



City of La Quinta

CITY / SA / HA / FA MEETING DATE: June 3, 2014

ITEM TITLE: ADOPT RESOLUTIONS APPROVING A MAJOR REVISION TO THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN

AGENDA CATEGORY:

BUSINESS SESSION: 2

CONSENT CALENDAR:

STUDY SESSION:

PUBLIC HEARING:

RECOMMENDED ACTION:

Adopt a resolution adopting environmental findings pursuant to the California Environmental Quality Act approving a major amendment to the Coachella Valley Multiple Species Habitat Conservation Plan and subsequent implementation agreement.

Adopt a resolution establishing procedures and requirements for implementation of the Coachella Valley Multiple Species Habitat Conservation Plan and the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan, as revised by the major amendment.

EXECUTIVE SUMMARY:

- The Coachella Valley Multiple Species Habitat Conservation Plan ("Plan") was established in September, 2007 to conserve over 240,000 acres of open space, protect 27 plant and animal species, comply with federal and state endangered species laws while allowing for development of roads and other infrastructure that is essential to improving quality of life in the Coachella Valley.
- The City of La Quinta (City) is a permittee along with seven other Coachella Valley cities, Riverside County, Coachella Valley Water District and Imperial Irrigation District. The City of Desert Hot Springs (DHS) elected to not participate when the Plan was established.
- DHS has now requested to be a permittee and the Coachella Valley Conservation Commission (CVCC) recently considered a major amendment to add them and Mission Springs Water District (MSWD).
- Each permittee under the Plan must take certain actions in order for DHS and the MSWD to be added.

FISCAL IMPACT:

There is no direct fiscal impact to the City. However, the City is responsible for collecting the Plan mitigation fee on behalf of the CVCC. The major amendment will result in the mitigation fee being reduced by approximately 8 percent.

BACKGROUND/ANALYSIS:

The Plan was established in September 2007 with the core objectives of conserving over 240,000 acres of open space, protecting 27 plant and animal species, and complying with federal and state endangered species laws, while allowing for essential development (such as roads and other infrastructure). In October 2007, the City became a permittee of the Plan. DHS chose not to participate.

In 2010, DHS requested to be included as a permittee of the Plan (Attachment 1), which subsequently led to including MSWD as well. This resulted in the establishment of a Supplemental Environmental Impact Report/Environmental Impact Statement (SEIR/SEIS), released in September 2013, which describes the environmental impacts associated with the inclusion of DHS and MSWD. This past April, DHS and MSWD both took final action steps necessary to become permittees. The addition of DHS and MSWD will add approximately 770 acres to the Plan.

The most significant benefit to adding DHS is the mitigation fee reduction, which is estimated to be 8 percent. This fee is essentially paid by all new development occurring within the Plan boundary. Each permittee is responsible for collecting the fee and distributing such to the CVCC. It is anticipated that the mitigation fee reduction will be well received by the development community. Otherwise, the addition of DHS and MSWD is not expected to any direct impact upon the City.

ALTERNATIVES:

Council could elect to not approve the major amendment, which may prevent DHS and MSWD from becoming permittees or possibly impact the City's future participation in the Plan. Staff is recommending approval of the major amendment.

Report prepared by: Les Johnson, Community Development Director
Report approved for submission by: Frank J. Spevacek, City Manager

Attachment: 1. Plan Vicinity Map

RESOLUTION NO. 2014 -

A RESOLUTION OF THE CITY COUNCIL OF LA QUINTA MAKING RESPONSIBLE AGENCY FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN AND THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN / NATURAL COMMUNITY CONSERVATION PLAN, AS REVISED BY THE MAJOR AMENDMENT; APPROVING THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN AND THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN / NATURAL COMMUNITY CONSERVATION PLAN, AS REVISED BY THE MAJOR AMENDMENT; APPROVING THE IMPLEMENTING AGREEMENT; AND ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan ("CVMSHCP") is a regional, comprehensive, multi-jurisdictional Habitat Conservation Plan focusing on Conservation of Federal and State-Listed Species, other rare and sensitive species, and their Habitats, while maintaining opportunities for recreation and a strong and sustainable environment for economic Development in the region; and

WHEREAS, the Coachella Valley Conservation Commission ("CVCC") is the lead agency pursuant to the California Environmental Quality Act ("CEQA") (Public Res. Code, § 21000 et seq.) and the State CEQA Guidelines (14 CCR § 15000 et seq.); and

WHEREAS, a joint Final Recirculated Environmental Impact Report/Statement ("EIR/EIS") was previously prepared in February 2006 pursuant to CEQA and NEPA ("2006 Final MSHCP"), which provides a comprehensive assessment of the potential environmental impacts that could result from the adopted CVMSHCP, and provides the appropriate decision-makers with the required information upon which to base a decision to adopt the amendment to the CVMSHCP; and

WHEREAS, thereafter the Plan was revised to remove the City of Desert Hot Springs (the "City") as a Permittee and to reflect other project description modifications and, as a result, the Coachella Valley Association of Governments ("CVAG") prepared a Recirculated Draft EIR/Supplemental Final EIS which it certified in September 2007, (the "September 2007 Recirculated EIR/EIS"); and

WHEREAS, the CVCC now wishes to add the City and Mission Springs Water District as Permittees and so CVCC prepared a Major Amendment to the CVMSHCP (the "Major Amendment"); and

WHEREAS, the Project proposed for approval is the inclusion into the CVMSHCP, as revised by the Major Amendment, of the City of Desert Hot Springs and Mission Springs Water District, as Permittees (the "Project"); and

WHEREAS, the Major Amendment includes the issuance of Take Authorization associated with Covered Activities that are not currently included under the existing federal Section 10(a) Permit and state NCCP Permit ("Permits"). This Major Amendment will restore the boundaries from the 2006 Final CVMSHCP for the Upper Mission Creek/Big Morongo Canyon Conservation Area and would include all of the private lands within the city limits of Desert Hot Springs. The private lands to be included total approximately 770 acres that were removed from this Conservation Area when Desert Hot Springs chose not to participate in 2006. The city limits of Desert Hot Springs also include two parcels in the Whitewater Canyon Conservation Area that are both owned by BLM and are currently managed consistent with the Plan, therefore no additional disturbance associated with the Major Amendment will occur in this area; and

WHEREAS, a Supplemental Environmental Impact Report/Environmental Impact Statement ("EIR/EIS") has been prepared pursuant to State CEQA Guidelines Section 15162 and CEQ NEPA Regulations, 40 C.F.R. 1502.9(c) in order to analyze all potential adverse environmental impacts of the Project; and

WHEREAS, CVCC, at a public meeting on March 13, 2014 reviewed the Final Supplemental EIR/EIS, Major Amendment to the CVMSHCP and CVMSHCP/Natural Communities Conservation Plan ("CVMSHCP"), Implementing Agreement, and other related documents in the record before it and by Resolution No. 2014-004, certified the Final Supplemental EIR/EIS, and approved the Major Amendment to the CVMSHCP, and Implementing Agreement; and

WHEREAS, pursuant to State CEQA Guidelines sections 15091, 15096 sub. (h), 15381, and other provisions of CEQA, the City is a responsible agency for the Project and must therefore make certain findings prior to the approval of the Project; and

WHEREAS, the City Council of the City, at its regularly scheduled public meeting on June 3rd, 2014, independently reviewed and considered the Final Supplemental EIR/EIS and other related documents in the record before it; and

WHEREAS, all the procedures of CEQA and the State CEQA Guidelines have been met, and the Final Supplemental EIR/EIS, prepared in connection with the

Major Amendment, as well as the September 2007 Recirculated EIR/EIS, are sufficiently detailed so that all the potentially significant effects of the Project on the environment and measures necessary to avoid or substantially lessen such effects have been evaluated in accordance with the above-referenced Act and Guidelines; and

WHEREAS, as contained herein, the City has endeavored in good faith to set forth the basis for its decision on the Project; and

WHEREAS, all of the findings and conclusions made by the City Council pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole and not based solely on the information provided in this Resolution; and

WHEREAS, prior to taking action, the City Council has heard, been presented with, reviewed and considered all of the information and data presented to it, including the Draft Supplemental EIR/EIS, Final Supplemental EIR/EIS, the September 2007 Recirculated EIR/EIS, and other documentation relating to the Project, and all oral and written evidence presented to it;

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, the documents and other materials that constitute the record of proceedings/administrative record for the City's approval of the Project are located at La Quinta City Hall; and the custodian of these records is Frank Spevacek, City Manager of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of La Quinta as follows:

SECTION 1. The Final Supplemental EIR/EIS prepared for the Major Amendment to the CVMSHCP is hereby received by the City Council in the form attached hereto as (Exhibit "A"), and incorporated herein by this reference. The September 2007 Recirculated EIR/EIS is hereby received by the City Council in the form attached hereto as (Exhibit "B"), and incorporated herein by this reference.

SECTION 2. The City Council hereby finds and determines that the September 2007 Recirculated EIR/EIS, as revised by the Final Supplemental EIR/EIS, has been completed in compliance with CEQA and the State CEQA Guidelines and, as the decision-making body for the City of La Quinta, the City Council has reviewed and considered the information contained in the September 2007 Recirculated EIR/EIS, as revised by the Final Supplemental EIR/EIS, and related documents before it and

all of the environmental effects of the CVMSHCP, as revised by the Major Amendment, and finds that the September 2007 Recirculated EIR/EIS, as revised by the Final Supplemental EIR/EIS, reflects the independent judgment and analysis of the City.

SECTION 3. The City Council concurs with the environmental findings in CVAG Resolution No. 07-009 and CVCC Resolution No. 14-004 and adopts these findings, attached hereto as (Exhibits "C" and "D"), respectively, and incorporated herein by this reference.

SECTION 4. The City Council hereby approves the CVMSHCP (as amended by the Major Amendment) and authorizes the Mayor to execute the Implementing Agreement.

SECTION 5. The City Council hereby authorizes and directs that a Notice of Determination shall be filed with the Clerk of the County of Riverside within five (5) working days of approval of the Project.

PASSED, APPROVED, and ADOPTED at a regular meeting of the La Quinta City Council, held on this 4th, day of February, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DON ADOLPH, Mayor
City of La Quinta, California

ATTEST:

SUSAN MAYSELS, City Clerk
City of La Quinta, California

(CITY SEAL)

APPROVED AS TO FORM:

M. KATHERINE JENSON, City Attorney
City of La Quinta, California

I, Susan Maysels, City Clerk of the City of La Quinta do hereby certify that the foregoing Resolution No. 2014- was duly and regularly adopted by the City Council at a regular meeting thereof, held on the 3rd day of June, 2014, and that the foregoing is a full, true and correct copy of said Resolution.

Susan Maysels, City Clerk

Due to the large document size of the exhibits referenced in the resolution a hard copy has not been provided; however, they are available upon request.

The exhibits are also available to view on-line at <http://www.cvmshcp.org/>

Exhibit "A" – Final Supplemental EIR/EIS

http://www.cvmshcp.org/Plan_Documents_DHS_Major_Amendment_09052013.htm

Exhibit "B" – September 2007 Recirculated EIR/EIS

http://www.cvmshcp.org/Plan_Documents.htm#plan

Exhibit "C" – CVAG Resolution No. 07-009 and

Exhibit "D" – CVAG Resolution No. 14-004

http://www.cvmshcp.org/Plan_Documents_DHS_Major_Amendment_09052013.htm

RESOLUTION NO. 2014 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA QUINTA TO ESTABLISH PROCEDURES AND REQUIREMENTS FOR IMPLEMENTATION OF THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN AND THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN / NATURAL COMMUNITY CONSERVATION PLAN, AS REVISED BY THE MAJOR AMENDMENT

THE CITY COUNCIL OF THE CITY OF LA QUINTA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION I. TITLE

This Resolution shall be known as the "Coachella Valley Multiple Species Habitat Conservation Plan Implementation Policy."

SECTION II. FINDINGS AND PURPOSE

- A.** The City Council finds that the ecosystems of the City of La Quinta ("City"), the Coachella Valley and surrounding mountains located in central Riverside County and the vegetation communities and sensitive species they support are fragile, irreplaceable resources that are vital to the general welfare of all residents; these vegetation communities and natural areas contain habitat value which contributes to the region's environmental resources; and special protections for these vegetation communities and natural areas must be established to prevent future endangerment of the plant and animal species that are dependent upon them. This Resolution will protect the City's and the region's biological resources, vegetation communities, and natural areas, and prevent their degradation and loss by guiding development outside of biological resource core areas, and by establishing mitigation standards which will be applied to development projects. Adoption and implementation of this Resolution will enable the City to achieve the conservation goals set forth in the Coachella Valley Multiple Species Habitat Conservation Plan ("CVMSHCP"), to implement the associated Implementing Agreement executed by the City Council on June 3, 2014, and to preserve the ability of affected property owners to make reasonable use of their land consistent with the requirements of the National Environmental Policy Act ("NEPA"), the California Environmental Quality Act ("CEQA"), the Federal Endangered Species Act ("FESA"), the California Endangered Species

Act ("CESA"), the California Natural Community Conservation Planning Act ("NCCP Act"), and other applicable laws.

- B.** The purpose and intent of this Resolution is to maintain and restore biological diversity and the natural ecosystem processes which support this diversity, to protect vegetation communities and natural areas within the City, the Coachella Valley and the surrounding mountains located in central Riverside County which support species covered under the CVMSHCP; to maintain a future of economic development within the City by providing a streamlined regulatory process from which development can proceed in an orderly process; and to protect the existing character of the City and the region through the implementation of a system of reserves which will provide for permanent open space, community edges, and habitat conservation for species covered by the CVMSHCP. The further purpose of this Resolution is to reaffirm the previous Implementing Resolution adopted by the Plan Permittees and to bring it forward to reflect the Major Amendment to the Plan approved by Coachella Valley Conservation Commission in March 2014.

SECTION III. APPLICATION OF REGULATIONS

Except as provided in Section IV, this Resolution shall apply to all land within the City shown on the CVMSHCP Plan Area Map (which has been revised from the original CVMSHCP Plan Area Map to reflect the Major Amendment), attached as Exhibit "1" hereto. Upon application to the City for a development project, an applicant shall be required to comply with the procedures set forth in this Resolution. Upon the City's initiation of a project that is subject to CEQA, the City shall be required to comply with the procedures set forth in this Resolution. No project requiring a discretionary, or certain ministerial permits or approvals that could have adverse impacts to species covered under the CVMSHCP shall be approved by the City, and no City-initiated public project shall be undertaken, unless the project is consistent with the CVMSHCP and this Resolution.

SECTION IV. EXEMPTIONS

This Resolution shall not apply to the following:

- A.** The adoption or amendment of the City's General Plan.
- B.** The adoption or amendment of any land use or zoning ordinance.
- C.** Any project for which and to the extent that a vesting tentative map pursuant to the Subdivision Map Act, or a development agreement

pursuant to Government Code sections 65864 et seq., approved or executed prior to adoption of this Resolution, confers vested rights under the City's ordinances or state law to proceed with the project notwithstanding the enactment of this Resolution. Projects subject to this exemption must comply with all provisions of any applicable state and federal law.

- D. Any project for which the City Council determines that application of this Resolution would result in the property owner being deprived of all reasonable economic use of the property in violation of federal or state constitutional prohibitions against the taking of property without just compensation.

SECTION V. PROCEDURES

- A. The City shall ensure compliance with Conservation Area requirements and measures as set forth in Section 4 of the CVMSHCP.
- B. The City shall impose, as a condition to the City's approval of a discretionary project and certain ministerial projects, such conditions as are necessary to ensure surveys are prepared for the project as required by Sections 4.3 and 4.4 of the CVMSHCP.
- C. The City shall impose as a condition to the City's approval of a project such conditions as necessary to ensure the project complies with and implements the applicable Land Use Adjacency Guidelines set forth in Section 4.5 of the CVMSHCP.
- D. The City shall ensure that public and private projects comply with the Avoidance, Minimization and Mitigation Measures set forth in Section 4.4 of the CVMSHCP.
- E. The City shall transmit any collected Local Development Mitigation Fees, other appropriate fees and associated interest as described in Section 5.2.1.1 of the CVMSHCP to the CVCC at least quarterly.
- F. The City shall contribute appropriate mitigation for City public projects as set forth in the CVMSHCP.
- G. The City shall participate as a member agency in the CVCC as set forth in Section 6.1.1 of the CVMSHCP.
- H. The City shall participate as a member of the RMOC as set forth in Section 6.1.3 of the CVMSHCP, as appropriate.

- I. The City shall participate in the Joint Review Process as set forth in Section 6.6.1.1 of the CVMSHCP for projects in the Conservation Areas.
- J. The City shall manage CVMSHCP Reserve System lands and conservation easements owned or leased by the City pursuant to Sections 8 and 9 of the CVMSHCP.
- K. The City shall maintain a record of total acres developed and their location within City jurisdiction and transmit such information monthly to the CVCC.
- L. The City shall transmit any changes in City boundaries or general plan land use designations to the CVCC at the end of each calendar year.
- M. Pursuant to the CVMSHCP, the City may transfer any property interest acquired or obtained in fee title or as a conservation easement to the CVCC for management. The City may also grant a conservation easement to the California Department of Fish and Game for any property interest obtained pursuant to Section V of this Resolution.
- N. Carry out all other applicable requirements of the CVMSHCP.

SECTION VI. DEFINITIONS

For purposes of this Resolution, the following terms shall have the meaning set forth herein:

- A. "Area Plan" means a community planning area defined in the County of Riverside General Plan. Four County of Riverside Area Plans are located within the CVMSHCP Plan Area.
- B. "Conservation Areas" means a system of lands described in Section 4.3 of the CVMSHCP that provide Core Habitat and Other Conserved Habitat for the Covered Species, conserve natural communities, conserve Essential Ecological Processes, and secure Biological Corridors and Linkages between major habitat areas. There are 21 Conservation Areas from which the CVMSHCP Reserve System will be assembled.
- C. "CVMSHCP" means the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan, as amended by the Major Amendment.

- D. "Map of CVMSHCP" means the map of the area encompassed by the CVMSHCP as set forth in the attached Exhibit "1."
- E. "Discretionary Project" means a proposed project requiring discretionary action by a Permittee, as that term is used in CEQA and defined in State CEQA Guidelines section 15357.

SECTION VII. EFFECTIVE DATE

The Mayor shall sign this Resolution and the City Clerk shall attest thereto, and thereupon and thereafter this Resolution shall take effect and be in force according to law.

PASSED, APPROVED, and ADOPTED at a regular meeting of the La Quinta City Council, held on this 3rd, day of June, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DON ADOLPH, Mayor
City of La Quinta, California

ATTEST:

SUSAN MAYSELS, City Clerk
City of La Quinta, California

(CITY SEAL)

APPROVED AS TO FORM:

M. KATHERINE JENSON, City Attorney
City of La Quinta, California

I, Susan Maysels, City Clerk of the City of La Quinta do hereby certify that the foregoing Resolution No. 2014- was duly and regularly adopted by the City Council at a regular meeting thereof, held on June 3, 2014, and that the foregoing is full, true and correct copy of said Resolution.

SUSAN MAYSELS, City Clerk

Exhibit I

Major Amendment to Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP)



