



MEMORANDUM

Clerks Copy

RIVERSIDE COUNTY COUNSEL

DATE: March 11, 2014

TO: County of Riverside
Board of Supervisors

FROM: Shellie Clack *SC*
Deputy County Counsel

RE: Item 3-28: The Wine Country Community Plan

On December 3, 2013, the Board of Supervisors took tentative action on the Wine Country Community Plan, which includes Program EIR No. 524, General Plan Amendment No. 1077, Ordinance No. 348.4729, the Temecula Valley Wine Country Design Guidelines and the Temecula Valley Greenhouse Gas Reduction Workbook (the "Plan").

In accordance with the Board's deliberations and tentative action on December 3rd, staff prepared the Plan's final documents for approval and adoption. Included within the final documents are Resolution No. 2014-044 and Resolution No. 2014-040.

Resolution No. 2014-044 sets forth the findings and statement of overriding considerations required by CEQA Guidelines Sections 15091, 15092 and 15093. The statement of overriding considerations reflects the Board's deliberations that took place on December 3rd.

Resolution No. 2014-040 sets forth the findings required for General Plan Amendments pursuant to Ordinance No. 348. Additionally, Government Code Section 65356 requires amendments to a local jurisdiction's general plan be made by resolution. General Plan Amendment No. 1077 (GPA No. 1077) is an Entitlement/Policy Amendment because it is changing General Plan policies and updating figures to be consistent with the revised policies. These changes are specifically described in Resolution No. 2014-040. GPA No. 1077 is not a Foundation Amendment because it is not changing the Riverside County Vision, General Plan Principles or a Foundation Component. Resolution No. 2014 -040, pertaining to the Plan, is consistent with the Board's deliberations and tentative action on December 3rd and complies with Government Code Section 65356 and Ordinance No. 348.

Additionally, attached is correspondence to Mr. Ray Johnson regarding the Petition for Writ of Mandate he filed against the County of Riverside related to the Wine Country Community Plan.

Submitted by _____

3/11/2014 (date) Item *3-28*

PAMELA J. WALLS
County Counsel

ANITA C. WILLIS
Assistant County Counsel

OFFICE OF COUNTY COUNSEL
COUNTY OF RIVERSIDE

3960 ORANGE STREET, SUITE 500
RIVERSIDE, CA 92501-3674
TELEPHONE: 951/955-6300
FAX: 951/955-6322 & 951/955-6363



March 4, 2014

Raymond W. Johnson, Esq.
Johnson & Sedlack
26785 Camino Seco
Temecula, California 92590

RE: Petition for Writ of Mandate for *Protect Wine Country v. County of Riverside, RIC*
1401719

Dear Mr. Johnson,

The County of Riverside was served on February 25, 2014, with your Petition for Writ of Mandate for *Protect Wine Country v. County of Riverside, et al.*, Riverside County Superior Court Case No. RIC 1401719 (the "Litigation"). In the Petition, you allege that the County of Riverside adopted and approved the Wine Country Community Plan, which includes General Plan Amendment No. 1077, Ordinance No. 348.4729, Program EIR No. 524, Temecula Valley Wine Country Design Guidelines and the Temecula Valley Greenhouse Gas Reduction Workbook (the "Plan") on December 3, 2013.

The Litigation is unnecessary. The Riverside County Board of Supervisors (the "Board") has not taken final action on the Plan. On December 3rd, the Board made it clear on the record that its action on the Plan was a tentative action. This is consistent with the information I and the County's Planning Department provided to Kimberly Foy, an associate in your office. The attached e-mails to Ms. Foy inform her that all the actions taken by the Board were tentative and the matter would be brought back to the Board. Please see Attachment A.

It is anticipated that the Plan will be brought back to the Board on March 11th as an item on the Board's Policy Calendar. At that time, the Board will consider final approval and adoption of the Plan. Also, in accordance with the Brown Act, members of the public may speak on any item appearing on the Board's Policy Calendar.

Since the Board has not taken final action on the Plan, the Litigation is not necessary and I respectfully request that you dismiss it.

Raymond W. Johnson, Esq
March 4, 2014
Page 2

Your courtesy and cooperation in this matter is appreciated.
Sincerely,

PAMELA J. WALLS
COUNTY COUNSEL

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

Shellie Clack
Deputy County Counsel

ATTACHMENT “A”

Clack, Shellie

From: Nanthavongdouangsy, Phayvanh
Sent: Monday, March 03, 2014 4:28 PM
To: Clack, Shellie
Subject: FW: Wine Country Community Plan Notice of Determination

From: Nanthavongdouangsy, Phayvanh
Sent: Thursday, February 06, 2014 8:11 AM
To: 'Kim Foy'
Subject: RE: Wine Country Community Plan Notice of Determination

We have pushed the date to March and I will let you know when we have an exact date.

From: Kim Foy [<mailto:kim.jslaw@gmail.com>]
Sent: Monday, January 27, 2014 3:14 PM
To: Nanthavongdouangsy, Phayvanh
Subject: Re: Wine Country Community Plan Notice of Determination

Thank you

On Mon, Jan 27, 2014 at 3:09 PM, Nanthavongdouangsy, Phayvanh <PNANTHAV@rctlma.org> wrote:

Our goal is in February, I will let you know when we have an exact date.

Thank you,

Phayvanh

From: Kim Foy [<mailto:kim.jslaw@gmail.com>]
Sent: Monday, January 27, 2014 10:44 AM
To: Nanthavongdouangsy, Phayvanh
Cc: Clack, Shellie
Subject: Re: Wine Country Community Plan Notice of Determination

Phayvanh,

Just wondering if you know when the final approval Wine Country Plan is expected on the Board agenda?

Thanks,

Kim

On Wed, Jan 8, 2014 at 2:52 PM, Nanthavongdouangsy, Phayvanh <PNANTHAV@rctlma.org> wrote:

Thank you Shellie, Kim I'll keep you posted.

From: Clack, Shellie [<mailto:MClack@co.riverside.ca.us>]

Sent: Wednesday, January 08, 2014 2:47 PM

To: Kim.JSLaw@gmail.com

Cc: Coyle, Frank; Nanthavongdouangsy, Phayvanh

Subject: FW: Wine Country Community Plan Notice of Determination

Hi Kim,

Your e-mail below was forwarded to me by Frank Coyle. At this time, all the actions taken by the Board related to the Wine Country Community Plan were tentative. The Planning Department is currently working on finishing the final documents per the Board's direction. Once the Board takes final action on the project, the NOD will be posted. I have copied Phayvanh in Planning so that she is aware of your request to receive notice when the NOD is posted.

Thank you,

Shellie

Shellie Clack

Deputy County Counsel

Office of Riverside County Counsel

Telephone [\(951\) 955-6300](tel:(951)955-6300)

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RIVERSIDE COUNTY COUNSEL

DATE: March 11, 2014

TO: County of Riverside
Board of Supervisors

FROM: Shellie Clack *SC*
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Attorney at Law

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11th Floor
Los Angeles, California 90017

(213) 629-2071
Fax: (213) 623-7755

gk@gideonlaw.net
www.gidconlaw.net

BY ELECTRONIC MAIL AND US MAIL

February 8, 2012

Jeffery Childers
California Desert District Office
Bureau of Land Management
22835 Calle San Juan de Los Lagos
Moreno Valley, California 92553
Email: jchilders@blm.gov

John Kalish
Field Manager
Bureau of Land Management
Palm Springs-South Coast Field Office
1201 Bird Center Drive
Palm Springs, California 92262
Email: jkalish@blm.gov

Larry W. Ward
Assessor-County Clerk Recorder
2724 Gateway Drive
Riverside, CA 92507
Email: acrdepartmenthead@asrclrec.com

Kecia Harper-Ihem
Clerk of the Board of Supervisors Office
Room 127
4080 Lemon Street
Riverside, CA 92502
Email: cob@rcbos.org

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

Ken Baez
Principal Planner
Riverside County Planning Department
4080 Lemon Street, 12th Floor
P.O. Box 1409
Riverside, CA
Email: kbaez@rctlma.org

RE: NEPA, CEQA, and Land Use Notice Request for CACA-048728, McCoy Solar Energy Project, an up to 750-Megawatt Photovoltaic Project, to be located in east Riverside County, California.

Dear Sirs and Madams:

I am writing on behalf of Laborers International Union of North America, Local Union 1184, and its members living in Riverside County ("Commenters"), pursuant to 40 CFR § 1506.6(b)(1), to request that the United States Department of the Interior Bureau of Land Management ("BLM") and County of Riverside ("County") put us on their notice lists for any and all notices, public meetings, and the availability of environmental documents issued under the National Environmental Policy Act, 42 U.S.C. §§ 4231 et seq. ("NEPA"), the California Planning

Gideon Kracov
Submitted by *3/14/2012*
(date) *3-29*
Item *330*

and Zoning Law, and/or the California Environmental Quality Act ("CEQA"), referring or related to the CACA-048728, McCoy Solar Energy Project, an up to 750-Megawatt Photovoltaic Project, including but not limited to the applications from McCoy Solar, LLC for active right-of-way, conditional use, and public use permits to construct the project, to be located in east Riverside County, California ("McCoy Solar Project").

In particular, we hereby request that the BLM and County send by mail or electronic mail to our firm at the address below notice of any and all actions, hearings, or documents related to activities undertaken, authorized, approved, permitted, licensed, or certified by the BLM or County and any of their subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the BLM of the County related to the Ocotillo Sol Project, including, but not limited to the following:

- Any and all notices prepared pursuant to NEPA, including, but not limited to:
 - Notices of any public hearing in connection with the Project held pursuant to NEPA.
 - Notices of Intent that an Environmental Impact Statement ("EIS") or supplemental EIS is required for the Project, pursuant to NEPA, to 40 CFR § 1508.22, or any other title under the Code of Federal Regulations.
 - Notices of availability of an environmental assessment ("EA"), Draft EIS, or a finding of no significant impact ("FONSI") under NEPA for the Project.
 - Notices of any Record of Decision of any EIS, a FONSI, or other approval and/or determination to carry out the Project, prepared pursuant to NEPA or any other provision of law.
 - Notice of categorical exclusion from NEPA.
 - Notice of any Final EIS prepared pursuant to NEPA.
- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared pursuant to CEQA, including, but not limited to:
 - Notices of any public hearing held pursuant to CEQA.
 - Notices of determination that an Environmental Impact Report ("EIR") or supplemental EIR is required for the Project, prepared pursuant to Public Resources Code Section 21080.4.
 - Notices of availability of an EIR or a negative declaration for the Project prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
 - Notices of approval and/or determination to carry out the Project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
 - Notice of approval or certification of any EIR or negative declaration prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
 - Notice of exemption from CEQA prepared pursuant to Public Resources Code section 21152 or any other provision of law.

- Notice of any Final EIR prepared pursuant to CEQA.

Please note that we are requesting notices of NEPA actions, CEQA actions, and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. This request is filed pursuant to 40 CFR § 1506.6(b)(1), which requires the lead NEPA agency to mail notice to those who have requested it on an individual action of all NEPA-related hearings, public meetings, and the availability of environmental documents, as well as under **Public Resources Code Sections 21092.2, and 21167(f)** and Government Code Section 65092, which require local agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

Please send notice by electronic mail to:

Gideon Kracov
Law Offices of Gideon Kracov
801 South Grand Avenue, Suite 1100
Los Angeles, CA 90017
gk@gideonlaw.net

Please call should you have any questions. Thank you for your attention to this matter.

Sincerely,



Gideon Kracov

Clerk's copy



625 2nd Street, Suite 210

Petaluma, CA 94952

Heidi Bauer, PG

March 9, 2014

Law Offices of Gideon Kracov

801 S. Grand Avenue, 11th Floor

Los Angeles, CA 90017

**Subject: McCoy Solar Energy Project ESA Energy March 7, 2014 Memorandum
Hazardous Materials, Geology and Water Resources Comments**

Dear Mr. Kracov,

Thank you for the opportunity to comment on the March 7, 2014 ESA Energy memorandum to Tiffany N. North, Deputy County Counsel, Riverside County which was prepared in response to your comment letter dated February 24, 2014. Please find my comments on ESA's memorandum below.

Cumulative Impacts

Page 7 of ESA's memorandum states "The comment suggests that the incremental contribution of the BSPP to potential cumulative effects "merits far more complete analysis" but provides no facts, data or other information, including expert opinion based on such information, to explain what BSPP-specific data is believed to have been left out of the analysis." This statement appears incorrect in that my February

Submitted by _____

3/11/13 329
(date) 3-30

McCoy Solar Energy Project ESA memorandum (March 7, 2014)
Heidi Bauer, PG,
March 9, 2014

24, 2014 comment letter states “The project site sits directly in between two large solar projects; The Big Maria Vista Solar Project to the north which has a BLM ROW request for 23,040 acres and facility use of 1,200 acres and the Blythe Solar Power Project which has a BLM ROW request for 9,400 acres and a facility use of 5,595 acres (PSPP, 2009). In addition, the project site lies within a 25-mile radius of about 107,067 total acres of BLM ROW requested land and at least 26,000 acres of facility use for solar power related projects. The cumulative impact of these projects on the erosion, drainage patterns and sheet flow has the potential for causing significant impacts on the hydrology of the area and the ecosystem cumulatively.” The FEIR dismisses the need to assess the impacts from the neighboring solar projects by claiming that not enough information is available to perform the analysis or that it would be speculative. Comments in the FEIR (O3-57) state “However, specifics about the extent and location of any new pervious surfaces; the volume and location of grading or other earth-moving activities; or the size of new facilities’ footprints is not available.”

While this may be true, the project boundaries and the existing flow patterns are clear and the combined impacts on surface hydrology and downstream resources can be considered. These two projects (BSPP and Big Maria Vista) sit on both sides of the McCoy project and together with the McCoy project account for almost 12,000 acres in facility use area and over 40,000 acres of BLM ROW requested lands. The combined impacts of these three projects on the local surface hydrology may not be able to be determined precisely at this point but can generally be ascertained with the information available. The FEIR does not attempt to do this and therefore leaves the decision-makers without any important information needed to fully evaluate the impacts of the project. It is clear that these projects will cumulatively impact the environment and these risks are not analyzed thoroughly in the project documents.

McCoy Solar Energy Project ESA memorandum (March 7, 2014)
Heidi Bauer, PG,
March 9, 2014

In addition, the Big Maria Vista Solar Project was not included in the analysis on any water resources impacts. Section 6.3.10.2 of the DEIR indicates the following sites were included in the assessment of cumulative impacts with regards to water quality, erosion and sedimentation: enXco, McCoy, BSPP, Blythe Airport Solar I Project, Desert Quartzsite, Gypsum Solar, Palo Verde 2, Rio Mesa. Blythe PV Project) and other projects (e.g., Blythe Energy Project Transmission Line, City of Blythe projects, DPV2, CRS, Desert Southwest Transmission Line, Eagle Mountain, Landfill Project, Palo Verde Mesa Solar Project, RCL00161R1, BGR100258, and CUP03602). The Solar Energy Development Programmatic Environmental Impact Statement (PEIS) states that the application for the Big Maria Vista Solar Project was received on June 1, 2008 (PEIS, 2014) and a maps of the facility included in the PEIS (PEIS, 2014), the Palen Solar Power Plant Project (PSPP,2009) EIS and the BLM Solar Energy Application (BLM-Palm Springs, 2014) show that the Big Maria Vista Solar project is located directly to the north of the project, sharing the same border. As shown above the combined footprint takes up 12,000 acres in facility use area and over 40,000 acres of BLM ROW requested lands and the cumulative impacts including the Big Maria Vista solar project are not accounted for in the project documents.

Groundwater Extraction Rights And Waters Of The United States

The ESA memorandum responds in Comment 27,28 and 29 to issues raised in my February 24, 2014 letter regarding concerns surrounding the right to extract groundwater and surface water being designated as Waters of the United States. The ESA memorandum on page 10 states that “disagreement among experts does not render the EIR inadequate or inaccurate”. To simplify the points made in my earlier letters, and most recently the February 24th, 2014 letter, the groundwater beneath the site is hydraulically connected to the Colorado River aquifer; there is no natural barrier in place preventing flow. Since it is connected it is subject to use rights. With regards to water from the site being Waters of the United States; storm

McCoy Solar Energy Project ESA memorandum (March 7, 2014)
Heidi Bauer, PG,
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water generated on-site during significant precipitation events can and will flow into the McCoy Wash which is a tributary of the Colorado River, a Water of the United States. The assumption that this does not happen is not substantiated in the FEIR and therefore the FEIR fails to accurately assess this risk.

Existing Drainage Patterns And Surface Hydrology

Page 11 of the ESA memorandum, Comment 32, acknowledges that the McCoy Wash is not included in the January and November 2011 Hydrology Reports prepared by Aecom but states that the impact from increased flood flows from the project were evaluated in the EIR. An increase flood flow was estimated to be 0.7%. Although it is stated that this increase is not estimated to significantly impact flooding downstream, the impacts of increase in sedimentation and downstream resources in the McCoy Wash is not included in the project. Based on this oversight the FEIR fails to adequately assess the impacts on the McCoy Wash from the project.

The ESA memorandum indicates in Comment 30 on page 10 and Comment 33 on Page 11 that the impacts from the new proposed Gen-Tie line (Option 2) are analyzed in the FEIR in Section 2.6.4.1. This analysis consists entirely of the following paragraph: "Hydrology and Water Quality. Option 2 would not substantially change the size or type of facilities to be constructed. It would be slightly longer and result in slightly more overall land disturbance, but would differ from Option 1 only over 1-mile section, and would result in similar potential impacts with respect to existing water quality standards and the potential for increasing erosion and/or flooding during construction, operation and maintenance, and decommissioning. For these reasons, Option 2 would not result in any change to the significance conclusions made for the Project in Draft EIR Section 4.10 or Section 6.3." Again, this does not constitute a thorough review. This area is in a location with a greater density of ephemeral washes and impacts to this area are not included in the review process

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and therefore the FEIR fails to adequately assess the impacts from this option on the environment and community.

Hazardous Materials

Comment 35, Page 12, of the ESA memorandum responds to my February 24, 2014 comment letter regarding the risk of exposure to lead from a former shooting range located on the project site by including a statement from the Agency for Toxic Substances and Disease Registry (ATSDR) that "Today almost everyone is exposed to lead". While this may be true, as it is for asbestos, arsenic, radioactivity and countless other hazardous materials, the concentrations found to exist at historic shooting ranges could be significant and should be thoroughly addressed in the FEIR. As indicated in my February 24, 2014 letter "Many recent studies have quantified the amount of Pb contamination in the soils of shooting ranges. Total Pb concentration levels up to 54,000 mg/kg excluding pellets have been reported in shooting range soils (Manninen and Tanskanen, 1993). Past research on soil Pb contamination has focused on the contamination and geochemical weathering reactions of Pb bullets in the soil of shooting ranges that have operated for many years (Jorgensen and Willems, 1987; Lin, 1996; Lin et al., 1995). Contamination of soils due to the abrasion of Pb bullets passing through soil would result in a contamination of the soil with smaller metallic Pb particles. It was hypothesized that this material would contribute more to immediate contamination of these soils as well as environmental risk due to its quick buildup as fine particles and rapid transformation to more reactive compounds."

The disturbance of soils in this area is not only an exposure risk to the workers but also to their families and the public as it can leave the worksite on clothes and shoes. Lead can have a significant impact on young children in relatively small doses. To reduce this risk soil samples could be taken to evaluate the concentration of lead

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in the soil in the area of the shooting range. This is not a difficult nor expensive assessment, but could have important effects in determining the risk to the workers and the community from earthwork in these areas. The FEIR fails neither to include these risks nor adequately provide mitigations for them.

Valley Fever (Coccidioidomycosis)

The ESA memorandum, page 13 and Comment 36 responds to my comment letter dated February 24, 2014 and previous ones indicating an increased risk of exposure to Valley Fever (Coccidioidomycosis) from the project indicating that the proposed mitigation measures are already sufficient to reduce the impacts to below the significance threshold. The ESA memorandum responds to the baseline exposure issue (set too low) for the project citing a court case (Parker Shattuck Neighbors v. the City of Berkeley (2013) 222 Cal.App.5th 768) which according to the applicant casts doubt as to whether risks to only workers on the project site can ever constitute a significant risk under CEQA.

Even if any amount of occupational risks to workers from a project are not worthy of consideration by decision-makers, which is discouraging, the risks of unearthing large surface areas of soils that could potentially harbor elevated levels of Coccidioides spores which could effect public health is worthy of a more thorough analysis than that provided in the project documents.

In conclusion, I found that although the ESA March 7, 2014 memorandum does address some of the points raised in my previous comments on this project the FEIR still fails to put forth and fair and full review of many of the environmental and

McCoy Solar Energy Project ESA memorandum (March 7, 2014)
Heidi Bauer, PG,
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public health impacts in the subject areas detailed above.

Very Truly Yours,

A handwritten signature in cursive script that reads "Heidi M. Bauer". The signature is written in black ink and is positioned below the closing of the letter.

Heidi Bauer, PG

REFERENCES:

Aecom, Nov, 2011, Pre/Post-Development Hydrology Report
McCoy Solar Energy Project Riverside County, California. (DEIR, McCoy Solar Energy
Project, Appendix H).

Bauer, Heidi, February 2014, Comments on McCoy Solar Energy Project Final
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pssc.Par.42118.File.dat/Solar%20Energy%20Applications.pdf](http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/palmsprings/general-_pssc.Par.42118.File.dat/Solar%20Energy%20Applications.pdf)

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Coccidioidomycosis, Division of Communicable Disease Control.

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Heidi Bauer, PG,
March 9, 2014

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Scientific Investigations Report 2008–5113.
http://pubs.usgs.gov/sir/2008/5113/sir2008-5113_text.pdf

HEIDI M. BAUER, PG, QSP, ABI,AC/S, LST

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Petaluma, CA 94952

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heidi@awsciences.com
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PROFILE

Senior Project Manager and Professional Geologist (CA) in the field of environmental investigation, remediation and compliance. Provides sound leadership, consulting and advocacy services to clients for both indoor and outdoor environmental concerns. Manages, assesses and tracks environmental risks for business owners, insurance carriers, municipalities and other clients.

EXPERIENCE

Senior Project Manager

Air & Water Sciences, Petaluma, California

Currently manages environmental projects and third-party peer reviews which includes review, analysis, interpretation and comment/advise on contaminated or potentially contaminated sites and cost recovery. Performs file reviews, property assessments and Phase I and II investigations for property acquisition, transfers and environmental liability. Performs facility surveys for environmental compliance. Reviews environmental insurance claims and prepares damage claim assessments for carriers. Researches and comments on environmental impacts from subsurface contamination. Provides legal review, opinion and comments for projects undergoing the environmental review process (e.g. CEQA/NEPA). Provides advocacy support and liaison skills for negotiation between clients, insurance carriers, regulatory agencies, contractors and consultants. Coordinates and interacts with regulatory agencies on compliance issues for clients. Project management includes report and plan preparation, proposal development, estimating, data collection, analysis interpretation, and reporting. Reviews and provides updates/presentations on regulatory/compliance standards and requirements. Oversees and manages facility hazmat inspections and clean-ups for indoor and outdoor environmental issues including chemicals, asbestos, metals, black/gray-water, bacteria, dioxin, and fire debris. Also performs indoor air quality and industrial hygiene investigations including, mold, VOCs, particulates, asbestos, lead and other chemicals. Serves as project health and safety officer and prepares health and safety related plans and reviews and monitors employee safety and exposures.

2004 - 2010: Contractor
2010 - Present: Employee

Senior Project Geologist

Miller Brooks Environmental, Oakland, California

Managed the implementation and direction of environmental investigations for multi-site clients. Negotiated with regulators and prepared local, state and federally required reports and documents. Managed compliance testing and discharge reporting requirements. Performed peer reviews, property development investigations and damage claim evaluations for insurance companies. Performed Phase I and II investigations and assessments for property acquisition. Served as company health and safety officer and prepared health and safety plans and risk assessment reports for projects.

June 2002 to January 2004

Senior Project Manager

Dominion Environmental, Petaluma, California

Managed Phase I and II environmental investigations. Worked with clients on closure and reimbursement negotiations with local and state oversight agencies. Worked on claim evaluation for large environmental loss (~\$50,000,000) for insurance carrier including file and data review, cost tracking and analysis, comments and expert opinion.

August 2001 to May 2002

Senior Project Geologist

Clearwater Group, Inc., Oakland, California

Supervised 10 – 15 managers, scientists, and technicians and served as operations manager of satellite office. Directed program implementation for multi-site clients with contaminated sites. Collected and analyzed data and prepared and implemented plans and permits (e.g. workplans, proposals, cost estimates, sampling plans, remedial and corrective action plans, feasibility studies, health and safety plans, NPDES and air quality permits). Conducted environmental research, support and reporting for environmental litigation cases, damage claim evaluations and property development. Served as representative for environmental and property development issues at hearings and meetings. Served as corporate health & safety officer and managed safety compliance issues, reporting and conducted appropriate training.

September 1997 to August 2001

Project Geologist

January 1996 – July 1997

Walden Associates Inc., Oyster Bay, New York

Responsible for environmental investigative work to assess the nature and extent of contaminant releases from various impacted sites or hazardous material releases. Conducted and coordinated assessments and remedial projects. Prepared work plans, corrective action plans, reports and permitting documents. Served as corporate health and safety officer and conducted all trainings, reporting and compliance management.

Environmental Coordinator

January 1993 to January 1996

Department of Environmental Health & Safety, State of New York, Stony Brook, NY

Responsible for compliance with all applicable federal, state and local hazardous waste regulations and NPDES discharge reporting. Worked with facilities maintenance on facility inspections, storage, transportation oversight and disposal/discharge of hazardous and regulated waste. Collateral duties included confined space safety, industrial hygiene sampling, indoor air quality investigation, hazard communication program, chemical hygiene program implementation and compliance inspections.

ADDITIONAL PART-TIME EMPLOYMENT**Lieutenant/Chemical Safety Division Officer**

June 1996 to June 2002

US Coast Guard Reserve, Pacific Strike Team, Novato, CA and Fort Wadsworth, NY

Directly supervised 15 response technicians and scientists. Directed hazardous materials response operations in area of responsibility. Worked on environmental investigations for EPA Superfund sites. Performed facility inspections for EPA compliance. Conducted unit training on safety monitoring, and oversaw employee safety and exposure monitoring. Served as Chemical Division Safety Officer.

Environmental Management Assistant

August 1993 to December 1993

Marine Science Research Center, Stony Brook, New York

Conducted groundwater sampling, data collection and interpretation for municipal solid waste landfill sites. Conducted research project on the environmental and public health effects of improper lead waste disposal. Conducted research project on the disposal routes and environmental consequences of medical waste disposal on local beaches.

Environmental Intern

June 1993 to August 1993

Atlantic States Legal Foundation, Syracuse, New York

Conducted research project and report on waste discharges (TRIs) from steel mills to the Great Lakes basin in accordance with the Emergency Planning and Community Right to Know Act (EPCRA).

Environmental Health & Safety Intern

January 1992 to December 1993

Department of Environmental Health & Safety, State of New York, Stony Brook, New York

Worked under Environmental Health and Safety Manager and Industrial Hygiene Manager and performed environmental surveys and inspections. Responded to and remediated chemical spills. Assisted with Hazcom/Community Right-to-Know program.

ACADEMIC BACKGROUND

- *Bachelor of Science* – Major in Geology (Minor in Marine Science), State University of New York at Stony Brook – December 1993
- *Masters in Professional Studies*– Environmental/Waste Management – State University of New York at Stony Brook – May 1997

REGISTRATIONS & CERTIFICATES

Current State of California Professional Geologist (PG) #7050
Qualified Storm Water Pollution Prevention Practitioner (QSP)
Asbestos Building Inspector (ABI)
Asbestos Contractor/Supervisor (AC/S)
Hazardous Materials Response – Operations level
Hazardous Materials Response – Technician level
Hazardous Materials Response – Supervisor level

USCG DOT Pollution Investigation Qualification
CA DOH Lead Sampling Technician (LST)
USCG DOT Hazardous Materials Response Qual.
40-hour Hazwoper
NIH Indoor Air Quality Investigation course
Confined Space Entry & Rescue – I and II



James W. Cornett — Ecological Consultants

March 10, 2014

Mr. Gideon Kracov
Attorney at Law
801 South Grand Avenue, Eleventh Floor
Los Angeles, California

Subject: **Riverside County Staff Report, McCoy Solar Energy Project**

Dear Mr. Kracov:

I have recently reviewed the Staff Report (SR) for the McCoy Solar Energy Project (MSEP) prepared by the Planning Department of Riverside County. The SR ignores a number of issues involving significant impacts to sensitive species, bypasses written county policies with regard to biological impact studies, suggests monitoring programs are a substitute for mitigation and fails to emphasize the magnitude of the entire project on the biological resources that can be found on the pristine desert lands that will be impacted by the MSEP.

As I stated in my original comment letter on the FEIR, the MSEP is one of the largest solar projects ever proposed in an undisturbed region of California's Sonoran Desert.¹ For this reason alone, studies involving biological resources must be performed by competent professionals, follow government agency guidelines and propose real mitigation for significant adverse impacts. This has not been done.

County policies were not followed.

The staff report fails to mention that project proponents did not use approved biologists for field surveys as required by the County of Riverside.² The County clearly states in their Environmental Program documents that "*the Environmental Programs Division (EPD) of the Riverside County Planning Department requires that all biological consultants, both firms and individuals, who prepare biological reports for review by the County, have an executed agreement on file with the Department.*"³ None of the individuals who conducted field surveys or wrote the biological report have such an agreement on file. Equally disturbing is the inability of Tetra Tech, the company responsible for the Biological Resources Technical Report (BRTR), to provide any documentation whatsoever that individuals conducting sensitive species field studies were qualified to conduct such surveys. These facts seriously undermine the credibility of the BRTR. Before the EIR can be accepted, these issues need to be evaluated, not ignored.

¹ Draft Environmental Impact Report (DEIR), Figure 6-1

² Staff Report, McCoy Solar energy Project, February 11, 2014

³ <http://www.rctlma.org/epd/documents/BioConsultantsList.pdf>

Desert Tortoise surveys did not follow federal guidelines.

The Staff Report failed to mention that surveys for the state and federally listed desert tortoise did not follow protocol guidelines of the U.S. Fish & Wildlife Service. No surveys for the desert tortoise were conducted on lands to the immediate south of the project site as required under federal rules.⁴ Surveys had been completed years before but federal guidelines clearly state that any previous tortoise surveys are valid for “no more than one year.”⁵ This is because tortoises are highly mobile animals that can easily move onto a sight within days after a survey. Several years have passed since the last surveys and no one knows how many tortoises have taken up residence on the site since that time. Without this information the project’s impact on the desert tortoise is unknown and appropriate mitigation cannot be implemented.

At this time the greatest threat to the survival of the officially threatened desert tortoise is the proliferation of energy projects in the California deserts. The cumulative impact to the desert tortoise is significant.⁶ At the very least, protocol surveys should be conducted to determine this project’s impact on the tortoise. The EIR should not be certified until protocol surveys are completed and findings released.

Monitoring is not a replacement for mitigation.

The Staff Report states that “Construction of the project could attract both local and migratory birds potentially resulting in onsite mortality and injury to a variety of birds including fully protected special status and other avian species protected under the Migratory Bird Treaty Act.” In response to this significant threat the SR supports “avian and bat injury and mortality monitoring” as recommended by the project proponent. Monitoring, however, is not mitigation.

Since there already is a known adverse impact to birds, monitoring only demonstrates just how serious bird mortality will be as a result of the project. It does nothing to reduce or eliminate the risk. The Board of Supervisors should demand that the EIR fully evaluate this problem including special studies (that can easily resolve the issue) before it certifies the document. Determining the seriousness of these types of projects on protected bird species must be done before a project is built, not after when it will be too late to modify the design and too late to save protected species.

There is insufficient mitigation habitat available for a project this size and at this location.

The backbone of most of the mitigation proposals in the EIR is the acquisition and protection of comparable habitat elsewhere in the region. In spite of much rhetoric and the use of such phrases as “the Project will be able to meet compensatory mitigation needs” no actual data has been

⁴ U. S. Fish & Wildlife Service. 2010. Preparing for any action that may occur within the range of the Mojave desert tortoise (*Gopherus agassizii*). 2010 Field Season. <http://www.fws.gov/ventura/speciesinfo/protocols>.

⁵ U. S. Fish & Wildlife Service. 2010. Preparing for any action that may occur within the range of the Mojave desert tortoise (*Gopherus agassizii*). 2010 Field Season, page 5.

⁶ Lovich, J. E. and J. R. Ennen. Energy Development in the Desert Southwest. *BioScience* Vol. 61, No. 12 (December 2011), pp. 982-992.

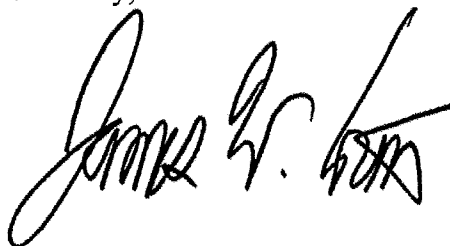
provided that there is sufficient appropriate land available to accomplish all the compensation necessary to mitigate project impacts. After reviewing private land holdings that are available for sale in the region, I have found there is insufficient comparable land available. Therefore, it is not possible to implement the mitigation. Prior to certifying the EIR, the Board of Supervisors should demand realistic mitigation and that the EIR show precisely how and where land can be acquired.

The SR underplays that the McCoy Solar Energy Project is one of the largest of its kind in the United States.

It is important to restate that the MSEP will be one of the largest of its kind in the United States. It is not 477 acres but 4,573 acres, nearly ten times the land area that is under the County's jurisdiction. In actuality that is why the MSEP, as currently designed and with current proposed mitigation, has "significant and unavoidable"⁷ adverse impacts to biological resources and why the Board of Supervisors is asked to adopt a "Statement of Overriding Considerations."⁸

What makes the MSEP particularly egregious is that the same amount of electricity and the same number of jobs could be obtained by placing the identical technology on rooftops and over parking lots. Unlike the MSEP, such installations have no impacts on pristine desert landscapes and no impacts on sensitive species.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Cornett". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

James W. Cornett

P.O. Box 846 Palm Springs California 92263

⁷Staff Report, page 4.

⁸ Ibid, page 5.

JAMES W. CORNETT - CURRICULUM VITAE - 2013

Personal Data

Name---James W. Cornett

Mailing Address---P.O. Box 846, Palm Springs, California 92263

Telephone Number---760-320-8135; Fax 760-320-6182

Place of Birth---South Gate, California, U.S.A.

Education

B.A., Biology, University of California at Riverside, 1976

M.S., Biology, California State University at San Bernardino, 1980

Positions Held

January, 1973 - Present

Owner-principal, JWC Ecological Consultants, P.O. Box 846, Palm Springs, California 92263

January, 1996 – June, 2004

Director of Natural Sciences, Palm Springs Desert Museum, 101 Museum Drive, Palm Springs, California 92263, 760-325-7186.

January, 1980 – December, 1995

Curator of Natural Sciences, Palm Springs Desert Museum

September, 1976 - December, 1979

Assistant Curator of Natural Science, Palm Springs Desert Museum

September, 1975 - June, 1976

Natural Science Instructor, Palm Springs Desert Museum

January, 1973 - Present

Environmental Columnist (weekly), Desert Sun-Gannett Newspapers, P.O. Box 2734, Palm Springs, California 92263.

JAMES W. CORNETT - CURRICULUM VITAE (continued)

January, 1981 - Present

Biology Instructor, University of California Extension, Riverside, California 92521, 909-787-4105. Courses taught include: Wildlife of The San Jacinto Mountains: The Upper Plateau, Mammals of the Colorado Desert, Endangered Species of the California Deserts, Ecology of the Desert Tortoise, Ecology of Joshua Tree, The Greater Roadrunner, Ecology of The North American Deserts, Ecology of The Colorado Desert and Ecology of the Coachella Valley.

October, 1975 - June, 1983

Biology and Natural Resources Instructor (part-time), College of The Desert, 43500 Monterey Road, Palm Desert, California 92260, 760-346-8041.

January, 1973 - June, 1974

Assistant Naturalist (part-time), The Living Desert, 47900 Portola Avenue, Palm Desert, California 92260, 760-346-5694.

Current and Past Professional Affiliations

American Society of Mammalogists
Bureau of Land Management Colorado Desert Advisory Committee (1986-1988)
California Botanical Society
California Native Plant Society
Ecological Society of America
Herpetologists League
International Palm Society
Joshua Tree National Park Association, Board Member (1993-2006)
Southern California Academy of Sciences
Southern California Botanists
Southwestern Naturalists' Society
Western Field Ornithologists

Past and Present Scientific Permits

California Department of Fish and Wildlife Scientific Collecting Permit #SC-3365
State of Arizona, Game & Fish Commission Scientific Collecting Permit #SP795885
Anza-Borrego Desert State Park Collecting Permit 2013
U. S. Fish & Wildlife Service Native Endangered Species Collecting Permit #TE64509A-0
Death Valley National Park Research Permit A9015 Cornett
Joshua Tree National Park Scientific Research Permit #JOTR-2007-SCI-0022
Carlsbad Caverns National Park Scientific Research Permit #CAVE-2010-SCI-0015

Past and Present Scientific Permits (continued)

Big Bend National Park Scientific Research Permit #BIBE-2008-SCI-0014

Saguaro National Park Scientific Research Permit # SAGU-2007-SCI-0006

Organ Pipe Cactus National Monument Scientific Research Permit # ORPI-2007-SCI-0011

University of California, Boyd Deep Canyon Desert Research Center, Research Permit

Jackson | DeMarco | Tidus Peckenpaugh

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

March 6, 2014

Direct Dial: 949.851.7409
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 Reply to: Irvine Office
 File No: 2294 / 00178

VIA FACSIMILE AND U.S. MAIL

Riverside County Board of Supervisors
 County of Riverside Administrative Center
 4080 Lemon Street, 1st Floor
 Riverside, CA 92501
 Attention: Ms. Kecia Harper-Ihem, Clerk of the Board

Re: March 11, 2014, Agenda Item No. 3-28: Wine Country Community Plan (GPA 1077), Proposed Resolution No. 2014-040 Amending the Riverside County General Plan, Resolution 2014-044 Adopting the Wine Country Community Plan and Certifying Program Environmental Impact Report No. 524

Dear Honorable Board Members:

This letter is submitted on behalf of J to the 5th, LLC, Husmand Taghdiri, Redhawk Investments LLC, and Jonatkim Enterprises, *to alert the Board of Supervisors to defects in the proposed Wine Country Community Plan (GPA 1077) Resolution Nos. 2014-040 and -044, made publicly available for the first time as part of the Board of Supervisors' March 11, 2014 agenda package. We respectfully request that Item No. 3-28 be removed from consideration as part of the March 11, 2014 Policy Calendar, and that the Board direct that the County correct course and consider Wine Country Community Plan GPA 1077 as a Foundation Amendment together with the 2008 General Plan Update Cycle, as required by the General Plan Certainty System and California Environmental Quality Act.*

As currently drafted, the proposed Resolution mistakenly categorizes the Wine Country Community Plan GPA 1077 as an Entitlement/Policy Amendment, does not even include the findings required for such an amendment, and does not provide evidentiary support for its findings. For Entitlement/Policy Amendments, the General Plan requires findings that the proposed amendment *“does not involve a change in or conflict with: (1) The Riverside County Vision; (2) Any General Plan Principle; (3) Any Foundation Component designation in the General Plan except as otherwise expressly allowed.”* (See, General Plan, Administration Element, Chap. 11, p. A-12, Entitlement/Policy Amendment Findings.) Instead, the proposed Resolution 2014-040 includes findings that the proposed Wine Country Community Plan GPA 1077 *“supports”* certain of the General Plan Principles (proposed Reso. 2014-040, p. 9, Para. 19), and *“supports”* certain of *“the general characteristics”* of the Foundation Components.

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3-11-2014
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The proposed Resolution No. 2014-040 does not include the required findings because there is no evidence in the record to support such findings. As discussed at pages 8-9 of our letter dated March 4, 2014, the Wine Country Community Plan GPA 1077 involves changes in land use designations, policies, Vision statements, General Plan Principles and Foundation Components within its boundary that fall outside of the definition of an Entitlement/Policy Amendment. (See, General Plan, Administrative Element, Chap. 11, p. A-10 [definition of Entitlement/Policy Amendment].)

The Wine Country Community Plan GPA 1077 is a Foundation Amendment to the General Plan that must be processed together with the pending 2008 General Plan Update (GPA 960) and must include heightened findings demonstrating significant cause for amending the General Plan in a fundamental way. (See, General Plan, Administration Element, Chap. 11, pp. A-10-11 [definition of Foundation Amendment], and A-12 [Foundation Amendment Findings].) Information in Program EIR No. 524 itself contradicts the proposed finding that GPA 1077 does not change a Foundation Component designation. (Proposed Reso. 2014-040, p. 10, Para. 20.) As one example, residential development under the Community Development Foundation Component designation within the Wine Country Community Plan boundary would be eliminated. (See Program EIR No. 524, 5.0-7.)

Additionally, the findings included in proposed Resolution No. 2014-040 are not supported by substantial evidence in the record because Program EIR No. 524 has failed to disclose, consider and mitigate the potential environmental impacts of both the Wine Country Community Plan and the 2008 General Plan Update.

For the reasons discussed above and in our March 4, 2014 letter, we respectfully request that Item No. 3-28 be removed from consideration as part of the March 11, 2014 Policy Calendar, and that the Board direct staff to:

- (1) Remove our clients' property from the County's proposed Wine Country Community Plan boundary and include their request for GPA 920 in the 2008 General Plan Review Cycle;
- (2) Revise and recirculate Draft Program EIR No. 524 for the Wine Country Community Plan as necessary to include an objective, good faith effort to take a "hard look" at the environmental consequences of the proposed large-scale downzoning on the General Plan's policies, standardized subdivision map conditions, and regional environmental mitigation programs that the County relies upon to mitigate impacts of projected growth; and
- (3) Consider the Wine Country Community Plan together with the pending 2008 General Plan Update, as required by the General Plan Principles and CEQA.

Sincerely,



Michele A. Staples

Riverside County Board of Supervisors

March 6, 2014

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cc: Mr. Juan C. Perez, Riverside County Director of Planning, Director of Transportation*
Mr. George Johnson, Assistant County Executive Officer*
Pamela Walls, Esq., Riverside County Counsel*
Shellie Clack, Esq., Deputy County Counsel*
* (Via Email)

3/11/2014

Jackson | DeMarco | Tidus Peckenpaugh

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FAX COVER MEMO

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Date: March 6, 2014

TO: Name: Ms. Kecia Harper-Ihem, Clerk of the Board
Company: Riverside County Board of Supervisors
Fax Number: 951-955-1071
Phone Number: 951-955-1069

Number of pages, including this page: -4-

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FROM: Name: Michele A. Staples
File No: 7262.120144
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Matter:

COMMENTS:

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3.11.2014

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3-28

2014-3-121384

March 9, 2014
From: Mrs. Adrian J. McGregor
P.O. Box 894108
Temecula, CA 92589

951.676.5024

I request that the following statements be placed into Public Record re: The RCIP General Plan, and agenda item, **The Temecula Valley Wine Country Community Plan** will be on the Board of Supervisor's policy calendar for final approval on **March 11, 2014** at the Riverside County Administrative Center. The Board tentatively approved the Temecula Valley Wine Country Community Plan on December 03, 2013. Public hearing for the Wine Country Community Plan is closed. **The Community Plan includes the General Plan Amendment No. 1077, Ordinance Amendment No. 348.4729, Program Environmental Impact Report (EIR) No. 524, Temecula Valley Wine Country Design Guidelines and Greenhouse Gas Reduction Workbook.**

Agenda Item: 3-28 TRANSPORTATION & LAND
MANAGEMENT AGENCY/PLANNING: Adoption of Resolution 2014-040 Amending the Riverside County General Plan – First Cycle of General Plan Amendments for 2014 (GPA NO. 1077, GPA 00936); Adoption of Resolution 2014-044, Adopting the Wine Country Community Plan and Certifying Program Environmental Impact Report No. 524 (EIR No. 524); Adoption of ORDINANCE NO. 348.4729 an Ordinance of the County of Riverside Amending Ordinance No. 348 relating to Zoning; and Adoption of the Temecula Valley Wine Country Design Guidelines and Greenhouse Gas Reduction Workbook. Finding of Notice of Exemption for GPA No. 00936. [\$0] (**Public Hearing Closed**)

Part 2

Part 3

Part 4

Part 5

Part 6

Acting as a private citizen without assistance of an attorney, I believe the following statements to be true based upon my discoveries re: the General RCIP 2014 to 2024, its Master Plans, specifically within DISTRICT 3, and ALL of the Master Plans of Districts 1 thru 5, and the entire General Plans' omissions.

On October, 2000, the 2003 to 2013 RCIP General Plan, and all of its EIR testimonies, OMITTED the findings that ONLY IF the EASTERN PART of the Colorado River continues to flow, COULD there be any more hotels, and future down river development.

- ◇ THE entire 2003 to 2013 RCIP General Plan and all of its Master Plans, and specifically DISTRICT #3, 1, 2, 4, & 5 OMITTED that before the Master Plans would be completed in twenty years, the County of Riverside would be OUT OF WATER. This was presented at the EIR joint Hearings held in 2002-3 at the Hemet Senior Simpson Center by County STAFF. And, that "Developers" were fearful that the LACK of WATER would eliminate their BONUS POINTS.

Now, on March 11, 2014, just like in 2003, the Planning Commissioners, the entire Board of Supervisors and all of their STAFFING, violated 2002 Supreme Court Judges' Rulings, **"That you may NOT issue Paper WATER to a Developer for his concepts and developments WHEN it will take AWAY WATER from the existing Resident Community."**

- ◇ "CRISIS on TAP, March 22, 2009, clearly states that the Colorado River WILL be dry behind Lake Mead Hoover Dam by 2021.

****NOW, you have the added burdens being deleted and/or possibly not included in the 2014 to 2014 RCIP General Plan, and its 5 Master Plans, and EVEN MORE Specifically, the Temecula Wine Country Plan, which was amended in 2008 by Supervisor**

Jeff Stone to go from 18,000 acres to an area described as #7666 amendment change to be 11.85 square miles, as documented at the July 23, 2008 Planning Commissioners Illegally held Wine Country Hearing. NOW, the Temecula Wine Country description is 22 to 24 square miles, broken down into 3 parts. (The City of Temecula Sphere of Influence matches the 22 to 24 square miles it plans to become, I believe, after attending and hearing their hearing held in 2005. The City justified the taking of over 10,000 residents area as “legally justified” due to LIKE Social economical GOALS.

The MWD and RCWD’s Feb. 12, 2008 put all of we ranchers and farmers on LEGAL notification THAT agricultural discounted rates would be eliminated in 2014. REASON: MWD has NEVER had agricultural water as its philosophy. MWD ONLY delivers waters to URBAN AREAS.

****Being ignored within this documentation is the legal notification in writing by the 2002 City of Temecula Councilman, Albert Samuel Pratt, to the City of Temecula Staff and Council Members, to the County of Riverside Board of Supervisors and their STAFFING...Planning Commissioners, THAT THEY WERE IN VIOLATION OF THE IMPORT WATER LAW, THAT YOU MAY NOT EXCEED YOUR ALLOTTED FORMULA AMOUNT.** Mr. Pratt stated in his letter CLEARLY that when 77,800 residents using water was met, THE City of Temecula was Breaking the national and state water laws of HOW many residents’ water needs could be MET with local ground waters ONLY.

- ◇ THE Temecula Wine Country SURVEY, which Mehtra Cooper clearly STATED at the Temecula held Temecula Wine Country hearings in 2012, “That the reason we are having the Temecula Wine Country Hearing today is BECAUSE the TEMECULA WINE COUNTRY SURVEY done online LAUCHED these NEW zonings” and land owners’ parcel restrictions.
- ◇ I believe it was illegal in August of 2008 to take an online survey THAT stated, ADDRESS OPTIONAL. The world

wide web was used as a tool to modify my land holdings which have deeded property rights by Mrs. Mehtra Cooper and the original 5 or 6 ONLY Temecula Wine Country Advisory AD HOC Committee, all Vintners ONLY to represent themselves for we near to 10,000 rural residents.

- ◇ Since the County of Riverside Board of Supervisors Manual for how and what Advisory Ad HOC members may be was “completely ignored” by Supervisor Jeff Stone, I think. Why? It clearly states that an Ad HOC committee member may NOT VOTE nor discuss publicly any related zoning/topics WHERE he or she would profit by it.
- ◇ The EMWD did not hold a Proposition 218 Sewer Election for our VIGIN AREA Void of sewers to my knowledge. The sewer system stops at the intersection of Rancho CA Road and Butterfield Stage Rd. Why” As a Wine Country property owner I NEVER received a voting notification ballot by mail to VOTE from the County of Riverside Assessors Legal Property Owner Listings for sewers to be brought for the VINTNER Hotels and land holdings, or the special country estates with mandatory clustering and grape plantings. This surely must be a liability of Fiduciary abuse/corruption and/or a Penal Code 115’s of government without transparency, I think.
- ◇ RCWD has NOT issued agricultural meters since 2007.
- ◇ In Glen Oaks areas without notification owners had their agricultural meters removed and replaced with $\frac{3}{4}$ inch meters I was told.
- ◇ In 2009 the Temecula Water Board was yelled into submission to remove their wanting to VOTE a MORITORIUM to issue ANY MORE NEW Water Meters due to being thousands of meters over their IMPORT FORMULA LAWS. The City Council demanded it be rejected.

- ◇ It is of “special notation that the City of Temecula owns 179 acres where their Engineer McBride brought the new sewer line past their holdings, where it be in this first or second phase of paving Butterfield Stage Rd.
- ◇ More specifically, that TRACK 6410’s 64 parcels were sold having LEGAL rights to have 22 specific businesses, and/or a Wine Tasting Room/Faculty on a half acre of their 5 acres.
- ◇ A total of 118 properties with properties west of Calle Contento have DEEDED RIGHTS which Supervisor Stone and his Advisory AD HOC Committee are STRIPPING away and giving our deeded property rights to ONLY VINTNERS who have 15 to 20 acres of land.
- ◇ I believe Penal Code 115’s on non-transparency may have gone into the near to 17 months of the Temecula Advisory AD Hoc Committee Members holding meetings without posting their time, date and place from May of 2008 on...as, I asked Olivia Barnes, and Mehtra Cooper for their place, time and date. Both hired planners refused to allow any of we 10,000 residents to attend if we choose to attend.
- ◇ NOT until October when 2012 approached, did Supervisor Jeff Stone appoint a RESIDENT Representative.

PRIMARY INFORMATION of HUGE legal omission, “The Anza Rd. connection to the I-15 (not fully funded in 2011) is OMITTED.

As part of the City of Temecula 20 Year Financial Growth Plan Report of 2005, the County of Riverside Staffing of Transportation placed into the EIR on a CD disk kept at a Planner’s desk, **LETTER #10**. It clearly states that the staff of the Dept. of Transportation within the County of Riverside put into legal testimony that the Anza Rd. connection to the I-15 freeway all the way through the low laying valleys (known legally as a segment of the County

of Riverside Eastern Bypass Expressway from I-10 to the I-15) will cause 6% HOT SPOTS of carbon monoxide particulate soot which causes cancer, etc, WILL AFFECT THE CHILDREN'S AND SENIORS' BREATHING AND HEALTH DUE THE MASS BOXED AIR BASIN THAT THE TEMECULA VALLEY LIES WITHIN. **Federal mandates are being "OMITTED" from this ten year plan which MAY BE seen by a judge as an act of demeanment (withholding/omitting), differential judgment of the law, and possibly breaking both federal, state and international law to NOT show this hidden freeway(s) as I-10 at the Banning Beaumont Offramp down Lambs Canyon thru the historic dry farming areas now being called 22 to 24 square miles of Temecula Wine Country, Agenda Amendment #7666 done in 2008. Justification: Can NOT allow the development in this area due to Mandates to roll greenhouse pollution back to 1980 Cleaner Air Standards; KNOWING that the Temecula Valley Area is a boxed Air Basin with Santa Ana Winds which holding the contaminated air at night several months per year. Worst Air Basins is the entire US are Riverside County and San Bernardino County. This is an arid area with LITTLE WATER.

**Also, is historically documented that with the recycling of used water down into the Valley of Horse Aquifer, our ONLY drinking water when the Colorado River is gone, and now northern waters to be reallocated back to the drought ridden Northern CA areas.

- ◇ **There could be legal convictions to withholding federally mandated and state mandated emissions from any NEW 2014 to 2024 RCIP General Pland and its District 3 Temecula Wine Country's EIR and finalized paper work.**

Especially, due to the fact that Pattie Romo Executive Director of Transporation has had on file held outside of the Administrative Building Offices on 4080 Lemon Street, Riverside, California

Under lock and key two blocks away at a by appointment ONLY, may you enter.

I submitted the county's own WITHHELD Dept. of Transportation approved PARSONS' Mapping of the Eastern Bypasses, and the section portion of the "Southernly Bypass Route" held STAKEHOLDERS' Meetings. Eastern Bypass Funded monies not being shown in 2014 in the November (2nd week of) County of Riverside Funded Dept. of Transportation Project Yearly Report as of late January of 2014.

The 2006-2007 Minutes CLEARLY state that the Eastern Bypass is FULLY FUNDED, and that the designing of the Southernly section from the Corner of Winchester Rd. & Washington to the I-15 Interstate, that the county did not want to design it. But, instead assigned the sections to Dan Stephanson of Rancon and HighPoint, Inc.

What purpose HAS it advanced HIDING this new FREEWAY that in 2002-2003 Ron Roberts and Charlotte Robin Low as Executive Transportation Committee Members moved in less than 60 days from being Finalized Section of Butterfield

Stage Rd. to ANZA RD. This was done during a time that a news article stated that Ron Roberts was a part owner of winery with Phil Bailey, which I put into Public Testimony at the Supervisors' Meeting held in November of 2013. I also put into testimony in 2008, 2009, 2010, 2011, 2012, and 2013 that THE CITY OF TEMECULA AND THE COUNTY BOARD OF SUPERVISORS, MORE SPECIFICALLY, DISTRICT 3 SUPERVISOR JEFF STONE, WHO WHILE A City of Temecula Supervisor, assisted to move the freeway from Butterfield Stage Rd. to Anza Rd.

Are there conflicts of interest here? I request that the State of CA Attorney General and the Federal Attorney General be notified of what may be grievous infractions against the people.

Why would you take the 10,000 rural residents...and XXX known approved new structures NOT built yet, AND GIVE OUR LIMITED WATER SUPPLY FOR FUTURE WINERIES THAT WILL HAVE NO WATER.

Then, give a paper vintners' association who hold historical dry farming agricultural lands with LIMITED WATER SUPPLY, which could remove themselves from being part of the Citrus and Vineyard Association in 24 hours by sending a Registered Letter stating that they will draw from the association. And, their "rare precious" agricultural land holdings NOW can become a new development and/or hotels... WHEN, there is legally known, per RCWD and the MWD 2008, 2009, 2011, 2012, 2013 and NOW National News that there is not enough waters for northern CA vineyards.

****Without the northern CA waters flowing to Temecula Vintners, the Napa Valley Vineyard Grape Growing Formula of 1%, which I submitted into testimony before, the grapes can not grow. NOR, can large crops of grapes grow with extended heat temperatures of eleven degrees HOTTER.**

The residents here have legal rights which I believe are being given to a select few.

I also believe that it is “extremely” suspect for Supervisor Jeff E. Stone to be giving the LEGAL RIGHTS to Vintners with Wine Tasting facilities and lands, TO TAKE THEIR NEIGHBORS LANDS because it will improve their VISION of the Temecula Growing Grape AREA., AS the NEWLY instated “Temecula Agricultural Conservancy” with sat aside Grant MONIES to steal their neighbors lands|? (Violates Constitutional Property RIGHTS of Ownerhip to the few. And, the few, can develop their lands, “most likely”, when there is NO WATER to grow grapes, as per documentation previously submitted, understood, and Obama and Jerry Brown Meeting to take WATER BACK for Northern CA from Southern CA.

Submitted Respectfully,

Mrs. Adrian J. McGregor

Private Rural Property Owner and Resident of 37 years, and of a State of CA Historical Agricultural Cattle Family, Capitan Don Juan Franciso de Ortega, Commendante of the Presido of Santa Barbara, who rode with Father Sierra to establish the Missions, and who owned all of Santa Barbara County in

land size in the 1700's . The END of historical Hispanic Cattle Industry happened in the 1800's when ALL of the CATTLE died due to the Great Drought of CA. And, this WAS not global warming with scientific documentation of what is coming. NO WATER.

This EIR and RCIP GP and SW Master Plan and the EIR for No.1077, Ordinance No. 348.4729, omitted the "Anza Rd. Connection to the I-15". **SEE all documents Transportation omitted from this ten year, 2013 to 2023 RCIP GP and SW Master Plan. The connection is legally called, the "Eastern Bypass Expressway Corridor", and broken down into building sections, referring this to "Anza Rd., and/or Southern Eastern Bypass from the Washington/Borel roads through the Wine Country onto the I-15 Federal Freeway. (The 2011 County of Riverside Transportation Financial Funded Projects Report, funded the intersection of Washington/Borel Rd. for over 1 million dollars. As of Oct., 2012 I have not seen the budgeting of road transportation funded projects report, nor the 2013 NOV published County of Riverside Dept. of Transportation Financial Funded Projects Report.....** Each printed book costs \$20 or \$25 dollars to purchase from the County.

1. I believe this to be demeanment; hiding of real entire truth.
2. This is a punishable act against the people. Audience asked, is this all that is going to happen to our lands/property? Planning Commissioners and staff withheld "YOU WILL PAY for the Vintner Sewers by Sewer Tax Bonds, and the 2.1 miles of new Developer Projects at Roripaugh Estates Project down Butterfield Stage Rd., is illegal for Vintner Advisory HOC Temecula Wine County Planning Committee by having all the residents pay for their businesses' sewers, and an additional 2.1 miles for new development expansion along the Butterfield Stage Rd newly paved route. These waiting miles of acreage future's development has

absolutely no nothing to do with the residents of the 22,000 acres of the No.1077, Ordinance 348.4729.

3. What it does have to do with the addition of 2.1 extra miles of sewers from French Valley/Winchester DRY FARMING parcels, is blind siding, no transparent government acts of liabilities of Fiduciary abuse, corruption and/or negligence. It is severely corruption for the County Supervisor to direct staffing to deceive the residents with incomplete terminology of words that connect "what monies we do not get, we'll ask the government for a loan" TO MEAN SEWER BOND TAXATION. I believe this to have moral/legal prosecution results to those responsible and involved, needing a Federal Grand Jury Investigation, like the City of Carson, like the City of Bell, like the Supervisor of San Bernardino. And, possibly asking the Wine Country parcel residents to PAY for future reduced costs the enlarging City of Temecula along the newly paved Butterfield Stage Rd., which IS NOT a financial obligation of the residents, but of the Developer(s) of this area. And, Since Engineering Geographic Map Designer of this new Butterfield Stage Rd. stated, "One developer has negotiated and purchased all of the properties along the newly Butterfield Stage Rd past Pouroy Rd...by the newly renamed Europa Estates Ranch Project. It is now being called Roripaugh Valley Historical Restoration LLC, whose investors are unknown to me. Also, the RVHR LLC, has not listed President, V-P, Secretary, Treasurer or ANY Officers listed.

4. The Southern Eastern Bypass has been approved since 2003

5. The Southern Eastern Bypass, part of the Eastern Bypass Total Project has an EIR Letter No. Ten written to the City of Temecula on Jan 2005 describing all of the health problems that will be caused: "6% Hot Spot Carbon Monoxide Particulate Soot Cancer Causing in all of the low lying valleys along the route of the entire project. It will give harm to young children seniors and anyone with

breathing problems: Eastern Bypass connection at the I-10 Banning/Beaumont on ramp to the Washington/Borel to the Anza Rd connection called the Southern Eastern Bypass connection onto the I-15.

6. **Both the Supervisor and his Planning Commissioner allowed the Dept. of Transportation to remove EXTREME SIGNIFICANT IMPORTANTCE**.
Estimated to be 77,000 cars per day to 100,000 cars per day in 40 years, it WILL PERMANENTLY "REMOVE" any possible Clean Air Act compliance from occurring in 2020, as Federally Mandated for Riverside County.
7. This 2013 RCIP General Plan SW Master Plan, No. 7666, and specifically being referred to as No.1077, Ordinance 348.4729, EIR and the total RCIP documentation, The Transportation and Circulation element of the EIR violates CEQA and CEQA Guidelines in the cumulative impact of traffic on the environment of the existing Specific Plans and Approved Specific Plans both in the County of Riverside and within the City of Temecula, the City of Murrieta and the County of riverside General Plan – SOUTHWEST AREA COMMUNITY PLAN (SWAP) element have not been considered in the mitigation required for a feasible solution. Mitigation of these EIRs is based on assumptions which, to date, have proved to be invalid to ALL RESIDENTS with the hiding/withholding of a future expressway planned to inundate their region of No. 1077, Ordinance 348.4729 of "Anza Rd. connection to the I-15 not fully funded in 2011 not included". Believe this is a "punishable crime" with malice against the People/Residents within this community.
8. THE CALTRANS and the County of Riverside Dept. of Transportation and the City of Temecula Dept. of Transportation have TRIED to hide their future expansion of "Elements of Aerial Circulation Transmission Lines in these new 2013 RCIP GP and the SW Master Plan, and reference

- to No. 1077, Ordinance No. 348.4729; no electrical lines were discussed with the people nor shown on map over lay.
9. And, the hiding of a designed Parsons Mapping Project in place since 2003 is blind siding non-transparency, and males
10. **To allow more than double the residential density now existing in Temecula in 2000 to increase 32% over the 1993 General Plan of the RCIP is irresponsible planning by the County of Riverside Staff. And, this did not include the most certainly given the minimal estimate of proposed residential construction in the Sphere of Influence NOW being Done in the 2013 to 2023 RCIP General Plan SW Master Plan, and the No. 7666 Plan, which is NOT TEMECULA Wine Country of historic understanding of community and nation wide recognized as 22,000 acres of grape plantings, now being called No. 1077, Ordinance No. 348.4729 and also within its new EIR, and part of the 2013 RCIP General Plan, as well.
11. Riverside County will not be able to remove 480,000 vehicles off the road each day, when the Eastern/Southern Bypass will be adding more cars between the I-10 to connect of the I-15. It will be adding in 40 years out with the Anza Rd.'s METRO PRESERVE 50 year right of eminent domain to review every 5 years for its expansion.
12. It is deceptive by not showing and discussing to the citizens and residents of the full impact the Supervisors and its Planning Commissioners the FULL IMPACT of both their hidden and discretionary RCIP General Plan and the SW Master Plan, and within the now being referred to unknown new description of No. 1077, Ordinance 348.4729, and the non-transparent verbiage amendment of July 23, Aug 7, Aug 20 and October, 2008 amendments completed by Planner Derek Hull, who admitted during the July 23, 2008 illegal hearing that Supervisor Jeff Stone "personally" came to him, and said, " He (understood to be Jeff Stone) needed it to GET DONE for him."

SIGNIFICANT: No additional water supply for the present population, per CEQA, Global drought now recognized internationally and within the United States and its government.

1. Ground water will be the main source of water in the Temecula valleys for “drinking”, not agriculture. There is not enough for the present population without adding the planned for increases in density since 1993.
2. 28% of the needed groundwater for the entire Temecula Valley areas is in the Valley of the Horse.

This was legally divided 50 - 50 between Rancho Water and the Pechanga Tribe legal 2.5 year court case. Disclosed on the Feb 12, 2008 Rancho Water and MWD Rancher/Farmer Yearly Water Meeting that by 2011 a federal MANDATE had to be reached by all areas in the United States of 30% ground water to be in place locally in Temecula as well. Residents NOW only have 16 to 18% groundwater available in 2012, due to the legal division of Ancient Waters with the Pechanga Tribe vs Rancho Water settlement.

Formula of 30% Groundwater

Deduct (28% divided in half) equals 14%

EQUALS: 14% plus 2% and a little

Temecula Valley only has enough drinking water for part of the present population if no IMPORTED WATER Available.

HOW MANY of the Present Population will be ASKED to DRINK “PAPER WATER”, Water that does not exist

****There is not enough water to drink, now**

****Ignoring 2002 Supreme Court Judges Ruling” : No PAPER WATER may be given to Developers when it will take away from the present community.”**

◇ IT IS IMMORAL TO LAIDEN THE RESIDENTS, THE PEOPLE, WITH MULTIMILLIONAIRE

VINTNER/HOTEL/Businesses' DEBTS requiring infrasture taxation: sewers, more electrical lines, water towers, elimitating rationed waters uses to whom??

- ◇ Food costs will triple with the extensive drought, per US Dept of Ag and national news
- ◇ Water costs will triple do to lack of
- ◇ Clean air is mandatory right of the people; MORE Density denies the right to healthy air and water.
- ◇ The City of Temecula and the County Staff have not included their Letter #10 within this 2014 to 2024 RCIP General Plan nor the District No. 3 Master Plan, Wine Country.

The following comments are directed toward the present and future Supervisor, CALTRANS, and County Dept. of Transportation, CETAP, etc. accompanying noise and air pollution that have and will result from THE STEADY EROSION OF THE PROTECTIONS CALLED FOR UNDER THE SWAP.

- ◇ These are serious environmental impact factors, some of which were hidden in the July 25, 2012 Planning Commissioners Hearing, "Anza Rd. connection to the I-15 not fully funded in 2011 NOT INCLUDED, which are called for under the SWAP.
- ◇ These serious environmental impact factors directly affect the safety and health of the community and controlled economic development of the area.
- ◇ Using the 1993 General Plan, poage 6-1, it states that "11,460 units are estimated currently within the City of Temecula to 28,190 dwelling units at build out". Using the data furnished for the 1999 General Plan, 37,305 units THIS is a 32% or 1.32 times the 1993 General Plan. Instead of a decrease noted in the table of - 5.9%, there is, in fact, a major increase of density of 32%.

- ◇ **THE CITY OF TEMECULA in 1993 to 2000 EXCEEDED their IMPORT WATER FORMULA, and their 2013 Groundwater ability to meet their needs for using only groundwater for future drinking water I think.**
- ◇ **The California Environmental Quality Act (CEQA) and the CEQA Guidelines provide that the maintenance of a quality environment for the people of the state now and in the future is matter of statewide concerns, per (Public Resources Code section 21000).SEE 21000; se also Friends of Mammoth v. Board of supervisors (1972) 8 Cal.3d 247, 254-256; No Oil, Inc. v. City of Los Angeles (“No Oil I”) 13 Cal.3d 68, 73-75**
- ◇ **“The actions of the Board to incremental increase residential density from the original SWAP on a project basis has in effect “piecemealed” the SWAP and allowed the County of improperly avoid compliance with CEQA within its RCIP 2003and 2013 GP, and SW Master Plan, and four other Master Plans, and also when including the referred to No. 7666, and No. 1077, with Ordinance 348.4729, to analyze the impacts of the true projects, that is the wholesale amendment of the swap to allow for high density development.”**
- ◇ ****Extreme Significant: Adding 2.1 miles of extra sewers onto the “Temecula Wine Country, amended with No. 7666 not revealed at the July 25, 2012 Planning Commissioners hearing, when the present assembly of residents understood the new sewer route to be for the 22,000 acres of grapes along Rancho CA. Road. THERE WAS NO DISCUSSION FOR SEWERS FOR THE VALLEY OF HORSE AND ITS EQUESTRIAN PARCELS MIXED WITH A FEW WINERIES. \$19 MILLION DOLLAR TAXATION FOR 16 or ? along Rancho CA Rd, and 2.1 miles of undisclosed Parcel Mapped New Development Developers Projects.**

These actions are a pattern and a practice of CEQA violations, the General Plan, the SW Master Plan omission of “the Anza Rd. connection to the I-15 not fully funded not included”, at the County of Riverside Planning Commissioners’ Hearing of July 25, 2012, and the SWAP ELEMENT by the Board of Supervisors of Riverside County. ****EXTREME SIGNIFICANT:** These actions make an effective challenge by citizens “in a world depression worst than 1929 Crash” economically impossible and in effect may well be a calculated plan to deny their civil rights, **and a NEW Generation of Growth in Farming WITHOUT WATER, per MWD, Feb. 12, 2008 at the Ranchers and Farmers Yearly Water Meeting.**

The joint efforts of Supervisor Jeff Stone, Planning Commissioner John Petty, C Luna, Mrs. M. Cooper, Transportation Consultant Ron Roberts, Patti Romo, and unknown others upon Jeff Stone’s entire DISTRICT 3 and the entire County of Riverside/City of Temecula, and the four other Supervisors and their staffs included, by ignoring their guidelines both federal and state and governance ethics in over looking the 2003 and now the 2013 RCIP General Plan, the SW Master Plan and the four other Master Plans, and including a hidden verbiage amendment in 2008, No. 7666 to increase a recognized area of 22,000 acres **No. 7666 put** into planned motion the confusion to now being the Temecula Wine Country expanded to 11.85 square miles with parts of Winchester and French Valley, etc., and the Temecula Wine Country No. 1077, Ordinance No. 348.4729, in its EIR and then into its 2013 RCIP General Plan as the SW Master Plan No. 1077 with Ordinance 348.4729 to now be with **rural zoning basically erased from the legal owners deeded property titles WHEN the next amendment additions/deletions are committed.**

These many combined actions and singular acts against the people by Supervisors and Planning Commissioners overlooking the 2003

and now the 2013 RCIP General Plan, the SW Master Plan and four other Master Plans of District 1,2,4, and 5, and including the No. 7666 of 2008, and the presented No. 1077, with Ordinance No. 348.4729, both in its EIR review and then into its General Plan finalization and adoption for the NEXT ten years, **the results will be an overlooking of the “cumulative impact by separately focusing on isolated parts (the project, the General Plan and Master Plan, and new description within an EIR and then the SWAP Element) of the whole.” (SEE San Joaquin Raptor I, 27 Cal. App.4th at 729-730).**

- ◇ **EXTREME SIGNIFICANT: The County of Riverside has violated CEQA and CEQA Guidelines, and the constitutional property rights of its citizens of the Temecula Wine Country and the Valley of the Horse both Separately, and jointly, I believe. The Patterns of behavior and a practice of CEQA violations I believe to be federal and state violations of legal law by the Supervisor(s), and his staff, Planning Commissioner, and possibly some developers (and/or Advisory HOC members who violated Document A-20).**

To: Planner Derek Hull, and to the Clerk of the Board, Please give copies to the Planning Commissioners and to each of the County of Riverside Supervisors via the Clerk of the Board, my written testimony into Public Record requesting a No Vote to amendment of terms Regarding the changes Supervisor Jeff Stone has requested for the Third District RCIP Southwest GP known as the Unincorporated Area, being referred to as the 11.82 Square Miles of the C/V Wine Country Regarding his signed requests on June 23, 2008, his July 23, 2008 #5.4 and other amendment of Terms to the 6 SWAP and other terms of documentation , the Aug. 6, 2008 Hearing #6.0 and #6.1 Agenda Items side paneled, and the Aug. 20, 2008 Planning Commissioners Hearing being Continued to October following Wed's Aug. 20, 2008 hearing.:

COUNTY OF RIVERSIDE

ENVIRONMENTAL ASSESSMENT FORM: INITIAL STUDY

Environmental Assessment (E.A.) Number: No Further Documentation Needed (E.A. 40322)

Project Case Type (s) and Number(s): Change of Zone No. 7666

Lead Agency Name: County of Riverside Planning Department

Address: 4080 Lemon Street, 9th Floor, P.O. Box 1409, Riverside, CA 92502-1409

Contact Person: Derek Hull, Project Planner

Telephone Number: (951) 955-9076

Applicant's Name: County of Riverside

Applicant's Address: 4080 Lemon Street, 9th Floor, P.O. Box 1409, Riverside, CA 92502-1409

I. PROJECT INFORMATION

A. Project Description:

Change of Zone No. 7666 proposes to amend the language of the Citrus/Vineyard (C/V) zoning classification in Ordinance 348 Section 14.73 to increase the acreage requirements for special occasion facilities from five (5) acre minimum with associated onsite vineyards to ten (10) acre minimum with associated onsite vineyards. In addition, minor grammatical corrections and clarification of development standards applicable to special occasion facilities in the text of the ordinance are included in this change of zone request.

The project boundaries are located within the Citrus/Vineyard Rural Policy Area, including approximately 7,577 acres (11.83 square miles). Specifically the project boundaries lie easterly of the City of Temecula and northerly and southerly of Rancho California Road.

B. Type of Project: Site Specific ; Countywide ; Community ; Policy .

C. Total Project Area: Approximately 7,577 Acres (11.83 Square Miles)

D. Assessor's Parcel No(s): See attached map

E. Street References: See attached map

F. Section, Township & Range Description or reference/attach a Legal Description: Numerous

G. Brief description of the existing environmental setting of the project site and its surroundings: All C/V zoning designations are located within the project boundaries of the Citrus/Vineyard Policy Planning Area. The area encompasses approximately 7,577 Acres (11.83 square miles). More specifically the project area is located easterly of the City of Temecula, and northerly and southerly of Rancho California Road.

The area encompasses one of the most important agricultural land areas in the county. In addition to vineyards and other agricultural uses, the project area is comprised of wineries, single-family residential units, bed and breakfast inns, restaurants and Special Occasion Facilities. The existing and planned land uses commonly found in the area are intended to encourage agricultural cultivation, vineyards, and wineries that would:

- Preserve the rural lifestyle and wine-making atmosphere of the areas where such activities are occurring and

Page 1 of 4

- Protect such areas from incompatible uses, which could result in reduced agricultural productivity and increased urbanization within the policy area.

II. APPLICABLE GENERAL PLAN AND ZONING REGULATIONS

A. General Plan Area Plan(s): Southwest Area Plan

B. Foundation Component(s): Agriculture, Rural Community and Rural

C. Land Use Designation(s): Agriculture, Rural Resident, and Estate Density Residential (ONLY HAVE TWO PARCELS OF ESTATE DENSITY AS OF 2012, DAN STEPHENSON'S EUROPIA ESTATES, AND TUSCANY, WHICH WENT BANKRUPTED. JUSTIFYING THE ENTIRE ZONING CHANGES OF THE 22 SQUARE MILE AREAS MATCHING THE CITY OF TEMECULA 2005 FINANCIAL 20 YEAR GROWTH PLAN REPORT, AND THE ALL VINTNER WRITTEN SURVEY OF AUGUST, 2008 ONLINE SURVEY THAT DOES NOT REQUIRE LEGAL PROPERTY ADDRESS OWNERSHIP, IS OPTIONAL.

D. Overlay(s), if any: N/A

E. Policy Area(s), if any: Citrus/Vineyard (C/V)

F. Adjacent and Surrounding:

1. Area Plan(s): Southwest Area Plan

2. Foundation Component(s): Rural, Open Space, and Rural Community

3. Land Use Designation(s): Predominantly Estate Density Residential, Open Space, and Rural Residential

4. Overlay(s) and Policy Area(s), if any: Valle de Los Caballos

G. Adopted Specific Plan Information

1. Name and Number of Specific Plan, if any: N/A

2. Specific Plan Planning Area, and Policies, if any: N/A

H. Existing Zoning: Citrus/Vineyard (C/V)

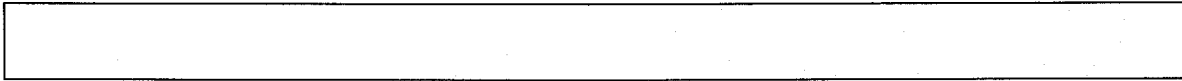
I. Proposed Zoning, if any: Text Change to Citrus/Vineyard (C/V)

J. Adjacent and Surrounding Zoning: Numerous, primarily R-A-2 ½; R-A-5; SP; R-R

III. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below (x) would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Less than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

Aesthetics Hazards & Hazardous Materials



RCIP WATER Shortages Will Affect Farming in the Wine Country of the Unincorporated Areas of Riverside County

In the RCIP EIR Publicly Presented Report and Summation presentation to the County of Riverside Planning Commissioners of all Five Districts Filmed and Recorded on September 12, 2002 at the Hemet Simpson Senior Center filmed by a professional movie photographer, with the 1.3 million residents projected from 2003 out to 2023, County Staff presenter stated that since 2000 ending of the Colorado River 100 Year Treaty, the County of Riverside was now in 2002 only being given 60 Percent of their allotment in water. NO MWD Northern Water Allotments were discussed.

And, that before the RCIP is completed in 20 years; YOU WILL RUN OUT OF WATER. "Presently, the population growth of the RCIP is now planned to be 2 million people in 2008.

In the 2002 California State Supreme Court Judges RULING, "That there will NO LONGER be given No Paper WATER. By law you can not over build and take the water from the preexisting residents. That you can not take the present population's water and give it to New Developers Developments, even if the Developers will loose their Bonus Points from the RCIP, and be thus the developers will unable to issue life supporting and daily usage of water FROM the present residents and their lively hood by Negative Declaration.

Due to the 30 year drought projected to be in its ninth year, the Sacramento River has by State Supreme Court Judges, stated that the Seven Southern CA Counties will as of Jan 1, 2008 be given water allotment cut backs of 15 to 30 percent. Now, in July 2008, the forecasting the MWD discoveries of SEVERE Drought conditions in 2009 have worsened.

Temecula Valley ranchers on Jan 1, 2008 were cut 50 Percent in the stage 2 alert. The MWD letter stated that Agricultural Water is NOT a legal mandate. It is given for farming from "SURPLUS WATER", which is NO LONGER available to new customers at this time: No new Agricultural Water Permits/Metors will be issued, per the web sites of Rancho Eastern Municipal Water and the MWD Web site, and the postings as of 2005 on the CEQA Web site.

The MWD and the REMWD of Temecula and the State of CA has not been issuing new applicants request for agriculture water meters usage for over two years. NO NEW WINERIES will be granted agriculture water usage meters for farming grapes. Meters will be issued, but which have a smaller capacity as non-agricultural meters.

CEQA is on RECORD as of 2005 that the US Government and Scientific Community of the US and its Global Nations that due to Climatic Global Warming the snow pack can no longer be counted upon for water sources usage. And, that in 2008 we are in the fourth year of a 30 year drought globally.

The 2002 CA State Supreme Court Judges' Ruling of NO ISSUING of Paper Water for future development can NO LONGER BE Given or recognized IS CRITICAL for the preservation of the Temecula Valley and C/V Wine Country 2003 residents. You can not erase by a Negative Declaration ANY MORE per LAW of this Country of the U.S. and the State of CA Water Laws.

Now, with the continuation of the higher global warming, the rains are less and due to the established historical massive flooding within the 11.85 square miles and other surrounding areas in 1979 and 1980, you can not increase density of the area into the Temecula Creek and joint Santa Margarita River Water Shed down river to the Pacific Ocean. This is "especially true" as all cities and counties within the State of CA have been put on notice for over one year now to become ready for disasters forecasted due to Climatic Global Warming 150 to 300 Year Flooding capacity. To date, there are records of up to 500 year flooding. Temecula has had 100 and 300 year flooding which required the National Guard to air lift food and live stock feed for up to one fiscal year within the Temecula Wine Country, DeLuz, La Cresta, and our valleys. (See news article submitted on Aug. 20th, 2008 Planning Hearing.)

The Following News article is in the North County Californian

<http://www.nctimes.com/articles/2008/07/21/news/state/z5692cb4fb14ed9018825748e00040f0f.txt#blogcomments>

State: Water levels will be lowest in 30 years

By GARANCE BURKE - Associated Press | Monday, July 21, 2008 6:55 PM
PDT ∞

FRESNO ---- California's second-largest storage reservoir will end this year with the lowest amount of water in more than 30 years, Department of Water Resources Director Lester Snow said Monday.

Snow spoke at a congressional hearing on California's drought in Fresno, where farmers, climate change experts and area politicians testified about the financial impacts wrought by the water shortage.

State officials are already preparing for another year of drought in 2009, prompted by low storage levels, court-ordered cutbacks, increasing demand for water and forecasts of another dry winter, Snow told the House Subcommittee on Water and Power.

Next year "could be the worst drought in California history," Snow said.

Lake Shasta, the state's largest reservoir, is currently at just 48 percent capacity, department officials said.

The next-largest reservoir, Lake Oroville ---- which sits at the top of the vast system of state pumps and canals that send mountain river supplies to Southern California ---- is at 40 percent capacity now and will drop to about 20 percent by the end of December, he said.

Numerous farmers told the legislators that another year of tight water supplies could spell economic disaster for the fertile San Joaquin Valley.

The unemployment rate in Mendota, an agricultural town about 35 miles west of Fresno, is already 23 percent, said Mayor Robert Silva.

"We have organized two food giveaways, and people began lining up two hours before the giveaway," Silva said. "This is the biggest problem we've ever faced in the city of Mendota."

The subcommittee plans to use the testimony to inform the federal government's response to the water shortage, said its chairwoman, Rep. Grace Napolitano, D-Calif.

Representatives from environmental groups and fishermen organizations, as well as American Indian tribes, were not called to testify.

The shortages of water dictate what water will be necessary and/or allowed to farm, breeder farmers.

Now, place into public record that the formula used for the traffic grid is 9 trips per day per household, whether it be an apartment, Condo, prefab modular and/or home.

The 2003 RCIP did not include the influences of 200,000 cars more into their air basins from Corridor One and Corridor Two RCIP New Corridor Freeways. Thus, a NEW EIR IS NECESSARY Due to NEW 2006 Law in August 20th, 2008

REGION: Market's role in climate change plan debated

Local officials ask state to stay out of land-use decisions

<http://www.nctimes.com/articles/2008/08/15/news/sandiego/zfa478d21a8552ceb882574a600766b8c.txt>

By DAVE DOWNEY - Staff Writer | Friday, August 15, 2008 10:18 PM PDT ∞

SAN DIEGO ---- Public speakers clashed at a downtown meeting Friday over the extent of the free market's role in California's groundbreaking campaign to curb greenhouse gas emissions and slow global warming.

Under a 2006 law, the state is committed to reducing emissions of carbon dioxide by nearly one-third from what they are expected to be in 2020 ---- or to ratchet down emissions to the level they were at in 1990.

The staff of the California Air Resources Board released a preliminary plan in June

(2008) for reaching that lofty goal. The board is expected to adopt a final plan Nov. 20. end of news article.

San Diego and Los Angeles Air Basins mixed with the Coastal 21 air miles basin on the Californian Pacific Coastline with San Onfre leakage, composes the Air of the Temecula/Murrieta/Winchester Areas.

The Climatic Mediterranean Model of cool evenings and Santa Anna Desert winds in the am, make-up the climate weather of the Wine Country and its surrounding areas. When you add the high transmission voltage lines with exploding ozone dust up in the air 1200 feet and blowing up to 9 miles away, the influence of 100,000 cars per day upon the new RCIP planned and approved Corridor #2 Federal Expressway Freeway between Banning/Beaumont Off Ramp of the 10 Freeway to the Interstate 15 Freeway, there was addressed in the RCIP 2003 Documentation NEPA EIR and the City of Temecula 2005 20 Year Plan EIR that all of the existing zoning within the low laying areas of the Temecula/Murrieta/Lake Elsinore/Winchester/San Jacinto/Hemet areas will have LEVEL 6 Hot Spots of Carbon Monoxide Particulate Solid Matter, which endangers young children and senior health and existence in such bad air.

Without adding one more high density estate into the RCIP 2003 Zoning as approved and not as Advance Approving for more density, there is NO AIR of Quality for the humans or their live stock and/or domestic animals of the Wine Country 11.83 square miles to breath. This can NOT be written off as a Negative Declaration, then VOTED YES to increase high density into the 11.83 square miles of the C/V Wine Country, which the City of Temecula City Council Members of 2003, Jeff Stone, Mike Naggar, Jeff Commercho, Ron Roberts, and Chuck Washington, were put on notice in 2003 as known fact when the Corridor #2 Federal Expressway Interstate bypass freeway is added into the traffic grid. Then, in 2005, Supervisor Jeff Stone, Bob Buster and District Supervisors of District 2, District 4, and District 5 put the City of Temecula on notice BEFORE their finalized April 12, 2005 City of Temecula 20 Year Plan within its printed documentation.

The Sphere of Influence of the County of Riverside Board of Supervisors' EIR from their EIR of the 2003 RCIP that 100,000 cars added by the City of Temecula's new ByPass Federal Interstate Expressway Freeway, referred to as Corridor #2 will endanger their residents within their city, around their other neighboring cities and into their Sphere of Influence claimed in 2005 over the C/V Wine Country known as 11.83 square miles with unincorporated 90 square miles of mostly dirt roads, and mostly not to grade standards of County Roads within the Citrus and Vineyard Assessment Road District #149. That the County Supervisors, their Planning Commissioners, and the City of Temecula, and specifically Jeff Stone as the acting elected Third District County of Riverside Board of Supervisor, DOES know, as do his staff and fellow District ONE< TWO< FOUR and Fifth Supervisors know that to increase Density into a only used as grazing lands for cattle, and or limited farming of dry farming with no water usage, and a few hundred real areas left without dying in progress with Pierce's Disease in their grapes and citrus plantings, mostly pulled out, compared to the 2003 RCIP counting of plantings.

Supervisor Stone has a good vision to want to make the Wine Country Farm areas of grazing lands, non-farming rural single family dwellings amongst a rural setting into multiple South Coast Inn/Restaurant and wedding facility/gathering type places the goal and image of the future with predominant. But, there is no water to support changing the zoning, there is too much known particulate solid matter in the local air boxed canyons with Santa Ana Winds which would hold the Ozone and Particular Solids over the next 20 years with the added two corridor freeways known as Newport Rd/Clinton Keith Expressway and the City Council of Temecula's moved expressway freeway done by Jeff Stone, Jeff Commercho, Ron Roberts, Chuck Washington, and Mike Naggar by using into public testimony by Planner Stephen Brown by referred zoning request out of view of the public finalized hearings held in 2002 in Murrieta as Anza Rd. had been removed from choice selection of the Dept. of Transportation of the RCIP Study for one fiscal year...and then changed the Corridor Freeway by Ron Roberts documented testimony at the Dept. of Transportation's hearing in 2003 in Oct. or Nov. Thus, the 100,000 cars per day projected to going through the Wine Country Corridor Freeway #2 will CLOSE DOWN the CONSUMPTION OF ANY GROWN TREE OR Planting Crops due to the hazard to Humans if they consume any food crops coated with the fallout from the freeway's carbon monoxide particulate solids, diesel fuel exhausts, etc. contamination.

This was the historical statements by the Dept. of Transportation to my family, known as Mrs. And Mrs. Dennis J. and Adrian J. McGregor , while living on our acreage in Anaheim down wind of the 91 Freeway in the year 1975. This also happened along the 10 freeway in Upland/Pomona, etc. growing areas: Their crops could NOT BE CONSUMED due to freeway contamination.

Signed into Public Record for the August 20, 2008 Hearing regarding Supervisor Jeff Stones Request to change the density and development vision of a 1968 started Experimental Commercial Planting of vineyards by the first plantings of Audrey and Vincent Cilurzo in the the C/V Wine Country in the year of 1968 known as the Cilurzo Vineyard Winery on Calle Contento Rd, now known as the Bella Vista Vineyard Winery on Calle Contento., which has grown into the concentration of Wineries on Rancho CA Road from Butterfield Stage Rd. to before GlenOaks Rd with the Wilson Creek Winery being the last winery, and the few wineries along DePortola Rd whose vines appear as you drive by to perhaps be infected with Pierce's Disease, as it's vines have an appearance of yellow browning before the crops are harvested, and the vines should still be bright deep green.

Our vineyard at 34555 Madera de Playa died from Pierce's Disease, and has not been replanted as yet there is no known cure organically to protect the vines.

Signed ,

Mrs. Adrian J. McGregor and the Living Trust of the McGregor Lands

P.O. Box 894108

Temecula, CA 92589-4108 Residence at 34555 Madera de Playa, Temecula 92592

Jackson | DeMarco | Tidus Peckenpaugh

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

March 6, 2014

Direct Dial: 949.851.7409
Email: mstaples@jdtplaw.com
Reply to: Irvine Office
File No: 2294 / 00178

VIA FACSIMILE AND U.S. MAIL

Riverside County Board of Supervisors
County of Riverside Administrative Center
4080 Lemon Street, 1st Floor
Riverside, CA 92501
Attention: Ms. Kecia Harper-Ihem, Clerk of the Board

Re: March 11, 2014, Agenda Item No. 3-28: Wine Country Community Plan (GPA 1077), Proposed Resolution No. 2014-040 Amending the Riverside County General Plan, Resolution 2014-044 Adopting the Wine Country Community Plan and Certifying Program Environmental Impact Report No. 524

Dear Honorable Board Members:

This letter is submitted on behalf of J to the 5th, LLC, Husmand Taghdiri, Redhawk Investments LLC, and Jonatkim Enterprises, *to alert the Board of Supervisors to defects in the proposed Wine Country Community Plan (GPA 1077) Resolution Nos. 2014-040 and -044*, made publicly available for the first time as part of the Board of Supervisors' March 11, 2014 agenda package. *We respectfully request that Item No. 3-28 be removed from consideration as part of the March 11, 2014 Policy Calendar, and that the Board direct that the County correct course and consider Wine Country Community Plan GPA 1077 as a Foundation Amendment together with the 2008 General Plan Update Cycle, as required by the General Plan Certainty System and California Environmental Quality Act.*

As currently drafted, the proposed Resolution mistakenly categorizes the Wine Country Community Plan GPA 1077 as an Entitlement/Policy Amendment, does not even include the findings required for such an amendment, and does not provide evidentiary support for its findings. For Entitlement/Policy Amendments, the General Plan requires findings that the proposed amendment *"does not involve a change in or conflict with: (1) The Riverside County Vision; (2) Any General Plan Principle; (3) Any Foundation Component designation in the General Plan except as otherwise expressly allowed."* (See, General Plan, Administration Element, Chap. 11, p. A-12, Entitlement/Policy Amendment Findings.] Instead, the proposed Resolution 2014-040 includes findings that the proposed Wine Country Community Plan GPA 1077 *"supports"* certain of the General Plan Principles (proposed Reso. 2014-040, p. 9, Para. 19), and *"supports"* certain of *"the general characteristics"* of the Foundation Components.

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2030 Main Street, Suite 1200
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www.jdtplaw.com

3-11-2014

3-28

2014 3 12 12 00

The proposed Resolution No. 2014-040 does not include the required findings because there is no evidence in the record to support such findings. As discussed at pages 8-9 of our letter dated March 4, 2014, the Wine Country Community Plan GPA 1077 involves changes in land use designations, policies, Vision statements, General Plan Principles and Foundation Components within its boundary that fall outside of the definition of an Entitlement/Policy Amendment. (*See, General Plan, Administrative Element, Chap. 11, p. A-10 [definition of Entitlement/Policy Amendment].*)

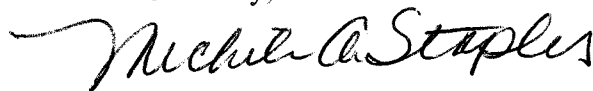
The Wine Country Community Plan GPA 1077 is a Foundation Amendment to the General Plan that must be processed together with the pending 2008 General Plan Update (GPA 960) and must include heightened findings demonstrating significant cause for amending the General Plan in a fundamental way. (*See, General Plan, Administration Element, Chap. 11, pp. A-10-11 [definition of Foundation Amendment], and A-12 [Foundation Amendment Findings].*) Information in Program EIR No. 524 itself contradicts the proposed finding that GPA 1077 does not change a Foundation Component designation. (Proposed Reso. 2014-040, p. 10, Para. 20.) As one example, residential development under the Community Development Foundation Component designation within the Wine Country Community Plan boundary would be eliminated. (*See Program EIR No. 524, 5.0-7.*)

Additionally, the findings included in proposed Resolution No. 2014-040 are not supported by substantial evidence in the record because Program EIR No. 524 has failed to disclose, consider and mitigate the potential environmental impacts of both the Wine Country Community Plan and the 2008 General Plan Update.

For the reasons discussed above and in our March 4, 2014 letter, we respectfully request that Item No. 3-28 be removed from consideration as part of the March 11, 2014 Policy Calendar, and that the Board direct staff to:

- (1) Remove our clients' property from the County's proposed Wine Country Community Plan boundary and include their request for GPA 920 in the 2008 General Plan Review Cycle;
- (2) Revise and recirculate Draft Program EIR No. 524 for the Wine Country Community Plan as necessary to include an objective, good faith effort to take a "hard look" at the environmental consequences of the proposed large-scale downzoning on the General Plan's policies, standardized subdivision map conditions, and regional environmental mitigation programs that the County relies upon to mitigate impacts of projected growth; and
- (3) Consider the Wine Country Community Plan together with the pending 2008 General Plan Update, as required by the General Plan Principles and CEQA.

Sincerely,



Michele A. Staples

Riverside County Board of Supervisors

March 6, 2014

Page 3

cc: Mr. Juan C. Perez, Riverside County Director of Planning, Director of Transportation*
Mr. George Johnson, Assistant County Executive Officer*
Pamela Walls, Esq., Riverside County Counsel*
Shellie Clack, Esq., Deputy County Counsel*
* (Via Email)

Johnson & Sedlack

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March 10, 2014

Board of Supervisors
County of Riverside
c/o Clerk of the Board
Kecia Harper-Ihem
4080 Lemon Street, 1st Floor
Riverside, CA 92501
cob@rcbos.org

VIA US MAIL AND EMAIL

RE: *Agenda Item No. 3-28, Wine Country Community Plan (GPA No. 1077, Zoning Ordinance Amendment No. 348.4729, PEIR No. 524, and Temecula Valley Wine Country Design Guidelines and Greenhouse Gas Reduction Workbook)*

Greetings:

On behalf of Protect Wine Country and area residents, I hereby submit the following comments in opposition to the proposed approval of the Wine Country Community Plan (the "Project").

The Board tentatively approved GPA No. 1077 and PEIR No. 524; and approved Zoning Ordinance Amendment and the Temecula Valley Wine Country Design Guidelines and Greenhouse Gas Reduction Workbook; on December 3, 2013. The Board now must consider and adopt findings of fact and a statement of overriding considerations for this Project and PEIR No. 524. These findings of fact and statement of overriding considerations cannot be made as they are unsupported by any substantial evidence presented to the County in consideration of the Project. The statement of overriding considerations is also unsupported where not all feasible mitigation has been adopted for the Project. I respectfully request that you consider the below comments and deny the Project.

Findings

The findings state that impacts from erosion and the loss of topsoil (Impact 4.6-2) will be less than significant despite evidence that the loss of this high-quality topsoil soil is potentially significant. Mitigation in the form of retaining soils for use in the area is feasible.

The findings re: Impact 4.9-3, that Project implementation will not substantially alter existing drainage, and Impact 4.9-4 re: runoff and stormwater are likewise unsupported where the Project will significantly increase development and impervious surfaces in this rural area. While the

avoidance of impacts to structures may be adequately shown, surface runoff and impacts to roads and waterways, for instance, is not shown to be reduced below a level of significance.

The findings that land use impacts will be reduced below significance with the exclusion of Calvary Chapel Bible Fellowship from the Wine Country Community Plan is unsupported by either the excuse that it was omitted to avoid a RLUIPA violation or the excuse that other parcels were also omitted (particularly where the location of these other parcels are not shown). Moreover, the claim that the development on Calvary's parcels will be similar to development under the Wine Country Community Plan is unsupported where County staff previously noted that the CV zoning is less restrictive than the proposed zoning with the Wine Country Community Plan, and the findings note elsewhere (e.g. at p. 82) that development under the Project is less intense than that currently allowed. The County has also failed to consider potential impacts from the exclusion of these parcels where development thereon may be more intense and where they will not be subject to the mitigation measures required of this Project. It is impossible to see how removing these parcels allows the County to fulfill the Project's purpose of providing a blueprint for future growth in the area and relative to winery and equestrian operations where it omits these parcels from that blueprint.

The findings of fact also point to omissions in the EIR prepared for this Project. For instance, the findings state that aesthetic impacts from permitting development up to 3 stories will be less than significant because of the requirement that such development be terraced. What is not discussed, however, are the potential impacts (air quality, soils, etc.) from incentivizing a greater amount of soils and grading work to achieve terraced development and prevent aesthetic impacts from building heights above 40 feet.

The finding that construction noise impacts would be reduced below significance with the incorporation of mitigation measures NOI-1 and NOI-2 is unsupported by substantial evidence. Additional and more certain feasible mitigation exists to reduce these effects including: requiring temporary noise barriers achieve an STC rating of 30; utilizing electricity powered equipment where feasible; and requiring the preparation of a construction traffic plan to reroute trucks to the extent possible away from sensitive receptors.

Water supply impacts are found to be mitigated below a level of significance despite the fact that the Project would increase demand by 10,336 acre feet per year compared to the projected demand (ie. not compared to existing demand). While the Project implements significant water demand reduction techniques, there is no evidence these techniques are sufficient to reduce water supply impacts below a level of significance.

The finding that there is no further feasible mitigation to reduce agricultural impacts is unsupported. The County could require the payment of mitigation fees for development on designated farmland and/or establish agricultural easements on designated farmland within the Wine Country Community Plan area to reduce impacts to this important land.

The County proposes to find that all feasible mitigation for air quality and greenhouse gas emissions have been adopted for the Project. This is not the case where commenters, including SCAQMD, recommended the adoption of additional feasible mitigation measures.

March 10, 2014

Page 3

The Project would also result in substantial permanent increases in noise above ambient levels and above County noise standards. Noise impacts were not adequately evaluated in the EIR and, importantly, additional mitigation was recommended to reduce such noise impacts through, for instance, limiting events and gatherings to indoor areas; and limiting the number of such events in close proximity to each other at the same time.

Similarly, additional mitigation exists for traffic impacts including, for instance, adoption of a comprehensive conceptual trail plan/ system of trails. While the County considered this trail component, it has been removed from this proposed approval. This trail concept is feasible and could achieve trip reductions, particularly if there is adequate planning for the concept.

Alternatives

Where there is an environmentally superior alternative that significantly decreases the significant impacts of the Project, then that alternative must be approved rather than the Project if that alternative is feasible. (Public Resources § 21002; *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 597, State CEQA Guidelines § 15126.6(b).) The findings propose to find the Reduced Density Alternative infeasible where the alternative will at least partially accomplish the Project objectives and where the alternative will reduce impacts to/from traffic/circulation, water, sewer, flood control, infrastructure improvements, etc. While significant impacts would still occur in the areas of air quality, greenhouse gas emissions, agricultural resources, noise, traffic, and growth inducing impacts, such impacts would be reduced from the Project as proposed. On the other hand, the reasons for finding this alternative infeasible are unsupported and comparatively including that the reduction would impair the enhancement of the area's viticulture industry and would excessively restrict private property rights. For these reasons, the County should adopt the Reduced Density Alternative in lieu of the Project as proposed.

Statement of Overriding Considerations

While the benefits of having a comprehensive planning document for Wine Country are apparent, a statement of overriding considerations is improper here as the project will have extensive environmental impacts, as discussed above, which have not been mitigated or avoided to the greatest extent feasible. (Pub. Res. C. §§ 21081 (b), 21081.5)

Thank you for your consideration of these additional comments.

Sincerely,



Raymond W. Johnson
JOHNSON & SEDLACK

July 24, 2012

Faddoul Baida
34860 Calle Arnaz
Temecula, CA 92592

Ms. Carolyn Syms Luna
Planning Director
P.O. Box 1409 Riverside, CA 92501-1409

Sent via E-Mail – Hardcopy to follow

RE: GPA 1077 (Wine Country Community Plan)
APN 927560008-3 (12.14 acres)
APN 927560007-2 (11.18)
APN 927560002-7 (10.40 acres*)
APN 927560003-8 (.23 acres)

Dear Ms. Syms Luna:

I own the above referenced parcels (listed by APN) located at the north easterly corner of State Route 79 South and Anza - the main backbone roads leading into Wine Country.

The parcels are currently designated Tourist Commercial and have been since the County adopted the General Plan in 2003. For this reason I invested hundreds of thousands of dollars assembling the parcels and pursuing plans to develop a full service hotel with restaurants and boutiques at this location. Additionally, I have invested tens of thousands of dollars in research and design. When I approached the County approximately one year ago, I was advised by staff that I could not initiate the appropriate change of zone until after the Wine Country Community Plan (GPA 1077) was completed. I patiently waited until the plan was brought forward.

Now, in reviewing the new plan, I became concerned that the plan as currently proposed may not adequately take into account my project. My project is, however, generally consistent with the principle concepts of the overarching plan. My project would assist the County in achieving their goals and help stimulate the local economy by investing millions of dollars and creating hundreds of jobs – both short term construction and permanent jobs. The project is strategically located near the entrance of Wine Country and at the apex of the main backbone roads into Wine Country.

Therefore, I respectfully request the designation of Tourist Commercial remain on my property and any restrictions and/or prohibitions that might otherwise affect my ability to develop my project as proposed be removed.

Sincerely,
Faddoul Baida

Cc: Planning Commissioners

Clerk's
Copy

Letter to Riverside County Board of Supervisors Regarding Comments on
General Plan Amendment 920 [Continued Off Calendar]
and
Wine Country Community Plan, and Proposed Final Program Environmental Impact Report
No. 524 [Tentatively Calendared for March 11, 2014, Board of Supervisors Meeting]

Delivered via messenger to:
Riverside County Clerk of the Board of Supervisors
County of Riverside Administrative Center
4080 Lemon Street, 1st Floor
Riverside, CA 92501
Attention: Ms. Kecia Harper-Ihem, Clerk of the Board

Submitted by:
Michele A. Staples, Esq.
Paige H. Gosney, Esq.

March 4, 2014

RECEIVED RIVERSIDE COUNTY
CLERK / BOARD OF SUPERVISORS
2014 MAR - 4 PM 12: 47

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1. **INTRODUCTION AND SUMMARY OF REQUEST.**

We represent J to the 5th, LLC, Husmand Taghdiri, Redhawk Investments LLC, and Jonatkim Enterprises, the owners of five parcels totaling about 60 acres (APN Nos. 966-380-028 through 966-380-032) at the southeast corner of Santa Rita Road and Anza Road in unincorporated Riverside County (the "Property", see **Exhibit "1"**). This letter supplements the letters and supporting evidence submitted by Mr. Steve Galvez and attorney Samuel Alhadeff in connection with the County's proceedings on the Wine Country Community Plan and the associated Program Environmental Impact Report ("PEIR") No. 524, dated February 2, 2012, August 21, 2012, December 5, 2012, September 23, 2013, November 4, 2013, and November 6, 2013, which are incorporated by this reference.

The current General Plan designates almost all of the Property as Rural Residential, allowing for a density of one single-family residence per five acres. A small corner of the Property is designated as Rural Mountainous, allowing for one dwelling unit per ten acres. The Property is the subject of the Property Owners' request for General Plan Amendment 920 that was filed in 2008, at the outset of the County's first General Plan Review Cycle, to change the Property's designation to Medium Density Residential with an increased density of two to five dwelling units per acre, consistent with several other County-approved projects nearby. GPA 920 is still pending, but has been continued off of the Board's agenda indefinitely. The Property is also included in the County's proposed Wine Country Community Plan's "Equestrian District", which would halve the Property's allowable density compared with the existing General Plan to one dwelling unit per ten acres.

As discussed in the Property Owners' prior letters and in the comments below, the County's processing of GPA 920 and the County's proposed Wine Country Community Plan has:

- Violated the current General Plan policies, General Plan Amendment procedures and other applicable laws by delaying its processing of the Property Owners' Request for GPA 920 and applying the policies of the un-adopted Wine Country Community Plan;
- Violated the current General Plan policies, General Plan Amendment procedures, and other applicable laws in processing the Wine Country Community Plan separate from the ongoing 2008 General Plan Update;
- Violated the California Environmental Quality Act (Pub. Resources Code, §§ 21000, et seq.) and General Plan by failing to disclose or consider the potential significant adverse impacts of the Wine Country Community Plan's downzoning on the region-wide mitigation programs, such as the Transportation Uniform Mitigation Fee ("TUMF") program; and
- Tentatively approved an equestrian land use designation for the Property under the Wine Country Community Plan that is wholly incompatible with the existing and approved land uses of nearby properties and the approved Anza Road Eastern Bypass adjacent to the Property, denying all economically beneficial use of the Property and resulting in a regulatory taking of the Property.

The County still has the opportunity to address the Property Owners concerns because the request for GPA 920 is still pending and the County has not yet finally certified PEIR No. 524 or the proposed Wine Country Community Plan. This letter is written to alert the County to substantive and procedural deficiencies in its processing of GPA 920 and the Wine Country Community Plan to date, and to propose an appropriate way for the County to address those concerns. *We respectfully request that the County:*

(1) Remove the Property from the County's proposed Wine Country Community Plan boundary and include the Property Owners' request for GPA 920 in the 2008 General Plan Review Cycle;

(2) Revise and recirculate the Draft PEIR for the Wine Country Community Plan as necessary to include an objective, good faith effort to take a "hard look" at the environmental consequences of the proposed large-scale downzoning on the General Plan's policies, standardized subdivision map conditions, and regional environmental mitigation programs that the County relies upon to mitigate impacts of projected growth; and

(3) Consider the Wine Country Community Plan together with the 2008 General Plan Update, as required by the General Plan Principles and CEQA.

2. **THE PROPERTY OWNERS FOLLOWED THE COUNTY'S ESTABLISHED GENERAL PLAN AMENDMENT PROCEDURE IN FILING THEIR REQUEST FOR GPA 920.**

The General Plan was prepared with an unprecedented level of thoroughness, with the involvement of diverse stakeholders, and with a special structure. The General Plan's Vision Statement outlines and summarizes the key concepts of the County's vision for its future and the means and methods by which the County plans to achieve these goals. The Vision Statement is "a central part of the [County's] decision making systems that shape what happens, where it happens, and how it happens." (General Plan, Ch. 2, p. V-3.) The General Plan Principles translate the Vision ideas into more specific direction, providing insight into the intent of the General Plan. (General Plan, Ch. 11, p. A-3.)

The General Plan's overarching Vision Statement and General Plan Principles call for "efficient development", with "fundamental notions of increased densities and compact and mixed use development". (General Plan, App. B, Planning Principles, §§ I(F), (G).) For example, new transportation corridors should be planned to provide an additional supporting framework so that future community growth develops naturally and economically along these routes. (Planning Principles, § III(B)(1).) New rural development is disfavored because of the need to provide more efficient community development opportunities. Rural designated areas should be retained where their nature is such that intensification is impractical, and where current residents/property owners strongly prefer a continued rural lifestyle. However, more intensive residential development is considered to be an appropriate component of the rural landscape. (Planning Principles, §§ VI(1), (3), (4); see also General Plan, Ch. 3, pp. LU-17 – LU-20; LU-52 – LU-54.)

The General Plan includes an Administration Element describing the tools and procedures for interpreting the intent of the General Plan and applying that interpretation to proposed private development projects (such as the Property Owner's request for GPA 920) as well as the County's adoption of ordinances and standards for implementing General Plan land use designations through the Zoning Ordinance (such as the County's proposed Wine Country Community Plan). (General Plan, Ch. 11, p. A-1.) Recognizing that circumstances will change over time, the General Plan established a comprehensive procedure for General Plan Amendments called the "Certainty System". (General Plan, Ch. 11, pp. A-8 – A-16, codified at Article II of County Zoning Ordinance 348). Different procedures and findings apply to different categories of amendments, depending upon the significance of the amendment decision sought. (*Id.*, at pp. A-11 – A-14.) The Certainty System is intended "to maintain a high level of confidence in the General Plan and enable people affected by it to have reasonable expectation regarding how it will impact them". (*Id.*, at p. A-9.)

The objectives of the Certainty System include the following:

- Maintain the integrity and confidence level in the new Riverside County General Plan;
- "Stay the Course" regarding the General Plan's direction long enough to be able to determine its workability;
- Establish a set of rules and procedures for amending the General Plan that are fair, firm and equitable;
- Empower any property owner to seek an amendment according to established procedure; and
- Strike a sustainable balance between certainty in critical aspects of the General Plan, and flexibility in response to changing conditions and opportunities where such flexibility contributes to achieving the Vision.

(See General Plan, Ch. 11, pp. A-9 – A-10; see also Ord. 348, Art. II, §§ 2.5 – 2.6, subds. (e) [property owners have the right to seek a General Plan Foundation Component Amendment in accordance with the established procedure].)

Since approval of the General Plan in 2003, circumstances have changed in the vicinity of the Property. The Morgan Hill project was developed and several tract maps were approved in the area so that medium density residential development is now within a quarter mile of the Property. (**Exhibit "1"**.) Additionally, the Property fronts on the Anza Road Eastern Bypass project, a four-lane, 118-foot-wide roadway project designed to parallel the 215 and 15 freeways as an alternate route to move traffic north and south through the County, which has been approved by the Western Riverside Council of Governments as part of its Regional System of Highways and Arterials under the TUMF Program. (**Exhibit "2"** [excerpts of TUMF 2012 Annual Report].)

Given the progression of Community Development land uses and associated infrastructure in the immediate vicinity of the Property and the approved Anza Road Eastern Bypass fronting on the Property, the Property owners submitted their request for GPA 920 to change the Property's land use designation from the Rural Foundation Component's Rural Residential and Rural Mountainous designations, to the Community Development Foundation's Medium Density

Residential designation. The Certainty System categorizes the Property owners' request for GPA 920 as a "Foundation Amendment".

A Foundation Amendment may only be considered in two ways. The first method is as part of a regular General Plan Review Cycle. General Plan Review Cycles occur in 2008 (five years after the comprehensive General Plan Amendment was first adopted in 2003) and every eight years thereafter (the next cycle is scheduled for 2016). The second way to process a Foundation Amendment is by way of an Extraordinary Amendment. An Extraordinary Amendment can be processed at any time between General Plan Review Cycles, but requires certain findings of "unusually compelling" need for the amendment. (*See* General Plan, Ch. 11, pp. A-12 – A-14, A-15.)

The Foundation Amendment procedures are codified at Article II of the County's Zoning Ordinance No. 348. These procedures require the County Planning Director to prepare a report and recommendation to the Board of Supervisors concerning the proposed Foundation Component Amendment. The report and recommendation are then placed on the Board's agenda for the Board to determine whether to initiate General Plan amendment proceedings. If the Board issues an order to initiate the General Plan amendment proceedings, then the amendment is processed pursuant to the notice and hearing procedures outlined in Sections 2.1 and 2.10 of the Zoning Ordinance. (Ord. 348, Art. II, §§ 2.5 – 2.6, subs. (e)-(f).)

The Property owners followed the established procedure for initiating a Foundation Component amendment. They filed their request for GPA 920 in February 2008, at the outset of the County's first General Plan Review Cycle.

3. THE COUNTY ABUSED ITS DISCRETION AND VIOLATED THE PROPERTY OWNERS' DUE PROCESS RIGHTS BY DELAYING CONSIDERATION OF THEIR REQUEST FOR GPA 920 AND THEN APPLYING DRAFT WINE COUNTRY COMMUNITY PLAN POLICIES RATHER THAN APPROVED GENERAL PLAN STANDARDS.

A. The County's Long Delay in Processing the Property Owners' Request for GPA 920 Violated Their Due Process Rights.

Where a Foundation Amendment request is timely submitted during the General Plan Review Cycle, as was the Property Owners' Request for GPA 920, the General Plan's Certainty System requires the following in order to process the GPA: a Planning Commission resolution recommending approval of a regular Foundation Component Amendment and a Board of Supervisors approval of a regular Foundation Component Amendment including findings, based on substantial evidence, that (i) new conditions or circumstances disclosed during the review process justify modifying the General Plan; (ii) the modifications do not conflict with the overall Riverside County Vision; and (iii) the modifications would not create an internal inconsistency among the elements of the General Plan. (General Plan, Ch. 11, p. A-15.)

The Planning Commission considered the request for GPA 920 in February 2009, and recommended that the Board of Supervisors approve the request to initiate proceedings for GPA

920. The Planning Director's Report concluded that approval of the request would be appropriate based on the progression of Community Development land uses in the vicinity of the Property since approval of the 2003 General Plan as evidenced by the approval of several tract maps in the area. The proposal would continue the Community Development trend in the area and would be consistent with the overall vision for the community. (Exhibit "3".)

The request for GPA 920 was then placed on the Board of Supervisors' agenda the next month, on March 10, 2009. However, rather than acting upon the Planning Director's recommendation, the proposal was taken off-calendar without explanation. A week later, the Board formally initiated work on the Wine Country Community Plan to substantially amend the General Plan's land use policies for a large area of the Southwest Area Plan, including the Property. (March 17, 2009, Board Minutes, Agenda Item 3.7.) *From that time on, processing of the request for GPA 920 stalled while the County moved forward with formulating the Wine Country Community Plan and changed the standards by which it evaluated the proposal.*

The request for GPA 920 was not calendared on the Board of Supervisors' agenda again until more than one year later on August 10, 2010, at which time the Board continued the hearing on the Project to September 13, 2010. On September 13, 2010, the Board of Supervisors continued GPA 920 indefinitely.

The request for GPA 920 remained off-calendar for an additional two years until it was placed on the agenda for the November 6, 2012, Board of Supervisors meeting, almost four years after the February 2009 Planning Director's Report and Planning Commission's recommendation in favor of the request to process GPA 920. However, this time, the Planning Director's Report recommended tentative denial of the request. Unlike the conclusions reached in the 2009 Planning Director's Report and in the Planning Commission's recommendation to the Board of Supervisors, the 2012 Planning Director's Report said that the Property serves as a rural buffer between higher and lower density areas; and, "Given the current land use designations of the subject parcels along with the existing land use designations of the parcels immediately surrounding the subject site, the current proposal would be inconsistent with the existing development pattern found in the area." The 2012 Planning Director's Report also explained that the Property falls within the County's proposed Wine Country Community Plan, and that the 2009 Planning Commission Staff Report and Planning Director's Report were both written before the Wine Country Community boundaries had been established. Although the Wine Country Community Plan had not been adopted, the Planning Director's Report concludes that the Property Owners' Request for GPA 920 would be inconsistent with the goals of that community plan. (November 1, 2012, Staff Report, pp. 2-3 (emphasis added).) It is evident from the Planning Director's report that the County incorrectly applied the standards of the proposed Wine Country Community Plan in evaluating the Request for GPA 920, rather than the approved policies of the existing General Plan.

After a further one-month continuance, on December 11, 2012, the Board continued the Property Owners' Request for GPA 920 off calendar indefinitely.

The Property Owners' Request for GPA 920 has been pending before the County for more than six years and, at present, remains off-calendar with a recommendation of denial. The County has an obligation to act reasonably in processing the requests of project applicants. As a result of

the County's processing delays, the Property Owners' request for GPA 920 has not been included in the pending 2008 General Plan Review Cycle. The County is scheduled to issue its Draft EIR 521 and GPA Update 960 for the 2008 General Plan Review Cycle this month for a 60-day review period. Unless the Board takes action to include the request for GPA 920 in the 2008 General Plan Review Cycle, the Property Owners' request for GPA 920 must proceed either by way of the Extraordinary Amendment procedures for Foundation Component changes (which, as noted above, require specific findings and a heightened showing of extraordinary cause in order for the amendment to be approved), or else wait until the County initiates the 2016 General Plan Review Cycle. (General Plan, Ch. 11, pp. A-12 – A-13.)

The County has a legal obligation under fundamental notions of fairness and Constitutional due process principles to process the Property Owners' Request for GPA 920 in a timely manner, based upon their right to seek such amendments under the established General Plan Amendment procedures.

B. The County Violated the Property Owners' Rights by Applying Unapproved Wine Country Community Plan Policies to the Request for GPA 920 Rather Than Existing General Plan Policies.

The current General Plan and County Zoning Ordinance No. 348 provide that owners of real property within the County "*shall have the right*" to request that the Board of Supervisors initiate proceedings to amend the General Plan, and that such requests will be evaluated by the County in accordance with "established procedure[s]." (Ord. 348, Art. II, §§ 2.5 – 2.6, subs. (e) (emphasis added); General Plan, Ch. 11, pp. A-9 – A-10.) Implicit in this right is an expectation that the County, in considering such a request, will apply the regulatory standards and procedures in effect at the time of the Board's consideration of the matter, including Zoning Ordinance 348, the General Plan Certainty System, and the General Plan Planning Principles; not land use policies that are under consideration by the County but which have not been approved. In this case, the County incorrectly applied the proposed Wine Country Community Plan land use policies to the Property Owners' Request for GPA 920 and used these draft policies as the basis to recommend denial of the request, even though the proposed Wine Country Community Plan "had not been adopted" as of the date of the Planning Director's report to the Board. (November 1, 2012, Staff Report, pp. 2-3.)

C. The Planning Director's Recommendation for Tentative Denial of the Request for GPA 920 Based Upon Alleged Inconsistency With Existing Development Patterns in the Area and Lack of Infrastructure is Contradicted by the Evidence.

In addition to recommending denial of GPA 920 on grounds of inconsistency with the unapproved policies of the draft Wine Country Community Plan, the Planning Director's November 1, 2012, Report also recommended that the Board tentatively deny the Property Owners' Request for GPA 920 on grounds that a proposed medium density residential development project would conflict with the surrounding development patterns. This statement is contradicted by the evidence, including the Planning Department's original report to the Board of Supervisors which accurately described the "progression" of Community Development land use designations in the region and concluded that the proposal would "continue the Community Development trend in the area and

would be consistent with the overall vision for the community.” (**Exhibit “3”** [February 4, 2009, Planning Commission Staff Report].)

As noted in the Property Owners’ prior correspondence to the Planning Commission and Board of Supervisors, numerous medium density residential projects have been approved in the surrounding area along the Anza Road Eastern Bypass project corridor:

- Morgan Hill Specific Plan 313, consisting of 1,129 single family residential units (approved in 2001);
- Tentative Tract Map 32813, consisting of 59 single family residential units (7200 SF, Min.) (approved May 8, 2007);
- Tentative Tract Map 32227, consisting of 104 single family residential units (7200 SF, Min.) (approved June 12, 2007);
- Tentative Tract Map 32778, consisting of 44 single family residential units (7200 SF, MM.) (October 2, 2007);
- Tentative Tract Map 31597, consisting of 217 single family residential units (7200 SF, MM.) (April 10, 2007); and
- Tentative Tract Map 32627, consisting of 117 single family residential units (7200 SF, Min.) (December 5, 2006). (**Exhibit “1”**.)

All of these projects were approved before the County began processing the Wine Country Community Plan in early 2009, and have been conditioned by the County to construct the infrastructure and utilities necessary to serve future residents of the development area, including streets, water, and sewer and other Community Development infrastructure. (*See, e.g.*, June 18, 2013, Board Report re: approval of Improvement Agreements, Bonds and Final Map for TTM 32813; *see also* Conditions of Approval for TTMs 32227, 32778, 31597, 32627].) The County’s assertion that GPA 920 should be denied based upon a lack of existing infrastructure is not supported by the evidence.

D. The County’s Recommendation for Denial of the Request for GPA 920 is Inconsistent With the General Plan Certainty System, Vision Statement, and General Plan Principles.

As noted above, the Property is located near existing and approved medium density residential development that has been conditioned to construct the infrastructure necessary to support Community Development uses. Further, the Property fronts on the approved Anza Road Eastern Bypass project corridor. The Planning Director’s 2012 recommendation for denial of the request for GPA 920 is not only inconsistent with the evidence but also with the existing General Plan policies and objectives of the Certainty System, Vision Statement and General Planning Principles discussed above that call for increased densities to occur naturally and economically in such areas.

4. **THE COUNTY VIOLATED THE GENERAL PLAN AMENDMENT PROCEDURE AND CEQA BY PROCESSING THE WINE COUNTRY COMMUNITY PLAN SEPARATELY FROM THE 2008 GENERAL PLAN UPDATE.**

A. **The Wine Country Community Plan (GPA 1077) is a Foundation Amendment That Must Be Processed Together With the 2008 General Plan Update (GPA 960).**

The County has incorrectly categorized its Wine Country Community Plan GPA 1077 as an “Entitlement/Policy Amendment”. (See, e.g., November 20, 2013, and December 3, 2013, Submittals to the Board, p. 1 [“Entitlement/Policy – Applicant: County of Riverside”].) Entitlement/Policy Amendments are those which do not expressly involve a change in or conflict with the General Plan’s Vision Statement, Planning Principles or any Foundation Component except as expressly allowed. However, the Wine Country Community Plan GPA 1077 involves fundamental changes in the land use policies and designations of the Foundation Components, and changes in the General Plan Principles as applied within the Wine Country Community Plan boundary. Therefore, as discussed above, the Wine Country Community Plan meets the definition of a Foundation Amendment under the General Plan’s Certainty System, and is required to be processed and approved together with the 2008 General Plan Review Cycle Update, absent the required findings required for an Extraordinary Amendment Event.

According to information in the Draft PEIR No. 524, the Wine Country Community Plan would change the Community Development, Rural Community and Rural Foundation Components by eliminating residential development under the existing Community Development Foundation within its boundary, and by significantly decreasing the allowable densities for Rural Residential and Estate Density Residential under the existing Rural and Rural Community Foundation Components within its boundary. (See, Draft PEIR No. 524, pp. 5.0-8 – 5.0-9 and Table 5.0-7.)

Additionally, the proposed Wine Country Community Plan would change the General Plan Principles that favor efficient, more compact development, and disfavor new rural development because of the need to provide more efficient community development opportunities (Planning Principles, §§ I(F), (G); III(B)(1); VI (1), (3), (4)) by significantly decreasing allowable densities of properties within its boundaries regardless of proximity to existing and approved Community Development uses, infrastructure, and major roadways.

Using the Property as an example of the fundamental changes proposed by the Wine Country Community Plan:

- Under the existing Rural Foundation Component, development of one dwelling unit per 5 acres is allowable on the Property. However, the Wine Country Community Plan’s Equestrian District designation would decrease the allowable density of residential development of the Property to one unit per 10 acres, halving the number of allowable dwelling units.
- Under the existing General Plan Principles, increased densities may be allowed to occur naturally and economically on the Property given the progression of medium density residential development in the immediate vicinity of the Property and the

major Eastern Bypass transportation corridor approved adjacent to the Property. (See, e.g., February 4, 2009 Planning Department Staff Report for GPA 920.) However, the Wine Country Community Plan would prohibit any such increased density, and “artificially” constrain the Property to rural uses. (See, e.g., November 1, 2012 Planning Director’s Report.)

Under the existing General Plan Amendment procedures, such changes are to be processed as a Foundation Amendment and considered together with the 2008 General Plan Update that the County is currently processing. (General Plan, Ch. 11, pp. A-10 – A-11 [Foundation Amendment involves changes in the Vision, General Plan Principles, or Foundation Component].)

Also, the General Plan Principles expressly require that “Refinement of existing Community Plans and development of new Area Plans must be done in parallel with the General Plan update, with any required reconciliation between them to be accomplished prior to General Plan adoption”. (General Plan Principles, § I(E)(2).) The County’s current proceedings evaluate the Wine Country Community Plan separately from the 2008 General Plan Update and without evaluating and coordinating the two, contrary to the General Plan Amendment procedures. Even if the County continues to process the Wine Country Community Plan as an Entitlement/Policy Amendment, the Board of Supervisors will be unable to adopt the required findings, based on substantial evidence, including findings that the plan does not change or conflict with the Riverside County Vision, any General Plan Principle, or Any Foundation Component designation. (See, General Plan Administration Element, Chap. 11, pp. A-12.) For the reasons discussed above, such findings would not be supported by the evidence in the record.

B. The County Has Violated CEQA by Failing to Analyze and Mitigate the Potential Environmental Impacts of Both the Wine Country Community Plan and the Pending 2008 General Plan Update.

Under CEQA, a “‘Project’ means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment . . .” (CEQA Guidelines § 15378(a).) A “‘project’ does not mean each separate governmental approval.” (CEQA Guidelines § 15378(c).) The lead agency must consider “[a]ll phases of project planning, implementation, and operation.” (CEQA Guidelines § 15063(a)(1).) CEQA prohibits a lead agency from “segmenting” or “piecemealing” a project into small parts if the effect is to avoid full disclosure of environmental impacts. The California Supreme Court has explained that the requirements of CEQA cannot be avoided by piecemeal review which results from “chopping a large project into many little ones – each with a minimal potential impact on the environment – which cumulatively may have disastrous consequences.” (*Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 283-284.) Rather, the examination of a “project” requires an analysis of “all relevant parts of a project, including reasonably foreseeable future expansion or other activities that are part of the project.” (*Laurel Heights Improvement Assoc. v. Regents of University of Cal* (1988) 47 Cal. 3d 376, 394.)

Likewise, CEQA requires a lead agency to evaluate a project’s cumulative impacts when “viewed in connection with the effects of past projects, the effects of other current projects, **and the effects of probable future projects.**” (CEQA Guidelines § 15065(c) (emphasis added).) Projects

currently under environmental review unequivocally qualify as reasonably probable future projects to be considered in a cumulative impacts analysis. (*See San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 74, fn.13.) In addition, projects anticipated beyond the near future should be analyzed for their cumulative effect if they are reasonably foreseeable. (*Bozung v. Local Agency Formation Comm'n* (1975) 13 Cal.3d 263, 284).

The cumulative impacts concept recognizes that “[t]he full environmental impact of a proposed . . . action cannot be gauged in a vacuum.” (*Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d 397, 408.) The requirement of a cumulative impacts analysis of a project’s regional impacts is considered a “vital provision” of CEQA. (*Bozung*, 13 Cal.3d at 283.) Moreover, an EIR must examine not only the anticipated cumulative impacts, but also reasonable options for mitigating or avoiding the project’s contribution to significant cumulative impacts. (CEQA Guidelines, § 15130, subd. (b)(3).)

To date, the County has processed the Wine Country Community Plan and the 2008 General Plan Update in isolation and separately evaluated their respective environmental impacts. But the clear directive of CEQA is that the County must analyze them together either as one project, or as part of its analysis of the cumulative environmental impacts of the Wine Country Community Plan, considering its concurrent processing of the 2008 General Plan Update. The potential significant adverse impacts of both the County’s action on the Wine Country Community Plan and the foreseeable 2008 General Plan Update is the same as if the County had included the Wine Country Community Plan as part of the 2008 General Plan Update. The County’s piecemealing of its environmental analysis directly impacts analyses within the PEIR related to, among other things, air quality, traffic, land use, and water supply issues, in addition to cumulative impacts.

With respect to cumulative impacts, PEIR No. 524 identifies 64 “known development projects” within the area of the Wine Country Community Plan that were analyzed as part of the PEIR’s “blended approach” to cumulative impacts analysis. (Draft PEIR, Ch. 4.0, pp. 4.0-3 – 4.0-8; Proposed Final PEIR, Section 3.0 [Errata], p. 6.) The list of projects includes conditional use permits, GPAs (including GPA 920), plot plans, parcel maps and tentative maps at various stages of the planning/approval process; however, the list does not include the County’s pending 2008 General Plan Update (GPA 960 / Draft EIR No. 521). (February 26, 2014, Planning Commission Staff Report, p. 1.)

Before it certifies the final PEIR and approves the Wine Country Community Plan, PEIR No. 524 must be revised and recirculated to disclose, analyze and mitigate the potential impacts of the Wine Country Community Plan together with the 2008 General Plan Update.

C. The County Has Violated CEQA by Failing To Analyze the Potential Impacts of the Proposed Downzoning on Regional Environmental Mitigation Programs.

In their September 3, 2012, letter commenting on Draft PEIR No. 524, the Property Owners noted the PEIR’s lack of disclosure or analysis regarding the potential adverse impacts that the proposed downzoning could have on funding for regional infrastructure programs that the County relies upon to mitigate adverse environmental impacts of projected growth, such as the approved expansion of Anza Road. (*See*, Comment Nos. 17.15, 17.16, and 17.24.) The County’s responses

ignore the fact that funds derived from the TUMF Program and the County's developer impact fee mitigation programs are generated from future development, and that the Wine Country Community Plan would significantly reduce residential development within its boundary by 37% below the existing General Plan. (See, Draft PEIR No. 524, pp. 5.0-8 – 5.0-9 and Table 5.0-7.) Because the TUMF fee and developer impact mitigation fees on residential development are imposed on a per unit basis, such a significant decrease in allowable units could have a corresponding effect on projected funding. Alternatively, the fee amounts may need to be raised on development outside the Wine Country Community Plan boundary to a level that adversely affects the availability of relatively affordable residential and commercial property that is credited for sustaining the County's economic growth.

By way of example, the 2009 TUMF Nexus Study explains that the vast majority of the TUMF system costs are generated by new development, with 69% allocated to fees on future new residential development and 31% assigned to future new non-residential development. (**Exhibit "4"** [excerpts of 2009 TUMF Nexus Study, see p. 44].) The methodology for setting the TUMF fee is determined by taking the improvement cost assumptions and dividing them by projected future growth. The TUMF Program currently has a per unit fee of \$8,873 for single family residential units.

The Anza Road portion of the TUMF Program improvements is included as three of seven roadway segments labeled as the approved Eastern Bypass project. The Eastern Bypass project is shown as an approved road segment from Lake Skinner southerly to I-15. (**Exhibit "2"** [excerpts of TUMF 2012 Annual Report].) Two of these Anza Road segments are south of State Route 79, with one segment extending from State Route 79 and ending at Santa Rita Road, the northwesterly corner of the Property. The second segment extends southerly and westerly from Santa Rita to Fairview Avenue, running through an area currently approved with Tentative Tract Maps allowing the development of 7,200 square foot lots. The cost estimates for the Anza Road Eastern Bypass project on these two segments are between \$8 and \$10 million.

The Wine Country Community Plan proposes to reduce allowable residential units by 1,119 (Draft PEIR No. 524, Table 5.0-7), which would result in a corresponding reduction of nearly \$10 million in TUMF fee revenue; the same amount of funds needed to fund the Anza Road Eastern Bypass improvements south of State Route 79.

Before approving the Wine Country Community Plan, the County should revise and recirculate the Draft PEIR to disclose and evaluate the potential adverse impacts of the proposed downzoning on the ability to fund regional transportation and other mitigation programs.

D. The County Acted Arbitrarily By Recommending Denial of the Request To Exclude the Property From the Wine Country Community Plan And Equestrian District.

The Property Owners have repeatedly requested exclusion of the Property from the Wine Country Community Plan boundaries together with other landowners in the separate Equestrian District area south of State Route 79.

The County's arbitrary actions in connection with the Property to date is illustrated by the unequal analysis and treatment of the "Group E" request (previously, "Group L") to exclude the 40-acre property located north of Vista Del Monte and Mize Way, compared with the Property

Owner's request for exclusion from the Wine Country Community Plan. Both of these modification requests involve properties located outside of the Citrus/Vineyard and Valle de los Caballos Policy Areas. Both properties are located near existing residential development. Both properties have current General Plan designations that allow smaller lot sizes than the 10-acre minimum lot size that would be allowed under the Wine Country Community Plan. Both are located at the boundaries of the proposed Wine Country Community Plan boundary (the Property to the south, and the Group E property to the west). Further, on November 20, 2013, the Planning Commission formally recommended to the Board of Supervisors that both "Group E" and the Property, which is included as part of "Group G" (previously "Group E"), be excluded from the Wine Country Community Plan. (November 20, 2013, Planning Commission Minutes; Attachment E-1 to December 3, 2013, Board Staff Report].)

The Board of Supervisors approved the Group E request for exclusion from the proposed Wine Country Community Plan. However, it re-inserted the Property and the rest of Group G back into the Wine Country Community Plan as tentatively approved on December 3, 2013.

No legitimate planning purpose would be served by including the Property within the separate Equestrian District, even when applying the stated objectives of the proposed Wine Country Community Plan. The Equestrian District is described as generally encompassing the area formerly recognized as the Valle de los Caballos Policy Area. However, the Property is outside of the Valle de los Caballos Policy Area. In fact, the Property is closer to existing and approved Community Development uses. (**Exhibit "1"** [map showing boundary Property boundary compared with Valle de los Caballos Policy Area].) There are no established or planned trails connecting this separate Equestrian District area to the large Equestrian District proposed to the north, and homeowners within the Wine Country Community Plan have so vehemently objected to the establishment of such trails near their homes that the Board of Supervisors removed the previously proposed trails plan from the Wine Country Community Plan. The Anza Road Eastern Bypass project, which runs along the Property's western boundary, is approved for construction as major roadway to move large volumes of traffic and is incompatible with equestrian uses. (**Exhibits "1", "2"**.)

The proposed Equestrian District development standards call for a transition from existing development to other less intense land uses farther from the residential core of the area. In reality, the separate Equestrian District proposed for this area is only about 200 acres in size and includes only about 16 legal parcels. Approximately 60 of those acres and five of those parcels are owned by the Property Owners. Another three of those parcels are improved with water tanks and associated buildings. Several of the other parcels already appear to be improved with existing residential structures. (**Exhibit "1"**.) Simply downzoning this small area cannot serve the stated planning objectives of the proposed Equestrian District. (**Exhibit "5"** [Market Profiles Report].)

For these reasons, the County's designation of this area as a separate Equestrian District amounts to improper spot zoning. The Fourth District Court of Appeal recently reinforced the U.S. Supreme Court's determination that spot zoning occurs when zoning is "discriminatory," involving the arbitrary singling out of a particular parcel for different, less favorable treatment than neighboring ones. (*Avenida San Juan Partnership v. City of San Clemente* (2012) 201 Cal.App.4th 1256, 1268-69.) Such is the case here. The Property Owners had proposed an overlay to provide the flexibility needed to address the special planning challenges of this area, but the overlay was not included in the Wine Country Community Plan as tentatively approved on December 3, 2013.

E. The County's Actions Violate The Owners' Equal Protection Rights.

Under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, and the California Constitution, a state or municipality may not "deny to any person within its jurisdiction the equal protection of the laws." (U.S. Const., 14th Amend., § 1.) In plain terms, this means that the government is barred from intentionally and arbitrarily treating one group or individual different from others similarly situated. (*State Route 4 Bypass Authority v. Sup. Ct.* (2007) 153 Cal.App.4th 1546, 1563-65.) In this manner, the Equal Protection Clause functions as a safeguard against "wholly irrational policies that do not advance a legitimate state interest or that single out an unpopular group for discriminatory treatment." (*Id.* at p. 1565.)

At its core, the Equal Protection Clause "is essentially a direction that all persons similarly situated should be treated alike." (*Cleburne v. Cleburne Living Center, Inc.*, 473 U.S. 432, 439 (1985).) The United States Supreme Court has held that an equal protection violation will lie where an individual has been intentionally treated differently from others similarly situated, and there is no rational basis for the seemingly arbitrary difference in treatment. (*Village of Willowbrook, supra*, 528 U.S. at p. 564.)

As such, a valid equal protection claim contains the following essential elements: (1) plaintiff was treated differently from other similarly situated persons; (2) the difference in treatment was intentional; and (3) there was no rational basis for the difference in treatment. (*Genesis Environmental Services v. San Joaquin Valley Unified Air Pollution Control District* (2003) 113 Cal.App.4th 597, 605.)

Here, the County would require the Property Owners to comply with the stringent land use and development standards of the Wine Country Community Plan and Equestrian District that the County has not and is not imposing on other similarly-situated properties. Moreover, in imposing these additional requirements, the County has, among other things, mischaracterized the Property and surrounding land uses, and contradicted prior Planning Director and Planning Commission determinations about the area's current land uses and development patterns. The County also has applied different standards to exempt or exclude similarly-situated properties from the Wine Country Community Plan, while denying the Property Owners' request to be excluded from the Wine Country Community Plan boundary.

F. The County's Inclusion of The Property In The Wine Country Community Plan's Equestrian District Amounts To An Unconstitutional Taking Of Private Property.

Private property may not be taken for public use without just compensation. (U.S. Const., 5th Amend.; Cal. Const., art. I, §19.) The purpose of the Takings Clause "is to prevent the government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole." (*Palazzolo v. Rhode Island* (2001) 533 U.S. 606, 617-618.) An unconstitutional taking of private property occurs when a regulation goes too far in restricting use of property. A regulation clearly goes "too far" when a public agency denies an owner all economically beneficial use of the land. (*Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003, 1015; *Long Beach Equities, Inc. v. County of Ventura* (1991) 231

Cal.App.3d 1016, 1029.) That does not mean, however, that a regulation depriving a property owner of less than all economically beneficial use would not amount to taking. Where a regulation deprives the owner of something short of all economically beneficial use, courts will consider the following factors: the (1) economic impact of the regulation on the claimant; (2) extent to which the regulation has interfered with distinct investment backed expectations; and (3) the character of the governmental action. (*Penn Central Transp. Co. v. City of New York*, (1978) 438 U.S. 104.)

According to the Market Profiles analysis (**Exhibit "5"**), the Wine Country Community Plan would have the effect of rendering 25 acres of the Property worthless due to the downzoning, not counting any fixed costs to develop that will rise on a per unit basis due to a loss of units. The expected loss due solely to the downzoning ranges from \$960,000 to \$1,550,000. The loss due to the downsizing compared with the lost opportunity to develop at the levels of nearby projects could be as much as \$12-\$15 million dollars. (See **Exhibit "5"** [Market Profiles Report]).

As evidenced by the 2009 Planning Department Staff Report and the 2012 Planning Directors Report for GPA 920, under the existing General Plan Principles, increased densities may be allowed to occur naturally and economically on the Property given the progression of medium density residential development in the immediate vicinity of the Property and the major Eastern Bypass transportation corridor approved adjacent to the Property. However, under the Wine Country Community Plan, any such increased density would be prohibited.

The downzoning of the Property as proposed by the Wine Country Community Plan would not further the stated purposes of the Equestrian District. The area is too small, the allowable uses are incompatible with the nearby medium density residential uses and adjacent Anza Road Eastern Bypass corridor, the area is outside of the existing Valle de los Caballos Policy Area and is disconnected from the large Equestrian District area to the north, there are no existing or planned trails in this area, and the Property Owners' landholdings are among the very few properties actually affected by the Equestrian District policies and standards.

Imposing the Equestrian District designation on the Property amounts to a regulatory taking requiring payment of just compensation.

G. The County's Actions In Processing The Request For GPA 920 And The Wine Country Community Plan Could Expose The County To Liability For Violating The Property Owners' Civil Rights.

The County's processing of the Request for GPA 920 and the Wine Country Community Plan has deprived the Property Owners of federal Constitutional protections, including: (1) substantive due process rights guaranteed by the Fourteenth Amendment; (2) just compensation rights guaranteed by the Fifth Amendment by effectively taking the Property without just compensation; and (3) equal protection rights guaranteed by the Fourteenth Amendment. As a result, the County's actions, under the color of State law, violate the Property Owners' civil rights under the United States and California Constitutions, and 42 U.S.C. Section 1983.

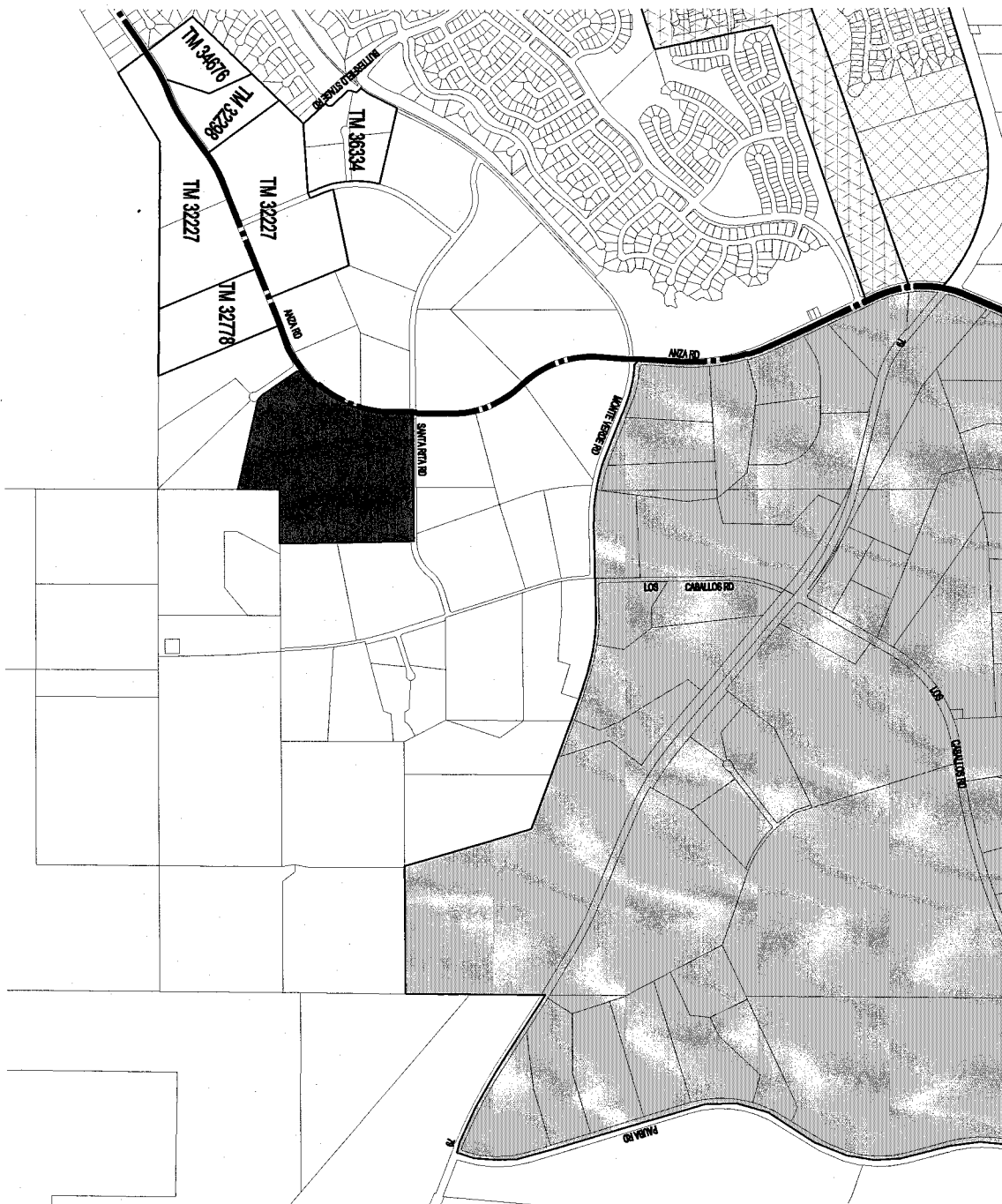
5. **CONCLUSION.**






Thank you for considering the points discussed in this letter, and our request for remedial actions to address the substantive and procedural concerns that the Property Owners have raised in connection with the County's processing of GPA 920 and the Wine Country Community Plan to date. Please contact us if you have any questions, or if we may provide any additional information.

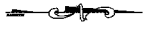
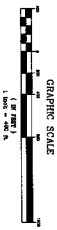
cc: Mr. Juan C. Perez, Riverside County Director of Planning, Director of Transportation
Mr. George Johnson, Assistant County Executive Officer
Pamela Walls, Esq., Riverside County Counsel
Shellie Clack, Esq., Deputy County Counsel

Exhibits:

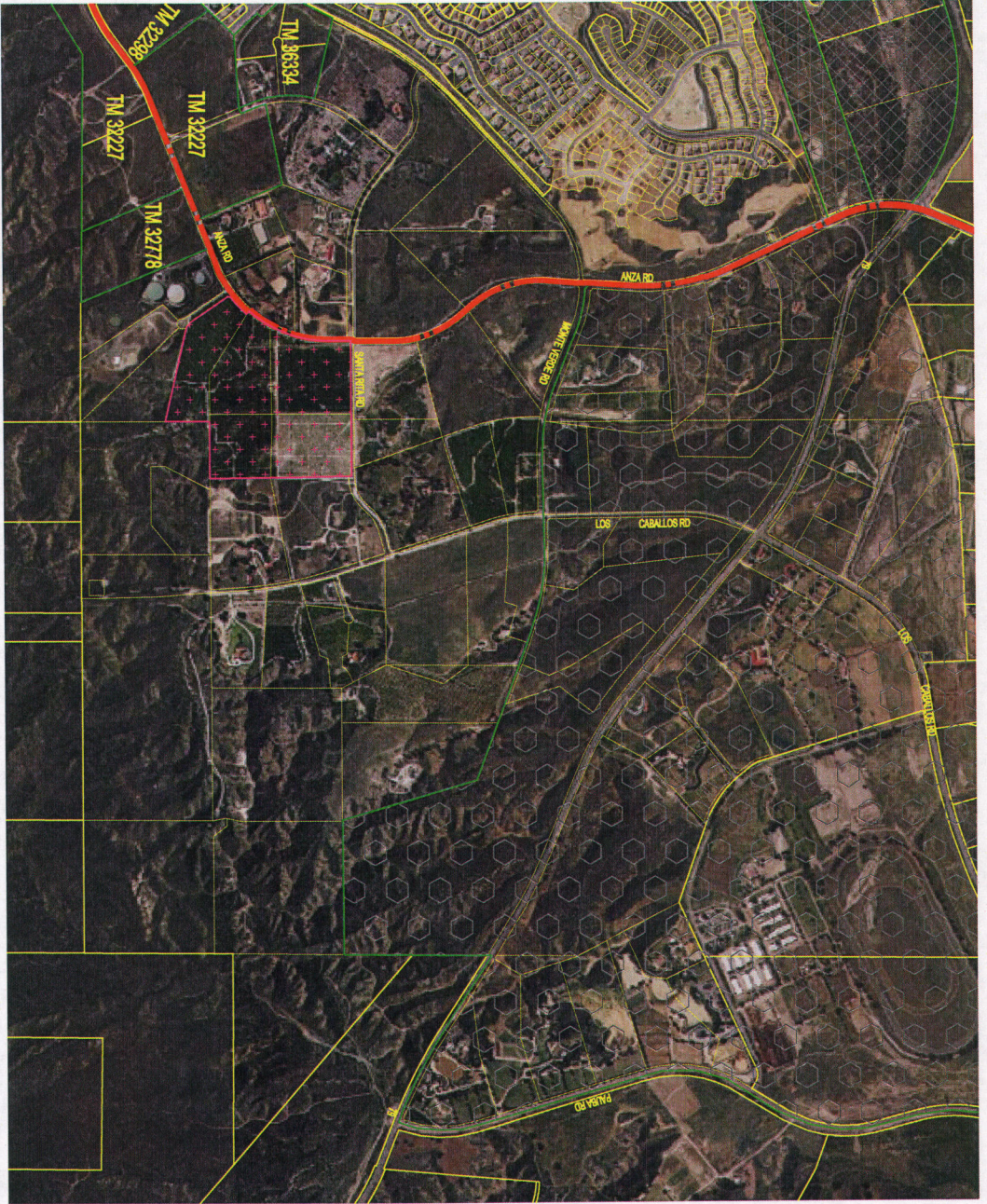
1. Property and Vicinity Maps
2. Western Riverside Council of Governments 2012 Annual TUMF Report Excerpts
3. February 4, 2009 Planning Commission Staff Report
4. 2009 TUMF Nexus Study Excerpts
5. Market Profiles Report








-  PROPERTY IN QUESTION
-  VALLE DE LOS CABALLOS POLICY AREA
-  CITY OF TEMECULA SPHERE OF INFLUENCE
-  CITY OF TEMECULA
-  EASTERN BYPASS 75' PAVED 118' RIGHT OF WAY



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