

RIVERSIDE COUNTY INTEGRATED PROJECT The Importance of Urban ...

File Format: PDF/Adobe Acrobat - [Quick View](#)

Meeting the needs of the growing number of residents in Riverside County is the primary **CETAP Advisory** Committee and Staff Recommendations. **12.**

February 2003. ... Riverside County Integrated Project. www.rcip.org. **2003.**

www.isocarp.net/Data/case_studies/475.pdf - [Similar](#)

3. Bill Mosby - Pipl Profiles

MEETING NOTES. CETAP ADVISORY COMMITTEE FOR THE. RIVERSIDE COUNTY INTEGRATED PROJECT (RCIP) ... Bill Mosby, CALTRANS. Robin Reeser Lowe, RCTC. ...

pipl.com/directory/name/Mosby/Bill - [Cached](#)

4. [PDF]

030602 MIN

File Format: PDF/Adobe Acrobat - [Quick View](#)

Mar 20, 2002 ... The summary minutes of the **February 12, 2002**, Planning and Housing ... forwarded to the Strategic Development Transition Committee to be addressed in January **2003**. The. Committee also recommended the establishment of an **Advisory ... the RCIP and CETAP** process. RTA will be holding public **meetings** to ...

www.ci.corona.ca.us/documents/1594.pdf

I, Adrian McGregor, am a private citizen of our area for 36 years come January 1, of 2013. I have had no assistance or advise from an attorney. My concerns are for the safety of the financial stability of my unknowing neighbors and residents of my area. And, that our human survival with water in the future and NOT taking of our lands, our monies, etc. be protected from the DESIGNS OF DEVELOPERS/ACTIONS AGAINST US FROM GOVERNANCE OF THE UNITED NATIONS ACT 21, OR FROM EB-5 OR EB-8 UNKNOWN...AND BETTER STATED, NOT UNDERSTOOD FUTURE THOSE WE'VE ELECTED TO PROTECT US WILL USE AGAINST WE AMERICAN FAMILIES AND SENIOR CITIZENS.

Dated to the unclosed EIR Hearing of the Temecula Wine Country Advisory HOC Planning Committee conclusions made I believe without complete impact findings they and we the public should have had 100% exposure to and given in legal writing. Why? Because this is the taking of our legal rights of ownership away from us as we know and purchased, in some cases stripping our rural single family acreage usage rights away both of rural livestock and means and

entitled deed rights to be in business to a GIVEN FEW of larger landholdings, if I understand what I have heard and read or not read.

I also would ask the County of Riverside Auditor-Controller to question the taking of our CSA Road District No. 149 in 2002 by the County Supervisor, which is not what we voted for in 1989. I would like to inquire why there are negative balances being assigned to our areas within the Citrus and Vineyard Road District No. 149 before this EIR is concluded?

WHY? I believe the run off from our roads and paving affects our groundwater. I want to know why the five area representatives are no longer assigned to us? Has this truly been done?

Or, if the representatives do still exist, why a county clerk now oversees the account, and why we are not shown where our monies have been spent; as the residents were told we acquire enough monies to pave one mile per year and do dirt road repairs. And, the keeping of our road districts' minutes were removed from being kept at Calloway Winery, where the meetings used to be held.

IT NEVER WAS VOTED by we residents for our special assessment road monies TO BE USED FOR SEWER AND/or ELECTRICAL WIRE DEVELOPMENT, UNLESS I HAVE NOT RECEIVED A LEGAL NOTIFICATION THAT OUR SPECIAL \$200.00 TAX ASSESSMENT IS NOW DIVERSIFIED BY A NEW BALLOT TO ALL OF THE LEGAL PARCEL OWNERS "ONLY" IN THIS No. 149 Road District to vote upon. I did not receive a copy of this ballot.

- ◇ 2013 no Rancho CA agriculture water rates: All counties pay full domestic drinking water rates for all waters
- ◇ Withheld Freeway with Parsons Mapping dated 2007
- ◇ Withheld taxation without representation for sewers with wording: "Supervisors gave you \$2 million dollars, we'll look for grants, and ask for a government loan. Don't discuss bill starts at \$55 million, not \$19
- ◇ DO NOT TELL THE PEOPLE DUE TO 16 LETTERS SAYING BUSINESSES/MAYBE A RESIDENT WANT SEWERS, OVER 9,606 RESIDENT COUNT OF "JUST 2008"... **WILL BE TAXED.**
- ◇ WITH HOLD FROM THE 2003 EIR OF THE 2005 SOUTHERN BY PASS FREEWAY EXPRESS WAY FROM THE 2012 EIR
- ◇ WITH HOLD STAFF EIR STATEMENTS OF 2005 OF CAUSE OF DEATH AND IMPACT TO THE LOW LAYING VALLEYS
- ◇ USING ILLEGAL SURVEY TO STRIP OUR ZONING FROM 11.85 SQUARE MILES AND A LAND GRABE IN AGENDA 1077 OF RCIP GENERAL PLAN AGENDA, AND 348.4729 Ordiance
- ◇ **The Temecula Wine Country Survey approved to be done by 4 VINTNERS in May/June of 2008, do Survey in August and FLY INTO 18 MONTHS OF HIDDEN MEETINGS,** then add the Stone appointed Advisory HOC Temecula wine Country Planning Panel WITH 12 MORE MEMBERS AND **NOT TIL October of 2011 add a Residential Representative to the Advisory HOC Committe.**
Total members at the conclusion of meetings: 19.
- ◇ **THE SURVEY WAS Done ON THE INTERNET AS A SURVEY WITH ADDRESS OPTIONAL.**
- ◇ **July 25, 2012 Executive Planner Cooper states, the success of the Survey is NOW the results of these hearings fulfilled. Listen to DVD of the hearing to hear WHAT IS NOT STATED or DISCUSSED for the public to be fully informed of financial negative impact to themselves.**
- ◇ **Ad HOC meetings hidden for nearly 1.5 years.**
- ◇ **Violates the A-20 Board of Supervisors Guidelines for Planning Commissioners, Special appointments and Advisory HOC Committee Members. MAY NOT PROFIT FROM THEIR VOTE AND DISCUSSION MAKING OF MONETARY WEALTH AND OR WITH THEIR INVESTMENTS.**
- ◇ **Vintners and MWD employee move San Diego Pipeline No. 6 approved by CA State MWD EIR in May of 1989 in 1995.**

- ◇ **Freeway was to follow from Hemet State St. to Rancho Road to Glen Oaks Rd to over the hills to San Diego.**
- ◇ **Citizens NEVER given voice: Citrus and Vineyard CSA Road District 149 moved the pipeland. DONE by Vintners and Kernal Williams. In their minutes.**
- ◇ **Vintners plot against the people...Petty puts Ma and Pa zoning in 1999 for 5 to 10 acre parcels to be winery/wedding, etc.**
- ◇ **In closed mute meeting on Aug. 6, 2008 Petty out of sight and with no public input, revokes deeded property rights as a Planning Commissioner. Told the public on July 23, 2008 Planning Hearing called an illegal hearing..by other four planning commissioners. Commissioners tell public in audience new hearing to be held on Aug. 20th, 2008, but that none of their sent in letters or phones calls would be included to Aug 20th. Petty before leaving to meet Stone at Thornton Winery Victory of zoning No. 1076 supposed to have happened, said quietly that let's me to planners on Aug. 6th, 2008 to talk a little more.**
- ◇ **Attended hearing: With no public input or a handed out agenda of the Planning Commissioners Hearing/Discussions Petty motions, carried and voted to erase our zoning.**
- ◇ **Two years later, there is in place an agenda discussing that it was voted upon to withdraw No. 1076 Agenda Amendment to our areas. Of 11.85 sq. miles**
- ◇ **Removing deeded rural property rights of Tract 6410 to have one half acre wine tasting rooms and/or 50 rural businesses to ZERO.**
- ◇ **Removing constitutional Free Franchise rights to ONLY Large parceled acreage; which never had business multiple rights deeded as "part of agricultural lands deeded to grow crops, and not multiple commercial businesses may be true from 1970 on.**
- ◇

August 2012

RECEIVED
SEP 20 2012

Mary Stark, Planning Commission Secretary
County of Riverside Administrative Center
4080 Lemon Street, 12th Floor
P.O. Box 1409,
Riverside, CA 92502

ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

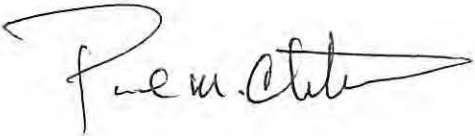
Attention: Commissioner John Roth, 1st District
Commissioner John Snell, 2nd District
Commissioner John Petty, 3rd District
Commissioner Jim Porras, 4th District
Commissioner Jan Zuppardo, 5th District

RE: Proposed Wine Country Plan

To: The Planning Commissioner's of Riverside County

I understand that houses of worship and private schools are **not** included in the new Wine Country Plan. I respectfully request that you add religious institutions and private schools before you pass this plan.

Sincerely,



Print Name:

Paul M. Christman

Address:

28114 Cortez Dr
Temecula, CA 92592

August 2012

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OCT 04 2012
ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

Mary Stark, Planning Commission Secretary
County of Riverside Administrative Center
4080 Lemon Street, 12th Floor
P.O. Box 1409,
Riverside, CA 92502

Attention: Commissioner John Roth, 1st District
Commissioner John Snell, 2nd District
Commissioner John Petty, 3rd District
Commissioner Jim Porras, 4th District
Commissioner Jan Zuppardo, 5th District

RE: Proposed Wine Country Plan

To: The Planning Commissioner's of Riverside County

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Sincerely,

Print Name:

Myrbon Cervin

Address:

5320 Via Chepo dr. #29

Riverside, CA 92507

Reply To:

24910 Las Brisas Road, Suite 110
Murrieta, California 92562

Telephone: 951.600.2733
Facsimile: 951.600.4996

www.tylerbursch.com

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Irvine, California 92618

Telephone: 949.707.2733

San Diego Office:

16870 W. Bernardo Drive, Suite 400
San Diego, California 92127

Telephone: 619.299.2733

December 4, 2012

VIA ELECTRONIC
AND U. S. MAIL

Riverside Planning Commission
P.O.Box 1409
Riverside, CA 92502-1409
cluna@rctlma.com
dabraham@rctlma.org

Re: *Planning Commission Hearing on the Wine Country Community Plan*

Dear Mr. Planning Commission:

In light of tomorrow's hearing on the Wine Country Community Plan ("WCCP"), we would like to highlight one primary issue of concern in the Staff Report. The Staff Report lists three options relating to the inclusion of churches and schools in Wine Country that all include a proposed estimate of the cost for each option. These estimates are presumably included to aid the Planning Commission in deciding which option to pursue based on what is economically feasible for the County. While we appreciate the pragmatic need of the Planning Commission to consider the actual cost of each option in making its decision, the law does not. The fact is that the current WCCP violates Calvary Chapel Bible Fellowship's rights secured under the First Amendment and the Religious Land Use and Institutionalized Persons Act. When a governmental entity violates a person or entity's rights secured under the First Amendment or RLUIPA's substantial burden provision, the government must prove that the violation is in the furtherance of a compelling government interest and is implemented in the least restrictive means to further that interest. 42 U.S.C. § 2000cc(a)(1).

Simply stated, saving money is not a compelling governmental interest. *See Shapiro v. Thompson* (1969) 394 U.S. 618, 633, *overruled in part* by *Edelman v. Jordan* (1974) 415 U.S. 651, ("The saving of welfare costs cannot justify an otherwise invidious classification."); *Graham v. Richardson* (1971) 403 U.S. 365 (same); *Memorial Hospital v. Maricopa County* (1974) 415 U.S. 250 ("The conservation of the taxpayer's purse is simply not a sufficient state interest . . ."); *Finley v. Nat'l Endowment for the Arts* (9th Cir. 1996) 100 F.3d 671, 683 n.23, *rev'd on other grounds*, (1998) 524 U.S. 569 ("However, neither protecting people from offensive and indecent speech nor protecting the taxpayer from unwanted expenditures is a compelling interest sufficient to justify content-based restrictions on speech."); *Cottonwood Christian Ctr. v. Cypress Redev. Agency* (C.D. Cal. 2002) 218 F. Supp. 2d 1203, 1228-29 (applying RLUIPA, the court held: "If revenue generation were a compelling state interest, municipalities could exclude all [tax-exempt] religious institutions from their cities."). Thus, we advise the Planning Commission that it cannot lawfully evaluate which Option to pursue based on what is economically feasible in light of the fact that the WCCP violates Calvary's rights under RLUIPA.

Riverside Planning Commission

December 4, 2012

Page 2 of 2

Even if the County could lawfully decide whether to include churches in the WCCP based on cost, the proposed estimates are completely inaccurate. Indeed, our estimate for pursuing Option 2, which is the option we recommend, is approximately \$125,000—not \$450,000 as stated in the Staff Report. Indeed, if the analysis were limited only the Citrus Vineyard Zone, the numbers would be much more reasonable. We also remind you that the Planning Commission itself expressed a desire to include churches and ancillary schools in Wine Country and that Calvary agreed to make a reasonable contribution on a completely voluntary basis. In any event, in light of the exorbitant estimate provided in the Staff Report for Option 2, we request the hearing be continued in order to allow Calvary more time to decide the amount of money it could potentially contribute if the County agrees to pursue Option 2. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "R. Tyler". The signature is fluid and cursive, with the first letter "R" being particularly large and stylized.

Robert H. Tyler, Esq.

RHT:lam

cc: Shellie Clack

**LEWIS
BRISBOIS
BIGGAARD
& SMITH LLP**
ATTORNEYS AT LAW

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Costa Mesa, California 92626
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www.lbbsslaw.com

RECEIVED
DEC 05 2012
ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

MAYA LOPEZ GRASSE
DIRECT DIAL: 714.966.3160
E-MAIL: GRASSE@LBBSSLAW.COM

December 5, 2012

		Phone Number	Fax Number
To:	Mary Stark Riverside County Planning Commissioners		(951) 955-1811

From: Maya Lopez Grasse

Pages: 67 (including cover page)

Re: Planning Commission Hearing -December 5, 2012

Message: Correspondence dated 12/4/12 to Riverside County Planning Commission

PLEASE CALL 714.545.9200 IMMEDIATELY IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION.

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December 4, 2012

File No.
32652.2

By facsimile and hand delivery

Riverside County Planning Commissioners
County of Riverside Administrative Center
080 Lemon Street, 12th Floor
P.O. Box 1409
Riverside, CA 92502

Re: Comments of Calvary Bible Fellowship Church ("Calvary") December 5, 2012
Planning Commission Hearing - Wine Country Community Plan ("WCCP")

Dear Commissioners:

Calvary Bible Fellowship Church ("Calvary") submits this supplemental letter to be included in the Administrative Record for the Wine County Community Plan ("WCCP"). Although it is unclear whether the public record is now closed, we are submitting this correspondence in response to a letter dated December 3, 2012, from the Riverside Agricultural Commissioner. (Attachment A). It also briefly addresses the Staff Report dated December 5, 2012,¹ concerning recirculation of the Draft Environmental Impact Report ("EIR") for evaluation of religious institutions with ancillary elementary schools.

In 2011, the Agricultural Commissioner submitted a report setting forth the current rules and regulations concerning pesticide application in the vicinity of schools concluding that pesticide application is safe in the vicinity of schools assuming Commission rules are followed. This report previously has been submitted to the Planning Commission.

At the WCCP Planning Commission hearing on August 22, 2012, Michele Tracy, an agricultural standards investigator for the Riverside County Agricultural Commissioner's

¹ The December 5 Staff Report was made publicly available on or about November 29, 2012.

wrongly testified that there had been "several" lawsuits involving pesticide exposure in areas of schools. Because she provided no details and was not submitted to cross-examination, Calvary requested that County staff convene a meeting with the Agricultural Commissioner, the vintners and Calvary to discuss the details of these alleged incidences and appropriate mitigation to avoid them. On October 19, 2012, a meeting was convened with County Executive Officer George Johnson, Deputy Planning Director Frank Coyle, Legislative Aide Olivia Barnes, Deputy Agricultural Commissioner Robert Mulherin, Deputy County Counsel Michelle Clack, Robert Tyler, Mike Naggar and myself. At that meeting, Mr. Mulherin was unable to point to a single example in Riverside County where a complaint was lodged due to exposure of school children to offsite agricultural pesticide application.

Unfortunately, the vintners refused to attend the October 19, 2012 meeting, and have declined to participate in any meeting since. On October 20, 2012, Calvary wrote to Ben Drake expressing our disappointment with his refusal to meet so that the parties could arrive at some agreed-upon objective facts about pesticide risk and mitigation. Calvary thereafter served a Public Records Act ("PRA") request on the Agricultural Commissioner's office to obtain copies of any of the so-called complaints referenced on August 22, 2012 or other documentation in the Commissioner's files to support Ms. Tracy's statements.

On December 3, 2012, Calvary received a statement from the Agricultural Commissioner's office, concerning pesticide application and incidents prompting enforcement actions in proximity with schools. (Attachment A). At first blush, this statement would lead the reader to conclude that the five incidents referenced had something to do with off-site pesticide application and schools. As such, the statement again is both deceptive and inaccurate.

On December 4, 2012, Mr. Mulherin clarified via e-mail to Calvary and County planning staff that the five enforcement actions referenced were entirely unrelated to offsite pesticide spraying and instead involved activities performed by school employees on school property. In sum, Mr. Mulherin states, "The five formal ... were related to activities performed by school employees on school property. The noncompliances noted in these five formal violations ... were not committed by an agricultural operation (farm or pest control business)." (Attachment B, emphasis in original). Although we appreciate this clarification, we ask for a formal letter from the Commissioner withdrawing the August 22, 2012 statements made by Ms. Tracy and revising the December 3, 2012 statement to provide clear facts for this Commission to evaluate now and at further hearings.

Moreover, documentation provided by the Agricultural Commissioner's Office in response to Calvary's PRA request and confirmed by conversations with Mr. Mulherin on November 21, 2012 and December 3, 2012 establish that **none** of the incidents referenced in the statement concern **off-site agricultural spraying; rather, they were almost entirely due**

to on-site "user error." In other words, the most notable "pesticide" incidents in and around Riverside County schools since 2007, all concern school employees mishandling their own chemicals. In the past five years (if not longer), ***there is not a single violation documented by the Agricultural Commissioner of agricultural pesticide operations impacting a school.***

The five "adverse incidents" referenced in the December 3 statement that led to formal violations are outlined below:

1) In 2008, a Corona Norco Unified School District employee who was applying the weed killer Roundup on the school grounds was injured by the chemical. The violations included finding that the employee was not properly trained (she had not received training in pesticide mixing since 2001), that she was not taken to a physician, and that the School failed to supervise its employees. The Agricultural Commissioner issued a cease and desist order proscribing employee handling of pesticides until workers underwent proper training. This was the most serious violation found by the Agricultural Commissioner's office, and it is the one that led to the civil penalties referenced in the December 3, 2012 statement. (Pesticide Investigation Report 2008-220, Blanca Nunez; Notice of Violation 101-100858LC08).

2) In 2010, a teacher/coach at Norte Vista High School sought treatment for irritation on his legs after spending time on athletic fields that had recently been sprayed with Roundup. The Agricultural Commissioner's Office issued notice of violation to the school for failure to notify school employees of the school's Roundup application and failure to provide training of pesticide handling to employees, and ordered the District to cease and desist applications until proper training was completed. (Pesticide Investigation Report 2010-712, Kenneth Batdorf; Notice of Violation 101-80055-JL-11).

3) In 2010, a Pesticide Enforcement Inspection at the Bethel Christian School found that the school was in violation of requirements to train school employees prior to the application of gopher killer, and that the school improperly stored and applied that pesticide on its grounds. The Agricultural Commissioner issued a letter of warning outlining these violations. (Letter of Warning to Bethel Christian School dated May 20, 2010).

4) In 2010, a Pesticide Enforcement Inspection at the Jurupa Unified School District found that the District was not in compliance with requirements to wear proper safety gear when applying the weed killer Roundup, to properly train school employees in the application of Roundup and inform them of health and emergency procedures. The Agricultural Commissioner's Office issued a Letter of Warning to the school. (Letter of Warning to Jurupa Unified School District dated September 1, 2010).

5) In 2007, the Agricultural Commissioner's Office issued a Letter of Warning to the Riverside Unified School District after an enforcement inspection revealed that school

employees failed to don protective eyewear when applying Roundup on school grounds. (Letter of Warning to Riverside Unified School District dated February 28, 2011).

The documentation of the above incidents is enclosed for your review (Attachment C).

As is now more than evident, none of these incidents adverse affects on a vulnerable population are due to neighboring pesticide application - which supposedly is the primary concern claimed by the vintners. Calvary therefore requests that the Planning Commission disregard entirely - and ignore in its decision making - the prior testimony of Ms. Tracy.

Calvary respects and supports the efforts of the vintners and the other growers in Riverside County and believes that the lack of reported incidents in the past demonstrates that the two can peacefully coexist. In fact, Calvary agreed to provisions in its 1999 Public Use Permit ("PUP") stating that it would not object to farm activities in its immediate area acknowledging that Riverside is a Right-to-Farm County, and Calvary has not ever complained about the vintners.

Since August 22, 2012, Calvary has further confirmed that there are nearly 9,000 children under 18 living in the wine country.² Similarly, the Saint Jeanne de Lestonnac School and the Temecula Valley Charter School are both located immediately adjacent to agricultural operations. The Commissioner's office has confirmed that there are already 75 schools in Riverside County within a quarter mile of agricultural operations.³ If the vintners and the Agricultural Commissioner were truly concerned that "sensitive receptors" such as children were being adversely affected, then what is being done to notify and protect existing residents and schools for such concerns? Calvary suggests that this issue is nothing more than a veiled effort to keep Calvary from expanding its religious services including the education of the children who attend Calvary and that, in the end, it is a de facto form of discrimination.

The tactics of the vintners and the misstatements of the Agricultural Commissioner's office, in the end, do a serious disservice to the entire agricultural community. Either agriculture can coexist safely with other uses or it is unsafe and must end as communities

² See Attachment D showing 2010 census data for four tracts comprising the majority of the wine country. The data indicate that approximately 8,800 children under age 18 are living in wine country.

³ Documentation of these schools has been previously submitted to the Planning Commission by Calvary.

expand. The suggestion that churches and schools cannot safely be located in agricultural areas implies that no urban uses are safe.

Calvary again reiterates its desire to work with the vintners. Calvary has voluntarily stipulated to a number of mitigation measures above and beyond those legally required. Recently, the vintners (or some subset thereof) sued the County based upon its supposed failure to enforce mitigation measures in Calvary's PUP requiring that Calvary plant Christmas trees over a decade ago.⁴ This lawsuit appears to be nothing more than a pretext to argue that that Calvary and the County cannot be trusted to abide by or to enforce the PUP, and therefore that any representation Calvary will abide by the Agricultural Commissioner's 12 hour notice to cease school operations for emergency spraying will not be followed.

Suffice it to say that no party has more incentive to abide by the safety regulations of the Commissioner than does Calvary given that it is our children who will be attending the elementary school. The pending litigation is simply is mean spirited and nothing more than a waste of public resources at a time the County can least afford it.

Calvary has now debunked the two key reasons against allowing religious institutions and ancillary schools in the wine country: alcohol and beverage licenses and public safety in connection with pesticides. Calvary also agreed to pay for what it considered a reasonable portion of a revised EIR to evaluate traffic and other genuine environmental impact issues. The costs proposed by the County in its Staff Report seemed excessive and suggests that the EIR otherwise does not require recirculation. Based on the testimony from August 22, 2012, there were several additional issues that had not been properly evaluated in the EIR or required further review including (a) the impact of additional hotel and agricultural growth on worker housing and related public safety; (b) an updated cumulative analysis of water availability at build out; and (c) mitigation required for additional nitrate load. For whatever reason, the December 5, 2012 Staff Report is silent on these issues.

As staff indicated in the December 5 Staff Report, Calvary fully intends to proceed expeditiously with its application to expand, and we anticipate that our environmental impact report will be complete within six months. This information will help to reduce the cost of the recirculated EIR for the WCCP but it will not address the many other issues that were raised before this Commission unrelated to Calvary.

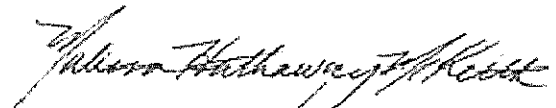
⁴ *Temecula Agriculture Conservation Council v. County of Riverside*, Riverside Superior Court case no. RIC 1216703, filed November 13, 2012; Calvary was sued as the real party in interest.

Riverside County Planning Commissioners
December 4, 2012
Page 6

In sum, there remains no substantial evidence in the record indicating that religious institutions with ancillary elementary schools cannot operate safely and compatible in the wine country. We appreciate the time that staff has spent on this matter, and we continue to encourage the County to require mandatory mediation between the parties so that these issues can be resolved outside of litigation.

Please include this letter and attachments as part of the record for the December 5, 2012 Planning Commission hearing on the Wine Country Community Plan.

Very truly yours,



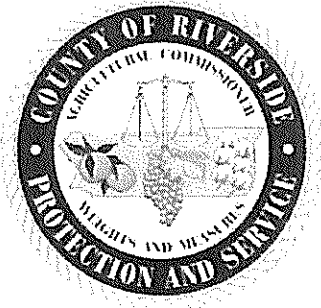
Malissa Hathaway McKeith of
LEWIS BRISBOIS BISGAARD & SMITH LLP

MHM

Enclosures

Cc: Mary Stark, Secretary to the Riverside County Planning Commission
mcstark@rctlma.org

Attachment A



AGRICULTURAL COMMISSIONER'S OFFICE

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RIVERSIDE, CA 92502-1089
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FAX (951) 955-3012
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WEIGHTS & MEASURES DIVISION

2950 WASHINGTON STREET
P.O. BOX 1480
RIVERSIDE, CA 92502-1480
PHONE (951) 955-3030
FAX (951) 276-4728

JOHN SNYDER

Agricultural Commissioner
Sealer of Weights & Measures

December 3, 2012

The County of Riverside has requested and the agricultural commissioner's office has reviewed its records and surveyed its staff to determine the number of complaints/incidents during the period from 2007 to date resulting from pesticide applications in the areas of the 75 Riverside public and private schools. Based upon this file review, five incidents that led to formal violations, and one incident that led to a formal civil penalty action have been identified. While the siting of schools in agricultural areas has occurred for years, this arrangement is not ideal due to significant agricultural-urban interface issues, (see attached excerpt from the California Department of Pesticide Regulation's publication, "A Guide to Pesticide Regulation in California" – "Addressing Public Concerns about Pesticides"). There are a number of studies and reports which point to the wisdom of land use decisions which prevent potential pesticide exposure to humans, especially to the most vulnerable segment of our population. As the county department that is usually the first line of defense regarding responding to and investigating pesticide related complaints, (whether actual or perceived), we are in a position to say that land use/planning decisions that result in an ag/urban interface (especially a sensitive site interface such as a school) are far from ideal. The results are almost always undue burdens to the farm community and potential negative health effects to the adjacent population. Additionally, land use decisions that result in ag-urban interfaces are generally not consistent with the county's "Right to Farm" Ordinance as well as the "Notice of Right to Farm" state law, attached. These siting's require ongoing flexibility on the part of farmers operating in the vicinity of schools, regarding agricultural chemical application timing and various cultural practices, as well as the cooperation and agreement by private schools to terminate activities in the event of special circumstances and/or the need for emergency agricultural chemical applications. Ag chemical applications due to special circumstances may include, but are not limited to soil fumigations and aerial pesticide applications, associated with emergency pest infestations. To avoid conflicts, the Board of Supervisors may add additional conditions to any use permit of a private school including limitations on outdoor activities; use of air filters, full disclosure to the parents of school children and all school related staff and contract employees, concerning periodic agricultural activities, including chemical applications, and an agreement to terminate school upon 12 hours notice in the event of emergency situation.

Attachments

Attachment B

Grasse, Maya

From: Mulherin, Robert <RMulherin@RIVCOAG.ORG>
Sent: Tuesday, December 04, 2012 5:08 PM
To: McKeith, Malissa; Grasse, Maya
Cc: Coyle, Frank; Nanthavongdouangsy, Phayvanh
Subject: Pesticides and Schools Statement Document, dated 12-3-12

On December 3, 2012, the Agricultural Commissioner's Office provided you with a document concerning the use of pesticides on or near schools. Within this document reference is made to five incidents that led to formal violations being issued and one incident where a formal civil penalty action was taken.

To clarify, the five formal violations and one formal civil penalty action were related to activities performed by school employees on school property. The noncompliances noted in these five formal violations and one formal civil penalty action were not committed by an agricultural operation (farm or pest control business).

Robert Mulherin
Deputy Agricultural Commissioner
Environmental Protection Division
Riverside County Agricultural Commissioner's Office
(951) 955-3023
(951) 955-3047 FAX
rmulherin@rivcoag.org

Attachment C

STATE OF CALIFORNIA
 DEPARTMENT OF PESTICIDE REGULATION
VIOLATION NOTICE
 PR-ENF-101 (REV 3/03)

A. VIOLATOR INFORMATION

FIRM / PERSON NAME Corona Norco Unified School District	TELEPHONE NUMBER (951) 736-5000	COUNTY NAME Riverside
MAILING ADDRESS 2820 Clark Avenue	PERMIT ID NUMBER N/A	VIOLATION NOTICE NO. 101-100858LC08
CITY Norco	STATE CA	ZIP CODE 92860
		VIOLATION DATE/TIME 2/1/08 7:15 a.m.

B. FIRM / PERSON INFORMATION

<input type="checkbox"/> Agricultural Pest Control Advisor	<input type="checkbox"/> Structural Pest Control Operator	<input type="checkbox"/> Private Applicator	LICENSE/CERTIFICATE # N/A
<input type="checkbox"/> Pest Control Business	<input type="checkbox"/> Field Representative	<input type="checkbox"/> Labor Contractor	
<input type="checkbox"/> Pest Control Aircraft Pilot	<input type="checkbox"/> Qualified Applicator Certificate	<input checked="" type="checkbox"/> Government Agency	
<input type="checkbox"/> Pest Control Dealer	<input type="checkbox"/> Qualified Applicator License	<input type="checkbox"/> Other	

C. VIOLATION LOCATION

ADDRESS/PROPERTY LOCATION 1395 E. Foothill Parkway	CITY Corona
---	----------------

D. SECTION(S) VIOLATED

Food and Agricultural Code (FAC)	
California Code of Regulations (CCR)	1) 6702(b)(2) 2) 6702(b)(3) 3) 6724 4) 6726(c)
Business and Professions Code (B&P)	
Labor Code (LC)	

E. VIOLATION NARRATIVE

1) The employer shall inform the employee, in a language the employee understands, of the specific pesticide being used, pesticide safety hazards, the personal protective equipment and other equipment to be used, work procedures to be followed, and pesticide safety regulations applicable to all activities they may perform. (employees did not receive training).

2) The employer shall supervise employees to assure that safe work practices, including all applicable regulations and pesticide product labeling requirements are complied with.

3) The employer shall have a written training program which address each of the subjects specified in subsection (b). The training shall be completed before the employee is allowed to handle pesticides, continually updated to cover any new pesticides that will be handled and repeated at least annually thereafter (Employees were not trained to use Roundup Pro).

4) When there is reasonable grounds to suspect that an employee has a pesticide illness, or when an exposure to a pesticide has occurred that might reasonably be expected to lead to an employee's illness, the employer shall ensure that the employee is taken to a physician immediately. (The employee drove herself to the physician's office).

F. CEASE AND DESIST/ STOP WORK ORDER

You must CEASE AND DESIST from allowing untrained handlers to use pesticides.

Pursuant to Food and Agricultural Code Section: (Check one box) 1737 11896 11897 13101 13102

G. NOTICE

This information documents that a violation of statutes or regulations pertaining to Pesticides and Pest Control Operations or a violation of the Business and Professions Code pertaining to Structural Pest Control or a violation of the Labor Code pertaining to Farm Labor Contractors has occurred. Violations of this nature may subject the violator to further action as prescribed by law.

H. NOTIFICATION INFORMATION

NOTIFIED PERSON'S PRINTED NAME	TITLE	SIGNATURE	DATE
Robert Kent	HR Administrator		

The "Notified Person's Signature" (above) is not an admission of guilt or a promise to appear (citation).

ENFORCING OFFICER'S PRINTED NAME	TITLE	SIGNATURE	DATE
Lena Canada	ASI IV		6/19/08

ISSUING AGENCY RIVERSIDE COUNTY AGRICULTURAL COMMISSIONER	DATE NOTICE ISSUED 6/19/2008
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VIOLATION DELIVERED:
 Regular Mail Certified Mail # 7007 2560 0000 3861 5187 Fax # Other In Person Date:

STATE OF CALIFORNIA
PESTICIDE EPISODE INVESTIGATION REPORT
 PR-ENF-127 (REV. 7/00)

DEPARTMENT OF PESTICIDE REGULATION
 PESTICIDE ENFORCEMENT BRANCH
 PAGE 1 OF 3

RECEIVED BY Robert Mulherin	RECEIVED FROM DPR-Anaheim	REPRESENTING WHS	DATE/TIME RECEIVED 4/21/08 08:00	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	PERSON NOTIFIED DFA _____ DFG _____ DHS _____ DIR _____ EPA _____ CAC _____ OTHER _____
TYPE OF EPISODE <input checked="" type="checkbox"/> HUMAN EFFECTS # 1 <input type="checkbox"/> PROPERTY LOSS		ENVIRONMENTAL EFFECTS <input type="checkbox"/> ENVIRONMENTAL EFFECTS <input type="checkbox"/> OTHER		PRIORITY INVESTIGATION <input type="checkbox"/> YES # _____ <input checked="" type="checkbox"/> NO	
OTHER I.D. NO.	COUNTY OF OCCURRENCE Riverside	DATE OF OCCURRENCE MO 2 DAY 1 YR 2008	TIME 7:15	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	
EPISODE LOCATION 1395 E. Foothill Pkwy., Corona					

INJURED/COMPLAINANT INFORMATION

COMPLAINANT SIGNED <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	DR. VISITED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	EXTENT OF INJURY/ILLNESS <input type="checkbox"/> Fatal <input checked="" type="checkbox"/> Symptoms <input type="checkbox"/> Serious <input type="checkbox"/> Exposed Only	ACTIVITY OF PERSON EXPOSED/INVOLVED <input checked="" type="checkbox"/> Mixer/Loader <input type="checkbox"/> Field Worker* <input type="checkbox"/> Applicator <input type="checkbox"/> Public* Other* _____ Explain _____	
NAME Blanca Nunez	AGE 40	SEX Female	WHS NO. 2008-220	WORKDAYS LOST None
ADDRESS 5509 Ellen Street	CITY Riverside.	ZIP 92503	PHONE (951) 351-4123	
MEDICAL FACILITY NAME Vista Medical Group	<input checked="" type="checkbox"/> TREATMENT PROVIDED <input type="checkbox"/> OBSERVATION ONLY	HOSPITALIZED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DATE/TIME ADMITTED	DATE/TIME DISCHARGED
PHYSICIAN Naser W. Azar, M.D.	ADDRESS 1820 Fullerton Avenue Ste. 140, Corona CA 92881	PHONE (951) 549-0900		
SIGNS/SYMPTOMS EXPERIENCED burning face and the taste of chemical in mouth				
EMPLOYER Corona Norco Unified School District	ADDRESS 2820 Clark Avenue, Norco CA 92860	PHONE (951)736-5000		

PROTECTIVE MEASURES USED

<input checked="" type="checkbox"/> Safety Glasses <input type="checkbox"/> Goggles <input type="checkbox"/> Faceshield <input type="checkbox"/> Eye/Sun Glasses <input type="checkbox"/> None	<input type="checkbox"/> Cloth/Leather Gloves <input checked="" type="checkbox"/> Chem. Resistant Gloves <input type="checkbox"/> Other _____ <input type="checkbox"/> None	<input type="checkbox"/> Dust Mask <input type="checkbox"/> 1/2 Face Respirator <input type="checkbox"/> Full Face Respirator <input type="checkbox"/> SCBA <input checked="" type="checkbox"/> None	<input type="checkbox"/> Work Clothes <input checked="" type="checkbox"/> Coveralls <input type="checkbox"/> Chem. Resistant Clothes <input type="checkbox"/> Chem. Resistant Boots <input type="checkbox"/> Head Covering <input type="checkbox"/> Other _____	<input type="checkbox"/> Closed System <input type="checkbox"/> Enclosed Cab <input type="checkbox"/> Enc. Cab w/Air Purification <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> None
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ENVIRONMENTAL OR PROPERTY DAMAGE

DESCRIPTION OF DAMAGE N/A	AMOUNT/VALUE
OWNER	ADDRESS
PHONE	
ALLEGED RESPONDENT(S) NAME N/A	PCA <input type="checkbox"/> DEALER <input type="checkbox"/> PILOT <input type="checkbox"/> GROWER <input type="checkbox"/> AGENCY <input type="checkbox"/> OTHER* <input type="checkbox"/>
PHONE	LICENSE/PERMIT NO.
RECOMMENDATION MADE <input type="checkbox"/> YES # _____ <input type="checkbox"/> NO	
ADDRESS	EMPLOYER'S NAME
PHONE	
CITY	STATE
ZIP	EMPLOYER'S ADDRESS
EXPLAIN*	CITY
	STATE
	ZIP

PESTICIDE NAME/MANUFACTURER	EPA REGISTRATION NUMBER	CATEGORY	DOSE/DILUTION/VOLUME	TREATMENT DATE	COMMODITY/SITE TREATED
Roundup Pro Herbicide/Monsanto	524-475-ZA	Caution	1 gallon/80 gallons	2/1/08	planters/school

EQUIPMENT TYPE/MAKE/MODEL/DESCRIPTION
 80 gallon spray tank, electric cart

SUMMARIZE THE EPISODE INCLUDING A DETAILED DESCRIPTION OF EVIDENCE TAKEN (Use Episode Report Supplement Form PR-ENF-127A If Additional Space Is Needed)

Summary:
 On February 2, 2008, an employee of the Corona Norco Unified School District, Blanca Nunez, was performing a mix load when chemical splashed into her face. She cleaned the pesticide off her face and then reported the incident to her supervisor. She was sent to the clinic for evaluation and treatment.

Background Information: Training was provided to Blanca Nunez for Roundup on March 28, 2001

REPORT PREPARED BY (NAME/TITLE) | DATE PREPARED | REPORT REVIEWED/APPROVED BY (NAME/TITLE) | DATE APPROVED
 Anna Canada IASI | 6/19/08 | Robert Mulherin / Dep. Agr. Comm. | 6/19/08

STATE OF CALIFORNIA
PESTICIDE EPISODE INVESTIGATION
SUPPLEMENTAL REPORT
 PR-ENF-127A (REV. 7/00)

DEPARTMENT OF PESTICIDE REGULATION
 PESTICIDE ENFORCEMENT BRANCH

PAGE 2 OF 3

ON/SUBJECT 1395 E. Foothill Pkwy., Corona/Nunez	PRIORITY/WHS NO. 2008-220	OTHER I.D. NO.	COUNTY OF OCCURRENCE Riverside	DATE OF OCCURRENCE MO 2 DAY 1 YR 2008
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REPORT TYPE
 NARRATIVE CONTINUATION SUPPLEMENTAL REPORT OTHER REPORT _____

REMARKS
 Violations:

- CCR 6726(c)-The employee was not taken to the physician.
- CCR 6724-The employer does not have a written training program and employees were not trained
- CCR 6702-Failure to supervise employees

Witnesses:

- Blanca Nunez, Maintenance, Corona Norco Unified School District, 2820 Clark Avenue, Norco CA 92860 (951) 351-4123
- Robert Perez, Field Supervisor, Corona Norco Unified School District, 2820 Clark Avenue, Norco CA 92860 (951) 736-3316
- Librado Carranza, Maintenance, Corona Norco Unified School District, 2820 Clark Avenue, Norco CA 92860 (951) 736-5000
- Jesse Balderas, Administrator, Corona Norco Unified School District, 2820 Clark Avenue, Norco CA 92860 (951) 739-5600

Investigation and Statements:

On June 11, 2008 at 8:10 a.m. I spoke via telephone with the Supervisor of Maintenance for the Corona Norco Unified School District, Robert Perez. He stated the following in summary:

I am not the immediate supervisor for Blanca Nunez. I am the maintenance manager of the entire district. The direct supervisor for Ms. Nunez is Alan Davidson; however, he was not working the day of the incident. Santiago High School's Administrator, Jesse Balderas, was her supervisor the day of the incident. You will need to contact him to find out exactly what happened. I only know that she was sent to the doctor for a Roundup exposure. We had training for the employees, which was conducted by Monsanto Chemical Company. I will send you the records for that training. We do provide the employees with safety glasses and protective gloves, which they are instructed to use. I will have Ms. Nunez contact you.

On June 11, 2008 at 11:00 a.m. I spoke with Blanca Nunez in person at Santiago High School. Nobody else was present during the interview. Ms. Nunez stated the following in summary:

I was preparing to spray for weeds early in the morning on Friday February 1, 2008 when I was splashed with Roundup in the face. It was shortly after we arrived at work, probably around 7:15 a.m. The tank already had about 20 or 30 gallons of diluted pesticide in the tank from the previous day. I was going to fill up the tank with water and add some more pesticide. As I was filling the tank with water my coworker, Librado Carranza, was trying to connect the tank hitch to the electric cart. He picked up the hitch to connect it, but he did not know what he was doing and he dropped it. The force of the impact caused some of the tank solution to splash out of the tank onto my face. I was wearing safety glasses so the chemical did not get into my eyes, but it splashed onto the side of my face and my chest. I went to the restroom by the pool and washed my face and hands. I then went to tell my supervisor, Jesse Balderas what happened. He told me to go to the doctor.

I went to the doctor right away around 8:00 a.m. I did not want to go, but they told me to. They washed my face and took my vitals and then I was allowed to leave. I tasted the chemical in my mouth and my face burned for about a day. I do not have any further symptoms or problems. I received training about five or so years ago for the Roundup. Librado has never been trained. When we work we wear safety glasses, gloves, and a disposable tyvek suit.

REPORT PREPARED BY (NAME/TITLE) <i>Robert Mulhern / ASE</i>	DATE PREPARED <i>6/19/08</i>	REPORT REVIEWED/APPROVES BY (NAME/TITLE) <i>Robert Mulhern / Dep. Ag. Comm.</i>	DATE APPROVED <i>6/19/08</i>
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STATE OF CALIFORNIA
PESTICIDE EPISODE INVESTIGATION
SUPPLEMENTAL REPORT
 PR-ENF-127A (REV. 7/00)

DEPARTMENT OF PESTICIDE REGULATION
 PESTICIDE ENFORCEMENT BRANCH

PAGE 3 OF 3

LOCATION/SUBJECT 1395 E. Foothill Pkwy., Corona/Nunez	PRIORITY/WHS NO. 2008-220	OTHER I.D. NO.	COUNTY OF OCCURRENCE Riverside	DATE OF OCCURRENCE MO 2 DAY 1 YR 2008
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REPORT TYPE
 NARRATIVE CONTINUATION SUPPLEMENTAL REPORT OTHER REPORT _____

REMARKS
 On June 17, 2008 at 3:30 p.m. I spoke with Librado Carranza via the telephone. He stated the following in summary:

The incident occurred on February 1, 2008 at around 7:00 a.m. I was hooking up the pesticide tank to the electric cart, when the hitch slipped out of my hands and dropped to the ground. There was a couple of gallons of diluted chemical in the tank from the previous day. When I dropped it, the solution splashed out of the top into Blanca's face. She was filling the tank with water when it happened. Blanca washed off her face with water and took off the chemical suit. We wear safety glasses, the suit, and gloves when we apply the Roundup. After it happened, I went to the office to tell the supervisor about the incident. Blanca went to the hospital shortly after that. I have never had training on the Roundup.

On June 18, 2008 at 8:20 a.m. I spoke with Administrator Jesse Balderas via the telephone. He stated the following in summary:

I am not the immediate supervisor of Ms. Nunez, but I was the supervisor on site the day of the incident. Her supervisor was gone that day. Ms. Nunez was filling up the pesticide tank with water while Mr. Carranza was trying to hook the tank hitch up to the cart. He dropped the hitch, and some diluted pesticide from a previous application splashed into Ms. Nunez' face. She rinsed her face with water and came to tell me about the incident in the office. I had her go to the physician as a precaution. I am not aware of her last training or how often the training should be conducted. Bob Perez, Field Supervisor, is responsible making sure the maintenance crew is trained properly.

I informed Jesse Balderas as well as Bob Perez of the training requirements and their record keeping responsibilities. A training packet was mailed to the Corona Norco Unified School District.

Findings:

The Corona Norco Unified School District did not train their employees properly prior to handling pesticides. Ms. Nunez had not received training since March 28, 2001 and Mr. Carranza had never received any training. Proper training on how to handle the pesticide and the equipment may have prevented the incident from occurring. Ms. Nunez was not taken to the hospital, but drove herself after the incident.

Attachments:

- Doctor's First Report for Blanca Nunez
- Training records for March 28, 2001 training
- Notice of Violation to Corona Norco Unified School District
- Roundup Label

REPORT PREPARED BY (NAME/TITLE) <i>Sybil L. ... 11731</i>	DATE PREPARED 6/19/08	REPORT REVIEWED/APPROVES BY (NAME/TITLE) Robert Muelhahn / Dep. Ag. Comm.	DATE APPROVED 6/19/08
--	--------------------------	--	--------------------------

4-21-08

VISTA MEDICAL GR
Industrial Care Cei
Doctors' First Report of Occupational

RIVERSIDE
Name: NUNEZ, BLANCA
Date of Injury: 2/1/2008

2008-220

5 days of your initial examination, for every occupational injury or illness, send this report to Insurer or employer (only if self-insured). Failure to file a timely doctor's report may result in assessment of a civil penalty. In the case of diagnosed or suspected pesticide poisoning, send one copy of this report directly to the Division of Labor Statistics and Research, P.O. Box 603, San Francisco, CA 94101; and notify your local health officer by telephone within 24 hours and by sending a copy of this report within seven days. For a supply of this form, please call (415) 557-1924.

1. Insurer Name/Address: TRISTAR INSURANCE P.O. BOX 10880 SANTA ANA, CA. 92711	2. Employer Name: C.N.U.S.D 3. Address: 2820 CLARK AVE. NORCO, CA. 92860	4. Nature of Business: SCHOOL DISTRICT	PLEASE DO NOT USE THIS COLUMN
			Case No.

5. Patient Name: BLANCA NUNEZ	6. SEX: FEMALE	7. DOB: 2/9/1968	RECEIVED APR - 8 2008 INDUSTRY COUNTY AGE SAFETY
8. Address: 5509 ELLEN STREET RIVERSIDE, CA. 92503	9. Telephone #: (951) 351-4123	11. Social Security Number: 556-69-7958	

12. Injured at: 1395 FOOTHILL City CORONA County RIVERSIDE Hazard

13. Date and hour of Injury or onset of illness: 2-1-2008
14. Date last worked: 2-1-2008
Disease

15. Date and hour of first injury, examination or treatment: 2-1-2008
16. Have you (or your office) previously treated patient: Yes No
Hospitalization

17. Patient, please describe how the accident or exposure happened (Be Specific)
PATIENT STATED: " WHILE I WAS WORKING WEED KILLER SPLASHED ON MY FACE".
Occupation
Return Date Code

18. Subjective Complaints: OUND UP SPLASHED ON FACE, BUT NO CONTACT WITH EYES.(PATEINT WEARING GLASSES)
19. Objective Findings: FACE, EYES, MOUTH, NOSE, SKIN: NO SIGNS OF BURNING OR REDNESS.
20. Diagnosis: 944.9 Chemical or toxic compounds involved Yes No X-RAY Yes No

21. Findings consistent with patient's statement: Yes No
22. Other condition that will impede recovery: Yes No
Explain:

23. Treatment Rendered/Planned: EVALUATION AND TREATMENT PERFORMED, REASSURANCE. PATIENT WASHED FACE IMMEDIATELY.

If further treatment required, specify treatment: NONE Estimated Duration: APR 1 0 2008

24. If hospitalized as inpatient, give hospital name/location: N/A Admit Date: N/A
25. Work Status: Is patient able to perform usual work? Yes NO
AGRICULTURAL COMMISSION: RIVERSIDE COUNTY

If no, patient can return to: Regular Work: Modified Work: Restrictions:
Naser W. Azar, M.D
1820 Fullerton Avenue
Suite #140 Corona, CA 92881
CA License: A54778
IRS Number: 33-0697381
Phone #: (951) 549-0900
DATE: ~2-1-2008

I, not violated LC 139.3 and the contents of the report are true and correct to the best of my knowledge. This statement is made under penalty of perjury. Any person who makes or causes to be made any knowingly false or fraudulent material statement of material Representation for the purpose of obtaining or denying workers compensation benefits or payments is guilty of a felony.



AGRICULTURAL COMMISSIONER'S OFFICE

4080 LEMON STREET, ROOM 19
P.O. BOX 1089
RIVERSIDE, CA 92502-1089
PHONE (951) 955-3000
FAX (951) 955-3012

WEIGHTS & MEASURES DIVISION

2950 WASHINGTON STREET
P.O. BOX 1480
RIVERSIDE, CA 92502-1480
PHONE (951) 955-3030
FAX (951) 276-4728

JOHN SNYDER
Agricultural Commissioner
Sealer of Weights & Measures

October 6, 2008

NOTICE OF PROPOSED ACTION, GROUNDS THEREFORE, AND OPPORTUNITY TO BE HEARD

**TO: Corona Norco Unified School District
2820 Clark Avenue
Norco, CA 92860**

FILE NO. 500-ACP-RIV-08/09

You are hereby notified that pursuant to the provisions of Section 12999.5 of the Food and Agricultural Code of California and Section 6130 of Title 3 of the California Code of Regulations, the Commissioner proposes to fine you **\$700.00** for the following violation(s) of these code(s): California Code of Regulations Section 6702. The amount of each fine is determined by applying the circumstances of each violation to the fine guidelines that have been adopted for use in these actions. Those guidelines are found in Title 3, California Code of Regulations Section 6130, which provides:

(a) When taking civil penalty action pursuant to section 12999.5 of the Food and Agricultural Code, County Agricultural Commissioners shall use the provisions of this section to determine the violation class and fine amount.

- (1) For purposes of this section, violations shall be designated as "*Class A*", "*Class B*", and "*Class C*".
 - (A) "*Class A*": Violations which created an actual health or environmental hazard, violations of a lawful order of the Commissioner issued pursuant to sections 11737, 11737.5, 11896 or 11897 of the Food and Agricultural Code, or violations that are repeat Class B violations. The fine range for Class A violations is **\$700-\$5,000**.
 - (B) "*Class B*": Violations which posed a reasonable possibility of creating a health or environmental effect or violations that are repeat Class C violations. The fine range for Class B violations is **\$250 - \$1,000**.
 - (C) "*Class C*": Violations that are not defined in either Class A or Class B. The range for Class C violations is **\$50 - \$400**.

This fine action has been proposed in keeping with statewide pesticide enforcement guidelines and is based on the incident(s) referenced within this document, as well as on any prior incidents (compliance history).

The description of the incident(s) along with the individual statute(s) violated are cited below.

Incident: On February 1, 2008, a pesticide handler (Blanca Nunez) employed by the Corona Norco Unified School District sought medical attention at the medical offices of Naser W. Azar in Corona CA, where she was treated for exposure to a pesticide (Roundup Pro) and released. Ms. Nunez had been experiencing symptoms of her face burning and the taste of chemical in her mouth. As a result of her medical visit, a Pesticide Illness Report (WHS 2008-220) was generated wherein a pesticide exposure was suspected as contributing to the patient's symptoms.

On June 11, 2008, Agricultural & Standards Investigator, Lena Canada began an investigation to determine if Ms. Nunez's injuries were a result of pesticide exposure. Ms. Canada interviewed Mr. Robert Perez, Supervisor of Maintenance for the Corona Norco Unified School District, and also Ms. Nunez, the injured employee, on June 11, 2008. On June 17, 2008, Ms. Canada interviewed Librado Carranza, the other pesticide handler present on February 1, 2008 when Ms. Nunez was exposed to Roundup Pro. On June 18, 2008, Ms. Canada interviewed Jesse Balderas, the supervisor of Ms. Nunez and Librado Carranza on February 1, 2008.

Ms. Canada determined that on February 1, 2008 Ms. Nunez had mixed and loaded the pesticide (Roundup Pro, EPA Reg. # 524-475-ZA) in preparation of spraying weeds at Santiago High School, which is located at 1395 E. Foothill Parkway in Corona, California. Ms. Canada found that neither Ms. Nunez nor any of the other pesticide handlers had been trained prior to using Roundup, as required by California Code of Regulations Section 6724. Roundup Pro, EPA Registration Number 524-475-ZA, is a pesticide that is registered with the California of Pesticide Regulation. During the mixing and loading operation, Ms. Nunez was wearing safety glasses, rubber gloves and Tyvek coveralls, which were provided by the employer. The tank in which she was mixing the Roundup Pro was on a trailer and as she was filling the tank with water, Mr. Carranza tried to connect the trailer hitch to an electric cart. As he was doing this he dropped the hitch. The force of the impact of the hitch hitting the ground caused some of the pesticide solution to splash out of the tank onto the face and chest of Ms. Nunez. She began to experience symptoms of burning to her face. Ms. Nunez washed her face and hands with water and then told her supervisor, Jesse Balderas, of what had occurred. Mr. Balderas told her to go to the doctor. Instead of the employer ensuring that the injured employee (Ms. Nunez) was taken to a physician, as required by California Code of Regulations Section 6726(c), she drove herself to the medical facility on February 1, 2008. She received treatment and was released to return to work. As a result of the employer's failure to supervise the pesticide handlers (Ms. Nunez and Mr. Carranza) to assure that safe work practices were being followed, the employee (Ms. Nunez) was exposed to a pesticide which caused injury to her face.

Ms. Canada issued Violation Notice #101-100858LC08 to the Corona Norco Unified School District as a result of this incident.

Violation 1:

Section 6702 of the California Code of Regulations states in part, *the employer: shall inform the employee, in a language the employee understands, of the specific pesticide being used, pesticide safety hazards, the personal protective equipment and other equipment to be used, work procedures to be followed, and pesticide safety regulations applicable to all activities they may perform; shall supervise employees to assure that safe work practices, including all applicable regulations and pesticide product labeling requirements are complied with; has the duty to provide a safe work place for employees and require employees to follow safe work practices; and shall take all reasonable measures to assure that employees handle and use pesticides in accordance with the requirements of law, regulations, and pesticide product labeling requirements."*

Corona Norco Unified School District failed to: provide pesticide-specific training to their employees (Blanca Nunez, Librado Carranza) prior to the handling of pesticides; supervise employees handling pesticides to assure that employees follow safe work practices and are in compliance with worker safety requirements; ensure that an employee that has a pesticide illness is taken to a physician immediately. These violations resulted in injury to their employee.

The proposed fine of \$700.00 is at the low end of Class A because this violation caused an actual health effect.

Corona Norco Unified School District

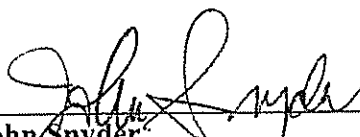
FILE NO. 500-ACP-RIV-08/09

You are entitled to review the Commissioner's evidence supporting these charges at the Office of the County Agricultural Commissioner, located at 4080 Lemon Street, Room 19, Riverside, California. **You must however request an appointment first by either calling (951) 955-3045, or by writing to the letterhead address of this document.**

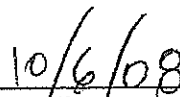
You also are entitled to a hearing to present any evidence, oral or written including witnesses to testify on your behalf why the Commissioner should not take the proposed action. You are not required to be represented by legal counsel at the hearing, but your attorney may accompany and represent you if you wish. A transcript or tape recording will be made of the entire hearing proceeding and will be available for review on appeal to the Director of the California Department of Pesticide Regulation and by the courts.

A hearing in this matter will be scheduled and held at the Office of the County Agricultural Commissioner located at the above address, if you request a hearing in writing within **twenty (20) days** of receipt of this notice. Please sign and date your request, state the reason that you are requesting a hearing, and reference the file number.

Failure to timely request a hearing is a waiver of the right to a hearing, and the Commissioner may take action proposed in this notice without a hearing. If you do not wish to request a hearing to contest the charges and proposed action, you may stipulate to the enclosed Order by dating, signing, and returning the **Stipulation and Waiver to Order**, and the fine amount, within **20 days** of receipt of this notice.



John Snyder
Agricultural Commissioner
Sealer of Weights & Measures



Date

**COUNTY OF RIVERSIDE
AGRICULTURAL COMMISSIONER'S OFFICE**

ORDER AND STIPULATION

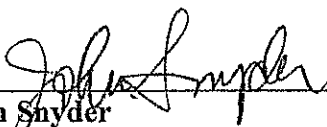
FILE NO. 500-ACP-RIV-08/09

**TO: Corona Norco Unified School District
2820 Clark Avenue
Norco, CA 92860**

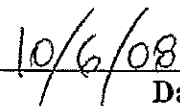
ORDER: It is hereby ordered that **Corona Norco Unified School District** is fined **\$700.00**.

Make check payable to: Riverside County
 Agricultural Commissioner

Send check along with this form dated and signed to: **Pesticide Division
Agricultural Commissioner's Office
P.O. Box 1089
Riverside, CA 92502-1089**



John Snyder
Agricultural Commissioner
Sealer of Weights & Measures



Date

STIPULATION AND WAIVER TO ORDER

I hereby stipulate that the Agriculture Commissioner's Notice of Proposed Action in the above-entitled matter states grounds for disciplinary action based on the evidence now before the Commissioner. I further stipulate to the Commissioner's Order, as set forth above and I waive all rights to a hearing and appeal or any other review in this matter.

Dated: _____ **Signed:** _____



JOHN SNYDER
Agricultural Commissioner
Sealer of Weights & Measures

AGRICULTURAL COMMISSIONER'S OFFICE

4080 LEMON STREET, ROOM 19
P.O. BOX 1089
RIVERSIDE, CA 92502-1089
PHONE (951) 955-3000
FAX (951) 955-3012

WEIGHTS & MEASURES DIVISION

2950 WASHINGTON STREET
P.O. BOX 1480
RIVERSIDE, CA 92502-1480
PHONE (951) 955-3030
FAX (951) 276-4728

November 4, 2008

**NOTICE OF DECISION
AND ORDER**

FILE NO. 500-ACP-RIV-08/09

**TO: Corona Norco Unified School District
2820 Clark Avenue
Norco, CA 92860**

You are hereby notified that the Commissioner has reached his final decision in the above-entitled matter. On **October 9, 2008** you received the **Notice of Proposed Action, Grounds Therefore, And Opportunity To Be Heard.**

You did not request a scheduled Administrative Hearing pursuant to the provisions of Section 12999.5 of the Food and Agricultural Code of California within the legally specified time of **twenty (20) days** of receipt of the **Notice of Proposed Action** sent to you by certified mail, receipt number 7007 1490 0003 4273 3381, and therefore waived your right to an Administrative Hearing by the Agricultural Commissioner regarding the proposed action.

FINDINGS OF FACT:

On February 1, 2008, a pesticide handler (Blanca Nunez) employed by the Corona Norco Unified School District sought medical attention at the medical offices of Naser W. Azar in Corona CA, where she was treated for exposure to a pesticide (Roundup Pro) and released. Ms. Nunez had been experiencing symptoms of her face burning and the taste of chemical in her mouth. As a result of her medical visit, a Pesticide Illness Report (WHS 2008-220) was generated wherein a pesticide exposure was suspected as contributing to the patient's symptoms.

**NOTICE OF DECISION
AND ORDER**

FILE NO. 500-ACP-RIV-08/09

On June 11, 2008, Agricultural & Standards Investigator, Lena Canada began an investigation to determine if Ms. Nunez's injuries were a result of pesticide exposure. Ms. Canada interviewed Mr. Robert Perez, Supervisor of Maintenance for the Corona Norco Unified School District, and also Ms. Nunez, the injured employee, on June 11, 2008. On June 17, 2008, Ms. Canada interviewed Librado Carranza, the other pesticide handler present on February 1, 2008 when Ms. Nunez was exposed to Roundup Pro. On June 18, 2008, Ms. Canada interviewed Jesse Balderas, the supervisor of Ms. Nunez and Librado Carranza on February 1, 2008.

Ms. Canada determined that on February 1, 2008 Ms. Nunez had mixed and loaded the pesticide (Roundup Pro, EPA Reg. # 524-475-ZA) in preparation of spraying weeds at Santiago High School, which is located at 1395 E. Foothill Parkway in Corona, California. Ms. Canada found that neither Ms. Nunez nor any of the other pesticide handlers had been trained prior to using Roundup, as required by California Code of Regulations Section 6724. Roundup Pro, EPA Registration Number 524-475-ZA, is a pesticide that is registered with the California of Pesticide Regulation. During the mixing and loading operation, Ms. Nunez was wearing safety glasses, rubber gloves and Tyvek coveralls, which were provided by the employer. The tank in which she was mixing the Roundup Pro was on a trailer and as she was filling the tank with water, Mr. Carranza tried to connect the trailer hitch to an electric cart. As he was doing this he dropped the hitch. The force of the impact of the hitch hitting the ground caused some of the pesticide solution to splash out of the tank onto the face and chest of Ms. Nunez. She began to experience symptoms of burning to her face. Ms. Nunez washed her face and hands with water and then told her supervisor, Jesse Balderas, of what had occurred. Mr. Balderas told her to go to the doctor. Instead of the employer ensuring that the injured employee (Ms. Nunez) was taken to a physician, as required by California Code of Regulations Section 6726(c), she drove herself to the medical facility on February 1, 2008. She received treatment and was released to return to work. As a result of the employer's failure to supervise the pesticide handlers (Ms. Nunez and Mr. Carranza) to assure that safe work practices were being followed, the employee (Ms. Nunez) was exposed to a pesticide which caused injury to her face.

Ms. Canada issued Violation Notice #101-100858LC08 to the Corona Norco Unified School District as a result of this incident.

**NOTICE OF DECISION
AND ORDER**

FILE NO. 500-ACP-RIV-08/09

Count 1:

Section 6702 of the California Code of Regulations states in part, *the employer: shall inform the employee, in a language the employee understands, of the specific pesticide being used, pesticide safety hazards, the personal protective equipment and other equipment to be used, work procedures to be followed, and pesticide safety regulations applicable to all activities they may perform; shall supervise employees to assure that safe work practices, including all applicable regulations and pesticide product labeling requirements are complied with; has the duty to provide a safe work place for employees and require employees to follow safe work practices; and shall take all reasonable measures to assure that employees handle and use pesticides in accordance with the requirements of law, regulations, and pesticide product labeling requirements.*"

Corona Norco Unified School District failed to: provide pesticide-specific training to their employees (Blanca Nunez, Librado Carranza) prior to the handling of pesticides; supervise employees handling pesticides to assure that employees follow safe work practices and are in compliance with worker safety requirements; ensure that an employee that has a pesticide illness is taken to a physician immediately. These violations resulted in injury to their employee.

The proposed fine of **\$700.00** is at the low end of Class A because this violation caused an actual health effect.

**NOTICE OF DECISION
AND ORDER**

FILE NO. 500-ACP-RIV-08/09

DETERMINATION OF ISSUES:

Corona Norco Unified School District failed to request a hearing within the legally allotted time of **twenty (20) days** and therefore waived their right to a hearing by the Agricultural Commissioner. It is presumed that **Corona Norco Unified School District** chose not to contest the charges. The Agricultural Commissioner therefore sustains the *Notice of Proposed Action* and finds **Corona Norco Unified School District** to be in violation of the code section(s) referenced within that document.

ORDER:

Corona Norco Unified School District is hereby fined and ordered to pay Seven Hundred Dollars (\$700.00).



John Snyder
Agricultural Commissioner
Sealer of Weights & Measures

11/4/08
Date

Make check payable to: **Riverside County
Agricultural Commissioner**

Send check to: **Riverside County Agricultural Commissioner
4080 Lemon Street, Room #19
P.O. Box 1089
Riverside, CA 92502-1089**



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www.rivcoag.org

WEIGHTS & MEASURES DIVISION

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FAX (951) 276-4728

JOHN SNYDER

Agricultural Commissioner
Sealer of Weights & Measures

January 21, 2009

**Corona Norco Unified School District
2820 Clark Avenue
Norco, CA 92860**

File No. 500-ACP-RIV-08/09

DEMAND FOR PAYMENT

On November 4, 2008, you were ordered to pay a \$700.00 fine for violations of pesticide laws and/or regulations. Our records show that this fine has not been paid.

IF PAYMENT IS NOT RECEIVED WITHIN 10 DAYS OF THE DATE OF THIS LETTER, OTHER ACTION WILL BE TAKEN AGAINST YOU. That action may include referring the matter to the County Counsel or the County's collection agency, or the courts. In addition, the matter may be referred to the District Attorney to bring criminal charges against you for refusing or neglecting to pay the ordered fine. Such refusal or neglect is unlawful under California Food and Agricultural Code Section 11791.

A Non-Compliance Action of this type by you can also jeopardize any future attempt to secure State Licensing, County Registration, or a County Pesticide Use Permit.

Your prompt payment will be appreciated. Your check should be made payable to: Riverside County Agricultural Commissioner. Please send the check to: Pesticide Division, Riverside County Agricultural Commissioner, 4080 Lemon Street, P.O. Box 1089, Riverside, California 92502-1089.

Sincerely,

John Snyder
Agricultural Commissioner
Sealer of Weights & Measures

JS:rm

STATE OF CALIFORNIA
DEPARTMENT OF PESTICIDE REGULATION
VIOLATION NOTICE

PR-ENF-101 (REV 9/03)

A. VIOLATOR INFORMATION

FIRM / PERSON NAME Alvord Unified School District	TELEPHONE NUMBER 951/509-5025	COUNTY NAME Riverside
MAILING ADDRESS 10365 Keller Ave.	PERMIT ID NUMBER N/A	VIOLATION NOTICE NO. 101-800551-JL-11
CITY Riverside	STATE CA	ZIP CODE 92505
		VIOLATION DATE/TIME 2/18/2010 0800

B. FIRM / PERSON INFORMATION

<input type="checkbox"/> Agricultural Pest Control Advisor	<input type="checkbox"/> Structural Pest Control Operator	<input type="checkbox"/> Private Applicator	LICENSE/CERTIFICATE # N/A
<input type="checkbox"/> Pest Control Business	<input type="checkbox"/> Field Representative	<input type="checkbox"/> Labor Contractor	
<input type="checkbox"/> Pest Control Aircraft Pilot	<input type="checkbox"/> Qualified Applicator Certificate	<input type="checkbox"/> Government Agency	
<input type="checkbox"/> Pest Control Dealer	<input type="checkbox"/> Qualified Applicator License	<input checked="" type="checkbox"/> Other	

C. VIOLATION LOCATION

ADDRESS/PROPERTY LOCATION 6585 Crest Ave.	CITY Riverside
--	-------------------

D. SECTION(S) VIOLATED

Food and Agricultural Code (FAC)	
California Code of Regulations (CCR)	1) 6618(b), 2) 6724(d)
Business and Professions Code (B&P)	
Labor Code (L.C)	

E. VIOLATION NARRATIVE

1) This subsection applies to the use of any pesticide for purposes other than the commercial or research production of an agricultural plant commodity. Notification required by this subsection must be given orally or in writing and be completed prior to the use of any pesticide and in ample time for all subsequent notifications to be made and for all persons notified to take appropriate action (no notification given on date of spray, February 18, 2010.)

2) Training shall be completed before the employee is allowed to handle pesticides, continually updated to cover any new pesticides that will be handled, and repeated at least annually thereafter (no training records available for applicators.)

F. CEASE AND DESIST/ STOP WORK ORDER

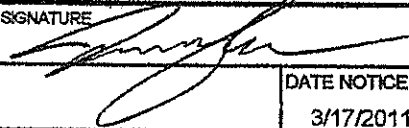
You must CEASE AND DESIST from all pesticide applications until applicators have been properly trained.

Pursuant to Food and Agricultural Code Section: (Check one box) 737 11896 11897 13101 13102

G. NOTICE

This information documents that a violation of statutes or regulations pertaining to Pesticides and Pest Control Operations or a violation of the Business and Professions Code pertaining to Structural Pest Control or a violation of the Labor Code pertaining to Farm Labor Contractors has occurred. Violations of this nature may subject the violator to further action as prescribed by law.

H. NOTIFICATION INFORMATION

NOTIFIED PERSON'S PRINTED NAME Bill Eaton	TITLE Director Maint. & Operations	SIGNATURE	DATE
The "Notified Person's Signature" (above) is not an admission of guilt or a promise to appear (citation).			
ENFORCING OFFICER'S PRINTED NAME Jeremy Larson	TITLE ASI IV	SIGNATURE 	DATE 3/17/2011
ISSUING AGENCY RIVERSIDE COUNTY AGRICULTURAL COMMISSIONER	DATE NOTICE ISSUED 3/17/2011		

VIOLATION DELIVERED:

Regular Mail Certified Mail #7002241000010488805 Fax # Other In Person Date:

STATE OF CALIFORNIA
PESTICIDE EPISODE INVESTIGATION REPORT
 PR-ENF-127 (REV. 7/00)

RECEIVED BY Robert Mulherin	RECEIVED FROM DPR-Anaheim	REPRESENTING WHS	DATE/TIME RECEIVED 09/29/2010 - 8:00	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	PERSON NOTIFIED DFA _____ DFG _____ DHS _____ DIR _____ EPA _____ CAC _____ OTHER _____
TYPE OF EPISODE <input checked="" type="checkbox"/> HUMAN EFFECTS # 1 <input type="checkbox"/> PROPERTY LOSS		ENVIRONMENTAL EFFECTS <input type="checkbox"/> OTHER		PRIORITY INVESTIGATION <input type="checkbox"/> YES # _____ <input checked="" type="checkbox"/> NO	
OTHER I.D. NO. N/A	COUNTY OF OCCURRENCE Riverside	DATE OF OCCURRENCE MO 2 DAY 18 YR 2010	TIME Unknown		<input type="checkbox"/> AM <input type="checkbox"/> PM
EPISODE LOCATION 6585 Crest Ave., Riverside, CA 92503					

INJURED/COMPLAINANT INFORMATION

COMPLAINT SIGNED <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	DR. VISITED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	EXTENT OF INJURY/ILLNESS <input type="checkbox"/> Fatal <input type="checkbox"/> Serious <input checked="" type="checkbox"/> Symptoms <input type="checkbox"/> Exposed Only	ACTIVITY OF PERSON EXPOSED/INVOLVED <input type="checkbox"/> Mixer/Loader <input type="checkbox"/> Field Worker* <input type="checkbox"/> Applicator <input checked="" type="checkbox"/> Public* Other* <u>Teacher</u>	
NAME Kenneth Batdorf	AGE 45 yr.	SEX Male	WHS NO. 2010-712	WORKDAY'S LOST N/A
ADDRESS 2673 Lyon	CITY Riverside	ZIP 92503	PHONE (951)310-6823	
MEDICAL FACILITY NAME Inland Empire Occupational Clinic	<input checked="" type="checkbox"/> TREATMENT PROVIDED <input type="checkbox"/> OBSERVATION ONLY	HOSPITALIZED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DATE/TIME ADMITTED N/A	DATE/TIME DISCHARGE N/A
PHYSICIAN Rafael Villarosa M.D.	ADDRESS 3579 Arlington Avenue Ste# 300, Riverside, CA 92506		PHONE (951)341-9333	
SIGNS/SYMPTOMS EXPERIENCED Redness on lower extremities				
EMPLOYER Alvord Unified School District	ADDRESS 10365 Keller Avenue, Riverside, CA 92505			PHONE (951)509-5000

PROTECTIVE MEASURES USED

<input type="checkbox"/> Safety Glasses	<input type="checkbox"/> Goggles	<input type="checkbox"/> Faceshield	<input checked="" type="checkbox"/> Eye/Sun Glasses	<input checked="" type="checkbox"/> None
<input type="checkbox"/> HANDS Cloth/Leather Gloves	<input type="checkbox"/> Chem. Resistant Gloves	<input checked="" type="checkbox"/> None	<input type="checkbox"/> INHALATION Dust Mask	<input type="checkbox"/> 1/2 Face Respirator
<input type="checkbox"/> Full Face Respirator	<input checked="" type="checkbox"/> SCBA	<input type="checkbox"/> None	<input type="checkbox"/> OTHER Work Clothes	<input type="checkbox"/> Coveralls
<input type="checkbox"/> Chem. Resistant Clothes	<input type="checkbox"/> Chem. Resistant Boots	<input type="checkbox"/> Head Covering	<input type="checkbox"/> Other: _____	<input type="checkbox"/> ENGINEERING CONTROLS Closed System
<input type="checkbox"/> Enclosed Cab	<input type="checkbox"/> Enc. Cab w/Air Purification	<input checked="" type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> None	

ENVIRONMENTAL OR PROPERTY DAMAGE

DESCRIPTION OF DAMAGE N/A	AMOUNT/VALUE
OWNER	ADDRESS
	PHONE

ALLEGED RESPONDENT(S) PCA DEALER PILOT GROWER AGENCY OTHER*

NAME N/A	PHONE	LICENSE/PERMIT NO.	RECOMMENDATION MADE <input type="checkbox"/> YES # _____ <input type="checkbox"/> NO
ADDRESS	EMPLOYER'S NAME	PHONE	
CITY	STATE	ZIP	EMPLOYER'S ADDRESS
EXPLAIN*	CITY	STATE	ZIP

PESTICIDE NAME/MANUFACTURER	EPA REGISTRATION NUMBER	CATEGORY	DOSE/DILUTION/VOLUME	TREATMENT DATE	COMMODITY/SITE TREATED
Roundup PRO Max	524-579	3	UNKNOWN	2/18/2010	Weeds/Athletic Field

EQUIPMENT TYPE/MAKE/MODEL/DESCRIPTION

SUMMARIZE THE EPISODE INCLUDING A DETAILED DESCRIPTION OF EVIDENCE TAKEN (Use Episode Report Supplement Form PR-ENF-127A if Additional Space is Needed)

I spoke with Ken Batdorf at 9:30 a.m. on February 17, 2011 on the telephone. He stated the following in summary:

On February 18, 2010 I arrived to work at Norte Vista High School at approximately 7:15 a.m. and saw a school maintenance worker "Efren" spraying around the athletic fields with a backpack sprayer. Ken was not notified as to what or where the application had occurred.

At 8:00 a.m. he took his physical education class up to the football field to run. His lower legs began to bother him for the rest of the day. Ken was sent to the Medical clinic at 9:20 a.m. on February 19 for a rash on his legs due to chemical exposure. After leaving the clinic Ken returned to work to ask Efren what had been sprayed on the field the previous day. He says that Efren claimed nothing had been sprayed but after more questioning admitted to spraying "Roundup" on weeds throughout the athletic fields.

REPORT PREPARED BY (NAME/TITLE) Jeremy Larson ASI II	DATE PREPARED 3/17/2011	REPORT REVIEWED/APPROVED BY (NAME/TITLE) Robert Mulherin / Deputy CAC	DATE APPROVED 3/22/11
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STATE OF CALIFORNIA
PESTICIDE EPISODE INVESTIGATION
SUPPLEMENTAL REPORT
 PR-ENF-127A (REV. 7/00)

LOCATION/SUBJECT 6585 Crest Ave., Riverside/K. Batdorf	PRIORITY/WHS NO. 2010-712	OTHER I.D. NO.	COUNTY OF OCCURRENCE Riverside	DATE OF OCCURRENCE MO 2 DAY 18 YR 2010
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REPORT TYPE
 NARRATIVE CONTINUATION
 SUPPLEMENTAL REPORT
 OTHER REPORT

REMARKS
 Violations:
 CCR 6618(b) - This subsection applies to the use of any pesticide for purposes other than the commercial or research production of an agricultural plant commodity. Notification required by this subsection must be given orally or in writing and be completed prior to the use of any pesticide and in ample time for all subsequent notifications to be made and for all persons notified to take appropriate action (no notification given on date of spray.)
 CCR 6724(d) - Training shall be completed before the employee is allowed to handle pesticides, continually updated to cover any new pesticides that will be handled, and repeated at least annually thereafter (no training records available.)

Witnesses: None

Investigation and Statements:
 On February 17, 2011 at 1:00 p.m. I, Jeremy Larson, interviewed Bill Eaton, Director Maintenance & Operations for Alvord School District, at his office. Mr. Eaton advised that maintenance employees at each school spray Roundup at fencelines and spot treatments throughout each school. Mr. Eaton specified that Roundup Pro Max, EPA registration number 524-579, is the only product used for this purpose. All records are kept at each individual school site.
 On February 23, 2011 at 9:55 a.m. I, Jeremy Larson went to Norte Vista High school and asked the principal's secretary, Jeri Gereau, for all pesticide reports and/or training available. I was handed a folder that contained structural reports from Orkin pest control for the years 2006 to 2009. Ms. Gereau advised that this folder contained all of the pesticide information at the school. I was told to go to the district office for any additional information. At 10:30 a.m. the same day I went to the Alvord School District office and spoke with Tom Barnes, head of groundskeeping. Mr. Barnes advised that all pesticide records should be kept at the school but that was not something that was checked on a regular basis. Mr. Barnes said that he conducts pesticide training for the school district but had not done so for at least one year and had no records of previous training.

Findings:
 According to Ken Batdorf no notification was given orally or in writing to advise that Roundup Pro Max was sprayed on or near an athletic field used for physical education classes. Also, per Tom Barnes, no employee training had occurred within the last year concerning the handling of pesticides nor were old records available to determine the amount of time since the previous training. Notice of Violation 101-800551-JL-11 was issued to Alvord Unified School District. Also, Bill Eaton, Director of Maintenance and operations for the school district, was mailed a copy of "The Healthy Schools Act, Frequently Asked Questions" packet provided by the California Department of Pesticide Regulation website to provide additional resources for pesticide applicator training.

Attachments:
 Roundup Pro Max label, EPA Reg. No. 524-579

"The Healthy Schools Act, Frequently Asked Questions"

REPORT PREPARED BY (NAME/TITLE) Jeremy Larson ASI IV	DATE PREPARED 3/17/2011	REPORT REVIEWED/APPROVES BY (NAME/TITLE) Robert Muller / Deputy CAE	DATE APPROVED 3/22/11
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INLAND EMPIRE OCCUPATION
 Doctor's First Report of Occupation
 STATE OF CALIFORNIA

RIVERSIDE 2010-712
 Name: BARSORF, KENNETH
 Date of Injury: 2/18/2010

ALV00001

1. INSURER: KEENAN & ASSOC		2. EMPLOYER: ALVOR		USE THIS COLUMN
STREET ADDRESS P.O. BOX 51916		3. STREET ADDRESS 10365 KELLER AVENUE		
CITY, STATE, ZIP RIVERSIDE, CA 92517		CITY, STATE, ZIP RIVERSIDE, CA 92505		INDUSTRY
4. BUSINESS TYPE		ALVORD UNIFIED SCHOOL DISTRICT		COUNTY
5. PATIENT NAME: BARSORF, KENNETH		6. SEX: Male		AGE
7. DATE OF BIRTH: 08/11/1965		8. ADDRESS NO. AND STREET CITY: 2673 LYON RIVERSIDE		HAZARD
9. ZIP: 92503		9. TELEPHONE NUMBER: (951)310-6823		DISEASE
10. OCCUPATION (SPECIFIC JOB TITLE): TEACHER/COACH		11. SOCIAL SECURITY NUMBER		HOSPITALIZATION
12. INJURED AT: NO. AND STREET: JOBSITE		CITY: RIVERSIDE		OCCUPATION
COUNTY: RIVERSIDE		13. DATE AND HOUR OF INJURY OR ONSET OF ILLNESS: DATE 2/18/2010 HOUR [] AM [] PM		RETURN DATE
14. DATE LAST WORKED: 2/19/2010		15. DATE AND HOUR OF FIRST EXAMINATION OR TREATMENT: DATE 2/19/2010 HOUR 9:20 [X] AM [] PM		
16. HAVE YOU (OR YOUR OFFICE) PREVIOUSLY TREATED PATIENT? YES [] NO [X]				

17. DESCRIBE HOW THE ACCIDENT OR EXPOSURE HAPPENED (GIVE SPECIFIC OBJECT, MACHINERY OR CHEMICAL.)
 "EXPOSURE TO A CHEMICAL SPRAYED ON THE FIELD."

RECEIVED

18. SUBJECTIVE COMPLAINTS (DESCRIBE FULLY)
 PE COACH EXPOSED TO CHEMICALS ON BOTH LOWER EXTREMITIES. HAPPENED TWICE IN THE PAST.

SEP 29 2010

AGRICULTURAL COMMISSIONER
 RIVERSIDE COUNTY

19. OBJECTIVE FINDINGS
 CONTACT DERMATITIS BILATERAL LOWER EXTREMITIES 4" x 8" AREA OF REDNESS. PRUITIC.

B. X-RAY AND LABORATORY RESULTS (STATE IF NONE OR PENDING) None

20. DIAGNOSIS (IF OCCUPATIONAL ILLNESS, SPECIFY ETIOLOGIC AGENT AND DURATION OF EXPOSURE)
 CONTACT DERMATITIS 692.9
 ACCIDENT DUE EXPOSURE NOT ELSEWHERE SIGNIFIABLE
 CHEMICAL OR TOXIC COMPOUNDS INVOLVED [X] YES [] NO

21. ARE YOUR FINDINGS AND DIAGNOSIS CONSISTENT WITH PATIENT'S ACCOUNT OF INJURY OR ONSET OF ILLNESS? [X] YES [] NO

22. IS THERE ANY OTHER CURRENT CONDITIONS THAT WILL IMPEDE OR DELAY PATIENT'S RECOVERY? [] YES [X] NO

23. TREATMENT RENDERED (USE REVERSE SIDE IF MORE SPACE IS NEEDED)
 EVALUATION. DISCUSSION. MEDROL DOSEPACK 4MG #21. TRIAMCINOLONE CREAM.

24. IF FURTHER TREATMENT REQUIRED, SPECIFY TREATMENT PLAN
 RE-EVALUATION 2/22/10 AT 9:00 AM.

25. IF HOSPITALIZED AS INPATIENT, GIVE HOSPITAL NAME

26. WORK STATUS Is patient able to perform usual occupation? [X] YES [] NO Is permanent residual disability anticipated? [] YES [] NO

If "no" Date when patient can return to: Regular work:

Restrictions:
 NONE

DOCTOR'S SIGNATURE

NAME AND DEGREE: RAFAEL VILLAROSA MD
 ADDRESS: 3579 ARLINGTON AVE #300 RIVERSIDE, CA 92505

CA LICENSE C50463
 IRS NUMBER 33-0774239
 PHONE NUMBER (951)341-9333

ANY PERSON WHO MAKES OR CAUSES TO BE MADE ANY KNOWINGLY FALSE OR FRAUDULENT MATERIAL STATEMENT OF MATERIAL REPRESENTATION FOR THE PURPOSE OF OBTAINING OR DENYING WORKERS COMPENSATION BENEFITS OR PAYMENTS IS GUILTY OF A FELONY

ATTENTION:

This specimen label is provided for general information only.

- This pesticide product may not yet be available or approved for sale or use in your area.
- It is your responsibility to follow all Federal, state and local laws and regulations regarding the use of pesticides.
- Before using any pesticide, be sure the intended use is approved in your state or locality.
- Your state or locality may require additional precautions and instructions for use of this product that are not included here.
- Monsanto does not guarantee the completeness or accuracy of this specimen label. The information found in this label may differ from the information found on the product label. You must have the EPA approved labeling with you at the time of use and must read and follow all label directions.
- You should not base any use of a similar product on the precautions, instructions for use or other information you find here.
- Always follow the precautions and instructions for use on the label of the pesticide you are using.

6302813-10



The complete broad-spectrum postemergence professional herbicide for non-crop, industrial, turf and ornamental weed control.

Complete Directions for Use

AVOID CONTACT OF HERBICIDE WITH FOLIAGE, STEMS, EXPOSED NON-WOODY ROOTS OR FRUIT OF CROPS, DESIRABLE PLANTS AND TREES, BECAUSE SEVERE INJURY OR DESTRUCTION IS LIKELY TO RESULT

EPA Reg. No. 524-579

2010-1

GROUP	9	HERBICIDE
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Read the entire label before using this product.
Use only according to label instructions.

Not all products listed on this label are registered for use in California. Check the registration status of each product in California before using.

Read the LIMIT OF WARRANTY AND LIABILITY statement at the end of the label before buying or using. If terms are not acceptable, return at once unopened.

THIS IS AN END-USE PRODUCT. MONSANTO DOES NOT INTEND AND HAS NOT REGISTERED IT FOR REFORMULATION OR REPACKAGING.

PRODUCT INFORMATION

1.0 INGREDIENTS

ACTIVE INGREDIENT:

*Glyphosate, N-(phosphonomethyl)glycine, in the form of its potassium salt..... 48.7%
OTHER INGREDIENTS..... 51.3%
100.0%

*Contains 660 grams per liter or 5.5 pounds per U.S. gallon of the active ingredient glyphosate, in the form of its potassium salt. Equivalent to 540 grams per liter or 4.5 pounds per U.S. gallon of the acid, glyphosate.

This product is protected by U.S. Patent No's. 5,668,085 and 6,365,551. Other patents pending. No license granted under any non-U.S. patent(s).

2.0 IMPORTANT PHONE NUMBERS

FOR PRODUCT INFORMATION OR ASSISTANCE IN USING THIS PRODUCT,
CALL TOLL-FREE, 1-800-332-3111.
IN CASE OF AN EMERGENCY INVOLVING THIS PRODUCT,
OR FOR MEDICAL ASSISTANCE,
CALL COLLECT, DAY OR NIGHT, (314)-694-4000.

3.0 PRECAUTIONARY STATEMENTS

3.1 Hazards to Humans and Domestic Animals

Keep out of reach of children.

CAUTION!

CAUSES MODERATE EYE IRRITATION.
Avoid contact with eyes or clothing. Avoid breathing vapor or spray mist.

FIRST AID: Call a poison control center or doctor for treatment advice.	
IF IN EYES	• Hold eye open and rinse slowly and gently with water for 15 to 20 minutes. • Remove contact lenses if present after the first 5 minutes then continue rinsing eye.
• Have the product container or label with you when calling a poison control center or doctor, or going for treatment. • You may also contact (314) 694-4000, collect day or night, for emergency medical treatment information. • This product is identified as Roundup PROMAX® herbicide, EPA Registration No. 524-579.	

DOMESTIC ANIMALS: This product is considered to be relatively nontoxic to dogs and other domestic animals; however, ingestion of this product or large amounts of freshly sprayed vegetation may result in temporary gastrointestinal irritation (vomiting, diarrhea, colic, etc.). If such symptoms are observed, provide the animal with plenty of fluids to prevent dehydration. Call a veterinarian if symptoms persist for more than 24 hours.

Personal Protective Equipment (PPE)

Applicators and other handlers must wear: long-sleeved shirt and long pants, shoes plus socks.

Follow manufacturer's instructions for cleaning/maintaining PPE. If there are no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in Worker Protection Standard (WPS) for agricultural pesticides (40 CFR 170.240 (d) (4-6)), the handler PPE requirements may be reduced or modified as specified in the WPS.

User Safety Recommendations

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

3.2 Environmental Hazards

Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when cleaning equipment or disposing of equipment washwaters.

3.3 Physical or Chemical Hazards

Spray solutions of this product can be mixed, stored and applied using only stainless steel, fiberglass, plastic or plastic-lined steel containers.

DO NOT MIX, STORE OR APPLY THIS PRODUCT OR SPRAY SOLUTIONS OF THIS PRODUCT IN GALVANIZED STEEL OR UNLINED STEEL (EXCEPT STAINLESS STEEL) CONTAINERS OR SPRAY TANKS. This product or spray solutions of this product react with such containers and tanks to produce hydrogen gas which may form a highly combustible gas mixture. This gas mixture could flash or explode, causing serious personal injury, if ignited by open flame, spark, welder's torch, lighted cigarette or other ignition source.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in any manner inconsistent with its labeling. This product can only be used in accordance with the Directions for Use on this label or in separately published Monsanto supplemental labeling. Supplemental labeling can be found on the internet at www.agrian.com, www.cdms.net or www.greenbook.net, or obtained from your Authorized Monsanto Retailer or Monsanto Company Representative.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulations.

Agricultural Use Requirements

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 4 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is: coveralls, shoes plus socks and chemical-resistant gloves made of any waterproof material.

Non-Agricultural Use Requirements

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries or greenhouses.

Keep people and pets off treated areas until spray solution has dried.

4.0 STORAGE AND DISPOSAL

Proper pesticide storage and disposal are essential to protect against exposure to people and the environment due to leaks and spills, excess product or waste, and vandalism. Do not allow this product to contaminate water, foodstuffs, feed or seed by storage and disposal.

PESTICIDE STORAGE: Store pesticides away from food, pet food, feed, seed, fertilizers, and veterinary supplies. Keep container closed to prevent spills and contamination.

PESTICIDE DISPOSAL: To avoid wastes, use all material in this container, including rinseate, by application according to label directions. If wastes cannot be avoided, offer remaining product to a waste disposal facility or pesticide disposal program. Such programs are often run by state or local governments or by industry. All disposal must be in accordance with applicable Federal, state and local regulations and procedures.

CONTAINER HANDLING AND DISPOSAL: See container label for container handling and disposal instructions and refilling limitations.

5.0 PRODUCT INFORMATION

Product Description: This product is a postemergence, systemic herbicide with no soil residual activity. It gives broad-spectrum control of many annual weeds, perennial weeds, woody brush and trees. It is formulated as a water-soluble liquid containing surfactant and no additional surfactant is needed or recommended.

Time to Symptoms: This product moves through the plant from the point of foliage contact to and into the root system. Visible effects are a gradual wilting and yellowing of the plant, which advances to complete browning of aboveground growth and deterioration of underground plant parts. Effects are visible on most annual weeds within 2 to 4 days, but on most perennial weeds, effects may not be visible for 7 or more days. Extremely cool or cloudy weather following treatment may slow activity of this product and delay development of visual symptoms.

Stage of Weeds: Annual weeds are easiest to control when they are small. Best control of most perennial weeds is obtained when treatment is made at late growth stages approaching maturity.

Made of Action in Plants: The active ingredient in this product inhibits an enzyme found only in plants and microorganisms that is essential to the formation of specific amino acids.

Cultural Considerations: Reduced control may result when applications are made to annual or perennial weeds that have been mowed, grazed or cut, and have not been allowed to regrow to the specified stage for treatment.

Rainfastness: Heavy rainfall soon after application may wash this product off of the foliage and a repeat application may be required for adequate weed control.

No Soil Activity: Weeds must be emerged at the time of application to be controlled by this product. Weeds germinating from seed after application will not be controlled. Plants

arising from unattached underground rhizomes or rootstocks of perennials that have not yet emerged at the time of application will not be affected by this herbicide and will continue to grow.

Maximum Application Rates: The maximum application or use rates stated throughout this label are given in units of volume (fluid ounces or quarts) of this product per acre. However, the maximum allowed application rates apply to this product combined with the use of any and all other herbicides containing the active ingredient glyphosate, whether applied separately or as tank mixtures, on a basis of total pounds of glyphosate (acid equivalents) per acre. If more than one glyphosate-containing product is applied to the same site within the same year, you must ensure that the total use of glyphosate (pounds acid equivalents) does not exceed the maximum allowed. The combined total of all treatments must not exceed 7 quarts of this product (8 pounds of glyphosate acid) per acre per year. See the INGREDIENTS section of this label for necessary product information.

ATTENTION

AVOID CONTACT OF HERBICIDE WITH FOLIAGE, STEMS, EXPOSED NON-WOODY ROOTS OR FRUIT OF CROPS, DESIRABLE PLANTS AND TREES, BECAUSE SEVERE INJURY OR DESTRUCTION MAY RESULT.

AVOID DRIFT. EXTREME CARE MUST BE USED WHEN APPLYING THIS PRODUCT TO PREVENT INJURY TO DESIRABLE PLANTS AND CROPS.

Do not allow the herbicide solution to mist, drip, drift or splash onto desirable vegetation since minute quantities of this product can cause severe damage or destruction to the crop, plants or other areas on which treatment was not intended. The likelihood of injury occurring from the use of this product increases when winds are gusty, as wind velocity increases, when wind direction is constantly changing or when there are other meteorological conditions that favor spray drift. When spraying, avoid combinations of pressure and nozzle type that will result in splatter or fine particles (mist) that are likely to drift. **AVOID APPLYING AT EXCESSIVE SPEED OR PRESSURE.**

NOTE: Use of this product in any manner not consistent with this label may result in injury to persons, animals or crops, or have other unintended consequences.

5.1 Weed Resistance Management

Glyphosate, the active ingredient in this product, is a Group 9 herbicide based on the mode of action classification system of the Weed Science Society of America. Any weed population may contain plants naturally resistant to Group 9 herbicides. Weed species resistant to Group 9 herbicides may be effectively managed utilizing another herbicide from a different Group or using other cultural or mechanical practices.

To minimize the occurrence of glyphosate-resistant biotypes observe the following general weed management recommendations:

- Scout your application site before and after herbicides applications.
- Control weeds early when they are relatively small.
- Incorporate other herbicides and cultural or mechanical practices as part of your weed control system where appropriate.
- Utilize the labeled rate for the most difficult weed in the site. Avoid tank-mixtures with other herbicides that reduce this product's efficacy (through antagonism) or tank mixture recommendations which encourage rates of this product below the labeled rate.
- Control weed escapes and prevent weeds from setting seeds.
- Clean equipment before moving from site to site to minimize spread of weed seed.
- Use new commercial seed as free of weed seed as possible.
- Report any incidence of repeated non-performance of this product on a particular weed to your Monsanto representative, local retailer, or county extension agent.

5.2 Management Recommendations for Glyphosate-Resistant Weed Biotypes

NOTE: Appropriate testing is critical in order to confirm weed resistance to glyphosate. Call 1-800-ROUNDUP (1-800-768-6387) or contact your Monsanto representative to determine if resistance in any particular weed biotype has been confirmed in your area, or visit on the Internet www.weedresistancemanagement.com or www.weedscience.org.

Directions for the control of biotypes confirmed to be resistant to glyphosate are made available on separately published supplemental labeling or Fact Sheets for this product and may be obtained from your local retailer or Monsanto representative.

Since the occurrence of new glyphosate-resistant weeds cannot be determined until after product use and scientific confirmation, Monsanto Company is not responsible for any losses that may result from the failure of this product to control glyphosate-resistant weed biotypes.

The following good weed management practices are recommended to reduce the spread of confirmed glyphosate-resistant biotypes:

- If a naturally occurring resistant biotype is present at your site, this product may be tank-mixed or applied sequentially with an appropriately labeled herbicide with a different mode of action to achieve control.
- Cultural and mechanical control practices may also be used as appropriate.
- Scout treated sites after herbicide applications and control escapes, including resistant biotypes, before they set seed.
- Thoroughly clean equipment before leaving sites known to contain resistant biotypes.

6.0 MIXING

Spray solutions of this product can be mixed, stored and applied using only clean stainless steel, fiberglass, plastic or plastic-lined steel containers. Clean sprayer parts immediately after using this product by thoroughly flushing with water.

Use caution to avoid siphoning back into the carrier source. Use approved anti-back-siphoning devices where required by State or local regulations.

6.1 Mixing with Water

NOTE: PRODUCT PERFORMANCE MAY BE SIGNIFICANTLY REDUCED IF WATER CONTAINING SOIL SEDIMENT IS USED AS CARRIER. DO NOT MIX THIS PRODUCT WITH WATER FROM PONDS AND DITCHES THAT IS VISIBLY MUDDY OR MURKY.

This product mixes readily with water. Mix spray solutions of this product as follows: Begin filling the mixing tank or spray tank with clean water. Add the proper amount of this product near the end of the filling process and mix gently. During mixing and application, foaming of the spray solution may occur. To prevent or minimize foaming, mix gently, terminate by-pass and return lines at the bottom of the tank and, if necessary, use an anti-foam or defoaming agent.

6.2 Tank Mixing

This product does not provide residual weed control. This product may be tank-mixed with other herbicides to provide residual weed control, a broader weed control spectrum or an alternate mode of action. Read and carefully observe the cautionary statements and all other information appearing on the labels of all herbicides used. Use according to the most restrictive precautionary statements for each product in the mixture.

When this label lists a tank mixture with a generic active ingredient such as atrazine, 2,4-D, dicamba, diuron or pendimethalin the user is responsible for ensuring that the specific application being made is included on the label of the specific product being used in the tank mixture. Refer to all individual product labels, supplemental labeling and fact sheets for all products in the tank mixture, and observe all precautions and limitations on the label, including application timing restrictions, soil restrictions and use according to the most restrictive precautionary statements for each product in the tank mixture.

Always predetermine the compatibility of all tank-mix products together in the carrier by mixing small proportional quantities in advance.

Buyer and all users are responsible for all loss or damage in connection with the use or handling of mixtures of this product with herbicides or other materials that are not expressed in this label. Mixing this product with herbicides or other materials not on this label may result in reduced performance.

6.3 Tank Mixing Procedure

When tank mixing, read and carefully observe label directions, cautionary statements and all information on the labels of all products used. Add the tank-mix product to the tank as directed by the label. Maintain agitation and add the specified amount of this product.

Maintain good agitation at all times until the contents of the tank are sprayed. If the spray mixture is allowed to settle, thorough agitation may be required to resuspend the mixture before spraying is resumed.

Keep by-pass line on or near the bottom of the tank to minimize foaming. Screen size in nozzle or line strainers should be no finer than 50-mesh.

Always predetermine the compatibility of labeled tank mixtures of this product with water carrier by mixing small proportional quantities in advance. Ensure that the specific tank mixture product is registered for application at the desired site.

Refer to the Tank Mixing and PRODUCT INFORMATION sections for additional precautions.

6.4 Mixing for Hand-Held Sprayers

Prepare the desired spray volume by mixing the amount of this product indicated in the following table in water:

Spray Solution

1 gal	0.5 oz	1 oz	1.3 oz	2 oz	5 oz	9 oz
2.5 gal	0.8 qt	0.7 qt	1 qt	1.5 qt	4 qt	7 qt
100 gal	1.6 qt	2.8 qt	1 gal	1.5 gal	4 gal	7 gal

For use in backpack, knapsack or pump-up sprayers, add the appropriate amount of this product, mixed with water in a larger container and then filling sprayer with the mixed solution.

6.5 Colorants or Dyes

Colorants or marking dyes may be added to spray solutions of this product; however, they can reduce product performance, especially at lower rates or dilution. Use colorants or dyes according to the manufacturer's directions.

7.0 APPLICATION EQUIPMENT AND TECHNIQUES

Do not apply this product through any type of irrigation system.

APPLY SPRAY SOLUTIONS IN PROPERLY MAINTAINED AND CALIBRATED EQUIPMENT CAPABLE OF DELIVERING DESIRED VOLUMES.

7.1 Aerial Equipment

DO NOT APPLY THIS PRODUCT USING AERIAL SPRAY EQUIPMENT EXCEPT UNDER CONDITIONS AS SPECIFIED WITHIN THIS LABEL.

FOR AERIAL APPLICATION IN CALIFORNIA, REFER TO THE FEDERAL SUPPLEMENTAL LABEL FOR AERIAL APPLICATIONS IN THAT STATE FOR SPECIFIC INSTRUCTIONS, RESTRICTIONS AND REQUIREMENTS.

AVOID DRIFT. DO NOT APPLY WHEN WINDS ARE GUSTY OR UNDER ANY OTHER CONDITION WHICH FAVORS DRIFT. DRIFT MAY CAUSE DAMAGE TO ANY VEGETATION CONTACTED TO WHICH TREATMENT IS NOT INTENDED. TO PREVENT INJURY TO ADJACENT DESIRABLE VEGETATION, APPROPRIATE BUFFER ZONES MUST BE MAINTAINED.

Avoid direct application to any body of water.

Use the labeled rates of this herbicide in 3 to 25 gallons of water per acre unless otherwise specified on this label, or in separate supplemental labeling or fact sheets published by Monsanto for this product.

Coarse sprays are less likely to drift; therefore, do not use nozzles or nozzle configurations that dispense spray as fine spray droplets. Do not angle nozzles forward into the airstream and do not increase spray volume by increasing nozzle pressure. Drift control additives may be used. When a drift control additive is used, read and carefully observe the cautionary statements and all other information appearing on the additive label.

Ensure uniform application. To avoid streaked, uneven or overlapped application, use appropriate marking devices.

Aircraft Maintenance: Thoroughly wash aircraft, especially landing gear, after each day of spraying to remove residues of this product accumulated during spraying or from spills. PROLONGED EXPOSURE OF THIS PRODUCT TO UNCOATED STEEL SURFACES MAY RESULT IN CORROSION AND POSSIBLE FAILURE OF THE PART. LANDING GEAR IS MOST SUSCEPTIBLE. Maintaining an organic coating (paint) that meets aerospace specification MIL-C-38413 may prevent corrosion.

SPRAY DRIFT MANAGEMENT

AVOID DRIFT. EXTREME CARE MUST BE USED WHEN APPLYING THIS PRODUCT TO PREVENT INJURY TO DESIRABLE PLANTS AND CROPS.

Do not allow the herbicide solution to mist, drip, drift or splash onto desirable vegetation since minute quantities of this product can cause severe damage or destruction to the crop, plants or other areas on which treatment was not intended.

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment- and weather-related factors determines the potential for spray drift. The applicator and the grower are responsible for considering all these factors when making decisions.

AERIAL SPRAY DRIFT MANAGEMENT

The following drift management requirements must be followed to avoid off-target drift movement from aerial application.

1. The distance of the outermost nozzles on the boom must not exceed 3/4 the length of the wingspan or rotor.
2. Nozzles must always point backward, parallel with the air stream and never be pointed downwards more than 45 degrees. Where states have more stringent regulations, they should be observed.

Importance of Droplet Size

The most effective way to reduce drift potential is to apply large droplets. The best drift management strategy is to apply the largest droplets that provide sufficient coverage and control. Applying larger droplets reduces drift potential, but will not prevent drift if applications are made improperly, or under unfavorable environmental conditions (see the "Wind", "Temperature and Humidity", and "Temperature Inversions" sections of this label).

Controlling Droplet Size

- Volume: Use high flow rate nozzles to apply the highest practical spray volume. Nozzles with the higher rated flows produce larger droplets.
- Pressure: Use the lower spray pressures recommended for the nozzle. Higher pressure reduces droplet size and does not improve canopy penetration. When higher flow rates are needed, use higher flow rate nozzles instead of increasing pressure.
- Number of nozzles: Use the minimum number of nozzles that provide uniform coverage.
- Nozzle orientation: Orienting nozzles so that the spray is released backwards, parallel to the air stream, will produce larger droplets than other orientations. Significant deflection from the horizontal will reduce droplet size and increase drift potential.

- **Nozzle type:** Use a nozzle type that is designed for the intended application. With most nozzle types, narrower spray angles produce larger droplets. Consider using low-drift nozzles. Solid stream nozzles oriented straight back produce larger droplets than other nozzle types.
- **Boom length:** For some use patterns, reducing the effective boom length to less than 3/4 of the wingspan or rotor length may further reduce drift without reducing swath width.
- **Application height:** Applications must not be made at a height greater than 10 feet above the top of the largest plants unless a greater height is required for aircraft safety. Making applications at the lowest height that is safe reduces the exposure of the droplets to evaporation and wind.

Swath Adjustment

When applications are made with a crosswind, the swath will be displaced downwind. Therefore, on the up and downwind edges of the field, the applicator must compensate for this displacement by adjusting the path of the aircraft upwind. Swath adjustment distance should increase with increasing drift potential (higher wind speed, smaller droplets, etc.).

Wind

Drift potential is lowest between wind speeds of 2 to 10 miles per hour. However, many factors, including droplet size and equipment type determine drift potential at any given speed. Application must be avoided below 2 miles per hour due to variable wind direction and high inversion potential. NOTE: Local terrain can influence wind patterns. Every applicator needs to be familiar with local wind patterns and how they affect drift.

Temperature and Humidity

When making applications in low relative humidity, setup equipment to produce larger droplets to compensate for evaporation. Droplet evaporation is most severe when conditions are both hot and dry.

Temperature Inversions

Applications must not be made during a temperature inversion because drift potential is high. Temperature inversions restrict vertical air mixing, which causes small, suspended droplets to remain in a concentrated cloud. This cloud can move in unpredictable directions due to the light variable winds common during inversions. Temperature inversions are characterized by increasing temperatures with altitude and are common on nights with limited cloud cover and light to no wind. They begin to form as the sun sets and often continue into the morning. Their presence can be indicated by ground fog; however, if fog is not present, the movement of smoke from a ground source or an aircraft smoke generator can also identify temperature inversions. Smoke that layers and moves laterally in a concentrated cloud (under low wind conditions) indicates an inversion, while smoke that moves upward and rapidly dissipates indicates good vertical air mixing.

Sensitive Areas

Apply this product when the potential for drift to adjacent sensitive areas (e.g., residential areas, bodies of water, known habitat for threatened or endangered species, non-target crops) is minimal (e.g., when wind is blowing away from the sensitive areas).

7.2 Ground Broadcast Equipment

Apply the labeled rates of this product in 3 to 40 gallons of water per acre as a broadcast spray unless otherwise specified on this label, or in separate supplemental labeling or fact sheets published by Monsanto for this product. As density of weeds increases, spray volume should be increased within the specified range to ensure complete coverage. Carefully select proper nozzles to avoid spraying a fine mist. For best results with ground application equipment, use flat-fan nozzles. Check spray pattern for uniform distribution of spray droplets.

7.3 Hand-Held or Backpack Equipment

Apply to foliage of vegetation to be controlled. For applications made on a spray-to-wet basis, spray coverage should be uniform and complete. Do not spray to the point of runoff. Use coarse sprays only.

For low-volume directed spray applications, spray coverage should be uniform with at least 50 percent of the foliage contacted. Coverage of the top one-half of the plant is important for best results. To ensure adequate spray coverage, spray both sides of large or tall woody brush and trees, when foliage is thick and dense, or where there are multiple sprouts.

7.4 Selective Equipment

This product may be diluted in water and applied through shielded applicators, hooded sprayers, wiper applicators or sponge bars to weeds listed on this label growing in any non-crop site specified on this label.

AVOID CONTACT OF HERBICIDE WITH DESIRABLE VEGETATION, AS SERIOUS INJURY OR DEATH OF THE DESIRABLE VEGETATION IS LIKELY TO OCCUR.

Application equipment used above desired vegetation should be adjusted so that the lowest spray stream or wiper contact point is at least 2 inches above the desirable vegetation. Droplets, mist, foam or splatter of the herbicide solution settling on desirable vegetation is likely to result in discoloration, stunting or destruction.

Better results may be obtained when more of the weed is exposed to the herbicide solution. Weeds not contacted by the herbicide solution will not be affected. This may

occur in dense clumps, severe infestations or when the height of the weeds varies so that not all weeds are contacted. In these instances, repeat treatment may be necessary.

Shielded and Hooded Applicators

A shielded or hooded applicator directs the herbicide solution onto weeds, while shielding desirable vegetation from the herbicide. Use nozzles that provide uniform coverage within the treated area. Keep shields on these sprayers adjusted to protect desirable vegetation. **EXTREME CARE MUST BE EXERCISED TO AVOID CONTACT OF HERBICIDE WITH DESIRABLE VEGETATION.**

Wiper Applicators

Wiper applicators are devices that physically wipe the appropriate amounts of this product directly onto the weed. Equipment must be designed, maintained and operated to prevent the herbicide solution from contacting desirable vegetation.

Application equipment used over the top of desirable vegetation should be adjusted so that the wiper contact point is at least 2 inches above the desirable vegetation. Better results may be obtained when more of the weed is exposed to the herbicide solution. Weeds should be a minimum of 6 inches above the desirable vegetation. Adjust the height of the applicator to ensure adequate contact with weeds. Weeds not contacted by the herbicide solution will not be affected. Poor contact may occur when weeds are growing in dense clumps, in severe weed infestations or when weed height varies dramatically. In these instances, repeat treatments may be necessary.

Operate this equipment at ground speeds no greater than 5 miles per hour. Performance may be improved by reducing speed in areas of heavy weed infestations to provide adequate wiper saturation with the herbicide solution. Better results may be obtained when two applications are made in opposite directions.

Droplets, mist, foam or splatter of the herbicide solution settling onto desirable vegetation may result in discoloration, stunting or destruction. Avoid leakage or dripping onto desirable vegetation. Keep wiping surfaces clean. Be aware that on a sloping ground the herbicide solution may migrate, causing dripping on the lower end and drying of the wicks on the upper end of the wiper applicator.

Do not use wiper applicators when weeds are wet.

Mix only the amount of this product to be used during a 1-day period, as reduced product performance may result from the use of solutions held in storage. Clean wiper parts immediately after using this product by thoroughly flushing with water.

For Rope or Sponge Wick Applicators—Solutions ranging from 25 to 70 percent of this product in water may be used.

For Panel Applicators and Pressure-Feed Systems—Solutions ranging from 25 to 100 percent of this product in water may be used.

When applied as directed, this product **CONTROLS** the following weeds:

Corn, volunteer	Sicklepod
Panicum, Texas	Spanishneedles
Rye, common	Starbur, bristly
Shattercane	

When applied as directed, this product **SUPPRESSES** the following weeds:

Beggarweed, Florida	Ragweed, common
Bermudagrass	Ragweed, giant
Dogbane, hemp	Smartgrass
Dogfennel	Sunflower
Guineagrass	Thistle, Canada
Johnsongrass	Thistle, musk
Milkweed	Vaseygrass
Nightshade, silverleaf	Velvetleaf
Pigweed, redroot	

7.5 Injection Systems

This product may be used in aerial or ground injection spray systems. It may be used as a liquid concentrate or diluted prior to injecting into the spray stream. Do not mix this product with the undiluted concentrate of other products when using injection systems unless specifically instructed in this label.

7.6 CDA Equipment

The rate of this product applied per acre by controlled droplet application (CDA) equipment must not be less than the amount directed in this label when applied by conventional broadcast equipment. For vehicle-mounted CDA equipment, apply 2 to 15 gallons of water per acre.

CDA equipment produces a spray pattern that is not easily visible. Extreme care must be exercised to avoid spray or drift contacting the foliage or any other green tissue of desirable vegetation, as damage or destruction is likely to result.

8.0 SITE AND USE INSTRUCTIONS

This product may be used in non-crop areas such as airports, apartment complexes, commercial sites, ditch banks, driveways, dry ditches, dry canals, fence rows, golf courses, greenhouses, industrial sites, landscape areas, lumber yards, manufacturing sites, municipal sites, natural areas, office complexes, ornamentals, parks, parking areas, pastures, petroleum tank farms and pumping installations, public areas, railroads, rangeland, recreation areas, residential areas, rights-of-way, roadsides, schools, shadehouses, sports complexes, storage areas, substations, turfgrass areas, utility sites, warehouse areas and wildlife management areas.

This product may also be used in non-food crop sites such as Christmas tree farms, plant nurseries, sod or turf seed farms.

Unless otherwise specified, applications may be made to control any weeds listed in the WEEDS CONTROLLED section of this label.

8.1 Cut Stump

Cut stump treatments may be made on any site listed on this label. This product will control many types of woody brush and tree species, some of which are listed below. Apply this product using suitable equipment to ensure coverage of the entire cambium. Cut trees or resprouts close to the soil surface. Apply a 50- to 100-percent solution of this product to the freshly cut surface immediately after cutting. Delays in application may result in reduced performance. For best results, applications should be made during periods of active growth and full leaf expansion.

Alder	Pepper, Brazilian	Sweetgum
Eucalyptus	Pine, Austrian	Tan oak
Medrone	Red, giant	Willow
Oak	Saltcedar	

DO NOT MAKE CUT STUMP APPLICATIONS WHEN THE ROOTS OF DESIRABLE WOODY BRUSH OR TREES MAY BE GRAFTED TO THE ROOTS OF THE CUT STUMP. Some sprouts, stems, or trees may share the same root system. Adjacent trees having a similar age, height and spacing may signal shared roots. Whether grafted or shared, injury is likely to occur to non-treated stems/trees when one or more trees sharing common roots are treated.

8.2 Forestry Site Preparation

This product is labeled for the control or partial control of woody brush, trees and herbaceous weeds in forestry. This product is also labeled for use in preparing or establishing wildlife openings within these sites and maintaining logging roads.

Use this product for site preparation prior to planting any tree species, including Christmas trees, eucalyptus, hybrid tree cultivars and silvicultural nursery sites.

Use the higher rates of this product within the specified range for control or partial control of woody brush, trees and hard-to-control perennial herbaceous weeds. For best results, apply to actively growing woody brush and trees after full leaf expansion and before fall color and leaf drop. Increase rates within the specified range for control of perennial herbaceous weeds any time after emergence and before seedheads, flowers or berries appear.

Use the lower rates of this product within the specified range for control of annual herbaceous weeds and actively growing perennial herbaceous weeds after seedheads, flowers or berries appear. Apply to the foliage of actively growing annual herbaceous weeds any time after emergence.

TANK MIXTURES: Tank mixtures of this product may be used to increase the spectrum of vegetation controlled. When tank mixing, read and carefully observe the label claims, cautionary statements and all information on the labels of all products used. Use according to the most restrictive precautionary statements for each product in the mixture.

NOTE: For forestry site preparation, make sure the tank-mix product is approved for use prior to planting the desired species. Observe planting interval restrictions.

Any labeled rate of this product may be used in a tank mix with the following products for forestry site preparation.

Arsenal Applicators Concentrate	Carlton 4
Chopper	Landmark XP
Escort or Escort XP	Oust XP
Carlton 3A	Westar

For control of herbaceous weeds, use the lower labeled tank mixture rates. For control of dense stands or tough-to-control woody brush and trees, use the higher labeled rates.

Do not apply this product as an over-the-top broadcast spray for forestry conifer or hardwood release unless otherwise specified on this label, or in separate supplemental labeling or fact sheets published by Monsanto for this product.

8.3 General Areas and Industrial Sites

General Weed Control, Trim-and-Edge, Bare Ground

This product may be used in general non-crop and non-food crop areas. It may be applied with any application equipment described in this label. This product may be used to trim-and-edge around objects in these sites, for spot treatment of unwanted vegetation and to

eliminate unwanted weeds growing in established shrub beds or ornamental plantings. This product may be used prior to planting an area to ornamentals, flowers, turfgrass (sod or seed), or prior to laying asphalt or beginning construction projects.

Repeated applications of this product may be used, as weeds emerge, to maintain bare ground.

TANK MIXTURES: This product may be tank mixed with the following products, provided that the specific product is labeled for application at the use site. Refer to the individual product labels for approved sites and application rates.

Arsenal	Karmex DF	Princap DF
atrazine ¹	Krovar 1 DF	Princap 4L
Barricade 65WG	Landmark II MP	Ronstar 50 WP
Certainty	Landmark MP	Sahara
Crossbow L	Landmark XP	simazine ¹
dicamba ¹	Milestone	Surflan AS
diuron ¹	Oust XP	Surflan WDG
Endurance	Outrider [®]	Telar
Escort or Escort XP	Pendulum 3.3 EC	Transline
Gallery 75DF	Pendulum WDG	Vanquish
Garlon 3A	pendimethalin ¹	Velpar DF
Garlon 4	Plateau	Velpar L
Goal 2XL	Poast	2,4-D ¹

¹Tank mixtures with products containing this single active ingredient may be made provided the specific product is labeled for application at the use site.

This product plus dicamba tank mixtures may not be applied by air in California.

When applied as a tank mixture for bare ground, this product provides control of the emerged annual weeds and control or partial control of emerged perennial weeds, woody brush and trees.

For control or partial control of the following perennial weeds, apply 22 to 44 fluid ounces of this product plus 2 to 4 ounces of Oust XP per acre.

Bahiagrass	Dock, curly	Poorjoe
Bermudagrass	Dogfennel	Quackgrass
Broomsedge	Fescue, tall	Vaseygrass
Dallisgrass	Johnsongrass	Vervain, blue

Chemical Mowing - Perennials

This product will suppress perennial grasses listed in this section to serve as a substitute for mowing. Use 5 fluid ounces of this product per acre when treating tall fescue, fine fescue, orchardgrass, quackgrass or reed canarygrass covers. Use 4 fluid ounces of this product per acre when treating Kentucky bluegrass. Apply treatments in 10 to 40 gallons of spray solution per acre.

Use only in areas where some temporary injury or discoloration of perennial grasses can be tolerated.

Chemical Mowing - Annuals

For growth suppression of some annual grasses, such as annual ryegrass, wild barley and wild oats growing in coarse turf on roadsides or other industrial areas, apply 3 to 4 fluid ounces of this product in 10 to 40 gallons of spray solution per acre. Applications should be made when annual grasses are actively growing and before the seedheads are in the boot stage of development. Treatments may cause injury to the desired grasses.

8.4 Turfgrass

Dormant Turfgrass

This product may be used to control or suppress many winter annual weeds and tall fescue for effective release of dormant bermudagrass and bahiagrass turf. Treat only when turf is dormant and prior to spring green-up.

Apply 5 to 44 fluid ounces of this product in 10 to 40 gallons of water per acre. Use only in areas where bermudagrass or bahiagrass are desirable ground covers and where some temporary injury or discoloration can be tolerated.

Treatments in excess of 11 fluid ounces per acre may result in injury or delayed green-up in highly maintained areas, such as golf courses and lawns. DO NOT apply tank mixtures of this product plus Oust XP in highly maintained turfgrass areas.

Actively Growing Bermudagrass

This product may be used to control or partially control many annual and perennial weeds for effective release of actively growing bermudagrass. DO NOT apply more than 11 fluid ounces of this product per acre in highly maintained turfgrass areas. DO NOT apply tank mixtures of this product plus Oust XP in highly maintained turfgrass areas. Use only in areas where some temporary injury or discoloration can be tolerated.

Turfgrass Renovation, Seed or Sod Production

This product controls most existing vegetation prior to renovating turfgrass areas or establishing turfgrass grown for seed or sod. For maximum control of existing vegetation, delay planting or sodding to determine if any regrowth from escaped underground plant parts occurs. Where repeat treatments are necessary, sufficient regrowth must be attained prior to application. For warm-season grasses such as bermudagrass, summer or fall applications provide the best control. Where existing vegetation is growing under mowed turfgrass management, apply this product after omitting at least one regular mowing to allow sufficient growth for good interception of the spray.

Desirable turfgrasses may be planted following the above procedures.

Hand-held equipment may be used for spot treatment of unwanted vegetation growing in existing turfgrasses. Broadcast or hand-held equipment may be used to control sod remnants or other unwanted vegetation after sod is harvested.

PRECAUTIONS, RESTRICTIONS: Do not disturb soil or underground plant parts before treatment. Tillage or renovation techniques such as vertical mowing, coring or slicing should be delayed for 7 days after application to allow translocation into underground plant parts. If application rates total 2 quarts per acre or less, no waiting period between treatment and feeding or livestock grazing is required. If the rate is greater than 2 quarts per acre, remove livestock before application and wait 8 weeks after application before grazing or harvesting.

8.5 Habitat Management

Habitat Restoration and Management

This product may be used to control exotic and other undesirable vegetation in habitat management and natural areas, including rangeland and wildlife refuges. Applications can be made to allow recovery of native plant species, prior to planting desirable native species, and for similar broad-spectrum vegetation control requirements. Spot treatments can be made to selectively remove unwanted plants for habitat management and enhancement.

Wildlife Food Plots

This product may be used as a site preparation treatment prior to planting wildlife food plots. Any wildlife food species may be planted after applying this product, or native species may be allowed to repopulate the area. If tillage is needed to prepare a seedbed, wait 7 days after application before tillage to allow translocation into underground plant parts.

8.6 Hollow Stem Injection

This product may be applied through hand-held injection devices that deliver specified amounts of this product into targeted hollow-stem plants growing in any site specified on this label.

For control of the following hollow-stem plants, follow the use instructions below:

Castorbean, *Ricinus communis*

Inject 4 mL per plant of this product into the lower portion of the main stem.

Hemlock, Poison, *Conium maculatum*

Inject one leaf cane per plant 10 to 12 inches above the root crown with 5 mL of a 5% v/v solution of this product.

Hogweed, Giant, *Heracleum mantegazzianum*

Inject one leaf cane per plant 12 inches above the root crown with 5 mL of a 5% v/v solution of this product.

Horsetail, Field, *Equisetum arvense*

Inject one segment above the root crown with 0.5 mL per stem of this product. Use a small syringe that calibrates to this rate.

Knotweed, Bohemian, *Polygonum bohemicum*

Inject 5 mL per stem of this product between the second and third internode.

Knotweed, Giant, *Polygonum sachalinense*

Inject 5 mL per stem of this product between second and third internode.

Knotweed, Japanese, *Polygonum cuspidatum*

Inject 5 mL per stem of this product between second and third internode.

Reed, Giant, *Arundo donax*

Inject 5 mL per stem of this product between second and third internode.

Thistle, Canada, *Cirsium arvense*

Cut 8 to 9 of the tallest plants at bud stage in a clump with clippers. Use a cavity needle that is pushed into the stem center and then slowly removed as 0.5 mL per stem of this product is injected into the stem.

NOTE: The combined total for all treatments must not exceed 7 quarts of this product per acre. At 5 mL per stem, 7 quarts should treat approximately 1300 stems per acre.

8.7 Injection and Frill (Woody Brush and Trees)

This product may be used to control woody brush and trees by injection or frill applications. Apply this product using suitable equipment that must penetrate into the living tissue. Apply the equivalent of 1 mL of this product per each 2 to 3 inches of trunk diameter at breast height (DBH). This is best achieved by applying a 50- to 100-percent concentration of this product either to a continuous frill around the tree or as cuts evenly spaced around the tree below all branches. As tree diameter increases in size, better results are achieved by applying diluted material to a continuous frill or more closely spaced cuttings. Avoid application techniques that allow run-off to occur from frilled or cut areas in species that exude sap freely. In species such as this, make the frill or cuts at an oblique angle to produce a cupping effect and use a 100-percent concentration

of this product. For best results, application should be made during periods of active growth and after full leaf expansion. This product will control many species, some of which are listed below:

Control	Partial Control
Oak	Blackgum
Poplar	Dogwood
Sweetgum	Hickory
Sycamore	Maple, red

8.8 Non-Food Tree, Shrub, or Vine Production Sites

This product may be used for general weed control prior to the planting of and around established ornamentals, or any woody tree, shrub or vine species, including arbutus, azalea, boxwood, crabapple, eucalyptus, euonymus, fir, Douglas fir, jōjoba, hollies, lilac, magnolia, maple, oak, poplar, privet, pine, spruce and yew, growing in plant nurseries, on Christmas tree farms, or on other non-food tree production sites.

UNLESS OTHERWISE DIRECTED, THIS PRODUCT IS NOT RECOMMENDED FOR USE AS AN OVER-THE-TOP BROADCAST SPRAY IN ORNAMENTALS AND CHRISTMAS TREES. Care must be taken to avoid contact of spray, drift or mist with foliage or bark of desirable ornamental species.

This product may also be used to control weeds growing in and around greenhouses and shadehouses. Desirable vegetation must not be present during application and air circulation fans must be turned off until after the application has dried.

TYPES OF APPLICATION: Site Preparation, Post-directed, Trim-and-edge, Wiper Application

Site Preparation

This product may be used prior to planting any tree, shrub or vine, including Christmas tree species, in a nursery or production setting.

Post-Directed, Trim-and-Edge

This product may be used as a post-directed spray around established woody ornamental species, or to trim and edge around trees, buildings, sidewalks, roads, potted plants and other objects in a production setting.

Desirable plants may be protected from the spray solution by using shields or coverings made of cardboard or other impermeable material.

Wiper Application

This product may be used through wick or other suitable wiper applicators to control or partially control undesirable vegetation around established trees, shrubs or vines. See the SELECTIVE EQUIPMENT section of this label for further information about the proper use of wiper applicators.

8.9 Parks, Recreational and Residential Areas

All of the instructions in the General Areas and Industrial Sites section may be made in park and recreational areas.

This product may be used in parks, recreational and residential areas. It may be applied with any application equipment described in this label. This product may be used to trim-and-edge around trees, fences, paths, around buildings, sidewalks and other objects in these areas. This product may be used for spot treatment of unwanted vegetation. This product may be used to eliminate unwanted weeds growing in established shrub beds or ornamental plantings. This product may be used prior to planting an area to ornamentals, flowers, turfgrass (sod or seed), or prior to laying asphalt or beginning construction projects.

8.10 Railroads

All of the instructions in the General Areas and Industrial Sites section may be made to railroads.

Bare Ground, Ballast and Shoulders, Crossings, Spot Treatment

This product may be used to maintain bare ground on railroad ballast and shoulders. Repeat applications of this product may be used, as weeds emerge, to maintain bare ground. This product may be used to control tall-growing weeds to improve line-of-sight at railroad crossings and reduce the need for mowing along rights-of-way. For crossing applications, up to 80 gallons of spray solution per acre may be used.

TANK MIXTURES: This product may be tank mixed with the following products for ballast, shoulder, spot, bare ground and crossing treatments provided the specific product used is labeled for use on these sites. Refer to the individual product labels for approved sites and application rates.

Arsenal	Hyvar X	Telar DF
atrazine ¹	Hyvar X-L	Transline
dicamba ¹	Krovar I DF	Vanquish
diuron ¹	Oust XP	Velpar DF
Escort	Outrider	Velpar L
Escort XP	Sahara DG	2,4-D ¹
Garlon 3A	simazine ¹	
Garlon 4	Spika 80DF	

¹ Tank mixtures with products containing this single generic active ingredient may be made provided the specific product is labeled for application at the use site.

Brush Control

This product may be used to control woody brush and trees on railroad rights-of-way. Apply 2.5 to 7 quarts of this product per acre as a broadcast spray, using boom-type or boomless nozzles. Up to 80 gallons of spray solution per acre may be used. Apply a 0.7- to 1.5-percent solution of this product when using high-volume spray-to-wal applications. Apply a 4- to 7-percent solution of this product when using low volume directed sprays for spot treatment.

TANK MIXTURES: This product may be mixed with the following products for ballast, shoulder, spot, bare ground and crossing treatments as well as for enhanced control of woody brush and trees, provided the specific product used is labeled for use on these sites. Refer to the individual product labels for approved sites and application rates.

Arsenal	Garlon 3A	Spika 80DF
atrazine ¹	Garlon 4	Transline
dicamba ¹	Hyvar X	Vanquish
diuron ¹	Hyvar X-L	Velpar L
Escort	Sahara DG	Velpar DF
Escort XP	simazine ¹	2,4-D ¹

¹ Tank mixtures with products containing this single generic active ingredient may be made provided the specific product is labeled for application at the use site.

Bermudagrass Release

This product may be used to control or partially control many annual and perennial weeds for effective release of actively growing bermudagrass. Apply 11 to 32 fluid ounces of this product in up to 80 gallons of spray solution per acre. Use the lower rate when treating annual weeds below 6 inches in height (or runner length). Use the higher rate as weeds increase in size or as they approach flower or seedhead formation. These rates will also provide partial control of the following perennial species:

Bahiagrass	Johnsongrass
Bluestem, silver	Trumpetcreeper
Fescue, tall	Vaseygrass

This product may be tank-mixed with Oust XP. If tank-mixed, use no more than 11 to 32 fluid ounces of this product with 1 to 2 ounces of Oust XP per acre. Use the lower rates of each product to control annual weeds less than 6 inches in height (or runner length) that are listed in this label and the Oust XP label. Use the higher rates as annual weeds increase in size and approach the flower or seedhead stages. These rates will also provide partial control of the following perennial weeds:

Bahiagrass	Dewberry	Poa
Blackberry	Dock, curly	Raspberry
Bluestem, silver	Oxgarden	Trumpetcreeper
Broomsedge	Fescue, tall	Vaseygrass
Dallisgrass	Johnsongrass	Vervain, blue

Use only on well-established bermudagrass. Bermudagrass injury may result from the treatment, but regrowth will occur under moist conditions. Repeat applications in the same season are not recommended, since severe injury may occur.

8.11 Roadsides

All of the applications in the General Areas and Industrial Sites section may be made on roadsides

Shoulder Treatments

This product may be used on road shoulders. It may be applied with boom sprayers, shielded boom sprayers, high-volume off-center nozzles, hand-held equipment, and similar equipment.

Guardrails and Other Obstacles to Mowing

This product may be used to control weeds growing under guardrails and around signposts and other objects along the roadside.

Spot Treatment

This product may be used as a spot treatment to control unwanted vegetation growing along roadsides.

TANK MIXTURES: This product may be tank-mixed with the following products, for shoulder, guardrail, spot and bare ground treatments provided that the specific product used is labeled for use on these sites. Refer to the individual product labels for approved sites and application rates:

atrazine ¹	Krovar I DF	Princep DF
Clarity	Landmark MP	Princep AL
Crossbow L	Landmark II MP	Ronstar 50 WP
dicamba ¹	Landmark XP	Sahara
diuron ¹	Oust XP	simazine ¹
Endurance	Outrider	Surflan
Escort	Pendulum 3.3 EC	Telar
Escort XP	Pendulum WDG	Vanquish
Gallery 75 DF	Plateau	2,4-D ¹

¹ Tank mixtures with products containing this single generic active ingredient may be made provided the specific product is labeled for application at the use site.

Release of Bermudagrass or Bahiagrass

Dormant Applications

This product may be used to control or partially control many winter annual weeds and tall fescue for effective release of dormant bermudagrass or bahiagrass. Treat only when turf is dormant and prior to spring green-up. This product may also be tank-mixed with Outrider herbicide or Oust XP for residual control. Tank mixtures of this product with Oust XP may delay green-up.

For best results on winter annuals, treat when plants are in an early growth stage (below 6 inches in height) after most have germinated. For best results on tall fescue, treat when fescue is at or beyond the 4- to 6-leaf stage.

Apply 5 to 44 fluid ounces of this product in a tank mix with 0.75 to 1.33 ounces of Outrider herbicide per acre. Read and follow all label directions for Outrider herbicide.

Apply 6 to 44 fluid ounces of this product per acre alone or in a tank mixture with 0.25 to 1 ounce per acre of Oust XP. Apply the labeled rates in 10 to 40 gallons of water per acre. Use only in areas where bermudagrass or bahiagrass are desirable ground covers and where some temporary injury or discoloration can be tolerated. To avoid delays in green-up and minimize injury, add no more than 1 ounce of Oust XP per acre on bermudagrass and no more than 0.5 ounce of Oust XP per acre on bahiagrass and avoid treatments when these grasses are in a semi-dormant condition.

Actively Growing Bermudagrass

This product may be used to control or partially control many annual and perennial weeds for effective release of actively growing bermudagrass. Apply 11 to 32 fluid ounces of this product in 10 to 40 gallons of spray solution per acre. Use the lower rate when treating annual weeds below 6 inches in height (or runner length). Use the higher rate as weeds increase in size or as they approach flower or seedhead formation. These rates will also provide partial control of the following perennial species:

Bahiagrass	Johnsongrass
Bluestem, silver	Trumpetcreeper
Fescue, tall	Vaseygrass

This product may be tank-mixed with Outrider herbicide for control or partial control of Johnsongrass and other weeds listed on the Outrider label. Use 5 to 22 fluid ounces of this product with 0.75 to 1.33 ounces of Outrider per acre. Use the higher rates of both products for control of perennial weeds or annual weeds greater than 6 inches in height.

This product may be tank-mixed with Oust XP. If tank-mixed, use no more than 11 to 22 fluid ounces of this product with 1 to 2 ounces of Oust XP per acre. Use the lower rates of each product to control annual weeds less than 6 inches in height (or runner length) that are listed in this label and the Oust XP label. Use the higher rates as annual weeds increase in size and approach the flower or seedhead stages. These rates will also provide partial control of the following perennial weeds:

Bahiagrass	Dock, curly	Poa
Bluestem, silver	Oxgarden	Trumpetcreeper
Broomsedge	Fescue, tall	Vaseygrass
Dallisgrass	Johnsongrass	Vervain, blue

Use only on well-established bermudagrass. Bermudagrass injury may result from the treatment, but regrowth will occur under moist conditions. Repeat applications of the tank mix in the same season are not recommended, since severe injury may occur.

Actively Growing Bahiagrass

For suppression of vegetative growth and seedhead inhibition of bahiagrass for approximately 45 days, apply 4 fluid ounces of this product in 10 to 40 gallons of water per acre. Apply 1 to 2 weeks after full green-up or after mowing to a uniform height of 3 to 4 inches. This application must be made prior to seedhead emergence.

For suppression up to 120 days, apply 3 fluid ounces of this product per acre, followed by an application of 1.5 to 3 fluid ounces per acre about 45 days later. Make no more than 2 applications per year.

This product may be used for control or partial control of Johnsongrass and other weeds listed on the Outrider herbicide label. Apply 4 fluid ounces of this product with 0.75 to 2.0 ounces of Outrider per acre. Use the higher rates for control of perennial weeds and annual weeds greater than 6 inches in height. Use only on well established bahiagrass.

A tank mixture of this product plus Oust XP may be used. Apply 4 fluid ounces of this product plus 0.25 ounce of Oust XP per acre 1 to 2 weeks following an initial spring mowing. Make only one application per year.

8.12 Rangelands

This product will control or suppress many annual weeds growing in perennial cool- and warm-season grass rangelands, pastures, and industrial sites. Preventing weed seed production is critical to the successful control of annual grassy weeds invading these perennial grass sites. Follow-up applications in sequential years should eliminate most of the viable seeds. Grazing of treated areas should be delayed to encourage growth of desirable perennials. Allowing desirable perennials to flower and reseed in the treated area will encourage successful transition.

Bromus: This product may be used to control or suppress downy brome (*Bromus tectorum*), Japanese brome (*Bromus japonicus*), soft chess (*Bromus mollis*), cheatgrass (*Bromus setcalinus*), cereal rye and jointed goatgrass found in rangelands, pastures and industrial sites. Apply 5 to 11 fluid ounces of this product per acre on a broadcast basis.

For best results, treatment should coincide with early seedhead emergence of the most mature plants. Delaying the application until this growth stage will maximize the emergence of other weedy grass flushes. Applications should be made to the same site each year until seed banks are depleted and the desirable perennial grasses can become reestablished on the site.

Medusahead: To control or suppress medusahead, apply 11 fluid ounces of this product per acre at the 3-leaf stage when plants are actively growing. Delaying applications beyond this stage will result in reduced or unacceptable control. Repeat applications in subsequent years may be necessary to eliminate the seedbank before reestablishing desirable perennial grasses. Applications may be made in the fall or spring.

Applications may be made using ground or aerial equipment. Aerial applications for these uses may be made using fixed wing or helicopter equipment. For aerial applications, apply in 2 to 10 gallons of water per acre. For applications using ground equipment, apply in 10 to 20 gallons of water per acre.

Spot Treatment, Wiper Application

This product may be applied in rangeland, pastures or industrial sites as a spot treatment, or over the top of desirable grasses using wiper applicators to control tall weeds. Applications may be repeated in the same area at 30-day intervals.

For spot treatments or wiper application methods using rates of 2 quarts of this product per acre or less, the entire site or any portion of it may be treated. When spot treatments or wiper applications are made using rates above 2 quarts of this product per acre, no more than 10 percent of the total site may be treated at any one time. To achieve maximum performance, remove domestic livestock before application and wait 7 days after application before grazing livestock or harvesting for feed.

8.13 Utility Sites

Use this product along electrical power, pipeline and telephone rights-of-way, and in other sites associated with these rights-of-way, such as substations, roadsides, railroads or similar rights-of-way that run in conjunction with utilities.

Use this product in utility sites and substations for bare ground, trim-and-edge around objects, spot treatment of unwanted vegetation and to eliminate unwanted weeds growing in established shrub beds or ornamental plantings. This product may be used prior to planting a utility site to ornamentals, flowers, turfgrass (sod or seed), or beginning construction projects.

Repeated applications of this product may be used, as weeds emerge, to maintain bare ground.

This product also may be used in preparing or establishing wildlife openings within these sites, maintaining access roads and for side trimming along utility rights-of-way.

TANK MIXTURES: This product may be tank mixed with the following products for use in utility sites, provided that the specific product used is labeled for use on these sites. Refer to the individual product labels for approved sites and application rates.

For control of herbaceous weeds, use the lower tank mixture rates. For control of dense stands or tough-to-control woody brush and trees, use the higher tank mixture rates.

Arsenal	Kranite	Surflan WDG
alrazine ¹	Krovar I OF	Telar OF
Barricade 65WG	Oust XP	Transline
dicamba ¹	Outrider	Vanquish
diuron ¹	pendimethalin ¹	Velpar DF
Endurance	Plataau	Velpar I.
Escort	Ronstar 50 WP	2,4-D ¹
Escort XP	Sahara	
Garlon 3A ²	simazine ¹	
Garlon 4 ³	Surflan AS	

¹ Tank mixtures with product containing this generic active ingredient may be made provided the specific product is labeled for application at the use site.

² Ensure that Garlon 3A is thoroughly mixed with water according to label directions before adding this product. Have spray mixture agitating at the time this product is added to avoid spray incompatibility problems.

³ For side trimming treatments, this product can be used alone or in a tank mixture with Garlon 4.

8.14 Grass Seed or Sod Production

Use this product in grass seed and sod production for preplant, at-planting, preemergence, removal of established stands, renovation, site preparation, shielded spraying, wiper application, spot treatment, and creating rows in annual ryegrass.

Preplant, At-Planting, Preemergence, Removal of Established Stands, Renovation, Site Preparation

This product controls most existing vegetation for purposes of renovating turf or forage grass seed areas or for establishing turfgrass grown for sod. It may also be used to destroy remaining undesired grass vegetation when production fields are converted to alternate species or crops. Make applications before, during, or after planting, or for renovation purposes. Applications must be made prior to crop emergence in order to avoid crop injury. For maximum control of existing vegetation, delay planting to determine if any regrowth from escaped underground plant parts occurs. Where existing vegetation is growing under mowed turfgrass management, apply this product after omitting at least one regular mowing to allow sufficient growth for good interception of the herbicide spray. Where repeat treatments are necessary, sufficient regrowth must be attained prior to application. For warm-season grasses, such as bermudagrass, summer or fall applications provide best control. Broadcast equipment may be used to control sod remnants or other unwanted vegetation after sod is harvested. Application rates up to 3.3 quarts per acre may be used to totally remove established stands of tough to kill grass species.

Do not disturb soil or underground plant parts before treatment. Tillage or renovation techniques such as vertical mowing, coring or slicing should be delayed for 7 days after application to allow proper translocation into underground plant parts. If application rates total 2 quarts per acre or less, no waiting period between treatment and feeding or livestock grazing is required. If the rate is greater than 2 quarts per acre, remove domestic livestock before application and wait 8 weeks after application before grazing or harvesting.

Shielded Sprayers

Apply 22 to 64 fluid ounces of this product in 10 to 20 gallons of water per acre to control weeds between grass seed rows. Uniform planting in straight rows aids in shielded sprayer applications. Best results are obtained when the grass seed plants are small enough to easily pass by the protective shields.

Contact of this product in any manner with desirable vegetation may result in discoloration, stunting or destruction. Such damage shall be the sole responsibility of the applicator.

Wiper Application

This product may be applied over the top of desirable grasses using wiper applicators for the control of tall weeds.

Contact of this product in any manner with desirable vegetation may result in discoloration, stunting or destruction. Such damage shall be the sole responsibility of the applicator.

Spot Treatment

Apply a 1-percent solution of this product using hand-held spray equipment to control weeds within established vegetation prior to heading of grasses grown for seed. Hand-held equipment may be used to control sod remnants or other unwanted vegetation after sod is harvested.

The grass sprayed in the treated area will be killed. Take care not to spray or allow spray to drift outside the target area in order to avoid unwanted grass injury or destruction.

Creating Rows in Annual Ryegrass

Apply 11 to 22 fluid ounces of this product per acre. Best results are obtained when applications are made before the ryegrass reaches 6 inches in height. Use the higher rate within the labeled range when ryegrass is greater than 6 inches in height.

Set nozzle heights to allow the establishment of the desired row spacing. Use of low-pressure nozzles, or drop nozzles designed to target the application over a narrow band are recommended.

Take care not to spray or allow spray to drift outside target area in order to avoid unwanted grass destruction.

Grower assumes all responsibility for losses resulting from misapplication of this product.

8.15 Pastures

This product may be applied to any pasture grass (other than food crops in the Gramineae family), including bahiagrass, bermudagrass, bluegrass, brome, fescue, guineagrass, kikuyograss, orchardgrass, pangola grass, ryegrass, timothy, and wheatgrass. Application can be made as a spot treatment, wiper application, preplant, preemergence, pasture renovation, or postemergent broadcast.

Preplant, Preemergence, Pasture Renovation

This product may be applied for weed control prior to planting or emergence of forage grasses. This product may also be applied to control perennial pasture species listed on this label prior to replanting.

If application rates total 2 quarts per acre or less, no waiting period between treatment and feeding or livestock grazing is required. If the rate is greater than 2 quarts per acre, remove domestic livestock before application and wait 8 weeks after application before grazing or harvesting.

Spot Treatment, Wiper Application

This product may be applied in pastures as a spot treatment, or over the top of desirable grasses using wiper applicators to control tall weeds. Applications may be repeated in the same area at 30-day intervals.

For spot treatments or wiper application methods using rates of 2 quarts of this product per acre or less, the entire field or any portion of it may be treated. When spot treatments or wiper applications are made using rates above 2 quarts of this product per acre, no more than 10 percent of the total pasture may be treated at any one time. To achieve maximum performance, remove domestic livestock before application and wait 7 days after application before grazing livestock or harvesting for food.

Postemergent Weed Control (Broadcast Treatments)

This product may be applied to pastures to suppress competitive growth and seed production of annual weeds and undesirable vegetation in pastures. For selective applications with broadcast spray equipment, apply 8 to 11 fluid ounces of this product per acre in early spring before desirable perennial grasses break dormancy and initiate green growth. Late fall applications can be made after desirable perennial grasses have reached dormancy.

Some stunting of perennial grasses will occur if broadcast applications are made when plants are not dormant. Use of higher application rates will cause stand reductions. No waiting period is required between application and grazing or harvesting for feed. Do not apply more than 2 quarts of this product per acre per year onto pasture grasses except for renovation uses as described previously in this section.

9.0 WEEDS CONTROLLED

Always use the higher rate of this product per acre within the specified range when weed growth is heavy or dense or weeds are growing in an undisturbed (noncultivated) area.

Reduced results may occur when treating weeds heavily covered with dust. For weeds that have been mowed, grazed or cut, allow regrowth to occur prior to treatment.

Refer to the following label sections for rates to control annual and perennial weeds and woody brush and trees. For difficult to control perennial weeds and woody brush and trees, where plants are growing under stressed conditions, or where infestations are dense, this product may be used at 4 to 7 quarts per acre for enhanced results.

9.1 Annual Weeds

Use 22 fluid ounces of this product per acre if weeds are less than 6 inches in height or runner length and 1.0 to 2.7 quarts of this product per acre if weeds are over 6 inches in height or runner length or when weeds are growing under stressed conditions. Use the higher rate for tough-to-control species regardless of the weed size at application. Treat tough-to-control weeds early when they are relatively small. This product may be tank mixed provided the tank-mix product is labeled for application at the target site. Refer to the individual tank mix product labels for approved sites and application rates.

For spray-to-wet applications, apply a 0.4-percent solution of this product to weeds less than 6 inches in height or runner length. For annual weeds over 6 inches tall, or for smaller weeds growing under stressed conditions, use a 0.7- to 1.5-percent solution. Use the higher rate for tough-to-control species or for weeds over 24 inches tall. Apply prior to seedhead formation in grass or bud formation in broadleaf weeds.

For low volume directed spray applications, use a 4- to 7-percent solution of this product. Spray coverage should be uniform with at least 50 percent of the foliage contacted. Coverage of the top one half of the plant is important for best results. To ensure adequate spray coverage, spray both sides of large or tall weeds when foliage is thick and dense or where there are multiple sprouts.

Weed Species

Anoda, spurred	Itchgrass
Barley	Johnsongrass, seedling
Barnyardgrass	Jungle rice
Bassia, fivehook	Knotweed
Bittercress	Kochia
Black nightshade	Lamb's-quarters
Bluegrass, annual	Little barley
Bluegrass, bulbous	London rocket
Brome, downy	Mayweed
Brome, Japanese	Medusahead
Browntop panicum	Morningglory
Buttercup	(Ipomoea spp)
Carolina foxtail	Mustard, blue
Carolina geranium	Mustard, lanky
Castorbean	Mustard, tumble
Cheatgrass	Mustard, wild
Cheeseweed	Oats
(Malva parviflora)	Pigweed

Chervil	Plains/Tickseed
Chickweed	coreopsis
Cocklebur	Prickly lettuce
Copperleaf, hophornbeam	Puncturevine
Com	Purslane, common
Corn speedwell	Ragweed, common
Crabgrass	Ragweed, giant
Dwarf dandelion	Red rice
Eastern manna grass	Russian thistle
Eclipta	Rye
Fall panicum	Ryegrass
Falsedandelion	Sandbur, field
Falsariflex, smallseed	Shattercane
Fiddleneck	Shepherd's-purse
Field pennycress	Sicklepod
Filaree	Signalgrass, broadleaf
Fleabane, annual	Smartweed, ladythumb
Fleabane, hairy	Smartweed, Pennsylvania
(Conyza bonariensis)	Sowthistle, annual
Fleabane, rough	Spanishneedles
Florida pusley	Speedwell, purslane
Footfall	Sprangletop
Goatgrass, jointed	Spurge, annual
Goosegrass	Spurge, prostrate
Grain sorghum (milo)	Spurge, spotted
Groundsel, common	Spurry, umbrella
Hemp sesbania	Starthistle, yellow
Henbit	Stinkgrass
Horseweed/Marestail	
(Conyza canadensis)	

Weed Species

Sunflower	Wheat
Tea weed/Prickly sida	Wild oats
Texas panicum	Witchgrass
Velvetleaf	Woolly cupgrass
Virginia copperleaf	Yellow rocket
Virginia pepperweed	

9.2 Perennial Weeds

Best results are obtained when perennial weeds are treated after they reach the reproductive stage of growth (seedhead initiation in grasses and bud formation in broadleaves). For non-flowering plants, best results are obtained when the plants reach a mature stage of growth. In many situations, treatments are required prior to these growth stages. Under these conditions, use the higher application rate within the specified range.

Ensure thorough coverage when using spray-to-wet treatments with hand-held equipment. For best results, use a 1.5-percent solution on harder-to-control perennials such as bermudagrass, dock, field bindweed, hemp dogbane, milkweed and Canada thistle.

For low volume directed spray applications, use a 4- to 7-percent solution of this product. Spray coverage should be uniform with at least 50 percent of the foliage contacted. Coverage of the top one half of the plant is important for best results. To ensure adequate spray coverage, spray both sides of large or tall weeds when foliage is thick and dense or where there are multiple sprouts.

Allow 7 or more days after application before tillage.

Weed Species	Rate (QT/A)	Hand-Held % Solution
Alligatorweed*	3	1
Bahiagrass	2 - 3.3	1.5
Bentgrass*	1	1.5
Bermudagrass, water (knotgrass)	1	1.5
Bluegrass, Kentucky	1.5	1.5
Brackenfern	2 - 3	1
Bursage, woolly-leaf	~	1.5
Cattail	2 - 3.3	1.5
Cogongrass	2 - 3.3	1.5
Dandelion	2 - 3.3	1.5
Dogbane, hemp	2.5	1.5

Weed Species	Rate (QT/A)	Hand-Held % Solution
Fescue, tall	2	1.5
Guineagrass	2	1
Horseradish	3	1.5
Jerusalem artichoke	2 - 3.3	1.5
Kikuyugrass	1.5 - 2	1.5
Lantana	--	1
Milkweed, common	2	1.5
Mullain, common	2 - 3.3	1.5
Nightshade, silverleaf	1.5	1.5
Orchardgrass	1.5	1.5
Paragrass	2 - 3.3	1.5
Phragmites*	2 - 3.3	1 - 1.5
Pokeweed, common	1	1.5
Redvine*	1.5	1.5
Ryegrass, perennial	1.5 - 2	1
Sowthistle, perennial	1.5 - 2	1.5
Starthistle, yellow	1.5	1.5
Thistle, artichoke	1.3 - 2	1 - 1.5
Timothy	1.5 - 2	1.5
Trumpet creeper*	1.5 - 2	1.5
Vahatgrass	2 - 3.3	1.5

* Partial control

9.3 Woody Brush and Trees

Apply this product after full leaf expansion, unless otherwise directed on this label, or in separate supplemental labeling or Fact Sheets published by Monsanto Company for this product. Use the higher rate for larger plants and/or dense areas of growth. On vines, use the higher rate for plants that have reached the woody stage of growth. Best results are obtained when application is made in late summer or fall after fruit formation.

In arid areas, best results are obtained when applications are made in the spring to early summer when brush species are at high moisture content and are flowering.

For best results when using hand-held equipment, use a 1.5-percent solution on harder-to-control woody brush and trees.

For low volume directed-spray applications, apply a 4- to 7-percent solution of this product. Spray coverage should be uniform with at least 50-percent of the foliage contacted. Coverage of the top one-half of the plant is important for best results. To ensure adequate spray coverage, spray both sides of large or tall woody brush and trees, when foliage is thick and dense, or where there are multiple sprouts.

Symptoms may not appear prior to frost or senescence with fall treatments.

Allow 7 or more days after application before tillage, mowing or removal. Repeat treatments may be necessary to control plants regenerating from underground parts or seed. Some autumn colors on undesirable deciduous species are acceptable provided no major leaf drop has occurred. Reduced performance may result if fall treatments are made following a frost.

Weed Species	Rate (QT/A)	Hand-Held % Solution
Fescue, tall	2	1.5
Guineagrass	2	1
Horseradish	3	1.5
Jerusalem artichoke	2 - 3.3	1.5
Kikuyugrass	1.5 - 2	1.5
Lantana	--	1
Milkweed, common	2	1.5
Mullain, common	2 - 3.3	1.5
Nightshade, silverleaf	1.5	1.5
Orchardgrass	1.5	1.5
Paragrass	2 - 3.3	1.5
Phragmites*	2 - 3.3	1 - 1.5
Pokeweed, common	1	1.5
Redvine*	1.5	1.5
Ryegrass, perennial	1.5 - 2	1
Sowthistle, perennial	1.5 - 2	1.5
Starthistle, yellow	1.5	1.5
Thistle, artichoke	1.3 - 2	1 - 1.5
Timothy	1.5 - 2	1.5
Trumpet creeper*	1.5 - 2	1.5
Vahatgrass	2 - 3.3	1.5

Birch	1.5 - 2	1
Blackgum	1.5 - 3.3	1 - 1.5
Broom, French, Scotch	1.3 - 3.3	1 - 1.5
Cascara*	1.5 - 3.3	1 - 1.5
Ceanothus*	1.5 - 3.3	1 - 1.5
Cherry, bitter, black, cin	1.5 - 2	1
Deerweed	1.3 - 3.3	1
Elderberry	1.5 - 2	1
Eucalyptus	--	1.5
Hasardia*	1.3 - 2.5	1 - 1.5
Hazel	1.5 - 2	1
Honeysuckle	2 - 3	1
Kudzu	2.5 - 3	1.5
Madrone sprouts*	--	1.5
Maple, red	1.5 - 3	1
Monkey flower*	1.3 - 2.7	1 - 1.5
Oak, post	2 - 3	1
Oak, Scrub*	1.3 - 2.7	1
Peppertree, Brazilian (Florida holly)*	1.3 - 3.3	1 - 1.5
Pine	1.5 - 3.3	1 - 1.5
Poison oak	2.5 - 3.3	1.5
Redbud, eastern	1.5 - 3.3	1 - 1.5
Russian olive*	1.5 - 3.3	1 - 1.5
Sage, white*	1.5 - 2.7	1 - 1.5
Salmonberry	1.5 - 2	1
Sassafras*	1.5 - 3.3	1 - 1.5
Sumac, laurel, poison, smooth, sugarbush, winged*	1.5 - 3	1 - 1.5
Swordfem*	1.5 - 3.3	1 - 1.5
Tan oak sprouts*	--	1.5
Tobacco, tree*	1.5 - 2.5	1 - 1.5
Trumpet creeper	1.5 - 2	1
Virginia creeper	1.5 - 3.3	1 - 1.5
Willow	2 - 3	1

* Partial control

10.0 LIMIT OF WARRANTY AND LIABILITY

Monsanto Company warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes set forth in the Complete Directions for Use label booklet ("Directions") when used in accordance with those Directions under the conditions described therein. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, NO OTHER EXPRESS WARRANTY OR IMPLIED WARRANTY OF FITNESS FOR PARTICULAR PURPOSE OR MERCHANTABILITY IS MADE. This warranty is also subject to the conditions and limitations stated herein.

To the extent consistent with applicable law, buyer and all users shall promptly notify this Company of any claims whether based in contract, negligence, strict liability, other tort or otherwise.

To the fullest extent permitted by law, buyer and all users are responsible for all loss or damage from use or handling which results from conditions beyond the control of this Company to the extent consistent with applicable law, including, but not limited to, incompatibility with products other than those set forth in the Directions, application to or contact with desirable vegetation, failure of this product to control weed biotypes which develop resistance to glyphosate, unusual weather, weather conditions which are outside the range considered normal at the application site and for the time period when the product is applied, as well as weather conditions which are outside the application ranges set forth in the Directions, application in any manner not explicitly set forth in the Directions, moisture conditions outside the moisture range specified in the Directions, or the presence of products other than those set forth in the Directions in or on the soil, crop or treated vegetation.

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1. DEFINITIONS

1-1. What types of facilities are subject to the Healthy Schools Act?

Public K-12 schools and both public and private child day care facilities are subject to the Healthy Schools Act (HSA). Specifically the Healthy Schools Act uses the term "school site" to include kindergarten, elementary, or secondary school facilities (including charter schools), and child day care facilities. Day care centers are a type of child care facility and thus fall under the requirements of the Healthy Schools Act. According to section 1596.76 of the Health and Safety Code, the term "day care center" includes preschools, infant centers, extended day care facilities and school age child care centers. Child day care facilities which are subject to the Healthy Schools Act also include employer-sponsored child care centers. The Healthy Schools Act excludes family day care homes, colleges and universities, and private kindergarten, elementary, or secondary school facilities. The term school site also includes the buildings or structures, playgrounds, athletic fields, vehicles, and any other area of property visited or used by the pupils. [Education Code § 17609(e); Health and Safety Code §§ 1596.750, 1596.76]

1-2. Integrated pest management (IPM) has various definitions. How does the Healthy Schools Act define it?

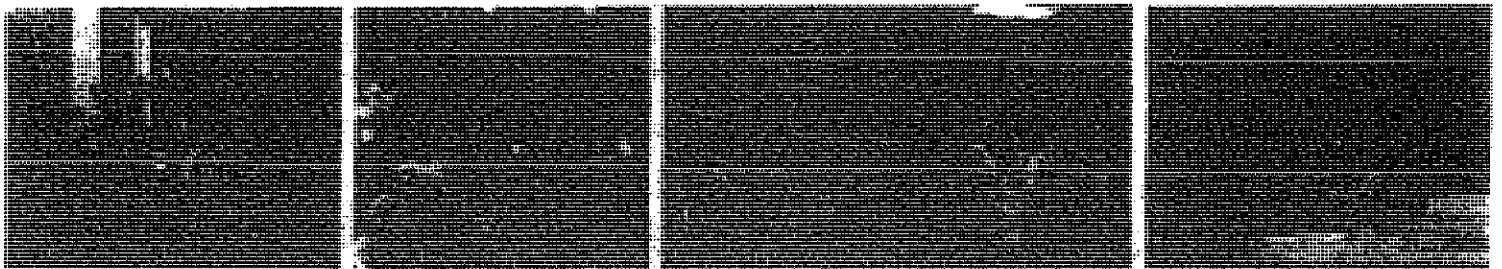
The Healthy Schools Act defines IPM as a pest management strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as monitoring for pest presence and establishing treatment threshold levels, using non-chemical practices to make the habitat less conducive to pest development, improving sanitation, and using mechanical and physical controls. Pesticides that pose the least possible hazard and are effective

in a manner that minimizes risks to people, property, and the environment are used only after careful monitoring indicates they are needed according to pre-established guidelines and treatment thresholds. Note that this definition applies only to IPM in schools and child day care facilities. [Food and Agricultural Code § 13181]

1-3. What is a pesticide?

Under state and federal law, a pesticide is any substance that controls, destroys, repels, or attracts a pest. Pesticides include insecticides, insect repellents, miticides, herbicides, fungicides, fumigants, nematocides, rodenticides, avicides, plant growth regulators, defoliants, desiccants, antimicrobials, and algicides. For more information about antimicrobials (such as sanitizers and disinfectants) see 3-8 and 3-14 below. Antimicrobials, including swimming pool chlorine and toilet bowl cleaners, are exempt from notification and posting. However, similar to other pesticides, you will still need to use products that have been registered with the U.S. Environmental Protection Agency (U.S. EPA) and DPR for use in California. (To see if a product is registered in California, go to DPR's Web site, www.cdpr.ca.gov, and click on "Look up pesticide products" at the bottom right.)

Plant nutrients, fertilizers, and soil amendments are not considered pesticides unless they also include a pesticide active ingredient. For example, weed-and-feed products are considered pesticides because they contain an herbicide. If the label of a pesticide lacks a U.S. EPA registration number, check to see if it's exempt from registration (see 3-13). If it lacks an U.S. EPA registration number and is not exempt from registration, then it's illegal to use it. Go to DPR's School IPM Web site (www.cdpr.ca.gov/schoolipm) and click on "Pesticides Exempted under the Healthy Schools Act" at the bottom right for more information on exempt products. [Food and Agricultural Code § 12753]



☛ **1-4. What is a school site designee?**

The designee is the person that is assigned to carry out the requirements of the Healthy Schools Act. School districts often designate maintenance and operations directors, risk managers, or business officers. This person may also be called the IPM coordinator (see 1-6). Child day care facilities often assign the child day care facility director as the school site designee.

☛ **1-5. What are the responsibilities of the school site designee?**

The designee makes sure that:

- Parents and staff receive annual written notification about pesticide products expected to be used at each school or child day care facility in the coming year.
- Parents and staff receive written notification at least 72 hours in advance if the school or child day care facility decides to use a pesticide not listed in the annual notification.
- Parents and staff have the opportunity to register if they want notification before each pesticide application at the school or child day care facility.
- Parents and staff that have registered with the school or child day care facility are notified before each pesticide application.
- Warning signs are posted from 24 hours before to 72 hours after a pesticide application.
- Records are kept of pesticide applications.

See 2-1 through 2-14, 3-1, 3-7, and 3-8 for more information. [Education Code §§ 17609(d), 17612]

☛ **1-6. What's an IPM coordinator?**

Many school districts use the title "IPM coordinator" as the equivalent to the school site designee (see 1-4 and 1-5).

☛ **1-7. Under the law, child day care facilities must be given 120-hour notice by property managers of a pesticide application. Are preschool programs located at other schools considered to be child day care facilities; and therefore, subject to the 120-hour notice requirement?**

Yes, they are child day care facilities since they meet the definition of a child day care facility (see 1-1). [Health & Safety Code §1596.750]. Therefore, the property owner or property owner's representative would notify the preschool

120 hours before any pesticide application and all other requirements of the Healthy Schools Act must be met.

☛ **1-8. For preschool programs located at schools, could the district IPM coordinator also be considered the child day care facility designee?**

Yes, the school district IPM coordinator could also be the child day care facility designee for a preschool that is located on a public school site.

2. NOTIFICATION AND POSTING

☛ **2-1. How do schools and child day care facilities carry out the annual notification requirement?**

Each school or child day care facility must give a written notice to parents and staff identifying pesticides expected to be used in the coming year. The list of pesticides must also include the DPR Web site that provides information on pesticides and reduced-risk alternatives (www.cdpr.ca.gov/schoolipm, click on "School IPM HELPR" in the column on the right). The Legislature intended that the notification would be included with other one-time notices sent to parents by school districts or child day care facilities, usually at the beginning of the year. Putting this information in a packet with other notices will reduce costs. See DPR's School IPM Web site (go to www.cdpr.ca.gov/schoolipm and click on "Tools & Templates" in the column on the left) for examples. [Education Code § 17612]. School districts and child day care facilities may want to coordinate with pest control businesses to develop a notification system.

☛ **2-2. What are the requirements if a pesticide is to be applied that was not listed in the annual notification?**

If a school or child day care facility decides to use a pesticide product that wasn't listed in the annual notification, the school site designee must provide written notification to parents and staff at least 72 hours before application. The notice should identify the product name and active ingredients, and provide DPR's School IPM Web site address, www.cdpr.ca.gov/schoolipm. [Education Code § 17612(a)(2)]

☛ **2-3. When is advance notification of a pesticide application not required?**

Advance notification is not required in "emergency conditions."

☞ **2-4. What are "emergency conditions"?**

"Emergency conditions" means any circumstances in which the school or child day care facility designee or property owner or property owner's agent deems that the immediate use of a pesticide is necessary to protect the health and safety of pupils, staff, other persons, or the facility. [Education Code §17609(c)]

☞ **2-5. Are there any additional notification requirements that child day care facilities must provide other than the notification requirements set forth in the original Healthy Schools Act?**

For child day care facilities, a 120-hour notification is required from either the property owner or property owner's agent to the child day care facility before a pesticide application. In cases where a contractor is hired at a child day care facility to apply pesticides, the property owner or owner's agent must notify the contractor that a child day care facility is located on the property to enable the contractor to comply with the 120-hour notification requirement.

The purpose of the notification is to ensure that the child day care facility is aware of the scheduled pesticide application and that the designee responsible for carrying out the provisions of the Healthy Schools Act at the child day care facility has enough time to notify individuals on the registry at least 72 hours in advance and can post the area with warning signs 24 hours before the pesticide application.

☞ **2-6. What information is required to be included in the 120-hour notice given to child day care facilities?**

The 120-hour notification to the child day care facility must include the following information [Education Code §17610(b)(2), Food & Agricultural Code §13186(d)]:

1. Product name.
2. Manufacturer's name.
3. Active ingredients of each pesticide.
4. U.S. EPA product registration number.
5. Intended date of application.
6. Areas of application.
7. Reason for application.

☞ **2-7. If a pesticide is applied to a building where a child day care facility is located but not inside the child day care facility itself, would the 120-hour notice be required?**

If pesticides are applied within 10 feet of the child day care facility, the property owner or property owner's agent is subject to the 120-hour notice requirement unless an

emergency condition, as defined in Section 17609 of the Education Code exists. Applications more than 10 feet from the facility are exempt from the notification requirement. [Education Code §17610]

☞ **2-8. How does the pesticide registry work?**

The registry takes notification one step further. The law requires that schools and child day care facilities allow parents and staff to register if they want to be notified of individual pesticide applications. The school or child day care facility must notify those on the list at least 72 hours before an application. This notice must include the product name, pesticide active ingredient, and the scheduled date of application. [Education Code § 17612(a)(1)]

☞ **2-9. How long before and after a pesticide application occurs must warning signs be posted?**

Signs must be posted from 24 hours before to 72 hours after the pesticide application. [Education Code § 17612(d)]

☞ **2-10. What should the warning signs say?**

Signs must prominently display the words, "Warning-pesticide treated area," and must include the product name, manufacturer's name, the U.S. EPA product registration number, scheduled date and areas of application, and reason for the application (that is, the target pest). The law does not specify text, color, or size of lettering, but the sign must be visible to anyone entering a treated area. The word Warning on the sign does not refer to the pesticide toxicity signal words (danger, warning, caution), but is universal language for "Watch out!" You can download sample warning signs in English and Spanish from DPR's School IPM Web site. Go to www.cdpr.ca.gov/schoolipm, click on "Tools & Templates" in the column on the left, then click on "Pesticide Sample Application Warning Sign." (See also 3-6.) Some school districts and child day care facilities place reusable laminated signs in outdoor areas, and a few are experimenting with silk-screened metal signs. In both cases, the designee writes information on the signs and the information can be erased 72 hours after a pesticide application. [Education Code § 17612(d)]

☞ **2-11. What about vandalism of signs? What happens when a sign is removed before the posting period is over?**

The law does not specifically address this.

❖ **2-12. Do schools or child day care facilities have to notify and post when they make applications during breaks?**

The Healthy Schools Act does not make any special provisions for notification, posting, and recordkeeping when the school or child day care facility is not in session. However, even when closed, students or other people may enter the grounds for various reasons. Teachers often stop in during vacations to plan lessons or organize their classrooms. School districts and child day care facilities should try to plan ahead and list any pesticides expected to be used during the entire school year, notify registered parents and staff before all applications, and always post a treatment area.

❖ **2-13. If a school or child day care facility is contiguous with an agricultural parcel – for example, an orange grove – and the school district owns the land on which the crop is planted, does the district have to notify and post when the crop is sprayed? The parcel is completely fenced with locked gates and off-limits to students.**

The agricultural parcel, although owned by the school district, is not a school site under the law [Education Code § 17608(e)]. The term “school site” includes the buildings or structures (including attics and crawl spaces), playgrounds, athletic fields, school vehicles, or any other area of school property visited or used by pupils. Therefore, the school does not have to notify or post with regard to pesticides used on the parcel. However, the school, as property owner of a production agriculture site, may have other posting or notification requirements for a pesticide application based upon the pesticide label and/or permit conditions established by the county agricultural commissioner. If a production agriculture site is located next to a school and there is concern about off-site movement of pesticides, contact the county agricultural commissioner (go to www.cdpr.ca.gov, click on “Ag commissioners” in the “Quick Finder”). The commissioner follows up on any reported illness that may be pesticide-related or any complaint about pesticide applications.

❖ **2-14. How do schools operated by the Division of Juvenile Justice comply with the Healthy Schools Act?**

The school administrator is required to notify the facility’s chief medical officer (CMO) at least 72 hours before an application. The CMO must then take any steps necessary to protect the health of the pupils. The California Department of Public Health (CDPH) recommends the following: (1) the CMO of each facility should provide a list of all pesticides

expected to be used in the facility during the year with a copy of the product label (or U.S. EPA registration number) and the material safety data sheet (MSDS) for each item on the list; (2) the yearly list of pesticides anticipated to be used should be posted at the entry to the facility and a copy provided to all staff members; (3) pest control businesses should provide the CMO specific pesticide use information for school applications; (4) staff assigned to pest control duties and contracted pest control businesses should give the CMO 72 hours notice of specific applications; (5) employees must be trained before handling any pesticide, and annually thereafter; and (6) the CMO should thoroughly investigate any complaint or suspected illness due to application of a pesticide and take appropriate action. Suspected illnesses also must be reported to the county health officer. [Education Code § 17612(e) and information provided by CDPH].

❖ **2-15. Are schools and child day care facilities reimbursed for paperwork and mailing?**

No. The Commission on State Mandates has concluded that the legislation does not impose any reimbursable state-mandated duties since existing state law does not require the application of pesticides. To view the Commission decision, go to www.csm.ca.gov, click on the “Reports to Legislature” tab at the top, click on “Denied mandates”, then click on “January 1, 2004 – December 31, 2004.”

❖ **2-16. Does the law require posting before an aerial application by a mosquito abatement district or California Department of Public Health (CDPH) Vector Control?**

No, the law does not require notification and posting since the school or child day care facility manager, or property owner or owner’s agent are not applying the pesticides to the facility. However, it is a best management practice to notify the pupils, staff, and public by posting information distributed by the mosquito abatement district or CDPH Vector Control. [Education Code § 17613; Health & Safety Code § 116180]

3. PESTICIDE USE, RECORDKEEPING, AND REPORTING

❖ **3-1. Who is required to keep records?**

Under the Healthy Schools Act, each school or child day care facility must keep records of almost all pesticide applications for four years (see 3-6). Some pesticide applications are exempt from the recordkeeping requirement (see 3-8). The law also requires licensed pest control

businesses hired by a school or child day care facility to keep records of pesticide use and report that use to DPR (see 3-2). This requirement is intended for commercial applicators and is in addition to the pesticide use report applicators already submit to the county agricultural commissioner. Commercial applicators include pest control businesses that are licensed by either DPR or the Structural Pest Control Board. [California Code of Regulations §§ 6624, 6627]

❖ **3-2. Who has to report pesticide use at schools and child day care facilities?**

Pest control businesses contracted by schools or child day care facilities have two reports to submit for pesticide use: (1) the Monthly Summary Pesticide Use Report to the county agricultural commissioner that includes pesticides used at schools or child day care facilities, and (2) the School Site Pesticide Use Reporting form that is submitted to DPR. (To access this form, go to www.cdpr.ca.gov/schoolipm and click on Pest Control Businesses in the column on the left, then click on Reporting pesticide use and maintaining records.) The law states that the School Site Pesticide Use Reporting form must be submitted by pest control business to DPR at least annually. For those applying pesticides at the end of December, the form must be submitted as soon as possible as it is due to DPR by January 30th.

Applications made by school or child day care facility personnel do not need to be reported to the county agricultural commissioner, except when a restricted-use pesticide is used (as defined in California Code of Regulations § 6400). Only a person holding either a qualified applicator certificate or a qualified applicator license can make restricted-use pesticide applications. That person must report the use of restricted-use pesticides to the county agricultural commissioner each month (see 3-5). School and child care facility personnel do not need to report pesticide use to DPR. See 3-1 and 3-6 for additional information about recordkeeping for restricted-use pesticides. [California Code of Regulations § 6624(a)(3); 6625; Food and Agricultural Code § 13186(a)(b)(c)]

❖ **3-3. When a licensed pest control business applies a pesticide at a school or child day care facility, who must report the application?**

The licensed pest control business is responsible for completing DPR's School Site Pesticide Use Reporting form and submitting it to DPR. The school or child day care facility, although not responsible for use reporting, must keep records of almost all pesticide applications for four years, including those made by licensed pest control businesses (see 3-8 for exemptions). The school district or child day care

facility may include the Healthy Schools Act reporting requirements when they contract for services of licensed pest control businesses. [Food and Agricultural Code § 13186]

❖ **3-4. Are licensed pest control businesses required to report pesticide applications at schools or child day care facilities as part of their existing monthly reports to the county agricultural commissioner?**

Yes. Pest control businesses must continue to report school or child day care facility applications on their Monthly Summary Pesticide Use Report to the county agricultural commissioner. Pest control businesses must also submit the School Site Pesticide Use Reporting form at least annually to DPR. (See 3-2 and 3-5.) [Food and Agricultural Code § 13186(b)(c); California Code of Regulations §§ 6624, 6627]

❖ **3-5. For instances where schools or child day care facilities have their own qualified applicator on staff, what pesticide use must be reported?**

When restricted-use pesticides are used on school or child day care facility property, the qualified applicator must report the applications to the county agricultural commissioner in the Monthly Summary Pesticide Use Report. The Healthy Schools Act does not change this requirement. Note that restricted use pesticides can only be used by individuals who hold a valid DPR qualified applicator certificate (QAC) or license (QAL). Use of CA restricted materials additionally requires a permit from the county agricultural commissioner, with some exemptions. Consult with your local County Agricultural Commissioner prior to restricted use pesticide application. [California Code of Regulations §§ 6624, 6625, 6627]

❖ **3-6. Does the law require that records be kept of every pesticide used and each application?**

Under the Healthy Schools Act, each school or child day care facility must keep records of every pesticide application for a period of four years (see 3-7), except for exempt pesticides (see 3-8). The records must include the pesticide product name, manufacturer's name, U.S. EPA registration number, date and areas of application, reason for application, and amount of pesticide used. Records must be available to the public upon request. As a simple way to keep records, schools or child day care facilities may want to keep a copy of the posted warning sign that includes a written record of the amount of pesticide used. DPR recommends that records be kept of all pest management practices, including those that are exempt from notification and posting. [Education Code §§ 17611, 17612(d)]

Additionally, existing regulations require each school or child day care facility to keep records for two years after each application of a restricted-use pesticide (separate from the four-year requirement under the Healthy Schools Act). These records must include the date of application, the treated property operator's name, location of the property and exact site treated, total acreage or units treated at the site, pesticide name with the U.S. EPA registration number, and amount of pesticide used. [California Code of Regulations § 6624(a)(2),(b),(e)]

☞ **3-7. How do schools and child day care facilities make records available to the public?**

The Healthy Schools Act is a right-to-know law, so anyone who wants access to records can retrieve them. Depending on what filing system the school or child day care facility has available, this could either be in a paper (kept in filing folders, for instance) or electronic copy form. [Education Code § 17611]

☞ **3-8. Which pesticide active ingredients are exempt from the provisions of this law?**

Certain requirements of the law (recordkeeping, written notification, and posting) do not apply to pesticide products deployed in the form of a self-contained bait or trap; gel or paste deployed as a crack-and-crevice treatment; pesticides exempted from registration by U.S. EPA; or antimicrobial pesticides, including sanitizers and disinfectants. For example, this means that chlorine used in swimming pools is exempt from the recordkeeping, written notification, and posting provisions of this law. (For further information about pesticides exempt from registration in California, go to www.cdpr.ca.gov/schoolipm, click on "Pesticides Exempted Under the Healthy Schools Act" on the right. Questions 3-9, 3-10, and 3-11 also pertain to this topic.) [Education Code § 17610.5]

☞ **3-9. What are self-contained baits or traps?**

The law does not define self-contained. The interpretation and practice of school officials and pest management professionals has been to consider tamper- and child-resistant bait stations (whether they be for rodents, general pests, or termites) to be self-contained bait stations.

Bait stations that are sold without bait are not pesticide products. Such bait stations are considered to be application equipment, and therefore are not regulated by U.S. EPA. U.S. EPA lists eight criteria for tamper-resistant bait boxes – but they apply only to rodent bait boxes:

- Resistant to weather.
- Strong enough to prohibit entry by large non-target species.
- Equipped with a locking lid and/or secured rebaiting hatches.
- Equipped with entrances that readily allow target animals access to baits while denying access to larger non-target species.
- Capable of being anchored securely to resist efforts to move the container or to displace its contents.
- Equipped with an internal structure for containing bait.
- Made in such a way as not to be an attractive nuisance.
- Capable of displaying proper precautionary statements in a prominent location. (www.epa.gov/PR_Notices/pr94-7.html)

Starting June 2011, U.S. EPA requires that all rodenticide manufacturers sell their products that are marketed to general and residential customers be contained in a self-contained bait station, while loose baits (e.g. pellets, meal) are prohibited. Four tiers of bait stations will be manufactured to meet the new requirements. The four tiers were designed to provide a variety of cost and protection options for the consumer. [www.epa.gov/pesticides/reregistration/rodenticides/finalriskdecision.htm] Corresponding criteria do not exist for other types of bait boxes or bait stations. [Food and Agricultural Code § 12973, www.epa.gov/REDs/2100red.pdf]

☞ **3-10. Is granular gopher bait – the kind put into gopher runways underground – exempt from requirements of the Healthy Schools Act?**

No. Only bait in a self-contained bait station is exempt.

☞ **3-11. What's a crack-and-crevice treatment?**

The law defines crack-and-crevice treatment as the application of small quantities of a pesticide consistent with labeling instructions in a building into openings such as those commonly found at expansion joints, between levels of construction, and between equipment and floors. [Education Code § 17609(b)]

☞ **3-12. Which pesticides are exempt from registration by the U.S. EPA?**

The U.S. EPA (under Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA] Section 25[b]), exempts pesticides from registration if they contain certain active and inert ingredients. These are primarily food-grade materials such as

mint oil, clove oil, and sodium lauryl sulfate (derived from coconut and commonly found in shampoos and detergent). DPR allows similar exemptions, although some DPR-exempt products require additional wording on labels. See www.cdpr.ca.gov/schoolipm and click on "Pesticides Exempted Under the Healthy Schools Act" located on the right. [California Code of Regulations § 6147]

☛ **3-13. How can I tell if a particular product is exempted from registration by the U.S. EPA?**

Look at the product label for a U.S. EPA or a California registration number. If the label does not have a registration number, then the product may be exempt. (Note: very few products are exempt from registration). To ensure you have an exempt product in the absence of a registration number, check to see if all the product's active and inert ingredients are listed on the FIFRA section 25(b) list and the U.S. EPA 4A list, respectively. (See www.cdpr.ca.gov/schoolipm and click on "Pesticides Exempted Under the Healthy Schools Act" located on the right for the lists of exempt active and inert ingredients.)

☛ **3-14. What are antimicrobials?**

Antimicrobials (such as disinfectants and sanitizers) are pesticides that are intended to disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms; or protect inanimate objects (for example floors and walls), industrial processes or systems, surfaces, water, or other chemical substances from contamination, fouling, or deterioration caused by bacteria, viruses, fungi, protozoa, algae, or slime. Although sanitizers and disinfectants are exempt from notification and posting requirements under the Healthy Schools Act, you will still need to use products that have been registered with the U.S. EPA for use in California. Antimicrobials are also not exempt from the licensed pest control business requirements to report pesticide use. [Food and Agricultural Code § 12995; Education Code § 17609(a); www.epa.gov/oppad001]

☛ **3-15. How do I get information about pesticide products? Active ingredients? Human health impacts? Environmental fate?**

See www.cdpr.ca.gov/schoolipm and select "School IPM HELPR" from the featured links list on the right, then click on the pest-specific information you need.

4. ENFORCEMENT AND COMPLIANCE

☛ **4-1. Who enforces requirements for posting, annual written notification and pesticide use recordkeeping?**

The Healthy Schools Act contains no specific enforcement authority for these requirements. Since these requirements are under the Education Code, the school district superintendent and the district's elected school board members, or a child day care facility's director are responsible for enforcement. The California Department of Education's (CDE) School Facility Planning Division is available as a resource to school districts (www.cde.ca.gov/ls/fa/sf/). For interpretation of Healthy Schools Act requirements as it applies to your school district, consult your district's legal counsel.

☛ **4-2. Are private schools exempt from the Healthy Schools Act? What about community colleges?**

The law applies to public facilities used for child day care, kindergarten, elementary, or secondary school and private child day care facilities. The law exempts private schools, family day-care homes, and colleges and universities even when attended by secondary school students. However, DPR will provide any interested public or private educational institution with information on starting an IPM program. [Education Code § 17609(e)]

☛ **4-3. Are schools and child day care facilities on federal property (such as military bases) exempt from the Healthy Schools Act?**

The law does not apply to schools and child day care facilities under federal jurisdiction. Pest managers of military bases may voluntarily want to comply with the law as if they were under state jurisdiction. However, state-funded schools and child day care facilities that operate on military bases are not exempt. Schools and child day care facilities located on Indian reservations and rancherias are exempt from requirements of the Healthy Schools Act.

☛ **4-4. Which pesticides can be used legally at schools or child day care facilities? Does the label have to specify this type of use?**

First read the label to identify the terms used. A product label does not have to specify school or child day care facility use. Pesticide labels registered by U.S. EPA and DPR may use such terms as: for institutional use; for use in kitchens, dining areas; or in and around buildings, such as schools, hospitals, etc. When indicating outdoor use, terms include for use on turf and ornamentals, and for use on playing fields. Some labels, such as vertebrate pest control products, may refer only to the pest with such terms as (for control of mice) place bait along runways, or place bait in main (gopher) tunnel. In a few instances, the manufacturer may indicate that the product should not be used in schools or other settings where

children are likely to be present. Contact your county agricultural commissioner's office for additional help in determining if a product is appropriate to use in school buildings, on school grounds, or at child day care facilities.

4-5. What situations on school or child day care facility property require a qualified applicator or licensed pest control business?

Only a person holding a DPR qualified applicator certificate (QAC) or license (QAL), or a person holding a Structural Pest Control Board license may apply federally restricted-use pesticides. Federal restricted-use pesticides are identified as such on their label. Only a person holding one of these certificates or licenses plus a pesticide use permit issued by the county agricultural commissioner may apply state-listed restricted-use pesticides. Some school districts or child day care facilities require that all pesticide applications be supervised or performed by certified or licensed applicators. A pest control business license is required of any person or company performing pest control for hire. Check DPR's Web site and the Structural Pest Control Board's Web site to determine if a pest control business is licensed. For DPR's license information, (go to www.cdpr.ca.gov, click on "Licensing" in the "Quick Finder," then click on "List of Persons and Businesses with Valid DPR Licenses.") To see the "California Restricted Materials Requirements" list, go to www.cdpr.ca.gov, click on "A-Z Index," then "Restricted materials - California list."

4-6. What happens when a public park adjoins a school or child day care facility and functions as a playground? Does the city or county have to notify and post when applying pesticides (usually herbicides) to the park?

City and county property is exempt from the requirements of the Healthy Schools Act if it is not used as a school site as defined under the law. Some school districts and local agencies have signed a formal memorandum of understanding or joint-use agreement so that the park property becomes school property. Then the requirements of the Healthy Schools Act would apply, including notification, posting, and recordkeeping.

4-7. What if my school district or child day care facility has planned its pesticide applications well in advance, on specific dates. Are we complying with the law if we simply notify all parents at the beginning of the year about these applications?

The school or child day care facility has fulfilled the annual notification requirements if it notifies all parents at the beginning of the year and the notification includes 1) the name of all pesticide products expected to be applied at the schoolsite during the upcoming year, 2) the active ingredient(s) in each pesticide product, and 3) DPR's School IPM website www.cdpr.ca.gov/schoolipm so that they may access information on pesticides and pesticide use reduction. However, the law also specifies that the designee must notify parents and staff, who register in advance, of individual applications at least 72 hours before the application. This individual application notification must include 1) the product name, 2) the active ingredient(s) in the product, and 3) the intended date of application. The law does not specify how early you can notify those who have registered. Keep in mind that the Healthy Schools Act is a right-to-know law that advocates IPM. Notifying people too far in advance may defeat the law's purpose because the registered individuals may fail to remember when the individual application is scheduled to take place. Notifications well in advance also likely means pesticide use is being decided by a calendar versus an actual need or IPM threshold exceedance. Individual school districts and child day care facilities should decide the most appropriate approach that also complies with the intent of the law.

4-8. Are there any pesticide products that are specifically prohibited from use in schools and child day care facilities?

The use of a pesticide on a school or child day care facility is prohibited if the pesticide has a conditional, experimental use, or interim registration, and the pesticide contains a new active ingredient or is for a new use. A pesticide is also prohibited if it has been canceled, suspended, or phased out. [Education Code § 17610.1] A list of pesticides that are prohibited for use in schools or at child day care facilities can be found at DPR's School IPM Web site at www.cdpr.ca.gov/schoolipm, click on "Pesticides Prohibited from Use" in the column on the right. This prohibition does not apply to public health pesticides or antimicrobial pesticides registered pursuant to Section 12836 of the Food and Agricultural Code.

5. DEVELOPING AN IPM PROGRAM

5-1. Where do I get information about IPM programs, policies, and practices?

See DPR's School IPM Web site, www.cdpr.ca.gov/schoolipm, for links to school IPM information. The Web site offers information on pesticide products, a directory of resources describing least-hazardous pest management practices, a

model IPM program guidebook, and ways to reduce pesticide use. The Web site also has information on the public health and environmental impacts of pesticides, and much more. [Education Code § 17612(a), Food and Agricultural Code § 13184(a)(b)]

☛ **5-2. How is DPR getting information to staff at school and child day care facilities?**

DPR routinely provides information to IPM coordinators and child day care facility managers. DPR also works with the CDE and groups such as Coalition for Adequate School Housing, California Association of School Business Officials, Professional Association of Pesticide Applicators, Pest Control Operators of California, California Childcare Health Program, California Department of Public Health, and California Child Care Resource & Referral Network. In addition, DPR has a listserv available for those who would like to receive updates about DPR's School IPM Program. Go to www.cdpr.ca.gov/docs/dept/listserv/listdesc.htm to sign up.

G. TRAINING

☛ **6-1. What do the school IPM workshops offered by DPR cover?**

Under the Healthy Schools Act, DPR must offer IPM training to help school districts establish their own IPM programs. The law specifies that DPR use a train-the-trainer approach as appropriate to disseminate information rapidly, and emphasize training on a regional basis before focusing on individual school districts. Our regional workshops highlight school IPM principles, pest prevention, monitoring, and the use of least-hazardous pest management practices. Each year, DPR offers workshops around the state. For specific dates and locations, see DPR's School IPM Web site (www.cdpr.ca.gov/schoolipm). [Food and Agricultural Code § 13185]

☛ **6-2. What training is available for child day care facility owners and managers about the Healthy Schools Act?**

On DPR's School IPM Web site and Child Care IPM Web site, you will find handouts that summarize the Healthy Schools Act. Go to www.cdpr.ca.gov, click on the "Pest Management" tab. From there you can click on the "Schools" tab or the "Child Care" tab for IPM information and resources. You can also find templates in the left column under "Tools and Templates." DPR also provides a train-the-trainer program and provides outreach to child day care facilities and schools. Additionally for child day care facilities, the California Department of Social Services (DSS) is required to provide

information about the Healthy Schools Act and IPM practices at the orientations the DSS gives before issuing a new child care license or special permit. For more information on the Healthy Schools Act and contact names, phone numbers, and email addresses, see the bottom of DPR's Web site, www.cdpr.ca.gov/schoolipm/childcare.

7. RESOURCES

☛ **7-1. What are some resources to learn more about IPM and the Healthy Schools Act?**

- DPR's School IPM Web site: www.cdpr.ca.gov/schoolipm
- DPR's home page: www.cdpr.ca.gov
- County Agricultural Commissioners: go to www.cdpr.ca.gov, click on "Ag Commissioners" in "Quick Finder"
- California Department of Education: www.cde.ca.gov/lr/fa/sf
- University of California Statewide IPM Program: www.ipm.ucdavis.edu/index.html
- University of California IPM Cooperative Extension Offices: www.ipm.ucdavis.edu/GENERAL/ceofficefinder.html
- U.S. EPA's IPM in Schools Web site: www.epa.gov/pesticides/ipm/index.htm
- National School IPM Information Source: <http://schoolipm.ifas.ufl.edu/>

☛ **7-2. Does the Healthy Schools Act have a list of approved pesticides for use by schools or child day care facilities?**

The Healthy Schools Act does not establish a list of pesticides approved for schools or child day care facilities. However, DPR does maintain a list of pesticides that are prohibited for use in schools or at child day care facilities. See DPR's Web site (www.cdpr.ca.gov/schoolipm, click on "Pesticides Prohibited from Use" in the column on the right).

For help selecting the correct pest treatment option, the School IPM HELPR provides pest notes, control methods, and hazard information. See DPR's School IPM Web site (www.cdpr.ca.gov/schoolipm, click on "School IPM HELPR" in the column on the right).



SCHOOL IPM PROGRAM
(916) 445-9903 FAX: (916) 445-4033
e-mail: school-ipm@cdpr.ca.gov
www.cdpr.ca.gov/schoolipm



CHILD CARE IPM PROGRAM
(916)324-4077 FAX: (916) 445-4033
www.cdpr.ca.gov/schoolipm/childcare



CALIFORNIA DEPARTMENT OF PESTICIDE REGULATION
1001 I Street, P.O. Box 4015, Sacramento, CA 95812-4015
www.cdpr.ca.gov



CALIFORNIA DEPARTMENT OF EDUCATION
www.cde.ca.gov



AGRICULTURAL COMMISSIONER'S OFFICE

4080 LEMON STREET, ROOM 19
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RIVERSIDE, CA 92502-1089
PHONE (951) 955-3000
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WEIGHTS & MEASURES DIVISION

2950 WASHINGTON STREET
P.O. BOX 1480
RIVERSIDE, CA 92502-1480
PHONE (951) 955-3030
FAX (951) 276-4728

JOHN SNYDER

Agricultural Commissioner
Sealer of Weights & Measures

Letter of Warning

May 20, 2010

Bethel Christian School
2425 Van Buren Blvd.
Riverside, CA 92503

10-RIV-LOW-DJC-191

On May 19, 2010 a Pesticide Enforcement Inspection was conducted by Agricultural Standards Investigator Delia J Cioc at your field application site located at 2425 Van Buren Blvd., Riverside.

The purpose of this inspection was to determine the level of compliance by Bethel Christian School with the California Food and Agricultural Codes and/or Regulations.

Your pesticide operational procedures were found to be in violation of the California Agricultural Codes and/or Regulations as indicated by the Pesticide Use Monitoring Inspection Report form presented to you. The non-compliance was for California Food and Agricultural Code Section 12973-The use of any pesticide shall not conflict with labeling registered which is delivered with the pesticide (Gopher Killer EPA Reg#12455-18-1663, was used in landscaped areas around the school). California Code of Regulations Section 6724-Failure to train employees prior to pesticide application (Bethel Christian School failed to train applicator Jesus Guzman prior to pesticide application). California Code of Regulations Section 6680-In no case shall a pesticide be placed or kept in any container of a type commonly used for food, drink or household products (table spoon used for pesticide application).

This LETTER OF WARNING is to provide you with official notice that further violations of California Agricultural codes and/or Regulations may result in a Notice of Violation being issued to you or your company and Agricultural Civil Penalty Action being taken against you by the Agricultural Commissioner.

The Riverside County Agricultural Commissioner's Office strongly urges you to view this matter seriously and immediately take all necessary actions to bring about full compliance with all pesticide laws and regulations. You must CEASE AND DESIST from all pesticide applications until your employee has been properly trained, and Gopher Killer has been replaced with an approved product for your site. If you have any questions or need clarification, please call this office at (951) 955-3016. Thank you for your attention to this matter.

Sincerely,
Bob Mulherin
Deputy Agricultural Commissioner


By: Delia J Cioc
Agricultural Standards Investigator IV

BM:DC

ESTABLISHMENT
MANUFACTURING INSPECTION REPORT

Brand

Product: Jordan School ...
Case: ...
Use: ...

Manufacturer	School	Product Name	Quantity	Lot No.	Date

Inspection	Remarks	Disposition

Inspection	Remarks	Disposition

... (use only product) ...



JOHN SNYDER

Agricultural Commissioner
Sealer of Weights & Measures

AGRICULTURAL COMMISSIONER'S OFFICE

4080 LEMON STREET, ROOM 19
P.O. BOX 1089
RIVERSIDE, CA 92502-1089
PHONE (951) 955-3000
FAX (951) 955-3012
www.rivcoag.org

Letter of Warning

WEIGHTS & MEASURES DIVISION

2950 WASHINGTON STREET
P.O. BOX 1480
RIVERSIDE, CA 92502-1480
PHONE (951) 955-3030
FAX (951) 276-4728

September 1, 2010

Jurupa Unified School District
4740 Pedley Road
Riverside, CA 92509

10-RIV-LOW-DJC-207

On August 31, 2010 a Pesticide Enforcement Inspection was conducted by Agricultural Standards Investigator Delia J Cioc at your field application site located at 4850 Pedley Road, Riverside.

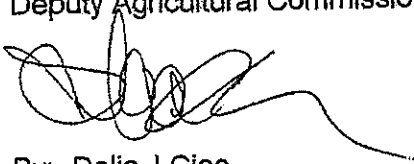
The purpose of this inspection was to determine the level of compliance by Jurupa Unified School District with the California Food and Agricultural Codes and/or Regulations.

Your pesticide operational procedures were found to be in violation of the California Agricultural Codes and/or Regulations as indicated by the Pesticide Use Monitoring Inspection Report presented to you. The non-compliance was for California Food and Agricultural Code Section 12973-The use of any pesticide shall not conflict with labeling registered which is delivered with the pesticide (applicator failed to wear long sleeves shirt during pesticide application). California Code of Regulations Section 6738(c)(1)(C)-The employer shall assure that gloves are worn when required by the pesticide product labeling or when employees are engaged in application by hand or using hand held equipment (applicator failed to wear rubber gloves during pesticide application). California Code of Regulations Section 6724-Failure to train employees prior to pesticide application. California Code of Regulations Section 6726(b)-Employees shall be informed of the name and location of a facility where emergency medical care is available. The employer shall post in a prominent place at the work site, or work vehicle if there is no designated work site, the name, address and telephone number of a facility able to provide emergency medical care whenever employees will be handling pesticides and, if the identified facility is not reasonably accessible from that work location, procedures to be followed to obtain emergency medical care (no emergency medical care posting in vehicle or at work site). California Code of Regulations Section 6678-Service containers shall be labeled with the name and address of the person or firm responsible for the container; the identity of the economic poison in the container; and the work "Danger," "Warning," or "Caution," in accordance with the label on the original container (backpack without service container label).

This LETTER OF WARNING is to provide you with official notice that further violations of California Agricultural codes and/or Regulations may result in a Notice of Violation being issued to you or your company and Agricultural Civil Penalty Action being taken against you by the Agricultural Commissioner.

The Riverside County Agricultural Commissioner's Office strongly urges you to view this matter seriously and immediately take all necessary actions to bring about full compliance with all pesticide laws and regulations. You must CEASE AND DESIST from all pesticide applications until proper training has been provide to pesticide handler. If you have any questions or need clarification, please call this office at (951) 955-3016. Thank you for your attention to this matter.

Sincerely,
Bob Mulherin
Deputy Agricultural Commissioner

A handwritten signature in black ink, appearing to read 'Delia J Cioc', with a long horizontal flourish extending to the right.

By: Delia J Cioc
Agricultural Standards Investigator IV

BM:DJC

PROPERTY USE

PROPERTY ADDRESS

1700 E. Hwy 101 Riverside

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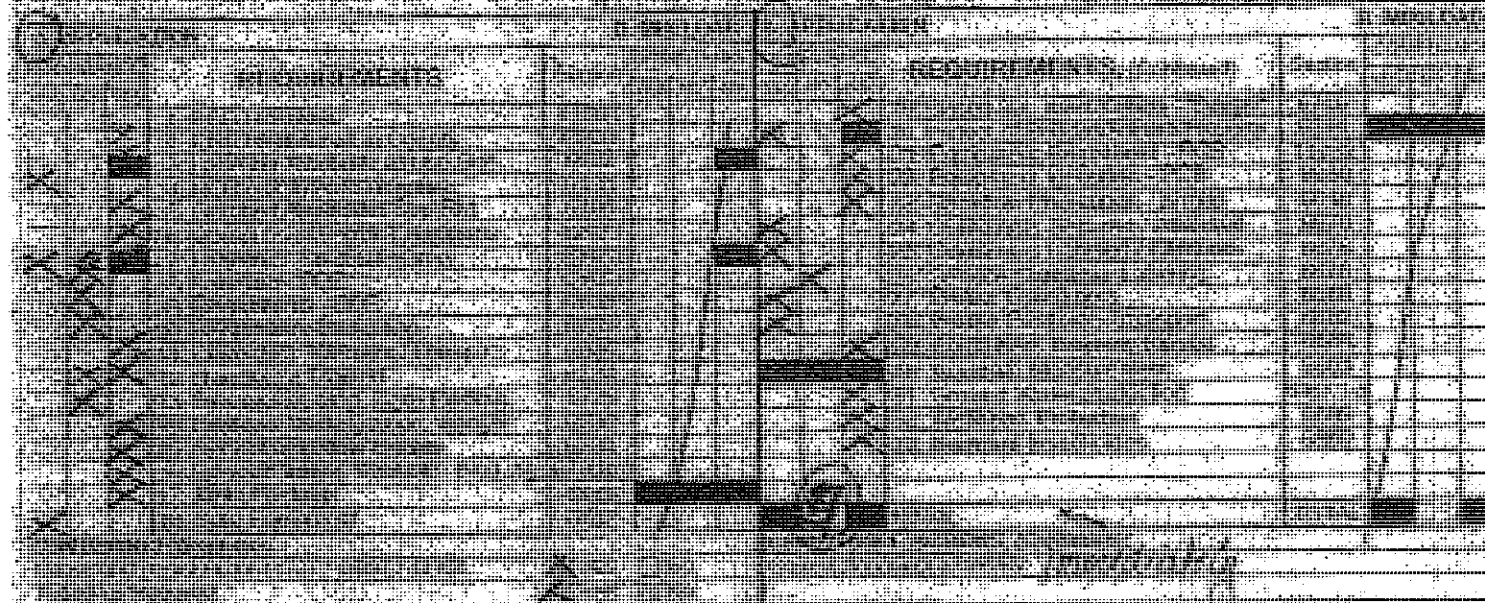
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1700 E. Hwy 101 Riverside

NOV 3-5-70
1700 E. Hwy 101 Riverside

PLANT AND SOIL COLLECTION REPORT

DATE: 8/19/79

LOCATION: [illegible]

PLANT SPECIES: [illegible]
 SOIL TYPE: [illegible]
 ALTITUDE: [illegible]
 COORDINATES: [illegible]

COLLECTOR: [illegible]
 ASSISTANT: [illegible]
 TIME: [illegible]

IDENTIFICATION

IDENTIFICATION

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

Notes: [illegible]
 [illegible]
 [illegible]

PLANT SPECIES: [illegible]
 SOIL TYPE: [illegible]
 ALTITUDE: [illegible]
 COORDINATES: [illegible]



JOHN SNYDER
Agricultural Commissioner
Sealer of Weights & Measures

AGRICULTURAL COMMISSIONER'S OFFICE

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Letter of Warning

WEIGHTS & MEASURES DIVISION

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FAX (951) 276-4728

February 28, 2011

Riverside Unified School District
3070 Washington Street
Riverside, CA 92504

11-RIV-LOW-DJC-256

On February 8, 2011 a Pesticide Enforcement Inspection was conducted by Agricultural Standards Investigator Delia J. Cioc at your field application site located at 17925 Krameria Avenue, Riverside.

The purpose of this inspection was to determine the level of compliance by Riverside Unified School District with the California Food and Agricultural Codes and/or Regulations.

Your pesticide operational procedures were found to be in violation of the California Agricultural Codes and/or Regulations as indicated by the Pesticide Use Monitoring Inspection form presented to you. The non-compliance was for California Code of Regulation Section 6738(b)(1)(C)-The employer shall assure that employees wear protective eyewear when required by pesticide product labeling or when employees are engaged in application by hand or using hand-held equipment. (Applicator Rudy Trevin failed to wear safety glasses during Roundup application). California Code of Regulation Section 6678-Service containers shall be labeled with a) The name and address of the person responsible for the container b) The name of the pesticide and c) the word "Danger," "Warning," or "Caution," in accordance with the label on the original container. (Backpacks without service container label).

This LETTER OF WARNING is to provide you with official notice that further violations of California Agricultural codes and/or Regulations may result in a Notice of Violation being issued to you or your company and Agricultural Civil Penalty Action being taken against you by the Agricultural Commissioner.

The Riverside County Agricultural Commissioner's Office strongly urges you to view this matter seriously and immediately take all necessary actions to bring about full compliance with all pesticide laws and regulations. If you have any questions or need clarification, please call this office at (951) 955-3016. Thank you for your attention to this matter.

Sincerely,
Bob Mulherin
Deputy Agricultural Commissioner


By: Delia J. Cioc
Agricultural Standards Investigator IV

COMPLETE
 PARTIAL
 FOLLOW-UP INSPECTION
ORIGINAL INSP. # _____

Riverside
INSPECTING COUNTY

FIRM/PERSON INSPECTED: Riverside Unified School Distr.
PROPERTY OPERATOR: Augustus Miller SUPERVISOR: David Aves INTERVIEWED: YES NO
PROPERTY LOCATION / SITE ID: 7925 Krameria Ave @ Alta Costa Riverside
ADJACENT ENVIRONMENT: School Parking TREATMENT AREA: Vacant Lot / Str.
FIRM MAILING ADDRESS: 3970 Washington Str. Riv. 92504
BUSINESS TYPE: Property Operator Pest Control Business Maintenance Gardener Other
PERMIT / OPERATOR ID #: _____ BUSINESS LICENSE #: _____
LICENSE NUMBER: 788-7496 N/R UNL
COMMODITY / SITE: Plankers / Parking Lot PROD AG OTHER
METHOD OF APPLICATION (CHECK ONE): 1. AERIAL 2. CHEMIGATION 3. HAND HELD 4. GROUND RIG 5. OTHER
WIND VELOCITY: 10-15 mi/hr DIRECTION: _____ to _____

HANDLER'S NAME / # INTERVIEWED: Juan Tostado ACTIVITY: App.
PERSONAL PROTECTIVE EQUIPMENT WORN: L.P.L.S, Shoes socks, rubber gloves, safety glasses

PESTICIDE NAME / MANUFACTURER	LABEL REGISTRATION NUMBER	SIGNAL WORD	FORMULATION	RATE	DILUTION
<u>Quik Pro / Monsanto</u>	<u>524-535</u>	<u>Caution</u>	<u>Powder</u>	<u>7.5 oz</u>	<u>4 gal</u>

A. APPLICATION				B. MIX/LOAD			A. APPLICATION			B. MIX/LOAD				
COMPLIANCE			Section	COMPLIANCE			REQUIREMENTS, (Continued)			Section	COMPLIANCE			
YES	NO	N/A		YES	NO	N/A		YES	NO	N/A		YES	NO	N/A
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. PCB Licensed	11701	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	19. Closed Sys. Used /Criteria - "Danger"	6746	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. PCB Registered in County	11732	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	20. Protect. of Persons/Animals/Property	6614	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3. Labeling Available at Use Site	6602	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	21. Equipment Registered - PCB	11732	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4. Notice of Intent Submitted	6434	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	22. Equipment Identified - PCB	6630	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5. Certified Applicator Sup RM	6406	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	23. Backflow Prevention - Airgap	6610	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6. Complies w/Permit Conditions	12973	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	24. Containers Secured / Attended	6670	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7. Labeling - Site/Rate/Other	12973	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	25. Containers Labeled / Closures	6676	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8. Labeling - PPE	12973	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	26. Service Container Labeling	6678	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	9. Regulations - PPE	6738	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	27. Proper Containers	6680	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	10. Respiratory Protection	6739	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	28. Proper Pesticide Transport	6682	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11. Coveralls, "Warning / Danger"	6736	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	29. Containers Properly Rinsed	6684	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	12. Handler(s) Trained	6724	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	30. Accurate Measurement	6604	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	13. Emergency Med. Care Posting	6726	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	31. Ground Water Protection	6487-1-5	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	14. Employee Working Alone, "Danger"	6730	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	32. Wellhead Protection	6609	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	15. Decontamination Facility	6734	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	33. Dormant Insecticides	6960	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	16. Eyewash Immed. Available - Prod. Ag.	6734(C)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	TOTAL		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17. Field Postings	6776	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	TOTAL		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	18. Safe Equipment	6742	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

COMPLIANCE ACTIONS: Cease and Desist Order 11737 / 11897 / 13102 YES NO
Follow-up Required YES NO
Correct Noncompliances By: immediately

Remarks - Include a detailed description of noncompliances. When additional space is required, continue on Inspection Report / VN Supplement PR-ENF-111.
Rudy Trevino - applicator (used goggles during pesticide application)
No service container label attached to backpack.
Case and Desist due to gusty winds (School gets out at 12:15; parents and students still around).

INSPECTOR (Print Name): Delia Cior SIGNATURE: [Signature] TIME AND DATE INSPECTED: 1310 2-8-11
INSPECTION ACKNOWLEDGED BY (Print Name): JUAN C. TOSTADO SIGNATURE: [Signature] DATE ACKNOWLEDGED: 2/8/11

VIOLATION NOTICE YES NO # 10W-DIC-256
Distribution: White - County; Canary - DPR; Pink - Inspector; Goldenrod - Firm/ Person Inspected
OSP 09 116592 Page 1 of 1

104-806658

COMPLETE
 PARTIAL
 FOLLOW-UP INSPECTION
ORIGINAL INSP. # 104-839798

Riverside
INSPECTING COUNTY

FIRM / PERSON INSPECTED <u>Riverside Unified School Distr</u>		FIRM MAILING ADDRESS <u>3070 Washington Str Div. 92504</u>	
PROPERTY OPERATOR <u>School</u>	SUPERVISOR <u>David Aves</u>	INTERVIEWED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	BUSINESS TYPE <input checked="" type="checkbox"/> Property Operator <input type="checkbox"/> Pest Control Business <input type="checkbox"/> Maintenance Gardener <input type="checkbox"/> Other
PROPERTY LOCATION / SITE ID <u>17925 Krameria Ave @ Alta Cresta, Riverside</u>		PERMIT / OPERATOR ID #	
ADJACENT ENVIRONMENT N <u>Str / Vacant Lot</u>		LICENSE NUMBER <input type="checkbox"/> QAL <input type="checkbox"/> QAC <input type="checkbox"/> PAC <input type="checkbox"/> JPC <input type="checkbox"/> APC <input type="checkbox"/> UNL <input checked="" type="checkbox"/> N/R	
W <u>School Parking</u>		TELEPHONE NUMBER <u>788-7496</u>	
E <u>Vacant Lot / Str.</u>		COMMODITY / SITE <u>Planters / Parking Lot</u>	
S <u>Vacant Lot</u>		METHOD OF APPLICATION (CHECK ONE): <input type="checkbox"/> 1. AERIAL <input type="checkbox"/> 2. CHEMIGATION <input checked="" type="checkbox"/> 3. HAND HELD <input type="checkbox"/> 4. GROUND RIG <input type="checkbox"/> 5. OTHER	
HANDLER'S NAME / # INTERVIEWED <u>Juan Tostada</u>		ACTIVITY <u>App</u>	
		PERSONAL PROTECTIVE EQUIPMENT WORN <u>L.P./S, shoes, socks, rubber gloves, safety glasses.</u>	

PESTICIDE NAME / MANUFACTURER	LABEL REGISTRATION NUMBER	SIGNAL WORD	FORMULATION	RATE	DILUTION
/					

A. APPLICATION				B. MIX/LOAD				A. APPLICATION				B. MIX/LOAD			
COMPLIANCE			Section	COMPLIANCE			Section	COMPLIANCE			Section	COMPLIANCE			
YES	NO	N/A		YES	NO	N/A		YES	NO	N/A		YES	NO	N/A	
			1. PCB Licensed	11701						19. Closed Sys. Used /Criteria - "Danger"	6746				
			2. PCB Registered in County	11732						20. Protect. of Persons/Animals/Property	6614				
			3. Labeling Available at Use Site	6602						21. Equipment Registered - PCB	11732				
			4. Notice of Intent Submitted	6434						22. Equipment Identified - PCB	6630				
			5. Certified Applicator Sup RM	6406						23. Backflow Prevention - Airgap	6610				
			6. Complies w/Permit Conditions	12973						24. Containers Secured / Attended	6670				
			7. Labeling - Site/Rate/Other	12973						25. Containers Labeled / Closures	6676				
			8. Labeling - PPE	12973						26. Service Container Labeling	6678				
X			9. Regulations - PPE	6738			X			27. Proper Containers	6680				
			10. Respiratory Protection	6739						28. Proper Pesticide Transport	6682				
			11. Coveralls, "Warning / Danger"	6736						29. Containers Properly Rinsed	6684				
			12. Handler(s) Trained	6724						30. Accurate Measurement	6604				
			13. Emergency Med. Care Posting	6726						31. Ground Water Protection	6487.1-5				
			14. Employee Working Alone, "Danger"	6730						32. Wellhead Protection	6609				
			15. Decontamination Facility	6734						33. Dormant Insecticides	6960				
			16. Eyewash Immed, Available - Prod. Ag.	6734(c)						TOTAL					
			17. Field Postings	6776											
			18. Safe Equipment	6742											

COMPLIANCE ACTIONS: Cease and Desist Order 11737 / 11897 / 13102 YES NO
Follow-up Required YES NO

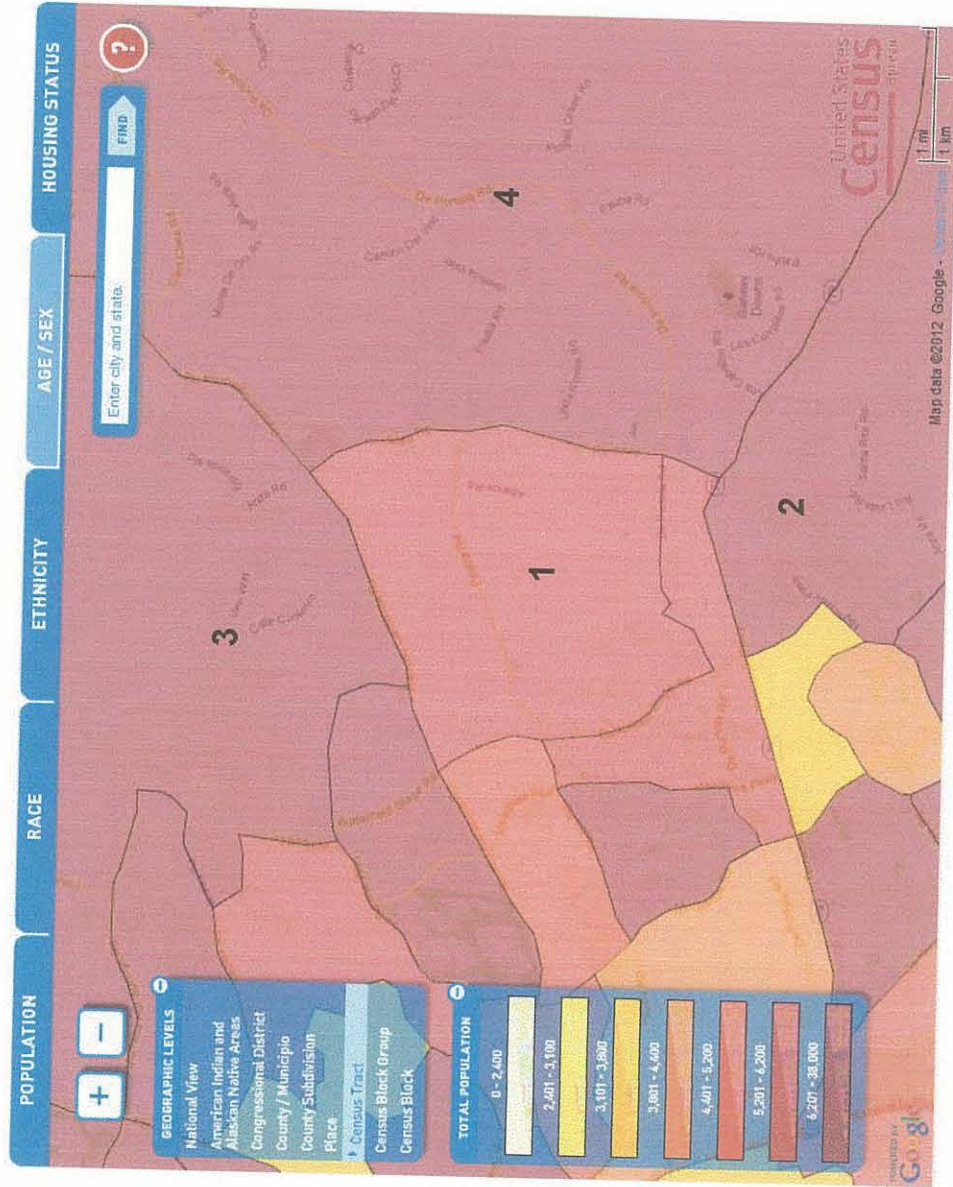
COMPLIANCE ACTIONS, (Continued): Correct Noncompliances By: N/A

Remarks - Include a detailed description of noncompliances. When additional space is required, continue on Inspection Report / VN Supplement, PR-ENF-111.
Safety glasses provided; Service container attached to backpacks. Noncompliances corrected.

INSPECTOR (Print Name) Julia Goo Signature [Signature] TIME AND DATE INSPECTED 110 2-15-11
INSPECTION ACKNOWLEDGED BY (Print Name) Jose Gutierrez Signature [Signature] DATE ACKNOWLEDGED 2/15/11
VIOLATION NOTICE YES NO # Low Dye - 266

Attachment D

Wine Country Area 2010 Census Information



Census Tract Total Population Key Map

POPULATION RACE ETHNICITY AGE / SEX HOUSING STATUS

Enter city and state: **FIND** ?

POPULATION

+ **-**

GEOGRAPHIC LEVELS

- National View
- American Indian and Alaskan Native Areas
- Congressional District
- County / Municipio
- County Subdivision
- Place
- Census Tract
- Census Block Group
- Census Block

TOTAL POPULATION

- 0 - 2,400
- 2,401 - 3,100
- 3,101 - 3,800
- 3,801 - 4,600
- 4,601 - 5,200
- 5,201 - 6,200
- 6,201 - 38,000

CA - Riverside County - Census Tract 43247
Total Population: 5,906

Age / Sex

Age / Sex	Population
Male	2,870
Female	3,036
Under 18	1,983
18 and over	3,913
20-24	239
25-34	467
35-49	1,606
50-64	907
65 & over	530

Zoom In | Compare | Print

United States **Census** Bureau

Map data ©2012 Google

1 mi 1 Km

POPULATION RACE ETHNICITY AGE / SEX HOUSING STATUS

Enter city and state. **FIND** ?

POPULATION

+ **-**

GEOGRAPHIC LEVELS

- National View
- American Indian and Alaskan Native Areas
- Congressional District
- County / Municipio
- County Subdivision
- Place
- CensusTract**
- Census Block Group
- Census Block

TOTAL POPULATION

- 0 - 2,400
- 2,401 - 3,100
- 3,101 - 3,800
- 3,801 - 4,400
- 4,401 - 5,200
- 5,201 - 6,200
- 6,201 - 88,000

CA - Riverside County - Census
Age / Sex
Total Population : 7,034

Age / Sex	Population
Male	3,513
Female	3,521
Under 18	2,340
18 and over	4,695
20-24	251
25-34	659
35-49	1,870
50-64	1,112
65 & over	605

CA - Riverside County - Census Tract 63257
Total Population: 7,034

Map data ©2012 Google

1 mi | 1 km

POWERED BY Google

POPULATION RACE ETHNICITY AGE / SEX HOUSING STATUS

Enter city and state. **FIND** ?

POPULATION

+ **-**

GEOGRAPHIC LEVELS

- National View
- American Indian and Alaskan Native Areas
- Congressional District
- County / Municipio
- County Subdivision
- Place
- Census Tract
- Census Block Group
- Census Block

TOTAL POPULATION

- 0 - 2,400
- 2,401 - 3,100
- 3,101 - 3,800
- 3,801 - 4,400
- 4,401 - 5,200
- 5,201 - 6,200
- 6,201 - 38,000

CA - Riverside County - Census Tract 45267
Total Population: 8,838

CA - Riverside County - Census
Age / Sex
Total Population: 8,838

Male	4,809
Female	3,929
Under 18	2,913
18 and over	5,925
20-24	546
25-34	1,400
35-49	2,229
50 -64	1,082
65 & over	415

Zoom in | Compare | Print

Map data ©2012 Google - Terms of Use

1 mi 2 km

United States
Census
2010

Powered by Google

POPULATION RACE ETHNICITY AGE / SEX HOUSING STATUS

Enter city and state. **FIND**

CA - Riverside County - Census Tract 432.3
Total Population: 6,792

Age / Sex
Total Population: 6,792

Male	3,493
Female	3,299
Under 18	1,553
18 and over	5,239
20-24	383
25-34	448
35-49	1,477
50-64	1,716
65 & over	1,027

Zoom In | Compare | Print

POPULATION

GEOGRAPHIC LEVELS
National View
American Indian and Alaskan Native Areas
Congressional District
County / Municipio
County Subdivision
Place
Census Tract
Census Block Group
Census Block

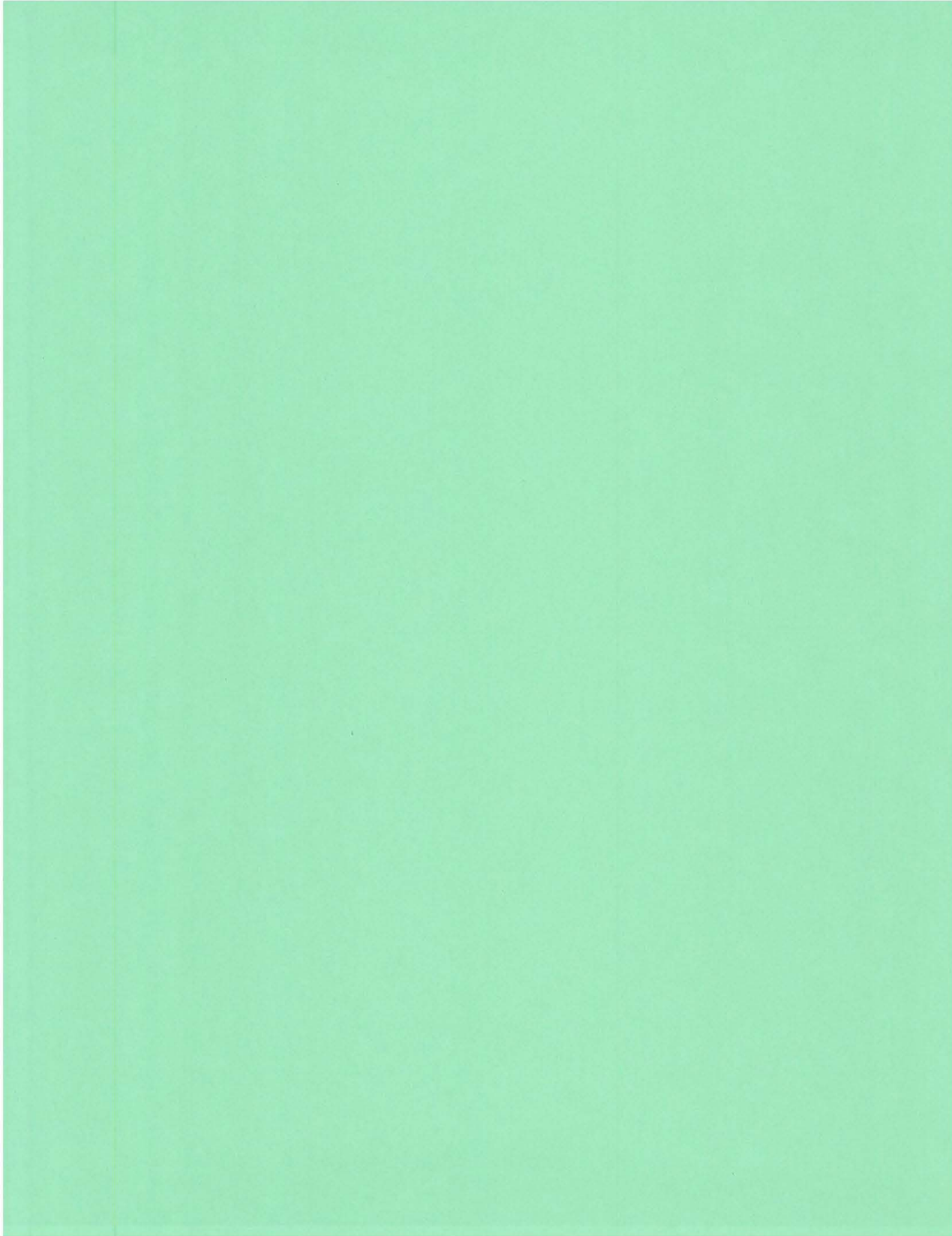
TOTAL POPULATION

- 0 - 2,400
- 2,401 - 3,100
- 3,101 - 3,800
- 3,801 - 4,400
- 4,401 - 5,200
- 5,201 - 6,200
- 6,201 - 38,000

Map data ©2012 Google

1 mi | 2 km

United States
census
2010



**LEWIS
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BISGAARD
& SMITH LLP**
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SAMUEL C. ALHADEFF
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E-MAIL: SALHADEFF@LBBSSLAW.COM

December 5, 2012

VIA HAND DELIVERY

Chairman John Snell
Riverside County Planning Department
P.O. Box 1409
Riverside, CA 92502-1409

Re: Wine Country Community Plan - Hearing Scheduled for December 5, 2012 of
Riverside County Planning Commission

Dear Chairman Snell:

We have had the opportunity to review a number of documents that were previously submitted by a party we are assisting, Redhawk Valley Citrus, LLC together with its partners involving Assessors Parcel Numbers 966380-028-029-030-031-032. We have had a number of written and oral communications with the Planning Commission and respect and appreciate the time that the Commission has invested in studying the Wine Country Plan. Now, we have reviewed the Staff Report for Item 3.2 scheduled to be heard this Wednesday. First, one comment, It appears that staff has taken the position that the public hearings are closed yet the staff has presented alternatives to the Commission which require "that the Planning Commission evaluate and select an option" and "direct Planning Staff to proceed forward with the selected option and continue off calendar." We believe that the public has a right to comment on the options, as well as discuss further the information that was presented previously to the Planning Commission. Our first exhibit is a copy of the Staff Report, Exhibit 1 to this submittal.

The second exhibit we are attaching is a Staff Report of the Wine Country Community Plan which was formally Agenda Item 3.1. This Agenda Item was documented for the September 26, 2012 hearing and has as part of its review and Staff Report and item called "public testimony and issues discussed during first two public hearings." Included within those issues was the Request for Modification of the Proposed Wine Country Plan Boundaries, as well as a number of other factors. These discussions points do not appear anywhere in the Staff Report attached as Exhibit 1. We think accordingly the Staff Report is trying to narrow or not allow the Commission to review those items which were

discussed at the meeting of September 26. Again, another reason for opening the public comments because it appears that the staff in this current report is attempting to limit what should be discussed by the Planning Commission and does not appear to accurately reflect the testimony received at the other public hearings on July 25, August 22 and September 26. Rather, it attempts to narrow the issues to one specific matter. Exhibit 2 is a copy of another Staff Report from the September 26, 2012 meeting.

The next Exhibit is one that our office submitted on August 21 to Chairman Snell concerning the Wine Country Plan and it includes requests by these applicants for a further study and review of an overlay along Anza Road (this attachment is Exhibit 3). If you will recall, from the information that had been generated by public hearings, Anza Road is designated under the County Circulation Plan to a four lane road. There were a number of projects that were approved to assist in the funding of this four lane road. Exhibit 4 depicts certain of those projects. The Morgan Hill Project, a large Pacific Plan Project, was approved many years ago at the time that there was a "discussion of an urban limit line" but the City of Temecula agreed to go along with that project when there was mitigation majors established. We think that same analysis has to be applied to the proposed overlay that was submitted for your review. More importantly, this overlay simply is another item that needs to be discussed within the context of a recirculation of the boundaries of the Wine Country Plan. We believe that the boundaries of the Wine Country Plan are up for review and need to be considered in any recirculation. Accordingly, please understand that we agree with the staff comments of the September 26, 2012 Commission Hearing. To do otherwise would be to not take into consideration the testimony that the Planning Commission has previously received.

In summary, (1) we think the boundaries of the Wine Country Plan need to be reviewed; (2) we think that there is support to discuss and ask staff to review establishing overlay in this area assuming that the Wine Country Boundary will remain as proposed; (3) the meeting of December 5, 2012 requires that the hearing be reopened for public testimony on the options that were to be considered number 1 and 2 for any party who had previously addressed the Commission to bring forth their concerns again as outlined in the Staff Report of the September 26 hearing. Finally, for further analysis of recirculation of the Environmental Impact Report to include alternatives certainly in the area that we have under discussion. Those alternatives would include: (1) overlays for medium density residential along Anza Road to provide for support for the circulation element of the County and (2) discussion of whether this area should even be included in Wine Country since it is adjacent to a number of projects that have already been constructed and homes occupied in the Morgan Hill area.

Chairman John Snell
December 5, 2012
Page 3

We would be happy to answer any questions at the hearing of the Commission on December 5. We hope the exhibits attached to this submittal are helpful. Thank you for your time.

Respectfully submitted,



Samuel C. Alhadeff of
LEWIS BRISBOIS BISGAARD & SMITH LLP

SCA:ch
Enclosures

P.S. We also ask that all previous submittals made to the Planning Commission and the Planning Director concerning our comments to the Draft EIR No. 524 be included within records of these applicants and that previous County of Riverside Planning Department Staff Report dated February 4, 2009 approving a GPIP Application for these applicants. For your convenience we have attached these as Exhibits A, B and C to this submittal.

EXHIBIT “1”

Agenda Item: **3.2**
Area Plan: Southwest
Zoning Area: Rancho California
Supervisory District: Third/Third
Planning Commission: December 5,
2012
Continued From: July 25, 2012, August
22, 2012, and September 26, 2012

WINE COUNTRY COMMUNITY PLAN –
General Plan Amendment No. 1077, Ordinance
Amendment No. 348.4729, and Program
Environmental Impact Report No. 524
Applicant: County of Riverside
EIR Consultant: RBF Consulting

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

WINE COUNTRY COMMUNITY PLAN

PROJECT BACKGROUND:

The Temecula Valley Wine Country Community Plan (Project) was initiated by the County Board of Supervisors in 2008 to ensure that the region develops in an orderly manner that preserves Temecula Valley's viticulture potential and enhances its economic contribution to the County over the long term. The purpose of this Project is to provide a blueprint for future growth that ensures that future development activities will enhance, and not impede, the quality of life for existing and future residents, while providing opportunities for continued preservation and expansion of winery and equestrian operations. The Project has been developed to achieve the following four objectives:

1. To preserve and enhance viticulture potential, rural lifestyle and equestrian activities;
2. To continue to allow for an appropriate level of commercial tourist activities that are incidental to viticulture and equestrian operations;
3. To coordinate growth in a manner that avoids future land use conflicts; and
4. To ensure timely provision of appropriate public infrastructure and services that keeps up with anticipated growth.

The Project is generally located in the Southwest Area Plan (SWAP) of the General Plan in the southwestern portion of unincorporated Riverside County. The Project covers approximately 18,990 acres of land located approximately three miles north of the San Diego County border, east of the City of Temecula, south of Lake Skinner, and northwest of Vail Lake. The Project includes General Plan Amendment No. 1077, Ordinance Amendment No. 348.4729, and the accompanying Program Environmental Impact Report No. 524 (PEIR No. 524).

PUBLIC HEARINGS:

The Project was discussed before the Planning Commission on July 25, 2012, August 22, 2012, and September 26, 2012. At the first two public hearings, the Commission received an extensive amount of public testimony and letters regarding the Project on a variety of topics.

The majority of the public testimony focused on the inclusion of churches and private schools within the Project. Since the Project description did not include churches and private schools, the PEIR No. 524 did not analyze these types of land uses. It was staff's understanding that the Commission did not feel comfortable moving forward with a recommendation to the Board of Supervisors on the Project due to the amount of public testimony to include churches and

private schools. Thus, it was the position of the Commission to revise the Project description to include churches which would therefore require the circulation of the revised PEIR No. 524.

At the conclusion of the August 22, 2012 hearing, the Planning Commission directed staff to develop options that would include churches, temples and other places of religious worship in the Project description and report back to the Planning Commission. The Commission also directed staff to schedule a meeting with the consultant team and the temporary Ad Hoc Subcommittee consisting of Commissioner Petty and Commissioner Zuppardo to develop the Project options and scope of services required to revise the PEIR No. 524. Additionally, the Commission closed the public hearing to further public testimony. The public hearing remained open for all other matters.

AD HOC SUBCOMITTEE MEETINGS:

The Ad Hoc Subcommittee meetings were conducted on September 4, 2012 and September 11, 2012 to discuss potential options. At the Planning Commission hearing held on September 26, 2012, Staff requested additional time to evaluate the options discussed during the subcommittee meetings. Thus, the Planning Commission continued the Project to December 5, 2012 to allow additional time to evaluate project options, scopes of services, fee schedules and time frames. Since the September 26, 2012 Planning Commission hearing, staff has evaluated three potential options.

PRELIMINARY PROJECT ASSUMPTIONS:

The following preliminary assumptions are anticipated if the Commission chooses to revise the Project and associated PEIR No. 524:

Preliminary Assumptions for Churches, temples and other places of religious worship (Churches):

- The use of Churches is *similar* in characteristics as a special occasion facility within the Project area; therefore, the minimum development standards that apply to a "Winery with Special Occasion Facility" would apply to Churches. This includes, but not limited to, minimum of 20 acres, 75% planting of vines, noise study and setbacks requirements.

The Project assumes "Winery with Special Occasion Facilities" to only occur in the Winery District areas designated within the Project boundary. Thus, churches would only be assumed to potentially occur in the Wine Country-Winery District. Special Occasion Facilities are not permitted as a primary or a secondary use in the Wine Country-Residential District and are permitted only secondary to a commercial equestrian establishment with a minimum of 100 acres in the Wine Country-Equestrian District.

Preliminary Assumptions for Private Schools:

- Private schools are defined by the California Department of Education as “a school that is owned or operated by a private person, firm, association, organization, or corporation, rather than by a public agency”. The site locations for private schools are not subject to State Education Code; but the structural integrity of the building is subject to the Private Schools Building Safety Act of 1986 (Education Code Section 17320-17336);
- To ensure private schools are aesthetically similar in characteristics with the surrounding uses, the following development standards that applies to a winery with a special occasion facility would apply to private schools: 20 acres minimum lot size, 75% planting of vines and set-back requirements;
- To protect the safety and welfare of the private school’s student body and staff additional analysis on hazardous material, air quality and agriculture pesticides use will be necessary;
- The public services analysis for the current Project finds that the surrounding schools have the capacity to serve the Wine Country area. Thus, the revised technical studies will assume no more than two private schools to potentially occur within the Project Boundary.

Preliminary General Assumptions:

- The revised PEIR No. 524 would analyze two sites that would include combined Churches and private schools, two sites that would only include Churches and two sites that would only include private schools for a total of six sites within the Wine Country-Winery Zone.
- The findings of the revised PEIR No. 524 may lead to additional policies, development standards and mitigation measures to address the potential environmental impacts from Churches and private schools.

Additionally, the following general scope of work for the revised PEIR No. 524 is anticipated:

GENERAL SCOPE OF WORK TO REVISE THE PEIR No. 524:

Task 1: Secure funding and revise contract agreements with the following consulting firms:

- o RBF Consulting;
- o PCR Services Corporation;
- o Fehrs & Peers; and
- o Best Best &Krieger LLP

Task 1.1: Project initiation and research: Formalize land use assumptions for Churches and private schools;

Task 2: Revise technical studies based on updated land use assumptions, as well as, to address other issues presented during the first two public hearings. This includes, but is not limited to, revisions to the traffic, noise, air quality, noise, and water quality studies.

Task 3: Based on the revised technical studies and public testimony, revise various sections of the Draft PEIR No. 524 which may include, but is not limited to, agricultural and forestry resources, air quality, greenhouse gases, land use, noise, traffic and circulation, mitigation measures and the project description;

Task 4: Public review period for Draft PEIR No. 524. This task would include coordination to circulate the revised PEIR No. 524 for public comments.

Task 5: Prepare Response to Comments. This task would include response preparation and coordination with the environmental consultant, sub consultants, the County and legal support to adequately address comments received on the revised PEIR No. 524.

Task 6: Project management, coordination and team meetings (10).

Task 6.1: Public Hearings: Planning Commission (3) and Board of Supervisor (2). This task would include attendance of the consultant team, the County, and legal support at two Planning Commission and Board of Supervisors hearings.

Task 7: Prepare Final PEIR No. 524. This task includes the preparation and review of the Final PEIR No. 524.

Task 8: Public review period for Final PEIR No. 524. This task would include coordination to distribute the final document to those who submitted comments on the draft document (Task 4).

CONTRACT STATUS:

The total allocated amount for the period of FY 2008-2013 is \$1,498,073 for the preparation of the Community Plan and the PEIR No. 524.

EIR Consultant

The total allocated amount for the preparation of the PEIR No. 524 is \$296,346 for the EIR Consultant. At this time, there is only \$1,880 remaining in the allocated budget for the completion of the document.

County Staff, County Counsel, and Sub Consultants

The total allocated amount for the preparation of the PEIR No. 524 and the Community Plan is \$1,201,727. Up to the September 26, 2012 Planning Commission hearing, \$1,144,605 has been spent on the Project, including the PEIR No. 524. At this time, there is only \$57,122 remaining in the budget to complete the Project.

OPTIONS:

Option No. 1 - Full PEIR Revision, Churches and Private Schools (Two Combined Churches/Private Schools, Two Separate Churches and Two Separate Private Schools):

This option would involve revisions to General Plan Amendment No. 1077 and Ordinance Amendment No. 348.4729 to add Churches and private schools, as conditionally permitted uses in the Project. Private schools are included in this option due to numerous public requests to include this type of use in the Project. Since the development scenario described in the Project, and analyzed in the associated PEIR No. 524, has not accommodated the intensity of multiple Churches or private schools in this region, additional analyses and circulation of the revised PEIR No. 524 will be necessary.

This option includes updating the following existing studies within the PEIR No. 524 prepared by the EIR consultant and sub consultants: traffic, air quality, greenhouse gases, noise and water quality. This all inclusive approach will disclose potential environmental impacts of adding Churches and private schools as allowable uses in the Project; and, thereby, provide necessary information to the recommending body and subsequently the Board of Supervisors when they are considering whether to include such uses in the Project; and if allowed under what conditions.

Estimated Cost and Schedule

The total cost to complete the revision of PEIR No. 524 for this option is \$575,000. This would include \$222,000 for the County (Planning, Transportation, and GIS/RCIT), \$155,000 for legal services (County Counsel and Best Best & Krieger), and \$198,000 for the EIR Consultant (RBF Consulting) and sub consultants (PCR Services Corporation and Fehrs and Peers).

A breakdown of the estimated costs is as follows:

Task 1: Secure Funding and Project Initiation:	\$35,000
Task 2: Revise and Review Technical Studies:	\$65,000
Task 3: Revise Draft PEIR No. 524:	\$150,000
Task 4: Public Review Period and Coordination:	\$50,000
Task 5: Prepare Response to Comments:	\$90,000
Task 6: Team Meetings (10) and Public Hearings (5):	\$90,000
Task 7: Prepare Final PEIR No. 524:	\$65,000
Task 8: Coordinate and Distribute Final PEIR No. 524:	<u>\$30,000</u>
Estimated Total:	\$575,000

Funding sources for Task 1 of this option has not been identified at this time. Once identified and secured, contract amendments with the EIR consultants will be presented to the Board for consideration and action. The revised Project and associated PEIR No. 524 is anticipated to be completed in approximately 9 months after funding is secured and the contract amendments are approved by the Board. Timing includes three months to complete the technical studies and the

revised Draft PEIR No. 524; two months for the public review period; two months to prepare and complete the response to comments; and finally, two months for the public hearings.

In the meantime, land use applications within the Project boundary will continue to be processed under the County's existing General Plan and Zoning Ordinance.

Option No. 2- Consider the Project After Final Decision on the Proposed Calvary Church Proposed Project.

At this time, Calvary Church has submitted an application to amend the current C/V zoning classification to add Churches and private schools as conditionally permitted uses. The application is currently being processed by the County and, at this time, is not before the Planning Commission for consideration. The Calvary Church's proposed project will undergo its own environmental analysis and public hearings before the appropriate decision-makers.

In this option, Calvary Church's proposed project would be processed by the County and the Project would be continued off calendar until Calvary Church's proposed project is considered and acted upon by the Board of Supervisors. The estimated time to process Calvary Church's proposed project and associated environmental documents is approximately six months.

Estimated Cost and Schedule

Since the environmental documents for Calvary Church's proposed project would be studying Churches and private schools in the current C/V zoning classification, the County may be able to use some of the documents for its revised PEIR No. 524. This may help reduce the overall cost to revise PEIR No. 524. However, circulation of the revised PEIR No. 524 would still be required. Therefore, the scope of services would be similar to Option No. 1. The schedule to complete this option would be approximately six months after Calvary Church's proposed project is acted upon by the Board of Supervisors. The County will identify and secure funding while Calvary Church's proposed project is being processed; one month to revise PEIR No. 524; two months for the re-circulation period; two months for the completion of the response to comments; and two months for the public hearings. The cost to complete this option is approximately \$450,000. This includes approximately \$175,000 for the EIR Consultant; \$180,000 for the County; and \$95,000 for legal support.

A breakdown of the estimated costs is as follows:

Task 1: Secure Funding and Project Initiation:	\$35,000
Task 2: Revise and Review Technical Studies:	\$15,000
Task 3: Revise Draft PEIR No. 524:	\$100,000
Task 4: Public Review Period and Coordination:	\$50,000
Task 5: Prepare Response to Comments:	\$80,000
Task 6: Team Meetings (10) and Public Hearings (5):	\$90,000
Task 7: Prepare Final PEIR No. 524:	\$55,000
Task 8: Coordinate and Distribute Final PEIR No. 524:	<u>\$25,000</u>

Estimated Total: \$450,000

Option No. 3 – Proceed with Original Project Proposal

Based on the costs associated with Options Nos. 1 and 2 and the potential challenges with securing funding for the revised PEIR No. 524, this option would consist of the original Project proposal as presented at the July 25, 2012 and August 22, 2012 Planning Commission hearings which does not include the inclusion of Churches and private schools within the Project description.

Under this option, the Planning Commission may consider removing the property owned by Calvary Church from the Project's boundaries. If removed, Calvary Church's property would maintain its existing land use designation and zoning classification. A text amendment to Ordinance No. 348 would still be needed to allow Churches and private schools as conditionally permitted uses in the CV zoning classification.

Estimated Cost and Schedule

The cost to complete this option is approximately \$90,000. This includes approximately \$50,000 for the EIR Consultant and \$40,000 for the County. As previously mentioned, the EIR Consultant has exhausted the original budget and augment of \$296,346. In addition, the County only has \$57,122 remaining in the County's budget. Thus, a budget augment would need to be prepared by the EIR Consultant as well as the County. This augment is based on the additional research and analysis needed to address issues raised at the previous public hearings and the additional Planning Commission hearings which were all outside of the original contract. The estimated time of completion is 3 months.

A breakdown of the estimated costs is as follows:

Task 1: Secure Funding and Project Initiation:	NA
Task 2: Revise and Review Technical Studies:	NA
Task 3: Revise Draft PEIR No. 524:	NA
Task 4: Public Review Period and Coordination:	NA
Task 5: Prepare Response to Comments:	NA
Task 6: Team Meetings (5) and Public Hearings (3):	\$50,000
Task 7: Prepare Final PEIR No. 524:	\$15,000
Task 8: Coordinate and Distribute Final PEIR No. 524:	<u>\$25,000</u>
Estimated Total:	\$90,000

RECOMMENDATION:

1. THAT THE PLANNING COMMISSION EVALUATE AND SELECT AN OPTION; AND
2. DIRECT PLANNING STAFF TO PROCEED FORWARD WITH THE SELECTED OPTION AND CONTINUE OFF CALENDAR.

EXHIBIT “2”

Agenda Item: 3.1
Area Plan: Southwest
Zoning Area: Rancho California
Supervisory District: Third/Third
Planning Commission:
September 26, 2012
Continued From: July 25, 2012,
and August 22, 2012

WINE COUNTRY COMMUNITY PLAN –
General Plan Amendment No. 1077,
Ordinance Amendment No. 348.4729,
and Program Environmental
Impact Report No. 524
Applicant: County of Riverside
EIR Consultant: RBF Consulting

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

WINE COUNTRY COMMUNITY PLAN

PROJECT DESCRIPTION:

The Temecula Valley Wine Country Community Plan (Project) was initiated by the County Board of Supervisors in 2008 to ensure that the region develops in an orderly manner that preserves Temecula Valley's viticulture potential and enhances its economic contribution to the County over the long term. The purpose of this Project is to provide a blueprint for future growth that ensures that future development activities will enhance, and not impede, the quality of life for existing and future residents, while providing opportunities for continued preservation and expansion of winery and equestrian operations. The Project has been developed to achieve the following four objectives:

1. To preserve and enhance viticulture potential, rural lifestyle and equestrian activities;
2. To continue to allow for an appropriate level of commercial tourist activities that are incidental to viticulture and equestrian operations;
3. To coordinate growth in a manner that avoids future land use conflicts; and
4. To ensure timely provision of appropriate public infrastructure and services that keeps up with anticipated growth.

The Project is generally located in the Southwest Area Plan (SWAP) of the General Plan in the southwestern portion of unincorporated Riverside County. The Project covers approximately 18,990 acres of land located approximately three miles north of the San Diego County border, east of the City of Temecula, south of Lake Skinner, and northwest of Vail Lake. The Project includes General Plan Amendment No. 1077, Ordinance Amendment No. 348.4729, and the accompanying Program Environmental Impact Report No. 524 (PEIR No. 524).

PUBLIC TESTIMONY AND ISSUES DISCUSSED DURING FIRST TWO PUBLIC HEARINGS:

The Project was discussed before the Planning Commission on July 25, 2012 and August 22, 2012. At the two public hearings, the Commission received an extensive amount of public testimony and letters regarding the Project on a variety of topics. This includes the following:

- Requirements to regulate noise;
- Implementation of the proposed trails network;
- Application of Ordinance No. 348.4729;
- Allowance of churches and other places of religious worship;

- Allowance of private schools;
- Preservation of vineyards and other agricultural uses;
- Tourism associated with winery and equestrian uses;
- Recognition of other agricultural operations;
- Requests for modification of the proposed Wine Country Community Plan boundaries;
- Proposed development standards;
- Water quality and supply assessment; and
- Farm worker housing.

The majority of the public testimony focused on the inclusion of churches and private schools within the Project. Since the Project description did not include churches and private schools, the PEIR No. 524 did not analyze these types of land uses. It is staff's understanding that the Commission did not feel comfortable moving forward with a recommendation on the Project due to the amount of public testimony to include churches and private schools. Thus, it was the position of the Commission to revise the Project description to include churches which would therefore require a re-circulation of the PEIR No. 524.

Thus, at the conclusion of the August 22, 2012 hearing, the Planning Commission directed staff to develop options that would include churches, and other places of religious worship in the Project description and report back to the Planning Commission. The Commission also directed staff to schedule a meeting with the consultant team and the temporary Ad Hoc Subcommittee consisting of Commissioner Petty and Commissioner Zuppardo to develop the Project options and scope of services required to re-circulate PEIR No. 524. Additionally, the Commission closed the public hearing to further public testimony. The public hearing remained open for all other matters.

Meetings regarding Project options and scope of services were conducted on September 4, 2012 and September 11, 2012. Based on the two meetings, two options were being developed. The first option would include a full re-circulation of the PEIR with the inclusion of churches only in the Project description. The second option would include a full re-circulation of the PEIR with the inclusion of churches and private schools in the Project description.

At this time, staff is still in the process of evaluating the two options, scopes of services, fee schedules and time frames. Thus, staff is recommending a 60 day continuance with no discussion to further evaluate options.

RECOMMENDATION:

CONTINUE FOR 60 DAYS with no discussion to further evaluate options.

EXHIBIT “3”

**LEWIS
BRISBOIS
BISGAARD
& SMITH LLP**
ATTORNEYS AT LAW

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August 21, 2012

File No.
F023.01

VIA HAND DELIVERY

Chairman John Snell
Riverside Co. Planning Department
P.O. Box 1409
Riverside, CA 92502-1409

Re: Wine Country Community Plan

Dear Chairman Snell:

On behalf of Redhawk Investments, LLC, J To The 5th, LLC, Jonatkim Enterprises and Husmand Taghdri, the Applicants in this matter, we respectfully request you include this submittal in the records of the Planning Commission for the Wine Country Draft Proposals.

The Applicants' position is very clear, the objectives are spelled out and it is a request for a policy in the Proposed Wine Country area south of Temecula Parkway. The Application speaks for itself and without going into any detail, the request is for consideration that this area be either excluded from Wine Country with a policy as suggested in the submittal or, if there is a Wine Country Proposal, that it includes the policy that is based in this submittal.

Since you will have a number of speakers on Wednesday and time for those speakers should be appropriately allocated, we are simply submitting on written record and would be happy to answer any questions. It is the Applicants' intention to request that we contact each of the Commissioners to explain our point of view with regard to their subject property.

Chairman John Snell
Riverside Co. Planning Department
August 21, 2012
Page 2

Thank you.

Very truly yours,



Samuel C. Alhadeff of
LEWIS BRISBOIS BISGAARD & SMITH LLP

SCA:ch

cc: John Petty, Vice Chairman
John Roth
Jan Zuppardo

Riverside County Clerk of the Board
County Administrative Center
4080 Lemon Street, 1st Floor
Riverside, CA 92501

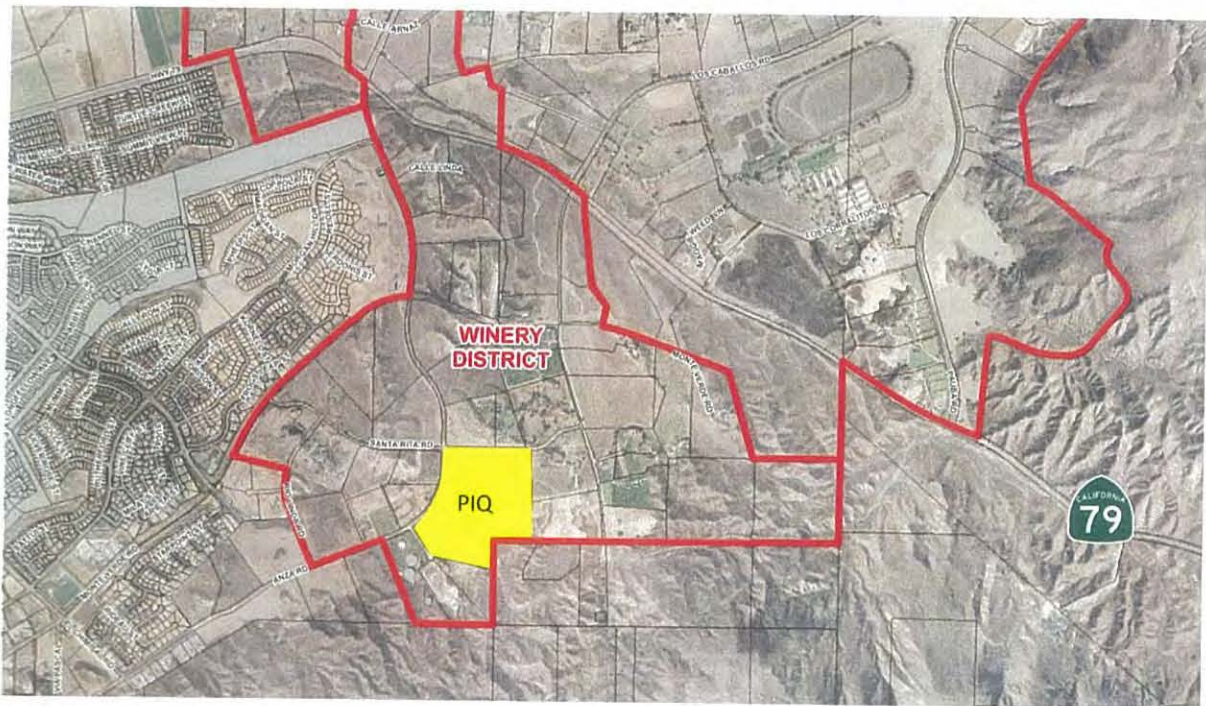
Subject: Wine County Community Plan

Applicants: Redhawk Investments, LLC
J To The 5th, LLC
Jonatkim Enterprises
Husmand Taghdri

Assessor Parcels: 966-380-028, 966-380-029, 966-380-030,
966-380-031, 966-380-032

Property Location:

The subject property consists of 58 acres and is located at the southeast corner of Anza Road and Santa Rita Road. It is located within a proposed Winery District in the very southern portion of the proposed Wine Country Community Plan. See location map below.



Objective:

Our objective is to present suggestions and alternatives based recent information and presentations regarding the Wine Country Community Plan. For the record, we also hereby incorporate the following prior submittals related to the subject property:

- 1) All written communications to the County, including communications to County counsel, clerk and the Commission
- 2) All of our comments to the EIR.

Prior presentations by the County of Riverside have acknowledged potential conflicts and incompatibilities in this area between commercial winery uses and the adjacent Morgan Hill residential community. A possible residential district, consisting of lots 5 acres or larger, has been mentioned as an alternative to eliminate these concerns, however we believe that 5-acre lots along in this area will not bring about the “**long standing**” County goals and objectives including traffic/transportation goals for Anza Road.

Background:

Adjacent Development Plan Approvals

Several Medium Density residential development projects have been approved along Anza Road immediately west of the proposed Winery District, as listed below:

The adjacent Morgan Hill Specific Plan, consisting of 1,129 single family residential units, was approved in 2001 by the County of Riverside. Please note that the City of Temecula also “approved” this Project, even in view of their suggested urban limit line.

Adjacent Tentative Tract Map 32813, consisting of 59 single family residential units (7200 SF, Min.), was approved by the County of Riverside 5/08/2007.

Adjacent Tentative Tract Map 32227, consisting of 104 single family residential units (7200 SF, Min.), was approved by the County of Riverside 6/12/2007

Adjacent Tentative Tract Map 32778, consisting of 44 single family residential units (7200 SF, Min.), was approved by the County of Riverside 10/2/2007.

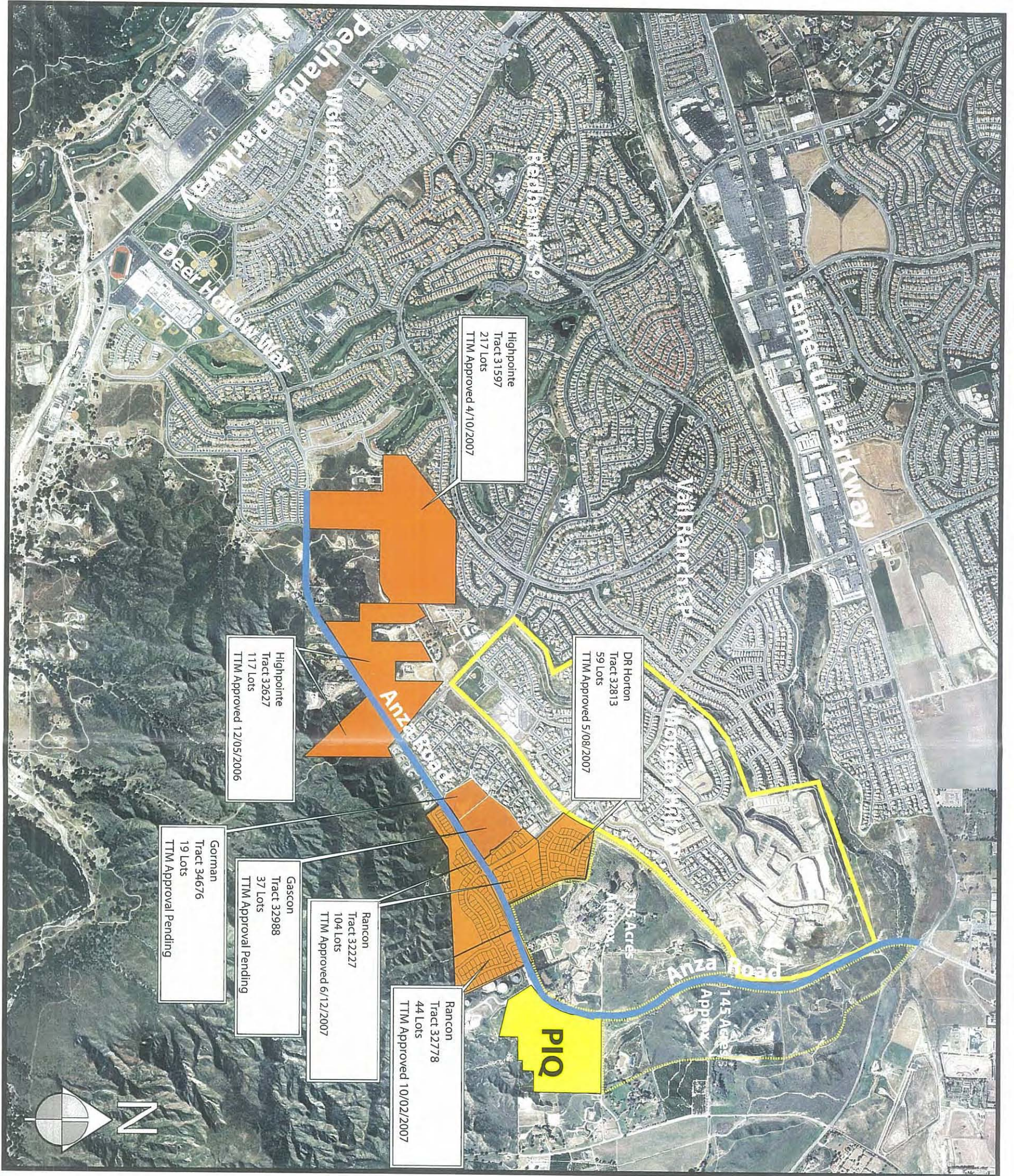
Adjacent Tentative Tract Map 31597, consisting of 217 single family residential units (7200 SF, Min.), was approved by the County of Riverside 4/10/2007

Adjacent Tentative Tract Map 32627, consisting of 117 single family residential units (7200 SF, Min.), was approved by the County of Riverside 12/5/2006.

Adjacent Tentative Tract Maps 34676 and 32988 are under consideration by the County of Riverside.

All of these projects either “front” or are contiguous to existing residential projects on Anza Road.

See Figure 1 on the following page for a map showing location of these approved projects.



ANZA ROAD CORRIDOR - APPROVED PROJECTS AERIAL PHOTOGRAPHIC OVERLAY

Riverside County Approvals

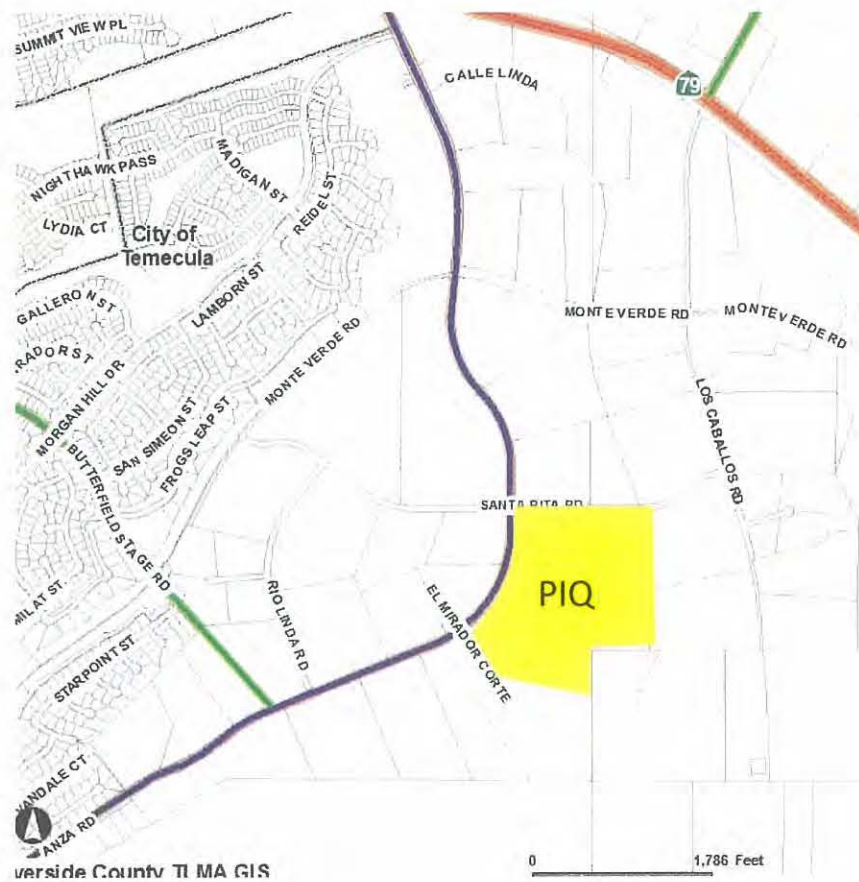
The land within this proposed Winery District of the Wine Country Community Plan is primarily designated as Rural Residential in the current (2004) Riverside County Integrated Plan (RCIP). In addition, the Circulation Element of the (RCIP) designates Anza Road as a “Major Highway” (see map below). The Circulation Element of the RCIP defines a Major Highway as a:

“Highway intended to serve property zoned for industrial and commercial uses, or to serve through traffic. Intersections with other streets or highways may be limited to approximately 660-foot intervals”.

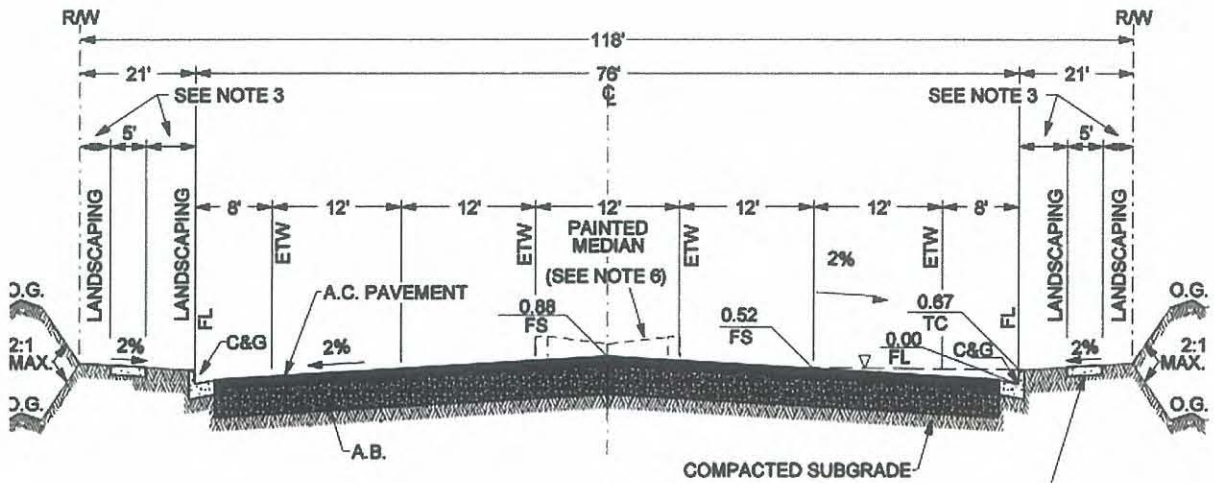
Right of way requirement for a Major Highway is 118 feet, and lane description is:

“4 lanes, additional right of way may be required at intersections”.

County traffic models rely on Anza Road to be built to this standard to insure that streets and intersections will operate at acceptable levels of service in the future.



When built, Anza Road will consist of four paved travel lanes, a raised or painted median, curb and gutters, sidewalks and street lights. It will be a very urban street and will be out of place if traversing a rural area with 5-acre lots or larger. See graphic below.



Anza Road is currently constructed east of El Chimisal Road, as shown below.



The existing adjacent development approvals leave Anza Road dangling without a connection point and it is extremely unlikely that 5-acre zoning in this area will lead to the completion of Anza Road. It is very clear that a more flexible zoning category is needed primarily to create a transition buffer between 1) the suburban communities of Morgan Hill/Vail Ranch and large lot rural properties to the east and 2) to facilitate the completion of Anza Road.

Physical Setting

The subject property is historically and currently an active citrus orchard, although water costs may cause this farming actively to end in the near future. The property is located at the base of foothills and within a small valley that generally follows/parallels Anza Road, as shown below. Topography along Anza Road is fairly mild and conducive to medium density residential housing.

Existing parcels along Anza Road typically range 15 to 20 acres, and larger. The adverse economics of subdividing land that only yields 5-acre properties, combined with the additional burden of being conditioned to construct Anza Road frontage improvements to Major Highway standards will likely lead to 1) prolonged/delayed construction of Anza Road, and 2) property owners who will be stuck indefinitely - unable to subdivide their property a lose-lose situation.



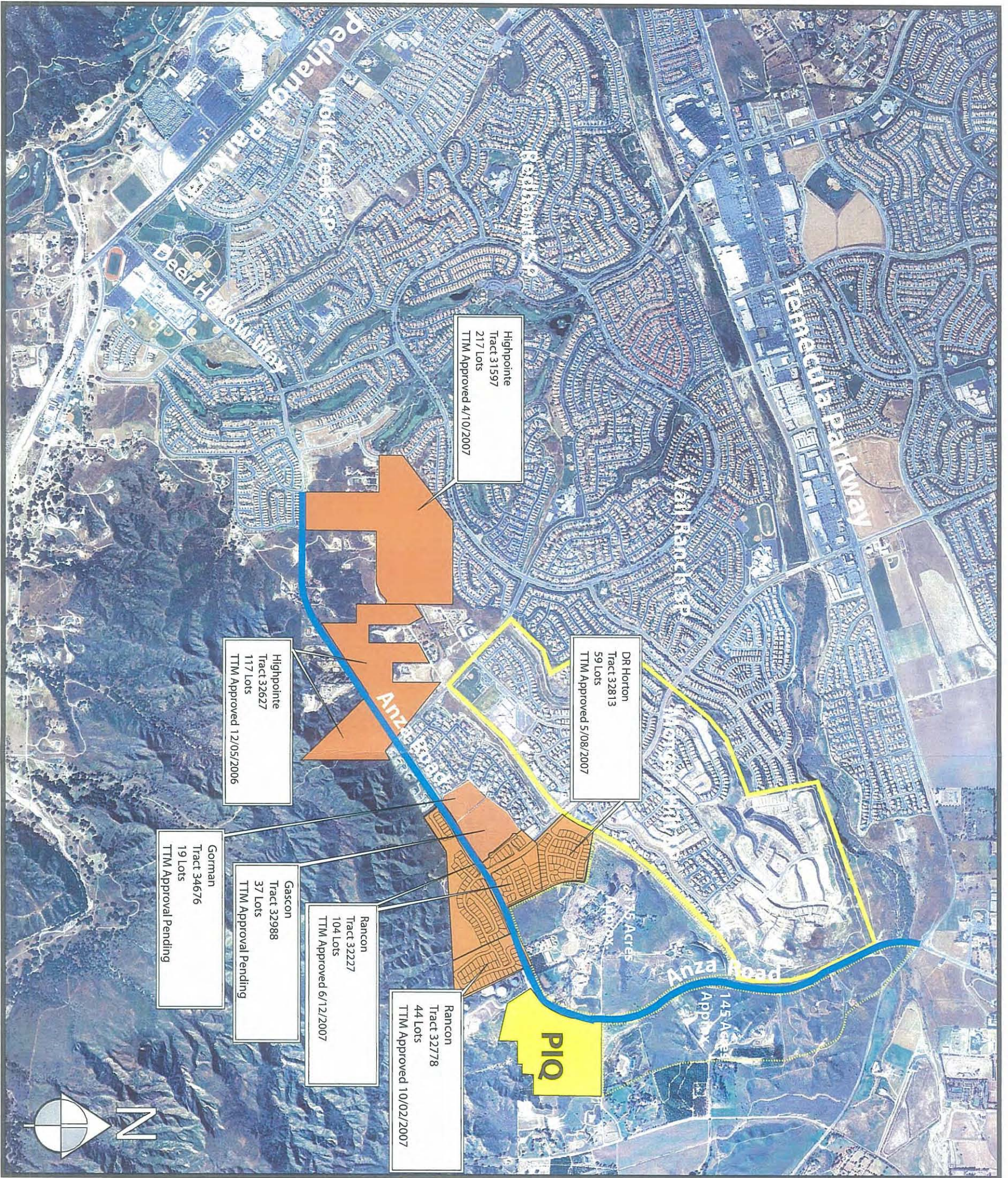
Proposal:

Create a "South Anza Road Zoning Overlay" for the properties along Anza Road. This Overlay can provide a transitional zone between the existing medium density residential properties in the Morgan Hill/Vail Ranch Communities west of Anza Road, and large lot rural properties further east of Anza Road. With the varying topography and natural watercourses, this valley has the special ingredients to be the setting for modern, eco-friendly, and sensitive development .

Benefits of the Overlay concept are both important and numerous, as listed below:

- 1) Provides a density "middle ground" buffer between Medium Density Residential to the west and large lot Rural Residential and Equestrian properties to the east.
- 2) Provides continuation and consistency with existing project approvals on Anza Road
- 3) Provides a gradual density reduction from west to east
- 4) Facilitates the construction of Anza Road from its existing terminus east of El Chimisal Road to the future tie-in at State Highway 79 South
- 5) Eliminates conflict and incompatibilities between existing residences/existing project approvals and proposed Winery District commercial uses
- 6) Eliminates conflicts and incompatibilities between existing residences and horse/animal issues associated with 5-acre properties
- 7) Creates opportunity for modern, innovative and creative housing
 - a. Clustering to promote conservation of open space
 - b. Preservation/avoidance of watercourses
 - c. Preservation/avoidance of steep hillsides
 - d. Conservation of water resources
 - e. Creation of walking and hiking trails through naturally landscaped open spaces
 - f. Creation of a semi-rural lifestyle without the burdens of large lot maintenance and irrigation expenses
- 8) Implements and is consistent with long standing County Transportation Policy
- 9) Recognizes and addresses to existing topography and land features and natural buffers.
- 10) Provides for diverse housing which will be consistent with the area and which could/will recognize sustainability and compatibility with surrounding uses.
- 11) Avoids the adverse impacts and inconsistencies of a commercial use on existing and pervasive "there first" residential areas.

EXHIBIT "4"



ANZA ROAD CORRIDOR - APPROVED PROJECTS AERIAL PHOTOGRAPHIC OVERLAY

EXHIBIT "A"

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February 1, 2012

Ms. Carolyn Syms Luna
Planning Director
County of Riverside
P.O. Box 1409
Riverside, CA 92502-1409

Re: Draft EIR Comments for EIR No 524 (Wine Country EIR)

Dear Ms. Luna:

Our firm represents Standard Pacific, the owner of the Morgan Hill Project and has been asked to comment also for the following entities:

1. J to the 5th, LLC
2. Husmand Taghdri
3. Redhawk Investments LLC
4. Jonatkim Enterprises (owners of APNs 966-380-028; -029; -030; -031 and -032.

By way of introduction, please include by reference herein, all prior submittals filed by: (1) our firm on behalf of Standard Pacific; and (2) the above-listed parties and their agents Gary Thornhill and John Johnson.

The parties herein wish to specifically examine the Hospitality District located in the southwest area commonly referred to as the Anza Road area. While we applaud the work done by the County and its consultants, we believe that a designation of Hospitality District next to and contiguous to Morgan Hill, the Anza Road area, as well as overlaying the other parties' properties (mentioned herein) violates CEQA in the following manners:

The major flaws of the Wine Country EIR for the specific area in question relates to circulation, land use conflicts and incompatibility, lack of infrastructure, and lack of transitioning and buffering. Specific comments are as follows:

1. It establishes an incompatible land use with existing residences and properties.
2. It downsizes existing zoning and general plan designations.
3. It inadequately considers traffic, noise and greenhouse gas effects.
4. The proposed project would substantially alter the existing properties and cause issues with regard to pesticides, insecticides, and other issues on existing homeowners and schools in this case.
5. Pursuant to a prior submittal dated December 7, 2010, (attached as "Exhibit 1") there was a failure throughout the entire process to adequately notice affected property owners including individual residents of Morgan Hill.
6. The proposed EIR fails to take into consideration cumulative impacts of the Pechanga project as proposed as well as impacts on the existing Temecula General Plan and Sphere of Influence and issues related to interconnections with Interstate 15.
7. The proposed EIR fails to take into consideration accumulative effects of traffic, insecticides, impact on existing residences and schools and visitors and guests of residents.
8. The proposed EIR fails to take into consideration the expansion of Anza Road to accommodate the traffic proposed as well as intersections at Anza and 79 and other key intersections within the existing residential neighborhood. For example, there was a complete lack of consideration and study given to the impacts on existing and future residents as a result of traffic having to access the proposed wine country area to the east through existing and established single family residential neighborhood. This traffic coming into the area would be from the Highway 79 South Butterfield Stage Intersection and traffic from Highway 79 South at that intersection is already functioning at Level F or worse.

9. The EIR totally failed to take into account the construction of the future bridge and intersection at 79 South and Anza Road will not occur for decades so winery traffic must run through residential neighborhoods (lack of mitigation/deferred mitigation). (Attached as "Exhibit 2" is a Traffic Impact Analysis on the Redhawk Valley Citrus project prepared by Urban Crossroads, dated September 7, 2010)
10. The trip generation considerations, if any, are flawed.
11. No consideration is given to the existing General Plan of Temecula and there appeared to be deferred mitigation suggestions with regard to Temecula's General Plan and Circulation Element.
12. There is an inadequate analysis of biological and cultural resources.
13. There is an inadequate analysis of existing General Plan, MSHCP and Wine Country framework. For example, certain parties herein submitted a GPIIP application for which the Planning Commission recommended for their properties (the application is a County record and incorporated herein by reference). This proposed land use provided for buffering, transition and payment for Anza Road infrastructure.
14. Attached as "Exhibit 3" (Map of Anza Road Approved Projects and a map of Redhawk Valley Citrus Adjacent Development) is a listing of all approved single family residential projects including the Morgan Hill SP. There is no discussion of how an expansion of Anza Road would be financed. The existing residential projects are incompatible with a proposed Hospitality Zone and there is no consideration as to the impacts of traffic, noise, lighting and other issues which would impact existing homes and residences.

15. The EIR does not adequately address the lack of lot transitioning and buffering between the existing and future small single family lots and the much larger, future large winery/hospitality lots to the east. The EIR should have looked at moving proposed boundary further to the east in order to properly allow for this lot transitioning and buffering to occur.
16. In addition, the draft EIR failed to take into consideration the urban limit boundary established by the City of Temecula and completely disregards the proposed rural character as suggested in the City of Temecula's General Plan. (Attached as "Exhibit 4" is a letter from the City of Temecula dated April 21, 2011)
17. "Exhibit 5" (Letter to the County dated June 15, 2011, please recall we want all prior submittals included as referenced and fully set forth herein) discusses the concerns that were raised with regard to the hospitality issues and their impacts on the existing homeowners at Morgan Hill. (Attached as "Exhibit 6" are petitions from interested property owners)
18. The county is intentionally creating a condition that will guarantee future code enforcement challenges between the wine country and single family residential uses by ignoring our recommendations for buffering and lot transitions described in the May 9th letter. They have been made aware of the situation that they are creating and are proceeding without a satisfactory solution to this major future land use compatibility issue. This is a serious failure on the part of the staff and the preparers of the EIR. The failure to properly mitigate this incompatibility is the single biggest failure in the EIR and should be a critical concern for the county, given the recent, incredibly acrimonious meetings over the failure of code enforcement to adequately deal with the land use conflicts between large lot residential and winery/special events/hospitality related uses. The failure of the staff and the EIR preparers to seriously address this major problem is an egregious omission. It appears the county has knowingly and willfully decided not to address this matter by intentionally placing intense future winery/hospitality uses immediately adjacent to existing small lot, single family residential uses (e.g., Morgan Hill).

Ms. Carolyn Syms Luna
February 1, 2012
Page - 5 -

19. "Exhibit 6" (Map of Wine Country Policy Study Area) delineates the proposed Hospitality area contiguous to existing residential projects and one can readily determine such hospitality area is: (1) inappropriately placed in an existing residential and rural community area; (2) provides no resources to adequately address the questions that have been raised in this letter; and (3) would downzone existing properties.

In reviewing the Executive Summary, it is clear that the Executive Summary demonstrates certain failures of the Draft EIR and in that regard specific references to the following: 1.0-10, 1.0-21, 1.0-22, 10-23, 1.0-30, 1.0-31, and 1.0-32. In summary these relate to issues that have not been addressed concerning mitigation measures, construction noise mitigation, traffic mitigation, pesticides, fertilizer and other additional items used in farming processes, it would be used contiguous to existing developments. It does not take into consideration the hours of operation, noise, lights and surcharge of traffic on existing roadways which are insufficient for commercial uses.

There is no method laid out for enforcement of code violations. There is a failure to consider the impact on existing Anza Road in Temecula Parkway intersections. For example, what intersections would be widened, what bridges would be built, how would Anza Road be expanded?

There is no mention of or implementation of exact financing methods for transportation.

If the primary purpose of the winery district, i.e., Hospitality Zone, is to promote the additional establishments of commercial activities, how is this consistent with or compatible with the existing residential uses?

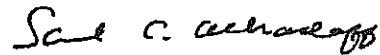
In reviewing certain impacts in the 4 series, 4.3.2 through 4.12-1 it appears that there are impacts which have not been sufficiently mitigated or included a congestion management plan. There are conflicts with the existing General Plan. There are "unavoidable impacts" which have yet to be measured including air quality, greenhouse gas, noise, fire protection, water and sewer. The impact on potable water, drainage, waste water and sewer appear not to have been addressed.

Ms. Carolyn Syms Luna
February 1, 2012
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For the reasons stated in this comment letter, it is virtually impossible to analyze the technical studies, methods, findings, and analysis. Without the ability to refine and further improve the technical studies, it is impossible at this time to evaluate project impacts as outlined in this comment letter.

Thank you for your kind attention.

Very truly yours,



Samuel C. Alhadeff

SCA/dlh
Enclosures
cc: Clerk of the Board

EXHIBIT “B”

Agenda Item No.: 6.8
Area Plan: Southwest
Zoning Area: Rancho California
Supervisorial District: Third
Project Planner: Tamara Harrison
Planning Commission: February 4, 2009

General Plan Amendment No. 920
Applicant: D & J 60 LLC
Engineer/Rep.: VSL Engineering

COUNTY OF RIVERSIDE PLANNING DEPARTMENT
STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

The applicant proposes to amend the General Plan Foundation and land use designation from "Rural: Rural Residential" (RUR: RR) (5 Acre Minimum) and "Rural: Rural Mountainous" (RUR: RM) (10 Acre Minimum), to "Community Development: Medium Density Residential" (CD: MDR) (2-5 du/ac) for an approximately 72.12-acre site. The project is located easterly of Anza Road, southerly of Santa Rita Road, and westerly of Los Caballos Road.

POTENTIAL ISSUES OF CONCERN:

The proposed site is located in the "Rancho California" and the "Wolf Valley" communities within the Southwest Area Plan. The site is surrounded by the Rural Residential designation to the north, south, east and west with some Rural Mountainous found to the south as well. Although the site is surrounded by land use designations found within the Rural Foundation Component there is a progression of Community Development land use designations coming from the south of the subject site. GPA00986 and GPA01026 are both Foundation Component General Plan Amendments directly to the west of the subject site that are proposing Community Development: Medium Density Residential. The proposal would continue the Community Development trend in the area and would be consistent with the overall vision for the community.

A number of residential tracts with similar densities as the proposal have been approved since the adoption of the General Plan in 2003 or are in process in the vicinity of the site. Tract Map (TR) 32813 which lies to the east of the subject site across Anza Road was approved for 59 single-family residential lots in 2007. Likewise, TR32227 was approved for 104 single-family residential lots in 2007 and lies southeast of the subject site across Anza Road. TR32778 lies to the southeast of the proposed site and is currently under review with the Planning Department, proposing 92 single-family residential lots. TR32988 is also currently under review and proposes 37 single-family residential lots to the east of the subject site. The review and approval of these tracts along with the development of Specific Plan No. 313, "Morgan Hill," has presented a substantial amount of change in the area since the adoption of the General Plan that substantiates the request.

A County fault line transects the northern parcels of the subject site which could potentially create fault hazards; however, as part of the review for TR32227 (Geologic Report No. 1484) no evidence of faulting was found in the area and therefore mitigation measures weren't necessary with TR32227. Development of the subject site would address faulting issues at the project level as well.

RECOMMENDATIONS:

Comment that adoption of an order initiating proceedings for General Plan Amendment No. 920 from Rural: Rural Residential and Rural: Rural Mountainous to Community Development: Medium Density Residential **would be appropriate**. The adoption of such an order does not imply that the proposed GPA will be approved.

EXHIBIT “C”

Agenda Item No.: 6.8
Area Plan: Southwest
Zoning District: Rancho California
Supervisory District: Third
Project Planner: Tamara Harrison
Planning Commission: February 4, 2009

General Plan Amendment No. 920
Applicant: D 7 J 60, LLC
Engineer/Representative: VSL Engineering

COUNTY OF RIVERSIDE PLANNING DIRECTOR'S REPORT AND RECOMMENDATIONS

RECOMMENDATIONS:

The Planning Director recommends that the Board of Supervisors to adopt an order initiating proceedings for General Plan Amendment No. 920 from Rural: Rural Mountainous and Rural: Rural Residential to Community Development: Medium Density Residential and the Planning Commission made the comments below. The Planning Director continues to recommend initiation of the General Plan Amendment. For additional information regarding this case, see the attached Planning Department Staff Report(s).

PLANNING COMMISSION COMMENTS TO THE PLANNING DIRECTOR:

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

Commissioner John Roth: Commissioner Roth commented that Estate Density Residential may be more appropriate than Medium Density Residential.

Commissioner John Snell: No Comments

Commissioner John Petty: Commissioner Petty recommended initiation from Rural: Rural Residential and Rural: Rural Mountainous to Community Development: Medium Density Residential with some hesitation.

Commissioner Jim Porras: No Comments

Commissioner Jan Zuppardo: No Comments

The Honorable Board of Supervisors
RE: General Plan Amendment No. 920
Page 2 of 2

and the Board of Supervisors pursuant to this application does not require a noticed public hearing. However, the applicant was notified by mail of the time, date and place when the Planning Commission and the Board of Supervisors would consider this GPA initiation request.

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. 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 on 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.

Y:\Advanced Planning\2008FOUNDATION COMPONENT REVIEW\GPA Cases\GPA 920\GPA 920 BOS Package\GPA 920 Form 11a.doc

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



FROM: TLMA – Planning Department

SUBMITTAL DATE:
March 9, 2009

SUBJECT: GENERAL PLAN AMENDMENT NO. 920 – Foundation-Regular – Applicant: D & J 60 LLC – Engineer/Representative: VSL Engineering - Third Supervisorial District - Rancho California Zoning Area - Southwest Area Plan: Rural: Rural Residential (RUR-RR) (5 Ac. Min.) and Rural: Rural Mountainous (RUR:RM) (10 Ac. Min.) – Location: Easterly of Anza Road, southerly of Santa Rita Road, and westerly of Los Caballos Road - 59.55 Gross Acres - Zoning: Residential Agriculture - 10 Acre Minimum (R-A-10) and Rural Residential (R-R) (1/2 ac min.) - **REQUEST:** Propose to amend the General Plan Foundation Component of the subject site from Rural Ac. Min.) to Community Development and to amend the General Plan Land Use designation of the subject site from Rural Residential (RR) (5 Ac. Min.) and Rural Mountainous (RM) (10 Ac. Min.) to Medium Density Residential (MDR) (2-5 DU/AC) - APN(s): 966-380-028, 966-380-029, 966-380-030, 966-380-031, 966-380-032

RECOMMENDED MOTION:

The Planning Director recommends that the Board of Supervisors adopt an order initiating proceedings for the above referenced general plan amendment based on the attached report. 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.

BACKGROUND:

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 every GPA application and submit it to the Board of Supervisors. Prior to the submittal to the Board, comments on the application are requested from the Planning Commission, and the Planning Commission comments are included in the report to the Board. The Board will either approve or disapprove the initiation of proceedings for the GPA requested in the application. The consideration of the initiation of proceedings by the Planning Commission

Ron Goldman
Planning Director

RG:TH

RECORDED & INDEXED BY THE COUNTY CLERK
DATE _____
Tina Grande
Departmental Concurrence

 Policy
 Policy

 Consent
 Consent

Dept Recomm.
Per Exec. Ofc.:

COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY

George A. Johnson · Agency Director

Planning Department

Ron Goldman · Planning Director

March 5, 2009

D&J 60, LLC
41391 Kalmia Street, Suite 100
Murrieta, CA 92562

Dear Applicant:

This letter is to inform you that the Planning Department has transmitted a Board Package for General Plan Amendment No. 920 to the Clerk of Board of Supervisors so that the project can be scheduled for General Plan Amendment Initiation Proceedings.


We have asked that GPA00920 be scheduled for 03/24/09; however, at this time, the Clerk has not yet scheduled this project for a Board of Supervisors date. To determine when the project has been scheduled, please check the most recent County Board of Supervisors agenda at the following webpage:

<http://www.clerkoftheboard.co.riverside.ca.us/agendas/2008.htm>

Attached is a Board Package identical to one being provided to the Board of Supervisors. However, please understand that this should not be considered the final approved staff report and conditions of approval. The final decision letter, together with finalized conditions of approval, if appropriate; will be sent to the above address soon after action by the Board.

Sincerely,

RIVERSIDE COUNTY PLANNING DEPARTMENT
Ron Goldman, Planning Director



Tamara Harrison, Urban and Regional Planner IV

**LEWIS
BRISBOIS
BISGAARD
& SMITH LLP**
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MAYA LOPEZ GRASSE
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E-MAIL: GRASSE@LBBSSLAW.COM

December 17, 2012

		Phone Number	Fax Number
To:	Riverside County Planning Commissioners		(951) 955-1811

From: Maya Lopez Grasse
Pages: 97 (including cover page)
Re: Calvary Chapel Bible Fellowship

Message: Letter dated 12/17/12 re: Agenda Item No. 2.1: General Plan Amendment No. 1117 with attachments.

PLEASE CALL 714 545 9200 IMMEDIATELY IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION.

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message may be an attorney-client communication, and as such, is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail. Thank you

**LEWIS
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DIRECT DIAL: 213.580.6303
E-MAIL: MCKEITH@LBBSSLAW.COM

December 17, 2012

File No.
32652.2

By E-mail and Facsimile

Riverside County Planning Commissioners
County of Riverside Administrative Center
4080 Lemon Street, 12th Floor
P.O. Box 1409
Riverside, CA 92502
Facsimile: (951) 955-1811

Re: Agenda Item No. 2.1: General Plan Amendment No. 1117

Dear Commissioners:

Calvary Chapel Bible Fellowship ("Calvary") submits this letter to clarify and to expand on the December 19, 2012 Staff Report ("Staff Report") concerning the General Plan Amendment Initiation Proceedings ("GPIP") for General Plan Amendment ("GPA") No. 1117, submitted by Calvary on November 8, 2012. The GPA is submitted in connection with Calvary's ongoing project to expand its worship facilities to include a small elementary school (under 150 students) consistent with churches and schools that exist throughout the County of Riverside ("County") in agricultural areas (the "Project").

1. Staff has stated that a GPA is required.

The Staff Report states: "[i]t is important to note, however, that it is unclear whether this general plan amendment is needed. It is in an abundance of caution that the applicant has decided to submit this application to the County." (Staff Report at p. 1). This comment requires additional context not included in the Staff Report.

The GPA application followed a memo dated September 20, 2012, from project planner, Matt Straite, informing Calvary that he could not make the determination that the Project was consistent with the General Plan. (Attachment A). Previously, Land Use

Policy 6.2 ("LU 6.2") permitted religious institutions and private schools in all areas of the County and served as the basis upon which planning staff had been proceeding with Calvary's Project. Because the County does not regularly update the online, electronic version of the General Plan, apparently no one (including staff) considered the 2009 change affecting the Calvary Project.

In 2009, LU 6.2 was revised to eliminate express language allowing churches and schools, even though another amendment to the General Plan processed simultaneously expressly approved day care and nursery school facilities in all areas of the County. The rationale for deleting churches and private schools is unknown; however, given those omissions, Mr. Straite concluded that he could not make the necessary findings.

Since the September 20 memorandum, planning staff and the County's legal counsel have further reconsidered this issue, and they have suggested that a GPA is not required based upon language in the existing General Plan that is sufficiently broad to support a finding of consistency upon approval of Calvary's Project. Although the County declines to put this opinion in writing, based on conversations with County Counsel on November 14, 2012, the County's rationale is that the General Plan's language does not expressly prohibit schools and churches in any given area, and the General Plan's language is deliberately broad in order to allow a finer level of land use regulation through the zoning ordinances.

Calvary agrees that the General Plan may be broad enough to accommodate its request, however, it nevertheless prefers to proceed with the GPIP given the significant opposition to Project, the uncertainty surrounding the amendments to LU 6.2, and Mr. Straite's memorandum, all of which would provide fodder for Calvary's opposition.

To Calvary's knowledge, it is the first religious institution with an ancillary private school to be proposed since the change in LU 6.2, making it vulnerable to attack from the many vintners who aggressively oppose the project.

The Planning Commission - and ultimately the Board of Supervisors - therefore is now faced with three options. First, if planning and legal staff have concluded that a GPA is not required, they should confirm this fact publicly along with the rationale therefor so that Calvary is not blindsided by the vintners or a change in position by the County later. Second, if a GPA is deemed more prudent to fortify against litigation, then Calvary requests that its GPIP proceed today. A third option not considered in the Staff Report is to process an amendment to LU 6.2 to add back the language permitting religious institutions with ancillary schools in any land use area.

2. Calvary's GPIP application seeks a textual change limited to religious institutions with *ancillary* elementary schools

Calvary's GPIP application is extremely narrow. The proposed language is limited to religious institutions with ancillary elementary schools. The ancillary nature of the proposed permissive school use must be emphasized. This amendment would not allow stand alone educational institutions as some have claimed. Rather, the elementary school would need to be ancillary to or incorporated in the religious institution itself. By definition, a school that is ancillary to a religious institution is merely a small, auxiliary component of that institution.¹

The effect of the proposed GPA is to allow students to obtain a faith-based education close to religious facilities. The proximity of religious institutions and schools is important because it allows for parents and staff to congregate in one location thus working together to foster a safe environment free from the crime and violence often experienced in overburdened public schools. Traditionally, church schools in agricultural areas formed the foundation of many rural areas, and hence the concept is not inconsistent with the goals of Agriculture-designated areas.

3. The findings should include acknowledging "special circumstances" that inadvertently removed the General Plan policy which expressly allowed churches and schools in Agriculture-designated areas.

As the Staff Report indicates, the Board of Supervisor will need to make at least three findings to support granting the GPIP. In response to Mr. Straite's September 20 memorandum, Calvary submitted an analysis of four suggested findings on October 30, 2012. (Attachment B). The Administration Element of the General Plan requires two mandatory findings: (a) that the change does not involve a change or conflict with: (1) the Riverside County Vision; (2) any General Plan Principle; or (3) any Foundation Component designation in the General Plan; and (b) that the proposed GPA either would contribute to the achievement to the purposes of the General Plan or, at minimum, that it would not be detrimental to them. (General Plan Administration Element, subdivisions (a) and (b).) The Staff Report fully adopts the rationale cited in the October 30, 2012 letter for making these two mandatory findings. (Staff Report at p. 2-3).

Calvary recommends that an additional finding be made under subdivision (c) of the Administration Element of the General Plan, as previously suggested in the October 30 letter, namely that "[s]pecial circumstances or conditions have emerged that were

¹ The definition of "ancillary" is something that is "subordinate," "subsidiary," "supplementary," "auxiliary," or "assisting." See Merriam-Webster's online dictionary at: <http://www.merriam-webster.com/dictionary/ancillary>, and also Dictionary.com at <http://dictionary.reference.com/browse/ancillary?s=t>

unanticipated in preparing the General Plan." In this case, there are special circumstances that were unanticipated in revising the General Plan in 2009, when the revisions deleted the language expressly allowing religious institutions and schools in any land use designation.²

Until 2009, LU 6.2 was the General Plan policy that expressly allowed for places of religious worship and schools in all land use designations, including Agriculture. The 2009 deletion was adopted by County Board of Supervisors Resolution 2009-118, approving a cycle of general plan amendments which included GPA No. 1073 and changed LU 6.2. This amendment was initiated by the County purportedly to allow "public facilities in any land use designation" except for certain Open Space designations,³ and to clarify that public facilities were not intended to be limited to the "Public Facilities" land use designation. The definition of "public facilities" in the new language of LU 6.2, however, deleted churches and schools and was limited to "all facilities operated by the federal government, the State of California, the County of Riverside, any special district governed by the County of Riverside or any city, and all facilities operated by any combination of these agencies."

The circumstances and record underlying the 2009 change to LU 6.2 show no evidence that the County intended an outright exclusion of churches or schools in any land use designations including Agricultural areas. In fact, the County's zoning ordinance still allows churches and schools in agriculturally *zoned* areas. Article XIII of the County's zoning ordinance sets forth permissible uses in the Light Agricultural (A-1) Zone. Section 13.1(b)(2) and (3) expressly permit both churches and private schools in the A-1 zone subject to approval of a plot plan pursuant to Section 18.30 of the zoning ordinance. Likewise, Article XIV defines permissible uses in the Heavy Agriculture Zone (A-2), and these uses also expressly include churches and private schools subject to plot plan approval. (Ord. 348b, Section 14.1(b)(3) and (7).)

The County ordinances distinguish between Light/Heavy Agriculture and Poultry/Dairy Agriculture in determining where it is appropriate to allow school and church use.⁴ Because the Citrus/Vineyard ("C/V") Policy Area is essentially quasi agricultural

² Prior to the 2009 revisions, LU 6.2 allowed "educational [and] religious ... uses established to serve the surrounding community" to be found consistent with Agricultural designation provided that the facility is "compatible in scale and design with surrounding land uses, and does not generate excessive noise, traffic, light, fumes, or odors that might have a negative impact on adjacent neighborhoods" and the location will not jeopardize public health, safety and welfare.

³ Resolution 2009-18, p. 20, ll. 21-24.

⁴ Specifically, the "Light Agriculture with Poultry" zone and the "Agriculture - Dairy" zone, at Ord. 348b, Articles XIIIa and XIVa, respectively. While schools and churches are expressly permitted uses in the Light (footnote continued)

and tourist oriented, it is more akin to the Light/Heavy Agriculture zones than the Dairy/Poultry Zones as they are defined under the ordinance. Both the Riverside County Vision and the Agriculture land use designation contemplate churches and private schools in these areas. Thus, the elimination of the previous language of LU 6.2 appears to be inadvertent. Importantly, if this ordinance were corrected as discussed below, it might eliminate the need for Calvary to go through the GPIP and GPA process.

The agricultural area in which Calvary sits is not an agricultural preserve. Rather, it is a quasi residential, tourist area situated in an agricultural, rural setting. The C/V Zoning Ordinance, itself, provides for several non-agricultural purposes including hotels and golf courses.⁵ The argument that a school cannot be located there because of potential conflicts with pesticides is not a compelling reason to exclude a religious school. Thus far, every "claim" of potential litigation or safety risks associated with pesticide or alcohol near schools has been debunked. First, there are thousands of children already living or being home schooled in the C/V Zone and hence exposed to pesticides. Second, the Agricultural Commissioner's office (when pressed for facts) confirmed there has been no litigation over pesticide application near schools and, in fact, no formal violations. (See Attachment C, letter from McKeith to Snyder dated December 13, 2012 with attachments.) Therefore, any argument that religious institutions and ancillary private elementary schools are incompatible in wine country due to pesticide regulations is a pretext and is not supported by any substantial evidence.

The 2009 changes to LU 6.2 apparently were not based upon an express desire to eliminate "sensitive receptors", i.e. schools in agricultural areas. Notably, other General Plan changes processed at or about the same time expressly allow child care facilities in agricultural zones, arguably an even more sensitive use. General Plan Amendment 883 was approved by the Board of Supervisors on June 9, 2009, at the same time as GPA 1073 referenced above. GPA 883 proposed numerous changes throughout the General Plan to incorporate greater acknowledgement and integration of "day care" or "child care" centers. Although "child care" is not expressly defined in the GPA, one parenthetical explains it as "infants, toddlers, preschool and school age children." One of the many changes that was adopted involved an amendment to the then-existing LU 6.2, identified by the bolded, underlined text below:

LU 6.2 Direct public, educational, **child day care centers**, religious, and utility uses established to serve the surrounding community toward

and Heavy Agricultural zones, they are not expressly permitted in the Poultry or Dairy Agricultural zones, which contemplate facilities for animal slaughtering and processing.

⁵ The C/V Zone itself already allows for a variety of land uses, including 1) residential developments; 2) clustered residential developments; 3) wineries; 4) special occasion facilities; 5) lodging facilities; and 6) golf courses (Riverside County Zoning Ordinance 348.4596, Art. XIVb)

those areas designated for Community Development and Rural Community uses on the applicable Area Plan land use maps. These uses may be found consistent with any of the Community Development, Rural Community, or Rural foundation designations, including the Rural Village Overlay, as well as the Open Space - Rural and Agriculture designations, under the following conditions: (AI 1,3).

This amendment goes on to list nearly *two pages* of additional new language regarding child care centers, all apparently intended to be part of LU 6.2. The Board of Supervisors approved GPA 883 - as written -- in Resolution 2009-118. And yet, by that same Resolution, the Board of Supervisors also approved GPA 1073, which drastically changed the language of LU 6.2 and eliminated its prior reference to "educational [and] religious...uses," without accounting for the simultaneous changes to LU 6.2 being approved in GPA 883. In short, it appears that on June 9, 2009, the Board of Supervisors approved two amendments to LU 6.2 that are in conflict with one another, and nothing in the minutes or other documentation suggests there was a resolution to this conflict. At a minimum, the fact that the Board approved GPA 883 retaining the references to religious and educational uses in Agricultural areas, suggests that the elimination of those uses by GPA 1073 was inadvertent.

Calvary's proposed GPA simply reconciles these changes and restates the intention of the County to allow churches and ancillary elementary schools here in the CV Policy Area. As the General Plan states, "[t]he Land Use Plan focuses on preserving the unique features found only in the Southwest planning area and, at the same time, accommodating future growth. To accomplish this, more detailed land use designations are applied than for the countywide General Plan." (General Plan, Southwest Area Plan 2008, p. 15). Access to religious institutions with ancillary schools is an important policy so that parents within the CV zone and surrounding area can have their children receive educational training in a safe environment is absolutely consistent with the goals of the County's General Plan.

4. The findings should include that the GPA is necessary to comport with the federal Religious Land Use and Institutionalized Persons Act ("RLUIPA")⁶

In its October 30, 2012 letter, Calvary also stated that the County should find that the GPA is necessary under subdivision (d) of the Administration Element, which states that the change in policy is "required to conform to changes in state or federal law or applicable findings of a court of law. To that end, excluding religious institutions (and their ancillary private schools) from foundation elements of the General Plan is a de facto violation of federal law.

⁶ 42 U.S.C. §2000cc

Calvary submits that the GPA is necessary to comport with the federal RLUIPA, a law that protects churches from discriminatory or overly burdensome zoning and land use schemes. By implication, the lack of any express right to build a religious institution with an ancillary school in a light agricultural area such as the C/V Policy Area is discriminatory. First, as the County knows, both private and public schools were located throughout the region in agricultural areas prior to 2009. The blanket elimination of language permitting such uses without a rational basis would constitute a *de facto* ban on religious freedoms. Second, the C/V Policy Area allows large-scale secular gatherings, such as concerts, weddings and conferences and further allows for "special occasion facilities."⁷ By permitting these activities but restricting places of religious worship, the County is treating religious entities unequally with similarly situated secular entities in direct violation of RLUIPA.

RLUIPA prohibits the government from implementing a land use regulation "in a manner that treats a religious *assembly* or institution on less than equal terms with a nonreligious assembly or institution."⁸ Currently, public special events facilities and public schools are located throughout the agricultural areas of Riverside County. Because of the amendments to LU 6.2, the Board of Supervisors should take this opportunity to clarify that the County was not attempting to eliminate religious institutions with ancillary elementary schools from permitted uses.

5. Calvary is unclear about what staff means by "further clarify[ing] the intent" of the proposed policy


The intent of Calvary's policy is to expressly allow religious institutions and ancillary elementary schools in the Citrus Vineyard Policy area, subject to certain requirements that are consistent with the goals of that C/V Policy Area. Calvary believes that its proposed policy more than more than satisfies the findings required under the County's General Plan.

We appreciate the time of staff and this Commission in dealing with these land use issues. Thank you for your consideration.

⁷ See GPA 1056 amending the Southwest Area Plan ("SWAP") to include special occasion facilities.

⁸ 42 U.S.C. §2000cc(b).

Very truly yours,

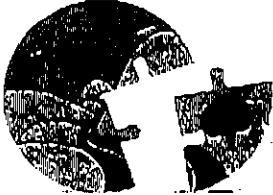


Malissa Hathaway McKeith of
LEWIS BRISBOIS BISGAARD & SMITH LLP

MHM

Enclosures

Cc (via e-mail only): Mary Stark, Secretary to the Riverside County Planning Commission, mcstark@rctlma.org
County Executive Officer George Johnson, GAJohnson@rceo.org
Deputy Planning Director Frank Coyle, fcoyle@rctlma.org
County Planner Matt Straite, MSTRAITE@rctlma.org
Legislative Aide Olivia Barnes, OBBarnes@rcbos.org
Deputy County Counsel Shellie Clack, MClack@co.riverside.ca.us



Carolyn Syms Luna
Director

RIVERSIDE COUNTY
PLANNING DEPARTMENT

Memorandum

DATE: 9/20/12
TO: Mike Naggar
FROM: Matt Straite
RE: **Calvary Chapel Change of Zone No. 7782 General Plan Consistency**

Pursuant to our internal review of the application materials the County Planning Department, in conjunction with County Counsel has determined that the Change of Zone application request is not consistent with the General Plan. If continued processing is desired it would require a text change to the General Plan.

Feel free to contact Matt Straite 951-955-8631 mstraite@rctlma.org with any additional questions.

Y:\Planning Case Files-Riverside office\CZ07782\Letter and Correspondence\Letterhead Memo 2012-Formatted.docx

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October 30, 2012

File No.
32652.2

VIA ELECTRONIC MAIL ONLY

Michelle Clack, Esq.
Deputy County Counsel
Office of Riverside County Counsel
3960 Orange Street, Suite 500
Riverside, CA 92501

E-Mail: mclack@co.riverside.us
Facsimile: (951) 955-6322

Re: Calvary Chapel Bible Fellowship Expansion and Ancillary Elementary School
("Calvary Expansion").

Dear Shellie:

It was nice seeing you at the October 22, 2012 meeting with the Deputy Agricultural Commissioner. As promised, this preliminary letter addresses the process Calvary apparently must follow in proposing a General Plan Amendment ("GPA"). First, I assume County Counsel agrees with the conclusions set forth in Matt Strait's emails dated October 15 and October 18, 2012, requiring that Calvary obtain a GPA as part of its pending Application to expand the Church and to construct a private elementary school ("Application"); that Calvary first comply with Ordinance 348, Article II, section 2.4¹, the so-called General Plan Initiation Process or GPIP ("GPIP Ordinance"); and that, if the Board of Supervisors denies the GPIP, Calvary cannot proceed further with its Application. If this is not your understanding, please let me know immediately. Based on Matt's emails (attached), such a denial would constitute exhaustion of Calvary's administrative remedies at the County level since it would have no further recourse. Please confirm that you share his understanding.

¹ The General Plan Initiation Process or GPIP, at Ord. 348.4573 § 2.4, or, alternatively, section 17.08 *et seq.* of Title 17.

After so many years, Calvary is very frustrated that the County only now is requiring a GPIIP which effectively means that Calvary is starting from scratch. Given the extensive public debate on the Calvary Expansion relative to adoption of the Wine Country Community Plan ("WCCP"), the GPIIP should be processed with all due haste. This is particularly the case since Supervisor Stone (in whose district Calvary is located) has expressly supported a school and church for years. Moreover, the Planning Commission itself requested on August 22, 2012, that religious institutions and ancillary schools be evaluated as part of the WCCP Environmental Impact Report ("EIR"). Since these two issues so obviously overlap, we are proposing that the GPIIP, if it is even required, be placed on the next Planning Commission hearing agenda. This is the hearing at which the scope of the WCCP EIR relative to churches and schools is being addressed.

Preliminarily, however, it remains unclear whether a GPA is actually required or whether the County's amendments to Land Use Policy 6.2 ("LU 6.2") deleting churches and schools was, in fact, a clerical error that could be fixed *nunc pro tunc* or otherwise could be readily corrected. We discuss the basis of such a correction in Section 2, below. To avoid further debate or delay, Calvary is prepared to process a provisional GPIIP this week pending your determination whether it is required in light of the LU 6.2 discussion below.

1. Calvary Satisfies the GPIIP Requirements

As part of its GPIIP application, Calvary is prepared to present evidence supporting the necessary findings required under Ordinance 348 subsection (F)(2), as follows:

Entitlement/Policy Amendments. A planning commission resolution recommending approval of an entitlement/policy amendment and a board of supervisor's resolution approving an entitlement/policy amendment shall include the first two findings listed below and any one or more of the subsequent findings listed below:

- a) The proposed change does not involve a change in or conflict with: the Riverside County Vision; any general planning principle set forth in general plan Appendix B; or any foundation component designation in the general plan;
- b) The proposed amendment would either contribute to the purposes of the general plan or, at a minimum, would not be detrimental to them;

These first two findings are the mandatory findings the County must make in approving any GPA.

Calvary's proposed GPA does not affect a foundational element and amounts to a textual change in the Citrus/Vineyard ("C/V") Policy Area. The amendment would add language permitting religious institutions and ancillary elementary school facilities by way of a new Southwest Area Plan Policy within the C/V Policy Area. The proposed Policy would comport with other C/V Policy Area policies as follows:

[New] SWAP 1.7: Allow for the integration of places of religious worship and ancillary elementary school facilities on 20 acres or more provided that the facilities maintain the rural, agricultural character of the area by conforming to planting and design requirements not inconsistent with the goals of the Citrus/Vineyard Policy Area.

The proposed GPA further would not attempt to change the land designation of the project parcel, which is currently designated as Agriculture. Indeed, the project would further the goals of preserving the rural character of the area and adhering to the applicable planting requirements since Calvary has long committed to plant at least 75 percent of the parcel if required.

Schools in agriculturally zoned areas, moreover, are not an anomaly. Notably, the language of the Agriculture *zoning ordinances* make it clear that schools and churches are compatible uses depending upon the type of agriculture involved. Article XIII of the County's zoning ordinance sets forth permissible uses in the Light Agricultural (A-1) Zone. Section 13.1(b)(2) and (3) expressly permit both churches and private schools in the A-1 zone subject to approval of a plot plan pursuant to Section 18.30 of the zoning ordinance. Likewise, Article XIV defines permissible uses in the Heavy Agriculture Zone (A-2), and these uses also expressly include churches and private schools subject to plot plan approval. (Ord. 348b, Section 14.1(b)(3) and (7).)

While schools and churches are expressly permitted uses in the Light and Heavy Agricultural zones, they are not expressly permitted in the Poultry or Dairy Agricultural zones, which contemplate facilities for animal slaughtering and processing.² The County appears to be distinguishing between Light/Heavy Agriculture and Poultry/Dairy Agriculture in determining where it is appropriate to allow school and church use. Because the Citrus/Vineyard Policy Area is essentially quasi agricultural and quasi tourist, it is more akin to the Light/Heavy Agriculture zones. Both the Riverside County Vision and the Agriculture land use designation contemplate churches and private schools in these areas.

The Calvary Expansion also is in harmony with the County's Vision which, among other goals, seeks "critical community facilities," including schools, in both urban and rural

² Specifically, the "Light Agriculture with Poultry" zone and the "Agriculture - Dairy" zone, at Ord. 348b, Articles XIIIa and XIVa, respectively.

areas.³ This "Healthy Communities" vision strives to allow residents to take advantage of the amenities, both natural and built, surrounding them, and seeks to foster an environment where County residents can choose to live close to their work, schools, parks or open space. Allowing a school and place of worship furthers the goal of providing sensitively built amenities to residents of the Citrus/Vineyard Policy Area. In this regard, Calvary draws many of its members from the C/V area whose children would have the benefits of attending a religious elementary school in close proximity to their home.

Finally, the GPA does not conflict with any general planning principle found in Appendix B of the General Plan; indeed, this amendment typifies the type of projects envisioned by these guiding principles. For example, Calvary's expansion contributes positively to the goal of promoting a "unique community identity," while still adhering to the principles of the agricultural land use designation.

Calvary further satisfies two other findings set forth in GPIP Ordinance: (1) special circumstances or conditions have emerged that were unanticipated in preparing the general plan; and (2) a change in policy is required to conform to changes in state or federal law or applicable findings of a court of law.⁴

2. Special Circumstances Warrant the Amendment

The special circumstance in this instance derives from the apparently inadvertent elimination of the language in Land Use Policy 6.2 that previously permitted churches and private schools.⁵ Until 2009, LU 6.2 was the General Plan policy that expressly allowed for places of religious worship and schools in Agricultural land use designations. This change was adopted by County Board of Supervisors Resolution 2009-118, approving a cycle of general plan amendments, including GPA No. 1073 which changed LU 6.2. This amendment was initiated by the County purportedly to allow "public facilities in any land use designation" except for certain Open Space designations,⁶ and to clarify that public facilities, as defined by the policy, were not intended to be limited to the "Public Facilities"

³ See General Plan Amendment 1096 (adopted by Board resolution 2011-156 on October 18, 2011), which adopted the "Healthy Communities" provisions as part of the General Plan's Vision chapter.

⁴ These additional Entitlement/Policy Amendment findings are set forth in Riverside County code section 17.08.040(F)(2)(c) and (d); the County must make at least three findings (in addition to the two mandatory findings cited above) in order to approve a GPA.

⁵ LU 6.2 previously allowed "educational [and] religious ... uses established to serve the surrounding community" to be found consistent with Agricultural designation provided that the facility is "compatible in scale and design with surrounding land uses, and does not generate excessive noise, traffic, light, fumes, or odors that might have a negative impact on adjacent neighborhoods" and the location will not jeopardize public health, safety and welfare.

⁶ Resolution 2009-18, p. 20, II. 21-24.

land use designation. Unfortunately, the definition of "public facilities" in the new language of LU 6.2 is "all facilities operated by the federal government, the State of California, the County of Riverside, any special district governed by the County of Riverside or any city, and all facilities operated by any combination of these agencies." The definition does not encompass religious uses or private schools.

The circumstances and record underlying the 2009 change to LU 6.2 show no evidence that the County intended an outright exclusion of churches or schools in Agricultural areas. Indeed, as discussed above, the zoning ordinance still allows them in agriculturally *zoned* areas. Thus, the elimination of the previous language of 6.2 appears to be a case of unintended consequences and should be corrected. Importantly, if this ordinance were corrected as discussed below, it would eliminate the need for Calvary to go through the GPIP and GPA process.

It also appears that religious institutions and schools were deleted inadvertently because other changes processed at or about the same time contemplate child care facilities in agricultural zones, arguably an even more sensitive use. General Plan Amendment 883 was approved by the Board of Supervisors on June 9, 2009, at the same time as GPA 1073 referenced above. GPA 883 proposed numerous changes throughout the General Plan to incorporate greater acknowledgement and integration of "day care" or "child care" centers. Although "child care" is not expressly defined in the GPA, one parenthetical explains it as "infants, toddlers, preschool and school age children." One of the many changes proposed - and passed - included an amendment to the then-existing LU 6.2, identified by the bolded, underlined text below:

LU 6.2 Direct public, educational, child day care centers, religious, and utility uses established to serve the surrounding community toward those areas designated for Community Development and Rural Community uses on the applicable Area Plan land use maps. These uses may be found consistent with any of the Community Development, Rural Community, or Rural foundation designations, including the Rural Village Overlay, as well as the Open Space - Rural and Agriculture designations, under the following conditions: (A1 1,3).

This amendment goes on to list nearly *two pages* of additional new language regarding child care centers, all apparently intended to be part of LU 6.2. The Board of Supervisors approved GPA 883 - as written -- in Resolution 2009-118. And yet, by that same Resolution, the Board of Supervisors also approved GPA 1073, which drastically changed the language of LU 6.2 and eliminated its prior reference to "educational [and] religious...uses," and did not account for the simultaneous changes to LU 6.2 being approved in GPA 883. In short, it appears that on June 9, 2009, the Board of Supervisors approved two amendments to LU 6.2 that are in conflict with one another, and nothing in the minutes or other documentation suggests there was a resolution to this conflict. At

minimum, the fact that the Board approved GPA 883, which retained the references to religious and educational uses in Agricultural areas, suggests that the elimination of those uses by GPA 1073 was a mistake.⁷

Calvary's proposed GPA simply restates the intention of the County to allow churches and ancillary elementary schools here in the C/V Policy Area. As the General Plan states, "[t]he Land Use Plan focuses on preserving the unique features found only in the Southwest planning area and, at the same time, accommodating future growth. To accomplish this, more detailed land use designations are applied than for the countywide General Plan." (General Plan, Southwest Area Plan 2008, p. 15).

3. Excluding Religious Institutions and Ancillary Private Schools from Foundation Elements of the General Plan Without any Rational Basis is a De Facto Violation of Federal Law.

Calvary further submits that the GPA is necessary to comport with the federal Religious Land Use and Institutionalized Persons Act ("RLUIPA"),⁸ a law that protects churches from discriminatory or overly burdensome zoning and land use schemes. By implication, the lack of any express right to build a religious institution and ancillary school in a light agricultural area such as the C/V Policy Area is discriminatory. First, as the County knows, both private and public schools were located throughout the region in agricultural areas prior to 2009. The blanket elimination of language permitting such uses without a rational basis constitutes a de facto ban on religious freedoms. Second, the C/V Policy Area allows large-scale secular gatherings, such as concerts, weddings and conferences, and allows for "special occasion facilities."⁹ By permitting these activities but restricting places of religious worship, the County is treating religious entities unequally with similarly situated secular entities in direct violation of RLUIPA.

RLUIPA prohibits the government from implementing a land use regulation "in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution."¹⁰ Arguably, the elimination of the original LU 6.2, which provided for churches, and the resultant inability to find consistency for a church or religious school in the C/V Policy Area, could be viewed as implementing a land use

⁷ A thornier issue may be determining which amendment to LU 6.2 is operative. Both resolutions were passed "as recommended" by the same, single motion, the GPAs "as recommended" contained the conflicting language described here.

⁸ 42 U.S.C. §2000cc

⁹ See GPA 1056 amending the SWAP to include special occasion facilities.

¹⁰ 42 U.S.C. §2000cc(b)

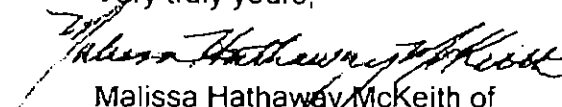
regulation that discriminates against religious land use while promoting "special occasion facilities."

Likewise, prohibiting Calvary from developing its property in a manner that accommodates its growing congregation and the desire to provide elementary education is not the "least restrictive means" of achieving a compelling government interest, as RLUIPA requires.¹¹ As we heard firsthand from the Deputy Agricultural Commissioner on October 22, 2012, the County's regulations concerning pesticide application in the area of schools has worked successfully as evidenced by the fact that the Deputy Commissioner was unaware and has failed to identify a single lawsuit, violation or formal complaint. Therefore, any argument that religious institutions and ancillary private elementary schools are incompatible in wine country due to pesticide regulations is a pretext and is not supported by any substantial evidence.

Moreover, Calvary already has agreed to abide by conditions of the Agricultural Commissioner that would require it to refrain from holding school at times when spraying or other foliar application was required during school hours, and we are willing to submit to reasonable conditions on a permit to accommodate the surrounding vintners. That the vintners declined participating in the meeting with the Agricultural Commissioner on October 22, 2012 strongly suggests that they have no evidence that such mitigation is not effective.

Whether Calvary's individual application proceeds before the WCCP is adopted or the WPPC is amended to permit religious institutions and ancillary elementary schools, it is time the County put this issue to rest. In August, the Planning Commission voted to evaluate the issue of religious institutions and ancillary schools as part of the WCCP, and Calvary agreed to contribute \$100,000 toward the analysis of religious institutions and ancillary elementary schools as part of the recirculated EIR¹² Calvary remains willing to do so if a GPIIP is granted signaling that this effort is not in vain. Therefore, to the extent you decide the GPIIP is required, we urge that it be calendared at the Planning Commission hearing on December 5, 2012.

Very truly yours,



Malissa Hathaway McKeith of
LEWIS BRISBOIS BISGAARD & SMITH LLP

¹¹ *Int'l Church of Foursquare Gospel v. City of San Leandro*, 673 F.3d 1059, 1070 (9th Cir. 2001).

¹² Under the WCCP, the Wine Country-Winery area replaces the existing C/V Policy Area.

Michelle Clack, Esq.
October 30, 2012
Page 8

MHM
Enclosure

Cc: Matt Straite, Planner, County of Riverside (via e-mail only)

Grasse, Maya

From: Straite, Matt <MSTRAITE@rctlma.org>
Sent: Monday, October 15, 2012 11:30 AM
To: 'Meenaxi Panakkal', Michael Naggar; Sonya Hooker; McKeith, Malissa; Grasse, Maya
Cc: Michael Naggar; Clack, Shellie; Mares, David; Coyle, Frank
Subject: Calvary Chapel- GPIIP Understanding

Follow Up Flag: Follow up
Flag Status: Flagged

Team,

Pursuant to our meeting last week, I was looking into the General Plan Initiation Process (GPIP) for a text change, more specifically, if it needed to go through the process at all. We have had Counsel take a look at this issue and it appears that the text change would require a GPIP. So the process would be:

- Submit application for GPA text change.
- Staff does basic review to see if the application can be supported in a broad, general fashion.
- Staff creates a GPIP staff report and takes the project to the Planning Commission for comments only (*not a published hearing item*, but does show on the agenda).
- After PC Staff incorporates the PC comments into a Form 11 packet for the GPIP that is then taken to the Board (*again, not a hearing item* and no hearing notice required).
- Board either initiates the application to proceed or indicates that the application is not appropriate, at which point the application does not proceed.

Once the GPIP is over, the application proceeds as usual. That means it would go through our internal department review team (DRT), and then get paired with the other projects for hearing purposes (the Plot Plan and the Change of Zone). The GPIP must complete before the General Plan Amendment application can go to DRT. Let me know if there are any questions.

Matt Straite
Riverside County Planning
4080 Loman Street 12th Floor
Riverside, CA 92501
951-955-8631



Grasse, Maya

Subject: FW: Updates - please read

From: "Straite, Matt" <MSTRAITE@rctlma.org>

Subject: RE:

Date: October 18, 2012 8:38:21 AM PDT

To: 'Mike Naggar' <mike@mikenaggar.com>

Good questions. Yes, GPIP is required in Ord 348 Article II section 2.4 (see below). Recourse if the applicant does not agree? No. There is no appeal to the determination, no denial happens, the application is simply not permitted to process. As far as I know you can apply again, and again. But that's the only recourse.

Matt Straite
Riverside County Planning
4080 Lemon Street 12th Floor
Riverside, CA 92501
951-955-8631

SECTION 2.4. GENERAL PLAN TECHNICAL AMENDMENTS AND ENTITLEMENT/POLICY AMENDMENTS.

a. **APPLICABILITY.** This Section shall govern the processing of any General Plan amendment which is defined as a Technical Amendment or an Entitlement/Policy Amendment. Technical Amendments involve changes of a technical nature including, without limitation: statistical corrections; mapping error corrections; changes in spheres of influence and city boundaries; changes in Unincorporated Communities or Communities of Interest; editorial clarifications that do not change the intent of the General Plan; or appendix information useful in interpreting the General Plan but which does not change the General Plan intent. Entitlement/Policy Amendments involve changes in land use designations or policies that involve land located entirely within a General Plan Foundation Component but that do not change the boundaries of that component. Notwithstanding the preceding sentence, a proposed change of land use designation to properties located in Eastern Riverside County Desert Area not covered by an Area Plan shall be considered a Foundation Component Amendment and shall be subject to the provisions of Section 2.5 and Section 2.6 of this ordinance. An Entitlement/Policy Amendment may also involve a change in General Plan Policy provided it does not change the Riverside County Vision, a Foundation Component, or a General Planning Principle set forth in General Plan Appendix B.

b. **INITIATION OF AMENDMENT PROCEEDINGS.** The initiation of proceedings for any amendment pursuant to this Section shall require an order of the Board of Supervisors, adopted by the affirmative vote of not less than a majority of the entire membership of the Board. The Board of Supervisors may adopt an order initiating amendment proceedings at any time. The adoption of an order by the Board initiating amendment proceedings shall not require a public hearing and shall not imply any such amendment will be approved.

c. **RECOMMENDATIONS FOR THE INITIATION OF AMENDMENT PROCEEDINGS.** Either the Planning

Director or the Planning Commission may recommend that the Board of Supervisors adopt an order initiating proceedings for an amendment pursuant to this Section. All such recommendations shall be in writing and shall be submitted to the Clerk of the Board for placement on the agenda of the Board as a matter not requiring a public hearing. Whenever the Planning Director prepares such a recommendation, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the Board of Supervisors. No public hearing before the Planning Commission shall be required to request such comments.

d. PRIVATE APPLICATIONS FOR THE INITIATION OF AMENDMENT PROCEEDINGS. The owner of real property, or a person authorized by the owner, shall have the right to request that the Board of Supervisors adopt an order initiating proceedings for an amendment pursuant to this Section. Applications shall be made to the Planning Director, on the forms provided by the Planning Department, shall supply all required information, and shall be accompanied by the filing fee set forth in County Ordinance No. 671. The Planning Director shall prepare a report and recommendation on all such applications and shall submit the report and recommendation to the Clerk of the Board for placement on the Board agenda as a matter not requiring a public hearing. Prior to submitting the report and recommendation to the Clerk of the Board, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the Board of Supervisors. No public hearing before the Planning Commission shall be required to request such comments.

c. AMENDMENT PROCEEDINGS AND HEARINGS. After adoption of an order of the Board of Supervisors initiating proceedings for an amendment pursuant to this Section, the amendment shall be processed, heard and decided in accordance with Section 2.1 and Section 2.10 of this ordinance. If the Board adopts orders initiating proceedings for several amendments pursuant to this Section, each such amendment may be processed, heard and decided separately or together with other such amendments as determined by the Planning Director.

f. FINDINGS.

(1) Technical Amendments. A Planning Commission resolution recommending approval of a Technical Amendment and a Board of Supervisors resolution approving a Technical Amendment shall include the first finding listed below and any one or more of the subsequent findings listed below:

- (a) The proposed amendment would not change any policy direction or intent of the General Plan.
- (b) An error or omission needs to be corrected.
- (c) A land use designation was based on inaccurate or misleading information and should therefore be changed to properly reflect the policy intent of the General Plan.
- (d) A point of clarification is needed to more accurately express the General Plan's meaning or eliminate a source of confusion.
- (e) A minor change of boundary will more accurately reflect geological or topographic features, or legal or jurisdictional boundaries.

(2) Entitlement/Policy Amendments. A Planning Commission resolution recommending approval of an Entitlement/Policy Amendment and a Board of Supervisors resolution approving an Entitlement/Policy Amendment shall include the first two findings listed below and any one or more of the subsequent findings listed below:

- (a) The proposed change does not involve a change in or conflict with: the Riverside County Vision; any General Planning Principle set forth in General Plan Appendix B; or any Foundation Component designation in the General Plan.

- (b) The proposed amendment would either contribute to the purposes of the General Plan or, at a minimum, would not be detrimental to them.
- (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 ownership of land or land not under the land use authority of the Board of Supervisors.

-----Original Message-----

From: Mike Naggar [mailto:mike@mikenaggar.com]

Sent: Tuesday, October 16, 2012 2:20 PM

To: Straite, Matt

Subject:

Matt,

Regards Calvary Chapel; Is a GPIIP statutorily required for all GPA's? What is the recourse if the applicant does not agree with the board's decision?

Thanks

Mike

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December 13, 2012

File No.
32652.2

VIA FACSIMILE AND EXPRESS MAIL

John Snyder
Agricultural Commissioner
Riverside Headquarters and District Office
4080 Lemon Street, Room 19, Basement
P.O. Box 1089
Riverside, CA 92502-1089

Facsimile: 951-955-3012

Re: Misleading prior comments regarding pesticides in the vicinity of schools

Dear Mr. Snyder:

This firm represents the Calvary Chapel Bible Fellowship ("Calvary"). As you know, Calvary is in the process of applying to expand its existing church with an ancillary elementary school (the "Calvary Expansion Project" or "Project"). The issue of the Calvary Expansion has arisen as part of the Wine County Community Plan ("WCCP") as well as Calvary's current application.

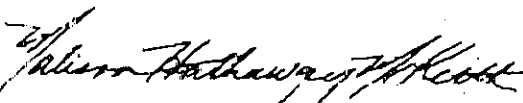
On August 22, 2012, one of your staffers, Michele Tracy, provided public testimony at the Planning Commission hearing in Temecula regarding the WCCP. Attached is an unofficial transcript of her testimony. Whether intentional or not, the testimony that offsite agricultural pesticide applications has caused problems with schools in agricultural areas was not based upon actual facts and served to mislead the Planning Commissioners and the public. Most notable was her groundless assertion that "there will be lawsuits."

In an effort to arrive at objective facts about the safety issues of building a school in the wine country, Calvary made a Public Records Act request to the Agricultural Commissioner's office on October 23, 2012, and it has since reviewed the responsive records. These documents establish, and Deputy Agricultural Commissioner Robert Mulherin ultimately confirmed, that there have been no violations issued in connection with

John Snyder
December 13, 2012
Page 3

Thank you for your attention to this matter.

Very truly yours,



Malissa Hathaway Mckeith of
LEWIS BRISBOIS BISGAARD & SMITH LLP

MHM

Enclosures

Cc (via e-mail only): County Executive Officer George Johnson
Planning Commissioners John Petty, John Snell, John Roth, Jan
Zuppardo and Guillermo Sanchez (via email to Mary Stark, Planning
Commission secretary)
Deputy Planning Director Frank Coyle
County Planner Matt Straite
Legislative Aide Olivia Barnes
Deputy Agricultural Commissioner Robert Mulherin
Deputy County Counsel Shellie Clack

1 RIVERSIDE COUNTY PLANNING COMMISSIONERS HEARING
2 PUBLIC TESTIMONY RE WINE COUNTRY COMMUNITY PLAN

3 August 22, 2012

4 [excerpt]

5 COMMISSIONER JOHN SNELL: Let's go ahead and have the ag people—ag commissioner
6 people - speak to us.

7 [OFF CAMERA – JOHN PETTY]: Why don't you introduce yourself and tell us what you do.

8 ROBERT MULHERIN: I'm Robert Mulherin. I'm one of the Deputy Agricultural Commissioners
9 for the County of Riverside.

10 MICHELE TRACY: Michele Tracy, Agricultural Commissioner's Office since 1984, here in this
11 area.

12 COMMISSIONER JOHN PETTY: It's almost better, I think, that we waited, so you guys could
13 hear some testimony. I've talked about some public schools that have been cited – my experiences
14 in the easterly San Jacinto valley were right next to some orange or grapefruit orchards. Those
15 have been fairly recent – I'd say within the last five to ten years, anyway, certainly no more than
16 ten years, um – built schools. In your professional opinion, what impacts would locating schools
17 in Temecula wine country have on the ability of, um, these people, who have invested a lot of
18 money in these winery operations, to conduct business both now and in the future?

19 MICHELE TRACY: It's impacted even the references that you're saying, east Hemet. um, it's
20 severely curtailed the amount of foliar spraying that they can do on those citrus groves to the point
21 where they're having to use different chemicals, more chemicals, more night spraying. uh. on the
22 off-school hours, in order to protect those trees. The other issue is that at a certain point. it's no
23 longer cost effective to farm under those conditions, with the schools and the complaints from the
24 parents and things that are generated. that they've turned the water off. Um, in Menifee it's been a
25 severe problem where we were only-- primarily growing dryland grain, which might get sprayed
26 one time per year. and the number of complaints that get generated. the minute there's a tractor or
27 a helicopter or something in the vicinity – it doesn't even have to be right next door – it's, it's
28 gotten to the point where we've had to extend the no-spray boundaries even for ground rigs to a .

1 half a mile, and one mile on aircraft, to keep the complaints from coming in.

2 Um, any time there's kids and pesticides, doesn't matter if it's even stuff applied by the
3 schools themselves, uh, the schools, churches, whatever, can't control their own members. Their
4 own members are the one that generate the complaints, their own employees are the ones that
5 generate complaints. The minute there's kids involved, it's automatically a public health issue,
6 whether there really is one or not, because it's all perception, uh, odors aren't necessarily drift.
7 Like in the case of sulphur, this whole valley smells like sulphur, that does not guarantee that
8 there's a sulphur drift issue here - it's purely the fact that sulphur off-gases in heat and humidity.
9 Umm, we've had a lot of guys in the dryland business that have basically quit farming. Um, Mr.
10 Barnes was talking about his row crop issues and organic versus conventional. Organic does not
11 mean no pesticides. It just means no synthetic pesticides in fertilizers, so they have to spray
12 sometimes every bit or more than our conventional growers. Their stuff also costs about fifty
13 times more than the conventional things. So it impacts everybody. The- the particular issue in
14 Temecula valley is the odor of the sulphur. Like I say, odor doesn't necessarily mean drift. You
15 put a school in the area, no matter if they spray during school session, no matter if there's no drift,
16 you will get complaints, you will get lawsuits. And it costs the taxpayers a bunch of money
17 because then me and State and Bob and everybody else gets involved, doing investigations, trying
18 to prove whether or not there was an actual violation. If there's no violation, it doesn't protect the
19 grower, or the County, or the property owner, because you can sue based on a perceived nuisance,
20 and Mr. Newcomb can attest to that, he's had to deal with it. So it's- it's a very high impact.

21 The Church, you can work around the church - they're mainly weekends, mainly evenings,
22 when they're either not spraying or there's not a high impact. Um, five days a week, two times to
23 three times a day - big problem.

24 JOHN PETTY: Are you familiar with lawsuits, and I assume you're called, probably, on a semi-
25 regular basis to be—

26 MICHELE TRACY: Not so far.

27 JOHN PETTY: --provide expert testimony, but uh. what, uh, what's your experience been with,

28 um--

1 MICHELE TRACY: There are certain parts of the public that are anti-pesticide activists, um I
2 believe Calvary Chapel has actually dealt with one before at their Murrietta school. Umm, a lot of
3 them will even come from outside the area or don't live in the area -- if it becomes a news issue.
4 Um we've had other deals where the risk of putting the schools in a vineyard area-- Lestonnac
5 center, for instance, um. got together with the growers and they traded properties and put their
6 stuff right on the edge of a-- of a residential development. Um, I haven't had to deal with the
7 lawsuits directly, thank you very much, umm but it is a big issue.

8 JOHN PETTY: So if you were advising this Commission as to going forward and whether to
9 allow churches—or, sorry, to allow schools in Temecula wine country, what would that advice be?

10 MICHELE TRACY: If I were sitting where guys, there's no way in heck I would allow a school
11 there. The Church we can work around; the school – no. It's a direct dollar amount impact and
12 probably one of the highest impacts in the state. When we're talking about urban-agricultural
13 interfaces, we can even work with the urban, but the minute you put a school there, and like you
14 were saying with the um-- with the uh-- AB whatever number it was where they were going--
15 and that was actually the half mile, not a quarter mile – uh, where they're going to ban all
16 pesticide uses within a half mile of any school property, period. There's already that prohibition
17 on specific chemicals, some of the fumigants, some of the things they would need to replant
18 vineyards with, are already prohibited by state law.

19 JOHN PETTY: How do we reconcile-- I understand sensitive receptors at schools, but we also
20 have sensitive receptors at-- dining at restaurants in wine country – how do we reconcile that?

21 MICHELE TRACY: We've not-- I've never had a complaint come to my office regarding that.
22 Typically, the guys are real careful that they're not going to be spraying within eyesight of a
23 public event of any type, and that would include, you know, Faulkner's patio, for instance. You
24 know, nobody's dumb enough to sit there with a spray rig right below that restaurant. Unless it's
25 their own guys, which--

26 COMMISSIONER JOHN SNELL: I think the other thing with the restaurant--

27 MICHELE TRACY: --we've had that issue issue

28 JOHN SNELL: -- is the transient use and—

1 MICHELE TRACY: It is—

2 JOHN SNELL: -- and the school is constant use, and it's a different nature—

3 MICHELE TRACY: It is. And the school kids are paying to be there and they have to be there.

4 JOHN SNELL: And they're our precious little ones too.

5 MICHELE TRACY: Yeah, yeah.

6 JOHN SNELL: With grandkids, I know what that means. So, any other questions? Thank you so
7 much for being here, and does staff have your contact card and stuff? Ok. Thank you very much.

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Temecula Debates Building Churches, Schools Near Vineyards

Would an elementary school threaten wine makers?

By Jacob Rascon

Thursday, Aug 23, 2012 | Updated 6:53 AM PST



AP/Wide World

Wine makers and churchgoers debated building a religious school near a Temecula Vineyard Wednesday. In an area famous for wine, some are worried that the expansion of religious buildings in the area may threaten the ability to make and sell alcoholic beverages. Jacob Rascon reports from Temecula for the NBC4 News at 5 p.m. on August 22, 2012.

#endcardShareBtns div.gig-button-container-facebook-like .fb-like span, #endcardShareBtns div.gig-button-container-facebook-like .fb-like span iframe (vertical-align top!important;)

Public comment

A capacity crowd attended a planning commission meeting Wednesday at Temecula City Hall to hear about a ban that keeps churches from building or expanding in an area that grows and bottles wine.

The commission requested additional study of the 2020 Wine Country Community plan after lengthy debate. The issue will return to the planning commission next month.

Officials are considering whether the plan should be amended to eliminate a prohibition

against houses of worship and schools in a zone established to protect the vineyard region.

Church-goer Riley Smith stands on one side of the battle over wine country land.

"I think they should probably let us go in and move because we're not really doing anything harmful to them," Smith said

Loretta Falkner owns a winery in the area. She said she is a religious person, but is "against the destruction of a beautiful wine country "

The wine area in Temecula has one church. Calvary chapel, near Rancho California Road between Calle Contento and Anza Road, purchased adjacent property and officials plan to expand. Vintners spoke against the churches plan Wednesday to expand and add a school.

If Calvary Chapel builds a school, vintners predict major problems in the form of lawsuits over pesticide issues and alcohol sales. Riverside County agricultural standards investigator Michele Tracy agreed it is a legitimate concern.

"You will get complaints, you will get lawsuits," Tracy said.

The vintners also fear another church and a school would be a waste of perfect farming land.

But the pastor at Calvary Chapel said the church is a growing and an established part of the community.

"We've been in the community for 15 years and we're getting a lot of requests for a school," he said.

Calvary Chapel's pastor has lived in wine country for decades and argues that its Christian residents deserve a private school. As wine country expands, so should his church, which is above capacity, said the Rev. Clark Van Wick.

"We need some more classrooms, we could use more seats in the sanctuary – so it would be nice just to accommodate the people in the community," said Van Wick.

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Find this article at:

<http://www.nbclosangeles.com/news/local/Temecula-Debates-Building-Churches-and-Schools-Near-Vineyards--187119865.html>

**LEWIS
BRISBOIS
BISGAARD
& SMITH LLP**
ATTORNEYS AT LAW

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MALISSA HATHAWAY MCKEITH
DIRECT DIAL: 213.580.6303
E-MAIL: MCKEITH@LBBSSLAW.COM

December 4, 2012

File No.
32652 2

By facsimile and hand delivery

Riverside County Planning Commissioners
County of Riverside Administrative Center
4080 Lemon Street, 12th Floor
P.O. Box 1409
Riverside, CA 92502

Re: Comments of Calvary Bible Fellowship Church ("Calvary") December 5, 2012
Planning Commission Hearing - Wine Country Community Plan ("WCCP")

Dear Commissioners:

Calvary Bible Fellowship Church ("Calvary") submits this supplemental letter to be included in the Administrative Record for the Wine County Community Plan ("WCCP"). Although it is unclear whether the public record is now closed, we are submitting this correspondence in response to a letter dated December 3, 2012, from the Riverside Agricultural Commissioner. (Attachment A). It also briefly addresses the Staff Report dated December 5, 2012,¹ concerning recirculation of the Draft Environmental Impact Report ("EIR") for evaluation of religious institutions with ancillary elementary schools.

In 2011, the Agricultural Commissioner submitted a report setting forth the current rules and regulations concerning pesticide application in the vicinity of schools concluding that pesticide application is safe in the vicinity of schools assuming Commission rules are followed. This report previously has been submitted to the Planning Commission.

At the WCCP Planning Commission hearing on August 22, 2012, Michele Tracy, an agricultural standards investigator for the Riverside County Agricultural Commissioner's

¹ The December 5 Staff Report was made publicly available on or about November 29, 2012.

wrongly testified that there had been "several" lawsuits involving pesticide exposure in areas of schools. Because she provided no details and was not submitted to cross-examination, Calvary requested that County staff convene a meeting with the Agricultural Commissioner, the vintners and Calvary to discuss the details of these alleged incidences and appropriate mitigation to avoid them. On October 19, 2012, a meeting was convened with County Executive Officer George Johnson, Deputy Planning Director Frank Coyle, Legislative Aide Olivia Barnes, Deputy Agricultural Commissioner Robert Mulherin, Deputy County Counsel Michelle Clack, Robert Tyler, Mike Naggar and myself. At that meeting, Mr. Mulherin was unable to point to a single example in Riverside County where a complaint was lodged due to exposure of school children to offsite agricultural pesticide application.

Unfortunately, the vintners refused to attend the October 19, 2012 meeting, and have declined to participate in any meeting since. On October 20, 2012, Calvary wrote to Ben Drake expressing our disappointment with his refusal to meet so that the parties could arrive at some agreed-upon objective facts about pesticide risk and mitigation. Calvary thereafter served a Public Records Act ("PRA") request on the Agricultural Commissioner's office to obtain copies of any of the so-called complaints referenced on August 22, 2012 or other documentation in the Commissioner's files to support Ms. Tracy's statements.

On December 3, 2012, Calvary received a statement from the Agricultural Commissioner's office, concerning pesticide application and incidents prompting enforcement actions in proximity with schools. (Attachment A). At first blush, this statement would lead the reader to conclude that the five incidents referenced had something to do with off-site pesticide application and schools. As such, the statement again is both deceptive and inaccurate.

On December 4, 2012, Mr. Mulherin clarified via e-mail to Calvary and County planning staff that the five enforcement actions referenced were entirely unrelated to offsite pesticide spraying and instead involved activities performed by school employees on school property. In sum, Mr. Mulherin states, "The five formal ... were related to activities performed by school employees on school property. The noncompliances noted in these five formal violations ... were not committed by an agricultural operation (farm or pest control business)." (Attachment B, emphasis in original). Although we appreciate this clarification, we ask for a formal letter from the Commissioner withdrawing the August 22, 2012 statements made by Ms. Tracy and revising the December 3, 2012 statement to provide clear facts for this Commission to evaluate now and at further hearings.

Moreover, documentation provided by the Agricultural Commissioner's Office in response to Calvary's PRA request and confirmed by conversations with Mr. Mulherin on November 21, 2012 and December 3, 2012 establish that none of the incidents referenced in the statement concern off-site agricultural spraying; rather, they were almost entirely due

to on-site "user error." In other words, the most notable "pesticide" incidents in and around Riverside County schools since 2007, all concern school employees mishandling their own chemicals. In the past five years (if not longer), *there is not a single violation documented by the Agricultural Commissioner of agricultural pesticide operations impacting a school.*

The five "adverse incidents" referenced in the December 3 statement that led to formal violations are outlined below:

1) In 2008, a Corona Norco Unified School District employee who was applying the weed killer Roundup on the school grounds was injured by the chemical. The violations included finding that the employee was not properly trained (she had not received training in pesticide mixing since 2001), that she was not taken to a physician, and that the School failed to supervise its employees. The Agricultural Commissioner issued a cease and desist order proscribing employee handling of pesticides until workers underwent proper training. This was the most serious violation found by the Agricultural Commissioner's office, and it is the one that led to the civil penalties referenced in the December 3, 2012 statement. (Pesticide Investigation Report 2008-220, Blanca Nunez; Notice of Violation 101-100858LC08).

2) In 2010, a teacher/coach at Norte Vista High School sought treatment for irritation on his legs after spending time on athletic fields that had recently been sprayed with Roundup. The Agricultural Commissioner's Office issued notice of violation to the school for failure to notify school employees of the school's Roundup application and failure to provide training of pesticide handling to employees, and ordered the District to cease and desist applications until proper training was completed. (Pesticide Investigation Report 2010-712, Kenneth Batdorf; Notice of Violation 101-80055-JL-11).

3) In 2010, a Pesticide Enforcement Inspection at the Bethel Christian School found that the school was in violation of requirements to train school employees prior to the application of gopher killer, and that the school improperly stored and applied that pesticide on its grounds. The Agricultural Commissioner issued a letter of warning outlining these violations. (Letter of Warning to Bethel Christian School dated May 20, 2010).

4) In 2010, a Pesticide Enforcement Inspection at the Jurupa Unified School District found that the District was not in compliance with requirements to wear proper safety gear when applying the weed killer Roundup, to properly train school employees in the application of Roundup and inform them of health and emergency procedures. The Agricultural Commissioner's Office issued a Letter of Warning to the school. (Letter of Warning to Jurupa Unified School District dated September 1, 2010).

5) In 2007, the Agricultural Commissioner's Office issued a Letter of Warning to the Riverside Unified School District after an enforcement inspection revealed that school

employees failed to don protective eyewear when applying Roundup on school grounds. (Letter of Warning to Riverside Unified School District dated February 28, 2011).

The documentation of the above incidents is enclosed for your review (Attachment C).

As is now more than evident, none of these incidents adverse effects on a vulnerable population are due to neighboring pesticide application - which supposedly is the primary concern claimed by the vintners. Calvary therefore requests that the Planning Commission disregard entirely - and ignore in its decision making - the prior testimony of Ms. Tracy.

Calvary respects and supports the efforts of the vintners and the other growers in Riverside County and believes that the lack of reported incidents in the past demonstrates that the two can peacefully coexist. In fact, Calvary agreed to provisions in its 1999 Public Use Permit ("PUP") stating that it would not object to farm activities in its immediate area acknowledging that Riverside is a Right-to-Farm County, and Calvary has not ever complained about the vintners.

Since August 22, 2012, Calvary has further confirmed that there are nearly 9,000 children under 18 living in the wine country.² Similarly, the Saint Jeanne de Lestonnac School and the Temecula Valley Charter School are both located immediately adjacent to agricultural operations. The Commissioner's office has confirmed that there are already 75 schools in Riverside County within a quarter mile of agricultural operations.³ If the vintners and the Agricultural Commissioner were truly concerned that "sensitive receptors" such as children were being adversely affected, then what is being done to notify and protect existing residents and schools for such concerns? Calvary suggests that this issue is nothing more than a veiled effort to keep Calvary from expanding its religious services including the education of the children who attend Calvary and that, in the end, it is a de facto form of discrimination.

The tactics of the vintners and the misstatements of the Agricultural Commissioner's office, in the end, do a serious disservice to the entire agricultural community. Either agriculture can coexist safely with other uses or it is unsafe and must end as communities

² See Attachment D showing 2010 census data for four tracts comprising the majority of the wine country. The data indicate that approximately 8,800 children under age 18 are living in wine country.

³ Documentation of these schools has been previously submitted to the Planning Commission by Calvary.

expand. The suggestion that churches and schools cannot safely be located in agricultural areas implies that no urban uses are safe.

Calvary again reiterates its desire to work with the vintners. Calvary has voluntarily stipulated to a number of mitigation measures above and beyond those legally required. Recently, the vintners (or some subset thereof) sued the County based upon its supposed failure to enforce mitigation measures in Calvary's PUP requiring that Calvary plant Christmas trees over a decade ago.⁴ This lawsuit appears to be nothing more than a pretext to argue that that Calvary and the County cannot be trusted to abide by or to enforce the PUP, and therefore that any representation Calvary will abide by the Agricultural Commissioner's 12 hour notice to cease school operations for emergency spraying will not be followed.

Suffice it to say that no party has more incentive to abide by the safety regulations of the Commissioner than does Calvary given that it is our children who will be attending the elementary school. The pending litigation is simply is mean spirited and nothing more than a waste of public resources at a time the County can least afford it.

Calvary has now debunked the two key reasons against allowing religious institutions and ancillary schools in the wine country: alcohol and beverage licenses and public safety in connection with pesticides. Calvary also agreed to pay for what it considered a reasonable portion of a revised EIR to evaluate traffic and other genuine environmental impact issues. The costs proposed by the County in its Staff Report seemed excessive and suggests that the EIR otherwise does not require recirculation. Based on the testimony from August 22, 2012, there were several additional issues that had not been properly evaluated in the EIR or required further review including (a) the impact of additional hotel and agricultural growth on worker housing and related public safety; (b) an updated cumulative analysis of water availability at build out; and (c) mitigation required for additional nitrate load. For whatever reason, the December 5, 2012 Staff Report is silent on these issues.

As staff indicated in the December 5 Staff Report, Calvary fully intends to proceed expeditiously with its application to expand, and we anticipate that our environmental impact report will be complete within six months. This information will help to reduce the cost of the recirculated EIR for the WCCP but it will not address the many other issues that were raised before this Commission unrelated to Calvary.

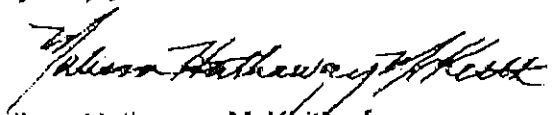
⁴ *Temecula Agriculture Conservation Council v. County of Riverside*, Riverside Superior Court case no. RIC 1216703, filed November 13, 2012; Calvary was sued as the real party in interest.

Riverside County Planning Commissioners
December 4, 2012
Page 6

In sum, there remains no substantial evidence in the record indicating that religious institutions with ancillary elementary schools cannot operate safely and compatible in the wine country. We appreciate the time that staff has spent on this matter, and we continue to encourage the County to require mandatory mediation between the parties so that these issues can be resolved outside of litigation.

Please include this letter and attachments as part of the record for the December 5, 2012 Planning Commission hearing on the Wine Country Community Plan.

Very truly yours,



Malissa Hathaway McKeith of
LEWIS BRISBOIS BISGAARD & SMITH LLP

MHM

Enclosures

Cc: Mary Stark, Secretary to the Riverside County Planning Commission
mcstark@rctlma.org

Attachment A



AGRICULTURAL COMMISSIONER'S OFFICE

4080 LEMON STREET, ROOM 19
P.O. BOX 1089
RIVERSIDE, CA 92502-1089
PHONE (951) 955-3000
FAX (951) 955-3012
www.rivcoag.org

JOHN SNYDER

Agricultural Commissioner
Sealer of Weights & Measures

WEIGHTS & MEASURES DIVISION

2950 WASHINGTON STREET
P.O. BOX 1480
RIVERSIDE, CA 92502-1480
PHONE (951) 955-3030
FAX (951) 276-4728

December 3, 2012

The County of Riverside has requested and the agricultural commissioner's office has reviewed its records and surveyed its staff to determine the number of complaints/incidents during the period from 2007 to date resulting from pesticide applications in the areas of the 75 Riverside public and private schools. Based upon this file review, five incidents that led to formal violations, and one incident that led to a formal civil penalty action have been identified. While the siting of schools in agricultural areas has occurred for years, this arrangement is not ideal due to significant agricultural-urban interface issues, (see attached excerpt from the California Department of Pesticide Regulation's publication, "A Guide to Pesticide Regulation in California" – "Addressing Public Concerns about Pesticides"). There are a number of studies and reports which point to the wisdom of land use decisions which prevent potential pesticide exposure to humans, especially to the most vulnerable segment of our population. As the county department that is usually the first line of defense regarding responding to and investigating pesticide related complaints, (whether actual or perceived), we are in a position to say that land use/planning decisions that result in an ag/urban interface (especially a sensitive site interface such as a school) are far from ideal. The results are almost always undue burdens to the farm community and potential negative health effects to the adjacent population. Additionally, land use decisions that result in ag-urban interfaces are generally not consistent with the county's "Right to Farm" Ordinance as well as the "Notice of Right to Farm" state law, attached. These siting's require ongoing flexibility on the part of farmers operating in the vicinity of schools, regarding agricultural chemical application timing and various cultural practices, as well as the cooperation and agreement by private schools to terminate activities in the event of special circumstances and/or the need for emergency agricultural chemical applications. Ag chemical applications due to special circumstances may include, but are not limited to soil fumigations and aerial pesticide applications, associated with emergency pest infestations. To avoid conflicts, the Board of Supervisors may add additional conditions to any use permit of a private school including limitations on outdoor activities; use of air filters, full disclosure to the parents of school children and all school related staff and contract employees, concerning periodic agricultural activities, including chemical applications, and an agreement to terminate school upon 12 hours notice in the event of emergency situation.

Attachments

Attachment B

Grasse, Maya

From: Mulherin, Robert <RMulherin@RIVCOAG.ORG>
Sent: Tuesday, December 04, 2012 5:08 PM
To: McKeith, Malissa; Grasse, Maya
Cc: Coyle, Frank; Nanthavongdouangsy, Phayvanh
Subject: Pesticides and Schools Statement Document, dated 12-3-12

On December 3, 2012, the Agricultural Commissioner's Office provided you with a document concerning the use of pesticides on or near schools. Within this document reference is made to five incidents that led to formal violations being issued and one incident where a formal civil penalty action was taken.

To clarify, the five formal violations and one formal civil penalty action were related to activities performed by school employees on school property. The noncompliances noted in these five formal violations and one formal civil penalty action were not committed by an agricultural operation (farm or pest control business).

Robert Mulherin
Deputy Agricultural Commissioner
Environmental Protection Division
Riverside County Agricultural Commissioner's Office
(951) 955-3023
(951) 955-3047 FAX
rmulherin@rivcoag.org

Attachment C

STATE OF CALIFORNIA
 DEPARTMENT OF PESTICIDE REGULATION
 VIOLATION NOTICE
 PR-ENF-101 (REV 3/03)

A. VIOLATOR INFORMATION

FIRM / PERSON NAME Corona Norco Unified School District	TELEPHONE NUMBER (951) 736-5000	COUNTY NAME Riverside
MAILING ADDRESS 2820 Clark Avenue	PERMIT ID NUMBER N/A	VIOLATION NOTICE NO. 101-100858LC08
CITY Norco	STATE CA	ZIP CODE 92860
		VIOLATION DATE/TIME 2/1/08 7:15 a.m.

B. FIRM / PERSON INFORMATION

<input type="checkbox"/> Agricultural Pest Control Advisor	<input type="checkbox"/> Structural Pest Control Operator	<input type="checkbox"/> Private Applicator	LICENSE/CERTIFICATE # N/A
<input checked="" type="checkbox"/> Pest Control Business	<input type="checkbox"/> Field Representative	<input type="checkbox"/> Labor Contractor	
<input type="checkbox"/> Pest Control Aircraft Pilot	<input type="checkbox"/> Qualified Applicator Certificate	<input checked="" type="checkbox"/> Government Agency	
<input type="checkbox"/> Pest Control Dealer	<input type="checkbox"/> Qualified Applicator License	<input type="checkbox"/> Other	

C. VIOLATION LOCATION

ADDRESS/PROPERTY LOCATION 1395 E. Foothill Parkway	CITY Corona
---	----------------

D. SECTION(S) VIOLATED

Food and Agricultural Code (FAC)	
California Code of Regulations (CCR)	1) 6702(b)(2) 2) 6702(b)(3) 3) 6724 4) 6726(c)
Business and Professions Code (B&P)	
Labor Code (LC)	

E. VIOLATION NARRATIVE

1) The employer shall inform the employee, in a language the employee understands, of the specific pesticide being used, pesticide safety hazards, the personal protective equipment and other equipment to be used, work procedures to be followed, and pesticide safety regulations applicable to all activities they may perform. (employees did not receive training).

2) The employer shall supervise employees to assure that safe work practices, including all applicable regulations and pesticide product labeling requirements are complied with.

3) The employer shall have a written training program which address each of the subjects specified in subsection (b). The training shall be completed before the employee is allowed to handle pesticides, continually updated to cover any new pesticides that will be handled and repeated at least annually thereafter (Employees were not trained to use Roundup Pro).

4) When there is reasonable grounds to suspect that an employee has a pesticide illness, or when an exposure to a pesticide has occurred that might reasonably be expected to lead to an employee's illness, the employer shall ensure that the employee is taken to a physician immediately. (The employee drove herself to the physician's office).

F. CEASE AND DESIST/ STOP WORK ORDER

You must CEASE AND DESIST from allowing untrained handlers to use pesticides.

Pursuant to Food and Agricultural Code Section: (Check one box) 1737 11808 11897 13101 13102

G. NOTICE

This information documents that a violation of statutes or regulations pertaining to Pesticides and Pest Control Operations or a violation of the Business and Professions Code pertaining to Structural Pest Control or a violation of the Labor Code pertaining to Farm Labor Contractors has occurred. Violations of this nature may subject the violator to further action as prescribed by law.

H. NOTIFICATION INFORMATION

NOTIFIED PERSON'S PRINTED NAME Robert Kent	TITLE HR Administrator	SIGNATURE	DATE
---	---------------------------	-----------	------

The "Notified Person's Signature" (above) is not an admission of guilt or a promise to appear (citation).

ENFORCING OFFICER'S PRINTED NAME Lena Canada	TITLE ASI IV	SIGNATURE <i>Lena Canada</i>	DATE 6/19/08
---	-----------------	---------------------------------	-----------------

ISSUING AGENCY RIVERSIDE COUNTY AGRICULTURAL COMMISSIONER	DATE NOTICE ISSUED 6/19/2008
--	---------------------------------

VIOLATION DELIVERED:
 Regular Mail Certified Mail # 7007 2580 0000 3081 6187 Fax # Other In Person Date:

STATE OF CALIFORNIA
PESTICIDE EPISODE INVESTIGATION REPORT
 PR-ENF-127 (REV. 7/00)

DEPARTMENT OF PESTICIDE REGULATION
 PESTICIDE ENFORCEMENT BRANCH

PAGE 1 OF 3

RECEIVED BY Robert Mulherin	RECEIVED FROM DPR-Anaheim	REPRESENTING WHS	DATE/TIME RECEIVED 4/21/08 08:00	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	PERSON NOTIFIED	DATE
TYPE OF EPISODE <input checked="" type="checkbox"/> HUMAN EFFECTS # 1		<input type="checkbox"/> ENVIRONMENTAL EFFECTS		PRIORITY INVESTIGATION <input type="checkbox"/> YES * <input checked="" type="checkbox"/> NO		
<input type="checkbox"/> PROPERTY LOSS		OTHER				
OTHER I.D. NO.	COUNTY OF OCCURRENCE Riverside	DATE OF OCCURRENCE MO 2 DAY 1 YR 2008	TIME 7:15	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	DIR	
EPISODE LOCATION 1395 E. Foothill Pkwy., Corona					EPA	
					CAC	
					OTHER	

INJURED/COMPLAINANT INFORMATION

COMPLAINT SIGNED <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	DR. VISITED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	EXTENT OF INJURY/ILLNESS <input type="checkbox"/> Fatal <input checked="" type="checkbox"/> Symptoms <input type="checkbox"/> Serious <input type="checkbox"/> Exposed Only	ACTIVITY OF PERSON EXPOSED/INVOLVED <input checked="" type="checkbox"/> Mixer/Loader <input type="checkbox"/> Field Worker <input type="checkbox"/> Other <input type="checkbox"/> Applicator <input type="checkbox"/> Public	EXPLAIN
NAME Blanca Nunez	AGE 40	SEX Female	WHS NO 2008-220	WORKDAYS LOST None
ADDRESS 5509 Ellen Street	CITY Riverside	ZIP 92503	PHONE (951) 351-4123	
MEDICAL FACILITY NAME Vieta Medical Group	<input checked="" type="checkbox"/> TREATMENT PROVIDED <input type="checkbox"/> OBSERVATION ONLY	HOSPITALIZED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DATE/TIME ADMITTED	DATE/TIME DISCHARGED
PHYSICIAN Nasser W. Azar, M.D.	ADDRESS 1820 Fullerton Avenue Ste. 140, Corona CA 92881	PHONE (951) 549-0800		

SIGNS/SYMPTOMS EXPERIENCED
 burning face and the taste of chemical in mouth

EMPLOYER Corona Norco Unified School District	ADDRESS 2820 Clark Avenue, Norco CA 92880	PHONE (951)736-5000
--	--	------------------------

PROTECTIVE MEASURES USED

<input checked="" type="checkbox"/> Safety Glasses	<input type="checkbox"/> Cloth/Leather Gloves	<input type="checkbox"/> INHALATION Dust Mask	<input checked="" type="checkbox"/> OTHER Work Clothes	<input type="checkbox"/> ENGINEERING CONTROLS Closed System
<input type="checkbox"/> Goggles	<input checked="" type="checkbox"/> Chem. Resistant Gloves	<input type="checkbox"/> 1/2 Face Respirator	<input type="checkbox"/> Coveralls	<input type="checkbox"/> Enclosed Cab
<input type="checkbox"/> Faceshield	<input type="checkbox"/> Other	<input type="checkbox"/> Full Face Respirator	<input type="checkbox"/> Chem. Resistant Clothes	<input type="checkbox"/> Enc. Cab w/Air Purification
<input type="checkbox"/> Eye/Burn Creams	<input type="checkbox"/> None	<input checked="" type="checkbox"/> BCBA	<input type="checkbox"/> Chem. Resistant Boots	<input type="checkbox"/> Other
<input type="checkbox"/> None		<input type="checkbox"/> None	<input type="checkbox"/> Head Covering	<input checked="" type="checkbox"/> None
			<input type="checkbox"/> Other	

ENVIRONMENTAL OR PROPERTY DAMAGE

DESCRIPTION OF DAMAGE N/A	AMOUNT/VALUE
OWNER	ADDRESS
	PHONE

ALLEGED RESPONDENT(S)

NAME N/A	PHONE	LICENSE/PERMIT NO.	RECOMMENDATION MADE <input type="checkbox"/> YES # <input type="checkbox"/> NO
ADDRESS	EMPLOYER'S NAME	PHONE	
CITY	STATE	ZIP	EMPLOYER'S ADDRESS
EXPLAIN*	CITY	STATE	ZIP

PESTICIDE NAME/MANUFACTURER	EPA REGISTRATION NUMBER	CATEGORY	DOSE/DILUTION/VOLUME	TREATMENT DATE	COMMODITY/SITE TREATED
Roundup Pro Herbicide/Monsanto	524-475-ZA	Caution	1 gallon/80 gallons	2/1/08	planters/school

EQUIPMENT TYPE/MAKE/MODEL/DESCRIPTION
 80 gallon spray tank, electric cart

SUMMARIZE THE EPISODE INCLUDING A DETAILED DESCRIPTION OF EVIDENCE TAKEN (Use Episode Report Supplement Form PR-ENF-127A if Additional Space is Needed)

Summary:
 On February 2, 2008, an employee of the Corona Norco Unified School District, Blanca Nunez, was performing a mix load when chemical splashed into her face. She cleaned the pesticide off her face and then reported the incident to her supervisor. She was sent to the clinic for evaluation and treatment.

Background Information: Training was provided to Blanca Nunez for Roundup on March 28, 2001

REPORT PREPARED BY (NAME/TITLE) Sara Canales IAS	DATE PREPARED 6/19/08	REPORT REVIEWED/APPROVED BY (NAME/TITLE) Robert Mulherin / Dir. Agr. Comm.	DATE APPROVED 6/19/08
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STATE OF CALIFORNIA
PESTICIDE EPISODE INVESTIGATION
SUPPLEMENTAL REPORT
 PR-ENF-127A (REV 7/00)

DEPARTMENT OF PESTICIDE REGULATION
 PESTICIDE ENFORCEMENT BRANCH

PAGE 2 OF 3

DN/SUBJECT 1395 E. Foothill Pkwy., Corona/Nunez	PRIORITY/WHS NO. 2008-220	OTHER ID NO	COUNTY OF OCCURRENCE Riverside	DATE OF OCCURRENCE MO 2 DAY 1 YR 2008
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REPORT TYPE
 NARRATIVE CONTINUATION SUPPLEMENTAL REPORT OTHER REPORT _____

REMARKS
 Violations:
 CCR 6728(c)-The employee was not taken to the physician.
 CCR 6724-The employer does not have a written training program and employees were not trained
 CCR 6702-Failure to supervise employees

Witnesses:
 Blanca Nunez, Maintenance, Corona Norco Unified School District, 2820 Clark Avenue, Norco CA 92860 (951) 351-4123
 Robert Perez, Field Supervisor, Corona Norco Unified School District, 2820 Clark Avenue, Norco CA 92860 (951) 736-3318
 Librado Carranza, Maintenance, Corona Norco Unified School District, 2820 Clark Avenue, Norco CA 92860 (951) 736-5000
 Jesse Balderas, Administrator, Corona Norco Unified School District, 2820 Clark Avenue, Norco CA 92860 (951) 739-5400

Investigation and Statements:
 On June 11, 2008 at 8:10 a.m. I spoke via telephone with the Supervisor of Maintenance for the Corona Norco Unified School District, Robert Perez. He stated the following in summary:

I am not the immediate supervisor for Blanca Nunez. I am the maintenance manager of the entire district. The direct supervisor for Ms. Nunez is Alan Davidson; however, he was not working the day of the incident. Santiago High School's Administrator, Jesse Balderas, was her supervisor the day of the incident. You will need to contact him to find out exactly what happened. I only know that she was sent to the doctor for a Roundup exposure. We had training for the employees, which was conducted by Monsanto Chemical Company. I will send you the records for that training. We do provide the employees with safety glasses and protective gloves, which they are instructed to use. I will have Ms. Nunez contact you.

On June 11, 2008 at 11:00 a.m. I spoke with Blanca Nunez in person at Santiago High School. Nobody else was present during the interview. Ms. Nunez stated the following in summary:

I was preparing to spray for weeds early in the morning on Friday February 1, 2008 when I was splashed with Roundup in the face. It was shortly after we arrived at work, probably around 7:15 a.m. The tank already had about 20 or 30 gallons of diluted pesticide in the tank from the previous day. I was going to fill up the tank with water and add some more pesticide. As I was filling the tank with water my coworker, Librado Carranza, was trying to connect the tank hitch to the electric cart. He picked up the hitch to connect it, but he did not know what he was doing and he dropped it. The force of the impact caused some of the tank solution to splash out of the tank onto my face. I was wearing safety glasses so the chemical did not get into my eyes, but it splashed onto the side of my face and my chest. I went to the restroom by the pool and washed my face and hands. I then went to tell my supervisor, Jesse Balderas what happened. He told me to go to the doctor.

I went to the doctor right away around 8:00 a.m. I did not want to go, but they told me to. They washed my face and took vitals and then I was allowed to leave. I tasted the chemical in my mouth and my face burned for about a day. I do not have any further symptoms or problems. I received training about five or so years ago for the Roundup. Librado has never been trained. When we work we wear safety glasses, gloves, and a disposable tyvek suit.

REPORT PREPARED BY (NAME/TITLE) <i>Alan Davidson / ASE</i>	DATE PREPARED <i>6/19/08</i>	REPORT REVIEWED/APPROVED BY (NAME/TITLE) <i>Robert Mulhern / Dep. Ag. Comm.</i>	DATE/APPROVED <i>6/19/08</i>
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STATE OF CALIFORNIA
PESTICIDE EPISODE INVESTIGATION
SUPPLEMENTAL REPORT
 PR-ENF-127A (REV. 7/00)

DEPARTMENT OF PESTICIDE REGULATION
 PESTICIDE ENFORCEMENT BRANCH

PAGE 3 OF 3

LOCATION/SUBJECT 1395 E. Foothill Pkwy., Corona/Nunez	PRIORITY/WHR NO. 2008-220	OTHER I.D. NO.	COUNTY OF OCCURRENCE Riverside	DATE OF OCCURRENCE MO 2 DAY 1 YR 2008
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REPORT TYPE
 NARRATIVE CONTINUATION SUPPLEMENTAL REPORT OTHER REPORT _____

REMARKS
 On June 17, 2008 at 3:30 p.m. I spoke with Librado Carranza via the telephone. He stated the following in summary:
 The incident occurred on February 1, 2008 at around 7:00 a.m. I was hooking up the pesticide tank to the electric cart, when the hitch slipped out of my hands and dropped to the ground. There was a couple of gallons of diluted chemical in the tank from the previous day. When I dropped it, the solution splashed out of the top into Blanca's face. She was filling the tank with water when it happened. Blanca washed off her face with water and took off the chemical suit. We wear safety glasses, the suit, and gloves when we apply the Roundup. After it happened, I went to the office to tell the supervisor about the incident. Blanca went to the hospital shortly after that. I have never had training on the Roundup.

On June 18, 2008 at 8:20 a.m. I spoke with Administrator Jesse Balderas via the telephone. He stated the following in summary:
 I am not the immediate supervisor of Ms. Nunez, but I was the supervisor on site the day of the incident. Her supervisor was gone that day. Ms. Nunez was filling up the pesticide tank with water while Mr. Carranza was trying to hook the tank hitch up to the cart. He dropped the hitch, and some diluted pesticide from a previous application splashed into Ms. Nunez' face. She rinsed her face with water and came to tell me about the incident in the office. I had her go to the physician as a precaution. I am not aware of her last training or how often the training should be conducted. Bob Perez, Field Supervisor, is responsible making sure the maintenance crew is trained properly.

I informed Jesse Balderas as well as Bob Perez of the training requirements and their record keeping responsibilities. A training packet was mailed to the Corona Norco Unified School District.

Findings:
 The Corona Norco Unified School District did not train their employees properly prior to handling pesticides. Ms. Nunez had not received training since March 28, 2001 and Mr. Carranza had never received any training. Proper training on how to handle the pesticide and the equipment may have prevented the incident from occurring. Ms. Nunez was not taken to the hospital, but drove herself after the incident.

- Attachments:
 Doctor's First Report for Blanca Nunez
 Training records for March 28, 2001 training
 Notice of Violation to Corona Norco Unified School District
 Roundup Label

REPORT PREPARED BY (NAME/TITLE) <i>Dina Linares IAS</i>	DATE PREPARED 6/19/08	REPORT REVIEWED/APPROVED BY (NAME/TITLE) Robert Melton / Dep. Ag. Comm.	DATE APPROVED 6/19/08
--	--------------------------	--	--------------------------

4-21-08

VISTA MEDICAL GR
Industrial Care Cen
Doctors' First Report of Occupational

RIVERSIDE
Name: NUNEZ, BLANCA
Date of Injury: 2/1/2008

2008-220

5 days of your initial examination, for every occupational injury or illness, send this report to insurer or employer (only if self-insured). Failure to file a timely doctor's report may result in assessment of a civil penalty. In the case of diagnosed or suspected pesticide poisoning, send one copy of this report directly to the Division of Labor Statistics and Research, P.O. Box 603, San Francisco, CA 94101; and notify your local health officer by telephone within 24 hours and by sending a copy of this report within seven days. For a supply of this form, please call (415) 557-1924.

1. Insurer Name/Address: TRISTAR INSURANCE P.O. BOX 10880 SANTA ANA, CA. 92711	2. Employer Name: C.N.U.S.D 3. Address: 2820 CLARK AVE. NORCO, CA. 92860	PLEASE DO NOT USE THIS COLUMN
		Case No.
4. Nature of Business: SCHOOL DISTRICT		

5. Patient Name: BLANCA NUNEZ	6. SEX: FEMALE	7. DOB: 2/9/1968	RECEIVED APR - 8 2008 Industry County Age
8. Address: 5509 ELLEN STREET RIVERSIDE, CA. 92503	9. Telephone #: (951) 351-4123	11. Social Security Number: 556-69-7958	
10. Occupation: (Specific Job Title) POOL ATTENDANT	12. Injured at: 1395 FOOTHILL City CORONA County RIVERSIDE		Hazard

13. Date and hour of Injury or onset of illness 2-1-2008	14. Date last worked 2-1-2008	Disease
15. Date and hour of first injury, examination or treatment 2-1-2008	16. Have you (or your office) previously treated patient <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Hospitalization
17. Patient, please describe how the accident or exposure happened (Be Specific) PATIENT STATED: " WHILE I WAS WORKING WEED KILLER SPLASHED ON MY FACE".		Occupation Return Date Code

18. Subjective Complaints: OUND UP SPLASHED ON FACE, BUT NO CONTACT WITH EYES.(PATEINT WEARING GLASSES)
 19. Objective Findings: FACE, EYES, MOUTH, NOSE, SKIN: NO SIGNS OF BURNING OR REDNESS.
 20. Diagnosis: 994.9 Chemical or toxic compounds involved Yes No X-RAY Yes No

21. Findings consistent with patient's statement <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	22. Other condition that will impede recovery <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> D	Explain:
--	---	----------

23. Treatment Rendered/Planned: EVALUATION AND TREATMENT PERFORMED, REASSURANCE. PATIENT WASHED FACE IMMEDIATELY.

If further treatment required, specify treatment: NONE Estimated Duration: APR 1 11 2008

24. If hospitalized as inpatient, give hospital name/location: N/A Admit Date: N/A Estimated Stay: N/A
 25. Work Status: Is patient able to perform usual work? Yes NO

If no, patient can return to: Regular Work: Modified Work: Restrictions:

Naser W. Azar, M.D
1820 Fullerton Avenue
Suite #140 Corona, CA 92881
 CA License: A54778
 IRS Number: 33-0697381
 Phone #: (951) 549-0900

DATE: 2-1-2008
I, not violated LC 139.3 and the contents of the report are true and correct to the best of my knowledge. This statement is made under penalty of perjury. Any person who makes or causes to be made any knowingly false or fraudulent material statement of material Representation for the purpose of obtaining or denying workers compensation benefits or payments is guilty of a felony.



AGRICULTURAL COMMISSIONER'S OFFICE

4080 LEMON STREET, ROOM 19
P.O. BOX 1089
RIVERSIDE, CA 92502-1089
PHONE (951) 955-3000
FAX (951) 955-3012

WEIGHTS & MEASURES DIVISION

2950 WASHINGTON STREET
P.O. BOX 1480
RIVERSIDE, CA 92502-1480
PHONE (951) 955-3030
FAX (951) 276-4728

JOHN SNYDER

Agricultural Commissioner
Sealer of Weights & Measures

October 6, 2008

NOTICE OF PROPOSED ACTION, GROUNDS THEREFORE, AND OPPORTUNITY TO BE HEARD

TO: Corona Norco Unified School District
2820 Clark Avenue
Norco, CA 92860

FILE NO. 500-ACP-RIV-08/09

You are hereby notified that pursuant to the provisions of Section 12999.5 of the Food and Agricultural Code of California and Section 6130 of Title 3 of the California Code of Regulations, the Commissioner proposes to fine you **\$700.00** for the following violation(s) of these code(s): California Code of Regulations Section 6702. The amount of each fine is determined by applying the circumstances of each violation to the fine guidelines that have been adopted for use in these actions. Those guidelines are found in Title 3, California Code of Regulations Section 6130, which provides:

- (a) When taking civil penalty action pursuant to section 12999.5 of the Food and Agricultural Code, County Agricultural Commissioners shall use the provisions of this section to determine the violation class and fine amount.
- (1) For purposes of this section, violations shall be designated as "Class A", "Class B", and "Class C".
 - (A) "Class A": Violations which created an actual health or environmental hazard, violations of a lawful order of the Commissioner issued pursuant to sections 11737, 11737.5, 11896 or 11897 of the Food and Agricultural Code, or violations that are repeat Class B violations. The fine range for Class A violations is **\$700-\$5,000**.
 - (B) "Class B": Violations which posed a reasonable possibility of creating a health or environmental effect or violations that are repeat Class C violations. The fine range for Class B violations is **\$250 - \$1,000**.
 - (C) "Class C": Violations that are not defined in either Class A or Class B. The range for Class C violations is **\$50 - \$400**.

This fine action has been proposed in keeping with statewide pesticide enforcement guidelines and is based on the incident(s) referenced within this document, as well as on any prior incidents (compliance history).

The description of the incident(s) along with the individual statute(s) violated are cited below.

Incident: On February 1, 2008, a pesticide handler (Blanca Nunez) employed by the Corona Norco Unified School District sought medical attention at the medical offices of Naser W. Azar in Corona CA, where she was treated for exposure to a pesticide (Roundup Pro) and released. Ms. Nunez had been experiencing symptoms of her face burning and the taste of chemical in her mouth. As a result of her medical visit, a Pesticide Illness Report (WHS 2008-220) was generated wherein a pesticide exposure was suspected as contributing to the patient's symptoms.

On June 11, 2008, Agricultural & Standards Investigator, Lena Canada began an investigation to determine if Ms. Nunez's injuries were a result of pesticide exposure. Ms. Canada interviewed Mr. Robert Perez, Supervisor of Maintenance for the Corona Norco Unified School District, and also Ms. Nunez, the injured employee, on June 11, 2008. On June 17, 2008, Ms. Canada interviewed Librado Carranza, the other pesticide handler present on February 1, 2008 when Ms. Nunez was exposed to Roundup Pro. On June 18, 2008, Ms. Canada interviewed Jesse Balderas, the supervisor of Ms. Nunez and Librado Carranza on February 1, 2008.

Ms. Canada determined that on February 1, 2008 Ms. Nunez had mixed and loaded the pesticide (Roundup Pro, EPA Reg. # 524-475-ZA) in preparation of spraying weeds at Santiago High School, which is located at 1395 E. Foothill Parkway in Corona, California. Ms. Canada found that neither Ms. Nunez nor any of the other pesticide handlers had been trained prior to using Roundup, as required by California Code of Regulations Section 6724. Roundup Pro, EPA Registration Number 524-475-ZA, is a pesticide that is registered with the California of Pesticide Regulation. During the mixing and loading operation, Ms. Nunez was wearing safety glasses, rubber gloves and Tyvek coveralls, which were provided by the employer. The tank in which she was mixing the Roundup Pro was on a trailer and as she was filling the tank with water, Mr. Carranza tried to connect the trailer hitch to an electric cart. As he was doing this he dropped the hitch. The force of the impact of the hitch hitting the ground caused some of the pesticide solution to splash out of the tank onto the face and chest of Ms. Nunez. She began to experience symptoms of burning to her face. Ms. Nunez washed her face and hands with water and then told her supervisor, Jesse Balderas, of what had occurred. Mr. Balderas told her to go to the doctor. Instead of the employer ensuring that the injured employee (Ms. Nunez) was taken to a physician, as required by California Code of Regulations Section 6726(c), she drove herself to the medical facility on February 1, 2008. She received treatment and was released to return to work. As a result of the employer's failure to supervise the pesticide handlers (Ms. Nunez and Mr. Carranza) to assure that safe work practices were being followed, the employee (Ms. Nunez) was exposed to a pesticide which caused injury to her face.

Ms. Canada issued Violation Notice #101-100858LC08 to the Corona Norco Unified School District as a result of this incident.

Violation 1:

Section 6702 of the California Code of Regulations states in part, *the employer: shall inform the employee, in a language the employee understands, of the specific pesticide being used, pesticide safety hazards, the personal protective equipment and other equipment to be used, work procedures to be followed, and pesticide safety regulations applicable to all activities they may perform; shall supervise employees to assure that safe work practices, including all applicable regulations and pesticide product labeling requirements are complied with; has the duty to provide a safe work place for employees and require employees to follow safe work practices; and shall take all reasonable measures to assure that employees handle and use pesticides in accordance with the requirements of law, regulations, and pesticide product labeling requirements."*

Corona Norco Unified School District failed to: provide pesticide-specific training to their employees (Blanca Nunez, Librado Carranza) prior to the handling of pesticides; supervise employees handling pesticides to assure that employees follow safe work practices and are in compliance with worker safety requirements; ensure that an employee that has a pesticide illness is taken to a physician immediately. These violations resulted in injury to their employee.


The proposed fine of \$700.00 is at the low end of Class A because this violation caused an actual health effect.

You are entitled to review the Commissioner's evidence supporting these charges at the Office of the County Agricultural Commissioner, located at 4080 Lemon Street, Room 19, Riverside, California. **You must however request an appointment first by either calling (951) 955-3045, or by writing to the letterhead address of this document.**


You also are entitled to a hearing to present any evidence, oral or written including witnesses to testify on your behalf why the Commissioner should not take the proposed action. You are not required to be represented by legal counsel at the hearing, but your attorney may accompany and represent you if you wish. A transcript or tape recording will be made of the entire hearing proceeding and will be available for review on appeal to the Director of the California Department of Pesticide Regulation and by the courts.

A hearing in this matter will be scheduled and held at the Office of the County Agricultural Commissioner located at the above address, if you request a hearing in writing within **twenty (20) days** of receipt of this notice. Please sign and date your request, state the reason that you are requesting a hearing, and reference the file number.

Failure to timely request a hearing is a waiver of the right to a hearing, and the Commissioner may take action proposed in this notice without a hearing. If you do not wish to request a hearing to contest the charges and proposed action, you may stipulate to the enclosed Order by dating, signing, and returning the **Stipulation and Waiver to Order**, and the fine amount, within **20 days** of receipt of this notice.



John Snyder
Agricultural Commissioner
Sealer of Weights & Measures



Date

COUNTY OF RIVERSIDE
AGRICULTURAL COMMISSIONER'S OFFICE

ORDER AND STIPULATION

FILE NO. 500-ACP-RIV-08/09

TO: Corona Norco Unified School District
2820 Clark Avenue
Norco, CA 92860

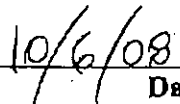
ORDER: It is hereby ordered that Corona Norco Unified School District is fined \$700.00.

Make check payable to: Riverside County
Agricultural Commissioner

Send check along with this form dated and signed to: Pesticide Division
Agricultural Commissioner's Office
P.O. Box 1089
Riverside, CA 92502-1089



John Snyder
Agricultural Commissioner
Sealer of Weights & Measures



Date

STIPULATION AND WAIVER TO ORDER

I hereby stipulate that the Agriculture Commissioner's Notice of Proposed Action in the above-entitled matter states grounds for disciplinary action based on the evidence now before the Commissioner. I further stipulate to the Commissioner's Order, as set forth above and I waive all rights to a hearing and appeal or any other review in this matter.

Dated: _____ Signed: _____



AGRICULTURAL COMMISSIONER'S OFFICE

4080 LEMON STREET, ROOM 19
P.O. BOX 1089
RIVERSIDE, CA 92502-1089
PHONE (951) 955-3000
FAX (951) 955-3012

WEIGHTS & MEASURES DIVISION

2950 WASHINGTON STREET
P.O. BOX 1480
RIVERSIDE, CA 92502-1480
PHONE (951) 955-3030
FAX (951) 276-4728

JOHN SNYDER

Agricultural Commissioner
Sealer of Weights & Measures

November 4, 2008

**NOTICE OF DECISION
AND ORDER**

FILE NO. 500-ACP-RIV-08/09

**TO: Corona Norco Unified School District
2820 Clark Avenue
Norco, CA 92860**

You are hereby notified that the Commissioner has reached his final decision in the above-entitled matter. On **October 9, 2008** you received the **Notice of Proposed Action, Grounds Therefore, And Opportunity To Be Heard**.

You did not request a scheduled Administrative Hearing pursuant to the provisions of Section 12999.5 of the Food and Agricultural Code of California within the legally specified time of **twenty (20) days** of receipt of the **Notice of Proposed Action** sent to you by certified mail, receipt number 7007 1490 0003 4273 3381, and therefore waived your right to an Administrative Hearing by the Agricultural Commissioner regarding the proposed action.

FINDINGS OF FACT:

On February 1, 2008, a pesticide handler (Blanca Nunez) employed by the Corona Norco Unified School District sought medical attention at the medical offices of Naser W. Azar in Corona CA, where she was treated for exposure to a pesticide (Roundup Pro) and released. Ms. Nunez had been experiencing symptoms of her face burning and the taste of chemical in her mouth. As a result of her medical visit, a Pesticide Illness Report (WHIS 2008-220) was generated wherein a pesticide exposure was suspected as contributing to the patient's symptoms.

**NOTICE OF DECISION
AND ORDER**

FILE NO. 500-ACP-RIV-08/09

On June 11, 2008, Agricultural & Standards Investigator, Lena Canada began an investigation to determine if Ms. Nunez's injuries were a result of pesticide exposure. Ms. Canada interviewed Mr. Robert Perez, Supervisor of Maintenance for the Corona Norco Unified School District, and also Ms. Nunez, the injured employee, on June 11, 2008. On June 17, 2008, Ms. Canada interviewed Librado Carranza, the other pesticide handler present on February 1, 2008 when Ms. Nunez was exposed to Roundup Pro. On June 18, 2008, Ms. Canada interviewed Jesse Balderas, the supervisor of Ms. Nunez and Librado Carranza on February 1, 2008.

Ms. Canada determined that on February 1, 2008 Ms. Nunez had mixed and loaded the pesticide (Roundup Pro, EPA Reg. # 524-475-ZA) in preparation of spraying weeds at Santiago High School, which is located at 1395 E. Foothill Parkway in Corona, California. Ms. Canada found that neither Ms. Nunez nor any of the other pesticide handlers had been trained prior to using Roundup, as required by California Code of Regulations Section 6724. Roundup Pro, EPA Registration Number 524-475-ZA, is a pesticide that is registered with the California of Pesticide Regulation. During the mixing and loading operation, Ms. Nunez was wearing safety glasses, rubber gloves and Tyvek coveralls, which were provided by the employer. The tank in which she was mixing the Roundup Pro was on a trailer and as she was filling the tank with water, Mr. Carranza tried to connect the trailer hitch to an electric cart. As he was doing this he dropped the hitch. The force of the impact of the hitch hitting the ground caused some of the pesticide solution to splash out of the tank onto the face and chest of Ms. Nunez. She began to experience symptoms of burning to her face. Ms. Nunez washed her face and hands with water and then told her supervisor, Jesse Balderas, of what had occurred. Mr. Balderas told her to go to the doctor. Instead of the employer ensuring that the injured employee (Ms. Nunez) was taken to a physician, as required by California Code of Regulations Section 6726(c), she drove herself to the medical facility on February 1, 2008. She received treatment and was released to return to work. As a result of the employer's failure to supervise the pesticide handlers (Ms. Nunez and Mr. Carranza) to assure that safe work practices were being followed, the employee (Ms. Nunez) was exposed to a pesticide which caused injury to her face.

Ms. Canada issued Violation Notice #101-100858LC08 to the Corona Norco Unified School District as a result of this incident.

**NOTICE OF DECISION
AND ORDER**

FILE NO. 500-ACP-RIV-08/09

Count 1:

Section 6702 of the California Code of Regulations states in part, *the employer: shall inform the employee, in a language the employee understands, of the specific pesticide being used, pesticide safety hazards, the personal protective equipment and other equipment to be used, work procedures to be followed, and pesticide safety regulations applicable to all activities they may perform; shall supervise employees to assure that safe work practices, including all applicable regulations and pesticide product labeling requirements are complied with; has the duty to provide a safe work place for employees and require employees to follow safe work practices; and shall take all reasonable measures to assure that employees handle and use pesticides in accordance with the requirements of law, regulations, and pesticide product labeling requirements."*

Corona Norco Unified School District failed to: provide pesticide-specific training to their employees (Blanca Nunez, Librado Carranza) prior to the handling of pesticides; supervise employees handling pesticides to assure that employees follow safe work practices and are in compliance with worker safety requirements; ensure that an employee that has a pesticide illness is taken to a physician immediately. These violations resulted in injury to their employee.

The proposed fine of \$700.00 is at the low end of Class A because this violation caused an actual health effect.

NOTICE OF DECISION
AND ORDER

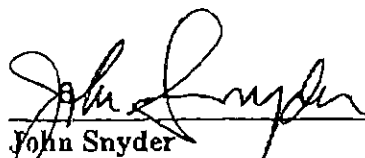
FILE NO. 500-ACP-RIV-08/09

DETERMINATION OF ISSUES:

Corona Norco Unified School District failed to request a hearing within the legally allotted time of ~~twenty~~ (20) days and therefore waived their right to a hearing by the Agricultural Commissioner. It is presumed that Corona Norco Unified School District chose not to contest the charges. The Agricultural Commissioner therefore sustains the *Notice of Proposed Action* and finds Corona Norco Unified School District to be in violation of the code section(s) referenced within that document.

ORDER:

Corona Norco Unified School District is hereby fined and ordered to pay Seven Hundred Dollars (\$700.00).



John Snyder
Agricultural Commissioner
Sealer of Weights & Measures

11/4/08
Date

Make check payable to: Riverside County
 Agricultural Commissioner

Send check to: Riverside County Agricultural Commissioner
 4080 Lemon Street, Room #19
 P.O. Box 1089
 Riverside, CA 92502-1089



AGRICULTURAL COMMISSIONER'S OFFICE

4080 LEMON STREET, ROOM 19
P.O. BOX 1089
RIVERSIDE, CA 92502-1089
PHONE (951) 955-3000
FAX (951) 955-3012
www.rivcoag.org

WEIGHTS & MEASURES DIVISION

2950 WASHINGTON STREET
P.O. BOX 1480
RIVERSIDE, CA 92502-1480
PHONE (951) 955-3030
FAX (951) 276-4728

JOHN SNYDER

Agricultural Commissioner
Sealer of Weights & Measures

January 21, 2009

Corona Norco Unified School District
2820 Clark Avenue
Norco, CA 92860

File No. 500-ACP-RIV-08/09

DEMAND FOR PAYMENT

On November 4, 2008, you were ordered to pay a \$700.00 fine for violations of pesticide laws and/or regulations. Our records show that this fine has not been paid.

IF PAYMENT IS NOT RECEIVED WITHIN 10 DAYS OF THE DATE OF THIS LETTER, OTHER ACTION WILL BE TAKEN AGAINST YOU. That action may include referring the matter to the County Counsel or the County's collection agency, or the courts. In addition, the matter may be referred to the District Attorney to bring criminal charges against you for refusing or neglecting to pay the ordered fine. Such refusal or neglect is unlawful under California Food and Agricultural Code Section 11791.

A Non-Compliance Action of this type by you can also jeopardize any future attempt to secure State Licensing, County Registration, or a County Pesticide Use Permit.

Your prompt payment will be appreciated. Your check should be made payable to: Riverside County Agricultural Commissioner. Please send the check to: Pesticide Division, Riverside County Agricultural Commissioner, 4080 Lemon Street, P.O. Box 1089, Riverside, California 92502-1089.

Sincerely,

John Snyder
Agricultural Commissioner
Sealer of Weights & Measures

JS:rn

STATE OF CALIFORNIA
DEPARTMENT OF PESTICIDE REGULATION
VIOLATION NOTICE

PR-ENF-101 (REV 9/09)

A. VIOLATOR INFORMATION

FIRM / PERSON NAME Alvord Unified School District		TELEPHONE NUMBER 951/509-5025	COUNTY NAME Riverside
MAILING ADDRESS 10365 Keller Ave.		PERMIT ID NUMBER N/A	VIOLATION NOTICE NO. 101-800551-JL-11
CITY Riverside	STATE CA	ZIP CODE 92505	VIOLATION DATE/TIME 2/18/2010 0800

B. FIRM / PERSON INFORMATION

<input type="checkbox"/> Agricultural Pest Control Advisor	<input type="checkbox"/> Structural Pest Control Operator	<input type="checkbox"/> Private Applicator	LICENSE/CERTIFICATE # N/A
<input type="checkbox"/> Pest Control Business	<input type="checkbox"/> Field Representative	<input type="checkbox"/> Labor Contractor	
<input type="checkbox"/> Pest Control Aircraft Pilot	<input type="checkbox"/> Qualified Applicator Certificate	<input type="checkbox"/> Government Agency	
<input type="checkbox"/> Pest Control Dealer	<input type="checkbox"/> Qualified Applicator License	<input checked="" type="checkbox"/> Other	

C. VIOLATION LOCATION

ADDRESS/PROPERTY LOCATION 6585 Crest Ave.	CITY Riverside
--	-------------------

D. SECTION(S) VIOLATED

Food and Agricultural Code (FAC)	
California Code of Regulations (CCR)	1) 6818(b), 2) 8724(d)
Business and Professions Code (B&P)	
Labor Code (LC)	

E. VIOLATION NARRATIVE

1) This subsection applies to the use of any pesticide for purposes other than the commercial or research production of an agricultural plant commodity. Notification required by this subsection must be given orally or in writing and be completed prior to the use of any pesticide and in ample time for all subsequent notifications to be made and for all persons notified to take appropriate action (no notification given on date of spray, February 18, 2010.)

2) Training shall be completed before the employee is allowed to handle pesticides, continually updated to cover any new pesticides that will be handled, and repeated at least annually thereafter (no training records available for applicators.)

F. CEASE AND DESIST/ STOP WORK ORDER

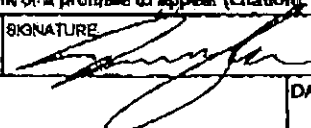
You must CEASE AND DESIST from all pesticide applications until applicators have been properly trained.

Pursuant to Food and Agricultural Code Section: (Check one box) 11737 11896 11897 13101 13102

G. NOTICE

This information documents that a violation of statutes or regulations pertaining to Pesticides and Pest Control Operations or a violation of the Business and Professions Code pertaining to Structural Pest Control or a violation of the Labor Code pertaining to Farm Labor Contractors has occurred. Violations of this nature may subject the violator to further action as prescribed by law.

H. NOTIFICATION INFORMATION

NOTIFIED PERSON'S PRINTED NAME Bill Eaton	TITLE Director Maint. & Operations	SIGNATURE	DATE
The "Notified Person's Signature" (above) is not an admission of guilt or a promise to appear (citation).			
ENFORCING OFFICER'S PRINTED NAME Jeremy Larson	TITLE ASI IV	SIGNATURE 	DATE 3/17/2011
ISSUING AGENCY RIVERSIDE COUNTY AGRICULTURAL COMMISSIONER	DATE NOTICE ISSUED 3/17/2011		

VIOLATION DELIVERED:

Regular Mail Certified Mail #70022410000104888005 Fax # Other In Person Deliv.

STATE OF CALIFORNIA
PESTICIDE EPISODE INVESTIGATION REPORT
 PR-ENF-127 (REV. 7/00)

DEPARTMENT OF PESTICIDE REGULATION
 PESTICIDE ENFORCEMENT BRANCH
 PAGE 1 OF 2

RECEIVED BY Robert Mulhern	RECEIVED FROM DPR-Anaheim	REPRESENTING WHS	DATE/TIME RECEIVED 08/29/2010 - 8:00	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	PERSON NOTIFIED DATE
TYPE OF EPISODE <input checked="" type="checkbox"/> HUMAN EFFECTS # 1 <input type="checkbox"/> PROPERTY LOSS		ENVIRONMENTAL EFFECTS OTHER	PRIORITY INVESTIGATION <input type="checkbox"/> YES # <input checked="" type="checkbox"/> NO		
OTHER I.D. NO. N/A	COUNTY OF OCCURRENCE Riverside	DATE OF OCCURRENCE MO 2 DAY 18 YR 2010	TIME Unknown	<input type="checkbox"/> AM <input type="checkbox"/> PM	DIR EPA CAC OTHER
EPISODE LOCATION 6585 Crest Ave., Riverside, CA 92503					

INJURED/COMPLAINANT INFORMATION

COMPLAINANT BIRTHED <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	DR. VISITED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	EXTENT OF INJURY/ILLNESS <input type="checkbox"/> Fetal <input checked="" type="checkbox"/> Symptoms <input type="checkbox"/> Serious <input type="checkbox"/> Exposed Only	ACTIVITY OF PERSON EXPOSED INVOLVED <input type="checkbox"/> Mixer/Loader <input type="checkbox"/> Field Worker <input type="checkbox"/> Other <input type="checkbox"/> Applicator <input checked="" type="checkbox"/> Public	EXPLAIN Teacher
NAME Kenneth Batdorf	AGE 45 yr.	SEX Male	WHS NO. 2010-712	WORKDAYS LOST N/A
ADDRESS 2873 Lyon	CITY Riverside	ZIP 92503	PHONE (951) 910-8823	
MEDICAL FACILITY NAME Inland Empire Occupational Clinic	<input checked="" type="checkbox"/> TREATMENT PROVIDED OBSERVATION ONLY	HOSPITALIZED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DATE/TIME ADMITTED N/A	DATE/TIME DISCHARGED N/A
PHYSICIAN Rafael Villarosa M.D.	ADDRESS 3578 Arlington Avenue Ste# 300, Riverside, CA 92506	PHONE (851) 341-8333		
SIGN/SYMBOLS EXPERIENCED Redness on lower extremities	EMPLOYER Alvord Unified School District	ADDRESS 10365 Keller Avenue, Riverside, CA 92505	PHONE (951) 509-6000	

PROTECTIVE MEASURES USED

<input type="checkbox"/> Safety Glasses	<input type="checkbox"/> Hands Cloth/Lambhor Gloves	<input type="checkbox"/> Inhalation Dust Mask	<input type="checkbox"/> OTHER Work Clothes	<input type="checkbox"/> ENGINEERING CONTROLS Closed System
<input type="checkbox"/> Goggles	<input type="checkbox"/> Chem. Resistant Gloves	<input type="checkbox"/> 1/2 Face Respirator	<input type="checkbox"/> Coveralls	<input type="checkbox"/> Enclosed Cab
<input type="checkbox"/> Faceshield	<input type="checkbox"/> Other	<input type="checkbox"/> Full Face Respirator	<input type="checkbox"/> Chem. Resistant Clothes	<input type="checkbox"/> Enc. Cab w/Air Purification
<input checked="" type="checkbox"/> Eye/Sun Glasses	<input checked="" type="checkbox"/> None	<input checked="" type="checkbox"/> SCBA	<input type="checkbox"/> Chem. Resistant Boots	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> None		<input checked="" type="checkbox"/> None	<input type="checkbox"/> Head Covering	<input checked="" type="checkbox"/> None
			<input type="checkbox"/> Other	

ENVIRONMENTAL OR PROPERTY DAMAGE

DESCRIPTION OF DAMAGE N/A	AMOUNT/VALUE
OWNER	PHONE
ADDRESS	

ALLEGED RESPONDENT(S)

NAME N/A	PHONE	LICENSE/PERMIT NO.	RECOMMENDATION MADE <input type="checkbox"/> YES # <input type="checkbox"/> NO
ADDRESS	EMPLOYER'S NAME	PHONE	
QTY	STATE	ZIP	EMPLOYER'S ADDRESS
EXPLAIN*	CITY	STATE	ZIP

PESTICIDE NAME/MANUFACTURER	EPA REGISTRATION NUMBER	CATEGORY	DOSE/DILUTION/VOLUME	TREATMENT DATE	COMMUNITY/SITE TREATED
Roundup PRO Max	624-579	3	UNKNOWN	2/18/2010	Weeds/Athletic Field

EQUIPMENT TYPE/MAKE/MODEL/DESCRIPTION

SUMMARIZE THE EPISODE INCLUDING A DETAILED DESCRIPTION OF EVIDENCE TAKEN (Use Episode Report Supplement Form PR-ENF-127A if Additional Space is Needed)

I spoke with Ken Batdorf at 9:30 a.m. on February 17, 2011 on the telephone. He stated the following in summary.

On February 18, 2010 I arrived to work at Norte Vista High School at approximately 7:15 a.m. and saw a school maintenance worker "Efran" spraying around the athletic fields with a backpack sprayer. Ken was not notified as to what or where the application had occurred.

At 8:00 a.m. he took his physical education class up to the football field to run. His lower legs began to bother him for the rest of the day. Ken was sent to the Medical clinic at 9:20 a.m. on February 19 for a rash on his legs due to chemical exposure. After leaving the clinic Ken returned to work to ask Efran what had been sprayed on the field the previous day. He says that Efran claimed nothing had been sprayed but after more questioning admitted to spraying "Roundup" on weeds throughout the athletic fields.

REPORT PREPARED BY (NAME/TITLE) DATE PREPARED REPORT REVIEWED/APPROVED BY (NAME/TITLE) DATE APPROVED

Jeremy Larson ASI III 3/17/11 Robert Mulhern / Deputy CAC 3/22/11

STATE OF CALIFORNIA
PESTICIDE EPISODE INVESTIGATION
SUPPLEMENTAL REPORT
 PR-ENF-127A (REV. 7/00)

DEPARTMENT OF PESTICIDE REGULATION
 PESTICIDE ENFORCEMENT BRANCH

PAGE 2 OF 2

LOCATION/SUBJECT 6585 Crest Ave., Riverside/K. Batdorf	PRIORITY/AMS NO. 2010-712	OTHER I.D. NO.	COUNTY OF OCCURRENCE Riverside	DATE OF OCCURRENCE MO 2 DAY 18 YR 2010
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REPORT TYPE
 NARRATIVE CONTINUATION SUPPLEMENTAL REPORT OTHER REPORT

REMARKS
 Violations:

CCR 6818(b) - This subsection applies to the use of any pesticide for purposes other than the commercial or research production of an agricultural plant commodity. Notification required by this subsection must be given orally or in writing and be completed prior to the use of any pesticide and in ample time for all subsequent notifications to be made and for all persons notified to take appropriate action (no notification given on date of spray.)

CCR 6724(d) - Training shall be completed before the employee is allowed to handle pesticides, continually updated to cover any new pesticides that will be handled, and repeated at least annually thereafter (no training records available.)

Witnesses: None

Investigation and Statements:

On February 17, 2011 at 1:00 p.m. I, Jeremy Larson, interviewed Bill Eaton, Director Maintenance & Operations for Alford School District, at his office. Mr. Eaton advised that maintenance employees at each school spray Roundup at fence lines and spot treatments throughout each school. Mr. Eaton specified that Roundup Pro Max, EPA registration number 524-579, is the only product used for this purpose. All records are kept at each individual school site.

On February 23, 2011 at 8:55 a.m. I, Jeremy Larson went to Norte Vista High school and asked the principal's secretary, Jen Gereau, for all pesticide reports and/or training available. I was handed a folder that contained structural reports from Orkin pest control for the years 2008 to 2009. Ms. Gereau advised that this folder contained all of the pesticide information at the school. I was told to go to the district office for any additional information. At 10:30 a.m. the same day I went to the Alford School District office and spoke with Tom Barnes, head of groundskeeping. Mr. Barnes advised that all pesticide records should be kept at the school but that was not something that was checked on a regular basis. Mr. Barnes said that he conducts pesticide training for the school district but had not done so for at least one year and had no records of previous training.

Findings:

According to Ken Batdorf no notification was given orally or in writing to advise that Roundup Pro Max was sprayed on or near an athletic field used for physical education classes. Also, per Tom Barnes, no employee training had occurred within the last year concerning the handling of pesticides nor were old records available to determine the amount of time since the previous training. Notice of Violation 101-800551-JL-11 was issued to Alford Unified School District. Also, Bill Eaton, Director of Maintenance and operations for the school district, was mailed a copy of "The Healthy Schools Act, Frequently Asked Questions" packet provided by the California Department of Pesticide Regulation website to provide additional resources for pesticide applicator training.

Attachments:

Roundup Pro Max label, EPA Reg. No. 524-579

"The Healthy Schools Act, Frequently Asked Questions"

REPORT PREPARED BY (NAME/TITLE) Jeremy Larson ASE II	DATE PREPARED 3/17/2011	REPORT REVIEWED/APPROVED BY (NAME/TITLE) Robert Muller / Deputy CAC	DATE APPROVED 3/22/11
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INLAND EMPIRE OCCUPATION/ Doctor's First Report of Occupation: STATE OF CALIFORNIA

RIVERSIDE 2010-712
Name: BARSORF, KENNETH
Date of Injury: 2/18/2010

ALV00001

1. INSURER: KEENAN ASSURANCE		2. EMPLOYER: ALVOI		USE THIS COLUMN CASE NO INDUSTRY COUNTY AGE HAZARD DISEASE HOSPITALIZATION OCCUPATION RETURN DATE
STREET ADDRESS P.O. BOX 51818 CITY, STATE, ZIP RIVERSIDE, CA 92517		3. STREET ADDRESS 10385 KELLER AVENUE CITY, STATE, ZIP RIVERSIDE, CA 92505		
4. BUSINESS TYPE		ALVORD UNIFIED SCHOOL DISTRICT		SEP 21 2010
5. PATIENT NAME BARSORF, KENNETH		6. SEX: Male		7. DATE OF BIRTH 08/11/1966
8. ADDRESS NO. AND STREET CITY ZIP 2673 LYON RIVERSIDE 92503		9. TELEPHONE NUMBER (951)310-6823		
10. OCCUPATION (SPECIFIC JOB TITLE) TEACHER/COACH		11. SOCIAL SECURITY NUMBER		
12. INJURED AT: NO. AND STREET CITY COUNTY RIVERSIDE RIVERSIDE				
13. DATE AND HOUR OF INJURY OR ONSET OF ILLNESS DATE: 2/18/2010 HOUR: <input type="checkbox"/> AM <input type="checkbox"/> PM		14. DATE LAST WORKED 2/19/2010		
15. DATE AND HOUR OF FIRST EXAMINATION OR TREATMENT DATE: 2/19/2010 HOUR: 9:20 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM		16. HAVE YOU (OR YOUR OFFICE) PREVIOUSLY TREATED PATIENT? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		

17. DESCRIBE HOW THE ACCIDENT OR EXPOSURE HAPPENED (GIVE SPECIFIC OBJECT, MACHINERY OR CHEMICAL.)
"EXPOSURE TO A CHEMICAL SPRAYED ON THE FIELD."

RECEIVED

18. SUBJECTIVE COMPLAINTS (DESCRIBE FULLY)
PE. COACH EXPOSED TO CHEMICALS ON BOTH LOWER EXTREMITIES HAPPENED TWICE IN THE PAST

SEP 29 2010

19. OBJECTIVE FINDINGS
CONTACT DERMATITIS BILATERAL LOWER EXTREMITIES 4" x 8" AREA OF REDNESS. PRURITIC.

AGRICULTURAL COMMISSIONER
RIVERSIDE COUNTY

B. X-RAY AND LABORATORY RESULTS (STATE IF NONE OR PENDING) None

20. DIAGNOSIS (IF OCCUPATIONAL ILLNESS, SPECIFY ETIOLOGIC AGENT AND DURATION OF EXPOSURE)
CONTACT DERMATITIS 692.9 CHEMICAL OR TOXIC COMPOUNDS INVOLVED
ACCIDENT DUE EXPOSURE NOT ELSEWHERE 904.3: SIFIABLE YES NO

21. ARE YOUR FINDINGS AND DIAGNOSIS CONSISTENT WITH PATIENT'S ACCOUNT OF INJURY OR ONSET OF ILLNESS? YES NO

22. IS THERE ANY OTHER CURRENT CONDITIONS THAT WILL IMPEDE OR DELAY PATIENT'S RECOVERY? YES NO

23. TREATMENT RENDERED (USE REVERSE SIDE IF MORE SPACE IS NEEDED)
EVALUATION, DISCUSSION, MEDROL DOSEPACK 4MG #21, TRIAMCINOLONE CREAM

24. IF FURTHER TREATMENT REQUIRED, SPECIFY TREATMENT PLAN
RE-EVALUATION 2/22/10 AT 9:00 AM.

25. IF HOSPITALIZED AS INPATIENT, GIVE HOSPITAL NAME

26. WORK STATUS Is patient able to perform usual occupation? YES NO Is permanent residual disability anticipated? YES NO
If "no" Date when patient can return to: Regular work:

Restrictions:
NONE

DOCTOR'S SIGNATURE
NAME AND DEGREE RAFAEL VILLAROSA MD.
ADDRESS 3579 ARLINGTON AVE #300 RIVERSIDE, CA 92508

CA LICENSE C50483
IRS NUMBER 33-0774238
PHONE NUMBER (951)341-9333

ANY PERSON WHO MAKES OR CAUSES TO BE MADE ANY KNOWINGLY FALSE OR FRAUDULENT MATERIAL STATEMENT OF MATERIAL REPRESENTATION FOR THE PURPOSE OF OBTAINING OR DENYING WORKERS COMPENSATION BENEFITS OR PAYMENTS IS GUILTY OF A FELONY

ATTENTION:

This specimen label is provided for general information only.

- This pesticide product may not yet be available or approved for sale or use in your area.
- It is your responsibility to follow all Federal, state and local laws and regulations regarding the use of pesticides.
- Before using any pesticide, be sure the intended use is approved in your state or locality.
- Your state or locality may require additional precautions and instructions for use of this product that are not included here.
- Monsanto does not guarantee the completeness or accuracy of this specimen label. The information found in this label may differ from the information found on the product label. You must have the EPA approved labeling with you at the time of use and must read and follow all label directions.
- You should not base any use of a similar product on the precautions, instructions for use or other information you find here.
- Always follow the precautions and instructions for use on the label of the pesticide you are using.

6302813-10



The complete broad-spectrum postemergence professional herbicide for non-crop, industrial, turf and ornamental weed control.

Complete Directions for Use

AVOID CONTACT OF HERBICIDE WITH FOLIAGE, STEMS, EXPOSED NON-WOODY ROOTS OR FRUIT OF CROPS, DESIRABLE PLANTS AND TREES, BECAUSE SEVERE INJURY OR DESTRUCTION IS LIKELY TO RESULT.

EPA Reg. No. 524-579

2010-1

GROUP	3	HERBICIDE
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Read the entire label before using this product.

Use only according to label instructions.

Not all products listed on this label are registered for use in California. Check the registration status of each product in California before using.

Read the LIMIT OF WARRANTY AND LIABILITY statement at the end of the label before buying or using. If terms are not acceptable, return at once unopened.

THIS IS AN END-USE PRODUCT. MONSANTO DOES NOT INTEND AND HAS NOT REGISTERED IT FOR REFORMULATION OR REPACKAGING.

PRODUCT INFORMATION

1.0 INGREDIENTS

ACTIVE INGREDIENT:

*Glyphosate, N-(phosphonomethyl)glycine, 48.7%
in the form of its potassium salt, 51.3%

OTHER INGREDIENTS: 100.0%

*Contains 660 grams per liter or 5.6 pounds per U.S. gallon of the active ingredient glyphosate, in the form of its potassium salt. Equivalent to 540 grams per liter or 4.5 pounds per U.S. gallon of the acid, glyphosate.

This product is protected by U.S. Patent No's. 5,668,085 and 6,365,551. Other patents pending. No license granted under any non-U.S. patent(s).

2.0 IMPORTANT PHONE NUMBERS

FOR PRODUCT INFORMATION OR ASSISTANCE IN USING THIS PRODUCT,
CALL TOLL-FREE, 1-800-337-3111.
IN CASE OF AN EMERGENCY INVOLVING THIS PRODUCT,
OR FOR MEDICAL ASSISTANCE,
CALL COLLECT DAY OR NIGHT, (314) 694-4000.

3.0 PRECAUTIONARY STATEMENTS

3.1 Hazards to Humans and Domestic Animals

Keep out of reach of children.

CAUTION!

CAUSES MODERATE EYE IRRITATION.

Avoid contact with eyes or clothing. Avoid breathing vapor or spray mist.

FIRST AID: Call a poison control center or doctor for treatment advice.	
IF IN EYES	• Hold eye open and rinse slowly and gently with water for 15 to 20 minutes. • Remove contact lenses if present after the first 5 minutes then continue rinsing eye.
• Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	
• You may also contact (314) 694-4000, collect day or night, for emergency medical treatment information.	
• This product is identified as Roundup PROMAX™ herbicide, EPA Registration No. 524-579.	

DOMESTIC ANIMALS: This product is considered to be relatively nontoxic to dogs and other domestic animals; however, ingestion of this product or large amounts of freshly sprayed vegetation may result in temporary gastrointestinal irritation (vomiting, diarrhea, colic, etc.). If such symptoms are observed, provide the animal with plenty of fluids to prevent dehydration. Call a veterinarian if symptoms persist for more than 24 hours.

Personal Protective Equipment (PPE)

Applicators and other handlers must wear long-sleeved shirt and long pants, shoes plus socks.

Follow manufacturer's instructions for cleaning/maintaining PPE. If there are no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in Worker Protection Standard (WPS) for agricultural pesticides (40 CFR 170.240 (d) (4-6)), the handler PPE requirements may be reduced or modified as specified in the WPS.

User Safety Recommendations

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

3.2 Environmental Hazards

Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when cleaning equipment or disposing of equipment washwaters.

3.3 Physical or Chemical Hazards

Spray solutions of this product can be mixed, stored and applied using only stainless steel, fiberglass, plastic or plastic-lined steel containers.

DO NOT MIX, STORE OR APPLY THIS PRODUCT OR SPRAY SOLUTIONS OF THIS PRODUCT IN GALVANIZED STEEL OR UNLINED STEEL (EXCEPT STAINLESS STEEL) CONTAINERS OR SPRAY TANKS. This product or spray solutions of this product react with such containers and tanks to produce hydrogen gas which may form a highly combustible gas mixture. This gas mixture could flash or explode, causing serious personal injury, if ignited by open flame, spark, welder's torch, lighted cigarette or other ignition source.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in any manner inconsistent with its labeling. This product can only be used in accordance with the Directions for Use on this label or in separately published Monsanto supplemental labeling. Supplemental labeling can be found on the Internet at www.monsanto.com, www.cdml.org or www.greenbook.net, or obtained from your Authorized Monsanto Retailer or Monsanto Company Representative.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulations.

Agricultural Use Requirements

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 4 hours.

PPE required for entry into treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is: coveralls, shoes plus socks and chemical-resistant gloves made of any waterproof material.

Non-Agricultural Use Requirements

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries or greenhouses.

Keep people and pets off treated areas until spray solution has dried.

4.0 STORAGE AND DISPOSAL

Proper pesticide storage and disposal are essential to protect against exposure to people and the environment due to leaks and spills, excess product or waste, and vandalism. Do not allow this product to contaminate water, foodstuffs, feed of food by storage and disposal.

PESTICIDE STORAGE: Store pesticides away from food, pet food, feed, seed, fertilizers, and veterinary supplies. Keep container closed to prevent spills and contamination.

PESTICIDE DISPOSAL: To avoid wastes, use all material in this container, including rinsate, by application according to label directions. If wastes cannot be avoided, offer remaining product to a waste disposal facility or pesticide disposal program. Such programs are often run by state or local governments or by industry. All disposal must be in accordance with applicable Federal, state and local regulations and procedures.

CONTAINER HANDLING AND DISPOSAL: See container label for container handling and disposal instructions and refilling limitations.

5.0 PRODUCT INFORMATION

Product Description: This product is a postemergence, systemic herbicide with no soil residual activity. It gives broad-spectrum control of many annual weeds, perennial weeds, woody brush and trees. It is formulated as a water-soluble liquid containing surfactant and no additional surfactant is needed or recommended.

Time to Symptoms: This product moves through the plant from the point of foliage contact to and into the root system. Visible effects are a gradual wilting and yellowing of the plant, which advances to complete browning of aboveground growth and deterioration of underground plant parts. Effects are visible on most annual weeds within 2 to 4 days, but on most perennial weeds, effects may not be visible for 7 or more days. Extremely cool or cloudy weather following treatment may slow activity of this product and delay development of visual symptoms.

Stage of Weeds: Annual weeds are easiest to control when they are small. Best control of most perennial weeds is obtained when treatment is made at late growth stages approaching maturity.

Mode of Action in Plants: The active ingredient in this product inhibits an enzyme found only in plants and microorganisms that is essential to the formation of specific amino acids.

Cultural Considerations: Reduced control may result when applications are made to annual or perennial weeds that have been mowed, grazed or cut, and have not been allowed to regrow to the specified stage for treatment.

Rainfastness: Heavy rainfall soon after application may wash this product off of the foliage and a repeat application may be required for adequate weed control.

No Soil Activity: Weeds must be emerged at the time of application to be controlled by this product. Weeds germinating from seed after application will not be controlled. Plants

arising from unattached underground rhizomes or rootstocks of perennials that have not yet emerged at the time of application will not be affected by this herbicide and will continue to grow.

Maximum Application Rates: The maximum application or use rates stated throughout this label are given in units of volume (fluid ounces or quarts) of this product per acre. However, the maximum allowed application rates apply to this product combined with the use of any and all other herbicides containing the active ingredient glyphosate, whether applied separately or as tank mixtures, on a basis of total pounds of glyphosate (acid equivalents) per acre. If more than one glyphosate-containing product is applied to the same site within the same year, you must ensure that the total use of glyphosate (pounds acid equivalents) does not exceed the maximum allowed. The combined total of all treatments must not exceed 7 quarts of this product (28 pounds of glyphosate acid) per acre per year. See the INGREDIENTS section of this label for necessary product information.

ATTENTION

AVOID CONTACT OF HERBICIDE WITH FOLIAGE, STEMS, EXPOSED NON-WOODY ROOTS OR FRUIT OF CROPS, DESIRABLE PLANTS AND TREES, BECAUSE SEVERE INJURY OR DESTRUCTION MAY RESULT.

AVOID DRIFT. EXTREME CARE MUST BE USED WHEN APPLYING THIS PRODUCT TO PREVENT INJURY TO DESIRABLE PLANTS AND CROPS.

Do not allow the herbicide solution to mist, drip, drift or splash onto desirable vegetation since minute quantities of this product can cause severe damage or destruction to the crop, plants or other areas on which treatment was not intended. The likelihood of injury occurring from the use of this product increases when winds are gusty, as wind velocity increases, when wind direction is constantly changing or when there are other meteorological conditions that favor spray drift. When spraying, avoid combinations of pressure and nozzle type that will result in splatter or fine particles (mist) that are likely to drift. **AVOID APPLYING AT EXCESSIVE SPEED OR PRESSURE.**

NOTE: Use of this product in any manner not consistent with this label may result in injury to persons, animals or crops, or have other unintended consequences.

5.1 Weed Resistance Management

Glyphosate, the active ingredient in this product, is a Group 9 herbicide based on the mode of action classification system of the Weed Science Society of America. Any weed population may contain plants naturally resistant to Group 9 herbicides. Weed species resistant to Group 9 herbicides may be effectively managed utilizing another herbicide from a different Group or using other cultural or mechanical practices.

To minimize the occurrence of glyphosate-resistant biotypes observe the following general weed management recommendations:

- Scout your application site before and after herbicides applications.
- Control weeds early when they are relatively small.
- Incorporate other herbicides and cultural or mechanical practices as part of your weed control system where appropriate.
- Utilize the labeled rate for the most difficult weed in the site. Avoid tank-mixtures with other herbicides that reduce this product's efficacy (through antagonism) or tank mixture recommendations which encourage rates of this product below the labeled rate.
- Control weed escapes and prevent weeds from setting seeds.
- Clean equipment before moving from site to site to minimize spread of weed seed.
- Use new commercial seed as free of weed seed as possible.
- Report any incidence of reported non-performance of this product on a particular weed to your Monsanto representative, local retailer, or county extension agent.

5.2 Management Recommendations for Glyphosate-Resistant Weed Biotypes

NOTE: Appropriate testing is critical in order to confirm weed resistance to glyphosate. Call 1-800-ROUNDUP (1-800-768-6387) or contact your Monsanto representative to determine if resistance in any particular weed biotype has been confirmed in your area, or visit on the Internet www.weedresistancemanagement.com or www.weedscience.org.

Directions for the control of biotypes confirmed to be resistant to glyphosate are made available on separately published supplemental labeling or Fact Sheets for this product and may be obtained from your local retailer or Monsanto representative.

Since the occurrence of new glyphosate-resistant weeds cannot be determined until after product use and scientific confirmation, Monsanto Company is not responsible for any losses that may result from the failure of this product to control glyphosate-resistant weed biotypes.

The following good weed management practices are recommended to reduce the spread of confirmed glyphosate-resistant biotypes:

- If a naturally occurring resistant biotype is present at your site, this product may be tank-mixed or applied sequentially with an appropriately labeled herbicide with a different mode of action to achieve control.
- Cultural and mechanical control practices may also be used as appropriate.
- Scout treated sites after herbicide applications and control escapes, including resistant biotypes, before they set seed.
- Thoroughly clean equipment before leaving sites known to contain resistant biotypes.

6.0 MIXING

Spray solutions of this product can be mixed, stored and applied using only clean stainless steel, fiberglass, plastic or plastic-lined steel containers. Clean sprayer parts immediately after using this product by thoroughly flushing with water.

Use caution to avoid siphoning back into the carrier source. Use approved anti-back-siphoning devices where required by State or local regulations.

6.1 Mixing with Water

NOTE: PRODUCT PERFORMANCE MAY BE SIGNIFICANTLY REDUCED IF WATER CONTAINING SOIL SEDIMENT IS USED AS CARRIER. DO NOT MIX THIS PRODUCT WITH WATER FROM PONDS AND DITCHES THAT IS VISIBLY MUDDY OR MURKY.

This product mixes readily with water. Mix spray solutions of this product as follows: Begin filling the mixing tank or spray tank with clean water. Add the proper amount of this product near the end of the filling process and mix gently. During mixing and application, foaming of the spray solution may occur. To prevent or minimize foaming, mix gently, terminate by-pass and return lines at the bottom of the tank and, if necessary, use an anti-foam or defoaming agent.

6.2 Tank Mixing

This product does not provide residual weed control. This product may be tank-mixed with other herbicides to provide residual weed control, a broader weed control spectrum or an alternate mode of action. Read and carefully observe the cautionary statements and all other information appearing on the labels of all herbicides used. Use according to the most restrictive precautionary statements for each product in the mixture.

When this label lists a tank mixture with a generic active ingredient such as atrazine, 2,4-D, dicamba, glufos, or pendimethalin the user is responsible for ensuring that the specific application being made is included on the label of the specific product being used in the tank mixture. Refer to all individual product labels, supplemental labeling and fact sheets for all products in the tank mixture, and observe all precautions and limitations on the label, including application timing restrictions, soil restrictions and use according to the most restrictive precautionary statements for each product in the tank mixture.

Always predetermine the compatibility of all tank-mix products together in the carrier by mixing small proportional quantities in advance.

Buyer and all users are responsible for all loss or damage in connection with the use or handling of mixtures of this product with herbicides or other materials that are not expressed in this label. Mixing this product with herbicides or other materials not on this label may result in reduced performance.

6.3 Tank Mixing Procedure

When tank mixing, read and carefully observe label directions, cautionary statements and all information on the labels of all products used. Add the tank-mix product to the tank as directed by the label. Maintain agitation and add the specified amount of this product. Maintain good agitation at all times until the contents of the tank are sprayed. If the spray mixture is allowed to settle, thorough agitation may be required to resuspend the mixture before spraying is resumed.

Keep by-pass line in or near the bottom of the tank to minimize foaming. Screen size in nozzle or line strainers should be no finer than 50-mesh.

Always predetermine the compatibility of labeled tank mixtures of this product with water carrier by mixing small proportional quantities in advance. Ensure that the specific tank mixture product is registered for application at the desired site.

Refer to the Tank Mixing and PRODUCT INFORMATION sections for additional precautions.

6.4 Mixing for Hand-Held Sprayers

Prepare the desired spray volume by mixing the amount of this product indicated in the following table in water:

Spray Solution

1 gal	0.8 pt	1 oz	1.3 oz	2 oz	5 oz	9 oz
26 gal	0.8 pt	0.7 qt	1 qt	1.5 qt	4 qt	7 qt
190 gal	1.6 qt	2.8 qt	1 gal	1.5 gal	4 gal	7 gal

For use in backpack, knapsack or pump-up sprayers, add the appropriate amount of this product, mixed with water in a larger container and then filling sprayer with the mixed solution.

6.5 Colorants or Dyes

Colorants or marking dyes may be added to spray solutions of this product; however, they can reduce product performance, especially at lower rates or dilution. Use colorants or dyes according to the manufacturer's directions.

7.0 APPLICATION EQUIPMENT AND TECHNIQUES

Do not apply this product through any type of irrigation system.

APPLY SPRAY SOLUTIONS IN PROPERLY MAINTAINED AND CALIBRATED EQUIPMENT CAPABLE OF DELIVERING DESIRED VOLUMES.

7.1 Aerial Equipment

DO NOT APPLY THIS PRODUCT USING AERIAL SPRAY EQUIPMENT EXCEPT UNDER CONDITIONS AS SPECIFIED WITHIN THIS LABEL.

FOR AERIAL APPLICATION IN CALIFORNIA, REFER TO THE FEDERAL SUPPLEMENTAL LABEL FOR AERIAL APPLICATIONS IN THAT STATE FOR SPECIFIC INSTRUCTIONS, RESTRICTIONS AND REQUIREMENTS.

AVOID DRIFT. DO NOT APPLY WHEN WINDS ARE GUSTY OR UNDER ANY OTHER CONDITION WHICH FAVORS DRIFT. DRIFT MAY CAUSE DAMAGE TO ANY VEGETATION CONTACTED TO WHICH TREATMENT IS NOT INTENDED. TO PREVENT INJURY TO ADJACENT DESIRABLE VEGETATION, APPROPRIATE BUFFER ZONES MUST BE MAINTAINED.

Avoid direct application to any body of water.

Use the labeled rates of this herbicide in 3 to 25 gallons of water per acre unless otherwise specified on this label, or in separate supplemental labeling or fact sheets published by Monsanto for this product.

Coarse sprays are less likely to drift; therefore, do not use nozzles or nozzle configurations that disperse spray as fine spray droplets. Do not angle nozzles forward into the airstream and do not increase spray volume by increasing nozzle pressure. Drift control additives may be used. When a drift control additive is used, read and carefully observe the cautionary statements and all other information appearing on the additive label.

Ensure uniform application. To avoid streaked, uneven or untrapped application, use appropriate marking devices.

Aircraft Maintenance: Thoroughly wash aircraft, especially landing gear, after each day of spraying to remove residues of this product accumulated during spraying or from spills. PROLONGED EXPOSURE OF THIS PRODUCT TO UNCOATED STEEL SURFACES MAY RESULT IN CORROSION AND POSSIBLE FAILURE OF THE PART. LANDING GEAR IS MOST SUSCEPTIBLE. Maintaining an organic coating (paint) that meets aerospace specification MIL-C-58413 may prevent corrosion.

SPRAY DRIFT MANAGEMENT

AVOID DRIFT. EXTREME CARE MUST BE USED WHEN APPLYING THIS PRODUCT TO PREVENT INJURY TO DESIRABLE PLANTS AND CROPS.

Do not allow the herbicide solution to mist, drip, drift or splash onto desirable vegetation since minute quantities of this product can cause severe damage or destruction to the crop, plants or other areas on which treatment was not intended.

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment- and weather-related factors determines the potential for spray drift. The applicator and the grower are responsible for considering all these factors when making decisions.

AERIAL SPRAY DRIFT MANAGEMENT

The following drift management requirements must be followed to avoid off-target drift movement from aerial application.

1. The distance of the outermost nozzles on the boom must not exceed 3/4 the length of the wingspan or rotor.
2. Nozzles must always point backward, parallel with the air stream and never be pointed downwards more than 45 degrees. Where states have more stringent regulations, they should be observed.

Importance of Droplet Size

The most effective way to reduce drift potential is to apply large droplets. The best drift management strategy is to apply the largest droplets that provide sufficient coverage and control. Applying larger droplets reduces drift potential, but will not prevent drift if applications are made improperly, or under unfavorable environmental conditions (see the "Wind", "Temperature and Humidity", and "Temperature Inversions" sections of this label).

Controlling Droplet Size

- **Volume:** Use high flow rate nozzles to apply the highest practical spray volume. Nozzles with the higher rated flows produce larger droplets.
- **Pressure:** Use the lower spray pressures recommended for the nozzle. Higher pressure reduces droplet size and does not improve canopy penetration. When higher flow rates are needed, use higher flow rate nozzles instead of increasing pressure.
- **Number of nozzles:** Use the minimum number of nozzles that provide uniform coverage.
- **Nozzle orientation:** Orienting nozzles so that the spray is released backwards, parallel to the air stream, will produce larger droplets than other orientations. Significant deflection from the horizontal will reduce droplet size and increase drift potential.

- **Nozzle type:** Use a nozzle type that is designed for the intended application. With most nozzle types, narrower spray angles produce larger droplets. Consider using low-drift nozzles. Solid stream nozzles oriented straight back produce larger droplets than other nozzle types.
- **Boom length:** For some use patterns, reducing the effective boom length to less than 3/4 of the wingspan or rotor length may further reduce drift without reducing swath width.
- **Application height:** Applications must not be made at a height greater than 10 feet above the top of the largest plants unless a greater height is required for aircraft safety. Making applications at the lowest height that is safe reduces the exposure of the droplets to evaporation and wind.

Swath Adjustment

When applications are made with a crosswind, the swath will be displaced downwind. Therefore, on the up and downwind edges of the field, the applicator must compensate for this displacement by adjusting the path of the aircraft upwind. Swath adjustment distance should increase with increasing drift potential (higher wind speed, smaller droplets, etc.).

Wind

Drift potential is lowest between wind speeds of 2 to 10 miles per hour. However, many factors, including droplet size and equipment type determine drift potential at any given speed. Application must be avoided below 2 miles per hour due to variable wind direction and high inversion potential. NOTE: Local terrain can influence wind patterns. Every applicator needs to be familiar with local wind patterns and how they affect drift.

Temperature and Humidity

When making applications in low relative humidity, setup equipment to produce larger droplets to compensate for evaporation. Droplet evaporation is most severe when conditions are both hot and dry.

Temperature Inversions

Applications must not be made during a temperature inversion because drift potential is high. Temperature inversions restrict vertical air mixing, which causes small, suspended droplets to remain in a concentrated cloud. This cloud can move in unpredictable directions due to the light variable winds common during inversions. Temperature inversions are characterized by increasing temperatures with altitude and are common on nights with limited cloud cover and light to no wind. They begin to form as the sun sets and often continue into the morning. Their presence can be indicated by ground fog; however, if fog is not present, the movement of smoke from a ground source or an aircraft smoke generator can also identify temperature inversions. Smoke that layers and moves laterally in a concentrated cloud (under low wind conditions) indicates an inversion, while smoke that moves upward and rapidly dissipates indicates good vertical air mixing.

Sensitive Areas

Apply this product when the potential for drift to adjacent sensitive areas (e.g., residential areas, bodies of water, known habitat for threatened or endangered species, non-target crops) is minimal (e.g., when wind is blowing away from the sensitive areas).

7.2 Ground Broadcast Equipment

Apply the labeled rates of this product in 3 to 40 gallons of water per acre as a broadcast spray, unless otherwise specified on this label, or in separate supplemental labeling or fact sheets published by Monsanto for this product. As density of weeds increases, spray volume should be increased within the specified range to ensure complete coverage. Carefully select proper nozzles to avoid spraying a fine mist. For best results with ground application equipment, use flat-fan nozzles. Check spray pattern for uniform distribution of spray droplets.

7.3 Hand-Held or Backpack Equipment

Apply to foliage of vegetation to be controlled. For applications made on a spray-to-wet basis, spray coverage should be uniform and complete. Do not spray to the point of runoff. Use coarse sprays only.

For low-volume directed spray applications, spray coverage should be uniform with at least 50 percent of the foliage contacted. Coverage of the top one-half of the plant is important for best results. To ensure adequate spray coverage, spray both sides of large or leafy woody brush and trees, when foliage is thick and dense, or where there are multiple sprouts.

7.4 Selective Equipment

This product may be diluted in water and applied through shielded applicators, hooded sprayers, wiper applicators or sponge bars to weeds listed on this label growing in any non-crop site specified on this label.

AVOID CONTACT OF HERBICIDE WITH DESIRABLE VEGETATION, AS SERIOUS INJURY OR DEATH OF THE DESIRABLE VEGETATION IS LIKELY TO OCCUR.

Application equipment used above desired vegetation should be adjusted so that the lowest spray stream or wiper contact point is at least 2 inches above the desirable vegetation. Droplets, mist, foam or splatter of the herbicide solution settling on desirable vegetation is likely to result in discoloration, stunting or destruction.

Better results may be obtained when more of the weed is exposed to the herbicide solution. Weeds not contacted by the herbicide solution will not be affected. This may

occur in dense clumps, severe infestations or when the height of the weeds varies so that not all weeds are contacted. In these instances, repeat treatment may be necessary.

Shielded and Hooded Applicators

A shielded or hooded applicator directs the herbicide solution onto weeds, while shielding desirable vegetation from the herbicide. Use nozzles that provide uniform coverage within the treated area. Keep shields on these sprayers adjusted to protect desirable vegetation. **EXTREME CARE MUST BE EXERCISED TO AVOID CONTACT OF HERBICIDE WITH DESIRABLE VEGETATION.**

Wiper Applicators

Wiper applicators are devices that physically wipe the appropriate amounts of this product directly onto the weed. Equipment must be designed, maintained and operated to prevent the herbicide solution from contacting desirable vegetation.

Application equipment used over the top of desirable vegetation should be adjusted so that the wiper contact point is at least 2 inches above the desirable vegetation. Better results may be obtained when more of the weed is exposed to the herbicide solution. Weeds should be a minimum of 6 inches above the desirable vegetation. Adjust the height of the applicator to ensure adequate contact with weeds. Weeds not contacted by the herbicide solution will not be affected. Poor contact may occur when weeds are growing in dense clumps, in severe weed infestations or when weed height varies dramatically. In these instances, repeat treatments may be necessary.

Operate this equipment at ground speeds no greater than 5 miles per hour. Performance may be improved by reducing speed in areas of heavy weed infestations to provide adequate wiper saturation with the herbicide solution. Better results may be obtained when two applications are made in opposite directions.

Droplets, mist, foam or splatter of the herbicide solution settling onto desirable vegetation may result in discoloration, stunting or destruction. Avoid leakage or dripping onto desirable vegetation. Keep wiping surfaces clean. Be aware that on sloping ground the herbicide solution may migrate, causing dripping on the lower end and drying of the wicks on the upper end of the wiper applicator.

Do not use wiper applicators when weeds are wet.

Mix only the amount of this product to be used during a 1-day period, as reduced product performance may result from the use of solutions held in storage. Clean wiper parts immediately after using this product by thoroughly flushing with water.

For Ropa or Sponge Wick Applicators—Solutions ranging from 25 to 70 percent of this product in water may be used.

For Panel Applicators and Pressure-Feed Systems—Solutions ranging from 25 to 100 percent of this product in water may be used.

When applied as directed, this product **CONTROLS** the following weeds:

Com. volunteer	Sicklepod
Panicum, Texas	Spanishneedles
Rye, common	Starbur, bristly
Smartweed	

When applied as directed, this product **SUPPRESSES** the following weeds:

Barnyard, Florida	Ragweed, common
Bermudagrass	Ragweed, giant
Cockspur, hemp	Smartweed
Dogfennel	Sunflower
Guineagrass	Thistle, Canada
Johnsongrass	Thistle, milk
Milkweed	Vasoygrass
Nightshade, silverleaf	Velvetleaf
Pigweed, redroot	

7.5 Injection Systems

This product may be used in aerial or ground injection spray systems. It may be used as a liquid concentrate or diluted prior to injecting into the spray stream. Do not mix this product with the undiluted concentrate of other products when using injection systems unless specifically instructed in this label.

7.6 CDA Equipment

The rate of this product applied per acre by controlled droplet application (CDA) equipment must not be less than the amount directed in this label when applied by conventional broadcast equipment. For vehicle-mounted CDA equipment, apply 2 to 15 gallons of water per acre.

CDA equipment produces a spray pattern that is not easily visible. Extreme care must be exercised to avoid spray or drift contacting the foliage or any other green tissue of desirable vegetation, as damage or destruction is likely to result.

8.0 SITE AND USE INSTRUCTIONS

This product may be used in non-crop areas such as airports, apartment complexes, commercial sites, ditch banks, driveways, dry ditches, dry canals, fence rows, golf courses, greenhouses, industrial sites, landscape areas, lumber yards, manufacturing sites, municipal sites, natural areas, office complexes, ornamentals, parks, parking areas, pastures, petroleum tank farms and pumping installations, public roads, railroads, rangeland, recreation areas, residential areas, rights-of-way, roadsides, schools, shadehouses, sports complexes, storage areas, substations, turfgrass areas, utility sites, warehouse areas and wildlife management areas.

This product may also be used in non-food crop sites such as Christmas tree farms, plant nurseries, sod or turf seed farms.

Unless otherwise specified, applications may be made to control any weeds listed in the WEEDS CONTROLLED section of this label.

8.1 Cut Stump

Cut stump treatments may be made on any site listed on this label. This product will control many types of woody brush and tree species, some of which are listed below. Apply this product using suitable equipment to ensure coverage of the entire cambium. Cut trees or resprouts close to the soil surface. Apply a 50- to 100-percent solution of this product to the freshly cut surface immediately after cutting. Delays in application may result in reduced performance. For best results, applications should be made during periods of active growth and full leaf expansion.

Alder	Pepper, Brazilian	Sweetgum
Eucalyptus	Pine, Austrian	Tan oak
Madroña	Red, giant	Willow
Oak	Salkcedar	

DO NOT MAKE CUT STUMP APPLICATIONS WHEN THE ROOTS OF DESIRABLE WOODY BRUSH OR TREES MAY BE GRAFTED TO THE ROOTS OF THE CUT STUMP. Some sprouts, stems, or limbs may share the same root system. Adjacent trees having a similar age, height and spacing may signal shared roots. Whether grafted or shared, injury is likely to occur to non-treated stems/trees when one or more trees sharing common roots are treated.

8.2 Forestry Site Preparation

This product is labeled for the control or partial control of woody brush, trees and herbaceous weeds in forestry. This product is also labeled for use in preparing or establishing wildlife openings within these sites and maintaining logging roads.

Use this product for site preparation prior to planting any tree species, including Christmas trees, eucalyptus, hybrid tree cultivars and silvicultural nursery sites.

Use the higher rates of this product within the specified range for control or partial control of woody brush, trees and hard-to-control perennial herbaceous weeds. For best results, apply to actively growing woody brush and trees after full leaf expansion and before fall color and leaf drop. Increase rates within the specified range for control of perennial herbaceous weeds any time after emergence and before seedheads, flowers or berries appear.

Use the lower rates of this product within the specified range for control of annual herbaceous weeds and actively growing perennial herbaceous weeds after seedheads, flowers or berries appear. Apply to the foliage of actively growing annual herbaceous weeds any time after emergence.

TANK MIXTURES: Tank mixtures of this product may be used to increase the spectrum of vegetation controlled. When tank mixing, read and carefully observe the label claims, cautionary statements and all information on the labels of all products used. Use according to the most restrictive precautionary statements for each product in the mixture.

NOTE: For forestry site preparation, make sure the tank-mix product is approved for use prior to planting the desired species. Observe planting interval restrictions.

Any labeled rate of this product may be used in a tank mix with the following products for forestry site preparation.

Arsenal Application Concentrate	Garlon 4
Chopper	Landmark XP
Escort or Escort XP	Quat XP
Garlon 3A	Westar

For control of herbaceous weeds, use the lower labeled tank mixture rates. For control of dense stands of tough-to-control woody brush and trees, use the higher labeled rates.

Do not apply this product as an over-the-top broadcast spray for forestry control or hardwood release unless otherwise specified on this label, or in separate supplemental labeling or fact sheets published by Monsanto for this product.

8.3 General Areas and Industrial Sites

General Weed Control, Trim-and-Edge, Bare Ground

This product may be used in general non-crop and non-food crop areas. It may be applied with any application equipment described in this label. This product may be used to trim-and-edge around objects in these sites, for spot treatment of unwanted vegetation and to

eliminate unwanted weeds growing in established shrub beds or ornamental plantings. This product may be used prior to planting an area to ornamentals, flowers, turfgrass (seed or sod), or prior to laying asphalt or beginning construction projects.

Repeated applications of this product may be used, as weeds emerge, to maintain bare ground.

TANK MIXTURES: This product may be tank mixed with the following products, provided that the specific product is labeled for application at the use site. Refer to the individual product labels for approved sites and application rates.

Arsenal	Karmex DF	Prisco DF
atrazine ¹	Krewar DF	Princap 4L
Banlcode 65WG	Landmark II MP	Ranstar 50 WP
Carfent	Landmark MP	Sahara
Crossbow L	Landmark XP	simazine ¹
dicamba ¹	Mifentone	Surflan AS
glufosif	Quat XP	Surflan WDG
Endurance	Quilder [®]	Talar
Escort or Escort XP	Pandulum 3.3 EC	Tranilino
Gallery 750F	Pandulum WDG	Vanquish
Garlon 3A	pendimethalin ¹	Valpar DF
Garlon 4	Platou	Valpar L
Goal 2XL	Preyl	2,4-D ¹

¹Tank mixtures with products containing this single active ingredient may be made provided the specific product is labeled for application at the use site.

This product plus dicamba tank mixtures may not be applied by air in California.

When applied as a tank mixture for bare ground, this product provides control of the emerged annual weeds and control or partial control of emerged perennial weeds, woody brush and trees.

For control or partial control of the following perennial weeds, apply 2.2 to 4.4 fluid ounces of this product plus 2 to 4 ounces of Quat XP per acre.

Bahia grass	Doak, curly	Poa annua
Bermudagrass	Dogfennel	Quackgrass
Broomsedge	Fescue, tall	Vaseygrass
Dallisgrass	Johnsongrass	Vernonia, blue

Chemical Mowing - Perennials

This product will suppress perennial grasses listed in this section to serve as a substitute for mowing. Use 3 fluid ounces of this product per acre when treating tall fescue, fine fescue, orchardgrass, quackgrass or reed canarygrass covers. Use 4 fluid ounces of this product per acre when treating Kentucky bluegrass. Apply treatments in 10 to 40 gallons of spray solution per acre.

Use only in areas where some temporary injury or discoloration of perennial grasses can be tolerated.

Chemical Mowing - Annuals

For growth suppression of some annual grasses, such as annual ryegrass, wild barley and wild oats growing in coarse turf on roadsides or other industrial areas, apply 3 to 4 fluid ounces of this product in 10 to 40 gallons of spray solution per acre. Applications should be made when annual grasses are actively growing and before the seedheads are in the boot stage of development. Treatments may cause injury to the desired grasses.

8.4 Turfgrass

Dormant Turfgrass

This product may be used to control or suppress many winter annual weeds and tall fescue for effective release of dormant bermudagrass and bahia grass turf. Treat only when turf is dormant and prior to spring green-up.

Apply 6 to 44 fluid ounces of this product in 10 to 40 gallons of water per acre. Use only in areas where bermudagrass or bahia grass are desirable ground covers and where some temporary injury or discoloration can be tolerated.

Treatments in excess of 11 fluid ounces per acre may result in injury or delayed green-up in highly maintained areas, such as golf courses and lawns. DO NOT apply tank mixtures of this product plus Quat XP in highly maintained turfgrass areas.

Actively Growing Bermudagrass

This product may be used to control or partially control many annual and perennial weeds for effective release of actively growing bermudagrass. DO NOT apply more than 11 fluid ounces of this product per acre in highly maintained turfgrass areas. DO NOT apply tank mixtures of this product plus Quat XP in highly maintained turfgrass areas. Use only in areas where some temporary injury or discoloration can be tolerated.

Turfgrass Renovation, Seed or Sod Production

This product controls most existing vegetation prior to renovating turfgrass areas or establishing turfgrass grown for seed or sod. For maximum control of existing vegetation, delay planting or sodding to determine if any regrowth from escaped underground plant parts occurs. Where repeat treatments are necessary, sufficient regrowth must be attained prior to application. For warm-season grasses such as bermudagrass, summer or fall applications provide the best control. Where existing vegetation is growing under mowed turfgrass management, apply this product after mowing at least one regular mowing to allow sufficient growth for good interception of the spray.

Desirable turfgrasses may be planted following the above procedures.

Hand-held equipment may be used for spot treatment of unwanted vegetation growing in existing turfgrass. Broadcast or hand-held equipment may be used to control sod remnants or other unwanted vegetation after sod is harvested.

PRECAUTIONS, RESTRICTIONS: Do not disturb soil or underground plant parts before treatment. Tillage or removal techniques such as vertical mowing, coring or slicing should be delayed for 7 days after application to allow translocation into underground plant parts. If application rates total 2 quarts per acre or less, no waiting period between treatment and feeding or livestock grazing is required. If the rate is greater than 2 quarts per acre, remove livestock before application and wait 8 weeks after application before grazing or harvesting.

8.5 Habitat Management

Habitat Restoration and Management

This product may be used to control exotic and other undesirable vegetation in habitat management and natural areas, including rangeland and wildlife refuges. Applications can be made to allow recovery of native plant species, prior to planting desirable native species, and for similar broad-spectrum vegetation control requirements. Spot treatments can be made to selectively remove unwanted plants for habitat management and sod enhancement.

Wildlife Food Plots

This product may be used as a site preparation treatment prior to planting wildlife food plots. Any wildlife food species may be planted after applying this product, or native species may be allowed to recolonize the area. If tillage is needed to prepare a seedbed, wait 7 days after application before tillage to allow translocation into underground plant parts.

8.6 Hollow Stem Injection

This product may be applied through hand-held injection devices that deliver specified amounts of this product into targeted hollow-stem plants growing in any site specified on this label.

For control of the following hollow-stem plants, follow the use instructions below:

Casterbean, *Ricinus communis*

Inject 4 mL per plant of this product into the lower portion of the main stem.

Hamlock, Palson, *Conium maculatum*

Inject one leaf base per plant 10 to 12 inches above the root crown with 5 mL of a 5% v/v solution of this product.

Hogweed, Giant, *Heracleum mantegazzianum*

Inject one leaf base per plant 12 inches above the root crown with 5 mL of a 5% v/v solution of this product.

Horsetail, Field, *Equisetum arvense*

Inject one segment above the root crown with 0.5 mL per stem of this product. Use a small syringe that calibrates to this rate.

Knotweed, Bohemian, *Polygonum bohemicum*

Inject 5 mL per stem of this product between the second and third internode.

Knotweed, Giant, *Polygonum sachalinense*

Inject 5 mL per stem of this product between second and third internode.

Knotweed, Japanese, *Polygonum cuspidatum*

Inject 5 mL per stem of this product between second and third internode.

Reed, Giant, *Arundo donax*

Inject 6 mL per stem of this product between second and third internode.

Thistle, Canada, *Cirsium arvense*

Cut 8 to 9 of the tallest plants at bud stage in a clump with clippers. Use a cavity needle that is pushed into the stem center and then slowly removed as 0.5 mL per stem of this product is injected into the stem.

NOTE: The combined total for all treatments must not exceed 7 quarts of this product per acre. At 5 mL per stem, 7 quarts should treat approximately 1300 stems per acre.

8.7 Injection and Frill (Woody Brush and Trees)

This product may be used to control woody brush and trees by injection or frill applications. Apply this product using suitable equipment that must penetrate into the living tissue. Apply the equivalent of 1 mL of this product per inch of trunk diameter at breast height (DBH). This is best achieved by applying a 50- to 100-percent concentration of this product either as a continuous frill around the tree or as cut evenly spaced around the tree below all branches. As tree diameter increases in size, better results are achieved by applying diluted material to a continuous frill or more closely spaced cuttings. Avoid application techniques that allow run-off to occur from frilled or cut areas in species that exude sap freely. In species such as this, make the frill or cuts at an oblique angle to produce a cupping effect and use a 100-percent concentration

of this product. For best results, application should be made during periods of active growth and after full leaf expansion. This product will control many species, some of which are listed below:

Cottonwood	Eastern Cottonwood
Oak	Blackgum
Poplar	Osage
Sweetgum	Hickory
Sycamore	Maple, red

8.8 Non-Food Tree, Shrub, or Vine Production Sites

This product may be used for general weed control prior to the planting of and around established ornamentals, or any woody tree, shrub or vine species, including arbutus, azalea, boxwood, crabapple, eucalyptus, euonymus, Fr. Douglas fir, Japanese Holly, Lilac, Magnolia, maple, oak, poplar, privet, pine, spruce and yew, growing in plant nurseries, or Christmas tree farms, or on other non-food tree production sites.

UNLESS OTHERWISE DIRECTED, THIS PRODUCT IS NOT RECOMMENDED FOR USE AS AN OVER-THE-TOP BROADCAST SPRAY IN ORNAMENTALS AND CHRISTMAS TREES. Care must be taken to avoid contact of spray, drift or mist with foliage or bark of desirable ornamental species.

This product may also be used to control weeds growing in and around greenhouses and shadehouses. Desirable vegetation must not be present during application and air circulation fans must be turned off until after the application has dried.

TYPES OF APPLICATION: Site Preparation, Post-directed, Trim-and-edge, Wiper Application

Site Preparation

This product may be used prior to planting any tree, shrub or vine, including Christmas tree species, in a nursery or production setting.

Post-directed, Trim-and-Edge

This product may be used as a post-directed spray around established woody ornamental species, or to trim and edge around trees, buildings, sidewalks, roads, parked plants and other objects in a production setting.

Desirable plants may be protected from the spray solution by using shields or coverings made of cardboard or other impermeable material.

Wiper Application

This product may be used through wick or other suitable wiper applicators to control or partially control undesirable vegetation around established trees, shrubs or vines. See the SELECTIVE EQUIPMENT section of this label for further information about the proper use of wiper applicators.

8.9 Parks, Recreational and Residential Areas

All of the instructions in the General Areas and Industrial Sites section may be made in park and recreational areas.

This product may be used in parks, recreational and residential areas. It may be applied with any application equipment described in this label. This product may be used to trim-and-edge around trees, lawns, paths, around buildings, sidewalks and other objects in these areas. This product may be used for spot treatment of unwanted vegetation. This product may be used to eliminate unwanted weeds growing in established shrub beds of ornamental plantings. This product may be used prior to planting an area to ornamentals, flowers, turfgrass (seed or sod), or prior to laying asphalt or beginning construction projects.

8.10 Railroads

All of the instructions in the General Areas and Industrial Sites section may be made to railroads.

Dero Ground, Ballast and Shoulders, Crossings, Spot Treatment

This product may be used to maintain bare ground on railroad ballast and shoulders. Repeat applications of this product may be used as weeds emerge, to maintain bare ground. This product may be used to control tall-growing weeds to improve line-of-sight at railroad crossings and reduce the need for mowing along right-of-way. For crossing applications, up to 80 gallons of spray solution per acre may be used.

TANK MIXTURES: This product may be tank mixed with the following products for ballast, shoulder, spot, bare ground and crossing treatments provided the specific product used is labeled for use on those sites. Refer to the individual product labels for approved sites and application rates.

Arsenal	Hyvar X	Toler DF
atrazine ¹	Hyvar X-L	Transline
dicamba ¹	Revoir ¹ DF	Vanquish
diuron ¹	Quest XP	Valpar DF
Escort	Outrider ¹	Valpar L
Escort XP	Sahara DG	2,4-D ¹
Garlon 3A	simsazine ¹	
Garlon 4	Spino 800F	

¹ Tank mixtures with products containing this single generic active ingredient may be made provided the specific product is labeled for application at the use site.

Brush Control

This product may be used to control woody brush and trees on railroad rights-of-way. Apply 2.5 to 7 quarts of this product per acre as a broadcast spray using boom-type or boomless nozzles. Up to 80 gallons of spray solution per acre may be used. Apply a 0.7- to 1.5-percent solution of this product when using high-volume spray-to-wet applications. Apply a 4- to 7-percent solution of this product when using low volume directed sprays for spot treatment.

TANK MIXTURES. This product may be mixed with the following products for shoulder, spot, bare ground and crossing treatments as well as for enhanced control of woody brush and trees, provided the specific product used is labeled for use on these sites. Refer to the individual product labels for approved sites and application rates.

Arsenal	Garlon 3A	Spino 800F
atrazine ¹	Garlon 4	Transline
dicamba ¹	Hyvar X	Vanquish
diuron ¹	Hyvar X-L	Valpar L
Escort	Sahara DG	Valpar DF
Escort XP	simsazine ¹	2,4-D ¹

¹ Tank mixtures with products containing this single generic active ingredient may be made provided the specific product is labeled for application at the use site.

Bermudagrass Release

This product may be used to control or partially control many annual and perennial weeds for effective release of actively growing bermudagrass. Apply 11 to 32 fluid ounces of this product in up to 80 gallons of spray solution per acre. Use the lower rate when treating annual weeds below 6 inches in height (or runner length). Use the higher rate as weeds increase in size or as they approach flower or seedhead formation. These rates will also provide partial control of the following perennial species:

Bahia grass	Johnsongrass
Blue stem, silver	Trumpetcrupper
Fescue, tall	Vaseygrass

This product may be tank-mixed with Oust XP. If tank-mixed, use no more than 11 to 22 fluid ounces of this product with 1 to 2 ounces of Oust XP per acre. Use the lower rates of each product to control annual weeds less than 6 inches in height (or runner length) that are listed in this label and the Oust XP label. Use the higher rates as annual weeds increase in size and approach the flower or seedhead stages. These rates will also provide partial control of the following perennial weeds:

Bahia grass	Oxeye	Poojoc
Blackberry	Dock, curly	Rasperry
Blue stem, silver	Dogfennel	Trumpetcrupper
Broomsedge	Fescue, tall	Vaseygrass
Dallisgrass	Johnsongrass	Yarrow, blue

Use only on well-established bermudagrass. Bermudagrass injury may result from the treatment, but regrowth will occur under moist conditions. Repeat applications in the same season are not recommended, since severe injury may occur.

8.11 Roadsides

All of the applications in the General Area and Industrial Sites section may be made on roadsides.

Shoulder Treatments

This product may be used on road shoulders. It may be applied with boom sprayer, shielded boom sprayers, high-volume off-center nozzles, hand-held equipment, and similar equipment.

Guardrails and Other Obstacles to Mowing

This product may be used to control weeds growing under guardrails and around signposts and other objects along the roadside.

Spot Treatment

This product may be used as a spot treatment to control unwanted vegetation growing along roadsides.

TANK MIXTURES: This product may be tank-mixed with the following products for shoulder, guardrail, spot and bare ground treatments provided that the specific product used is labeled for use on these sites. Refer to the individual product labels for approved sites and application rates:

atrazine ¹	Krovar ¹ DF	Princep DF
Clarity	Landmark MP	Princep 4L
Crossbow L	Landmark U MP	Rover 50 WP
dicamba ¹	Landmark XP	Sahara
diuron ¹	Oust XP	simsazine ¹
Endurance	Outrider	Surflan
Escort	Pendulum 3.3 EC	Telar
Escort XP	Pendulum WDG	Vanquish
Galaxy 75 DF	Plateau	2,4-D ¹

¹ Tank mixtures with products containing this single generic active ingredient may be made provided the specific product is labeled for application at the use site.

Release of Bermudagrass or Bahiagrass

Dormant Applications

This product may be used to control or partially control many winter annual weeds and tall fescue for effective release of dormant bermudagrass or bahiagrass. Treat only when turf is dormant and prior to spring green-up. This product may also be tank-mixed with Outrider herbicide or Oust XP for residual control. Tank mixtures of this product with Oust XP may delay green-up.

For best results on winter annuals, treat when plants are in an early growth stage (below 6 inches in height) after most have germinated. For best results on tall fescue, treat when fescue is at or beyond the 4- to 6-foot stage.

Apply 3 to 44 fluid ounces of this product in a tank mix with 0.75 to 1.33 ounces of Outrider herbicide per acre. Read and follow all label directions for Outrider herbicide.

Apply 8 to 44 fluid ounces of this product per acre alone or in a tank mixture with 0.25 to 1 ounce per acre of Oust XP. Apply the labeled rates in 10 to 40 gallons of water per acre. Use only in areas where bermudagrass or bahiagrass are desirable ground covers and where some temporary injury or discoloration can be tolerated. To avoid delays in green-up and minimize injury, add no more than 1 ounce of Oust XP per acre on bermudagrass and no more than 0.5 ounce of Oust XP per acre on bahiagrass and avoid treatments when these grasses are in a semi-dormant condition.

Actively Growing Bermudagrass

This product may be used to control or partially control many annual and perennial weeds for effective release of actively growing bermudagrass. Apply 11 to 32 fluid ounces of this product in 10 to 40 gallons of spray solution per acre. Use the lower rate when treating annual weeds below 6 inches in height (or runner length). Use the higher rate as weeds increase in size or as they approach flower or seedhead formation. These rates will also provide partial control of the following perennial species:

Bahia grass	Johnsongrass
Blue stem, silver	Trumpetcrupper
Fescue, tall	Vaseygrass

This product may be tank-mixed with Outrider herbicide for control or partial control of Johnsongrass and other weeds listed on the Outrider label. Use 5 to 22 fluid ounces of this product with 0.75 to 1.33 ounces of Outrider per acre. Use the higher rates of both products for control of perennial weeds or annual weeds greater than 6 inches in height.

This product may be tank-mixed with Oust XP. If tank-mixed, use no more than 11 to 22 fluid ounces of this product with 1 to 2 ounces of Oust XP per acre. Use the lower rates of each product to control annual weeds less than 6 inches in height (or runner length) that are listed in this label and the Oust XP label. Use the higher rates as annual weeds increase in size and approach the flower or seedhead stages. These rates will also provide partial control of the following perennial weeds:

Bahia grass	Dock, curly	Poojoc
Blue stem, silver	Dogfennel	Trumpetcrupper
Broomsedge	Fescue, tall	Vaseygrass
Dallisgrass	Johnsongrass	Yarrow, blue

Use only on well-established bermudagrass. Bermudagrass injury may result from the treatment, but regrowth will occur under moist conditions. Repeat applications of the tank mix in the same season are not recommended, since severe injury may occur.

Actively Growing Bahiagrass

For suppression of vegetative growth and seedhead inhibition of bahiagrass for approximately 46 days, apply 4 fluid ounces of this product in 10 to 40 gallons of water per acre. Apply 1 to 2 weeks after full green-up or after mowing to a uniform height of 3 to 4 inches. This application must be made prior to seedhead emergence.

For suppression up to 120 days, apply 3 fluid ounces of this product per acre, followed by an application of 1.5 to 3 fluid ounces per acre about 45 days later. Make no more than 2 applications per year.

This product may be used for control or partial control of Johnsongrass and other weeds listed on the Outrider herbicide label. Apply 4 fluid ounces of this product with 0.75 to 2.0 ounces of Outrider per acre. Use the higher rates for control of perennial weeds and annual weeds greater than 6 inches in height. Use only on well-established bahiagrass. A tank mixture of this product plus Oust XP may be used. Apply 4 fluid ounces of this product plus 0.25 ounce of Oust XP per acre 1 to 2 weeks following an initial spring mowing. Make only one application per year.

8.12 Rangelands

This product will control or suppress many annual weeds growing in perennial cool- and warm-season grass rangelands, pastures, and industrial sites. Preventing weed seed production is critical to the successful control of annual grassy weeds invading these perennial grass sites. Follow-up applications in sequential years should eliminate most of the viable seeds. Grazing of treated areas should be delayed to encourage growth of desirable perennials. Allowing desirable perennials to flower and reseed in the treated area will encourage successful transition.

Bromis: This product may be used to control or suppress downy broms (*Bromus tectorum*), Japanese brome (*Bromus japonicus*), soft chene (*Bromus mollis*), cheatgrass (*Bromus tectorum*), catclaw and jointed goatgrass found in rangelands, pastures and industrial sites. Apply 5 to 11 fluid ounces of this product per acre on a broadcast basis.

For best results, treatment should coincide with early seedhead emergence of the most mature plants. Delaying the application until this growth stage will minimize the emergence of other weedy grass flushes. Applications should be made to the same site each year until seed banks are depleted and the desirable perennial grasses can become reestablished on the site.

Medusahead: To control or suppress medusahead, apply 11 fluid ounces of this product per acre at the 3-leaf stage when plants are actively growing. Delaying applications beyond this stage will result in reduced or unacceptable control. Repeat applications in subsequent years may be necessary to eliminate the seedbank before reestablishing desirable perennial grasses. Applications may be made in the fall or spring.

Applications may be made using ground or aerial equipment. Aerial applications for these uses may be made using fixed wing or helicopter equipment. For aerial applications, apply 1 to 10 gallons of water per acre. For applications using ground equipment, apply 10 to 20 gallons of water per acre.

Spot Treatment, Wiper Application

This product may be applied in rangeland, pastures or industrial sites as a spot treatment, or over the top of desirable grasses using wiper applicators to control tall weeds. Applications may be repeated in the same area at 30-day intervals.

For spot treatments or wiper application methods using rates of 2 quarts of this product per acre or less, the entire site or any portion of it may be treated. When spot treatments or wiper applications are made using rates above 2 quarts of this product per acre, no more than 10 percent of the total site may be treated at any one time. To achieve maximum performance, remove domestic livestock before application and wait 7 days after application before grazing livestock or harvesting for feed.

8.13 Utility Sites

Use this product along electrical power, pipeline and telephone rights-of-way, and in other sites associated with these rights-of-way, such as substations, roadsides, railroads or similar rights-of-way that run in conjunction with utilities.

Use this product in utility areas and substations for bare ground, trim-and-edge around objects, spot treatment of unwanted vegetation and to eliminate unwanted weeds growing in established shrub beds or ornamental plantings. This product may be used prior to planting a utility site to ornamentals, flowers, turfgrass (sod or seed), or beginning construction projects.

Repeated applications of the product may be used, as weeds emerge, to maintain bare ground.

This product also may be used in preparing or establishing wildlife openings within these sites, maintaining access roads and berms trimming along utility rights-of-way.

TANK MIXTURES: This product may be tank mixed with the following products for use in utility sites, provided that the specific product used is labeled for use on these sites. Refer to the individual product labels for approved sites and application rates.

For control of herbaceous weeds, use the lower tank mixture rates. For control of dense stands or tough-to-control woody brush and trees, use the higher tank mixture rates.

Arsenal	Kronite	Surflan WDG
Aluzime ¹	Krover 1 DF	Telar DF
Barricade 65WG	Duel XP	Transline
dicamba ¹	Dutidor	Venquith
dicora ¹	pendimethalin ¹	Volpar DF
Endurance	Platau	Volpar L
Escort	Renstar 50 WP	2,4-D ¹
Escort XP	Sahara	
Garlon 3A ¹	simezone ¹	
Garlon 4 ¹	Surflan AS	

¹ Tank mixtures with product containing this generic active ingredient may be made provided the specific product is labeled for application at the use site.

² Ensure that Garlon 3A is thoroughly mixed with water according to label directions before adding this product. Make spray mixture agitating at the time this product is added to avoid spray incompatibility problems.

³ For side trimming treatments, this product can be used alone or in a tank mixture with Garlon 4.

8.14 Grass Seed or Sod Production

Use this product in grass seed and sod production for preplant, at-planting, preemergence, removal of established stands, renovation, site preparation, shielded spraying, wiper application, spot treatment and creating rows in annual ryegrass.

Preplant, At-Planting, Preemergence, Removal of Established Stands, Renovation, Site Preparation

This product controls most existing vegetation for purposes of renovating turf or forage grass seed areas or for establishing turfgrass grown for sod. It may also be used to destroy remaining undesired grass vegetation when production fields are converted to alternate species or crops. Make applications before, during, or after planting or for renovation purposes. Applications must be made prior to crop emergence in order to avoid crop injury. For maximum control of existing vegetation, delay planting to determine if any regrowth from escaped underground plant parts occurs. Where existing vegetation is growing under mowed turfgrass management, apply this product after mowing at least one regular mowing to allow sufficient growth for good interception of the herbicide spray. Where repeat treatments are necessary, sufficient regrowth must be attained prior to application. For warm-season grasses, such as bermudagrass, summer or fall applications provide best control. Broadcast equipment may be used to control sod remnants or other unwanted vegetation after sod is harvested. Application rates up to 3.3 quarts per acre may be used to totally remove established stands of tough to kill grass species.

Do not disturb soil or underground plant parts before treatment. Tillage or renovation techniques such as vertical mowing, coring or slicing should be delayed for 7 days after application to allow proper translocation into underground plant parts. If application rates total 2 quarts per acre or less, no waiting period between treatment and feeding or livestock grazing is required. If the rate is greater than 2 quarts per acre, remove domestic livestock before application and wait 8 weeks after application before grazing or harvesting.

Shielded Sprayers

Apply 22 to 64 fluid ounces of this product in 10 to 20 gallons of water per acre to control weeds between grass seed rows. Uniform planting in straight rows aids in shielded sprayer applications. Best results are obtained when the grass seed plants are small enough to easily pass by the protective shields.

Contact of this product in any manner with desirable vegetation may result in discoloration, stunting or destruction. Such damage shall be the sole responsibility of the applicator.

Wiper Application

This product may be applied over the top of desirable grasses using wiper applicators for the control of tall weeds.

Contact of this product in any manner with desirable vegetation may result in discoloration, stunting or destruction. Such damage shall be the sole responsibility of the applicator.

Spot Treatment

Apply a 1-percent solution of this product using hand-held spray equipment to control weeds within established vegetation prior to heading of grasses grown for seed. Hand-held equipment may be used to control sod remnants or other unwanted vegetation after sod is harvested.

The grass sprayed in the treated area will be killed. Take care not to spray or allow spray to drift outside the target area in order to avoid unwanted grass injury or destruction.

Creating Rows in Annual Ryegrass

Apply 11 to 22 fluid ounces of this product per acre. Best results are obtained when applications are made before the ryegrass reaches 6 inches in height. Use the higher rate within the labeled range when ryegrass is greater than 6 inches in height.

Set nozzle heights to allow the establishment of the desired row spacing. Use of low-pressure nozzles, or drop nozzles designed to target the application over a narrow band are recommended.

Take care not to spray or allow spray to drift outside target area in order to avoid unwanted grass destruction.

Grower assumes all responsibility for losses resulting from misapplication of this product.

8.15 Pastures

This product may be applied to any pasture grass (other than food crops in the Gramineae family), including bahiagrass, bermudagrass, bluegrass, brome, fescue, guineagrass, kikuyugrass, orchardgrass, perovskia grass, ryegrass, timothy, and wheatgrass. Application can be made as a spot treatment, wiper application, preplant, preemergence, pasture renovation, or postemergence broadcast.

Preplant, Preemergence, Pasture Renovation

This product may be applied for weed control prior to planting or emergence of forage grasses. This product may also be applied to control perennial pasture species listed on this label prior to replanting.

If application rates total 2 quarts per acre or less, no waiting period between treatment and feeding or livestock grazing is required. If the rate is greater than 2 quarts per acre, remove domestic livestock before application and wait 8 weeks after application before grazing or harvesting.

Spot Treatment, Wiper Application

This product may be applied in pastures as a spot treatment, or over the top of desirable grasses using wiper applications to control tall weeds. Applications may be repeated in the same area at 30-day intervals.

For spot treatments or wiper application methods using rates of 2 quarts of this product per acre or less, the entire field or any portion of it may be treated. When spot treatments or wiper applications are made using rates above 2 quarts of this product per acre, no more than 10 percent of the total pasture may be treated at any one time. To achieve maximum performance, remove domestic livestock before application and wait 7 days after application before grazing livestock or harvesting for food.

Postemergent Weed Control (Broadcast Treatments)

This product may be applied to pastures to suppress competitive growth and seed production of annual weeds and undesirable vegetation in pastures. For selective applications with broadcast spray equipment, apply 8 to 11 fluid ounces of this product per acre in early spring before desirable perennial grasses break dormancy and initiate green growth. Late fall applications can be made after desirable perennial grasses have reached dormancy.

Semi-stirring of perennial grasses will occur if broadcast applications are made when plants are not dormant. Use of higher application rates will cause stand reductions. No waiting period is required between application and grazing or harvesting for feed. Do not apply more than 2 quarts of this product per acre per year onto pasture grasses except for renovation uses as described previously in this section.

9.0 WEEDS CONTROLLED

Always use the higher rate of this product per acre within the specified range when weed growth is heavy or dense or weeds are growing in an undisturbed (noncultivated) area.

Reduced results may occur when treating weeds heavily covered with dust. For weeds that have been mowed, grazed or cut, allow regrowth to occur prior to treatment.

Refer to the following label sections for rates to control annual and perennial weeds and woody brush and trees. For difficult to control species regardless of the weed size at application, treat tough-to-control weeds early when they are relatively small. This product may be tank mixed provided the tank-mix product is labeled for application at the target site. Refer to the individual tank mix product labels for approved sites and application rates.

9.1 Annual Weeds

Use 22 fluid ounces of this product per acre if weeds are less than 6 inches in height or runner length and 1.0 to 2.7 quarts of this product per acre if weeds are over 6 inches in height or runner length or when weeds are growing under stressed conditions. Use the higher rate for tough-to-control species regardless of the weed size at application. Treat tough-to-control weeds early when they are relatively small. This product may be tank mixed provided the tank-mix product is labeled for application at the target site. Refer to the individual tank mix product labels for approved sites and application rates.

For spray-to-wet applications, apply a 0.4-percent solution of this product to weeds less than 6 inches in height or runner length. For annual weeds over 6 inches tall, or for smaller weeds growing under stressed conditions, use a 0.7- to 1.5-percent solution. Use the higher rate for tough-to-control species or for weeds over 24 inches tall. Apply prior to seedhead formation in grass or bud formation in broadleaf weeds.

For low volume directed spray applications, use a 4- to 7-percent solution of this product. Spray coverage should be uniform with at least 50 percent of the foliage contacted. Coverage of the top one half of the plant is important for best results. To ensure adequate spray coverage, spray both sides of large or tall weeds when foliage is thick and dense or where there are multiple sprouts.

Weed Species

Amara, spurred	Uckgrass
Berley	Johnsongrass, seedling
Barnyardgrass	Jungle rice
Bassia, threehook	Knottweed
Bittercress	Rochia
Black nightshade	Lamb's-quarters
Bluegrass, annual	Little barley
Bluegrass, bulbous	London rocket
Brome, downy	Mayweed
Brome, Japanese	Medushead
Bromus panicum	Morning glory
Burclover	(Ipomoea spp)
Caroline foxtail	Mustard, blue
Caroline perennium	Mustard, berry
Castorbean	Mustard, tumble
Cheatgrass	Mustard, wild
Cheeseweed	Oats
(Melua parviflora)	Pigweed

Chenit	Pinus/Tickseed
Chickweed	cornopsis
Cockspur	Prickly lettuce
Copperleaf, hophornbeam	Puncturingvine
Corn	Purslane, common
Corn speedwell	Ragweed, common
Crabgrass	Ragweed, giant
Dwarf dandelion	Red rice
Eastern manna grass	Russet thistle
Eclipta	Rye
Fall panicum	Ryegrass
Falsedandelion	Sandbar, field
Falsiflex, smallseed	Shattercane
Fiddleneck	Shepherd's-purse
Field pennycress	Sicklepod
Filaree	Signalgrass, broadleaf
Fleabane, annual	Smartweed, Indochamp
Fleabane, hairy	Smartweed, Pennsylvania
(Conyza bonariensis)	Sowthistle, annual
Fleabane, rough	Spanishneedles
Florida pusley	Speedwell, sunflower
Foxtail	Springletop
Goutgrass, jointed	Sporia, annual
Goutgrass	Sporia, prostrate
Grain sorghum (milo)	Sporia, spotted
Groundsel, common	Spury umbrella
Hemp sesbania	Stanthistle, yellow
Henbit	Stinkgrass
Horseweed/Marestail	
(Conyza canadensis)	

Weed Species

Sunflower	Wheat
Toadweed/Prickly sida	Wild oat
Toxic panicum	Witchgrass
Velvetleaf	Woolly cupgrass
Virginia copperleaf	Yellow rocket
Virginia pepperwood	

9.2 Perennial Weeds

Best results are obtained when perennial weeds are treated after they reach the reproductive stage of growth (seedhead initiation in grasses and bud formation in broadleaves). For non-flowering plants, best results are obtained when the plants reach a mature stage of growth. In many situations, treatments are required prior to these growth stages. Under these conditions, use the higher application rate within the specified range.

Ensure thorough coverage when using spray-to-wet treatments with hand-held equipment. For best results, use a 1.5-percent solution on harder-to-control perennials such as bermudagrass, dock, field bindweed, hemp dogbane, milkweed and Canada thistle.

For low volume directed spray applications, use a 4- to 7-percent solution of this product. Spray coverage should be uniform with at least 60 percent of the foliage contacted. Coverage of the top one half of the plant is important for best results. To ensure adequate spray coverage, spray both sides of large or tall weeds when foliage is thick and dense or where there are multiple sprouts.

Allow 7 or more days after application before tillage.

Weed Species	Rate (qt/A)	Plant Stage
Alligatorweed*	1	1
Bahia grass	2-3.3	1.5
Barnyardgrass*	1	1.5
Bermudagrass, water (knotgrass)	1	1.5
Bluegrass, Kentucky	1.5	1.5
Buckhorn	2-3	1
Burrage, woolly-leaf	-	1.5
Calliandra	2-3.3	1.5
Coon grass	2-3.3	1.5
Dandelion	2-3.3	1.5
Dogbane, hemp	2.6	1.5

Weed Species	Rate (GPA)	Percent Solution
Fescue, tall	2	1.5
Guineagrass	2	1
Horseradish	3	1.5
Jerusalem artichoke	2-3.3	1.5
Kibibgrass	1.5-2	1.5
Lantana	-	1
Miloweed, common	2	1.5
Mollis, common	2-3.3	1.5
Nightshade, silverleaf	1.5	1.5
Orchardgrass	1.5	1.5
Paragrass	2-3.3	1.5
Phragmites*	2-3.3	1-1.5
Poa, common	1	1.5
Ratvine*	1.5	1.5
Ryegrass, perennial	1.5-2	1
Sorghum, perennial	1.5-2	1.5
Sorghum, yellow	1.5	1.5
Thistle, artichoke	1.3-2	1-1.5
Tribble	1.5-2	1.5
Trumpet creeper*	1.5-2	1.5
Velvetgrass	2-3.3	1.5

* Partial control

9.3 Woody Brush and Trees

Apply this product after full leaf expansion, unless otherwise directed on this label, or in separate supplemental labeling or fact sheets published by Monsanto Company for this product. Use the higher rate for larger plants and/or dense areas of growth. On vines, use the higher rate for plants that have reached the woody stage of growth. Best results are obtained when application is made in late summer or fall after fruit formation.

In arid areas, best results are obtained when applications are made in the spring to early summer when brush species are at high moisture content and are flowering.

For best results when using hand-held equipment, use a 1.5-percent solution on harder-to-control woody brush and trees.

For low volume directed-spray applications, apply a 4- to 7-percent solution of this product. Spray coverage should be uniform with at least 50-percent of the foliage contacted. Coverage of the top one-half of the plant is important for best results. To ensure adequate spray coverage, spray both sides of large or tall woody brush and trees, when foliage is thick and dense, or where there are multiple sprouts.

Symptoms may not appear prior to frost or senescence with fall treatments.

Allow 7 or more days after application before tillage, mowing or removal. Repeat treatments may be necessary to control plants regenerating from underground parts or seed. Some autumn colors on undeciduous species are acceptable provided no major leaf drop has occurred. Reduced performance may result if fall treatments are made following a frost.

Weed Species	Rate (GPA)	Percent Solution
Ash*	1.5-3.3	1-1.5
Balsam poplar (Balsam)*	1.5-3.3	1-1.5

Birch	1.5-2	1
Blackburn	1.5-3.3	1-1.5
Broom, French, Scotch	1.3-3.3	1-1.5
Casahuate*	1.5-3.3	1-1.5
Ceanothus*	1.5-3.3	1-1.5
Cherry, bitter, black, pin	1.5-2	1
Cloverweed	1.3-3.3	1
Elderberry	1.5-2	1
Eucalyptus	-	1.5
Hazard*	1.3-2.5	1-1.5
Hazel	1.5-2	1
Honey suckle	2-3	1
Kudzu	2.5-3	1.5
Madrone resprouts*	-	1.5
Maple, red	1.5-3	1
Meadow flower*	1.3-2.7	1-1.5
Oak, post	2-3	1
Oak, scrub*	1.3-2.7	1
Peppertree, Brazilian (Florida holly)*	1.3-3.3	1-1.5
Pine	1.5-3.3	1-1.5
Poison oak	2.5-3.3	1.5
Redbud, eastern	1.5-3.3	1-1.5
Russian olive*	1.5-3.3	1-1.5
Sage, white*	1.6-2.7	1-1.5
Salmonberry	1.5-2	1
Sassafras*	1.5-3.3	1-1.5
Somac, neural, poison, smooth, sugarbush, winged*	1.5-3	1-1.5
Swordfern*	1.5-3.3	1-1.5
Tan oak resprouts*	-	1.5
Tobacco, tree*	1.5-2.5	1-1.5
Trumpet creeper*	1.5-2	1
Virginia creeper	1.6-3.3	1-1.5
Willow	2-3	1

* Partial control

10.0 LIMIT OF WARRANTY AND LIABILITY

Monsanto Company warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes set forth in the Complete Directions for Use label booklet ("Directions") when used in accordance with these Directions under the conditions described therein. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, NO OTHER EXPRESS WARRANTY OR IMPLIED WARRANTY OF FITNESS FOR PARTICULAR PURPOSE OR MERCHANTABILITY IS MADE. This warranty is also subject to the conditions and limitations stated herein.

To the extent consistent with applicable law, buyer and all users shall promptly notify this Company of any claims whether based in contract, negligence, strict liability, other tort or otherwise.

To the fullest extent permitted by law, buyer and all users are responsible for all loss or damage from use or handling which results from conditions beyond the control of this Company to the extent consistent with applicable law, including, but not limited to, incompatibility with products other than those set forth in the Directions, application to or contact with desirable vegetation, failure of this product to control weed biotypes which develop resistance to glyphosate, unusual weather, weather conditions which are outside the range considered normal at the application site and for the time period when the product is applied, as well as weather conditions which are outside the application range set forth in the Directions, application in any manner not explicitly set forth in the Directions, moisture conditions outside the moisture range specified in the Directions, or the presence of products other than those set forth in the Directions in or on the soil, crop or treated vegetation.

This Company does not warrant any product reformulated or repackaged from this product except in accordance with this Company's stewardship requirements and with explicit written permission from this Company.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE LIMIT OF THE LIABILITY OF THIS COMPANY OR ANY OTHER SELLER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT (INCLUDING CLAIMS BASED IN CONTRACT, NEGLIGENCE, STRICT LIABILITY, OTHER TORT OR OTHERWISE) SHALL BE THE PURCHASE PRICE PAID BY THE USER OR BUYER FOR THE QUANTITY OF THIS PRODUCT INVOLVED, OR, AT THE ELECTION OF THIS COMPANY OR ANY OTHER SELLER, THE REPLACEMENT OF SUCH QUANTITY OR, IF NOT ACQUIRED BY PURCHASE, REPLACEMENT OF SUCH QUANTITY, TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO EVENT SHALL THIS COMPANY OR ANY OTHER SELLER BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL OR SPECIAL DAMAGES.

Upon opening and using this product, buyer and all users are deemed to have accepted the terms of this LIMIT OF WARRANTY AND LIABILITY which may not be varied by any verbal or written agreement. If terms are not acceptable, return at once unopened.

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All other trademarks are the property of their respective owners.

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1. DEFINITIONS

1-1. What types of facilities are subject to the Healthy Schools Act?

Public K-12 schools and both public and private child day care facilities are subject to the Healthy Schools Act (HSA). Specifically the Healthy Schools Act uses the term "school site" to include kindergarten, elementary, or secondary school facilities (including charter schools), and child day care facilities. Day care centers are a type of child care facility and thus fall under the requirements of the Healthy Schools Act. According to section 1596.76 of the Health and Safety Code, the term "day care center" includes preschools, infant centers, extended day care facilities and school age child care centers. Child day care facilities which are subject to the Healthy Schools Act also include employer-sponsored child care centers. The Healthy Schools Act excludes family day care homes, colleges and universities, and private kindergarten, elementary, or secondary school facilities. The term school site also includes the buildings or structures, playgrounds, athletic fields, vehicles, and any other area of property visited or used by the pupils. [Education Code § 17609(e); Health and Safety Code §§ 1596.750, 1596.76]

1-2. Integrated pest management (IPM) has various definitions. How does the Healthy Schools Act define it?

The Healthy Schools Act defines IPM as a pest management strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as monitoring for pest presence and establishing treatment threshold levels, using non-chemical practices to make the habitat less conducive to pest development, improving sanitation, and using mechanical and physical controls. Pesticides that pose the least possible hazard and are effective

in a manner that minimizes risks to people, property, and the environment are used only after careful monitoring indicates they are needed according to pre-established guidelines and treatment thresholds. Note that this definition applies only to IPM in schools and child day care facilities. [Food and Agricultural Code § 13181]

1-3. What is a pesticide?

Under state and federal law, a pesticide is any substance that controls, destroys, repels, or attracts a pest. Pesticides include insecticides, insect repellents, miticides, herbicides, fungicides, fumigants, nematocides, rodenticides, avicides, plant growth regulators, defoliant, desiccants, antimicrobials, and algicides. For more information about antimicrobials (such as sanitizers and disinfectants) see 3-8 and 3-14 below. Antimicrobials, including swimming pool chlorine and toilet bowl cleaners, are exempt from notification and posting. However, similar to other pesticides, you will still need to use products that have been registered with the U.S. Environmental Protection Agency (U.S. EPA) and DPR for use in California. (To see if a product is registered in California, go to DPR's Web site, www.cdpr.ca.gov, and click on "Look up pesticide products" at the bottom right.)

Plant nutrients, fertilizers, and soil amendments are not considered pesticides unless they also include a pesticide active ingredient. For example, weed-and-feed products are considered pesticides because they contain an herbicide. If the label of a pesticide lacks a U.S. EPA registration number, check to see if it's exempt from registration (see 3-13). If it lacks an U.S. EPA registration number and is not exempt from registration, then it's illegal to use it. Go to DPR's School IPM Web site (www.cdpr.ca.gov/schoolipm) and click on "Pesticides Exempted under the Healthy Schools Act" at the bottom right for more information on exempt products. [Food and Agricultural Code § 12753]

❖ **1-4. What is a school site designee?**

The designee is the person that is assigned to carry out the requirements of the Healthy Schools Act. School districts often designate maintenance and operations directors, risk managers, or business officers. This person may also be called the IPM coordinator (see 1-6). Child day care facilities often assign the child day care facility director as the school site designee.

❖ **1-5. What are the responsibilities of the school site designee?**

The designee makes sure that:

- Parents and staff receive annual written notification about pesticide products expected to be used at each school or child day care facility in the coming year.
- Parents and staff receive written notification at least 72 hours in advance if the school or child day care facility decides to use a pesticide not listed in the annual notification.
- Parents and staff have the opportunity to register if they want notification before each pesticide application at the school or child day care facility.
- Parents and staff that have registered with the school or child day care facility are notified before each pesticide application.
- Warning signs are posted from 24 hours before to 72 hours after a pesticide application.
- Records are kept of pesticide applications.

See 2-1 through 2-14, 3-1, 3-7, and 3-8 for more information. [Education Code §§ 17609(d), 17612]

❖ **1-6. What's an IPM coordinator?**

Many school districts use the title "IPM coordinator" as the equivalent to the school site designee (see 1-4 and 1-5).

❖ **1-7. Under the law, child day care facilities must be given 120-hour notice by property managers of a pesticide application. Are preschool programs located at other schools considered to be child day care facilities; and therefore, subject to the 120-hour notice requirement?**

Yes, they are child day care facilities since they meet the definition of a child day care facility (see 1-1). [Health & Safety Code § 1596.750]. Therefore, the property owner or property owner's representative would notify the preschool

120 hours before any pesticide application and all other requirements of the Healthy Schools Act must be met.

❖ **1-8. For preschool programs located at schools, could the district IPM coordinator also be considered the child day care facility designee?**

Yes, the school district IPM coordinator could also be the child day care facility designee for a preschool that is located on a public school site.

2. NOTIFICATION AND POSTING

❖ **2-1. How do schools and child day care facilities carry out the annual notification requirement?**

Each school or child day care facility must give a written notice to parents and staff identifying pesticides expected to be used in the coming year. The list of pesticides must also include the DPR Web site that provides information on pesticides and reduced-risk alternatives (www.cdpr.ca.gov/schoolipm, click on "School IPM HELPR" in the column on the right). The Legislature intended that the notification would be included with other one-time notices sent to parents by school districts or child day care facilities, usually at the beginning of the year. Putting this information in a packet with other notices will reduce costs. See DPR's School IPM Web site (go to www.cdpr.ca.gov/schoolipm and click on "Tools & Templates" in the column on the left) for examples. [Education Code § 17612]. School districts and child day care facilities may want to coordinate with pest control businesses to develop a notification system.

❖ **2-2. What are the requirements if a pesticide is to be applied that was not listed in the annual notification?**

If a school or child day care facility decides to use a pesticide product that wasn't listed in the annual notification, the school site designee must provide written notification to parents and staff at least 72 hours before application. The notice should identify the product name and active ingredients, and provide DPR's School IPM Web site address. www.cdpr.ca.gov/schoolipm. [Education Code § 17612(a)(2)]

❖ **2-3. When is advance notification of a pesticide application not required?**

Advance notification is not required in "emergency conditions."

❖ **2-4. What are "emergency conditions"?**

"Emergency conditions" means any circumstances in which the school or child day care facility designee or property owner or property owner's agent deems that the immediate use of a pesticide is necessary to protect the health and safety of pupils, staff, other persons, or the facility. [Education Code §17609(c)]

❖ **2-5. Are there any additional notification requirements that child day care facilities must provide other than the notification requirements set forth in the original Healthy Schools Act?**

For child day care facilities, a 120-hour notification is required from either the property owner or property owner's agent to the child day care facility before a pesticide application. In cases where a contractor is hired at a child day care facility to apply pesticides, the property owner or owner's agent must notify the contractor that a child day care facility is located on the property to enable the contractor to comply with the 120-hour notification requirement.

The purpose of the notification is to ensure that the child day care facility is aware of the scheduled pesticide application and that the designee responsible for carrying out the provisions of the Healthy Schools Act at the child day care facility has enough time to notify individuals on the registry at least 72 hours in advance and can post the area with warning signs 24 hours before the pesticide application.

❖ **2-6. What information is required to be included in the 120-hour notice given to child day care facilities?**

The 120-hour notification to the child day care facility must include the following information [Education Code §17610(b)(2), Food & Agricultural Code §13186(d)]:

1. Product name.
2. Manufacturer's name.
3. Active ingredients of each pesticide.
4. U.S. EPA product registration number.
5. Intended date of application.
6. Areas of application.
7. Reason for application.

❖ **2-7. If a pesticide is applied to a building where a child day care facility is located but not inside the child day care facility itself, would the 120-hour notice be required?**

If pesticides are applied within 10 feet of the child day care facility, the property owner or property owner's agent is subject to the 120-hour notice requirement unless an

emergency condition, as defined in Section 17609 of the Education Code exists. Applications more than 10 feet from the facility are exempt from the notification requirement. [Education Code §17610]

❖ **2-8. How does the pesticide registry work?**

The registry takes notification one step further. The law requires that schools and child day care facilities allow parents and staff to register if they want to be notified of individual pesticide applications. The school or child day care facility must notify those on the list at least 72 hours before an application. This notice must include the product name, pesticide active ingredient, and the scheduled date of application. [Education Code § 17612(a)(1)]

❖ **2-9. How long before and after a pesticide application occurs must warning signs be posted?**

Signs must be posted from 24 hours before to 72 hours after the pesticide application. [Education Code § 17612(d)]

❖ **2-10. What should the warning signs say?**

Signs must prominently display the words, "Warning-pesticide treated area," and must include the product name, manufacturer's name, the U.S. EPA product registration number, scheduled date and areas of application, and reason for the application (that is, the target pest). The law does not specify text, color, or size of lettering, but the sign must be visible to anyone entering a treated area. The word Warning on the sign does not refer to the pesticide toxicity signal words (danger, warning, caution), but is universal language for "Watch out!" You can download sample warning signs in English and Spanish from DPR's School IPM Web site. Go to www.cdpr.ca.gov/schoolipm, click on "Tools & Templates" in the column on the left, then click on "Pesticide Sample Application Warning Sign." (See also 3-6.) Some school districts and child day care facilities place reusable laminated signs in outdoor areas, and a few are experimenting with silk-screened metal signs. In both cases, the designee writes information on the signs and the information can be erased 72 hours after a pesticide application. [Education Code § 17612(d)]

❖ **2-11. What about vandalism of signs? What happens when a sign is removed before the posting period is over?**

The law does not specifically address this.

❖ **2-12. Do schools or child day care facilities have to notify and post when they make applications during breaks?**

The Healthy Schools Act does not make any special provisions for notification, posting, and recordkeeping when the school or child day care facility is not in session. However, even when closed, students or other people may enter the grounds for various reasons. Teachers often stop in during vacations to plan lessons or organize their classrooms. School districts and child day care facilities should try to plan ahead and list any pesticides expected to be used during the entire school year, notify registered parents and staff before all applications, and always post a treatment area.

❖ **2-13. If a school or child day care facility is contiguous with an agricultural parcel – for example, an orange grove – and the school district owns the land on which the crop is planted, does the district have to notify and post when the crop is sprayed? The parcel is completely fenced with locked gates and off-limits to students.**

The agricultural parcel, although owned by the school district, is not a school site under the law [Education Code § 17608(e)]. The term "school site" includes the buildings or structures (including attics and crawl spaces), playgrounds, athletic fields, school vehicles, or any other area of school property visited or used by pupils. Therefore, the school does not have to notify or post with regard to pesticides used on the parcel. However, the school, as property owner of a production agriculture site, may have other posting or notification requirements for a pesticide application based upon the pesticide label and/or permit conditions established by the county agricultural commissioner. If a production agriculture site is located next to a school and there is concern about off-site movement of pesticides, contact the county agricultural commissioner (go to www.cdpr.ca.gov, click on "Ag commissioners" in the "Quick Finder"). The commissioner follows up on any reported illness that may be pesticide-related or any complaint about pesticide applications.

❖ **2-14. How do schools operated by the Division of Juvenile Justice comply with the Healthy Schools Act?**

The school administrator is required to notify the facility's chief medical officer (CMO) at least 72 hours before an application. The CMO must then take any steps necessary to protect the health of the pupils. The California Department of Public Health (CDPH) recommends the following: (1) the CMO of each facility should provide a list of all pesticides

expected to be used in the facility during the year with a copy of the product label (or U.S. EPA registration number) and the material safety data sheet (MSDS) for each item on the list; (2) the yearly list of pesticides anticipated to be used should be posted at the entry to the facility and a copy provided to all staff members; (3) pest control businesses should provide the CMO specific pesticide use information for school applications; (4) staff assigned to pest control duties and contracted pest control businesses should give the CMO 72 hours notice of specific applications; (5) employees must be trained before handling any pesticide, and annually thereafter; and (6) the CMO should thoroughly investigate any complaint or suspected illness due to application of a pesticide and take appropriate action. Suspected illnesses also must be reported to the county health officer. [Education Code § 17612(e) and information provided by CDPH].

❖ **2-15. Are schools and child day care facilities reimbursed for paperwork and mailing?**

No. The Commission on State Mandates has concluded that the legislation does not impose any reimbursable state-mandated duties since existing state law does not require the application of pesticides. To view the Commission decision, go to www.csm.ca.gov, click on the "Reports to Legislature" tab at the top, click on "Dented mandates", then click on "January 1, 2004 – December 31, 2004."

❖ **2-16. Does the law require posting before an aerial application by a mosquito abatement district or California Department of Public Health (CDPH) Vector Control?**

No, the law does not require notification and posting since the school or child day care facility manager, or property owner or owner's agent are not applying the pesticides to the facility. However, it is a best management practice to notify the pupils, staff, and public by posting information distributed by the mosquito abatement district or CDPH Vector Control. [Education Code § 17613; Health & Safety Code § 116180]

3. PESTICIDE USE, RECORDKEEPING, AND REPORTING

❖ **3-1. Who is required to keep records?**

Under the Healthy Schools Act, each school or child day care facility must keep records of almost all pesticide applications for four years (see 3-6). Some pesticide applications are exempt from the recordkeeping requirement (see 3-8). The law also requires licensed pest control

Additionally, existing regulations require each school or child day care facility to keep records for two years after each application of a restricted-use pesticide (separate from the four-year requirement under the Healthy Schools Act). These records must include the date of application, the treated property operator's name, location of the property and exact site treated, total acreage or units treated at the site, pesticide name with the U.S. EPA registration number, and amount of pesticide used. [California Code of Regulations § 6624(a)(2),(b),(c)]

❖ **3-7. How do schools and child day care facilities make records available to the public?**

The Healthy Schools Act is a right-to-know law, so anyone who wants access to records can retrieve them. Depending on what filing system the school or child day care facility has available, this could either be in a paper (kept in filing folders, for instance) or electronic copy form. [Education Code § 17611]

❖ **3-8. Which pesticide active ingredients are exempt from the provisions of this law?**

Certain requirements of the law (recordkeeping, written notification, and posting) do not apply to pesticide products deployed in the form of a self-contained bait or trap; gel or paste deployed as a crack-and-crevice treatment; pesticides exempted from registration by U.S. EPA; or antimicrobial pesticides, including sanitizers and disinfectants. For example, this means that chlorine used in swimming pools is exempt from the recordkeeping, written notification, and posting provisions of this law. (For further information about pesticides exempt from registration in California, go to www.cdpr.ca.gov/schoolipm, click on "Pesticides Exempted Under the Healthy Schools Act" on the right. Questions 3-9, 3-10, and 3-11 also pertain to this topic.) [Education Code § 17610.5]

❖ **3-9. What are self-contained baits or traps?**

The law does not define self-contained. The interpretation and practice of school officials and pest management professionals has been to consider tamper- and child-resistant bait stations (whether they be for rodents, general pests, or termites) to be self-contained bait stations.

Bait stations that are sold without bait are not pesticide products. Such bait stations are considered to be application equipment, and therefore are not regulated by U.S. EPA. U.S. EPA lists eight criteria for tamper-resistant bait boxes – but they apply only to rodent bait boxes:

- Resistant to weather
- Strong enough to prohibit entry by large non-target species.
- Equipped with a locking lid and/or secured rebaiting hatches.
- Equipped with entrances that readily allow target animals access to baits while denying access to larger non-target species.
- Capable of being anchored securely to resist efforts to move the container or to displace its contents.
- Equipped with an internal structure for containing bait.
- Made in such a way as not to be an attractive nuisance.
- Capable of displaying proper precautionary statements in a prominent location. (www.epa.gov/PR_Notices/pr94-7.html)

Starting June 2011, U.S. EPA requires that all rodenticide manufacturers sell their products that are marketed to general and residential customers be contained in a self-contained bait station, while loose baits (e.g pellets, meal) are prohibited. Four tiers of bait stations will be manufactured to meet the new requirements. The four tiers were designed to provide a variety of cost and protection options for the consumer. [www.epa.gov/pesticides/reregistration/rodenticides/finalriskdecision.htm] Corresponding criteria do not exist for other types of bait boxes or bait stations. [Food and Agricultural Code § 12973, www.epa.gov/REDs/7100red.pdf]

❖ **3-10. Is granular gopher bait – the kind put into gopher runways underground – exempt from requirements of the Healthy Schools Act?**

No. Only bait in a self-contained bait station is exempt.

❖ **3-11. What's a crack-and-crevice treatment?**

The law defines crack-and-crevice treatment as the application of small quantities of a pesticide consistent with labeling instructions in a building into openings such as those commonly found at expansion joints, between levels of construction, and between equipment and floors. [Education Code § 17609(b)]

❖ **3-12. Which pesticides are exempt from registration by the U.S. EPA?**

The U.S. EPA (under Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA] Section 25(b)), exempts pesticides from registration if they contain certain active and inert ingredients. These are primarily food-grade materials such as

mint oil, clove oil, and sodium lauryl sulfate (derived from coconut and commonly found in shampoos and detergent). DPR allows similar exemptions, although some DPR-exempt products require additional wording on labels. See www.cdpr.ca.gov/schoolipm and click on "Pesticides Exempted Under the Healthy Schools Act" located on the right. [California Code of Regulations § 6147]

❖ **3-13. How can I tell if a particular product is exempted from registration by the U.S. EPA?**

Look at the product label for a U.S. EPA or a California registration number. If the label does not have a registration number, then the product may be exempt. (Note: very few products are exempt from registration). To ensure you have an exempt product in the absence of a registration number, check to see if all the product's active and inert ingredients are listed on the FIFRA section 25(b) list and the U.S. EPA 4A list, respectively. (See www.cdpr.ca.gov/schoolipm and click on "Pesticides Exempted Under the Healthy Schools Act" located on the right for the lists of exempt active and inert ingredients.)

❖ **3-14. What are antimicrobials?**

Antimicrobials (such as disinfectants and sanitizers) are pesticides that are intended to disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms; or protect inanimate objects (for example floors and walls), industrial processes or systems, surfaces, water, or other chemical substances from contamination, fouling, or deterioration caused by bacteria, viruses, fungi, protozoa, algae, or slime. Although sanitizers and disinfectants are exempt from notification and posting requirements under the Healthy Schools Act, you will still need to use products that have been registered with the U.S. EPA for use in California. Antimicrobials are also not exempt from the licensed pest control business requirements to report pesticide use. [Food and Agricultural Code § 12995; Education Code § 17609(a); www.epa.gov/oppad001]

❖ **3-15. How do I get information about pesticide products? Active ingredients? Human health impacts? Environmental fate?**

See www.cdpr.ca.gov/schoolipm and select "School IPM HELPR" from the featured links list on the right, then click on the pest-specific information you need.

4. ENFORCEMENT AND COMPLIANCE

❖ **4-1. Who enforces requirements for posting, annual written notification and pesticide use recordkeeping?**

The Healthy Schools Act contains no specific enforcement authority for these requirements. Since these requirements are under the Education Code, the school district superintendent and the district's elected school board members, or a child day care facility's director are responsible for enforcement. The California Department of Education's (CDE) School Facility Planning Division is available as a resource to school districts (www.cde.ca.gov/ls/ls/sf/). For interpretation of Healthy Schools Act requirements as it applies to your school district, consult your district's legal counsel.

❖ **4-2. Are private schools exempt from the Healthy Schools Act? What about community colleges?**

The law applies to public facilities used for child day care, kindergarten, elementary, or secondary school and private child day care facilities. The law exempts private schools, family day-care homes, and colleges and universities even when attended by secondary school students. However, DPR will provide any interested public or private educational institution with information on starting an IPM program. [Education Code § 17609(e)]

❖ **4-3. Are schools and child day care facilities on federal property (such as military bases) exempt from the Healthy Schools Act?**

The law does not apply to schools and child day care facilities under federal jurisdiction. Pest managers of military bases may voluntarily want to comply with the law as if they were under state jurisdiction. However, state-funded schools and child day care facilities that operate on military bases are not exempt. Schools and child day care facilities located on Indian reservations and rancherias are exempt from requirements of the Healthy Schools Act.

❖ **4-4. Which pesticides can be used legally at schools or child day care facilities? Does the label have to specify this type of use?**

First read the label to identify the terms used. A product label does not have to specify school or child day care facility use. Pesticide labels registered by U.S. EPA and DPR may use such terms as: for institutional use; for use in kitchens, dining areas; or in and around buildings, such as schools, hospitals, etc. When indicating outdoor use, terms include for use on turf and ornamentals, and for use on playing fields. Some labels, such as vertebrate pest control products, may refer only to the pest with such terms as (for control of mice) place bait along runways, or place bait in main (gopher) tunnel. In a few instances, the manufacturer may indicate that the product should not be used in schools or other settings where

children are likely to be present. Contact your county agricultural commissioner's office for additional help in determining if a product is appropriate to use in school buildings, on school grounds, or at child day care facilities.

4-5. What situations on school or child day care facility property require a qualified applicator or licensed pest control business?

Only a person holding a DPR qualified applicator certificate (QAC) or license (QAL), or a person holding a Structural Pest Control Board license may apply federally restricted-use pesticides. Federal restricted-use pesticides are identified as such on their label. Only a person holding one of these certificates or licenses plus a pesticide use permit issued by the county agricultural commissioner may apply state-listed restricted-use pesticides. Some school districts or child day care facilities require that all pesticide applications be supervised or performed by certified or licensed applicators. A pest control business license is required of any person or company performing pest control for hire. Check DPR's Web site and the Structural Pest Control Board's Web site to determine if a pest control business is licensed. For DPR's license information, (go to www.cdpr.ca.gov, click on "Licensing" in the "Quick Finder," then click on "List of Persons and Businesses with Valid DPR Licenses.") To see the "California Restricted Materials Requirements" list, go to www.cdpr.ca.gov, click on "A-Z Index," then "Restricted materials - California list."

4-6. What happens when a public park adjoins a school or child day care facility and functions as a playground? Does the city or county have to notify and post when applying pesticides (usually herbicides) to the park?

City and county property is exempt from the requirements of the Healthy Schools Act if it is not used as a school site as defined under the law. Some school districts and local agencies have signed a formal memorandum of understanding or joint-use agreement so that the park property becomes school property. Then the requirements of the Healthy Schools Act would apply, including notification, posting, and recordkeeping.

4-7. What if my school district or child day care facility has planned its pesticide applications well in advance, on specific dates. Are we complying with the law if we simply notify all parents at the beginning of the year about these applications?

The school or child day care facility has fulfilled the annual notification requirements if it notifies all parents at the beginning of the year and the notification includes 1) the name of all pesticide products expected to be applied at the school/site during the upcoming year, 2) the active ingredient(s) in each pesticide product, and 3) DPR's School IPM website www.cdpr.ca.gov/schoolipm so that they may access information on pesticides and pesticide use reduction. However, the law also specifies that the designee must notify parents and staff, who register in advance, of individual applications at least 72 hours before the application. This individual application notification must include 1) the product name, 2) the active ingredient(s) in the product, and 3) the intended date of application. The law does not specify how early you can notify those who have registered. Keep in mind that the Healthy Schools Act is a right-to-know law that advocates IPM. Notifying people too far in advance may defeat the law's purpose because the registered individuals may fail to remember when the individual application is scheduled to take place. Notifications well in advance also likely means pesticide use is being decided by a calendar versus an actual need or IPM threshold exceedance. Individual school districts and child day care facilities should decide the most appropriate approach that also complies with the intent of the law.

4-8. Are there any pesticide products that are specifically prohibited from use in schools and child day care facilities?

The use of a pesticide on a school or child day care facility is prohibited if the pesticide has a conditional, experimental use, or interim registration, and the pesticide contains a new active ingredient or is for a new use. A pesticide is also prohibited if it has been canceled, suspended, or phased out. [Education Code § 17610.1] A list of pesticides that are prohibited for use in schools or at child day care facilities can be found at DPR's School IPM Web site at www.cdpr.ca.gov/schoolipm, click on "Pesticides Prohibited from Use" in the column on the right. This prohibition does not apply to public health pesticides or antimicrobial pesticides registered pursuant to Section 12836 of the Food and Agricultural Code.

5. DEVELOPING AN IPM PROGRAM

5-1. Where do I get information about IPM programs, policies, and practices?

See DPR's School IPM Web site, www.cdpr.ca.gov/schoolipm, for links to school IPM information. The Web site offers information on pesticide products, a directory of resources describing least-hazardous pest management practices, a

model IPM program guidebook, and ways to reduce pesticide use. The Web site also has information on the public health and environmental impacts of pesticides, and much more. [Education Code § 17612(a), Food and Agricultural Code § 13184(a)(b)]

❖ **5-2. How is DPR getting information to staff at school and child day care facilities?**

DPR routinely provides information to IPM coordinators and child day care facility managers. DPR also works with the CDE and groups such as Coalition for Adequate School Housing, California Association of School Business Officials, Professional Association of Pesticide Applicators, Pest Control Operators of California, California Childcare Health Program, California Department of Public Health, and California Child Care Resource & Referral Network. In addition, DPR has a listserv available for those who would like to receive updates about DPR's School IPM Program. Go to www.cdpr.ca.gov/docs/dept/listserv/listdesc.htm to sign up.

6. TRAINING

❖ **6-1. What do the school IPM workshops offered by DPR cover?**

Under the Healthy Schools Act, DPR must offer IPM training to help school districts establish their own IPM programs. The law specifies that DPR use a train-the-trainer approach as appropriate to disseminate information rapidly, and emphasize training on a regional basis before focusing on individual school districts. Our regional workshops highlight school IPM principles, pest prevention, monitoring, and the use of least-hazardous pest management practices. Each year, DPR offers workshops around the state. For specific dates and locations, see DPR's School IPM Web site (www.cdpr.ca.gov/schoolipm). [Food and Agricultural Code § 13185]

❖ **6-2. What training is available for child day care facility owners and managers about the Healthy Schools Act?**

On DPR's School IPM Web site and Child Care IPM Web site, you will find handouts that summarize the Healthy Schools Act. Go to www.cdpr.ca.gov, click on the "Pest Management" tab. From there you can click on the "Schools" tab or the "Child Care" tab for IPM information and resources. You can also find templates in the left column under "Tools and Templates." DPR also provides a train-the-trainer program and provides outreach to child day care facilities and schools. Additionally for child day care facilities, the California Department of Social Services (DSS) is required to provide

information about the Healthy Schools Act and IPM practices at the orientations the DSS gives before issuing a new child care license or special permit. For more information on the Healthy Schools Act and contact names, phone numbers, and email addresses, see the bottom of DPR's Web site, www.cdpr.ca.gov/schoolipm/childcare.

7. RESOURCES

❖ **7-1. What are some resources to learn more about IPM and the Healthy Schools Act?**

- DPR's School IPM Web site: www.cdpr.ca.gov/schoolipm
- DPR's home page: www.cdpr.ca.gov
- County Agricultural Commissioners: go to www.cdpr.ca.gov, click on "Ag Commissioners" in "Quick Finder"
- California Department of Education: www.cde.ca.gov/ls/ta/sf
- University of California Statewide IPM Program: www.ipm.ucdavis.edu/index.html
- University of California IPM Cooperative Extension Offices: www.ipm.ucdavis.edu/GENERAL/ceofficefinder.html
- U.S. EPA's IPM in Schools Web site: www.epa.gov/pesticides/ipm/index.htm
- National School IPM Information Source: <http://schoolipm.ifas.ufl.edu/>

❖ **7-2. Does the Healthy Schools Act have a list of approved pesticides for use by schools or child day care facilities?**

The Healthy Schools Act does not establish a list of pesticides approved for schools or child day care facilities. However, DPR does maintain a list of pesticides that are prohibited for use in schools or at child day care facilities. See DPR's Web site (www.cdpr.ca.gov/schoolipm), click on "Pesticides Prohibited from Use" in the column on the right).

For help selecting the correct pest treatment option, the School IPM HELPR provides pest notes, control methods, and hazard information. See DPR's School IPM Web site (www.cdpr.ca.gov/schoolipm), click on "School IPM HELPR" in the column on the right).



SCHOOL IPM PROGRAM
(916) 445-9903 FAX: (916) 445-4033
e-mail: school-ipm@cdpr.ca.gov
www.cdpr.ca.gov/schoolipm



CHILD CARE IPM PROGRAM
(916) 324-4077 FAX: (916) 445-4033
www.cdpr.ca.gov/schoolipm/childcare



CALIFORNIA DEPARTMENT OF PESTICIDE REGULATION
1001 J Street, P.O. Box 4015, Sacramento, CA 95812-4015
www.cdpr.ca.gov



CALIFORNIA DEPARTMENT OF EDUCATION
www.cde.ca.gov



AGRICULTURAL COMMISSIONER'S OFFICE

4080 LEMON STREET, ROOM 19
P.O. BOX 1089
RIVERSIDE, CA 92502-1089
PHONE (951) 955-3000
FAX (951) 955-3012
www.rivcoag.org

WEIGHTS & MEASURES DIVISION

2950 WASHINGTON STREET
P.O. BOX 1480
RIVERSIDE, CA 92502-1480
PHONE (951) 955-3030
FAX (951) 276-4728

JOHN SNYDER

Agricultural Commissioner
Sector of Weights & Measures

Letter of Warning

May 20, 2010

Bethel Christian School
2425 Van Buren Blvd.
Riverside, CA 92503

10-RIV-LOW-DJC-191

On May 19, 2010 a Pesticide Enforcement Inspection was conducted by Agricultural Standards Investigator Delia J Cioc at your field application site located at 2425 Van Buren Blvd., Riverside.

The purpose of this inspection was to determine the level of compliance by Bethel Christian School with the California Food and Agricultural Codes and/or Regulations.

Your pesticide operational procedures were found to be in violation of the California Agricultural Codes and/or Regulations as indicated by the Pesticide Use Monitoring Inspection Report form presented to you. The non-compliance was for California Food and Agricultural Code Section 12973-The use of any pesticide shall not conflict with labeling registered which is delivered with the pesticide (Gopher Killer EPA Reg#12455-18-1683, was used in landscaped areas around the school). California Code of Regulations Section 6724-Failure to train employees prior to pesticide application (Bethel Christian School failed to train applicator Jesus Guzman prior to pesticide application). California Code of Regulations Section 6680-In no case shall a pesticide be placed or kept in any container of a type commonly used for food, drink or household products (table spoon used for pesticide application).

This LETTER OF WARNING is to provide you with official notice that further violations of California Agricultural codes and/or Regulations may result in a Notice of Violation being issued to you or your company and Agricultural Civil Penalty Action being taken against you by the Agricultural Commissioner.

The Riverside County Agricultural Commissioner's Office strongly urges you to view this matter seriously and immediately take all necessary actions to bring about full compliance with all pesticide laws and regulations. You must CEASE AND DESIST from all pesticide applications until your employee has been properly trained, and Gopher Killer has been replaced with an approved product for your site. If you have any questions or need clarification, please call this office at (951) 955-3016. Thank you for your attention to this matter.

Sincerely,
Bob Mulherin
Deputy Agricultural Commissioner


By: Delia J Cioc
Agricultural Standards Investigator IV

BM:DC

Name	Age	Sex	School	Address	Remarks
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
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[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]	[Illegible]



JOHN SNYDER
Agricultural Commissioner
Sealer of Weights & Measures

AGRICULTURAL COMMISSIONER'S OFFICE

4080 LEMON STREET, ROOM 19
P.O. BOX 1089
RIVERSIDE, CA 92502-1089
PHONE (951) 955-3000
FAX (951) 955-3012
www.rlvcoag.org

Letter of Warning

WEIGHTS & MEASURES DIVISION

2950 WASHINGTON STREET
P.O. BOX 1480
RIVERSIDE, CA 92502-1480
PHONE (951) 955-3030
FAX (951) 276-4728

September 1, 2010

Jurupa Unified School District
4740 Pedley Road
Riverside, CA 92509

10-RIV-LOW-DJC-207

On August 31, 2010 a Pesticide Enforcement Inspection was conducted by Agricultural Standards Investigator Delia J Cioc at your field application site located at 4850 Pedley Road, Riverside.

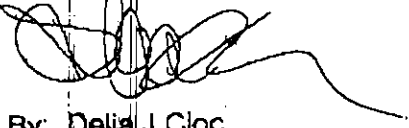
The purpose of this inspection was to determine the level of compliance by Jurupa Unified School District with the California Food and Agricultural Codes and/or Regulations.

Your pesticide operational procedures were found to be in violation of the California Agricultural Codes and/or Regulations as indicated by the Pesticide Use Monitoring Inspection Report presented to you. The non-compliance was for California Food and Agricultural Code Section 12973-The use of any pesticide shall not conflict with labeling registered which is delivered with the pesticide (applicator failed to wear long sleeves shirt during pesticide application). California Code of Regulations Section 6738(c)(1)(C)-The employer shall assure that gloves are worn when required by the pesticide product labeling or when employees are engaged in application by hand or using hand held equipment (applicator failed to wear rubber gloves during pesticide application). California Code of Regulations Section 6724-Failure to train employees prior to pesticide application. California Code of Regulations Section 6726(b)-Employees shall be informed of the name and location of a facility where emergency medical care is available. The employer shall post in a prominent place at the work site, or work vehicle if there is no designated work site, the name, address and telephone number of a facility able to provide emergency medical care whenever employees will be handling pesticides and, if the identified facility is not reasonably accessible from that work location, procedures to be followed to obtain emergency medical care (no emergency medical care posting in vehicle or at work site). California Code of Regulations Section 6878-Service containers shall be labeled with the name and address of the person or firm responsible for the container; the identity of the economic poison in the container; and the work "Danger," "Warning," or "Caution," in accordance with the label on the original container (backpack without service container label).

This LETTER OF WARNING is to provide you with official notice that further violations of California Agricultural codes and/or Regulations may result in a Notice of Violation being issued to you or your company and Agricultural Civil Penalty Action being taken against you by the Agricultural Commissioner.

The Riverside County Agricultural Commissioner's Office strongly urges you to view this matter seriously and immediately take all necessary actions to bring about full compliance with all pesticide laws and regulations. You must CEASE AND DESIST from all pesticide applications until proper training has been provide to pesticide handler. If you have any questions or need clarification, please call this office at (951) 955-3016. Thank you for your attention to this matter.

Sincerely,
Bob Mulherin
Deputy Agricultural Commissioner



By: Delia J Cloc
Agricultural Standards Investigator IV

BM:DJC

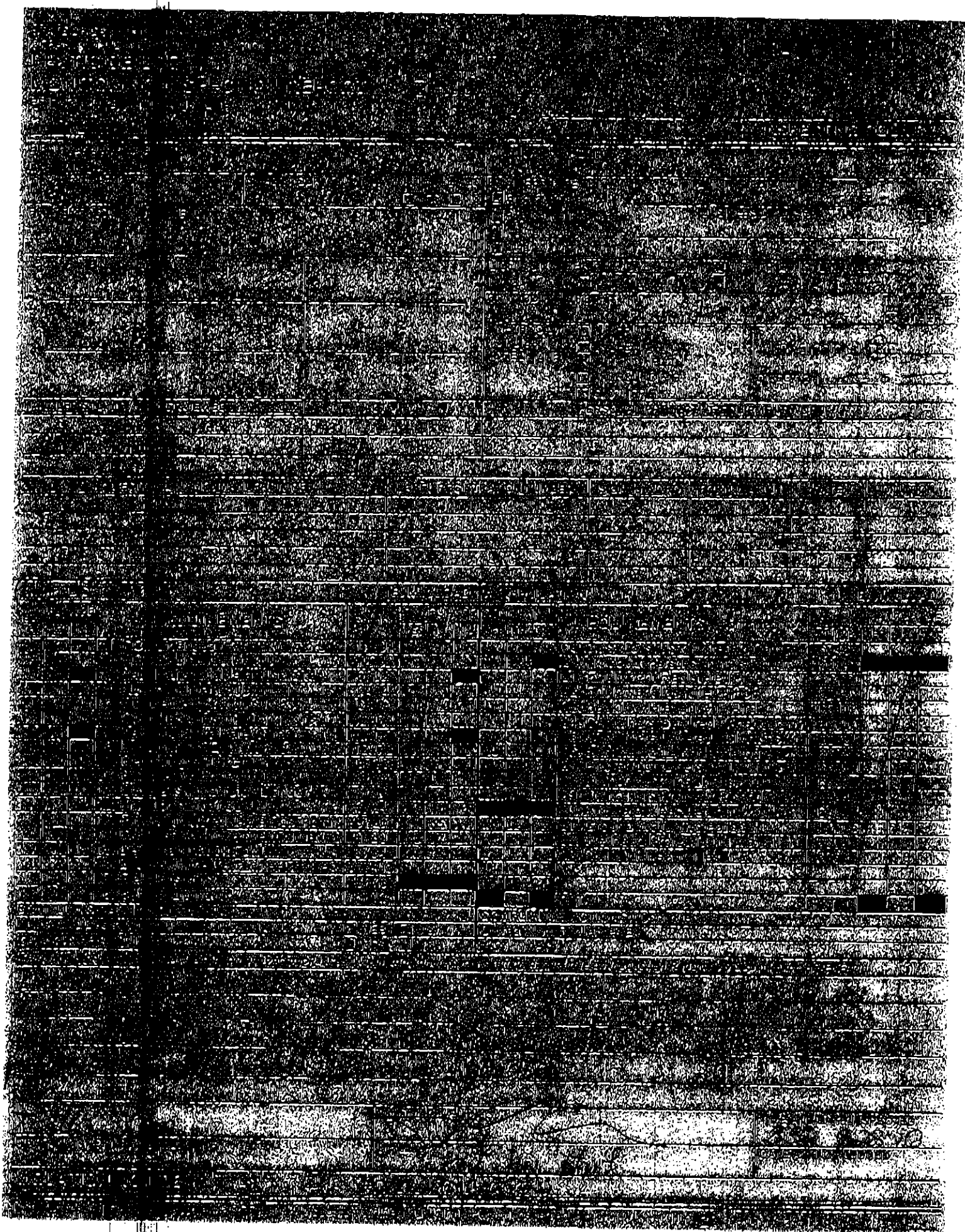
RECEIVED
FBI
MAY 19 1964

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
IN SENATE
JULY 21 1964
JAMES EARL RAY
MAYOR OF MEMPHIS
TENNIS

MEMPHIS
TENNIS
MAYOR
JAMES EARL RAY
MAYOR OF MEMPHIS
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JAMES EARL RAY
MAYOR OF MEMPHIS
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MEMPHIS
TENNIS
MAYOR
JAMES EARL RAY
MAYOR OF MEMPHIS
TENNIS





AGRICULTURAL COMMISSIONER'S OFFICE

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FAX (951) 276-4728

JOHN SNYDER

Agricultural Commissioner
Sealer of Weights & Measures

Letter of Warning

February 28, 2011

Riverside Unified School District
3070 Washington Street
Riverside, CA 92504

11-RIV-LOW-DJC-256

On February 8, 2011 a Pesticide Enforcement Inspection was conducted by Agricultural Standards Investigator Dalia J. Cloc at your field application site located at 17925 Krameria Avenue, Riverside.

The purpose of this inspection was to determine the level of compliance by Riverside Unified School District with the California Food and Agricultural Codes and/or Regulations.

Your pesticide operational procedures were found to be in violation of the California Agricultural Codes and/or Regulations as indicated by the Pesticide Use Monitoring Inspection form presented to you. The non-compliance was for California Code of Regulation Section 6738(b)(1)(C)-The employer shall assure that employees wear protective eyewear when required by pesticide product labeling or when employees are engaged in application by hand or using hand-held equipment. (Applicator Rudy Trevin failed to wear safety glasses during Roundup application). California Code of Regulation Section 6678-Service containers shall be labeled with a) The name and address of the person responsible for the container b) The name of the pesticide and c) the word "Danger," "Warning," or "Caution," in accordance with the label on the original container. (Backpacks without service container label).

This LETTER OF WARNING is to provide you with official notice that further violations of California Agricultural codes and/or Regulations may result in a Notice of Violation being issued to you or your company and Agricultural Civil Penalty Action being taken against you by the Agricultural Commissioner.

The Riverside County Agricultural Commissioner's Office strongly urges you to view this matter seriously and immediately take all necessary actions to bring about full compliance with all pesticide laws and regulations. If you have any questions or need clarification, please call this office at (951) 955-3016. Thank you for your attention to this matter.

Sincerely,
Bob Muthenn
Deputy Agricultural Commissioner

By: 
Dalia J. Cloc
Agricultural Standards Investigator IV

BM:DC

MONITORING INSPECTION REPORT

PR-ENF-104 (REV. 01/10) Page 1 of 1

COMPLETE
 PARTIAL
 FOLLOW-UP INSPECTION
ORIGINAL INSP. # _____

104-839798

Riverside
INSPECTING COUNTY

FIRM / PERSON INSPECTED <u>Riverside Unified School Distr.</u>		FIRM MAILING ADDRESS <u>3270 Washington Str. Riv. 92504</u>	
PROPERTY OPERATOR <u>Augustus Miller Medical</u>	SUPERVISOR <u>David Arnes</u>	INTERVIEWED <input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> NO	BUSINESS TYPE <input checked="" type="checkbox"/> Property Operator <input type="checkbox"/> Pest Control Business <input type="checkbox"/> Maintenance Gardener <input type="checkbox"/> Other
PROPERTY LOCATION / SITE ID <u>7925 Krameria Ave @ Alta Costa Blvd</u>		PERMIT / OPERATOR ID #	BUSINESS LICENSE #
ADJACENT ENVIRONMENT <u>Str. / Vacant Lot</u>		LICENSE NUMBER <input checked="" type="checkbox"/> N/R <input type="checkbox"/> UNL	TELEPHONE NUMBER <u>788-7496</u>
TREATMENT AREA <u>School Parking</u>		COMMODITY / SITE <u>Plankers Parking Lot</u>	<input type="checkbox"/> PROD AG <input checked="" type="checkbox"/> OTHER
VACANT LOT		METHOD OF APPLICATION (CHECK ONE): <input checked="" type="checkbox"/> 1. AERIAL <input type="checkbox"/> 2. CHEMIGATION <input checked="" type="checkbox"/> 3. HAND HELD <input type="checkbox"/> 4. GROUND RIG <input type="checkbox"/> 5. OTHER	WIND VELOCITY <u>10-15 mi/hr</u>
HANDLER'S NAME / # INTERVIEWED <u>Juan Tostado</u>		ACTIVITY <u>App.</u>	PERSONAL PROTECTIVE EQUIPMENT WORN <u>K.P. / S. Shoes Socks, rubber gloves, safety glasses</u>

PESTICIDE NAME / MANUFACTURER	LABEL REGISTRATION NUMBER	SIGNAL WORD	FORMULATION	RATE	DILUTION
<u>Quick Pro Monsanto</u>	<u>524-535</u>	<u>Caution</u>	<u>Power</u>	<u>7.507</u>	<u>4 gal</u>

A. APPLICATION COMPLIANCE			B. MIX/LOAD			A. APPLICATION COMPLIANCE			B. MIX/LOAD		
YES	NO	N/A	Section	YES	NO	N/A	Section	YES	NO	N/A	Section
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. PCB Licensed	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	19. Closed Sys. Used / Criteria - "Danger"	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6746
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. PCB Registered in County	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	20. Protect. of Persons/Animals/Property	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8814
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3. Labeling Available at Use Site	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	21. Equipment Registered - PCB	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11732
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4. Notice of Intent Submitted	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	22. Equipment Identified - PCB	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6630
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5. Certified Applicator Sup RM	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	23. Backflow Prevention - Airgap	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6810
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6. Complies w/Permit Conditions	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	24. Containers Secured / Attended	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6870
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7. Labeling - Site/Rate/Other	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	25. Containers Labeled / Closures	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6678
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8. Labeling - PPE	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	26. Service Container Labeling	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6678
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	9. Regulations - PPE	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	27. Proper Containers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6680
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	10. Respiratory Protection	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	28. Proper Pesticide Transport	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6682
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11. Coveralls, "Warning / Danger"	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	29. Containers Properly Rinsed	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8884
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	12. Handler(s) Trained	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	30. Accurate Measurement	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8804
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	13. Emergency Med. Care Posting	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	31. Ground Water Protection	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8487.1-5
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	14. Employee Working Alone, "Danger"	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	32. Wellhead Protection	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8809
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	15. Decontamination Facility	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	33. Dormant Insecticides	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8960
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	16. Eyewash / Immed. Available - Prod. Ag.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TOTAL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TOTAL
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17. Field Postings	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	18. Safe Equipment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

COMPLIANCE ACTIONS: Cease and Desist Order 11737 / 11897 / 13102 YES NO
Follow-up Required YES NO

COMPLIANCE ACTIONS, (Continued): Correct Noncompliances By: immediately

Remarks - include a detailed description of noncompliances. When additional space is required, continue on Inspection Report / VN Supplement, PR-ENF-111.
Rudy Trevino - applicator (used sunglasses during pesticide application)
no service container label attached to backpack.
Case and Desist due to gusty winds (School gets out at 12:15; parents and students still around).

INSPECTOR (Print Name): Delia Pior Signature: [Signature] TIME AND DATE INSPECTED: 1310 2-8-11
INSPECTION ACKNOWLEDGED BY (Print Name): JUAN C. TOSTADO Signature: [Signature] DATE ACKNOWLEDGED: 2/08/11
VIOLATION NOTICE YES NO # 104-DPR-256

**PESTICIDE USE
MONITORING INSPECTION REPORT**

PR-ENF-104 (REV. 01/10) Page 1 of 1

104-806658

COMPLETE
 PARTIAL
 FOLLOW-UP INSPECTION
ORIGINAL INSP # 104-839798

Riverside
INSPECTING COUNTY

FIRM / PERSON INSPECTED Riverside Unified School Distr		FIRM MAILING ADDRESS 3070 Washington St. Div. 92504	
PROPERTY OPERATOR School	SUPERVISOR David Reeves	INTERVIEWED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	BUSINESS TYPE <input checked="" type="checkbox"/> Property Operator <input type="checkbox"/> Pest Control Business <input type="checkbox"/> Maintenance Gardener <input type="checkbox"/> Other
PROPERTY LOCATION / SITE ID 17925 Kamaria Ave @ Alta Cresta, Rv		PERMIT / OPERATOR ID #	
ADJACENT ENVIRONMENT Str / Vacant Lot		BUSINESS LICENSE #	
TREATMENT AREA School Parking Vacant Lot / Str. Vacant Lot		LICENSE NUMBER <input type="checkbox"/> DAL <input type="checkbox"/> QAC <input type="checkbox"/> PAC <input type="checkbox"/> JPC <input type="checkbox"/> APC <input type="checkbox"/> UNL <input checked="" type="checkbox"/> N/R	TELEPHONE NUMBER 788-7496
METHOD OF APPLICATION (CHECK ONE) <input type="checkbox"/> 1. AERIAL <input type="checkbox"/> 2. CHEMIGATION <input checked="" type="checkbox"/> 3. HAND HELD <input type="checkbox"/> 4. GROUND RIG <input type="checkbox"/> 6. OTHER		WIND VELOCITY 10-15 mi/hr DIRECTION	

HANDLER'S NAME / # INTERVIEWED Juan Tobarada	ACTIVITY App	PERSONAL PROTECTIVE EQUIPMENT WORN L.P.S, Safety goggles, rubber gloves, safety glasses.
---	-----------------	---

PESTICIDE NAME / MANUFACTURER	LABEL REGISTRATION NUMBER	SIGNAL WORD	FORMULATION	RATE	DILUTION
/					

A. APPLICATION COMPLIANCE				B. MIX/LOAD COMPLIANCE				A. APPLICATION COMPLIANCE				B. MIX/LOAD COMPLIANCE					
YES	NO	N/A	REQUIREMENTS	Section	YES	NO	N/A	REQUIREMENTS, (Continued)	Section	YES	NO	N/A	REQUIREMENTS, (Continued)	Section	YES	NO	N/A
			1. PCB Licensed	11701				19. Closed Sys. Used / Criteria - "Danger"	6748				20. Protect. of Persons/Animals/Property	6614			
			2. PCB Registered in County	11732				21. Equipment Registered - PCB	11732				22. Equipment Identified - PCB	6630			
			3. Labeling Available at Use Site	6602				23. Backflow Prevention - Airgap	6610				24. Containers Secured / Attended	6670			
			4. Notice of Intent Submitted	6434				25. Containers Labeled / Closures	6676				26. Service Container Labeling	6678			
			5. Certified Applicator Sup RM	6406				27. Proper Containers	6880				28. Proper Pesticide Transport	6882			
			6. Complies w/ Permit Conditions	12973				29. Containers Properly Rinsed	6884				30. Accurate Measurement	6604			
			7. Labeling - Site/Rate/Other	12973				31. Ground Water Protection	6487.1-3				32. Wellhead Protection	6809			
			8. Labeling - PPE	12973				33. Dormant Insecticides	6960				TOTAL				
			9. Regulations - PPE	6738				TOTAL									
			10. Respiratory Protection	6738													
			11. Coveralls, "Warning / Danger"	6736													
			12. Handler(s) Trained	6724													
			13. Emergency Med. Care Posting	6726													
			14. Employee Working Alone, "Danger"	6730													
			15. Decontamination Facility	6734													
			16. Eyewash Immed. Available - Prod. Ag.	6734(C)													
			17. Field Postings	6776													
			18. Safety Equipment	6742													

COMPLIANCE ACTIONS: Cease and Desist Order: 11737 / 11897 / 13102 Follow-up Required:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	COMPLIANCE ACTIONS, (Continued): Correct Noncompliances By: N/A
---	--	--

Remarks - Include a detailed description of noncompliances. When additional space is required, continue on Inspection Report / VN Supplement, PR-ENF-111.
Safety glasses provided; Service container attached to backpacks.
Noncompliances corrected.

INSPECTOR (Print Name) [Signature]	Signature	TIME AND DATE INSPECTED 11:00 2-15-11
INSPECTION ACKNOWLEDGED BY (Print Name) [Signature]	Signature	DATE ACKNOWLEDGED 2/15/11
VIOLATION NOTICE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO # [Blank]		

Attachment D

Wine Country Area 2010 Census Information

POPULATION

Geographic Levels
 National View
 American Indian and Alaska Natives Census
 Congressional District
 County / Municipality
 County / Subdivision
 Race
 Census Tract
 Census Block Group
 Census Block

TOTAL POPULATION

2,243
2,500 - 3,100
3,100 - 3,700
3,800 - 4,500
4,600 - 5,200
5,300 - 6,000
6,100 - 6,800

RACE

ETHNICITY

AGE / SEX

HOUSING STATUS

Census Tract Total Population Key Map

POPULATION



POPULATION LEVELS

- American Indian and Alaska Native Areas
- Congressional District
- County/Municipal
- County Subdivision
- Place
- Census Tract
- Census Block Group
- Census Block

TOTAL POPULATION

- 0 - 2,499
- 2,500 - 4,999
- 5,000 - 7,499
- 7,500 - 9,999
- 10,000 - 14,999
- 15,000 - 19,999
- 20,000 - 24,999
- 25,000 - 29,999
- 30,000 - 34,999
- 35,000 - 39,999
- 40,000 - 44,999
- 45,000 - 49,999
- 50,000 - 54,999
- 55,000 - 59,999
- 60,000 - 64,999
- 65,000 - 69,999
- 70,000 - 74,999
- 75,000 - 79,999
- 80,000 - 84,999
- 85,000 - 89,999
- 90,000 - 94,999
- 95,000 - 99,999
- 100,000 and over

RACE

ETHNICITY

AGE/SEX

HOUSING STATUS

Enter city and state

ZIP



CA's Riverside County Census Tract 502245
Total Population 5,333

Age / Sex

Total Population: 5,906

Male	2,970
Female	2,936
Under 18	1,323
18 and over	3,583
20-24	333
25-34	367
35-49	1,805
50-64	907
65 & over	530

Zoom In | Compare | Print

POPULATION

RACE

ETHNICITY

AGE / SEX

HOUSING STATUS



STATE OF CALIFORNIA

DEPARTMENT OF STATISTICS

2000 CENSUS

ALABAMA

Congressional District

County/Municipality

County Subdivision

Place

Census Tract

Census Block Group

Census Block

CA - Riverside County - Census

Total Population - 7,024

Age / Sex	
Male	3,528
Female	3,496
Under 18	2,249
18 and over	4,775
20-24	351
25-34	498
35-49	1,370
50-64	1,212
65 & over	805

Zip Code - Compare (1-Perm)

CA - Riverside County - Census (rad 0125)
Total Population 7105

TOTAL POPULATION

0 - 2,400

2,401 - 3,100

3,101 - 3,800

3,801 - 4,500

4,501 - 5,200

5,201 - 6,000

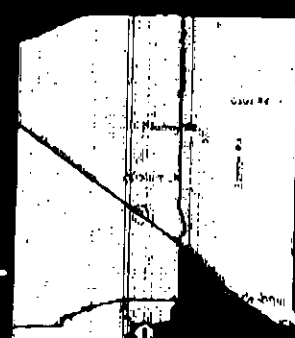
6,001 - 7,000

7,001 - 8,000



Enter city and state

Find



GEOGRAPHIC LEVELS

- Area located in the Mexican Native Areas Congressional District
- County/Municipia
- County Subdivision
- Place
- Census Tract
- Census Block Group
- Census Block

TOTAL POPULATION

- 0 - 2,425
- 2,431 - 3,000
- 3,001 - 3,600
- 3,601 - 4,200
- 4,201 - 4,800
- 4,801 - 5,400
- 5,401 - 6,000
- 6,001 - 6,600

CA - Riverside County - Census Tract 47242
Total Population: 8,819

CA - Riverside County - Census

Age / Sex

Total Population : 8,819

Male	4,303
Female	4,516
Under 18	2,313
18 and over	6,505
20-24	546
25-34	1,450
35-49	3,229
50-64	1,062
65 & over	415

Report In: Compare - Print



From: Stark, Mary
Sent: Thursday, November 15, 2012 3:44 PM
To: Nanthavongdouangsy, Phayvanh
Subject: FW: Why I signed -- Love, love, love this

Mary C. Stark

TLMA Commission Secretary
County Administrative Center
4080 Lemon Street, 12th Floor
Riverside, CA 92501
(951) 955-7436
mcstark@rctlma.org

From: Glenda Reaux [<mailto:mail@change.org>]
Sent: Thursday, November 15, 2012 2:28 PM
To: Stark, Mary
Subject: Why I signed -- Love, love, love this

Dear Mary Stark (County of Riverside Planning Commission Office),

I just signed Temecula Valley Vintners's petition "[Protect Wine Country](#)" on Change.org.

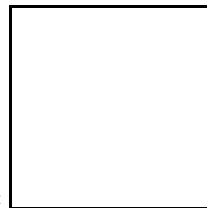
Here's why I signed:

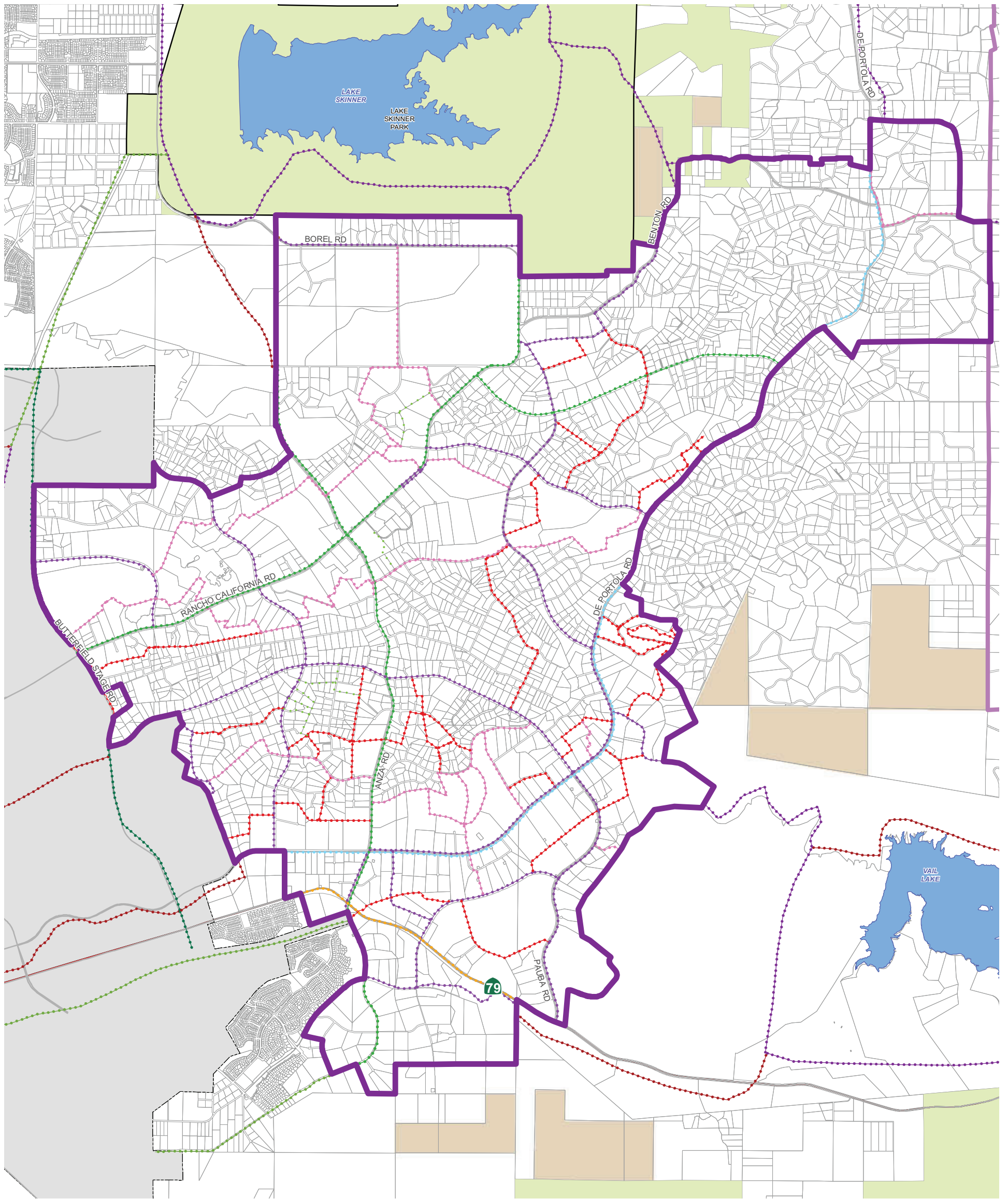
Love, love, love this wine country... please don't destroy it!

Sincerely,
Glenda Reaux
Huntington Beach, California

There are now 3674 signatures on this petition. Read reasons why people are signing, and respond to Temecula Valley Vintners by clicking here:

<http://www.change.org/petitions/protect-wine-country?response=>





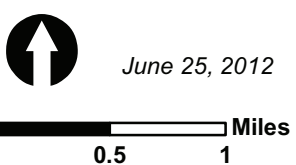
Data Source: Riverside County Parks

- Combination Trail (Regional / Class 1 Bike Path)
- Class 1 Bike Path
- Regional Trail
- Community Trail
- Historic Trail
- Non-County Public and Quasi-Public Lands Trails
- Regional / Open Space Trail
- Class 2 Bike Path
- Class 3 Bike Path
- Private Trails
- Wine Country Community Plan Project Boundary
- City Boundary
- Area Plan Boundary
- Bureau of Land Management (BLM) Lands
- Miscellaneous Public Lands
- Waterbodies
- Highways

Data Source: Primarily Riverside County Regional Park and Open Space District, with assistance from Riverside County TLMA/Transportation and Planning Departments, Riverside County Economic Development Agency, and other local, state, and federal recreational services agencies.

Note: Trails and bikeway maps are a graphic representation identifying the general location and classification of existing and proposed trails and bikeways in the unincorporated area of the County. All questions regarding precise alignment or improvement standards should be referred to the Riverside County Regional Park and Open Space District.

Note: Except for major regional facilities, trails and bikeways systems located within cities are generally not shown. Where trails and bikeways exist or are planned in the unincorporated area in such a manner that there are opportunities for connections with existing or planned trails and bikeways within adjacent cities, an arrow symbol is used to show the approximate location of the intended connection opportunity. The reader should contact the appropriate city for all information about that city's existing or planned trails and bikeways systems.



Disclaimer: Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.





















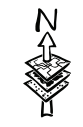
TEMECULA VALLEY WINE COUNTRY PROPOSED TRAILS AND BIKEWAY SYSTEM

**MODIFIED
PROPOSED TRAILS
NETWORK**

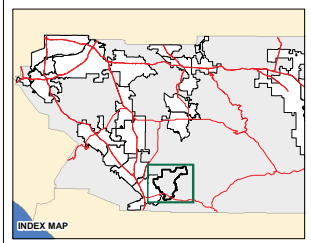
**WINE COUNTRY
COMMUNITY PLAN**

DRAFT

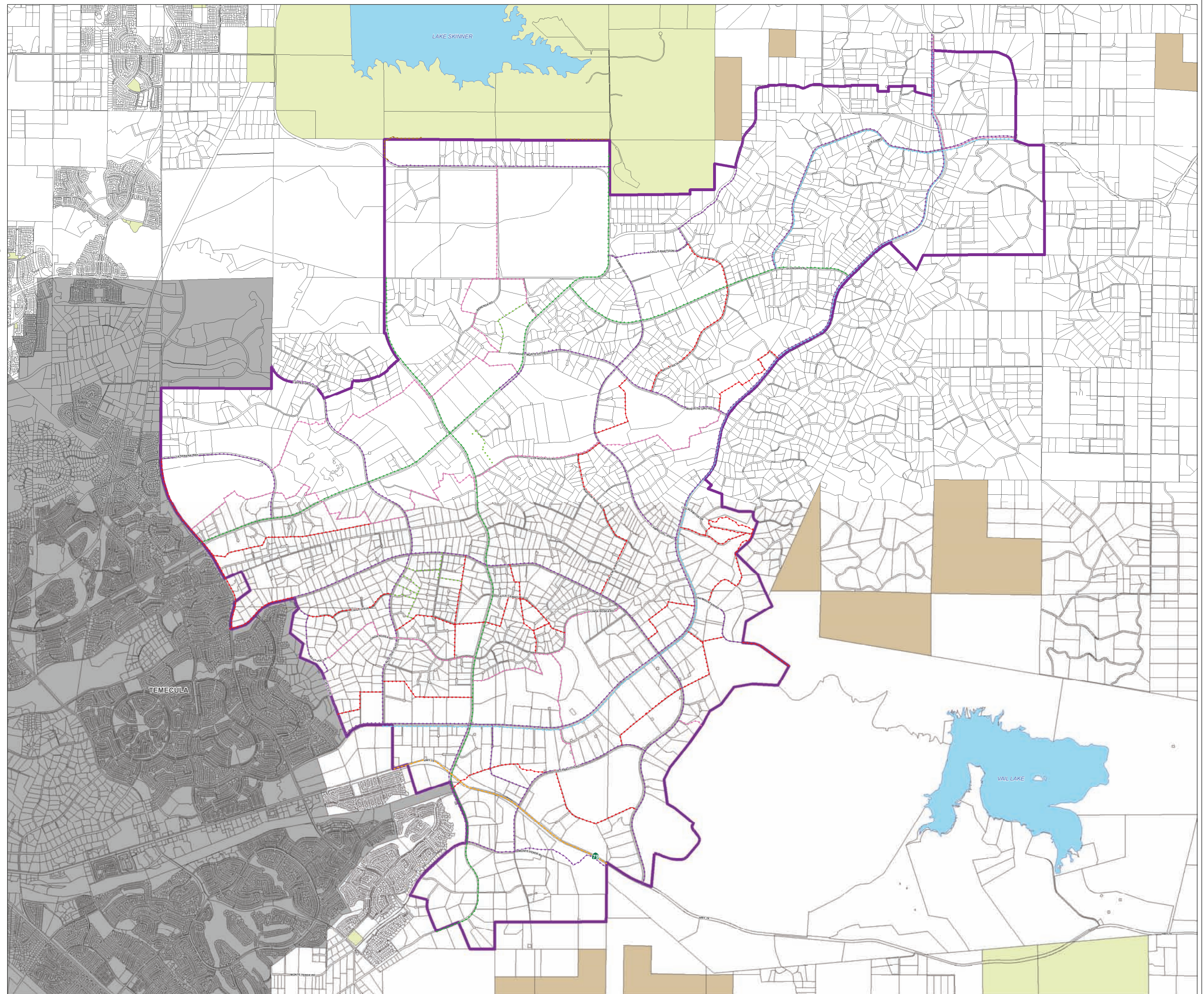
-  Combination Trail (Regional / Class 1 Bike Path)
-  Class 1 Bike Path
-  Regional Trail
-  Community Trail
-  Historic Trail
-  Non-County Public and Quasi-Public Lands Trails
-  Regional / Open Space Trail
-  Class 2 Bike Path
-  Class 3 Bike Path
-  Design Guidelines Trail
-  Private Trails
-  RCHA Trail
-  California Riding & Hiking Trail
-  Study Area Boundaries
-  Cities
-  Parks and Public Lands
-  Bureau of Land Management(BLM) Lands
-  Waterbodies



DECEMBER 17, 2012
P.KANG
COUNTY OF RIVERSIDE



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PRELIMINARY ERRATA

Changes to the Draft PEIR are noted below. The changes to the Draft PEIR do not affect the overall conclusions of the environmental document. These errata represent changes to the Draft PEIR to provide clarification, amplification and/or “insignificant modifications” as needed as a result of public comments on the Draft PEIR, or due to additional information received during the public review period. These clarifications and corrections do not warrant Draft PEIR recirculation pursuant to CEQA Guidelines §15088.5. As set forth further below and elaborated upon in the respective Response to Comments, none of the Errata below reflect a new significant environmental impact, a “substantial increase” in the severity of an environmental impact for which mitigation is not proposed, or a new feasible alternative or mitigation measure that would clearly lessen significant environmental impacts but is not adopted. Nor do the Errata reflect a “fundamentally flawed” or “conclusory” Draft EIR.

Changes are listed by page and where appropriate by paragraph. Added or modified text is shown by underlining (example) while deleted text is shown by striking (~~example~~).

CHAPTER 1.0, EXECUTIVE SUMMARY

Note: Table 1.0-1: Summary of Impacts and Mitigation Measures, is hereby updated to reflect changes noted below in mitigation measures. These changes will also be reflected in the Mitigation Monitoring and Reporting Plan, which will be considered by the Board of Supervisors as part of Project deliberations.

Page 1.0-50, Fifth Paragraph

“Descriptions of the first three rejected alternatives (i.e., Pending General Plan Amendments Approval, Alternative Location, and One Policy/One Zone Alternatives) are provided in Section 6.4 of this Draft EIR. However, a description of the No Build Scenario/Existing Condition Alternative is provided, as it describes the CEQA baseline against which the Project is analyzed (an alternative in which only existing¹ development occupies the site).

CHAPTER 3.0, PROJECT DESCRIPTION

Page 3.0-1, under 3.2 Project Location heading

“The Project is generally located in the Southwest Area Plan in the southwestern portion of unincorporated Riverside County, approximately three miles north of the border with San Diego County (refer to Exhibit 3.0-1, Regional Location Map). The Project covers approximately 18,990 acres of land located east of the City of Temecula, approximately one half mile north of the Pechanga Reservation, south of Lake Skinner, and northwest of Vail Lake (refer to Exhibit

¹ Most of the existing condition data used in this PEIR is from the NOP issuance date of December 28, 2009. County staff have updated “existing land use conditions” and “cumulative data” in an effort to more accurately reflect current and “No Build” conditions prior to issuance of the Draft PEIR on December 5, 2011. Generally, the “existing” wineries and their pertinent use data was updated by County staff by monitoring development review processes and analyzing wine industry tourism information, as shown in Exhibit 3.0-6, and in Appendix J, Land Use Buildout Assumptions and Methodology. Accordingly, PEIR sections used the best available data, which was updated following release of the NOP, but prior to the issuance of the Draft PEIR.

3.0-2, Policy Area Map). This area contains some of Riverside County’s prime agriculture lands within the Temecula Valley.”

Page 3.0-15, Paragraph under Septic Facilities heading

“Numerous properties within the Project area currently utilize septic systems for wastewater disposal. At this time, the San Diego Regional Water Quality Control Board (RWQCB) is concerned about the use of onsite wastewater treatment systems (OWTS) within the Project area due to groundwater quality concerns. In response to this, RWQCB has requested that all commercial implementing projects proposing OWTS with an average aggregate (total) wastewater flow greater than 1,200 gallons per day (gpd) must be referred to them for assessment of compliance with water quality standards.² Note that the 1,200 gallon per day standard is under review by RWQCB and may not remain in place throughout the life of the Project. Residential development projects (proposing five or more residential lots or units) will be required to connect to the sewer system once in place.^{3, 4} It is possible that future implementing projects within the Project area Country may include OWTS as the wastewater solution (refer to Section 4.13, *Public Services and Utilities* for additional details).”

² San Diego Regional Water Quality Control Board. *Temecula Valley Wine Country Memorandum*. Submitted to Mr. Steve Van Stockum, Director of Riverside County Department of Environmental Health (May 27, 2010).

³ As described further in Section 4.13, Public Services and Utilities, the Riverside County Board of Supervisors adopted the “Temecula Valley Wine Country Draft Conditions of Approval”, on February 14 2012, in order to ensure timely provision of and funding for adequate wastewater infrastructure.

⁴ Single family homes (or projects with fewer than five units) are assumed to generate less than the 1,200 gpd RWQCB threshold, based upon a typical “equivalent dwelling unit” wastewater generation of 265 gpd, per Appendix H, page 2-3 of May 2011 West Yost report entitled “Wine Country Infrastructure Study”.

Page 3.0-23, Table 3.0-5

Table 3.0-5
Potential Future Permits and Approvals

<p><u>County of Riverside</u></p> <ul style="list-style-type: none">• Changes of Zone Approvals (implementing projects would require a Change of Zone to comply with their respective proposed zoning classification [i.e., WC-W, WC-WE, WC-E, or WC-R])• Land Use Planning Approvals (Specific Plans, General Plan Amendments, Conditional Use Permits, Plot Plans, etc.)• Subdivision Mapping Approvals (Tentative Tract Maps, Parcel Maps, etc.)• Engineering Plan Approvals (Grading, Building and Infrastructure Plans/Permits) <p><u>Resource Agencies (RCA, CDFG, USACE, USFWS)</u></p> <ul style="list-style-type: none">• Biological Resources Permitting (MSHCP consistency analysis, Section 404 Permit, California Endangered Species Act permitting [if necessary], Section 1602 Streambed Alteration Agreement) <p><u>Regional Water Quality Control Board</u></p> <ul style="list-style-type: none">• Water Quality Plans and Permits (Section 401 Water Quality Certification, Stormwater Pollution Prevention Plan [SWPPP], National Pollutant Discharge Elimination System [NPDES] permits) <p><u>South Coast Air Quality Management District</u></p> <ul style="list-style-type: none">• Air quality permits• Compliance with this Program EIR No. 524 Mitigation Monitoring and Reporting Program and related Conditions of Approval <p><u>Eastern Municipal Water District</u></p> <ul style="list-style-type: none">• <u>Review/approval of wastewater infrastructure plans</u>• <u>Sewer connection</u> <p><u>Rancho California Water District</u></p> <ul style="list-style-type: none">• <u>Review/approval of water infrastructure plans</u>• <u>Water Supply Assessment (if applicable)</u> <p><u>Caltrans</u></p> <ul style="list-style-type: none">• <u>Review/approval of improvements within Caltrans ROW (I-15 ramps)</u> <p><u>Riverside County Flood Control and Water Conservation District</u></p> <ul style="list-style-type: none">• <u>Review/approval of regional drainage facilities</u> <p><u>Utility Providers (electric, telephone, cable)</u></p> <ul style="list-style-type: none">• <u>Dry utility plan approval/implementation</u> <p><u>City of Temecula</u></p> <ul style="list-style-type: none">• Roadway improvement plans at City limits

CHAPTER 4.0, ENVIRONMENTAL ANALYSIS

Page 4.0-4, Paragraphs Three through Five

“The cumulative impacts analyses contained in this Draft EIR uses a “blended approach” to ensure adequate analysis. Relative to the “list method”, Table 4.0-1, Cumulative Projects, provides a list of known development projects within the Project area. *This list of projects has been used to provide general context for overall cumulative conditions*, noting that the actual density, timing and nature of these projects is uncertain given the long build-out timeframe for the Project. Also, refer to Exhibit 4.0-1, Active Planning Cases, which shows the location of the land development projects listed in Table 4.0-1, Cumulative Projects.

The types of cases being reviewed include: Conditional Use Permits, General Plan Amendments, Parcel Maps, Plot Plans, and Tentative Tract Maps. These pending planning cases are in various stages of the process ranging from the initial submittal of applications to projects that have been tentatively approved and are awaiting final approval by County staff. Some of these proposed developments ~~may conflict with~~ have different land use or development standards than the proposed Project and ~~would require special consideration~~ have been addressed by the County on a case-by-case basis, especially if these conflicts generate impacts to surrounding uses (refer to Section 4.10, Land Use and Relevant Planning, page 4.10-34, for additional discussion).

The list of projects (shown both in table and exhibit form) are therefore intended to provide visual context of the overall near-term development potential. On a practical basis, the EIR utilizes RIVTAM traffic modeling based on the specific land use scenarios noted in Section 4.14, Traffic and Circulation and as explained further in Appendix J, Land Use Buildout Analysis. This quantitative analysis was then used as the basis for quantitative analysis of potential air quality, greenhouse gas and noise impacts. In addition, as appropriate, each impact section provides further refinement as to the cumulative impact methodology specific to the affected resource and/or geographic area. In some cases, such as biological resources, the cumulative analysis is addressed substantially through a separate planning process (the County’s Multi-Species Habitat Conservation Plan). In other cases, the cumulative impacts are being addressed primarily by agencies with jurisdiction over the affected resource(s), such as the Regional Water Quality Control Board and Rancho California Water District’s extensive efforts to address, regulate and mitigate impacts to groundwater quality. Where appropriate, the County has incorporated Project Design Features and/or mitigation measures to support and address the efforts being made by other agencies.

Relative to the “adopted plan” method, the Project area encompasses two Policy Areas intended to promote agricultural and equestrian uses within Southwest Area Plan (SWAP) of the County General Plan. The Citrus Vineyard Policy Area encompasses a majority of the agricultural uses within the Project area, and the Valle de los Caballos Policy Area supports an area characterized by equestrian, rural residential, and agricultural activities. The Project area also encompasses adjacent unincorporated areas with similar characteristics. The Project does not result in a substantive change in overall density or nature compared to what is allowed as part of the

General Plan SWAP. In fact, implementation of the Project would result in a reduction in overall density and intensity. Accordingly, the Project's overall density and nature of development would be consistent with regional growth projections reflected in the Riverside County General Plan and those of applicable regional, State and Federal agencies. *Therefore, on both a local and regional level, the Project's cumulative impacts have been accounted for in the Riverside County General Plan EIR No. 441, as well as in the various population-dependent regional plans adopted by such agencies as the Southern California Association of Governments (SCAG), the Colorado River Basin Regional Water Quality Control Board (RWQCB) and the South Coast Air Quality Management District (AQMD).*"

CHAPTER 4.1, AESTHETICS, LIGHT & GLARE

Page 4.1-16, Mitigation Measure AES-1

"AES-1The County shall work with utility and infrastructure providers to make sure that all sewer, water, and storm drain infrastructure improvements located along the Highway 79 South corridor do not significantly detract from the scenic quality of this area, or affect the County's ability to designate this roadway as a County Scenic Highway at a later date, consistent with applicable County General Plan policies, ordinances and EIR mitigation measures."

Page 4.1-20, Mitigation Measure AES-3

"AES-3All implementing projects shall provide a lighting plan for the project area prior to approval. This plan shall include the location of onsite buildings and structures, the location of existing buildings and structures within surrounding properties, the distance between existing buildings and structures and proposed light sources, and other details of the proposed lighting (i.e., type, size, wattage, lumens, shielding type, etc.) during each phase of project development. The Plan shall comply with applicable County General Plan policies, ordinances and EIR mitigation measures."

CHAPTER 4.2, AGRICULTURAL RESOURCES

Page 4.2-6, new paragraph at end of Section 4.2.2

Project Area Agricultural Resources

"The Project area contains extensive lands in active agricultural production, as well as lands zoned for agricultural use, as shown in Exhibits 4.2-1, Farmland Resources, Exhibit 4.2-2, Agricultural Preserves, and in Table 4.10-2, Land Use Comparison by Foundation Component – Current General Plan. "

Page 4.2-16, new sentence at beginning of first paragraph

"Strictly speaking, the Project would allow development on lands zoned for agricultural use, as discussed further below. The Project proposes new zoning and related approvals that permit future development. However, the future development allowed by the Project is not considered

a “significant” impact with incorporation of Project Design Features, EIR mitigation measures and existing County policies and programs. The current General Plan and zoning allow for more extensive development, as discussed at length in the No Project Alternative (pages 6.0-9 to 6.0-14). The proposed Zoning and Design Guidelines provide for better protection of agricultural lands than the current General Plan and zoning overlays, as the Project requires 75% of every winery development to be set aside for vineyards, and requires additional open space for clustered subdivisions and commercial equestrian uses. Cancellation of Williamson Act contracts could occur, but are not proposed by the Project nor are they necessary for Project implementation”.

Page 4.2-22, Third Paragraph

“The County has applied all feasible measures to reduce potentially significant agricultural impacts to the fullest extent feasible. Agricultural land impacts were previously found as “unavoidable” in the County’s current General Plan EIR. The County has endeavored to more effectively preserve and protect agricultural resources through the proposed Project, which includes a requirement for 75% vineyard coverage on all winery projects, as well as 75% open space for clustered subdivisions and commercial equestrian uses. The Project already represents a substantial reduction in density beyond what the current General Plan and zoning overlays would allow. Further reductions in density are not considered feasible (refer to Section 6, Alternatives, for the “No Project” discussion).⁵”

CHAPTER 4.3, AIR QUALITY

Page 4.3.7, end of first paragraph, top of page

Footnote inserted as follows:

“Between April 2004 and March 2006, the South Coast Air Quality Management District (SCAQMD) conducted the Multiple Air Toxics Exposure Study III (MATES III), which is a follow-up to previous MATES I and II air toxics studies conducted in the South Coast Air Basin. The MATES III Final Report was issued in September 2008. The MATES III study, based on actual monitored data throughout the Basin, included a modeling effort to characterize carcinogenic risk across the Basin from exposure to toxic air contaminants (TACs). The MATES III study applied a 2-kilometer (1.24-mile) grid over the Basin and reported carcinogenic risk within each grid space (covering an area of 4 square kilometers or 1.54 square miles). The data from the MATES III study indicates that the Project area has a lifetime (70-year exposure) background carcinogenic risk ranging from approximately 100 to 250 in one million. The average of the modeled air toxics concentrations measured at each of the monitoring stations in the Basin equates to a background cancer risk of approximately 1,200 in one million primarily

⁵ The “Project” is in itself mitigation for preserving and protecting the Wine Country’s agricultural resources. Without the Project, there would be substantially greater impacts to the Wine Country’s agricultural resources. The County does not believe that any further reduction in density, through agricultural “easements” or other means, would be feasible, as some level of development is necessary to allow commercial tourist, winery and equestrian uses sufficient land area to operate effectively, and generate sufficient revenue to fund the necessary infrastructure needed for the Project area (see “No Project” alternative in Section 6) .

attributable to diesel exhaust. Thus, the Project area has a background risk that is lower than the average risk in the Basin.

At this point in the planning process, it is speculative to determine where specific sensitive receptors will be located. Individual districts located in the policy area allow for development of residential (sensitive) uses if size and density requirements are met. However, since exact locations of future residential or sensitive land use development is not yet known, the discussion in the air quality report mentions types of possible sensitive receptors but does not include specific locations.”

Page 4.3-8, end of second paragraph under “Sensitive Receptors”

“Refer to Table 4.12-6, Sensitive Receptors, for a listing of sensitive receptors in the Project area.”

Page 4.3-20, Under Toxic Air Contaminants heading

“▪ On-site stationary sources emit carcinogenic air contaminants or TACs that individually or cumulatively exceed the maximum individual cancer risk of ten in one million or an acute or chronic hazard index of 1.0 (per SCAQMD Risk Assessment Procedures for Rules 1401 and 212, November 1998).⁶

- Hazardous materials associated with on-site stationary sources result in an accidental release of air toxic emissions or acutely hazardous materials posing a threat to public health and safety.
- The Project would be occupied primarily by sensitive individuals within 0.25 mile of any existing facility that emits air toxic contaminants which could result in a health risk for pollutants identified in District Rule 1401 (per SCAQMD CEQA Air Quality Handbook, Chapter 6, Determining the Air Quality Significance of a Project, 1993).⁷”

Page 4.3-20, footnote at end of first sentence

“The SCAQMD supports to the use of the California Air Resources Board (CARB) recommended siting distances to determine the potential for significant health impacts when siting new sensitive land uses or when siting common sources of TACs near existing or planned future sensitive land uses. Other environmental documents prepared for projects in the County have also relied on CARB’s recommended siting distances when assessing the potential for significant impacts. The CARB’s guidance was developed as a general screening methodology where even if implementing projects do not comply with the siting distances, project-specific dispersion modeling can be conducted to demonstrate that the SCAQMD health-based standards (e.g., an incremental increase in cancer risk of 10 in one million or a chronic and acute hazard index of 1.0) would not be exceeded. Thus, dispersion modeling is an option that the County may exercise to demonstrate compliance with health-based standards even if the recommended siting distances are not strictly adhered to in every instance.”

Page 4.3-21, Last Paragraph

“Mass daily emissions during construction were calculated using the California Emissions Estimator Model (“CalEEMod”) version 2011.1.1, which is an emissions estimation/evaluation model developed in conjunction with SCAQMD and other California Air Districts. CalEEMod was used to assist in quantifying emissions from construction activities associated with the Project’s implementing projects for a worst-case build-out year. Construction emissions are associated with construction equipment, construction-related vehicle trips, and off-gas emissions from painting and paving. There are four major construction phases for winery, equestrian, and residential development projects: demolition, site preparation, grading, and building construction. The building construction phase can be broken down into three sub-phases: building construction, architectural painting, and asphalt paving. ~~GHG emissions~~ Criteria pollutant emissions from these construction phases are largely attributable to fuel use from construction equipment and worker commuting. For analysis purposes, it is assumed that construction of wineries will take approximately two years, with the mix of construction equipment changing based on size. The worst-case construction scenario is anticipated to occur between 2015 and 2020, when four small, five medium and five large wineries will be built. In addition, residential construction, equestrian structure construction, infrastructure (water and sewage pipes, utilities, roads) improvement and demolition of existing houses are expected to occur during this period and were included in the construction emissions analysis. The output values used in this analysis were adjusted to be project-specific, based on usage rates of construction equipment, type of fuel, and construction schedule. For a complete listing of the construction equipment by phase and construction phase duration assumptions used in this analysis is included within the CalEEMod printout sheets that are provided in Appendix C.”

Page 4.3-23, footnote added at end of fourth paragraph, under “Toxic Air Contaminant Impacts”

“Unlike criteria pollutant emissions, which are commonly emitted from land use development projects, emissions of TACs are highly dependent on the type of land uses proposed for development. Common sources of TACs include stationary sources that typically require a Permit to Construct/Operate from the SCAQMD. As was stated in the EIR section, the implementing projects are not expected to introduce substantial stationary sources of TAC emissions with the exception of diesel particulate matter (DPM) from diesel-fueled vehicles (see page 4.3-39). According to the SCAQMD MATES III study, DPM is the major contributor to air toxics risk, accounting on average for about 84 percent of the total cancer risk from air pollution in the South Coast Air Basin. Implementing projects may emit small amounts of other TACs from the use of solvents or other products; however, the risk would be substantially less than DPM due to the comparatively small quantity of these other pollutants, their regulation by CARB and SCAQMD, the relatively low traffic volumes throughout the Project area compared to urban settings, and the setbacks provided for in the Project.”

Page 4.3-25, footnote added at end of first sentence under “Compliance with Existing Federal, State and County Regulations”

“As discussed in the EIR section, the Southern California Association of Governments (SCAG) Regional Comprehensive Plan and Guide (RCPG) provides growth forecasts that are used by the SCAQMD in the development of air quality–related land use and transportation control strategies (see page 4.3-9). The growth forecasts are incorporated into the SCAQMD Air Quality Management Plan (AQMP), which is designed to comply with the federal and state Clean Air Acts and Amendments, to accommodate growth, to reduce the high pollutant levels in the basins, to meet federal and state ambient air quality standards, and to minimize the fiscal impact that pollution control measures have on the local economy (see page 4.3-9). Implementation of the control strategies is the responsibility of the SCAQMD, which develops rules and regulations, establishes permitting requirements, inspects emissions sources, and enforces such measures through educational programs or fines, when necessary. Implementing projects are assumed to comply with existing applicable rules and regulations, and any future applicable rules and regulations that the SCAQMD may adopt. Additionally, the development allowed under the Project would be less intensive than development governed by the existing current General Plan and zoning. Therefore, the Project would not exceed the growth projections in the RCPG and AQMP. Furthermore, the Project would implement required mitigation measures that would reduce vehicle miles traveled as outlined in the EIR section, including emission and trip reduction measures provided in AQ-1 through AQ-7 (see pages 4.3-27 through -28).”

Page 4.3-27, Mitigation Measure AQ-1

“AQ-1 The County shall require new commercial and industrial implementing projects to develop a trip reduction program (TRP) that promotes commuter-choices, employer transportation management, guaranteed ride home programs and commuter assistance and outreach-type programs intended to reduce commuter vehicle miles traveled, which can be applied toward GHG-2 for operational emission reductions. The program shall be submitted as part of Project’s implementing project’s discretionary review applications, and in place prior to Certificate of Occupancy. ”

Page 4.3-28, Mitigation Measures AQ-3, AQ-4, and AQ-7

“AQ-3 In addition, the County shall require implementing projects to incorporate bicycle parking areas ~~and horse hitching posts where applicable~~ at agreed upon locations during application review (for projects having more than 10 employees or involving special events). Horse hitching posts may also be considered, for projects involving special events or wine-tasting, and in proximity to an existing or planned equestrian trail.

AQ-4 The County shall require all implementing projects that require onsite or offsite special event parking to incorporate a comprehensive parking program for private parking lots during application review ~~where applicable~~, to promote ultra-low or zero emission

vehicle parking; provide larger parking spaces that can accommodate vans and limousines; include adequate passenger waiting/loading areas; and provide safe pedestrian/equestrian pathways through parking areas.”

“AQ-7 The County shall work with the Winegrowers’ Association, the Temecula Valley Convention and Visitor’s Bureau, and their partners, to promote alternative modes of transportation, such as shuttles, cable-cars, trolley, etc. In addition, where feasible, the County shall work with the local transit provider – RTA – by adding or modifying existing transit service to enhance service near the Project site. This will encourage the use of transit and therefore reduce vehicle miles traveled (VMT). Unincorporated Riverside County hosts one Metrolink transit station; the County shall collaborate with ~~in~~ the neighboring cities to expand connections to this station as well as other Metrolink stations which will increase ridership and decrease vehicle miles traveled (VMT).”

Pages 4.3-32, Tables 4.3-3 and 4.3-4, footnote added

“The analysis includes quantification of pre-mitigated operational emissions, which are shown in the EIR in Tables 4.3-3 and 4.3-4. However, it is not possible to provide post-mitigated operational emissions because not all mitigation measures apply to all implementing projects. Applying the reductions from all mitigation measures to all implementing projects may overestimate the amount of emissions that could feasibly be reduced. Therefore, while it is acknowledged that the mitigation measures would reduce emissions, operational emissions are still considered potentially significant and unavoidable impacts.”

Page 4.3-34, Mitigation Measure AQ-10

“AQ-10 The County shall require implementing projects to comply with the following Mitigation Measures for Construction Equipment and Vehicles Exhaust Emissions:

- The County shall require implementing projects to select construction equipment to be used on site based on low emission factors (equipment which releases little atmospheric pollutants) and high energy efficiency (equipment which requires less energy to do the same work). Examples of low emission and high energy efficiency equipment include use of EPA Tier 2 (or better) emission compliant construction equipment and use of alternative fueled construction equipment (natural gas) ~~if available~~ as deemed appropriate by the County during application review (see GHG-1 for criteria).
- The County shall require implementing projects to include a statement on grading plans that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications.
- The County shall require implementing projects to utilize electric- or diesel-powered equipment, in lieu of gasoline-powered engines, ~~where feasible~~ as deemed appropriate by the County during application review (see GHG-1 for criteria).

- The County shall require implementing projects to include a statement on grading plans that work crews will shut off equipment when not in use. During smog season (May through October), the overall length of the construction period will be extended, thereby decreasing the size of the area prepared each day, to minimize vehicles and equipment operating at the same time.
- The County shall require implementing projects to time construction activities so as to not interfere with peak hour traffic and minimize obstruction of through traffic lanes adjacent to the site; if deemed necessary by the County to maintain acceptable levels of service and safety, a flag person shall be retained to maintain safety adjacent to existing roadways.
- The County shall require implementing projects to use EPA-rated engines of Tier 3 or better, or prevailing ARB construction fleet specifications (see GHG-1 for criteria).
- As soon as electric utilities are available at construction sites, the County shall require implementing projects to supply the construction site with electricity from the local utility and all equipment that can be electrically operated shall use the electric utility rather than portable generators, where reasonable and feasible (see GHG-1 for criteria).
- The County shall require implementing projects to retain on site dust generated by the development activities, and keep dust to a minimum by following the dust control measures listed below:
 - a) During clearing, grading, earthmoving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems shall be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - b) During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would require watering at least three times per day which include wetting down such areas in the late morning, mid-day after work is completed for the day, and whenever wind exceeds 15 miles per hour. Soil stabilizers may also be used instead of watering as deemed appropriate by the County during application review, to comply with County and SCAQMD nuisance and dust regulations.
 - c) Immediately after clearing, grading, earthmoving, or excavation is completed, the entire area of disturbed soil shall be treated until the area is paved or otherwise developed so that dust generation will not occur.
 - d) Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
 - e) Trucks transporting soil, sand, cut or fill materials, and/or construction debris to or from the site shall be tarped/covered from the point of origin."

Page 4.3-36, Mitigation Measure AQ-12

"AQ-12 Proponents of non-residential implementing projects, or projects larger than five acres in total size, shall prepare appropriate air quality studies which demonstrate that emissions resulting from project construction and operation do

not result in significant localized impacts, or are mitigated to the extent feasible. The site-specific studies shall utilize SCAQMD's Localized Significance Threshold methodology, as reflected at <http://www.aqmd.gov/ceqa/handbook/LST/LST.html>. This methodology is a guidance document and may be modified for site-specific implementing actions as determined appropriate by the County."

Page 4.3-36, Under AQ-12 - New Mitigation Measure AQ-13

"AQ-13 Construction contractors supplying heavy duty diesel equipment, greater than 50 hp, will be encouraged to apply for AQMD SOON funds. Information including the AQMD website will be provided to each contractor which uses heavy duty diesel for on-site construction activities."

Page 4.3-37, Second Paragraph

"As an example, development in the Project area would be developed on large lots, greater than 10 acres in size, zoned for uses composed of rural residential single-family lots (at least one acre), vineyards and wineries, citrus groves, equestrian uses (including residential uses with equestrian amenities). Minimum zoning standards in the Project area consist of a minimum lot size of 10 acres, with minimum setback requirements of 50 feet (except when located near certain roads a minimum of 300 feet - refer to the Project proposed zoning ordinance amendment). With larger lots and the minimum setback of 50 feet, sensitive receptors would be located at least the minimum required setback and typically at a far distance greater than 50 feet from construction activities. Because construction activity would not be continuous throughout the build-out period, impacts are not expected to occur simultaneously."

Page 4.3-39, footnote for 2nd paragraph

"The assumption that trucks would not idle for extended periods of time is based on the 2004 CARB Airborne Toxics Control Measure (ATCM), which limits heavy-duty diesel truck idling (see page 4.3-39). The measure applies to diesel-fueled commercial vehicles with gross vehicle weight ratings greater than 10,000 pounds that are licensed to operate on highways, regardless of where they are registered. This measure does not allow diesel fueled commercial vehicles to idle for more than five minutes at any given time and location. Policy AQ 16.3 of the County of Riverside General Plan Air Quality Element states that the County will "collaborate with the SCAQMD to require and/or encourage the adoption of regulations or incentives to limit the amount of time trucks may idle." Policy AQ 17.9 states that the County will "encourage the installation and use of electric service units at truck stops and distribution centers for heating and cooling truck cabs, and particularly for powering refrigeration trucks in lieu of idling of engines for power." Furthermore, Mitigation Measure AQ-6 requires commercial and industrial projects to post signage at all loading docks and/or delivery areas directing drivers to shut down their trucks after five minutes of idle time and requires employers to inform their drivers of the anti-idling policy. Thus, while assumptions regarding some pollutant sources may be speculative, the assumption that trucks would not idle for long periods of time is based

on compliance with state regulations, as well as compliance with General Plan policies and required mitigation measures.”

Page 4.3-39, footnote to 3rd paragraph

“This section references a 100,000 ADT threshold for land use siting guidelines. There are no Project area roadways that are at this volume, under any scenario. In the Air Quality section, the Carbon Monoxide hotspot analysis (page 4.3-38, second paragraph) cites a maximum of 108,000 trips at the Rancho California/Ynez Road intersection; however, this is the combined volume of all intersection approaches, which is different than the 100,000 ADT guideline which is for one road segment. The CO hotspot analysis shows that the Project is not exposed to exceedance of CO concentrations.”

Page 4.3-40, footnote on last paragraph

“According to Section 4.10, Land Use and Relevant Planning, of the EIR, the zoning requirements for residential developments and wineries in the Wine County (WC) zones have a minimum setback of 50 feet, which would result in a combined 100 feet of separation between residential and winery developments⁶ (see pages 4.10-21 and -22). On higher traffic volume roads, the proposed Development Standards require a 300 foot setback (page 24, Section 14.96(b)(3) of the proposed Zoning Ordinance). With respect to ozone health impacts to human populations, the EIR provides a general discussion of the health effects of ozone (see page 4.3-4). As stated in that discussion, short-term exposure to ozone at levels typically observed in Southern California can result in breathing pattern changes, reduction of breathing capacity, increased susceptibility to infections, inflammation of the lung tissue, and some immunological changes. Since the South Coast Air Basin and the Project area have measured ozone levels in excess of the ambient air quality standards in recent years, these health impacts are presumed to generally occur throughout the Basin, including in the Project area. As assessed under Significance Threshold 4.3-2, the Project would result in potentially significant impacts with respect to VOC and NOX emissions, which are ozone precursors. Since the human health impacts from ozone are usually discussed in a regional context, it would be appropriate to include under Significance Threshold 4.3-2. Additionally, because ozone is a regional issue, the Project itself would not be the sole cause of adverse health impacts from ozone; however, it could potentially contribute to the already existing adverse health effects of ozone in the Basin.”

Page 4.3-42, Last Paragraph

“Implementing projects would include agricultural and equestrian uses, which could be a potential for odors. However, those uses currently exist in the area and new projects will have

⁶ The issue is proximity of the sensitive receptor, in this case a residential use, to a land use such as a winery that could generate harmful emissions during construction or operation. Residential uses have a minimum setback of 50 feet, and sometimes 300 feet along certain major roads. Construction and operation of non-residential uses are also limited in terms of setbacks; only limited construction would occur within the 50’ setback area of a non-residential use adjacent to a residential use, such as placement of fencing, landscaping, and related low intensity features that would not generate substantial emissions during construction or operation.

to comply with standard practices to keep odors to a minimum during wine making, pomace storage, horse waste disposal and trash disposal. In addition, implementing projects would be grouped with like projects; wineries in the Winery District and equestrian in the Equestrian District. In addition, currently operating and future ~~agricultural or~~ equestrian facilities are required to comply with Rule 402, which limits the amount of nuisance odors. Agricultural operations, which are exempt from Rule 402, are nonetheless subject to applicable Best Management Practices, Southwest Area Plan policies, and any site-specific conditions imposed by the County. Therefore less than significant impacts are anticipated and no mitigation measures are necessary.”

Page 4.3-43, footnote on 1st paragraph

“The EIR section concludes that the Project would not result in objectionable odors affecting a substantial number of people because the Project would not introduce new sources of odors to the area. Activities and land uses that may generate odors (i.e., use of fertilizers, wine making process, fermentation of grapes, decomposition of grape waste, equestrian waste) already occur in the area. The analysis also assumes that the implementing projects would comply with applicable regulations concerning wine making, waste disposal, etc. such that any odors from new projects would be controlled to at least to the same extent as odors from the existing activities and land uses. In addition, the analysis cites compliance with SCAQMD Rule 402 (Nuisance), which prohibits facilities from causing nuisance impacts to a substantial number of people. If nuisance odors occur that are deemed to be in violation of Rule 402, the SCAQMD may impose requirements on the offending facility, such as the development of an odor abatement plan. However, it is not anticipated that nuisance odors affecting a substantial number of people would occur because similar uses already operate in and around the Project area.”

Page 4.3-44, last paragraph

“Level of Significance After Mitigation: Unavoidable significant impacts have been identified for Project-level and cumulative air quality impacts related to construction and operational activities (i.e., stationary and mobile source emissions) as well as air quality impacts on sensitive receptors. However, the objective of the proposed Project is to implement the Temecula Valley Wine Country Community Plan, which includes the adoption of General Plan Amendment No. 1077, as well as the accompanying Zoning Ordinance Amendment No. 348.4729. The Temecula Valley Wine Country Community Plan provides direction on requirements and development standards for new development, and provides policies and actions to implement the Community Plan’s vision and goals. The Project regulates the types and intensities of development and land uses within the Plan area and seeks to preserve and enhance the Wine Country region’s viticulture potential, rural life style and equestrian activities. The Project itself does not propose the construction of any development projects nor does it provide for large-scale development of housing tracts or commercial supercenters. Given that the objective of the Project is to preserve the area’s viticulture potential, rural life style and equestrian activities, it is likely that buildout would occur primarily through individual private development. As a result, the County will not have control over the timing,

amount of construction, and personal choices of private individuals residing or recreating at future implementing projects. Although the personal choices of individuals, such as driving to future recreational developments in the Project area, may not constitute new emissions in the South Coast Air Basin if trips are taken to alternative recreational locales outside of the Plan area but still within the Basin, the emissions analysis conservatively assumes that all trips are new and would generate new emissions. The proposed mitigation measures aim to minimize these potential emissions that could result from the construction and operation of the implementing projects to the extent feasible and under County control. Since the County does not have control over the timing and level of activity for the implementing projects and specific details regarding the operational characteristics of future implementing projects are unknown, it would be speculative to predict the effects of the proposed mitigation measures on them. Notwithstanding the above, to ensure the continued improvement of the region's air quality, implementing projects would generally be required to conduct project-level analyses pursuant to the requirements of CEQA. If project-level impacts are determined to be significant and feasible project-level mitigation measures are identified, the environmental analysis will include these project-level mitigation measures to avoid and/or reduce any potentially significant impacts from the project and its contribution to cumulative air quality impacts. As impacts are considered significant and unavoidable, if the County of Riverside approves the Temecula Valley Wine Country Community Plan Project, the County shall be required to adopt findings of fact in accordance with Section 15091 of the CEQA Guidelines, as well as adopt a Statement of Overriding Considerations in accordance with Section 15093 of the CEQA Guidelines.

"The EIR section identifies potentially significant impacts for construction and operational emissions of volatile organic compounds (VOCs), nitrogen oxides (NOX), carbon monoxide (CO), respirable particulate matter (PM10), and fine particulate matter (PM2.5). Projects that result in emissions that are below the SCAQMD threshold levels, given in pounds per day of each pollutant, are presumed to not cause or substantially contribute to an exceedance of the ambient air quality standards. The ambient air quality standards are health- and welfare-based standards for outdoor air which identify the maximum acceptable average concentrations of air pollutants during a specified period of time. The California standards, which are generally more stringent than the federal standards, are defined by CARB as "the legal limit that specifies the maximum level and time of exposure in the outdoor air for a given air pollutant and which is protective of human health and public welfare" (see CARB, Glossary of Air Pollution Terms, <http://www.arb.ca.gov/html/gloss.htm/gloss.htm#caaqqs>). An exceedance of the SCAQMD threshold levels means that a project could potentially cause or substantially contribute to an exceedance of the ambient air quality standards. For the purposes of this Project, the exceedances are considered potentially significant impacts.

As discussed in the EIR section, the South Coast Air Basin, which includes the Project area, already exceeds the ambient air quality standards for ozone, PM10, and PM2.5 (see page 4.3-6). Table 4.3-1 indicates that monitoring in the Project area has registered values above the ambient air quality standards for ozone, PM10, and PM2.5. VOCs and NOX are ozone precursors and are thus relevant to the ozone standards. Therefore, the Project could potentially contribute to the adverse health effects of these pollutants (ozone, PM10, PM2.5, NOx, and VOCs), as

described in the EIR (Section 4.3 pages 4.3-4 through 4.3-6 under “Health Effects of Air Pollutants”), which are presumed to already occur in the Project area from existing Basin-wide emissions. Because a substantial portion of the Project’s emissions are from mobile sources traveling throughout the region, and because the pollutants, particularly ozone, act on regional scales, it is not possible to provide numerical quantification of the Project’s contribution to adverse health impacts.

Lead is identified as a criteria pollutant. However, no ambient air quality monitors have registered exceedances of the ambient air quality standards in the South Coast Air Basin, with the exception of the central Los Angeles County region. The exceedance in this area is highly localized and the result of lead emissions from industrial lead-acid battery recycling facilities in the City of Commerce. The Project is not located in the vicinity of the battery recycling facilities in the City of Commerce. Additionally, the Project does not include any uses that would emit lead. Motor vehicles and paints used to be a source of lead emissions; however, unleaded fuels and unleaded paints have virtually eliminated lead emissions from residential and commercial land use projects. As a result, because lead emissions are not anticipated from the Project and the region does not exceed the ambient air quality standards for lead, there is no need for any further evaluation of lead emissions with respect to the Project.”

CHAPTER 4.4, BIOLOGICAL RESOURCES

Page 4.4-1, First and Second Paragraph under Western Riverside County’s Multiple Species Habitat Conservation Plan (MSHCP)

“The County is a permittee for the MSHCP. The County’s applicable MSHCP is a comprehensive, multi-jurisdictional habitat conservation plan approved by the US Fish and Wildlife Service (USFWS). The MSHCP focuses on the conservation of species and their associated habitats in Western Riverside County. Rather than deal with endangered species on a case-by-case basis, the MSHCP focuses on conservation of 146 species throughout western Riverside County, which are covered within the Project area under the MSHCP, and will develop a reserve system of approximately 500,000 acres of which 347,000 acres are currently within public ownership and 153,000 acres are in private ownership. Any special status species that are likely to be found in the Project area are listed in the Southwest Area Plan of the MSHCP, and are summarized in the attached table. The MSHCP governs development of both private and public lands to help streamline the resources regulatory process and to support the final assemblage of the proposed Conservation Area. The MSHCP has been in place since June 17, 2003 (this list is representative of potential sensitive species in the Project area).

Table 4.4-1 - Planning Species in the Southwest Area Plan *

- Arroyo Chub
- Bald Eagle
- Bell’s sage sparrow
- Burrowing Owl
- Cactus wren
- California Horned Lark
- Coastal California Gnatcatcher
- Cooper’s Hawk
- Double-crested cormorant
- Downy Woodpecker
- Golden Eagle (nest site)
- Grasshopper Sparrow
- Grasshopper Sparrow
- Least Bell’s Vireo
- Loggerhead Shrike
- Mountain Plover
- Northern Harrier
- Osprey
- Peregrine falcon
- Prairie Falcon
- Purple Martin
- Southern California Rufous-Crowned Sparrow
- Southwest Willow Flycatcher
- Swainson’s Hawk
- Tree Swallow
- Tree Swallow
- Tricolor blackbird
- Turkey Vulture
- White-Tailed Kite
- Yellow Warbler
- Yellow-Brested Chat
- Bobcat
- Mountain Lion
- Arroyo Toad
- California Red-Legged frog
- Coast Range Newt
- Western Pond Turtle
- Aguanga Kangaroo Rat
- Los Angeles Pocket Mouse
- Stephens’ Kangaroo Rat
- Quino Checkerspot Butterfly
- San Diego Mountain Kingsnake
- Munz’s Onion
- Nevin’s Barberry
- Palmer’s Grapplinghook
- Parry’s Spine Flower
- Slender-Horned Spine Flower
- Vail Lake Ceanothus

The MSHCP consists of 17 different Area Plans, each containing conservation goals and biological objectives developed specifically for each Area Plan. The Project area is entirely within the Southwest Area Plan (SWAP) of the MSHCP. The Project area falls within a portion of the SWAP that is relatively unconstrained by the MSHCP conservation goals and objectives. Thirty-four (34) criteria cells have been designated within the Project boundaries, primarily along the northwest and southeastern boundaries. A criteria cell is defined as a unit within the Criteria Area generally 160 acres in size, approximating one quarter section. The existence of a criteria cell does not necessarily deny development within the cell boundaries but does require that development within that cell be evaluated against the biological goals and objectives established by the MSHCP for that cell⁷ to make sure the development is consistent with the conservation requirements of the MSHCP. The process of making this determination has been labeled the Habitat Acquisition and Negotiation Strategy (HANS) process and is administered by the Western Riverside County Regional Conservation Authority (RCA).”

⁷ Refer to Section 3 of the MSHCP.

Page 4.4-1, Third Paragraph (end, in “Project Setting”)

“Review of available County GIS data further substantiates that the Project area native habitat is dominated by grasslands and coastal sage scrub, with riparian/wetland habitat along the various washes, particularly along Temecula Creek (Riverside County TLMA GIS⁸).”

Page 4.4-14 (and 4.10-31), Mitigation Measure LU-1

“LU-1 ~~All implementing projects (ministerial and discretionary)~~ All future requests for discretionary land use entitlements within the Project boundary shall ~~be required to~~ comply with the following requirements”:

- Apply for and obtain a Change of Zone (CZ) to benefit from the implementing zones of the Wine Country Policy Area. As part of the review process, the County shall conduct a project-specific CEQA analysis for the CZ Application. Depending upon the location of the implementing project, Planning staff shall require the project proponent to conduct the necessary studies (e.g., Archeology, Geology, Biology, Hydrology, etc.). Depending upon the findings of those studies, Planning staff shall recommend that a restrictive zoning classification (such as an open space zone) be placed on areas where sensitive resources require protection.
- Apply for and obtain the necessary grading permit. Such grading permit shall go through the appropriate environmental analysis and identify the necessary mitigations, if any (e.g., cultural monitoring during grading, biological restoration, etc.), prior to approval of the grading permit.
- Apply for and obtain the necessary building permit. The County shall ensure the necessary reviews of building permits by the Riverside County Flood Control and Water Conservation District (RCFCWCD), Environmental Programs Division (EPD), County Archeologist, County Geologist, etc.

Comply with the MSHCP and applicable resource agency regulations pertaining to the protection of biological resources and existing jurisdictional drainage features. Applicants for such implementing projects shall reference the current MHSCP criteria (biological objectives and requirements for any applicable Conservation Area/Criteria Cell or linkage), conduct an MSHCP consistency analysis, and prepare a Jurisdictional Delineation where onsite drainages exist and obtain applicable permits/approvals from the U.S. Army Corps of Engineers, California Department of Fish and Game, Regional Water Quality Control Board and/or U.S. Fish and Wildlife Service.^{9, 10}

⁸ <http://www3.tlma.co.riverside.ca.us/pa/rcelis/viewer.htm>.

⁹ The Project area is located within the MSHCP Criteria Area and encompasses 34 criteria cells, including Criteria Cells 5985, 5989, 5991-2, 6082-4, 6088, 6186, 6189, 6290, 6293 and 6395, which are all part of the proposed extension of existing Core 6. Criteria Cell 6154 is a stand-alone cell. A second group of Criteria Cells follow the alignment of Temecula Creek east of Redhawk Parkway and west of Pauba Road (6694, 6807-8, 6913, 6917, 7010, 7012, 7014, 7182-5 and 7134). These cells involve Constrained Linkage 24 and proposed Core 7. Other

- Conditions of approval for all implementing projects shall be in compliance with applicable mitigation measures pursuant to the County’s General Plan EIR.

Notwithstanding the foregoing, if the future proposed use of the property within the Project boundary is a use that is permitted by right under both Ordinance 348.4729 and the zoning designation for the property that was in place immediately before the adoption of Ordinance 348.4729, then the future proposed use shall not be required to apply for and obtain a Change of Zone.”

Page 4.4-14, Last Paragraph under Conclusion

“The Project is located within the MSHCP and contains 34 criteria cells. Implementing projects within criteria cells must undergo the HANS process to determine if the development will be consistent with the conservation requirements of the MSHCP. Implementing projects outside criteria cells may still require habitat assessments and focused surveys to verify the biological resources within the area proposed for development and to ensure that these resources would not be impacted as a result of the proposed development. Since future implementing projects allowed under the Project would be required to be compliant with the MSHCP and General Plan, and these regulatory documents are intended to minimize conflicts with conservation plans, impacts associated with the Project are considered to be less than significant. It is anticipated that particular implementing project within the Project area would be allowed by right, meaning that only a ministerial action would be necessary to approve the proposed project. Ministerial actions are not considered “projects” under CEQA and are, therefore, not subject to environmental review as discussed above. However, each implementing project, ministerial or discretionary, will be required to submit a Change of Zone application with the County. Through the Change of Zone development approval process, Mitigation Measure LU-1 will require that ministerial actions implementing mitigation for biological resources. Implementation of the above considerations and actions ~~may~~ is anticipated to mitigate potential future impacts to biological resources from implementation projects to less than significant levels.”

Page 4.4-17, Impact 4.4-4

“Refer to the response for Impact 4.4-1 and 4.4-2, above (discussions regarding MSHCP Core Linkages and corridors). Migratory birds are regulated and protected under the MSHCP (see following table) and the Migratory Bird Treaty Act, among other regulations. The MSHCP has

MSHCP policies and procedures apply to the Project such as the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools policy (MSHCP Section 6.1.2 pp 6-20), Protection of Narrow Endemic Plant Species (MSHCP section 6.3.2, figure 6-4), Fuels Management (MSHCP Section 6.4, pp 6-72) and the Guidelines Pertaining to the Urban Wildlands Interface (MSHCP Section 6.1.4, pp 6-42).

¹⁰ These permitting programs mitigate Project impacts through a variety of policy level and project level conditions, as described in the EIR section above (“Regulatory Framework”), and as elaborated upon in footnote 9. Measures include avoidance of sensitive habitat, provision of suitable replacement or restored habitat pursuant to the regulatory programs and the MSHCP DBESP process, construction measures such as limiting light and noise intrusion, and operational measures such as minimizing effects at the Urban Wildlands Interface.

as a major focus the identification, preservation and protection of key wildlife corridors, referred to as “linkages” or “corridors” in the MSHCP (refer to discussion above under Impacts 4.4-1 through 4.4-3). In addition, the “Project” itself is not proposing any specific development, and as such it would be speculative to provide a detailed assessment of potential site-specific effects on migratory birds or corridors. The Project does provide for extensive wildlife mitigation simply through requiring that 75% of every commercial equestrian, clustered subdivision or winery project be set aside for open space, as well as requires larger lot sizes. Less than significant impacts to migratory species would occur.”

Page 4.4-20, footnote for last paragraph

“Given the programmatic nature of the EIR, the size of the study area, and the long buildout timeframe for implementing projects, it is not practical to conduct site-specific jurisdictional delineations at this time. Exhibits 4.4-1 and 4.4-2 show “waterways” and “streams” which roughly correspond to potential jurisdictional drainages.”

Page 4.4-21, Level of Significance After Mitigation

“The impact of the Project on biological resources would be less than significant due to compliance with existing laws, regulatory programs, and General Plan policies currently in place (in addition to Mitigation Measure LU-1 referenced in this section). No additional mitigation measures would be required to reduce impacts further.”

CHAPTER 4.5, CULTURAL RESOURCES AND PALEONTOLOGICAL RESOURCES

Page 4.5-2, First Paragraph under Prehistory Setting

“The Pechanga Band of Luiseño Mission Indians has called the Temecula Valley home for more than 10,000 years. The Luiseño history originates with the creation of all things at ‘exva Temeeku,’ the present day City of Temecula. The ancestral home village of Temeeku is located under what is now Redhawk, where Margarita Road cuts south through a bluff. The Native Americans of the Pechanga Band are one of ~~six~~ seven bands of the Luiseño, which also include the Soboba Band near San Jacinto, the Rincon Band near Valley Center, the La Jolla Band near Palomar, the Pauma Band, the San Luis Rey Band, and a vestige of the old Pala Band at the Pala Reservation. The name Luiseño comes from the Mission San Luis Rey de Francia in present-day Oceanside, which was founded in 1798 to support the ranchos in the Temecula Valley. Aboriginally, each of the Luiseño bands identified itself along village lines but acknowledged tribal identity by language, with distinctions made using the four cardinal directions. The Pechanga Band, located at the western boundary of the traditional Luiseño tribal area, distinguished themselves as the Payomkawichm, or Western People.¹¹ The Project area is a part of the Luiseño’s aboriginal territory as evidenced by the existence of Luiseño place names, rock art, petroglyphs, and pictographs as well as an extensive Luiseño artifact record in the vicinity

¹¹ Pechanga Band of Luiseno Indians, *Culture and People*, <http://www.pechanga-nsn.gov/page?pagelid=7> accessed August 12, 2011.

of the Project and is considered highly sensitive for Luiseño-related cultural resources.¹² The Temecula/Pechanga people had usage/gathering rights to an area extending from Rawson Canyon on the east to Lake Matthews on the northwest, down Temescal Canyon to Temecula, eastward to Aguanga, and then along the crest of the Cahuilla range back to Rawson Canyon. The Project area is located within the southeastern area of this culturally affiliated territory.”

Page 4.5-9, last paragraph

“Additional tribal consultation was conducted in response to NAHC comments on the Draft EIR (refer to Response No. 3 and Appendix B to the Comments and Responses document).”

Page 4.5-10, Table 4.5-1, footnote added

“Note: Refer to Comments and Responses Document, Response No. 3 and Appendix B to the Comments and Responses document for additional tribal consultation.”

Page 4.5-13, Second Paragraph from the top

“While tribal consultation under CEQA is not required, it is recommended. Consultation with affected parties is highly encouraged and/or required in some instances. The Notice of Preparation (NOP) and the Draft EIR public review process provide an opportunity for formalized tribal consultation to occur. The County has chosen to conduct outreach with the applicable California Native American Tribes. The following Tribes received notifications for consultation regarding the Project during the NOP process (additional tribal consultation was conducted in response to NAHC comments on the Draft EIR (refer to Response No. 3 and Appendix B to the Comments and Responses document):”

Page 4.5-14, Fifth Paragraph

“There are also listed standardized conditions of approval newly updated General Plan policies pertaining to cultural resources. Based on the forgoing information, the County Archaeologist may tailor these conditions or apply additional conditions as the individual project-specific circumstances dictates and Phase 1 Cultural Resources study recommends.¹³ Other sources of information, including site inspections by the County Archeologist, may be factored into recommendations for mitigation and/or preservation.”

Page 4.5-15, Under Multipurpose Open Space (OS) Element Policies heading

“Policy OS 19.2 Review all proposed development for the possibility of archaeological sensitivity. The County of Riverside shall establish a cultural resources program in consultation with Tribes and the professional cultural resources consulting community. Such a program shall, at a minimum, address each of the following:

¹² Pechanga Tribe Comments on the Notice of Preparation for a Draft Environmental Impact Report (DEIR) and Tribal SB18 Consultation for General Plan Amendment 1077, Temecula Valley Wine Country Community Plan, January 21, 2010.

¹³ The County Archaeologists updated “standard conditions”, based on extensive discussions with Native American tribes, were incorporated into the Project EIR mitigation measures (CUL-1 through CUL-3).

application processing requirements; information database(s); confidentiality of site locations; content and review of technical studies; professional consultant qualifications and requirements; site monitoring; examples of preservation and mitigation techniques and methods; and the descendant community consultation requirements of local, state and federal law.

Policy OS 19.3 ~~Employ procedures to protect the confidentiality and prevent inappropriate public exposure of sensitive archaeological resources when soliciting the assistance of public and volunteer organizations.~~ Review proposed development for the possibility of cultural resources and for compliance with the cultural resources program.

Policy OS 19.4 ~~Require a Native American Statement as part of the environmental review process on development projects with identified cultural resources.~~ To the extent feasible, designate as open space and allocate resources and/or tax credits to prioritize the protection of cultural resources preserved in place or left in an undisturbed state.

Policy OS 19.5 ~~Transmit significant development proposals to the History Division of the Riverside County Regional Park and Open Space District for evaluation in relation to the destruction/preservation of potential historical sites. Prior to approval of any development proposal, feasible mitigation shall be incorporated into the design of the project and its conditions of approval.~~ Exercise sensitivity and respect for human remains from both prehistoric and historic time periods and comply with all applicable laws concerning such remains.

Policy OS 19.6 ~~Enforce the Historic Building Code so that historical buildings can be preserved and used without posing a hazard to public safety.~~

Policy OS 19.7 ~~When possible, allocate resources and/or tax credits to prioritize retrofit of County historic structures, which are irreplaceable."~~

Page 4.5-15, First Paragraph under 4.5.4 Significance Threshold Criteria heading

"CEQA Guidelines Section 15064.5 includes significance criteria relative to archaeological and historical resources. The requirements, ~~including potential mitigation measures,~~ are contained in Section 4.5.3, *Regulatory Framework*, of this Chapter and are incorporated herein."

Page 4.5-17, Second Paragraph Under Impact 4.5-1

"While substantial historical resources exist in the vicinity of the Project area, no known historical-era resources are identified within the boundaries of the Project. The first commercial vineyards were planted in the late 1960's and the oldest equestrian facility in the Valley de los Caballos development was built at approximately the same time."

Page 4.5-18, Under Summary of Applicable Existing Regulations and Policies heading

- a) “Policies contained in the County’s General Plan, including LU 4.3 and OS ~~19.5 and 19.6~~ 19.2 through 19.5, are intended to ensure that development within the County does not result in the avoidable disturbance or destruction of historic resources.”

Page 4.5-22, Under Summary of Applicable Existing Regulations and Policies heading

- a) “Policies contained in the County’s General Plan, including LU 4.3 and OS ~~19.2 and 19.3~~ 19.2 through 19.5, are intended to ensure that development within the County does not result in the avoidable disturbance or destruction of historic resources.”

Page 4.5-23, Under Summary of Applicable Existing Regulations and Policies heading

- b) “Policies contained in the County’s General Plan, including OS 19.2 through 19.5, are intended to ensure that development within the County does not result in the avoidable disturbance or destruction of historic resources.”

Page 4.5-19, Mitigation Measure CUL-1

“CUL-1 For all implementing projects, the necessary archeological field surveys/studies/monitoring shall be required as part of the County’s permitting approval process. Prior to discretionary project approval or issuance of a grading permit for ministerial projects, the County Archaeologist and/or architectural historian shall do the following:

- Review, and if evidence suggests the potential for historic resources on a future implementing project site, require a County-certified qualified archaeologist (retained by the future project applicant) to conduct a field survey for historical resources on specific sites not previously surveyed or those not surveyed within 5 years of the date of the application for cultural resources. The appropriate survey report will be completed per current Riverside County Archaeological Survey Report Guidelines and will include contacting the Native American Heritage Commission and the appropriate local tribes.
- Review, and if evidence suggests the potential for historic resources on a future implementing project site, require a County-certified qualified archaeologist to conduct an appropriate records search to obtain information on historical property records.
- Review, and if evidence suggests that potential for subsurface cultural deposits, consider archaeological monitoring during grading, trenching, and related construction activities, to facilitate ~~appropriate mitigation treatment~~ project specific avoidance or other mitigation measures.
- Consider Tribal observation and consultation during archaeological monitoring when requested by local tribal government(s) or individual(s) recognized by the Native American Heritage Commission (NAHC), when that entity provides specific information suggesting the potential for subsurface cultural deposits may be present.

- Tribal monitoring shall not replace archaeological monitoring as they serve different purposes and have different responsibilities under different authorities.
- ~~Review, and if evidence suggests the potential for sacred land or cultural places resources, contact the native American Heritage Commission.~~
 - Evaluate the significance and integrity of all historical resources identified on implementing project sites within the Project area, using criteria established in the CEQA Guidelines for important archaeological resources (eligibility for listing on the California Register of Historical Resources [CRHR]), and/or 36 CFR 60.4 for eligibility for listing on the National Register of Historic Places.
 - Where site investigations identify significant cultural resources (specifically including, but not limited to, site investigations related to potential trail or circulation improvements), consistent with CEQA and County guidelines, these resources shall be avoided as a first priority wherever feasible, prior to considering salvage or other invasive mitigation. Feasibility of avoidance is case-specific and potentially subject to different variables unique to a project site that have to be analyzed. Feasibility could involve modifying the project design.
 - Propose recommended mitigation measures and conditions of approval for implementing projects (if a local government action is required) to reduce adverse project effects on significant, important, and/or unique historical resources, following appropriate CEQA and/or National Historic Preservation Act Section 106 guidelines.
 - Require from the designated project-specific County-certified Project Archaeologist documentation of all required mitigation treatments and the results of those treatments for previously known and inadvertent finds according to current County reporting requirements to document environmental mitigation compliance.”

Page 4.5-20, Mitigation Measure CUL-2

“CUL-2 If previously unknown unique cultural resources are identified during grading activities associated with the implementing projects, the following procedures shall be followed. For this Project, unique cultural resources are defined as being multiple artifacts in close association with each other, but may include fewer artifacts if the area of the find is determined to be of significance due to its sacred or cultural importance.

- If not previously retained, a County-certified qualified archaeologist will be retained to assess the nature and significance of the find(s).
- All ground disturbance activities within 100 feet of the discovered cultural resources shall be halted until a meeting is convened between the developer, the archaeologist, the Native American tribal representative and the Planning Director to discuss the significance of the find.
- At the meeting, the significance of the discoveries shall be discussed and after consultation with the Native American tribal representative and the archaeologist, a decision shall be made, with the concurrence of the Planning Director, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the cultural resources.

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

Page 4.5-23, Under Summary of Applicable Existing Regulations and Policies header

“ a) Policies contained in the County’s General Plan, including OS 19.2 through 19.5 ~~and 19.3~~, are intended to ensure that development within the County does not result in the avoidable disturbance or destruction of historic resources.”

Page 4.5-24, Mitigation Measure CUL-3

“CUL-3 ~~If previously unknown cultural resources, including human remains, are identified during grading activities associated with implementing projects, a County certified qualified archaeologist shall be retained to assess the nature and significance of the find.~~ If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin ~~and disposition~~ pursuant to Public Resources Code Section 5097.98. The County Coroner shall be notified of the find immediately and the remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the remains are determined to be ~~prehistoric~~ Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours, which shall determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. The MLD may recommend reburial somewhere within the Project boundaries where they can be protected in perpetuity. The MLD may also request avoidance and preservation in place.”

CHAPTER 4.6, GEOLOGY, SOILS, AND SEISMICITY

Page 4.6-26, Footnote to “Conclusion” section

“Although implementation of the Project would potentially increase exposure of future development associated with implementing projects within the Project area to damage caused by hazards such as landslide, lateral spreading, subsidence, liquefaction, blasting hazards, or collapse during an earthquake, all implementing projects would be subject to the above-described State and local regulations, ordinances, General Plan policies, standard conditions or requirements, and mitigation, which are intended to reduce damage to structures and loss of life caused by ~~an~~ hazards associated with an earthquake event. Such conformance would be adequate to ensure that potential impacts from these hazards on any habitable structure, critical facility, or other infrastructure would be reduced to less than significant with mitigation. This analysis is consistent with the requirements of a program EIR and future site-specific

implementing projects proposed within the Project area will require site-specific CEQA analysis at a later date.”

Page 4.6-17, Mitigation Measure GEO-1

“**GEO-1** All implementing projects shall prepare a site-specific assessment as determined by the County Geologist to ascertain all site-specific geologic/geotechnical information, including, but not limited to, ground shaking potential, blasting hazards, liquefaction potential, fault rupture potential and landslide/slope instability potential. This assessment and report shall be prepared by a California-licensed geologist and/or geotechnical engineer and shall be submitted to the County Geologist for review and approval prior to approval of the implementing project. This report shall include site-specific measures such as grading recommendations, foundation design recommendations, slope stability recommendations, and the alternative siting of structures, as appropriate, to reduce the significance of potential geologic and/or geotechnical hazards associated with the proposed implementing project.

GEO-1a Any development within the Project area shall consider retention of topsoil should any grading be necessary, with the intent to minimize loss of valuable topsoil for agricultural purposes. The topsoil removed from grading areas, if any, could be reapplied to areas proposed for viticultural production or other agricultural use, subject to consistency with project grading plans, other applicable regulations, and viticulture Best Management Practices as determined appropriate by the landowner.”

CHAPTER 4.7, GREENHOUSE GAS EMISSIONS

Page 4.7-19, Fifth Paragraph

“**28.5% Below Business As Usual (BAU).** Emissions from implementing projects will be calculated and compared to similar business-as-usual development; if the implementing projects achieve a reduction of at least 28.5% with incorporation of mandatory and voluntary measures, they are considered less than significant. Refer to Appendix E (§§ 3.1.2, 3.2.2.2) for a detailed discussion regarding BAU.”

Page 4.7-31, After Table 4.7-4

“The following discussion is provided in accordance with CEQA Guidelines Appendix F. Additional discussion regarding Energy Conservation is provided in Section 4.3, Air Quality and Section 4.7, Greenhouse Gas Emissions.

Energy Conservation

“The proposed Project includes numerous features that address energy consumption and conservation. In compliance with proposed policies SWAP 1.10 and 1.11, implementing projects must achieve minimum required credits on the County’s Option Tables, of which many options serve the purpose of reducing energy use. The building features, for which the Option

Tables award points, are consistent with CalGreen and include exceeding California Energy Code requirements, based on the 2008 Building Energy Efficiency Standards, by as much as 20 percent through, but not limited to, the use of the following:

- enhanced insulation
- insulated windows
- minimizing air infiltration
- energy-efficient artificial lighting
- reducing heating/cooling distribution losses
- usage of energy-efficient appliances

Additionally, the following energy-conserving features are also available as options for implementing projects:

- thermal storage
- increased daylighting
- building orientation to optimize natural indoor climate control and lighting
- solar-readiness
- electric vehicle charging stations
- electric lawn equipment

The Project's use of energy is not in itself considered "excessive", as it will be typical of modern residential, employment and equestrian uses. In fact, the extensive existing regulations and proposed mitigation measures will ensure that energy-related emissions are substantially reduced beyond "typical" consumption levels. Energy providers (electric, gas) will provide service to the area as development progresses, with improvements funded through connection fees and/or monthly service fees. Solar power is also a permitted use, is heavily incentivized in the greenhouse gas mitigation program, and would further improve the Project's overall energy consumption. The air quality and greenhouse gas effect of Project-related energy emissions are discussion in Sections 4.3 and 4.7, respectively."

Page 4.7-9 & 4.7-10, below heading - Southern California Association of Governments (SCAG) and San Diego Association of Governments (SANDAG)

~~"Through the SB 375 process, MPOs, such as SCAG, which includes Riverside County, and the San Diego Association of Governments (SANDAG) with jurisdiction over San Diego County, will work with local jurisdictions in the development of sustainable communities strategies (SCS) designed to integrate development patterns and the transportation network in a way that reduces GHG emissions while meeting housing needs and other regional planning objectives. SCAG's reduction target for per capita vehicular emissions is 8 percent by 2020 and 13 percent by 2035 (CARB 2010). SCAG is currently in the process of updating their RTP and completing~~

~~the first SCS for the region. The agency plans to adopt the RTP, SCS, and associated PEIR in April 2012.~~

~~SANDAG and the SDAPCD began working together to reduce GHG emissions.¹⁴ SANDAG is in the process of developing its first RTP subject to provisions of Senate Bill 375 (SB 375). The 2050 RTP is scheduled for adoption by the SANDAG Board of Directors in summer 2011. GHG reduction strategies SANDAG is considering include increasing transit service; freeway improvements to reduce bottlenecks; and enhancements to programs aimed at taking more cars off the road, such as alternative work schedules and incentives for carpooling and vanpooling. CARB released its draft GHG emissions target and the San Diego region will be required to reduce GHG emissions from cars and light trucks 7 percent per capita by 2020 and 13 percent by 2035, according to targets set September 23, 2010 by the CARB. SANDAG will further refine its GHG reducing strategies accordingly.¹⁵~~

“SANDAG and the SDAPCD have collaborated in the development of the 2050 RTP and Sustainable Communities Strategy (SCS) in an effort to reduce greenhouse gas (GHG) emissions.¹⁶ Both were adopted in October 2011. The 2050 RTP provides a blueprint for the investment of roughly \$214 billion in transportation funds in the upcoming 40 years. Transit improvements will receive the largest portion of the funding, with increases in each successive decade. Substantial funding will also be allocated toward improving highway and local road conditions, with particular focus on the addition of high occupancy vehicle lanes to existing freeways. The SCS lays out a plan for reaching state-mandated levels of GHG emission reductions for the San Diego region. Pursuant to SB 375, CARB adopted greenhouse gas reductions targets for the four largest Metropolitan Planning Organizations (MPOs) on September 23, 2012. For SANDAG, the San Diego region will be required to reduce GHG emissions from cars and light trucks by 7 percent per capita by 2020 and 13 percent per capita by 2035. Currently, the 2050 RTP/SCS is being challenged by the State Attorney General’s office, which has requested a revision of the draft EIR on the RTP/SCS in order to fully satisfy the requirements of CEQA.”

Page 4.7-22, After First Paragraph

“As discussed previously, SB 375 required CARB to establish regional targets for reducing passenger vehicle GHG emissions. It also mandates the adoption of an SCS jointly developed by MPOs and local jurisdictions. Accordingly, SANDAG has developed the 2050 RTP as well as SCS for the San Diego region, both of which were adopted in October 2011. Together, the RTP/SCS provide a blueprint for the growth of the region’s transportation system. Under the 2050 RTP, 36 percent of available transportation funds in the first decade will be allocated toward improving transit infrastructure, followed by increases in each successive decade to a maximum of 57 percent in the last decade. Other areas of transportation also receiving substantial amounts of funding include highway and local road improvements, with particular focus on the addition of high occupancy vehicle lanes on existing freeways. The SCS lays out a plan for reaching state-mandated levels of GHG emission reductions for the San Diego region,

¹⁴ Source: http://www.sdapcd.org/homepage/cl_change_forum.html.

¹⁵ Source: <http://www.sandag.org/index.asp?newsid=666&fuseaction=news.detail>.

¹⁶ Source: http://www.sdapcd.org/homepage/cl_change_forum.html

which were adopted by CARB in September 2010. Based on CARB’s targets, the San Diego region will be required to reduce GHG emissions from cars and light trucks by 7 percent per capita by 2020 and 13 percent by 2035. As mentioned, the RTP/SCS is currently being challenged by the State Attorney General’s office. Once the RTP/SCS is revised to fully satisfy CEQA requirements and adopted, the County of Riverside would be consistent with SB 375.

As a general goal, the County strives to reduce residents’ reliance on personal automobiles, which is consistent with the goals of SB 375. Further, the Project proposes a number of strategies to reduce GHG emissions from passenger vehicles:

a. Integrated Trails Network (Non-motorized Transportation including Pedestrian, Bike and Equestrian trails)

The County of Riverside contains multi-purpose trails that accommodate hikers, bicyclists, and equestrian users as an integral part of the County's circulation system. These facilities serve both as a means of connecting the unique communities and activity centers throughout the County and as a means of facilitating modes of transportation with no emission of air pollutants and GHGs. Within the Southwest Area Plan (SWAP), a network of trails is planned for the Wine Country region to provide pedestrians, visitors, equestrians, and bicyclists with alternative modes of travel and while providing attractive recreational opportunities. However, it does not connect all the existing wineries and other tourist destinations, such as Lake Skinner and Vail Lake, through equestrian and multi-purpose trails system. A Trails Sub-committee worked with the County Regional Parks and Open Space District and Planning Staff in the development of a trails network that was more conducive to this region’s destination places and users’ needs. As a result of their work-effort, Figure 8 (Trails and Bikeway System Map) of the SWAP was revised through GPA No. 1077 (a Project component) and the following policy was added to the Temecula Valley Wine Country Policy Area:

SWAP 1.6 Develop and implement a trails network that carefully considers equestrian uses, incidental commercial activities and agricultural operations, and includes, but is not limited to, regional trails, combination trails, bike paths, open space trails, historic trails, etc.

b. Roundabouts

Through the Wine Country Community Plan process, five roundabouts are proposed along Rancho California Road to maintain rural character of this region while allowing efficient traffic calming and volume capacity. The roundabout at Rancho California Road and Anza Road will be the first of five roundabouts located at La Serena Way, Calle Contento Road, Monte De Oro Road and Glenoaks Road. These roundabouts will allow vehicular, equestrian, bicycle and pedestrian traffic to interact through the intersection more efficiently and safely while keeping its natural wine county landscape. The roundabout will accommodate the estimated 41,700 of daily vehicular traffic and a peak hour vehicular traffic of over 4,000.

c. Fair Share and Phasing Assessment

Through the Community Plan process, the County has developed a traffic impact fee program specifically to ensure timely construction of transportation improvements as outlined in the

Wine Country Fair Share and Phasing Assessment. This program will collect fair share contributions toward improvements within the Wine Country Policy Area and within the City of Temecula, and the County shall enter into an agreement with the City of Temecula to implement the identified improvements. Additionally, implementing projects within the Wine Country Policy Area will be required to prepare a focused traffic study that will assess the following to ensure consistency:

- Trip generation comparison to estimates assumed in the WCP assessment
- Parking assessment
- Site access and on-site circulation assessment
- Interaction of driveways with adjacent intersections (if appropriate)
- Additional assessment deemed appropriate by the County of Riverside Transportation Department

The following have been included as mitigation measures in Section 4.3, Air Quality, of the EIR but would also reduce the Project’s overall GHG impact:

AQ-1 The County shall require new commercial and industrial implementing projects to develop a trip reduction program that promotes commuter-choices, employer transportation management, guaranteed ride home programs and commuter assistance and outreach-type programs intended to reduce commuter vehicle miles traveled. The program shall be submitted as part of the Project’s implementation projects’ discretionary review applications, and in place prior to Certificate of Occupancy.

AQ-2 The County shall condition all implementing projects to implement the Trails and Bikeways Systems map (SWAP Figure 8) of the Project. This map is more conducive to this region’s destination places and multiple users’ (bikers, equestrian, pedestrians, visitors, etc.) needs. Hence, changing the focus of land use from automobile-centered transportation would result in a reduction in vehicle miles traveled.

AQ-3

In addition, the County shall require implementing projects to incorporate bicycle parking areas and horse hitching posts where applicable at agreed upon locations during application review (for projects having more than 10 employees or involving special events). Horse hitching posts may also be considered, for projects involving special events or wine-tasting, and in proximity to an existing or planned equestrian trail.

AQ-4 The County shall require all implementing projects that require onsite or offsite special event parking to incorporate a comprehensive parking program for private parking lots during application review where applicable, to promote ultra-low or zero emission vehicle parking; provide larger parking spaces that can accommodate vans and

limousines; include adequate passenger waiting/loading areas; and provide safe pedestrian/equestrian pathways through parking areas.

AQ-5 The County shall promote the expanded use of renewable fuel and low-emission vehicles within implementing projects. Implementing projects may earn points in the GHG Mitigation Workbook Option Tables by making low-emissions or electric vehicle use more accessible by including one or both of the following project components: provide preferential parking for ultra-low emission, zero-emission, and alternative-fuel vehicles; and provide electric vehicle charging stations within the development.

AQ-6 The County shall require implementing projects to prohibit idling of on- and off-road heavy duty diesel vehicles for more than five minutes. This measure shall be implemented by new commercial and industrial projects with loading docks or delivery trucks. Such projects shall be required to post signage at all loading docks and/or delivery areas directing drivers to shut down their trucks after five minutes of idle time. Also, employers who own and operate truck fleets shall be required to inform their drivers of the anti-idling policy.

“AQ-7 The County shall work with the Winegrowers’ Association, the Temecula Valley Convention and Visitor’s Bureau, and their partners, to promote alternative modes of transportation, such as shuttles, cable-cars, trolley, etc. In addition, where feasible, the County shall work with the local transit provider – RTA – by adding or modifying existing transit service to enhance service near the Project site. This will encourage the use of transit and therefore reduce vehicle miles traveled (VMT). Unincorporated Riverside County hosts one Metrolink transit station; the County shall collaborate with ~~in~~ the neighboring cities to expand connections to this station as well as other Metrolink stations which will increase ridership and decrease vehicle miles traveled (VMT).”

AQ-10 The County shall require implementing projects to comply with the following Mitigation Measures for Construction Equipment and Vehicles Exhaust Emissions:

- The County shall require implementing projects to select construction equipment to be used on site based on low emission factors (equipment which releases little atmospheric pollutants) and high energy efficiency (equipment which requires less energy to do the same work). Examples of low emission and high energy efficiency equipment include, but are not limited to, use of EPA Tier 2 (or better) emission compliant construction equipment and use of alternative fueled construction equipment (natural gas) ~~if available~~ as deemed appropriate by the County during application review (see GHG-1 for criteria).
- The County shall require implementing projects to include a statement on grading plans that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications.
- The County shall require implementing projects to utilize electric- or diesel-powered equipment, in lieu of gasoline-powered engines, ~~where feasible~~ as deemed appropriate by the County during application review (see GHG-1 for criteria).

- The County shall require implementing projects to include a statement on grading plans that work crews will shut off equipment when not in use. During smog season (May through October), the overall length of the construction period will be extended, thereby decreasing the size of the area prepared each day, to minimize vehicles and equipment operating at the same time.
- The County shall require implementing projects to time construction activities so as to not interfere with peak hour traffic and minimize obstruction of through traffic lanes adjacent to the site; if deemed necessary by the County to maintain acceptable levels of service and safety, a flag person shall be retained to maintain safety adjacent to existing roadways.
- The County shall require implementing projects to use EPA-rated engines of Tier 3 or better, or prevailing ARB construction fleet specifications (see GHG-1 for criteria).
- As soon as electric utilities are available at construction sites, the County shall require implementing projects to supply the construction site with electricity from the local utility and all equipment that can be electrically operated shall use the electric utility rather than portable generators, where reasonable and feasible (see GHG-1 for criteria).
- The County shall require implementing projects to retain on site dust generated by the development activities, and keep dust to a minimum by following the dust control measures listed below:
 - i) During clearing, grading, earthmoving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems shall be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - ii) During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would require watering at least three times per day which include wetting down such areas in the late morning, mid-day after work is completed for the day, and whenever wind exceeds 15 miles per hour. Soil stabilizers may also be used instead of watering as deemed appropriate by the County during application review, to comply with County and SCAQMD nuisance and dust regulations.
 - iii) Immediately after clearing, grading, earthmoving, or excavation is completed, the entire area of disturbed soil shall be treated until the area is paved or otherwise developed so that dust generation will not occur.
 - iv) Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
 - v) Trucks transporting soil, sand, cut or fill materials, and/or construction debris to or from the site shall be tarped/covered from the point of origin.

AQ-13 Construction contractors supplying heavy duty diesel equipment, greater than 50 hp, will be encouraged to apply for AQMD SOON funds. Information including the AQMD website will be provided to each contractor which uses heavy duty diesel for on-site construction activities."

Page 4.7-27, Under Construction-related Impacts (of implementing Projects) heading, Second Paragraph

“Emissions of GHGs were calculated for the worst-case year of Project construction in CalEEMod. For purposes of this analysis, construction emissions were calculated in five-year increments to correspond with the expected rate of build-out. Emissions for each 5-year period take into account projected policies regarding construction waste diversion and anticipated advancement in equipment technology. Results of this analysis are presented in Table 4.7-2 ~~Error! Reference source not found.~~ 7-2, Year 2035 Construction Greenhouse Gas Emissions. As shown on Table 4.7-2, the average annual emissions would not likely exceed the GHG threshold of 3,000 metric tons, if an equal number of implementing projects are assumed to be constructed in each of the five-year spans. However, as the actual rate of construction cannot be accurately estimated, a plausible scenario of three times the average construction activity occurring in a single year was considered for determining potential mass emissions from construction under the Project. The GHG emissions resulting from this worst-case construction activity would exceed the SCAQMD’s threshold, and result in a potentially significant impact. Therefore, the construction of the implementing projects would result in a potentially significant impact with regard to construction GHG emissions.”

Page 4.7-28, Last Paragraph

“As shown in Table 4.7-3 ~~Error! Reference source not found.~~ Mass Emissions 2035 Operational Greenhouse Gas Emissions, in 2035 annual GHG emissions resulting from vehicle, electrical, and natural gas usage associated with operation of implementing Projects were estimated to be 286,298 MT CO_{2e}. from those sources in the Basin and an additional 111,534 MT CO_{2e} from sources in the San Diego Air Basin. ~~San Diego travel emissions have been included in the analysis; however, are considered “Scope 3 GHG Emissions”; therefore it is not appropriate to be included in the total, since Riverside County lacks jurisdictional control over or input into highway projects and planning in San Diego County.~~ For this proposed Project, mobile source emissions from the San Diego Air Basin are categorized as Scope 3 GHG emissions, which are defined by CARB as “emissions resulting from the extraction and production of purchased materials and fuels, transport-related activities in vehicles not owned or controlled by the reporting entity (e.g., employee commuting and business travel), outsourced activities, waste disposal, etc.”¹⁷ Specifically, they are considered indirect GHG emissions that are a consequence of the Project activities, but occur at sources controlled by the SDAPCD. According to CARB and The Climate Registry, the reporting of Scope 3 GHG emissions is optional but, more importantly, Scope 3 emissions should not be summed across entities. As mentioned previously, SANDAG developed and adopted the 2050 RTP/SCS in October 2011 to provide a blueprint for the growth of transportation infrastructure in the San Diego region for the next 40 years. Therefore, it is assumed that mobile source GHG emissions originating from the San Diego Air Basin, regardless of destination, have been accounted for in the RTP/SCS and

¹⁷ Source: Local Government Operations Protocol: For the quantification and reporting of greenhouse gas emissions inventories. May 2010. CARB

should not be doubly counted in Riverside County’s emissions inventory. The emissions estimates are based on compliance with the County’s requirement of achieving the minimum mandated points on the GHG Option Tables. Even with these reductions, operation of implementing projects pursuant to the Project would exceed the SCAQMD screening threshold of 3,000 MT CO₂e per year, which is expected for a large program such as this Project, and impacts would be potentially significant, requiring further analysis.”

Page 4.7-37, Last Paragraph

“Compliance with proposed County of Riverside SWAP policies will ensure consistency with the numeric GHG-reduction goals of AB 32 and be consistent with promulgated plans, polices, and regulations governing the reduction of GHG emissions. Because these features and measures would meaningfully reduce Project GHG emissions and are consistent with the state and local goals, the Project is supportive of the State’s goals regarding global climate change. However, Project impacts to global climate change, both at the Project level and cumulative level, are still potentially significant and unavoidable, due to the overall increase in emissions as compared to existing conditions. The EIR has incorporated all reasonable and feasible mitigation measures as set forth above, including a comprehensive quantitative GHG mitigation program with an Options Table. Alternatives to reduce GHG impacts are discussed in Section 6, Alternatives to the Proposed Project.”

CHAPTER 4.8, HAZARDS AND HAZARDOUS MATERIALS

Page 4.8-2, Second Paragraph, First Sentence

“One hazardous material site within the Project area, Temecula Bomb Target #107, has been identified on the Hazardous Waste and Substances Sites (Cortese) List, a planning document used by the State, local agencies and developers to comply with the California Environmental Quality Act requirements. No other hazardous materials sites are known to exist within the Project area.”

Page 4.8-15, First Paragraph under Conclusion heading

“Although implementation of the Project would potentially increase the transport, use, storage, and manufacture of hazardous materials within the Project area, these activities are highly regulated by federal, State, and local regulations. As a result all future implementing projects within the Project area would be subject to the above-described Mitigation Measure HAZ-1, federal, State, and local regulations, ordinances, General Plan policies, and standard conditions or requirements, which are intended to reduce the potential for release of hazardous materials and provide the necessary information and guidance to effectively respond and address a release of hazardous materials ensuring limited impact to the environment. Such conformance would be adequate to ensure that potential impacts from the effects of a release of hazardous materials on any habitable structure, critical facility, or other infrastructure would be reduced to less than significant with mitigation incorporated, ~~and no additional mitigation measures are required or proposed.~~”

CHAPTER 4.9, HYDROLOGY AND WATER QUALITY

Page 4.9-1, End of First Paragraph Under “Regional Hydrology and Drainage”

Omit the extra period “.” at the end of the paragraph.

“...conveyance systems throughout the Project area.”

Page 4.9-2, Under Drainage Area 6 header

“A portion of the Project area, approximately the north half, is within the Murrieta Creek watershed, as shown on Exhibit 4.9-1, *Watershed Boundary Map*. ~~provided by Riverside County Flood Control and Water Conservation District (RCFCWCD)~~. As shown on this Exhibit, District 1, a majority of District 2 and the northerly most portion of District 3 fall within this area. The southerly portion of District 3, the southeasterly corner of District 2, District 4, and District 5 fall outside the limits of the Murrieta Creek watershed. All implementing projects that fall within the Murrieta Creek Area ~~Drainage Plan~~ Drainage Plan will be subject to ADP fees, as enforced by RCFCWCD. Refer to Exhibit 4.9-2, *Drainage Course Photo Map*, for a detailed view of the Project drainage.

A large portion of the Equestrian District is within a FEMA 100-year Floodplain. The limits of each floodplain type (Zone A, AE, AH, and X [shaded]) are shown on Exhibit 4.9-3, *Floodplain Areas*. Zone A designated floodplains are areas with a one-percent annual chance of flooding. Because detailed analyses are not performed by FEMA for such areas; no depths or base flood elevations are shown within these zones. Zone AE designates areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. BFEs are shown in this zone. Zone AH designates areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. BFEs derived from detailed hydraulic analyses are shown in this zone. Zone X (shaded) floodplains are areas of moderate flood hazard, usually areas between the limits of the 100-year (1-percent annual probability) and 500-year (0.2-percent annual probability) floods. Large scale and high density subdivisions which would alter the limits of the floodplain are not anticipated within the Project area. Should such projects submit an application for development and are located in areas subject to the one-percent annual chance flood event, such developments will be required to meet the provisions of Ordinance 458 during the entitlement process. Construction of a structure within a one-percent chance floodplain is also subject to the provisions of Ordinance 458. Any project that requires fill to be placed within this area, which alters the limits of the floodplain will be required to process a Letter of Map Revision based on Fill (LOMR F) with FEMA.”

Page 4.9-21, Mitigation Measure HYD-4

“HYD-4 Infiltration ~~may~~ shall be utilized by implementing projects for maintaining water quality standards as deemed appropriate by the County during application review. This determination shall be made based on individual percolation tests, prepared by a soils engineer, to determine the feasibility of using infiltration onsite, as well as to provide

design recommendations for the chosen BMP's. If infiltration is not feasible based on a specific site's soils properties, ~~some form of on-site detention should~~ shall be considered utilized to mitigate any additional stormwater runoff that exceeds the existing calculated flows. In this case (when infiltration is not feasible) other BMP's ~~should~~ shall be evaluated by the County and contractor to ensure that projects meet the water quality requirements. Maintaining the use of existing roadside swales in compliance with the current MS4 permit ~~is also recommended~~ can be utilized as deemed appropriate by the County during application review to help maintain existing drainage patterns and help with water quality."

Page 4.9-26, Mitigation Measure HYD-8

"HYD-8 All implementing projects shall ~~consider~~ incorporate the following flood control measures ~~and shall use them~~, as applicable:

- Minimize encroachment into floodplains and watercourses to the satisfaction of the Riverside County Flood Control and Water Conservation District prior to applicable plan/permit approval.
- Phase so that 100-year flood protection is ensured in all areas of development. Provide protection against flooding, erosion, siltation, and water quality impacts through interim improvements (such as temporary debris basins, earthen channels/berms, check dams, sand bag barriers, or other temporary BMPs and flood control protection measures).
- Keep building pad construction from flood hazard for the 100-year frequency storm by elevating finished floor elevations above the 100-year level of flood protection.
- Detain any incremental increase in drainage within the implementing project's boundaries in accordance with RCFCWCD requirements. ~~For the portion of the project site within the Murrieta Creek Area Drainage Plan (ADP), detain incremental increases in drainage until the Murrieta Creek ADP is fully implemented downstream of the implementing project site."~~

Page 4.9-29, Last Paragraph

"Low lying areas should typically be reserved for passive uses such as agriculture, rather than the placement of buildings. Implementing projects shall be required to provide their own flood protection for access and structures, as well as downstream flood mitigation. Large scale and high density subdivisions which would alter the limits of the floodplain are not anticipated within the Project area. Should such projects submit an application for development and are located in areas subject to the one-percent annual chance flood event, such developments will be required to meet the provisions of Ordinance 458 during the entitlement process. Construction of a structure within a one-percent chance floodplain is also subject to the provisions of Ordinance 458."

Page 4.9-33, Second to Last Paragraph

“Cumulative impacts to hydrology and water quality are addressed in the Riverside County General Plan Final EIR No. 441, which is incorporated by reference into this EIR. The Project would not directly result in degradation of surface water quality, groundwater, drainage or erosion, or flooding impacts. Compliance with Federal, State, and local requirements on a project-by-project basis would reduce cumulative impacts to a less than significant level at the time of a an implementing project is developed. In addition, as discussed above, cumulative impacts to surface water resources are also regulated and mitigated by regional plans, permits and programs managed by the Riverside County Flood Control and Water Conservation District and U.S. Army Corps of Engineers.”

CHAPTER 4.10, LAND USE AND RELEVANT PLANNING

Page 4.10-24, Fourth Paragraph

“Also, to ensure consistency with the proposed Policy Area, every ~~ministerial and~~ discretionary application within the Project boundary would be required to submit a Change of Zone (CZ) application to adopt the new applicable zone. Refer to Mitigation Measure LU-1 below which describes the Change of Zone Planning Department development review process which would ensure appropriate review of potential site-specific environmental concerns for implementing projects. As discussed below under Cumulative Impacts, applications that are in process or have recently been approved may proceed under current General Plan and zoning overlays, although County staff and the Board of Supervisors evaluate site-specific development conditions to ensure land use compatibility, consistent with the General Plan and applicable regulations.”

Page 4.10-16, First Paragraph under Western Riverside County Multiple Species Habitat Conservation Plan heading

“The Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) is a comprehensive, multi-jurisdictional Habitat Conservation Plan (HCP) focusing on Conservation of species and their associated Habitats in Western Riverside County. The MSHCP is intended to allow Western Riverside County and its Cities to better control local land-use decisions while addressing the requirements of the State and Federal Endangered Species Acts. The MSHCP plan area encompasses approximately 1.26 million acres (1,966 square miles); it includes all unincorporated Riverside County land west of the crest of the San Jacinto Mountains to the Orange County line, as well as the jurisdictional areas of the Cities of Temecula, Murrieta, Lake Elsinore, Wildomar, Eastvale, Jurupa Valley, Canyon Lake, Norco, Corona, Riverside, Moreno Valley, Banning, Beaumont, Calimesa, Perris, Hemet, and San Jacinto.

Page 4.10-31 (and 4.4-14), Mitigation Measure LU-1

“LU-1 ~~All implementing projects (ministerial and discretionary)~~ **All future requests for discretionary land use entitlements** within the Project boundary shall ~~be required to~~ **comply with the following requirements:**

- Apply for and obtain a Change of Zone (CZ) to benefit from the implementing zones of the Wine Country Policy Area. As part of the review process, the County shall conduct a project-specific CEQA analysis for the CZ Application. Depending upon the location of the implementing project, Planning staff shall require the project proponent to conduct the necessary studies (e.g., Archeology, Geology, Biology, Hydrology, etc.). Depending upon the findings of those studies, Planning staff shall recommend that a restrictive zoning classification (such as an open space zone) be placed on areas where sensitive resources require protection.
- Apply for and obtain the necessary grading permit. Such grading permit shall go through the appropriate environmental analysis and identify the necessary mitigations, if any (e.g., cultural monitoring during grading, biological restoration, etc.), prior to approval of the grading permit.
- Apply for and obtain the necessary building permit. The County shall ensure the necessary reviews of building permits by the Riverside County Flood Control and Water Conservation District (RCFCWCD), Environmental Programs Division (EPD), County Archeologist, County Geologist, etc.
- Comply with the MSHCP and applicable resource agency regulations pertaining to the protection of biological resources and existing jurisdictional drainage features. Applicants for such implementing projects shall reference the current MHSCP criteria (biological objectives and requirements for any applicable Conservation Area/Criteria Cell or linkage), conduct an MSHCP consistency analysis, and prepare a Jurisdictional Delineation where onsite drainages exist and obtain applicable permits/approvals from the U.S. Army Corps of Engineers, California Department of Fish and Game, Regional Water Quality Control Board and/or U.S. Fish and Wildlife Service.
- All implementing projects shall be in compliance with applicable mitigation measures pursuant to the County's General Plan EIR.

Notwithstanding the foregoing, if the future proposed use of the property within the Project boundary is a use that is permitted by right under both Ordinance 348.4729 and the zoning designation for the property that was in place immediately before the adoption of Ordinance 348.4729, then the future proposed use shall not be required to apply for and obtain a Change of Zone."

Page 4.10-35, First Paragraph

"...the subregion and within the Project area (i.e., implementing projects), is not anticipated to result in cumulatively considerable land use impacts. If future implementing projects are consistent with the proposed Project (including the proposed General Plan Amendment, Zoning Ordinance Amendment and revised design guidelines), their cumulative impacts would be consistent with the Project-related land use impacts identified in this Draft EIR Section and would thus be less than significant. In addition, the land use changes anticipated under the proposed Project would comply with the growth projections, goals, and vision identified by

SCAG; thus significant Project-related cumulative land use impacts are not anticipated. As noted in Section 4.0, there are approximately 60 development cases in various stages of review or approval with the County. Some of these development proposals may proceed independently from the Project (if approved prior to the Project being approved), in which case they could create land use conflicts with existing for future WCCP properties. However, each development application is reviewed for land use compatibility as part of the County's development review process, which also evaluates consistency with the General Plan, zoning and applicable regulations. These existing applications are not "proposed" as part of the Project, could occur with or without the Project, and were taken into consideration by County staff when developing the land use buildout projections shown in Appendix J.¹⁸ "

CHAPTER 4.12, NOISE

Page 4.12-26, end of first full paragraph under "Construction-related Impacts"

"Actual construction noise levels vary widely depending on the specific project and site-specific features, with noise levels 50 feet from the property line sometimes exceeding 90 dBA for short periods. These temporary construction noise impacts are usually relatively brief, typically do not overlap with over construction-related noise, and must comply with County standard conditions, Noise Ordinance requirements and EIR mitigation measures, as described further below. In addition, the Project's required setbacks will reduce the intensity of construction-related activity along the property line and within the setback areas, which range from 50 feet to 300 feet depending on the land use and location."

Page 4.12-27, Mitigation Measure NOI-1

"NOI-1 All implementing projects shall comply with the following noise reduction measures during grading and building activities in order to achieve applicable County Noise Element requirements and comply with EIR mitigation measures, concurrent with Mitigation Measure LU-1:

- If construction occurs within one-quarter mile of an inhabited dwelling, construction activities shall be limited to the daytime hours of 6:00 a.m. to 6:00 p.m. during the months of June through September, and to 7:00 a.m. to 6:00 p.m. during the months of October through May.
- To minimize noise from idling engines, all vehicles and construction equipment shall be prohibited from idling in excess of three minutes when not in use.
- Best efforts ~~should~~ shall be made to locate stockpiling and/or vehicle staging area as far as practicable from existing residential dwellings.

¹⁸ If the planning application has been approved, County staff included the associated land uses in the Project traffic modeling as part of the Wine Country buildout projections. Like existing land uses, any recently approved application will essentially operate as an "existing non-conforming use" relative to consistency with Project zoning and design guidelines, and would be required to come into compliance with Project zoning and design guidelines should the parcel(s) seek a future discretionary land use approval.

- Equipment and trucks shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds, wherever feasible).
- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) shall be hydraulically or electronically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler shall be used; this muffler can lower noise levels from the exhaust by up to about ten dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of five dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- Stationary construction noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and incorporate insulation barriers, or other measures to the extent feasible.”

Page 4.12-28, Mitigation Measure NOI-2

“NOI-2 Implementing project proponents shall submit a list of measures to respond to and track complaints pertaining to construction noise, ongoing throughout demolition, grading, and/or construction. These measures may include, but are not limited to, the following:

- A sign posted on-site pertaining the permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign ~~may~~ shall also include a listing of both the County and construction contractor’s telephone numbers (during regular construction hours and off-hours); and
- A pre-construction meeting may be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.”

Page 4.12-38, Third Paragraph

“However, to ensure noise from special events held at winery facilities are further reduced, Mitigation Measure ~~NOI-5~~ NOI-4 would require special occasion facilities ~~with more than 200 guests per event~~ to submit a Noise Study “Special Event Synopsis”, and ~~NOI-6~~ NOI-3 and NOI-5 would require Noise Control Plans to be formulated prior to the issuance of building permits to reduce noise impacts to a less than significant level. Mitigation Measure ~~NOI-6~~ NOI-5 prohibits amplified sound and special events at wineries after 10:00 p.m., restricts special event clean-up activities to no later than midnight, and identifies potential noise-attenuating features to be incorporated into future implementing projects. NOI-6 ensures proper enforcement of County noise requirements and Project conditions of approval. With the implementation of Mitigation Measures ~~NOI-5 and NOI-6~~ NOI-3 through NOI-6, noise impacts from special events at wineries would be less than significant.”

Page 4.12-45, First Paragraph, additional sentence

“Blasting, if required, would be subject to the County’s standard practices and applicable conditions of approval related to geotechnical and noise studies, and will be reflected in special Mitigation Measure LU-1.”

Page 4.12-47, Last Paragraph

“Unavoidable significant impacts have been identified for Project level and cumulative noise impacts related to mobile noise sources and stationary noise. If the County of Riverside approves the Project, the County shall be required to adopt findings of fact in accordance with Section 15091 of the CEQA Guidelines, as well as adopt a Statement of Overriding Considerations in accordance with Section 15093 of the CEQA Guidelines. As described above, the County has incorporated a comprehensive noise mitigation program for both construction and operational noise. County staff have proposed a Land Use plan modification that would create greater separation between existing residential uses in the Morgan Hill area and proposed wineries that could have special events, in order to further reduce the potential for significant land use, noise and aesthetic impacts. No additional feasible mitigation is available. Refer to Section 6, Alternatives to the Proposed Project, for additional alternatives discussion.”

CHAPTER 4.13, PUBLIC SERVICES, RECREATION AND UTILITIES

Page 4.13-20, Mitigation PSU Fire-1

“**PSU FIRE - 1** All implementing projects requiring a traffic impact analysis (TIA) shall analyze the project-related traffic’s impact on emergency service response times. Implementing projects shall participate in a land acquisition and fire facility construction program, as necessary, to ensure adequate response times, as determined by the Riverside County Fire Department Department (RCFD).”

Page 4.13-24, Impact 4.13-5

“Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, or would the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?”

Page 4.13-30, Second Paragraph

“In each of the projected Normal Year scenarios, RCWD supply exceeds demand by considerably more than the 10,336 afy additional demand projected for the Project. The relationship between supply and demand continues through single and multiple dry years and in all cases the RCWD has the capacity to supply the additional demand projected for the

Project at full build out. Accordingly, RCWD would have sufficient supply to serve the Project and the Project's impact would be less than significant.¹⁹

Page 4.13-31, Mitigation Measure PSU WATER-1

"PSU WATER-1 All implementing projects shall be required to use graywater as a water conserving system (Riverside County Policy OS 2.1), subject to review and approval by the SDRWQCB and incorporation of applicable Best Management Practices.

Page 4.13-32, Impact 4.13-7

"Would the project require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

OR

Would the project result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

OR

Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?"

Page 4.13-33, Mitigation Measure PSU SEWER-2

"PSU SEWER-2 All implementing projects shall make a fair share contribution toward proposed sewer improvements, as set forth in the phasing and financing plan being developed by EMWD. In addition, all implementing projects shall be responsible for extending sewer lines from available trunk lines as a condition of approval for the project, and/or otherwise ensuring adequate wastewater service consistent with County, Rancho California Water District and Regional Water Quality Control Board requirements, as deemed appropriate by the County during application review, in order to meet water quality standards and comply with applicable policies and regulations adopted by the County, Rancho California Water District and the Regional Water Quality Control Board. Every future project in the Project area have special sewer conditions as established by the County pursuant to the "Temecula Valley Wine Country (TVWC) Draft Conditions of Approval" adopted by the Board on February 14, 2012.

¹⁹ Refer to Appendix H for additional discussion. Due to the policy nature of the Project (no "development" and no maps are being proposed), and considering the long buildout horizon, a formal Water Supply Assessment pursuant to SB610 was not prepared, nor is one required. However, Appendix H contains the equivalent information, indicating that there is adequate water to serve the Project area based upon anticipated buildout conditions.

Page 4.13-35, Under Impact 4.13-8 Solid Waste

“**Threshold:** Would the project be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?

-And-

Would the project comply with federal, state and local statutes and regulations related to solid waste?”

Page 4.13-38, Last Paragraph, Bottom of Page

“The Project and related implementing projects would be required to comply with federal, state, and local statutes and regulations related to solid waste as listed in the Summary of Applicable Existing Regulations and Policies on page 4.13-36. The Project and related implementation implementing projects would contribute to the cumulative amount of solid waste that is disposed of within the Riverside County landfill system. However, the Project, in conjunction with other projects within the area, would generate a total amount of waste that could be accommodated by existing landfills and would not contribute to cumulatively significant impacts to landfill capacity such that all landfills exceed their capacity. Therefore, due to available capacity and implementation of mitigation measures, which provide for recycling on site to reduce Project operational waste, cumulative impacts to the existing landfills resulting from waste generated by the Project are considered less than significant.”

Page 4.13-39, Last Paragraph

“The Project will support new and existing rural residential, winery, and equestrian uses, as well as other commercial activities that encourage tourism. The goal of the Project is to expand development opportunities and attract tourists to the area. Significant impacts to public services and utilities would remain after implementing mitigation. After mitigation, significant impacts to fire protection services and library services would remain significant. This impact is a conservative finding, and due solely to the uncertainty in funding and facilities given the long build-out period of the Project. The Project itself mitigates this impact by reducing density as compared to current General Plan and zoning. In addition, the County’s existing development fees, user fees and other means of generating revenue can provide for necessary facilities as the Project area builds out. If the County deemed it necessary, the County could form a special assessment district to generate revenue to provide additional community facilities such as a library or fire station, although ongoing operational expenses may be more difficult to fund. Given that no such assessment or fee exists at this time nor has been proposed by the County or any Project stakeholders, the EIR does not assume such a fee can or will be reasonably foreseeable. No other mitigation measures are feasible. Refer to Section 6, Alternatives to the Proposed Project, for additional discussion of alternatives that could reduce or avoid these

impacts (no feasible alternatives have been identified that would avoid these significant impacts).²⁰

CHAPTER 4.14, TRAFFIC AND CIRCULATION

Note – the majority of changes noted below are in response to the City of Temecula Comment Letter (No. 10). Although these comments were made in response to the Traffic Impact Study (Draft PEIR Appendix I), the errata below reflect corresponding modifications to the Draft PEIR Section 4.14, Traffic and Circulation, for consistency. The modifications noted below also apply to applicable portions of Appendix I, as reflected in Appendix C, TIS Modifications. Minor corrections to TIS figures are also provided in Appendix C to the Comments and Responses document. Refer to Response No. 10 for additional discussion regarding these Errata.

Page 4.14-3, Second Paragraph

“At the direction of the County of Riverside, both roadway segment and intersection analyses were performed to determine impacts to the study area. Most of the segment and intersection count data were recently collected and were available from the County and the City of Temecula. For intersections outside the City, weekend counts for the mid-day peak hour were collected.²¹ Roadway segment operations were evaluated by comparing the projected traffic volumes to the level of service (LOS) thresholds identified in the Riverside County Circulation Element. The Riverside County LOS thresholds for roadway segment assessment are shown in Table 4.14-2. Utilizing both road segment and intersection data is a conservative approach, since policy-level Program EIRs of this scale would typically only utilize a roadway segment analysis to assess impacts of the Project. Roadway segment assessment is typical for a program-level assessment as broad policy-level plans such as the Project usually lack sufficient detail to complete a detailed intersection assessment, as specifics related to future implementing projects have yet to be identified (i.e., such as driveway locations, actual land use, etc.).”

²⁰ As set forth in *City of Hayward v. Board of Trustees of the California State University* (1st Dist. June 28, 2012), CEQA is intended to focus on impacts of a Project on the environment, not impacts upon a project, including fire protection services. The analysis of fire and other public services and utilities is provided for informational purposes.

²¹ The County utilized June/July counts as these were more typical of a peak traffic day in the wine country region, where weekend peak traffic is a greater concern than weekday commuter traffic.

Page 4.14-6, Table 4.14-3

Table 4.14-3
Roadway Segment Levels of Service: Existing Conditions

Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
Rancho California Road West of La Serena Way	2	14,285	D	13,569	D
Rancho California Road West of Anza Road	2	N/A	N/A	13,798	D
Anza Road South of Rancho California Road	2	N/A	N/A	3,924	C or Better
Glenoaks Road South of Rancho California Road	2	N/A	N/A	4,316	C or Better
Rancho California Road East of I-15**	8	58,091	D	52,444	C or Better
Rancho California Road East of Anza Road	2	13,358	D	14,104	D
Anza Road North of De Portola Road	2	4,031	C or Better	4,235	C or Better
De Portola Road East of Anza Road	2	4,137	C or Better	5,235	C or Better
Mesa Road North of Glenoaks Road	2	3,187	C or Better	3,189	C or Better
De Portola Road East of Glenoaks Road	2	528	C or Better	654	C or Better
SR 79 (Temecula Parkway) East of I-15*	6	36,789	C or Better	35,775	C or Better
SR 79 (Temecula Parkway) West of Butterfield Stage Road	6	30,984	C or Better	32,192	C or Better
SR 79 (Temecula Parkway) East of Anza Road	2	8,300	C or Better	11,145	C or Better
Butterfield Stage Road north of De Portola Road	4	11,881	C or Better	14,257	C or Better
Butterfield Stage Road north of Rancho California Road	2	4,616	C or Better	5,539	C or Better
Butterfield Stage Road north of Temecula Parkway	3	13,061	C or Better	15,673	C or Better
Butterfield Stage Road south of Channel Street	4	10,257	C or Better	12,308	C or Better
Butterfield Stage Road south of La Serena Way	2	4,391	C or Better	5,269	C or Better
Butterfield Stage Road south of Pauba Road	4	9,458	C or Better	11,350	C or Better
Butterfield Stage Road south of Rancho California Road	4	9,903	C or Better	11,884	C or Better

Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
Butterfield Stage Road south of Rancho Vista Road	4	10,168	C or Better	12,202	C or Better
Calle Medusa south of Enfield Lane	2	3,849	C or Better	4,619	C or Better
De Portola Road east of Jedediah Smith Road	2	7,517	C or Better	9,020	C or Better
De Portola Road east of Margarita Road	4	9,223	C or Better	11,068	C or Better
De Portola Road east of Meadows Parkway	4	4,129	C or Better	4,955	C or Better
De Portola Road west of Butterfield Stage Road	4	3,980	C or Better	4,776	C or Better
Diaz Road north of Rancho California Road	3	10,132	C or Better	12,158	C or Better
La Serena Way east of Meadows Parkway	4	7,797	C or Better	9,356	C or Better
Margarita Road east of Avenida Barca	4	20,190	C or Better	24,228	C or Better
Margarita Road north of Rancho California Road	4	19,771	C or Better	23,725	C or Better
Margarita Road north of Santiago Road	4	19,334	C or Better	23,201	C or Better
Margarita Road north of Temecula Parkway	4	24,057	C or Better	28,868	D
Margarita Road south of Jedediah Smith Road	4	16,450	C or Better	19,740	C or Better
Margarita Road south of Rancho California Road*	4	19,564	C or Better	23,477	C or Better
Margarita Road south of Rancho Vista Road*	4	20,071	C or Better	24,085	C or Better
Meadows Parkway north of Rancho California Road	4	7,151	C or Better	8,581	C or Better
Meadows Parkway north of Temecula Parkway	4	11,715	C or Better	14,058	C or Better
Meadows Parkway south of La Serena Way	4	4,416	C or Better	5,299	C or Better
Meadows Parkway south of Leena Way	4	10,823	C or Better	12,988	C or Better
Meadows Parkway south of Pauba Road	4	11,395	C or Better	13,674	C or Better

Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
Meadows Parkway south of Rancho California Road	4	10,466	C or Better	12,559	C or Better
Meadows Parkway south of Rancho Vista Road	4	11,213	C or Better	13,456	C or Better
Meadows Parkway south of Sunny Meadows Drive	4	9,579	C or Better	11,495	C or Better
Pauba Road east of Butterfield Stage Road	2	3,954	C or Better	4,745	C or Better
Pauba Road east of Margarita Road	3	8,621	C or Better	10,345	C or Better
Pauba Road east of Meadows Parkway	2	4,745	C or Better	5,694	C or Better
Pauba Road east of Ynez Road	3	8,924	C or Better	10,709	C or Better
Pauba Road west of Margarita Road	4	8,586	C or Better	10,303	C or Better
Rainbow Canyon Road south of Pechanga Parkway	2	7,570	C or Better	9,084	C or Better
Rancho California Road east of Diaz Road	4	21,654	C or Better	25,985	C or Better
Rancho California Road east of Moraga Road	4	33,144	E	39,773	F
Rancho California Road west of Business Park Drive	2	5,937	C or Better	7,124	C or Better
Rancho California Road west of Butterfield Stage Road	4	14,132	C or Better	16,958	C or Better
Rancho California Road west of Diaz Road	4	11,993	C or Better	14,392	C or Better
Rancho California Road west of Meadows Parkway*	4	21,285	D C or Better	25,542	E C or Better
Rancho California Road west of Ynez Road**	8	54,850	C or better	65,820	E
Rancho Vista Road east of Margarita Road	4	7,289	C or Better	8,747	C or Better
Rancho Vista Road east of Ynez Road	3	8,075	C or Better	9,690	C or Better
Rancho Vista Road west of Margarita Road	4	5,632	C or Better	6,758	C or Better
Rancho Vista Road west of Meadows Parkway	3	4,791	C or Better	5,749	C or Better
Temecula Parkway east of Margarita Road	6	35,328	C or Better	42,394	C or Better

Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
Temecula Parkway east of Meadows Parkway	6	28,426	C or Better	34,111	C or Better
Temecula Parkway east of Pechanga Parkway*	6	41,564	C or Better	49,877	D/E
Temecula Parkway west of Margarita Road*	6	38,199	C or Better	45,839	C or Better D
Vincent Moraga south of Rancho California Road	2	5,212	C or Better	6,254	C or Better
Walcott Lane north of Klarer Lane	2	4,332	C or Better	5,198	C or Better
Ynez Road north of Santiago Road	2	13,840	D	16,608	F
Ynez Road south of Solana Way	6	30,167	C or Better	36,200	C or Better
Ynez Road west of Jedediah Smith Road	2	9,369	C or Better	11,243	C or Better
Rainbow Canyon Road S/O Clubhouse Road (Feb.)	2	5,336	C or Better	6,403	C or Better
Rainbow Canyon Road S/O Clubhouse Road (Oct.)	2	5,206	C or Better	6,247	C or Better
Rancho California Road W/O Margarita Road (Feb.)	4	24,329	C or Better	29,195	D
Rancho California Road W/O Margarita Road (July)	4	25,055	C or Better	30,066	D
Temecula Parkway E/O Butterfield Stage Road (Feb.)	6	18,476	C or Better	22,171	C or Better
Temecula Parkway E/O Butterfield Stage Road (Oct.)	6	18,489	C or Better	22,187	C or Better
I-15 South of SR 79 (Temecula Parkway)	8	129,000	D	129,000	D
I-15 North of SR 79 (Temecula Parkway)	8	150,000	E	150,000	E
I-15 South of Rancho California Road Interchange	8	150,000	E	150,000	E
I-15 North of Rancho California Road Interchange	8	161,000	F	161,000	F
I-15 NB Off-Ramp at SR 79 (Temecula Parkway)	1	10,500	C or Better	10,819	C or Better
I-15 NB On-Ramp at SR 79 (Temecula Parkway)	1	12,000	C or Better	11,273	C or Better
I-15 SB Off-Ramp at SR 79 (Temecula Parkway)	1	12,500	C or Better	13,000	C or Better
I-15 SB On-Ramp at SR 79 (Temecula Parkway)	1	14,600	C or Better	15,050	C or Better
I-15 NB Off-Ramp at Rancho California Road	1	12,000	C or Better	11,247	C or Better

Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
I-15 NB On-Ramp at Rancho California Road	1	14,000	C or Better	13,780	C or Better
I-15 SB Off-Ramp at Rancho California Road	1	19,000	E	18,711	E
I-15 SB On-Ramp at Rancho California Road	1	11,500	C or Better	11,883	C or Better

Source: Fehr & Peers, 2011
 N/A – Count Data Not Available
**denotes locations where City of Temecula capacities were utilized at the request of City staff.*
*** denotes locations where capacities from the City’s General Plan were utilized per City’s request.*

Page 4.14-26, Table 4.14-8

Table 4.14-8
Roadway Segment Levels of Service: Existing Plus Project Conditions

Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
Rancho California Road West of La Serena Way	2	15,870	C	18,850	E
Rancho California Road West of Anza Road	2	N/A	N/A	18,816	E
Anza Road South of Rancho California Road	2	N/A	N/A	11,749	C or Better
Glenoaks Road South of Rancho California Road	2	N/A	N/A	6,803	C or Better
Rancho California Road East of I-15	8	58,759	D	61,009	D
Rancho California Road East of Anza Road	2	14,104	C	15,183	C
Anza Road North of De Portola Road	2	4,777	C or Better	8,677	C or Better
De Portola Road East of Anza Road	2	6,999	C or Better	11,344	C or Better
Mesa Road North of Glenoaks Road	2	3,189	C or Better	3,189	C or Better
De Portola Road East of Glenoaks Road	2	1,159	C or Better	1,718	C or Better
SR 79 (Temecula Parkway) East of I-15 *	6	39,161	C or Better	44,174	C or Better
SR 79 (Temecula Parkway) West of Butterfield Stage Road	6	36,279	C or Better	42,547	C or Better
SR 79 (Temecula Parkway) East of Anza Road	2	12,030	C or Better	11,390	C or Better
Butterfield Stage Road north of De Portola Road	4	11,965	C or Better	16,656	C or Better
Butterfield Stage Road north of Rancho California Road	2	4,662	C or Better	5,539	C or Better
Butterfield Stage Road north of Temecula Parkway	3	13,822	C or Better	17,719	D
Butterfield Stage Road south of Channel Street	4	11,092	C or Better	13,618	C or Better
Butterfield Stage Road south of La Serena Way	2	4,404	C or Better	5,269	C or Better
Butterfield Stage Road south of Pauba Road	4	10,367	C or Better	14,209	C or Better
Butterfield Stage Road south of Rancho California Road	4	13,784	C or Better	16,022	C or Better
Butterfield Stage Road south of Rancho Vista Road	4	12,817	C or Better	17,012	C or

Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
					Better
Calle Medusa south of Enfield Lane	2	4,152	C or Better	5,096	C or Better
De Portola Road east of Jedediah Smith Road	2	8,094	C or Better	11,288	C or Better
De Portola Road east of Margarita Road	4	11,172	C or Better	18,623	C or Better
De Portola Road east of Meadows Parkway	4	9,380	C or Better	7,243	C or Better
De Portola Road. west of Butterfield Stage Road	4	6,851	C or Better	7,044	C or Better
Diaz Road north of Rancho California Road	3	10,132	C or Better	12,158	C or Better
La Serena Way east of Meadows Parkway	4	12,235	C or Better	10,567	C or Better
Margarita Road east of Avenida Barca*	4	24,949	C or Better	31,036	ED
Margarita Road north of Rancho California Road	4	20,791	C or Better	25,604	C or Better
Margarita Road north of Santiago Road	4	25,000	C or Better	26,005	C or Better
Margarita Road north of Temecula Parkway	4	26,554	C or Better	30,359	D
Margarita Road south of Jedediah Smith Road	4	20,470	C or Better	26,480	C or Better
Margarita Road south of Rancho California Road*	4	21,077	C or Better	28,982	FD
Margarita Road south of Rancho Vista Road*	4	22,707	C or Better	28,820	FD
Meadows Parkway north of Rancho California Road	4	7,993	C or Better	17,870	C or Better
Meadows Parkway north of Temecula Parkway	4	12,679	C or Better	16,631	C or Better
Meadows Parkway south of La Serena Way	4	5,800	C or Better	14,151	C or Better
Meadows Parkway south of Leena Way	4	10,823	C or Better	20,203	C or Better
Meadows Parkway south of Pauba Road	4	11,395	C or Better	18,537	C or Better
Meadows Parkway south of Rancho California Road	4	10,466	C or Better	16,802	C or Better
Meadows Parkway south of Rancho Vista Road	4	11,710	C or Better	17,506	C or

Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
					Better
Meadows Parkway south of Sunny Meadows Drive	4	9,579	C or Better	17,323	C or Better
Pauba Road east of Butterfield Stage Road	2	6,346	C or Better	10,334	C or Better
Pauba Road east of Margarita Road	3	12,138	C or Better	12,701	C or Better
Pauba Road east of Meadows Parkway	2	5,514	C or Better	6,917	C or Better
Pauba Road east of Ynez Road	3	11,116	C or Better	12,947	C or Better
Pauba Road west of Margarita Road	4	11,208	C or Better	13,004	C or Better
Rainbow Canyon Road south of Pechanga Parkway	4	7,570	C or Better	10,761	C or Better
Rancho California Road east of Diaz Road	4	21,654	C or Better	25,985	C or Better
Rancho California Road east of Moraga Road	4	36,990	F	46,341	F
Rancho California Road west of Business Park Drive	2	5,937	C or Better	7,124	C or Better
Rancho California Road west of Butterfield Stage Road*	4	19,698	C or Better	28,146	C or Better
Rancho California Road west of Diaz Road	4	11,993	C or Better	14,682	C or Better
Rancho California Road west of Meadows Parkway*	4	23,427	C or Better	30,327	F D
Rancho California Road west of Ynez Road	6	61,165	F	74,385	F
Rancho Vista Road east of Margarita Road.	4	12,921	C or Better	12,112	C or Better
Rancho Vista Road east of Ynez Road	3	9,929	C or Better	11,742	C or Better
Rancho Vista Road west of Margarita Road	4	10,703	C or Better	8,928	C or Better
Rancho Vista Road west of Meadows Parkway	3	10,409	C or Better	9,140	C or Better
Temecula Parkway east of Margarita Road*	6	35,328	C or Better	46,892	C or BetterD
Temecula Parkway east of Meadows Parkway*	6	32,513	C or Better	44,466	C or BetterD
Temecula Parkway east of Pechanga Parkway*	6	47,030	C or	62,873	F

Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
			Better D		
Temecula Parkway west of Margarita Road*	6	38,506	C or Better	52,262	D E
Vincent Moraga south of Rancho California Road	2	5,342	C or Better	7,509	C or Better
Walcott Lane north of Klarer Lane	2	4,661	C or Better	5,714	C or Better
Ynez Road north of Santiago Road	2	15,059	E	19,146	F
Ynez Road south of Solana Way	6	32,976	C or Better	40,606	C or Better
Ynez Road west of Jedediah Smith Road	2	9,369	C or Better	12,725	C or Better
Rainbow Canyon Road S/O Clubhouse Road (Feb.)	2	5,336	C or Better	8,080	C or Better
Rainbow Canyon Road S/O Clubhouse Road (Oct.)	2	5,206	C or Better	7,924	C or Better
Rancho California Road W/O Margarita Road (Feb.)	4	25,964	C or Better	38,524	F
Rancho California Road W/O Margarita Road (July)	4	26,690	C or Better	39,395	F
Temecula Parkway E/O Butterfield Stage Road (Feb.)	46	21,358	C or Better	29,858	C or Better
Temecula Parkway E/O Butterfield Stage Road (Oct.)	46	21,371	C or Better	29,874	C or Better
I-15 South of SR 79 (Temecula Parkway)	8	132,720	D	134,836	D
I-15 North of SR 79 (Temecula Parkway)	8	154,615	E	157,309	E
I-15 South of Rancho California Road Interchange	8	154,615	E	157,309	E
I-15 North of Rancho California Road Interchange	8	168,186	F	172,272	F
I-15 NB Off-Ramp at SR 79 (Temecula Parkway)	1	11,408	C or Better	12,774	C or Better
I-15 NB On-Ramp at SR 79 (Temecula Parkway)	1	13,274	C or Better	13,170	C or Better
I-15 SB Off-Ramp at SR 79 (Temecula Parkway)	1	13,985	C or Better	15,998	C or Better
I-15 SB On-Ramp at SR 79 (Temecula Parkway)	1	15,555	C or Better	16,516	D
I-15 NB Off-Ramp at Rancho California Road	1	12,952	C or Better	12,210	C or Better
I-15 NB On-Ramp at Rancho California Road	1	15,227	C or Better	15,656	C or Better
I-15 SB Off-Ramp at Rancho California Road	1	21,109	F	21,350	F
I-15 SB On-Ramp at Rancho California Road	1	12,404	C or Better	13,334	C or

Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
					Better
<p><i>Source: Fehr & Peers, 2011</i></p> <p><i>Shaded cells indicate unacceptable operations.</i></p> <p><i>N/A – Count Data Not Available</i></p> <p><i>*denotes locations where City of Temecula capacities were utilized at the request of City staff.</i></p>					

Page 4.14-32, Table 4.14-10

Table 4.14-10
Roadway Segment Levels of Service: Future Plus Project Conditions

Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
Rancho California Road West of La Serena Way	2	14,285	C or Better	13,569	C or Better
Rancho California Road West of Anza Road	2	N/A	N/A	18,248	E
Anza Road South of Rancho California Road	4	N/A	N/A	27,672	D
Glenoaks Road South of Rancho California Road	2	N/A	N/A	5,434	C or Better
Rancho California Road East of I-15	8	59,990	D	52,444	C or Better
Rancho California Road East of Anza Road	2	13,489	C or Better	17,013	D
Anza Road North of De Portola Road	4	23,687	C or Better	25,996	C or Better
De Portola Road East of Anza Road	2	8,506	C or Better	10,439	C or Better
Mesa Road North of Glenoaks Road	2	4,718	C or Better	5,030	C or Better
De Portola Road East of Glenoaks Road	2	3,426	C or Better	5,123	C or Better
SR 79 (Temecula Parkway) East of I-15	8	36,829	C or Better	37,181	C or Better
SR 79 (Temecula Parkway) West of Butterfield Stage Road	6	46,973	C or Better	46,612	C or Better
SR 79 (Temecula Parkway) East of Anza Road	6	27,807	C or Better	32,272	C or Better
Butterfield Stage Road north of De Portola Road	4	27,262	C or Better	31,021	D
Butterfield Stage Road north of Rancho California Road	4	12,704	C or Better	7,391	C or Better
Butterfield Stage Road north of Temecula Parkway	4	30,463	D	33,205	E
Butterfield Stage Road south of Channel Street	4	10,257	C or Better	12,308	C or Better
Butterfield Stage Road south of La Serena Way	4	12,187	C or Better	6,894	C or Better
Butterfield Stage Road south of Pauba Road	4	25,220	C or Better	28,590	C or Better
Butterfield Stage Road south of Rancho California Road	4	22,095	C or Better	20,453	C or Better
Butterfield Stage Road south of Rancho Vista Road	4	24,614	C or Better	25,944	C or Better

Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
Calle Medusa south of Enfield Lane	2	5,464	C or Better	5,622	C or Better
De Portola Road east of Jedediah Smith Road	4	14,104	C or Better	17,597	C or Better
De Portola Road east of Margarita Road	4	13,654	C or Better	18,371	C or Better
De Portola Road east of Meadows Parkway	4	14,838	C or Better	17,563	C or Better
De Portola Road. west of Butterfield Stage Road	4	12,949	C or Better	14,725	C or Better
Diaz Road north of Rancho California Road	4	10,132	C or Better	15,161	C or Better
La Serena Way east of Meadows Parkway	4	15,854	C or Better	17,220	C or Better
Margarita Road east of Avenida Barca	4	30,561	D	31,436	D
Margarita Road north of Rancho California Road	4	31,716	D	25,371	C or Better
Margarita Road north of Santiago Road	4	24,645	C or Better	23,201	C or Better
Margarita Road north of Temecula Parkway	4	25,986	C or Better	28,868	D
Margarita Road south of Jedediah Smith Road	4	17,699	C or Better	21,311	C or Better
Margarita Road south of Rancho California Road	4	26,164	C or Better	25,993	C or Better
Margarita Road south of Rancho Vista Road	4	29,572	D	25,998	C or Better
Meadows Parkway north of Rancho California Road	4	9,675	C or Better	9,599	C or Better
Meadows Parkway north of Temecula Parkway	4	22,245	C or Better	26,793	C or Better
Meadows Parkway south of La Serena Way	4	6,123	C or Better	6,930	C or Better
Meadows Parkway south of Leena Way	4	11,320	C or Better	23,116	C or Better
Meadows Parkway south of Pauba Road	4	17,736	C or Better	25,181	C or Better
Meadows Parkway south of Rancho California Road	4	16,003	C or Better	19,912	C or Better
Meadows Parkway south of Rancho Vista Road	4	19,547	C or Better	23,019	C or Better
Meadows Parkway south of Sunny Meadows Drive	4	15,362	C or	23,955	C or Better

Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
			Better		
Pauba Road east of Butterfield Stage Road	2	8,907	C or Better	10,808	C or Better
Pauba Road east of Margarita Road	4	18,354	C or Better	23,617	C or Better
Pauba Road east of Meadows Parkway	4	13,125	C or Better	15,377	C or Better
Pauba Road east of Ynez Road	4	13,500	C or Better	16,669	C or Better
Pauba Road west of Margarita Road	4	13,366	C or Better	15,688	C or Better
Rainbow Canyon Road south of Pechanga Parkway	4	10,859	C or Better	12,296	C or Better
Rancho California Road east of Diaz Road	6	21,654	C or Better	25,985	C or Better
Rancho California Road east of Moraga Road*	6	40,007	C or Better	46,089	C or Better <u>D</u>
Rancho California Road west of Business Park Drive	4	6,238	C or Better	7,124	C or Better
Rancho California Road west of Butterfield Stage Road	4	17,348	C or Better	24,194	C or Better
Rancho California Road west of Diaz Road	4	19,337	C or Better	17,557	C or Better
Rancho California Road west of Meadows Parkway	4	26,583	C or Better	32,806	E
Rancho California Road west of Ynez Road	8	56,749	C or Better	65,820	E
Rancho Vista Road east of Margarita Road	4	15,745	C or Better	18,496	C or Better
Rancho Vista Road east of Ynez Road	4	23,611	C or Better	20,054	C or Better
Rancho Vista Road west of Margarita Road	4	20,824	C or Better	16,609	C or Better
Rancho Vista Road west of Meadows Parkway	4	14,269	C or Better	15,905	C or Better
Temecula Parkway east of Margarita Road*	8 6	38,227	C or Better	47,524	C or Better <u>D</u>
Temecula Parkway east of Meadows Parkway*	6	44,415	C or Better	48,531	C or Better <u>D</u>
Temecula Parkway east of Pechanga Parkway*	6	41,564	C or	49,877	D <u>E</u>

Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
			Better		
Temecula Parkway west of Margarita Road*	6	38,199	C or Better	45,839	C or Better D
Vincent Moraga south of Rancho California Road*	2	9,380	C or Better	10,732	C or Better D
Ynez Road north of Santiago Road*	4	20,404	C or Better	23,442	C or Better D
Ynez Road south of Solana Way	6	43,952	D	44,329	D
Ynez Road west of Jedediah Smith Road*	4	20,817	C or Better	25,637	C or Better D
Rainbow Canyon Road S/O Clubhouse Road (Feb.)	4	8,625	C or Better	9,615	C or Better
Rainbow Canyon Road S/O Clubhouse Road (Oct.)	4	8,495	C or Better	9,459	C or Better
Rancho California Road W/O Margarita Road (Feb.)	6	30,416	C or Better	37,328	C or Better
Rancho California Road W/O Margarita Road (July)	6	31,142	C or Better	38,199	C or Better
Temecula Parkway E/O Butterfield Stage Road (Feb.)*	6	47,314	C or Better D	57,416	E F
Temecula Parkway E/O Butterfield Stage Road (Oct.)*	6	47,327	C or Better D	57,432	E F
I-15 South of SR 79 (Temecula Parkway)	8	187,954	E	177,322	D
I-15 North of SR 79 (Temecula Parkway)	8	207,795	F	192,487	E
I-15 South of Rancho California Road Interchange	8	207,795	F	192,487	E
I-15 North of Rancho California Road Interchange	8	217,642	F	200,190	E
I-15 NB Off-Ramp at SR 79 (Temecula Parkway)	1	16,020	C or Better	14,332	C or Better
I-15 NB On-Ramp at SR 79 (Temecula Parkway)	1	15,446	C or Better	12,041	C or Better
I-15 SB Off-Ramp at SR 79 (Temecula Parkway)	1	29,555	C or Better	24,136	C or Better
I-15 SB On-Ramp at SR 79 (Temecula Parkway)	1	30,738	C or Better	29,274	C or Better
I-15 NB Off-Ramp at Rancho California Road	1	17,251	D	14,437	C or Better
I-15 NB On-Ramp at Rancho California Road	1	17,244	D	14,493	C or Better
I-15 SB Off-Ramp at Rancho California Road	1	19,000	E	18,711	E
I-15 SB On-Ramp at Rancho California Road	1	13,311	C or Better	12,080	C or Better

Source: Fehr & Peers, 2011

Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
<i>N/A – Count Data Not Available</i>					
<i>*denotes locations where City of Temecula capacities were utilized at the request of City staff</i>					

Page 4.14-35, Table 4.14-11

Table 4.14-11

Intersection Levels of Service: Future Plus Project Conditions

Intersection	Control	Delay	LOS
1. Winchester Road at Nicolas Road (2)	Signalized	>120 <u>52.2</u>	F <u>D</u>
2. Winchester Road at Margarita Road (2)	Signalized	53.4	D
3. Winchester Road at Ynez Road (2)	Signalized	58.8	E
4. Winchester Road at I-15 NB Ramps (1)	Signalized	>120	F
5. Winchester Road at I-15 SB Ramps (1)	Signalized	45.4	D
6. Winchester Road at Jefferson Avenue (2)	Signalized	49.2	D
7. Rancho California Road at Ynez Road (2)	Signalized	>120	F
8. Rancho California Road at I-15 NB Ramps (1)	Signalized	36.3	D
9. Rancho California Road at I-15 SB Ramps (1)	Signalized	31.3	C
10. Rancho California Road at Jefferson Avenue (2)	Signalized	36.3	D
11. Temecula Parkway at Old Town Front Street (2)	Signalized	44.4 <u>24.5</u>	D <u>C</u>
12. Temecula Parkway at I-15 SB Ramps (1)	Signalized	>120	F
13. Temecula Parkway at I-15 NB Ramps (1)	Signalized	51 <u>31.9</u>	D <u>C</u>
14. Temecula Parkway at Pechanga Parkway (2)	Signalized	28.5	C
15. Pechanga Parkway at Anza Road (2)	Signalized	30.6	C
16. Margarita Road at La Serena Way (2)	Signalized	20.5	C
17. Margarita Road at Rancho California Road (2)	Signalized	73.6 <u>55.6</u>	E
18. Margarita Road at Rancho Vista Road (2)	Signalized	60.9	E
19. Margarita Road at Pauba Road (2)	Signalized	78.7 <u>67.5</u>	E
20. Margarita Road at De Portola Road (2)	Signalized	44.3	D
21. Margarita Road at Temecula Parkway (2)	Signalized	39.3	D
22. Meadows Parkway at La Serena Way (2)	Signalized	9.6	A
23. Meadows Parkway at Rancho California Road (2)	Signalized	40.7 <u>37.8</u>	D
24. Meadows Parkway at Rancho Vista Road (2)	Signalized	22.8	C
25. Meadows Parkway at Pauba Road (2)	Signalized	43.0	D
26. Meadows Parkway at De Portola Road (2)	Signalized	22.1	C
27. Meadows Parkway at Temecula Parkway (2)	Signalized	53.4 <u>50.2</u>	D
28. Butterfield Stage Road at La Serena Way (2)	SSSC	>120	F
29. Butterfield Stage Road at Rancho California Road (2)	Signalized	>120 <u>99.9</u>	F
30. Butterfield Stage at Rancho Vista Road (2)	SSSC	>120	F
31. Butterfield Stage Road at Pauba Road (2)	Signalized	67.2 <u>30.1</u>	E <u>C</u>
32. Butterfield Stage Road at De Portola Road (2)	Signalized	33.2 <u>34.1</u>	C
33. Butterfield Stage Road at Temecula Parkway (2)	Signalized	>120 <u>79.5</u>	F <u>E</u>
34. La Serena Way at Rancho California Road	SSSC	>120	F
35. Calle Contento at Rancho California Road	SSSC	>120	F
36. Calle Contento at Madera de Playa	SSSC	14.1	B
37. Calle Contento at Pauba Road	SSSC	14.2	B
38. Calle Contento at De Portola Road	SSSC	17.4	C

39. Anza Road at Borel Road (future)	AWS	39.4	E
40. Anza Road at Buck Road (future)	AWS	72.2	F
41. Anza Road at Rancho California Road*	AWS	>120	F
42. Anza Road at Madera de Playa	SSSC	>120	F
43. Anza Road at Pauba Road	AWS	>120	F
44. Anza Road at De Portola Road	AWS	>120	F
45. Anza Road at Temecula Parkway	Signalized	>120	F
46. Rancho California Road at Camino del Vino	SSSC	31.6	D
47. Rancho California Road at Buck Road (future)	AWS	18.4	C
48. Rancho California Road at Glen Oaks Road	AWS	14.8	B
49. Rancho California Road at Monte De Oro	SSSC	>120	F
50. Los Caballos Road at Temecula Parkway	SSSC	>120	F
51. Camino del Vino at Glen Oaks Road	SSSC	32.2	D
52. Camino del Vino at Monte De Oro	SSSC	36.0	E
53. De Portola Road at Benton Road	SSSC	9.9	A
54. De Portola Road at Glen Oaks Road	SSSC	18.9	C
55. De Portola Road at Via De Oro	SSSC	13.1	B
56. De Portola Road at Monte De Oro	SSSC	16.6	C
57. De Portola Road at Camino del Vino	SSSC	12.2	B
58. De Portola Road at Pauba Road	SSSC	>120	F
59. Pauba Road at Los Caballos Road	SSSC	11.7	B
60. Pauba Road at Temecula Parkway	SSSC	59.4	F
Source: Fehr & Peers, 2011			
AWS – All Way Stop, SSSC – Side Street Stop Control			
* Intersection evaluated using the TRAFFIX software as Synchro cannot evaluate stop-controlled intersections with more than two lanes on any one approach.			
Shaded cells indicate unacceptable operations.			

Page 4.14-22, Table 4.14-6

Table 4.14-6
Impact Analysis Results – Roadway Segments

Segment	GP with Project LOS	GP Traffic Volume	Project Traffic Volume	Change in Volume
<i>Weekday</i>				
I-15 South of SR 79 (<u>Temecula Valley Parkway</u>)	E	192,212	187,954	-4,258
I-15 North of SR 79 (<u>Temecula Valley Parkway</u>)	F	213,434	207,795	-5,639
I-15 South of Rancho California Road Interchange	F	213,434	207,795	-5,639
I-15 North of Rancho California Road Interchange	F	223,344	217,642	-5,702
I-15 NB Off-Ramp at Rancho California Road	D	19,555	17,251	-2,304
I-15 NB On-Ramp at Rancho California Road	D	17,970	17,244	-726
I-15 SB Off-Ramp at Rancho California Road	E	20,354	19,000	-1,354
<i>Weekend</i>				
Rancho California Road West of Anza Road	F E	21,852	18,248	-3,604
Rancho California Road East of Anza Road	D	19,141	17,013	-2,128
Anza Road South of Rancho California Road	D	36,050	27,672	-8,378
<u>Temecula Parkway E/O Butterfield Stage (Feb)</u>	<u>F</u>	<u>65,847</u>	<u>57,416</u>	<u>-8,431</u>
<u>Temecula Parkway E/O Butterfield Stage (Oct)</u>	<u>F</u>	<u>65,863</u>	<u>57,432</u>	<u>-8,431</u>
I-15 South of SR 79 (<u>Temecula Valley Parkway</u>)	D	185,484	177,322	-8,162
I-15 North of SR 79 (<u>Temecula Valley Parkway</u>)	E	199,359	192,487	-6,872
I-15 South of Rancho California Road Interchange	E	199,359	192,487	-6,872
I-15 North of Rancho California Road Interchange	E	208,758	200,190	-8,568
I-15 SB Off-Ramp at Rancho California Road	E	18,711	18,711	0
Source: Fehr & Peers, 2011				

Page 4.14-23, Table 4.14-7

Table 4.14-7
Impact Analysis Results – Intersections

Intersection	GP with Project LOS	GP Traffic Delay	Project Traffic Delay	Change in Delay
1. Winchester Road at Nicolas Road	F	>120	>120	N/A
3. Winchester Road at Ynez Road	E	66.4	58.8	-7.6
4. Winchester Road at I-15 NB Ramps	F	>120	>120	N/A
7. Rancho California Road at Ynez Road	F	>120	>120	N/A
12. Temecula Parkway at I-15 SB Ramps	F	105.0	>120	N/A
17. Margarita Road at Rancho California Road	E	87.7 <u>55.6</u>	73.6 <u>66.9</u>	-14.1 <u>-11.3</u>
18. Margarita Road at Rancho Vista Road	E	86.7	60.9	-25.8
19. Margarita Road at Pauba Road	E	104.7 <u>67.5</u>	78.7 <u>88.2</u>	-26 <u>-20.7</u>
28. Butterfield Stage Road at La Serena Way	F	>120	>120	N/A
29. Butterfield Stage Road at Rancho California Road	F	>120 <u>99.9</u>	>120	N/A
30. Butterfield Stage at Rancho Vista Road	F	>120	>120	N/A
31. Butterfield Stage Road at Pauba Road	E	97.8	67.2	-30.6
33. Butterfield Stage Road at Temecula Parkway	F <u>E</u>	>120 <u>79.5</u>	>120	N/A
34. La Serena Way at Rancho California Road	F	23.5	>120	N/A
35. Calle Contento at Rancho California Road	F	11.0	>120	N/A
39. Anza Road at Borel Road (future)	E	11.5	39.4	+27.9
40. Anza Road at Buck Road (future)	F	13.6	72.2	+58.6
41. Anza Road at Rancho California Road	F	48.7	>120	N/A
42. Anza Road at Madera de Playa	F	>120	>120	N/A
43. Anza Road at Pauba Road	F	16.7	>120	N/A
44. Anza Road at De Portola Road	F	7.7	>120	N/A
45. Anza Road at Temecula Parkway	F	>120	>120	N/A
46. Rancho California Road at Camino del Vino	D	>120	31.6	N/A
49. Rancho California Road at Monte De Oro	F	12.4	>120	N/A
50. Los Caballos Road at Temecula Parkway	F	36.6	>120	N/A
51. Camino del Vino at Glen Oaks Road	D	11.1	32.2	+21.1
52. Camino del Vino at Monte De Oro	E	6.9	36.0	+29.1
58. De Portola Road at Pauba Road	F	40.4	>120	N/A
60. Pauba Road at Temecula Parkway	F	20.8	59.4	38.6
<p>“Delay” is in seconds, as a measure of intersection congestion. Source: Fehr & Peers, 2011 N/A – Change in delay not accurately measurable</p>				

Page 4.14-40, Mitigation Measure TRF-3 (also applies to TIS Mitigation Measure 1)

TRF-3 The County shall implement a Traffic Impact Fee (TIF) Program or other funding mechanism for the Project area. This Program shall collect fair share contributions toward identified mitigation measures (as outlined in the WCP Fair Share and Phasing Assessment conducted by Fehr and Peers) within the Project area and within the City of Temecula, and the County shall enter into an agreement with the City of Temecula to implement the identified improvements. Implementing projects shall also make fair share contributions to revise the Adaptive Traffic Signal Timing Program through the above-mentioned TIF as well, for those intersection locations that would experience improved levels of service with implementation of this Program. In addition, implementing projects shall also make fair share contributions for the Transportation Uniform Mitigation Fee (TUMF) Program for those facilities that are eligible for improvements through the TUMF Program.

Although participation in these Programs would reduce the impacts to most locations to a less than significant level, some measures are considered infeasible because they would either not meet rural character project objectives, the location of necessary improvement(s) would not be within the County’s jurisdictional control, there is uncertainty of funding and feasibility, or there are right-of-way constraints, and the impact would remain significant and unavoidable. The specific locations, impact levels, identified improvements, and basis for those locations that would experience significant and unavoidable impacts, are described below.

The County shall work with the City of Temecula to ensure that the transition from the County’s lane configurations to the City’s planned lane configurations is provided in a safe and efficient manner.

Roadways

Impacts to the following roadways would be less than significant following implementation of the identified improvements:

- Anza Road south of Rancho California Road (widen from two to four lanes)

The following roadway segment improvements are also recommended; however, these were found to be potentially infeasible as discussed above in Impact 4.14-2, and therefore, impact levels would remain significant and unavoidable:

- Rancho California Road West of Anza (widen from two to four lanes); however, widening would be inconsistent with policy and plan direction for the Project.
- Rancho California Road East of Anza (widen from two to four lanes); however, widening would be inconsistent with policy and plan direction for the Project.

- I-15 from south of SR-79 to north of Rancho California Road (freeway expansion); however, remaining funding has not yet been identified and there is limited right-of-way in the corridor for freeway expansion.
- I-15 Freeway ramps to Rancho California (northbound on and off ramps/southbound off ramp); however, the remaining funding has not yet been identified and there is limited right-of-way in the corridor for ramp expansion.
- Under Scenario 4 (Existing Plus Project plus buildout of the General Plan outside the Project area), the Temecula Parkway east of Butterfield Stage Road roadway segment operates at LOS F, an unacceptable level. However, it should be noted that, for the segment to operate at an acceptable level under Scenario 4, it would need additional capacity beyond that of a six-lane (Principal Arterial) as well as mitigation measures outside the Project area.

Intersections

Impacts to the following intersections would be less than significant following implementation of the identified improvements:

- Winchester Road at Ynez Road (optimize cycle length and signal timing splits)
- ~~Temecula Parkway at I-15 Southbound Ramps (optimize cycle length and signal timing splits for LOS D, and add second southbound left and right turn lanes for LOS C)~~
- Margarita Road at Rancho Vista Road (add a second westbound through lane optimize Adaptive Traffic Signal Timing program)
- Margarita Road at Pauba Road (add a second westbound through lane a dedicated westbound right-turn lane would be needed at the intersection, providing one left-turn lane, two through lanes, and one right-turn lane at the intersection)
- Margarita Road at Rancho California Road (optimizing the Adaptive Traffic Signal Timing Program).
- Butterfield Stage Road at La Serena Way (install a traffic signal)
- ~~Butterfield Stage Road at Rancho California Road (install a large roundabout, two to three lanes per approach with bypass right-turn lanes, or widen intersection)~~
- ~~Butterfield Stage Road at Rancho California Road (install a large roundabout, two to three lanes per approach with bypass right-turn lanes, or widen intersection)~~
- Butterfield Stage Road at Rancho California Road

The Project shall make a fair share contribution through the Project TIF toward design and construction of the intersection improvements described below:

- Northbound Approach - two left-turn lanes, two through lanes, one right-turn lane
- Southbound Approach - one left-turn lane, two through lanes, one right-turn lane
- Eastbound Approach - one left-turn lane, three through lanes, and one right-turn lane (with overlap right-turn phase)

- Westbound Approach - one left-turn lane, two through lanes, and one right-turn lane

With these improvements, the intersection will operate at LOS C. The identified improvement would reduce the impact to a less-than-significant level.

- Butterfield Stage Road at Rancho Vista Road (install traffic signal)
- Butterfield Stage Road at Pauba Road (optimize signal timings)
- Butterfield Stage Road at Temecula Parkway (re-stripe the southbound approach to include two left-turn lanes, add a westbound right-turn lane with overlap right-turn phase)
- La Serena Way at Rancho California Road (install a two-lane roundabout)
- Calle Contento at Rancho California Road (install a two-lane roundabout)
- Anza Road at Borel Road (future) (install a traffic signal)
- Anza Road at Buck Road (future) (install traffic signal)
- Anza Road at Rancho California Road (install a large roundabout with a minimum of two lanes on each approach)
- Anza Road at Madera de Playa (install a traffic signal and widen the intersection)
- Anza Road at Pauba Road (install a traffic signal and widen the intersection)
- Anza Road at De Portola Road (install a traffic signal and widen the intersection)
- Anza Road at Temecula Parkway (install a traffic signal and widen the intersection)
- Rancho California Road at Camino del Vino (install a traffic signal and add a southbound left-turn lane, or install a single-lane roundabout)
- Rancho California Road at Monte De Oro (install a two-lane roundabout)

The following intersection improvements are also recommended; however, these were found to be potentially infeasible as discussed above in Impact 4.14-2, and therefore, impact levels would remain significant and unavoidable:

- ~~Winchester Road at Nicolas Road (widen Winchester Road to an 8 lane facility; add a second southbound left turn lane; add a northbound and southbound dedicated right turn lane; and provide an overlap right turn phase for the northbound and westbound right turn movements); however, there is development on all four quadrants of this intersection which limits the ability to widen the roadway.~~
- **Rancho California Road at Ynez Road** (two left-turn lanes, three through lanes and a right-turn lane at the northbound approach; two left-turn lanes, three through lanes and dual right-turn lanes [with overlap right-turn phasing] at the southbound and westbound approaches; and three left-turn lanes, three through lanes and a right-turn lane [with overlap right-turn phasing] at the eastbound approach); however, there is development on all four quadrants of this intersection resulting in limited right-of-way, and the improvements would encroach onto the adjacent pond/park on the southwest quadrant.
- **Winchester Road at I-15 Northbound Ramps** (signal modifications to allow “free” westbound right-turn movement; and add a second dedicated northbound right-

- turn lane); however, the remaining funding outside of the TIF has not been guaranteed. In addition, this ramp is controlled by Caltrans and is in the City of Temecula; as such, the County cannot guarantee implementation of this improvement. It should be noted that the French Valley Parkway improvements, once fully designed and constructed, may further reduce volumes at this location (beyond that identified in this assessment), which would assist in reducing impacts at this location.
- **Winchester Road at Ynez Road.** This intersection operates at LOS E with the proposed Project, an unacceptable level. However, implementation of the Project will decrease delay at this intersection compared to the No Project condition. As such, based on the City of Temecula significance criteria described above, this impact is considered less-than-significant. The Project shall work with the City of Temecula to optimize cycle length and signal timing splits, and make a fair share contribution to revise the For the intersection to operate at an acceptable level, improvements to the Adaptive Traffic Signal Timing Program through the Project TIF would be required. With this improvement, the intersection would operate at an acceptable LOS D ~~and the impact would be reduced to a less than significant level.~~
 - Margarita Road at Rancho California Road (add two left-turn lanes, two through lanes and a dedicated right-turn lane); however, this intersection is controlled by the City of Temecula and the County cannot guarantee implementation of this improvement.
 - Los Caballos Road at Temecula Parkway (install a traffic signal); however, given the rural nature of this area, this intersection will remain unsignalized in the future.
 - Camino del Vino at Glen Oaks Road (install a traffic signal); however, given the rural nature of this area, this intersection will remain unsignalized in the future.
 - Camino del Vino at Monte De Oro (install a traffic signal); however, given the rural nature of this area, this intersection will remain unsignalized in the future.
 - De Portola Road at Pauba Road (install a traffic signal); however, given the rural nature of this area, this intersection will remain unsignalized in the future.
 - Pauba Road at Temecula Parkway (install a traffic signal); however, given the rural nature of this area, this intersection will remain unsignalized in the future.

Page 4.14-44, Fifth Paragraph

“Infrastructure construction and maintenance impacts would be similar to those discussed under construction impacts. Installation of infrastructure associated with implementing projects would not result in an increase in hazards due to a design feature or incompatible uses, since such features and uses would not be permitted in the Project area. Proposed roundabouts would be designed in accordance with current County road standards to ensure adequate sight distance, travel speeds and appropriate signage. Therefore, a less than significant impact is anticipated for infrastructure for implementing projects.”

Page 4.14-49, Last Paragraph

“Impacts associated with decreased performance of the circulation system and deficient levels of service on several roadway segments and intersections as noted above, have been identified as significant and unavoidable. These unavoidable impacts are due primarily either to intentionally “down-sizing” certain roadway segments to maintain the Project areas’s rural nature (and therefore road widening is not feasible) or due to certain improvements being outside the jurisdiction of the County of Riverside (in Temecula, or in Caltrans jurisdiction, where the County cannot ensure the timeliness or nature of future improvements). Prior to certification of the EIR, the County of Riverside will need to adopt of Statement of Overriding Considerations regarding these impacts. All other impacts associated with Transportation and Circulation are considered less than significant following implementation of the recommended mitigation measures.”

CHAPTER 5.0, GROWTH-INDUCING IMPACTS

Page 5.0-13, Fourth Paragraph

“In association with development of the Project, the Project will allow for various onsite and offsite infrastructure improvements that could remove impediments to growth and/or provide for additional capacity. The Project also results in direct job growth through increased employment opportunities as a result of the proposed update of the existing Southwest Area Plan (SWAP) and other elements of the General Plan. Due to its size, its incremental implementation, its impact on infrastructure, and the potential direct and indirect economic growth associated with it, the Project would be viewed as growth-inducing pursuant to CEQA.

Although the Project would reduce the anticipated number of residential units at buildout of the Project area (compared to the existing General Plan and zoning), this is not considered a significant impact relative to RHNA goals, as the County and Southwest Area Plan region are already housing rich, and the Project is not a desirable or planned location for low-income housing.”

CHAPTER 6.0, ALTERNATIVES TO THE PROPOSED ACTION

Note: Refer to Attachment D to this Comments and Responses document, which contains minor corrections to the Appendix I, Traffic Impact Study, including minor corrections to TIS Tables 8 and 9, which relate to the No Project Alternative.

Page 6.0-14, Fourth Paragraph under Reduced Density (25% Reduction) Alternative, Description of Alternative

This Alternative may accomplish some of the objectives enumerated for the Project to some extent. However, as discussed below, the Reduced Density Alternative does not meet most of the basic project objectives for the Project.

The Project Objectives are as follows:

1. To preserve and enhance viticulture potential, rural lifestyle and equestrian activities;
2. To continue to allow for an appropriate level of commercial tourist activities that are incidental to viticulture and equestrian operations;
3. To coordinate growth in a manner that avoids future land use conflicts; and
4. To ensure timely provision of appropriate public infrastructure and services that keeps up with anticipated growth.

Under the Reduced Density Alternative, the future growth of the Project area would be reduced by 25% as compared to the Project. The Project has been analyzed by the County and discussed during public workshops and hearings that included input from the region's communities and stakeholders. The Project is considered an appropriate level for commercial tourist activities that would better enhance the region's economic viability by assisting in the funding of necessary infrastructure (water, waste-water, roadway improvements, etc.) to support the Plan area. The Plan area has pending development proposals and implementing projects will assist in achieving objectives within the Community Plan by being able to balance growth and allow an appropriate level of commercial tourist activities.

Both the Project and the Reduced Density Alternative would preserve and enhance the region's rural lifestyle (Objective 1) because the Project and Reduced Density Alternative would coordinate where, and under what circumstances, future growth should be accommodated (Objective 3). Both the Reduced Density Alternative and the Project enhances the region's viticulture potential and equestrian activities (Objective 1).

However, the level of commercial tourist activities envisioned under the current General Plan, by a consensus of stakeholders, and by the County Board of Supervisors, and the Project would not be reached through implementation of the Reduced Density Alternative. Therefore, the Reduced Density Alternative is rejected due to failure to meet most of the Project's basic objectives, specifically Objectives 2 and 4 above, as follows:

* **Objective 2:** The Reduced Density Alternative allows for substantially less commercial tourist activity, such as wineries, special event centers, resorts and hotels. Considering the Project is already a substantial reduction in density compared to the existing General Plan and zoning (refer to the No Project Alternative discussion), the Reduced Density would threaten the economic viability of the winery and equestrian businesses by reducing the density and/or areas where commercial tourist uses are allowed. The Project represents a stakeholder, consensus driven process where commercial tourist density is balanced with proximity to and density of residential and equestrian uses.

* **Objective 4:** The Reduced Density Alternative will make funding the necessary infrastructure more difficult, due to reduced density and revenue to fund relatively fixed infrastructure costs (ie, reducing the Project area density by 25% will not result in

reducing infrastructure requirements by 25%, as the wastewater pipelines and road improvements, for example, will still be required). The increased per parcel cost of infrastructure and potential delay or lack of required infrastructure will further threaten the viability of the wineries and equestrian businesses.”

CHAPTER 9.0, ORGANIZATIONS AND PERSONS CONSULTED

Page 9.0-1

Addition at the top of this section:

Note: Additional individuals and organizations were consulted informally, or participated through the County’s many workshops, Advisory Committee Meetings or the CEQA NOP consultation process.

Correction on this page:

“ . . . Mr. John Guerin, Principal Planner (ALUC), jguerin@rctlma.org
Ms. ~~Mr.~~ Olivia Barnes, Legislative Team Member (Supervisory District 3)”

Page 9.0-3

“ . . . Mr. Jeff Stone, Third District Supervisor
Ms. ~~Mr.~~ Olivia Barnes, Legislative Assistant . . .”

Page 9.0-4, Additional Organizations and Persons Consulted

Pechanga Band of Luiseño Indians

Ms. Anna Hoover, Cultural Analyst

APPENDIX I, TRAFFIC IMPACT STUDY

Refer to Appendix C to this Comments and Responses document for revised TIS figures.

Paragraph 4 on TIS Page 31 has been modified to read as follows (added text identified with underlined type):

“Under this scenario, it was assumed that future improvements would also be made to intersection lane configurations and controls based on traffic demand and roadway segment improvements. For areas outside of the City, Fehr & Peers used the existing County General Plan roadway designations and standard drawings to determine the lane configurations for each study intersection. The Temecula General Plan was used for roadways within the City. Signalization was assumed for every intersection where both roads were rated as Secondary Highway or higher capacity. For Mountain Arterials, signalization was assumed for intersections where stop-control was not viable given high traffic volumes at

the intersections. Rancho California Road is assumed to become a Mountain Arterial with Roundabouts for the roadway segment assessment within the County.”

The second paragraph on under Impact Analysis on TIS Page 53 is revised as follow:

“Please note that the following mitigation measures are based on the Future With Project Condition (Scenario ~~3~~4) as it is the most appropriate condition for identifying impacts.”

APPENDIX E, INSERT

GHG Emissions Analysis: “Business As Usual”

“The CEC first adopted Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6) in 1978 in response to a legislative mandate to reduce energy consumption in the state. Although not originally intended to reduce GHG emissions, increased energy efficiency, and reduced consumption of electricity, natural gas, and other fuels would result in fewer GHG emissions from residential and nonresidential buildings subject to the standard. The standards are updated periodically to allow for the consideration and inclusion of new energy efficiency technologies and methods.

Part 11 of the Title 24 Building Standards Code is referred to as the CALGreen Code. The purpose of the CALGreen Code is to “improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: (1) Planning and design; (2) Energy efficiency; (3) Water efficiency and conservation; (4) Material conservation and resource efficiency; and (5) Environmental air quality.” The CALGreen Code is not intended to substitute for or be identified as meeting the certification requirements of any green building program that is not established and adopted by the California Building Standards Commission (CBSC). Part 11 of the Title 24 Building Standards Code became effective on January 1, 2011. Unless otherwise noted in the regulation, all newly constructed buildings in California are subject to the requirements of the CALGreen Code. The CALGreen Code also contains optional measures that go beyond the basic requirements, referred to as Tier 1 and Tier 2.

In December 2009, the Natural Resources Agency adopted amendments to the CEQA Guidelines that requires Lead Agencies to assess the significance of a project’s greenhouse gas emissions. These amendments took effect in March 2010. The amendments did not adopt significance threshold levels but rather afforded Lead Agencies the discretion to establish an appropriate method, generally consistent with the existing CEQA Guidelines. Due to a lack of clear guidance in establishing a significance threshold for greenhouse gas emissions, some air quality management districts have suggested a method based on comparing a project’s greenhouse gas emissions under a BAU scenario and a scenario that incorporates emission reductions from implementation of project design features and mitigation measures. Projects that demonstrate a reduction compared to the BAU scenario that is equivalent to the statewide goal for AB 32 would be considered less than significant for CEQA purposes. Based on the

California Air Resources Board (CARB) AB 32 Climate Change Scoping Plan, the statewide goal for AB 32 is a 29 percent reduction from projected 2020 BAU emissions. In 2011, given the recent economic downturn, CARB revised its AB 32 goal to 16 percent from projected 2020 BAU emissions.

The use of this BAU threshold has been the subject of recent court cases. In 2011, the California Court of Appeals upheld the BAU method in *Citizens for Responsible Equitable Environmental Development (CREED) v. City of Chula Vista*. On May 31, 2012, the Superior Court for the County of Riverside in *Friends of the Northern San Jacinto Valley et al. v. County of Riverside* did not conclude that the BAU method was per se unlawful, but it did conclude that the EIR in question improperly used a “worst case” scenario in which to compare the project’s GHG emissions. The Court reasoned that the use of a “hypothetical ‘BAU’” that is not tied to existing conditions or reasonably likely conditions could only mislead the public and decision-makers and therefore run afoul of CEQA.

The analysis of GHG impacts that would result from the proposed Project includes significance determination based on comparison to a BAU scenario that is minimally compliant with Title 24 standards. The most current version was released in 2010. The BAU scenario used for this analysis entails the operation of implementing projects that achieve only the minimum standards in place before AB 32 and other related legislation adopted in an effort to reduce the state’s GHG emissions. In 2006, the year in which AB 32 was passed, the Year 2005 version of the Title 24 standard was in effect. CARB, which has primarily responsibility for implementing AB 32, established the state’s BAU emissions inventory based on the Title 24 standards in effect at the time, namely the Year 2005 version.. Standards that have been put into practice since then, such as the Pavley vehicle emission standards (Phase I) and the CALGreen Code, were not included in this BAU scenario. As such, the GHG emissions under the BAU scenario for the proposed Project were modeled based on building compliance with the Title 24 (2005) standards and excluding the CALGreen Code, and vehicle emissions without the Pavley vehicle emission standards (Phase I).

In order to ensure that the BAU analysis conforms to reasonably likely conditions, the size of the BAU project was modeled with the same square footage as the Project scenario. The typical residential implementing project was assumed to be a rural single family home with 1,800 square feet. As shown in Table 4.7-4, a typical commercial implementing project was assumed to be a large winery, modeled with the CalEEMod land use designation of “Industrial – Refrigerated Warehouse,” with 65,300 square feet. Electricity emissions for the residential land use were obtained from CalEEMod outputs, while those for wineries were calculate based on Southern California Edison Electricity Usage Reports. Waste and natural gas emissions were obtained from CalEEMod outputs. GHG emissions from the winery include those produced by wine fermentation, which were calculated using SBAPCD Methodology and Wine Fermentation Calculator, as well as vegetation sequestration and land use change, which were derived based on the CalEEMod User’s Guide and the IPCC protocol for vegetation. Details of the assumptions used and results of GHG emissions calculations for the BAU scenario can be found in Appendix E of the EIR.”

CUMULATIVE IMPACTS

CHAPTER 4.0, ENVIRONMENTAL ANALYSIS

Page 4.0-4, Paragraphs Three through Five

“The cumulative impacts analyses contained in this Draft EIR uses a “blended approach” to ensure adequate analysis. Relative to the “list method”, Table 4.0-1, Cumulative Projects, provides a list of known development projects within the Project area. *This list of projects has been used to provide general context for overall cumulative conditions*, noting that the actual density, timing and nature of these projects is uncertain given the long build-out timeframe for the Project. Also, refer to Exhibit 4.0-1, Active Planning Cases, which shows the location of the land development projects listed in Table 4.0-1, Cumulative Projects.

The types of cases being reviewed include: Conditional Use Permits, General Plan Amendments, Parcel Maps, Plot Plans, and Tentative Tract Maps. These pending planning cases are in various stages of the process ranging from the initial submittal of applications to projects that have been tentatively approved and are awaiting final approval by County staff. Some of these proposed developments may conflict with the proposed Project and would require special consideration, especially if these conflicts generate impacts to surrounding uses.

The list of projects (shown both in table and exhibit form) are therefore intended to provide visual context of the overall near-term development potential. On a practical basis, the EIR utilizes RIVTAM traffic modeling based on the specific land use scenarios noted in Section 4.14, Traffic and Circulation and as explained further in Appendix J, Land Use Buildout Analysis. This quantitative analysis was then used as the basis for quantitative analysis of potential air quality, greenhouse gas and noise impacts. In addition, as appropriate, each impact section provides further refinement as to the cumulative impact methodology specific to the affected resource and/or geographic area. In some cases, such as biological resources, the cumulative analysis is addressed substantially through a separate planning process (the County’s Multi-Species Habitat Conservation Plan). In other cases, the cumulative impacts are being addressed primarily by agencies with jurisdiction over the affected resource(s), such as the Regional Water Quality Control Board and Rancho California Water District’s extensive efforts to address, regulate and mitigate impacts to groundwater quality. Where appropriate, the County has incorporated Project Design Features and/or mitigation measures to support and address the efforts being made by other agencies.

Relative to the “adopted plan” method, the Project area encompasses two Policy Areas intended to promote agricultural and equestrian uses within Southwest Area Plan (SWAP) of the County General Plan. The Citrus Vineyard Policy Area encompasses a majority of the agricultural uses within the Project area, and the Valle de los Caballos Policy Area supports an area characterized by equestrian, rural residential, and agricultural activities. The Project area also encompasses adjacent unincorporated areas with similar characteristics. The Project does not result in a substantive change in overall density or nature compared to what is allowed as part of the General Plan SWAP. In fact, implementation of the Project would result in a reduction in overall density and intensity. Accordingly, the Project’s overall density and nature of

development would be consistent with regional growth projections reflected in the Riverside County General Plan and those of applicable regional, State and Federal agencies. *Therefore, on both a local and regional level, the Project's cumulative impacts have been accounted for in the Riverside County General Plan EIR No. 441, as well as in the various population-dependent regional plans adopted by such agencies as the Southern California Association of Governments (SCAG), the Colorado River Basin Regional Water Quality Control Board (RWQCB) and the South Coast Air Quality Management District (AQMD)."*

Aesthetics (page 4.1-20)

Cumulative impacts to aesthetics, light, and glare are addressed in the Riverside County General Plan Final EIR No. 441, which is incorporated by reference into this EIR. Implementing projects allowed under the Project have the potential to affect the aesthetic value of the area and increase the amount of additional light and glare in the region. However, the incremental amount of light and glare from the implementing projects would be limited and would make a minimal contribution to the cumulative impact in the region due to existing regulatory programs, including General Plan policies, County ordinances, and standard conditions or requirements currently in place. The Project has incorporated various Project Design Features specifically intended to maintain and protect the rural Wine Country character, including limitations on the location, nature and allowed density of the implementing project, and requirements for all future implementing projects to adhere to the proposed Temecula Valley Wine Country Design Guidelines. Therefore, no significant impacts are anticipated with implementation of the Project. As previously noted, there are approximately 60 pending applications within the Wine Country, each of which will require consistency determinations. These pending planning cases are in various stages of the process ranging from the initial submittal of applications to projects that have been tentatively approved and are awaiting final approval by County staff. Some of these proposed developments may conflict with the proposed Project and would require special consideration related to aesthetic, light or glare impacts, especially if these conflicts generate impacts to surrounding uses. These projects are proceeding separately from the proposed Project, and are therefore subject to their own discretionary review and CEQA compliance process. Therefore, cumulatively impacts related to aesthetics, light or glare are not considered significant.

Agricultural Resources (page 4.2-21)

Cumulative impacts to agricultural resources are addressed in the Riverside County General Plan Final EIR No. 441, which is incorporated by reference into this EIR. The Project is not anticipated to result in greater cumulative agricultural resource impacts than addressed in this EIR.

The geographic setting for this cumulative impacts analysis is Riverside County. The analysis utilizes the County of Riverside General Plan, the most-current Riverside County Agricultural Production Report (2010), and the California Department of Conservation FMMP 2008 Field Report for western Riverside County. The analysis considers the significance of the contribution of the Project to cumulative regional impacts on County agricultural land and

agricultural production resulting from the conversion of farmland to urban uses. Conversion of agricultural land to urban uses is an ongoing public policy issue in California. Data from the California Department of Conservation indicate that during the 12 biennial reporting cycles since the FMMP was established (1984-2008), more than 1.3 million acres of agricultural land have been converted to non-agricultural purposes.²² The majority of the State’s agricultural land is located in the Central Valley, which is comprised of the Sacramento and San Joaquin Valleys.

The rate of farmland conversion depends largely on population growth; California’s population increased by 75% between 1970 and 2002. For the year 2050, the California Department of Finance projects a total State population increase that is 56 percent higher than in 2002. The County of Riverside’s population has grown by 359% since 1970. However, in spite of the incredible population growth experienced in the County and the pressures that places on agricultural land uses, the County has seen an accelerating growth in the value of its agricultural production, though certain segments of the industry have seen substantial net declines. For example, in 1995, the County ranked 7th among California counties in terms of agricultural production. In 2009, the County dropped in rankings to 13th.

The Riverside County Agricultural Commissioner’s Office, in its Agricultural Production Report estimates the number of acres of Riverside County land involved in cultivated crop production in 2010 at 201,100, down 22,700 acres from 2005’s total. According to State-mapped Farmland data for Riverside County, 128,510 acres of farmland in the County are designated as “Prime”, 37,950 acres are designated “Unique”, and 46,920 acres are designated “Farmland of Statewide Importance”. The Project site contains “Prime”, “Unique Farmland”, and “Farmland of Statewide Importance” by the State Department of Conservation. The Project site is located within a growing sub-region of the County and has experienced urban development within its vicinity. Accordingly, the Project is designed to preserve and enhance the Temecula Valley Wine Country region’s viticulture potential, while coordinating growth to reduce conflicts between agricultural and other uses.

The conversion of farmland in western Riverside County, and in the Temecula Valley in particular, may have an adverse cumulative effect on the County’s agricultural economy. However, the intent of the Project is to encourage the preservation and expansion of land designated within the Agriculture Foundation Component. While the proposed zoning and policies would increase the acreage of designated Agricultural land uses, it is possible that implementing project sites could be located on Prime Farmland (or another designation indicating agricultural suitability) and would allow development consistent with proposed Policy SWAP 1.2 which allows up to 25 percent of a subject site to be developed with winery and associated facilities (e.g., delicatessens, tasting rooms, special event facilities, etc.). Additionally, under the Project active agricultural land would be allowed to convert 25 percent of its land to non-agricultural uses. However this conversion is not anticipated to result in

²² State of California Department of Conservation, Division of Land Resource Protection, 2006-2008 California Farmland Conversion Report 2006-2008, pg. 19. (January 2011).
http://www.conservation.ca.gov/dlrp/fmmp/pubs/2006-2008/Documents/FCR_0608_final.pdf, accessed on July 13, 2011. pg. 19.

greater cumulative agricultural resource impacts than addressed in the Riverside County and City of Temecula General Plan EIRs. As a result cumulative impacts are considered less than significant. This Project site's impact on farmland would not be considered cumulatively considerable and would be less than significant.

Air Quality (page 4.3-44)

The Project would result in the emission of criteria pollutants for which the Project area is in non-attainment during both construction and operation of the new development. A significant impact may occur if a project would add a cumulatively considerable contribution of a federal or state nonattainment pollutant. Both the South Coast Air Basin and San Diego Air Basin are currently in nonattainment for ozone, PM10, and PM2.5. As stated above, the emissions from the implementing projects exceed thresholds for these pollutants, and would contribute to an existing or projected air quality exceedance. This would result in a potentially significant and unavoidable impact.

Even with compliance with existing regulations and policies, and implementation of mitigation measures, the Project would result in potentially significant and unavoidable cumulative impacts.

Biological Resources (page 4.4-21)

Cumulative impacts to biological resources are addressed in both the Riverside County General Plan Final EIR and the City of Temecula's General Plan Final EIR, which are both incorporated by reference into this EIR. A significant component of any MSHCP and, in particular the Western Riverside County MSHCP, is the recognition and advanced planning to cover potential cumulative impacts on sensitive habitats and covered species. Since implementing projects that would occur within the Project area will be in compliance with the Project policies, zoning, and guidelines and would comply with the MSHCP, cumulative impacts associated with the Project would be considered less than significant.

Cultural Resources (page 4.5-32)

While future implementing projects facilitated by the Project within the Project area boundaries would likely involve grading, tilling, subsurface excavation, and other ground-disturbing activities that could uncover paleontological resources, it is expected that existing applicable federal, State, and local laws and regulations protecting paleontological resources would be complied with and that appropriate studies would be conducted and mitigation measures implemented on a project-by-project basis to ensure that significant resources, if encountered, would be preserved through avoidance or preservation in an appropriate repository or by other measures deemed appropriate. Accordingly, implementing projects facilitated by the proposed Project are not anticipated to result in potential cumulative impacts to paleontological resources within the region.

Geology, Soils and Seismicity (page 4.6-30)

Cumulative impacts to geology, soils, and seismicity are addressed in the Riverside County General Plan Final EIR No. 441, which is incorporated by reference into this EIR. Geologic hazards are generally localized in nature, as they are related to the soils and geologic character of a particular site. Cumulative impacts could occur related to an earthquake, depending on the magnitude of the earthquake and location of the fault(s) traversing the region. Impacts due to seismic activity would be cumulative if State and local building and development codes and regulations were not actively being implemented throughout the region.

The Project is not anticipated to result in the exposure of people or structures to potential substantial adverse effects from the rupture of a known earthquake fault or unstable soils, or soils that would become unstable as a result of the Project and potentially result in onsite or offsite landslides, lateral spreading, subsidence, liquefaction, or collapse. All implementing projects within the Project area, as well as all future development within surrounding areas, would be subject to applicable State and local building codes, ordinances, and policies, and site-specific design measures intended to reduce the potential for significant damage to occur as the result of seismic activity, landslides, and other such geologic hazards.

The Project is not considered to result in significant cumulative impacts relative to geology or soils. Impacts would be less than significant, and no additional mitigation measures are required or proposed. This analysis is consistent with the requirements of a program EIR and future site-specific implementing projects proposed within the Project area will require site-specific CEQA analysis at a later date.

Greenhouse Gas Emissions (page 4.7-36)

In order to ensure consistency with the General Plan and SWAP goals, the County has developed the Temecula Valley Wine Country Greenhouse Gas Reduction Workbook (refer to Appendix E of this Draft EIR) to provide guidance and streamline CEQA review for implementing projects within the Project Area. This document serves to implement the GHG reduction policies and objectives of Riverside County. There are also regional and State plans, described above, including proposed AB 32 scoping plan, SCAG SB 375 targets and the State's regulatory framework.

Achieving the statewide AB 32 target of 28.5 percent is not required for individual projects to demonstrate consistency or the lack of a significant impact, as this target is statewide, and the majority of GHG emissions are generated from industrial sources (such as electrical generating plants) and mobile vehicle emissions, both of which are regulated by other state and federal agencies and are outside the control of the County of Riverside.

Executive Order S-3-05 includes a long-term goal of 80 percent GHG reduction by 2050, although the mechanisms for achieving this target have not been identified, and therefore, achievement of this goal is outside the control of the County of Riverside.

On September 23, 2010, CARB adopted Resolution 10-31, establishing SB 37523 regional targets for all MPOs in California. The SB 375 target set for SCAG is a 13 percent reduction in GHG emissions from automobiles and light duty truck exhausts by 2035 (compared to SCAG's recommended target of 8 percent). As discussed above relative to AB 32 consistency, the Project implements reasonable and feasible measures to reduce GHG from stationary, mobile and indirect sources. The SB 375 targets, although they do not have binding regulatory effects upon the Project at this time, provide further context along with AB 32 targets noted above, relative to the Project's GHG impact.

No single project would in fact hinder the ability of the State of California to achieve its desired GHG goals reflected in AB32 and SB375, considering that residential/commercial sources represent a small percentage of State, national and global GHG, with the vast majority of development-related emissions (such as energy consumption and transportation fuels) regulated by CARB, EPA, SCAQMD and agencies other than local municipalities such as the County of Riverside.²⁴ One of the largest sources of global GHG, other than fossil fuel burning (from power plants and industrial sources) and transportation emissions, is deforestation, as this removes important "carbon sinks" from Earth's surface, resulting in greater CO₂ retained in the atmosphere. In this regard, the U.S. is a global leader in maintaining and creating carbon sequestering forests.²⁵ With particular respect to the Project, the site has no "forest lands" and minimal carbon sequestering value, and this would be replaced with a large-lot rural landscape complete with extensive array of carbon sequestering trees throughout the estimated Project area.

With implementation of Project Design Features and mitigation measures the Project would be consistent with and not conflict with the statewide goals of AB 32 and regional targets under SB375. However, because measures implementing AB 32 and the SB 375 require further action by other state and federal agencies and implementation and effectiveness is not assured, as well as the continuing effects of past human-induced GHG emissions, the Project's incremental contribution to climate change would remain potentially significant and unavoidable.

²³ Senate Bill 375 (SB 375, Steinberg, Statutes of 2008) enhances California's ability to reach its AB 32 goals by promoting good planning with the goal of more sustainable communities. SB 375 requires CARB to develop regional greenhouse gas emission reduction targets for passenger vehicles. CARB is to establish targets for 2020 and 2035 for each region covered by one of the State's 18 metropolitan planning organizations (MPOs). Each of California's MPOs then prepare a "sustainable communities strategy (SCS)" that demonstrates how the region will meet its greenhouse gas reduction target through integrated land use, housing and transportation planning. Once adopted by the MPO, the SCS will be incorporated into that region's federally enforceable regional transportation plan (RTP). CARB is also required to review each final SCS to determine whether it would, if implemented, achieve the greenhouse gas emission reduction target for its region. If the combination of measures in the SCS will not meet the region's target, the MPO must prepare a separate "alternative planning strategy (APS)" to meet the target. The APS is not a part of the RTP. SB 375 also establishes incentives to encourage implementation of the SCS and APS. Developers can get relief from certain environmental review requirements under the California Environmental Quality Act (CEQA) if their new projects are consistent with a region's SCS (or APS) that meets the target (see Cal. Public Resources Code §§ 21155, 21155.1, 21155.2, 21159.28.).

²⁴ <http://climatechangeffects.info/> (accessed December 21, 2010).

²⁵ http://www.appinsys.com/GlobalWarming/GW_5GH_CO2Sources.htm (accessed December 21, 2010).

Hazards and Hazardous Materials (page 4.8-22)

Cumulative impacts to hazards and hazardous materials are addressed in both the Riverside County General Plan Final EIR No. 441 and the City of Temecula’s General Plan Final EIR, which are both incorporated by reference into this EIR. Hazards impacts generally occur on a project-by-project basis rather than on a cumulative level. In the case of the Project, hazards within the Project area would be addressed in accordance with their respective applicable regulations, laws, programs, and policies. Based on these existing regulations and guidance, some hazardous conditions cannot be adequately mitigated. To further reduce impacts, implementation of Mitigation Measures HAZ-1 through HAZ-4 are required, which reduces impacts associated with Hazards and Hazardous Materials to a less than significant level. As a result, the Project would not be expected to contribute to any new cumulative adverse impacts as a result of implementation of the Project. Cumulative impacts associated with area buildout have also been addressed in the County of Riverside General Plan EIR No. 441 and City of Temecula General Plan EIR, which are incorporated into this EIR by reference.

Hydrology and Water Quality (page 4.9-33)

Cumulative impacts to hydrology and water quality are addressed in the Riverside County General Plan Final EIR No. 441, which is incorporated by reference into this EIR. The Project would not directly result in degradation of surface water quality, groundwater, drainage or erosion, or flooding impacts. Compliance with Federal, State, and local requirements on a project-by-project basis would reduce cumulative impacts to a less than significant level at the time of a implementing project is developed. In addition, as discussed above, cumulative impacts to surface water resources are also regulated and mitigated by regional plans, permits and programs managed by the Riverside County Flood Control and Water Conservation District and U.S. Army Corps of Engineers.”

Land Use and Relevant Planning (page 4.10-34)

Cumulative impacts to land use are addressed in both the Riverside County General Plan Final EIR No. 441 and the City of Temecula’s General Plan Final EIR, which are both incorporated by reference into this EIR. The proposed Project would not result in any adverse cumulative impacts to land use and planning within the Project area. Under current conditions, the Citrus/Vineyard Policy Area and Valle de los Caballos Policy Area plans are not guiding development in the manner that the County or its residents envision. The Project would help to guide development in a way that preserves the existing land uses and rural feel while allowing for growth consistent with the established vision. The land use Districts proposed in the Project includes Winery, Residential, and Equestrian. These are special Districts that were placed over the Temecula Valley Wine Country Area to guide development to meet the goals of the Project: to increase viticulture potential; protect rural lifestyle and equestrian activities; allow appropriate levels of commercial tourist activities; and so that future growth is coordinated to avoid land use conflicts and provide appropriate levels of public facilities, services, and infrastructure.

Project implementation would nonetheless increase development in the future; however, it would de-intensify the land uses currently permitted under the General Plan, SWAP, Citrus/Vineyard Policy Area and Valle de los Caballos Policy Area. The analysis presented above indicates that future implementing projects consistent with the Project would have less than significant impacts on land use-related environmental issues including physical division of an established community, consistency with land use plans, policies and regulations adopted to avoid or mitigate environmental effects, and conflicts with habitat conservation plans. In this regard, cumulative impacts associated with land use are considered less than significant.

All future implementing projects under the existing County General Plan and projects located outside of the Plan boundary within the adjacent Cities of Temecula and Murrieta and adjacent County of Riverside land would also be required to mitigate land use impacts on a project-by-project basis. Therefore the incremental impact of the proposed Project, when considered in combination with development within the subregion and within the Project area (i.e., implementing projects), is not anticipated to result in cumulatively considerable land use impacts. If future implementing projects are consistent with the proposed Project (including the proposed General Plan Amendment, Zoning Ordinance Amendment and revised design guidelines), their cumulative impacts would be consistent with the Project-related land use impacts identified in this Draft EIR Section and would thus be less than significant. In addition, the land use changes anticipated under the proposed Project would comply with the growth projections, goals, and vision identified by SCAG; thus significant Project-related cumulative land use impacts are not anticipated.

Further, projects within the SCAG region that are regionally significant, as determined by SCAG, would be reviewed for conformity with regional goals for population, housing, employment, mobility and air quality, further reducing potential cumulative impacts to a less than significant level. As noted in Section 4.0, there are approximately 60 development cases in various stages of review or approval with the County. Some of these development proposals may proceed independently from the Project (if approved prior to the Project being approved), in which case they could create land use conflict with existing for future WCCP properties. However, each development application is reviewed for land use compatibility as part of the County's development review process, which also evaluates consistency with the General Plan, zoning and applicable regulations. These existing applications are not "proposed" as part of the Project, but were taken into consideration by County staff when developing the land use buildout projections shown in Appendix J."

Mineral Resources (page 4.11-8)

Cumulative impacts to mineral resources are addressed in the Riverside County General Plan Final EIR No. 441, which is incorporated by reference into this EIR. Cumulative impacts are two or more individual impacts that, when considered together, are considerable or that compound or increase other environmental impacts. The geographic scope for cumulative impacts to mineral resources includes all of Riverside County, and the broader Southern California area, since mineral resource extraction sites from throughout Southern California

supply the Riverside County area.²⁶ This geographic scope of analysis is appropriate because the loss of availability of mineral resources anywhere in the County would combine with potential mineral resource impacts of the Project to result in a cumulative impact on County-wide mineral resources.

Cumulative impacts to mineral resources are addressed in the Riverside County General Plan Final EIR, which is incorporated by reference into this EIR. The Project is not anticipated to result in greater cumulative mineral resource impacts than addressed in this EIR.

Availability of mineral resources, on a regional level, is a serious issue facing Southern California. Although much of Southern California has lands capable or designated for mineral resource production, the region has insufficient permitted mineral resource areas to meet the region's projected demand (see footnote above). The Project does not have a "cumulatively considerable" significant incremental effect on this regional impact, relative to the potential impacts on the limited MRZ-3 and Unstudied lands within the Project area. As stated above, there are no known mineral resources in the Project area, the Project does not include any designated mineral extraction sites, and the County offers extensive availability of potential aggregate resources. Compliance with existing regulatory requirements and General Plan policies, along with Project Design Features and recommended mitigation measures, will reduce the Project's share of cumulative impacts to less than significant levels. Cumulative impacts to mineral resources are most effectively addressed at the State and County level through the State programs and General Plan policies noted above.

Mitigation Measures

Refer to Mitigation Measure MIN-1, above.

Noise (page 4.12-46)

Cumulative Short-Term Construction Impacts

Cumulative impacts regarding noise are addressed in both the Riverside County General Plan Final EIR No. 441 and the City of Temecula's General Plan Final EIR, which are both incorporated by reference into this EIR. Construction activity would occur throughout the Project area, concurrently with other construction throughout the region. Short-term construction noise is a localized activity and would affect only land uses that are immediately adjacent to a specific project site. With implementation of Mitigation Measures NOI-1, NOI-2, and NOI-7, construction-related noise impacts associated with future implementing projects facilitated under the Project would be reduced to less than significant levels. It is likely that other construction projects would also have to comply with the local noise ordinance, as well as mitigation measures that may be prescribed pursuant to CEQA provisions that require significant impacts to be reduced to the extent feasible. In addition, it is unlikely that all

²⁶ California Geological Survey Map Sheet 52 notes that the Temescal Valley - Orange County "...has only 32 percent of the permitted reserves needed for the next 50 years" (*Liberty Quarry Draft EIR*, July 2009, page 1-2, accessed on September 6, 2011 at http://www.rctlma.org/planning/content/temp/liberty_quarry/feir).

construction projects would occur simultaneously within the City. Thus, a less than significant impact would occur.

Cumulative Long-Term Operational Impacts - Mobile Sources

Buildout of the Project would result in potential cumulative noise level increases along major roadways. Each of these noise impacts would be dealt with separately when new noise-sensitive or noise-generating implementing projects are proposed. Project implementation would result in significant cumulative noise impacts that could not be mitigated with the implementation of the proposed policies and mitigation measures. Thus, the Project would substantially contribute to cumulative mobile source noise impacts.

Cumulative Long-Term Operational Impacts - Stationary Sources

The Project may result in significant stationary source impacts, even with implementation of Mitigation Measures NOI-3 through NOI-6 and applicable policies and ordinances. All future implementing projects within the Project area and surrounding region would be subject to comply with County, State, and Federal guidelines regarding noise abatement and insulation standards. Cumulative stationary source impacts may be significant and unavoidable, depending on site-specific operations. It may also be possible for multiple stationary sources such as special events or wineries to operate concurrently and in close proximity, which could further add to cumulative noise impacts. These potential stationary noise impacts, including special events, are best mitigated on a policy level as set forth above, including the Noise Study/Acoustical Analysis, Noise Control Plan, and noise-attenuation measures as required in Mitigation Measures NOI-3 through NOI-6. The Project's creation of special Districts for each major land use also reduces the potential for future cumulative noise impacts upon sensitive receptors by focusing future residential implementing projects in the Residential District.

Mitigation Measures

Refer to Mitigation Measures NOI-1 through NOI-7, above.

Public Services and Utilities (page 4.13-39)

Cumulative impacts to public services, recreation and utilities are addressed in both the Riverside County General Plan Final EIR No. 441 and the City of Temecula's General Plan Final EIR, which are both incorporated by reference into this EIR. As discussed above, the Project may, in combination with existing conditions and other future implementing projects, result in unavoidable significant cumulative impacts in the areas of:

- Fire protection services
- Library services

The Project has incorporated various Project Design Features to avoid or reduce these potential impacts, which are best addressed at a regional level through the County's General Plan and development review process.

Traffic and Circulation (page 4.14-49)

Cumulative impacts to traffic and circulation are addressed in both the Riverside County General Plan Final EIR No. 441 and the City of Temecula’s General Plan Final EIR, which are both incorporated by reference into this EIR. As discussed above, the Project may, in combination with existing conditions and other future implementing projects, result in potentially unavoidable significant cumulative impacts in the areas of:

- conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system
- level of service degradation to unacceptable levels

The Project has incorporated various Project Design Features to avoid or reduce these potential impacts, which are best addressed at a regional level through the County’s General Plan and development review process. The Project’s traffic analysis above compares General Plan buildout under the “Project” and “No Project” scenarios, both of which show unavoidable significant impacts. The Project’s impacts, although significant and unavoidable relative to existing conditions, represent less traffic and fewer associated impacts when compared to the current General Plan and policy areas.



RIVERSIDE COUNTY PLANNING DEPARTMENT

Carolyn Syms Luna
Director

Memorandum

DATE: December 17, 2012

TO: Planning Commissioners

FROM: Frank Coyle, REA I, Deputy Director-Advance Planning Division

RE: Commissioner Roth's comments concerning GPA 1077 and DPEIR No. 524

For Planning Commissioners' consideration, Commissioner Roth's comments and staff's responses are provided below.

Re: Staff Report

- 1) The question of churches/schools in the Wine Country is directly related to whether or not land use conflicts can be avoided if Calvary or other religious institutions are permitted and attack areas that prevent the wineries from growing or processing grapes. Possible solution: Have the religious institutions and/or schools indemnify the wineries against laws suits related to the growing or processing of grapes.

Response: It is staff's position that adding a condition that would indemnify the wineries against potential lawsuits would be difficult to enforce. For example, a third party who did not sign the agreement between the church and the wineries could potentially still file a lawsuit.

(GPA 1077-Policies) These policies may be "anticipated" to reduce noise, but seem problematic to me. For example, why permit residential projects in the Winery or Equestrian areas at all. This would encourage residential development in areas that are currently known to have issues with noise. Also, requiring 10 acres and clustered development, will have little or no effect on noise traveling at 600 feet per second. In my opinion, the only means of controlling noise in the Winery district, is an enforceable Good Neighbor policy, including provisions that would permit closing the offending winery for periods related to the number of infractions.

Response: One of the objectives of the Community Plan is to preserve and enhance the Wine Country region's viticulture potential, rural life style, equestrian activities. To achieve this objective, three districts (Winery, Equestrian, and Residential) were established to ensure long-term viability of the wine industry while protecting the community's rural and equestrian lifestyle. There are General Plan policies, Community Plan design guidelines, and zoning development standards that are proposed to protect existing as well as future residential land uses within the three proposed districts. Clustering of residential uses is permitted to not only preserve preservation of vineyards and/or equestrian lands, but to allow for buffers between land uses. In addition, an EIR (Program EIR No. 524) was prepared to analysis the Project which addressed noise within the Project boundary. Mitigation measures addressing potential noise impacts from new wineries, expansions to existing wineries, special occasion facilities,

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etc., are proposed to mitigate potential noise impacts (See Mitigation Measures NOI-2 through NOI-6).

- 2) **(Ord. 348.4729-Development Standards)** What will be the distance criteria from the winery or equestrian use to any surrounding residential uses?

Response: The proposed zoning ordinance provides development standards which outlines setbacks for both wineries and equestrian uses (See Section 14.96. DEVELOPMENT STANDARDS d.8; e.4; f.7; g.4; and f.12.

- 3) **(Mitigation Measures for Noise- NOI-3)** Here again, it seems counterproductive to permit any winery operations in the Equestrian or Residential districts.

Response: As noted in Response No. 2, one of the objectives of the Community Plan is to preserve and enhance the Wine Country region's viticulture potential, rural life style, equestrian activities. To achieve this objective, three districts (Winery, Equestrian, and Residential) were established to ensure long-term viability of the wine industry while protecting the community's rural and equestrian lifestyle. There are General Plan policies, Community Plan design guidelines, and zoning development standards that are proposed to protect existing as well as future land uses within the three proposed districts. Program EIR No. 524 was prepared to analysis the Project impacts which included operations of wineries in the Equestrian or Residential districts. Mitigation measures have been incorporated into the Project design features to address potential impacts.

- 4) **(Mitigation Measures for Noise- NOI-4)** Once permitted, will there be restrictions on the special occasion facility to prevent unpermitted increases in noise generating equipment.

Response: See Mitigation Measure NOI-5. Hours of operation are from 8:00am to 10:00pm Monday through Sunday for special occasion facilities.

- 5) **(Mitigation Measures for Noise- NOI-5)**

- a. How will the venders know the db level of the noise they are generating and whether or not is within an acceptable range? In my opinion, the 10:00 p.m. time will be ignored frequently as patrons pressure the DJ or band to continue playing.
- b. Where will the db measuring device be located with respect to the source of the noise?

Response: See Mitigation Measure NOI-6. If two code violation notices are issued for noise related conditions, noise measurements will be conducted by the County at the property line. If violations of the Noise Ordinance or project conditions are found, the County shall reconsider hours of operation, number of guests, amount of special events per year, or approval of the special facility.

- 6) **(Mitigation Measures for Noise- NOI-6)** See earlier comment re: Good Neighbor Policy including potential shutdown of facility for varying periods based on the number and frequency of code violations.

Response: It is the County's position that conditioning a Good Neighbor Policy on a winery and/or equestrian facility would be difficult to implement if one or more property owners does not agree to the policy.

- 7) **(Mitigation Measures for Noise- NOI-7)** Why is this item limited to historic buildings; nearby residences may also be damaged by ground borne vibrations

Response: This measure addresses but existing residences (“occupied units”) and also addresses unoccupied historic structures.

- 8) **(Churches and Private Schools- Option 1)** This option will open Pandora's box of potential issues, including litigation, for existing wineries and any proposed in the future

Response: Comment noted. At the December 5, 2012 Planning Commission meeting, The Planning Commission recommended Option No. 3 which was to direct Planning staff to proceed forward with the original Project as proposed.

- 9) **(Churches and Private Schools- Option 2)** If the Calvary Church application is not approved in the future, this option would seem to invite litigation at that time.

Response: See Response to Question No. 8 above.

- 10) **(Churches and Private Schools- Option 3)** My interpretation of this Option: In this case, the text change amendment to Ordinance 348 would essentially authorize only the two existing Calvary parcels, but would restrict application by any future churches, etc?

Response: See Response to Question No. 8.

Re: EIR 524

Chapter 1. Executive Summary

- 1) **(Project Objective)** This introduction contains no mention of including residential land uses in the Wine Country.

Response: The first paragraph expressly notes “quality of life for existing and future residents...” and then notes the “rural lifestyle” in objectives, which includes residents. Please refer to Section 3, Project Description for complete description of the Project.

- 2) **(Table 1.0-1 Impact 4.1-1: Scenic Highways and Scenic Resources MM AES-1)** Seems like there should be some mention of minimizing infrastructure impacts along Rancho California Road.

Response: This is discussed at length on page 3.-12 and in the Traffic Section (4.14) of the DEIR.

- 3) **(Table 1.0-1 Impact 4.1-3: Other Lighting Issues; Cumulative Impact)** Are the cumulative impacts with respect to an individual project or the entire Wine country plan? It is hard to conceive of an individual project that would not require some measure of mitigation.

Response: All cumulative projects are subject to CEQA and County development review and conditions. EIR Mitigation LU-1 specifically addresses this. The EIR addresses cumulative impacts associated with the Project, in combination with existing and future projects, per CEQA.

- 4) **(Table 1.0-1 Impact 4.2-1: Conversion of Designated Farmland)** In my opinion equestrian and winery uses, especially with 75% planting requirements, are agricultural uses and need little or no mitigation. In this case, zones of A or R-A could provide a modicum of mitigation.

- a. **(Table 1.0-1 Impact 4.2-1: Conversion of Designated Farmland-Cumulative Impact)** The project would obviously alter the overall appearance of the area but, again in my opinion, would not result in

major changes with respect to the agricultural uses in the equestrian or winery areas. Only the residential area would result in significant overall impact to the agricultural use.

Response: Comment noted. The DEIR addresses aesthetics pursuant to CEQA and County policy. Although wineries and equestrian districts may be considered by some to require "little or no mitigation", the proposed Project does allow for substantial additional development with associated grading, additional lighting, gradual conversion of the existing natural open space to vineyard and equestrian, etc. Many of the EIR mitigation measures are taken directly from the General Plan EIR and related mitigation measures and/or standard County practice.

- 5) **(Table 1.0-1 Impact 4.3-1: Air Quality Management Plan)** Why would any industrial projects be allowed in the area at all?

Response: Only to the extent permissible by proposed zoning.

- 6) **(Table 1.0-1 Impact 4.3-4: Objectionable Odors)** In areas with horses, cattle, chickens, etc. there may be objectionable odors and mitigation may be necessary.

Response: This issue is addressed on pages 4.3-42 to 4.3-43 of the DEIR.

- 7) **(Table 1.0-1 Impact 4.4-2: Adverse Effect on Endangered or Threatened Species)** Are there no burrowing owls anticipated in the project area?

Response: Per Mitigation LU-1, each implementing project will have to comply with the MSHCP, County policies and ordinances, CEQA, and applicable regulatory requirements such as the Endangered Species Act. This would include burrowing owl surveys where required, as noted on page

- 8) **(Table 1.0-1 Impact 4.8-4: School Safety)** Won't this issue effectively kill the Wine Country plan if churches and schools are permitted in the area?

Response: Refer to response 8 above regarding Planning Commission direction at the December 8th hearing.

- 9) **(Table 1.0-1 Impact 4.10-1: Divide a Community)** What is the definition of an "established community"? The existing plan area is being divided into winery, equestrian and residential zones.

*Response: The existing Wine Country community is not being "divided" in the sense of this issue – not a like a new freeway corridor bisecting a neighborhood or a major commercial/institutional project being sited with a community that segregates the populations. The Project has been designed to provide balance between all three **existing** land uses – wineries, equestrian and residential.*

- 10) **(Table 1.0-1 Impact 4.12-2: Permanent Noise Increases)** Control of noise from special occasion facilities is one of the most important issues to a successful Wine Country plan. Implementation of a comprehensive and enforceable Good Neighbor policy will be necessary to ensure harmony within the area.

Response: See responses above.

- 11) **(Table 1.0-1 Impact 4.5-3: Public Education)** If schools are permitted, nearby wineries will not be able to apply pesticides or other means of protecting their investment. Assuming no schools are permitted, how will children of local residents be transported to school?

Response: See responses above. Public schools are permitted in the Wine Country by right, subject to local school districts. Otherwise, students are transported as they are now, mostly by parents with some limited bus transportation, including special transportation for special needs children.

From the TVUSD website:

"The Temecula Valley Unified School District offers fee based home-to-school transportation for students living more than:

- 1.25 aerial miles from their home elementary school
- 2.50 aerial miles from their home middle school
- 3.25 aerial miles from their home high school

Transportation is only available for the following schools:

Crowne Hill Elementary School
Tony Tobin Elementary School
Vail Elementary School

Bella Vista Middle School
Temecula Middle School
Vail Ranch Middle School

Great Oak High School
Temecula Valley High School"

- 12) **(Table 1.0-1 Impact 4.13-5: Parks and Recreation)** Assuming schools are not permitted within the plan area, how far will local residents be required to drive to reach an active park?

Response: See responses above. The Project includes various recreational elements such as trails. Fully developed parks and other recreation facilities are discussed in DEIR pages 4.13-7 to 4.13-8 and on Exhibit 4.13-5.

- 13) **(Table 1.0-1 Impact 4.13-8: Solid Waste)** This discussion seems to center on construction and hazardous waste and not solid waste from the wineries, equestrian and residential areas. The discussion should include these areas and ID the landfill that will accept the solid wastes.

Response: This is discussed on DEIR pages 4.13-12 to 4.13-13.

- 14) **(Table 1.0-1 Impact 4.15-2: Conflict with Congestion Management Program)** There are so many improvements listed that a comprehensive phasing/funding time line needs to be prepared to allow the improvements to be implemented in a logical and timely manner.

Response: TLMA staff will work with County Planning and individual implementing projects to ensure that improvements are made in a timely manner, consistent with the Project traffic study.

- 15) **(Chapter 3- Project Description: SWAP 1.3)** Where do you mention allowing grapes from outside the county to be used if certain adverse agricultural conditions prevail?

Response: Please refer to the proposed zoning ordinance amendment under Section 14.96. Development Standards d.5.a which discusses the exemption for the utilization of grapes outside of the County.

- 16) **(Chapter 3- Project Design Feature: Mineral Resources)** Does the plan seriously consider future mining activities within the plan area? Seems totally incompatible with winery, equestrian or residential uses.

No. This issue is required to be addressed per CEQA. Any future mineral resource projects would be subject to the County's independent discretionary review and approval process, as well as CEQA compliance.

- 17) **(Exhibit 3.0-5)** Prior text said one winery (Briar Rose) was in a Residential area. I do not see any existing wineries within either Residential area.

Response: There are currently three wineries in the residential district, although this may change depending on proposed adjustments to the Project district boundaries as discussed in the staff report.

- 18) **(Exhibit 3.0-6)** In this exhibit, it appears that there are three wineries within the southwestern Residential district (46, 48 and 50).

Response: See discussion above.

- 19) **(Exhibit 3.0-7)** Some of the items in this Legend do not appear to be applicable to this map.

Response: The legend used is from the source graphic, as only the Project area was shown in the graphic.

- 20) **(Table 4.0-1 Cumulative Project)** This table and the accompanying map need an extended explanation. If all of these items are either approved or in process, it would seem that they would have a significant impact on the intended uses within the three plan areas. If no approval date is provided, does that mean the item is awaiting a decision by the listed entity? Does "Applied" mean that the item has been approved or???

Response: This is discussed in the Responses to Comments, and will be further clarified in the Final EIR presented to the Board. Individual projects may proceed through the County process and could be approved prior to the Wine Country Community Plan being approved and in full force and effect. In this case, the Planning Commission and the Board may consider proposed Wine Country Community Plan land uses and zoning as part of the review process for separate projects.



RIVERSIDE COUNTY PLANNING DEPARTMENT

Carolyn Syms Luna
Director

Memorandum

DATE: December 17, 2012

TO: Planning Commissioners

FROM: Frank Coyle, REA I, Deputy Director-Advance Planning Division

RE: Citizens United for Resources and the Environment, Inc. ("CURE")

The following is a summary response to issues raised in the CURE letter dated August 22, 2012.

1. Impact to Water Supply:

- RCWD conducted an evaluation of the Project area and after discussions/calculations (as discussed in Appendix H), RCWD concluded that there is adequate water availability for the Project area.
- Because the EIR is a "Program" EIR, which means there is no specific "implementing projects" (development or maps) proposed, a formal Water Supply Assessment pursuant to SB610 is not legally required to be prepared. In addition, it is not possible to accurately predict site-specific water demands due to the wide variation in potential type and intensity of uses permitted. The EIR appropriately addresses this at the Program EIR level, relying upon the water supply agency (RCWD) for analysis and confirmation.
- RCWD's adopted Urban Water Management Plan includes water demands based on projected land uses district-wide, including the Wine Country Community Plan area. The rate of potable demand increase from 2015 to 2035 is projected to be consistent with the rate of service area population increase over the same period. RCWD shows they have the capacity to provide additional water demand to future projects including the Wine Country Community.
- As discussed in the DEIR, although the EIR shows an "increase" in Project area water demands when comparing future Project to future No Project, this is only because RCWD has currently assigned the Project area to agricultural consumption, when in fact the County's zoning allows much more intense land uses, as evidenced by Europa Village and the South Coast Winery projects. RCWD's water supply analysis for the Project took this into consideration when forecasting availability of future water supplies.
- Future projects will be required to prepare further CEQA compliance documents and may be required to provide a Water Supply Assessment depending on the intensity of the future project.

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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

2. Impact to Water Quality (Nitrates):

- A majority of the area is currently zoned for Agricultural use, and as such, with or without the Project, the area would experience water quality impacts typical of agricultural areas, and would comply with applicable local, state and federal water quality regulations.
- RCWD completed a comprehensive water quality survey of the Wine Country area in February 2012¹. This study (page 9) noted that *“Nitrate represents the primary groundwater quality nutrient constituent of concern. Unlike phosphate or other forms of nitrogen (ammonia or organic nitrogen, for example), nitrate is mobile in groundwater and is not removed as groundwater flows through the soil media. Nitrate concentrations in recycled water used for irrigation do not represent a significant threat to groundwater quality, as recycled water nutrients help meet the nutrition demands of irrigated vegetation. Septic tank discharges of nitrate, on the other hand, represent a primary source of concern for affecting groundwater.”* In response to this, the Project includes a substantial commitment toward developing a wastewater conveyance system to eliminate or avoid septic systems. This is discussed at length in the EIR and Responses to Comments. The Phase I wastewater conveyance system is in final design and currently being implemented as a separate project by Eastern Municipal Water District, in coordination with RCWD and the County. EMWD intends to approve the Phase I project at its December 19 Board meeting.²
- Any future implementing project will be required to comply with strict federal, state, and local permitting regulations with regards to water quality.
- Adherence to existing regulations in addition to various project design features and Mitigation Measures regarding to water quality would ensure that any impacts to water quality would remain less than significant.

3. Impact to Labor Force:

- The County of Riverside, as well as local cities near the Wine Country Community Plan area, provides housing opportunities to address the needs of all income groups. As noted in the comment letter, the Project specifically provides for agricultural housing.
- The Regional Housing Needs Assessment (RHNA) is the process SCAG utilizes to track the housing opportunities within its jurisdiction. The RHNA determines the development capacity each local government must identify and zone for during the housing element planning period; provides a policy-based projection of household growth, with vacancy and replacement housing allowances; and addresses the housing needs of all income groups resulting from population and employment growth and change (e.g., a “fair share” plan). Based on projected population growth and availability of land uses, SCAG assigns each jurisdiction its “fair share” target for how much housing is expected to be added during a specified time period. Each jurisdiction is expected to make a good-faith effort to meet its assigned housing target, or face the possibility of becoming ineligible for various federal and state revenues.

¹<https://www.ranchowater.com/files/RCWD%20Water%20Quality%20Assessment%20Summary%20-%20Feb%202012%20Final.pdf>

² <http://www.emwd.org/modules/showdocument.aspx?documentid=4536>.

- The affordability distribution of new units is derived from the household income distribution of households in Riverside County, plus a fair share adjustment determined by SCAG. For the Riverside County unincorporated area the 2006-2014 SCAG RHNA established an affordable housing (i.e., units affordable to low- and very low-income households) percentage goal of 40.1 percent of the 56,368 housing units projected for the County during this timeframe.³ Table 5.0-6, *RHNA Allocation of Housing Units for Unincorporated Riverside County from the Final RHNA Plan- Planning Period of January 1, 2006 to June 30, 2014*, quantifies the County's RHNA housing allocation by income group.
- There is abundant affordable housing throughout the Southwest Riverside County area, including cities and unincorporated communities within a reasonable distance from the Project area.
- The agricultural workforce related to vineyards would occur with or without the Project. As shown in Table 6.0-1, there would be an overall substantial reduction in Project area workers with the Project (from 55,207 at buildout to 44,004 with the Project), and only a slight increase in agricultural workers (estimated at 174 additional agricultural workers). Many of these workers are seasonal in nature, are already in the local workforce, or otherwise would find housing within the local region as noted above.

Table 5.0-6

RHNA Allocation of Housing Units for Unincorporated Riverside County from the Final RHNA Plan- Planning Period of January 1, 2006 to June 30, 2014

Household Income Category	HUD Income Threshold for 4-Person Household Issued 4/2010	RHNA Goal	Percentage
Very Low	\$19,650 (30% of Median) to \$32,750 (very low)	13,343	23.7%
Low	\$32,750 (very low) to \$52,400 (low income)	9,267	16.4%
Moderate	\$52,400 to \$78,600 per year	N/A	N/A
Above Moderate	Greater than \$78,600 per year	N/A	N/A
Total		56,368	

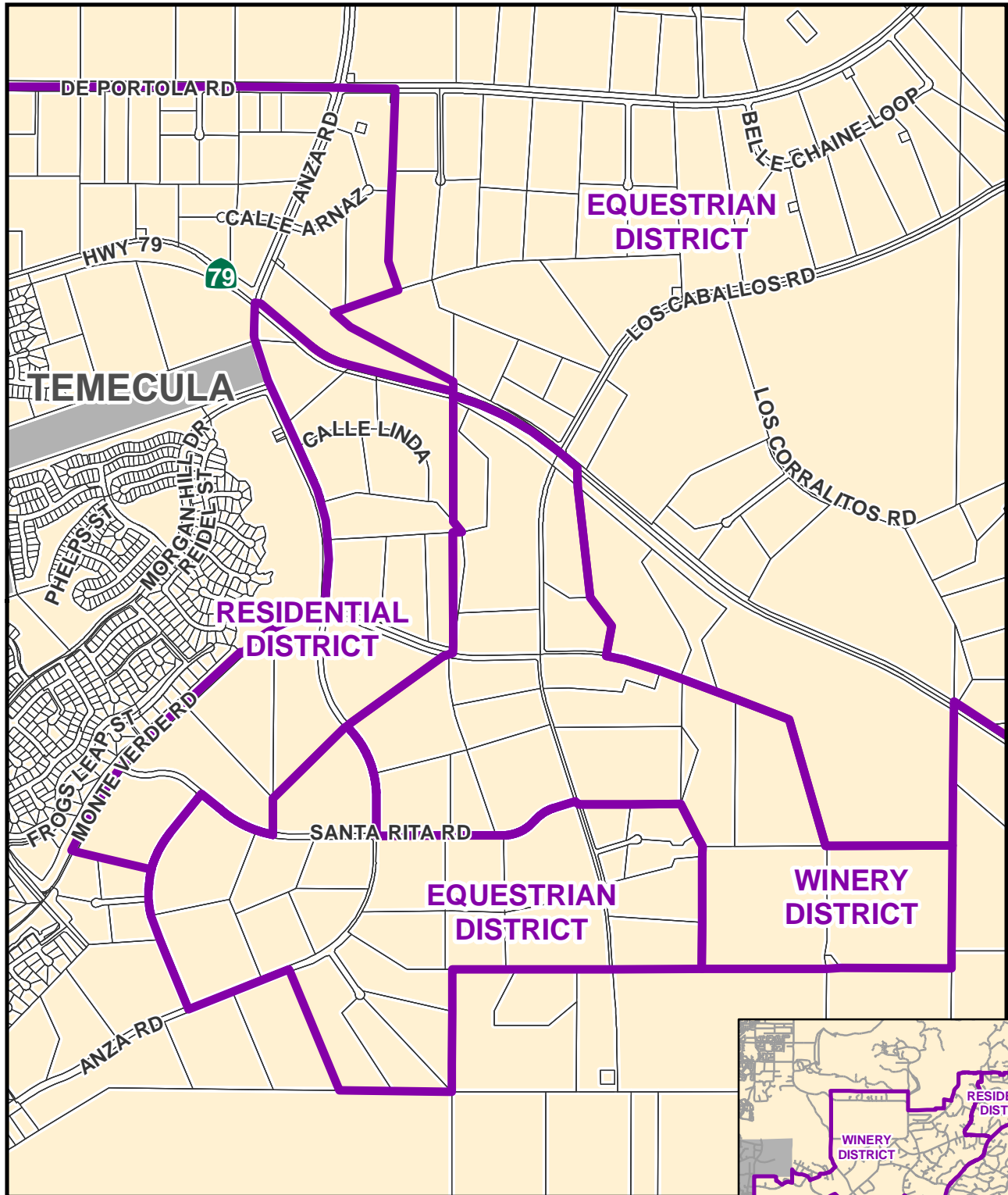
Source:

1. HUD Income Limits 2011 (California). <http://www.huduser.org/portal/datasets/il/il11/ca.pdf>, accessed 7/14/2011.
2. SCAG RHNA Final Allocation Plan. July 12, 2007. http://www.scag.ca.gov/housing/pdfs/rhna/RHNA_FinalAllocationPlan071207.pdf, accessed 7/14/2011.

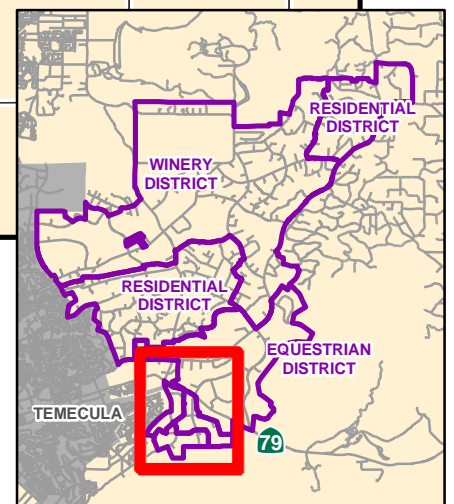
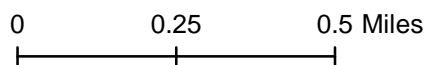
Very low = less than 50% of adjusted area median income (AMI); low income = 50 – 80% of AMI; moderate income = 80-120% of AMI; above moderate income= over 120% ami.

³ Southern California Association of Governments, *Final Regional Housing Need Allocation Plan – Planning Period (January 1, 2006 – June 30, 2014) for Jurisdictions within the Six-County SCAG Region (approved by the SCAG Regional Council on July 12, 2007)*, http://www.scag.ca.gov/housing/pdfs/rhna/RHNA_FinalAllocationPlan071207.pdf, accessed June 14, 2011.

Group G: Staff Recommended Option



-  WINE COUNTRY DISTRICTS
-  PARCELS
-  CITIES

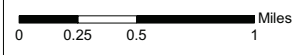
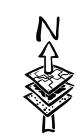


COUNTY PREFERRED WINE COUNTRY BOUNDARY MODIFICATION

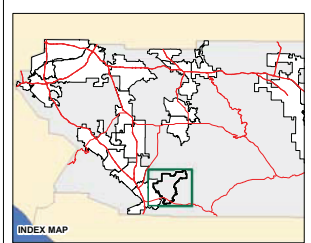
WINE COUNTRY COMMUNITY PLAN

DRAFT

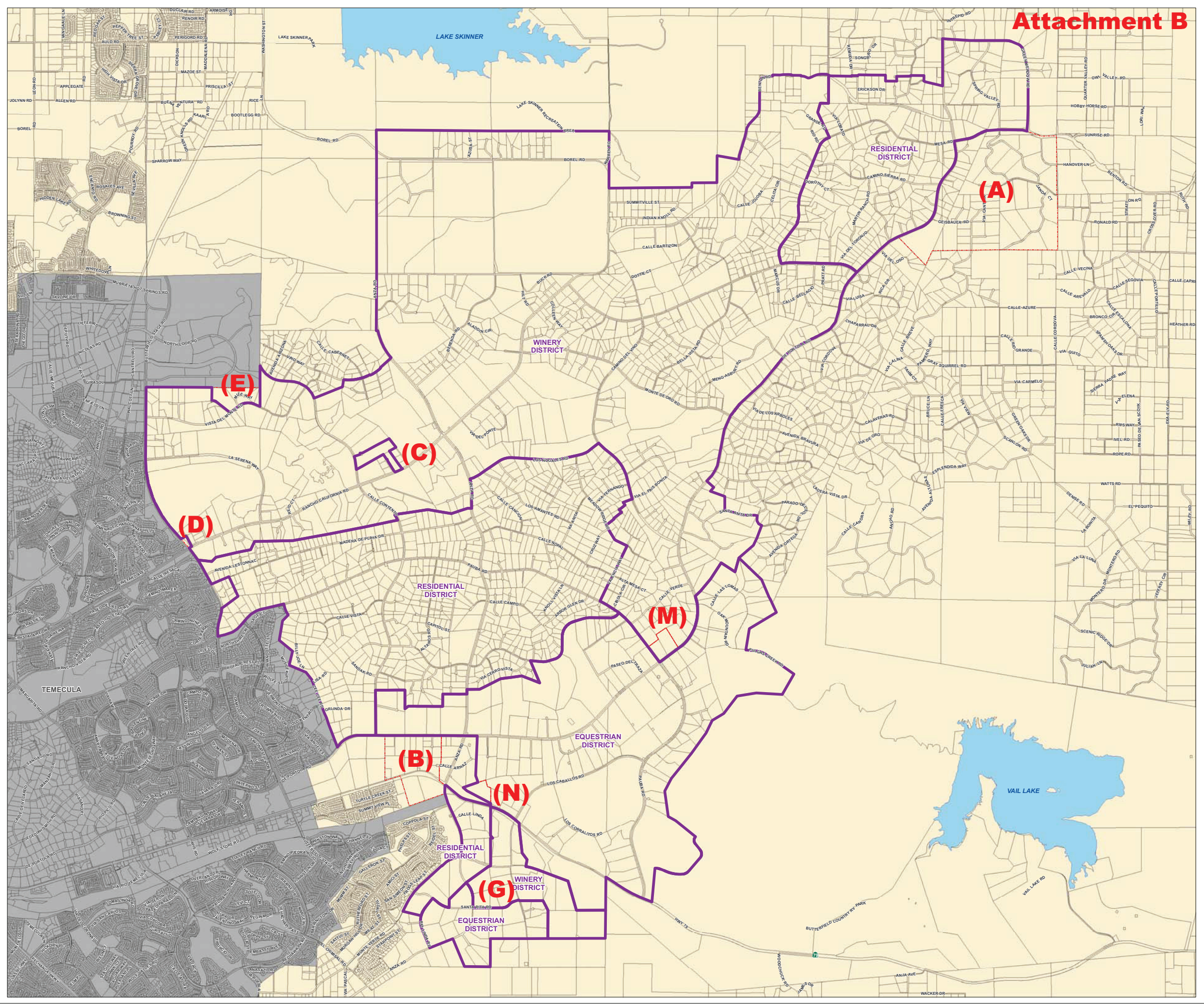
- (A)** Staff recommended boundary modification
 - EXISTING PROPOSED WINE COUNTRY BOUNDARY
 - WINE COUNTRY DISTRICTS
 - CITIES
 - PARCELS
 - WATERBODIES
- | | |
|----------------------|--------------------|
| WINERY DISTRICT | 9698 acres |
| EQUESTRIAN DISTRICT | 3252 acres |
| RESIDENTIAL DISTRICT | 5005 acres |
| TOTAL | 17955 acres |



December 17 2012
 J. CLARK/UPDATES BY P. PKANG
 COUNTY OF RIVERSIDE



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PROPOSED WINE COUNTRY BOUNDARY

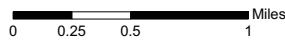
WINE COUNTRY COMMUNITY PLAN

DRAFT

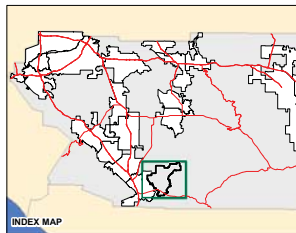
Zoning District

-  EQUESTRIAN DISTRICT
-  RESIDENTIAL DISTRICT
-  WINERY DISTRICT
-  COMMUNITY PLAN BOUNDARY
-  WINE COUNTRY DISTRICTS
-  CITIES
-  PARCELS
-  WATERBODIES

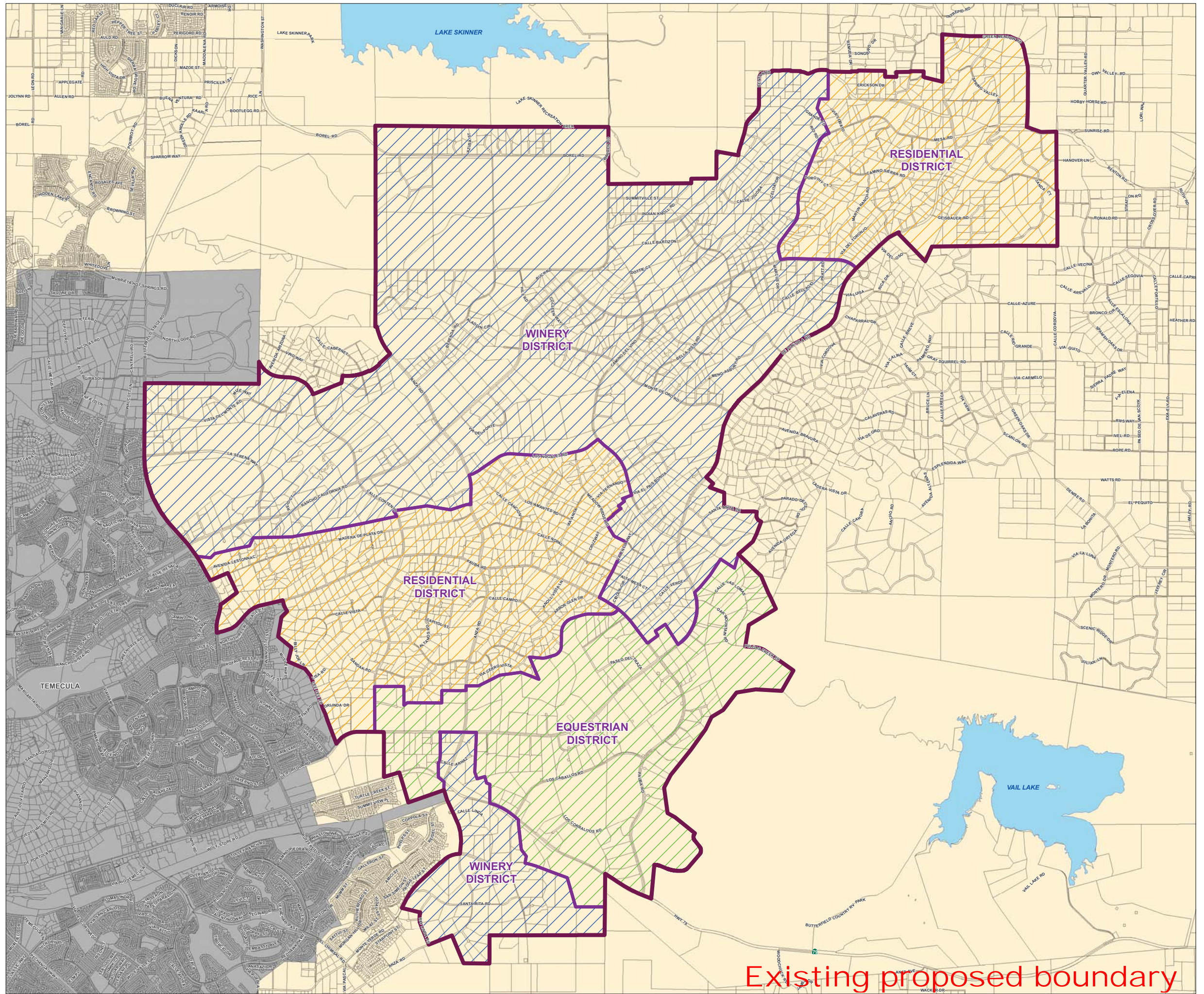
WINERY DISTRICT	10351 acres
EQUESTRIAN DISTRICT	3277 acres
RESIDENTIAL DISTRICT	5496 acres
TOTAL	18989 acres



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Existing proposed boundary

COUNTY PREFERRED WINE COUNTRY BOUNDARY MODIFICATION

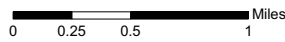
WINE COUNTRY COMMUNITY PLAN

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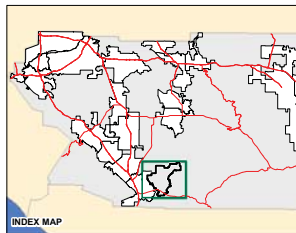
Zoning District

-  EQUESTRIAN DISTRICT
-  RESIDENTIAL DISTRICT
-  WINERY DISTRICT
-  COMMUNITY PLAN BOUNDARY
-  WINE COUNTRY DISTRICTS
-  CITIES
-  PARCELS
-  WATERBODIES

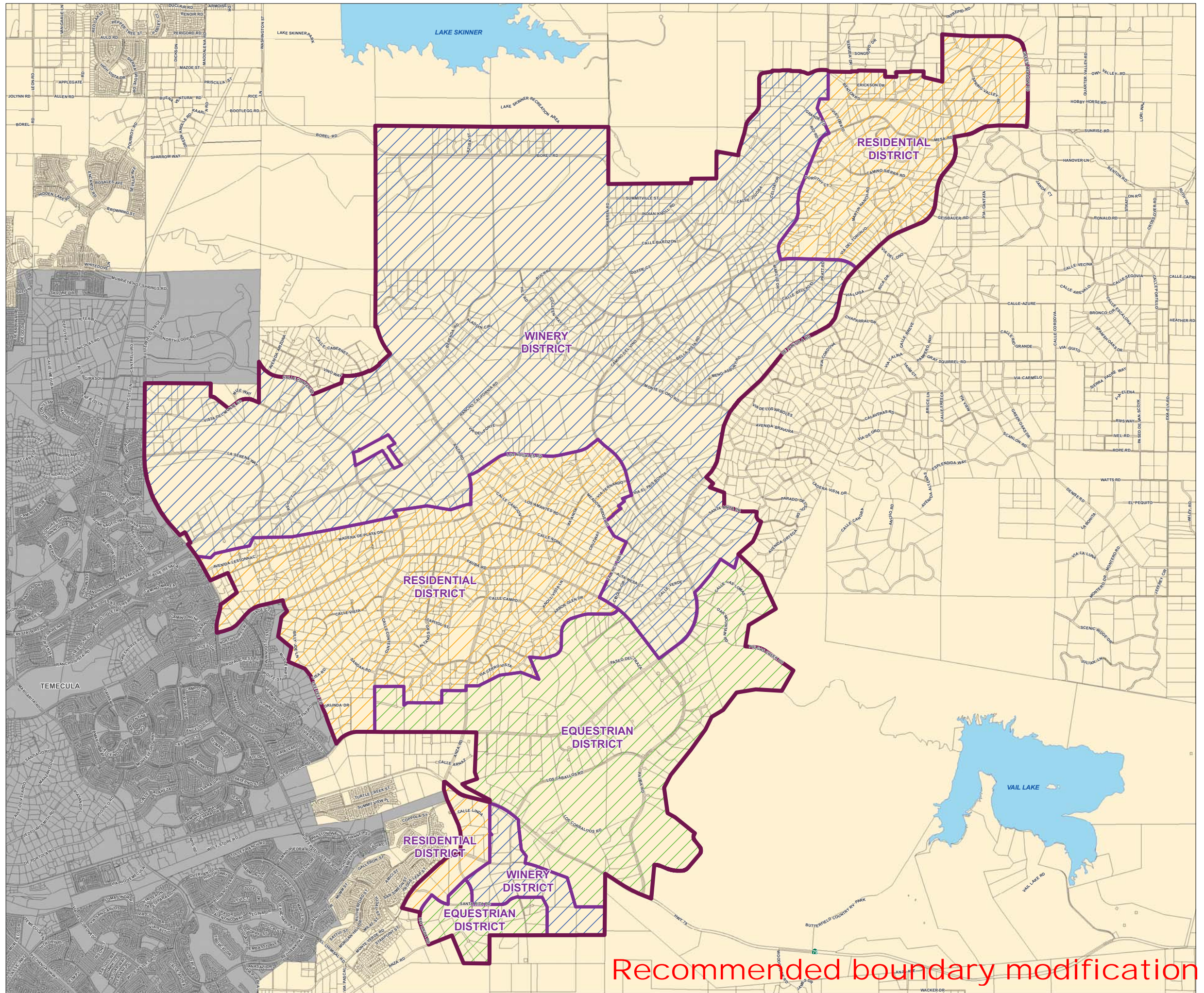
WINERY DISTRICT	9698 acres
EQUESTRIAN DISTRICT	3252 acres
RESIDENTIAL DISTRICT	5005 acres
TOTAL	17955 acres



December 18 2012
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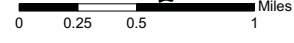
Recommended boundary modification

WINE COUNTRY BOUNDARY MODIFICATION REQUESTS

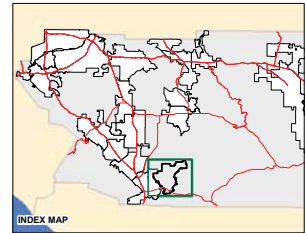
WINE COUNTRY COMMUNITY PLAN

DRAFT

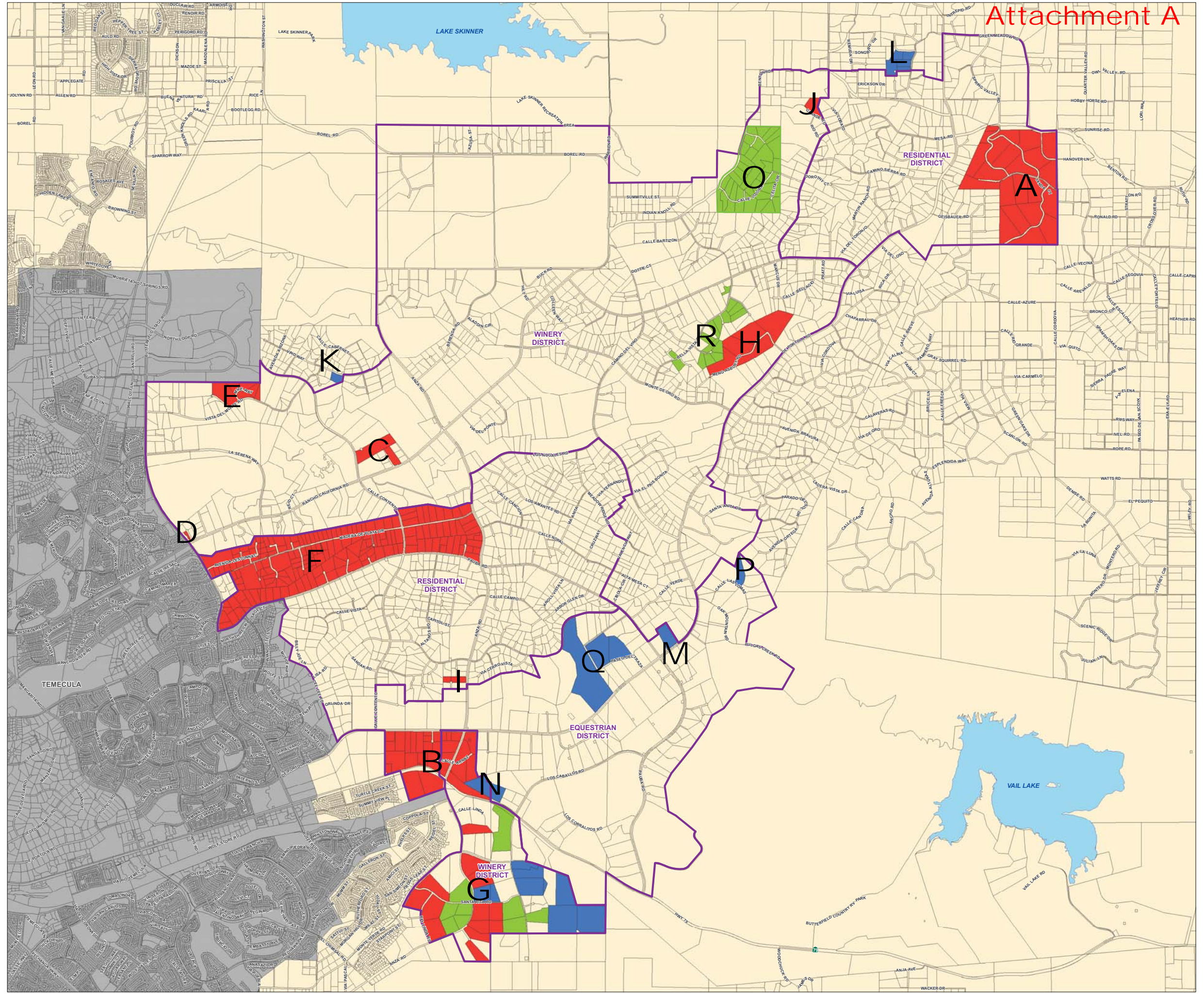
- REQUEST INCLUSION TO WINERY DISTRICT
- REQUEST INCLUSION TO EQUESTRIAN DISTRICT
- REQUEST EXCLUSION FROM WINE COUNTRY PROPOSAL
- WINE COUNTRY DISTRICTS
- CITIES
- PARCELS
- WATERBODIES



December 11 2012
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COUNTY OF RIVERSIDE



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Agenda Item: 3.5
Area Plan: Southwest
Zoning Area: Rancho California
Supervisory District: Third/Third
Planning Commission: December 19, 2012
Continued From: July 25, 2012, August 22, 2012, September 26, 2012, and December 5, 2012

WINE COUNTRY COMMUNITY PLAN –
General Plan Amendment No. 1077, Ordinance
Amendment No. 348.4729, and Program
Environmental Impact Report No. 524
Applicant: County of Riverside
EIR Consultant: RBF Consulting

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

WINE COUNTRY COMMUNITY PLAN

PROJECT DESCRIPTION:

The Temecula Valley Wine Country Community Plan (Project) was initiated by the County Board of Supervisors in 2008 to ensure that the region develops in an orderly manner that preserves Temecula Valley's viticulture potential and enhances its economic contribution to the County over the long term. The purpose of this Project is to provide a blueprint for future growth that ensures that future development activities will enhance, and not impede, the quality of life for existing and future residents, while providing opportunities for continued preservation and expansion of winery and equestrian operations. The Project has been developed to achieve the following four objectives:

1. To preserve and enhance viticulture potential, rural lifestyle and equestrian activities;
2. To continue to allow for an appropriate level of commercial tourist activities that are incidental to viticulture and equestrian operations;
3. To coordinate growth in a manner that avoids future land use conflicts; and
4. To ensure timely provision of appropriate public infrastructure and services that keeps up with anticipated growth.

The Project is generally located in the Southwest Area Plan (SWAP) of the General Plan in the southwestern portion of unincorporated Riverside County. The Project covers approximately 18,990 acres of land located approximately three miles north of the San Diego County border, east of the City of Temecula, south of Lake Skinner, and northwest of Vail Lake. The Project includes General Plan Amendment No. 1077, Ordinance Amendment No. 348.4729, and the accompanying Program Environmental Impact Report No. 524 (PEIR No. 524).

PUBLIC HEARINGS:

The Project was discussed before the Planning Commission on July 25, 2012, August 22, 2012, September 26, 2012, and December 5, 2012.

The majority of the public testimony received for the first two hearings focused on the inclusion of churches and private schools within the Project. Since the Project description did not include churches and private schools, the PEIR No. 524 did not analyze these types of land uses. Thus, the Planning Commission directed staff to develop options that would include churches, temples and other places of religious worship in the Project description. The Commission also directed

staff to schedule a meeting with the consultant team and the temporary Ad Hoc Subcommittee consisting of Commissioner Petty and Commissioner Zuppardo to develop the Project options and scope of services required to revise the PEIR No. 524.

The Ad Hoc Subcommittee meetings were conducted on September 4, 2012 and September 11, 2012 to discuss potential options. Staff requested and was granted additional time to evaluate project options during the September 25, 2012 Planning Commission hearing.

The following three options were presented before the Planning Commission at the December 5, 2012 public hearing:

Option No. 1 – Revise PEIR to analyze the inclusion of Churches and Private Schools

Option No. 2 – Consider the Project after final decision on the proposed Calvary Church Proposed Project

Option No.3 – Proceed with Original Project Proposal and exclude the Calvary Church properties from the Project boundary

After discussing each option, the Planning Commission recommended Option No. 3 by a vote of 4-1 (Roth dissented). The Commission continued the item to its December 19, 2012 regular meeting to discuss outstanding issues.

OUTSTANDING PROJECT PROPOSAL ISSUES:

During the community outreach efforts, County staff discussed a series of land use policy issues and different land use scenarios for the Project area's various sub-regions with the stakeholders. Although County staff has been successful in resolving many of the issues associated with the Project proposal, staff has highlighted the following outstanding issues that were raised during the first two public hearings:

1. Land Use Policies
2. Boundary Modifications
3. Public Testimony
4. Commissioner Roth's Comments
5. Program Environmental Impact Report No. 524 Errata Summary
6. Other Items

1. LAND USE POLICIES

The following policy issues have been raised by Project stakeholders during the outreach efforts, and through the draft PEIR comment letters, which County staff wants to bring to the Commission for consideration and recommendation:

- A. To allow small-scale "Production Winery" through a plot plan procedure on less than 10 acres:

- This policy suggestion would allow property-owners of smaller parcels to crush grapes and produce wine. A production winery would only be used to crush grapes, produce wine and for distribution purposes with no incidental commercial uses.
- This use is similar to the processing and packing of fruits that is currently permitted in all agricultural zones.
- Specific guidance is needed to ensure development of production wineries are scaled appropriately;

Staff recommends deleting the current proposed Winery definition and including definitions for production winery and commercial winery, as follows:

- Under Section 14.91 (Definitions):

PRODUCTION WINERY. An agricultural facility solely designed and used to crush, ferment and process grapes into wine. The facility may also bottle and distribute such wine. The facility does not operate any appurtenant or incidental uses.

COMMERCIAL WINERY. An agricultural facility designed and used to crush, ferment, and process grapes into wine. Such facility may operate appurtenant and incidental commercial uses such as wine sampling rooms, retail wine sales, gift sale, delicatessens, restaurants, lodging facilities and special occasion facilities.

~~*WINERY. An agricultural facility designed and used to crush, ferment, and process grapes into wine.*~~

Staff also recommends adding Production Winery and Commercial Winery as permitted uses with a plot plan along with development standards, as follows:

- Under Section 14.92 and 14.93 (Wine Country – Winery and Winery Existing Zoning Classifications), uses permitted with Plot Plan add the following:

Production Winery only in conjunction with an established on-site vineyard and a parcel size of less than ten (10) gross acres.

- Under Section 14.96 (Development Standards) add Production Winery Development Standards Section as the following:

Production Winery Standards. In addition to the General Standards, the following standards shall apply to all production wineries in the WC zones:

- (1) The minimum lot size shall be five (5) gross acres.*
- (2) The production winery shall be less than 1,500 square feet in size.*
- (3) A total of seventy-five percent (75%) of the net project area shall be planted in vineyards prior to issuance of certificate of occupancy or final inspection, whichever occurs first.*

B. To allow a wine sampling room with a production winery:

- This policy suggestion would allow a wine sampling room with the aforementioned production winery on less than 10 acres.
- Production wineries would be permitted on a minimum of 5 acres; The facility may not be able to accommodate commercial and/or promotional events associated with a wine sampling room;

Staff recommends not allowing a wine sampling room with production winery to keep impacts associated with land use, noise and traffic to a minimum since a production winery is permitted on a minimum of 5 acres.

C. To allow for cooperative wine sampling rooms:

- This policy suggestion would allow for cooperative wine sampling rooms within the Project area. A cooperative wine sampling room would offer the sampling of different wines produced by various wineries.
- Cooperative wine sampling rooms are more compatible with urban settings and would not further the objectives of the Wine Country Community Plan to protect and enhance the Community's rural lifestyle.

Staff recommends not including cooperative wine sampling rooms in the Project.

D. To ensure winery operation prior to allowing operation of the incidental commercial uses:

- This policy suggestion would require that a winery is operational prior to allowing any operations of the incidental commercial uses such as wine sampling rooms, retail wine sales, special occasion facilities, etc. This request was made to ensure the winery is the primary focus over any incidental commercial uses;

Staff recommends including provisions to ensure the winery facility is constructed or operational prior to the operation of any incidental commercial uses, as follows:

- Under Section 14.96 – Commercial Winery Development Standards add the following:

The commercial winery facility shall be constructed prior to issuance of the building permit for any incidental commercial uses.

or

The commercial winery facility shall be operational prior to issuance of certificate of occupancy for any incidental commercial uses.

or

- Include the requirement as condition of approval for implementing projects with incidental commercial uses.

Staff recommends including this provision as a standard condition of approval since the policy as proposed is not a typical development standard.

E. To ensure onsite wine production:

- This policy suggestion would create a production quota to ensure wine production as the primary use and to eliminate potential "bottle-shop" establishments.
- A provision for production quota would be difficult for the Planning and Code Enforcement Department to enforce and manage. Additionally, the County through its Planning Department regulates land uses. How much wine a winery produces is a business practice.
- Additionally, a production quota may place undue burden for wineries that are facing economic hardship.
- Suggested approach was to double the production capacity size. In 2004, as part of the Citrus Vineyard Policy Area amendment process it was determined that 7.5 acres vineyard can be derived from 3,500 gallons. Thus, a winery on 20 acres should at least have the capacity to produce 7,000 gallons; and a winery on 40 acres should have the capacity to produce 14,000 gallons.
- A request to include a provision to ensure 50% of wine sold onsite is produced onsite to prevent bottle-shop establishments was suggested during the public hearing process. The term bottle-shop is used to describe establishments that order processed wine bottles and sold as though it was produced onsite.
- The State requires per the California Business and Professional Code Section 23358 (c) a winegrower to “actually produce on his or her licensed premises by conversion of grapes, berries, or other fruit, into wine, not less than 50 percent of all wines sold to consumers on his or her licensed premise or premises and any licensed branch premise or premises”.
- Staff has contacted the State’s Alcohol Beverage Control to discuss enforcement of the 50% requirement. The enforcement of this provision is complaint driven and is investigated by the Trade Enforcement Unit. The Trade Enforcement Unit will work with the winery to determine if 50% of all wine sold was produced on premise. The first few offenses may result in a fine or suspension of the 02 Winegrowers license; repeated offenses will result in its revocation.

Staff recommends adding language to the Winery development standards to increase the production capacity for wineries with a lodging facility, as follows;

- Under Section 14.96d – add the following Winery Development Standards:

A Commercial Winery in conjunction with a lodging facility on less than forty (40) acres shall be a minimum of fifteen hundred (1,500) square feet and shall have the capacity to produce at least 7,000 gallons of wine annually.

A Commercial Winery in conjunction with a lodging facility on forty (40) acres or more shall be a minimum of fifteen hundred (1,500) square feet and shall have the capacity to produce at least fourteen thousand (14,000) gallons of wine annually.

Staff recommends adding language to the Winery development standards to ensure 50% of the wine sold are produced on the premise as required by the California Business and Professional Code;

A Commercial Winery shall have valid applicable permits from the California Department of Alcoholic Beverage Control. A Winery with a wine sampling room shall produce at least fifty percent of the wine sold as required by the 02 Winegrowers License and California Business and Professional Code Section 23358 (c).

F. To ensure that wineries utilize 75% locally grown grapes:

- This policy suggestion would add language in the proposed zones that would ensure better enforcement of the 75% locally grown grapes provision. This provision is intended to promote and strengthen credibility of the Temecula Valley Viticultural Area brand and region.
- Provisions for the 75% locally grown grapes were included in the Citrus Vineyard Policy Area and the C/V zoning classification; however, a mechanism to enforce this provision was not developed.
- A suggested approach is to require a winery to submit their *Grape Crush and Purchase Inquiry Report* to the County's Agricultural Commissioner for review.
 - Every processor who crushes grapes in California is required by California Food and Agricultural Code Section 55601.5 to submit a *Grape Crush and Purchase Inquiry Report* to the Secretary of the Department of Food and Agriculture on a yearly basis.
 - Due to the sensitive nature of the *Grape Crush and Purchase Inquiry Report* and the purpose 75% locally grown grapes provision, the County's Agricultural Commissioner would only use this report to verify the grape's origin and tons of grapes crushed; this report will not be made available to the public.

Staff recommends as a standard condition of approval for each winery facility to submit the *Grape Crush and Purchase Inquiry Report* to the Agricultural Commissioner on a yearly basis.

G. To limit the exemption from the use of 75% locally grown grapes to three years:

- This policy suggestion would eliminate the 2-year time extension provision to encourage the use of locally grown grapes. Currently, a new winery may request a three year exemptions from the use of 75% locally grown grapes. This provision allows adequate time for wineries to establish their vineyards or purchase other locally grown grapes to produce wines.
- The proposed community plan also allows exemption from this provision in the event of an Agricultural Emergency.

Staff recommends eliminating the extra time exemption from the proposed zoning ordinance, as follows;

- Under Section 14.96 – Winery Development Standards delete the following:

An exemption from this requirement may be requested for the first three years from the building permit's effective date. ~~After the issuance of the certificate of occupancy, such exemption may only be extended twice for a one year duration, for a total exemption period not to exceed five years.~~

H. To allow limited wine-club events with a commercial winery on 10 acres or larger:

- This policy suggestion would allow a limited number of wine-club member events with a commercial winery (approved through a plot plan) on 10 acres or larger. This is a common business practice for wineries to promote their wines to wine-club members.
- Under the current proposed policies and development standards, special occasion facilities incidental to wineries are permitted on a minimum of 20 acres or larger; which limits small wineries from holding wine-club events.
- It is staff's position that the allowance of wine-club events for commercial wineries should be determined on a case by case basis. The determination will be based on the project conditions and location to other residential areas.

Staff recommends adding provisions under for the Commercial Wineries with a minimum of 10 acres.

- Under Section 14.92 and 14.93 (Wine Country – Winery and Winery Existing Zoning Classifications), uses permitted with Plot Plan add the following underlined language:

Commercial Winery, only in conjunction with an established on-site vineyard and a minimum parcel size of ten (10) gross acres. Up to four (4) wine-club events per year, not to exceed 100 members, may be considered with a commercial winery. Actual number of events will be determined on a case by case basis.

I. To allow more than 5 guests/acre for the special occasion facility:

- This suggestion would eliminate a development standard for the special occasion facilities that would allow a maximum of 5 guests per acre. The determination of maximum guest per acre will then be made on a case by case basis.
- The proposed standard of 5 guest/acre would place undue burden on wineries with special occasion facilities that are not surrounded by residential unit or that can accommodate more provided the impacts are mitigated. All special occasion facilities with an outdoor venue will still need to submit an acoustical noise study.

It is staff's position that the maximum number of guests/acre for special occasions should be determined on a case-by-case basis. Staff recommends deleting the maximum number of guest/acre from the Special Occasion Facilities Development Standards as follows:

- Under Section 14.96 – Special Occasion Facilities Development Standards delete the following:

~~A maximum of five (5) guests per gross acre shall be permitted for a special occasion facility.~~

J. To decrease the maximum building height of all commercial uses to 40':

- This policy suggestion would decrease the maximum building height to 40' to decrease visual impact of a large commercial establishment. The maximum height for a winery and resort is 50', for all other commercial uses it is 30' (40' if terraced).

Staff recommends the maximum height for wineries and resorts be 40' and consider 50' for architectural elements only to minimize visual impact. Staff recommends the following development standards for winery and lodging facility (resort):

- Under Section 14.96 – make the following changes in Winery Development Standards:

No building or structure shall exceed ~~be~~ forty feet (40'), ~~fifty feet (50')~~ in height. except where the project design incorporates terraced lots, then the maximum height shall be fifty feet (50') when measured from the lowest finished floor level. The maximum number of building stories is two.

- Under Section 14.96 – make the following changes in Lodging Facility Development Standards:

No building or structure for a Resort shall exceed forty feet (40'), except where the project design incorporates terraced lots, then the maximum height shall be fifty feet (50') when measured from the lowest finished floor level. The maximum number of building stories is two. ~~Resorts shall be a maximum of three stories high and shall not exceed fifty feet (50') in height.~~

K. To require 300' setback for all commercial uses along major roads:

- This policy suggestion would require a 300' setback for wineries, special occasion facilities, restaurants, and lodging facilities. This request was made to establish a consistent development standard for all commercial uses.
- The minimum setback proposed for wineries, restaurants and lodging facilities along a major road is 100'. The minimum setback requirement for a special occasion facility is 300'.
- The proposed setback provides flexibility for wineries to achieve the 75% planting requirement as well as to address potential issues associated with the proposed incidental commercial uses. Given that this is a minimum standard, additional setbacks may be required to address impacts to neighboring residential units.

Staff does not recommend changes to the proposed minimum setbacks for commercial uses.

L. To reduce the minimum setback for residential development along major roads:

- This policy suggestion would reduce the minimum setback requirements for residential development from 300' to 100' along all major roads.
- The minimum setback requirement of 300' along all major roads was carried over from the C/V zoning requirement. The intent is to minimize impacts associated with traffic to new residential developments. Concern has been expressed that the setback requirement may make it difficult to develop certain parcels.

Therefore, staff recommends adding the following exception to the Residential Development Standards:

- Under Section 14.96 – add the following provision for the minimum setback requirement for residential development:

The minimum three hundred feet (300') setback requirement does not apply when it makes a single lot undevelopable for a one family dwelling. In such event, the minimum fifty feet (50') setback requirement shall apply to the lot.

M. To increase the minimum lot size for residential units from 10 acres to 20 acres within the Winery District:

- This policy suggestion would increase the minimum lot size for residential units from 10 acres to 20 acres to further reduce land use conflicts between residential and commercial uses.

Staff also recommends the following changes to the Residential Development Standards:

- Under Section 14.96 – make the following changes in Residential Development Standards:

~~*One (1) dwelling unit shall be allowed for every ten (10) gross acres in the WC-W, WC-WE and WC-E Zones.*~~

The minimum lot size shall be ten (10) gross acres in the in the WC-E Zone.

The minimum lot size shall be twenty (20) gross acres in the in the WC-W and WC-WE Zones.

N. To prohibit outdoor amplified music or outdoor events:

- This policy suggestion would eliminate all outdoor events associated with a special occasion facility.
- Through the proposed community plan, all special occasion facilities must conduct a noise study or an acoustical analysis if an outdoor facility is proposed. Based on such study or analysis, the Planning Director may deny or require as a condition of approval that the project applicant enter into a good neighbor agreement with the surrounding neighbors.

Staff recommends determining the appropriateness of an outdoor facility on a case by case basis.

O. To increase the numbers of animals allowed in the Winery District and allow for hobby farm type of establishments:

- The existing equestrian and agricultural uses associated with “hobby farms” may continue operations if they are in compliance with the parcels’ existing zoning classification.
- For the Wine-Country Winery and Winery Existing zones, Wine Country Advisory Committee was supportive of the proposal to reduce allowable number of animals for future uses to 2 animals per acre.
- Land uses conflicts may arise in the future if additional commercial equestrian uses are allowed in the Winery District.

Staff recommends keeping the allowable number of animals per acre to 2 animals/acre in the Wine Country-Winery Zone. The existing agricultural programs, including animal breeding and 4-H farm projects may continue under the proposed Wine Country-Winery Zone.

2. BOUNDARY MODIFICATION REQUESTS

Staff has received requests from project stakeholders during the course of the community outreach and Planning Commission hearings that have expressed their desire to:

- A. Be added to or removed from the Project boundary; or
- B. Be considered for a different district of the Policy Area, than the current Project proposal.

Staff presented these requests to the Planning Commission during the July 25, 2012 public hearing. Since then, staff received additional boundary modification requests. For this staff report, the new requests have been added and the requests are reorganized based on two categories described above. Thus, the group letters are not the same as those presented during the July 25, 2012 public hearing. Please refer to Attachment A: Boundary Modification Requests to see where each Group is located.

The Project was developed to create an area within the Temecula Valley region with the purpose of preserving and enhancing viticulture potential within that area. The four objectives of the Project are the following: 1) to preserve and enhance viticulture potential, rural lifestyle and equestrian activities; 2) to continue to allow for an appropriate level of commercial tourist activities that are incidental to viticulture and equestrian operations; 3) to coordinate growth in a manner that avoids future land use conflicts; and 4) to ensure timely provision of appropriate public infrastructure and services that keeps up with anticipated growth. The Project creates four unique zoning classifications to achieve the Project's purpose and objectives.

After receiving public testimony, both written and verbal, approximately 112 parcels are recommended for removal from the Project's boundaries (Groups A-E). The resulting boundary is shown in Attachment B: County Preferred Boundary Modification. Removal of these parcels will not hinder the Project's purpose of preserving and enhancing viticulture potential within the unique Temecula Valley region. Additionally, removing the parcels will assist in achieving the Project's objectives, including to avoid land use conflicts.

The parcels being removed are located primarily along the outer boundary of the Project and total approximately 900 acres. Approximately 18,000 acres will remain within the Project's boundaries. These 18,000 acres creates a large area within the unique Temecula Valley region that will preserve and enhance viticulture in that region.

Approval of the Project itself will not change the zoning classifications on the individual parcels within the Project's boundaries. As a result, the parcels within the boundaries and outside the boundaries will maintain their existing zoning classifications. The zoning classifications for parcels within the Project's boundaries will change when the property owner applies for a discretionary land use permit. The removed parcels will maintain their existing zoning classifications, which allow additional land uses than in the four new zoning classifications.

A summary of each group's justification and staff's recommendations are provided in the tables below.

A. Be added to or removed from the Project boundary:

Staff recommends approving the following request for exclusion from the Project boundary:

Group	Request Justification	Staff Recommendation
Group A (located along the De Portola Road; near De Portola and Mesa Road intersection; 644.78 acres)	Parcels identified in the original request are associated with General Plan Amendment No. 1000 to amend the Rural Foundation Component to Agriculture Foundation Component; in addition to the original letter the adjacent property land-owner also requests exclusion from the project boundary.	Due to steep topography and MSCHP potential, staff recommends removal of this group from the Project boundary and adjusting the eastern boundary to De Portola Road.
Group B (located along north of Hwy 79; near Hwy 79 and Anza Road intersection; 265.38 acres)	This area is currently designated for community development and urban uses; thus, the land-owners request exclusion from the project boundary.	Due to existing and designated urban/suburban type of uses within Group B, staff recommends removal from the Project boundary.
Group C (located east of Rancho California Road and Calle Contendo intersection; 30.19 acres)	On December 05, 2012, Planning Commission recommended Option No. 3 by a vote of 4-1 (Roth dissented) to allow the Wine Country Community Plan to proceed forward and exclude the Church properties from the Project boundary.	Staff recommends removal of Group C from the Project boundary.
Group D (located on the northeast corner of the Rancho California Rd. and Butterfield Stage Road; 1.38 acres)	The land-owner requests exclusion from the Project boundary in order to establish an information center for Wine Country.	This parcel is ideally situated for a Tourist Information Center or Park and Ride Facility at the entrance of the Temecula Valley Wine Country. The proposed zones do not allow for such uses. Therefore, staff recommends exclusion of the parcel from the Project boundary.
Group E (located north of Vista Del Monte and Mize Way; 40 acres)	Land-owners would like to subdivide their property into 2.5 acre lots and has no desire to establish a winery or utilize the proposed zones in the future; also Vista Del Monte is a dirt road and is dangerous with water runoff and septic issue.	Currently, this group land use designation is Rural Community-Estate Density Residential, which would allow these land-owners to subdivide their properties into 2.5 acre parcels per their desire. Due to their location at the edge of the proposed Policy Area, staff recommends supporting exclusion from the proposed Project boundary.

Staff recommends denying the following requests for exclusion from the Project boundary:

Group	Reason for request	Staff recommendation
Group F (located along Madera de Playa; 654.26 acres)	The majority of the parcels within this group are less than 5 acres; the small lot sizes will prevent winery/resort establishments thus the land-owners request exemption from the Project boundary.	Wine Country-Residential Zone will restrict incompatible commercial uses allowed under the R-R and R-A zones that may conflict with existing residential uses; therefore, staff recommends keeping this area within the Project boundary.
Group G (located south of Hwy-79; 486 acres)	Some of the land-owners have requested removal from the Project boundary; while others have requested different Wine Country Districts.	This area serves as the southern entrance to Wine Country. Staff recommends a combination of three districts to reflect landowners' preference in light of the Community Plan objectives (Please refer to Attachment C: Staff Recommended Wine Country Boundary Area South of Hwy-79). This option is supported by the neighboring Morgan Hills Community.
Group H (located along Camino Arroyo Seco; 107.44 acres)	<p>The land-owner would like to retain the properties' existing land use designation and zoning classification. The land-owner is concerned that the Community Plan adoption will result in down-zoning of his property along Arroyo Seco Road.</p> <p>The land-owner also proposes a land use overlay option for the Planning Commission consideration. The "Estate Density Residential-Winery Overlay" would allow for future subdivision that reflects the current land use and zoning classifications, as well as to allow the option to elect uses prescribed by the Wine Country-Winery Zone.</p>	This group of approximately 107 acres and has the potential to support future wineries and incidental commercial uses and is surrounded by existing wineries. Per this request, should the County allow smaller lot residential subdivisions for this group, it may result in creating future land use conflicts in and around this group. This group is not located along the edge of Project boundary. Therefore this request does not meet an objective of the Community Plan and staff recommends denying this request for exclusion from Project boundary.

Group	Reason for request	Staff recommendation
Group I (located northeast of Anza Rd. and Avenida Pacifico; 7.12 acres;	The land-owner would like to retain the ability to subdivide the property under the existing land use designation of Rural Community-Estate Density Residential.	The properties are not located along the edge of the Project boundary. Future subdivisions of lots smaller than 5 acre are discouraged through the Community Plan. Thus, this request does not meet an objective of the Community Plan and staff recommends denying this request for exclusion from the proposed Project boundary.
Group J (located north of Grande Road and Rio Road; 10.76 acres)	The land-owner would like to split his parcel in the future to build a single family home on one lot and provide a tractor service on the other. He believes the plan unnecessarily restricts existing enterprises located in the residential areas; uses such as churches, schools, orphanages, tack and feed shops, and community markets. He also requests excluding areas where "Habitat Preservation" already exists from the Wine Country Community Plan.	The parcel's existing land use designation is Rural Mountainous, which allows for one dwelling unit per 10 acres. Furthermore, the current general plan policy also prevents commercial establishments within the Rural and Rural Community foundation components. This request does not meet an objective of the Community Plan and staff recommends denying this request for exclusion from the Project boundary.

Staff recommends denying the following requests for inclusion into the Project boundary:

Group	Reason for request	Staff recommendation
Group K (located along Vino Way, east of Vino Way and Vista del Monte Road intersection; 4.87 acres)	The land-owner would like to establish a bed and breakfast on this property in the future.	Currently, the property is not within the Citrus Vineyard Policy Area or zoned C/V zone. The request would also extend the project footprint greater than what was considered for the PEIR No. 524. Therefore, this request does not meet any objective of the Community Plan and staff recommends denying this request for inclusion in the proposed Policy Area or Winery District thereof.

Group	Reason for request	Staff recommendation
Group L (located west of Crabtree Lane and Green Meadow Road intersection; 24.86 acres)	The land-owner would like to establish a winery with incidental commercial uses in the future; His property is approximately 4.8 acres; He has indicated that his neighbors would support this endeavor and are willing to combine the parcels to gain the necessary 20 acre minimum.	Currently, the property is not within the Citrus Vineyard Policy Area or C/V zone. The request would also extend the project foot-print greater than what was considered for the PEIR No. 524. Therefore, this request does not meet any project objectives and staff recommends denying this request for inclusion in the Project boundary.

B. Be considered for a different district of the Policy Area, than the current Project proposal:

Staff recommends approving the following request for a different Wine Country district within the Project boundary:

Group	Reason for request	Staff recommendation
Group M (located northeast corner of Pauba Road and De Portola Road; 23.38 acres)	The owner of Atwood Estate Vineyard will potentially move their winery operation to this location in the future and requests inclusion in the Winery District. The property is located adjacent to an existing winery (Keyways Winery).	This property and the property directly west are within the Citrus Vineyard Policy Area and C/V zone, therefore, staff recommends inclusion in the proposed Winery District.

Staff recommends denying the following request for a different Wine Country district within the Project boundary:

Group	Reason for request	Staff recommendation
Group N (located north of Hwy 79, northwest of Hwy 79 and Anza Road intersection; 25.4 acres)	The land-owner has two contiguous parcels split between two districts (Winery and Equestrian Districts), which will pose a challenge for the owner if he wants to develop it as a winery. His request is for inclusion in the Winery District.	These properties are adjacent to Group F, which staff is recommending removal from the Project Boundary. This group is contiguous to the Equestrian District; Therefore, Staff recommends Equestrian District which would allow a winery on 10 acres.

Group	Reason for request	Staff recommendation
<p>Group O (located east of Benton Road and Calle Jojoba intersection; 198.4 acres)</p>	<p>This area is predominately residential; there are also many small horse ranches. The land-owner proposes inclusion into the Equestrian District for his this group. The land-owner believes that a nearby rock quarry would deter future commercial activity relating to winery/hospitality uses. He is also concerned the value of his property will diminish, as he has made numerous equestrian improvements to his property. The allowable number of horses under Winery District would discourage his vision of building a non-profit horse ranch for special needs children. Additional wineries would increase traffic and noise. He also suggests only allowing indoor entertainment.</p>	<p>The existing equestrian uses may continue operating under their existing zoning classifications, if they are legally established. The project will not change their zoning classifications; therefore, staff recommends keeping parcels within the Winery District. Also, all special occasion facilities with an outdoor venue is required to submit an acoustical noise study to determine if it's appropriate for the implementing project.</p>
<p>Group P (located along Calle Los Lomas; east of Calle Los Lomas and Oak Mountain Road intersection; 10.1 acres)</p>	<p>The land-owner requests Winery District to establish a winery and a restaurant in the future.</p>	<p>The property is within the existing Valle de Los Caballos Policy Area and is approximately 10 acres. The size of his parcel meets the minimum acres needed to establish a Winery in the Equestrian District. Also, the property does not meet the minimum requirement to establish a restaurant in conjunction with a winery; therefore, staff recommends denying this request for inclusion in the Winery District.</p>
<p>Group Q (located along Paseo Del Traza; northwest of Paseo Del Traza and De Portola Road intersection; 143.95 acres)</p>	<p>Previous land-owner requested inclusion into the Winery District. The new land-owners are in support of the project and did not extend the request for inclusion into the Winery District.</p>	<p>Staff has meet with the representatives of this property and they are in support of the Community Plan; Staff recommends keeping this group in the Equestrian District;</p>

Group	Reason for request	Staff recommendation
Group R (located along Bella Vista Road, near Bella Vista and Calle Anita intersection; 65.49 acres)	Would like to see a "Bella Vista Equestrian Zone" to ensure 5 animals/acre, private boarding, animal rescue, pony clubs, 4H/FFA, small-scale breeding program.	The existing equestrian uses may continue operations if they are in compliance with the parcels' existing zoning classification and were established legally. The Project does not change their zoning classifications. Therefore, this request does not meet an objective of the Community Plan and staff recommends denying this request for inclusion in the proposed Equestrian District.

3. PUBLIC TESTIMONY:

During the course of the public hearing process, Planning Commission has received comments concerning the proposed Project. The concerns regarding Land Use Policies and Boundary Modification Request are addressed above. Letters to the Planning Commission concerning tails implementation, noise mitigation measures and churches/private schools were previously presented and discussed during the August 22, 2012, September 25, 2012 and December 5, 2012 public hearings.

The following comments require additional clarification:

- a. Mr. Saba Saba requests inclusion in the Wine Country-Winery Existing Zone to establish a winery and restaurant in the future.
 - Currently Mr. Saba does not have an approved plot plan application for a winery with restaurant under the current C/V zone. Therefore, his property does not meet the intent of the Wine Country-Winery Existing Zone.

- b. Laurie Staude requests a clarification of the 75% planting requirement;
 - The 75% planting requirement is only required when clustering subdivision is elected, it is not applied when a property owner subdivide their property.

- c. David Bradley requests clarification of “existing non-conforming uses” and future of small wineries.
 - Non-conforming uses may continue if they have been established legally under their current land use designation and zoning classification. The small wineries that have been legally established under the C/V zone may continue their operation and expand under the WC-WE Zone.

- d. Chuck Tobin requests clarification of “commercial equestrian establishment”

- A commercial equestrian establishment is defined currently defined as "An equestrian establishment where a minimum of twenty (20) enclosed stalls are used to board horses in return for compensation."
 - Currently, there are many commercial equestrian operations or establishments of various sizes in the Valle de los Caballos region.
 - The intent of this provision is to ensure that an equestrian facility with more intense incidental commercial uses on 10 acres or larger, shall have a commercial horse stable as the primary use. The more intense incidental commercial uses includes petting zoos, polo-grounds, horse shows facilities, restaurants, western stores, racing tracts, large animal hospitals, and special occasion facilities. These type of uses would require a plot plan or conditional use permit. The number of stalls was based on the number of permitted animals of 5 animals/acre and 75% equestrian land requirement proposed through the Wine County-Equestrian Zone. An equestrian establishment that does not include the more intensive commercial uses is permitted by right.
- e. Shawn Beckman request clarification on Madera De Playa referred a "secondary road".
- Staff informed Mr. Beckman that within the project boundary Madera de Playa is referenced as a two-lane collector road in the proposed General Plan Amendment and PEIR No. 524.
- f. The Citizens United for Resources and the Environment, Inc. ("CURE") raised the following concerns regarding the proposed Community Plan and PEI No. 524: impact to water supply, impact to water quality based on increased nitrate concentrations, and impact of increased labor force. CURE requests that the County evaluate these impacts in more detail prior to making a final environmental determination or proceeding with the Project Plan.
- Staff and RBF Consulting prepared a memo in response to CURE's concerns for the Planning Commission's consideration (please refer to Attachment D).

4. COMMISSIONER ROTH'S RESPONSE MEMO:

During the August 22, 2012 public hearing, Commissioner Roth submitted to staff his comments and concerns regarding the proposed project and the PEIR No. 524. Staff and RBF Consulting prepared a memo in response to Commissioner Roth's comments for Planning Commission's consideration (please refer to Attachment E).

5. PROGRAM ENVIRONMENTAL IMPACT REPORT NO. 524 ERRATA:

The Draft PEIR No. 524 incorporate changes to provide clarification, amplification and/or "insignificant modifications" as needed as a result of public comments on the Draft PEIR, or due to additional information received during the public review period. These clarifications and corrections do not warrant Draft PEIR recirculation pursuant to CEQA Guidelines §15088.5. As set forth further below and elaborated upon in the respective Response to Comments, none of the Errata below reflect a new significant environmental impact, a "substantial increase" in the severity of an environmental impact for which mitigation is not proposed, or a new feasible

alternative or mitigation measure that would clearly lessen significant environmental impacts but is not adopted. The Draft PEIR No. 524 Preliminary Errata is attached (Attachment F). Final changes to the DPEIR No. 524 Errata will be made prior to Board hearings to reflect Planning Commission's recommendations.

6. OTHER:

Removing the parcels owned by Calvary Church Bible Fellowship from the boundaries of the Project will not change the zoning classification on the individual parcels. The zoning classification for the parcels will remain C/V zoning. Currently, under Ordinance No. 348 churches, temples and other places of religious worship are not permitted uses in the C/V zoning classification. However, churches, temples and other places of religious worship are permitted in approximately 27 of the County's 38 zoning classifications. If churches, temples and other places of religious worship wish to locate in one of these 27 zones, they would need to obtain a plot plan or public use permit depending on the zoning classification. Similar nonreligious uses such as educational institutions, fraternal lodge halls and recreational facilities are also required to obtain a plot plan or public use permit in the specific zoning classification.

Additionally, the proposed Project's boundaries apply to approximately 18,990 acres, while the unincorporated area of Riverside County covers approximately 4,121,114 acres. As a result, the Project applies to less than 1% of the land within Riverside County, leaving ample opportunity to locate churches, temples and other places of worship ("religious assemblies") elsewhere in Riverside County.

The proposed Project was developed to preserve and enhance viticulture potential within the Temecula Valley region. This region is a unique area within Riverside County and has the right climate and environment for growing wine producing grapes. The allowed incidental commercial and secondary uses are directly related to and support the viability of the viticulture and equestrian operations. These secondary uses are in conjunction with the primary use on the property, which is the winery or equestrian use. Religious assemblies would be considered the primary use on the property, not a secondary use. Nonreligious assemblies such as fraternal hall lodges and recreational facilities would also be considered the primary use on the property, and not a secondary use directly related to and supportive of the viticulture operations. As with religious assemblies, these nonreligious assemblies are also not permitted uses in the proposed Project as they do not exist to support wineries, vineyards or equestrian facilities on the same parcel.

Wine Country Sign Ordinance:

Proper sign control to address visual clutter from existing on-site advertisement signs is necessary to preserve the Wine County's rural characteristics. The request was made by the wineries for the County to craft a signage program to address this issue. An amendment to Ordinance No. 348 Article XIX: Advertising Regulations was not included in the project description; thus, a signage program will be developed after the Project consideration process.

Trails Network:

During the August 22, 2012 Planning Commission Hearing, Commissioner Petty request staff to work with him in addressing redundancies in the proposed trails network. Staff has met with Commissioner Petty and the subsequent trails network is attached for Planning Commission consideration (Attachment G).

Wine Country-Wine Existing Zone

Project adoption may restrict some of the existing wineries to expand their business operations as prescribed in the C/V Zone, specifically those that are on less than 20 acres. County staff has proposed the Wine Country – Winery Existing zone to allow expansion of these existing legal wineries according to current C/V Zone requirements.

The proposed General Plan policy SWAP 1.10 indicates that there are 28 existing wineries meets the intent of WC-WE zone. At the time of its creation, the list included wineries that were in the development review process seeking approval. Some of which received final approval and some have not. Tesoro Winery no longer has an application and County is currently processing Peltzer Winery plot plan application. Additionally, the Europa Village Wineries have also received approval. The eligible winery list, General Plan Policy SWAP 1.10, and SWAP Figure 4a will be updated to only include the following wineries:

1. Alex’s Red Barn Winery	11. Frangipani Estate Winery	21. Palumbo Family Vineyard & Winery
2. Baily Vineyard & Winery	12. Gary Gray	22. Robert Renzoni Vineyard
3. Miramonte Winery	13. Hart Winery	23. Lorenzi Estate Wines
4. Chapin Family Vineyards	14. Keyways Vineyard & Winery	24. Vindemia Vineyard & Estates Winery
5. Churon Winery	15. Leonesse Cellars	25. Wiens Family Cellars
6. Cougar Vineyard & Winery	16. Longshadow Ranch Vineyard & Winery	26. Il Poggio (Europa Village)
7. Danza Del Sol Winery	17. Masia De Yabar Winery	27. Cest Le Vie (Europa Village)
8. Destiny Vineyards	18. Monte De Oro Winery	28. Bolero (Europa Village)
9. Doffo Vineyard & Winery	19. Oak Meadows Winery	29. Fazelli Vineyards
10. Foot Path/Foot Print Winery	20. Oak Mountain Winery	

RECOMMENDATIONS:

1. Staff recommends that the Planning Commission make the following recommendations to the Board of Supervisors:
 - a. Approve the boundary modification requests in Groups A and B
 - b. Approve the boundary modification requests in Groups C-E and Group M;
 - c. Deny the boundary modification requests for exclusion from the Project boundary in Group G and approve staff alternative for the area south of Hwy 79 as shown on attachment C;
 - d. Deny the boundary modification request for Group N and approve staff alternative of Wine Country-Equestrian District as shown on attachment B;
 - e. Deny the boundary modification requests in Groups F, H-L and Groups O-R
 - f. Tentatively Certify Program Environmental Impact Report No. 524;
 - g. Tentatively Approve General Plan Amendment No. 1077 as modified by the Planning Commission based upon the findings and conclusions incorporated in the staff report, pending resolution adoption by the Board of Supervisors; and
 - h. Adopt Ordinance Amendment No. 348.4729 as modified by the Planning Commission.

2. Staff recommends that the Planning Commission adopt the Planning Commission Resolution recommending adoption of General Plan Amendment No. 1077 to the Riverside County Board of Supervisors.

INFORMATIONAL ITEMS:

1. Letters received since the September 25, 2012 hearing are included in the attached compact disc.

2. Attachment A-G are also included in the attached compact disc.

2
3 **RESOLUTION**
4 **RECOMMENDING ADOPTION OF**
5 **GENERAL PLAN AMENDMENT NO. 1077**
6

7 **WHEREAS**, pursuant to the provisions of Government Code Section(s) 65350/65450 et. seq.,
8 public hearings were held before the Riverside County Planning Commission in Temecula and Riverside,
9 California on July 25, 2012, August 22, 2012, September 26, 2012 December 5, 2012 and December 19,
10 2012, to consider the above-referenced matter; and,

11 **WHEREAS**, all the provisions of the California Environmental Quality Act (CEQA) and
12 Riverside County CEQA implementing procedures have been met and the environmental document
13 prepared or relied on is sufficiently detailed so that all the potentially significant effects of the project on
14 the environment and measures necessary to avoid or substantially lessen such effects have been evaluated
15 in accordance with the above-referenced Act and Procedures; and,

16 **WHEREAS**, the matter was discussed fully with testimony and documentation presented by the
17 public and affected government agencies; now, therefore,

18 **BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED** by the Planning
19 Commission of the County of Riverside, in regular session assembled on December 19, 2012, that it has
20 reviewed and considered the environmental document prepared or relied on and recommends the
21 following based on the staff report and the findings and conclusions stated therein:

22 **CERTIFICATION** of the environmental document, Environmental Impact Report No. 524 (State
23 Clearinghouse No. 2009121076); and

24 **ADOPTION** of General Plan Amendment No. 1077
25
26
27
28



**PLANNING COMMISSION
MINUTE ORDER
DECEMBER 19, 2012**

I. AGENDA ITEM 3.5: GENERAL PLAN AMENDMENT NO. 1077 (TEMECULA VALLEY WINE COUNTRY POLICY AREA); ORDINANCE AMENDMENT NO. 348.4729; and PROGRAM ENVIRONMENTAL IMPACT REPORT NO. 524

The Temecula Valley Wine Country Policy Area is generally located in the Southwest Area Plan (SWAP) of the General Plan in the southwestern portion of unincorporated Riverside County. The policy area covers approximately 18,990 acres of land located approximately three miles north of the San Diego County border; east of the City of Temecula; south of Lake Skinner; and northwest of Vail Lake. (Legislative)

II. PROJECT DESCRIPTION:

The individual components include:

1. General Plan Amendment No. 1077 amending the existing Southwest Area Plan (SWAP) and certain elements of the County of Riverside General Plan to incorporate the Temecula Valley Wine Country Policy Area.
2. Ordinance No. 348.4729 amending Riverside County Ordinance No. 348 to add four new zoning classifications that implements the Temecula Valley Wine Country Policy Area.
3. Program Environmental Impact Report No. 524 (PEIR No. 524)

Continued from July 25, 2012, August 22, 2012, September 26, 2012, and December 5, 2012. (Public Hearing Closed to Further Public Testimony)

III. MEETING SUMMARY:

The following staff presented the subject proposal:

Deputy Director, Frank Coyle at (951) 955-6097 or email fcoble@rctlma.org.

IV. CONTROVERSIAL ISSUES:

Yes.

V. PLANNING COMMISSION ACTION:

Motion by Commissioner Snell, 2nd by Commissioner Sanchez

Vote of 3-1, (Commissioner Roth – Ney) (Commissioner Petty participating)

The Planning Commission will recommend to the Board of Supervisors

APPROVE GROUP A and B, and,

Motion by Commissioner Snell, 2nd by Commissioner Petty

A vote of 5-0



**PLANNING COMMISSION
MINUTE ORDER
DECEMBER 19, 2012**

Planning Commission will make the following recommendations to the Board of Supervisors to:

APPROVE the modification requests in Groups C through E, and Group M;

DENY the boundary modification requests for exclusion in Groups F, I, and J;

DENY the boundary modification requests for inclusion for Groups K and L;

APPROVE staff's alternatives for areas south of Hwy 79 on Exhibit C for Group G;

DENY the boundary modifications request for Groups N through R;

APPROVE Group H request for the creation of a residential overlay to allow for development flexibility;

TENTATIVELY Certify EIR 524 (PEIR No. 524);

TENTATIVELY APPROVE General Plan Amendment No. 1077 as modified by the Planning Commission based upon the findings and conclusions incorporated in the staff report, pending resolution adoption by the Board of Supervisors;

ADOPT Ordinance Amendment No. 348.4729 as modified by the Planning Commission; and,

ADOPT the Planning Commission Resolution recommending adoption of General Plan Amendment No. 1077

CD: The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Mary Stark, TLMA Commission Secretary, at (951) 955-7436 or email at mcstark@rctlma.org.

the 1990s, the number of people in the UK who are employed in the public sector has increased from 10.5 million to 12.5 million, and the number of people in the public sector who are employed in health care has increased from 2.5 million to 3.5 million (Department of Health 2000).

There are a number of reasons for this increase. One of the main reasons is the increasing demand for health care services. The population of the UK is ageing, and there is a growing number of people with chronic conditions such as heart disease, diabetes, and asthma. This has led to an increase in the number of people who are admitted to hospital and the length of their stay. In addition, there has been a growing emphasis on preventive care, which has led to an increase in the number of people who are seen by their general practitioners and other health care professionals.

Another reason for the increase in the number of people employed in the public sector is the increasing demand for health care services. The population of the UK is ageing, and there is a growing number of people with chronic conditions such as heart disease, diabetes, and asthma. This has led to an increase in the number of people who are admitted to hospital and the length of their stay. In addition, there has been a growing emphasis on preventive care, which has led to an increase in the number of people who are seen by their general practitioners and other health care professionals.

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Disc 6

Final
Program Environmental Impact Report

(EIR No. 524)
SCH No. 2009121076

RESPONSES TO COMMENTS

on the

WINE COUNTRY COMMUNITY PLAN

DRAFT PROGRAM EIR

General Plan Amendment No. 1077
Zoning Ordinance Amendment No. 348.4729

LEAD AGENCY:

Riverside County
Transportation and Land management Agency
Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501-1409
Contact: Mr. Frank Coyle
Deputy Director
951-955-6097

CONSULTANT:

RBF CONSULTING, A Baker Company
40810 County Center Drive, Suite 100
Temecula, CA 92591-6022
Contact: Kevin Thomas, CEP
Environmental Services Manager
(951) 506-2074

September 3, 2013

TABLE OF CONTENTS

1.0 Introduction	Page 1.0-1
2.0 Comments and Responses	2.0-1

The following tables list all persons, organizations, and public agencies which provided comments or recommendation to the County of Riverside regarding the Draft Program EIR (refer to Responses to Comments Section 2 for copies of the comment letters and responses).

OPR Transmittal Letter		
Comment Letter	Name	Page No.
1	Governor’s Office of Planning and Research	2.0-1

Federal Agency Comment Letter		
Comment Letter	Name	Page No.
2	U.S. Fish and Wildlife Service	2.0-5

State Agency Comment Letters		
Comment Letter	Name	Page No.
3	California Native American Heritage Commission	2.0-10
4	California Department of Toxic Substances Control	2.0-17
5	California Department of Fish and Game	2.0-24

Local Agency Comment Letters		
Comment Letter	Name	Page No.
6	Western Municipal Water District	2.0-33
7	County of Riverside, Environmental Programs Division	2.0-35
8	Riverside County Airport Land Use Commission	2.0-37
9	Riverside County Fire Department	2.0-39
10	City of Temecula	2.0-42
11	South Coast Air Quality Management District	2.0-130
12	County of Riverside, Flood Control & Water Conservation District	2.0- 141
13	County of Riverside, Department of Environmental Health	2.0- 150

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14	Pala Band of Mission Indians	2.0-152
15	Soboba Band of Luiseno Indians	2.0-154
16	Sierra Club Santa Margarita Group	2.0-156
17	Buchanan Ingersoll Rooney LLP	2.0-163
18	Advocates for Faith & Freedom	2.0-437
19	Temecula Valley Convention and Visitors Bureau	2.0-441
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21	Temecula Valley Winegrowers Association	2.0-451
22	Pechanga Band of Luiseno Mission Indians	2.0-457

Individual Public Comment Letters		
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23	Susan Clay	2.0-471
24	Adrian McGregor	2.0-474
25	Josh Gottheim	2.0-526
26	Michael W. Newcomb (Letter #1)	2.0-532
27	Michael W. Newcomb (Letter #2)	2.0-536
28	Janie Rigsby	2.0-547
29	Jerry Cruz	2.0-551
30	Michael W. Newcomb (Letter #3)	2.0-565
31	Lorraine Harrington	2.0-575
32	Theresa Fogarty	2.0-580

Letter Received After Close of Public Review		
Comment Letter	Name	Page No.
33	City of Fontana	2.0-583

3.0 Final Program EIR No. 524 Errata

3.0-1

- Appendix A – Draft PEIR Noticing**
- Appendix B – Additional Tribal Notifications**
- Appendix C – Fehr & Peers Revised Figures**
- Appendix D – Other Revised or Added Figures**

1.0 INTRODUCTION

The Final Program Environmental Impact Report (Final PEIR) for the proposed Wine Country Community Plan has been prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines and the County of Riverside policies for implementing CEQA.

The following is an excerpt from the *CEQA Guidelines* Section 15132 that states:

“The Final EIR shall consist of:

- (a) The Draft EIR or a version of the draft.
- (b) Comments and recommendations received on the Draft EIR either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the Lead Agency.”

The Final PEIR includes all of these required components. The Draft PEIR has been provided to the public and decision-makers, is available on the County’s website, and has been provided to individuals and organizations that have requested the Draft PEIR. Section 2.0 includes the comments received on the Draft PEIR. A list of the public agencies and members of the public which commented on the Draft EIR is provided above in the Table of Contents. Section 2 includes each comment letter, followed by the corresponding response(s), consistent with the requirements of Section 15088 of the State CEQA Guidelines. A response is provided for each written and verbal comment raising significant environmental issues, as received by the County during the Draft PEIR public review period.

The Planning Commission recommends additional modifications to the proposed Temecula Valley Wine Country Community Plan to address other outstanding matters that are discussed in Attachment A: *Temecula Valley Wine Country Community Plan Planning Commission Final Recommendations and PEIR No. 524 Determination*.

Additional information regarding the Temecula Valley Wine Country Community Plan Draft EIR can be accessed via the following link:

<http://www.socalwinecountryplan.org/Planning/CEQA/tabid/70/Default.aspx>

It should be noted that responses to comments also resulted in various editorial clarifications and corrections to the original Draft EIR text. Added or modified text is shown by underlining (example) while deleted text is shown by striking (~~example~~). The additional information,

corrections, and clarifications are not considered to substantively affect the conclusions within the Draft PEIR.

1.1 BACKGROUND

The County of Riverside issued a **Notice of Preparation** (NOP) for the proposed Project to identify the potential environmental impacts of the Project, to solicit comments from public agencies and interested parties, and to identify issues that should be considered in the Draft PEIR. The NOP for the proposed Project was sent to trustee and responsible agencies, members of the public, other interested parties, and the California Office of Planning and Research, State Clearinghouse on December 28, 2009. This began the 30-day NOP public review period, which ended on January 26, 2010. During the review period, public agencies and members of the public had the opportunity to respond to the NOP to identify issues of special concern and to suggest additional issues to be considered in the Draft PEIR.

In addition, the County held a public scoping meeting on January 19, 2010, to discuss characteristics of the proposed Project, its planning status, the nature of its potential environmental effects, and the scope (i.e., the specific issues) of the EIR analysis. The scoping meeting provided further opportunities for public input regarding environmental concerns and issues that should be addressed in the EIR.

In addition to the formal NOP review and scoping process, the County held numerous informal meetings with stakeholders and interested parties, maintained a Project website, and convened regular Advisory Committee Meetings. The NOP scoping process and substantial additional public outreach conducted by the County is summarized in the Draft PEIR Sections 2.4 *Notice of Preparation and Initial Study*, Section 2.5 *Public Scoping*, and Draft PEIR Appendix A *IS/NOP and Comment Letters*.

The Draft PEIR for the proposed Project was distributed to trustee and responsible agencies, members of the public, other interested parties, and the California Office of Planning and Research, State Clearinghouse on December 5, 2011. Although CEQA only requires a 45-day public review period, the County elected to extend the Draft PEIR public review to 60 days, from January 19, 2012 to February 2, 2012. Draft PEIR noticing and distribution materials are provided in Appendix A to this Responses to Comments document.

2.0 COMMENTS AND RESPONSES

Comment Letter No. 1



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

Memorandum

Date: December 16, 2011
To: All Reviewing Agencies
From: Scott Morgan, Director
Re: SCH # 2009121076
Temecula Valley Wine Country Community Plan

Pursuant to the attached letter, the Lead Agency has extended the review period for the above referenced project to February 2, 2012 to accommodate the review process. All other project information remains the same.

1.1

cc: Mitra Mehta-Cooper
Riverside County Planning Department
4080 Lemon Street, 12th Floor
Post Office Box 1409
Riverside, California 92502-1409

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018



Carolyn Syms Luna
Director

RIVERSIDE COUNTY
PLANNING DEPARTMENT



December 13, 2011

STATE CLEARINGHOUSE NO.: 2009121076

DRAFT ENVIRONMENTAL IMPACT REPORT NO.: 524 (Temecula Valley Wine Country Community Plan)

PROJECT NO. AND NAME: General Plan Amendment No. 1077
Zoning Ordinance Amendment No. 348.4729

TO: Whom it May Concern

FROM: Riverside County Planning Department
Contact Person: Ms. Mitra Mehta-Cooper
Phone: (951) 955-8514

NOTICE OF AVAILABILITY TIME EXTENSION FOR DEIR: From Jan. 19, 2011 to **Feb. 02, 2012**

ALL COMMENTS MUST BE RECEIVED NO LATER THAN: **Feb. 02, 2012**

Project Description: The Temecula Valley Wine Country Community Plan (the "Project"), consists of **General Plan Amendment No. 1077** and **Zoning Ordinance Amendment No. 348.4729**. The Project includes a General Plan Amendment accompanied with Zoning Ordinance Amendment, which will ensure consistency between the General Plan and Zoning Ordinance. The Project proposes a host of revisions to the Southwest Area Plan of the current County General Plan to update existing policies, maps, and implementing directions related to potential implementing projects within the Project area. **Environmental Impact Report No. 524** analyzes the potential environmental impacts associated with the Project.

Project Components:

1. **GPA No. 1077:** An amendment of the existing **Southwest Area Plan (SWAP)** and other elements of the **General Plan** including, but not be limited to:
 - Deletion of the policies of the Citrus Vineyard and Valle de Los Caballos Policy Areas and the addition of the Temecula Valley Wine Country Policy Area;
 - Revisions to the SWAP Statistical Summary, Table 2;
 - Deletion of the boundaries of the Citrus Vineyard and Valle de Los Caballos Policy Areas and addition of the boundary of the Temecula Valley Wine Country Policy Area;
 - Revisions to the Circulation Network (SWAP Figure 7);
 - Revisions to the Trails and Bikeway Systems map (SWAP Figure 8);
 - Revisions to the General Plan Circulation Element Circulation Network (Figure C-1);
 - Revisions to the General Plan Circulation Element Trails Network (Figure C-7); and
 - Amendments to any other portions of the General Plan reflecting changes arising from the Proposed SWAP amendments.

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"

NOTICE OF COMPLETION & ENVIRONMENTAL TRANSMITTAL FORM

SCH#: 2009121076

Project Title: Temecula Valley Wine Country Community Plan
 Lead Agency: County of Riverside Planning Dept. Contact Person: Mitra Mehta-Cooper, Principal Planner
 Mailing Address: 4080 Lemon Street, 12th Floor PO Box 1409 Phone: (951) 955-8514
 City: Riverside Zip: 92502-1409 County: Riverside

RECEIVED
DEC 5 2011

Project Location
 County: Riverside City/Community: Rancho California
 Cross Streets: Multiple STATE CLEARING HOUSE Zip Code: 92592
 Assessor's Parcel No(s): Multiple Section: Various Twp: 7S Range: 2 Base: San Bernardino
 W
 Latitude/Longitude: 33° 31' 25.6" North/ 117° 5' 35.6" West Total 18,890 approx. Acres:
 Within 2 miles: State Hwy#: N/A Waterways: Various (refer to Draft EIR Section 4.9.2)
 Airports: Private Airstrip/Private Heliport Railways: NONE Schools: Temecula Valley Unified

Document Type:
 CEQA: NOP Draft EIR NEPA: NOI Other: Joint Document

Local Action Type:
 General Plan Update Specific Plan Rezone Annexation
 General Plan Master Plan Prozone Redevelopment
 Amendment Planned Unit Development Use Permit Coastal Permit
 General Plan Element Site Plan Land Division (Subdivision, etc.) Other Ordinance Amd. No. 348.4729
 Community Plan

Development Type:
 Recreational: Other: Community Plan
 Water Facilities: Type _____ MGD _____

Project Issues That May Have A Significant or Potentially Significant Impact
 Aesthetic/Visual Flood Plain/Flooding Schools/Universities Water Quality
 Agricultural Land Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
 Air Quality Geologic/Seismic Sewer Capacity Wetland/Riparian
 Archaeology/Historical Minerals Soil Erosion/Compaction/Grading Growth Including
 Biological Resources Noise Solid Waste Land Use
 Coastal Zone Population/Housing Toxic/Hazardous Cumulative Effects
 Drainage/Absorption Balance Traffic/Circulation Other: Greenhouse Gas Emissions
 Economic/Jobs Public Services/Facilities Vegetation
 Fiscal Recreation/Parks

Present Land Use/Zoning/General Plan Designation: Multiple (refer to Draft EIR Section 3.3)
 Project Description: (please use a separate page if necessary)
 The Temecula Valley Wine Country Community Plan (the "Project"), consists of General Plan Amendment No. 1077 and Zoning Ordinance Amendment No. 348.4729. The Project includes a General Plan Amendment accompanied with Zoning Ordinance Amendment, which will ensure consistency between the General Plan and Zoning Ordinance. The Project proposes a host of revisions to the Southwest Area Plan of the current County General Plan to update existing policies, maps, and implementing directions related to potential implementing projects within the Project area. Environmental Impact Report No. 524 analyzes the potential environmental impacts associated with the Project.

State Clearinghouse Contact: BR (916) 445-0613

State Review Began: 12-5-2011
22 2012
 SCH COMPLIANCE X-18-2012
extended per LEAD

Please note State Clearinghouse Number (SCH#) on all Comments
2009121076

SCH#: _____
 Please forward late comments directly to the Lead Agency

Project Sent to the following State Agencies

- | | |
|--|--|
| <input checked="" type="checkbox"/> Resources | State/Consumer Svcs |
| <input type="checkbox"/> Boating & Waterways | General Services |
| <input type="checkbox"/> Coastal Comm | Cal EPA |
| <input type="checkbox"/> Colorado Rvr Bd | ARB: Airport/Energy Projects |
| <input type="checkbox"/> Conservation | ARB: Transportation Projects |
| <input checked="" type="checkbox"/> Fish & Game # <u>6</u> | ARB: Major Industrial Projects |
| <input type="checkbox"/> Delta Protection Comm | SWRCB: Div. Financial Assist. |
| <input type="checkbox"/> Cal Fire | SWRCB: Wtr Quality |
| <input checked="" type="checkbox"/> Historic Preservation | SWRCB: Wtr Rights |
| <input checked="" type="checkbox"/> Parks & Rec | Reg. WQCB # <u>9</u> |
| <input type="checkbox"/> Central Valley Flood Prot. | <input checked="" type="checkbox"/> Toxic Sub Ctrl-CTC |
| <input type="checkbox"/> Bay Cons & Dev Comm. | Yth/Adlt Corrections |
| <input checked="" type="checkbox"/> DWR | Corrections |
| <input type="checkbox"/> Cal EMA | |
| <input type="checkbox"/> Resources, Recycling and Recovery | |
| <input type="checkbox"/> Bus Transp Hous | Independent Comm |
| <input checked="" type="checkbox"/> Aeronautics | Energy Commission |
| <input checked="" type="checkbox"/> CHP | <input checked="" type="checkbox"/> NAHC |
| <input checked="" type="checkbox"/> Caltrans # <u>6</u> | Public Utilities Comm |
| <input type="checkbox"/> Trans Planning | State Lands Comm |

Response No. 1

**Mitra Mehta-Cooper
Riverside County Planning Department**

- 1.1 This comment simply acknowledges the extension of the Draft PEIR public review period by an additional 15 days. Therefore, no further response is warranted.

Comment Letter No. 2

8:32 AM 2/9/2012 8:32 AM

From: Mehta-Cooper, Mitra
Sent: Tuesday, February 07, 2012 11:25 AM
To: Early, Kristina; Nanthavongdouangsy, Phayvanh
Subject: FW: Temecula Valley Wine Country Community Plan (DEIR No. 524)
Attachments: 12B0107-12CPA0095_WRIV_Temecula Valley Wine Country Plan_sKC-Rose_20120206.pdf

A new comment letter...

From: Noelle_Ronan@fws.gov [mailto:Noelle_Ronan@fws.gov]
Sent: Tuesday, February 07, 2012 11:22 AM
To: Mehta-Cooper, Mitra
Cc: JBrandt@dfg.ca.gov; HPERT@dfg.ca.gov; RMaloney@dfg.ca.gov
Subject: Temecula Valley Wine Country Community Plan (DEIR No. 524)

Hello Ms. Mehta-Cooper,
Please find attached the Service's comments on the above-referenced project Draft EIR. Feel free to call or email me if you have any questions.
Thank you.

} 2.1

Noelle Ronan
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Palm Springs Fish and Wildlife Office
777 E. Tahquitz Canyon Way, Suite 208
Palm Springs, CA 92262
760-322-2070 ext. 215



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Palm Springs Fish and Wildlife Office
777 East Tahquitz Canyon Way, Suite 208
Palm Springs, California 92262



In Reply Refer To:
FWS-WRIV-12B0107-12CPA0095

FEB - 6 2012

Mitra Mehta-Cooper
Riverside County Planning Department
4080 Lemon Street, 12th Floor
P.O. Box 1409
Riverside, California 92502-1409

Subject: Draft Environmental Impact Report for the Temecula Valley Wine Country
Community Plan (DEIR No. 524), Riverside County, California

Dear Ms. Mehta-Cooper:

The U.S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Impact Report (DEIR) for the Temecula Valley Wine Country Community Plan (Community Plan), received on December 16, 2011. The Service is providing the following comments as they relate to the Community Plan's consistency with the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP).

2.2

The Community Plan area is generally located in the southwestern portion of unincorporated Riverside County, approximately three miles north of San Diego County. It is located east of the City of Temecula, south of Lake Skinner and northwest of Vale Lake, and extends from Tocalota Creek south to Highway 79, including a small area to the south of Highway 79. The Community Plan area encompasses approximately 18,990 acres, some of which are developed.

2.3

The proposed project is the adoption of General Plan Amendment No. 1077 and the accompanying Zoning Ordinance Amendment No. 348.4729, which will ensure consistency between the General Plan and the Zoning Ordinance. The Community Plan proposes revisions to the Southwest Area Plan of the current County General Plan to update existing policies, maps, and implementing directions related to potential implementing projects within the Community Plan area. Objectives of the Community Plan include increasing viticulture potential; protecting the rural lifestyle and equestrian activities; allowing appropriate levels of commercial tourist activities; and coordinating future growth. This is a Programmatic DEIR whereby individual projects will be analyzed for MSHCP consistency in the future as they are proposed.

2.4

The Community Plan is located within the Southwest Area Plan and contains 34 MSHCP Criteria Cells. MSHCP policies and procedures such as the Protection of Species Associated

2.5

Ms. Mitra Mehta-Cooper (FWS-WRIV-12B0107-12CPA0095)

2

with Riparian/Riverine Areas and Vernal Pools policy (MSHCP section 6.1.2), Protection of Narrow Endemic Plant Species (MSHCP section 6.1.3), Additional Survey Needs and Procedures (MSHCP section 6.3.2), Fuels Management (MSHCP section 6.4) and the Guidelines Pertaining to the Urban Wildlands Interface (MSHCP section 6.1.4) will apply to future projects within the Community Plan area.

2.5
cont

According to the DEIR, the Country Community Plan area supports riparian and riverine areas. The DEIR states that as a requirement under the MSHCP, riparian/riverine habitat cannot be impacted by a proposed development without providing suitable offsite mitigation (DEIR, Chapter 04.04 Biology, Impact 4.4-5: Adverse Effect on Riparian or Sensitive Natural Communities, p. 4.4-17). Throughout this section of the DEIR, offsite mitigation is presented as the only method available to offset construction-related impacts to riparian/riverine habitats.


2.6

In the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools policy, the MSHCP requires that project applicants develop project alternatives that first avoid, and then minimize direct and indirect effects to riparian/riverine areas. An avoidance alternative should be selected, if feasible. Those impacts that are unavoidable are to be mitigated such that lost functions and values as they relate to covered species are replaced as set forth in a Determination of Biologically Equivalent or Superior Preservation (DBESP) (MSHCP section 6.1.2, pp. 6-24). Mitigation measures must demonstrate reduced indirect effects and minimize and/or compensate for lost function and value through restoration or enhancement. Mitigation measures may include onsite or offsite methods. We recommend that the Final EIR provide a clear statement of the avoidance and minimization requirements for riparian/riverine habitats and that mitigation for lost functions and values may include onsite or offsite enhancement or restoration measures.

2.7

We appreciate the opportunity to comment on the DEIR for this Project. If you have questions or comments regarding this letter, please contact Noelle Ronan of this office at 760-322-2070, extension 215.

Sincerely,


Kennon A. Corey
Assistant Field Supervisor

cc:
Charles Landry, RCA
Jeff Brandt, California Department of Fish and Game
Robin Maloney-Rames, California Department of Fish and Game
Heather Pert, California Department of Fish and Game

Response No. 2

**U.S. Fish and Wildlife Service
Kennon A. Corey, Assistant Field Supervisor**

- 2.1 This comment simply indicates that there are attached comments on the Draft PEIR, which are responded to below. Therefore, no further response is warranted.
- 2.2 This comment does not identify any specific concern with the adequacy of the Draft PEIR or any environmental issues. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to environmental comments.))
- 2.3 This comment does not identify any specific concern with the adequacy of the Draft PEIR or any environmental issues. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to environmental comments.))
- 2.4 This comment does not identify any specific concern with the adequacy of the Draft PEIR or any environmental issues. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to environmental comments.))
- 2.5 This comment does not identify any specific concern with the adequacy of the Draft PEIR. As suggested, all implementing projects will be required to be consistent with the Western Riverside County MSHCP including section 6.1.2, Section 6.1.3, Section 6.1.4, Section 6.3.2, and Section 6.4. Since its adoption, guidelines have been developed by the County to walk applicants through the MSHCP consistency analysis process, ensuring consistency of all implementing projects with the MSHCP (contained in Appendix E to the Draft PEIR). This information is consistent with the Draft PEIR and is stated on page 4.4-1, last paragraph in the Draft PEIR. The Project would substantially reduce the development intensity allowed within the Wine Country, as discussed in Draft PEIR Chapter 6 Alternatives to the Proposed Project. All implementing projects and related infrastructure projects will be required to comply with the MSHCP, as set forth in the Draft PEIR Chapter 4.4 Biological Resources. (Browning-Ferris Indust. of California, Inc. v. City Council of the City of San Jose (1986) 181 Cal.App.3d 852 (where a general comment is made, a general response is

sufficient.) Refer to Attachment A: *Temecula Valley Wine Country Community Plan Planning Commission Final Recommendations and PEIR No. 524 Determination.*

2.6 As noted in Response to Comment 2.5, all applicants will have to comply with Section 6.1.2 Riparian/Riverine Areas and Vernal Pools policy. In analyzing impacts and developing mitigation for impacts to riparian/riverine habitats, each applicant will be asked to consider avoidance measures as their first options for compensating for potential impacts to riparian/riverine habitats. For unavoidable impacts, each applicant will be asked to first minimize their unavoidable impacts. All remaining impacts will then be mitigated using both onsite mitigation measures, if available, and offsite mitigation measures. The guidelines developed for ensuring consistency with the MSHCP clearly point out that “any impact” to riparian/riverine habitat triggers the need for preparing a Determination of Biological Equivalent or Superior Preservation (DBESP) report for submittal to the Regional Conservation Authority (RCA) through the County of Riverside. The DBESP submittal and review occurs concurrently with the County’s review and consideration of discretionary actions within the Wine Country Community Plan. The proposed Project does not alter the review and approval authority of the County, the RCA, or the affected resource agencies such as the U.S. Fish and Wildlife Service. Also refer to Response No. 5. (*Browning-Ferris Indust. of California, Inc. v. City Council of the City of San Jose* (1986) 181 Cal.App.3d 852 (where a general comment is made, a general response is sufficient.))

It should be further noted that in response to a California Department of Fish and Game comment (Response to Comment 5.5), Mitigation Measure LU-1 has been revised to state that all implementing projects shall comply with the MSHCP and applicable resource agency regulations:

4th bullet added: “All implementing actions shall comply with the MSHCP and applicable resource agency regulations pertaining to the protection of biological resources and existing jurisdictional drainage courses. Applicants for such actions shall reference the current MHSCP criteria (biological objectives and requirements for any applicable Criteria Cell or linkage), conduct an MSHCP consistency analysis, and prepare a Jurisdictional Delineation where onsite drainages exist and obtain applicable permits/approvals from the U.S. Army Corps of Engineers, California Department of Fish and Game, Regional Water Quality Control Board and/or U.S. Fish and Wildlife Service. ”

2.7 Refer to Response 2.6.

Comment Letter No. 3

STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net



December 7, 2011

Ms. Mitra Mehta-Cooper, Principal Planner
County of Riverside Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92502-1409

Re: SCH#2009121076; CEQA Notice of Completion; draft Environmental Impact Report No. 524 (DEIR) and General Plan Amendment (GPA No. 1077; Zoning Amendment No. 348.4729) for the "Temecula Valley Wine Country Community Plan Project" located in southwest Riverside County, California

Dear Ms. Mehta-Cooper:

The Native American Heritage Commission (NAHC) is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604). The court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources, impacted by proposed projects including archaeological, places of religious significance to Native Americans and burial sites. The NAHC wishes to comment on the proposed project.

This project is also subject to required tribal government consultation pursuant to California Government Code §§65352.3, 65352.4, *et seq.*

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect.

The NAHC Sacred Lands File (SLF) search resulted as follows: **Native American cultural resources were identified** within the project area identified (e.g. within one-half mile of 'area of potential effect' or APE). Also, the absence of archaeological resources does not preclude their existence. . California Public Resources Code §§5097.94 (a) and 5097.96 authorize the NAHC to establish a Sacred Land Inventory to record Native American sacred

3.1

sites and burial sites. These records are exempt from the provisions of the California Public Records Act pursuant to California Government Code §6254 (r). The purpose of this code is to protect such sites from vandalism, theft and destruction. The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

3.1
cont

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Special reference is made to the *Tribal Consultation* requirements of the California 2006 Senate Bill 1059: enabling legislation to the federal Energy Policy Act of 2005 (P.L. 109-58), mandates consultation with Native American tribes (both federally recognized and non federally recognized) where electrically transmission lines are proposed. This is codified in the California Public Resources Code, Chapter 4.3 and §25330 to Division 15.

Furthermore, pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

3.2

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq.*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

2

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

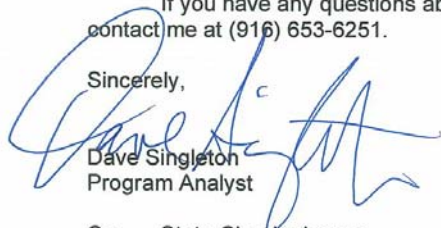
} 3.3

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

} 3.4

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

California Native American Contacts
Riverside County
December 7, 2011

Los Coyotes Band of Mission Indians
Shane Chapparosa, Spokesperson
P.O. Box 189 Cahuilla
Warner, CA 92086
loscoyotes@earthlink.net
(760) 782-0711
(760) 782-2701 - FAX

Ramona Band of Cahuilla Mission Indians
Joseph Hamilton, Chairman
P.O. Box 391670 Cahuilla
Anza, CA 92539
admin@ramonatribe.com
(951) 763-4105
(951) 763-4325 Fax

Pala Band of Mission Indians
Tribal Historic Preservation Office/Shasta Gaugher
35008 PalaTemecula Road, PMB Luiseno
445, Cupeno
Pala, CA 92059
(760) 891-3515
sgaughen@palatribe.com
(760) 742-3189 Fax

Rincon Band of Mission Indians
Tiffany Wolfe, Cultural & Environmental
P.O. Box 68 Luiseno
Valley Center, CA 92082
twolfe@rincontribe.org
(760) 297-2632
(760) 297-2639 Fax

Pauma & Yuima Reservation
Randall Majel, Chairperson
P.O. Box 369 Luiseno
Pauma Valley CA 92061
paumareservation@aol.com
(760) 742-1289
(760) 742-3422 Fax

Santa Rosa Band of Mission Indians
John Marcus, Chairman
P.O. Box 391820 Cahuilla
Anza, CA 92539
sestrada@
(951) 659-2700
(951) 659-2228 Fax

Pechanga Band of Mission Indians
Paul Macarro, Cultural Resources Manager
P.O. Box 1477 Luiseno
Temecula, CA 92593
(951) 770-8100
pmacarro@pechanga-nsn.
gov
(951) 506-9491 Fax

Morongo Band of Mission Indians
Michael Contreras, Cultural Heritage Prog.
12700 Pumarra Road Cahuilla
Banning, CA 92220 Serrano
(951) 201-1866 - cell
mcontreras@morongo-nsn.
gov
(951) 922-0105 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2009121076; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) and General Plan Amendment No. 1077 for the Temecula Valley Wine Country Community Plan; located near the City of Temecula in southwestern Riverside County, California.

California Native American Contacts
Riverside County
December 7, 2011

Pauma Valley Band of Luiseño Indians
Bennae Calac, Tribal Council Member
P.O. Box 369 Luiseno
Pauma Valley CA 92061
bennaecalac@aol.com
(760) 617-2872
(760) 742-3422 - FAX

Willie J. Pink
48310 Pechanga Road Luiseno
Temecula , CA 92592
wjpink@hotmail.com
(909) 936-1216
Prefers e-mail contact

Rincon Band of Mission Indians
Bo Mazzetti, Chairperson
P.O. Box 68 Luiseno
Valley Center, CA 92082
bomazzetti@aol.com
(760) 749-1051
(760) 749-8901 Fax

La Jolla Band of Mission Indians
James Trujillo, Vice Chair
22000 Highway 76 Luiseno
Pauma Valley CA 92061
rob.roy@lajolla-nsn.gov
(760) 742-3796
(760) 742-1704 Fax

San Luis Rey Band of Mission Indians
Cultural Department
1889 Sunset Drive Luiseno
Vista , CA 92081 Cupeno
760-724-8505

760-724-2172 - fax

Cahuilla Band of Indians
Luther Salgado, Sr., , Chairperson
PO Box 391760 Cahuilla
Anza , CA 92539
tribalcouncil@cahuilla.net
915-763-5549

Pechanga Band of Mission Indians
Mark Macarro, Chairperson
P.O. Box 1477 Luiseno
Temecula , CA 92593
tbrown@pechanga-nsn.gov
(951) 770-6100
(951) 695-1778 Fax

Pechanga Cultural Resources Department
Anna Hoover, Cultural Analyst
P.O. Box 2183 Luiseño
Temecula , CA 92593
ahoover@pechanga-nsn.gov
951-770-8100
(951) 694-0446 - FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2009121076; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) and General Plan Amendment No. 1077 for the Temecula Valley Wine Country Community Plan; located near the City of Temecula in southwestern Riverside County, California.

Response No. 3

Native American Heritage Commission Dave Singleton, Program Analyst

3.1 This comment does not identify any specific concern with the adequacy of the Draft PEIR. Therefore, no further response is required. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to *environmental* comments.)) Please see responses below regarding the County’s full compliance with CEQA and SB18 consultation requirements.


3.2 As indicated in the Draft PEIR Section 4.5 *Cultural and Paleontological Resources*, the County initiated consultation with California Native American Heritage Commission under SB 18 concurrently with the Notice of Preparation (NOP) process for the Project in December 2009. Of the eight tribes listed by the NAHC, four responded (Pala Band of Mission Indians, Cahuilla Band of Indians, Soboba Band of Luiseno Indians, and Pechanga Band of Luiseno Mission Indians). Generally, the Pala Band of Mission Indians determined that the Project as described is not within the boundaries of the recognized Pala Indian Reservation and that the Project is beyond the boundaries of the tribe’s Traditional Use Area, and they therefore state no concerns with the Project. The Cahuilla Band of Indians and the Soboba Band of Luiseno Indians concluded that the Project is outside the existing reservation, but falls within the bounds of the Tribal Traditional Use Area; therefore, requests Cultural Resource Monitors at the time of ground disturbance. During individual consultation both tribes noted the cultural sensitivity of the project area, but indicated that they have no specific concerns regarding the Project. However, the Soboba Band of Luiseno Indians wishes to defer to the Pechanga Band of Luiseno Indians. Refer to Response 22 for further information regarding the Pechanga Band’s comments. The Pechanga Band of Luiseno Mission Indians requests to continue to be notified and involved in the entire CEQA environmental review process for the duration of the Project. The Pechanga Band of Luiseno Mission Indians also requests that they assist the County with the development of appropriate mitigation measures that will guide cultural resources review for future implementing projects. The Draft PEIR includes mitigation measures CUL 1-3 to ensure future site-specific implementing projects consider the requests by the Pechanga Band of Luiseno Mission Indians.

The comment also references an attached list of tribes for additional tribal notifications. This list is updated from the one provided by NAHC in response to the SB 18/NOP, and includes an additional four tribes. Although the County

has fully complied with SB18 consultation by contacting the tribes originally suggested by the NAHC at the time of NOP distribution/early SB18 consultation, the County has sent additional tribal notification letters to the additional tribes noted in this comment letter. Please refer to Appendix B to this Responses to Comments document for a copy of the additional tribal notification letters.

- 3.3 The Draft PEIR includes mitigation measures (CUL 1-3) that identify the appropriate actions in the event archaeological resources are accidentally discovered during construction. Further, the California Health and Safety Code Sections 7050.5-7055 describe the general provisions for human remains. Specifically, Health and Safety Code Section 7050.5 describes the requirements if any human remains are accidentally discovered during excavation of a site. As required by State law, the requirements and procedures set forth in Section 5097.98 of the California Public Resources Code would be implemented, including notification of the County Coroner, notification of the Native American Heritage Commission, and consultation with the individual identified by the Native American Heritage Commission to be the “most likely descendant”. If human remains are found during excavation, excavation must stop in the vicinity of the find and any area that is reasonably suspected to overly adjacent remains until the County Coroner has been called out, and the remains have been investigated and appropriate recommendations have been made for the treatment and disposition of the remains in the Draft PEIR Mitigation Measure CUL-3. This comment is consistent with the Draft PEIR Chapter 4.5 *Cultural Resources and Paleontological Resources*.
- 3.4 This comment does not identify any specific concern with the adequacy of the Draft PEIR or any environmental issues. Therefore, no further response is warranted. (*Browning-Ferris Indust. of California, Inc. v. City Council of the City of San Jose* (1986) 181 Cal.App.3d 852 (where a general comment is made, a general response is sufficient.)) The County has a long history of effectively working with the local Native American tribes through the SB18 and CEQA process on this Project as defined in the Draft PEIR Chapter 4.5 *Cultural Resources and Paleontological Resources*. The County went to great lengths to address comments received from the tribes through the formal NOP and SB18 consultation process, as well as informal consultation. Also refer to Response Nos. 14, 15 and 21 for Responses to Comments from specific tribes.

Comment Letter No. 4



Department of Toxic Substances Control

Deborah O. Raphael, Director
5796 Corporate Avenue
Cypress, California 90630



Edmund G. Brown Jr.
Governor

January 17, 2012

Ms. Mitra Mehta-Cooper
Riverside County Planning Department
4080 Lemon Street 12th Floor
P.O. Box 1409
Riverside, California 92502

DRAFT ENVIRONMENTAL IMPACT STATEMENT /ENVIRONMENTAL IMPACT
REPORT FOR TEMECULA VALLEY WINE COUNTRY COMMUNITY PLAN

Dear Ms. Mehta-Cooper:

The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Preparation of the Environmental Impact Report for the above-mentioned project. The following project description is stated in your document: "Riverside County has developed a Southwest Area Plan (SWAP) as an extension of the General Plan Amendment No. 1077 and Zoning Ordinance Amendment No. 348.4729, which establishes policies for development and conservation within the entire unincorporated County. The purpose of this SWAP is to address the specific requirements of land uses in the Southwest region of the county with regard to long-term planning. Within the SWAP are policy areas, which take into account locales which have a special significance to residences in that part of the county. More specifically, the Temecula Valley Wine Country Policy Area of the SWAP seeks to address land uses specific to the region including wineries, equestrian, residential and other tourism related uses. Specific land use policies are contained in the Temecula Valley Wine Country Policy Area and are established to protect against land uses which are incompatible with existing uses and to allow for growth. Specific policies contained within the Policy Area address different topics including transportation, land use, population and employment, air quality and greenhouse gas emissions. "

4.1

Based on the review of the submitted document DTSC has the following comments:

- 1) The EIR should evaluate whether conditions within the project area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:

4.2

Ms. Mitra Mehta-Cooper
January 17, 2012
Page 2

- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
 - Envirostor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC’s website (see below).
 - Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
 - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
 - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
 - GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
 - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
 - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).
- 2) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.
- 3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the EIR.
- 4.2
cont
- 4.3
- 4.4

Ms. Mitra Mehta-Cooper
January 17, 2012
Page 3

- | | | | |
|----|---|---|------|
| 4) | If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies. | } | 4.5 |
| 5) | Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination. | } | 4.6 |
| 6) | Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment. | } | 4.7 |
| 7) | If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA. | } | 4.8 |
| 8) | Hazardous substances would be present on the Project site during construction (e.g., fuels and lubricants, wastes from demolition and remediation, paints and solvents). If released, these substances could pose risks to human health and the environment. For example, demolition wastes containing volatile or fluid hazardous wastes, such as PCB-containing oils or residual fuels from abandoned storage tanks, should be contained and packaged in accordance with regulatory requirements and regularly transported to appropriate disposal facilities. | } | 4.9 |
| 9) | DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional | } | 4.10 |

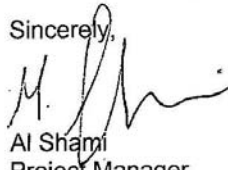
Ms. Mitra Mehta-Cooper
January 17, 2012
Page 4

information on the EOA or VCA, please see
www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-
Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

} 4.10
cont

If you have any questions regarding this letter, please contact me at
ashami@dtsc.ca.gov, or by phone at (714) 484-5472.

Sincerely,



Al Shami
Project Manager
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
nritter@dtsc.ca.gov

CEQA # 3428

Response No. 4

**Department of Toxic Substances Control
Al Shami, Project Manager
Brownsfields and Environmental Restoration Program**

- 4.1 This comment simply restates the Draft PEIR Project Description. Responses to specific comments in this letter are provided below.
- 4.2 The authors of the Draft PEIR utilized the Envirostor database, which identified one hazardous material site within the Project area (Temecula Bomb Target #107). The sites cleanup status indicated on the Envirostor web site states that the site is active as of February 15, 2007 and can be viewed via the following link: http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=80001161
No other hazardous materials sites are known to exist within the Project area. Formal Phase I Environmental Site Assessments may be prepared as part of future site-specific development proposals as defined in the Mitigation Measure HAZ-2.
- 4.3 This issue is addressed in the Draft PEIR. No specific comments regarding Draft PEIR adequacy are provided or environmental issues are raised. Therefore, no further response is required. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to *environmental* comments.)) The Project, through its implementing projects, will comply with federal regulations such as the Comprehensive Environmental Response, Compensation, and Liability Act, Resource Conservation and Recovery Act, and the Hazardous Materials Transportation Act. State regulations that the Project, through its implementing projects, is required to comply with include California Health and Safety Code Chapter 6.95 Section 25500 - 25532, California Hazardous Waste Control Law, and California Code of Regulations Titles 22 and 26. County regulations, that the implementing projects will be required to comply with, include compliance with the Underground Storage Tank Clean Up Program, Ordinance No. 615 (Establishments where hazardous waste is generated, stored, handled, disposed, treated, or recycled), Ordinance No. 651 (Disclosure of Hazardous Materials and the Formulation of Business Emergency Plans), Ordinance No. 718 (Generation, Storage and Transportation of Medical Waste), and Ordinance No. 348 (Land Use) Section 18.44 (Hazardous Waste Facility Siting Permit). These regulations identify mechanisms to initiate required investigation and/or remediation for any implementing project site that may be contaminated. A summary of applicable existing regulations and policies regarding hazardous materials and more details

regarding Project hazardous materials compliance is documented in Draft PEIR Section 4.8, *Hazards and Hazardous Materials* and Mitigation Measures HAZ 1-4.

- 4.4 This issue is addressed in the Draft PEIR. No specific comments regarding Draft PEIR adequacy are provided or environmental issues are raised. Therefore, no further response is required. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to environmental comments.)) Refer to comment Responses 4.2 and 4.3 above. The EIR is a program level document and any environmental investigations will be conducted on a project by project basis within the Project area. When development within the Project area is proposed, the Workplan, investigations, Phase I or II Environmental Site Assessment, sampling results, and all closure, certification or remediation approval reports by regulatory agencies will be prepared.
- 4.5 This issue is addressed in the Draft PEIR. No specific comments regarding Draft PEIR adequacy are provided or environmental issues are raised. Therefore, no further response is required. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to environmental comments.)) The Project does not propose to demolish any structures at this time. Any future demolition of structures for implementing projects will be required to be in compliance with California environmental regulations and policies. Also, refer to Response 4.3 above.
- 4.6 This issue is addressed in the Draft PEIR. No specific comments regarding Draft PEIR adequacy are provided or environmental issues are raised. Therefore, no further response is required. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to environmental comments.)) The Project does not propose any soil excavation or filling at this time. Any future soil excavation or filling for implementing projects will require compliance with California environmental regulation and policies. Also, refer to Response 4.3 above.
- 4.7 This issue is addressed in the Draft PEIR. No specific comments regarding Draft PEIR adequacy are provided or environmental issues are raised. Therefore, no further response is required. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to environmental comments.)) The Project does not propose construction or demolition activities at this time. Any future construction or demolition activities for implementing projects will be required to comply with all federal, State, and local environmental regulations and policies. Refer to Response 4.3 above.
- 4.8 This issue is addressed in the Draft PEIR. No specific comments regarding Draft PEIR adequacy are provided or environmental issues are raised. Therefore, no

further response is required. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to *environmental* comments.)) Refer to Response 4.3 above. The comment states that if hazardous wastes are, or will be, generated by the proposed Project, wastes must be managed in accordance with the California Hazardous Waste Control Law and Hazardous Waste Control Regulations. As identified in Section 4.8.3 of the Draft PEIR, to ensure safe handling, storage, use, and transport of hazardous materials associated with wastewater treatment, the facility would comply with Standard Guidelines adopted by the federal Occupational Safety and Health Administration (Hazardous Waste Operations and Emergency Response Standard, Title 29 Code of Federal Regulations (CFR) Part 1910.120), as well as the California Department of Toxic Substances Control (DTSC). In addition, operational transportation, storage, use, and disposal of hazardous materials and wastes would comply with all regulations, guidelines, and standards contained within the County’s Hazardous Waste Management Plan and applicable permitting procedures required by all federal, State, and local agencies associated with hazardous materials.

4.9 This issue is addressed in the Draft PEIR. No specific comments regarding Draft PEIR adequacy are provided or environmental issues are raised. Therefore, no further response is required. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to *environmental* comments.)) Any implementing project within the Project area could potentially have hazardous substances on site discovered during construction or demolition activities. These hazardous substances would be contained and packaged in accordance with regulatory requirements and transported to appropriate disposal facilities. Refer to Response 4.3 above.

4.10 Refer to Response 4.3 above. No specific comments regarding Draft PEIR adequacy are provided or environmental issues are raised. Therefore, no further response is required. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to *environmental* comments.)) It is understood that the Department of Toxic Substance Control (DTSC) can provide cleanup oversight through an Environmental Oversight Agreement, or a Voluntary Cleanup Agreement. This information will be referenced by the County and decision-makers as part of future implementing actions, if and when appropriate.

Comment Letter No. 5



The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
<http://www.dfg.ca.gov>
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-200
Ontario, CA 91764
(909) 484-0167

EDMUND G. BROWN, JR., Governor
Charlton H. Bonham, Director



January 18, 2012

Ms. Mitra Mehta-Cooper
Principal Planner
County of Riverside Planning Department
4080 Lemon Street, 12th Floor PO Box 1409
Riverside, CA 92502-1409

Subject: Draft Environmental Impact Report 524 for the Temecula Valley Wine Country
Community Plan. SCH #2009121076

Dear Ms. Mehta-Cooper:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the Draft Environmental Impact Report 524 for the Temecula Valley Wine Country Community Plan. The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code sections §711.7 and 1802 and the California Environmental Quality Act Guidelines (CEQA) section §15386] and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section §15381), such as a Lake and Streambed Alteration Agreement (section §1600 et seq.).

} 5.1

The Department is also responsible for ensuring appropriate conservation of fish and wildlife resources including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA), and administers the Natural Community Conservation Plan Program (NCCP). On June 22, 2004, the Department issued Natural Community Conservation Plan Approval and Take Authorization for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) per Section §2800, et seq., of the California Fish and Game Code.

} 5.2

The project consists of three components: General Plan Amendment (GPA) 1077 of the Southwest Area Plan (SWAP); Ordinance Amendment No. 348.4729; and, 3) replacement of the existing Citrus Vineyard Policy Area Design Guidelines with the Temecula Valley Wine Country Design Guidelines. The GPA involves: deletion of the policies of the Citrus Vineyard and Valle de Los Caballos Policy Area, revisions to the SWAP statistical summary, revisions to the Circulation Network, revisions to the trails and bikeway systems map, revisions to the General Plan Circulation Element, Revisions to the General Plan Circulation Element Trails Network, and amendment to any other portions of the General Plan reflecting changes arising from the proposed SWAP amendments. Ordinance Amendment No. 348.4729 will add four new Zoning Classifications that implement the General Plan.

} 5.3

The project is located in the Southwest Area Plan of the Multiple Species Habitat Conservation Plan (MSHCP), approximately three miles north of the border with San Diego County and covers 18,990 acres of land. Individual project impacts will be analyzed as future projects are proposed, and these projects will be processed under CEQA.

} 5.4

Conserving California's Wildlife Since 1870

Draft Environmental Impact Report 524 for the Temecula Valley Wine Country
Community Plan. SCH #2009121076
Page 2 of 4

Multiple Species Habitat Conservation Plan (MSHCP)

The proposed project occurs within the MSHCP and is subject to the provisions and policies of the MSHCP. The County of Riverside is signatory to the Implementing Agreement and is a Permittee of the MSHCP. Participants in the MSHCP are issued take authorization for covered species. The MSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and the incidental take of covered species in association with activities covered under the permit. In order to be considered a covered activity, Permittees must demonstrate that proposed actions are consistent with the MSHCP and its associated Implementing Agreement.

} 5.5

Compliance with approved habitat plans, such as the MSHCP, is discussed in CEQA. Section 15125(d) of the Guidelines for the Implementation of the California Environmental Quality Act requires that an environmental impact report (EIR) discuss any inconsistencies between a proposed project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans.

} 5.6

The proposed project area is located within the MSHCP Criteria Area and encompasses 34 criteria cells. Criteria cells 5985, 5989, 5991-2, 6082-4, 6088, 6186, 6189, 6290, 6293 and 6395 are part of the proposed extension of Existing Core 6. Criteria Cell 6154 is a stand-alone cell. A second group of criteria cells (6694, 6807-8, 6913, 6917, 7010, 7012, 7014, 7182-5 and 7134) follow the Temecula Creek east of Redhawk Parkway and west of Pauba Road. These cells involve Constrained Linkage 24 and proposed Core 7. Other MSHCP policies and procedures apply to the proposed project such as the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools policy (MSHCP section 6.1.2 pp 6-20; "Riparian/Riverine and Vernal Pool Policy"), Protection of Narrow Endemic Plant Species (MSHCP section 6.1.3 pp 6-28; "NEPPSA"), Additional Survey Needs and Procedures (MSHCP section 6.3.2, figure 6-4: Additional Survey Needs"), Fuels Management (MSHCP section 6.4, pp 6-72) and the Guidelines Pertaining to the Urban Wildlands Interface (MSHCP section 6.1.4, pp 6-42).

} 5.7

Impacts to the species

Impacts to individual species and habitats are not known at this time and therefore are not quantified. Species identified in the Southwest Area Plan include: Bell's sage sparrow, burrowing owl, cactus wren, coastal California gnatcatcher, golden eagle (nest site), grasshopper sparrow, least Bell's vireo, mountain plover, northern harrier, southern California rufous-crowned sparrow, tree swallow, white-tailed kite, quino checkerspot butterfly, bobcat, Los Angeles pocket mouse, mountain lion, Stephen's kangaroo rat and western pond turtle.

} 5.8

Proposed mitigation

In terms of mitigation, future projects will be subject to the biological goals and objectives for the Criteria Cells, Linkages and Cores. Impacts to State jurisdictional waters will be handled on a project-by-project basis. Mitigation measures will be required to reduce future project impacts to a less than significant level.

} 5.9

Draft Environmental Impact Report 524 for the Temecula Valley Wine Country
Community Plan. SCH #2009121076
Page 3 of 4

Department Concerns

In this instance, the project resembles a Programmatic Environmental Impact Report where the basic structure for the project area is outlined and the specific impacts are handled on a case-by-case basis. The SWAP will be amended and the provisions of this DEIR will replace some existing provisions in the MSHCP. As with the MSHCP, individual projects within the criteria area will be analyzed for conformance with the MSHCP. The SWAP consists of 7 area plan subunits. This project's Criteria Cells fall within subunits 2, 3 (C), and 4 (E, F, G, H),

} 5.10

The department has the following recommendations:

1. Revise the SWAP maps to include this Community Plan's Criteria Cells as a separate subunit and include a map with future CEQA projects;
2. Add the biological objectives and requirements of these Criteria Cells in the new subunit;
3. For future projects processed through CEQA, include an impacts analysis and mitigation measures;
4. For future projects include an MSHCP Consistency Analysis;
5. Discuss individual projects within the new Community Plan and how they conform with the MSHCP section 6 requirements; and,
6. Include an analysis of any impacts to State jurisdictional waters and how these impacts will be mitigated.

} 5.11

Lake and Streambed Alteration Agreement

Although the proposed project is within the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) and could be subject to Section 6.1.2, Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools, a Lake and Streambed Alteration Agreement Notification is still required by the Department should the site contain jurisdictional waters. Additionally, the Department's criteria for determining the presence of jurisdictional waters are more comprehensive than the MSHCP criteria in Section 6.1.2. Any mitigation measures required by the resource protection policies of the MSHCP should be included in the CEQA document.

} 5.12

The Department recommends submitting a notification early on, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Streambed Alteration Agreement notification package, please go to <http://www.dfg.ca.gov/habcon/1600/forms.html>.

} 5.13

If the CEQA documents do not fully identify potential impacts to lakes, streams, and associated resources and provide adequate avoidance, mitigation, monitoring, funding sources, a habitat management plan and reporting commitments, additional CEQA documentation will be required prior to execution (signing) of the Agreement. In order to avoid delays or repetition of the CEQA process, potential impacts to a stream or lake, as well as avoidance and mitigation measures need to be discussed within this CEQA document. Permit negotiations conducted after, and outside of the CEQA process are not CEQA-compliant because they deprive the public and agencies of their right to know what project impacts are, and how they are being mitigated (CEQA Section 15002).

} 5.14

Draft Environmental Impact Report 524 for the Temecula Valley Wine Country
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A jurisdictional delineation was not conducted for this project but will be required for future projects that impact State jurisdictional waters. The Department opposes the elimination of ephemeral, intermittent and perennial stream channels, lakes and their associated habitats. The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a minimum 3:1 replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Streambed Alteration Agreement process may be required depending on the quality of habitat impacted, proposed mitigation, project design, and other factors.

5.15

The following information will be required for the processing of a Streambed Alteration Agreement and the Department recommends incorporating this information to avoid subsequent CEQA documentation and project delays:

- 1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
- 2) Discussion of avoidance measures to reduce project impacts; and,
- 3) Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.

5.16

Please refer to section 15370 of the CEQA guidelines for the definition of mitigation.

The Department acknowledges that because of the size of the community plan it would not be possible to provide an impact analysis and mitigation measures for unknown projects. In the absence of specific impacts analysis and mitigation measures in the CEQA document, the Department believes that it cannot fulfill its obligations as a Trustee and Responsible Agency for fish and wildlife resources. We recommend that the Final EIR state that future CEQA processing may be required to address future project impacts and mitigation, and that Department comments be addressed in the Final EIR.

5.17

We appreciate the opportunity to comment on the referenced DEIR. If you should have any questions pertaining to these comments, please contact Robin Maloney-Rames, Environmental Scientist, at (909) 980-3818.

Sincerely,



Jeff Brant
Senior Environmental Scientist

Response No. 5

**California Department of Fish and Game
Jeff Brandt, Senior Environmental Scientist**

- 5.1 This comment provides general introductory information. Responses to specific comments are provided below.
- 5.2 This comment provides general introductory information. Responses to specific comments are provided below.
- 5.3 This comment provides general introductory information. Responses to specific comments are provided below.
- 5.4 This comment does not identify any specific concern with the adequacy of the Draft PEIR or environmental issue. Therefore, no further response is required. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to *environmental* comments).)
- 5.5 This comment does not identify any specific concern with the adequacy of the Draft PEIR or environmental issues. The County agrees with this comment, which is consistent with the Draft PEIR discussion as set forth in the Draft PEIR Chapter 4.4 *Biological Resources*. All future implementing projects within the Project area will be required to be consistent with the Western Riverside County MSHCP including Section 6.1.2, Section 6.1.3, Section 6.1.4, Section 6.3.2, and Section 6.4. Since its adoption, guidelines have been developed by the County to walk applicants through the MSHCP consistency analysis process, ensuring consistency of all implementing projects with the MSHCP (contained in Appendix E to the Draft PEIR). Therefore, no further response is required. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to *environmental* comments).)
- 5.6 This comment does not identify any specific concern with the adequacy of the Draft PEIR. MSHCP consistency is addressed in the Draft PEIR Chapter 4.4 *Biological Resources*, pages 4.4-10 to 4.4-21. Implementing project-level MSHCP consistency analysis will be conducted as part of future implementing projects. No specific Draft PEIR adequacy issues or environmental issues are identified. Therefore, no further response is required. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to *environmental* comments).)

- 5.7 This comment does not identify any specific concern with the adequacy of the Draft PEIR. This information expands upon the discussion of MSHCP criteria cells, linkages and related existing conditions on pages 4.4-6 and 4.4-11 of the Draft PEIR. Implementing project-level MSHCP consistency analysis will be conducted as part of future implementing projects. No specific Draft PEIR adequacy issues or environmental issues are identified. Therefore, no further response is required. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to *environmental* comments).)
- 5.8 This comment does not identify any specific concern with the adequacy of the Draft PEIR. The indicated species are acknowledged to potentially exist in the Project area. As noted in the Draft PEIR, all implementing projects will need to comply with the MSHCP, County General Plan, as well as standard County conditions, and specific permitting requirements of the regulatory agencies pursuant to the MSHCP. As stated on page 2.0-7 in the Draft PEIR, and per State CEQA Guidelines Section 15150, the Draft PEIR incorporates by reference the County General Plan EIR No. 441, as well as the detailed discussions of biological resources in the Project area. Also refer to Response No 5.11.
- 5.9 MSHCP consistency and the associated RCA Joint Project Review process at implementing project-level will ensure that all impacts to covered species and their habitats are fully mitigated by compliance with the MSHCP requirements. In addition, after adoption of the Project, all implementing projects that will apply for a Change of Zone, grading permit or building permit will be reviewed by the County and regulated per Mitigation Measure LU-1, which is in Section 4.10, *Land Use and Relevant Planning*, and Section 4.4, *Biological Resources*, in the Draft PEIR, on page 4.4-14. Impacts to other species and their habitats are mitigated by compliance with existing regulations. Other species are protected through existing regulations such as the State and Federal Endangered Species Act, Migratory Bird Treaty Act, the State’s Porter Cologne Water Quality Control Act, and federal Clean Water Act. The CDFG regulates activities under CDFG Code Sections 1600-1607. The RWQCB regulates activities pursuant to Section 401 of the Clean Water Act and the California Porter-Cologne Act. Impacts to jurisdictional waters are not covered by the County’s MSHCP but will be analyzed for each implementing project through the preparation of a Jurisdictional Delineation and, if appropriate, through the preparation of wetland permits, including a Clean Water Act Section 404 permit (U.S. Army Corps of Engineers), a Clean Water Act Section 401 water quality certification (Regional Water Quality Control Board), and a 1602 streambed alteration agreement from the California Department of Fish and Game. Also refer to Response No. 5.11. No further response is required. (*Browning-Ferris Indust. Of*

California, Inc. v. City Council of the City of San Jose (1986) 181 Cal.App.3d 852 (where a general comment is made, a general response is sufficient.)

5.10 This comment does not identify any specific concern with the adequacy of the Draft EIR or environmental issue. The County wants to clarify that this Project, or its associated PEIR, does not amend the SWAP in order to replace existing provisions of the MSHCP; the mitigation measures in the PEIR for the Project strengthen the County’s commitment to implementation of the MSHCP. Therefore, no further response is required. (State CEQA Guidelines § 15088(a) (CEQA requires responses to *environmental* comments.)

5.11 Mitigation Measure LU-1 is hereby revised to address the intent of this comment, that all implementing projects shall comply with the MSHCP and applicable resource agency regulations:

LU-1 All implementing projects (ministerial and discretionary) within the Project boundary shall be required to:

- Apply for and obtain a Change of Zone (CZ) to benefit from the implementing zones of the Wine Country Policy Area. As part of the review process, the County shall conduct a project-specific CEQA analysis for the CZ Application. Depending upon the location of the implementing project, Planning staff shall require the project proponent to conduct the necessary studies (e.g., Archeology, Geology, Biology, Hydrology, etc.). Depending upon the findings of those studies, Planning staff shall recommend that a restrictive zoning classification (such as an open space zone) be placed on areas where sensitive resources require protection.
- Apply for and obtain the necessary grading permit. Such grading permit shall go through the appropriate environmental analysis and identify the necessary mitigations, if any (e.g., cultural monitoring during grading, biological restoration, etc.), prior to approval of the grading permit.
- Apply for and obtain the necessary building permit. The County shall ensure the necessary reviews of building permits by the Riverside County Flood Control and Water Conservation District (RCFCWCD), Environmental Programs Division (EPD), County Archeologist, County Geologist, etc.

5th bullet added: “• Comply with the MSHCP and applicable resource agency regulations pertaining to the protection of biological resources and existing jurisdictional drainage features. Applicants for such implementing projects shall reference the current MHSCP criteria (biological objectives and requirements for

any applicable Conservation Area/Criteria Cell or linkage), conduct an MSHCP consistency analysis, and prepare a Jurisdictional Delineation where onsite drainages exist and obtain applicable permits/approvals from the U.S. Army Corps of Engineers, California Department of Fish and Game, Regional Water Quality Control Board and/or U.S. Fish and Wildlife Service.”

- 5.12 Refer to Response Nos. 5.9 and 5.11.
- 5.13 This comment does not identify any specific concern with the adequacy of the Draft PEIR. Applicants are, and will be, advised of the need for early consultation with the Department. Refer to Response No. 5.11.
- 5.14 This comment does not identify any specific concern with the adequacy of the Draft PEIR. As noted in the comment, this EIR is prepared as a Programmatic EIR (Draft PEIR Chapter 2 and 4), and as such does not address site-specific jurisdictional drainages and permit/mitigation requirements. Each implementing project will require site-specific studies and regulatory permitting, as appropriate (refer to Response No. 5.11). To the extent implementing project’s impacts are adequately addressed in this Program EIR (PEIR), it is the County’s intent that this PEIR avoid or minimize the need for future CEQA documents. However, in any case, each implementing project must comply with the MSHCP and applicable regulatory agency permitting requirements.
- 5.15 This comment is acknowledged, and is consistent with the Draft PEIR discussion as set forth in Chapter 2 and 4. This is a Program EIR and implementing projects will be required to comply with the MSHCP at the time of project development. Since the various implementing projects are not known at this time, it will be difficult to determine the extent of project impacts and to define the necessary mitigation measure to offset the impacts. Additionally, mitigation measures required for compliance with the MSHCP (Plan) may change over time. For example, as the required conservation program in the Plan nears full implementation, some mitigation measures are expected to be eliminated or reduced. Conversely, the adaptive management program associated with the Plan could determine that certain mitigation measure are no longer effective in satisfying the requirements of the Plan and that may result in creating new measures to ensure compliance with the Plan’s original Biological Goals and Objectives. As such, defining specific mitigation measures at the outset of this Project, prior to having specific implementing project details, is impractical and unrealistic in ensuring compliance with the MSHCP and effectively mitigate impacts to biological resources protected under the Plan. Refer to Response No. 5.14.

- 5.16 This comment is noted. All implementing projects will be required to comply with the MSHCP and applicable resource agency regulations, including a streambed alteration agreement if appropriate. Refer to Response No. 5.11.
- 5.17 The Draft PEIR recognizes in Chapters 2 and 4 that future implementing projects may require supplemental CEQA compliance, in order to address site-specific existing conditions, jurisdictional drainages, sensitive plant and wildlife, and applicable resource agency regulatory permitting requirements including MSHCP. However, to the extent that these issues are adequately addressed in this PEIR, implementing projects may rely in whole or in part upon this PEIR (in other words, it may “tier” off of the PEIR).

Comment Letter No. 6



Securing Your Water Supply

John V. Rossi
General Manager

Charles D. Field
Division 1

Thomas P. Evans
Division 2

Brenda Dennstedt
Division 3

Donald D. Galleano
Division 4

S.R. "Al" Lopez
Division 5

December 7, 2011


Mitra Mehta-Cooper
Riverside County Planning Department
P.O. Box 1409
Riverside, CA 92502-1409

DRAFT ENVIRONMENTAL IMPACT REPORT NO. 524, TEMECULA VALLEY WINE COUNTRY COMMUNITY PLAN

Thank you for the opportunity to comment on the Draft Environmental Impact Report No. 524 (Temecula Valley Wine Country Community Plan). Western Municipal Water District has no comments on the document.

} 6.1

Should you have any questions concerning this letter, please contact me at (951) 571-7275, or jbernosky@wmwd.com.


JOSEPH J. BERNOSKY, P.E.
Director of Engineering
Western Municipal Water District

JJB:BM:sc

Response No. 6

**Western Municipal Water District
Joseph J. Bernosky, PE
Director of Engineering**

- 6.1 This comment does not identify any specific concern with the adequacy of the Draft PEIR or any environmental issues. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to environmental comments).)

Comment Letter No. 7

8:31 AM 1/3/2012 8:31 AM

From: Mehta-Cooper, Mitra
Sent: Tuesday, January 03, 2012 8:23 AM
To: Nanthavongdouangsy, Phayvanh
Subject: FW: Wine Country EIR

Wine Country EIR Comment # 1.

Mitra

From: Bond, Jared
Sent: Monday, December 12, 2011 4:04 PM
To: Mehta-Cooper, Mitra
Subject: Wine Country EIR

Hi Mitra,

I received the Draft Wine County EIR transmittal package and reviewed the biology section. The wording and language addressing the MSHCP is much stronger and consistent throughout the document. The exhibits also look great so at this time I do not have any comments or concerns with the EIR. Let me know if there is anything else I can do for you. Thanks

} 7.1

Jared Bond
Senior Ecological Resource Specialist
Environmental Programs Division
County of Riverside
951-955-0314

Response No. 7

**County of Riverside, Environmental Programs Division
Jared Bond
Senior Ecological Resource Specialist**

- 7.1 This comment affirms the adequacy of the Draft EIR. This comment does not identify any specific concern with the adequacy of the Draft PEIR or any environmental issues. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to environmental comments.).)

Comment Letter No. 8

7:13 AM 1/17/2012 7:13 AM

From: Guerin, John
Sent: Thursday, January 12, 2012 5:54 PM
To: Mehta-Cooper, Mitra; Nanthavongdouangsy, Phayvanh; Lee, Josh
Cc: Cooper, Ed; Thielman-Braun, Cindy; Coyle, Frank; Lind, Katherine; Huff, David
Subject: General Plan Amendment No. 1077 and EIR No. 524/Ordinance No. 348.4729

Thank you for your transmittal of the Notice of Availability of Draft EIR No. 524 for the Temecula Valley Wine Country Community Plan. ALUC staff has reviewed the proposed boundaries and hereby advises that the area located within the Community Plan boundaries lies entirely outside Airport Influence Areas. Therefore, the associated general plan amendment is not subject to ALUC review. } 8.1

While there are no public-use airports within the area in question, there may be private-use airports in the area, and I believe that there is at least one proposed or approved private heliport in the area. } 8.2

With regard to the proposed Ordinance No. 348.4729, it appears to be the intent of the County that these zones would only be applied within the boundaries of the Temecula Valley Wine Country Community Plan. However, a quick review of the ordinance does not reveal such a limitation (e.g., "shall only be applied within"). Would it be possible to include such a statement in the ordinance itself (perhaps in the "Intent" section)? If such a statement were included therein, we could indicate that the ordinance amendment is not subject to ALUC review. If that is not possible, then, as a change in a zoning ordinance that could potentially apply to land in Airport Influence Areas, the ordinance amendment may require ALUC review pursuant to Section 21676(b) of the California Public Utilities Code. } 8.3

John Guerin
Principal Planner



Response No. 8

**Riverside County Airport Land Use Commission (ALUC)
John Guerin
Principal Planner**

- 8.1 This comment affirms the lack of ALUC jurisdiction for the Project. This comment does not identify any specific concern with the adequacy of the Draft PEIR or any environmental issues. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to environmental comments).)
- 8.2 This comment does not identify any specific concern with the adequacy of the Draft PEIR. The Draft PEIR identifies a private use airstrip and a private heliport, on pages 8.0-2 and 8.0-3 of the Draft PEIR. No significant impacts or conflicts are anticipated due to infrequent use and existing oversight by the County and FAA.
- 8.3 This comment does not identify any specific concern with the adequacy of the Draft PEIR. (Browning-Ferris Indust. of California, Inc. v. City Council of the City of San Jose (1986) 181 Cal.App.3d 852 (where a general comment is made, a general response is sufficient).) The County will consider these suggestions during Project deliberations.

Comment Letter No. 9

1:07 PM 1/25/2012 1:07 PM

From: Mehta-Cooper, Mitra
Sent: Tuesday, January 24, 2012 2:46 PM
To: Nanthavongdouangsy, Phayvanh
Subject: FW: WineCountryAreaPlan_SPB_GPA1077andOrdinanceAmendment_CommentLetter_201201
Attachments: WineCountryAreaPlan_SPB_GPA1077andOrdinanceAmendment_CommentLetter_201201.doc

Wine Country EIR Comment.

From: Johnson, Ben [<mailto:Ben.Johnson@fire.ca.gov>]
Sent: Tuesday, January 24, 2012 2:41 PM
To: Mehta-Cooper, Mitra
Subject: WineCountryAreaPlan_SPB_GPA1077andOrdinanceAmendment_CommentLetter_201201

Mitra, apologies for delay on the attached comment letter as part of your review effort. Thanks, Ben

} 9.1



RIVERSIDE COUNTY FIRE DEPARTMENT
 IN COOPERATION WITH
 THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

John R. Hawkins ~ Fire Chief
 210 West San Jacinto Avenue ~ Perris, CA 92570
 (951) 940-6900 ~ www.rvcfire.org

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DISTRICT 5

January 19, 2012

Ms. Mitra Mehta-Cooper
 Principal Planner
 Riverside County Planning Department
 4080 Lemon Street, 12th Floor
 Riverside, CA 92502-1409

RE: GPA 1077 and Ordinance Amendment No. 348.4729, Temecula Valley Wine Country Community Plan and Related DEIR No. 524

Ms. Mehta-Cooper:

The Strategic Planning Bureau of the RCFD is in receipt of your letter requesting review and response dated December 1, 2011 for the above-referenced project. RCFD has reviewed all pertinent documents and has limited commentary beyond those comments provided to your office on September 22, 2011.

} 9.2

For all trail and bikeway design concerns, please consider the following language, “for those trail sections where the required right of way/easement width is not sufficient for emergency vehicular access, provide emergency vehicle access points at regularly-spaced intervals...”. If similar language in the document or in referenced documents contains similar language then that may suffice.

} 9.3

Under the subsection C 18.2 *Management and Maintenance*, consider the following language: “all trail types should be adequately maintained to ensure for safe and ample access by emergency personnel and where practical, emergency vehicle access.”

} 9.4

If I can be of further assistance, please contact me at 951.571.8178 or ben.johnson@fire.ca.gov.

Thank you,

Ben R. Johnson, AICP
 Planning & Development Supervisor
 Strategic Planning Bureau

Response No. 9

**Riverside County Fire Department
Ben R. Johnson, AICP
Planning & Development Supervisor
Strategic Planning Bureau**

- 9.1 Responses to specific comments are provided below. No further response is required.
- 9.2 Previous comments were incorporated into the Draft PEIR. Specific additional comments are addressed below.
- 9.3 This comment does not identify any specific concern with the adequacy of the Draft EIR. The County will consider these suggestions during Project deliberations; no further response is required. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to environmental comments.)) The County will consider these suggestions during Project deliberations.
- 9.4 This comment does not identify any specific concern with the adequacy of the Draft EIR. The County will consider these suggestions during Project deliberations; no further response is required. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to environmental comments.)) The County will consider these suggestions during Project deliberations.

Comment Letter No. 10

3:49 PM 2/2/2012 3:49 PM

From: Mehta-Cooper, Mitra
Sent: Thursday, February 02, 2012 3:41 PM
To: Nanthavongdouangsy, Phayvanh
Subject: FW: Wine Country Community Plan EIR Comment Letter
Attachments: cotwinecountryeir.pdf

FYI

From: Patrick Richardson [<mailto:Patrick.Richardson@cityoftemecula.org>]
Sent: Thursday, February 02, 2012 2:46 PM
To: Mehta-Cooper, Mitra
Subject: Wine Country Community Plan EIR Comment Letter

Mitra,

Hope this email finds you doing well. Attached is the City's comment letter on the draft EIR.

Please let me know if you have questions.

Best regards,
Patrick

Patrick R. Richardson, AICP
Director of Development Services
City of Temecula
(951) 506-5173
patrick.richardson@cityoftemecula.org
41000 Main St, Temecula, CA 92590



} 10.1



City of Temecula

Community Development Dept.
41000 Main Street ■ Temecula, CA 92590
Mailing Address: P.O. Box 9033 ■ Temecula, CA 92589-9033
Phone (951) 694-6400 ■ Fax (951) 694-6477 ■ www.cityoftemecula.org

February 2, 2012

Ms. Mitra Mehta-Cooper AICP, Principal Planner
County of Riverside
Transportation & Land Management Agency
P.O. Box 1409
4080 Lemon Street, 9th Floor
Riverside, CA 92502-1409

SUBJECT: Response Draft Environmental Impact Report for the Temecula Valley Wine Country Community Plan, EIR 524

Dear Ms. Mehta-Cooper:

Thank you for the opportunity to comment on the above referenced project. The City of Temecula Community Development Department has the following comments:

1. Section 4.6 Geology, Soils, and Seismicity: In response to the Notice of Preparation for the draft EIR for the Project, the City of Temecula requested that the project site top soil be stockpiled and reapplied to the vineyard areas to achieve a rich fertile soil for healthy cultivation and vineyard longevity. This comment was intended to apply to top soil that is removed as a result of any grading or construction activity to preserve top soils on site. On page 4.6-5, the draft EIR notes, "The Temecula Valley Wine country region is subject to potential impacts from erosion or loss of topsoil due to natural or man-made conditions." The draft EIR goes on to identify significant threshold criteria for Section 4.6, citing Section G of the CEQA Guidelines as the basis for determining if there are impacts to the project. One of the criterion for a project having significant impacts is the, "substantial soil erosion, or the loss of topsoil."

10.2

The draft EIR only partially addresses the loss of topsoil by noting that implementing projects would, "remove vegetation and topsoil which could increase the potential for erosion caused by wind and and/or water." The draft EIR recommends compliance with the NPDES requirements by implementing BMP to reduce the impacts of erosion to a level less than significant. Although the draft EIR recognized the removal of topsoil as a result of construction activities, the draft EIR fails to identify mitigation measures to lessen the impact of the removal of the topsoil itself.

2. Section 4.3-4 Objectionable Odors: The draft EIR states that agriculture and equestrian uses currently exist in the area and that odors associated with these uses would be intensified, but impacts would be less than significant; however, no analysis was provided to substantiate this conclusion. The draft EIR goes on to state that, "...future

10.3

agricultural or equestrian facilities are required to comply with Rule 402, which limits the amount of nuisance odors. Therefore, impacts from objectionable odors are not expected to be significant." While Rule 402 does restrict a person from discharging "from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public," Rule 402 goes on to state, "The provisions of this rule shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals." As a result the draft EIR fails to adequately analyze the potential objectionable odors from agricultural and equestrian uses or to provide adequate mitigation measures from the noted intensifying of objectionable odors of the project.

10.3
cont

The City of Temecula's Traffic Engineering Division has reviewed the Final Traffic Impact Study (TIS) and found that the following items, which were identified in the City's Memorandum dated October 13, 2011, still need to be addressed or clarified prior to the City's acceptance of the Final TIS document: The items are:

10.4

1. The TIS should include the French Valley Parkway connection between Interstate 15 and Murrieta Hot Springs Road in the Buildout scenario analysis. This connection is likely to reduce peak hour volumes at study area intersections along the Winchester Road and Rancho California Road corridors.

2. Please revise the TIS to include the Interstate 15 at Temecula Parkway (SR79 South) ultimate interchange improvements under the Existing plus Project and Buildout scenarios. See attached document for comments.

10.5

3. Please specify Winchester Road (SR79 North) or Temecula Parkway (SR79 South) when referencing SR79 in the TIS's segment and intersection level of service tables. See attached document for comments.

10.6

4. Since the County is considering the implementation of a "roundabout" to replace the traffic signal at the Butterfield Stage Road and Rancho California Road intersection, please perform a level of service analysis for this alternative and include in the project scenarios.

10.7

5. Please revise Table 4, "Roadway Segment Levels of Service: Existing Conditions" based on the lane configuration data, volume data, and roadway capacities shown. See attached document for comments.

10.8

6. Please revise Figures 2, 3 and 4 based on the revisions identified in Table 4. See attached document for comments.

10.9

7. Please revise Table 6, "Roadway Segment Levels of Service: Existing plus Project Conditions" based on the lane configuration data, volume data, and roadway capacities shown. See attached document for comments.

10.10

8. The levels of service shown in Table 7, "Intersection Levels of Service: Existing plus Project Conditions", indicate that intersections within the City of Temecula may experience an increase in delay with the proposed project. The proposed project will need to mitigate impacts to any intersection operating at LOS E or F, which will experience a delay of 2.0 seconds or more.

10.11

- | | | | |
|-----|--|---|-------|
| 9. | Please revise Table 7, "Intersection Levels of Service: Existing plus Project Conditions" based on the lane configuration data shown in Figure 7, Page 28. See attached document for comments. | } | 10.12 |
| 10. | Please revise Figures 5, 6, and 7 based on the revisions identified in Table 7. See attached document for comments. | } | 10.13 |
| 11. | Please revise paragraph 4, shown on Page 31. See attached document for comments. | } | 10.14 |
| 12. | The TIS should assume General Plan Buildout of roadway sections and connections to determine future level of service performance. Please revise Table 8, "Roadway Segment Levels of Service: Future No Project Alternative" based on the lane configuration data and roadway capacities shown. See attached document for comments. | } | 10.15 |
| 13. | The TIS should assume General Plan Buildout intersection improvements to determine intersection performance. Please revise Table 9, "Intersection Levels of Service: Future No Project Alternative" based on the lane configuration data shown in Figure 10, Pages 39 and 40. See attached document for comments. | } | 10.16 |
| 14. | Please revise Figure 8 and Figure 9 to include future roadway connections as shown on the City and County Circulation Plans and revisions identified in Table 8. See attached document for comments. | } | 10.17 |
| 15. | The TIS should assume General Plan Buildout of roadway sections and connections to determine future level of service performance. Please revise Table 10, "Roadway Segment Levels of Service: Future with Project Alternative Conditions" based on the lane configuration data and roadway capacities shown. See attached document for comments. | } | 10.18 |
| 16. | The TIS should assume General Plan Buildout intersection improvements to determine intersection performance. Please revise Table 11, "Intersection Levels of Service: Future with Project Alternative Conditions" based on the lane configuration data shown in Figure 13, Page 49. See attached document for comments. | } | 10.19 |
| 17. | Please revise Figure 11 and Figure 12 to include future roadway connections as shown on the City and County Circulation Plans and revisions identified in Table 10. See attached document for comments. | } | 10.20 |
| 18. | Please revise second sentence under "Impact Analysis" shown on Page 53. See attached document for comments. | } | 10.21 |
| 19. | Please verify and revise Table 12, "Impact Analysis Results – Roadway Segment" based on the revised lane configuration data, volume data, and roadway capacities shown in Tables 8 and 10. See attached document for comments. | } | 10.22 |
| 20. | Please verify and revise Table 13, "Impact Analysis Results – Intersections" based on the revised lane configuration data shown in Figures 11, 12, and 13. See attached document for comments. | } | 10.23 |
| 21. | In addition to the above, please provide the following corrections under "Mitigation Measures": | } | 10.24 |

- Please revise Paragraph 1 under Mitigation 1 by adding "or other mitigation funding mechanism." See attached document for comments.
- Please revise Rancho California Road West of Anza, to include the following: "The Community Plan shall incorporate a roadway transition from a 4 Lane Major Arterial in the City of Temecula to the proposed two lane facility in the County, to mitigate potential congestion and queuing at the Butterfield Stage Road and Rancho California Road intersection. See attached document for comments.
- Please revise I-15 from South of SR79 to north of Rancho California Road to read as follows: "I-15 from South of Temecula Parkway (SR79 South) to north of Rancho California Road." See attached document for comments.
- Please revise Winchester Road at Nicolas Road, as shown. See attached document for comments.
- Please revise Winchester Road at I-15 NB Ramps, based on potential changes to volumes due to the addition of the French Valley Parkway. See attached document for comments.
- Please revise Rancho California at Ynez Road, as shown. See attached document for comments.
- Please revise Temecula Parkway at I-15 SB Ramps, based on the proposed interchange improvements. See attached document for comments.
- Please revise Margarita Road at Rancho California Road, as shown. See attached document for comments.
- Please revise Butterfield Stage Road at La Serena Way, as shown. See attached document for comments.
- Please revise Butterfield Stage Road at Rancho California Road, as shown. See attached document for comments.
- Please revise Butterfield Stage Road at Rancho Vista Road, as shown. See attached document for comments.
- Please revise Butterfield Stage Road at Temecula Parkway, as shown. See attached document for comments.

10.24
cont

We would appreciate the opportunity to review the response to our comments and to continue our discussions to develop a mitigation funding program and Memorandum of Understanding for the implementation of the proposed roadway improvements.

If you have any questions or comments, please contact me at 951-694-6400 or e-mail me at patrick.richardson@cityoftemecula.org.

Sincerely



Patrick Richardson
Director of Planning and Development

Attachments

Final Traffic Impact Study for the Wine Country Community Plan, Riverside County, CA
November 2011

- **Route 24** – Route 24 is a circulator bus route primarily serving the City of Temecula. It connects the retail uses at the north end of the City to Old Town, Pechanga Resort, and Redhawk areas of the City. Near the WCP area it operates on Moraga and Margarita Roads, just west of WCP area, with stops at Palomar Village and the Temecula Walmart. It operates on 30- to 60-minute headways during weekdays and on 60-minute headways on weekends.

In addition to this route, several private companies operate shuttles that circulate customers throughout the WCP area on wine tasting tours.

BICYCLE AND PEDESTRIAN NETWORK

In general, there are limited bicycle and pedestrian facilities in the WCP area. The provided facilities are mixed-use pathways providing facilities for bicycles, pedestrians, and equestrians in the study area. These facilities are generally provided parallel to Rancho California Road and De Portola Road. The rural nature of the remaining facilities requires bicycles, pedestrians, and equestrians to use the roadway shoulders in the WCP area.

TRAFFIC VOLUMES AND LANE CONFIGURATIONS

The number of lanes and daily volumes shown on Figures 2 and 3 were utilized to evaluate traffic operations on the study roadway segments. Figure 4 summarizes the existing intersection turning movement volumes. Traffic volumes were obtained from County Staff, the City of Temecula Traffic Count Database, collected by Fehr & Peers, or were obtained from the Caltrans publication "Traffic Volumes on California State Highways, 2009."

ROADWAY SEGMENT OPERATIONS

Fehr & Peers utilized the existing traffic volumes and number of travel lanes to evaluate operations at the study roadway segments. Results for weekday and weekend conditions are summarized in Table 4.

*and I repeat
Why is this different than
Volumes on Pg 11 w/o ynes?
It is same segment!*

*End
Revert*

TABLE 4 – ROADWAY SEGMENT LEVELS OF SERVICE: EXISTING CONDITIONS

Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
Rancho California Road West of La Serena Way	2	14,285	D	13,569	D
Rancho California Road West of Anza Road	2	N/A	N/A	13,798	D
Anza Road South of Rancho California Road	2	N/A	N/A	3,924	C or Better
Glenoaks Road South of Rancho California Road	2	N/A	N/A	4,316	C or Better
Rancho California Road East of I-15	8	58,091	D	52,444	C or Better
Rancho California Road East of Anza Road	2	13,358	D	14,104	D
Anza Road North of De Portola Road	2	4,031	C or Better	4,235	C or Better
De Portola Road East of Anza Road	2	4,137	C or Better	5,235	C or Better
Mesa Road North of Glenoaks Road	2	3,187	C or Better	3,189	C or Better
De Portola Road East of Glenoaks Road	2	528	C or Better	654	C or Better
SR 79 East of I-15	8	38,789	C or Better	35,775	C or Better
SR 79 West of Butterfield Stage Road	6	30,984	C or Better	32,192	C or Better
SR 79 East of Anza Road	2	8,300	C or Better	11,145	C or Better

*Per
12/11 → 54,250*

65,220

Win or Tem Pkwy?

Tem Pkwy?

Tem. Pkwy

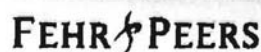
*if Tem Pkwy
64,606 w/ u
Bedford*



Final Traffic Impact Study for the Wine Country Community Plan, Riverside County, CA
November 2011

TABLE 4 CONTINUED– ROADWAY SEGMENT LEVELS OF SERVICE: EXISTING CONDITIONS

Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
Butterfield Stage Road north of De Portola Road	4	11,881	C or Better	14,257	C or Better
Butterfield Stage Road north of Rancho California Road	2	4,616	C or Better	5,539	C or Better
Butterfield Stage Road north of Temecula Parkway	3	13,081	C or Better	15,073	C or Better
Butterfield Stage Road south of Channel Street	4	10,257	C or Better	12,308	C or Better
Butterfield Stage Road south of La Serena Way	2	4,391	C or Better	5,289	C or Better
Butterfield Stage Road south of Pauba Road	4	9,458	C or Better	11,350	C or Better
Butterfield Stage Road south of Rancho California Road	4	9,903	C or Better	11,884	C or Better
Butterfield Stage Road south of Rancho Vista Road	4	10,168	C or Better	12,202	C or Better
Calle Medusa south of Enfield Lane	2	3,849	C or Better	4,619	C or Better
De Portola Road east of Jedediah Smith Road	2	7,517	C or Better	9,020	C or Better
De Portola Road east of Margarita Road	4	9,223	C or Better	11,068	C or Better
De Portola Road east of Meadows Parkway	4	4,129	C or Better	4,955	C or Better
De Portola Road. west of Butterfield Stage Road	4	3,980	C or Better	4,776	C or Better
Diaz Road north of Rancho California Road	3	10,132	C or Better	12,168	C or Better
La Serena Way east of Meadows Parkway	4	7,797	C or Better	9,366	C or Better
Margarita Road east of Avenida Barca	4	20,190	C or Better	24,228	C or Better
Margarita Road north of Rancho California Road	4	19,771	C or Better	23,725	C or Better
Margarita Road north of Santiago Road	4	19,334	C or Better	23,201	C or Better
Margarita Road north of Temecula Parkway	4	24,057	C or Better	28,868	D
Margarita Road south of Jedediah Smith Road	4	16,450	C or Better	19,740	C or Better
Margarita Road south of Rancho California Road	4	19,584	C or Better	23,477	E
Margarita Road south of Rancho Vista Road	4	20,071	C or Better	24,085	E
Meadows Parkway north of Rancho California Road	4	7,151	C or Better	8,581	C or Better
Meadows Parkway north of Temecula Parkway	4	11,715	C or Better	14,058	C or Better
Meadows Parkway south of La Serena Way	4	4,416	C or Better	5,299	C or Better
Meadows Parkway south of Leona Way	4	10,823	C or Better	12,988	C or Better
Meadows Parkway south of Pauba Road	4	11,395	C or Better	13,674	C or Better
Meadows Parkway south of Rancho California Road	4	10,486	C or Better	12,559	C or Better
Meadows Parkway south of Rancho Vista Road	4	11,213	C or Better	13,456	C or Better
Meadows Parkway south of Sunny Meadows Drive	4	9,579	C or Better	11,495	C or Better
Pauba Road east of Butterfield Stage Road	2	3,954	C or Better	4,745	C or Better
Pauba Road east of Margarita Road	3	8,621	C or Better	10,345	C or Better
Pauba Road east of Meadows Parkway	2	4,745	C or Better	5,694	C or Better
Pauba Road east of Ynez Road	3	8,924	C or Better	10,709	C or Better
Pauba Road west of Margarita Road	4	8,586	C or Better	10,303	C or Better
Rainbow Canyon Road south of Pechanga Parkway	2	7,570	C or Better	9,084	C or Better



Final Traffic Impact Study for the Wine Country Community Plan, Riverside County CA
November 2011

2nd request
Is this the correct volume or the vol. shown on p. 19.7 same segment?

TABLE 4 CONTINUED- ROADWAY SEGMENT LEVELS OF SERVICE: EXISTING CONDITIONS

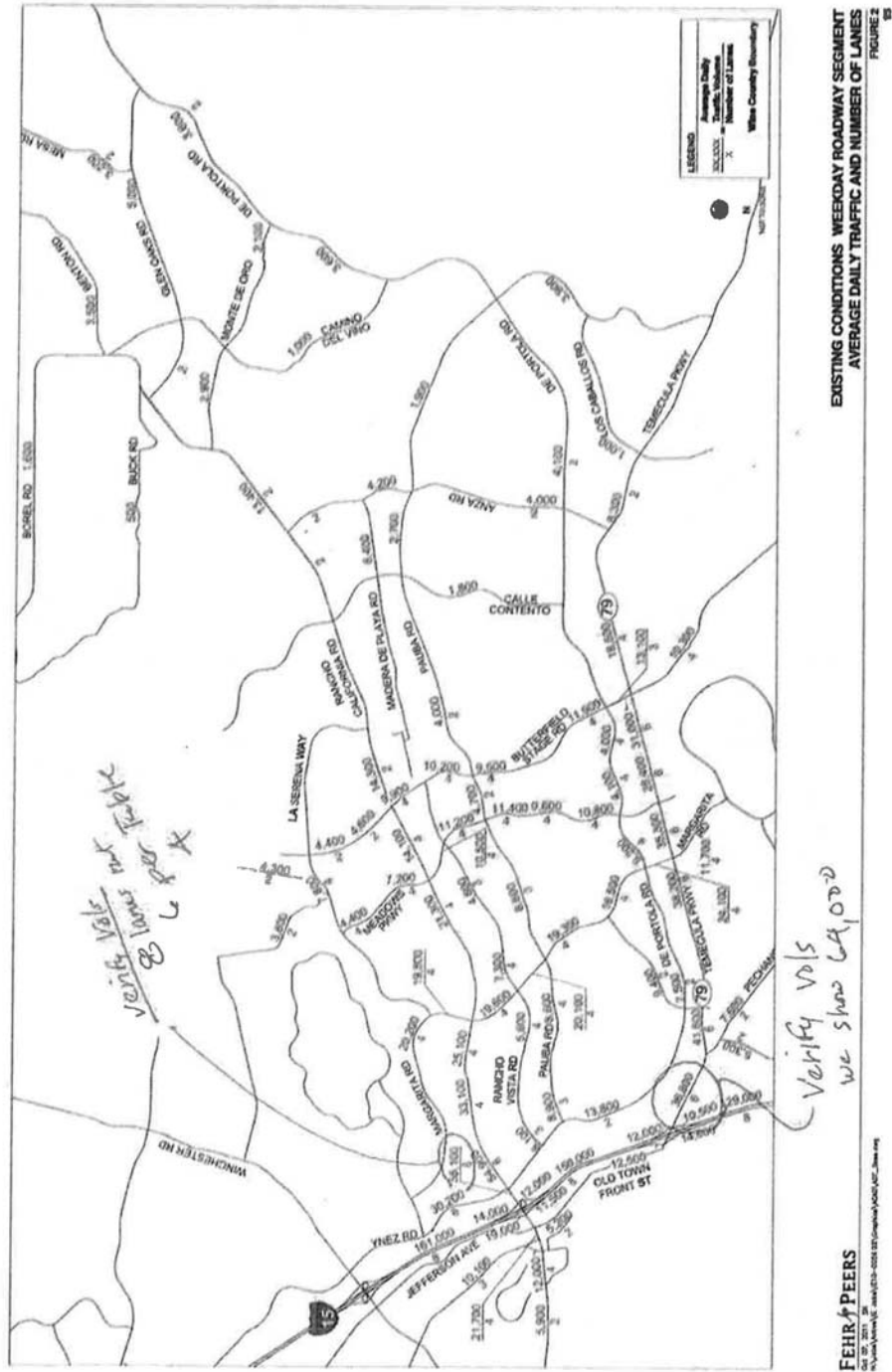
Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
Rancho California Road east of Diaz Road	4	21,654	C or Better	25,985	C or Better
Rancho California Road east of Moraga Road	4	33,144	E	39,773	F
Rancho California Road west of Business Park Drive	2	5,937	C or Better	7,124	C or Better
Rancho California Road west of Butterfield Stage Road	4	14,132	C or Better	16,958	C or Better
Rancho California Road west of Diaz Road	4	11,993	C or Better	14,392	C or Better
Rancho California Road west of Meadows Parkway	4	21,285	<i>DB</i>	25,542	<i>EC</i>
Rancho California Road west of Ynez Road	8	<i>(54,850)</i>	C or Better	<i>(65,820)</i>	E
Rancho Vista Road east of Margarita Road.	4	7,289	C or Better	8,747	C or Better
Rancho Vista Road east of Ynez Road	3	8,075	C or Better	9,690	C or Better
Rancho Vista Road west of Margarita Road	4	5,632	C or Better	6,768	C or Better
Rancho Vista Road west of Meadows Parkway	3	4,791	C or Better	5,749	C or Better
Temecula Parkway east of Margarita Road	6	35,328	C or Better	42,394	C or Better
Temecula Parkway east of Meadows Parkway	6	28,428	C or Better	34,111	C or Better
Temecula Parkway east of Pechanga Parkway	6	41,684	C or Better	49,877	<i>DE</i>
Temecula Parkway west of Margarita Road	6	38,199	C or Better	45,839	<i>C or Better</i>
Vincent Moraga south of Rancho California Road	2	5,212	C or Better	6,254	C or Better
Walcott Lane north of Klarer Lane	2	4,332	C or Better	5,198	C or Better
Ynez Road north of Santiago Road	2	13,840	D	16,808	F
Ynez Road south of Solana Way	6	30,187	C or Better	36,200	C or Better
Ynez Road west of Jadediah Smith Road	2	9,369	C or Better	11,243	C or Better
Rainbow Canyon Road S/O Clubhouse Road (Feb.)	2	5,338	C or Better	6,403	C or Better
Rainbow Canyon Road S/O Clubhouse Road (Oct.)	2	5,208	C or Better	6,247	C or Better
Rancho California Road W/O Margarita Road (Feb.)	4	24,329	C or Better	29,195	D
Rancho California Road W/O Margarita Road (July)	4	25,055	C or Better	30,088	D
Temecula Parkway E/O Butterfield Stage Road (Feb.)	4	18,478	C or Better	22,171	C or Better
Temecula Parkway E/O Butterfield Stage Road (Oct.)	4	18,489	C or Better	22,187	C or Better
I-15 South of SR 79	8	129,000	D	129,000	D
I-15 North of SR 79	8	150,000	E	150,000	E
I-15 South of Rancho California Road Interchange	8	160,000	E	160,000	E
I-15 North of Rancho California Road Interchange	8	161,000	F	161,000	F
I-15 NB Off-Ramp at SR 79	1	10,500	C or Better	10,819	C or Better
I-15 NB On-Ramp at SR 79	1	12,000	C or Better	11,273	C or Better
I-15 SB Off-Ramp at SR 79	1	12,500	C or Better	13,000	C or Better
I-15 SB On-Ramp at SR 79	1	14,800	C or Better	15,050	C or Better
I-15 NB Off-Ramp at Rancho California Road	1	12,000	C or Better	11,247	C or Better

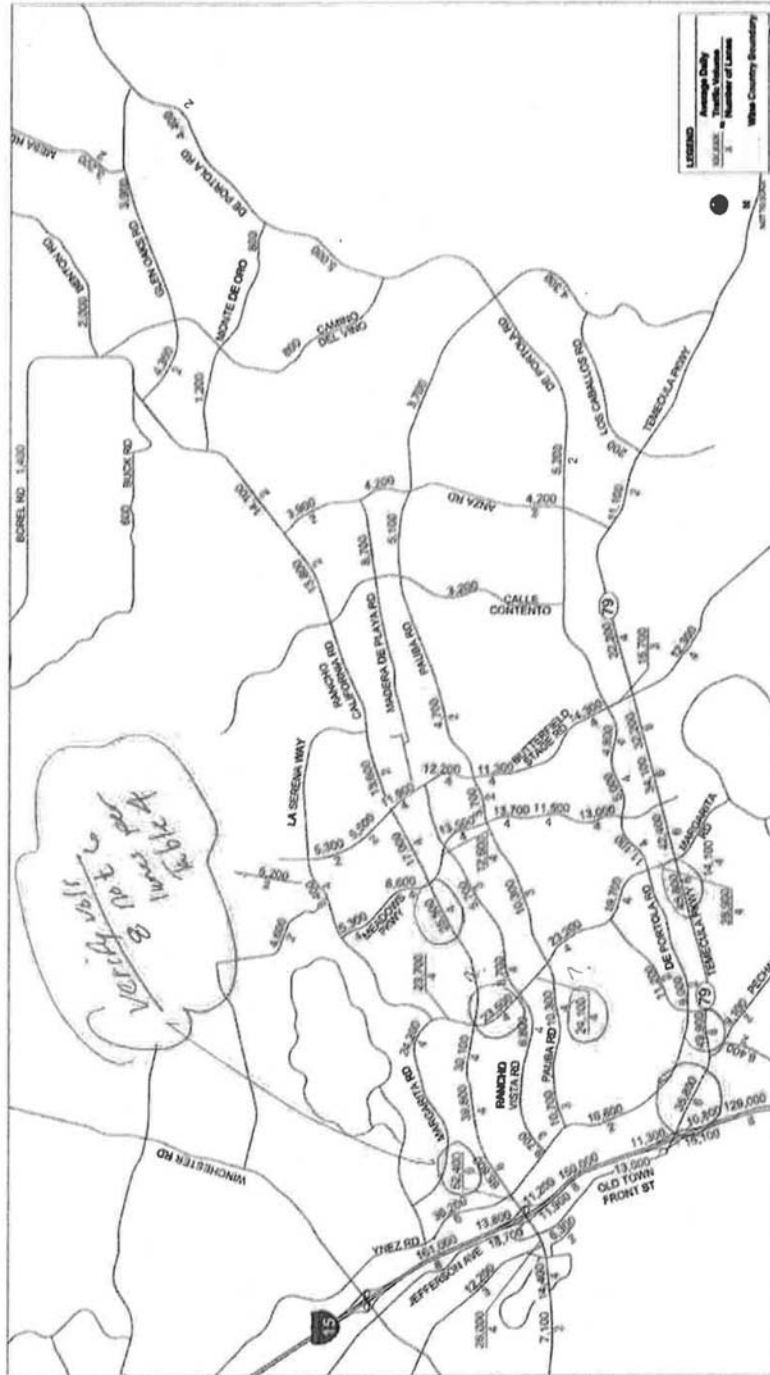
2nd request

*Winchester?
or Tem. Park?*

74,000

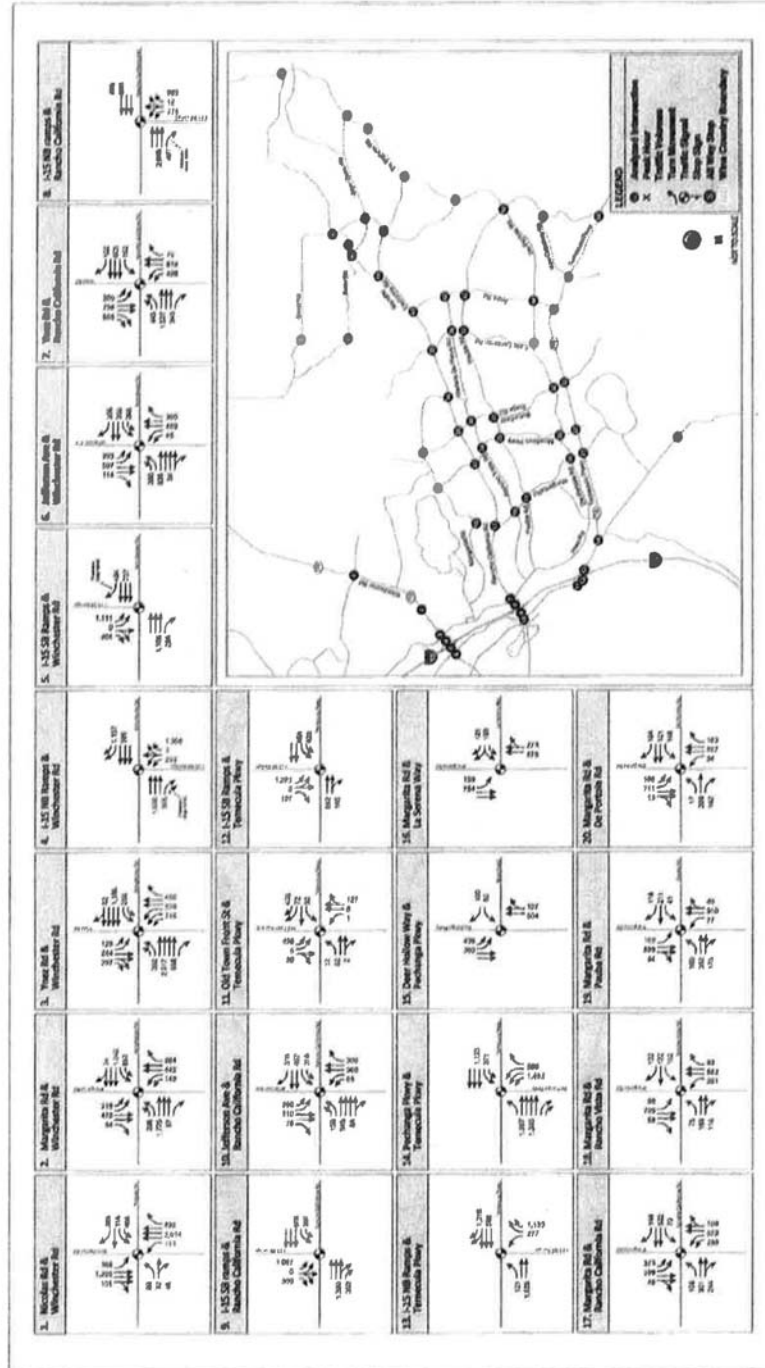
*DE SAK
D SAK*





EXISTING CONDITIONS, WEEKEND ROADWAY SEGMENT
 AVERAGE DAILY TRAFFIC AND NUMBER OF LANES
 FIGURE 2

FEHR & PEERS
 INCORPORATED
 10000 Wilshire Blvd., Suite 500
 Beverly Hills, CA 90210
 Tel: 310.277.0000
 Fax: 310.277.0001
 www.fehrpeers.com



EXISTING CONDITIONS
WEEKEND INTERSECTION VOLUMES AND LANE CONFIGURATION
FIGURE 2-10
Verify Numbering of
Pg. beginning on
Previous Pg 16 to
Pg. 19

FEHR PEERS
The Irvine Company, 17000 Irvine Blvd., Irvine, CA 92614
www.fehrpeers.com

Final Traffic Impact Study for the Wine Country Community Plan, Riverside County, CA
November 2011

Verify volumes per
Pg 22, why are these
different?

2nd request

TABLE 6 – ROADWAY SEGMENT LEVELS OF SERVICE: EXISTING PLUS PROJECT CONDITIONS

Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
Rancho California Road West of La Serena Way	2	15,870	C	18,850	E
Rancho California Road West of Anza Road	2	N/A	N/A	18,816	E
Anza Road South of Rancho California Road	2	N/A	N/A	11,749	C or Better
Glenoaks Road South of Rancho California Road	2	N/A	N/A	6,803	C or Better
Rancho California Road East of I-15	8	58,759	D	61,009	D
Rancho California Road East of Anza Road	2	14,104	C	15,183	C
Anza Road North of De Portola Road	2	4,777	C or Better	8,677	C or Better
De Portola Road East of Anza Road	2	6,999	C or Better	11,344	C or Better
Mesa Road North of Glenoaks Road	2	3,189	C or Better	3,189	C or Better
De Portola Road East of Glenoaks Road	2	1,159	C or Better	1,718	C or Better
SR 79 East of I-15	6	39,161	C or Better	44,174	C or Better
SR 79 West of Butterfield Stage Road	6	36,279	C or Better	42,547	C or Better
SR 79 East of Anza Road	2	12,030	C or Better	11,390	C or Better
Butterfield Stage Road north of De Portola Road	4	11,985	C or Better	16,856	C or Better
Butterfield Stage Road north of Rancho California Road	2	4,662	C or Better	5,539	C or Better
Butterfield Stage Road north of Temecula Parkway	3	13,822	C or Better	17,719	D
Butterfield Stage Road south of Channel Street	4	11,092	C or Better	13,618	C or Better
Butterfield Stage Road south of La Serena Way	2	4,404	C or Better	5,269	C or Better
Butterfield Stage Road south of Pauba Road	4	10,367	C or Better	14,209	C or Better
Butterfield Stage Road south of Rancho California Road	4	13,784	C or Better	16,022	C or Better
Butterfield Stage Road south of Rancho Vista Road	4	12,817	C or Better	17,012	C or Better
Calle Medusa south of Enfield Lane	2	4,152	C or Better	5,096	C or Better
De Portola Road east of Jedediah Smith Road	2	8,094	C or Better	11,288	C or Better
De Portola Road east of Margarita Road	4	11,172	C or Better	18,623	C or Better
De Portola Road east of Meadows Parkway	4	9,380	C or Better	7,243	C or Better
De Portola Road, west of Butterfield Stage Road	4	6,851	C or Better	7,044	C or Better
Diaz Road north of Rancho California Road	3	10,132	C or Better	12,158	C or Better
La Serena Way east of Meadows Parkway	4	12,235	C or Better	10,587	C or Better
Margarita Road east of Avenida Barca	4	24,949	C or Better	31,036	ED 36K
Margarita Road north of Rancho California Road	4	20,791	C or Better	25,604	C or Better
Margarita Road north of Santiago Road	4	25,000	C or Better	26,005	C or Better
Margarita Road north of Temecula Parkway	4	26,554	C or Better	30,359	D
Margarita Road south of Jedediah Smith Road	4	20,470	C or Better	26,480	C or Better
Margarita Road south of Rancho California Road	4	21,077	DA	28,982	ED 36K
Margarita Road south of Rancho Vista Road	4	22,707	DB	28,820	FC 36K
Meadows Parkway north of Rancho California Road	4	7,993	C or Better	17,870	C or Better

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TABLE 6 CONTINUED – ROADWAY SEGMENT LEVELS OF SERVICE: EXISTING PLUS PROJECT CONDITIONS

Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
Meadows Parkway north of Temecula Parkway	4	12,679	C or Better	16,831	C or Better
Meadows Parkway south of La Serena Way	4	5,800	C or Better	14,151	C or Better
Meadows Parkway south of Leena Way	4	10,823	C or Better	20,203	C or Better
Meadows Parkway south of Pauba Road	4	11,395	C or Better	18,537	C or Better
Meadows Parkway south of Rancho California Road	4	10,466	C or Better	16,802	C or Better
Meadows Parkway south of Rancho Vista Road	4	11,710	C or Better	17,506	C or Better
Meadows Parkway south of Sunny Meadows Drive	4	9,579	C or Better	17,323	C or Better
Pauba Road east of Butterfield Stage Road	2	6,346	C or Better	10,334	C or Better
Pauba Road east of Margarita Road	3	12,138	C or Better	12,701	C or Better
Pauba Road east of Meadows Parkway	2	5,514	C or Better	6,917	C or Better
Pauba Road east of Ynez Road	3	11,116	C or Better	12,947	C or Better
Pauba Road west of Margarita Road	4	11,208	C or Better	13,004	C or Better
Rainbow Canyon Road south of Pechanga Parkway	4	7,570	C or Better	10,761	C or Better
Rancho California Road east of Diaz Road	4	21,654	C or Better	25,985	C or Better
Rancho California Road east of Moraga Road	4	36,990	F	46,341	F
Rancho California Road west of Business Park Drive	2	5,937	C or Better	7,124	C or Better
Rancho California Road west of Butterfield Stage Road	4	19,698	C or Better	28,146	C or Better
Rancho California Road west of Diaz Road	4	11,993	C or Better	14,682	C or Better
Rancho California Road west of Meadows Parkway	4	23,427	EB	30,327	EB
Rancho California Road west of Ynez Road	6	81,165	FD	74,385	F
Rancho Vista Road east of Margarita Road	4	12,921	C or Better	12,112	C or Better
Rancho Vista Road east of Ynez Road	3	9,929	C or Better	11,742	C or Better
Rancho Vista Road west of Margarita Road	4	10,703	C or Better	8,928	C or Better
Rancho Vista Road west of Meadows Parkway	3	10,409	C or Better	9,140	C or Better
Temecula Parkway east of Margarita Road	6	35,328	C or Better	46,892	C or Better
Temecula Parkway east of Meadows Parkway	6	32,513	C or Better	44,466	C or Better
Temecula Parkway east of Pechanga Parkway	6	47,030	C or Better	62,873	F
Temecula Parkway west of Margarita Road	6	38,506	C or Better	52,262	C or Better
Vincent Moraga south of Rancho California Road	2	5,342	C or Better	7,509	C or Better
Walcott Lane north of Klarer Lane	2	4,681	C or Better	5,714	C or Better
Ynez Road north of Santiago Road	2	15,059	E	19,146	F
Ynez Road south of Solana Way	6	32,976	C or Better	40,606	C or Better
Ynez Road west of Jedediah Smith Road	2	9,369	C or Better	12,725	C or Better
Rainbow Canyon Road S/O Clubhouse Road (Feb.)	2	5,336	C or Better	8,080	C or Better
Rainbow Canyon Road S/O Clubhouse Road (Oct.)	2	5,206	C or Better	7,924	C or Better

See comment
pg 21

PK
PK
72K

54K
54K
79K
54K

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TABLE 6 CONTINUED – ROADWAY SEGMENT LEVELS OF SERVICE: EXISTING PLUS PROJECT CONDITIONS

Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
Rancho California Road W/O Margarita Road (Feb.)	4	25,964	C or Better	38,524	F
Rancho California Road W/O Margarita Road (July)	4	28,890	C or Better	39,395	F
Temecula Parkway E/O Butterfield Stage Road (Feb.)	4	21,358	C or Better	29,858	C or Better
Temecula Parkway E/O Butterfield Stage Road (Oct.)	4	21,371	C or Better	29,874	C or Better
I-15 South of SR 79	8	132,720	D	134,838	D
I-15 North of SR 79	8	154,615	E	157,309	E
I-15 South of Rancho California Road Interchange	8	154,615	E	157,309	E
I-15 North of Rancho California Road Interchange	8	168,186	F	172,272	F
I-15 NB Off-Ramp at SR 79	1	11,408	C or Better	12,774	C or Better
I-15 NB On-Ramp at SR 79	1	13,274	C or Better	13,170	C or Better
I-15 SB Off-Ramp at SR 79	1	13,985	C or Better	15,998	C or Better
I-15 SB On-Ramp at SR 79	1	15,555	C or Better	16,518	D
I-15 NB Off-Ramp at Rancho California Road	1	12,952	C or Better	12,210	C or Better
I-15 NB On-Ramp at Rancho California Road	1	15,227	C or Better	15,656	C or Better
I-15 SB Off-Ramp at Rancho California Road	1	21,109	F	21,350	F
I-15 SB On-Ramp at Rancho California Road	1	12,404	C or Better	13,334	C or Better

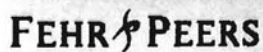
Source: Fehr & Peers, 2011
Shaded cells indicate unacceptable operations.
N/A – Count Data Not Available

INTERSECTION OPERATIONS

The intersection LOS results are summarized in Table 7 for Scenario 2 weekend conditions. The intersection volumes are shown on Figure 7.

TABLE 7 – INTERSECTION LEVELS OF SERVICE: EXISTING PLUS PROJECT CONDITIONS

Intersection	Control	Delay	LOS
1. Winchester Road at Nicolas Road	Signalized	>120	F
2. Winchester Road at Margarita Road	Signalized	>120	F
3. Winchester Road at Ynez Road	Signalized	44.3	D
4. Winchester Road at I-15 NB Ramps	Signalized	75.7	E
5. Winchester Road at I-15 SB Ramps	Signalized	31.7	C
6. Winchester Road at Jefferson Avenue	Signalized	48.9	D
7. Rancho California Road at Ynez Road	Signalized	101.8	F



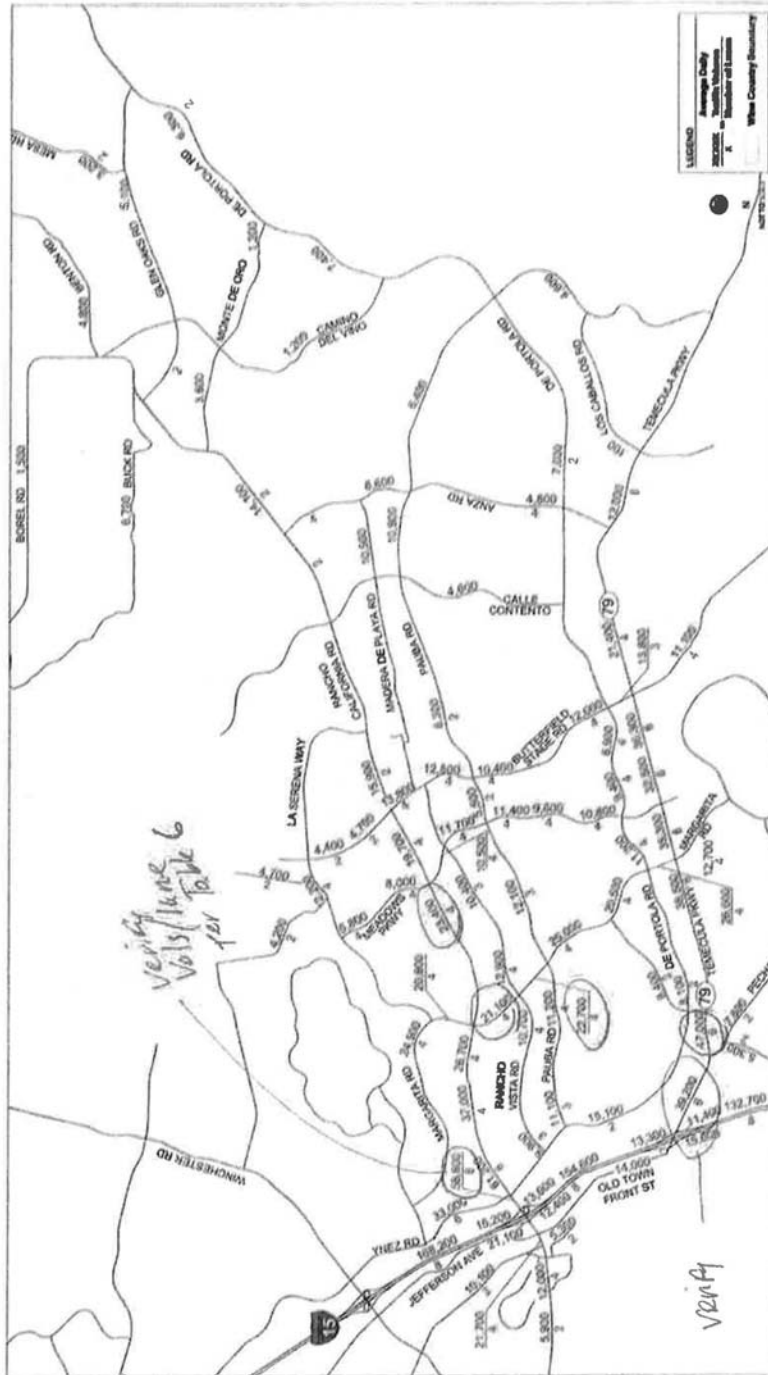
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*Revise per lane
Confy. on B
20*

TABLE 7 CONTINUED – INTERSECTION LEVELS OF SERVICE: EXISTING PLUS PROJECT CONDITIONS

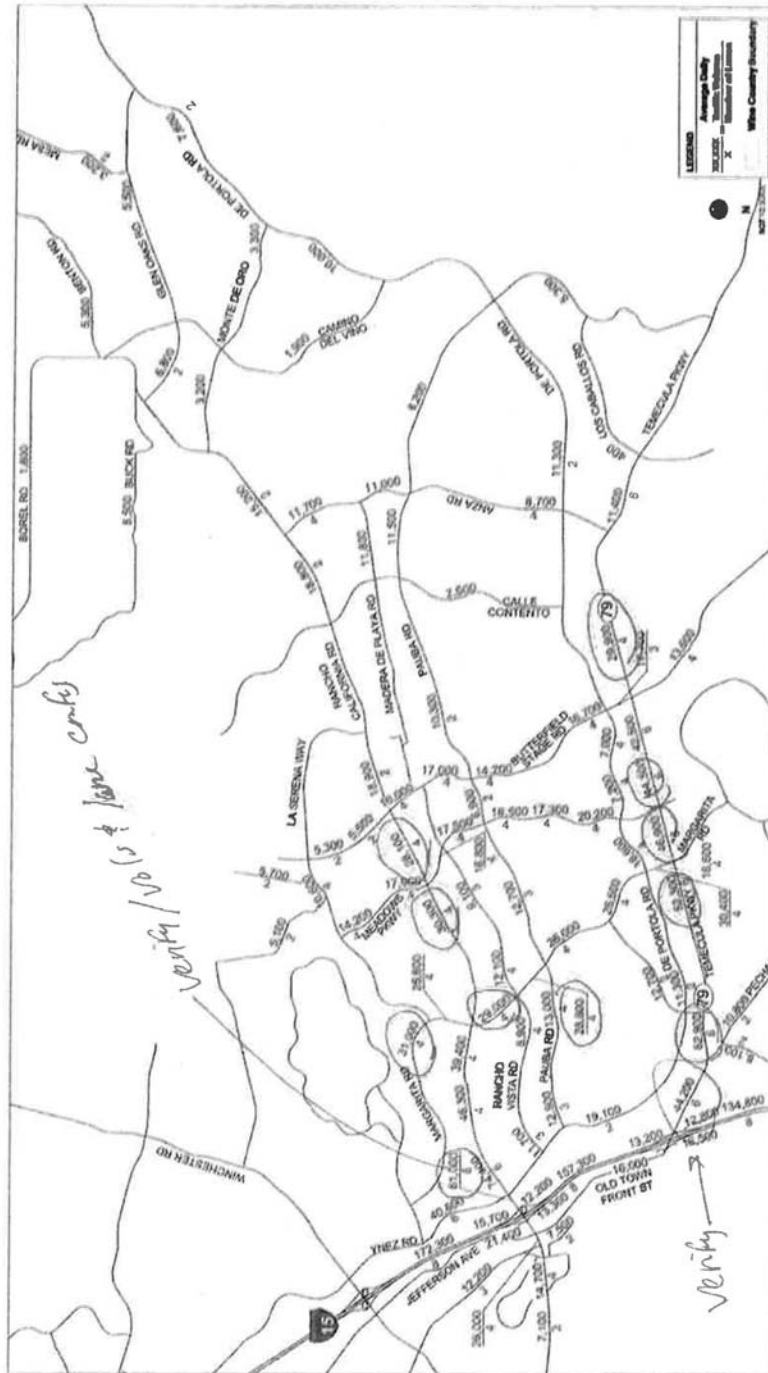
Intersection	Control	Delay	LOS
8. Rancho California Road at I-15 NB Ramps	Signalized	57.6	E
9. Rancho California Road at I-15 SB Ramps	Signalized	84.1	E
10. Rancho California Road at Jefferson Avenue	Signalized	72.0	E
11. Temecula Parkway at Old Town Front Street	Signalized	31.2	C
12. Temecula Parkway at I-15 SB Ramps	Signalized	46.3	D
13. Temecula Parkway at I-15 NB Ramps	Signalized	53.1	D
14. Temecula Parkway at Pechanga Parkway	Signalized	29.3	C
15. Pechanga Parkway at Anza Road	Signalized	33.7	C
16. Margarita Road at La Serena Way	Signalized	26.5	C
17. Margarita Road at Rancho California Road	Signalized	78.4	E
18. Margarita Road at Rancho Vista Road	Signalized	85.8	F
19. Margarita Road at Pauba Road	Signalized	57.8	E
20. Margarita Road at De Portola Road	Signalized	39.2	D
21. Margarita Road at Temecula Parkway	Signalized	43.3	D
22. Meadow Parkway at La Serena Way	Signalized	13.2	B
23. Meadow Parkway at Rancho California Road	Signalized	52.4	D
24. Meadow Parkway at Rancho Vista Road	Signalized	26.2	C
25. Meadow Parkway at Pauba Road	Signalized	22.2	C
26. Meadow Parkway at De Portola Road	Signalized	19.8	B
27. Meadow Parkway at Temecula Parkway	Signalized	36.8	D
28. Butterfield Stage Road at La Serena Way	SSSC	28.3	D
29. Butterfield Stage Road at Rancho California Road	Signalized	>120	F
30. Butterfield Stage at Rancho Vista Road	SSSC	27.8	D
31. Butterfield Stage Road at Pauba Road	Signalized	24.3	C
32. Butterfield Stage Road at De Portola Road	Signalized	24.6	C
33. Butterfield Stage Road at Temecula Parkway	Signalized	36.2	D
34. La Serena Way at Rancho California Road	SSSC	>120	F
35. Calle Contento at Rancho California Road	SSSC	>120	F
36. Calle Contento at Madera de Playa	SSSC	37.5	E
37. Calle Contento at Pauba Road	SSSC	30.4	E
38. Calle Contento at De Portola Road	SSSC	10.2	B
39. Anza Road at Borel Road (future)	AWS	6.7	A
40. Anza Road at Buck Road (future)	AWS	16.2	C
41. Anza Road at Rancho California Road*	AWS	>120	F
42. Anza Road at Madera de Playa	SSSC	34.1	D
43. Anza Road at Pauba Road	AWS	96.4	F

*Revise
per
lane
confy.*



EXISTING PLUS PROJECT CONDITIONS WEEKDAY ROADWAY SEGMENT
 AVERAGE DAILY TRAFFIC AND NUMBER OF LANES
 FIGURE 2-3

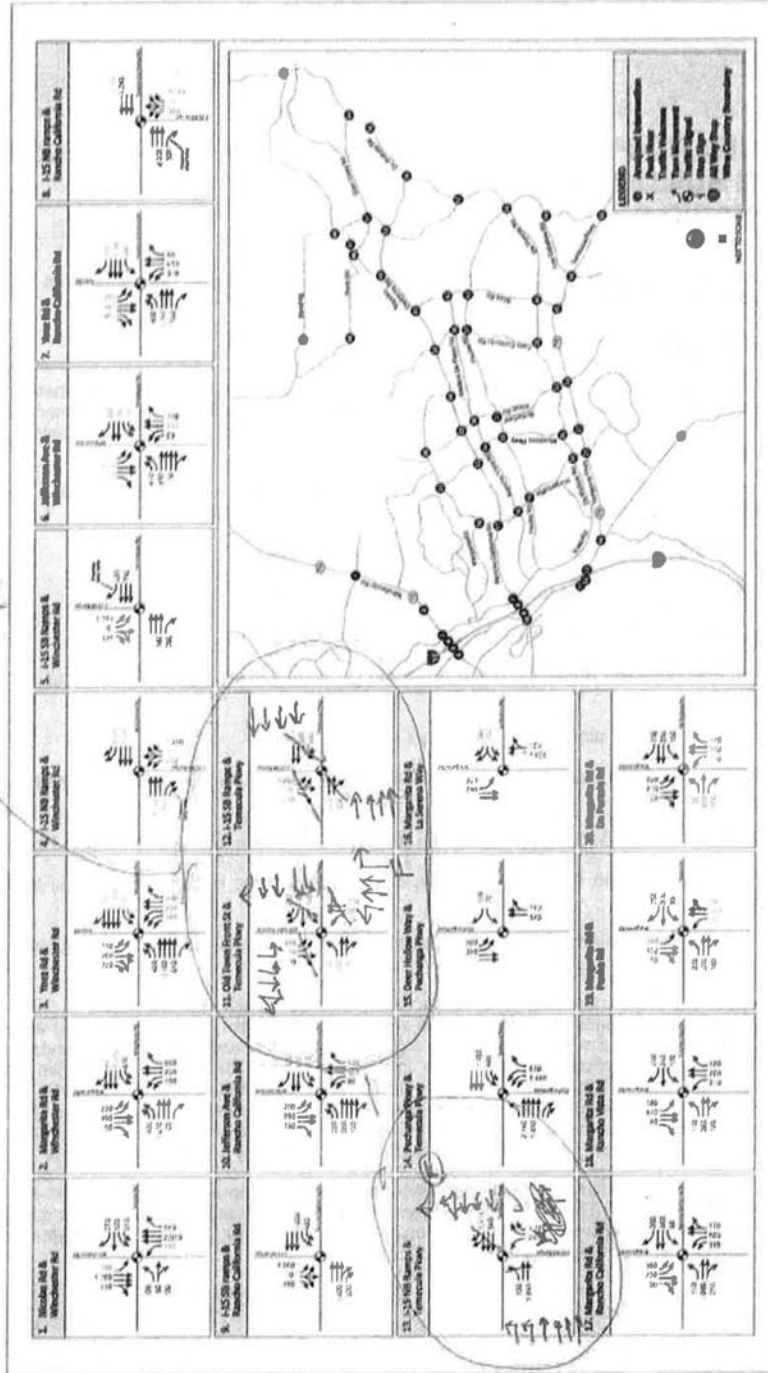
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 TEL: 951.506.8800 FAX: 951.506.8801 WWW.FEHRPEERS.COM



EXISTING PLUS PROJECT CONDITIONS WEEKEND ROADWAY SEGMENT
 AVERAGE DAILY TRAFFIC AND NUMBER OF LANES
 FIGURE 6
 27

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 2016.03.2011.02
 10/15/16 (5 lanes conf)

Construction will likely occur in 2-3 yrs
revise



EXISTING PLUS PROJECT CONDITIONS
WEEKEND INTERSECTION VOLUMES AND LANE CONFIGURATION
FIGURE 2-28
Revise Pgs 28-30

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5. FUTURE NO PROJECT ALTERNATIVE (EXISTING GENERAL PLAN BUILDOUT) SCENARIO 3

This section documents the No Project Alternative. The No Project Alternative reflects buildout of the County's existing General Plan in the WCP area under year 2035 conditions.

TRAFFIC VOLUMES

As described previously, under this scenario the land uses and roadway network were assumed to build out in accordance with the Land Use Policies of the SWAP and Circulation Element found in the County's 2003 General Plan. Additionally, City of Temecula roadways were assumed to be constructed to their General Plan designation, as directed by City of Temecula staff.

Under this scenario, there are notable roadways in the study area which would be improved as a four-lane Secondary Highway or four-lane Major Highway. These roadways are identified below:

- Glen Oaks Road is planned as a four-lane Secondary Highway.
- Monte De Oro Road is planned as a four-lane Secondary Highway.
- Camino Del Vino is planned as a four-lane Secondary Highway.
- Pauba Road between Butterfield Stage Road and De Portola Road is planned as a four-lane Secondary Highway.
- Los Caballos Road is planned as a four-lane Secondary Highway.
- Calle Contento Road between Rancho California Road and De Portola Road is planned as a four-lane Major Highway.
- Borel Road between Buck Road and Warren Road is planned as a four-lane Secondary Highway.
- Warren Road between Borel Road and Rancho California Road is planned as a four-lane Secondary Highway.
- Buck Road between Anza Road and Rancho California Road is planned as a four-lane Secondary Highway.

Under this scenario, it was assumed that future improvements would also be made to intersection lane configurations and controls based on traffic demand and roadway segment improvements. For areas outside of the City, Fehr & Peers used the existing County General Plan roadway designations and standard drawings to determine the lane configurations for each study intersection. The Temecula General Plan was used for roadways within the City. Signalization was assumed for every intersection where both roads were rated as Secondary Highway or higher capacity. For Mountain Arterials, signalization was assumed for intersections where stop-control was not viable given high traffic volumes at the intersections. Rancho California Road is assumed to become a Mountain Arterial with Roundabouts for the roadway segment assessment *within the County*.

It should be noted that the County General Plan also identifies extending Anza south and connecting it to I-15 south of Temecula Parkway. However, this improvement was NOT included in our assessment as funding has not been secured for this improvement, the extension goes through property not controlled by the County or the City, and the connection to I-15 requires approval from Caltrans.

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ROADWAY SEGMENT OPERATIONS

The LOS results are summarized in Table 8 for Scenario 3 weekday and weekend conditions. The volumes and lane configurations are shown on Figures 8 and 9.

Review for previous comments

TABLE 8 – ROADWAY SEGMENT LEVELS OF SERVICE: FUTURE NO PROJECT ALTERNATIVE

Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
Rancho California Road West of La Serena Way	2	14,285	C or Better	15,023	C or Better
Rancho California Road West of Anza Road	2	N/A	N/A	21,852	F
Anza Road South of Rancho California Road	4	N/A	N/A	36,050	F
Glenoaks Road South of Rancho California Road	4	N/A	N/A	6,891	C or Better
Rancho California Road East of I-15	8	82,899	D	52,444	C or Better
Rancho California Road East of Anza Road	2	14,715	C or Better	19,141	E
Anza Road North of De Portola Road	4	19,920	C or Better	24,126	C or Better
De Portola Road East of Anza Road	2	7,528	C or Better	8,860	C or Better
Mesa Road North of Glenoaks Road	2	6,824	C or Better	7,859	C or Better
De Portola Road East of Glenoaks Road	2	3,590	C or Better	4,751	C or Better
SR 79 East of I-15	8	41,375	C or Better	40,473	C or Better
SR 79 West of Butterfield Stage Road	6	46,544	C or Better	56,484	E
SR 79 East of Anza Road	6	26,211	C or Better	41,217	C or Better
Butterfield Stage Road north of De Portola Road	4	25,002	C or Better	30,680	D
Butterfield Stage Road north of Rancho California Road	4	13,516	C or Better	12,384	C or Better
Butterfield Stage Road north of Temecula Parkway	4	33,928	E	35,625	E
Butterfield Stage Road south of Channel Street	4	10,440	C or Better	12,308	C or Better
Butterfield Stage Road south of La Serena Way	4	13,032	C or Better	11,941	C or Better
Butterfield Stage Road south of Pauba Road	4	24,382	C or Better	29,399	D
Butterfield Stage Road south of Rancho California Road	4	22,505	C or Better	24,742	C or Better
Butterfield Stage Road south of Rancho Vista Road	4	27,947	C or Better	32,379	E
Calle Medusa south of Enfield Lane	2	5,705	C or Better	5,965	C or Better
De Portola Road east of Jedediah Smith Road	4	18,165	C or Better	18,319	C or Better
De Portola Road east of Margarita Road	4	14,757	C or Better	19,073	C or Better
De Portola Road east of Meadows Parkway	4	18,234	C or Better	21,139	C or Better
De Portola Road, west of Butterfield Stage Road	4	16,353	C or Better	19,130	C or Better
Diaz Road north of Rancho California Road	4	18,304	C or Better	21,715	C or Better
La Serena Way east of Meadows Parkway	4	17,558	C or Better	18,991	C or Better
Margarita Road east of Avenida Barca	4	33,434	E	35,646	E
Margarita Road north of Rancho California Road	4	32,237	D	30,902	D
Margarita Road north of Santiago Road	4	26,832	C or Better	23,201	C or Better

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TABLE 8 CONTINUED – ROADWAY SEGMENT LEVELS OF SERVICE: FUTURE NO PROJECT ALTERNATIVE

Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
Margarita Road north of Temecula Parkway	4	30,620	D	28,868	D
Margarita Road south of Jedediah Smith Road	4	20,981	C or Better	23,944	C or Better
Margarita Road south of Rancho California Road	4	27,021	C or Better	29,136	D
Margarita Road south of Rancho Vista Road	4	30,767	D	30,421	D
Meadows Parkway north of Rancho California Road	4	9,522	C or Better	12,709	C or Better
Meadows Parkway north of Temecula Parkway	4	22,605	C or Better	27,626	DE 3CK
Meadows Parkway south of La Serena Way	4	8,468	C or Better	9,483	C or Better
Meadows Parkway south of Leona Way	4	13,273	C or Better	23,868	C or Better
Meadows Parkway south of Pauba Road	4	18,871	C or Better	26,013	C or Better
Meadows Parkway south of Rancho California Road	4	18,301	C or Better	23,938	C or Better
Meadows Parkway south of Rancho Vista Road	4	26,870	C or Better	26,869	C or Better
Meadows Parkway south of Sunny Meadows Drive	4	16,484	C or Better	24,280	C or Better
Pauba Road east of Butterfield Stage Road	4	16,052	C or Better	21,533	C or Better
Pauba Road east of Margarita Road	4	21,690	C or Better	28,052	C or Better
Pauba Road east of Meadows Parkway	4	18,389	C or Better	20,735	C or Better
Pauba Road east of Ynez Road	4	16,613	C or Better	20,736	C or Better
Pauba Road west of Margarita Road	4	16,302	C or Better	20,109	C or Better
Rainbow Canyon Road south of Pechanga Parkway	4	10,844	C or Better	12,468	C or Better
Rancho California Road east of Diaz Road	6	21,654	C or Better	28,565	C or Better
Rancho California Road east of Moraga Road	6	42,330	C or Better	50,245	E
Rancho California Road west of Business Park Drive	4	11,205	C or Better	9,249	C or Better
Rancho California Road west of Butterfield Stage Road	4	17,374	C or Better	29,302	D-B 3CK
Rancho California Road west of Diaz Road	4	23,473	C or Better	20,578	C or Better
Rancho California Road west of Meadows Parkway	4	27,902	C or Better	37,187	F
Rancho California Road west of Ynez Road	8	59,458	D	65,820	E
Rancho Vista Road east of Margarita Road	4	16,937	C or Better	21,803	D-A 3CK
Rancho Vista Road east of Ynez Road	4	22,135	D-B	23,974	E-B 3CK
Rancho Vista Road west of Margarita Road	4	21,380	D	20,292	C or Better
Rancho Vista Road west of Meadows Parkway	4	16,631	C or Better	20,418	C or Better
Temecula Parkway east of Margarita Road	6	42,947	C or Better	50,801	D-E 5AK
Temecula Parkway east of Meadows Parkway	6	43,988	C or Better	58,403	E-F 5AK
Temecula Parkway east of Pechanga Parkway	8	41,740	C or Better	61,421	C or Better 5AK
Temecula Parkway west of Margarita Road	6	38,199	C or Better	45,839	C or Better
Vincent Moraga south of Rancho California Road	2	7,576	C or Better	11,171	D-C 4AK
Ynez Road north of Santiago Road	4	20,645	C or Better	27,851	C or Better
Ynez Road south of Solana Way	6	48,188	D	47,690	D

7pm terrain lanes
Elo Pechanga

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TABLE 8 CONTINUED – ROADWAY SEGMENT LEVELS OF SERVICE: FUTURE NO PROJECT ALTERNATIVE

Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
Ynez Road west of Jedediah Smith Road	4	21,393	D ⁺ E	26,762	F
Rainbow Canyon Road S/O Clubhouse Road (Feb.)	4	8,410	C or Better	9,817	C or Better
Rainbow Canyon Road S/O Clubhouse Road (Oct.)	4	8,280	C or Better	9,661	C or Better
Rancho California Road W/O Margarita Road (Feb.)	6	32,279	C	42,728	C
Rancho California Road W/O Margarita Road (July)	6	33,005	C	43,699	D
Temecula Parkway E/O Butterfield Stage Road (Feb.)	8	49,423	D ⁺ E	66,847	F
Temecula Parkway E/O Butterfield Stage Road (Oct.)	8	49,436	D ⁺ E	66,863	F
I-15 South of SR 79	8	192,212	E	185,484	E
I-15 North of SR 79	8	213,434	F	199,369	E
I-15 South of Rancho California Road Interchange	8	213,434	F	199,369	E
I-15 North of Rancho California Road Interchange	8	223,344	F	206,768	F
I-15 NB Off-Ramp at SR 79	1	15,192	C or Better	17,690	C or Better
I-15 NB On-Ramp at SR 79	1	16,190	D	13,143	C or Better
I-15 SB Off-Ramp at SR 79	1	30,792	C or Better	27,465	C or Better
I-15 SB On-Ramp at SR 79	1	32,166	D	31,429	C or Better
I-15 NB Off-Ramp at Rancho California Road	1	19,665	E	13,962	C or Better
I-15 NB On-Ramp at Rancho California Road	1	17,970	D	16,692	C or Better
I-15 SB Off-Ramp at Rancho California Road	1	20,354	F	18,711	E
I-15 SB On-Ramp at Rancho California Road	1	14,012	C or Better	13,140	C or Better

Source: Fehr & Peers, 2011
N/A – Count Data Not Available

Review per attached
lane Config.

80k

59k

WIN/TEM

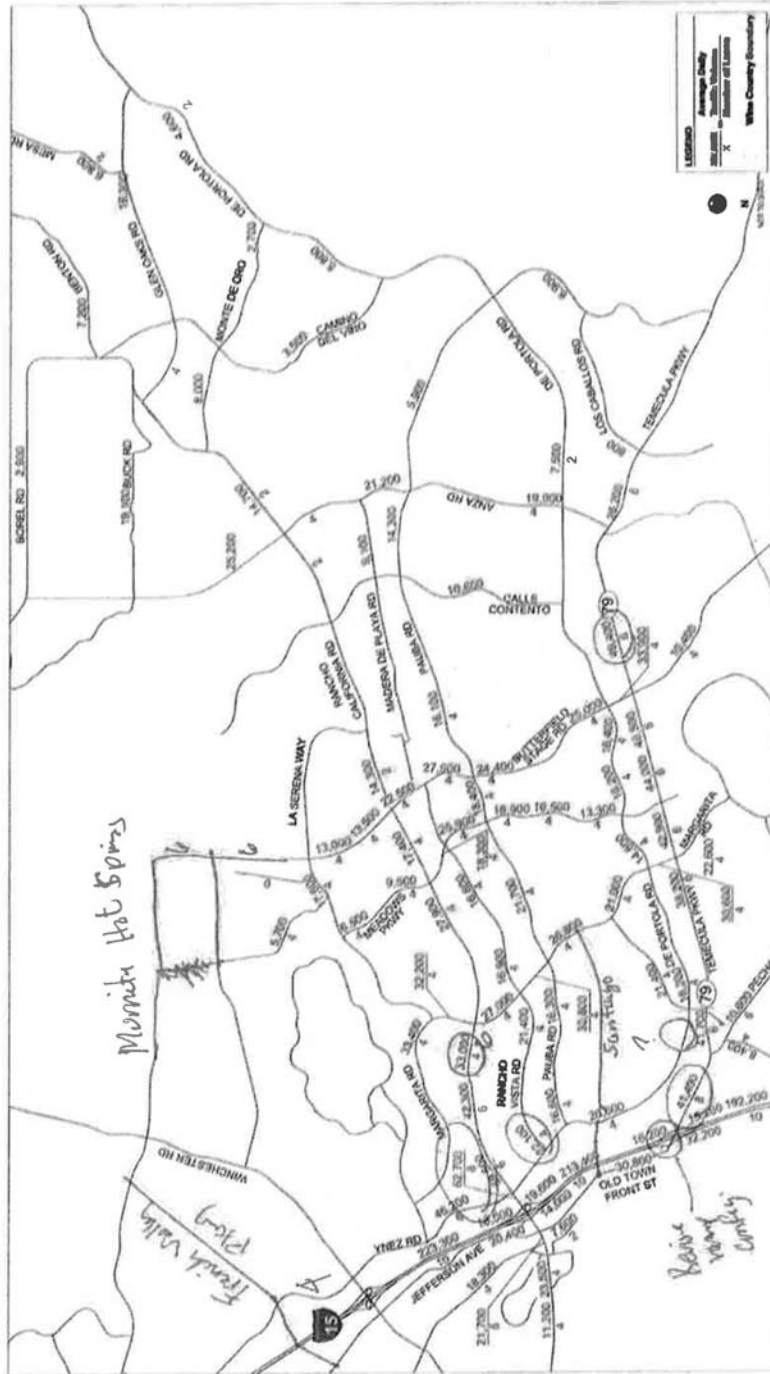
INTERSECTION OPERATIONS

The intersection LOS results are summarized in Table 9 for Scenario 3 weekend conditions. The intersection volumes are shown on Figure 10.

TABLE 9 – INTERSECTION LEVELS OF SERVICE: FUTURE NO PROJECT ALTERNATIVE

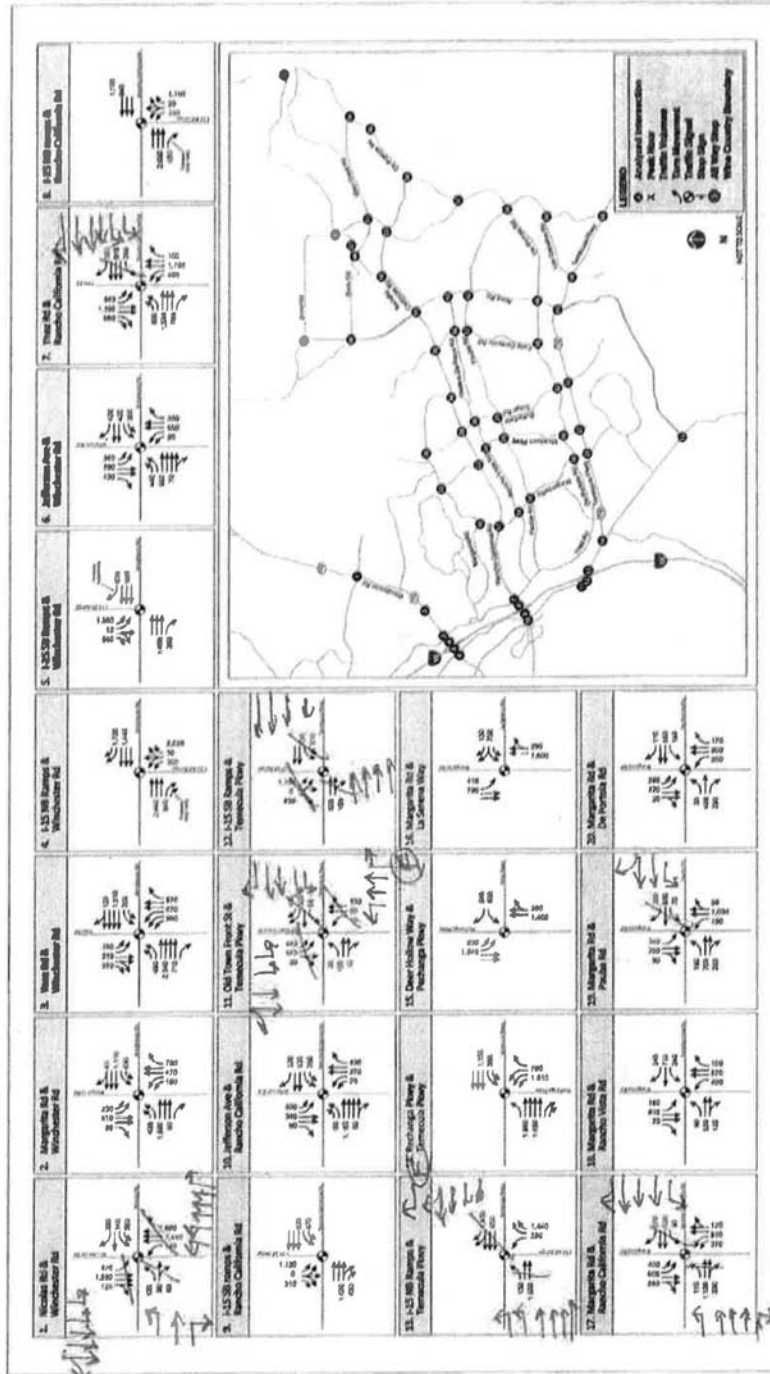
Intersection	Control	Delay	LOS
1. Winchester Road at Nicolas Road	Signalized	>120	F
2. Winchester Road at Margarita Road	Signalized	73.6	E
3. Winchester Road at Ynez Road	Signalized	66.4	E
4. Winchester Road at I-15 NB Ramps	Signalized	>120	F
5. Winchester Road at I-15 SB Ramps	Signalized	48.3	D

Revise



FUTURE (CUMULATIVE) NO PROJECT CONDITIONS WEEKDAY ROADWAY SEGMENT
 AVERAGE DAILY TRAFFIC AND NUMBER OF LANES

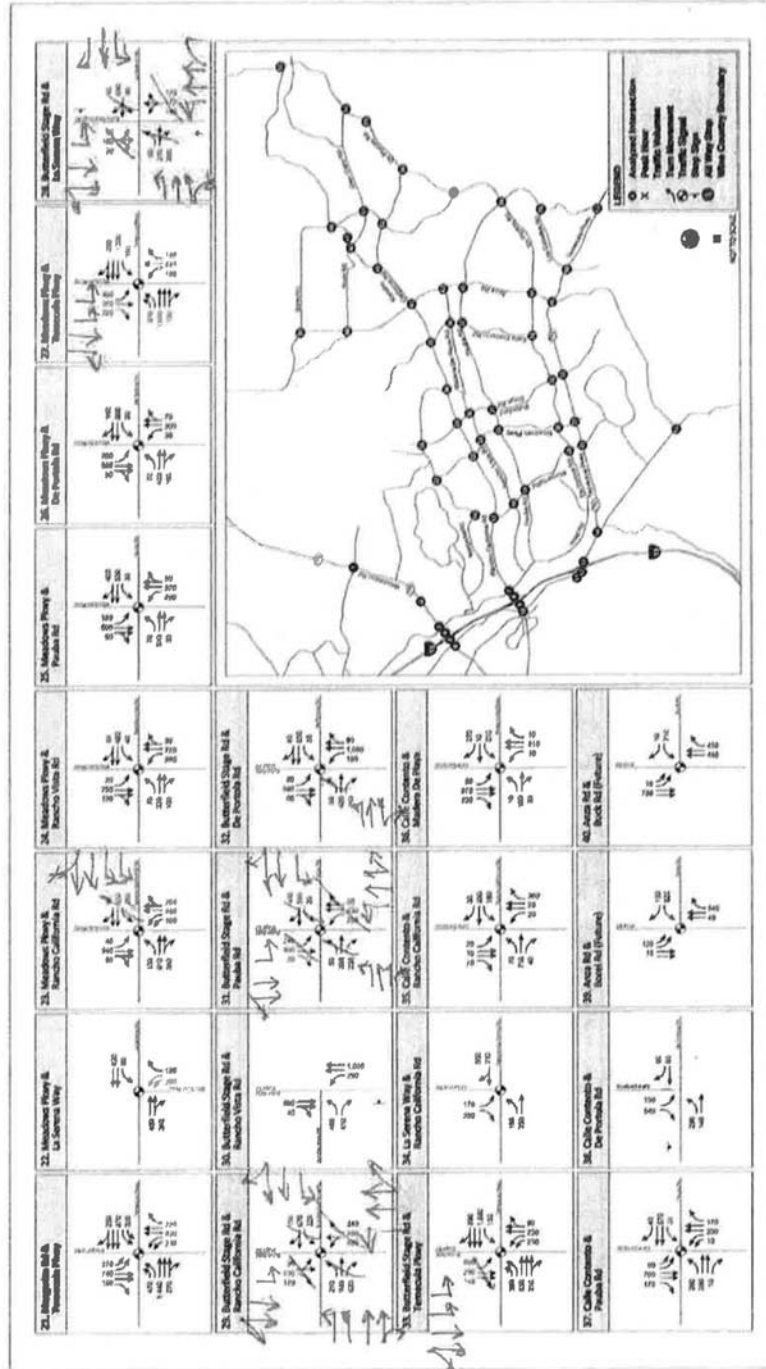
FEHR & PEERS
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FUTURE (CUMULATIVE) NO PROJECT CONDITIONS
WEEKEND INTERSECTION VOLUMES AND LANE CONFIGURATION
FIGURE 18 (cont'd)

FEHR PEERS
145th Street & Winchester Rd

39

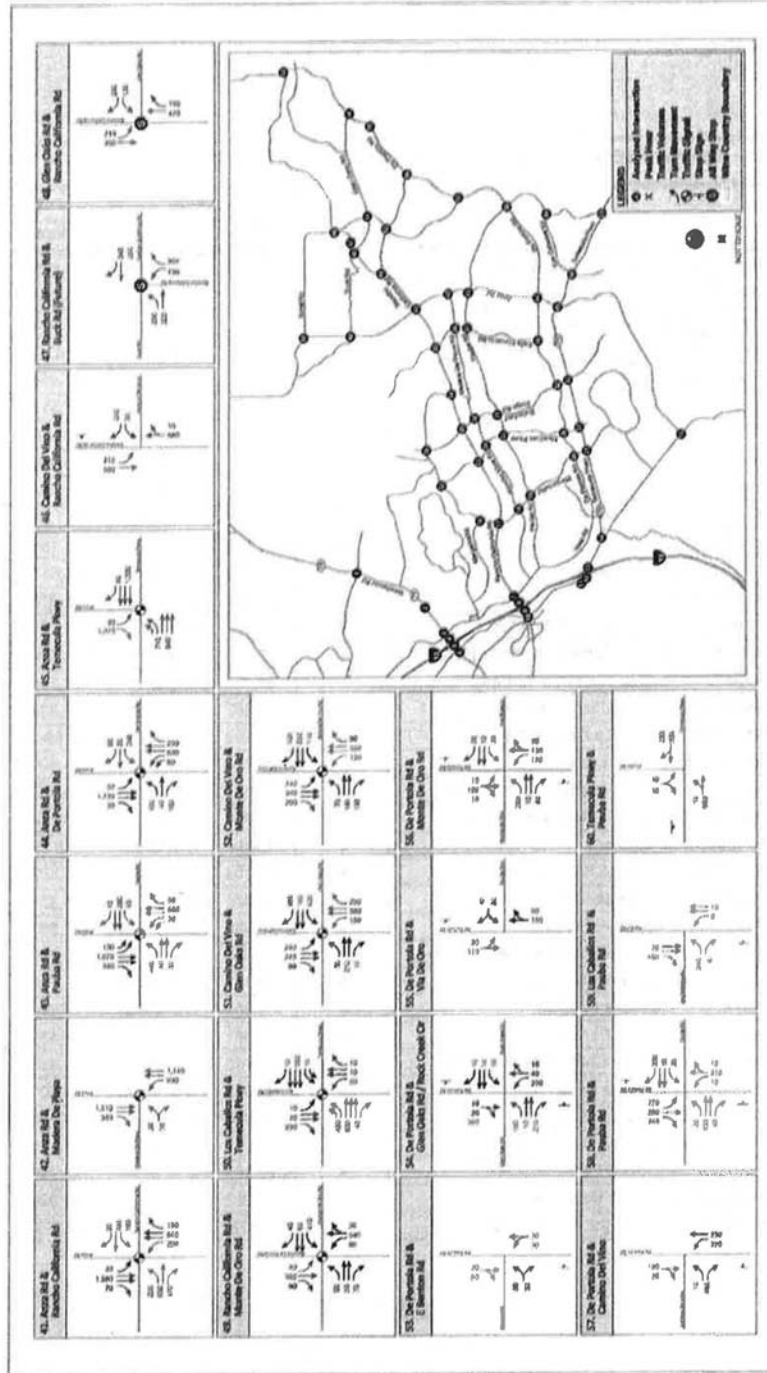


FUTURE (CUMULATIVE) NO PROJECT CONDITIONS
 WEEKEND INTERSECTION VOLUMES AND LANE CONFIGURATION
 FIGURE 18 (cont'd)

40

FEHR & PEERS

10/15/2014 10:00 AM REVISED VOLUME 1.dwg



FUTURE (CUMULATIVE) NO PROJECT CONDITIONS
WEEKEND INTERSECTION VOLUMES AND LANE CONFIGURATION
FIGURE 20 (continued)

47

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15, 2015
1000 Westwood Blvd., Suite 100
Riverside, CA 92507

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TABLE 10 – ROADWAY SEGMENT LEVELS OF SERVICE: FUTURE WITH PROJECT ALTERNATIVE CONDITIONS

Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
Rancho California Road West of La Serena Way	2	14,285	C or Better	13,569	C or Better
Rancho California Road West of Anza Road	2	N/A	N/A	18,248	E
Anza Road South of Rancho California Road	4	N/A	N/A	27,072	D
Glenoaks Road South of Rancho California Road	2	N/A	N/A	5,434	C or Better
Rancho California Road East of I-15	8	59,990	D	52,444	C or Better
Rancho California Road East of Anza Road	2	13,489	C or Better	17,013	D
Anza Road North of De Portola Road	4	23,687	C or Better	25,996	C or Better
De Portola Road East of Anza Road	2	8,508	C or Better	10,439	C or Better
Mesa Road North of Glenoaks Road	2	4,718	C or Better	5,030	C or Better
De Portola Road East of Glenoaks Road	2	3,426	C or Better	5,123	C or Better
SR 79 East of I-15 <i>see Previous Comments</i>	8	36,829	C or Better	37,181	C or Better
SR 79 West of Butterfield Stage Road	6	46,973	C or Better	46,612	C or Better
SR 79 East of Anza Road	6	27,807	C or Better	32,272	C or Better
Butterfield Stage Road north of De Portola Road	4	27,282	C or Better	31,021	D
Butterfield Stage Road north of Rancho California Road	4	12,704	C or Better	7,391	C or Better
Butterfield Stage Road north of Temecula Parkway	4	30,463	D	33,205	E
Butterfield Stage Road south of Channel Street	4	10,257	C or Better	12,308	C or Better
Butterfield Stage Road south of La Serena Way	4	12,187	C or Better	6,894	C or Better
Butterfield Stage Road south of Pauba Road	4	25,220	C or Better	28,590	C or Better
Butterfield Stage Road south of Rancho California Road	4	22,095	C or Better	20,453	C or Better
Butterfield Stage Road south of Rancho Vista Road	4	24,614	C or Better	25,944	C or Better
Calle Medusa south of Enfield Lane	2	5,464	C or Better	5,622	C or Better
De Portola Road east of Jedediah Smith Road	4	14,104	C or Better	17,597	C or Better
De Portola Road east of Margarita Road	4	13,654	C or Better	18,371	C or Better
De Portola Road east of Meadows Parkway	4	14,838	C or Better	17,563	C or Better
De Portola Road, west of Butterfield Stage Road	4	12,949	C or Better	14,725	C or Better
Diaz Road north of Rancho California Road	4	10,132	C or Better	15,161	C or Better
La Serena Way east of Meadows Parkway	4	15,854	C or Better	17,220	C or Better
Margarita Road east of Avenida Barca	4	30,561	D	31,436	D
Margarita Road north of Rancho California Road	4	31,716	D	25,371	C or Better
Margarita Road north of Santiago Road	4	24,645	C or Better	23,201	C or Better
Margarita Road north of Temecula Parkway	4	25,986	C or Better	28,868	D
Margarita Road south of Jedediah Smith Road	4	17,699	C or Better	21,311	C or Better
Margarita Road south of Rancho California Road	4	26,164	C or Better	25,993	C or Better
Margarita Road south of Rancho Vista Road	4	29,572	D	25,998	C or Better
Meadows Parkway north of Rancho California Road	4	9,675	C or Better	9,599	C or Better

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TABLE 10 CONTINUED – ROADWAY SEGMENT LEVELS OF SERVICE: FUTURE WITH PROJECT ALTERNATIVE CONDITIONS

Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
Meadows Parkway north of Temecula Parkway	4	22,245	C or Better	26,793	C or Better
Meadows Parkway south of La Serena Way	4	6,123	C or Better	8,930	C or Better
Meadows Parkway south of Leena Way	4	11,320	C or Better	23,116	C or Better
Meadows Parkway south of Pauba Road	4	17,736	C or Better	25,181	C or Better
Meadows Parkway south of Rancho California Road	4	16,003	C or Better	19,912	C or Better
Meadows Parkway south of Rancho Vista Road	4	19,547	C or Better	23,019	C or Better
Meadows Parkway south of Sunny Meadows Drive	4	15,362	C or Better	23,955	C or Better
Pauba Road east of Butterfield Stage Road	2	8,907	C or Better	10,808	C or Better
Pauba Road east of Margarita Road	4	18,354	C or Better	23,617	C or Better
Pauba Road east of Meadows Parkway	4	13,125	C or Better	15,377	C or Better
Pauba Road east of Ynez Road	4	13,500	C or Better	16,669	C or Better
Pauba Road west of Margarita Road	4	13,366	C or Better	15,668	C or Better
Rainbow Canyon Road south of Pechanga Parkway	4	10,859	C or Better	12,296	C or Better
Rancho California Road east of Diaz Road	6	21,654	C or Better	25,985	C or Better
Rancho California Road east of Moraga Road	6	40,007	C or Better	46,089	C or Better
Rancho California Road west of Business Park Drive	4	6,238	C or Better	7,124	C or Better
Rancho California Road west of Butterfield Stage Road	4	17,348	C or Better	24,194	C or Better
Rancho California Road west of Diaz Road	4	19,337	C or Better	17,557	C or Better
Rancho California Road west of Meadows Parkway	4	26,583	C or Better	32,808	E
Rancho California Road west of Ynez Road	6	56,749	C or Better	65,820	E
Rancho Vista Road east of Margarita Road	4	15,745	C or Better	18,466	C or Better
Rancho Vista Road east of Ynez Road	4	23,611	C or Better	20,054	C or Better
Rancho Vista Road west of Margarita Road	4	20,824	C or Better	16,609	C or Better
Rancho Vista Road west of Meadows Parkway	4	14,269	C or Better	15,905	C or Better
Temecula Parkway east of Margarita Road	6	38,227	C or Better	47,524	C or Better
Temecula Parkway east of Meadows Parkway	6	44,415	C or Better	48,531	C or Better
Temecula Parkway east of Pechanga Parkway	6	41,564	C or Better	49,877	C or Better
Temecula Parkway west of Margarita Road	6	38,199	C or Better	45,839	C or Better
Vincent Moraga south of Rancho California Road	2	9,380	C or Better	10,732	C or Better
Ynez Road north of Santiago Road	4	20,404	C or Better	23,442	C or Better
Ynez Road south of Solana Way	6	43,952	D	44,329	D
Ynez Road west of Jedediah Smith Road	4	20,817	C or Better	25,637	C or Better
Rainbow Canyon Road S/O Clubhouse Road (Feb.)	4	8,625	C or Better	9,615	C or Better
Rainbow Canyon Road S/O Clubhouse Road (Oct.)	4	8,465	C or Better	9,459	C or Better

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TABLE 10 CONTINUED – ROADWAY SEGMENT LEVELS OF SERVICE: FUTURE WITH PROJECT ALTERNATIVE CONDITIONS

Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
Rancho California Road W/O Margarita Road (Feb.)	6	30,416	C or Better	37,328	C or Better
Rancho California Road W/O Margarita Road (July)	6	31,142	C or Better	38,199	C or Better
Temecula Parkway E/O Butterfield Stage Road (Feb.)	6	47,314	C or Better	57,416	E
Temecula Parkway E/O Butterfield Stage Road (Oct.)	6	47,327	C or Better	57,432	E
I-15 South of SR 79	8	187,854	E	177,322	D
I-15 North of SR 79	8	207,795	F	192,487	E
I-15 South of Rancho California Road Interchange	8	207,795	F	192,487	E
I-15 North of Rancho California Road Interchange	8	217,842	F	200,190	E
I-15 NB Off-Ramp at SR 79	1	16,020	C or Better	14,332	C or Better
I-15 NB On-Ramp at SR 79	1	15,446	C or Better	12,041	C or Better
I-15 SB Off-Ramp at SR 79	1	29,555	C or Better	24,136	C or Better
I-15 SB On-Ramp at SR 79	1	30,738	C or Better	29,274	C or Better
I-15 NB Off-Ramp at Rancho California Road	1	17,251	D	14,437	C or Better
I-15 NB On-Ramp at Rancho California Road	1	17,244	D	14,493	C or Better
I-15 SB Off-Ramp at Rancho California Road	1	19,000	E	18,711	E
I-15 SB On-Ramp at Rancho California Road	1	13,311	C or Better	12,080	C or Better

Source: Fehr & Peers, 2011
N/A – Count Data Not Available

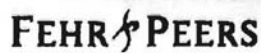
Reverse per g config - shown on previous Fat/MP

INTERSECTION OPERATIONS

The intersection LOS results are summarized in Table 11 for Scenario 4 weekend conditions. The intersection volumes are shown on Figure 13.

TABLE 11 – INTERSECTION LEVELS OF SERVICE: FUTURE WITH PROJECT ALTERNATIVE CONDITIONS

Intersection	Control	Delay	LOS
1. Winchester Road at Nicolas Road	Signalized	>120	F
2. Winchester Road at Margarita Road	Signalized	53.4	D
3. Winchester Road at Ynez Road	Signalized	58.8	E
4. Winchester Road at I-15 NB Ramps	Signalized	>120	F
5. Winchester Road at I-15 SB Ramps	Signalized	45.4	D
6. Winchester Road at Jefferson Avenue	Signalized	49.2	D
7. Rancho California Road at Ynez Road	Signalized	>120	F



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TABLE 11 CONTINUED – INTERSECTION LEVELS OF SERVICE: FUTURE WITH PROJECT ALTERNATIVE CONDITIONS

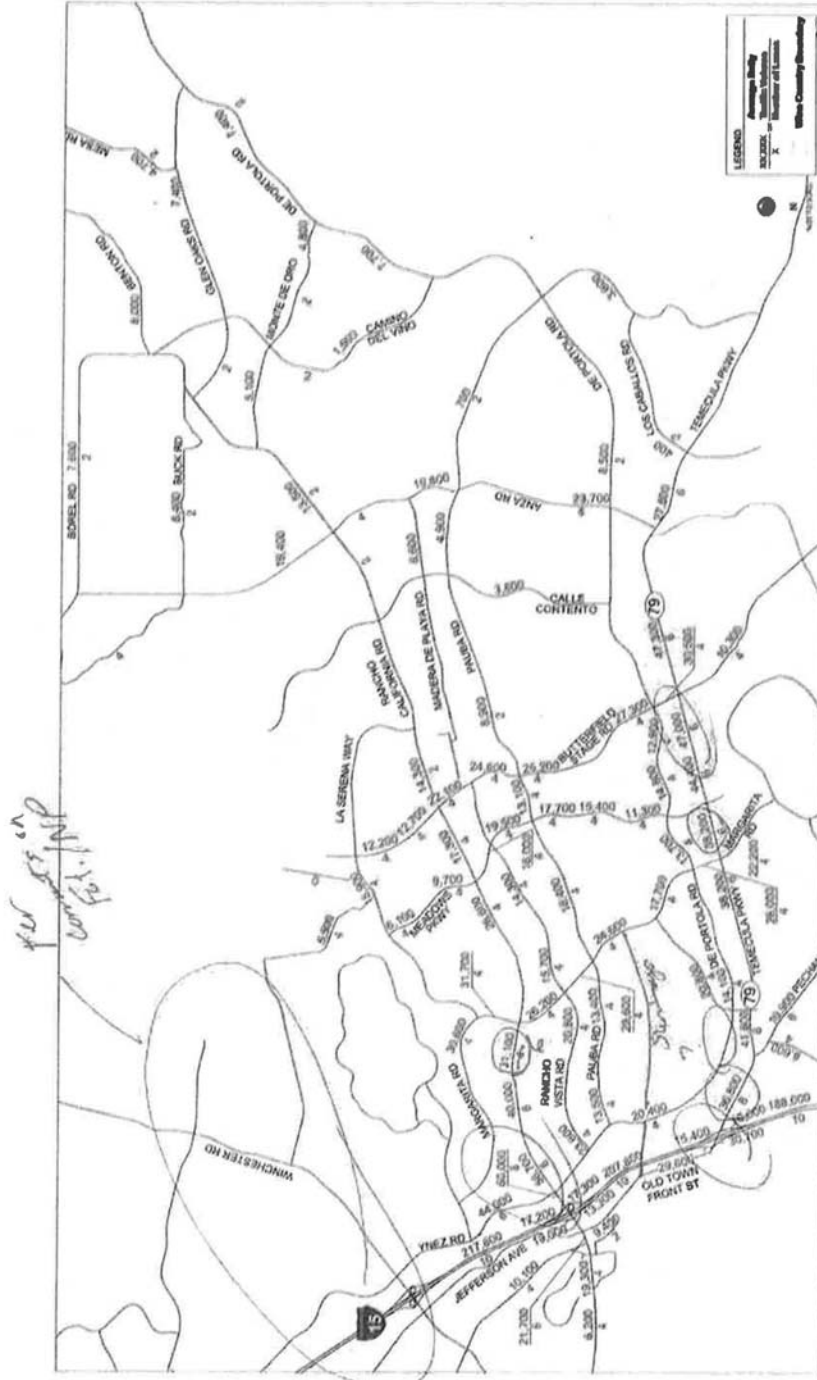
Intersection	Control	Delay	LOS
8. Rancho California Road at I-15 NB Ramps	Signalized	36.3	D
9. Rancho California Road at I-15 SB Ramps	Signalized	31.3	C
10. Rancho California Road at Jefferson Avenue	Signalized	36.3	D
11. Temecula Parkway at Old Town Front Street	Signalized	44.4	D
12. Temecula Parkway at I-15 SB Ramps	Signalized	>120	F
13. Temecula Parkway at I-15 NB Ramps	Signalized	51.9	D
14. Temecula Parkway at Pechanga Parkway	Signalized	28.5	C
15. Pechanga Parkway at Anza Road	Signalized	30.8	C
16. Margarita Road at La Serena Way	Signalized	20.5	C
17. Margarita Road at Rancho California Road	Signalized	73.6	E
18. Margarita Road at Rancho Vista Road	Signalized	60.9	E
19. Margarita Road at Pauba Road	Signalized	78.7	E
20. Margarita Road at De Portola Road	Signalized	44.3	D
21. Margarita Road at Temecula Parkway	Signalized	39.3	D
22. Meadow Parkway at La Serena Way	Signalized	9.6	A
23. Meadow Parkway at Rancho California Road	Signalized	40.7	D
24. Meadow Parkway at Rancho Vista Road	Signalized	22.8	C
25. Meadow Parkway at Pauba Road	Signalized	43.0	D
26. Meadow Parkway at De Portola Road	Signalized	22.1	C
27. Meadow Parkway at Temecula Parkway	Signalized	53.4	D
28. Butterfield Stage Road at La Serena Way	SSSC	>120	F
29. Butterfield Stage Road at Rancho California Road	Signalized	>120	F
30. Butterfield Stage Road at Rancho Vista Road	SSSC	>120	F
31. Butterfield Stage Road at Pauba Road	Signalized	67.2	E
32. Butterfield Stage Road at De Portola Road	Signalized	33.2	C
33. Butterfield Stage Road at Temecula Parkway	Signalized	>120	F
34. La Serena Way at Rancho California Road	SSSC	>120	F
35. Calle Contento at Rancho California Road	SSSC	>120	F
36. Calle Contento at Madera de Playa	SSSC	14.1	B
37. Calle Contento at Pauba Road	SSSC	14.2	B
38. Calle Contento at De Portola Road	SSSC	17.4	C
39. Anza Road at Borel Road (future)	AWS	39.4	E
40. Anza Road at Buck Road (future)	AWS	72.2	F
41. Anza Road at Rancho California Road*	AWS	>120	F
42. Anza Road at Madera de Playa	SSSC	>120	F
43. Anza Road at Pauba Road	AWS	>120	F

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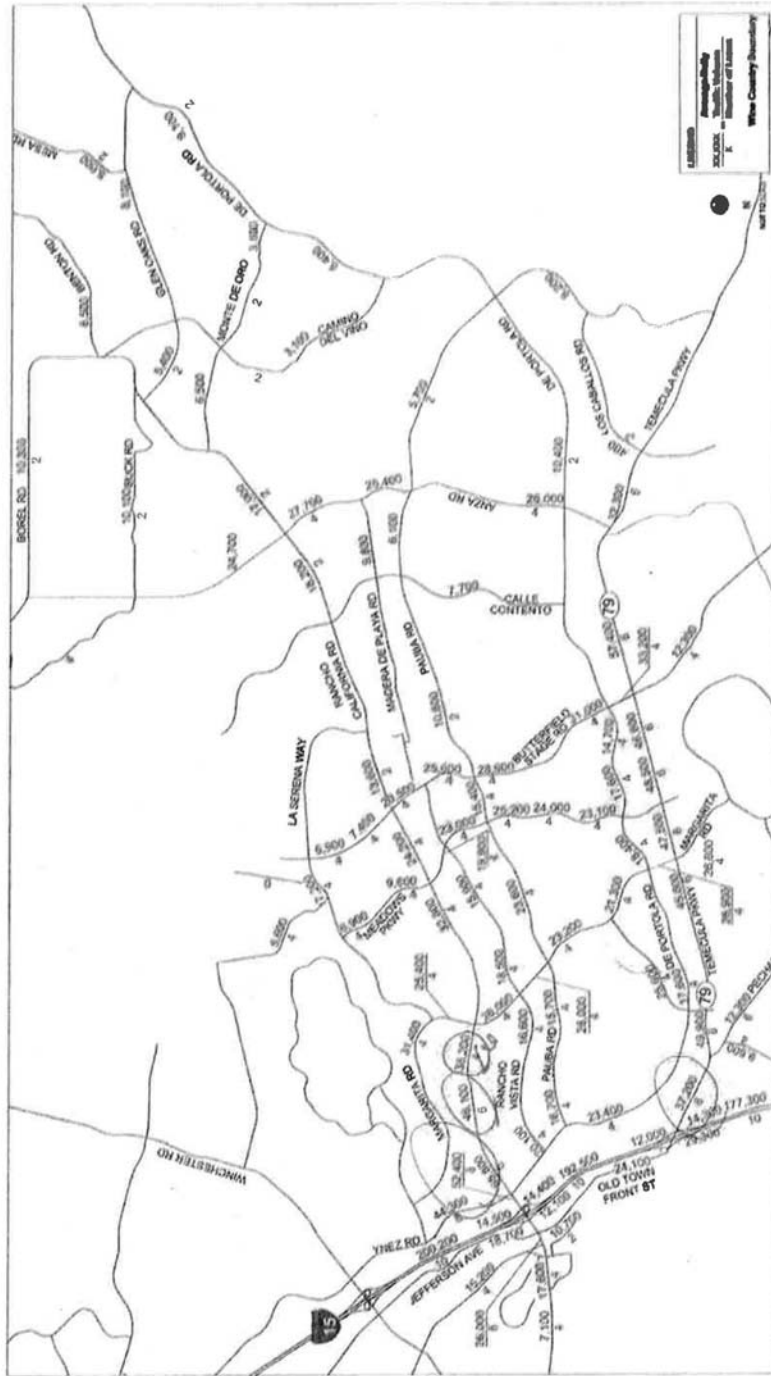
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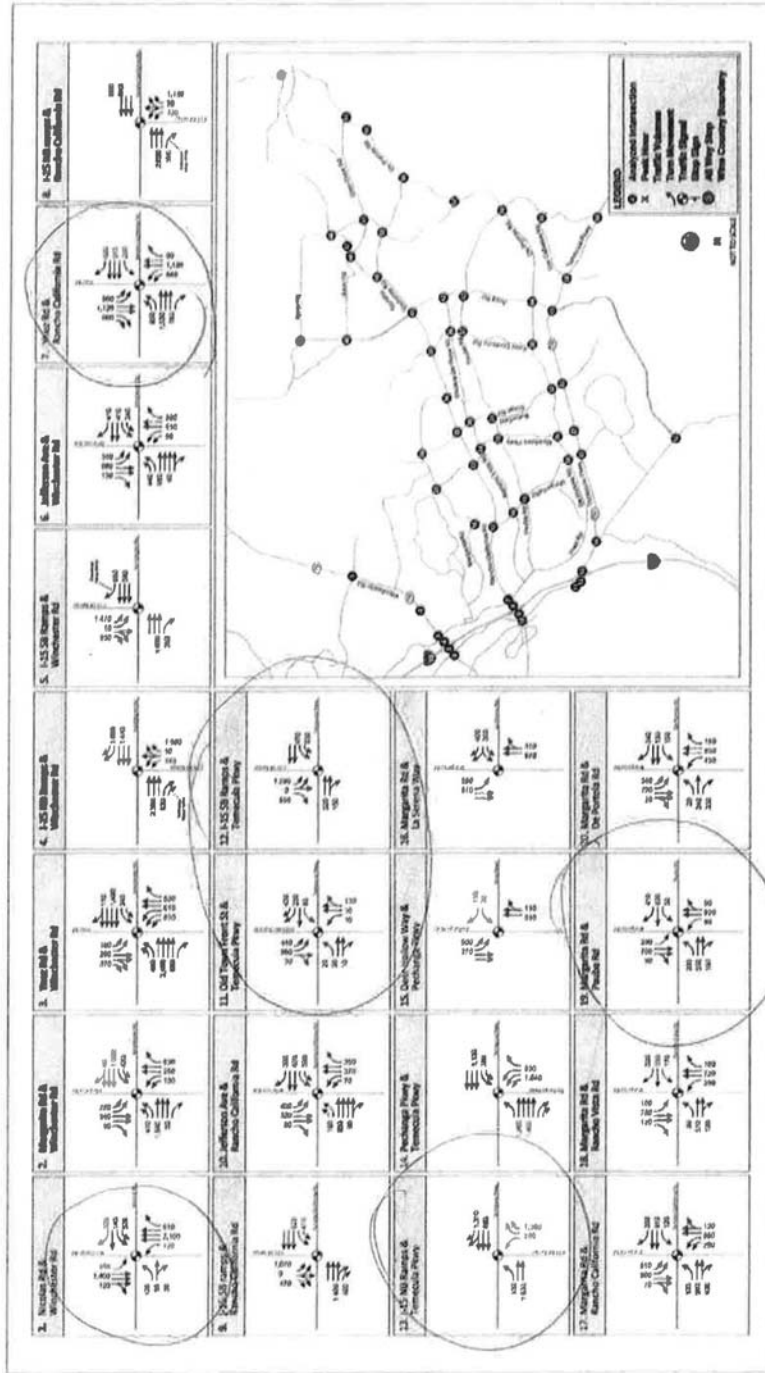
FUTURE (CUMULATIVE) PLUS PROJECT CONDITIONS WEEKDAY ROADWAY SEGMENT
 AVERAGE DAILY TRAFFIC AND NUMBER OF LANES
 FIGURE 11

FEHR & PEERS
 1000 BAYVIEW BLVD., SUITE 100
 OAKLAND, CA 94612



FUTURE (CUMULATIVE) PLUS PROJECT CONDITIONS WEEKEND ROADWAY SEGMENT
 AVERAGE DAILY TRAFFIC AND NUMBER OF LANES
 FIGURE 2.2

FEHR & PEERS
 10101 E. 15th Ave., Suite 200
 Denver, CO 80232
 303.751.1300
 www.fehrpeers.com

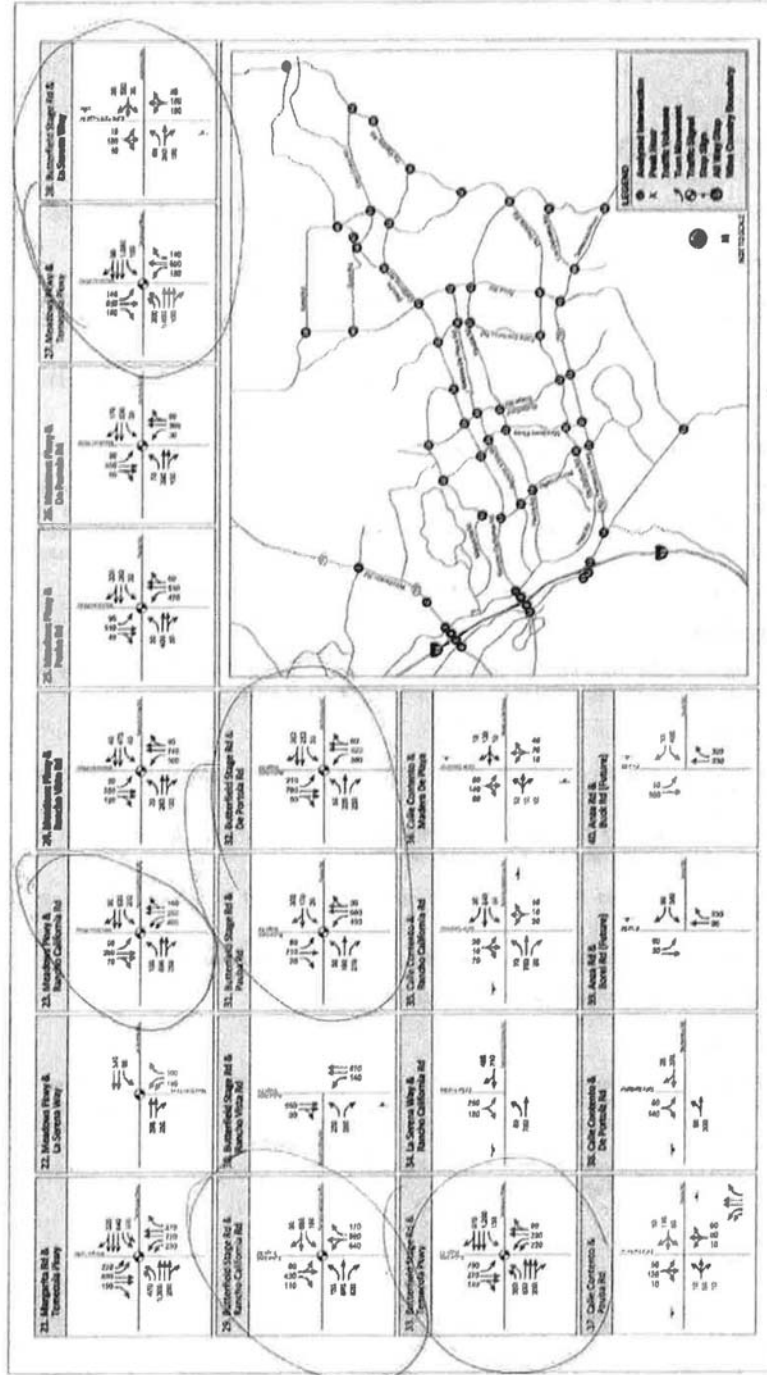


REVISION PER G.P. CONFIG SHOWN
 ON PLOT/MP

FUTURE (CUMULATIVE) PLUS PROJECT CONDITIONS
 WEEKEND INTERSECTION VOLUMES AND LANE CONFIGURATION
 FIGURE 13

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FEHR & PEERS
 1000 BROADWAY, SUITE 200
 RIVERSIDE, CA 92507



Revise per Fut/MP

FUTURE (CUMULATIVE) PLUS PROJECT COMBINATIONS
WEEKEND INTERSECTION VOLUMES AND LANE CONFIGURATION
FIGURE 2-10-15

FEHR+PEERS
April 21, 2014

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7. IMPACTS AND MITIGATION

The following impact discussion is based on applicable information associated with the WCP area.

IMPACTS ANALYSIS

The proposed project and the analysis results were compared to the significance criteria contained in the CEQA guidelines and refined in the County's and City's Traffic Impact Analysis Guidelines. The results are summarized below.

Please note that the following mitigation measures are based on the Future With Project Condition ^{Scenario 3?} (Scenario 3) as it is the most appropriate condition for identifying impacts.

a) Does the proposed project conflict with an applicable plan, ordinance or policy?

Threshold: Would the project conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

For the purposes of this project, the following traffic components would result in a traffic impact:

County of Riverside:

The project degrades operations from an acceptable LOS C or better to LOS D, E, or F; or the proposed project adds traffic to an intersection operating at an unacceptable LOS D, E, or F.

City of Temecula:

- The project degrades operations at an intersection from an acceptable LOS D or better to an unacceptable LOS E or F;
- The project degrades operations at an intersection operating at an unacceptable LOS E or F by increasing the control delay by 2.0 seconds or more;
- The project degrades roadway segment operations from an acceptable LOS E or better to an unacceptable LOS F;
- The project adds traffic to a roadway segment operating at an unacceptable LOS F.

Determination: Significant Impacts with Mitigation Measures

General Discussion

The proposed project is consistent with adopted plans and policies related to non-motorized travel in the area. To evaluate motorized facilities, the significance criteria were applied to the analysis results, comparing the Scenario 4 results to the Scenario 1 results to identify significant impacts. As previously noted, the existing plus project traffic was evaluated as Scenario 2, but it is unrealistic to assume that the entire Wine Country Community Plan would be built out in a single year, so impact and mitigation summaries are limited to Scenario 4. The results are summarized in Table 12 and Table 13.

IF Tem Plan Show New ramp config.

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As shown in the tables, the proposed WCP generally improves operations compared to the adopted General Plan. However, based on the significance criteria above, impacts were identified by comparing the results to the existing condition.

Review per complete roadway network in phase

We need ramp config.

Reuse

TABLE 12 – IMPACT ANALYSIS RESULTS – ROADWAY SEGMENT

Segment	Scenario 4 With Project LOS	Scenario 3 General Plan Traffic Volume	Scenario 4 WCP Traffic Volume	Change in Traffic Volume
Weekday				
I-15 South of SR 79	E	192,212	187,954	-4,258
I-15 North of SR 79	F	213,434	207,795	-5,639
I-15 South of Rancho California Road Interchange	F	213,434	207,795	-5,639
I-15 North of Rancho California Road Interchange	F	223,344	217,842	-5,702
I-15 NB Off-Ramp at Rancho California Road	D	19,555	17,251	-2,304
I-15 NB On-Ramp at Rancho California Road	D	17,970	17,244	-726
I-15 SB Off-Ramp at Rancho California Road	E	20,354	19,000	-1,354
Weekend				
Rancho California Road West of Anza Road	E	21,852	18,248	-3,604
Rancho California Road East of Anza Road	D	19,141	17,013	-2,128
Anza Road South of Rancho California Road	D	36,050	27,872	-8,378
I-15 South of SR 79	D	185,484	177,322	-8,162
I-15 North of SR 79	E	199,359	192,487	-6,872
I-15 South of Rancho California Road Interchange	E	199,359	192,487	-6,872
I-15 North of Rancho California Road Interchange	E	208,758	200,190	-8,568
I-15 SB Off-Ramp at Rancho California Road	E	18,711	18,711	0
Source: Fehr & Peers, 2011				

win or? Tem

D

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TABLE 13 – IMPACT ANALYSIS RESULTS – INTERSECTIONS

Intersection	Scenario 4 With Project LOS	Scenario 3 General Plan Delay	Scenario 4 WCP Delay	Change in Delay
1. Winchester Road at Nicoles Road	F	>120	>120	N/A
3. Winchester Road at Ynez Road	E	66.4	58.8	-7.6
4. Winchester Road at I-15 NB Ramps	F	>120	>120	N/A
7. Rancho California Road at Ynez Road	F	>120	>120	N/A
12. Temecula Parkway at I-15 SB Ramps	F	105.0	>120	N/A
17. Margarita Road at Rancho California Road	E	87.7	73.8	-14.1
18. Margarita Road at Rancho Vista Road	E	88.7	60.9	-25.8
19. Margarita Road at Pauba Road	E	104.7	78.7	-26
28. Butterfield Stage Road at La Serena Way	F	>120	>120	N/A
29. Butterfield Stage Road at Rancho California Road	F	>120	>120	N/A
30. Butterfield Stage at Rancho Vista Road	F	>120	>120	N/A
31. Butterfield Stage Road at Pauba Road	E	97.8	87.2	-30.6
33. Butterfield Stage Road at Temecula Parkway	F	>120	>120	N/A
34. La Serena Way at Rancho California Road	F	23.5	>120	N/A
35. Calle Contento at Rancho California Road	F	11.0	>120	N/A
39. Anza Road at Borel Road (future)	E	11.5	39.4	+27.9
40. Anza Road at Buck Road (future)	F	13.6	72.2	+58.6
41. Anza Road at Rancho California Road	F	48.7	>120	N/A
42. Anza Road at Madera de Playa	F	>120	>120	N/A
43. Anza Road at Pauba Road	F	16.7	>120	N/A
44. Anza Road at De Portola Road	F	7.7	>120	N/A
45. Anza Road at Temecula Parkway	F	>120	>120	N/A
46. Rancho California Road at Camino del Vino	D	>120	31.6	N/A
49. Rancho California Road at Monte De Oro	F	12.4	>120	N/A

*Review COT in A.
Per G.P. lane config
provided.*

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TABLE 13 CONTINUED – IMPACT ANALYSIS RESULTS – INTERSECTIONS				
Intersection	Scenario 4 With Project LOS	Scenario 3 General Plan Delay	Scenario 4 WCP Delay	Change in Delay
50. Los Caballos Road at Temecula Parkway	F	36.6	>120	N/A
51. Camino del Vino at Glen Oaks Road	D	11.1	32.2	+21.1
52. Camino del Vino at Monte De Oro	E	6.9	36.0	+29.1
58. De Portola Road at Pauba Road	F	40.4	>120	N/A
60. Pauba Road at Temecula Parkway	F	20.8	59.4	38.6
Source: Fehr & Peers, 2011				
N/A – Change in delay not accurately measurable				

b) **Would the project conflict with an applicable congestion management program (CMP), including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

The Riverside County CMP does not require any specific analysis methodology or analysis requirements be addressed in a transportation impact analysis for a development project. Therefore, Part B of the significance thresholds does not apply for the WCP community plan project.

c) **Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

Although the wine country area has hot air balloon rides, the proposed project will not increase the use of the balloons beyond what is currently contemplated in the County's General Plan. Otherwise, there is no land use proposes that would inherently conflict with air traffic patterns; therefore, the project impact is considered *less-than-significant*.

d) **Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

Many of the new roadway facilities and site accessibility to future wineries identified in the WCP has not been designed given the programmatic nature of the WCP. Given the potential that increased hazards could occur due to a design feature, this impact is considered *potentially significant*.

e) **Would the project result in inadequate emergency access?**

The WCP includes a series of connectivity that will provide for servicing emergency personnel. However, given the programmatic nature of the WCP, not every development building/winery has been thoroughly reviewed to ensure adequate emergency accessibility. Therefore, this impact is considered *potentially significant*.

f) **Would the project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?**

The County General Plan and the WCP both include measures and policies that support use of alternative modes of travel. Additionally, the WCP will include a comprehensive trails plan that will provide accessibility for pedestrians, bicycles, and equestrians. Based on the County's commitment to these modes of travel in both plans, this impact is considered *less-than-significant*.

Frank roadway section transition from City of Temecula to County of Riverside. Section to mitigate LOS & Queues.

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MITIGATION MEASURES

As shown in the tables above, implementation of the WCP will generally decrease volumes and delay on roadways and intersections as compared to the approved County General Plan. However, these facilities still operate at a deficient level of service and therefore mitigation measures have been proposed. A peak hour signal warrant analysis was performed at all unsignalized intersections operating at a deficient level of service, and every location satisfies the peak hour warrant for traffic signal installation¹.

Transportation Impact 1 – Unacceptable Operations to Area Roadway Segments and Intersections

The proposed project will add traffic to area intersections and roadway segments that will operate at an unacceptable level, creating a *significant and unavoidable* impact to area roadway segments.

Mitigation 1 – Improvements to Intersections and Roadway Segments

The County shall implement a traffic impact fee program specifically for the WCP area. This program will collect fair-share contributions toward identified mitigation measures, as outlined in the WCP Fair Share and Phasing Assessment conducted by Fehr & Peers for the proposed project. This program will collect fair share contributions toward improvements within the WCP area and within the City of Temecula, and the County will enter into an agreement with the City of Temecula to implement the identified improvements. Although participation in the fee program will reduce the impacts to most locations to a less-than-significant level, some measures are considered infeasible and the impact would remain significant and unavoidable. The specific impact locations, and their identified improvements, are described in detail below.

Additionally, future development within the WCP shall be required to prepare a focused traffic study that will assess the following to ensure consistency with the assessment prepared for the WCP:

- Trip generation comparison to estimates assumed in the WCP assessment
- Parking assessment
- Site access and on-site circulation assessment
- Interaction of driveways with adjacent intersections (if appropriate)
- Additional assessment deemed appropriate by the County of Riverside Transportation Department

¹ This analysis is intended to examine the general correlation between the planned level of future development and the need to install new traffic signals. It estimates future development-generated traffic compared against a sub-set of the standard traffic signal warrants recommended in the Federal Highway Administration *Manual on Uniform Traffic Control Devices* (MUTCD) and associated State guidelines (such as the California MUTCD supplement). This analysis should not serve as the only basis for deciding whether and when to install a signal. To reach such a decision, the full set of warrants should be investigated based on field-measured, rather than forecast, traffic data and a thorough study of traffic and roadway conditions by an experienced engineer. Furthermore, the decision to install a signal should not be based solely upon the warrants, since the installation of signals can lead to certain types of collisions. The responsible state or local agency should undertake regular monitoring of actual traffic conditions and accident data, and timely re-evaluation of the full set of warrants in order to prioritize and program intersections for signalization.

*Provides roadway section
from here from City 4
here Section to County
2 lane section to
by the side for 2 lanes*

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Rancho California Road West of Anza

This roadway segment operates at LOS E with the proposed project, an unacceptable level. For the segment to operate at LOS C or better, it would require four lanes. However, the Temecula Valley Design Guidelines and the WCP specifically identifies this roadway segment as a two-lane facility to reflect the rural nature of the area. Therefore, widening of this roadway would be inconsistent with policy and plan direction for the project and the impact is considered significant-and-unavoidable.

Rancho California Road East of Anza

This roadway segment operates at LOS D with the proposed project, an unacceptable level. For the segment to operate at LOS C or better, it would require four lanes. However, the Temecula Valley Design Guidelines and the WCP specifically identifies this roadway segment as a two-lane facility to reflect the rural nature of the area. Therefore, widening of this roadway would be inconsistent with policy and plan direction for the project and the impact is considered significant-and-unavoidable.

Anza Road South of Rancho California Road

The WCP shall contribute a fair share contribution toward improving Anza Road on this segment as a four-lane roadway through the regional TUMF program. With this improvement, the roadway segment would operate acceptably and the impact would be reduced to a less-than-significant level.

Temp with parking
I-15 from South of SR-79 to north of Rancho California Road

The WCP shall make a fair share contribution toward freeway expansion in this area to provide LOS C operations through the regional TUMF program. However, the remaining funding for this improvement has not yet been identified and there is limited right-of-way in the corridor to facilitate freeway expansion. Given the uncertainty of the funding and feasibility of this improvement, the project's impacts to the freeway are considered significant and unavoidable. *What about Transit for mitigation?*

I-15 Freeway Ramps to Rancho California (Northbound On and Off Ramps/Southbound Off Ramp)

The WCP shall make a fair share contribution toward the addition of a freeway ramp lane at these locations through the regional TUMF program. However, the remaining funding for this improvement has not yet been identified and there is limited right-of-way in the corridor to facilitate freeway ramp expansion. Given the uncertainty of the funding and feasibility of this improvement, the project's impacts to the freeway are considered significant and unavoidable.

Winchester Road at Nicolas Road

The WCP shall make a fair share contribution through the WCP Traffic Impact Fee (TIF) program toward the following improvements:

- Widen Winchester Road to an 8-lane facility
- Add a second southbound left-turn lane
- Add a northbound and southbound dedicated right-turn lane
- Provide an overlap right-turn phase for the northbound and westbound right-turn movements
- *Revise the Adaptive Traffic Signal Timing Program*

With these improvements the intersection will operate at an acceptable LOS D. However, there is development on all four quadrants of this intersection which limits the ability to widen the roadway. As such, this impact is considered significant and unavoidable.

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Winchester Road at Ynez Road

The WCP shall work with the City of Temecula to optimize cycle length and signal timing splits, and make a fair share contribution to revise the Adaptive Traffic Signal Timing Program through the WCP TIF. With this improvement, the intersection would operate at an acceptable LOS D and the impact would be reduced to a less-than-significant level.

Winchester Road at I-15 NB Ramps

← Add French Valley Parkway Imps and verify volumes at intx.

The WCP shall make a fair share contribution through the WCP TIF toward signal modifications to allow "free" westbound right-turn movement, and to revise the Adaptive Traffic Signal Timing Program. Additionally, a second dedicated northbound right-turn lane would be added at the intersection. With these improvements, the intersection would operate at an acceptable LOS D. However, the remaining funding (outside of the TIF) has not been guaranteed. Additionally, this ramp is controlled by Caltrans and is in the City of Temecula; as such, the County cannot guarantee implementation of the identified improvement. As such, the impact is considered significant and unavoidable.

Rancho California Road at Ynez Road

The WCP shall make a fair share contribution through the WCP TIF toward the following improvements:

- Northbound Approach - two left-turn lanes, three through lanes, and a right turn lane
- Southbound and Westbound Approaches - Two left-turn lanes, three through lanes, dual right-turn lanes (with overlap right-turn phasing)
- Eastbound Approach - Three left-turn lanes, three through lanes, and a right-turn lane (with overlap right-turn phasing)

Additionally, WCP shall make a fair share contribution to revise the Adaptive Traffic Signal Timing Program through the WCP TIF. With these improvements, the intersection would operate at an acceptable LOS D in the City of Temecula. However, all four quadrants of this intersection are developed and there is limited right-of-way. Additionally, the improvements would encroach onto the adjacent pond/park on the southwest quadrant. Given the right-of-way constraints at this location, the impact is considered significant and unavoidable.

Temecula Parkway at I-15 SB Ramps

Revise per proposal Ultimate Interchange Improvement

Coordinate with the City of Temecula and Caltrans to optimize cycle length and signal timing splits, and make a fair share contribution to revise the Adaptive Traffic Signal Timing Program. With this improvement, the intersection will operate at LOS D. For the intersection to operate at LOS C or better, the WCP would be responsible for a fair share contribution through the regional TUMF program toward the addition of a second southbound left-turn lane (which would require three receiving lanes under I-15), and the addition of a second southbound right-turn lane. Since the impact can be mitigated by providing LOS D operations through signal timings, the impact is considered less-than-significant.

Margarita Road at Rancho California Road

Rancho Calif Rd

The WCP shall make a fair share contribution through the regional TUMF program toward improving all approaches to consist of two left-turn lanes, two through lanes, and a dedicated right-turn lane, and make a fair share contribution to revise the Adaptive Traffic Signal Timing Program. With these improvements the intersection would operate at an acceptable LOS D. However, the intersection is controlled by the City of Temecula and the County cannot guarantee implementation of the measure. As such, the impact is considered significant and unavoidable.

three

OK other funding mechanism

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Margarita Road at Rancho Vista Road

The WCP shall make a fair share contribution through the WCP TIF toward the addition of a second westbound through lane at the intersection, providing one left-turn lane, two through lanes, and one right-turn lane at the intersection, consistent with the City's General Plan. With this improvement, the intersection will operate at an acceptable LOS D and the impact would be reduced to a less-than-significant level.

Margarita Road at Pauba Road

The WCP shall make a fair share contribution through the WCP TIF toward the addition of a second westbound through lane at the intersection, providing one left-turn lane, two through lanes, and one right-turn lane at the intersection, consistent with the City's General Plan. With this improvement, the intersection will operate at an acceptable LOS D and the impact would be reduced to a less-than-significant level.

Butterfield Stage Road at La Serena Way

Coordinate with the City of Temecula and contribute a fair share contribution through the WCP TIF toward installation of a traffic signal. With this improvement, the intersection will operate at an acceptable LOS C and the impact would be reduced to a less-than-significant level.

or other funding mechanism

Butterfield Stage Road at Rancho California Road

The WCP shall make a fair share contribution through the WCP TIF toward design and construction of a large roundabout (two- to three-lanes per approach with bypass right-turn lanes) or the intersection improvements described below:

- Northbound Approach - two left-turn lanes, two through lanes, one right-turn lane
- Southbound Approach - one left-turn lane, two through lanes, one right-turn lane
- Eastbound Approach - one left-turn lane, three through lanes, and one right-turn lane (with overlap right-turn phase)
- Westbound Approach - one left-turn lane, two through lanes, and one right-turn lane

With these improvements, the intersection will operate at LOS C.

Either identified improvement would reduce the impact to a less-than-significant level.

Provide justification for roundabout & verify alignment of Road at intx.

Butterfield Stage at Rancho Vista Road

The WCP shall make a fair share contribution through the WCP TIF toward installation of a traffic signal. With this improvement, the intersection would operate at an acceptable level and the impact would be reduced to a less-than-significant level.

or other funding mechanism

Butterfield Stage Road at Pauba Road

The County shall contribute a fair share contribution through the WCP TIF to work with the City of Temecula to optimize signal timings. With these improvements the intersection will operate at an acceptable LOS D and the impact would be reduced to a less-than-significant level.

Butterfield Stage Road at Temecula Parkway

The WCP shall make a fair share contribution through the regional TUMF toward the following improvements:

or other funding mechanism

- Restriping the southbound approach to include two left-turn lanes

Response No. 10

**City of Temecula
Patrick Richardson
Director of Planning and Development**

10.1 This introductory comment simply acknowledges the attached comment letter, for which responses are provided below; no further response is required.

10.2 The Draft PEIR discusses soil erosion/loss of topsoil. The physical and geologic characteristics of the setting and applicable state and local regulations were used in evaluating the Project’s potential impacts with regard to geology and soils, consistent with CEQA significance criteria. Mitigation measures were identified as appropriate to reduce potential impacts to the extent feasible. To help protect erosion/loss of topsoil, compliance with General Plan No. 441 Mitigation Measures 4.10.9C would be required. Also, compliance with State and local regulations, ordinances, General Plan policies, and standard conditions or requirements would be required for implementing projects. The County appreciates this comment, and the suggestion will be noted in the Final EIR. Mitigation Measure GEO-1 will be revised as follows:

“GEO-1 All implementing projects shall prepare a site-specific assessment as determined by the County Geologist to ascertain all site-specific geologic/geotechnical information, including, but not limited to, ground shaking potential, liquefaction potential, fault rupture potential and landslide/slope instability potential. This assessment and report shall be prepared by a California-licensed geologist and/or geotechnical engineer and shall be submitted to the County Geologist for review and approval prior to approval of the implementing project. This report shall include site-specific measures such as grading recommendations, foundation design recommendations, slope stability recommendations, and the alternative siting of structures, as appropriate, to reduce the significance of potential geologic and/or geotechnical hazards associated with the proposed implementing project.

GEO-1a Any development within the Project area shall consider retention of topsoil should any grading be necessary, with the intent to minimize loss of valuable topsoil for agricultural purposes. The topsoil removed from grading areas, if any, could be reapplied to areas proposed for viticultural production or other agricultural use, subject to consistency with project grading plans, other applicable regulations, and viticulture Best Management Practices as determined appropriate by the landowner.”

10.3 The Final EIR will be corrected to omit reference to Rule 402 in this regard, and rather refer to existing Southwest Area Plan Policies, as noted below:

Page 4.3-42: “Implementing projects would include agricultural and equestrian uses, which could be a potential for odors. However, those uses currently exist in the area and new projects will have to comply with standard practices to keep odors to a minimum during wine making, pomace storage, horse waste disposal and trash disposal. In addition, implementing projects would be grouped with like projects; wineries in the Winery District and equestrian in the Equestrian District. In addition, currently operating and future ~~agricultural or~~ equestrian facilities are required to comply with Rule 402, which limits the amount of nuisance odors. Agricultural operations, which are exempt from Rule 402, are nonetheless subject to applicable Best Management Practices, Southwest Area Plan policies, and any site-specific conditions imposed by the County. Therefore less than significant impacts are anticipated and no mitigation measures are necessary”

10.4 The travel demand model developed for the Project extends just north of Rancho California Road. Everything north of the model extents was controlled at the external stations of the model. The external stations were developed directly from the County’s RIVTAM travel demand forecasting model, which included the French Valley Parkway connection. Therefore, the forecasts developed for the project generally reflect rerouting of traffic to/from the Wine Country area with implementation of the French Valley Parkway. Please note that, when developing forecasts outside of the model area, the County took a somewhat conservative forecasting approach to ensure that the County was not underestimating traffic impacts. As such, the results are reasonable and consistent with plans in the area and no further analysis is required.

10.5 As requested by City of Temecula staff, analyses at the I-15 Ramps/Temecula Parkway intersections were updated under the Existing Plus Project and Cumulative scenarios to include the lane configurations that should be completed shortly at the interchange. The results are summarized below. As shown below, the Project will result in reduced delay at the intersections with the planned improvements at these locations. As such, the Project will not result in any significant impacts at the interchange. The Synchro LOS sheets are attached to this response for reference. Given that the updated assessment shows improved operations relative to the analysis presented in the Draft PEIR, the analysis presented in the Draft PEIR is considered conservative. As such, the updated analysis is summarized in this response and the updated information does not require recirculation of the PEIR since the response to the comment

improves operations at the study locations compared to that in the Draft PEIR. It should also be noted that this updated analysis or information does not introduce any new potentially significant impacts, does not substantially increase existing significant impacts, and has not deprived the public of any opportunity for meaningful review or comments.

Intersection	Existing Plus Project	Existing Plus Project
11. Temecula Parkway at Front Street	C	28.4
13. I-15 Northbound Ramps at Temecula	C	23.5

Intersection	Scenario 4 (2035 with project)	Scenario 3 (2035 General)	Scenario 4 (2035 with Project)	Change in Delay
11. Temecula Parkway at Front Street	C	24.6	24.9	+0.3
13. I-15 Northbound Ramps at Temecula	C	37.9	31.9	-6.0

10.6 All SR-79 references in the document relate to Temecula Parkway. Winchester Road is referenced as such throughout the document. This comment does not identify any specific concern with the adequacy of the Draft PEIR or environmental issue. Therefore, no further response is required. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to *environmental* comments.).)

10.7 In consultation with City staff, County staff have identified that a roundabout is not contemplated at this location and that the recommended mitigation of a traffic signal is the preferred mitigation. As such, the Mitigation Measure TRF-3 has been modified as noted below. It should be noted that this updated information does not introduce any new potentially significant impacts, does not substantially increase existing significant impacts, and has not deprived the public of any opportunity for meaningful review or comments.:

Under “Intersections” on page 4.14-41, omit:

~~“Butterfield Stage Road at Rancho California Road (install a large roundabout, two to three lanes per approach with bypass right turn lanes, or widen the intersection)”~~

Add the following:

“Butterfield Stage Road at Rancho California Road

The Project shall make a fair share contribution through the Project TIF toward design and construction of the intersection improvements described below:

- Northbound Approach - two left-turn lanes, two through lanes, one right-turn lane
- Southbound Approach - one left-turn lane, two through lanes, one right-turn lane
- Eastbound Approach - one left-turn lane, three through lanes, and one right-turn lane (with overlap right-turn phase)
- Westbound Approach - one left-turn lane, two through lanes, and one right-turn lane
- With these improvements, the intersection will operate at LOS C. The identified improvement would reduce the impact to a less-than-significant level.

10.8

Table 4 is presented below with modifications as requested by City of Temecula staff. A “*” denotes locations where capacities from the City’s General Plan were utilized per City’s request. Please note that operations on Temecula Parkway, east of Butterfield Stage Road, have also been updated to reflect recent widening of that facility to six lanes. It should be noted that this updated information reflects a current activity, and does not introduce any new potentially significant impacts, does not substantially increase existing significant impacts, and has not deprived the public of any opportunity for meaningful review or comments.

TIS TABLE 4 / Draft PEIR Table 4.14-3					
ROADWAY SEGMENT LEVELS OF SERVICE: EXISTING CONDITIONS					
Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
Rancho California Road West of La Serena Way	2	14,285	D	13,569	D
Rancho California Road West of Anza Road	2	N/A	N/A	13,798	D
Anza Road South of Rancho California Road	2	N/A	N/A	3,924	C or Better
Glenoaks Road South of Rancho California Road	2	N/A	N/A	4,316	C or Better
Rancho California Road East of I-15**	8	58,091	D	52,444	C or Better
Rancho California Road East of Anza Road	2	13,358	D	14,104	D
Anza Road North of De Portola Road	2	4,031	C or Better	4,235	C or Better
De Portola Road East of Anza Road	2	4,137	C or Better	5,235	C or Better
Mesa Road North of Glenoaks Road	2	3,187	C or Better	3,189	C or Better
De Portola Road East of Glenoaks Road	2	528	C or Better	654	C or Better
SR 79 (Temecula Parkway) East of I-15*	6	36,789	C or Better	35,775	C or Better
SR 79 (Temecula Parkway) West of Butterfield Stage Road	6	30,984	C or Better	32,192	C or Better
SR 79 (Temecula Parkway) East of Anza Road	2	8,300	C or Better	11,145	C or Better
Butterfield Stage Road north of De Portola Road	4	11,881	C or Better	14,257	C or Better
Butterfield Stage Road north of Rancho California Road	2	4,616	C or Better	5,539	C or Better
Butterfield Stage Road north of Temecula Parkway	3	13,061	C or Better	15,673	C or Better
Butterfield Stage Road south of Channel Street	4	10,257	C or Better	12,308	C or Better

Butterfield Stage Road south of La Serena Way	2	4,391	C or Better	5,269	C or Better
Butterfield Stage Road south of Pauba Road	4	9,458	C or Better	11,350	C or Better
Butterfield Stage Road south of Rancho California Road	4	9,903	C or Better	11,884	C or Better
Butterfield Stage Road south of Rancho Vista Road	4	10,168	C or Better	12,202	C or Better
Calle Medusa south of Enfield Lane	2	3,849	C or Better	4,619	C or Better
De Portola Road east of Jedediah Smith Road	2	7,517	C or Better	9,020	C or Better
De Portola Road east of Margarita Road	4	9,223	C or Better	11,068	C or Better
De Portola Road east of Meadows Parkway	4	4,129	C or Better	4,955	C or Better
De Portola Road. west of Butterfield Stage Road	4	3,980	C or Better	4,776	C or Better
Diaz Road north of Rancho California Road	3	10,132	C or Better	12,158	C or Better
La Serena Way east of Meadows Parkway	4	7,797	C or Better	9,356	C or Better
Margarita Road east of Avenida Barca	4	20,190	C or Better	24,228	C or Better
Margarita Road north of Rancho California Road	4	19,771	C or Better	23,725	C or Better
Margarita Road north of Santiago Road	4	19,334	C or Better	23,201	C or Better
Margarita Road north of Temecula Parkway	4	24,057	C or Better	28,868	D
Margarita Road south of Jedediah Smith Road	4	16,450	C or Better	19,740	C or Better
Margarita Road south of Rancho California Road*	4	19,564	C or Better	23,477	E C or Better
Margarita Road south of Rancho Vista Road*	4	20,071	C or Better	24,085	E C or Better

Meadows Parkway north of Rancho California Road	4	7,151	C or Better	8,581	C or Better
Meadows Parkway north of Temecula Parkway	4	11,715	C or Better	14,058	C or Better
Meadows Parkway south of La Serena Way	4	4,416	C or Better	5,299	C or Better
Meadows Parkway south of Leena Way	4	10,823	C or Better	12,988	C or Better
Meadows Parkway south of Pauba Road	4	11,395	C or Better	13,674	C or Better
Meadows Parkway south of Rancho California Road	4	10,466	C or Better	12,559	C or Better
Meadows Parkway south of Rancho Vista Road	4	11,213	C or Better	13,456	C or Better
Meadows Parkway south of Sunny Meadows Drive	4	9,579	C or Better	11,495	C or Better
Pauba Road east of Butterfield Stage Road	2	3,954	C or Better	4,745	C or Better
Pauba Road east of Margarita Road	3	8,621	C or Better	10,345	C or Better
Pauba Road east of Meadows Parkway	2	4,745	C or Better	5,694	C or Better
Pauba Road east of Ynez Road	3	8,924	C or Better	10,709	C or Better
Pauba Road west of Margarita Road	4	8,586	C or Better	10,303	C or Better
Rainbow Canyon Road south of Pechanga Parkway	2	7,570	C or Better	9,084	C or Better
Rancho California Road east of Diaz Road	4	21,654	C or Better	25,985	C or Better
Rancho California Road east of Moraga Road	4	33,144	E	39,773	F
Rancho California Road west of Business Park Drive	2	5,937	C or Better	7,124	C or Better
Rancho California Road west of Butterfield Stage Road	4	14,132	C or Better	16,958	C or Better

Rancho California Road west of Diaz Road	4	11,993	C or Better	14,392	C or Better
Rancho California Road west of Meadows Parkway*	4	21,285	D C or Better	25,542	E C or Better
Rancho California Road west of Ynez Road**	8	54,850	C or Better	65,820	E
Rancho Vista Road east of Margarita Road	4	7,289	C or Better	8,747	C or Better
Rancho Vista Road east of Ynez Road	3	8,075	C or Better	9,690	C or Better
Rancho Vista Road west of Margarita Road	4	5,632	C or Better	6,758	C or Better
Rancho Vista Road west of Meadows Parkway	3	4,791	C or Better	5,749	C or Better
Temecula Parkway east of Margarita Road	6	35,328	C or Better	42,394	C or Better
Temecula Parkway east of Meadows Parkway	6	28,426	C or Better	34,111	C or Better
Temecula Parkway east of Pechanga Parkway*	6	41,564	C or Better	49,877	D E
Temecula Parkway west of Margarita Road*	6	38,199	C or Better	45,839	C or Better D
Vincent Moraga south of Rancho California Road	2	5,212	C or Better	6,254	C or Better
Walcott Lane north of Klarer Lane	2	4,332	C or Better	5,198	C or Better
Ynez Road north of Santiago Road	2	13,840	D	16,608	F
Ynez Road south of Solana Way	6	30,167	C or Better	36,200	C or Better
Ynez Road west of Jedediah Smith Road	2	9,369	C or Better	11,243	C or Better
Rainbow Canyon Road S/O Clubhouse Road (Feb.)	2	5,336	C or Better	6,403	C or Better
Rainbow Canyon Road S/O Clubhouse Road (Oct.)	2	5,206	C or Better	6,247	C or Better

Rancho California Road W/O Margarita Road (Feb.)	4	24,329	C or Better	29,195	D
Rancho California Road W/O Margarita Road (July)	4	25,055	C or Better	30,066	D
Temecula Parkway E/O Butterfield Stage Road (Feb.)	4 ₆	18,476	C or Better	22,171	C or Better
Temecula Parkway E/O Butterfield Stage Road (Oct.)	4 ₆	18,489	C or Better	22,187	C or Better
I-15 South of SR 79 (<u>Temecula Parkway</u>)	8	129,000	D	129,000	D
I-15 North of SR 79 (<u>Temecula Parkway</u>)	8	150,000	E	150,000	E
I-15 South of Rancho California Road Interchange	8	150,000	E	150,000	E
I-15 North of Rancho California Road Interchange	8	161,000	F	161,000	F
I-15 NB Off-Ramp at SR 79 (<u>Temecula Parkway</u>)	1	10,500	C or Better	10,819	C or Better
I-15 NB On-Ramp at SR 79 (<u>Temecula Parkway</u>)	1	12,000	C or Better	11,273	C or Better
I-15 SB Off-Ramp at SR 79 (<u>Temecula Parkway</u>)	1	12,500	C or Better	13,000	C or Better
I-15 SB On-Ramp at SR 79 (<u>Temecula Parkway</u>)	1	14,600	C or Better	15,050	C or Better
I-15 NB Off-Ramp at Rancho California Road	1	12,000	C or Better	11,247	C or Better
I-15 NB On-Ramp at Rancho California Road	1	14,000	C or Better	13,780	C or Better
I-15 SB Off-Ramp at Rancho California Road	1	19,000	E	18,711	E
I-15 SB On-Ramp at Rancho California Road	1	11,500	C or Better	11,883	C or Better
<i>Source: Fehr & Peers, 2011</i>					
<i>N/A – Count Data Not Available</i>					
<i>* denotes locations where City of Temecula capacities were utilized at the request of City staff.</i>					

Fehr & Peers have collected traffic data as part of this Project. In addition, where applicable, they have utilized other available traffic data provided by the City of Temecula, Caltrans, and other available sources. The two counts on Rancho California Road, between Ynez Road and I-15, represent two different sets of count data obtained for the Project. Those two segments are identified in Table 4 through “***”.

10.9 Figures 2 & 3 have a typo, showing 6 lanes on Rancho California Road between I-15 and Ynez Road (it should show 8 lanes, which is reflected in Table 4). Page numbering comment has been noted and revised accordingly. This comment does not identify any specific concern with the adequacy of the Draft PEIR or environmental issue. Therefore, no further response is required. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to *environmental* comments.).)

10.10 Table 6 is presented below with appropriate modifications shown. Given that the updated assessment generally shows improved operations relative to the analysis presented in the Draft PEIR, the analysis presented in the Draft PEIR is considered conservative. As such, the updated analysis is summarized in this response and the updated information does not require recirculation of the Draft PEIR since the response to the comment improves operations at the study locations.

TIS TABLE 6 / Draft PEIR Table 4.14-8					
ROADWAY SEGMENT LEVELS OF SERVICE: EXISTING PLUS PROJECT CONDITIONS					
Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
Rancho California Road West of La Serena Way	2	15,870	C	18,850	E
Rancho California Road West of Anza Road	2	N/A	N/A	18,816	E
Anza Road South of Rancho California Road	2	N/A	N/A	11,749	C or Better
Glenoaks Road South of Rancho California Road	2	N/A	N/A	6,803	C or Better
Rancho California Road East of I-15	8	58,759	D	61,009	D
Rancho California Road East of Anza Road	2	14,104	C	15,183	C
Anza Road North of De Portola Road	2	4,777	C or Better	8,677	C or Better
De Portola Road East of Anza Road	2	6,999	C or Better	11,344	C or Better

Mesa Road North of Glenoaks Road	2	3,189	C or Better	3,189	C or Better
De Portola Road East of Glenoaks Road	2	1,159	C or Better	1,718	C or Better
SR 79 (Temecula Parkway) East of I-15*	6	39,161	C or Better	44,174	C or Better
SR 79 (Temecula Parkway) West of Butterfield Stage Road	6	36,279	C or Better	42,547	C or Better
SR 79 (Temecula Parkway) East of Anza Road	2	12,030	C or Better	11,390	C or Better
Butterfield Stage Road north of De Portola Road	4	11,965	C or Better	16,656	C or Better
Butterfield Stage Road north of Rancho California Road	2	4,662	C or Better	5,539	C or Better
Butterfield Stage Road north of Temecula Parkway	3	13,822	C or Better	17,719	D
Butterfield Stage Road south of Channel Street	4	11,092	C or Better	13,618	C or Better
Butterfield Stage Road south of La Serena Way	2	4,404	C or Better	5,269	C or Better
Butterfield Stage Road south of Pauba Road	4	10,367	C or Better	14,209	C or Better
Butterfield Stage Road south of Rancho California Road	4	13,784	C or Better	16,022	C or Better
Butterfield Stage Road south of Rancho Vista Road	4	12,817	C or Better	17,012	C or Better
Calle Medusa south of Enfield Lane	2	4,152	C or Better	5,096	C or Better
De Portola Road east of Jedediah Smith Road	2	8,094	C or Better	11,288	C or Better
De Portola Road east of Margarita Road	4	11,172	C or Better	18,623	C or Better
De Portola Road east of Meadows Parkway	4	9,380	C or Better	7,243	C or Better
De Portola Road. west of Butterfield Stage Road	4	6,851	C or Better	7,044	C or Better

Diaz Road north of Rancho California Road	3	10,132	C or Better	12,158	C or Better
La Serena Way east of Meadows Parkway	4	12,235	C or Better	10,567	C or Better
Margarita Road east of Avenida Barca*	4	24,949	C or Better	31,036	E <u>D</u>
Margarita Road north of Rancho California Road	4	20,791	C or Better	25,604	C or Better
Margarita Road north of Santiago Road	4	25,000	C or Better	26,005	C or Better
Margarita Road north of Temecula Parkway	4	26,554	C or Better	30,359	D
Margarita Road south of Jedediah Smith Road	4	20,470	C or Better	26,480	C or Better
Margarita Road south of Rancho California Road*	4	21,077	D <u>C or Better</u>	28,982	F <u>D</u>
Margarita Road south of Rancho Vista Road*	4	22,707	D <u>C or Better</u>	28,820	F <u>D</u>
Meadows Parkway north of Rancho California Road	4	7,993	C or Better	17,870	C or Better
Meadows Parkway north of Temecula Parkway	4	12,679	C or Better	16,631	C or Better
Meadows Parkway south of La Serena Way	4	5,800	C or Better	14,151	C or Better
Meadows Parkway south of Leena Way	4	10,823	C or Better	20,203	C or Better
Meadows Parkway south of Pauba Road	4	11,395	C or Better	18,537	C or Better
Meadows Parkway south of Rancho California Road	4	10,466	C or Better	16,802	C or Better
Meadows Parkway south of Rancho Vista Road	4	11,710	C or Better	17,506	C or Better
Meadows Parkway south of Sunny Meadows Drive	4	9,579	C or Better	17,323	C or Better
Pauba Road east of Butterfield Stage Road	2	6,346	C or Better	10,334	C or Better

Pauba Road east of Margarita Road	3	12,138	C or Better	12,701	C or Better
Pauba Road east of Meadows Parkway	2	5,514	C or Better	6,917	C or Better
Pauba Road east of Ynez Road	3	11,116	C or Better	12,947	C or Better
Pauba Road west of Margarita Road	4	11,208	C or Better	13,004	C or Better
Rainbow Canyon Road south of Pechanga Parkway	4	7,570	C or Better	10,761	C or Better
Rancho California Road east of Diaz Road	4	21,654	C or Better	25,985	C or Better
Rancho California Road east of Moraga Road	4	36,990	F	46,341	F
Rancho California Road west of Business Park Drive	2	5,937	C or Better	7,124	C or Better
Rancho California Road west of Butterfield Stage Road*	4	19,698	C or Better	28,146	F C or Better
Rancho California Road west of Diaz Road	4	11,993	C or Better	14,682	C or Better
Rancho California Road west of Meadows Parkway*	4	23,427	E C or Better	30,327	F D
Rancho California Road west of Ynez Road	6	61,165	F	74,385	F
Rancho Vista Road east of Margarita Road.	4	12,921	C or Better	12,112	C or Better
Rancho Vista Road east of Ynez Road	3	9,929	C or Better	11,742	C or Better
Rancho Vista Road west of Margarita Road	4	10,703	C or Better	8,928	C or Better
Rancho Vista Road west of Meadows Parkway	3	10,409	C or Better	9,140	C or Better
Temecula Parkway east of Margarita Road*	6	35,328	C or Better	46,892	C or Better D
Temecula Parkway east of Meadows Parkway*	6	32,513	C or Better	44,466	C or Better D
Temecula Parkway east of Pechanga Parkway*	6	47,030	C or Better D	62,873	F

Temecula Parkway west of Margarita Road*	6	38,506	C or Better	52,262	D E
Vincent Moraga south of Rancho California Road	2	5,342	C or Better	7,509	C or Better
Walcott Lane north of Klarer Lane	2	4,661	C or Better	5,714	C or Better
Ynez Road north of Santiago Road	2	15,059	E	19,146	F
Ynez Road south of Solana Way	6	32,976	C or Better	40,606	C or Better
Ynez Road west of Jedediah Smith Road	2	9,369	C or Better	12,725	C or Better
Rainbow Canyon Road S/O Clubhouse Road (Feb.)	2	5,336	C or Better	8,080	C or Better
Rainbow Canyon Road S/O Clubhouse Road (Oct.)	2	5,206	C or Better	7,924	C or Better
Rancho California Road W/O Margarita Road (Feb.)	4	25,964	C or Better	38,524	F
Rancho California Road W/O Margarita Road (July)	4	26,690	C or Better	39,395	F
Temecula Parkway E/O Butterfield Stage Road (Feb.)	4 <u>6</u>	21,358	C or Better	29,858	C or Better
Temecula Parkway E/O Butterfield Stage Road (Oct.)	4 <u>6</u>	21,371	C or Better	29,874	C or Better
I-15 South of SR 79 (<u>Temecula Parkway</u>)	8	132,720	D	134,836	D
I-15 North of SR 79 (<u>Temecula Parkway</u>)	8	154,615	E	157,309	E
I-15 South of Rancho California Road Interchange	8	154,615	E	157,309	E
I-15 North of Rancho California Road Interchange	8	168,186	F	172,272	F
I-15 NB Off-Ramp at SR 79 (<u>Temecula Parkway</u>)	1	11,408	C or Better	12,774	C or Better
I-15 NB On-Ramp at SR 79 (<u>Temecula Parkway</u>)	1	13,274	C or Better	13,170	C or Better
I-15 SB Off-Ramp at SR 79 (<u>Temecula Parkway</u>)	1	13,985	C or Better	15,998	C or Better
I-15 SB On-Ramp at SR 79 (<u>Temecula Parkway</u>)	1	15,555	C or Better	16,516	D

I-15 NB Off-Ramp at Rancho California Road	1	12,952	C or Better	12,210	C or Better
I-15 NB On-Ramp at Rancho California Road	1	15,227	C or Better	15,656	C or Better
I-15 SB Off-Ramp at Rancho California Road	1	21,109	F	21,350	F
I-15 SB On-Ramp at Rancho California Road	1	12,404	C or Better	13,334	C or Better
<p><i>Source: Fehr & Peers, 2011</i></p> <p><i>Shaded cells indicate unacceptable operations.</i></p> <p><i>N/A – Count Data Not Available</i></p> <p><i>* denotes locations where City of Temecula capacities were utilized at the request of City staff.</i></p>					

10.11 As discussed in the TIS and Draft PEIR, the Existing plus Project Condition was presented to ensure that the Draft PEIR complies with all requirements set forth by CEQA (e.g. identifying the Project’s impact on the existing environment). Also as discussed in the TIS, it is unreasonable to assume buildout of the Project under an Existing plus Project Condition – since CEQA requires mitigation to be fair and reasonable. As such, the Project impacts were identified utilizing the Cumulative Conditions assessment. Additionally, impacts were identified using the County’s significance criteria, which identify impacts as significant if a facility is currently operating unacceptably and the Project is increasing delay compared to the Existing Condition. As such, the applied significance criteria is more conservative than the City’s significance criteria.

10.12 The identified lane configuration revisions are consistent with the proposed interchange at I-15 and the Temecula Parkway interchange which are likely to occur in the next two or three years. As shown in Response 10.2, the analysis under the Existing Plus Project Condition was updated to reflect the identified lane configuration per the City’s request. Given that the updated assessment shows improved operations relative to the analysis presented in the Draft PEIR, the analysis presented in the Draft PEIR is considered conservative. As such, the updated analysis is summarized in this response and the updated information does not require recirculation of the Draft PEIR since the response to the comment improves operations at the study locations. It should be noted that this updated information does not introduce any new potentially significant impacts, does not substantially increase existing significant impacts, and has not deprived the public of any opportunity for meaningful review or comments.

- 10.13 Figures 5 & 6 have a typo, showing 6 lanes on Rancho California Road between I-15 and Ynez Road (which now show 8 lanes). As noted in response 10.9 above, the existing lane configurations are appropriate for use and the lane configurations should not be revised. Page numbering comment has been noted and revised accordingly.
- 10.14 Paragraph 4 on TIS Page 31 has been modified to read as follows (added text identified with underlined type):
- “Under this scenario, it was assumed that future improvements would also be made to intersection lane configurations and controls based on traffic demand and roadway segment improvements. For areas outside of the City, Fehr & Peers used the existing County General Plan roadway designations and standard drawings to determine the lane configurations for each study intersection. The Temecula General Plan was used for roadways within the City. Signalization was assumed for every intersection where both roads were rated as Secondary Highway or higher capacity. For Mountain Arterials, signalization was assumed for intersections where stop-control was not viable given high traffic volumes at the intersections. Rancho California Road is assumed to become a Mountain Arterial with Roundabouts for the roadway segment assessment within the County.”
- 10.15 Table 8 is presented below with appropriate modifications shown. Notes related to specific City comments are noted with highlighted comments. Removed items are shown with ~~strikeout type~~, and additions are shown with underline type. The updated assessment generally shows improved operations relative to the analysis presented in the Draft PEIR, except for locations along Temecula Parkway. Given that the updated analysis generally shows improved operations, and that the updated assessment indicates that there are no new cumulatively considerable impacts associated with the Project, the response below is considered adequate and the new information does not warrant recirculation of the Draft PEIR.

TIS TABLE 8 – ROADWAY SEGMENT LEVELS OF SERVICE: FUTURE NO PROJECT ALTERNATIVE					
Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
Rancho California Road West of La Serena Way	2	14,285	C or Better	15,023	C or Better
Rancho California Road West of Anza Road	2	N/A	N/A	21,852	F
Anza Road South of Rancho California Road	4	N/A	N/A	36,050	F
Glenoaks Road South of Rancho California Road	4	N/A	N/A	6,891	C or Better
Rancho California Road East of I-15	8	62,699	D	52,444	C or Better
Rancho California Road East of Anza Road	2	14,715	C or Better	19,141	E
Anza Road North of De Portola Road	4	19,920	C or Better	24,126	C or Better
De Portola Road East of Anza Road	2	7,528	C or Better	8,680	C or Better
Mesa Road North of Glenoaks Road	2	6,824	C or Better	7,659	C or Better
De Portola Road East of Glenoaks Road	2	3,590	C or Better	4,751	C or Better
SR 79 (Temecula Parkway) East of I-15	8	41,375	C or Better	40,473	C or Better
SR 79 (Temecula Parkway) West of Butterfield Stage Road	6	46,544	C or Better	56,484	E
SR 79 (Temecula Parkway) East of Anza Road	6	26,211	C or Better	41,217	C or Better
Butterfield Stage Road north of De Portola Road	4	25,002	C or Better	30,660	D
Butterfield Stage Road north of Rancho California Road	4	13,516	C or Better	12,384	C or Better
Butterfield Stage Road north of Temecula Parkway	4	33,928	E	35,625	E
Butterfield Stage Road south of Channel Street	4	10,440	C or Better	12,308	C or Better

Butterfield Stage Road south of La Serena Way	4	13,032	C or Better	11,941	C or Better
Butterfield Stage Road south of Pauba Road	4	24,382	C or Better	29,399	D
Butterfield Stage Road south of Rancho California Road	4	22,505	C or Better	24,742	C or Better
Butterfield Stage Road south of Rancho Vista Road	4	27,947	C or Better	32,379	E
Calle Medusa south of Enfield Lane	2	5,705	C or Better	5,985	C or Better
De Portola Road east of Jedediah Smith Road	4	18,165	C or Better	18,319	C or Better
De Portola Road east of Margarita Road	4	14,757	C or Better	19,073	C or Better
De Portola Road east of Meadows Parkway	4	18,234	C or Better	21,139	C or Better
De Portola Road. west of Butterfield Stage Road	4	16,353	C or Better	19,130	C or Better
Diaz Road north of Rancho California Road	4	18,304	C or Better	21,715	C or Better
La Serena Way east of Meadows Parkway	4	17,558	C or Better	18,991	C or Better
Margarita Road east of Avenida Barca	4	33,434	E	35,646	E
Margarita Road north of Rancho California Road	4	32,237	D	30,902	D
Margarita Road north of Santiago Road	4	26,832	C or Better	23,201	C or Better
Margarita Road north of Temecula Parkway	4	30,620	D	28,868	D
Margarita Road south of Jedediah Smith Road	4	20,961	C or Better	23,944	C or Better
Margarita Road south of Rancho California Road	4	27,021	C or Better	29,136	D
Margarita Road south of Rancho Vista Road	4	30,767	D	30,421	D
Meadows Parkway north of Rancho California Road	4	9,522	C or Better	12,709	C or Better
Meadows Parkway north of Temecula Parkway*	4	22,605	C or Better	27,626	D C or Better

Meadows Parkway south of La Serena Way	4	6,458	C or Better	9,463	C or Better
Meadows Parkway south of Leena Way	4	13,273	C or Better	23,868	C or Better
Meadows Parkway south of Pauba Road	4	18,871	C or Better	25,013	C or Better
Meadows Parkway south of Rancho California Road	4	18,301	C or Better	23,938	C or Better
Meadows Parkway south of Rancho Vista Road	4	25,870	C or Better	26,869	C or Better
Meadows Parkway south of Sunny Meadows Drive	4	16,464	C or Better	24,260	C or Better
Pauba Road east of Butterfield Stage Road	4	16,052	C or Better	21,533	C or Better
Pauba Road east of Margarita Road	4	21,690	C or Better	28,052	C or Better
Pauba Road east of Meadows Parkway	4	18,389	C or Better	20,735	C or Better
Pauba Road east of Ynez Road	4	16,613	C or Better	20,735	C or Better
Pauba Road west of Margarita Road	4	16,302	C or Better	20,109	C or Better
Rainbow Canyon Road south of Pechanga Parkway	4	10,644	C or Better	12,498	C or Better
Rancho California Road east of Diaz Road	6	21,654	C or Better	28,565	C or Better
Rancho California Road east of Moraga Road	6	42,330	C or Better	50,245	E
Rancho California Road west of Business Park Drive	4	11,205	C or Better	9,249	C or Better
Rancho California Road west of Butterfield Stage Road_*	4	17,374	C or Better	29,302	D C or Better
Rancho California Road west of Diaz Road	4	23,473	C or Better	20,578	C or Better
Rancho California Road west of Meadows Parkway	4	27,902	C or Better	37,187	F

Rancho California Road west of Ynez Road	8	59,458	D	65,820	E
Rancho Vista Road east of Margarita Road*	4	16,937	C or Better	21,803	D <u>C or Better</u>
Rancho Vista Road east of Ynez Road*	4	22,135	D <u>C or Better</u>	23,974	E <u>C or Better</u>
Rancho Vista Road west of Margarita Road*	4	21,380	D <u>C or Better</u>	20,292	C or Better
Rancho Vista Road west of Meadows Parkway	4	16,831	C or Better	20,418	C or Better
Temecula Parkway east of Margarita Road*	6	42,947	C or Better	50,801	D <u>E</u>
Temecula Parkway east of Meadows Parkway*	6	43,986	C or Better	58,403	E <u>F</u>
Temecula Parkway east of Pechanga Parkway*	8 <u>6</u>	41,740	C or Better	51,421	C or Better <u>E</u>
Temecula Parkway west of Margarita Road	6	38,199	C or Better	45,839	C or Better
Vincent Moraga south of Rancho California Road*	2	7,576	C or Better	11,171	D <u>C or Better</u>
Ynez Road north of Santiago Road*	4	20,645	C or Better	27,651	C or Better <u>E</u>
Ynez Road south of Solana Way	6	46,188	D	47,690	D

Ynez Road west of Jedediah Smith Road*	4	21,393	D <u>C or Better</u>	26,762	F <u>E</u>
Rainbow Canyon Road S/O Clubhouse Road (Feb.)	4	8,410	C or Better	9,817	C or Better
Rainbow Canyon Road S/O Clubhouse Road (Oct.)	4	8,280	C or Better	9,661	C or Better
Rancho California Road W/O Margarita Road (Feb.)	6	32,279	C	42,728	C
Rancho California Road W/O Margarita Road (July)	6	33,005	C	43,599	D
Temecula Parkway E/O Butterfield Stage Road (Feb.)*	6	49,423	D <u>E</u>	65,847	F

Temecula Parkway E/O Butterfield Stage Road (Oct.)*	6	49,436	D-E	65,863	F
I-15 South of SR 79 (Temecula Parkway)	8	192,212	E	185,484	E
I-15 North of SR 79 (Temecula Parkway)	8	213,434	F	199,359	E
I-15 South of Rancho California Road Interchange	8	213,434	F	199,359	E
I-15 North of Rancho California Road Interchange	8	223,344	F	208,758	F
I-15 NB Off-Ramp at SR 79 (Temecula Parkway)	1	15,192	C or Better	17,890	C or Better
I-15 NB On-Ramp at SR 79 (Temecula Parkway)	1	16,190	D	13,143	C or Better
I-15 SB Off-Ramp at SR 79 (Temecula Parkway)	1	30,792	C or Better	27,455	C or Better
I-15 SB On-Ramp at SR 79 (Temecula Parkway)	1	32,166	D	31,429	C or Better
I-15 NB Off-Ramp at Rancho California Road	1	19,555	E	13,962	C or Better
I-15 NB On-Ramp at Rancho California Road	1	17,970	D	15,592	C or Better
I-15 SB Off-Ramp at Rancho California Road	1	20,354	F	18,711	E
I-15 SB On-Ramp at Rancho California Road	1	14,012	C or Better	13,140	C or Better
<i>Source: Fehr & Peers, 2011</i>					
<i>N/A – Count Data Not Available</i>					
<i>* denotes locations where City of Temecula capacities were utilized at the request of City staff.</i>					

10.16 The analysis in the TIS utilizes the City’s General Plan Circulation diagram to identify future geometries at the study intersections. City staff has provided revised geometrics which have been incorporated into the analysis under the Cumulative No Project and Cumulative Plus Project Conditions. The results are summarized below: The updated assessment generally shows improved operations relative to the analysis presented in the Draft PEIR. Given that the updated analysis generally shows improved operations, and that the updated assessment indicates that there are no new cumulatively considerable impacts associated with the Project, the response below is considered adequate and the new information does not warrant recirculation of the Draft PEIR. It should be noted that this updated information does not introduce any new potentially

significant impacts, does not substantially increase existing significant impacts, and has not deprived the public of any opportunity for meaningful review or comments.

TIS TABLE 9 – INTERSECTION LEVELS OF SERVICE: FUTURE NO PROJECT ALTERNATIVE			
Intersection	Control	Delay	LOS
1. Winchester Road at Nicolas Road	Signalized	>120 <u>60.6</u>	F <u>E</u>
2. Winchester Road at Margarita Road	Signalized	73.6	E
3. Winchester Road at Ynez Road	Signalized	66.4	E
4. Winchester Road at I-15 NB Ramps	Signalized	>120	F
5. Winchester Road at I-15 SB Ramps	Signalized	48.3	D
6. Winchester Road at Jefferson Avenue	Signalized	48.9	D
7. Rancho California Road at Ynez Road	Signalized	>120	F
8. Rancho California Road at I-15 NB Ramps	Signalized	42.9	D
9. Rancho California Road at I-15 SB Ramps	Signalized	34.3	C
10. Rancho California Road at Jefferson Avenue	Signalized	43.1	D
11. Temecula Parkway at Old Town Front Street	Signalized	39.9 <u>24.6</u>	D <u>C</u>
12. Temecula Parkway at I-15 SB Ramps	Signalized	103.8	F
13. Temecula Parkway at I-15 NB Ramps	Signalized	63.3 <u>37.9</u>	E <u>D</u>
14. Temecula Parkway at Pechanga Parkway	Signalized	38.4	D
15. Pechanga Parkway at Anza Road	Signalized	85.5	F
16. Margarita Road at La Serena Way	Signalized	102.1	F
17. Margarita Road at Rancho California Road	Signalized	89.6 <u>66.9</u>	F <u>E</u>
18. Margarita Road at Rancho Vista Road	Signalized	86.7	F
19. Margarita Road at Pauba Road	Signalized	104.7 <u>88.2</u>	F
20. Margarita Road at De Portola Road	Signalized	41.3	D
21. Margarita Road at Temecula Parkway	Signalized	53.9	D
22. Meadow Parkway at La Serena Way	Signalized	11.0	B
23. Meadow Parkway at Rancho California Road	Signalized	46.6 <u>28.7</u>	D <u>C</u>
24. Meadow Parkway at Rancho Vista Road	Signalized	40.2	D
25. Meadow Parkway at Pauba Road	Signalized	50.2	D

26. Meadow Parkway at De Portola Road	Signalized	28.3	C
27. Meadow Parkway at Temecula Parkway	Signalized	68.5 <u>47.9</u>	E <u>D</u>
28. Butterfield Stage Road at La Serena Way	SSSC	>120	F
29. Butterfield Stage Road at Rancho California Road	Signalized	>120	F
30. Butterfield Stage at Rancho Vista Road	SSSC	>120	F
31. Butterfield Stage Road at Pauba Road	Signalized	97.8 <u>43.1</u>	F <u>D</u>
32. Butterfield Stage Road at De Portola Road	Signalized	32.9 <u>31.7</u>	C
33. Butterfield Stage Road at Temecula Parkway	Signalized	>120	F
34. La Serena Way at Rancho California Road	Signalized	23.5	C
35. Calle Contento at Rancho California Road	Signalized	11.0	B
36. Calle Contento at Madera de Playa	Signalized	7.9	A
37. Calle Contento at Pauba Road	Signalized	11.1	B
38. Calle Contento at De Portola Road	SSSC	16.4	C
39. Anza Road at Borel Road (future)	Signalized	11.5	B
40. Anza Road at Buck Road (future)	Signalized	13.6	B
41. Anza Road at Rancho California Road	Signalized	48.7	D
42. Anza Road at Madera de Playa	Signalized	>120	F
43. Anza Road at Pauba Road	Signalized	16.7	B
44. Anza Road at De Portola Road	Signalized	7.7	A
45. Anza Road at Temecula Parkway	Signalized	>120	F
46. Rancho California Road at Camino del Vino	SSSC	>120	F
47. Rancho California Road at Buck Road (future)	AWS	55.4	F
48. Rancho California Road at Glen Oaks Road	AWS	32.1	D
49. Rancho California Road at Monte De Oro	Signalized	12.4	B
50. Los Caballos Road at Temecula Parkway	Signalized	36.6	D
51. Camino del Vino at Glen Oaks Road	Signalized	11.1	B
52. Camino del Vino at Monte De Oro	Signalized	6.9	A
53. De Portola Road at Benton Road	SSSC	9.8	A
54. De Portola Road at Glen Oaks Road	SSSC	19.9	C
55. De Portola Road at Via De Oro	SSSC	10.2	B
56. De Portola Road at Monte De Oro	SSSC	27.3	D
57. De Portola Road at Camino del Vino	SSSC	14.3	B

58. De Portola Road at Pauba Road	SSSC	40.4	E
59. Pauba Road at Los Caballos Road	SSSC	9.8	A
60. Pauba Road at Temecula Parkway	SSSC	20.8	C
Source: Fehr & Peers, 2011			
AWS – All Way Stop, SSSC – Side Street Stop Control			
* Intersection evaluated using the TRAFFIX software as Synchro cannot evaluate stop-controlled intersections with more than two lanes on any one approach.			
Shaded cells indicate unacceptable operations.			

10.17 TIS Figures 8 & 9 have been updated to show appropriate lane geometrics, including the French Valley Parkway extension, 8-lanes on Rancho California Road between I-15 and Ynez Road, the Murrieta Hot Springs Extension, and 6-lanes on Rancho California Road west of Margarita Road.

10.18 Table 10 is presented below with appropriate modifications shown. The updated assessment indicates that there are no new cumulatively considerable impacts associated with the Project and does not affect the conclusions of the Draft PEIR. As such the response below is considered adequate and the new information does not warrant recirculation of the Draft PEIR.

TIS TABLE 10 / Draft PEIR Table 4.14-10					
ROADWAY SEGMENT LEVELS OF SERVICE: FUTURE WITH PROJECT ALTERNATIVE CONDITIONS					
Segment	Lanes	Weekday		Weekend	
		Volume	LOS	Volume	LOS
Rancho California Road West of La Serena Way	2	14,285	C or Better	13,569	C or Better
Rancho California Road West of Anza Road	2	N/A	N/A	18,248	E
Anza Road South of Rancho California Road	4	N/A	N/A	27,672	D
Glenoaks Road South of Rancho California Road	2	N/A	N/A	5,434	C or Better
Rancho California Road East of I-15	8	59,990	D	52,444	C or Better
Rancho California Road East of Anza Road	2	13,489	C or Better	17,013	D

Anza Road North of De Portola Road	4	23,687	C or Better	25,996	C or Better
De Portola Road East of Anza Road	2	8,506	C or Better	10,439	C or Better
Mesa Road North of Glenoaks Road	2	4,718	C or Better	5,030	C or Better
De Portola Road East of Glenoaks Road	2	3,426	C or Better	5,123	C or Better
SR 79 (Temecula Parkway) East of I-15	8	36,829	C or Better	37,181	C or Better
SR 79 (Temecula Parkway) West of Butterfield Stage Road	6	46,973	C or Better	46,612	C or Better
SR 79 (Temecula Parkway) East of Anza Road	6	27,807	C or Better	32,272	C or Better
Butterfield Stage Road north of De Portola Road	4	27,262	C or Better	31,021	D
Butterfield Stage Road north of Rancho California Road	4	12,704	C or Better	7,391	C or Better
Butterfield Stage Road north of Temecula Parkway	4	30,463	D	33,205	E
Butterfield Stage Road south of Channel Street	4	10,257	C or Better	12,308	C or Better
Butterfield Stage Road south of La Serena Way	4	12,187	C or Better	6,894	C or Better
Butterfield Stage Road south of Pauba Road	4	25,220	C or Better	28,590	C or Better
Butterfield Stage Road south of Rancho California Road	4	22,095	C or Better	20,453	C or Better
Butterfield Stage Road south of Rancho Vista Road	4	24,614	C or Better	25,944	C or Better
Calle Medusa south of Enfield Lane	2	5,464	C or Better	5,622	C or Better
De Portola Road east of Jedediah Smith Road	4	14,104	C or Better	17,597	C or Better
De Portola Road east of Margarita Road	4	13,654	C or Better	18,371	C or Better

De Portola Road east of Meadows Parkway	4	14,838	C or Better	17,563	C or Better
De Portola Road. west of Butterfield Stage Road	4	12,949	C or Better	14,725	C or Better
Diaz Road north of Rancho California Road	4	10,132	C or Better	15,161	C or Better
La Serena Way east of Meadows Parkway	4	15,854	C or Better	17,220	C or Better
Margarita Road east of Avenida Barca	4	30,561	D	31,436	D
Margarita Road north of Rancho California Road	4	31,716	D	25,371	C or Better
Margarita Road north of Santiago Road	4	24,645	C or Better	23,201	C or Better
Margarita Road north of Temecula Parkway	4	25,986	C or Better	28,868	D
Margarita Road south of Jedediah Smith Road	4	17,699	C or Better	21,311	C or Better
Margarita Road south of Rancho California Road	4	26,164	C or Better	25,993	C or Better
Margarita Road south of Rancho Vista Road	4	29,572	D	25,998	C or Better
Meadows Parkway north of Rancho California Road	4	9,675	C or Better	9,599	C or Better
Meadows Parkway north of Temecula Parkway	4	22,245	C or Better	26,793	C or Better
Meadows Parkway south of La Serena Way	4	6,123	C or Better	6,930	C or Better
Meadows Parkway south of Leena Way	4	11,320	C or Better	23,116	C or Better
Meadows Parkway south of Pauba Road	4	17,736	C or Better	25,181	C or Better
Meadows Parkway south of Rancho California Road	4	16,003	C or Better	19,912	C or Better
Meadows Parkway south of Rancho Vista Road	4	19,547	C or Better	23,019	C or Better

Meadows Parkway south of Sunny Meadows Drive	4	15,362	C or Better	23,955	C or Better
Pauba Road east of Butterfield Stage Road	2	8,907	C or Better	10,808	C or Better
Pauba Road east of Margarita Road	4	18,354	C or Better	23,617	C or Better
Pauba Road east of Meadows Parkway	4	13,125	C or Better	15,377	C or Better
Pauba Road east of Ynez Road	4	13,500	C or Better	16,669	C or Better
Pauba Road west of Margarita Road	4	13,366	C or Better	15,688	C or Better
Rainbow Canyon Road south of Pechanga Parkway	4	10,859	C or Better	12,296	C or Better
Rancho California Road east of Diaz Road	6	21,654	C or Better	25,985	C or Better
Rancho California Road east of Moraga Road*	6	40,007	C or Better	46,089	C or Better <u>D</u>
Rancho California Road west of Business Park Drive	4	6,238	C or Better	7,124	C or Better
Rancho California Road west of Butterfield Stage Road	4	17,348	C or Better	24,194	C or Better
Rancho California Road west of Diaz Road	4	19,337	C or Better	17,557	C or Better
Rancho California Road west of Meadows Parkway	4	26,583	C or Better	32,806	E
Rancho California Road west of Ynez Road	8	56,749	C or Better	65,820	E
Rancho Vista Road east of Margarita Road	4	15,745	C or Better	18,496	C or Better
Rancho Vista Road east of Ynez Road	4	23,611	C or Better	20,054	C or Better
Rancho Vista Road west of Margarita Road	4	20,824	C or Better	16,609	C or Better
Rancho Vista Road west of Meadows Parkway	4	14,269	C or Better	15,905	C or Better

Temecula Parkway east of Margarita Road*	8 <u>6</u>	38,227	C or Better	47,524	C or Better <u>D</u>
Temecula Parkway east of Meadows Parkway*	6	44,415	C or Better	48,531	C or Better <u>D</u>
Temecula Parkway east of Pechanga Parkway*	6	41,564	C or Better	49,877	D <u>E</u>
Temecula Parkway west of Margarita Road*	6	38,199	C or Better	45,839	C or Better <u>D</u>
Vincent Moraga south of Rancho California Road*	2	9,380	C or Better	10,732	D <u>C or Better</u>
Ynez Road north of Santiago Road*	4	20,404	C or Better	23,442	C or Better <u>D</u>
Ynez Road south of Solana Way	6	43,952	D	44,329	D
Ynez Road west of Jedediah Smith Road*	4	20,817	C or Better	25,637	C or Better <u>D</u>
Rainbow Canyon Road S/O Clubhouse Road (Feb.)	4	8,625	C or Better	9,615	C or Better
Rainbow Canyon Road S/O Clubhouse Road (Oct.)	4	8,495	C or Better	9,459	C or Better
Rancho California Road W/O Margarita Road (Feb.)	6	30,416	C or Better	37,328	C or Better
Rancho California Road W/O Margarita Road (July)	6	31,142	C or Better	38,199	C or Better
Temecula Parkway E/O Butterfield Stage Road (Feb.)*	6	47,314	C or Better <u>D</u>	57,416	E <u>F</u>
Temecula Parkway E/O Butterfield Stage Road (Oct.)*	6	47,327	C or Better <u>D</u>	57,432	E <u>F</u>
I-15 South of SR 79 (Temecula Parkway)	8	187,954	E	177,322	D
I-15 North of SR 79 (Temecula Parkway)	8	207,795	F	192,487	E
I-15 South of Rancho California Road Interchange	8	207,795	F	192,487	E
I-15 North of Rancho California Road Interchange	8	217,642	F	200,190	E
I-15 NB Off-Ramp at SR 79 (Temecula Parkway)	1	16,020	C or Better	14,332	C or Better
I-15 NB On-Ramp at SR 79 (Temecula Parkway)	1	15,446	C or Better	12,041	C or Better

I-15 SB Off-Ramp at SR 79 (<u>Temecula Parkway</u>)	1	29,555	C or Better	24,136	C or Better
I-15 SB On-Ramp at SR 79 (<u>Temecula Parkway</u>)	1	30,738	C or Better	29,274	C or Better
I-15 NB Off-Ramp at Rancho California Road	1	17,251	D	14,437	C or Better
I-15 NB On-Ramp at Rancho California Road	1	17,244	D	14,493	C or Better
I-15 SB Off-Ramp at Rancho California Road	1	19,000	E	18,711	E
I-15 SB On-Ramp at Rancho California Road	1	13,311	C or Better	12,080	C or Better
<i>Source: Fehr & Peers, 2011</i>					
<i>N/A – Count Data Not Available</i>					
<i>* denotes locations where City of Temecula capacities were utilized at the request of City staff.</i>					

10.19 The analysis in the TIS utilizes the City’s General Plan Circulation diagram to identify future geometries at the study intersections. City staff has provided revised geometrics which have been incorporated into the analysis under the Cumulative No Project and Cumulative Plus Project Conditions. Removed items are shown with ~~strikeout type~~, and additions are shown with underline type. The results are summarized below: The updated assessment generally shows improved operations relative to the analysis presented in the Draft PEIR. Given that the updated analysis generally shows improved operations, and that the updated assessment indicates that there are no new cumulatively considerable impacts associated with the Project, the response below is considered adequate and the new information does not warrant recirculation of the Draft PEIR.

TIS TABLE 11 / Draft PEIR 4.14-11			
INTERSECTION LEVELS OF SERVICE: FUTURE WITH PROJECT ALTERNATIVE CONDITIONS			
Intersection	Control	Delay	LOS
1. Winchester Road at Nicolas Road	Signalized	> 120 <u>52.2</u>	F <u>D</u>
2. Winchester Road at Margarita Road	Signalized	53.4	D
3. Winchester Road at Ynez Road	Signalized	58.8	E
4. Winchester Road at I-15 NB Ramps	Signalized	>120	F
5. Winchester Road at I-15 SB Ramps	Signalized	45.4	D
6. Winchester Road at Jefferson Avenue	Signalized	49.2	D
7. Rancho California Road at Ynez Road	Signalized	>120	F
8. Rancho California Road at I-15 NB Ramps	Signalized	36.3	D
9. Rancho California Road at I-15 SB Ramps	Signalized	31.3	C
10. Rancho California Road at Jefferson Avenue	Signalized	36.3	D
11. Temecula Parkway at Old Town Front Street	Signalized	44.4 <u>24.5</u>	D <u>C</u>
12. Temecula Parkway at I-15 SB Ramps	Signalized	>120	F
13. Temecula Parkway at I-15 NB Ramps	Signalized	51.9 <u>31.9</u>	D <u>C</u>
14. Temecula Parkway at Pechanga Parkway	Signalized	28.5	C
15. Pechanga Parkway at Anza Road	Signalized	30.6	C
16. Margarita Road at La Serena Way	Signalized	20.5	C
17. Margarita Road at Rancho California Road	Signalized	73.6 <u>55.6</u>	E
18. Margarita Road at Rancho Vista Road	Signalized	60.9	E
19. Margarita Road at Pauba Road	Signalized	78.7 <u>67.5</u>	E
20. Margarita Road at De Portola Road	Signalized	44.3	D
21. Margarita Road at Temecula Parkway	Signalized	39.3	D
22. Meadow Parkway at La Serena Way	Signalized	9.6	A
23. Meadow Parkway at Rancho California Road	Signalized	40.7 <u>37.8</u>	D
24. Meadow Parkway at Rancho Vista Road	Signalized	22.8	C
25. Meadow Parkway at Pauba Road	Signalized	43.0	D
26. Meadow Parkway at De Portola Road	Signalized	22.1	C
27. Meadow Parkway at Temecula Parkway	Signalized	53.4 50.2	D
28. Butterfield Stage Road at La Serena Way	SSSC	>120	F

29. Butterfield Stage Road at Rancho California Road	Signalized	> 120 <u>99.9</u>	F
30. Butterfield Stage at Rancho Vista Road	SSSC	>120	F
31. Butterfield Stage Road at Pauba Road	Signalized	67.2 <u>30.1</u>	E <u>C</u>
32. Butterfield Stage Road at De Portola Road	Signalized	33.2 <u>34.1</u>	C
33. Butterfield Stage Road at Temecula Parkway	Signalized	>120 <u>79.5</u>	F <u>E</u>
34. La Serena Way at Rancho California Road	SSSC	>120	F
35. Calle Contento at Rancho California Road	SSSC	>120	F
36. Calle Contento at Madera de Playa	SSSC	14.1	B
37. Calle Contento at Pauba Road	SSSC	14.2	B
38. Calle Contento at De Portola Road	SSSC	17.4	C
39. Anza Road at Borel Road (future)	AWS	39.4	E
40. Anza Road at Buck Road (future)	AWS	72.2	F
41. Anza Road at Rancho California Road*	AWS	>120	F
42. Anza Road at Madera de Playa	SSSC	>120	F
43. Anza Road at Pauba Road	AWS	>120	F
44. Anza Road at De Portola Road	AWS	>120	F
45. Anza Road at Temecula Parkway	Signalized	>120	F
46. Rancho California Road at Camino del Vino	SSSC	31.6	D
47. Rancho California Road at Buck Road (future)	AWS	18.4	C
48. Rancho California Road at Glen Oaks Road	AWS	14.8	B
49. Rancho California Road at Monte De Oro	SSSC	>120	F
50. Los Caballos Road at Temecula Parkway	SSSC	>120	F
51. Camino del Vino at Glen Oaks Road	SSSC	32.2	D
52. Camino del Vino at Monte De Oro	SSSC	36.0	E
53. De Portola Road at Benton Road	SSSC	9.9	A
54. De Portola Road at Glen Oaks Road	SSSC	18.9	C
55. De Portola Road at Via De Oro	SSSC	13.1	B
56. De Portola Road at Monte De Oro	SSSC	16.6	C
57. De Portola Road at Camino del Vino	SSSC	12.2	B
58. De Portola Road at Pauba Road	SSSC	>120	F
59. Pauba Road at Los Caballos Road	SSSC	11.7	B
60. Pauba Road at Temecula Parkway	SSSC	59.4	F

Source: Fehr & Peers, 2011

AWS – All Way Stop, SSSC – Side Street Stop Control

* Intersection evaluated using the TRAFFIX software as Synchro cannot evaluate stop-controlled intersections with more than two lanes on any one approach.

Shaded cells indicate unacceptable operations.

10.20 Figures 11 & 12 have been updated to show appropriate lane geometrics, including the French Valley Parkway extension, 8 lanes on Rancho California Road between I-15 and Ynez Road, the Murrieta Hot Springs Extension, and 6 lanes on Rancho California Road west of Margarita Road.

10.21 The second paragraph on under Impact Analysis on TIS Page 53 is revised as follows:

“Please note that the following mitigation measures are based on the Future With Project Condition (Scenario 3-4) as it is the most appropriate condition for identifying impacts.”

10.22 Appropriate changes to the roadway segment LOS results are summarized in responses above. Table 12 has been updated accordingly as shown below.

TIS TABLE 12 / Draft PEIR Table 4.14-6				
IMPACT ANALYSIS RESULTS – ROADWAY SEGMENT				
Segment	Scenario 4 With Project LOS	Scenario 3 General Plan Traffic Volume	Scenario 4 Project Traffic Volume	Change in Traffic Volume
<i>Weekday</i>				
I-15 South of SR 79	E	192,212	187,954	-4,258
I-15 North of SR 79	F	213,434	207,795	-5,639
I-15 South of Rancho California Road	F	213,434	207,795	-5,639
I-15 North of Rancho California Road	F	223,344	217,642	-5,702
I-15 NB Off-Ramp at Rancho California	D	19,555	17,251	-2,304
I-15 NB On-Ramp at Rancho California	D	17,970	17,244	-726
I-15 SB Off-Ramp at Rancho California	E	20,354	19,000	-1,354
<i>Weekend</i>				

Rancho California Road West of Anza Road	E	21,852	18,248	-3,604
Rancho California Road East of Anza Road	D	19,141	17,013	-2,128
Anza Road South of Rancho California	D	36,050	27,672	-8,378
<u>Temecula Parkway E/O Butterfield Stage</u>	<u>F</u>	<u>65,847</u>	<u>57,416</u>	<u>-8,431</u>
<u>Temecula Parkway E/O Butterfield Stage</u>	<u>F</u>	<u>65,863</u>	<u>57,432</u>	<u>-8,431</u>
I-15 South of SR 79	D	185,484	177,322	-8,162
I-15 North of SR 79	E	199,359	192,487	-6,872
I-15 South of Rancho California Road	E	199,359	192,487	-6,872
I-15 North of Rancho California Road	E	208,758	200,190	-8,568
I-15 SB Off-Ramp at Rancho California	E	18,711	18,711	0
Source: Fehr & Peers, 2011				

10.23 The impact determination and mitigation associated with this updated result are addressed as part of response 10.24 and Table 13 from the traffic report summarized the intersection impacts associated with the Project. Table 13 has been updated to reflect the revised intersection assessment based on revised geometrics identified by City staff as shown below.

TIS TABLE 13 / Draft PEIR Table 4.14-7				
IMPACT ANALYSIS RESULTS – INTERSECTIONS				
Intersection	Scenario 4 With Project LOS	Scenario 3 General Plan Delay	Scenario 4 Project Delay	Change in Delay
1. Winchester Road at Nicolas Road	F	>120	>120	N/A
3. Winchester Road at Ynez Road	E	66.4	58.8	-7.6
4. Winchester Road at I-15 NB Ramps	F	>120	>120	N/A
7. Rancho California Road at Ynez Road	F	>120	>120	N/A
12. Temecula Parkway at I 15 SB Ramps	F	105.0	>120	N/A
17. Margarita Road at Rancho California	E	87.7 <u>55.6</u>	73.6 <u>66.9</u>	-14.1 <u>-11.3</u>
18. Margarita Road at Rancho Vista Road	E	86.7	60.9	-25.8
19. Margarita Road at Pauba Road	E	78.7 <u>67.5</u>	104.7 <u>88.2</u>	-26 <u>-20.7</u>

28. Butterfield Stage Road at La Serena Way	F	>120	>120	N/A
29. Butterfield Stage Road at Rancho	F	>120 99.9	>120	N/A
30. Butterfield Stage at Rancho Vista Road	F	>120	>120	N/A
31. Butterfield Stage Road at Pauba Road	E	97.8	67.2	-30.6
33. Butterfield Stage Road at Temecula	F E	>120 79.5	>120	N/A
34. La Serena Way at Rancho California	F	23.5	>120	N/A
35. Calle Contento at Rancho California	F	11.0	>120	N/A
39. Anza Road at Borel Road (future)	E	11.5	39.4	+27.9
40. Anza Road at Buck Road (future)	F	13.6	72.2	+58.6
41. Anza Road at Rancho California Road	F	48.7	>120	N/A
42. Anza Road at Madera de Playa	F	>120	>120	N/A
43. Anza Road at Pauba Road	F	16.7	>120	N/A
44. Anza Road at De Portola Road	F	7.7	>120	N/A
45. Anza Road at Temecula Parkway	F	>120	>120	N/A
46. Rancho California Road at Camino del	D	>120	31.6	N/A
49. Rancho California Road at Monte De	F	12.4	>120	N/A
50. Los Caballos Road at Temecula Parkway	F	36.6	>120	N/A
51. Camino del Vino at Glen Oaks Road	D	11.1	32.2	+21.1
52. Camino del Vino at Monte De Oro	E	6.9	36.0	+29.1
58. De Portola Road at Pauba Road	F	40.4	>120	N/A
60. Pauba Road at Temecula Parkway	F	20.8	59.4	38.6
Source: Fehr & Peers, 2011				
N/A – Change in delay not accurately measurable				

The results of the revised assessment shows that planned improvements at the following locations will modify the impact determination from significant to less-than-significant and they should be removed accordingly:

- Winchester Road/Nicolas Road
- Temecula Parkway/I-15 Southbound Ramps
- Butterfield Stage Road/Pauba Road

- 10.24 The City of Temecula has requested modifications to the impacts and mitigation measures portion of the report. These comments are incorporated appropriately in the TIS impact discussion below, with underline for additions and ~~striked~~ text for deletions:

TRANSPORTATION IMPACT 1 – UNACCEPTABLE OPERATIONS TO AREA ROADWAY SEGMENTS AND INTERSECTIONS

The Project will add traffic to area intersections and roadway segments that will operate at an unacceptable level, creating a *significant and unavoidable* impact to area roadway segments as stated in the Draft PEIR. As requested by the City of Temecula, at their study locations, the City of Temecula impact criteria were applied to identify impacts to their facilities. The resulting significance determinations are summarized below.

Please note that the results of the assessment addressing comments from the City of Temecula indicate that there are no new significant impacts associated with the updated assessment for the Project. Since the updated assessment reduces the number of significant impacts associated with the Project, the analysis summarized in the Draft PEIR is considered conservative and recirculation of the Draft PEIR is not required. It should be noted that this updated information does not introduce any new potentially significant impacts, does not substantially increase existing significant impacts, and has not deprived the public of any opportunity for meaningful review or comments for the Project.

MITIGATION 1 – IMPROVEMENTS TO INTERSECTIONS AND ROADWAY SEGMENTS

The County shall implement a traffic impact fee program or other funding mechanism specifically for the Project area. This program will collect fair-share contributions toward identified mitigation measures, as outlined in the Project Fair Share and Phasing Assessment conducted by Fehr & Peers for the Project. This program will collect fair share contributions toward improvements within the Project area and within the City of Temecula, and the County will enter into an agreement with the City of Temecula to implement the identified improvements. Although participation in the fee program will reduce the impacts to most locations to a less-than-significant level, some measures are considered infeasible and the impact would remain significant and unavoidable. The specific impact locations, and their identified improvements, are described in detail below.

Additionally, future development within the Project shall be required to prepare a focused traffic study that will assess the following to ensure consistency with the assessment prepared for the Project:

- Trip generation comparison to estimates assumed in the Project assessment
- Parking assessment
- Site access and on-site circulation assessment
- Interaction of driveways with adjacent intersections (if appropriate)
- Additional assessment deemed appropriate by the County of Riverside Transportation Department

Rancho California Road West of Anza

This roadway segment operates at LOS E with the proposed project, an unacceptable level. For the segment to operate at LOS C or better, it would require four lanes. However, the Temecula Valley Design Guidelines and the Project specifically identifies this roadway segment as a two-lane facility to reflect the rural nature of the area. Therefore, widening of this roadway would be inconsistent with policy and plan direction for the project and the impact is considered significant-and-unavoidable. The County shall work with the City of Temecula to ensure that the transition from the County's lane configurations to the City's planned lane configurations is provided in a safe and efficient manner.

Rancho California Road East of Anza

This roadway segment operates at LOS D with the proposed project, an unacceptable level. For the segment to operate at LOS C or better, it would require four lanes. However, the Temecula Valley Design Guidelines and the Project specifically identifies this roadway segment as a two-lane facility to reflect the rural nature of the area. Therefore, widening of this roadway would be inconsistent with policy and plan direction for the project and the impact is considered significant-and-unavoidable.

Anza Road South of Rancho California Road

The Project shall contribute a fair share contribution toward improving Anza Road on this segment as a four-lane roadway through the regional TUMF program. With this improvement, the roadway segment would operate acceptably and the impact would be reduced to a less-than-significant level.

Temecula Parkway east of Butterfield Stage Road

Implementation of the Project will decrease traffic volumes on this segment compared to the No Project Condition. Additionally, as shown in Table 4 (Scenario 1, Existing Conditions) and Table 6 (Scenario 2, Existing Plus Project Conditions) of the TIS, this roadway segment would operate at LOS C or better.

As such, based on the City of Temecula significance criteria requested by the City to be applied at this location, this impact is considered *less-than-significant*.

Under Scenario 4 (existing condition, Project plus buildout of the General Plan outside the Project area), this roadway segment operates at LOS F, an unacceptable level. However, it should be noted that, for the segment to operate at an acceptable level under Scenario 4, it would need additional capacity beyond that of a six-lane (Principal Arterial) as well as mitigation measures outside the Project area.

I-15 from South of SR-79 (Temecula Parkway) to north of Rancho California Road

The Project shall make a fair share contribution toward freeway expansion in this area to provide LOS C operations through the regional TUMF program. However, the remaining funding for this improvement has not yet been identified and there is limited right-of-way in the corridor to facilitate freeway expansion. Given the uncertainty of the funding and feasibility of this improvement, the project's impacts to the freeway are considered significant and unavoidable.

I-15 Freeway Ramps to Rancho California (Northbound On and Off Ramps/Southbound Off Ramp).

The Project shall make a fair share contribution toward the addition of a freeway ramp lane at these locations through the regional TUMF program. However, the remaining funding for this improvement has not yet been identified and there is limited right-of-way in the corridor to facilitate freeway ramp expansion. Given the uncertainty of the funding and feasibility of this improvement, the project's impacts to the freeway are considered significant and unavoidable.

~~Winchester Road at Nicolas Road~~

~~The Project shall make a fair share contribution through the Project Traffic Impact Fee (TIF) program toward the following improvements:~~

- ~~• Widen Winchester Road to an 8 lane facility~~
- ~~• Add a second southbound left turn lane~~
- ~~• Add a northbound and southbound dedicated right turn lane~~
- ~~• Provide an overlap right turn phase for the northbound and westbound right turn movements~~

~~With these improvements the intersection will operate at an acceptable LOS D. However, there is development on all four quadrants of this intersection which limits the ability to widen the roadway. As such, this impact is considered significant and unavoidable.~~

Winchester Road at Ynez Road

This intersection operates at LOS E with the proposed Project, an unacceptable level. However, implementation of the Project will decrease delay at this intersection compared to the No Project condition. As such, based on the City of Temecula significance criteria described above, this impact is considered less-than-significant.

~~The Project shall work with the City of Temecula to optimize cycle length and signal timing splits, and make a fair share contribution to revise the~~ For the intersection to operate at an acceptable level, improvements to the Adaptive Traffic Signal Timing Program through the Project TIF would be required. With this improvement, the intersection would operate at an acceptable LOS D and the impact would be reduced to a less than significant level.

Winchester Road at I-15 NB Ramps

The Project shall make a fair share contribution through the Project TIF toward signal modifications to allow "free" westbound right-turn movement, and to revise the Adaptive Traffic Signal Timing Program. Additionally, a second dedicated northbound right-turn lane would be added at the intersection. With these improvements, the intersection would operate at an acceptable LOS D. However, the remaining funding (outside of the TIF) has not been guaranteed. Additionally, this ramp is controlled by Caltrans and is in the City of Temecula; as such, the County cannot guarantee implementation of the identified improvement. As such, the impact is considered significant and unavoidable.

It should be noted that the French Valley Parkway improvements, once fully designed and constructed, may further reduce volumes at this location (beyond that identified in this assessment), which would assist in reducing impacts at this location.

Rancho California Road at Ynez Road

The Project shall make a fair share contribution through the Project TIF or other funding mechanism toward the following improvements:

- Northbound Approach - two left-turn lanes, three through lanes, and a right turn lane
- Southbound and Westbound Approaches - Two left-turn lanes, three through lanes, dual right-turn lanes (with overlap right-turn phasing)
- Eastbound Approach - Three left-turn lanes, three through lanes, and a right-turn lane (with overlap right-turn phasing)

Additionally, Project shall make a fair share contribution to revise the Adaptive Traffic Signal Timing Program through the Project TIF. With these improvements, the intersection would operate at an acceptable LOS D in the City of Temecula. However, all four quadrants of this intersection are developed and there is limited right-of-way. Additionally, the improvements would encroach onto the adjacent pond/park on the southwest quadrant. Given the right-of-way constraints at this location, the impact is considered significant and unavoidable.

Temecula Parkway at I-15 SB Ramps

~~Coordinate with the City of Temecula and Caltrans to optimize cycle length and signal timing splits, and make a fair share contribution to revise the Adaptive Traffic Signal Timing Program. With this improvement, the intersection will operate at LOS D. For the intersection to operate at LOS C or better, the Project would be responsible for a fair share contribution through the regional TUMF program toward the addition of a second southbound left turn lane (which would require three receiving lanes under I-15), and the addition of a second southbound right turn lane. Since the impact can be mitigated by providing LOS D operations through signal timings, the impact is considered less than significant.~~

Margarita Road at Rancho California Road

The Project shall make a fair share contribution through the regional TUMF program or other funding mechanism toward ~~improving all approaches to consist of two left turn lanes, two through lanes, and a dedicated right turn lane, and make a fair share contribution to revise~~ optimizing the Adaptive Traffic Signal Timing Program. With these improvements the intersection would operate at an acceptable LOS D. However, the intersection is controlled by the City of Temecula and the County cannot guarantee implementation of the measure. As such, the impact is considered significant and unavoidable.

Margarita Road at Rancho Vista Road

This intersection operates at LOS E with the proposed Project, an unacceptable level. However, implementation of the Project will decrease delay at this intersection compared to the No Project condition. As such, based on the City of Temecula significance criteria described above, this impact is considered less-than-significant.

~~The Project shall make a fair share contribution through the Project TIF or other funding mechanism toward~~ For this intersection to operate at an acceptable level, optimization of signal timing at the ~~the addition of a second westbound through lane at the intersection is needed, providing one left turn lane, two through lanes, and one right turn lane at the intersection, consistent with the City's~~

~~General Plan.~~ With this improvement, the intersection will operate at an acceptable LOS D ~~and the impact would be reduced to a less than significant level.~~

Margarita Road at Pauba Road

This intersection operates at LOS E with the proposed Project, an unacceptable level. However, implementation of the Project will decrease delay at this intersection compared to the No Project condition. As such, based on the City of Temecula significance criteria described above, this impact is considered less-than-significant.

~~The Project shall make a fair share contribution through the Project TIF toward the addition of a second westbound through~~ For the intersection to operate at an acceptable level, a dedicated westbound right-turn lane would be needed at the intersection, providing one left-turn lane, two through lanes, and one right-turn lane at the intersection, ~~consistent with the City's General Plan.~~ With this improvement, the intersection will operate at an acceptable LOS D and the impact would be reduced to a less-than-significant level.

Butterfield Stage Road at La Serena Way

Coordinate with the City of Temecula and contribute a fair share contribution through the Project TIF or other funding mechanism toward installation of a traffic signal. With this improvement, the intersection will operate at an acceptable LOS C and the impact would be reduced to a less-than-significant level.

Butterfield Stage Road at Rancho California Road

The Project shall make a fair share contribution through the Project TIF or other funding mechanism toward design and construction of ~~a large roundabout (two to three lanes per approach with bypass right turn lanes)~~ or the intersection improvements described below:

- Northbound Approach - two left-turn lanes, two through lanes, one right-turn lane
- Southbound Approach - one left-turn lane, two through lanes, one right-turn lane
- Eastbound Approach - one left-turn lane, three through lanes, and one right-turn lane (with overlap right-turn phase)
- Westbound Approach - one left-turn lane, two through lanes, and one right-turn lane

With these improvements, the intersection will operate at LOS C.

~~Either~~ The identified improvement would reduce the impact to a less-than-significant level.

Butterfield Stage at Rancho Vista Road

The Project shall make a fair share contribution through the Project TIF or other funding mechanism toward installation of a traffic signal. With this improvement, the intersection would operate at an acceptable level and the impact would be reduced to a less-than-significant level.

~~Butterfield Stage Road at Pauba Road~~

~~The County shall contribute a fair share contribution through the Project TIF to work with the City of Temecula to optimize signal timings. With these improvements the intersection will operate at an acceptable LOS D and the impact would be reduced to a less than significant level.~~

Butterfield Stage Road at Temecula Parkway

The Project shall make a fair share contribution through the regional TUMF or other funding mechanism toward the following improvements:

- Restriping the southbound approach to include two left-turn lanes
- Addition of a westbound right-turn lane (with overlap right-turn phase).

With these improvements, the intersection will operate at an acceptable LOS D and the impact would be reduced to a less-than-significant level.

La Serena Way at Rancho California Road

The Project shall make a fair share contribution through the Project TIF toward Installation of a two-lane roundabout. With this improvement, the intersection will operate at an acceptable LOS C and the impact would be reduced to a less-than-significant level.

Calle Contento at Rancho California Road

The Project shall make a fair share contribution through the Project TIF toward Installation of a two-lane roundabout. With this improvement, the intersection will operate at an acceptable LOS C and the impact would be reduced to a less-than-significant level.

Anza Road at Borel Road (future)

The Project shall make a fair share contribution through the regional TUMF program and the Project TIF program toward Installation of a traffic signal. With this improvement, the intersection will operate at an acceptable LOS C and the impact would be reduced to a less-than-significant level.

Anza Road at Buck Road (future)

The Project shall make a fair share contribution through the regional TUMF program and the Project TIF program toward Installation of a traffic signal. With this improvement, the intersection will operate at an acceptable LOS C and the impact would be reduced to a less-than-significant level.

Anza Road at Rancho California Road

Installation of a large roundabout (minimum of two lanes on each approach) will provide acceptable levels of service. Please note that the County will be constructing this roundabout next year; as such, LOS C operations will be provided and the impact is considered less-than-significant.

Anza Road at Madera de Playa

The Project shall make a fair-share contribution through the regional TUMF program and the Project TIF toward the installation of a traffic signal and widen the intersection to consist of the following lane configuration:

- Northbound - two left-turn lanes and two through lanes
- Southbound - two through lanes and one right turn lane
- Eastbound - one left-turn lane and one right-turn lane

With these improvements the intersection will operate at an acceptable LOS C and the impact would be reduced to a less-than-significant level.

Anza Road at Pauba Road

The Project shall make a fair share contribution through the regional TUMF and the Project TIF programs toward the installation of a traffic signal and widening the intersection to the following lane configurations:

- Northbound - one left-turn lane, two through lanes, one right-turn lane
- Southbound - one left-turn lane, two through lanes, and one right-turn lane
- Eastbound - one left-turn lane and a shared through/right-turn lane
- Westbound – one shared left/through/right turn lane

With these improvements the intersection will operate at an acceptable LOS C and the impact would be reduced to a less-than-significant level.

Anza Road at De Portola Road

The Project shall make a fair share contribution through the regional TUMF and the Project TIF programs toward the installation of a traffic signal and widening the intersection to the following lane configurations:

- Northbound - one left-turn lane, two through lanes, one right-turn lane
- Southbound - one left-turn lane, two through lanes, and one right-turn lane
- Eastbound - one left-turn lane and a shared through/right-turn lane
- Westbound – one left-turn lane and a shared through/right turn lane

With these improvements the intersection will operate at an acceptable LOS C and the impact would be reduced to a less-than-significant level.

Anza Road at Temecula Parkway

The Project shall make a fair share contribution through the regional TUMF and Project TIF programs toward the installation of a traffic signal and widening the intersection to the following lane configurations:

- Southbound - one left-turn lane and two right-turn lanes (with overlap right-turn phase)
- Eastbound - two left-turn lanes and two through lanes
- Westbound – two through lanes and a right-turn lane

With these improvements the intersection will operate at an acceptable LOS C and the impact would be reduced to a less-than-significant level.

Rancho California Road at Camino del Vino

The Project shall make a fair share contribution through the Project TIF toward the installation of a traffic signal and the addition of a southbound left-turn lane. With these improvements the intersection will operate at an acceptable LOS C. Alternatively, a single-lane roundabout would provide acceptable operations.

Either improvement would reduce the impact to a less-than-significant level.

Rancho California Road at Monte De Oro

The Project shall make a fair share contribution through the Project TIF toward installation of a two-lane roundabout. With this improvement, the intersection will operate at an acceptable LOS C and the impact would be reduced to a less-than-significant level.

Los Caballos Road at Temecula Parkway

Given the rural nature of this area, this intersection will remain unsignalized in the future. Therefore, this impact is considered significant and unavoidable.

Camino del Vino at Glen Oaks Road

Given the rural nature of this area, this intersection will remain unsignalized in the future. Therefore, this impact is considered significant and unavoidable.

Camino del Vino at Monte De Oro

Given the rural nature of this area, this intersection will remain unsignalized in the future. Therefore, this impact is considered significant and unavoidable.

De Portola Road at Pauba Road

Given the rural nature of this area, this intersection will remain unsignalized in the future. Therefore, this impact is considered significant and unavoidable.

Pauba Road at Temecula Parkway

Given the rural nature of this area, this intersection will remain unsignalized in the future. Therefore, this impact is considered significant and unavoidable.

Comment Letter No. 11

7:25 AM 2/6/2012 7:25 AM

From: Mehta-Cooper, Mitra
Sent: Monday, February 06, 2012 7:11 AM
To: Nanthavongdouangsy, Phayvanh
Subject: FW: DPEIR Wine Country Community Plan Project
Attachments: DPEIRWineCountryCommunityPlan.pdf

FYI

From: Daniel Garcia [<mailto:dgarcia@aqmd.gov>]
Sent: Thursday, February 02, 2012 6:29 PM
To: Mehta-Cooper, Mitra
Cc: Ian MacMillan
Subject: DPEIR Wine Country Community Plan Project

The South Coast Air Quality Management District's comments are provided in the attached letter. Please be advised that you will also receive this letter by U.S. Mail.

} 11.1

Regards,

Dan Garcia
Air Quality Specialist
Planning, Rule Development, and Area Sources
21865 Copley Drive
Diamond Bar, CA 91765-4178
P: (909) 396-3304
F: (909) 396-3324



South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-Mailed: February 2, 2012
mmehta@rctlma.org

February 2, 2012

Ms. Mitra Metha-Cooper
Riverside County Planning Department
4080 Lemon Street, 12th Floor
P.O. Box 1409
Riverside, CA 92502-1409

**Review of the Draft Environmental Impact Report (Draft EIR)
for the Proposed Temecula Valley Wine Country Community Plan Project**

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the lead agency and should be incorporated into the Final Environmental Impact Report (Final EIR) as appropriate.

} 11.2

The AQMD staff is concerned about future potential localized air quality impacts to sensitive land uses (i.e., residential uses) within the project area from construction activity facilitated by the proposed project. Therefore, the lead agency should include mitigation in the Final EIR that requires all future projects in the plan area to conduct a localized air quality analysis and apply all feasible mitigation when necessary. Further, AQMD staff recommends that the lead agency consider additional mitigation measures to minimize the project's significant regional air quality and greenhouse gas emissions impacts pursuant to Section 15126.4 of the California Environmental Quality Act (CEQA) Guidelines. Details regarding these comments are attached to this letter.

} 11.3

Pursuant to Public Resources Code Section 21092.5, AQMD staff requests that the lead agency provide the AQMD with written responses to all comments contained herein prior to the adoption of the Final EIR. Further, staff is available to work with the lead agency

} 11.4

Ms. Mirta Mehta-Cooper

2

February 2, 2012

to address these issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

} 11.4
cont

Sincerely,



Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:DG

RVC111202-01
Control Number

Ms. Mirta Mehta-Cooper

3

February 2, 2012

Potential Localized Air Quality Impacts to Sensitive Land Uses

1. Based on the lead agency's discussion for Impact 4.3-3 in the Draft EIR the proposed project may include construction activity in close proximity to sensitive land uses (i.e., residential). However, the lead agency determined that since residential uses are required to be low density (i.e., one home per acre), the localized construction emissions from individual residential development will remain below the localized significance thresholds (LSTs). As a result, the AQMD staff is concerned that this assessment does not account for individual parcel layout and that in some cases, regardless of density specifications, construction of an individual project could occur such that it is adjacent to existing residents yielding potential air quality impacts during construction. Therefore, AQMD staff recommends that the lead agency provide additional mitigation that requires: (a) all projects subject to CEQA review conduct an LST analysis consistent with AQMD's LST Methodology¹ and (b) any project that demonstrates significant localized impacts to reduce the impacts to the maximum extent feasible with the appropriate onsite measures such as those identified in comment number two (2) below.

11.5

Mitigation Measures for Construction Air Quality Impacts

2. Given that the lead agency concluded that the proposed project will have significant construction related regional air quality impacts, the AQMD staff recommends that the lead agency provide additional mitigation pursuant to CEQA Guidelines §15126.4. Specifically, AQMD staff recommends that the lead agency minimize or eliminate significant adverse air quality impacts by adding the mitigation measures provided below.
 - Reroute construction trucks away from congested streets or sensitive receptor areas,
 - Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation,
 - Improve traffic flow by signal synchronization, and ensure that all vehicles and equipment will be properly tuned and maintained according to manufacturers' specifications,
 - Use coatings and solvents with a VOC content lower than that required under AQMD Rule 1113,
 - Construct or build with materials that do not require painting,
 - Require the use of pre-painted construction materials,
 - Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the lead agency determines that 2010 model year or newer diesel trucks cannot be obtained the lead agency shall use trucks that meet EPA 2007 model year NOx and PM emissions requirements,

11.6

¹ <http://www.aqmd.gov/ceqa/handbook/LST/LST.html>

Ms. Mirta Mehta-Cooper

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February 2, 2012

- During project construction, all internal combustion engines/construction equipment operating on the project site shall meet EPA-Certified Tier 3 emissions standards, or higher according to the following:
 - ✓ Project Start, to December 31, 2014: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
 - ✓ Post-January 1, 2015: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
 - ✓ A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
 - ✓ Encourage construction contractors to apply for AQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for AQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website: <http://www.aqmd.gov/tao/Implementation/SOONProgram.htm>

For additional measures to reduce off-road construction equipment, refer to the mitigation measure tables located at the following website:
www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html.

Mitigation Measures for Operational Air Quality Impacts

3. The lead agency's operational air quality analysis demonstrates significant air quality impacts from all criteria pollutant emissions including NOx, CO, VOC, PM10 and greenhouse gas emissions impacts. These impacts are primarily from mobile source emissions related to vehicle trips associated with the proposed project. However, the lead agency fails to adequately address this large source of emissions. Specifically, the lead agency requires nominal mitigation measures in the Draft EIR that lack emission reduction targets and specificity relative to the mobile source emissions. Therefore, the lead agency should reduce the project's significant air quality impacts by reviewing and incorporating additional transportation mitigation measures from

11.6
cont

11.7

Ms. Mirta Mehta-Cooper

5

February 2, 2012

the greenhouse gas quantification report² published by the California Air Pollution Control Officer's Association and by revising mitigation measures AQ-1 through AQ-7 to provide specific emission reduction targets in the Final EIR. Further, the lead agency should be mindful of significant mobile source reductions that are needed in the near future for the South Coast Air Basin to achieve Federal Clean Air Standards by 2023 and 2030³.

} 11.7
cont

² California Air Pollution Control Officer's Association. August 2010. Quantifying Greenhouse Gas Mitigation Measures. Accessed at: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

³ See page six (6) of the Powering the Future Document accessed at: <http://www.aqmd.gov/pubinfo/images/cover-spread.jpg>

Response No. 11

**South Coast Air Quality Management District
Dan Garcia/ Ian MacMillan
Air Quality Specialist**

- 11.1 This comment does not identify any specific concern with the adequacy of the Draft PEIR or any environmental issues. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to environmental comments).)
- 11.2 This comment does not identify any specific concern with the adequacy of the Draft PEIR or any environmental issues. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to environmental comments).)
- 11.3 This comment summarizes the District’s concerns. Responses to the specific concerns noted are provided below.
- 11.4 The County of Riverside is complying with the requirements of the California Environmental Quality Act (CEQA) Section 21092.5, and will be preparing written responses to significant environmental comments provided to the County during the 60-day public review period. In compliance with CEQA, all public agencies will be provided written responses to their comments at least 10 days prior to Final PEIR certification. County staff appreciates the offer to consult with District staff in advance of the Final PEIR consideration, and will contact District staff if necessary.
- 11.5 The Draft PEIR Impact 4.3-3 states that, for construction-related impacts, operational impacts, and infrastructure impacts, implementing project activities may result in potentially significant impacts related to LST thresholds (Draft PEIR, page 4.3-31). Even with compliance with existing regulations and policies, and the implementation of mitigation measures AQ-1 through AQ-12, the Project may result in potentially significant and unavoidable impacts. Mitigation measures AQ-8 through AQ-12 will reduce construction-related impacts to the maximum extent feasible. Mitigation Measure AQ-12 specifically requires LST analysis, and will be modified as noted below to clarify the methodology.

“AQ-12 Proponents of non-residential implementing projects or projects larger than five acres in total size shall prepare appropriate air quality studies which demonstrate that emissions resulting from Project construction and operation do not result in significant localized impacts, or are mitigated to the

extent feasible. The site-specific studies shall utilize SCAQMD’s Localized Significance Threshold methodology, as reflected at <http://www.aqmd.gov/ceqa/handbook/LST/LST.html>. This methodology is a guidance document and may be modified for site-specific implementing actions as determined appropriate by the County.”

Residential uses are not likely to result in localized impacts due to setback and minimum lot size requirements of the Project. Although construction activities may occur up to the property boundary, existing residential uses will be set back from the property boundary at a minimum distance of 50 feet and a minimum lot size of one acre. Based on this distance and lot size, construction occurring at adjacent parcels will not likely result in an exceedance of LST thresholds.

11.6 This is a Program EIR and its implementing projects will be required to comply with the Air Quality and Greenhouse Gas emission mitigation measures (AQ 1-12 and GHG 1-2) at the time of project development. Since the various implementing projects are not known at this time, it will be difficult to determine the extent of project impacts and to define the necessary mitigation measure to offset those impacts. The suggested additional mitigation measures will be considered by the County during Project deliberations.

The proposed Project being a community plan (programmatic EIR), will contain many individual projects which are not under the control of the County in terms of construction of operational parameters. The County is not responsible for building or operating any of those individual projects.

In addition, the California Air Resources Board (CARB) is responsible for regulating emissions from off-road (construction) equipment throughout the state by setting emissions standards for off-road (construction) equipment. With regard to on-road sources, the Environmental Protection Agency sets emissions standards. Emissions standards over time are reduced to meet pollution reduction goals.

Although the county is not responsible for regulating off-road and on-road emissions, emissions will be reduced over time as emissions standards are reduced through the appropriate regulatory agency (CARB, EPA, etc). Therefore, mitigation measures which are Project specific may not be feasible given the level of control available to the County.

The recommended mitigation measures to reduce VOC emissions during construction such as requiring coatings and solvents to contain VOC content less

than SCAQMD Rule 1113; use of pre-painted materials; and construct or build with materials that do not require painting may not be feasible to all implementing projects within the Project area such as single family residential uses to commercial wineries. As mentioned previously, the County will not be building or implementing the individual projects within the Community Plan Area. However, for larger implementing projects such as wineries, the County will recommend use of low VOC content paints beyond SCAQMD Rule 1113 requirements on a case-by-case basis through implementation of Mitigation Measure GHG-2.

The recommended mitigation measure requiring all haul trucks to meet the most stringent emissions standards may not be feasible due to the current availability of such equipment. Review of the EMFAC 2011 fleet data for T7 (heavy duty diesel) single construction trucks shows that only approximately 28% of the construction trucks in the Riverside region meet EPA 2007 or better emission standards by 2014. With a low availability of new (2007 or newer) haul trucks, it is not feasible to meet the suggested performance standard.

For individual projects within the Project area which are being constructed in the next few years, use of 2007 or newer trucks will not be feasible due to availability. However, the Project has a relatively long build out (Year 2035) and as time passes, more trucks in the construction fleet mix will eventually meet Year 2007 emissions standards.

The recommended mitigation measure requiring all construction equipment to meet Tier 3 or 4 emissions standards may not be feasible due to the current availability of such equipment. Review of the latest CARB Diesel Off-Road Online Reporting System (DOORS) data shows that heavy duty off-road construction equipment meeting Tier 3 or 4 emission standards account for only seven percent of the statewide fleet.¹ With a low availability of Tier 3 or 4 emissions compliant construction equipment, it is not feasible to require all construction equipment to meet these requirements. As discussed above, the availability of Tier 3 and 4 equipment within the construction fleet will increase with time. With the long build out (Year 2035), all construction equipment will eventually meet Tier 4 emissions standards.

With regard to participation with the AQMD SOON program, construction contractors will be encouraged to apply for AQMD “SOON” funds. Mitigation Measure AQ-13 has been added and will be implemented as part of the Final PEIR:

¹ Diesel Off-Road Online reporting System Access Database. April 14, 2010. California Air Resources Board.

“AQ-13: Construction contractors supplying heavy duty diesel equipment, greater than 50 hp, will be encouraged to apply for AQMD SOON funds. Information including the AQMD website will be provided to each contractor which uses heavy duty diesel for on-site construction activities.”

11.7 The Draft PEIR provides a comprehensive assessment of mobile emissions. Mitigation of operational mobile emissions is addressed in the following ways:

- 1) The Project itself can be considered “mitigation” as it represents a substantial reduction in Wine Country buildout compared to the current General Plan and Policy standards (over 1,000 less dwelling units and over 10,000 less employees, as shown on page 6.0-11 of the Draft PEIR);
- 2) The Project incorporates numerous Project Design Features as set forth in Chapter 3 (pages 3.0-16 to 3.0-21) and in Chapters 4.3 and 4.7. These measures have been incorporated into the Project and therefore are not identified as “mitigation measures” but they nonetheless provide for substantial reduction in overall mobile emissions;
- 3) The Project’s future implementing projects will be required to comply with numerous existing regulations and requirements as set forth in the Draft PEIR Chapters 4.3 and 4.7;
- 4) The Project includes various transportation improvements that also serve to reduce GHG, in that they provide for substantial non-vehicular transportation (pedestrian, bicycle and equestrian), and reduce total vehicle miles traveled through Transportation Demand Management measures such as those noted in TRF-2;
- 5) GHG-2 provides for a menu approach to allow individual implementing projects achieve the necessary GHG reduction; and
- 6) The Air Quality Chapter includes various measures that serve to reduce mobile emissions. AQ-1 requires new commercial and industrial implementing project to develop a trip reduction program. AQ-2 conditions all implementing projects to implement the Trails and Bikeways Systems map. AQ-3 requires implementing projects to incorporate bicycle parking areas and horse hitching posts. AQ-4 requires implementing projects to incorporate a comprehensive parking program. AQ-5 promotes the expanded use of renewable fuel and low-emissions vehicles. AQ-6 requires implementing projects to prohibit idling of on-and-off road heavy duty diesel vehicles for more than five minutes. AQ-7 promotes alternative modes of transportation.

As mentioned previously, the Project is a community plan (programmatic EIR) in which the County has little or no control over operations of each individual implementing project. The Project contains several measures

which serve to reduce vehicle trips as described above, however, detailed trip reduction mitigation measures such as requiring use of shuttles, mixed use development or increase density is not feasible for this Project.

Comment Letter No. 12

90986.1



RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
1995 MARKET STREET
RIVERSIDE, CA 92501-1770
VOICE: 951.955.1200
FAX: 951.684.8409

FACSIMILE TRANSMITTAL

PAGES: 6, including cover sheet.

TO: CO. PLANNING

ATTN: KRISTY EARLY

FAX NUMBER: 955 1811

FROM: ERIC RUSSELL 955 1211

DATE: 2/6/12

RE: EIR 524/ WINE COUNTRY

COMMENTS: LMS SC#2 COMMENTS

PLUS COUPLE OF ~~WORDS~~ TYPoS IN 7.0

FAXED THIS TO RBF earlier

12/02/12
1:31

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 1

ENVIRONMENTAL IMPACT RPT Case #: EIR00524 Parcel:

5. DRT CORRECTIONS REQUIRED

FLOOD RI DEPARTMENT

5.FLOOD RI. 1

DRT EIR 524 SC#2 COMMENTS

REQUIRED

Environmental Impact Report 00524 (Temecula Valley Wine Country Community Plan) is a document to analyze the potential environmental impacts associated with amending the existing Southwest Area Plan and other elements of the General Plan accompanied with Zoning Ordinance amendments to ensure consistency between the General Plan and the Zoning Ordinance. The Temecula Valley Wine Country Community Plan is generally located in the southwest portion of Riverside County easterly of the City of Temecula southerly of Lake Skinner, northerly of the Riverside/San Diego county border and westerly of Vail Lake. The purpose of Community Plan is to provide a blueprint for growth to ensure that future development activities will enhance the quality of life for existing and future residents, while providing opportunities for continued development and expansion of winery and equestrian operations within this part of the County. The District has the following comments/corrections

12.1

Section 1.0 Executive Summary
Page 1.0-26 / Change 4th bullet point of HYD-8 to read: Detain any incremental increase in drainage within the implementing project's boundaries in accordance with RCFCWCD requirements.
This change should be repeated throughout the document where HYD-8 is referenced.

12.2

Section 4.9 Hydrology and Water Quality\
Page 4.9-1 / Typo: Double period at the end of the 1st paragraph under Regional Hydrology and Drainage

12.3

Page 4.9-2 / 1st paragraph under Drainage Area 6: District 5 drains to Temecula Creek.
Delete 'provided by Riverside County Flood Control and Water Conservation District (RCFCWCD).' Typo: in the 6th sentence of this paragraph, DrainagePlan should be Drainage Plan
Replace the last sentence of the 2nd paragraph (Any project that requires ..) with the following:
Large scale and high density subdivisions which would alter the limits of the floodplain are not anticipated within the Project area. Should such projects submit an application for development and are located in areas subject to the one-percent annual chance flood event, such developments

12.4

Suggested edits to EIR 00124 check 2
[Signature] 2/2/2012

12/02/12
1:31

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 2

ENVIRONMENTAL IMPACT RPT Case #: EIR00524

Parcel:

5. DRT CORRECTIONS REQUIRED

5.FLOOD RI. 1

DRT EIR 524 SC#2 COMMENTS (cont.)

REQUIRED

will be required to meet the provisions of Ordinance 458 during the entitlement process. Construction of a structure within a one-percent chance floodplain is also subject to the provisions of Ordinance 458. This same language should be used in the last paragraph of page 4.9-29.

} 12.4
cont

Questions concerning these comments may be referred to Eric Russell at 951.955.1211 or Mekbib Degaga at 951.955.1200.

Regar



9.1 LIST OF PREPARERS

RIVERSIDE COUNTY
4080 Lemon Street
Riverside, CA 92502-1629

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kyang@rivcocha.org

MS

} 12.5

RBF CONSULTING
40810 County Center Drive, Suite 100
Temecula, CA 92591-6022

Mr. Michael Tylman, PE, Principal-in-Charge
Mr. Kevin Thomas, CEP, EIR Project Manager
Mr. Aaron Pfannenstiel, AICP, LEED AP, EIR Task Manager



Ms → Mr. Jeff Stone, Third District Supervisor
Mr. Olivia Barnes, Legislative Assistant

} 12.6

WINE COUNTRY COMMUNITY PLAN Ad Hoc Advisory Committee

Refer to <http://socalwinecountryplan.org/AboutUs/AdHocAdvisoryCommittee/tabid/77/Default.aspx> for additional information regarding the Advisory Committee members, process and activities.

Bill Wilson (Chairman)	Margaret Rich
Jim Carter	Kimberly Adams
Phil Baily	Jane Block
Mike Rennie	Jynn Mattocks
Dan Stephenson	Rusty Manning
John Maramarco	Terilee Hammett
Andy Domenigoni	Greg Hessler
Lorraine Harrington	Paul DeSimone
Robert Kellerhouse	Elisa Niederecker
Edith Atwood	

TEMECULA VALLEY WINEGROWERS ASSOCIATION

34567 Rancho California Road
Temecula, CA 92593
Mailing Address: PO Box 1601
Temecula, CA 92593

TEMECULA VALLEY CHAMBER OF COMMERCE

26790 Ynez Court, Suite A
Temecula, CA 92591

TEMECULA VALLEY CONVENTION AND VISITORS BUREAU

28690 Mercedes Street, Suite A
Temecula, CA 92590

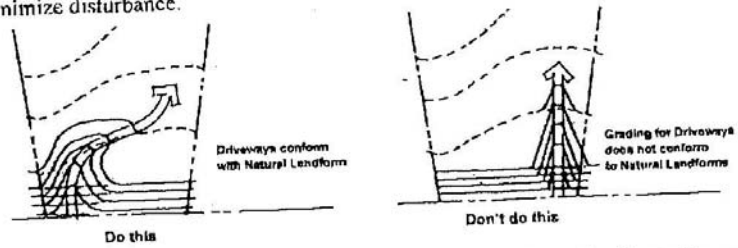
RIVERSIDE COUNTY ECONOMIC DEVELOPMENT AGENCY

3404 10th Street, Suite 500
Riverside, CA 92501
Mailing Address: PO Box 1180
Riverside, CA 92502

RANCHO CALIFORNIA WATER DISTRICT

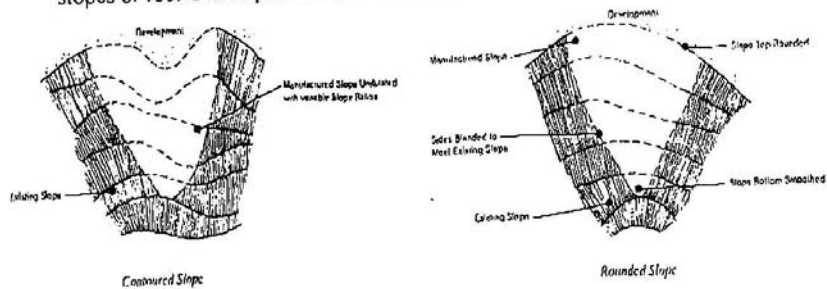
42135 Winchester Road
Temecula, CA 92590

2. All buildings, building pads, roads, driveways, and hardscape should, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance.

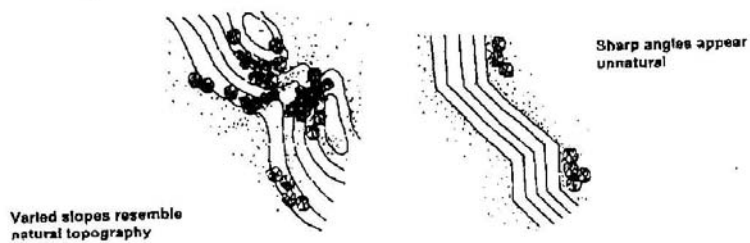


3. Any increase in runoff resulting from a site development should be directed away from any neighboring properties, into a newly improved street or public right-of-way that is designated to carry surface drainage run-off.
4. Off-highway vehicles shall not be operated on commercial or non-commercial basis within any portion of the project site within the policy area.
5. Mass grading should be avoided; however, if grading is necessary, contoured slopes or rounded slopes should be manufactured.

Also } 12.7
 85 }
 12 }



6. Graded slopes and/or building pads should provide a variety of both slope percentages and slope direction in a three-dimensional undulating pattern that is similar to the existing natural terrain rather than left at a constant angle and direction, which creates an unnatural and manufactured appearance for the site.



3
 December 07, 2005

Response No. 12

**County of Riverside, Flood Control & Water Conservation District
Eric Russell**

12.1 Responses to specific comments are provided below.

12.2 Page 1.0-26, HYD-8, 4th bullet will be revised as:

HYD-8 All implementing projects shall consider the following flood control measures and shall use them, as applicable:

- Minimize encroachment into floodplains and watercourses to the satisfaction of the Riverside County Flood Control and Water Conservation District prior to applicable plan/permit approval.
- Phase so that 100-year flood protection is ensured in all areas of development. Provide protection against flooding, erosion, siltation, and water quality impacts through interim improvements (such as temporary debris basins, earthen channels/berms, check dams, sand bag barriers, or other temporary BMPs and flood control protection measures).
- Keep building pad construction from flood hazard for the 100-year frequency storm by elevating finished floor elevations above the 100-year level of flood protection.
- “. . . Detain any incremental increase in drainage within the implementing project’s boundaries in accordance with RCFCWCD requirements. ~~For the portion of the project site within the Murrieta Creek Area Drainage Plan (ADP), detain incremental increases in drainage until the Murrieta Creek ADP is fully implemented downstream of the implementing project site.~~

This revision applies to HYD-8 in Section 4.9, *Hydrology and Water Quality*, and Section 1.0, *Executive Summary*.

12.3 Section 4.9, Page 4.9-1, Regional Hydrology and Drainage, 1st paragraph will be revised to correct a typo:

“. . . The existing terrain is generally made up of rolling hills throughout with the exception of the Equestrian District, which is relatively flat and largely within a Federal Emergency Management Agency (FEMA) 100-year floodplain, which ultimately drains to Temecula Creek. Multiple natural and man-made basins, reservoirs and natural channels make up the stormwater conveyance systems throughout the Project area. . . .”

12.4 Section 4.9, Page 4.9-2, Drainage Area 6, 1st paragraph will be revised as:

“ . . . A portion of the Project area, approximately the north half, is within the Murrieta Creek watershed, as shown on Exhibit 4.9-1, *Watershed Boundary Map*, provided by Riverside County Flood Control and Water Conservation District (RCFCWCD). As shown on this Exhibit, District 1, a majority of District 2 and the northerly most portion of District 3 fall within this area. The southerly portion of District 3, the southeasterly corner of District 2, District 4, and District 5 fall outside the limits of the Murrieta Creek watershed. All implementing projects that fall within the Murrieta Creek Area Drainage Plan will be subject to ADP fees, as enforced by RCFCWCD. Refer to Exhibit 4.9-2, *Drainage Course Photo Map*, for a detailed view of the Project drainage. . . .”

Section 4.9, Page 4.9-2, Drainage Area 6, last sentence of 2nd paragraph will be revised as:

“ . . . floodplains are areas of moderate flood hazard, usually areas between the limits of the 100-year (1-percent annual probability) and 500-year (0.2-percent annual probability) floods. Large scale and high density subdivisions which would alter the limits of the floodplain are not anticipated within the Project area. Should such projects submit an application for development and are located in areas subject to the one-percent annual chance flood event, such developments will be required to meet the provisions of Ordinance 458 during the entitlement process. Construction of a structure within a one-percent chance floodplain is also subject to the provisions of Ordinance 458. Any project that requires fill to be placed within this area, which alters the limits of the floodplain will be required to process a Letter of Map Revision based on Fill (LOMR F) with FEMA. . . .”

Section 4.9, Page 4.9-29, last paragraph will be revised as:

“ . . . reserved for passive uses such as agriculture, rather than the placement of buildings. Implementing projects shall be required to provide their own flood protection for access and structures, as well as downstream flood mitigation. Large scale and high density subdivisions which would alter the limits of the floodplain are not anticipated within the Project area. Should such projects submit an application for development and are located in areas subject to the one-percent annual chance flood event, such developments will be required to meet the provisions of Ordinance 458 during the entitlement process. Construction of a structure within a one-percent chance floodplain is also subject to the provisions of Ordinance 458. . . .”

12.5 Section 9.0, Page 9.0-1 will be revised as:

“ . . . Mr. John Guerin, Principal Planner (ALUC), jguerin@rctlma.org
~~Ms. Mr.~~Olivia Barnes, Legislative Team Member (Supervisorial District 3)“

12.6 Section 9.0, Page 9.0-3 will be revised as:

“ . . . Mr. Jeff Stone, Third District Supervisor
~~Ms. Mr.~~Olivia Barnes, Legislative Assistant . . . “

12.7 This comment does not identify any specific concern with the adequacy of the Draft EIR. The County will consider this suggestion during Project deliberations. No further response is warranted. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to *environmental* comments.)

Comment Letter No. 13



DEPARTMENT OF ENVIRONMENTAL HEALTH

DATE: February 6, 2012

TO: RIVERSIDE COUNTY PLANNING DEPARTMENT
ATTN: MITRA MEHTA-COOPER

FROM: MICHAEL MISTICA

RE: ENVIRONMENTAL IMPACT REPORT#524

TEMECULA VALLEY WINE COUNTRY COMMUNITY PLAN

The Department of Environmental Health (DEH) has reviewed the Draft Environmental Impact Report#524 and offers the following comments:

- 1) Any conditions regarding salinity management (i.e. PSU Sewer-1) shall be issued by the San Diego Regional Water Quality Control Board (SDRWQCB). All approvals and/or clearances for any salinity management requirement shall be obtained from SDRWQCB.
- 2) Any reference to onsite grey water systems to be used for water conservation purposes should address implementing Best Management Practices (BMP) that provide some level of treatment to mitigate any concerns regarding salinity management as well as assimilative capacity restrictions for TDS and Nitrate. Please note that these systems shall be subject to the review and approval of SDRWQCB.
- 3) Commercial projects in the Temecula Wine Country area proposing onsite wastewater treatment systems (OWTS) exceeding cumulative discharges of waste flow greater than 1,200 gallons per day shall be referred to SDRWQCB for assessment of compliance with water quality standards regardless of whether the project is proposing to utilize grey water systems with BMPs in conjunction with an OWTS.
- 4) Projects located in the Temecula Wine Country area shall connect to the sanitary sewer for the disposal of all wastewater within 60 days of it becoming available. It shall be considered available when the sewer main line is in the street in front of the property (or the sewer runs along any portion of the property boundary) and is active. The project shall waive any objections to the formation and joinder in a CFD or such other financing vehicle for sewer to pay its fair share.

} 13.1
} 13.2
} 13.3
} 13.4
} 13.5

Response No. 13

**County of Riverside, Department of Environmental Health
Michael Mistica**

- 13.1 Responses to specific comments are provided below.
- 13.2 This comment does not identify any specific concern with the adequacy of the Draft PEIR or any environmental issues. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to *environmental* comments.)) This comment is consistent with the Draft PEIR text. County staff will be responsible for assuring implementation of all mitigation measures through the Mitigation Monitoring and Reporting Program, even where outside agencies have primary permit/approval authority.
- 13.3 Mitigation Measure PSU-Water-1 is hereby revised as follows:
- PSU WATER-1** “All implementing projects shall be required to use graywater as a water conserving system (Riverside County Policy OS 2.1), subject to review and approval by the SDRWQCB and incorporation of applicable Best Management Practices.”
- 13.4 This comment does not identify any specific concern with the adequacy of the Draft PEIR or any environmental issues. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to *environmental* comments.)) This comment is consistent with the Draft PEIR text, in which Mitigation Measure PSU-Sewer-1 requires all onsite wastewater treatment systems to be subject to review and approval by the County Department of Environmental Health and the SDRWQCB.
- 13.5 The County will consider this suggestion during Project deliberations.

Comment Letter No. 14

PALA TRIBAL HISTORIC
PRESERVATION OFFICE



PMB 50, 35008 Pala Temecula Road
Pala, CA 92059
760-891-3510 Office | 760-742-3189 Fax

December 15, 2011

Mitra Mehta-Cooper
4080 Lemon Street 12th Floor
Riverside, CA 92502

Re: GPA No. 1077; Zoning ordinance Amendment No 348.4729

Dear Ms. Mehta-Cooper,

The Pala Band of Mission Indians Tribal Historic Preservation Office has received your notification of the project referenced above. This letter constitutes our response on behalf of Robert Smith, Tribal Chairman.

} 14.1

We have consulted our maps and determined that the project as described is not within the boundaries of the recognized Pala Indian Reservation. The project is also beyond the boundaries of the territory that the tribe considers its Traditional Use Area (TUA). Therefore, we have no objection to the continuation of project activities as currently planned and we defer to the wishes of Tribes in closer proximity to the project area.

} 14.2

We appreciate involvement with your initiative and look forward to working with you on future efforts. If you have questions or need additional information, please do not hesitate to contact me by telephone at 760-891-3515 or by e-mail at sgaughen@palatribe.com.

} 14.3

Sincerely,

Shasta C. Gaughen, PhD
Tribal Historic Preservation Officer
Pala Band of Mission Indians

ATTENTION: THE PALA TRIBAL HISTORIC PRESERVATION OFFICE IS RESPONSIBLE FOR ALL REQUESTS FOR CONSULTATION. PLEASE ADDRESS CORRESPONDENCE TO **SHASTA C. GAUGHEN** AT THE ABOVE ADDRESS. IT IS NOT NECESSARY TO ALSO SEND NOTICES TO PALA TRIBAL CHAIRMAN ROBERT SMITH.

Consultation letter 1

Response No. 14

**Pala Band of Mission Indians
Shasta C. Gaughen, PhD
Tribal Historic Preservation Officer**

- 14.1 Responses to this comment letter are addressed below.
- 14.2 This comment does not identify any specific concern with the adequacy of the Draft PEIR or any environmental issues. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to *environmental* comments).)
- 14.3 This comment is noted, but does not identify any specific concern with the adequacy of the Draft PEIR or any environmental issues. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to *environmental* comments).)

Comment Letter No. 15

January 18, 2012

Attn: Mitra Mehte-Cooper
County of Riverside, Clerk of the Board
4080 Lemon Street, 1st Floor
P.O. Box 1147
Riverside, CA 92502-1147



Re: Draft EIR 524 Temecula Valley Wine County Community Plan

The Soboba Band of Luiseno Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project(s) has been assessed through our Cultural Resource Department, where it was concluded that although it is outside the existing reservation, the project area does fall within the bounds of our Tribal Traditional Use Areas. At this time the Soboba Band does not have any specific concerns regarding this project, but wishes to defer to the Pechanga Band of Luiseno Indians (951-308-9295).

15.1

[SPECIAL NOTE (for projects other than cell towers): If this project is associated with a city or county specific plan or general plan action it is subject to the provisions of SB18-Traditional Tribal Cultural Places (law became effective January 1, 2005) and will require the city or county to participate in formal, government-to-government consultation with the Tribe. If the city or county are your client, you may wish to make them aware of this requirement. By law, they are required to contact the Tribe.]

15.2

Sincerely,

Joseph Ontiveros
Soboba Cultural Resource Department
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
Cell (951) 663-5279
jontiveros@soboba-nsn.gov

Response No. 15
Soboba Band of Luiseno Indians
Joseph Ontiveros
Soboba Cultural Resources Department

Response No. 15

- 15.1 This comment does not identify any specific concern with the adequacy of the Draft PEIR or any environmental issues. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to *environmental* comments.)
- 15.2 The County initiated formal SB18 consultation with the Tribe through the NOP process and Draft PEIR Notice of Availability. Also refer to Response No. 3 to the California Native American Heritage Commission.

Comment Letter No. 16

1:04 PM 1/25/2012 1:04 PM

From: Mehta-Cooper, Mitra
Sent: Wednesday, January 25, 2012 11:33 AM
To: Nanthavongdouangsy, Phayvanh
Subject: FW: Wine Country Comment ltr
Attachments: Final ltr to Planners.doc

Wine Country EIR Comment Letter.

From: Jim Mitchell [<mailto:sierraclubsmg@gmail.com>]
Sent: Wednesday, January 25, 2012 11:17 AM
To: Mehta-Cooper, Mitra
Cc: Bob Audibert; Fred Bartz; Jerri Arganda; Laurie Webster; Lynn Davis; Meryle Hammatt; Pam Nelson; Paul Chuberka; Teri Wagner
Subject: Wine Country Comment ltr

Mitra, the Sierra Club Santa Margarita Group comment letter on the Wine Country expansion is attached. Any questions, please give Pam a call (951-767-2324). I can be reached at 951-764-1290. Thank you very much for your excellent work on this issue.
Jim

} 16.1



Santa Margarita Group
31915 Rancho California Road
Ste. 200-133, Temecula, Ca. 92591
(951)506-9607; fax (951)506-4497
Email: sierraclubsmg@gmail.com
www.sierraclubsmg.org

Mitra Mehta-Cooper
Principal Planner - Strategic Programs,
Riverside County Planning Department,
4080 Lemon St. 9th Fl.
Riverside CA - 92502.

January 25, 2012

Subj: Comments on EIR 524, Temecula Wine Country Expansion

Dear Mitra:

The Santa Margarita Group of the Sierra Club commends the Riverside County Planning Department for striving to create a land-use Plan for the Temecula Valley Wine Country. As residents of Southern California, we know that change to our surroundings can be relentless, rapid and have great impact to our neighborhoods and “backyards”. It is apparent that “having a Plan” as opposed to allowing for growth using the County’s General Plan will be beneficial for both the residential and commercial venues. A plan can create a more viable, welcoming and more aesthetically pleasing area. As an example, a major benefit is clustering of structures resulting in 75% open space.

16.2

It appears that the alternative listed in the draft EIR that calls for a 25% reduction in density would be the best choice, although some quality of life impacts for humans and wildlife need more attention. However, traffic circulation, noise, light, air quality (including greenhouse emissions, GHE), and wildlife corridors are several of the topics that have not been fully addressed. The citizen ad-hoc committee has been clear about their concerns, so the Plan should follow their comments with the greatest seriousness. This will make the future Wine Country a better commercial as well as residential area.

16.3

The Sierra Club’s specific concerns and suggestions are as follows:

- 1) Noise issues: concerts and other noise-emitting events should take place inside. 16.4
- 2) Special events: tight regulation of events is needed that space them chronologically and geographically making cumulative impacts less. 16.5
- 3) Lighting needs to be limited with the bulk of lighting turned off after tasting hours 16.6
- 4) The Plan should be implemented in phases as infrastructure is created (sewage and traffic circulation) 16.7
- 5) Air quality and GHE addressed through shuttles off-site, next to the freeway, on weekends and holidays. Special events would require these shuttles. 16.8
- 6) Wildlife corridors, riparian/arroyos and tributaries would be enhanced. Conservation lands are near or adjacent to the wine country footprint. Wildlife passage should be protected. These habitats will be useful for recharge and protection of water supply as well as aesthetics and buffers. 16.9
- 7) Alternative energy that covers a major part of the energy use should be installed in each commercial project. Photovoltaic panels are inexpensive and attractive. Small wind turbines are possible in select sites. 16.10

The draft EIR is a good beginning for a useful Plan for the Wine Country expansion. The main criticism that can be made is that the cumulative impacts are not well addressed. Choosing the Environmentally Superior alternative and phasing in the growth with this Plan could help avoid the difficult conflicts that will arise with a case-by-case project development process that occurs without a plan. 16.11

By keeping the wildlife corridors, arroyos and tributaries intact and buffered, the area will be an aesthetically beautiful place to visit allowing tourists to see the natural character of the area and help the vineyards and wine-making business succeed by aiding natural pollination, recharging the aquifers and mitigating erosion. 16.12

Thank you for giving us the opportunity to comment.

Best regards,


Pam Nelson, Conservation Committee Chair
Sierra Club Santa Margarita Group

Response No. 16

**Sierra Club Santa Margarita Group
Pam Nelson, Conservation Committee Chair**

- 16.1 Responses to specific comments are provided below; no further response is required.
- 16.2 This comment affirms the value of the Project and does not raise any environmental issues related to Draft PEIR adequacy. Therefore, no further response is required. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to *environmental* comments).)
- 16.3 The commenter’s preference for the 25% Reduction Alternative and other opinions expressed are noted and will be considered by the County during Project deliberations. Responses to the concerns regarding traffic circulation, noise, light, air quality (including greenhouse gas emissions), and wildlife corridors are provided in detail in comments and responses below, which fully address the comments provided.
- 16.4 This comment does not identify any specific concern with the adequacy of the Draft PEIR or any environmental issues. This comment has been duly noted and is presented in this Comments and Responses document for decision makers to evaluate as part of their Project deliberations. This comment provides a suggestion for concerts and other [outdoor] noise-emitting events to take place inside a property’s residence or structure. Special occasion facilities noise, and other stationary noise sources, are reduced and mitigated by compliance with existing policies and regulations, as well as Mitigation Measures LU-1, and NOI-3 through NOI-6, which require noise studies, a noise control plan, a review by the Office of Industrial Hygiene, and noise-attenuation measures that are regulated on a case-by-case basis as implementing projects are proposed within the Project boundary. No further response is required. (*Browning-Ferris Indust. of California, Inc. v. City Council of the City of San Jose* (1986) 181 Cal.App.3d 852 (where a general comment is made, a general response is sufficient).)
- 16.5 This suggestion does not identify any specific concern with the adequacy of the Draft PEIR or any environmental issues. This comment has been duly noted and is presented in this Comments and Responses document for decision makers to evaluate as part of their Project deliberations. Special occasion facilities noise, and other stationary noise sources, are reduced and mitigated by compliance

with existing policies and regulations, as well as Mitigation Measures LU-1, and NOI-3 through NOI-6, which require noise studies, a noise control plan, a review by the Office of Industrial Hygiene, and noise-attenuation measures that are regulated on a case-by-case basis as implementing projects are proposed within the Project boundary. No further response is required. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to environmental comments.).)

16.6 This comment does not identify any specific concern with the adequacy of the Draft PEIR or any environmental issues. This comment has been duly noted and is presented in this Comments and Responses document for decision makers to evaluate as part of their Project deliberations. The Draft PEIR addresses this issue in Chapter 4.1 *Aesthetics, Light & Glare*, pages 4.1-17 to 4.1-20. As part of the Project Development Standards, all exterior lighting, including spotlights, floodlights, electric reflectors and other means of illumination for signs, structures, landscaping, parking, loading, unloading and similar areas, shall be focused, directed, and arranged to prevent glare and direct illumination of streets or adjoining property. All non-essential lighting shall be operated by a timer and shall be turned off at the close of business. All implementing projects will be required to comply with the County Ordinances No. 915 and 655. No further response is required. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to environmental comments.).)

16.7 This suggestion does not identify any specific concern with the adequacy of the Draft PEIR or any environmental issues. This comment has been duly noted and is presented in this Comments and Responses document for decision makers to evaluate as part of their Project deliberations. The Draft PEIR indicates that the Project will be phased over a 20+ year period, as noted on page 3.0-15 of the Draft PEIR. Any implementing project will be required to comply with existing regulations, measures, and policies. However, this is a Program EIR and implementing projects will be required to comply with the Project requirements and Mitigation Measures NOI 1-7 at the time of project development. Since the various implementing projects are not known at this time, it will be difficult to determine the nature, scale, location, and impacts of those projects at this point in time. No further response is required. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to environmental comments.).)

16.8 This suggestion does not identify any specific concern with the adequacy of the Draft PEIR or any environmental issues. This comment has been duly noted and is presented in this Comments and Responses document for decision makers to evaluate as part of their Project deliberations. The Draft PEIR addresses air quality and GHG issues in Chapters 4.3 and 4.7, respectively as well as

Mitigation Measure GHG-2. Mitigation Measures TRF-2 specifically indicates consideration of a shuttle for special events, pursuant to the required Traffic Management Plan. The Project is a community plan area (programmatic EIR) in which the County has little or no control over operations, nor timing of each individual implementing project. Each implementing project will be regulated and administered on a case-by-case basis. The Project requires compliance with regulations, policies, and measures, which serve to reduce vehicle trips and GHG emissions as described in Responses to Comments letter No. 11 and in Section 4.3, *Air Quality*, in the Draft EIR. Detailed trip reduction mitigation measures such as requiring use of shuttles is not feasible for this programmatic level EIR. No further response is required. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to environmental comments).)

- 16.9 The comment appears to summarize benefits of the Project and opportunities to preserve or protect wildlife corridors, and does not raise any significant Draft PEIR adequacy issues. Wildlife corridors are addressed in Draft PEIR Chapter 4.4 *Biological Resources*, which addresses the MSHCP and related linkages and corridors, as well as existing drainages. Wildlife corridors will be regulated with MSHCP compliance as future projects are implemented. It should be noted that the Project will reduce overall density compared to existing General Plan and zoning classifications. Also refer to Responses to Comments letter No. 2 and 5, and response 16.12. No further response is required.
- 16.10 This suggestion does not identify any specific concern with the adequacy of the Draft PEIR or any environmental issues. This comment has been duly noted and is presented in this Comments and Responses document for decision makers to evaluate as part of their Project deliberations. The Draft PEIR addresses air quality and GHG issues in Chapters 4.3 and 4.7, respectively. Mitigation Measure GHG-2 includes options as noted in Draft PEIR Appendix E, including use of alternative energy sources. No further response is required. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to environmental comments).)
- 16.11 This comment states an opinion regarding the Draft PEIR but does not provide any specific Draft PEIR adequacy issues other than the general statements noted. The Draft PEIR addresses alternatives in Chapter 6. In addition, cumulative impacts are addressed in each individual topical area in Chapter 4. The comment does not raise any significant Draft PEIR adequacy issues or environmental issues. Therefore, no further response is required. (*Browning-Ferris Indust. of California, Inc. v. City Council of the City of San Jose* (1986) 181 Cal.App.3d 852 (where a general comment is made, a general response is sufficient).)

- 16.12 This comment does not identify any specific concern with the adequacy of the Draft PEIR or any environmental issues. Mitigation Measure LU-1, AES-1 through AES-3 will assist in maintaining the Wine Country rural character. Refer to Responses to Comment Letter No. 2 and 5 for detailed discussion regarding biological issues. Mitigation measures and applicable existing regulation regarding water quality and erosion are provided in the Draft EIR Section 4.9, *Hydrology and Water Quality*. Therefore, no further response is required. (*Browning-Ferris Indust. of California, Inc. v. City Council of the City of San Jose* (1986) 181 Cal.App.3d 852 (where a general comment is made, a general response is sufficient.))

Comment Letter No. 17

Buchanan Ingersoll & Rooney LLP
Attorneys & Government Relations Professionals

Samuel C. Alhadeff
951 719 3640
samuel.alhadeff@bjpc.com

Overland Corporate Center
41607 Margarita Road, Suite 103
Temecula, CA 92591
T 951 719 3640
F 951 719 3650
www.buchananingersoll.com

February 1, 2012

Ms. Carolyn Syms Luna
Planning Director
County of Riverside
P.O. Box 1409
Riverside, CA 92502-1409

Re: Draft EIR Comments for EIR No 524 (Wine Country EIR)

Dear Ms. Luna:

Our firm represents Standard Pacific, the owner of the Morgan Hill Project and has been asked to comment also for the following entities:

1. J to the 5th, LLC
2. Husmand Taghdri
3. Redhawk Investments LLC
4. Jonatkim Enterprises (owners of APNs 966-380-028; -029; -030; -031 and -032.

By way of introduction, please include by reference herein, all prior submittals filed by: (1) our firm on behalf of Standard Pacific; and (2) the above-listed parties and their agents Gary Thornhill and John Johnson.

The parties herein wish to specifically examine the Hospitality District located in the southwest area commonly referred to as the Anza Road area. While we applaud the work done by the County and its consultants, we believe that a designation of Hospitality District next to and contiguous to Morgan Hill, the Anza Road area, as well as overlaying the other parties' properties (mentioned herein) violates CEQA in the following manners.

The major flaws of the Wine Country EIR for the specific area in question relates to circulation, land use conflicts and incompatibility, lack of infrastructure, and lack of transitioning and buffering. Specific comments are as follows:

17.1

17.2

California :: Delaware :: Florida :: New Jersey :: New York :: Pennsylvania :: Virginia :: Washington, DC

Ms. Carolyn Syms Luna
February 1, 2012
Page - 2 -

1. It establishes an incompatible land use with existing residences and properties. } 17.3
2. It downsizes existing zoning and general plan designations. } 17.4
3. It inadequately considers traffic, noise and greenhouse gas effects. } 17.5
4. The proposed project would substantially alter the existing properties and cause issues with regard to pesticides, insecticides, and other issues on existing homeowners and schools in this case. } 17.6
5. Pursuant to a prior submittal dated December 7, 2010, (attached as "Exhibit 1") there was a failure throughout the entire process to adequately notice affected property owners including individual residents of Morgan Hill. } 17.7
6. The proposed EIR fails to take into consideration cumulative impacts of the Pechanga project as proposed as well as impacts on the existing Temecula General Plan and Sphere of Influence and issues related to interconnections with Interstate 15. } 17.8
7. The proposed EIR fails to take into consideration accumulative effects of traffic, insecticides, impact on existing residences and schools and visitors and guests of residents. } 17.9
8. The proposed EIR fails to take into consideration the expansion of Anza Road to accommodate the traffic proposed as well as intersections at Anza and 79 and other key intersections within the existing residential neighborhood. For example, there was a complete lack of consideration and study given to the impacts on existing and future residents as a result of traffic having to access the proposed wine country area to the east through existing and established single family residential neighborhood. This traffic coming into the area would be from the Highway 79 South Butterfield Stage intersection and traffic from Highway 79 South at that intersection is already functioning at Level F or worse. } 17.10

Ms. Carolyn Syms Luna
February 1, 2012
Page - 3 -

- | | | | |
|-----|--|---|-------|
| 9. | The EIR totally failed to take into account the construction of the future bridge and intersection at 79 South and Anza Road will not occur for decades so winery traffic must run through residential neighborhoods (lack of mitigation/deferred mitigation). (Attached as "Exhibit 2" is a Traffic Impact Analysis on the Redhawk Valley Citrus project prepared by Urban Crossroads, dated September 7, 2010) | } | 17.11 |
| 10. | The trip generation considerations, if any, are flawed. | } | 17.12 |
| 11. | No consideration is given to the existing General Plan of Temecula and there appeared to be deferred mitigation suggestions with regard to Temecula's General Plan and Circulation Element. | } | 17.13 |
| 12. | There is an inadequate analysis of biological and cultural resources. | } | 17.14 |
| 13. | There is an inadequate analysis of existing General Plan, MSHCP and Wine Country framework. For example, certain parties herein submitted a GPIP application for which the Planning Commission recommended for their properties (the application is a County record and incorporated herein by reference). This proposed land use provided for buffering, transition and payment for Anza Road infrastructure. | } | 17.15 |
| 14. | Attached as "Exhibit 3" (Map of Anza Road Approved Projects and a map of Redhawk Valley Citrus Adjacent Development) is a listing of all approved single family residential projects including the Morgan Hill SP. There is no discussion of how an expansion of Anza Road would be financed. The existing residential projects are incompatible with a proposed Hospitality Zone and there is no consideration as to the impacts of traffic, noise, lighting and other issues which would impact existing homes and residences. | } | 17.16 |

Ms. Carolyn Syms Luna
February 1, 2012
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- 15. The EIR does not adequately address the lack of lot transitioning and buffering between the existing and future small single family lots and the much larger, future large winery/hospitality lots to the east. The EIR should have looked at moving proposed boundary further to the east in order to properly allow for this lot transitioning and buffering to occur. } 17.17
- 16. In addition, the draft EIR failed to take into consideration the urban limit boundary established by the City of Temecula and completely disregards the proposed rural character as suggested in the City of Temecula's General Plan. (Attached as "Exhibit 4" is a letter from the City of Temecula dated April 21, 2011) } 17.18
- 17. "Exhibit 5" (Letter to the County dated June 15, 2011, please recall we want all prior submittals included as referenced and fully set forth herein) discusses the concerns that were raised with regard to the hospitality issues and their impacts on the existing homeowners at Morgan Hill. (Attached as "Exhibit 6" are petitions from interested property owners) } 17.19
- 18. The county is intentionally creating a condition that will guarantee future code enforcement challenges between the wine country and single family residential uses by ignoring our recommendations for buffering and lot transitions described in the May 9th letter. They have been made aware of the situation that they are creating and are proceeding without a satisfactory solution to this major future land use compatibility issue. This is a serious failure on the part of the staff and the preparers of the EIR. The failure to properly mitigate this incompatibility is the single biggest failure in the EIR and should be a critical concern for the county, given the recent, incredibly acrimonious meetings over the failure of code enforcement to adequately deal with the land use conflicts between large lot residential and winery/special events/hospitality related uses. The failure of the staff and the EIR preparers to seriously address this major problem is an egregious omission. It appears the county has knowingly and willfully decided not to address this matter by intentionally placing intense future winery/hospitality uses immediately adjacent to existing small lot, single family residential uses (e.g., Morgan Hill). } 17.20

Ms. Carolyn Syms Luna
February 1, 2012
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19. "Exhibit 6" (Map of Wine Country Policy Study Area) delineates the proposed Hospitality area contiguous to existing residential projects and one can readily determine such hospitality area is: (1) inappropriately placed in an existing residential and rural community area; (2) provides no resources to adequately address the questions that have been raised in this letter; and (3) would downzone existing properties. 17.21

In reviewing the Executive Summary, it is clear that the Executive Summary demonstrates certain failures of the Draft EIR and in that regard specific references to the following: 1.0-10, 1.0-21, 1.0-22, 10-23, 1.0-30, 1.0-31, and 1.0-32. In summary these relate to issues that have not been addressed concerning mitigation measures, construction noise mitigation, traffic mitigation, pesticides, fertilizer and other additional items used in farming processes, it would be used contiguous to existing developments. It does not take into consideration the hours of operation, noise, lights and surcharge of traffic on existing roadways which are insufficient for commercial uses. 17.22

There is no method laid out for enforcement of code violations. There is a failure to consider the impact on existing Anza Road in Temecula Parkway intersections. For example, what intersections would be widened, what bridges would be built, how would Anza Road be expanded? 17.23

There is no mention of or implementation of exact financing methods for transportation. 17.24

If the primary purpose of the winery district, i.e., Hospitality Zone, is to promote the additional establishments of commercial activities, how is this consistent with or compatible with the existing residential uses? 17.25

In reviewing certain impacts in the 4 series, 4.3.2 through 4.12-1 it appears that there are impacts which have not been sufficiently mitigated or included a congestion management plan. There are conflicts with the existing General Plan. There are "unavoidable impacts" which have yet to be measured including air quality, greenhouse gas, noise, fire protection, water and sewer. The impact on potable water, drainage, waste water and sewer appear not to have been addressed. 17.26

Ms. Carolyn Syms Luna
February 1, 2012
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For the reasons stated in this comment letter, it is virtually impossible to analyze the technical studies, methods, findings, and analysis. Without the ability to refine and further improve the technical studies, it is impossible at this time to evaluate project impacts as outlined in this comment letter.



17.27

Thank you for your kind attention.

Very truly yours,

Samuel C. Alhadeff

SCA/dlh
Enclosures
cc: Clerk of the Board

#516033-v2

71718-12

Buchanan Ingersoll & Rooney LLP
Attorneys & Government Relations Professionals

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June 15, 2011

Mr. George Johnson
Ms. Carolyn Syms Luna
Ms. Mitra Mehta Cooper
County of Riverside
4080 Lemon Street
Riverside, CA 92501

**Re: Ad Hoc Advisory Committee Meeting
June 15, 2011**

Dear Mr. Johnson, Ms. Luna and Ms. Cooper:

As you know, we represent Standard Pacific Homes, the successor developer for the completion of residences in the Morgan Hill project.

A few weeks ago, there was a meeting of the Morgan Hill HOA to advise the homeowners of the status of the Wine Country planning process, which focused on the area contiguous to Morgan Hill. Staff made a presentation. Supervisor Stone was kind enough to also be present for the meeting.

It became readily apparent that the proposal for Wine Country hospitality next to the Morgan Hill project, was unacceptable. From what we heard that evening, a majority of the homeowners who attended did not want any intense hospitality zoning next to their homes. They did not want the noise, special events or other intrusions on their lifestyle.

It appeared from listening to the homeowners, there was some diverse opinion as to what specifically they wanted, but it was clear that they did not want any intensive use next to their existing residences. Standard Pacific as a successor developer with lots yet to be developed, agrees with its homeowners. Standard Pacific also does not want such intrusion next to the Morgan Hill project.

California :: Delaware :: Florida :: New Jersey :: New York :: Pennsylvania :: Virginia :: Washington, DC

June 15, 2011
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There was discussion about some less intense uses and a discussion about vineyards. We learned from some of the other residences that small vineyard projects did not make economic sense, and accordingly, would not probably be located in any area of Wine Country. While no one discussed this question, it certainly would be of great interest and of concern to us, that concern relates to pesticides. No one mentioned what would occur to existing homes and the intrusion to the lifestyle if pesticides were sprayed on properties contiguous to these residences.

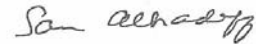
While we applaud the efforts of the County Planning Staff to develop a comprehensive Wine Country Plan and Proposal and especially appreciate the vision of Supervisor Stone, it is becoming readily apparent to us that in the Anza Road/Highway 79 South area, there needs to be thought given to a policy area that could encompass a number of uses and make sense to the existing residential communities. For example, it appears that there could be low to medium residential housing contiguous to Anza Road with buffering located next to the existing Morgan Hill project and of course, next to the horse properties and larger lots. It seems that such a policy should be analyzed and included in the Wine Country proposals. We strongly recommend that such a policy area be fashioned and made a part of the Wine Country Proposal.

For the record, we continue to have objections to any intrusions into the lifestyle of the Morgan Hill existing homeowners as well as for the residences that we still need to construct. We would not support any intense use that would see traffic and other intense uses impeding and intruding on the existing lifestyle. We believe there needs to be a variation of planning and some thought given to buffering large lots and residential areas along Anza Road.

June 15, 2011
Page - 3 -

We would like the opportunity to visit with you and discuss this at your earliest convenience. We also suggest that perhaps the staff could meet with the HOA Board of Directors to begin to work on such a policy. We strongly recommend a consensual collaborative approach be adopted for this unique area. Thank you in advance for your attention.

Very truly yours,



Samuel C. Alhadeff

SCA/dlh

cc: Supervisor Jeff Stone
Ms. Olivia Barnes
Mr. Fred Bartz
Mr. Ryan Thomas

#471313-v1



City of Temecula

Community Development Dept.
41000 Main Street ■ Temecula, CA 92590
Mailing Address: P.O. Box 9033 ■ Temecula, CA 92589-9033
Phone (951) 694-6400 ■ Fax (951) 694-6477 ■ www.cityoftemecula.org

April 21, 2011

Carolyn Syms Luna
Director of Planning
County of Riverside
4080 Lemon Street
Riverside, CA 92501

Dear Ms. Luna,

In response to your letter of March 22, 2011 regarding the City of Temecula's support of an "Urban Limit Boundary" between the City and the unincorporated County area to the east, we have reviewed the General Plan Policies adopted as part of our General Plan update in April, 2005.

As you are aware over the past decade, Temecula and surrounding western Riverside County have grown at a significant rate. It is anticipated that growth within this region will continue to occur as the economy continues to recover... Thus, directing how and where growth will occur is imperative to maintaining the quality of life and economic well being experienced by those living in Temecula and the surrounding area. The character of the adjacent winery and agricultural area, located along the City's eastern border, consist of larger residential lots and rural/agricultural areas. Although these areas are located along the periphery of the City, they represent a lifestyle and aesthetic character that possess regional significance. As such, the preservation of these areas is intended to be maintained.

The desire to retain the rural character of this area is outlined in the City of Temecula General Plan. A number of General Plan Policies and Implementation Programs related to these rural/agricultural areas are discussed below:

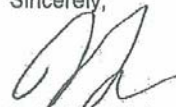
- Figure LU-5 (page LU-34) of the City's General Plan Land Use Element identifies the area east of the city limit boundary as a Rural Preservation Area. Additionally, a Rural Preservation Area is a designated area within which rural residential densities and/or agricultural uses are desired for the future.
- Table LU-7 (page LU-37) of the City's General Plan Land Use Element provides an objective for the area east of the city limits, as follows: Recognize the important role that wineries and agriculture play in the history and future success of Temecula by designating a large portion of the area Vineyards/Agriculture, and promoting only rural and very low density residential development that is compatible with these uses.

- General Plan Land Use Policy 3.1: Provide physical and visual buffer areas to create a transition between rural residential and agricultural areas, and commercial, industrial and other higher density residential development.
- General Plan Land Use Policy 3.2: Apply rural development standards within Rural Preservation Areas to maintain the rural character of those areas.
- General Plan Land Use Policy 3.3: Limit the size and number of additional structures on large lots to preserve the character of low density areas.
- General Plan Land Use Policy 3.4: Define the rural and historic areas of the community to be conserved, and establish a procedure for adding areas or altering boundaries as necessary.
- General Plan Land Use Policy 3.5: Discourage the extension of urban infrastructure into Rural Preservation Areas, except in cases where required to protect public health, safety and welfare.
- Implementation Program LU-14 Rural Preservation Areas states: Establish a process to review and approve development projects within Rural Preservation Areas, including a pre-zoning process for such areas currently outside the City's jurisdiction, to ensure that proposed projects are consistent with the objectives identified for each area.

These Policies and Implementation Programs establish a framework that will ensure compatibility of future development with the adjacent rural/agricultural areas. We believe these established policies essentially confirm an "Urban Limit Boundary" and support County efforts to retain the existing zoning and General Plan designations for these areas. These Policies and Implementation Programs will effectively limit high density or incompatible development and preserve the established lifestyle and rural character of the identified Rural Preservation area located east of the City's boundary.

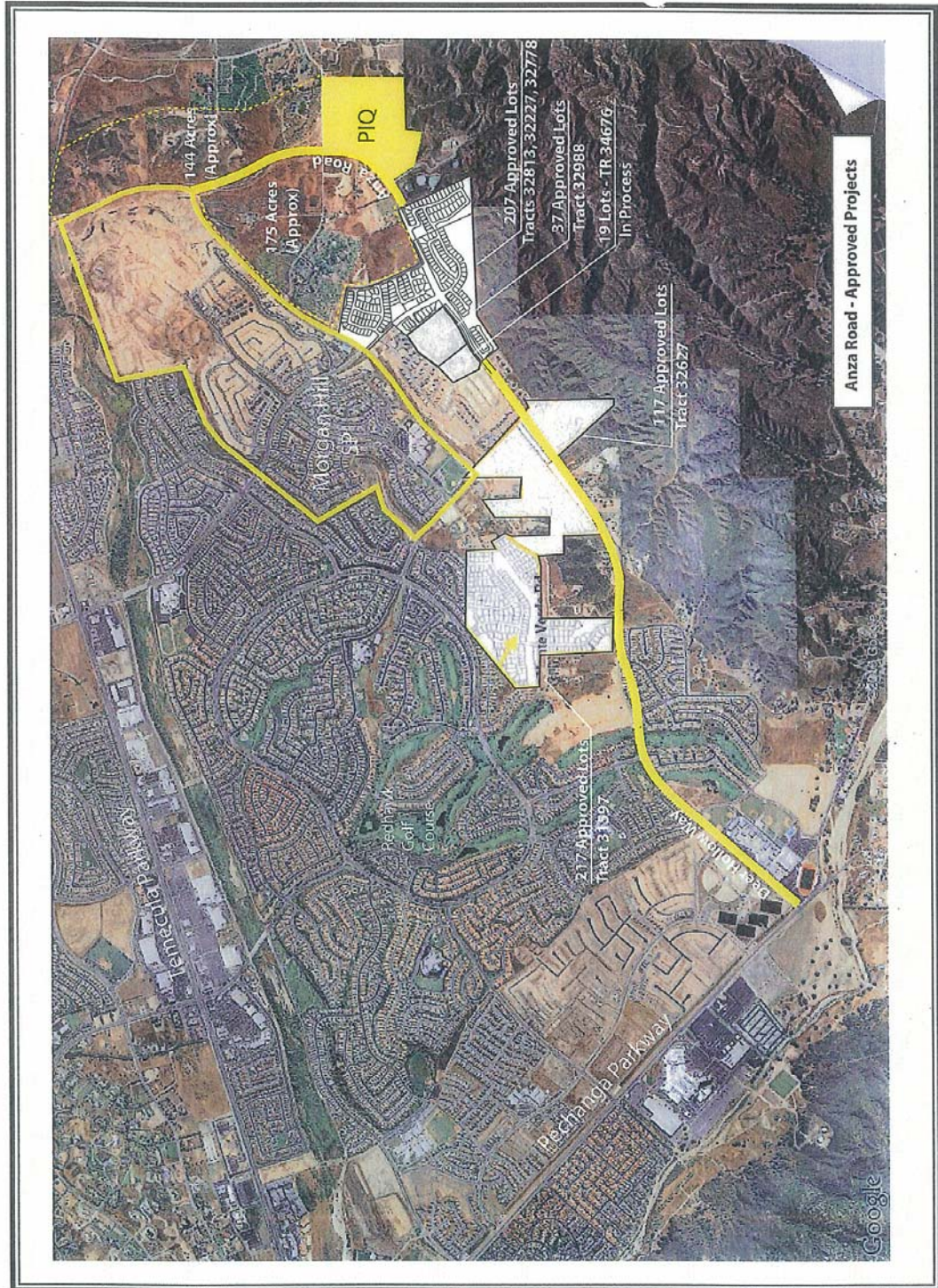
Please do not hesitate to call me if you have questions.

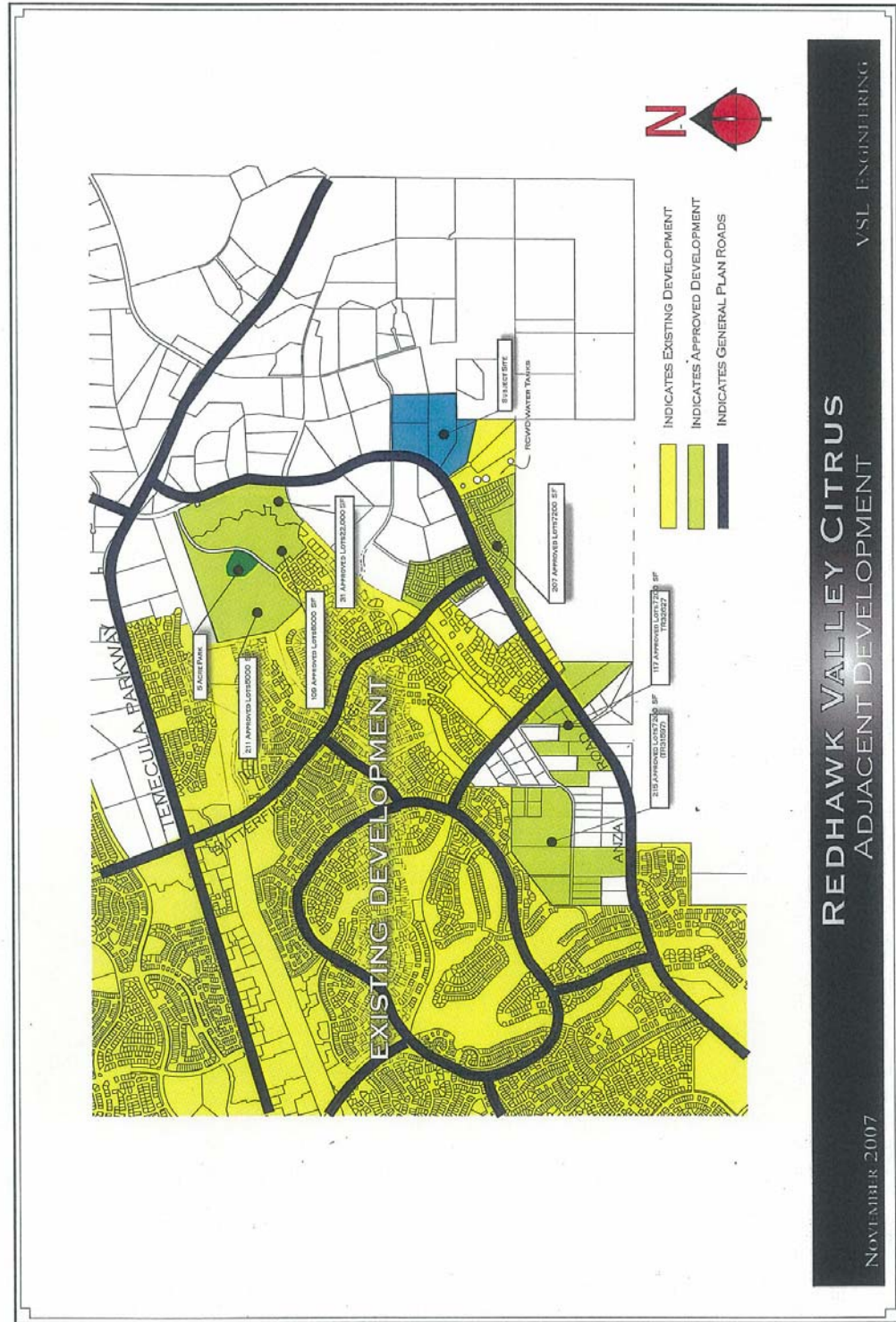
Sincerely,



Patrick R. Richardson, AICP
Director of Planning and Redevelopment

CC: Mayor and City Council Members
Shawn Nelson, City Manager





December 7, 2010
Page - 2 -

Please keep Standard Pacific informed as well as a request that all individual homeowners in the Morgan Hill project are also noticed by name and address. All future correspondence and notices on this matter should be addressed to:

Martin Langpap
Vice President, Land Acquisition
Standard Pacific Homes, Inland Empire Division
255 East Rincon Street, Suite 200,
Corona, CA 92879.

With a copy to:

Samuel C. Alhadeff
Buchanan Ingersoll & Rooney LLP
41607 Margarita Road, Suite 103
Temecula, CA 92591

Since Standard Pacific and the homeowners in the area received no notice of this meeting and discussion, we are lodging this letter at the beginning of the meeting.

Very truly yours,



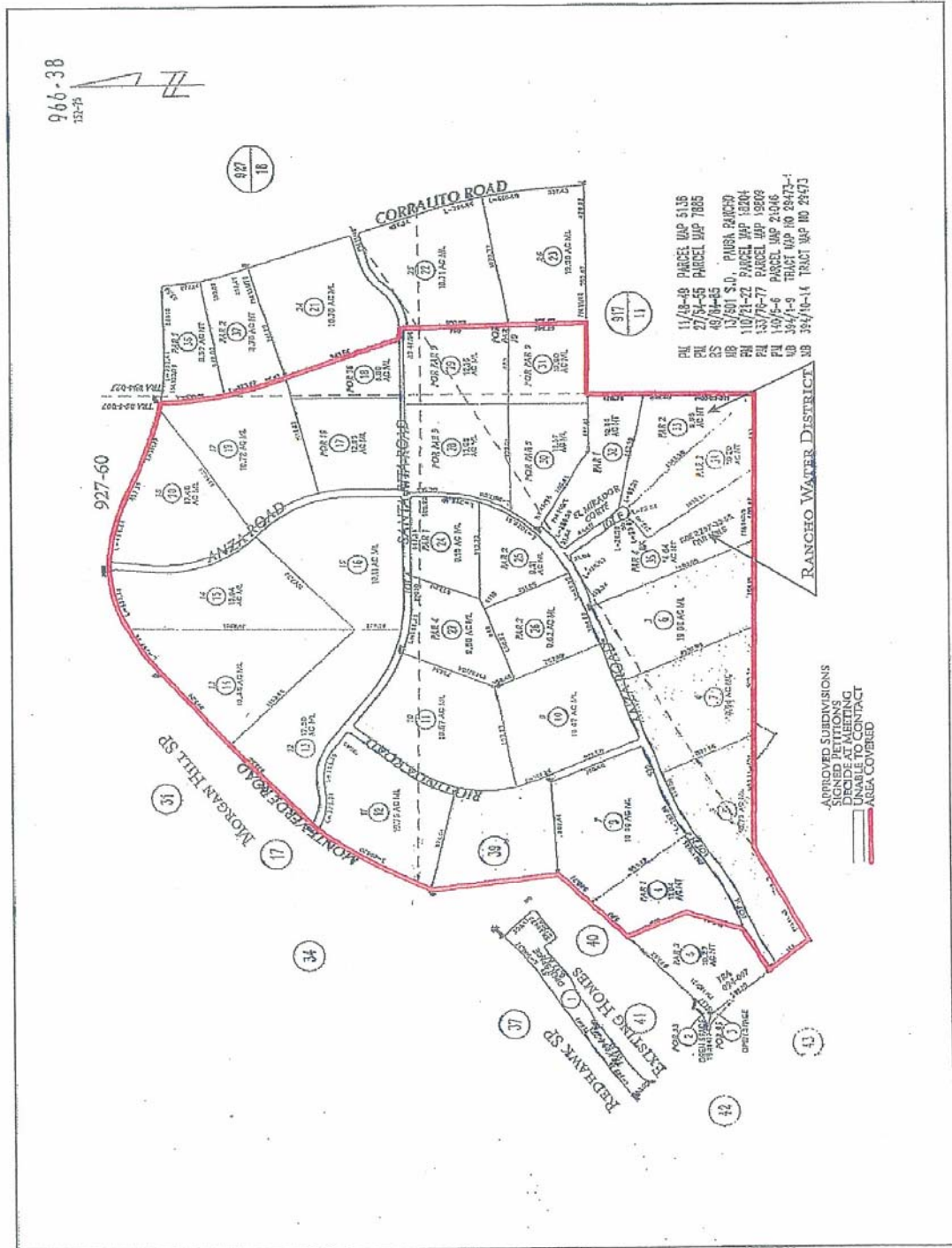
Samuel C. Alhadeff

SCA/dlh

cc: Ms. Mitra Cooper
Ms. Carolyn Syms Luna
Ms. Olivia Barnes
Supervisor Jeff Stone

SCA/cin

#371374-v1





2173 Salk Avenue, Suite 250
Carlsbad, CA 92008

Prepared by:

Scott Sato, P.E.
Janette Cachola

Prepared for:

Mr. Steve Galvez
Redhawk Investments, LLC
31938 Temecula Pkwy. S., #A369
Temecula, CA 92592

REDHAWK VALLEY CITRUS
TRAFFIC IMPACT ANALYSIS
COUNTY OF RIVERSIDE, CALIFORNIA

September 7, 2010

JN:07275-02
SS:JC

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**REDHAWK VALLEY CITRUS
TRAFFIC IMPACT ANALYSIS
COUNTY OF RIVERSIDE, CALIFORNIA**

1.0 INTRODUCTION

A. Purpose of Report and Study Objectives

The purpose of this traffic impact analysis (TIA) is to evaluate the development of the Redhawk Valley Citrus project from a traffic circulation standpoint. The proposed development is located south of Santa Rita Road and east of Anza Road in the County of Riverside.

Study objectives include the following:

- (1) Documentation of Existing traffic conditions in the vicinity of the project;
- (2) Evaluation of Existing plus Ambient Growth plus Project (E+A+P) traffic conditions;
- (3) Evaluation of Existing plus Ambient Growth plus Project plus Cumulative Developments (E+A+P+C) traffic conditions;
- (4) Determination of on-site and off-site improvements needed to achieve County of Riverside and City of Temecula level of service requirements.

B. Site Location and Study Area

The project site is located south of Santa Rita Road and east of Anza Road in the County of Riverside. Exhibit 1-A illustrates the site location and the traffic analysis study area.

Based on discussions with the City of Temecula staff, the study area includes the following existing and future intersections:

I-15 SB Ramps (NS) at:

- Temecula Parkway (SR-79) (EW)

I-15 NB Ramps (NS) at:

- Temecula Parkway (SR-79) (EW)

EXHIBIT 1-A
LOCATION MAP



- LEGEND:**
- = EXISTING INTERSECTION ANALYSIS LOCATION
 - = FUTURE INTERSECTION ANALYSIS LOCATION
 - - - = DIRT ROAD



Redhawk Valley Citrus Traffic Impact Analysis
 County of Riverside, CA (JN - 07275.01)

1-2

Pechanga Parkway (NS) at:

- Temecula Parkway (SR-79) (EW)

Margarita Road – Redhawk Parkway (NS) at:

- Temecula Parkway (SR-79) (EW)

Butterfield Stage Road (NS) at:

- Temecula Parkway (SR-79) (EW)

Anza Road (NS) at:

- Temecula Parkway (SR-79) (EW)
- Santa Rita Road (EW) – **Dirt Road**
- Project Driveway 1 (EW) – **Future Intersection**
- El Mirador Court (EW) – **Dirt Road**

Project Driveway 2 (NS) at:

- Santa Rita Road (EW) – **Future Intersection**

Project Driveway 3 (NS) at:

- El Mirador Court (EW) – **Future Intersection**

Los Caballos Road (NS) at:

- Temecula Parkway (SR-79) (EW)

C. Project Development Description

1. Project Size and Description

The project site is proposed to be developed with 181 Single Family dwelling units. It is anticipated that the project will be built by 2013.

2. Existing Land Use and Zoning

The site is currently vacant and no significant traffic is currently being generated. Adjacent uses include the following:

North –Residential/Agricultural
South – Vacant
East – Residential
West – Residential

3. Proposed Zoning Classification

The proposed zoning for this project is Rural Residential (5 acre minimum lot size) and is consistent County of Riverside General Plan.

4. Site Plan

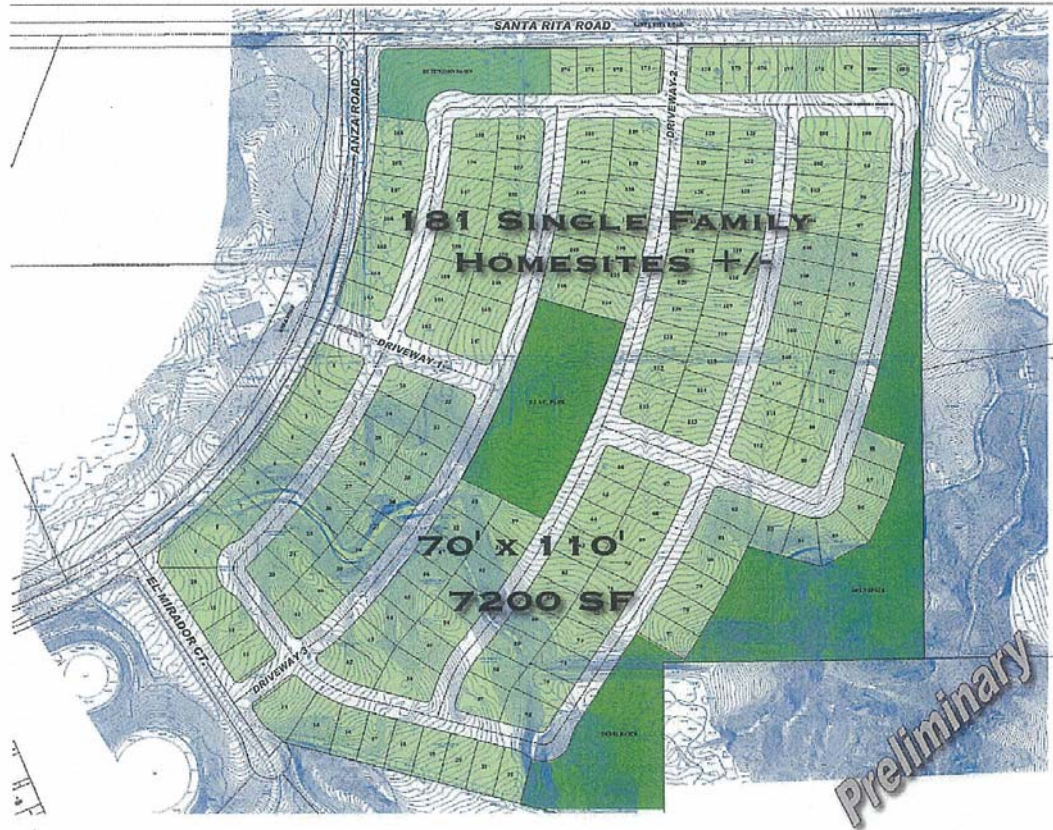
Exhibit 1-B illustrates the project site plan. This site plan is subject to refinement and revision, based on planning engineering, and environmental considerations.

The project is planned to include three (3) full access driveways located along Anza Road, Santa Rita Road and El Mirador Court.

5. Proposed Project Opening Year

The proposed project is anticipated to be completed in 2013. Future traffic analysis has been based upon three (2) years of background (ambient) growth (2013), at 2% per year, along with traffic generated by other future developments in the surrounding area. The total ambient growth rate is 6% for 2013 conditions.

EXHIBIT 1-B
SITE PLAN



Redhawk Valley Citrus Traffic Impact Analysis
County of Riverside, CA (JN - 07275:02)



2.0 TRAFFIC ANALYSIS METHODOLOGIES

Traffic operations are quantified through the determination of "Level of Service" (LOS). Level of Service is a qualitative measure of traffic operating conditions, whereby a letter grade "A" through "F" is assigned to an infrastructure facility (intersection) representing progressively worsening traffic conditions. This section presents the LOS definition, LOS criteria and methodologies for the Intersection Operations, Roadway Capacity, and Traffic Signal Warrant analyses.

A. Level of Service Definition

The definitions of Level of Service for uninterrupted flow (flow unrestrained by the existence of traffic control devices) are:

- LOS "A": Completely free-flow conditions. The operation of vehicles is virtually unaffected by the presence of other vehicles, and operations are constrained only by the geometric features of the highway and by driver preferences. Maneuverability within the traffic stream is good. Minor disruptions to flow are easily absorbed without a change in travel speed.
- LOS "B": Free flow conditions, although the presence of other vehicles becomes noticeable. Average travel speeds are the same as in LOS "A", but drivers have slightly less freedom to maneuver. Minor disruptions are still easily absorbed, although local deterioration in LOS will be more obvious.
- LOS "C": The influence of traffic density on operations becomes marked. The ability to maneuver within the traffic stream is clearly affected by other vehicles. Minor disruptions can cause serious local deterioration in service, and queues will form behind any significant traffic disruption.
- LOS "D": The ability to maneuver is restricted due to traffic congestion. Travel speed is reduced by the increasing volume. Only minor disruptions can be absorbed without extensive queues forming and the service deteriorating.
- LOS "E": Operations at or near capacity, an unstable level. Vehicles are operating with the minimum spacing for maintaining uniform flow.

- LOS "F": Forced or breakdown flow. It occurs either when vehicles arrive at a rate greater than the rate at which they are discharged or when the forecast demand exceeds the computed capacity of a planned facility. Although operations at these points – and on sections immediately downstream – appear to be at capacity, queues form behind these breakdowns. Operations within queues are highly unstable, with vehicles experiencing brief periods of movement followed by stoppages.

B. City of Temecula Required Level of Service Criteria

The City of Temecula has established Level of Service (LOS) "D" as the maximum allowable threshold for the intersection operations. Therefore, LOS "E" or "F" is considered unacceptable and requires improvements measures.

C. Intersection Operations Analysis Methodology

The current technical guide to the evaluation of traffic operations is the 2000 Highway Capacity Manual (HCM) (Transportation Research Board Special Report 209). The HCM defines level of service as a qualitative measure, which describes operational conditions within a traffic stream, generally in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. The criteria used to evaluate Level of Service (LOS) conditions vary based on the type of roadway and whether the traffic flow is considered interrupted or uninterrupted. The HCM methodology expresses the level of service at an intersection in terms of delay time for the various intersection approaches. The HCM uses different procedures depending on the type of intersection control.

The level of service is typically dependent on the quality of traffic flow at the intersections along a roadway. The HCM methodology expresses the level of service at an intersection in terms of delay time for the various intersection approaches. The HCM uses different procedures depending on the type of intersection control. The Levels of Service results in this study are determined using the HCM methodology.

For signalized intersections, average total delay per vehicle for the overall intersection is used to determine level of service. Levels of service at the signalized study area intersections have been evaluated using an HCM intersection analysis program.

In addition, a progression analysis has been conducted to determine if the studied intersections along Temecula Parkway (SR-79) can operate acceptably with respect to the City's level of service standards and stacking requirements.

The traffic progression tool and HCM intersection analysis program, SYNCHRO v.7, has been used to assess the potential impacts/needs of the study area intersections. Developed by Trafficware SYNCHRO has the capability of modeling and optimizing traffic signal timings. Specific features include analyzing the capacities of coordinated intersections, determining queue lengths, optimizing splits, cycle lengths, and offsets.

The study area intersections which are stop sign controlled with stop control on the minor street only have been analyzed using the unsignalized intersection methodology of the HCM. For these intersections, the calculation of level of service is dependent on the occurrence of gaps occurring in the traffic flow of the main street. Using data collected describing the intersection configuration and traffic volumes at the study area locations; the level of service has been calculated. The level of service criteria for this type of intersection analysis is based on average total delay per vehicle for the worst minor street movement(s).

For all way stop (AWS) controlled intersections, the ability of vehicles to enter the intersection is not controlled by the occurrence of gaps in the flow of the main street. The AWS controlled intersections have been evaluated using the HCM methodology for this type of multi-way stop controlled intersection configuration. The level of service criteria for this type of intersection analysis is based on average total delay per vehicle.

The levels of service are defined for the various analysis methodologies as follows:

LEVEL OF SERVICE	AVERAGE TOTAL DELAY PER VEHICLE (SECONDS)	
	SIGNALIZED	UNSIGNALIZED
A	0 to 10.00	0 to 10.00
B	10.01 to 20.00	10.01 to 15.00
C	20.01 to 35.00	15.01 to 25.00
D	35.01 to 55.00	25.01 to 35.00
E	55.01 to 80.00	35.01 to 50.00
F	80.01 and up	50.01 and up

The LOS analysis for signalized intersections has been performed using optimized signal timing. Peak hour factors (PHF), where known from existing traffic counts, have been used to assess intersection operations. A PHF of 0.95 is used for new intersections.

3.0 AREA CONDITIONS

A. Study Area

1. Area of Significant Traffic Impact

Pursuant to discussions with City of Temecula staff, the study area includes the following existing and future intersections (shown previously on Exhibit 1-A):

I-15 SB Ramps (NS) at:

- Temecula Parkway (SR-79) (EW)

I-15 NB Ramps (NS) at:

- Temecula Parkway (SR-79) (EW)

Pechanga Parkway (NS) at:

- Temecula Parkway (SR-79) (EW)

Margarita Road – Redhawk Parkway (NS) at:

- Temecula Parkway (SR-79) (EW)

Butterfield Stage Road (NS) at:

- Temecula Parkway (SR-79) (EW)

Anza Road (NS) at:

- Temecula Parkway (SR-79) (EW)
- Santa Rita Road (EW) – **Dirt Road**
- Project Driveway 1 (EW) – **Future Intersection**
- El Mirador Court (EW) – **Dirt Road**

Project Driveway 2 (NS) at:

- Santa Rita Road (EW) – **Future Intersection**

Project Driveway 3 (NS) at:

- El Mirador Court (EW) – *Future Intersection*

Los Caballos Road (NS) at:

- Temecula Parkway (SR-79) (EW)

B. Area Roadway System

Exhibit 3-A identifies the existing roadway conditions for study area roadways. The number of through traffic lanes for existing roadways and the existing intersection controls are identified.

The City of Temecula General Plan Circulation Element is depicted on Exhibit 3-B. The County of Riverside General Plan Circulation Element is depicted on Exhibit 3-C.

C. Existing Traffic Volumes and Conditions

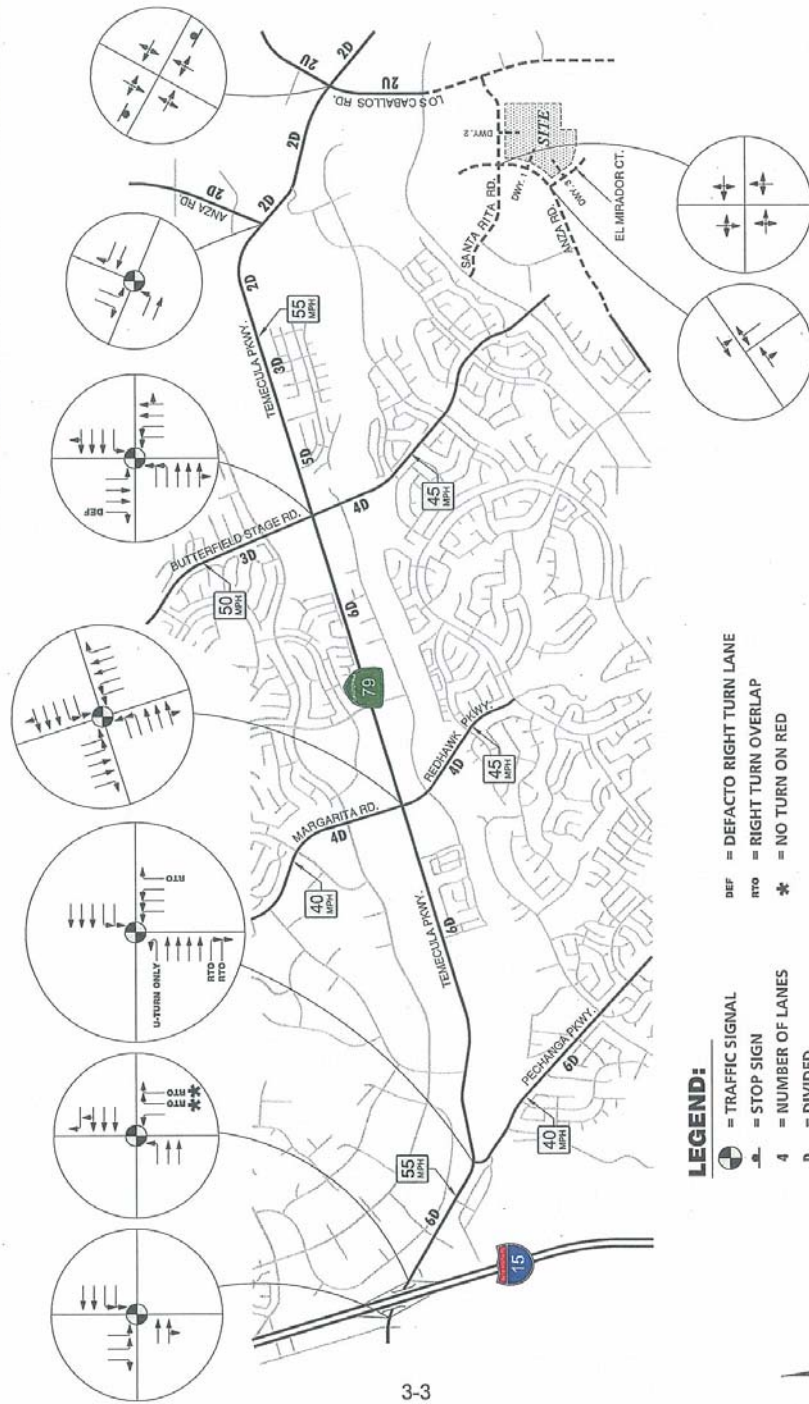
Existing intersection level of service calculations are based upon manual AM and PM peak hour turning movement counts made for Urban Crossroads, Inc. in March 2010. Existing intersection AM and PM peak hour turning movement are shown on Exhibits 3-D and 3-E, respectively. Traffic count worksheets are included in Appendix "A".

D. Intersection Analysis for Existing Conditions

Existing AM and PM peak hour traffic operations have been evaluated for study area intersections. The results of this analysis are summarized in Table 3-1, along with the existing intersection lane configuration and traffic control devices at each analysis location. For existing traffic conditions, the study area intersections are currently operating at acceptable levels of service during the peak hours with existing geometry. Existing HCM calculation worksheets for existing conditions are provided in Appendix "B".

Table 3-2 compares the storage provided for each possible traffic movement to the 95th percentile queue lengths for the existing conditions. As indicated in Table 3-2, adequate storage is currently provided with existing geometry.

EXHIBIT 3-A
**EXISTING NUMBER OF THROUGH LANES
 AND INTERSECTION CONTROLS**

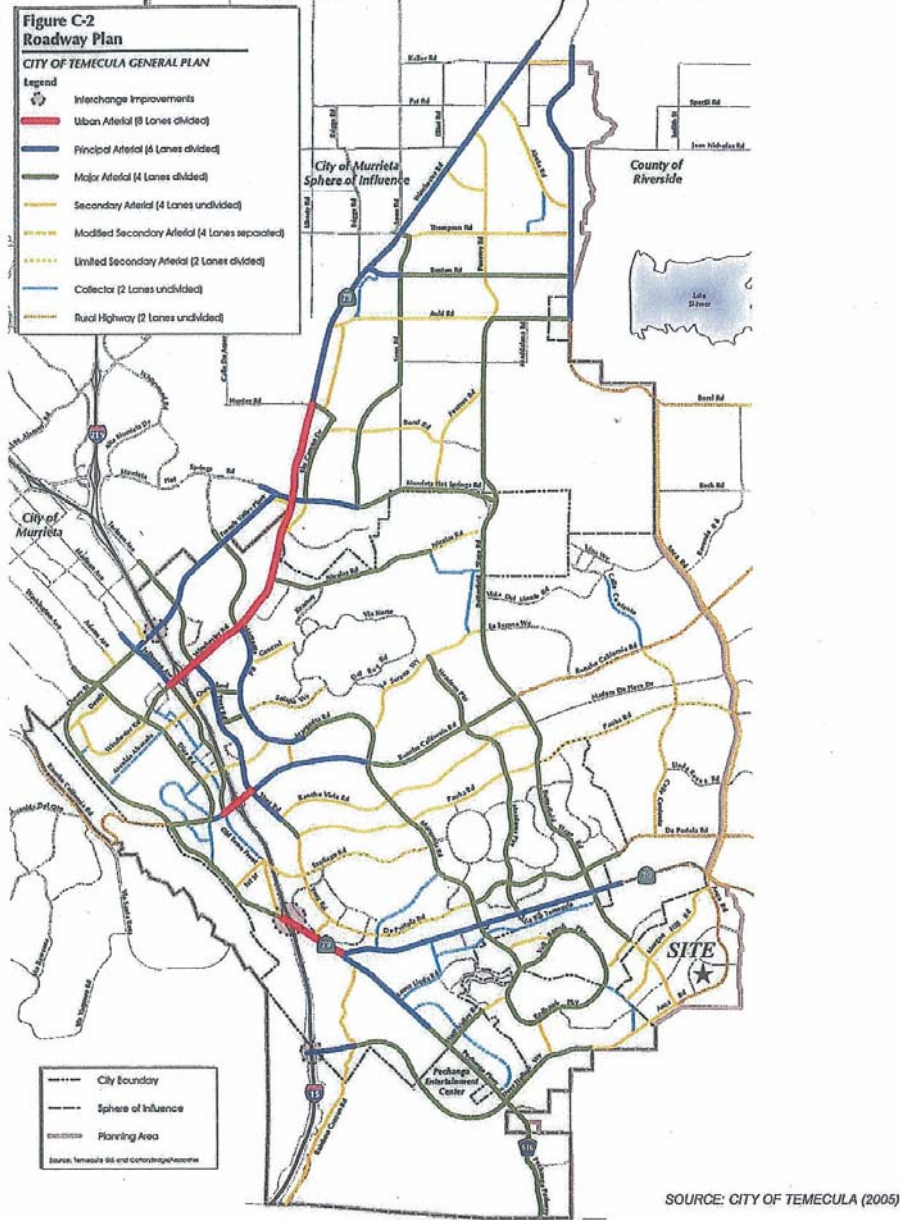


3-3



Redhawk Valley Citrus Traffic Impact Analysis
 County of Riverside, CA (JN - 07275,04)

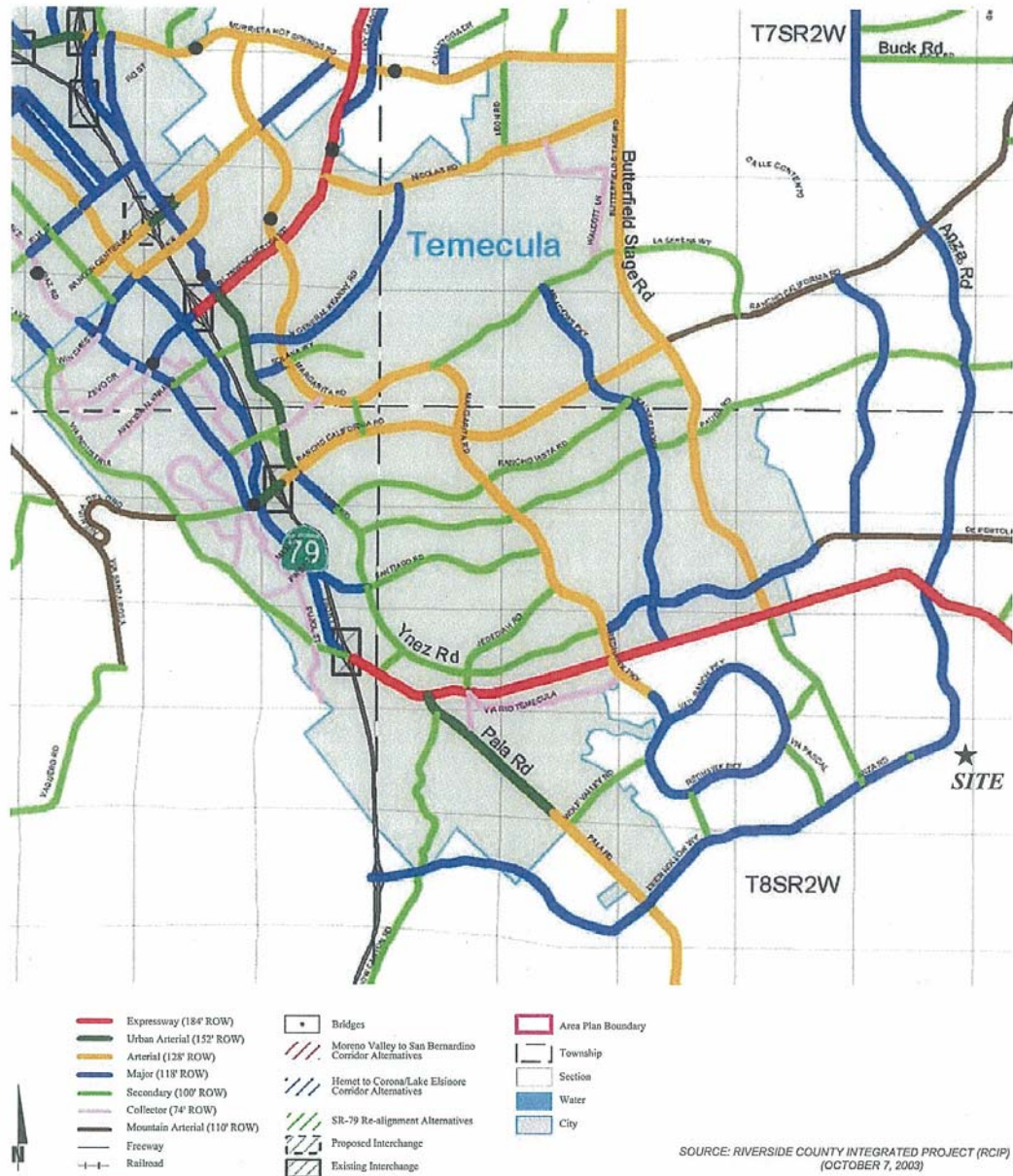
EXHIBIT 3-B
**CITY OF TEMECULA
 GENERAL PLAN CIRCULATION ELEMENT**



Redhawk Valley Citrus Traffic Impact Analysis
 County of Riverside, CA (JN - 07275:11)



EXHIBIT 3-C
**RIVERSIDE COUNTY
 GENERAL PLAN CIRCULATION ELEMENT**



Redhawk Valley Citrus Traffic Impact Analysis
 County of Riverside, CA (JN - 07275:13)



EXHIBIT 3-D
EXISTING AM PEAK HOUR INTERSECTION VOLUMES



Redhawk Valley Citrus Traffic Impact Analysis
 County of Riverside, CA (JN - 07275.06)

EXHIBIT 3-E
EXISTING PM PEAK HOUR INTERSECTION VOLUMES



Redhawk Valley Citrus Traffic Impact Analysis
 County of Riverside, CA (JN - 07275-06)

TABLE 3-1
INTERSECTION ANALYSIS FOR EXISTING CONDITIONS

INTERSECTION	TRAFFIC CONTROL ¹	INTERSECTION APPROACH LANES ²												DELAY ³ (SECS.)		LEVEL OF SERVICE	
		NORTH-BOUND			SOUTH-BOUND			EAST-BOUND			WEST-BOUND			AM	PM	AM	PM
		L	T	R	L	T	R	L	T	R	L	T	R				
I-15 SB Ramp (NS) at: • Temecula Pkwy. (SR-79) (EW)	TS	0	0	0	2	0	1	0	2	0	2	2	0	33.1	22.1	C	C
I-15 NB Ramp (NS) at: • Temecula Pkwy. (SR-79) (EW)	TS	1	0	2>	0	0	0	1	2	0	0	3	1	10.3	22.8	B	C
Pechanga Pkwy. (NS) at: • Temecula Pkwy. (SR-79) (EW)	TS	3	0	1>	0	0	0	1	4	2>	2	3	0	24.4	20.4	C	C
Margarita Rd. (NS) at: • Temecula Pkwy. (SR-79) (EW)	TS	2	2	1	2	2	1	2	3	0	2	3	0	20.6	34.4	C	C
Butterfield Stage Rd. (NS) at: • Temecula Pkwy. (SR-79) (EW)	TS	2	2	0	1	2	d	2	3	0	1	3	0	24.3	19.4	C	B
Anza Rd. (NS) at: • Temecula Pkwy. (SR-79) (EW)	TS	0	0	0	1	0	1	1	1	0	0	1	1	18.1	15.0	B	B
• Santa Rita Rd. (EW)	CSS	0	1	0	0	1	0	0	1	0	0	1	0	8.3	8.4	A	A
• El Mirador Ct. (EW)	CSS	0	1	0	0.5	0.5	0	0	0	0	0	1	0	8.6	8.6	A	A
Los Caballos Rd. (NS) at: • Temecula Pkwy. (SR-79) (EW)	CSS	0	1	0	0	1	0	0	1	0	0	1	0	13.9	18.9	B	C

¹ TS = Traffic Signal
CSS = Cross Street Stop

² When a right turn is designated, the lane can either be striped or unstriped. To function as a right turn lane there must be sufficient width for right turning vehicles to travel outside the through lanes.

L = Left; T = Through; R = Right; 1l = Shared Left-Through-Right Lane; > = Right Turn Overlap Phase; >> = Free Right Turn Lane; d = Defacto

³ Delay and level of service calculated using the following analysis software: Traffic, Version 8.0 R1 (built Nov 2008) and Synchro, Version 7 (Build 765, Rev 191). Per the 2000 Highway Capacity Manual, overall average intersection delay and level of service are shown for intersections with traffic signal or all way stop control. For intersections with cross street stop control, the delay and level of service for worst individual movement (or movements sharing a single lane) are shown.

TABLE 3-2
EXISTING CONDITIONS AM/PM PEAK HOUR STACKING LENGTH SUMMARY

INTERSECTION	MOVEMENT	DISTANCE (FEET)	REQUIRED (FT) ¹		ACCEPTABLE? ²	
			AM	PM	AM	PM
I-15 SB Ramps (NS) at: • Temecula Parkway (SR-79) (EW)	EBT	175	0	8	YES	YES
	WBL	240	236	180 ³	YES	YES
	WBT	635	57	80	YES	YES
I-15 NB Ramps (NS) at: • Temecula Parkway (SR-79) (EW)	EBL	250	40 ⁴	79 ⁴	YES	YES
	EBT	635	38 ⁴	554 ^{3,4}	YES	YES
	WBT	656	144	97	YES	YES
	WBR	200	38	65	YES	YES
Pechanga Parkway (NS) at: • Temecula Parkway (SR-79) (EW)	EB U-Turn	300	4 ⁴	1 ⁴	YES	YES
	EBT	1195	120	239 ⁴	YES	YES
	EBR	300	77	9 ⁴	YES	YES
	WBL	300	71 ⁴	92 ⁴	YES	YES
	WBT	1850	168	38 ⁴	YES	YES
Margarita Road - Redhawk Parkway (NS) at: • Temecula Parkway (SR-79) (EW)	EBL	265	20	94	YES	YES
	EBT	1200	51	348 ³	YES	YES
	WBL	245	71	199 ³	YES	YES
	WBT	1185	82	118	YES	YES
Butterfield Stage Road (NS) at: • Temecula Parkway (SR-79) (EW)	EBL	250	55	107 ⁴	YES	YES
	EBT	4720	27	11 ⁴	YES	YES
	WBL	255	252	140	YES	YES
	WBT	1107	91	34	YES	YES
Anza Road (NS) at: • Temecula Parkway (SR-79) (EW)	EBL	325	152	218	YES	YES
	EBT	2092	6	6	YES	YES
	WBT	3600	209	199	YES	YES
	WBR	100	10	15	YES	YES

¹ Required stacking distance shown is based on average (95th Percentile) queue length.

² Stacking Distance is acceptable if the required stacking distance is less than or equal to the stacking distance provided.

³ 95th percentile volume exceeds capacity, queue may be longer.

⁴ Volume for 95th percentile queue is metered by upstream signal.

E. Transit Service

The study area is currently served by the Riverside Transit Agency (RTA) Route 24 along Temecula Parkway (SR-79).

F. City of Temecula Planned I-15/SR-79 Interchange Improvements

Per discussion with City of Temecula staff, the planned improvements at the I-15/SR-79 interchange are funded and anticipated to be completed by Project Buildout (2013). The improvements at the I-15/SR-79 interchange are based on the I-15/SR-79 South Interchange Project Report (August 2009) provided by City of Temecula staff and are listed below. (See Appendix "C" for the geometric layouts.)

Southbound 1-15 Ramps: *The existing southbound entrance and exit ramps to SR-79 South will be demolished and replaced with a new far side exit loop ramp which is paired with a new southbound entrance ramp which will intersect SR-79 South opposite the existing Front Street intersection. The southbound exit will be reconfigured to provide a two (2)-lane exit with 1,300 feet of auxiliary lane preceding the exit. A new bridge structure will be constructed over SR-79 South to accommodate the new southbound exit ramp configuration.*

Northbound 1-15 Ramps: *The northbound exit ramp will be widened to provide four (4) lanes at the ramp intersection. The northbound entrance ramp will be widened to provide three (3) lanes at the ramp intersection and a three-lane ramp meter entrance to 1-15.*

SR-79 South: *Improvements include elimination of the sidewalk, curb and gutter, and parkway on the south side of SR-79 South through the interchange area and paving/restriping to provide three (3) through lanes and two (2) left turn lanes in each direction of travel.*

4.0 PROJECTED FUTURE TRAFFIC

This section of the report quantifies the number of trips generated by the proposed project and other known developments in the area.

A. Project Traffic

1. Project Trip Generation

Trip generation represents the amount of traffic which is attracted and produced by a development. The trip generation for the project is based upon the specific land uses which have been planned for this development. The project site is proposed to be developed with 181 Single Family dwelling units. It is anticipated that the project will be built by 2013.

Trip generation rates for the proposed development are shown in Table 4-1. The trip generation rates are based upon data collected by the Institute of Transportation Engineers (ITE).

Daily and peak hour trip generations for the proposed project are shown in Table 4-2. As illustrated in Table 4-2, the proposed project is anticipated to generate approximately 1,732 net trip ends per day, with 135 vehicles per hour during the AM peak hour and 183 vehicles per hour during the PM peak hour.

2. Project Trip Distribution

Trip distribution represents the directional orientation of traffic to and from the project site. Trip distribution is heavily influenced by the geographical location of the site, the location of employment, commercial, residential and recreational opportunities and the proximity to the regional freeway system.

The directional orientation of traffic was determined by evaluating existing and proposed land uses and highways within the community and existing traffic volumes. The trip distribution is based upon those highway facilities which are either in place or will be contemplated in the near future conditions, which represents the opening occupancy time-frame for the proposed development.