

REVIEWED BY EXECUTIVE OFFICE

DATE 2/19/13
Tina Grande
Departmental Concurrence

4108



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

SUBMITTAL DATE:
February 11, 2013

FROM: TLMA - Planning Department

SUBJECT: GENERAL PLAN INITIATION PROCEEDINGS (GPIP) FOR GPA NO. 1120 -
Applicant: County of Riverside – First/First, Second/Second, Third/Third, and Fifth/Fifth
Supervisorial Districts – The boundary of the project is consistent with the boundary of the
Western Riverside County Multi-species Habitat Conservation Plan (MSHCP).

RECOMMENDED MOTION: The Planning Director recommends that the Board of Supervisors
adopt an order initiating the above referenced General Plan Amendment based on the attached
report.

BACKGROUND: On May 8, 2008, the Board of Supervisors amended Article I of Ordinance No.
348, which added the General Plan Initiation Procedures to the requirements for GPAs.
Preceding this action, many property owners submitted GPAs to the County Planning
Department under the eight year cycle review that began on January 2, 2008. All of these
applications were submitted without development proposals to either subdivide or build on the
property and were considered “stand alone” applications.

On December 18, 2012, the Board of Supervisors adopted a resolution (Resolution 2012-254)
which establishes and provides additional guidance and procedures for the implementation of
the MSHCP, when a General Plan Amendment (GPA), a Zoning Ordinance Amendment (CZ),
or a Lot Line Adjustment (LLA) lacks any development proposal and is a “stand alone”
application. Pursuant to the terms of the resolution, it does not become effective until such time
as this GPA becomes effective, if adopted. The Form 11 directed Planning staff to revise the
applicable sections of the General Plan that requires “stand alone” GPAs, CZs, and LLAs to

Frank Coyle, Deputy Director for
Carolyn Syms Luna, Planning Director
(Continued on Next Page)

Initials:
CSL: ar

Policy

Consent

Dept't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.

District: 1/1, 2/2,
3/3, 5/5

Agenda Number:

15-1

The Honorable Board of Supervisors

Re: **GENERAL PLAN INITIATION PROCEEDINGS (GPIP) FOR GPA NO. 1120**

Page 2 of 2

comply with the requirements of the MSHCP in an effort to streamline development applications through a General Plan Amendment.

Accordingly, the purpose of this County-initiated amendment is to identify the applicable sections of the County's General Plan and amend language that requires MSHCP compliance for GPAs, CZs, and LLAs.

PROJECT DESCRIPTION AND LOCATION:

The project proposes to initiate General Plan Amendment proceedings for a County initiated General Plan Amendment (GPA) No. 1120. Pursuant to Ordinance No. 348, Article II, a proposed GPA must receive comments from the Planning Commission and then be initiated by the Board of Supervisors prior commencement of the General Plan process. The proposed GPA will modify language within the County's General Plan that requires GPAs, CZs, and LLAs, to comply with the Multiple Species Habitat Conservation Plan (MSHCP). The General Plan incorporates compliance with the MSHCP. Specifically, Section 6 of the MSHCP requires that all discretionary projects located within a criteria cell unit must comply with the Habitat Evaluation and Acquisition Negotiation Strategy (HANS) process and other habitat conservation requirements. Additionally, the MSHCP includes other requirements that must be complied with, including but not limited to the Protection of Riparian/Riverine Areas and Vernal Pools (Section 6.1.2); the requirements for the Protection of Narrow Endemic Plant Species (Section 6.1.3); the requirements for Urban/Wildlands Interface Guidelines (Section 6.1.4); and the imposition of conditions and/or mitigation measures that are necessary to ensure surveys are prepared for development projects (Section 6.3.2).

The proposed amendment will affect the Open Space Element and the following Area Plans within the Western Riverside County, Highgrove, Temescal Canyon, Elsinore, Southwest, Lake Mathews/Woodcrest, Mead Valley, Sun City, Harvest Valley/Winchester Reche Canyon/Badlands, Lakeview/Nuevo, San Jacinto, The Pass, and the REMAP.



RIVERSIDE COUNTY PLANNING DEPARTMENT

Carolyn Syms Luna
Director

DATE: February 14, 2013

TO: Clerk of the Board of Supervisors

FROM: Planning Department - Riverside Office

A.B.R.

SUBJECT: GENERAL PLAN INITIATION PROCEEDINGS (GPIP) FOR GPA NO. 1120

(Charge your time to these case numbers)

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

- | | |
|--------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Place on Administrative Action <small>(Receive & File; EOT)</small> | <input type="checkbox"/> Set for Hearing <small>(Legislative Action Required; CZ, GPA, SP, SPA)</small> |
| <input type="checkbox"/> Labels provided If Set For Hearing | <input type="checkbox"/> Publish in Newspaper: |
| <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day | **SELECT Advertisement** |
| <input type="checkbox"/> Place on Consent Calendar | <input type="checkbox"/> **SELECT CEQA Determination** |
| <input type="checkbox"/> Place on Policy Calendar <small>(Resolutions; Ordinances; PNC)</small> | <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day |
| <input checked="" type="checkbox"/> Place on Section Initiation Proceeding <small>(GPIP)</small> | <input type="checkbox"/> Notify Property Owners <small>(app/agencies/property owner labels provided)</small> |
| | Controversial: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |

Designate Newspaper used by Planning Department for Notice of Hearing:

****SELECT Advertisement****

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

NONE - GPIP

Fish & Game Receipt (CFG _____)

Do not send these documents to the County Clerk for posting until the Board has taken final action on the subject cases.

Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-1811

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

"Planning Our Future... Preserving Our Past"



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

Prev. Agn. Ref.

District: 1/1, 2/2, 3/3, 5/5 **Agenda Number:**

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Re: **GENERAL PLAN INITIATION PROCEEDINGS (GPIP) FOR GPA NO. 1120**

Page 2 of 2

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Agenda Item No.: 2.1
Area Plan: See Below
Zoning: All Zoning Districts and Areas
Supervisory District: All Supervisory Districts
Project Planner: Adam Rush
Planning Commission: January 16, 2013

GENERAL PLAN AMENDMENT NO. 1120
(Entitlement/Policy Amendment)
Applicant: County of Riverside

COUNTY OF RIVERSIDE PLANNING DIRECTOR'S ADDENDUM STAFF REPORT

RECOMMENDATIONS:

The Planning Director recommends that the appropriate findings per the General Plan Administration Element can be made and that the Planning Commission recommend to the Board of Supervisors to adopt an order initiating proceedings for General Plan Amendment No. 1120. The initiation of proceedings by the Board of Supervisors for the amendment of the General Plan, or any element thereof, shall not imply any such amendment will be approved.

PLANNING COMMISSION COMMENTS TO THE PLANNING DIRECTOR:

The following comment(s) were provided by the Planning Commission to the Planning Director:

Chairman John Petty (Third District): Commissioner Petty supported the initiation request of the Planning Director.

Vice Chairman Bill Sanchez (Fourth District): No Comments

Commissioner Charissa Leach (First District): Commissioner Leach asked questions regarding the history of the General Plan Initiation Process (GPIP), which staff provided a brief overview and responses to these questions. Commissioner Leach then recommended that the Board of Supervisors support the initiation of GPA No. 1120

Commissioner Ed Sloman (Second District): Commissioner Sloman agreed with portions of the opposition letter submitted by the Endangered Habitat's League and recommended that the Board consider portions of these recommendations in the GPA initiation.

Commissioner Jan Zuppardo (Fifth District): No Comments

Informational Items:

Since the publication of the staff report two letters have been received in opposition to the project initiation, which are attached herein:

1. Endangered Habitats League – January 10, 2013
2. United States Fish and Wildlife Service (USFWS) – January 16, 2013

Agenda Item No.: 2.1
Area Plan: All Area Plans
Zoning: All Zoning Districts and Areas
Supervisory District: All Supervisory Districts
Project Planner: Adam Rush
Planning Commission: January 16, 2013

GENERAL PLAN AMENDMENT NO. 1120
(Entitlement/Policy Amendment)
Applicant: County of Riverside

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

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BACKGROUND:

On May 8, 2008, the Board of Supervisors amended Article I of Ordinance No. 348, which added the General Plan Initiation Procedures to the requirements for GPAs. Preceding this action, many property owners submitted GPAs to the County Planning Department under the five-year cycle review that began on January 2, 2008. All of these applications were submitted without development proposals to either subdivide or build on the property and were considered "stand alone" applications.

On December 18, 2012, the Board of Supervisors adopted a resolution (Resolution 2012-254) which establishes and provides additional guidance and procedures for the implementation of the MSHCP, when a General Plan Amendment, a Zoning Ordinance Amendment, or Lot Line Adjustment lacks any development proposal and is a "stand alone" application. Pursuant to the terms of the resolution, it does not become effective until such time as this GPA becomes effective, if adopted. The Form 11 directed staff to revise the applicable sections of the General Plan that requires "stand alone" GPAs, CZs, and lot line adjustments to comply with the requirements of the MSHCP in an effort to streamline development applications through a General Plan Amendment.

Accordingly, the purpose of this County-initiated amendment is to identify the applicable sections of the County's General Plan and amend language that requires MSHCP compliance for General Plan Amendments, Zoning Ordinance Amendments, and Lot Line Adjustments.

FURTHER PLANNING CONSIDERATIONS:

The initiation of proceedings for any General Plan Amendment (GPA) requires the adoption of an order by the Board of Supervisors. The Planning Director is required to prepare a report and recommendation on all GPA applications and submit them to the Board of Supervisors. Prior to the submittal to the Board, comments on the applications will be requested from the Planning Commission, and the Planning Commission comments will be included in the report to the Board. The Board will either approve or disapprove the initiation of the proceedings for the GPA requested in the applications.

The consideration of the initiation of proceedings pursuant to this application by the Planning Commission and the Board of Supervisors will not involve a noticed public hearing.

If the Board of Supervisors adopts an order initiating proceedings pursuant to this application, the proposed amendment will thereafter be processed, heard and decided in accordance with all the procedures applicable to GPA applications, including noticed public hearings before the Planning Commission and Board of Supervisors and compliance with the California Environmental Quality Act. The adoption of an order initiating proceedings does not imply that any amendment will be approved. If the Board of Supervisors declines to adopt an order initiating proceedings, no further proceedings of this application will occur.

The Board of Supervisors established the procedures for initiation of GPA applications with the adoption of Ordinance No. 348.4573 (effective May 8, 2008), which amended Article II of that ordinance. This particular GPA application is an Entitlement/Policy Amendment GPA, under Section 2.4.

GENERAL PLAN ADMINISTRATIVE ELEMENT FINDINGS:

In order to support the initiation of a proposed General Plan Amendment it must be established that the proposal could possibly satisfy certain required findings subject to the development review process and final CEQA determination. The Administration Element of the General Plan explains that there are four categories of amendments, Technical, Entitlement/Policy, Foundation, and Agriculture. Each category has distinct required findings that must be made by the Board of Supervisors at a noticed public hearing.

General Plan Amendment No. 1120 falls into the Entitlement/Policy category, because the proposed GPA will change, modify, and eliminate various policy language within several Elements of the General Plan that reference the MSHCP.

The Administration Element of the General Plan explains that two findings must be made, and at least one of five additional findings must be made to justify an entitlement/policy amendment. The two findings are:

a. The proposed change does not involve a change in or conflict with:

- (1) The Riverside County Vision;
- (2) Any General Plan Principle; or
- (3) Any Foundation Component designation in the General Plan.

b. The proposed amendment would either contribute to the achievement of the purposes of the General Plan or, at a minimum, would not be detrimental to them.

The additional findings, only one of which need be made include:

- c. Special circumstances or conditions have emerged that were unanticipated in preparing the General Plan.
- d. A change in policy is required to conform to changes in state or federal law or applicable findings of a court of law.
- e. An amendment is required to comply with an update of the Housing Element or change in State Housing Element law.
- f. An amendment is required to expand basic employment job opportunities (jobs that contribute directly to the County's economic base) and that would improve the ratio of jobs-to-workers in the County.
- g. An amendment is required to address changes in public ownership of land or land not under Board of Supervisors' land use authority.

CONSIDERATION ANALYSIS:

First Required Finding: The first finding of the General Plan Administrative element explains that the proposed Amendment must not involve a change in or conflict with the Riverside County Vision; any General Plan Principle; or any Foundation Component designation in the General Plan.

A. The proposed change does not conflict with:

(1) The Riverside County Vision.

The Riverside County Vision finds that the County "values a uniquely rich and diverse natural environment...and [is] committed to maintaining sufficient areas of natural open space..." The proposed amendment does not eliminate a vital function of the MSHCP; it only delays MSHCP compliance until such time that an actual development plan is contemplated for a proposed project site. As stated in Resolution No. 2012-254 - Section III. Procedures - the County shall continue to require compliance with the HANS process, the requirements for the Protection of Riparian/Riverine Areas and Vernal Pools set forth in Section 6.1.2 of the MSHCP; the requirements for the Protection of Narrow Endemic Plant Species set forth in Section 6.1.3 of the MSHCP; the requirements for Urban/Wildlands Interface Guidelines set forth in Section 6.1.4 of the MSHCP; and the requirements for additional surveys set forth in Section 6.3.2. These requirements shall remain for development projects requiring any application under Ordinance No. 348 or 460, with the exception of a General Plan Amendment, Zoning Ordinance amendment, or Lot Line Adjustment. Furthermore, the exemption of said applications will not undermine the Riverside County Vision and the County's implementation of the MSHCP through the General Plan.

(2) Any General Plan Principle.

The County has placed considerable effort into the development of General Plan Planning Principles that take the Vision statement one step further. There are many principles that apply to a variety of provisions within the General Plan and for this specific amendment, the principles listed under Section II, of Appendix B, "Environmental Protection Principles" apply. Section II is further subdivided into four additional categories, which are as follows:

- A. Environmentally Sensitive Community Design
- B. Habitat Preservation
- C. Community Open Space
- D. Multi-purpose Open Space

The proposal under this General Plan Amendment to exempt from General Plan Amendments, Zoning Ordinance Amendments, and Lot Line Adjustment applications from having to comply with the MSHCP will not conflict or degrade the implementation of any General Plan Principle.

(3) Any Foundation Component designation in the General Plan.

The proposed GPA is likely to impact General Plan Amendment applications contained within a variety of foundation components; however, the proposed change contained herein will not by itself alter or change any foundation component under the General Plan.

Second Required Finding: The second General Plan Administrative Element finding explains that the proposed Amendment must either contribute to the achievement of the purposes of the General Plan or, at a minimum, would not be detrimental to them.

The Multi-purpose Open Space Element of the General Plan governs and implements the MSHCP. The proposed General Plan Amendment will not pose a deterrent to the Multi-purpose Open Space Element and is likely to enhance portions of said Element; specifically the authorization under this element that "allow[s] the County and other local jurisdictions the ability to manage local land use decisions and maintain economic development flexibility, while providing a coordinated reserve system and implementation program...". As stated below, for finding number three, it is likely that the proposed amendment will increase the economic viability of development projects by deferring cost associated with MSHCP compliance at the General Plan Amendment, Zoning Ordinance Amendment, or Lot Line adjustment stage of the development process.

Third Required Finding: In addition to the two previous findings, the General Plan Amendment Element indicates that an additional finding, from a list of five, must also be made. The proposed amendment has a likely potential to comply with finding "c." of the Entitlement/Policy related findings, found in the Administrative Element of the General Plan. This finding is as follows:

c. Special circumstances or conditions have emerged that were unanticipated in preparing the General Plan.

This proposed General Plan Amendment meets the third required finding. Since the approval of the MSCHP in 2003, all cities were required to adopt a resolution establishing procedures for implementation of the MSHCP. A model resolution which exempted certain applications such as a general plan amendment and zone change from having to show compliance with the requirements of the MSHCP was included as an exhibit and as an example for use and adoption by the cities in the MSHCP Implementing Agreement. This model resolution allowed such

applications to proceed without requiring MSHCP compliance until time as a development project is proposed pursuant to subsequent development applications. The county did not exempt these non-development applications from compliance with the MSHCP and applicants must currently provide upfront the needed studies on the entire site being proposed for a general plan amendment, change of zone, or lot line adjustment. While the biological value is of utmost importance it is not compromised if the studies are delayed until an entitlement application, such as a Use Permit or Subdivision, is proposed. The requirements of the County's General Plan, in regards to MSHCP compliance is not consistent with that of Cities within Riverside County and therefore can place development proposals in the County at an economic and competitive disadvantage. Initiation of the proposed amendment will exempt a general plan amendment, an amendment to the zoning ordinance and a lot line adjustment from compliance with the MSHCP process so that as the county continues to build a business friendly environment and provide economic incentives to the development community while maintaining a balance between conservation and development activities.

RECOMMENDATIONS:

Staff recommends that the appropriate findings per the General Plan Administration Element can be made and that the Planning Commission recommend to the Board of Supervisors to adopt an order initiating proceedings for General Plan Amendment No. 1120. The initiation of proceedings by the Board of Supervisors for the amendment of the General Plan, or any element thereof, shall not imply any such amendment will be approved.

AR:ar

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Date Prepared: 12/18/2012

Date Revised: 01/14/13

January 10, 2013

VIA FACSIMILE AND ELECTRONIC MAIL

Riverside County Planning Commission
County of Riverside
4080 Lemon St., 9th Floor
Riverside, CA 92501

**RE: Item 2.1 (January 16, 2013): General Plan Amendment 1120 –
*OPPOSITION UNLESS AMENDED***

Dear Chair and Commission Members:

The Endangered Habitats League (EHL) recommends that this proposed GPA not be initiated unless amended. GPA 1120 would modify the County's current HANS process for MSHCP compliance to *delay* the point in the approval process at which HANS occurs, so that it occurs during approval of a "development" permit. EHL believes that the action lacks clarity as to what constitutes a "development" permit, that it is based upon a false premise, and that requisite General Plan findings cannot be made, but also that the intent of the GPA can be achieved by modifying the proposed action.

Clarity

The proposed GPA would exempt GPAs, zone changes, and lot line adjustments from HANS compliance, and defer such compliance to a use permit or subdivision map. How about a Specific Plan? A Specific Plan is technically just a zone change, but is typically the vehicle through which detailed site planning is done. A Specific Plan is frequently processed concurrently with a GPA. If this action moves forward in any form, it is essential that HANS not be delayed beyond the SP stage.

False premise

According to the staff report, "While the biological value is of utmost importance it is not compromised if the studies are delayed until an entitlement application, such as a Use Permit or Subdivision, is proposed." This is preposterous, as a GPA or zone change that increases the intensity of development, such as unit count, on a particular property may easily prejudice or even thwart successful MSHCP implementation. For example, say that the MSHCP Cell Criteria require 50% of a 100-acre site to be set aside. If the density were 1 unit per 5 acres, the resulting 20 units placed on 2.5-acre lots would satisfy the requirement. On the other hand, if a GPA or zone change increased the density to MHDR at 5-8 units/acre, then even at the low end of the density range, accommodating the 500 allowable units on 50 acres would entail multifamily housing with 10 units/acre. Such a product would be incompatible with the zone's anticipated lot

size of 4000-6500 sq. ft. and would probably be deemed economically non-viable by the applicant as well as found unacceptable by the surrounding community.

Thus, a GPA or zone change done *irrespective* of its ramifications for the MSHCP may lead to severe land use conflicts later at the “development” stage of entitlement. If a property is sold based on a unit yield that is far more than the MSHCP can actually accommodate, the County has set the stage for litigation. From this perspective, GPA 1120 would benefit speculators seeking to rezone property for “flipping” but harm developers or builders who must actually secure a map.

Furthermore, it is fundamental to good planning that site constraints—like the MSHCP—be accounted for *as early as possible*. It is disappointing that the Riverside County Planning Department wants to “kick the can down the road.” Because of the harm done to the Multi-purpose Open Space Element, EHL does not believe that the second General Plan Administrative Element finding can be made to the effect that “the proposed Amendment must either contribute to the achievement of the purposes of the General Plan or, at a minimum, would not be detrimental to them.”

Suggested modification

We understand that a detailed site-specific HANS may be “overkill” at an early stage of planning, yet there must *at a minimum* be a determination that the GPA or zone change does not prejudice the MSCHP. This might be termed a “preliminary HANS” or “HANS light” whose purpose is to avert conflicts between the MSHCP and subsequent subdivision maps. *Such an analysis can and should be part of standard CEQA review for any GPA or zone change.* The Environmental Programs Department should be consulted at the earliest entitlement stages as to whether a proposed GPA or zone change poses a potential conflict with the Criteria Cell or other MSHCP requirements. If so, the GPA or zone change request should be modified or denied. If not, HANS can reasonably be deferred. Any detailed site planning, such through a Specific Plan, that is associated with the GPA or zone changes, should trigger full HANS immediately.

In conclusion, it is simply bad policy for government to create problems and conflicts that can and should be averted. We appreciate the County’s dual commitment to the MSHCP and to project streamlining, and suggest that there are better, related options to explore.

Yours truly,

Dan Silver, MD
Executive Director

cc: Board Offices
Planning Department
Regional Conservation Authority
USFWS
CDFG

Stark, Mary

From: Heather Pert [Heather.Pert@wildlife.ca.gov]
Sent: Wednesday, January 16, 2013 8:12 AM
To: Stark, Mary; arush@rctmla.org
Cc: Karin Cleary-Rose; Leslie MacNair; Landry, Charles; Correa, Laurie
Subject: General Plan Amendment 1120

Riverside County Planning Commission
County of Riverside
4080 Lemon St., 9th Floor
Riverside, CA 92501

RE: Item 2.1 (January 16, 2013): General Plan Amendment 1120

Dear Chair and Commission Members:

The California Department of Fish and Wildlife (Department) is writing to provide comments on the proposed General Plan Amendment 1120 (Amendment). The stated purpose of proposed Amendment is to identify the applicable sections of the County's General Plan and amend language that requires Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) compliance for General Plan Amendments, Zoning Ordinance Amendments, or Lot Line Adjustments. The Amendment would modify the County's current Habitat Evaluation and Acquisition Negotiation Strategy (HANS) process for MSHCP compliance so that it continues to occur during approval of development projects but exempts general plan amendments or zoning ordinance amendments. This change in process may have unintended consequences to implementing the MSHCP. The Department feels that the County should carefully consider the affects this amendment will have on implementing the MSHCP and conserving lands for Reserve Assembly.

The MSHCP is designed to enhance and maintain biological diversity and ecosystem processes while allowing future economic growth. The County, as a permittee to the MSHCP, is responsible for contributing to the assembly of the MSHCP Conservation Areas. One mechanism available to jurisdictions, such as the County, for contributing to the Reserve Assembly is to provide incentives for conserving land. In order to do this, the County should identify early in the planning process, such as during general plan amendments or zoning ordinance amendments, which properties could contribute to Reserve Assembly. The proposed Amendment may delay identification of lands that could contribute to Reserve Assembly. In addition, it may make it more expensive and difficult to acquire lands for the MSHCP. For example, if a Zoning Ordinance allowed a change from agricultural to light industrial in an area identified for conservation then the property would become more expensive to acquire during the HANS process. Further, it would not communicate to the property owner that there are potential land use conflicts until the property owner applies for a development permit.

A larger question is why did the County initially include General Plan Amendments and Zoning Ordinances in the HANS process? As the largest jurisdiction in the MSHCP plan area the County has the largest sphere of influence on the remaining unconserved lands in MSHCP area. It may well be that the County did not initially adopt the proposed exemptions because of a recognition for the need to identify potential conservation lands early in the planning process. Early identification would prevent future land use conflicts and better serve the constituents of the County. A clear understanding of the initial decision to include General Plan Amendments and Zoning Ordinances in the HANS process is needed before modifying that practice.

The Department has granted "Take Authorization" for otherwise lawful actions, such as public and private Development that may incidentally Take or harm individual species or their Habitat outside of the MSHCP Conservation Area, in exchange for the assembly and management of a coordinated MSHCP Conservation Area. We are concerned that the proposed Amendment will negatively affect the ability to assemble land for conservation under the MSHCP. Therefore, the Department disagrees with the findings that this amendment does not conflict with the County Vision of maintaining sufficient open space and specifically to the Multi-purpose Open Space Element.

Adopting or amending a general plan or a general plan element is subject to the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq.) and may require preparation and consideration of an environmental impact report (EIR). If needed, the EIR should evaluate the proposed amendment's effects on both the existing physical conditions of the actual environment and the environment envisioned by the existing general plan (Environmental Planning and Information Council v. County of El Dorado (1982) 131 Cal.App.3d 354).

The Department is appreciative of the County's successful implementation of the MSHCP to date. We recognize the County's need to develop a streamlined process to promote development and reduce initial costs to property owners. We propose that the County work with the Department, the Riverside Conservation Authority, U.S. Fish and Wildlife Service, and other interested parties to identify a streamlined HANS process that does not compromise the MSHCP reserve assembly.

Thank you for considering our comments,

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