL BOND COMPANY

650 So. Spring St. LOS ANGELES Phone: Trinity 3801 825 Bank of Italy Building, SAN DIEGO 609 Finance Center Bldg., OAKLAND

LIVE-STOCK MARKET

(Furnished by Federal-State Live-Stock Commission)—ESTIMATED RECEIPTS OF LIVE STOCK AT CHICAGO, ILL., FOR THE WEEK ENDING AUGUST 21, 1930.

LOS ANGELES MARKET

LOS ANGELES, Aug. 21.—(Special)—The following reports have been prepared by the United States Bureau of Markets, Washington, D. C., for the week ending August 21, 1930.

OUTSIDE MARKETS

CHICAGO, Aug. 21.—(Special)—The following reports have been prepared by the United States Bureau of Markets, Washington, D. C., for the week ending August 21, 1930.

BAY CITY CURB

SAN FRANCISCO, Aug. 21.—(Special)—The following reports have been prepared by the United States Bureau of Markets, Washington, D. C., for the week ending August 21, 1930.

EXHIBIT 4

NOTICE OF PUBLIC HEARING BEFORE THE RIVERSIDE COUNTY PLANNING COMMISSION ON APPLICATION FOR M-3 PERMIT TO ESTABLISH, OPERATE AND MAINTAIN A ROCK CRUSHER AND QUARRY ON PROPERTY LOCATED EASTERLY FROM A. T & S.F. RAILROAD RIGHT OF WAY, APPROXIMATELY 1/2 MILE SOUTHERLY FROM CAJALCO ROAD AND APPROXIMATELY 3/4 MILE EASTERLY FROM STATE HIGHWAY NO. 71 IN THE TEMESCAL CANYON AREA, IN THE UNINCORPORATED TERRITORY OF RIVERSIDE COUNTY, CALIFORNIA.

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Riverside County Planning Commission on application for M-3 Permit to establish, operate and maintain a rock crusher and quarry on property located easterly from A. T. & S.F. Railroad right of way approximately 1/2 mile southerly from Cajalco Road and approximately 3/4 mile easterly from State Highway No. 71 in the Temescal Canyon Area, in the unincorporated territory of Riverside County, and more particularly described as follows:

That portion of the SW $\frac{1}{4}$ of Sec. 15, T. 4 S., R. 6 W. S.B.B. & M. described as follows: Commencing at a point which bears N. 89°55'30" E. a distance of 250.00 feet from the one-quarter section corner on the west line of said Section 15; thence S. 28°18' E. a distance of 785.00 feet to the point of beginning of the parcel of land to be described; thence E. a distance of 1360.00 feet; thence S. a distance of 1300. feet; thence W. a distance of 919.02 feet to a point on the Ely right of way line of the A. T. & S.F. R.R.; thence Nly along the said Ely right of way line on a curve concave to the SW, having a radius of 1195.91 feet, through an angle of 56°57'15" an arc length of 1188.78 feet; (the initial radial line bears N. 30°43'30" W.); thence NWly along the said Ely right of way line on a curve concave to the SW having a radius of 2341.83 feet, through an angle of 02°30', an arc length of 102.18 feet (the initial radial line bears S. 42°19'15" W.); thence N. 50°10'45" W. along said Ely right of way line a distance of 243.46 feet; thence E. a distance of 198.13 feet to the point of beginning. Above parcel contains 32.096 acres, more or less.

Said public hearing will be held on Tuesday, January 27, 1959 at 3:45 o'clock P.M. in the Board of Supervisors Room, Court House, Riverside, California, at which time and place pertinent testimony will be heard.

EXHIBIT 5

May 8, 1970

STAFF REPORT

TO: Riverside County Planning Commission

RE: CONDITIONAL USE CASE NO. 1146
Paul Hubbs Construction Company
Rock Crushing-Asphalt Plant
Zone W-2
El Cerrito District

STAFF RECOMMENDATION: The staff recommends APPROVAL providing it can be demonstrated by the applicant that the use will not be detrimental and further that he abides by conditions as proposed by the staff which will include clearance from the Air Pollution Board, etc.

APPLICANT'S REQUEST: The applicant is requesting an expansion of his rock quarry which was granted under M-3 Case No. 404. The expansion will include the establishment of a rock crusher and asphalt plant.

DESCRIPTION OF PROPERTY AND SURROUNDING AREA: The property is situated between hills to the north, east, and south. The Santa Fe Railroad and the Temescal Wash run through the property. There are several houses north of the site but for the most part, with the exception of industry, the land is vacant through this portion of the Temescal Wash area. The zone is W-2 and the use is permitted by conditional use permit. The property cannot be seen from the freeway.

PLOT PLAN: The plot plan indicates that the asphalt plant will be located approximately 800 - 1,000 feet from the nearest residence, the rock crusher another 400 feet, and the screening plant another 2,000 feet from the nearest dwelling. Access will be taken over a 20 foot wide road leading northwesterly to Cajalco Road

CORRESPONDENCE: The State Division of Forestry has furnished the applicant with a copy of their recommendations. Water Quality Control asks that the matter be subject to their review. The following recommendations are suggested by the Road Department:

- a) That the intersection of the plant entrance road with Cajalco Road is inadequate. It is suggested that the applicant improve the intersection in conformance with a standard public road connection.
- b) That the plant entrance should, in addition to conforming with a standard public road connection, be elevated so as to provide sufficient sight distance looking west while exiting from the plant onto Cajalco. Existing railroad bed and tracks now hamper this sight distance. It should be noted that most of the exiting trucks from the plant are ignoring the existing stop sign.

Other agencies as yet have not commented.

RJS:lp

EXHIBIT 6

(Side 1 - 222-280)
2:45 P.M. PUBLIC HEARING
CONDITIONAL USE CASE NO. 1146
Paul Hubbs Construction Company
Rock Crushing-Asphalt Plant
Zone W-2
El Carrito District
First Supervisorial District

Property located approximately
one-half mile southerly of
Cajalco Road easterly of
A.T. & S. F. Railroad, approximately
one-half mile easterly of Temascal
Canyon Road

(Hearing opened 3:25 p.m., closed 3:50 p.m.)

PRESENTATION: Mr. Stokes presented the subject application together with all maps pertinent thereto, surrounding property owners having previously been notified according to the provisions of Ordinance No. 348. The application in question is an expansion of a rock quarry permit granted under M-3 Case No. 404. The proposed expansion consists of a rock crushing and asphalt plant. The general area is mostly industrial with a few scattered dwellings. The Road Department reports that the intersection of the entrance road with Cajalco Road is inadequate. It is suggested that the applicant improve the intersection in conformance with a standard public road connection and that it be elevated so as to provide sufficient sight distance looking west while exiting from the plant onto Cajalco. The proposed conditions require that the new facility be located at least one-fourth mile from Cajalco Road.

(Mr. Broiles administered oath to all persons wishing to present testimony.)

PROPNENT: Tony Martins, 119 West Victoria, Rialto (representing applicant)

OPPONENTS: None

Mr. Martins said that they had no objection to locating the plant one-quarter of a mile from Cajalco Road, neither did they object to complying to any requirements of the Road Department. He suggested the possibility that the Road Department had based its report on the old (existing) road to the property. He asked that the time period in the non-operation clause be extended to two years. In the construction business, it was not uncommon to be without work for a year or eighteen months. He also asked that the limitation on the hours of operation be removed. They often transported materials as far as 150 miles and the truckers preferred to travel on the highways during the hours of least traffic. The dwellings shown on the land use map belong to the same owner as the site under consideration.

There being no further testimony, the Chairman declared the public hearing

closed at 3:50 o'clock p.m.

FINDINGS: 1) The evidence submitted by the staff is correct. 2) With the conditions attached, the proposed use will not be detrimental to the welfare of the general area.

MOTION: It was regularly moved by Commissioner Lillibridge, seconded by Commissioner O'Donnell and unanimously carried that the Hearing Board recommend that the Planning Commission approve Conditional Use Case No. 1146 subject to the conditions as proposed and amended.

- - - - -

EXHIBIT 7

County of Riverside ^P_K

TO: Planning Department **DATE:** November 8, 1976

FROM: Land Use - Norman A. Lostbom

RE: Conditional Use Case No. 1146, Rock Crushing and Asphalt Plant, El Cerrito Area

Inspection of the property on November 1, 1976 revealed that the asphalt plant has not been constructed.

Facility contains an active borrow pit and rock crushing operation which were approved under M-3 #404 and is still in force.

Conditional Use #1146 is now closed.

NAL
NAL:bc

RECEIVED
NOV 11 1976

RIVERSIDE COUNTY
PLANNING COMMISSION

EXHIBIT 8



COUNTY OF RIVERSIDE
TRANSPORTATION AND
LAND MANAGEMENT AGENCY



Planning Department

Richard K. Lashbrook
Agency Director

Aleta J. Laurence, A.I.C.P.
Planning Director

May 21, 1998

Mr. Michael J. Tonkinson,
Tonkco Corporation
P.O. Box 4037
Orange, CA 92613

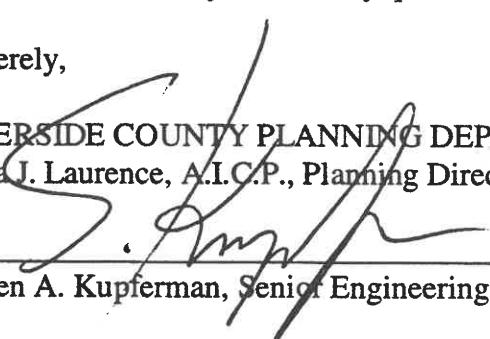
RE: Planning Commission Consent Calendar, Agenda Item 1.4, March 25, 1998
Tonkco Corp. Crushing and Screening Plan
Paul Hubbs Construction Company - Harlow Quarry
M-3 Use Permit Case No. 404/Reclamation Plan No. 118
Temescal Valley Area

Dear Mike:

On March 25, 1998 the Riverside County Planning Commission approved your plans and specifications to construct a crushing and screening plant within the limits of M-3 Use Permit, Case No. 404. This approval was required by Condition of Approval No. 6 for the subject M-3 Permit. A copy of the Planning Commission Staff Report and approved exhibit is attached to this letter. Please do not hesitate to call me at (909) 955-3211 if you have any questions concerning this matter.

Sincerely,

RIVERSIDE COUNTY PLANNING DEPARTMENT
Aleta J. Laurence, A.I.C.P., Planning Director


Steven A. Kupferman, Senior Engineering Geologist

SK:sk

cc: Jay Hubbs - Paul Hubbs Construction Co.
Scott Barber - Building and Safety, Code Enforcement
John Brewington - Building and Safety, Grading
Land Use Section, Riverside Office

CAFILES\WPGEOLGY\SMP\M3-404.WPD

Zoning Area/District: El Cerrito
Supervisory District: First
Regional Team: Geology
Planning Staff: Steve Kupferman

M-3 PERMIT CASE NO. 404, RECLAMATION
PLAN NO. 118
Planning Commission: March 25, 1998
Agenda Item No.: 1.4
Applicant: Tonkco Corporation/Hubbs Company

RIVERSIDE COUNTY PLANNING DEPARTMENT

STAFF REPORT

PROJECT DESCRIPTION AND LOCATION

The subject property currently operates under M-3 Case No. 404, granted by the County in 1959 for a rock crusher and rock quarry. Reclamation Plan No. 118 was approved for this site in 1982. The quarry is used primarily as a source for rip rap rock (large rock for erosion protection), however, periodically, the owner/operator has crushed and screened the smaller rock not suitable for rip rap into construction aggregate for asphalt, road base and similar uses. The applicant, Tonkco Corp., proposes to construct a crushing and screening plant within the limits of the M-3 permit, under a lease agreement with the owner/operator of the mine site. This plant is intended to replace previous similar operations that the mine operator/land owner, Hubbs Company, has previously operated on the site.

The reason for consideration of this request by the Planning Commission is to satisfy Condition of Approval No. 6 in the M-3 permit (attached). Condition No. 6 requires that prior to construction of the plant contemplated by the permit, plans and specifications shall be submitted to and approved by the Riverside County Planning Commission as to conformance with the conditions, rules, and standards. The owner/operator of this project, the Hubbs Company, cannot provide proof that this condition was ever satisfied. In addition, there was no indication in the County records of such approval.

The project site is located south of Cajalco Road and east of Temescal Canyon Road in the El Cerrito area.

SUMMARY OF FINDINGS:

- | | |
|--------------------------------|---|
| 1. Existing Land Use: | Rock quarry and related processing plant |
| 2. Surrounding Land Use: | Open space, scattered residential |
| 3. Existing Zoning: | M-R-A (Mineral Resources and Related Manufacturing) |
| 4. Surrounding Zoning: | M-R-A (Mineral Resources and Related Manufacturing), N-A (Natural Assets), SP (Specific Plan) |
| 5. Comprehensive General Plan: | Open Space and Conservation: Areas Not Designated as Open Space
Temescal-El Cerrito Community Plan: M - Mining |

6. Land Data: Total Acreage: M-3 Permit - 32 Acres

RECOMMENDATION:

APPROVAL of the plans and specifications for construction of an aggregate processing plant, so as to satisfy Condition of Approval No. 6 of **M-3 PERMIT CASE NO. 404**, based on the findings and conclusions incorporated in this staff report.

CONCLUSION:

1. The plans and specifications for construction of an aggregate processing plant submitted by the applicant satisfy Condition of Approval No. 6 of M-3 Permit, Case No. 404.

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

1. The subject property currently operates under M-3 Permit, Case No. 404, granted in 1959, which permits a rock quarry and crusher on the site.
2. Reclamation Plan No. 118 was approved by the County in 1982 for this site.
3. The applicant proposes to construct an aggregate processing plant within the limits of the M-3 permit. This plant will replace previous plants that have been operated on the site. The materials to be processed will be previously mined, excess rock material that is not suitable for the primary commodity on the site, rip rap.
4. The proposed plant will be semi-portable consisting of two crushers, three screen decks and at least seven stacking conveyor belts. The plant is rated at 800 tons per hour. The proposed annual production from this plant will not exceed the maximum reported tonnage data, as provided by the owner/operator. The maximum annual tonnage of processed rock reported by the owner is 264,828 tons.
5. The proposed plant location and plant specifications satisfy the requirements of Condition of Approval No. 6 for M-3 Permit, Case No. 404.

INFORMATIONAL ITEM:

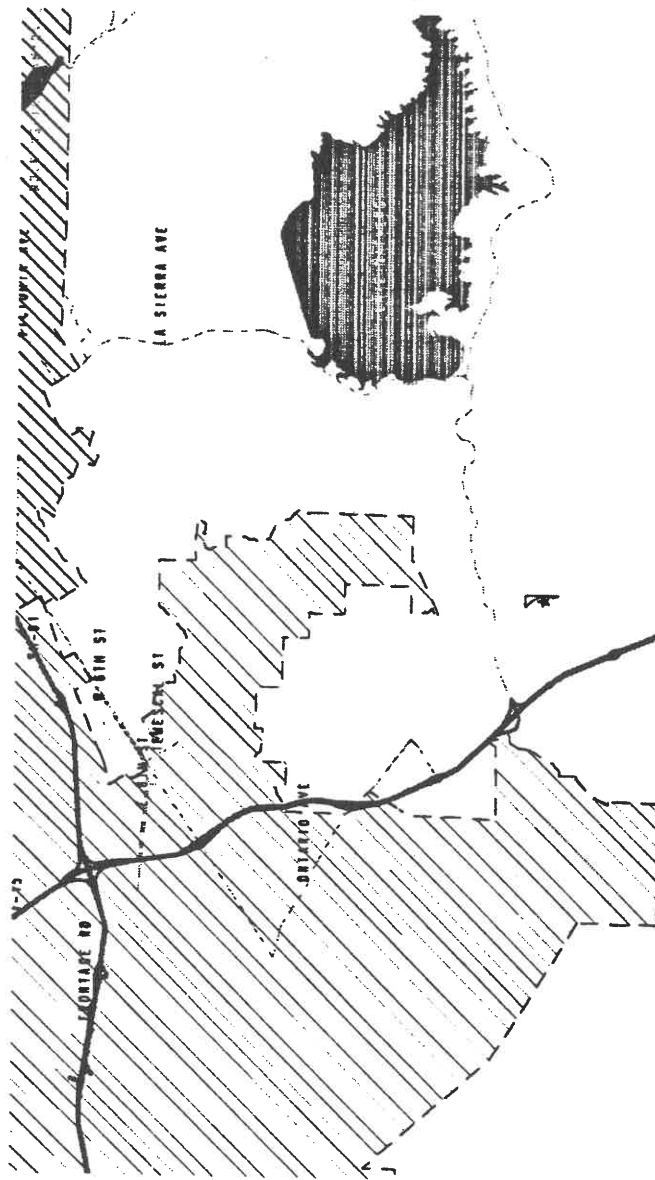
1. Portions of the proposed plant have already been constructed outside the limits of the M-3 permit. This plant site is situated on the side of a hill at the north side of property owned by the Hubbs Company and covered by Reclamation Plan No. 118, adjacent to the rock quarry. The applicant was informed by Planning staff that operations in this area were previously covered by an expired Conditional Use Permit. Approval of a new permit would be required if the operator were to

STAFF REPORT: PC 3/25/98
M-3 PERMIT CASE NO. 404
PAGE 3 OF 3

keep their new plant in this area. The applicant has subsequently agreed to locate the plant within the limits of the M-3 permit.

G:\Geology\SMP\RP118SR
SK:sk
3/18/98

ASSESSOR'S PARCEL NUMBER
281-220-002



VICINITY MAP

★ LOCATION OF PARCEL

RIVERSIDE



CORONA



LAKE, RESERVOIR
RIVER



HIGHWAYS



ARTERIAL ROADS



CITY BOUNDARY LINE



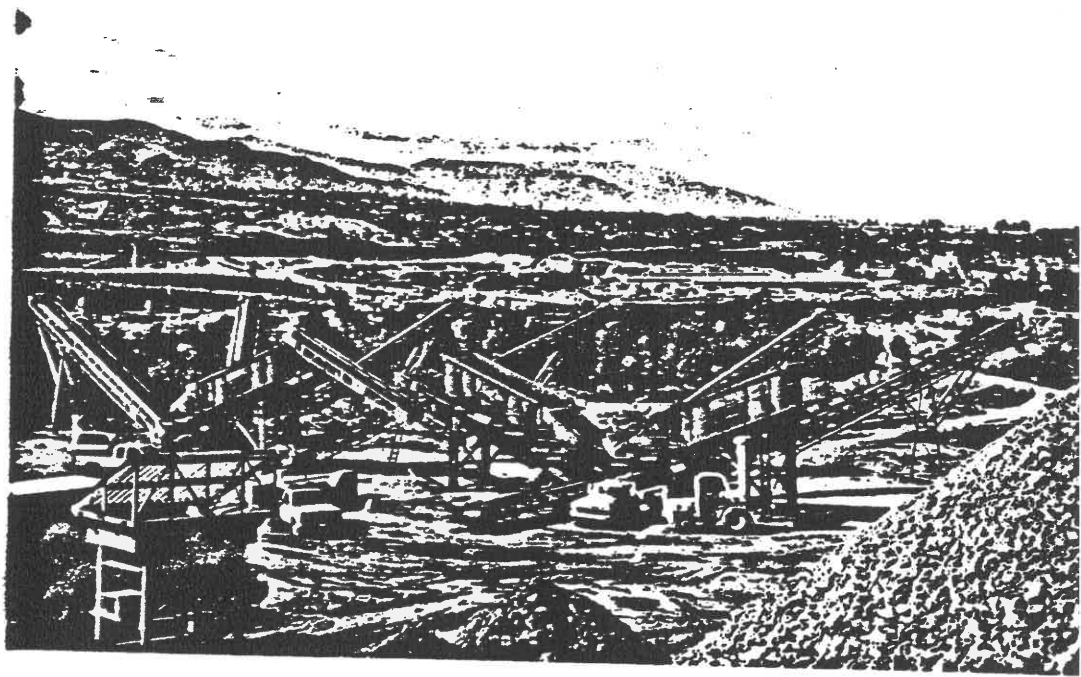
COUNTY BOUNDARY LINE



1" = 6000
APPROXIMATE SCALE

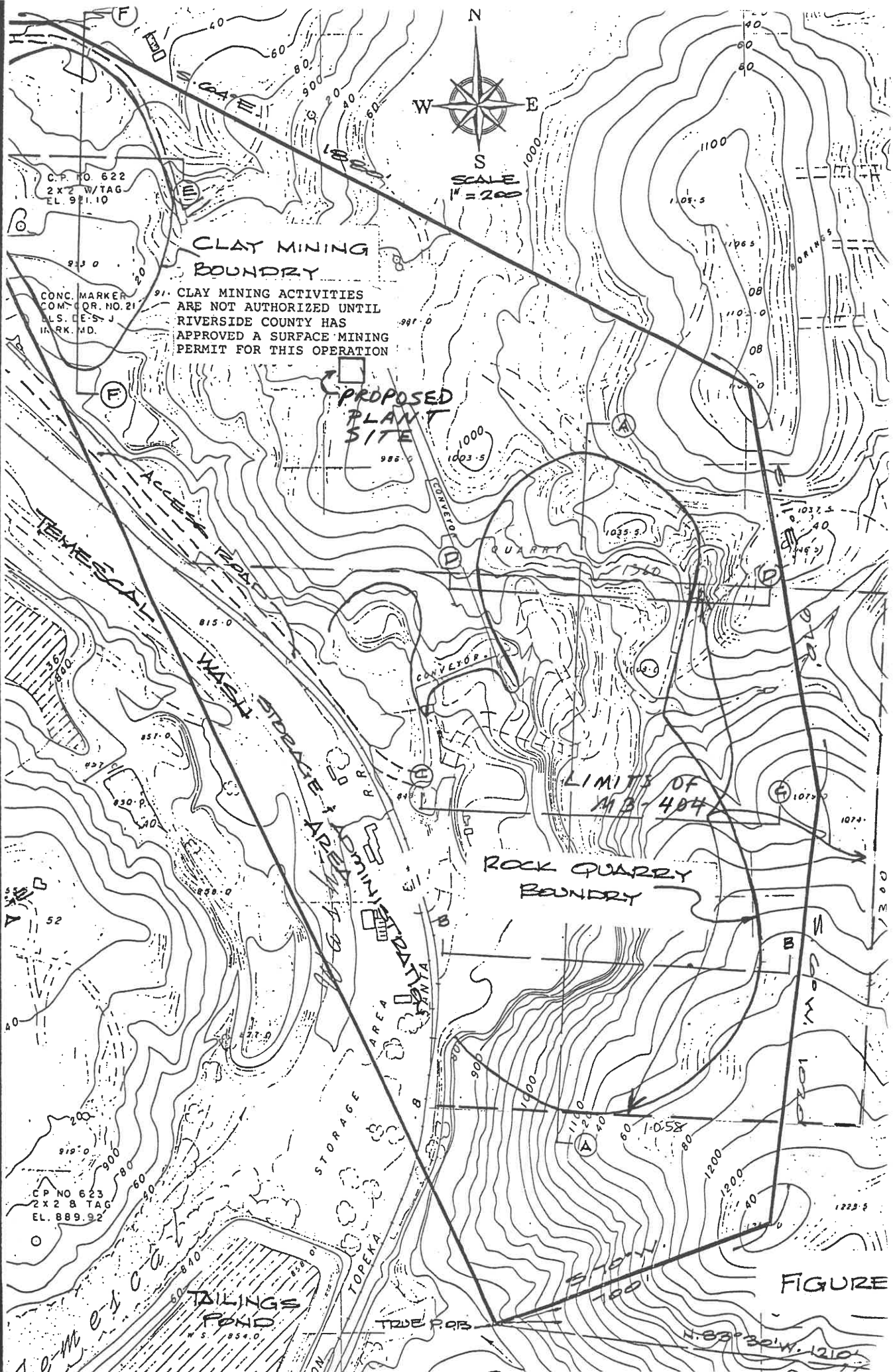
This map was made by the Riverside County Assessor's Office for the purpose of showing the location of the parcel described in the Assessor's Parcel Number 281-220-002. It is not intended to show the boundaries of the parcel, nor is it intended to show the location of the parcel relative to the boundaries of the city or county. The map is based on the best available information and is not guaranteed to be accurate.

PHOTOGRAPHS SUBMITTED BY APPLICANT
OF
PARTIALLY CONSTRUCTED PLANT



PLAN SUBMITTED BY APPLICANT

APPROVAL
CASE NO. M-3 #404



CLAY MINING BOUNDARY

CLAY MINING ACTIVITIES ARE NOT AUTHORIZED UNTIL RIVERSIDE COUNTY HAS APPROVED A SURFACE MINING PERMIT FOR THIS OPERATION

PROPOSED PLANT SITE

LIMITS OF M.B. 404

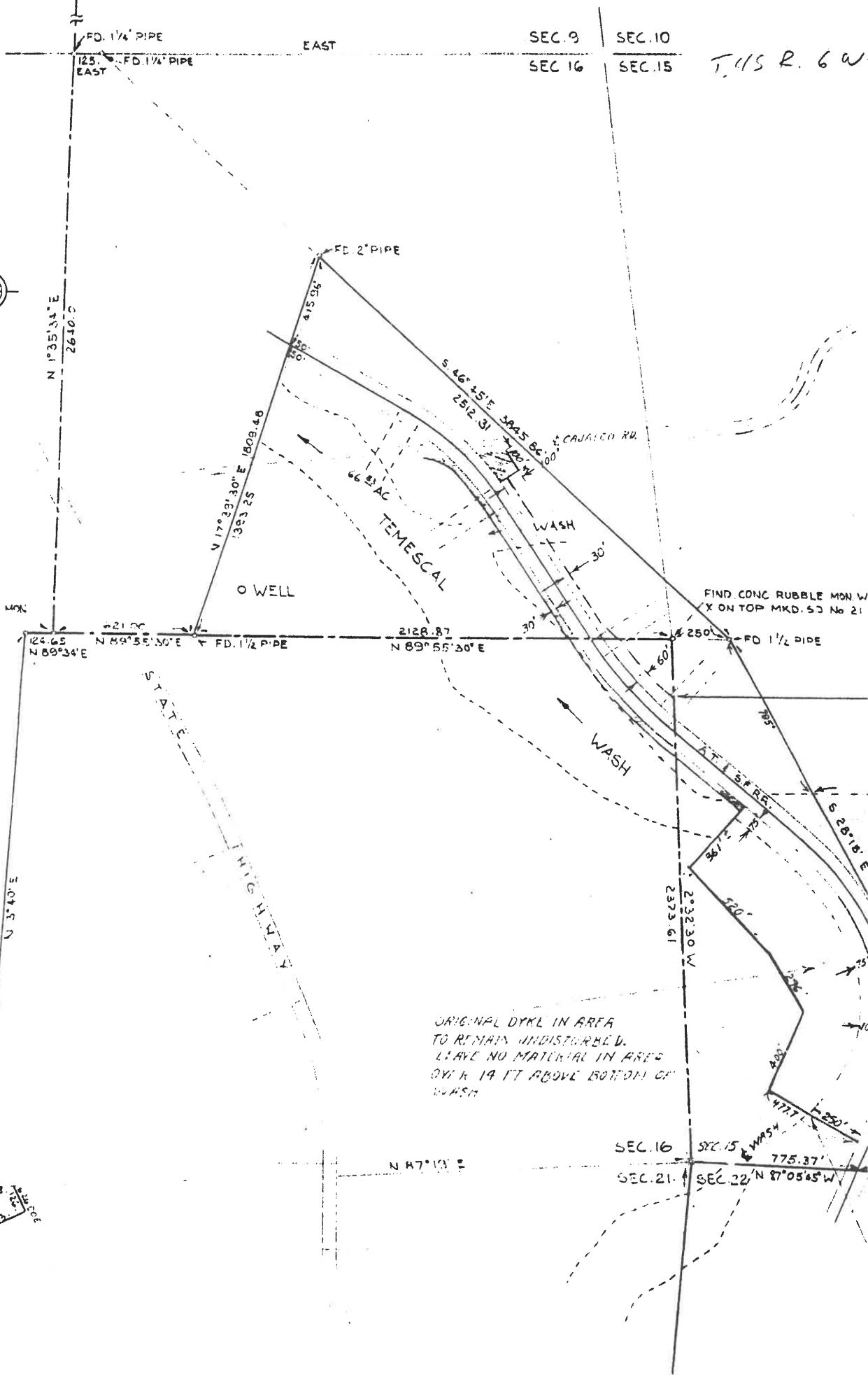
ROCK QUARRY BOUNDARY

FIGURE

N. 89° 32' W. 1210'

SEC. 9 SEC. 10
SEC. 16 SEC. 15

T. 115 R. 6 W.



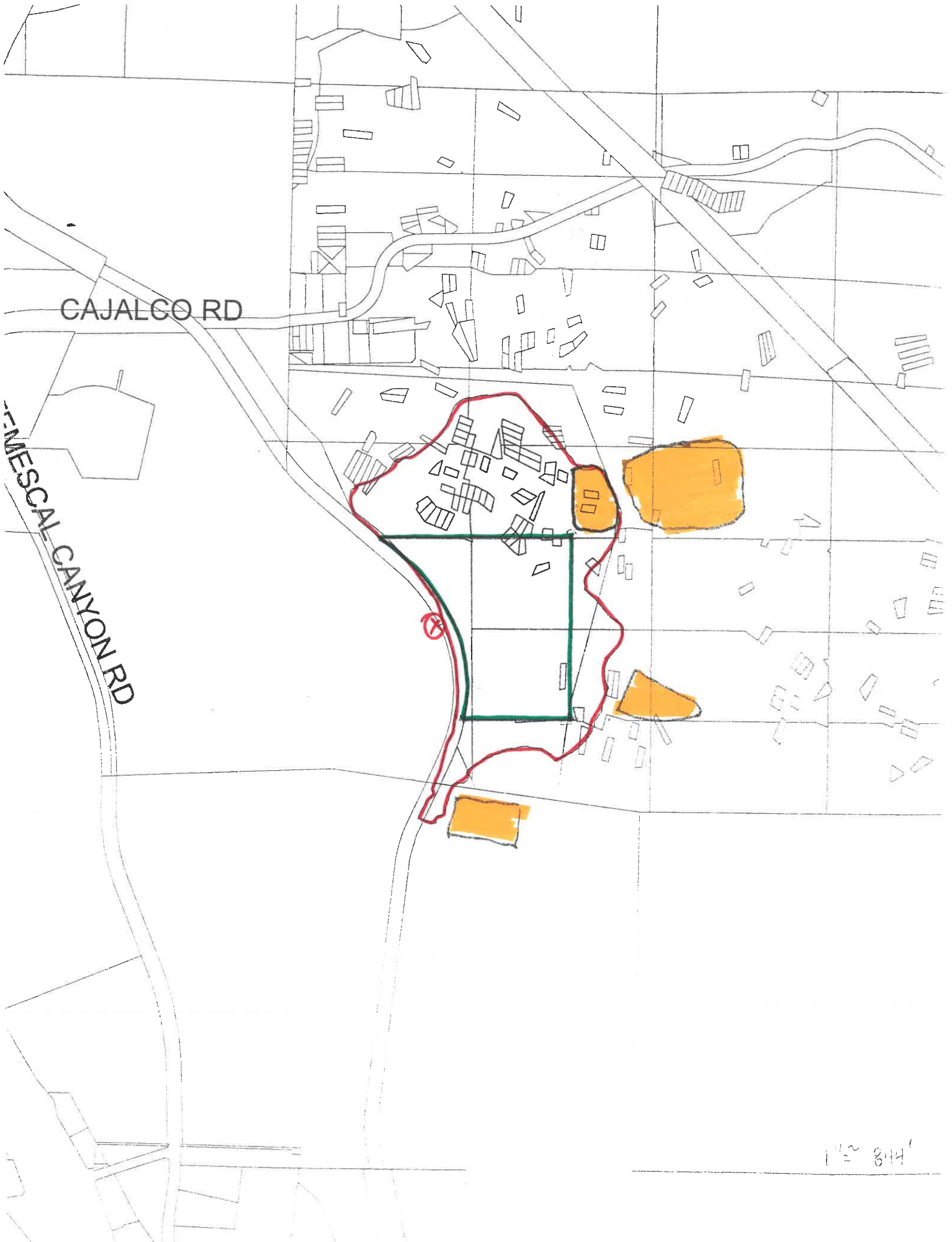
FIND 2" PIPE IN COC MON.
MKD 53 No. 20

FIND 1" PIPE AND 4.6 POST
FA - 1/4 COR

FIND CONC RUBBLE MON. W
X ON TOP MKD. 53 No 21

ORIGINAL DYKL IN AREA
TO REMAIN UNDISTURBED.
LEAVE NO MATERIAL IN AREA
DYKL 14 FT ABOVE BOTTOM OF
WASH

FIND 2.6 FOR 1/4 COR



1" = 844'

RECORD OF SURVEY

BEING A SURVEY OF A PORTION OF SECTIONS 15-16 & 21 T.4 S.
 R.6W S88. & M. AND TO SHOW THE CORRECTION OF THE
 LOCATION OF THE 1/4 SEC. COR ON THE NORTH LINE OF SEC. 22
 AS RECORDED IN RECORD SURVEY BOOK 9 AT PAGE 19.
 RECORDS OF THE RECORDER'S OFFICE OF RIVERSIDE COUNTY.

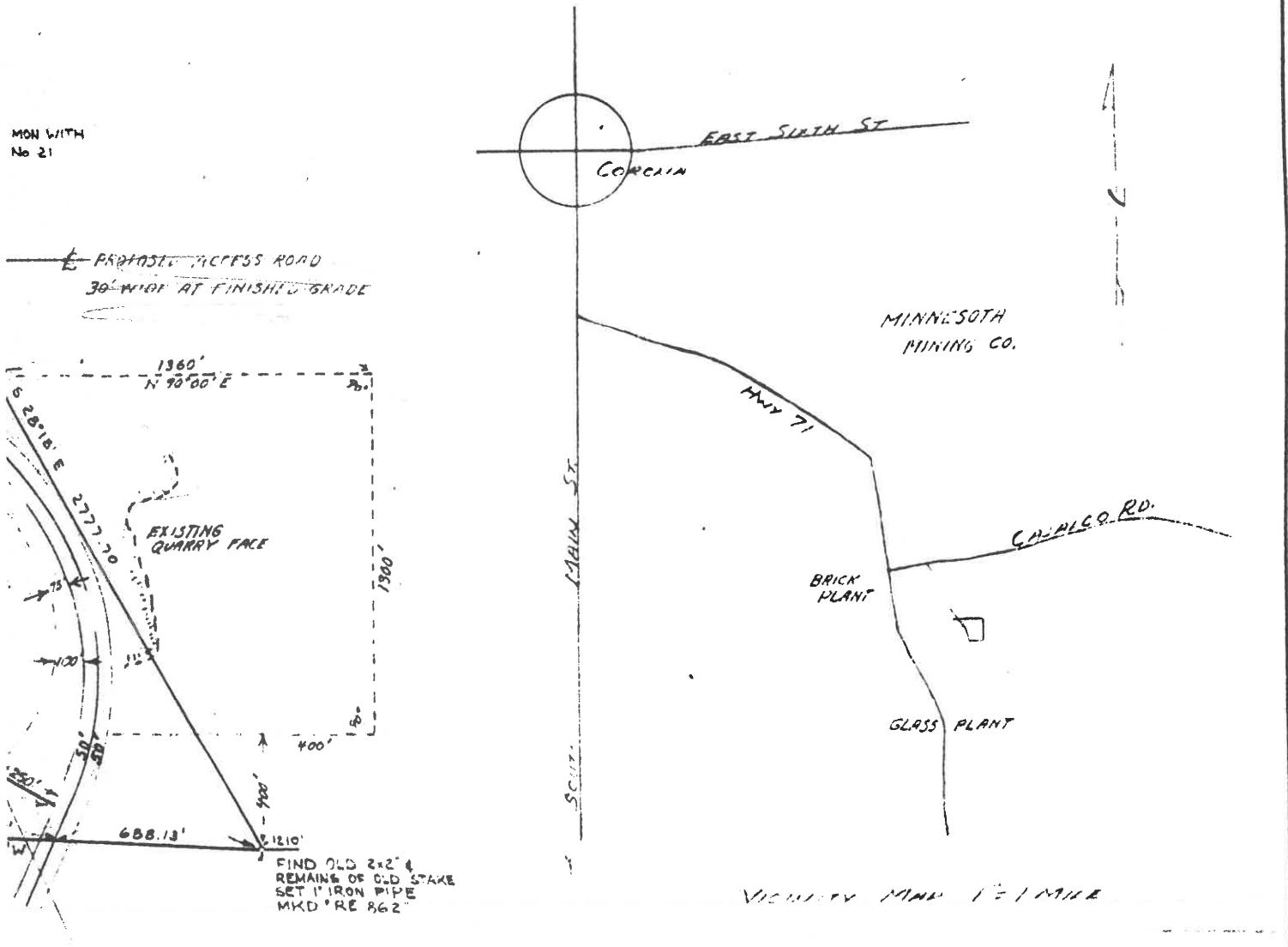
DAVIDSON & FULMOR - ENGRS
 CALIFORNIA
 SCALE 1" = 400'

APRIL 1936

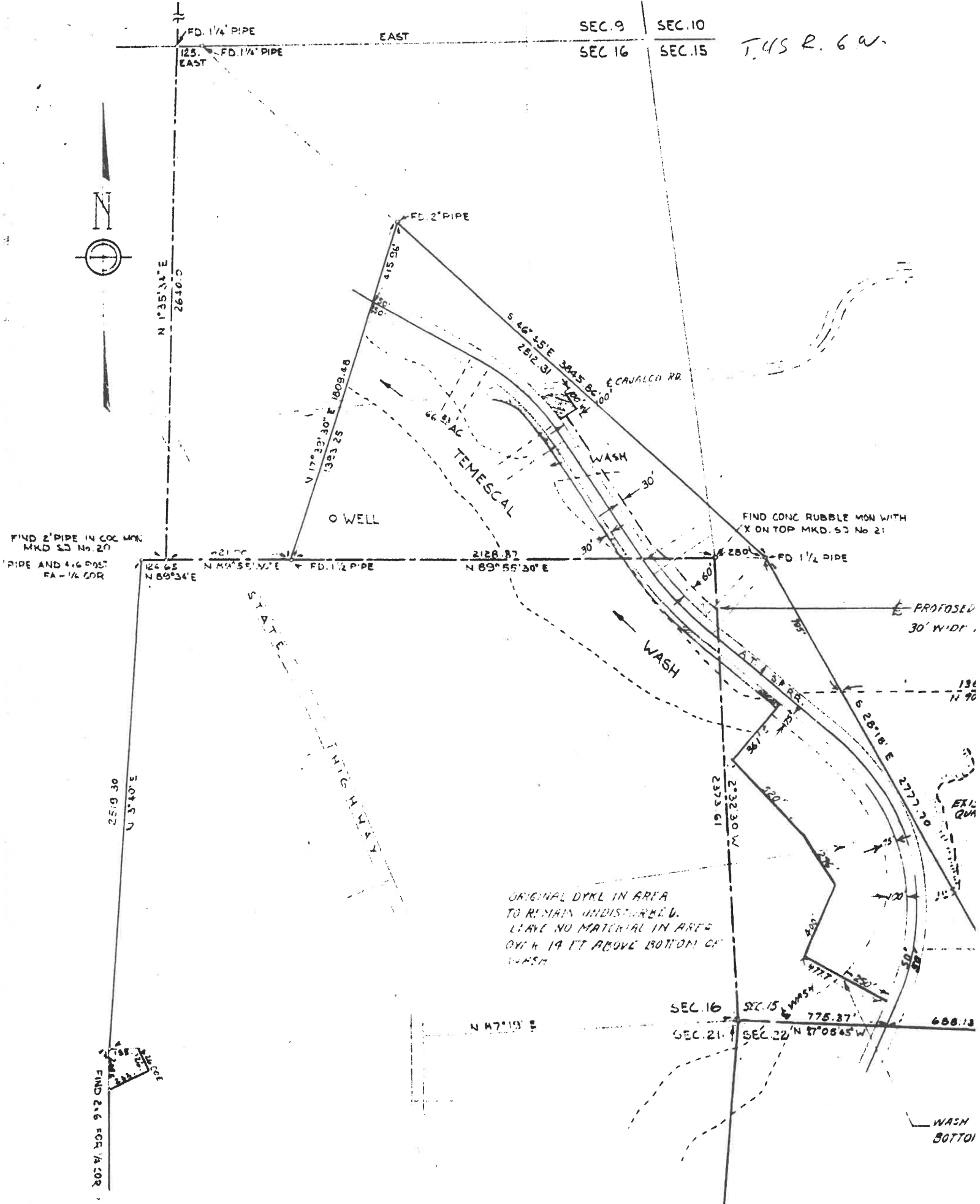
NOTE:

DISTANCES AS SHOWN ARE IN FEET AND DECIMALS THEREOF.
 BEARINGS DERIVED FROM A SOLAR OBSERVATION AND ARE TRUE COURSES
 ACREAGE AS SHOWN IS GROSS AND INCLUDES HIGHWAY AND RAILROAD
 RIGHT OF WAY
 EL SOBANTE DE SAN JACINTO RO. LINE SHOWN THUS ————

MON WITH
 No 21



Location Map.		
SCALE: 1" = 400'	APPROVED BY:	DRAWN BY:
DATE:		REVISED 11-13-38
HARLOW QUARRY ACCESS ROADS		
		DRAWING NUMBER



SEC. 9 SEC. 10
 SEC. 16 SEC. 15

T. 45 R. 6 W.



FIND 2" PIPE IN COC MKD MKD 53 No. 20
 PIPE AND 4.6 PDS FA - 1/4 COR

FIND 2.6 FOR 1/4 COR

O WELL

TEMESCAL

WASH

WASH

FIND CONC RUBBLE MON WITH X ON TOP MKD. 53 No. 21

PROPOSED 30' WIDR

ORIGINAL DYKL IN AREA TO REMAIN UNDISBURBED. LEAVE NO MATERIAL IN AREA DYKL 14 FT ABOVE BOTTOM OF WASH

WASH BOTTOM

10-41
 10-41-3

NOTICE OF PUBLIC HEARING BEFORE THE RIVERSIDE COUNTY PLANNING COMMISSION ON APPLICATION FOR M-3 PERMIT TO ESTABLISH, OPERATE AND MAINTAIN A ROCK CRUSHER AND QUARRY ON PROPERTY LOCATED EASTERLY FROM A. T. & S.F. RAILROAD RIGHT OF WAY, APPROXIMATELY 1/2 MILE SOUTHERLY FROM CAJALCO ROAD AND APPROXIMATELY 3/4 MILE EASTERLY FROM STATE HIGHWAY NO. 71 IN THE TEMESCAL CANYON AREA, IN THE UNINCORPORATED TERRITORY OF RIVERSIDE COUNTY, CALIFORNIA.

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Riverside County Planning Commission on application for M-3 Permit to establish, operate and maintain a rock crusher and quarry on property located easterly from A. T. & S.F. Railroad right of way approximately 1/2 mile southerly from Cajalco Road and approximately 3/4 mile easterly from State Highway No. 71 in the Temescal Canyon Area, in the unincorporated territory of Riverside County, and more particularly described as follows:

That portion of the SW $\frac{1}{4}$ of Sec. 15, T. 4 S., R. 6 W. S.B.B. & M. described as follows: Commencing at a point which bears N. 89°55'30" E. a distance of 250.00 feet from the one-quarter section corner on the west line of said Section 15; thence S. 28°18' E. a distance of 785.00 feet to the point of beginning of the parcel of land to be described; thence E. a distance of 1360.00 feet; thence S. a distance of 1300. feet; thence W. a distance of 919.02 feet to a point on the Ely right of way line of the A. T. & S.F. R.R.; thence Nly along the said Ely right of way line on a curve concave to the SW, having a radius of 1195.91 feet, through an angle of 56°57'15" an arc length of 1188.78 feet; (the initial radial line bears N. 30°43'30" W.); thence NWly along the said Ely right of way line on a curve concave to the SW having a radius of 2341.83 feet, through an angle of 02°30', an arc length of 102.18 feet (the initial radial line bears S. 42°19'15" W.); thence N. 50°10'45" W. along said Ely right of way line a distance of 243.46 feet; thence E. a distance of 198.13 feet to the point of beginning. Above parcel contains 32.096 acres, more or less.

Said public hearing will be held on Tuesday, January 27, 1959 at 3:45 o'clock P.M. in the Board of Supervisors Room, Court House, Riverside, California, at which time and place pertinent testimony will be heard.

BY _____

DATE _____

SIGNED BY: _____

PROJECT DESCRIPTION:

A. Description of Mineral Commodity:

The Mining operations being evaluated in this report have been in operation since at least the mid 1950's. Figure 1 shows the location of the property. The whole region along Temescal Creek has been mined for nonmetalliferous mineral commodities since the turn of the century. These commodities include sand and gravel, clay and rock.

The primary mining activity on the property is an open pit rock quarry called Harlow Quarry. (See Figure 2) Granitic and metamorphic type rock of varying character is quarried and used for a variety of purposes, primarily for flood control projects. The operating area of the quarry consists of a number of benches and working faces (quarry walls) that encompass approximately 20 acres. See the attached maps for location and topography of the quarry area.

A secondary mining operation is located at the north end of this property and is included within this operation and reclamation planning area. A thick bed of high quality clay (apparently a small outcrop of Silverado formation commercial quality clay) forms the top of a small hill at the north edge of the property. A small open pit clay mining operation has been developed in this deposit. It has been operated intermittently in the past and current plans call for similar operation in the future.

B. General Geology and Deposits Being Mined:

The project area is located in a complex geologic area southeast of the City of Corona. The primary references used in compiling the geologic information for the site are: "Geology of the Corona South Quadrangle and Santa Ana Narrows Area, Riverside, Orange and San Bernardino, California", California Division of Mines, Bulletin 178; and an unpublished Masters Thesis (Pepperdine College) by Pampeyan, "Geology of the Cajalco Area, Riverside County, California."

The mining operation lies in a transition zone between sedimentary deposits of the easternmost portion of the Los Angeles Basin and the igneous Southern California batholith as expressed by the Northwestern peninsular ranges (the Gavilan), otherwise noted as the Perris Block.

The local geology is dominated by the presence of the following features: The Santa Ana Mountain anticline, the Arena Blanca syncline and the Elsinore fault zone (the latter two features comprise the Corona-Elsinore Trough) to the west of the site; Temescal Creek and wash are adjacent to the site on the west and the Perris Block (Cajalco Bench) underlies the whole site.

RP 118

From an historic geologic perspective, the region traces its origin to the late Jurassic or early Cretaceous igneous intrusions that ultimately produced the Southern California batholith. These igneous rocks were emplaced into older marine sediments (Bedford Canyon formation) existing in the area at that time. Since then, sedimentary deposits from both the east and west have filled the Corona-Elsinore trough. At certain times sediments have been deposited on the western edge of the Perris Block.

During that period since the batholith's emplacement, the region has undergone an episode of folding (apparently compressional in origin) that resulted in the formation of the Santa Ana Mountain anticline and the Arena Blanca Syncline. Subsequent uplift created the mountains. The Elsinore fault zone (active into recent time) has contributed to the evolution of the Corona-Elsinore trough which is apparently an erosional feature with Temescal Creek wash representing the most recent geologic feature. Evidence suggests that it is a superimposed stream that has eroded a steep face primarily in basement rock (igneous) where the sedimentary and basement complex are in contact at the surface.

On the project site the major rock quarry has been developed in the igneous basement complex. Based on field evaluation the quarry is located in the Temescal Wash Quartz Latite Porphyry, with altered and unaltered Bedford Canyon sediments adjacent. The quarry exposes geologic material of all types, including zones of metasedimentary alteration. The existing quarry operation is shown in the maps.

The clay deposit is a small outlier of the Silverado Formation, a Paleocene sediment series which contains red clays of economic importance. On the property the deposit occupies a limited portion of a ridge at the northern end of the property. This deposit is not large and appears to occupy an area small than 10 acres. The existing clay quarry is shown in Figure 2.

C. The following is a limited description of the natural environmental and land use characteristics for the project site and adjacent area:

1. **Geology.** See Section B above for a description of historical structural and lithologic characteristics of the site. The site topography (See Figure 2) is highly varied and includes substantial man made modification due to quarrying operations. The west portion of the site is essentially flat since it is located in the Temescal Creek channel and flood plain. Recent Alluvial deposits cover this whole area. Moving east from the flood plain, the site enters the low hills that form the western edge of the Perris Block. Portions of this igneous bedrock are overlain by both Bedford Canyon metasedimentary sediments and the Silverado formation. The topography in this area has been altered by quarrying activity and consists of roads, road cuts, quarry benches and quarry walls (vertical). Elevations rise from approximately 850 feet to 1000 feet just above the highest quarry face. Vertical faces as high as 80 feet are located in the quarry.

The rest of the site is located north and west of the quarry. It consists of rolling hills sloping from south to the west and north. Highest elevation is located at the southern boundary at 1250 feet and lowest elevation is approximately 800 feet located at the northwestern boundary of the site.

2. Hydrology. With the exception of Temescal Creek, the site does not contain any permanent surface water. During prolonged or intense precipitation, the dry stream channels shown in Figure 2 on the ridge does carry concentrated flow (streams) which run off directly into Temescal Creek. Two large channels release stream flow into the quarry area. It flows across bedrock and quarry debris into Temescal wash. Runoff from the rest of the quarry flows as sheetwash or small streams into the creek. Runoff from the northern portion of the site flows generally to Cajaleo Road land and from there to Temescal Creek.

Temescal Creek has flowed year round for the past few years, but in the past it was an intermittent or ephemeral stream. Approximately 20 creeks in 3 distinct sub basins (including Elsinore Lake) contribute flow to Temescal Creek above its entry onto the property. Water quality in Temescal Creek varies with the volume of flow. When high flows occur due to precipitation, the sediment load and total dissolved solids (TDS) rise significantly. After flood flows recede the sediment load is minor and TDS ranges from 165 to 245 parts per million. (Data in this section is taken from "Santa Ana River Basin, Water Quality Control Plan Report, Part 1, Vol 1, 1975). No recent surface water quality data is available.

A well on the property (adjacent to Temescal Creek) provides all water required for operations. The occurrence of groundwater on the rest of the site (away from the creek) is not known but the probability is low (at any reasonable depth) due to the impermeable underlying bedrock. The nearest well data indicates high TDS in the groundwater (945PPM). Calcium is the major cation and carbonates and sulfates are the major anions.

3. Soils. Data on soils are obtained from sheet No. 82 of the "Western Riverside Area, California; Soil Survey", November 1971. The majority of the natural soil on undisturbed parts of the site are capability VII soils, i.e., incapable of agriculture and generally shallow and poor quality soils. The soils found on the property include: Rough broken land; Cortina cobbly loamy sand; Lodo rocky loam (25-50% slopes); and Temescal rocky loam. See Appendix B for detailed soil descriptions. Although generally poor quality soils from an agricultural standpoint, these soils support a typical mixed inland sage scrub climax vegetation community and some chapparral in higher locations. These soils are subject to severe erosion due to shallow soil profiles and steep slopes. Soils on the property do not have sufficient depth to warrant stockpiling the top soil. The areas already quarried and disturbed have had all soil removed and the remaining material is either rock out crops or weathered parent material.

4. Vegetation. The quarry sites are devoid of vegetation due to benching and quarrying operations. Within the property area designated for future expansion, the plant community consists of a typical natural brushland composed of inland sage scrub and mixed chaparral. Portions of the brushland are disturbed as a result of horseback riding trails established throughout the local area. Typical plant species found in the local area include: California buckwheat (*Eriogonum fasciculatum*), sagebrush (*Artemisia californica*), chamise (*Adenostoma fasciculatum*), and ceanothus (*Ceanothus* spp.).

5. Land Use. The project site has had approximately one third of its area altered by quarrying or quarry related land uses. Existing facilities and uses onsite include: graded access roads; abandoned railroad line; storage and working quarry areas; office, repair and scale area; and an abandoned conveyor belt system. The adjacent land uses (see Figure 2) include: to the west are open space and flood control areas in Temescal Wash, an abandoned sand and gravel dredging operation, abandoned reservoir ponds, citrus orchards, abandoned farm land, and an industrial storage area; to the south are abandoned ponds, more wash area, and open space on the major ridge into which the largest quarry face is cut; to the north are dirt roads, horse trails, used for recreation a few residences located adjacent to Cajalco road and disturbed open space; and to the east is more disturbed open space used primarily for equestrian recreation and hunting.

Proposed Operation:

A. Quarry operations began in the 1950's and they have been conducted continuously since that time. Based on existing rules and regulations the operators have had a vested right of operations since 1976. The owner proposes to reclaim the whole quarry site at the end of operations since areas mined prior to 1976 are integrally tied to current operations. Clay mining operations have been conducted at a low volume of removal since the 1960's. Reclamation of this area will include the whole operation for the same reason described above.

B. The projected operational lifetime for both quarries is 20 years. For the rock quarry this time frame is based on the mine site boundaries as currently configured. The rock resource adjacent to the quarry could extend the operational lifetime if incorporated, but no plans presently exist to do this. If such action is contemplated at a later date the mining plan will be amended. For the clay mining operation it is estimated that the total clay resource will be exhausted (on the property) by the end of 20 years. This is based upon projected mining rate of 5,000 tons per year (TPY).

C. Mining method. Multibench for the rock quarry and clay operations.

D. Type of mining operation: Rock quarry continuous; Clay quarry intermittent.

E. 1. Tonnage of mined material:

Rock quarry: est 75,000 TPY of rock

Clay mine: est 5,000 TPY of clay

2. Tonnage of waste overburden:

Rock Quarry: Minimal amount of overburden since almost all material will be used for construction operations. Est. 10,000 TPY.

Clay Quarry: Minimal amount of overburden due to the surface location of the formation being mined. Overburden estimate of 1,000 TPY maximum, with most being consumed in the rock quarry operation.

3. Total Tonnage to be Handled:

Rock Quarry: 85,000 TPY

Clay Quarry: 6,000 TPY

F. Maximum Anticipated Depth: Operations at both the rock and clay quarries are surface mining operations that are not anticipated to become open pit in character. Although not extending below the surface, the quarry will have walls that will result in a vertical relief of approximately 100 to 150 feet after 20 years at the rock quarry and approximately 50 feet in the clay quarry.

G. No processing, except size segregation of rocks, will be conducted at either operation.

H. Current water consumption for the rock quarry operation is estimated at about 5,000 gallons per day. This is used almost exclusively for dust control of quarry operations and transport of the rock. The clay operation is expected to consume only minimal amounts of water (1,000 GPD of operations or less) for dust control. All water is obtained from the existing well onsite.

Mining Plan:

A. The progression of mining for the rock quarry is shown in Figures 3-7. Five year increments are shown on the cross sections contained in Figures 7A-7D. These 5 year increments show those areas of the quarry anticipated to be mined at a rate 75,000 TPY during each period. Figure 7 shows the final contours at the end of 20 years of operations. Figure 8-11 shows the equivalent progression of mining for the clay quarry. Figures 12 and 13 show the cross sections for the clay mine.

B. As previously indicated mining has been conducted at both locations for many years. Because it is operated continuously, substantial equipment is located at the rock quarry. At the clay mine, which is operated intermittently, mining equipment is brought to the site as needed.

C. Refer to Figures 1-11 for maps containing the features and information requested in Items C.1. through C.5.

Reclamation Plan:

A. Refer to Figures 7A-7D, 12 and 13 for cross sections of the mine in its final form.

B. The area to be reclaimed at the rock quarry is shown in Figure 7. Approximately 50-60 acres will be reclaimed. The area to be reclaimed at the clay mine is shown in Figure 11. Approximately ten acres will be reclaimed in this area.

C. The rock quarry will ultimately consist of a series of flat (gently sloping) benches of varied width (as shown in Figures 3-7D) and vertical walls approximately 40 feet in height. A road will provide access to each bench. Depending on future zoning the rock quarry area could potentially be used for light industrial purposes, particularly open storage which would require a minimum amount of water for operation. If not used for industrial purposes it is probable that the land will function as non-use open space.

The clay mine area should be suitable for residential use or as usable open space, such as horseback riding, at the end of its operation.

D. Soil will be removed from both mine locations as part of normal operations. Based on the soil survey (and field confirmation) the local soils are not generally suitable for stockpiling. However, fine material from quarry operations (not actual soil) will be available at the end of the mining operation for emplacement on the bench. With proper fertilization and vegetation planting the material should serve as an adequate growing medium which will eventually evolve into soil.

E. Reclamation Methods, Sequence and Timing.

1. Backfilling and grading: Vertical quarry faces or walls will not be affected by this process. Benches will be covered by fine materials remaining from quarry operations. A depth of 1 to 2 feet will be replaced by loaders and graded by grading equipment to create a very shallow slope to the rear (towards the vertical face) of the benches. This will be done at the termination of mining.

2. Slopes of vertical faces in the igneous rock are extremely stable. The walls will be scaled (loose material knocked loose) and left in their final mined state. The only change to this plan would be if joint patterns in the rock encountered in future mining operations indicated instability. In such case the slope would be modified to a safe non-hazardous angle and it would be properly stabilized using artificial means, if necessary. At the clay mine, slopes will be angled 1:1 or 2:1 to ensure a stable slope during operation. This slope will be replanted without backfilling if possible. The final reclaimed slopes shall not exceed an angle of 2:1.

3. It is not anticipated that any tailing or waste material dumps will exist at the end of mine operations. The only material not used at the rate generated in both operations is the fine material. Accumulated fines will be used to backfill quarry benches and it will all be consumed in this manner.

4. As shown in Figure 2 only minor runoff channels currently cross the rock quarry and no such channels cross the clay mine site. At the end of mining at the rock quarry the two major runoff channels will be combined at the quarry. The flow will be directed into an artificial channel constructed in bedrock to which flow from the benches will also be directed. This channel will carry runoff the short distance to Temescal Creek. At the entrance to the creek a rock energy dissipator will be constructed to prevent erosion at that point. The final artificial channel will not be constructed until the end of mine operations. Temporary channels will be used up to that time and alignments may vary during operations. The channel will be kept free of debris as much as possible to minimize sediment input to Temescal Creek during operations. Calverts will be used under roads where the final channel crosses them.

At the clay mine the only drainage of concern will be that generated onsite. If feasible slopes will be left in a fashion that will generate only sheet flow. If necessary, a small artificial channel (with components similar to that described above) will be constructed to convey flow to the natural stream channel just to the north.

5. All usable equipment will be removed from the site at the completion of operations. The rest of the equipment and refuse will be removed by the operator to a proper landfill or recycling facility or will be sold for salvage where feasible. The remaining buildings will be left intact and mothballed until a decision is made on future use of the property. At that time a decision will be made on what to do with the structures. Clean up of all debris will be an ongoing process, but final clean up will be completed within one year after final closure of the operations at both the rock and clay quarries.

6. As far as is known the only contaminants generated at either operation is natural sediment which may enter Temescal Creek and become part of the suspended sediment load carried by this creek. Once the site is final graded and the channel is constructed across the rock quarry, potential sediment load should attain a minimum level over the long term.

7. The methods to minimize the erosion and sedimentation have been described above. The only treatment of natural streambeds and banks will occur where the upper natural wash is connected to the artificial channel which will traverse the quarry and where the artificial channel enters Temescal Creek. No unusual problems are anticipated at these locations. It is probable that since flows will be larger and the channel shorter, the artificial channel will require several energy dissipation features or it will have to be filled with rock to minimize erosion potential.

3. The hazards remaining at the end of operations are all related to the vertical walls. Above the walls, set back approximately 10 to 20 feet, a barbed wire fence will be constructed as a barrier to persons who might accidentally fall down the vertical face of these quarry walls. Signs will be posted at 100 foot intervals on the fence to warn persons of the hazards. At the base of the walls signs will be posted noting the dangers of falling rock. As previously noted the walls of both quarries will be scaled and, where appropriate, constructed at an appropriate angle of repose to minimize hazards of slope failure. The tops of all wall faces shall be rounded to reduce the hazard of loose rock falling.

9. As indicated above, benches and shallow slopes will be revegetated with an appropriate seed mix. All disturbed areas native plants listed in appendix "C" will be used for replanting as indicated. If other uses are proposed then a suitable revegetation seed mixture will be used. All benches angled at 2:1 or less will be appropriately fertilized and hydromulched to initiate a successful plant cover. After an initial revegetation effort, the area will be surveyed and, if necessary, a follow up effort will be conducted at appropriate locations.

10. As indicated above it is anticipated that no waste piles will be left onsite at the completion of mining. All other final slopes will be field reviewed and checked by an engineer to confirm their stability.

Note: All reclamation measures will be implemented within one year after mine closure, unless otherwise noted.

F. During operation of the mines the following reclamation activities will be conducted:

1. Due to the heavy equestrian recreation present in the area, the rock quarry operations will be fenced and properly signed within six months of approval of this plan. The fence will be two strand barbed wire and will extend around all vertical faces where a safety hazard exists.

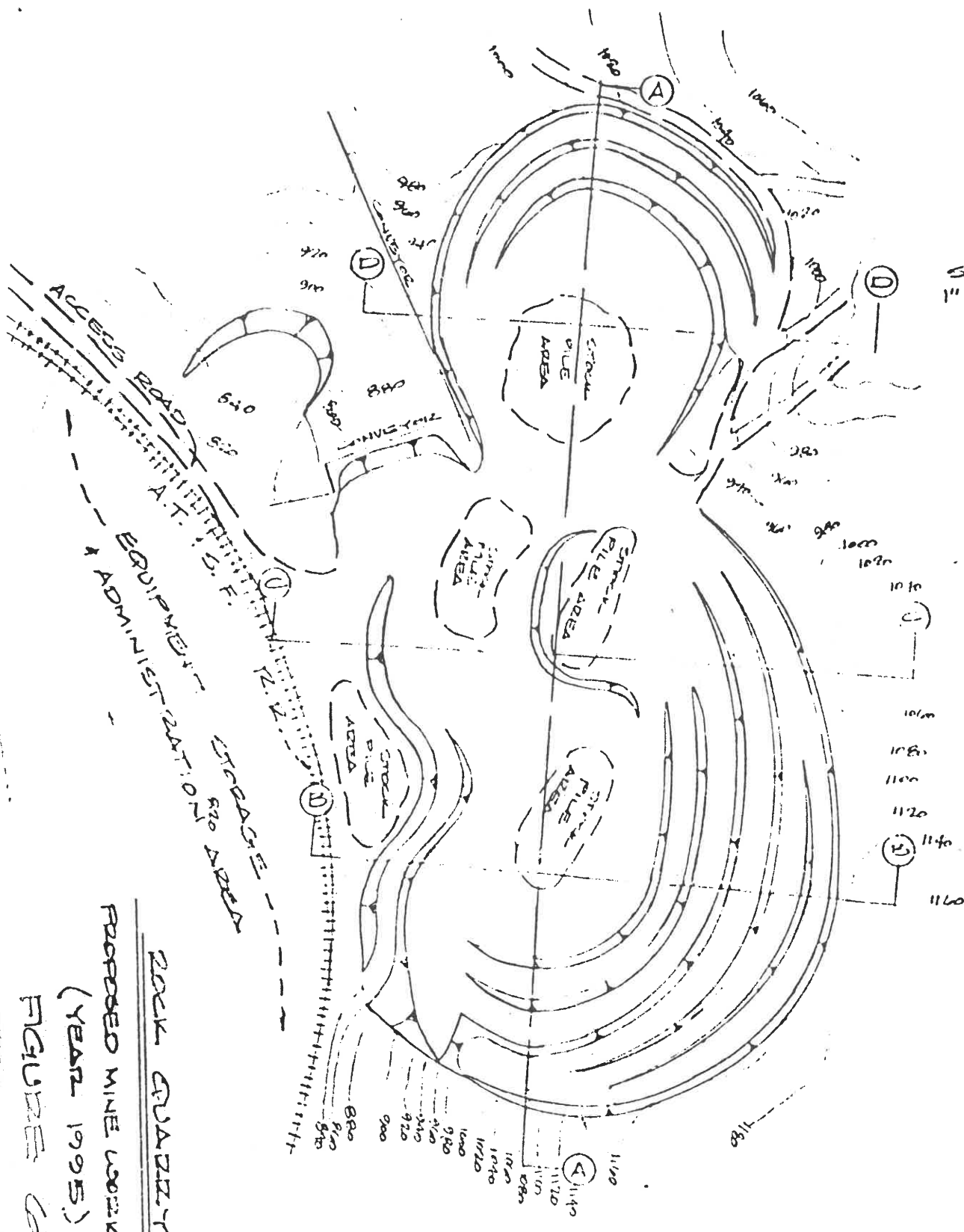
2. A survey of rare endangered and sensitive plant and animal species will be conducted in those natural areas that will be mined in the future. This study will be completed prior to any major expansion into undisturbed areas. If any species needing protection are identified, a plan for relocation, if feasible, will be identified and implemented.

3. A temporary runoff channel will be constructed and maintained throughout operations at the rock quarry. This channel will be designed to minimize sedimentation into Temescal Creek. A sediment basin will be constructed.

4. All operating piles of material will be maintained at a stable slope and to the degree possible quarry walls will be scaled periodically to minimize the hazard from falling rock.

G. The nature of the existing quarry operation is such that quarry walls and benches over the whole site will be in use until the operation is terminated. Once a vertical face is abandoned it will be sealed but the bench area will continue to be used for storage of material. The major reclamation will not be initiated until quarry operations are terminated. The same operational requirements will apply to the clay quarry during its lifetime.

H. Reclamation will not permanently affect future mining at either quarry, assuming a sufficient economic mineable resource remains. Over the short term, reopening either mining operation after reclamation would destroy parts of the revegetated benches and could disrupt the final drainage plans. These facilities and areas would be modified if quarrying was reinstated. Both could be corrected subsequently, if necessary.



SCALE
1" = 200'

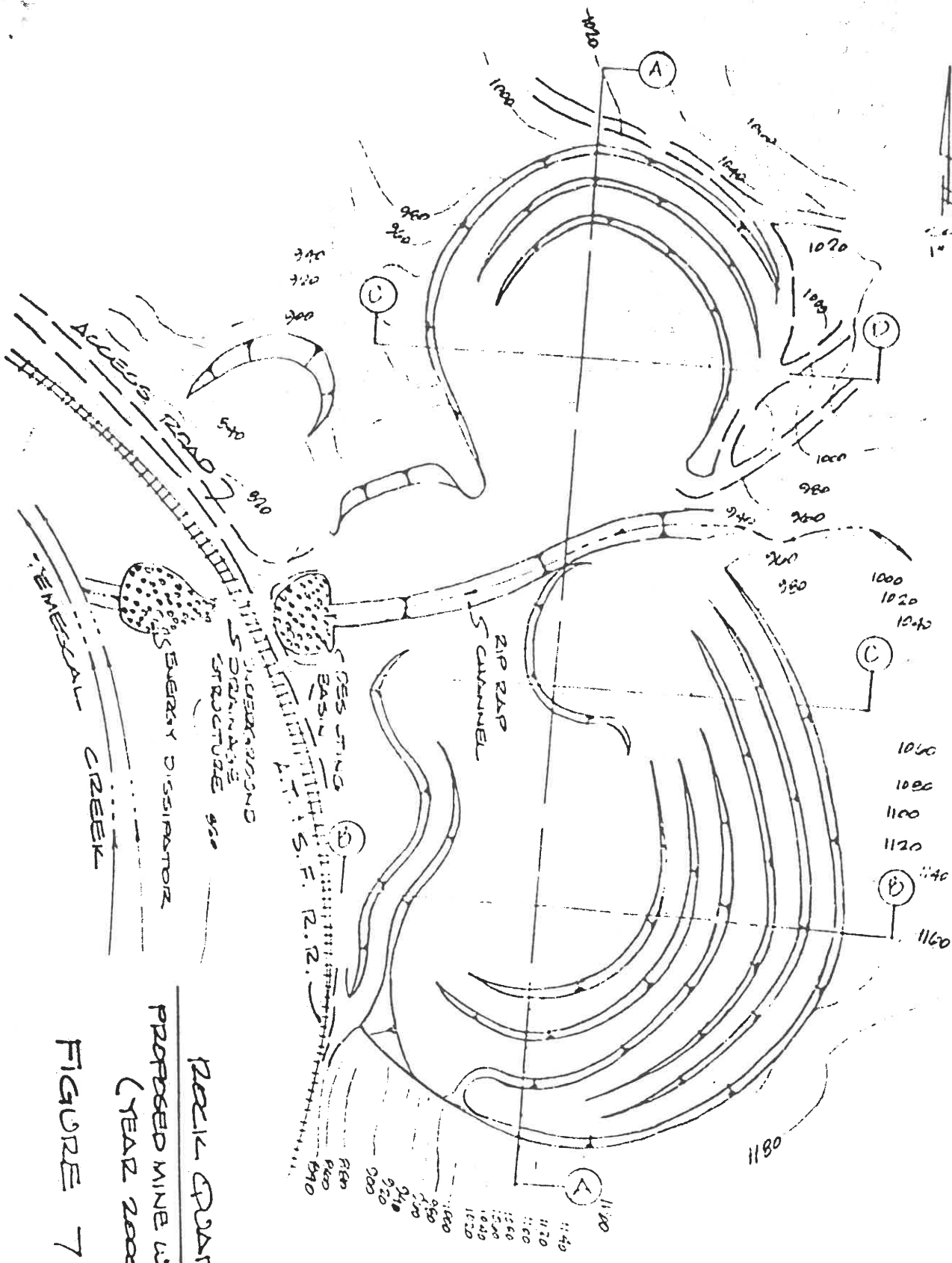
ZACK QUARRY

PROPOSED MINE WORKINGS
(YEAR 1995)

FIGURE 6

RECLAMATION PLAN

SCALE
1" = 200'



POLK QUARRY
PROPOSED MINE WINGS
(YEAR 2005)
FIGURE 7

EXHIBIT 9

November 19, 2004

Mr. Robert C. Johnson
Planning Director
County of Riverside Planning Department
4080 Lemon Street, 9th Floor
Riverside, CA 92502-1409

Re: Paul Hubbs Construction Company Harlow Quarry

Dear Mr. Johnson:

This letter is sent at the request of Mr. Jay Hubbs, President of Paul Hubbs Construction Company regarding the Harlow Quarry in Temescal Canyon. The Lilburn Corporation has been retained by Paul Hubbs Construction Company to prepare a Mine Reclamation plan pursuant to the Surface Mining and Reclamation Act and Riverside County Ordinance No. 555. In addition to preparing the plan we will submit to the County an application for a Surface Mine Permit and assist with the processing of that application.

As you know the information necessary to support a land use application is extensive, consequently we anticipate that we will need 30 – 45 days to compile and submit a complete application for County review.

If you have any questions or need additional information please call Mr. Paul Kielhold, Senior Project Manager at (909) 890-1818.

Sincerely,



Stephen T. Lilburn
President

cc: Lyn Ahrens, Riverside County Planning
~~Chuck Wideen, Riverside County Building and Safety~~
Jay Hubbs, Paul Hubbs Construction

EXHIBIT 10

**DEPARTMENT OF CONSERVATION****OFFICE OF MINE RECLAMATION**

801 K STREET • MS 09-06 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 323-9198 • FAX 916 / 445-6066 • TDD 916 / 324-2555 • WEB SITE conservation.ca.gov

January 25, 2008

Temescal Cliffs 8, LLC
Attn: Ali Sahabi, Managing Manager
P.O. Box 77756
Corona, CA 92877

Dear Mr. Sahabi:

RE: HARLOW QUARRY, CALIFORNIA MINE ID 91-33-0061

The Department of Conservation (Department) Office of Mine Reclamation (OMR) was recently contacted by Paul Hubbs Construction regarding the above referenced mine operation. Per Mr. Hubb's January 18, 2008, letter, OMR was told that the Temescal Cliffs - 8, LLC became the new operators of the above named mine site January 14, 2008.

That correspondence has generated the need for the following information from you. If Temescal Cliffs -8, LLC is indeed the owner/operator, the company is now responsible for reclaiming the mined lands in accordance with the approved reclamation plan along with filing the annual report per Public Resources Code Section 2207 (a). Section 8 of the State Mining and Geology Board's Model SMARA Ordinance states, "Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the Planning Department for placement in the permanent record."

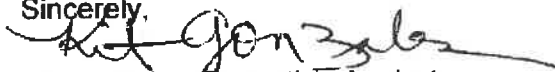
OMR has not received a copy of a signed statement of responsibility, and offers the enclosed example for your use and insertion on your company letterhead.

Please send the required information and documents to the attention of:

Dan Gregorio
Building and Safety Department
Transportation and Land Management Agency
County of Riverside,
4080 Lemon Street, 12th Floor
Riverside, CA 92502

If you have any questions regarding this letter, please contact me at (916) 327-7602. Thank you for your cooperation.

Sincerely,



Kit Gonzales, Reporting Analyst
Reporting and Compliance Unit

cc: Dan Gregorio, Riverside County
Jay P. Hubbs, Paul Hubbs Construction Company

STATEMENT OF RESPONSIBILITY

I, the undersigned, hereby agree to accept full responsibility for reclamation of all mined lands as described and submitted herein and in conformance with the applicable requirements of Articles 1 and 9 (commencing with Sections 3500 *et seq.* and 3700 *et seq.*, respectively) of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations, the Surface Mining and Reclamation Act of 1975, as amended (Section 2710 *et seq.* of the Public Resources Code), and with any modifications requested by the administering agency as conditions of approval.

Signed this _____ day of, _____ 20 _____

MINE OPERATOR OR OPERATOR'S AGENT

(Printed Name) _____

(Signature) _____

MINE NAME

CA MINE ID # 91- _____

The original copy must be given to the lead agency and one copy to be forwarded by the lead agency to:

**Department of Conservation
Office of Mine Reclamation
801 K Street, MS 09-06
Sacramento Ca 95814-3529**



PAUL HUBBS CONSTRUCTION CO.

GENERAL ENGINEERING CONTRACTOR • RIP RAP, "RIVERS AND HARBORS"



3500 PYRITE STREET • RIVERSIDE, CALIFORNIA 92509
TELEPHONE (909) 360-3990 • FAX (909) 360-3991

January 18, 2008

County of Riverside
Transportation and Land Management Agency
Building and Safety Department
4080 Lemon Street, 12th Floor
Riverside, CA 92502

Attn: Dan Gregorio
SMARA Lead Agency

Ref: CA Mine #91-33-0061 AB 3098

Dear Dan,

We are writing to inform you that Paul Hubbs Construction Co., Inc. no longer owns or operates the Harlow Quarry, located at 9001 Cajalco Road, Corona, California.

The sale of the property was effective January 13, 2006. We continued to operate until January 12, 2008 under a license agreement.

Harlow Quarry sold to: Ali Sahabi, Managing Member
 Temescal Cliffs – 8, LLC
 P.O. Box 77756
 Corona, CA 92877

Sincerely,

Jay P. Hubbs
President

cc: Department of Conservation-Kit Gonzales

TEMESCAL CLIFFS – 8, LLC

9050 Pulsar Court, Suite C · Corona, California 92883 · (951) 808 – 0100

VIA E-MAIL AND U.S. MAIL

January 29, 2008

David Jones
Chief Engineering Geologist
Transportation and Land Management Agency
4080 Lemon Street
Riverside, California 92502 – 1629

Re: Status of Ownership and Operations on the Hubbs/Harlow Quarry

Dear Mr. Jones:

It was a pleasure meeting with you last week to discuss the pending and future operations on the Hubbs Quarry. Per your request, I am writing to confirm: (1) the status of ownership; and (2) the current operators.

Since early 2006, the Quarry has been owned by our company, Temescal Cliffs – 8, LLC. We closed escrow on purchase of the quarry from the Hubbs family on January 13, 2006. As a requirement of the land sale, Paul Hubbs Construction Company, Inc. was given a two-year license agreement that allowed the Hubbs to continue mining operations until January 12, 2008. Upon expiration of the Hubbs continuing license agreement earlier this month, Temescal entered into a month-to-month license agreement for quarry operations with Barney Northcote, Inc., as licensee, and Baglady Sandbags, Inc., as sublicensee. Temescal may terminate this current license agreement upon 60-days written notice to Barney Northcote, Inc.

Please feel free to contact me if you have any further questions. Meanwhile, I will continue working with Dan Gregorio to insure that the County's annual inspection requirements are met and up to date. I will also wait to hear back from you and County Counsel regarding whether it would be advantageous to amend/update the 2004 stipulated settlement between the County and Hubbs.

Sincerely yours,



Joshua C. Gottheim
Executive Vice President & General Counsel

Cc: Steve Lilburn

EXHIBIT 11

SURFACE MINING INSPECTION REPORT

Instructions for completing this form are on the reverse side. Attach notice(s) of violation(s) and order(s) to comply for all observed non-compliance.

I. Mine Name as reported by Operator on Mining Operation Annual Report Harlow Quarry	Inspection Date: 04/04/07	CA MINE ID#: 91 - 33-0061
--	-------------------------------------	-------------------------------------

II. SMARA Lead Agency Name (City or County <u>only</u>). COUNTY OF RIVERSIDE		
Inspector DAN GREGORIO	Telephone (951) 955-1951	
Title SENIOR INSPECTOR	Organization BUILDING AND SAFETY	
Mailing Address P.O. BOX 1440		
City RIVERSIDE	State CA	ZIP Code 92502
E-mail Address (Optional) DGREGORI@RCTLMA.ORG		

III. Mine Operator Paul Hubbs Construction		
Contact Person Jav Hubbs	Telephone [REDACTED]	
Mailing Address 3500 Pryite Street		
City Riverside	State CA	ZIP Code 92509
E-mail Address (Optional)		

IV. Does the operation have:	P	NR	No	Yes
A permit to mine?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Permit # N/A (M-3 404)
An approved Reclamation Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	RP # RCL 00118/SI
Has the operator filed a Mining Operation Annual Report (form MRRC-2)? Check one:				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
Is this operation on Federal Land? Check one:				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If "Yes", provide one or both of the Federal Mine Land Identification Numbers below:				
California Mining Claim Number (CAMC#): N/A				
U.S. Forest Service Identification Number (USFS ID#): N/A				

DISTRIBUTION: Original to Operator. Copies to: State (by Lead Agency), Lead Agency, State (by Operator), and BLM or USFS (if required).

DEPARTMENT OF CONSERVATION

OFFICE OF MINE RECLAMATION

SURFACE MINING INSPECTION REPORT

VII. Is the operation in compliance with provisions of the approved Reclamation Plan with respect to:	OK	VN	NI	NA	CA MINE ID # 91 - 33-0061
Wildlife Habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Inspection Date: 04/04/07
Revegetation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Agricultural Land	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Weather Code(s):
Stream Protection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Duration of Inspection:
Tailings and Mine Waste Management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Approximate Disturbed Acreage:
Closure of Surface Openings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Building, Structure, and Equipment Removal	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Status of Operation Code(s):
Topsoil Salvage, Maintenance, and Redistribution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Backfilling, Regrading, Slope Stability, and Recontouring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Status of Reclamation Code(s):
Drainage, Diversion Structures, Waterways, and Erosion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other (list or explain below)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

VIII. Comments/Description of Violation(s) and Corrective Measure(s) Required [NOTE: please indicate if you have attached notice(s) of violation(s) and correction order(s), in lieu of description on this form]:

Above comments from previous year have been met.
 Property sold to new owner who will be submitting revised permit application.

IX. Number of Violations: 0	Inspector's Signature: <i>Dan Gregorio</i>	Date Signed: 04/04/07
--------------------------------	---	--------------------------

EXHIBIT 12

000
RECEIVED JUL 31 2008

RECEIVED JUL 31 2008

**FINANCIAL ASSURANCE COST ESTIMATE
FOR THE
HUBBS/HARLOW QUARRY**

Reclamation Plan #118

Submitted to:

County of Riverside
Transportation and Land Management Agency, Planning Division
4080 Lemon Street, 6th Floor
Riverside, CA 92501

Prepared by:

SE Corporation
9050 Pulsar Court, Suite C
Corona, CA 92883
Contractors License # 693858

July 30, 2008

FINANCIAL ASSURANCE COST ESTIMATE
For the
HUBBS/HARLOW QUARRY
(Reclamation Plan #118)

SUMMARY

This financial assurance cost estimate (FACE) is in accordance with the County of Riverside and California Mining and Reclamation Act (SMARA) Sections 2770 and 2773.1 for the Hubbs/Harlow Quarry Reclamation Plan.

The project site is operated under vested rights and approved permit, Reclamation Plan 118 per the County of Riverside on approximately 50 acres. The region along Temescal Creek has been mined for nonmetallic mineral commodities since the early 1900's. These commodities include sand and gravel, clay and rock. The Hubbs/Harlow Quarry has been in operation since the mid 1950's. Paul Hubbs Construction sold Hubbs/Harlow Quarry to Temescal Cliffs-8, LLC on January 13, 2006. Temescal Cliffs-8, LLC obtained responsibility of the site on January 13, 2008. The County has a financial assurance currently on file with, and made payable to the County of Riverside via Paul Hubbs Construction. This updated FACE will update ownership and responsibility to Temescal Cliffs-8, LLC. The FACE was prepared using the Department of Conservation, Office of Mine Reclamation Financial Assurance Cost Estimate worksheets.

The Hubbs/Harow Quarry is located outside the City of Corona south of Cajalco Road and east of Interstate 15 (I-15). The site is accessed via the intersection of Cajalco and Temescal Canyon Roads.

The FACE prepared for the Hubbs/Harlow Quarry is based on the approved Plan and current and expected onsite conditions. This estimate assumes that the 110 acre site will be revegetated and or reclaimed in specific areas of mining and disturbance. Although a portion of the site is arguably disturbed.

The following list delineates activities to be performed as part of the Reclamation Plan. Note that reclamation activities are ongoing as part of the normal mining operations. These include ongoing sloping of active mining areas, revegetation, and revegetation monitoring.

I. PRIMARY RECLAMATION ACTIVITIES

- Backfilling, grading, recontouring, and slope preparation as specified in the reclamation plan.

- General site clean-up and removal off all non-inert material, contaminants, stored equipment and debris.
- Decompaction and preparation of soil prior to revegetation.
- Placement of topsoil/growth media
- Demolition and removal of the scale house (approximately 1,200 square feet) and a wood storage building (approximately 1,500 square feet).

II. REVEGETATION

Revegetation will be implemented by broadcast seeding with pioneer species to establish a quick-growing native plant cover consisting of the natural components of native habitats.

Seeding will occur on all slopes, pit floors, and other disturbed areas totaling 50 acres. As part of the disturbed area calculation, the quarry floor and access roads represent 35 acres which would need to be ripped prior to revegetation. The site will be broadcast seeded with a seed mix consisting of native sub-shrub and annual forbs.

III. PLANT STRUCTURES AND EQUIPMENT REMOVAL

No permanent facilities are located or planned onsite. All plant equipment is mobile and would be removed with a crane and loaded on a flat bed trucks. The scale house (approximately 1,200 square feet) and a wood storage building (approximately 1,500 square feet) would be demolished and disposed of accordingly.

IV. MISCELLANEOUS COSTS

None.

V. MONITORING AND MAINTENANCE

Monitoring and maintenance activities are discussed below. A site inspection will be conducted prior to implementation of revegetation. Maintenance during the establishment of plants will begin after completion of seeding and will continue for up to five years, if needed. A landscape contractor and the mine operator will perform maintenance of the revegetated areas.

A revegetation specialist will monitor all revegetation activities during and after implementation. Revegetation will be monitored annually for a period of four years. Monitoring will include such activities as revegetation site data collection and analysis, photo documentation, and an annual report submittal summarizing the past years activities.

RECLAMATION COST SUMMARY

Reclamation costs are estimated in the attached Financial Assurance Cost Estimate Worksheets from the Department of Conservation, Office of Mine Reclamation with detailed calculations and assumptions. The total estimated costs are summarized below:

Direct Cost	\$220,606
(Sloping/grading, plant removal, revegetation, monitoring)	
Indirect Cost	\$56,032
(Contingency, supervision, mobilization, profit/overhead)	
Lead Agency Administrative Cost (Estimated at 10%).....	\$27,663
(Determined by Lead Agency)	
TOTAL COST FOR RECLAMATION.....	<u>\$304,301</u>

EXHIBIT 13

FILE COPY

EXHIBIT C

HUBBS/HARLOW QUARRY

**PROJECT DESCRIPTION
AND
HUBBS/HARLOW QUARRY
RECLAMATION PLAN**

**PREPARED FOR:
Temescal Cliffs-8, LLC
c/o SE Corporation
280 Corporate Terrace Circle
Corona, California 92879**

**PREPARED BY:
Lilburn Corporation
1905 Business Center Drive
San Bernardino, California 92408**

May 2006

**EXHIBIT: C
CASE #: RCL00118R1
DATED: 9/6/06
PLANNER: D. Jones**

EXHIBIT C

HUBBS/HARLOW QUARRY

**PROJECT DESCRIPTION
AND
HUBBS/HARLOW QUARRY
RECLAMATION PLAN**

**PREPARED FOR:
Temescal Cliffs-8, LLC
c/o SE Corporation
280 Corporate Terrace Circle
Corona, California 92879**

**PREPARED BY:
Lilburn Corporation
1905 Business Center Drive
San Bernardino, California 92408**

May 2006

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EXHIBITS

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- Sheet 2 of 2 – Cross Sections and Details (for Exhibits A and B)

HUBBS/HARLOW QUARRY TEMESCAL CLIFFS MINE AND RECLAMATION PLAN

INTRODUCTION

Project Overview

Temescal Cliffs-8, LLC (Temescal Cliffs), the property owner, is submitting a revised Reclamation Plan Application for the 110-acre Hubbs/Harlow Quarry site located in northwestern Riverside County. The site is located just outside the City of Corona south of Cajalco Road and east of Interstate 15 (I-15). The site is accessed via the intersection of Cajalco and Temescal Canyon Roads (refer to Figures 1 and 2, Regional Location Map and Vicinity Map, respectively).

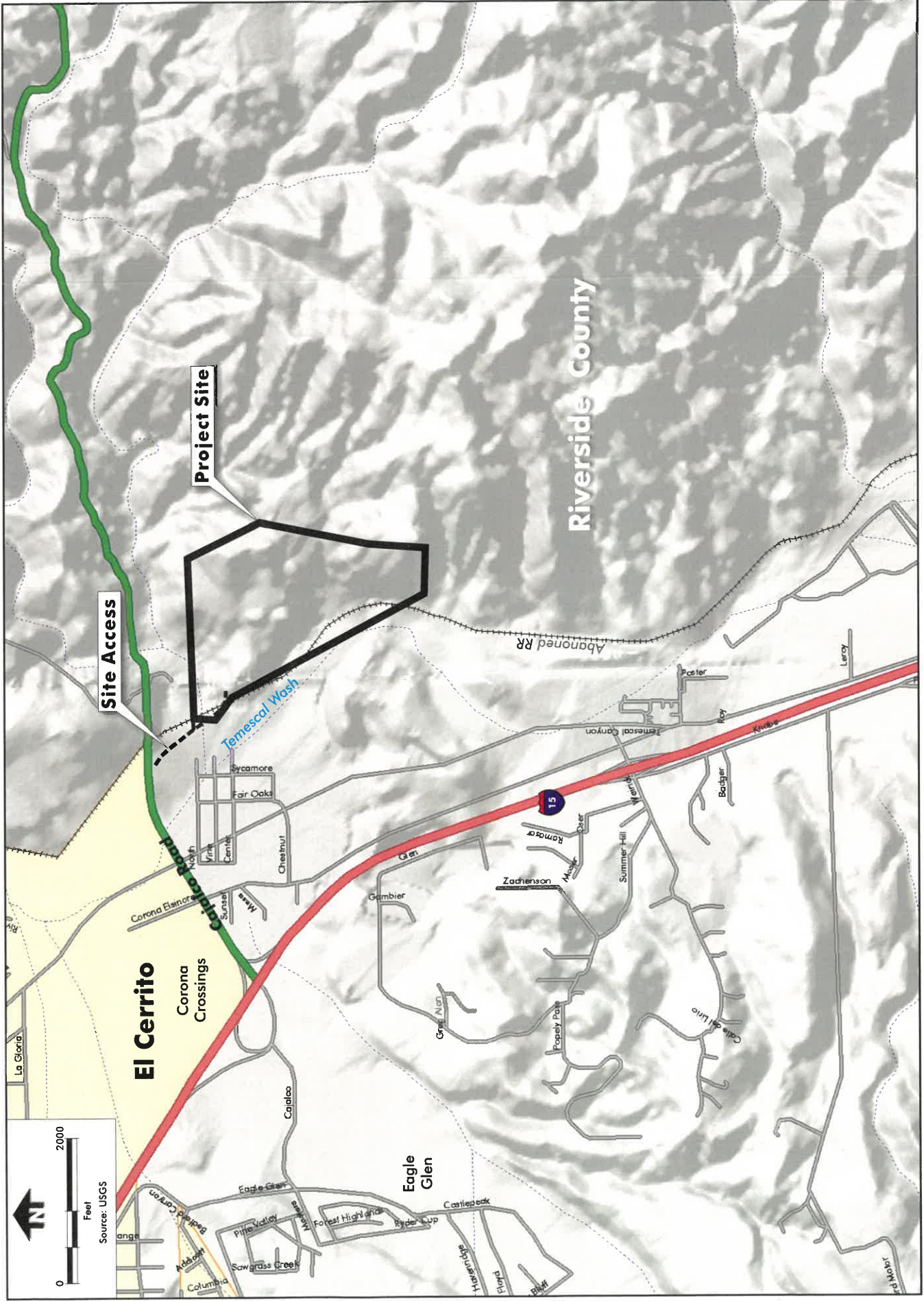
The region along Temescal Creek has been mined for nonmetallic mineral commodities since the early 1900's. These commodities include sand and gravel, clay and rock. The Hubbs/Harlow Quarry has been in operation since the mid 1950's.

The mining activity on the property is a hillside rock quarry. Granitic and metamorphic type rock of varying character is quarried and used for a variety of purposes, primarily as rip-rap for flood control projects. The operating area of the quarry consists of a number of benches and working faces (quarry walls). The majority of the property is disturbed. However, depending on market demand, the mining operation and slope reclamation could be completed within two years operating at full capacity.

The proposed maximum aggregate production during the project life will be approximately 365,000 tons. The proposed mining is anticipated to continue for a minimum of two years but could continue longer if the landowner is unable to obtain permits for productive reuse as a housing tract or other development. Certain reclamation activities will be ongoing throughout the operational life of the quarry. At the conclusion of aggregate mining and production any remaining reclamation will be completed. The proposed post-mining land use, or future land use, will be a residential tract or other appropriate development.

Project Understanding

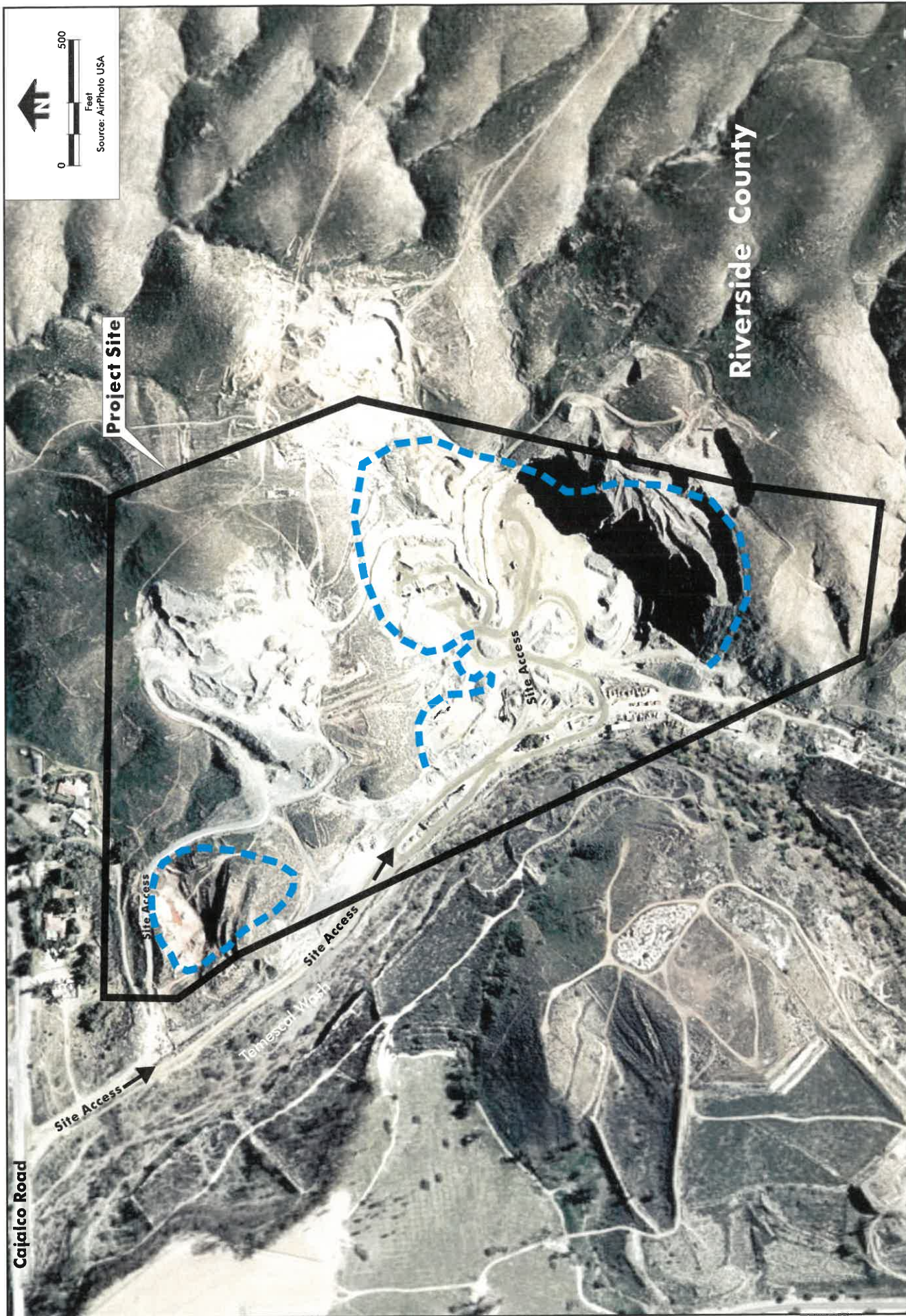
The site has an approved Mine/Reclamation Plan (MRP #118) from the County of Riverside dated April 2, 1982. Under the purchase agreement, Hubbs Construction has the right to continue mining the property for up to an additional two years. Refer to Figure 3 for existing permit limits and an aerial photograph depicting the property boundary and mine disturbance.



Vicinity Map

Prepared By:
Temescal Cliffs-8, LLC
 Hubbs/Harlow Quarry Reclamation Plan
 Riverside County, California

Figure 2



Existing Permit Limits

Temescal Cliffs-8, LLC
 Hubbs/Harlow Quarry Reclamation Plan
 Riverside County, California

On January 6, 2003 the County of Riverside filed legal proceedings against Hubbs Construction for injunctive relief and civil penalties for alleged violations of the California Public Resources Code and county land use ordinances relative to alleged illegal surface mine operations on the Real Property. The County and Hubbs Construction reached a settlement agreement in 2004 (refer to the Stipulated Settlement Agreement and Judgment dated September 27, 2004).

Temescal Cliffs purchased the 110-acre Hubbs/Harlow Quarry from Paul Hubbs Construction Company, Inc., Lucille M. Hubbs (Hubbs Construction) in January 2006. Temescal Cliffs desires to rectify the previous condition non-compliance issues by completing the anticipated mining within the reserves; stabilizing slopes, cleaning, contouring and stabilizing all surface disturbances; and reclaiming the site compatible for a residential land use profile. They are filing this amended reclamation plan in compliance with the September 27, 2004 settlement agreement. They intend to mine the existing quarry slopes to a state of stability. Utilize or sell the rip-rap material and reclaim the site in compliance with an amended reclamation plan.

Project Objectives

The following objectives have been incorporated into the Revised Reclamation Plan:

- 1) To comply with the Stipulated Settlement Agreement and Judgment dated September 27, 2004;
- 2) To meet slope stability and safety requirements;
- 3) To reclaim the site to meet Riverside County Ordinance No. 555, the County's implementation of SMARA;
- 4) To provide construction materials to meet a portion of the current and projected demand in western Riverside County and adjacent areas;
- 5) To reclaim the site for post-mining uses as residential land uses.
- 6) To contour mining features and revegetate disturbed areas to minimize aesthetic and erosional impacts; and
- 7) To reclaim and maintain the site as necessary to eliminate hazards to public health and safety.
- 8) To render the site suitable for conversion to a residential or other development consistent with surrounding land uses.

A. SITE AND AREA CHARACTERISTICS

1.0 SITE DESCRIPTION

Temescal Cliffs is submitting a revised Reclamation Plan Application for the 110-acre Hubbs/Harlow Quarry site located in northwestern Riverside County. The site is located adjacent to the City of Corona and east of I-15. The site is accessed via the southeast intersection of Cajalco Road and Temescal Canyon Road. The site is located within Sections 15, and 16, Township 4 south, Range 6 west, Riverside Base Meridian, north of Riverside and San Bernardino county borders. The site is composed of a series of mined and rolling ridges. Elevations of the site range from near 820 feet msl to a height of almost 1,240 feet msl in the southeast portion of the site.

2.0 ACCESS

The site is accessed via a private dirt road to the southeast intersection of Cajalco Road and Temescal Canyon Road. Both northbound and southbound traffic access off the freeway directly from the I-15 Cajalco Road intersection. Traffic exiting from the site uses this same access road and enters onto I-15 either north or south (refer to Figure 2, Vicinity Map).

3.0 UTILITIES

Water Supply

A well on the property (adjacent to Temescal Creek) provides all water required for operations. Well data indicates high total dissolved solids (TDS) in the groundwater (945 PPM). Calcium is the major cation and carbonates and sulfates are the major anions. Current water consumption is estimated at 5,000 gallons per day. This is used for dust control of quarry operations and transport of material.

Sewage Disposal

The sewage generated on site is and will continue to be disposed in portable toilets stationed throughout the quarry. These portable facilities will be properly maintained and cleaned.

Electrical

The electrical power service is provided by either Southern California Edison (SCE), or from natural gas fired generators onsite.

Diesel

The normal amount of diesel required for the project for equipment and trucks is approximately 20,000 gallons per year. Diesel is stored in one on-site fuel tank. The fuel tank is approximately 8 feet in diameter and 16 feet long with a capacity of 4,500 gallons.

4.0 LAND USE

Existing Land Use Onsite

The site is used exclusively for mining and mineral commodity production. The project site has had approximately 80 percent of its area altered by quarry related uses. Existing facilities and uses onsite include: graded access roads; abandoned railroad line; storage and working quarry areas; office, repair and scale area; and an abandoned conveyer belt system.

Adjacent Land Uses

The Hubbs/Harlow Quarry as well as properties north and east are within the County of Riverside, zoned Open Space-Mineral Resources. Properties west and south of the quarry are within the City of Corona and are zoned for golf course and Single-Family Residential uses under the City of Corona's Dos Lagos Specific Plan.

5.0 GEOLOGY

CHJ Incorporated on behalf of the prior landowner prepared a Revised Slope Stability Investigation for the Hubbs/Harlow Quarry in May 2005. This report outlines site conditions and identifies a slope stability solution consisting of a multiple bench wall. This approach results in an aesthetically unpleasant landform inconsistent with the long term intentions of Temescal Cliffs and community goals. It would also require excavation outside the applicants property ownership. Temescal Cliffs proposes to maintain the existing vertical cliff. Developers Research of Irvine, CA. has developed an engineered finish contour (Figure 7) compatible with existing and future potential development. Slope stability analysis consistent with the cliff feature will be provided as a supplement to the Reclamation Plan submittal. The following is a description of the site Geology as developed by CHJ, Inc.

General Geology

The site is located on the Perris Block, a portion of the Peninsular Ranges Geomorphic Province. The Perris Block is a fault-bounded region of relative tectonic stability, a mass of relatively high land composed of crystalline bedrock thinly and discontinuously mantled by sedimentary material.

Local Geology

The local geology is dominated by the presence of the following features: The Santa Ana Mountain anticline, the Arena Blanca syncline and the Elsinore Fault zone (the latter two features comprise the Corona-Elsinore Trough) to the west of the site; Temescal Creek and wash are adjacent to the site on the west and the Perris Block (Cajalco Bench) underlies the whole site.

Regional Faulting

The tectonics of the Southern California area is dominated by the interaction of the North American Plate and the Pacific Plate, which are apparently sliding past each other in a transform motion. Although some of the motion may be accommodated by rotation of crustal blocks, such as the western Transverse Ranges, the San Andreas fault zone is thought to represent the major surface expression of the tectonic boundary, and to be accommodating most of the transform motion between the Pacific Plate and the North American Plate. However, some of the plate motion is apparently also partitioned out to the other northwest-trending strike-slip faults that are related to the San Andreas system, such as the San Jacinto fault and the Elsinore fault.

The Elsinore fault zone is present approximately 2 1/2 miles southwest of the site. The Elsinore fault zone is composed of multiple *en echelon* and diverging fault traces and splays into the Whittier and Chino faults to the north. Although a zone of overall right-lateral deformation consistent with the regional plate tectonics, traces of the Elsinore fault zone form the graben of the Elsinore and Temecula Valleys. Holocene surface rupture events have been documented for several principal strands of the Elsinore fault zone.

The northwest-trending Chino-Central Avenue fault, a northern splay of the Elsinore fault zone, is present approximately 5 miles northwest of the site. Cao and others (2003) assigned a maximum moment magnitude of 6.7 to the Chino-Central Avenue fault.

The trace of the west- to northwest-trending Whittier fault is located approximately 9 miles northwest of the site. The Whittier fault displays almost pure right-lateral strike slip. Evidence for activity of the Whittier fault includes offset of Holocene materials and microseismicity. The Working Group on California Earthquake Probabilities (1995) tentatively assigned a 5 percent (± 3 percent) probability of a major earthquake on the Whittier fault for the 30 year interval from 1994 to 2024.

The San Jacinto fault zone, a system of northwest-trending, right-lateral, strike-slip faults, is present approximately 15 1/2 miles northeast of the site. More large historic earthquakes have occurred on the San Jacinto fault than any other fault in Southern California (Working Group on California Earthquake Probabilities, 1988).

Based on the data of Matti and others (1992), the portion of the San Jacinto fault may be accommodating much of the motion between the Pacific Plate and the North American Plate in this area. Matti and others (1992) suggest this motion is transferred to the San Andreas fault in the Cajon Pass region by "stepping over" to parallel fault strands which include the Glen Helen

fault. The Working Group on California Earthquake Probabilities (1995) tentatively assigned a 43 percent (± 17 percent) probability of a major earthquake on the San Jacinto Valley segment of the San Jacinto fault for the 30 year interval from 1994 to 2024.

The San Andreas fault zone is located along the southwest margin of the San Bernardino Mountains, approximately 28 1/2 miles northeast of the site. The toe of the mountain front in the San Bernardino area roughly demarcates the presently active trace of the San Andreas fault, which is characterized by youthful fault scarps, vegetational lineaments, springs, and offset drainages. The Working Group on California Earthquake Probabilities (1995) tentatively assigned a 28 percent (± 13 percent) probability to a major earthquake occurring on the San Bernardino Mountains segment of the San Andreas fault between 1994 and 2024.

Slope Stability

According to the Riverside County Integrated Plan Slope Instability Map (2005), portions of the site are included within areas of "High susceptibility to seismically induced landslides and rockfalls." No existing landslides are indicated on or adjacent to the site (Riverside County Integrated Plan, 2005). The term "landslide" refers to deep-seated slope failures at least 15 feet deep. Landslides are typically related to the underlying structure of the parent material. Surficial failures refer to shallow failures that affect the upper weathered horizon of the parent material. No evidence for deep-seated landsliding was observed in the quarry walls or on the aerial photographs reviewed. No landslides are mapped on regional geologic maps of the site and surrounding area. Evidence for various surficial failures was observed in the steeper and higher quarry walls during the CHJ site review (CHJ Inc., May 2005). These surficial failures are manifested as rockfalls and as an accumulation of talus along the benches. The southeasterly highwall is posted as unsafe due to the rockfall potential.

The susceptibility of a geologic unit to landsliding is dependent upon various factors, primarily: 1) the presence and orientation of weak structures, such as fractures, faults and clay beds; 2) the height and steepness of the pertinent natural or cut slope; 3) the presence and quantity of groundwater; and 4) the occurrence and intensity of seismic shaking.

Slope Stability of the Geologic Units

Each of the units encountered at the site were analyzed for potential slope failures. Each unit is discussed separately below. Representative samples of the dominant igneous units at the site were tested to determine a unit weight for the rock types. The metamorphic and sedimentary units were not sampled but were evaluated with regards to gross stability.

Mzs: The exposed schist at the site exhibited undulatory and folded foliation with discontinuous fracturing. Based on the mapped exposures this unit is not considered to be susceptible to deep-seated failures. Due to the limited areal extent of the schist at the site and based on the location of the exposure this unit slope stability calculations were not conducted. The only exposed natural slope in the schist is inclined as steeply as 8(h):1(v) at a height of approximately 42 feet and is generally covered by a thin colluvial veneer. No evidence for significant slope failure was visible

on the aerial photographs reviewed or during the geologic mapping of the site. Existing cut slopes within the schist are inclined as steeply as 1(h):1(v) up to approximate maximum heights of 20 feet. The existing cut slopes in the schist are limited to the northernmost portion of the site.

Kcgb: The gabbroic rock (map unit Kcgb) at the site exhibited similar features and physical characteristics to the volcanic rock. Both igneous rock units were characterized for strength parameters as described by the Generalized Hoek-Bray (1981) method. The gabbro at the site was relatively dense, massive, and hard.

Kvem: The volcanic rock (Kvem) at the site is relatively massive, dense, and hard. However, three dominant joint orientations were visible in the mapped volcanic rock at the site. Vertical to near vertical joint attitudes were measured in the existing slope faces in the southern portion of the site. Joint spacing ranged from widely to very widely spaced, and was continuous throughout the entire slope face in the main quarry. The exposed joints were tight with little to no visible infilling. Weathering was common along jointing within the rock, and joints were frequently lined with secondary mineralization due to weathering. Shallow westerly-dipping joints were measured within the exposed slope face in the main quarry. Dip angles from the shallow jointing ranged from 52 to 37 degrees. Slightly steeper jointing, trending northwest, was mapped within the Estelle Mountain volcanics exposed in the main quarry. The northwest-trending, southwest-dipping joints varied from 70 to 79 degrees, and spacing between joints was moderately spaced to very widely spaced. Generally all jointing within the Estelle Mountain volcanics was widely spaced, moderately continuous, with slightly rough surfaces.

Tsj: Sedimentary rocks of the Silverado formation were exposed in the northern portion of the site. No evidence for deep-seated landsliding was visible on the aerial photographs reviewed and none was seen during the geologic mapping of the site within the exposed rocks of the Silverado formation. Landslides have occurred within the sedimentary rocks of the Silverado formation west of the site nearer to the Elsinore fault zone. These failures are likely the result of fault movement and intense shaking and not entirely the result of bedding plane failures within the unit. The unit was primarily comprised of a red to yellow massive conglomeratic unit. Bedding within the unit dipped shallowly to the west at angles from 15 to 20 degrees. Thinner beds composed of fine sandstone and siltstone was visible in the higher topographic exposures of the unit.

6.0 HYDROLOGY

With the exception of Temescal Creek, the site does not contain any permanent surface water. During prolonged or intense precipitation, the dry stream channels on the ridge may carry concentrated flow (streams) which run off directly into Temescal Creek. Two larger channels release stream flow into the quarry area. Across bedrock and quarry debris into Temescal Wash. Runoff from the northern portion of the site flows generally to Cajalco Road and ultimately to Temescal Creek.

Temescal Creek has flowed year round for the past few years however, in the past it was an intermittent or ephemeral stream. Approximately 20 creeks in 3 distinct sub basins (including

Elsinore Lake) contribute flow to Temescal Creek above its entry onto the property. Water quality in Temescal Creek varies with the volume of flow. When high flows occur due to precipitation, the sediment load and Total Dissolved Solids (TDS) rise significantly. After flood flows recede, the sediment load is minor and TDS ranges from 165 to 245 parts per million (Santa Ana River Basin, Water Quality Control Plan Report, 1975, 1995).

A well on the property (adjacent to Temescal Creek) provides all water required for operations. Well data indicates high TDS in the groundwater (approximately 945 ppm).

7.0 SOILS

Soil information is based on the November 1971 Soil Survey titled "Western Riverside Area, California, sheet No .82". The majority of the natural soil on undisturbed parts of the site is capability VII soils (incapable of agriculture and generally shallow and poor quality soils). The soils found on the property include: Rough broken land; Cortina cobbly Loamy sand; Lodo rock loam (25-50% slopes); and Temescal rocky loam. Although generally poor quality soils from an agricultural standpoint, these soils support a typical mixed inland sage scrub climax vegetation community and some chaparral in higher locations. These soils are subject to severe erosion due to shallow soil profiles and steep slopes. Soils on the property do not have sufficient depth to warrant stockpiling the top soil. The areas already quarried and disturbed have had all soil removed and the remaining material is either rock out crops or weathered parent material.

8.0 VEGETATION

The quarry sites are devoid of vegetation due to benching and quarrying operations and the hardrock nature of the materials. Undisturbed areas of the property consist of plant communities of typical natural and non-native grasses, brushland composed of inland sage scrub, and mixed chaparral. Portions of the brushland are disturbed due to horseback riding established throughout the local area. Typical plant species found in the local area include: California buckwheat (*Eriogonum fasciculatum*), goldfields (*Lasthenia glabrata*), small fescue (*Vulpia microstachys*), and deerweed (*Lotus scoparius*).

9.0 WILDLIFE

Wildlife associated with the creosote bush habitat is generally common and included the following:

Reptiles - Great Basin collared lizard, zebra-tailed lizard, common side-blotched lizard, and western whiptail.

Birds - northern harrier, mourning dove, lesser nighthawk, western kingbird, common raven, horned lark, cliff swallow, European starling, black-throated sparrow, and western meadowlark.

Mammals – Coyote, ground squire, round-tailed ground squirrel, and black-tailed jackrabbit.

B. MINING

1.0 MINERAL COMMODITY

The mineral commodity to be mined is nonmetallic construction materials. These commodities include gravel and rock. The Hubbs/Harlow Quarry is anticipated to close within two years for mining activity but may continue indefinitely if the landowner is not successful in obtaining entitlements for productive re-use of the site as a housing tract or other development.

2.0 QUARRY OPERATIONS

Quarry Operations

The Hubbs/Harlow Quarry operation is a multibench hillside rock quarry operating on a typical six day work week from 6:00 a.m. to 8:00 p.m. Monday through Saturday. All extraction and production activities occur onsite.

Work Force

The Project employs approximately 4 people directly at the site to perform the necessary work relating to mining, safety, environmental, management, and administration tasks. This does not include delivery truck drivers. Employees are primarily skilled workers in the construction material industry; namely, mobile equipment operators, maintenance personnel, and support staff consisting of a quarry manager, weigh master, and quality control technicians.

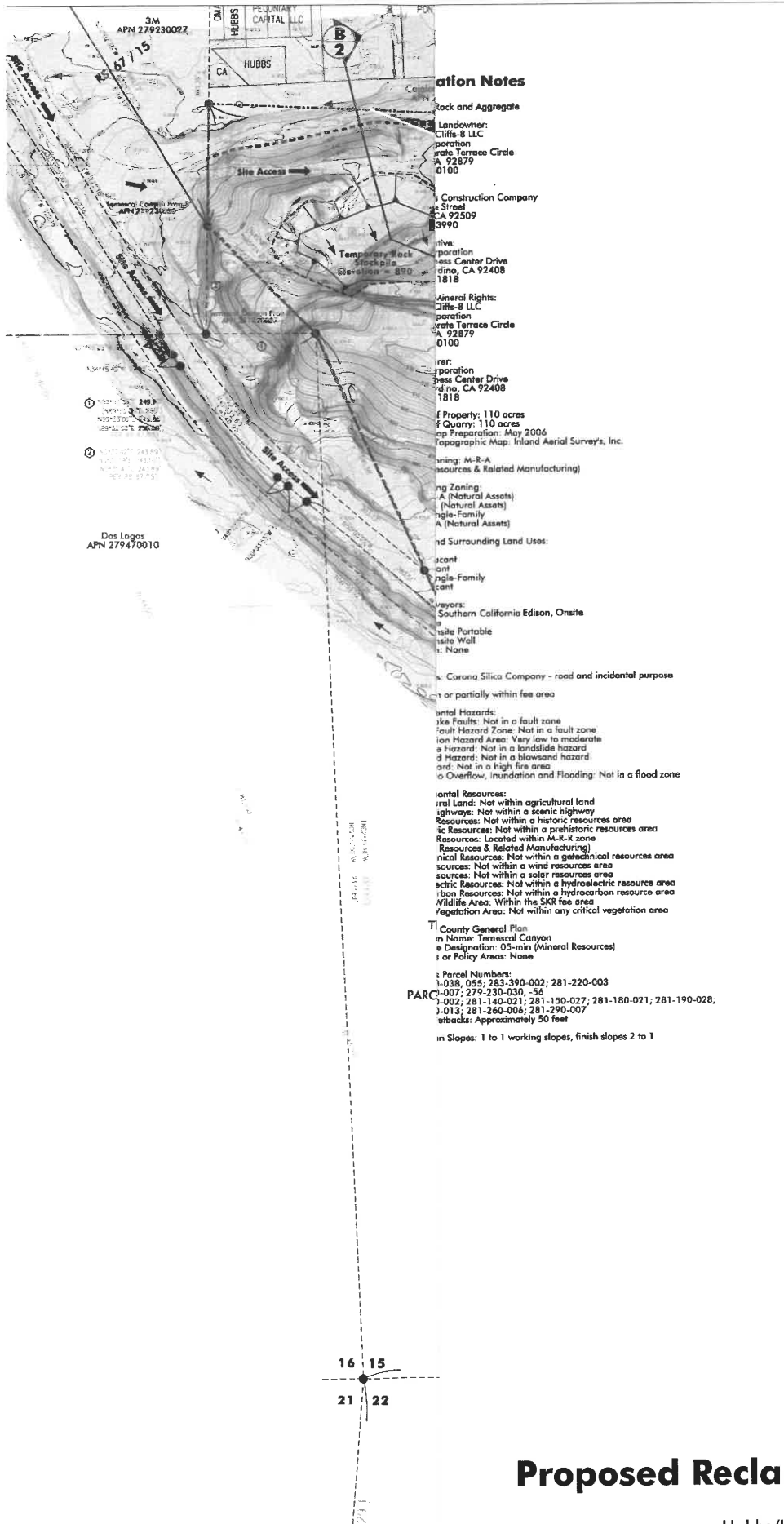
Quarry Phasing

The mine and reclamation plan for the Hubbs/Harlow Quarry is divided into two segments or phases based on logistical, engineering, and environmental concerns (refer to Plot Plan). The quarry is proposed to be excavated and reclaimed according to this phasing plan. The County will be updated in the annual monitoring report on the status of operational phases.

The following is a summary of the planned mining operations by phase.

Phase I

Phase I is already underway based on the existing mine reclamation plan and condition compliance, compliance with the stipulated agreement and need for slope stabilization. It will last for approximately 2 years but could be extended if the landowner is unable to obtain permits for a productive reuse as residential development. The expected length of Phase I is based on the estimated correction of the existing disturbance, cliff preservation, and slope stability. To be provided. A cross section of the mine and highwall appears as Figure 5. Figure 6 is a visual simulation of the completed quarry. In an effort to facilitate mine completion the applicant proposes to stockpile material during Phase I for later shipment on the disturbed northwest corner of the mine area near the property entrance (see plot plan, Figure 4). This area was referred to in MRP #118 as the clay area. This will facilitate aggressive removal of mineral reserves and a transition to slope stabilization and final reclamation.



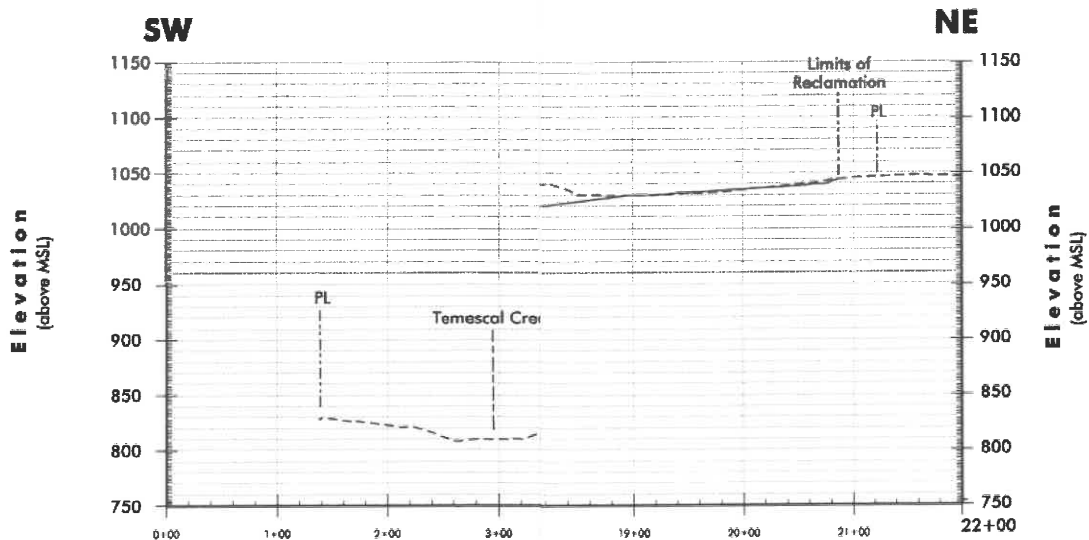
Information Notes

- Rock and Aggregate
- Landowner: Cliffs-8 LLC, Temescal Terrace Circle, CA 92879, 0100
- Construction Company: [Redacted], [Redacted] Street, [Redacted] CA 92509, [Redacted] 3990
- Owner: [Redacted], [Redacted] Street, [Redacted] Center Drive, [Redacted] Colton, CA 92408, [Redacted] 1818
- Mineral Rights: Cliffs-8 LLC, Temescal Terrace Circle, CA 92879, 0100
- Owner: [Redacted], [Redacted] Street, [Redacted] Center Drive, [Redacted] Colton, CA 92408, [Redacted] 1818
- Property: 110 acres
- Quarry: 110 acres
- Map Preparation: May 2006
- Topographic Map: Inland Aerial Survey's, Inc.
- Use: Mining: M-R-A (Resources & Related Manufacturing)
- Zoning: Single-Family A (Natural Assets), Single-Family A (Natural Assets), Single-Family A (Natural Assets)
- Adjacent Surrounding Land Uses:
 - Residential: Single-Family Residential
 - Industrial: Single-Family Residential
- Utilities: Southern California Edison, Onsite
- Site Features: Portable Toilet, Site Wall, None
- Adjacent Property: Corona Silica Company - road and incidental purpose
- Location: On or partially within fee area
- Geological Hazards:
 - Active Faults: Not in a fault zone
 - Seismic Hazard Zone: Not in a fault zone
 - Seismic Hazard Area: Very low to moderate
 - Landslide Hazard: Not in a landslide hazard
 - Blownd Hazard: Not in a blownd hazard
 - High Fire Area: Not in a high fire area
 - Overflow, Inundation and Flooding: Not in a flood zone
- Special Resources:
 - Agricultural Land: Not within agricultural land
 - Scenic Highways: Not within a scenic highway
 - Historic Resources: Not within a historic resources area
 - Prehistoric Resources: Not within a prehistoric resources area
 - Mineral Resources: Located within M-R-R zone (Resources & Related Manufacturing)
 - Geotechnical Resources: Not within a geotechnical resources area
 - Wind Resources: Not within a wind resources area
 - Solar Resources: Not within a solar resources area
 - Hydroelectric Resources: Not within a hydroelectric resources area
 - Hydrocarbon Resources: Not within a hydrocarbon resource area
 - Wildlife Area: Within the SKR fee area
 - Vegetation Area: Not within any critical vegetation area
- Temescal Canyon Community Designation: 05-min (Mineral Resources)
- Map or Policy Areas: None
- Parcel Numbers: 1-038, 055; 283-390-002; 281-220-003
- PARC: 007; 279-230-030, -56; 002; 281-140-021; 281-150-027; 281-180-021; 281-190-028; 013; 281-260-006; 281-290-007
- Setbacks: Approximately 50 feet
- Slopes: 1 to 1 working slopes, finish slopes 2 to 1

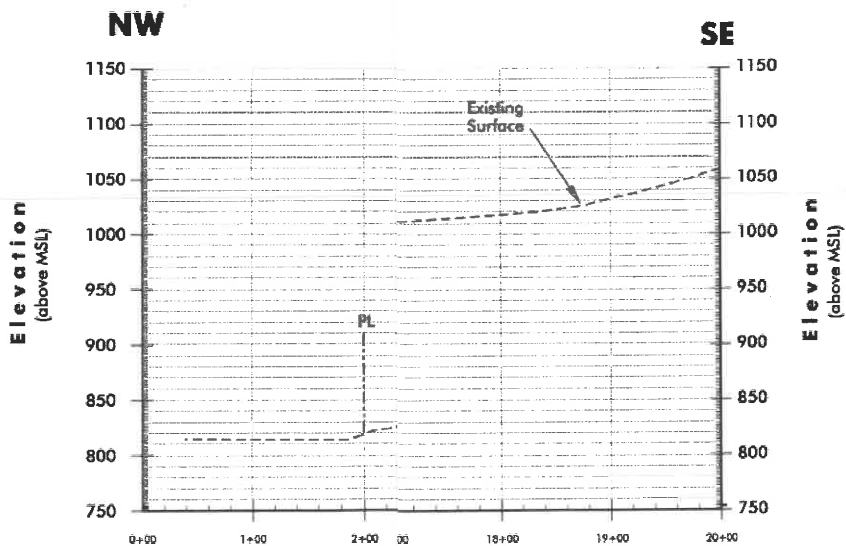
Proposed Reclamation Process

Temescal Cliffs-8, LLC
 Hubbs/Harlow Quarry Reclamation Plan
 Riverside County, California

Figure 4



Cross Section A

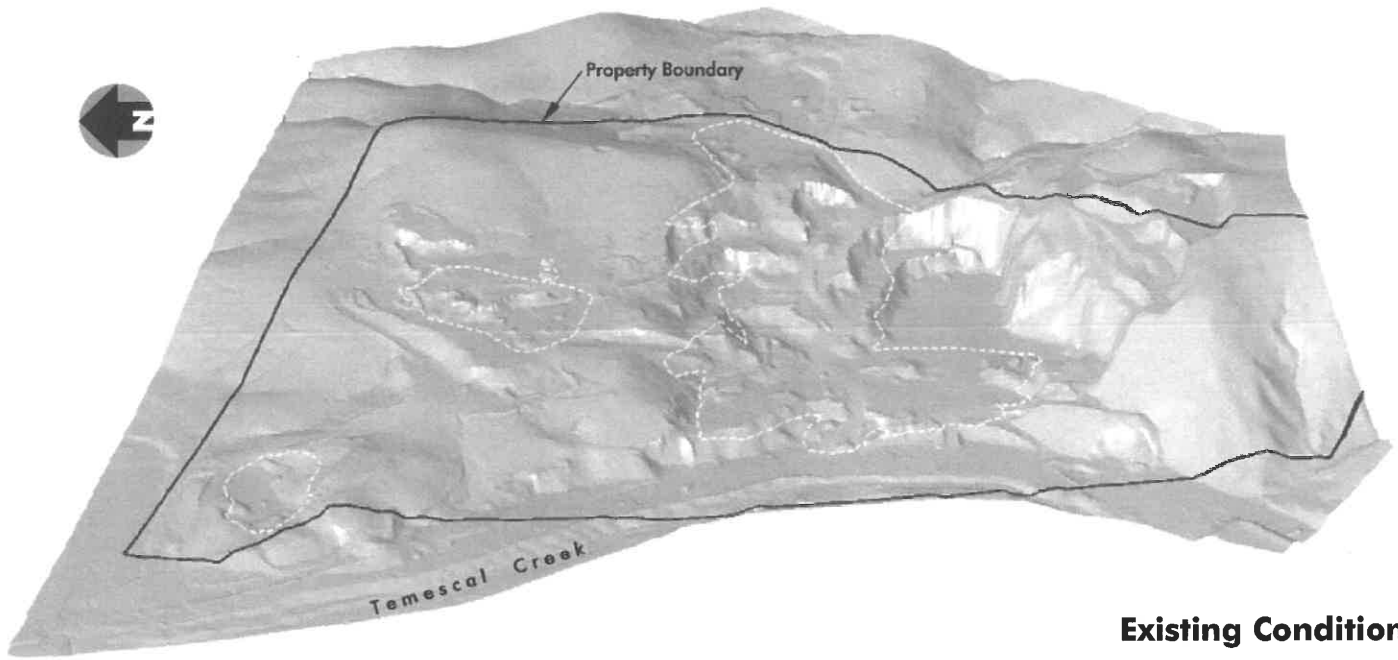


Cross Section

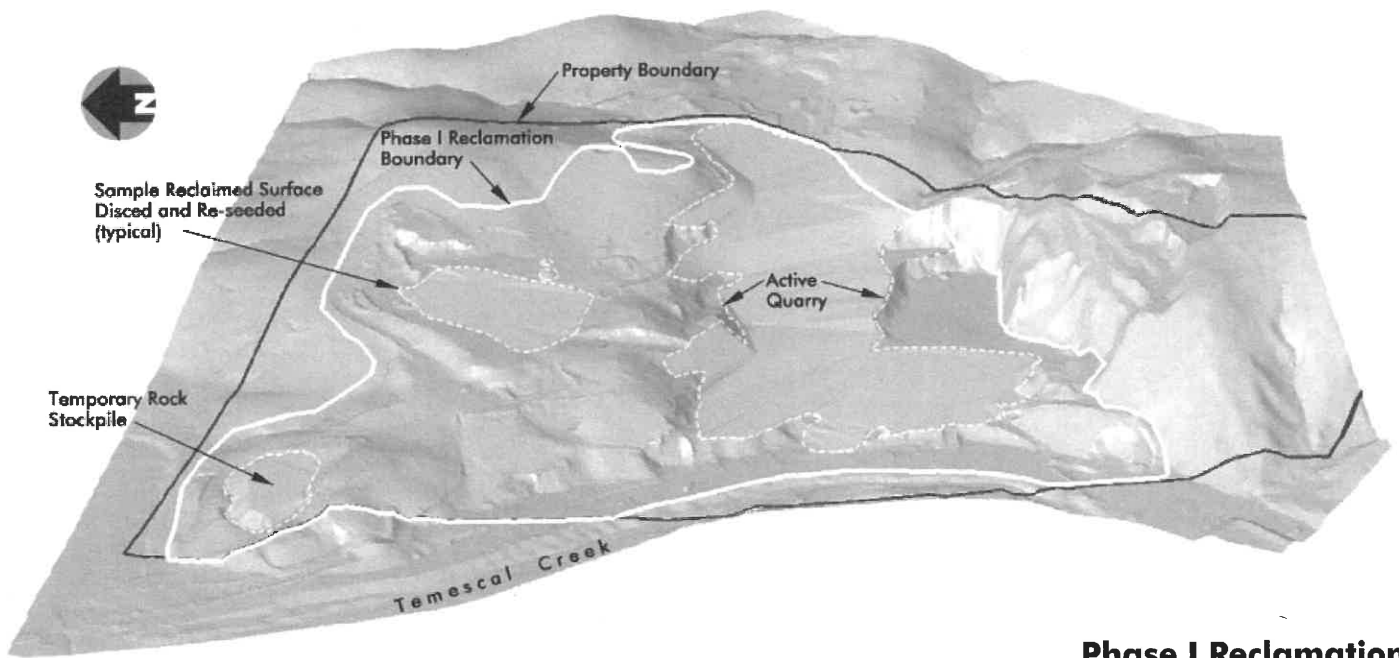
Cross Sections

Temescal Cliffs-8, LLC
Hubbs/Harlow Quarry Reclamation Plan
Riverside County, California

Figure 5



Existing Conditions



Phase I Reclamation

Visual Simulation of Site Reclamation

Equipment removal, recontouring and revegetation for erosion control will be initiated in areas disturbed by previous mining that will not conflict with slope stabilization. The following activity will be undertaken during Phase I:

- Mining to the proposed intermediate contours as outlined in the plot plan (Figure 4).
- Material stockpiling as required to accommodate mine production.
- Reclamation including equipment removal, recontouring of slopes and implementation of appropriate erosion control in areas outside the MRP #118 mine area and where processing activities are no longer required.

Phase II

Phase II is the final land contouring of the fully mined quarry. At the conclusion of quarrying and slope stabilization, reclamation and reclamation monitoring will be implemented including final contouring, cleanup, and revegetation. Any quarry rim areas susceptible to drainage and to public trespass will be bermed and fenced off with a barbed wire fence. Signs will be posted at 100 feet intervals on the fence to alert persons to the hazards. At the base of the benches signs will be posted noting the dangers of falling rock. All stockpiles, equipment, tanks, infrastructure, and buildings will be removed. Cut and fill will be positioned consistent with the conditions outlined in Figure 7. Revegetation and drainage diversion consistent with erosion control measures will be completed.

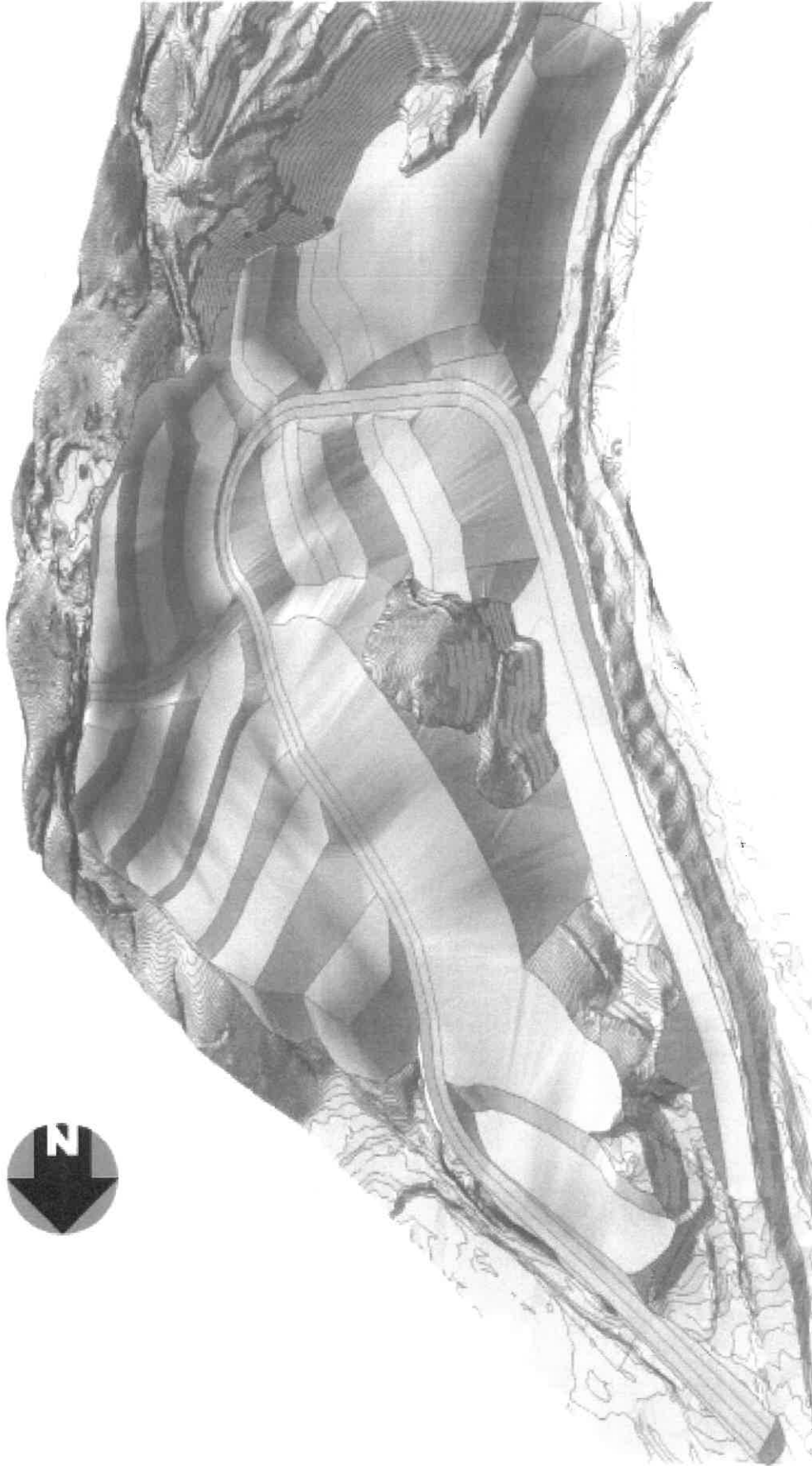
Quarry Equipment

The following equipment in Table 1 will be utilized for the mining activities conducted within the quarry.

**Table 1
Typical Quarry Equipment
Hubbs/Harlow Quarry**

Equipment	Typical Number	Purpose
Motor Grade	1	Construction and maintenance of access roads.
Haul or Dump Trucks	2	Transportation of material onsite.
Drill Rig	1	Drilling holes for placement of explosives (sub –consultant)
Water Truck	1	Water haul roads, stockpiles, and general dust suppression at site.
Front-End Loaders	4	Loading of materials onto conveyors and haul trucks.

Source: Hubbs Construction Company, 2005



Phase II Reclaimed Final Contours

Temescal Cliffs - 8, LLC
Hubbs/Harlow Quarry Reclamation Plan
Riverside County, California

Prepared By:
LILBURN
CORPORATION

Figure 7

3.0 PROJECT LIFE

Onsite operations may continue indefinitely depending on market demand, or the mining operation could cease within two years, if the landowner is successful in obtaining entitlement for productive reuse of the site for residential or other development. Reclamation will begin immediately and continue through the mine life and following quarry closure.

4.0 QUARRY SIZE

Temescal Cliffs is submitting a Revised Reclamation Plan Application for the 110-acre Hubbs/Harlow Quarry site located in northwestern Riverside County. Onsite quarry and processing operation are expected to continue over the site. Reclamation will be conducted over the entire 110-acre site. Quarry operations will be limited to areas outlined in Figure 4.

5.0 EXCAVATIONS

The excavation plan for the Hubbs/Harlow Quarry is divided into two phases based on logistical, engineering, and concerns as discussed above. Phase I is currently underway and will consist of rip-rap removal within the perimeters outlined in Figures 4, 5, and 6 and the finished contour is illustrated in Figure 7. The applicant will provide supporting geotechnical calculations as a supplement to this plan outlining the excavation necessary for Phase II. The County will be updated in the annual monitoring report on the status of operational phases.

Figure 5 shows a typical west to east cross-section of the quarry wall to illustrate the proposed slopes and depths by phase.

6.0 PRODUCTION WATER DATA

Production Water Usage

Current water consumption for the rock quarry is approximately 5,000 gallons per day. This is used for dust control of quarry operations and transport of materials. All water is obtained from the existing well on-site.

Wastewater

Wastewater is not generated on-site as water is used has a dust control measure. The water loss will be due to dust control.

Domestic wastewater will be disposed by utilizing on site septic systems designed per County requirements and portable sanitation units.

Storm Water

All operations on-site will comply with National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges associated with industrial activities and employ appropriate storm water BMPs. NPDES requirements are to eliminate unauthorized non-

storm water discharges, prepare a Storm Water Pollution Prevention Plan (SWPPP), and monitor storm water discharges visually and/or by sampling.

7.0 ANTICIPATED PRODUCTION OF COMMODITY

The proposed action is a revised Reclamation Plan Application for the 110-acre Hubbs/Harlow Quarry site located in northwestern Riverside County. To comply with the Stipulated Settlement Agreement and Judgment dated September 27, 2004 Temescal Cliffs will remove approximately 365,000 tons of material. The mining operation will be in operation for a minimum of two years with stockpiles onsite to compensate for market demand or as required to remove existing reserves.

8.0 QUARRY WASTE

It is not anticipated that any tailing or waste material dumps will exist at the end of mine operations. The only material not used at the rate generated is the final material. Accumulated fines will be used to backfill quarry benches and it will all be consumed in this manner. Stockpiled material will be transported to offsite sale.

9.0 IMPORTED WASTES

There will be no imported waste materials or chemicals brought to the project site. Offsite fill material may be imported to complete finish contours.

10.0 EROSION AND SEDIMENTATION CONTROL

Currently, minor runoff channels cross the quarry. At the end of mining the two major runoff channels will be combined at the quarry. The flow will be directed into an artificial channel constructed in bedrock to which flow from the benches will also be directed. This channel will carry runoff a short distance to Temescal Creek where a rock energy dissipater will be constructed to prevent erosion at that point. The final artificial channel will not be constructed until the end of the mine operations. Currently, temporary channels are being used, alignments may vary during operations. The channel will be kept free of debris to minimize sediment input into Temescal Creek. Culverts will be used under roads where the final channel crosses them.

11.0 BLASTING

Due to the hard rock on the site, blasting has been necessary to extract material of appropriate size for processing. Through an extractive mining process, the rock materials are removed in series through a system of cuts and benches and conveyed to the primary crusher. Mining procedures will include drilling and blasting to develop a series of slopes and benches as outlined in the Revised Slope Stability Investigation.

Blasting operations will involve drilling along the mining face, placement of charges, and detonation of the charges by a blaster licensed through the Bureau of Alcohol, Tobacco, and Firearms for handling explosives. In compliance with County regulations, blasting shall only be conducted by a licensed blaster upon issuance of a blasting permit. The County Sheriff's Department must issue a site-specific blasting permit. The licensed blaster shall also submit a certificate of insurance evidencing that he or she has obtained a general liability insurance policy of not less than \$500,000 for each occurrence.

Blasting activities shall take place between the hours of 10:00 a.m. and 4:00 p.m. on weekdays (Monday through Friday). Blasting shall only be allowed on weekends if there is an emergency. No blasting shall be allowed after dark.

A number of issues must be considered in the preparation of a blasting plan including vibration, air blast, and fly rock. It is also important that basic safety requirements are practiced during blasting. Proper blasting design by qualified experts is the best method for eliminating the potential impacts of blasting operations. A proper blasting design involves efficient use of explosive delays and enough stemming or overburden material to confine fly rock. In addition, a number of safety measures specific to the project site will be required including removal of unstable boulders, stabilizing boulders, limiting the amount of explosive used in blasting, inspecting the site prior to blasting, posting lookouts and use of warning signals.

12.0 TRUCK TRAFFIC

Truck traffic generated by the mining operation consists of approximately 8 (eight) trips per day. However, depending on market demand truck trips may increase to approximately 24 trips per day, operating at full capacity for approximately two years. The following assumptions were assumed:

- 5 Day Work Week
- 8 Hours per Day
- Each Truck will haul approximately 24 tons
- Approximately 365,000 tons of material to be mined over the life of the operation

C. RECLAMATION

The intent of the California Surface Mining and Reclamation Act (SMARA) is to “maintain an effective and comprehensive surface mining and reclamation policy with regulation of surface mining operations so as to assure that: (a) adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative uses; (b) the production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment; and (c) residual hazards to the public health and safety are eliminated” (Section 2712).

Article 9, Section 3700 of SMARA states the following: “Reclamation of mined lands shall be implemented in conformance with standards in this Article (Reclamation Standards). The standards shall apply to each surface mining operation to the extent that:

- (1) they are consistent with required mitigation identified in conformance with CEQA; and
- (2) they are consistent with the planned or actual subsequent use or uses of the mining site.”

Temescal Cliffs proposes to reclaim the quarry site to meet Riverside County Ordinance No. 555, the County’s implementation of the State’s SMARA that will minimize impacts to the surrounding community and environment. The objectives of this Reclamation Plan are to:

- Eliminate or reduce environmental impacts from mining operations;
- Reclaim in a usable condition for post-mining end uses which may include residential land uses;
- Contour steep slopes and other mining features and revegetate disturbed areas to minimize aesthetic, biological, and hydrological impacts; and
- Reclaim the site and slope as necessary to eliminate hazards to public health and safety.

1.0 SUBSEQUENT USES

The quarry will be excavated in two phases to form stable slopes within the vacant hills. The total reclamation area is approximately 110 acres.

The proposed post-mining land uses, or future land uses, will be residential. Refer to Figure 4 for the proposed Reclamation Layout. Figure 6 is a visual simulation of the proposed slopes and benches within the quarry and the surrounding slopes and buffer areas, before and after reclamation.

2.0 RECLAMATION SCHEDULE

Due to phasing for extraction, the permanent perimeter quarry slopes will be reclaimed as completed to meet designed slopes and revegetated concurrent with mining. Revegetation will be ongoing during the quarry mining operation; final slopes will be established as outlined in Figure 7. Final reclamation and revegetation will occur within two years of mine closure.

Phase I Reclamation

The expected length of Phase I is based on the estimated mineral volume, market demand and need for slope stabilization. The oversteepend slopes may require slope reduction, erosion control, and revegetation. It will also include immediate reclamation of disturbed areas outside the MRP #118 mine envelope, removal of unnecessary processing equipment and recontouring and revegetation of disturbed surface outside the active quarry (Figure 6).

Phase II Reclamation

Reclamation activities will be completed during Phase II including cut and fill, final sloping, erosion control, and revegetation. All infrastructure and facilities will be removed including but not limited to buildings, equipment, stockpiles, debris, and trash. Access roads operation areas and other impacted areas will be ripped and seeded with a native erosion control seed mix. The site will be graded to provide adequate drainage control (Figure 7).

3.0 FUTURE MINING

Reclamation and potential residential end uses will limit any future mining within the excavated quarry area.

4.0 PUBLIC SAFETY

Hazards remaining at the end of the operation are related to the slopes. Above the quarry rim a safety berm of approximately 5 feet in height will be constructed and a set back of approximately 20 feet will be established, a 3 strand barbed wire fence will be constructed. Signs will be posted at 100-foot intervals on the fence to warn persons of the hazards. At the base of the slopes, signs will be posted noting the dangers of falling rock.

5.0 POST-RECLAMATION DRAINAGE AND EROSION CONTROL

Currently, minor runoff channels cross the quarry. At the end of mining the two major runoff channels will be combined at the quarry. The flow will be directed into an artificial channel constructed in bedrock to which flow from the benches will also be directed. This channel will carry runoff a short distance to Temescal Creek where a rock energy dissipater will be constructed to prevent erosion at that point. The final artificial channel will not be constructed until the end of the mine operations. Currently, temporary channels are being used, alignments may vary

during operations. The channel will be kept free of debris to minimize sediment input into Temescal Creek. Culverts will be used under roads where the final channel crosses them.

6.0 SLOPES AND SLOPE TREATMENT

Erosion of the slope faces is expected to occur and will result in the deposition of talus deposits at the toe of the slopes and on the slope benches. This will add to the overall stability of the slopes and help to create a more natural appearance of the reclaimed slopes.

Existing fill slopes are considered to be unstable and should be removed. Existing fill should be removed from slope faces. Any large, unstable, boulders on mine slopes should be removed or stabilized prior to the end of reclamation.

Slope Protection

Slopes should be protected with berms and/or levees as necessary to prevent slope erosion in the areas where natural slopes drain onto the reclaimed slopes.

Surface water from the shallow stream channel east of the site should be prevented from ponding above the slope and from flowing over the slope faces.

7.0 CLEAN UP

All clean-up operations will be conducted within one year of the termination of mining. Scrap material, refuse, and surplus materials will be removed and disposed of at an appropriate landfill site. The perimeter of the quarry will be fenced with barbed wire, and posted with warning signs to restrict access to the completed quarry.

8.0 CONTAMINANTS

Temescal Cliffs and/or Hubbs Construction as applicable, will comply with the requirements of the California Industrial Storm Water Permit by implementing a SWPPP that incorporates BMPs and a SPCC plan throughout the operation of the mining and processing activities. During removal of tanks, and other facilities, any fuel or oil spills, or other contaminants will be cleaned up immediately per the SPCC plan. After reclamation there will be no contamination sources remaining on-site.

9.0 REVEGETATION

The revegetation plan will implement a series of activities to revegetate the site. Due to the very rocky existing conditions, only a limited amount of topsoil or growth media will be available. In addition, the excavated slopes are solid rock. Revegetation is planned to be undertaken on the rock faces, however this will be difficult due to lack of soil.

Physical reclamation procedures will include regrading to achieve planned slopes and contours, roughening the compacted surface to hold moisture, adding any stockpiled surface material containing banked seeds, seeding with native seeds, and staking or flagging reclaimed areas to eliminate additional disturbance.

The following is a suggested seed mix which has been prepared by S & S Seeds. The recommended seed mix is widely used within the vicinity. It is a blend of grasses, flowers and shrubs for revegetation of soil and slopes with plant types that belong here. There is a quick start grass to protect soil and allow slower perennials to provide their permanent cover in the years to come. Designed as a non-irrigated mix, irrigation will foster establishment and prolong the blooming period. This program may vary depending upon the availability of seeds and environmental conditions at the time of revegetation:

<u>SPECIES</u>	<u>COMMON NAME</u>	<u>BULK #'s/ACRE</u>	<u>MIN % PLS*</u>
<i>Artemisia californica</i>	California Sagebrush	2.00	10
<i>Atriplex canescens</i>	Four-wing Saltbush	2.00	35
<i>Baccharis sarothroides</i>	Broom Baccharis	2.00	03
<i>Encelia actonii</i>	Acton Bush Encelia	3.00	15
<i>Eriodictyon trichocalyx</i>	Hairy Yerba Santa	1.00	10
<i>Eriogonum fasciculatum</i>	California Buckwheat	8.00	10
<i>Eriophyllum confertiflorum</i>	Golden Yarrow	2.00	25
<i>Eschscholzia californica</i>	California Poppy	2.00	85
<i>Isomeris arborea</i>	Bladderpod	4.00	60
<i>Lasthenia glabrata</i>	Goldfields	1.00	85
<i>Lotus scoparius</i>	Deerweed	4.00	85
<i>Lupinus succulentus</i>	Arroyo Lupine	6.00	90
<i>Salvia apiana</i>	White Sage	2.00	25
<i>Salvia mellifera</i>	Black Sage	1.00	40
<i>Vulpia microstachys</i>	Small Fescue	<u>6.00</u>	85
		46.00	

* MIN % PLS (Pure Live Seed) = Seed Purity x Germination Rate

- Seed: 46 lbs per acre
- Height: 12-54 inches
- Emergence: 10-25 days
- Establishment: 50-70 days to 50% cover after emergence

10.0 MONITORING AND MAINTENANCE

Reclamation efforts will be monitored pursuant to SMARA requirements and according to the County of Riverside approved Reclamation Plan. Temescal Cliffs will be required under SMARA (Public Resources Code Section 2207) to submit an annual report. SMARA (Section

2774(b)) requires the lead agency (the County) to conduct an inspection of the mining operation within six months of receipt of the required Annual Report. In addition, Temescal Cliffs will be required to submit an annual Mitigation Monitoring and Compliance Report to the County to review implementation and the status of the permit conditions and mitigation measures.

11.0 RECLAMATION ASSURANCE

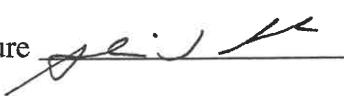
Upon approval of this Reclamation Plan Temescal Cliffs assures reclamation of the site in compliance with Section 2773.1 of SMARA in the form of a bond payable to the County of Riverside and the California Department of Conservation, Division of Mines and Geology. The financial assurance will be approved for the implementation of this proposed Reclamation Plan and will be reviewed and adjusted annually to account for new lands disturbed, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan (SMARA, Section 2773.1 (a)(3)).

12.0 STATEMENT OF RESPONSIBILITY

The statement of responsibility for the reclamation of the site (below) will be signed by Temescal Cliffs representative and will be included as a separate form.

I, the undersigned, hereby agree to accept full responsibility for reclamation of all mined lands as described and submitted herein and in conformance with the applicable requirements of Articles 1 and 9 (commencing with Sections 3500 et. seq. and 3700 et. seq., respectively) of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations, the Surface Mining and Reclamation Act commencing with Section 2710 et. seq., and with any modifications requested by the administering agency as conditions of approval.

Signed this 11th day of MAY, 2006 by

Signature  Title SOLE MANAGING MEMBER

REFERENCES, ACRONYMS, AND GLOSSARY

REFERENCE

“Riverside County General Plan,” Riverside County, October 2003.

“Soil Survey of Western Riverside Area California,” U.S. Department of Agriculture, Soil Conservation Service, 1971

“Surface Mining and Reclamation Act (SMARA,” California Department of Conservation, Office of Mine Reclamation, 2004.

“Western Riverside County Multiple Species Habitat Conservation Plan,” County of Riverside, Dudek & Associates, approved June 17, 2003.

“Revised Slope Stability Investigation Hubbs Harlow Quarry” CHJ Incorporated, May 31, 2005.

Original Approved Reclamation Plan 118, April 2, 1982

ACRONYMS

AC	Asphaltic Concrete
AC-FT	acre-foot
AQMP	Air Quality Management Plan
BACT	Best available control technology (for control of air emissions)
BLM	Bureau of Land Management
BMP	Best Management Practices
CCR	California Code of Regulations
CDFG	California Department of Fish and Game
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
CFS	Cubic feet per second
CHP	California Highway Patrol
CNPS	California Native Plant Society
CUP	Conditional use permit
CY	Cubic yards
DOC	Department of Conservation
EIR	Environmental Impact Report
FESA	Federal Endangered Species Act
GPM	Gallons per minute
I-15	Interstate 15
MG	million gallons
MGD	million gallons per day
mph	miles per hour

MR	Mountain Rural
MSHCP	Multi-Species Habitat Conservation Plan
msl	mean sea level
MTPY	million tons per year
MW	megawatts
NPDES	National Pollutant Discharge Elimination System
PM₁₀	10-micron or less particulate matter
RP	Reclamation Plan
RWQCB	Regional Water Quality Control Board
SDGE	San Diego Gas & Electric
SCAQMD	South Coast Air Quality Management Plan
SCE	Southern California Edison
SMARA	Surface Mining and Reclamation Act
SPCC	Spill Prevention, Control, and Counter-measure
SWPPP	Stormwater Pollution Prevention Program
WMWD	Western Municipal Water District
USGS	United States Geological Survey

GLOSSARY OF TERMS

Acre-foot: Volume of water required to cover an area of one acre to a depth of one foot.

Alluvium: A geologic term for general deposits made by streams, riverbeds, or floodplains typically composed of a mixture of sands, gravels, and clays.

BACT: Best Available Control Technology – Air quality term used to describe air pollutant control equipment for equipment and facilities that produce air emissions.

Bedrock: The solid rock that underlies soil and unconsolidated material.

California Endangered Species Act: California state legislation enacted in 1984, with the intent to protect floral (plant) and faunal (animal) species by listing them as “rare,” “threatened” “endangered,” or “candidate.” The Act also provides a consultation process for the determination and resolution of potential adverse impacts to the species.

California Environmental Quality Act (CEQA): Policies enacted in 1970, and subsequently amended, the intent of which is the maintenance of a quality environment for the people of California now and in the future.

Discretionary project or action: Project that “requires the exercise of judgment or deliberation when the public agency decides to approve or disapprove a particular activity” (CEQA Guidelines §15357).

Endangered species: A species whose prospects of survival and reproduction in the wild are in immediate jeopardy from one or more causes.

Environmental Impact Report (EIR): “Detailed statement or report prepared under CEQA describing and analyzing the significant effects of a project and discussing ways to mitigate or avoid the effects” (CEQA Guidelines §15362). .

Fine Particulate Matter: Extremely small air pollutants less than 2.5 microns in diameter and that form primarily from engine combustion sources, not from fugitive dust sources.

Growth Media: Surface material which contains nutrients, micro flora, and plant seeds.

Hazardous material: Substance, which may cause injury to persons or damage to property because of its potential for corrosivity, toxicity, ignitability, chemical reactivity, or explosiveness.

Hydrogeology: The study of surface and subsurface water.

Overburden: Material of little to no value under the topsoil or growth media which overlays the ore or aggregate of value.

Permeability: The capacity of rock, sediment, or soil for transmitting a fluid.

Phasing: Planned stages of project development.

Rare species: A species, which, although not presently threatened with extinction, is in such small numbers throughout its range that it may become endangered if its present environmental worsens.

Reclamation: The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations (SMARA 2004).

Regional Water Quality Control Board (RWQCB): Agency which administers the requirements of the California Administrative Code, Title 23, Division 3, Chapter 15 (Section 2595,g,7) to ensure the highest possible water quality consistent with all demands.

Right-of-way (ROW): The right granted to pass over property owned by another. The strip of land granted or leased from the landowner over which facilities such as roadways, railroads, or power lines are built.

Sensitive species: A plant or animal species, which is recognized by the government or by a conservation group, as being depleted, rare, threatened, or endangered.

Threatened Species: Species, which, although not presently threatened with extinction, are likely to become endangered in the foreseeable future in the absence of special protection and management efforts.

Watershed: A region that contributes water flow and runoff to a particular stream channel or system of channels due to its topography.

Water table: The upper water level of a body of groundwater.

EXHIBIT 14

Discussion Outline
Proposed Memorandum of Understanding
Armada/Cajalco Project
October 1, 2003

This outline represents the basis for a Memorandum of Understanding ("MOU") between Armada LLC ("Armada") and the County of Riverside ("Riverside") regarding the development of approximately 640 acres of land located in the unincorporated area of the County and adjacent to the City of Corona boundary and within their Sphere of Influence.

The MOU shall describe the terms of a final agreement to be executed between Armada and Riverside that will provide for the conveyance of approximately 400 acres to Riverside to assist in satisfying the habitat mitigation objectives of the MSHCP and the implementation of the circulation network desired by the County of Riverside and the RCTC (the final form of the agreement is to be determined). In consideration for the conveyance, Armada would receive a combination of financial incentives and Riverside's advocacy for the approval of a residential project on the remaining 240 acres, comprising 561 residential lots.

Armada covenants to:

1. Enter into an agreement to convey approximately 400 acres of land to Riverside free and clear of any financial encumbrances, following the completion of all final Riverside development approvals and following the expiration of statutory appeal periods challenging any CEQA and/or Riverside land use approvals.
2. Pay for Boundary Survey to confirm actual acreage to be conveyed.
3. Pay for all costs associated with the actual conveyance; Grant Deeds, recordation costs, etc.

Riverside covenants to:

1. Agree/support Armadas' land use concept, general layout and residential densities.
2. Agree to an expedited project processing schedule.
3. Agree to provide Armada or its assigns, offset fee credit for the following fees:
 - A. MSHCP Fees equal to \$1,651 per Residential Unit.
 - B. Transportation Mitigation Fee- Roads, Bridges, etc. equal to \$1,278 residential per residential unit per unit.
 - C. Open Space Mitigation Fee equal to \$472 per Residential unit.
 - D. Stevens Kangaroo Rat Mitigation Fee equal to \$500 per Residential unit.
 - E. TUMF Fee equal to \$6,650 per Residential unit.
 - F. Park fee credit for any mini-parks or recreation facilities within the development.

4. Agree to execute easements, encroachment permits, licenses or any other required to facilitate the development of the project.
5. Assist in obtaining requisite permits and approvals from any and all "resource agencies" including but not limited to; Army Corps of Engineers, Department of Fish and Wildlife, State Department of Fish and Game, etc.

The MOU shall be entered into by November 1, 2003, and expire the sooner of three years, the execution of a final agreement with Riverside consistent with the terms listed above.

EXHIBIT 15

S.T. & KOO INTERNATIONAL CORP.

323 West Court Street, Ste. 301
San Bernardino, California 92705

January 26, 2004

VIA FACSIMILE AND OVERNIGHT COURIER

Cajalco Associates, LLC
428 Thirty Second Street
Newport Beach, California 92663
Attention: Bruce Lehman

Re: Authority of Cajalco Associates, LLC to process entitlements for approximately 640 acres (the "**Property**") located north and south of Cajalco Road in Riverside County, California

Dear Bruce:

This letter is to acknowledge and confirm that, in connection with the contemplated sale of the Property by S.T. & Koo International Corp. ("**Seller**") to Cajalco Associates, LLC ("**Buyer**"), Seller, as owner of the Property, has granted to Buyer authority to process and file any necessary applications for annexation, changes of zone, conditional use permits, subdivisions, parcel maps, lot splits, site plans or precise plan approvals, or any other governmental approvals deemed necessary or appropriate with Buyer's intended development of the Property (collectively, "**Entitlement Materials**").

Seller intends that this letter will be presented by Buyer to any applicable governmental agency or other party as evidence of Buyer's authority to process Entitlement Materials on behalf of Seller.

EXHIBIT 16

PAR 00534

*Pre-Application Review
for the 680-Acre Twin Creeks Property*



Prepared for

County of Riverside
Transportation and
Land Management Agency
Planning Department
4080 Lemon Street, 2nd Floor
Riverside, CA 92501

Submitted by

Cajalco Associates, LLC.
430 32nd Street, Suite 200
Newport Beach, CA 92663

March 2004

PARS Application Package Table of Contents

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Property Acreage (8 1/2 X 11 Exhibit)	10
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Planning Areas	15
Project Statistics	16
Conceptual Site Plan (11 X 17 Exhibit)	17
Site Plan Vignette (11 X 17 Exhibit)	18

Appendices

- A. Consultant List
- B. Temescal Canyon Area Plan Exhibits (9 Total)

EXHIBIT NO. _____
CASE NO. _____
DATE 3/29/04 SIGNATURE MH

A
PAR 504

County Information Sheet

Applicant:

Cajalco Associates, LLC
Steve Jenkins
430 32nd Street, Suite 200
Newport Beach, CA 92663
Phone: (949) 723-2020 ext. 106
Fax: (949) 723-3322
Email: sjenkins@armadallc.com

Project Description:

380 unit single-family community

Project Location:

The project site is located on the north and south side of Cajalco Road, east of Temescal Canyon Road.

Project Acreage:

680 gross acres

Assessors Parcel No.:

See Item 4 on County Application Form

County Application Form

1. Applicant:

Cajalco Associates, LLC
Steve Jenkins
430 32nd Street, Suite 200
Newport Beach, CA 92663
(949) 723-2020 ext. 106

2. Land Owner:

ST Koo primary landowner (under contract to Cajalco Associates, LLC)
Steve Jenkins
430 32nd Street, Suite 200
Newport Beach, CA 92663
(949) 723-2020 ext. 106

3. Map/Exhibit Preparer:

Templeton Planning Group
Peter Templeton
1470 Jamboree Road, Suite 200
Newport Beach, CA 92660
(949) 718-0640

4. Assessor Parcel No.: See Page 5 - Parcel Numbers

Property Address: Vacant land on Cajalco Road

5. Scale of Exhibit: 1 inch = 2,000 feet (See Page 8 - Location Map)

6. North Arrow: See Page 8 - Location Map

7. Title of Exhibit: Twin Creeks Conceptual Site Plan

8. Proposed Improvement Schedule:

-Entitlements	12 months	February 2005
Specific Plan/EIR		
-Construction Documents	7 months	September 2005
-Project Construction and Sales	24 months	September 2007

County Application Form

9. Overall Dimensions:

Approximate total net buildable acreage of property: 81.6 acres

Approximate total gross acreage of property: 680 acres

Acreage north of Cajalco Road: 313 acres

Acreage south of Cajalco Road: 367 acres

10. Project Boundary Lines: See Page 8 - Location Map

11. Property

Existing zoning/ General Plan and land use: Open Space-Mineral Resources, Open Space-Rural

Proposed zoning and land use: Twin Creeks Specific Plan- Single-Family Residential

12. Surrounding Property

Existing zoning and land use:

North: City of Corona (Eagle Valley Specific Plan)

South: Conservation-Habitat, City of Corona (Dos Lagos Specific Plan)

East: Rural Mountainous, Conservation-Habitat

West: Open Space- Mineral Resources, Open Space- Rural

Proposed zoning and land use: Not Applicable

13. Waste disposal system proposed:

Lead agency: Western Municipal Water District

-City of Corona's Waste Treatment Facility

See Page 13-Sewer and Water Service

14. Location and dimensions of existing dwellings, buildings, or other structures: Not Applicable

15. Setback dimensions of existing structures and paved areas that are to remain: Not Applicable

16. Uniform Building Code occupancy group and construction type: Type IV Construction

17. Vicinity Map: See Page 8 - Location Map

18. Location and dimensions of existing and proposed ingress and egress: See Page 17 - Conceptual Site Plan

19. Contour lines showing existing topography of the property: See Page 17 - Conceptual Site Plan

20. FEMA mapped floodplains and floodways: See Appendix B - Figure 10

County Application Form

21. Above and below ground location(s) and amount(s) of flammable or combustible liquids and waste oil:

Not Applicable

22. For land divisions

a. Proposed lot lines: See Page 15 - Planning Areas and Page 17 - Conceptual Site Plan

Approximate lot dimensions:

70' x 110' pads (min. lot size 7,700 sq. ft., avg. lot size 11,200 sq.ft.)	84 homes
60' x 110' pads (min. lot size 6,600 sq. ft., avg. lot size 8,800 sq.ft.)	84 homes
50' x 110' pads (min. lot size 5,500 sq. ft., avg. lot size 8,100 sq.ft.)	115 homes
45' x 75' pads (min. lot size 3,375 sq. ft., avg. lot size 4,700 sq.ft.)	97 homes
	380 homes total

b. Mobile Home or Recreational Vehicle parks: Not Applicable

23. Specific Plan Planning Area number, land use designation on the subject property and all surrounding property:

Not Applicable

24. For condominiums, mobile home, or recreational vehicle parks: Not Applicable

25. Restricted Single Family Residential Subdivision: Not Applicable

For pad elevations, street grades, and all cut and fill slopes in excess of one foot in vertical height, see Page 17 - Conceptual Site Plan

**Cajalco Associates LLC
Parcel Numbers**

Cajalco Associates, LLC currently is in contract to purchase approximately 94% of the total acreage within the gross project area

281 - 020 - 020	281 - 040 - 010	281 - 110 - 008	281 - 270 - 006	278 - 160 - 008
281 - 030 - 007	281 - 050 - 001	281 - 110 - 009	281 - 270 - 007	278 - 160 - 010
281 - 030 - 011	281 - 060 - 012	281 - 110 - 010	281 - 280 - 002	278 - 160 - 011
281 - 030 - 013	281 - 060 - 013	281 - 110 - 011	281 - 280 - 003	278 - 160 - 012
281 - 040 - 009	281 - 070 - 001	281 - 110 - 012	281 - 280 - 004	278 - 160 - 013
281 - 040 - 011	281 - 070 - 002	281 - 110 - 013	281 - 280 - 005	278 - 160 - 014
281 - 050 - 004	281 - 070 - 003	281 - 120 - 003	281 - 290 - 001	278 - 160 - 015
281 - 050 - 006	281 - 070 - 004	281 - 120 - 004	281 - 290 - 002	278 - 160 - 016
281 - 050 - 007	281 - 070 - 005	281 - 120 - 005	281 - 290 - 003	278 - 160 - 017
281 - 060 - 020	281 - 070 - 006	281 - 120 - 007	281 - 290 - 005	278 - 160 - 018
281 - 060 - 024	281 - 070 - 009	281 - 130 - 002	281 - 300 - 001	278 - 160 - 019
281 - 060 - 027	281 - 070 - 010	281 - 130 - 003	281 - 300 - 002	278 - 160 - 020
281 - 070 - 019	281 - 070 - 011	281 - 130 - 004	281 - 310 - 001	278 - 180 - 005
281 - 070 - 023	281 - 070 - 022	281 - 130 - 005	281 - 310 - 002	278 - 180 - 007
281 - 080 - 022	281 - 070 - 024	281 - 130 - 006		278 - 180 - 011
281 - 080 - 024	281 - 070 - 013	281 - 150 - 001		278 - 180 - 016
281 - 090 - 002	281 - 070 - 014	281 - 150 - 002		278 - 180 - 018
281 - 100 - 005	281 - 070 - 015	281 - 150 - 003		278 - 180 - 027
281 - 100 - 028	281 - 070 - 016	281 - 160 - 001		281 - 020 - 008
281 - 100 - 040	281 - 080 - 001	281 - 160 - 002		281 - 020 - 009
281 - 110 - 015	281 - 080 - 002	281 - 170 - 001		281 - 020 - 010
281 - 120 - 008	281 - 080 - 003	281 - 170 - 005		281 - 020 - 011
281 - 120 - 009	281 - 080 - 004	281 - 190 - 010		281 - 020 - 012
281 - 130 - 009	281 - 080 - 005	281 - 190 - 013		281 - 020 - 013
281 - 140 - 022	281 - 080 - 006	281 - 200 - 001		281 - 020 - 014
281 - 200 - 004	281 - 080 - 007	281 - 200 - 002		281 - 020 - 015
281 - 210 - 003	281 - 080 - 008	281 - 200 - 003		281 - 020 - 016
281 - 210 - 005	281 - 080 - 009	281 - 210 - 004		281 - 020 - 017
281 - 230 - 014	281 - 080 - 010	281 - 230 - 007		281 - 030 - 003
281 - 240 - 005	281 - 080 - 011	281 - 230 - 008		281 - 030 - 010
281 - 250 - 009	281 - 080 - 012	281 - 230 - 011		281 - 030 - 012
281 - 260 - 007	281 - 080 - 013	281 - 240 - 001		281 - 040 - 002
281 - 260 - 004	281 - 080 - 021	281 - 240 - 002		281 - 040 - 003
281 - 270 - 008	281 - 080 - 023	281 - 240 - 004		281 - 040 - 005
281 - 280 - 001	281 - 080 - 016	281 - 250 - 001		281 - 040 - 008
281 - 290 - 008	281 - 100 - 004	281 - 250 - 002		281 - 050 - 002
281 - 300 - 003	281 - 100 - 020	281 - 250 - 003		281 - 060 - 001
281 - 310 - 004	281 - 100 - 021	281 - 250 - 004		281 - 060 - 002
278 - 160 - 037	281 - 100 - 022	281 - 250 - 005		281 - 060 - 010
278 - 160 - 040	281 - 100 - 023	281 - 250 - 006		281 - 060 - 011
278 - 170 - 001	281 - 100 - 024	281 - 250 - 007		281 - 060 - 015
278 - 180 - 028	281 - 100 - 025	281 - 250 - 008		281 - 060 - 016
278 - 180 - 029	281 - 100 - 026	281 - 260 - 003		281 - 060 - 017
278 - 180 - 031	281 - 110 - 001	281 - 260 - 005		281 - 060 - 018
	281 - 110 - 002	281 - 270 - 001		281 - 060 - 025
	281 - 110 - 004	281 - 270 - 002		
	281 - 110 - 005	281 - 270 - 003		
	281 - 110 - 006	281 - 270 - 004		
	281 - 110 - 007	281 - 270 - 005		

Requested County Actions and Project Overview

Cajalco Associates, LLC is requesting a Pre-application Review (PARS) of an approximately 680 acre site located at Cajalco Road, east of the I-15 freeway and west of La Sierra Avenue, within unincorporated Riverside County. The subject property is within the Temescal Canyon Area Plan of the Riverside County General Plan, and in the Sphere of Influence of the City of Corona. It is our intention to develop the property in the County of Riverside and to secure the following land use entitlements:

- A proposed **General Plan Amendment** for the northerly 313 acres from Open Space-Mineral Resource and Open Space-Rural to Medium Density Residential (2-5 du/ac). The southerly 367 acres would remain under the current designation of Open Space-Rural, and be retained for open space/habitat conservation purposes (MSHCP) and potential right-of-way for the future CETAP corridor.
- A proposed **Specific Plan** entitled the “Twin Creeks Specific Plan” establishing a master planned residential community of approximately 380 single family detached homes. The homes are to be clustered on the portion of the property located on the north side of Cajalco Road, and designed to be sensitive to the hillside character of the site by integrating the natural landforms into the overall land plan. Twin Creeks is proposed to be a gated community with its own private streets and recreational areas to serve the residents.
- A proposed **Master Tentative Tract Map (Conveyance Map)** to establish large builder parcels on the 313 acre residential area located north of Cajalco Road.
- A proposed **Tentative Tract Map** to establish lots for development and associated infrastructure on the 313 acre residential area located north of Cajalco Road.

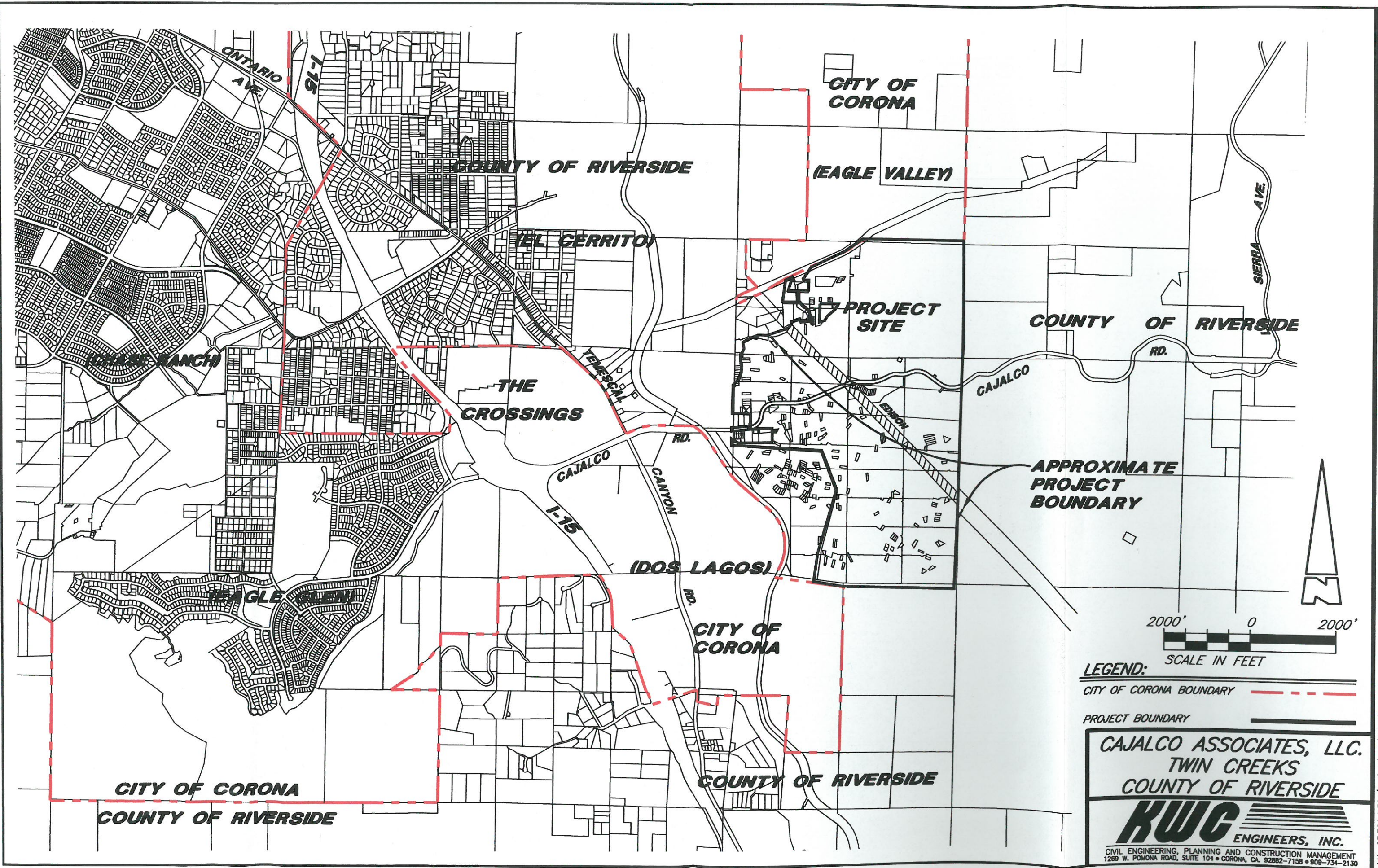
Based on preliminary meetings with Riverside County Planning Department officials, the proposed GPA and project would qualify for a regular cycle amendment pursuant to the findings required in Chapter 10 of the General Plan (Administration Element). The factors presented for the County’s consideration of this amendment are as follows:

1. The proposed project is consistent with the Vision Statement, General Plan Principles and Temescal Canyon Area Plan Policies of the General Plan.
2. The project includes the reservation of approximately 367 acres of open space for conservation purposes in accordance with the goals of the MSHCP, and with Policies 19.10 and 19.13 of the Temescal Canyon Area Plan, by furthering the contiguous connection of upland habitat blocks connecting to the Lake Mathews/Estelle Mountain Reserve.
3. The proposed project facilitates the provision of the Hemet to Corona/Lake Elsinore CETAP corridor by providing future right of way through the southern portion of the property.

Requested County Actions and Project Overview

4. The proposed project provides for the continued use of Cajalco Road as a scenic highway, and allows for the future development of a Class 1 bike path on the south side of the roadway.
5. The proposed project is consistent with the General Plan's policies for hillside development by clustering of home sites to reduce grading impacts to the natural landform and canyons, and to add more visual interest to the property.
6. The proposed project site is located directly east of the I-15 corridor and as such, has a greater identity with the approved residential specific plans and urbanization occurring along this corridor, than the more rural neighborhoods located several miles further east in the Lake Mathews/Woodcrest Area Plan.
7. The proposed development area is concentrated on the northern portion of the site in order to maximize the open space/public use potential on the southern property, consistent with the General Plan's goal to encourage density transfers to preserve open space. Even with the clustering of homes on the northern property, the land use density is very low, at 1.2 units per acre, and the overall specific plan density is at 0.5 du/ac.

Cajalco Associates LLC has provided the following packet of information to assist the county staff and related agencies in reviewing our preliminary project concepts at the Pre-application Review meeting.



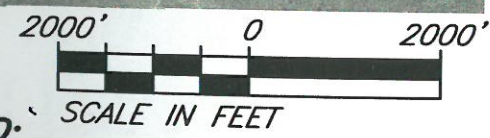
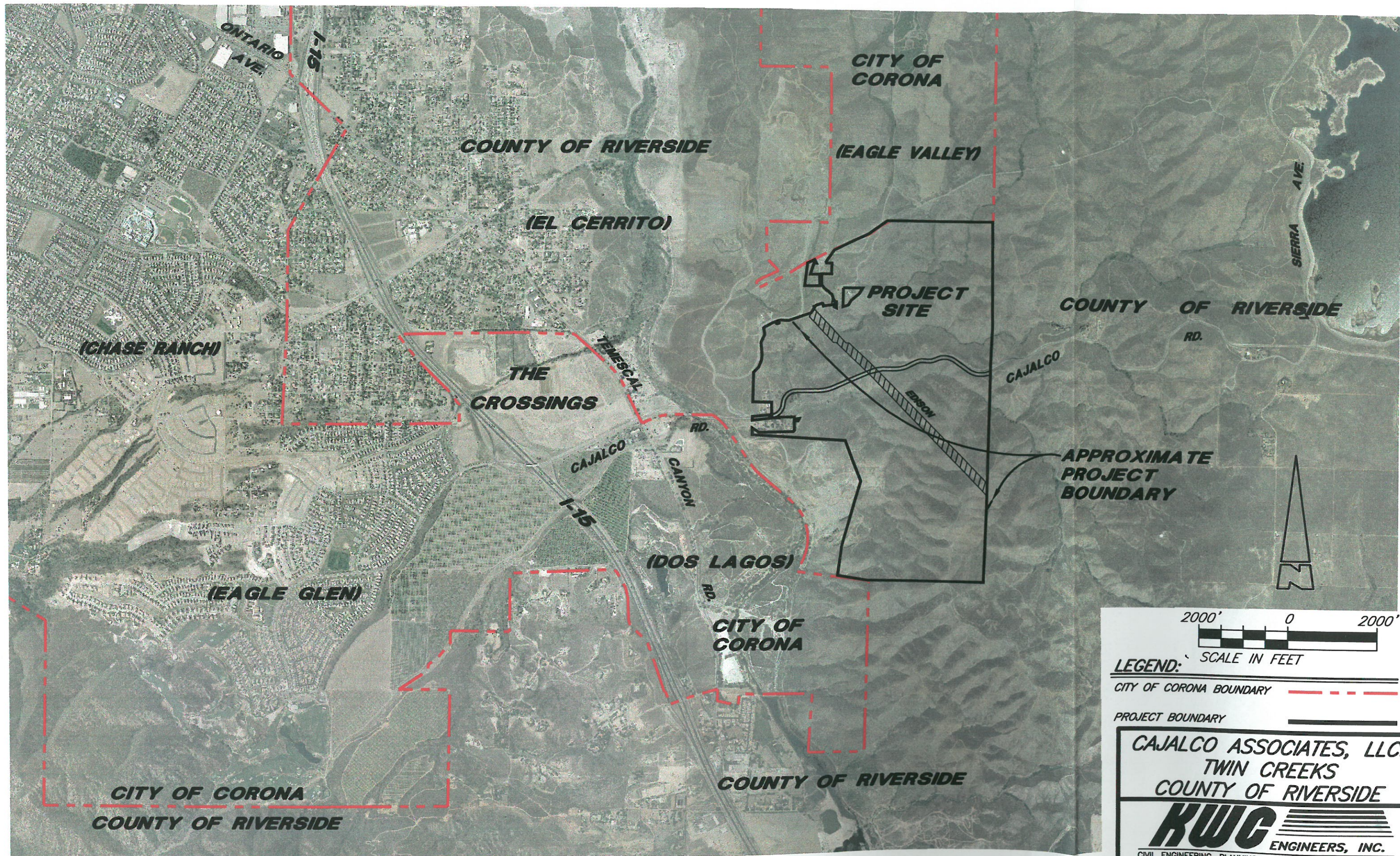
LEGEND:
 CITY OF CORONA BOUNDARY
 PROJECT BOUNDARY

CAJALCO ASSOCIATES, LLC.
TWIN CREEKS
COUNTY OF RIVERSIDE

KWC ENGINEERS, INC.

CIVIL ENGINEERING, PLANNING AND CONSTRUCTION MANAGEMENT
 1269 W. POMONA ROAD, SUITE 104 • CORONA, CA. 92882-7158 • 909-734-2130

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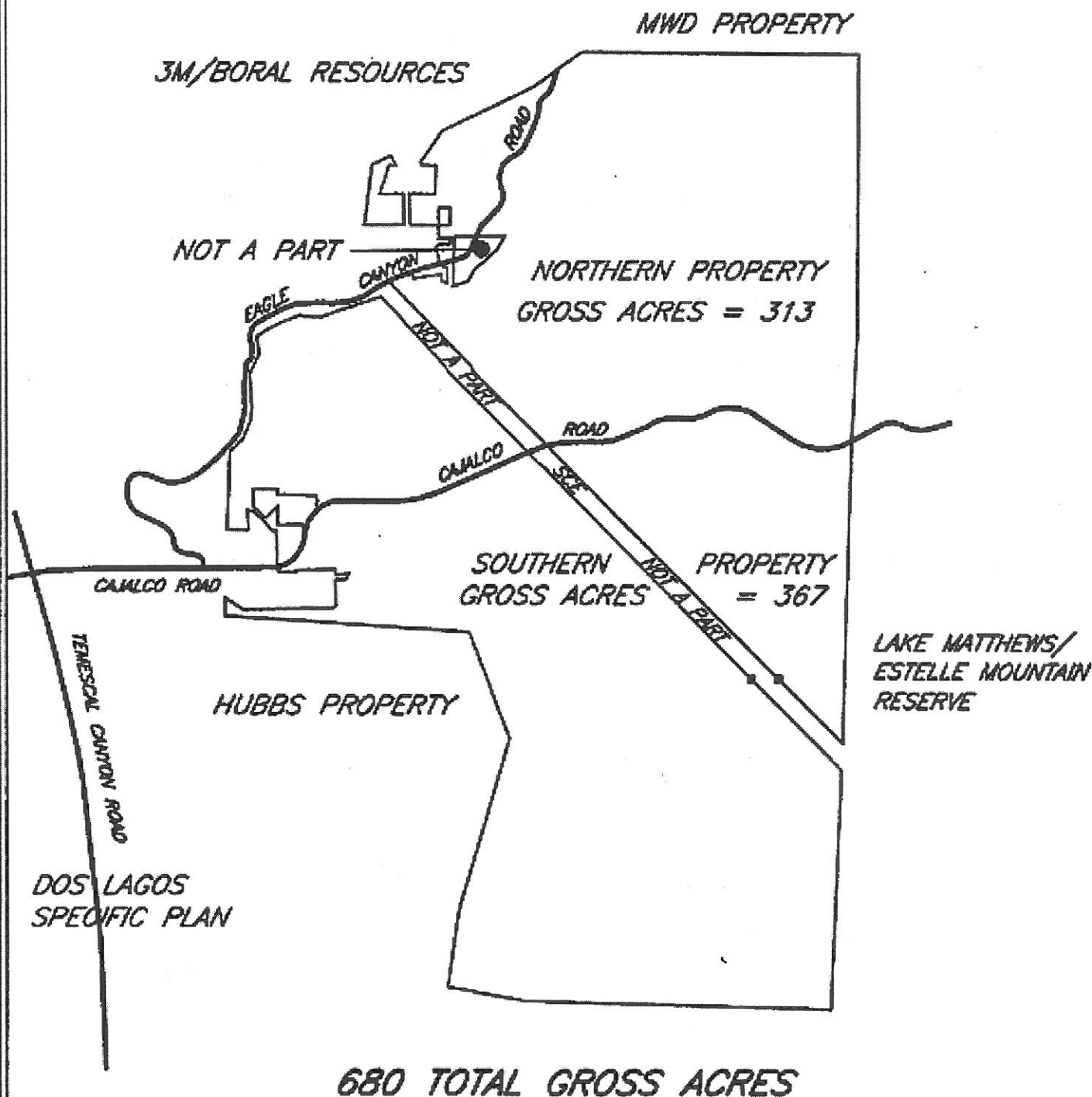
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 1269 W. POMONA ROAD, SUITE 104 • CORONA, CA. 92882-7158 • 909-734-2130

EAGLE VALLEY SPECIFIC PLAN



TWIN CREEKS
PROPERTY ACREAGE MAP

KWC ENGINEERS
CIVIL ENGINEERING, PLANNING AND CONSTRUCTION MANAGEMENT
1600 COMMON AVENUE, SUITE 100 • COLTON, CA 95911 • 530 • 425-411-2130

Project Description (Narrative)

SETTING

The subject property is located southeast of the City of Corona, and within the City's Sphere of Influence. More specifically, the project site is approximately one mile east of the Corona (I-15) Freeway and Temescal Canyon Road. Cajalco Road bisects the center of the site in a generally east-west direction. Eagle Canyon Road intersects Cajalco Road just west of the property and generally borders the northwestern boundary of the property. The site is largely surrounded by undeveloped lands, although there are some limited residential uses adjacent to Calajco Road. The property immediately to the north is primarily owned by the Metropolitan Water District (MWD), although some property to the northwest is owned by various private parties and trusts. The MWD property is located within the City of Corona and encompasses an approved residential Specific Plan called Eagle Valley, which has not yet been developed. MWD's current intentions are to use 400 acres of the Eagle Valley property for a water treatment facility. Located to the east and southeast of the site are undeveloped hillsides of the Lake Mathews/Estelle Mountain Reserve. A mining operation and the Dos Lagos Specific Plan within the City of Corona are located to the southwest of the site. A new one million-plus square foot commercial development called The Crossings is located further to the west, at the I-15 freeway and Temescal Canyon Road.

COMMUNITY DESIGN

The proposed 680 gross acre Twin Creeks Specific Plan, proposed by Cajalco Associates, LLC, is envisioned to become one of the premier residential hillside communities within southwestern Riverside County. The plan proposes 380 single-family homes on the approximately 313 acres of land on the north side of Cajalco Road and public open space on the approximately 367 acres on the south side of Cajalco Road. The overall residential density of the project is 0.5 dwelling units per acre. If calculating the density of just the northern half without the benefit of the 367-acre open space contribution, the density is still quite low at 1.2 units per acre.

The design envisions a minimal grading approach without large, deep cuts or fills. The primary ephemeral streams on the property have been avoided and preserved as natural drainage ways and open space. The housing has been designed on the hill tops with fill areas on the secondary canyon areas. This grading design concept results in a plan that has a large number of homes with spectacular canyon views. The grading on the edge of the canyons are daylight cuts with no visible scaring of the hillsides. The spine road that runs the length of the property and creates the access to the individual neighborhoods has been designed with a special 28-foot roadway section and 32-foot graded section to reduce the scaring of the hillsides. The plan also anticipates some slopes along this spine road to be 1.5 to 1 slopes to reduce visual scaring and sliver cuts. There are no homes fronting the canyon spine road except for a few homes at the midpoint of the development where the traffic volumes and traffic speed is at a minimum. A bridge is proposed where the spine road crosses the primary streambed.

Project Description (Narrative)

A large community pool and recreation area are planned in the central portion of the community, and each residential neighborhood is designed to have its own mini-park; all of which will be maintained by a local homeowner's association. A scenic bike trail is proposed on the south side of Cajalco Road which will be an 8-foot wide trail, 12-foot graded, with a 15-foot wide cross section. The proposed residential development offers the County of Riverside a well-planned residential community that is environmentally sensitive, with a large addition of open space to the County. The project will also help meet the growing housing needs of the County.

LOT SIZES

Pad sizes in each neighborhood vary. The range of pad sizes includes 97 homes on 45' x 75' pads (3,375 sq. ft.) with an average lot size of 4,700 sq. ft.; 115 homes on 50' x 110' pads (5,500 sq. ft.) with an average lot size of 8,100 sq. ft.; 84 homes on 60' x 110' pads (6,600 sq. ft.) with an average lot size of 8,800 sq. ft.; and 84 homes on 70' x 110' pads (7,700 sq. ft.) with an average lot size of 11,200 sq. ft. The lot sizes are larger than the minimum pad sizes because of side slopes, rear slopes and design features such as cul-de-sac lots and end lots. Development of the site is clustered in development pods to minimize impacts to the canyons and other open space.

CREEK PRESERVATION

The existing natural landform is characterized by relatively steep topography with rounded hilltops and narrow canyon bottoms. The three primary ephemeral streams run in an east-west direction through the property; two north of Cajalco Road and one to the south of Cajalco Road. These remain largely untouched. There are also three defined drainage areas from the north, which intersect the northern boundary and will be underground for a short distance through the residential areas. Consequently, careful planning has resulted in a design that minimizes the physical impact to the land. The plan takes the natural topography into careful consideration as evidenced by the sensitive grading of this hillside project.

COUNTY OPEN SPACE AND PARKS

Several measures have been taken to minimize development impacts. Approximately 367 acres of vacant land located south of Cajalco Road will remain as open space and is proposed to be made available to the County of Riverside for the Multiple Species Habitat Conservation Program (MSHCP). Public ownership of this land will allow continuous open space with the Lake Mathews/Estelle Mountain Reserve and meet the ambitions and goals of the County's MSHCP. The County is also planning a potential expressway paralleling Cajalco Road. With the open space in the County's control, the future right of way will be preserved. Within the developed area to the north, all residential neighborhoods will be designed on the tops of hills to avoid filling the larger canyons and drainages. Residential neighborhoods are proposed to be centered around a series of mini-parks, which form the activity center of each neighborhood. These

Project Description (Narrative)

homeowner's association-maintained parks are designed to allow for strong interaction among the residents, creating a sense of community.

ACCESS AND ROADS

Traffic impacts related to the new community will also be minimized in several ways. The primary access to the community will be provided at two separate connections to Cajalco Road, where the roadway grade flattens out. A secondary access to the community is provided off of the existing public roadway, Eagle Valley Road, portions of which are currently unimproved. Talks are underway with MWD and adjacent property owners to improve Eagle Valley Road to accommodate the mining operations, future MWD requirements and secondary residential access. Within the community, a collector spine road in the central canyon has been designed to access individual neighborhoods. A future expressway is planned by the County to be built south of Cajalco Road for a new east/west connection between the I-215 and I-15 freeways. Once this facility is constructed, traffic on Cajalco Road will be reduced considerably. In addition, the land plan provides an opportunity for the expansion of Cajalco Road with minimal impacts, should that expansion alternative ultimately be chosen for the east-west expressway at a later date. Maintenance of the onsite private roadways is anticipated to be funded through a perpetual local assessment, homeowner's association, or other locally funded mechanism.

CONSULTANT STUDIES

The geotechnical consultant is continuing to complete a subsurface investigation into the hardness and character of the onsite soils. Field testing is continuing to complete additional borings of the proposed cut areas to test for the hardness and depth to the bedrock. The geotechnical consultants are working in conjunction with both the biologists and the archeologists to ensure that no significant disruption occurs to any onsite resources.

The biologists are currently in the field completing their spring surveys. They are developing vegetation community maps for habitat assessment in compliance with County of Riverside Biological Assessment procedures. They are also completing species specific focused surveys for the coastal California gnatcatcher, Quino checkerspot butterfly, least Bells Vireo, and the Burrowing Owl. The biologist will also be preparing the information necessary for the HANS process with the County.

SEWER AND WATER SERVICE

Water is historically provided to this area through Western Municipal Water District. Discussions with WMWD have indicated that both capacity and pressure are available to the project area. In addition, the City of Corona has indicated a desire to provide water service to the project predicated on proximity to the City and potential future annexation. Sewer service for the project also falls within WMWD's jurisdiction. WMWD has suggested connection to the City of Corona's waste treatment facility on

Project Description (Narrative)

Temescal Canyon Road (with WMUD acting as the lead agency in discussions with the City). Alternately, WMWD has suggested utilization of an onsite package plant in the event negotiations with the City of Corona are unsuccessful. In meetings directly with the City of Corona, the City has suggested potential direct applicant negotiations with the City in order to secure sanitary sewer service. Per the City's utility analysis, the Temescal Canyon sanitary sewer facility was constructed to facilitate future development from properties to the east and north of the plant and is currently operating at under design capacity.

PROPERTY OWNERSHIP

The property is currently in ownership in a quasi-quiltwork of larger parcels and small isolated "island" parcels, many of which were created prior to the California Subdivision Map Act and which do not have any viable access. Cajalco Associates, LLC is under contract to purchase the majority of the acreage south of Cajalco Road and is actively pursuing acquisition and compilation of all contiguous parcels northerly of Cajalco Road. Significant progress has been made in this endeavor. However, there remain some property owners refusing at this point to sell properties at any price. As such, there are several properties within the land plan designated as "N.A.P." ("Not a Part") consistent with the likelihood that no transaction with the owners of these parcels is feasible. In addition, negotiations continue with Southern California Edison and MWD to acquire portions of their properties within and immediately adjacent to the property. Negotiations will continue, and the ultimate development areas may deviate slightly from that shown to include or eliminate those parcels currently in negotiations. At this point, no parcels have been ruled out for acquisition for any reason.

POSSIBLE ACQUISITION OF MWD LAND

There may be a possible acquisition of MWD land in the northeast corner of the property, and south of the MWD Transmission Line, which is currently within the City of Corona's city limits. The addition of approximately 32 acres to PA 6 would allow 55 more homes to be built, for a total of 133 homes on 50' x 110' pads. This would decrease the density in PA 6 by spreading the development over a larger area. The design of the loop street would be modified to provide access into the new additional neighborhood. Also, grading would avoid shallow drainage area fills in order to preserve the existing natural landform. This potential acquisition would be included in the Twin Creeks EIR as an alternative.

17 USC 101



Project Statistics

Planning Areas			
Planning Area	Pad Dimensions	Average Lot Size	Homes
PA 1	70' X 110'	12,400 sq. ft.	2
PA 2	60' X 110'	9,500 sq. ft.	73
PA 3	60' X 110'	12,600 sq. ft.	11
PA 4	50' X 110'	10,250 sq. ft.	15
PA 5	70' X 110'	11,200 sq. ft.	82
PA 6	50' X 110'	7,600 sq. ft.	78
PA 7	50' X 110'	8,600 sq. ft.	22
PA 8	50' 45' X 75'	4,700 sq. ft.	97
Total			380

Pad Totals			
Pad Dimensions	Minimum Lot Size	Average Lot Size	Homes
45' X 75'	3,375 sq. ft.	4,700 sq. ft.	97
50' X 110'	5,500 sq. ft.	8,100 sq. ft.	115
60' X 110'	6,600 sq. ft.	8,800 sq. ft.	84
70' X 110'	7,700 sq. ft.	11,200 sq. ft.	84
Total			380

17 USC 101



Site Plan Vignette

LINEAR

MAKE PART OF CANYON SPINE

Water Quality Control Pond
Urban runoff contained prior to entering canyon area

Mid Size Lots
Lot sizes are mixed to avoid a typical subdivision look

allow for animals

17 USC 101

Largest Lots
Some of the largest lots are on the canyon edges and have expansive views across the canyons

Bridge Appearance
The roadway looks like a bridge but is actually a small fill with a pipe for drainage

Knolls Preserved
No development was designed in the canyon space areas

Twin Creeks
Two east-west drainages were preserved with sensitive land planning

Natural Canyons
Great care was taken to minimize any grading in the canyon areas beyond what was required for the canyon spine road

Central Recreation Area
The community park and pool complex is located central to the project and next to the smallest lot

Canyon Spine Road
This organizing roadway was designed out of the canyon bottom with a special cross section

Smallest Lots
The smallest lots were designed in the center of the project surrounded by large open space areas

SPIN

Bridge
A bridge has been designed to minimize disruption to the blue-line stream

Hilltop Mini Park
Prominent hilltop reserved for private view park site

Large Lots
Canyon edges are designed with cul-de-sac splayed lots

Twin Creeks
Two east-west drainages were preserved with sensitive land planning

Consultant List

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- Order No. 1235350

Prepared by



TEMPLETON PLANNING GROUP

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EXHIBIT 17

General Plan Foundation Amendment



Prepared for

County of Riverside
Transportation and
Land Management Agency
Planning Department
4080 Lemon Street, 2nd Floor
Riverside, CA 92501

Submitted by

Cajalco Associates, LLC
430 32nd Street, Suite 200
Newport Beach, CA 92663

May 5, 2005

**GENERAL PLAN FOUNDATION ELEMENT AMENDMENT
PROPOSED TWIN CREEKS SPECIFIC PLAN
CAJALCO ASSOCIATES, LLC**

Prepared For:

COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY
PLANNING DEPARTMENT
4080 Lemon Street, 2nd Floor
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Applicant:

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Contact: Stephan Jenkins
(949) 723-2020

MAY 5, 2005

**GENERAL PLAN FOUNDATION ELEMENT AMENDMENT
PROPOSED TWIN CREEKS SPECIFIC PLAN
CAJALCO ASSOCIATES, LLC**

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Appendices

- A. GRANT DEED AND RESTRICTION, RECORDED SEPTEMBER 10, 1985
- B. MINERAL RESOURCE REPORT FOR THE TWIN CREEKS PROPERTY
(RESOURCE DESIGN TECHNOLOGY, INC., MARCH 23, 2005)
- C. MSHCP CONSISTENCY REPORT (MBA, FEBRUARY 2005)

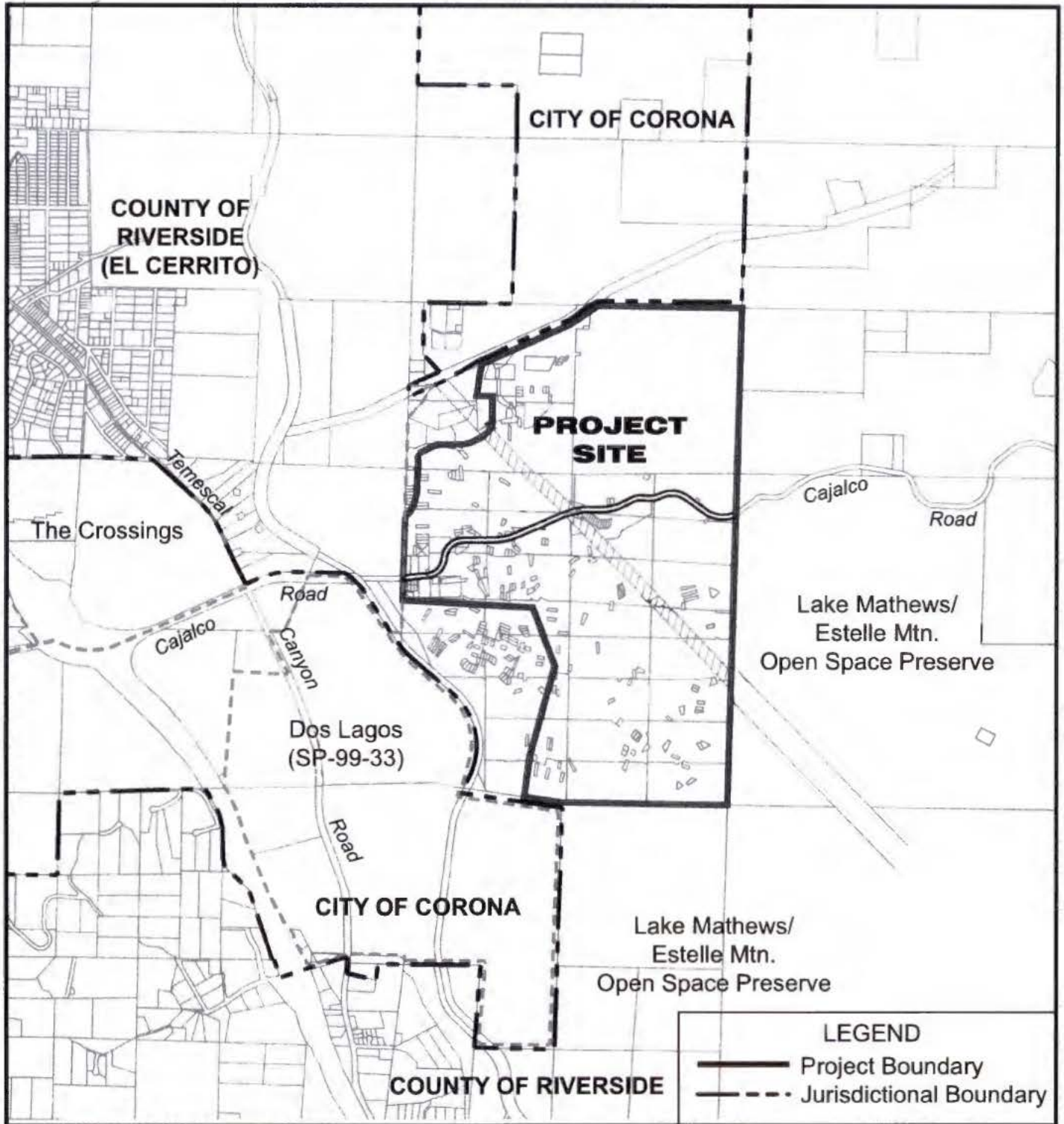
Foundation Element Amendment

Project Overview

Cajalco Associates, LLC is the primary owner of a project area encompassing approximately 665 acres located within unincorporated Riverside County at Cajalco Road, approximately one mile east of the I-15 freeway, as shown in Exhibit 1. The subject property is within the Temescal Canyon Area Plan of the Riverside County General Plan, and is in the Sphere of Influence of the City of Corona. It is the intention of Cajalco Associates to develop the property in the County of Riverside as a premier private residential community.

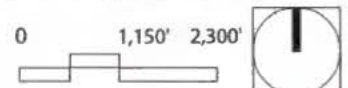
As shown in Exhibit 2, the orientation of the project site is towards the I-15 Corridor and the development activity occurring in that area. The Dos Lagos Specific Plan within the City of Corona is located to the southwest of the site, and is currently under construction. A new one million-plus square foot commercial development, The Crossings, is located further to the west, at the I-15 freeway and Cajalco Road. Also adjacent to the I-15 freeway is The Retreat, a new master planned residential and golf course community within Riverside County. The property immediately to the north is primarily owned by the Metropolitan Water District (MWD). MWD's current intentions are to use 400 acres of the Eagle Valley property for a water treatment facility, with the balance of the land area potentially being utilized for a mix of commercial, industrial or residential uses. The property to the north is currently designated as "Mixed Use – Commercial/Industrial" under the City of Corona General Plan. Existing mining operations are present to the northwest of the site, and to a lesser degree to the southwest of the site. Located to the east and southeast of the site are the undeveloped hillsides of the Lake Mathews/Estelle Mountain Reserve. There are a few scattered single family homes in the proximity of Cajalco Road adjacent to the property and one mobile home within the boundary of the project area.

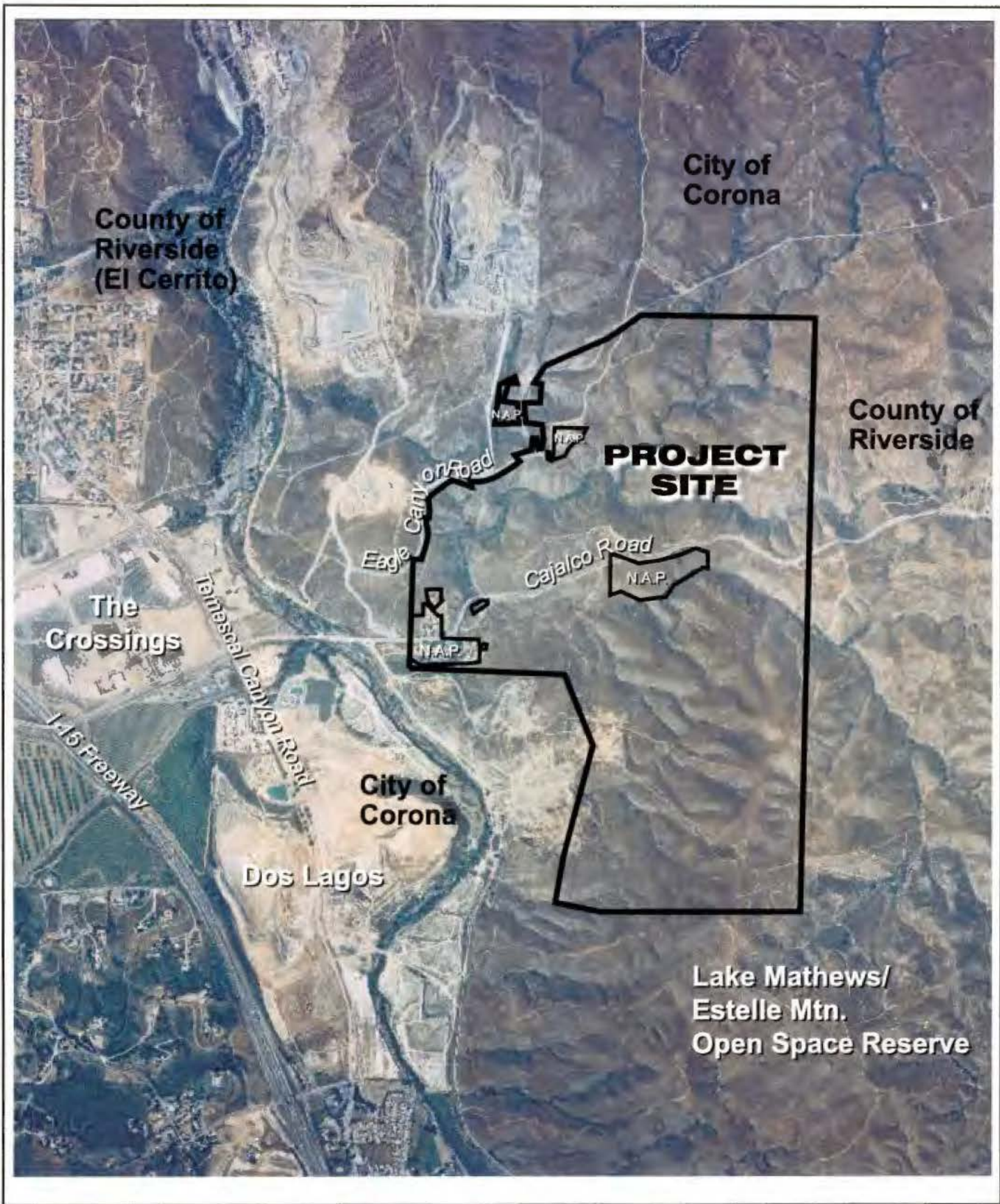
The proposed development will be accomplished through a Specific Plan entitled the "Twin Creeks Specific Plan", establishing a master planned residential community of approximately 350 single family detached homes. The project site is bisected by Cajalco Road, which defines the "northern half" of the property (312 acres) from the "southern half" (353 acres). The Twin Creeks project proposes to cluster single family residential development within the northern half of the site, while preserving the adjacent major drainages and canyons for open space. The southern half of the property would be entirely devoted to open space, and contribute to the expansion of the existing Lake Mathews/Estelle Mountain Open Space Preserve. The open space dedication would also provide needed rights of way for the westerly extension of the proposed Mid Valley CETAP Corridor. The Conceptual Land Use Plan shown in Exhibit 3 illustrates the proposed development concept for the property. The overall residential density of the 665 acre project is 0.52 dwelling units per acre. In calculating the density of just the northern development half, (without the benefit of the southern 353-acre open space contribution), the density is still quite low at 1.1 units per acre.

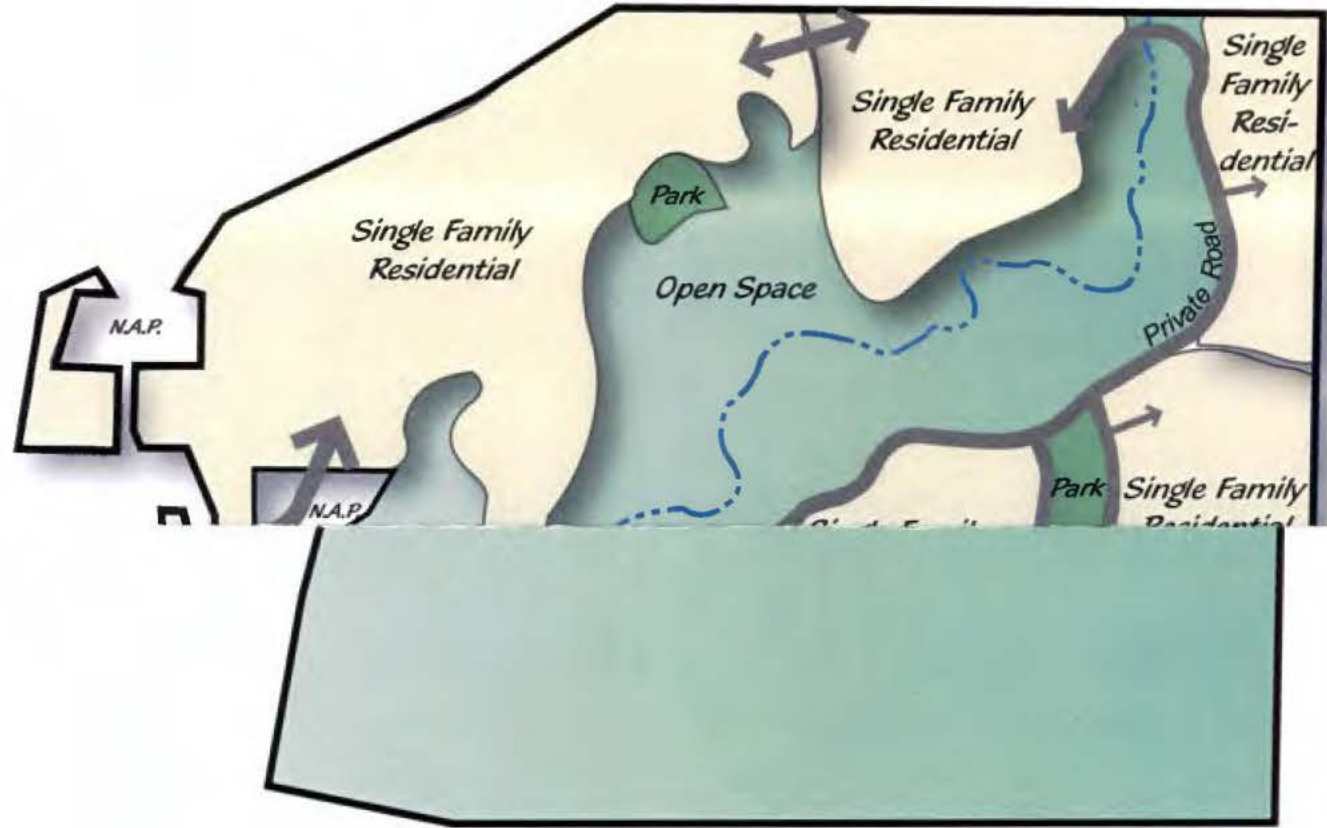


Cajalco Associates LLC
 General Plan Foundation Amendment

Exhibit I
LOCATION MAP







Foundation Element Amendment

Twin Creeks is proposed to be a rural-themed, gated community with its own private streets and recreational areas to serve the residents. A large community pool and recreation area is planned in the central portion of the community, as illustrated in Exhibit 4, and each residential neighborhood is designed to have its own recreational amenities; all of which will be maintained by a local homeowner's association. The proposed development offers the County of Riverside a well-planned residential community that is environmentally sensitive, and contributes a large addition of open space to the County's MSHCP program. The project will also help meet the growing housing needs of the County, and provide necessary right-of-way for the proposed Mid Valley CETAP Corridor.

General Plan Amendment Request

The recently adopted Riverside County Integrated Plan (RCIP) included an updated General Plan document, a Multiple Species Habitat Conservation Plan (MSHCP) and a Community and Environmental Transportation Acceptability Plan (CETAP), which are all intended to work in unison to achieve the County's long term land use vision for the area.

The General Plan specifies four types of Amendment categories, each with specified criteria and required findings for amendment. The Twin Creeks GPA is classified as a "Foundation Amendment" because it seeks to change property from an "Open Space- Rural" classification to a "Community Development" land use classification.

The existing general plan designations for the Twin Creeks property are shown in Exhibit 5. The majority of the property is designated as Open Space – Rural, allowing for one unit per 20 acres. Relatively small portions of the site, located in the northwest corner (27 acres), and at the southwestern edge, are currently designated for Open Space-Mineral Resources, due primarily to their adjacency to existing mining operations. The surrounding general plan land uses within the City of Corona and the unincorporated County are also shown in Exhibit 5.

Cajalco Associates, LLC is requesting a General Plan Foundation Element Amendment for the 312 acre portion of the site on the north side of Cajalco Road, as shown in Exhibit 6. Specifically, that the 27 acres currently designated as Open Space-Mineral Resource and the 285 acres designated as Open Space-Rural, be amended to Medium Density Residential (2-5 du per acre). The southerly 353 acres of the site would remain under the current designations of Open Space-Rural and Open Space – Mineral Resource, and be retained for both MSHCP conservation purposes and potential right -of-way for the future CETAP corridor.

As shown in Exhibit 6, the proposed amendment provides appropriate land use connectivity between the more suburban land uses and development planned to the north and west of the site, while providing a low density transition to the existing open space reserves within the existing Lake Mathews/Estelle Mountain conservation area located along the eastern edge of the property. The project site's location directly east of the I-15 corridor results in a greater identity with the approved residential specific plans and urbanization occurring along this corridor, than the more

17 USC § 101

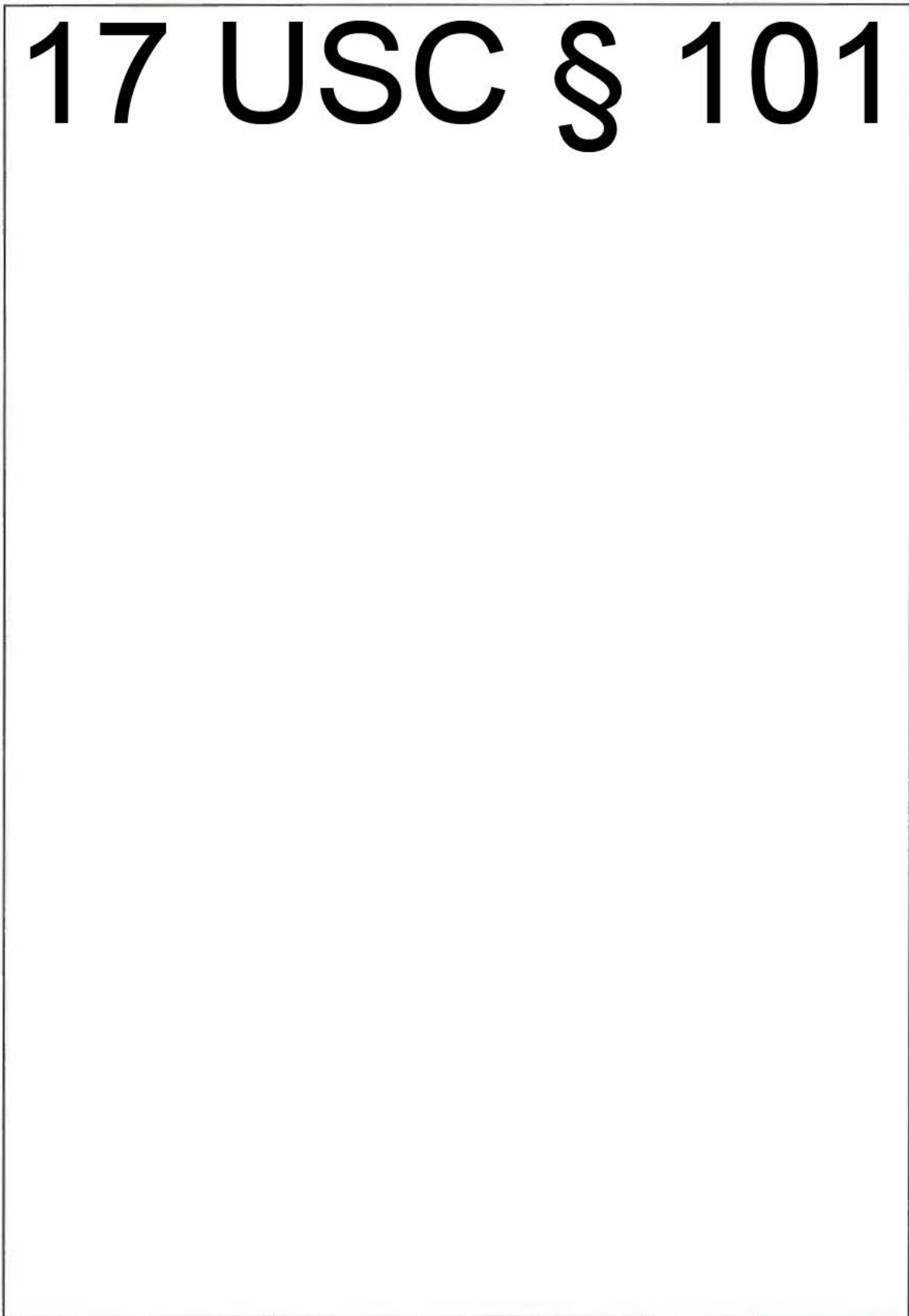


Exhibit 4

Cajalco Associates LLC
General Plan Foundation Amendment

**TWIN CREEKS
PARK SITE ILLUSTRATIVE**



NO SCALE



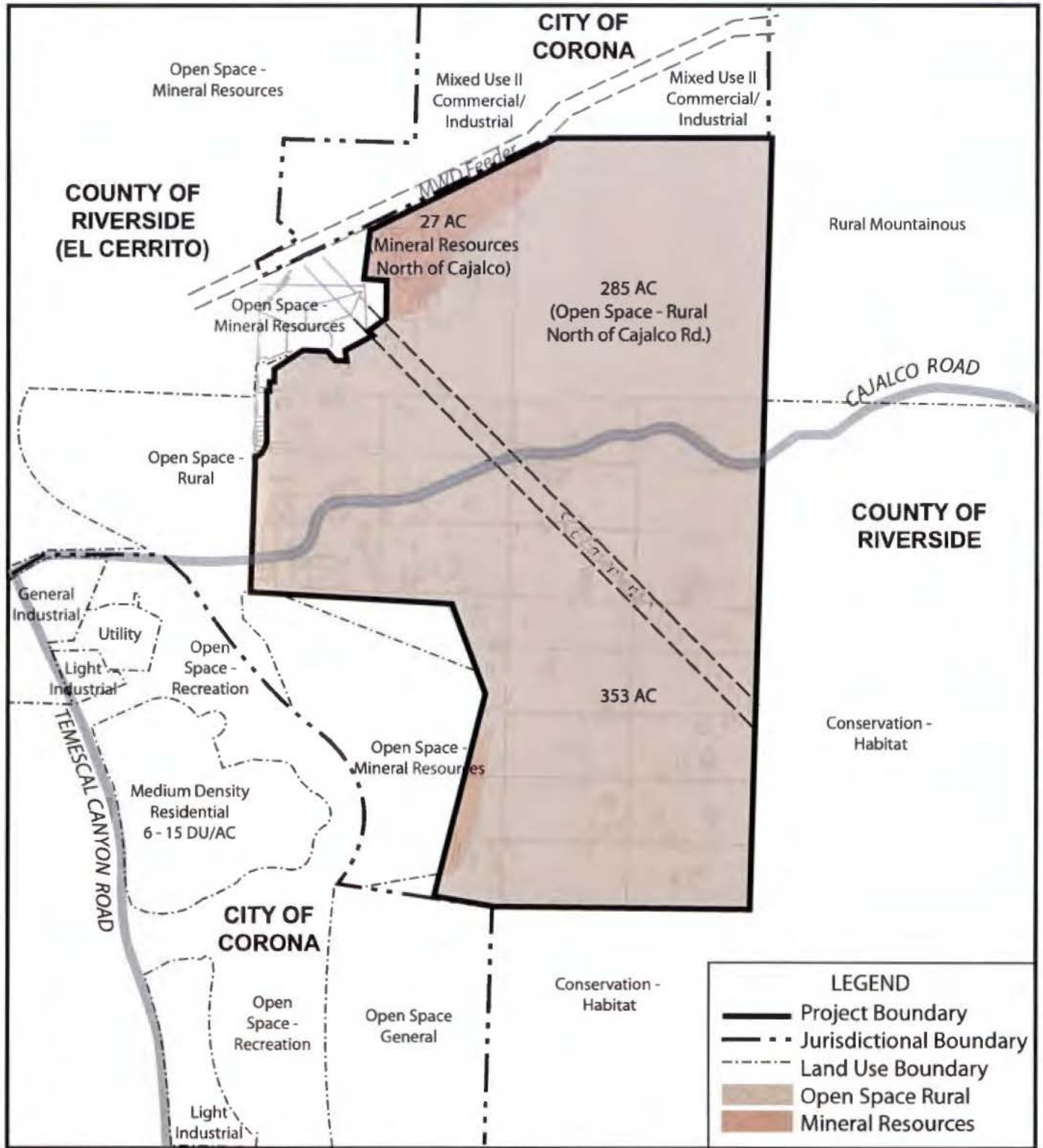
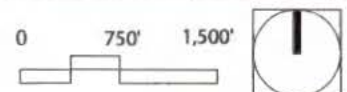



Exhibit 5

EXISTING GENERAL PLAN DESIGNATIONS

Cajalco Associates LLC
General Plan Foundation Amendment



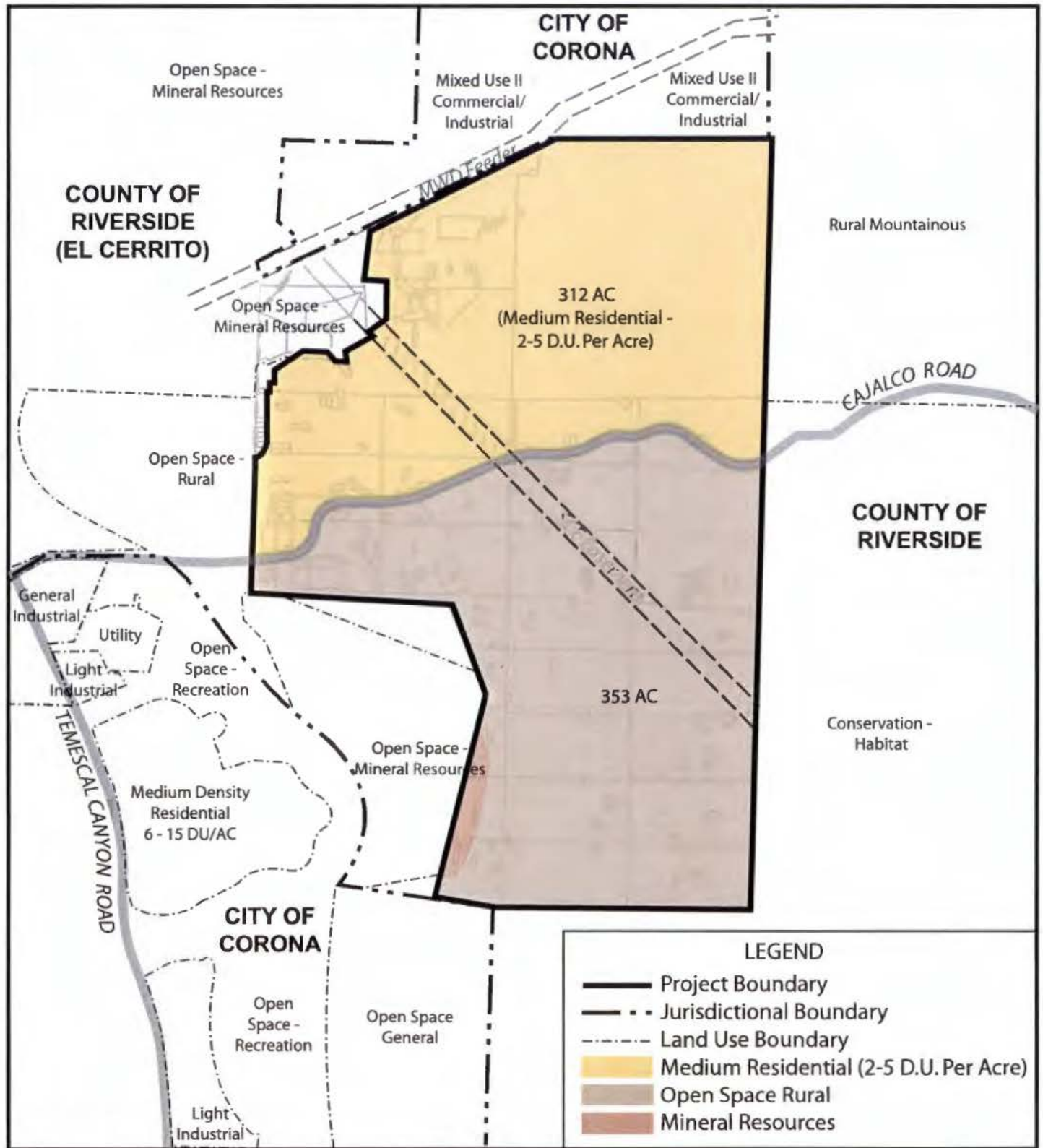
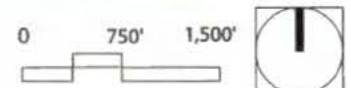


Exhibit 6

PROPOSED GENERAL PLAN DESIGNATIONS

Cajalco Associates LLC
General Plan Foundation Amendment



Foundation Element Amendment

rural neighborhoods located several miles further east in the Lake Mathews/Woodcrest Area Plan.

Although the project site is in proximity to existing mining interests along its northwestern edge, the amendment of 27 acres within the property currently designated as "Open Space-Mineral Resource" to "Medium Density Residential" is justified for the following reasons:

1. The property under consideration for re-designation is not owned or leased by any mining interest and historically has not been used for any mining purpose.
2. The Metropolitan Water District has an existing major water transmission line, the 108" Lower Feeder, which runs along the northern edge of the amendment area, as shown in Exhibit 5. Blasting, grading and related mining activity would be constrained in the area adjacent to this pipeline, effectively prohibiting the extension of mineral resource excavation south of the MWD line, and thus removing the subject area from consideration for mineral extraction.
3. A designated buffer area currently exists between the existing mining operations located to the northwest of the site and the area under consideration for re-designation, (see Appendix A). Any expansion of mineral extraction operations into the existing buffer property (that property located to the northwest of the project site between the existing mining operations and the MWD Lower Feeder Line) is explicitly prohibited by an existing deed restriction recorded on September 10, 1985, (Instrument Number 202713). The subject deed restriction runs with the land and prohibits mineral extraction in this area (see Appendix A). Therefore, if mining is prohibited within the off-site buffer area, it essentially renders the future extension of mining activities onto the subject property as infeasible.
4. Cajalco Associates recently commissioned a report by Resource Design Technology (March 23, 2005), to determine the significance of any potential mineral resource deposits on the subject property. The report is attached as Appendix B to this application. The report concludes that *"...the re-designation of the 27 acre parcel from Open Space- Mineral Resources to Medium Density Residential is not a significant impact to the availability of a known mineral resource that would be of value to the region and the residents of the state, or the availability of a locally important mineral resource recovery site delineated on a local general plan..."* The report further indicates that the proposed project does not constitute a land use incompatibility with the existing mining operations located to the northwest of the site, provided that adequate buffers are implemented. As noted in number 3 above, an existing buffer is already provided adjacent to the subject property and will contribute towards an appropriate separation between the mining operations and future residential uses on the subject property. In addition, to the extent that igneous rock may be present and readily available on the site, the report recommends that it be used for on-site construction activities, to the extent feasible. The use of on-site materials for project construction would lessen the demand for mineral resources from other off-site locations.

Foundation Element Amendment

The proposed General Plan Amendment is consistent with the Vision Statement and General Plan Principles, and does not conflict with the Temescal Canyon Area Plan Policies of the General Plan. The proposed project is consistent with the General Plan's policies for hillside development by the clustering of home sites to reduce grading impacts to the natural landform and canyons. Concentration of development within the northern portion of the site serves to maximize the open space/public use potential on the southern property, consistent with the General Plan's goal to encourage density transfers to preserve open space. Even though the land use designation requested is Medium Density Residential at 2-5 du/acre, the actual density proposed is very low, at 1.1 units per acre.

Project Implementation of the MSHCP

As illustrated in Exhibit 7, the project is proposing a total of approximately 451 acres to be retained as open space and dedicated to the Riverside County Conservation Authority in furtherance of the goals of the Multiple Species Habitat Conservation Plan (MSHCP). This contribution represents approximately 68% of the land area of the project site, and is comprised of approximately 353 acres located on the south side of Cajalco Road, in addition to 98 acres within the northern development area. Public ownership of this land will allow continuous open space with expansion of the Lake Mathews/Estelle Mountain Reserve and meet the goals of the County's MSHCP. An additional 28 acres in the northern development area would also be preserved as open space and be maintained by the Twin Creeks Homeowners Association. The combined open space acreage constitutes approximately 72% of the overall project area.

A comprehensive Biological Resources Assessment (Michael Brandman Associates, June 2004) and MSHCP Consistency Analysis (MBA, March 2005) have been prepared for the project. A copy of the MSHCP Consistency Analysis is attached as Appendix C to this application. The objective of the proposed conservation areas, as portrayed in Exhibit 7, was to contribute to assembly of the MSHCP's Proposed Extension of Core 2 to the existing Core Area C (Lake Mathews/Estelle Mountain Reserve). Conservation within the MSHCP Criteria Cells associated with the project site will focus on coastal sage scrub, grassland, and riparian habitat, and connect to similar habitats currently found within Core Area C. The project also assists in providing a future linkage to the Temescal Canyon Wash. In addition, habitat assessments and surveys have been conducted for all plant and animal species identified as required within the MSHCP, as well as an assessment of riparian/riverine habitats and a discussion of the potential urban/wildlife interface.

The project has completed the initial HANS process (HANS #438) as required by the County of Riverside. The proposed conservation areas for the project were originally deemed acceptable by the County on August 2, 2004. Subsequently, the project underwent additional refinements and the revised conservation area map (as shown in Exhibit 7), was submitted to the County on March 16, 2005. As proposed, the project's 451-acre conservation area is a significant contribution to the total land area to be preserved under the MSHCP within the Temescal Canyon.



SOURCE: Michael Brandman and Associates

Exhibit 7

Cajalco Associates LLC
General Plan Foundation Amendment

**PROPOSED TWIN CREEKS
CONSERVATION AREAS**

Foundation Element Amendment

Project Implementation of the CETAP

The Riverside County Transportation Commission (RCTC) is the lead agency charged with implementation of the CETAP component of the Riverside County Integrated Plan (RCIP). Cajalco Associates has been meeting with RCTC and County staff over the past several months regarding the westerly alignment alternatives for the Mid County Parkway Corridor Project. Exhibit 8 illustrates the location of the seven alignment alternatives (including the General Plan Circulation Element Arterials) that impact the Twin Creeks property. The project area is a key location for all of the various alternatives. As shown, all three of the General Plan alignment alternatives, and the four Mid County Parkway alignment alternatives, traverse the project site, with the exception that the northerly general plan arterial alignment can be located along the project's western edge. The alignments shown in Exhibit 8 are based on the November 15, 2004 Notice of Preparation (NOP) for the Mid County Parkway Corridor project EIR, and discussions with the RCTC and County Transportation officials.

Although all of the alignments are currently being studied as part of the EIR process, and no specific route has been selected, the Twin Creeks property is a critical link in connecting this route to the I-15 Freeway at the Cajalco Road Interchange. As such, the Twin Creeks land plan has been specifically designed to allow for these various potential alignments through the property and proposes the dedication of the subject area to the County/Riverside Conservation Authority for the purposes of implementation of the CETAP and the MSHCP, in conjunction with project approvals.

Findings & Justification for the Proposed Foundation Element Amendment

The following points provide the justification for why the Twin Creeks project meets the required findings for an Extraordinary Amendment to the Riverside County General Plan. The first two findings listed below are mandatory of all Extraordinary Amendments. One or more additional findings from a specified list must also be made. The Twin Creeks Amendment is relevant to Additional Finding 3.h of the Administrative Element.

a. The foundation change is based on ample evidence that new conditions or circumstances disclosed during the review process justify modifying the General Plan, that the modifications do not conflict with the overall Riverside County Vision, and that they would not create an internal inconsistency among the elements of the General Plan.

b. A condition exists or an event has occurred that is unusually compelling and can only be rectified by making changes in the current Riverside County Vision, Principles, or Policies.



Exhibit 8

Cajalco Associates LLC
General Plan Foundation Amendment

**IID COUNTY PARKWAY ALTERNATIVES
VICINITY OF THE TWIN CREEKS PROJECT**



NO SCALE



Foundation Element Amendment

An Extraordinary Amendment must still result in a consistent direction for the subsequent planning period. The condition stimulating such an amendment may involve private properties, public properties, or both.

Subsequent to the adoption of the General Plan, a change in ownership has occurred on the subject property. The property is currently in ownership in a mixture of larger parcels and small isolated "island" parcels, many of which were created prior to the California Subdivision Map Act and which do not have any viable access. Cajalco Associates, LLC has expended significant sums and hundreds of hours in assembling properties in order to consolidate ownership of the overall project area. Currently, the property is comprised of over 200 separate assessor parcels. Cajalco Associates LLC either owns or is under contract to purchase in excess of 94+% of the land within the project boundaries, including the majority of the acreage south of Cajalco Road. Though significant progress has been made in this endeavor, there are property owners within the overall project boundaries who either refuse to sell their properties at all, or refuse to sell at commercially reasonable prices. Properties of significant acreage currently anticipated not to be acquired are shown as NAP (not a part) on the attached Exhibits. In addition, gross acreages for these significant parcels are not included in the acreages cited in this submittal (though non-owned lesser parcels are included). Negotiations also continue with Southern California Edison and MWD to acquire portions of their properties within and immediately adjacent to the property. Negotiations will continue, and the ultimate development areas may deviate slightly from that shown to include or eliminate those parcels currently in negotiations.

As a result of these efforts, Cajalco Associates, L.L.C.; has acquired most of the land area and is in the process of obtaining additional isolated parcels in order to create a comprehensive development and Specific Plan. The ownership change is significant in that Cajalco Associates proposes to dedicate a substantial portion of its property, well in excess of 400 acres (inclusive of its entire holdings south of Cajalco Road and those areas it owns within the conservation area north of Cajalco Road), to the County of Riverside for conservation and transportation purposes, in accordance with the goals and objectives of the MSHCP and the CETAP.

Without the change in ownership, and Cajalco Associates actions to assemble individual parcels, the County would be faced with the existing condition of negotiating with the owners of approximately 216 different parcels in order to obtain the proposed Mid County Parkway Corridor and General Plan arterial rights of way through the property, in addition to acquiring over 450 acres for conservation purposes under the MSHCP.

In conjunction with the proposed General Plan Amendment, Cajalco Associates intends to cluster residential development in the northern portion of the property, thus preserving the maximum amount of open space and reducing grading impacts to the natural landform and canyons, consistent with the county's General Plan policies for hillside development. Without the proposed General Plan Amendment, development on the property could occur on the existing parcels scattered throughout the entire 680 acre overall property (inclusive of the NAP parcels) or at the existing general plan density of 1 unit per 20 acres. Alternatively, the entire property could be

Foundation Element Amendment

annexed to the City of Corona, as the site is within the City's Sphere of Influence, and developed at Corona's current general plan density of 1 unit per 2 acres for the subject property, yielding an approximate density of 334 units. However, it is our belief that development of the property within the County is the correct course and that the proposed project is consistent with the overall goals and objectives of the General Plan.

h. A component change is necessary to facilitate implementation of open space or transportation corridor designations arising from the MSHCP and CETAP programs that are contained in this general plan, and that could not be accomplished by a lesser change in the General Plan.

The Twin Creeks project site is a critical property for implementation of the County's General Plan Circulation Element and CETAP Mid-County Parkway Corridor Plan (Hemet to Corona). The property is severely impacted by all of the proposed alternative alignments of the Mid-County Parkway Corridor as it converges towards a connection with the I-15 freeway, as shown in Exhibit 8. The site is also bisected by two alternative general plan arterial alignments. The applicant has worked with the County of Riverside Transportation Department and RCTC to modify the land plan so as to preserve the opportunity for these alternative alignments to be achieved, while still maintaining a feasible development envelope - provided that the clustering of residential density under the proposed General Plan Amendment is approved.

The project includes the reservation of approximately 451 acres of open space for conservation purposes, in accordance with the goals of the MSHCP and with Policies 19.10 and 19.13 of the Temescal Canyon Area Plan. Cajalco Associates' offer to dedicate this land area to the Riverside Conservation Authority furthers the MSHCP goal of providing a contiguous connection of upland habitat blocks connecting to the Lake Mathews/Estelle Mountain Reserve.

In the absence of the proposed General Plan Amendment, pursuant to the goals of the MSHCP and the proposed Mid County Alignments, the County would be faced with acquisition of significant private land holdings. The dedication of this land relieves the County from the costs and resource dedication of acquiring this land through negotiation, appraisal, condemnation and purchase. In addition, Cajalco Associates LLC is not proposing a concurrent reduction in TUMF or MSHCP Fees, but anticipates these would be applied to the development project. At the current fee rates, the proposed project would contribute \$577,850 to the MSHCP program (in addition to the 451 acre conservation area), and a substantial \$2,536,800 to the TUMF program. In essence, in addition to the combined dedication and payment of fees, the project is estimated to save the County tens of millions of dollars in acquisition costs that would then be available for other high priority needs.

In conclusion, the proposed project is consistent with the Vision Statement, General Plan Principles and Temescal Canyon Area Plan Policies of the General Plan. The project site is not identified as a Special Policy Area or area of concern within the Temescal Canyon Area Plan of the adopted General Plan, and does not conflict with any of the policy statements within the

Foundation Element Amendment

General Plan or Temescal Canyon Area Plan. Therefore, the proposed amendment will still maintain a consistent planning direction for the future, provide a positive fiscal benefit, and greatly facilitate the County's further implementation of the MSHCP and CETAP programs.

Cajalco Associates, LLC, respectfully requests that the Board of Supervisors conclude that the proposed project and associated General Plan Amendment meets the criteria for further consideration as a General Plan Foundation Element Amendment, and be allowed to formally file a General Plan Amendment application with county staff.

EXHIBIT 18

**Biological Resources Assessment
680-Acre Twin Creeks Property
Lake Mathews Area, Riverside County, California**
(Lake Mathews and Corona South
USGS 7.5-Minute Topographic Quadrangle Map
Township 4South, and Range 6West)

Prepared for:

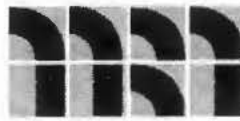
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Contact: Stephen P. Jenkins, Project Manager

Prepared by:

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714.508.4100

Contact: Scott A. Crawford M.A., Senior Project Manager



June 2004

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SECTION 1: SUMMARY

At the request of Cajalco Associates, LLC, Michael Brandman Associates (MBA) conducted a study of the natural resources and biological setting for a 680-acre survey area near Lake Mathews, Riverside County, California. This Project Site is referred to as the Twin Creeks Property, hereinafter referred to as Project Site or Site, and is proposed for the future development of a residential subdivision.

The Project Site currently contains four natural plant communities including non-native grasslands, Riversidean sage scrub (RSS), fresh water marsh, and southern riparian scrub. The Project Site also contains disturbed and developed areas associated with dirt access roads and off-road vehicle use.

The RSS within the Project Site provides marginal habitat for a number of sensitive plant and wildlife species. The Project Site has been greatly disturbed by recent fires, previous grazing activity, and off-road vehicles; however, portions of the Project Site still provide a sufficient amount of suitable habitat for Robinson's peppergrass, intermediate mariposa lily, Matilija poppy, Quino checkerspot butterfly, California gnatcatcher, least Bell's vireo, and Stephens' kangaroo rat. Focused surveys were conducted for all of the above mentioned species except Stephens' kangaroo rat. California gnatcatcher and Matilija poppy were the only listed species observed within the project site.

The Project Site contains approximately 9.9-acres (6.4-acres wetlands and 3.5-acres non-wetlands) under the jurisdiction of the United States Army Corps of Engineers (USACE) and 14.4-acres waters of the state as regulated by the California Department of Fish and Game (CDFG). There are also several upland drainage swales that do not meet the minimum requirements to be considered jurisdictional by either USACE or CDFG. The proposed project is still in the design phase and project specific impacts were not assessed with regard to jurisdictional waters. Drainage impacts will likely be limited to two road crossings and the remaining drainages features will be undisturbed and remain in a designated open space area.

The Project Site does not currently contain a recognized wildlife movement corridor. Based on existing development within the vicinity of the site and potential surrounding development in the future, wildlife movement may be even more restricted in the future. Physical barriers such as residential development, commercial development, and paved roads restricted movement on a regional basis. Although there is no definable wildlife movement corridor within the Project Site, it is clearly possible that a corridor may be established within the Project Site in the future.

The Project Site currently contains a number of mature trees, which may be used for migratory birds for nesting purposes.

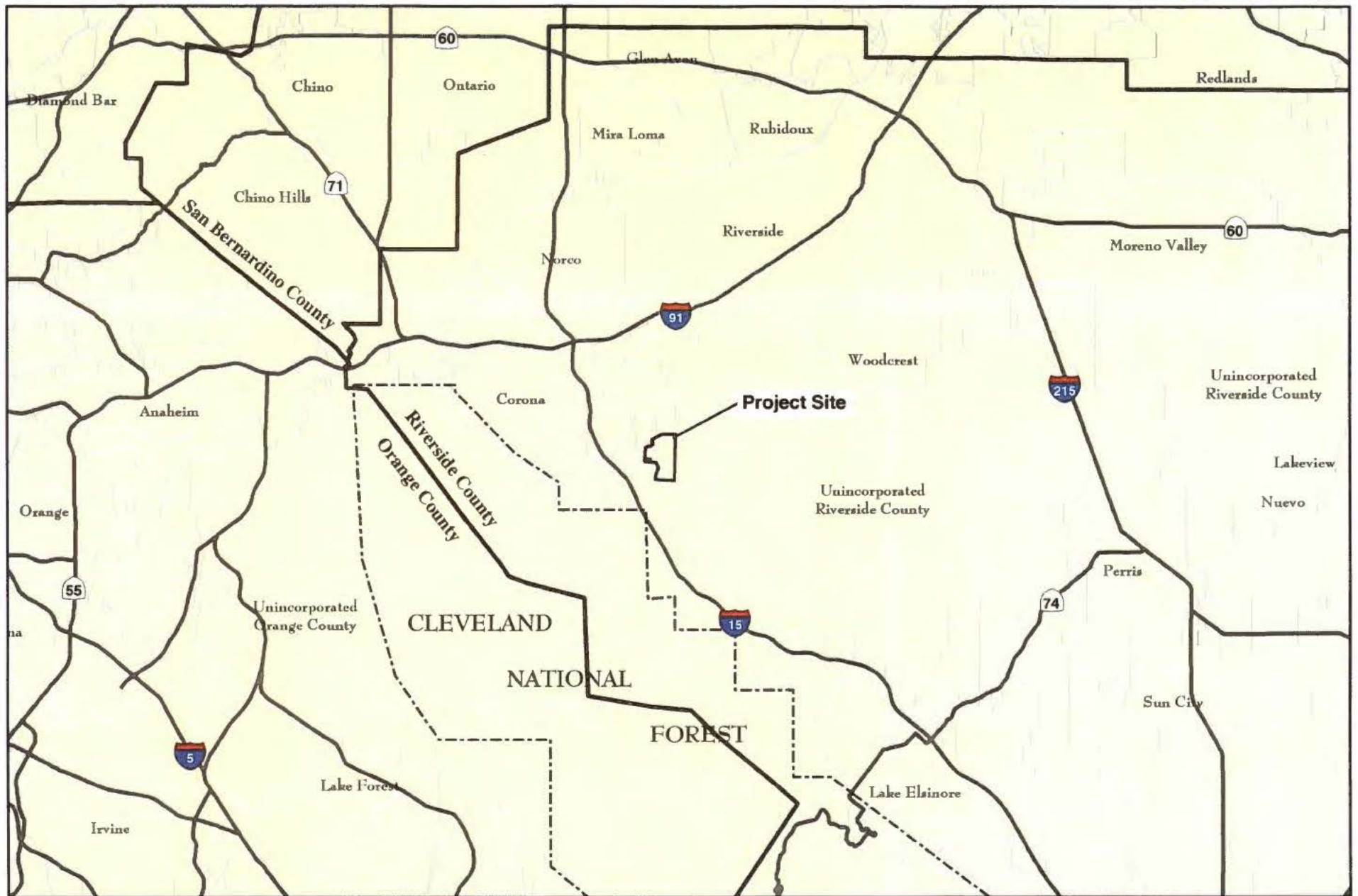
SECTION 2: INTRODUCTION

The information contained herein is intended to provide the basis for subsequent evaluations of the potential biological resource impacts associated with the project and will enable a meaningful comparison of such impacts among various alternative project elements in terms of significance and magnitude. This study provides a detailed description of existing Project Site conditions.

This report was written to comply with all California Environmental Quality Act (CEQA) and County of Riverside requirements to evaluate biological resources within the project site. This report was also used to evaluate the property based on the currently adopted Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

The 680-acre Project Site is located in an unincorporated portion of Riverside County southwest of Lake Mathews. The site is generally located north of State Highway 74, south of Highway 91, west of Lake Mathews and east of Interstate 15 (Exhibit 1). The site is depicted on the western portion of the Lake Mathews and Corona South 7.5-minute USGS topographic map, in an unsectioned portion of Township 4S, and Range 6W (Exhibit 2). The Project Site elevation ranges from 840 to 1,430 feet above sea level.

The site is specifically located between La Sierra Avenue and Temescal Canyon Road and bisected by Cajalco Road (Exhibit 3). The Project Site is located south of Eagle Valley and west of Lake Mathews and the Lake Mathews Estelle Mountain Open Space Preserve. The Project Site is found within the Temescal Canyon Area Plan of the MSHCP in cells 2402, 2403, 2404, 2507, 2509, 2612, 2610, 2306, 2307, and 2308. Portions of the Project Site appear to overlap with the boundary line between the Temescal Canyon Area Plan and the Lake Mathews/Woodcrest Area Plan. For the purposes of this document, the entire project site is assumed to be within the Temescal Canyon Area Plan. Additional discussion of this topic may be required in the future. An existing Southern California Edison easement crosses the Project Site from the northwestern corner to southeastern corner.



Source: Census 2000 Data.

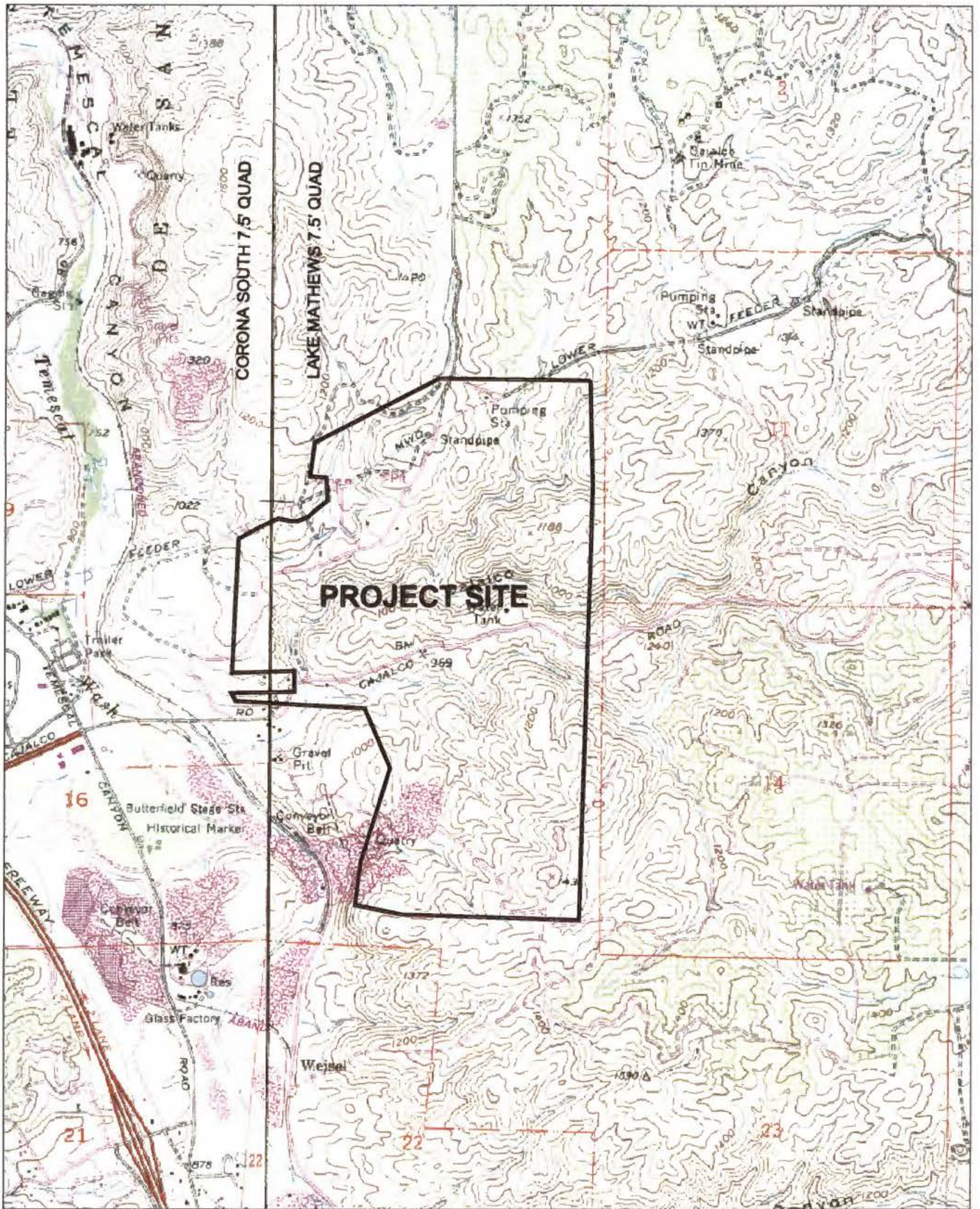


Michael Brandman Associates

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Exhibit 1 Regional Location Map



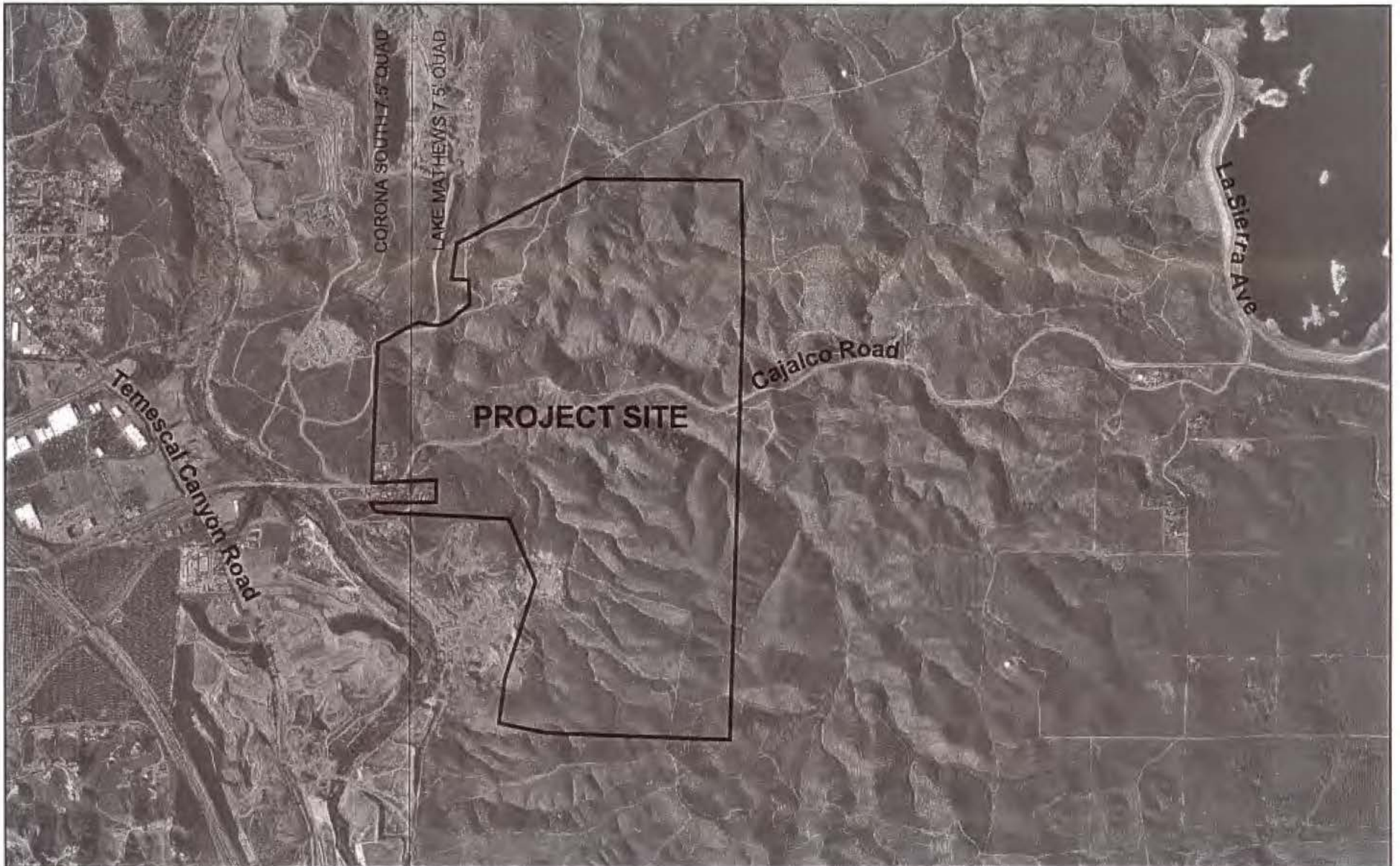
Source: USGS Corona South & Lake Mathews 7.5' DRG.



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Exhibit 2 Local Vicinity Map (Topo Based)



Source: Michael Brandman Associates and PBS&J

SECTION 3: METHODS

Analysis of the biological resources associated with the Twin Creeks Project Site, began with a thorough review of relevant literature followed by a reconnaissance-level field survey. MBA biologist, Nina Jimerson, conducted an initial site survey on foot and by vehicle on February 4, 2003. The primary objective of this survey was to document general site conditions in order to further assess the Project Site with respect to additional biological field surveys necessary to evaluate the Project Site. Following the initial visit, a general reconnaissance-level survey, focused surveys for California gnatcatchers (*Poliptila californica*), Quino checkerspot butterfly (*Euphydryas editha quino*), and least Bell's vireo (*Vireo pusillus belli*) were conducted. A formal jurisdictional delineation was also conducted during this time to document the existing conditions associated with all drainage features within the Project Site.

3.1 - LITERATURE REVIEW

The literature review provides a baseline from which to evaluate the biological resources potentially occurring on the Project Site, as well as the surrounding area. A compilation of sensitive plant and wildlife species recorded in the vicinity of the site was derived from the California Department of Fish and Game's (CDFG) California Natural Diversity Database (CNDDDB), a sensitive species and plant community account database. Additional recorded occurrences of plant species found on or near the site were derived from the California Native Plant Society's (CNPS) Electronic Inventory of Rare and Endangered Vascular Plants of California database. The CNDDDB and CNPS search was based on the Lake Mathews USGS 7.5-minute topographic quadrangle, as well as the Riverside West, Corona North, Corona South, Alberhill, and Steal Peak quadrangles.

Federal register listings, protocols, currently adopted (06/17/03) Western Riverside County Multiple Species Conservation Plan and species data provided by the U.S. Fish and Wildlife Service (USFWS) and CDFG were reviewed in conjunction with anticipated federal and state listed species potentially occurring within the vicinity. These and other references are listed in Section 7 - References.

3.2 - RECONNAISSANCE-LEVEL SURVEYS

MBA's biologist Scott Crawford and Steven Hongola conducted a reconnaissance-level survey on foot and by vehicle over representative portions of the Project Site on April 1, 2004. This survey included a buffer of approximately 300 feet beyond the boundaries of the northern portion of the property (north of Cajalco Road). Special attention was paid to sensitive habitats or those areas

potentially supporting sensitive flora and fauna species. The reconnaissance-level survey focused on three primary objectives:

- Vegetation mapping
- Special status species and plant community assessment
- General habitat assessment

Plant communities were mapped using 7.5-minute USGS topographic base maps and recent aerial photography (Spring 2003). Sensitive or unusual biological resources identified during the literature review were ground-truthed during reconnaissance surveys for mapping accuracy. Plant communities within the Project Site were classified at a general level of detail using the widely accepted descriptions provided in Holland's *Preliminary Descriptions of the Terrestrial Natural Communities of California* (1986 and 1992 update). Survey results for plant and wildlife species are described in Section 4.

Plant Species

Common plant species observed during the field surveys were identified by visual characteristics and morphology in the field and recorded in a field notebook. Uncommon and less familiar plants were identified offsite using taxonomical guides. A list of all species observed on the Project Site was compiled from the survey data, shown in Appendix A. Taxonomic nomenclature used in this study follows Hickman (1993). Common plant names, when not available from Hickman (1993), were taken from Munz (1974) or Roberts (1998). In this report, scientific names are provided immediately following common names of plant species (first reference only).

Wildlife species detected during the field survey by sight, calls, tracks, scat, or other signs were recorded in field notebooks. Notations were made regarding general habitats for sensitive species potentially occurring on the Project Site based on our preliminary assessment of the cited literature. Field guides were used to assist with identification of species during surveys and included Stebbins (1985) for amphibians and reptiles, National Geographic Society (1987) for birds, and Burt and Grossenheider (1980) for mammals. Common names of wildlife species are standard; however, scientific names are provided immediately following common names (first reference only). Appendix A lists all vertebrate wildlife species observed or detected on the Project Site during the survey.

The general wildlife survey was conducted on foot and by vehicle during daylight hours. The object of this survey was not to extensively search for every species occurring within the Project Site, but to ascertain general conditions and identify habitat areas that could be suitable for various sensitive plant and wildlife species. Sensitive species are generally considered potentially present on the Project Site if suitable habitat is present, the area lies within a species' geographic range, and the species has been

recorded to occur within the vicinity of the Project Site. MBA biologists inspected habitats for diagnostic wildlife signs such as nests, burrows, tracks, vocalizations, and noted all direct observations. The biologists also inspected surface litter, and occasionally turned over stones, fallen bark, and tree branches to look for secretive reptiles and amphibians.

Surveys for raptors (birds of prey) were conducted simultaneously with the field surveys. Efforts included direct and incidental observation of raptor nests, owl pellets, and the identification of soaring or perched raptor species.

3.3 - USACE AND CDFG JURISDICTIONAL AREAS

MBA's biologists reviewed USGS topographic maps and aerial photography, prior to conducting the reconnaissance-level survey to identify any potential natural drainage features and water bodies that may be within the jurisdiction of either the USACE and/or CDFG. In general, all surface drainage features indicated as blue-line streams on USGS maps and linear patches of vegetation expected to exhibit evidence of flows are considered potentially subject to state and federal regulatory authority as "waters of the US and/or state." The Project Site was evaluated for jurisdictional drainage features during the reconnaissance-level survey to assess existing drainage features. Following the initial site visit, a subsequent formal wetland delineation was conducted within the Project Site following the standard wetland delineation protocol established by USACE (1986).

3.4 - PROBLEMS AND LIMITATIONS

During the field surveys, weather conditions included a temperature range of 61° to 88° Fahrenheit and 0 to 100 percent cloud cover with winds of ranging from approximately 0 to 20 miles per hour. Overall wildlife species' activity was considered average for this time of year. The surveys were conducted in the early spring. During the spring, most annual plants species are emerging and many wildlife species have recently migrated to the general area. Although survey seasonality was favorable for identifying a large number of common plant and wildlife species that utilize the Project Site, the lack of average rainfall for the year likely decreased the number of species observed within the Project Site.

The Project Site was significantly burned within the last three years. Fire disturbance has devastating effects on a natural landscape. Although natural restoration is progressing, it will take many years before the area returns to a pre-burn condition. Species diversity and species richness of both plant and wildlife species appears to be reduced perhaps due to the recent fire.

Many reptiles, amphibians, and mammals are secretive by nature and some are only nocturnally active, making diurnal observations problematic. Observations of diagnostic signs may provide

evidence of occurrence of these species. Otherwise, conclusions regarding potential occurrence are based on consideration of habitat suitability factors.

Due to the large amount of disturbance associated with the off-road vehicle disturbance and the recent fire impacts, the natural communities that provide habitat for native plant and wildlife species within the Project Site are considered moderate to low quality. However, RSS and non-native grassland plant communities often increase in species diversity and richness following fire events. This is due to the scarification of the seed bank in the soil. Many plants often require such disturbance to promote seed germination. Natural revegetation is considered slow in this area due to a lack of significant rainfall in the last two years.

3.5 - DEFINITION OF TERMS

Blue Line Drainage: A drainage feature indicated by a blue line on USGS 7.5 minute topographic quadrangle maps.

Focused Survey: A survey for a specific species that has been designated by the CDFG or USFWS as sensitive and has a written protocol approved by the USFWS.

Plant Communities: A classification of a natural or human influenced assemblage of plants that have common characteristics and can be easily identified by key plant species.

Reconnaissance-Level Survey: A field investigation of common plant and wildlife species observed within a Project Site that is often limited to a single point in time during the year. The survey is conducted to obtain a general understanding of the habitats within the property and not to systematically survey the entire property for every plant and wildlife species present.

Taxonomic Nomenclature: A system of labeling an individual species with a Latin-based scientific name.

SECTION 4: ENVIRONMENTAL SETTING

4.1 - SOIL AND TOPOGRAPHIC FEATURES

The Project Site contains 14 different soil series. A soil series is a group of soils with similar profiles. These profiles include major horizons with similar thickness, arrangement, and other important characteristics. The site is dominated by Lodo rocky loam and Temescal rocky loam. Also occurring within the Project Site are small inclusions of Buren fine sandy loam, Cajalco fine sandy loam, Cieneba rocky sandy loam, Cortina cobbly loamy sand, Cortina gravelly coarse sandy loam, Lodo gravelly loam, Placentia fine sandy loam, Placentia cobbly fine sandy loam, Temescal loam, and Ysidora very fine sandy loam (United States Department of Agriculture Soil Survey, Western Riverside Area, 1971). Although technically not considered a soil series, there are also areas containing terrace escarpments and rough broken land.

Topographically, the Project Site resides within the Perris Upland, an area containing gently rolling hills west of Lake Mathews and north of Estelle Peak. The highest point of elevation is located in the southeastern portion of the Project Site which is at an elevation of 1,430 feet. The lowest part of the Project Site is located in the western portion of the Project Site which is at an elevation of 840 feet. The Project Site contains a single watershed which flows into Temescal Creek at three separate locations. The drainage features within the Project Site are further discussed in the USACE and CDFG Jurisdictional Area (Section 5.2) of this report.

4.2 - LEVEL OF DISTURBANCE

The Project Site contains evidence of previous site disturbance caused by off-road vehicles, brush fires, grazing and other human related impacts such as trash dumping. A large portion of the Project Site was recently disturbed by fire as evidence by remnant patches of burned vegetation and isolated pockets of ash. The vegetation is slowly recovering, but is still considered highly disturbed and plant species diversity is relatively low.

Due to the large steep hillsides within the Project Site, it is unlikely that this area was previously used for farming. The property was more likely used for grazing, as evident by the large amount of non-native grasslands in a relative undeveloped property as well as a sheep skull observed within the southern portion of the Project Site.

The grazing activity and recent fires have resulted in marginal quality RSS within the northern and southern portion of the Project Site, with better quality RSS extending offsite to the north and east.

4.3 - PLANT COMMUNITIES

The Project Site contains four distinct plant communities (Exhibit 4):

1. Riversidean Sage Scrub
2. Non-native Grassland
3. Southern Riparian Scrub
4. Fresh Water Marsh

The Project Site is dominated by non-native grasslands occurring on most of the steep hillsides and associated with north-facing slopes. RSS habitat is found within the northern and southern portions of the Project Site, mostly associated with south-facing slopes. The Project Site contains numerous rocky outcrops associated with the steep canyon sides of the drainage features flanking both sides of Cajalco Road. Southern riparian scrub and fresh water marsh communities are limited to existing drainage features found within the Project Site. Although not considered a plant community, the Project Site contains approximately 27.8 acres of disturbed areas. These areas completely lack any vegetation and have been continuously impacted by off-road vehicle usage or associated with grazing activities. A complete list of all plant and wildlife species observed within the natural communities onsite can be found in Appendix A.

Riversidean Sage Scrub (102.0 acres)

RSS is a natural plant community consisting of herbaceous plants and woody shrubs from 1 to 5 feet in height that form a relatively open canopy, and is generally found in more arid environments than other coastal sage scrub associations such as Diegan or Venturan sage scrub. Typical vegetation consists of low-growing shrubs with patches of bare ground beneath the shrubs (Holland 1986). It has been incorporated into the California buckwheat series described by Sawyer and Keeler-Wolf (1995). This plant community occurs primarily in the northern portion of the Project Site and makes up approximately 102.0 acres (15 percent) of the site.

The RSS habitat within the Project Site can be divided into marginal and good quality habitat based on the vegetation characteristics. Marginal quality habitat contains a homogenous stand of desert brittlebush (*Encelia farinosa*) containing sparse coverage (30 percent) with little to no understory. These areas within the Project Site are a result of the recent fire disturbance and are commonly found on the south facing slopes within the northern half of the Project Site.

The good quality RSS habitat contains a greater species diversity and greater density of shrub cover (75 percent). Two, 1-acre areas of good quality Riversidean sage scrub occur within the northern half of the project site, one along Cajalco Road and one along the northern Project Site. There are four

other areas located within the southern half of the Project Site. These patches of RSS contain higher species diversity for both plant and wildlife species.

The majority of the RSS habitat within the Project Site is considered low quality habitat and is almost exclusively dominated by California brittlebush (*Encelia farinosa*) with a non-native grassland understory. Species diversity in both plant and wildlife species is considered low. These areas are found mostly in the northern portion of the Project Site and have been heavily disturbed by recent fires. California brittlebush is a fire adapted plant and is commonly abundant following a fire event.

Plant species within the RSS community are dominated by California brittlebush and California buckwheat (*Eriogonum fasciculatum*), but also include black sage (*Salvia mellifera*), California sagebrush (*Artemisia californica*), morning glory (*Calystegia macrostegia*) crimson monkey flower (*Mimulus cardinalis*), chaparral mallow (*Malacothamnus fasciculatus*) and Mexican elderberry (*Sambucus mexicana*). Non-native species observed in this community include black mustard (*Brassica nigra*), red brome (*Bromus rubens*), Russian thistle (*Salsola tragus*), and wild radish (*Raphanus sativus*).

Wildlife species commonly detected in this community include white-crowned sparrow (*Zonotrichia leucophrys*), California towhee (*Pipilo crissalis*), Anna's hummingbird (*Calypte anna*) and desert cottontail (*Sylvilagus audubonii*). Other wildlife species observed in this habitat include western fence lizard (*Sceloporus occidentalis*), coast horned lizard (*Phrynosoma coronatum*), song sparrow (*Melospiza melodia*), coyote (*Canis latrans*), and cactus mouse (*Peromyscus eremicus*).

Non-native Grassland (576.0 acres)

Non-native grasslands consist of non-native, annual grasses often associated with native annual forbs. These grasses begin to germinate with the fall rains, grow during the winter and spring, and wither in the early summer. This community is commonly associated with previously disturbed areas (Holland 1986) and is incorporated into the California annual grassland series described by Sawyer and Keeler-Wolf (1995). The non-native grassland community occurs through the Project Site is the dominant vegetation community occupying approximately 547.6 acres (81.0 percent) of the site.

The non-native grassland is dominated by non-native invasive species such as red brome, black mustard, Russian thistle, Mediterranean schismus (*Schismus barbatus*), and red-stemmed filaree (*Erodium cicutarium*). This plant community also contains isolated elements of native RSS species such as coastal sagebrush, California buckwheat, pine-bush (*Ericameria pinifolia*), saw-toothed goldenbush (*Hazardia squarrosa*), and valley cholla (*Opuntia parryi*). Although this plant community has elements of RSS, it does not have enough individuals to be considered a separate vegetation community. The overall percentage of RSS species is estimated to be less than 5 percent.

Also observed within this plant community is common fiddleneck (*Amsinckia menziesii*), fascicled tarweed (*Hemizonia fasciculata*), and wild cucumber (*Marah macrocarpus*).

Wildlife species commonly observed or detected within the non-native grassland community include California ground squirrel (*Spermophilus beecheyi*), desert cottontail, and western meadowlark (*Sturnella neglecta*). Numerous rodent burrows are also present on the property indicating an abundance of rodent activity. Other less common species observed within the vicinity of this habitat include coyote, red-tailed hawk (*Buteo jamaicensis*), and western harvest mouse (*Reithrodontomys megalotis*).

Southern Riparian Scrub (8.1 acres)

Southern Riparian Scrub consists of a mix of riparian species dominated by a shrubby understory with an occasional willow and sycamore. These areas commonly contain an herbaceous understory and are typically associated with intermittent and perennial drainage features. This plant community is generally described as linear and follows the natural contours created by an active drainage system. The southern riparian scrub community is primarily found in the northern half of the Project Site, associated with Drainages D and E as described in the Jurisdictional Delineation prepared by MBA. The community occupies approximately 8.1 acres (1.2 percent) within the site.

Southern riparian scrub is found almost exclusively within the northern half of the Project Site with a few isolated patches of habitat within Drainage A. The drainage features that support this plant community contain perennial flows and are considered relatively undisturbed. These drainage features appear to be fed by subsurface flows that may be associated with artificially irrigated agricultural fields found in Eagle Valley to the north. Although these drainage features contain wetlands, the dominant plants indicate that these areas are better described as a riparian scrub habitat rather than a fresh water marsh as found in Drainage B, described below.

Southern riparian scrub habitat is dominated by mulefat (*Baccharis salicifolia*), arroyo willow (*Salix lasiolepis*), giant wild rye (*Leymus cinereus*), and bush sunflower (*Helianthus annuus*). Other riparian species observed in this community include mugwort (*Artemisia douglasiana*), Mexican elderberry, sandbar willow (*Salix laevigata*), and figwort (*Scrophularia californica*).

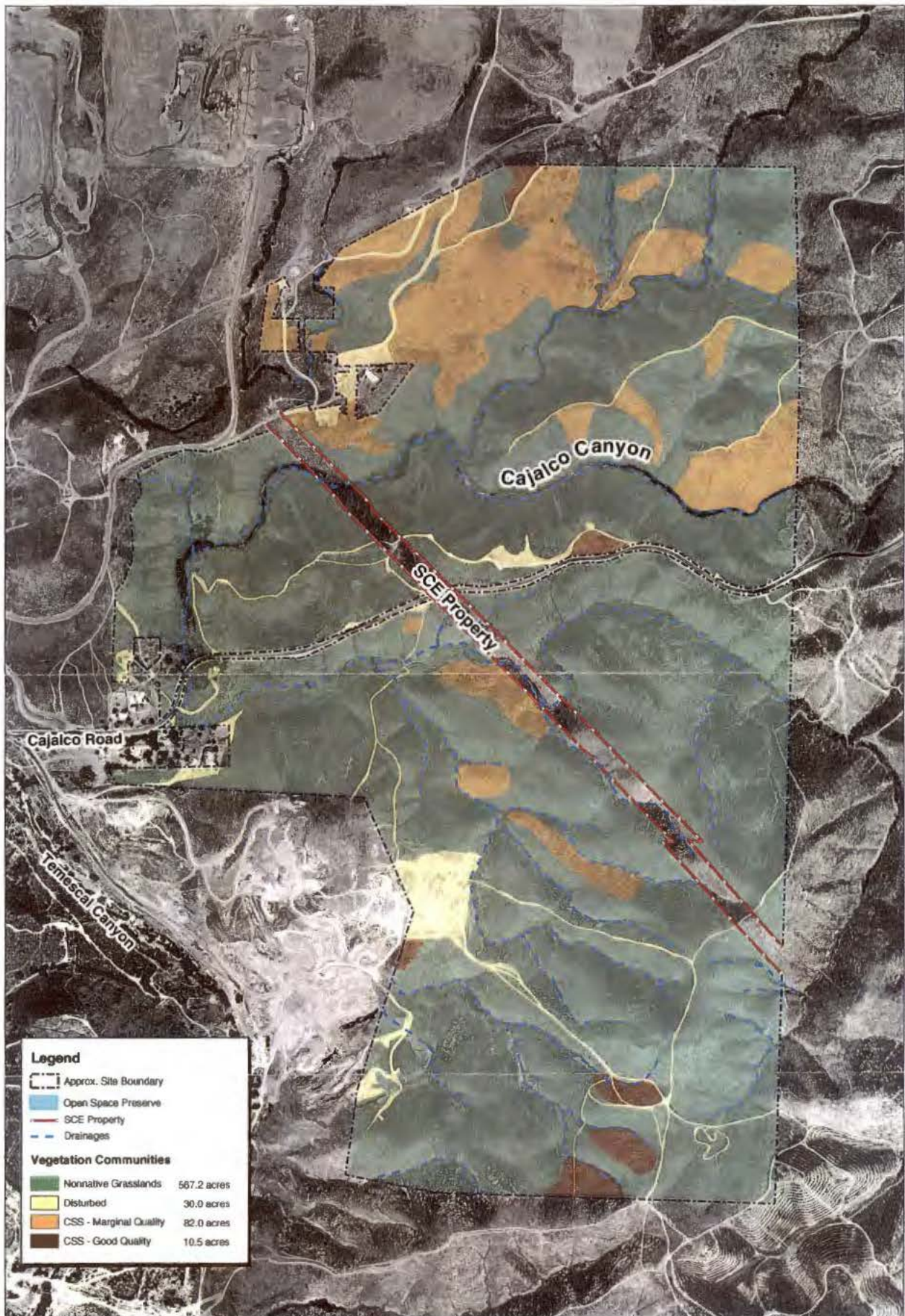
Wildlife species commonly observed within this habitat include common yellow-throat (*Geothlypis trichas*), black throated gray warbler (*Dendroica nigrescens*), lesser goldfinch (*Carduelis psaltria*), bushtits (*Psaltriparus minimus*), house wren (*Troglodytes aedon*), hooded oriole (*Icterus cucullatus*), western fence lizard (*Sceloporus occidentalis*), and desert cottontail. Other less commonly observed wildlife species within this habitat include yellow-rumped warbler, white-crowned sparrow, and western scrub-jay (*Aphelocoma coerulescens*).

Freshwater Marsh (4.5 acres)

Freshwater marsh is an aquatic habitat generally described as a relatively flat area with very slow-moving or standing water. The vegetation is dominated by herbaceous understory with little to no shrubs or tree canopy cover. This vegetation community is limited to drainage bottoms and contains obligate wetland vegetation. The understory is dominated by native wetland species. This vegetation community is limited to Drainage A and the eastern portion of Drainage B, which runs parallel to Cajalco Road. This plant community occupies approximately 4.5 acres (0.7 percent) within the site and is considered marginal quality due to the disturbed nature of the drainage feature. This portion of the drainage feature is continuously disturbed during high flow periods resulting from high volume flows released from Lake Mathews.

Common plant species observed within the freshwater marsh plant community include bulrush (*Scirpus californicus*), yerba mansa (*Anemopsis californica*), yellow nut sedge (*Cyperus esculentus*), narrow-leafed cattail (*Typha domingensis*). Other species also observed in the fresh water marsh area includes sweet alyssum (*Lobularia maritima*), watercress (*Rorippa nasturtium-aquaticum*), and tree tobacco (*Nicotiana glauca*). Vegetated portions of Drainage A contain dense stands of bulrush, sandbar willow, and yerba mansa.

The wildlife species observed within freshwater marsh community were similar to those found in the riparian scrub habitat. Species observed in this plant community include common yellow-throat, lesser goldfinch, bushtit, house wren, and desert cottontail. Additional wildlife species observed include California ground squirrel (*Spermophilus beecheyi*), and side-blotched lizard (*Uta stansburiana*).



Legend

- Approx. Site Boundary
- Open Space Preserve
- SCE Property
- Drainages

Vegetation Communities

	Nonnative Grasslands	567.2 acres
	Disturbed	30.0 acres
	CSS - Marginal Quality	82.0 acres
	CSS - Good Quality	10.5 acres

Source: Armada, LLC and MBA 2004.



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Exhibit 4
Vegetation Communities Map

SECTION 5: IMPORTANT BIOLOGICAL RESOURCES

5.1 - SENSITIVE PLANT AND WILDLIFE SPECIES

Based upon a literature review, MBA determined that six sensitive plant communities, 22 sensitive plant species, and 24 sensitive wildlife species have been recorded to occur within a reasonable amount of distance (approximately seven miles) of the Project Site. A discussion of each sensitive plant and wildlife species recognized by the CNDDDB, CNPS, and MBA as potentially present on the Project Site is presented in Tables 1 and 2. These tables identify each sensitive plant and wildlife species, their federal and state status, required habitat, and potential to occur within the Project Site.

Based on MBA's preliminary review, two wildlife species were previously recorded to occur within the Project Site: orange-throated whiptail (*Cnemidophorus hyperythrus*) and northern red-diamond rattlesnake (*Crotalus ruber ruber*) (CNDDDB 2004). Sensitive plant and wildlife species known to occur in the area are commonly associated with high quality Riversidean sage scrub habitat often including areas with clay soils. Suitable habitat areas known to occur within the vicinity of the Project Site area closely associated with the areas in and around Lake Mathews, Temescal Creek, Santa Ana River channel, and Santa Ana Mountains.

Matilija poppy, red diamond rattlesnake, coastal California gnatcatcher, Cooper's hawk, orange-throated whiptail, San Diego horned lizard, and Stephen's kangaroo rat were recorded within the Project Site during the 2004 field survey season. These sensitive species were observed during reconnaissance-level surveys as well as focused protocol surveys for California gnatcatcher, least Bell's Vireo, and wetland delineation surveys.

A sensitive plant or wildlife species' potential for occurrence on the Project Site is based upon the following criteria:

Low Potential for Occurrence - There are no present or historical records of the species occurring on or in the vicinity (within approximately 7 miles) of the Project Site and the diagnostic habitat strongly associated with the species does not occur on or in the immediate vicinity of the site. The site is above or below the recognized elevation limits for this species. Although the possibility of this species occurring on the site cannot be totally rule out, the potential for this species to occur is extremely low.

Moderate Potential for Occurrence - The diagnostic habitats associated with the species occur on or in the immediate vicinity of the Project Site, but there is not a

recorded occurrence of the species within the immediate vicinity (within three miles). Some species that contain extremely limited distributions may be considered moderate, even if there is a recorded occurrence within the vicinity.

High Potential for Occurrence - There is both a historical record of the species in the immediate vicinity of the Project Site and the diagnostic habitats strongly associated with the species occur on or in the immediate vicinity.

Species Present - The species was observed on the Project Site at the time of the field survey.

Sensitive Plant Communities

Based on MBA's literature review the following sensitive plant communities were recorded to occur within the six USGS topographic quadrangles surrounding the Project Site:

- Southern coast live oak riparian forest
- Southern cottonwood willow riparian forest
- Southern interior cypress forest
- Southern riparian scrub
- Southern Sycamore Alder Riparian Forest
- Southern Willow Scrub

Based upon the plant communities observed during the reconnaissance-level survey and the descriptions provided by Holland, the Project Site only contains southern riparian scrub.

Sensitive Plant Species

Twenty-three sensitive plant species were determined to have some potential to occur within the Project Site. The only sensitive plant observed within the project site during focused botanical surveys is Matilija poppy (*Romneya coulteri*). This species is listed as a list 4 plant by the CSPS and has no federal or state listing. None of the sensitive plant species potentially occurring within the Project Site have a high potential to occur. Intermediate mariposa lily and Robinson's peppergrass have a moderate potential to occur on the Project Site. A discussion of each sensitive plant species recognized as potentially present by the CNDDDB, CNPS, and MBA is presented in Table 1.

Based on the recently adopted MSHCP, the project site requires a habitat assessment for four narrow endemic plants and three Criteria Area plants listed for Cell 2403 in Cell Group C of the Temescal Canyon Planning Area. This cell contains requirements for all of the species contained for the 680-acre parcel. Different APNs contain different requirements for surveys. The four narrow endemic

plant species include Munz's onion (*Allium munzii*), slender-horned spineflower (*Dodecahema leptoceras*), many-stemmed dudleya (*Dudleya multicaulis*), and Brand's phacelia (*Phacelia stellaris*). No suitable habitat occurs for any of these sensitive plant species. Marginal habitat for slender-horned spine flower does occur in some of the existing drainage features onsite. The three Cell Criteria plants include smooth tarplant (*Centromadia pungens* ssp. *laevis*), round-leaved filaree (*Erodium macrophyllum*), and little mousetail (*Myosurus minimus*). Based on the habitat found within the project site, no suitable habitat for these species is present. Marginal habitat was observed for slender-horned spineflower. A focused survey was recommended in order to document any sensitive plant species within the project site. The surveys were conducted prior to the final adoption of the MSHCP.

Sensitive Wildlife Species

Twenty-four sensitive wildlife species were determined to have some potential to occur on the Project Site. Seven species have been observed within the Project Site or immediate vicinity and are considered to be present within the Project Site including orange-throated whiptail, San Diego horned lizard, northern red-diamond rattlesnake, California horned lark, coastal California gnatcatcher, southern California rufous-crowned sparrow and Stephens' kangaroo rat Exhibit 5. Wildlife species that are considered to have a high potential to occur on the Project Site include rosy boa, yellow warbler, yellow-breasted chat, least Bell's vireo, northwestern San Diego pocket mouse, western mastiff bat, and San Diego black-tailed jack rabbit. Three species are determined to have a moderate potential to occur within the Project Site including western spadefoot, two-striped garter snake, and burrowing owl. There is no suitable habitat within the Project Site for the remaining six special status wildlife species. A discussion of each sensitive wildlife species recognized by the CNDDDB and MBA as potentially present on the site is presented in Table 2.

Focused protocol surveys were conducted for CAGN, Quino checkerspot butterfly, least Bell's vireo and sensitive plant species. No Quino checkerspot butterflies or least Bell's vireo were observed during the protocol surveys. A single pair of California gnatcatchers was observed foraging in the northern portion of the Project Site. That pair of gnatcatchers appears to nest just north of the project site based survey observations. The portion of the project site that contains foraging habitat for CAGN is considered low quality with higher quality habitat located to the north, east, and west of the nesting area in offsite locations. A more complete description of the survey results can be found in the individual focused survey report MBA prepared for each species.

Under the current MSHCP, a habitat assessment is required for burrowing owls within the project site. Based on the steep terrain and rocky soil found within the majority of the project site, there is no suitable habitat for burrowing owls. Although we can not completely rule out the possibility of a

burrowing owl using the site for foraging purposes, it is highly unlikely that burrowing owl occurs within the project site. Therefore, focused surveys for this species are not required

Table 1: Special Status Plant Species

Species		Status			Preferred Habitat	Life Form	Blooming Period	Potential on Site/ Known Occurrence/ Suitable Habitat
Scientific Name	Common Name	USFWS	CDFG	CNPS				
<i>Abronia villosa</i> var. <i>aurita</i>	Chaparral sand-verbena	—	—	1B	Chaparral, coastal scrub; in sandy areas.	Annual herb	January - August	Low potential to occur. Recorded approximately 4 miles south of the Project Site. Marginal coastal scrub habitat exists on site, no clay or sandy soils present.
<i>Allium munzii</i>	Munz's onion	FE	CT	1B	Chaparral, coastal scrub, cismontane woodland, pinyon-juniper woodland, valley and foothill grassland, only in Riverside County. Prefers heavy clay soils; grows in grasslands and openings within shrublands or woodlands.	Bulbiferous herb	March - May	Low potential to occur. Recorded approximately 4.5 miles south of the Project Site. Marginal coastal habitat exists on site, no clay soils present.
<i>Ambrosia pumila</i>	San Diego ambrosia	FE	—	1B	Coastal scrub, chaparral, valley and foothill grassland, vernal pools. Specifically sandy loam or clay soils, in valleys.	Rhizomatous herb	May - October	Low potential to occur. Recorded approximately 7.5 miles north of the Project Site. Marginal coastal scrub habitat with sandy loam soils exists on site, no clay soils present.

Table 1 (Cont.): Special Status Plant Species

Species		Status			Preferred Habitat	Life Form	Blooming Period	Potential on Site/ Known Occurrence/ Suitable Habitat
Scientific Name	Common Name	USFWS	CDFG	CNPS				
<i>Calochortus plummerae</i>	Plummer's mariposa lily	—	—	1B	Coastal scrub, chaparral, valley and foothill grassland, cismontane woodland, lower montane coniferous forest. Specifically rocky and sandy sites, usually of granitic or alluvial material.	Bulbiferous herb	May - July	Low potential to occur. Recorded approximately 7 miles west of the Project Site. Marginal coastal scrub habitat exists on site, no granitic or alluvial material.
<i>Calochortus weedii</i> var. <i>intermedius</i>	Intermediate mariposa lily	—	—	1B	Coastal scrub, chaparral, valley and foothill grassland. Dry, open rocky slopes and outcrops.	Bulbiferous herb	May - July	Moderate potential to occur. Recorded approximately 5 miles west of the Project Site. Coastal scrub habitat exists on site.
<i>Centromadia pungens</i> ssp. <i>laevis</i>	Smooth tarplant	—	—	1B	Valley and foothill grassland, chenopod scrub, meadows, playas, riparian woodlands; prefers alkali meadow, alkali scrub & in disturbed places.	Annual herb	April - September	Low potential to occur. Recorded approximately 5 miles south of the Project Site. Marginal riparian habitat exists on site, no alkaline soils present.
<i>Chorizanthe parryi</i> var. <i>parryi</i>	Parry's spineflower	—	—	3	Chaparral, coastal sage scrub; prefers dry slopes and flats on dry sandy soils.	Annual herb	April - June	Low potential to occur. Recorded approximately 4 miles east of the Project Site. Marginal coastal scrub habitat exists on site, no sandy soils present.

Table 1 (Cont.): Special Status Plant Species

Species		Status			Preferred Habitat	Life Form	Blooming Period	Potential on Site/ Known Occurrence/ Suitable Habitat
Scientific Name	Common Name	USFWS	CDFG	CNPS				
<i>Chorizanthe polygonoides</i> var. <i>longispina</i>	Long-spined spineflower	—	—	1B	Chaparral, coastal scrub, meadows, valley and foothill grassland in gabbroic clay soils.	Annual herb	April - July	Low potential to occur. Recorded approximately 3 miles east of the Project Site. Marginal coastal scrub habitat exists on site, no gabbroic clay soils present.
<i>Cupressus forbesii</i>	Tecate cypress	—	—	1B	Closed cone coniferous forest, chaparral. Primarily on north facing slopes.	Evergreen tree	None	Low potential to occur. Recorded approximately 5 miles southwest of the Project Site. No suitable habitat exists on site.
<i>Dodecahema leptoceras</i>	Slender-horned spineflower	FE	CE	1B	Chaparral, coastal scrub (alluvial fan sage scrub). Prefers flood deposited terraces and washes.	Annual herb	April - June	Low potential to occur. Recorded approximately 5.5 miles south of the Project Site. Marginal habitat exists on site.
<i>Dudleya cymosa</i> <i>ovatifolia</i>	Santa Monica Mountains dudleya	FT	—	1B	Chaparral, coastal scrub. Prefers canyons on sedimentary conglomerates, particularly north facing slopes.	Perennial herb	March - June	Low potential to occur. Recorded approximately 7 miles south of the Project Site. No suitable habitat exists on site.
<i>Dudleya multicaulis</i>	Many-stemmed dudleya	—	—	1B	Chaparral, coastal scrub, valley and foothill grassland. Prefers heavy, often clayey soils and grassy slopes.	Perennial herb	April - June	Low potential to occur. Recorded approximately 2.5 miles south of the Project Site. Coastal sage scrub habitat occurs on site, but no clay soils occur on site.

Table 1 (Cont.): Special Status Plant Species

Species		Status			Preferred Habitat	Life Form	Blooming Period	Potential on Site/ Known Occurrence/ Suitable Habitat
Scientific Name	Common Name	USFWS	CDFG	CNPS				
<i>Erodium macrophyllum</i>	Round-leaved filaree	—	—	2	Cismontane woodland, valley and foothill grassland. Prefers clay soils.	Annual herb	March - May	Low potential to occur. Recorded approximately 3 miles east of the Project Site. No clay soils exist on site.
<i>Lasthenia glabrata</i> ssp. <i>coulteri</i>	Coulter's goldfields	—	—	1B	Coastal salt marshes, playas, valley and foothill grassland, vernal pools; usually found on alkaline soils in playas, sinks, and grasslands.	Annual herb	February - June	Low potential to occur. Recorded approximately 6 miles northeast of the Project Site. No alkaline soil exists on site.
<i>Lepechinia cardiophylla</i>	Heart-leaved pitcher sage	—	—	1B	Closed cone coniferous forest, chaparral, cismontane woodland.	Shrub	April - July	Low potential to occur. Recorded approximately 4.5 miles south of the Project Site. No suitable habitat exists on site.
<i>Lepidium virginicum</i> var. <i>robinsonii</i>	Robinson's pepper-grass	—	—	1B	Chaparral, coastal scrub. Prefers dry soils, shrublands.	Annual herb	January - July	Moderate potential to occur. Recorded approximately 10 miles southwest of the Project Site. Suitable habitat exists on site.
<i>Monardella hypoleuca</i> ssp. <i>lanata</i>	Felt-leaved monardella	—	—	1B	Chaparral, cismontane woodland. Prefers the understory of mixed chaparral, chamise chaparral, and southern oak woodland.	Rhizomatous herb	June - August	Low potential to occur. Recorded approximately 7 miles southwest of the Project Site. No suitable habitat exists on site.

Table 1 (Cont.): Special Status Plant Species

Species		Status			Preferred Habitat	Life Form	Blooming Period	Potential on Site/ Known Occurrence/ Suitable Habitat
Scientific Name	Common Name	USFWS	CDFG	CNPS				
<i>Monardella macrantha</i> ssp. <i>hallii</i>	Hall's monardella	—	—	1B	Broad-leaved upland forest, chaparral, lower montane coniferous forest, cismontane woodland, valley and foothill grassland.	Rhizomatous herb	June - August	Low potential to occur. Recorded approximately 6 miles south of the Project Site. No suitable habitat exists on site.
<i>Myosurus minimus</i> ssp. <i>apus</i>	Little mousetail	FSC	—	3	Vernal pools; prefers alkaline soils.	Annual herb	March - June	Low potential to occur. Recorded approximately 8 miles east of the Project Site. No suitable habitat exists on site.
<i>Phacelia suaveolens</i> ssp. <i>Keckii</i>	Santiago Peak phacelia	—	—	1B	Closed-cone coniferous forest, chaparral	Annual herb	May-June	Low potential to occur. Recorded approximately 6.5-miles west of the Project Site. No suitable habitat present.
<i>Phacelia stellaris</i>	Brand's phacelia	—	—	1B	Coastal dunes, coastal scrub.	Annual herb	March-June	Low potential to occur. No recorded occurrences within the vicinity of the Project Site. No suitable habitat exists on site.
<i>Romneya coulteri</i>	Matilija poppy	—	—	4	Chaparral, coastal scrub/ often in burn areas.	Perennial herb	March-July	Present Onsite. Recorded during reconnaissance level surveys. Suitable coastal scrub habitat occurs on site.
<i>Senecio aphanactis</i>	Rayless ragwort	—	—	1B	Chaparral, cismontane woodland, coastal scrub/alkaline.	Annual herb	Jan-Apr.	Low potential to occur. Recorded approximately 6 miles north of the Project Site. No suitable habitat exists on site.

Table 1 (Cont.): Special Status Plant Species

Species		Status			Preferred Habitat	Life Form	Blooming Period	Potential on Site/ Known Occurrence/ Suitable Habitat
Scientific Name	Common Name	USFWS	CDFG	CNPS				
<i>Trichocoronis wrightii</i> var. <i>wrightii</i>	Wright's trichocoronis	—	—	2	Marshes and swamps, riparian forest, meadows and seeps, vernal pools. Prefers mudflats of vernal lakes, drying riverbeds, alkaline meadows.	Annual herb	May - September	Low potential to occur. Recorded approximately 6 miles northeast of the Project Site. No suitable habitat exists on site.
U.S. Fish and Wildlife Service		California Department of Fish and Game			California Native Plant Society			
FE	Federal Endangered	CE	California Endangered	1A	Plants presumed extinct in California.			
FT	Federal Threatened	CT	California Threatened	1B	Plants rare, threatened, or endangered in California and elsewhere.			
PE	Proposed Endangered	CR	California Rare	2	Plants rare, threatened, or endangered in California, but more common elsewhere.			
PT	Proposed Threatened			3	Plants about which we need more information.			
FC	Federal Candidate			4	Plants of limited distribution.			
FSC	Species of Concern*							
*No longer recognized as a federal designation.								
Not Likely to Occur - There are no present or historical records of the species occurring on or in the immediate vicinity (within 3 miles) of the Project Site and the diagnostic habitats strongly associated with the species does not occur on or in the immediate vicinity of the site.								
Low Potential for Occurrence - There is a historical record of the species within the vicinity of the Project Site, but no existing suitable habitat on or in the immediate vicinity of the project area.								
Moderate Potential for Occurrence - The suitable habitat associated with the species occurs on or in the immediate vicinity of the project area, but there is not a recorded occurrence of the species within the immediate vicinity (within 3 miles) of the Project Site.								
High Potential for Occurrence - There is both suitable habitat associated with the species and a historical record of the species on or in the immediate vicinity of the project area (within 3 miles).								
Species Present - The species was observed on the Project Site at the time of the survey.								

Table 2: Special Status Wildlife Species

Species		Status			Required Habitat	Potential on Site/ Known Occurrence/ Suitable Habitat
Scientific Name	Common Name	Federal	State	Other		
Insects						
<i>Euphydryas editha quino</i>	Quino checkerspot butterfly	FE	—	—	Sunny openings within chaparral and coastal sage shrublands in parts of Riverside and San Diego Counties. Specifically, hills and mesas near the coast. Needs high densities of food plants: <i>Plantago erecta</i> , <i>P. insularis</i> , <i>Orthocarpus purpurescens</i> .	Low potential to occur. Recorded approximately 10 miles south of the Project Site. Suitable coastal scrub habitat, rocky outcrops, nectar resources, and cryptogammic crusts exists on site. Site is located two miles north of the currently accepted range for this species.
Reptiles and Amphibians						
<i>Bufo miroscephalus californicus</i>	arroyo toad	FE	—	CDFG: CSC	streams and arroyos, sandy banks	Low potential to occur - Reported approximately 6.0 miles southwest of the property. No suitable habitat present.
<i>Scaphiopus hammondi</i>	Western spadefoot	FSC	—	CDFG: CSC	May occur in grassland or in valley-foothill hardwood woodlands; vernal pools essential for breeding.	High potential to occur. Recorded approximately 2 miles southeast of the Project Site. Suitable ponded areas occur within the sections of the drainage features.
<i>Aspidoscelis hyperythrus</i>	Orange-throated whiptail	—	—	CDFG: CSC	Inhabits low-elevation coastal scrub, chaparral, and valley-foothill hardwood; prefers sandy washes with patches of brush & rocks. Perennial plants necessary for its major food: termites.	Present Onsite. Recorded at numerous locations within the Project Site. Suitable coastal scrub habitat occurs on site.
<i>Phrynosoma coronatum blainvillei</i>	San Diego horned lizard	—	—	CDFG: CSC	May be found in coastal sage scrub and chaparral in arid and semi-arid climate; prefers friable, rocky, or shallow sandy soils.	Present Onsite. Recorded during California gnatcatcher surveys. Suitable coastal scrub habitat occurs on site.

Table 2 (Cont.): Special Status Plant Species

Species		Status			Required Habitat	Potential on Site/ Known Occurrence/ Suitable Habitat
Scientific Name	Common Name	Federal	State	Other		
<i>Charina trivirgata</i>	Rosy boa	FSC	—	—	Desert and chaparral from the coast to the Mojave and Colorado Deserts. Prefers habitats with a mix of brushy cover and rocky soil such as coastal canyons and hillsides, desert canyons, washes, and mountains.	High potential to occur. Recorded immediately west of the Project Site. Suitable coastal scrub habitat occurs onsite.
<i>Crotalus ruber ruber</i>	Northern red-diamond rattlesnake	—	—	CDFG: CSC	Inhabits chaparral, woodland, grassland, and desert areas. Occurs in rocky areas and dense vegetation. Needs rodent burrows, cracks in rocks, or surface cover objects.	Present Onsite. Recorded within the eastern portion of the Project Site. Suitable coastal scrub habitat occurs on site.
<i>Thamnophis hammondi</i>	Two-Striped Garter Snake	—	—	CDFG: CSC	Permanent fresh water, along stream with rocky bed bordered by willows or riparian growth	Moderate potential to occur. Recorded approximately 10.5 miles southwest of the Project Site. Suitable riparian habitat occurs on site.
<i>Clemmys marmorata pallida</i>	Southwestern Pond Turtle	—	—	CDFG: CSC	Permanent, or nearly permanent fresh water areas	Low potential to occur. - Reported approximately 7 miles southwest of the property. No suitable habitat present.
Birds						
<i>Aimophila ruficeps canescens</i>	Southern California rufous-crowned sparrow	—	—	CDFG: CSC	Resident in southern California coastal sage scrub and sparse mixed chaparral. Frequents relatively steep, often rocky hillsides with grass and forb patches.	Present Onsite. Observed during California gnatcatcher surveys within the Project Site. Suitable coastal scrub habitat occurs on site.
<i>Amphispiza belli belli</i>	Bell's sage sparrow	FSC	—	CDFG: CSC	(Nesting) Nests in chaparral dominated by dense stands of chamise. Nest located on the ground beneath a shrub or in a shrub 6 to 18 inches above ground.	Low potential to occur. Recorded approximately 2 miles south of the Project Site. No suitable habitat occurs on site..

Table 2 (Cont.): Special Status Plant Species

Species		Status			Required Habitat	Potential on Site/ Known Occurrence/ Suitable Habitat
Scientific Name	Common Name	Federal	State	Other		
<i>Athene cunicularia</i>	Burrowing owl	FSC	—	CDFG: CSC	May be found in open, dry grasslands, deserts & scrublands with low-growing vegetation; subterranean nester, dependent upon burrowing mammals, especially ground squirrels.	Moderate potential to occur. Recorded approximately 7 miles northeast of the Project Site. Suitable habitat occurs on site. No evidence of owl onsite.
<i>Coccyzus americanus occidentalis</i>	Western yellow-billed cuckoo	—	SE	—	(Nesting) Riparian forest nester; along the broad, lower flood-bottoms of larger riparian systems. Specifically, nests in riparian jungles of willows often mixed with cottonwoods, with lower story of blackberry, nettles, or wild grape.	Low potential to occur. Recorded approximately 5 miles northwest of the Project Site. No suitable riparian forest habitat occurs on site.
<i>Dendroica petechia brewsteri</i>	Yellow Warbler	—	—	CDFG: CSC	Riparian areas and montane shrubbery in coniferous forests	High potential to occur. Recorded approximately 8.5 miles northwest of the Project Site. Marginal riparian habitat occurs on site.
<i>Eremophila alpestris actia</i>	California horned lark	—	—	CDFG: CSC	Short-grass prairies, "bald" hills, mountain meadows, open coastal plains, fallow grain fields, alkali flats.	Present Onsite. Recorded throughout the Project Site. Suitable "bald hills" habitat occurs on site.
<i>Icteria virens</i>	Yellow-breasted Chat	—	—	CDFG: CSC	Riparian thickets of willows along water courses	High potential to occur. Recorded approximately .5 miles east of the Project Site. Marginal riparian habitat occurs in the northern portion of the Project Site.
<i>Empidonax traillii extimus</i>	Southwestern Willow Flycatcher	FE	—	—	Drier willow thickets, alders	Low potential to occur. Reported approximately 8 miles northwest of the property. No willow thickets or alder habitat present.
<i>Vireo bellii pusillus</i>	Least Bell's Vireo	FE	SE	—	Low riparian growth in the vicinity of water or in dry river bottoms.	High potential to occur. Observed 0.5 miles east of the Project Site. Suitable riparian habitat available for foraging.

Table 2 (Cont.): Special Status Plant Species

Species		Status			Required Habitat	Potential on Site/ Known Occurrence/ Suitable Habitat
Scientific Name	Common Name	Federal	State	Other		
<i>Polioptila californica californica</i>	Coastal California gnatcatcher	FT	—	CDFG: CSC	Low, coastal sage scrub in arid washes, on mesas and slopes.	Present Onsite. Recorded in the northern portion of the Project Site. Suitable coastal sage scrub habitat occurs on site.
Mammals						
<i>Chaetodipus fallax fallax</i>	Northwestern San Diego pocket mouse	—	—	CDFG: CSC	May be found in coastal scrub, chaparral, grasslands, and sagebrush; prefers sandy, herbaceous areas in rocks or coarse gravel.	High potential to occur. Recorded approximately 5 miles east of the Project Site. Suitable open grasslands and rocky areas occur on site.
<i>Dipodomys stephensi</i>	Stephen's kangaroo rat	FE	ST	—	May be found in grasslands, but also occurs in coastal scrub & sagebrush with sparse canopy cover; prefers buckwheat, chamise, brome grass & filaree.	Present Onsite. Recorded immediately adjacent to the Project Site. Suitable habitat occurs on site.
<i>Eumops perotis californicus</i>	Western mastiff bat	FSC	—	CDFG: CSC	Inhabits many open, semi-arid to arid habitats including conifer and deciduous woodlands, coastal scrub, grasslands, and chaparral. Roosts in crevices in cliff faces, high buildings, trees, and tunnels.	High potential to occur. Recorded approximately 8 miles north of the Project Site. Suitable foraging habitat present within the site.
<i>Lepus californicus bennettii</i>	San Diego black-tailed jackrabbit	—	—	CDFG: CSC	Coastal sage scrub. Specifically, intermediate canopy stages of shrub habitats, open shrub/ herbaceous and tree/herbaceous edges.	High potential to occur. Recorded approximately 1.5 miles southeast of the Project Site. Suitable coastal sage scrub occurs on site.
Federal		State			Other	
FE Federal Endangered		SE State Endangered			CDFG: CSC California Species of Concern	
FT Federal Threatened		ST State Threatened			CDFG: FP Fully Protected Species	
FSC Federal Species of Concern				CDFG: P Protected Species		
PFT Proposed Federal Threatened						
C Candidate for Federal Listing						

5.2 - USACE AND CDFG JURISDICTIONAL AREAS

The Project Site contains eight jurisdictional drainage features under the jurisdiction of both USACE and CDFG. There are also approximately 20 upland swales that do not meet the minimum criteria to be considered jurisdictional by either agency. The jurisdictional drainage features found within the site are distinguishable from upland swales by the existence of an ordinary high water mark and a noticeable change in vegetation and soil composition. Non-jurisdictional swales are generally round-bottom features with no ordinary high water mark or noticeable soil or vegetation change and are dominated by upland non-native annual grasslands.

In order to better understand the jurisdictional limits within the Project Site, a formal jurisdictional wetland delineation was conducted by MBA. Based on the survey results, there are six blue-line drainage features found with the project boundary as recorded on the Lake Mathews and Corona South USGS topographic quadrangle map. Five blue-line drainage features originate at off-site locations and flow through the Project Site and one blue-line drainage feature found in the southern portion of the Project Site originates onsite and flows into an active sand and gravel operation area southwest of the Project Site. There are three drainage features found within the southern portion of the Project Site that meet the minimum requirements to be considered jurisdictional by both the USACE and CDFG, but are not listed as blue-line streams (Exhibit 6). The following is a brief description of each drainage feature recorded to occur within the Project Site. A more complete description of this drainage feature as well as the remaining features within the site can be found in the Wetland Delineation Document prepared by MBA for the Project Site.

Drainage A, also known as Cajalco Canyon Creek, currently originates from a spill way structure on the western side of Lake Mathews and flows to the west just north of Cajalco Road. This drainage feature is dominated by fresh water marsh vegetation along the canyon bottom with non-native grasslands immediately adjacent with a few sparse riparian trees and shrubs. This drainage contains a large amount of debris (abandoned cars) and is noticeably scoured during high flow periods. This drainage feature contains an intermittent wetland feature created by surface and subsurface flows. Although the majority of the drainage is classified as a wetland, there are isolated pockets within the drainage feature that do not meet all three wetland criteria.

Drainage B originates east of the Project Site and runs parallel to Cajalco Road on the south side of the road. This drainage feature contains a wetland area and willow canopy along the eastern portion of the Project Site for approximately 400 linear feet. The remaining portion of the drainage feature is considered an ephemeral drainage dominated by upland non-native grassland vegetation with small inclusions of RSS vegetation.

Drainage C is a smaller drainage feature that originates north of the Project Site in an area designated as a previous agricultural area. Run-off from artificially irrigated crops may provide seasonal flows within this drainage feature. Although not sufficient to create a wetland area, the irrigation run-off does support a small riparian system. This drainage feature is located in the northwestern corner of the Project Site and flows northwest into Temescal Creek.

Drainage D and E are similar to Drainage C, in that they both originate from subsurface flows. The two drainage features enter the Project Site from the north and are located in the northeastern corner of the Project Site. Both of these drainage features contain a well-developed riparian canopy and associated wetlands. These two drainage features join together prior to flowing into Drainage A, which eventually flows into Drainage B before entering Temescal Creek.

Drainage F, G, and H are small ephemeral drainage features with minimal riparian habitat located in the southern portion of the Project Site. The ordinary high water mark is approximately one to two feet in length and contains upland vegetation dominated by non-native grasslands. There are no wetland areas and the limit of jurisdictional area occurs where the ordinary high watermark is no longer detectable. Drainages F and G flow into Drainage B in the western portion of the Project Site south of Cajalco Road. Drainage H exists at the southwestern corner of the Project Site and flows into an active quarry area. Connectivity to a water of the United States is difficult to determine based on the currently off-site conditions.

The Project Site contains approximately 9.9-acres of waters of the United States, including 6.4-acres of wetlands and 3.5 acres of non-wetlands as regulated by the USACE. There are also 14.4-acres of waters of the state as regulated by the CDFG. The jurisdictional drainage features within the Project Site have a combined total length of approximately 25,326 linear feet. The USACE jurisdictional areas range from approximately one foot wide in Drainage F to over 70-feet-wide in Drainage A. CDFG jurisdiction also includes the adjacent riparian habitat and ranges from 1- to 100- feet in width in sections of Drainages F and A respectively. A more complete description of drainage features can be found in the *Delineation of Jurisdictional Waters and Wetlands* report created by MBA for this Project Site.

5.3 - REGIONAL CONNECTIVITY/WILDLIFE MOVEMENT CORRIDOR ASSESSMENT

Currently, development within the vicinity of the Project Site is limited to rural residential development, sand and gravel operations, and abandoned agricultural activities. The property is surrounded by relatively undeveloped open space with no major physical barriers to prohibit wildlife movement.

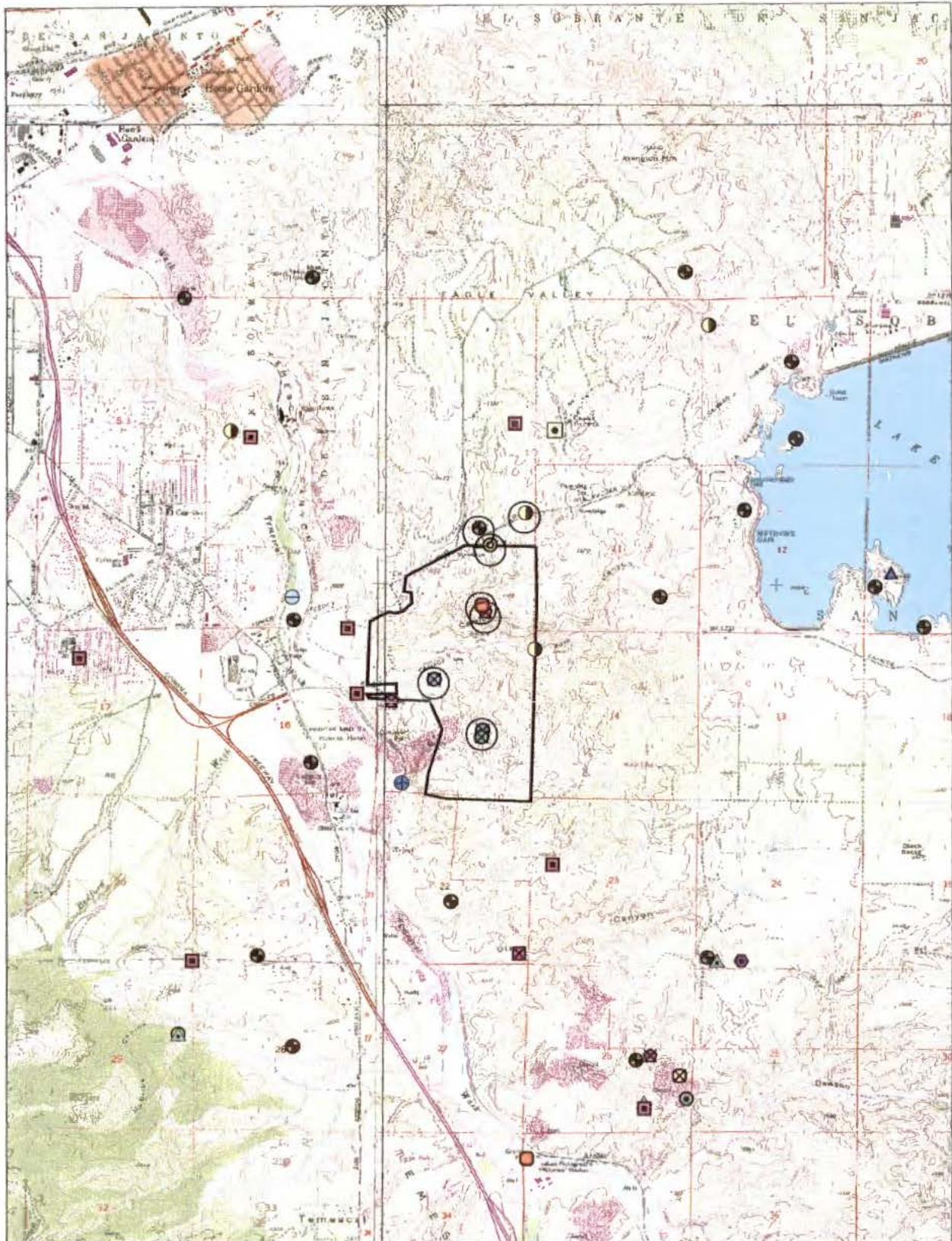
Wildlife movement corridors are commonly associated with relatively narrow travel routes connecting two large habitat areas. The Project Site is described as a larger parcel of land within a greater open space area. Therefore, this Project Site does not fit the classic definition of a wildlife movement corridor. However, the Project Site is located between Lake Mathews and Temescal Creek, two high quality habitat areas. Although the development of this Project Site may not directly impact wildlife movement on a regional scale, it may have a cumulative effect in the near future if the remaining open space parcels surrounding the Project Site are developed. Common wildlife species such as coyotes, mule deer, raccoons, skunks, and opossums can be expected to travel through this site and through neighboring undeveloped areas to the west. The site does provide connectivity between large open-space areas on a local scale, but at this time it would be difficult to consider the Project Site a functioning corridor (Exhibit 7).

The project site is located within Proposed Extension of Existing Core 2 (Lake Mathews/Estelle Mountain Extension). This area is also connected to Proposed Constrained Linkage 4 (North Temescal Wash) in the north; and Proposed Linkage 1 and Proposed Constrained Linkages 3, 5 (Horsethief Canyon), and 6 (Temescal Wash south) in the south. Although this area serves to smooth out the development/conservation area interface, it does not serve as a primary wildlife movement corridor as described in the MSHCP.

5.4 - MSHCP CRITERIA SPECIES

Under the current MSHCP, the following species are listed as sensitive species specifically targeted for conservation within the Cell Criteria Areas associated with the Twin Lakes Project Site. The species specifically associated with Subunit 3 and 4 within Temescal Canyon Planning Area include:

- Bell's sage sparrow
- Coastal California gnatcatcher
- Cooper's hawk
- Downy woodpecker
- Least Bell's vireo
- Loggerhead shrike
- Southern California rufous-crowned sparrow
- Southwestern willow flycatcher
- White-tailed kite
- Yellow-breasted chat
- Yellow warbler
- Bobcat
- Mountain lion
- Stephens' kangaroo rat
- Coulter's matilija poppy
- Long-spined spine flower
- Many-stemmed dudleya
- Munz's onion
- Palmer's grapplinghook
- Peninsular spine flower
- Small-flowered microseris
- Small-flowered morning-glory
- Smooth tarplant



Source: CNDDB, 2004 & USGS.

- | | | | | | |
|---|-----------------------------------|---|---|---|--|
| ⊗ | Bell's Sage Sparrow | ■ | Southern Riparian Forest | ● | Northern Red-Diamond Rattlesnake |
| ① | California Horned Lark | ⊗ | Southern Sycamore Alder Riparian Woodland | ⊗ | Orange-Throated Whiptail |
| ⊗ | Coast (San Diego) Horned Lizard | ⊗ | Southern Willow Scrub | ● | Roxy Boa |
| ⊗ | Coopers Hawk | ■ | Stephens' Kangaroo Rat | ▲ | Southern California Rufous-Crowned Sparrow |
| ⊗ | Matilaja Poppy | ▲ | Bald Eagle | ⊗ | Western Spadefoot |
| ● | San Diego Black-Tailed Jackrabbit | ● | Coastal California Gnatcatcher | ○ | Observed During Surveys |



Michael Bradman Associates
25850001 • 06/2004 | 5_sensitive_species.apr

3000 0 3000 Feet

Exhibit 5
Recorded & Observed Sensitive Species
within the Vicinity of Project Site



Source: Arameda, LLC & MBA 2004.



Michael Beardman Associates
25850001 • 06/2004 | 6_drainage_location.mxd



Exhibit 6
Drainage Location Map



NOT TO SCALE



Temescal Creek
 Lake Mathews Estelle Mtn. Open Space Preserve



Potential Wildlife Movement Corridor

Exhibit 7
 Regional Wildlife Movement Corridor Location

SECTION 6: RECOMMENDATIONS

6.1 - CURRENT REQUIREMENTS

This biological resources assessment began before the MSHCP was officially adopted by all participating parties; therefore, the following recommendations are included based on the premise that the final MSHCP was not adopted. Many of these recommendations may not be necessary based on the approved MSHCP. Recommendations based on the final MSHCP can be found in Section 6.2.

Sensitive Plant Species

Focused surveys were recommended for sensitive plant species that are federally or state listed as endangered or threatened and have moderate to high potential to occur on the Project Site. Matilija poppy was the only sensitive plant considered present within the project site. Approximately 7 to 10 individual plants were observed at two locations within the project site. The plants were observed in the southern half of the project site and are not likely to be impacted by the proposed development.

Intermediate mariposa lily and Robinson's peppergrass do not have direct legal protection under the Federal Endangered Species Act (FESA) and/or California Endangered Species Act (CESA). However, under current CEQA guidelines, these species still require an evaluation on a project by project basis. Though the Project Site contains marginal habitat for these species, the type of habitat potentially being impacted by development is considered low quality and the likelihood of these species occurring within the development area is also considered low. Intermediate mariposa lily and Robinson's peppergrass have a moderate potential to occur on site, but were not observed during the focused plant survey.

Evidence of mariposa lily was identified during the first few weeks of Quino checkerspot butterfly surveys. Old growth stems were observed at several locations along a ridge line immediately north of Cajalco Road. There was no evidence of any recent disturbance within the last year within other portions of the Project Site except for the off-road vehicle use area. It was later determined that the old growth stems of last years mariposa lilies were Catalina mariposa lily (*Calochortus catalinae*). No Robinson's peppergrass was observed during any of the spring surveys conducted by MBA.

Impacts to these species within the Project Site are not considered significant on a local or regional scale and no additional surveys are required.

Sensitive Wildlife Species

Focused surveys are generally recommended for sensitive wildlife species that are federally or state-listed as endangered or threatened and have a moderate or high potential to occur on the Project Site. Seventeen sensitive wildlife species were determined to potentially occur within the Project Site. Of these, the following species fit the above-mentioned requirements for focused surveys:

- Quino checkerspot butterfly
- Coastal California gnatcatcher
- Least Bell's vireo
- Stephens' kangaroo rat - (Previously covered under Riverside County HCP for SKR)

USFWS protocol surveys have been completed for Quino checkerspot butterfly, coastal California gnatcatcher, and least Bell's vireo. Based on survey results, the Project Site is considered unoccupied for Quino checkerspot butterfly and least Bell's vireo. The Project Site is located within the home range of a single pair of California gnatcatchers and an unknown population of SKR.

Coastal California gnatcatcher is a federally threatened species and is considered present within the northern portion of the Project Site. A single pair of CAGN was observed foraging near an upland swale near the northern Project Site boundary. Approximately one acre of good quality CSS habitat occurs within this portion of project site and is likely used for foraging habitat. Although no nests were observed within the Project Site, courtship and nesting behavior was observed in the good quality habitat located approximately 500 feet north of the Project Site at an offsite location.

This species was commonly observed during most of the protocol surveys in the good quality habitat offsite. The CAGN pair was observed within the project site on three separate occasions. A more detailed account of this species can be found in the Coastal California Gnatcatcher survey report prepared by MBA (MBA 2004a). Prior to the adoption of the MSHCP, impacts to the northern portion of the project site would require an incidental take permit likely through a formal Section 7 consultation between USFWS and the USACE.

Stephens' kangaroo rat is a federally and state listed endangered species that has a high potential to occur on the Project Site. The site resides within the boundaries of the "Habitat Conservation Plan for the Stephen's Kangaroo Rat in Western Riverside County, California" dated March 1996. A single SKR carcass was observed on a dirt access road and believed to be killed during the night by a passing automobile on a dirt access road located in an off-site location. Prior to any ground disturbance, compliance with this habitat conservation plan and its associated "Implementing Agreement" will be required. Payment of a per-acre mitigation fee will satisfy this project's obligations under this agreement. No additional surveys are required for this species.

Migratory Bird Treaty Act

Pursuant to the Migratory Bird Treaty Act (MBTA) and CDFG Code, removal of any trees, shrubs, or any other potential nesting habitat should be conducted outside the avian nesting season. The nesting season generally extends from early February through August, but can vary slightly from year to year based upon seasonal weather conditions. The Project Site contains several large trees and shrubs suitable for nesting avian species. Preconstruction nesting surveys are required within the Project Site. Prior to any construction activity, a nesting bird survey should be conducted to avoid impacts to all nesting bird activities.

Other Sensitive Wildlife Species

Fourteen additional sensitive wildlife species have a moderate or high potential to occur on the Project Site or have been observed within the Project Site but are not federally or state listed as endangered, rare, or threatened. These include orange-throated whiptail, rosy boa, northern red-diamond rattlesnake, San Diego horned lizard, western spadefoot, yellow warbler, California horned-lark, southern California rufous-crowned sparrow, yellow-breasted chat, northwestern San Diego pocket mouse, western mastiff bat, and San Diego black-tailed jackrabbit. Though the Project Site contains suitable or marginal habitat for these species, they do not have any direct legal protection under the FESA or CESA. They are considered "species of concern" by the CDFG, and impacts to these species may result in closer scrutiny and possible mitigation requirements to be determined by Riverside County's California Environmental Quality Act (CEQA) process. Focused surveys for these species are not typically required as part of the CEQA process, but may be requested/required by the County prior to ground disturbance. Based on the preliminary project design, construction activities will be limited to hilltop areas of low quality habitat, impacts regarding the above mentioned wildlife species of concern will be less than significant on a local and regional scale.

USACE and CDFG Jurisdictional Areas

As previously noted, the Project Site contains eight jurisdictional features under the jurisdiction of the USACE and CDFG. MBA recommends avoiding all jurisdictional drainage features within the Project Site to the extent possible. If project construction activities result in depositing fill material into any jurisdictional drainage feature, a permit will be required under § 404 of the Clean Water Act and § 1600 of the CDFG code. Based on our knowledge of the Project Site, jurisdictional drainage feature impacts will include filling of portions of Drainages D and a road crossing over Drainage A and E. The project will likely qualify for an individual permit under the Clean Water Act as regulated by the USACE. If the project can be redesigned to reduce impacts to a level less than 0.5 acres, it will qualify for a Nation Wide Permit.

Regional Connectivity/Wildlife Movement Corridor Assessment

As previously discussed, it is often difficult to determine if a Project Site surrounded by open space is contained within a wildlife movement corridor. Based on the existing site conditions and the location of Lake Mathews and Temescal Creek, it is recommended that all drainage features within the Project Site remain undisturbed to the maximum extent practicable in order to provide an access route with suitable cover for wildlife movement.

6.2 - WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN

The Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) is a comprehensive, multi-jurisdictional HCP focusing on conservation of species and their associated habitats in western Riverside County. The goal of the MSHCP is to maintain biological and ecological diversity within a rapidly urbanizing region.

The approval of the MSHCP and execution of the Implementing Agreement (IA) by the wildlife agencies allows signatories of the IA to issue "take" authorizations for all species covered by the MSHCP, including state and federally listed species as well as other identified sensitive species and/or their habitats. Each city or local jurisdiction will impose a Development Mitigation Fee for projects within their jurisdiction. With payment of the mitigation fee to the County and compliance with the survey requirements of the MSHCP where required, full mitigation in compliance with CEQA, NEPA, CESA, and FESA will be granted. The Development Mitigation Fee varies according to project size and project description. The fee for residential development ranges from approximately \$800 per unit to \$1,600 per unit depending on development density (County Ordinance 810.2).

The Western Riverside County MSHCP is divided into multiple planning areas that contain regionally specific management issues. The Project Site is generally located within the Temescal Canyon Area Plan. To comply with the MSHCP, the client will need to complete the Habitat Evaluation Acquisition and Negotiation System (HANS) process, which has already been initiated. In addition, the County also requires habitat assessments and focused surveys were appropriate for burrowing owl and narrow endemic plants within the Project Site. Since the Project Site contains suitable habitat for burrowing owl, a clearance survey for this species will be required prior grading activities.

Suitable habitat does not occur within the Project Site for narrow endemic plant species or criteria area species such as Brand's phacelia, Munz's onion, slender-horned spineflower, many-stemmed dudleya, little mouse tail, round-leaved filaree, and smooth tarplant. The Project Site does not contain clay soils, which are commonly associated with many of the narrow endemic plants. The project site

contains marginal habitat for slender-horned spine flower. MBA included the marginal habitat for slender-horned spineflower during the sensitive plant surveys. Since no narrow endemic or Criteria Area plants were observed during the focused plant surveys, no additional surveys are required. Since Quino checkerspot butterfly, coastal California gnatcatcher, least Bell's vireo, and Stephens' kangaroo rat are covered under the pending MSHCP, no additional surveys will be required. The Development Mitigation Fee will satisfy all mitigation requirements for the proposed project.

In addition to the mitigation measures required under the MSCHP e.g., Development Mitigation Fee, additional mitigation measures are required as mentioned in the previous section. Nesting bird surveys and permit acquisition for any impacts to jurisdictional drainage features are considered separate from mitigation measures covered under the MSHCP.

SECTION 7: REFERENCES

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SECTION 8: PROJECT RESPONSIBILITY

Senior Project Manager	Kenneth J. Lord, Ph.D.
Project Manager	Scott A. Crawford M.A
Biological Resources Assessment Report: Primary Author	Scott Crawford
Technical Review of Biological Resources Assessment	Kenneth J. Lord Kelly Rios
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Prepared by



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EXHIBIT 19



COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY

Environmental Programs Department

Carolyn Syms Luna
Director

February 27, 2008

Mr. Steve Jenkins
Cajalco Associates, LLC
430 32nd Street, Suite 200
Newport Beach, CA 92663

Re: HANS No: 438
Case No: PAR00504
Assessor's Parcel Number(s): Please see attached list.

Dear Mr. Jenkins:

The Environmental Programs Department received your Habitat Acquisition and Negotiation Strategy (HANS) application for the above-referenced property on April 27, 2004.

There has been no activity on this case for over two years. In order for the Environmental Programs Department to continue the HANS review, we will need a letter from you advising that you would like to continue the process. If you do not wish to continue the HANS process, we will need a letter requesting a withdrawal of the case.

If we do not hear from you within 30 days from the date of this letter, it will be necessary for us to abandon the case. No further processing will occur on this case and a new application will be required to complete the HANS process.

Please do not hesitate to call the Environmental Programs Department at (951) 955-6892 if you have any questions.

Sincerely,

ENVIRONMENTAL PROGRAMS DEPARTMENT

Ken Baez
Principal Planner

KB:mt
Attachment

EXHIBIT 20



RCA Joint Project Review (JPR)

JPR #: 10-07-19-01

Date: 11/18/10

Project Information

Permittee:	City of Corona
Case Information:	Watermarke/Twin Creeks Project
Site Acreage:	697.69 acres
Portion of Site Proposed for MSHCP Conservation Area:	427.80 acres

Criteria Consistency Review

Consistency Conclusion: The project is consistent with both the Criteria and other Plan requirements.

Data:

Applicable Core/Linkage: Proposed Extension of Existing Core 2
 Area Plan: Temescal Canyon

APN	Sub-Unit	Cell Group	Cell
Various	SU 3 – Temescal Wash-West	C	2307
	SU 4 – La Sierra Hills/Lake Mathews – West	D	2308

Comments:

- a. Proposed Extension of Existing Core 2 (Lake Mathews/Estelle Mountain Extension) consists of private lands located in the western region of the Plan Area. This extension is contiguous with Existing Core C (Lake Mathews/Estelle Mountain) along the length of its eastern border and serves to extend the Habitat in the Lake Mathews/Estelle Mountain area and smooth out edges along the border of this Core. Proposed Extension of Existing Core 2 is also connected to Proposed Constrained Linkage 4 (North Temescal Wash) in the north; and Proposed Linkage 1 and Proposed Constrained Linkages 3, 5 (Horsethief Canyon), and 6 (Temescal Wash south) in the south.
- b. Approximately 478.18 acres of the 697.69 acre project site is located in Cell Group C. Conservation within this Cell Group will contribute to assembly of Proposed Extension of Existing Core 2. Conservation within this Cell Group will focus on coastal sage scrub, grassland, and riparian scrub, woodland, forest associated with Temescal Wash. Areas conserved within this Cell Group will be connected to uplands and wetlands proposed for conservation in Cells #2304, #2306, #2307, and #2308 to the north, and Cell Group D to the south. Conservation within this Cell Group will range from 55% to 65% of the Cell Group focusing on the central and eastern portions of the Cell Group.
- c. Approximately 3.37 acres of the project is located in Cell Group D. Conservation within this Cell Group will contribute to assembly of Proposed Extension of Existing Core 2. Conservation within this



RCA Joint Project Review (JPR)

JPR #: 10-07-19-01

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Cell Group will focus on coastal sage scrub, grassland, and wetland habitat. Areas conserved within this Cell Group will be connected to a variety of uplands proposed for conservation in Cell Groups C and E to the north and south. Conservation within this Cell Group will range from 75% to 85% of the Cell Group focusing on the central and eastern portions of the Cell Group.

- d. Approximately 74.07 acres of the project is located in Cell 2307. Conservation within this Cell will contribute to assembly of Proposed Extension of Existing Core 2. Conservation within this Cell will focus on coastal sage scrub, grassland, and riparian habitat. Areas conserved within this Cell will be connected to riparian habitat and coastal sage scrub proposed for conservation in Cell Group C to the south, and to grassland, riparian habitat and coastal sage scrub proposed for conservation in Cells #2306 and #2308 to the west and east. Conservation within this Cell will range from 10% to 20% focusing on the southeastern portion of the Cell.
- e. Approximately 141.72 acres of the project is located in Cell 2308. Conservation within this Cell will contribute to assembly of Proposed Extension of Existing Core 2. Conservation within this Cell will focus on coastal sage scrub, grassland, and riparian habitat. Areas conserved within this Cell will be connected to riparian habitat, grassland, and coastal sage scrub proposed for conservation in Cell #2211 to the north, and Cell #2307 to the west, to grassland and coastal sage scrub habitat proposed for conservation in Cell Group C to the south, and to coastal sage scrub habitat proposed for conservation in Cell Group B in the Lake Matthews Area Plan to the east. Conservation within this Cell will range from 75% to 85% focusing on the central and eastern portions of the Cell.
- f. The proposed project is a master-planned development consisting of residential, commercial and open space. The majority of the site is undeveloped and undulates with three main drainages, tributaries and uplands. Cajalco Road traverses through the central portion of the property in an east-west direction. Surrounding land uses are undeveloped open space and some limited mining activities. The vegetation types on site are reported by Teracor on Exhibit 6 of the February 8, 2010 Revised MSHCP Consistency Analysis consist mainly of: coastal sage scrub, non-native grassland, riparian scrub and southern willow scrub. The RCA began pre-JPR reviews with the applicant and City in 2009. The project development footprint was modified to address Wildlife Agency and RCA concerns. It should be noted that the Permittee has agreed to perform subsequent MSHCP analysis focused on Section 6.1.2 compliance, when specific development plans are provided to the City. The proposed project includes 427.80 acres of Conservation which is focused along the eastern edge of the project area. Focusing the Conservation along the eastern edge focuses on the Criteria for Cell Group C, which is targeting expanding Extension of Existing Core C. Connections to coastal sage, grasslands and riparian habitats to the north (Cells 2307 and 2308) are also important for Cell Group C; the project conserves most of Cell 2308 and 2307. Since the project has focused its Conservation on the areas of coastal sage, riparian habitats, as well as focusing its configuration in a way that helps extend Extension of Existing Core C, the project would not conflict with the Reserve Assembly goals of the MSHCP.



RCA Joint Project Review (JPR)

JPR #: 10-07-19-01

Date: 11/18/10

Other Plan Requirements

Data:

Section 6.1.2 – Was Riparian/Riverine/Vernal Pool Mapping or Information Provided?

Yes. There are riverine and riparian areas on the project site. There are no vernal pools and other fairy shrimp habitat on the project site.

Section 6.1.3 – Was Narrow Endemic Plant Species Survey Information Provided?

Yes. The project site is located within a Narrow Endemic Plant Species Survey Area (NEPSSA) for Hammit's clay-cress, many-stemmed dudleya, Munz's Onion, San Diego ambrosia, San Miguel savory, Slender-horned spineflower, Wright's trichocoronis, California Orcutt grass, spreading navarretia and Brand's phacelia.

Section 6.3.2 – Was Additional Survey Information Provided?

Yes. The project site is located in a Criteria Area Special Survey Area (CASSA) for Coulter's goldfields, Davidson's saltscall, little mousetail, Parish's brittle-scale, round-leaved filaree, smooth tarplant, thread-leaved brodiaea. The project site is also located in an Additional Survey Area for burrowing owl.

Section 6.1.4 – Was Information Pertaining to Urban/Wildland Interface Guidelines Provided?

Yes. The property is located near future and existing Conservation Areas.

Comments:

- a. Section 6.1.2: Teracor prepared a Programmatic Determination of Biologically Equivalent or Superior Preservation (DBESP) dated October 13, 2010 as well as a Letter of Revision and Addendum Analysis dated October 15, 2010 to clarify methodologies utilized in the DBESP analysis. Teracor reports that the project site is comprised of three main drainage features (Drainage 1, 2 and 3) with each main drainage support a network of tributaries. Based on the DBESP, the project site supports 15.22 acres of riparian/riverine resources. Of that, the proposed project will impact 1.88 acres of riparian/riverine resources. The impacted areas support wildlife species, provide flood flow modification, nutrient retention and transformation, sediment trapping and transport, and toxicant trapping. The Permittee has acknowledged that when future site development plans are submitted, the applicant shall be required to submit refined, focused DBESP(s) to address impacts to riparian and riverine resources. However, since there are no specific development site plans to consider at this time, the mitigation offered up for 1.88 acres of impacts identified thus far is on a programmatic level. The October 2010 Teracor DBESP offers the following as options for future DBESP mitigation when specific maps/plans are proposed:



RCA Joint Project Review (JPR)

JPR #: 10-07-19-01

Date: 11/18/10

On-site enhancement/restoration/creation, off-site creation/enhancement/restoration and/or purchase of in-lieu fees for off-site creation/enhancement/restoration. Although Teracor's DBESP offers up ratios for mitigation, it should be noted by the Permittee, that ratios may/may not be appropriate when considering the functions and value of the resource being impacted and the type of mitigation that is appropriate. The applicant should endeavor to avoid impacts to riparian and riverine resources when specific site-development plans are prepared. Understanding that at this point in time it is expected that 1.88 acres of riparian/riverine resources will be impacted by the project, the Permittee shall also ensure that the water which is conveyed through the riparian/riverine features that will be impacted, still reaches downstream resources and that quantities and quality of that water is not significantly different from the undeveloped condition. For future analysis, the DBESP should differentiate between riparian impacts and riverine impacts, and the mitigation strategy should address those impacts accordingly. If future impacts are determined to be unavoidable, then the Permittee should consider on-site creation and restoration/enhancement as priority over off-site creation/enhancement/restoration. If off-site mitigation is included as a mitigation package for future projects, then the Permittee should ensure that mitigation takes place within the same watershed as the proposed project. Use of in-lieu fee programs should only be utilized when accompanied with on-site mitigation. The DBESP reports there are no reported vernal pools on site. Teracor and Glenn Lukos Associates (GLA) did report that there were six locations (consisted of tire ruts and other man-made depressions) on site that supported suitable fairy shrimp habitat on site. Focused fairy shrimp surveys were conducted by GLA in February 2008. No Listed fairy shrimp was identified on site from the 2008 surveys. Teracor reports in a letter dated July 2, 2010 that GLA did a second wet season survey in 2008/2009. Teracor reports that this second wet survey results were negative for listed fairy shrimp. Teracor reports that there is suitable habitat for Least Bell's vireo and southwestern willow flycatcher on site, associated with the riparian vegetation. Glenn Lukos Associates conducted focused SWF surveys on June 18, 25, July 7 and 15, 2008 per the US Fish and Wildlife Service direction. No SWF was detected on site during those surveys. The Permittee shall ensure that the SWF suitable habitat areas are located within the Conservation Areas, otherwise, future DBESPs should address impacts to SWF suitable habitat in their mitigation plans. Teracor observed two LBV on the project site in 2008. As shown on Exhibit 2 of the September 23, 2008 presence/absence survey, the areas with suitable habitat for LBV are located within the Conservation portion of the project site. Since the project does not have discrete development plans at this time for which exact impacts and mitigation can be evaluated, the Permittee has prepared a Programmatic DBESP addressing impacts to riparian and riverine resources. The Permittee shall prepare, or have prepared, subsequent DBESPs when specific development proposals are considered by the Permittee. These subsequent DBESPs shall incorporate avoidance where feasible and then on-site creation/enhancement/restoration depending on the value and function of the area being impacted. As part of the mitigation plan, offsite and in lieu fee contribution can be considered in concert with on-site mitigation. Future DBESPs should not rely solely on offsite mitigation options. Given that future DBESPs are to be prepared, following the above guidance, and since there are no vernal pools or occupied fairy shrimp on the site, the project as envisioned at this time, demonstrates compliance with Section 6.1.2 of the MSHCP; future compliance is still needed.



RCA Joint Project Review (JPR)

JPR #: 10-07-19-01

Date: 11/18/10

- b. Section 6.1.3: The project site is located within a Narrow Endemic Plant Species Survey Area (NEPSSA) for Hammit's clay-cress, many-stemmed dudleya, Munz's Onion, San Diego ambrosia, San Miguel savory, Slender-horned spineflower, Wright's trichocoronis, California Orcutt grass, spreading navarretia and Brand's phacelia. TeraCor conducted habitat assessments for the NEPSSA plants on site and determined that the site did support suitable habitat for all but the California Orcutt grass. Therefore, focused surveys were conducted on April 7, 8, 14, 16, May 23, 2008. None of these NEPSSA plants were identified on site during the focused survey efforts. Based on the negative results from the focused surveys, the project demonstrates compliance with Section 6.1.3 of the MSHCP.
- c. Section 6.3.2: The project site is located in a Criteria Area Special Survey Area (CASSA) for Coulter's goldfields, Davidson's saltscale, little mousetail, Parish's brittlescale, round-leaved filaree, smooth tarplant, thread-leaved brodiaea. Suitable habitat was identified by TeraCor for Coulter's goldfields, round-leaved filaree, smooth tarplant and thread-leaved brodiaea. Focused surveys were conducted by TeraCor on April 7, 8, 14, 16, May 23, 2008. None of the CASSA species were identified during the focused survey efforts. The project site is also located in an Additional Survey Area for burrowing owl. TeraCor determined that the site did support suitable habitat for burrowing owls. Focused surveys were conducted by TeraCor on May 19, June 3, 10, August 6, 2008. Although there was evidence of ground squirrel activity and burrows on site, TeraCor reports that none of the borrows contained evidence of burrowing owl activity or occupation. No owls were observed during the survey efforts. Based on the negative survey results as reported by TeraCor, the project demonstrates compliance with Section 6.3.2 of the MSHCP.
- d. Section 6.1.4: Conservation Areas are located on and adjacent to the project site. To preserve the integrity of areas dedicated as MSHCP Conservation Areas, the guidelines contained in Section 6.1.4 related to controlling adverse effects for development adjacent to the MSHCP Conservation Area should be considered by the Permittee in their actions relative to the project. Specifically, the Permittee should include as project conditions of approval the following measures:
 - i. Incorporate measures to control the quantity and quality of runoff from the site entering the MSHCP Conservation Area. In particular, measures shall be put in place to avoid discharge of untreated surface runoff from developed and paved areas into MSHCP Conservation Areas.
 - ii. Land uses proposed in proximity to the MSHCP Conservation Area that use chemicals or generate bioproducts, such as manure, that are potentially toxic or may adversely affect wildlife species, Habitat, or water quality shall incorporate measures to ensure that application of such chemicals does not result in discharge to the MSHCP Conservation Area. The greatest risk is from landscaping fertilization overspray and runoff.
 - iii. Night lighting shall be directed away from the MSHCP Conservation Area to protect species within the MSHCP Conservation Area from direct night lighting. Shielding shall be incorporated in project designs to ensure ambient lighting in the MSHCP Conservation Area is not increased.



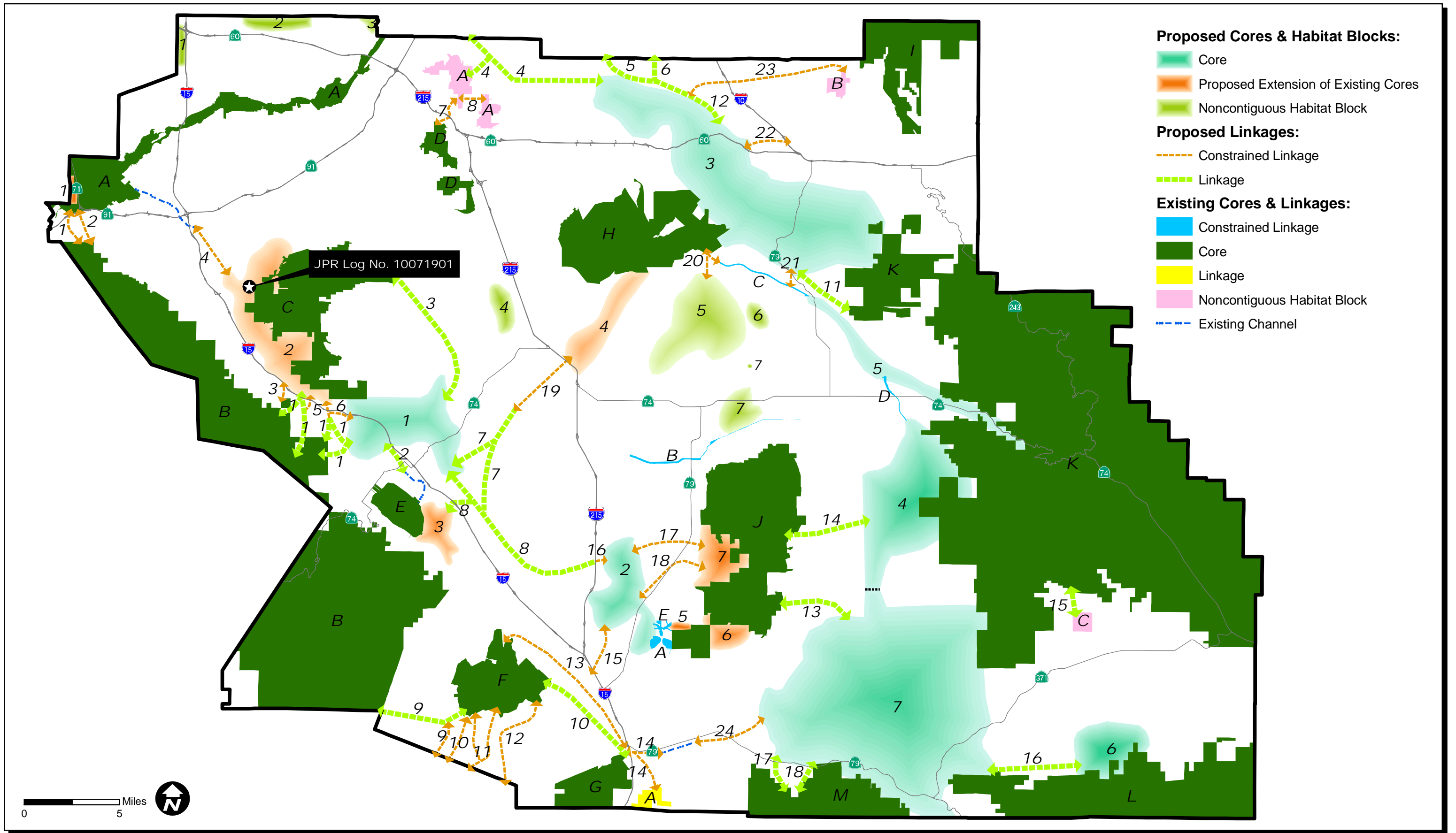
RCA Joint Project Review (JPR)

JPR #: 10-07-19-01

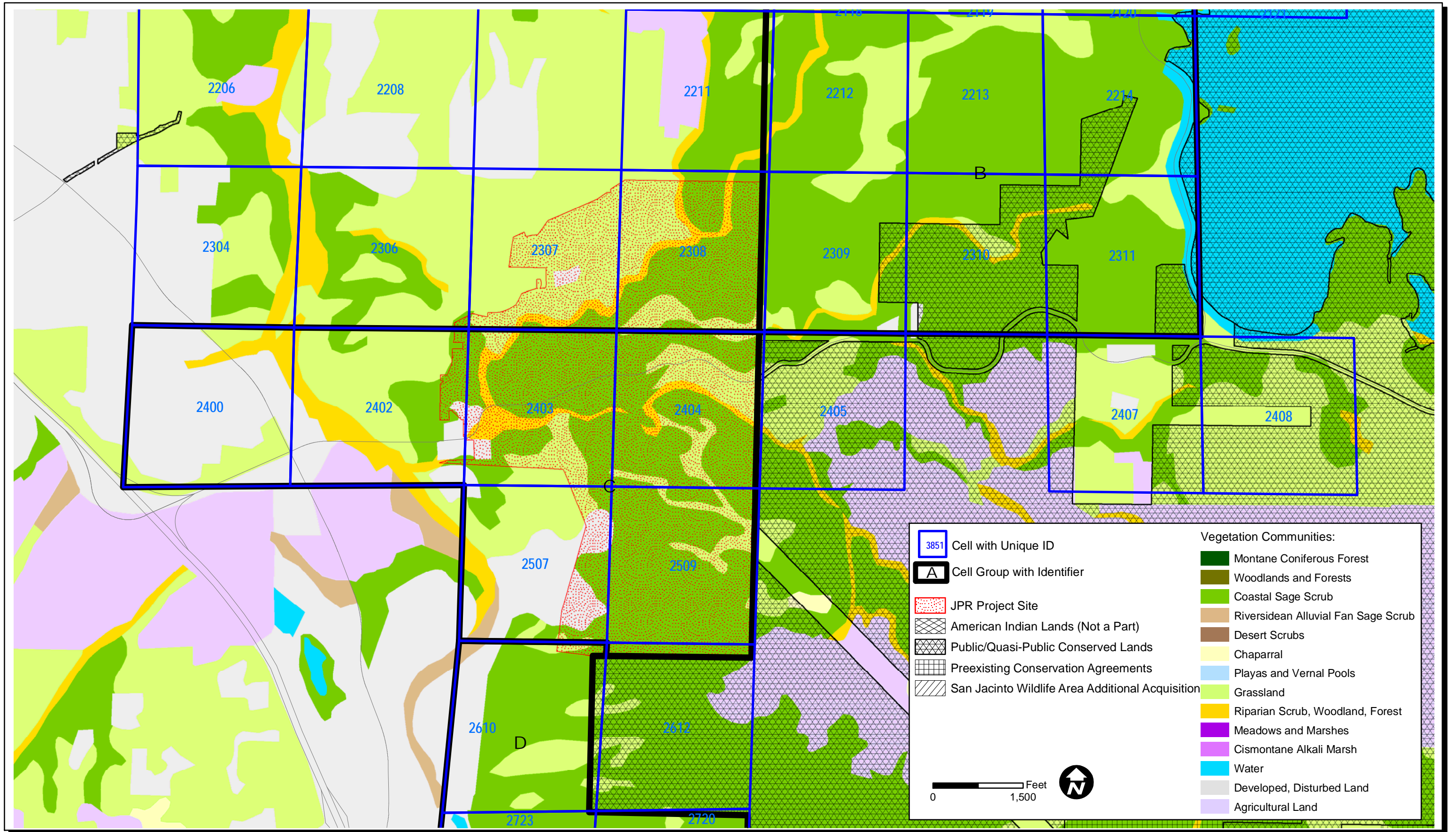
Date: 11/18/10

- iv. Proposed noise-generating land uses affecting the MSHCP Conservation Area shall incorporate setbacks, berms, or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations, and guidelines related to land use noise standards.
- v. Consider the invasive, non-native plant species listed in Table 6-2 of the MSHCP in approving landscape plans to avoid the use of invasive species for the portions of the project that are adjacent to the MSHCP Conservation Area. Considerations in reviewing the applicability of this list shall include proximity of planting areas to the MSHCP Conservation Areas, species considered in the planting plans, resources being protected within the MSHCP Conservation Area and their relative sensitivity to invasion, and barriers to plant and seed dispersal, such as walls, topography, and other features.
- vi. Proposed land uses adjacent to the MSHCP Conservation Area shall incorporate barriers, where appropriate, in individual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping into the MSHCP Conservation Areas. Such barriers may include native landscaping, rocks/boulders, fencing, walls, signage, and/or other appropriate mechanisms.
- vii. Manufactured slopes associated with the proposed site development shall not extend into the MSHCP Conservation Area.

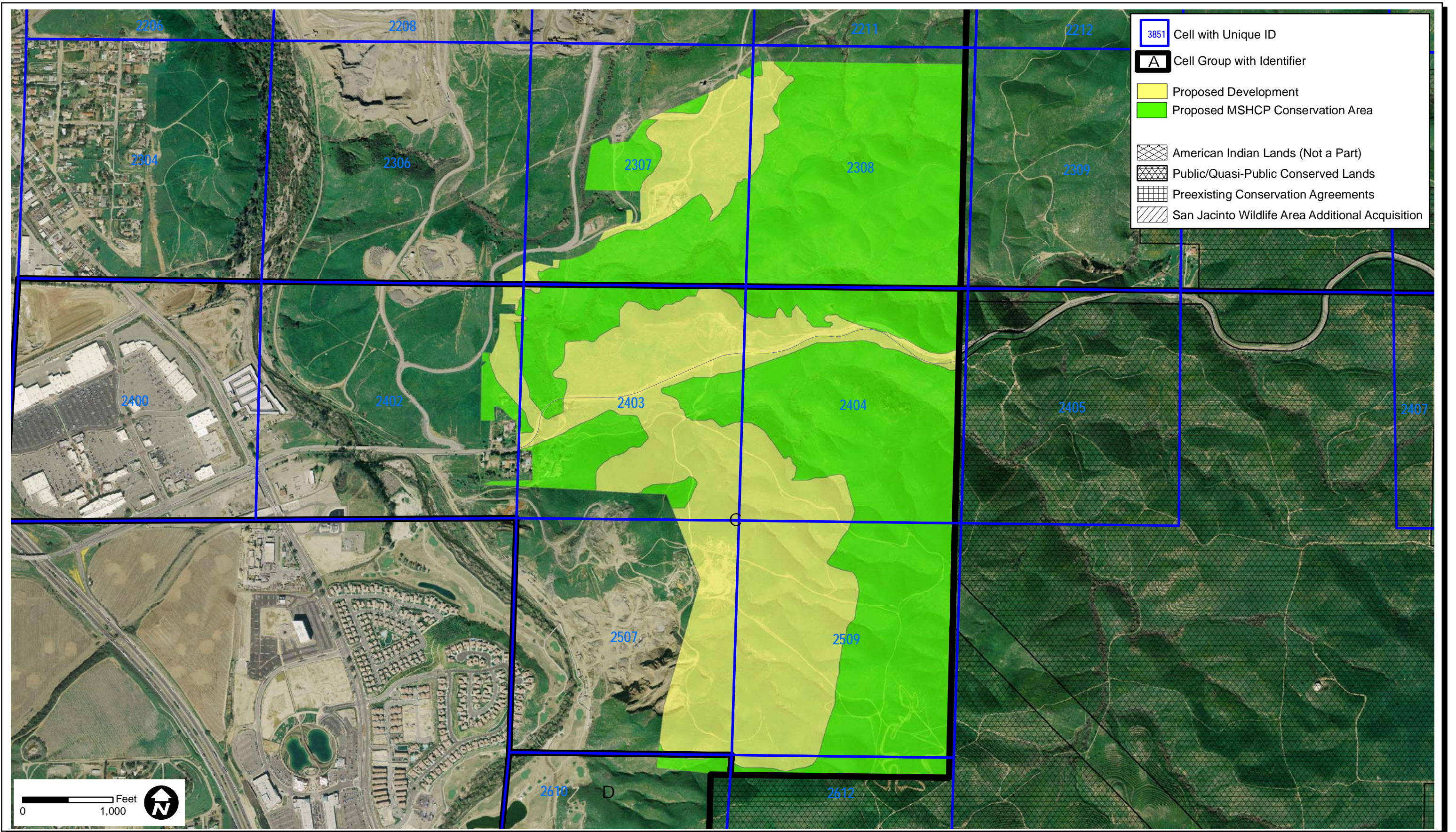
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JPR Log No. 10071901
 Vicinity Map with MSHCP Schematic Cores and Linkages



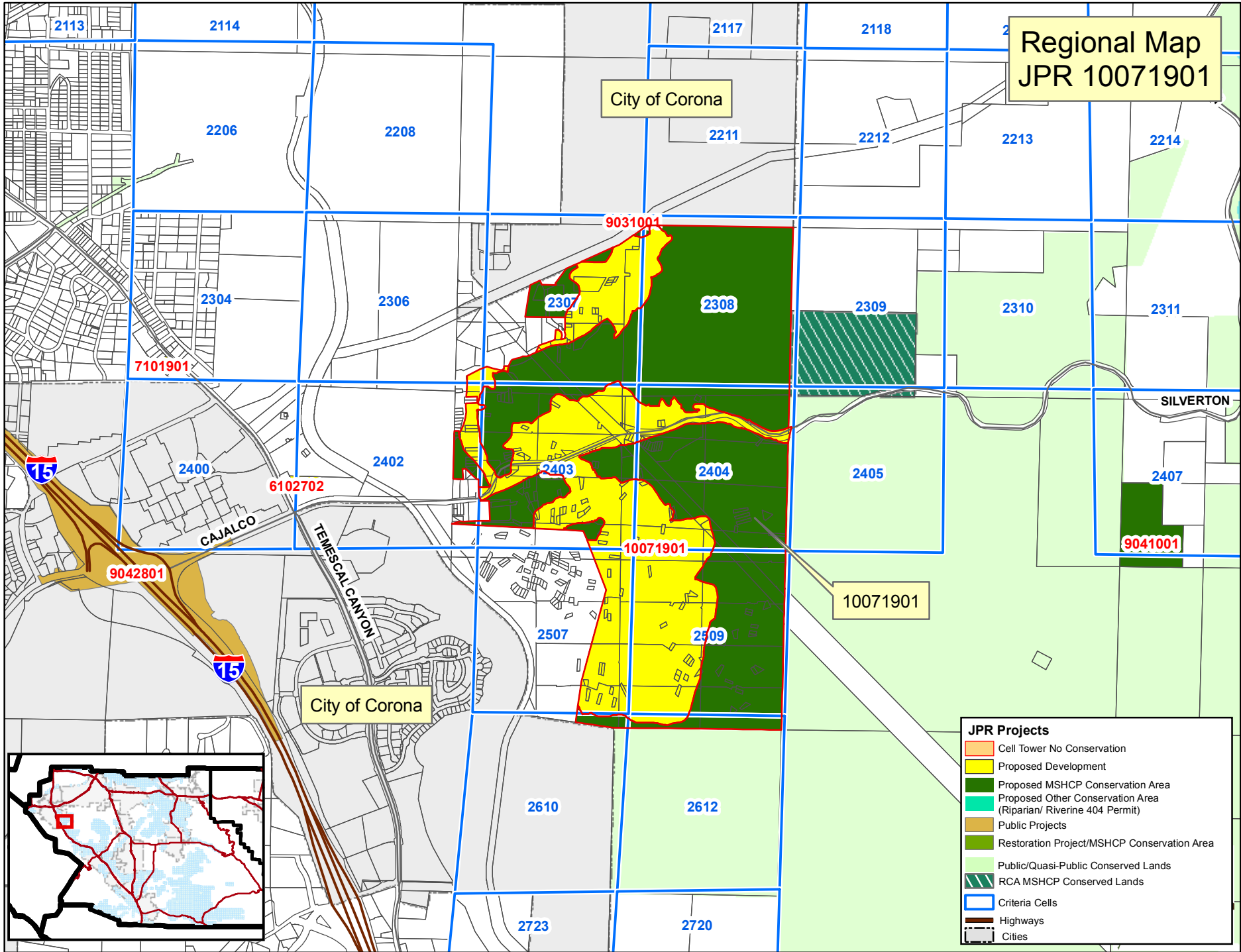
JPR Log No. 10071901
Criteria Area Cells with MSHCP Vegetation and Project Location



JPR Log No. 10071901
Criteria Area Cells with Aerial Photograph and Proposed Project Impacts

EXHIBIT
C

Regional Map JPR 10071901



- JPR Projects**
- Cell Tower No Conservation
 - Proposed Development
 - Proposed MSHCP Conservation Area
 - Proposed Other Conservation Area (Riparian/ Riverine 404 Permit)
 - Public Projects
 - Restoration Project/MSHCP Conservation Area
 - Public/Quasi-Public Conserved Lands
 - RCA MSHCP Conserved Lands
 - Criteria Cells
 - Highways
 - Cities

0 4,000 Feet



Rough Step Units # 7

EXHIBIT 21

1 COUNTY OF RIVERSIDE
 OFFICE OF COUNTY COUNSEL
 2 GREGORY P. PRIAMOS, COUNTY COUNSEL (Bar No. 136766)
 ANITA C. WILLIS, ASSISTANT COUNTY COUNSEL (Bar No. 162671)
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FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF RIVERSIDE

JUL 29 2016

J. ALVAREZ

VQ

AUG 2 2016
 RB

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12 Attorneys for Defendant,
 CAJALCO ROAD QUARRY successor-in-interest to Paul Hubbs
 13 Construction Company, Inc. and Lucille M. Hubbs

14
 15 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
 16 COUNTY OF RIVERSIDE

17 COUNTY OF RIVERSIDE, a political
 18 subdivision of the State of California,

19 Plaintiff,

20 v.

21
 22 PAUL HUBBS CONSTRUCTION
 COMPANY, INC., LUCILLE M. HUBBS, and
 23 DOES 1 through 100, Inclusive,

24 Defendants.

CASE NO. RIC 387195

**JOINT STIPULATION RE: STIPULATED
 SETTLEMENT AGREEMENT**

FILED CONCURRENTLY HEREWITH:

**SECOND AMENDMENT TO STIPULATED
 SETTLEMENT AGREEMENT AND
 JUDGMENT THEREON;
 [PROPOSED] ORDER**

Department 7
 Judge: Hon. John W. Vineyard

Action Filed: 01-06-03
 Judgment Entered: 10-28-04
 Amended Judgment Entered: 08-28-13

25
 26
 27 Plaintiff COUNTY OF RIVERSIDE, a political subdivision of the State of
 28

1 California ("Plaintiff" or "County"), on the one hand, and Defendants CAJALCO ROAD
2 QUARRY ("Cajalco") successor-in-interest to Paul Hubbs Construction Company, Inc. and
3 Lucille M. Hubbs (collectively "Defendants"), on the other hand, by and through their
4 respective counsel, hereby submit the below Joint Stipulation in order to clarify for the
5 Court the nature and purpose of the Second Amendment to Stipulated Settlement
6 Agreement and Judgment Thereon, and [Proposed] Order, jointly filed concurrently
7 herewith:

8 WHEREAS, this case concerns surface mining operations on certain real
9 property located at 8843 Cajalco Road, Corona within the unincorporated area of Riverside
10 County ("Real Property");

11 WHEREAS, the Real Property was previously owned by Cajalco's
12 predecessors-in-interest and the prior Defendants, Paul Hubbs Construction, Inc., and
13 Lucille M. Hubbs, Trustee, of the Paul J. Hubbs and Lucile M. Hubbs Survivors Trust
14 ("prior Defendants");

15 WHEREAS, the County initially filed this action on January 6, 2003, against
16 the prior Defendants, alleging various violations pertaining to the surface mining operation
17 conducted by the prior Defendants on the Real Property;

18 WHEREAS, the County and the prior Defendants negotiated a settlement,
19 and a Stipulated Settlement Agreement and Judgment Thereon was entered by the Court
20 on October 24, 2004 ("2004 Judgment"), and the Court expressly retained jurisdiction
21 over this matter when it entered the 2004 Judgment;

22 WHEREAS, following entry of the 2004 Judgment, and continuing through
23 the time that Cajalco acquired the Real Property in 2011, various areas within the Real
24 Property had remained in a hazardous condition due to the prior surface mining
25 operations; and, those operations had created unstable slopes onsite, including sheer
26 vertical faces over 300 feet tall, which at that time presented immediate and significant
27 threats to public health and safety, along with other conditions on the Real Property that
28 presented on-going aesthetic and erosion impacts;

1 WHEREAS, in the interest of quickly remedying these conditions, the County
2 and Cajalco agreed to amend the terms of the 2004 Judgment on August 20, 2013, by
3 entering into an amendment to the existing settlement agreement, which specified and
4 required certain amendments to the reclamation plan, that was in turn approved pursuant
5 to the Amendment to Stipulated Settlement Agreement And Judgment Thereon ("2013
6 Judgment"), and this Court entered the 2013 Judgment on August 28, 2013, once again
7 expressly retaining jurisdiction over this matter;

8 WHEREAS, since the 2013 Judgment, the County and Cajalco, working
9 together, have fully remediated the dangerous conditions described in the 2013 Judgment
10 and made great progress towards fulfilling the other requirements described therein;

11 WHEREAS, although the 2013 Judgment was well-considered, it was
12 nevertheless a rapid response to the urgent health and safety threats and violations
13 (committed by the prior Defendants) that existed at the time the 2013 Judgment was
14 signed and entered, and thus, while the 2013 Judgment went a long way towards resolving
15 the then-existing problems, it was not perfect given that time constraints did not allow the
16 parties at that time to craft a precise solution, and the parties knew then that further
17 revisions might be necessary;

18 WHEREAS, over the past three years, it has indeed become apparent that it is
19 not feasible for the surface mining operation to continue in a manner that is fully
20 compliant with the amendment to the reclamation plan that was approved pursuant to the
21 2013 Judgment, and that a further change to the boundary of the reclamation plan is
22 required;

23 WHEREAS, the parties have thus worked together to identify those issues
24 that require correction, have drafted the Second Amendment to Stipulated Settlement
25 Agreement and Judgment Theron ("2016 Agreement") to serve that purpose, and have
26 identified and discussed these issues and their fixes in detail in the 2016 Agreement;

27 WHEREAS, because the current operations at the Real Property do not
28 conform to the reclamation plan that was crafted as part of the 2013 Judgment and

1 subsequently approved by the County, the County cannot adequately inspect the surface
2 mining operation at the Real Property pursuant to the California Surface Mining and
3 Reclamation Act ("SMARA"), and the parties cannot efficiently develop accurate, adequate
4 financial assurances, as SMARA and local law require, thereby necessitating amendments
5 to the reclamation plan as currently described in the 2013 Judgment to allow for proper
6 mine safety and reclamation—and legal compliance—by reconciling the reclamation plan
7 with the mining operations as they are actually occurring on the ground;

8 WHEREAS, the Court's approval of the 2016 Agreement is warranted to
9 remedy issues that have arisen since the 2013 Judgment and that must be resolved to
10 ensure compliance with critical legal mandates; and Cajalco stands ready, with the County,
11 to remedy the inconsistencies identified above to ensure required, regulatory compliance;

12 WHEREAS, pursuant to the terms of the 2013 Judgment, the Court retains
13 continuing jurisdiction over this action and the parties, to enforce the terms and conditions
14 of the 2004 Judgment and 2013 Judgment.

15 NOW, THEREFORE, THE PARTIES JOINTLY SUBMIT the Second
16 Amendment to Stipulated Settlement Agreement and Judgment Thereon; and [Proposed]
17 Order, filed concurrently herewith, and ask it be entered as the judgment in this matter.

18
19 DATED: 7/19/16

COUNTY COUNSEL
GREGORY P. PRIAMOS

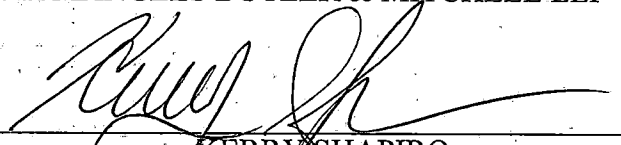
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22 By: 
23 MICHELLE P. CLACK
24 DEPUTY COUNTY COUNSEL
25 Attorneys for Plaintiff
26
27
28

DATED:

7/18/16

JEFFER MANGELS BUTLER & MITCHELL LLP

By:


KERRY SHAPIRO

Attorneys for Defendant

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JMBM
Jeffer Mangels
Butler & Mitchell LLP

1 COUNTY OF RIVERSIDE
 OFFICE OF COUNTY COUNSEL
 2 GREGORY P. PRIAMOS, COUNTY COUNSEL (Bar No. 136766
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FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF RIVERSIDE

JUL 29 2016

J. ALVAREZ

6 Attorneys for Plaintiff
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12 Attorneys for Defendant,
 CAJALCO ROAD QUARRY successor-in-interest to Paul Hubbs
 13 Construction Company, Inc. and Lucille M. Hubbs

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14
 15 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
 16 COUNTY OF RIVERSIDE

17 COUNTY OF RIVERSIDE, a political
 18 subdivision of the State of California,
 19 Plaintiff,
 20 v.
 21 PAUL HUBBS CONSTRUCTION
 COMPANY, INC., LUCILLE M. HUBBS, and
 22 DOES 1 through 100, Inclusive,
 23 Defendants..

CASE NO. RIC 387195
**SECOND AMENDMENT TO STIPULATED
 SETTLEMENT AGREEMENT AND
 JUDGMENT THEREON;**
~~PROPOSED~~ ORDER
 Department 7
 Judge: Hon. John W. Vineyard
 Action Filed: 01-06-03
 Judgment Entered: 10-28-04
 Amended Judgment Entered: 08-28-13

24
 25
 26 This Second Amendment to the Stipulated Settlement Agreement and Judgment
 27 Thereon ("2016 Second Amended Agreement") amends the Amendment to Stipulated Settlement
 28 Agreement and Judgment Thereon, entered by the Court on August 28, 2013 ("2013 Agreement"),

vq
 AUG 2 2016
 RB

1 and is entered into as of July 14, 2016 by and between Plaintiff County of Riverside (“County”) and
2 Cajalco Road Quarry (“Cajalco”), successor-in-interest to Paul Hubbs Construction Company, Inc.
3 and Lucille M. Hubbs, collectively. County and Cajalco (collectively, the “Parties”) enter into the
4 2016 Second Amended Agreement with reference to the following facts:

5 **RECITALS**

6 A. Cajalco is the owner of that certain real property located at 8843 Cajalco Road,
7 Corona within the unincorporated area of Riverside County (APNs 279-231-006, 281-231-011,
8 279-231-017, 279-231-018, 281-140-021, 281-150-027, 281-180-021, 281-190-028, 281-190-029,
9 281-200-004, 281-220-002, 281-220-003, 281-220-007, 281-230-013, 281-230-014, 281-240-005,
10 281-260-006, 281-260-007, 281-270-008, 281-290-007, 281-290-008, 281-300-003) (the “Real
11 Property”), attached hereto as **Exhibit A**.

12 B. Cajalco is successor-in-interest to Defendants Paul Hubbs Construction, Inc., and
13 Lucille M. Hubbs, Trustee, of the Paul J. Hubbs and Lucille M. Hubbs Survivors Trust (hereinafter,
14 the “prior Defendants”), having acquired all rights, title and interests from the prior Defendants to
15 the Real Property in October 2011.

16 C. Surface mining operations have been conducted on portions of the Real Property
17 continuously since the 1930s, and a vested right to conduct legal, non-conforming surface mining
18 operations on portions of the Real Property based upon historic use of the site was established in
19 1948 when the County enacted its first surface mining ordinance. Reclamation Plan 118
20 (“RCL118”) required by the Surface Mining and Reclamation Act (“SMARA”) and County
21 Ordinance No. 555 governed surface mining operations on a portion of the Real Property from 1982
22 until amended in 2013 by RCL118S1 (discussed below).

23 D. On or about January 6, 2003, the County filed the underlying action (“Action”)
24 against prior Defendants for injunctive relief and civil penalties for alleged violations of SMARA
25 and County land use ordinances concerning alleged illegal surface mining operations on the Real
26 Property.

27 E. The County and prior Defendants reached a stipulated settlement agreement in 2004
28 (“2004 Agreement”), submitting the 2004 Agreement to the Court in late September 2004. On

1 October 24, 2004, the Court ordered that the terms of the 2004 Agreement would be the order of the
2 Court ("2004 Order").

3 F. The terms of the 2004 Agreement were intended to resolve allegations by the County
4 of on-going surface mining activities contrary to the terms of the approved RCL118 for the conduct
5 of surface mining operations on the Real Property.

6 G. In January 2006, Temescal Cliffs, LLC purchased the Real Property from the prior
7 Defendants. Temescal Cliffs, LLC subsequently entered into bankruptcy, and failed to satisfy the
8 terms of the 2004 Agreement.

9 H. On October 17, 2011 Cajalco acquired the Real Property at a public auction in which
10 First American Title Insurance Company, as the duly appointed Trustee in compliance with Notice
11 of Trustee's sale, sold the Real Property to Cajalco (Trustee Sale No. 432077). (Document recorded
12 on October 18, 2011, County of Riverside DOC#2011-0457028.)

13 I. Following entry of the 2004 Order, and continuing through the time that Cajalco
14 acquired the Real Property in 2011, the conditions on areas within the Real Property had remained
15 in a hazardous condition due to prior surface mining operations, with unstable slopes onsite,
16 including sheer vertical faces of over 300 feet in height, which at that time presented immediate and
17 significant threats to public health and safety. Conditions on the Real Property as of 2011 presented
18 additional, on-going aesthetic and erosion impacts.

19 J. Following Cajalco's acquisition of the Real Property in October 2011, Cajalco and
20 the County discussed ways to remediate the Real Property to eliminate the significant threats to
21 public health and safety presented by the onsite conditions existing at that time. The County and
22 Cajalco met on several occasions in 2012 and 2013 to identify the appropriate manner in which to
23 correct the public health, safety and welfare concerns and to bring the conditions on the Real
24 Property into compliance with current County and SMARA requirements.

25 K. The Riverside County Board of Supervisors directed County Counsel to resolve
26 outstanding issues of the 2004 Agreement during its October 16th, 2012 hearing (Agenda Item
27 #3.6).

28 L. In the interests of remedying the then-existing conditions, the County and Cajalco

1 agreed to amend the terms of the 2004 Agreement, and on August 20, 2013 entered into the 2013
2 Agreement, which include the following terms and conditions:

- 3 1. Cajalco was authorized to submit, and the County authorized to review and if
4 appropriate approve, an amendment to RCL118 (hereinafter "RCL118S1"), to
5 conform the Real Property to the County's then-current safety standards, to reclaim
6 the site, in furtherance of the public health, safety and welfare at the Real Property.
- 7 2. The vested surface mining operations conducted on portions of the Real Property
8 were exempt from the requirements of the Multiple Species Habitat Conservation
9 Plan ("MSHCP") because such mining operations at the Real Property preceded
10 adoption of the MSHCP (MSHCP EIR/EIS, §§ 4.2.2; 5.1.2; County Resolution
11 2003-299, p. 44).
- 12 3. Cajalco was to submit a revised financial assurances cost estimate in support of
13 RCL118S1 at the time its application is filed, as required by Public Resources Code
14 sections 2770 and 2773.1 and Riverside County Ordinance No. 555, Section 9.
- 15 4. All activities set forth in RCL118S1 would be conducted in accordance with
16 RCL118S1, and no use permit or other approval would be required to conduct such
17 activities within the RCL118S1 boundary because such activities were substantially
18 within the scope of historic vested mining operations on the Real Property.
- 19 5. Mining and/or reclamation activities proposed outside of the scope of
20 RCL118S1 would be subject to future applicable County review.
- 21 6. Modification of RCL118 by RCL118S1 under Section 13 of Ordinance No. 555
22 would likely be exempt from the provisions of the California Environmental Quality
23 Act ("CEQA") pursuant to the exemptions applicable to activities that lack
24 significant environmental effect (14 Cal.Code Regs. § 15061(b)(3)) and exemptions
25 applicable to existing facilities (14 Cal.Code Regs § 15301).
- 26 7. The exemption under CEQA determined by the County for RCL118S1 would have
27 no effect on the applicability of CEQA to any discretionary project that may be
28 proposed for the Real Property following completion of the activities authorized by

1 the RCL118S1, or from activities unrelated to the those authorized by RCL118S1.

2 M. On August 28, 2013, the Superior Court entered its Order granting the joint
3 application of the Parties to the Court that the 2013 Amendment shall be the Order of the Court in
4 Superior Court Case No. RIC 387195, and that the Court shall retain jurisdiction over the settlement
5 until performance in full of the terms of the settlement have been completed.

6 N. Thereafter, consistent with the terms of the 2013 Agreement, Cajalco submitted to
7 the County an application for Reclamation Plan No. RCL118 Substantial Conformance No. 1 (i.e.,
8 for proposed RCL 118S1), to amend then-existing RCL 118.

9 O. On October 26, 2013, the County issued a Notice of Exemption under CEQA for the
10 proposed RCL118S1 project, pursuant to Section 15301(d), because the project's purpose was the
11 restoration of physical conditions at the site, which at that time contained potentially hazardous
12 slopes; and also under Section 15061(b)(3), because the only actions subject to County review were
13 those strictly related to reclamation, on areas already subject to substantial disturbance; and, also in
14 part based upon the determination that the proposed amendment to RCL 118 was to reclaim existing
15 site conditions, including potentially hazardous slopes, concurrent with on-going mining operations.

16 P. On November 12, 2013, the County approved Reclamation Plan No. RCL118S1,
17 which specifically referenced or identified various surface mining activities to be undertaken during
18 mining and reclamation, including crushing, screening, processing, trucking, mining, and related
19 activities historically on-going at the site, which further the existing quarry operations, including a
20 processing plant, screens and conveyors. The County also approved Findings in support thereof,
21 including Finding No. 10(f), which stated: "As of 1982 the County had approved two mining-
22 related entitlements that recognized areas subject to vested rights: the 1970 plant permit (which
23 identified a mine site boundary) and the 1982 reclamation plan RP 118 (which identified a mining
24 area subject to future reclamation). Surface mining activities within these areas, as contemplated by
25 Amended RCL118S1, are thus within the scope of the previously-determined vested right."

26 Q. Following County approval of RCL118S1, Cajalco undertook extensive efforts to
27 implement the terms and conditions of RCL118S1, including to remediate existing site conditions
28 and potentially hazardous slopes, as well as to modify facilities in order to implement necessary

1 upgrades and to comply with requirements of various public agencies, all concurrent with on-going
2 mining operations. In addition, consistent with the vested scope of the surface mining operation,
3 processing and other surface mining equipment and facilities previously referenced or identified in
4 the 2013 Agreement and RCL118S1 have been modified, upgraded, or expanded, all within the
5 Reclamation Plan boundary, including an upgraded primary crusher and conveyor system,
6 establishment of a plate press for water conservation purposes, upgraded processing and load-out
7 areas, trailers and other upgraded facilities typical of surface mining operations, all as described in
8 Exhibit B-3, attached hereto.

9 R. On January 5, 2015, the County issued a Notice of Violation ("NOV") to Cajalco
10 identifying several areas of non-compliance with RCL118S1 by the Cajalco operation; the County
11 supplemented the NOV with a March 26, 2015 letter to Cajalco, and undertook additional on-site
12 assessment in May 2016. The NOV, as supplemented by additional correspondence in 2015, and by
13 the on-site assessment in 2016, identified certain non-compliance issues centered around the
14 following: (1) establishment of a re-aligned and upgraded access road; (2) use of adaptive
15 management techniques which included deposition of material to address trespass and related
16 access concerns pending at that time in areas outside the new Reclamation Plan boundary, and
17 clearing vegetation off of land immediately west of these areas, outside of the Reclamation Plan
18 boundary; (3) re-location of explosive magazine bunkers; (4) adjustment of the mine plan boundary
19 to satisfy certain grading requirements, and allowance of light-vehicle parking areas; (5)
20 establishment of various berms and a lay-down area within the Reclamation Plan boundary that
21 required description within the Reclamation Plan; and (6) establishment of a water quality basin
22 east of the mine area but within the overall vested right area to prevent co-mingling of run-on
23 waters into the mine site, and for dissipation of water velocity during potential El Nino storm
24 events.

25 S. During the course of implementation from 2013 to 2015, it became apparent that the
26 manner in which the 2013 Agreement and RCL118S1 had modified the prior 1982 RP118,
27 including by reducing the size of the Reclamation Plan boundary area relative to the 1982 boundary
28 area, could not fully accommodate the necessary facility upgrades and modifications, and that

1 further efforts to refine the Reclamation Plan, including its boundary area, was necessary in order to
2 fulfill the intent and objectives of the 2013 Agreement. Following extensive meet and confer and
3 discussions between the County and Cajalco, the Parties have determined that the current
4 Reclamation Plan boundaries in RCL118S1 established in the 2013 Agreement were the result of an
5 incomplete or interim effort to modify the original 1982 RP 118 Reclamation Plan boundary area,
6 which made accomplishing the intent and goals of the 2013 Agreement logistically and
7 operationally infeasible due to constraints at the site; and therefore, in order to fully meet the intent
8 and goals of the 2013 Agreement, further refinements are necessary, including to the Reclamation
9 Plan boundary area, and therefore have agreed to amend the 2013 Agreement through this 2016
10 Second Amended Agreement in order to meet such intent and goals.

11 NOW, THEREFORE, in consideration of the mutual covenants herein contained, and for
12 other good and valuable consideration, the receipt and sufficiency of which is hereby
13 acknowledged, the Parties hereby agree and stipulate as follows:

14 1. With respect to the County's First Cause of Action for Illegal Surface Mining
15 Operations:

16 a) The County and Cajalco agree that in order to complete the process of
17 conforming the Real Property to the County's current safety standards, to properly describe the
18 upgrades and modifications to the vested surface mining operation, to reclaim the site, and in
19 furtherance of public health, safety and welfare at the Real Property, modifications to RCL118S1
20 are required. Cajalco agrees to submit for consideration an application to modify RCL118S1
21 consistent with the proposed Reclamation Plan 118S2 ("RCL118S2"), which is described below and
22 depicted in the map exhibit attached as **Exhibit B**. The Parties stipulate and Cajalco agrees that the
23 application for RCL118S2 will be submitted pursuant to Section 13.b. of Riverside County
24 Ordinance No. 555 as a non-substantial modification of approved RCL118S1. The application
25 submitted by Cajalco will be subject to the normal and customary requirements, decisions or review
26 by the County and/or Department of Conservation. The Parties stipulate and Cajalco agrees to
27 submit the above-referenced application no later than thirty calendar (30) days from the Court's
28 Order.

1 b) The Parties stipulate and the County agrees that the vested surface mining
2 operations conducted on portions of the Real Property are exempt from the requirements of the
3 Multiple Species Habitat Conservation Plan ("MSHCP") because such mining operations at the
4 Real Property preceded adoption of the MSHCP (MSHCP EIR/EIS, §§ 4.2.2; 5.1.2; County
5 Resolution 2003-299, p. 44).

6 c) The Parties stipulate that an owner of vested surface mining operations is
7 allowed to "modernize his operation; and change, add to, or increase the size of his equipment
8 (though deemed to be structures), even though this increases his output and intensifies the use;
9 provided that by such action he does not change the original protected nonconforming use." (*Moore*
10 *v. Bridgewater Township* (1961), 173 A.2nd 430, 442 (cited in *Hansen Brothers Enterprises, Inc. v.*
11 *Board of Supervisors of Nevada County* (1996) 12 Cal4th 533. As one California court has
12 summarized this issue recently: if a vested right was obtained "in the heyday of the gold rush, it
13 would not be limited to a shovel, gold pan, rocker, and a long tom."

14 d) The Parties stipulate and Cajalco agrees that it will submit a revised financial
15 assurances cost estimate in support of RCL118S2 at the time its application is filed, as required by
16 Public Resources Code sections 2770 and 2773.1 and Riverside County Ordinance No. 555, Section
17 9.

18 2. With respect to the civil penalties, County will waive all civil penalties.

19 3. The parties agree that all activities set forth in RCL118S2 will be conducted in
20 accordance with RCL118S2, and that no use permit or other approval is required to conduct such
21 activities within the RCL118S2 boundary (as described in **Exhibit B**) because there will only be (1)
22 minor adjustments to the actual mine plan area that will all be within the scope of historic vested
23 mining operations on the Real Property, (2) none of the upgraded or modernized equipment or
24 facilities change the original vested mining use, and in fact many of the modernizations and
25 upgrades increase efficiency and environmental conservation of the surface mining operation; and
26 (3) all other non-mining activities will either be on areas within the footprint of historic vested
27 mining operations, or are necessary to satisfy various public agency requirements or facility
28 upgrades. The Parties further stipulate, and Cajalco agrees, that any mining or reclamation

1 activities proposed outside of the scope of RCL118S2 (as described in **Exhibit B**) will be subject to
2 future applicable County review, and that, subject to and consistent with the terms and conditions
3 herein, nothing in this 2016 Second Amended Agreement shall otherwise limit the scope of future
4 County enforcement authority under applicable provisions of Ordinance No. 555 and SMARA.

5 4. The County and Cajalco stipulate that the modification of RCL118S1 by RCL118S2
6 under Section 13 of Ordinance No. 555 may be exempt from the provisions of the California
7 Environmental Quality Act (“CEQA”) pursuant to the exemptions applicable to: (1) activities that
8 lack significant environmental effect (14 Cal.Code Regs. § 15061(b)(3)); (2) existing facilities (14
9 Cal.Code Regs § 15301); (3) replacement or reconstruction of existing structures and facilities (14
10 Cal.Code Regs § 15302), and (4) minor alterations to land (14 Cal.Code Regs § 15304). The
11 County agrees to consider whether such exemptions under CEQA apply for RCL118S2 primarily
12 because the activities proposed therein (1) are a non-substantial modification to the existing
13 RCL118S1 associated with an existing mining operation, (2) are for the purpose of restoring
14 conditions at the site to a condition compliant with law, including to complete the process of
15 remedying existing hazardous conditions on site, and (3) will not change or extend mining
16 operations, but rather allow restorative activities on already disturbed areas. The County and
17 Cajalco agree that any exemption under CEQA determined by the County for RCL118S2 shall have
18 no effect on the applicability of CEQA to any discretionary project that may be proposed for the
19 Real Property following completion of the activities authorized by the RCL118S2, or from activities
20 unrelated to the those authorized by RCL118S2.

21 5. The Parties stipulate and agree that the Superior Court of the County of Riverside,
22 State of California shall continue to retain jurisdiction of this action and over the parties personally
23 to enforce the terms and provisions of this 2016 Second Amended Agreement, until performance in
24 full of its terms has been completed.

25 6. The Parties stipulate and agree that each party will pay its own costs and attorney’s
26 fees related to or arising out of this action.

27 7. Upon complete performance of all of the terms of this 2016 Second Amended
28 Agreement by Cajalco and the County, the County shall file a Request to Dismiss this Action (RIC

1 387195) against Cajalco with prejudice.

2 8. The Parties agree that this 2016 Second Amended Agreement and attached Exhibits
3 are intended to provide a comprehensive resolution of this action. So long as the provisions of this
4 2016 Second Amended Agreement are diligently pursued and complied with, the County agrees not
5 to pursue any other civil, administrative, or criminal remedies for violations of SMARA or County
6 Ordinances described in the Complaint filed in this action.

7 9. The Parties agree to waive their right to trial and appeal in the above-entitled action
8 (Case No. RIC-387195).

9 10. This 2016 Second Amended Agreement shall be binding upon and shall inure to the
10 benefit of the parties hereto and their respective heirs, personal representatives, successors and
11 assigns.

12 11. Any alteration, change or modification of or to this 2016 Second Amended
13 Agreement, in order to become effective, shall be made by written instrument and in each such
14 instance executed by or on behalf of the party to be bound thereto.

15 12. This 2016 Second Amended Agreement may be executed in two or more
16 counterparts, each of which shall be deemed to be an original, and such counterparts when taken
17 together shall constitute one and the same instrument and Agreement.

18 13. Time is hereby expressly made of the essence of this 2016 Second Amended
19 Agreement and all performances and obligations due hereunder.

20 14. Except as expressly stipulated and agreed to above, this 2016 Second Amended
21 Agreement supersedes all prior provision, rights, performances and obligations arising out of the
22 2013 Agreement and 2013 Order, and any other prior agreements and orders in this case.


23 IN WITNESS WHEREOF, the County and Cajalco have executed this Second
24 Amended Agreement as of 2014, 2016.

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DATED: 7/14/16

COUNTY OF RIVERSIDE

By: 
JUAN C. PEREZ
DIRECTOR, TRANSPORTATION AND LAND
MANAGEMENT AGENCY, RIVERSIDE
COUNTY

DATED: 7/14/16

COUNTY COUNSEL
GREGORY P. PRIAMOS

By: 
MICHELLE P. CLACK
DEPUTY COUNTY COUNSEL
Attorneys for Plaintiff

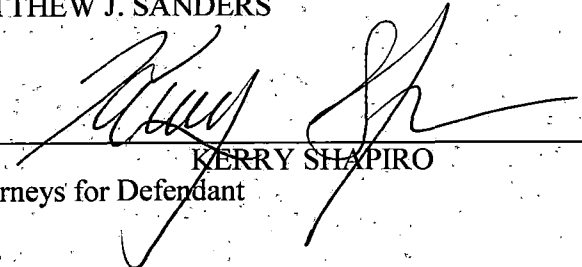
DATED: 7/11/16

CAJALCO ROAD QUARRY

By: 
CHRISTINE GOEYVAERTS

DATED: 7/12/16

JEFFER MANGELS BUTLER & MITCHELL LLP
KERRY SHAPIRO
MATTHEW J. SANDERS

By: 
KERRY SHAPIRO
Attorneys for Defendant

~~PROPOSED~~ ORDER

Upon consideration of the foregoing Second Amendment to Stipulated Settlement Agreement, the Joint Stipulation filed in connection herewith, and good cause appearing therefore:

IT IS HEREBY ORDERED that the terms and provisions of the Second Amendment to Stipulated Settlement Agreement shall be the Order of the Court in this case. The Court retains jurisdiction, pursuant to the terms of the Settlement and Code of Civil Procedure section 664.6, to

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enforce the Settlement until performance in full of the terms of the Settlement has been completed.

DATED: 7/26, 2016



Judge of the Superior Court

JMBM | Jeffer Mangels
Butler & Mitchell LLP

EXHIBIT A
Real Property (APNs)

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JMBM | Jeffer Mangels
Butler & Mitchell LLP

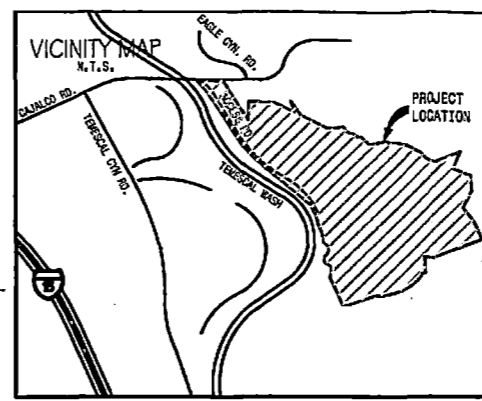
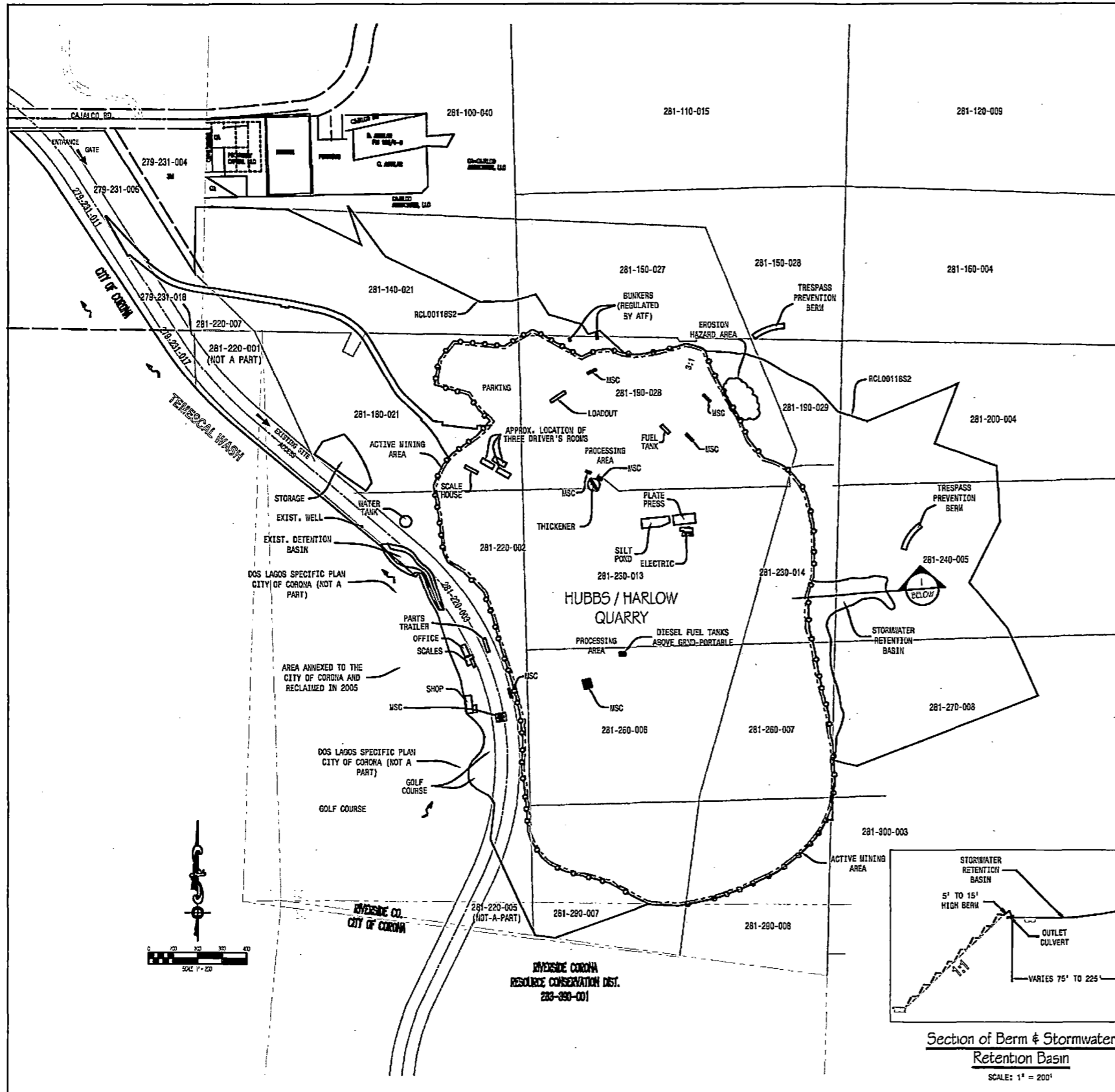


EXHIBIT "A"
HUBBS / HARLOW QUARRY

Amended Reclamation Plan
 RCL 0011852
 CA. MINE I.D. 91-33-0061
 LEGAL DESCRIPTION

ALL THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 4, SOUTH, RANGE 6 WEST, SAN BERNARDINO BASE AND MERIDIAN AS SHOWN BY SECTIONIZED SURVEY FOR THE RANCHO EL SUBRAYE DE SAN JACINTO ON FILE IN BOOK 1, PAGE 8 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA BEING ALSO SHOWN ON ASSESSOR'S MAP #51 IN THE OFFICE OF THE ASSESSOR OF RIVERSIDE COUNTY.

MINE OPERATOR AND APPLICANT

CAJALCO ROAD QUARRY
 200 S. MAIN STREET
 CORONA, CALIFORNIA 92880

OWNER OF LAND AND MINERAL RIGHTS

CAJALCO ROAD QUARRY
 200 S. MAIN STREET
 CORONA, CALIFORNIA 92880

CIVIL ENGINEER

GABEL, COOK & ASSOCIATES, INC.
 7177 BROCKTON AVE., SUITE 339
 RIVERSIDE, CA 92506
 (951) 788-8092

GEOLOGIST / GEOTECH

CHI, INC.
 1355 GUILFY DR.
 COLTON, CA 92324
 (909) 824-7209

LANDSCAPE ARCHITECT

NONE

ASSESSOR PARCEL NO.

279-231-006, 281-231-011, 279-231-017, 279-231-018, 281-140-021, 281-150-027, 281-180-021, 281-190-028, 281-190-029, 281-200-004, 281-220-002, 281-220-003, 281-220-007, 281-230-015, 281-230-014, 281-240-005, 281-260-009, 281-260-007, 281-270-008, 281-290-007, 281-290-008, 281-300-003

PROJECT SCOPE

- STABILIZE EXISTING SLOPES, CLEANING AND CONTOURING SURFACE DISTURBANCES.
- RECTIFY PREVIOUS NON-COMPLIANCE ISSUES BY AMENDING RECLAMATION PLAN.
 - RECLAIM SITE.
 - DEFINE EXISTING USES.

AREAS

DISTURBED AREA 82 ACRES
 RECLAIMED AREA 135 ACRES

GENERAL NOTES

- PRODUCT: SAND, ROCK AND GRAVEL
- UTILITY PROVIDERS
 ELECTRICAL: SO, CAL EDISON
 SEWER: SEPTIC(OFFICE)
 PORTABLE TOILETS
 WATER: WELL (ADJACENT TO TERESCAL CREEK)
- ASSESSOR PARCEL NUMBERS SEE "VICINITY MAP/APPN KEY"
- EXIST. LAND USE: OS-MIN (OPEN SPACE-MINERAL RESOURCES).
- EXISTING ZONING: MRA-R/A
- MAX. MINING DEPTH: 817 FT

FUTURE USE

COMMERCIAL / INDUSTRIAL / RESIDENTIAL

PROJECT LIFE

ANTICIPATED TERMINATION DATE DEC. 31, 2039 DEPENDING ON MARKET DEMAND. RECLAMATION WILL NOT PERMANENTLY AFFECT FUTURE MINING ASSUMING A SUFFICIENT ECONOMIC MINERABLE RESOURCE REMAINS.

MINING QUANTITIES

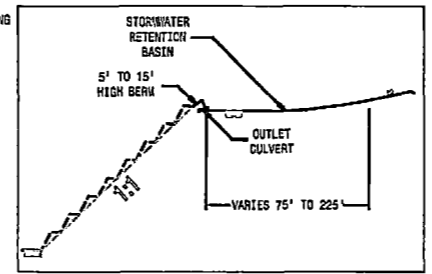
	CUT (WCY)	FILL (WCY)
MINED	11.1	0
TOTAL (CY)	11.1	0

SHEET INDEX

SHT	EXHIBIT	DESCRIPTION
1	B-1	TITLE / AMENDED RECLAMATION PLAN
2	B-2	TYPICAL CROSS SECTIONS
3	B-3	MINE DETAILS

LEGEND

	SECTION LINE / RECORD OF SURVEY
	PARCEL LINE
	EXISTING CONTOUR
	FINISHED CONTOUR
	EXIST. FENCE
	RCL0011852
	PROPOSED BERM
	METAL SHIPPING CONTAINER



Section of Berm & Stormwater Retention Basin
 SCALE: 1" = 200'

AERIAL SURVEY:
 TOPOGRAPHY BY ENVIRONMENT, INC.
 DATED MARCH 2015.

METAL SHIPPING CONTAINERS ARE USED AT VARIOUS LOCATION THROUGHOUT THE SITE.

GABEL, COOK & ASSOCIATES, INC.
 CIVIL ENGINEERS LAND SURVEYORS
 LAND PLANNERS
 7177 BROCKTON AVE., SUITE 339, RIVERSIDE, CA 92506
 Telephone (951) 788-8092 Facsimile (951) 788-6184

HUBBS/HARLOW QUARRY
 200 S. MAIN STREET, CORONA, CA, 92880

TITLE SHEET / AMENDED RECLAMATION PLAN

DATE	BY	NO.	DESCRIPTION
05/19/18	1315	55	65-315-E01
AS SHOWN			

Exhibit B

EXHIBIT B

RCL118S2 Plan Boundary

1
2
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JMBM | Jeffer Mangels
Butler & Mitchell LLP

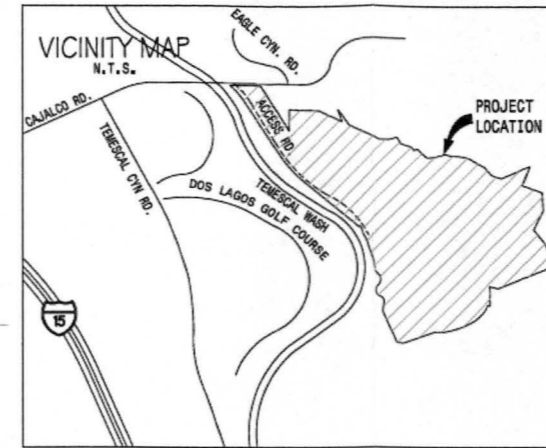
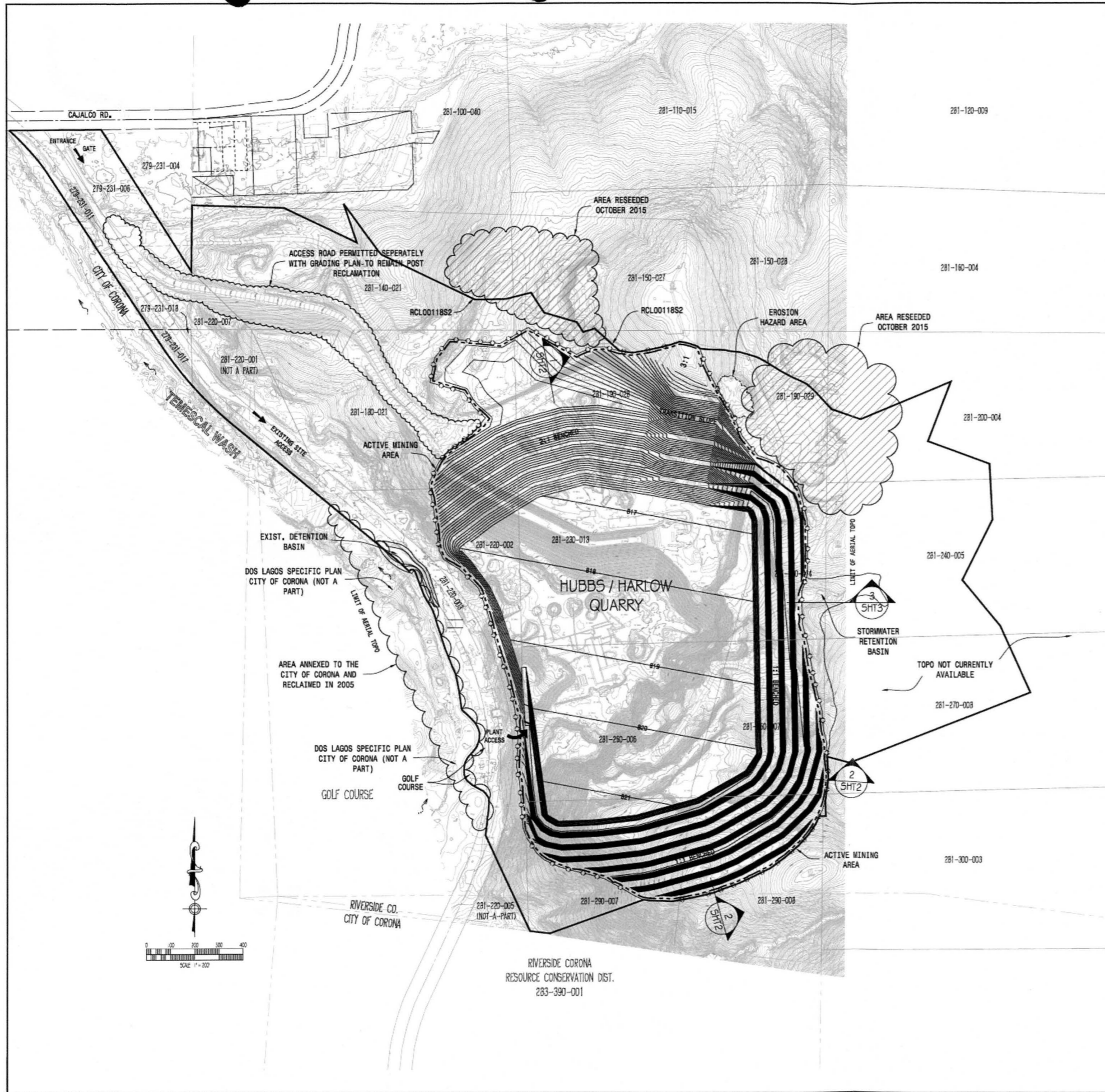


EXHIBIT "B1" HUBBS / HARLOW QUARRY

Amended Reclamation Plan
RCL 00118 S2
CA. MINE I.D. 91-33-0061

LEGAL DESCRIPTION
ALL THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 4, SOUTH, RANGE 6 WEST, SAN BERNARDINO BASE AND MERIDIAN AS SHOWN BY SECTIONIZED SURVEY FOR THE RANCHO EL SOBRIANTE DE SAN JACINTO ON FILE IN BOOK 1, PAGE 8 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, BEING ALSO SHOWN ON ASSESSOR'S MAP #51 IN THE OFFICE OF THE ASSESSOR OF RIVERSIDE COUNTY.

PROJECT SCOPE

- STABILIZE EXISTING SLOPES, CLEANING AND CONTOURING SURFACE DISTURBANCES.
- RECTIFY PREVIOUS NON-COMPLIANCE ISSUES BY AMENDING RECLAMATION PLAN,
 - RECLAIM SITE.
 - DEFINE EXISTING USES.

AREAS

DISTURBED AREA 62 ACRES
RECLAIMED AREA 135 ACRES

GENERAL NOTES

1. PRODUCT : SAND, ROCK AND GRAVEL
2. UTILITY PURVEYORS
 - ELECTRICAL: SO. CAL EDISON
 - SEWER: SEPTIC(OFFICE)
 - PORTABLE TOILETS
 - WATER: WELL (ADJACENT TO TEMESCAL CREEK)
3. ASSESSOR PARCEL NUMBERS SEE 'VICINITY MAP/APN KEY'
4. EXIST. LAND USE: OS-MIN (OPEN SPACE-MINERAL RESOURCES).
5. EXISTING ZONING: MRA-N/A
6. MAX. MINING DEPTH: 817 FT

FUTURE USE

COMMERCIAL / INDUSTRIAL / RESIDENTIAL

PROJECT LIFE

ANTICIPATED TERMINATION DATE DEC. 31, 2038 DEPENDING ON MARKET DEMAND. RECLAMATION WILL NOT PERMANENTLY AFFECT FUTURE MINING ASSUMING A SUFFICIENT ECONOMIC MINEABLE RESOURCE REMAINS.

MINING QUANTITIES

	CUT (MCY)	FILL (MCY)
MINED	11.1	0
TOTAL (CY)	11.1	0

SHEET INDEX

SHT	EXHIBIT	DESCRIPTION
1	B-1	TITLE / AMENDED RECLAMATION PLAN
2	B-2	TYPICAL CROSS SECTIONS
3	B-3	MINE DETAILS

MINE OPERATOR AND APPLICANT

CAJALCO ROAD QUARRY
200 S. MAIN STREET
CORONA, CALIFORNIA 92880

OWNER OF LAND AND MINERAL RIGHTS

CAJALCO ROAD QUARRY
200 S. MAIN STREET
CORONA, CALIFORNIA 92880

CIVIL ENGINEER

GABEL, COOK & ASSOCIATES, INC.
7177 BROCKTON AVE., SUITE 339
RIVERSIDE, CA 92506
(951) 788-8092

GEOLOGIST / GEOTECH

CHJ, INC.
1355 COOLEY DR.
COLTON, CA 92324
(909) 824-7209

LANDSCAPE ARCHITECT

NONE

ASSESSOR PARCEL NO.

279-231-006, 281-231-011, 279-231-017, 279-231-018, 281-140-021, 281-150-027, 281-180-021, 281-190-028, 281-190-029, 281-200-004, 281-220-002, 281-220-003, 281-220-007, 281-230-013, 281-230-014, 281-240-005, 281-260-008, 281-260-007, 281-270-008, 281-290-007, 281-290-008, 281-300-003

LEGEND

	SECTION LINE / RECORD OF SURVEY
	PARCEL LINE
	EXISTING CONTOUR
	FINISHED CONTOUR
	EXIST. FENCE
	RCL00118S2
	PROPOSED BERM (SEE DETAIL A, EXHIBIT B2)

AERIAL SURVEY:
TOPOGRAPHY BY ENVIROMINE, INC.
DATED MARCH 2015.

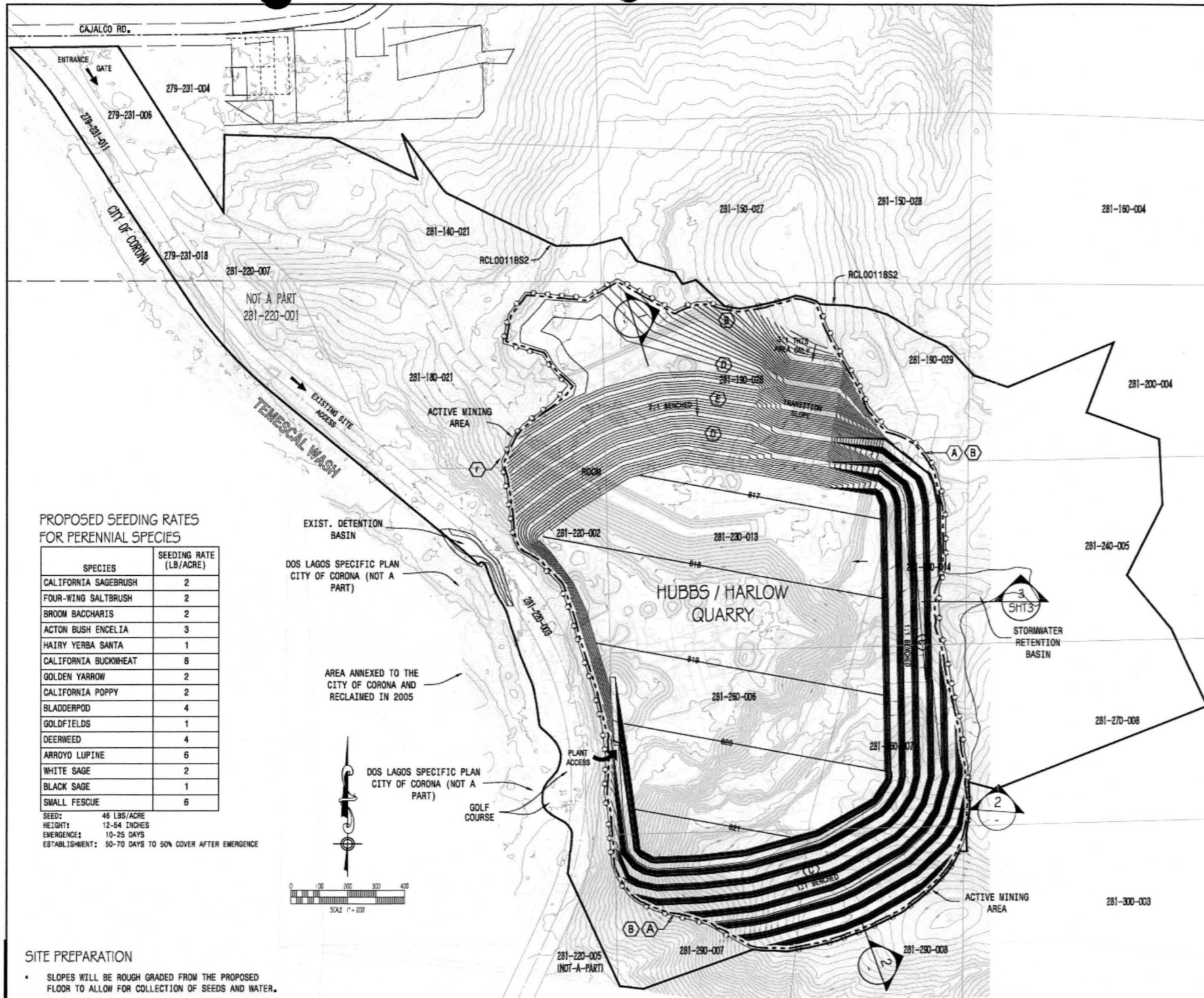


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Telephone (951) 788-8092 Facsimile (951) 788-5184

HUBBS/HARLOW QUARRY
200 S. MAIN STREET, CORONA, CA. 92880

TITLE SHEET / AMENDED RECLAMATION PLAN

Drawn by	MDG	Sheet	1
Approved by		Date	05/19/16
Date	05/19/16	Project	1315
Scale	AS SHOWN	Plan	65
		Sheet No.	65-315-E01



PROPOSED SEEDING RATES FOR PERENNIAL SPECIES

SPECIES	SEEDING RATE (LB/ACRE)
CALIFORNIA SAGEBRUSH	2
FOUR-WING SALTBRUSH	2
BROOM BACCHARIS	2
ACTON BUSH ENCELIA	3
HAIRY YERBA SANTA	1
CALIFORNIA BUCKWHEAT	8
GOLDEN YARROW	2
CALIFORNIA POPPY	2
BLADDERPOD	4
GOLDFIELDS	1
DEERWEED	4
ARROYO LUPINE	6
WHITE SAGE	2
BLACK SAGE	1
SMALL FESCUE	6

SEED: 46 LBS/ACRE
 HEIGHT: 12-64 INCHES
 EMERGENCE: 10-25 DAYS
 ESTABLISHMENT: 50-70 DAYS TO 50% COVER AFTER EMERGENCE



SITE PREPARATION

- SLOPES WILL BE ROUGH GRADED FROM THE PROPOSED FLOOR TO ALLOW FOR COLLECTION OF SEEDS AND WATER.
- COMPACTED AREAS WILL BE SCARIFIED TO A DEPTH NECESSARY TO PROMOTE PLANT GROWTH, TYPICALLY TO A DEPTH OF 12 INCHES.

REVEGETATION NOTES

- PRIOR TO MINING, THE TOP 6 INCHES OF SOIL IS TO BE PUSHED OFF TO THE PERIMETER OF THE MINE AND USED TO CONSTRUCT BERMS.
- DURING RECLAMATION, THE TOP SOIL WILL BE RETURNED TO THE MINING SURFACE AND SPREAD EVENLY THROUGHOUT THE FINISHED FLOOR AND SLOPES ALONG WITH THE SAND BY-PRODUCT OR TAILINGS.
- THE SLOPE AND FLOOR AREAS WILL BE RECLAIMED AND REVEGETATED. ONLY NATIVE SPECIES WHICH CURRENTLY OCCUR ADJACENT TO THE SITE WILL BE USED.
- DUE TO THE VERY ROCKY EXISTING CONDITIONS, ONLY A LIMITED AMOUNT OF TOPSOIL OR GROWTH MEDIA WILL BE AVAILABLE. MOST OF THE SLOPES WILL BE ROCK FACED.

POST-RECLAMATION NOTES

- PROPERTY WILL BE URBANIZED FOR INFILL PROJECTS.
- REMOVE ALL STRUCTURES INCLUDING SCREENS, CONVEYORS, FOOTINGS AND EQUIPMENT
- REMOVE EXISTING ELECTRICAL SERVICE WITHIN THE MINE AND RECLAMATION AREA (RCL00118S1).

SEEDING

BROADCAST SEEDING WILL BE CONDUCTED BETWEEN OCTOBER AND DECEMBER TO TAKE ADVANTAGE OF WINTER PRECIPITATION AND ELIMINATE THE NEED FOR IRRIGATION. SEED COLLECTION FROM NEARBY UNDISTURBED AREAS WILL BE SUPPLEMENTED BY COMMERCIALY AVAILABLE SEEDS AS NEEDED. SEED WILL ONLY BE COLLECTED WITHIN ONE YEAR OF PLANNED RESEEDING. THE DISTURBED AREAS WILL BE SEEDED WITH THE SPECIES AND RATES SHOWN IN THE TABLE BELOW. NOTE THAT THE SPECIES SEEDED WILL BE AUGMENTED WITH NATIVE ANNUALS, ONLY NATIVE SEEDS TOLERANT TO EXISTING SOIL AND RAINFALL CONDITIONS WILL BE USED. THE AVERAGE PRECIPITATION IN THE AREA SHOULD BE SUFFICIENT FOR SEED GERMINATION AND ROOT ESTABLISHMENT OF NATIVE SPECIES. IRRIGATION OF THE SITE WILL NOT BE USED TO AVOID ENCOURAGING NON-NATIVE INVASIVE PLANTS.

SUCCESS CRITERIA

AREAS SUBJECT TO EROSION MUST ATTAIN AT LEAST 65 PERCENT COVERAGE FOR TWO SUCCESSIVE YEARS TO BE CONSIDERED FULLY RECLAIMED. ALTERNATIVELY, IN THE EVENT THE LEAD AGENCY APPROVES SUBSEQUENT DEVELOPMENT OF THE PROPERTY WITH A SITE SPECIFIC EROSION CONTROL/WATER QUALITY MANAGEMENT PLAN, THE SUCCESS CRITERIA COULD BE REPLACED WITH METHODS CONSISTENT WITH GRADING/DEVELOPMENT PLAN FOR THE PROPERTY.

CONSTRUCTION NOTES

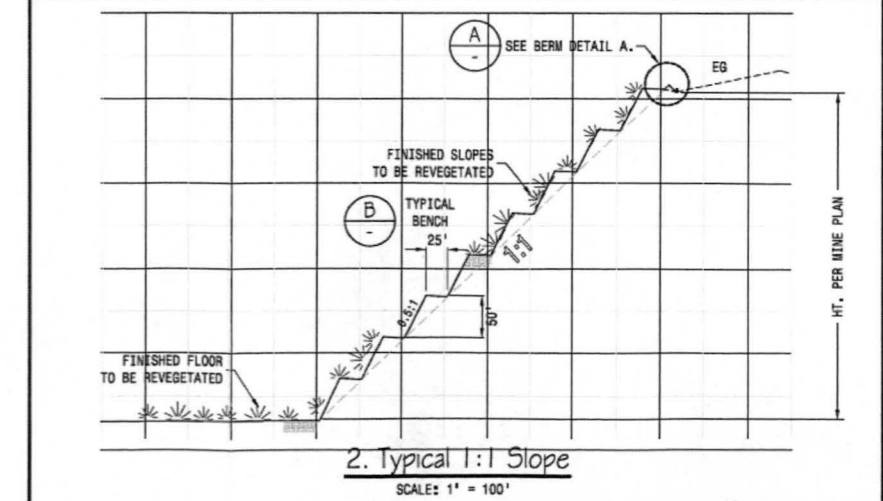
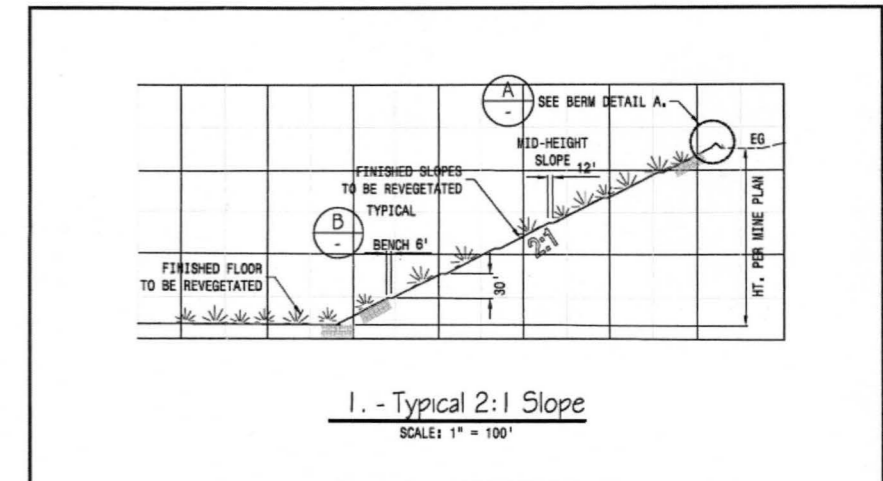
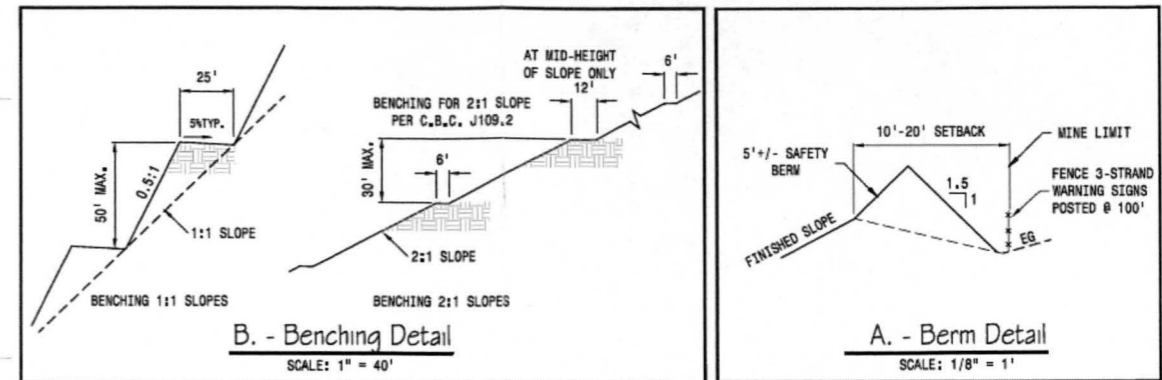
- A** CONSTRUCT 5 FT. SAFETY BERM AROUND PIT.
- B** CONSTRUCT 3 STRAND FENCING AROUND PIT WITH WARNING SIGNS POSTED AT EVERY 100 FT.
- C** CONSTRUCT 25 FT WIDE BENCH
- D** CONSTRUCT 6 FT. WIDE BENCH PER C.B.C. APPENDIX J SECTION J109.2
- E** CONSTRUCT 12 FT. WIDE BENCH AT MID. HEIGHT SLOPE IN ACCORDANCE WITH C.B.C. APPENDIX J SECTION J109.2.
- F** CONSTRUCT TEST PLOT AREA IN ACCORDANCE WITH CCR 3705(b)

LEGEND

—	SECTION LINE / RECORD OF SURVEY
—	PARCEL LINE
—	EXISTING CONTOUR
—	FINISHED CONTOUR
— x — x — x —	EXIST. FENCE
—	RCL00118S2
—	PROPOSED BERM

**EXHIBIT "B2"
 HUBBS / HARLOW
 QUARRY**

Amended Reclamation Plan
 RCL0011852
 CA. MINE I.D. 91-33-0061



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HUBBS/HARLOW QUARRY
 200 S. MAIN STREET, CORONA, CA. 92680
#65 - HUBBS QUARRY
TYPICAL CROSS SECTION

Drawn by: RDG	Scale: AS SHOWN	Project: 1315	Sheet: 65	File: 65-315-E02
Approved by:	Date: 05/19/16	Revised:	Revised:	Revised:

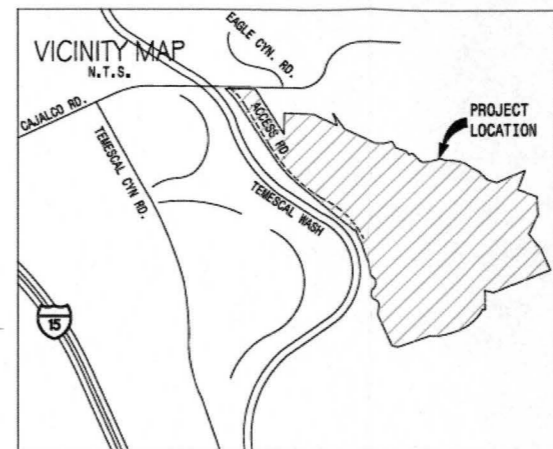
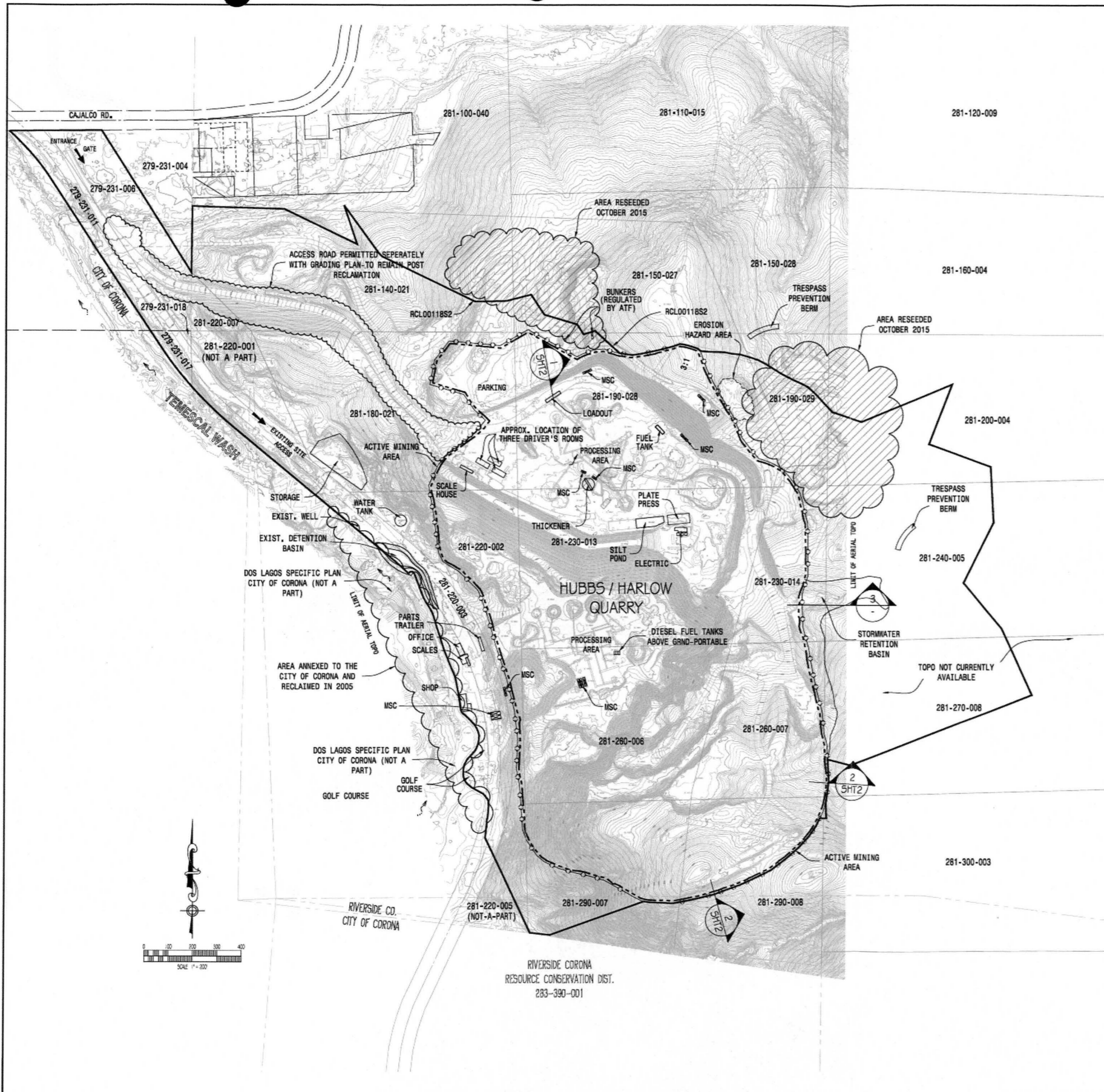
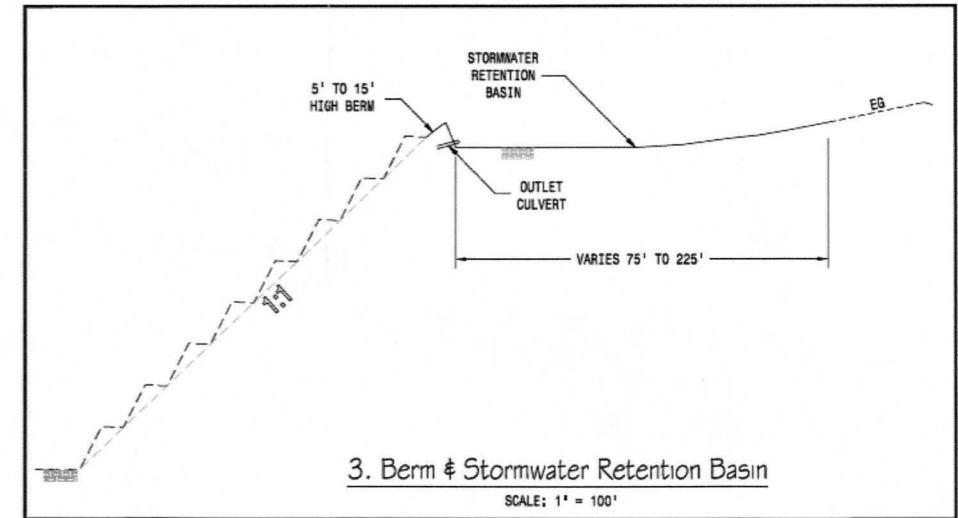


EXHIBIT "B3"
HUBBS / HARLOW QUARRY
 Amended Reclamation Plan
 RCL 0011852
 CA. MINE I.D. 91-33-0061
 LEGAL DESCRIPTION

ALL THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 4, SOUTH, RANGE 6 WEST, SAN BERNARDINO BASE AND MERIDIAN AS SHOWN BY SECTIONIZED SURVEY FOR THE RANCHO EL SOBRANTE DE SAN JACINTO ON FILE IN BOOK 1, PAGE 8 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA BEING ALSO SHOWN ON ASSESSOR'S MAP #51 IN THE OFFICE OF THE ASSESSOR OF RIVERSIDE COUNTY.



LEGEND

---	SECTION LINE / RECORD OF SURVEY
---	PARCEL LINE
---790---	EXISTING CONTOUR
---790---	FINISHED CONTOUR
* * * * *	EXIST. FENCE
---	RCL0011852
---◇---◇---	PROPOSED BERM
☒	METAL SHIPPING CONTAINER

AERIAL SURVEYS:
 TOPOGRAPHY BY ENVIRONMENT, INC.
 DATED MARCH 2015.

METAL SHIPPING CONTAINERS ARE USED AT VARIOUS LOCATION THROUGHOUT THE SITE.



HUBBS/HARLOW QUARRY
 200 S. MAIN STREET, CORONA, CA. 92680

MINE DETAIL

Drawn by	WDG	Sheet	3
Approved by		Date	05/19/16
Scale	AS SHOWN	Project	1315
		Plan	65
		Sheet No.	65-315-E01

GABEL, COOK & ASSOCIATES INC.
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EXHIBIT 22

STAFF FIELD VISIT TO PROPOSED VESTED RIGHTS AREA
May 25, 2022



Photo 1



Photo 2

STAFF FIELD VISIT TO PROPOSED VESTED RIGHTS AREA
May 25, 2022



Photo 3



Photo 4

STAFF FIELD VISIT TO PROPOSED VESTED RIGHTS AREA
May 25, 2022



Photo 5

STAFF FIELD VISIT TO PROPOSED VESTED RIGHTS AREA
May 25, 2022

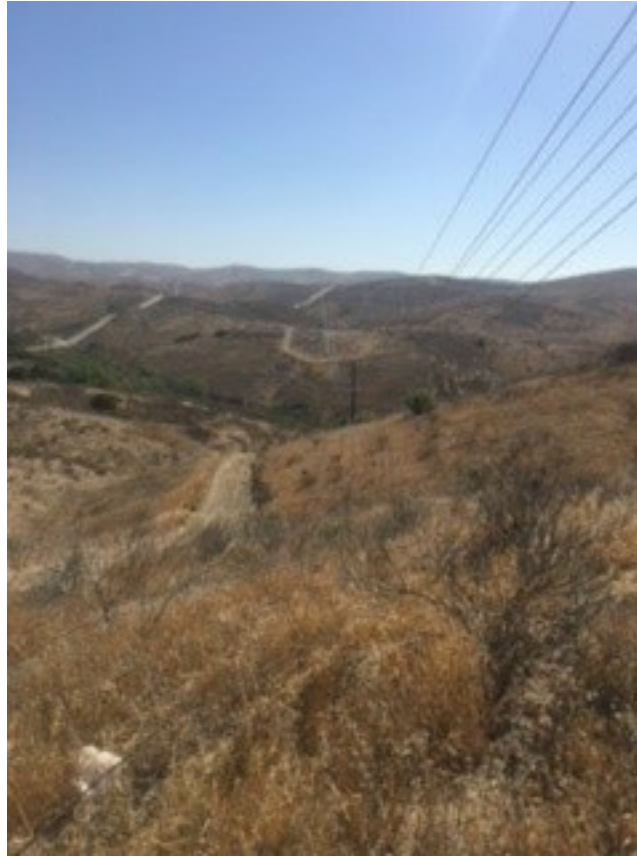


Photo 6

STAFF FIELD VISIT TO PROPOSED VESTED RIGHTS AREA
May 25, 2022



Photo 7



Photo 8

STAFF FIELD VISIT TO PROPOSED VESTED RIGHTS AREA
May 25, 2022



Photo 9



Photo 10

STAFF FIELD VISIT TO PROPOSED VESTED RIGHTS AREA
May 25, 2022



Photo 11



Photo 12

STAFF FIELD VISIT TO PROPOSED VESTED RIGHTS AREA
May 25, 2022



Photo 13



Photo 14

STAFF FIELD VISIT TO PROPOSED VESTED RIGHTS AREA
May 25, 2022



Photo 15



Photo 16

STAFF FIELD VISIT TO PROPOSED VESTED RIGHTS AREA

May 25, 2022

Photos 1 – 7

Located north of Cajalco Road mostly viewing utility access unimproved roadways, powerlines, vegetation, drainages, wildlife trails, and unauthorized off-road vehicle activity. There were no observations of other surface disturbance that would indicate mining activities such as mine tailings, soil test bore holes, or other surface excavations. In Photo 2, the County Geologist was looking for evidence of a mining adit that was stated in the Terracon Geology report to be at the northern portion of Area 3 (*Terracon Site Map 1, Field Reconnaissance of Former Mining Areas*). No mine spoils pile was found at the canyon bottom.

Photos 8 – 13

Located north of Cajalco Road in the mid-portion of the vesting request area. There was evidence of a pad that was used for a steel water tank that existed in June 2012 but had been removed by January 2013 (according to Google Earth Photos). Only the foundation of gravel and the access road remained during the site visit. Just west of the tank site, another unimproved access road was accessed by County Staff and inspected for signs of mining activities. This area is shown as Area 9 in the Terracon Geology report (*Terracon Site Map 2, Field Reconnaissance of Former Mining Areas*). A borehole and spoils were observed. An indication of a trench appeared to be present, but it could not be determined what the purpose of the trench could have been dug for. There were no observations of other surface disturbance that would indicate mining activities such as mine tailings, soil test bore holes, or other surface excavations.

Photos 14 – 16

Located north of Cajalco Road at the western portion of the vesting request area. This area appears to have access off Cajalco via an unimproved trail/road that has illegal dumping. There are signs of a residential structure that once stood in the area. A concrete slab remains as well as a water storage cistern made up of rocks and concrete. There were no observations of other surface disturbance that would indicate mining activities such as mine tailings, soil test bore holes, or other surface excavations.