

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

538



**FROM:** Transportation Land Management Agency / Planning Dept.

**SUBMITTAL DATE:**  
October 2, 2003

**SUBJECT:** Riverside County Integrated Project (RCIP) / General Plan - All Supervisorial Districts and Zoning Areas - Adoption of New General Plan for all of the Unincorporated Areas of Riverside County.

**RECOMMENDED MOTION:** That the Board of Supervisors adopt Resolution No. 2003-487 approving the adoption of the Riverside County Integrated Project 2002 General Plan and related findings and that the Board of Supervisors adopts Resolution No. 2003-488 adopting and certifying the Final Environmental Impact Report for the Riverside County Integrated Project 2002 General Plan and related findings.

**BACKGROUND:** On September 23, 2003 the Board of Supervisors provided staff and the Riverside County Integrated Project (RCIP) consultant team with final direction regarding the content of the proposed new Riverside County General Plan, and directed that staff return to the Board on October 7, 2003 with the necessary documents for the Board of Supervisors to adopt the General Plan and place it into effect. Attached are Resolution No. 2003-487 and Resolution No. 2003-488 and other associated documents that are necessary for the Board to adopt the new General Plan.

(Continued)

Bob Johnson, Director - Planning Department

Departmental Concurrence

**FINANCIAL DATA**

Current F.Y. Total Cost: \$  
Current F.Y. Net County Cost: \$  
Annual Net County Cost: \$

In Current Year Budget:  
Budget Adjustment:  
For Fiscal Year:

**SOURCE OF FUNDS:**

Positions To Be Deleted Per A-30   
Requires 4/5 Vote

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

**APPROVE**

County Executive Office Signature

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

Prev. Agn. Ref.: 9/23/03 15.2

District: All

Agenda Number:

**ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD**

15.2

Riverside County Integrated Project (RCIP) / General Plan - All Supervisorial Districts and Zoning Areas - Adoption of New General Plan for all of the Unincorporated Areas of Riverside County.  
October 2, 2003

**Background – (Continued)**

Included in this package are the following documents:

Resolution No. 2003-487 approving and adopting the Riverside County Integrated Project 2002 General Plan and related findings; Resolution No. 2003-488 adopting and certifying the final EIR with attached Exhibit A, CEQA Findings of Fact and Statement of Overriding Considerations; Exhibit 1 – Final Changes to the RCIP General Plan (GPA No. 618) Except Circulation Element; Exhibit II – Riverside County General Plan Circulation Element Revisions, and a compact disk containing Riverside County General Plan area plan maps. Also included for each Board Member is a hard copy set of all the area plan maps that include unincorporated land within each individual Supervisorial district. The General Plan Final Program EIR Volume I and II are included as separate bound documents.

There are two policy matters that staff would like to bring to the Board's attention that relate to the Environmental Impact Report for the General Plan and to the wind energy – related policies contained in the General Plan.

First, development under the terms, land use designations and building intensities set forth in the proposed revised RCIP General Plan will result in the loss of over 60,000 acres of designated farmland. In order to mitigate this significant adverse impact pursuant to the California Environmental Quality Act ("CEQA"), the EIR proposes the creation of an Agricultural Land Mitigation Bank. Development applicants whose projects would convert substantial farmland acreage into non-agricultural uses would be required to purchase credits from the Bank, which would support the preservation of existing designated farmland acreage.

A recent CEQA decision by the California Court of Appeal holds that a mitigation measure of this nature does not actually avoid or reduce the loss of farmland subject to development. (*Friends of the Kangaroo Rat v. California Department of Corrections* (August 18, 2003) Fifth Appellate District Number F040956.) As such, an Agricultural Land Mitigation Bank is not a valid form of mitigation for farmland conversion impacts. Accordingly, staff recommends that EIR Mitigation Measure 4.2.2 be deleted from the EIR. A full discussion of the reasons for this recommendation are contained in the attached memo (attached to this Form 11) on this subject, and is incorporated into this Form 11 by reference.

Second, the proposed General Plan includes a number of policies that may affect the development of Wind Energy Conversion Systems (WECS) in certain areas of the County. An explanation of the WECS policies that the Board of Supervisors is adopting is included in the attached memo (attached to this Form 11) and is incorporated into this Form 11 by reference.

Immediately following the adoption of the General Plan, staff and the RCIP consultant team will produce the final, integrated text and map documents associated with the adopted General Plan. Until the final, integrated documents are available, the documents comprising the adopted General Plan that the Board would adopt on October 7, 2003 will be placed on the County's internet website, RCIP.ORG, for public viewing and printing. Compact disks with the same material will also be made available to the public.

RESOLUTION NO. 2003-487

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE  
APPROVING AND ADOPTING THE RIVERSIDE COUNTY INTEGRATED PROJECT  
("RCIP") 2002 GENERAL PLAN AND ADOPTING  
RELATED FINDINGS IN CONFORMANCE WITH THE REQUIREMENTS OF  
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, in Resolution 2003-488, which is incorporated by reference herein, the Board of Supervisors of the County of Riverside certified that the Final Environmental Impact Report ("Final EIR") prepared for the RCIP 2002 General Plan ("the Project") has been completed in compliance with CEQA; that the Board has reviewed and considered the information and analysis contained in the Final EIR; and that the Final EIR reflects the Board's independent judgment;

WHEREAS, the Board is satisfied that the RCIP 2002 General Plan will provide residents of the County with a "blueprint" for public and private development; that the RCIP 2002 General Plan will act as the foundation upon which County leaders will make growth and land use-related decisions; that the RCIP 2002 General Plan expresses the community's goals with respect to human-made and natural environments and sets forth the policies and implementation measures to achieve them; and that the RCIP 2002 General Plan will achieve the Vision Statement of the County residents in conformance with State planning law;

WHEREAS, the Final EIR identified certain significant effects on the environment that, absent the adoption of mitigation measures, would be caused by the implementation of the Project;

WHEREAS, the Board is required, pursuant to the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 *et seq.*), to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant effects on the environment associated with a project to be approved, such as the Project;

WHEREAS, as the Findings of Fact, adopted as Exhibit A to this Resolution, demonstrate many of the significant effects on the environment associated with the Project can be either substantially lessened or avoided through the adoption of feasible mitigation measures, although some of these effects will remain significant and unavoidable despite the adoption of all feasible mitigation measures;

WHEREAS, because the adoption of all feasible mitigation measures cannot substantially lessen or avoid all significant effects on the environment associated with the Project, the Board must consider the feasibility of alternatives, as set forth in the Final EIR, that will be less environmentally damaging than the Project with respect to the unavoidable significant effects associated with the Project;

BY \_\_\_\_\_

FORM 900  
COUNTY OF RIVERSIDE  
OCT 03 2003

1           WHEREAS, the Board has determined, for reasons set forth in Exhibit A hereto, that the  
2 Alternatives described in the Final EIR either are not environmentally preferable, are infeasible,  
3 fail to meet the Board's objectives, or some combination of these factors;

4           WHEREAS, the Board is required by Public Resources Code section 21081.6, subdivision  
5 (a), to adopt a mitigation monitoring and reporting program to ensure that the mitigation measures  
6 adopted by the District are actually carried out;

7           WHEREAS, a Mitigation Monitoring and Reporting Plan for the Project has been  
8 prepared, and is found in Section 4.0 of the Final EIR, which is incorporated by reference into this  
9 resolution; and

10           WHEREAS, because the adopted mitigation measures have not fully mitigated or avoided  
11 all identified significant effects on the environment associated with the Project, CEQA requires  
12 the Board to adopt a Statement of Overriding Considerations, which is included as Section XVI  
13 of Exhibit A attached hereto;

14           NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of  
15 Riverside as follows:

- 16           1.     The Board hereby approves the Riverside County Integrated Project 2002 General  
17 Plan;
- 18           2.     By adopting this resolution, including Exhibit A attached hereto, the Board has  
19 satisfied its obligations pursuant to Public Resources Code section 21081 and  
20 CEQA Guidelines section 15091, in that Exhibit A (i) identifies all feasible  
21 mitigation measures that can substantially lessen or avoid the significant effects on  
22 the environment associated with the Project, (ii) explains why certain proposed  
23 mitigation measures are rejected as infeasible, and (iii) explains why the alternatives  
24 described in the Final EIR cannot feasibly and adequately satisfy the purposes and  
25 needs of the proposed project;
- 26           3.     Through this Resolution, which incorporates by reference and adopts the Mitigation  
27 Monitoring and Reporting Plan included in Section 4.0 of the Final EIR, the Board  
28 has satisfied its obligations pursuant to Public Resources Code section 21081.6,  
subdivision (a);
4.     By adopting this resolution, including Section XVI of Exhibit A attached hereto, the  
Board has satisfied its obligation pursuant to Public Resources Code section 21081,  
subdivision (b), which requires the issuance of a Statement of Overriding  
Considerations whenever a project's environmental effects cannot be mitigated or  
avoided by the adoption of all feasible mitigation measures;

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5. The Board further authorizes County staff to prepare and file a Notice of Determination within five working days following the date of adoption of this Resolution with the County Clerk of the County of Riverside and with the State of California and directs that copies of the Final EIR be retained at the administrative offices of the County for review.

APPROVED AND ADOPTED by the Board of Supervisors of the County of Riverside this 7<sup>th</sup> day of October 2003, by the following vote on roll call:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Chairman, Board of Supervisors

ATTEST:

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Secretary, Board of Supervisors

Attachment: Exhibit A

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RESOLUTION NO. 2003-488

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE  
ADOPTING AND CERTIFYING THE FINAL EIR  
FOR THE RIVERSIDE COUNTY INTEGRATED PROJECT ("RCIP") 2002 GENERAL PLAN,  
AND MAKING CERTAIN FINDINGS RELATED THERETO

WHEREAS, on May 28, 2002, the Board released a Notice of Preparation of a Draft Environmental Impact Report ("Draft EIR") for the RCIP 2002 General Plan ("the Project");

WHEREAS, during the ensuing months, public comments were received regarding the scope of issues to be addressed in the Draft EIR;

WHEREAS, on August 20, 2002, the Board made available to the public a Draft EIR for the Project;

WHEREAS, the Board received written comments on the Draft EIR during the public review period, which began on August 20, 2002, and concluded on October 4, 2002. The Board received comments from private individuals and from private and public entities, and such comments have been inserted into and responded to in the Final EIR heretofore presented to the Board;

WHEREAS, the Final EIR consists of the Draft EIR; comments and recommendations received on the Draft EIR either verbatim or in summary; a list of persons, organizations, and public agencies commenting on the Draft EIR; the responses of the Lead Agency to significant environmental points raised in the review and consultation process; and any other information added by the Lead Agency;

WHEREAS, the Board now determines it appropriate to certify the Final EIR, to approve the findings and other statements provided for herein, to approve the Project and to authorize County staff to take certain additional actions, including the preparation and filing of a Notice of Determination;

WHEREAS, the Board has reviewed the Final EIR in its entirety, and has determined that the document reflects the independent judgment of the Board;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Riverside as follows:

I. SECTION 1: Recitals

The above recitals are true and correct, and Board hereby so finds.

COUNTY 'NSEL

OCT 03 2003

BY 

1 II. SECTION 2: Findings Related to Prior Proceedings

- 2 A. The Notice of Preparation for the Draft EIR was duly prepared, noticed and  
3 properly circulated in accordance with the provisions of CEQA.
- 4 B. The Draft EIR was duly prepared, properly circulated and completed in accordance  
5 with the provisions of the CEQA.
- 6 C. All comments raising significant environmental points received during the period of  
7 public review have been duly considered and incorporated into the Final EIR, and  
8 when necessary, replied to all in accordance with the provisions of CEQA.
- 9 D. The Board provided written responses to all public agency comments received on  
10 the Draft EIR at least ten days before certification of the Final EIR pursuant to the  
11 provisions of CEQA.
- 12 E. The Final EIR has been properly completed and has identified all significant  
13 environmental effects of the Project, and there are no known potential  
14 environmental effects that are not addressed in the Final EIR.
- 15 F. A good faith effort has been made to seek out and incorporate all points of view in  
16 the preparation of the Draft EIR and the Final EIR.
- 17 G. The Project has been modified with mitigation measures to eliminate significant  
18 impacts or to reduce such impacts to a level of insignificance where feasible.
- 19 H. The Board has utilized its own independent judgment in adopting this Resolution  
20 and in approving the Final EIR.

21 III. SECTION 3: Certification of the Final EIR

- 22 1. It is hereby certified that the Final EIR has been completed in compliance with  
23 CEQA;
- 24 2. It is hereby certified that the Final EIR has been presented to the Board of  
25 Supervisors, which has reviewed and considered the information and analysis  
26 contained therein; and
- 27 3. It is hereby certified that the Final EIR reflects the independent judgment of the  
28 Board of Supervisors.

1 APPROVED AND ADOPTED by the Board of Supervisors of the County of Riverside  
2 this 7<sup>th</sup> day of October 2003, by the following vote on roll call:

3 AYES:

4 NOES:

5 ABSTAIN:

6 ABSENT:  
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Chairman, Board of Supervisors

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11 ATTEST:

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Secretary, Board of Supervisors

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