



212B

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

**SUBMITTAL DATE:**  
April 11, 2013

**FROM:** TLMA – Planning Department

**SUBJECT:** RESOLUTION NO. 2013-111 ESTABLISHING ADDITIONAL GUIDANCE AND PROCEDURES FOR THE IMPLEMENTATION OF THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN AND GENERAL PLAN INITIATION PROCEEDINGS (GPIP) FOR GENERAL PLAN AMENDMENT NO. 1120 CONCERNING SAME- Applicant: County of Riverside – First/First, Second/Second, Third/Third, and Fifth/Fifth Supervisorial Districts – The boundary of the project is consistent with the boundary of the Western Riverside County Multi-species Habitat Conservation Plan (MSHCP).

**RECOMMENDED MOTION:** The Planning Director recommends that the Board of Supervisors:

1. Adopt Resolution No. 2013-111 establishing additional guidance and procedures for the implementation of the Western Riverside County Multiple Species Habitat Conservation Plan (superseding and amending Resolution No. 2012-254 in its entirety); and
2. Adopt an order initiating the above referenced General Plan Amendment (GPA) No. 1120 based on the attached report.

**BACKGROUND:** This GPIP for GPA No. 1120 was continued from February 26, 2013 to April 23, 2013, at the request of Planning Staff to afford County Counsel and Planning Staff an opportunity to evaluate a memorandum sent from Dave Jeffers, representing a number of GPIP applicants, to Dr. Dan Silver, representing the Endangered Habitats League (EHL) concerning implementing processes. Planning Staff and County Counsel have also met with Laurie Correa – RCA Staff, Larry Markham – representing property owners, and Dr. Dan Silver – EHL, to discuss GPA No. 1120 and to address comments made in writing, as well as orally at the

*Carolyn Syns Luna*  
\_\_\_\_\_  
Carolyn Syns Luna, Planning Director

Initials:  
CSL

(Continued on Next Page)

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

**Ayes:** Jeffries, Tavaglione, Stone, Benoit, and Ashley  
**Nays:** None  
**Absent:** None  
**Date:** April 23, 2013  
**xc:** Planning

Kecia Harper-Ihem  
Clerk of the Board  
By: *[Signature]*  
Deputy

**Prev. Agn. Ref.** 2/26/13 Item 15-1;  
Related 12/18/12 Item 3.65. | **District:** 1/1, 2/2, 3/3, 5/5 | **Agenda Number:**

15-1

REVIEWED BY EXECUTIVE OFFICE  
DATE 4/15/13 TMG  
Tina Grande  
Departmental Concurrence  
FORM APPROVED COUNTY COUNSEL  
BY: KARIN L. WATTS-BAZAN DATE 4/11/13

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

The Honorable Board of Supervisors

Re: **RESOLUTION NO. 2013-111 AND GENERAL PLAN INITIATION PROCEEDINGS (GPIP)  
FOR GPA NO. 1120**

Page 2 of 3

Planning Commission. Based upon the above referenced meetings, changes to Resolution No. 2012-254 are necessary. Such changes are reflected in Resolution No. 2013-111 which supersedes and amends Resolution No. 2012-254 in its entirety.

**HISTORY:** On May 8, 2008, the Board of Supervisors amended Article I of Ordinance No. 348, which added the General Plan Initiation Procedures to the requirements for all General Plan Amendments. Preceding this action, many property owners submitted GPAs to the Planning Department under the eight year cycle review that began on January 2, 2008. Many of these applications were submitted without development proposals or land use applications to subsequently subdivide, grade or build on the property.

Specifically, a concentration of GPIPs in the Third Supervisorial District lacked development proposals or land use applications to subsequently subdivide, grade or build on the subject property and are commonly referred to as "stand alone" GPIPs/GPAs. In the five years since the GPIP process was adopted, it has been brought to our attention by project proponents that some of the General Plan provisions have proved to be problematic.

On December 18, 2012, the Board of Supervisors adopted Resolution No. 2012-254 which establishes and provides additional guidance and procedures for the implementation of the MSHCP, when a General Plan Amendment (GPA), a Zoning Ordinance Amendment (CZ), or a Lot Line Adjustment (LLA) lacks any development project proposal and is a "stand alone" application. Pursuant to the terms of Resolution No. 2012-254, it does not become effective until such time as this GPA, GPA No. 1120, becomes effective, if adopted. The Form 11 regarding Resolution No. 2012-254 directed Planning Staff to revise the applicable sections of the General Plan that require "stand alone" GPAs, CZs, and LLAs to comply with the requirements of the MSHCP in an effort to streamline development applications through a General Plan Amendment.

As mentioned above, this GPIP for GPA No. 1120 was continued from February 26, 2013 to April 23, 2013, at the request of Planning Staff to afford County Counsel and Planning Staff an opportunity to evaluate comments received by, and meet with, concerned property owners and other stakeholders regarding the guidance and procedures set forth in Resolution No. 2012-254. Based upon the outcome of those meetings and evaluations of comments received, it has been determined that clarification on the additional procedures for implementing the MSHCP is warranted and that Resolution No. 2012-254 should be superseded and amended in its entirety by Resolution No. 2013-111. Resolution No. 2013-111 clarifies the requirements for private and public stand alone applications located within the MSHCP Criteria Areas, as well as the requirements for private and public stand alone applications not located within the MSHCP Criteria Areas. As used in Resolution No. 2013-111, "stand alone application" means "an amendment to the County's General Plan or an amendment to the County's zoning ordinance that is not accompanied by, or associated with, an application to subdivide or other land use development application." A "stand alone application" also includes "the approval of a lot line adjustment." A "stand alone application" does not include a Specific Plan application.

Accordingly, the purpose of this County-initiated amendment, GPA No. 1120, is to identify the applicable sections of the County's General Plan and amend language that requires MSHCP compliance for "Stand Alone Applications."

The Honorable Board of Supervisors

Re: **RESOLUTION NO. 2013-111 AND GENERAL PLAN INITIATION PROCEEDINGS (GPIP)  
FOR GPA NO. 1120**

Page 3 of 3

**PROJECT DESCRIPTION AND LOCATION:**

The project proposes to initiate General Plan Amendment proceedings for a County initiated General Plan Amendment (GPA) No. 1120. Pursuant to Ordinance No. 348, Article II, a proposed GPA must receive comments from the Planning Commission and then be initiated by the Board of Supervisors prior to commencement of the General Plan process. GPA No. 1120 was presented to the Planning Commission for comments on January 16, 2013. The Planning Commission's comments on GPA No. 1120 are included with the attached staff report. The proposed GPA will modify language within the County's General Plan that requires certain GPAs, CZs, and LLAs, further clarified as "stand alone applications", to comply with the Multiple Species Habitat Conservation Plan (MSHCP).

The General Plan incorporates compliance with the MSHCP. Specifically, Section 6 of the MSHCP requires that all discretionary projects located within a criteria cell unit must comply with the Habitat Evaluation and Acquisition Negotiation Strategy (HANS) process and other habitat conservation requirements.

Additionally, the MSHCP includes other requirements that must be complied with, including but not limited to the Protection of Riparian/Riverine Areas and Vernal Pools (Section 6.1.2); the requirements for the Protection of Narrow Endemic Plant Species (Section 6.1.3); the requirements for Urban/Wildlands Interface Guidelines (Section 6.1.4); and the imposition of conditions and/or mitigation measures that are necessary to ensure surveys are prepared for development projects (Section 6.3.2).

GPA No. 1120 will affect the Open Space Element and the following Area Plans within the Western Riverside County, Highgrove, Temescal Canyon, Lake Elsinore, Southwest, Lake Mathews/Woodcrest, Mead Valley, Sun City, Harvest Valley/Winchester, Reche Canyon/Badlands, Lakeview/Nuevo, San Jacinto, The Pass, and the REMAP.

**BOARD OF SUPERVISORS**

**COUNTY OF RIVERSIDE**

**RESOLUTION NO. 2013-111**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE  
TO ESTABLISH ADDITIONAL GUIDANCE AND PROCEDURES FOR IMPLEMENTATION  
OF THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN  
(SUPERSEDING AND AMENDING RESOLUTION NO. 2012-254)**

WHEREAS, on December 18, 2012, the Board of Supervisors (Board) in a regularly scheduled meeting adopted Resolution No. 2012-254 that established additional guidance and procedures for implementation of the Western Riverside County Multiple Species Habitat Conservation Plan; and

WHEREAS, since the adoption of Resolution No. 2012-254 it has been determined that clarification on the additional procedures for implementing the MSHCP was warranted; and

WHEREAS, the Planning Department and County Counsel recommend that Resolution No. 2012-254 be superseded and amended in its entirety by this Resolution No. 2013-111 (Resolution); and

WHEREAS, this Resolution shall be known as the "Western Riverside County Multiple Species Habitat Conservation Plan Implementation Policy"; and

WHEREAS, the Board finds that the ecosystems of western Riverside County and the vegetation communities and sensitive species they support are fragile, irreplaceable resources that are vital to the general welfare of all residents; and

WHEREAS, these vegetation communities and natural areas contain habitat value which contributes to the region's environmental resources; and

WHEREAS, special protections for these vegetation communities and natural areas are essential to prevent future endangerment of the plant and animal species that are dependent upon them; and

WHEREAS, on June 17, 2003, the Board approved the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and executed its associated Implementing Agreement. Thereafter, relevant provisions of the MSHCP and policies concerning development project implementation and compliance with the MSHCP

FORM APPROVED COUNTY COUNSEL 4/11/13  
BY *[Signature]*  
BARBARA L. WATTS  
DATE 4/11/13

1 were incorporated into the County of Riverside General Plan. The purpose of this Resolution is to provide further  
2 guidance concerning the implementation of the requirements of the MSHCP; and

3 WHEREAS, adoption and implementation of this Resolution will enable the County to achieve the  
4 conservation goals set forth in the MSHCP and to preserve the ability of affected property owners to make  
5 reasonable use of their land consistent with the requirements of the National Environmental Policy Act (NEPA), the  
6 California Environmental Quality Act (CEQA), the Federal Endangered Species Act (FESA), the California  
7 Endangered Species Act (CESA), the California Natural Community Conservation Planning Act (NCCP), and other  
8 applicable laws; and

9 WHEREAS, it is the intent of this Resolution to protect vegetation communities and natural areas within  
10 western Riverside County which support species covered under the MSHCP; to maintain a future of economic  
11 development within western Riverside County by providing a streamlined process from which development can  
12 proceed in an orderly process; and to protect the existing character of western Riverside County through the  
13 implementation of a system of reserves which will provide for permanent open space, community edges, and  
14 habitat conservation for species covered by the MSHCP.

15 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the Board  
16 of Supervisors of the County of Riverside, in regular session assembled on April 23, 2013, at 9:00 a.m., in its  
17 meeting room located on the 1<sup>st</sup> Floor of the County Administrative Center, 4080 Lemon Street, Riverside,  
18 California that the following guidance and procedures related to the MSHCP be implemented:

#### 20 SECTION I. APPLICATION OF REGULATIONS

21 Except as provided in Section II., this Resolution shall apply to all land within the unincorporated area of  
22 western Riverside County shown on the MSHCP Plan Map included in the MSHCP. Upon application to the  
23 County for a project, an applicant shall be required to comply with the procedures set forth in this Resolution.  
24 Upon the County's initiation of a project that is subject to CEQA, the County shall be required to comply with the  
25 procedures set forth in this Resolution. No private project requiring a discretionary permit or approval and no  
26 County initiated public project shall be undertaken unless the project is consistent with the MSHCP and this  
27 Resolution.

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**SECTION II. EXEMPTIONS**

This Resolution shall not apply to the following:

- A. Any project for which and to the extent that a vesting tentative map pursuant to the Subdivision Map Act, or a development agreement pursuant to Government Code sections 65864 et seq., approved or executed prior to the Board's approval of the MSHCP, confers vested rights under the County's ordinances or state law to proceed with the project notwithstanding the Board's approval of the MSHCP or adoption of this Resolution. Projects subject to this exemption must comply with all provisions of any applicable state and federal law.
- B. Any project for which the Board determines that application of this Resolution would result in the property owner being deprived of all reasonable economic use of the property in violation of federal or state constitutional prohibitions against the taking of property without just compensation.

**SECTION III. PROCEDURES**

- A. The County shall implement the requirements for private and public project contributions to the MSHCP Conservation Area as set forth in the MSHCP, by electing to comply with the following:
  - 1. The County shall implement the Property Owner Initiated Habitat Evaluation and Acquisition Negotiation Process (HANS) for private projects ; and
  - 2. Prior to the County's initiation of a public project, the County shall determine whether all or a portion of the real property for the project is located within the boundaries of the Criteria Area. If the County determines that all or a portion of the real property for the project is located within the Criteria Area, then the County shall perform the following:
    - a. Determine the design criteria applicable to the project based on the particular USGS section, quadrant, and/or cell grouping in which the project property is located, as set forth in Section 3.2 of the MSHCP; and
    - b. Impose as a mitigation measure such requirements as are necessary to ensure the project complies with and implements the design criteria applicable to the project.

1 B. The County shall implement the following requirements for private and public Stand Alone  
2 Applications located within the MSHCP Criteria Area(s):

- 3 1. A HANS application shall be filed concurrently with the Stand Alone Application and an initial  
4 HANS assessment of the proposed project shall be made by the Planning Department's  
5 Environmental Programs Division; and
- 6 2. The initial HANS assessment shall determine if any, all, or a portion of the subject property is  
7 needed for inclusion in the MSHCP Conservation Area. Such determination shall be provided in  
8 writing to the project applicant; and
- 9 3. Habitat assessments and species specific focused surveys as set forth in Section 6.0 of the MSHCP  
10 shall not be required as part of the initial HANS assessment; and
- 11 4. The initial HANS assessment shall be submitted to the Western Riverside County Regional  
12 Conservation Authority (RCA) as part of the Joint Project Review (JPR) process set forth in Section  
13 6.0 of the MSHCP; and
- 14 5. Once HANS and JPR are complete, the Stand Alone Application shall be allowed to move forward  
15 with the planning process. MSHCP required habitat assessments and surveys shall not be required  
16 until such time that a development proposal or land use application to subsequently subdivide,  
17 grade, or build on the property is submitted to the County.

18 C. The County shall implement the following requirements for private and public Stand Alone  
19 Applications not located within the MSHCP Criteria Area(s):

- 20 1. A Stand Alone Application located outside of the MSHCP Criteria Area is not intended for  
21 inclusion in the MSHCP Conservation Area and is thus not subject to the HANS and JPR process  
22 for assessing MSHCP Conservation Criteria; and
- 23 2. Habitat assessments and species specific focused surveys as set forth in Section 6.0 of the MSHCP  
24 shall not be required for such Stand Alone Applications until such time that a development proposal  
25 or land use application to subsequently subdivide, grade, or build on the property is submitted to the  
26 County.

1 D. The County shall implement the requirements for the Protection of Riparian/Riverine Areas and Vernal  
2 Pools set forth in Section 6.1.2 of the MSHCP in the following manner:

- 3 1. As part of the CEQA review for a project, the property owner shall comply, or the County shall  
4 comply if the project is County-initiated, with the surveying, mapping, and documentation  
5 procedures set forth in Section 6.1.2 of the MSHCP for Riparian/Riverine Areas and Vernal Pools  
6 on the project property; and
- 7 2. Based on the documentation prepared for the project, the County shall impose a condition and/or a  
8 mitigation measure such requirements as are necessary to ensure the project complies with and  
9 implements the policies for the Protection of Riparian/Riverine Areas and Vernal Pools set forth in  
10 Section 6.1.2 of the MSHCP.

11 E. The County shall implement the requirements for the Protection of Narrow Endemic Plant Species set  
12 forth in Section 6.1.3 of the MSHCP in the following manner:

- 13 1. As part of the CEQA review of the project, the property owner shall comply, or the County shall  
14 comply if the project is County-initiated, with the site-specific focused survey procedures set forth  
15 in Section 6.1.3 of the MSHCP; and
- 16 2. Based on the site-specific focused surveys prepared for the project, the County shall impose a  
17 condition and/or mitigation measure such requirements as are necessary to ensure the project  
18 complies with and implements the policies for Narrow Endemic Plant Species policies set forth in  
19 Section 6.1.3 of the MSHCP.

20 F. The County shall impose a condition and/or mitigation measure such requirements as are necessary to  
21 ensure the project complies with and implements the Urban/Wildlands Interface Guidelines set forth in  
22 Section 6.1.4 of the MSHCP.

23 G. The County shall impose a condition and/or mitigation measure such requirements as are necessary to  
24 ensure surveys are prepared for the project as required by Section 6.3.2 of the MSHCP.

25 H. Pursuant to Section III. of this Resolution and the MSHCP, the County shall transfer any property  
26 interest acquired or obtained in fee title or as a conservation easement to the Western Riverside County  
27 Regional Conservation Authority for management.



- 1 I. The County shall comply with CEQA for Stand Alone Applications located either outside or within the  
2 MSHCP Criteria Area(s) in the following manner:
- 3 1. An Environmental Assessment Form ("EA") shall be prepared for all Stand Alone Applications,  
4 which shall provide the framework for the Initial Study ("IS"); and
- 5 2. The "No Impact" box shall be checked under the Biological Resources Section of the EA with the  
6 following finding of fact noted: the proposed project does not provide the opportunity for physical  
7 disturbance of the property, therefore, there is no potential for take of sensitive species or conflict  
8 with adopted conservation plans, including but not limited to the MSHCP; and
- 9 3. Once a development proposal or land use application to subsequently subdivide, grade, or build on  
10 the property associated with the Stand Alone Application is submitted, a subsequent review and EA  
11 shall be prepared assessing potential impacts to Biological Resources as well as any conflicts with  
12 adopted conversation plans, including but not limited to the MSHCP.

13  
14 **SECTION IV. DEFINITIONS**

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

- 16 A. "Area Plan" means the sixteen areas designated for purposes of providing an organizational framework  
17 for the Criteria Area, and for purposes of developing specific design criteria that will be utilized in  
18 assembling land within the Criteria Area that will become part of the MSHCP Conservation Area.
- 19 B. "Criteria Area" means the general area designated and denoted on the MSHCP Plan Map as the  
20 "Criteria Area", comprised of approximately 310,000 acres from which new habitat conservation  
21 within the MSHCP Conservation Area will be assembled.
- 22 C. "MSHCP" means the Western Riverside County Multiple Species Habitat Conservation Plan.
- 23 D. "MSHCP Plan Map" means the map of the area encompassed by the MSHCP.
- 24 E. "Project" means any action or activity that is subject to the County's discretionary approval for the  
25 purpose of developing or improving real property, including, but not limited to, the following: the sale,  
26 purchase or lease of County-owned property; the approval of a tentative subdivision map; the issuance  
27 of a license, permit, certificate, variance, or other entitlement for the development or improvement of  
28

1 real property, including the clearing or grading of real property (except for weed or fire hazard  
2 abatement); and the construction or improvement of streets, water, sewer, or other public facilities or  
3 public works.

4 F. "Stand Alone Application" means the following:

- 5 1. Any amendment to the County's General Plan or an amendment to the County's zoning ordinance  
6 that is not accompanied by, or associated with, an application to subdivide or other land use  
7 development application.
- 8 2. The approval of a lot line adjustment.
- 9 3. Stand Alone Application shall not include Specific Plan applications.

10 **BE IT FURTHER RESOLVED AND DETERMINED** that this Resolution shall not take effect until  
11 such time as the Board of Supervisors adopts an amendment to the County of Riverside General Plan revising  
12 certain language related to MSHCP implementation so that it is consistent with the procedures provided in this  
13 Resolution and said amendment is in effect.

14 ROLL CALL:

15 Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley  
16 Nays: None  
17 Absent: None

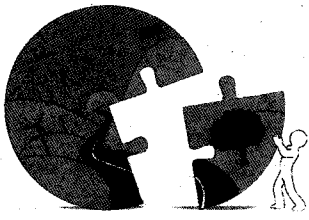
18 The foregoing is certified to be a true copy of a resolution duly  
19 adopted by said Board of Supervisors on the date therein set forth.

19 KECIA HARPER-IHEM, Clerk of said Board

20 By: 

21 Deputy





# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Carolyn Syms Luna*  
Director

212B

**DATE:** April 11, 2013

**TO:** Clerk of the Board of Supervisors

**FROM:** Planning Department - Riverside Office

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

(Charge your time to these case numbers)

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

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

**Designate Newspaper used by Planning Department for Notice of Hearing:**

\*\*SELECT Advertisement\*\*

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

NONE - GPIP

Fish & Game Receipt (CFG \_\_\_\_\_)

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

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

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

"Planning Our Future... Preserving Our Past"

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

410B



**SUBMITTAL DATE:**  
February 11, 2013

**FROM:** TLMA - Planning Department

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

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

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

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

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

Initials:  
CSL: ar

**Prev. Agn. Ref.**

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

**Agenda Number:**

15-1

REVIEWED BY EXECUTIVE OFFICE

DATE 3/9/13  
Tina Grande  
Departmental Concurrence

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

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

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

**PROJECT DESCRIPTION AND LOCATION:**

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

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

MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



**15-1**

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the recommendation from Transportation & Land Management Agency/Planning regarding General Plan Initiation Proceedings (GPIP) for GPA No. 1120, (Entitlement/Policy Amendment) – All Zoning Districts – The proposed amendment will affect the Open Space Element and the following Area Plans within the Western Riverside County; Highgrove, Temescal Canyon, Elsinore, Southwest, Lake Mathews/Woodcrest, Mead Valley, Sun City, Harvest Valley/Winchester, Reche Canyon/Badlands, Lakeview/Nuevo, San Jacinto, The Pass and the REMAP – 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 5<sup>th</sup> Districts, is continued to Tuesday, April 23, 2013 at 10:30 a.m.

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on March 26, 2013 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors  
Dated: March 26, 2013  
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in  
and for the County of Riverside, State of California.

(seal)

By: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Kecia Harper-Ihem", is written over a horizontal line.

Deputy

AGENDA NO.  
15-1

xc: Planning, COB

MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



**15-1**

On motion of Supervisor Ashley, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the recommendation from Transportation & Land Management Agency/Planning regarding: General Plan Initiation Proceedings (Gpip) For Gpa No. 1120, (Entitlement/Policy Amendment) – All Zoning Districts – The proposed amendment will affect the Open Space Element and the following Area Plans within the Western Riverside County; Highgrove, Temescal Canyon, Elsinore, Southwest, Lake Mathews/Woodcrest, Mead Valley, Sun City, Harvest Valley/Winchester Reche Canyon/Badlands, Lakeview/Nuevo, San Jacinto, The Pass, and the REMAP – 1<sup>st</sup>, 2<sup>nd</sup> 3<sup>rd</sup> and 5<sup>th</sup> Districts is continued to Tuesday, March 26, 2013 at 10:30 a.m.

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on February 26, 2013 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors  
Dated: February 26, 2013  
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in  
and for the County of Riverside, State of California.

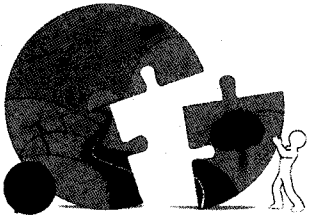
(seal)

By:  Deputy

AGENDA NO.  
15-1

xc: Planning, COB

# RIVERSIDE COUNTY PLANNING DEPARTMENT



Carolyn Syms Luna  
Director

410B

DATE: February 14, 2013

TO: Clerk of the Board of Supervisors

FROM: Planning Department - Riverside Office

A.B.R.

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

(Charge your time to these case numbers)

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

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

**Designate Newspaper used by Planning Department for Notice of Hearing:**

\*\*SELECT Advertisement\*\*

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

NONE - GPIP  
Fish & Game Receipt (CFG \_\_\_\_\_)

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

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

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

"Planning Our Future... Preserving Our Past"



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

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

## COUNTY OF RIVERSIDE PLANNING DIRECTOR'S ADDENDUM STAFF REPORT

### RECOMMENDATIONS:

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

### PLANNING COMMISSION COMMENTS TO THE PLANNING DIRECTOR:

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

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

**Vice Chairman Bill Sanchez (Fourth District):** No Comments

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

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

**Commissioner Jan Zuppardo (Fifth District):** No Comments

### Informational Items:

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

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

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

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

## COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

### PROJECT DESCRIPTION AND LOCATION:

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

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

### BACKGROUND:

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

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

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

**FURTHER PLANNING CONSIDERATIONS:**

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

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

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

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

**GENERAL PLAN ADMINISTRATIVE ELEMENT FINDINGS:**

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

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

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

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

(1) The Riverside County Vision;

(2) Any General Plan Principle; or

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

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

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

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

**CONSIDERATION ANALYSIS:**

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

- A. The proposed change does not conflict with:

- (1) The Riverside County Vision.

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

- (2) Any General Plan Principle.

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

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

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

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

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

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

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

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

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

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

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

**RECOMMENDATIONS:**

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

AR:ar

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Date Prepared: 12/18/2012

Date Revised: 01/14/13

January 10, 2013

*VIA FACSIMILE AND ELECTRONIC MAIL*

Riverside County Planning Commission  
County of Riverside  
4080 Lemon St., 9<sup>th</sup> Floor  
Riverside, CA 92501

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

Dear Chair and Commission Members:

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

**Clarity**

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

**False premise**

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

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

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

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

#### **Suggested modification**

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

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

Yours truly,

Dan Silver, MD  
Executive Director

cc: Board Offices  
Planning Department  
Regional Conservation Authority  
USFWS  
CDFG



**Stark, Mary**

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

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

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

Dear Chair and Commission Members:

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

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

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

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

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

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

Thank you for considering our comments,

Heather A. Pert  
Staff Environmental Scientist  
Inland Desert Region  
California Department of Fish and Wildlife  
858-395-9692  
heather.pert@wildlife.ca.gov

**Barton, Karen**

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**From:** Dan Silver <dsilverla@me.com>  
**Sent:** Sunday, February 24, 2013 2:42 PM  
**To:** Benoit, John; Jeffries, Kevin; Ashley, Marion; Tavaglione, John; Stone, Jeff; COB  
**Cc:** Magee, Robert; Barnes, Olivia; Field, John; Gialdini, Michael; Kuenzi, Darcy; Johnson, George; Syms Luna, Carolyn; Coyle, Frank; Rush, Adam  
**Subject:** Item 15-1, February 26, 2013, GPA NO. 1120  
**Attachments:** EHL-PC-GPA1120-1.16.13.pdf

February 24, 2013

*VIA ELECTRONIC MAIL ONLY*

The Hon John Benoit, Chair  
Riverside County Board of Supervisors  
4080 Lemon St, 5th Floor  
Riverside, CA 92501

**RE: GPA 1120 - OPPOSITION UNLESS AMENDED**

Dear Chairman Benoit and Members of the Board:

The Endangered Habitats League (EHL) appreciates the opportunity to provide testimony on GPA 1120, which would shift HANS compliance from the GPA or Zone Change stage to that of a later subdivision map approval. We appreciate the *intent* of not compromising the MSHCP, as reflected in the proposed finding that, "The proposed General Plan Amendment will not pose a deterrent to the Multipurpose Open Space Element." However, we strongly disagree with that conclusion. Rather, GPA 1120 would have unintended consequences adverse to the MSHCP and to the taxpayer's pocketbook.

Specifically, because the MSHCP would not be properly accounted for in the decision-making process, these new procedures could easily create *conflicts* that did not previously exist between the new land use designation or zone and the MSHCP. As a result, the RCA could be forced to spend public dollars — its mitigation fees — *wastefully* on land that otherwise would have been set aside via the entitlement process. Surely, totally discretionary actions like a GPA or Zone Change should not set landowner expectations and the MSHCP against each other. These concerns are more fully detailed in the enclosed letter sent to the Planning Commission.

Please note that EHL is *neutral* on the narrow question of whether the costs of HANS should be born by the party seeking a new land use designation or new zone or by the party later securing a subdivision map. Indeed, if the Board wishes to shift the responsibility for compliance, we are committed to work with you, the development community, and other agencies to advance that goal *while not harming* the MSHCP or jeopardizing its benefits. If this GPA is initiated, we urge that the County work closely with its state and federal partners, the RCA, and its stakeholders to achieve the *best* and most responsible outcome, whether or not that outcome is exactly what the cities are doing.

We offer our assistance in finding solutions.

Thank you for considering our views.

Yours truly,  
Dan Silver, MD

Dan Silver, Executive Director  
Endangered Habitats League  
8424 Santa Monica Blvd., Suite A 592  
Los Angeles, CA 90069-4267

January 10, 2013

*VIA FACSIMILE AND ELECTRONIC MAIL*

Riverside County Planning Commission  
County of Riverside  
4080 Lemon St., 9<sup>th</sup> Floor  
Riverside, CA 92501

**RE: Item 2.1 (January 16, 2013): General Plan Amendment 1120 –  
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size of 4000-6500 sq. ft. and would probably be deemed economically non-viable by the applicant as well as found unacceptable by the surrounding community.

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

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

#### **Suggested modification**

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

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

Yours truly,

Dan Silver, MD  
Executive Director

cc: Board Offices  
Planning Department  
Regional Conservation Authority  
USFWS  
CDFG

**Barton, Karen**

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**From:** Michael Gurling <milyundollarmike@msn.com>  
**Sent:** Monday, February 25, 2013 5:35 PM  
**To:** COB  
**Subject:** FW: BOS Hearing, item # 15-1 GPA No. 1120

---

From: [milyundollarmike@msn.com](mailto:milyundollarmike@msn.com)  
To: [www.cob@rcbos.org](http://www.cob@rcbos.org); [rcroy@firstlegalsupport.com](mailto:rcroy@firstlegalsupport.com); [avodrush@netzero.com](mailto:avodrush@netzero.com); [rwilliamsonline@msn.com](mailto:rwilliamsonline@msn.com);  
[tuffindf@hotmail.com](mailto:tuffindf@hotmail.com)  
Subject: BOS Hearing, item # 15-1 GPA No. 1120  
Date: Mon, 25 Feb 2013 17:19:06 -0800

Re; February 26, 2013. Board of Supervisors Hearing, Agenda Item 15-1 (GPA No. 1120)

To the Clerk of the Board.  
For the public record.  
Please distribute to each of the Riverside County Supervisors.

Dear Sirs,

Rural Residents & Friends (RR&F) supports the streamlining of the development process from the initial land use application to the necessary final approvals, so long as it serves the best interests of the public first and foremost. The procedural change(s) proposed in GPA No. 1120, does (do) not in our opinion serve the best interests of the public. By exempting GPAs and zoning changes from the HANS process you will be; A. Insuring that "we the people" will be paying a much higher, inflated price, if you will, for land to satisfy the MSHCP requirements. And B. Creating a much higher likelihood for greater conflicts at the later stages of the development process, by not addressing them through public notice and input at the very earliest stages of the same process, when they are much more likely to be resolvable.

We do not support GPA No. 1120 as currently proposed.

Sincerely, Kirk R. Gurling

President: Rural Residents & Friends  
"People 4 Balanced Growth"

Barton, Karen

---

**From:** Michael Gurling <milyundollarmike@msn.com>  
**Sent:** Monday, February 25, 2013 5:35 PM  
**To:** COB  
**Subject:** FW: BOS Hearing [REDACTED]

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From: [milyundollarmike@msn.com](mailto:milyundollarmike@msn.com)  
To: [www.cob@rcbos.org](http://www.cob@rcbos.org); [rcroy@firstlegalsupport.com](mailto:rcroy@firstlegalsupport.com); [avodrush@netzero.com](mailto:avodrush@netzero.com); [rwilliamsonline@msn.com](mailto:rwilliamsonline@msn.com);  
[tuffindf@hotmail.com](mailto:tuffindf@hotmail.com)  
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Sincerely, Kirk R. Gurling

President: Rural Residents & Friends  
"People 4 Balanced Growth"

04/22/2013 09:14 FAX 949.752.0597

# Jackson | DeMarco | Tidus Peckenpaugh

A L A W C O R P O R A T I O N

April 22, 2013

Direct Dial: 949.851.7409  
Email: mstaples@jdtplaw.com  
Reply to: Irvine Office  
File No: 28900

**VIA FACSIMILE (951.955.1071) AND U.S. MAIL**

Board of Supervisors  
Riverside County Administrative Center  
4080 Lemon Street  
Riverside, CA 92501

ATTENTION: Ms. Kecia Harper, Clerk of the Board

**Re: April 23, 2013 Agenda Item No. 15-1, Resolution No. 2013-111 Establishing Additional Guidance and Procedures for the Implementation of the Western Riverside County Multiple Species Habitat Conservation Plan and General Plan Initiation Proceedings for General Plan Amendment No. 1120 Concerning Same**

Dear Chairman Benoit and Honorable Board Members:

We represent the Domenigoni-Barton entities who own property within Specific Plan No. 310 and other land in the unincorporated area of Riverside County. The Domenigoni-Bartons support the concept of streamlining development applications that the proposed Resolution No. 2013-111 is intended to accomplish. However, it is not clear how the proposal will do so. We request a continuance of this matter to allow the public an opportunity to understand exactly what changes are to be made to the policies and procedures for processing development applications under the Western Riverside County Multiple Species Habitat Conservation Plan ("MSHCP").

The Property Owner Initiated Habitat Evaluation and Acquisition Negotiation Process ("HANS") was established with input from many stakeholders. "Negotiation" is an integral part of the HANS process. For example, under the HANS process, County staff is to undertake an initial application review to determine whether all or part of the project site should be included in the MSHCP Conservation Area. (MSHCP section 6.1.1(B)(1).) The HANS process includes a Conflict Resolution Process for the landowner and County to negotiate a resolution of any disagreements, including any differences over County staff's initial determination of what, if any, acreage should be included in the Conservation Area.

As written, Section III.B of the proposed resolution appears to delegate sole authority to County staff for determining how much of a project site is to be included in the MSHCP Conservation Area, thus taking the "N" out of the HANS process. **W/19: 13**

Irvine Office  
2030 Main Street, Suite 1200  
Irvine, California 92614  
t 949.752.8585 f 949.752.0597

Westlake Village Office  
2815 Townsgate Road, Suite 200  
Westlake Village, California 91361  
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www.jdtplaw.com  
1142462.1

**04.23-13**

**2013-4-17893 15-1**



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CLERK / BOARD OF SUPERVISORS  
2013 APR 22 AM 10:19

Board of Supervisors  
April 22, 2013  
Page 2

Also, several of the recitals appear to improperly elevate protection of vegetation above all other public policy considerations. Rather, the MSHCP's Criteria Area cells and conservation descriptions were created to assure the public that the Board of Supervisors would have flexibility in deciding what land within the Criteria Cells is to be included within the ultimate Conservation Area based upon public policy considerations beyond vegetation. Also, the HANS process emphasizes the use of incentives, not regulatory mandates, for property owners within the Criteria Area who conserve habitat. The MSHCP is not a "hard line" regulatory plan, and would not have been adopted if it was. The policy statements in the recitals are at odds with the Board of Supervisors' decision-making authority and landowner protections under the MSHCP.

Additionally, it is not clear how the proposed resolution could affect future development applications under approved specific plans, such as the Domenigoni-Barton Specific Plan 310, which already has been determined to be consistent with the MSHCP. Under Section I, the resolution would apply to a very broad range of "Projects" as defined in Section IV of the resolution, while the "Exemptions" in Section II are very narrow and do not include approved specific plans.

We respectfully request that the Board continue this item and that the County provide an explanation of exactly how the HANS process would function under the proposed revisions.

Sincerely,



Michele A. Staples

**Riverside County Board of Supervisors  
Request to Speak**

Submit request to Clerk of Board (right of podium),  
Speakers are entitled to three (3) minutes, subject  
Board Rules listed on the reverse side of this form.

**SPEAKER'S NAME:** Dan Silver

Endangered Habitats League

**Address:** \_\_\_\_\_  
(only if follow-up mail response requested)

**City:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Phone #:** 213 804 2750

**Date:** 9-23-13 **Agenda #** 15-1

**PLEASE STATE YOUR POSITION BELOW:**

**Position on "Regular" (non-appealed) Agenda Item:**  
 **Support**     **Oppose**     **Neutral**

**Note:** If you are here for an agenda item that is filed  
for "Appeal", please state separately your position on  
the appeal below:

\_\_\_\_\_ **Support**    \_\_\_\_\_ **Oppose**    \_\_\_\_\_ **Neutral**

**I give my 3 minutes to:** \_\_\_\_\_

## **BOARD RULES**

### **Requests to Address Board on "Agenda" Items:**

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

### **Requests to Address Board on items that are "NOT" on the Agenda:**

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.

### **Power Point Presentations/Printed Material:**

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

### **Individual Speaker Limits:**

**Individual speakers are limited to a maximum of three (3) minutes.** Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. **Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.**

### **Group/Organized Presentations:**

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

### **Addressing the Board & Acknowledgement by Chairman:**

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman may result in removal from the Board Chambers by Sheriff Deputies.

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**SPEAKER'S NAME:** Dan Silver

**Address:** \_\_\_\_\_  
(only if follow-up mail response requested)

**City:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Phone #:** 213 804 2750

**Date:** 2/26/13 **Agenda #** 15-1

**PLEASE STATE YOUR POSITION BELOW:**

**Position on "Regular" (non-appealed) Agenda Item:**

\_\_\_\_\_ **Support**     **Oppose**    \_\_\_\_\_ **Neutral**

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\_\_\_\_\_ **Support**    \_\_\_\_\_ **Oppose**    \_\_\_\_\_ **Neutral**

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